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MAIN READING ROOM

TITLE 3—THE PRESIDENT

REORGANIZATION PLAN NO. 1 OF 1958

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 24, 1958, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949, as amended.

CIVILIAN MOBILIZATION

SECTION 1. *Transfer of functions to the President.* (a) There are hereby transfered to the President of the United States all functions vested by law (including reorganization plan) in the following: the Office of Defense Mobilization, the Director of the Office of Defense Mobilization, the Federal Civil Defense Administration, and the Federal Civil Defense Administrator.

(b) The President may from time to time delegate any of the functions transferred to him by subsection (a) of this section to any officer, agency, or employee of the executive branch of the Government, and may authorize such officer, agency, or employee to redelegate any of such functions delegated to him.

SEC. 2. *Office of Defense and Civilian Mobilization.* (a) Subject to the provisions of this reorganization plan, the Office of Defense Mobilization and the Federal Civil Defense Administration are hereby consolidated to form a new agency in the Executive Office of the President which shall be known as the Office of Defense and Civilian Mobilization, hereinafter referred to as the "Office".

(b) There shall be at the head of the Office a Director of the Office of Defense and Civilian Mobilization, who shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate now or hereafter prescribed by law for the heads of executive departments.

(c) There shall be in the Office a Deputy Director of the Office of Defense and Civilian Mobilization, who shall be appointed by the President by and with the advice and consent of the Senate, shall receive compensation at the rate now or hereafter prescribed by law for the under secretaries referred to in section 104 of the Federal Executive Pay Act of 1956 (5 U. S. C. 2203), shall perform such functions as shall be delegated or assigned to him pursuant to the provisions of this reorganization plan, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of Director.

(d) There shall be in the Office three Assistant Directors of the Office of Defense and Civilian Mobilization, each of whom shall be appointed by the President by and with the advice and consent of the Senate, shall receive compensation at the rate now or hereafter prescribed by law for assistant secretaries of executive departments, and shall perform such functions as shall be delegated or assigned to him pursuant to the provisions of this reorganization plan.

(e) The Office and the Director thereof shall perform such functions as the President may from time to time delegate or assign thereto. The said Director may from time to time make such provisions as he shall deem appropriate authorizing the performance by any officer, or by any agency or employee, of the Office of any function delegated or assigned to the Office or to the Director.

SEC. 3. *Regional directors.* There are hereby established in the Office so many new positions, not in excess of ten existing at any one time, with the title "Regional Director", as the Director of the Office shall from time to time determine. Each Regional Director shall be appointed under the classified civil service, shall be the head of a regional office of the Office of Defense and Civilian Mobilization, shall perform such functions appropriate to such regional office as may be delegated or assigned to him pursuant to the provisions of this reorganization plan, and shall receive compensation which shall be fixed from time to time pursuant to the classification laws as now or hereafter amended except that the compensation may be fixed without regard to the numerical limitations on positions set forth in section 505 of the Classification Act of 1949, as amended (5 U. S. C. 1105).

(Continued on p. 4993)

[1] Effective July 1, 1958, under the provisions of section 9 of the plan; published pursuant to section 11 of the act (63 Stat. 206; 5 U. S. C. 133z-9).

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FEDERAL REGISTER

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SEC. 4. *Membership on National Security Council.* The functions of the Director of the Office of Defense Mobilization with respect to being a member of the National Security Council are excluded from the scope of the provisions of section 1 (a) of this reorganization plan and are hereby transferred to the Director of the Office of Defense and Civilian Mobilization.

SEC. 5. *Civil Defense Advisory Council.* The Civil Defense Advisory Council, created by section 102 (a) of the Federal Civil Defense Act (50 U. S. C. App. 2272 (a)), together with its functions, is hereby transferred to the Office of Defense and Civilian Mobilization.

SEC. 6. *Abolitions.* The offices of Federal Civil Defense Administrator and Deputy Administrator provided for in section 101 of the Federal Civil Defense Act (60 U. S. C. App. 2271) and the offices of the Director of the Office of Defense Mobilization and Deputy Director of the Office of Defense Mobilization provided for in section 1 of Reorganization Plan No. 3 of 1953 (67 Stat. 634) are hereby abolished. The Director of the Office of Defense and Civilian Mobilization shall make such provisions as may be necessary in order to wind up any outstanding affairs of the offices abolished by this section which are not otherwise provided for in this reorganization plan.

SEC. 7. *Records, property, personnel, and funds.* (a) The records, property, personnel, and unexpended balances, available or to be made available, of appropriations, allocations, and other funds of the Office of Defense Mobilization and of the Federal Civil Defense Administration shall, upon the taking effect of the provisions of this reorganization plan, become records, property, personnel, and unexpended balances of the Office of Defense and Civilian Mobilization.

(b) Records, property, personnel, and unexpended balances, available or to be made available, of appropriations, allocations, and other funds of any agency (including the Office of Defense and Civilian Mobilization), relating to functions vested in or delegated or assigned to the Office of Defense Mobilization or the Federal Civilian Defense Administration immediately prior to the taking effect of the provisions of this reorganization plan, may be transferred from time to time to any other agency of the Government by the Director of the Bureau of the Budget under authority of this subsection for use, subject to the provisions of the Reorganization Act of 1949, as amended, in connection with any of the said functions authorized at time of transfer under this subsection to be performed by the transferee agency.

(c) Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in connection with the provisions of subsections (a) and (b) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 8. *Interim provisions.* The President may authorize any person who immediately prior to the effective date of this reorganization plan holds an office abolished by section 6 hereof to hold any office established by section 2 of this reorganization plan until the latter office is filled pursuant to the said section 2 or by recess appointment, as the case may be, but in no event for any period extending more than 120 days after the said effective date.

SEC. 9. *Effective date.* The provisions of this reorganization plan shall take effect at the time determined under the provisions of section 6 (a) of the Reorganization Act of 1949, as amended, or on July 1, 1958, whichever is later.

[F. R. Doc. 58–5005; Filed, June 30, 1958; 8:53 a. m.]

RULES AND REGULATIONS

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 616—BUTTON, JEWELRY, AND LAPIDARY WORK INDUSTRY IN PUERTO RICO

PART 709—BUTTON, JEWELRY, AND LAPIDARY WORK INDUSTRY IN PUERTO RICO, MINIMUM WAGE ORDER

REVOCATION AND WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 505 (23 F. R. 2384) appointed, convened, and gave notice of the hearing of Industry Committee No. 39–A to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the button, jewelry, and lapidary work industry in Puerto Rico who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Acting Administrator a report containing its findings and recommendations with respect to the matters referred to it. The committee revised the classifications in the industry and recommended increases in the minimum wage rates for certain of the classifications.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended, 29 U. S. C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), General Orders Nos. 45–A (15 F. R. 3290) and 85–A (22 F. R. 7614) of the Secretary of Labor, the recommendations of the committee are hereby published in this order amending Title 29, Code of Federal Regulations, effective July 16, 1958, as follows:

1. Part 709 is hereby revoked.

2. Part 616 is hereby added to read as follows:

Sec.
616.1 Definition of the industry.
616.2 Wage rates.
616.3 Notices.

AUTHORITY: §§ 616.1 to 616.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 616.1 *Definition of the industry.* The button, jewelry, and lapidary work industry in Puerto Rico, to which this part shall apply, is defined as the manufacture from any material of buttons, buckles, jewelry (including rosaries), jewelry findings (including beads), and hair ornaments and accessories; and the processing of natural or synthetic stones for jewelry or industrial use.

§ 616.2 *Wage rates.* (a) Wages at a rate of not less than 43 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the rosary and native jewelry classification of that industry, which is defined as the assembling of rosaries and the manufacture of novelty jewelry from materials wholly or in major part of local origin such as seeds, shells, natural fibers, and similar materials.

(b) Wages at a rate of not less than 71 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the hair ornaments classification of that industry, which is defined as the manufacture of hair ornaments such as combs, clips, or barrettes decorated or ornamented with precious metals or with natural or imitation stones or pearls.

(c) Wages at a rate of not less than 61 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the hair accessories classification of that industry, which is defined as the manufacture from any material of bobby pins, hair clips, hair curlers, hair wavers, and other hair accessories and the manufacture of hair ornaments other than those decorated

or ornamented with precious metals or with natural or imitation stones or pearls.

(d) Wages at a rate of not less than 57 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the plastic costume jewelry classification of that industry, which is defined as the manufacture or assembly of all types of jewelry findings and costume jewelry made wholly or in major part from plastic materials, except the manufacture of plastic beads, and including the pearlizing of buttons, beads, and costume jewelry and the stringing of pearlized beads.

(e) Wages at a rate of not less than 87 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the precious jewelry and metal expansion watch band classification of that industry, which is defined as the manufacture of jewelry and other personal ornaments from precious metals with or without precious stones and the fabrication or partial fabrication of metal expansion bands or expansion bracelets for watches or other uses.

(f) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the gem stone classification of that industry, which is defined as the sawing, cutting, grinding, polishing, and other processing of gem diamonds, other precious and semi-precious stones, and synthetic stones used for decorative purposes.

(g) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the industrial jewel classification of that industry, which is defined as the sawing, cutting, grinding, polishing, and other processing of natural or synthetic jewels for industrial use, including, but without limitation, jewel bearings, industrial diamonds, and the processing of precious and synthetic stones as components of phonograph needles and the attachment of such jewels to metal phonograph needle components, but not inicludng the production of such metal components.

(h) Wages at a rate of not less than 63 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the general classification of that industry, which is defined as the manufacture of all products included in the button, jewelry, and lapidary work industry in Puerto Rico, as defined in § 616.1, except those products and activities included in the rosary and native jewelry classification, the hair ornaments classification, the hair accessories classification, the plastic costume jewelry classification, the precious jewelry and metal expansion watch band classification, the gem stone classification, and the industrial jewel classification, as those classifications are defined in this section.

§ 616.3 *Notices.* Every employer subject to the provisions of § 616.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 616.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division, the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 25th day of June 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F R Doc 58-4994; Filed, June 30, 1958; 8:48 a. m.]

PART 619—ALCOHOLIC BEVERAGE AND INDUSTRIAL ALCOHOL INDUSTRY IN PUERTO RICO

PART 706—ALCOHOLIC BEVERAGE AND INDUSTRIAL ALCOHOL INDUSTRY IN PUERTO RICO

REVOCATION AND WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 505 (23 F. R. 2384), as amended by Administrative Order No. 509 (23 F. R. 3937), appointed, convened, and gave notice of the hearing of Industry Committee No. 39-E to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the alcoholic beverage and industrial alcohol industry in Puerto Rico who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Acting Administrator a report containing its findings and recommendations with respect to the matters referred to it. Aside from minor changes in the definition of the industry, this wage order effects no changes in the provisions of the current wage order for this industry.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended, 29 U. S. C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165) General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, the recommendations of the committee are hereby published in this order amending Title 29, Code of Federal Regulations, effective July 16, 1958, as follows:

1. Part 706 is hereby revoked.

2. Part 619 is hereby added to read as follows:

Sec.
619.1 Definition of the industry.
619.2 Wage rates.
619.3 Notices.

AUTHORITY: §§ 619.1 to 619.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 619.1 *Definition of the industry.* The alcoholic beverage and industrial alcohol industry in Puerto Rico, to which this part shall apply, is defined as follows: The manufacture, including, but without limitation, the distilling, rectifying, blending, or bottling of rum, gin, vodka, whisky, brandy, cordials, liqueurs, wines, ale, beer, and similar malt beverages with or without alcohol, other alcoholic beverages, industrial alcohol (such as amyl, butyl, and ethyl alcohol), acetone, antifreeze, and any related by-product resulting from the manufacture of any of the foregoing products.

§ 619.2 *Wage rates.* Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the alcoholic beverage and industrial alcohol industry in Puerto Rico, as defined in § 619.1, who is engaged in commerce or in the production of goods for commerce.

§ 619.3 *Notices.* Every employer subject to the provisions of § 619.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 619.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division, United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 26th day of June 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc 58-4998; Filed, June 30, 1958; 8:49 a. m.]

PART 661—BANKING, INSURANCE, AND FINANCE INDUSTRY IN PUERTO RICO

RECOMMENDATIONS OF INDUSTRY COMMITTEE

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 505 (23 F. R. 2384), as amended by Administrative Order No. 509 (23 F. R. 3937), appointed, convened, and gave notice of the hearing

of Industry Committee No. 39-D to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the banking, insurance, and finance industry in Puerto Rico who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Acting Administrator a report containing its findings and recommendations with respect to the matters referred to it.

The committee recommended no change in the current wage order which provides that wages at not less than $1.00 an hour be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the banking, insurance, and finance industry in Puerto Rico, as defined in 29 CFR Part 661, who is engaged in commerce or in the production of goods for commerce.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended, 29 U. S. C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1064; 3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, it is hereby ordered that the wage order previously published in Part 661 of Title 29, Code of Federal Regulations, be continued in effect.

(Sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208)

Signed at Washington, D. C., this 19th day of June 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-4997; Filed, June 30, 1958; 8:49 a. m.]

PART 671—COMMUNICATIONS, UTILITIES, AND TRANSPORTATION INDUSTRY IN PUERTO RICO

WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 505 (23 F. R. 2384) appointed, convened, and gave notice of the hearing of Industry Committee No. 39-B to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the communications, utilities, and transportation industry in Puerto Rico who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Acting Administrator a report containing its findings and recommendations with respect to the matters referred to it. The committee revised the classifications in the industry, and recommended new minimum wage rates for some of these classifications.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended, 29 U. S. C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165) and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, the recommendations of the committee are hereby published in this order amending Part 671 of Title 29, Code of Federal Regulations, effective July 16, 1958, to read as follows:

Sec.
671.1 Definition of the industry.
671.2 Wage rates.
671.3 Notices.

AUTHORITY: §§ 671.1 to 671.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 671.1 *Definition of the industry.* The communications, utilities, and transportation industry in Puerto Rico, to which this part shall apply, is defined as follows: The industry carried on by any wire or radio system of communication, or by messenger service; by any concern engaged in the production and distribution of gas, electricity, or steam, the distribution of water, or the operation of sanitation facilities; and by any concern engaged in transportation for compensation by air, water, rail, motor vehicle, pipeline, or other means, or in related activities, including the operation of travel bureaus and ticket agencies, stevedoring, consolidating, forwarding, crating, and boxing: *Provided, however,* That the industry shall not include railroad transportation activities carried on by a producer of raw sugar, cane juice, molasses, refined sugar, and incidental by-products (or by any firm owned or controlled by or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer), where the railroad transportation activities are in whole or in part used for the production or shipment of these products, and any transportation activities by truck or other vehicle performed by a producer of these products in connection with the production or shipment of such products by such producer.

§ 671.2 *Wage rates.* (a) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the communications, utilities, and transportation industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the radio broadcasting classification of that industry, which is defined as consisting of the operations carried on by any firm engaged in radio broadcasting in Puerto Rico.

(b) Wages at a rate of not less than 80 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the communications, utilities, and transportation industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the motor carrier transport and express classification of that industry, which is defined as any transportation of property by motor vehicle for compensation including pickup and delivery, and activities directly related to the transportation of property by motor vehicle for compensation, and consolidating, forwarding, packing, crating, and boxing goods for shipment.

(c) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the communications, utilities, and transportation industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the general classification of that industry, which is defined as all activities included in the communications, utilities, and transportation industry in Puerto Rico as defined in § 671.1, except activities included in the radio broadcasting classification and the motor carrier transport and express classification of that industry, as these classifications are defined in this section.

§ 671.3 *Notices.* Every employer subject to the provisions of § 671.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 671.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division, the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 26th day of June 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-4995; Filed, June 30, 1958; 8:49 a. m.]

PART 681—HOMEWORKERS IN CERTAIN INDUSTRIES IN PUERTO RICO

MISCELLANEOUS AMENDMENTS

Notice of a proposed amendment to Part 681 was published in the FEDERAL REGISTER on May 15, 1958 (23 F. R. 3303). A 15-day period was provided for the submission of data, views, or arguments. The sole submission was a communication received from an employer seeking deferral of the promulgation of the proposal as final on the basis of a question earlier raised by it regarding the previous amendment establishing minimum piece rates for homeworkers effective in November 1957.

This amendment is based on authority under the Fair Labor Standards Act of 1938, and its purpose is to provide minimum piece rates for homeworkers performing the operations described therein commensurate with the hourly rates established under section 8 of the act for the shoe and related products industry in Puerto Rico (23 F. R. 1568) and for the leather, leather goods, and related products industry in Puerto Rico (23 F. R. 1568). The amendment also provides for an automatic adjustment in the piece rates contained in Part 681 when they

are no longer commensurate with the minimum hourly rate established under section 8 of the act. In addition to the piece rates changed by this amendment, the automatic adjustment provided for by new § 681.9 applies to the piece rate for hand-braiding leather buttons which is contained in § 681.10 (a) as renumbered. This provision will more readily effectuate the purposes of this act and coincide with the provision for homeworkers in 29 CFR 545.9. The title of Part 681 no longer reflects an accurate description of the contents of the part and for that reason the amendment provides for a change in title which has no substantive effect.

Accordingly, pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45–A (15 F. R. 3290) and 85–A (22 F. R. 7614) of the Secretary of Labor, and in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), effective 30 days after publication in the FEDERAL REGISTER, Part 681, Title 29, Code of Federal Regulations is amended as follows:

1. The headnote to Part 681 is amended to read as set forth above.

2. Section 681.9 is renumbered as § 681.10 and the section headnote and paragraph (b) of the section are amended to read as follows:

§ 681.10 *Piece rates established in accordance with § 681.9.* • • •

(b) *Piece rates for the hand-lacing of plastic and leather wallets, leather wallet covers, and leather moccasin plugs.* The minimum piece rates established for homeworkers in accordance with § 681.9 are as follows: A minimum rate of $^{61}/_{100}$ of one cent per dozen stitches for homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material, of leather wallets and leather wallet covers; a minimum piece rate of $^{82}/_{100}$ of one cent per dozen stitches for homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material, of leather moccasin plugs; a minimum piece rate of 1 and $^{50}/_{100}$ cents per dozen stitches for homeworkers in Puerto Rico engaged in the hand-lacing, double stitch, with plastic lacing material, of leather wallets and leather wallet covers; and a minimum piece rate of 1 and $^{87}/_{100}$ cents per dozen stitches for homeworkers in Puerto Rico engaged in the hand-lacing, double stitch, with plastic lacing material, of plastic wallets.

3. A new § 681.9 is inserted to read as follows:

§ 681.9 *Minimum piece rates prescribed by the Administrator.* Pursuant to the provisions of section 6 (a) (2) of the Fair Labor Standards Act of 1938, each homeworker shall be paid, in lieu of the applicable hourly rate established by wage order, not less than the piece rates indicated in § 681.10 for the operations described therein. On or after the effective date of any change in the minimum hourly rates established by wage order and until the effective date of compensating revisions of the rates contained in § 681.10, the minimum piece rates which shall be paid are those set forth in § 681.10 adjusted in ratio to the relation between the change in the old and new minimum hourly rates.

(Sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208)

Signed at Washington, D. C., this 25th day of June 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R Doc. 58-4999; Filed, June 30, 1958; 8:50 a. m.]

PART 683—WHOLESALING, WAREHOUSING, AND OTHER DISTRIBUTION INDUSTRY IN PUERTO RICO

WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 505 (23 F. R. 2384) appointed, convened, and gave notice of the hearing of Industry Committee No. 39–C to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the wholesaling, warehousing, and other distribution industry in Puerto Rico who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Acting Administrator a report containing its findings and recommendations with respect to the matters referred to it. The committee recommended a new wage rate for the industry, as defined in Administrative Order No. 505, and discontinuance of the classifications contained in the present wage order (29 CFR Part 683) for this industry.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064 as amended, 29 U. S. C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), General Orders Nos. 45–A (15 F. R. 3290) and 85–A (22 F. R. 7614) of the Secretary of Labor, the recommendations of the committee are hereby published in this order amending Part 683, Title 29, Code of Federal Regulations, effective July 16, 1958, to read as follows:

Sec.
683.1 Definition of the industry.
683.2 Wage rates.
683.3 Notices.

AUTHORITY: §§ 683.1 to 683.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 683.1 *Definition of the industry.* The wholesaling, warehousing, and other distribution industry in Puerto Rico to which this part shall apply is defined as follows: The wholesaling, warehousing, and other distribution of commodities, including, but without limitation, the wholesaling, warehousing, and other distribution activities of jobbers, importers and exporters, manufacturers' sales branches and offices engaged in distributing products manufactured outside of Puerto Rico, industrial distributors, mail order and retail selling establishments, brokers and agents, and public warehouses: *Provided, however,* That the industry shall not include the activities of employees who are engaged in wholesaling, warehousing, and other distribution of products manufactured by their employer in Puerto Rico, or any activities included in the communications, utilities, and transportation industry in Puerto Rico (Part 671 of this chapter), or in the tobacco industry in Puerto Rico (Part 657 of this chapter), or in the food and related products industry in Puerto Rico (Part 673 of this chapter).

§ 683.2 *Wage rates.* Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the wholesaling, warehousing, and other distribution industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce.

§ 683.3 *Notices.* Every employer subject to the provisions of § 683.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 683.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division, United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 26th day of June 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R Doc. 58-4996; Filed, June 30, 1958; 8:49 a. m.]

PART 695—HOMEWORKERS IN INDUSTRIES IN THE VIRGIN ISLANDS

MISCELLANEOUS AMENDMENTS

Notice was published in the FEDERAL REGISTER (23 F. R. 3355) on May 17, 1958, that the Acting Administrator of the Wage and Hour Division, United States Department of Labor, proposed to amend Part 695 of Title 29, Code of Federal Regulations. Interested persons were given fifteen (15) days in which to submit to the Acting Administrator any written data, views, or arguments pertaining to the proposal.

All relevant information submitted has been considered, together with all other available information, and it appears that the adoption of the proposed amendments is appropriate. Their purposes are to prescribe minimum piece rates for homeworkers in the Virgin Islands that are commensurate with the minimum hourly rates established under section 8 of the act for industries in the Virgin Islands (23 F. R. 2375) and to provide for the time when the rates prescribed are no longer commensurate with the minimum hourly rates so established.

Accordingly, in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) and pursuant to section 6 (a) (2) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062; 29 U. S. C. 206 (a) (2)), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45–A (15 F. R. 3290) and 85–A (22 F. R. 7614) of the Secretary of Labor, I hereby adopt the amendments as proposed and set forth below.

1. Section 695.8 is amended to read as follows:

§ 695.8 *Minimum piece rates prescribed by the Administrator.* Pursuant to the provisions of section 6 (a) (2) of the act, each homeworker shall be paid, in lieu of the applicable hourly rate established by wage order, not less than the piece rates prescribed in § 695.12 for the operations described therein. On or after the effective date of any change in the minimum hourly rates established by wage order and until the effective date of compensating revisions of the rates contained in § 695.12, the minimum piece rates which shall be paid are those listed in § 695.12 adjusted in ratio to the relation between the change in the old and new minimum hourly rates.

2. Section 695.12 is amended to read as follows:

§ 695.12 *Piece rates established in accordance with § 695.8.*

SCHEDULE A—PIECE RATE SCHEDULE FOR THE HAND-MADE ART LINEN INDUSTRY IN THE VIRGIN ISLANDS (HAND-EMBROIDERY OPERATIONS)

Design No.	Description of design	Piece rate based on hourly rate of 25 cents
1	Native Woman No. 1—Woman carrying tray of fruit on head, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 1, filed with the Wage and Hour Division. Size: 1" high, ⅞" at base	$0.131
2	Native Woman No. 2—Woman carrying tray of fruit on head, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 2, filed with the Wage and Hour Division. Size: 1 5/16" high, 1 2/16" at base	.159
3	Native Woman No. 3—Woman carrying tray of fruit on head, palm tree with 2 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 3, filed with the Wage and Hour Division. Size: 2" high, 2 1/16" at base	.21
4	Native Woman No. 4—Woman carrying tray of fruit on head, 2 palm trees, each with 3 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 4, filed with the Wage and Hour Division. Sizes: 3¾" high, 6¼" at base	.911
5	Palm Tree No. 1—Palm tree, 6 leaves, 2 small fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 5 filed with the Wage and Hour Division. Size: 1⅝" high, 1¼" at base	.148
6	Palm Tree No. 2—Palm tree, 8 leaves, 2 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 6, filed with the Wage and Hour Division. Size: 2½" high, 1⅝" at base	.174
7	Palm Tree No. 3—Palm tree, 8 leaves, 2 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 7, filed with the Wage and Hour Division. Size: 3¾" high, 2¼" at base	$0.268
8	Donkey and Rider No. 1—Boy riding donkey, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 8, filed with the Wage and Hour Division. Size: 1⅛" high, 1¾" at base	.155
9	Donkey and Rider No. 2—Boy riding donkey, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 9 filed with the Wage and Hour Division. Size: 1⅛" high, 1¾" at base	.218
10	Donkey and Rider No. 3—Boy riding donkey, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 10, filed with the Wage and Hour Division. Size: 2⅛" high, 2¾" at base	.268
11	Donkey and Boy No. 1—Boy leading donkey, man carrying bundle of bananas, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 11, filed with the Wage and Hour Division. Size: 2" high, 1¾" at base	.226
12	Donkey and Boy No. 2—Boy leading donkey, man carrying bundle of bananas, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 12, filed with the Wage and Hour Division. Size: 2¾" high, 2¾" at base	.304
13	Bluebeard Castle No. 1—Castle in shape of tower, 4 windows, door, flag, and 2 palm trees; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 13, filed with the Wage and Hour Division. Size: 1¾" high, 1⅞" wide	.205
14	Bluebeard Castle No. 2—Castle in shape of tower, 4 windows, door, flag, 1 large and 2 small palm trees; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 14, filed with the Wage and Hour Division. Size: 2½" high, 2¾" wide	.266
15	Bluebeard Castle No. 3—Castle in shape of tower, 4 windows, door, flag, 2 large and 3 small palm trees, 2 banana plants; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 15, filed with the Wage and Hour Division. Size: 4½" high, 6¼" wide	.663
16	Single hemstitching of linen towels, four threads in a bundle, thread drawing included (per dozen inches)	.163

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HAND MADE STRAW GOODS INDUSTRY IN THE VIRGIN ISLANDS [1]

Design No.	Description of design	Piece rate based on hourly rate of 20 cents	Unit
	Hand-weaving straw braid from "bull palm":		
17	Natural color, 1" wide (splitting and weaving).	$0.041	Per yard of braid.
18	Natural and three colors (splitting, dyeing, and weaving).	.06	Do.
19	Hand-weaving straw braid from "silk palm".	$0.051	Per yard of braid.
	Beach hat (sewing):		
20	Stock No. 75	.253	Per hat.
21	Stock No. 76	.20	Do.
22	"Angela" hat, stock No. 80 (sewing).	.12	Do.
23	Cowgirl hat, stock No. 83 (sewing).	.20	Do.
24	Frilled hat, stock No. 84 (sewing).	.90	Do.
25	Scarlett hat, stock No. 85 (sewing).	.427	Do.
26	Garden hat, stock No. 86 (splitting, weaving and sewing).	1.11	Do.
27	Farmer hat, stock No. 87 (sewing).	.40	Do.
28	Child's bonnet, stock No. 90 (sewing).	.24	Do.
29	Jockey cap, stock No. 113 (sewing).	.20	Do.
30	Frenchman hat, 4½" crown, 3½" brim, "Silk palm" braid ½" wide (sewing).	1.00	Do.
	Hula skirt (splitting, dyeing, weaving, and sewing):		
31	Stock No. 108	.60	Per skirt.
32	Stock No. 109	.80	Do.
33	Stock No. 110	1.00	Do.
34	Handbag, stock No. 43 (splitting, weaving, and sewing).	.906	Per bag.
35	"Valentine" purse, stock No. 51 (weaving and sewing).	1.71	Per purse.
	WAC style bag (weaving and sewing):		
36	Plain stock No. 52	1.40	Per bag.
37	Embroidered, stock No. 52E.	1.60	Do.
	Shopping bag (sewing):		
38	Stock No. 92	.20	Do.
39	Stock No. 93	.267	Do.
40	Stock No. 94	.307	Do.
41	Stock No. 96	.307	Do.
42	Stock No. 104	.60	Do.
43	"Eugenie" bag, stock No. 99 (sewing).	.253	Do.
	Shoulder bag (sewing):		
44	Stock No. 100	.20	Do.
45	Stock No. 101	.40	Do.
46	Thermos bag, stock No. 102 (sewing).	.20	Do.
47	Lunch bag, stock No. 103 (sewing).	.147	Do.
48	Knitting bag, cylindrical shape, 7" x 14", shoulder strap and cover (sewing).	.40	Do.
49	"Dorothy" handbag, stock No. 117 (splitting and weaving).	1.80	Do.
50	Children's "Mafolie" bag, stock No. 119 (splitting and weaving).	.147	Do.
51	Picnic basket, stock No. 3 (splitting, weaving and sewing).	.40	Per basket.
52	Hat box, stock No. 5 (splitting, weaving, and sewing).	1.40	Per box.
53	Sewing basket, stock No. 9 (splitting and weaving).	.20	Per basket.
	Wood basket (splitting, weaving, and sewing):		
54	Stock No. 31	.307	Do.
55	Stock No. 33	.40	Do.
	Floor mat (splitting, dyeing, weaving, and sewing):		
56	Stock No. 20	.28	Per mat.
57	Stock No. 23	.44	Do.
58	Stock No. 27	.746	Do.
	Hearth broom (tying leaves):		
59	Stock No. 120	.107	Per broom.
60	Stock No. 121	.147	Do.
61	Stock No. 121A	.253	Do.
62	Stock No. 121B	.307	Do.

[1] Piece rates based upon time tests conducted on products handled by the Virgin Islands Cooperative, Inc., of St. Thomas. The stock numbers are those used by the company.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HAND MADE STRAW GOODS INDUSTRY IN THE VIRGIN ISLANDS [1]—Continued

Design No.	Description of design	Piece rate based on hourly rate of 20 cents	Unit
	Round table mat, stock No. WR1/5 (peeling and weaving):		
63	8 inches	$0.507	Per mat.
64	10 inches	.60	Do.
65	12 inches	.80	Do.
	Glass holder (peeling and weaving):		
66	Stock No. WR11	.307	Per holder.
67	Stock No. WR12	.453	Do.
68	Napkin ring, stock No. WR15 (peeling and weaving).	.253	Per ring.
69	Sewing basket, stock No. WR17 (peeling and weaving).	1.20	Per basket.
	Picnic basket (peeling and weaving):		
	Stock No. H-2:		
70	Open	2.80	Do.
71	Covered	3.40	Do.
	Stock No. H-3:		
72	Open	2.93	Do.
73	Covered	3.60	Do.
	Stock No. H-10:		
74	Open	3.07	Do.
75	Covered	3.80	Do.
	Stock No. H-11:		
76	Open	3.20	Do.
77	Covered	4.00	Do.
78	Hand weaving of straw table mats, 11" x 17", from ¼" strips, including the operations of stripping, weaving the body of the mat, weaving braid ¼" to ¾" wide, and sewing the braid to the mat (stock No. 58).	.40	Per mat.

[1] Piece rates based upon time tests conducted on products handled by the Virgin Islands Cooperative, Inc., of St. Thomas. The stock numbers are those used by the company.

These amendments shall become effective July 31, 1958.

Signed at Washington, D. C., this 26th day of June 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-5000; Filed, June 30, 1958; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Export Programs

[Amdt. 1]

PART 484—FEED GRAINS

SUBPART—FEED GRAIN EXPORT PROGRAM PAYMENT IN KIND (GR-368)

TERMS AND CONDITIONS

The Terms and Conditions of the Feed Grain Export Program Payment in Kind (GR-368) (23 F. R. 3226) are amended as follows:

1. Section 484.105 is amended by adding the words "of a quantity of feed grain" and ":of the same quantity of feed grain" in the first and last sentences of paragraph (d) so that the paragraph shall read as follows:

(d) To be eligible for payment under this program, the exporter shall furnish documentary evidence of export of a quantity of feed grain as required in § 484.116, which has not been used, or will not subsequently be used as evidence of export of the same quantity of feed grain in connection with any other contract entered into pursuant to § 484.107 of this program or in connection with any other export program under which CCC has paid or has agreed to pay an export allowance, or in connection with any other export program which involves the sale of feed grains for export at prices which reflect any export allowance. Nothing herein shall be construed as precluding exportation of feed grain under this program from fulfilling sales under Purchase Authorizations pursuant to Public Law 480, 83d Congress. Documentary evidence of export of a quantity of feed grain submitted under § 484.127 in connection with purchases of feed grains from CCC may also be submitted to CCC as evidence of export of the same quantity of feed grain in connection with Applications for Feed Grain Export Payments.

2. Section 484.108 is amended by adding the words "except as provided in § 484.109" to the fourth sentence of paragraph (c) so that the sentence shall read as follows: "Moreover, if the exporter does not export the quantity of feed grain specified in the exporter's contract with CCC, except as provided in § 484.109, such breach shall give rise to liquidated damages."

3. Section 484.109 is hereby added as a new section to read as follows:

§ 484.109 *Quantity tolerance.* In the event an exporter exports or causes exportation in accordance with the requirements of § 484.108 of a net quantity of feed grain less than the net quantity provided in the exporter's contract with CCC, but not less than 95 percent of such quantity and submits a statement which establishes to the satisfaction of CCC that his failure to export the contract quantity is attributable to normal trade practices and not for the purpose of applying the quantity undershipped to a contract with CCC providing a higher export payment, he shall not be required to pay liquidated damages for failure to export the undershipped quantity. In the event, an exporter exports or causes exportation in accordance with the requirements of § 484.108 of a net quantity greater than the net quantity provided in the exporter's contract with CCC, but not in excess of 105 percent of such quantity and submits a statement which establishes to the satisfaction of CCC that exportation of the excess quantity is attributable to normal trade practices and not for the purpose of obtaining a higher export payment rate on the excess quantity than would otherwise be applicable, he may include such quantity in his application for export payment and receive payment for the quantity overshipped at the same rate as provided in his contract with CCC.

4. Section 484.116 is amended as follows:

a. Amend paragraph (a) (3) to read as follows:

(3) One copy of a grain inspection certificate issued by an inspector licensed under the United States Grain Standards Act which is properly identified to each cargo or carlot indicated in the bill of lading, or other form of documentary evidence of export.

b. Add the following new paragraph (d):

(d) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of feed grain which is applied against the exporter's contract with CCC, and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different contract with CCC under this program or under any other export program of CCC pursuant to which CCC has paid or agreed to pay an export allowance, each copy of such documentary evidence of export submitted pursuant to paragraph (a) of this section shall be accompanied by a statement certified by the exporter identifying all contracts with CCC to which the documentary evidence of export has been or will be applied and the quantity applicable to each contract.

5. Section 484.120 is amended by deleting paragraph (b) in its entirety.

6. Section 484.126 (a) is amended by deleting the words "except that when feed grain is delivered to a Gulf of Mexico port exportation must be from the same port."

7. Section 484.127 is amended as follows:

a. At the end of the first sentences in § 484.127 (a) (1) and (2) delete the words "and the P. L. 480, 83d Congress, Purchase Authorization number, if applicable."

b. Section 484.127 (a) (3) is amended to read as follows:

(3) One copy of a grain inspection certificate issued by an inspector licensed under the United States Grain Standards Act which is properly identified to each cargo or carlot indicated in the bill of lading, or other form of documentary evidence of export.

8. Section 484.137 is amended by changing the section reference therein from "484.116" to "484.117."

9. Section 484.143 is deleted in its entirety.

10. Section 484.150 is amended by inserting "Canada" between "Alaska" and "Hawaii" so that the amended section shall read as follows:

§ 484.150 *Eligible country.* "Eligible country" means any destination outside the continental limits of the United States, excluding Alaska, Canada, Hawaii or Puerto Rico, and also excluding (a) any country or area listed as Sub-Group A of Group R of the Comprehensive Export Schedule issued by the Bureau of Foreign Commerce, U. S. Department of Commerce unless a license for shipment or transshipment thereto has been obtained from such Bureau; (b) Macao unless specific license for shipment or transshipment thereto has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce; or (c) Hong Kong in the case of any commodity for which a specific license is required by regulations of the U. S. Department of Commerce under the Export Control Act of 1949, unless such specific license for shipment or transshipment thereto has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce.

11. Section 484.151 is amended to read as follows:

§ 484.151 *Export and exportation.* "Exportation" and "export" means, except as hereinafter provided, a shipment from the continental United States destined to another area excluding Alaska, Hawaii and Puerto Rico. The feed grain so shipped shall be deemed to have been exported on the date which appears on the applicable on board ship ocean bill of lading, or if shipment from the continental U. S. is by truck or rail, the date the shipment clears United States Customs. If feed grain is lost, destroyed or damaged after loading on board an export ship, exportation shall be deemed to have been made as of the date of the on board ship ocean bill of lading or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction or damage occurs subsequent to loading aboard ship but prior to issuance of on board ship ocean bill of lading.

(Note to Exporter: Since the export payment on any given quantity of feed grains is conditioned upon the timely exportation thereof to an eligible country, exporters may find it desirable to carry insurance on the full domestic value of feed grain against any loss which may occur prior to the feed grain leaving this country by rail or truck or prior to loading on the export vessel.)

(Sec. 5, 62 Stat. 1072; 15 U. S. C. 714c. Interpret or apply sec. 407, 63 Stat. 1051, as amended, sec. 201, 70 Stat. 1088; 7 U. S. C. 1427, 1851)

Issued this 27th day of June 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-5057; Filed, June 30, 1958; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS [1]

MISCELLANEOUS AMENDMENTS

On June 3, 1958, a notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 3815) regarding proposed amendments to existing regulations (7 CFR 52.1 to 52.87) governing the inspection and certification of processed fruits and vegetables, processed products thereof, and certain other food products.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following amendments of the aforesaid existing regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

1. In § 52.3 delete the definition of "Official device" and insert in lieu thereof the following:

Official device. "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof; or any device approved and designated by the Administrator as a USDA official device for use as a color standard, defect guide, or other similar aid to interpret the United States Department of Agriculture grade standards and to facilitate conduct of the inspection service.

2. In § 52.53 *Approved identification,* add the following new paragraph:

(e) *Licensing and identification of certain official devices.* The Administrator may issue licenses permitting the manufacture, identification, distribution, and sale of any official device designated as a USDA color standard, defect guide or other similar aid under such terms and conditions as may be specified by the Administrator. Licenses shall be available to all persons meeting conditions prescribed by the Administrator, shall be nonexclusive, and shall be revocable for cause. No person shall manufacture, identify, distribute or sell any such official device except at the direction of or under license from the Administrator. Such official devices may be marked, tagged or otherwise designated with the prefix "USDA" together with other identifying words or symbols, as prescribed by the license.

For reasons hereinafter set forth it is hereby found and determined that good cause exists for making these revisions to the regulations effective immediately on publication in the FEDERAL REGISTER. Since publication of these revisions in the exact form that they appear herein in the FEDERAL REGISTER of June 3, 1958, as a notice of proposed rule making, no adverse comments or suggestions have been received concerning them. The nature of the provisions contained in the revision of the regulations is well known to all persons who have shown any interest therein and no preparation is required prior to their effective date. Packers and other interested parties are urging that the Department make provision for the manufacture of inspection aids and other official devices as provided for in this revision. Accordingly, it is impractical and contrary to the public interest to postpone the effective date of these revisions beyond the date of publication in the FEDERAL REGISTER.

Effective on publication in the FEDERAL REGISTER July 1, 1958.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: June 26, 1958.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-5003; Filed, June 30, 1958; 8:50 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS [1]

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U. S. C. 1621 et seq.) for the provision of a service for the inspection and certification of the class, quality, and condition of agricultural products, including the assessment and collection of fees to cover the cost of such service, existing regulations (7 CFR 52.1 to 52.87) governing the inspection and certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products are hereby revised as hereinafter set forth:

1a. Section 52.42 is hereby revised to read as follows:

§ 52.42 *Schedule of fees.* (a) Unless otherwise provided in a written agreement between the applicant and the Administrator, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be at the rate of $5.00 per hour.

(b) Unless otherwise provided in this part, the fees to be charged and collected for any inspection service performed under this part shall be based on the applicable rates specified in this section to which may be added charges for such micro, chemical, and certain other special analyses, which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product, as are specified in § 52.47.

(1) *Canned or similarly processed fruits, vegetables, honey, and products thereof.*

[1] Among such other processed food products are the following: Honey; molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; tea; cocoa; coffee; spices; condiments.

OFFICIALLY DRAWN SAMPLES

For each lot packed in containers of a volume not exceeding that of a No. 12 size can (603 x 812) except canned pineapple and canned pineapple juice inspected in Puerto Rico:

Minimum fee for 600 cases or less	[1] $10.00
For each additional 100 cases, or fraction thereof, in excess of 600 cases but not in excess of 10,000 cases	[1] 1.00
For each additional 100 cases, or fraction thereof, in excess of 10,000 cases	[1] .80

For each lot of canned pineapple and canned pineapple juice inspected in Puerto Rico:

The fee for each case of 24 containers or less	$0.015
The fee for each case of more than 24 containers	.020
The minimum fee for any lot	6.00

[1] However, the fee for any additional lots of 200 cases or less which are offered for inspection by the same applicant at the same time and which are available for inspection at the same time and place shall be $7.50.

For each lot of honey packed in containers of a volume exceeding that of a No. 12 size can (603 x 812), the fee for sampling and inspecting the samples shall be in accordance with the following schedule:

(a) For sampling the honey, including travel time, per hour	$5.00
(b) For inspection—each sample unit	1.00
(c) For liquefying crystalized or partially crystalized honey for any one applicant at any one time—each group of 15 sample units or fraction thereof	5.00
(d) Minimum fee for any lot	10.00

UNOFFICIALLY DRAWN SAMPLES

For containers of a volume not exceeding that of a No. 3 size can (404 x 414):

Minimum fee for 4 containers or less	$5.00
For each additional container in excess of 4 containers	1.00

For containers of a volume exceeding that of a No. 3 size can (404 x 414), but not exceeding that of a No. 12 size can (603 x 812):

Minimum fee for 2 containers or less	$5.00
For each additional container in excess of 2 containers	2.50

(2) *Frozen or other similarly processed fruits, vegetables, and products thereof.*

OFFICIALLY DRAWN SAMPLES

For each lot other than frozen corn-on-the-cob:

Minimum fee for 10,000 pounds or less	[2] $10.00
For each additional 5,000 pounds or fraction thereof, in excess of 10,000 pounds but not in excess of 100,000 pounds	[2] 2.50

[2] However, the fee for any additional lots of 1,500 pounds or less which are offered for inspection by the same applicant at the same time and which are available for inspection at the same time and place shall be $7.50.

OFFICIALLY DRAWN SAMPLES—Continued

For each additional 5,000 pounds, or fraction thereof, in excess of 100,000 pounds	[1] $2.00

For each lot of frozen corn-on-the-cob:

Minimum fee for 1,500 dozen ears or less	$10.00
For each additional 1,000 dozen ears, or fraction thereof, in excess of 1,500 dozen ears but not exceeding 15,000 dozen ears	[1] 2.50
For each additional 1,000 dozen ears, or fraction thereof, in excess of 15,000 dozen ears	[1] 2.00

UNOFFICIALLY DRAWN SAMPLES

Minimum fee for 2 sample units or less of any type or weight	$5.00
For each additional sample unit in excess of 2 sample units	2.50

[1] However, the fee for any additional lots of 250 dozen or less which are offered for inspection by the same applicant at the same time and which are available for inspection at the same time and place shall be $7.50.

(3) *Dried fruits other than figs and dates.*

OFFICIALLY DRAWN SAMPLES

Each lot:

Minimum fee for 12,000 pounds or less	$10.00
For each additional 2,000 pounds, or fraction thereof, in excess of 12,000 pounds	1.00

UNOFFICIALLY DRAWN SAMPLES

Each sample unit	$5.00

(4) *Dried figs and dates.*

OFFICIALLY DRAWN SAMPLES

Each lot:

Minimum fee for 8,000 pounds or less	$10.00
For each additional 2,000 pounds, or fraction thereof, in excess of 8,000 pounds	2.50

UNOFFICIALLY DRAWN SAMPLES

Each sample unit	$5.00

(5) *Edible sugarcane molasses, sugarcane sirup, and refiners sirup.*

OFFICIALLY AND UNOFFICIALLY DRAWN SAMPLES

The total fee for sampling and inspection of samples shall be in accordance with the following schedule:

(a) For sampling the product, including travel time per hour	$5.00
(b) For inspecting—each sample	1.00
(c) Minimum fee for any lot	10.00

(6) *Coffee.*

OFFICIALLY AND UNOFFICIALLY DRAWN SAMPLES

The total fee for sampling and inspection of samples shall be in accordance with the following schedule:

(a) For sampling the coffee, including travel time, per hour	$5.00
(b) Green bean grading—each sample unit	5.00
(c) Complete inspection, green bean grading and cupping—each sample unit	7.50

(7) *Other processed food products.* The fee to be charged and collected for the inspection of any processed product not included in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph shall be at the rate of $5.00 per hour for the time consumed by the inspector in making the inspection, including the time consumed in sampling by the inspector or licensed sampler: *Provided*, That, fees for sampling time will not be assessed by the office of inspection when such fees have been assessed and collected directly from the applicant by a licensed sampler.

b. Section 52.44 is hereby revised to read as follows:

§ 52.44 *Inspection fees when charges for sampling have been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler and with respect to which the sampling fee has been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee provided in this part applicable to the respective processed product: *Provided*, That, if the fee charged for the inspection service is based on the hourly rate of charge, the fee shall be at the rate of $5.00 per hour prescribed in this part.

c. Section 52.45 is hereby revised to read as follows:

§ 52.45 *Inspection fees when charges for sampling have not been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler, and with respect to which the sampling fee has not been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee as prescribed in this part, plus a reasonable charge to cover the cost of sampling as may be determined by the Administrator: *Provided*, That, if the fee charged is based on the hourly rate, the fee shall be at the rate of $5.00 per hour prescribed in this part, plus a reasonable charge to cover the cost of sampling, as determined by the Administrator.

d. Section 52.47 is hereby revised to read as follows:

§ 52.47 *Charges for micro, chemical, and certain other special analyses.* (a) The following charges shall be made for micro, chemical, and certain other special analyses which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product. When any of these analyses are made at the request of an applicant and are not in connection with an inspection to determine the quality or condition of the product, the listed fees shall be increased by 50 percent.

Type of analysis	For first analysis	For each additional analysis
Mold count	$2.00	$1.50
Worm larvae and insect fragment count	5.00	3.00
Fly egg and maggot count	3.00	1.50
Alcohol insoluble solids	5.00	3.00
Alcohol (distillation and specific gravity)	10.00	5.00
Ascorbic acid (vitamin C)	10.00	2.50
Total ash (carbonated or sulfated)	5.00	3.00
Ash, acid insoluble	5.00	3.00
Ash, water soluble or water insoluble	5.00	3.00
Ash, NaCl free (approximate method—total ash less NaCl)	10.00	5.00
Ash, NaCl free (P_2O_5×2)	15.00	7.50
Catalase test	3.00	1.50
Crude fiber	15.00	7.50
Diastase test for honey (AOAC method)	7.50	5.00
Ether extract (crude fat)	10.00	5.00
Fat (acid hydrolysis)	10.00	5.00
Fiber (green and wax bean)	7.50	5.00
Iodine number	10.00	5.00
Moisture (air oven method)	3.00	3.00
Moisture (vacuum oven method)	3.00	3.00
Nitrogen or crude protein	10.00	5.00
Non-volatile ether extract	10.00	5.00
Oil, volatile	10.00	5.00
Oil of lemon with oil base (distillation method)	5.00	5.00
Phosphorous pentoxide (P_2O_5)	15.00	7.50
Potash (K_2O)	15.00	7.50
Recoverable oil	3.00	2.00
Peroxidase test (frozen vegetables)	5.00	2.50
Reducing sugars	15.00	7.50
Reducing sugars plus sucrose	20.00	15.00
Sucrose (direct polarization)	5.00	3.00
Sucrose (chemical methods)	20.00	15.00
Starch or carbohydrates (direct hydrolysis)	20.00	15.00
Sulphur dioxide (direct titration)	5.00	2.50
Sulphur dioxide (distillation method)	7.50	5.00
Sodium	12.50	5.00
Total solids (drying method)	3.00	3.00
Vanillin (colorimetric)	7.50	5.00
Volatile and non-volatile ether extract	10.00	5.00
Water extract	5.00	5.00
Water - insoluble - inorganic - residue (peanut butter)	7.50	5.00
Water - insoluble - inorganic - residue, filth analysis, and particle count (peanut butter)	15.00	10.00

(b) The following charges shall be made for analyses which are requested by an applicant and are not in connection with an inspection to determine the quality or condition of the product. When these analyses are made in connection with an inspection to determine the quality or condition of the product no fee shall be charged for the analyses.

Type of analysis	For first analysis	For each additional analysis
Brix readings (refractometric or spindle)	$2.50	$1.00
Brix readings (double dilution)	3.00	2.00
Total acidity (direct titration)	2.50	1.00
Free fatty acids	5.00	2.50
Salt (NaCl)—direct titration	2.50	1.00
Soluble solids (refractometric method)	2.50	1.00
Total solids (refractometric method)	2.50	1.00
Color determination of extracted honey	5.00	1.00
Color determination of sugarcane molasses or sugarcane sirup	5.00	1.50

e. Section 52.48 is hereby revised to read as follows:

§ 52.48 *When charges are to be based on hourly rate not otherwise provided for in this part.* When inspection is for condition only or when inspection services or related services are rendered and formal certificates are not issued or when the services rendered are such that charges based upon the foregoing sections would be inadequate or inequitable, charges may be based on the time consumed by the inspector in performance of such inspection service at the rate of $5.00 per hour.

f. Section 52.49 is hereby revised to read as follows:

§ 52.49 *Fees for score sheets.* If the applicant for inspection service requests score sheets showing in detail the inspection of each container or sample inspected and listed thereon, such score sheets may be furnished by the inspector in charge of the office of inspection serving the area where the inspection was performed; and such applicant shall be charged at the rate of $2.50 for each twelve sample units, or fraction thereof, inspected and listed on such score sheets.

g. Section 52.50 is hereby revised to read as follows:

§ 52.50 *Fees for additional copies of inspection certificates.* Additional copies of any inspection certificate other than those provided for in § 52.21, may be supplied to any interested party upon payment of a fee of $2.50 for each set of five (5) or fewer copies.

h. The text of § 52.53 (d) is hereby revised to read as follows:

(d) *Products not eligible for approved identification.* Processed products which have not been packed under continuous inspection as provided for in this part shall not be identified by approved grade or inspection marks (except honey and maple sirup which may bear such grade marks), but such products may be inspected on a lot inspection basis as provided in this part and identified by an authorized representative of the Department by stamping the shipping cases and inspection certificate(s) covering such lot(s) with an officially drawn sample mark similar in form and design to the example in Figure 9 of this section.

2. On March 22, 1958, the Director of the Bureau of the Budget issued a determination order pursuant to section 6 (a) of the act of August 8, 1956, popularly known as the Fish and Wildlife Act of 1956 (16 U. S. C. 742e) which provides, inter alia, "that the following functions relate primarily to the development, advancement, management, conservation, and protection of commercial fisheries and shall be deemed to be transferred to the Department of the Interior by that act * * *. All functions of the Department of Agriculture which pertain to fish, shellfish and any products thereof, now performed under the authority of title II of the act of August 14, 1946, popularly known as the Agricultural Marketing Act of 1946, as amended (7 U. S. C. 1621–1627), including but not limited to the development and promulgation of grade standards, the inspection and certification, and improvement of transportation facilities and rates for fish and shellfish and any products thereof." In accordance with this determination the said regulations governing inspection of processed fruits and vegetables and processed products thereof and certain other processed food products (7 CFR 52.1 to 52.87) are hereby further amended, as follows:

a. In footnote 1 which applies to the heading "Part 52—Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Products," delete the words "fishery products, except oil."

b. In § 52.38 in the title of Table I delete the words "Fishery Products."

c. In § 52.38 in the title of Table II delete the words "Fishery Products."

Notice of proposed rule making, public procedure thereon, and postponement of the effective time of this document later than July 1, 1958 (see Section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary, and contrary to the public interest for the reasons that: (1) Legislation provides that the fees charged shall be reasonable and shall as nearly as possible cover the cost of the service rendered; (2) the cost of such service is peculiarly within the knowledge of the Department and the fees set forth herein are necessary to more nearly cover such cost including, but not limited to increased salaries to Federal employees, required by recent legislation (Pub. Law 462, 85th Cong., 2d Sess., approved June 20, 1958); (3) it is imperative that the increase in fees become effective with the commencement of the new fiscal year; and (4) additional time is not required in order for the industry to make preparation for compliance with this amendment.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: June 24, 1958, to become effective at 12:01 a. m., July 1, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-4962; Filed, June 30, 1958; 8:45 a. m.]

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

SCHEDULE OF FEES AND CHARGES FOR CERTAIN SERVICES

Section 68.42a of the regulations for inspection and certification of certain agricultural commodities and products thereof (7 CFR Part 68) promulgated under authority of the Agricultural Marketing Act of 1946, as amended (7 U. S. C. 1621 et seq.), is hereby revised to read as follows:

§ 68.42a *Fees and charges for inspections, reinspections, and appeal inspections of certain commodities and products.* The schedule in this section prescribes fees and charges for inspections under this part by authorized salaried employees of the Department.

(a) *Inspections for compliance with quality specifications.* (1) The fees set forth below are the minimum fees for the inspection for compliance with quality specifications, of the listed commodities and products in lots consisting of a carload quantity or less.

Commodity or product	Minimum fee per carload or less
Bakery products	$15.00
Barley products:	
Malt, brewers	24.00
Malt extract	24.00
Malted cereal sirup	27.50
Pearl barley	15.00
Breakfast cereals	15.00
Corn products:	
Corn grits	15.00
Corn meal	15.00
Corn sugar	14.00
Corn syrup	14.00
Dextrin	24.00
Dextrose	24.00
Feeds:	
Alfalfa meal and pellets	15.00
Bone meal	18.50
Bran	15.00
Brewers dried grains	15.00
Cracked corn	14.00
Cracked wheat	14.00
Distillers dried grains	15.00
Fish meal	15.00
Gluten feeds	15.00
Meat packing by-product feeds	18.50
Molasses (for feed)	15.00
Rolled barley	15.00
Oilseed meals	15.00
Oilseed cake and pellets	15.00
Shorts	15.00
Flours:	
Buckwheat	15.00
Prepared mix	18.50
Rye flour	14.00
Soy flour	18.50
Semolina	14.00
Whole wheat (Graham) flour	15.00
Wheat flour (all purpose)	18.50
Wheat flour (hard wheat)	18.50
Wheat flour (soft wheat)	15.00
Oils: [1]	
Castor oil	48.00
Corn oil	15.00
Cottonseed oil	18.50
Fish oils	18.50
Linseed oil, raw	30.00
Linseed oil, boiled	36.50
Salad oil	18.50
Soybean oil	18.50
Sunflower seed oil	15.00
Tung oil	36.50
Oleomargarine	18.50
Shortening, vegetable	28.00
Soaps:	
Laundry soap	30.00
Toilet soap	36.50
Scouring cleanser	24.00
Starch from grain	15.00
Wheat products:	
Macaroni	15.00
Noodles (all kinds)	22.50
Spaghetti	15.00
Vermicelli	15.00
Miscellaneous:	
Copra	14.00
Dough improver	15.00
Monosodium glutamate	18.50
Mustard seed (for processing)	14.00
Stearic acid	24.50
Sulfonated fats, oils and fatty acids	30.00
Tallow, inedible	30.00
Yeast, active dry	30.00
Yeast, nutritional	36.50

[1] Does not include tests for refining loss (see paragraph (c) of this section).

Other commodities and products assigned to the Grain Division: Fees based on the cost of $4.50 per hour plus overtime, travel, and per diem at rates in accordance with those prescribed in subparagraph (3) of this paragraph, and other items of expense, if any. (See also paragraph (g) of this section.)

(2) The minimum fees for the inspection for compliance with quality specifications of larger than carload lots of the commodities and products listed in subparagraph (1) of this paragraph, in warehouses or elsewhere, except in the case of bulk oils, will be computed at the carload rate, charging the carload fee for each 100,000 pounds or fraction thereof. Fees for larger than carload lots of oils in bulk such as storage tanks, tank barges, and steamships, shall be at the rate of 10 cents per 1,000 pounds for the first 500,000 pounds plus 5 cents per 1,000 pounds or portion thereof for that quantity, if any, in excess of 500,000 pounds in the lot. For the purposes of this paragraph the oil in each tank or other unit shall be considered a separate lot. Fees for larger than carload lots of oil in standard size drums in warehouses, on docks, or elsewhere shall be at the rate of 10 cents per 1,000 pounds. If more than one sample from a lot is drawn and analyzed, the extra cost of such analysis shall be included in the total charges. In no case shall the fee for any commodity or product under this paragraph be less than the minimum listed in this paragraph for a carload or less.

(3) The fees provided for in subparagraphs (1) and (2) of this paragraph cover sampling, testing (including laboratory tests required by the usual specifications), and certificating commodities and products for quality specifications during the regular tour of duty of the inspector, at points where inspectors are located. There will be added to the fees charged under those subparagraphs charges for overtime, if any, at the rate of $5.50 per hour, and additional fees in accordance with paragraph (c) of this section to cover laboratory tests other than those required by usual specifications. At points where no inspector is located, further charges will be made in accordance with paragraph (e) of this section to cover fees paid to licensed samplers for obtaining samples, and charges to cover standby time at the rate of $4.50 per hour, overtime at the rate of $5.50 per hour, per diem at the rate of $12.00 per day or quarter portion thereof, mileage at the rate of eight cents per mile for travel by automobile, and the cost of other travel, and other items of cost incurred in obtaining samples.

(b) *Special inspection services.* Except as provided in paragraph (g) of this section, special services under this part, such as inspecting commodities and products for condition, checkloading, and checkweighing commodities and products, examining containers for suitability for storing and shipping commodities and products, and similar services, will be charged for on the basis of the time consumed at the rate of $4.50 per hour during the regular hours of duty and $5.50 per hour for overtime, plus cost of travel, and per diem, at rates in accordance with those prescribed in paragraph (a) (3) of this section, and other items of expense incurred in furnishing the service. If a laboratory test or grade factor analysis is required in connection with the inspection for condition of commodities and products, the fee for such test or analysis shall be in accordance with the applicable fee under paragraph (c) of this section and shall be included as an item of expense in computing the total cost of the service.

(c) *Special tests and grade factor analyses.* Fees for the inspection of commodities and products to determine one or more factors of quality covered by specifications when not inspected for compliance with complete quality specifications, or involving laboratory tests other than those required by the usual specifications, or tests for one or more factors of grade when not inspected for grade, will be computed as follows:

(1) Fee to cover the cost of sampling on the basis of time at $4.50 per hour, plus overtime, per diem and travel expense, if any, at rates in accordance with those prescribed in paragraph (a) (3) of this section, with a minimum of $2.00 per sample;

(2) Fee for certification and record, $1.00 for each certificate issued; plus

(3) Fee for laboratory tests, or grade factor analyses, as listed below:

(i) Fees for laboratory tests: [1]

Kind of test	Fee per sample
Alcohol insoluble (in soap)	$2.75
Anhydrous soap	6.75
Ash	1.50
Bleached color (of oil)	2.75
Bread-baking test	15.75
Break test (of oil)	5.50
Bromate (in soy flour)	4.50
Calcium	11.25
Cold test (of oil)	1.50
Color (of oil)	1.50
Dextrose	2.75
Diastatic activity (of flour)	5.50
Diastatic activity (of malt products)	6.75
Egg solids	5.50
Enrichment (quick test for flour)	1.25
Fat (by acid hydrolysis)	6.75
Fat (by extraction)	2.25
Fat acidity	2.75
Fiber, crude	5.75
Filth	9.00
Flash point (of oil)	2.25
Free alkali in soap	2.75
Free fatty acids (in oil)	1.50
Foots (in oil)	1.75
Heating test (oil and shortenings)	1.50
Impurities, insoluble, in oil	2.75
Insect fragments (in flour)	11.25
Iodine number (of oil)	2.75
Iodine number (refractometric, applicable only to oils of flaxseed and soybeans when oil content is also determined)	1.50
Iron	11.25
Keeping time (of shortening)	5.75
Melting point (Wiley)	2.75
Milling (wheat to flour)	10.00
Moisture (distillation)	2.75
Moisture (oven)	1.50
Monoglyceride	6.75
Oil content of oil seeds	2.25
pH (hydrogen ion concentration)	1.50
Phosphorus (in feeds)	8.50
Pressuremeter value	2.75
Protein	2.75
Reducing sugars	2.50
Refining loss (of oils)	11.25
Refractive index	1.50
Riboflavin	9.00

[1] When a laboratory test for any factor or factors is made on a specific moisture basis or on a moisture free basis the fee for oven moisture determination shall be added to the fee for such test.

Kind of test	Fee per sample
Rope spore count (in yeast)	$12.25
Salt (extraction)	2.75
Salt (in soap)	2.25
Saponification number	2.75
Sieve test	1.50
Smoke point	2.25
Specific gravity	2.75
Thiamine	9.00
Titer test	5.75
Unsaponifiable matter (of oil)	9.00
Vitamin A (in oil)	8.50
Water insolubles (in soap)	4.50
Water absorption (soy flour)	1.50
Water-soluble protein	5.75

(ii) Fees for grade factor analyses: For each grade factor analysis such as test weight, moisture, damage, heat damage, splits, cracked kernels, other grains, mixture of classes, foreign material, or dockage, as defined in any official U. S. Standards, the fee shall be 50 cents, with a minimum of $2.00 for each sample analyzed, including fee for certification and record.

(iii) The laboratory tests and grade factor analyses listed in subdivisions (i) and (ii) of this subparagraph are those most commonly required in the inspection of commodities and products covered by this schedule. The fees for laboratory tests or factor analyses not listed in said paragraphs will be based on the cost at $4.50 per hour.

(d) *Reinspection and appeal inspection fees and charges.* The fees and charges for reinspections, and for appeal inspections for which a charge is to be made under § 68.44, with respect to commodities and products covered by this schedule, shall be the same as those for inspection of such commodities and products.

(e) *Licensed samplers' fees and charges.* Fees and charges for the drawing of samples of commodities and products covered by this schedule by a licensed sampler shall be in accordance with the terms of the agreement under which the sampling is performed. Information as to the applicable fees and charges in specific cases may be obtained from the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

(f) *Charges for extra copies of certificates.* The original and not more than four copies of a certificate for any commodity or product covered by this schedule may be issued to the applicant for inspection, or on his order, without extra charge. When more copies are desired, they will be furnished for a fee of 25 cents per copy, provided the request for such extra copies is made at the time of application for inspection; otherwise the charge will be $1.00 for one to four extra copies and 25 cents for each copy in excess of four.

(g) *Certain commodities and inspections excepted.* (1) This schedule does not include fees and charges for the inspection of beans, hay, straw, lentils, peas, and rice for grade; hops for content of seeds, leaves, and stems, and for aphid infestation; and seeds for origin, germination and purity. Information regarding the applicable fees and charges for the inspection of these commodities may be obtained from the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

(2) This schedule does not apply to service under a cooperative agreement which contains provisions for fees and charges inconsistent herewith.

Notice of proposed rule making, public procedure thereon, and postponement of the effective time of this document later than July 1, 1958 (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary, and contrary to the public interest for the reasons that: (1) Legislation provides that the fees charged shall be reasonable and shall as nearly as possible cover the cost of the service rendered; (2) the cost of such service is peculiarly within the knowledge of the Department and the fees set forth herein are necessary to more nearly cover such cost, including but not limited to increased salaries to Federal employees, required by recent legislation (Pub. Law 462, 85th Cong., 2d Sess., approved June 20, 1958); (3) it is imperative that the increase in fees become effective with the commencement of the new fiscal year; and (4) additional time is not required in order for the industry to make preparation for compliance with this amendment.

The foregoing schedule shall become effective at 12:01 a. m. July 1, 1958, with respect to all services thereafter rendered under 7 CFR Part 68, as amended, for the commodities and products covered by the schedule.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended, 69 Stat. 553, 68 Stat. 966; 7 U. S. C. 1622, 1624)

Done at Washington, D. C., this 25th day of June 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-4969; Filed, June 30, 1958; 8:45 a. m.]

PART 160—REGULATIONS AND STANDARDS FOR NAVAL STORES

CHANGES IN FEES FOR ANALYSIS, INSPECTION AND CERTIFICATION OF NAVAL STORES

Pursuant to section 4 of the Naval Stores Act (7 U. S. C. 94) and sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622, 1624), it is hereby ordered:

1. Section 160.201 of the regulations for naval stores (7 CFR 160.201) is amended to read as follows:

§ 160.201 *Fees generally for field inspection and certification of naval stores and drum containers of rosin.* Except as provided in § 160.204, the following fees shall be paid to the United States for the field inspection and certification of naval stores and drum containers of rosin, not conducted under a cooperative agreement and where laboratory analysis or testing is not required:

(a) *Inspections by licensed inspectors at eligible processing plants.* (1) Rosin (grading and incidental certification as to class, condition and weight).

(i) In durms (see Note 1)—per drum	$0.055
(ii) In 100 pound bags (see Note 1) per bag	.01
(iii) In tank cars—per car	3.00
(iv) In tank trucks—per truck	1.50

(2) Turpentine (grading and incidental certification as to class, condition and volume).

(i) In 55 gallon drums—per drum	.08
(ii) In tank cars or trucks per unit of 100 gallons	.05
(iii) In bulk for delivery to tank steamer per unit of 100 gallons	.08

(b) *Inspections by regularly employed, salaried Federal inspectors.* (1) Rosin.

(i) Grading and weighing at concentration and storage yards per drum	$0.18
(ii) Irregular inspection and grading at distillation or processing plans—up to 400 drums per drum	.16
—all over 400 drums—do	.10
(iii) Weighing at concentration and storage yards, subsequent to grading—per drum	.10
(iv) Examination of the external or internal appearance and condition of filled rosin drums, and of the rosin contained therein—See Note 2 and § 160.204	
(v) Re-certification under U. S. Certificate of rosin moving in commerce—per drum	$0.01

(2) Turpentine (inspection and certification as to kind, condition, volume, etc.).

(i) In drums of 55 gallons—per drum	$0.12
(ii) In tank cars or trucks per unit of 100 gallons	.10
(iii) For bulk delivery to tank steamer per unit of 100 gallons	.08

NOTE 1. When the number of drums and bags inspected and certified at any plant during any calendar month is equivalent to a total of 2,400 or more drums (counting five bags as equivalent to one drum), the fee shall be computed at the rate of four and one-half (4½) cents per drum and eight-tenths cent per bag certified. For quantities less than the equivalent of 2,400 drums, the fee shall be computed at the prescribed rates of five and one-half (5½) cents per drum and one cent per bag, provided that the amount so computed shall not exceed $108.00.

NOTE 2. The inspection or related examination of containers of rosin and their contents under Section B (1) (iv) shall be performed only after the inspector or the Chief of the Naval Stores Branch has been advised regarding the location, nature, scope, and purpose of the service desired, and the charge to be made therefor has been submitted to and accepted by the requesting person.

2. Section 160.202 of the regulations for naval stores (7 CFR 160.202) is amended to read as follows:

§ 160.202 *Fees generally for laboratory analysis and testing.* Except as provided in § 160.204, the following fees shall be paid to the United States for laboratory analysis and testing of naval stores, when not performed in the conduct of a cooperative agreement with respect to such products:

(a) *Rosin and turpentine.* (See Note 3). (1) Comprehensive analysis to determine purity, specification compliance, or other chemical and physical properties related thereto:

(1) Single sample $25.00
(ii) Two or more samples analyzed at same time ..... per sample .. 20.00

(2) Limited testing to determine kind, grade, or other factors related to quality or utility:

(i) Single sample:
(a) Rosin $7.00
(b) Turpentine 5.00
(ii) Two or more samples tested at same time:
(a) Rosin ..... per sample .. 5.00
(b) Turpentine ..... per sample .. 4.00

NOTE 3. The analysis and testing of rosin involves many different types of laboratory procedures, requiring variable time for performance, and including other cost factors. The charge for such analysis and testing will depend on the type and extent of the work required to supply the information desired by the interested person requesting the service. When it appears that the charges indicated in this section will not defray the costs of making the tests required, the interested person shall be so informed before any work is performed and will be supplied with a cost estimate of the actual charges to be made. See also § 160.204.

3. Section 160.204 of the regulations for naval stores (7 CFR 160.204) is amended by changing the title and the last sentence thereof to read as follows:

§ 160.204 *Fees for extra cost and hourly rate service.* • • • The charge for time so spent shall be computed at the rate of $5.00 per hour for laboratory work, and $4.50 per hour for field inspection work.

Notice of proposed rule making, public procedure thereon, and postponement of the effective time of this document later than July 1, 1958 (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary, and contrary to the pubic interest for the reasons that: (1) Legislation provides that the fees charged shall be reasonable and shall as nearly as possible cover the cost of the service rendered; (2) the cost of such service is peculiarly within the knowledge of the Department and the fees set forth herein are necessary to more nearly cover such cost, including but not limited to increased salaries to Federal employees required by recent legislation (Pub. Law 462, 85th Cong. 2d Sess., approved June 20, 1958); (3) it is imperative that the increase in fees become effective with the commencement of the new fiscal year; and (4) additional time is not required in order for the industry to make preparation for compliance with this amendment.

The foregoing amendments to §§ 160.201, 160.202, and 160.204 of the naval stores regulations shall become effective on July 1, 1958, with respect to services rendered on or after that date.

(Sec. 4, 42 Stat. 1236, 7 U. S. C. 94; sec. 205, 60 Stat. 1090, 7 U. S. C. 1624. Interpret or apply sec. 203, 60 Stat. 1087, 7 U. S. C. 1622)

Done at Washington, D. C., this 25th day of June 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-4970; Filed, June 30, 1958; 8:45 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

OVERTIME, NIGHT, AND HOLIDAY INSPECTION AND QUARANTINE ACTIVITIES AT BORDER, COASTAL, AND AIRPORTS

Section 354.1 of Part 354, Title 7, Code of Federal Regulations, is further amended to read as follows:

§ 354.1 *Overtime work at border ports, seaports, and airports.* (a) Any person, firm, or corporation having ownership, custody or control of plants, plant products, or other commodities or articles subject to inspection, certification, or quarantine under this chapter, and who requires the services of an employee of the Plant Quarantine Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime request the Division inspector in charge to furnish inspection, quarantine or certification service during such overtime period, and shall pay the Government therefor at the rate of $5.40 per man-hour per employee as follows: A minimum charge of two hours shall be made for any unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least one hour before his scheduled tour of duty or at least one hour after he has completed his scheduled tour of duty, and has left his place of employment. In addition, each period of unscheduled overtime work which requires an employee to perform additional travel for which he would otherwise not be compensated, and each period of holiday duty, may include a commuted travel time period, not in excess of three hours. The amount of this period shall be prescribed in administrative instructions to be issued by the Director of the Plant Quarantine Division for the ports, stations, and areas in which the employees are located, and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty if such travel is performed solely on account of such overtime duty. It will be administratively determined from time to time which days constitute holidays.

(b) The Division inspector in charge, in honoring a request to furnish inspection, quarantine, or certification service, shall assign employees to such overtime or holiday duty with due regard to the work program and availability of employees for such duty.

The purpose of this amendment is to increase the hourly rate for overtime services from $5.00 to $5.40 commensurate with salary increases provided in the Federal Employees Salary Increase Act of 1958 (Public Law 85-462).

The purpose of this amended section is to prescribe conditions under which a minimum charge may be made for unscheduled overtime duty, and to provide for a commuted travel time period for any such overtime duty involving additional and otherwise uncompensated travel. Determination of these conditions and travel time period depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than thirty days after publication.

The foregoing amendment shall be effective June 29, 1958.

(64 Stat. 561; 5 U. S. C. 576)

Done at Washington, D. C., this 27th day of June 1958.

[SEAL] F. H. SPENCER,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-5045; Filed, June 27, 1958; 2:29 p. m.]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

LIMITATION OF SHIPMENTS

§ 992.313 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this section for 30 days or any other period beyond the date specified (5 U. S. C. 1007 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) Except as otherwise provided in this section, during the period from June 30, 1958, through May 31, 1959, no handler shall ship potatoes of any variety unless such potatoes are "fairly clean" and (i) if they are of the round varieties (including, but not limited to, Kennebec, Irish Cobbler, Bliss Triumph, and Pontiac varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, 1⅞ inches minimum diameter, and (ii) if they are of the long varieties (including, but not limited to, White Rose, Russet Burbank, and Early Gem varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, and are of a weight not less than 5 ounces: *Provided,* That potatoes of the U. S. Commercial, or better, grade, may be shipped if they are 2 inches minimum diameter or 4 ounces minimum weight, as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

(2) Except as otherwise provided in this section, during the period from June 30, 1958, through May 31, 1959, no handler shall ship (i) any lot of potatoes of the round varieties (including, but not limited to, Kennebec, Irish Cobbler, Bliss Triumph, Pontiac varieties) if more than 20 percent of the potatoes in such lot have more than one-half of the skin missing or "feathered," as such terms are used in the said United States Standards, or (ii) any lot of potatoes of the long varieties (including, but not limited to, White Rose, Russet Burbank, and Early Gem varieties) if such potatoes are more than "moderately skinned," which means that not more than 10 percent of the potatoes in such lot have more than one-half of the skin missing or "feathered," as such terms are used in the said United States Standards for Potatoes.

(3) Each handler may ship up to, but not exceed, 5 hundredweight of potatoes per day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment of over 5 hundredweight of potatoes.

(4) Limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for any of the following purposes: (i) Certified seed; (ii) livestock feed; (iii) starch; (iv) distribution by relief agencies, or consumption by charitable institutions; (v) manufacture or conversion into dehydrated potato products, canned products, or frozen products; (vi) export; or (vii) potato chips.

(5) Each handler making any shipments of potatoes for manufacture or conversion into dehydrated potato products, canned products, or frozen products, or for export, or for potato chips pursuant to subparagraph (4) of this paragraph shall: (i) First apply to the committee for and obtain a Certificate of Privilege to make such shipments; (ii) pay assessments on such shipments except shipments for canning and freezing; (iii) have such shipments inspected except shipments for canning and freezing; (iv) upon request by the committee furnish reports of each shipment made pursuant to each Certificate of Privilege; (v) at the time of applying to the committee for a Certificate of Privilege furnish the committee with a receiver's or buyer's certification that the potatoes handled under the Certificate of Privilege are to be used only for the purpose stated therein and that he will complete and return to the committee such periodic receivers' reports that the committee may require; (vi) mail to the office of the committee a copy of the bill of lading for each shipment made under the Certificate of Privilege promptly after date of such shipment; (vii) before diverting any such shipment to another receiver or buyer, apply to the committee for, and obtain, a new Certificate of Privilege authorizing such diversion and such handler shall also comply with the requirements prescribed by subdivisions (iv), (v), and (vi) of this subparagraph with respect to such diverted shipment.

(6) The terms used in Marketing Agreement No. 113 and Order No. 92 shall, when used in this section, have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 25, 1958, to become effective June 30, 1958.

[SEAL] FLOYD F. HEDLUND,
Deputy Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-4981; Filed, June 30, 1958; 8:46 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

OVERTIME, NIGHT AND HOLIDAY INSPECTION AND QUARANTINE ACTIVITIES AT BORDER, COASTAL AND AIRPORTS

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 5 U. S. C. 576) § 97.1 of Part 97, Title 9, of the Code of Federal Regulations is further amended to read as follows:

§ 97.1 *Overtime work at border ports, seaport, and airports.* Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, certification, or quarantine under this subchapter and Subchapter F of this chapter, and who requires the services of an employee of the Animal Inspection and Quarantine Division on a holiday, or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime request the Division inspector in charge to furnish inspection, certification or quarantine service during such overtime period and shall pay the Administrator, of the Agricultural Research Service at the rate of $5.40 per man hour per employee as follows: A minimum charge of two hours shall be made for any unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least one hour before his scheduled tour of duty or at least one hour after he has completed his scheduled tour of duty, and has left his place of employment. In addition, each such period of unscheduled overtime work which requires an employee to perform additional travel for which he would otherwise not be compensated, and each period of holiday duty, may include a commuted travel time period, not in excess of three hours. The amount of this period shall be prescribed in administrative instructions to be issued by the Director of the Animal Inspection and Quarantine Division for the ports, stations, and areas in which the employees are located, and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime duty if such travel is performed solely on account of such overtime duty. It will be administratively determined from time to time which days constitute holidays.

Purpose. The purpose of this amendment is to increase the hourly rate for overtime services from $5.00 to $5.40 commensurate with salary increases provided in the Federal Employees Salary Increase Act of 1958 (Public Law 85-462). It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication.

Effective Date. The foregoing amendment shall be effective June 29, 1958.

(64 Stat. 561; 5 U. S. C. 576)

Done at Washington, D. C., this 27th day of June 1958.

[SEAL] F. H. SPENCER,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-5044; Filed, June 27, 1958; 2:29 p. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6299]

Subchapter C—Employment Taxes

PART 39—MONTHLY RETURNS AND PAYMENT OF EMPLOYMENT TAXES

Subchapter D—Miscellaneous Excise Taxes

PART 149—MONTHLY RETURNS AND PAYMENT OF EXCISE TAXES

Subchapter F—Procedure and Administration

PART 301—PROCEDURE AND ADMINISTRATION

On May 6, 1958, notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 3004) with respect to regulations relating to monthly returns and payment of employment taxes and excise taxes, and to separate accounting for certain collected taxes pursuant to section 7512 of the Internal Revenue Code of 1954, as added by the act of February 11, 1958 (Public Law 85-321, 72 Stat. 5). After consideration of all such relevant material as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted as set forth below, subject to the following change.

Paragraph (c) of § 301.7512-1 is revised to read as follows:

(c) *Trust fund account.* The separate bank account referred to in paragraph (b) of this section shall be established under the designation, "(Name of person required to establish account), Trustee, Special Fund in Trust for U. S. under Sec. 7512, I. R. C.". The taxes deposited in such account shall constitute a fund in trust for the United States payable only to the Internal Revenue Service on demand by the trustee.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: June 27, 1958.

NELSON P. ROSE,
Acting Secretary of the Treasury.

PART 39—MONTHLY RETURNS AND PAYMENT OF EMPLOYMENT TAXES

PARAGRAPH 1. The following regulations, relating to monthly returns and payment of certain employment taxes imposed by subtitle C of the Internal Revenue Code of 1954, are hereby prescribed under those administrative provisions of subtitle F of such Code which are applicable to such taxes:

Sec.
39.1-1 Introduction.
39.1-2 Monthly tax returns.
39.1-3 Payment of tax.
39.1-4 Information returns or statements.
39.1-5 Extensions of time for filing information returns.
39.1-6 Application of regulations.

AUTHORITY: §§ 39.1-1 to 39.1-6 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 39.1-1 *Introduction.* (a) The purpose of the regulations in this part is to provide rules for (1) the filing by employers, under certain circumstances, of monthly returns of employment taxes in lieu of quarterly returns, (2) the payment of the taxes required to be reported on such monthly returns, (3) the filing of quarterly information returns disclosing information similar to the information called for in Schedule A of Form 941, Form 941PR, or Form 941VI, and (4) the filing of Forms W-3 or similar statements, together with the district director's copies of Forms W-2, by employers who are required to file such monthly returns.

(b) The terms used in the regulations in this part have the same meaning as when used in the Employment Tax Regulations (Part 31 of this chapter), and as when used in Regulations 120 (26 CFR (1939) Part 406), and Regulations 128 (26 CFR (1939) Part 408), whichever is appropriate, to the extent such Regulations 120 and 128 are not superseded by such Employment Tax Regulations.

§ 39.1-2 *Monthly tax returns*—(a) *Requirement.* (1) The provisions of this section are applicable in respect of the taxes reportable on Form 941, Form 941PR, or Form 941VI pursuant to § 406.601 of Regulations 120 (26 CFR (1939) 406.601) or § 408.601 of Regulations 128 (26 CFR (1939) 408.601). An employer who is required by such § 406.601 or § 408.601 to make quarterly returns on any such form shall, in lieu of making such quarterly returns, make returns of such taxes in accordance with the regulations in this part if he is so notified in writing by the district director. The district director may so notify any employer (i) who, by reason of notification as provided in § 301.7512-1 of this chapter (Regulations on Procedure and Administration), is required to comply with the provisions of such § 301.7512-1, or (ii) who has failed to (*a*) make any such return on Form 941, Form 941PR, or Form 941VI, (*b*) pay tax reportable on any such form, or (*c*) deposit any such tax pursuant to regulations relating to section 6302 (c) of the Code, at the time and in the manner prescribed by applicable regulations. Every employer so notified by the district director shall make a return for the calendar month in which the notice is received and for each calendar month thereafter (whether or not wages are paid in any such month) until he has filed a final return or is required to make quarterly returns pursuant to notification as provided in paragraph (b) of this section. However, if the notice provided for in this subparagraph is received after the close of the first month of a calendar quarter, the first return under this section shall be made for the period beginning with the first day of such quarter and ending with the last day of the month in which the notice is received.

(2) Each return required under this section shall be made on the form prescribed for making the return which would otherwise be required of the employer under the provisions of § 406.601 of Regulations 120 (26 CFR (1939) 406.601) or § 408.601 of Regulations 128 (26 CFR (1939) 408.601), except that, if some other form is furnished by the district director for use in lieu of such prescribed form, the return shall be made on such other form.

(3) Each return required under this section shall be filed on or before the fifteenth day following the period for which it is made. No extension of time for filing such return may be granted by the district director.

(b) *Termination of requirement.* The district director, in his discretion, may notify the employer in writing that he shall discontinue the filing of monthly returns under this section. If the employer is so notified, the last month for which a return shall be made under this section is the last month of the calendar quarter in which such notice of discontinuance is received. Thereafter, the employer shall make quarterly returns in accordance with the provisions of § 406.601 of Regulations 120 (26 CFR (1939) 406.601) or § 408.601 of Regulations 128 (26 CFR (1939) 408.601).

§ 39.1-3 *Payment of tax.* (a) The taxes required to be reported on each return required pursuant to § 39.1-2 are due and payable to the district director at the time prescribed in paragraph (a) (3) of § 39.1-2 for filing such return.

(b) The provisions of paragraph (b) of § 406.606 of Regulations 120 (26 CFR (1939) 406.606) and of paragraph (b) of § 408.607 of Regulations 128 (26 CFR (1939) 408.607), relating to deposits of taxes pursuant to section 6302 (c) of the Internal Revenue Code of 1954, do not apply to taxes for the month in which the employer receives notice from the district director that returns are required under § 39.1-2, or for any subsequent month for which such a return is required.

§ 39.1-4 *Information returns or statements*—(a) *Federal Insurance Contributions Act.* (1) Every employer who is required under § 39.1-2 to make a return of tax under the Federal Insurance Contributions Act for any period within a calendar quarter shall make an information return for such calendar quarter. The information reported on such return shall include, with respect to each employee to whom the employer pays wages as defined in the Federal Insurance Contributions Act, the account number of the employee, the employee's name, the total amount of such wages paid by the employer to the employee during the calendar quarter, and such other information as may be called for on the form provided for making such return.

(2) Each return required under subparagraph (1) of this paragraph shall be made on Schedule A of Form 941, or the equivalent schedule of Form 941PR or Form 941VI, except that, if some other form or schedule is furnished by the district director for the purpose of making the return required by subparagraph (1) of this paragraph, the return shall be made on such other form or schedule.

(3) Each information return required under this paragraph shall be filed on or before the fifteenth day following the calendar quarter for which it is made, except that, if a tax return under § 39.1-2 is made as a final return for a period ending prior to the last day of a calendar quarter, the information return shall be filed on or before the fifteenth day following the period for which the tax return is filed.

(b) *Income tax withheld from wages.* (1) Every employer who is required under § 39.1-2 to make a return of income tax withheld from wages for a period ending December 31, or for any period for which such return is made as a final return, shall make an information statement for the calendar year which includes such period.

(2) Each information statement required under subparagraph (1) of this paragraph shall be made on Form W-3, except that, if some other form is furnished by the district director for use in lieu of Form W-3, the information statement shall be made on such other form. The information statement shall be accompanied by the district director's copy of each withholding statement on Form W-2 required to be furnished by the employer with respect to wages paid during the calendar year (as well as such copy of each corrected statement for a prior year).

(3) Each information statement required by this paragraph shall be filed on or before January 31 following the calendar year, except that, if a return under § 39.1-2 is filed as a final return for a period ending prior to December 31, the information statement shall be filed on or before the last day of the month following such period.

§ 39.1-5 *Extensions of time for filing information returns.* The district director may, upon application of the employer, grant an extension of time in which to file any information return required under paragraph (a) of § 39.1-4. Such extension of time shall not extend beyond the last day of the calendar month in which occurs the due date prescribed in paragraph (a) of § 39.1-4 for filing the information return. Each application for an extension of time for filing an information return shall be made in writing, shall be addressed to the district director with whom the employer will file the return, and shall contain a full recital of the causes for the delay. The application shall be filed with the district director on or before the due date prescribed in paragraph (a) of § 39.1-4 for filing the return.

§ 39.1-6 *Application of regulations.* The regulations in this part supplement and modify provisions of existing regulations relating to returns, deposits, and payments of employment taxes, and shall be applicable after June 30, 1958, notwithstanding any existing regulation to the contrary.

PART 149—MONTHLY RETURNS AND PAYMENT OF EXCISE TAXES

PAR. 2. The following regulations, relating to monthly returns and payment of certain excise taxes imposed by subtitle D of the Internal Revenue Code of 1954, are hereby prescribed under those administrative provisions of subtitle F of such Code which are applicable to such taxes:

Sec.
149.1-1 Introduction.
149.1-2 Monthly tax returns.
149.1-3 Payment of tax.
149.1-4 Application of regulations.

AUTHORITY: §§ 149.1-1 to 149.1-4 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 149.1-1 *Introduction.* The purpose of the regulations in this part is to provide rules for (a) the filing, under certain circumstances, of monthly returns of excise taxes in lieu of quarterly returns, and (b) the payment of the taxes required to be reported on such monthly returns.

§ 149.1-2 *Monthly tax returns*—(a) *Requirement.* (1) The provisions of this section are applicable in respect of the taxes reportable on Form 720 pursuant to § 477.3 (a) of Treasury Decision 6025, approved July 3, 1953 (26 CFR (1939) 1957 Supp., 477.3 (a)). A person who is required by such § 477.3 (a) to make quarterly returns on Form 720 shall, in lieu of making such quarterly returns, make returns of such taxes in accordance with the regulations in this part if he is so notified in writing by the district director. The district director may so notify any person (i) who, by reason of notification as provided in § 301.7512-1 of this chapter (Regulations on Procedure and Administration), is required to comply with the provisions of such § 301.7512-1, or (ii) who has failed to (*a*) make any such return on Form 720, (*b*) pay any tax reportable on Form 720, or (*c*) deposit any such tax pursuant to regulations relating to section 6302 (c) of the Code, at the time and in the manner prescribed by applicable regulations. Every person so notified by the district director shall make a return for the calendar month in which the notice is received and for each calendar month thereafter (whether or not tax liability is incurred in any such month) until he has filed a final return or is required to make quarterly returns pursuant to notification as provided in paragraph (b) of this section. However, if a person filing returns on a quarterly basis receives the notice provided for in this subparagraph after the close of the first month of a calendar quarter, the first return under this section shall be made for the period beginning with the first day of such quarter and ending with the last day of the month in which the notice is received.

(2) Each return required under this section shall be made on Form 720, except that, if some other form is furnished by the district director for use in lieu of Form 720, the return shall be made on such other form.

(3) Each return required under this section shall be filed on or before the fifteenth day following the period for which it is made. No extension of time for filing such return may be granted by the district director.

(b) *Termination of requirement.* The district director, in his discretion, may notify the person in writing that he shall discontinue the filing of monthly returns under this section. If the person is so notified, the last month for which a return shall be made under this section is the last month of the calendar quarter in which such notice of discontinuance is received. Thereafter, the person shall make quarterly returns in accordance with the provisions of § 477.3 (a) of Treasury Decision 6025 (26 CFR (1939) 1957 Supp., 477.3 (a)).

§ 149.1-3 *Payment of tax.* (a) The taxes required to be reported on each return required pursuant to § 149.1-2 are due and payable to the district director at the time prescribed in paragraph (a) (3) of § 149.1-2 for filing such return.

(b) The provisions of § 477.4 (c) of Treasury Decision 6025 (26 CFR (1939) 1957 Supp., 477.4 (c)), relating to deposits of taxes pursuant to section 6302 (c) of the Internal Revenue Code of 1954, do not apply to taxes for any month, required to be reported on a return made pursuant to § 149.1-2, unless the due date prescribed in such § 477.4 (c) for making the deposit for such month occurs prior to the due date prescribed in paragraph (a) (3) of § 149.1-2 for filing such return.

§ 149.1-4 *Application of regulations.* The regulations in this part supplement and modify provisions of existing regulations relating to returns, deposits, and payments of excise taxes, and shall be applicable after June 30, 1958, notwithstanding any existing regulation to the contrary. However, any notice in effect under the provisions of § 477.3 (b) of Treasury Decision 6025 (26 CFR (1939) 1957 Supp., 477.3 (b)) requiring the filing of a return for the month in which the regulations in this part are published in the FEDERAL REGISTER shall continue in effect as a notice under § 149.1-2 received in the month following the month of such publication.

PART 301—PROCEDURE AND ADMINISTRATION

PAR. 3. The Regulations on Procedure and Administration (Part 301) are amended to conform to the amendments made to chapter 77 of the Internal Revenue Code of 1954 by the Act of February 11, 1958 (Public Law 85-321, 72 Stat. 5), relating to separate accounting for certain collected taxes, by inserting immediately after § 301.7511 the following new sections:

§ 301.7512 *Statutory provisions; separate accounting for certain collected taxes, etc.*

SEC. 7512. *Separate accounting for certain collected taxes, etc.*—(a) *General rule.* Whenever any person who is required to collect, account for, and pay over any tax imposed by subtitle C or by chapter 33—

(1) At the time and in the manner prescribed by law or regulations (A) fails to collect, truthfully account for, or pay over such tax, or (B) fails to make deposits, payments, or returns of such tax, and

(2) Is notified, by notice delivered in hand to such person, of any such failure,

then all the requirements of subsection (b) shall be complied with. In the case of a corporation, partnership, or trust, notice delivered in hand to an officer, partner or trustee, shall, for purposes of this section, be deemed to be notice delivered in hand to such corporation, partnership, or trust and to all officers, partners, trustees, and employees thereof.

(b) *Requirements.* Any person who is required to collect, account for, and pay over any tax imposed by subtitle C or by chapter 33, if notice has been delivered to such person in accordance with subsection (a), shall collect the taxes imposed by subtitle C or chapter 33 which become collectible after delivery of such notice, shall (not later than the end of the second banking day after any amount of such taxes is collected) deposit such amount in a separate account in a bank (as defined in section 581), and shall keep the amount of such taxes in such account until payment over to the United States. Any such account shall be designated as a special fund in trust for the United States, payable to the United States by such person as trustee.

(c) *Relief from further compliance with subsection (b).* Whenever the Secretary or his delegate is satisfied, with respect to any notification made under subsection (a), that all requirements of law and regulations with respect to the taxes imposed by subtitle C or chapter 33, as the case may be, will hereafter be complied with, he may cancel such notification. Such cancellation shall take effect at such time as is specified in the notice of such cancellation.

[Sec. 7512 as added by sec. 1, Act of Feb. 11, 1958 (Pub. Law 85-321, 72 Stat. 5)]

§ 301.7512–1 *Separate accounting for certain collected taxes*—(a) *Scope.* The provisions of section 7512 and this section apply to—

(1) The following taxes imposed by subtitle C of the Code in respect of wages or compensation paid after February 11, 1958, for pay periods beginning after such date:

(i) The employee tax imposed by section 3101 of chapter 21 (Federal Insurance Contributions Act),

(ii) The employee tax imposed by section 3201 of chapter 22 (Railroad Retirement Tax Act), and

(iii) The income tax required to be withheld on wages by section 3402 of chapter 24 (Collection of Income Tax at Source on Wages); and

(2) The following taxes imposed by chapter 33 of the Code in respect of taxable payments made after February 11, 1958:

(i) The taxes imposed by section 4231 (1), (2), and (3) on amounts paid for admissions,

(ii) The taxes imposed by section 4241 on amounts paid as club dues,

(iii) The taxes imposed by section 4251 on amounts paid for communications services or facilities,

(iv) The taxes imposed by sections 4261 and 4271 on amounts paid for transportation of persons and property, respectively, and

(v) The tax imposed by section 4286 on amounts collected for the use of safe deposit boxes.

(b) *Requirement.* If the district director determines that any person required to collect, account for, and pay over any tax described in paragraph (a) of this section has, at the time and in the manner prescribed by law or regulations, failed to collect, truthfully account for, or pay over any such tax, or make deposits, payments, or returns of any such tax, such person, if notified to do so by the district director in accordance with section 7512 and paragraph (d) of this section, shall—

(1) Collect, at the times and in the manner provided by the law and the regulations in respect of the various taxes described in paragraph (a) of this section, all of the taxes described in such paragraph which become collectible by him after receipt of such notice;

(2) Deposit the taxes so collected, not later than the end of the second banking day after collection, with a bank, as defined in section 581, in a separate account established in accordance with paragraph (c) of this section; and

(3) Keep in such account the taxes so deposited until payment thereof is made to the United States as required by the law and the regulations in respect of such taxes.

The separate accounting requirements contained in subparagraphs (1), (2), and (3) of this paragraph are applicable, in the case of the taxes described in paragraph (a) (1) of this section, to taxes with respect to wages or compensation paid after receipt of the notice from the district director, irrespective of whether such wages or compensation was earned prior to or after receipt of the notice; and, in the case of the taxes described in paragraph (a) (2) of this section, to taxes with respect to taxable payments made after receipt of the notice from the district director, irrespective of whether the transactions with respect to which such payments were made occurred prior to or after receipt of the notice.

(c) *Trust fund account.* The separate bank account referred to in paragraph (b) of this section shall be established under the designation, "(Name of person required to establish account), Trustee, Special Fund in Trust for U. S. under section 7512, I. R. C.". The taxes deposited in such account shall constitute a fund in trust for the United States payable only to the Internal Revenue Service on demand by the trustee.

(d) *Notice.* Notice to any person requiring his compliance with the provisions of section 7512 (b) and this section shall be in writing and shall be delivered in hand to such person by an internal revenue officer or employee. In the case of a trade or business carried on other than as a sole proprietorship, such as a corporation, partnership, or trust, notice delivered in hand to an officer, partner, or trustee shall be deemed to be notice delivered in hand to such corporation, partnership, or trust and to all officers, partners, trustees, and employees thereof.

(e) *Cancellation of notice.* The district director may relieve a person to whom notice requiring separate accounting has been given pursuant to section 7512 and this section from further compliance with such separate accounting requirements whenever he is satisfied that such person will comply with all requirements of the Code and the regulations applicable, in respect of the taxes to which the notice relates, in the case of persons not required to comply with the provisions of section 7512 (b). Notice of cancellation of the requirement for separate accounting shall be made in writing and shall take effect at such time as is specified in the notice of cancellation.

(f) *Penalties.* For criminal penalty for failure to comply with any provision of section 7512, see section 7215. For criminal penalties for failure to file return, supply information, or pay tax, for failure to collect or pay over tax, and for attempt to evade or defeat tax, see sections 7203, 7202, and 7201, respectively.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

[F. R. Doc. 58-5025; Filed, June 30, 1958; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 76]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Ephrata VOR	EPH-LFR	Direct	3000	T-dn*	300-1	300-1	300-1
Marlin Int	EPH-LFR	Direct	3000	C-d	800-2	800-2	800-2
				C-n	1000-2	1000-2	1000-2
				S-dn-ry-34	500-1½	500-1½	500-1½
				A-d	1000-3	1000-3	1000-3
				A-n	1200-3	1200-3	1200-3

*600-2 required for take-off runway 29.
Procedure turn W side of S crs, 156 Outbnd, 336 Inbnd, 3000' within 10 mi. NA beyond 10 mi. (Non-standard to avoid Larson AFB.)
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to airport, 336—3.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 mi, turn right, climb to 4000' on E crs. Ephrata LFR within 20 mi.
Alternate Missed Approach when directed by ATC: within 3.4 mi, turn right, return to LF range station hold at 3000' on W crs within 10 mi. All maneuvering S of W crs.
CAUTION: 2346' radio tower 2.5 mi W of airport.

City, Ephrata; State, Wash.; Airport Name, Ephrata; Elev., 1258'; Fac. Class, BMRLZ; Ident., EPH; Procedure No. 1, Amdt. 5; Eff. Date, 26 July 58; Sup. Amdt. No. 4; Dated, 7 Jan. 56

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Huntington RBn	LOM	Direct	2500	T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				S-dn-11	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 294° Outbnd, 114° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 114°—4.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing LOM (ADF), make a right climbing turn and return to the LOM at 2500'.

City, Huntington; State, W. Va.; Airport Name, Tri-State; Elev., 828'; Fac. Class, LOM; Ident., HT; Procedure No. 2, Orig.; Eff. Date, 26 July 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Ephrata LFR	EPH-VOR	Direct	3000	T-dn*	300-1	300-1	300-1
				C-d	800-2	800-2	800-2
				C-n	1000-2	1000-2	1000-2
				S-dn-Ry-20	500-1½	500-1½	500-1½
				A-d	1000-3	1000-3	1000-3
				A-n	1200-3	1200-3	1200-3

*600-2 required for take-off on Runway 29.
Procedure turn N side of crs, 020 Outbnd, 200 Inbnd, 3000' within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 2400'.
Crs and distance, facility to airport, 200—4.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 mi, turn left, climb to 4000' on R-059 within 30 mi.
Alternate Missed Approach when directed by ATC: within 5.7 mi, turn left, return to VOR station, hold at 3300' on R-020 within 10 mi.
CAUTION: 2351 radio tower 3 mi W of airport.

City, Ephrata; State, Wash.; Airport Name, Ephrata; Elev., 1258'; Fac. Class, BVOR; Ident., EPH; Procedure No. 1, Amdt. 3; Eff. Date, 26 July 58; Sup. Amdt. No. 2; Dated, 7 Jan. 56

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE 2 JUNE 1958.							
City, Martinsburg; State, W. Va.; Airport Name, Martinsburg; Elev., 556'; Fac. Class, BVOR; Ident., MRB. Procedure No. 1, Amdt. 1, Eff. Date, 17 June 54; Sup. Amdt. No. Orig.; Dated, 1 Jul. 52							
Springfield LFR	SPI-VOR	Direct	2000	T-dn	300-1	300-1	200-½
Int R-156 PIA VOR and R-036 SPI VOR	SPI-VOR	Direct	1900	C-dn	400-1	500-1	500-1½
Int R-156 PIA VOR and R-036 SPI VOR	SPI-VOR (Final)	Direct	1400	S-dn-22	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 036 Outbnd, 216 Inbnd, 1900 within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 216—3.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles, make right turn, climb to 2000' to Petersburg Int (Int R-285 SPI and NW crs SPI LFR) via the NW crs SPI LFR, or if directed by ATC: (1) Climb to 2000' and proceed to the ILS LOM.

City, Springfield; State, Ill.; Airport Name, Capital; Elev., 595'; Fac. Class, BVOR; Ident., SPI; Procedure No. 1, Amdt. 5, Eff. Date, 26 Jul. 58; Sup. Amdt. No. 4; Dated, 11 May 57

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE 5 JUNE 1958 OR DATE OF COMMISSIONING OF NEW CEDAR RAPIDS VOR.							
City, Cedar Rapids; State, Iowa; Airport Name, Cedar Rapids; Fac. Class, VOR; Ident., CID; Procedure No. Ter VOR-26, Orig.; Eff. Date, 16 Jan. 57							
PROCEDURE CANCELLED, EFFECTIVE 5 JUNE 1958 OR DATE OF COMMISSIONING OF NEW CEDAR RAPIDS VOR.							
City, Cedar Rapids; State, Iowa; Airport Name, Cedar Rapids; Fac. Class, VOR; Ident., CID; Procedure No. Ter VOR-8, Orig.; Eff. Date, 16 Jan. 57							

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Huntington RBn	LOM	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-11	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 294° Outbnd, 114° Inbnd, 2500' within 10 mi.
Minimum altitude over facility on final approach crs, 2000' over LOM.
Crs and distance, facility to airport, 114°—4.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing LOM, make a right climbing turn and return to the LOM at 2500'.
NOTE: No glide slope. Procedure based on localizer—LOM and LMM.

City, Huntington; State, W. Va.; Airport Name, Tri-State; Elev., 828'; Fac. Class, ILS; Ident., HTS. Procedure No. ILS-11, Orig.; Eff. Date, 26 Jul. 58

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MSP-LFR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
MSP-VOR	LOM	Direct	2500	C-dn	500-1	500-1	500-1½
Hastings FM	Glide slope int (Final)	Direct	2200	S-dn-29L	200-½	200-½	200-½
Stanton RBn via crs 360°	SE crs ILS	360° crs	2200	A-dn	600-2	600-2	600-2
Jordan FM	LOM	Direct	2200				
Houlton Int	LOM	Direct	2300				
Diamond Bluff Int ILS	Glide slope int (Final)	Direct	2200				
Lakeville Int	LOM	Direct	2200				
Prior Int	LOM	Direct	2200				
White Bear Int	LOM	Direct	2500				
Elmo Int	LOM	Direct	2300				
Cannon Falls Int	LOM	Direct	2400				
Radar transitions as directed by ATC	Radar site	Within 20 mi	2500				

Procedure turn E side SE crs, 115 Outbnd, 295 Inbnd, 2200' within 10 mi.
Minimum altitude at glide slope int inbnd, 2200'.
Altitude of glide slope and distance to approach end of runway at OM—2084—4.0; at MM—1038—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles of LOM, climb to 2500' on NW crs ILS to Int. R-221 MSP-VOR and NW ILS crs or, when directed by ATC:
(1) Make left climbing turn, climb to 2500' on crs of 241° within 22 miles.
(2) Make left climbing turn, climb to 2200' and return to LOM.
CAUTION: Tower 1223' MSL 3 mi W of Hastings FM.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International; (Wold Chamberlain Field); Elev., 840'; Fac. Class, ILS; Ident., MSP; Procedure No. ILS-29L, Amdt. 11; Eff. Date, 21 June 58; Sup. Amdt. No. 10; Dated, 21 June 58

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JUNE 20, 1958.

[F. R. Doc. 58-4888; Filed, June 30, 1958; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Saint Lawrence Seaway Development Corporation

PART 401—OPERATING REGULATIONS

The Saint Lawrence Seaway Development Corporation, a Corporate agency of the United States, created by Public Law 358, 83d Congress, approved May 13, 1954 (68 Stat. 92; 33 U. S. C. 981) hereby promulgates operating regulations governing the use by vessels and persons of the St. Lawrence Seaway, in the area approximately between Tibbetts Point and the Raquette River on the St. Lawrence River, and as shown on the General Seaway Plan. These regulations will be cited as United States Seaway Operating Regulations of July 1, 1958.

Sec.
401.1 Definitions.
401.2 General provisions.
401.3 Equipment, trim and manning of vessels.
401.4 Communications.
401.5 Navigating instructions.
401.6 Vessel traffic control.
401.7 Lockages.
401.8 Dangerous cargo.
401.9 Access to Corporation property.

AUTHORITY: §§ 401.1 to 401.9 issued under sec. 4, 68 Stat. 94, as amended; 33 U. S. C. 984.

§ 401.1 *Definitions.* As used in the regulations in this part the following words will have the meaning ascribed:

(a) "Act" means the Enabling Act of the Saint Lawrence Seaway Development Corporation, as amended. (68 Stat. 92; 33 U. S. C. 981)

(b) "Anchorage" means a place to anchor shown on the General Seaway Plan or designated by competent authority.

(c) "Downbound" means proceeding downstream, generally in an easterly direction, towards Montreal;

(d) "Lock supervisor" means the person in immediate charge of a lock;

(e) "Master" means the person in charge of a vessel;

(f) "Mooring wall" means a prescribed wall in a lock on which a vessel's lines may be fastened when passing through;

(g) "Navigation season" means the period prescribed by the Corporation for navigation on the Seaway, from the date of the official opening to the date of the official closing of the season;

(h) "Passing through" means the operation of going through or using a lock;

(i) "Station" means a radio station installed at a prescribed point;

(j) "Tie-up" means a prescribed wall where vessels may tie-up prior to or after passing through;

(k) "Transit" means the use of the Seaway in whole or in part;

(l) "Upbound" means proceeding upstream, generally in a westerly direction, towards Lake Ontario;

(m) "Vessel" means every type of water craft or artificial contrivance used, or capable of being used, as a means of transportation on water.

§ 401.2 *General provision.* (a) All vessels using the United States portion of the Seaway and their owners and other persons having immediate possession and control thereof, pursuant to contract, lease, charter or other arrangement, their masters, agents and representatives, shall comply with the regulations in this part as well as rules and directions issued hereunder by appropriate authority. In addition to other applicable penalties or sanctions, vessels in violation of applicable laws, regulations or local rules or directions are subject to having passage of locks denied them.

(b) Subject to the act and the regulations in this part, the Corporation's Administrator, Deputy Administrator, or the Superintendent of Marine and Engineering Operations, or the designee of any of them, shall have authority to issue operational and transiting instructions to all vessels using the St. Lawrence Seaway in United States waters generally between Tibbetts Point and Raquette River and as shown on the General Seaway Plan. Such instructions may be issued to all concerned by published rules, or in the event of emergency, or where otherwise required by circumstances, may be issued orally to an individual person or vessel.

(c) The regulations in this part shall not be construed as affecting directly or by implication the application of regulations or rules made under other acts by other agencies. All requirements, including but not limited to requirements relating to navigation or radio communication under such other acts or regulations, remain unaffected.

§ 401.3 *Equipment, trim and manning of vessels.* (a) All transiting vessels shall be properly trimmed and in safe and satisfactory condition for passage through.

(b) Masters shall ascertain, before transiting, that deck loads, if any, are stowed in such a manner as not to affect dangerously the vessel's stability and not to impede materially the crew in the exercise of their functions when transiting.

(c) In order to assure safety of life and property, as well as to assure safe and expeditious use of the Seaway, the

Corporation may deny a vessel passage through when, in its opinion, the vessel is manned with a crew whom it deems to be insufficient or incompetent, or when the vessel, its crew, equipment or machinery is, in any respect, in such a condition as to preclude or endanger the safe or expeditious transiting of any vessel through the Seaway.

(d) For the purpose of enforcing the regulations in this part, a lock supervisor, or other person designated by authority of the Administrator, may stop any vessel before it enters a lock and examine the vessel or check the crew.

(e) A vessel shall not be allowed to transit unless it is equipped in the manner prescribed herein, or in the manner prescribed by competent authority of the Corporation pursuant to § 401.2 (b), and unless it is provided with adequate operating and safety equipment including, but not limited to:

(1) Two good and sufficient lines, one at the bow and one at the stern, one line leading forward and the other leading aft, when the vessel does not exceed 150 feet in length or 200 registered gross tons;

(2) Four good and sufficient lines, two leading forward and two leading aft, all so arranged that they may be used from either side of the vessel, and each of these lines runs from the main drum of a power driven winch, when the vessel exceeds 150 feet in overall length or 200 registered gross tons;

(3) Winches of sufficient power to allow full control of the vessel during the passage through.

(4) Fair-leads fitted on both sides of the vessel for the proper leading of the lines;

(5) Adequate fenders where the vessel carries dangerous cargo or where any structural part of the vessel protrudes, such fenders to be of buoyant material and securely fastened to the vessel;

(6) Radio equipment otherwise prescribed by United States law or United States regulations, and as prescribed by the Corporation, and

(7) Navigation lights required by United States law and regulations relating to navigation on the Great Lakes and their Connecting and Tributary Waters. (33 U. S. C. 241-295; 33 CFR Part 90.)

§ 401.4 *Communications.* (a) All vessels fitted with radio telephone shall, upon reaching a calling-in point prescribed by the Corporation, give notice of arrival in the manner prescribed. All vessels not fitted with radio telephone shall give notice of arrival in the manner prescribed by competent authority.

(b) Between the call-in points on both sides of a lock, as shown on the General Seaway Plan, or as specially designated.

(c) When the vessel is to use the Seaway, the master shall give notice of his intention to do so at a station and shall furnish all the prescribed information.

(d) Notice of arrival shall not be deemed to have been given until it has been acknowledged by the station.

(e) When the master intends to pass through, he shall be subject to all instructions given by the station in connection with passage through.

(f) The Corporation exercises full discretion with respect to the relative order of passing through; it may have a vessel wait or tie-up and, if it deems it warranted, refuse permission to approach a lock, tie-up or pass through.

(g) Communications between vessels in the Seaway and the Vessel Traffic Controller at Eisenhower Lock shall be conducted via voice radio, using the proper frequencies in either the MF or VHF range which have been established by the respective Agreements between the United States and Canadian Governments effective May 13, 1954, and August 20, 1957.

(h) Eisenhower Lock Radio Station—Vessel Traffic Control Station No. 3

Call letter KEF—		
MF frequency (AM)	2182 kc	Safety/Calling.
	2003 kc	Working.
VHF frequency (FM)	156.8 mc	Safety/Calling.
	156.7 mc	Primary Working (Preferred).
	156.6 mc	Secondary Working.

(i) The order of priority of radio communications to be transmitted on 2182 kc or 156.8 mc is as follows:

(1) Distress
(2) Urgency
(3) Safety
(4) Vessel Traffic Control—St. Lawrence Seaway

(j) (1) Each vessel shall maintain a continuous Listening Watch on the safety-calling frequencies for which it is equipped (2182 kc, 156.8 mc) in accordance with Article 7 of the Agreement of November 13, 1954.

(2) Permission to break Listening Watch may be granted when a vessel requests permission of the Vessel Traffic Controller to break the Listening Watch for other reasons than communication with the Vessel Traffic Controller.

(3) Each vessel shall keep a "Record of Use (Log) of the Radio Telephone Installation for Safety Purposes" in accordance with Regulation 4 (1) of the Agreement of November 13, 1954. This record shall be available for examination in accordance with Regulation 4 (2) and also by the Seaway Development Corporation officials. Time shall be expressed in Eastern Standard Time or Eastern Daylight Time, counted from 000 to 2400 hours starting at midnight.

(4) The frequencies used for contacting and communicating with the Vessel Traffic Controller shall be used only to transmit information essential to expedite the safe and speedy transportation of vessel traffic through the Seaway, and shall take precedence over all commercial messages.

§ 401.5 *Navigating instructions.* (a) Navigational rules required by United States Laws and Regulations relating to navigation on the Great Lakes and their Connecting and Tributary Waters (33 U. S. C. 241-295; 33 CFR Part 90) apply to any vessel in United States waters transiting the Seaway.

(b) No vessel shall exceed the speeds indicated with respect to certain zones shown on the General Seaway Plan, or as specially indicated by the Corporation.

(c) When a master has been instructed to proceed forward to a tie-up wall or to pass through, he shall not have his vessel overtake another vessel unless expressly instructed to do so.

(d) The Corporation assumes no responsibility when providing aids to navigation.

(e) Whenever a buoy or a marker or other type of aid to navigation appears to a master to have been damaged or to be other than indicated on the General Seaway Plan, he shall report it as soon as possible to the nearest station.

(f) No vessel shall pass through unless expressly instructed or allowed to do so by the lock supervisor.

(g) Passing through and the procedure for locking shall be conducted in the manner prescribed by the Corporation.

(h) The master is responsible at all times for the control of his vessel to avoid collision with other vessels or damage to any Corporation property.

(i) The crew of a vessel shall assist in the passing through.

(j) Loading or unloading of goods and cargo and going-ashore of crew members are prohibited within a lock and shall only be allowed at a tie-up wall when the lock supervisor, or higher authority in the Corporation has granted permission.

(k) A vessel shall not leave a mooring wall until the order has been given by the lock supervisor to cast off the mooring lines.

§ 401.6 *Vessel traffic control.* (a) The Corporation directs marine traffic through the Vessel Traffic Controller (Dispatcher) who is located in the Upper Control Tower, Eisenhower Lock. This has been designated as Vessel Traffic Control Station Number 3.

(b) (1) Tie-up berths are indicated on the General Seaway Plan, Appendix I to Rules.

(2) Vessels using tie-up berths will use their own personnel to handle lines.

(c) Except in an emergency, or when specifically directed to do so, vessels shall not anchor in the approaches to locks, in the channel of the St. Lawrence River south of Cornwall Island, in the "Intermediate Pool" or in the upper reaches of Wiley-Dondero Ship Canal. Vessels shall not overtake and pass other vessels proceeding in the same direction in the upper reaches of the Wiley-Dondero Ship Canal, in the Intermediate Pool, or in South Channel (Cornwall Island), without first obtaining permission of the Vessel Traffic Controller. Upbound vessels shall give way and keep clear of downbound vessels in the turns of South Channel (Cornwall Island).

(d) (1) On passing Vessel Reporting Station Number 6 (VRS No. 6), off Hamilton Island Light, report to Vessel Traffic Controller, Eisenhower Lock, giving name of vessel and any change in estimated time of arrival (ETA); thence proceed as directed.

(2) If unable to establish contact, continue attempts to do so passing through Reporting Stations 6a and 6b located as follows:

6a—Off East and St. Regis Island.
6b—When coming on Raquette River Range.

(e) (1) On passing Vessel Reporting Station Number 7 (VRS No. 7), off Bradford Island Light No. 71, report to Vessel Traffic Controller, Eisenhower Lock, giving name of vessel and any change in estimated time of arrival (ETA), thence proceed as directed.

(2) In event contact is not made, continue trying when passing through Vessel Reporting Stations 7a and 7b located as follows:

7a—Off Wilson Hill Island Light No. 63.
7b—Off Richards Point Light No. 55.

(f) When vessels find it necessary or desirable to anchor, the master shall so advise the Vessel Traffic Controller.

(g) Due to inclement weather, poor visibility or other conditions, traffic through locks may be temporarily suspended. In such event, adjacent Canadian locks will be notified and every effort will be made to notify all vessels en route to U. S. locks.

§ 401.7 *Lockages.* (a) The authority of the Corporation over vessels in locks is exercised through the Lockmaster at each lock. The Lockmaster is responsible for the lockage of vessels through his lock, the Master, however, remains in control of the movement of his vessel in the locks. Instructions from the Lockmaster will be accepted and carried out by the Master unless, in his opinion, compliance with such instructions would jeopardize the vessel.

(b) Light signal meanings:

Red Light—Stand Off.
Flashing Red Light—Locks Being Readied.
Green Light—Enter Lock.

(c) (1) Loudspeakers located at extreme ends of tie-up walls and power pack loud hailers may be used by the Lockmaster for purposes of additional instructions, or in event of signal light failure.

(2) Horns are located on lock control houses, pointed upstream and downstream. They may be used to sound danger signal, five (5) or more short blasts. In such case, the vessel will hold off regardless of lights until "secure", two (2) long blasts, is sounded.

(d) (1) Master observes flashing red light while locks are being readied to receive lockage. Prepare to enter lock.

(2) When locks are readied, green light will show on single lockage. Enter lock at slow speed.

(3) When vessel's bridge clears the inbound lock signal light, light turns to red.

(4) Tandem lockage, light stays green until second or last vessel's bridge clears the inbound lock signal light.

(e) (1) When it appears to either the Lockmaster or vessel's master that the vessel is out of control, or the headway of the vessel is such as to endanger the gates or fender, either may order an emergency (full) check of the vessel.

(2) When such is ordered by either, the vessel's master shall sound four (4) or more short blasts on the whistle in rapid succession, and if such is possible, shall back down on the vessel's engine until the vessel is dead in the water.

(3) The Lockmaster will order lines placed on the nearest snubbing buttons (bollards) so that lines can serve as spring-lines leading aft from the vessel. Thereafter the master will use lines to the maximum extent possible without parting the lines so as to check the forward movement of his vessel. The Lockmaster will reposition lines as may be desired by the vessel's master.

(f) Vessels will not be released from a lock until clearance has been obtained from the Vessel Traffic Controller (Dispatcher). When gates and fender booms are fully opened, Lockmaster shall issue instructions to release lockage.

§ 401.8 *Dangerous cargo.* (a) Pursuant to the regulations in this part, the master of a vessel who is subject to the Dangerous Cargo Act (46 U. S. C. 170) or the Tanker Act (46 U. S. C. 391a) and the U. S. Coast Guard regulations issued thereunder, shall disclose such fact to the station when giving notice of arrival.

(b) The ship's agent shall warrant in writing on a prescribed form that dangerous cargo is properly loaded, charged, stowed, handled and disclosed, as the case may be, in accordance with applicable United States Law and regulations.

(c) The Corporation reserves the right to verify compliance of vessels with the provisions of the Dangerous Cargo Act and the Tanker Act and to verify proper stowage of such cargo, and reserves the right to deny passage through the Seaway in such cases where, in the opinion of the Corporation's representatives, such passage would endanger life or property.

§ 401.9 *Access to corporation property.* (a) There shall be no access by anyone to any property of the Corporation except when expressly authorized.

(b) The Corporation may prescribe local rules for the use and leasing of any of its property and for the control of all traffic over its property, including bridges, roads and parking area.

Effective dates. The regulations in this part are effective on and after July 1, 1958.

Public notice of rule making. The nearness of the date on which vessels may transit the Seaway makes it impracticable, unnecessary and contrary to the public interest to give notice and to follow routine public and rule making procedure looking toward the establishment of these regulations and a delay of not less than thirty (30) days in their effectiveness subsequent to publication.

LEWIS G. CASTLE,
Administrator.

[F. R. Doc. 58-4992; Filed, June 30, 1958; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF MANEB

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by E. I. du Pont de Nemours and Company, Inc., Wilmington 98, Delaware, proposing the establishment of tolerances of 10 parts per million for residues of maneb (manganous ethylenebisdithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, in or on each of the raw agricultural commodities broccoli, brussels sprouts, cauliflower, kohlrabi.

The analytical method proposed in the petition for determining residues of maneb is that described by H. L. Pease in "Determination of Dithiocarbamate Fungicide Residues," published in the Journal of the Association of Official Agricultural Chemists, Volume 40, pages 1113–1118 (November 1957).

Dated: June 25, 1958.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 58-4979; Filed, June 30, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

U. S. STANDARDS FOR APPLES[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering amendments to the United States Standards for Apples (7 CFR 51.300 to 51.327), as hereinafter set forth, pursuant to the authority contained in the Agricultural Marketing Act of 1946

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed amendments to the standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than July 31, 1958.

It is proposed that § 51.302 be amended to permit apples of the Yellow Newtown or similar varieties to have an aggregate area not to exceed 25 percent of the surface of an apple to be covered with smooth solid russeting including any russeting in the stem cavity or calyx basin.

It is proposed that § 51.306 be amended so as to require Combination U. S. Extra Fancy and U. S. Fancy grade to have at least 50 percent of apples that meet the requirements of U. S. Extra Fancy grade, and that paragraphs (b) and (c) in § 51.310, pertaining to application of tolerances to the Combination grades be reworded to reflect this change in a new paragraph designated (b).

It is proposed that the title preceding and in § 51.317 be changed from "Standards for Export" to "Standards for Condition."

It is also proposed that the wording in § 51.325 (b) (3) pertaining to damage by hail marks, drought spots and other similar scars or depressions be changed so as to permit hail marks up to one-fourth inch in diameter, where the skin has been broken, provided the injury is well healed and not more than slightly depressed.

The proposed standards, as amended, are as follows:

GRADES

Sec.
51.300 U. S. Extra Fancy.
51.301 U. S. Fancy.
51.302 U. S. No. 1.
51.303 U. S. No. 1 Cookers.
51.304 U. S. No. 1 Early.
51.305 U. S. Utility.
51.306. Combination grades.
51.307 U. S. Hail grade.

COLOR

51.308 Color requirements.

UNCLASSIFIED

51.309 Unclassified.

TOLERANCES

51.310 Tolerances.
51.311 Application of tolerances to individual packages.
51.312 Basis of calculating percentages.

CONDITION

51.313 Condition after storage or transit.

SIZE

51.314 Size requirements.

PACKING AND MARKING

51.315 Packing requirements.
51.316 Suggestions for marking containers.

STANDARDS FOR CONDITION

51.317 Standards for condition.

DEFINITIONS

Sec.
51.318 Mature.
51.319 Overripe.
51.320 Carefully hand-picked.
51.321 Clean.
51.322 Well formed.
51.323 Injury.
51.324 Fairly well formed.
51.325 Damage.
51.326 Seriously deformed.
51.327 Serious damage.

AUTHORITY: §§ 51.300 to 51.327 issued under Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.300 *U. S. Extra Fancy.* "U. S. Extra Fancy" consists of apples of one variety which are mature, but not overripe, carefully hand-picked, clean, well formed; free from decay, internal browning, internal breakdown, scald, scab, bitter pit, Jonathan spot, freezing injury, broken skins and bruises (except those that are slight and incident to proper handling and packing), and visible water core. The apples shall also be free from injury caused by russeting, sunburn or spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, other disease, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified in § 51.308 for the variety. (See §§ 51.308, 51.310, and 51.313.)

§ 51.301 *U. S. Fancy.* "U. S. Fancy" consists of apples of one variety which are mature but not overripe, carefully hand-picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, broken skins and bruises (except those incident to proper handling and packing), and visible water core. The apples shall also be free from damage caused by russeting, sunburn, or spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, other diseases, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified in § 51.308 for the variety. (See §§ 51.308, 51.310, and 51.313.)

§ 51.302 *U. S. No. 1.* The requirements for this grade are the same as U. S. Fancy except for color and russeting. In this grade less color is required for all varieties except yellow and green varieties, for which the requirements for both grades are the same. Apples of this grade shall be free from excessive damage caused by russeting which means that they shall meet the russeting requirements for U. S. Fancy as defined under the definitions of "damage by russeting" except for the following:

(a) The aggregate area of an apple which may be covered by smooth net-like russeting shall not exceed 25 percent; and,

(b) The aggregate area of an apple which may be covered by smooth solid russeting shall not exceed 10 percent: *Provided*, That in the case of the Yellow Newtown or similar varieties the aggregate area of an apple which may be covered with smooth solid russeting shall not exceed 25 percent including any russeting in the stem cavity or calyx basin. (See §§ 51.308, 51.310, and 51.313.)

§ 51.303 *U. S. No. 1 Cookers.* "U. S. No. 1 Cookers" consist of apples of one variety which meets the requirements of U. S. No. 1 grade except as to color. This grade is provided for apples which are mature but which may not have sufficient color to meet the specifications of U. S. No. 1. (See §§ 51.310 and 51.313.)

§ 51.304 *U. S. No. 1 Early.* "U. S. No. 1 Early" consists of apples of one variety which meet the requirements of U. S. No. 1 grade except as to color, maturity and size. Apples of this grade have no color requirements, need not be mature, and shall be not less than 2 inches in diameter. This grade is provided for varieties such as Duchess, Gravenstein, Red June, Twenty Ounce, Wealthy, Williams, Yellow Transparent, and Lodi, or other varieties which are normally marketed during the summer months. (See §§ 51.310 and 51.313.)

§ 51.305 *U. S. Utility.* "U. S. Utility" consists of apples of one variety which are mature but not overripe, carefully hand-picked, not seriously deformed; free from decay, internal browning, internal breakdown, scald and freezing injury. The apples shall also be free from serious damage caused by dirt or other foreign matter, broken skins, bruises, russeting, sunburn, spray burn limb rubs, hail, drought spots, scars, stem or calyx cracks, visible water core, other diseases, insects, or mechanical or other means. (See §§ 51.310 and 51.313.)

§ 51.306 *Combination grades.* (a) Combinations of the above grades can be used as follows:

(1) Combination U. S. Extra Fancy and U. S. Fancy.

(2) Combination U. S. Fancy and U. S. No. 1.

(3) Combination U. S. No. 1 and U. S. Utility.

(b) Combinations other than these are not permitted in connection with the United States apple grades. When any one of the above combinations is packed, at least 50 percent of the apples in any lot shall meet the requirements of the higher grade in the combination. (See §§ 51.308, 51.310, and 51.313.)

§ 51.307 *U. S. Hail grade.* "U. S. Hail grade" consists of apples which meet the requirements of U. S. No. 1 grade except that hail marks where the skin has not been broken and well healed hail marks where the skin has been broken shall be permitted, provided the apples are fairly well formed. (See §§ 51.308, 51.310, and 51.313.)

COLOR

§ 51.308 *Color requirements.* In addition to the requirements specified for the grades set forth in §§ 51.300 to 51.307, apples of these grades shall have the percentage of color specified for the variety in Table I appearing in this section. For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety: *Provided*, That an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade. For the striped red varieties the percentage stated refers to the area of the surface in which the stripes of good shade of red characteristic of the variety shall predominate over stripes of lighter red, green, or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade: *Provided*, That it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade. Faded brown stripes shall not be considered as color except in the case of the Gray Baldwin variety.

TABLE I—COLOR REQUIREMENTS FOR SPECIFIED U. S. GRADES OF APPLES, BY VARIETIES

Variety	U. S. Extra Fancy	U. S. Fancy	U. S. No. 1.
Solid Red:	*Percent*	*Percent*	*Percent*
Black Ben	75	50	25
Cano	75	50	25
Winesap	75	50	25
Other similar varieties [1]	75	50	25
Red Sport varieties [2]	75	50	25
Striped or partially red:			
Cortland	66	33	25
Jonathan	66	33	25
McIntosh	66	33	25
Other similar varieties [3]	66	33	25
Baldwin	50	25	15
Ben Davis	50	25	15
Delicious	50	25	15
Mammoth Black Twig	50	25	15
Northern Spy	50	25	15
Rome Beauty	50	25	15
Stayman	50	25	15
Turley	50	25	15
Wagener	50	25	15
Wealthy	50	25	15
Willow Twig	50	25	15
York Imperial	50	25	15
Other similar varieties [4]	50	25	15
Hubbardston	50	15	10
Stark	50	15	10
Other similar varieties	50	15	[5] 10
Red June	50	15	(6)
Williams	50	15	(6)
Other similar varieties	50	15	(6)
Gravenstein	25	10	(6)
Other similar varieties [4]	25	10	(6)
Red Checked or blushed:			
Malden Blush	(7)	(6)	(6)
Twenty Ounce	(7)	(6)	(6)
Winter Banana	(7)	(6)	(6)
Other similar varieties	(7)	(6)	(6)
Green varieties	(8)	(6)	(6)
Yellow varieties	(8)	(6)	(6)
Golden Delicious	(10)	(10)	(10)

[1] Arkansas Black, Beacon, Detroit Red, Esopus Spitzenburg, King David, Lowry, Minjon.
[2] When Red Sport varieties are specified as such they shall meet the color requirements specified for Red Sport varieties.
[3] Haralson, Kendall, Macoun, Melba, Snow (Fameuse).
[4] Bonum, Early McIntosh, Limbertwig, Milton, Nero, Paragon.
[5] Tinge of color.
[6] Duchess, Red Astrachen, Smokehouse, Summer Rambo.
[7] Blush check.
[8] None.
[9] Characteristic ground color.
[10] 75 percent characteristic color. Note: "Characteristic color," when the white around the lenticels predominates over the green color, creating a mottling effect on the surface of the apple, it shall be considered as the minimum characteristic color.

UNCLASSIFIED

§ 51.309 *Unclassified.* "Unclassified" consists of apples which are not graded in conformity with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

TOLERANCES

§ 51.310 *Tolerances.* (a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the apples in any lot may fail to meet the requirements of the grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged by insects and including not more than 1 percent for apples affected by decay or internal breakdown or both.

(b) When applying the foregoing tolerances to the Combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 50 percent of apples of the higher grade required in the combination but individual containers shall have not less than 40 percent of the higher grade.

§ 51.311 *Application of tolerances to individual packages.* The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations provided the averages for the entire lot are within the tolerances specified for the grade:

(a) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided (as in the case of size, where a tolerance of 15 percent is provided) individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(b) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

§ 51.312 *Basis of calculating percentages.* (a) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(b) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

(c) When the apples are in bulk, percentages shall be calculated on the basis of weight.

CONDITION

§ 51.313 *Condition after storage or transit.* Decay, scald, or any other deterioration which may have developed on apples after they have been in storage or transit shall be considered as affecting condition and not the grade.

SIZE

§ 51.314 *Size requirements.* (a) The numerical count or the minimum diameter of the apples packed in a closed container shall be indicated on the container.

(b) When the numerical count is marked on the container the minimum size of the largest apple shall be not more than one-fourth inch larger than the minimum size of the smallest apple.

(c) When the numerical count is not shown the minimum diameter shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2½ inches minimum, 2¼ inches minimum, or 2⅝ inches minimum, in accordance with the facts. It is suggested that both minimum and maximum diameters be marked on the container, as 2¼ to 2¾ inches, or 2½ to 2¾ inches, as such marking is especially desirable for apples marketed in the export trade.

(d) The measurement for minimum size shall be the largest diameter of the apple taken at right angles to a line from the stem end to the blossom end. The measurement for maximum size shall be the smallest dimension of the apple determined by passing the apple through a round opening.

(e) In order to allow for variations incident to proper sizing, not more than 5 percent of the apples in any lot may not meet the size requirements: *Provided*, That, when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for apples which are larger than the maximum size stated.

PACKING AND MARKING

§ 51.315 *Packing requirements.*—(a) *Representative face packing.* Each package shall be packed so that the apples on the shown face shall be reasonably representative in size, color and quality of the contents of the package.

(b) *Boxes.* (1) Apples packed in the standard northwestern apple boxes shall be arranged in the containers according to the approved and recognized methods with the stem pointing toward the ends of the boxes, except when jumbled. All packages shall be well filled but not to the extent as to cause excessive or unnecessary bruising to the apples because of overfilled packages. Apples packed in the standard northwestern apple boxes shall be tightly packed with sufficient bulge to prevent any appreciable movement of the apples within the containers when lidded. Each wrapped apple shall be completely enclosed by its individual wrapper.

(2) Apples packed in other type boxes, such as nailed wooden boxes, wirebound boxes, and fibreboard boxes, may be place packed, jumbled packed faced, or jumble packed, and all packs shall be well filled.

(3) Apples packed in boxes equipped with cell compartments or molded trays shall be of the proper size for the cells or the molds in which they are packed.

(4) Apples packed in consumer unit cartons and packed into shipping containers shall completely fill the shipping container.

(c) *Baskets.* Apples packed in U. S. standard bushel baskets, one-half bushel baskets and five-eighths bushel baskets may be ring faced and shall be tightly packed with sufficient bulge to prevent any appreciable movement of the apples within the containers when lidded.

(d) *Tolerances.* In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may not meet these requirements.

§ 51.316 *Suggestions for marking containers.* (a) In order to conserve space, abbreviations may be used for marking United States grade names on containers. The following abbreviations are suggested where it is not desired to use the full grade name:

(1) U. S. Ex. Fcy. for U. S. Extra Fancy.
(2) U. S. Fcy. for U. S. Fancy.
(3) U. S. No. 1 for U. S. No. 1.
(4) U. S. Util. for U. S. Utility.

(5) Combination grades may be designated by abbreviations of the grades preceded by the abbreviation "Comb.", as "Comb. U. S. Fcy.-U. S. No. 1".

STANDARDS FOR CONDITION

§ 51.317 *Standards for condition.* (a) The apples in any lot shall be generally tightly packed when in baskets, and generally fairly tightly or tightly packed when in boxes.

(b) Not more than 5 percent of the apples in any lot shall be further advanced in maturity than firm ripe.

(c) Not more than 5 percent of the apples in any lot shall be damaged by storage scab.

(d) Not more than a total of 5 percent of the apples in any lot shall be damaged by bitter pit, Jonathan spot, scald, internal breakdown, water core, freezing, decay, or other such condition factors: *Provided*, That:

(1) Not more than 2 percent shall be allowed for apples affected by decay;

(2) Not more than 2 percent shall be allowed for damage by internal breakdown; and,

(3) Not more than 2 percent of slight scald shall be permitted for apples properly packed in oiled paper or which have been especially treated with oil to prevent scald; otherwise, the apples must be free from scald.

(e) Any lot of apples shall be considered as meeting the standards for conditions if the entire lot averages within the requirements specified: *Provided*, That no sample from the containers in any lot is found to exceed double the percentages specified, except that for packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects if the entire lot averages within the tolerances specified.

DEFINITIONS

§ 51.318 *Mature.* "Mature" means that the apples have reached the stage of growth which will insure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing these different stages of firmness of apples:

(a) "Hard" means apples with a tenacious flesh and starchy flavor.

(b) "Firm" means apples with a tenacious flesh but which are becoming crisp with a slight starchy flavor, except the Delicious variety.

(c) "Firm ripe" means apples with crisp flesh except that the flesh of the apples of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy.

(d) "Ripe" means apples with mealy flesh and soon to become soft for the variety.

§ 51.319 *Overripe.* "Overripe" means apples which are dead ripe, with flesh very mealy or soft, and past commercial utility.

§ 51.320 *Carefully hand-picked.* "Carefully hand-picked" means that the apples do not show evidence of rough handling or of having been on the ground.

§ 51.321 *Clean.* "Clean" means that the apples are free from excessive dirt, dust, spray residue and other foreign material.

§ 51.322 *Well formed.* "Well formed" means that the apple has the normal shape characteristic of the variety, except that the shape may be slightly irregular, provided, it does not detract from the general appearance of the apple.

§ 51.323 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the apples.

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface, shall not be considered in determining whether or not an apple is injured by russeting, except that rough or bark-like russeting in the stem cavity or calyx basin shall be considered as injury when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin, shall be considered as injury:

(1) Smooth net-like russeting, when an aggregate area of more than 5 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(2) Smooth, solid russeting which covers an aggregate area of more than one-half inch in diameter, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.[1]

(3) Slightly rough russeting which covers an aggregate area of more than one-fourth inch in diameter.[1]

(4) Rough russeting, unless it is well within the stem cavity or calyx basin and is not readily apparent.

(b) Any one of the following defects, on any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(1) Sunburn or spray burn, when the discolored area does not blend into the normal color of the fruit.

(2) Dark brown or black limb rubs which affect a total area of more than one-eighth inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of injury by russeting.[1]

(3) Hail marks, drought spots or other similar depressions or scars where there is appreciable discoloration other than russeting, or when the indentations are not superficial, or when an individual indentation exceeds one-eighth inch in diameter, or the total affected area exceeds one-fourth inch in diameter.[1]

(4) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed a length of one-eighth inch.

(5) Diseases:

(i) Cedar rust infection which affects a total area of more than one-eighth inch in diameter.[1]

(ii) Sooty blotch or fly speck which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.[1]

(iii) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.[1]

(6) Insects:

(i) Any healed sting or healed stings which affect a total area of more than one-eighth inch in diameter including any encircling discolored rings.[1]

(ii) Worm holes.

§ 51.324 *Fairly well formed.* "Fairly well formed" means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance.

§ 51.325 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the apples.

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is damaged by russeting, except that excessively rough or bark-like russeting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin, shall be considered as damage:

(1) Russeting which is excessively rough on Roxbury Russet and other similar varieties.

(2) Smooth net-like russeting, when an aggregate area of more than 15 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(3) Smooth solid russeting, when an aggregate area of more than 5 percent of the surface is covered, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

(4) Slightly rough russeting which covers an aggregate area of more than one-half inch in diameter.[1]

(5) Rough russeting which exceeds one-fourth inch in diameter, unless it is well within the stem cavity or calyx basin and is not readily apparent.[1]

(b) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(1) Sunburn or spray burn which has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russeting.

(2) Limb rubs which affect a total area of more than one-half inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of damage by russeting.[1]

(3) Hail marks, drought spots, or other similar depressions or scars when the skin has not been broken and the injury is more than slightly depressed or affects a total area of more than one-half inch in diameter; or hail marks or similar scars when the skin has been broken and the injury is not well healed, or is more than slightly depressed, or affects an aggregate area of more than one-fourth inch in diameter.[1]

(4) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-fourth inch.

(5) Diseases:

(i) Scab spots which affect a total area of more than one-fourth inch in diameter.[1]

(ii) Cedar rust infection which affects a total area of more than one-fourth inch in diameter.[1]

(iii) Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.[1]

(iv) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.[1]

(6) Insects:

(i) Any healed sting or healed stings which affect a total area of more than three-sixteenths inch in diameter including any encircling discolored rings.[1]

(ii) Worm holes.

§ 51.326 *Seriously deformed.* "Seriously deformed" means that the apple is so badly misshapen that its appearance is seriously affected.

§ 51.327 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the apples.

(a) The following types and amounts of russeting shall be considered as serious damage:

(1) Smooth solid russeting, when more than one-half of the surface in the aggregate is covered, including any russeting in the stem cavity or calyx basin or slightly rough, or excessively rough or bark-like russeting which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russeting permitted: *Provided*, That any amount of russeting shall be permitted on Roxbury Russet and other similar varieties.

(b) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(1) Sunburn or spray burn which seriously detracts from the appearance of the fruit.

(2) Limb rubs which affect more than one-tenth of the surface in the aggregate.

(3) Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth of the surface in the aggregate: *Provided*, That no hail marks which are unhealed shall be permitted and not more than an aggregate area of one-half inch shall be allowed for well-healed hail marks where the skin has been broken.[1]

(4) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-half inch.

(5) Visible water core which affects an area of more than one-half inch in diameter.[1]

(6) Diseases: (i) Scab spots which affect a total area of more than three-fourths inch in diameter.[1]

(ii) Cedar rust infection which affects a total area of more than three-fourths inch in diameter.[1]

(iii) Sooty blotch or fly speck which affects more than one-third of the surface.

(iv) Red skin spots which affect more than one-third of the surface.

(v) Bitter pit and Jonathan spot which is thinly scattered over more than one-tenth of the surface and does not materially deform or disfigure the fruit.

(7) Insects: (i) Healed stings which affect a total area of more than one-fourth inch in diameter including any encircling discolored rings.[1]

(ii) Worm holes.

[1] The area refers to that of a circle of the specified diameter.

Dated: June 26, 1958.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 58-5004; Filed, June 30, 1958; 8:51 a. m.]

[7 CFR Part 992]

IRISH POTATOES GROWN IN WASHINGTON

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 992.210 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and this part, to enable such committee to perform its functions pursuant to the provisions of the marketing agreement and order, during the fiscal year ending May 31, 1959, will amount to $23,839.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 113 and this part, shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during the fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and this part.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 25, 1958.

[SEAL] FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4980; Filed, June 30, 1958; 8:46 a. m.]

[7 CFR Part 1017]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017), regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 1017.202 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and this part, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending June 30, 1959, will amount to $2,930.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 130 and this part, shall be three-tenths of one cent ($0.003) per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and this part.

(49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 25, 1958.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4982; Filed, June 30, 1958; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 563]

CALIFORNIA

SMALL TRACT CLASSIFICATION; AMENDMENT

Correction

In F. R. Doc. 57-9626, appearing at page 9301 of the issue for Thursday, November 21, 1957, the second line of land description should read: Sec. 2, E½, E½ SW¼.

Office of the Secretary

JICARILLA APACHE RESERVATION

ORDINANCE RELATING TO FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Public Law 277—83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Jicarilla Apache Reservation was duly adopted by the Representative Tribal Council which has jurisdiction over the area of Indian country included in the ordinance:

Whereas, Public law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the Tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER, therefore

Be it resolved, that the introduction and possession of intoxicating beverages by Indians and non-Indians for personal use in their domiciles within the Indian country under the jurisdiction of the Jicarilla Apache Tribe shall be lawful in accordance with section 20, Chapter V, Code of Law and Order of the Jicarilla Apache Tribe and, provided that such introduction and possession is in conformity with the laws of the State of New Mexico.

Be it further resolved, that any tribal laws, resolutions or ordinances heretofore enacted which prohibits the introduction and possession of intoxicating beverages, except section 20, Chapter V, of the Law and Order Code aforementioned, are hereby repealed.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 25, 1958.

[F. R. Doc. 58-4977; Filed, June 30, 1958; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of Business Economics

SURVEY OF AMERICAN BUSINESS INVESTMENTS IN FOREIGN COUNTRIES

INSTRUCTIONS AND REGULATIONS

SECTION I. *Introduction.* The Survey of American Business Investments in Foreign Countries is being conducted by the Department of Commerce to provide a complete and accurate account of the amount of such investments at the end of 1957, the net increase in investments during the year, the return on these investments, and certain aspects of their contributions to foreign economies as well as to our own.

The need for accurate information of this type has been recognized since the early 1920's when private investment funds from the United States began to flow to foreign countries in considerable volume. As a result of the demand for accurate statistics thus created, the Department of Commerce conducted the first survey of foreign direct investments covering the year 1929. Subsequent surveys were taken by the Commerce Department for the years 1936, 1940, and 1950.

Since 1950, the volume of foreign investments has been unprecedented, and the need for accurate statistics has been more widespread than ever. Since the last complete survey in 1950, there has been a considerable change in the pattern and distribution of foreign investments. The growing economic significance of foreign investments has further enhanced the demand for these data, both from Federal executive agencies responsible for the administration of various phases of the Government's program for international technical assistance and economic development, and from industrial and business groups. In addition, international organizations and others abroad concerned with foreign trade and economic development greatly need accurate information on the extent of and gains from private business investments.

The data collected in this survey, in addition to providing complete statistics of American foreign business investments for 1957, will serve as a base from which current data collected in sample surveys can be expanded to reliable total estimates of capital and income movement. These current statistics constitute an important part of the total United States balance of payments.

The information requested in this survey has been set up on questionnaire Forms A, B, and C, described in detail in section II, B-1 of these instructions.

Pursuant to Executive Order 10033 of February 8, 1949 (14 F. R. 561), issued under Section 8 of the Bretton Woods Agreements Act (59 Stat. 515, 22 U. S. C. 286f), the National Advisory Council on International Monetary and Financial Problems, having consulted with the Director of the Bureau of the Budget, has determined that data for 1957 on private American investments abroad are essential in order that the United States Government may continue to comply with official requests from the International Monetary Fund for balance-of-payments information.

In accordance with sections 2 (b) and 2 (c) of Executive Order 10033, the Director of the Bureau of the Budget has designated the Commerce Department as the Federal executive agency to collect the required data and the Secretary of Commerce has assigned this responsibility to the Office of Business Economics, Department of Commerce.

Replies on Form A, Form B (except for Part III) and Form C are therefore mandatory under section 8 (b) of the Bretton Woods Agreement Act cited above.

No reporter is required or requested to submit replies to any specific question on these forms, if by so doing the security laws of a foreign country are violated.

This survey has been approved by the Bureau of the Budget under the Federal Reports Act (Pub. Law No. 831, 77th Cong.). All replies will be held in confidence by the Balance of Payments Division, Office of Business Economics, under the provisions of section 4 (b) of that Act and section 8 (c) of the Bretton Woods Agreements Act cited above.

Inasmuch as the Survey involves a foreign affairs function of the United States, section 4 of the Administrative Procedure Act does not apply. In any event it is found that because of the nature of the Survey, the fact that it is required under the Bretton Woods Agreements Act upon appropriate request, and that, consequently, the Instructions and Forms are merely declaratory of that Act and Executive Order above mentioned, no useful purpose would be served by notice and public procedure thereon, the same being impracticable and unnecessary. Inasmuch as the required reports will not be due for at least 30 days from publication of these instructions, there is no need for postponement of their effective date, and such instructions are, therefore, effective upon publication in the FEDERAL REGISTER.

SINCLAIR WEEKS,
Secretary of Commerce.

SEC. II. *General instructions*—A. *Who must report.* 1. Basic requirement: A report is required from every corporation, partnership, estate or trust, individual, or any other person, or closely related group of persons subject to the jurisdiction of the United States, and ordinarily residing within the United States, having at the close of business on December 31, 1957:

a. Control of a foreign business organization owned directly or in conjunction with an affiliated person, foreign or domestic. (For complete description see subsection E-5, E-6 and E-7.)

b. Outright ownership of real property located outside of the United States, except real property held for personal use and not productive of income.

c. Ownership of a sole proprietorship type of business enterprise, located outside of the United States.

d. Ownership of the voting stock of a foreign corporation to the extent of at least 10 percent, but less than 25 percent, or an analogous interest in an unincorporated foreign enterprise (see section V).

Reports are required covering the above types of property if ownership certificates or the equivalent were legally in existence and held by the reporter on December 31, 1957, even though the assets may have been destroyed or expropriated by government action prior to that date. Such holdings are to be reported as of the last date that information relating to the foreign organization is available.

2. Estates and trusts: Direct foreign investments held by a domestic estate or trust, i. e., an estate or trust created under the laws of the United States or any subdivision thereof, shall be reported by the fiduciary and not by a beneficiary. Such property must be reported whether or not any beneficiary is subject to the laws of the United States or any subdivision thereof. Any trust actually created in the United States, even though the trust instrument provides that the trust shall be subject to the laws of a foreign country, must report.

3. Persons beneficially interested in property: If direct foreign investments beneficially owned by a person subject to the jurisdiction of the United States were held by or in the name of another, only the person having the beneficial interest shall report, except as specifically provided above regarding domestic estates and trusts.

4. More than one person owning an interest in the same foreign organization or foreign property.

a. *Form B.* Each person is required to report if the aggregate ownership of the affiliated persons in the allied foreign organization totals 25 percent or more of the voting securities unless affiliated through an estate or trust as provided in subsection A-2 above.

b. *Form C.* Each person owning an interest of 10 percent or more in an associated foreign enterprise is required to report.

5. United States branches and offices of foreign persons: A branch or office in the United States of a person within a foreign country shall report with respect to property in foreign countries allocated to, held for the use of, or claimed by such branch or office, but shall not report other property of the foreign person.

B. *Forms to be used.*[1] 1. Each reporter is required under the law to submit reports on three types of forms. These three forms are:

Form A. This form is to provide, in addition to certain information identifying the reporting organization, a complete list of all foreign organizations allied or associated with the reporter.

Form B. One Form B is required for each allied foreign organization listed by the reporter on Form A. In the case of affiliated persons allied with the same foreign organization, reports on Form B are required from each. However, only one of the affiliated persons is required to complete part II of Form B. Part II may be omitted only if the reporter has definite knowledge that one of the affiliates is completing that part of the form, and all reporters remain fully liable for the complete report. In the event that part II of Form B is omitted, the reporter is required to indicate, in the space provided on the form, the name of the affiliate who is including part II with its report. Part III of this form is voluntary.

Form C. One Form C is required for each associated foreign organization listed by the reporter on Form A. In the case of affiliated persons associated with the same foreign organization, reports on Form C are required from each. However, a consolidated report on Form C may be submitted by one of the affiliated persons, provided that the names and proportionate interests of all affiliated persons are listed. (Note that Form C is to be used only when the combined interest of affiliated persons totals less than 25 percent; where the combined interest is 25 percent or more a report on Form B is required.)

C. *Property not to be reported.* 1. Basic requirement: Properties not specifically included in subsection A-1 are to be excluded from the scope of this survey and are not to be reported. Properties excluded from this survey include:

a. Foreign currency, foreign government bonds, or other foreign government securities, except as they are included among the assets of a foreign allied or associated organization.

b. Notes, bonds, or other documents of indebtedness issued by a foreign organization, not allied with the reporter nor with any affiliates of the reporter, except as they are included among the assets of an allied or associated foreign organization.

c. Real or personal property held for the reporter's personal use, e. g., hunting lodges, homes, automobiles, etc., retained for personal use and not productive of income.

D. *Exemptions.* 1. Exemption based on value of property: An individual whose property in foreign countries otherwise subject to reporting has an aggregate value of less than $25,000 is not required to report. Value is to be determined by the cost, reporter's estimated market value, or the book value as carried on the books of the foreign organization converted into United States dollars, whichever is the greatest. Corporations, partnerships, and all other persons except individuals are required to report irrespective of the value of their foreign investments.

2. Certain persons exempted regardless of the amount or kind of property. Report need not be made by any person who is within any of the following categories on or after December 31, 1957, regardless of the amount or kind of property otherwise reportable by such persons: (1) Members of the Armed Forces of the United States serving outside continental United States; (2) citizens of the United States who permanently reside in a foreign country; (3) officers or employees of foreign governments and members of the immediate families of such persons, provided they are not citizens of the United States; (4) religious bodies, charitable organizations and other nonprofit organizations, except for the interests of such groups in foreign

[1] Copies of all forms and instructions filed as part of the original document and may be obtained from either the United States Department of Commerce, Office of Business Economics, Balance of Payments Division, Washington 25, D. C., or from any field office of the United States Department of Commerce.

organizations conducting business for profit.

E. *Definitions.* For the purpose of this Survey and any instructions or rulings issued hereunder, the following definitions are prescribed:

1. "Person" shall include an individual, partnership, association, corporation, estate or trust, or other organization.

2. "Person subject to the jurisdiction of the United States" shall mean (1) any citizen of the United States (but only citizens ordinarily resident in the United States are required to report); (2) any corporation or other organization created or organized under the laws of the United States or any State, territory, district or possession thereof; (3) any individual resident in the United States on December 31, 1957, except as specifically excluded in subsection D–2 above.

3. "United States" shall mean the 48 States, the District of Columbia, the Commonwealth of Puerto Rico, the Panama Canal Zone, and any territory or possession of the United States.

4. "Affiliates" shall mean (1) (a) individuals married to each other, their direct forebears, and their children; (b) brothers and sisters; (c) estates of persons, or trusts for the benefit of or created by persons, are deemed to be affiliates of such persons and of each other. (2) Any group of United States persons who ordinarily exercise their voting rights in a foreign organization as a unit. (3) In relation to any corporation or other organization issuing stock or similar securities, any person who, directly or indirectly, owned, controlled, or held with power to vote, 10 percent or more of the outstanding voting securities thereof. (4) As to any other organization, any person who owned or controlled 10 percent or more of the comparable ownership rights therein.

Any corporation or other United States organization of which a person was an affiliate also shall be deemed to have been an affiliate of such person, and all persons who were direct affiliates of the same United States person shall be deemed to have been affiliates of each other.

5. "Controlled" organization. The ownership of 25 percent or more of the voting securities of a corporation, or of similar certificates of ownership in other types of organizations, shall constitute control of that organization for the statistical purposes of this survey. Note that reports are required for each such "allied" foreign organization as defined immediately below. Please note that organizations in Canada are foreign organizations and are therefore reportable.

6. "Primary allied foreign organization" shall include the following organizations located in or under the jurisdiction of a foreign country:

a. Foreign corporation: A foreign corporation shall be said to be a "primary allied foreign organization" if any one of the following conditions is met:

First. The reporting organization owns 25 percent or more of the voting securities of the foreign corporation.

Second. The reporting organization owns less than 25 percent of the voting securities of the foreign corporation; however, affiliates, either domestic or foreign, of the reporting organization own additional voting securities in the foreign corporation which when added to the amount owned by the reporter after giving effect to the proportionate interest of the reporting organization in foreign affiliates total 25 percent or more.

Third. The reporting organization owns none of the voting securities of a foreign corporation, but does own bonds, notes, or other certificates of indebtedness of the foreign corporation, or has direct dealings with the foreign corporation by exchange of merchandise or rendering services, or the foreign organization owns securities or obligations of the reporting company or its affiliates; and 25 percent or more of the voting securities of the foreign corporation are owned by affiliates (domestic or foreign) of the reporter.

Examples—First. A United States corporation (company DX) owns 25 percent or more of the voting securities of a foreign corporation (company FZ). Company FZ must be reported by company DX as a "primary allied foreign organization."

Second. A United States corporation (company DX) owns some, but less than 25 percent of the voting securities of a foreign corporation (company FZ). A second corporation (company DFY) either domestic or foreign, is affiliated with company DX and owns voting securities of the foreign corporation (company FZ) which when added to the voting securities owned by company DX total 25 percent or more of voting interests of company FZ. Company FZ must be reported as a "primary allied foreign organization" by the United States company DX. If the affiliated company DFY is a United States corporation, the foreign company FZ must be reported as a "primary allied foreign organization" by both companies DX and DFY. If the affiliated company DFY is a foreign organization, company FZ must be reported as a "secondary allied foreign organization" as well as a "primary allied foreign organization." (See subsection E–7.)

Third. A United States corporation (company DX) owns none of the voting securities of a foreign corporation (company FZ). Company DX owns bonds or notes of indebtedness issued by company FZ, or sells merchandise to or buys merchandise from company FZ, or renders services to company FZ. An affiliate, or a group of affiliates (either domestic or foreign), of company DX owns a total of 25 percent or more of the voting securities of the foreign corporation (company FZ). Company FZ must be reported as a "primary allied foreign organization" by company DX and by each of the United States affiliates who own certificates of indebtedness or have dealings with the foreign corporation. If any or all of the affiliates of company DX are foreign organizations, company FZ must also be reported as a "secondary allied foreign organization." (See subsection E–7.)

b. Partnership: A partnership in which a person under the jurisdiction of the United States is one of the partners, whether general, special, limited, or otherwise.

c. Branch: The interest of any person subject to the jurisdiction of the United States in property in any foreign country allocated to or held in the name or for the use of any branch, depot, or office outside the United States maintained by such person for the transaction of any of his business. Foreign operations conducted by United States corporations in their own names and not through foreign incorporated companies are to be reported as branch operations.

d. A business enterprise or real property owned outright by a resident of the United States.

7. "Secondary allied foreign organization" shall be defined as follows:

a. A foreign organization allied with the reporter through the ownership of at least 25 percent of its voting securities or other certificates of ownership, through a primary or other secondary allied foreign organization, after giving effect to the proportionate interest of the reporter in the voting securities of the primary or other secondary allied foreign organization. (For example: ownership by reporter of 50 percent of the voting stock of a primary allied foreign organization, which in turn owns 50 percent of the voting stock of a second foreign organization, would cause the second foreign organization to be reportable as a secondary allied foreign organization.)

b. A branch of a primary allied foreign organization or of a secondary allied foreign organization engaged in a different type of business or located in a country foreign to the country of the primary (or the secondary) allied foreign organization.

c. If a foreign organization qualifies as a primary allied foreign organization under subsection 6a, Second and Third above, it must also be reported as a secondary allied foreign organization to each of the reporting organization's foreign affiliates owning any of the voting securities of that foreign organization (see Second and Third examples under subsection 6a).

d. Branches or subsidiaries of a primary allied foreign organization located in the same country and engaged in the same type of business as the primary organization may be combined and one report submitted covering the activities of all of these organizations. The report must be a consolidated report showing the total activities of all organizations and not a report of the primary organization showing only the investment of the primary in the secondary organizations. Provide a list of all organizations included in such consolidations.

8. "Parent" organization. For the purpose of this survey, the parent organization is defined as the organization which owns direct interest in the allied foreign organization. In the case of a "secondary allied foreign organization" the parent organization is the "primary allied foreign organization" which owns voting securities of the "secondary allied foreign organization."

9. "Associated" foreign organization. The ownership of at least 10 percent but less than 25 percent of the voting securities of a corporation, or of similar certificates of ownership in an unincorporated foreign organization, held directly by the reporter and its United States affiliates, shall constitute association with that organization for the purposes of this survey. Note that separate reports are required for each "associated foreign organization." (When the ownership of the foreign organization is 25 percent or more, either entirely by the reporter or in conjunction with affiliates, the foreign organization is an "allied" foreign organization, as defined above, and reports on Form B are required.)

F. *Space on form insufficient.* When space does not permit a full answer to any question on the form, the information required should be submitted on supplementary sheets appropriately labeled and incorporated by reference under the question. To assist respondents in fulfilling this requirement, continuation sheets have been provided. All supplementary sheets, including continuation sheets, should be attached to the form to which they pertain.

G. *Required information not available.* All reasonable efforts should be made to obtain information required for reporting. When communication is impossible, or when properties have been expropriated or seized, the latest available information should be used. In case only partial information is available, it should be given with an appropriate indication. If any information not available at the time of reporting is obtained thereafter, a supplementary report should be filed promptly with a full explanation.

Every question on each form which a person is required to use in rendering his report must be answered. However, in property summaries and schedules, space not needed for supplying required information should be left entirely blank. When there is nothing to report under any question or if information is entirely lacking, state "no," "none" or "unknown," as the case may be, with an explanation if requisite to an understanding of the circumstances.

If disclosure of the information required on any form would violate the security regulations of the country in which the foreign allied or associated organization is located, reporters are specifically exempted from the requirement to report that information. If information is omitted for this reason, a note to that effect should be entered on the form.

If certain information can not be supplied because the accounts of the foreign organization can not be obtained, indicate this in the appropriate items of the form.

H. *Currency conversions and rounding of amounts.* In all items requiring financial data from the accounts of foreign allied or associated organizations, the currency customarily used in such accounts must be used in reporting. The same items must also be given in the currency of the parent organization if such conversions are ordinarily made. If such conversions are not ordinarily made, do not complete the columns referring to the books of the allied or associated foreign organization as converted by the parent organization.

Amounts may be given to the nearest thousand dollars or units of foreign currency. All amounts reported in this manner must be clearly marked, and the rounding must be done as in the following example: (Example: $1,033,033.30 would be reported as $1,033).

I. *Number of copies.* A single original copy shall be filed. In addition, each person reporting should retain a copy of his report.

J. *Time and place of filing reports.* Reports shall be filed on or before August 31, 1958, with the Department of Commerce, Office of Business Economics, Balance of Payments Division, Washington 25, D. C.

K. *Information regarding preparation of reports.* Anyone desiring information concerning this survey may direct inquiries to the United States Department of Commerce, Office of Business Economics, Balance of Payments Division, Washington 25, D. C., or to any Field Office of the United States Department of Commerce.

[F. R. Doc. 58–4942; Filed, June 30, 1958; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 167–31]

[CGFR 58–22]

COMMANDANT, U. S. COAST GUARD

DELEGATION OF FUNCTIONS TO THE COMMANDANT

JUNE 3, 1958.

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 and 14 U. S. C. 631, there is transferred to the Commandant, U. S. Coast Guard, the function of the Secretary of the Treasury under 10 U. S. C. 676, of issuing orders to retain on active duty or in service in the U. S. Coast Guard Reserve persons who have qualified for retired pay under Chapter 67 of Title 10, U. S. Code.

The Commandant may make provision for the performance by subordinates in the Coast Guard of the function herein delegated.

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58–4985; Filed, June 30, 1958; 8:47 a. m.]

POST OFFICE DEPARTMENT

SETTLEMENT OF CLAIMS

REDELEGATION OF AUTHORITY

The following is the text of a redelegation order, dated June 9, 1958:

Pursuant to authority of paragraph f of section 822.2 of the Postal Manual (23 F. R. 4013), authority is hereby redelegated to the Associate General Counsel (Mailability—Claims) to take final action, in my name, in the settlement of personal or property damage claims brought against the Department, and claims of postmasters for unavoidable losses by fire, burglary, or casualty.

(R. S. 161, 396, as amended; sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58–4978; Filed, June 30, 1958; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–3804]

ATLANTIC REFINING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 25, 1958.

Take notice that The Atlantic Refining Company (Applicant) a Pennsylvania corporation with its principal place of business in Philadelphia, Pennsylvania, filed an application in this proceeding for authority to abandon and render service pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the subject application which is on file with the Commission and open to public inspection.

Applicant filed an application on October 1, 1954, as amended and supplemented, for authority to sell natural gas in interstate commerce to various purchasers for resale from production in the States of Texas, Louisiana, New Mexico, Oklahoma, Kansas and Wyoming, as indicated below:

Name of Buyer; Name of Field; Location: County, State

El Paso Natural Gas Co., Langlie Mattix, Lea, N. Mex.
El Paso Natural Gas Co., Various fields, Lea, N. Mex.
El Paso Natural Gas Co., Eunice, South, Lea, N. Mex.
El Paso Natural Gas Co., Blanco (Mesa Verde Formation), San Juan, N. Mex.
Delhi Oil Corp., Blanco (Dakota) Formation (Atlantic 4–A Well), San Juan, N. Mex.
El Paso Natural Gas Co., South Mattix, Lea, N. Mex.
El Paso Natural Gas Co., Denton, Lea, N. Mex.
Permian Basin Pipe Line Co., S. E. Lea County, Lea, N. Mex.
Phillips Petroleum Co., Langlie Mattix, Lea, N. Mex.
Cities Service Gas Co., Kansas-Hugoton, Kearney, Kans.
Northern Utilities Co., Riverton Dome, Fremont, Wyo.
Cities Service Gas Co., West Edmond, Oklahoma, Okla.
United Gas Pipe Line Co., Cabeza Creek, Goliad, Tex.
United Gas Pipe Line Co., South Cabeza Creek, Goliad, Tex.
United Gas Pipe Line Co., Boyce, Poehler, Gottachalt, Weesatche, Goliad, Tex.
United Gas Pipe Line Co., Triple A, San Patricio, Tex.
United Gas Pipe Line Co., Corpus Christi Bay, San Patricio, Nueces, Tex.
The Altex Corporation, Tom Graham, Jim Wells, Tex.
The Altex Corporation, Tom Graham West, Jim Wells, Tex.
Arkansas-Louisiana Gas Co., South Hallsville, Harrison, Tex.
C. V. Lyman, Kermit, Winkler, Tex.
Texas Illinois Gas Pipeline Co., East Bay City, Matagorda, Tex.
Sunray Mid-Continent Oil Corp., Jake Hamon, McMullen, Tex.
Arkansas-Louisiana Gas Co., Ada, Webster, Bienville, La.
Arkansas-Louisiana Gas Co., North Ruston, Lincoln, La.
Mississippi River Fuel Corp., Ruston, Lincoln, La.
Tennessee Gas Transmission Co., Bayou Sale, St. Mary, La.
Tennessee Gas Transmission Co., Midland-Estherwood, Acadia, La.

Texas Gas Transmission Corp., North Tepetate, Acadia, La.
Olin Gas Transmission Corp., Vixen, Caldwell, La.
Texas Gas Transmission Corp., Lewisburg, North Lewisburg, Acadia, St. Landry, La.
United Gas Pipe Line Co., Jeanerette, St. Mary, La.
United Gas Pipe Line Co., Lewisburg, Acadia and St. Landry, La.
United Gas Pipe Line Co., Sibley, Webster, La.
Arkansas-Louisiana Gas Co., North Lansing, Harrison, Tex.
El Paso Natural Gas Co., Slaughter, Cochran, Buckley and Terry, Tex.
El Paso Natural Gas Co., Midway Lane, Crockett, Tex.
El Paso Natural Gas Co., Spraberry, Midland, Glasscock, Upton and Reagan, Tex.
El Paso Natural Gas Co., Payton, Ward and Pecos, Tex.
Tennessee Gas Transmission Co., Jake Hamon, McMullen, Tex.
Tennessee Gas Transmission Co., South Hyatt, Tyler, Tex.
Tennessee Gas Transmission Co., North Minnie Back, Nueces, Tex.
Tennessee Gas Transmission Co., Mustang Island, Nueces, Tex.
Texas Eastern Transmission Corp., West Spring Creek, Tom Lyne, Clay West, Chappa Ranch, West George West, Live Oak, Tex.
Texas Eastern Transmission Corp., Meyersville, DeWitt, Tex.
Texas Eastern Transmission Corp., Willow Springs, Gregg, Tex.
Texas Eastern Transmission Corp., San Domingo, Bee, Tex.
Texas Illinois Gas Pipeline Co., Hagist Ranch, Duval, Tex.
Texas Eastern Production Co., Rhode Ranch, McMullen, Tex.
Texas Illinois Gas Pipeline Co., Clayton, Live Oak, Tex.
Transcontinental Gas Pipe Line Corp., Greta, Refugio, Tex.
Transcontinental Gas Pipe Line Corp., Thomaston, Mission Valley, Arneckeville, West Mission Valley, DeWitt, Goliad and Victoria, Tex.
Transcontinental Gas Pipe Line Corp., Odem, San Patricia, Tex.
United Gas Pipe Line Co., Burnell, North Pettus, Goliad, Bea and Karnes, Tex.

On October 25, 1954, Sunray Oil Corporation filed a protest to the sale of natural gas by Applicant in the Jake Hamon Field, McMullen County, Texas, to Texas Eastern Transmission Corporation, assignee of Wilcox Trend Gathering System, Inc., as shown in the tabulation above.

Sunray states that it is the operator and sells Applicant's working interests in the gas production in the lease under contract with Wilcox Trend Gathering System, Inc., and Atlantic does not sell to Sunray but that Atlantic's share of the gas is sold pursuant to Sunray's sales contract with Texas Eastern, to which contract Atlantic is not a signatory party.

By letter filed January 31, 1955, Atlantic states that Sunray's contention that Atlantic does not sell to Sunray is correct. Thus, this portion of Atlantic's application is subject to dismissal pursuant to Section 154.91 (d) of the Commission's rules.

Applicant was authorized in Docket No. G–10486 by order issued October 4, 1956, to abandon service to United from the Jeanerette Field, St. Mary Parish, Louisiana.

Applicant filed other amendments and supplements as follows:

(1) On May 15, 1956, deleting a portion of the acreage dedicated to United Gas Pipe Line Company in the Sibley Field, Webster Parish, Louisiana, assigned to Walter Duncan.

(2) On July 9, 1956, to substitute a contract dated October 16, 1954 (Atlantic's Rate Schedule No. 28), for a "Letter of Intent" dated May 14, 1952, covering Applicant's sale of gas to El Paso Natural Gas Company (El Paso) from the Spraberry Field, Midland, Glasscock, Upton and Reagan Counties, Texas.

(3) On July 12, 1956, to include the additional sale of gas to Texas Eastern Transmission Corporation produced from the Brysch and Richter Units in the West George West Field, Live Oak County, Texas.

(4) On September 21, 1956, deleting a portion of the acreage dedicated to United Gas Pipe Line Company in the Sibley Field, Webster Parish, Louisiana assigned to Rees R. Oliver.

(5) On October 25, 1956, deleting a portion of the acreage dedicated to Arkansas Louisiana Gas Company (Arkansas Louisiana), namely, the Rickerson Gas Unit, Ada Field, Webster Parish, Louisiana, assigned to Harry W. Bass by instrument dated May 27, 1955.

(6) On October 25, 1956, for abandonment of service to El Paso pursuant to section 7 (b) of the Act from the Justis Lease located in the Langlie-Mattix Field, Lea County, New Mexico, since Atlantic's interest therein became vested in El Paso, the buyer, and Atlantic has no further interest therein.

(7) On November 14, 1956, for authorization to sell additional gas to Arkansas Louisiana from acreage in the Ada Field, Webster Parish, Louisiana, acquired from Lucerne Corporation.

(8) On February 4, 1957, deleting a portion of the acreage dedicated to United in the Sibley Field, Webster Parish, Louisiana, assigned to Southwest Natural Production Company by two assignments, both dated October 31, 1956.

(9) On February 26, 1957, deleting a portion of the acreage dedicated to El Paso in the Spraberry Field, Upton County, Texas, assigned to W. E. Bakke subject to assignments executed April 2, 1956, April 15, 1956, and June 14, 1956.

(10) On April 8, 1957, deleting a portion of the acreage dedicated to United in the Sibley Field, Webster Parish, Louisiana, assigned to Dade Petroleum Company, Inc., subject to two assignments dated August 6 and 21, 1956.

(11) On May 24, 1957, deleting a portion of the acreage dedicated to United in the Sibley Field, Webster Parish, Louisiana, assigned to Jack W. Grigsby by instrument dated April 30, 1956.

(12) On July 1, 1957, submitting statements with respect to sale made to El Paso from the Denton Plant, Lea County, New Mexico, showing list of co-owners and percentage owned by each in said plant, and list of producers in the South Denton and Dean Fields selling on a percentage sales basis to said plant.

(13) On December 12, 1957, deleting a portion of the acreage dedicated to El Paso in the Spraberry Field, Glasscock County, Texas, to The Hanley Company subject to an assignment executed January 17, 1956.

(14) On December 23, 1957, deleting a portion of the acreage dedicated to El Paso in the Spraberry Field, Midland County, Texas, to W. E. Bakke, subject to an assignment executed August 15, 1957.

(15) On February 10, 1958, with respect to sale to Tennessee Gas Transmission Company from the North Minnie Bock Field, Nueces County, Texas, to substitute a revised Exhibit A to sales contract dated October 14, 1949, correcting dedicated acreage description.

(16) On February 10, 1958, adding a 40-acre tract to its dedicated acreage to El Paso in the Langlie-Mattix Field, Lea County, New Mexico.

(17) On May 22, 1958, deleting a portion of the acreage dedicated to Arkansas Louisiana in the North Lansing Field, Harrison County, Texas, assigned to Wiley Page by instrument dated October 8, 1957.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 24, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 18, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–4987; Filed, June 30, 1958; 8:47 a. m.]

[Docket No. G–9065 etc.]

HUNT OIL CO.

NOTICE OF POSTPONEMENT OF HEARING

JUNE 24, 1958.

In the matter of Hunt Oil Company, Docket Nos. G–9065, G–9568, G–11124, G–11360, G–13157, G–13191, G–13468, G–13473, G–13504, G–13530, G–14082, G–14408.

Upon consideration of the motion filed May 29, 1958, by Counsel for Hunt Oil Company for postponement of the hearing now scheduled for June 30, 1958, in the above-designated matter;

The hearing now scheduled for June 30, 1958, is hereby postponed to September 15, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–4988; Filed, June 30, 1958; 8:47 a. m.]

[Docket Nos. G–11902, G–12137]

J. A. CHAPMAN ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 25, 1958.

In the matters of J. A. Chapman et al.,[1] Docket No. G–11902; Consolidated Gas Utilities Corporation, Docket No. G–12137.

Take notice that Consolidated Gas Utilities Corporation (Consolidated), a natural gas company with its principal place of business at Oklahoma City, Oklahoma, filed an application in Docket No. G–12137 on March 4, 1957, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 1,130 feet of 4½ inch O. D. supply lateral pipeline extending from a point of connection with Consolidated's existing 6-inch lateral pipeline to a proposed meter station to be constructed near the Searl No. 3 gas well located in the SE¼ of the SE¼ of Section 23, Township 27 North, Range 4 West in Grant County, Oklahoma, together with appurtenant facilities to enable it to receive natural gas purchased from the said well from J. A. Chapman, Cresent Oil and Gas Corporation, Kenneth A. Spencer and A. R. Staley, all as more fully described in the application which is on file with the Commission and open to public inspection. The estimated costs of the proposed construction is $4,358, which cost will be financed from company funds.

On February 4, 1957, J. A. Chapman, of Tulsa, Oklahoma, filed an application in Docket No. G–11902 for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce for resale to Consolidated from production from the Searl No. 3 well above described, pursuant to gas purchase contract dated December 18, 1956. The application is on file with the Commission and open to public inspection.

These related matters should be heard upon a consolidated record and disposed of as promptly as possible under applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 23, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in, and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 14, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–4989; Filed, June 30, 1958; 8:47 a. m.]

[Docket No. G–15105]

PACIFIC NORTHWEST PIPE LINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 25, 1958.

Take notice that Pacific Northwest Pipe Line Corporation (Applicant), a Delaware corporation, with its principal place of business in Salt Lake City, Utah, filed an application on May 13, 1958, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities for the delivery and sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate a tap with metering appurtenances on its main 26-inch high pressure transmission line in Daggett County, Utah, approximately 1,500 feet north of the community of Flaming Gorge, Utah, in order to sell and deliver natural gas to Utah Gas Service Company (Utah Gas) for resale in Flaming Gorge and environs.

The application states that Utah Gas is an existing customer of Applicant at other locations in Utah and that it has now obtained a franchise from Daggett County, a certificate from the Public Service Commission of Utah and a license from the United States of America, Department of the Interior, Bureau of Reclamation, to construct and operate its proposed distribution system upon property of the United States designated as the Flaming Gorge Unit of the Colorado River Storage Project.

Applicant estimates the requirements of Utah Gas for the first three years of service to Flaming Gorge as follows:

[Based on 1,000 Btu per cubic feet of gas]

Years of service	1	2	3
Peak day (Mcf)	192	200	200
Annual (Mcf)	19,200	20,000	20,000

Applicant states that the gas will be used for residential and commercial purposes, including a school and laboratory.

Applicant estimates the cost of the proposed tap and metering station will be $18,190, to be paid from currently available funds.

The application states that Utah Gas will construct a lateral transmission line from the proposed meter station of applicant and will in addition construct a local distribution system at an estimated cost of $45,000.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 26, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 14, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–4990; Filed, June 30, 1958; 8:48 a. m.]

[Docket No. G–15336]

PERMIAN BASIN PIPELINE CO.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED REVISED TARIFF SHEETS

JUNE 25, 1958.

On May 26, 1958, Permian Basin Pipeline Company (Permian) tendered for filing Second Revised Sheet No. 5 and

[1] J. A. Chapman and the other parties named above are signatory parties to the gas sales contract with Consolidated, and co-owners of the well involved herein.

First Revised Sheet No. 6 to its FPC Gas Tariff, Original Volume No. 1, proposing to increase charges to Northern Natural Gas Company (Northern) under Permian's "cost of service" type Rate Schedule P-1 (available to Northern exclusively) by an amount estimated as $762,000, or about 3.0 percent, annually. Permian requests that such Revised Sheets become effective July 1, 1958.

In support of the proposed increased rates and charges, Permian claims the necessity for adjustment of its costs, including estimated increased costs of purchased gas, estimated increases in other operating expenses, increase in the allowance made in its rate base for working capital, increase in annual rate of return from 6 percent to 6.5 percent, and increase in income taxes. In connection with its proposal, Permian has submitted a cost of service study covering actual sales for the 12-month period ended December 31, 1957, adjusted for estimated and known changes through August 31, 1958.

By order issued October 3, 1957, under the authority of sections 5 and 15 of the Natural Gas Act, the Commission instituted an investigation of Permian's rates, charges and classifications to determine inter alia whether any of such items are unjust, unreasonable, unduly discriminatory, or preferential. Among other questionable items appearing in Permian's present proposals are (a) claimed increases in Permian's cost of purchased gas which are effective subject to refund or under suspension, (b) Permian's classification of costs which deviates from methods heretofore approved by the Commission, and (c) the necessity for the allowance of a 6.5 percent rate of return and associated income taxes, in lieu of the present 6 percent rate.

The increased rates and charges and the amended rate filings proposed in Second Revised Sheet No. 5 and First Revised Sheet No. 6 to Permian's FPC Gas Tariff, Original Volume No. 1 have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in sections 4 and 15 of such Act, concerning the lawfulness of the rates, charges, classifications, and services contained in Permian's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Second Revised Sheet No. 5 and First Revised Sheet No. 6 thereto, and that the aforementioned rate filings be suspended as hereinafter ordered and the use thereof be deferred pending hearing and decision thereon, except as they may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held at a date to be designated by notice from the Secretary of the Commission, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications, and services contained in Permian's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Second Revised Sheet No. 5 and First Revised Sheet No. 6 thereto.

(B) Pending such hearing and decision thereon, Second Revised Sheet No. 5 and First Revised Sheet No. 6 to Permian's FPC Gas Tariff, Original Volume No. 1, are hereby suspended and the use thereof deferred until December 1, 1958, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State Commissions may participate as provided by Section 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-4991; Filed, June 30, 1958; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of authority 346]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO DISPOSE OF 0.538 ACRE OF LAND AT NAVAL INDUSTRIAL RESERVE AIRCRAFT PLANT, KANSAS CITY, MISSOURI

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), (herein referred to as the "act"), authority is hereby delegated to the Secretary of Defense to dispose of 0.538 acre of unimproved land at the Naval Industrial Reserve Aircraft Plant, Kansas City, Missouri, by negotiated sale or otherwise; on such terms as may be advantageous to the United States: *Provided*, That in the event of a negotiated disposal not less than the appraised fair market value shall be obtained.

2. The authority conferred herein shall be exercised in accordance with the act and regulations of General Services Administration issued pursuant thereto; except that in view of the requirement for the land by the City of Kansas City, Missouri, for the construction and operation of a fire station, it has been determined that screening of the properties with other Federal agencies would serve no useful purpose. Therefore, the land is determined to be surplus property.

3. The authority delegated herein may be redelegated to any officer or employee of the Department of Defense.

4. This delegation shall be effective as of the date hereof.

Dated: June 24, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-4993; Filed, June 30, 1958; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 2 (a)]

INTEGRATION COMMITTEE ON MEDIUM AND HEAVY GUN TANKS AND ALLIED COMBAT VEHICLES

NOTICE OF AMENDMENT OF PLAN AND REGULATIONS

In accordance with the provisions of section 708 of the Defense Production Act of 1950, as amended, the Plan and Regulations of Ordnance Corps Governing the Integration Committee on Medium and Heavy Gun Tanks and Allied Combat Vehicles has been amended to extend membership eligibility pursuant to the Defense Production Act Amendments of 1955, after consultation with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission and the Director of the Office of Defense Mobilization.

This amended voluntary plan has been approved by the Director of the Office of Defense Mobilization and has been found to be in the public interest as contributing to the national defense.

The following companies have agreed to participate in the amended plan, and this list supersedes the acceptances published in 17 F. R. 2022, March 7, 1952.

Acceptances

Chrysler Corporation, Detroit, Mich.
General Motors Corporation, Detroit, Mich.
Ford Motor Company, Dearborn, Mich.
Pacific Car & Foundry Company, Renton, Wash.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F. R. 4939)

Dated: June 26, 1958.

GORDON GRAY,
Director.

[F. R. Doc. 58-4986; Filed, June 30, 1958; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3219]

FAJARDO EASTERN SUGAR ASSOCIATES

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JUNE 25, 1958.

In the matter of Fajardo Eastern Sugar Associates, Common Stock, File No. 1-3219.

Philadelphia-Baltimore Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The issue is listed on the American Stock Exchange. The issuer desires to eliminate the expenses of duplicate listing, and this application is made at the issuer's request.

Upon receipt of a request, on or before July 11, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-4919; Filed, June 30, 1958; 8:45 a. m.]

[File No. 1-3614]

TRANS CONTINENTAL INDUSTRIES, INC.

ORDER SUMMARILY SUSPENDING TRADING

In the matter of Trading on the American Stock Exchange and the Detroit Stock Exchange in the common stock, $1 par value of Trans Continental Industries, Inc.; File No. 1-3614.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of June A. D. 1958.

The common stock, $1 par value of Trans Continental Industries, Inc. being listed and registered on the American Stock Exchange and the Detroit Stock Exchange, national securities exchanges; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange and the Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 26, 1958, to July 5, 1958, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-5026; Filed, June 30, 1958; 8:54 a. m.]

[File No. 22-2395 (2-14212)]

BARTON DISTILLING CO.

NOTICE OF APPLICATION

JUNE 27, 1958.

Notice is hereby given that Barton Distilling Company (the Company) has filed an application under Clause (ii) of section 310 (b) (1) of the Trust Indenture Act of 1939 for a finding by the Commission that trusteeship of American Bank and Trust Company of Chicago (American) under one indenture dated October 1, 1957, and two indentures to be dated as of July 1, 1958 of the same obligor is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify American from acting as Trustee under any one of the three indentures. The indentures are hereinafter referred to as the 1957 and the two 1958 indentures, respectively. The 1957 indenture has been qualified under the Trust Indenture Act and application has been filed to qualify the two 1958 indentures.

Section 310 (b) of the act provides in part that if an indenture trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions not here applicable that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture of an obligor and becomes trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing therein, that trusteeship under a qualified indenture and another indenture or indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures. This provision was incorporated in the 1957 indenture and is to be incorporated in the two 1958 indentures.

The application shows that:

1. Barton Distilling Company, a Delaware corporation, has outstanding under the 1957 indenture $1,000,000 aggregate principal amount of its 6½ percent Notes, due October 1, 1962 secured by the pledge of separate whiskey warehouse receipts for 1,250,000 gallons of whiskey, (the "Old Notes") which notes are not in default.

2. Warrants to purchase whiskey warehouse receipts for 5,000 barrels of whiskey exercisable from January 2, 1961 through March 1 1961 (the "warrants") were issued under the 1957 indenture.

3. The 1957 indenture was qualified under the Trust Indenture Act of 1939 effective February 27, 1958, as of February 16, 1958, and the two 1958 indentures are to be so qualified.

4. $300,000 aggregate principal amount of 6 percent Notes due July 1, 1963, are to be issued under one of the 1958 indentures and will be secured by the pledge of whiskey warehouse receipts for 375,000 gallons of whiskey.

5. $1,000,000 aggregate principal amount of 6 percent Notes due July 1, 1964, are to be issued under the other 1958 indenture and will be secured by the pledge of whiskey warehouse receipts for 1,250,000 gallons of whiskey.

6. Aside from differences between the 1957 and the two 1958 indentures as to the issuance of warrants, amounts, dates, interest rates and the elimination of any reference to warrants under the two 1958 indentures, most of the provisions of said indentures are substantially identical, and the differences existing between the indentures are not likely to involve a conflict of interest in the trustee.

7. The Company expects to issue and sell additional series of secured notes in the future, each such series to be issued under a separate indenture and to be secured by completely separate and distinct collateral, consisting of whiskey warehouse receipts. Because of the number of indentures which will be involved, the Company believes it would be impractical and too expensive for it to engage in such program unless the same trustee is allowed to serve as such under each of the indentures.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time after July 9, 1958, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310 (b) (1) of the Trust Indenture Act of 1939. Any interested person, may not later than July 7, 1958 at 5:30 p. m., e. d. s. t., in writing, submit to the Commission his views and any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hear-

ing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-5054; Filed, June 30, 1958; 8:54 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

American Uniform Co., Plant No. 1, Parker Street NE., Cleveland, Tenn.; effective 6-11-58 to 6-10-59 (service apparel—cotton washable).

Elder Manufacturing Co., Dexter, Mo.; effective 6-16-58 to 6-15-59 (men's and boys' sport shirts, and boys' slacks).

Frackville Pajamas, Inc., Broad Mt. Avenue and Oak Street, Frackville, Pa.; effective 6-24-58 to 6-23-59 (men's and boys' pajamas, nightshirts).

G. & S. Manufacturers, Inc., Central and F Streets, Auburn, Nebr.; effective 6-16-58 to 6-15-59 (infants' and toddlers' apparel, and boys' wear).

Greenway Manufacturing Co., Waynesburg, Pa.; effective 6-10-58 to 6-9-59 (boys' and infants' cotton polo shirts).

Helena Garment Co., Bobbie Brooks Square, West Helena, Ark.; effective 6-23-58 to 6-22-59 (junior dresses).

The KYM Co., 286 Cedar Street, Jackson, Ga.; effective 6-12-58 to 6-11-59 (men's single pants).

Reliance Manufacturing Co., Thayer, Mo.; effective 6-20-58 to 6-19-59 (ladies' cotton and rayon dresses).

Savada Brothers, Inc., 36-46 South Laurel Street, Bridgeton, N. J.; effective 6-10-58 to 6-9-59 (boys' sport shirts).

Siceloff Manufacturing Co., Inc., East Second Avenue, Lexington, N. C.; effective 6-22-58 to 6-21-59 (men's and boys' single pants, work shirts, etc.).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bocar Manufacturing Corp., Putnam Street, Tunkhannock, Pa.; effective 6-11-58 to 6-10-59; 10 learners (women's dresses).

Bryan Infants' Wear, Inc., 712 South Wheeling, Tulsa, Okla.; effective 6-11-58 to 6-10-59; five learners (infants' wear—nightgowns, sunsuits, coveralls, etc.).

United Garment Manufacturing Co., 316 West Lake Street, Chisholm, Minn.; effective 6-16-58 to 6-15-59; 10 learners (men's, women's, and children's outerwear).

Ackerman Manufacturing Co., Ackerman, Miss.; effective 6-12-58 to 12-11-58; 20 learners for plant expansion purposes (cotton work shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Brookville Glove Co., Inc., Foundry Avenue, Indiana, Pa.; effective 6-11-58 to 6-10-59; six learners for normal labor turnover purposes (work gloves).

Ideal Glove Co., Inc., Maben, Miss.; effective 6-15-58 to 6-14-59; five learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Betterwear Hosiery Mill, Inc., 402—15th Street SW., Hickory, N. C.; effective 6-12-58 to 6-11-59; five learners for normal labor turnover purposes (seamless).

Craftsmen Finishers, Inc., 108 Buffalo Street, Concord, N. C.; effective 6-12-58 to 12-11-58; 25 learners for plant expansion purposes (full-fashioned, seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Faith Mills Corp., Averill Park, N. Y.; effective 6-13-58 to 6-12-59; five percent of the total number of factory production workers for normal labor turnover purposes (men's knitted underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

American Uniform Co., Plant No. 2, Euclid Avenue SE., Cleveland, Tenn.; effective 6-11-58 to 12-10-58; 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 320 hours at the rate of 85 cents an hour (towels, napkins, laundry bags, aprons).

Esskay Manufacturing Co., 410 South Main Avenue, San Antonio, Tex.; effective 6-16-58 to 12-15-58; five learners engaged in the production of men's and boys' clothing, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of at least 85 cents an hour for the first 280 hours and not less than 90 cents an hour for the remaining 200 hours (coats, sportcoats, overcoats).

Richard Paul, Inc., 1600 Newport Pike, Wilmington, Del.; effective 6-13-58 to 12-12-58; six learners for normal labor turnover purposes in the occupation of sewing machine operator only for a learning period of 480 hours at the rates of at least 85 cents an hour for the first 240 hours and not less than 90 cents an hour for the remaining 240 hours (peds—shoe, hi foot covers).

Wolverine Hat & Cap Manufacturing Co., Inc., Reform, Ala.; effective 6-13-58 to 12-12-58; four learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 240 hours at the rate of 85 cents an hour (caps and other sports headwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 18th day of June 1958.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F. R. Doc. 58-4893; Filed, June 26, 1958; 8:46 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200) and Administrative Order No. 507 (23 F. R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bay Slacks, Inc., Bay Minette, Ala.; effective 6-19-58 to 6-18-59 (dress slacks).

Blakely Manufacturing Corp., Highway No. 62, Blakely, Ga.; effective 7-4-58 to 7-3-59 (washable service garments).

Brewton Manufacturing Co., Inc., Brewton, Ala.; effective 6-25-58 to 6-24-59 (men's and boys' sport and dress shirts).

Brookside Industries, Inc., Reidsville, N. C.; effective 6-19-58 to 6-18-59 (men's shirts, trousers).

Carlisle Manufacturing Co., Manti, Utah; effective 6-21-58 to 6-20-59 (men's shirts, jackets).

Curtis Manufacturing Co., 2400 Coolidge Avenue, Orlando, Fla.; effective 6-20-58 to 6-19-59 (replacement certificate) (men's walking shorts).

DeeVille Blouse Co., Inc., Danielsville, Pa.; effective 6-20-58 to 6-19-59 (ladies' and children's blouses).

Edward Hyman Co., Hazlehurst, Miss.; effective 6-20-58 to 6-19-59 (men's work pants, work shirts and coveralls).

Industrial Garment Manufacturing Co., 201 East Oak Street, Palestine, Tex.; effective 7-9-58 to 7-8-59 (men's work trousers).

Jamestown Shirt Corp., Jamestown, Tenn.; effective 7-3-58 to 7-2-59 (sport shirts).

Laurens Shirt Corp., Hillcrest Drive, Laurens, S. C.; effective 6-27-58 to 6-26-59 (men's dress and sport shirts).

Mid-South Industries, Inc., Hackleburg, Ala.; effective 6-22-58 to 6-21-59 (boys' sport shirts).

Model Sportswear, Inc., 305 Holland Street, Shelbyville, Tenn.; effective 6-30-58 to 6-29-59 (men's and boys' sportswear, surcoats, and reversible jackets).

Oxted Manufacturing Co., Inc., 244 West Seneca Street, Oswego, N. Y.; effective 6-20-58 to 6-19-59 (dresses).

Standard Shirt Co., McClure, Snyder County, Pa.; effective 6-18-58 to 6-17-59 (pajamas).

Sullcraft Manufacturing Co., Inc., Dushore, Sullivan County, Pa.; effective 6-23-58 to 6-22-59 (boys' pajamas).

Williamson-Dickie Manufacturing Co., McAllen, Tex.; effective 6-17-58 to 6-16-59 (apparel—workpants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Goldstone Bros., Sebastopol Avenue and Boyd Street, Santa Rosa, Calif.; effective 6-20-58 to 6-19-59; six learners (men's and boys' pants).

Gross Galesburg Co., 154 North Main Street, Canton, Ill.; effective 6-23-58 to 6-22-59; 10 learners; (one-piece suits and work jackets).

Holly Hill Dress Corp., Holly Hill, S. C.; effective 6-20-58 to 6-19-59; seven learners (children's dresses).

Jonny Jax, Inc., Holsopple, Pa.; effective 6-23-58 to 6-22-59; 10 learners (bomber jackets and surcoats).

Yori Joy Sportswear, Inc., Windber, Pa.; effective 6-20-58 to 6-19-59; five learners (pedal pushers and shorts, jackets).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bay Slacks, Inc., Bay Minette, Ala.; effective 6-19-58 to 12-18-58; 25 learners (dress slacks).

Brookside Industries, Inc., Reidsville, N. C.; effective 6-19-58 to 12-18-58; 10 learners (men's shirts, trousers).

Glendale Manufacturing Co., 26 Glendale Avenue, Biltmore, N. C.; effective 6-20-58 to 12-19-58; 50 learners (ladies' cotton pajamas, gowns).

Vacation Wear, Inc., Estill, S. C.; effective 6-23-58 to 12-22-58; 20 learners (ladies' cotton sportswear).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Bisher Hosiery Mill, Inc., Denton, N. C.; effective 6-25-58 to 6-24-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

C & M Hosiery Mills, Inc., 100-104 South Hanover Street, Baltimore, Md.; effective 6-20-58 to 6-19-59; five learners for normal labor turnover purposes (finishing and converting of men's hosiery).

Granite Hosiery Mills, 838 South Street, Mount Airy, N. C.; effective 7-8-58 to 7-7-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Hanover Mills, Inc., Carolina Beach Road and Marion Drive, Wilmington, N. C.; effective 6-17-58 to 10-28-58; 20 additional learners for plant expansion purposes (supplemental certificate) (seamless).

Merrimac Knitting Mills, Inc., 235 Central Street, Franklin, N. H.; effective 6-17-58 to 12-16-58; 10 learners for plant expansion purposes (seamless).

The Wilma Hosiery Mill, Inc., P. O. Box 755, Spruce Pine, N. C.; effective 6-20-58 to 12-19-58; 20 learners for plant expansion purposes (seamless).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Belfast Canning Co., Pierce Street, Belfast, Maine; effective 6-20-58 to 12-19-58 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sardine packers for a learning period of 160 hours at rates at least 85 cents an hour for the first 80 hours, and not less than 90 cents an hour for the remaining 80 hours (canned fish).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

El Dorado Import & Export, Inc., 106 Padial Street (Int.) P. O. Box 695 Caguas, P. R.; effective 6-9-58 to 12-8-58; authorizing the employment of 25 learners for plant expansion purposes in the ocupation of feathers pasters (millinery assembling), for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours (women's millinery).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C. this 25th day of June, 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-5001; Filed, June 30, 1958; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF NETHERLANDS FOR BENEFIT OF SUZANNE DE BEER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of the claimants identified in "Exhibit A" set forth below; L. S. Claim No. 1025; $2,148.63 in the Treasury of the United States and all right, title, and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 Fed. Reg. 10097, October 3, 1951) in and to: The Cuba Company 6/55, Debentures Nos. 3484 and 3782, in the principal amount of $1,000 each.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on June 24, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

EXHIBIT A

L. S. CLAIM NO. 1025

Claimants

Suzanne, Charles Jacques, Markus, Louis and Charles de Beer; Maryse de Beer, a minor, under guardianship of her mother, Mrs. Sara Roza de Beer-Blom; Rosine, Professor Dr. Ivo and Jacob Samkalden; Sibilla Palm-de Beer; Mrs. Johannes Petrus, Simon and Debora Palm; Peter Willem Bernhard and Hugo Frans Joseph Oomens, minors, under guardianship of Cornelis Marius Johannes Oomens and Johannes Albertus Molling; Kitty Blanche Dijks-van den Berg; Ludwig William Simon, Cesar Alexander, and Auretta Sylphia van den Berg; Edoardine Emanuelle Jeane Cyreline Peoples-van den Berg; Aletta Betsy and Simon Jan Barnstijn; Jan Hendrik Coelingh; Gustaaf Adolph Barnstijn, a minor, under guardianship of mother, Mrs. Ilselotte Gerda Ruth Lenselink; Marcus Louis and Marcus Moritz Gompertz; Charlotte Helena Bolle-Gompertz; Jules Maurits and Mrs. Johanna Rosa Bolle; Hugo Morits van Peristein, Dr. Eli Estaël and Benjamin Eduard Michael Mogendorff; Charlotte Gompertz-Jacobs; Adriana Jacoba Helena Jacobs, nee Boers; Louise Henriette Robby Jacobs; Mrs. Martha Bloch; Miss Geertruida van Walree; Louis de Vries, and Elisabeth Sara van der Schaaf-de Vries.

[F. R. Doc. 58-4984; Filed, June 30, 1958; 8:46 a. m.]

FEDERAL REGISTER

VOLUME 23 NUMBER 129

Washington, Wednesday, July 2, 1958

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

UNIVERSITY OF MICHIGAN
JUL 3 1958
MAIN READING ROOM

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10772

AMENDMENT OF EXECUTIVE ORDER No. 10673,[1] RELATING TO THE FITNESS OF AMERICAN YOUTH

By virtue of the authority vested in me as President of the United States, it is ordered that section 4 of Executive Order No. 10673 of July 16, 1956, entitled "Fitness of American Youth," be, and it is hereby, amended to read as follows:

"SEC. 4. There is hereby established the President's Citizens Advisory Committee on the Fitness of American Youth (hereinafter referred to as the Advisory Committee). The Advisory Committee shall be composed of such members as the Chairman of the Council may designate. A member of the Advisory Committee shall be designated by the Chairman of the Council as the Chairman of the Advisory Committee."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 30, 1958.

[F. R. Doc. 58-5121; Filed, July 1, 1958; 10:01 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[C. C. C. Farm-Storage Facility Loan Bulletin]

PART 474—FARM STORAGE FACILITIES

SUBPART—FARM-STORAGE FACILITY LOAN PROGRAM

This bulletin contains the regulations governing Farm-Storage Facility Loan Program formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Commodity Stabilization Service (hereinafter referred to as "CSS"). The bulletin supersedes the 1957 Farm Storage Facility Loan Bulletin 1, 22 F. R. 4595. The renegotiation provisions of this bulletin will apply to all loans heretofore or hereafter made under the program. The program will be carried out by CSS under the general supervision and direction of the Executive Vice President, CCC.

Sec.
474.721 Administration.
474.722 Availability of loans.
474.723 Loans made by CCC.
474.724 Eligible borrowers.
474.725 Eligible structures.
474.726 Terms and conditions of loans.
474.727 Disbursement of loan.
474.728 Service charge.
474.729 Sale or conveyance of security.

AUTHORITY: §§ 474.721 to 474.729 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply secs. 4, 5, 62 Stat. 1072, 15 U. S. C. 714c.

§ 474.721 *Administration.* The program will be administered by CSS, under the general direction and supervision of the Executive Vice President, CCC, and in the field will be carried out by State and county Agricultural Stabilization and Conservation committees (hereinafter called State and county committees). State and county committees do not have authority to modify or waive any provisions of this subpart or amendmendments or supplements to this subpart. Employees of County ASC Committees shall execute instruments in accordance with delegations of authority published in 21 F. R. 2957.

§ 474.722 *Availability of loans.*—(a) *Area.* Loans will be available in any State of the continental United States.

(b) *Time.* Loan applications may be submitted pursuant to this bulletin beginning with the date of publication hereof and continuing until termination of the program.

(c) *Applications for loans.* Any application for a loan shall be submitted to the county committee which will be responsible for obtaining appropriate review. Approved forms and documents will be made available through the offices of county committees. Disbursements of loans will be made by drafts drawn on CCC by the county office.

§ 474.723 *Loans made by CCC.* All loans under this program will be direct loans made by Commodity Credit Cor-

(Continued on p. 5031)

[1] 21 F. R. 5341; 3 CFR, 1956 Supp. p. 82.

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FEDERAL REGISTER

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poration, except that a loan may be made by an approved lending agency if requested by the borrower upon specific approval of the Executive Vice President, Commodity Credit Corporation, or the Deputy Administrator for Operations, CSS. An approved lending agency shall be any bank, corporation, partnership, individual, or other legal entity which has entered into a lending agency agreement for storage loans, on the form prescribed by CCC.

§ 474.724 *Eligible borrowers.* Loans will be made only to eligible borrowers. An eligible borrower shall be any person, who as tenant, share-landlord, or landowner-operator produces one or more of the eligible commodities listed in § 474.725 (a). The term "person" means an individual, partnership, corporation or other legal entity. If two or more eligible borrowers join together in the purchase and erection or construction of an eligible structure each such eligible borrower shall sign all documents, and shall be liable jointly and severally with respect to the loan.

§ 474.725 *Eligible structures.* (a) Loans will be made only for the purchase or construction of movable or immovable storage facilities which qualify as eligible structures. The term "movable storage facility" means a storage facility which can be dismantled and moved without demolishing it, and which it is practicable to dismantle, move, and reconstruct on another site. All other storage facilities shall be considered to be "immovable". The term "storage facility" includes the operating equipment which the county committee determines is necessary for the proper handling and conditioning of the agricultural commodity to be stored and without which the facility cannot be operated.

(b) A storage facility shall qualify as an eligible structure if all the following requirements are met:

(1) The facility must be either (i) a new farm storage facility of movable or immovable type (including an addition to an existing immovable facility) which meets the requirements for eligible storage under the CCC price support loan programs and which, prior to date of application for the loan, has not been purchased or constructed; or (ii) a used farm storage facility which CCC has acquired by foreclosure or other means under this program. A downpayment will not be deemed to be a purchase which will preclude consideration of an application filed thereafter. Similarly, the installation of the foundation will not be deemed to be construction.

(2) The structure must be for use solely for the storage of corn, wheat, rye, oats, barley, grain sorghums, soybeans, cottonseed, rice, dry edible beans, dry peas, peanuts, pasture seeds, hay seeds or winter cover crop seeds produced by an eligible borrower on the particular land with respect to which the application for a loan is made.

(3) If the structure is an immovable facility for the storage of cottonseed, soybeans, dry edible beans, dry peas, peanuts, flaxseed, pasture seeds, hay seeds, or winter cover crop seeds it must be located in an area in which the State committee determines that existing commercial storage facilities for such commodity or commodities are not adequate.

(4) The county committee must have determined that the storage facility is needed and that the bushel capacity proposed is in keeping with the additional farm storage requirements of the producer for the storage of eligible commodities taking into consideration existing permanent storage facilities of the producer. Storage capacity to store one year's crop shall be considered sufficient for cottonseed and storage capacity to store one year's crop plus one crop year's carryover shall be considered sufficient for all other eligible commodities.

(5) It must not appear because of the type of construction, design, size, equipment, location or otherwise, that the structure may be attached to, or become part of, or made use of, in connection with any commercial operation, including but not limited to elevators, warehouses, driers and processing plants. Any facility which is located in working proximity to any commercial operation shall be deemed to be a part of such operation for the purposes of this program.

(c) A loan will not be available (1) for the refinancing, repair, remodeling, or maintenance of existing facilities, (2) for the purchase of secondhand facilities (except as specifically provided in paragraph (b) (1) (ii) of this section, or (3) to provide storage facilities for commodities which the borrower intends to purchase or store for others.

§ 474.726 *Terms and conditions of loans*—(a) *Term of loan.* The maximum term of the loan will be approximately four years from the first anniversary date of the first disbursement of the loan, except that the term of an individual loan may be extended and reextended for terms of not to exceed one year each if the county committee determines in writing that the borrower is unable to meet the current payment when due, because of catastrophic loss of crops or other comparable condition beyond the control of the borrower. Such extensions, as authorized in this paragraph, shall merely defer the date upon which each of the respective payments shall become due and payable. Loans will be secured (1) by chattel mortgage on the storage facility, which shall constitute the sole lien on such facility, or (2) by a first lien in the form of a real estate mortgage, deed of trust, or other security instrument, approved by CCC, on the borrower's farm or other property on which the facility is to be located, or on such acreage of the farm as will, in the judgment of the county committee, (i) make the site easily accessible for use of other farmers in the area, and (ii) constitute a saleable unit. A first lien on the real estate will be required in connection with all loans relating to immovable facilities, and may be required in connection with any other loan at the discretion of the person authorized by CCC to approve the loan, provided, however, that such first lien may be obtained through a subordination agreement where the real estate is subject to any other lien. In case of chattel mortgage loans, a severance agreement must be executed and acknowledged by all persons having an interest in the land on which the structure will be placed, except that a severance agreement will not be required if the storage structure is movable, not attached to a permanent foundation, and (*a*) is not in excess of 2,500 bushels capacity, or (*b*) in the case of a structure for storage of cottonseed is not in excess of 60 ton capacity. The cost of recording or filing all documents required in connection with the loan shall be paid by the borrower. Upon approval of the application for loan, the county committee will execute a commitment for the loan. Unless the loan has been totally disbursed, the loan commitment shall become null and void in four months after its date unless extended in writing by the county committee on or before its expiration date. Every application for a farm storage facility loan secured by a chattel mortgage shall be accompanied by an instrument, duly acknowledged for recording purposes, under which the owner of the premises on which the facility is to be located consents that if the farm storage facility is acquired by CCC through foreclosure or other means, such facility may, at the option of CCC, remain on the property for a period not to exceed six months at no expense to CCC. Such covenant

may be included in a severance agreement or in such other instrument as may be approved by the attorney in charge in cases where the severance agreement is not required.

(b) *Amount of loan.* (1) The maximum amount loaned on any new storage facility shall not exceed the maximum amount authorized by the State committee, but in no event shall exceed eighty percent of the actual out-of-pocket cost paid by the borrower. The borrower shall be required before the loan is disbursed to furnish receipted bills showing, among other things, the cost of the structure, equipment if any, and amount of down-payment. The cost incurred shall include the expenditures of the borrower which are necessary for the purchase, delivery, and erection of the facility, and the cost of that operating equipment which the county committee determines is necessary for the proper handling and conditioning of the eligible commodity to be stored and without which the facility cannot be operated. In computing the cost incurred, the labor performed by the applicant and other labor usually employed on the farm, the cost of all equipment placed in the facility which is not necessary for its operation, and the cost of foundations for movable facilities shall be excluded.

(2) The county committee may approve loan applications, issue loan commitments, and make disbursement of loans, without prior approval of the State committee, except as specifically provided herein, if the loan is not in excess of $2,500. Any loan in excess of $2,500 must be approved by the State committee or designated employee of the State committee prior to the issuance of loan commitment. Each application for a loan on a movable storage facility in the amount of $15,000 or over, and each application for a loan on an immovable storage facility in the amount of $25,000 or over, shall be forwarded by the county committee, together with its recommendations, to the State committee and the State committee shall forward such applications with its recommendations to the Deputy Administrator for Operations. A loan on a movable storage facility in an amount ranging from $15,000 to $25,000 shall not be made unless it is approved by the Deputy Administrator for Operations, and no loan commitment shall be issued in connection with such a loan prior to such approval. If the application is for a loan in excess of $25,000, the application shall be submitted by the Deputy Administrator for Operations to the Board of Directors of CCC. A loan in excess of $25,000 shall not be made unless approved by the Board of Directors, and no loan commitment shall be issued in connection with an application for a loan in excess of $25,000 unless the loan has been approved by the Board of Directors. If more than one application for loan is filed by the same person or in connection with the same farm operation, the aggregate amount of such loan applications, together with the outstanding balance of any prior loan to such person or in connection with such farm operation shall be considered as one application for the purposes of determining the foregoing amounts which may be approved by the respective above-named committees and officials.

(3) The maximum amount loaned on any farm storage facility which CCC has previously acquired by foreclosure or other means under the program shall not exceed the maximum amount authorized by the State committee and in no event shall exceed eighty percent of the price of purchase from Commodity Credit Corporation.

(c) *Repayment of loan.* The principal of the loan shall be repayable in equal annual installments with interest at four percent per annum on the unpaid balance. The first installment including interest shall be payable during the twelve months period beginning on the first anniversary date of the first disbursement of the loan, out of amounts due the borrower under any price support loan or purchase agreement operation carried out by the Department of Agriculture and a like installment shall be similarly payable during the twelve months following each anniversary date thereafter until the principal together with the interest thereon has been paid in full. Payment out of such amounts shall be obtained by deduction therefrom, except that such deduction shall not exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders. Each installment must be paid out of price support proceeds, in cash, or otherwise not later than the end of the applicable twelve months pay period, and upon failure to pay any installment by the thirtieth day after the end of such period the loan may be declared delinquent and at the option of the county committee upon authorization of the State committee the loan may be called and the entire unpaid amount of the loan shall become immediately due and payable. Any delinquent loan or any past due amount on any annual payment may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture, utilizing CCC funds when the loan is held by a lending agency, or utilizing any funds available to the Department when the loan is held by CCC. Any payments for storage of commodities in farm storage structure under a price support or reseal program due from Commodity Credit Corporation to a borrower shall be applied (1) to any delinquent amount(s), and, (2) to the borrower's storage facility loan installment which is due and payable when the storage payment is due, and (3) to any extended installment(s), each including interest. Upon breach by the maker of the note of any covenants or agreements on his part to be performed under this Bulletin, or under the mortgage or other security instruments securing the note, or under any other instruments executed in connection with the loan, or if the facility is used in connection with any commercial operation including but not limited to elevators, warehouses, dryers or processing plants, during the life of the loan, the holder at his option may declare the entire indebtedness immediately due and payable. The loan may be paid in full or in part by the borrower at any time before maturity. Upon payment of farm storage facility loans secured by mortgages or deeds to secure debts which are held by CCC or secured by deeds of trust under which CCC is beneficiary, the county committee should be requested by the borrower to release or obtain the release of such instruments of record. Upon payment of loans secured by instruments held by a lending agency or under which a lending agency is beneficiary, the lending agency should be requested by the borrower to release or obtain the release of such instrument or instruments.

(d) *Renegotiation.* The term "renegotiation", as used herein, means any extension of the time for repayment of the loan or any installment thereof (other than a simple extension under paragraph (a) of this section or any change in the amount of installment payment.

(1) The security position of CCC with regard to any lien securing the original note shall not be impaired. To insure that this condition is met and that all renegotiation instruments are legally sufficient, such instruments submitted to the State committee shall be submitted to the Attorney in Charge for review.

(2) Renegotiation of a loan shall be authorized by the State committee if it determines, upon review of data satisfactory to the State committee (which data shall be provided through the county committee) showing, in addition to any other information desired by the State committee, that renegotiation of the loan is in the best interests of CCC, taking into consideration (i) the financial position of the borrower, (ii) the prospective income of the borrower, particularly under price support programs, (iii) prior efforts in good faith to repay the loan, (iv) whether the borrower has maintained the facility in good condition, (v) whether the facility has been used for any purpose other than the storage of eligible commodities, (vi) probable net return from foreclosure and resale of bin, (vii) whether CCC price support programs would be benefited by such renegotiation.

(3) The amount of a renegotiated loan shall be the unpaid balance of the original note plus accrued interest and expenses paid by CCC which are chargeable to the borrower, as of the date of renegotiation.

(4) The renegotiated loan shall bear interest at the rate of 4 percent on the unpaid balance.

(5) A loan may be renegotiated for such period, in the light of information obtained under subparagraph (2) (i) and (iii) of this paragraph, as is deemed reasonably necessary to effect repayment but in no event shall the maturity date of the renegotiated loan be extended beyond 10 years following the date of first disbursement of the original loan.

(6) The insurance requirements specified in paragraph (e) of this section shall be applicable to loans renegotiated in accordance with this part.

(7) A renegotiated loan must be approved also by the Deputy Administrator, Operations, CSS, or by the Executive Vice President, CCC, if the renegotiated loan balance is in excess of (i) $15,000 for movable facilities and (ii) $25,000 for immovable facilities. The Deputy Administrator, Operations, CSS, is authorized to approve renegotiated loan balances not in excess of $25,000; all renegotiated loan balances in excess of $25,000 are subject to the approval of the Executive Vice President, CCC.

(e) *Insurance.* Insurance shall be maintained on all immovable storage facility loans, regardless of the amount of the loan, and with coverage for fire and other hazards existent in the area. Insurance shall also be maintained on all movable facility loans on which the amount loaned was $1,000 or more, and on loans under $1,000 when required by the State committee of any State. All insurance shall be maintained during the life of the loan and for the face value of the loan, and the cost shall be borne by the borrower. The policy shall contain a clause making any loss thereunder payable to CCC and to any other holder of the note secured by the storage facility as their interests may appear. If any insurance is not in effect at any time during the life of the loan, the loan shall be called immediately unless such lapse is due to the failure of the effective date of the insurance to coincide with the date of disbursement.

(f) *Taxes.* The borrower must covenant to pay all personal property taxes, and all taxes that become due and payable on the real estate covered by the mortgage securing the note evidencing the loan. CCC, if it deems it desirable for the purpose of protecting its interests, may pay any unpaid taxes and add the amount of such payments to the borrower's indebtedness and may provide in the loan instruments for increasing the lien on the facility by the amount of such payments.

(g) *Maintaining storage facility.* The borrower shall be required to maintain the storage facility in condition and keep it available for storage until the loan is paid in full. The borrower shall not use the facility for any purpose other than the storage of the commodities listed in § 474.725 (a) in the production of which he has an interest without the written consent of the county committee, except that a landlord borrower may include the facility in a lease of the land on which the facility is located conditioned upon use of the facility for the storage of eligible commodities.

§ 474.727 *Disbursement of loan.* In the case of movable storage facilities, disbursement will be made in full at the time of completion of the facility and after the facility has been inspected and approved by the county committee or designated employee. In the case of immovable storage facilities, disbursement will be made either in full at the time of completion and approval of the facility by the county committee or designated employee or on a partial advance plan as elected by the borrower in his application for a loan. Under the partial advance plan, the proceeds of the loan will be disbursed in the following manner: 10 percent upon the execution of the security instrument, an additional 20 percent when the construction is one-half completed, an additional 20 percent when the construction is three-fourths completed, and the remainder when the construction is fully completed. Final and complete disbursement of the loan proceeds on movable or immovable structures will not be made under any plan until the borrower furnishes satisfactory evidence of the payment of any debts on the facility in excess of the amount discharged with the loan.

§ 474.728 *Service charge.* There shall be collected from the applicant at the time the application is made, a service charge of $5.00 or one (1) percent of the loan, whichever is greater, but in no case shall the charge be less than $5.00. If the loan is rejected or is not completed, the minimum charge of $5.00 shall be retained by the county committee and the balance returned to the applicant.

§ 474.729 *Sale or conveyance of security.* When the borrower desires to sell or convey the facilities or other property securing a loan without repaying the loan in full, he shall apply to the Chairman of the county committee for approval of the sale or conveyance on behalf of CCC. If such approval is granted, the borrower and the purchaser shall execute an assumption agreement in form prescribed by CCC. Approval of the transaction on behalf of CCC shall be shown by signature of the Chairman of the county committee in the space provided in the assumption agreement. The Chairman of each county committee is authorized to approve such transactions on behalf of CCC with respect to facilities located within the county, by executing the consent provision in the assumption agreement. The assumption agreement form may be obtained from the county committee office.

Issued this 25th day of June 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-5023; Filed, July 1, 1958; 8:48 a. m.]

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—VIOLATIONS PROCEDURE

MISCELLANEOUS AMENDMENTS

The Soil Bank regulations applicable to violations, 22 F. R. 2411, as amended, are hereby further amended as follows:

1. The following new section is added immediately following § 485.279:

§ 485.279a *Additional refund when certificate was redeemed in grains.* In any case where a refund is required under an Acreage Reserve Agreement, and the producer has exchanged all or a part of the certificate of compensation for grain, the market value of the grain as of the date of exchange shall be determined. If such market value is in excess of the certificate or portion thereof used for exchange, the producer shall also be required to refund the amount of such excess: *Provided,* That if the producer redeemed "loan grain" the amount of such excess shall not exceed the difference between the face value of the certificate and the principal amount of the loan, plus accrued interest on the quantity of such grain redeemed in exchange for the certificate.

2. The first sentence of § 485.280 is amended to read as follows: "If any producer who requested a hearing before the county committee in accordance with this subpart and appeared or was represented at the hearing held in response to such request feels aggrieved by a determination of the State committee which (a) requires the producer to forfeit all rights to compensation under an Acreage Reserve Agreement and to refund all compensation received thereunder, (b) provides for termination of a Conservation Reserve Contract, or (c) calls for the assessment of a civil penalty under an Acreage Reserve Agreement or a Conservation Reserve Contract, he may obtain judicial review pursuant to section 107 (d) of the Soil Bank Act, by filing a complaint with the United States District Court for the district in which the land covered by the agreement or contract is located, within 90 days after the delivery of notice of such determination, requesting the court to set aside such determination."

3. Section 485.282 is amended by adding the following new paragraph (c):

(c) The State committee on its own motion, or upon the request of the producer, may, within 90 days after the delivery of the notice of its determination (but not after the filing of a complaint to set aside the determination, unless such complaint be dismissed), reopen the hearing before the State committee for any reason. If the State committee reopens the hearing, and renders another determination, affirming or modifying the prior determination, a producer eligible to judicial review under the provisions of § 485.280 shall have 90 days after the delivery of notice of the latter determination in which to file a complaint in the proper district court.

4. The following new section is added immediately following § 485.286:

§ 485.286a *Failure to set aside sufficient acreage.* Where the acreage set aside by the producer is less than the acreage which he agreed to place in the acreage reserve and it is determined that he did not make a reasonable effort to set aside such acreage and after notice fails to set aside such acreage, the entire amount payable or paid to all producers under the agreement shall be forfeited or refunded. (In addition to the forfeiture or refund prescribed in this section, if the producer knowingly and willfully harvests a crop from or grazes the acreage which he agreed to place in the acreage reserve, the civil penalty imposed by section 123 of the Soil Bank Act shall apply.)

5. The following new section is added immediately following § 485.289:

§ 485.289a *Failure to control wind or water erosion.* Effective with respect to

1958 agreements, where there has been a failure to exercise reasonable diligence to take steps prescribed by the county committee to control wind or water erosion on the acreage reserve, the entire amount payable or paid to the operator shall be forfeited or refunded. In such case, the entire amount payable or paid to any other producer (including tenants and sharecroppers who did not sign the agreement) shall also be forfeited or refunded by such producer: *Provided*, That such forfeiture or refund shall not apply to a producer (other than the operator) if it is determined that such producer did not cause or contribute to the failure to take such steps.

6. Section 485.290 (b) is amended by adding the following at the end thereof: "(Effective with respect to 1958 agreements covering spring-planted commodities, the provisions of this subparagraph shall not apply to a cash tenant, standing-rent tenant, or fixed-rent tenant, unless such tenant was living on the farm in 1957 or received 50 per centum or more of his income in 1957 from the farm covered by the agreement.)"

7. Section 485.291 is amended by inserting "(a)" immediately after the heading and by adding a new paragraph (b) at the end thereof as follows:

(b) Effective with 1958 agreements, it shall be considered a scheme or device to defeat the purposes of the program for a producer having an agreement for a commodity on the farm to exceed the allotment for the commodity on another farm if he knowingly exceeds by a substantial amount the acreage normally devoted to the commodity on such farm. The regulations governing the spring-planted commodities provide specifically that in the case of agreements covering spring-planted commodities, a producer shall be considered to have exceeded by a substantial amount the acreage normally devoted to a commodity on a farm if he has exceeded by more than ten (10) percent the larger of (1) the allotment, or (2) the highest acreage devoted to the commodity on the farm in either of the years 1956 or 1957.

8. The following new sections are added immediately following § 485.291:

§ 485.291a *Scheme or device to evade maximum payment limitation.* If any producer adopts or participates in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or by any other means, designed to evade the maximum payment limitation, such producer shall forfeit or refund the entire amount of the compensation payable or paid to him.

§ 485.291b *Failure to permit access to farm.* Where there has been a failure to permit the county committeemen or their representative, or any other authorized representative of the Secretary, to enter the farm at any reasonable time in order to measure the acreage or determine the production of any agricultural commodity on the farm and to examine any records pertaining to the farm, the entire amount payable or paid to the operator shall be forfeited or refunded. In such case, the entire amount payable or paid to any other producer (including tenants and sharecroppers who did not sign the agreement) shall also be forfeited or refunded by such producer.

9. The first sentence of § 485.295 is amended to read as follows: "If an acreage reserve agreement is knowingly and willfully violated in any one or more of the following respects: (a) Harvesting an acreage of the commodity in excess of the acreage permitted to be harvested under the agreement, (b) harvesting a crop from the acreage reserve, (c) grazing the acreage reserve, or (d) failing to set aside and refrain from harvesting or grazing the acreage which he agreed to place in the acreage reserve—there shall be assessed a civil penalty equal to 50 per centum of the total compensation payable for compliance with the agreement."

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 30th day of June 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-5112; Filed, July 1, 1958; 8.59 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6993]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CHARLES COHEN ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller: *Manufacturer;* § 13.155 *Prices:* Exaggerated as regular and customary; forced or sacrifice sales; sales below cost. Subpart—*Concealing, obliterating, or removing law-required and informative marking:* § 13.516 *Fur products tags or identification.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product;* § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.* Subpart—*Using misleading name—Goods:* § 13.2280 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Charles Cohen trading as Santa Ana Fur Company and Charles of the Santa Ana Fur Company, Santa Ana, Calif., Docket 6993, May 22, 1958.]

In the Matter of Charles Cohen, an Individual Trading as Santa Ana Fur Company, and Charles of the Santa Ana Fur Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Santa Ana, Calif., with violating the Fur Products Labeling Act by removing labels from fur products prior to sale to the ultimate consumer; by naming on invoices fictitious or nonexistent animals or animals other than those producing the fur; by failing to comply in other respects with the labeling and invoicing requirements; by advertising in newspapers which failed to disclose the names of animals producing furs or named other animals, failed to disclose that certain products were composed of artificially colored fur and the name of the country of origin of imported furs, and failed to give other required information; represented prices as reduced from regular prices which were in fact fictitious, represented falsely that he designed and manufactured his fur products, that prices were reduced in a so-called "Disruption Sale" and that they were below cost; and by failing to keep adequate records as a basis for the pricing claims.

Following acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 22 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Charles Cohen, an individual trading as Santa Ana Fur Company and as Charles of the Santa Ana Fur Company, or under any other trade name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Removing or participating in the removal of labels required by the Fur Products Labeling Act to be affixed to fur products, prior to the time any fur product is sold and delivered to the actual consumer.

B. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

2. Setting forth on labels attached to fur products:

(a) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder mingled with non-required information;

(b) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder in handwriting;

C. Falsely or deceptively invoicing fur products by:

1. Failure to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported fur contained in a fur product.

2. Setting forth on invoices the name of an animal which is fictitious or nonexistent in place of the name or names of the animal or animals producing the fur as required by Paragraph C 1 (a) above.

3. Setting forth on invoices the name of an animal other than the name or names of the animal or animals producing the fur as required by Paragraph C1 (a) above.

4. Setting forth on invoices information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form;

5. Failing to furnish invoices to purchasers of fur products showing the item number or mark assigned to such products, as required by Rule 40 of the rules and regulations (§ 301.40).

D. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

2. Fails to disclose that fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact.

3. Contains the name of an animal other than the name or names of the animal or animals producing the fur contained in fur products as required by Paragraph D1 above.

4. Fails to disclose the name of the country of origin of any imported furs contained in fur products.

5. Fails to set forth the information required by section 5 (a) of the Fur Products Labeling Act in type of equal size and conspicuousness and in close proximity with each other, as required by Rule 38 (a) of the rules and regulations (§ 301.38 (a)).

6. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the prices at which such products, in the recept regular course of business, has been usually and customarily sold by the respondent.

7. Represents, directly or by implication, that fur products being offered for sale were created, designed or manufactured by respondent, where such is contrary to the fact.

8. Represents, directly or indirectly, through the use of such terms as "Disruption Sale", "Clearance", "Remodeling Sale", "Liquidation", or through terms of like import or meaning, that fur products being offered for sale are from respondent's regular inventory or stocks or must be disposed of at reduced prices, where such is contrary to the fact.

9. Represents, directly or by implication, that fur products are being offered for sale at prices which are the same as, or are below, respondent's wholesale costs of such products, where such is contrary to the fact.

10. Makes pricing claims and representations of the type referred to in Paragraphs D6 and 9 above, unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based, as required by Rule 44 (e) of the rules and regulations (§ 301.44 (e)).

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: May 22, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-5015; Filed, July 1, 1958; 8:46 a. m.]

[Docket 7011]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HAWTHORNE WATCH CO.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees;* § 13.140 *Old, reclaimed, or reused as new;* § 13.175 *Quality of product or service;* § 13.215 *Seals, emblems, or awards.*[1] Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1220 *Guarantee;* § 13.1235 *Indorsements, approval, or awards;* § 13.1265 *Old, secondhand, reclaimed or reconstructed product as new;* § 13.1280 *Price;* § 13.1295 *Quality or grade.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Seon Zerah and Jacques Raoul Zerah d. b. a. Hawthorne Watch Company, San Francisco, Calif., Docket 7011, May 22, 1958]

In the Matter of Seon Zerah and Jacques Raoul Zerah, Co-partners d/b/a Hawthorne Watch Company, Individually and as Co-partners

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a partnership in San Francisco which sold its merchandise to jobbers and dealers for resale, with representing falsely in catalogs, on counter display cards, and on containers, that certain of their watches containing one jewel were "jeweled", guaranteed for one year, had been awarded a gold medal in competitions at London, Paris, and Geneva, and that secondhand and rebuilt watches were new; and with attaching to their merchandise, or furnishing to their customers for attachment thereto, tags printed with fictitious and greatly exaggerated prices.

Following acceptance of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 22 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Seon Zerah and Jacques Raoul Zerah, as individuals, or as copartners doing business as Hawthorne Watch Company, or under any other trade name or names, and respondents' representatives, agents and employees, directly, or through any

[1] Amended to read as set forth.

corporate or other device, in connection with the offering for sale, sale or distribution of merchandise, including watches or other items of jewelry, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication that any such watch:

(a) Is a "jeweled" watch, or that it contains a jeweled movement, unless such watch contains at least seven jewels, each of which serves a mechanical purpose as a frictional bearing;

(b) Is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed;

(c) Has been awarded a gold medal or other prize, honor or recognition, in competition with other watches.

(2) Representing, directly or by implication, that any such merchandise, including watches or other items of jewelry, are new, when such are secondhand or reconstructed.

(3) Supplying purchasers of merchandise, including watches and other items of jewelry with price tags having prices or amounts which are in excess of the usual or regular retail selling prices of such merchandise, or otherwise representing that the usual or regular retail price of such merchandise is any amount greater than the price at which such merchandise is usually and regularly sold at retail.

(4) Putting into operation any plan whereby retailers or others may misrepresent the regular or usual retail prices of merchandise.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Seon Zerah and Jacques Raoul Zerah, as individuals, or as co-partners doing business as Hawthorne Watch Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 22, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-5016; Filed, July 1, 1958; 8:46 a. m.]

[Docket 7013]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GREENHOUSE FURS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.235 *Source or origin:* Maker or seller, etc.: *Fur Products Labeling Act.* Subpart—*Concealing, obliterating, or removing law-required and informative marking:* § 13.510 *Concealing, obliterating, or removing law-required and informative marking;* § 13.516 *Fur products tags or indentification.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product;* § 13.1900 *Source or origin:* Fur Products Labeling Act; *Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Greenhouse Furs, Inc. (Perth Amboy, N. J.), et al., Docket 7013, May 21, 1958]

In the Matter of Greenhouse Furs, Inc., a Corporation, Abraham Cherkoss, Individually and as President of Said Corporation, Maxwell Furs, Inc., a Corporation, and Max A. Perry, Individually and as President of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers with places of business at Perth Amboy and West New York, N. J., with violating the Fur Products Labeling Act by removing labels from fur products prior to sale to the ultimate consumers; by failing to comply with the labeling and invoicing requirements; and by advertising in newspapers which failed to disclose the names of animals producing certain furs, that certain products were composed of artificially colored or cheap or waste fur, or the country of origin of imported furs, and which represented fur products falsely as being bankrupt or auction stock or stock from a famous manufacturer.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 21 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Greenhouse Furs, Inc., a corporation, and its officers, and Abraham Cherkoss, individually and as president of said corporation, and Maxwell Furs, Inc., and its officers, and Max A. Perry, individually and as president of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation, or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Removing or causing the removal or participating in the removal of labels required to be affixed to fur products prior to the time fur products are sold and delivered to the ultimate purchaser of such products;

B. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed, in whole or in substantial part, of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name or other identification issued and registered by the Commission of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

(g) The item number or mark assigned to a fur product;

2. Setting forth on labels affixed to fur products:

(a) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

(b) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information;

(c) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting;

C. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed by the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed, in whole or in substantial part, of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs used in a fur product;

(g) The item number or mark assigned to a fur product;

2. Setting forth on invoices information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

D. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid and promote or assist directly or indirectly in the sale or offering for sale of fur products and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in a fur product as set forth in the Fur Products Name Guide and as prescribed by the rules and regulations;

(b) That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(c) That the fur products are composed, in whole or in substantial part, of paws, tails, bellies, or waste fur, when such is the fact;

(d) The name of the country of origin of the imported furs contained in fur products;

2. Represents that fur products are auction stock, bankrupt stock, or stock from a famous New York wholesaler, or words of similar import, when such is contrary to the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents named in the caption hereof shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 21, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-5017; Filed, July 1, 1958; 8:46 a. m.]

[Docket 7023]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

METROPOLITAN FIBRE BATTING CORP. ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68 (c)) [Cease and desist order, Metropolitan Fibre Batting Corp. et al., Glendale, Long Island, N. Y., Docket 7023, May 21, 1958]

In the Matter of Metropolitan Fibre Batting Corp., a Corporation, and Nathan Lieberman and Celina Lieberman Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers with place of business in Glendale, Long Island, N. Y., with violating the Wool Products Labeling Act by labeling as "70 percent Reprocessed Wool", "80 percent Reused Wool", and "100 percent Reprocessed Wool", wool battings which contained substantially less reprocessed or reused wool than the percentages thus represented; by making similar false statements on sales invoices and shipping memoranda; and by failing to comply with other labeling requirements of the act.

Following acceptance of an agreement for consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 21 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Metropolitan Fibre Batting Corp., a corporation, and its officers, and Nathan Lieberman and Celina Lieberman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939, of woolen battings or other "wool products" as such products are defined in, and subject to, said Wool Products Labeling Act, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to, or place on, each such product a stamp, tag or label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool product or one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That Metropolitan Fibre Batting Corp., a corporation, and its officers, and Nathan Lieberman and Celina Lieberman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of woolen battings or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Misrepresenting the character or amount of the constituent fibers contained in such products on invoices or shipping memoranda applicable thereto or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Metropolitan Fibre Batting Corp., a corporation, and Nathan Lieberman and "Celina" Lieberman, erroneously referred to in the complaint as "Calina" Lieberman, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 21, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-5018; Filed, July 1, 1958; 8:47 a. m.]

[Docket 6974]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FELIX PRESBURGER

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; retail or selling as wholesale, jobbing, factory distributors', etc., or discounted. Subpart—*Concealing, obliterating, or removing law-required and informative marking:* § 13.516 *Fur products tags or identification.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Felix Presburger, Los Angeles, Calif., Docket 6974, May 22, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Los Angeles, Calif., with violating the Fur Products Labeling Act by mutilating labels attached to fur products prior to sale to the ultimate consumer; by falsely naming animals producing the fur on labels and invoices; by falsely naming the country of origin on invoices; and by failing in other respects to comply with the invoicing and labeling requirements; by advertising in newspapers which failed to disclose the names of animals producing the furs, or that certain products contained artificially colored or cheap or waste fur, etc.; which falsely represented furs as "Direct from factory to you" and misrepresented prices; and by failing to keep adequate records as a basis for the pricing claims.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 22 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Felix Presburger, an individual trading as Felix Presburger, or under any other trade name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Removing, or participating in the removal of labels required by the Fur Products Labeling Act to be affixed to fur products, prior to the time any fur product is sold and delivered to the ultimate consumer.

B. Misbranding fur products by:

1. Setting forth, on labels attached to fur products, the name of any animal other than the name or names provided for in Paragraph B 2 (a) below.

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, or transported or distributed it in commerce.

(f) The name of the country of origin of any imported furs used in the fur product;

3. Setting forth the term "blended" on labels affixed to fur products to refer to or describe fur products which contain or are composed of bleached, dyed, or otherwise artificially colored fur.

4. Setting forth on labels attached to fur products information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder mingled with nonrequired information or in handwriting;

C. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product.

2. Furnishing invoices to purchasers of fur products showing:

(a) The name of a country other than the country of origin of the animal that produced the fur contained in such fur product;

(b) The name of an animal other than the name or names provided for in paragraph C1 (a) above;

3. Failing to furnish invoices to purchasers of fur products containing an item number or mark assigned to such products;

D. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(c) That the fur product contains or is composed, in whole or in substantial part, of paws, tails, bellies, or waste fur, when such is the fact;

2. Sets forth information required under section 5 (a) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form;

3. Sets forth the term "blended" to refer to or describe fur products which contain or are composed of bleached, dyed, or otherwise artificially colored fur;

4. Represents that respondent is the manufacturer of fur products being offered for sale unless such is the fact;

5. Represents that savings are to be effectuated by purchasers of fur products through the use by respondent of comparative prices, percentage savings claims, or reductions from regular or usual prices unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based, as required by Rule 44 (e) of the rules and regulations (§ 301.44 (e)).

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: May 22, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-5019; Filed, July 1, 1958; 8:47 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

WOMEN'S APPAREL DIVISION OF APPAREL INDUSTRY

Notice was published in the FEDERAL REGISTER on May 20, 1958 (23 F. R. 3407), that the Acting Administrator of the Wage and Hour Division, United States Department of Labor, proposed to amend the regulations heretofore issued pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. 214), which provide for the employment of learners in the women's apparel division of the apparel industry at wages which are lower than the wage applicable under section 6 of the act (52 Stat. 1062, as amended; 29 U. S. C. 206), and which are published in Title 29, Code of Federal Regulations, Part 522, § 522.24. Interested persons were invited to submit in writing any data, views, or arguments pertaining to the proposal on or before June 4, 1958.

All relevant matter submitted has been considered, together with all other available information, and it appears that the adoption of the proposal is appropriate. Its purpose is to increase the special minimum wage rates presently authorized for the learner occupations in the women's apparel divisions of the apparel industry from 80 and 85 cents an hour to 85 cents and 90 cents an hour, respectively.

Accordingly, in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) and pursuant to authority contained in section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 214), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45–A (15 F. R. 3290) and 95–A (22 F. R. 7614) of the Secretary of Labor, I hereby adopt the amendments of Title 29, Code of Federal Regulations, Part 522, § 522.24, as proposed and as set forth below.

1. Subparagraph (1) of paragraph (a) is amended to read as follows:

(1) Not less than 85 cents per hour for the first 320 hours and not less than 90 cents per hour for the next 160 hours, if employed in the Women's Apparel Division of the Apparel Industry as defined in § 522.21 (a).

2. Subparagraph (3) of paragraph (a) is amended to read as follows:

(3) An experienced worker in any of the occupations shown in § 522.23 (a) for which a 480-hour learning period is authorized, who is being retrained in any other occupation shown in that paragraph, having such a 480-hour maximum period, shall be paid at wage rates not less than 85 cents per hour for the first 160 hours and not less than 90 cents per hour for the next 160 hours, if employed in the Women's Apparel Division of the Apparel Industry, as defined in § 522.21 (a); and at wage rates not less than 75 cents per hour for the first 160 hours and not less than 80 cents per hour for the next 160 hours, if employed in any of the other divisions of the Apparel Industry as defined in § 522.21 (b), (c), (d), (e), and (f).

3. Subparagraph (1) of paragraph (b) is amended to read as follows:

(1) Not less than 90 cents per hour, if employed in the Women's Apparel Division of the Apparel Industry as defined in § 522.21 (a).

4. Paragraph (c) is amended to read as follows:

(c) A learner employed in any occupation for which a 160-hour learning period is authorized in § 522.23 (a) shall be paid not less than 85 cents per hour if employed in the Women's Apparel Division, as defined in § 522.21 (a), and not less than 75 cents per hour if employed in any of the divisions of the Apparel Industry as defined in § 522.21 (b), (c), (d), (e), and (f).

(Sec. 14, 52 Stat. 1068, as amended; 29 U. S. C. 214)

These amendments shall take effect August 1, 1958.

Signed at Washington, D. C., this 26th day of June 1958.

CLARENCE T. LUNDQUIST, *Acting Administrator.*

[F. R. Doc. 58-5052; Filed, July 1, 1958; 8:52 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 221—TIMBER

SALES OF OTHER FOREST PRODUCTS

By virtue of the authority vested in the Secretary of Agriculture, Regulation S–20 of the rules and regulations governing the occupancy, use, protection and administration of the national forests, which constitutes § 221.20, Part 221, Chapter II, Title 36, Code of Federal Regulations, is hereby amended, effective upon publication in the FEDERAL REGISTER, to read as follows:

§ 221.20 *Sales of other forest products.* (a) The Chief, Forest Service, is authorized to make sales of forest products not specifically covered by other regulations in accordance with established policies for management of the national forests. He may delegate, with authority to redelegate, this authority for amounts not exceeding $100,000.00 in value in any one sale to Regional Foresters. All Forest Supervisors and all forest officers in charge of Research Centers may make such sales of not exceeding $2,000 in value without special authorization and may delegate this authority to subordinate officers.

(b) So far as applicable, the regulations governing timber sales will be followed in sales of other forest products not specifically covered by other regulations.

(c) The Chief, Forest Service, after approval of conditions of sale, may authorize Regional Foresters formally to approve contracts and related papers properly falling under this section, in sales exceeding the value which the Regional Forester has been authorized to make.

(Sec. 1, 30 Stat. 35, as amended, 16 U. S. C. 551. Interprets or applies Sec. 1, 33 Stat. 628, 16 U. S. C. 472)

Done in Washington, D. C., this 26th day of June 1958.

[SEAL] E. L. PETERSON, *Assistant Secretary.*

[F. R. Doc. 58-5058; Filed, July 1, 1958; 8:53 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 141—OUTGOING MAIL (TREATMENT ABROAD AND RETURN TO UNITED STATES)

POSTAL UNION MAIL

In § 141.1 *Postal Union mail* amend subdivision (iii) of paragraph (c) (2) to read as follows:

(iii) On any article returned through a dead-letter branch, a service charge of 10 cents.

NOTE: Corresponding Postal Manual section is 251.132c.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

[F. R. Doc. 58-5039; Filed, July 1, 1958; 8:50 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter A—Policy, Practice and Procedure

PART 201—RULES OF PRACTICE AND PROCEDURE BEFORE THE FEDERAL MARITIME BOARD AND THE MARITIME ADMINISTRATION

Subchapter J—Miscellaneous

PART 370—CLAIMS

PAYMENT OF TIME-BARRED CLAIMS

A new Part 370, Claims, is hereby added to Subchapter J of this chapter.

The appendix to Part 201 appearing in the FEDERAL REGISTER issue of May 23, 1958 (23 F. R. 3578) is hereby redesignated as Subpart A—Statement of Policy Regarding Payment of Time-Barred Claims, under Part 370.

Dated: June 23, 1958.

[SEAL] CLARENCE G. MORSE, *Maritime Administrator.*

[F. R. Doc. 58-5062; Filed, July 1, 1958; 8:54 a. m.]

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[Rev. General Order 22, Amdt. 3]

PART 282—UNIFORM SYSTEM OF ACCOUNTS FOR OPERATING-DIFFERENTIAL SUBSIDY CONTRACTORS

MISCELLANEOUS AMENDMENTS

Part 282 is amended as follows:

1. Three new sections as set forth below are added following § 282.189; the heading of § 282.199 is changed to read *"All other current assets."*

§ 282.190 *Other current assets.* This account shall be subdivided as set forth in §§ 282.191, 282.192 and 282.199.

§ 282.191 *Prepaid current insurance.* This account shall include the unexpired amount of insurance premiums prepaid, or recorded as a liability in advance of payment, but only to the extent that such premiums apply to the period within one year of the date of the balance sheet and are properly chargeable within that period to account 200, "Unterminated voyage expense," or to other expense accounts. This account shall be subdivided to show separately prepayments on the several classes of insurance.

§ 282.192 *Other prepaid current expenses.* This account shall include the amount of prepaid current expenses; such as interest, taxes, rentals, advertising, charter hire, and similar expenses not otherwise specifically provided for, but only to the extent that such prepay-

ments apply to the period within one year from the date of the balance sheet and are properly chargeable within that period to account 200, "Unterminated voyage expense," or to other expense accounts. Minor items may be charged directly to the appropriate expense accounts.

2. Supplement 1 and all reference thereto appearing at the end of § 282.00 (a) are hereby deleted and a new section is added following § 282.369:

§ 282.370 *Maritime Administration allowance for obsolete vessels.* This account shall include the gross amounts allowed by the Maritime Administration for obsolete vessels traded in, except where the obsolete vessel is retained under a Use Agreement, in which case this account is debited with the net trade-in allowance. Credit this account and debit account 359, "Construction work in progress," with the amount of progress payments on new construction made by the Maritime Administration for the account of the purchaser (operator).

3. Sections 282.376 and 282.389 are amended to read as follows:

§ 282.376 *Unexpired long-term insurance.* This account shall include the amount of unexpired insurance premiums prepaid or recorded as a liability in advance of payment, but only to the extent that such premiums apply to a period more than one year following the date of the balance sheet. The proportions of the same premiums properly chargeable to expenses prior to such period are provided for in account 191, "Prepaid current insurance." This account shall be subdivided to show separately prepayments on the several classes of insurance.

§ 282.389 *Deferred prepayments and other deferred charges.* This account shall include the amount of prepaid expenses such as interest, taxes, rentals, advertising, charter hire, and similar expenses not otherwise specifically provided for in accounts 380, 384, 385 and 386, but only to the extent that such prepayments apply to a period more than one year following the date of the balance sheet. The proportions of the prepayments and other deferred charges in this account, properly chargeable to expenses prior to such period are provided for in account 192, "Other prepaid current expenses." Minor items and nominal payments covering such expenses may be charged directly to the appropriate expense accounts even though they relate to periods in excess of one year.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: June 20, 1958.

By order of the Maritime Administrator.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5069; Filed, July 1, 1958; 8:56 a. m.]

Subchapter G—Emergency Operations

[Rev. General Order 75, Amdt. 2]

PART 308—WAR RISK INSURANCE

CHANGE IN EXPIRATION DATES

Section 308.4 *Period of interim binders if insurance thereunder does not attach,* § 308.106 *Standard form of war risk hull insurance interim binder,* § 308.205 *Standard form of war risk protection and indemnity insurance interim binder,* and § 308.305 *Standard form of Second Seamen's war risk interim binder,* are hereby amended by changing the expiration dates therein from "Midnight, September 7, 1958, G. M. T." to "Midnight, September 7, 1959, G. M. T."

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: June 26, 1958.

By order of the Maritime Administrator.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5061; Filed, July 1, 1958; 8:54 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Basis and purpose. The following changes and announcements are made to announce the registrations of units of gear in Bristol Bay in compliance with the requirements of § 104.9, paragraph (c); in the Alaska Peninsula area, to modify § 105.5 (a) (1) so as to remove the limitation on the use of gear other than purse seines between Strogonof Point and Cape Seniavin to assure utilization of local salmon runs; to delete paragraph (g) (2) and paragraph (n) of § 105.34 to permit fishing on August 4 and 5 in the two bays in question in the Southcentral district; to amend § 109.5 (d) (1) so as to allow the fishery to start in the outer district of the Cook Inlet area on July 1 instead of July 7 because of a surplus of chum salmon over and above spawning requirements; and to announce the registration of the number of units of gear in compliance with the requirements of subparagraph (1) of paragraph (a) of § 109.9.

PART 104—BRISTOL BAY AREA

1. In compliance with § 104.9 (c), announcement is made that registrations of units of gear by districts in Bristol Bay, as of 6 p. m. June 27, 1958, are as follows:

	Units
Naknek-Kvichak	324
Nushagak	271
Egegik	122
Ugashik	70

PART 105—ALASKA PENINSULA AREA

1. Section 105.5 (a) (1), is amended to read as follows:

(1) From 6 a. m. July 10 to 6 p. m. September 13 west of Strogonof Point, and

2. Section 105.34 is amended by deleting subparagraph (2) of paragraph (g) and by deleting paragraph (n).

PART 109—COOK INLET AREA

1. Section 109.5 is amended in subparagraph (1) of paragraph (d) to read as follows:

(1) From 9 a. m. July 1 to 9 a. m. July 16.

2. In compliance with § 109.9 (a) (1), announcement is made that the registration of the number of units of gear totals 1,289 units, thus allowing two days fishing per week in the period from July 1 to July 27, 1958, in the Northern, Northcentral, Southcentral, and Southern districts; from 9 a. m. Monday to 9 a. m. Tuesday and from 9 a. m. Thursday to 9 a. m. Friday.

The amendments herein adopted with respect to §§ 104.9 and 109.9 are in compliance with the requirements of those sections as previously published in the FEDERAL REGISTER. The amendments herein contained with respect to §§ 105.5, 105.34, and 109.5 are relaxations to permit maximum utilization of the runs they govern.

For the above reasons, notice and public procedure on these amendments are not in the public interest and they shall become effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

JUNE 30, 1958.

[F. R. Doc. 58-5108; Filed, June 30, 1958; 3:49 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 943]

[Docket No. AO-231-A10]

MILK IN NORTH TEXAS MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for

filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area, which was issued on June 2, 1958 (23 F. R. 3930; F. R. Doc. 58-4250), is hereby further extended to July 3, 1958. Such exceptions must be filed with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business as of that date.

Dated: June 27, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-5056; Filed, July 1, 1958; 8:53 a. m.]

NOTICES

POST OFFICE DEPARTMENT

MAILING OF ARTICLES ABROAD

The Department has been receiving numerous inquiries from business firms and individuals domiciled in the United States concerning the legality of mailing, or having mailed on their behalf, in other countries various publications, advertising matter, or circulars addressed to persons or firms in the United States.

Article VII of the Final Protocol of the Universal Postal Convention states:

No country is bound to forward or deliver to addressees articles which senders domiciled in its territory mail or cause to be mailed in a foreign country with a view to benefiting from the lower rates which are established there. The rule applies without distinction either to articles prepared in the country inhabited by the sender and then transported across the border or to articles prepared in the foreign country. The Administration concerned has the right either to return the articles in question to orgin or to charge them with its domestic postage rates. The methods of collecting the charges are left to its discretion.

If exchange offices observe any letters or prints which appear to have been mailed abroad by or on behalf of a United States firm or individual, they will hold the articles and report promptly to the Director, International Service Division, Bureau of Transportation, Post Office Department, Washington 25, D. C., furnishing a specimen of the mailing.

If such letters or prints are found to have been mailed at lower postage rates than would apply had the articles been mailed in the United States, they will be returned to origin unless the mailer pays the applicable domestic postage.

The restrictions mentioned are not applied to mailings made by permanent branches or permanent representatives of United States firms which are maintained in other countries, or to mailings by foreign firms having permanent branches or permanent representatives in the United States.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58-5020; Filed, July 1, 1958; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

GULF WEST AFRICA LINE JOINT SERVICE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

(1) Agreement No. 8267, between the carriers comprising the Gulf West Africa Line joint service and Farrell Lines Incorporated, covers the transportation of cargo under through bills of lading from Harbel and Cape Palmas, Liberia, to United States Gulf ports, with transhipment at Monrovia, Liberia.

(2) Agreement No. 8274, between the carriers comprising the Gulf West Africa Line joint service and Waterman Steamship Corporation of Puerto Rico, covers the transportation of cargo under through bills of lading from West Africa to Puerto Rico, with transhipment at New Orleans, Louisiana, or Mobile, Alabama.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 27, 1958.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5063; Filed, July 1, 1958; 8:54 a. m.]

BRODIN LINE JOINT SERVICE AND ALCOA STEAMSHIP CO., INC.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

(1) Agreement No. 8314, between the carriers comprising the Brodin Line joint service and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Argentina, Uruguay and Brazil to Puerto Rico, with transhipment at New York or Baltimore.

(2) Agreement No. 8315, between the carriers comprising the Brodin Line joint service and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Argentina, Uruguay and Brazil to the Virgin Islands, with transhipment at New York or Baltimore.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 27, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5064; Filed, July 1, 1958; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARKANSAS

NOTICE OF PROPOSED WITHDRAWAL

JUNE 26, 1958.

The Office of the Assistant Secretary, Department of Agriculture, Washington 25, D. C., has filed an application for the withdrawal from location and entry, under the United States Mining Laws, for use of the Forest Service, subject to valid existing rights, the land hereafter described.

The land is within the Ozark National Forest by Proclamation 2422, dated August 27, 1940, and is needed as a recreational area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

FIFTH PRINCIPAL MERIDIAN, ARKANSAS

T. 13 N., R. 31 W.,
Sec. 25, NW¼NW¼;
Sec. 26, NE¼.

The area described contains 200 acres.

H. K. SCHOLL,
Manager.

[F. R. Doc. 58-5007; Filed, July 1, 1958; 8:45 a. m.]

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 23, 1958.

The United States Forest Service, Department of Agriculture, has filed an ap-

plication, Serial No. M–024808 (SD), for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land for the Little Spearfish Ranger Station administrative site in the Black Hills National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

BLACK HILLS NATIONAL FOREST

Little Spearfish Ranger Station

T. 4 N., R. 1 E.,
Sec. 2: S½SW¼SW¼, S½N½SW¼SW¼;
Sec. 3: S½SE¼SE¼, S½N½SE¼SE¼, E½SE¼SW¼SE¼, SE¼NE¼SW¼SE¼.

The above described areas total 67.5 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 58–5006; Filed, July 1, 1958; 8:45 a. m.]

[Los Angeles 0148429]

CALIFORNIA

AIR NAVIGATION SITE WITHDRAWAL

JUNE 23, 1958.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 24) as amended, and pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office dated November 19, 1954 (19 F. R. 7697), it is ordered as follows:

Subject to valid existing rights, the following described public land in California is hereby withdrawn from all forms of appropriations under public land laws, including mining and mineral leasing laws, and reserved for the use of the Department of Commerce, Civil Aeronautics Administration, in the maintenance of air navigational facilites, Los Angeles 0148429:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 S., R. 22 E.,
Sec. 8, SE¼NE¼, NE¼SE¼;
Sec. 9, SW¼NW¼, NW¼SW¼.

The tract as described contains 160 acres in the County of San Bernardino, California.

It is intended that the above described land shall be returned to the administration of the Department of Interior when it is no longer needed for the purpose for which it is reserved.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles.

[F. R. Doc. 58–5011; Filed, July 1, 1958; 8:45 a. m.]

Bureau of Reclamation

KLAMATH PROJECT, OREGON

ORDER OF REVOCATION

JUNE 17, 1958.

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416), and pursuant to Departmental Order No. 2765 of July 30, 1954, I hereby revoke the Departmental order of February 25, 1939, so far as said order affects the following-described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

WILLAMETTE MERIDIAN, OREGON

T. 39 S., R. 12 E.,
Sec. 28, NE¼SW¼.

The area described contains 40 acres.

N. B. BENNETT,
Acting Associate Commissioner.

[Oregon 06181]

JUNE 26, 1958.

I concur.

1. The land is an isolated tract of public land in Klamath County, Oregon, lying in Langell Valley.

2. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m., August 1, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on October 31, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on October 31, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on October 31, 1958.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

CHARLES P. MEAD,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 58–5013; Filed, July 1, 1958; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12223, 12224; FCC 58–610]

ARMIN H. WITTENBERG, JR., AND PASADENA PRESBYTERIAN CHURCH

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of Armin H. Wittenberg, Jr., Los Angeles, California, Docket No. 12223, Filed No. BPH–2170; Pasadena Presbyterian Church, Pasadena, California, Docket No. 12224, File No. BPH–2179; for construction permits.

1. The Commission has under consideration (1) a petition to enlarge issues filed on November 14, 1957, by Armin H. Wittenberg, Jr. (Wittenberg); (2) a reply to said petition filed on December 6, 1957, by the Broadcast Bureau; and (3) an opposition to said petition filed on December 6, 1957 by Pasadena Presbyterian Church (Pasadena).

2. Wittenberg and Pasadena are mutually exclusive applicants for Class B FM station construction permits on Channel 294 at Los Angeles and Pasadena, California respectively, which applications have been designated for consolidated hearing on stated issues (22 F. R. 8546).

3. Wittenberg seeks the addition of an issue to determine which applicant would make better use of the Class B FM channel, as well as to inquire whether Pasadena cannot utilize a Class A channel just as well for its purpose which, alleges Wittenberg, is to serve Pasadena primarily. The question of which applicant will make better use of the instant Class B channel is already present in the stated issues. As to whether Pasadena's needs can be served just as well by a Class A channel, we do not conceive that question to be before the Commission. The Commission's policy against enlargement of issues to show the availability of an alternative frequency (channel) is now well established. Dorsey Eugene Newman, et al., 11 RR 977 (1955).

4. We note, however, that the Broadcast Bureau while opposing the addition of Wittenberg's requested issue (par. 3, supra) suggests the inclusion of issues as follows:

> To determine the areas and populations within the 50 uv/m and 1 mv/m contours of the proposed operations and the availability of other FM broadcast services to such areas and populations.
>
> To determine, in the light of the nature of the respective operations proposed and of the areas and populations to be served, together with the other evidence presented under (the previous) issue * * *, whether considerations with respect to Section 307 (b) of the Communications Act of 1934, as amended, are applicable to the above-entitled proceeding, and, if so, whether a choice between the applications herein can be reasonably based thereon and, if so, whether a grant to one of the other of the applicants would provide the more fair, efficient and equitable distribution of service to the communities involved.

With the Broadcast Bureau we are inclined to agree since, while the applications are for different cities, the question of whether or not they form parts of the same community may more properly be determined in this adjudicatory proceeding.

5. Wittenberg further proposes an additional issue as to whether Pasadena is legally, financially and otherwise qualified. In this connection, Wittenberg contends that it does not appear from Pasadena's application, or its amendment thereto, that its governing body has authorized the expenditure of funds for the facility requested. We find no merit in this contention. It appears clear that Pasadena's amended application reflects the will of the corporate body. As regards the corporate authorization for the expenditure of funds, we presume that the Board of Trustees, acting by and through Mr. Nootbaar, intends the natural consequences of its act in the absence of any showing to the contrary. A reexamination of the financial status of Pasadena reveals a net worth of $2,500,000, cash of $69,000 and a projected expenditure of $17,300 for construction and operation for the first year. Insofar as it may be pertinent at this stage of the proceeding, we remain satisfied that Pasadena is financially qualified.

6. Wittenberg further seeks the addition of an issue to determine whether Pasadena's proposed operation will comply with 47 CFR 3.204 (a) which defines in general terms the service area for a Class B station, and 47 CFR 3.311 (c) which specifies signal strengths which must be placed in particular portions of the service area in order to comply with the Commission's minimum "service" definition. Wittenberg argues that Channel 294 is assigned in our FM table of allocations to the Los Angeles Metropolitan District and that under 47 CFR 3.311 (c) Pasadena fails to:

a. Place a 3 mv/m signal over the entire principal city of the metropolitan district which, claims Wittenberg, is Los Angeles City.

b. Place a 1 mv/m signal over the business district of all cities of 10,000 or greater within the Los Angeles Metropolitan District, e. g. Costa Mesa and Newport Beach, California.

c. Place a 1 mv/m signal over all city, business or factory areas within the City of Los Angeles (e. g. part of Van Nuys, Canoga Park, Northridge, Reseda, Woodland Hills and Tarzana), or the metropolitan district (e. g. Newport Beach, Costa Mesa, Laguna Beach and San Clemente).

7. Pasadena opposes the proposed additional issue alleging that it construes "the principal city to be served" within the purview of 47 CFR 3.311 to be Pasadena and that it does furnish a 3 mv/m signal to all of Pasadena (par. 6, a, supra). As to the allegations of insufficient coverage set forth by Wittenberg in pars. 6, b and 6, c, supra, Pasadena argues that it has never been Commission policy or practice to require a Class B station in a metropolitan district to cover the entire district but only a substantially greater portion than would be covered by a community station. The Broadcast Bureau concurs and cites a public notice (10 F. R. 12006) of September 1945 to the foregoing effect.

8. In our view Wittenberg's thesis is unsound. If his interpretation of the rules were adopted, it might frequently have the effect of depriving a sizable community of needed service from a Class B station merely because such community is not the principal city of the metropolitan district wherein it is located. Pasadena, with a 1950 population of 104,000 persons is surely a major city, regardless of its relative rank among the cities comprising the Los Angeles Metropolitan District. We further agree with Pasadena that it has not been our practice heretofore to demand full coverage of the farthest reaches of the metropolitan district provided that the applicant in good faith sought to serve a major or substantial portion thereof in furtherance of the general scheme underlying our establishment of Class B stations.

In view, therefore, of the foregoing reasons:

It is ordered, That petitioner Wittenberg's petition to enlarge issues is in all respects denied, and

It is further ordered, That the Commission amends its cited order to renumber existing issue 2 as issue 4 and adds the following issues:

> 2. To determine the areas and populations within the 50 uv/m and 1 mv/m contours of the proposed operations and the availability of other FM broadcast services to such areas and populations.
>
> 3. To determine, in the light of the nature of the respective operations proposed and of the areas and populations to be served, together with the other evidence presented under issue No. 2, whether considerations with respect to section 307 (b) of the Communications Act of 1934, as amended, are applicable to the above-entitled proceeding, and, if so, whether a choice between the applications herein can be reasonably based thereon and, if so, whether a grant to one of the other of the applicants would provide the more fair, efficient and equitable distribution of service to the communities involved.

and

It further appearing that examination of the files discloses that applicant Wittenberg's application as amended is in error in its engineering section in that applicant has stated his antenna gain as 8.4 decibels whereas the correct figure for the technical equipment specified is 8.4 (which, converted to decibels, equals 9.2), and the error so existing has resulted in erroneous statements of coverage, contours, populations, etc.,

It is further ordered, By the Commission on and of its own motion, that applicant Wittenberg be and he hereby is directed to submit a corrected engineering amendment and to make and submit corrected exhibits and other documents rendered erroneous by the above-described error.

Adopted: June 25. 1958.

Released: June 27, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58–5065; Filed, July 1, 1958; 8:55 a. m.]

[Docket No. 12285]

STUDY OF RADIO AND TELEVISION NETWORK BROADCASTING

NOTICE SCHEDULING FURTHER HEARING

Further hearings will be held in the above-entitled matter on July 11 and 14, 1958, for the purpose of hearing testimony by Dean Roscoe L. Barrow, Dean Louis H. Mayo, and Dr. Jesse W. Markham of the Network Study Staff. The hearings will commence at 10:00 a. m., and will be held in the Commission's

meeting room (room 7134), New Post Office Building, Washington, D. C.

Dated: June 26, 1958.

Released: June 27, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5066; Filed, July 1, 1958; 8:55 a. m.]

[Docket No. 12443]

INQUIRY INTO IMPACT OF COMMUNITY ANTENNA SYSTEMS, TV TRANSLATORS, TV SATELLITE STATIONS, AND TV REPEATERS ON ORDERLY DEVELOPMENT OF TELEVISION BROADCASTING

ORDER EXTENDING TIME FOR FILING COMMENTS

1. The Commission has before it for consideration a petition filed June 25, 1958, by McKenna & Wilkinson; Dow, Lohnes & Albertson and Haley, Wollenberg & Kenehan, Washington, D. C. law firms representing parties interested in the above-entitled proceeding, requesting an extension of time to file comments in this proceeding from June 27, 1958, to July 7, 1958. (Proceeding instituted May 29, 1958, 23 F. R. 3746.)

2. In support of this request petitioners assert that, because of the broad scope of the issues in this proceeding and the press of other matters, a 10-day extension is needed to complete the preparation of comments. Petitioners assert that counsel for the National Community Television Association does not object to this request.

3. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing comments in this proceeding.

4. In view of the foregoing: *It is ordered*, That the time for filing comments in the above-entitled proceeding is extended from June 27, 1958, to July 7, 1958.

Adopted: June 26, 1958.

Released: June 27, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5067; Filed, July 1, 1958; 8:55 a. m.]

[Docket No. 12500; FCC 58-615]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

PROPOSED ALLOCATION IN BALTIMORE, MD., AREA

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channel	
	Delete	Add
Baltimore, Md.	.....	294

3. The purpose of the proposed amendment is to make Channel 294 available for assignment in Baltimore as requested in a joint petition submitted by the Baltimore Broadcasting Corporation (File No. BPH-2384) and the Commercial Radio Institute, Inc. (File No. BPH-2415), which applicants presently are requesting assignment of Channel 226 which makes their proposed operations mutually exclusive.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before July 25, 1958 a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 26, 1958.

Released: June 27, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5068; Filed, July 1, 1958; 8:55 a. m.]

[Docket Nos. 12107, 12222; FCC 58M-683]

RIVERSIDE CHURCH IN CITY OF NEW YORK AND HUNTINGTON-MONTAUK BROADCASTING CO., INC.

ORDER CONTINUING HEARING AND SCHEDULING PRE-HEARING CONFERENCE

In re applications of the Riverside Church in the City of New York, New York, New York, Docket No. 12107; File No. BPH-2174; Huntington-Montauk Broadcasting Co., Inc., Huntington, New York, Docket No. 12222, File No. BPH-2233; for construction permits.

The Hearing Examiner having under consideration (1) a Petition for Continuance of Hearing filed on June 18, 1958, by Huntington-Montauk Broadcasting Co., Inc., requesting that the hearing in the above-styled proceeding be continued from July 1, 1958, to September 3, 1958, and that the date for exchange of the written direct affirmative cases be continued from June 24, 1958, to August 27, 1958; and (2) the Opposition to the Petition for Continuance filed by The Riverside Church in the City of New York;

It appearing that on June 13, 1958, the Commission released a Memorandum Opinion and Order enlarging the issues in the above-styled proceeding to include an engineering issue and an issue involving the applicability of section 307 (b) of the Communications Act of 1934, as amended; and

It further appearing that the enlargement of the issues by the Commission renders some continuance of the hearing necessary; and

It further appearing that a date for the hearing and the exchange of the direct affirmative cases can best be set after a prehearing conference between the parties to this proceeding;

It is ordered, This 25th day of June 1958, that the Petition for Continuance of Hearing filed by Huntington-Montauk Broadcasting Co., Inc., requesting that the hearing in the above-styled proceeding be continued from July 1, 1958, to September 3, 1958, be, and the same is, hereby denied;

It is further ordered, That the hearing presently scheduled for July 1, 1958, be continued to a date to be set by a subsequent order; and

It is further ordered, That a prehearing conference in the above matter is hereby scheduled for July 1, 1958, at 10:00 a. m., in the offices of the Commission in Washington, D. C.

Released: June 26, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5104; Filed, June 30, 1958; 5:05 p. m.]

[Docket Nos. 12427, 12428; FCC 58M-682]

ELECTRONIC MUSIC CO. AND WSBC BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of John Englebrecht and Stephen A. Cisler d/b as Electronic Music Company, Chicago, Illinois, Docket No. 12427, File No. BPH-2342; WSBC Broadcasting Company, Chicago, Illinois, Docket No. 12428, File No. BPH-2359; for construction permits.

The Hearing Examiner having under consideration the "Motion to Continue Date of Commencement of Hearing" filed on June 23, 1958, on behalf of John Englebrecht and Stephen A. Cisler, d/b as Electronic Music Company, requesting that the hearing now scheduled for July 18, 1958, be continued until the latter part of the month of September, 1958;

It appearing that good cause exists why said "Motion to Continue Date of Commencement of Hearing" should be granted and there is no opposition thereto;

It further appearing that counsel for all parties have consented to a waiver of § 1.43 of the Commission's rules;

It is therefore ordered, This 25th day of June 1958, that the "Motion to Continue Date of Commencement of Hearing" herein be, and the same is hereby, granted; and the hearing is continued to September 29, 1958, at 10 o'clock a. m. in the Commission's offices, Washington, D. C.

Released: June 25, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5105; Filed, June 30, 1958; 5:05 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9224]

TRANS WORLD AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of schedules filed and published by Trans World Airlines, Inc., enforcement proceeding.

Notice is hereby given that the hearing in the above-entitled proceeding, now assigned to be held on July 3, 1958, is postponed to July 24, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., June 27, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-5059; Filed, July 1, 1958; 8:53 a. m.]

[Docket Nos. 9503, 9557]

LEWIS B. MAYTAG, JR., AND FRONTIER AIRLINES, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Lewis B. Maytag, Jr., for disclaimer of jurisdiction, Docket No. 9503.

In the matter of the application of Lewis B. Maytag, Jr., and Frontier Airlines, Inc., for approval of interlocking relationships, Docket No. 9557.

Notice is hereby given that a prehearing conference in the above-entitled matters is assigned to be held on July 3, 1958, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., June 30, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-5113; Filed, July 1, 1958; 8:59 a. m.]

[Docket No. 5482 et al.]

KANSAS-OKLAHOMA LOCAL SERVICE CASE

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held before Examiner Joseph L. Fitzmaurice, at three sessions, as follows:

(a) The first to begin on July 15, 1958, at 10:00 a. m. (local time), in the assembly room of the Municipal Auditorium, balcony floor, City Building, Eighth and Quincy Streets, Topeka, Kansas;

(b) The second to begin on July 23, 1958, at 10:00 a. m. (local time), in the sixth floor court room of the Federal Building, Oklahoma City, Oklahoma; and

(c) The third to begin on September 8, 1958, at 10:00 a. m., d. s. t., in Room 5132 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated at Washington, D. C., June 27, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-5060; Filed, July 1, 1958; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15335]

NORTHERN NATURAL GAS CO.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED REVISED TARIFF SHEETS

JUNE 25, 1958.

On May 26, 1958, Northern Natural Gas Company (Northern) tendered for filing Third Revised Sheets Nos. 4, 5, 6, 9, 10, 11, 14, 15 and 16 to Northern's FPC Gas Tariff, First Revised Volume No. 1, proposing to make effective as of June 27, 1958, increased rates and charges for the sale of natural gas for resale. Such revised tariff sheets would effect an increase in rates and charges of about $8,137,000 annually, or 8.0 percent based on sales for the year 1957 as adjusted for the test period.

Northern claims that the increased rates proposed are necessary to cover increased costs. Among such claimed costs are (1) increased cost of purchased gas, including the effects of Northern's increases in purchases of high priced gas, and Northern's shifts in supply sources, (2) additional labor costs, (3) rate of return to Northern of 6.5 percent annually, in lieu of the currently established 6 percent return, (4) increased income taxes associated with such higher return, (5) an income tax credit to working capital of 33⅓ percent in lieu of the 62 percent credit currently established, and (6) the inclusion in working capital of minimum bank balances.

Northern proposes to allocate such increases to the demand component of its rate schedules in each of its three established zones, leaving the commodity and overrun component of such rate schedules unchanged.

Inter alia, it appears that: Increased costs of Northern's purchased gas are referable in part to prices being collected under bond and subject to possible refund to Northern; insufficient basis, absent public hearing, exists for Northern's claim for an increase in its rate of return; Northern's proposed classification and allocation of costs may not be justified; and Northern's proposed adjustments of working capital allowances may not be justified. It also appears that by order issued March 6, 1957, in Docket No. G-12153 the Commission suspended certain prior proposed increased rates tendered by Northern on February 5, 1957, and that the hearing on the lawfulness of such rates has not been held, although such rates became effective, subject to refund, on August 27, 1957, pursuant to Commission order duly issued in said Docket No. G-12153.

The customer companies and the Kansas State Corporation Commission were invited to submit comments on the proposed increases. Responses protesting against the proposed increases have been received from 12 customer companies and the Kansas Commission.

On June 9, 1958, a joint motion was filed by 12 of Northern's customers seeking the rejection and return of the May 26, 1958, tender made by Northern on the grounds that (1) the only lawful rates chargeable by Northern are the rates made effective pursuant to the settlement of Docket No. G-2505 as provided in the Commission's order issued July 26, 1956, on consent of all customers; (2) such rates may not be changed unilaterally by Northern's tariff filings, and (3) costs of purchased gas presented by Northern reflect in part rates prescribed by an invalid Kansas minimum price statute. Insofar as the joint motion is based upon the Mobile and Memphis cases, it is our view, in the present posture of the Memphis case that the motion is premature. El Paso Natural Gas Company, Opinion No. 308, issued January 24, 1958; Colorado Interstate Gas Co., Opinion No. 313, issued June 21, 1958. Further, the allegation in the motion that the proposed increase is in some part predicated on the Kansas minimum price is not a basis for rejection of the filing.

The increased rates and charges provided for in the revised tariff sheets tendered by Northern on May 26, 1958, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Northern's FPC Gas Tariff, as proposed to be amended by Third Revised Sheets Nos. 4, 5, 6, 9, 10, 11, 14, 15 and 16 to First Revised Volume No. 1 thereof, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Northern's FPC Gas Tariff, as proposed to be amended by Third Revised Sheets Nos. 4, 5, 6, 9, 10, 11, 14, 15 and 16 to First Revised Volume No. 1 thereof, tendered for filing May 26, 1958.

(B) Pending such hearing and decision thereon, Northern's proposed Third Revised Sheets Nos. 4, 5, 6, 9, 10, 11, 14, 15 and 16 to Northern's FPC Gas Tariff, First Revised Volume No. 1, are each hereby suspended and the use thereof deferred until November 27, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5014; Filed, July 1, 1958; 8:46 a. m.]

[Docket No. E-6828]

EL PASO ELECTRIC CO.

NOTICE OF APPLICATION; ERRATUM NOTICE

JUNE 26, 1958.

In notice of application issued June 20, 1958, delete in the last sentence of Paragraph 1 the figure "$8,000,000" and insert therein $800,000".

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5027; Filed, July 1, 1958; 8:48 a. m.]

[Docket Nos. G-6085, G-9389]

J. S. RUSHING AND HARRY W. BASS

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 26, 1958.

In the matters of J. S. Rushing, Docket No. G-6085; Harry W. Bass, Docket No. G-9389.

Take notice that Harry W. Bass (Bass), an independent producer of natural gas, filed an application on September 22, 1955, as supplemented November 23, 1955, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the amended application which is on file with the Commission and open to public inspection.

Bass seeks authority to sell natural gas in interstate commerce to Arkansas Louisiana Gas Company (Arkansas Louisiana) for resale from the 598.03 acre Rickerson Gas Unit in the Ada Field, Webster Parish, Louisiana, under the gas sales contract dated January 25, 1950, between The Atlantic Refining Company (Atlantic), seller, and Arkansas Louisiana, buyer, as amended. Bass acquired the interest of Atlantic [1] and J. S. Rushing (Rushing) in said Unit through an agreement dated May 27, 1955. No production had been sold from the unit prior to the assignment.

On November 23, 1955, Bass amended his application and submitted an agreement dated September 20, 1955, between Bass and Arkansas Louisiana, in substitution for the contract of January 25, 1950. Said contract of September 20, 1955, provides for the sale of gas on the same terms and conditions embodied in the Atlantic contract.

On February 7, 1958, Rushing filed a petition to amend the certificate issued to him on December 6, 1956, in Docket No. G-6085, authorizing his sale of gas from the Rickerson Unit, to delete his interest in said unit assigned to Bass.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 21, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 21, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5028; Filed, July 1, 1958; 8:48 a. m.]

[1] On October 25, 1956, Atlantic filed a supplement to its pending application in Docket No. G-3894 to delete the acreage assigned to Bass.

[Docket No. G-7193]

PURE OIL CO.

AMENDED NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 26, 1958.

Take notice that the notice of application and date of hearing in the above-entitled matter, dated June 11, 1958, and published in the FEDERAL REGISTER on June 14, 1958 (23 F. R. 4369-70), is hereby amended to read as follows:

Pure Oil Company (Applicant), filed an application on December 1, 1954, as subsequently amended,[1] for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing sales of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the amended application, which is on file with the Commission and open to public inspection.

Applicant seeks authority to sell natural gas in interstate commerce for resale from production as indicated below:

Purchaser; Field; and Location

(1) Texas Northern Gas Corporation; Bosco Field, Acadia Parish, Louisiana.
(2) Magnolia Petroleum Company; West Guedan Field, Vermilion Parish, Louisiana.
(3) United Gas Pipeline Company; Eugene Island Field, St. Mary's Parish, Louisiana.
(4) Marine Gathering Company (for resale to Tennessee Gas Transmission Company); [2] Rollover Field, Vermilion Parish, Louisiana.
(5) Olin Gas Transmission Corporation; Carthage Point Field, Adams County, Mississippi.
(6) United Gas Pipeline Company; Blanconia Field, Bee County, Texas.
(7) Warren Petroleum Company; Cumberland Field, Marshall and Bryan Counties, Oklahoma.
(8) Skelly Oil Company; Velma Field, Stephens County, Oklahoma.
(9) Warren Petroleum Company; S. W. Wayne Field, McClean County, Oklahoma.
(10) Phillips Petroleum Company, Panhandle Field, Hutchinson County, Texas.
(11) Hope Natural Gas Company; Cabin Creek Field, Boone and Kanawha Counties, West Virginia.
(12) United Fuel Gas Company; Elkhurst Area, Henry District, Clay County, West Virginia.
(13) Montana Wyoming Gas Pipeline Company and Montana Dakota Utilities Company; Worland Field, Washakie and Big Horn Counties, Wyoming.
(14) Texas Gas Transmission Corporation; Carthage Field, Panola County, Texas.
(15) El Paso Natural Gas Company; Clara Couch Field, Crockett County, Texas.
(16) Phillips Petroleum Company; Goldsmith Field, Ector County, Texas.
(17) Dollarhide Gasoline Plant; Dollarhide Field, Andrews County, Texas.

[1] Amended July 10, 1956, January 22, 1957, March 25, 1957, to add certain acreage, and amendment filed December 6, 1957, changing certain sales contract provisions between Applicant and Hope Natural Gas Company in the Cabin Creek Field, West Virginia, changing delivery point and contract maximum and minimum volume.

[2] In Docket No. G-12583, Pure Oil Company applied for authority to abandon its sale to Marine Gathering Company, now Commonwealth Oil Company, and sell subject gas directly to Tennessee.

(18) El Paso Natural Gas Company; Dollarhide Plant, Dollarhide Field, Andrews County, Texas.
(19) C. V. Lyman; Emperor Field, Winkler County, Texas.
(20) Sid Richardson Gasoline Company; Keystone Field, Winkler County, Texas.
(21) Texas Natural Gasoline Corporation; Sandusky Field, Grayson County, Texas.
(22) Snyder Gasoline Plant; Kelly-Snyder Field, Scurry County, Texas.
(23) Lone Star Gas Company; Snyder Gasoline Plant, Kelly-Snyder Field, Scurry County, Texas.
(24) Southwest Gas Producing Company; Hico-Knowles Field, Lincoln Parish, Louisiana.
(25) El Paso Natural Gas Company; Cooper-Jal, Langlie Mattix and Salmat Fields; Lea County, New Mexico.

On April 19, 1957, Pure filed a petition to dismiss that portion of the subject application relating to the sale of natural gas to the Snyder Gasoline Plant and the sale to Lone Star Gas Company from said plant in the Kelly-Snyder Field, Scurry County, Texas, on the basis that the Commission had found that sales from said plant to Lone Star Gas Company were intrastate sales not subject to Commission jurisdiction in its order issued April 2, 1956, In the Matter of Tidewater Oil Company, Docket No. G-3717, et al.

The prices paid Pure under each of the respective sales contract implementing the sales shown in Items (7), (8), (9), (16), (17), (19), (20), and (21) above are determined on a "Percentage Sales" basis within the meaning of § 154.91 (e) of the Commission's rules, and such portions of the application related thereto are subject to dismissal.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 21, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearings, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 21, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5029; Filed, July 1, 1958; 8:48 a. m.]

[Docket No. G-14422]

BLUE RIDGE GAS CO.

NOTICE OF DATE OF HEARING

JUNE 26, 1958.

Take notice that pursuant to authority conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on July 21, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application of Blue Ridge Gas Company in the above entitled proceeding.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5030; Filed, July 1, 1958; 8:49 a. m.]

[Docket No. G-15037]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF POSTPONEMENT OF HEARING

JUNE 26, 1958.

Upon consideration of the request filed June 24, 1958, by Tennessee Gas Transmission Company for postponement of the hearing now scheduled for July 7, 1958, in the above-designated matter;

The hearing now scheduled for July 7, 1958, is hereby postponed to July 9, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5031; Filed, July 1, 1958; 8:49 a. m.]

[Docket No. G-15352]

PERRY E. LARSON & MAX L. THOMAS ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 25, 1958.

Perry E. Larson & Max L. Thomas (Operator) et al. (Larson & Thomas), on May 26, 1958, tendered for filing a proposed change in their presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Loan Star Gas Company.
Rate schedule designation: Supplement No. 6 to Larson & Thomas' FPC Gas Rate Schedule No. 1.
Effective date: July 1, 1958 (effective date is the effective date proposed by Larson & Thomas).

In support of the proposed favored-nation rate increase, Larson & Thomas submits a copy of Lone Star Gas Company's favored-nation letter dated May 13, 1958; specifying the 14.0 cents per Mcf base rate, which they cite as authority for the increased rate. No further support is offered.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Larson & Thomas' FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Larson & Thomas' FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5032; Filed, July 1, 1958; 8:49 a. m.]

[Docket No. G-15353]

UNITED PRODUCING COMPANY, INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 26, 1958.

United Producing Company, Inc. (United), on May 29, 1958, tendered for

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications and services contained in Northern's FPC Gas Tariff, as proposed to be amended by Third Revised Sheets Nos. 4, 5, 6, 9, 10, 11, 14, 15 and 16 to First Revised Volume No. 1 thereof, tendered for filing May 26, 1958.

(B) Pending such hearing and decision thereon, Northern's proposed Third Revised Sheets Nos. 4, 5, 6, 9, 10, 11, 14, 15 and 16 to Northern's FPC Gas Tariff, First Revised Volume No. 1, are each hereby suspended and the use thereof deferred until November 27, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5014; Filed, July 1, 1958; 8:46 a. m.]

[Docket No. E-6828]

EL PASO ELECTRIC CO.

NOTICE OF APPLICATION; ERRATUM NOTICE

JUNE 26, 1958.

In notice of application issued June 20, 1958, delete in the last sentence of Paragraph 1 the figure "$8,000,000" and insert therein $800,000".

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5027; Filed, July 1, 1958; 8:48 a. m.]

[Docket Nos. G-6085, G-9389]

J. S. RUSHING AND HARRY W. BASS

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 26, 1958.

In the matters of J. S. Rushing, Docket No. G-6085; Harry W. Bass, Docket No. G-9389.

Take notice that Harry W. Bass (Bass), an independent producer of natural gas, filed an application on September 22, 1955, as supplemented November 23, 1955, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the amended application which is on file with the Commission and open to public inspection.

Bass seeks authority to sell natural gas in interstate commerce to Arkansas Louisiana Gas Company (Arkansas Louisiana) for resale from the 598.03 acre Rickerson Gas Unit in the Ada Field, Webster Parish, Louisiana, under the gas sales contract dated January 25, 1950, between The Atlantic Refining Company (Atlantic), seller, and Arkansas Louisiana, buyer, as amended. Bass acquired the interest of Atlantic and J. S. Rushing (Rushing) in said Unit through an agreement dated May 27, 1955. No production had been sold from the unit prior to the assignment.

On November 23, 1955, Bass amended his application and submitted an agreement dated September 20, 1955, between Bass and Arkansas Louisiana, in substitution for the contract of January 25, 1950. Said contract of September 20, 1955, provides for the sale of gas on the same terms and conditions embodied in the Atlantic contract.

On February 7, 1958, Rushing filed a petition to amend the certificate issued to him on December 6, 1956, in Docket No. G-6085, authorizing his sale of gas from the Rickerson Unit, to delete his interest in said unit assigned to Bass.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 21, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 21, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5028; Filed, July 1, 1958; 8:46 a. m.]

[Docket No. G-7193]

PURE OIL CO.

AMENDED NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 26, 1958.

Take notice that the notice of application and date of hearing in the above-entitled matter, dated June 11, 1958, and published in the FEDERAL REGISTER on June 14, 1958 (23 F. R. 4369-70), is hereby amended to read as follows:

Pure Oil Company (Applicant), filed an application on December 1, 1954, as subsequently amended, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing sales of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the amended application, which is on file with the Commission and open to public inspection.

Applicant seeks authority to sell natural gas in interstate commerce for resale from production as indicated below:

Purchaser, Field; and Location

(1) Texas Northern Gas Corporation; Bosco Field, Acadia Parish, Louisiana.

(2) Magnolia Petroleum Company; West Guedan Field, Vermilion Parish, Louisiana.

(3) United Gas Pipeline Company; Eugene Island Field, St. Mary's Parish, Louisiana.

(4) Marine Gathering Company (for resale to Tennessee Gas Transmission Company);[1] Rollover Field, Vermilion Parish, Louisiana.

(5) Olin Gas Transmission Corporation; Carthage Point Field, Adams County, Mississippi.

(6) United Gas Pipeline Company; Blanconia Field, Bee County, Texas.

(7) Warren Petroleum Company; Cumberland Field, Marshall and Bryan Counties, Oklahoma.

(8) Skelly Oil Company, Velma Field, Stephens County, Oklahoma.

(9) Warren Petroleum Company; S. W. Wayne Field, McClean County, Oklahoma.

(10) Phillips Petroleum Company, Panhandle Field, Hutchinson County, Texas.

(11) Hope Natural Gas Company; Cabin Creek Field, Boone and Kanawha Counties, West Virginia.

(12) United Fuel Gas Company; Elkhurst Area, Henry District, Clay County, West Virginia.

(13) Montana Wyoming Gas Pipeline Company and Montana Dakota Utilities Company, Worland Field, Washakie and Big Horn Counties, Wyoming.

(14) Texas Gas Transmission Corporation; Carthage Field, Panola County, Texas.

(15) El Paso Natural Gas Company; Clara Couch Field, Crockett County, Texas.

(16) Phillips Petroleum Company; Goldsmith Field, Ector County, Texas.

(17) Dollarhide Gasoline Plant, Dollarhide Field, Andrews County, Texas.

(18) El Paso Natural Gas Company; Dollarhide Plant, Dollarhide Field, Andrews County, Texas.

(19) C. V. Lyman; Emperor Field, Winkler County, Texas.

(20) Sid Richardson Gasoline Company; Keystone Field, Winkler County, Texas.

(21) Texas Natural Gasoline Corporation; Sandusky Field, Grayson County, Texas.

(22) Snyder Gasoline Plant; Kelly-Snyder Field, Scurry County, Texas.

(23) Lone Star Gas Company; Snyder Gasoline Plant, Kelly-Snyder Field, Scurry County, Texas.

(24) Southwest Gas Producing Company; Hico-Knowles Field, Lincoln Parish, Louisiana.

(25) El Paso Natural Gas Company; Cooper-Jal, Langlie Mattix and Salmat Fields, Lea County, New Mexico.

On April 19, 1957, Pure filed a petition to dismiss that portion of the subject application relating to the sale of natural gas to the Snyder Gasoline Plant and the sale to Lone Star Gas Company from said plant in the Kelly-Snyder Field, Scurry County, Texas, on the basis that the Commission had found that sales from said plant to Lone Star Gas Company were intrastate sales not subject to Commission jurisdiction in its order issued April 2, 1956, In the Matter of Tidewater Oil Company, Docket No. G-3717, et al.

The prices paid Pure under each of the respective sales contract implementing the sales shown in Items (7), (8), (9), (16), (17), (19), (20), and (21) above are determined on a "Percentage Sales" basis within the meaning of § 154.91 (e) of the Commission's rules, and such portions of the application related thereto are subject to dismissal.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 21, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearings, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 21, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5029; Filed, July 1, 1958; 8:48 a. m.]

[1] Amended July 10, 1956, January 22, 1957, March 25, 1957, to add certain acreage, and amendment filed December 6, 1957, changing certain sales contract provisions between Applicant and Hope Natural Gas Company in the Cabin Creek Field, West Virginia, changing delivery point and contract maximum and minimum volume.

[2] On October 25, 1956, Atlantic filed a supplement to its pending application in Docket No. G-3894 to delete the acreage assigned to Bass.

[3] In Docket No. G-12583, Pure Oil Company applied for authority to abandon its sale to Marine Gathering Company, now Commonwealth Oil Company, and sell subject gas directly to Tennessee.

[Docket No. G-14422]

BLUE RIDGE GAS CO.

NOTICE OF DATE OF HEARING

JUNE 26, 1958.

Take notice that pursuant to authority conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on July 21, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application of Blue Ridge Gas Company in the above entitled proceeding.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5030; Filed, July 1, 1958; 8:49 a. m.]

[Docket No. G-15037]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF POSTPONEMENT OF HEARING

JUNE 26, 1958.

Upon consideration of the request filed June 24, 1958, by Tennessee Gas Transmission Company for postponement of the hearing now scheduled for July 7, 1958, in the above-designated matter;

The hearing now scheduled for July 7, 1958, is hereby postponed to July 9, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5031; Filed, July 1, 1958; 8:49 a. m.]

[Docket No. G-15352]

PERRY E. LARSON & MAX L. THOMAS ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 25, 1958.

Perry E. Larson & Max L. Thomas (Operator) et al. (Larson & Thomas), on May 26, 1958, tendered for filing a proposed change in their presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Loan Star Gas Company.
Rate schedule designation: Supplement No. 6 to Larson & Thomas' FPC Gas Rate Schedule No. 1.
Effective date: July 1, 1958 (effective date is the effective date proposed by Larson & Thomas).

In support of the proposed favored-nation rate increase, Larson & Thomas submits a copy of Lone Star Gas Company's favored-nation letter dated May 13, 1958, specifying the 14.0 cents per Mcf base rate, which they cite as authority for the increased rate. No further support is offered.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Larson & Thomas' FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Larson & Thomas' FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5032; Filed, July 1, 1958; 8:49 a. m.]

[Docket No. G-15353]

UNITED PRODUCING COMPANY, INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 26, 1958.

United Producing Company, Inc. (United), on May 29, 1958, tendered for

filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change dated May 28, 1958.
Purchaser: Natural Gas Pipeline Company of America.
Rate schedule designation: Supplement No. 3 to United's FPC Gas Rate Schedule No. 20.
Effective date: July 1, 1958 (effective date is the effective date proposed by United).

In support of the proposed two-step periodic rate increase, United cites the pricing provision of the contract and states that the contract was made at arm's-length; that the price schedule represents the negotiated contract price, and that such an arrangement is common in long-term contracts and is economically desirable to the buyer because it enables the securing of assured reserves and the receipt of low price gas when the buyer's unamortized investment is high. United also states that the increase is necessary to offset increased costs and other producers in the area are receiving 16.4 cents per Mcf.[1]

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to United's FPC Gas Rate Schedule No. 20 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to United's FPC Gas Rate Schedule No. 20.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[1] The cited rates are initial rates not subject to suspension.

By the Commission (Commissioner Hussey dissenting).

[SEAL] MICHAEL J FARRELL,
Acting Secretary.

[F R Doc 58 5033 Filed, July 1, 1958 8 49 a m]

[Docket No G 15354]

LANGFORD DRILLING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 26, 1958.

Langford Drilling Company (Langford) on May 27, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Lone Star Gas Company.
Rate schedule designation: Supplement No. 4 to Langford's FPC Gas Rate Schedule No. 1.
Effective date: July 1, 1958 (effective date is the effective date proposed by Langford).

In support of the proposed favored-nation rate increase, Langford submits a copy of Lone Star Gas Company's favored-nation letter dated May 13, 1958, specifying the 14.0 cents per Mcf rate, which it cites as authority for the increased rate. No further support is offered.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Langford's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Langford's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F R Doc 58-5034; Filed, July 1, 1958; 8:49 a. m.]

[Docket No. G-15355]

WALTER H. GANT ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 26, 1958.

Walter H. Gant et al. (Gant), on May 27, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Lone Star Gas Company.
Rate schedule designation: Supplement No. 5 to Gant's FPC Gas Rate Schedule No. 1.
Effective date: July 1, 1958 (effective date is the effective date proposed by Gant).

In support of the proposed favored-nation rate increase, Gant submits a copy of Lone Star Gas Company's favored-nation letter dated May 13, 1958, specifying the 14.0 cents per Mcf rate, which he cites as authority for the increased rate. No further support is offered.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Gant's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Gant's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5035; Filed, July 1, 1958; 8:49 a. m.]

[Docket No. G-15356]

REAGAN J. CARAWAY ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 26, 1958.

Reagan J. Caraway (Operator) et al. (Caraway), on June 3, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 2, 1958.
Purchaser: Lone Star Gas Company.
Rate schedule designation: Supplement No. 4 to Caraway's FPC Gas Rate Schedule No. 2.
Effective date: July 4, 1958 (effective date is the effective date proposed by Caraway).

In support of the proposed favored-nation rate increase, Caraway submits a copy of Lone Star Gas Company's favored-nation letter dated May 13, 1958, specifying the 14.0 cents per Mcf rate, which he cites as authority for the increased rate. Caraway states that the contract was negotiated at arm's-length; that the increased price is just and reasonable and is necessary to recover the extremely high cost of drilling the wells.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Caraway's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Caraway's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 4, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5036; Filed, July 1, 1958; 8:50 a. m.]

[Docket No. G-15357]

L. O. MCMILLAN

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 26, 1958.

L. O. McMillan (McMillan) on June 9, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 6, 1958.
Purchaser: Lone Star Gas Company.
Rate schedule designation: Supplement No. 7 to McMillan's FPC Gas Rate Schedule No. 1.
Effective date: July 10, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, McMillan submits a copy of Lone Star Gas Company's favored-nation letter dated May 13, 1958, specifying the 14.0 cents per Mcf rate, which he cites as authority for the increased rate. In addition, McMillan states that all intrastate contracts now being entered into by Lone Star Gas Company in the area call for the 14.0 cents per Mcf price for the first five years with such price to be increased to 16.0 cents per Mcf for the succeeding five-year period and to deny his increased price would be inequitable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to McMillan's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to McMillan's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 10, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5037; Filed, July 1, 1958; 8:50 a. m.]

[Docket No. G-15358]

SUPERIOR OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JUNE 26, 1958.

The Superior Oil Company (Superior) on June 2, 1958, tendered for filing proposed changes in its presently effective rate schedules[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated May 29, 1958.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 7 to Superior's FPC Gas Rate Schedule No. 8. Supplement No. 8 to Superior's FPC Gas Rate Schedule No. 9. Supplement No. 10 to Superior's FPC Gas Rate Schedule No. 10. Supplement No. 5 to Superior's FPC Gas Rate Schedule No. 30.
Effective date: July 3, 1958 (effective date is the effective date proposed by Superior).

In support of the proposed favored-nation rate increases, Superior cites the favored-nation provisions in its contracts and Phillips Petroleum Company's triggering increases. In addition, Su-

[1] Present rates previously suspended and are in effect subject to refund in Docket Nos. G-12949 and G-12950.

perior states that without such provisions it would not have entered into such long-term contracts; that the increased prices are just and reasonable and to deny same would be inequitable.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 7 to Superior's FPC Gas Rate Schedule No. 8; Supplement No. 8 to Superior's FPC Gas Rate Schedule No. 9; Supplement No. 10 to Superior's FPC Gas Rate Schedule No. 10, and Supplement No. 5 to Superior's FPC Gas Rate Schedule No. 30, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 7 to Superior's FPC Gas Rate Schedule No. 8; Supplement No. 8 to Superior's FPC Gas Rate Schedule No. 9; Supplement No. 10 to Superior's FPC Gas Rate Schedule No. 10, and Supplement No. 5 to Superior's FPC Gas Rate Schedule No. 30.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until December 3, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5038; Filed, July 1, 1958; 8:50 a. m.]

OFFICE OF DEFENSE AND CIVILIAN MOBILIZATION

ASSOCIATE DIRECTOR FOR ADMINISTRATION

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS

1. Pursuant to the authority vested in me by General Services Administration Delegation of Authority No. 297 from the Administrator, General Services Administration, dated August 7, 1957 (22 F. R. 6540), authority is hereby delegated to the Associate Director for Administration to negotiate and execute purchases and contracts for supplies and services without advertising under sections 302 (c) (5), (10), (11) and (12) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 252), except the power to make the determinations or decisions specified in paragraphs (11) and (12) of section 302 (c).

2. This authority shall be exercised only with respect to the procurement of those supplies and services which are required in connection with authorized activities, other than administrative programs, conducted by the Office of Defense and Civilian Mobilization.

3. This delegation of authority shall be subject to all limitations and requirements of Title III of the Federal Property and Administrative Services Act of 1949 with respect to negotiated contracts, particularly sections 304, 305, and 307, and shall be exercised in accordance with policies, procedures, and controls prescribed by the General Services Administration.

4. The authority herein delegated under section 302 (c) (10) may be exercised only with respect to contracts which will not require expenditure of more than $25,000, and may not be redelegated.

5. Subject to the provisions of section 4 above, the authority herein delegated may be redelegated to a designee of the Associate Director for Administration.

This delegation, which shall be effective as of the date hereof and which shall continue in effect until revoked, supersedes delegations of authority heretofore issued by the Federal Civil Defense Administrator and by the Director of the Office of Defense Mobilization.

Dated: July 1, 1958.

LEO A. HOEGH,
Director,
Office of Defense and Civilian Mobilization.

[F. R. Doc. 58-5103; Filed, June 30, 1958; 8:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1159]

INTER-CANADIAN CORP.

NOTICE OF AND ORDER FOR HEARING REGARDING ACQUISITION OF STOCK OF INSURANCE COMPANY FROM AFFILIATES AND OTHERS AND ISSUANCE OF NOTES

JUNE 25, 1958.

Notice is hereby given that Inter-Canadian Corporation ("Applicant"), a non-diversified closed-end investment company, registered as such under the Investment Company Act of 1940 ("act") has filed an application pursuant to section 6 (c) and 17 (b) of the Act for an exemption from sections 12 (d) (1), 12 (d) (2), 17 (a) and 18 (a) of the Act to permit Applicant to acquire capital stock of Northwestern Fire and Marine Insurance Company ("Northwestern") as a preliminary step looking toward the acquistion by Applicant of Northwestern's portfolio, the acquisition of certain shares of said stock from affiliates of Applicant, and the issuance of certain notes the proceeds of which will be used to purchase the Northwestern capital stock.

The application may be summarized as follows:

Applicant's investment policy provides, among other things, for the concentration of its assets in Canadian businesses or assets located in Canada. It has recently disposed of a large holding of stock of a Canadian company, so that its assets, amounting to approximately $1,800,000, are now comprised of approximately $1,200,000 in cash and $600,000 of various Canadian securities.

As a possible vehicle for investment of its cash and because of the favorable rate of exchange of Canadian currency, Applicant's management determined to attempt to purchase a controlling interest in Northwestern. Accordingly, under date of May 16, 1958, Applicant entered into a contract with Hartford Fire Insurance Company ("Hartford"), which owns or controls 19,800 shares of Northwestern's common stock of a total of 125,000 shares outstanding. Said contract provides, among other things, that Applicant offers to purchase, at a price of $41 per share, all stock of Northwestern tendered to it, subject to the following conditions: (i) that such acquisition shall have been approved by this Commission and approved by the Inter-Canadian stockholders; and (ii) that on or before June 30, 1958, there will be deposited shares, which together with 1,005 shares owned by Inter-Canadian, aggregate $66\frac{2}{3}$ percent of the outstanding shares of Northwestern. Inter-Canadian reserved the right to purchase all stock tendered even though less than $66\frac{2}{3}$ percent.

Hartford, pursuant to said contract is obligated, inter alia (i) to tender the 19,800 shares of Northwestern which it owns or controls; and (ii) to give notice of termination effective as of January 1, 1959 of certain contracts between itself and Northwestern relating to its management and operation of Northwestern and reinsurance between the two companies; and (iii) to assume all liabilities of Northwestern in any way connected with its insurance business upon payment by Northwestern to Hartford of an amount equal to 65 percent of Northwestern's unearned premium reserve.

Pursuant to said contract between Hartford and Inter-Canadian, the latter, on May 20, 1958, made the requisite offer to the Northwestern stockholders and Hartford has given notice of termination of its contracts with Northwestern. As of June 12, 1958, there were on deposit 48,081 shares pursuant to the offer; an officer and certain directors of Inter-Canadian have agreed to sell 12,537 shares which they own and to assign options on 3,565 shares which they hold.

Northwestern is a corporation organized and existing under the insurance and corporation laws of Minnesota, and authorized to write fire and casualty insurance in all forty-eight states. Since 1915 Northwestern's insurance business has been conducted and managed by Hartford, pursuant to contracts.

When the contracts between the two companies are terminated Northwestern's assets will continue to be contingently liable for such insurance originally written in its name. Inter-Canadian has agreed to assume such contingent liability in the event the same shall become necessary or desirable to liquidate and dissolve Northwestern as described herein.

If Inter-Canadian acquires $66\frac{2}{3}$ of the Northwestern stock it will exchange its own newly issued shares for the assets of Northwestern and thereafter cause Northwestern to be liquidated and dissolved. Such exchange of stock for assets would be on a tax-free basis. Inter-Canadian states that if it cannot acquire $66\frac{2}{3}$ percent of the stock it will only acquire a lesser number provided such number plus shares to which it holds irrevocable voting rights constitute a majority of the Northwestern stock. In such event Inter-Canadian will cause Northwestern to be liquidated and dissolved without an exchange of stock for assets and Northwestern would probably be required to pay capital gains taxes upon the liquidation of its portfolio. It is stated that complete liquidation and dissolution of Northwestern can only be carried out in a proceeding instituted in the courts of Minnesota which may not be commenced until after January 1, 1959. It is further stated that the Insurance Commissioner of the State of Minnesota has announced his intended opposition to such liquidation and dissolution so long as any liability remains under any policy of insurance written in the name of Northwestern.

Northwestern's balance sheet as of March 31, 1958, shows a net worth of $6,234,514.00, resulting in a book value of $49.88 for each of the outstanding 125,000 shares of Northwestern stock. The actual market value of the bonds included in Northwestern's portfolio on March 31, 1958 was approximately $318,000.00 less than the amortized value reflected in said balance sheet. After adjusting for this amount, the book value for each of Northwestern's outstanding shares on March 31, 1958, would be $47.33.

The pro forma balance sheet of Northwestern as of March 31, 1958, reflects the assumption by Hartford of Northwestern's liabilities. Said pro forma balance sheet discloses a net worth of $6,548,597.00 resulting in a book value of $52.31 per share. After adjustment to reflect the market value of bonds referred to in the preceding paragraph, said pro forma balance sheet would disclose a book value of $49.84 per share.

Included in such net worth is the voluntary reserve of Northwestern which constitutes the unrealized appreciation of its portfolio of securities upon which a federal income tax of 25 percent would be payable if Northwestern were to be liquidated on a no-tax-free basis. If the pro forma March 31, 1958, balance sheet of Northwestern were to be further adjusted to reflect liability for such federal income taxes, as well as the adjustment of bond values to market, the book value of Northwestern stock would be reduced to $45.59 per share. Since March 31, 1958 there has been further appreciation in the market value of Northwestern's portfolio of securities.

As stated, an officer and certain directors of Inter-Canadian own an aggregate of 12,537 shares of Northwestern. These shares were acquired in contemplation of Applicant's consummation of the proposed transactions after Inter-Canadian made its offer of May 20, 1958. It is stated that such acquisitions were made from persons who were unwilling to tender stock pursuant to a conditional offer. Applicant proposes to acquire these shares from such affiliated persons at their cost of $41 per share plus interest on funds borrowed by such persons to effect the purchases of these Northwestern shares.

In order to provide funds in addition to its own assets to enable it to make purchases of shares tendered pursuant to the offer Applicant has obtained a written commitment from the First National Bank of Minneapolis for a loan of up to $3,200,000 subject to the conditions, among others, that at least a majority of the Northwestern shares will be acquired, that Applicant will expend in such acquisition at least $1,600,000 of its own funds, that the loan will be repaid within two years, and that the notes will bear 4¼ percent interest for the first year which rate will be the subject of renegotiation thereafter.

In the event that Inter-Canadian is unable to cause the liquidation and dissolution of Northwestern prior to the maturity of the bank loan in order to repay the same in its entirety, Inter-Canadian intends to cause Northwestern to distribute during 1959 sufficient of its assets so that Inter-Canadian will be able to reduce such bank loan to the extent that the asset coverage for the unpaid balance will be at least 300 percent.

Applicant proposes to hold a special meeting of its stockholders prior to the issuance of any order herein for the purpose of seeking their approval of (1) the purchase by Applicant of the Northwestern stock, (2) a change in Applicant's investment policy which, among other things, woud permit such investment, and (3) a change in Applicant's name.

Section 12 (d) (2) of the act, insofar as here relevant, makes it unlawful for a registered investment company to acquire more than 10 percent of the total outstanding voting stock of an insurance company. Accordingly, Inter-Canadian may only make the proposed acquisition of Northwestern shares if exempted, pursuant to section 6 (c) of the act, from the provisions of section 12 (d) (2). The offer to Northwestern stockholders is stated to be subject to the condition that "the purchase of shares pursuant hereto is approved by the Securities and Exchange Commission upon an application for such approval." The application herein seeks an exemption pursuant to section 6 (c) of the act which authorizes the Commission, conditionally or unconditionally, to exempt any person, security or transactions, from any provision or provisions of the act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act. The exemption from section 12 (d) (2), if granted, would not involve the Commission's passing upon the investment merits of the acquisition of the Northwestern stock by Applicant or the fairness of the consideration to be paid or received therefor.

Section 12 (d) (1) of the act, insofar as here relevant, makes it unlawful for a registered investment company to acquire more than 3 percent of the total outstanding stock of another investment company. Subsequent to January 1, 1959, and prior to its dissolution, Northwestern will be an investment company. Section 18 (a) (1) of the act makes it unlawful for a registered closed-end investment company to issue debt obligations, with certain minor exceptions, unless the asset coverage for this debt immediately after such issuance, is equal to at least 300 percent. This percentage of asset coverage will not be attained upon the effectuation of the proposed bank loan to be made by Northwestern. An exemption, pursuant to section 6 (c) of the act is, therefore, also sought from the provisions of section 12 (d) (1) and 18 (a) (1) of the act.

Section 17 (a) (1), to the extent pertinent, makes it unlawful for an affiliated person (officers and directors) of a registered investment company (Inter-Canadian) to sell securities to such registered investment company unless exempted pursuant to section 17 (b). Section 17 (b) provides that an exemption may be granted if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; and the proposed transaction is consistent with the investment policy of such registered investment company and the general purposes of the act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application pursuant to sections 6 (c) and 17 (b);

It is ordered, Pursuant to section 40 (a) of the act that a hearing on the aforesaid application under the applicable provisions of the act and of the rules of the Commission thereunder be held on the 10th day of July 1958, at 10:00 a. m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in the rule setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

It is further ordered, That Robert N. Hislop, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the requested exemptions from sections 12 (d) and 18 (a) are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act;

(2) Whether the terms of the sale to Applicant by its affiliates of the shares of Northwestern stock, including the consideration to be paid by Applicant, are reasonable and fair and do not involve overreaching on the part of any person concerned; whether such transaction is consistent with Applicant's policy as stated or as will be stated in its registration statement; and whether such transactions are consistent with the general purposes of the act;

(3) Whether any order of exemption issued herein should be subject to conditions and, if so, the terms thereof.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Inter-Canadian and the Insurance Commissioner of the State of Minnesota, that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-5021; Filed, July 1, 1958; 8:47 a. m.]

[File No. 70-3715]

MILWAUKEE GAS LIGHT CO.

NOTICE OF FILING OF APPLICATION REGARDING PROPOSED INCREASE OF OUTSTANDING SHORT-TERM INDEBTEDNESS

JUNE 27, 1958.

Notice is hereby given that Milwaukee Gas Light Company ("Milwaukee"), a public-utility subsidiary of American Natural Gas Company, a registered holding company, has filed with this Commission an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") for approval of a proposal to increase its outstanding short-term indebtedness by the issuance of $2,700,000 principal amount of 90 day notes.

All interested persons are referred to the application on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Milwaukee now has outstanding an aggregate principal amount of $3,300,000 of short-term notes issued pursuant to the exemption provided in the first sentence of section 6 (b) of the act. It proposes to increase the aggregate amount of such short-term indebtedness to be outstanding through the emergency borrowing from banks, from time to time as needed, of $2,700,000. The borrowings are to be made from The First Wisconsin National Bank of Milwaukee, Marine National Exchange Bank of Milwaukee, and Marshall & Ilsley Bank—Milwaukee in such amounts, respectively, as may be determined at the time of borrowing. Each borrowing is to be evidenced by notes maturing not later than 90 days after the date of issuance, bearing interest at the prime rate for commercial loans at the lending bank at the date of the borrowing, and to be subject to no special restrictive covenants or conditions. The proceeds received from the notes are to be used to meet costs of construction now in progress.

It is stated that no State commission and no Federal commission other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may not later than July 7, 1958 at 5:00 p. m., e. d. t., request the Commission in writing that a hearing be held in respect of the application stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. On or after said date the Commission may grant the application as filed or as amended, as provided by Rule 23 promulgated under the act, or the Commission may grant exemption from its rules promulgated under the act, as provided by Rules 20 (a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-5055; Filed, July 1, 1958; 8:53 a. m.]

TARIFF COMMISSION

HATTERS' FUR

REPORT TO THE PRESIDENT

JUNE 26, 1958.

The Tariff Commission today submitted a report to the President of its finding in an investigation of hatters' fur. The investigation was undertaken pursuant to paragraph 2 of Executive Order 10401, of October 14, 1952, to determine whether and to what extent the increased duty on hatters' fur, established in February 1952 by "escape clause" action, needs to be continued in order to prevent serious injury or threat thereof to the domestic industry producing hatters' fur.

The duty now in effect on hatters' fur, as a result of the escape-clause action, is 47½ cents per pound but not less than 15 percent or more than 35 percent ad valorem. The duty in effect before the "escape clause" action was the trade-agreement rate of 15 percent ad valorem.

The Commission found that continuation of the increased duty is no longer necessary to prevent serious injury or the threat thereof. It accordingly recommended to the President that the concession rate of 15 percent ad valorem be restored.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Address requests to the United States Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

DONN N. BENT, *Secretary.*

[F. R. Doc. 58-5024; Filed, July 1, 1958; 8:48 a. m.]

INTERNATIONAL COOPERATION ADMINISTRATION

UNIVERSALIST SERVICE COMMITTEE

REGISTER OF VOLUNTARY FOREIGN AID AGENCIES

In accordance with the regulations of the International Cooperation Administration concerning Registration of Agencies for Voluntary Foreign Aid (I. C. A. Regulation 3) 22 CFR Part 203, promulgated pursuant to Section 521 of the Mutual Security Act of 1954, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration to the following agency:

The Universalist Service Committee, 16 Beacon Street, Boston 8, Mass.

J. H. SMITH, Jr., *Director.*

JUNE 18, 1958.

[F. R. Doc. 58-5053; Filed, July 1, 1958; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 223]

MOTOR CARRIER APPLICATIONS

JUNE 27, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 3083 (Sub No. 30), filed June 19, 1958. Applicant: ARMORED MOTOR SERVICE CO., INC., Hickman Building, 248 Madison Avenue, P. O. Box 66, Memphis, Tenn. Applicant's attorney: James W. Wrape, 211 Sterick Building, Memphis, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency*, and *other valuables*, in armored motor vehicles, escorted by armored guards, between Charlotte, N. C., on the one hand, and, on the other, points in York, Cherokee, Spartanburg, Greenville, Pickens, Oconee, Anderson, Laurens, Union, Chester, Fairfield, Newberry, Abbeville, Greenwood, Saluda, Lexington, and Richland Counties, S. C. Applicant is authorized to conduct similar operations in Arkansas, Georgia, Kentucky, Mississippi, South Carolina, Tennessee, and West Virginia.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 3038 (Sub No. 28).

HEARING: July 14, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Joint Board No. 2, or if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 50132 (Sub No. 45), filed June 17, 1958. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, sugar products*, in bulk, liquid or dry, and in packages, from Chalmette, Gramercy New Orleans, Reserve, Supreme, and Three Oaks, La., to points in Arkansas, Iowa, Kansas, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Missouri, except the City of Sikeston, Mo., the St. Louis, Mo., Commercial Zone, and points in St. Louis, St. Charles, Franklin, and Jefferson Counties, Mo. Applicant is authorized to conduct operations as a contract carrier in Illinois, Louisiana, Missouri, Tennessee, Arkansas, Kentucky, North Carolina, South Carolina, Nebraska, Kansas, Alabama, Mississippi, Indiana, Georgia, Virginia, Ohio, West Virginia, and Florida.

NOTE: Applicant states it does not seek authority to serve previously named excepted areas. A proceeding has been instituted under section 212 (c), No. MC 50132 Sub No. 36, to determine whether applicant's status is that of a contract or common carrier.

HEARING: July 29, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lawrence A. Van Dyke.

No. MC 83539 (Sub No. 35), filed June 16, 1958. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P. O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, and (B) *Related machinery* and *related contractors' materials and supplies* when their transportation is incidental to the transportation of the commodities authorized in (A) above. RESTRICTION: The authority to be granted herein will be subject to the condition that carrier shall not engage in the stringing or picking up of pipe along pipeline right of ways. (C) *Machinery, equipment, materials*, and *supplies* used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *Pipe* and *machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main or trunk pipelines, between points in Michigan, Ohio, New York, New Jersey, and Pennsylvania, on the one hand, and, on the other, points in Arizona and Colorado. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming.

HEARING: July 10, 1958, at the Hotel Tuller, Parlor D, Detroit, Mich., before Examiner David Waters.

No. MC 83539 (Sub No. 36), filed June 16, 1958. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P. O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and (2) *Pipe* and *machinery, materials, equipment*, and *supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main or trunk pipelines, between points in Texas, Oklahoma, Kansas, Nebraska, and New Mexico, on the one hand, and, on the other, points in Ohio and Michigan. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming.

NOTE: Applicant states that it seeks to serve the above territory over direct routes instead of through its present gateways in Oklahoma and Kansas.

HEARING: July 30, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Walter R. Lee.

No. MC 83539 (Sub No. 37), filed June 16, 1958. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P. O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road and bridge-building machinery and equipment*, between points in Oklahoma, Kansas, Nebraska, Arkansas, Louisana, Mississippi, Colorado, and New Mexico, on the one hand, and, on the other, points in Ohio, Pennsylvania, Indiana, Illinois, Minnesota, Wisconsin, Michigan, Iowa, New Jersey, and New York; and (2) *Machinery, equipment, materials*, and *supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, equipment, materials*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing or picking up of pipe thereof, except the stringing and picking up of pipe in connection with main or trunk pipelines; and *Commodities*, other than those described above, the transportation of which, because of their size or weight, require the use of special equipment, and *parts thereof*, when moving in connection with such commodities, (a) from Oil City and Braddock, Pa., to points in Oklahoma and Nebraska; and (b) from points in Kansas, Oklahoma, and Nebraska to points in Pennsylvania. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming.

NOTE: Applicant states that by the instant application, it seeks to serve the above-described territories over direct routes instead of through its present gateway, in Texas.

HEARING: July 28, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Walter R. Lee.

No. MC 92983 (Sub No. 296), filed June 17, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to oper-

ate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals* (except petroleum and petroleum products), in bulk, in tank vehicles, from Dallas, Tex., and points within 10 miles thereof, to points in Arkansas, Kansas, Louisiana, Missouri, and Oklahoma. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: July 17, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo W. Cunningham.

No. MC 106456 (Sub No. 25), filed June 16, 1958. Applicant: SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Box 180, Nashville, Tenn. Applicant's attorney: J. R. Browder, Fessler Lane, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission and commodities requiring special equipment, between Decatur, Ala., on the one hand, and, on the other, points within 10 miles of Decatur, as intermediate and off-route points in connection with applicant's authorized regular route operations, subject to the restriction that applicant shall not transport shipments between these Alabama points, on the one hand, and, on the other, Nashville, Tenn., and points beyond. Applicant is authorized to conduct operations in Pennsylvania, New York, New Jersey, Tennessee, Virginia, Georgia, Maryland, West Virginia, Indiana, Missouri, and Kentucky.

HEARING: July 23, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 100, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 113388 (Sub No. 23), filed May 29, 1958. Applicant: LESTER C. NEWTON TRUCKING CO., INC., Box 265, Bridgeville, Del. Applicant's attorney: Glenn F. Morgan, 1006–1008 Warner Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh, frozen, and cured meats, meat products, and frozen foods*, from Boston, Mass., to Williamsburg, Va., and points within twenty-five (25) miles thereof, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia.

HEARING: July 25, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Michael B. Driscoll.

No. MC 115056 (Sub No. 8), filed June 12, 1958. Applicant: CLAUDE BUNDY, doing business as BUNDY TRUCK LINE, Gatesville, N. C. Applicant's attorney: Calvin F. Major, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreglass boats and swimming pools*, from Edenton, N. C., to points in Mississippi, Ohio, Illinois, Texas, Minnesota, Michigan, Kentucky, Tennessee, and Louisiana; and *damaged shipments* of the above-specified commodities, on return. Applicant is authorized to conduct operations in North Carolina, Virginia, Maryland, Pennsylvania, Delaware, New Jersey, New York, West Virginia, and the District of Columbia.

HEARING: July 15, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner James C. Cheseldine.

No. MC 117395, filed May 15, 1958. Applicant: JAMES B. BRASWELL, SR., doing business as SOUTHERN CEMENT TRANSPORT, 319 Louisiana Bank Building, Shreveport, La. Applicant's attorney: Robert L. Garrett, Commercial Building, Shreveport, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in sacks, and *masonry cement*, in sacks, from Okay Junction, Howard County, Ark., to points in Louisiana, Mississippi, Oklahoma, and Texas, and *rejected shipments* and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, on return.

NOTE: Applicant states the above transportation will originate from Ideal Cement Company mill at Okay Junction, located approximately 1 mile north of Saratoga, Ark. and 1 mile west of Arkansas Highway 55.

HEARING: July 16, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Walter R. Lee.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 155 (Sub No. 1), filed June 16, 1958. Applicant: MILLER'S FORWARDING CORPORATION, 816 Madison Street, Hoboken, N. J. Applicant's attorney: A. David Millner, 1060 Broad Street, Newark 2, N. J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed foods* and *condiments, edible oils, soap stocks, advertising and display materials*, and *cartons*, from Bayonne, N. J., to Elmsford and Mt. Kisco, N. Y., and *returned or rejected salad dressing, mayonnaise, edible oils, oleomargarine, mustard and pickles*, and *empty food products containers*, on return. Applicant is authorized to conduct regular route operations in New Jersey, New York, and Pennsylvania.

No. MC 5649 (Sub No. 27), filed June 17, 1958. Applicant: KULP AND GORDON, INC., 370 Hall Street, Phoenixville, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron ingots, steel ingots, iron billets, steel billets, iron bars* and *steel bars*, from Baltimore, Md., to Coatesville, Pa., (2) *iron scrap* and *steel scrap*, from Coatesville, Pa., to Baltimore, Md. Applicant is authorized to conduct operations in Pennsylvania, Maryland, New Jersey, New York, Delaware, District of Columbia, Virginia, Connecticut, Massachusetts, Maine, and Rhode Island.

No. MC 66562 (Sub No. 1431), filed June 18, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Hoosick Falls, N. Y., and North Adams, Mass., from Hoosick Falls, over New York Highway 22 to North Petersburg, N. Y., thence over New York Highway 346 to the New York-Vermont State line, thence over Vermont Highway 346 to Pownal, Vt., thence over U. S. Highway 7 to Williamstown, Mass., thence over Massachusetts Highway 2 to North Adams, Mass., and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that the proposed service will be an extension of applicant's Albany-Hoosick Falls, N. Y., truck route for which permanent authority is being sought in MC 66562 (Sub No. 1399).

No. MC 92983 (Sub No. 298), filed June 19, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alum*, in bulk, in hopper vehicles, from East St. Louis, Ill., to Oklahoma City, Okla. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and Wyoming.

No. MC 96949 (CORRECTION), published issue June 18, 1958, at page 4397. Applicant: POST ROAD STAGES, INC., Strong Road, Wapping (South Windsor), Conn. Applicant's attorney: Robin Kaminsky, 410 Asylum Street, Hartford 3, Conn. Previous publication referred to assignment for hearing, in error, as verified statements were submitted in supported thereof.

No. MC 109637 (Sub No. 83), filed June 12, 1958. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Madison, Ind., and points within five (5) miles thereof, to points in Missouri. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Tennessee, Texas, West Virginia, and Wisconsin.

NOTE: Applicant is under common control with Alabama Tank Lines, Inc., Docket No. MC 106387.

No. MC 114194 (Sub No. 10), filed June 16, 1958. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast and pre-stressed concrete products* and *lightweight concrete products* such as but not limited to calsicrete, except such commodities which because of size or weight require special equipment or special handling, from Pacific, Mo., and points within 13 miles thereof, to points in Iowa, Missouri, Illinois, Kansas, Oklahoma, Nebraska, Arkansas, Kentucky, Tennessee, Ohio, Indiana, Minnesota, Wisconsin, Michigan, Texas, and Mississippi, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application and *refused and rejected shipments* of the commodities specified in this application on return. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Missouri, Ohio, and Tennessee.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 150), filed June 16, 1958. Applicant: THE GREYHOUND CORPORATION, 5600 Jarvis Avenue, Chicago 31, Ill. Applicant's attorney: Earl A. Bagby, Market and Fremont Streets, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers. Proposal: To redescribe California Route 264, on Sheet 49 of Certificate No. MC 1501 (Sub No. 138). Present Authorization (here set forth as revised pursuant to Letter-notice dated May 21, 1958): 264. Between San Bernardino, Calif., and San Bernardino Junction. From San Bernardino over unnumbered highway to junction U. S. Highway 395, thence over U. S. Highway 395 to junction U. S. Highway 70 east of Colton (San Bernardino Junction). Proposed Authorization: 264. Between San Bernardino and San Bernardino Junction. From San Bernardino over U. S. Highway 395 to junction U. S. Highway 70 east of Colton (San Bernardino Junction).

NOTE: Applicant states the route proposed to be redescribed connects with Route 257 at San Bernardino and with Route 261 at San Bernardino Junction. Applicant states that the authority sought herein is for the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers between the points and in both directions over the route set forth, serving all intermediate points. The change in operating authority is proposed to be incorporated in a revised Sheet No. 49 to Certificate No. MC 1501 (Sub No. 138).

No. MC 116744 (Sub No. 2), filed June 23, 1958. Applicant: LA VERN S. POOLE, doing business as NIAGARA TOURS, Schultz Road, Route 2, North Tonawanda, N. Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, seasonally, each year, between May 1 and November 1, limited to the transportation of not more than seven (7) fare-paying passengers in any one vehicle, excluding the driver thereof and excluding children under ten (10) years of age who do not occupy a seat or seats, (1) from points in Erie and Niagara Counties, N. Y., to the boundary of the United States and Canada at Niagara Falls, N. Y., and return; (2) from points in Erie and Niagara Counties, N. Y., to the boundary of the United States and Canada at Lewiston, N. Y., and return, using, in either direction, one of the following bridges over the Niagara River: Rainbow Bridge at Niagara Falls, N. Y., Lower Arch Bridge at Niagara Falls, N. Y., or Lewiston Bridge at Lewiston, N. Y.

No. MC 116942 (Sub No. 1), filed June 23, 1958. Applicant: LAUREN DE GLOPPER, 586 Old Falls Boulevard, North Tonawanda, N. Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, limited to the transportation of not more than seven (7) passengers in any one vehicle, excluding the driver thereof and excluding children under 10 years of age who do not occupy a seat or seats, from points in Erie and Niagara Counties, N. Y., to the boundary of the United States and Canada at Niagara Falls, N. Y., and return, using in either direction, one of the following bridges over the Niagara River: Rainbow Bridge at Niagara Falls, N. Y., Lower Arch Bridge at Niagara Falls, N. Y., or Lewiston Bridge at Lewiston, N. Y.

No. MC 116943 (Sub No. 1), filed June 23, 1958. Applicant: EMPIRE STATE SCENIC TOURS AND INFORMATION, INC., 1139 Niagara Falls Boulevard, Buffalo, N. Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, limited to not more than seven (7) passengers in a vehicle, not including the driver and not including children under ten (10) years of age who do not occupy a seat or seats, from points in Erie and Niagara Counties, N. Y., to the port of entry on the boundary of the United States and Canada at Niagara Falls, N. Y., and return, using in either direction, one of the following bridges over the Niagara River: Rainbow Bridge at Niagara Falls, N. Y., Lower Arch Bridge at Niagara Falls, N. Y., or Lewiston Bridge at Lewiston, N. Y.

No. MC 117035 (Sub No. 1), filed June 23, 1958. Applicant: ALBERT JORDAN AND BERNICE I. JORDAN, doing business as JORDAN'S INTERNATIONAL HONEYMOON TOURS, 8800 Niagara Falls Boulevard, Niagara Falls, N. Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip sightseeing operations, in the season between May 1 and November 1, inclusive, of each year, from points in Niagara County, N. Y., to the United States Canadian boundary at Niagara Falls, N. Y., and return; from points in Niagara County, N. Y., to the United States Canadian boundary at Lewiston, N. Y., and return, using either one of the following bridges over the Niagara River on either going or return trip, Rainbow Bridge at Niagara Falls, N. Y., Lower Arch Bridge at Niagara Falls, N. Y., and Lewiston Bridge at Lewiston, N. Y.

NOTE: Applicant states that the above authority will be subject to the following conditions:

1. Operations shall be special operations.
2. Services shall be limited to the transportation of not more than seven (7) fare paying passengers in any one vehicle excluding the driver thereof, and excluding children under ten (10) years of age and who do not occupy a seat.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6923, (BYERS TRANSPORTATION CO., INC.—PURCHASE (PORTION)—W. E. MURRAY TRANSFER & STORAGE CO.), published in the June 11, 1958, issue of the FEDERAL REGISTER on page 4130. Supplement filed June 19, 1958, to show joinder of HARRY BYERS, PAUL H. BYERS and ROBERT BYERS, all of 901 Washington, Kansas City, Mo., as persons in control of vendee.

No. MC–F 6942. Authority sought for control by DUNCAN McRAE, P. O. Box 128, Crossett, Ark., of MELTON TRUCK LINES, INC., P. O. Box 128, Crossett, Ark. Applicant's attorney: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. Operating rights sought to be controlled: *Lumber, creosoted timbers, wood and composition shingles, sheet iron roofing*, and *windows and doors* complete with panes, as a *common carrier* over irregular routes between points within 250 miles of Texarkana, Tex., including Texarkana, but not including points in Mississippi, and between points in the above-described

territory, on the one hand, and, on the other, points in Texas, Arkansas, Kansas, Missouri, Oklahoma, and Louisiana; *roofing materials* and *asbestos siding*, from Shreveport, La., and points within one mile therof to points in New Mexico, and from Shreveport, La., to points in Kansas, Missouri, Oklahoma, and Texas. MELTON TRUCK LINES, INC., has filed application No. MC–FC 61304 for the transfer of the above-described operating rights to it from B. E. MELTON, GLADYS EVA MELTON, ADMINISTRATRIX, doing business as MELTON TRUCK LINE. DUNCAN McRAE is authorized to operate as a *common carrier* in Oklahoma. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–6943. Authority sought for control by LOUIS L. MOCKENHAUPT, 2013 North Main Street, Los Angeles 31, Calif., of VICTORVILLE-BARSTOW TRUCK LINE and B & L TRUCK & TRANSFER CO., both of 2013 NORTH MAIN STREET, Los Angeles 31, Calif. Applicant's attorney: R. Y. Schureman, Glanz & Russell, 639 South Spring Street, Los Angeles 14, Calif. Operating rights sought to be controlled: (VICTORVILLE-BARSTOW) *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Los Angeles, Calif., and points within ten miles of Los Angeles City Hall, excluding Altadena, Burbank, Glendale, Pasadena, South Pasadena, and San Gabriel, Calif., on the one hand, and, on the other, Los Angeles Harbor, Calif.; operations under the second proviso of section 206a (1) of the Interstate Commerce Act in the transportation of *general commodities* with certain exceptions in Southern California, as more fully described in Docket No. MC 97863; and *general commodities* with certain exceptions including dangerous explosives between Yermo and Harvard Siding, Calif., between Barstow and Daggett, Calif., on the one hand, and the Marine Corps Field Artillery and Anti-Aircraft Training Center located approximately six miles northerly of Twentynine Palms, on the other, serving no intermediate points, and between Riverside and Colton, Calif. (B & L TRUCK & TRANSFER CO.) BMC–75 Statement is now pending under the Second Proviso of section 206a (1) in the transportation of property: *General commodities* with certain exceptions, between all points within a 20-mile radius of Los Angeles, Calif., including Los Angeles, on the one hand, and on the other between the points designated above, and points within 20 miles laterally of the following highways including points within 20 miles of the terminals named, Blythe, via U. S. Highways 60 and 70, San Bernardino, via U. S. Highway 66, Long Beach, via Long Beach Boulevard, San Diego, via U. S. Highways 101, 101 Alternate and 101 Bypass, Ventura via U. S. Highways 101 and 101 Alternate, El Centro, via U. S. Highway 99, Palmdale via U. S. Highway 6, and Bakersfield, via U. S. Highway 99. LOUIS L. MOCKENHAUPT holds no authority from this Commission, however he is affiliated with VICTORVILLE-BARSTOW TRUCK LINE, which is authorized to operate as a *common carrier*, and also under the Second Proviso of section 206a (1) Interstate Commerce Act, in the State of California. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-5041; Filed, July 1, 1958; 8:50 a. m.]

[Notice 42]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 27, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–60319 (Deviation No. 2), THE MURDOCH & HATCH MOTOR TRANSPORT, INC., 455 West 16th Street, New York 11, N. Y., filed June 23, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the eastern terminus of the Connecticut Turnpike at Killingly, Conn., and the western terminus of the said Turnpike at the Connecticut-New York State line as follows: from the eastern terminus of the Connecticut Turnpike over the Connecticut Turnpike and access routes to the western terminus of the said Turnpike and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from Boston, Mass., over U. S. Highway 1 to Stamford, Conn.; from Boston, Mass., over U. S. Highway 1 to Providence, R. I., thence over Rhode Island Highway 3 to Westerly, R. I., and thence over U. S. Highway 1 to Stamford, Conn.; from Boston, Mass., over Massachusetts Highway 108 to Milford, Mass., thence over Massachusetts Highway 16 to Webster, Mass., thence over Massachusetts Highway 12 to Massachuseets-Connecticut State line, thence over Connecticut Highway 12 to New London, Conn.; from Torrington, Conn., over Connecticut Highway 8 to Shelton, Conn., thence over Connecticut Highway 65 to Bridgeport, Conn., and thence over U. S. Highway 1 to New York, N. Y.; and from New Bedford, Mass., over U. S. Highway 6 to Danbury, Conn.; and return over the same routes.

No. MC–70451 (Deviation No. 1), WATSON BROS. TRANSPORTATION CO., INC., 1523 Marcy Street, Omaha 8, Nebr., filed June 20, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Del Norte, Colo., and Colorado Springs, Colo., as follows: from Del Norte over Colorado Highway 112 to junction U. S. Highway 285, thence over U. S. Highway 285 to junction U. S. Highway 50, thence over U. S. Highway 50 to junction Colorado Highway 115, thence over Colorado Highway 115 to Colorado Springs and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Del Norte, Colo., and Colorado Springs, Colo., over the following pertinent route: from Del Norte over U. S. Highway 160, to junction U. S. Highway 85 at Walsenburg, Colo., thence over U. S. Highway 85 to Colorado Springs.

No. MC–70451 (Deviation No. 2), WATSON BROS. TRANSPORTATION CO., INC., 1523 Marcy Street, Omaha 8, Nebr., filed June 20, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Del Norte, Colo., and Pueblo, Colo., as follows: from Del Norte over Colorado Highway 122 to junction U. S. Highway 285, thence over U. S. Highway 285 to junction U. S. Highway 50, thence over U. S. Highway 50 to Pueblo and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Del Norte, Colo., and Pueblo, Colo., over the following pertinent route: from Del Norte over U. S. Highway 160 to Walsenburg, Colo., thence over U. S. Highway 85 to Pueblo.

No. MC–70451 (Deviation No. 3), WATSON BROS. TRANSPORTATION CO., INC., 1523 Marcy Street, Omaha 8, Nebr., filed June 20, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over two deviation routes, (A) between Kansas City, Kans., and Wichita, Kans., as follows: from Kansas City over the Kansas Turnpike to Wichita; and (B) between Topeka, Kans., and Wichita, Kans., as follows: from Topeka over the Kansas Turnpike to Wichita; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from Kansas City, Kans., over U. S. Highway 50 to junction U. S. Highway 81, thence over U. S. Highway 81 to Wichita, Kans.; and from Topeka, Kans., over U. S. Highway 24 to Kansas City, Kans., thence over U. S. Highway 50 to junction U. S. Highway 81, thence over U. S. Highway 81 to Wichita; and return over the same routes.

No. MC–70451 (Deviation No. 4), WATSON BROS. TRANSPORTATION CO., INC., 1523 Marcy Street, Omaha 8, Nebr., filed June 20, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Goodland, Kans., and Show Low, Ariz., as follows: from Goodland over Kansas Highway 27 to the Kansas-Oklahoma State line, thence over Oklahoma Highway 95 to junction U. S. Highway 54, thence over U. S. Highway 54 to junction U. S. Highway 287, thence over U. S. Highway 287 to junction U. S. Highway 66, thence over U. S. Highway 66 to junction U. S. Highway 54, thence over U. S. Highway 54 to junction U. S. Highway 60, thence over U. S. Highway 60 to Show Low, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Goodland, Kans., and Show Low, Ariz., over the following pertinent route: from Goodland over Kansas Highway 27 to junction U. S. Highway 36, thence over U. S. Highway 36 to Denver, Colo., thence over U. S. Highway 85 to Walsenburg, Colo., thence over U. S. Highway 160 to junction U. S. Highway 550 near Durango, Colo., thence over U. S. Highway 550 to Shiprock, N. Mex., thence over U. S. Highway 666 to Gallup, N. Mex., thence over U. S. Highway 66 to Holbrook, Ariz., thence over Arizona Highway 77 to Show Low.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-5042; Filed, July 1, 1958; 8:50 a. m.]

PETITION TO REDEFINE COMMERCIAL ZONE LIMITS

JUNE 27, 1958.

The following petition relative to the limits of the zone adjacent to and commercially a part of a municipality within the meaning of section 203 (b) (8) of the Interstate Commerce Act has been received and will be processed in the manner hereinafter indicated.

In Ex Parte No. MC–37, Commercial Zones and Terminal Areas, a petition has been filed on April 18, 1958, by Allegheny Freight Lines, Inc., of Winchester, Va., seeking redefinition of the limits of the commercial zone of Ravenswood, W. Va., in a manner to expand them.

The limits of the commercial zone of Ravenswood, W. Va., are now determined by application of the population-mileage formula enunciated in Ex Parte No. MC–37, Commercial Zones and Terminal Areas, 46 M. C. C. 665 (49 CFR 170.15, 170.16, and 170.17), and include the base municipality of Ravenswood, all unincorporated areas within 2 miles of Ravenswood corporate limits, and all of any other municipality any part of which is within 2 miles of the corporate limits of Ravenswood.

Petitioner seeks enlargement of the above-described zone limits, to an extent not specifically stated but sufficiently to include the site of the Kaiser Aluminum and Chemical Company plant.

No oral hearing is contemplated with respect to the petition, but an informal investigation with respect to redefinition of the zone limits as requested, and in other respects, will be conducted. Subsequent to such investigation, the Commission will either (1) enter an order denying the petition or (2) if any change is considered, a notice of proposed rule making will be published. Persons supporting or opposed to any change in the present zone limits, who desire to participate in future proceedings on this petition or be notified of any action taken thereon, should notify the Commission and the individual petitioner of their desire on or before 30 days from the date of this publication.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-5043; Filed, July 1, 1958; 8:51 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 27, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34783: *Trailer-on-flat-car service between eastern and western points.* Filed by Western Truck Line Committee, Agent (WTLC No. A–1983), for interested rail carriers. Rates on property loaded in or on highway trailers and transported on railroad flat cars, between points in official territory, on the one hand, and points in western trunk line territory, on the other.

Grounds for relief: Motor truck competition.

Tariff: Western Trunk Lines tariff I. C. C. A–4148, Supplement 22.

FSA No. 34784: *Malt from California and Oregoin points to Memphis, Tenn.* Filed by Trans-Continental Freight Bureau, Agent (TCFB No. 350), for interested rail carriers. Rates on malt, carloads, as described in the application, from specified points in California and Oregon to Memphis, Tenn.

Grounds for relief: Market competition.

Tariff: Trans-Continental Freight Bureau tariff I. C. C. 1577, Supplement 74.

FSA No. 34785: *Caustic soda from Lake Charles, La., to Pace Junction, Fla.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B–7316), for interested rail carriers: Rates on caustic soda, liquid, tank-car loads, from Lake Charles, La., to Pace Junction, Fla.

Grounds for relief: Commercial competition with Pensacola, Fla.

Tariff: Southwestern Freight Bureau tariff I. C. C. 4227, Supplement 65.

FSA No. 34786: *Trailer-on-flat-car service between points in the southwest.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B–7317), for interested rail carriers. Rates on property loaded in or on highway trailers and transported on railroad flat cars, between points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas; also Memphis, Tenn., and Natchez, Miss.

Grounds for relief: Motor truck competition.

Tariff: Southwestern Freight Bureau tariff I. C. C. 4285, Supplement 18.

AGGREGATE-OF-INTERMEDIATES

FSA No. 34782: *Building materials between Illinois and southern territories.* Filed by Traffic Executive Association, Eastern Railroads, Agent (CTR No. 2359), for interested rail carriers. Rates on roofing or building materials, carloads; also roofing slate, carloads, as described in the application, between points in Illinois, Indiana, Iowa, Missouri, and Wisconsin, on the one hand, and points in southern territory, on the other.

Grounds for relief: Maintenance of through one-factor rates in excess of available lower combinations.

Tariff: Illinois Freight Association, Agent, tariff I. C. C. 899, Supplement 18.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-5040; Filed, July 1, 1958; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA–243]

HUNGARIAN COMMERCIAL BANK OF PEST

In re: Debts owing to the Hungarian Commercial Bank of Pest, also known as Pester Ungarische Commercial Bank, F–34–256.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

(a) That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, in the sum of $429.79, arising out of a blocked account entitled, "Hungarian Commercial Bank of Pest, Budapest,

Hungary, Old Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

(b) That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, in the sum of $157.00, arising out of a blocked account entitled, "Hungarian Commercial Bank of Pest, Budapest, Hungary, General Ruling No. 6 Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

(c) That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, in the sum of $482.60, arising out of a blocked account entitled, "Hungarian Commercial Bank of Pest, Budapest, Hungary, Accounts Payable Division No. 13. Proceeds of Collections blocked by U. S. Government or held pending settlement of litigation," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned directly or indirectly by the Hungarian Commercial Bank of Pest, also known as Pester Ungarische Commercial Bank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on June 26, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-5046; Filed, July 1, 1958; 8:51 a. m.]

[Vesting Order SA-244]

HUNGARIAN COMMERCIAL BANK OF PEST

In re: Debt owing to the Hungarian Commercial Bank of Pest, also known as Pester Ungarische Commercial Bank, Budapest, Hungary; F-34-256.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Irving Trust Company, One Wall Street, New York 15, New York, in the sum of $129.31, arising out of a blocked account in the name of the Hungarian Commercial Bank of Pest, Budapest, Hungary, maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned directly or indirectly by the Hungarian Commercial Bank of Pest, also known as Pester Ungarische Commercial Bank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on June 26, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-5047; Filed, July 1, 1958; 8:51 a. m.]

[Vesting Order SA-245]

BULGARIAN NATIONALS

In re: Property owned indirectly by Bulgarian Nationals; F-11-227, F-63-2748 (Zurich) SA.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: Those certain debts or other obligations of the Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in the total sum of $572.23, constituting a portion of an account entitled, "Zurich Office, Ordinary Blocked Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned indirectly by nationals of Bulgaria, names unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on June 26, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-5048; Filed, July 1, 1958; 8:51 a. m.]

[Vesting Order SA-246]

HUNGARIAN NATIONALS

In re: Property owned indirectly by Hungarian Nationals; F-34-1693, F-63-2748 (Zurich) SA.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: Those certain debts or other obligations of the Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in the total sum of $55,991.20, constituting a portion of an account entitled, "Zurich Office, Ordinary Blocked Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned indirectly by nationals of Hungary, names unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on June 26, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-5049; Filed, July 1, 1958; 8:52 a. m.]

[Vesting Order SA-247]

RUMANIAN NATIONALS

In re: Property owned indirectly by Rumanian Nationals; F-57-1257, F-63-2748 (Zurich) SA.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: Those certain debts or other obligations of the Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in the total sum of $27,867.20, constituting a portion of an account entitled, "Zurich Office, Ordinary Blocked Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned indirectly by nationals of Rumania, names unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on June 26, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-5050; Filed, July 1, 1958; 8:52 a. m.]

TOM T. MATSUMOTO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Tom. T. Matsumoto, Kokura Shi, Kokura, Japan; $19,226.61 in the Treasury of the United States.

Vesting Order Nos. 11429, 13369, 16181 and 16325; Claim No. 56677.

Executed at Washington, D. C., on June 26, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-5051; Filed, July 1, 1958; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 23 NUMBER 130

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10773

DELEGATING AND TRANSFERRING CERTAIN FUNCTIONS AND AFFAIRS TO THE OFFICE OF DEFENSE AND CIVILIAN MOBILIZATION

By virtue of the authority vested in me as President of the United States, including authority vested in me by the provisions of Reorganization Plan No. 1 of 1958 and including also authority vested in me by provisions of law cited in the preambles of, or relied upon in connection with the issuance of, orders amended by this order, it is ordered as follows:

SECTION 1. The "Office of Defense and Civilian Mobilization" and the "Director of the Office of Defense and Civilian Mobilization", referred to in this order, are the Office of that name and the officer with that title, respectively, provided for in Reorganization Plan No. 1 of 1958.

SEC. 2. (a) There are hereby delegated to the Director of the Office of Defense and Civilian Mobilization, with power of redelegation by him, all functions transferred to the President by the provisions of Reorganization Plan No. 1 of 1958.

(b) Subject to the provisions of section 7 of this order, all functions of the President of the United States heretofore delegated or assigned to the Director of the Office of Defense Mobilization, the Office of Defense Mobilization, the Federal Civil Defense Administrator (or the Administrator of the Federal Civil Defense Administration), or the Federal Civil Defense Administration are, to the extent that those delegations or assignments were in effect June 30, 1958, redelegated or reassigned, as the case may be, to the Director of the Office of Defense and Civilian Mobilization.

SEC. 3. Except in instances wherein the provisions concerned are for any reason inapplicable as of the effective date of Reorganization Plan No. 1 of 1958:

(a) Each reference in any prior Executive order to the Director of the Office of Defense Mobilization and each reference in any prior Executive order to the Federal Civil Defense Administrator (or to the Administrator of the Federal Civil Defense Administration) is hereby amended to refer to the Director of the Office of Defense and Civilian Mobilization.

(b) Each reference in any prior Executive order to the Office of Defense Mobilization and each reference in any prior Executive order to the Federal Civil Defense Administration is hereby amended to refer to the Office of Defense and Civilian Mobilization.

SEC. 4. Without limiting the application of section 3 of this order, the amendments made thereby shall apply, subject to the provisions of section 3 of this order:

(a) To references to the Federal Civil Defense Administrator (or to the Administrator of the Federal Civil Defense Administration) and to references to the Federal Civil Defense Administration in the following-designated Executive orders, including any Executive orders amendatory thereof or supplementary thereto:

(1) Executive Order No. 10242 of May 8, 1951.

(2) Executive Order No. 10260 of June 27, 1951.

(3) Executive Order No. 10346 of April 17, 1952.

(4) Executive Order No. 10421 of December 31, 1952.

(5) Executive Order No. 10427 of January 16, 1953.

(6) Executive Order No. 10529 of April 22, 1954.

(7) Executive Order No. 10737 of October 29, 1957.

(b) To references to the Director of the Office of Defense Mobilization and to references to the Office of Defense Mobilization in the following-designated Executive orders, including any Executive order amendatory thereof or supplementary thereto:

(1) Executive Order No. 10219 of February 28, 1951.

(2) Executive Order No. 10296 of October 2, 1951.

(3) Executive Order No. 10312 of December 10, 1951.

(4) Executive Order No. 10346 of April 17, 1952.

(5) Executive Order No. 10421 of December 31, 1952.

(6) Executive Order No. 10460 of June 16, 1953.

(7) Executive Order No. 10480 of August 14, 1953, (except section 102).

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(8) Executive Order No. 10494 of October 14, 1953.

(9) Executive Order No. 10524 of March 31, 1954.

(10) Executive Order No. 10539 of June 22, 1954.

(11) Executive Order No. 10560 of September 9, 1954.

(12) Executive Order No. 10590 of January 18, 1955.

(13) Executive Order No. 10601 of March 21, 1955.

(14) Executive Order No. 10634 of August 25, 1955.

(15) Executive Order No. 10638 of October 10, 1955.

(16) Executive Order No. 10655 of January 28, 1956.

(17) Executive Order No. 10660 of February 15, 1956.

(18) Executive Order No. 10700 of February 25, 1957.

(19) Executive Order No. 10705 of April 17, 1957.

SEC. 5. Each reference in Executive Order No. 10737 of October 29, 1957, to a Regional Administrator of the Federal Civil Defense Administration is hereby amended to refer to a Regional Director of the Office of Defense and Civilian Mobilization.

SEC. 6. (a) There is hereby established in the Office of Defense and Civilian Mobilization the Defense and Civilian Mobilization Board. The Board shall be composed of the Director of the Office of Defense and Civilian Mobilization, who shall be the chairman of the Board, and of the heads of such executive departments and agencies of the Government as may be designated, with their consent, from time to time by the Director.

(b) The Director of the Office of Defense and Civilian Mobilization may from time to time establish subsidiary units of the Board and assign suitable names thereto. The Director and the heads of any executive departments and agencies may be designated, with their consent, as members of such units. The Director shall be the chairman of any subsidiary unit of which he is a member and he shall designate the chairman of any other subsidiary unit from among the members thereof.

(c) The Board established by this section, and each subsidiary unit thereof established under this section, shall advise the Director of the Office of Defense and Civilian Mobilization with respect to matters relating to his responsibilities as he shall request.

SEC. 7. The following are hereby revoked:

(1) Executive Order No. 10224 of March 15, 1951.

(2) Executive Order No. 10276 of July 31, 1951.

(3) Executive Order No. 10293 of September 27, 1951.

(4) Executive Order No. 10360 of May 14, 1952.

(5) Executive Order No. 10475 of July 31, 1953.

(6) Section 102 of Executive Order No. 10480 of August 14, 1953.

(7) Executive Order No. 10611 of May 11, 1955.

SEC. 8. This order shall not operate to terminate or impair any regulation, ruling, order, directive, certificate, determination, authorization, contract, agreement, or other action, issued, undertaken, or entered into with respect to any function affected by the provisions of sections 2, 3, or 4 of this order; nor shall this order affect the validity or force of anything heretofore done in connection with any such function. Any of the instruments referred to in this section may be hereafter amended, modified, or revoked, by appropriate authority.

SEC. 9. The Director of the Office of Defense and Civilian Mobilization is hereby authorized to issue such regulations as he may deem necessary or desirable to carry out the purposes of this order.

SEC. 10. The provisions of this order shall be effective as of July 1, 1958, the effective date of Reorganization Plan No. 1 of 1958.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 1, 1958.

[F. R. Doc. 58–5159; Filed, July 1, 1958; 5:02 p. m.]

RULES AND REGULATIONS

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54627]

PART 14—APPRAISEMENT

EXAMINATION OF MERCHANDISE

The Bureau has decided in line with an employee suggestion that it should be within the appraiser's discretion to dispense with preliminary examinations currently required under § 14.2 (e) of the Customs Regulations before the collector grants permission to remove such imported articles as machinery, altars and the like to the place of erection or assembly for final examination.

To reflect in the Customs Regulations the adoption of this suggestion and, in addition, to give effect to another suggestion that the collector of customs be given exclusive authority to grant applications for extensions beyond the 90-day period initially given the importer within which to notify customs the article is set up and ready for examination, § 14.2 (e) is amended as follows:

The word "may" and the words "he deems" are substituted for the word

"shall" and the words "may be", respectively, in the third sentence.

The words "any necessary" are substituted for the word "the" between the words "and" and "preliminary" in the fourth sentence.

The words "or appraiser" where they first appear in the last sentence are deleted.

(Secs. 488, 499, 624, 46 Stat. 725, 728, as amended, 759; 19 U. S. C. 1488, 1499, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: June 26, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-5110; Filed, July 2, 1958; 8:53 a. m.]

[T. D. 54628]

PART 51—IMPORTS AND EXPORTS SUBJECT TO THE PROVISIONS OF EXECUTIVE ORDER 8389, AS AMENDED, AND PROCLAMATION 2497, REGARDING "BLOCKED NATIONALS"

PART 52—REGULATIONS UNDER TRADING WITH THE ENEMY ACT

REVOCATION OF LICENSES FOR CERTAIN CUSTOMS ENTRIES AND EXAMINATION OF TANGIBLE COMMUNICATIONS

Part 51 of the Customs Regulations dispenses with Treasury licenses for certain customs entries in cases where a foreign country is specified in Executive Order No. 8389, dated April 10, 1940, as amended, or a national thereof has an interest in the merchandise. Part 52 is the regulation governing the examination of tangible communications under section 3 (c) of the Trading With the Enemy Act, approved October 6, 1917 (50 U. S. C. App. 3 (c)). As Parts 51 and 52 have no present applicability, they are hereby revoked.

(R. S. 161, 251; 5 U. S. C. 22, 19 U. S. C. 66)

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: June 27, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-5111; Filed, July 2, 1958; 8:53 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

PART 55—OPERATORS' LICENSES

NEW MAILING ADDRESS

These amendments to Title 10, Chapter 1, eliminate the former address of the Atomic Energy Commission and substitute therefor the new mailing address. They specify that petitions for leave to intervene shall be deemed to have been filed with the Commission as of the time they are received in the Office of the Secretary, at Germantown, Maryland, or in the case of petitions filed in person in the AEC Public Document Room, located at 1717 H Street, NW., Washington, D. C., when they are received in that room, and that medical forms filed pursuant to Part 55 should be mailed to the Atomic Energy Commission at its new address.

Because of the procedural nature of these amendments, and because interested persons will not be adversely affected, the Atomic Energy Commission has found that general notice of proposed rule making and public procedure thereon are unnecessary; and that good cause exists why these amendments should be made effective without the customary period of prior notice.

Effective upon publication in the FEDERAL REGISTER:

1. Paragraph (a) of § 2.705 is amended to read as follows:

(a) Any person whose interest may be affected by a proceeding may file a petition to intervene, describing his interest, how it may be affected by AEC action, and the position he is taking in the matter. Service of copies of the petition shall be made upon all parties to the proceeding. The licensee or applicant upon prompt notice and motion, and other parties by leave, may contest the right of the petitioner to intervene. Petitions for leave to intervene, whether filed by mail, telegraph or otherwise, shall be deemed to have been filed with the AEC as of the time received in the Office of the Secretary at the AEC's offices in Germantown, Maryland, or in the AEC Public Document Room, 1717 H Street NW., Washington, D. C.

2. The first note at the end of § 55.60 is amended to read as follows: "This form should be mailed by the physician to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation."

(Sec. 161, 68 Stat. 984, as amended; 42 U. S. C. 2201)

Dated at Germantown, Md., this 23d day of June 1958.

For the Atomic Energy Commission.

K. E. FIELDS,
General Manager.

[F. R. Doc. 58-5070; Filed, July 2, 1958; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter K—Processed Fishery Products, Processed Products Thereof, and Certain Other Processed Food Products

PART 170—INSPECTION AND CERTIFICATION

PART 171—UNITED STATES STANDARDS FOR GRADES OF FROZEN FRIED FISH STICKS

PART 172—UNITED STATES STANDARDS FOR GRADES OF FROZEN RAW BREADED SHRIMP

PART 173—UNITED STATES STANDARDS FOR GRADES OF FROZEN FISH BLOCKS

Basis and purpose. Functions relating to the inspection and certification of processed fishery products, processed products thereof, and certain other processed food products for quality and condition, have been performed since 1946 by the Department of Agriculture under authority contained in Title II of the Agricultural Marketing Act of August 14, 1946, as amended (7 U. S. C. 1621–1627), and in accordance with regulations constituting Part 52, Title 7, Code of Federal Regulations.

In furtherance of the inspection and certification program for processed fishery products and upon recommendations by the Fish and Wildlife Service, the Department of Agriculture has heretofore promulgated standards for fishery products as follows:

Subpart—United States Standards for Grades of Frozen Fried Fish Sticks, issued July 18, 1956; published July 21, 1956 (21 F. R. 5475; 7 CFR, 52.3141–52.3151); effective August 21, 1956.

Subpart—United States Standards for Grades of Frozen Raw Breaded Shrimp, issued December 30, 1957; published January 7, 1958 (23 F. R. 99; 7 CFR 52.3601–52.3607); effective March 1, 1958.

Subpart—United States Standards for Grades of Frozen Fish Blocks, issued February 3, 1958; published February 6, 1958 (23 F. R. 786; 7 CFR 52.3681–52.3692); effective April 1, 1958.

As found and determined by the Director of the Bureau of the Budget on March 22, 1956 (23 F. R. 2304), all functions of the Department of Agriculture which pertain to fish, shellfish and any products thereof, performed under the authority of Title II of the Agricultural Marketing Act of August 14, 1946, as amended (7 U. S. C. 1621–1627), including but not limited to the development and promulgation of grade standards for fishery products, the inspection and certification of such products, and the improvement of transportation facilities and rates for fish and shellfish and any products thereof, were transferred to the Department of the Interior by section 6 (a) of the act of August 8, 1956, popularly known as the Fish and Wildlife Act of 1956 (16 U. S. C. Sec. 742e).

By notice of proposed rule making published on May 30, 1958 (23 F. R. 3780), notice was given of the intention of the Commissioner of Fish and Wildlife to recommend to the Secretary of the Interior the adoption of regulations, set forth therein in tentative form, to be codified as Title 50, Code of Federal Regulations, Part 170—Inspection and Certification and constituting an adaptation, without substantive change, of regulations currently codified as Title 7, Code of Federal Regulations, Part 52, to fit the needs of a fishery products standards program to be administered by the Department of the Interior in substitution for the Department of Agriculture. The public was informed that consideration would be given to any data, views, or arguments relating to the regulations which were received by the Commissioner, U. S. Fish and Wildlife Service, Washington 25, D. C., not later than June 16, 1958.

No data have been received from the public in response to the notice of proposed rule making. It has been determined, however, that the regulations set forth below to govern inspection and certification (Part 170) and prescribing grade standards for the fishery products identified in Parts 171, 172, and 173 are necessary and desirable to facilitate the administration of a fishery product inspection and certification service by the Department of the Interior.

The adoption of these regulations with an effective date of July 1, 1958, is necessary to implement the transfer from the Department of Agriculture to the Department of the Interior of functions relating to the promulgation of grade standards and the inspection and certification of fishery products. By virtue of an administrative agreement concluded between the two agencies, the Department of Agriculture will discontinue the exercise of primary responsibility for the inspection and certification of fishery products at the close of business on June 30, 1958, and the Department of the Interior will begin to exercise primary responsibility for these functions on July 1, 1958. All persons who currently are parties to contracts with the Department of Agriculture for the furnishing of inspection and certification services for fishery products have been notified in writing of the intention to substitute the Department of the Interior for the Department of Agriculture as the administering agency effective July 1, 1958, and have been given ample opportunity to prepare for the effective date of the regulations being adopted herein. No substantive changes have been made in these regulations and only those revisions are being accomplished which are necessary to codify them under Title 50, Code of Federal Regulations. In the circumstances, it has been determined that the 30-day advance publication requirement imposed by section 4 (c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U. S. C. 1003 (c), may be waived under the exemptions provided in that section. Accordingly, the regulations set forth below are adopted pursuant to the authority contained in Title II, section 205, of the Agricultural Marketing Act of 1946, as amended (7 U. S. C. 1624), and shall become effective on July 1, 1958.

Dated: June 30, 1958.

FRED A. SEATON,
Secretary of the Interior.

PART 170—INSPECTION AND CERTIFICATION

Sec.
170.1 Administration of regulations.

DEFINITIONS

170.6 Terms defined.
170.7 Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.

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170.12 Where inspection service is offered.
170.13 Who may obtain inspection service.
170.14 How to make application.
170.15 Information required in connection with application.
170.16 Filing of application.
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170.18 When application may be rejected.
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170.22 Order of inspection service.
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170.36 When appeal inspection may be requested.
170.37 Where to file for an appeal inspection and information required.
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170.48 Application to become a licensed sampler.
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SAMPLING

170.57 How samples are drawn by inspectors or licensed samplers.
170.58 Accessibility for sampling.
170.59 How officially drawn samples are to be identified.
170.60 How samples are to be shipped.
170.61 Sampling plans and procedures for determining lot compliance.
170.62 Issuance of certificate of sampling.
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170.69 Payment of fees and charges.
170.70 Schedule of fees.
170.71 Fees to be charged and collected for sampling when performed by a licensed sampler.
170.72 Inspection fees when charges for sampling have been collected by a licensed sampler.
170.73 Inspection fees when charges for sampling have not been collected by a licensed sampler.
170.74 Fee for appeal inspection.
170.75 Charges for micro, chemical, and certain other special analyses.
170.76 When charges are to be based on hourly rate not otherwise provided for in this part.
170.77 Fees for score sheets.
170.78 Fees for additional copies of inspection certificates.
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MISCELLANEOUS

170.86 Approved identification.
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170.90 Compliance with other laws.
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170.97 Plant survey.
170.98 Premises.
170.99 Buildings and structures.
170.100 Facilities.
170.101 Equipment.
170.102 Operations and operating procedures.
170.103 Personnel; health.

AUTHORITY: §§ 170.1 to 170.103 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

§ 170.1 *Administration of regulations.* The Secretary of the Interior is charged with the administration of the regulations in this part except that he may delegate any or all of such functions to any officer or employee of the Bureau of Commercial Fisheries of the Department in his discretion.[1]

DEFINITIONS

§ 170.6 *Terms defined.* Words in the regulations in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand. For the purposes of the regulations in this part, unless the context otherwise requires, the following terms shall have the following meanings:

Acceptance number. "Acceptance number" means the number in a sampling plan that indicates the maximum number of deviants permitted in a sample of a lot that meets a specific requirement.

Act. "Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

Applicant. "Applicant" means any interested party who requests inspection service under the regulations in this part.

Case. "Case" means the number of containers (cased or uncased) which, by the particular industry are ordinarily packed in a shipping container.

Certificate of loading. "Certificate of loading" means a statement, either written or printed, issued pursuant to the regulations in this part, relative to checkloading of a processed product subsequent to inspection thereof.

Certificate of sampling. "Certificate of sampling" means a statement, either written or printed issued pursuant to the regulations in this part, identifying officially drawn samples and may include a description of condition of containers and the condition under which the processed product is stored.

Class. "Class" means a grade or rank of quality.

Condition. "Condition" means the degree of soundness of the product which may affect its merchantability and includes, but is not limited to those factors which are subject to change as a result of age, improper preparation and processing, improper packaging, improper storage or improper handling.

[1] All functions of the Department of Agriculture which pertain to fish, shellfish and any products thereof, now performed under the authority of title II of the act of August 14, 1946, popularly known as the Agricultural Marketing Act of 1946, as amended (7 U. S. C. 1621–1627), including but not limited to the development and promulgation of grade standards, the inspection and certification, and improvement of transportation facilities and rates for fish and shellfish and any products thereof, were transferred to the Department of the Interior by the Director of the Budget (23 F. R. 2304) pursuant to section 6 (a) of the act of August 8, 1956, popularly known as the Fish and Wildlife Act of 1956 (16 U. S. C. sec. 742e).

Department. "Department" means the United States Department of the Interior.

Deviant. "Deviant" means a sample unit affected by one or more deviations or a sample unit that varies in a specifically defined manner from the requirements of a standard, specification, or other inspection document.

Deviation. "Deviation" means any specifically defined variation from a particular requirement.

Director. "Director" means the Director of the Bureau of Commercial Fisheries.

Inspection certificate. "Inspection certificate" means a statement, either written or printed, issued pursuant to the regulations in this part, setting forth in addition to appropriate descriptive information relative to a processed product, and the container thereof, the quality and condition, or any part thereof, of the product and may include a description of the conditions under which the product is stored.

Inspection service. "Inspection service" means:

(a) The sampling pursuant to the regulations in this part;

(b) The determination pursuant to the regulations in this part of:

(1) Essential characteristics such as style, type, size, sirup density or identity of any processed product which differentiates between major groups of the same kind;

(2) The class, quality and condition of any processed product, including the condition of the container thereof by the examination of appropriate samples;

(c) The issuance of any certificate of sampling, inspection certificates, or certificates of loading of a processed product, or any report relative to any of the foregoing; or

(d) Performance by an inspector of any related services such as assigning an inspector in a processing plant to observe the preparation of the product from its raw state through each step in the entire process, or observe conditions under which the product is being prepared, processed, and packed, or observe plant sanitation as a prerequisite to the inspection of the processed product, either on a continuous or periodic basis, or checkload the inspected processed product in connection with the marketing of the processed product.

Inspector. "Inspector" means any employee of the Department authorized by the Secretary or any other person licensed by the Secretary to investigate, sample, inspect, and certify in accordance with the regulations in this part to any interested party the class, quality and condition of processed products covered in this part and to perform related duties in connection with the inspection service.

Interested party. "Interested party" means any person who has a financial interest in the commodity involved.

Licensed sampler. "Licensed sampler" means any person who is authorized by the Secretary to draw samples of processed products for inspection service, to inspect for identification and condition of containers in a lot, and may, when authorized by the Secretary, perform related services under the act and the regulations in this part.

Lot. "Lot" has the following meanings:

(a) For the purpose of charging fees and issuing certificates, "Lot" means any number of containers of the same size and type which contain a processed product of the same type and style located in the same or adjacent warehouses and which are available for inspection at any one time: *Provided,* That:

(1) Processed products in separate piles which differ from each other as to grade or other factors may be deemed to be separate lots;

(2) Containers in a pile bearing an identification mark different from other containers of such processed product in that pile, if determined to be of lower grade or deficient in other factors, may be deemed to be a separate lot; and

(3) If the applicant requests more than one inspection certificate covering different portions of such processed product, the quantity of the product covered by each certificate shall be deemed to be a separate lot.

(b) For the purpose of sampling and determining the grade or compliance with a specification, "Lot" means each pile of containers of the same size and type containing a processed product of the same type and style which is separated from other piles in the same warehouse, but containers in the same pile bearing an identification mark different from other containers in that pile may be deemed to be a separate lot.

Officially drawn sample. "Officially drawn sample" means any sample that has been selected from a particular lot by an inspector, licensed sampler, or by any other person authorized by the Secretary pursuant to the regulations in this part.

Person. "Person" means any individual, partnership, association, business trust, corporation, any organized group of persons (whether incorporated or not), the United States (including, but not limited to, any corporate agencies thereof), any State, county, or municipal government, any common carrier, and any authorized agent of any of the foregoing.

Plant. "Plant" means the premises, buildings, structures, and equipment (including, but not being limited to, machines, utensils, and fixtures) employed or used with respect to the manufacture or production of processed products.

Processed product. "Processed product" means any fishery product or other food product covered under the regulations in this part which has been preserved by any recognized commercial process, including, but not limited to, canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation.

Quality. "Quality" means the inherent properties of any processed product which determine the relative degree of excellence of such product, and includes the effects of preparation and processing, and may or may not include the effects of packing media, or added ingredients.

Rejection number. "Rejection number" means the number in a sampling plan that indicates the minimum number of deviants in a sample that will cause a lot to fail a specific requirement.

Sample. "Sample" means any number of sample units to be used for inspection.

Sample unit. "Sample unit" means a container and/or its entire contents, a portion of the contents of a container or other unit of commodity, or a composite mixture of a product to be used for inspection.

Sampling. "Sampling" means the act of selecting samples of processed products for the purpose of inspection under the regulations in this part.

Secretary. "Secretary" means the Secretary of the Department or any other officer or employee of the Department authorized to exercise the powers and to perform the duties of the Secretary in respect to the matters covered by the regulations in this part.

Shipping container. "Shipping container" means an individual container designed for shipping a number of packages or cans ordinarily packed in a container for shipping or designed for packing unpackaged processed products for shipping.

Unofficially drawn sample. "Unofficially drawn sample" means any sample that has been selected by any person other than an inspector or licensed sampler, or by any other person not authorized by the Director pursuant to the regulations in this part.

§ 170.7 *Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.* Subsection 203 (h) of the Agricultural Marketing Act of 1946 provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part the terms listed below shall have the respective meanings specified:

Official certificate. "Official certificate" means any form of certification, either written or printed, including those defined in § 170.6, used under this part to certify with respect to the inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

Official device. "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Director for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

Official identification. "Official identification" means any United States (U. S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol,

stamp, label, or seal indicating that the product has been graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Director and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

Official mark. "Official mark" means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, including those prescribed in § 170.86 approved by the Secretary and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U. S. Grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part.

Official memorandum. "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

INSPECTION SERVICE

§ 170.12 *Where inspection service is offered.* Inspection service may be furnished wherever any inspector or licensed sampler is available and the facilities and conditions are satisfactory for the conduct of such service.

§ 170.13 *Who may obtain inspection service.* An application for inspection service may be made by any interested party, including, but not limited to, the United States and any instrumentality or agency thereof, any State, county, municipality, or common carrier, and any authorized agent in behalf of the foregoing.

§ 170.14 *How to make application.* An application for inspection service may be made to the office of inspection or to any inspector, at or nearest the place where the service is desired. An up-to-date list of the Inspection Field Offices of the Department may be obtained upon request to the Director. Satisfactory proof that the applicant is an interested party shall be furnished.

§ 170.15 *Information required in connection with application.* Application for inspection service shall be made in the English language and may be made orally (in person or by telephone), in writing, or by telegraph. If an application for inspection service is made orally, such application shall be confirmed promptly in writing. In connection with each application for inspection service, there shall be furnished such information as may be necessary to perform an inspection on the processed product for which application for inspection is made, including but not limited to, the name of the product, name and address of the packer or plant where such product was packed, the location of the product, its lot or car number, codes or other identification marks, the number of containers, the type and size of the containers, the interest of the applicant in the product, whether the lot has been inspected previously to the application by any Federal agency and the purpose for which inspection is desired.

§ 170.16 *Filing of application.* An application for inspection service shall be regarded as filed only when made in accordance with the regulations in this part.

§ 170.17 *Record of filing time.* A record showing the date and hour when each application for inspection or for an appeal inspection is received shall be maintained.

§ 170.18 *When application may be rejected.* An application for inspection service may be rejected by the Secretary (a) for non-compliance by the applicant with the regulations in this part, (b) for non-payment for previous inspection services rendered, (c) when the product is not properly identifiable by code or other marks, or (d) when it appears that to perform the inspection service would not be to the best interests of the Government. Such applicant shall be promptly notified of the reason for such rejection.

§ 170.19 *When application may be withdrawn.* An application for inspection service may be withdrawn by the applicant at any time before the inspection is performed: *Provided,* That, the applicant shall pay at the hourly rate prescribed in § 170.76 for the time incurred by the inspector in connection with such application, any travel expenses, telephone, telegraph or other expenses which have been incurred by the inspection service in connection with such application.

§ 170.20 *Disposition of inspected sample.* Any sample of a processed product that has been used for inspection may be returned to the applicant, at his request and expense; otherwise it shall be destroyed, or disposed of to a charitable institution.

§ 170.21 *Basis of inspection and grade or compliance determination.* (a) Inspection service shall be performed on the basis of the appropriate United States standards for grades of processed products, Federal, Military, Veterans Administration or other government agency specifications, written contract specification, or any written specification or instruction which is approved by the Secretary.

(b) Unless otherwise approved by the Director compliance with such grade standards, specifications, or instructions shall be determined by evaluating the product, or sample, in accordance with the requirements of such standards, specifications, or instructions: *Provided,* That when inspection for quality is based on any United States grade standard which contains a scoring system the grade to be assigned to a lot is the grade indicated by the average of the total scores of the sample units: *Provided further,* That:

(1) Such sample complies with the applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act;

(2) Such sample complies with the product description;

(3) Such sample meets the indicated grade with respect to factors of quality which are not rated by score points; and

(4) With respect to those factors of quality which are rated by score points, each of the following requirements is met:

(i) None of the sample units falls more than one grade below the indicated grade because of any quality factor to which a limiting rule applies;

(ii) None of the sample units falls more than 4 score points below the minimum total score for the indicated grade; and

(iii) The number of sample units classed as deviants does not exceed the applicable acceptance number indicated in the sampling plans contained in § 170.61. A "deviant," as used in this paragraph, means a sample unit that falls into the next grade below the indicated grade but does not score more than 4 points below the minimum total score for the indicated grade.

(5) If any of the provisions contained in subparagraphs (3) and (4) of this paragraph are not met the grade is determined by considering such provisions in connection with succeedingly lower grades until the grade of the lot, if assignable, is established.

§ 170.22 *Order of inspection service.* Inspection service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any such applications which are made by the United States (including, but not being limited to, any instrumentality or agency thereof) and to any application for an appeal inspection.

§ 170.23 *Postponing inspection service.* If the inspector determines that it is not possible to accurately ascertain the quality or condition of a processed product immediately after processing because the product has not reached equilibrium in color, sirup density, or drained weight, or for any other substantial reason, he may postpone inspection service for such period as may be necessary.

§ 170.24 *Financial interest of inspector.* No inspector shall inspect any processed product in which he is directly or indirectly financially interested.

§ 170.25 *Forms of certificates.* Inspection certificates, certificates of sampling or loading, and other memoranda concerning inspection service shall be issued on forms approved by the Secretary.

§ 170.26 *Issuance of certificates.* (a) An inspection certificate may be issued only by an inspector: *Provided,* That, another employee of the inspection service may sign any such certificate covering any processed product inspected by an inspector when given power of attorney by such inspector and authorized by the Secretary, to affix the inspector's

signature to an inspection certificate which has been prepared in accordance with the facts set forth in the notes, made by the inspector, in connection with the inspection.

(b) A certificate of loading shall be issued and signed by the inspector or licensed sampler authorized to check the loading of a specific lot of processed products: *Provided*, That, another employee of the inspection service may sign such certificate of loading covering any processed product checkloaded by an inspector or licensed sampler when given power of attorney by such inspector or licensed sampler and authorized by the Secretary to affix the inspector's or licensed sampler's signature to a certificate of loading which has been prepared in accordance with the facts set forth in the notes made by the inspector or licensed sampler in connection with the checkloading of a specific lot of processed products.

§ 170.27 *Issuance of corrected certificates.* A corrected inspection certificate may be issued by the inspector who issued the original certificate after distribution of a certificate if errors, such as incorrect dates, code marks, grade statements, lot or car numbers, container sizes, net or drained weights, quantities, or errors in any other pertinent information require the issuance of a corrected certificate. Whenever a corrected certificate is issued, such certificate shall supercede the inspection certificate which was issued in error and the superseded certificate shall become null and void after the issuance of the corrected certificate.

§ 170.28 *Issuance of an inspection report in lieu of an inspection certificate.* A letter report in lieu of an inspection certificate may be issued by an inspector when such action appears to be more suitable than an inspection certificate: *Provided*, That, the issuance of such report is approved by the Secretary.

§ 170.29 *Disposition of inspection certificates.* The original of any inspection certificate, issued under the regulations in this part, and not to exceed four copies thereof, if requested prior to issuance, shall be delivered or mailed promptly to the applicant, or person designated by the applicant. All other copies shall be filed in such manner as the Secretary may designate. Additional copies of any such certificates may be supplied to any interested party as provided in § 170.78.

§ 170.30 *Report of inspection results prior to issuance of formal report.* Upon request of any interested party, the results of an inspection may be telegraphed or telephoned to him, or to any other person designated by him, at his expense.

APPEAL INSPECTION

§ 170.36 *When appeal inspection may be requested.* An application for an appeal inspection may be made by any interested party who is dissatisfied with the results of an inspection as stated in an inspection certificate, if the lot of processed products can be positively identified by the inspection service as the lot from which officially drawn samples were previously inspected. Such application shall be made within thirty (30) days following the day on which the previous inspection was performed, except upon approval by the Secretary the time within which an application for appeal inspection may be made may be extended.

§ 170.37 *Where to file for an appeal inspection and information required.* (a) Application for an appeal inspection may be filed with:

(1) The inspector who issued the inspection certificate on which the appeal covering the processed product is requested; or

(2) The inspector in charge of the office of inspection at or nearest the place where the processed product is located.

(b) The application for appeal inspection shall state the location of the lot of processed products and the reasons for the appeal; and date and serial number of the certificate covering inspection of the processed product on which the appeal is requested, and such application may be accompanied by a copy of the previous inspection certificate and any other information that may facilitate inspection. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation shall be made promptly.

§ 170.38 *When an application for an appeal inspection may be withdrawn.* An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is performed: *Provided*, That, the applicant shall pay at the hourly rate prescribed in § 170.76, for the time incurred by the inspector in connection with such application, any travel expenses, telephone, telegraph, or other expenses which have been incurred by the inspection service in connection with such application.

§ 170.39 *When appeal inspection may be refused.* An application for an appeal inspection may be refused if:

(a) The reasons for the appeal inspection are frivolous or not substantial;

(b) The quality or condition of the processed product has undergone a material change since the inspection covering the processed product on which the appeal inspection is requested;

(c) The lot in question is not, or cannot be made accessible for the selection of officially drawn samples;

(d) The lot relative to which appeal inspection is requested cannot be positively identified by the inspector as the lot from which officially drawn samples were previously inspected; or

(e) There is noncompliance with the regulations in this part. Such applicant shall be notified promptly of the reason for such refusal.

§ 170.40 *Who shall perform appeal inspection.* An appeal inspection shall be performed by an inspector or inspectors (other than the one from whose inspection the appeal is requested) authorized for this purpose by the Secretary and, whenever practical, such appeal inspection shall be conducted jointly by two such inspectors: *Provided*, That the inspector who made the inspection on which the appeal is requested may be authorized to draw the samples when another inspector or licensed sampler is not available in the area where the product is located.

§ 170.41 *Appeal inspection certificate.* After an appeal inspection has been completed, an appeal inspection certificate shall be issued showing the results of such appeal inspection; and such certificate shall supersede the inspection certificate previously issued for the processed product involved. Each appeal inspection certificate shall clearly identify the number and date of the inspection certificate which it supersedes. The superseded certificate shall become null and void upon the issuance of the appeal inspection certificate and shall no longer represent the quality or condition of the processed product described therein. The inspector or inspectors issuing an appeal inspection certificate shall forward notice of such issuance to such persons as he considers necessary to prevent misuse of the superseded certificate if the original and all copies of such superseded certificate have not previously been delivered to the inspector or inspectors issuing the appeal inspection certificate. The provisions in the regulations in this part concerning forms of certificates, issuance of certificates, and disposition of certificates shall apply to appeal inspection certificates, except that copies of such appeal inspection certificates shall be furnished all interested parties who received copies of the superseded certificate.

LICENSING OF SAMPLERS AND INSPECTORS

§ 170.47 *Who may become licensed sampler.* Any person deemed to have the necessary qualifications may be licensed as a licensed sampler to draw samples for the purpose of inspection under the regulations in this part. Such a license shall bear the printed signature of the Secretary, and shall be countersigned by an authorized employee of the Department. Licensed samplers shall have no authority to inspect processed products under the regulations in this part except as to identification and condition of the containers in a lot. A licensed sampler shall perform his duties pursuant to the regulations in this part as directed by the Director.

§ 170.48 *Application to become a licensed sampler.* Application to become a licensed sampler shall be made to the Secretary on forms furnished for that purpose. Each such application shall be signed by the applicant in his own handwriting, and the information contained therein shall be certified by him to be true, complete, and correct to the best of his knowledge and belief, and the application shall contain or be accompanied by:

(a) A statement showing his present and previous occupations, together with names of all employers for whom he has worked, with periods of service, during the ten years previous to the date of his application;

(b) A statement that, in his capacity as a licensed sampler, he will not draw samples from any lot of processed products with respect to which he or his employer is an interested party;

(c) A statement that he agrees to comply with all terms and conditions of the regulations in this part relating to duties of licensed samplers; and

(d) Such other information as may be requested.

§ 170.49 *Inspectors.* Inspections will ordinarily be performed by employees under the Secretary who are employed as Federal Government employees for that purpose. However, any person employed under any joint Federal-State inspection service arrangement may be licensed, if otherwise qualified, by the Secretary to make inspections in accordance with this part on such processed products as may be specified in his license. Such license shall be issued only in a case where the Secretary is satisfied that the particular person is qualified to perform adequately the inspection service for which such person is to be licensed. Each such license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. An inspector shall perform his duties pursuant to the regulations in this part as directed by the Director.

§ 170.50 *Suspension or revocation of license of licensed sampler or licensed inspector.* Pending final action by the Secretary, the Director may, whenever he deems such action necessary, suspend the license of any licensed sampler, or licensed inspector, issued pursuant to the regulations in this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid seven days period and consideration of such argument and evidence, the Secretary shall take such action as he deems appropriate with respect to such suspension or revocation.

§ 170.51 *Surrender of license.* Upon termination of his services as a licensed sampler or licensed inspector, or suspension or revocation of his license, such licensee shall surrender his license immediately to the office of inspection serving the area in which he is located. These same provisions shall apply in a case of an expired license.

SAMPLING

§ 170.57 *How samples are drawn by inspectors or licensed samplers.* An inspector or a licensed sampler shall select samples, upon request, from designated lots of processed products which are so placed as to permit thorough and proper sampling in accordance with the regulations in this part. Such person shall, unless otherwise directed by the Secretary, select sample units of such products at random, and from various locations in each lot in such manner and number, not inconsistent with the regulations in this part, as to secure a representative sample of the lot. Samples drawn for inspection shall be furnished by the applicant at no cost to the Department.

§ 170.58 *Accessibility for sampling.* Each applicant shall cause the processed products for which inspection is requested to be made accessible for proper sampling. Failure to make any lot accessible for proper sampling shall be sufficient cause for postponing inspection service until such time as such lot is made accessible for proper sampling.

§ 170.59 *How officially drawn samples are to be identified.* Officially drawn samples shall be marked by the inspector or licensed sampler so such samples can be properly identified for inspection.

§ 170.60 *How samples are to be shipped.* Unless otherwise directed by the Secretary, samples which are to be shipped to any office of inspection shall be forwarded to the office of inspection serving the area in which the processed products from which the samples were drawn is located. Such samples shall be shipped in a manner to avoid, if possible, any material change in the quality or condition of the sample of the processed product. All transportation charges in connection with such shipments of samples shall be at the expense of the applicant and wherever practicable, such charges shall be prepaid by him.

§ 170.61 *Sampling plans and procedures for determining lot compliance.* (a) Except as otherwise provided for in this section in connection with in-plant inspection and unless otherwise approved by the Secretary, samples shall be selected from each lot in the exact number of sample units indicated for the lot size in the applicable single sampling plan or, at the discretion of the inspection service, any comparable multiple sampling plan: *Provided*, That at the discretion of the inspection service the number of sample units selected may be increased to the exact number of sample units indicated for any one of the larger sample sizes provided for in the appropriate plans.

(b) Under the single sampling plans with respect to any specified requirement:

(1) If the number of deviants (as defined in connection with the specific requirement) in the sample does not exceed the acceptance number prescribed for the sample size the lot meets the requirement;

(2) If the number of deviants (as defined in connection with the specific requirement) in the sample exceeds the acceptance number prescribed for the sample size the lot fails the requirement.

(c) Under the multiple sampling plans inspection commences with the smallest sample size indicated under the appropriate plan and with respect to any specified requirement:

(1) If the number of deviants (as defined in connection with the specific requirement) in the sample being considered does not exceed the acceptance number prescribed for that sample size, the lot meets the requirement;

(2) If the number of deviants (as defined in connection with the specific requirement) in the sample being considered equals or exceeds the rejection number prescribed for that sample size, the lot fails the requirement; or

(3) If the number of deviants (as defined in connection with the specific requirement) in the sample being considered falls between the acceptance and rejection numbers of the plan, additional sample units are added to the sample so that the sample thus cumulated equals the next larger cumulative sample size in the plan. It may then be determined that the lot meets or fails the specific requirement by considering the cumulative sample and applying the procedures outlined in subparagraphs (1) and (2) of this paragraph or by considering successively larger samples cumulated in the same manner until the lot meets or fails the specific requirement.

(d) If in the conduct of any type of in-plant inspection the sample is examined before the lot size is known and the number of sample units exceeds the prescribed sample size for such lot but does not equal any of the prescribed larger sample sizes the lot may be deemed to meet or fail a specific requirement in accordance with the following procedure:

(1) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample does not exceed the acceptance number of the next smaller sample size the lot meets the requirements;

(2) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample equals the acceptance number prescribed for the next larger sample size additional sample units shall be selected to increase the sample to the next larger prescribed sample size;

(3) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample exceeds the acceptance number prescribed for the next larger sample size the lot fails the requirement.

(e) In the event that the lot compliance determination provisions of a standard or specification are based on the number of specified deviations instead of deviants the procedures set forth in this section may be applied by substituting the word "deviation" for the word "deviant" wherever it appears.

(f) Sampling plans referred to in this section are those contained in Tables I, II, III, IV, V, and VI which follow or any other plans which are applicable. For processed products not included in these tables, the minimum sample size shall be the exact number of sample units prescribed in the table, container group, and lot size that, as determined by the inspector, most closely resembles the product, type, container size and amount of product to be sampled.

SINGLE SAMPLING PLANS AND ACCEPTANCE LEVELS

TABLE I—CANNED OR SIMILARLY PROCESSED FISHERY PRODUCTS, AND PRODUCTS THEREOF CONTAINING UNITS OF SUCH SIZE AND CHARACTER AS TO BE READILY SEPARABLE

Container size group	Lot size (number of containers)								
GROUP 1									
Any type of container of less volume than that of a No. 300 size can (300 x 407).	3,600 or less	3,601-14,400	14,401-48,000	48,001-96,000	96,001-156,000	156,001-228,000	228,001-300,000	300,001-420,000	Over 420,000.
GROUP 2									
Any type of container of a volume equal to or exceeding that of a No. 300 size can, but not exceeding that of a No. 3 cylinder size can (404 x 700).	2,400 or less	2,401-12,000	12,001-24,000	24,001-48,000	48,001-72,000	72,001-108,000	108,001-168,000	168,001-240,000	Over 240,000.
GROUP 3									
Any type of container of a volume exceeding that of a No. 3 cylinder size can, but not exceeding that of a No. 12 size can (603 x 812).	1,200 or less	1,201-7,200	7,201-15,000	15,001-24,000	24,001-36,000	36,001-60,000	60,001-84,000	84,001-120,000	Over 120,000.
GROUP 4									
Any type of container of a volume exceeding that of a No. 12 size can, but not exceeding that of a 5-gallon container.	200 or less	201-800	801-1,600	1,601-2,400	2,401-3,600	3,601-8,000	8,001-16,000	16,001-28,000	Over 28,000
GROUP 5									
Any type of container of a volume exceeding that of a 5-gallon container.	25 or less	26-80	81-200	201-400	401-800	801-1,200	1,201-2,000	2,001-3,200	Over 3,200.
	Single sampling plans [1]								
Sample size (number of sample units).[2]	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7	8

[1] For extension of the single sample sizes beyond 72 sample units, refer to table V of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VI of this section.

[2] The sample units for the various container size groups are as follows: Groups 1, 2, and 3—1 container and its entire contents. Groups 4 and 5—approximately 2 pounds of product. When determined by the inspector that a 2-pound sample unit is inadequate, a larger sample unit may be substituted

TABLE II—FROZEN OR SIMILARLY PROCESSED FISHERY PRODUCTS, AND PRODUCTS THEREOF CONTAINING UNITS OF SUCH SIZE AND CHARACTER AS TO BE READILY SEPARABLE

Container size group	Lot size (number of containers)								
GROUP 1									
Any type of container of 1 pound or less net weight.	2,400 or less	2,401-12,000	12,001-24,000	24,001-48,000	48,001-72,000	72,001-108,000	108,001-168,000	168,001-240,000	Over 240,000.
GROUP 2									
Any type of container over 1 pound but not over 4 pounds net weight.	1,800 or less	1,801-8,400	8,401-18,000	18,001-36,000	36,001-60,000	60,001-96,000	96,001-132,000	132,001-168,000	Over 168,000.
GROUP 3									
Any type of container over 4 pounds but not over 10 pounds net weight.	900 or less	901-3,600	3,601-10,800	10,801-18,000	18,001-36,000	36,001-60,000	60,001-84,000	84,001-120,000	Over 120,000.
GROUP 4									
Any type of container over 10 pounds but not over 100 pounds net weight.	200 or less	201-800	801-1,600	1,601-2,400	2,401-3,600	3,601-8,000	8,001-16,000	16,001-28,000	Over 28,000.
GROUP 5									
Any type of container over 100 pounds net weight.	25 or less	26-80	81-200	201-400	401-800	801-1,200	1,201-2,000	2,001-3,200	Over 3,200.
	Single sampling plans [1]								
Sample size (number of sample units).[2]	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7	8

[1] For extension of the single sample sizes beyond 72 sample units, refer to table V of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VI of this section.

[2] The sample units for the various container size groups are as follows: Groups 1, 2, and 3—1 container and its entire contents. Groups 4 and 5—approximately 3 pounds of product. When determined by the inspector that a 3-pound sample unit is inadequate, a larger sample unit or 1 or more containers and their entire contents may be substituted for 1 or more sample units of 3 pounds

SINGLE SAMPLING PLANS AND ACCEPTANCE LEVELS—Continued

TABLE III—CANNED, FROZEN, OR OTHERWISE PROCESSED FISHERY AND RELATED PRODUCTS, AND PRODUCTS THEREOF OF A COMMINUTED, FLUID, OR HOMOGENEOUS STATE

Container size group [1]	Lot size (number of containers)								
GROUP 1									
Any type of container of 12 ounces or less.	5,400 or less	5,401-21,600	21,601-62,400	62,401-112,000	112,001-174,000	174,001-240,000	240,001-360,000	360,001-480,000	Over 480,000.
GROUP 2									
Any type of container over 12 ounces but not over 60 ounces.	3,600 or less	3,601-14,400	14,401-48,000	48,001-96,000	96,001-156,000	156,001-228,000	228,001-300,000	300,001-420,000	Over 420,000.
GROUP 3									
Any type of container over 60 ounces but not over 160 ounces.	1,800 or less	1,801-8,400	8,401-18,000	18,001-36,000	36,001-60,000	60,001-96,000	96,001-132,000	132,001-168,000	Over 168,000.
GROUP 4									
Any type of container over 160 ounces but not over 10 gallons or 100 pounds whichever is applicable.	200 or less	201-800	801-1,600	1,601-3,200	3,201-8,000	8,001-16,000	16,001-24,000	24,001-32,000	Over 32,000.
GROUP 5									
Any type of container over 10 gallons or 100 pounds whichever is applicable.	25 or less	26-80	81-200	201-400	401-800	801-1,200	1,201-2,000	2,001-3,200	Over 3,200.
	Single sampling plans [2]								
Sample size (number of sample units).[3]	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7	8

[1] Ounces pertain to either fluid ounces of volume or avoirdupois ounces of net weight whichever is applicable for the product involved.

[2] For extension of the single sample sizes beyond 72 sample units, refer to table V of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VI of this section.

[3] The sample units for the various container size groups are as follows: Groups 1, 2, and 3—1 container and its entire contents. A smaller sample unit may be substituted in group 3 at the inspector's discretion. Groups 4, 5, and 6—approximately 16 ounces of product. When determined by the inspector that a 16-ounce sample unit is inadequate, a larger sample unit may be substituted.

TABLE IV—DEHYDRATED FISHERY AND RELATED PRODUCTS

Container size group	Lot size (number of containers)								
GROUP 1									
Any type of container of 1 pound or less net weight.	1,800 or less	1,801-8,400	8,401-18,000	18,001-36,000	36,001-60,000	60,001-96,000	96,001-132,000	132,001-168,000	Over 168,000.
GROUP 2									
Any type of container over 1 pound but not over 6 pounds net weight.	900 or less	901-3,600	3,601-10,800	10,801-18,000	18,001-36,000	36,001-60,000	60,001-84,000	84,001-120,000	Over 120,000.
GROUP 3									
Any type of container over 6 pounds but not over 20 pounds net weight.	200 or less	201-800	801-1,600	1,601-3,200	3,201-8,000	8,001-16,000	16,001-24,000	24,001-32,000	Over 32,000.
GROUP 4									
Any type of container over 20 pounds but not over 100 pounds net weight.	48 or less	49-400	401-1,200	1,201-2,000	2,001-2,800	2,801-6,000	6,001-9,600	9,601-15,000	Over 15,000.
GROUP 5									
Any type of container over 100 pounds net weight.	16 or less	17-80	81-200	201-400	401-800	801-1,200	1,201-2,000	2,001-3,200	Over 3,200.
	Single sampling plans [1]								
Sample size (number of sample units).[2]	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7	8

[1] For extension of the single sample sizes beyond 72 sample units, refer to table V of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VI of this section.

[2] The sample units for the various container size groups are as follows: Group 1—1 container and its entire contents. Groups 2, 3, 4, and 5—1 container and its entire contents or a smaller sample unit when determined by the inspector to be adequate.

TABLE V—SINGLE SAMPLING PLANS FOR USE IN INCREASING SAMPLE SIZE BEYOND 72 SAMPLE UNITS

Sample size, n	84	96	108	120	132	144	156	168	180	192	204	216	230	244	258	272	286	300	314	328	342	356	370	384	400
Acceptance numbers, c	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33

MULTIPLE SAMPLING PLANS[1]

TABLE VI—MULTIPLE SAMPLING PLANS COMPARABLE TO THE INDICATED SINGLE SAMPLING PLANS

Indicated single sampling plan:								
Single sample size, n	6	13	21	29	38	48	60	72
Acceptance numbers, c	1	2	3	4	5	6	7	8
Cumulative sample sizes, n_s, and acceptance numbers, c, and rejection numbers, r, for multiple sampling.	n_s c $r` 4 0 2 6 0 2 8 1 2	n_s c $r` 8 0 3 10 0 3 12 1 3 14 2 3	n_s c $r` 10 0 3 14 1 4 18 1 4 22 2 5 26 4 5	n_s c $r` 12 0 4 16 0 4 20 1 5 24 2 5 28 3 6 32 3 6 36 5 6	n_s c $r` 14 0 4 20 0 5 26 1 6 32 2 6 38 3 7 44 6 7	n_s c $r` 16 0 4 24 1 5 32 2 6 40 3 8 48 4 8 56 7 8	n_s c $r` 18 0 5 28 1 6 38 2 7 48 3 8 58 4 8 68 8 9	n_s c $r` 22 0 5 32 1 7 42 2 8 52 3 9 62 5 10 72 6 10 82 9 10

[1] These multiple sampling plans may be used in lieu of the single sampling plans listed at the heading of each column.

§ 170.62 *Issuance of certificate of sampling.* Each inspector and each licensed sampler shall prepare and sign a certificate of sampling to cover the samples drawn by the respective person, except that an inspector who inspects the samples which he has drawn need not prepare a certificate of sampling. One copy of each certificate of sampling prepared shall be retained by the inspector or licensed sampler (as the case may be) and the original and all other copies thereof shall be disposed of in accordance with the instructions of the Secretary.

§ 170.63 *Identification of lots sampled.* Each lot from which officially drawn samples are selected shall be marked in such manner as may be prescribed by the Secretary, if such lots do not otherwise possess suitable identification.

FEES AND CHARGES

§ 170.69 *Payment of fees and charges.* Fees and charges for any inspection service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of the regulations in this part, and, if so required by the person in charge of the office of inspection serving the area where the services are to be performed, an advance of funds prior to rendering inspection service in an amount suitable to the Secretary, or a surety bond suitable to the Secretary, may be required as a guarantee of payment for the services rendered. All fees and charges for any inspection service performed pursuant to the regulations in this part shall be paid by check, draft, or money order payable to the Treasurer of the United States and remitted to the office of inspection serving the area in which the services are performed, within ten (10) days from the date of billing, unless otherwise specified in a contract between the applicant and the Secretary, in which latter event the contract provisions shall apply.

§ 170.70 *Schedule of fees.* (a) Unless otherwise provided in a written agreement between the applicant and the Secretary, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be at the rate of $4.50 per hour.

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section.[2]

(1) *Canned or similarly processed fishery products, and products thereof.*

OFFICIALLY DRAWN SAMPLES

For each lot packed in containers of a volume not exceeding that of a No. 12 size can (603 x 812):

Minimum fee for 600 cases or less	[3] $9.00
For each additional 100 cases, or fraction thereof, in excess of 600 cases but not in excess of 10,000 cases	[3] 1.00
For each additional 100 cases, or fraction thereof, in excess of 10,000 cases	[3] .80

[3] However, the fee for any additional lots of 200 cases or less which are offered for inspection by the same applicant at the same time and which are available for inspection at the same time and place shall be $6.75.

[2] The fees specified in this section are exclusive of charges for such micro, chemical and certain other special analyses, other than salt and acidity by direct titration, soluble solids (by refractometer) or total solids (by refractometer), which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product.

UNOFFICIALLY DRAWN SAMPLES

For containers of a volume not exceeding that of a No. 3 size can (404 x 414):

Minimum fee for 4 containers or less	$4 50
For each additional container in excess of 4 containers	1.00

For containers of a volume exceeding that of a No. 3 size can (404 x 414), but not exceeding that of a No. 12 size can (603 x 812):

Minimum fee for 2 containers or less	$4.50
For each additional container in excess of 2 containers	2 00

(2) *Other processed food products.* The fee to be charged and collected for the inspection of any processed product not included in subparagraph (1) of this paragraph shall be at the rate of $4.50 per hour for the time consumed by the inspector in making the inspection, including the time consumed in sampling by the inspector or licensed sampler: *Provided*, That, fees for sampling time will not be assessed by the office of inspection when such fees have been assessed and collected directly from the applicant by a licensed sampler.

§ 170.71 *Fees to be charged and collected for sampling when performed by a licensed sampler.* Such sampling fees as are specifically prescribed by the Secretary in connection with the licensing of the particular sampler (which fees are to be prescribed in the light of the sampling work to be performed by such sampler and other pertinent factors) may be assessed and collected by such licensed sampler directly from the applicant: *Provided*, That if such licensed sampler is an employee of a State, the appropriate authority of that State may make the collection, or they may be assessed and collected by the office of inspection serving the area where the services are performed.

§ 170.72 *Inspection fees when charges for sampling have been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler and with respect to which the sampling fee has been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee provided in this part applicable to the respective processed product: *Provided*, That, if the fee charged for the inspection service is based on the hourly rate of charge, the fee shall be at the rate of $4.50 per hour prescribed in this part.

§ 170.73 *Inspection fees when charges for sampling have not been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler, and with respect to which the sampling fee has not been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee as prescribed in this part, plus a reasonable charge to cover the cost of sampling as may be determined by the Secretary: *Provided*, That, if the fee charged is based on the hourly rate, the fee shall be at the rate of $4.50 per hour prescribed in this part, plus a reasonable charge to cover the cost of sampling, as determined by the Secretary.

§ 170.74 *Fee for appeal inspection.* The fee to be charged for an appeal inspection shall be at the rates prescribed in this part for other inspection services: *Provided*, That, if the result of any appeal inspection made for any applicant, other than the United States or any agency or instrumentality thereof, discloses that a material error was made in the inspection on which the appeal is made, no inspection fee shall be assessed.

§ 170.75 *Charges for micro, chemical, and certain other special analyses.* (a) The following charges shall be made for micro, chemical, and certain other special analyses which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product:[4]

Type of analysis	For first analysis	For each additional analysis
	1	
Mold count	$1.50	$1.50
Worm larvae and insect fragment count	3.00	3.00
Fly egg and maggot count	3.00	1.50
Alcohol insoluble solids	5.00	3.00
Alcohol (distillation and specific gravity)	9.00	5.00
Ascorbic acid (vitamin C)	9.00	2.00
Total ash (carbonated or sulfated)	5.00	3.00
Ash, acid insoluble	6.00	3.00
Ash, water soluble or water insoluble	6.00	3.00
Ash, NaCl free (approximate method—total ash less NaCl)	9.00	3.00
Ash, NaCl free (P_2O_5 x 2)	15.00	6.00
Catalase test	3.00	1.50
Crude fiber	12.00	6.00
Ether extract (crude fat)	9.00	5.00
Fat (acid hydrolysis)	9.00	0.00
Fiber (green and wax bean)	6.00	3.00
Iodine number	9.00	4.50
Moisture (air oven method)	3.00	3.00
Moisture (vacuum oven method)	3.00	3.00
Nitrogen or crude protein	9.00	3.00
Non-volatile ether extract	9.00	4.50
Phosphorous pentoxide (P_2O_5)	15.00	6.00
Potash (K_2O)	15.00	6.00
Phosphorous pentoxide (P_2O_5) and aluminum trioxide (Al_2O_3)	18.00	12.00
Recoverable oil	3.00	2.00
Peroxidase test (frozen vegetables)	4.50	3.00
Reducing sugars	12.00	6.00
Reducing sugars plus sucrose	18.00	12.00
Sucrose (direct polarization)	6.00	3.00
Sucrose (chemical methods)	18.00	12.00
Starch or carbohydrates (direct hydrolysis)	18.00	9.00
Sulphur dioxide (direct titration)	5.00	3.00
Sulphur dioxide (distillation method)	9.00	5.00
Sodium	13.50	4.50
Total solids (drying method)	3.00	3.00
Vanillin	12.00	9.00
Volatile and non-volatile ether extract	10.00	6.00
Water extract	5.00	5.00

(b) The following charges shall be made for analyses which are requested by an applicant and are not in connection with an inspection to determine the quality or condition of the product:[4]

Type of analysis	For first analysis	For each additional analysis
Brix readings (refractometric or spindle)	$3.00	$1.00
Brix readings (double dilution)	3.00	2.00
Total acidity (direct titration)	3.00	1.00
Free fatty acids	4.50	1.50
Salt (NaCl)—direct titration	4.50	1.50
Soluble solids (refractometric method)	3.00	1.00
Total solids (refractometric method)	3.00	1.00

§ 170.76 *When charges are to be based on hourly rate not otherwise provided for in this part.* When inspection is for condition only or when inspection services or related services are rendered and formal certificates are not issued or when the services rendered are such that charges based upon the foregoing sections would be inadequate or inequitable, charges may be based on the time consumed by the inspector in performance of such inspection service at the rate of $4.50 per hour.

[4] When any of these analyses are made at the request of an applicant and are not in connection with an inspection to determine the quality or condition of the product, the listed fees shall be increased by 30 percent.

[4] When these analyses are made in connection with an inspection to determine the quality or condition of the product no fee shall be charged for the analyses.

§ 170.77 *Fees for score sheets.* If the applicant for inspection service requests score sheets showing in detail the inspection of each container or sample inspected and listed thereon, such score sheets may be furnished by the inspector in charge of the office of inspection serving the area where the inspection was performed; and such applicant shall be charged at the rate of $2.25 for each twelve sample units, or fraction thereof, inspected and listed on such score sheets.

§ 170.78 *Fees for additional copies of inspection certificates.* Additional copies of any inspection certificate other than those provided for in § 170.29, may be supplied to any interested party upon payment of a fee of $2.25 for each set of five (5) or fewer copies.

§ 170.79 *Travel and other expenses.* Charges may be made to cover the cost of travel and other expenses incurred in connection with the performance of any inspection service, including appeal inspections: *Provided*, That, if charges for sampling or inspection are based on an hourly rate, an additional hourly charge may be made for travel time including time spent waiting for transportation as well as time spent traveling, but not to exceed eight hours of travel time for any one person for any one day: *And provided further*, That, if travel is by common carrier, no hourly charge may be made for travel time outside the employee's official work hours.

§ 170.80 *Charges for inspection service on a contract basis.* (a) Irrespective of fees and charges prescribed in foregoing sections, the Secretary may enter into contracts with applicants to perform continuous inspection services or other inspection services pursuant to the regulations in this part and other requirements as prescribed by the Secretary in such contract, and the charges for such inspection service provided in such contracts shall be on such basis as will reimburse the Bureau of Commercial Fisheries of the Department for the full cost of rendering such inspection service including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses as may be determined by the Secretary.

(b) Irrespective of fees and charges prescribed in the foregoing sections, the Secretary may enter into a written memorandum of understanding or contract, whichever may be appropriate, with any administrative agency charged with the administration of a marketing agreement or a marketing order effective pursuant to the Agricultural Marketing Agreement Act of 1937, as revised (16 U. S. C. 661 et seq.) for the making of inspections pursuant to said agreement or order on such basis as will reimburse the Bureau of Commercial Fisheries of the Department for the full cost of rendering such inspection service including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses as may be determined by the Secretary. Likewise, the Secretary may enter into a written memorandum of understanding or contract, whichever may be appropriate, with an administrative agency charged with the administration of a similar program operated pursuant to the laws of any State.

(c) No Member of, or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of any contract provided for in this section or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such contract if made with a corporation for its general benefit, and shall not extend to any benefits that may accrue from the contract to a Member of, or Delegate to Congress, or a Resident Commissioner in his capacity as a fisherman.

MISCELLANEOUS

§ 170.86 *Approved identification—(a) Grade marks.* The approved grade mark or identification may be used on containers, labels or otherwise indicated for any processed product that (1) has been packed under continuous inspection as provided in this part to assure compliance with the requirements for wholesomeness established for the raw product and of sanitation established for the preparation and processing operations, and (2) has been certified by an inspector as meeting the requirements of such grade, quality or classification. The grade marks approved for use shall be similar in form and design to the examples in Figures 1 through 4 of this section.

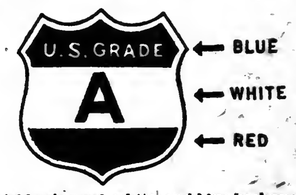

Shield using red, white, and blue background or other colors appropriate for label.

FIGURE 1.

Shield with plain background.

FIGURE 2.

U. S. GRADE A

FIGURE 3.

U. S.
GRADE
B

FIGURE 4.

(b) *Inspection marks.* The approved inspection marks may be used on containers, labels or otherwise indicated for any processed product that (1) has been packed under continuous inspection as provided in this part to assure compliance with the requirements for wholesomeness established for the raw product and of sanitation established for the preparation and processing operations, and (2) has been certified by an inspector as meeting the requirements of such quality or grade classification as may be approved by the Secretary. The inspection marks approved for use shall be similar in form and design to the examples in Figures 5, 6, and 7 of this section.

PACKED UNDER CONTINUOUS INSPECTION OF THE DEPARTMENT OF THE INTERIOR

Statement enclosed within a shield.

FIGURE 5.

PACKED UNDER CONTINUOUS INSPECTION OF THE U. S. DEPT. OF THE INTERIOR

Statements without the use of the shield.

FIGURE 6.

PACKED BY

UNDER CONTINUOUS INSPECTION OF THE U. S. DEPT. OF THE INTERIOR

FIGURE 7.

(c) *Combined grade and inspection marks.* The grade marks set forth in paragraph (a) of this section and the inspection marks set forth in paragraph (b) of this section may be combined into a consolidated grade and inspection mark for use on processed products that have been packed under continuous inspection as provided in this part.

(d) *Products not eligible for approved identification.* Processed products which have not been packed under continuous inspection as provided in this part shall not be identified by approved grade or inspection marks, but such products may be inspected on a lot inspection basis as provided in this part and identified by an authorized representative of the Department by stamping the shipping cases and inspection certificate(s) covering such lot(s) with an officially drawn sample mark similar in form and design to the example in Figure 8 of this section.

OFFICIALLY SAMPLED
MAR. 12, 1958
U. S. DEPARTMENT OF THE INTERIOR

FIGURE 8.

§ 170.87 *Fraud or misrepresentation.* Any or all benefits of the act may be denied any person committing wilful misrepresentation or any deceptive or fraudulent practice in connection with:

(a) The making or filing of an application for any inspection service;

(b) The submission of samples for inspection;

(c) The use of any inspection report or any inspection certificate, or appeal inspection certificate issued under the regulations in this part;

(d) The use of the words "Packed under continuous inspection of the U. S. Department of the Interior," any legend signifying that the product has been officially inspected, any statement of grade or words of similar import in the labeling or advertising of any processed product;

(e) The use of a facsimile form which simulates in whole or in part any official U. S. certificate for the purpose of purporting to evidence the U. S. grade of any processed product; or

(f) Any wilful violation of the regulations in this part or supplementary rules or instructions issued by the Secretary.

§ 170.88 *Political activity.* All inspectors and licensed samplers are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, are prohibited. This applies to all appointees or licensees, including, but not limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 170.89 *Interfering with an inspector or licensed sampler.* Any further benefits of the act may be denied any applicant or other interested party who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, assault, or in any other manner, an inspector or licensed sampler in the performance of his duties.

§ 170.90 *Compliance with other laws.* None of the requirements in the regulations in this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to the operation of food processing establishments and to processed food products.

§ 170.91 *Identification.* Each inspector and licensed sampler shall have in his possession at all times and present upon request, while on duty, the means of identification furnished by the Department to such person.

REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS [5]

§ 170.97 *Plant survey.* (a) Prior to the inauguration of continuous inspection service on a contract basis, the Secretary will make, or cause to be made, a survey and inspection of the plant where such service is to be performed to determine whether the plant and methods of operation are suitable and adequate for the performance of such services in accordance with:

(1) The regulations in this part, including, but not limited to, the requirements contained in §§ 170.97 through 170.103; and

(2) The terms and provisions of the contract pursuant to which the service is to be performed.

§ 170.98 *Premises.* The premises of the plant shall be free from conditions objectionable to food processing operations; and such conditions include, but are not limited to, the following:

(a) Strong offensive odors;

(b) Litter, waste, and refuse (e. g., garbage, viner refuse, and damaged containers) within the immediate vicinity of the plant buildings or structures;

(c) Excessively dusty roads, yards, or parking lots; and

(d) Poorly drained areas.

§ 170.99 *Buildings and structures.* The plant buildings and structures shall be properly constructed and maintained in a sanitary condition, including, but not being limited to, the following requirements:

(a) There shall be sufficient light (1) consistent with the use to which the particular portion of the building is devoted and (2) to permit efficient cleaning. Belts and tables on which picking, sorting, or trimming operations are carried on shall be provided with sufficient nonglaring light to insure adequacy of the respective operation.

[5] Compliance with the above requirements does not excuse failure to comply with all applicable sanitary rules and regulations of city, county, State, Federal, or other agencies having jurisdiction over such plants and operations.

(b) If practicable, there shall be sufficient ventilation in each room and compartment thereof to prevent excessive condensation of moisture and to insure sanitary and suitable processing and operating conditions. If such ventilation does not prevent excessive condensation, the Secretary may require that suitable facilities be provided to prevent the condensate from coming in contact with equipment used in processing operations and with any ingredient used in the manufacture or production of a processed product.

(c) There shall be an efficient waste disposal and plumbing system. All drains and gutters shall be properly installed with approved traps and vents, and shall be maintained in good repair and in proper working order.

(d) There shall be ample supply of both hot and cold water; and the water shall be of safe and sanitary quality with adequate facilities for its (1) distribution throughout the plant, and (2) protection against contamination and pollution.

(e) Roofs shall be weather-tight. The walls, ceilings, partitions, posts, doors, and other parts of all buildings and structures shall be of such materials, construction, and finish as to permit their efficient and thorough cleaning. The floors shall be constructed of tile, cement, or other equally impervious material, shall have good surface drainage, and shall be free from openings or rough surfaces which would interfere with maintaining the floors in a clean condition.

(f) Each room and each compartment in which any processed products are handled, processed, or stored (1) shall be so designed and constructed as to insure processing and operating conditions of a clean and orderly character; (2) shall be free from objectionable odors and vapors; and (3) shall be maintained in a clean and sanitary condition.

(g) Every practical precaution shall be taken to exclude dogs, cats, and vermin (including, but not being limited to, rodents and insects) from the rooms in which processed products are being prepared or handled and from any rooms in which ingredients (including, but not being limited to, salt, sugar, spices, flour, syrup, and fishery products) are handled or stored. Screens, or other devices, adequate to prevent the passage of insects shall, where practical, be provided for all outside doors and openings. The use of poisonous cleansing agents, insecticides, bactericides, or rodent poisons shall not be permitted except under such precautions and restrictions as will prevent any possibility of their contamination of the processed product.

§ 170.100 *Facilities.* Each plant shall be equipped with adequate sanitary facilities and accommodations, including, but not being limited to, the following:

(a) There shall be a sufficient number of adequately lighted toilet rooms, ample in size, and conveniently located. Such rooms shall not open directly into rooms or compartments in which processed products are being manufactured or produced, or handled. Toilet rooms shall be adequately screened and equipped with self-closing doors and shall have independent outside ventilation.

(b) Lavatory accommodations (including, but not being limited to, running water, single service towels, and soap) shall be placed at such locations in or near toilet rooms and in the manufacturing or processing rooms or compartments as may be necessary to assure the cleanliness of each person handling ingredients used in the manufacture or production of processed products.

(c) Containers intended for use as containers for processed products shall not be used for any other purpose.

(d) No product or material which creates an objectionable condition shall be processed, handled, or stored in any room, compartment, or place where any processed product is manufactured processed, or handled.

(e) Suitable facilities for cleaning (e. g., brooms, brushes, mops, clean cloths, hose, nozzles, soaps, detergent, sprayers, and steam pressure hose and guns) shall be provided at convenient locations throughout the plant.

§ 170.101 *Equipment.* All equipment used for receiving, washing, segregating, picking, processing, packaging, or storing any processed products or any ingredients used in the manufacture or production thereof, shall be of such design, material, and construction as will:

(a) Enable the examination, segregation, preparation, packaging and other processing operations applicable to processed products, in an efficient, clean, and sanitary manner, and

(b) Permit easy access to all parts to insure thorough cleaning and effective bactericidal treatment. Insofar as is practicable, all such equipment shall be made of corrosion-resistant material that will not adversely affect the processed product by chemical action or physical contact. Such equipment shall be kept in good repair and sanitary condition.

§ 170.102 *Operations and operating procedures.* (a) All operations in the receiving, transporting, holding, segregating, preparing, processing, packaging and storing of processed products and ingredients, used as aforesaid, shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as practicable and at temperatures that will not tend to cause (1) any material increase in bacterial or other micro-organic content, or (2) any deterioration or contamination of such processed products or ingredients thereof. Mechanical adjustments or practices which may cause contamination of foods by oil, dust, paint, scale, fumes, grinding materials, decomposed food, filth, chemicals, or other foreign materials shall not be conducted during any manufacturing or processing operation.

(b) All processed products and ingredients thereof shall be subjected to continuous inspection throughout each manufacturing or processing operation. All processed products which are not manufactured or prepared in accordance with the requirements contained in §§ 170.97 through 170.103 or are not fit for human food shall be removed and segregated prior to any further processing operation.

(c) All ingredients used in the manufacture or processing of any processed product shall be clean and fit for human food.

(d) The methods and procedures employed in the receiving, segregating, handling, transporting, and processing of ingredients in the plant shall be adequate to result in a satisfactory processed product. Such methods and procedures include, but are not limited to, the following requirements:

(1) Containers, utensils, pans, and buckets used for the storage or transporting of partially processed food ingredients shall not be nested unless rewashed before each use;

(2) Containers which are used for holding partially processed food ingredients shall not be stacked in such manner as to permit contamination of the partially processed food ingredients;

(3) Packages or containers for processed products shall be clean when being filled with such products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such products. If, to assure a satisfactory finished product, changes in methods and procedures are required by the Secretary, such changes shall be effectuated as soon as practicable.

§ 170.103 *Personnel; health.* In addition to such other requirements as may be prescribed by the Secretary with respect to persons in any room or compartment where exposed ingredients are prepared, processed, or otherwise handled, the following shall be complied with:

(a) No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted;

(b) Infections or cuts shall be covered with rubber gloves or other suitable covering;

(c) Clean, suitable clothing shall be worn;

(d) Hands shall be washed immediately prior to starting work and each resumption of work after each absence from the work station;

(e) Spitting, and the use of tobacco are prohibited; and

(f) All neeessary precautions shall be taken to prevent the contamination of processed products and ingredients thereof with any foreign substance (including, but not being limited to, perspiration, hair, cosmetics, and medicaments).

PART 171—UNITED STATES STANDARDS FOR GRADES OF FROZEN FRIED FISH STICKS [1]

PRODUCT DESCRIPTION AND GRADES

Sec.
171.1 Product description.
171.2 Grades of frozen fried fish sticks.

WEIGHTS AND DIMENSIONS

171.6 Recommended weights and dimensions.

FACTORS OF QUALITY

171.11 Ascertaining the grade.
171.12 Ascertaining the score for the factors which are rated.
171.13 Appearance.
171.14 Defects.
171.15 Character.

DEFINITIONS AND METHODS OF ANALYSIS

171.21 Definitions and methods of analysis.

LOT INSPECTION AND CERTIFICATION

171.25 Tolerances for certification of officially drawn samples.

SCORE SHEET

171.31 Score sheet for frozen fried fish sticks.

AUTHORITY: §§ 171.1 to 171.31 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 171.1 *Product description.* Frozen fried fish sticks are clean, wholesome, rectangular-shaped portions of breaded, pre-cooked, and frozen fish flesh. The portions of fish flesh, composed primarily of large pieces, are coated with a suitable batter and breading; are cooked by frying in suitable oil or fat; and are frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product. Frozen fried fish sticks contain not less than 60 percent, by weight, of fish flesh. All sticks comprising an individual package are prepared from the flesh of only one species of fish.

§ 171.2 *Grades of frozen fried fish sticks.* (a) "U. S. Grade A" is the quality of frozen fried fish sticks that possess a good flavor and odor, that possess a good appearance, that are practically free from defects, that possess a good character, and that for those factors which are rated in accordance with the scoring system outlined in this part the total score is not less than 85 points: *Provided,* That the frozen fried fish sticks may possess a reasonably good appearance and a reasonably good character if the total score is not less than 85 points.

(b) "U. S. Grade B" is the quality of frozen fried fish sticks that possess a reasonably good flavor and odor, that possess a reasonably good appearance, that are reasonably free from defects, that possess a reasonably good character, and that for those factors which are rated in accordance with the scoring system outlined in this part the total score is not less than 70 points: *Provided,* That the frozen fried fish sticks may fail to possess a reasonably good appearance and fail to possess a reasonably good character if the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen fried fish sticks that fail to meet the requirements of U. S. Grade B.

WEIGHTS AND DIMENSIONS

§ 171.6 *Recommended weights and dimensions.* The recommended weights and dimensions of frozen fried fish sticks are not incorporated in the grades of the finished product since weights and dimensions, as such, are not factors of quality for the purposes of these grades. It is recommended that the largest dimension of a fish stick be at least three times that of the next largest dimension and that the average weight of the individual sticks be not less than ¾ ounce and not greater than 1¼ ounces.

FACTORS OF QUALITY

§ 171.11 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factor not rated by score points.* (i) Flavor and odor.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Appearance	35
Defects	40
Character	25
Total score	100

(b) *Ascertaining of grade.* The grade of frozen fried fish sticks is ascertained by observing the product in the frozen state and after it has been heated in a suitable manner.

(c) *Good flavor and odor.* "Good flavor and odor" means that the product has the good flavor and odor of properly prepared breaded fish sticks. The flesh portion has the good flavor and odor of properly prepared fish of the particular species. The coating has the good flavor and odor obtained when all components have been properly prepared, used, and maintained. The product is free from rancidity, bitterness, and staleness, from bacterial spoilage flavors and odors, and from off-flavors and off-odors of any kind.

(d) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" means that the product may be somewhat lacking in good flavor and odor, but is free from rancidity and from objectionable bacterial spoilage flavors and odors, and from off-flavors and off-odors of any kind.

§ 171.12 *Ascertaining the score for the factors which are rated.* The essential variations within each factor which is rated are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is rated is inclusive. (For example, "21 to 25 points" means 21, 22, 23, 24, or 25 points.)

§ 171.13 *Appearance*—(a) *General.* The factor of appearance refers to the uniformity of size and shape of the frozen sticks, the color of the heated sticks, and the continuity of the coating of the product after heating.

(b) (*A*) *classification.* Frozen fried fish sticks that possess a good appearance may be given a score of 30 to 35 points. "Good appearance" means that the sticks are practically uniform in size and shape; that the product after heating possesses a practically uniform light brown to golden brown color or reddish-brown color characteristic of properly prepared frozen fried fish sticks; and that the sticks, after heating, possess a continuity of the coating not more than slightly affected by cracking or slipping.

(c) (*B*) *classification.* Frozen fried fish sticks that possess a reasonably good appearance may be given a score of 25 to 29 points. "Reasonably good appearance" means that the sticks are reasonably uniform in size and shape; that the product after heating possesses a reasonably uniform light brown to golden-brown color or reddish-brown color characteristic of properly prepared frozen fried fish sticks; and that the sticks, after heating, possess a continuity of the coating not materially affected by cracking or slipping.

(d) (*SStd.*) *classification.* Frozen fried fish sticks which fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 24 points, and shall not be graded above U. S. Grade B regardless of the total score of the product (this is a partial limiting rule).

§ 171.14 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from bones, broken sticks, damaged sticks, and from blemishes.

(1) *Bones.* "Bones" means any bones that can be separated from the product, can be identified, and are of such character as to be potentially harmful.

(2) *Broken stick.* "Broken stick" means a fish stick which is separated in two or more parts or is strained apart to the extent that it cannot be readily handled as one stick.

(3) *Damaged stick.* "Damaged stick" means a fish stick which has been crushed or otherwise mutilated to the extent that its appearance is materially affected.

(4) *Blemished.* "Blemished" means the presence (in or on the fish flesh) of blood spots, bruises, skin, protein curd spots, and objectionable dark layer fat, and (on or in the coating) of burned material, dark carbon specks, and other harmless extraneous material.

(5) *Seriously blemished.* "Seriously blemished" means blemished to the extent that the appearance is seriously affected.

(b) (*A*) *classification.* Frozen fried fish sticks that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that:

(1) None of the sticks are broken;

(2) The sticks may be blemished to only a minor degree; and

(3) Not more than a total of 20 percent, by count, of the sticks may be damaged or contain bones; *Provided,* That bones may be present in not more than 10 percent, by count, of all the sticks.

(c) (*B*) *classification.* Frozen fried fish sticks that are reasonably free from defects may be given a score of 28 to 33 points. Frozen fried fish sticks that fall into this classification may not be graded above U. S. Grade B regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that not more than a total of 30 percent, by count, of the sticks may be defective because of bones, or are damaged sticks, broken sticks, or seriously blemished sticks; *Provided,* That

(1) Not more than 10 percent, by count, may be broken sticks;

(2) Not more than 30 percent, by count, may be damaged sticks;

(3) Not more than 20 percent, by count, of the sticks may contain bones; and

(4) Not more than 10 percent, by count, of the sticks may be seriously blemished.

(d) (*SStd.*) *classification.* Frozen fried fish sticks that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points, and may not be graded above substandard regardless of the total score for the product (this is a limiting rule).

§ 171.15 *Character*—(a) *General.* The factor of character refers to the presence or absence of free oil in the package and its effect on the condition of the package; the ease of separating the frozen sticks without damaging the coating or breaking the sticks; the tendency of the sticks to remain whole and unbroken when they are heated, handled, and served in the normal manner; the degree of freedom of the breading from either an oiliness or crumbliness; the tenderness and moistness of the flesh; the consistency of the breading in the heated product; and the adherence of the coating of the heated product.

(b) (*A*) *classification.* Frozen fried fish sticks that possess a good character may be given a score of 21 to 25 points. "Good character" means that oil from the product does not more than slightly damage the package; that there may be present not more than a very small amount of loose breading in the package; that the sticks may be separated easily; that the sticks are not more than very slightly damaged by the normal handling incident to heating and serving; that no excess oil remains on the cooking utensil; that the breading is not more than slightly oily; that the flesh after heating has a good texture which is firm, tender and moist, characteristic of properly fried fish sticks for the species used; and that after heating the coating has a good crisp, tender texture not more than slightly affected by blistering or wrinkling.

(c) (*B*) *classification.* Frozen fried fish sticks that possess a reasonably good character may be given a score of 17 to 20 points. "Reasonably good character" means that oil from the product does not materially damage the package; that there may be present not more than a reasonable amount of loose breading in the package; that the sticks may be separated with only moderate damage to the coating; that the sticks are not more than moderately damaged by the normal handling incident to heating and serving; that the breading is not more than moderately oily; that the flesh after heating has a reasonably good texture which is not more than moderately tough, stringy, crumbly, mushy or spongy; and that after heating the coating has a reasonably good texture which may be not more than moderately pasty, mushy, tough, or crumbly and is not materially affected by blistering or wrinkling.

(d) (*SStd.*) *classification.* Frozen fried fish sticks that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 16 points and shall not be graded above U. S. Grade B regardless of the total score for the product (this is a partial limiting rule).

DEFINITIONS AND METHODS OF ANALYSIS

§ 171.21 *Definitions and methods of analysis*—(a) *Percent of fish flesh.* "Percent of fish flesh" means the percent, by weight, of fish flesh in an individual package as determined by the following method:

(1) *Equipment needed.* (i) Water bath (2 to 3 liter beaker).

(ii) Balance, accurate to 0.05 gm.

(iii) Paper towels.

(iv) Spatula, small with curved tip.

(2) *Procedure.* (i) Remove from 0° F. storage and obtain the weight of each stick in the package while still in a hard frozen condition.

(ii) Place each stick individually in the water bath (maintained at 17° to 30° C.—63° to 86° F.) and allow to remain for 25 seconds. Remove from the bath; blot off lightly with double thickness paper toweling; scrape off coating with spatula; and weigh the fish flesh portion of the stick.

(iii) Calculate the percent of fish flesh in the package by the following formula:

$$\frac{\text{Total weight of fish flesh}}{\text{Total weight of frozen sticks}} \times 100 = \text{percent fish flesh.}$$

(c) *Heating in a suitable manner.* "Heating in a suitable manner" means heating in accordance with the recommendations accompanying the product. However, if specific instructions are lacking, the product should be heated as follows:

(1) Place the product while still in the frozen state on a flat or shallow pan of sufficient size that at least 10 ounces of the product can be spread evenly on the pan with no portion of a stick closer than ¼ inch to another or to the edge of the pan.

(2) Place the pan and frozen contents in a properly ventilated oven pre-heated to 400 degrees Fahrenheit and remove when the product is thoroughly heated.

LOT INSPECTION AND CERTIFICATION

§ 171.25 *Tolerances for certification of officially drawn samples.* The grade of a lot of the processed product covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed fishery products, processed products thereof, and certain other processed food products (§§ 170.1 to 170.103).

SCORE SHEET

§ 171.31 *Score sheet for frozen fried fish sticks.*

Label			
Size and kind of container			
Species of fish			
Container mark or identification			
Size of lot			
Number of samples			
Net weight (ounces)			
Number of sticks per container			
Factors	**Score points**		
Appearance	35	(A)	30–35
		(B)	25–29
		(SStd.)	[1] 0–24
Defects	40	(A)	34–40
		(B)	[2] 28–33
		(SStd.)	[2] 0–27
Character	25	(A)	21–25
		(B)	17–20
		(SStd.)	[1] 0–16
Total score	100		
Grade			
Flavor			

[1] Indicates partial limiting rule.
[2] Indicates limiting rule.

PART 172—UNITED STATES STANDARDS FOR GRADES OF FROZEN RAW BREADED SHRIMP [1]

PRODUCT DESCRIPTION, TYPES, AND GRADES

Sec.
172.1 Product description.
172.2 Types of frozen raw breaded shrimp.
172.3 Grades of frozen raw breaded shrimp.

FACTORS OF QUALITY

172.11 Ascertaining the grade.
172.12 Factors evaluated on product in frozen state.
172.13 Factors evaluated on product in thawed debreaded state.

DEFINITIONS AND METHODS OF ANALYSIS

172.21 Definitions and methods of analysis.

LOT INSPECTION AND CERTIFICATION

172.25 Ascertaining the grade of a lot.

SCORE SHEET

172.31 Score sheet for frozen raw breaded shrimp.

AUTHORITY: §§ 172.1 to 172.31 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, TYPES, AND GRADES

§ 172.1 *Product description.* Frozen raw breaded shrimp are clean, wholesome, headed, peeled, and deveined shrimp, of the regular commercial species, coated with a wholesome, suitable batter and breading. They are prepared and frozen in accordance with good commercial practice and are maintained at

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

temperatures necessary for the preservation of the product. Frozen raw breaded shrimp contain not less than 50 percent by weight of shrimp material.

§ 172.2 *Types of frozen raw breaded shrimp*—(a) *Type I, Fantail*—(1) *Subtype A.* Split (butterfly) shrimp with the tail fin and the shell segment immediately adjacent to the tail fin.

(2) *Subtype B.* Split (butterfly) shrimp with the tail fin but free of all shell segments.

(b) *Type II, Round fantail*—(1) *Subtype A.* Round shrimp with the tail fin and the shell segment immediately adjacent to the tail fin.

(2) *Subtype B.* Round shrimp with the tail fin but free of all shell segments.

(c) *Type III, Split.* Split (butterfly) shrimp without attached tail fin or shell segments.

(d) *Type IV, Round.* Round shrimp without attached tail fin or shell segments.

§ 172.3 *Grades of frozen raw breaded shrimp.* (a) "U. S Grade A" is the quality of frozen raw breaded shrimp that when cooked possess an acceptable flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections the total score is not less than 85 points.

(b) "U. S. Grade B" is the quality of frozen raw breaded shrimp that when cooked possess an acceptable flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen raw breaded shrimp that fail to meet the requirements of "U. S. Grade B."

FACTORS OF QUALITY

§ 172.11 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(b) *Factor not rated by score points: acceptability of flavor and odor.* A product with an acceptable flavor and odor is one that is free from any abnormal flavor and odor. The acceptability of flavor and odor is determined on the product after it has been cooked in a suitable manner.

(c) *Factors rated by score points.* The quality of the product with respect to factors scored is expressed numerically on the scale of 100. Weighted deductions from the maximum possible score of 100 are assessed for essential variations of quality within each factor. The score of frozen raw breaded shrimp is determined by observing the product in the frozen and thawed states.

§ 172.12 *Factors evaluated on product in frozen breaded state.* Factors affecting qualities which are measured on the product in the frozen state are: loose breading or frost; ease of separation; uniformity of size; condition of coating; and damaged or fragmented breaded shrimp. For the purpose of rating the factors which are scored in the frozen state, the schedule of point deductions in Table I applies. This schedule of point deductions is based on the examination of one complete individual package (sample unit) regardless of the net weight of the contents of the package.

TABLE I—SCHEDULE OF POINT DEDUCTIONS FOR RATING IN FROZEN BREADED STATE

Factor	Quality description	Deductions allowed
1. Loose breading or frost	Less than 2 percent by weight of product	0
	2 percent but less than 3 percent	3
	3 percent but less than 6 percent	6
	6 percent or more	10
2. Ease of separation	Separate easily immediately after opening package	0
	Separate easily after being removed from carton and exposed to room temperature for not more than 4 minutes	4
	Separate easily after being removed from carton and exposed to room temperature for not more than 6 minutes	6
	Does not separate easily after being removed from carton and exposed to room temperature for 6 minutes	10
3. Uniformity	Ratio of weight of 3 largest to 3 smallest breaded shrimp in sample unit:	
	Up to 1.70	0
	1.71–1.80	1
	1.81–1.90	2
	1.91–2.00	3
	2.01–2.10	4
	2.11–2.20	5
	2.21–2.30	6
	2.31–2.40	7
	2.41–2.50	8
	2.51–2.60	9
	Over 2.60	10
4. Condition of coating	Degree of halo or balling up or holidays (identify type of defect by circling proper word):	
	No obvious	0
	Slight	1
	Moderate	3
	Marked	4
	Excessive	6
5. Damaged or fragmented breaded shrimp.	None	0
	For each unit	3
	Tail fin broken or missing per unit (except in Types III and IV)	1

§ 172.13 *Factors evaluated on product in thawed debreaded state.* Factors affecting qualities which are measured on the product in the thawed debreaded state are: degree of deterioration; dehydration; sand veins; black spot; extra shell; and swimmerets. For the purpose of rating the factors which are scored in the thawed debreaded state, the schedule of point deductions in Table II applies. This schedule of point deductions is based on the examination of 20 whole shrimp selected at random from one or more packages.

TABLE II—SCHEDULE FOR POINT DEDUCTIONS FOR EXAMINATION IN THAWED, DEBREADED STATE

[Subtotals brought forward]

Factor	Quality description	Deductions allowed
1. Degree of deterioration	None obvious	0
	Slight, but obvious, on average	3
	Moderate, on average	6
	Any marked—each shrimp	9
2. Dehydration	None obvious	0
	Slight but obvious, on average	3
	Moderate, on average	6
	Excessive—each shrimp	9
3. (a) Sand veins[1]	For each dark vein present deduct according to following schedule:	
	In first segment (adjacent to tail fin)	0
	Equivalent in length to 2 segments	1
	Equivalent in length to 3 segments	2
	Equivalent in length to 4 or more segments	3
(b) Black spot	None obvious	0
	Slight but obvious, on average	3
	Moderate, on average	6
	Excessive—each shrimp	9
4. (a) Extra shell[2]	(Beyond first segment adjacent to tail fin):	
	Less than one whole extra shell segment	1
	One extra segment or more	3
(b) Swimmerets	For last pair only adjacent to tail fins	1
	For more than last pair	3

[1] The deduction points assessed for sand veins and black spot occurring together on an individual shrimp shall not exceed the larger deduction for either factor.

[2] The deduction points assessed for extra shell and swimmerets occurring together on an individual shrimp shall not exceed the larger deduction for either factor.

DEFINITIONS AND METHODS OF ANALYSIS

§ 172.21 *Definitions and methods of analysis*—(a) *Halo.* "Halo" means an easily recognized fringe of excess batter and breading extending beyond the shrimp flesh and adhering around the perimeter or flat edges of a split (butterfly) breaded shrimp.

(b) *Balling up.* "Balling up" means the adherence of lumps in the breading material to the surface of the breaded coating, causing the coating to appear rough, uneven, and lumpy.

(c) *Holidays.* "Holidays" means voids in the breaded coating as evidenced by bare or naked spots.

(d) *Damaged frozen raw breaded shrimp.* "Damaged frozen raw breaded shrimp" means a frozen raw breaded shrimp which has been separated into two or more parts or that has been crushed or otherwise mutilated to the extent that its appearance is materially affected.

(e) *Fragmented shrimp.* "Fragmented shrimp" means a breaded unit containing less than one headed, peeled, deveined shrimp.

(f) *Black spot.* "Black spot" means any blackened area which is markedly apparent on the flesh of the shrimp.

(g) *Sand vein.* "Sand vein" means any black or dark sand vein that has not been removed, except for that portion under the shell segment adjacent to the tail fin when present.

(h) *Loose breading and frost.* "Loose breading and frost" is determined by use of a balance and by following the steps given below:

(1) Remove the overwrap.

(2) Weigh carton and all contents.

(3) Remove breaded shrimp, and weigh shrimp alone.

(4) Weigh carton less shrimp but including waxed separators (if used), crumbs and frost.

(5) Remove crumbs and frost from carton and separators.

(6) Weigh cleaned carton and separators.

(7) Calculate loose breading and frost:

$$\text{Percent loose breading and frost} = \frac{\text{weight carton less breaded shrimp material (4)} - \text{weight cleaned carton (6)}}{\text{weight of carton and all contents (4)} - \text{weight cleaned carton (6)}} \times 100$$

(i) *Percent of shrimp material.* "Percent of shrimp material" means the percent by weight of shrimp material in a sample as determined by the method described below or other methods giving equivalent result. Results are commonly expressed as percent of breading which is calculated by difference.

(1) *Equipment needed.* (i) Two-gallon container approximately nine inches in diameter;

(ii) Two vaned wooden paddle, each vane measuring approximately one and three fourths inches by three and three fourths inches;

(iii) Stirring device capable of rotating the wooden paddle at 120 rpm;

(iv) Balance accurate to 0.01 ounce (or 0.1 gram);

(v) U. S. standard sieve—ASTM—No. 20, twelve-inch diameter;

(vi) U. S. standard sieve—one-half inch sieve opening, twelve-inch diameter;

(vii) Forceps, blunt points;

(viii) Shallow baking pan.

(2) *Procedure.* (i) Weigh sample to be debreaded. Fill container three-fourths full of water at 70–80 degrees Fahrenheit. Suspend the paddle in the container leaving a clearance of at least five inches below the paddle vanes, and adjust speed to 120 rpm. Add shrimp and stir for ten minutes. Stack the sieves, the one-half inch mesh over the No. 20, and pour contents of container onto them. Set the sieves under a faucet, preferably with spray attached, and rinse shrimp with no rubbing of flesh, being careful to keep all rinsings over the sieves and not having the stream of water hit the shrimp on the sieve directly. Lay the shrimp out singly on the sieve as rinsed, remove top sieve and drain of a slope for two minutes, then remove shrimp to weighing pan. Rinse contents of the No. 20 sieve onto a flat pan and collect any particles other than breading (flesh, tail fin or extraneous material) and add to shrimp on balance pan and weigh.

(ii) Calculate percent shrimp material:

$$\text{Percent shrimp material} = \frac{\text{weight of debreaded sample}}{\text{weight of sample}} \times 100 + {}^{1}5$$

(iii) Calculate percent breading:

$$\text{Percent breading} = 100 - \text{percent shrimp material.}$$

(j) *Cooked in a suitable manner.* "Cooked in a suitable manner" means cooked in accordance with the instructions accompanying the product. However, if specific instructions are lacking, the product for inspection is cooked as follows:

(1) Place the sample to be cooked while still frozen in a wire mesh deep fry basket sufficiently large to hold the shrimp in a single layer without touching each other;

(2) Lower the basket into suitable liquid oil or hydpogenated vegetable oil at 350–375 degrees Fahrenheit. Fry for three minutes, or until the shrimp attain a pleasing golden brown color; and

(3) Remove basket from oil and allow to drain for fifteen seconds. Place the cooked shrimp on a paper napkin or towel to absorb excess oil.

LOT INSPECTION AND CERTIFICATION

§ 172.25 *Ascertaining the grade of a lot.* The grade of a lot of Frozen Raw Breaded Shrimp covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed fishery products, processed products thereof, and certain other processed food products.

[1] A tentative correction factor of five percent is employed pending completion of definitive studies.

SCORE SHEET

§ 172.31 *Score sheet for frozen raw breaded shrimp.*

Size and kind of container	
Container mark or identification	
Label	
Size of lot	
Number of samples	
Actual net weight (ounces)	
Number of shrimp per container	
Descriptive size name	
Product type	
Breading percentage	
Loose breading percentage	
Ratio weights: 3-largest/3-smallest	
Ease of separation	
Condition of coating	
Damaged shrimp	
Degree of deterioration	
Dehydration	
Sand veins	
Black spot	
Extra shell	
Swimmerets	
Rating for scored factors	
Flavor and odor	
Final grade	

PART 173—UNITED STATES STANDARDS FOR GRADES OF FROZEN FISH BLOCKS[1]

PRODUCT DESCRIPTION AND GRADES

Sec.
173.1 Product description.
173.2 Grades of frozen fish blocks.

WEIGHTS AND DIMENSIONS

173.6 Recommended weights and dimensions.

FACTORS OF QUALITY

173.11 Ascertaining the grade.
173.12 Evaluation of the unscored factor of flavor and odor.
173.13 Ascertaining the rating for the factors which are scored.
173.14 Appearance.
173.15 Uniformity of size and shape.
173.16 Defects.
173.17 Character.

DEFINITIONS AND METHODS OF ANALYSIS

173.21 Definitions and methods of analysis.

LOT INSPECTION AND CERTIFICATION

173.25 Tolerances for certification of officially drawn samples.

SCORE SHEET

173.31 Score sheet for frozen fish blocks.

AUTHORITY: §§ 173.1 to 173.31 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 173.1 *Product description.* Frozen fish blocks are rectangular-shaped masses of cohering frozen fish flesh of a single species consisting of adequately drained whole, wholesome, skinless fillets or pieces of whole, wholesome, skinless fillets cut into small portions but not ground or comminuted. They are frozen, but not glazed, and maintained at

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

temperatures necessary for the preservation of the product.

§ 173.2 *Grades of frozen fish blocks.* (a) "U. S. Grade A" is the quality of frozen fish blocks that possess a good flavor and odor; and for those factors which are rated in acordance with the scoring system outlined in these standards have a total score of 85 to 100 points.

(b) "U. S. Grade B" is the quality of frozen fish blocks that possess at least a reasonably good flavor and odor; and for those factors which are rated in accordance with the scoring system outlined in these standards have a total score of 70 to 84 points: *Provided*, That no factor receives maximum point score deduction.

(c) "Substandard" is the quality of frozen fish blocks that fail to meet the requirements of U. S. Grade B.

WEIGHTS AND DIMENSIONS

§ 173.6 *Recommended weights and dimensions.* (a) The recommendations as to weights and dimensions of frozen fish blocks are not incorporated in the grades of the finished product since weights and dimensions, as such, are not factors of quality for the purpose of the grades. The degree of uniformity of size and shape among units of the finished product is rated since it is a definite factor affecting the quality of the end product prepared from the blocks.

(b) It is recommended that the thickness or depth (smallest dimension) of the frozen fish block be not greater than 10 centimeters (4.0 inches) and that the average weight be not less than 2.3 kilograms (5.0 pounds) and not greater than 22.7 kilograms (50.0 pounds).

FACTORS OF QUALITY

§ 173.11 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards, the following factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points.* Flavor and odor.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The four factors and the maximum number of points that may be given each are as follows:

Factors:	Points
Appearance	25
Uniformity of size and shape	20
Defects	40
Character	15
Total score	100

(b) *Condition of product for evaluation.* The grade of frozen fish blocks is ascertained by observing the product in the frozen state and after representative portions have been heated in a suitable manner.

§ 173.12 *Evaluation of the unscored factor of flavor and odor*—(a) *Good flavor and odor.* "Good flavor and odor" (essential requirement for a Grade A product) means that the product has the good flavor and odor characteristic of the species of fish; and that the product is free from staleness, and from off-flavors and off-odors of any kind.

(b) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" (minimum requirement of a Grade B product) means that the fish flesh may be somewhat lacking in the good flavor and odor characteristic of the species of fish; is reasonably free from rancidity; and is free from objectionable off-flavors and objectionable off-odors of any kind.

§ 173.13 *Ascertaining the score for those factors which are rated.* The essential variations within each factor which is rated are so described that the value may be ascertained for each factor and expressed numerically. Point deductions are allotted for each degree or amount of variation within each factor. The value for each factor is the maximum points allotted for the factor less the sum of the deviation deduction-points within the factor.

§ 173.14 *Appearance*—(a) *General.* The factor of appearance refers to the color of the fish flesh, and to the degree of surface dehydration of the product.

(b) For the purpose of rating the factor of appearance the schedule of deviation deduction-points in Tables I and II apply.

TABLE I—SCORE DEDUCTIONS FOR COLOR SUBFACTOR

Condition of the surface of the block		Deduction Points
"Light" portion of fish flesh [1]	No discoloration	0
"Dark" portion of fish flesh [2]	No discoloration	
"Light" portion of fish flesh	No discoloration	3
"Dark" portion of fish flesh	Slight yellowing	
"Light" portion of fish flesh	Slight yellowing	4
"Dark" portion of fish flesh	Moderate yellowing; no rusting	
"Light" portion of fish flesh	Moderate yellowing; slight rusting	7
"Dark" portion of fish flesh	Excessive yellowing; slight rusting	
"Light" portion of fish flesh	Excessive yellowing; moderate rusting	14
"Dark" portion of fish flesh	Excessive yellowing; moderate rusting	
"Light" portion of fish flesh	Excessive yellowing and rusting	[3] 25
"Dark" portion of fish flesh	Excessive yellowing and rusting	

[1] "Light" portion refers to fish fillet flesh comprising the main portion of the fillet.
[2] "Dark" portion refers to the dark-colored portion of the fillet appearing under the skin, the main part of which occurs along the lateral line.
[3] Fish blocks which receive 25 deduction points for this subfactor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

NOTE: Color of the block should be normal to that of the species of fish used. Deviations from the normal color result from oxidation or other changes that have taken place in the fish prior to freezing and after freezing and storage. Ordinarily, the type of discoloration observed is due to oxidation and results in yellowing and "rusting" of the fish surfaces.

TABLE II—SCORE DEDUCTIONS FOR "DEHYDRATION" SUBFACTOR

Condition of surface of block		Deduction points
Surface area affected	Degree of dehydration	
Percent		
Up to 50	Slight	0
Greater than 50 and up to 100	Slight	1
Greater than 0 and up to 25	Moderate	3
Greater than 25 and up to 50	Moderate	4
Greater than 0 and up to 25	Marked	
Greater than 50	Moderate	
Greater than 25 and up to 50	Marked	7
Greater than 0 and up to 25	Excessive	
Greater than 50	Marked	10
Greater than 25 and up to 50	Excessive	
Greater than 50	Excessive	[1] 25

[1] Fish blocks which receive 25 deduction points for this subfactor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

NOTE: Dehydration is classified in four degrees:
(a) *Slight.* Shallow and not color masking;
(b) *Moderate.* Deep but just deep enough to mask color of fish flesh;
(c) *Marked.* Deep and easily scraped off with finger nail, and masks color of flesh; and
(d) *Excessive.* Deep dehydration not easily scraped off.

§ 173.15 *Uniformity of size and shape*—(a) *General.* The factor of uniformity of size and shape refers to the degree of conformity to declared dimensions and to rectangular shape.

(1) *"Angles" of a block.* There are 12 angles considered to form a block. Right angles are formed by the intersection of the four sides with the top and bottom (the two largest surfaces); and four angles are formed by the intersection of the four sides with one another. In a perfect block the surfaces form into a right angle (90 degrees).

(b) For the purpose of rating the factor of uniformity of size and shape, the schedule of deviation deduction-points in Tables III and IV apply.

TABLE III—SCORE DEDUCTIONS FOR DIMENSIONS SUBFACTOR

Deviations (+ or −) from the declared dimensions			Deduction points
Length and width	Thickness	Thickness (individual reading) [1]	
Millimeters	*Millimeters*	*Millimeters*	
Up to 3	Up to 2	4	0
Greater than 3 and up to 5	Up to 2	4	1
Greater than 3 and up to 5	Greater than 2 and up to 3	4	2
Greater than 5 and up to 8	Greater than 2 and up to 3	4	3
Greater than 5 and up to 8	Greater than 3 and up to 4	5	4
Greater than 8 and up to 12	Greater than 3 and up to 4	5	5
Greater than 5 and up to 8	Greater than 4 and up to 5	6	6
Greater than 8 and up to 12	Greater than 4 and up to 5	6	7
Greater than 8 and up to 12	Greater than 5 and up to 8	10	8
Greater than 12 and up to 16	Greater than 5 and up to 8	10	9
Greater than 8 and up to 12	Greater than 8 and up to 11	13	10
Greater than 12 and up to 16	Greater than 8 and up to 11	13	12
Greater than 12 and up to 16	Greater than 11 and up to 14	16	14
Greater than 16	Greater than 14		[2] 20

[1] These values refer to deviations of any one of the four readings taken for the thickness of the individual block from the declared thickness of the block.
[2] Fish blocks which receive 20 deduction points for this subfactor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

NOTE: Measurements are made in millimeters. Two readings are taken for the length; three for the width; and four for the thickness. Each group is averaged.

TABLE IV—SCORE DEDUCTIONS FOR "ANGLES" SUBFACTOR

Number of "unacceptable" angles	Deduction points
1	0
2	1
3	2
4	3
5	4
6	6
7	8
8	10

NOTE: There are 12 angles considered to form a block. Right angles (edge) are formed by the intersection of the four sides within the top and bottom; four angles (corner) are formed by the intersection of the four sides with one another.

An "acceptable" edge angle is one in which the two surfaces forming the angles are within 1.0 cm. (3/4 inch) of the apex of a carpenter's square placed along the surfaces (use 3 readings for each edge angle measurement, 1 or 3 must meet the requirement). An "unacceptable" edge angle is one showing greater deviation than the 1.0 cm. (3/4 inch).

An "acceptable" corner angle is one in which at least one edge surface is within 1.3 cm. (1/2 inch) of the apex of a carpenter's square placed on the edge surfaces (use 1 reading for each corner angle). An "unacceptable" corner angle is one showing greater deviation than the 1.3 cm. (1/2 inch).

§ 173.16 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from damage, blemishes, improper fill, and bones.

(1) *"Damaged."* Damaged means crushed or mutilated block, and imbedding of the packaging material into the block, to the extent that the usability of that portion of the block has been adversely affected; and cut or separation of the masses of fish flesh in the block.

(2) *"Blemish."* Blemish means a piece of skin, scales, blood spot, a bruise, a black belly lining, a fin, or harmless extraneous material. One "piece of skin" consists of one piece 3.3 square centimeters (1/2 square inch) in area; except that skin patches larger than 9.9 square centimeters shall be considered as two pieces of skin. "Blood spot" is one of such size and degree as to be considered objectionable. "Black belly lining" is any piece longer than 1.3 centimeters (1/2-inch). "Fin" is one fin or one identifiable part of a fin. "Scales" are aggregates of one or more scales of such degree as to be considered objectionable.

(3) *"Improper fill."* Improper fill means the frozen block does not form a completely solid mass as evidenced by presence of air spaces, ice, depressions, and ragged edges (pieces of fish protrude or recede at the edges of the block).

(4) *"Bones."* Bones means any bones that can be separated from the product, can be identified, and are objectionable. One instance of bone means one bone or one group of bones occupying or contacting a circular area of 6.45 square centimeters (one square inch).

(b) For the purpose of rating the factor of defects, the schedule of deviation-deduction-points in Tables V, VI, VII, and VIII apply.

TABLE V—SCORE DEDUCTIONS FOR "DAMAGE" SUBFACTOR

Amount of damage to block	Deduction points
0 to 0.30 percent	0
For each 0.20 percent above 0.30 percent and up to 8.10 percent	1
8.11 percent and over	40

NOTE: Damage is measured by volume of the block affected. The area of damage is measured in cubic centimeters using a millimeter rule to determine the exact length, width, and thickness of the block affected.

Calculate damage in "percent" using the following formula:

$$\text{Total damage in "percent" (volume/weight)} = \frac{\text{(Total damage)}}{\text{(Weight of block)}} \times 100$$

TABLE VI—SCORE DEDUCTIONS FOR "BLEMISH" SUBFACTOR

Number of blemishes per 2.3 kg. (5 lbs.) of block	Deduction points
0 to 1.0	0
1.1 to 2.0	1
2.1 to 3.0	2
3.1 to 4.0	3
4.1 to 5.0	5
5.1 to 6.0	8
6.1 to 7.0	12
7.1 to 8.0	17
8.1 to 9.0	23
9.1 to 10.0	30
10.1 or more	40

TABLE VII—SCORE DEDUCTIONS FOR "IMPROPER FILL" SUBFACTOR

Amount of "improper fill" in block [1]	Deduction points
0 to 0.30 percent	0
For each 0.20 percent above 0.30 percent and up to 8.10 percent	1
8.11 percent and over [2]	40

[1] Air spaces, ice spaces, depressions, and ragged edges.

NOTE: Improper fill is measured by the volume of the block affected. Air spaces and ice spaces are measured by filling these spaces with water or other material and measuring the volume. Spaces less than 3 ml. in volume or less than 2 mm. deep are not considered. Depressions and ragged edges are measured by exact volume of the block affected using a mm. rule to determine the length, width, and thickness of the block affected. Calculate the total "improper fill" in "percent" from the following formula:

$$\text{Total "improper fill" in "percent" (volume/weight)} = \frac{\text{(Total volume of "improper fill")}}{\text{(Weight of block)}} \times 100.$$

TABLE VIII—SCORE DEDUCTIONS FOR BONES SUBFACTOR

Instances of bone per 2.3 kg. (5.0 lb.) of fish	Deduction points
0	0
0.1 to 1.0	1
1.1 to 2.0	3
2.1 to 3.0	6
3.1 to 4.0	10
4.1 to 5.0	16
5.1 to 6.0	25
6.1 and more	40

§ 173.17 *Character*—(a) *General.* The factor of character refers to the tenderness and to the moistness of the properly heated fish flesh, and to the tendency of the pieces of fish or fillets in the block to remain as a unit when the block or portions of the block are heated.

(b) For the purpose of rating the factor of character, the schedule of deviation deduction-points in Tables IX and X apply.

TABLE IX—SCORE DEDUCTIONS FOR TEXTURE SUBFACTOR

Texture condition of the cooked fish	Deduction points
Firm; slightly resilient but not tough or rubbery; moist but not mushy	0
Moderately firm; only slightly tough or rubbery; does not form a fibrous mass in the mouth; moist, but not mushy	2
Moderately tough or rubbery; has noticeable tendency to form a fibrous mass in the mouth; or is dry; or is mushy	5
Tough or rubbery; has marked tendency to form fibrous mass in the mouth; or is very dry; or is very mushy	7
Objectionably tough, rubbery, dry or mushy	[1] 15

[1] Fish blocks which receive 15 deduction points for this subfactor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE X—SCORE DEDUCTIONS FOR COHESION SUBFACTOR

Cohesion condition of the cooked fish	Deduction points
	Points
The pieces comprising the cooked sample cohere very tightly. They can be separated only by significant tearing of the flesh	0
The pieces comprising the cooked sample cohere fairly tightly and they can be separated only by moderate tearing of the flesh	1
The pieces comprising the cooked sample cohere slightly. They can be separated easily with slight or no tearing of the flesh	3
The pieces comprising the cooked sample show no tendency to cohere. They can be separated very easily	6

DEFINITIONS AND METHODS OF ANALYSIS

§ 173.21 *Definitions and methods of analysis*—(a) *"Heating in a suitable manner."* Heating in a suitable manner means heating the product as follows:

(1) Cut three or more portions about four by three by one-half inches from a frozen block. Wrap individually or in single layer in aluminum foil. Place packaged portions on a wire rack suspended over boiling water in a covered container. Steam the packaged portions until the product is thoroughly heated, or

(2) Cut and package the portions as described in subparagraph (1) of this paragraph. Place the packaged portions on a flat cookie sheet or shallow flat-bottom pan of sufficient size so that the packages can be spread evenly on the sheet or pan. Place pan and frozen contents in a properly ventilated oven heated to 400 degrees Fahrenheit and remove when the product is thoroughly heated.

LOT INSPECTION AND CERTIFICATION

§ 173.25 *Tolerances for certification of officially drawn samples.* The sample rate and grades of specific lots shall be certified on the basis of the regulations governing inspection and certification of processed fishery products, processed products thereof, and certain other processed food products.

SCORE SHEET

§ 173.31 *Score sheet for frozen fish blocks.*

Label		
Size and kind of container		
Container mark or identification		
Size of lot		
Number of blocks per master carton		
Size of sample		
Species of fish declared		
Actual net weight (kg)		(lb.)
Factor	Standards score points	Sample Score
Appearance	25	
Uniformity	20	
Defects	40	
Character	15	
Total	100	
Flavor and odor		
Final grade		

[F. R. Doc. 58-5122; Filed, July 1, 1958; 12:30 p. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

EDITORIAL NOTE: For transfer of regulations in Subpart—United States Standards for Grades of Frozen Fried Fish Sticks (§§ 52.3141–52.3151), Subpart—United States Standards for Grades of Frozen Raw Breaded Shrimp (§§ 52.3601–52.3607), and Subpart—United States Standards for Grades of Frozen Fish Blocks (§§ 52.3681–52.3692) from the Department of Agriculture to the Department of the Interior, see Title 50, Chapter I, Parts 171–173, *infra*.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6285]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ADVANCE SPECTACLE CO., INC., AND MICHAEL M. EGEL

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service.* Subpart—*Securing agents or representatives falsely or misleadingly:* § 13.2140 *Qualities or properties of product.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Advance Spectacle Company, Inc., et al., Chicago, Ill., Docket 6285, June 3, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Chicago firm with representing falsely in advertising that eyeglasses made according to prescriptions furnished by customers using its "14 Lens Sample Card" and other devices would correct defects in vision of all persons.

A cease and desist order was issued May 22, 1955, 20 F. R. 4943, but was subsequently vacated and set aside on respondents' assertion of a misunderstanding on their part as to its scope. On rehearing, the matter was disposed of without formal proceedings. The hearing examiner made his initial decision containing an order agreed to by the parties, which was adopted as the decision of the Commission on June 3, 1958. The present consent order clarifies that originally issued by insertion of the words "or reducing" before the final word ("lenses") of the original order.

Said order to cease and desist is now as follows:

It is ordered, That respondent Advance Spectacle Company, Inc., a corporation, and its officers, and respondent Michael M. Egel, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in conection with the offering for sale, sale or distribution of eyeglasses, do forthwith cease and desist from:

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that the eyeglasses sold by respondents, made pursuant to the results of tests of the eyes using respondents' devices, will correct, or are capable of correcting, defects in vision of persons unless expressly limited to those persons approximately forty years of age and older who do not have astigmatism or diseases of the eye and who require only simple magnifying or reducing lenses.

2. Disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of their eyeglasses in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains the representation prohibited in paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 3, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-5091; Filed, July 2, 1958; 8:49 a. m.]

[Docket 6968]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GLENOIT MILLS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.30 *Composition of goods;* § 13.130 *Manufacture or preparation.* Subpart—*Aiding, assisting and abetting unfair or unlawful act or practice:* § 13.290 *Aiding, assisting and abetting unfair or unlawful act or practice.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Glenoit Mills, Inc., et al., New York, N. Y., Docket 6968, June 5, 1958]

In the Matter of Glenoit Mills, Inc., a Corporation, and A. M. Sonnabend, Clarence E. Hafford, Arnold W. Schmidt and Ray Tetzleff, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the manufacturer of a fabric designated "Glenara", with office in New York City, with representing falsely in advertisements in newspapers, magazines, and other nationally circulated matter, and in advertisements published by the sellers of garments made from Glenara, that the fabric was made from pelts, hair, or other fibers of fur-bearing animals, particularly mink, was "let out" in the same manner as mink, was made into garments by master furriers as if real fur were used, and that it looked and felt like mink.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 5 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Glenoit Mills, Inc., a corporation, and its officers, and Clarence E. Hafford, Arnold W. Schmidt and Ray Tetzleff, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of fabrics made to simulate natural fur, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, that said fabric:

a. Is made from the pelts, hair or fur fibers of a fur bearing animal or animals;

b. Has the feel of natural fur;

c. Is made into coats or other garments by master furriers, unless such is the fact;

d. Is made into coats or other garments in the same manner as if real fur were used.

(2) Using the term "let-out," or any other words of similar import or meaning, to describe or refer to the manner in which respondents' fabrics are made into coats or other garments.

It is further ordered, That the complaint, insofar as it relates to respondent A. M. Sonnabend in his individual capacity, and the charge of the complaint concerning the word "Look," as set out in subparagraph 4 of Paragraph Six be, and the same is hereby, dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents Glenoit Mills, Inc., a corporation, and Clarence E. Hafford, Arnold W. Schmidt and Ray Teizleff, individually and as officers of Glenoit Mills, Inc., shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 5, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-5092; Filed, July 2, 1958; 8:49 a. m.]

[Docket 7027]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

STANDARD WOOL BATTING CORP. ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68 (c)) [Cease and desist order, Standard Wool Batting Corp. et al., New York, N. Y., Docket 7027, June 5, 1958]

In the Matter of Standard Wool Batting Corp., a Corporation, and Simon Krumholz, and Bernard Chosnek, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in New York City with violating the Wool Products Labeling Act by tagging and invoicing as "100% reprocessed wool" and "80% reused wool", battings which contained substantially less than such percentages of reprocessed and reused wool, respectively, and with failing in other respects to comply with the labeling requirements of the act.

Following acceptance of an agreement for consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 5 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondents, Standard Wool Batting Corp., a corporation, and its officers, and Simon Krumholz and Bernard Chosnek, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of wool batting or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, or in any way are represented as containing "wool", "reprocessed", or "reused wool", do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distributing or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That respondents, Standard Wool Batting Corp., a corporation, and its officers, and Simon Krumholz and Bernard Chosnek, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of wool batting or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Misrepresenting the constituent fibers of which their products are composed or the percentages thereof in invoices, shipping memoranda or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 5, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-5093; Filed, July 2, 1958; 8:50 a. m.]

[Docket 6867]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WOOL NOVELTY CO., INC., ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act; § 13.1325 *Source or origin:* Place: *Domestic product as imported; Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Using misleading name—Vendor:* § 13.2445 *Producer or laboratory status of dealer or seller.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68 (c)) [Cease and desist order, Wool Novelty Company, Inc. (New York, N. Y.), et al., Docket 6867, June 6, 1958]

In the Matter of Wool Novelty Company, Inc., a Corporation, Atwood Knitwear, Inc., a Corporation, and M. C. Roberts, Bernard L. Roberts, and Stanley Roberts, Individually and as Officers of Said Corporations, and as Copartners, Trading and Doing Business as Drake Knitting Mills

This proceeding was heard by a hearing examiner on the complaint of the Commission charging three affiliated New York City and Philadelphia concerns with violating the Wool Products Labeling Act by falsely tagging as "100% cashmere" and labeling also with a facsimile of the British flag and the significant English historical name "Drake", sweaters which were knitted in Philadelphia, Pa., of yarn imported from Japan, and with failing in other respects to comply with the labeling requirements of the act; and with representing falsely, by use of respondent partnership's trade name "Drake Knitting Mills" and the phrase "manufacturers of sweaters and knitted sportswear" on invoices, that the partnership was the manufacturer of sweaters imported from England by corporate respondent and for which it was merely the selling agent.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 6 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Wool Novelty Company, Inc., a corporation, and its officers; Atwood Knitwear, Inc., a corporation, and its officers; and M. C. Roberts, Bernard L. Roberts, and Stanley Roberts, individually and as officers of said corporations, and as copartners, trading and doing business as Drake Knitting Mills, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of sweaters or other "wool products," as such products are defined in and subject to said Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Attaching or using stamps, tags, labels, or other means of identification which represent that such products contain a certain percentage of cashmere which is contrary to fact;

2. Otherwise falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

3. Falsely or deceptively identifying such products as being manufactured in or imported from Britain or any other foreign country;

4. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That respondents M. C. Roberts, Bernard L. Roberts, and Stanley Roberts, copartners, trading and doing business as Drake Knitting Mills, or under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of sweaters or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that respondents, or any of them, manufacture any product which is not manufactured in a factory owned and operated or directly and absolutely controlled by them, and from using the word "mills," or any other words or terms of similar import, as part of a corporate or trade name in connection with any product not manufactured by respondents unless the fact that they do not manufacture such product is clearly disclosed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 6, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-5094; Filed, July 2, 1958; 8:50 a. m.]

[Docket 6989]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FEDERAL CREDIT BUREAU OF THE UNITED STATES, INC., ET AL.

Subpart—*Acquiring confidential information unfairly:* § 13.1 *Acquiring confidential information unfairly.* Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Government connection; organization and operation; personnel or staff; service; size and extent. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1370 *Business methods, policies, and practice;* § 13.1425 *Government connection;* § 13.1515 *Organization and operation;* § 13.1520 *Personnel or staff;* § 13.1555 *Size, extent or equipment.* Subpart—*Using misleading name*—Vendor: § 13.2380 *Government connection.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Federal Credit Bureau of the United States, Inc., et al., Chicago, Ill., Docket 6989, May 24, 1958]

In the Matter of Federal Credit Bureau of the United States, Inc., a Corporation, and Cornelius J. Kelleher, Leonard W. Zinck, Alyce Kelleher and Harriet Zinck, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging operators of a collection agency which maintained a single office in Chicago, with representing falsely on printed forms, in sales manuals furnished their agents, and by oral statements, that they had a nationwide departmentalized organization with local bonded collectors and attorneys in various States who would personally contact each debtor; that they would make prompt periodic reports on all accounts assigned for collection; that they maintained a credit reporting system available without cost to clients; that they would charge a maximum of 33⅓ percent of accounts they collected; that clients would receive their share of collections every 90 days or less; and, through use of their corporate name, that they were connected with the United States Government; and with using misleading form letters to obtain by subterfuge information concerning alleged debtors.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist in which he departed from the order agreed upon by rewording the paragraph numbered "2". The Commission, being of the opinion that the hearing examiner has no authority to change the language of an order contained in an agreement of the parties, even for the purpose of clarification, modified paragraph "2", and on May 24 adopted the initial decision as so modified as the decision of the Commission.

The order to cease and desist, as modified, is as follows:

It is ordered, That respondent Federal Credit Bureau of the United States, Inc., a corporation, and its officers, and respondents Cornelius J. Kelleher, Leonard W. Zinck, Alyce Kelleher and Harriet Zinck, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the business of collecting accounts owed to others or in obtaining information concerning delinquent debtors, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist:

1. Representing, directly or indirectly, that:

(a) Respondents operate a nationwide organization or employ bonded collectors, investigators or attorneys in the various States of the United States, unless such is a fact.

(b) Debtors, whose accounts are assigned or turned over to respondents for collection, will be personally contacted.

(c) Status reports or accounts will be made at specific periods of time, unless such is the fact.

(d) Respondents are a credit reporting organization, either local or national.

(e) A maximum of 33⅓ percent, or any other percentage less than that actually charged, will be retained by respondents from accounts collected.

(f) Respondents will remit to clients their share of all accounts respondents collect within any specific time, unless such is the fact.

(g) That respondents' business is departmentalized.

2. Failing to remit money due clients within the time agreed upon, if no time has been agreed upon, within a reasonable time.

3. Using the corporate name Federal Credit Bureau of the United States, Inc., or any other corporate or trade name indicating that respondents, or any of them, are connected with or are an agency of the United States Government or representing, in any manner, that they are connected with or are an agency of the United States Government.

4. Using, or causing to be used in their behalf, in connection with the collection of accounts or in obtaining information concerning delinquent debtors, any forms, letters, questionnaires, or material printed or written, which do not expressly state that the information requested is for the purpose of collecting accounts and obtaining information concerning delinquent debtors.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, Federal Credit Bureau of the United States, Inc., a corporation, and Cornelius J. Kelleher, Leonard W. Zinck, Alyce Kelleher and Harriet Zinck, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this decision, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in the aforesaid initial decision as modified.

Issued: May 24, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-5095; Filed, July 2, 1958; 8:50 a. m.]

[Docket 7010]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

KLEAR VISION CONTACT LENS SPECIALISTS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts;* § 13.280 *Unique nature or advantages.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Klear Vision Contact Lens Specialists, Inc., et al., New York, N. Y., Docket 7010, May 24, 1958]

In the Matter of Klear Vision Contact Lens Specialists, Inc., a Corporation, and Lawrence Lewison and Shirley Lewison, Individually, and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of contact lenses in New York City with representing falsely in advertisements in newspapers, circulars, pamphlets, etc., that all persons could successfully wear its contact lenses which would never cause irritation or discomfort, would completely replace eyeglasses and were a substitute for bifocals, would correct all defects in vision, would stay in place under all conditions, and differed from other lenses in that they permitted air and tears to bathe the cornea.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 24 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondents, Klear Vision Contact Lens Specialists, Inc., a corporation, and its officers, and Lawrence Lewison and Shirley Lewison, individually and as officers of said corporation, their representatives, agents and employees, directly or through any corporate or other device, in connection with the sale of contact lens, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly, indirectly, or by implication that:

(a) All persons in need of visual correction can successfully wear respondents' contact lenses;

(b) There is never irritation or discomfort from wearing respondents' lenses;

(c) All persons can wear respondents' lenses all day without discomfort; or that any person can wear respondents' lenses all day without discomfort except after that person has become fully adjusted thereto;

(d) Eye glasses can always be discarded upon the purchase of respondents' lenses;

(e) Respondents' contact lenses can replace eye glasses in the cases of persons requiring bifocal lenses;

(f) Respondents' contact lenses will correct all defects in vision;

(g) Respondents' contact lenses will stay in place under all conditions;

(h) Respondents' contact lenses are different than other fluidless contact lenses in that they permit air and tears to bathe the cornea.

2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said contact lens, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 2, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-5096; Filed, July 2, 1958; 8:51 a. m.]

[Docket 6950]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MARTIN BERDY

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68 (c)) [Cease and desist order, Martin Berdy, New York, N. Y., Docket 6950, May 30, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an individual in New York City with violating the Wool Products Labeling Act by tagging as "wool" interlining materials which contained substantial amounts of nonwoolen fibers, and failing to label such products as required by the act.

Upon respondent's default of answer and of other appearance prior to or at the scheduled hearing, the allegations were found by the hearing examiner to be sustained by the evidence. He accordingly made his initial decision, including findings, conclusions, and order to cease

and desist, which became on May 30 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent Martin Berdy, his agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of woven interlining materials or other "wool products" as such products are defined and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or are in any way represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibres included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fibre weight of such product exclusive of ornamentation not exceeding five percentum of said total weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fibre other than wool where said percentage by weight of such fibre is five percentum or more, and (5) the aggregate of all other fibres;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That respondent Martin Berdy, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of woven interlining materials, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the constituent fibres thereof, on invoices or other shipping memoranda or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Martin Berdy, an individual, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: May 29, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-5097; Filed, July 2, 1958; 8:51 a. m.]

[Docket 7050]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NORTH AMERICAN NUT CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* connections or arrangements with others; § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.105 *Individual's special selection or situation;* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities;* § 13.195 *Safety:* Investment.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, North American Nut Co., Inc., et al., New York, N. Y., Docket 7050, May 31, 1958]

In the Matter of North American Nut Co., Inc., a Corporation, Nut-o-Matic Co., Inc., a Corporation, Martin Richmond, and George Weinstein, Individually and as Officers of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging distributors in New York City of vending machines and vending machine supplies, with representing falsely in advertising in newspapers, periodicals, letters, etc., and through promotional material furnished their salesmen and agents, that they offered employment to selected persons who would operate their vending machines and must have working capital for the purchase of merchandise to be dispensed therefrom, that such investment was secured and without risk and would earn excessive profits, that they would provide supervisory and financial assistance, and that they were representatives of a large New York company.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 31 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, North American Nut Co., Inc., a corporation, and Nut-O-Matic Co., Inc., a corporation, and their officers, and Martin Richmond and George Weinstein, individually and as officers of each of the aforesaid corporations, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of vending machines, vending machine supplies or similar kinds of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly, that:

1. Employment is offered either generally or to specially selected persons either by respondents or by any other person, firm or corporation;

2. Persons will be selected to operate and service vending machines owned by respondents;

3. Persons must own an automobile or furnish references in order to purchase respondents' vending machines;

4. The cash investment required to purchase respondents' said vending machines is to provide working capital for the purchase of an inventory of merchandise to be dispensed in said vending machines;

5. The cash investment required to purchase respondents' vending machines is secured by an inventory of merchandise worth the amount invested or there is no risk of losing said investment;

6. Persons purchasing respondents' said vending machines will not be required to engage in selling or soliciting;

7. The earnings or profits derived from the operation of respondents' said vending machines will be of any greater amount than that usually and customarily earned by operators of respondents' said vending machines;

8. Profitable or satisfactory vending machine locations will be secured, the said vending machines will be installed in profitable or satisfactory locations or the vending machine routes of purchasers will be otherwise established or supervised to assure their profitable or satisfactory operation;

9. The sale of merchandise by respondents' vending machines is a permanent business or is unaffected by economic depression;

10. Respondents are the agents or representatives of or affiliated with the A. L. Bazzini Co., Inc., New York, New York, or any other person, firm or corporation when such is not the fact.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 29, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-5098; Filed, July 2, 1958; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952

CONDITIONS GOVERNING PAYMENT OF EDUCATION AND TRAINING ALLOWANCE

In § 21.2051, paragraphs (b) (1) and (c) are amended to read as follows:

§ 21.2051 *Conditions governing payment of education and training allowance.* * * *

(b) * * *

(1) Where a veteran completes his final examinations and departs from the school prior to the official closing date of the school term, he may be permitted to complete his monthly certification of training on the last day of scheduled attendance in that term certifying as to attendance through the end of such term and to submit the form to the school prior to departure. In such a case the certification to cover attendance in a nonaccredited course will show the succeeding days in that term as days of nonattendance and the certification covering an accredited course will be deemed to show the veteran to have been enrolled in and pursuing his course to the end of the term.

(c) Upon receipt by the Veterans Administration of an enrollment certification from the institution showing that the veteran has entered or reentered training, the veteran will be notified of the official Veterans Administration authorization of his training status. Educational institutions organized on a term, quarter, or semester basis may certify a veteran's enrollment period as being for a term, quarter, semester, or the regular ordinary school year, as the case may be. Such period of enrollment may not include a summer session as part of the enrollment for the regular school year. In all other types of training the enrollment certification will be for the length of the course. Since payments may be made by the Veterans Administration only to veterans pursuing a course during a term of enrollment in accordance with the regularly established policies and regulations of the institution, enrollment for the regular ordinary school year is encouraged and will reduce administrative effort for the school, the veteran, and the Veterans Administration. Where the educational institution is organized on a term, quarter, or semester basis and the educational institution certifies the veteran's enrollment on the enrollment certification to be for an ordinary school year, the veteran and the institution may certify that the veteran was enrolled in and pursuing his course during the regular school vacation periods and recess periods between terms, quarters, or semesters (excluding summer sessions), and the education and training allowance will be paid for such periods unless the veteran fails to return to school at the end of such period, in which event the provisions of § 21.2056 (b) (10) will apply. Where the veteran's enrollment in such an institution is certified by the institution to be only for the term, quarter, or semester, the veteran and the institution shall not certify on the monthly certification of training that the veteran was enrolled in and pursuing his course during periods between terms, quarters, or semesters, and no education and training allowance will be paid for such interim periods.

* * * * *

(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210. Interprets or applies secs. 201-274, 66 Stat. 663-682, as amended; 38 U. S. C. 911-984)

This regulation is effective July 3, 1958.

[SEAL] ROBERT J. LAMPHERE, *Acting Deputy Administrator.*

[F. R. Doc. 58-5102; Filed, July 2, 1958; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1669]

[325257]

WYOMING

REVOKING EXECUTIVE ORDER NO. 1799 OF JULY 18, 1913

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 1799 of July 18, 1913, which withdrew the following-described lands in Wyoming for use of the Forest Service as the Canyon Creek Administrative Site, in connection with the administration of the Shoshone National Forest, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 52 N., R. 105 W.,
Sec. 29, W½E½.

The area described contains 163.39 acres.

2. The lands are located in Park County, one-half mile south of the Wapiti entrance to the Shoshone National Forest, via U. S. Highway Nos. 20 and 14, about 20 miles west of Cody. A rocky but heavy loam covers most of the subject land except for rock outcrops and talus slopes. Vegetation consists of sage, needle, bunch, and sedge grasses.

3. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m., on August 2, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour will be governed by the time of filing,

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on November 1, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands have been open to applications and offers under the mineral-leasing laws, and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m., on November 1, 1958.

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

ROGER ERNST, *Assistant Secretary of the Interior.*

JUNE 27, 1958.

[F. R. Doc. 58-5075; Filed, July 2, 1958; 8:46 a. m.]

[Public Land Order 1670]

[78585]

UTAH

PARTIALLY REVOKING THE DEPARTMENTAL ORDER OF JANUARY 9, 1907

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Departmental order of January 9, 1907, which withdrew lands in Utah for use of the Forest Service, Department of Agriculture, for ranger station purposes, is hereby revoked so far as it affects the following-described lands:

SALT LAKE BASE AND MERIDIAN

PARK STATION

T. 31 S., R. 5 E.,
40 acres in unsurveyed Section 24.

2. The lands are within the Dixie National Forest, and shall be open, subject to valid existing rights and the requirements of applicable law, to such applications, selections, and locations as are permitted on national forest lands, effective at 10:00 a. m., on August 2, 1958.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 27, 1958.

[F. R. Doc. 58-5076; Filed, July 2, 1958; 8:46 a. m.]

[Public Land Order 1671]

[Anchorage 033833]

ALASKA

RESERVING LANDS FOR USE OF PUBLIC HEALTH SERVICE AS AN ADDITION TO THOSE RESERVED BY PUBLIC LAND ORDER NO. 826 OF MAY 15, 1952, FOR ARCTIC HEALTH RESEARCH CENTER

By virtue of the authority vested in the President by section 1 of the act of March 12, 1914 (38 Stat. 305, 307; 48 U. S. C. 303) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby reserved for use of the Public Health Service, Department of Health, Education, and Welfare, as an addition to the Arctic Health Research Center:

ANCHORAGE AREA

U. S. Survey No. 408, East Addition—Original Townsite

Block 31-B, lots 1 to 8, inclusive.

The tract described contains 1.43 acres.

2. Executive Order No. 2242 of August 31, 1915, reserving the above-described lands, together with other lands, for townsite purposes, and other purposes in connection with the construction and operation of railroad lines, is hereby modified to the extent necessary to permit the reservation made by paragraph 1 of this order to become effective.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 27, 1958.

[F. R. Doc. 58-5077; Filed, July 2, 1958; 8:46 a. m.]

[Public Land Order 1672]

[Fairbanks 010087, 58366]

ALASKA

WITHDRAWING LANDS FOR USE OF DEPARTMENT OF AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved for use of the Department of the Air Force:

TRACT A

Beginning at a point on the east boundary of "Planet Lode," U. S. M. Survey No. 336 from which U. S. L. M. 336 bears N. 33° W., 1270.8 feet and N. 84°29' E., 4019.5 feet and thence
North, 250 feet;
N. 66°45' E., 220 feet;
S. 48°20' E., 3,120 feet to a point on longitude 167°59' W.;
East, 5,000 feet to a point on longitude 167°57' W.;
South, 950 feet along said longitude;
West, 1,650 feet;
S. 12°10' W., 1,580 feet following the west boundary of the "Beach Western Extension Claim" and continuing to a point in the line of mean high tide of Bering Sea;
Westerly, 2,400 feet, approximately, along line of mean high tide;
Southerly, 1,300 feet, approximately, along line of mean high tide;
North, 2,550 feet;
N. 48°20' W., 3,350 feet to a point on longitude 168°00' W.;
North, 123 feet;
N. 55°47' E., 61 feet to corner No. 1 of "Planet Lode";
N. 33°00' W., 100.6 feet to point of beginning.

The tract described contains 257.7 acres.

TRACT D

Beginning at the point of intersection of longitude 167°55'30" W. with the line of mean high tide of Bering Sea, thence
North, 5,000 feet;
East, 500 feet;
North, 1,000 feet;
East, 2,000 feet to a point on longitude 167°54'30" W.;
South, 7,000 feet along said longitude to a point on the line of mean high tide of Bering Sea;
Northwesterly, 2,800 feet approximately, along line of mean high tide to point of beginning.

The tract described contains approximately 365 acres.

The total area described in this order is approximately 622.7 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 27, 1958.

[F. R. Doc. 58-5078; Filed, July 2, 1958; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12295; FCC 58-620]

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

CHANGE IN EFFECTIVE DATE OF CERTAIN TECHNICAL STANDARDS

In the matter of amendment of Parts 10, 11, and 16 of the Commission's rules to change the effective date of narrow-band technical standards in the 25-50 and 152-162 Mc bands; Docket No. 12295.

1. *Introduction.* The Commission adopted, on January 22, 1958, a Notice of Proposed Rule Making in the above-entitled proceeding. This Notice of Proposed Rule Making was published in the FEDERAL REGISTER of January 29, 1958 (23 F. R. 598), and ample opportunity was afforded interested persons to submit comments in support of or in opposition to the rule amendments proposed. The time for filing of both original and reply comments in regard to the proposed rule changes has now expired.

A substantial number of comments were filed in this proceeding by organizations representing large numbers of users, by individual users, and by other interested parties. Although all comments are not individually discussed herein, every properly filed comment has been considered and the merits thereof given appropriate weight by the Commission in reaching its determinations.

The Commission's primary purpose in initiating this proceeding was to provide maximum opportunity for early utilization of newly assignable frequencies made available as a result of the Commission's decision in Docket Numbers 12169 and 11253 reducing the frequency separation between assignable frequencies in the 25-50 Mc and 152-162 Mc bands.

In order to effectuate the above-stated purpose, the Commission proposed:

(a) To make all "split-channels" in those portions of the 25-50 Mc and 152-162 Mc bands allocated to Public Safety, Industrial, and Land Transportation Radio Services, created by reduction of the frequency separation between assignable frequencies, available for immediate assignment.

(b) To provide that all new radio communications systems licensed in the Public Safety, Industrial, and Land Transportation Radio Services subsequent to the effective date of the proposed rules would be allowed to use only that equipment which meets the technical specifications prescribed in Docket Number 11253.[1]

(c) In those instances where the Commission's rules governing the particular service involved require coordination, to require that assignment of frequencies in the 25-50 Mc and 152-162 Mc bands including "split channels", be made only where coordination has been effected with respect to all stations in the same or other services located in the same area and authorized to operate within 30 kc of the requested frequency or frequencies.

(d) To permit continued use of equipment not meeting the "narrow-band" standards without cut-off date provided:

(1) The equipment shall have been placed in use prior to the effective date of this proposed action, or shall have been added to an existing radio communications system which was authorized prior to the effective date of this proposed action; and

(2) Whenever interference is caused to stations complying with the narrow-band technical standards by the operation of stations using equipment not meeting those standards, the deviation of such non-complying transmitting equipment shall be reduced to the point that the bandwidth occupied by the emission of the station plus an allowance for the frequency tolerance of the equipment does not exceed the bandwidth specified in the narrow-band technical standards. Licensees of both narrow-band equipment and wide-band equipment modified as above shall thereafter accept any residual interference encountered.

2. *Comments filed.* The great majority of those comments which opposed adoption of the proposed amendments were filed by police radio service users or by associations of such users.[2]

The Commonwealth of Virginia, Department of State Police, in opposing the proposed amendments stated:

> The Virginia Department of State Police feels that the proposals of this docket would impose undue hardships on many tax supported police agencies.
>
> Many of the large area agencies will redesign their systems in order to compensate for the coverage lost by changing from 40 kc to 20 kc channels. These same agencies will find it necessary to replace equipment which is not practical to convert to narrow band. Practically all agencies will have to replace crystals.
>
> Since all are tax supported agencies, the necessary funds must be appropriated by the governing body. For state agencies this means that the money must come from the legislature which, in many cases, meets every two years. Docket 12295 was not announced in time for these agencies to include the necessary funds in their budget which was presented to the 1958 legislature.
>
> For the above reason, many departments cannot ask for necessary funds until their legislature meets in 1960. It is well known that after funds are available, it will take considerable time to effect all the changes necessary.

The Virginia Department of State Police, therefore, feels that the Commission's approach is unrealistic; that all present users should be protected until November 1, 1963, and that the proposed amendments, as set forth in this docket, should not be adopted.

Further arguments in opposition to the Commission's proposals are typified by the comments of the Indiana State Police, which read, in part, as follows:

> In our state, as in many others, the Police Services provide the only full-time, full-emergency communication service. The Indiana Police Net is comprised of each and every police radio station in the state. This highly integrated network performs extremely valuable service to law enforcement activities every day. During times of emergency, whether due to natural disaster or a national emergency, this network would be of even greater importance to the citizens of the State of Indiana.
>
> Any action which would affect efficient operation of the system definitely would not be in the public interest.
>
> In as far as the Police Services in Indiana are concerned, any new police system using narrow-band equipment could not participate in the state-wide network, due to incompatible equipment standards. The changeover to narrow-band operation must be on a state-wide basis with an overall plan coordinating the change among all police agencies. It is for this reason, we believe that any new police licensee planning to operate in an existing network should not be designated as a new system under the proposed rules.

In addition, the comment of the Oregon State Highway Department represents another argument in opposition to the Commission's proposal. This comment states, in part:

> We have conducted tests to determine relative system efficiency under "wide band" and "narrow band" modes of operation. These tests, and reports of similar tests by others, have proven to us that a definite degradation of service will result from "narrow band" operation. Our coverage to mobile units will be decreased by as much as 15 percent in many critical areas, requiring establishment of many new remote station sites and mobile repeaters if coverage is to be restored to that now enjoyed. Those costs must also be considered.
>
> • • • • •
>
> Tentative allocations made for the new Business Radio Service under Docket No. 12169 places a channel for this service on the frequency 42.96 Mc, the adjacent split channel to the frequency 42.94 Mc, which is currently used under the A. P. C. O. geographical assignment plan by Utah, Oregon and Nevada State Police or organizations. There is no doubt that intolerable interference would be caused to these State agencies immediately upon release of this frequency to licensees qualifying in the Business Radio Service. Paragraph 5 (b) of Docket 12295, if adopted, would require the State agencies to immediately protect small business users, with no protection to the States from interference detrimental to their operation in the public interest and necessity.

Comments supporting adoption of the proposed amendments were filed by a substantial number of parties[2] and, in contrast to those opposing the proposed amendments, come from a wide variety of users. Many of the comments echo the arguments of the Communications and Radio Committee of the American Municipal Association which reads, in part, as follows:

> • • • The Committee feels that postponing the effective date until 1963 will preclude the utilization of any "split" channels until that date. The radio spectrum as assigned to the Public Safety, Industrial, and Land Transportation Radio Services is much too valuable a natural resource to have outmoded restrictions due only to a desire to retain obsolete equipment for more than a five year period. This is forcing proposed users to either come under other portions of the rules and regulations which are not acceptable or logical services but also, would inhibit the use of the radio spectrum by local governments in the necessary operation of their day to day functions. Equipment presently in use and equipment purchased since 1955 permits conversion to narrow band transmission. The only possible interference to this type of newer equipment would be from wide band receivers which undoubtedly have been amortized over the years and therefore should be replaced.
>
> In some areas even adjacent channels on 60 kilocycle spacing are being assigned geographically due to the utilization by licensees of outmoded 120 kilocycle equipment. This is equipment which is within the limits of deviation permitted by the Commission for transmitting but does not have the necessary selectivity in receiving that is required of the present 60 kilocycle stations. As a result the various services are suffering from an overcrowding in some channels and a lack of complete utilization in other channels.
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[1] Hereinafter referred to as narrow-band standards.

[2] The cities of Burbank (California), Holyoke (Massachusetts), Portland (Oregon), Seattle (Washington); the County of Clakamus, Oregon; the State Police of Indiana, Kentucky, Oregon and Virginia; the Oregon State Highway Department; the State Highway Patrols of Ohio and Missouri; the National and Northwest Chapters of the Associated Police Communication Officers and the Indiana, Missouri and Ohio State Chapters; the Los Angeles Police Department; the Eastern States Police Radio Relay League, Inc.; the Cuyahoga County (Ohio) Police Chiefs Association, Inc.; the International Association of Chiefs of Police; the Peoples Cab Company; the Radio Flash Corporation; and the Southern California Radio Taxicab Association. In addition a number of individual letters in support of the foregoing comments were received after the time allowed for the submission of comments in this proceeding.

[2] Aeronautical Radio, Inc.; American Municipal Association; Association of American Railroads; California Public-Safety Radio Association; Central Committee on Radio Facilities of the American Petroleum Institute; City of San Diego; Communications Engineering Company; County of San Diego; Electronic Industries Association; Forest Industries Radio Communications; Forestry Conservation Communications Association; General Electric Company; Hawaiian Sugar Planters Association; International Municipal Signal Association; Robert LaRue; National Committee for Utilities Radio; National Ready Mixed Concrete Association; National Sand and Gravel Association; Pineapple Growers Association of Hawaii; and Special Industrial Radio Service Association. In addition to the foregoing, the Caterpillar Tractor Company requested clarification of terms and conditions in the proposed rules with respect to interference between stations; the Wisconsin Chapter of the Associated/Police Communications Officers filed a Resolution offering to extend the services of its Frequency Advisory Committees to all existing and prospective Wisconsin licensees of radio communications systems in the Public Safety Radio Services; and the Electronic Industries Association filed comments and certain technical data which had been requested by the Notice in this proceeding.

• • • Present 60 kilocycle equipment normally can be modified without any serious problems. The old 120 kilocycle equipment should have been written off years previously as inefficient and out of date. We feel that radios are similar to automobiles and that they should be replaced on the basis of a "wearout" of not more than 8 years duration. Radio users should plan for this. On a performance type budgeting or capital equipment type budget funds should be available for such replacement of equipment within a normal wearout period.

The comment of the City of San Diego in supporting the proposals stated:

This is an appropriate time for most users to change their mobile radio equipment to meet the new narrow-channel standards inasmuch a we are going through a transition period of replacing automotive vehicles having 6 volt electrical systems with 12 volt systems. Since the old radios in many cases can only be modified to the 12 volt at considerable expense, this would seem to be a proper time to purchase new equipment.

The comments of the County of San Diego in support of the Commission's proposal contained the following contention:

It would appear that the request for comments by present users would not necessarily be the criterion upon which a decision of this nature should be made. We believe if a poll were taken of the non-users who cannot now use radio for communications because of the lack of frequency assignments, they would vote unanimously in favor of immediate action. It does not appear that we, who are now users and have enjoyed the privilege of radio communications for many years, should, by our selfish interest, deny an equal privilege to those who have the need equal to the present users, by requesting your Commission to delay the requirement of meeting the new narrow-band standards.

A large number of the comments received in this proceeding emphasize the difficulty which the frequency advisory committees and the Commission may expect if the users of "wide-band" equipment are permitted to continue the transmission of "wide-band" signals until cases of interference to adjacent "narrow-band" installations are identified, investigated and adjudicated, and recommend the establishment of a specific date beyond which all "wide-band" transmitters will be limited to a narrow-band modulation deviation. The suggested limits of such modulation deviation vary from ±5 kc to ±10 kc, and the suggested time to be allowed for that action varies from six months after Commission action in this matter to the previous cut-off date of November 1, 1963. The arguments of the National Committee for Utilities Radio are typical and read, in part, as follows:

• • • if the only time a broad-band user is required to reduce the modulation deviation of his transmitting equipment is in the event he interferes with a narrow-band adjacent channel user, NCUR believes that the result will be confusion, intolerable interference in many cases and serious hindrance in the utilization of the new "split channel" frequencies. Additionally, the lack of a uniform modulation limit during the transition period will make the work of the Frequency Advisory Committees exceedingly difficult.

The comment of the Special Industrial Radio Service Association states in part:

The three problems which cause us concern under this proposal are: (1) It would appear that if an existing user employing equipment not meeting the new narrow-band technical standards were to move to a split channel adjacent to another user employing non-complying equipment, neither would be required to protect the other since neither would be complying with the narrow-band technical standards and the proposal only envisions the necessity for reducing deviation where "interference is caused to stations complying with the narrow-band technical standards." (2) It is not clear from the Commission's proposal whether the word "interference" in paragraph 5 (b) will be interpreted to apply only to local interference, or is broad enough to require a reduction in deviation by one operating broadband equipment who is giving interference to a user employing narrow-band equipment on an adjacent split-channel as a result of so-called "skip" or sky-wave propagation. (3) It would appear that the absence of any cut-off date whatsoever would not be conducive to the standardizing of equipment in prompt order, and could lead to interminable delay in such standardization despite the Commission's urging in paragraph 7 of its Notice to the effect that "all licensees (should) modify or replace all wide-band equipment as rapidly as possible to conform with narrow-band technical standards."

Other questions raised by comments received in this proceeding and on which definitive action was recommended by one or more interested parties, include the following:

(a) Whether present users of "wide-band" equipment would be permitted to move to and use that equipment on the new "split channel", and if so under what circumstances.

(b) Whether the user of "wide-band" equipment on a given frequency would be required to reduce the modulation deviation of his transmitting equipment if interference developed to the user of "narrow-band" equipment on the same frequency.

(c) Whether the term "interference" is to be interpreted to include so-called "nuisance interference" or "monkey chatter" which is only heard when the desired signals are off the air, and thus do not actually interfere with desired communications.

The Electronic Industries Association (EIA) submitted a summary of technical data resulting from a joint industry-wide study of the areas of interference involved when older type wide-band equipment and newer narrow-band equipment are operated on adjacent narrow-band frequencies, as requested in paragraph 6 of the Notice of Proposed Rule Making, and in addition submitted, in part, the following comments:

It is an ideal objective to implement a program so that existing users do not have to convert systems unnecesarily or make unscheduled modifications. However, the Associations' study discloses that for technical reasons it is impractical to encourage co-channel or adjacent channel operation of intermixed systems of 5 and 15 kc deviation.

It is the industry's experience that in cases where 5 kc systems have been installed, useable communications could not be attained due to destructive interference from co-channel 15 kc users. Many such 5 kc systems were replaced with 15 kc equipment because of this interference.

In addition to the co-channel problem, the potential interference that an existing 15 kc system will cause to an adjacent split channel 5 kc receiver must be considered. To this end a system study shows that part of the spectrum of an existing 15 kc transmitter meeting all of the Commission's technical standards, falls within the narrow selectivity of a new split-channel 5 kc receiver, 20 kc removed from the 15 kc station. Sufficient geographic spacing will minimize interference on a local area basis. However, the probability of skip interference aggravates the problem.

From an operational standpoint, as reported by JTAC, and subsequent studies, it is apparent that the coverage of existing wide-band 15 kc systems is not materially affected if all transmitters are reduced to a maximum 5 kc deviation. Although the signal-to-noise ratio remains almost the same, the audio level is reduced about 16 db.[4] Therefore, it would be in the user's interest to reduce the deviation of all units in his system over as short a period of time as possible. This reduction can be accomplished during routine servicing with little or no cost to the user.

3. *Findings.* The comments reveal that the only outright opposition to the major premise[5] underlying this proceeding came from the Police and Taxicab Radio Service users. The bulk of such outright opposition was interposed by Police Radio Service users. The primary argument of these parties is that adoption of rules necessary to effectuate this premise would require "many of the large area agencies" to "redesign their systems in order to compensate for the coverage lost by changing" to the narrower channels and that the necessary public funds cannot be procured immediately. These parties further contend that assignment of the "split channels" prior to the date when all equipment would, by rule, be required to comply with "narrow-band" standards would, nevertheless, as a practical matter, require individual licensees to comply with such standards at the time that "split channels" adjacent to the frequency being used are assigned to stations operating in the same area.

The Commission recognizes that tax supported users require substantial time in which to procure the funds that would be required to bring all their equipment into conformity with the "narrow-band" standards promulgated by the decision rendered in Docket Number 11253. However, the Commission believes that this problem can be substantially alleviated by allowing users to continue utilization of present equipment for a specific time, subject to the condition that the modulation frequency[6] deviation of such equipment is reduced to the point where it does not exceed the deviation specified

[4] The JTAC report to which reference was made by the EIA, includes the following notations: "The audio volume drops off approximately 10 db, but in the average case, the intelligibility of the desired signal is not degraded. Most receivers have sufficient reserve audio gain to take up this difference."

[5] That the Commission's rules should provide for immediate assignment of "split channels" in the 25–50 Mc and 152–162 Mc bands without protecting present users of the so-called "primary" channels from interference which may be caused by stations operating on such split channels.

[6] Hereinafter referred to as "deviation" or "frequency deviation."

in the narrow-band standards, as is provided above. The Commission believes that the benefits derived from making the "split channels" in the 25–50 Mc and 152–162 Mc band immediately available outweigh any disadvantages which presently licensed users of so-called "primary" frequencies may experience. However, in order to further alleviate any burden which may result to existing licensees in the Public Safety Radio Service, "split-channels" allocated to these services will be assigned prior to November 1, 1963, only where it is established either that harmful interference will not be caused to the operation of existing stations or that licensees of all stations in the same area and operating within 30 kc of the requested frequency have concurred with the requested assignment.

Accordingly, "split-channels" in the 25–50 Mc band and in the 152–162 Mc band will be available for assignment upon the effective date of this action as originally proposed. However, "split-channels" allocated to Public Safety Radio Services will be assigned prior to November 1, 1963, only where the application is accompanied by a satisfactory engineering report indicating that harmful interference will not be caused to the operation of existing stations or is accompanied by a statement certifying that all licensees of stations authorized to operate with 30 kc of the requested frequency and located within 75 miles of the proposed station location have concurred with the requested assignment.

The comments filed reveal little opposition to the proposal that would require all new radio communications systems, those licensed subsequent to the effective date of this action, in the Public Safety, Industrial, and Land Transportation Radio Services to utilize only equipment which meets the technical specifications prescribed in Docket Number 11253. However, the comments included requests (a) that licensees of radio communication systems authorized prior to the effective date of this action whose systems must be moved to a different frequency, due to re-allocation of the frequency previously assigned, be allowed to utilize "wide-band equipment" and (b) that "any new police licensee planning to operate in an existing network should not be designated as a new system."

The Commission believes, as hereinbefore stated, that the public interest requires immediate usage of the new frequencies derived from "channel-splitting." Consideration of all information available to it, including the comments filed in this proceeding, causes the Commission to believe that effective usage of such channels can be obtained only by substantial elimination of adjacent channel interference. Furthermore, adoption of the proposal which would require radio communication systems licensed subsequent to the effective date of this action to utilize only "narrow-band" equipment will aid materially in the elimination of such interference. Nevertheless, it appears equitable that those licensees forced to move their operations to different frequencies, due to re-allocation of the frequencies now being used, should be accorded substantially the same right to utilize their present equipment as would be permitted if operation were continued on the same frequency. Accordingly, while the above-stated proposal is being adopted, an exception is being made to allow licensees forced to change frequencies due to a re-allocation of the frequencies presently used, to operate "wide-band" equipment on the frequencies to which they are moved, provided the deviation of such equipment is immediately reduced to the point where it does not exceed the deviation specified in the "narrow-band" technical standards.

With respect to the comments regarding what constitutes a new system, it may be noted that the term "system", as used in the present rules governing the Public Safety, Land Transportation, and Industrial Radio Services, is normally construed to mean the operationally integrated radio facilities of a single licensee that are utilized in rendering a communications service encompassed within the scope of "permissible communications" which stations licensed in the particular radio service may transmit. Adequate reasons for according the term a different meaning in this proceeding have not been adduced by the comments. Therefore, the radio facilities of a new licensee will constitute a new radio communication system even though such licensee may "be planning to operate in an existing network".

The proposal which would provide that assignment of frequencies in the 25–50 Mc and 152–162 Mc bands, including "split-channels", be made, to stations in those services where frequency coordination is required, only after "coordination has been effected with respect to all frequencies assigned to stations in the same or other services within 30 kc" of the requested frequency engendered little adverse comment. However, several parties emphasize that the use of "split channels" should be coordinated by industry frequency advisory committees in all cases. While it may be desirable to employ frequency advisory committees in effecting coordination, such committees do not presently exist for all services. In any event, it is not presently the Commission's policy to require this means of coordination exclusively.

Accordingly, the Commission is adopting the principle that in those instances where the Rules governing the Public Safety, Land Transportation, and Industrial Radio Services require coordination, such coordination shall be effected with respect to all stations in the same or other services located in the same area and authorized to operate within 30 kc of the requested frequency or frequencies.

The Notice of Proposed Rule Making proposed to allow continued use, "without cut-off date", of equipment not meeting the "narrow-band" technical standards in systems licensed prior to the effective date of this action provided that "whenever interference is caused to stations complying with the narrow-band technical standards by the operation of stations using equipment not meeting those standards, the deviation of such non-complying transmitting equipment shall be reduced to the point that the bandwidth occupied by the emission of the station plus an allowance for the frequency tolerance of the equipment does not exceed the bandwidth specified in the narrow-band technical standards. Licensees of both narrow-band equipment and wide-band equipment modified as above shall thereafter accept any residual interference encountered."

Upon consideration of all factors involved, the Commission has concluded that adoption of that part of this proposal which would specify that "the deviation of non-complying transmitters shall be reduced to the point that the bandwidth occupied by the emission of the station plus an allowance for the frequency tolerance of the equipment does not exceed the bandwidth specified in the narrow band technical standards" would result in certain inequities. Compliance with the proposed requirement cannot invariably be met by a simple reduction in frequency deviation unless the frequency stability is also improved which is a relatively expensive procedure. If the proposed requirement were modified to provide only that the deviation of non-complying transmitters be reduced to the point where it does not exceed the deviation specified in the "narrow-band" technical standards (±5 kc) the necessary adjustment of transmitters operating in both the 25–50 Mc and 152–162 Mc bands is a relatively inexpensive operation. Furthermore it appears that adoption of such a requirement will accomplish substantially the same results as would be accomplished by the proposed requirement because it will, in nearly all cases, provide reasonable receiver audio response in "wide-band" receivers utilized in the 25–50 Mc and 152–162 Mc bands, while at the same time avoiding the majority of "adjacent channel" interference problems since it appears that the reduction in modulation frequency deviation will normally result in an emission occupying a bandwidth less than 20 kc. Moreover, information available to the Commission leads it to believe that a large percentage of the transmitters operating in the 25–50 Mc and 152–162 Mc ranges have a frequency stability better than that presently required. Therefore, it appears probable that only in isolated cases will the combination of the transmitter instability and the modulation deviation (at ±5 kc) produce "splatter" in narrow-band receivers on channels 20 or 30 kc removed in the respective bands. In such cases, the Commission will expect cooperative action on the part of all licensees concerned to alleviate any interference caused thereby.

Accordingly, the Commission concludes that the proposal relating to the point to which frequency deviation of "wide-band" transmitters must be reduced should not be adopted. However, the Commission also concludes that a modified version thereof should be adopted which would require that the deviation of non-complying transmitters be reduced to the point where it does not exceed the deviation specified in the "narrow band" standards (±5 kc).

As pointed out above, a number of comments suggest that this proposal be further modified so as to require that the deviation of all "wide-band" transmitters used by radio communications systems licensed in the Public Safety, Land Transportation, and Industrial Radio Services, prior to the effective date of this action be reduced to the point specified above by a specific date rather than requiring that the deviation of such transmitters be reduced only when interference is caused. The comments, in support of this requested modification, allege that "piecemeal" reduction of the frequency deviation as proposed by the Commission is impracticable because such a procedure: "will result in confusion, intolerable interference in many cases and serious hindrance in the utilization of the new split-channel frequencies"; and will impose an intolerable administrative burden on the Commission and industry frequency advisory committees.

The comments of some parties object to the "absence of any cut-off date" on the ground that this situation will act as a deterrent "to the standardizing of equipment in prompt order, and could lead to interminable delay in such standardization."

The Commission is persuaded, upon consideration of all factors involved, that it should not adopt that part of its proposal in the form proposed but should provide a specific date beyond which the use of "wide-band" equipment in systems licensed prior to the effective date of this action will be permitted only if the frequency deviation is reduced to the point where it does not exceed the deviation specified in the "narrow-band" technical standards (±5 kc). The Commission is also persuaded that a cut-off date should be specified beyond which only equipment meeting the "narrow-band" standards may be used.

The Commission believes that the reduction in frequency deviation required can be accomplished, in a large percentage of cases, during routine servicing at a nominal cost to the user. Accordingly, the Commission concludes that a period of six months from the effective date of this action is sufficient to allow existing systems, other than those licensed in the Public Safety Radio Services, to reduce the frequency deviation to the point specified above. In the case of systems licensed in the Public Safety Radio Services the reduction in deviation will not be required until two years from the effective date of this action. Furthermore, the Commission believes that the "cut-off" date beyond which all equipment must comply with the "narrow-band" standards should be that previously specified in Docket Number 11253; namely, October 31, 1963.

Subsequent to the date when the deviation of "wide-band" equipment is required to be reduced so as not to exceed that specified in the "narrow-band" standards, the Commission will not consider that interference caused to "wide-band" receivers constitutes "harmful interference".

While the Commission has reached the foregoing conclusions with respect to the application of the "narrow-band" technical standards in the continental United States, several comments pointed out that geographical separation of the territories and possessions from the continental United States appears to make unnecessary any immediate reduction in modulation frequency deviation of stations operating in these areas for the purpose of reducing adjacent-channel interference, because it is unlikely that the "split channels" will be needed in the Public Safety, Land Transportation, and Industrial Radio Services in such areas before 1963. The Commission concurs with that contention and concludes that it is in the public interest to provide that existing radio communication systems located wholly within any of the territories or possessions of the United States will be exempt from the requirements regarding reduction of frequency deviation provided by this action, until further order of the Commission. If at some future date, prior to November 1, 1963, it should become necessary to reexamine the situation in this regard as a result of interference situations which develop in the intervening period, the Commission may, at that time, extend those requirements to the areas or in the services where found necessary.

4. *Summary.* In summary, the Commission has decided that it is in the public interest to:

(1) Make "split-channels" in the 25–50 and 152–162 Mc bands available for immediate assignment in the Public Safety, Industrial and Land Transportation Radio Services upon the effective date of this action when not already so available; Provided that, in the Public Safety Radio Service, the "split-channels" will be assigned prior to November 1, 1963, only where the application for such assignment is accompanied by a satisfactory engineering report indicating that harmful interference will not be caused to the operation of existing stations or is accompanied by a statement certifying that all licensees of stations authorized to operate within 30 kc of the requested frequency and located within 75 miles of the proposed station location have concurred with the requested assignment.

(2) Require that all radio communication systems first authorized subsequent to the effective date of this action in the Public Safety, Industrial or Land Transportation Radio Services for operation in the 25–50 and 152–162 Mc bands, utilize only equipment which meets the "narrow-band" technical standards established in Docket No. 11253. The foregoing requirement will apply to the transmitters utilized in the radio communication system of any new licensee and to the transmitters utilized in the system of any previous licensee proposing to be operated on a frequency or in an area not previously authorized except as indicated below. It will not apply to the equipment of a licensed radio communication system authorized prior to the effective date of this action when that system is required to move to a different frequency due to the reallocation of the frequency previously assigned, provided the deviation of the transmitters of such equipment is immediately reduced to the point that it does not exceed the deviation (±5 kc) specified in the "narrow-band" technical standards.

(3) Specify that, in all cases where the Commission's rules governing the particular services involved require frequency coordination, the assignment of any frequency in the 25–50 or 152–162 Mc bands, including "split-channels", may be made only when coordination of the frequency selection has been effected with respect to all stations in the same or other services located in the same area and authorized to operate within 30 kc of the requested frequency or frequencies.

(4) Require that the frequency deviation of all transmitters in the Industrial and Land Transportation Radio Services, operated on frequencies in the 25–50 or 152–162 Mc bands, be reduced to the point where it does not exceed the deviation specified in the "narrow-band" technical standards (±5 kc) not later than six months from the effective date of this action, and that the frequency deviation of all transmitters in the Public Safety Radio Services, operated on frequencies in the 25–50 or 152–162 Mc bands, be reduced to the same figure not later than two years from the effective date of this action.

(5) Reaffirm that, on and after November 1, 1963, the equipment of all stations in the Public Safety, Industrial, and Land Transportation Radio Services, operated on frequencies in the 25–50 or 152–162 Mc bands, must meet all requirements of the "narrow-band" technical standards prescribed in Docket No. 11253.

(6) Exempt from the requirements of paragraphs (2) and (4) above, until further order of the Commission but not beyond November 1, 1963, the transmitters of all radio communication systems in the Public Safety, Industrial or Land Transportation Radio Services operated on frequencies in the 25–50 or 152–162 Mc bands at locations wholly within the limits of one or more of the territories or possessions of the United States.

Authority for the amendments of Parts 10, 11 and 16 of the Commission's rules ordered hereby is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

In accordance with the foregoing: *It is ordered*, That effective August 1, 1958, Parts 10, 11 and 16 of the Commission's rules, Public Safety, Industrial and Land Transportation Radio Services are amended to conform with the foregoing conclusions. Formal codification of these amendments will be accomplished by subsequent order of the Commission.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: June 26, 1958.

Released: June 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5116; Filed, July 2, 1958; 8:53 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 156—REPORTING OF PROPERTY CHANGES: PIPELINE CARRIERS

AMENDMENT OF FORMS

JUNE 27, 1958.

By order dated May 23, 1958, the Commission prescribed revised regulations governing the reporting of property changes by pipeline carriers as contained in the Revised Supplement No. 8 to Valuation Order No. 3—Second Revised Issue. In conjunction with these regulations four forms were also prescribed.

Evidence of the approval of the Bureau of the Budget of the revised reporting requirements and the related forms was inadvertently omitted from the text of the aforementioned order, and from the forms.

Reprints of the above mentioned regulations will contain the following notation: "The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942."

Reprints of the prescribed forms shall reflect notation as indicated below in the upper right hand corner of the form:

On ACV Form No. 1:

Form Approved
Budget Bureau No. 60–R340.
This approval will expire on Nov. 30, 1963.

On ACV Form No. 2:

Form Approved
Budget Bureau No. 60–R339.
This approval will expire on Nov. 30, 1963.

On ACV Form No. 3:

Form Approved
Budget Bureau No. 60–R338.
This approval will expire on Nov. 30, 1963.

On ACV Form No. 4:

Form Approved
Budget Bureau No. 60–R337.
This approval will expire on Nov. 30, 1963.

This notice will be filed with the Director, Federal Register Division.

HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-5101; Filed, July 2, 1958; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

CUSTOMS COLLECTION DISTRICT No. 1 (MAINE-NEW HAMPSHIRE)

PROPOSED REVOCATION OF DESIGNATION OF HOLEB-JACKMAN AS A CUSTOMS PORT OF ENTRY AND THE DESIGNATION OF JACKMAN, MAINE, AS A CUSTOMS PORT OF ENTRY

Notice is hereby given that pursuant to the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), it is proposed to revoke the designation of Holeb-Jackman, Maine, as a customs port of entry in Customs Collection District No. 1 (Maine-New Hampshire); to establish in Customs Collection District No. 1 a new customs port of entry at Jackman, Maine, to include the townships of Jackman, Sandy Bay, Bald Mountain, Holeb, Attean, Lowelltown, Dennistown, and Moose River, all in the State of Maine; and to amend § 1.1 (c) of the Customs Regulations to indicate these changes. The purpose of these changes is to consolidate the customs administration of the railroad and highway operations at Jackman in view of the planned transfer of the railroad operations from Holeb to Jackman Station.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Data, views, or arguments with respect to the proposed revocation of the designation of Holeb-Jackman as a customs port of entry and the designation of Jackman as a customs port of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: June 26, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-5109; Filed, July 2, 1958; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 183]

LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

MISCELLANEOUS AMENDMENTS

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of June 28, 1906 (34 Stat. 539–543), it is proposed to amend 25 CFR, §§ 183.4, 183.16, 183.42, and 183.43 as set forth below. The purpose of these amendments is to require that the annual rental in lieu of drilling on oil and gas leases on the Osage Indian Reservation shall be paid annually in advance, and to permit the appointment of a local representative of a lessee or assignee of an Osage oil and gas lease to be located any place within the State of Oklahoma instead of only within the City of Pawhuska.

All interested persons are hereby given an opportunity to submit in triplicate written comments, suggestions, or objections with respect to the proposed amendments to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 26, 1958.

1. The present text of § 183.4 is amended to provide that rental in lieu of drilling shall be paid annually in advance and to read as follows:

§ 183.4 *Drilling obligations.* (a) Lessee shall drill at least one well to the Mississippi Lime, unless oil or gas is found in paying quantities at a lesser depth, on the land covered by his lease, within 12 months from the date of approval of the lease, or the lease may be held for the full five-year primary term without drilling, upon payment to the Superintendent for the lessor of rental at the rate of one dollar per acre per annum, payable annually in advance, beginning one year after the date of approval of the lease. This lease shall terminate as to both parties unless such advance rental shall be received at the Osage Agency or shall have been mailed as indicated by postmark, on or before the due date: *Provided*, That the time within which a well shall be drilled shall not begin to run on any restricted homestead selection until the consent of the Superintendent to drilling on such homestead shall have been given, nor shall advance rental become due until the next anniversary date of the lease following the date of such consent: *Provided further*, That the Superintendent in his discretion may direct the drilling of any undrilled lease, if in his opinion the interests of the Osage Tribe warrant: *Provided further*, That whenever the Commissioner of Indian Affairs shall consider the marketing facilities inadequate to take care of the production he may direct the suspension of drilling operations on this lease. The completion of a well to the Mississippi Lime, or production of oil or gas in paying quantities from a lesser depth than the Mississippi Lime, for such time as such production shall continue, after the lease has entered a rental status, shall relieve the lessee from any further payment of rentals for the balance of the primary term of the lease for which rental has not been paid. Should such production cease, rental shall commence on the next anniversary date of the lease. Rental shall be paid on the basis of a full year, and no refund will be made of advance rental paid in compliance with the regulations in this part.

(b) Prior to the expiration of a term of a lease, the Osage Tribal Council may, with the approval of the Superintendent, and a finding by him that such action is in the best interest of the Osage Tribe,

grant an extension of the term of the lease for a period of not to exceed six months for the purpose of enabling the lessee to drill a well to the Mississippi Lime unless oil or gas is found in paying quantities at a lesser depth.

2. The present text of § 183.16 is amended to conform to the proposed provisions of § 183.4 and to provide that no refund of annual rental will be made if a lease is cancelled during the year, and to read as follows:

§ 183.16 *Surrender of lease.* The oil lessee may at any time, by paying to the Superintendent the sum of one dollar, surrender all or any quarter-section or fractional part of quarter-section where the lease does not cover the full quarter-section, and have the lease cancelled as to the lands surrendered; and be relieved from all further obligations and liabilities thereunder, as to the part surrendered; *Provided,* That if this lease has been recorded, the lessee shall execute a release and record the same in the proper office. Such surrender shall not entitle the lessee to a refund of the unused portion of rental paid in lieu of development, nor shall it relieve the lessee and his sureties of any obligation incurred prior to such surrender.

3. Section 183.42 is deleted for the reason that its provisions are included in Sec. 183.4, as amended.

4. The present text of § 183.43 is amended to permit a local representative of a lessee or assignee to be located any place within the State of Oklahoma instead of the City of Pawhuska, and to read as follows:

§ 183.43 *Lessee's process agents.* (a) Before actual drilling or development operations are commenced on leased lands, the lessee or assignee shall appoint a local or resident representative within the State of Oklahoma, on whom the Superintendent or other authorized representative of the Department may serve notice, or otherwise communicate with in securing compliance with the regulations in this part, and shall notify the Superintendent of the name and post office address of the representative so appointed.

(b) Where several parties own a lease jointly, only one representative or agent need be designated, whose duties shall be to act for all parties concerned. Designation of such representative should be made by the party in charge of operations.

(c) In the event of the incapacity or absence from the State of such designated local or resident representative, the lessee shall appoint some person to serve in his stead, and in the absence of such representative or of notice of the appointment of a substitute any employee of the lessee upon the leased premises, or the contractor or other person in charge of drilling or related operations thereon, shall be considered the representative of the lessee for the purpose of service of orders or notices as herein provided and service upon any such employee, contractor, or other person shall be deemed service upon the lessee.

[F. R. Doc. 58-5074; Filed, July 2, 1958; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 20]

[Docket Nos. FDC 34, 34 (a)]

FROZEN DESSERTS; DEFINITIONS AND STANDARDS OF IDENTITY

ORDER EXTENDING TIME FOR FILING EXCEPTIONS

The order published in the FEDERAL REGISTER of March 26, 1958 (23 F. R. 1991), giving notice of proposed definitions and standards of identity for frozen desserts, fixed a period of time ending 90 days from the date of publication for interested persons to file written exceptions thereto.

The Commissioner of Food and Drugs, having been petitioned by interested persons who appeared at the hearing to extend the period of time for filing such written exceptions, and good cause therefor appearing: *It is ordered,* That the time for filing such exceptions be extended to September 26, 1958.

Dated: June 26, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-5106; Filed, July 2, 1958; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 12509; FCC 58-619]

PRACTICE AND PROCEDURE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of §§ 1.311, 1.312, and 1.363 of the Commission's rules; Docket No. 12509.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In an increasing number of broadcast cases designated for comparative hearing competing applications are being amended or dismissed upon agreement for the payment of some consideration or for consolidation of interests, leaving the remaining application free for an unopposed grant. The Commission is concerned that these practices may tend to defeat the purpose of hearings on applications for broadcast facilities and encourage the filing of marginal or "strike" applications in the hope that payment may be exacted in consideration of amendment or dismissal of such applications. In many instances these practices may also represent an abuse of the Commission's hearing processes. Hence, in order to discourage these practices, it is proposed to amend §§ 1.311, 1.312, and 1.363 of the Commission's rules as set forth below so that whenever consideration (including an agreement for consolidation of interests) is paid or promised in connection with the default, dismissal or amendment of an application in hearing status, the applications of all applicants who are parties to the agreement will be dismissed with prejudice.

3. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before July 28, 1958, a written statement or brief setting forth his comments. Comments or briefs in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within fifteen days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

5. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 26, 1958.

Released: June 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 1.311 (b) of the Commission's rules is amended to read as follows:

(b) Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown. If the granting of such petition would permit a grant of the amended application or an application theretofore in conflict with the amended application, such petition must be accompanied by an affidavit as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for amendment. The affidavit shall be executed by the applicant, if an individual; a partner of applicant, if a partnership; or an officer of applicant having personal knowledge of the facts, if a corporation or association. If consideration has been received or promised, the application shall be dismissed with prejudice.

2. Section 1.312 (c) of the Commission's rules is amended to read as follows:

(c) Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record and will be granted only for good cause shown. Each petition for dismissal must be accompanied by an affidavit as to whether or not consideration (including an agreement for consolidation of interests) has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application. The affidavit shall be executed by the applicant, if an individual; a partner of applicant, if a partnership; or an officer of the applicant having personal knowledge of the facts, if a corporation or association. If such consideration has been paid or promised, the application shall be dismissed with prejudice.

3. Section 1.363 (b) is amended to read as follows:

(b) When an application is so retained in hearing status, the applicant shall submit an affidavit as to whether or not consideration (including an agreement for the consolidation of interests) has been paid or promised in connection with the default, dismissal or amendment of the conflicting application. The affidavit should be executed by the applicant, if an individual; a partner, if a partnership; or an officer of the applicant having personal knowledge of the facts, if a corporation or association. If such consideration has been paid or promised, the application shall be dismissed with prejudice.

4. Section 1.363 (c) is deleted and § 1.363 (d) becomes 1.363 (c) and is amended to read as follows:

(c) An application for a broadcast facility which has been designated for hearing and which is amended so as to eliminate the need for hearing or further hearing on the issues specified, other than as provided for in § 1.311 (b), will be removed from hearing status.

[F. R. Doc. 58-5117; Filed, July 2, 1958; 8:53 a. m.]

[47 CFR Parts 3-7, 9-11, 16, 20, 21]

[Docket No. 11745]

FREQUENCIES UTILIZED FOR RADIO ASTRONOMY

INTERFERENCE PROTECTION; AMENDMENT

The Commission's Further Notice of Proposed Rule Making of June 5, 1958 (FCC 58-554) in the above entitled matter, which was published in the FEDERAL REGISTER June 11, 1958 (23 F. R. 4103), is amended as follows:

Add "temporary fixed stations" to paragraph 5 of the Notice in this proceeding and to the Appendix to the Notice by changing the first sentence of paragraph 5 and the first sentence of the proposed new section in the Appendix respectively to read as follows:

5. Mobile stations, Civil Air Patrol Land, temporary fixed, and temporary base stations would be excluded from these procedures in view of their relatively low power, intermittent operation, and frequently changing locations.

SEC. —. In order to minimize possible harmful interference at the National Radio Astronomy observation site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Facility site at Sugar Grove, Pendleton County, West Virginia, any applicant for a station authorization other than mobile, temporary fixed, temporary base, Citizens Radio, Civil Air Patrol or Amateur seeking a station license for a new station, a construction permit to construct a new station or to modify an existing station license in a manner which would change either the frequency, power, antenna height, or directivity or location of such a station within the area bounded by 39°15' on the North, 78°30' on the East, 37°30' N on the South and 80°30' W on the West shall, at the time of filing such application with the Commission, simultaneously notify the appropriate authorities* of the National Radio Astronomy Observatory, in writing, of the technical particulars of the proposed station.

Released: June 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5115; Filed, July 2, 1958; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-020705]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JUNE 24, 1958

1. In DA-401-Colorado, issued January 6, 1958, the Federal Power Commission vacated the withdrawal created by the filing on April 28, 1921, of an application for preliminary permit in Power Project No. 163 affecting the following-described lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 9 S., R. 82 W.,
Sec. 6, lots 1 to 5, inclusive, and SE¼NW¼, E½SW¼, and S½SE¼;
Sec. 7, lots 2, 3, and 4, and E½, E½W½;
Sec. 8, N½SW¼;
Sec. 17, S½NW¼.
T. 8 S., R. 83 W.,
Sec. 7, SW¼SE¼;
Sec. 8, SE¼NE¼, SE¼SW¼;
Sec. 9, SW¼NW¼, NW¼SW¼;
Sec. 17, SW¼NW¼ (lot 2), SW¼, SW¼SE¼;
Sec. 18, NE¼, NE¼NW¼, NE¼SE¼ (lots 3, 4, 5, 10, 11, 13, 14, and portions of lots 2 and 8 in NE¼);
Sec. 21, NW¼NE¼, SE¼NE¼.
T. 9 S., R. 83 W.,
Sec. 1, lots 1, 2, and 3, and S½N½, SW¼, SW¼SE¼;
Sec. 2, lot 2, and S½NE¼, and SE¼;
Sec. 11, NE¼, W½SE¼;
Sec. 12, W½NE¼, SE¼NE¼.
T. 8 S., R. 84 W.,
Sec. 12, SE¼SE¼ (lots 1 and 2);
Sec. 16, S½N½NE¼, S½NE¼NW¼NE¼.
T. 8 S., R. 85 W.,
Sec. 6, SE¼SE¼;
Sec. 7, NE¼NE¼;
Sec. 8, Strawberry and Magenta Placers (MS 6372 and 5298);
Sec. 9, Peachblow Placer (MS 6372);
Sec. 10, lots 3, 4, N½SE¼;
Sec. 11, NE¼SW¼SE¼, S½SW¼SE¼, SE¼SE¼ (lots 11 and 12);
Sec. 13, N½NW¼;
Sec. 14, lot 1.
T. 8 S., R. 86 W.,
Sec. 2, lots 17, 18, and 19;
Sec. 8, S½NE¼, NW¼SE¼;
Sec. 9, lot 3, W½NW¼;
Sec. 10, lots 1, 2, 3, NW¼NW¼, S½N½;
Sec. 11, lots 1 and 2.

2. Pursuant to the finding of the Federal Power Commission numbered (1) in DA-401-Colorado, the Geological Survey, by Order of January 31, 1958 (23 F. R. 856), cancelled the withdrawals created by Power Site Classifications Nos. 92, 245, 354, 382, and 431 so far as these classifications affect the following described lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 9 S., R. 82 W.,
Sec. 5, lots 2 and 3, and SW¼NE¼, W½SE¼, and SE¼SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, W½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 10, S½SW¼;
Sec. 14, W½SW¼;
Sec. 15, NW¼NE¼, S½NE¼, NE¼NW¼, E½SE¼;
Sec. 22, E½E½;
Sec. 23, W½NW¼.
T. 7 S., R. 83 W.,
Sec. 33, W½SE¼.
T. 8 S., R. 83 W.,
Sec. 4, lot 2, and SW¼NE¼, SE¼NW¼, and E½SW¼;
Sec. 9, E½NW¼, NE¼SW¼;
Sec. 21, NE¼SE¼;
Sec. 22, N½SW¼;
Sec. 26, NW¼NE¼, S½NE¼.
T. 8 S., R. 85 W.,
Sec. 11, lots 5, 6, and 10.
T. 10 S., R. 85 W.,
Sec. 15, SE¼SE¼.
T. 8 S., R. 86 W.,
Sec. 9, lots 1, 2, 4, and 5, and NE¼SW¼ and NW¼SE¼.
Sec. 11, lot 4;
Sec. 12, lots 1, 2, and 3;
Sec. 21, lot 15;
Sec. 25, lot 14;
Sec. 26, lots 17, 21 to 25, inclusive, and NW¼SW¼;
Sec. 27, lots 18 and 19.

T. 8 S., R. 87 W.,
Sec. 4, lots 16, 17, 19 to 23, inclusive, and lot 25;
Sec. 12, lots 13, and 25 to 29, inclusive.
T. 7 S., R. 88 W.,
Sec. 7, lot 12;
Sec. 20, lots 3, 20, and 21;
Sec. 21, SW¼SW¼;
Sec. 27, lot 15;
Sec. 28, lots 1, 2, 3, and 21.
T. 9 S., R. 88 W.,
Sec. 33, lots 4, 5, and 12.
T. 10 S., R. 88 W.,
Sec. 4, NW¼SW¼NE¼;
Sec. 9, SW¼NW¼;
Sec. 17, NE¼NE¼;
Sec. 31, SE¼SW¼;
Sec. 32, N½NW¼.
T. 11 S., R. 88 W.,
Sec. 6, lots 2, 3, 6, 7, 9, 10, and 11;
Sec. 21, SW¼SW¼ and SW¼SE¼.
T. 6 S., R. 89 W.,
Sec. 8, SW¼NW¼, N½SW¼, SW¼SW¼ and NW¼SE¼;
Sec. 16, W½NW¼ and SW¼;
Sec. 17, NE¼;
Sec. 21, W½ and SW¼SE¼;
Sec. 22, NE¼, E½NW¼, E½SE¼, and NW¼SE¼;
Sec. 35, lot 9.
T. 7 S., R. 89 W.,
Sec. 1, lots 1, 8, 19, 26, and 27;
Sec. 12, lots 6, 13, 14, and 15.

3. In DA–401 Colorado, the Commission determined that the value of the following described lands reserved in Power Site Reserve No. 542 would not be injured or destroyed for purposes of power development by location, entry or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 8 S., R. 82 W.,
Sec. 31, S½NW¼, SW¼, and SW¼SE¼.
T. 7 S., R. 83 W.,
Sec. 22, SE¼SW¼ and S½SE¼;
Sec. 27, N½, SW¼ and NW¼SE¼;
Sec. 28, SE¼NE¼ and E½SE¼;
Sec. 34, N½NW¼.
T. 8 S., R. 83 W.,
Sec. 22, NE¼NE¼;
Sec. 23, N½N½ and N½S½;
Sec. 24, N½NW¼, SE¼NW¼, and N½SW¼.
T. 8 S., R. 84 W.,
Sec. 16, N½NE¼NE¼, NW¼NW¼NE¼, and N½NE¼NW¼NE¼;
Sec. 17, N½NW¼.
T. 9 S., R. 88 W.,
Sec. 20, E½SE¼;
Sec. 21, SW¼SW¼;
Sec. 28, lot 1, SW¼NE¼, W½NW¼, SE¼NW¼, N½SW¼, SE¼SW¼, and W½SE¼;
Sec. 29, N½NE¼;
Sec. 33, lot 16.
T. 10 S., R. 88 W.,
Sec. 4, lots 1 and 4, and SE¼NE¼, SW¼SW¼NE¼, E½SW¼NE¼, SW¼NW¼, W½SW¼, W½SE¼;
Sec. 8, lot 1;
Sec. 9, lots 2 and 3 and SE¼NW¼;
Sec. 17, NE¼NW¼, S½NW¼;
Sec. 18, SE¼NE¼;
Sec. 30, SE¼NE¼ and E½SE¼;
Sec. 31, SE¼.
T. 11 S., R. 88 W.,
Sec. 6, lots 13 to 18, inclusive, E½SW¼, and SE¼;
Sec. 7, lots 2, 3, and 4, and SE¼SW¼ and W½E½;
Sec. 17, SW¼NW¼ and SW¼;
Sec. 18, lot 1, NE¼, E½NW¼, NE¼SW¼, and SE¼;
Sec. 19, NE¼NE¼;
Sec. 21, NW¼NW¼ and SE¼NW¼;
Sec. 22, S½S½;
Sec. 25, lots 1 to 8, inclusive, 10, 11, 14, and S½SE¼;
Sec. 26, lots 1 and 2;
Sec. 27, NW¼SW¼ and NE¼SE¼;
Sec. 28, lots 1 to 5, inclusive, and SW¼NE¼;
Sec. 29, lot 1.

Within the above described areas there are 15,493 acres of public lands.

4. With the following exceptions the lands described in paragraphs 1, 2, and 3 above are within the exterior boundaries of the White River National Forest and are not subject to the provisions of the act of Sept. 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting a preference right of application to veterans of World War II and others.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 8 S., R. 86 W.,
Sec. 8, S½NE¼, NW¼SE¼;
Sec. 9, lots 1 to 5, inclusive, and NE¼SW¼, NW¼SE¼, and W½NW¼;
Sec. 10, lots 1, 2, and 3, and NW¼NW¼ and S½N½;
Sec. 21, lot 15;
Sec. 25, lot 14;
Sec. 26, lots 17, 21 to 25, inclusive, and NW¼SW¼;
Sec. 27, lots 18 and 19.
T. 8 S., R. 87 W.,
Sec. 4, lots 16, 17, 19 to 23, inclusive, and lot 25;
Sec. 12, lots 13, 25 to 29, inclusive.
T. 7 S., R. 88 W.,
Sec. 7, lot 12;
Sec. 20, lots 3, 20, and 21;
Sec. 21, SW½SW¼;
Sec. 27, lot 15;
Sec. 28, lots 1, 2, 3, and 21.
T. 6 S., R. 89 W.,
Sec. 8, SW¼NW¼, N½SW¼, SW¼SW¼, NW¼SE¼, and W½NW¼;
Sec. 10, lots 1, 2, and 3, and NW¼NW¼ and S½N½;
Sec. 21, lot 15;
Sec. 25, lot 14;
Sec. 26, lots 17, 21 to 25, inclusive, and NW¼SW¼;
Sec. 27, lots 18 and 19.
T. 8 S., R. 87 W.,
Sec. 4, lots 16, 17, 19 to 23, inclusive, and lot 25;
Sec. 12, lots 13, 25 to 29, inclusive.
T. 7 S., R. 88 W.,
Sec. 7, lot 12;
Sec. 20, lots 3, 20, and 21;
Sec. 21, SW½SW¼;
Sec. 27, lot 15;
Sec. 28, lots 1, 2, 3, and 21.
T. 6 S., R. 89 W.,
Sec. 8, SW¼NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 16, W½NW¼, SW¼;
Sec. 17, NE¼;
Sec. 21, W½, SW¼SE¼;
Sec. 22, NE¼, E½NW¼, E½SE¼, NW¼SE¼;
Sec. 35, lot 9.
T. 7 S., R. 89 W.,
Sec. 1, lots 1, 8, 19, 26, and 27;
Sec. 12, lots 6, 13, 14, and 15.

Of these lands, 4,551 acres are public lands; 322 acres described below are patented, and are not subject to the provisions of the act of Sept. 27, 1944 (supra):

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 8 S., R. 86 W.,
Sec. 10, N½NE¼SW¼NW¼;
Sec. 26, lot 25.
T. 7 S., R. 88 W.,
Sec. 20, lot 20.
Sec. 28, lot 21.
T. 6 S., R. 89 W.,
Sec. 17, NE¼.
T. 7 S., R. 89 W.,
Sec. 12, lots 6, 13, 14, and 15.

The public lands described in paragraph 4 above lie adjacent to or are crossed by the Roaring Fork River or the Frying Pan River between Aspen and Glenwood Springs, Colorado. All of the land is extremely steep, with generally north facing slopes with a cover of oakbrush and other shrubs, or south slopes with a sparse cover of juniper trees. The soil is shallow and rocky. None of the land can be farmed. None of it is suitable for small tracts.

Pursuant to the authority delegated to me by the Colorado State Supervisor, Bureau of Land Management, effective February 19, 1958 (23 F. R. 1008) the lands described in paragraphs 1, 2, and 3 of this order are hereby opened, subject to valid existing rights and the requirements of applicable law, to filing of applications, selections and locations in accordance with the following, provided, however, that this opening so far as it affects the lands in paragraph 3 hereof shall be subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (supra), and with respect to all the lands opened by this order, shall be subject to application by the State of Colorado for a period of 90 days from date of this order for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act.

No application for the lands described in paragraph 4 will be allowed under the homestead, desert land, small tract, or any other non-mineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications and selections in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, presented prior to 10:00 a. m. on July 30, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on October 29, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on October 29, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(b) The lands have been open to applications and offers under the mineral leasing laws. They have also been open to location under the United States Mining Laws pursuant to the act of August 11, 1955 (66 Stat. 683; 30 U. S. C. 621–625).

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Land Office Manager, Bureau of Land Management, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F. R. Doc. 58–5009; Filed, July 2, 1958; 8:45 a. m.]

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 23, 1958.

The United States Forest Service, Department of Agriculture, has filed an application, Serial No. M–025762 (SD), for the withdrawal of the lands described below from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land for picnic grounds, campgrounds, recreation areas, and administrative sites in the Black Hills National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

BLACK HILLS NATIONAL FOREST

Junction Ranger Station

T. 2 S., R. 3 E.,
Sec. 25: E½SE¼NE¼, N½NE¼SE¼ exclusive of HES 496.
T. 2 S., R. 4 E.,
Sec. 30: Lot 3, W½NW¼SE¼ exclusive of HES 496.
Areas described aggregate approximately 55 acres.

Reder Ranger Station

T. 1 S., R. 5 E.,
Sec. 29: Lots 6 and 7;
Sec. 30: Lot 19, NW¼SE¼NE¼, and Lot "A" of the Reder Placer, M. S. 07905, described as follows: "Beginning at Corner No. 3 of M. S. 1986; thence S. 10° W., 340 feet to Corner No. 1; thence S. 89° E., 462 feet to Corner No. 2; thence S. 51° W., 593 feet to Corner No. 3; thence N. 1° W., 376 feet to Corner No. 1, containing 2.1 acres, more or less."
Areas described aggregate 81.55 acres.

Harney Ranger Station

T. 2 S., R. 6 E.,
Sec. 15: Beginning at point No. 1 from whence the ¼ corner on the south line of Section 10, T. 2 S., R. 6 E., bears N. 54°38' W. a distance of 0.42 chains; thence N. 69°49' W. a distance of 22.64 chains to point No. 2; thence N. 19°36' E. a distance of 9.13 chains to point No. 3; thence N. 31°52' E. a distance of 21.92 chains to point No. 4; thence N. 3°02' E. a distance of 15.04 chains to point No. 5; thence N. 89°36' E. a distance of 18.05 chains to point No. 6; thence S. 16°17' W. a distance of 15.99 chains to point No. 7; thence S. 65°58' W. a distance of 4.8 chains to point No. 8; thence S. 24°11' E. a distance of 18.69 chains to point No. 9; thence S. 53°48' E. a distance of 6.87 chains to point No. 10; thence S. 51°56' W. a distance of 19.79 chains to the point of beginning—said tract contains 102 acres, more or less.
Area described is approximately 102 acres.

Hill City Shop

T. 1 S., R. 4 E.,
Sec. 36: A tract of land described as follows: "Beginning at Corner No. 1, a point on the southeasterly boundary of right-of-way for U. S. Highway No. 85A within the Bonham Placer Mining Survey No. 626 located in Section 36, T. 1 S., R. 4 E., BHM; thence S. 35°08' W., 660 feet along said right-of-way to Corner No. 2; thence S. 6°39' E., 84 feet to Corner No. 3, which is identical with Corner No. 4 of Bonham Placer, M. S. 626; thence N. 63°37' E., 866.4 feet to Corner No. 4, which is identical with Corner No. 5 of said M. S. 626; thence N. 68°42' W., 336 feet to Corner No. 5; thence N. 38°35' W., to Corner No. 1, the place of beginning, a total of 4.05 acres."
Area described is 4.05 acres.

Custer Peak Lookout

T. 3 N., R. 3 E.,
Sec. 2: W½SW¼SW¼;
Sec. 3: S½SE¼.
Areas described aggregate 100.00 acres.

Terry Peak Lookout

T. 4 N., R. 2 E.,
Sec 11: Lots 1, 2, 3, All of unpatented claim "Emery No. 3" and that portion of unpatented claim "Alaska" lying within Section 11.
Areas described aggregate approximately 27 acres.

Preacher Smith Picnic Grounds

T. 5 N., R. 3 E.,
Sec. 11: Lots 6 and 7.
Areas described aggregate 66.56 acres.

Underpass Picnic Grounds

T. 2 S., R. 4 E.,
Sec. 12: Lots 2, 3, 5, 6 and 7.
Areas described aggregate 114.76 acres.

Moonshine Gulch Picnic Grounds

T. 2 N., R. 3 E.,
Sec. 24: Lot 2.
Area described is 30.16 acres.

Lone Grave Spring Picnic Ground

T. 5 N., R. 1 E.,
Sec. 31: Lot 10.
Area described is 35.72 acres.

Golden West Campground

T. 1 N., R. 3 E.,
Sec. 4: S½S½N½ exclusive of M. S. 1816, N½N½S½.
Areas described aggregate approximately 157.00 acres.

Mystic Campground

T. 2 N., R. 4 E.,
Sec. 35: S½S½, NE¼SE¼ exclusive of M. S. 2047.
Areas described aggregate approximately 193.00 acres.

Beaver Creek Recreation Area

T. 1 N., R. 1 E.,
Sec. 6: Lots 9, 10, 11, W½SE¼NW¼, NE¼SW¼, S½N½SE¼, S½SE¼.
Areas described aggregate 294.30 acres.

Ditch Creek Recreation Area

T. 1 S., R. 2 E.,
Sec. 23: W½E½NW¼SE¼, E½W½NW¼SE¼, E½SW¼SE¼.
Areas described aggregate 40.00 acres.

South Castle Creek Recreation Area

T. 1 S., R. 2 E.,
Sec. 10: S½NW¼NW¼, N½SW¼NW¼.
Areas described aggregate 40.00 acres.

Boxelder Recreation Area

T. 3 N., R. 5 E.,
Sec. 17: SW¼SW¼, S½NW¼SW¼, exclusive of M. S. 1894;
Sec. 20: W½SW¼NE¼, S½SE¼NW¼, NE¼SE¼SW¼, W½NW¼SE¼, SW¼SE¼;
Sec. 28: Lot 1, NW¼NE¼, N½SW¼NE¼, Lot 2 exclusive of the southerly 10 chains;
Sec. 29: SW¼NE¼NE¼, NW¼NE¼.
Areas described aggregate approximately 305.00 acres.

Lower Spring Creek Recreation Area

T. 1 S., R. 6 E.,
Sec. 4: All of Lots 5, 7, 8, and Lots 10, 11, 12, exclusive of the southerly 10 chains of each. All of that portion of M. S. 1010 located within Section 4, excluding the southerly 10 chains;
Sec. 5: SE¼SE¼.
Areas described aggregate approximately 220.00 acres.

Haselrodt Recreation Area Addition

T. 4 S., R. 5 E.,
Sec. 10: N½NW¼NE¼, SW¼NW¼NE¼, NW¼SW¼NE¼, W½SW¼SW¼NE¼, W½E½SW¼SW¼NE¼, SE¼SE¼NW¼, W½NW¼NW¼SE¼, W½E½NW¼NW¼SE¼, Lots 2, 3, 4, exclusive of M. S. 2124 and 2146;
Sec. 15: NW¼NW¼;
Sec. 16: NE¼NE¼.
Areas described aggregate approximately 257.00 acres.

Jenny Gulch Organization Camp

T. 2 N., R. 5 E.,
Sec. 30: SW¼NE¼, E½SE¼NW¼.
Areas described aggregate 60.00 acres.

Total of areas described in this order aggregates 2184.00 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 58–5010; Filed, July 2, 1958; 8:45 a. m.]

UTAH

NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

1. Plats of survey of the lands described below will be officially filed in the Land Office, Salt Lake City, Utah, effective at 10:00 a. m., on June 24, 1958:

SALT LAKE MERIDIAN

T. 39 S., R. 1 E.,
Sec. 1: lots 1, 2, 3, 4, S½N½, S½;
Sec. 2: lots 1, 2, 3, 4, S½N½, S½;
Sec. 3: lots 1, 2, 3, 4, S½N½, S½;
Sec. 16: all;
Sec. 32: all;
Sec. 36: all.

The area described aggregate 3,848.08 acres. Plat of survey accepted September 13, 1957.

T. 34 S., R. 12 E.,
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 16, all;
Sec. 31, lots 1, 2, 3, 4, E½W½, E½;
Sec. 32, all;
Sec. 33, all;
Sec. 36, all.

The area described aggregate 4,237.60 acres. Plat of survey accepted August 21, 1957.

T. 34 S., R. 13 E.,
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 16, all;
Sec. 32, all;
Sec. 36, lots 2, 3, 4, E½, E½SW¼.

The area described aggregate 2,445.93 acres. Plat of survey accepted August 21, 1957.

T. 34 S., R. 14 E.,
Sec. 9, all;
Sec. 10, all.

The area described aggregate 1,280.00 acres. Plat of survey accepted September 17, 1957.

T. 32 S., R. 16 E.,
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 16, all;
Sec. 30, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 35, all;
Sec. 36, all.

The area described aggregate 3,136.88 acres. Plat of survey accepted September 17, 1957.

T. 34 S., R. 17 E.,
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 31, lots 1, 2, 3, 4, E½W½, E½;
Sec. 32, all;
Sec. 33, all;
Sec. 36, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, W½NW¼, SW¼, NE¼SE¼, E½NE¼, NW¼NE¼.

The area described aggregate 3,195.68 acres. Plat of survey accepted September 17, 1957.

T. 33 S., R. 17 E.,
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 16, all;
Sec. 31, lots 1, 2, 3, 4, E½W½, E½;
Sec. 32, all;
Sec. 33, all;
Sec. 36, all.

The area described aggregate 3,829.56 acres. Plat of survey accepted September 17, 1957.

T. 32 S., R. 19 E.,
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 16, all;
Sec. 31, lots 1, 2, 3, 4, E½W½, E½;
Sec. 32, all;
Sec. 33, all;
Sec. 36, all.

The area described aggregate 3,825.84 acres. Plat of survey accepted September 17, 1957.

T. 41 S., R. 10 W.,
Sec. 29, lots 1, 2, N½, N½SW¼.

The area described aggregate 484.84 acres. Plat of survey accepted September 5, 1957.

T. 10 S., R. 19 E.,
Sec. 5, lots 9, 10, 11, 12, 15, 16, 17;
Sec. 7, lots 5, 6, 7, 8, 9, 10, 11, 12, W½SE¼, SW¼NE¼, SE¼NW¼, NE¼SW¼;
Sec. 8, lots 5, 6;
Sec. 18, lots 5, 6, 7, 8, 9, 10, 11;
Sec. 19, lots 5, 6, 7, 8, 9;
Sec. 30, lots 4, 5, 6.

The area described aggregate 1,089.86 acres. Plat of survey accepted January 16, 1958.

2. Except for and subject to valid existing rights, it is presumed that title to the following lands passed to the State of Utah upon the acceptance of the above mentioned plats of survey:

SALT LAKE MERIDIAN

T. 39 S., R. 1 E.,
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 16, all;
Sec. 32, all;
Sec. 36, all.
T. 34 S., R. 12 E.,
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 16, all;
Sec. 32, all;
Sec. 36, all.
T. 32 S., R. 16 E.,
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 36, all.
T. 34 S., R. 17 E.,
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 32, all;
Sec. 36, lots 2, 3, 5, 8, 9, 12, W½NW¼, SW¼.
T. 33 S., R. 17 E.,
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 16, all;
Sec. 32, all;
Sec. 36, all.
T. 32 S., R. 19 E.,
Sec. 2, lots 3, 4, S½NW¼, S½;
Sec. 16, all;
Sec. 32, all;
Sec. 36, all.

The areas described aggregate 13,052.18 acres.

3. The following described lands are withdrawn for use by the Bureau of Reclamation, Department of the Interior, effective June 21, 1954, for reclamation purposes:

SALT LAKE MERIDIAN

T. 32 S., R. 16 E.,
Sec. 16, all;
Sec. 30, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼.
T. 34 S., R. 13 E.,
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 16, all;
Sec. 32, all;
Sec. 36, all.
T. 34 S., R. 14 E.,
Sec. 9, all;
Sec. 10, all.

The areas described aggregate 4,418.20 acres.

4. The following described lands are withdrawn for Public Water Reserve No. 107, by Executive Order dated April 17, 1926, as modified:

SALT LAKE MERIDIAN

T. 32 S., R. 19 E.,
Sec. 2, lots 1, 2, S½NE¼.

The area described aggregate 160.15 acres.

5. The following described lands are embraced in Power Site Reserves 40 and 42, and Power Site Classifications 302, 411, and 430:

Power Site Reserve No. 40, effective August 13, 1909 as modified:

SALT LAKE MERIDIAN

T. 34 S., R. 13 E.,
Sec. 36, lots 2, 3, 4, W½NE¼, SW¼SW¼, E½SW¼.
T. 32 S., R. 16 E.,
Sec. 16, SE¼SE¼.

Power Site Reserve No. 42, effective July 1, 1910, as modified:

SALT LAKE MERIDIAN

T. 10 S., R. 19 E.,
Sec. 5, lots 9, 10, 11, 12, 15, 16, 17;
Sec. 7, lots 5, 6, 7, 8, 9, 10, 11, 12, W½SE¼, SW¼NE¼, SE¼NW¼, NE¼SW¼;
Sec. 8, lots 5, 6;
Sec. 18, lots 5, 6, 7, 8, 9, 11;
Sec. 19, lots 5, 6, 7, 8, 9;
Sec. 30, lots 4, 5, 6.

Power Site Classification No. 302, effective October 14, 1937, as modified:

SALT LAKE MERIDIAN

T. 34 S., R. 13 E.,
Sec. 36, E½NE¼, N½SE¼, SE¼SE¼.

Power Site Classification No. 430, effective September 11, 1953, as modified:

SALT LAKE MERIDIAN

T. 34 S., R. 13 E.,
Sec. 36, SW¼SW¼.

Power Site Classification No. 411, effective November 9, 1950, as modified:

T. 10 S., R. 19 E.,
Sec. 18, lot 10.

The area described aggregate 1,656.70 acres.

6. The following described lands are within application for withdrawal U–021594 of the National Parks Service, Department of the Interior, as an addition to Zion National Park.

SALT LAKE MERIDIAN

T. 41 S., R. 10 W.,
Sec. 29, lots 1, 2, N½SW¼, NW¼.

The area described aggregate 324.14 acres.

7. The following described lands are within the Manti-La Sal National Forest:

SALT LAKE MERIDIAN

T. 34 S., R. 17 E.,
Sec. 36, lots 1, 4, 6, 7, 10, 11, 12, NW¼NE¼, E½NE¼, NE¼SE¼.

The area described aggregate 281.83 acres.

8. The following described lands are affected by Small Area Classification Order No. 1, effective November 10, 1955:

SALT LAKE MERIDIAN

T. 34 S., R. 14 E.,
Sec. 9, S½NE¼;
Sec. 10, W½.

The areas described aggregate 400.00 acres.

9. The following described lands have been classified for disposal under the Recreation Act of June 14, 1926 (44 Stat. 741), as amended by act of June 4, 1954 (68 Stat. 173, 43 U. S. C. 869), and will not be open to application under the other public land laws:

SALT LAKE MERIDIAN

T. 41 S., R. 10 W.,
Sec. 29, NE¼.

The area described aggregate 160.00 acres.

10. The following described lands are opened to application, location, selection, and petition as outlined in paragraph 12 below. No application for these lands will be allowed under the homestead, desert land, small tract, or any other non-mineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

SALT LAKE MERIDIAN

T. 39 S., R. 1 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, S½.
T. 34 S., R. 12 E.,
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 31, lots 1, 2, 3, 4, E½W½, E½;
Sec. 33, all.
T. 32 S., R. 16 E.,
Sec. 35, all.
T. 34 S., R. 17 E.,
Sec. 31, lots 1, 2, 3, 4, E½W½, E½.
T. 37 S., R. 17 E.,
Sec. 31, lots 1, 2, 3, 4, E½W½, E½;
Sec. 33, all.
T. 32 S., R. 19 E.,
Sec. 31, lots 1, 2, 3, 4, E½W½, E½;
Sec. 33, all.
T. 41 S., R. 10 W.,
Sec. 29, lots 1, 2, N½SW¼, NW¼.

The areas described aggregate 7,048.08 acres.

11. Land Use Characteristics: The lands opened to application, as described in paragraph 10, are mainly rough, broken desert mountains, and high eroded mesas. The soil is principally a shallow sandy clay, having a short sparse undergrowth and infrequent and scattered patches of timber. There is no habitation and no permanent water on these lands, which are for the most part, extremely isolated and inaccessible, having no apparent agricultural value except for grazing.

12. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 10 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections, under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications or selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on July 30, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on October 29, 1958, will be governed by the time of filing.

(3) All valid applications under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on October 29, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under paragraph a. (2) above must enclose with their application proper evidence of military or naval service, preferably a complete photostatic copy of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of Code of Federal Regulations.

13. Inquiries concerning these lands shall be addressed to Manager, Land Office, Room 312, Federal Building, P. O. Box 777, Salt Lake City 10, Utah.

ERNEST E. HOUSE,
Manager,
Land Office.

JUNE 24, 1958.

[F. R. Doc. 58–5012; Filed, July 2, 1958; 8:45 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 26, 1958.

The Department of Agriculture has filed an application, Serial No. 08835, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws subject to valid existing claims. The applicant desires the land for public recreation purposes and campgrounds.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Land Office, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

SCOUT MOUNTAIN RECREATION AREA ADDITION

T. 8 S., R. 35 E.,
Sec. 27; SW¼NW¼, W½SE¼NW¼.

GRAVEL CREEK CAMPGROUND RECREATION AREA ADDITION

T. 5 S., R. 43 E.,
Sec. 35; N½SW¼SE¼.

CALAMITY CAMPGROUND

T. 1 S., R. 45 E.,
Sec. 17; N½SW¼SW¼, S½NW¼SW¼.

BEAR CREEK CAMPGROUND

T. 2 S., R. 45 E.,
Sec. 6; Lot 3.

HOFFMAN CAMPGROUND

T. 3 S., R. 46 E.,
Sec. 8; NE¼SE¼.

The areas described aggregate 199.89 acres.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 58–5079; Filed, July 2, 1958; 8:47 a. m.]

[C–022448]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JUNE 27, 1958.

Under authority of the act of April 23, 1932 (47 Stat. 136; 43 U. S. C. 154), and the regulations thereunder contained in 43 CFR 185.36, and pursuant to section 2.22 (a) of Departmental Order No. 2583 of August 16, 1950, of the Secretary of the Interior, and in accordance with the authority delegated to me by the Colorado State Supervisor, Bureau of Land Management, effective February 19, 1958 (23 F. R. 1098), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following described lands shall, commencing at 10:00 a. m., on the thirty-fifth day after the date of this order, be open to location, entry, and patenting under the United States Mining Laws, subject to the stipulations quoted below:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 41 N., R. 1 E.,
Sec. 4, lots 3, 4, S½NW¼ and N½SW¼;
Sec. 5, lots 1, 2, S½NE¼ and NE¼SE¼.

The area described above contains 444.99 acres of public land.

With respect to the above described lands it is hereby stipulated:

In carrying out the mining and milling operations contemplated hereunder, locator will, by means of substantial dikes or other adequate structures, confine all tailings, debris, and harmful chemicals in such a manner that the same shall not be carried into the Rio Grande by storm waters or otherwise.

There is reserved to the United States, its agents and employees, at all times, free ingress to, passage over, and egress from all of the above described lands for

the purpose of inspection; there is further reserved to the United States, its successors and assigns the prior right to use any of the lands hereinabove described, to construct, operate, and maintain canals, dikes, wasteways, ditches, dams, reservoirs, telephone and telegraph lines, electric transmission lines, roadways and appurtenant works, including the right to take and remove from the lands hereinabove described such construction material as may be required in the construction of irrigation works, without any payment made by the United States, or its successor for such rights.

The locator further agrees that the United States, its officers, agents, and employees and its successors or assigns, shall not be held liable for any damage to the improvements or workings of the locator resulting from the construction, operation and maintenance of any works of the United States and/or the removal of construction material from the lands hereinabove described.

This order shall not otherwise become effective to change the status of the lands until 10:00 a. m., on August 2, 1958.

Inquiries concerning these lands shall be addressed to the Land Office Manager, Bureau of Land Management, P. O. Box 1018, 371 New Custom House, Denver 1, Colorado.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F. R. Doc. 58-5080; Filed, July 2, 1958; 8:47 a. m.]

[Utah (I-11)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 24, 1958.

The U. S. Fish and Wildlife Service has filed an application, Serial No. U-028949, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and the Materials Act of July 31, 1947, subject to existing withdrawals. The land is to be under the exclusive jurisdiction of the Bureau of Sport Fisheries and Wildlife, U. S. Fish and Wildlife Service.

The applicant desires the withdrawal of these lands for the purpose of establishing the Fish Springs National Wildlife Refuge, which is necessary to complete the chain of refuges along the Pacific Migratory Waterfowl Flyway.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections or comments in writing to the State Supervisor for Utah, Bureau of Land Management, Federal Building, P. O. Box 777, Salt Lake City 10, Utah. If any objections are filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the proposed withdrawal may state their views, and where proponents may explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 11 S., R. 14 W.,
Sec. 1: All except lots 11, 12, and 13;
Sec. 3: Lots 9, 10, and 15, $W\frac{1}{2}SE\frac{1}{4}$;
Sec. 11: $N\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 12: $N\frac{1}{2}$, $SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$;
Sec. 13: $W\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$;
Sec. 14: $NE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}$;
Sec. 23: $E\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$;
Sec. 25: $NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}$;
Sec. 26: $W\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$;
Sec. 35: $E\frac{1}{2}$.
T. 11 S., R. 13 W.,
Secs. 5 to 8 incl.: All (unsurveyed);
Secs. 17 to 20 incl.: All (unsurveyed);
Secs. 29 to 32 incl.: All (unsurveyed).

The area described contains approximately 14,097.42 acres.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 58-5081; Filed, July 2, 1958; 8:47 a. m.]

[Document 183]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The U. S. Forest Service has filed four applications with Serial Nos. AR-017227, AR-017367, AR-017536, and AR-018629, for the withdrawal of the lands as described below, from all forms of appropriation including the mining laws.

The applicant desires the land for administrative site, recreation area, and roadside zones.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 148, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the applications are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

AR-017227—TONTO NATIONAL FOREST

Mt. Ord Administrative Site

T. 7 N., R. 9 E.,
Sec. 34: $SE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$;
Sec. 35: $SW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$.

Total area: Approximately 40 acres.

AR-017367—COCONINO NATIONAL FOREST

Proposed Recreation Area No. 2 (Additional Area)

T. 20 N., R. 8 E.,
Sec. 29: $E\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$.
Total area: Approximately 10 acres.

AR-017536—COCONINO NATIONAL FOREST

Forest Highway No. 10, Roadside Zone

A strip of land 300 feet on each side of the center line of Forest Highway No. 10 through national forest lands in the following legal subdivisions:

T. 12 N., R. 9 E., (Unsurveyed),
Sec. 4: $E\frac{1}{2}NW\frac{1}{4}$.
T. 13 N., R. 9 E.,
Sec. 27: $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$;
Sec. 33: $SW\frac{1}{4}SW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NE\frac{1}{4}$;
Sec. 34: $NW\frac{1}{4}NW\frac{1}{4}$.
Total area approximately 218 acres.

AR-018629—CORONADO NATIONAL FOREST

Miller Canyon Recreational Area

T. 23 S., R. 20 E.,
Sec. 23: $E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}W\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$.
Total area: 60 acres.

Peppersauce Canyon Recreation Area

T. 10 S., R. 16 E.,
Sec. 28: $S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$ excepting that portion (approx. 1.86 A) of M. S. 4097 lying therein).
Total area: 58.14 acres.

Cochise Stronghold Recreation Area

T. 17 S., R. 23 E.,
Sec. 26: Lots 2, 3, and 4.
Total area: 121.98 acres.

E. I. ROWLAND,
State Supervisor.

JUNE 24, 1958.

[F. R. Doc. 58-5082; Filed, July 2, 1958; 8:47 a. m.]

[(Offer 14); B-25161]

COLORADO

SMALL TRACT OFFER

1. Effective immediately, paragraphs 1 through 14 of Federal Register Document 55-1170 appearing on page 868 of the issue for February 10, 1955, so far as they affect the lands described below, are hereby revoked and the following paragraphs substituted therefor:

2. Pursuant to the authority delegated to me by the Colorado State Supervisor of the Bureau of Land Management, effective February 19, 1958 (23 F. R. 1098), I hereby offer the following described lands which were classified by Classification Order No. 14 dated February 2, 1955 (20 F. R. 868) as amended, for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 34 N., R. 9 W., North of the Ute Line,
Sec. 11, $E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$ and $S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$.
Containing 5.62 acres subdivided into two small tracts.

3. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

4. For convenience of description, the two tracts have been assigned a reference number as follows:

	Tract reference
Section 11: $E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$ $SE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$	4
$SE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$ $NW\frac{1}{4}NW\frac{1}{4}$	32

These tracts are about 7 miles southeast of Durango, Colorado, about one mile east of the junction of U. S. Highways 550 and 160. Electrical power is available near each tract. There is no culinary water available on either tract. However, drilled wells have provided domestic water on nearby homesites. Schools, stores, and churches are available in Durango. The tracts have been surveyed and marked by a local surveyor. Tract reference No. 4 containing a total of 1.87 acres slopes gently north with frontage on U. S. Highway 160. The soil is shallow and underlain by rock. Weeds, a few native shrubs, and pinon trees cover the tract. A gravel road occupies the east side of the tract, providing direct access to U. S. Highway 160. Two shallow gullies run north through the tract and some leveling for a building site would be necessary. Most of tract reference No. 32, containing a total of 1.75 acres, is on a steep northeast facing slope with coarse gravel and boulders exposed. A heavy growth of pinon-pine, oakbrush, and other shrubs occupy the entire tract and obscure the view to the east. There is a desirable building site in the northeast corner and clearing of a few trees would enlarge the view considerably. A road extends to the northeast corner of the tract. A small scale map showing the approximate location of these tracts can be obtained by writing the Land Office Manager, Colorado Land Office, 371 New Custom House, Post Office Box 1018, Denver 1, Colorado. The appraised fair market value of tract reference No. 4 is $450, and of tract reference No. 32 is $400. These tracts will be sold subject to all existing rights-of-way of record. A right-of-way 33 feet in width is reserved along the east and south boundary of tract reference 4 for road purposes and public utilities, in accordance with 43 CFR 257.17 (b). All minerals in the land are reserved to the United States.

5. Veterans preference rights in accordance with the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) were provided for by Small Tract Classification No. 14 (20 F. R. 868), dated February 2, 1955. This sale is therefore open to the general public irrespective of qualifications upon which veterans preference is based.

The above described tracts will be sold at public auction at a public sale to be held in room 383, New Custom House, Denver 1, Colorado, at 9:30 a. m., July 16, 1958. Bids may be made personally by an individual or his agent at the sale or by mail. Bids sent by mail will be considered only if received at the Land Office, Denver, Colorado, prior to 10:00 a. m., July 15, 1958. No sealed bid will be accepted if it is less than the appraised value of the tract. Sealed bids will be opened in the presence of the public in Room 367, New Custom House, Denver 1, Colorado, beginning at 10:00 a. m. on July 15, 1958. A list of the highest sealed bids received for each tract will be posted for public inspection at the sale. Sealed bids must be in units of $5. Oral bidding will be in increment to be announced at the sale. See paragraph 4 for appraised values.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the sale unless they can make a satisfactory showing to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. Each bid sent by mail must clearly show: (a) The name and mailing address of the bidder; (b) Offer No. 14; (c) the reference number and legal description of the tract for which the bid is made, described in accordance with paragraph 4 of this order. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. All unsuccessful bids will be promptly returned after the sale. Bids for separate tracts must be enclosed in separate envelopes but payment need only accompany the highest bid, providing all other bids designate the envelope containing the payment. Each envelope must be addressed to the Manager, Colorado Land Office, 371 New Custom House P. O. Box 1018, Denver 1, Colorado, and carry in the lower left-hand corner of its face the following information and nothing else: (a) "Bid for Small Tract"; (b) "Offer No. 14"; and (c) the reference number and legal description of the tract for which the bid is made, described in accordance with paragraph 4 above. Sender's name and return address should be shown on reverse side of envelope.

8. Each tract will be awarded to the highest qualified bidder. If the highest bid is oral the bidder will be required to make payment for the tract at the close of the bidding, and a personal check will be acceptable for this purpose. Any person who is declared high bidder for any tract will automatically be disqualified for consideration of other tracts at the sale unless he is an agent acting for one or more persons.

9. Inquiries concerning these lands should be addressed to the Land Office Manager, Bureau of Land Management, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado.

J. ELLIOTT HALL,
Land and Minerals Officer.

JUNE 24, 1958.

[F. R. Doc. 58-5083; Filed, July 2, 1958; 8:48 a. m.]

[Document 184]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Indian Affairs has filed an application, Serial No. AR-018379, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the lands for the enlargement of the Cocopah Indian Reservation.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 148, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 24 W.,
Sec. 30: Lots 14, 15.
T. 9 S., R. 25 W.,
Sec. 25: Lots 3, 4, 5.

The area described totals 81.64 acres.

E. I. ROWLAND,
State Supervisor.

JUNE 26, 1958.

[F. R. Doc. 58-5084; Filed, July 2, 1958; 8:48 a. m.]

ALASKA

TOWNSITE OF CANTWELL: NOTICE OF SALE; CORRECTION

In Federal Register Document 58-4451, published at pages 4169-4170 in the issue for June 12, 1958, the following paragraphs of the sale notice should read as follows:

3. *Public sale.* The lots will be offered for sale by the Operations Supervisor, Fairbanks, or his representative at public outcry to the highest bidder at the Territorial School, Cantwell, Alaska, on July 10, 1958, beginning at 1:00 p. m.

4. *Payments.* No lot shall be sold for less than the minimum price. Full payment may be made in cash at the date of the sale, or one-fourth of the purchase price may be paid in cash at that time and the balance to be paid on or before October 10, 1958. Payment on the date of the sale must be made to the officer conducting the sale. The deferred payment must be paid to the Manager, Fairbanks Land Office, P. O. Box 1050, Fairbanks, Alaska.

6. *Manner of sale.* Bids and payments may be made in person or by agent, but may not be made by mail nor at any time or place other than that fixed by

these regulations. Any person may purchase any number of lots for which he is the successful bidder. No bids will be made in increments of less than $5.00.

RICHARD L. QUINTUS,
Fairbanks Operations Supervisor.

[F. R. Doc. 58-5120; Filed, July 2, 1958; 8:54 a. m.]

Bureau of Reclamation

POWDER HOUSE SITE—VALE PROJECT, OREGON

ORDER OF REVOCATION

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416), and pursuant to Departmental Order No. 2765 of July 30, 1954, I hereby revoke the Departmental order of January 4, 1943, withdrawing the following-described lands in the first form as a site for the storage of explosives in connection with the Vale Project:

WILLAMETTE MERIDIAN

T. 18 S., R. 45 E.,
Sec. 18, E½SE¼SW¼SW¼.

The tract described contains approximately 5 acres.

FLOYD E. DOMINY,
Associate Commissioner.

[Oregon 06015]

JUNE 27, 1958.

I concur. The records of the Bureau of Land Management will be noted accordingly.

1. The lands are located two miles northwest of Vale, Oregon. Topography is rolling, and the soil is shallow light clay loam with slate gravel. The vegetation consists of sagebrush, cheat grass and other annual weeds.

2. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284, as amended), presented prior to 10:00 a. m. on August 2, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 1, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 1, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on November 1, 1958.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

CHARLES P. MEAD,
Director,
Bureau of Land Management.

[F. R. Doc. 58-5085; Filed, July 2, 1958; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-37]

GENERAL DYNAMICS CORP.

NOTICE OF ISSUANCE OF UTILIZATION FACILITY LICENSE; AMENDMENT

Please take notice that the Atomic Energy Commission has issued the following amended License CX-3 authorizing General Dynamics Corporation to perform additional experiments and make modifications in the General Dynamics Corporation's critical experiments facility located at Torrey Pines Mesa, California. The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed additional experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the facility.

The principal change in the experiments from the series previously authorized is the use of metal tubes filled with solid poisons which will be placed in the water channels between fuel elements and internally in certain fuel elements. With the exception of modifying the water filling system, no modifications will be made to the facility as it is now constructed.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of the issuance of the amended license upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the amended license. For further details see (1) the application submitted by General Dynamics Corporation, and amendments thereto, and (2) a hazards analysis of the proposed experiments prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulations.

Dated at Germantown, Md., this 27th day of June 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

LICENSE NO. CX-3, AS AMENDED

1. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

a. The utilization facility authorized for construction by Construction Permit No. CPCX-7 dated June 18, 1957, and issued to General Dynamics Corporation has been constructed and will operate in conformity with the application as amended and in conformity with the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the act") and the rules and regulations of the Commission;

b. There is reasonable assurance that the facility can be operated without endangering the health and safety of the public;

c. General Dynamics Corporation is technically and financially qualified to operate the facility;

d. Issuance of a license to possess and operate the facility will not be inimical to the common defense and security or to the health and safety of the public;

e. General Dynamics Corporation has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses General Dynamics Corporation:

a. Pursuant to section 104c of the act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate as a utilization facility the critical experiments facility designated

below and to conduct therein the experiments described in the application in accordance with the procedures described therein.

b. Pursuant to the act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to use in operation of the facility the special nuclear material covered by License No. SNM–69 as amended, issued to General Dynamics Corporation.

c. Pursuant to the act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material", to possess, but not to separate such byproduct material as may be produced from operation of the facility.

3. This license applies to the facility which is owned by General Dynamics Corporation and located at Torrey Pines Mesa, in San Diego, California, and described in General Dynamics Corporation's application dated October 20, 1956, and amendments thereto dated December 5, 1956, December 7, 1956, January 25, 1957, February 15, 1957, March 11, 1957, May 9, 1957, August 21, 1957, November 27, 1957, January 15, 1958, March 3, 1958, May 5, 1958, and May 6, 1958 (herein referred to as "the application").

4. This license shall be deemed to contain and be subject to the conditions specified in § 30.34 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the act and rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified or incorporated below:

a. Excess reactivity for any experiment shall not exceed 0.5 percent.

b. No experiments other than the experiments described in the application may be conducted in the facility until a description of the experiment and a Hazards Summary Report shall have been submitted to the Commission and the Commission shall have specifically authorized the experimental activity.

c. Whenever liquid poison is put into the core sufficient experiments must be performed to insure that the void coefficient of the poisoned core is negative throughout the core before other experiments are performed using the poisoned reactor.

d. Only solid poison shall be used in the experiments described in the amendment to the application dated May 5, 1958.

e. In addition to those otherwise required under this license and applicable regulations, General Dynamics Corporation shall keep the following records:

(1) Facility operating records.

(2) Records containing a description, procedures, and results for each critical experiment performed.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of General Dynamics Corporation as measured at the point of such release or discharge.

(4) Records of emergency scrams, including reasons for emergency shutdowns.

f. General Dynamics Corporation shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

5. This license is effective as of the date of issuance and shall expire at midnight June 30, 1962, unless sooner terminated.

Date of issuance: June 26, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58–5071; Filed, July 2, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9591]

AMERICAN AIRLINES, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of an investigation instituted pursuant to Order No. E–12549.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on July 15, 1958, at 10:00 a. m., e. d. s. t., in Room 1417, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Dated at Washington, D. C., June 30, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58–5114; Filed, July 2, 1958; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12498; FCC 58–611]

FALL RIVER BROADCASTING CORP. (KOBH)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Fall River Broadcasting Corporation (KOBH), Hot Springs, South Dakota, Docket No. 12498, File No. BP–11281; for construction permit.

1. The Commission has before it for consideration a (1) "Protest and Petition For Reconsideration" filed on May 26, 1958, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Peoples Broadcasting Corporation (WNAX hereinafter), licensee of Station WNAX, Yankton, South Dakota (570 kc, 5 kw, unlimited time), and directed to the Commission's action of April 23, 1958 (Public Notice released April 24, 1958) in granting without hearing the above-captioned application of Fall River Broadcasting Corporation (KOBH hereinafter) for a construction permit for a new standard broadcast station (KOBH) to operate on 580 kilocycles with a power of 1 kilowatt, daytime only, at Hot Springs, South Dakota; (2) "Brief in Support of Protest", filed on May 26, 1958 by WNAX; (3) "Opposition And Petition To Dismiss 'Protest And Petition For Reconsideration' ", filed on June 5, 1958 by KOBH; and (4) a reply thereto filed on June 12, 1958 by WNAX.[1]

2. In its Protest And Petition For Reconsideration, WNAX requests that the Commission (1) designate the KOBH application for hearing on issues specified by WNAX, "together with such further issues as may be prescribed by the Commission"; (2) place the burden of proof as to such issues on KOBH; (3) make WNAX a party to the hearing; and (4) postpone the effective date of the KOBH grant to the effective date of the Commission's decision after such a hearing.

3. WNAX claims that it is a "party in interest" or "person aggrieved or whose interests are adversely affected by the KOBH grant)" within the meaning of sections 309 (c) and 405, respectively, of the Communications Act of 1934, as amended, to have standing to file its instant pleading. This claim is based on allegations (1) that WNAX sells advertising on the basis of coverage beyond its 0.5 mv/m normally protected primary service area and KOBH's operation would diminish such coverage thereby causing economic injury to WNAX; and (2) that KOBH's operation would cause objectionable interference to WNAX within its 0.5 mv/m normally protected service area.

4. In support of its claim of economic injury, WNAX submits an affidavit by the vice president of the national sales agency which allegedly has represented WNAX for almost twenty years. The affiant states that the "broadcast services of Station WNAX have been and are sold on the basis of the Station's wide area coverage, and that, in determining such coverage, time buyers rely substantially on surveys made by national market research organizations"; that such an organization made a survey in March–May 1956 which shows that WNAX has listeners in a number of counties outside its 0.5 mv/m normally protected primary service area; that this survey is confirmed by mail responses to WNAX programs; and that "any impairment or limitation of WNAX's present wide area coverage would adversely affect WNAX's ability to attract advertising revenues." WNAX states that the area which it serves "extends far inside (KOBH's) proposed 0.5 mv/m contour—to within seventy miles of Hot Springs—and from the listener's standpoint—even includes Hot Springs"; and that KOBH "will deprive WNAX of listeners far beyond its normally protected contour."

5. As to interference, WNAX submits field intensity measurements made along a radial from its transmitter site directly toward KOBH in support of its claim that the WNAX 0.5 mv/m contour extends 210 miles toward Hot Springs. WNAX did not take measurements to establish the location of KOBH's 0.5 mv/m contour. Instead, WNAX utilized the ground conductivity of 20 mmhos/m obtained from its measurement data from its own site toward Hot Springs to establish the location of KOBH's 0.5 mv/m contour. On this basis, WNAX placed the KOBH 0.5 mv/m contour at 135 miles in the direction of Yankton. Since the distance between Hot Springs and Yankton is 313 miles, WNAX claims that the 0.5 mv/m contours of WNAX and KOBH would include a common elliptical area having a width of 32 miles at its widest point. Since WNAX and KOBH are only 10 kilocycles apart, both stations would have separate areas of interference within said elliptical area. Since WNAX's claim of interference is prem-

[1] In substance, the WNAX reply claims that the KOBH opposition does not controvert the allegations made by WNAX in its Protest And Petition For Reconsideration.

ised on its assumption of a ground conductivity of 20 mmhos/m from the KOBH transmitter site in the direction of Yankton, WNAX states further that the "reliability of this higher conductivity"—higher than the 15 and 8 mmhos/m conductivities shown in Figure M–3 of the Commission's Rules—is confirmed by proof-of-performance data submitted to the Commission by Station KOTA, Rapid City, South Dakota, "just to the northeast of Hot Springs."

6. WNAX claims that the KOBH application should not have been granted because, in addition to the issue of interference described above, listeners in the area will be deprived of what it terms WNAX's "superior" programming; that the programming proposal of KOBH is "inconsistent and ambiguous" because its broadcast schedule is shown as 90 hours a week in one part of the application and 84 hours in another part; that KOBH's proposed staff of manager, chief engineer, two announcers, and bookkeeper is insufficient "to discharge radio's basic informational programming and community responsibilities" and that "without a sales staff, it is highly questionable whether (KOBH) will actually obtain its anticipated revenue"; that there "is a question of whether (KOBH) is financially qualified to construct and operate" its proposed station because its estimated cost of construction is $20,136 and it "shows only $20,000 on deposit" with deferred credit from the equipment manufacturer, but the agreement with the manufacturer is not verified as required by the application form.

7. On the basis of the foregoing, WNAX argues that the KOBH grant should be postponed pending a decision after hearing because "both the public and (WNAX) would be injured—seriously and irreparably"; that WNAX "would not only lose advertisers and revenues to its competitors by reason of the inauguration of (KOBH's) service but these might never be recaptured"; and that "at the same time, the programming service lost to the public attendant on commencement of (KOBH's) service would be lost irrevocably." WNAX concludes that KOBH "is a newcomer to the broadcast field", is not an existing station, and that there are no "reasons whatsoever • • • to establish a new service in the instant circumstances."

8. In its opposition and petition to dismiss the WNAX pleading, KOBH contends that WNAX does not have standing to file said pleading because it has failed to show that WNAX would receive from KOBH's operation interference which is considered objectionable under the Commission Rules. In an attached engineering affidavit KOBH points out that, while WNAX did take field intensity measurements from WNAX to KOBH to establish the ground conductivity in the direction of Hot Springs, WNAX did not take measurements from KOBH toward WNAX to establish the ground conductivity in the direction of Hot Springs; that WNAX relies upon measurement data in the KOTA proof-of-performance "made probably some time in 1945" to show the extent of the KOBH 0.5 mv/m contour toward WNAX; that KOTA is located 46 miles north of KOBH at Rapid City, South Dakota, and thus the KOTA measurements are inadequate to establish the ground conductivity of the path from Hot Springs to Yankton; that the KOTA proof-of-performance measurements on two radials in a southerly direction toward Hot Springs show the ground conductivity to be 8 rather than 20 mmhos/m as claimed by WNAX; that WNAX has failed to submit any data which shows that the KOBH 0.5 mv/m contour extends toward WNAX to the point that the 0.5 mv/m contours of the two stations overlap; that, in the absence of pertinent measurements, the ground conductivities in Figure M–3 of the Commission Rules must be used to establish the location of the KOBH 0.5 mv/m contour and that, locating the KOBH 0.5 mv/m contour on this basis and accepting WNAX's measured 0.5 mv/m contour at 210 miles, the two contours are separated by 11.7 miles; and that, therefore, "there will be no interference under the present Rules and Regulations of the Standard Broadcast Technical Standards of the Federal Communciations Commission, caused to WNAX by the proposed Radio Station KOBH in Hot Springs, South Dakota."

9. KOBH makes the further contention, that the facts in the instant situation are distinguished from those in Robert Hecksher v. Federal Communications Commission, 16 Pike and Fischer RR 2031, wherein the U. S. Court of Appeals for the District of Columbia Circuit held that measurements submitted by the protestant, while not fully in accordance with the Commission Rules, were sufficient to indicate that interference might obtain. KOBH states that the "Hecksher case involved a question of measurements from an existing to the proposed station"; that "here we have no dispute as to the measurements of conductivity on the path from protestant's station"; and that "rather, this is a situation where protestant has not made a valid showing as to conductivity in the reverse direction." Consequently, KOBH claims that "having failed to establish that WNAX would receive objectionable interference, the protestant has failed to show standing" and that the WNAX protest and petition for reconsideration should be dismissed.

10. With respect to the other matters raised by WNAX, KOBH argues that "the Commission's original determination that Fall River is financially qualified has been affirmed by actual events occurring since the grant" because station KOBH "has been substantially constructed"; that the KOBH staff of 6 is adequate and the fact "that WNAX chooses to operate with 45 people, is not proof that (KOBH) cannot operate with 6"; and that the KOBH grant should be kept in effect because it would provide Hot Springs, South Dakota with its first and only local radio outlet.

11. WNAX has shown in its instant pleading that it is an existing station in Yankton, South Dakota; that it has listeners in areas beyond its 0.5 mv/m normally protected contour; that WNAX sells advertising on the basis of coverage beyond its 0.5 mv/m contour; and that interference from KOBH to WNAX would diminish such coverage and thereby cause WNAX economic injury. We are of the opinion that the showing made by WNAX is sufficient to indicate that it would suffer economic injury from the operation of KOBH; WNAX is, therefore, a "party in interest" and "person aggrieved or whose interests are adversely affected" by the KOBH grant, within the meaning of sections 309 (b) and 405, respectively, of the Communications Act of 1934, as amended, to have standing to file the instant pleading pursuant thereto. See Metropolitan Television Co. (KOA) v. United States et al., 12 Pike and Fischer, RR 2001, 2008. Having found WNAX to be a "party in interest" on the grounds of economic injury, we need not evaluate WNAX's claim that it has standing to protest on the ground that it would receive interference within its 0.5 mv/m normally protected contour from the operation of KOBH.

12. WNAX specifies ten issues on which it requests an opportunity to present evidence at a hearing and requests that the burden of proceeding with the introduction of evidence and burden of proof on these issues, as well as any other issues the Commission may add, be placed on KOBH. The issues specified by WNAX are set forth in paragraph 15, *infra*. While we are of the opinion that the facts alleged by WNAX do not support the inferences and conclusions which it draws therefrom to indicate that the KOBH grant was improperly made or would otherwise not be in the public interest, we find that the facts themselves have been specified with sufficient particularity and relevancy within the meaning of section 309 (c) of the act to require our designating the application in question for hearing. Accordingly, we are designating the application in question for evidentiary hearing on the issues specified by WNAX. However, we are not adopting these issues, and the burden of proof on each of the issues will be on the protestant. Also, by including these issues we do not determine or imply that, even if the facts with respect thereto are as alleged by WNAX, the issues are such that they could result in a determination that said grant was improper, contrary to the public interest, and should be set aside.

13. A final question is presented as to whether we should stay the effective date of the KOBH grant pending final decision after a hearing, as requested by WNAX. In this connection, section 309 (c) of the Communications Act of 1934, as amended, provides that:

> • • • pending hearing and decision (in cases arising under this section of the statute) the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in ques-

tion pending the Commission's decision after hearing.

14. No station is presently licensed to serve Hot Springs, South Dakota. Hot Springs is located 169 miles southwest of Pierre, South Dakota and has a population of 5,030 according to the 1950 U. S. Census. Thus, KOBH would provide the first local radio outlet to Hot Springs, giving it a vehicle of expression for local issues and providing radio time for local charitable, educational, religious, and civic programs of special interest to the community. Moreover, it is to be noted that there is no broadcast station located within 45 miles of Hot Springs, South Dakota and that the nearest stations to Hot Springs are as follows:

Station	Location	Facilities	Miles to Hot Springs
KRSD	Rapid City, S. Dak.	1340 kc, 250 w, U.	46
KCTA	Rapid City, S. Dak.	1380 kc, 5 kw, DA-N, U.	46
KASL	Newcastle, Wyo...	1240 kc, 250 w, U.	45
KCSR	Chadron, Nebr....	1450 kc, 250 w, U.	48

Therefore, we affirmatively find that the public interest requires that the authorization in question for the first local station in Hot Springs, South Dakota remain in effect pending a decision in the hearing provided for below. See In re Application of Letcher Broadcasting Corp. (WKNY), 14 Pike and Fischer RR 183, 187.

15. In view of the foregoing: *It is ordered*, That, pursuant to the provisions of section 309 (c) of the Communications Act of 1934, as amended, the instant Protest And Petition For Reconsideration is granted to the extent provided for below and is denied in all other respects; and that the above-captioned application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., upon the following issues:

1. To determine whether or not applicant is financially qualified to establish and operate the proposed service.

2. To determine whether or not applicant will be able to effectuate its proposal.

3. To determine the area and population which would receive primary service from the applicant's proposal and the availability of other primary service to such areas and populations.

4. To determine whether the operation of the proposed station at Hot Springs, South Dakota, would involve objectionable interference with the existing operation of Station WNAX, Yankton, South Dakota, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine the nature and extent of the interference applicant's proposal would receive from Station WNAX and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine the populations both within and without the WNAX 0.5 mv/m normally-protected daytime groundwave contours who receive a groundwave signal from the Station.

7. To determine the type and character of program service rendered by Station WNAX, Yankton, South Dakota and whether this service meets the requirements of the populations and areas proposed to lose such service, if any.

8. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

9. To determine whether the staff proposed by applicant is adequate to fulfill its programming plans and to render a satisfactory programming service to the public.

10. To determine whether, in view of the evidence adduced under the foregoing issues, it would be in the public interest, convenience and necessity to grant the above-entitled application of Fall River Broadcasting Corporation.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the issues shall be on the protestant.

It is further ordered, That the protestant and the Chief of the Broadcast Bureau are made parties to the proceeding herein and that:

1. The appearances by the parties intending to participate in the above hearing shall be filed not later than July 7, 1958.

2. The hearing on the above issues is to commence at a time and place and before an Examiner to be specified in a subsequent Order.

3. The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions.

It is further ordered, That KOBH's above-described Motion To Dismiss the WNAX Protest And Petition For Reconsideration is denied.

Adopted: June 25, 1958.

Released: June 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5118; Filed, July 2, 1958; 8:54 a. m.]

[Docket Nos. 12501-12508; FCC 58-616]

COMMUNITY TELECASTING CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of: Community Telecasting Corporation, Moline, Illinois, Docket No. 12501, File No. BPCT-2339; Frederick Epstein, Roy B. Cohen, Burt H. Cohen, Milton H. Cohen and Marvin Borman d/b as KSTT Telecasting Company, Davenport, Iowa, Docket No. 12502, File No. BPCT-2356; Tele-View News Company, Inc., Moline, Illinois, Docket No. 12503, File No. BPCT-2367; Midland Broadcasting Co., Moline, Illinois, Docket No. 12504, File No. BPCT-2370; Illiway Television, Inc., Moline, Illinois, Docket No. 12505, File No. BPCT-2428; Moline Television Corp., Moline, Illinois, Docket No. 12506, File No. BPCT-2440; Public Service Broadcasting Company, Moline, Illinois, Docket No. 12507, File No. BPCT-2442; Iowa-Illinois Television Co., Moline, Illinois, Docket No. 12508, File No. BPCT-2496; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 26th day of June 1958;

The Commission having under consideration the above-captioned applications, each requesting a permit to operate a television broadcast station on Channel 8, which channel is assigned to Davenport, Iowa, Rock Island-Moline, Illinois; and

It appearing that the above-captioned applications are mutually exclusive in that operation by all the applicants, as proposed, would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters that their applications are mutually exclusive, of the necessity for a hearing, and were advised of all objections to their applications, and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that pursuant to section 309 (b) of the Communications Act of 1934, as amended, a hearing is necessary; that Community Telecasting Corporation, Midland Broadcasting Company, Moline Television Corporation, Televiews News Company, Inc., and Iowa-Illinois Television Company are legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast stations; that Frederick Epstein et al., d/b as KSTT Telecasting Company is legally and technically qualified to construct, own and operate the proposed television broadcast station; that Illiway Television, Inc., and Public Service Broadcasting Company are legally, financially and technically qualified to construct, own and operate the proposed television broadcast stations and are otherwise qualified except as to issues "2" and "3", respectively, below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Community Telecasting Corporation, Frederick Epstein, Roy B. Cohen, Burt H. Cohen, Milton H. Cohen and Marvin Borman d/b as KSTT Telecasting Company, Televiews News Com-

pany, Inc., Midland Broadcasting Co., Illiway Television, Inc., Moline Television Corp., Public Service Broadcasting Company and Iowa-Illinois Television Company, are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Frederick Epstein *et al.*, d/b as KSTT Telecasting Company, is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether a grant of the application of Illiway Television, Inc., would be consistent with the provisions of § 3.636 (a) (1) of the rules, in view of the overlap which would result between the proposed station and Station WREX–TV, Rockford, Illinois.

3. To determine whether a grant of the application of Public Service Broadcasting Company would be consistent with the provisions of § 3.636 (a) (1) of the rules, in view of the overlap which would result between the proposed station and Station WMT–TV, Cedar Rapids, Iowa.

4. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the record made with respect to the significant differences among the applicants as to:

a. The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

b. The proposals of each with respect to the management and operation of the proposed television broadcast stations.

c. The programming service proposed in each of the above-captioned applications.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, upon his own motion or upon petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, Community Telecasting Corporation, KSTT Telecasting Company, Televiews News, Inc., Midland Broadcasting Co., Illiway Television, Inc., Moline Television Corp., Public Service Broadcasting Company and Iowa-Illinois Television Company pursuant to § 1.140 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: June 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58–5119; Filed, July 2, 1958; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–9510, G–13388, G–11325, G–14097]

CITIES SERVICE PRODUCTION CO.

NOTICE OF POSTPONEMENT OF HEARING

JUNE 27, 1958.

Upon consideration of the request filed June 26, 1958, by Counsel for Cities Service Production Company for postponement of the hearing now scheduled for July 7, 1958, in the above-designated matter;

The hearing now scheduled for July 7, 1958, is hereby postponed to November 17, 1958, at 10:00 a. m., e. d. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–5087; Filed, July 2, 1958; 8:48 a. m.]

[Docket No. G–9285]

RALPH E. FAIR AND RALPH E. FAIR, INC.

NOTICE OF POSTPONEMENT OF HEARING

JUNE 26, 1958.

Notice is hereby given that the hearing now scheduled for July 7, 1958, in the above-designated matters is postponed to commence at 10:00 a. m., e. d. t., October 13, 1958, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–5088; Filed, July 2, 1958; 8:49 a. m.]

[Docket No. G–9286]

GILLRING OIL CO.

NOTICE OF POSTPONEMENT OF HEARING

JUNE 26, 1958.

Notice is hereby given that the hearing now scheduled for July 9, 1958, in the above-designated matter is postponed to commence at 10:00 a. m., e. d. t., October 15, 1958, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–5089; Filed, July 2, 1958; 8:49 a. m.]

[Docket Nos. G–13680, G–13827, G–13849]

CONTINENTAL OIL CO. ET AL.

MISCELLANEOUS AMENDMENTS

JUNE 19, 1958.

In the matter of Continental Oil Company, Magnolia Petroleum Company, operator, Newmont Oil Company, Tennessee Gas Transmission Company.

In the Notice of Applications and Date of Hearing, issued June 17, 1958, and published in the FEDERAL REGISTER on June 21, 1958 (23 F. R. 4524), on page 3, third paragraph the words "initial rate of 22.7 cents Mcf" should be corrected to read "initial rate of 22.4 cents per Mcf"; the words "and severance" at end of second and beginning of third lines should be deleted; and "taxes" should be corrected to read "tax".

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–5090; Filed, July 2, 1958; 8:49 a. m.]

TARIFF COMMISSION

FARM TWINE

DISMISSAL OF "ESCAPE CLAUSE" APPLICATION

JUNE 30, 1958.

On June 25, 1958, the Tariff Commission dismissed, on jurisdictional grounds, an application for an "escape clause" investigation on farm twine, filed by the Cordage Institute. In this case the Commission was confronted with a question of whether the "escape clause" protective principle prevailed over an historic policy of Congress to admit farm twine free of import restrictions for the special and particular purpose of benefiting the American Farmer. The Commission held that the policy of Congress with respect to farm twine, which was established in 1894 and which was reaffirmed by Congress in legislation enacted in October 1951, precludes the application of the "escape clause" procedure to farm twine in the absence of a clear expression from Congress of a contrary intent.

DONN N. BENT,
Secretary.

[F. R. Doc. 58–5107; Filed, July 2, 1958; 8:52 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

TEXAS

NOTICE OF MAJOR DISASTER

Pursuant to the authority vested in me by the President under Executive Order 10427, dated January 16, 1953, and Executive Order 10737, dated October 30, 1957 (18 F. R. 407; 22 F. R. 8799), by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (62 U. S. C. 1855–1855g), as amended, and in furtherance of a declaration by the President in his letter to me, dated June 6, 1958, reading in part as follows:

I hereby determine the damage in the various areas of Texas adversely affected by recent and current heavy rains, floods, hail, and tornadic winds to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following counties in the State of Texas to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 6, 1958; Camp, Cass, Hill, Marion, Medina, and Upshur.

Dated: June 23, 1958.

[SEAL] LEO A. HOEGH,
Administrator,
Federal Civil Defense Administration.

[F. R. Doc. 58–5086; Filed, July 2, 1958; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3706]

COLUMBIA GAS SYSTEM, INC.

ORDER AUTHORIZING ACQUISITION BY HOLDING COMPANY OF SECURITIES OF NON-AFFILIATED PIPELINE COMPANY

JUNE 26, 1958.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, having filed an application and an amendment thereto pursuant to section 10 of the Public Utility Holding Company Act of 1935 ("act") seeking approval of its proposed acquisition of the following securities to be issued by Gulf Interstate Gas Company, a non-affiliated natural gas pipeline company:

865,000 shares of a new (5.75 percent) series of $20 par value cumulative preferred stock at $20 per share; and

295,000 shares of $5.00 par value common stock at $12 per share.

Due notice of the filing of said application having been issued and no hearing having been requested of or ordered by the Commission; and the Commission having this day filed its Findings and Opinion herein, upon the basis thereof:

It is ordered, Pursuant to section 10 of the act and Rule 23 promulgated thereunder, that the application as amended be, and hereby is, granted effective forthwith, subject to the reservation of jurisdiction as to legal fees in connection with the transaction and to the terms and conditions prescribed in Rule 24, and subject to the further condition that, if at the end of one year from the date hereof or any extension of such period that may be granted by the Commission, Columbia shall not have acquired the pipeline facilities of Gulf Interstate Gas Company, Columbia shall divest itself of the preferred and common stock of Gulf Interstate Gas Company which it may own.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58–5099; Filed, July 2, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 30, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34787: *Fine coal from Kentucky and Illinois mines to Rome, Ga.* Filed by O. W. South, Jr., Agent, for the Illinois Central Railroad Company and the Southern Railway Company (SFA No. A3680). Rates on fine coal from mines on the Illinois Central Railroad in western Kentucky and southern Illinois, including Belleville, Ill., to Rome, Ga.

Grounds for relief: Competition with natural gas.

Tariff: Supplement 86 to Illinois Central Railroad Company's tariff I. C. C. E–1860.

FSA No. 34788: *Lumber from the southwest to border points.* Filed by Southwestern Freight Bureau, Agent, for carriers parties to schedules listed in the application. Rates on lumber and related articles, carloads, as described in the application, from points in southwestern territory to Mississippi River crossings, points in southern Illinois, and points in southern territory.

Grounds for relief: Short-line distance formula, grouping, and market competition.

Tariff: Supplement 79 to Southwestern Freight Bureau tariff I. C. C. 3806 and other schedules listed in the application.

FSA No. 34789: *Asphalt from Holt and Tuscaloosa, Ala., to Memphis, Tenn.* Filed by O. W. South, Jr., Agent (SFA No. A3687), for the Gulf, Mobile and Ohio Railroad Company. Rates on asphalt (asphaltum), liquid, tank-car loads, from Holt and Tuscaloosa, Ala., to Memphis, Tenn.

Grounds for relief: Market competition with Rogerslacy, Miss.

Tariff: Supplement 110 to Southern Freight Association, Agent, tariff I. C. C. 424.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58–5100; Filed, July 2, 1958; 8:51 a. m.]

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FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 23 NUMBER 131

Washington, Friday, July 4, 1958

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 464—TOBACCO

SUBPART—PRICE SUPPORT AND TOBACCO INSPECTION ON NEW MARKETS AND ADDITIONAL SALES

On May 28, 1958, a notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 3671), regarding the issuance of concurrent and identical statements of agency policy, rules and regulations under 6 CFR Part 464 and 7 CFR Part 29, governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets. The notice provided that all persons desiring to submit written data, views, and arguments for consideration in connection with the proposed rules and regulations should submit same not later than June 10, 1958. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following policy statement and rules and regulations are hereby promulgated, pursuant to the authority contained in the Tobacco Inspection Act (49 Stat. 731, 7 U. S. C. 511 et seq.), the Commodity Credit Corporation Charter Act (62 Stat. 1070, as amended, 15 U. S. C. 714 et seq.), and the Agricultural Act of 1949, as amended (63 Stat. 1051; 7 U. S. C. 1421 et seq.).

It is found, for the reasons herein set forth, that good cause exists for making these rules and regulations effective upon their publication in the FEDERAL REGISTER. Production of the 1958 crop of tobacco is well advanced, as indicated by the fact that harvesting is under way in the sourthern portion of the flue-cured producing area. It also follows that the marketing season in this area will open within the next 30 days. Under these circumstances, it is most urgent that rules and regulations governing the extension of inspection and price support services to new markets and to additional sales be made public and effective at the earliest possible date. Also, any delay in the effectuation of these rules and regulations would work an unreasonable and unnecessary hardship on markets interested in applying for additional services as provided in the rules and regulations. Accordingly, the following policy statement and rules and regulations shall become effective immediately upon publication thereof in the FEDERAL REGISTER. The amendment to Part 464, Title 6, is as follows:

SUBPART—PRICE SUPPORT AND TOBACCO INSPECTION ON NEW MARKETS AND ADDITIONAL SALES

Sec.

464.1015 General purpose and scope.
464.1016 Definitions.
464.1017 Policy statement.
464.1018 Procedures for filing, hearing, and determination of applications.

AUTHORITY: §§ 464.1015 to 464.1018 issued under sec. 14, 49 Stat. 734, as amended, sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714 b. Interpret or apply sec. 401, 63 Stat. 1054, as amended; 7 U. S. C. 1421.

§ 464.1015 *General purpose and scope.* It is the purpose of this statement to set out the rules and regulations governing the extension of price support and tobacco inspection services to new markets and to additional sales on designated markets.

§ 464.1016 *Definitions.* As used in this subpart, the following terms shall have the following meanings:

(a) "Bona fide auction sale" and "auction sale" are synonymous and shall mean the buying and selling of tobacco offered by farmers by the auction process which customarily and usually consists of an adequate set of buyers representing different companies which either will use the tobacco in the manufacture of tobacco products in this country or in foreign countries, or will pack and sell the tobacco later for use by manufacturers in this country or foreign countries, and who can be expected by reason of their normal purchases and use of tobacco to afford continuing competition for the duration of such sale for tobacco offered by producers thereon; an auctioneer who takes each buyer's bid; a sales starter

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FEDERAL REGISTER

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(As of January 1, 1958)

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who makes the opening bid on each lot; and a ticket marker who records the applicable sales data on each lot.

(b) "Adequate set of buyers" shall mean 5 or more buyers representing 5 or more companies or buying organizations who could reasonably be expected to purchase at least two-thirds of the total U. S. production of the kind of tobacco for which the additional services are requested.

(c) "New market" shall mean an auction market or sale, other than on a designated market, at which inspection service under the Tobacco Inspection Act was not provided on a regular basis during the preceding marketing season.

(d) "Additional sale" means a proposed additional auction sale as herein defined proposed to be conducted on a designated market.

(e) "Designated market" means a market designated for mandatory inspection service pursuant to the Tobacco Inspection Act and 7 CFR 29.73.

(f) "Secretary" means the Secretary of Agriculture or any officer or employee of the United States Department of Agriculture to whom he has delegated or may delegate the authority to act in the premises.

(g) "Hearing Clerk" means the Hearing Clerk of the United States Department of Agriculture, Washington 25, D. C.

(h) "Kind of tobacco" means any one of the following: Flue-cured, Burley, Fire-cured, Dark Air-cured, Maryland, or Virginia Sun-cured.

§ 464.1017 *Policy statement.* Inspection and price support services currently provided in auction marketing areas are adequate and the lack of these services is not a limiting factor to accelerated marketings or the extension of price support to producers. Consequently, the extension of inspection and price support services, without limitation, would not contribute to the effectuation of the purposes of either of these services. The additional cost incident to the unlimited extension of these services would be unjustifiable and excessive in relation to the total quantity of tobacco available for market. Accordingly, inspection and price support services shall be made available on new markets and additional sales only as hereinafter provided. Also, since these services shall be made available to proposed new markets and additional sales only as herein provided, referenda incident to market designations shall not be conducted until markets seeking designation have qualified for inspection and price support services as herein provided.

(a) *Reasonable inspection and price support services.* The extension of tobacco inspection and price support services to new markets and additional sales will be conditioned upon the reasonableness of such services existing in the applicant market area. Transactions in tobacco as conducted at auction markets involve the sale of tobacco at a bona fide auction sale participated in by an adequate set of buyers. Determination with respect to reasonableness, and consequently with respect to granting or denying additional services, will be based on evidence (1) that the applicant market or sale will function as a bona fide auction sale and has firm commitments from an adequate set of buyers that they will participate in the sale if inspection and price support services are provided, and (2) that additional services are justifiable in relation to other market data, including the volume of tobacco produced in the area surrounding the applicant market or sale; the roads and road distances involved in moving tobacco to the proposed market or sale in relation to other tobacco marketing centers; the relative availability of facilities for redrying and packing tobacco handled or to be handled in the proposed market or sale; the location of other markets on which tobacco produced in the marketing area of the proposed market or sale may be marketed; the number of tobacco growers to be affected by the proposed market or sale; volume of tobacco likely to be sold in the market or sale; relationship of sales in the applicant market or sale to sales in other markets in the type-producing area; and other economic factors affecting the marketing of tobacco, by growers, in the area of the applicant market or sale and in the type-producing area.

(b) *Order of priority.* If the Secretary finds that there are insufficient qualified tobacco inspectors available to service adequately all applicants otherwise found to be qualified for additional inspection service pursuant to this subpart for a kind of tobacco, those applicants found to be eligible for additional services on markets designated for free and mandatory inspection shall be given priority over applicants for additional inspection service on a fee basis on other markets. If it becomes necessary to determine which of several qualified applicants having an equal order of priority under the preceding sentence shall receive additional inspection and price support services, those sales or markets where the greatest number of growers needing such service may be served with the qualified inspectors shall have priority. If an application for an additional sale on a designated market is denied for lack of qualified inspectors, the Secretary on application from such market, may temporarily suspend the requirement of inspection and certification on such market pursuant to section 5 of the Tobacco Inspection Act.

(c) *Price support services to be through warehouses.* Price support services on any market will be offered through tobacco auction warehouses operating in such market, and notwithstanding any provision of this subpart, the offering of price support services through any auction warehouse located on any market will be conditioned upon a qualified, responsible warehouseman entering into an approved auction warehouse contract under the applicable provisions of this part.

§ 464.1018 *Procedures for filing, hearing and determination of applications.*—(a) *Time and place of filing.* Applications for the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets shall be filed, in triplicate, with the Hearing Clerk not later than April 30 in the case of flue-cured tobacco, December 1 in the case of Maryland tobacco, and July 31 in the case of Burley and all other kinds of tobacco: *Provided, however,* That applications relating to flue-cured tobacco for the 1958 crop may be filed not later than July 7, 1958.

(b) *Form and content of application.* The application shall be in writing and signed by the applicant or applicants. If an applicant is a corporation, the application shall be executed by a responsible officer of such corporation. The application shall include a statement of the name, address and form of business organization of each party to the application and the location of the proposed sale.

(c) *Hearings on applications.* Following the closing date for applications for each kind of tobacco, a hearing or hearings shall be held on the applications, if any, filed for additional inspection and loan services for the kind of tobacco in question. Such hearing or hearings shall be scheduled to begin not more than 30 days following the closing date for such applications. Notice of hearing shall be issued by the Secretary, filed with the Hearing Clerk, published in the FEDERAL REGISTER and a copy mailed by the Hearing Clerk to each applicant. Such publication and mailing shall be not less than 5 days prior to the opening of the hearing.

(d) *Presiding officer.* The presiding officer at each such hearing shall be a Hearing Examiner of the Office of Hearing Examiners of the United States Department of Agriculture or such other employee of the Department of Agriculture as the Secretary may designate to act as presiding officer at such hearing. The presiding officer shall determine the order of procedure at the hearing, shall have power to administer oaths and affirmations, to rule on and admit evidence, and following the opening of the hearing, to recess the hearing to such

other times and places as he deems desirable or necessary.

(e) *Scope of hearing and burden of proof.* Each applicant shall have the burden of proving, by documentary evidence or by the testimony of buying organizations, which buying organizations are firmly committed to participate in the sale if inspection and price support services are provided. The question of whether the buying organizations so committed constitute an adequate set of buyers shall not be established at the hearing but shall be resolved on the basis of data and information relating to such buyers otherwise available to the Department, some of which data is or may be by law, confidential. Each applicant also shall have the burden of presenting evidence relative to the additional factors specified in § 464.1017 (a).

(f) *Record and evidence.* The proceedings at each such hearing shall be transcribed verbatim. All oral testimony shall be under oath or affirmation. All documentary exhibits shall be submitted in triplicate by the person offering the same. The presiding officer shall, insofar as possible, exclude testimony and exhibits which are irrelevant, immaterial, or not of the sort upon which responsible persons are accustomed to rely. Cross-examination shall be allowed only to the extent that the presiding officer in his discretion deems it desirable or necessary to develop the material facts.

(g) *Briefs.* If requested at the hearing, the presiding officer shall fix a time, not to exceed ten days from the close of the hearing, within which interested persons may mail briefs to the Hearing Clerk.

(h) *Certification and referral.* As soon as practicable following the close of the hearing, the presiding officer shall certify the transcript of the proceedings at the hearing together with all exhibits and shall transmit the same to the Hearing Clerk for referral to a review committee comprised of the Administrator, Agricultural Marketing Service; the Administrator, Commodity Stabilization Service; and a representative of the Office of the Secretary to be designated by the Secretary.

(i) *Recommended action.* The review committee specified in paragraph (h) of this section shall review and consider the applications, hearing record, including exhibits, and all other available information and data relating to such applications for each kind of tobacco and shall submit a recommendation thereon to the Secretary.

(j) *Final decision.* The Secretary shall issue the decision on each application and such decision shall be final for the forthcoming marketing season: *Provided*, That any determination that additional services will be provided may be reviewed and may be vacated if it is subsequently found that any material fact upon which a determination to render such service was based was materially erroneous or false. Such decision shall be filed with the Hearing Clerk who shall mail a true copy thereof, by certified mail, to the applicant.

Done at Washington, D. C., this 2d day of July 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-5191: Filed, July 3, 1958; 9:58 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

1. Effective upon publication in the FEDERAL REGISTER, paragraph (a) (5) is added to § 6.112 as set out below.

§ 6.112 *Department of Commerce*—(a) *General.* • • •

(5) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing.

2. Effective upon publication in the FEDERAL REGISTER, paragraph (a) (2) of § 6.312 is amended as set out below.

§ 6.312 *Department of Commerce*—(a) *Office of the Secretary.* • • •

(2) Eight Confidential Assistants to the Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-5145; Filed, July 3, 1958; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF DEFENSE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (18) of § 6.304 is amended as set out below.

§ 6.304 *Department of Defense*—(a) *Office of the Secretary.* • • •

(18) One Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-5128; Filed, July 3, 1958; 8:45 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (21) and (22) and paragraph (d) (12) and (14) of § 6.312 are revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-5129; Filed July 3, 1958; 8:48 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

GENERAL SERVICES ADMINISTRATION

In Federal Register Document No. 58-2951 filed April 18, 1958, paragraph (a) (11) of § 6.333 should have read as follows:

§ 6.333 *General Services Administration*—(a) *Office of the Administrator.* • • •

(11) Two Confidential Assistants to the Special Assistant to the Administrator (Congressional and Public Affairs).

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-5146; Filed, July 3, 1958; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 29—TOBACCO INSPECTION

SUBPART A—POLICY STATEMENT AND REGULATIONS GOVERNING THE EXTENSION OF TOBACCO INSPECTION AND PRICE SUPPORT SERVICES TO NEW MARKETS AND TO ADDITIONAL SALES ON DESIGNATED MARKETS

On May 28, 1958, a notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 3671), regarding the issuance of concurrent and identical statements of agency policy, rules, and regulations under 6 CFR Part 464 and 7 CFR Part 29, governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets. The notice provided that all persons desiring to submit written data, views, and arguments for consideration in connection with the proposed rules and regulations should submit same not later than June 10, 1958. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following policy statement and rules and regulations are hereby promulgated, pursuant to the authority contained in the Tobacco Inspection Act (49 Stat. 731, 7 U. S. C. 511 et seq.), the Commodity Credit Corporation Charter Act (62 Stat. 1070, as amended, 15 U. S. C. 714 et seq.), and the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended, 1054; 7 U. S. C. 1421 et seq.).

It is found, for the reasons herein set forth, that good cause exists for making these rules and regulations effective upon their publication in the FEDERAL REGISTER. Production of the 1958 crop of tobacco is well advanced, as indicated by the fact that harvesting is under way in the southern portion of the flue-cured producing area. It also follows that the marketing season in this area will open within the next 30 days. Under these circumstances, it is most urgent that rules and regulations governing the extension of inspection and price support services to new markets and to additional sales be made public and effective at the earliest possible date. Also, any delay in the effectuation of these rules and regulations would work an unreasonable and unnecessary hardship on markets interested in applying for additional services as provided in the rules and regulations. Accordingly, the following policy statement and rules and regulations shall become effective immediately upon publication thereof in the FEDERAL REGISTER. The amendment to Part 29, Title 7, is as follows:

Delete Subpart A, of Part 29, Title 7, consisting of §§ 29.1 and 29.2, and substitute therefor the following new subpart:

SUBPART A—POLICY STATEMENT AND REGULATIONS GOVERNING THE EXTENSION OF TOBACCO INSPECTION AND PRICE SUPPORT SERVICES TO NEW MARKETS AND TO ADDITIONAL SALES ON DESIGNATED MARKETS

Sec.
29.1 Definitions.
29.2 Policy statement.
29.3 Procedure for filing, hearing and determination of applications.

AUTHORITY: §§ 29.1 to 29.3 issued under sec. 14, 49 Stat. 734; 7 U. S. C. 511m. Interpret or apply secs. 401, 403, 63 Stat. 1051, as amended, 1054, as amended; 7 U. S. C. 1421, 1423.

§ 29.1 *Definitions.* As used in this subpart, the following terms shall have the following meanings:

(a) "Bona fide auction sale" and "auction sale" are synonymous and shall mean the buying and selling of tobacco offered by farmers by the auction process which customarily and usually consists of an adequate set of buyers representing different companies which either will use the tobacco in the manufacture of tobacco products in this country or in foreign countries, or will pack and sell the tobacco later for use by manufacturers in this country or foreign countries, and who can be expected by reason of their normal purchases and use of tobacco to afford continuing competition for the duration of such sale for tobacco offered by producers thereon; an auctioneer who takes each buyer's bid; a sales starter who makes the opening bid on each lot; and a ticket marker who records the applicable sales data on each lot.

(b) "Adequate set of buyers" shall mean 5 or more buyers representing 5 or more companies or buying organizations who could reasonably be expected to purchase at least two-thirds of the total U. S. production of the kind of tobacco for which the additional services are requested.

(c) "New market" shall mean an auction market or sale, other than on a designated market, at which inspection service under the Tobacco Inspection Act was not provided on a regular basis during the preceding marketing season.

(d) "Additional sale" means a proposed additional auction sale as herein defined proposed to be conducted on a designated market.

(e) "Designated market" means a market designated for mandatory inspection service pursuant to the Tobacco Inspection Act and § 29.73.

(f) "Secretary" means the Secretary of Agriculture or any officer or employee of the United States Department of Agriculture to whom he has delegated or may delegate the authority to act in the premises.

(g) "Hearing Clerk" means the Hearing Clerk of the United States Department of Agriculture, Washington 25, D. C.

(h) "Kind of tobacco" means any one of the following: Flue-cured, Burley, Fire-cured, Dark Air-cured, Maryland, or Virginia Sun-cured.

§ 29.2 *Policy statement.* Inspection and price support services currently provided in auction marketing areas are adequate and the lack of these services is not a limiting factor to accelerated marketings or the extension of price support to producers. Consequently, the extension of inspection and price support services, without limitation, would not contribute to the effectuation of the purposes of either of these services. The additional cost incident to the unlimited extension of these services would be unjustifiable and excessive in relation to the total quantity of tobacco available for market. Accordingly, inspection and price support services shall be made available on new markets and additional sales only as hereinafter provided. Also, since these services shall be made available to proposed new markets and additional sales only as herein provided, referenda incident to market designations shall not be conducted until markets seeking designation have qualified for inspection and price support services as herein provided.

(a) *Reasonable inspection and price support services.* The extension of tobacco inspection and price support services to new markets and additional sales will be conditioned upon the reasonableness of such services existing in the applicant market area. Transactions in tobacco as conducted at auction markets involve the sale of tobacco at a bona fide auction sale participated in by an adequate set of buyers. Determination with respect to reasonableness, and consequently with respect to granting or denying additional services, will be based on evidence (1) that the applicant market or sale will function as a bona fide auction sale and has firm commitments from an adequate set of buyers that they will participate in the sale if inspection and price support services are provided, and (2) that additional services are justifiable in relation to other market data, including the volume of tobacco produced in the area surrounding the applicant market or sale; the roads and road distances involved in moving tobacco to the proposed market or sale in relation to other tobacco marketing centers; the relative availability of facilities for redrying and packing tobacco handled or to be handled in the proposed market or sale; the location of other markets on which tobacco produced in the marketing area of the proposed market or sale may be marketed; the number of tobacco growers to be affected by the proposed market or sale; volume of tobacco likely to be sold in the market or sale; relationship of sales in the applicant market or sale to sales in other markets in the type-producing area; and other economic factors affecting the marketing of tobacco, by growers, in the area of the applicant market or sale and in the type-producing area.

(b) *Order of priority.* If the Secretary finds that there are insufficient qualified tobacco inspectors available to service adequately all applicants otherwise found to be qualified for additional inspection service pursuant to this subpart for a kind of tobacco, those applicants found to be eligible for additional services on markets designated for free and mandatory inspection shall be given priority over applicants for additional inspection service on a fee basis on other markets. If it becomes necessary to determine which of several qualified applicants having an equal order of priority under the preceding sentence shall receive additional inspection and price support services, those sales or markets where the greatest number of growers needing such service may be served with the qualified inspectors shall have priority. If an application for an additional sale on a designated market is denied for lack of qualified inspectors, the Secretary on application from such market, may temporarily suspend the requirement of inspection and certification on such market pursuant to section 5 of the Tobacco Inspection Act.

(c) *Price support services to be through warehouses.* Price support services on any market will be offered through tobacco auction warehouses operating in such market, and notwithstanding any provision of this subpart, the offering of price support services through any auction warehouse located on any market will be conditioned upon a qualified, responsible warehouseman entering into an approved auction warehouse contract under the provisions of the applicable tobacco price support program, published at 6 CFR Part 464.[1]

§ 29.3 *Procedures for filing, hearing and determination of applications.*—(a) *Time and place of filing.* Applications for the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets shall be filed, in triplicate, with the Hearing Clerk not later than April 30 in the case of flue-cured tobacco, December 1 in the case of Maryland tobacco, and July 31 in the case of Burley and all other kinds of tobacco: *Provided, however*, That applications relating to flue-cured tobacco for the 1958

[1] See Title 6, Chapter IV, Part 464, *supra*.

crop may be filed not later than July 7, 1958.

(b) *Form and content of application.* The application shall be in writing and signed by the applicant or applicants. If an applicant is a corporation, the application shall be executed by a responsible officer of such corporation. The application shall include a statement of the name, address and form of business organization of each party to the application and the location of the proposed sale.

(c) *Hearings on applications.* Following the closing date for applications for each kind of tobacco, a hearing or hearings shall be held on the applications, if any, filed for additional inspection and loan services for the kind of tobacco in question. Such hearing or hearings shall be scheduled to begin not more than 30 days following the closing date for such applications. Notice of hearing shall be issued by the Secretary, filed with the Hearing Clerk, published in the FEDERAL REGISTER and a copy mailed by the Hearing Clerk to each applicant. Such publication and mailing shall be not less than 5 days prior to the opening of the hearing.

(d) *Presiding officer.* The presiding officer at each such hearing shall be a Hearing Examiner of the Office of Hearing Examiners of the United States Department of Agriculture or such other employee of the Department of Agriculture as the Secretary may designate to act as presiding officer at such hearing. The presiding officer shall determine the order of procedure at the hearing, shall have power to administer oaths and affirmations, to rule on and admit evidence, and following the opening of the hearing, to recess the hearing to such other times and places as he deems desirable or necessary.

(e) *Scope of hearing and burden of proof.* Each applicant shall have the burden of proving, by documentary evidence or by the testimony of buying organizations, which buying organizations are firmly committed to participate in the sale if inspection and price support services are provided. The question of whether the buying organizations so committed constitute an adequate set of buyers shall not be established at the hearing but shall be resolved on the basis of data and information relating to such buyers otherwise available to the Department, some of which data is or may be by law, confidential. Each applicant also shall have the burden of presenting evidence relative to the additional factors specified in § 29.2 (a).

(f) *Record and evidence.* The proceedings at each such hearing shall be transcribed verbatim. All oral testimony shall be under oath or affirmation. All documentary exhibits shall be submitted in triplicate by the person offering the same. The presiding officer shall, insofar as possible, exclude testimony and exhibits which are irrelevant, immaterial, or not of the sort upon which responsible persons are accustomed to rely. Cross-examination shall be allowed only to the extent that the presiding officer in his discretion deems it desirable or necessary to develop the material facts.

(g) *Briefs.* If requested at the hearing, the presiding officer shall fix a time, not to exceed ten days from the close of the hearing, within which interested persons may mail briefs to the Hearing Clerk.

(h) *Certification and referral.* As soon as practicable following the close of the hearing, the presiding officer shall certify the transcript of the proceedings at the hearing together with all exhibits and shall transmit the same to the Hearing Clerk for referral to a review committee comprised of the Administrator, Agricultural Marketing Service; the Administrator, Commodity Stabilization Service; and a representative of the Office of the Secretary to be designated by the Secretary.

(i) *Recommended action.* The review committee specified in paragraph (h) of this section shall review and consider the applications, hearing record, including exhibits, and all other available information and data relating to such applications for each kind of tobacco and shall submit a recommendation thereon to the Secretary.

(j) *Final decision.* The Secretary shall issue the decision on each application and such decision shall be final for the forthcoming marketing season: *Provided*, That any determination that additional services will be provided may be reviewed and may be vacated if it is subsequently found that any material fact upon which a determination to render such service was based was materially erroneous or false. Such decision shall be filed with the Hearing Clerk who shall mail a true copy thereof, by certified mail, to the applicant.

Done at Washington, D. C., this 2d day of July 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-5192; Filed, July 3, 1958; 9:58 a. m.]

Chapter IV—Federal Crop Insurance Corporation

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTY DESIGNATED FOR ORANGE CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143), the following county has been designated for orange crop insurance for the 1958 crop year.

California: Tulare.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 58-5138; Filed, July 3, 1958; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 143]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.443 *Valencia Orange Regulation 143*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 2, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., July 6, 1958, and ending at 12:01 a. m., P. s. t., July 13, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 693,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 3, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5207; Filed, July 3, 1958; 11:46 a. m.]

[Bartlett Pear Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.600 *Bartlett Pear Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Bartlett Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Bartlett pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; and a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 5, 1958. A reasonable determination as to the supply of, and the demand for, Bartlett pears must await the development of the crop and adequate information thereon was not available to the Bartlett Pear Commodity Committee until June 26, 1958; recommendation as to the need for, and the extent of, regulation of shipments of such pears was made at the meeting of said committee on June 26, 1958, after consideration of all available information relative to the supply and demand conditions for such pears, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such pears are expected to begin on or about July 5, 1958; and this section should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 5, 1958, and ending at 12:01 a. m., P. s. t., January 1, 1959, no shipper shall ship any box or container of Bartlett pears unless:

(i) All such pears grade not less than U. S. No. 2;

(ii) At least 75 percent, by count, of the pears contained in any box or container grade at least U. S. No. 1, with the following exceptions: (a) Such pears may fail to be fairly well formed only because of short shape but shall not be seriously misshapen; and (b) a quantity of such pears equivalent to not more than 10 percent of the total number of pears in any box or container may be damaged but not seriously damaged by hail; and

(iii) All such pears are of a size not smaller than the size known commercially as size 180.

(2) Section 936.143 (§ 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of Bartlett pears. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(c) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size known commercially as size 180" means a size Bartlett pear that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with five tiers, each tier having six rows with six pears in each row, and with the twenty-one smallest pears weighing not less than five pounds.

(3) "Standard pear box" means the container so designated in section 828.3 of the Agricultural Code of California.

(4) "U. S. No. 1," "U. S. No. 2," "fairly well formed," "seriously misshapen," "damage," "seriously damaged," and "standard pack" shall have the same meaning as when used in the United States Standards for Pears (Summer and Fall), §§ 51.1260-51.1278 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 1, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5132; Filed, July 3, 1958; 8:46 a. m.]

[Nectarine Order 1]

PART 937—NECTARINES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 937.301 *Nectarine Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937; 23 F. R. 4616) regulating the handling of nectarines grown in the State of California, effective June 25, 1958, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the

declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 28, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 5, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no handler shall handle any package or container of Sun Grand nectarines unless such nectarines grade at least U. S. No. 1; and,

(i) If the nectarines are packed in a No. 26 standard lug box, or in a No. 27 standard lug box, they are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the respective lug box; or

(ii) If the nectarines are packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, ninety (90) percent, by count, of the nectarines measure not less than two and one-eighth (2⅛) inches in diameter.

(2) When used herein, "U. S. No. 1," "diameter," and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145–51.3159 of this title; 23 F. R. 3994); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box," and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 1, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5133; Filed, July 3, 1958; 8:47 a. m.]

[Nectarine Order 2]

PART 937—NECTARINES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 937.302 *Nectarine Order 2*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937; 23 F. R. 4616) regulating the handling of nectarines grown in the State of California, effective June 25, 1958, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 28, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 5, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no handler shall handle any package or container of Early Le Grand nectarines unless such nectarines grade at least U. S. No. 1; and,

(i) If the nectarines are packed in a No. 26 standard lug box, or in a No. 27 standard lug box, they are of a size that will pack, in accordance with the requirements of a standard pack, not more than 84 nectarines in the respective lug box; or

(ii) If the nectarines are packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, ninety (90) percent, by count, of the nectarines measure not less than two and one-quarter (2¼) inches in diameter.

(2) When used herein, "U. S. No. 1," "diameter," and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145–51.3159 of this title; 23 F. R. 3994); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box," and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 1, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5134; Filed, July 3, 1958; 8:47 a. m.]

[Nectarine Order 3]

PART 937—NECTARINES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 937.303 *Nectarine Order 3*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937; 23 F. R. 4616) regulating the handling of nectarines grown in the State of California, effective June 25, 1958, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 28, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 5, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no handler shall handle any package or container of Panamint nectarines unless such nectarines grade at least U. S. No. 1; and,

(i) If the nectarines are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack; or

(ii) If the nectarines are packed in any container other than a standard basket, ninety (90) percent, by count, of the nectarines measure not less than two (2) inches in diameter.

(2) When used herein, "U. S. No. 1," "diameter," and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145–51.3159 of this title; 23 F. R. 3994); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box," and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 1, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5135; Filed, July 3, 1958; 8:47 a. m.]

[Nectarine Order 4]

PART 937—NECTARINES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 937.304 *Nectarine Order 4*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937; 23 F. R. 4616) regulating the handling of nectarines grown in the State of California, effective June 25, 1958, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 28, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 5, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no handler shall handle any package or container of Gower nectarines unless such nectarines grade at least U. S. No. 1; and,

(i) If the nectarines are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack; or

(ii) If the nectarines are packed in any container other than a standard basket, ninety (90) percent, by count, of the nectarines measure not less than 1 13/16 inches in diameter.

(2) When used herein, "U. S. No. 1," "diameter," and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145–51.3159; 23 F. R. 3994); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box," and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 1, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5136; Filed, July 3, 1958; 8:47 a. m.]

[Lemon Reg. 746]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.853 *Lemon Regulation 746*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions

for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 1, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 6, 1958, and ending at 12:01 a. m., P. s. t., July 13, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 395,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 2, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5188; Filed, July 3, 1958; 8:59 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 34]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

Section 610.14 *Green civil airway 4* is amended to read in part:

From Winslow, Ariz., LFR; to El Morro, N. Mex., LFR; MEA 10,000.
From El Morro, N. Mex., LFR; to *Albuquerque, N. Mex., LFR; MEA 11,000. *10,300—MCA Albuquerque LFR, eastbound.
From Newhall, Calif., LFR; to *Palmdale, Calif., LFR; 8,000. *7,000—MCA Palmdale LFR, southwestbound.

Section 610.14 *Green civil airway 4* is amended by adding:

From Los Angeles, Calif., LF/RBN; to White Cap INT, Calif.; MEA 2,000.
From White Cap INT, Calif.; to Camarillo, Calif., LFR; MEA 3,500.

Section 610.115 *Amber civil airway 15* is added to read:

From *Ethelda Bay, British Columbia, Canada, LF/RBN; to Annette Island, Alaska, LFR; MEA 7,500. *For that airspace over U. S. Territory.

Section 610.109 *Amber civil airway 9* is amended to read in part:

From Myrtle Beach, S. C., LF/RBN; to Wilmington, N. C., LP/RBN; MEA 1,500.

Section 610.201 *Red civil airway 1* is amended to read in part:

From Kelly, Tex., LFR; to Leon, Tex., LF RBN; MEA 2,200.
From Leon, Tex., LF/RBN; to Medina INT, Tex.; MEA 2,700.

Section 610.211 *Red civil airway 11* is amended to delete:

From Int. 124-304 M brg. Enid (Vance), LF/RBN and NE crs Gage LFR; to Enid (Vance), Okla., LF/RBN; MEA 2,600.
From Enid (Vance), Okla., LF/RBN; to Mulhall INT, Okla.; MEA 2,500.

Section 610.212 *Red civil airway 12* is amended to delete:

From U. S.-Canada Boundary; to Erie, Pa., LFR; MEA 2,000.

Section 610.257 *Red civil airway 57* is amended to delete:

From Des Moines, Iowa, LFR; to Cedar Rapids, Iowa, LF/RBN; MEA 2,200.
From Cedar Rapids, Iowa, LF/RBN; to Moline, Ill., LF/RBN; MEA 2,100.
From Moline, Ill., LF/RBN; to Rockford, Ill., LFR; MEA 2,500.
From Rockford, Ill., LFR; to Milwaukee, Wis., LFR; MEA 2,500.
From Milwaukee, Wis., LFR; to Battle Creek, Mich., LFR; MEA 2,500.
From Battle Creek, Mich., LFR; to Toledo, Ohio, LFR; MEA 2,200.

Section 610.277 *Red civil airway 77* is amended to delete:

From Greensboro, N. C., LFR; to Lynchburg, Va., LFR; MEA 4,000.
From Lynchburg, Va., LFR; to Sheppard INT, Va.; MEA 3,000.
From Sheppard INT, Va.; to Morven INT, Va.; eastbound, MEA 2,000; westbound, MEA 3,000.
From Morven INT, Va.; to Richmond, Va., LFR; MEA 2,000.

Section 610.670 *Blue civil airway 70* is amended to delete:

From Ardmore, Okla., LF/RBN; to Okemah INT, Okla.; MEA 2,700.
From Okemah INT, Okla.; to Tulsa, Okla., LFR; MEA 2,400.

Section 610.672 *Blue civil airway 72* is deleted.

Section 610.1001 *Direct routes, U. S.* is amended to read in part:

From Raleigh, N. C., LFR; to Wilmington, N. C., LF/RBN; MEA 2,800.

Section 610.1001 *Direct routes, U. S.* is amended by adding:

From Leona, Tex., VOR; to Magnolia INT, Tex.; MEA 2,000.
From Leona, Tex., VOR; to New Waverly INT, Tex.; MEA 1,900.
From Hempstead INT, Tex.; to Navasota INT, Tex.; MEA 1,800.
From Sealy INT, Tex.; to College Station, Tex., VOR; MEA 2,000.
From Willis INT, Tex.; to College Station, Tex., VOR; MEA 1,800.
From Florence, S. C., VOR; to Planter INT, S. C.; MEA 1,200.
From Richmond, Calif., LF/RBN; to Paralion Island, Calif., LF/RBN; MEA 4,000.

Section 610.6003 *VOR civil airway 3* is amended to delete:

From Florence, N. C., VOR; to *Murray INT N. C.; MEA 2,100. *3,300—MRA.
From Murray INT, N. C.; to Raleigh-Durham, N. C., VOR; MEA 2,100.
From Florence, N. C., VOR Via W alter.; to Raleigh-Durham, N. C., VOR via W alter.; MEA *2,400. *1,800—MOCA.
From Raleigh, N. C. VOR; to Chase City INT, Va.; MEA *3,000. *2,000—MOCA.
From Chase City INT, Va.; to Flat Rock, Va., VOR; MEA *2,500. *2,000—MOCA.

Section 610.6003 *VOR civil airway 3* is amended by adding:

From Florence, N. C., VOR; to Raleigh, N. C., VOR; MEA *3,500. *2,000—MOCA.
From Florence, N. C., VOR via E alter.; to Raleigh, N. C., VOR via E alter.; MEA *3,500. *2,000—MOCA.
From Raleigh, N. C., VOR; to Flat Rock, Va., VOR; MEA *3,500. *2,000—MOCA.

Section 610.6006 *VOR civil airway 6* is amended to read in part:

From Iowa City, Iowa, VOR via S alter.; to Buffalo INT, Iowa, via S alter.; MEA 2,100.
From Buffalo INT, Iowa, via S alter.; to Cordova, Ill., VOR via S alter.; MEA 2,300.

Section 610.6007 *VOR civil airway 7* is amended to read in part:

From Tallahassee, Fla., VOR; to Marianna, Fla., VOR; MEA 1,500.

Section 610.6008 *VOR civil airway 8* is amended to read in part:

From Iowa City, Iowa, VOR via S alter.; to Buffalo INT, Iowa, via S alter.; MEA 2,100.
From Buffalo INT, Iowa, via S alter.; to Cordova, Ill., VOR via S alter.; MEA 2,300.

Section 610.6012 *VOR civil airway 12* is amended to read in part:

From Fillmore, Calif., VOR; to *Palmdale, Calif., VOR; MEA 8,000. *7,000—MCA Palmdale VOR, southwestbound.

Section 610.6013 *VOR civil airway 13* is amended to read in part:

From Des Moines, Iowa, VOR via E alter.; to Union INT, Iowa, via E alter.; MEA *3,000. *2,600—MOCA.

Section 610.6016 *VOR civil airway 16* is amended to read in part:

From Columbus, N. Mex., VOR; to El Paso, Tex., VOR; MEA 8,500.
From *Lebanon INT, Tenn., via N alter.; to **Center Hill INT, Tenn., via N alter.; MEA ***3,000. *2,300—MRA. **5,000—MRA. ***2,200—MOCA.
From Sulphur Springs, Tex., VOR via S alter.; to Texarkana, Ark., VOR via S alter.; MEA 1,700.

Section 610.6022 *VOR civil airway 22* is amended to read in part:

From Tallahassee, Fla., VOR; to Marianna, Fla., VOR; MEA 1,500.

Section 610.6023 *VOR civil airway 23* is amended to read in part:

From Modesto, Calif., VOR via W alter.; to *Thornton INT, Calif., via W alter.; MEA 2,000. *2,300—MRA.
From Thornton INT, Calif., via W alter.; to Sacramento, Calif., VOR via W alter.; MEA 2,000.

Section 610.6031 *VOR civil airway 31* is amended to read in part:

From Williamsport, Pa., VOR; to Elmira, N. Y., VOR; MEA 4,000.

Section 610.6035 *VOR civil airway 35* is amended to read in part:

From Philipsburg, Pa., VOR; to Stonyfork, Pa., VOR; MEA 4,500.
From Stonyfork, Pa., VOR; to Elmira, N. Y., VOR; MEA 4,500.

Section 610.6040 *VOR civil airway 40* is amended to read:

From Bergholz INT, Ohio; to Imperial, Pa., VOR; MEA 2,500.
From Imperial, Pa., VOR; to New Alexandria INT, Pa.; MEA 3,000.

Section 610.6041 *VOR civil airway 41* is amended to read:

From Pittsburgh, Pa., VOR; to Imperial Pa., VOR; MEA 2,500.
From Imperial, Pa., VOR; to Palestine INT, Ohio; MEA 2,500.
From Palestine INT, Ohio; to Youngstown, Ohio, VOR; MEA 3,000.

Section 610.6042 *VOR civil airway 42* is amended to read in part:

From Atwater INT, Ohio; to Power Point INT, Ohio; MEA 3,000.
From Power Point INT, Ohio; to Imperial, Pa., VOR; MEA 2,500.
From Imperial, Pa., VOR; to Pittsburgh, Pa., VOR; MEA 2,500.

Section 610.6045 *VOR civil airway 45* is amended to read in part:

From New Bern, N. C., VOR; to Clayton INT, N. C.; MEA *3,000. *2,800—MOCA.
From Clayton INT, N. C.; to Raleigh, N. C., VOR; MEA 2,800.
From Raleigh, N. C., VOR; to Greensboro, N. C., VOR; MEA 2,500.
From Raleigh, N. C., VOR via E alter.; to *Reid INT, N. C., via E alter.; MEA **2,500. *2,500—MRA. **2,300—MOCA.
From Raleigh, N. C., VOR via W alter.; to Greensboro, N. C., VOR via W alter.; MEA 2,100.

Section 610.6054 *VOR civil airway 54* is amended to read in part:

From Naples INT, Tex.; to Texarkana, Ark., VOR; MEA 1,700.

Section 610.6059 *VOR civil airway 59* is amended to read in part:

From Pulaski, Va., VOR; to Beckley, W. Va., VOR; MEA 6,000.
From Beckley, W. Va., VOR; to Ivydale INT, W. Va.; MEA 5,000.
From Ivydale INT, W. Va.; to Parkersburg, W. Va., VOR; MEA 3,000.

Section 610.6066 *VOR civil airway 66* is amended to read in part:

From Columbus, N. Mex., VOR; to El Paso, Tex., VOR; MEA 8,500.

Section 610.6068 *VOR civil airway 68* is amended to read in part:

From San Antonio, Tex., VOR; to *Elmendorf INT, Tex.; MEA 2,200. *4,000—MRA.
From Elmendorf INT, Tex.; to *Floresville INT, Tex.; MEA 2,200. *3,000—MRA.
From Floresville INT, Tex.; to Clareville INT, Tex.; MEA 2,200.
From Clareville INT, Tex.; to Corpus Christi, Tex., VOR; MEA 1,400.

Section 610.6072 *VOR civil airway 72* is amended to read in part:

From Bradford, Pa., VOR; to Elmira, N. Y., VOR; MEA 4,000.

Section 610.6084 *VOR civil airway 84* is amended by adding:

From Buffalo, N. Y., VOR; to Geneseo, N. Y., VOR; MEA 3,000.
From Geneseo, N. Y., VOR; to Bellona INT, N. Y.; MEA 3,500.
From Bellona INT, N. Y.; to Syracuse, N. Y., VOR; MEA 2,500.

Section 610.6095 *VOR civil airway 95* is amended to read:

From Phoenix, Ariz., VOR; to Knob INT, Ariz.; northbound, MEA 8,000; southbound, MEA 6,500.
From Knob INT, Ariz.; to Ranch INT, Ariz.; MEA 8,000.
From Ranch INT, Ariz.; to Winslow, Ariz., VOR; MEA *13,200. *11,000—MOCA.

Section 610.6103 *VOR civil airway 103* is amended by adding:

From Cleveland, Ohio, VOR; to U. S.-Canadian Border; MEA 2,000.

Section 610.6107 *VOR civil airway 107* is amended to read in part:

From Coalinga, Calif., VOR; to Mount Hamilton INT, Calif.; MEA 7,000.
From Mount Hamilton INT, Calif.; to Mount Day INT, Calif.; southbound, MEA 7,000; northbound, MEA 6,000.
From Mount Day INT, Calif.; to Mission INT, Calif.; southbound, MEA 7,000; northbound, MEA 5,000.
From Mission INT, Calif.; to Oakland, Calif., VOR; southbound, MEA 7,000; northbound, MEA 3,500.

Section 610.6116 *VOR civil airway 116* is amended to read in part:

From Bradford, Pa., VOR; to Stonyfork, Pa., VOR; MEA 4,500.
From Stonyfork, Pa., VOR; to Wilkes-Barre, Scranton, Pa., VOR; MEA 4,500.

Section 610.6117 *VOR civil airway 117* is amended to read in part:

From *Thermal Calif., VOR; to Palm Springs INT, Calif.; MEA 12,000. *12,000—MCA Thermal VOR, northbound.
From Palm Springs INT, Calif.; to Bullion INT, Calif.; MEA *16,000. *12,000—MOCA.
From Bullion INT, Calif.; to Daggett, Calif., VOR; MEA 8,000.

Section 610.6119 *VOR civil airway 119* is amended to read:

From Huntington, W. Va., LF/RBN; to Henderson, W. Va., VOR; MEA 2,500.
From Henderson, W. Va., VOR; to Parkersburg, W. Va., VOR; MEA 2,500.
From Parkersburg, W. Va., VOR; to Wheeling, W. Va., VOR; MEA 2,600.
From Wheeling, W. Va., VOR; to Imperial, Pa., VOR; MEA 3,000.
From Imperial, Pa., VOR; to Fitzgerald, Pa., VOR; MEA 3,500.
From Fitzgerald, Pa., VOR; to Bradford, Pa., VOR; MEA 4,000.
From Bradford, Pa., VOR; to Wellsville, N. Y.; VOR; MEA 4,500.
From Wellsville, N. Y., VOR; to Burns INT, N. Y.; MEA 4,000.
From Burns INT, N. Y.; to Geneseo, N. Y., VOR; MEA 3,500.

From Geneseo, N. Y., VOR; to Rochester, N. Y., VOR; MEA 2,000.

Section 610.6123 *VOR civil airway 123* is amended to read in part:

From Baltimore, Md., VOR; to Essex INT, Md.; MEA 6,000.
From Essex INT, Md.; to Port Deposit INT, Md.; MEA 3,000.

Section 610.6126 *VOR civil airway 126* is amended to read in part:

From Bradford, Pa., VOR; to Stonyfork, Pa., VOR; MEA 4,500.
From Stonyfork, Pa., VOR; to Wilkes-Barre, Scranton, Pa., VOR; MEA 4,500.

Section 610.6133 *VOR civil airway 133* is amended to read in part:

From Mansfield, Ohio, VOR; to Sandusky, Ohio, VOR; MEA 2,500.
From Sandusky, Ohio, VOR; to Perch INT, Ohio; MEA 2,000.
From Perch INT, Ohio; to Detroit River INT, Mich.; MEA *2,500. *2,000—MOCA.

Section 610.6135 *VOR civil airway 135* is amended by adding:

From Lida INT, Nev.; to Tonopah, Nev., VOR; MEA 9,000.

Section 610.6136 *VOR civil airway 136* is amended to read in part:

From South Boston, Va., VOR; to Raleigh, N. C., VOR; MEA 2,500.

Section 610.6137 *VOR civil airway 137* is amended to read in part:

From Salinas, Calif., VOR; to *Agnew, Calif., VOR; MEA 6,000. *4,000—MCA Agnew VOR, southeastbound.

Section 610.6138 *VOR civil airway 138* is amended to read in part:

From Grand Island, Nebr., VOR; to Lincoln, Nebr., VORTAC; MEA 3,500.
From Lincoln, Nebr., VORTAC; to Gretna INT, Nebr.; MEA 2,500.

Section 610.6140 *VOR civil airway 140* is amended to read in part:

From Baltimore, Md., VOR; to Essex INT, Md.; MEA 6,000.
From Essex INT, Md.; to Port Deposit INT, Md.; MEA 3,000.

Section 610.6143 *VOR civil airway 143* is amended to delete:

From Greensboro, N. C., VOR; to Penhook INT, Va.; MEA 3,000.
From Penhook INT, Va.; to Montebello, Va., VOR; MEA 6,000.

Section 610.6143 *VOR civil airway 143* is amended by adding:

From Greensboro, N. C., VOR; to Lynchburg, Va., VOR; MEA 4,000.
From Lynchburg, Va., VOR; to Montebello, Va., VOR; MEA 6,000.

Section 610.6147 *VOR civil airway 147* is amended to read in part:

From Elmira, N. Y., VOR; to Geneseo, N. Y., VOR; MEA 3,500.
From Geneseo, N. Y., VOR; to Rochester, N. Y., VOR; MEA 2,500.

Section 610.6152 *VOR civil airway 152* is amended to read in part:

From Orlando, Fla., VOR via N alter.; to Woodruff INT, Fla., via N alter.; MEA 1,700.

Section 610.6155 *VOR civil airway 155* is amended to read in part:

From Raleigh, N. C., VOR; to Lawrenceville, Va., VOR; MEA 1,800.

Section 610.6163 *VOR civil airway 163* is amended to read in part:

From Alice, Tex., VOR; to *Floresville INT, Tex.; MEA 2,200. *3,000—MRA.

Section 610.6164 *VOR civil airway 164* is amended to read in part:

From Wellsville, N. Y., VOR; to Stonyfork, Pa., VOR; MEA 4,500.
From Stonyfork, Pa., VOR; to Williamsport, Pa., VOR; MEA 4,000.

Section 610.6174 *VOR civil airway 174* is amended to delete:

From Troy, Ill., VOR; to Vernon INT, Ill.; MEA 2,100.
From Vernon INT, Ill.; to *Farina INT, Ill.; MEA **3,100. *3,100—MRA. **2,100—MOCA.
*Farina INT, Ill.; to Carlisle INT, Ind.; MEA **3,100. *3,100—MRA. **2,100—MOCA.
From Carlisle INT, Ind.; to Scotland, Ind., VOR; MEA 2,000.
From York, Ky., VOR; to Eureka INT, Ky.; MEA 2,500.
From Eureka INT, Ky.; to *Gay INT, W. Va.; MEA **4,000. *4,000—MRA. **2,500—MOCA.
From Gay INT, W. Va.; to *Clara INT, W. Va.; MEA **4,000. *5,000—MRA. **3,000—MOCA.
From Clara INT, W. Va.; to Elkins, W. Va., VOR; MEA 5,000.

Section 610.6174 *VOR civil airway 174* is amended by adding:

From Troy, Ill., VOR; to Mound INT, Ill.; MEA 1,900.
From Mound INT, Ill.; to Bible Grove, Ill., VOR; MEA 2,000.
From Bible Grove, Ill., VOR; to Carlisle INT, Ill.; MEA 2,100.
From Carlisle INT, Ill.; to Scotland, Ind., VOR; MEA 2,000.
From York, Ky., VOR; to Henderson, W. Va., VOR; MEA 2,500.
From Henderson, W. Va., VOR; to *Clara INT, W. Va.; MEA 5,000. *4,000—MRA.
From Clara INT, W. Va.; to Elkins, W. Va., VOR; MEA 5,000.

Section 610.6190 *VOR civil airway 190* is amended by adding:

From *Phoenix, Ariz., VOR; to St. Johns, Ariz., VOR; MEA **12,000. *7,000—MCA Phoenix VOR, eastbound. **11,000—MOCA.
From St. Johns, Ariz., VOR; to Grants, N. Mex., VOR; MEA 10,500.

Section 610.6194 *VOR civil airway 194* is amended to read in part:

From Charlotte, N. C., VOR; to Goldston INT, N. C.; MEA *5,000. *2,000—MOCA.
From Goldston INT, N. C.; to Raleigh, N. C., VOR; MEA 2,100.
From Raleigh, N. C., VOR; to Rocky Mount, N. C., VOR; MEA 2,000.
From Raleigh, N. C., VOR via S alter.; to Rocky Mount, N. C., VOR via S alter.; MEA 2,800.

Section 610.6198 *VOR civil airway 198* is amended to read in part:

From Columbus, N. Mex., VOR; to El Paso, Tex., VOR; MEA 8,500.

Section 610.6210 *VOR civil airway 210* is amended to read in part:

From Hector, Calif., VOR; to *Goffs, Calif., VOR; MEA 8,000. *7,500—MCA Goffs VOR, westbound.
From Farmington, N. Mex., VOR via S alter.; to Alamosa, Colo., VOR via S alter.; MEA 13,000.

Section 610.6214 *VOR civil airway 214* is amended by adding:

From Troy, Ill., VOR; to Mound INT, Ill.; MEA 1,900.
From Mound INT, Ill.; to Bible Grove, Ill., VOR; MEA 2,000.
From Bible Grove, Ill., VOR; to Lewis, Ind., VOR; MEA 2,000.
From Lewis, Ind., VOR; to Banta INT, Ind.; MEA 2,200.
From Banta INT, Ind.; to Shelbyville, Ind., VOR; MEA 2,000.

Section 610.6222 *VOR civil airway 222* is amended to delete:

From Hickory, N. C., VOR; to Elkin INT, N. C.; MEA 4,100.

Section 610.6222 *VOR civil airway 222* is amended by adding:

From Hickory, N. C., VOR; to Lynchburg, Va., VOR; MEA 4,100.
From Lynchburg, Va., VOR; to Gordonsville, Va., VOR; MEA 3,500.

Section 610.6232 *VOR civil airway 232* is amended by adding:

From Fitzgerald, Pa., VOR; to Milton, Pa., VOR; MEA 4,000.
From Milton, Pa., VOR; to Stroudsburg, Pa., VOR; MEA 4,000.

Section 610.6244 *VOR civil airway 244* is amended by adding:

From *Modesto, Calif., VOR; to **Coaldale, Nev., Vor; MEA 16,000. *10,000—MCA Modesto VOR, eastbound. **11,000—MCA Coaldale VOR, westbound.
From Coaldale, Nev., VOR; to Tonopah, Nev., VOR; MEA 11,000.
From Tonopah, Nev., VOR; to Milford, Utah, VOR; MEA *20,000. *12,000—MOCA.
From *Milford, Utah, VOR; to **Hanksville, Utah, VOR; MEA ***18,000. *12,000—MCA Milford VOR, eastbound. **11,000—MCA Hanksville VOR, westbound. ***15,000—MOCA.

Section 610.6250 *VOR civil airway 250* is amended to delete:

From Bergholz INT, Pa.; to Ellwood City, Pa., VOR; MEA 2,500.

Section 610.6250 *VOR civil airway 250* is amended by adding:

From Imperial, Pa., VOR; to Ellwood City, Pa., VOR; MEA 3,000.

Section 610.6252 *VOR civil airway 252* is amended by adding:

From Buffalo, N. Y., VOR; to Geneseo, N. Y., VOR; MEA 3,000.
From Geneseo, N. Y., VOR; to Watkins Glen, N. Y., VOR; MEA 3,500.
From Watkins Glen, N. Y., VOR; to Binghamton, N. Y., VOR; MEA 3,500.

Section 610.6260 *VOR civil airway 260* is amended by adding:

From Roanoke, Va., TVOR; to Lynchburg, Va., VOR; MEA 5,000.
From Lynchburg, Va., VOR; to Sheppards INT, Va.; MEA 3,000.
Sheppards INT, Va.; to Flat Rock, Va., VOR; eastbound, MEA 2,000; westbound, 3,000.
From Flat Rock, Va., VOR; to Richmond, Va.; LFR; MEA 2,000.

Section 610.6261 *VOR civil airway 261* is amended to read in part:

From Pulaski, Va., VOR; to Beckley, W. Va., VOR; MEA 6,000.

Section 610.6264 *VOR civil airway 264* is deleted.

Section 610.6267 *VOR civil airway 267* is amended to read in part:

From Orlando, Fla., VOR; to Woodruff INT, Fla.; MEA 1,700.

Section 610.6274 *VOR civil airway 274* is amended to read in part:

From Grand Rapids, Mich., ILS/LOM; to *Lowell INT, Mich.; northeastbound, MEA **4,000; southwestbound, MEA 2,000. *4,000—MRA. **2,000—MOCA.
From Lowell INT, Mich.; to *Orleans INT, Mich.; MEA **4,000. *4,000—MRA. **2,000—MOCA.

Section 610.6297 *VOR civil airway 297* is added to read:

From Mansfield, Ohio, VOR; to Sandusky, Ohio, VOR; MEA 2,500.
From Sandusky, Ohio, VOR; to Perch INT, Ohio; MEA 2,000.
From Perch INT, Ohio; to Crest INT, Mich.; MEA *2,500. *2,000—MOCA.
From Crest INT, Mich.; to Carleton, Mich., VOR; MEA 2,000.

Section 610.6402 *Hawaii VOR civil airway 2* is amended to read in part:

From Hula Girl INT, T. H., via S alter.; to *Makai INT, T. H., via S alter.; northeastbound, MEA 3,000; southwestbound, MEA 4,000. *5,000—MRA.
From Makai INT, T. H., via S alter.; to Honolulu, T. H., VOR via S alter.; northeastbound, MEA 3,000; southwestbound, MEA 4,000.

Section 610.6404 *Hawaii VOR civil airway 4* is amended to read in part:

From Hula Girl INT, T. H.; to *Makai INT, T. H.; northeastbound, MEA 3,000; southwestbound, MEA 4,000. *5,000—MRA.
From Makai INT, T. H.; to *Honolulu, T. H., VOR; northeastbound, MEA 3,000; southwestbound, MEA 4,000. *5,000—MCA Honolulu VOR, northeastbound.

Section 610.6408 *Hawaii VOR civil airway 8* is amended to read in part:

From *Molokai, T. H., VOR; to Blue Fin INT, T. H.; MEA 5,500. *3,500—MCA Molokai VOR, northeastbound.
From Blue Fin INT, T. H.; to *Tuna INT, T. H.; MEA 3,000. *4,000—MCA Tuna INT, southwestbound.

Section 610.6421 *VOR civil airway 421* is amended by adding:

From Truth or Consequences, N. Mex., VOR; to St. Johns, Ariz., VOR; MEA *13,000. *12,000—MOCA.
From St. Johns, Ariz., VOR; Zuni, N. Mex., VOR; MEA 9,000.

Section 610.6608 *VOR civil airway 1508* is amended to read in part:

From *Daggett, Calif., VOR; to Baxter INT, Calif.; MEA 6,000. *8,000—MCA Daggett VOR, southwestbound.
From Baxter INT, Calif.; to *Silver Lake INT, Calif.; MEA 9,500. *13,000—MRA.
From Silver Lake INT, Calif.; to *Clark INT, Calif.; MEA 9,500. *13,000—MRA.
From Clark INT, Calif.; to Las Vegas, Nev., VOR; MEA 9,500.

Section 610.6610 *VOR civil airway 1510* is amended to read in part:

From *Daggett, Calif., VOR; to Baxter INT, Calif.; MEA 6,000. *8,000—MCA Daggett VOR, southwestbound.

From Baxter INT, Calif.; to *Silver Lake INT, Calif.; MEA 9,500. *13,000—MRA.
From Silver Lake INT, Calif.; to *Clark INT, Calif.; MEA 9,500. *13,000—MRA.
From Clark INT, Calif.; to Las Vegas, Nev., VOR; MEA 9,500.

Section 610.6612 *VOR civil airway 1512* is amended to read in part:

From Hector, Calif., VOR; to *Goffs, Calif., VOR; MEA 8,500. *7,500—MCA Goffs VOR, westbound.

Section 610.6614 *VOR civil airway 1514* is amended by adding:

From *Modesto, Calif., VOR; to **Coaldale, Nev., VOR; MEA 16,000. *10,000—MCA Modesto VOR, eastbound. **11,000—MCA Coaldale VOR, westbound.
From Coaldale, Nev., VOR; to Tonopah, Nev., VOR; MEA 11,000.
From Tonopah, Nev., VOR; to Milford, Utah, VOR; MEA *20,000. *12,000—MOCA.
From *Milford, Utah, VOR; to **Hanksville, Utah, VOR; MEA ***18,000. *12,000—MCA Milford VOR, eastbound. **11,000—MCA Hanksville VOR, westbound. ***15,000—MOCA.

Section 610.6616 *VOR civil airway 1516* is amended to read in part:

From Farmington, N. Mex., VOR; to Horse Lake INT, N. Mex.; MEA 13,000.
From York, Ky., VOR; to Henderson, W. Va., VOR; MEA 2,500.
From Henderson, W. Va., VOR; to *Clara INT, W. Va.; MEA 5,000. *4,000—MRA.
From Clara INT, W. Va.; to Elkins, W. Va., VOR; MEA 5,000.

Section 610.6618 *VOR civil airway 1518* is amended to read in part:

From Los Angeles, Calif., VOR; to Long Beach, Calif., VOR; MEA 2,000.

Section 610.6620 *VOR civil airway 1520* is amended to read in part:

From Los Angeles, Calif., VOR; to Long Beach, Calif., VOR; MEA 2,000.

Section 610.6620 *VOR civil airway 1520* is amended by adding:

From Prescott, Ariz., VOR; to St. Johns, Ariz., VOR; MEA *12,500. *10,000—MOCA.
From St. Johns, Ariz., VOR; to *La Joya, N. Mex., VOR; MEA **12,000. *10,000—MCA La Joya VOR, westbound. **11,000—MOCA.
From La Joya, N. Mex., VOR; to Corona, N. Mex., VOR; MEA 9,500.
From Corona, N. Mex., VOR; to Texico, N. Mex., VOR; MEA *16,000. *9,000—MOCA.

Section 610.6622 *VOR civil airway 1522* is amended to read in part:

From Columbus, N. Mex., VOR; to El Paso, Tex., VOR; MEA 8,500.

Section 610.6629 *VOR civil airway 1529* is amended to read in part:

From Casper, Wyo., VOR; to Dickinson, N. Dak., VOR; MEA *19,000. *8,000—MOCA.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective July 31, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JUNE 27, 1958.

[F. R. Doc. 58-5073; Filed, July 3, 1958; 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

APPENDIX A—DELEGATIONS OF AUTHORITY

GENERAL DELEGATION OF AUTHORITY TO HEADS OF SERVICES, STAFF OFFICERS AND REGIONAL COMMISSIONERS

340. *Board of Review.* The Board of Review is hereby delegated to act as the representative of the Administrator in hearing, considering, and determining, as fully and finally as might the Administrator, appeals from decisions by contracting officers or other officials of the General Services Administration on disputed questions involving the award and administration of contracts, including contracts which contain provisions requiring the decision of appeals by the head of a department or his duly authorized representative or board, or where the Administrator of General Services has granted the right of appeal not otherwise authorized.

The Administrator of General Services, as necessary, may direct that this authority shall not be exercised in specific cases where he may desire or be required to render a decision on the matter in dispute, in which event the Board of Review shall make findings and recommendations to the Administrator with respect thereto.

In those cases where the consideration of the Comptroller General of the United States is desired or required before the final decision of the Board of Review is given, the request for the decision of the Comptroller General of the United States shall be by and with the approval of the Administrator of General Services.

The Board of Review shall have the power to adopt its own rules relating to the presentation and preparation of appeals, conduct of hearings, and issuance of opinions.

Effective date. This delegation of authority shall become effective immediately.

Dated: June 27, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-5125; Filed, July 3, 1958; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

NUSHAGAK, EGEGIK AND UGASHIK DISTRICTS; EXTENSION OF FISHING TIME

JULY 2, 1958.

Basis and purpose: On the basis of stronger salmon runs than anticipated in the Nushagak, Egegik, and Ugashik districts of Bristol Bay, it has been determined that the fishing time specified in § 104.9 can be extended by six hours in the second open period for the week ending July 5 in the above-named districts.

Section 104.9 is amended by adding a new paragraph designated (e) to read as follows:

(e) Notwithstanding the provisions contained in paragraphs (a), (b), and (d) of this section, fishing will be permitted from 9 a. m. July 3 to 3 p. m. July 4, 1958, in the Nushagak, Egegik, and Ugashik districts.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Since immediate action is necessary if full utilization of the runs is to be made, notice and public procedure on the above amendments are not in the public interest and, therefore, they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.).

RALPH C. BAKER,
Acting Director, Bureau of Commercial Fisheries.

[F. R. Doc. 58-5137; Filed, July 2, 1958; 3:49 p. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I-3 (Revised)]

DMO I-3—ESTABLISHING PROCEDURES FOR THE DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS AND FOR THE AUTHORIZATION OF DEFENSE HOUSING AND COMMUNITY FACILITIES ASSISTANCE BY DESIGNATION OF PARTICULAR PERIODS OR PROJECTS

REVOCATION

Defense Mobilization Order I-3 (Revised) dated February 11, 1955 (20 F. R. 1054) is hereby revoked.

Dated: June 30, 1958.

OFFICE OF DEFENSE MOBILIZATION,
GORDON GRAY,
Director.

[F. R. Doc. 58-5141; Filed, July 3, 1958; 8:49 a. m.]

[Defense Mobilization Order VI-4]

DMO VI-4—PROTECTIVE CONSTRUCTION FOR INDUSTRIAL FACILITIES AND AVAILABILITY OF TAX AMORTIZATION INCENTIVE

REVOCATION

Defense Mobilization Order VI-4 dated March 12, 1954 (19 F. R. 1439), is hereby revoked.

Dated: June 30, 1958.

OFFICE OF DEFENSE MOBILIZATION,
GORDON GRAY,
Director.

[F. R. Doc. 58-5142; Filed, July 3, 1958; 8:49 a. m.]

[Defense Mobilization Order VII–6]

DMO VII–6—EXPANSION GOALS

REVOCATION

Defense Mobilization Order VII–6 dated December 3, 1953 (18 F. R. 7876) and all amendments and supplements thereto are hereby revoked.

Dated: June 30, 1958.

OFFICE OF DEFENSE MOBILIZATION,
GORDON GRAY,
Director.

[F. R. Doc. 58–5143; Filed, July 3, 1958; 8:49 a. m.]

PROPOSED RULE MAKING

POST OFFICE DEPARTMENT

[39 CFR Parts 111, 141]

INTERNATIONAL POSTAGE RATES

REVISION

It is proposed, effective August 1, 1958, to adopt changes in international postage rates in order to establish rates more in relationship with the new domestic rates (Public Law 85–426, approved May 27, 1958) and to achieve greater conformity to international postal conventions.

The amendments which follow to 39 CFR, Chapter I, will bring about the desired purposes.

The proposed amendments relate to proprietary and foreign affairs functions of the Government and are therefore exempt from the rule making requirements of 5 U. S. C. 1003. However, consideration will be given to written views presented with respect to the proposed rates. Patrons desiring to submit written views or comments may send the same to Dr. I. I. Raines, Director, Postal Rates Division, Bureau of Finance, Post Office Department, Washington 25, D. C., at any time prior to July 21, 1958.

PART 111—POSTAL UNION MAIL

a. In § 111.1 *All categories* make the following changes in paragraph (a):

1. In the chart, opposite both Canada and Mexico, and under "Airmail rates—Letters and letter packages, per ½ oz.", strike out "'.06" and insert in lieu thereof "'.07".

2. Amend footnote 4 to read as follows:

⁴ Per ounce (letters). Single post cards, 5 cents each.

b. In § 111.2 *Specific categories* make the following changes:

1. Amend paragraph (a) (1) to read as follows:

(1) *Rates.* The surface rate for letters and letter packages to Canada and Mexico is 4 cents per ounce. To all other countries it is 8 cents for the first ounce and 5 cents for each additional ounce. For airmail rates, see § 111.1 (a).

NOTE: The corresponding Postal Manual section is 221.211.

2. In paragraph (b) amend subdivisions (i) and (ii) of subparagraph (1) to read as follows:

(i) *Surface.* Canada and Mexico, 3 cents single; reply-paid, 3 cents each half. All other countries, 5 cents single; reply-paid, 5 cents each half.

(ii) *Airmail.* Canada and Mexico, 5 cents single; reply-paid, 7 cents on message half, 3 cents on reply half. St. Pierre and Miquelon, 8 cents single; reply-paid, 8 cents on message half, 5 cents on reply half. All other countries, 10 cents single; reply-paid, letter rate (10, 15, or 25 cents) on message half and 5 cents on reply half. There is no provision whereby you may prepay the reply half for return to the United States by airmail. See § 121.3 (b) of this chapter regarding prepayment of foreign reply-paid cards to be transmitted to other countries by airmail.

NOTE: The corresponding Postal Manual section is 221.221 a and b.

3. In paragraph (c) amend subparagraph (1) to read as follows:

(1) *Rates.* Surface rate for commercial papers for all countries is 4 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction of 2 ounces. Minimum charge is 10 cents. For airmail rates, see § 111.1 (a).

NOTE: The corresponding Postal Manual section is 221.231.

4. That part of paragraph (d) (1) which precedes subdivision (i), and subdivision (i) are amended to read as follows:

(1) *Surface rates.* Surface rates for printed matter to all countries are 4 cents for the first 2 ounces and 2 cents for each additional 2 ounces, except as follows:

(i) For rates on second-class matter mailed by publishers or registered news agents, see § 22.1 (d) of this chapter.

NOTE: The corresponding Postal Manual section is 221.241a.

5. In subdivision (i) of paragraph (d) (6) strike out "8 cents" and insert in lieu thereof "12 cents".

NOTE: The corresponding Postal Manual section is 221.246a.

6. In paragraph (f) amend subparagraph (1) by striking out "3 cents" and inserting in lieu thereof "4 cents".

NOTE: The corresponding Postal Manual section is 221.261.

7. In paragraph (g) amend subparagraph (1) to read as follows:

(1) *Rates.* Surface rate for all countries accepting small packets is 4 cents for each 2 ounces or fraction. Minimum charge, 20 cents per packet. For airmail rates, see § 111.1 (a). See subparagraph (8) of this paragraph for list of countries which do not accept small packets.

NOTE: The corresponding Postal Manual section is 221.271.

8. In paragraph (h) amend subparagraph (1) to read as follows:

(1) *Rates.* The surface rate is 4 cents for each 2 ounces or fraction. Minimum charge, 10 cents per package. For airmail rates, see § 111.1 (a).

NOTE: The corresponding Postal Manual section is 221.281.

9. In paragraph (i) amend the first sentence of subdivision (ii) of subparagraph (2) by striking out "3 cents" and inserting in lieu thereof "4 cents".

NOTE: The corresponding Postal Manual section is 221.292b.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 141—OUTGOING MAIL (TREATMENT ABROAD AND RETURN TO UNITED STATES)

In § 141.1 *Postal Union mail* amend subdivisions (i) and (iv) of paragraph (c) (2) to read as follows:

(i) On any 8-ounce merchandise package, return postage equal to the amount of postage originally paid.

• • • • •

(iv) On second-class matter returned from Canada, if you are the publisher or registered news agent, return postage of 2 cents for the first 2 ounces and 1 cent for each additional ounce.

NOTE: The corresponding Postal Manual section is 251.132a and d.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58–5185; Filed, July 3, 1958; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 958]

IRISH POTATOES GROWN IN COLORADO

EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the area committee for Area No. 2 established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposal is as follows:

§ 958.227 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending May 31, 1959, will amount to $3,024.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 97 and Order No. 58, shall be one-tenth of one cent ($0.001) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(49 Stat. 758, as amended; 7 U. S. C. 608c)

Dated: July 1, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58–5153; Filed, July 3, 1958; 8:51 a. m.]

Agricultural Research Service

[7 CFR Part 320]

MEXICAN BORDER REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator of the Agricultural Research Service, pursuant to the authority conferred by the Act of Congress approved January 31, 1942, entitled "An Act to provide for regulating, inspecting, cleaning, and, when necessary, disinfecting railway cars, other vehicles, and other materials entering the United States from Mexico" (56 Stat. 40; 7 U. S. C. 149) and section 106 of the Federal Plant Pest Act (Title I, Public Law 85–36, 71 Stat. 33; 7 U. S. C. 150ee) is considering the amendment of the regulations in Part 320 of Title 7 of the Code of Federal Regulations, in the following respects:

1. Amend § 320.3 by adding thereto the following new definition:

§ 320.3 *Definitions.* • • •

(h) *Soil.* The loose surface material of the earth in which plants grow, in most cases consisting of disintegrated rock with an admixture of organic material and soluble salts.

2. Amend Part 320 by adding thereto a new § 320.10 to read as follows:

§ 320.10 *Soil.* Soil may be imported, as such, from Mexico at any port on the Mexican border only as authorized under this section.

(a) *Permits.* The Director of the Plant Quarantine Division may issue permits for the importation of soil for research, analytical, religious, ceremonial, patriotic or similar purposes, or such other purposes as he shall deem consistent with the objectives of this part, specifying in the permit or in the related correspondence, the safeguards, including methods of treatment, or other conditions which he deems necessary for the purpose of preventing the introduction of insect pests and plant diseases.

(b) *Applications for permits.* Only persons resident in the United States may apply for permits to import soil from Mexico at a port on the Mexican border. Any such person contemplating such an importation shall first make application for a permit by using the form provided therefor by the Plant Quarantine Division or by submitting to the Division, in the form of a letter or other written communication, the following information: Origin of the shipment, destination, quantity, method of shipment, proposed port of first arrival in the United States, approximate date of arrival in the United States, intended use, measures to be employed to prevent danger of dissemination of insect pests and plant diseases, method of final disposition, and the number of parcels expected to be moved. In acting upon the application for permit for such importation of soil, the Director will follow the procedures outlined in § 330.202 for the consideration of applications for permits to move plant pests, insofar as they are applicable.

(c) *Issuance of permits; special mailing labels for mail importations.* Upon the approval of an application for a permit to import soil from Mexico under this part, the permit will be issued, including any conditions which, in the opinion of the Director, are necessary in order to prevent the introduction of insect pests and plant diseases. The Director may require the applicant to agree in writing to the conditions prior to the issuance of the permit. The importer will receive with the permit information on the manner in which the importation is to be made. All containers are to be stoutly constructed so as to prevent breakage in transit and danger of dissemination of insect pests and plant diseases and shall be appropriately labeled as to contents. If the soil is imported by mail, special mailing labels will be issued to the importer, with instructions for their use, which he is to send to the foreign shipper. The quantity of mailing labels issued will be sufficient for the foreign shipper to attach one to each parcel forwarded by mail. Such mailing labels will indicate to the postal and the plant quarantine officials that the importation is authorized under the conditions specified in the permit. Importations arriving by mail without labels will be subject to refusal of entry into the United States by the inspector unless treated, at the expense of the owner, in a manner to remove danger of introduction of insect pests and plant diseases. The Director may issue mailing labels for importations into the United States of earth other than soil when the importation might otherwise be impeded because of similarity to earth subject to regulation under this section.

The purpose of the proposed amendments is to regulate further the importation at Mexican border ports of soil from Mexico.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(56 Stat. 40, 7 U. S. C. 149; § 106, Title I, Public Law 85–36, 71 Stat. 33; 7 U. S. C. 150ee)

Done at Washington, D. C., this 1st day of July 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 58–5158; Filed, July 3, 1958; 8:52 a. m.]

[7 CFR Part 330]

PLANT PESTS

NOTICE OF PROPOSED REGULATIONS TO PREVENT ENTRY AND INTERSTATE MOVEMENT OF PLANT PESTS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator of the Agricultural Research Service, pursuant to the Federal Plant Pest Act of May 23, 1957 (Title I of Public Law 85–36, 71 Stat. 31; 7 U. S. C. 150aa–150jj) and section 501 of the act of August 31, 1951 (65 Stat. 290; 5 U. S. C. 140) is considering the adoption of regulations to appear as a new part 330 entitled "Plant Pests" in Chapter III, Title 7, of the Code of Federal Regulations, as follows:

SUBPART—GENERAL PROVISIONS

§ 330.100 *Definitions.* Words used in the singular form in the regulations in this part shall be deemed to import the plural and vice versa, as the case may demand. For the purposes of this part, unless the context otherwise requires, the following words shall be construed, respectively, to mean:

(a) *Department.* The United States Department of Agriculture.

(b) *Director.* The Director of the Plant Quarantine Division of the Agricultural Research Service of the Department, or any officer or employee of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(c) *Division.* The Plant Quarantine Division, Agricultural Research Service of the Department.

(d) *Inspector.* A properly identified employee of the Department or other person authorized by the Department to enforce the provisions of the Federal Plant Pest Act and the Plant Quarantine Act.

(e) *Customs.* The Bureau of Customs, United States Treasury Department, or, with reference to Guam, the Customs office of the Government of Guam.

(f) *Person.* Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(g) *Owner.* The owner, or his agent (including a carrier), having responsible custody of a plant pest, means of conveyance, product or article subject to the regulations in this part.

(h) *Plant pest.* "Plant pest" means any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other product of plants.

(i) *United States.* The States, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

(j) *Continental United States.* The States and the District of Columbia.

(k) *Territories or possessions.* Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

(l) *Interstate.* From one State, Territory or possession or the District of Columbia into or through any other State, Territory or possession, or the District of Columbia. This term includes movements, within its provisions, to a port in the United States for export.

(m) *Move (moved and movement).* "Move" means ship, deposit for transmission in the mail, otherwise offer for shipment, offer for entry, import, receive for transportation, carry, or otherwise transport or move, or allow to be moved, by mail or otherwise. "Moved" and "movement" shall be construed accordingly.

(n) *Through the United States.* From and to places outside the United States.

(o) *Means of conveyance.* Automobiles, trucks, animal-drawn vehicles, railway cars, aircraft, boats, and other means of transportation.

(p) *Permit.* An authorization allowing the movement into or through the United States, or interstate, of a plant pest, or a regulated product, article, or means of conveyance in accordance with the provisions in this part.

(q) *Act.* The Federal Plant Pest Act approved May 23, 1957 (Title I, 71 Stat. 31; 7 U. S. C. 150aa et seq.).

(r) *Plant Quarantine Act.* The act approved August 20, 1912, 37 Stat. 315, as amended (7 U. S. C. 151 et seq.)

(s) *Earth.* The softer matter composing part of the surface of the globe, in distinction from the firm rock, and including the soil and subsoil, as well as finely divided rock and other soil formation materials down to the rock layer.

(t) *Soil.* The loose surface material of the earth in which plants grow, in most cases consisting of disintegrated rock with an admixture of organic material and soluble salts.

(u) *Garbage.* Any refuse material that contains fruit, vegetable, or other plant matter.

(v) *Administrative instructions.* Published documents relating to the enforcement of the regulations in this part, issued under authority of such regulations by the Director.

§ 330.101 *Policy.* The purpose of the regulations in this part is to prevent the dissemination of plant pests into the United States, or interstate, by regulating the movement of plant pests into or through the United States, or interstate, and the movement of means of conveyance, soil, garbage, and certain other products and articles into or through the United States, or from any Territory or possession into or through any other Territory or possession or the Continental United States. The Director shall employ procedures to carry out this purpose which will impose a minimum of impediment to foreign commerce and travel whenever practicable, consistent with proper precaution against plant pest dissemination. The same policy is to be applied in the case of interstate commerce and travel.

§ 330.102 *Basis for certain regulations.* Whereas the unregulated movement of means of conveyance, their stores, baggage, mail, plants, plant products, garbage, soil, and other products and articles into or through the United States from places outside thereof or from any Territory or possession into or through any other Territory or possession or the Continental United States may disseminate plant pests which are outside the scope of the Plant Quarantine Act, as well as pests within that act, and whereas authority to regulate the movement into or through the United States from foreign countries of means of conveyance and other nonplant products and articles, independently of plants or plant products, is not conferred by the Plant Quarantine Act, the regulations in this part are promulgated under the authority of the Federal Plant Pest Act.

§ 330.103 *Documentation.* Any notifications, reports, and similar documentation not specified in the regulations in this part, but necessary to carry out the purpose of the regulations, will be prescribed in administrative instructions.

§ 330.104 *Ports of entry.* Ports of entry for plant pests, means of conveyance, or other products or articles of any character whatsoever the entry or movement of which is regulated by the regulations in this part may be specified in administrative instructions or in the permits if permits are required by the regulations. Such ports shall be selected by the Director from ports named in 19 CFR 1.1 as "ports of entry" for the purpose of enforcing the customs laws or named in 19 CFR 6.13 as "international airports," or airports at which permission to land aircraft has been granted by the Commissioner of Customs or by the Collectors of Customs in accordance with 19 CFR 6.2. Except as otherwise provided by administrative instructions, or by permits issued in accordance with this part, the ports of entry shall be those named in 19 CFR 1.1 and 6.13. The port of entry in Guam shall be Agana unless otherwise specified in the permit by the Director.

§ 330.105 *Inspection*—(a) *Inspection of foreign arrivals.* In order to prevent the dissemination into the United States of plant pests and for the purpose of carrying out the regulations in this part, all plant pests; means of conveyance and their stores; baggage; mail; plants; plant products; soil; stone and quarry products under § 330.300; garbage; and any other product or article of any character whatsoever which an inspector considers may be infested or infected by or contain a plant pest, arriving in the United States from any place outside thereof for entry into or movement through the United States shall be subject to inspection by an inspector at the port of first arrival, except that mail will be handled in accordance with the joint customs and postal regulations for inspecting and handling mail. No such plant pests; means of conveyance or their stores; baggage; mail; plants; plant products; soil; stone or quarry products under § 330.300; garbage; or other products or articles which an inspector notifies the Customs authorities should be held for inspection shall be released by Customs officers for entry or onward movement until released by an inspector. The release of all means of conveyance, products and articles regulated under Parts 319, 320, 321, and 322 of this chapter shall be in accordance with the requirements of those parts and the applicable provisions in this part. Whenever it shall be deemed safe to modify the requirements of this section by exempting any class of means of conveyance, products or articles from the requirement that they be held for inspection and release of the inspector, the exemptions shall be specified in administrative instructions. Inspectors shall make local arrangements, in accordance with policies of the Division, with the Collector of Customs for the release by Customs officers on behalf of the inspector of any class of means of conveyance, their stores, baggage, mail, or other products or articles when such arrangements do not increase unduly the danger of plant pest dissemination and will facilitate clearance of means of conveyance, baggage, mail, or other products or articles.

(b) *Inspection of domestic movements.* For the purpose of preventing the interstate movement of plant pests, provisions requiring inspection of means of conveyance and products or articles moving interstate may be issued as regulations in association with quarantines in Part 301 of this chapter or in this part.

§ 330.106 *Emergency measures.* (a) Whenever inspection of any means of conveyance, stores, baggage, mail, plants, plant products, earth, garbage, or other products or articles of any character whatsoever, arriving in the United States from a place outside thereof, or in the Continental United States from any Territory or possession, or in a Territory or possession from any other Territory or possession, discloses a plant pest (other than one moving under permit in accordance with any conditions in the permit and the provisions in this part) which is new to, or not theretofore known to be widely prevalent or distributed within and throughout the United States, the inspector shall employ procedures necessary to prevent the dissemination of the plant pest. The inspector may follow administrative instructions containing procedures prescribed for certain situations, or he may follow a procedure selected by him from administratively approved methods known to be effective. The procedure may involve seizure, quarantine, treatment, application of other remedial measures, exportation, return to shipping point of origin, destruction, or other disposal, but no means of conveyance, stores, baggage, mail or other product or article, or plant pest owned by any person shall be destroyed, exported, or returned to shipping point of origin or ordered to be so handled, unless there is, in the opinion of the inspector, no less drastic action adequate to prevent the dissemination of the plant pest. In forming such an opinion that no less drastic action is adequate, the inspector shall be guided by specific and general instructions received from Division officers applicable in such cases. This section does not authorize action with respect to any means of conveyance, product, article, or plant pest which, at the time of the proposed action, is subject to disposal under the Plant Quarantine Act. In taking action with respect to any means of conveyance, product, article, or plant pest the inspector shall take cognizance of applicable requirements of the customs and postal laws and regulations.

(b) The inspector may order the owner of any means of conveyance, product, article, or plant pest, subject to disposal under paragraph (a) of this section, to treat, apply other remedial measures, destroy, or make other disposal thereof without cost to the Federal Government and in a manner specified in accordance with paragraph (a) of this section.

(c) If the measures required by the inspector are not applied promptly by the owner within the time limits specified by the inspector, the inspector shall apply measures necessary to prevent the dissemination of the plant pests.

§ 330.107 *Costs.* All costs (including those incurred under § 330.106 by the government or the owner) incident to the inspection, handling, cleaning, safeguarding, treating, or other disposal of means of conveyance or products, articles, or plant pests under this part, except for the services of an inspector during regularly assigned hours of duty and at the usual places of duty, shall be borne by the owner.

§ 330.108 *Authority to issue administrative instructions.* The Director is authorized to issue the administrative instructions for which provision is made in the regulations in this part, for the purpose of preventing dissemination of plant pests into the United States or interstate.

§ 330.109 *Caution.* In applying treatments or taking other measures prescribed in administrative instructions or by the inspector, it should be understood that inexactness or carelessness may result in injury or damage.

SUBPART—MOVEMENT OF PLANT PESTS

§ 330.200 *Movement of plant pests regulated; permits required.* No person shall knowingly move any plant pest into or through the United States from any place outside thereof, or interstate, or knowingly accept delivery of any plant pest so moving unless such movement is authorized under permit under this part and is made in accordance with the conditions therein and the provisions in this part. The movement of snails and slugs, as well as other plant pests, is governed by such provisions. Biological specimens of plant pests, in preservative or dried, may be imported without further restriction under this part, but subject to inspection on arrival in the United States to confirm the nature of the material and freedom from risk of plant pest dissemination.

§ 330.201 *Applications for permits to move plant pests*—(a) *Into or through the United States from any place outside thereof.* Only persons resident in the United States may apply for permits to move plant pests into the United States from any place outside thereof. Persons resident in the United States proposing such movement into the United States, or any person proposing movement through the United States from any place outside thereof, of any plant pests shall first make application for permits authorizing such movement by submitting to the Division the form provided therefor by the Division, or by submitting in the form of a letter or other written communication the following information for each kind of pest for which a permit is requested: (1) Scientific name of the pest, (2) stage, (3) quantity, (4) origin, (5) destination, (6) whether the pest is established in the State, Territory or other jurisdiction of destination in the United States, (7) method of shipment, (8) proposed port of first arrival in the United States, (9) approximate date of arrival, (10) number of parcels expected to be moved, (11) intended use, (12) measures to be employed to prevent danger of plant pest dissemination, and (13) method of final disposition. In addition, if host materials must necessarily accompany the plant pests, the application shall show the name of the host materials and the reasons it is necessary for them to accompany the plant pests. Applications for permits to move plant pests through the United States from places outside thereof should state the name of the port of export instead of subparagraph (6) of this paragraph. Any applicant for a permit to move plant pests into or through the United States from any place outside thereof will facilitate the consideration of his application by furnishing any additional information known to him concerning the economic importance of the pests and the justification for the movement.

(b) *Interstate (including interstate for export).* Persons proposing to move plant pests interstate shall first make application for permits authorizing such movement by submitting to the Division the form provided therefor by the Division or by submitting the required information in the form of a letter or other written communication showing all pertinent information specified in paragraph (a) of this section and also the approximate date of the movement, except that persons desiring to move plant pests interstate to a port in the United States for export to a place outside of the United States[1] shall use the special form provided therefor by the Division or submit to the Division in the form of a letter or other written communication the following information for each kind of pest: Scientific name of the pest, stage, quantity, origin, destination, method of shipment, proposed port of export from the United States, approximate date of the movement, number of parcels to be moved, proposed use, and measures to be employed to prevent danger of plant pest dissemination during the interstate movement. In either case the applicant for a permit will facilitate the consideration of his application by furnishing any additional information known to him concerning the economic importance of the pests and the justification for the movement.

§ 330.202 *Consideration of applications for permits to move plant pests.* The Director, upon the receipt of an application, made in accordance with §§ 330.201 (a) or (b), for a permit for movement of a plant pest into or through the United States from any place outside thereof, or interstate, shall consider the application on its merits.

(a) *Consultation.* He may consult with any Federal officials, the appropriate officials of any State, Territory, or other jurisdiction in the United States in charge of research or regulatory programs relative to plant pests, and any other qualified governmental or private research laboratory, institution, or individual, for views on the danger of plant pest dissemination into the United States, or interstate, in connection with the movement proposed.

(b) *Plant pests covered in any subpart of Part 301 of this chapter that affects movement within the continental United States.* The Director shall refer to the Director of the Plant Pest Control Division of the Agricultural Research Service of the Department any application for movement of a plant pest which is also covered by any subpart of Part 301 of this chapter that regulates the movement of plants, plant products, and other articles within the continental United States, when the movement proposed is interstate within, or from, the area regulated by such subpart. The Director of the Plant Pest Control Division shall advise the Director whether the proposed movement is adverse to any plant pest eradication, suppression, control, or regulatory program of the Plant Pest Control Division. In the event such movement is approved, permits will be issued subject to such conditions as the Director of the Plant Pest Control Division shall prescribe.

[1] Persons contemplating the shipment of plant pests to places outside the United States should make prior arrangements directly, or through the recipient, with the country of destination for the receipt of the plant pests into the country of destination. Many countries have laws governing the movement of plant pests into those countries, and therefore it is advisable to make advance arrangements for attaching permits, etc., as may be required by the countries of destination.

(c) *Inspection of premises.* The Director may inspect the site where plant pests are proposed to be handled in connection with or after their movement under permit to determine whether existing or proposed facilities will be adequate to prevent plant pest dissemination in case a permit is issued, provided that the person in possession thereof is the applactn or such inspection is otherwise authorized.

§ 330.203 *Action on applications for permits to move plant pests; form of and conditions in permits.* The Director, having considered an application for permit to move a plant pest, shall approve or deny the application in accordance with § 330.204. If the application is denied, the applicant shall be furnished the reasons therefor. If the application is approved, the Director shall issue the permit including any conditions which, in the opinion of the Director, are necessary to prevent dissemination of plant pests into the United States or interstate. Such conditions may include requirements for inspection of the premises where the plant pests are to be handled, after their movement under the permits, to determine whether the facilities thereat are adequate to prevent plant pest dissemination and the conditions of the permit are otherwise being observed. Permits authorizing movement of plant pests through the United States will include shipping instructions as to routing, labelling, and similar requirements as conditions of the permits. Any applicable conditions prescribed in administrative instructions may be incorporated in a written permit by citation, but shall be applicable whether or not so cited. The Director may, prior to the issuance of the permit, require the applicant to agree in writing to the conditions under which the plant pests will be safeguarded. The permits may be issued in a prescribed form or in letter form, or a combination thereof. A permit without conditions may be issued orally.

§ 330.204 *Denial or cancellation of permits; reconsiderations.* (a) The Director will deny an application for a permit to move a plant pest when, in his opinion, such movement would involve a danger of dissemination of the pest. Danger of plant pest dissemination may be deemed to exist when:

(1) No acceptable safeguards adequate to prevent plant pest dissemination can be arranged;

(2) The destructive potential of the plant pest to plants, and parts and products thereof, should it escape despite proposed safeguards, outweighs the probable benefits to be derived from the proposed movement and use of the pest;

(3) The applicant, as a previous permittee, failed to maintain the safeguards or otherwise observe the conditions prescribed in a previous permit and failed to demonstrate his ability or intent to observe them in the future;

(4) The movement is adverse to the conduct of an eradication, suppression, control, or regulatory program of the Agricultural Research Service; or

(5) The movement is objected to in writing by an appropriate official of a State, Territory or possession, or the District of Columbia on the ground it will involve a danger of dissemination of the plant pest into the State, Territory or possession, or District.

(b) The Director may cancel any outstanding permit whenever:

(1) Information is received subsequent to the issuance of the permit of circumstances that constitute cause for the denial of an application for permit under paragraph (a) of this section; or

(2) The permittee has not maintained the safeguards or otherwise observed the conditions specified in the permit or in any applicable regulations or administrative instructions.

(c) Reconsiderations: Any person denied a permit, or whose permit has been cancelled, may request the Director in person or in writing for a reconsideration, and may submit any additional information he may have to support the original application.

§ 330.205 *Disposal of plant pests when permits are cancelled.* When an outstanding permit for the movement of a plant pest is cancelled by the Director and not reinstated under § 330.204 (c), the further movement of the plant pest covered thereby into or through the United States, or interstate, is prohibited by the act unless authorized in another permit. The permittee should arrange for disposal of the plant pest involved in a manner satisfactory to the Director to prevent plant pest dissemination. The Director may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as he deems appropriate, any plant pest which is moving without compliance with any conditions in the permit or the provisions of this part or after the permit has been cancelled.

§ 330.206 *Permits for plant pest movement associated with National Defense projects.* The Director will facilitate research associated with National Defense projects through issuance of permits for movement of plant pests for such research, upon receiving assurance satisfactory to him that adequate safeguards will surround utilization of the plant pests to prevent their dissemination.

§ 330.207 *Permits for movement of organisms issued by other agencies.* Inspectors shall recognize permits for the movement of organisms issued under other acts by other Federal agencies. When such organisms are also plant pests, any further conditions of movement to carry out the purposes of the act which have been prescribed in administrative instructions, or in correspondence concerning a single shipment, shall be complied with but no additional permit will be required under this part.

§ 330.208 *Courtesy permits.* The Director may issue permits for the movement into or through the United States, or interstate, of organisms which are not subject to regulation under the act or any other act, as a courtesy to facilitate movement when the movement might otherwise be impeded because of the similarity of the organisms with others regulated under the act. He may likewise issue such permits on behalf of any agency requesting such action as a courtesy to facilitate movement for organisms not subject to regulation under the act but subject to regulation under some other act.

§ 330.209 *Permits for means of conveyance.* No permit shall be required for movement into or through the United States from any place outside thereof, or interstate, of a means of conveyance unless the primary purpose of such movement of the means of conveyance is to move plant pests.

§ 330.210 *Packing materials and containers for plant pest movement; host materials.* Plant pests moved into or through the United States, or interstate, must be free of soil, except when the Director approves in the permit the movement of soil with the plant pest. Subject to this exception, only approved packing materials are to be employed in the shipment of plant pests. Approved packing materials for the movement of plant pests under this part will be prescribed in administrative instructions or approved in specific cases by the Director. Such actions will be coordinated with and may supplement any requirements of the Post Office Department governing packing and packaging of any materials for movements covered by the postal laws and regulations. All containers shall be stoutly constructed so as to prevent breakage in transit and danger of plant pest dissemination and shall be labelled in accordance with § 330.211. The Director may allow the movement of host materials with plant pests under permits when they must necessarily accompany the pests, although such movement is otherwise barred under the Plant Quarantine Act.

§ 330.211 *Labelling of plant pests for movement under permits*—(a) *Interstate movement.* For interstate movements of plant pests a label shall be attached to each parcel containing the pests as evidence that the movement of the plant pests is authorized. Such label shall also disclose the contents of the parcel.

(b) *Movement into or through the United States from places outside thereof by mail or cargo.* (1) When a permit authorizing the movement of plant pests into the United States from any place outside thereof is issued to an applicant under this part, it will be accompanied by distinctive labels, with instructions for their use by the foreign shipper. Such labels will be issued in quantity sufficient to permit attaching one to each parcel to be moved. The labels will direct the parcels to specified inspection stations of the Division for clearance. The stations will be notified in advance of the expected arrival of the plant pests. Plant pests so moved by mail may be refused entry unless the containers thereof bear such labels. Cargo shipments of plant pests so moved may be refused entry unless they bear such labels or are otherwise plainly marked to identify the contents.

(2) Any labelling requirements with respect to the movement of plant pests through the United States from places outside thereof will be included in shipping instructions issued as conditions of the permits.

(c) *Misuse of labels.* No labels unused in accordance with the terms of the permit may be used for the movement of any other plant pest. The act provides a penalty* for the misuse of labels under this part. Any unauthorized movement of plant pests under a label shall be refused by the inspector, and the plant pests so moved may be destroyed or otherwise dealt with as set out in § 330.106 if deemed necessary as an emergency measure under that section.

§ 330.212 *Movement of plant pests by baggage.* Persons proposing to move plant pests into or through the United States from any place outside thereof, or from any Territory or possession into or through any other Territory or possession, or the Continental United States, by baggage, shall show the permit authorizing the movement to the inspector upon arrival at the port where the baggage is inspected. The conditions specified for the movement must be observed. The inspector will insure that the movement is handled in accordance with the terms of the permit. If it is necessary to move the plant pest to another place for clearance, the owner will be responsible for all costs incidental to such forwarding. Pending forwarding, the inspector will specify and supervise the application of safeguards against danger of plant pest dissemination and may retain custody of the pests until forwarded.

SUBPART—MOVEMENT OF SOIL, STONE, AND QUARRY PRODUCTS

§ 330.300 *Soil from foreign countries or Territories or possessions.* No soil shall be moved into or through the United States from any place outside thereof or from any Territory or possession into or through any other Territory or possession or the Continental United States, whether the soil is moved as such or incidentally adhering to means of conveyance or other articles, except as authorized in § 301.60, § 319.37–16a, or § 319.69, or Part 320 of this chapter; or this subpart.

(a) *Permit authorized.* The Director may issue permits under this section for movements of soil not governed by § 301.60, § 319.37–16a, or § 319.69, or Part 320 of this chapter, for research, analytical, religious, ceremonial, patriotic, or similar purposes, or such other purposes as he shall deem consistent with the objectives of this part, specifying in the permit or in the related correspondence, the safeguards, including methods of treatment, or other conditions which he deems necessary for the purpose of preventing the dissemination of plant pests into the United States or interstate. Whenever it is possible to formulate a general rule specifying such conditions, it shall be promulgated in administrative instructions and the applicable provisions thereof may be incorporated into a permit by citation, but shall be applicable whether or not so cited.

(b) *Application for permits.* Only persons resident in the United States may apply for permits under this section to move soil into the United States from any place outside thereof, or from any Territory or possession into or through any other Territory or possession or the Continental United States. Persons resident in the United States contemplating such movements, or any persons contemplating movement through the United States from any place outside thereof, of soil under this section shall first make application for permits authorizing such movement by submitting to the Division the form provided therefor by the Division or by submitting, in the form of a letter or other written communication, the following information: Origin of the shipment, destination, quantity, method of shipment, proposed port of first arrival in the United States, port of export (if applicable), approximate date of arrival in the United States, intended use, measures to be employed to prevent danger of plant pest dissemination, method of final disposition, and the number of parcels expected to be moved. In acting upon the application for permits for such movement of soil, the Director will follow the procedures outlined in § 330.202 for the consideration of applications for permits to move plant pests insofar as they are applicable.

(c) *Issuance of permits; conditions of permits.* Upon the approval of an application for a permit authorizing the movement of soil under this section, the permit will be issued. The permit may contain any conditions which are necessary, in the opinion of the Director, to prevent dissemination of plant pests into the United States or interstate, including conditions with respect to routing, packing, and labeling of the soil. The Director may require the applicant to agree in writing to such conditions prior to the issuance of the permit. The importer will receive, as a part of the permit, information on the manner in which the importation is to be made. A permit without conditions may be issued orally.

(d) *Containers; labels.* All containers for soil moved under this section shall be stoutly constructed so as to prevent breakage in transit and danger of plant pest dissemination and shall be appropriately labeled as to contents. If the soil is moved by mail, special mailing labels will be issued to the importer, with instructions for their use, which he is to send to the foreign shipper. The quantity of mailing labels issued will be sufficient for the foreign shipper to attach one to each parcel moved by mail. Such mailing labels will indicate to the postal and the plant quarantine officials that the movement is authorized under the conditions specified in the permit. Importations arriving by mail without labels will be subject to refusal of entry into the United States, or interstate movement, by the inspector unless treated, at the expense of the owner, in a manner to remove danger of plant pest dissemination. The Director may issue mailing labels for movement into or through the United States from any place outside thereof, or from any Territory or possession into or through any other Territory or possession or the Continental United States, of earth other than soil when the movement might otherwise be impeded because of the similarity to soil subject to this section.

§ 330.301 *Stone and quarry products from certain areas in Canada.* Stone and quarry products from areas in Canada infested with the gypsy moth may be moved from Canada into or through the United States only into or through areas regulated by the gypsy moth and brown-tail moth quarantine and regulations in §§ 301.45, 301.45–1 et seq. of this chapter; or into or through other areas in the United States under conditions paralleling the requirements of said quarantine and regulations for movement of stone and quarry products from said regulated areas into such other areas of the United States.

§ 330.302 *Domestic movements of earth (including soil), stone, etc.* The interstate movement from regulated areas in the Continental United States of earth (including soil), stone, quarry products, and similar substances is regulated in §§ 301.45, 301.48, 301.72, 301.77, 301.78, 301.79, 301.80, and 301.81 of this chapter and may be made only in accordance with the requirements of these sections. Any such movement of earth, stone, quarry products and similar substances which may hereafter be regulated in Part 301 of this chapter may likewise be made only in accordance with the requirements of said part. The interstate movement of such materials of United States origin, from any place in the Continental United States, is not regulated by this part.

SUBPART—GARBAGE

§ 330.400 *Garbage.* Garbage on or from any means of conveyance arriving in the United States from any place outside thereof, or arriving in the Continental United States from any Territory or possession, or in any Territory or possession from any other Territory or possession, shall be subject to general surveillance by the inspectors to prevent the dissemination of plant pests. The Division will cooperate with other Federal, State, and municipal agencies in enforcing other statutes and regulations governing disposal of garbage to the end that such disposal shall be adequate to prevent the dissemination of plant pests. The inspectors, in maintaining surveillance over garbage movements and disposal, shall coordinate their activities with the activities of representatives of the other Federal, State, and local agencies also having jurisdiction over

*Section 108 of the Federal Plant Pest Act provides: "Any person who violates section 108 of this Act, or any regulation promulgated under this act, or who forges, counterfeits, or without authority from the Secretary uses, alters, or defaces any permit or other document provided for by this act or the regulations thereunder, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $500, or by imprisonment not exceeding one year, or both."

such garbage. Any additional requirements for the disposal of garbage arriving in the United States from places outside thereof or in the Continental United States from any Territory or possession or in any Territory or possession from any other Territory or possession, found necessay in order to prevent plant pest dissemination, may be prescribed in administrative instructions.

The purpose of the proposed regulations is to prevent the dissemination of plant pests into the United States or interstate.

Adoption of these regulations would necessitate the amendment of certain sections of Parts 301, 319, and 320 in Title 7, Code of Federal Regulations, to conform them to the procedures prescribed in these regulations. The proposed regulations would also supersede regulations governing the entry of mollusks, effective October 22, 1952 (7 CFR 324.1 through 324.8).

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 103, 106, Federal Plant Pest Act of May 23, 1957 (Title I of Pub. Law 85-36, 71 Stat. 32, 33; 7 U. S. C. 150bb, 150ee), sec. 501, act of Aug. 31, 1951 (65 Stat. 290; 5 U. S. C. 140). Interpret or apply secs. 105, 107, 71 Stat. 32, 34; 7 U. S. C. 150dd, 150ff)

Done at Washington, D. C., this 1st day of July 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-5155; Filed, July 3, 1958; 8:51 a. m.]

[7 CFR Part 330]

PLANT PESTS

ADMINISTRATIVE INSTRUCTIONS APPROVING PACKING MATERIALS FOR PLANT PESTS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Director of the Plant Quarantine Division, contingent upon authority being delegated to him in §§ 330.108 and 330.210 of the proposed Plant Pest Regulations (see F. R. Doc. 58-5155, *supra*), under sections 103 and 106 of the Federal Plant Pest Act of May 23, 1957 (Title I, Public Law 85-36, 71 Stat. 32, 33; 7 U. S. C. 150bb, 150ee), is considering issuing administrative instructions approving certain materials for use as packing in preparing plant pests for movement, to appear as § 330.210a in the proposed new Part 330 under the heading "Plant Pests," in Title 7, Chapter III, of the Code of Federal Regulations, as follows:

§ 330.210a *Administrative instructions listing approved packing materials for plant pests.* (a) The following materials are approved as packing materials for use with any shipment of plant pests in accordance with § 330.210:

(1) Absorbent cotton or processed cotton padding free of cottonseed.
(2) Cellulose materials.
(3) Excelsior.
(4) Felt.
(5) Ground peat (peat moss).
(6) Paper or paper products.
(7) Phenolic resin foam.
(8) Sawdust.
(9) Sponge rubber.
(10) Thread waste; twine; or cord.
(11) Vermiculite.

(b) Advance approval for the use of any other packing material for any specific movement should be obtained from the Director.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 103, 106, Title I, Pub. Law 85-36, 71 Stat. 32, 33; 7 U. S. C. 150bb, 150ee)

Done at Washington, D. C., this 27th day of June 1958.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F. R Doc. 58 5157; Filed, July 3, 1958; 8:52 a m.]

[7 CFR Part 330]

PLANT PESTS

ADMINISTRATIVE INSTRUCTIONS EXEMPTING SOIL FROM CANADA FROM CERTAIN RESTRICTIONS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Director of the Plant Quarantine Division, contingent upon authority being delegated to him in §§ 330.108 and 330.300 of the proposed Plant Pest Regulations (see F. R. Doc. 58-5155, *supra*), under section 106 of the Federal Plant Pest Act of May 23, 1957 (Title I, Public Law 85-36, 71 Stat. 33; 7 U. S. C. 150ee), is considering issuing administrative instructions exempting soil from Canada from certain restrictions of the regulations. The instructions would appear as § 330.300a in the proposed new Part 330 under the heading "Plant Pests," in Title 7, Chapter III, of the Code of Federal Regulations, as follows:

§ 330.300a *Administrative instructions exempting soil from Canada from certain restrictions.* Soil of Canadian origin may be moved into or through the United States from Canada free from the permit requirements of § 330.300 and the release requirements of § 330.105 but subject to inspection under § 330.105 and disposal under § 330.106 if the inspection discloses any plant pest new to or not theretofore widely prevalent or distributed within and throughout the United States. Such soil is also subject to all applicable requirements under Part 319 of this chapter.[1]

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 106, Title I, Pub. Law 85-36, 71 Stat. 33; 7 U. S. C. 150ee)

Done at Washington, D. C., this 27th day of June 1958.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F. R. Doc. 58-5156; Filed, July 3, 1958; 8:52 a. m.]

[9 CFR Part 28]

MEAT INSPECTION REGULATIONS

DEFINITIONS AND STANDARDS OF IDENTITY

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U. S. C. 71-96) and section 306 (b) of the Tariff Act of 1930 (19 U. S. C. 1306 (b)), it is proposed to amend Part 28 of the Meat Inspection Regulations (9 CFR Part 28, as amended) as follows:

1. Part 28 would be amended by adding the following section:

§ 28.4 *Lard shortening; identity; optional ingredients; labeling.* (a) Lard shortening is the food fat which is prepared by rendering by an approved process, fresh, clean, sound, fatty tissues from hogs in good state of health at the time of slaughter. Such tissues do not include bones, detached skin, head skin, ears, tails, organs, windpipes, large blood vessels, scrap fat, skimmings, settlings, pressings, and similar material, and are reasonably free from muscle tissue and blood. It shall contain one or more of the antioxidants, listed in § 18.7 of this subchapter and the amounts used shall be the maximums specified therein.

(b) Lard shortening may contain one or more of the following optional ingredients:

(1) Lard stearine.
(2) Hydrogenated lard.
(3) Mono- and diglycerides of fat-forming fatty acids (except lauric acid), or diacetyl tartaric acid esters of mono- and diglycerides of fat-forming acids (except lauric) or a combination of these. The total weight of mono- and diglycerides, including diacetyl tartaric acid esters of mono- and diglycerides of fat-forming acids, used shall not exceed 20% by weight of the combination of the mono- and diglyceride mixture and the lard shortening, and the total amount of monoglyceride shall not exceed 8% by weight of the combination.
(4) Artificial coloring.

(c) (1) The label shall bear the name "lard shortening".

(2) When the optional ingredients permitted by paragraph (b) (3) of the section is used, the label shall bear the statement "Mono- and Diglycerides Added".

(3) When the optional ingredient permitted by paragraph (b) (4) of this section is used, the label shall bear the statement "Artifically Colored".

(4) Whenever the name "Lard Shortening" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements prescribed in subparagraphs (2) and (3) of this paragraph shall immediately and conspicuously precede or follow such name without intervening written, printed or other graphic matter.

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C. within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 1st day of July 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-5154; Filed, July 3, 1958; 8:51 a. m.]

[1] Sod from Canada is regulated by § 319.37-5 of this chapter.

Commodity Stabilization Service

[7 CFR Parts 846, 874]

SUGARCANE WAGES AND PRICES IN LOUISIANA

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Thibodaux, Louisiana, in the City Hall Auditorium, on July 24, 1958, beginning at 10 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the harvesting of the 1958 crop of sugarcane, and in the production and cultivation of sugarcane during the calendar year 1959, and (2), pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1958 crop of sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the act.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages and prices. While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matters regarding fair prices for sugarcane:

Season's average price. The 1957 crop determination provided the period October 11, 1957, through February 27, 1958, for determining the season's average price of raw sugar or blackstrap molasses. Will a pricing period of about the same length of time also be equitable for the 1958 crop?

Salvage sugarcane and frozen sugarcane. (1) The 1957 crop determination provided that the price for salvage sugarcane be determined in the same manner as used by the processor for the 1956 crop or that the processor and producer might agree upon a different method of settlement upon written approval of the Louisiana State Committee. What methods of settlement for salvage sugarcane were used by Louisiana processors during the 1957 crop and which of the methods is most equitable to producers and processors?

(2) The 1957 crop determination provided with respect to frozen sugarcane, not otherwise defined as salvage sugarcane, that because of decreased boiling house efficiency deductions could be made from the payment for such frozen sugarcane at rates not in excess of 1.5 percent of the payment (computed without regard to the molasses payment) for each 0.1 cc. of acidity above 2.5 cc. not in excess of 4.75 cc. No payment for sugar was required for sugarcane containing acidity in excess of 4.75 cc. although a molasses payment was required as well as the absorption of hoisting, weighing, and transportation costs by the processor.

(a) Is the 1.5 percent deduction for each 0.1 cc. of acidity equitable within the acidity limits provided considering that the sugarcane is deemed to be of no value for sugar purposes if it contains more than 4.75 cc. acidity?

(b) Is it equitable to require a molasses payment on frozen sugarcane testing in excess of 4.75 cc. acidity?

(c) Should the hoisting, weighing, and transportation costs or allowances on high acidity sugarcane be borne by the processor or producer or shared between them?

(d) Would a tolling arrangement or some other basis be a more practical method of handling frozen sugarcane than applying deductions for excess acidity? If so, what standards should be established?

Transportation allowances. What is the most equitable basis for determining the amount of transportation allowances a processor shall make to a producer for delivering sugarcane direct from the field to the millyard?

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

T. O. Murphy, A. A. Greenwood, and William N. Garrott are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 1st day of July 1958.

[SEAL] LAWRENCE MYERS,
Director, Sugar Division,
Commodity Stabilization Service.

[F. R. Doc. 58-5137; Filed, July 3, 1958; 8:48 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

MINIMUM WAGE DETERMINATION

FLOUR AND RELATED PRODUCTS INDUSTRY

A complete record of proceedings held under sections 1 and 10 of the Walsh-Healey Public Contracts Act (41 U. S. C. 35 and 43a) to determine the prevailing minimum wages for persons employed in the flour and related products industry has been certified by the Hearing Examiner. The record, having been fully considered, the rules of practice, 41 CFR 203.21 (b), next require issuance of a proposed decision in the matter, including a statement of findings and conclusions, as well as the reasons and basis therefor, and the appropriate wage determination.

DEFINITION

The notice of hearing defined the flour and related products industry as follows: The milling of flour or meal from grain and the blending or other preparation of flour and dry flour mixes. Examples of products of the industry are flours made from wheat (white, durum, granular, wholewheat), rye, buckwheat, and corn, including blended, phosphated, bromated, self-rising, and other prepared flour and dry flour mixes; semolina and farina; cornmeal; corn grits, hominy, and flakes; and offals. The definition of this industry does not include flour and other products manufactured from rice, soybeans, and potatoes; those cereal preparations of the type generally called breakfast foods (except corn grits and hominy), baby foods, and coffee substitutes; and dry and prepared animal feeds (except offals which are included).

There were no comments or recommendations for any change in the definition as proposed. After full consideration of the record, I find that the definition as proposed is appropriate for this industry.

The Millers' National Federation takes the position that no prevailing minimum wage determination may, or should, be made for this industry. In support of its view that there is no authority to promulgate such a determination, the National Federation contends that Government contracts for flour and related products are "purchases of such materials * * * as may usually be bought

in the open market," so as to be exempt from the act under its section 9. The National Federation points to evidence which it urges tends to show that the public generally, may buy such products in the open market. This evidence, however, shows that while some amount of such products is milled in anticipation of needs that, typically, commercial purchases are milled to order and are not filled from available stock. This and other evidence establishes that the Government purchases these products for future delivery by competitive bidding on the basis of specifications, which among other things require certain noncommercial packaging. The National Federation's evidence also shows that virtually none of the Government's purchases of the products of this industry are for immediate delivery to meet a public exigency.

A recent judicial decision combines with the longstanding regulation and interpretation of the Department to establish that the "open market" exemption has application only where the contracting officer is authorized by express language in a statute to purchase "in the open market," or where the purchase is made without advertising for bids under circumstances bringing it within the exception to the General Purchase Statute, Rev. Stat. 3709 (currently 5 U. S. C. 5) for cases where immediate delivery is required by public exigency. Ruth Elkhorn Coals, Inc. v. Mitchell, 12 W. H. Cases 696; 29 Labor Cases 69,565 (U. S. D. C., D. C.), affirmed 248 F. 2d 635 (C. A. D. C.), certiorari denied 355 U. S. 935, 41 CFR 211.2 (a); Rulings and Interpretations No. 3, section 13. So far as the "open market" exemption is concerned there is ample authority to make a determination for the flour and related products industry for the same reasons the United States Court of Appeals expressed in its opinion holding that there was authority to make one for the bituminous coal industry.

The National Federation also contends that no wage determination may be made now, because the notice of hearing was inadequate in failing to provide (1) for a hearing on the scope of the "open market" exemption and (2) for consideration of the prevailing minimum wages for persons employed on similar work in other industries.

It appears that the National Federation has not been prejudiced by the fact that the notice did not mention any issue as to the scope of the "open market" exemption. The National Federation was ready with the evidence which it considered pertinent to that issue. That evidence was received at the hearing. It is considered in this proposed determination. The National Federation's contentions based on that evidence are rejected solely on a reading of the statute at variance with the one urged by it.

It has been held that judicial review of the "applicability" of a wage determination, provided by section 10 (b) of the Act, may include consideration of the scope of the "open market" exemption. This does not imply, however, that the direction in section 10 (b) that "wage determinations under section 1 (b) of this act shall be made on the record after an opportunity for a hearing" requires any hearing on the scope of coverage of the act and the several exemptions, which limit the "applicability" of wage determinations only because they limit the "applicability" of the whole act. Nothing in Section 1 of the act, providing for its general coverage and the making of such determinations, nor in section 9, providing for the "open market" exemption, requires that there be any administrative hearing to settle the applicability of these exemptions.

In the administration of the act, the scope of these exemptions has long been settled by rules and regulations which it authorizes, and which have been promulgated in the manner required by the Administrative Procedure Act (act of June 11, 1946, c. 744, 60 Stat. 8066, 5 U. S. C. 1001). Whatever necessity for judicial review of these rules and regulations may be involved in the course of a suit questioning applicability of a wage determination by one claiming to be adversely affected and aggrieved, there is no requirement or need for administrative reconsideration of such questions each time there is occasion to determine or redetermine the prevailing minimum wage for a particular industry. These reasons suggest why the provision in section 10 (b) requiring wage determinations to be made on the record after a hearing, does not require that the hearing concern itself with "applicability", while a different portion of the same section providing for judicial review of wage determinations includes provision for consideration and review of their applicability as well.

Finally, the notice is challenged as inadequate because it puts in issue only the question of the prevailing minimum wages in this industry. The National Federation complains that its attempt to show by testimony a comparison of minimum wages paid by this industry with "wage rates" for similar labor paid by other industries, in the various local areas of its operations, was rejected. The National Federation points to the fact that section 1 (b) authorizes wage determinations for "similar work" without any limitation as to whether it must be confined to a particular industry. The act authorizes several types of wage determination. One type is for similar work and another type is for a particular industry. No guide is expressed or limitation placed on choice, which is committed to the judgment and discretion of the Secretary. The notice proposed a hearing limited to the subjects and issues involved in a proposed determination of the prevailing minimum wages for the flour and related products industry as defined in the notice.

The provision in section 1 (b) authorizing a "determination" of minimum wages actually "prevailing" in a "particular" industrial unit would be vitiated if the determination for a particular industry could be based on wages paid in other industries to which it would have no application on Walsh-Healey contracts. The act requires, therefore, that the determination to be applied in this particular industry be based solely on the wages paid in it, rather than those paid in other industries.

The wage determination for the bituminous coal industry, which followed hearing on notice restricting the issue to the minimum wages paid in that industry, was declared to be valid on judicial review, notwithstanding the objection, among others, that evidence as to the prevailing minimum wages for similar work in other industries was rejected. Central Pennsylvania Open-Pit Mining Association v. Mitchell, U. S. D. C., D. C., Civil No. 4962-55, decided May 23, 1956. The notice of hearing here is similar, in the characteristics criticized, with all of those that have been held to be adequate on judicial review. Objections to its adequacy are overruled.

The National Federation advanced the following reasons in support of its contention that no determination should be made as a matter of discretion:

1. Employers do not favor a determination.

2. The major portion of the contracts which would be subject to a determination are awarded to mills already paying all that would be required.

3. Many small mills are among those paying less than the prevailing minimum wage.

4. It might be difficult to raise wages in those small mills paying less than the prevailing minimum to qualify them for contracts subject to the determination without also raising wages for feed mills, which are frequently operated in conjunction with them.

5. Contracts which would be subject to the determination total only 13 to 20 million dollars annually.

6. Prevailing minimum wage determinations which are not needed to further the purposes of the act should not be made, because they are either inflationary or a waste of effort.

The National Soft Wheat Millers Association joins in the allegations set out as numbers 3 and 4 above, and Colorado Milling & Elevator Company in allegations numbered 2 and 3.

These contentions overlook the purpose of the act "to obviate the possibility that any part of our tremendous national expenditure would go to" the relatively low wage concerns (Perkins v. Lukens Steel Co., 310 U. S. 113, 128), and "to use the leverage of the Government's immense purchasing power to raise labor standards," (Endicott Johnson Corp. v. Perkins, 317 U. S. 501, 507). This is accomplished by channeling the Government business, with its attendant employment, to the employers who pay not less than the prevailing minimum wages in their respective industries.

The claim that the major portion of the contracts go to the major portion of the industry which pays its prevailing minimum wage, is no reason to permit the appreciable remainder of the contracts to go to those who pay less than the pervailing minimum wage, in view of the act's purpose to preclude "any" such use of public funds.

The fact that employers or any other group or person may not favor determination, is no reason to fail to implement the statutory purposes.

The average size of the individual mills which pay more and less than the prevailing minimum wages, does not relate to the statutory objective to eliminate low-wage competition. The fact that some manufacturers in this industry also make other products is of no pertinence, except insofar as it might relate to a proposal, which has not been made here, to extend the definition of the industry to include those products. Insuring "that any part of our tremendous national expenditure" not be spent to subsidize unfair wage competition certainly encompasses an industry in which annual Government expenditures are from 13 to 20 million dollars.

These objections also overlook the scheme of the act, which requires that the minimum wage stipulation, as well as the other representations and stipulations, "shall be included" in all contracts to which the act applies. The objections to a determination are overruled.

LOCALITY

The Millers' National Federation asserts that the pattern of competition in this industry will not permit either a single determination for all the area in which the industry operates or separate determinations for smaller geographic areas in which it operates. This objection again overlooks the scheme of the act, which contemplates a requirement for payment of prevailing minimum wages in all of the contracts to which it applies. This implies an appropriate basis for determination.

The testimony adduced by the National Federation describes the commercial movement of the principal product of this industry, hard wheat flour, east and west from the states of Montana, Wyoming, Idaho, Utah, and Colorado (called Area I B), with no mill east of this area shipping in a westerly direction and no mill west of it shipping in an easterly direction. At the outset, it should be noted that this testimony placed the States in area I B within virtually the entire area of competition for all Government contracts for the principal product of this industry. Furthermore, the witness who gave this evidence readily conceded that his testimony was not intended to contradict or qualify the evidence which had been introduced by the Government as to the localities in which flour had been offered to be produced, and, had been produced, to fill the requirements of contracts subject to the act. This Government evidence tabulated the bids and shipments received by the agencies responsible for nearly all of the Government procurement in this industry during representative periods of time.

The tables representing Government procurement experience in this industry (Govt's. Exh. 7 and 7A), divide the Nation into the seven areas, which were once suggested as localities for prevailing minimum wage determination in this industry. They are as follows:

Area I—Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming;

Area I A—Arizona, California, Nevada, New Mexico, Oregon, and Washington;
Area I B—Montana, Wyoming, Idaho, Utah, and Colorado;
Area II—Kansas, Nebraska, North Dakota, and South Dakota;
Area III—Oklahoma and Texas;
Area IV—Illinois, Iowa, Minnesota, Missouri, and Wisconsin;
Area V—Indiana, Michigan, New Jersey, Ohio, Pennsylvania, and West Virginia;
Area VI—Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia;
Area VII—Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

It is apparent from these tables that there is keen competition for Government contracts in this industry. There are nearly eleven bids for each award by the Chicago Quartermaster who makes most of the purchases which would be subject to a wage determination here. The Secretary of Agriculture and the Chicago Quartermaster, who make nearly all of the purchases of wheat flour subject to this act, receive bids from mills in each of the seven geographic regions, and make awards for delivery in each of them. It is apparent that geographic propinquity is not prerequisite to success in the bidding. Bids which include the cost of transportation from points outside the region where delivery is made are successful more often than those made by local millers, whose costs do not include transportation beyond the boundaries of their respective regions.

It further appears that the area of competition for Government contracts for the products of this industry is not sharply bound by the strictures said to qualify competition for commercial business, which the National Federation, however, concedes "is substantial—within the industry between various areas". For example, the testimony that mills in Area I may compete in an easterly direction all the way to the Atlantic coast, but that mills in other areas do not make commercial shipments in the westerly direction which would be required for them to compete in Area I, does not appear to have application to competition for the Government market. The tables reflect over 14 times as many bids for, and nearly twice as many actual, shipments of wheat flour into Area I as there are such bids and shipments out of Area I.

Areas II and IV produce most of the wheat flour consumed by the Government, and each of them distributes appreciable amounts of it to Government installations in every one of the seven regions. Similarly Area VI produces most of the corn meal supplied to the Government, and distributes it in appreciable amounts to Government installations in every one of the seven areas except Area II. Area IV, the next largest producer of corn meal for the Government, ships it to points in each of the seven areas. Area II also distributes corn meal to every other region except Area VI.

Under the circumstances disclosed by the evidence here, the nation may not be subdivided into geographic localities where Government purchases of flour and related products are unaffected by competition from producers in other geographic areas.

A witness called on behalf of the American Federation of Grain Millers (AFL–CIO) discussed the Government exhibit on minimum wages in terms of a separate wage for each of the seven areas; but expressly declined to take a position on the question whether an industry-wide determination would be appropriate. We have no other expression of the union view in this regard, nor any from the National Federation.

The National Soft Wheat Millers Association, most of whose members are in Area VI, urges that any determination make separate provision for that area. Its reason, however, that wages in this area "are historically below those in the dominant flour milling centers," in view of the industry-wide competition for Government business found to exist, supports the opposite conclusion. Only by not providing separately for this area as to all others may effect be given to the purpose of the act "to obviate the possibility that any part of our tremendous national expenditure would go to" the low wage concerns Perkins v. Lukens Steel, supra, and "to use the leverage of the Government's immense purchasing power to raise labor standards," Endicott Johnson Corp. v. Perkins, supra.

Management representatives of mills in divisions A and B of Area I expressed disagreement on the question whether such Area should be subdivided if it is not grouped with other areas in determining prevailing minimum wages for this Industry. Representatives of both groups expressed no disapproval, however, with the suggestion at the hearing of an industry-wide solution of this problem.

Where, as here, the competition is industry-wide the purposes of the act require an industry-wide determination (Mitchell v. Covington Mills, 229 F. 2d 506, certiorari denied 350 U. S. 1002, rehearing denied, 351 U. S. 934; followed Alabama Mills v. Mitchell, 234 F. 2d 21, certiorari denied, 26 L. W. 3117). Under all the evidence, therefore, I find that the locality in which flour and related products are to be manufactured or furnished under contracts subject to the act cannot be defined more narrowly than the area of competition for those contracts, which I find is all of that area in which the industry has its mills.

WAGES

The evidence relating to minimum wages in the flour and related products industry consists of tabular statistics related to the wage structure of the industry in October 1955 prepared by the Bureau of Labor Statistics of this Department, on the basis of a survey it conducted specially for this purpose. Evidence of certain increases in wages which had occurred between the survey date and the hearing in December 1956, was also introduced. There are no substantial conflicts in this evidence, nor was there any objection to the consideration of it on the issue as to what are the minimum wages in this industry.

At the hearing and in post-hearing argument an issue is presented, however, as to the admissibility of a research study prepared by the Economic Research Department of the Chamber of Commerce of the United States. Its title is: "Fringe Benefits—1955." It was offered in evidence by the American Federation of Grain Millers in support of a contention that the "prevailing minimum wages" required by the act to be determined include the perquisites of employment as well as the money paid to employees for their work. Over objection by the National Federation, the American Federation had previously persuaded the hearing examiner to receive evidence as to the nature, value and prevalence of such payments in this industry. This particular exhibit purports to be only a statistical compilation concerning the nature and value of such payments among 1,000 reporting companies. There is no contention that these 1,000 are a representative sample of industry generally, or of any particular group. Not even one producer of flour or related products is shown to be among those reporting. The first finding in the study is that such payments vary widely among the reporting companies. No clue is given as to the extent or direction of the variance from the norm in the flour and related products industry. Regardless of whether any perquisites properly shown to be paid in this industry may be reflected in the determination, the hearing examiner correctly applied section 7 (c) of the Administrative Procedure Act and the rules of practice (29 CFR 203.18 (e)) in rejecting this evidence as irrelevant.

The American Federation urges that determination be suspended pending an additional Bureau of Labor Statistics survey and an additional hearing so that the monetary value of prevailing minimum fringe benefits may be evaluated and recent increases in the cash portion of the prevailing minimum wage may be reflected. It appears from the transcript of testimony here that a representative of the American Federation was present at the panel conference prior to the present wage survey at which the scope of the survey was decided. Apart from the question of relevance of fringe benefit payments in a determination of prevailing minimum wages, it does not appear that the American Federation representative requested at the prehearing conference any fringe benefit data of the type now said to be indispensable. Substantial time is required to gather wage data and assemble it in the form usable in a hearing such as the one which was held. After this was accomplished, the date of the hearing was delayed at the request of the American Federation to permit it to assemble data on wage increases since the pay period which was studied in the survey. When the hearing opened, the American Federation first suggested the need to evaluate fringe benefits. It also appeared that the expected data on wage increases since the survey date had not been assembled. At the request of the American Federation, the hearing was adjourned for over two months for the purpose of enabling the American Federation to assemble such data as it thought advisable. Some data on wage increases was introduced by the American Federation and some by the National Federation. No additional data on fringe benefits was offered except the irrelevant Chamber of Commerce study. At the close of the hearing an additional period was provided for submitting further wage data. In view of this chronology of the proceedings, the request for further survey work and a further hearing is denied.

It appears from the Bureau of Labor Statistics' survey that in October of 1955 there were 480 establishments or separate departments of establishments employing 5 or more employees, whose major product was in the flour and related products industry, as above defined. These establishments employed 23,710 workers who are regarded as "covered" because they will be protected by any minimum wage here determined to the extent that they may engage in work on the Government contracts to which it will apply. Usable wage data were obtained from 402, or 84 percent of these establishments, employing 21,776, or 92 percent of the covered workers in the industry. In accordance with well established statistical procedures, the data were weighted so that it would more nearly represent the whole industry by ascribing to the 16 percent of the plants, employing 8 percent of the employees, from which no data was received, the same wage characteristics found in plants of similar size, location, and end products from which usable wage data were received.

The tables present data separately for probationary workers (new employees working at rates lower than the ones established for their jobs during a period of orientation or training), non-probationary workers, and all workers. This was done so that consideration might be given to one minimum wage for all of the workers in the industry, or a minimum wage for experienced workers and a separate tolerance rate for probationary workers. It appears from examining the evidence that only 390 probationary workers were employed in the flour and related products industry. This employment was confined to 68 establishments. In consequence, the minimum wages which appear on the tables reflecting the wages of all workers do not vary greatly from those appearing on the tables which exclude probationary workers. In this circumstance, a single minimum wage for all workers without any tolerance under section 6 of the act for probationary workers is the one which on this record will give the determination the most substantial meaning and effect.

The unions did not advocate any minimum wages for determination as prevailing in this industry. The Millers' National Federation and the National Soft Wheat Millers' Association voiced the management opposition to any determination. Consistent with this position neither Association advocated any minimum wages for determination as prevailing.

In this industry, 72 percent of the total covered workers are shown to be employed by establishments (45 percent of the total), which pay minimum wages to such workers ranging from and including $1.25 to $2.00 and over per hour, or a span of not less than 75 cents (Table 10–A, Government Exhibit No. 4). These plants employing a substantial preponderance of all covered workers in the industry, constitute nearly one-half of the industry. The remainder of the plants, employing 28 percent of the total covered workers paid minimum wages (except to 17 workers), ranging from and including 75 cents to $1.25 per hour, or a range of 50 cents.

As higher minimum wages and the preponderance of covered employment distinguish the plants in essentially the top half of the industry from those in the remainder, $1.25, the lowest minimum wage paid in this half, is the one most representative of the minimum wage practices of the industry as a whole, and the best measure of the industry standard which I am directed to find and determine as the prevailing minimum wage for persons employed in the industry.

Evidence of minimum wage increases since the survey period was received at the hearing. The Millers' National Federation provided a list of such increases in 256 establishments. The American Federation supplied a list of 125. Giving effect to such evidence by regarding Table 10–A in Government Exhibit No. 4 as altered to reflect each of the increases results in a distribution of plants and covered workers paying no covered worker less than $1.30 per hour which most nearly resembles the distribution supporting the $1.25 rate, above discussed. In the light of these changes, it appears that at the time of the hearing approximately 70 percent of the covered workers in the industry were employed in 45 percent of its plants which paid no covered worker less than $1.30 per hour.

The five-cent per hour increase in the minimum wage which results from giving effect to the direct evidence of specific wage changes is also supported by the evidence of movement in average wages between the dates of survey and hearing here. It appears from the May 1956 and June 1957 issues of the Department's Monthly Labor Review that the average hourly earnings in this industry were $1.93 for a 46.3 hour workweek in October 1955 and $1.98 for a 44.8 hour workweek in December 1956. Adjusted to exclude the premium pay for overtime in workweeks of these lengths by the constant factors presented in the May 1956 issue of the Monthly Labor Review, the straight time average hourly rates become $1.785 and $1.849. Projection of the ratio between the $1.25 prevailing minimum wage and the $1.785 straight time average hourly wage shown to exist at the time of the October 1955 survey, to the $1.849 average hourly wage in effect in December 1956 points to a prevailing minimum wage of $1.294 in December 1956. Such a calculation considers that the increase in straight time wages was occasioned by percentage increases at the several pay levels, and was thus a smaller figure at the minimum, than at the average, wage level. Equal pay in-

creases at the several pay levels would have resulted in increasing the prevailing minimum wage to $1.314. As it is unlikely that all of the increases in the industry were of the same type, both these computations support the $1.30 figure which is derived from the direct evidence of plant increases.

I, therefore, find that the prevailing minimum wage for persons employed in the floor and related products industry is $1.30 per hour.

For reasons above stated, no lower rate will be provided for probationary workers or others based on lack of experience in the industry, or in the particular plant. There is no need to invoke special provision for handicapped workers and apprentices, as special rates for them are governed by the general regulations (29 CFR Part 201).

Accordingly, upon the findings and conclusions stated herein, and pursuant to authority under the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C., sec. 35 et seq.), and in accordance with the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 237), notice is hereby given that I propose to amend Title 41 of the Code of Federal Regulations, Part 202 by the addition of § 202.56 (41 CFR Part 202) to read as follows:

§ 202.56 *Flour and related products industry*—(a) *Definition.* The flour and related products industry is defined as the milling of flour from grain and the blending or other preparation of flour and dry flour mixes. Examples of products of the industry are flours made from wheat (white, durum, granular, wholewheat), rye, buckwheat, and corn, including blended, phosphated, bromated, self-rising, and other prepared flour and dry flour mixes; semolina and farina; cornmeal; corn grits, hominy, and flakes; and offals. The definition of this industry does not include flour and other products manufactured from rice, soybeans, and potatoes; those cereal preparations of the type generally called breakfast foods (except corn grits and hominy), baby foods, and coffee substitutes; and dry and prepared animal feeds (except offals which are included).

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the flour and related products industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.30 per hour arrived at either on a time or piece rate basis.

(c) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

Within thirty days from the date of the publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed action above described. Exceptions should be directed to the Secretary of Labor and filed with the Chief Hearing Examiner, Room 4414, United States Department of Labor, Washington 25, D. C.

Signed at Washington, D. C., this 30th day of June 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-5152; Filed, July 3, 1958; 8:51 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF A TOLERANCE FOR RESIDUES OF INORGANIC BROMIDES RESULTING FROM SOIL TREATMENT WITH ETHYLENE DIBROMIDE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by the Dow Chemical Company, Midland, Michigan, proposing the establishment of a tolerance of 75 parts per million for residues of inorganic bromides (calculated as Br), resulting from soil treatment with ethylene dibromide, in or on potatoes.

The analytical method proposed in the petition for determining residues of inorganic bromides is that described in Industrial and Engineering Chemistry, Analytical Edition, Vol. 14, pp. 1-4 (January 15, 1942).

Dated: June 27, 1958.

[SEAL] ROBERT S. ROE,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 58-5144; Filed, July 3, 1958; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 176]

[Ex Parte No. MC-51]

TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

POOLING BY MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of June A. D. 1958.

The above-entitled matter being under consideration:

It is ordered, That, pursuant to section 4 (a) of the Administrative Procedure Act and sections 5 (1), 12 (1), and 204 (a) (1) and (6) of the Interstate Commerce Act, a rule-making proceeding be, and it is hereby, instituted on the Commission's own motion for the purposes of:

(a) Determining the extent of the Commission's jurisdiction under section 5 (1) over currently operative or proposed contracts, agreements, or combinations of motor common carriers of household goods with common carrier agents authorized to perform competitive services;

(b) Requiring the filing of copies of such of the said contracts, agreements, or combinations as the Commission deems necessary to carry out the provisions of section 5 (1) or to recommend amendments to said section, pursuant to the provisions of section 12 (1);

(c) Determining the extent to which the pooling or division of traffic, service, or gross or net earnings, or of any portion thereof, of such carriers with any such common carrier agent will be in the interest of better service to the public or of economy in operation, and will not unduly restrain competition;

(d) Determining such consideration as between such carriers and carrier agents and such terms and conditions with respect to such pooling or division as will be just and reasonable; and

(e) Establishing rules and regulations under which specific approval and authorization by the Commission of such arrangements for pooling or division, between such carriers, may be obtained.

It is further ordered, That interested persons may file on or before October 1, 1958, with the Commission, written statements containing data, views, and arguments concerning the matters which are the subject of this order, and may request oral hearing or oral argument thereon, in accordance with the Commission's general rules of practice.

And it is further ordered, That notice of this proceeding shall be given by depositing a copy of this order in the Office of the Secretary of the Commission for public inspection, and by filing a copy with the Director, Federal Register Division.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-5131; Filed, July 3, 1958; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 58-26]

APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals and termination of approvals are set forth in 46 CFR 2.75-1 to

2.75–50, inclusive. For certain types of equipment, installations, and materials specifications have been also prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order Nos. 120, dated July 31, 1950 (15 F. R. 6521), 167–14, dated November 26, 1954 (19 F. R. 8026), 167–20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56–28, dated July 24, 1956 (21 F. R. 5659), and R. S. 4405, as amended, 4462, as amended, 4491, as amended, sections 1, 2, 49 Stat. 1544, as amended, section 17, 54 Stat. 166, as amended, and section 3, 54 Stat. 346, as amended, section 3, 70 Stat. 152 (46 U. S. C. 405, 416, 489, 367, 526p, 1333, 390b), and section 3 (c) of the act of August 9, 1954 (50 U. S. C. 198), and implementing regulations in 46 CFR Chapter I: *It is ordered*, That:

a. All the approvals listed in Part I of this document which extend approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of 5 years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and

b. All the other approvals listed in Part I of this document (which are not covered by paragraph a above) are prescribed and shall be in effect for a period of 5 years from the date of publication of this document in the FEDERAL REGISTER, unless sooner canceled or suspended by proper authority; and

c. All the approvals listed in Part II of this document are terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with present Coast Guard requirements; or (5) the approval has expired. Except for these approvals which have expired, all other terminations of approvals made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval of any item of equipment as listed in Part II of this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

BUOYANT APPARATUS

Approval No. 160.010/26/0, 4.5′ x 2.71′ x 0.83′ buoyant apparatus, wood decking with unicellular plastic foam core, 12-person capacity, dwg. No. G–493, dated October 1957, revised January 28, 1958, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.010/27/0, 3.0′ x 2.71′ x 0.83′ buoyant apparatus, wood decking with unicellular plastic foam core, 8-person capacity, dwg. No. G–494, dated October 1957, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.010/38/0, 7.5′ x 4.0′ (10½″ x 10½″ body section) rectangular aluminum buoyant apparatus with unicellular plastic foam core, 20-person capacity, dwg. No. 60071, Rev. A dated May 5, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.010/39/0, 9.0′ x 5.0′ (10½″ x 10½″ body section) rectangular aluminum buoyant apparatus with unicellular plastic foam core, 26-person capacity, dwg. No. 60072, Rev. A dated June 2, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

SEA ANCHORS, LIFEBOAT

Approval No. 160.019/8/0, Type 1 sea anchor, U. S. C. G. dwg. No. MMI–562, and specification dated November 1, 1943, revised August 24, 1944, manufactured by A. L. Robertson, Inc., 113 South Gay Street, Baltimore 2, Md. (Extension of the approval published in FEDERAL REGISTER May 19, 1953, effective April 1, 1958.)

LIFE FLOATS

Approval No. 160.027/49/0, 9.0′ x 5.0′ (10½″ x 10½″ body section) rectangular aluminum life float with unicellular plastic foam core, 22-person capacity, dwg. No. 60074, Rev. A dated June 2, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Approval No. 160.033/43/2, Rottmer type L–1A releasing gear, approved for a maximum working load of 36,600 pounds per set (18,300 pounds per hook), identified by hoist gear assembly dwg. No. M–125–1–A dated March 27, 1950, and revised November 6, 1952, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.033/43/1 published in FEDERAL REGISTER May 19, 1953.)

HAND-PROPELLING GEAR, LIFEBOAT

Approval No. 160.034/9/1, Single gear type hand-propelling gear, identified by arrangement dwg. No. 3184 dated October 13, 1945, and revised March 21, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Extension of the approval published in FEDERAL REGISTER May 19, 1953, effective May 19, 1958.)

LIFEBOATS

Approval No. 160.035/20/3, 24.0′ x 8.0′ x 3.5′ steel, oar-propelled lifeboat, 40-person capacity, identified by general arrangement dwg. No. G–2440 dated March 9, 1951, and revised April 11, 1958, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Reinstates and supersedes Approval No. 160.035/20/2 terminated in FEDERAL REGISTER June 3, 1958.)

Approval No. 160.035/21/2, 24.0′ x 7.75′ x 3.33′ steel, oar-propelled lifeboat, 37-person capacity, identified by general arrangement dwg. No. G–2437 dated April 11, 1952, and revised April 9, 1958, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Reinstates and supersedes Approval No. 160.035/21/1 terminated in FEDERAL REGISTER January 22, 1958.)

Approval No. 160.035/24/2, 24.0′ x 8.0′ x 3.5′ steel, motor-propelled lifeboat without radio cabin (Class B), 36-person capacity, identified by general arrangement dwg. No. G–2436M dated February 21, 1951, and revised April 22, 1958, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Supersedes Approval No. 160.035/24/1 published in FEDERAL REGISTER May 19, 1953.)

Approval No. 160.035/166/1, 30′ x 10′ x 4′ steel, hand-propelled lifeboat, 72-person capacity, identified by general arrangement dwg. No. G–3072H dated October 1957, revised April 14, 1958, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Reinstates and supersedes Approval No. 160.035/166/0 terminated in FEDERAL REGISTER March 25, 1954.)

Approval No. 160.035/201/2, 26.0′ x 7.75′ x 3.33′ steel, hand-propelled lifeboat, 37-person capacity, identified by construction and arrangement dwg. No. 3182 dated August 4, 1952, and revised March 7, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.035/201/1 published in FEDERAL REGISTER May 19, 1953.)

Approval No. 160.035/288/1, 26.0′ x 9.0′ x 3.83′ steel, oar-propelled lifeboat, 53-person capacity, identified by general arrangement and construction dwg. No. 49R–2658 dated July 15, 1952, revised April 23, 1958, manufactured by Lane Lifeboat and Davit Corp., 8920 26th Avenue, Brooklyn 14, N. Y. (Reinstates and supersedes Approval No. 160.035/288/0 terminated in FEDERAL REGISTER November 1, 1957.)

Approval No. 160.035/289/1, 24.0′ x 7.75′ x 3.33′ steel, oar-propelled lifeboat, 37-person capacity, identified by construction and arrangement dwg. No. 24–10, revision A dated April 16, 1958, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/289/0 published in FEDERAL REGISTER May 19, 1953.)

Approval No. 160.035/302/1, 20.0′ x 6.5′ x 2.6′ steel, oar-propelled lifeboat, 30-person capacity, identified by general arrangement and construction dwg. No. 49R–2020–S dated November 7, 1952, revised April 21, 1958, manufactured by Lane Lifeboat and Davit Corp., 8920 26th Avenue, Brooklyn 14, N. Y. (Reinstates and supersedes Approval No. 160.035/302/0 terminated in FEDERAL REGISTER June 3, 1958.)

Approval No. 160.035/360/0, 16.0′ x 6.0′ x 2.5′ steel, oar-propelled lifeboat, 15-person capacity, identified by construction and arrangement dwg. No. 16–4, revision A dated May 5, 1958, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.035/364/0, 30.0′ x 10.0′ x 4.13′ aluminum, diesel-propelled lifeboat, Class "A", 63-person capacity, identified by construction and arrangement dwg. No. 80143 dated December 14, 1956, revised April 16, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/369/0, 28′ x 9.79′ x 4.13′ steel, hand-propelled lifeboat, 66-person capacity, identified by construction and arrangement dwg. No. 28–4G, revision B dated June 5, 1958, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.035/377/0, 33.5′ x 11.75′ x 4.68′ aluminum, hand-propelled lifeboat, 110-person capacity with independent air tanks, identified by construction and arrangement dwg. No. 80194 dated January 4, 1958, revised May 2, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/382/0, 26.0′ x 9.0′ x 3.83′ aluminum, hand-propelled lifeboat, 53-person capacity, identified by general arrangement dwg. No. 26–10D, revision B dated May 13, 1958, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD MODELS AK, CKM, CKS, AF, CFM, AND CFS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/196/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Kiltie Manufacturing Co., 5160 Thompson Street, Philadelphia, Pa.

Approval No. 160.047/197/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Kiltie Manufacturing Co., 5160 Thompson Street, Philadelphia, Pa.

Approval No. 160.047/198/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Kiltie Manufacturing Co., 5160 Thompson Street, Philadelphia, Pa.

Approval No. 160.047/199/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Sav-A-Life Industries, Inc., Division of Land-O-Nod Co., Broadway at Central, Minneapolis 13, Minn., for Herter's, Inc., Waseca, Minn.

Approval No. 160.047/200/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Sav-A-Life Industries, Inc., Division of Land-O-Nod Co., Broadway at Central, Minneapolis 13, Minn., for Herter's Inc., Waseca, Minn.

Approval No. 160.047/201/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Sav-A-Life Industries, Inc., Division of Land-O-Nod Co., Broadway at Central, Minneapolis 13, Minn., for Herter's, Inc., Waseca, Minn.

Approval No. 160.047/202/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for The Biltmore Manufacturing Co., 1501 Freeman Avenue, Cincinnati 14, Ohio.

Approval No. 160.047/203/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for The Biltmore Manufacturing Co., 1501 Freeman Avenue, Cincinnati 14, Ohio.

Approval No, 160.047/204/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The Safegard Corp, Box 66, Station B, Cincinnati 22, Ohio, for The Biltmore Manufacturing Co., 1501 Freeman Avenue, Cincinnati 14, Ohio.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/126/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Sav-A-Life Industries, Inc., Division of Land-O-Nod Co., Broadway at Central Minneapolis 13, Minn., for Herter's, Inc., Waseca, Minn.

Approval No. 160.048/127/0, special approval for 13″ x 18″ x 2″ rectangular ribbed-type kapok buoyant cushion, 21 oz. kapok, Sav-A-Life Industries, Inc., dwg. No. 1 dated October 3, 1957, manufactured by Sav-A-Life Industries, Inc., Division of Land-O-Nod Co., Broadway at Central, Minneapolis 13, Minn., for Herter's, Inc., Waseca, Minn.

Approval No. 160.048/128/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for The Biltmore Manufacturing Co., 1501 Freeman Avenue, Cincinnati 14, Ohio.

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/7/1, 20-inch ring life buoy, fibrous glass reinforced plastic shell with unicellular plastic foam core, specification dated January 27, 1958, Rev. 3, manufactured by The Plasti-Kraft Corp., 140 Walker Street SW., Atlanta 3, Ga. (Plant: Oldsmar, Fla.) (Supersedes Approval No. 160.050/7/0 published in FEDERAL REGISTER March 25, 1958.)

Approval No. 160.050/10/0, 24-inch ring life buoy, fibrous glass reinforced plastic shell with unicellular plastic foam core, specification dated January 27, 1958, Rev. 3, manufactured by The Plasti-Kraft Corp., 140 Walker Street SW., Atlanta 3, Ga. (Plant: Oldsmar, Fla.)

Approval No. 160.050/11/0, 30-inch ring life buoy, fibrous glass reinforced plastic shell with unicellular plastic foam core, specification dated January 27, 1958, Rev. 3, manufactured by The Plastic-Kraft Corp., 140 Walker Street SW., Atlanta 3, Ga. (Plant: Oldsmar, Fla.)

Approval No. 160.050/15/0, 30-inch ring life buoy, fibrous glass reinforced plastic shell with unicellular plastic foam core, L. S. Baier & Associates dwg. P–360, Rev. 3, dated April 14, 1958, and L. S. Baier & Associates specification dated June 4, 1956, manufactured by Sunde & d'Evers Co., Colman Dock, Seattle, Wash.

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/18/1, sound powered telephone station, selective ringing, common talking, 11 stations maximum, bulkhead mounting, splashproof, dwg. No. 9, Alt. 3, Model K–4 with attached 4″ hand generator bell, Model K–6 with attached 6″ hand generator bell, and Model K–8 with attached 8″ hand generator bell, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N. Y. (Extension of the approval published in FEDERAL REGISTER May 19, 1953, effective May 19, 1958.)

Approval No. 161.005/35/0, sound powered telephone station, selective ringing, common talking, 11 stations maximum, nonwaterproof, with self-contained hand generator bell, Model D, desk model, dwg. No. 16, Alt. 1, for use in officers' quarters and radio room, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N. Y. (Extension of the approval published in FEDERAL REGISTER May 19, 1953, effective April 1, 1958.)

BOILERS, HEATING

Approval No. 162.003/144/0, Model BC–118, vertical fire-tube steam or hot water heating boiler, 118,000 B. t. u. per hour, dwg. No. Q–322, Alt. A dated February 16, 1953, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Aldrich Co., Wyoming, Ill. (Extension of the approval published in FEDERAL REGISTER May 19, 1958, effective May 19, 1958.)

Approval No. 162.003/145/0, Model BC–160, vertical fire-tube steam or hot water heating boiler, 160,000 B. t. u. per hour, dwg. No. Q–322, Alt. A dated February 16, 1953, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Aldrich Co., Wyoming, Ill. (Extension of the approval published in FEDERAL REGISTER May 19, 1953, effective May 19, 1958.)

Approval No. 162.003/146/0, Model BC–225, vertical fire-tube steam or hot water heating boiler, 225,000 B. t. u. per hour, dwg. No. Q–322, Alt. A dated February 16, 1953, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Aldrich Co., Wyoming, Ill. (Extension of the approval published in FEDERAL REGISTER May 19, 1953, effective May 19, 1958.)

Approval No. 162.003/147/0, Model BC–315, vertical fire-tube steam or hot water heating boiler, 315,000 B. t. u. per hour, dwg. No. Q–322, Alt. A dated February 16, 1953, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Aldrich Co., Wyoming, Ill. (Extension of the approval published in FEDERAL REGISTER May 19, 1953, effective May 19, 1958.)

Approval No. 162.003/148/0, Model BC–514, vertical fire-tube steam or hot water heating boiler, 514,000 B. t. u. per hour, dwg. No. Q–322, Alt. A dated February 16, 1953, maximum design pres-

sure 30 p. s. i., approval limited to bare boiler, manufactured by Aldrich Co., Wyoming, Ill. (Extension of the approval published in FEDERAL REGISTER May 19, 1953, effective May 19, 1958.)

Approval No. 162.003/149/0, Model BC–808, vertical fire-tube steam or hot water heating boiler, 808,000 B. t. u. per hour, dwg. No. Q–322, Alt. A dated February 16, 1953, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Aldrich Co., Wyoming, Ill. (Extension of the approval published in FEDERAL REGISTER May 19, 1953, effective May 19, 1958.)

FIRE EXTINGUISHERS, PORTABLE, HAND, VAPORIZING LIQUID TYPE

Approval No. 162.004/46/1, S. O. S. Defender (Symbol GE, GEN, or GEP), 1-qt. carbon tetrachloride pump type hand portable fire extinguisher, assembly dwg. No. 1515, Rev. D dated February 3, 1958, name plate dwg. No. 85HD–1544, Rev. H dated November 9, 1956 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 25631 Little Mack Avenue, St. Clair Shores, Mich., for Schwartz Brothers, Inc., 827 Arch Street, Philadelphia 7, Pa. (Reinstates and supersedes Approval No. 162.004/46/0 terminated in FEDERAL REGISTER October 4, 1957.)

Approval No. 162.004/47/1, S. O. S. Defender (Symbol GE, GEN, or GEP), 1½-qt. carbon tetrachloride pump type hand portable fire extinguisher, assembly dwg. No. 1636, Rev. D dated October 22, 1957, name plate dwg. No. 95HD–1599, Rev. H dated November 9, 1957 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 25631 Little Mack Avenue, St. Clair Shores, Mich., for Schwartz Brothers, Inc., 827 Arch Street, Philadelphia, Pa. (Reinstates and supersedes Approval No. 162.004/47/0 terminated in FEDERAL REGISTER October 4, 1957.)

Approval No. 162.004/71/1, Veribest Model 443 (Symbol GE, GEN, or GEP), 1-qt. carbon tetrachloride pump type hand portable fire extinguisher, assembly dwg. No. 1506, Rev. D dated February 3, 1958, name plate dwg. No. 85HD–1556 dated August 14, 1956 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 25631 Little Mack Avenue, St. Clair Shores, Mich., for M. L. Snyder & Son, Inc., Jasper and York Streets, Philadelphia 25, Pa. (Reinstates and supersedes Approval No. 162.004/71/0 terminated in FEDERAL REGISTER March 25, 1958.)

Approval No. 162.004/72/1, Veribest Model 444 (Symbol GE, GEN, or GEP), 1½-qt. carbon tetrachloride pump type hand portable fire extinguisher, assembly dwg. No. 1633, Rev. D dated October 22, 1957, name plate dwg. No. 95HD–1620 dated August 14, 1956 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 25631 Little Mack Avenue, St. Clair Shores, Mich., for M. L. Snyder & Son, Inc., Jasper and York Streets, Philadelphia 25, Pa. (Reinstates and supersedes Approval No. 162.004/72/0 terminated in FEDERAL REGISTER, March 25, 1958.)

Approval No. 162.004/73/1, Badger's CTC (Symbol GE, GEN, or GEP), 1-qt. carbon tetrachloride pump type hand portable fire extinguisher, assembly dwg. No. 1516, Rev. D dated February 3, 1958, name plate dwg. No. 85HD–1543, Rev. G dated May 14, 1956 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 25631 Little Mack Avenue, St. Clair Shores, Mich., for Badger Fire Extinguisher Co., Methuen, Mass. (Reinstates and supersedes Approval No. 162.004/73/0 terminated in FEDERAL REGISTER, March 25, 1958.)

Approval No. 162.004/74/1, Badger's CTC (Symbol GE, GEN, or GEP), 1½-qt. carbon tetrachloride pump type hand portable fire extinguisher, assembly, dwg. No. 1631, Rev. D dated October 22, 1957, name plate dwg. No. 95HD–1581, Rev. E dated May 14, 1956 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 25631 Little Mack Avenue, St. Clair Shores, Mich., for Badger Fire Extinguisher Co., Methuen, Mass. (Reinstates and supersedes Approval No. 162.004/74/0 terminated in FEDERAL REGISTER, March 25, 1958.)

Approval No. 162.004/80/1, American La France VI–1 (Symbol GE, GEN, or GEP), 1-qt. carbon tetrachloride pump type hand portable fire extinguisher, assembly dwg. No. 1524, Rev. D dated February 3, 1958, name plate dwg. No. 85HD–1527, Rev. F dated May 1, 1954 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 25631 Little Mack Avenue, St. Clair Shores, Mich., for American La France Corp., Elmira, N. Y. (Supersedes Approval No. 162.004/80/0 published in FEDERAL REGISTER, August 7, 1953.)

Approval No. 162.004/81/1, American La France VL–1½ (Symbol GE, GEN, or GEP), 1½-qt. carbon tetrachloride pump type hand portable fire extinguisher, assembly dwg. No. 1640, Rev. D dated October 28, 1957, name plate dwg. No. 95HD–1595 dated August 15, 1956 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 25631 Little Mack Avenue, St. Clair Shores, Mich., for American La France Corp., Elmira, N. Y. (Supersedes Approval No. 162.004/81/0 published in FEDERAL REGISTER August 7, 1953.)

Approval No. 162.004/82/2, Kidde Model 2VG (Symbol GE, GEN, or GEP), 1-qt. carbon tetrachloride pump type hand portable fire extinguisher, assembly dwg. No. 1521, Rev. D dated February 3, 1958, name plate dwg. No. 85HD–1552 dated July 24, 1956 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill., for Walter Kidde & Co., Inc., Belleville 9, N. J. (Supersedes Approval No. 162.004/82/1 published in FEDERAL REGISTER December 20, 1955.)

Approval No. 162.004/83/2, Kidde Model 3VG (Symbol GE, GEN, or GEP), 1½-qt. carbon tetrachloride pump type hand portable fire extinguisher, assembly dwg. No. 1624, Rev. D dated October [illegible] 1957, name plate dwg. No. 95HD–[illegible] Rev. A dated July 16, 1956 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill., for Walter Kidde & Co., Inc., Belleville 9, N. J. (Supersedes Approval No. 162.004/83/1 published in FEDERAL REGISTER December 20, 1955.)

Approval No. 162.004/103/0, Fomco (Symbol GE, GEN, or GEP), 1-qt. carbon tetrachloride pump type hand portable fire extinguisher, assembly dwg. No. 1622, Rev. D dated February 3, 1958, name plate dwg. No. 85HD–1557, Rev. F dated May 14, 1956 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 25631 Little Mack Avenue, St. Clair Shores, Mich., for Ford Motor Co., Rotunda Drive at Southfield Road, Dearborn, Mich.

Approval No. 162.004/104/0, Fomco (Symbol GE, GEN, or GEP), 1½-qt. carbon tetrachloride pump type hand portable fire extinguisher, assembly dwg. No. 1638, Rev. D dated October 28, 1957, name plate dwg. No. 95HD–1582, Rev. F dated May 14, 1956 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 25631 Little Mack Avenue, St. Clair Shores, Mich., for Ford Motor Co., Rotunda Drive at Southfield Road, Dearborn, Mich.

Approval No. 162.004/105/0, Allstate No. 7970GE (Symbol GE, GEN, or GEP), 1-qt. carbon tetrachloride pump type hand portable fire extinguisher, assembly dwg. No. 1507, Rev. D dated February 3, 1958, name plate dwg. No. 85HD–1570, Rev. F dated September 16, 1957 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 25631 Little Mack Avenue, St. Clair Shores, Mich., for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 162.004/106/0, Allstate No. 6499 (Symbol GE, GEN, or GEP), 1½-qt. carbon tetrachloride pump type hand portable fire extinguisher, assembly dwg. No. 1627, Rev. D dated October 28, 1957, name plate dwg. No. 95HD–1588, Rev. F dated September 16, 1957 (Coast Guard classification: Type B, Size I; and Type C, Size I); manufactured by The General Fire Extinguisher Corp., 25631 Little Mack Avenue, St. Clair Shores, Mich., for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 162.004/107/0, Reddy (Symbol GE, GEN, or GEP), 1-qt. carbon tetrachloride pump type hand portable fire extinguisher assembly dwg. No. 1512, Rev. D dated February 3, 1958, name plate dwg. No. 85HD–1540, Rev. B dated May 14, 1956 (Coast Guard classification: Type B, Size I; and Type C, Size D, manufactured by The General Fire Extinguisher Corp., 25631 Little Mack Avenue, St. Clair Shores, Mich., for W. D. Allen Manufacturing Co., 566–570 West Lake Street, Chicago 6, Ill.

Approval No. 162.004/108/0, Reddy (Symbol GE, GEN, or GEP), 1½-qt. carbon tetrachloride pump type hand

portable fire extinguisher, assembly dwg. No. 1625, Rev. D dated October 28, 1957, name plate dwg. No. 95HD–1590, Rev. B dated May 14, 1956 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 25631 Little Mack Avenue, St. Clair Shores, Mich., for W. D. Allen Manufacturing Co., 566–570 West Lake Street, Chicago 6, Ill.

Approval No. 162.004/109/0, Elkhart (Symbol GE, GEN. or GEP), 1-qt. carbon tetrachloride pump type hand portable fire extinguisher, assembly dwg. No. 1510, Rev. D dated February 3, 1958, name plate dwg. No. 85HD–1551, Rev. F dated May 22, 1957 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 25631 Little Mack Avenue, St. Clair Shores, Mich., for Elkhart Brass Mfg. Co., Inc., Elkhart, Ind.

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Approval No. 162.005/28/2, Kidde Model 10T–1, 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. MS870185, Rev. B dated May 20, 1949, name plate dwg. No. 270122, Rev. N dated January 10, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Walter Kidde & Co., Inc., Belleville 9, N. J. (Supersedes Approval No. 162.005/28/1 published in FEDERAL REGISTER May 19, 1953.)

Approval No. 162.005/29/2, Kidde Model 15T–1, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. MS870186, Rev. C dated March 26, 1953, name plate dwg. No. 270123, Rev. M dated January 10, 1958 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by Walter Kidde & Co., Inc., Belleville 9, N. J. (Supersedes Approval No. 162.005/29/1 published in FEDERAL REGISTER May 19, 1953.)

Approval No. 162.005/30/2, Kidde Model 5T–1, 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. MS890012, Rev. N dated November 2, 1957, name plate dwg. No. 270061, Rev. N dated January 10, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Walter Kidde & Co., Inc., Belleville 9, N. J. (Supersedes Approval No. 162.005/30/1 published in FEDERAL REGISTER May 19, 1953.)

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/44/0, Kidde Model 10P, 10-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 890205, Rev. E dated October 28, 1956, name plate dwg. No. 270581, Rev. H dated July 17, 1957 (Coast Guard classification: Type B, Size II, and Type C, Size II), manufactured by Walter Kidde & Co., Inc., Belleville 9, N. J.

Approval No. 162.010/45/0, Kidde Model 20–DCP, 20-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 890342, Rev. B dated July 3, 1957, name plate dwg. Nos. 241745, Rev. C dated June 6, 1957, and 241746, Rev. D dated July 23, 1957 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by Walter Kidde & Co., Inc., Belleville 9, N. J.

Approval No. 162.010/46/0, Kidde Model 30–DCP, 30-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 890341, Rev. B dated July 3, 1957, name plate dwg. Nos. 241745, Rev. C dated June 6, 1957, and 241747, Rev. D dated July 23, 1957 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by Walter Kidde & Co., Inc., Belleville 9, N. J.

VALVES, SAFETY RELIEF, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/35/1, 4'' Style JQ safety relief valve for liquefied chlorine service (corrosive), dwg. No. D–38572, Rev. A, dated February 11, 1958, approved for a maximum set pressure of 300 p. s. i., discharge capacity 15,350 cubic feet per minute of air measured at 60° F. and 14.7 p. s. i. a., manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Supersedes Approval No. 162.018/35/0 published in FEDERAL REGISTER December 4, 1956.)

DECK COVERINGS

Approval No. 164.006/31/0, "Corkstone", magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG367–131:FP2584 dated January 14, 1948, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by the Lasting Products Co., 200 block South Franklintown Road, Baltimore 23, Md. (Extension of the approval published in FEDERAL REGISTER May 19, 1953, effective April 1, 1958.)

Approval No. 164.006/32/0, "Oceans-Lite Decking", magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG367–128:FP2577 dated December 10, 1947, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by Ocean-Lite Flooring Corp., 143 Pioneer Street, Brooklyn 31, N. Y. (Extension of the approval published in FEDERAL REGISTER May 19, 1953, effective April 1, 1958.)

Approval No. 164.006/33/0, "Oaktred", magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG367–132:FP2593 dated January 27, 1948, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by Kompolite Co., Inc., 11–25 44th Road, Long Island City 1, N. Y. (Extension of the approval published in FEDERAL REGISTER May 19, 1953, effective April 1, 1958.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/28/1, "Baldwin-Hill Spun Felt" mineral wool insulation type incombustible material identical to that described in National Bureau of Standards Report Nos. TG10210–1921: FP3257 dated December 16, 1954, and TG10210–2021:FP3448 dated May 6, 1958, approved in a density of from 2½ to 4 pounds per cubic foot, manufactured by Baldwin-Hill Co., 500 Breunig Avenue, Trenton 2, N. J. (Supersedes Approval No. 164.009/28/0 published in FEDERAL REGISTER March 25, 1954.)

Approval No. 164.009/47/0, "Superfine HTB Fiber Glass", glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2022:FP3449, dated May 7, 1958, approved in a ½ to 1½ pounds per cubic foot density, manufactured by Pittsburgh Plate Glass Company, One Gateway Center, Pittsburgh 22, Pa.

Approval No. 164.009/51/0, "Glasal" cement-asbestos board type incombustible material as described in National Bureau of Standards Report No. TG10210–2023:FP3450 dated May 20, 1958, manufactured by U. S. Plywood Corp., 55 West 44th Street, New York 36, N. Y.

FIRE EXTINGUISHING SYSTEMS, FIXED

Cardox Low Pressure Carbon Dioxide Marine Fire Extinguishing System, schematic dwg. Nos. FC–33140, Rev. C dated May 6, 1954, FC–40424 dated May 17, 1957, FC–40425 dated May 17, 1957, and Drawing List No. FD–32501, Rev. C dated April 8, 1958, manufactured by Cardox Corporation, 307 North Michigan Avenue, Chicago, 1, Ill. (Supersedes approval published in FEDERAL REGISTER September 16, 1943.)

FIRE EXTINGUISHING SYSTEMS, SEMIPORTABLE

Ansul Model S–500–A, 500-lb. dry chemical stationary type fire extinguisher unit, semiportable fire extinguishing system, assembly dwg. No. 1444, Rev. 13 dated December 31, 1957, name plate dwg. No. 6134, Rev. 2 dated December 31, 1957, parts index No. S–500–A issued May 31, 1957 (Coast Guard classification: Type B, Size V; and Type C, Size V), manufactured by Ansul Chemical Co., Marinette, Wis.

Ansul Model S–1000–A, 1000-lb. dry chemical stationary type fire extinguisher unit, semiportable fire extinguishing system, assembly dwg. No. 1505, Rev. 10 dated February 5, 1957, name plate dwg. No. 6023, Rev. 1 dated February 28, 1957, parts index No. S–1000–A issued June 4, 1957 (Coast Guard classification: Type B, Size V; and Type C, Size V), manufactured by Ansul Chemical Co., Marinette, Wis.

Ansul Model S–2000–B, 2000-lb. dry chemical stationary type fire extinguisher unit, semiportable fire extinguishing system, one-outlet assembly dwg. No. 5970, Rev. 1 dated November 26, 1957, two-outlet assembly dwg. No. 2041, Rev. 8 dated April 30, 1957, name plate dwg. No. 6024 dated February 28, 1957, one-outlet parts index No. S–2000–B issued May 31, 1957, two-outlet parts index S–2000–B, Rev. 1 dated January 28, 1957 (Coast Guard classification: Type B, Size V; and Type C, Size V), manufactured by Ansul Chemical Co., Marinette, Wis.

PART II—TERMINATIONS OF APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

LIFEBOATS

Termination of Approval No. 160.035/14/1, 20.0' x 6.0' x 2.6' steel, oar-propelled lifeboat, 18-person capacity, identified by general arrangement dwg. No. G–2018

dated May 6, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Approved FEDERAL REGISTER May 19, 1953. Termination of approval effective May 19, 1958.)

Termination of Approval No. 160.035/15/1, 20.0' x 6.5' x 2.6' steel, oar-propelled lifeboat, 20-person capacity, identified by general arrangement dwg. No. G-2020 dated May 6, 1952, revised December 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Approved FEDERAL REGISTER May 19, 1953. Termination of approval effective May 19, 1958.)

Termination of Approval No. 160.035/180/1, 20.0' x 6.5' x 2.75' steel, oar-propelled lifeboat, 21-person capacity, identified by construction and arrangement dwg. No. 3191 dated December 22, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER May 19, 1953. Termination of approval effective May 19, 1958.)

Termination of Approval No. 160.035/189/1, 28.0' x 9.0' x 3.96' steel, oar-propelled lifeboat, 59-person capacity, identified by construction and arrangement dwg. No. 3205 dated March 3, 1953, and revised March 14, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER May 19, 1953. Termination of approval effective May 19, 1958.)

Termination of Approval No. 160.035/299/0, 24.0' x 8.0' x 3.5' aluminum, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement dwg. No. 24-9B dated September 5, 1952, and revised March 23, 1953, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER May 19, 1953. Termination of approval effective May 19, 1958.)

Termination of Approval No. 160.035/300/0, 24.0' x 8.0' x 3.5' aluminum, motor-propelled lifeboat without radio cabin (Class B), 37-person capacity, identified by construction and arrangement dwg. No. 24-9C dated September 15, 1952, and revised March 9, 1953, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER May 19, 1953. Termination of approval effective May 19, 1958.)

Termination of Approval No. 160.035/303/0, 24.0' x 7.75' x 3.33' aluminum, hand-propelled lifeboat, 37-person capacity, identified by construction and arrangement dwg. No. 3406 dated August 2, 1952, and revised January 31, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER May 19, 1953. Termination of approval effective May 19, 1958.)

PUMPS, BILGE, LIFEBOAT

Termination of Approval No. 160.044/8/0, size No. 2 lifeboat bilge pump, identified by general arrangement dwg. No. 3464 dated February 5, 1953, submitted by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER May 19, 1953. Termination of approval effective May 19, 1958).

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Termination of Approval No. 160.050/4/0, 30-inch plastic ring life buoy, expanded unicellular polystyrene foam core with fibrous glass reinforced polyester resin shell, dwg. P-360, dated December 15, 1955, rev. June 6, 1956, and specification dated June 4, 1956, manufactured by L. S. Baier & Associates, Marine Plastics Division, Inc., 421 Southwest Fifth Avenue, Portland 4, Oreg. (Approved FEDERAL REGISTER December 4, 1956.)

VALVES, SAFETY (POWER BOILERS)

Termination of Approval No. 162.001/31/1, Model WTD carbon steel body pop safety valve, enclosed spring, maximum pressure 400 p. s. i., maximum temperature 450° F., dwg. No. B2058S dated November 14, 1951, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by J. E. Lonergan Co., Second and Race Streets, Philadelphia 6, Pa. (Approved FEDERAL REGISTER May 19, 1953. Termination of approval effective May 19, 1958.)

Termination of Approval No. 162.001/86/1, Spl. Cat. 2501, bronze body pop safety valve, enclosed spring, maximum pressure 250 p. s. i., maximum temperature 406° F., dwg. No. A-24158, Alteration D dated February 25, 1953, approved for sizes 1½", 2" and 2½", manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Ill. (Approved FEDERAL REGISTER May 19, 1953. Termination of approval effective May 19, 1958.)

FIRE EXTINGUISHERS, PORTABLE, HAND, VAPORIZING-LIQUID TYPE

Termination of Approval No. 162.004/8/1, Fire Gun No. 4, 1-gallon carbon tetrachloride type hand portable fire extinguisher, assembly dwg. No. 31X-1000, alt. D dated June 11, 1945, name plate dwg. No. 31X-1, alt. D dated April 27, 1938 (for tank barges only), manufactured by American La France Corp., Elmira, N. Y. (Approved FEDERAL REGISTER May 19, 1953. Termination of approval effective May 19, 1958.)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Termination of Approval No. 162.005/42/0, Model 10AKR Lever Type CD General Quick Aid Fire Guard 10-lb. carbon-dioxide type hand portable fire extinguisher, assembly dwg. No. BC-210-XR dated November 5, 1951, name plate dwg. No. CC-210-1R dated November 29, 1951 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich. (Approved FEDERAL REGISTER May 19, 1953. Termination of approval effective May 19, 1958.)

Termination of Approval No. 162.005/43/0, Model 15AKR Lever Type CD General Quick Aid Fire Guard 15-lb. carbon-dioxide type hand portable fire extinguisher, assembly dwg. No. BC-215-XR dated November 5, 1951, name plate dwg. No. CC-215-1R dated November 29, 1951 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich. (Approved FEDERAL REGISTER May 19, 1953. Termination of approval effective May 19, 1958.)

Termination of Approval No. 162.005/45/0, Model 10AKR Lever Type CD General Quick Aid Fire Guard 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. BC-210-XR dated November 5, 1951, name plate dwg. No. CC-210-1R dated November 29, 1951 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Pacific Corp., 1901 East Washington Boulevard, Los Angeles 21, Calif. (Approved FEDERAL REGISTER May 19, 1953. Termination of approval effective May 19, 1958.)

Termination of Approval No. 162.005/46/0, Model 15AKR Lever Type CD General Quick Aid Fire Guard 15-lb. carbon-dioxide type hand portable fire extinguisher, assembly dwg. No. BC-215-XR dated November 29, 1951, name plate dwg. No. CC-215-1R dated November 29, 1951 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by The General Pacific Corp., 1901 East Washington Boulevard, Los Angeles 21, Calif. (Approved FEDERAL REGISTER May 19, 1953. Termination of approval effective May 19, 1958.)

Dated: June 27, 1958.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 58-5140; Filed, July 3, 1958; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11982-11984; FCC 58M-605]

ENTERPRISE BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of Enterprise Broadcasting Co., Fresno, California, Docket No. 11982, File No. BP-10319; Air Wave, Incorporated (KONG), Visalia, California, Docket No. 11983, File No. BP-10437; Radio Dinuba Company (KRDU), Dinuba, California, Docket No. 11984, File No. BP-10735; for construction permits.

It is ordered, This 30th day of June 1958, that further hearing in the above-entitled matter will commence at 9:00 a. m., July 9, 1958, in the Commission's offices in Washington, D. C.

Released: June 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5147; Filed, July 3, 1958; 8:50 a. m.]

[Docket No. 12068; FCC 58M-689]

FLORENCE BROADCASTING CO., INC.

ORDER CONTINUING HEARING CONFERENCE

In re application of Florence Broadcasting Company, Inc., Brownsville, Tennessee, Docket No. 12068, File No. BP-10850; for construction permit.

The Hearing Examiner having under consideration petition filed by Florence Broadcasting Company, Inc., requesting continuance of the dates for prehearing conference and for the exchange of exhibits herein;

It appearing that counsel for all other parties who have appeared in the proceeding have consented to immediate consideration and grant of the petition;

It is ordered, This 27th day of June 1958, that the above petition is granted; and the prehearing conference now scheduled for July 2, 1958, is continued until July 25, 1958, at 2:00 p. m., and the date for exchange of exhibits is continued until further order.

Released: June 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5148; Filed, July 3, 1958; 8:50 a. m.]

[Docket No. 12486; FCC 58M-691]

MICHAEL ALAN KAUFMAN

ORDER SCHEDULING HEARING

In the matter of Michael Alan Kaufman, Sherman Oaks, California, suspension of amateur radio operator license.

It is ordered, This 27th day of June 1958, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 3, 1958, in Washington, D. C.

Released: June 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5149; Filed, July 3, 1958; 8:50 a. m.]

[Docket No. 12497; FCC 58M-692]

ACME AUTO WRECKING

ORDER SCHEDULING HEARING

In the matter of Theodore L. Carpenter, d/b as Acme Auto Wrecking, 6608 Idford Road, Route 4, Puyallup, Washington, Docket No. 12497; order to show cause why there should not be revoked the license for Radio Station KOH-774.

It is ordered, This 27th day of June 1958, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 2, 1958, in Washington, D. C.

Released: June 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5150; Filed, July 3, 1958; 8:50 a. m.]

[Docket No. 12499]

ROBERT RAESIDE BUNTON

ORDER ASSIGNING MATTER FOR HEARING ON STATED ISSUES

In the matter of Robert Raeside Bunton, Los Angeles, California, Docket No. 12499; suspension of amateur radio operator license. (W6GW0).

The Commission having under consideration the request of Robert Raeside Bunton, 15073½ La Mesa Street, Sylmar, California, for a hearing in the above-entitled matter;

It appearing that the said Robert Raeside Bunton, acting in accordance with the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, filed with the Commission within the time provided therefor, an application requesting a hearing on the Commission's Order of May 16, 1958, which suspended his Advanced Class Amateur Radio Operator License for the period of time ending July 28, 1959; and

It appearing that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, said licensee is entitled to a hearing in the matter, and upon the filing of a timely written application therefor, the Commission's Suspension Order is held in abeyance until the conclusion of proceedings in the said hearing;

It is ordered, This 27th day of June 1958, under authority contained in section 303 (m) (2) of the Communications Act of 1934, as amended, and section 0.292 (f) of the Commission's rules, that the matter of the suspension of the Advanced Class Amateur Radio Operator License of Robert Raeside Bunton be designated for hearing before a Commission Examiner, at a time and place later to be specified, upon the following issues:

1. To determine whether the licensee committed the violations of the Commission's rules as set forth in the Commission's Order of Suspension;

2. If the licensee committed such violations, to determine whether the facts or circumstances in connection therewith would warrant any change in the Commission's Order of Suspension.

It is further ordered, That a copy of this order be transmitted by Certified Mail—Return Receipt Requested, to Mr. Robert Raeside Bunton, 15073½ La Mesa Street, Sylmar, California.

Released: June 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5151; Filed, July 3, 1958; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 347]

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CONTRACTS WITH FIRMS FOR PROFESSIONAL ENGINEERING, ARCHITECTURAL, AND LANDSCAPE ARCHITECTURAL SERVICES

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the Act, authority is hereby delegated to the Secretary of the Interior to negotiate, without advertising, under section 302 (c) (4) of the Act, contracts for services of engineering, architectural, and landscape architectural firms in connection with the administration of construction programs of the National Park Service.

2. This delegation of authority shall be subject to all provisions of Title III of the Act with respect to negotiation of contracts and to all other provisions of law.

3. This delegation shall not be applicable to buildings (exclusive of bridges, landscaping, utilities, etc.) the construction cost of which is estimated to be $200,000 or more.

4. A summary report of all activities hereunder shall be submitted to me at the end of each fiscal year.

5. The authority herein delegated may be redelegated to any officer or employee of the Department of the Interior.

6. This delegation shall be effective as of the date hereof.

7. The prior delegation of authority on the same subject to the Secretary of the Interior, dated August 16, 1957 (22 F. R. 6808) is hereby superseded.

Dated: June 30, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-5139; Filed, July 3, 1958; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2244]

WASHINGTON PUBLIC POWER SYSTEM

NOTICE OF LAND WITHDRAWAL; WASHINGTON

JUNE 30, 1958.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power project No. 2244 for which completed application for preliminary permit was filed April 28, 1958. Under said section 24 the following described lands of the United States, lying within the boundaries of the project, as delimited upon the map filed in support thereof are from said date of filing reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

WILLAMETTE MERIDIAN

T. 13 N., R. 9 E.,
Sec. 13: Lot 4, SE¼SW¼, SE¼;
Sec. 22: SE¼NE¼, NE¼SE¼;
Sec. 23: NE¼NE¼, S½N½, N½S½;
Sec. 24: Lots 1 and 2, E½NW¼.
T. 13 N., R. 10 E. (Unsurveyed),
Sec. 18: NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 19: N½NE¼, SE¼NE¼;
Sec. 20: NW¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 21: S½SW¼;
Sec. 27: W½SW¼;
Sec. 28: N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 29: NE¼NE¼;
Sec. 33: NE¼;
Sec. 34: W½NW¼.

The area reserved pursuant to the filing of this application is approximately 2,569.84 acres, wholly within the Gifford Pinchot National Forest. Of this area approximately 1,723.69 acres have been heretofore reserved in connection with earlier applications for Projects Nos. 2083, 2065 and 1238, or Power Site Classifications Nos. 213 and 250.

A copy of project map Exhibit I (F. P. C. No. 2244–1) entitled, Packwood Lake Hydroelectric Project, has been transmitted to the Bureau of Land Management, Forest Service and Geological Survey.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–5123; Filed, July 3, 1958; 8:45 a. m.]

[Docket No. E–6831]

MONTANA POWER COMPANY

NOTICE OF APPLICATION

JUNE 30, 1958.

Take notice that on June 24, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by The Montana Power Company ("Applicant"), a corporation organized under the laws of the State of New Jersey and doing business in the States of Idaho, Montana, and Wyoming with its principal business office at Butte, Montana, seeking an order authorizing the issuance of up to $20,000,000 in principal amount of First Mortgage Bonds ("New Bonds") and not to exceed 100,000 shares of no par Common Stock ("New Common Stock"). The proposed New Bonds are to be issued as a new series of Applicant's First Mortgage Bonds under and pursuant to a Mortgage and Deed of Trust, dated as of October 1, 1945, to Guaranty Trust Company of New York and Arthur E. Burke (Karl R. Henrich, successor), as Trustees, as heretofore supplemented by a First Supplemental Indenture and as it is to be further supplemented by a Second Supplemental Indenture to be dated as of August 1, 1958. The New Bonds are to be dated August 1, 1958, receive a price and bear interest at a rate per annum to be fixed by competitive bidding, and mature on August 1, 1988. The proposed New Common Stock will consist of not more than 100,000 shares of Applicant's authorized but unissued no par value Common Stock which, together with Applicant's preferred stock, is entitled to vote cumulatively for directors and otherwise to one vote per share. Applicant proposes to sell the New Common Stock through arrangement with a security dealer or dealers only to investors who are bona fide residents of the State of Montana. With respect to the issuance and sale of the aforesaid New Common Stock, Applicant requests an exemption from section 34.1a of the Commission's regulations under the Federal Power Act, requiring competitive bidding. Applicant proposes to use the proceeds from the issuance and sale of said New Bonds and New Common Stock, together with internally generated funds, to repay $15,500,000 in bank loans, which it is estimated will be outstanding at the time of financing, and to carry forward Applicant's construction program through 1959.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 18th day of July 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–5124; Filed, July 3, 1958; 8:45 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 190]

INDIANA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of June, 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Indiana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Grant, Madison, Miami, Pulaski, Tippecanoe, Vigo, Vermillion and Wabash (floods occurring during the week of June 8, 1958).

Offices: Small Business Administration Regional Office, 226 West Jackson Boulevard, Room 1402, Chicago 6, Ill. Small Business Administration Branch Office, Federal Building, Room 506, Indianapolis, Ind.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 31, 1958.

Dated: June 18, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58–5126; Filed, July 3, 1958; 8:45 a. m.]

[Declaration of Disaster Area 190, Amdt. 1]

INDIANA

AMENDMENT TO DECLARATION OF DISASTER AREA

Declaration of Disaster Area 190, dated June 18, 1958, for the State of Indiana, is hereby amended as follows:

3. By including in paragraph 1 thereof the Counties of Carroll, Cass, Fountain, Hamilton, Montgomery and Warren.

Dated: June 19, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58–5127; Filed, July 3, 1958; 8:45 a. m.]

FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (2) of § 6.305 is amended as set out below.

§ 6.305 *Department of the Army.* * * *

(a) *Office of the Secretary.* * * *

(2) One Deputy or Special Assistant to each of the following: the Assistant Secretary of Army (Civil-Military Affairs); the Assistant Secretary of Army (Logistics), and the Assistant Secretary of Army (Manpower and Reserve Forces).

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58–5186; Filed, July 7, 1958; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1958 crop of corn. The 1958 C. C. C. Grain Price Support Bulletin 1 (23 F. R. 2663), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for grains and other commodities produced in 1958, is supplemented as follows:

Sec.
421.3136 Purpose.
421.3137 Availability of price support.
421.3138 Eligible corn.
421.3139 Warehouse receipts.
421.3140 Determination of quantity.
421.3141 Determination of quality.
421.3142 Maturity of loans.
421.3143 Determination of support rates.
421.3144 Warehouse charges.
421.3145 Inspection of corn under purchase agreements.
421.3146 Settlement.

AUTHORITY: §§ 421.3136 to 421.3146 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 308, 70 Stat. 206, 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 421.3136 *Purpose.* Sections 421.3136 to 421.3146 state additional specific requirements which, together with the general regulations contained in the 1958 C. C. C. Grain Price Support Bulletin 1 (§§ 421.3001 to 421.3020), apply to loans and purchase agreements under the 1958-Crop Corn Price Support Program.

§ 421.3137 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever corn is grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that corn cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through May 31, 1959: *Provided*, That in areas where it is determined by the State committee that producers may not be, or are not, in a position to store corn safely for the full storage period because of infestation by angoumois moths or other insects, adverse climatic conditions, or other factors affecting the safe storage of corn, the final date of availability for loans and purchase agreements shall be such earlier date as may be determined

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FEDERAL REGISTER

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by the State committee. The State committee shall notify producers in the area through public announcement sufficiently in advance of such date in order to allow producers a reasonable period of time in which to place their corn under loans or purchase agreements. The applicable documents must be signed by the producer and delivered to the office of the county committee not later than the final date of availability for loans and purchase agreements in the area. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be a producer who qualifies as an eligible producer under C. C. C. Corn Bulletin A in effect for the 1958-crop and any amendments thereto. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify for price support provided the loan or purchase agreement documents executed by them are legally valid. Two or more eligible producers may obtain a joint loan on eligible corn harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Warehouse-storage loans may be made to a warehouseman who tenders to CCC warehouse receipts issued by him on grain produced by him only in those States where the issuance and pledge of such warehouse receipts are valid under State law. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.3138 *Eligible corn.* The corn, when placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) The corn must be of the classes Yellow Corn (Class I), White Corn (Class II), or Mixed Corn (Class III) and must have been produced in the continental United States in 1958 by an eligible producer.

(b) The corn must not contain mercurial compounds or other substances poisonous to man or animals.

(c) The corn must be ear or shelled corn: *Provided*, That the corn must be shelled before placed under a warehouse-storage loan or before delivery is made in liquidation of a loan or under a purchase agreement. If the corn is not shelled prior to delivery, the cost of shelling on or after delivery shall be for the account of the producer.

(d) (1) The beneficial interest in the corn must be in the eligible producer tendering the corn for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the corn was harvested. Any producer who is in doubt as to whether his interest in the commodity complies with the requirements of this subpart should make available to the county committee all pertinent information, prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the corn was produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(e) Corn placed under loan must, except for moisture content, grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better, and must meet the following additional requirements:

(1) For ear corn placed under a farm-storage loan, the moisture content must not exceed 20.5 percent if the corn is tested for loan from time of harvest through February 1959; 19.0 percent if tested for loan during March 1959; 17.5 percent if tested for loan during April 1959, and 15.5 percent if tested for loan during May 1959.

(2) For corn placed under a warehouse-storage loan, and for shelled corn placed under a farm-storage loan, the moisture content must not exceed 13.5 percent irrespective of when the corn is tested for loan.

(3) Corn placed under loan must not grade "weevily".

(f) Corn delivered to CCC under a purchase agreement must meet the following additional requirements:

(1) Corn delivered to CCC from other than approved warehouse-storage must grade No. 5 or better, except that such corn may bear the special grade "weevily" in addition to the numerical grade.

(2) Corn placed in approved warehouse-storage prior to the time that the producer notifies the county committee of his intention to sell the corn to CCC must grade No. 3 or better or No. 4 on the factor of test weight only but otherwise No. 3 or better, must not contain in excess of 13.5 percent moisture and must not grade "weevily".

(g) Corn when placed under a warehouse-storage loan or delivered from approved warehouse storage under a purchase agreement containing in excess of 13.5 percent moisture shall not be eligible, except that corn represented by warehouse receipts which indicate that the corn in ineligible because of moisture content only, will be eligible if the warehousemen certifies on the supplemental certificate or on a statement attached to the warehouse receipt that corn of 13.5 percent moisture or less of an eligible grade which meets the requirements of § 421.3138 will be delivered substantially as follows: "On corn containing in excess of 13.5 percent moisture delivery will be made of corn which grades No. _____, which contains not in excess of 13.5 percent moisture, which is otherwise of the same quality or better as the corn described on warehouse receipt No. _____, and which is the actual quantity obtained after drying the corn described in such receipt to not in excess of 13.5 percent moisture. No lien for processing will be claimed by the warehouseman from the Commodity Credit Corporation or any subsequent holder of the warehouse receipt."

§ 421.3139 *Warehouse receipts.* Warehouse receipts, representing corn in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements of this section:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts which are issued on a warehouse for which a Uniform Grain Storage Agreement is in effect and which is approved by CCC for price support purposes or must be receipts which are issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, (5) moisture, (6) cracked corn and foreign material, and (7) any other grading factor(s), when such factor(s), and not test weight or moisture, determine the grade. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by a licensed grain inspector.

(c) In the case of warehouse receipts issued for corn delivered by rail or barge, CCC will accept inbound weight and inspection certificates properly identified with the corn covered thereby in lieu of the information required by paragraph (b) of this section.

(d) A separate warehouse receipt must be submitted for each grade and class of corn.

(e) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.3144.

(f) If the warehouseman has furnished a statement as provided in § 421.3138 (g), the supplemental certificate must show the numerical grade, grading factors, and the quantity of the corn to be delivered. Where the grade, grading factors and the quantity of the corn shown on the supplemental certificate do not agree with the warehouse receipt, the grade factors and quantity shown on the supplemental certificate shall take precedence.

(g) If the receipt is issued for grain of which the warehouseman is the producer and the owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt.

Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law.

(h) Each warehouse receipt or accompanying supplemental certificate representing grain stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the corn is insured, in accordance with CCC Form 25, Uniform Grain Storage Agreement. Each warehouse receipt or accompanying supplemental certificate issued on warehouses operated by Eastern common carriers and representing corn to be placed under loan shall indicate that the corn is insured at the full market value against loss or damage by fire, lightning, inherent explosion, wind storm, cyclone and tornado.

§ 421.3140 *Determination of quantity.* (a) The quantity of corn placed under farm-storage loan may be determined either by weight or by measurement. The quantity of corn delivered under a farm-storage loan, or under a purchase agreement shall be determined by weight. The quantity of corn on which a warehouse-storage loan shall be made shall be the net weight of the corn shown on the warehouse receipt or on the supplemental certificate if applicable.

(b) When determined by measurement, a bushel of ear corn shall be 2.5 cubic feet of ear corn testing not more than 15.5 percent in moisture content. An adjustment in the number of bushels of ear corn will be made for moisture content in excess of 15.5 percent in accordance with the following schedule:

Moisture content (percent):	Adjustment factor (percent)
15.6 to 16.5, both inclusive	98
16.6 to 17.5, both inclusive	96
17.6 to 18.5, both inclusive	94
18.6 to 19.5, both inclusive	92
19.6 to 20.5, both inclusive	90

Above 20.5—No loan.

(c) A bushel of shelled corn, when determined by measurement, shall be 1.25 cubic feet of shelled corn testing not more than 13.5 percent in moisture content.

(d) When the quantity is determined by weight, a bushel of shelled corn shall be 56 pounds. In determining the quantity of sacked corn by weight, a deduction of three-fourths of a pound for each sack will be made.

(e) Since dockage is not a grade factor in the case of corn, the quantity of corn will be determined without reference to dockage.

§ 421.3141 *Determination of quality.* The class, grade, grading factors, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Corn, whether or not such determinations are made on the basis of an official inspection.

§ 421.3142 *Maturity of loans.* (a) Loans mature on demand but not later than July 31, 1959.

(b) Corn may be delivered in satisfaction of farm-storage loans after maturity in accordance with § 421.3018 (a) (1). Corn may be delivered under purchase agreement after maturity in accordance with § 421.3018 (c) (1).

(c) In areas where it is determined by the State committee that some producers may not be in a position to store corn safely for full storage period (for reasons set for in § 421.3137 (d)), the State committee may establish an earlier delivery period prior to maturity (in addition to the regular delivery period) during which any producer in such areas may voluntarily deliver corn which is held in farm storage under loans and purchase agreements. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans and purchase agreements established by the State committee, and not before April 1, 1959. CCC will accept deliveries of corn during such early delivery period, provided the producer notifies the county committee at least 10 days prior to the date that he desires to deliver the corn.

(d) If the State committee determines that producers in any area are not in a position to safely store corn for the full storage period (for reasons set for in § 421.3137 (d)), all farm-storage loans in such area shall be called promptly by the State committee, and producers who elect to make deliveries from farm storage under purchase agreements shall be required to do so during the delivery period for loans. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans and purchase agreements established by the State committee, and not before April 1, 1959.

(e) Corn under farm-storage loan may be delivered before maturity, upon prior approval of the county committee, for any of the reasons stated in § 421.3018 (a) (1), or if the corn is threatened with damage by flood or other conditions which are beyond the control of the producer.

§ 421.3143 *Determination of support rates.* (a) Basic county support rates, and the schedule of premiums and discounts, for corn will be set forth in 1958 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn. Both warehouse-storage and farm-storage loans and purchases under purchase agreements will be made on the basis of the rate established for the county in which the corn is produced.

(b) Where the State committee determines that State, district or county weed control laws, as administered, affect the corn crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the corn complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the corn is stored determines that State, district or county weed control laws, as administered, affect corn stored in approved warehouses, the rate shall be 10 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the corn complies with the weed control laws, and he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. _____ issued to _____ is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

_____
(Signature)

_____
(Address)

_____
(Date)

§ 421.3144 *Warehouse charges.* (a) Warehouse receipts and the corn represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the corn is deposited in the warehouse for storage: *Provided,* That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt.

(b) Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing corn stored in warehouses operating under the Uniform Grain Storage Agreement is on or before July 31, 1959, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through the maturity date, July 31, 1959.

Date of deposit (all dates inclusive):	Amount of deduction (cents per bushel)
Prior to Aug. 3, 1958	17
Aug. 3, 1958–Aug. 24, 1958	16
Aug. 25, 1958–Sept. 15, 1958	15
Sept. 16, 1958–Oct. 7, 1958	14
Oct. 8, 1958–Oct. 29, 1958	13
Oct. 30, 1958–Nov. 20, 1958	12
Nov. 21, 1958–Dec. 12, 1958	11
Dec. 13, 1958–Jan. 3, 1959	10
Jan. 4, 1959–Jan. 25, 1959	9
Jan. 26, 1959–Feb. 16, 1959	8
Feb. 17, 1959–Mar. 10, 1959	7
Mar. 11, 1959–Apr. 1, 1959	6
Apr. 2, 1959–Apr. 23, 1959	5
Apr. 24, 1959–May 15, 1959	4
May 16, 1959–June 6, 1959	3
June 7, 1959–June 28, 1959	2
June 29, 1959–July 31, 1959	1

(c) Warehouse receipts and the corn represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission: *Provided,* That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. There shall be deducted in computing the amount of the loan or purchase price the amount of the approved tariff rate for storage (not including elevation) which will accumulate from the date of deposit through July 31, 1959, unless evidence has been submitted with the warehouse receipt that the storage charges have been prepaid. The county office shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.3145 *Inspection of corn under purchase agreement*—(a) *Predelivery inspection.* Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his corn stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the corn within the 30-day period or as soon as possible thereafter but prior to delivery of the corn. The primary importance of this inspection is to discuss with the producer the condition of his corn and the method for making settlement for corn delivered. This predelivery inspection shall not be used for settlement. If the corn, on the basis of predelivery inspection, is determined to be eligible for delivery to CCC in accordance with § 421.3138 or if the corn appears to be ineligible for delivery and the producer insists upon making delivery, the county office will issue delivery instructions on or after the final date of the 30-day period or the date of inspection, whichever is later. The producer must then complete delivery within a 15-day period immediately following the date the county office issues delivery instructions, unless the county office determines that more time is needed for delivery. A predelivery inspection shall not be made on corn stored commingled in warehouses not approved for storage or on corn in an unapproved warehouse which is stored so that the identity of the producer's corn is maintained but a predelivery inspection is not possible.

(b) *Inspection of corn stored by producer after maturity date.* The producer may be required to retain corn under purchase agreement which is stored in other than approved warehouse storage for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the corn covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances: If a producer has properly requested delivery instructions for corn which was determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that the corn is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the corn is going out of condition or is in danger of going out of condition and that the corn cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.3146 *Settlement*—(a) *Settlement value*—(1) *Farm-storage loans.* In the case of corn delivered to CCC under farm-storage loans grading No. 3 or better, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better, settlement shall be made at the applicable support rate for the county in which the corn was produced. The support rate shall be for the grade and quality of the total quantity of corn eligible for delivery subject to premiums and discounts shown in the "Schedule of Premiums and Discounts" in 1958 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn. The settlement value of corn which upon delivery grades below No. 3 (except for corn which grades No. 4 on test weight only, but otherwise No. 3 or better) shall be the applicable basic county support rate without reference to any premiums or discounts less the difference, if any, at the time of delivery, between the market price of corn grading No. 3 (without any premiums or discounts for the factor of moisture) and the market price of the corn delivered, as determined by CCC: *Provided, however,* That if such corn is sold by CCC in order to determine its market price the settlement value shall not be less than such sales price: *And provided further,* That if upon delivery the corn contains mercurial compounds or other substances poisonous to man or animals, such corn shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(2) *Warehouse-storage loans.* Settlement for eligible corn under warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate for the county in which the corn was produced.

(3) *Purchase agreements*—(i) *Delivery from farm storage.* Settlement for corn delivered to CCC from farm storage and purchased by CCC under a purchase agreement shall be made on the basis of weight, grade, and other quality factors determined by a reinspection at the time of delivery. Settlement for eligible corn grading No. 3 or better, or No. 4 on the factor of test weight only but otherwise No. 3 or better, and for corn of such grades bearing the special grade "Weevily" in addition to the numerical grade shall be made on the basis of the applicable basic county support rate for the county where produced and the "Schedule of Premiums and Discounts" contained in the 1958 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn. Settlement for eligible corn grading No. 4 on the basis of factors other than test weight, for eligible corn grading No. 5, and for eligible corn of such grades bearing the special grade "Weevily" in addition to the numerical grade, shall be computed at the applicable basic county support rate without reference to any premiums or discounts, less the difference, if any, at the time of delivery, between the market price for No. 3 corn (without any premiums or discounts for the factor of moisture) and the market price of the corn delivered, as determined by CCC: *Provided, however,* That if such corn is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided, further,* That if, upon delivery, the corn contains mercurial compounds or other substances poisonous to man or animals, such corn shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value, if any, as determined by CCC as of the date of delivery.

(ii) *Delivery from approved warehouse storage.* In the case of eligible corn stored commingled in an approved warehouse, the producer must, not later than the day following the loan maturity date, or during such period of time thereafter as may be specified by the county committee, submit to the office of county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of corn the producer elects to sell to CCC. Settlement for eligible corn delivered under purchase agreement to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade and other quality factors shown on the warehouse receipt or accompanying documents at the applicable support rate for the county in which the corn was produced.

(iii) *Delivery from unapproved warehouse storage.* Settlement for corn delivered to CCC which is stored in an unapproved warehouse, regardless of whether a predelivery inspection is performed, shall be the same as for corn delivered under a purchase agreement from farm storage as provided in subdivision (i) of this subparagraph.

(iv) *Corn ineligible for delivery inadvertently accepted by CCC.* The settlement provisions hereof shall apply to the following categories of corn ineligible for delivery which is inadvertently accepted by CCC and which CCC determines it is not in a position to reject: (a) Corn of an ineligible grade or quality which is delivered to CCC in excess of the maximum quantity stated in the purchase agreement; and (b) corn in other than approved warehouse storage which, at the time of delivery, does not meet the eligibility requirements of § 421.3138. The settlement value shall be the market price for the grade, quality, and quantity of such ineligible corn delivered as determined by CCC: *Provided, however,* That if such corn is sold by CCC in order to determine its market price, the settlement value shall not be less than the sales price: *Provided further,* That if upon delivery, the corn contains mercurial compounds or other substances poisonous to man or animals, the corn shall be sold for seed (in accordance with applicable State seed laws and requirements), fuel or industrial uses where the end product will not be consumed by man or animals and the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value, as determined by CCC as of the date of delivery. If corn delivered is of an eligible grade and quality but in excess of the maximum quantity stated in the purchase agreement and such corn is inadvertently accepted by CCC, the settlement value shall be the sales price if the corn is immediately sold. If the corn is not immediately sold, the settlement value shall be the applicable support rate if such rate has been established or the market price as determined by CCC, whichever is lower.

(b) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored corn under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date or such earlier delivery date as may be established by the State committee in accordance with § 421.3142 (d) except where it is necessary to call the loan by reason of the fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.3144.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on corn under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the corn to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid.

(d) *Storage payment where CCC is unable to take delivery of corn stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain corn under loan or purchase agreement which is stored in other than an approved warehouse for a period of 60 days after the maturity date without any cost to CCC. The producer shall be paid a storage payment upon delivery of the corn to CCC if CCC is unable to take delivery of such corn within the 60-day period after maturity and in the case of corn under purchase agreement if the producer has properly given notice of his intention to sell the corn to CCC. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of $0.00045 per bushel per day for the corn accepted for delivery or sale to CCC.

(e) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on corn delivered to CCC on track at a country point.

(f) *Compensation for hauling.* If the producer is directed by the county office to deliver his corn to a point other than his customary shipping point, he shall be allowed compensation (as determined by CCC at not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the corn any distance greater than the distance from the point where the corn is stored by the producer to the customary shipping point.

(g) *Method of payment under purchase agreement settlements.* When delivery of corn under purchase agreement is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct, on Commodity Purchase Form 4, to whom payment of the proceeds shall be made.

Issued this 1st day of July 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-5176; Filed, July 7, 1958; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1026 (Maryland-53)-1]

PART 727—MARYLAND TOBACCO

MARYLAND TOBACCO MARKETING QUOTA REGULATIONS, 1958-59 MARKETING YEAR

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AUTHORITY: §§ 727.930 to 727.962 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 314, 372, 373, 374, 375, 52 Stat. 38, 47 as amended, 65 as amended, 66, sec. 401, 68 Stat. 1054, secs. 125, 211, 70 Stat. 198, 202; 7 U. S. C. 1301, 1313, 1314, 1372, 1373, 1374, 1375, 1421, 1813, 1860.

GENERAL

§ 727.930 *Basis and purpose.* Sections 727.930 to 727.962 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, the Agricultural Act of 1949 and the Agricultural Act of 1956, and govern the issuance of marketing cards for marketing and price support purposes, the identification of tobacco for purposes of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of Maryland tobacco during the 1958-59 marketing year. Prior to preparing §§ 727.930 to 727.962, public notice (23 F. R. 2611) of their formulation was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to §§ 727.930 to 727.962, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956. Since county committees are now determining the acreage of tobacco on farms, and are preparing to issue marketing cards, and since farmers are engaged in harvesting tobacco and disposing of excess tobacco, and are marketing tobacco at nonwarehouse sale, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to the effective date is contrary to the public interest. Sections 725.930 to 725.962 shall therefore become effective upon filing with the Director, Division of the Federal Register.

§ 727.931 *Definitions.* As used in §§ 727.930 to 727.962 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Carryover" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1958, which has not been marketed or which has not been disposed of under § 727.945 (a).

(c) "Committees":

(1) "Community committee" means the persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the persons designated by the Secretary as Agricultural Stabilization and Conservation State Committee.

(d) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(e) "Dealer" or "buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue or any other authority.

(f) "Deputy Administrator" means the Deputy Administrator or the Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(g) "Director" means Director or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(h) "Farm": The definition of this term as set forth in Part 718 of this chapter shall apply in §§ 727.930 to 727.962.

(i) "Field assistant" means any duly authorized employee of the United States Department of Agriculture, and any duly authorized employee of an ASC county office whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas. In a hogshead tobacco warehouse, a person officially authorized by an individual, association, or firm who engages in receiving tobacco from farmers and who assists in the sale of such tobacco through such warehouse to keep records and make reports for such individual, association, or firm with respect to sales of tobacco through the warehouse, shall perform the functions hereinafter prescribed for field assistants.

(j) "Floor sweepings" means scraps, leaves, or bundles of tobacco, generally of inferior quality, which accumulate on the warehouse floor and which not being subject to identification with any particular lot of tobacco are gathered up by the warehouseman for sale. Floor sweepings shall not include tobacco defined as "pick-ups."

(k) "Leaf account tobacco" means all tobacco purchased by or for a warehouseman and "leaf account" shall include the records required to be kept and copies of the reports reqired to be made under §§ 727.930 to 727.962 relating to tobacco purchased by or for a warehouseman and resales of such tobacco.

(l) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market".

(m) "Nonwarehouse sale" means any first marketing of farm tobacco other than (1) by sale at public auction through a warehouse, or (2) by sale through a hogshead tobacco warehouse to a buyer other than the warehouseman; in the regular course of business.

(n) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(o) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(p) "Pick-ups" means:

(1) "Pick-ups (a)" which is any tobacco sorted and reclaimed from leaves or bundles which have fallen to the warehouse floor in the usual course of business, or

(2) "Pick-ups (b)" which is any tobacco previously purchased at auction but not delivered to the buyer because of rejection by the buyer, lost ticket, or any other reason, and which is not turned back to a dealer other than the warehouseman, and shall include tobacco delivered to the buyer but returned by the buyer to the warehouseman, and which is not turned back by the warehouseman to a dealer.

(q) "Producer" means a person who, as owner, landlord, tenant or sharecropper is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(r) "Pound of tobacco" means one pound of tobacco weighed in its unstemmed form and in the condition in which it is usually marketed by producers.

(s) "Resale" means the disposition by sale, barter, exchange, or gift inter vivos, of tobacco which has been marketed previously.

(t) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(u) "Scrap tobacco" means the residue which accumulates in the course of preparing tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(v) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(w) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(x) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(y) "Tobacco" means Maryland tobacco, type 32, as classified in the Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture.

(1) Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as Maryland tobacco shall be considered Maryland tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(2) For the purpose of discovering and identifying all tobacco subject to marketing quotas, the term "tobacco" with respect to any farm located in an area in which any kind of tobacco subject to marketing quotas is normally produced, shall include all acreage of tobacco on the farm. The acreage of each kind of tobacco shall be determined by the county committee on the basis of seeding, cultivating, curing, and marketing practices commonly known to the area. Such determination shall include all acreage of tobacco on the farm. The production of the acreage of each kind of tobacco so determined shall be considered to be tobacco of the kind available for marketing until such time as the operator of the farm furnishes to the county committee satisfactory proof that a part or all of the production of such acreage has been classified pursuant to Part 29 of this title when marketed, as a different kind of tobacco. Any amount of tobacco so

classified as a different kind shall be converted to acres on the basis of the average yield per acre of the entire acreage of tobacco grown on the farm in 1958 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

(3) Notwithstanding the foregoing definition of "tobacco" and the other provisions of §§ 727.930 to 727.962, inclusive, tobacco in hogsheads which at the close of business on September 30, 1956, was on such date physically in the State Tobacco Warehouse, Baltimore, Maryland, and which was produced prior to 1956, shall not be considered to be "tobacco" within the meaning of this subpart if the hogshead tobacco warehouseman has furnished a report to the ASC State committee showing the quantity of such tobacco and identifying symbols which identify each lot of such tobacco.

(z) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1958 plus any carryover tobacco, less any tobacco disposed of in accordance with § 727.945.

(aa) "Tobacco subject to marketing quotas" means any Maryland tobacco marketed during the period October 1, 1958 to September 30, 1959, inclusive, and any Maryland tobacco produced in the calendar year 1958 and marketed prior to October 1, 1958.

(bb) "Trucker" means a person who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

(cc) "Warehouseman" means a person who engages to any extent in the business of holding sales of tobacco at public auction at a warehouse. The term shall also include an individual, association, or firm who engages in receiving tobacco from farmers at the State Tobacco Warehouse, Baltimore, Maryland, and who assists in the sale of such tobacco through such warehouse.

(dd) "Warehouse sale" means a marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, and shall include all lots or baskets marketed in sequence at a given time. The term shall also include each marketing of farm tobacco through a hogshead tobacco warehouse to a buyer other than the warehouseman and each marketing of resale tobacco through such warehouse.

§ 727.932 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by the Deputy Administrator.

§ 727.933 *Extent of calculations and rule of fractions*—(a) *Harvested acreage.* The acreage of tobacco harvested on a farm in 1958 shall be expressed in hundredths and fractions of less than one-hundredth of an acre shall be dropped. For example, 4.550, 4.555 or 4.559 acres would be 4.55 acres.

(b) *Percent excess.* The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than one-tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) *Converted rate of penalty.* The amount of penalty per pound upon marketing of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped. For example, 3.68 cents per pound would be 3.6 cents, and 0.068 cents per pound would be 0.06 cent.

IDENTIFICATION AND LOCATION OF FARMS AND DETERMINATION OF ACREAGE

§ 727.934 *Identification and location of farms.* (a) Each farm as operated for the 1958 crop of tobacco shall be identified by a farm serial number assigned by the county office manager and all records pertaining to marketing quotas for the 1958 crop of tobacco shall be identified by such number.

(b) A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

§ 727.935 *Determination of tobacco acreage*—(a) *County committees.* For the purpose of ascertaining with respect to each farm whether there is excess tobacco of the 1958 crop available for marketing, the county committee shall determine the acreage of tobacco on each farm in the county for which a 1958 tobacco acreage allotment has been established and on any other farms in the county on which the county committee has reason to believe tobacco was planted. The county committee's determination shall be based upon acreage and performance determined as provided in the applicable provisions of Part 718 of this chapter.

(b) *Tolerance in measured acreage.* For the purpose of §§ 727.930 to 727.962 inclusive and subject to the rule of fractions heretofore provided in § 727.933 (a), if the determination of the county committee of the planted or the harvested acreage of tobacco on a farm is in excess of the farm tobacco acreage allotment and the excess acreage is not more than the smaller of two percent of such acreage allotment or nine hundredths (0.09) of an acre, in either case the planted or harvested acreage of tobacco on such farm shall be deemed to be the same acreage as the tobacco acreage allotment established for such farm: *Provided,* That if the determination of the county committee of the planted or harvested acreage of tobacco on any farm is in excess of the farm tobacco acreage allotment by more than the smaller of two percent of such acreage allotment or nine hundredths (0.09) of an acre, all such planted or harvested acreage of tobacco in excess of the farm tobacco acreage allotment as determined by the county committee shall be tobacco acreage in excess of the allotment.

(c) *Notice to farm operators.* The county committee shall notify the farm operator of the measured acreage of tobacco on each farm as determined under the provisions of this section.

(d) *Harvested acreage of tobacco.* The acreage of tobacco determined or redetermined for a farm by the county committee pursuant to this section shall be the harvested acreage of tobacco for the farm for the purpose of issuing the correct marketing card for the farm as provided in § 727.938 unless the farm operator furnishes to the county committee satisfactory proof that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage physically harvested will be disposed of other than by marketing, in which case the harvested acreage shall be the acreage as adjusted by taking into account the portion of the acreage planted which will not be harvested or the portion of the production of the acreage physically harvested which will be disposed of other than by marketing.

(e) *Acreage not determined.* If the farm operator or his representative prevents the county committee from obtaining information necessary to determine the correct acreage of tobacco on a farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or his representative permits a determination of the correct acreage, all acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment for the purpose of issuing a marketing card for the farm.

(f) *Prior measurements.* Measurements made prior to the effective date of this section, and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm, the 1958 tobacco acreage and the tobacco acreage in excess of the 1958 farm tobacco acreage allotment.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 727.936 *Amount of farm marketing quota*—(a) *Actual production.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with §§ 727.911 to 727.928, 1023 (Maryland-58)–1, Maryland Tobacco Marketing Quota Regulations, 1958–59 (22 F. R. 4355, 4912, 8104, 23 F. R. 136). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1958 times the farm acreage allotment.

(b) *Excess production.* The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1958 times the number of acres harvested in excess of the 1958 farm acreage allotment, plus (2) any excess carryover tobacco for the farm.

§ 727.938 *Transfer of farm marketing quota.* There shall be no transfer of farm marketing quotas except as provided in §§ 727.920 and 727.926 of the Maryland tobacco marketing quota regulations for determining acreage allotments and normal yields, 1958–59 marketing year.

§ 727.938 *Marketing cards*—(a) *Issuance.* A marketing card shall be issued for each farm having tobacco available for marketing. The kind of card to be issued for each farm shall be determined pursuant to the following paragraphs.

(b) *Excess marketing card (MQ–77—Tobacco).* The provisions of this paragraph govern the issuance of excess marketing cards for use in identifying marketings of 1958 crop tobacco except with respect to the issuance of marketing cards for the identification of tobacco grown for experimental purposes only, as provided in paragraph (d) (2) of this section.

(1) *Excess marketing card showing full rate of penalty.* An excess marketing card (ineligible for price support loans) showing the full rate of penalty determined pursuant to § 727.947 (a) shall be issued for a farm in any case:

(i) Where tobacco is harvested in 1958 from a farm for which no 1958 acreage allotment was established, or

(ii) Where tobacco is harvested in 1958 from a farm and the farm operator or his representative prevents the county committee or its representative from obtaining information necessary to determine the correct acreage of tobacco on the farm.

(2) *Excess marketing card showing converted rate of penalty or zero penalty.* An excess marketing card (ineligible for price support loans) showing the extent to which marketings of 1958 crop tobacco from a farm are subject to penalty, determined as provided in § 727.944 (including zero penalty) shall be issued in any case:

(i) Where tobacco is harvested in 1958 from a farm in excess of the farm acreage allotment therefor, or

(ii) Where tobacco is produced in 1958 on newly irrigated or drained land which was not used for the production of tobacco prior to May 28, 1956, and which is within any Federal irrigation or drainage project (as defined in Section 211 of the Agricultural Act of 1956) authorized on or after May 28, 1956; or where tobacco is produced on land reclaimed by a flood-control project authorized on or after May 28, 1956; or where tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

(3) *Excess marketing cards showing zero penalty only.* An excess marketing card (ineligible for price support loans) showing zero penalty only shall be issued under the following conditions:

(i) If more than one kind of tobacco is produced on a farm in 1958, a zero penalty excess marketing card shall be issued for each kind of tobacco produced thereon for which the harvested acreage is not in excess of the farm acreage allotment therefor if at the time of issuing marketing cards for the farm the harvested acreage of any kind of tobacco is in excess of the farm acreage allotment for such kind of tobacco; or

(ii) For any kind of tobacco produced on a farm in 1958, the acreage of which is in excess of the farm acreage allotment therefor and the operator or any other producer on the farm fails to file with the county ASC office a written request (with deposit to cover the cost as estimated by the county committee) to dispose of excess tobacco or to have a remeasurement made of the tobacco acreage within ten (10) days from the date of notice to the farm operator on Form CSS–595—Tobacco, Notice of Excess Tobacco Acreage, and the tobacco produced on the excess acreage is disposed of other than by marketing, in accordance with § 727.945, unless the county committee with the approval of a representative of the State committee, determines that failure to file such written request was due to circumstances beyond the control of the farm operator or producer, or

(iii) For any kind of tobacco physically harvested from a farm in 1958 from an acreage in excess of the acreage allotment for the farm and disposed of in accordance with § 727.945 (a) unless the county committee with the approval of a representative of the State committee determines that the acreage of tobacco was not measured, or remeasured as the case may be, in sufficient time to afford the farm operator an opportunity to dispose of the excess acreage prior to harvest.

(c) *Excess marketing card (MQ–77—Tobacco) marked "carryover".* An excess marketing card (ineligible for price support loans) marked "carryover", showing the extent to which marketings of carryover tobacco only from a farm are subject to penalty, determined pursuant to § 727.944 (b), shall be issued for a farm with respect to which there is carryover tobacco.

(d) *Within quota marketing card (MQ–76—Tobacco).* In any case where an excess marketing card is not required to be issued for use in identifying marketings of 1958 crop tobacco from a farm under paragraph (b) of this section, a within-quota marketing card (eligible for price support loan and marketing without penalty) shall be issued for such farm under the following conditions:

(1) If the harvested acreage of tobacco for the farm in 1958 is not in excess of the farm acreage allotment therefor.

(2) If the Director of a publicly owned Agricultural Experiment Station furnished to the ASC State office a list by counties showing the following information with respect to each kind of tobacco and farm on which tobacco is grown for experimental purposes only:

(i) Name and address of the publicly owned experiment station.

(ii) Name of the owner, and name of the operator if different from the owner of each farm on which tobacco is grown for experimental purposes only.

(iii) The amount of acreage of tobacco grown on each farm for experimental purposes only, and

(iv) A certification signed by the Director of the publicly owned agricultural experiment station to the effect that such acreage of tobacco was grown on each farm for experimental purposes only; the tobacco was grown under his direction; and the acreage on each plot was considered necessary for carrying out the experiment: *Provided, however,* That if the Director of a publicly owned agricultural experiment station does not furnish the information and certification as required above in this subparagraph, an excess marketing card showing zero penalty shall be issued for the purpose of identifying tobacco produced for experimental purposes only under the direction of such Director. The list required in this subparagraph shall be posted and kept available for public inspection in the ASC office of the county in which the farms included in the list are located.

(e) *Stamping within quota marketing cards (MQ–76 to show producer indebtedness.)* (1) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, any within quota marketing card (MQ–76) issued for such farm in accordance with paragraph (d) of this section shall bear the notation "Indebted to U. S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness shall be shown on the inside back cover of the marketing card: *Provided,* That if the producer named as debtor on the card objects to the issuance of or after issuance to the use of a within quota marketing card (MQ–76) bearing the notation and information of indebtedness to the United States thereon as provided in this subparagraph, an excess marketing card (ineligible for price support loans) showing "zero penalty" shall be issued for such farm. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card, shall constitute an authorization by such producer to any tobacco warehouseman to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lien holders. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States shall not constitute a waiver of any right by the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

(2) Any marketing card may be stamped for the purpose of notifying warehousemen that the tobacco being marketed pursuant to such card is subject to a lien held by the United States.

(f) *Replacing or issuing additional marketing cards.* Subject to the approval of the county office manager or the State administrative officer as provided in § 727.939, two or more market-

ing cards may be issued for any farm for use in identifying marketings of (1) 1958 crop tobacco, or (2) carryover tobacco. Upon the return to the ASC issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the State administrative officer or county office manager, who issued the card, to have been lost, destroyed or stolen.

§ 727.939 *Persons authorized to issue marketing cards.* (a) The State administrative officer shall be responsible for the issuance of marketing cards for the purpose of identifying tobacco grown for experimental purposes pursuant to the provisions of § 727.938 (d) (2).

(b) Except as provided in paragraph (a) of this section, the county office manager shall be responsible for the issuance of marketing cards for farms in the county.

(c) Each marketing card shall bear the actual or facsimile signature of either the State administrative officer or the county office manager who issues the card. The facsimile signature may be affixed by an employee of the ASC State office or of the ASC county office as the case may be.

§ 727.940 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card issued for the farm for marketing his proportionate share.

§ 727.941 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent to such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 727.942 *Invalid cards.* (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted or incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made, and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction or theft, or by omission, alteration or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the ASC county office at which it was issued.

(c) If any entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 727.943 *Report of misuse of marketing card.* Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of an ASC State or county office, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASC county or State office.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 727.944 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of 1958 crop tobacco from a farm shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in 1958 in excess of the 1958 farm acreage allotment and not disposed of under § 727.945 by the total acreage of tobacco harvested from the farm in 1958.

(b) For the purpose of this paragraph, "excess carry-over tobacco" means a quantity of tobacco carried over from either or both the 1956 or 1957 crop which was produced and harvested on a farm in a crop year in which tobacco was produced and harvested from acreage in excess of the farm acreage allotment; and "within quota carry-over tobacco" means any quantity of carry-over tobacco which is not "excess carry-over tobacco". Marketings of carry-over tobacco from a farm shall be subject to penalty by the percent excess determined as follows:

(1) The percent excess for farms having within quota carry-over tobacco only from one or more year's crop will be zero.

(2) The percent excess for any farm having excess carry-over tobacco from either the 1956 crop or the 1957 crop, none of which has been offset by underharvesting the 1958 allotment, will be the same percentage as was determined in 1957 as applicable to the 1956 excess carry-over tobacco or the 1957 crop, whichever was the case, for the purpose of collecting penalties.

(3) Where the carry-over tobacco for a farm is from more than one year's crop, the percent excess for such farm having within quota carry-over tobacco, if any, and excess carry-over tobacco, none of which excess has been offset by underharvesting the 1958 allotment, will be determined as follows:

(i) The quantity of any excess carry-over tobacco from the 1956 crop will be multiplied by the percentage determined in 1957 as applicable to the 1956 excess carry-over tobacco for penalty collection purposes. The result so determined represents 100 percent excess poundage.

(ii) The quantity of any excess carry-over tobacco from the 1957 crop will be multiplied by the percentage determined in 1957 as applicable to the 1957 crop for penalty collection purposes. The result so determined represents 100 percent excess poundage.

(iii) Add the pounds of 100 percent excess poundage as may be determined under (i) and (ii) and divide the sum by the total of the pounds of within quota carry-over tobacco, if any, and the pounds of excess carry-over tobacco. The result is the percent excess.

(4) Where the carry-over tobacco for a farm is from one or more year's crop, the percent excess for such farm having within quota carry-over tobacco, if any, and excess carry-over tobacco, part or all of which excess has been offset by underharvesting in 1958, the 1958 allotment will be determined as follows:

(i) Multiply the 1958 underharvesting acreage (allotment minus harvested acreage) by the normal yield for 1958 to determine the pounds of 100 percent excess tobacco that could be absorbed by 1958 underharvesting.

(ii) The quantity of any excess carry-over tobacco from the 1956 crop will be multiplied by the percentage determined in 1957 as applicable to the 1956 excess carry-over tobacco for penalty collection purposes. The result so determined represents 100 percent excess poundage.

(iii) The quantity of any excess carry-over tobacco from the 1957 crop will be multiplied by the percentage determined in 1957 as applicable to the 1957 crop for penalty collection purposes. The result so determined represents 100 percent excess poundage.

(iv) Compute the sum of the pounds of 100 percent excess poundage by adding the results determined under (ii) and (iii).

(v) If the sum of the pounds of 100 percent excess poundage computed under (iv) does not exceed the pounds computed under (i), all carry-over tobacco is penalty free, and the percent excess is zero.

(vi) If the pounds computed under (iv) exceed the pounds computed under (i), the difference between such two poundage figures is the net amount of 100 percent excess poundage that was not absorbed. Such net amount of 100 percent excess poundage divided by the total of the pounds of within quota carry-over tobacco, if any, and the pounds of excess carry-over tobacco will result in the percent excess.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the rate of penalty determined pursuant to § 727.947 by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 727.945 *Disposition of excess tobacco.* (a) The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any 1958 crop tobacco from the farm by furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

(b) If the 1958 harvested acreage is less than the 1958 allotment, an amount of excess carry-over tobacco from the farm calculated as provided in §727.944 (b) and not to exceed the normal production of the acreage by which the 1958 harvested acreage for the farm is less than the 1958 allotment may be marketed penalty free.

§ 727.946 *Identification of marketings.* Subject to paragraph (a) of this section, each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1958 marketing card (MQ–76—Tobacco or MQ–77—Tobacco) issued for the farm on which the tobacco was produced. In addition, as provided in paragraph (b) of this section, in the case of nonwarehouse sales, each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale). A separate memorandum from an excess marketing card marked "carry-over" issued for the farm shall be executed with respect to each marketing of tobacco produced prior to 1958, and the words "old crop" will be entered by the field assistant or warehouseman on each memorandum executed covering a warehouse sale or by a buyer on each bill of nonwarehouse sale executed to cover a nonwarehouse sale, with respect to a marketing of tobacco produced prior to 1958.

(a) *Memorandum of sale and sale without marketing card.* (1) If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed on or before the last warehouse sale day of the marketing season, or within four weeks after the date of marketing, whichever comes first, the marketing shall be identified by MQ–82—Tobacco, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale or MQ–82—Tobacco shall be executed only by a field assistant or other representative of the State administrative officer with the following exceptions:

(i) A warehouseman, or his representative, who has been authorized on MQ–78—Tobacco, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(ii) A tobacco dealer who buys tobacco direct from farmers, who resells such tobacco through a hogshead tobacco warehouse, and who keeps records showing the information specified in § 727.954, and who has been authorized on MQ–78—Tobacco to issue memoranda of sale, may issue a memorandum of sale covering a purchase of such tobacco only if the bill of nonwarehouse sale has been executed. Such dealer may also execute MQ–82—Tobacco, where applicable, under the circumstances specified in this section.

(2) The authorization on MQ–78—Tobacco to issue memoranda of sale may be withdrawn by the State administrative officer from any or all persons so authorized if such action is determined to be necessary in order to properly enforce the provisions of §§ 727.930 to 727.962. The authorization shall terminate upon receipt of written notice setting forth the reason therefor.

(3) Each excess memorandum of sale issued by a field assistant shall be verified by a warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(b) *Bill of nonwarehouse sale.* (1) Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator, including the signature of each such person.

(2) Each bill of nonwarehouse sale covering any marketing (except as described under paragraph (a) (1) (ii) of this section) shall be presented to a field assistant for the issuance of a memorandum of sale and for recording in MQ–79—Tobacco.

§ 727.947 *Rate of penalty.* (a) The penalty per pound upon marketing of excess tobacco subject to marketing quotas shall be seventy-five (75) percent of the average market price (calculated to the nearest whole cent) for Maryland tobacco for the 1957–58 marketing year, as determined by the Agricultural Marketing Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent.

(b) Proportional rate of penalty: With respect to tobacco marketed from farms having tobacco available for marketing in excess of the farm marketing quota, the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm, as determined under § 727.944.

§ 727.948 *Persons to pay penalty.* The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than (1) by sale at public auction through a warehouse, or (2) by sale through a hogshead tobacco warehouse to a buyer other than the warehouseman, in the regular course of business, shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 727.949 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco:

(a) *Warehouse sale without memorandum of sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale on or before the last warehouse sale day of the marketing season or within four weeks following the date of marketing whichever comes first, shall be identified by an MQ–82—Tobacco, and shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which (1) is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale), and (2) is not also identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the date of purchase, or, if purchased prior to the opening of the local auction markets (if the tobacco is not to be resold through a hogshead tobacco warehouse), is not identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the first sale day of the local auction markets, shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman which such warehouseman represents to be a leaf account resale but which when added to prior leaf account resales as reported under §§ 727.930 to 727.962 is in excess of prior leaf account purchases shall be deemed to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases as reported on MQ–79—Tobacco shall be deemed to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Marketings not reported.* Any resale of tobacco which under §§ 727.930 to 727.962 is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 727.930 to 727.962 shall be deemed to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the State administrative officer. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Marketings falsely identified by a person other than a producer.* If any marketing of tobacco by a person other

than the producer thereof is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be deemed to be a marketing of excess tobacco and the penalty thereon shall be paid by such person.

(g) *Producer marketings.* (1) If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1958 in excess of the farm acreage allotment shall be deemed to have been marketed as excess tobacco from such farm. The penalty thereon for false identification or failure to account shall be paid by the producer and shall be due on the date of the false identification or failure to account. The filing of a report by a producer under § 727.952 (e) which the State committee finds to be incomplete or incorrect or the failure to file such a report as required by said regulations, shall constitute a failure to account for the disposition of tobacco produced on the farm.

(2) If, after part or all of the tobacco produced on a farm has been marketed, the State or county committee redetermines that the harvested acreage for the farm was more than that shown by the prior determination, and if the harvested acreage may not be deemed to be within the farm acreage allotment pursuant to paragraph (h) of this section, any penalty due on the basis of the harvested acreage as redetermined pursuant to § 725.935 shall be paid by the producer.

(h) *Erroneous notice of measured acreage.* If it is determined that the tobacco acreage on a farm is larger than the tobacco farm acreage allotment approved under § 727.927, such farm shall be deemed to have not exceeded its allotment if the county committee, with the approval of the State administrative officer, determines from the facts and circumstances that:

(1) The excess acreage was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage;

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage prior to completion of marketing of tobacco from the farm;

(3) The incorrect notice was the result of an error made by the performance reporter or by another employee of the county or State office in reporting, computing, or recording the tobacco allotment acreage for the farm;

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error; and

(5) The extent of the error in the notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

§ 727.950 *Payment of penalty*—(a) *Date due.* Penalties shall become due at the time the tobacco is marketed, except in the case of false identification or failure to account for disposition in which case penalty shall be due on the date of such false identification or failure to account for disposition. Penalty shall be paid by remitting the amount thereof to the ASC State office not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) *Warehouse sale; net proceeds.* If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 727.930 to 727.962 is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds, accompanied by a copy of the warehouse bill covering such sale, may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through a warehouse.

(c) *Nonwarehouse sale; converted penalty rate.* Nonwarehouse sales, including sales of scrap tobacco, shall be subject to the converted rate of penalty for the farm on which the tobacco was produced without regard to the net proceeds of the sale.

§ 727.951 *Request for return of penalty.* Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 727.930 to 727.962 to be paid. Such request shall be filed on MQ–85—Tobacco with the ASC county office within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 727.952 *Producer's records and reports*—(a) *Report of tobacco acreage.* The farm operator or any producer on the farm shall execute and file a report with the ASC county office or a representative of the county committee on Form CSS–578, Report of 1958 Acreage, showing all fields of tobacco on the farm in 1958. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm, even though the farm operator or his representative refuses to sign such report, the allotment next established for such farm and kind of tobacco shall be reduced as provided in the Maryland tobacco marketing quota regulations for determining acreage allotments and normal yields, 1959–60 marketing year.

(b) *Report on marketing card.* The operator of each farm to whom a marketing card is issued in 1958 shall return to the ASC county office each marketing card issued for the farm whenever marketings from the farm are complete and in no event later than October 1, 1959. At the time the marketing card is returned to the ASC county office, there shall be shown on each such card the quantity of tobacco on hand, if any, including the crop year produced and its location. Failure to return the marketing card within fifteen (15) days after written request by certified mail from the county office manager shall constitute failure to account for disposition of tobacco marketed from the farm unless disposition of all tobacco marketed from the farm is accounted for as provided in paragraph (d) of this section.

(c) *False identification.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotment next established for both such farms and kind of tobacco shall be reduced, except that such reduction for any such farm shall not be made if the county and State committees determine that no person connected with such farm caused, aided, or acquiesced in such marketing, as provided in the Maryland tobacco marketing quota regulations for determining acreage allotments and normal yields, 1959–60 marketing year.

(d) *Report of production and disposition.* In addition to any other reports which may be required under §§ 727.930 to 727.962, the operator of each farm or any producer on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by certified mail from the State administrative officer, with fifteen (15) days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary on Form MQ–108—Tobacco, a written report of the acreage, production, and disposition of all tobacco produced on the farm by sending the same to the ASC State office showing, as to the farm at the time of filing said report: (1) The number of fields (patches or areas) from which tobacco was harvested, the acres of tobacco harvested from each such field, and the total acreage of tobacco harvested from the farm, (2) the total pounds of tobacco produced, (3) the amount of tobacco on hand and its location, and (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the MQ–108 as requested, or the filing of a MQ–108 which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced as provided in the Maryland tobacco marketing quota regulations for determining acreage allotments and normal yields, 1959–60 marketing year.

§ 727.953 *Warehouseman's records and reports*—(a) *Record of marketings.* (1) Each warehouseman shall keep such records as will enable him to furnish the ASC State office with respect to each warehouse sale of tobacco made at his warehouse the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a sale by a producer,

and in the case of a resale the name of the seller,

(ii) Date of sale.

(iii) Number of pounds sold.

(iv) Gross sale price.

(v) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s);

and in addition with respect to each individual basket or lot of tobacco constituting the warehouse sale the following information:

(vi) Name of purchaser.

(vii) Number of pounds sold.

(viii) Gross sale price.

(2) Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales for the warehouse leaf account.

(iii) Resales of floor sweepings.

(iv) Resales of pick-ups (subparagraphs (1) and (2) of § 727.931 (p)).

(3) Any warehouseman or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASC office the name of the farm operator and the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

(4) In the case of resales for dealers, the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register (or ledger account in case of a sale through a hogshead tobacco warehouse).* The serial number of sale issued to identify each warehouse sale by a producer or the serial number of the warehouse bill(s) covering each such sale shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco (or on the ledger account in the case of a sale through a hogshead tobacco warehouse).

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or an MQ–82—Tobacco, Sale Without Marketing Card, shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum of sale is executed. Any warehouseman who obtains possession of any scrap tobacco in the course of grading tobacco from any farm shall obtain a bill of nonwarehouse sale and a memorandum of sale to cover the amount of such scrap.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "suspended," write thereon the serial number of the suspended sale, and, if the warehouse is not a hogshead warehouse, record the bills on MQ–83—Tobacco, Field Assistant's Report: *Provided,* That if a field assistant is not available, the warehouseman may stamp such bills "suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record.* Each warehouseman, other than a hogshead tobacco warehouseman, shall record on MQ–79—Tobacco the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse and enter his initials in the space provided. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1958, the entry on MQ–79—Tobacco shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing:

(1) All purchases, by or for the warehouse, of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales) (also including, in the case of a hogshead tobacco warehouseman, purchases at the hogshead tobacco warehouse by or for such warehouseman at auction from producers).

(2) All purchases and resales, by or for the warehouse, of tobacco at public auction through warehouses other than his own.

(3) All purchases, by or for the warehouse, of tobacco from dealers other than warehousemen and resales, by or for the warehouse, of tobacco to dealers other than warehousemen.

MQ–79—Tobacco shall be prepared and a copy forwarded to the ASC State office not later than the end of the calendar week following the week in which tobacco was purchased or resold.

(g) *Season report of warehouse business.* (1) Each warehouseman, other than a hogshead tobacco warehouseman, shall furnish the ASC State office not later than thirty (30) days following the last sale day of the marketing season a report on MQ–80—Tobacco, Auction Warehouse Report, showing:

(i) For each dealer or buyer, as originally billed, the total pounds and gross amount of tobacco purchased and resold on the warehouse floor;

(ii) The total pounds and gross amount of "loan tobacco" billed to any association;

(iii) The total pounds and gross amount of all leaf account tobacco purchased and resold and of all pick-ups (§ 727.931 (p) (1) or (2)), or floor sweepings sold by the warehouseman at public auction over his own warehouse floor;

(iv) The pounds and estimated value of all tobacco on hand at the time of filing the report and whether such tobacco represents leaf account tobacco, pick-ups (§ 727.931 (p) (1) or (2)), or floor sweepings;

(v) The total pounds and gross amount of all tobacco purchased directly from farmers other than at public auction through a warehouse; and

(vi) The total pounds and gross amount of all purchases over other warehouse floors or from dealers other than warehousemen, and all resales over other warehouse floors, or to dealers other than warehousemen. A hogshead tobacco warehouseman, also, shall report all leaf account tobacco purchased or sold and all floor sweepings and pick-ups sold, if any, through the warehouse.

(2) A hogshead tobacco warehouseman shall furnish the ASC State committee, not later than October 10, 1958, a report showing the producer's name (or the name of the dealer in the case of tobacco received from a dealer), hogshead number and pounds of tobacco in each hogshead received but which is on hand and unsold as of the close of business on September 30, 1958: *Provided,* that such report shall not include any tobacco which was previously reported as being on hand in such hogshead warehouse as of the close of business September 30, 1956.

(3) A hogshead tobacco warehouseman shall submit weekly reports (each such report to be submitted not later than the end of the calendar week following the week during which the transactions occurred) to the ASC State office including for each buyer who purchased tobacco (and any association to which any "loan" tobacco was consigned) through the warehouse during the week for which the report is submitted, a copy of the billout to the buyer (or association) together with the following:

(i) Name of farm operator (and name of seller if different from operator) for each sale of farm tobacco.

(ii) Farm serial number of the farm for each sale of farm tobacco.

(iii) Serial number of memorandum of sale or memorandum of sale without marketing card executed with respect to each sale of farm tobacco.

(iv) Date of sale (or date of consignment to loan association).

(v) Hogshead serial number.

(vi) Number of pounds of tobacco in the hogshead.

(vii) Designation as to whether the tobacco in the hogshead was produced in 1958 or in a year prior to 1958.

(viii) A memorandum of sale or a memorandum of sale without marketing card for each sale of farm tobacco produced in 1958, and a memorandum of sale or a memorandum of sale without marketing card for each sale of farm tobacco produced prior to 1958.

(ix) A remittance of the penalty due as shown on all memoranda of sale and memoranda of sale without marketing card.

(x) Designation by the word "resale" and the name of the person reselling the tobacco entered on the bill-out for tobacco resold through the hogshead warehouse.

(h) *Report of penalties.* Each warehouseman, other than a hogshead to-

bacco warehouseman, shall make reports on MQ–81—Tobacco, Report of Penalties, showing for each sale of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the farm serial number; (5) the number of pounds sold; (6) the applicable converted rate of penalty, and (7) the amount of penalty due on each such sale. MQ–81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the ASC State office not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(i) *Report of resales.* Each warehouseman, other than a hogshead tobacco warehouseman, shall make reports on MQ–86—Tobacco, Report of Resales, showing for each resale of tobacco at auction on the warehouse floor (1) the warehouse bill number; (2) the name on the warehouse bill; (3) the name of the seller, or in the case of a resale for the warehouse, whether such resale represents leaf account tobacco, pick-ups, or floor sweepings; (4) the registration number and State of the person making the resale; (5) the number of pounds sold; and (6) the gross amount for the sale. MQ–86—Tobacco shall be prepared for each sale day and forwarded to the ASC State office not later than the end of the calendar week following the week in which the tobacco was resold.

(j) *Additional records and reports by warehousemen.* Each warehouseman shall keep such records and furnish such reports to the ASC State office in addition to the foregoing, as the State administrative officer may find necessary to insure the proper identification of the markings of tobacco and the collection of penalties due thereon as provided in §§ 727.930 to 727.962.

§ 727.954 *Dealer's records and reports.* Each dealer, except as provided in § 727.955 shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant (or the dealer, if the tobacco is to be marketed through a hogshead tobacco warehouse) shall detach and forward to the ASC State office "Receipt for Dealer's Record" contained in MQ–79—Tobacco which is issued to the dealer.

(b) *Record of marketings.* Each dealer shall keep such records as will enable him to furnish the ASC State office with respect to each lot of tobacco purchased by him the following information:

(1) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale; the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonwarehouse sale; and the name of the seller in the case of purchases directly from warehousemen or other dealers.

(2) Date of purchase.

(3) Number of pounds purchased.

(4) Gross purchase price.

(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s);

and with respect to each lot of tobacco sold by him the following information:

(6) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than a warehouse sale.

(7) Date of sale.

(8) Number of pounds sold.

(9) Gross sale price.

(10) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1958, the fact that such tobacco was bought by him from a crop produced prior to 1958.

(c) *Memorandum of sale and bill of nonwarehouse sale.* (1) A bill of nonwarehouse sale and a memorandum of sale from the 1958 marketing card issued for the farm on which the tobacco was produced shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse. No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale on the reverse side of the memorandum of sale has been executed.

(2) Any dealer who acquires scrap tobacco from any farm shall obtain a bill of nonwarehouse sale and a memorandum of sale to cover the amount of such scrap tobacco.

(d) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing all purchases and resales of tobacco made by or for the dealer and, in the event of a purchase or resale of tobacco bought from a crop produced prior to 1958, the fact that such tobacco was bought by him from a crop produced prior to 1958. MQ–79—Tobacco shall be prepared and a copy forward to the ASC State office not later than the end of the calendar week following the week in which tobacco was purchased or resold.

(e) *Report of penalties.* (1) Each dealer, unless the tobacco is to be marketed through a hogshead tobacco warehouse, shall make a report on MQ–81—Tobacco, Report of Penalties, showing for each purchase, other than by warehouse sale, of tobacco subject to penalty (i) the name of the farm operator; (ii) the memorandum number; (iii) the name of the county in which the farm is located; (iv) the farm serial number; (v) the number of pounds purchased; (vi) the applicable converted rate of penalty; and (vii) the amount of penalty due on each such purchase.

(2) MQ–81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the ASC State office not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A dealer who purchases tobacco which is to be marketed through a hogshead tobacco warehouse shall remit the penalty with his reports on MQ–79—Tobacco, Dealer's Record, together with memoranda of sale and memoranda of sale without marketing card to the ASC State office not later than the end of the calendar week following the week during which he purchased the tobacco.

§ 727.955 *Dealers exempt from regular records and reports.* Any dealer or buyer who does not purchase or otherwise acquire tobacco except at warehouse sales, or directly from dealers other than warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers more than 10 percent of such tobacco so purchased by him shall not be subject to the provisions of § 727.954: *Provided, however,* That any such dealer or buyer who purchases tobacco at nonwarehouse sale, or from a warehouseman other than at warehouse sale shall be subject to the provisions of § 727.954 with respect to such purchases. Each such dealer or buyer shall make such reports to the State administrative officer, in addition to the foregoing, as he may find necessary to enforce §§ 727.930 to 727.962.

§ 727.956 *Records and reports of truckers and persons redrying, prizing or stemming tobacco.* (a) Each person engaged to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers shall keep such records as will enable him to furnish the ASC State office a report with respect to each lot of tobacco received by him showing:

(1) The name and address of the producer;

(2) The date of receipt of the tobacco;

(3) The number of pounds received;

(4) The name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of redrying, prizing or stemming tobacco for producers shall keep such records as will enable him to furnish the Director a report showing:

(1) The information required above for truckers, and in addition,

(2) The purpose for which the tobacco was received,

(3) The amount of advance made by him on the tobacco,

(4) The disposition of the tobacco.

§ 727.957 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a warehouseman, processor, dealer, trucker, or as a person engaged in the business of redrying, prizing or stemming tobacco for producers and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 727.958 *Failure to keep records and make reports or making false report or records—(a) Misdemeanor .provisions.* Any warehouseman, processor, dealer, trucker, or persons engaged in the business of redrying, prizing or stemming tobacco for producers, who fails to make any report or keep any record as required under §§ 727.930 to 727.962, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under §§ 727.930 to 727.962 within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof bought or sold by him after the date of such violation: *Provided,* That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him or both. Notice of any violation by a warehouseman, processor, dealer or trucker shall be given by the State administrative officer and notice of violation by a person engaged in the business of redrying, prizing or stemming tobacco for producers shall be given by the Director.

(b) *Criminal law.* The penalties which may be imposed under paragraph (a) of this section are in addition to, and not exclusive of any other remedies or penalties under existing law, including the provisions of U. S. Code, Title 18, Sec. 371 relating to acts of conspiracy and U. S. Code, Title 18, Sec. 1001 relating to acts of fraud.

§ 727.959 *Additional records and reports to Director.* Any warehouseman, processor, dealer, trucker, or person engaged in the business of redrying, prizing or stemming tobacco for producers shall, in addition to any records required to be kept or any reports required to be made under §§ 727.930 to 727.962, keep such records and make such reports to the Director as he may find necessary to enforce §§ 727.930 to 727.962.

§ 727.960 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any warehouseman, processor, dealer, trucker or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination by employees of the ASC State office, and by employees of the Compliance and Investigation Division, Audit Division, and of the Tobacco Division of the Commodity Stabilization Service, United States Department of Agriculture, upon written request by the State administrative officer or Director, such books, papers, records, accounts, cancelled checks, correspondence, contracts, documents, and memoranda as the State administrative officer or Director has reason to believe are relevant and are within the control of such person.

§ 727.961 *Length of time records and reports are to be kept.* Records required to be kept and copies of the reports required to be made by any person under §§ 727.930 to 727.962 for the 1958–59 marketing year shall be kept by him until September 30, 1961. Records shall be kept for such longer period of time as may be requested in writing by the State administrative officer or the Director.

§ 727.962 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 727.930 to 727.962 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of county and community committees and all ASC county office employees and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 1st day of July 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 58–5177; Filed, July 7, 1958; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 937—NECTARINES GROWN IN CALIFORNIA

EXEMPTION FROM INSPECTION

Pursuant to the Marketing Agreement and Order No. 37 (7 CFR Part 937; 23 F. R. 4616) regulating the handling of nectarines grown in California, effective June 25, 1958, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, has adopted rules and regulations, hereinafter set forth, to effectuate the provisions of the said marketing agreement and order.

It is hereby found and determined that the said rules and regulations are in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared policy of the act; and the said rules and regulations are hereby approved as follows:

§ 937.110 *Exemption from inspection*—(a) *Minimum quantities.* A handler may handle, exempt from the inspection and certification requirements prescribed under § 937.55 and the requirements of paragraph (b) of this section, nectarines totaling not more than 100 pounds, net weight, during any one day.

(b) *Waivers.* A handler may handle nectarines without inspection and certification, as prescribed under § 937.55, if all of the following applicable conditions are met:

(1) When the handler desires to ship on a day other than an announced Federal-State Inspection working day, a request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the nectarines will be available for inspection; or when the handler desires to ship on a Federal-State Inspection working day but later than the announced closing hour for inspection, a request is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day on which the nectarines will be made available for inspection;

(2) The handler designates in such request the varieties of nectarines to be inspected, the approximate quantities by variety and the time when the nectarines will be available for inspection;

(3) The Federal-State Inspection Service furnishes the handler with a signed statement that it is not practicable, under such conditions for the Federal-State Inspection Service to make the inspection within the necessary time;

(4) The Federal-State Inspection Service furnishes the handler with the number of the waiver which will cover the nectarines for which inspection is being requested;

(5) The handler submits, or causes to be submitted, promptly to the Nectarines Administrative Committee such signed statement, and states, on the reverse side thereof, (i) the varieties of nectarines shipped without inspection, (ii) the quantity of each variety so shipped, (iii) the type of containers in which such fruit was packed, (iv) the date and hour when such shipment was made, (v) the car or truck license number of the carrier, and (vi) that all of the fruit so shipped complied with all grade and size, or minimum standards of quality or maturity, regulations applicable to such shipments;

(6) When instructed to do so, the handler plainly and conspicuously marks, stamps, stencils, prints, labels or brands one end of each container with the letter "W" and the waiver number which the Federal-State Inspection Service has assigned to the shipment or shipments. The letter "W" and the number shall not be less than one-half inch high in height; and

(7) Nothing contained in § 937.55 or in this paragraph shall prevent a handler from shipping nectarines without inspection during working hours of an announced Federal-State Inspection Service working day if (i) such handler requests inspection for such nectarines and the Federal-State Inspection Service furnishes such handler with a waiver number and a signed statement that it is not practicable to make the inspection requested, (ii) such handler submits, or causes to be submitted, promptly to the Nectarine Administrative Committee such statement together with a report concerning such shipments containing all of the information set forth in subparagraph (5) of this paragraph and (iii) such handler complies with the marking requirements set forth in subparagraph (6) of this paragraph.

It is hereby further found that it is impracticable, unnecessary, and contrary

to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.); and good cause exists for making the provisions hereof effective at the time hereinafter set forth, in that the time intervening between the date when information upon which the provisions hereof are based became available and the time such provisions must become effective in order to effectuate the declared purposes of the act is insufficient; shipments of nectarines are now being made and regulations are being issued simultaneously herewith, to become effective on July 5, 1958, at which time, unless otherwise provided, all shipments of nectarines will be subject to inspection and certification requirements under § 937.55; and this section relieves restrictions with respect to such inspection and certification requirements.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 2, 1958, to become effective at 12:01 a. m., P. s. t., July 5, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5189; Filed, July 7, 1958; 8:50 a. m.]

[Nectarine Order 6]

PART 937—NECTARINES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 937.306 *Nectarine Order 6*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937; 23 F. R. 4616) regulating the handling of nectarines grown in the State of California, effective June 25, 1958, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such varieties of nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 28, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 9, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no handler shall handle any package or container of Sun Flame, Red Grand, or Grand Prize nectarines unless such nectarines grade at least U. S. No. 1; and,

(i) If the nectarines are packed in a No. 26 standard lug box, or in a No. 27 standard lug box, they are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the respective lug box; or

(ii) If the nectarines are packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, ninety (90) percent, by count, of the nectarines measure not less than two and one-eighth (2⅛) inches in diameter.

(2) When used herein, "U. S. No. 1," "diameter," and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title; 23 F. R. 3994); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box," and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 3, 1958.

[SEAL] FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5209; Filed, July 7, 1958; 8:52 a. m.]

[Nectarine Order 5]

PART 937—NECTARINES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 937.305 *Nectarine Order 5*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937; 23 F. R. 4616) regulating the handling of nectarines grown in the State of California, effective June 26, 1958, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 28, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 9, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no handler shall handle any package or container of Quetta nectarines unless such nectarines grade at least U. S. No. 1; and,

(i) If the nectarines are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack; or

(ii) If the nectarines are packed in any container other than a standard basket, ninety (90) percent, by count, of the nectarines measure not less than two (2) inches in diameter.

(2) When used herein, "U. S. No. 1," "diameter," and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title; 23 F. R. 3994); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box," and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 3, 1958.

[SEAL] FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5208; Filed, July 7, 1958; 8:52 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

LIMITATION OF SHIPMENTS

§ 957.317 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish poatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 28, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 9, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no handler shall handle any package or container of Quetta nectarines unless such nectarines grade at least U. S. No. 1; and,

(i) If the nectarines are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack; or

(ii) If the nectarines are packed in any container other than a standard basket, ninety (90) percent, by count, of the nectarines measure not less than two (2) inches in diameter.

(2) When used herein, "U. S. No. 1," "diameter," and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title; 23 F. R. 3994); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box," and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 3, 1958.

[SEAL] FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5208; Filed, July 7, 1958; 8:52 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

LIMITATION OF SHIPMENTS

§ 957.317 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish poatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) Except as otherwise provided in this section, during the period from July 7, 1958, through June 30, 1959, no handler shall ship potatoes of any variety unless such potatoes are generally "fairly clean," which means that at least 90 percent of such potatoes are "fairly clean," as such terms are defined in the United States Standards for Potatoes (§§ 51.1540 to 1559 of this title), and

(i) If they are of the round varieties (including, but not being limited to, Bliss Triumph, and Pontiac varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, 1⅞ inches minimum diameter,

(ii) If they are of the White Rose variety, such potatoes meet the requirements of the U. S. No. 2, or better, grade, 5 ounces minimum weight: *Provided,* That any such potatoes that grade not less than U. S. No. 1, may be shipped if they are of 2 inches minimum diameter or 4 ounces minimum weight, size A,

(iii) If they are of the Kennebec variety, such potatoes meet the requirements of the U. S. No. 2, or better, grade, and are of 2 inches minimum diameter or 4 ounces minimum weight,

(iv) If they are of the Early Gem variety, such potatoes meet the requirements of the U. S. No. 2, or better, grade, and are 2 inches minimum diameter or 4 ounces minimum weight, and

(v) If they are of any other variety (including, but not being limited to the Russet Burbank variety), such potatoes meet the requirements of the U. S. No. 2, or better, grade, and are of 2 inches minimum diameter or 4 ounces minimum weight, size A, as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

(2) Except as otherwise provided in this section, during the period from July 7, 1958, through June 30, 1959, no handler shall ship (i) any lot of potatoes of the Kennebec or White Rose variety if more than 25 percent of the potatoes in such lot have more than one-half of the skin missing or "feathered", as such terms are used in the said United States Standards, or (ii) any lot of potatoes of any other variety if such potatoes are more than "moderately skinned", as such term is defined in the said United States Standards, which means that not more than 10 percent of such potatoes have more than one-half of the skin missing or "feathered": *Provided,* That during such period, not to exceed a total of 50 hundredweight of each variety of such potatoes may be handled for any producer without regard to the aforesaid skinning requirements: *Provided further,* That in addition to such 50 hundred-weight of potatoes of any variety that may be handled without regard to said skinning requirements, any lot of potatoes may be handled for any producer without regard to such requirements if (*a*) such lot of potatoes previously failed, upon inspection by a Federal-State inspector, to meet grade and size requirements but met the aforesaid skinning requirements applicable to such lot of potatoes, (*b*) such lot of potatoes has been regraded, and such lot of potatoes otherwise meets, as indicated by a Federal-State inspection certificate, the grade and size requirement applicable to such potatoes, and (*c*) the potatoes failing to meet the aforesaid skinning requirements are not in excess of 100 hundredweight in any such lot. Prior to each shipment of potatoes exempt from the above skinning requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(3) Each handler may make one shipment of not in excess of 5 hundredweight per week without regard to the regulatory, assessment, and inspection requirements of this part.

(4) The grade, size and maturity limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) As certified seed potatoes; (ii) export: *Provided,* That no handler shall ship potatoes for export which do not meet the requirements of the U. S. No. 2, or better, grade, 1½ inch minimum diameter; (iii) canning, freezing, dehydration or manufacture into starch or flour; (iv) charity; and (v) experimentation.

(5) Each handler making any shipment of potatoes pursuant to subparagraph (4) of this paragraph for export, canning, freezing, dehydration or manufacture into starch or flour, for charity or for experimentation shall: (i) First apply to the committee for, and obtain a Certificate of Privilege to make such shipment; (ii) pay assessments on such shipment, except shipment for canning or freezing; (iii) have such shipment inspected, except shipment for canning or freezing; (iv) upon request by the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege; (v) with respect to such

shipment, furnish the committee with a copy of the bill of lading or appropriate record of movement in case of trucks for each such shipment made under Certificate of Privilege; (vi) with respect to such shipment, furnish the committee with the buyer's certification that the potatoes handled under the Certificate of Privilege are to be used only for the purpose stated therein.

(6) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 2, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-5190; Filed, July 7, 1958; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR-422A]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 10—CERTIFICATION AND APPROVAL OF IMPORT AIRCRAFT AND RELATED PRODUCTS

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

TURBINE-POWERED TRANSPORT CATEGORY AIRPLANES OF CURRENT DESIGN; SPECIAL CIVIL AIR REGULATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 2d day of July 1958.

On July 23, 1957, the Board adopted Special Civil Air Regulation No. SR-422 which sets forth airworthiness requirements applicable to the type certification and operation of turbine-powered transport category airplanes for which a type certificate is issued after August 27, 1957. Included in that regulation was a new set of performance requirements, with respect to which the Board indicated that consideration would be given to any changes found necessary as a result of further study and experience. The preamble to SR-422 contains the relevant considerations leading to its promulgation and is considered to provide the basic background for this regulation.

Since the adoption of SR-422, considerable study has been devoted to the new performance requirements by all interested parties. As a result of these studies and of further experience gained in the design, certification, and operation of turbine-powered airplanes, certain issues with respect to SR-422 require re-evaluation. This regulation reflects the resolution of most of the outstanding issues in the light of the best information presently available to the Board.

The following provisions of this regulation differ from, or are additional to, the provisions of SR-422: Introductory paragraph; item 1; §§ 4T.111 (c); 4T.112; 4T.114 (b), (b) (1), (b) (4), and (c); introductory paragraph of 4T.116; 4T.116 (b), (c), (e), and (g); 4T.117; 4T.117a; 4T.119; 4T.120 (a), (a) (1), (b), (b) (1), (c), (c) (2), (c) (3), (d), and (d) (3); 4T.121 (a) and (b); introductory paragraph of 4T.122; 4T.122 (b), (f), and (g); 4T.123 (a) (1), (a) (2), (a) (3), and (b); 4T.743 (c); 40T.81 (b) and (c); 40T.82; 40T.83 (a) (2) (iii), (b) (2), and (b) (2) (ii); item 4; and item 5. Of these provisions, the following differ from those proposed in Civil Air Regulations Draft Release No. 58-6: §§ 4T.111 (c); 4T.112 (a) (4); 4T.114 (b) (4), (c), (c) (2), (c) (3), and (c) (4); 4T.116 (c) and (e); 4T.117 (b) (1) and (b) (2); 4T.119 (a); 4T.120 (a); 40T.81 (c) and 43T.11 (c).

With respect to the applicability of this regulation, experience with certification under SR-422 indicates that a lead time of about two months between the date of adoption of the regulation and the date of issuance of the type certificate should provide a reasonable period of time within which to show compliance with this regulation. In view of this, and in the interest of having uniform regulations applicable to most of the turbine-powered airplanes, it is considered advisable to have this regulation apply to all such airplanes for which a type certificate is issued after September 30, 1958. Turbine-powered transport category airplanes for which a type certificate is issued on or prior to September 30, 1958, may comply with the provisions of this regulation in lieu of SR-422. If this option is exercised, it is intended that compliance be shown with all the provisions of this regulation and it is not intended to permit a showing of compliance with portions of this regulation and portions of SR-422.

The provisions of this regulation involve the following technical issues:

A substantive change is made by introducing an all-engines-operating take-off in establishing the take-off distance. Presently, the take-off distance is based only on a one-engine-out take-off. To insure that an adequate margin of safety will exist for day-in and day-out operations, the minimum take-off distance is being related to both the one-engine-inoperative distance now prescribed and to the distance with all engines operating, with a factor of 1.15 being applied to the latter.

There are also included important changes with respect to the speeds applicable to the take-off path. The provisions of SR-422 prescribe that the airplane shall be accelerated on or near the ground to the speed V_2. This provision has been subject to varying interpretations having a marked difference in effect on the resultant level of performance. The issue in this matter is whether or not the airplane should be permitted to lift off the runway at some speed below V_2. Because of the increased acceleration of turbine-powered airplanes, the tendency to overshoot the lift-off speed will be greater than on piston-engine airplanes and this tendency increases with the reduction in weight of the airplane. To restrict lift-off to the minimum take-off safety speed V_2 would unduly extend the take-off distance in cases where such overshooting of speed occurs. Such a restriction would be unnecessarily conservative and would not reflect realistic take-off procedures. For these reasons this regulation permits the airplane to lift off the ground at a speed lower than the V_2 speed, but prescribes certain limiting conditions. The lift-off speed is related to a rotational speed V_R which must not be less than 95 percent of the minimum V_2 speed and must be 10 percent greater than a speed at which no hazardous characteristics are displayed by the airplane, such as a relatively high drag condition or a ground stall. The V_2 speed has been re-defined to take into account the increment in speed arising from overshoot tendencies. Under the new definition, the minimum V_2 speed corresponds with the minimum take-off safety speed as now defined in SR-422. With respect to the take-off path, the V_2 speed is required to be attained prior to reaching a height of 35 feet above the take-off surface and thus is related to the selection of the rotational speed. Further, there is a revision which requires V_2 to be maintained as close as practicable at a constant value from the 35-foot point to a height of 400 feet above the take-off surface. This speed is the speed at which the prescribed minimum take-off gradients must be met.

There is introduced in this regulation the concept of unbalanced take-off field lengths. SR-422 does not preclude unbalancing of field lengths, provided that the unbalancing is within the length of the runway. Other countries have employed unbalancing with respect to so-called "stop-ways" and "clearways." It appears that United States operators ultimately will find it advantageous to resort to the use of unbalancing, but probably not to the same extent as practiced in other countries. On the premise that only clearways will be utilized, the amendments have been formulated accordingly. Clearways, as defined herein, are areas not suitable for stopping the airplane in the event of an aborted take-off, but adequate to provide additional take-off distance for climb-out. To safeguard operations utilizing clearways, there is introduced the concept of a take-off run which operationally relates to the determination of the minimum runway length required. The take-off run is defined as the greater of the horizontal distances along the take-off path to a given point with one engine inoperative or with all engines operating, with a margin of 15 percent being added to the latter. The take-off run is measured from the beginning of take-off to a point equidistant between the point where the airplane lifts off and the point where a height of 35 feet is reached. The required runway length must not be less than the take-off run nor less than the accelerate stop distance.

According to the definition given, a clearway is subjected to the control of the airport authorities. It is not intended, however, that there be ownership by the airport authorities of the area in which the clearway lies. The objective for requiring control by the airport authorities is to insure that no flight will be initiated using a clearway unless it is determined with certainty that no movable obstacle will exist within the clearway when the airplane flies over.

It is anticipated that the introduction of clearways will offer further possibilities of increasing the utility of existing airport facilities in this country. When such areas can be integrated into existing facilities, economical benefits will accrue to the community and the operators. In addition, since clearways are presently available at some of the airports in other countries, United States operators will have the opportunity of taking advantage of such facilities.

There are included changes with respect to the prescribed minimum altitude of 1,000 feet relative to the take-off path and to the one-engine-inoperative and two-engine-inoperative requirements applicable to the vicinity of the airport. Heretofore, the Civil Air Regulations have incorporated the reference altitude of 1,000 feet in respect of performance criteria over the airport. Obscure as is the significance of this altitude operationally, the altitude of 1,500 feet has worldwide precedent of being used as the altitude above the airport at which, generally, IFR approaches are initiated and go-around procedures executed. For this reason, the changes made extend the take-off path to a minimum altitude of 1,500 feet and make this altitude applicable to the prescribed performance criteria above the airport for the one- and two-engine-inoperative en route requirements. It is not anticipated that these changes will create any problem with respect to the en route stages of flight; however, it is realized that a further extension of the take-off path might add to the problem of obtaining accurate data on obstacles relatively distant from the airport. The Board finds that the extension of the flight path to 1,500 feet is warranted in light of the operational significance of this altitude and because of the extended flight paths will provide more fully for adequate terrain clearance at the end of the take-off path.

There is included a change with respect to the take-off path whereby the take-off flight path is established as starting from a 35-foot height at the end of the take-off distance and a net take-off flight path is prescribed for operational use. This latter change is for consistency with the specification of net flight paths for the en route stages of flight and to simplify determination of obstacle clearances operationally. The net flight path is specified to be the actual flight path diminished by a gradient of 1.0 percent. It is intended that the net flight path be obtained from the gross flight path by simple geometric means.

The change in the altitude from 1,000 to 1,500 feet previously mentioned, as well as a re-evaluation in other respects of some of the climb gradients in SR-422, justify certain changes. The gradients of 1.4 and 1.8 applicable to the take-off path and the final take-off climb are being reduced to 1.2 and 1.7 for two-engine and four-engine airplanes, respectively. In addition, the gradients of 1.4 and 1.8 in the one-engine-inoperative en route case are being reduced to 1.1 and 1.6, respectively.

Changes are made with respect ot the one-engine-inoperative take-off climb by interrelating more realistically the prescribed airplane configuration, weight, and power. These changes, in effect, permit meeting the prescribed gradients of climb at slightly higher airplane weights than would be possible under the presently effective provisions.

There is included a change to the provisions applicable to the one-engine-inoperative take-off climb with landing gear extended which increases the prescribed minimum gradient from substantially zero to 0.5 percent for four-engine airplanes. This change is made to attain consistency in the difference between gradients applicable to twins and fours.

Changes are incorporated in connection with the two-engine-inoperative en route requirement. Representations have been made that the gradient of 0.6 percent now prescribed is unduly conservative. On the other hand, it has been pointed out that the fuel requirements for this case are not realistically covered. Both of these contentions warrant consideration and changes are included which reduce the margin gradient from 0.6 to 0.5 percent, reduce the prescribed altitude from 5,000 to 2,000 feet, and require scheduling the flight so that there is sufficient fuel on board to reach the airport and subsequently to fly for 15 minutes at cruise power or thrust.

Changes are also made relative to the approach and landing stages of flight. There is a new provision which requires the establishment of procedures for the execution of missed approaches and balked landings. A question has been raised as to whether the speed limitation of 1.5 V_s applicable to the approach condition is realistically related to the normal day-in and day-out landing procedures. To insure that it will be so related, it is required that the speed used for demonstrating the approach climb be established consistent with the landing procedures, but that it not exceed 1.5 V_s. In addition, the approach gradient of 2.8 percent prescribed for four-engine airplanes is being reduced to 2.7 percent to obtain consistency in the differences between gradients applicable to twins and fours.

A change is made to the "all-engines-operating landing climb" provisions which now require a 4.0 percent gradient of climb in the landing configuration. On the premise that requiring the landing configuration during the climb after a balk is unduly conservative, consideration was given to a proposal to permit showing of compliance with the 4.0 percent gradient of climb in the configuration which would exist 5 seconds after the initiation of the climb. Further study of this proposal indicated that such a rule would tend to introduce complications in design and lead to less favorable operating procedures which ultimately would not contribute to safety. One of the most important factors in connection with this configuration is the response of the engines to throttle movement. Therefore, there is a provision which requires that the power used in showing compliance with the climb gradient be that power or thrust attained 8 seconds after initiation of movement of the power controls to the take-off position from the minimum flight idle position. In addition, for consistency with the procedures used for determining the landing distance, the speed limitation of 1.4 V_s is reduced to 1.3 V_s. Concern has been indicated to the effect that any reduction in the prescribed gradient of 4.0 percent might not insure in all cases the ability of the airplane to continue a safe climb after a balk. To provide a further safeguard, the take-off weight-altitude-temperature limitations (WAT limitations stemming from the application of the one-engine-inoperative take-off climb requirements) are being made applicable to the maximum landing weight at the airport of landing. In the past, the landing weight limitations were applicable to the airport of destination but not to the weather alternates. This regulation makes both the take-off weight and landing weight limitations equally applicable to the airport of destination and the weather alternates. In view of the aforementioned changes, a reduction of the required climb gradient from 4.0 to 3.2 percent is justified and included in this regulation.

In addition to the substantive changes which have been discussed, there are three significant changes of a clarifying nature. The first deals with the determination of the landing distance as affected by devices or means other than wheel brakes. There is included a provision similar to the one applicable to the accelerate-stop distance for application to the landing distance. This provision permits the use of means other than wheel brakes in the determination of the landing distance. Additionally, there is a change to the provision which requires in some cases the determination of the landing distance with one engine inoperative. It is believed that the new requirement expresses the intent more clearly. One of the more obvious applications of this provision is in respect of turbo-propeller airplanes. Such airplanes usually are landed with the propellers in a relatively high drag position. If one of the engines becomes inoperative, its propeller would be expected to be in a relatively low drag position with the consequence of a longer landing distance than with all engines operating. In such a case it is required that the landing distance be determined with one engine inoperative unless use could be made by the crew of other means (e. g., reverse thrust not otherwise considered in determining the landing distance) which would reduce the landing distance at least to that determined for all-engine operation.

The second clarification being included deals with the provision setting forth the

procedures which must be included in the Airplane Flight Manual. This provision in SR–422 does not make clear what procedures are involved and whether the procedures are considered to be limitations on the operation of the airplane. The clarification in language specifies that the procedures which are included with the performance limitations shall be considered only as guidance material.

The third clarification concerns the applicability of the performance limitations prescribed in SR–422. These consist of the "certificate limitations" and the "operating limitations." The former relate to maximum take-off and landing weights, minimum take-off distances, accelerate-stop distances, and the operational limits imposed upon the airplane. These limitations, being part of the conditions of the type and airworthiness certificates, must be complied with at all times irrespective of the type of operation being conducted (e. g., air carrier, private, cargo). The "operating limitations," distinct from the "certificate limitations," are only applicable when required by the operating parts of the regulations (Parts 40, 41, and 42 require compliance for passenger operations). Although it appeared that previous Board pronouncements regarding this general principle as well as the explanation contained in the preamble to SR–422 would make the issue quite clear, it has come to the Board's attention that there is still some misunderstanding of this matter. Apparently this misunderstanding stems from the fact that SR–422 prescribes operating rules for air carrier operations which contain both the "certificate limitations" and the "operating limitations" while no prescription is given to non-air-carrier operations; thus giving an impression that not even the "certificate limitations" are applicable to non-air-carriers. The inclusion of "certificate limitations" for air carrier operations with the "operating limitations" was meant only to provide the operators with the convenience of having together the complete prescription of the applicable performance limitations, notwithstanding that such an inclusion, in fact, duplicates the general requirement of compliance with the "certificate limitations" contained in the Airplane Flight Manual. In view of the possible misunderstanding which might exist from the aforementioned inclusion, there are included in this regulation the same "certificate limitations" for application to all operations under the provisions of Part 43 of the Civil Air Regulations.

In addition, other changes of a minor nature are included herein, the most significant of which is the generalization of the stall speed V_s, eliminating reference to V_{s_0} and V_{s_1}.

Of the changes to SR–422 made in this regulation, there are a number which might require further consideration as studies continue and as additional experience is gained with the application of these new rules. Several of these involve new concepts with which U. S. operators have had little or no experience. These entail the requirements relative to unbalanced field lengths with respect to clearways, to the rotational speed, and to the all-engine take-off distance. Strong representation has been made to the Board to the effect that the numerical factors applicable to the aforementioned rules are too high and should be reduced pending further experience. The Board considers that it would not be in the public interest to reduce any of these factors until such time as further experience indicates that they are in fact overly conservative. Realizing, however, that these issues are of considerable importance in prescribing a practicable level of performance, the Board stands ready to reconsider the relevant provisions of this regulation at such time as substantiating information is received.

There are areas other than those previously mentioned where additional refinement of details may be advisable. This is so particularly in the case of the requirements pertaining to the landing stage of flight, to the take-off lateral clearances, and to the two-engine-inoperative en route gradient margin. It is anticipated that, after further study of the regulation and especially after its application in the design, certification, and operation of forthcoming turbine-powered airplanes, the desirability of changes may become more apparent. It is the intent of the Board to consider without delay such changes as might be found necessary. Only after the provisions of this Special Civil Air Regulation are reasonably verified by practical application will the Board consider incorporating them on a more permanent basis into Parts 4b, 40, 41, 42, and 43 of the Civil Air Regulations.

This Special Civil Air Regulation is not intended to compromise the authority of the Administrator under § 4b.10 to impose such special conditions as he finds necessary in any particular case to avoid unsafe design features and otherwise to insure equivalent safety.

Interested persons have been afforded an opportunity to participate in the making of this regulation (23 F. R. 2139), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective July 2, 1958.

Contrary provisions of the Civil Air Regulations notwithstanding all-turbine-powered transport category airplanes for which a type certificate is issued after August 27, 1957, shall comply with Special Civil Air Regulation No. SR–422 or, alternatively, with the following provisions, except that those airplanes for which a type certificate is issued after September 30, 1958, shall comply with the following provisions:

1. The provisions of Part 4b of the Civil Air Regulations, effective on the date of application for type certificate; and such of the provisions of all subsequent amendments to Part 4b, in effect prior to August 27, 1957, as the Administrator finds necessary to insure that the level of safety of turbine-powered airplanes is equivalent to that generally intended by Part 4b.

2. In lieu of §§ 4b.110 through 4b.125, and 4b.743 of Part 4b of the Civil Air Regulations, the following shall be applicable:

PERFORMANCE

4T.110 *General.* (a) The performance of the airplane shall be determined and scheduled in accordance with, and shall meet the minima prescribed by, the provisions of §§ 4T.110 through 4T.123. The performance limitations, information, and other data shall be given in accordance with § 4T.743.

(b) Unless otherwise specifically prescribed, the performance shall correspond with ambient atmospheric conditions and still air. Humidity shall be accounted for as specified in paragraph (c) of this section.

(c) The performance as affected by engine power and/or thrust shall be based on a relative humidity of 80 percent at and below standard temperatures and on 34 percent at and above standard temperatures plus 50° F. Between these two temperatures the relative humidity shall vary linearly.

(d) The performance shall correspond with the propulsive thrust available under the particular ambient atmospheric conditions, the particular flight condition, and the relative humidity specified in paragraph (c) of this section. The available propulsive thrust shall correspond with engine power and/or thrust not exceeding the approved power and/or thrust less the installation losses and less the power and/or equivalent thrust absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

4T.111 *Airplane configuration, speed, power, and/or thrust; general.* (a) The airplane configuration (setting of wing and cowl flaps, air brakes, landing gear, propeller, etc.), denoted respectively as the take-off, en route, approach, and landing configurations, shall be selected by the applicant except as otherwise prescribed.

(b) It shall be acceptable to make the airplane configurations variable with weight, altitude, and temperature, to an extent found by the Administrator to be compatible with operating procedures required in accordance with paragraph (c) of this section.

(c) In determining the accelerate-stop distances, take-off flight paths, take-off distances, and landing distances, changes in the airplane's configuration and speed, and in the power and/or thrust shall be in accordance with procedures established by the applicant for the operation of the airplane in service, except as otherwise prescribed. In addition, procedures shall be established for the execution of balked landings and missed approaches associated with the conditions prescribed in §§ 4T.119 and 4T.120 (d), respectively. All procedures shall comply with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The Administrator shall find that the procedures can be consistently executed in service by crews of average skill.

(2) The procedures shall not involve methods or the use of devices which have not been proven to be safe and reliable.

(3) Allowance shall be made for such time delays in the execution of the procedures as may be reasonably expected to occur during service.

§ 4T.112 *Stalling speeds.* (a) The speed V_s shall denote the calibrated stalling speed or the minimum steady flight speed at which the airplane is controllable, in knots, with:

(1) Zero thrust at the stalling speed, or engines idling and throttles closed if it is shown that the resultant thrust has no appreciable effect on the stalling speed;

(2) If applicable, propeller pitch controls in the position necessary for compliance with subparagraph (1) of this paragraph; the airplane in all other respects (flaps, landing gear, etc.) in the particular configuration corresponding with that in connection with which V_s is being used;

(3) The weight of the airplane equal to the weight in connection with which V_s is being used to determine compliance with a particular requirement;

(4) The center of gravity in the most unfavorable position within the allowable range.

(b) The stall speed defined in this section shall be the minimum speed obtained in flight tests conducted in accordance with the procedure of subparagraphs (1) and (2) of this paragraph.

(1) With the airplane trimmed for straight flight at a speed of 1.4 V_s and from a speed sufficiently above the stalling speed to insure steady conditions, the elevator control shall be applied at a rate such that the airplane speed reduction does not exceed one knot per second.

(2) During the test prescribed in subparagraph (1) of this paragraph, the flight characteristics provisions of § 4b.160 of Part 4b of the Civil Air Regulations shall be complied with.

4T.113 *Take-off; general.* (a) The take-off data in §§ 4T.114 through 4T.117 shall be determined under the conditions of subparagraphs (1) and (2) of this paragraph.

(1) At all weights, altitudes, and ambient temperatures within the operational limits established by the applicant for the airplane.

(2) In the configuration for take-off (see § 4T.111).

(b) Take-off data shall be based on a smooth, dry, hard-surfaced runway and shall be determined in such a manner that reproduction of the performance does not require exceptional skill or alertness on the part of the pilot. In the case of seaplanes or float planes, the take-off surface shall be smooth water, while for skiplanes it shall be smooth dry snow. In addition, the take-off data shall be corrected in accordance with subparagraphs (1) and (2) of this paragraph for wind and for runway gradients within the operational limits established by the applicant for the airplane.

(1) Not more than 50 percent of nominal wind components along the take-off path opposite to the direction of take-off, and not less than 150 percent of nominal wind components along the take-off path in the direction of take-off.

(2) Effective runway gradients.

4T.114 *Take-off speeds.* (a) The critical-engine-failure speed V_1, in terms of calibrated air speed, shall be selected by the applicant, but shall not be less than the minimum speed at which controllability by primary aerodynamic controls alone is demonstrated during the take-off run to be adequate to permit proceeding safely with the take-off using average piloting skill, when the critical engine is suddenly made inoperative.

(b) The take-off safety speed V_2, in terms of calibrated air speed, shall be selected by the applicant so as to permit the gradient of climb required in § 4T.120 (a) and (b), but it shall not be less than:

(1) 1.2 V_s for two-engine propeller-driven airplanes and for airplanes without propellers which have no provisions for obtaining a significant reduction in the one-engine-inoperative power-on stalling speed;

(2) 1.15 V_s for propeller-driven airplanes having more than two engines and for airplanes without propellers which have provisions for obtaining a significant reduction in the one-engine-inoperative power-on stalling speed;

(3) 1.10 times the minimum control speed V_{MC}, established in accordance with § 4b.133 of Part 4b of the Civil Air Regulations;

(4) The rotation speed V_R plus the increment in speed attained in compliance with § 4T.116 (e).

(c) The minimum rotation speed V_R, in terms of calibrated air speed, shall be selected by the applicant, except that it shall not be less than:

(1) The speed V_1;

(2) A speed equal to 95 percent of the highest speed obtained in compliance with subparagraph (1) or (2), whichever is applicable, and with subparagraph (3) of paragraph (b) of this section;

(3) A speed which permits the attainment of the speed V_2 prior to reaching a height of 35 feet above the take-off surface as determined in accordance with § 4T.116 (e);

(4) A speed equal to 110 percent of the minimum speed above which the airplane, with all engines operating, can be made to lift off the ground and to continue the take-off without displaying any hazardous characteristics.

4T.115 *Accelerate-stop distance.* (a) The accelerate-stop distance shall be the sum of the following:

(1) The distance required to accelerate the airplane from a standing start to the speed V_1;

(2) Assuming the critical engine to fail at the speed V_1, the distance required to bring the airplane to a full stop from the point corresponding with the speed V_1.

(b) In addition to, or in lieu of, wheel brakes, the use of other braking means shall be acceptable in determining the accelerate-stop distance, provided that such braking means shall have been proven to be safe and reliable, that the manner of their employment is such that consistent results can be expected in service, and that exceptional skill is not required to control the airplane.

(c) The landing gear shall remain extended throughout the accelerate-stop distance.

4T.116 *Take-off path.* The take-off path shall be considered to extend from the standing start to a point in the take-off where a height of 1,500 feet above the take-off surface is reached or to a point in the take-off where the transition from the take-off to the en route configuration is completed and a speed is reached at which compliance with § 4T.120 (c) is shown, whichever point is at a higher altitude. The conditions of paragraphs (a) through (i) of this section shall apply in determining the take-off path.

(a) The take-off path shall be based upon procedures prescribed in accordance with § 4T.111 (c).

(b) The airplane shall be accelerated on the ground to the speed V_1 at which point the critical engine shall be made inoperative and shall remain inoperative during the remainder of the take-off. Subsequent to attaining speed V_1, the airplane shall be accelerated to speed V_2 during which time it shall be permissible to initiate raising the nose gear off the ground at a speed not less than the rotation speed V_R.

(c) Landing gear retraction shall not be initiated until the airplane becomes airborne.

(d) The slope of the airborne portion of the take-off path shall be positive at all points.

(e) The airplane shall attain the speed V_2 prior to reaching a height of 35 feet above the take-off surface and shall continue at a speed as close as practical to, but not less than, V_2 until a height of 400 feet above the take-off surface is reached.

(f) Except for gear retraction and propeller feathering, the airplane configuration shall not be changed before reaching a height of 400 feet above the take-off surface.

(g) At all points along the take-off path starting at the point where the airplane first reaches a height of 400 feet above the take-off surface, the available gradient of climb shall not be less than 1.2 percent for two-engine airplanes and 1.7 percent for four-engine airplanes.

(h) The take-off path shall be determined either by a continuous demonstrated take-off, or alternatively, by synthesizing from segments the complete take-off path.

(1) If the take-off path is determined by the segmental method, the provisions of subparagraphs (1) through (4) of this paragraph shall be specifically applicable.

(1) The segments of a segmental take-off path shall be clearly defined and shall be related to the distinct changes in the configuration of the airplane, in power and/or thrust, and in speed.

(2) The weight of the airplane, the configuration, and the power and/or thrust shall be constant throughout each segment and shall correspond with the most critical condition prevailing in the particular segment.

(3) The segmental flight path shall be based on the airplane's performance without ground effect.

(4) Segmental take-off path data shall be checked by continuous demonstrated take-offs to insure that the segmental path is conservative relative to the continuous path.

4T.117 *Take-off distance and take-off run.*—(a) *Take-off distance.* The take-off distance shall be the greater of the distances established in accordance with subparagraphs (1) and (2) of this paragraph.

(1) The horizontal distance along the take-off path from the start of the take-off to the point where the airplane attains a height of 35 feet above the take-off surface, as determined in accordance with § 4T.116.

(2) A distance equal to 115 percent of the horizontal distance along the take-off path, with all engines operating, from the start of the take-off to the point where the airplane attains a height of 35 feet above the take-off surface, as determined by a procedure consistent with that established in accordance with § 4T.116.

(b) *Take-off run.* If the take-off distance is intended to include a clearway (see item 5 of this regulation), the take-off run shall be determined and shall be the greater of the distances established in accordance with subparagraphs (1) and (2) of this paragraph.

(1) The horizontal distance along the take-off path from the start of the take-off to a point equidistant between the point where the airplane first becomes airborne and the point where it attains a height of 35 feet above the take-off surface, as determined in accordance with § 4T.116.

(2) A distance equal to 115 percent of the horizontal distance along the take-off path, with all engines operating, from the start of the take-off to a point equidistant between the point where the airplane first becomes airborne and the point where it attains a height of 35 feet above the take-off surface, as determined by a procedure consistent with that established in accordance with § 4T.116.

4T.117a *Take-off flight path.* (a) The take-off flight path shall be considered to begin at a height of 35 feet above the take-off surface at the end of the take-off distance as determined in accordance with § 4T.117 (a).

(b) The net take-off flight path data shall be determined in such a manner that they represent the airplane's actual take-off flight paths, determined in accordance with paragraph (a) of this section, diminished by a gradient of climb equal to 1.0 percent.

4T.118 *Climb; general.* Compliance shall be shown with the climb requirements of §§ 4T.119 and 4T.120 at all weights, altitudes, and ambient temperatures, within the operational limits established by the applicant for the airplane. The airplane's center of gravity shall be in the most unfavorable position corresponding with the applicable configuration.

4T.119 *All-engine-operating landing climb.* In the landing configuration the steady gradient of climb shall not be less than 3.2 percent, with:

(a) All engines operating at the power and/or thrust which is available 8 seconds

after initiation of movement of the power and/or thrust controls from the minimum flight idle to the take-off position;

(b) A climb speed not in excess of 1.3 V_s.

4T.120 *One-engine-inoperative climb*—(a) *Take-off; landing gear extended.* In the take-off configuration existing at the point of the flight path where the airplane first becomes airborne, in accordance with § 4T.116 but without ground effect, the steady gradient of climb shall be positive for two-engine airplanes and shall not be less than 0.5 percent for four-engine airplanes, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available take-off power and/or thrust existing in accordance with § 4T.116 at the time retraction of the airplane's landing gear is initiated, unless subsequently a more critical power operating condition exists along the flight path prior to the point where the landing gear is fully retracted;

(2) The weight equal to the airplane's weight existing in accordance with § 4T.116 at the time retraction of the airplane's landing gear is initiated;

(3) The speed equal to the speed V_2.

(b) *Take-off; landing gear retracted.* In the take-off configuration existing at the point of the flight path where the airplane's landing gear is fully retracted, in accordance with § 4T.116 but without ground effect, the steady gradient of climb shall not be less than 2.5 percent for two-engine airplanes and not less than 3.0 percent for four-engine airplanes, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available take-off power and/or thrust existing in accordance with § 4T.116 at the time the landing gear is fully retracted, unless subsequently a more critical power operating condition exists along the flight path prior to the point where a height of 400 feet above the take-off surface is reached;

(2) The weight equal to the airplane's weight existing in accordance with § 4T.116 at the time the airplane's landing gear is fully retracted;

(3) The speed equal to the speed V_2.

(c) *Final take-off.* In the en route configuration, the steady gradient of climb shall not be less than 1.2 percent for two-engine airplanes and not less than 1.7 percent for four-engine airplanes, at the end of the take-off path as determined by § 4T.116, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available maximum continuous power and or thrust;

(2) The weight equal to the airplane's weight existing in accordance with § 4T.116 at the end of the take-off path;

(3) The speed equal to not less than 1.25 V_s.

(d) *Approach.* In the approach configuration such that the corresponding V_2 for this configuration does not exceed 110 percent of the V_2 corresponding with the related landing configuration, the steady gradient of climb shall not be less than 2.2 percent for two-engine airplanes and not less than 2.7 percent for four-engine airplanes with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available take-off power and/or thrust;

(2) The weight equal to the maximum landing weight;

(3) A climb speed established by the applicant in connection with normal landing procedures, except that it shall not exceed 1.5 V_s (see § 4T.111 (c)).

4T.121. *En route flight paths.* With the airplane in the en route configuration, the flight paths prescribed in paragraphs (a) and (b) of this section shall be determined at all weights, altitudes, and ambient temperatures within the limits established by the applicant for the airplane.

(a) *One engine inoperative.* The one-engine-inoperative net flight path data shall be determined in such a manner that they represent the airplane's actual climb performance diminished by a gradient of climb equal to 1.1 percent for two-engine airplanes and 1.6 percent for four-engine airplanes. It shall be acceptable to include in these data the variation of the airplane's weight along the flight path to take into account the progressive consumption of fuel and oil by the operating engine(s).

(b) *Two engines inoperative.* For airplanes with four engines, the two-engine-inoperative net flight path data shall be determined in such a manner that they represent the airplane's actual climb performance diminished by a gradient of climb equal to 0.5 percent. It shall be acceptable to include in these data the variation of the airplane's weight along the flight path to take into account the progressive consumption of fuel and oil by the operating engines.

(c) *Conditions.* In determining the flight paths prescribed in paragraphs (a) and (b) of this section, the conditions of subparagraphs (1) through (4) of this paragraph shall apply.

(1) The airplane's center of gravity shall be in the most unfavorable position.

(2) The critical engine(s) shall be inoperative, the remaining engine(s) operating at the available maximum continuous power and/or thrust.

(3) Means for controlling the engine cooling air supply shall be in the position which provides adequate cooling in the hot-day condition.

(4) The speed shall be selected by the applicant.

4T.122 *Landing distance.* The landing distance shall be the horizontal distance required to land and to come to a complete stop (to a speed of approximately 3 knots in the case of seaplanes or float planes) from a point at a height of 50 feet above the landing surface. Landing distances shall be determined for standard temperatures at all weights, altitudes, and winds within the operational limits established by the applicant for the airplane. The conditions of paragraphs (a) through (g) of this section shall apply.

(a) The airplane shall be in the landing configuration. During the landing, changes in the airplane's configuration, in power and/or trust, and in speed shall be in accordance with procedures established by the applicant for the operation of the airplane in service. The procedures shall comply with the provisions of § 4T.111 (c).

(b) The landing shall be preceded by a steady gliding approach down to the 50-foot height with a calibrated air speed of not less than 1.3 V_s.

(c) The landing distance shall be based on a smooth, dry, hard-surfaced runway, and shall be determined in such a manner that reproduction does not require exceptional skill or alertness on the part of the pilot. In the case of seaplanes or float planes, the landing surface shall be smooth water, while for skiplanes it shall be smooth dry snow. During landing, the airplane shall not exhibit excessive vertical acceleration, a tendency to bounce, nose over, ground loop, porpoise, or water loop.

(d) The landing distance shall be corrected for not more than 50 percent of nominal wind components along the landing path opposite to the direction of landing and not less than 150 percent of nominal wind components along the landing path in the direction of landing.

(e) During landing, the operating pressures on the wheel braking system shall not be in excess of those approved by the manufacturer of the brakes, and the wheel brakes shall not be used in such a manner as to produce excessive wear of brakes and tires.

(f) In addition to, or in lieu of, wheel brakes, the use of other braking means shall be acceptable in determining the landing distance, provided such braking means shall have been proven to be safe and reliable, that the manner of their employment is such that consistent results can be expected in service, and that exceptional skill is not required to control the airplane.

(g) If the characteristics of a device (e. g., the propellers) dependent upon the operation of any of the engines noticeably increase the landing distance when the landing is made with the engine inoperative, the landing distance shall be determined with the critical engine inoperative unless the Administrator finds that the use of compensating means will result in a landing distance not greater than that attained with all engines operating.

4T.123 *Limitations and information*—(a) *Limitations.* The performance limitations on the operation of the airplane shall be established in accordance with subparagraphs (1) through (4) of this paragraph. (See also § 4T.743.)

(1) *Take-off weights.* The maximum take-off weights shall be established at which compliance is shown with the generally applicable provisions of this regulation and with the take-off climb provisions prescribed in § 4T.120 (a), (b), and (c) for altitudes and ambient temperatures within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(2) *Landing weights.* The maximum landing weights shall be established at which compliance is shown with the generally applicable provisions of this regulation and with the landing and take-off climb provisions prescribed in §§ 4T.119 and 4T.120 for altitudes and ambient temperatures within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(3) *Accelerate-stop distance, take-off distance, and take-off run.* The minimum distances required for take-off shall be established at which compliance is shown with the generally applicable provisions of this regulation and with §§ 4T.115 and 4T.117 (a), and with 4T.117 (b) if the take-off distance is intended to include a clearway, for weights, altitudes, temperatures, wind components, and runway gradients, within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(4) *Operational limits.* The operational limits of the airplane shall be established by the applicant for all variable factors required in showing compliance with this regulation (weight, altitude, temperature, etc.). (See §§ 4T.113 (a) (1) and (b), 4T.116, 4T.121, and 4T.122.)

(b) *Information.* The performance information on the operation of the airplane shall be scheduled in compliance with the generally applicable provisions of this regulation and with §§ 4T.117a (b), 4T.121, and 4T.122 for weights, altitudes, temperatures, wind components, and runway gradients, as these may be applicable, within the operational limits of the airplane (see subparagraph (4) of this section). In addition, the performance information specified in subparagraphs (1) through (3) of this paragraph shall be determined by extrapolation and scheduled for the ranges of weights between the maximum landing and maximum take-off weights established in accordance with subparagraphs (a) (1) and (a) (2) of this section. (See also § 4T.743.)

(1) Climb in the landing configuration (see § 4T.119);

(2) Climb in the approach configuration (see § 4T.120 (d));

(3) Landing distance (see § 4T.122).

AIRPLANE FLIGHT MANUAL

4T.743 *Performance limitations, information, and other data*—(a) *Limitations.* The airplane's performance limitations shall be given in accordance with § 4T.123 (a).

(b) *Information.* The performance information prescribed in § 4T.123 (b) for the application of the operating rules of this regulation shall be given together with descriptions of the conditions, air speeds, etc., under which the data were determined.

(c) *Procedures.* Procedures established in accordance with § 4T.111 (c) shall be given to the extent such procedures are related to the limitations and information set forth in accordance with paragraphs (a) and (b) of this section. Such procedures, in the form of guidance material, shall be included with the relevant limitations or information, as applicable.

(d) *Miscellaneous.* An explanation shall be given of significant or unusual flight or ground handling characteristics of the airplane.

3. In lieu of §§ 40.70 through 40.78, 41.27 through 41.36 (d), and 42.70 through 42.83, of Parts 40, 41, and 42 of the Civil Air Regulations, respectively, the following shall be applicable:

OPERATING RULES

40T.80 *Transport category airplane operating limitations.* (a) In operating any passenger-carrying transport category airplane certificated in accordance with the performance requirements of this regulation, the provisions of §§ 40T.80 through 40T.84 shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

(b) The performance data in the Airplane Flight Manual shall be applied in determining compliance with the provisions of §§ 40T.81 through 40T.84. Where conditions differ from those for which specific tests were made, compliance shall be determined by approved interpolation or computation of the effects of changes in the specific variables if such interpolations or computations give results substantially equalling in accuracy the results of a direct test.

40T.81 *Airplane's certificate limitations.* (a) No airplane shall be taken off at a weight which exceeds the take-off weight specified in the Airplane Flight Manual for the elevation of the airport and for the ambient temperature existing at the time of the take-off. (See §§ 4T.123 (a) (1) and 4T.743 (a).)

(b) No airplane shall be taken off at a weight such that, allowing for normal consumption of fuel and oil in flight to the airport of destination and to the alternate airports, the weight on arrival will exceed the landing weight specified in the Airplane Flight Manual for the elevation of each of the airports involved and for the ambient temperatures anticipated at the time of landing. (See §§ 4T.123 (a) (2) and 4T.743 (a).)

(c) No airplane shall be taken off at a weight which exceeds the weight shown in the Airplane Flight Manual to correspond with the minimum distances required for take-off. These distances shall correspond with the elevation of the airport, the runway to be used, the effective runway gradient, and the ambient temperature and wind component existing at the time of take-off. (See §§ 4T.123 (a) (3) and 4T.743 (a).) If the take-off distance includes a clearway as defined in Item 5 of this regulation, the take-off distance shall not include a clearway distance greater than one-half of the take-off run.

(d) No airplane shall be operated outside the operational limits specified in the Airplane Flight Manual. (See §§ 4T.123 (a) (4) and 4T.743 (a).)

40T.82 *Take-off obstacle clearance limitations.* No airplane shall be taken off at a weight in excess of that shown in the Airplane Flight Manual to correspond with a net take-off flight path which clears all obstacles either by at least a height of 35 feet vertically or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing beyond the boundaries. In determining the allowable deviation of the flight path in order to avoid obstacles by at least the distances prescribed, it shall be assumed that the airplane is not banked before reaching a height of 50 feet as shown by the take-off path data in the Airplane Flight Manual, and that a maximum bank thereafter does not exceed 15 degrees. The take-off path considered shall be for the elevation of the airport, the effective runway gradient, and for the ambient temperature and wind component existing at the time of take-off. (See §§ 4T.123 (b) and 4T.743 (b).)

40T.83 *En route limitations*—(a) *One engine inoperative.* No airplane shall be taken off at a weight in excess of that which, according to the one-engine inoperative en route net flight path data shown in the Airplane Flight Manual, will permit compliance with either subparagraph (1) or subparagraph (2) of this paragraph at all points along the route. The net flight path used shall be for the ambient temperatures anticipated along the route. (See §§ 4T.123 (b) and 4T.743 (b).)

(1) The slope of the net flight path shall be positive at an altitude of at least 1,000 feet above all terrain and obstructions along the route within 5 miles on either side of the intended track.

(2) The net flight path shall be such as to permit the airplane to continue flight from the cruising altitude to an alternate airport where a landing can be made in accordance with the provisions of § 40T.84 (b), the net flight path clearing vertically by at least 2,000 feet all terrain and obstructions along the route within 5 miles on either side of the intended track. The provisions of subdivisions (i) through (vii) of this subparagraph shall apply.

(i) The engine shall be assumed to fail at the most critical point along the route.

(ii) The airplane shall be assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix, except that the Administrator may authorize a procedure established on a different basis where adequate operational safeguards are found to exist.

(iii) The net flight path shall have a positive slope at 1,500 feet above the airport used as the alternate.

(iv) An approved method shall be used to account for winds which would otherwise adversely affect the flight path.

(v) Fuel jettisoning shall be permitted if the Administrator finds that the operator has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to insure a safe procedure.

(vi) The alternate airport shall be specified in the dispatch release and shall meet the prescribed weather minima.

(vii) The consumption of fuel and oil after the engine becomes inoperative shall be that which is accounted for in the net flight path data shown in the Airplane Flight Manual.

(b) *Two engines inoperative.* No airplane shall be flown along an intended route except in compliance with either subparagraph (1) or subparagraph (2) of this paragraph.

(1) No place along the intended track shall be more than 90 minutes away from an airport at which a landing can be made in accordance with the provisions of § 40T.84 (b), assuming all engines to be operating at cruising power.

(2) No airplane shall be taken off at a weight in excess of that which, according to the two-engine-inoperative en route net flight path data shown in the Airplane Flight Manual, will permit the airplane to continue flight from the point where two engines are assumed to fail simultaneously to an airport where a landing can be made in accordance with the provisions of § 40T.84 (b), the net flight path having a positive slope at an altitude of at least 1,000 feet above all terrain and obstructions along the route within 5 miles on either side of the intended track or at an altitude of 2,000 feet, whichever is higher. The net flight path considered shall be for the ambient temperatures anticipated along the route. The provisions of subdivisions (i) through (iii) of this subparagraph shall apply. (See §§ 4T.123 (b) and 4T.743 (b).)

(i) The two engines shall be assumed to fail at the most critical point along the route.

(ii) The airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to the airport and to arrive there at an altitude of at least 1,500 feet directly over the landing area and thereafter to fly for 15 minutes at cruise power and/or thrust.

(iii) The consumption of fuel and oil after the engines become inoperative shall be that which is accounted for in the net flight path data shown in the Airplane Flight Manual.

40T.84 *Landing limitations*—(a) *Airport of destination.* No airplane shall be taken off at a weight in excess of that which, in accordance with the landing distances shown in the Airplane Flight Manual for the elevation of the airport of intended destination and for the wind conditions anticipated there at the time of landing, would permit the airplane to be brought to rest at the airport of intended destination within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance plane and the runway. The weight of the airplane shall be assumed to be reduced by the weight of the fuel and oil expected to be consumed in flight to the airport of intended destination. Compliance shall be shown with the conditions of subparagraphs (1) and (2) of this paragraph. (See §§ 4T.123 (b) and 4T.743 (b)).

(1) It shall be assumed that the airplane is landed on the most favorable runway and direction in still air.

(2) It shall be assumed that the airplane is landed on the most suitable runway considering the probable wind velocity and direction and taking due account of the ground handling characteristics of the airplane and of other conditions (i. e., landing aids, terrain, etc.). If full compliance with the provisions of this subparagraph is not shown, the airplane may be taken off if an alternate airport is designated which permits compliance with paragraph (b) of this section.

(b) *Alternate airport.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the provisions of paragraph (a) of this section, provided that the airplane can be brought to rest within 70 percent of the effective length of the runway.

4. In lieu of § 43.11 of Part 43 of the Civil Air Regulations, the following shall be applicable:

43T.11 *Transport category airplane weight limitations.* The performance data in the Airplane Flight Manual shall be applied in determining compliance with the following provisions:

(a) No airplane shall be taken off at a weight which exceeds the take-off weight specified in the Airplane Flight Manual for the elevation of the airport and for the ambient temperature existing at the time of the take-off. (See §§ 4T.123 (a) (1) and 4T.743 (a).)

(b) No airplane shall be taken off at a weight such that, allowing for normal con-

sumption of fuel and oil in flight to the airport of destination and to the alternate airports, the weight on arrival will exceed the landing weight specified in the Airplane Flight Manual for the elevation of each of the airports involved and for the ambient temperatures anticipated at the time of landing. (See §§ 4T.123 (a) (2) and 4T.743 (a).)

(c) No airplane shall be taken off at a weight which exceeds the weight shown in the Airplane Flight Manual to correspond with the minimum distances required for take-off. These distances shall correspond with the elevation of the airport, the runway to be used, the effective runway gradient, and the ambient temperature and wind component existing at the time of take-off. (See §§ 4T.123 (a) (3) and 4T.743 (a).) If the take-off distance includes a clearway as defined in Item 5 of this regulation, the take-off distance shall not include a clearway distance greater than one-half of the take-off run.

(d) No airplane shall be operated outside the operational limits specified in the Airplane Flight Manual. (See §§ 4T.123 (a) (4) and 4T.743 (a).)

5. The following definitions shall apply:

DEFINITIONS

Clearway. A clearway is an area beyond the airport runway not less than 300 feet on either side of the extended center line of the runway, at an elevation no higher than the elevation at the end of the runway, clear of all fixed obstacles, and under the control of the airport authorities.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 554)

Effective: July 2, 1958.

Adopted: July 2, 1958.

By the Civil Aeronautics Board.

[SEAL] JOHN B. RUSSELL,
Acting Secretary.

[F. R. Doc. 58-5193; Filed, July 7, 1958; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7014]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ABRAHAM STURISKY ET AL.

Subpart—*Using, selling, or supplying lottery devices:* § 13.2472 *Assortments packed for lottery selling.*[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Abraham Sturisky et al. trading as Allison's Company and Harry V. Schechter trading as H. V. Schechter Sales Associates, Brooklyn, N. Y., Docket 7014, June 6, 1958]

In the Matter of Abraham Sturisky and Seymour Feldman, Individuals and Copartners Trading as Allison's Company, and Harry V. Schechter, an Individual Trading as H. V. Schechter Sales Associates

This proceeding was heard by a hearing examiner on the complaint of the Commission charging distributors in Brooklyn, N. Y., engaged in selling to wholesalers and jobbers assortments of candy and toys of varying value packed in identical small packages so that the ultimate purchaser could not know what he paid for until after a purchase was made and the package broken open, with distributing assortments of merchandise designed and intended to be sold to the public by lottery or chance.

Following acceptance of agreements for consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 6 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Harry V. Schechter, an individual trading as H. V. Schechter Sales Associates, and Abraham Sturisky and Seymour Feldman, individuals and copartners trading as Allison's Company, or under any other trade name, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale or sale and distribution of candy, toys, or any other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or distributing, to jobbers or other dealers, candy and toys, or other merchandise, so packed and assembled that the sale of such candy, toys, or other merchandise to the general public are to be made, or are intended or designed to be made, by means of a lottery, gaming device or gift enterprise.

2. Selling or distributing any assortments of candy, toys, or other merchandise, which are designed or intended to be used in the distribution of merchandise to the public by lottery or chance.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 6, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-5169; Filed, July 7, 1958; 8:47 a. m.]

[Docket 7019]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SIDNEY FINK ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.140 *Old, reclaimed, or reused as new;* § 13.265 *Tests and investigations.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1875 *Non-standard character of product;* § 13.1880 *Old, used, reclaimed, or reused as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Sidney Fink et al. doing business as Major Brand Tube Co., etc., Harrison, N. J., Docket 7019, June 7, 1958]

In the Matter of Sidney Fink and Jack Fink, individuals doing business as Major Brand Tube Co., Teltron Electric Co., Video Electric Co. and Solar Electronics

This proceeding was heard by a hearing examiner on the complaint of the Commission charging mail order sellers in Harrison, N. J., with representing falsely in advertisements in newspapers and other advertising media that all the receiving radio and television tubes listed in their advertisements were new, unused, and of first quality; that they tested and had tested all the tubes they sold; that the cathode-ray picture tubes they offered were new; and with failing to disclose in said advertisements, on cartons, on tubes, or in invoices or shipping memoranda, that some of their receiving tubes were used, factory seconds and rejects, or that the cathode-ray tubes contained used envelopes or shells.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Sidney Fink, individually and doing business as Major Brand Tube Co., Teltron Electric Company, Video Electric Company, Solar Electronics, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of used tubes and factory rejects or seconds and cathode-ray tubes containing used parts in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any used products or products containing used parts, are new;

2. Representing, directly or by implication, that any factory rejects or seconds are first-quality, provided, however, that nothing herein will prohibit respondent from representing the true or actual quality thereof;

3. Representing, directly or by implication, that respondent has tested said products, unless such is the fact;

4. Failing to clearly disclose with respect to tubes which are used or factory rejects or seconds, in advertising, on the cartons in which the tubes are packaged on invoices and shipping memoranda and on the tubes themselves, that such tubes are used or are factory rejects or seconds; or

5. Failing to clearly disclose in advertising, on the cartons in which they are packaged, on invoices and shipping memoranda and on such tubes themselves, that such cathode-ray tubes contain used envelopes or shells, or any other used parts, when such is the fact.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to respondent Jack Fink.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents except respondent Jack Fink shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 6, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-5170; Filed, July 7, 1958; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54630]

PART 54—CERTAIN IMPORTATIONS TEMPORARILY FREE OF DUTY

FREE ENTRY GOVERNMENT PERSONNEL AND EVACUEES

Public Law 85-398, 85th Congress, approved May 9, 1958, amended the act of June 30, 1955 (50 U. S. C. App. 801) to extend the effective period of the act to July 1, 1960.

Section 54.2 (a) of the Customs Regulations is hereby amended by substituting "July 1, 1960" for "July 1, 1958" at the end thereof.

(Sec. 624, 46 Stat. 759, Sec. 1, 56 Stat. 461, as amended; 19 U. S. C. 1624, 50 U. S. C. App. 801)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 1, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-5182; Filed, July 7, 1958; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter A—General

PART 9—COLOR CERTIFICATION

CHANGES IN FEES

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 406 (b), 504, 604, 701, 706, 52 Stat. 1049, 1052, 1055, 1058; 21 U. S. C. 346 (b), 354, 364, 371, 376) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), § 9.15 (a) of the regulations for color certification (21 CFR Part 9; 21 CFR, 1957 Supp., 9.15) is amended to read as follows:

§ 9.15 *Fees.* (a) (1) The fee for the services provided by the regulations in this part, in the case of each request for certification submitted in accordance with § 9.8 (b), shall be 16.5 cents per pound of the batch covered by such request; but no such fee shall be less than $110.00.

(2) The fees for the services provided under the regulations in this part in the case of each request for certification submitted in accordance with § 9.8 (c) or (d) shall be:

Weight of batch:	Fee
100 pounds or less	$6.60.
Over 100 pounds but not over 1,000 pounds.	$6.60 plus 4.4 cents for each pound in excess of 100 pounds.
Over 1,000 pounds	$46.20 plus 1.1 cent per pound for each pound in excess of 1,000 pounds.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the increases in fees are necessary in order to provide, equip, and maintain an adequate certification service for coal-tar colors under the applicable sections of the law. These changes were made necessary by increases in the cost of materials and equipment and the rise in salaries of personnel made mandatory by Public Law 85-462.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies secs. 406, 504, 604, 706; 52 Stat. 1049, 1052, 1055, 1058; 21 U. S. C. 346, 354, 364, 376)

Dated: July 1, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-5160; Filed, July 7, 1958; 8:45 a. m.]

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF INORGANIC BROMIDE RESULTING FROM FUMIGATION WITH METHYL BROMIDE

A petition was filed with the Food and Drug Administration by Dow Chemical Company, Midland, Michigan, requesting the establishment of tolerances for residues of inorganic bromides from fumigation with methyl bromide in or on raw agricultural commodities. The request for a tolerance on sweetpotatoes in that petition was subsequently withdrawn. A separate order has issued establishing the requested tolerance for strawberries.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 CFR, 1957 Supp., 120.123; 23 F. R. 4365) are amended by changing § 120.123 to include the commodities for which tolerances are being established in this order. As amended, § 120.123 reads as follows:

§ 120.123 *Tolerances for residues of inorganic bromides resulting from fumigation with methyl bromide.* Tolerances for residues of inorganic bromides (calculated as Br) in or on raw agricultural commodities that have been fumigated with methyl bromide are established as follows:

(a) 200 parts per million in or on almonds, brazil nuts, bush nuts, butternuts, cashew nuts, chestnuts, cottonseed, filberts (hazelnuts), hickory nuts, peanuts, pecans, pistachio nuts, walnuts.

(b) 100 parts per million in or on copra.

(c) 75 parts per million in or on potatoes, sweetpotatoes.

(d) 50 parts per million in or on alfalfa hay, barley, beans, beans (green), beans (lima), beans (snap), black-eyed peas, cipollini bulbs, cocoa beans, corn, garlic, grain sorghum (milo), oats, peas (with pods), rice, rye, sweet corn (determined on kernels plus cob with husk removed), wheat.

(e) 30 parts per million in or on beets, garden (roots), carrots (roots), citrus citron, cucumbers, grapefruit, horseradish, Jerusalem-artichokes, kumquats, lemons, limes, okra, oranges, parsnips (roots), peppers, pimentos, radishes, rutabagas, salsify roots, strawberries, sugar beets (roots), summer squash, tangelos, tangerines, turnips (roots), yams.

(f) 20 parts per million in or on apricots, cantaloups, cherries, eggplants, grapes, honeydew melons, mangoes, muskmelons, nectarines, onions, papayas, peaches, pineapples, plums (fresh prunes), pumpkins, tomatoes, watermelons, winter squash, zucchini squash.

(g) 5 parts per million in or on apples, pears, quinces.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the

[1] New.

Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: July 1, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-5161; Filed, July 7, 1958; 8:45 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 213—DEPOSIT WITH FEDERAL RESERVE BANKS AND DEPOSITARY BANKS OF EMPLOYER AND EMPLOYEE TAXES UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT; INCOME TAX WITHHELD ON WAGES UNDER THE INTERNAL REVENUE CODE OF 1954; EMPLOYER AND EMPLOYEE TAXES UNDER THE RAILROAD RETIREMENT ACT; AND CERTAIN FEDERAL EXCISE TAXES

Part 213, Subchapter A, Chapter II, Title 31, of the Code of Federal Regulations of the United States (appearing also as Treasury Department Circular No. 848 (Revised) dated June 25, 1951, as amended) is hereby revised, effective July 1, 1958 (the revised regulations appearing also as Treasury Department Circular No. 848 (Second Revision) dated May 2, 1958), to read as follows:

Sec.
213.1 Definition of terms.
213.2 Authorization of Federal Reserve Banks.
213.3 Designation of banks which may be qualified to act as Depositaries for Federal Taxes.
213.4 Qualification of designated banks as Depositaries for Federal Taxes.
213.5 Procedure to be followed by Depositaries for Federal Taxes.
213.6 Issuance of replacement receipts; inquiries from employers.
213.7 Termination of the qualification of a Depositary for Federal Taxes.
213.8 Treatment by district director of internal revenue of validated depositary receipts.
213.9 Functions to be performed by Federal Reserve Banks.
213.10 Amendment or revocation of regulations in this part.

AUTHORITY: §§ 213.1 to 213.10 issued under sec. 15, 38 Stat. 265, as amended, sec. 8, 40 Stat. 291, as amended, sec. 10, 56 Stat. 356, as amended, sec. 6302, 68 A Stat. 775; 12 U. S. C. 391, 31 U. S. C. 771, 12 U. S. C. 265, 26 U. S. C. 6302.

SOURCE: §§ 213.1 to 213.10 contained in Department Circular 848 (Second Revision) May 2, 1958.

NOTE: Copies of the forms mentioned in this part may be obtained upon request from the several Federal Reserve Banks.

§ 213.1 *Definition of terms.* When used in this part, the terms listed below shall have the following meaning, unless otherwise expressly stated:

(a) "Federal Taxes" shall mean (1) income taxes withheld by employers pursuant to section 3402 of the Internal Revenue Code of 1954; (2) employer taxes under section 3111 of such Code and employee taxes withheld under section 3101 of such Code (Social Security employment taxes); (3) employer taxes under section 3221 of such Code and employee taxes withheld under section 3201 of such Code (Railroad Retirement taxes); and (4) certain Federal taxes specified in 26 CFR (1939) 477.2 (b) (Treasury Decision No. 6025) approved July 3, 1953.

(b) "Federal Reserve Bank" shall mean any of the several Federal Reserve Banks, as fiscal agent of the United States;

(c) "Depositary for Federal Taxes" shall mean a designated bank or trust company that has qualified, in accordance with the provisions of this part as originally published, or in its present form, to receive from employers deposits of Federal Taxes, as defined in paragraph (a) of this section, and unless otherwise expressly stated the word "depositary" when used in this part shall refer to a "Depositary for Federal Taxes".

(d) "Depositary receipt" shall mean (1) U. S. Treasury Department Forms 450 and 450-A (Rev. Feb. 1958)—"Federal Depositary Receipt", for use by employers in making deposits of withheld income taxes and Social Security employment taxes; (2) U. S. Treasury Department Form 515 (Rev. Feb. 1958)—"Railroad Retirement Depositary Receipt", for use by employers in making deposits of Railroad Retirement taxes; and (3) U. S. Treasury Department Forms 537 and 537-A (Rev. Feb. 1958)—"Depositary Receipt for Federal Excise Taxes", for use by taxpayers in making deposits of certain Federal excise taxes.

(e) "Employer" shall include any taxpayer required or permitted to deposit Federal excise taxes in the manner provided for in this part.

§ 213.2 *Authorization of Federal Reserve Banks.* Pursuant to the authority contained in section 6302 (c) of the Internal Revenue Code of 1954 and the Federal Reserve Act, as amended, the several Federal Reserve Banks, in their capacity as fiscal agents of the United States, are hereby authorized and directed, subject to the provisions of this part, to receive from employers or other persons, hereinafter referred to as employers, deposits of Federal Taxes and to perform such other functions as may be prescribed by the Secretary of the Treasury in connection with the handling and processing of such tax deposits. The functions to be performed by Federal Reserve Banks are outlined in § 213.9, and will be described in detail, together with the detailed procedure to be followed in performing the required functions, in instructions to the Federal Reserve Banks.

§ 213.3 *Designation of banks which may be qualified to act as Depositaries for Federal Taxes.* (a) Pursuant to the authority contained in section 6302 (c) of the Internal Revenue Code of 1954, all insured incorporated banks, within the meaning of section 10 of the act of June 11, 1942, as amended, and all uninsured incorporated banks and trust companies designated as "Special Depositaries of Public Moneys" under the provisions of the act of Congress approved September 24, 1917, as amended, are hereby designated, subject to the provisions of this part, as depositaries and financial agents of the Government for receiving from employers deposits of Federal Taxes. No such bank or trust company shall perform any of the acts covered by this designation until it has qualified, in the manner prescribed in this part, to so act. Banks and trust companies that qualify for the purpose of receiving deposits of Federal Taxes from employers will be known as "Depositaries for Federal Taxes".

(b) Banking institutions which have heretofore been designated as depositaries for withheld income taxes, in accordance with the provisions of Part 213 of this subchapter or as depositaries and financial agents of the Government for the performance of certain classes of fiscal duties, will be required to qualify under the terms of this part in order to act as Depositaries for Federal Taxes. Banking institutions that have qualified as Depositaries for Federal Taxes, in accordance with the provisions of this part as originally published, 14 F. R. 7061, will not be required to requalify in accordance with the provisions of this part in its present form.

(c) Incorporated banks or trust companies located in the territories and insular possessions of the United States, which are not insured banks within the meaning of section 10 of the act of June 11, 1942, as amended, but which are otherwise eligible for designation as depositaries or financial agents of the United States, may be specifically designated by the Secretary of the Treasury under the act of June 19, 1922 (31 U. S. C. 473), governing depositaries outside of the continental United States, to act as Depositaries for Federal Taxes, upon qualification substantially in accordance with the provisions of § 213.4. Banks and trust companies located in the Territories of Alaska and Hawaii should transmit applications for such designation to the Federal Reserve Bank of San Francisco, and banks and trust companies located in Puerto Rico, the Virgin Islands and the Panama Canal Zone should transmit applications for such designation to the Federal Reserve Bank of New York.

§ 213.4 *Qualification of designated banks as Depositaries for Federal Taxes.* Any designated bank or trust company which desires to qualify, under the terms of this part, for receiving from employers deposits of Federal Taxes without compensation for its services, should apply for qualification through the Federal Reserve Bank for the district in which it is located. Such application shall be made on Application-Agreement, Depositary for Federal Taxes (Form No. 469—Revised). Copies of this form and instructions regarding the application may be obtained from the Federal Reserve Bank. No designated bank, which has made application for qualification, shall act as a Depositary for Federal Taxes under the terms of this part until it receives from the Federal Reserve Bank notice of approval of the application. Upon receipt of such notice, each designated bank is hereby authorized to receive deposits of Federal Taxes from employers.

§ 213.5 *Procedure to be followed by Depositaries for Federal Taxes.* There are outlined below the basic requirements of the procedure that will be observed by qualified Depositaries for Federal Taxes with respect to deposits of Federal Taxes. More detailed instructions will be furnished such depositaries, through the Federal Reserve Banks.

(a) Depositaries shall accept from employers, who desire to make deposits of Federal Taxes with such depositaries, cash or remittances in the form of check, money order, etc., covering the amount of the Federal Taxes, accompanied by an appropriate depositary receipt form on which the employer has inscribed, by pen or by typewriter, his name, address, employer's identification number, and total amount of taxes. Depositaries will not be required to, but may at their own risk, accept from employers funds which are not immediately available to the depositary at the time of deposit. Depositaries shall not accept from employers any type of depositary receipt form, accompanying their remittances, other than the depositary receipt forms prescribed in this part. Depositaries shall not accept Treasury Savings Notes or other public debt securities of the United States as deposits of Federal Taxes under this part.

(b) If requested to do so by employers, depositaries will issue a memorandum or counter receipt to employers evidencing receipt of funds by the depositary. It is important that memorandum receipts issued by depositaries clearly state that employers must not attach such memorandum receipts to their tax returns as evidence of deposit of taxes, since only official depositary receipts, which have been validated by a Federal Reserve Bank, will be accepted by district directors of internal revenue. A suggested form of memorandum receipt, which shall be provided by the depositaries at their own expense, is shown as the appendix of this part.

(c) Depositaries shall place on each depositary receipt in the space provided on the face thereof: (1) The date on which the tax deposit was actually received by the depositary or its branches; and (2) the name and address of the depositary.

(d) Depositaries shall forward daily to the Federal Reserve Bank of their district the depositary receipts inscribed by and received from employers, together with payment in funds immediately available at the Federal Reserve Bank point or with advice that funds have been credited in the Treasury Tax and Loan Account of the depositary, covering the aggregate amount of all Federal Tax deposits received during that day. (Regulations governing deposits in Treasury Tax and Loan Accounts are contained in Part 203 of this subchapter.) Each transmittal will be accompanied by a transmittal letter in the form prescribed by the Federal Reserve Banks. It is important that the depositary receipts be forwarded daily in order that they may be validated by the Federal Reserve Bank and returned directly to the respective employers without delay, together with a blank depositary receipt for the employer's use in making his next deposit.

(e) Depositaries will establish, prior to transmittal to the Federal Reserve Bank, an adequate record of all deposits received from employers, so that the depositary will be able to identify deposits in the event depositary receipts are lost in shipment between depositaries and Federal Reserve Banks. For this purpose, it will only be necessary to maintain a record of the date of payment, the employer's identification number and the total amount of tax deposit; therefore, copies of memorandum receipts and copies of the depositary's transmittal letter, if individual deposits and employers' identification numbers are listed separately, could be used to provide the necessary information.

§ 213.6 *Issuance of replacement receipts; inquiries from employers.* (a) In the event a depositary receipt, which has been validated by a Federal Reserve Bank, is lost, stolen, or destroyed before it is forwarded to a district director of internal revenue with the employer's Federal tax return, the employer will be issued a replacement receipt upon proper application and submission of required evidence to the Federal Reserve Bank which validated the receipt. Such issuance of replacement receipts will be governed by requirements and procedure prescribed by the Secretary of the Treasury. Depositaries should instruct employers to execute "Application for issuance of Replacement Depositary Receipt", indicating thereon the type of taxes, the date and amount of deposit, employer's name, address, and identification number, and the serial number of the validated depositary receipt, and should indicate whether deposit was made with the Depositary for Federal Taxes or directly with the Federal Reserve Bank.

(b) In the event an employer makes inquiry of a depositary with respect to a deposit made with such depositary, for which he has not received a validated depositary receipt from the Federal Reserve Bank, the depositary should furnish the required information, stated in the preceding subsection, to the Federal Reserve Bank to enable it to investigate the matter.

(c) If a depositary receipt without the employer's identification number inscribed thereon is presented to a depositary by an employer when he makes his deposit of Federal Taxes, the depositary should request him to inscribe the identification number in the space provided. In the event the employer has not been assigned an employer's identification number, the depositary should nevertheless accept the deposit. If the employer has not made application for an identification number to the director of internal revenue for his district, the depositary should request him to do so.

§ 213.7 *Termination of the qualification of a Depositary for Federal Taxes.* The Secretary of the Treasury may terminate at any time the qualification of any Depositary for Federal Taxes. Failure upon the part of a depositary to comply with the provisions of this part, and any amendments or supplements thereof, or with instructions issued pursuant thereto, may, in the discretion of the Secretary of the Treasury, constitute grounds for termination of qualification. Likewise, any depositary may terminate its qualification upon formal notice to the Secretary of the Treasury, through the Federal Reserve Bank of its district.

§ 213.8 *Treatment by district director of internal revenue of validated depositary receipts.* (a) Deposits of Federal Taxes made by employers with Depositaries for Federal Taxes and Federal Reserve Banks shall be treated as payment of such taxes to district directors of internal revenue upon the filing of the employer's tax return and the presentation therewith to such district directors of properly executed and validated depositary receipts. District directors of internal revenue will treat all such depositary receipts as internal revenue collections and send them to the Federal Reserve Bank of the district in which the district director's head office is located. Each such transmittal shall be accompanied by an appropriate certificate which shall not include any items other than depositary receipts.

(b) In any case in which a depositary receipt is transmitted by a district director of internal revenue to a Federal Reserve Bank, and it is determined that the employer failed to pay to a depositary or a Federal Reserve Bank the amount stated thereon, the Federal Reserve Bank may return such item to the district director of internal revenue, under procedure prescribed by the Secretary of the Treasury.

§ 213.9 *Functions to be performed by Federal Reserve Banks.* The functions to be performed by Federal Reserve Banks, as fiscal agents of the United States, with respect to Federal Taxes, will be prescribed in detailed instructions to such banks. The Federal Reserve Banks will perform such additional functions relating to the deposit of Federal Taxes as may be required from time to time by the Secretary of the Treasury. In general, Federal Reserve Banks will:

(a) Receive directly from employers deposits of Federal Taxes, accompanied by inscribed depositary receipts, and establish appropriate accounting control for such deposits. The requirements upon employers with respect to inscribing depositary receipts and use of the prescribed receipt forms described

in § 213.5 (a) shall be applicable to tax deposits made directly with Federal Reserve Banks.

(b) Be responsible for the qualification of designated banks as Depositaries for Federal Taxes and for the general supervision of depositaries' operations under such qualification.

(c) Receive from depositaries remittances and inscribed depositary receipts, relating to tax deposits made with depositaries by employers, and establish appropriate accounting control for such tax deposits.

(d) Validate depositary receipts, relating to tax deposits made with depositaries, as well as directly with the Federal Reserve Bank, and return such validated receipts to employers, together with blank depositary receipt forms for use by the employers in making their next deposit of Federal Taxes.

(e) Perform the necessary functions to provide for crediting deposits of Federal Taxes in Treasury Tax and Loan Accounts of depositary banks, with respect to deposits of such taxes made by employers with banks acting in their capacity as Depositaries for Federal Taxes.

(f) Receive transmittals of validated depositary receipts from district directors of internal revenue for appropriate credit and clearance in the central accounts of the Treasury Department.

(g) Perform appropriate matching and auditing functions to verify that the tax deposits, represented by the depositary receipts transmitted by district directors of internal revenue, were previously received by the Federal Reserve Bank from depositaries or directly from employers.

(h) Issue replacement receipts, referred to in § 213.6, for validated depositary receipts which are lost, stolen or destroyed.

§ 213.10 *Amendment or revocation of regulations in this part.* The Secretary of the Treasury may revoke or amend any or all provisions of this part at any time or from time to time.

Dated: July 1, 1958.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58-5183; Filed, July 3, 1958; 12:30 p. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6300]

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

AMENDMENT TO IMPLEMENT THE PROVISIONS OF PUBLIC LAW 85-211

On April 1, 1958, a notice of proposed rule making with respect to the amendment of the regulations in 26 CFR Part 251 was published in the FEDERAL REGISTER (23 FR 2129). The proposed amendments would conform regulations to the provisions of Public Law 85-211 relative to the importation of certain samples of alcoholic beverages free of internal revenue tax imposed on or by reason of importation.

In accordance with the notice, interested parties were afforded an opportunity to submit written data, views, or arguments pertaining thereto. No written comments were received within the period of 30 days prescribed in the notice, and the regulations so published are hereby adopted as set forth below.

In order to conform regulations to the provisions of Public Law 85-211 relative to the importation of certain samples of alcoholic beverages free of internal revenue tax imposed on or by reason of importation, 26 CFR Part 251 is amended as follows:

PARAGRAPH 1. By inserting immediately following § 251.48 the following new undesignated centerhead and new section:

EXEMPTION OF CERTAIN SAMPLES FROM INTERNAL REVENUE TAXES

§ 251.49 *Commercial samples of alcoholic beverages.* Samples of distilled spirits, beer, and wine, to be used in the United States by persons importing alcoholic beverages in commercial quantities, are, subject to the limitations in this section, exempt from the payment of any internal revenue tax imposed on, or by reason of, importation. This exemption applies only to samples to be used for soliciting orders for products of foreign countries. In no case shall this exemption apply to more than one sample of each alcoholic beverage product admitted during any calendar quarter for the use of each such person. No sample of beer shall contain more than 8 ounces, no sample of wine shall contain more than 4 ounces, and no sample of distilled spirits shall contain more than 2 ounces.

(71 Stat. 486; 19 U. S. C. 1201)

PAR. 2. Section 251.74 is amended:

(A) By inserting ", other than those provided for in § 251.49," in the second sentence between the word "spirits" and the word "imported" so that the sentence will begin, "Samples of distilled spirits, other than those provided for in § 251.49, imported for any purpose • • •."

(B) By inserting the following new sentence between the present second and third sentences, "Samples of beer and wine brought into the United States pursuant to § 251.49 are exempt from the labeling requirements of the Federal Alcohol Administration Act and regulations issued thereunder."

(71 Stat. 486; 19 U. S. C. 1201)

Since the amendments made by Public Law 85-211 apply to articles entered for consumption or withdrawn from warehouse for consumption on or after October 17, 1957, the date on which the International Convention to Facilitate the Importation of Commercial Samples and Advertising Material came into force for the United States, these regulations are being made retroactively effective to that date pursuant to section 7805 of the Internal Revenue Code of 1954.

(68 A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.
D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: June 30, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-5184; Filed, July 7, 1958; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 2006]

PART 63—GRAZING

REIMBURSEMENT RIGHTS OF GRAZING LESSEE

On page 1602 of the FEDERAL REGISTER of March 6, 1958, there was published a notice of proposed rule making to issue regulations describing reimbursement rights of grazing lessees and the manner in which leased land may be acquired under the nonmineral public land laws applicable to Alaska. Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed regulations.

No comments or suggestions were submitted within the 30-day period. The proposed regulations are hereby adopted without change and are set forth below.

FRED A. SEATON,
Secretary of the Interior.

JUNE 30, 1958.

Section 63.21 (b) is revised to read as shown below, present § 63.22 is renumbered to be § 63.23, and a new § 63.22 is added to read as shown below.

§ 63.21 *Removal of improvements and other property.* • • •

(b) If all moneys due have been paid and the lessee, on or before the termination of his lease in whole or in part for any reason, notifies the manager of his determination to leave on the land involved in such termination improvements, the construction or maintenance of which has been authorized, no other person shall use or occupy, under any permit, lease or entry under any public land law, the land on which such improvements are located, until there has been paid to the person entitled thereto the value of such improvements. If the interested parties are unable to reach an agreement as to such value, the amount may be fixed by the manager. All such agreements, to be effective, must be approved by the manager. The failure of the subsequent permittee, lessee, or entryman to pay the former lessee in accordance with such agreement will be just cause for the cancellation of the permit, lease, or entry.

§ 63.22 *Location, settlement, entry and other disposition of leased lands; determinations; preference rights.* (a) Lands leased under the act are not subject to settlement, location, and acquisition under the nonmineral public land laws applicable to Alaska unless and until the authorized officer of the Bureau of Land Management determines that the grazing lease should be cancelled or reduced in order to permit, in the public interest and without undue interference with the grazing operations, the appropriate development and utilization of the lands (see § 63.18), and that the lands are suitable for and otherwise subject to the intended settlement, location, entry or acquisition.. An application on the appropriate form or a notice on Form 4-1154, if applicable to the class of entry contemplated, will be accepted and treated as a petition for determination. Upon such determination and after not less than 30 days' notice thereof to the lessee the grazing lease may be cancelled or reduced to permit the settlement, location, entry or other acquisition of the lands so eliminated from the lease, and the petitioner will be accorded a preference right to settle upon or enter the lands in accordance with the determination.

(b) Unless otherwise withdrawn therefrom, lands leased under the act are subject to disposition under the mineral leasing laws and to mineral prospecting, location, and purchase under the mining laws, in accordance with the applicable regulations of Parts 69, 70, 71, and 185 of this chapter.

§ 63.23 *Appeals.* An appeal may be taken from any decision of the manager to the Director, and from any decision of the Director to the Secretary, pursuant to the rules of practice (Part 221 of this chapter).

(Sec. 15, 44 Stat. 1455, as amended; 48 U. S. C. 471n)

[F. R. Doc. 58-5163; Filed, July 7, 1958; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 114—YAKUTAT AREA

WEEKLY CLOSED PERIODS

JULY 3, 1958.

Basis and purpose. On the basis of generally poor red salmon catches and escapements in the Yakutat area, it is necessary that the weekly fishing period be drastically reduced to provide much needed escapements.

Section 114.9 is amended in paragraph (a) to read as follows:

§ 114.9 *Weekly closed periods.*—(a) *Prior to August 11.* From 6 p. m. Tuesday to 6 a. m. Monday, 1958, except that the closure on the Alsek River shall be from 6 p. m. Friday to 6 a. m. Monday.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Immediate action is necessary if even minimal red salmon escapements are to be realized. Therefore, notice and public procedure is impracticable and this amendment shall become effective immediately upon publication in the FEDERAL REGISTER. (60 Stat. 237; 5 U. S. C. 1001 et seq.)

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 58-5221; Filed, July 3, 1958; 3:59 p. m.]

Chapter II—Alaska Game Commission

PART 202—TRAPPING AND HUNTING LICENSES

SPECIAL BROWN AND GRIZZLY BEAR LICENSE

Basis and purpose. Subdivision M of section 10 of the Alaska Game Law of June 13, 1925, as amended (48 U. S. C. 199, Subdivision M), provides that in addition to the hunting, trapping, and fishing licenses or permits required by any other provisions of the Alaska Game Law, or by regulations authorized to be issued thereunder, the Alaska Game Commission may from time to time prescribe regulations requiring residents, nonresidents and aliens to obtain special licenses upon the payment of fees fixed by such regulations, prior to the taking of specified game or fur animals in specified areas.

By Notice of Proposed Rule Making published on May 28, 1958 (23 F. R. 3673), the public was notified that the Alaska Game Commission proposed to amend Part 163 of the regulations in order to establish a special license to be procured in addition to the regular hunting license when persons are engaged in hunting brown or grizzly bear in Wildlife Management Units. Interested persons were invited to submit their views, data, or arguments in writing to the Executive Officer, Alaska Game Commission, P. O. Box 2021, Juneau, Alaska, on or before June 30, 1958.

It is believed this amendment is desirable since these bear are a unique species, limited in number, and the privilege of taking them should not be conferred by the mere issuance of a general huntng license. Having given due consideration to all relevant matters presented in response to the Notice of Proposed Rule Making, former Part 163, now codified as Part 202, by reason of an editorial change published in the FEDERAL REGISTER on May 30, 1958 (23 F. R. 3779), is amended by adding a new § 202.2 reading as follows:

§ 202.2 *Special brown and grizzly bear license.* Any person, required by regulations made pursuant to the Alaska Game Law to possess a hunting license, shall be additionally required to possess a valid special brown and grizzly bear license prior to taking any brown or grizzly bear in Wildlife Management Units 1, 4 through 17 inclusive, and 19 through 26 inclusive. Such special license shall bear his signature written in ink on the face thereof, and he shall have such license on his person when taking brown or grizzly bear and shall produce it for inspection by any game management agent or other authorized person requesting to see it. The fee for the special brown and grizzly bear license shall be $10.00. Each application for a license shall be made on a form prescribed by the Commission and if the application be made by mail it shall be accompanied by a bank draft or an express or postal money order payable to the U. S. Fish and Wildlife Service for the amount of the license fee. The holder of any such license shall maintain a record on forms furnished by the Commission, disclosing information concerning the taking or attempted taking of brown or grizzly bear under such license and shall submit a report thereon in such form and at such times as may be specified by the Commission. The record required to be maintained for the purpose of making reports under this section shall be retained, by the person or persons responsible for their preparation and maintenance, for a period of 6 months following the expiration of the special bear license herein required.

(Sec. 10; 43 Stat. 744; 48 U. S. C. 199)

In accordance with the provisions of section 4 (c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U. S. C. 1003 (c) the foregoing amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

CLARENCE J. RHODE,
Executive Officer,
Alaska Game Commission,
Juneau, Alaska.

JULY 1, 1958

[F. R. Doc. 58-5162; Filed, July 7, 1958; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

[Docket No. AO-297]

MILK IN MISSISSIPPI DELTA MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900),

notice is hereby given that the time for filing exceptions to the recommended decision, with respect to the proposed marketing agreement and order, regulating the handling of milk in the Mississippi Delta marketing area which was issued June 16, 1958 (23 F. R. 4415; F. R. Doc. 58–4664) is hereby extended to July 19, 1958.

Dated: July 1, 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 58–5175; Filed, July 7, 1958; 8:48 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

MORGAN CITY, LA.

NOTICE OF PROPOSED DESIGNATION AS CUSTOMS PORT OF ENTRY IN CUSTOMS COLLECTION DISTRICT NO. 20 (NEW ORLEANS)

Notice is hereby given that pursuant to the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR 1951 Supp., Ch. II), it is proposed to establish a new customs port of entry at Morgan City, Louisiana, in Customs Collection District No. 20 (New Orleans), to include the area within boundary lines starting at the point where Deer Island Bayou enters the Lower Atchafalaya River, thence northerly along the St. Mary and Terrebonne Parishes boundary lines to the point of intersection of the boundary lines of the parishes of Terrebonne, St. Mary and Assumption, thence along the east side of the boundary line of St. Mary Parish and Assumption Parish to the intersection of the boundary lines of St. Mary, Assumption, and St. Martin Parishes, thence westerly along the boundary line of the Parishes of St. Mary and St. Martin to the west boundary line of Ward 4, St. Mary Parish, thence southerly on the west bank of the Wax Lake Outlet, Wax Lake and Wax Lake Pass and thence in a southeasterly direction along the meandering shore line of Atchafalaya Bay to the point of beginning; and to amend §§ 1.1 (c) and 1.2 (d) of the Customs regulations to indicate these changes.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Data, views, or arguments with respect to the proposed designation of Morgan City, Louisiana, as a customs port of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held. (MC 192–20.1)

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: June 30, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58–5181; Filed, July 7, 1958; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

VOLUNTARY OIL IMPORT PROGRAM

GOVERNMENT PURCHASES OF CRUDE PETROLEUM AND PETROLEUM PRODUCTS

1. Section 7 of the rules on "Government Purchases of Crude Petroleum and Petroleum Products" (23 F. R. 2872) is amended to read as follows:

SEC. 7 *District V prior to August 1, 1958.* With respect to District V prior to August 1, 1958, an importer will be deemed to be in compliance for the three months preceding the month in which a bid is opened, as required by Executive Order 10761, when

(a) His average barrels per day of actual crude oil imports for the entire period through June 30, 1958 during which he has had an allocation are not greater than his allocation for the same period; or

(b) His average barrels per day of crude oil imports for the three months preceding the month in which a bid is opened has not been greater than his allocation for the same months.

2. A new section 7.1, reading as follows, is added to the rules on Government Purchases of Crude Petroleum and Petroleum Products":

SEC. 7.1 *District V on and after August 1, 1958.*

(a) This section applies to District V.

(b) With respect to bids opened in August 1958, an importer will be deemed to be in compliance for the three preceding months, as required by Executive Order 10761, when

(i) His average barrels per day of crude oil imports for May, June, and July 1958 has not been greater than his average allocation for the same months; or

(ii) His average barrels per day of crude oil imports for the entire period through June 1958 during which he had an allocation has not been greater than his allocation for the same period and his average barrels per day of crude oil imports for July 1958 has not been greater than his allocation for that month.

(c) With respect to bids opened in September 1958, an importer will be deemed to be in compliance for the three preceding months, as required by Executive Order 10761, when

(i) His average barrels per day of crude oil imports for June, July, and August 1958 has not been greater than his allocation for the same months; or

(ii) His average barrels per day of crude oil imports for the entire period through June 1958 during which he had an allocation has not been greater than his allocation for the same period and his average barrels per day of crude oil imports for July and August 1958 has not been greater than his average allocation for those two months.

(d) With respect to bids opened in October 1958 and thereafter, an importer will be deemed to be in compliance for the three months preceding the month in which a bid is opened, as required by Executive Order 10761, when his average barrels per day of crude oil imports for the three months preceding the month in which a bid is opened has not been greater than his average allocation for the same months.

(e) If an importer's average barrels per day of crude oil imports for a particular period of three months has exceeded his average allocation for that period, the Administrator, Voluntary Oil Import Program, may determine that the importer is in compliance for that period if the importer (1) makes a satisfactory showing that the overage was due solely to the difficulty of scheduling receipts or to an historical pattern of imports based on seasonal availability of transportation and (2) offers satisfactory assurance that his imports during succeeding months through December 1958 will result in an average barrels per day of crude oil imports during the period July 1, 1958 through December 1958 that will not be greater than his average allocation for that period.

3. Paragraph (c) of section 10 of the rules on "Government Purchases of Crude Petroleum and Petroleum Products" is revised to read as follows:

(c) With respect to District V, an importer will be deemed to be in compliance with the Voluntary Oil Import Program during a contract period, or that part of a contract period, falling between July 1, 1958 and December 30, 1958, if his average barrels per day of actual crude imports for those months in which he has imported during the period July 1, 1958 through December 30, 1958, plus the average barrels per day of crude oil imports estimated for the remainder of the period July 1 through December 1958 in the reports submitted to the Administrator, Voluntary Oil Import Program, are not greater than his allocation for the period July 1 through December 1958.

4. A new paragraph (d), reading as follows, is added to section 10 of the rules on "Government Purchases of Crude Petroleum and Petroleum Products":

(d) As soon as is practicable, rules will be issued covering a period following September 30, 1958 with respect to Districts I–IV.

M. V. CARSON, Jr.
Administrator,
Voluntary Oil Import Program.

JULY 3, 1958.

[F. R. Doc. 58–5236; Filed, July 7, 1958; 10:55 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

ORGANIZATION AND FUNCTIONS; DELEGATIONS OF AUTHORITY

I. *General.* Effective November 2, 1953, the Commodity Stabilization Service was established by Secretary's Memorandum No. 1320, Supplement 4. This Service is responsible for planning, coordinating and administering production adjustment activities including acreage allotments and marketing quotas; for formulating proposed programs and administering programs adopted by Commodity Credit Corporation and related programs to adjust and stabilize the production, supply, price, and carry-over of agricultural commodities, to sell and otherwise dispose of government-owned surplus commodities through domestic and foreign outlets; for financing the commercial sale and exportation of surplus commodities for foreign currencies; for conducting procurement, processing, shipment, payment, and related service operations on surplus removal and supply programs directed by other Services of the Department and by other agencies; for the acreage reserve and conservative reserve programs of the Soil Bank Act assigned to the CSS and the Agricultural Stabilization and Conservation Committees; for emergency feed programs for the relief of agriculture from the effects of any major disaster; and for assigned mobilization planning, stockpiling, and defense activities. The principal office of the Commodity Stabilization Service is at Washington, D. C., in the Administration Building of the U. S. Department of Agriculture. It consists of offices and divisions listed in the following paragraph.

II. *Organization, Commodity Stabilization Service.* A. The following is a listing of the CSS by reporting lines.

1. *Administrator*
Associate Administrator.
General Sales Manager, CSS.
Disaster Livestock Feed Staff.
Internal Audit Division.
Compliance and Investigation Division.
Food and Materials Requirements Division.

2. *Deputy Administrator, Production Adjustment*
Performance Division.
Soil Bank Division.
Area Directors.
ASC State Offices.
ASC County Offices.

3. *Deputy Administrator, Price Support*
Cotton Division.
Grain Division.
Livestock and Dairy Division.
Oils and Peanut Division.
Sugar Division.
Tobacco Division.
Price Division.
Barter and Stockpiling Division.

4. *Deputy Administrator, Operations*
Administrative Services Division.
Personnel Management Division.
Budget Division.
Information Division.
Fiscal Division.
Transportation and Storage Services Division.

CSS Commodity Offices: Cincinnati, Dallas, Evanston, Kansas City, Minneapolis, New Orleans, Portland.

III. *Functional responsibilities.* The following are the responsibilities of the organizational units of the Commodity Stabilization Service, listed in accordance with reporting lines.

A. *Administrator.* The Administrator, who is also the Executive Vice President of the Commodity Credit Corporation, is responsible to the Assistant Secretary in charge of Agricultural Stabilization for the general direction and supervision of programs assigned to the Commodity Stabilization Service.

Associate Administrator. The Associate Administrator acts for and assists the Administrator in formulating and administering the policies and programs of CSS and CCC. The Associate Administrator is also Vice President of the CCC. In the absence or unavailability of the Administrator, the Associate Administrator exercises the powers and performs the duties of the Administrator of CSS and the Executive Vice President of CCC.

1. *General Sales Manager, CSS.* The General Sales Manager, CSS, who represents the Administrator in developing and determining policies to expand sales opportunities for, and sales of agricultural commodities owned by CCC, is primarily responsible for (1) directing and coordinating sales policies and programs and, (2) consulting and advising with, and reporting to the Board of Directors, CCC, through the Administrator, on policies, programs and problems arising out of the expanded effort directed toward the increased sales of government-owned surplus commodities through domestic and foreign outlets. The General Sales Manager, CSS, is also Vice President of the Commodity Credit Corporation.

2. *Disaster Livestock Feed Staff.* The Disaster Livestock Feed Staff represents the Administrator in matters pertaining to emergency feed programs for relief of agriculture from the effects of any major disaster. It is primarily responsible for the operation of approved emergency feed and grazing programs including: management of related cooperative agreements assumed by USDA; establishment and maintenance of adequate working arrangements with State and County USDA Disaster Committees through established CSS and ASC facilities to support Governor's request to the President for major disaster designation. For designated areas the Staff conducts investigations to support Secretary's recommendations; reappraises conditions for recommending program termination or extension; issues regulations and instructions; and arranges for investigations of alleged program violations.

3. *Internal Audit Division.* The Internal Audit Division advises the Administrator in the formulation of plans and policies to insure sound and progressive audit practices and procedures; and formulates and administers a comprehensive audit program covering all operations of CSS, CCC, ASC State and County Offices, their agents and contractors. The following States are served by the Internal Audit Division through the Washington Field Office, Fiscal Division, Commodity Stabilization Service, Washington, D. C.: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia and Virginia (except agents and contractors under peanut and cotton programs).

a. *Field Offices.* Field Offices of the Internal Audit Division conduct audits within their geographical areas. The Chiefs of Field Offices, Internal Audit Division report to the Director, Internal Audit Division. Field Offices are located at the following addresses and serve the States as shown:

Field Office, Internal Audit Division, Commodity Stabilization Service, U. S. Department of Agriculture, 881 Peachtree Street NE., Atlanta 9, Ga.: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Caribbean Area, and agents and contractors under peanut and cotton programs in Virginia. CSS Commodity Offices at Cincinnati, Ohio and New Orleans, La.

Field Office, Internal Audit Division, Commodity Stabilization Service, U. S. Department of Agriculture, 1212 North Lake Shore Drive, Chicago 10, Ill.: Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Montana, North Dakota, Ohio, South Dakota, Wisconsin. CSS Commodity Offices at Chicago, Ill., and Minneapolis, Minn.

Field Office, Internal Audit Division, Commodity Stabilization Service, U. S. Department of Agriculture, 376 Merchandise Mart Bldg., Dallas 1, Tex.: Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, Texas, Wyoming. CSS Commodity Offices at Dallas, Tex. and Kansas City, Mo. Denver Field Office, Fiscal Division, Denver, Colo.

Field Office, Internal Audit Division, Commodity Stabilization Service, U. S. Department of Agriculture, 821 Market Street, Room 324, San Francisco, Calif.: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, Territory of Alaska and Territory of Hawaii. CSS Commodity Office at Portland, Oreg.

4. *Compliance and Investigation Division.* The Compliance and Investigation Division advises the Administrator in the formulation of plans and policies to insure maximum compliance with laws, regulations and other requirements governing programs and activities; administers a compliance and investigations program for all operations of CSS, CCC, and ASC State and County Offices.

a. *Field Offices.* Field Offices of the Compliance and Investigation Division develop and execute compliance and investigation practices, procedures and surveys within their geographical areas. The Chiefs of Field Offices, Compliance and Investigation Division, report to the Director, Compliance and Investigation Division. Field Offices are located at the following addresses and serve the States as shown:

Field Office, Compliance and Investigation Division, Commodity Stabilization Service,

U. S. Department of Agriculture, 139 Centre Street, New York 13, N. Y.: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, New Jersey.

Field Office, Compliance and Investigation Division, Commodity Stabilization Service, U. S. Department of Agriculture, 50 Seventh Street NE., Atlanta 23, Ga.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Field Office, Compliance and Investigation Division, Commodity Stabilization Service, U. S. Department of Agriculture, 1212 North Lake Shore Drive, Chicago 10, Ill.: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin.

Field Office, Compliance and Investigation Division, Commodity Stabilization Service, U. S. Department of Agriculture, Rm. 502, 708 Jackson Street, Dallas 2, Tex.: Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas.

Field Office, Compliance and Investigation Division, Commodity Stabilization Service, 180 New Montgomery Street, San Francisco 5, Calif.: Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming.

5. *Food and Materials Requirements Division.* The Food and Materials Requirements Division determines over-all requirements and adequacy of supplies of food and other agricultural commodities, related non-food requisites and manpower under peacetime and mobilization conditions by correlating data pertaining to requirements and availability. The Division coordinates USDA responsibilities pertaining to: expansion programs for food, food facilities, non-food requisites and the National Stockpile; allocation of food supplies; planning stabilization measures under mobilization conditions; and facilities protection and post-attack rehabilitation. The Division administers functions pertaining to individual non-food materials such as distribution controls for farm equipment and commercial fertilizer; and it coordinates or administers related peacetime and mobilization functions.

B. *Deputy Administrator, Production Adjustment.* The Deputy Administrator, Production Adjustment, is primarily responsible for planning, coordinating and administering production adjustment programs, including acreage allotments and marketing quotas; for the stabilization of sugar production; for planning, coordinating and administering the acreage reserve and conservation reserve programs of the Soil Bank Act assigned to CSS and Agricultural Stabilization and Conservation Committees; for directing the operations of Agricultural Stabilization and Conservation (ASC) State and County Offices; and for assigned defense food activities. The Deputy Administrator, Production Adjustment, is responsible for directing the activities of the Performance Division. The Deputy Administrator, Production Adjustment is also Vice President of the Commodity Credit Corporation.

1. *Performance Division.* The Performance Division formulates and administers an over-all plan and policy to insure that ASC State and County Committees determine each farm operator's compliance with acreage allotments, acreage bases, sugar proportionate shares and the acreage reserve and the conservation reserve programs. It coordinates the development of uniform and complete policies, procedures, methods and forms for determining performance of Agricultural Conservation and Production Adjustment programs administered through ASC State and County Offices; and it administers the aerial photography program for CSS.

a. *Aerial Photography Laboratories.* The Performance Division maintains two Aerial Photography Laboratories which plan, organize and direct the photogrammetric service for CSS and cooperating agencies. The Chiefs of Aerial Photography Laboratories report to the Director, Performance Division.

2. *Soil Bank Division.* The Soil Bank Division formulates and administers policies and programs in accordance with the provisions of the Soil Bank Act assigned to the Commodity Stabilization Service and the Agricultural Stabilization and Conservation Committees including (1) all aspects of the acreage reserve program, (2) annual rental provisions of the conservation reserve program. The Division assists the Agricultural Conservation Program Service in developing the list of practices and rates of payments for practices approved for cost sharing under the conservation reserve phase of the Soil Bank programs.

3. *Area Directors.* The Area Directors have responsibility within specific geographic areas for the administration of assigned Agricultural Stabilization and Conservation programs within ASC State Offices, Insular Areas, and County Offices. The Area Directors report to the Deputy Administrator, Production Adjustment.

4. *Agricultural Stabilization and Conservation Offices.* Responsibility for the administration of Agricultural Stabilization and Conservation State, Insular, and County Offices has been assigned to the Commodity Stabilization Service by the Secretary of Agriculture, pursuant to Reorganization Plan No. 2 of 1953.

a. *ASC State Offices.* ASC State Offices recommend and suggest agricultural programs applicable to the State or Insular Area. They coordinate the execution of agricultural conservation and stabilization, production adjustment, price support, acreage reserve, conservation reserve, sugar proportionate shares and conditional payments programs and other assigned programs; and direct and coordinate the activities of county offices. The ASC State Chairman of each ASC State Committee reports to the Area Director having responsibility for the area to which the specific State or Territory is assigned.

(1) *ASC County Offices.* ASC County Offices recommend and suggest to the ASC State Committee agricultural programs applicable to the county. They execute agricultural conservation and stabilization, production adjustment, price support, acreage reserve, conservation reserve, sugar proportionate shares and conditional payments programs and other assigned programs requiring direct dealings with the farmer. The Chairmen of ASC County Committees report to the Chairman of their particular ASC State Committee.

c. *Deputy Administrator, Price Support.* The Deputy Administrator, Price Support, is primarily responsible for planning and developing price support, foreign supply, commodity disposal (except CCC sales), and other assigned programs of the CCC, and redemptions of Soil Bank certificates in grain; for administration of the International Wheat Agreement; for coordinating assigned activities relating to a national stockpile of strategic and critical material; for liaison with other Services of the Department on the development and coordination of assigned surplus removal, purchase, diversion, and export payment activities; for assigned defense food activities; and for directing and coordinating the policies, operations and technical services of assigned divisions. The Deputy Administrator, Price Support, is responsible for the activities of the Cotton Division, Grain Division, Livestock and Dairy Division, Oils and Peanut Division, Sugar Division, Tobacco Division, Price Division, and Barter and Stockpiling Division. The Deputy Administrator, Price Support, is also Vice President of the Commodity Credit Corporation.

1. *Commodity Divisions.* There are six Commodity Divisions, each of which report to the Deputy Administrator, Price Support. These divisions and the specific commodity assignments of each are as follows:

Commodity Division and Specific Assignments

Cotton—Upland cotton, extra long staple cotton, cotton products, cottonseed, linters and other fibers, and the acreage reserve program of the Soil Bank Act.

Grain—Grain, grain products and related commodities; and operations under the International Wheat Agreement, and the acreage reserve program of the Soil Bank Act.

Livestock and Dairy—Livestock, meat products, wool, mohair, poultry, poultry products, milk, butterfat and their products.

Oils and Peanut—Peanuts, tung nuts, castor beans, fats, oils and other assigned commodities, and acreage reserve program of the Soil Bank Act.

Sugar—Sugar, sugarcane, sugar beets, sugar-containing products, and other assigned commodities; also activities pertinent to the Sugar Act of 1948, and the International Sugar Agreement.

Tobacco—Tobacco, tobacco products and byproducts, and naval stores, and the acreage reserve program of the Soil Bank Act.

With respect to commodities assigned, general responsibilities of the Commodity Divisions include:

a. Formulating and administering policies and programs pertaining to production, production adjustment, price support, foreign supply, purchase, sale, disposal other than CCC sales, warehousing, and assigned defense activities.

b. Preparing instructions and procedures for signature of appropriate Deputy Administrator with respect to programs carried out through ASC State, Insular and County Offices, CSS Commodity Offices and agents of CCC; and reviewing the progress of such programs through inspection and reports.

2. *Price Division.* The Price Division administers a price program by developing guides and standards for use in establishing prices, differentials, and margins in connection with price support, inventory, sales, disposal, surplus removal, diversion, export payment, import control, foreign trade and related programs.

3. *Barter and Stockpiling Division.* The Barter and Stockpiling Division plans, develops and administers an operational program involving negotiation, contracting and administration of exchanges or barters of agricultural commodities for strategic and critical materials for the National Stockpile and for materials, goods and equipment to meet overseas needs for foreign aid, military assistance, off-shore construction programs and foreign produced goods for military procurement programs; administers activities which relate to the procurement of materials for the National Stockpile through barter.

D. *Deputy Administrator, Operations.* The Deputy Administrator, Operations, is primarily responsible for directing and coordinating the over-all management program for CSS–CCC, and ASC and, directing and coordinating the many and diverse aspects of price support program operations in the field; reviewing and appraising program operations and management services and recommending adjustments and changes in policies and operations; for directing and coordinating the policies and operations of assigned divisions and CSS Commodity Offices; providing management reviews and appraisals of the operations of participating governmental and nongovernmental organizations, recommending adjustments for the orderly, economical and efficient execution of programs; and for assigned defense food activities. The Deputy Administrator, Operations, is responsible for the activities of the Administrative Services Division, Budget Division, Fiscal Division, Personnel Management Division, Information Division, Transportation and Storage Services Division, and for the activities of CSS Commodity Offices.

1. *Administrative Services Division.* The Administrative Services Division formulates and administers an administrative services program on records and forms management, procedure and communications management, procurement management, real and personal property management and related office services, installs, maintains, operates or supervises the operation of administrative services in Washington and field offices, including ASC State and County Offices. The following States are served by the Administrative Services Division, Washington, D. C.

Alabama.
Arkansas.
Connecticut.
Delaware.
Florida.
Georgia.
Illinois.
Indiana.
Iowa.
Kentucky.
Louisiana.
Maine.
Maryland.
Massachusetts.
Michigan.
Mississippi.
Missouri.
New Hampshire.
New Jersey.
New York.
North Carolina.
Ohio.
Pennsylvania.
Rhode Island.
South Carolina.
Tennessee.
Vermont.
Virginia.
West Virginia.
Wisconsin.

(a) *Field Office.* The Field Office of the Administrative Services Division in Denver, Colorado, directs and coordinates the management of administrative services within the designated geographical area which comprises its territory. The field office is located at the following address and serves the States shown:

Field Office, Administrative Services Division, Commodity Stabilization Service, U. S. Department of Agriculture, Bldg. 53, Denver Federal Center, Denver 2, Colo.: Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming.

2. *Personnel Management Division.* The Personnel Management Division formulates and administers a personnel management program, including employment, qualifications, position classification, employee relations, employee suggestions and incentives, personnel investigation, training, safety promotion, organization planning and management improvement activities. The Division installs, maintains, operates, coordinates or supervises the operation of the personnel management program in CSS Washington and field offices, including CSS Commodity Offices and in ASC State and County Offices. The following States are served by the Personnel Management Division, Washington, D. C.:

Alabama.
Arkansas.
Connecticut.
Delaware.
Florida.
Georgia.
Illinois.
Indiana.
Iowa.
Kentucky.
Louisiana.
Maine.
Maryland.
Massachusetts.
Michigan.
Mississippi.
Missouri.
New Hampshire.
New Jersey.
New York.
North Carolina.
Ohio.
Pennsylvania.
Rhode Island.
South Carolina.
Tennessee.
Vermont.
Virginia.
West Virginia.
Wisconsin.

(a) *Field Office.* The Field Office of the Personnel Management Division in Denver, Colorado, directs and coordinates the execution of position classification, employment, employee training, employee relations, incentives, information, safety promotion and related functions within the designated geographical area which comprises its territory. The field office is located at the following address and serves the States shown:

Field Office, Personnel Management Division, CSS, U. S. Department of Agriculture, Bldg. 53, Denver Federal Center, Denver 1, Colo.: Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming.

3. *Budget Division.* The Budget Division formulates and administers CSS, CCC and ASC State and County Office budget plans, policies, presentation and procedures, covering all funds utilized, including administrative expense funds, corporate capital funds, funds appropriated for payments to farmers, funds allocated from other sources and other funds, and coordinates all activities related to legislation affecting CSS and CCC programs.

4. *Information Division.* The Information Division formulates and administers a comprehensive information service program, including current releases, background statements, technical and popular publications, educational services, annual and special reports, radio and television scripts, and other information material for authorized dissemination to the public and to the trade.

5. *Fiscal Division.* The Fiscal Division formulates and administers fiscal and claims policies for CSS and CCC and for ASC State and County Offices; develops, implements and installs systems, accounts, methods and procedures relating to CCC financing and to accounting for programs and program activities financed with CSS, CCC and other funds available to CSS and ASC State and County Offices, including administrative funds; analyzes financial and operating data and prepares financial statements; exercises technical direction over fiscal activities of CSS offices, fiscal agents and ASC State and County Offices.

a. *Field Offices.* Field Offices of the Fiscal Division are responsible for the operation of accounting systems to provide control over appropriated and other funds of CSS, including funds of other agencies made available to CSS for activities within the jurisdictional area; and direct and coordinate assigned fiscal and claims work within their designated geographical areas.

Field Office (Washington), Fiscal Division, CSS, U. S. Department of Agriculture, Washington 25, D. C.: CSS Divisions and offices in Washington. ASC State Offices and field offices of the Internal Audit Division and Compliance and Investigation Division located in the following States: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and Wisconsin and the ASC Caribbean Area Office. Also the New York Cotton Products Export Office (in New York City) of the New Orleans CSS Commodity Office, and the CSS Commodity Office located in Cincinnati, Ohio.

Field Office (Denver), Fiscal Division, CSS, U. S. Department of Agriculture, Federal Center Bldg. 53, Denver 2, Colo.: ASC State Offices and field offices of Internal Audit Division and Compliance and Investigation Division located in the following States: Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, and the Western Laboratory of the Performance Division. Also, the CSS Commodity Offices located in Evanston, Illinois, Dallas, Texas, Kansas City, Missouri, Minneapolis, Minnesota, New Orleans, Louisiana, and Portland, Oregon, and the ASC Insular offices for the Hawaiian Area and Alaska.

6. *Transportation and Storage Services Division.* The Transportation and Storage Services Division formulates and administers over-all transportation programs for CSS-CCC; negotiates charters and books ocean shipping space for assigned programs; carries out assigned responsibilities under the Cargo Preference Act; provides technical assistance and advice to CSS Commodity Offices on storage operations within

over-all storage policies; and carries out assigned defense activities.

7. *CSS Commodity Offices.* There are seven CSS Commodity Offices which report to the Deputy Administrator, Operations. These Offices execute programs and conduct operations on commodity loans, purchases, movements, storage, sales and disposals, and export financing; conduct all necessary fiscal examination, payment, and accounting work on assigned programs. CSS Commodity Offices are located at the following addresses and the commodity responsibilities and territorial jurisdictions are shown opposite each address:

Office address	Commodity responsibility	Area served
Cincinnati CSS Commodity Office, Commodity Stabilization Service, U. S. Department of Agriculture, 222 East Central Parkway, Cincinnati 2, Ohio.	Processed commodities, including butter, cheese, non-fat dry milk solids, linseed oil, livestock products, and processed fruits and vegetables. Honey and tung oil inventories after take-over by any commodity office except Portland.	District of Columbia and all States currently serviced by the Evanston, Dallas, Kansas City, and Minneapolis Commodity Offices.
Dallas CSS Commodity Office, Commodity Stabilization Service, U. S. Department of Agriculture, 500 South Ervay Street, Dallas 1, Tex.	All commodities, except processed commodities and commodities designated for centralized field administration by New Orleans Commodity Office. Centralized field administration for: (1) Castor Bean Program. (2) Peanuts, naval stores, tung nuts, and tung oil loans. (3) Kanef Program.	Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Puerto Rico.
Evanston CSS Commodity Office, Commodity Stabilization Service, U. S. Department of Agriculture, 2201 Howard Street, Evanston, Ill.	All commodities except processed commodities and commodities designated for centralized field administration by Dallas and New Orleans Commodity Offices.	All States.
Kansas City CSS Commodity Office, Commodity Stabilization Service, U. S. Department of Agriculture, 560 Westport Road, Kansas City 11, Mo.	All commodities, except processed commodities and commodities designated for centralized field administration by New Orleans and Dallas Commodity Offices.	Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.
Minneapolis CSS Commodity Office, Commodity Stabilization Service, U. S. Department of Agriculture, 1006 West Lake Street, Minneapolis 8, Minn.	All commodities except processed commodities and commodities designated for centralized field administration by New Orleans and Dallas Commodity Offices.	Colorado, Kansas, Missouri, Nebraska, Wyoming.
New Orleans CSS Commodity Office, Commodity Stabilization Service, U. S. Department of Agriculture, Wirth Bldg., 120 Marais Street, New Orleans 16, La.	Centralized field administration for: (1) Cotton program. (2) Cottonseed programs.	Minnesota, Montana, North Dakota, South Dakota, Wisconsin.
Portland CSS Commodity Office, Commodity Stabilization Service, U. S. Department of Agriculture, 1218 SW. Washington Street, Portland 5, Oreg.	All commodities, except those designated for centralized field administration by New Orleans and Dallas Commodity Offices.	All States.
		Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, Territory of Hawaii, Territory of Alaska.

IV. *Contracting and Claims Officers and representatives of the Secretary—A. CCC Contracting Officers.* CCC Contracting Officers are appointed by the Executive Vice President, CCC or by Division and Commodity Office Directors with the approval of the Executive Vice President of the Commodity Credit Corporation and may to the extent authorized by their appointment execute contracts relating to activities of the Commodity Credit Corporation for which the Division or office is responsible. The names of such officers and information with respect to their authority may be obtained from the appropriate Director.

B. *Representatives of the Secretary.* Representatives of the Secretary are appointed by Division and Commodity Office Directors, subject to the written approval of the Administrator Commodity Stabilization Service, and may, to the extent authorized by their appointment execute contracts relating to the activities under commodity programs approved pursuant to section 32 of the act of August 24, 1935, as amended or section 6 of the National School Lunch Act for which the Division or Office is responsible. The names of such officers and information may be obtained from the appropriate Director.

C. *CCC Claims Officers.* CCC Claims Officers are appointed by the Executive Vice President, CCC; or by Division and Commodity Office Directors with the approval of the Executive Vice President of the Commodity Credit Corporation and may settle certain types of claims by and against the Commodity Credit Corporation. The names of such officers and information with respect to their authority may be obtained from the appropriate Director.

V. *Delegations of authority—A. Administrator.* The Administrator formulates and administers programs assigned to CSS under delegated authority from the Secretary of Agriculture (19 F. R. 74). This includes authority to execute any document, authorize any expenditure, promulgate any rule, regulation, order or instruction required by law or deemed by him to be necessary and proper to the discharge of the functions assigned to the CSS, and to take any other actions incident to the discharge of such functions. This authority is exercised under the general direction and supervision of the Assistant Secretary in charge of Agricultural Stabilization and is subject to the general responsibility of the Secretary to the President and to Congress.

In no case does any delegation of authority to the Administrator preclude the Secretary from exercising any of the powers or functions so delegated. With the exception of authorities which are restricted from redelegation, the Administrator may delegate his authority and provide for the redelegation thereof to appropriate officers and employees. General delegations of authority are cited in paragraphs V B and V C.

B. *Members of the Administrator's Immediate Staff.* Subject to any restrictions on redelegation of authority by heads of agencies, the Administrator has delegated to the Associate Administrator authority to act for him in his absence or inability to act, including the exercise of all powers and authorities which he himself holds: to the Deputy Administrator, Production Adjustment, the Deputy Administrator, Price Support, and the Deputy Administrator, Operations, the General Sales Manager, CSS, and Chief of Disaster Livestock Feed Staff, authority to establish and interpret policies, institute activities and operations, execute documents, issue instructions and orders, and perform any other actions necessary to the performance of their assigned functions and responsibilities, as currently assigned or as hereafter assigned to them. Except when redelegation is specifically prohibited, this authority includes the power of redelegation.

C. *Directors of Divisions and CSS Commodity Offices.* Under the general supervision and direction of the Administrator or of the Deputy Administrator who has been specifically assigned responsibility for direction of the programs and activities involved, the directors of all divisions of the CSS and directors of all CSS commodity offices are authorized to execute contracts, agreements, and other documents; settle and adjust CCC claims within limitations established by the Commodity Credit Corporation; and perform any other actions necessary to the performance of their assigned functions and responsibilities. All authorities shall be exercised within the confines of administrative and functional areas of jurisdiction and in the case of commodity divisions and CSS commodity offices, in accordance with commodity assignments. Current functions, responsibilities, and commodity assignments are set forth in paragraph III C, D. With the exception of authorities which are restricted from redelegation, this authority includes the power of redelegation. This statement of authority shall not be construed as waiving any restrictions, limitations, or requirements stated in the specific delegation of authority or imposed in governing policies, rules, regulations, or procedures.

VI. *Availability of records and information.* Any person desiring information or to make submittals or requests with respect to the programs and functions of this Service, should address his request to: Administrator, Commodity Stabilization Service, U. S. Department of Agriculture, Washington, D. C., or to the Director of the particular Division or Office, Commodity Stabilization Service, U. S. Department of Agriculture, Washington, D. C. The records of the Service and its Divisions and Offices are available for examination in accordance with rules and designations of records issued by the Secretary.

VII. *Prior authorization and delegations.* All actions relating to any function affected hereby, and previous delegations of authority, with respect thereto, shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority; and nothing herein shall affect the validity of anything heretofore done under previous delegations of authority or assignment of functions.

Done at Washington, D. C., this 1st day of July 1958.

[SEAL] WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

Approved:

TRUE D. MORSE,
Under Secretary of Agriculture and President, Commodity Credit Corporation.

[F. R. Doc. 58-5178; Filed, July 7, 1958; 8:49 a. m.]

Forest Service

CERTAIN LANDS ACQUIRED UNDER TITLE III—BANKHEAD-JONES FARM TENANT ACT

SUITABILITY FOR NATIONAL FOREST PURPOSES

Pursuant to the requirement of Executive Order 10445, dated April 10, 1953 (18 F. R. 2069), except as to lands within the States of Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Washington, and Wyoming, all lands within the exterior boundaries of national forests which have been acquired through exchange since June 30, 1957, or that are in the process of being acquired through exchange by the Forest Service on behalf of the United States under authority of Title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U. S. C. 1010-1013), are hereby determined to be suitable for national forest purposes.

[SEAL] WILLIAM S. SWINGLER,
Acting Chief,
Forest Service.

JUNE 27, 1958.

[F. R. Doc. 58-5179; Filed, July 7, 1958; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9333]

STEWART AIR SERVICE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of Stewart Air Service enforcement proceeding.

Notice is hereby given that the hearing in the above-entitled proceeding heretofore assigned to be held on July 7, 1958 is postponed until July 28, 1958 at 10:00 a. m., e. d. s. t., in Room 1417, Temporary Building No. 4, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., July 1, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-5194; Filed, July 7, 1958; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13372]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 1, 1958.

Take notice that United Fuel Gas Company (Applicant), a West Virginia corporation with its principal place of business in Charleston, West Virginia, filed an application on October 7, 1957, as supplemented on April 3, 1958, for permission and approval to abandon certain natural gas facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks:

(1) An order authorizing the abandonment and sale of its natural gas Storage Pool X-1, together with approximately 6 miles of transmission pipe line and appurtenances and 2 billion cubic feet of storage gas to Godfrey L. Cabot, Inc. (Cabot).

(2) A certificate of public convenience and necessity authorizing the construction and operation of measuring and regulating facilities to be used in connection with the abandonment and sale described in (1) above.

The above described property and facilities are located in the Poca District in Putnam County, West Virginia, approximately 15 miles northwest of Charleston, West Virginia.

The application states that on May 7, 1948, Applicant acquired from Cabot certain estates, rights and wells with appurtenant production and gathering facilities which were developed into a natural gas storage, known as Storage Pool X-1. Cabot reserved the right under certain circumstances to repurchase the storage pool at Applicant's actual cost, less 2½ percent per year physical property depreciation, along with the gas in said pool at 25 cents per Mcf. Cabot could also elect to receive during Applicant's operation of the storage pool 5 percent of all the gas withdrawn by Applicant.

The application further states by letter dated January 23, 1957, that Cabot exercised its right to repurchase Storage Pool X-1 and entered into an agreement with Applicant for a 5-year plan of transfer of the pool from Applicant to Cabot, effective May 1, 1957, when 19 percent is transferred.

The agreement of May 1, 1957, modifies the basic May 7, 1948, agreement in that it provides for a 5-year plan of transfer to Cabot for the reason that Cabot does not immediately need the entire capacity and deliverability of the storage and Applicant can efficiently use what Cabot does not need.

To effectuate the transfer as proposed herein, the parties entered into an operating agreement dated May 31, 1957, containing the following pertinent provisions:

(1) Delivery by United to Cabot of an executed deed to the properties on May 1, 1962, or as soon thereafter as Cabot has completed its payments to United.

(2) The operation of the storage by United during the period to May 1, 1962.

(3) Delivery of gas, during winter periods, to Cabot by United from United's system near Lanham compressor station into a new line to be constructed by Cabot.

(4) Delivery of gas, during summer periods, by Cabot to United from the new pipeline of Cabot, and by displacement, delivery of the gas into the storage pool by United.

(5) Sharing of the cost of operation and maintenance of the storage pool, compression charges and cost of metering and regulating equipment.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 26, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 24, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5164; Filed, July 7, 1958; 8:46 a. m.]

[Docket Nos. G-13862, etc.]

EL PASO NATURAL GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 1, 1958.

In the Matter of El Paso Natural Gas Company, Docket No. G-13862; Shell Oil Company, Docket No. G-13876; Aztec Oil & Gas Company, Docket No. G-13946; Phillips Petroleum Company, Docket No. G-13963; Western Natural Gas Company, Docket No. G-13964; The Pure Oil Company, Docket No. G-14156;

General Petroleum Corporation, Docket No. G–14245; Davis Oil Company, Docket No. G–14361; The Carter Oil Company, Docket No. G–14369; Continental Oil Company, Docket No. G–14396; Sun Oil Company, Docket No. G–14403; The Ohio Oil Company, Docket No. G–14441; Pan American Petroleum Corporation, Docket No. G–14640; Three States Natural Gas Company, Docket No. G–14800; Reynolds Mining Corporation, Docket No. G–14834; Petro-Atlas Corporation, Docket No. G–15081; The Texas Company, Docket No. G–15153.

Take notice that on December 6, 1957, El Paso Natural Gas Company (El Paso), filed in Docket No. G–13862, an application [1] for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities in order to receive, process and transport a maximum average daily volume of 100,000 Mcf of natural gas from the Aneth Field Area of the Four Corners Region of Utah, Colorado, New Mexico and Arizona for resale for ultimate public consumption, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant, El Paso, proposes to construct and operate the following facilities:

(1) Approximately 13.3 miles of 20-inch and 62.6 miles of 16-inch pipeline extending from El Paso's proposed Aneth Gasoline Plant in San Juan County, Utah, southeast to a connection with its existing 24-inch San Juan-Gallup line at its San Juan Gasoline Plant in San Juan County, New Mexico.

(2) The Aneth Gasoline Plant, with an installed inlet capacity of 115,000 Mcf per day, to be located in the Aneth Field area, San Juan County, Utah. This plant is to be built in stages progressing from a capacity of 58,000 Mcf per day in 1959 to 86,000 Mcf per day in 1960 and to 115,000 Mcf per day in 1961.

(3) The 30,600 HP Aneth Compressor Station, to be located near the proposed Aneth Plant. The initial installation of 10,200 HP will be increased by additions of 6,800 HP in 1959, 1960 and 1961.

(4) The Aneth Gasoline Fractionating Plant, with a design capacity of 422,290 gallons per day.

(5) The Aneth Dehydration Plant, with an installed capacity of 96,000 Mcf per day.

(6) Approximately 102.3 miles of 4 to 30-inch field pipeline and related facilities.

(7) Various metering facilities, river crossings, structures and equipment.

(8) Wells for El Paso's own production in the area.

The gas would, during the first phase of development be transported through El Paso's proposed 13.3 miles of 20-inch and 62.6 miles of 16-inch pipeline to a connection with its 24-inch San Juan-Gallup line at the San Juan River Plant in San Juan County, New Mexico, and thence to the Arizona and California markets commingled with the San Juan gas. Initially, El Paso proposes to treat all of the Aneth gas at its existing San Juan River Plant until the proposed Aneth processing facilities have been completed. Although the proposed 16 and 20-inch line from Aneth Field area would connect with El Paso's mainline downstream from the San Juan River Plant, only minor changes in plant piping would be required to treat the Aneth Field gas. El Paso asserts that during the interim period mentioned, there is sufficient treating capacity available at the San Juan River Plant to accomplish this.

The progressive installation of the proposed facilities and approximate capacities, volumes available and costs are indicated by the following table. The application states that development may be accelerated or delayed as circumstances may require.

20-inch and 16-inch lines (all in 1958)	1958	1959	1960	1961
Compressor station horsepower	10,200	17,000	23,800	30,600
Aneth plant capacity, MMcf day		58	86	115
Gas to El Paso, MMcf/day:				
Wet gas range	18-23.5	23.5-47.5	47.5-80.5	80.5-102.3
Average day residue	15.5	27.2	49.5	73.5
Average day, dry	8.6	17.3	11.9	8.4
Average total pipeline gas	24.1	44.5	61.4	81.9
Total expenditures, all facilities	$14,043,000	$6,672,000	$3,633,000	$1,727,000
Total expenditures, all facilities, cumulative	$14,043,000	$20,715,000	$24,388,000	$26,055,000

On June 5, 1958, El Paso informed the Commission that it would accept a certificate limited to the proposed 1958–59 construction without prejudice to its rights to file for authority to construct and operate the remaining facilities at some future date.

The maximum daily average volume is estimated to be available in 1962. It is estimated to be composed of 90.7 MMcf per day from casinghead gas sources (113.4 MMcf of wet gas per day) and 6.4 MMcf per day from dry gas sources. The casinghead gas produced is reduced by 20 percent for plant fuel, liquid extraction losses, and lease use to arrive at the residue volume available for pipeline transmission.

The respective applicants listed in the table below filed related applications on the dates shown, for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce to El Paso Natural Gas Company subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Docket; Applicant; and Date of Filing

G–13876; Shell Oil Company; December 9, 1957.

G–13946; Aztec Oil & Gas Company; December 12, 1957.

G–13963; Phillips Petroleum Company; December 16, 1957.

G–13964; Western Natural Gas Company; December 16, 1957.

G–14156; The Pure Oil Company; December 30, 1957.

G–14245; General Petroleum Corporation; January 13, 1958.

G–14361; Davis Oil Company; January 30, 1958.

G–14369; The Carter Oil Company; January 31, 1958.

G–14396; Continental Oil Company; February 3, 1958.

G–14403; Sun Oil Company; February 4, 1958.

G–14441; The Ohio Oil Company; February 10, 1958.

G–14640; Pan American Petroleum Corporation; March 10, 1958.

G–14800; Three States Natural Gas Company; March 31, 1958.

G–14834; Reynolds Mining Corporation; April 3, 1958.

G–15081; Petro-Atlas Corporation; May 9, 1958.

G–15153; The Texas Company; May 26, 1958.

Concurrently with their certificate applications, Aztec Oil & Gas Company, Phillips Petroleum Company, The Pure Oil Company, General Petroleum Corporation, Sun Oil Company, Pan American Petroleum Corporation, Reynolds Mining Corporation, Davis Oil Company, Petro-Atlas Corporation and The Texas Company filed their respective gas sales contracts with El Paso as initial rate schedules to cover the proposed service. The remaining applicants have not as yet filed their contracts as rate schedules.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 25, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 21, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–5165; Filed, July 7, 1958; 8:46 a. m.]

[1] As supplemented on January 6, February 10, March 3, May 13, May 28, and June 5, 1958.

[Docket No. G–15360]

UNITED GAS PIPE LINE CO.

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING FOR HEARING

JUNE 27, 1958.

United Gas Pipe Line Company (United), on May 29, 1958, as supplemented on June 16, 1958, tendered for filing First Revised Sheet No. 24; Second Revised Sheets Nos. 22, 26, 34, 35, 44 and 45; Third Revised Sheets Nos. 8, 14, and 104; Fourth Revised Sheets Nos. 1, 4, 6, 10, 12, 16, 17, 17–A, 18, 19, 20, 21, 23, 25, 27, 28, 30, 32, 100, 102 and 103; and Fifth Revised Sheet No. 101 to its FPC Gas Tariff, First Revised Volume No. 1.[1] By such revised tariff sheets, United proposes an exparte increase in its rates and charges of approximately $5,488,000 annually,[2] or 5.9 percent, to its jurisdictional customers [3] (save Tyler Gas Service Company),[4] based upon sales for the year ended December 31, 1957, all as more fully set forth in Appendix A attached hereto and made a part hereof. United requests that the proposed tariff sheets be allowed to take effect on July 1, 1958.

The proposed increase is stated to be based principally on the future cost of purchased gas. In support of the increased rates and charges, United has submitted a zoned cost of service based upon actual operations for the year 1957 adjusted to reflect changes in plant and operations to August 31, 1958. The company claims a total cost of service for the test period of $235,430,291, of which $99,195,419, or 42.1 percent, is allocated to jurisdictional gas sales.

United's claimed future costs of gas, the need for a 6¾ percent return, claimed Federal income taxes, its classification and allocation of costs, the amounts claimed for acquisition adjustments, and its proposed rate structure, among other things, have not been supported and should be further investigated.

The tendered filing would increase rates in effect since December 1, 1957, subject to refund, in Docket No. G–12801, United Gas Pipe Line Co., 19 FPC 119. No hearing has been held in that docket. United's proposal in Docket No. G–12801 superseded increased rates in effect since November 16, 1956 subject to refund, in Docket No. G–10592, which, in turn, superseded increased rates similarly in effect since April 1, 1956, in Docket No. G–9547. The latter two proceedings presently await completion of briefing, after hearings, by the parties, and, thereafter, an examiner's decisions thereon. United Gas Pipe Line Co., Docket Nos. G–9547 and G–10592, order issued June 20, 1958. As a result of these three foregoing proceedings, together with United's instant proposal, there are now before the Commission four rate increase applications of United totaling $26,743,000 (without adjustment to a uniform test period). In effect, the instant proposal is United's fifth general rate increase since 1952.[5]

To date, comments have been received from fourteen customers and the Commissions of the States of Alabama and Mississippi. The Alabama commission requests that we suspend United's proposal; the Mississippi commission states that it plans to intervene in the proceeding. Of the 14 customers submitting comments, seven oppose the increase (two of such customers object to the acceptance of the tender for filing),[6] three anticipate that we will suspend the increase, three exhort us to consider and study the proposal with care, and one is of the opinion that the increased cost of gas would make it difficult for such customer to operate under its present rate structure.

The increased rates and charges provided for in the revised tariff sheets tendered by United on May 29, 1958, as supplemented on June 16, 1958, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of all the rates, charges, classifications and services of United, subject to the jurisdiction of the Commission, including those contained in United's FPC Gas Tariff, First Revised Volume No. 1, and as proposed to be amended by the revised tariff sheets listed above, and that said proposed revised tariff sheets and the rates contained therein (except those relating to sales of gas for resale for industrial use only) be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of all the rates, charges, classifications and services of United, subject to the jurisdiction of the Commission, including those contained in United's FPC Gas Tariff, First Revised Volume No. 1, and as proposed to be amended by the revised tariff sheets listed above.

(B) Pending such hearing and decision thereon, United's proposed First Revised Sheet No. 24; Second Revised Sheets Nos. 22, 26, 34, 35, 44 and 45; Third Revised Sheets Nos. 8, 14, and 104; Fourth Revised Sheets Nos. 1, 4, 6, 10, 12, 21, 23, 25, 27, 28, 30, 32, 100, 102, and 103; and Fifth Revised Sheet No. 101 to its FPC Gas Tariff, First Revised Volume No. 1, be and they are each hereby suspended and the use thereof deferred until December 1, 1958, and until such further time as the foregoing revised sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

APPENDIX A

United Gas Pipe Line Company Proposed Increases Over Rates in Effect Under Docket No. G–12801

Pipeline companies	Revennes		Increase
	Present rates	Proposed rates	
Mississippi River Fuel Corp	$19,442,939	$20,018,534	$575,595
Southern Natural Gas Co.:			
Central rate zone	4,492,440	4,629,208	136,858
Jackson rate zone	9,704,988	10,571,189	866,195
Total	14,197,428	15,200,481	1,003,053
Texas Eastern Transmission Corp.:			
Central rate zone	7,347,609	7,560,003	212,394
Jackson rate zone	23,957,046	26,062,006	2,104,960
Total	31,304,655	33,622,009	2,317,354
Texas Gas Transmission Corp.:			
Pipeline delivery	9,744,606	10,020,646	276,040
Field delivery	630,957	646,864	15,907
Total	10,375,563	10,667,510	291,947
Total pipeline Companies	75,320,605	79,508,534	4,187,929

[1] Fourth Revised Sheets Nos. 16, 17, 17–A, 18, 19 and 20 relate to sales of gas for resale for industrial use only and are not subject to suspension under the express provisions of section 4 of the Natural Gas Act.

[2] Originally by its May 29 filing, United contemplated an annual increase of $7,656,000, or 8.2 percent. In its revised filing of June 16, 1958, United eliminated approximately $35,300,000 of gross plant not placed in service during the test period (i. e., by August 31, 1958), or uncertificated, reduced its claimed cost of service by about $8,235,000 and reduced the contemplated annual increase to $5,488,000 a reduction of $2,168,000.

[3] El Paso Natural Gas Co., Docket No. G–12948, 19 FPC 154, 18 FPC 838.

[4] Tyler Gas Service Co. v. F. P. C., 247 F. 2d 180 (CADC), cert. denied sub nom. United Gas Pipe Line Co. v. Tyler Gas Service Co., 355 U. S. 895; setting aside United Gas Pipe Line Co., 16 FPC 10, 1263.

[5] United Gas Pipe Line Co., Docket No. G–2019 (pipeline rates), 11 FPC 1162; Docket No. G–2210 (town-border rates), order issued July 10, 1953 (unreported). The latter two proceedings were settled, in the main, and the settlement approved by our Opinion No. 277 13 FPC —. United Gas Pipe Line Co., Docket Nos. G–1142 and G–2019, order issued June 20, 1958.

[6] There also have been filed with the Commission motions by Willmut Gas and Oil Company, Mississippi Valley Gas Company, and by Memphis Light, Gas & Water Division and The City of Memphis (jointly), raising the issue of United's right to make the proposed tariff changes affecting them and of the jurisdiction of the Commission to accept such changes. See El Paso Natural Gas Company, Docket No. G–12948, supra, United Gas Pipe Line Company, Docket No. G–12801, supra, and Colorado Interstate Gas Company, Opinion No. 313, Docket Nos. G–2260 and G–2576 (mimeo. ed. pages 4 and 5).

APPENDIX A—Continued

Pipeline companies	Revenues		Increase
	Present rates	Proposed rates	
City Gate Deliveries			
CENTRAL RATE ZONE			
Arkansas Louisiana Gas Co.:			
General service	$906,741	$956,357	$49,616
Large industrial	239,754	251,292	11,538
Total	1,146,495	1,207,649	61,154
Tyler Gas Service Co.:			
General Service	397,898	397,898	.....
United Gas Corp.:			
General Service	2,061,506	2,171,602	110,096
Large industrial	551,225	577,756	26,531
Total	2,612,731	2,749,358	136,627
Small volume purchases	1,639,665	1,726,796	87,131
Total Central Rate Zone	5,796,789	6,081,701	284,912
JACKSON RATE ZONE			
Mississippi Valley Gas Co.:			
General service	1,788,593	1,972,826	184,233
Large industrial	478,974	501,490	22,516
Total	2,267,567	2,474,316	206,749
Mobile Gas Service Co.	1,830,897	2,016,467	185,570
Pensacola, Florida, City of	672,526	740,041	67,515
Willmut Gas & Oil Co.:			
General service	350,312	386,091	35,779
Large industrial	327,634	343,036	15,402
Total	677,946	729,127	51,181
United Gas Corp.:			
General service	1,447,451	1,594,794	147,343
Large industrial	77,609	81,257	3,648
Total	1,525,060	1,676,051	150,991
Canton, Mississippi, City of	101,836	112,431	10,595
Bay Minette, Alabama, Town of: Large industrial	123,759	129,577	5,818
Okaloosa County gas district	200,590	221,876	21,286
Pascagoula, Mississippi	190,380	209,749	19,369
Louisiana Power & Light Co.: Large industrial	59,884	62,699	2,815
Picayune, Mississippi, City of: Large industrial	131,122	137,286	6,164
Small volume purchases	1,987,363	2,179,938	192,575
Total Jackson Rate Zone	9,768,930	10,689,558	920,628
N. W. MISSISSIPPI RATE ZONE			
United Gas Corp.	246,144	258,836	12,692
Small Volume Purchases	384,782	403,413	18,631
Total N. W. Mississippi Rate Zone	630,926	662,249	31,323
Total City Gate Sales	16,196,645	17,433,508	1,236,863
Total Jurisdictional Sales	91,517,250	96,942,042	5,424,792
Transportation Rates [1]	1,696,896	1,760,530	63,634
Total Juris. Sales and Trans. Rates	93,214,146	98,702,572	5,488,426

[1] Rate Schedules T-1 and T-3, transportation service for Tennessee Gas Transmission Company and Southern Natural Gas Company. These rates were not increased in Docket Nos. G-9547 and G-10592.

[F. R. Doc. 58-5166; Filed, July 7, 1958; 8:46 a. m.]

[Docket No. G-15370]

PLACID OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 1, 1958.

Placid Oil Company (Operator) et al. (Placid), on June 2, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Letter,[1] dated September 27, 1957. (2) Notice of Change, dated May 29, 1958. (3) Letter,[2] dated September 26, 1957. (4) Notice of Change, dated May 29, 1958.

Purchaser: H. L. Hunt.

Rate schedule designation: (1) Supplement No. 3 to Placid's FPC Gas Rate Schedule No. 15. (2) Supplement No. 4 to Placid's FPC Gas Rate Schedule No. 15. (3) Supplement No. 2 to Placid's FPC Gas Rate Schedule No. 16. (4) Supplement No. 3 to Placid's FPC Gas Rate Schedule No. 16.

Effective date: July 3, 1958 (the stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed revenue-sharing rate increases, Placid cites the letter agreements providing the new prices and states, among other things, that such escalation clauses as contained in the amendatory agreements are common in long-term gas sales agreements; that producer's costs increase as direct functions of time and depletion of reserves, and that the increased prices are below the initial price contained in contracts negotiated at the same time for gas sold in the area and to deny same would be discriminatory. Placid also states that the proposed prices are just and reasonable and would result in no more than a fair return.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rates and charges contained in Supplement Nos. 3 and 4 to Placid's FPC Gas Rate Schedule No. 15, and Supplement Nos. 2 and 3 to Placid's FPC Gas Rate Schedule No. 16.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until December 3, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-5167; Filed, July 7, 1958; 8:47 a. m.]

[1] Rate schedule designation: Supplement No. 5 to Placid's FPC Gas Rate Schedule No. 14.

[2] Rate schedule designation: Supplement No. 6 to Placid's FPC Gas Rate Schedule No. 14.

[Docket No. G-15371]

PLACID OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 1, 1958.

Placid Oil Company (Operator) et al. (Placid), on June 2, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated May 29, 1958.

Purchaser: H. L. Hunt.

Rate schedule designation: Supplement No. 6 to Placid's FPC Gas Rate Schedule No. 14.

Effective date: July 3, 1958 (the stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed three-step periodic rate increase, Placid cites the contract provision therefor and states that the increased price is below the initial price contained in contracts negotiated at the same time for gas sold in the area and to deny same would be discriminatory. Placid also states that the proposed price is just and reasonable and would result in no more than a fair return.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Placid's FPC Gas Rate Schedule No. 14 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Placid's FPC Gas Rate Schedule No. 14.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 3, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by Sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-5168; Filed, July 7, 1958; 8:47 a. m.]

[1] Parties agree to increase rate to 14.4 cents less 2.5 cents, or 11.9 cents per Mcf.

[2] Parties agree to increase rate to 14.4 cents less 0.5 cents, or 13.9 cents per Mcf.

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1925]

STERLING DRUG, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JUNE 30, 1958.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Sterling Drug, Incorporated common stock; File No. 7-1925.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before July 16, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one request a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-5171; Filed, July 7, 1958; 8:47 a. m.]

[File No. 7-1924]

U. S. PLYWOOD CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JUNE 30, 1958.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in U. S. Plywood Corporation common stock; File No. 7-1924.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Pacific Coast Stock Exchanges.

Upon receipt of a request, on or before July 16, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one request a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-5172; Filed, July 7, 1958; 8:48 a. m.]

[File No. 7-1923]

ZENITH RADIO CORP. (DELAWARE)

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JUNE 30, 1958.

In the matter of application by the Pacific Coast Stock Exchange for unlisted trading privileges in Zenith Radio Corporation (Delaware) common stock; File No. 7-1923.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before July 16, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-5173; Filed, July 7, 1958; 8:48 a. m.]

[File No. 7-1926]

ZENITH RADIO CORP. (DELAWARE)

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JUNE 30, 1958.

In the matter of application by the Detroit Stock Exchange for unlisted trading privileges in Zenith Radio Corporation (Delaware) common stock; File No. 7-1926.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before July 16, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-5174; Filed, July 7, 1958; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 1, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34790: *Grains—Arkansas and Missouri points to Mississippi River crossings.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7318), for interested rail carriers. Rates on coarse grains, and articles taking same rates, carloads from points in Arkansas and southern Missouri to Helena, Ark., and Memphis, Tenn.

Grounds for relief: Short line distance formula and grouping.

Tariff: Supplement 35 to Southwestern Freight Bureau tariff I. C. C. 4241.

FSA No. 34791: *Fine coal—Alabama mines to Rome, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3682), for interested rail carriers. Rates on fine coal, carloads, from mines in Alabama on The Alabama Central, Central of Georgia, and St. Louis-San Francisco Railroads to Rome, Ga., on the Central of Georgia Railway.

Grounds for relief: Competition of natural gas via pipeline.

Tariffs: Supplement 44 to Central of Georgia Railway Company's tariff I. C. C. 3297. Supplement 41 to St. Louis-San Francisco Company's tariff I. C. C. A-580.

FSA No. 34792: *Fine coal—Alabama mines to Harryat, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fine coal, carloads from mines in Alabama on the Alabama Central and St. Louis-San Francisco railroads to Harryat, Ga.

Grounds for relief: Competition of natural gas via pipelines.

Tariff: Supplement 41 to St. Louis-San Francisco Railway Company's tariff I. C. C. A-580.

FSA No. 34793: *Cement and related articles in western states.* Filed by Westland cement, hydraulic, natural or portland, masonry or mortar, concrete mixture, dry building mortar and tile grout, straight or mixed carloads (a) from Hydrac, Kans., to points in western states named in the application and (b) from other points in western states to points in western states, named in the application.

Grounds for relief: Short-line distance formula.

Tariffs: Supplement 37 to Western Trunk Line tariff I. C. C. A-4188. Supplement 29 to Western Trunk Line tariff I. C. C. A-4189.

FSA No. 34794: *Paper articles—North Carolina points to the south.* Filed by O. W. South, Jr., Agent (SFA No. A3689), for interested rail carriers. Rates on cushions, liners or pads, and paper bags, carloads from Granite Falls, High Point, and South High Point, N. C. to points in southern territory including Ohio and Mississippi River crossings, points in Virginia and Washington, D. C.

Grounds for relief: Short-line distance formula, grouping, and short-line arbitraries.

Tariff: Supplement 52 to Southern Freight Association tariff I. C. C. 1613.

FSA No. 34795: *Commodity rates from and to East Goldsboro, N. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on various commodities moving on commodity rates same as from or to Goldsboro, N. C., from and to East Goldsboro, N. C. (formerly Harvey, N. C.), to and from points in the United States and Canada.

Grounds for relief: Newly established station on the Atlantic and East Carolina Railway Company.

FSA No. 34796: *Soda ash—Eastern points to Ottawa, Ill.* Filed by O. E. Schultz, agent (ER No. 2448), for interested rail carriers. Rates on soda ash, in bulk, carloads from Detroit and Wyandotte, Mich., Barberton, Fairport Harbor, Painesville, Perry, Ohio, Niagara Falls, Suspension Bridge, Syracuse, Solvay, N. Y., and Saltville, Va., to Ottawa, Ill.

Grounds for relief: Market competition.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-5130; Filed, July 3, 1958; 8:46 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 2, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34797: *TOFC service between western points, C. R. I. & P.* Filed by The Middlewest Motor Freight Bureau, Agent (No. 110), for interested carriers. Rates on freight of various kinds, loaded in or on trailers, and transported on railroad flatcars between specified points in States in southwestern, western trunkline, and Illinois territories, on the one hand, and specified interchange points of the Chicago, Rock Island and Pacific Railroad Company, on the other, on traffic originating at or destined to points on above named motor carriers, as described in the application.

Grounds for relief: Motor truck competition.

FSA No. 34798: *Starch or dextrine—Corpus Christi, Tex., to New Orleans, La., and Mobile, Ala.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7323), for interested rail carriers. Rates on corn or sorghum grain starch or dextrine, straight or mixed carloads from Corpus Christi, Tex., to New Orleans, La., and Mobile, Ala.

Grounds for relief: Market competition with Illinois producing points.

Tariff: Supplement 486 to Southwestern Freight Bureau tariff I. C. C. 4130.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-5180; Filed, July 7, 1958; 8:49 a. m.]

MAIN READING ROOM

FEDERAL REGISTER

VOLUME 23 NUMBER 133

Washington, Wednesday, July 9, 1958

TITLE 3—THE PRESIDENT

PROCLAMATION 3249

ENLARGING THE CAPITOL REEF NATIONAL MONUMENT, UTAH

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it appears that the public interest would be promoted by adding to the Capitol Reef National Monument, Utah, certain adjoining lands needed for the protection of the features of geological and scientific interest included within the boundaries of the monument and for the proper administration of the area:

NOW, THEREFORE, I, Dwight D. Eisenhower, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U. S. C. 431), do proclaim that, subject to valid existing rights, (1) the lands now owned by the United States within the exterior boundaries of the following-described tracts of lands are hereby added to and made a part of the Capitol Reef National Monument, and (2) the State-owned and privately-owned lands within those boundaries shall become parts of the monument upon acquisition of title thereto by the United States:

SALT LAKE MERIDIAN

T. 29 S., R. 5 E.,
Sections 1 and 2, those portions not previously included in the Monument.

T. 29 S., R. 6 E.,
Sections 5, 6, 9, and 16, those portions not previously included in the Monument;
Sections 7, 8, and 17, those portions lying north of Sulphur Creek;
Section 26, SW¼ and S½NW¼.

T. 30 S., R. 7 E.,
Section 20, NW¼SE¼ (except S½S½ NW¼SE¼) and NE¼SE¼ (except S½SW¼ NE¼SE¼).

containing 3,040 acres, more or less.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

Nothing herein shall prevent the movement of livestock across the lands included in this monument under such regulations as may be prescribed by the Secretary of the Interior and upon driveways to be specifically designated by said Secretary.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this second day of July in the year of our Lord nineteen hundred and [SEAL] fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-5257; Filed, July 7, 1958; 1:13 p. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, 13th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemented to the Khapra Beetle Quarantine (7 CFR 301.76-2 as amended, 22 F. R. 2656; cf. 22 F. R. 2679) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76-2a *Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.* Infestations of the khapra beetle have been determined to exist in the premises listed

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FEDERAL REGISTER

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Hundred Eleven Ranch (Sombrero Butte), Mammoth.
Mission Road Market, 1256 Mission Road, Tucson.
Simon Parker Chicken Yard, 4129 East Magnolia Street, Tempe.
Tom Rhodes Ranch, P. O. Box 96, Mammoth.
Rhodes-Mercer 111 Farm, Mammoth.
River Farm, 3100 South Seventh Street, Phoenix.
Shady Acres Nursery & Bird Farm, 3640 East Washington Street, Phoenix.
Frank Spatig Farm, Route 1, Box 184, Somerton.
Ernest Williams Chicken Yard, Route 1, Somerton.
Thomas C. Windsor residence, 1161 Tenth Avenue, Yuma.
Yuma Feed & Equipment Co., 757 Magnolia Avenue, Yuma.

CALIFORNIA

A. Abma Feed Lot and Storage, Route 1, Box 283, Wasco.
Ray Ansolabehers property, 7105 Fruitvale Avenue, Bakersfield.
Barling Brothers (Home Ranch), one-half mile north of Palm Avenue, Wasco.
Barling Brothers Ranch (Desert Property), one-half mile west of Rawlee Road, Wasco.
Barling Brothers Ranch (E. Kimberlina), 440 G Street, Wasco.
Coachella Valley Feed Yard, located east side of Highway 111, south of Avenue 54, mail address Box 226, Coachella.
Joe's Poultry Ranch, Road 47 and East A, Brawley.
C. A. Nielson property, located across the street from Bard Grocery and Post Office, Bard.
Ruth H. Penner, Sec. 2, T. 27 S., R. 24 E., MDM, 0.6 mile west of the intersection of Palm and Gromer Avenues, P. O. Box 186, Wasco.
Fred Smith Turkey Ranch, 4638 South Temperance, Fresno.

(b) The portion of each of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

ARIZONA

LaSalvia Dairy, Box 116, Laveen Stage, Phoenix.

CALIFORNIA

P. Callo property, located 2 miles west of the intersection of Roads 90 and West C on the south side of Road 90, P. O. Box 44, Niland.
Floyd B. Carrion property, located on the south side of Avenue 70, 0.8 mile west of Lincoln Street, P. O. Box 564, Mecca.
Tom Mejia property, located at the southwest corner of the intersection of Roads 90 and West C, P. O. Box 662, Niland.
Martin Valdez property, located at the intersection of Roads 90 and West E, P. O. Box 488, Niland.

NEW MEXICO

M. M. Martin Farm, located 11 miles south of Tolar.

This revision has the effect of revoking the designation as regulated areas of certain premises in Arizona and California, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds certain premises in Arizona and California to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

As an informative item, the revision also segregates certain regulated premises in Arizona, California, and New Mexico where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

These administrative instructions shall become effective July 9, 1958, when they shall supersede P. P. C. 612, Twelfth Revision, effective June 12, 1958 (23 F. R. 4142).

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 3d day of July 1958.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 58-5231; Filed, July 8, 1958; 8:50 a. m.]

Chapter IV—Federal Crop Insurance Corporation

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

The following counties are hereby added to the list of counties published January 16, 1958 (23 F. R. 290), as supplemented by appendixes published March 25, 1958 (23 F. R. 1943), and April 25, 1958 (23 F. R. 2769), which were designated for wheat crop insurance for the 1959 crop year pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143).

Illinois: Fulton.
Kansas: Brown, Butler, Jackson.
North Carolina: Iredell.
Ohio: Ashland.
Oklahoma: Jackson, Logan.

(Secs. 506, 516, 52 Stat. 73, as amended; 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 58-5214; Filed, July 8, 1958; 8:48 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1026 (Cigar-Binder and Cigar-Filler and Binder-58)-1]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

CIGAR-BINDER (TYPES 51 AND 52) TOBACCO, AND CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55) TOBACCO MARKETING QUOTA REGULATIONS, 1958–59 MARKETING YEAR

GENERAL

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723.931 Definitions.
723.932 Instructions and forms.
723.933 Extent of calculations and rule of fractions.
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723.941 Successors in interest.
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723.945 Disposition of excess tobacco.
723.946 Identification of marketings.
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723.956 Records and reports of truckers and persons sorting, stemming, packing, or otherwise processing tobacco.

Sec.
723.957 Separate records and reports from persons engaged in more than one business.
723.958 Failure to keep records or make reports.
723.959 Additional records and reports to Director.
723.960 Examination of records and reports.
723.961 Length of time records and reports to be kept.
723.962 Information confidential.

AUTHORITY: §§ 723.930 to 723.962 issued under sec. 375, 52 Stat. 66 as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 314, 372–375, 52 Stat. 38 as amended, 47 as amended, 48 as amended, 65 as amended, 66 as amended, secs. 125, 211, 70 Stat. 198, 202; 1813, 1860. 7 U. S. C. 1301, 1313, 1314, 1372–1375.

GENERAL

§ 723.930 *Basis and purpose.* Sections 723.930 to 723.962 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, the Agricultural Act of 1949 and the Agricultural Act of 1956, and govern the issuance of marketing cards for marketing and price support purposes, the identification of tobacco for purposes of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of cigar-binder (types 51 and 52) tobacco, and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco during the 1958–59 marketing year. Prior to preparing §§ 723.930 to 723.962, public notice (23 F. R. 2611) of their formulation was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to §§ 723.930 to 723.962 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956.

§ 723.931 *Definitions.* As used in §§ 723.930 to 723.962, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue. In the case of a person who employs person(s) to negotiate contracts with producers to purchase their tobacco such person rather than such employed person(s) is the buyer of such tobacco.

(c) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1958 which has not been marketed or which has not been disposed of under § 723.845.

(d) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committees" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State committee.

(e) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(f) "Deputy Administrator" means the Deputy Administrator or the Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(g) "Director" means the Director or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(h) "Farm": The definition of this term as set forth in Part 718 of this chapter shall apply in the regulations in this part.

(i) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(j) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(k) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(l) "Producer" means a person who as owner, landlord, tenant or sharecropper, is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(m) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(n) "Sale" means the first marketing of farm tobacco on which the gross amount of the sales price therefor has been or could be readily determined.

(o) "Sale date" means the date on which the gross amount of the sales price of the first marketing of farm tobacco has been or could be readily determined.

(p) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(q) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(r) "Tobacco" means:

(1) The types set forth below, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or all such types of tobacco as indicated by the context.

(i) Type 42 tobacco, that type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(ii) Type 43 tobacco, that type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(iii) Type 44 tobacco, that type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley section of Ohio;

(iv) Type 51 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced primarily in the valley area of Connecticut;

(v) Type 52 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced primarily in the Connecticut Valley area of Massachusetts and Connecticut;

(vi) Type 53 tobacco, that type of cigar-leaf tobacco commonly known as York State Tobacco, or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats section of New York, extending into Pennsylvania, and in the Onondaga section of New York State;

(vii) Type 54 tobacco, that type of cigar-leaf tobacco commonly known as Southern Wisconsin cigar-leaf or Southern Wisconsin binder type produced principally south and east of the Wisconsin River; and

(viii) Type 55 tobacco, that type of cigar-leaf tobacco commonly known as Northern Wisconsin cigar-leaf or Northern Wisconsin binder type, produced principally north and west of the Wisconsin River.

(2) Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash.

(3) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area in which any kind of tobacco subject to marketing quotas is normally produced, shall include all acreage of tobacco on the farm, including any acreage which the farm operator may contend is not devoted to the production of tobacco as defined herein. The acreage of each kind of tobacco (cigar-binder (types 51

and 52) and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) shall be determined by the county committee on the basis of seeding, cultivating, curing, and marketing practices commonly known to the area. Such determination shall include all acreage of tobacco on the farm. The production of the acreage of each kind of tobacco so determined shall be considered to be tobacco of the kind available for marketing until such time as the operator of the farm furnishes to the county committee satisfactory proof that a part or all of the production of such acreage has been classified pursuant to Part 29 of this title when marketed, as a different kind of tobacco. Any amount of tobacco so classified as a different kind shall be converted to acres on the basis of the average yield per acre of the entire acreage of tobacco grown on the farm in 1958 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

(s) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1958 plus any carryover tobacco, less any tobacco disposed of in accordance with § 723.945.

(t) "Tobacco subject to marketing quotas" means any cigar-binder (types 51 and 52) tobacco or any cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco marketed during the period October 1, 1958, to September 30, 1959, inclusive, and any cigar-binder (types 51 and 52) tobacco or any cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco produced in the calendar year 1958 and marketed prior to October 1, 1958.

(u) "Trucker" means a person who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

§ 723.932 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator.

§ 723.933 *Extent of calculations and rule of fractions*—(a) *Harvested acreage.* The acreage of tobacco harvested on a farm in 1958 shall be expressed in hundredths and fractions of less than one hundredth of an acre shall be dropped. For example, 1.550, 1.555, or 1.559 acres would be 1.55 acres.

(b) *Percent excess.* The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than one-tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) *Converted rate of penalty.* The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty", shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped. For example, 3.68 cents per pound would be 3.6 cents, and 0.068 cent per pound would be 0.06 cent.

IDENTIFICATION AND LOCATION OF FARMS AND DETERMINATION OF ACREAGE

§ 723.934 *Identification and location of farms.* (a) Each farm as operated for the 1958 crop of tobacco shall be identified by a farm serial number assigned by the county office manager and all records pertaining to marketing quotas for the 1958 crop of tobacco shall be identified by such number.

(b) A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

§ 723.935 *Determination of tobacco acreage*—(a) *County committees.* For the purpose of ascertaining with respect to each farm whether there is excess tobacco of the 1958 crop available for marketing, the county committee shall determine the acreage of tobacco on each farm in the county for which a 1958 tobacco acreage allotment has been established and on any other farms in the county on which the county committee has reason to believe tobacco was planted. The county committee's determination shall be based upon acreage and performance determined as provided in the applicable provisions of Part 718 of this chapter.

(b) *Tolerance in measured acreage.* For the purpose of §§ 723.930 to 723.962, inclusive, and subject to the rule of fractions heretofore provided in § 723.933 (a), if the determination of the county committee of the planted or the harvested acreage of tobacco on a farm is in excess of the farm tobacco acreage allotment and the excess acreage is not more than the smaller of two percent of such acreage allotment or nine hundredths (0.09) of an acre, in either case the planted or harvested acreage of tobacco on such farm shall be deemed to be the same acreage as the tobacco acreage allotment established for such farm: *Provided,* That if the determination of the county committee of the planted or harvested acreage of tobacco on any farm is in excess of the farm tobacco acreage allotment by more than the smaller of two percent of such acreage allotment or nine hundredths (0.09) of an acre, all such planted or harvested acreage of tobacco in excess of the farm tobacco acreage allotment as determined by the county committee shall be tobacco acreage in excess of the allotment.

(c) *Notice to farm operators.* The county committee shall notify the farm operator of the measured acreage of tobacco on each farm as determined under the provisions of this section.

(d) *Harvested acreage of tobacco.* The acreage of tobacco determined or as re-determined for a farm by the county committee pursuant to this section shall be the harvested acreage of tobacco for the farm for the purpose of issuing the correct marketing card for the farm as provided in § 723.938 unless the farm operator furnishes to the county committee satisfactory proof that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage physically harvested will be disposed of other than by marketing, in which case the harvested acreage shall be the acreage as adjusted by taking into account the portion of the acreage planted which will not be harvested or the portion of the production of the acreage physically harvested which will be disposed of other than by marketing.

(e) *Acreage not determined.* If the farm operator or his representative prevents the county committee from obtaining information necessary to determine the correct acreage of tobacco on a farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or his representative permits a determination of the correct acreage, all acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment for the purpose of issuing a marketing card for the farm.

(f) *Prior measurements.* Measurements made prior to the effective date of this section, and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1958 tobacco acreage and the tobacco acreage in excess of the 1958 farm tobacco acreage allotment.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 723.936 *Amount of farm marketing quota*—(a) *Actual production.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment as established for the farm in accordance with 1023 (Cigar-Binder and Cigar-Filler and Binder–58)–1, Marketing Quota Regulations 1958–59 (§§ 723.912 to 723.928; 22 F. R. 4351, 6127, 23 F. R. 135). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1958 times the farm acreage allotment.

(b) *Excess production.* The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1958 times the number of acres harvested in excess of the farm acreage allotment, plus (2) any excess carryover tobacco.

§ 723.937 *Transfer of farm marketing quotas.* These shall be no transfer of farm marketing quotas except as provided in §§ 723.920 and 723.926 of the cigar-binder and cigar-filler and binder tobacco marketing quota regulations for determining acreage allotments and normal yields, 1958–59 marketing year.

§ 723.938 *Issuance of marketing cards.* (a) A marketing card shall be issued for

each farm having tobacco available for marketing.

(b) *Excess marketing card (MQ–77—Tobacco).* The provisions of this paragraph govern the issuance of excess marketing cards except with respect to the issuance of marketing cards for the identification of tobacco grown for experimental purposes only, as provided in paragraph (c) (2) of this section.

(1) *Excess marketing card showing full rate of penalty.* An excess marketing card (ineligible for price support loans) showing the full rate of penalty set forth in § 723.947 (b) shall be issued for a farm in any case:

(i) Where tobacco is harvested in 1958 from a farm for which no 1958 acreage allotment was established, or

(ii) Where tobacco is harvested in 1958 from a farm and the farm operator or his representative prevents the county committee or its representative from obtaining information necessary to determine the correct acreage of tobacco on the farm.

(2) *Excess marketing card showing converted rate of penalty or zero penalty.* An excess marketing card (ineligible for price support loans) showing the extent to which marketings of tobacco from a farm are subject to penalty, determined as provided in § 723.944 (including zero penalty except where the provisions of subdivision (ii) of this subparagraph apply), shall be issued in any case:

(i) Where tobacco is harvested in 1958 from a farm in excess of the farm acreage allotment therefor, or

(ii) Where tobacco is to be marketed from a farm in 1958 having carryover tobacco available for marketing and the percent excess determined pursuant to § 723.944 (b) exceeds zero percent, or

(iii) Where tobacco is produced on newly irrigated or drained land which was not used for the production of tobacco prior to May 28, 1956 and which is within any Federal irrigation or drainage project (as defined in section 211 of the Agricultural Act of 1956) authorized on or after May 28, 1956; or where tobacco is produced on land reclaimed by a flood-control project authorized on or after May 28, 1956; or where tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

(3) *Excess marketing cards showing zero penalty only.* An excess marketing card (ineligible for price support loans) showing zero penalty only shall be issued under the following conditions:

(i) If more than one kind of tobacco is produced on a farm in 1958, a zero penalty excess marketing card shall be issued for each kind of tobacco produced thereon for which the harvested acreage is not in excess of the farm acreage allotment therefor if at the time of issuing marketing cards for the farm the harvested acreage of any kind of tobacco is in excess of the farm acreage allotment for such kind of tobacco; or

(ii) For any kind of tobacco produced on a farm in 1958 the acreage of which is in excess of the farm acreage allotment therefor and the operator or any other producer on the farm fails to file with the county ASC office a written request (with deposit to cover the cost as estimated by the county committee) to dispose of excess tobacco or to have a remeasurement made of the tobacco acreage within ten (10) days from the date of notice to the farm operator on Form CSS–590, Notice of Excess Acreage, and the tobacco produced on the excess acreage is disposed of other than by marketing in accordance with § 723.945 unless the county committee with the approval of a representative of the State committee determines that failure to file such written request was due to circumstances beyond the control of the farm operator or producer; or

(iii) For any kind of tobacco physically harvested from a farm in 1958 from an acreage in excess of the acreage allotment for the farm and disposed of in accordance with § 723.945 (a) unless the county committee with the approval of a representative of the State committee determines that the acreage of tobacco was not measured or remeasured, as the case may be, in sufficient time to afford the farm operator an opportunity to dispose of the excess acreage prior to harvest.

(c) *Within Quota Marketing Card (MQ–76—Tobacco).* In any case where an excess marketing card is not required to be issued for a farm under paragraph (b) of this section, a Within Quota Marketing Card (eligible for price support loans and marketing without penalty) shall be issued for such farm under the following conditions:

(1) If the harvested acreage of tobacco for the farm in 1958 is not in excess of the farm acreage allotment therefor and any excess carryover tobacco can be marketed without penalty under the provisions of § 723.944 (b).

(2) If the Director of a publicly owned Agricultural Experiment Station furnishes to the ASC State office a list by counties showing the following information with respect to each kind of tobacco and farms on which tobacco is grown for experimental purposes only:

(i) Name and address of the publicly owned experiment station,

(ii) Name of the owner, and name of the operator if different from the owner of each farm on which tobacco is grown for experimental purposes only,

(iii) The amount of acreage of tobacco grown on each farm for experimental purposes only, and

(iv) A certification signed by the Director of the publicly owned agricultural experiment station to the effect that such acreage of tobacco was grown on each farm for experimental purposes only; the tobacco was grown under his direction; and the acreage on each plot was considered necessary for carrying out the experiment: *Provided, however,* That if the Director of a publicly owned agricultural experiment station does not furnish the information and certification as required above in this subparagraph, an excess marketing card showing zero penalty shall be issued for the purpose of identifying tobacco produced for experimental purposes only under the direction of such Director. The list required in this subparagraph shall be posted and kept available for public inspection in the ASC office of the county in which farms included in the list are located.

(d) *Stamping Within Quota Marketing Cards (MQ–76) to show producer indebtedness.* (1) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, any within quota marketing card (MQ–76) issued for such farm in accordance with paragraph (c) of this section shall bear the notation "Indebted to U. S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness shall be shown on the inside back cover of the marketing card: *Provided,* That if the producer named as debtor on the card objects to the issuance of or after issuance to the use of a within quota marketing card (MQ–76) bearing the notation and information of indebtedness to the United States thereon as provided in this subparagraph, an excess marketing card (ineligible for price support loans) showing "zero penalty" shall be issued for such farm. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card, shall constitute an authorization by such producer to any tobacco loan organization to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual loan organization charges, authorized price support charges and amounts due prior lien holders. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States shall not constitute a waiver of any right by the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

(2) Any marketing card may be stamped for the purpose of notifying loan organizations that the tobacco being marketed pursuant to such card is subject to a lien held by the United States.

(e) *Replacing or issuing additional marketing cards.* Subject to the approval of the county office manager or the State administrative officer as provided in § 723.939, two or more marketing cards may be issued for any farm. Upon the return to the ASC issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm have been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the State administrative officer or county office manager who issued the card, to have been lost, destroyed or stolen.

§ 723.939 *Persons authorized to issue marketing cards.* (a) The State administrative officer shall be responsible for the issuance of marketing cards issued

for the purpose of identifying tobacco grown for experimental purposes pursuant to the provision of § 723.938 (c) (2).

(b) Except as provided in paragraph (a) of this section, the county office manager shall be responsible for the issuance of marketing cards for farms in the county.

(c) Each marketing card shall bear the actual or facsimile signature of either the State administrative officer or the county office manager who issues the card. The facsimile signature may be affixed by an employee of the State administrative officer or of the county office manager, as the case may be.

§ 723.940 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

§ 723.941 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 723.942 *Invalid cards.* (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted or incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which has been corrected by the State administrative officer or the county office manager who issued the card), the farm operator, or the person having the card in his possession, shall return it to the ASC office at which it was issued.

(c) If an entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by the State administrative officer or the county office manager who issued the card, then such card shall become valid.

§ 723.943 *Report of misuse of marketing card.* Any information which causes a member of a State, county, or community committee, or an employee of an ASC State or county office, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASC county or State office.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 723.944 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of tobacco from a farm having no carryover tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 723.945 by the total acreage of tobacco harvested from the farm.

(b) Marketing of tobacco from a farm having carryover tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carryover acres" by dividing the number of pounds of carryover tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carryover acres" by multiplying the "carryover acres" (subparagraph (1) of this paragraph) by the "percent within quota" (i. e., 100 percent minus the "percent excess") for the year in which the carryover tobacco was produced except that if the excess portion of the carryover tobacco has been disposed of under § 723.945, the "percent within quota" shall be 100.

(3) Determine the "total acres" of tobacco by adding the "carryover acres" (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1958 allotment and the "within quota carryover acres" (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) Those persons having an interest in the carryover tobacco for a farm shall be liable for the payment of any penalty due thereon.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 723.945 *Disposition of excess tobacco.* (a) The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

(b) If the 1958 harvested acreage is less than the 1958 allotment an amount of any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1958 harvested acreage plus any acreage added with respect to any excess carryover tobacco for the farm pursuant to § 723.944 (b) is less than the 1958 allotment may be marketed penalty free.

§ 723.946 *Identification of marketing.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1958 marketing card (MQ–76—Tobacco or MQ–77—Tobacco) issued for the farm on which the tobacco was produced.

(a) *Memorandum of sale.* (1) If a memorandum of sale is not issued by the buyer to identify a sale of producer's tobacco by the end of the the sale date and recorded and reported on MQ–95, Buyer's Record, by the 10th day of the calendar month next following the month during which the sale date occurred, the marketing shall be identified on MQ–95, Buyer's Record, as a marketing of excess tobacco, and reported not later than the 10th day of the calendar month next following the month during which the sale date ocurred.

(2) Each excess memorandum of sale issued by a buyer shall be verified by the buyer to determine whether the amount of penalty shown to be due has been correctly computed and such buyer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in issuing the memorandum of sale.

§ 723.947 *Rate of penalty.* Marketings of excess tobacco from a farm shall be subject to a penalty per pound equal to seventy-five (75) percent of the average market price for the 1957–58 marketing year as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent.

(a) *Average market price.* The average market price as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture, for the 1957–58 marketing year was 30.6 cents per pound for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, and 48.0 cents per pound for cigar-binder (types 51 and 52) tobacco.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1958–59 marketing year shall be 23 cents per pound for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, and 36 cents per pound in the case of cigar-binder (types 51 and 52) tobacco.

(c) *Proportional rate of penalty.* With respect to tobacco marketed from farms having tobacco available for marketing in excess of the farm marketing quota, the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm as determined under § 723.944.

§ 723.948 *Persons to pay penalty.* The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Sale.* The penalty due on tobacco purchased directly from a producer, other than a buyer outside the United States, shall be paid by the buyer of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Marketings through an agent.* The penalty due on marketings by a

producer through an agent who is not a buyer shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 723.949 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco:

(a) *Without memorandum of sale.* Any sale of tobacco by a producer which is not identified by a valid memorandum of sale by the end of the sale date shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the buyer who may deduct an amount equivalent to the penalty from the amount due the producer.

(b) *Unrecorded sale.* Any sale which is not recorded in MQ–95—Tobacco by the 10th day of the month next following the month during which the sale date occurred, shall be deemed to be a marketing of excess tobacco unless and until the buyer furnishes proof acceptable to the State administrative officer showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the buyer.

(c) *Marketings falsely identified.* If any marketing of tobacco by a person other than the producer thereof is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be deemed to be a marketing of excess tobacco and the penalty thereon shall be paid by such person.

(d) *Producer marketings.* (1) If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1958 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm.

(2) If any producer who manufacturers tobacco products from tobacco produced by or for him fails to make the reports, or makes a false report, required under § 723.952 (c), he shall be deemed to have failed to account for the disposition of tobacco produced on the farm and shall be subject to penalty on such tobacco. The penalty thereon for false identification or failure to account shall be paid by the producer and shall be due on the date of false identification or failure to account. The filing of a report by a producer under § 723.952 (c) or (e) which the State committee finds to be incomplete or incorrect shall constitute a failure to account for the disposition of tobacco produced on the farm.

(3) If, after part or all of the tobacco produced on a farm has been marketed, the State or county committee redetermines that the harvested acreage for the farm was more than that shown by the prior determination, and if the harvested acreage may not be deemed to be within the farm acreage allotment pursuant to paragraph (e) of this section, any penalty due on the basis of the harvested acreage as redetermined pursuant to § 723.935 shall be paid by the producer.

(e) *Erroneous notice of measured acreage.* If it is determined that the tobacco acreage on a farm is larger than the tobacco farm acreage allotment approved under § 723.927, such farm shall be deemed to have not exceeded its allotment if the county committee, with the approval of the State administrative officer, determines from the facts and circumstances that:

(1) The excess acreage was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage;

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage prior to completion of marketing of tobacco from the farm;

(3) The incorrect notice was the result of an error made by the performance reporter or by another employee of the county or State office in reporting, computing, or recording the allotment acreage for the farm;

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error; and

(5) The extent of the error in the notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

§ 723.950 *Payment of penalty.*—(a) Penalties shall become due at the time the tobacco is marketed, except in the case of tobacco removed from storage as provided in § 723.945 (b), or in the case of false identification or failure to account for disposition. Penalty shall be paid by remitting the amount thereof to the ASC State office, not later than the 10th day of the calendar month next following the month in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) The penalty due on any sale of tobacco by a producer as determined under §§ 723.930 to 723.962 shall be paid as specified in § 723.948, even though the penalty may exceed the proceeds for the tobacco.

§ 723.951 *Request for return of penalty.* Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 723.930 to 723.962 to be paid. Such request shall be filed on MQ–85—Tobacco with the ASC county office within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 723.952 *Producer's records and reports.*—(a) *Report of tobacco acreage.* The farm operator or any producer on the farm shall file a report with the ASC county office or a representative of the county committee on Form CSS–578, Report of 1958 Acreage, showing all fields of tobacco on the farm in 1958. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm even though the farm operator or his representative refuses to sign such report, the allotment next established for such farm shall be reduced as provided in the Cigar-Filler Tobacco, Cigar-Binder Tobacco, and Cigar-Filler and Binder Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields, 1959–60 Marketing Year.

(b) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1958 shall return to the ASC county office such marketing card issued for the farm whenever marketings from the farm are completed and in no event later than June 1, 1959. Failure to return the marketing card within fifteen (15) days after written request by certified mail from the county office manager shall constitute failure to account for disposition of tobacco marketed from the farm unless disposition of all tobacco marketed from the farm is accounted for as provided in paragraph (e) of this section. The county office manager or the State administrative officer who issued the marketing card may reissue the same marketing card or issue a new marketing card for any farm from which the marketing of tobacco has not been completed by June 1, 1959.

(c) *Reports by producer-manufacturers.* (1) Each producer who manufactures tobacco products from tobacco produced by or for him as a producer shall report to the ASC State office as follows with respect to such tobacco.

(i) If the 1958 harvested acreage is not in excess of the 1958 farm tobacco acreage allotment, the producer-manufacturer shall furnish the ASC State office a report, as soon as the tobacco has been weighed, and not later than the date specified in writing by the State administrative officer, showing the total pounds of tobacco produced, the date(s) on which such tobacco was weighed, the farm serial number of the farm on which it was produced, and the estimated value of such tobacco.

(ii) If the 1958 harvested acreage is in excess of the 1958 farm acreage allotment, the producer-manufacturer shall furnish the ASC State office a report, as soon as the tobacco has been weighed, and not later than the date specified in writing by the State administrative officer, showing the total pounds of tobacco produced on the farm, the date(s) on which the tobacco was weighed, the farm serial number of the farm on which it was produced, the estimated value of the tobacco, and the location of the tobacco. Unless it has become penalty free under circumstances described in § 723.944 (b), or unless he makes the reports outlined in this section, penalty shall be paid on the tobacco by the producer-manufacturer, at the converted rate of penalty shown on the marketing card issued for the farm, when

it is moved from the place where it can be conveniently inspected by the county committee at any time separate and apart from any other tobacco.

(2) If the producer-manufacturer has excess tobacco and does not pay the penalty thereon at the converted rate of penalty shown on the marketing card, as provided in this section, he shall notify the buyer of the manufactured product, or the buyer of any residue resulting from processing the tobacco, in writing, at time of sale of such product or residue of the precise amount of penalty due on such manufactured product or residue. In such event, the producer-manufacturer shall immediately notify the Director and shall account for the disposition of such tobacco by furnishing the Director a report, on a form to be furnished him by the Director, showing the name and address of the buyer of the manufactured products or residue, a detailed account of the disposition of such tobacco and the exact amounts of penalty due with respect to each such sale of such products or residue, together with copies of the written notice of the exact amounts of the penalty due given to the buyers of such products or residue. Failure to file such report, or the filing of a report which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer-manufacturer to account for the production and disposition of tobacco produced on his farm and in the event of such failure the allotment next established for such farm shall be reduced as provided in the Cigar-Filler Tobacco, Cigar-Binder Tobacco, and Cigar-Filler and Binder Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields, 1959–60 Marketing Year, and the producer-manufacturer shall be liable for the payment of penalty as provided in § 723.949 (d).

(3) The reports required by this paragraph shall be in addition to the reports required by paragraph (a) of this section with respect to tobacco produced by or for the producer-manufacturer but not used by him in the manufacture of products therefrom.

(d) *False identification.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotment next established for both such farms and kind of tobacco shall be reduced, except that such reduction for any such farm shall not be made if the county and State committees determine that no person connected with such farm caused, aided or acquiesced in such marketing, as provided in the applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, 1959–60 marketing year.

(e) *Report of production and disposition.* In addition to any other reports which may be required under §§ 723.930 to 723.962, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by certified mail from the State administrative officer within fifteen days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary on Form MQ–108—Tobacco a written report of the acreage, production and disposition made of all tobacco produced on the farm by sending the same to the ASC State office showing, as to the farm at the time of filing said report,

(1) The number of fields (patches or areas) from which tobacco was harvested, the acres of tobacco harvested from each such field, and the total acreage of tobacco harvested from the farm,

(2) The total pounds of tobacco produced,

(3) The amount of tobacco on hand and its location, and

(4) As to each lot of tobacco marketed, the name and address of the buyer or other persons to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested, or the filing of a report which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced as provided in the Cigar-Filler Tobacco, Cigar-Binder Tobacco, and Cigar-Filler and Binder Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields, 1959–60 Marketing Year.

§ 723.953 *Buyer's records.*—(a) *Record of marketing.* (1) Each buyer shall keep such records as will enable him to furnish the ASC State office with respect to each sale of tobacco made by producers to such buyer the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller and the seller's address in the case of a sale by a person other than the farm operator.

(ii) Date of sale.

(iii) The serial number of the memorandum of sale used to identify the sale.

(iv) Number of pounds sold.

(v) Gross sale price.

(vi) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s).

(2) Any buyer or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASC State office the name of the farm operator and the amount of each grade of tobacco obtained from the grading of tobacco from each farm.

(b) *Identification of sale on buyer's records.* The serial number of the memorandum of sale issued to identify each sale by a producer shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco. The serial number of such memorandum shall also be entered on the buyer's copy of the receipt furnished the producer by the buyer, or the buyer's copy of the contract to purchase, or on the document customarily used in recording the purchase, and on MQ–95—Tobacco.

(c) *Marketing card and memorandum of sale.* A valid memorandum of sale to cover each sale of tobacco by a producer shall be properly issued by the buyer. The buyer shall also properly record the sale on the marketing card.

(d) *Records of buyer's disposition of tobacco.* Each buyer shall maintain records which will show the disposition made by him of all tobacco purchased by or for him from producers.

(e) *Additional records and reports by buyers.* Each buyer shall keep such records and furnish such reports to the ASC State office, in addition to the foregoing, as the State administrative officer may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 723.930 to 723.962.

§ 723.954 *Buyer's reports.*—(a) *Report of buyer's name, address, and registration number.* Each buyer shall properly execute, detach and promptly forward to the ASC State office "Receipt for Buyer's Record" contained in MQ–95—Tobacco which is issued to the buyer.

(b) *Record and report of purchases of tobacco from producers.* (1) Each buyer shall keep a record and make reports on MQ–95—Tobacco, Buyer's Record, showing all purchases of tobacco made by or for him from producers. Such record and report shall show for each sale, the sale date, the name of the farm operator (and the name and address of the person selling the tobacco if other than the farm operator), the serial number of the memorandum of sale issued with respect to the sale, the pounds of tobacco represented in the sale, the gross amount; the rate of penalty shown on the memorandum of sale, and the amount of the penalty. If no marketing card is presented by the producer, the buyer shall record and report the purchase as provided above except that the buyer shall enter the word "none" in the space for the serial number of the memorandum of sale, the applicable rate of penalty per pound shown in § 723.947 (b) in the space for rate of penalty, and shall show the name and address of the seller in the space for the seller's name.

(2) The original of MQ–95—Tobacco, the memoranda of sale, and a remittance for all penalties shown by the entries on MQ–95—Tobacco and on the memoranda of sale to be due shall be forwarded to the ASC State office not later than the 10th day of the calendar month next following the month during which the sale date occurred.

§ 723.955 *Buyers not exempt from regular records and reports.* No buyer shall be exempt from keeping the records and making the reports required by the regulations in this part. Any organization which received tobacco from producers for (a) the purpose of selling it for the producer, or (b) the purpose of placing it under a Federal loan, shall keep the records, make the reports, and remit penalties in case of receiving such tobacco for sale, as required in §§ 723.930 to 723.962 for buyers.

§ 723.956 *Records and reports of truckers and persons sorting, stemming, packing, or otherwise processing tobacco.* (a) Each person engaged to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers shall keep such records as will enable him to furnish the ASC State office a report with respect to each lot of tobacco received by him showing:

(1) The name and address of the farm operator,

(2) The date of receipt of the tobacco,

(3) The number of pounds received, and

(4) The name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall keep such records as will enable him to furnish the Director a report showing:

(1) The information required above for truckers, and in addition,

(2) The purpose for which the tobacco was received,

(3) The amount of advance made by him on the tobacco, and

(4) The disposition of the tobacco.

§ 723.957 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a buyer or as a person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 723.958 *Failure to keep records or make reports or making false report or records*—(1) *Misdemeanor provisions.* Any buyer, processor, trucker, or person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers, who fails to make any report or keep any record as required under §§ 723.930 to 723.962 or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco buyer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco buyer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a buyer or trucker shall be given by the State administrative officer and notice of violation by a person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall be given by the Director.

(2) *Criminal law.* The penalties which may be imposed under subparagraph (1) of this paragraph are in addition to, and not exclusive of any other remedies or penalties under existing law, including the provisions of U. S. Code, Title 18, section 371 relating to acts of conspiracy and U. S. Code, Title 18, section 1001 relating to acts of fraud.

§ 723.959 *Additional records and reports to Director.* Any buyer, processor, trucker, or person engaged in the business of sorting, stemming, packing or otherwise processing tobacco for producers shall, in addition to any records required to be kept or any reports required to be made, under §§ 723.930 to 723.962, keep such records and make such reports to the Director as he may find necessary to enforce §§ 723.930 to 723.962.

§ 723.960 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any buyer, processor, trucker, or person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall make available for examination by employees of the ASC State office, and by employees of the Compliance and Investigation Division, Audit Division, and of the Tobacco Division of the Commodity Stabilization Service, United States Department of Agriculture, and upon written request by the State administrative officer or Director, such books, papers, records, accounts, correspondence, contracts, checks, check registers, check stubs, and documents and memoranda as the State administrative officer or Director has reason to believe are relevant and are within the control of such person.

§ 723.961 *Length of time records and reports to be kept.* Records required to be kept and copies of the reports required to be made by any person under §§ 723.930 to 723.962 for the 1958–59 marketing year shall be kept by him until September 30, 1961. Records shall be kept for such longer period of time as may be requested in writing by the State administrative officer or the Director.

§ 723.962 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 723.930 to 723.962 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of county and community committees and all ASC county office employees and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this [illegible] day of July 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58–5232; Filed, July [illegible], 1958; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Nectarine Order 7]

PART 937—NECTARINES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 937.307 *Nectarine Order 7*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937; 23 F. R. 4616) regulating the handling of nectarines grown in the State of California, effective June [illegible], 1958, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of and the demand for such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the specified herein were promptly submitted mation for regulation during the period recommendation and supporting infor- to the Department after such meeting was held; shipments of the current crop of such varieties of nectarines are expected to begin on or about the effective

date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 28, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 11, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no handler shall handle any package or container of Freedom, Golden Grand, Marigold, Le Grand, Grandeur, Late Le Grand, or Gold King nectarines unless such nectarines grade at least U. S. No. 1; and,

(i) If the nectarines are packed in a No. 26 standard lug box, or in a No. 27 standard lug box, they are of a size that will pack, in accordance with the requirements of a standard pack, not more than 144 nectarines in the respective lug box; or

(ii) If the nectarines are packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, ninety (90) percent, by count, of the nectarines measure not less than two and one-quarter (2¼) inches in diameter.

(2) When used herein, "U. S. No. 1," "diameter," and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title; 23 F. R. 3994); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box," and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 3, 1958.

[SEAL] FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5210; Filed, July 8, 1958; 8:47 a. m.]

[Nectarine Order 8]

PART 937—NECTARINES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 937.308 *Nectarine Order 8*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937; 23 F. R. 4616) regulating the handling of nectarines grown in the State of California, effective June 25, 1958, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such varieties of nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 28, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 11, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no handler shall handle any package or container of any variety of nectarines not identified in §§ 937.301 through 937.307, inclusive (Nectarine Orders 1, 2, 3, 4, 5, 6, and 7), unless such nectarines grade at least U. S. No. 1.

(2) When used herein, "U. S. No. 1," "diameter," and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title; 23 F. R. 3994); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box," and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 3, 1958.

[SEAL] FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5211; Filed, July 8, 1958; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141c, 146a, 146c, 146e; 22 CFR, 1957 Supp., 146a.53, 146c.207, 146c.211, 146c.217, 146e.402) are amended as indicated below:

1. Part 141c is amended by adding the following new section:

§ 141c.242 *Tetracycline-neomycin complex powder topical*—(a) *Potency*—(1) *Tetracycline content.* Proceed as directed in § 141c.230 (a) (2), except use water in lieu of 0.1 *N* HCl for dissolving the sample. Its tetracycline content is satisfactory if it contains not less than 85 percent of the equivalent number of milligrams of tetracycline hydrochloride that it is represented to contain.

(2) *Neomycin content.* Using 0.1 *M* potassium phosphate buffer, pH 8.0, dilute an appropriate aliquot of the aqueous solution, prepared as directed in subparagraph (1) of this paragraph, to a final concentration of 1 μg. per milliliter (estimated), and proceed as directed in § 141c.231 (c) (1), except that the neomycin standard stock solution de-

scribed in § 141e.410 (b) (1) (iii) of this chapter, is used to prepare the standard curve, by further diluting with pH 8.0 buffer to final concentrations of 0.64, 0.80, 1.0, 1.25, and 1.56 μg. per milliliter. The 1.0 μg. per milliliter solution is the reference concentration. In lieu of the method described in this subparagraph, the neomycin content may also be determined as follows: Using the aqueous solution described, prepare the sample and proceed as directed in § 141e.410 (b) (1) of this chapter, except use M. pyogenes var. aureus (American Type Culture Collection 12715) as the test organism, which is grown and maintained on agar containing 100 μg. of tetracycline hydrochloride per milliliter of agar. Its neomycin content is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Sterility.* Thoroughly cleanse the valve of each container to be tested with a suitable disinfectant. Carefully spray approximately 40 milligrams into each tube and proceed as directed in § 141a.2 of this chapter, except that neither penicillinase nor the control tube is used.

(c) *Moisture.* Proceed as directed in § 141b.117 (c) of this chapter.

(d) *Tetracycline-neomycin complex used in making the drug*—(1) *Potency*—(i) *Tetracycline content.* Dissolve the sample to be tested in sufficient water to give a convenient stock solution. Using an appropriate aliquot, proceed as directed in § 141c.218 (a).

(ii) *Neomycin content.* Using an aliquot of the stock solution prepared as directed in subdivision (i) of this subparagraph, proceed as directed in paragraph (a) (2) of this section, except the last sentence of that subparagraph.

(2) *Toxicity.* Proceed as directed in § 141a.4 of this chapter using 0.5 milliliter of a solution prepared by diluting the sample with physiological sodium chloride solution to contain 200 μg. of neomycin per milliliter (estimated).

(3) *pH.* Using a 1-percent aqueous solution, proceed as directed in § 141a.5 (b) of this chapter.

2. In § 146a.53 *Capsules penicillin and novobiocin,* paragraph (b) *Packaging; labeling* • • • is amended by changing the period at the end of subparagraph (1) to a comma and adding the following clause: ", except that if the person who requests certification has submitted to the Commissioner results of tests and assays that show such drug as prepared by him is stable for 24 months, such date may be used for such drug."

3. In § 146c.207 *Chlortetracycline hydrochloride tablets* • • •, paragraph (a) is amended by changing the comma after the word "percent" to a period and deleting the remaining words in the paragraph.

4. Section 146c.211 (c) (1) (iii) is changed to read as follows:

(c) *Labeling.* • • •

(1) • • •

(iii) The statement "Expiration date ----------," the blank being filled in with the date that is 60 months after the month during which the batch was certified if it is chlortetracycline hydrochloride surgical powder, or with the date that is 24 months after the month during which the batch was certified if it is tetracycline hydrochloride surgical powder, except that if the person who requests certification has submitted to the Commissioner results of tests and assays that show such drug as prepared by him is stable for 36 months or 48 months, such date may be used for such drug: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

5. Section 146c.217 (c) (1) (v) is changed to read as follows:

(c) *Labeling.* • • •

(1) • • •

(v) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months, 24 months, 36 months, or 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commission results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

6. Part 146c is amended by adding the following new section:

§ 146c.242 *Tetracycline-neomycin complex powder topical*—(a) *Standards of identity, strength, quality, and purity.* Tetracycline-neomycin complex powder topical is tetracycline-neomycin complex with one or more suitable and harmless diluents and suspending agents. It is sterile. The moisture content is not more than 7.5 percent. The water-soluble, acetone-insoluble tetracycline-neomycin complex used contains the equivalent of 400 milligrams of tetracycline hydrochloride and 400 milligrams of neomycin base per gram, is nontoxic, has a moisture content of not more than 7.5 percent and its pH in a 1 percent aqueous solution is not less than 7.5 and not more than 9.0. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging; labeling; request for certification; samples; fees.* (1) In addition to complying with the requirements of § 146c.230 (b) and (c), each package shall bear on its label and labeling the number of milligrams of neomycin per gram or per immediate container. The expiration date of the drug shall be 12 months.

(2) In addition to complying with § 146c.230 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless previously submitted) the results and the date of the latest tests and assays of the tetracycline-neomycin complex used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of 10 immediate containers of the batch for sterility testing. He shall also submit in connection with his request (unless previously submitted) a sample consisting of 10 packages each containing not less than 60 milligrams of the tetracycline-neomycin complex used in making the batch.

(3) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of this section shall be:

(i) $10.00 for all immediate containers submitted for sterility testing.

(ii) $5.00 for each immediate container of the batch.

(iii) $5.00 for each immediate container of tetracycline-neomycin complex used in making the batch.

7. Section 146e.402 *Bacitracin ointment* • • • is amended as follows:

a. Paragraph (c) *Labeling* is amended by inserting in subparagraph (1) (iv) after the word "certified," the following new words: "except that the blank may be filled in with the date that is 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section:".

b. Paragraph (f) *Exemption of bacitracin ointment from certification* is amended by changing the words "36 months" in subparagraph (1) to read "48 months".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would not be in the public interest to delay providing for the amendments set out herein.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: July 1, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-5206; Filed, July 8, 1958; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6301]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

EXEMPT ORGANIZATIONS

On January 21, 1956, notice of proposed rule making regarding the regulations under sections 501 through 526 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (21 F. R. 460). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations set forth in paragraph 1 below are hereby adopted under sections 501 through 526, 6012 and 6033 of the Internal Revenue Code of 1954. However, this Treasury decision does not contain regulations under paragraphs (3) and (4) of section 501 (c). Regulations under such paragraphs will be the subject of a separate Treasury decision. Portions of the regulations in § 1.501 (a)-1 of the notice of proposed rule making are included in this document as regulations under sections 6012 and 6033. Paragraph (a) (3) of § 1.6033-1 was previously published as a part of T. D. 6203 (21 F. R. 7269) and is reprinted in this document merely for convenient reference. Section 1.401-1 (e) (26 CFR 1.401-1 (e)) is hereby amended as set forth in paragraph 2 below. The regulations contained in this Treasury decision are applicable for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except as otherwise expressly provided.

PARAGRAPH 1. The following regulations are hereby adopted under sections 501 through 526, 6012, and 6033 of the Internal Revenue Code of 1954.

EXEMPT ORGANIZATIONS

GENERAL RULE

Sec.
1.501 (a) Statutory provisions; exemption from tax on corporations, certain trusts, etc.
1.501 (a)-1 Exemption from taxation.
1.501 (b) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; tax on unrelated business income.
1.501 (c) (1) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; list of exempt organizations; instrumentalities of the United States.
1.501 (c) (2) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; corporations organized to hold title to property for exempt organizations.
1.501 (c) (2)-1 Corporations organized to hold title to property for exempt organizations.
1.501 (c) (3) [Reserved.]
1.501 (c) (4) [Reserved.]
1.501 (c) (5) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; labor, agricultural, and horticultural organizations.
1.501 (c) (5)-1 Labor, agricultural, and horticultural organizations.
1.501 (c) (6) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; business leagues, chambers of commerce, real estate boards and boards of trade.
1.501 (c) (6)-1 Business leagues, chambers of commerce, real estate boards, and boards of trade.
1.501 (c) (7) Statutory provisions; exemption from tax on corporations, certain trusts, etc; social clubs.
1.501 (c) (7)-1 Social clubs.
1.501 (c) (8) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; fraternal beneficiary societies.
1.501 (c) (8)-1 Fraternal beneficiary societies.
1.501 (c) (9) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; voluntary employees' beneficiary associations.
1.501 (c) (10) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; voluntary employees' beneficiary associations.
1.501 (c) (11) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; teachers' retirement fund associations.
1.501 (c) (12) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; local benevolent life insurance associations, mutual irrigation and telephone companies, and like organizations.
1.501 (c) (12)-1 Local benevolent life insurance associations, mutual irrigation and telephone companies, and like organizations.
1.501 (c) (13) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; cemetery companies.
1.501 (c) (13)-1 Cemetery companies.
1.501 (c) (14) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; credit unions.
1.501 (c) (14)-1 Credit unions and mutual insurance funds.
1.501 (c) (15) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; mutual insurance organizations other than life or marine.
1.501 (c) (15)-1 Mutual insurance companies or associations.
1.501 (c) (16) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; corporations organized to finance crop operations.
1.501 (c) (16)-1 Corporations organized to finance crop operations.
1.501 (d) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; religious and apostolic organizations.
1.501 (d)-1 Religious and apostolic associations or corporations.
1.501 (e) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; cross reference.
1.501 (e)-1 Communist-controlled organizations.
1.502 Statutory provisions; feeder organizations.
1.502-1 Feeder organizations.
1.503 (a) Statutory provisions; requirements for exemption; denial of exemption to organizations engaged in prohibited transactions.
1.503 (a)-1 Denial of exemption to organizations engaged in prohibited transactions.
1.503 (b) Statutory provisions; requirements for exemption; organizations to which section applies.
1.503 (c) Statutory provisions; requirements for exemption; prohibited transactions.
1.503 (c)-1 Prohibited transactions.
1.503 (d) Statutory provisions; requirements for exemption; future status of organizations denied exemption.
1.503 (d)-1 Future status of organizations denied exemption.
1.503 (d)-2 Fiscal years and short taxable years ending after March 1, 1954, subject to the Internal Revenue Code of 1939.
1.503 (e) Statutory provisions; requirements for exemption; disallowance of certain charitable, etc., deductions.
1.503 (e)-1 Disallowance of certain charitable deductions.
1.503 (f) Statutory provisions; requirements for exemption; definitions.
1.503 (g) Statutory provisions; requirements for exemption; special rule for loans.
1.503 (g)-1 Cross reference.
1.504 Statutory provisions; denial of exemption.
1.504-1 Denial of exemption.

TAXATION OF BUSINESS INCOME OF CERTAIN EXEMPT ORGANIZATIONS

1.511 Statutory provisions; imposition of tax on unrelated business income of charitable, etc., organizations.
1.511-1 Imposition and rates of tax.
1.511-2 Organizations subject to tax.
1.511-3 Provisions generally applicable to the tax on unrelated business income.
1.512 (a) Statutory provisions; unrelated business taxable income; definition.
1.512 (a)-1 Definition.
1.512 (b) Statutory provisions; unrelated business taxable income; exceptions, additions and limitations.
1.512 (b)-1 Exceptions, additions, and limitations.
1.512 (c) Statutory provisions; unrelated business taxable income; special rules applicable to partnerships.
1.512 (c)-1 Special rules applicable to partnerships.
1.513 Statutory provisions; unrelated trade or business.
1.513-1 Definition of unrelated trade or business.
1.514 (a) Statutory provisions; business leases; business lease rents and deductions.
1.514 (a)-1 Business lease rents.
1.514 (a)-2 Business lease deductions.
1.514 (b) Statutory provisions; business leases; definition of business lease.
1.514 (b)-1 Definition of business lease.
1.514 (c) Statutory provisions; business leases; business lease indebtedness.
1.514 (c)-1 Business lease indebtedness.
1.514 (d) Statutory provisions; business leases; personal property leased with real property.
1.515 Statutory provisions; taxes of foreign countries and possessions of the United States.

FARMERS' COOPERATIVES

1.521 Statutory provisions; exemption of farmers' cooperatives from tax.
1.521-1 Farmers' cooperative marketing and purchasing associations; requirements for exemption under section 521.
1.522 Statutory provisions; tax on farmers' cooperatives.
1.522-1 Tax treatment of farmers' cooperative marketing and purchasing associations exempt under section 521.
1.522-2 Manner of taxation of cooperative associations subject to section 522.
1.522-3 Patronage dividends, rebates, or refunds; treatment as to cooperative associations entitled to tax treatment under section 522.

SHIPOWNERS' PROTECTION AND INDEMNITY ASSOCIATIONS

1.526 Statutory provisions; shipowners' protection and indemnity associations.

INCOME TAX RETURNS

1.6012 Statutory provisions; persons required to make returns of income.
1.6012-2 Corporations required to make returns of income.
1.6012-3 Returns by fiduciaries.

INFORMATION RETURNS

1.6033 Statutory provisions; returns by exempt organizations.
1.6033-1 Returns by exempt organizations.

AUTHORITY: §§ 1.501 (a) to 1.6033-1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

EXEMPT ORGANIZATIONS

GENERAL RULE

§ 1.501 (a) *Statutory provisions; exemption from tax on corporations, certain trusts, etc.*

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.*—(a) *Exemption from taxation.* An organization described in subsection (c) or (d) or section 401 (a) shall be exempt from taxation under this subtitle unless such exemption is denied under section 502, 503, or 504.

§ 1.501 (a)–1 *Exemption from taxation*—(a) *In general; proof of exemption.* (1) Section 501 (a) provides an exemption from income taxes for organizations which are described in section 501 (c) or (d) and section 401 (a), unless such organization is a "feeder organization" (see section 502), or unless it engages in a transaction described in section 503 or in an activity described in section 504. However, the exemption does not extend to "unrelated business taxable income" of such an organization (see sections 511 to 515).

(2) An organization, other than an employees' trust described in section 401 (a), is not exempt from tax merely because it is not organized and operated for profit. In order to establish its exemption, it is necessary that every such organization claiming exemption file an application form as set forth below with the district director of internal revenue for the internal revenue district in which is located the principal place of business or principal office of the organization. However, an organization which has been granted exemption under the provisions of the Internal Revenue Code of 1939 or prior law may rely on that ruling, unless affected by substantive changes in the 1954 Code or any changes in the character, purposes, or methods of operation of the organization, and it is not necessary in such case for the organization to request a new determination as to its exempt status.

(3) (i) An organization claiming exemption under section 501 (a) and described in section 501 (c) (2), (3), (4), (5), (6), (7), (8), (9), (12), (13), or (15) shall file the form of application appropriate to its activities, filled out in accordance with the instructions on the form or issued therewith. The following forms shall be filed: For organizations described in section 501 (c) (3), Form 1023; in section 501 (c) (4), (5), (6), or (8), Form 1024; in section 501 (c) (7), Form 1025; and in section 501 (c) (2), (9), (12), (13), or (15), Form 1026. State chartered credit unions described in section 501 (c) (14) shall submit an application for exemption showing the State and date of incorporation. The application should show that the State credit union law with respect to loans, investments, and dividends, if any, is being complied with. All other organizations claiming exemption, other than employees' trusts described in section 401 (a), shall file an application for exemption showing the character of the organization, the purpose for which it was organized, its actual activities, the sources of its income and receipts and the disposition thereof, whether or not any of its income or receipts is credited to surplus or may inure to the benefit of any private shareholder or individual, and in general all facts relating to its operations which affect its right to exemption. To each such form or application shall be attached a conformed copy of the articles of incorporation, declaration of trust, or other instrument of similar import, setting forth the permitted powers or activities of the organization, the by-laws or other code of regulations, and the latest financial statement showing the assets, liabilities, receipts, and disbursements of the organization. Each such form or application shall contain or be verified by a written declaration that it is made under the penalties of perjury.

(ii) For the rules relating to obtaining a determination of exempt status by an employees' trust described in section 401 (a), see paragraph (e) of § 1.401–1.

(b) *Additional proof by particular classes of organizations.* (1) Organizations mentioned below shall submit with and as a part of their applications the following information:

(i) Mutual insurance companies shall submit copies of the policies or certificates of membership issued by them.

(ii) In the case of title holding companies described in section 501 (c) (2), if the organization for which title is held has not been specifically notified in writing by the Internal Revenue Service that it is held to be exempt under section 501 (a), the title holding company shall submit the information indicated herein as necessary for a determination of the status of the organization for which title is held.

(2) In addition to the information specifically called for by this section, the Commissioner may require any additional information deemed necessary for a proper determination of whether a particular organization is exempt under section 501 (a), and when deemed advisable in the interest of an efficient administration of the internal revenue laws, he may in the cases of particular types of organizations prescribe the form in which the proof of exemption shall be furnished.

(3) An organization claiming to be specifically exempted by section 6033 (a) from filing annual returns shall submit with and as a part of its application a statement of all the facts on which it bases its claim.

(c) *"Private shareholder or individual" defined.* The words "private shareholder or individual" in section 501 refer to persons having a personal and private interest in the activities of the organization.

(d) *Requirement of annual returns.* For the annual return requirements of organizations exempt under section 501 (a), see section 6033 and § 1.6033–1.

§ 1.501 (b) *Statutory provisions; exemption from tax on corporations, certain trusts, etc.; tax on unrelated business income.*

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(b) *Tax on unrelated business income.* An organization exempt from taxation under subsection (a) shall be subject to tax to the extent provided in part II of this subchapter (relating to tax on unrelated income), but, notwithstanding part II, shall be considered an organization exempt from income taxes for the purpose of any law which refers to organizations exempt from income taxes.

§ 1.501 (c) (1) *Statutory provisions; exemption from tax on corporations, certain trusts, etc.; list of exempt organizations; instrumentalities of the United States.*

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a):

(1) Corporations organized under Act of Congress, if such corporations are instrumentalities of the United States and, if under such Act, as amended and supplemented, such corporations are exempt from Federal income taxes.

§ 1.501 (c) (2) *Statutory provisions; exemption from tax on corporations, certain trusts, etc.; corporations organized to hold title to property for exempt organizations.*

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a): • • •

(2) Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt under this section.

§ 1.501 (c) (2)–1 *Corporations organized to hold title to property for exempt organizations.* (a) A corporation described in section 501 (c) (2) and otherwise exempt from tax under section 501 (a) is taxable upon its unrelated business taxable income if the income is payable to an organization which is itself subject to the tax imposed by section 511 or if the income is payable to a church or to a convention or association of churches. See sections 511 to 515, inclusive, and the regulations thereunder. Since a corporation described in section 501 (c) (2) cannot be exempt under section 501 (a) if it engages in any business other than that of holding title to property and collecting income therefrom, it cannot have unrelated business taxable income as defined in section 512 other than unrelated business rental income described in section 514.

(b) A corporation described in section 501 (c) (2) cannot accumulate income and retain its exemption, but it must turn over the entire amount of such income, less expenses, to an organization which is itself exempt from tax under section 501 (a).

§ 1.501 (c) (3) [Reserved.]

§ 1.501 (c) (4) [Reserved.]

§ 1.501 (c) (5) *Statutory provisions; exemption from tax on corporations, certain trusts, etc.; labor, agricultural, and horticultural organizations.*

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a): • • •

(5) Labor, agricultural, or horticultural organizations.

§ 1.501 (c) (5)–1 *Labor, agricultural, and horticultural organizations.* (a) The organizations contemplated by section 501 (c) (5) as entitled to exemption from income taxation are those which:

(1) Have no net earnings inuring to the benefit of any member, and

(2) Have as their objects the betterment of the conditions of those engaged in such pursuits, the improvement of the grade of their products, and the development of a higher degree of efficiency in their respective occupations.

(b) Organizations described in section 501 (c) (5) and otherwise exempt from tax under section 501 (a) are taxable upon their unrelated business taxable income. See sections 511 to 515, inclusive, and the regulations thereunder.

§ 1.501 (c) (6) *Statutory provisions; exemption from tax on corporations, certain trusts, etc.; business leagues, chambers of commerce, real estate boards and boards of trade.*

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a): • • •

(6) Business leagues, chambers of commerce, real-estate boards, or boards of trade not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual.

§ 1.501 (c) (6)–1 *Business leagues, chambers of commerce, real estate boards, and boards of trade.* A business league is an association of persons having some common business interest, the purpose of which is to promote such common interest and not to engage in a regular business of a kind ordinarily carried on for profit. It is an organization of the same general class as a chamber of commerce or board of trade. Thus, its activities should be directed to the improvement of business conditions of one or more lines of business as distinguished from the performance of particular services for individual persons. An organization whose purpose is to engage in a regular business of a kind ordinarily carried on for profit, even though the business is conducted on a cooperative basis or produces only sufficient income to be self-sustaining, is not a business league. An association engaged in furnishing information to prospective investors, to enable them to make sound investments, is not a business league, since its activities do not further any common business interest, even though all of its income is devoted to the purpose stated. A stock or commodity exchange is not a business league, a chamber of commerce, or a board of trade within the meaning of section 501 (c) (6) and is not exempt from tax. Organizations otherwise exempt from tax under this section are taxable upon their unrelated business taxable income. See sections 511 to 515, inclusive, and the regulations thereunder.

§ 1.501 (c) (7) *Statutory provisions; exemption from tax on corporations, certain trusts, etc.; social clubs.*

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a): • • •

(7) Clubs organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder.

§ 1.501 (c) (7)–1 *Social Clubs.* (a) The exemption provided by section 501 (a) for organizations described in section 501 (c) (7) applies only to clubs which are organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, but does not apply to any club if any part of its net earnings inures to the benefit of any private shareholder. In general, this exemption extends to social and recreation clubs which are supported solely by membership fees, dues, and assessments. However, a club otherwise entitled to exemption will not be disqualified because it raises revenue from members through the use of club facilities or in connection with club activities.

(b) A club which engages in business, such as making its social and recreational facilities available to the general public or by selling real estate, timber, or other products, is not organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, and is not exempt under section 501 (a). Solicitation by advertisement or otherwise for public patronage of its facilities is prima facie evidence that the club is engaging in business and is not being operated exclusively for pleasure, recreation, or social purposes. However, an incidental sale of property will not deprive a club of its exemption.

§ 1.501 (c) (8) *Statutory provisions; exemption from tax on corporations, certain trusts, etc.; fraternal beneficiary societies.*

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a): • • •

(8) Fraternal beneficiary societies, orders, or associations—

(A) Operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, and

(B) Providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association or their dependents.

§ 1.501 (c) (8)–1 *Fraternal beneficiary societies.* (a) A fraternal beneficiary society is exempt from tax only if operated under the "lodge system" or for the exclusive benefit of the members so operating. "Operating under the lodge system" means carrying on its activities under a form of organization that comprises local branches, chartered by a parent organization and largely self-governing, called lodges, chapters, or the like. In order to be exempt it is also necessary that the society have an established system for the payment to its members or their dependents of life, sick, accident, or other benefits.

(b) To be exempt a fraternal beneficiary society must be operated in furtherance of its fraternal purposes and may not engage in business activities of a kind carried on for profit, except that the carrying on of activities which raise revenues from members and their guests will not deprive the society of its exemption.

§ 1.501 (c) (9) *Statutory provisions; exemption from tax on corporations, certain trusts, etc.; voluntary employees' beneficiary associations.*

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a): • • •

(9) Voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if—

(A) No part of their net earnings inures (other than through such payments) to the benefit of any private shareholder or individual, and

(B) 85 percent or more of the income consists of amounts collected from members and amounts contributed to the association by the employer of the members for the sole purpose of making such payments and meeting expenses.

§ 1.501 (c) (10) *Statutory provisions; exemption from tax on corporations, certain trusts, etc.; voluntary employees' beneficiary associations.*

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a): • • •

(10) Voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if—

(A) Admission to membership in such association is limited to individuals who are officers or employees of the United States Government, and

(B) No part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual.

§ 1.501 (c) (11) *Statutory provisions; exemption from tax on corporations, certain trusts, etc.; teachers' retirement fund associations.*

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a): • • •

(11) Teachers' retirement funds associations of a purely local character, if—

(A) No part of their net earnings inures (other than through payment of retirement benefits) to the benefit of any private shareholder or individual, and

(B) The income consists solely of amounts received from public taxation, amounts received from assessments on the teaching salaries of members, and income in respect of investments.

§ 1.501 (c) (12) *Statutory provisions; exemption from tax on corporations, certain trusts, etc.; local benevolent life insurance associations, mutual irrigation and telephone companies and like organizations.*

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a): • • •

(12) Benevolent life insurance associations of a purely local character, mutual ditch or irrigation companies, mutual or cooperative telephone companies, or like organizations; but only if 85 percent or more of the income consists of amounts collected from members for the sole purpose of meeting losses and expenses.

§ 1.501 (c) (12)–1 *Local benevolent life insurance associations, mutual irrigation and telephone companies, and like organizations.* (a) An organization described in section 501 (c) (12) must receive at least 85 percent of its income from amounts collected from members for the sole purpose of meeting losses and expenses. If an organization issues policies for stipulated cash premiums, or if it requires advance deposits to cover the cost of the insurance and maintains investments from which more than 15 percent of its income is derived, it is not entitled to exemption. On the other hand, an organization may be entitled to exemption, although it makes advance assessments for the sole purpose of meeting future losses and expenses, provided that the balance of such assessments remaining on hand at the end of the year is retained to meet losses and expenses or is returned to members.

(b) The phrase "of a purely local character" applies to benevolent life insurance associations, and not to the other organizations specified in section 501 (c) (12). It also applies to any organization seeking exemption on the ground that it is an organization similar to a benevolent life insurance association. An organization of a purely local character is one whose business activities are confined to a particular community, place, or district, irrespective, however, of political subdivisions. If the activities of an organization are limited only by the borders of a State it cannot be considered to be purely local in character.

§ 1.501 (c) (13) *Statutory provisions; exemption from tax on corporations, certain trusts, etc.; cemetery companies.*

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a): • • •

(13) Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit; and any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

§ 1.501 (c) (13)–1 *Cemetery companies.* (a) A cemetery company may be entitled to exemption—

(1) If it is owned by and operated exclusively for the benefit of its lot owners who hold such lots for bona fide burial purposes and not for purpose of resale, or

(2) If it is not operated for profit.

(b) Any cemetery corporation chartered solely for burial purposes and not permitted by its charter to engage in any business not necessarily incident to that purpose is exempt from income tax, provided that no part of its net earnings inures to the benefit of any private shareholder or individual. A cemetery company which fulfills the other requirements of section 501 (c) (13) may be exempt, even though it issues preferred stock entitling the holders to dividends at a fixed rate, not exceeding the legal rate of interest in the State of incorporation or 8 percent per annum, whichever is greater, on the value of the consideration for which the stock was issued, provided that its articles of incorporation require:

(1) That the preferred stock shall be retired at par as soon as sufficient funds available therefor are realized from sales, and

(2) That all funds not required for the payment of dividends upon or for the retirement of preferred stock shall be used by the company for the care and improvement of the cemetery property.

§ 1.501 (c) (14) *Statutory provisions; exemption from tax on corporations, certain trusts, etc.; credit unions.*

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a): • • •

(14) Credit unions without capital stock organized and operated for mutual purposes and without profit; and corporations or associations without capital stock organized before September 1, 1951, and operated for mutual purposes and without profit for the purpose of providing reserve funds for, and insurance of, shares or deposits in—

(A) Domestic building and loan associations,

(B) Cooperative banks without capital stock organized and operated for mutual purposes and without profit, or

(C) Mutual savings banks not having capital stock represented by shares.

§ 1.501 (c) (14)–1 *Credit unions and mutual insurance funds.* Credit unions (other than Federal credit unions described in section 501 (c) (1)) without capital stock, organized and operated for mutual purposes and without profit, are exempt from tax under section 501 (a). Corporations or associations without capital stock organized before September 1, 1951, and operated for mutual purposes and without profit for the purpose of providing reserve funds for, and insurance of, shares or deposits in:

(a) Domestic building and loan associations as defined in section 7701 (a) (19),

(b) Cooperative banks without capital stock organized and operated for mutual purposes and without profit, or

(c) Mutual savings banks not having capital stock represented by shares,

are also exempt from tax under section 501 (a).

§ 1.501 (c) (15) *Statutory provisions; exemption from tax on corporations, certain trusts, etc.; mutual insurance organizations other than life or marine.*

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a): • • •

(15) Mutual insurance companies or associations other than life or marine (including interinsurers and reciprocal underwriters) if the gross amount received during the taxable year from the items described in section 821 (b) (other than paragraph (1) (D) thereof) and premiums (including deposits and assessments) does not exceed $75,000.

[Sec. 501 (c) (15) as amended by the Life Insurance Company Tax Act for 1955]

§ 1.501 (c) (15)–1 *Mutual insurance companies or associations—(a) Taxable years beginning after December 31, 1954.* An insurance company or association described in section 501 (c) (15) is exempt under section 501 (a) if it is a mutual company or association (other than life or marine) or if it is a mutual interinsurer or reciprocal underwriter (other than life or marine) and if the gross amount received during the taxable year from the sum of the following items does not exceed $75,000:

(1) Interest, dividends, rents, and royalties,

(2) The entering into of any lease, mortgage, or other instrument or agreement from which the insurance company derives interest, rents, or royalties,

(3) The alteration or termination of any instrument or agreement described in subparagraph (2) of this paragraph, and

(4) Premiums (including deposits and assessments).

(b) *Taxable years beginning after December 31 1953, and before January 1, 1955.* An insurance company or association described in section 501 (c) (15) is exempt under section 501 (a) if it is a mutual company or association (other than life or marine) or if it is a mutual interinsurer or reciprocal underwriter (other than life or marine) and if the gross amount received during the taxable year from interest, dividends, rents, and premiums (including deposits and assessments) does not exceed $75,000.

§ 1.501 (c) (16) *Statutory provisions; exemption from tax on corporations, certain trusts, etc.; corporations organized to finance crop operations.*

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a): • • •

(16) Corporations organized by an association subject to part III of this subchapter or members thereof, for the purpose of financing the ordinary crop operations of such members or other producers, and operated in conjunction with such association. Exemption shall not be denied any such corporation because it has capital stock, if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the State of incorporation or 8 percent per annum, whichever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than nonvoting preferred stock, the owners of which are not entitled or permitted to participate, directly or indirectly, in the profits of the corporation, on dissolution or otherwise, beyond the fixed dividends) is owned by such association, or members thereof; nor shall exemption be denied any such corporation because there is accumulated and maintained by it a reserve required by State law or a reasonable reserve for any necessary purpose.

§ 1.501 (c) (16)–1 *Corporations organized to finance crop operations.* A corporation organized by a farmers' cooperative marketing or purchasing association, or the members thereof, for the purpose of financing the ordinary crop operations of such members or other producers is exempt, provided the marketing or purchasing association is exempt under section 521 and the financing corporation is operated in conjunction with the marketing or purchasing association. The provisions of § 1.521–1 relating to a reserve or surplus and to capital stock shall also apply to corporations coming under this section.

§ 1.501 (d) *Statutory provisions; exemption from tax on corporations, certain trusts, etc.; religious and apostolic organizations.*

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(d) *Religious and apostolic organizations.* The following organizations are referred to in subsection (a): Religious or apostolic associations or corporations, if such associations or corporations have a common treasury or community treasury, even if such associations or corporations engage in business for the common benefit of the members, but only if the members thereof include (at the time of filing their returns) in their gross income their entire pro rata shares, whether distributed or not, of the taxable income of the association or corporation for such year. Any amount so included in the gross income of a member shall be treated as a dividend received.

§ 1.501 (d)–1 *Religious and apostolic associations or corporations.* (a) Religious or apostolic associations or corporations are described in section 501 (d) and are exempt from taxation under section 501 (a) if they have a common treasury or community treasury, even though they engage in business for the common benefit of the members, provided each of the members includes (at the time of filing his return) in his gross income his entire pro rata share, whether distributed or not, of the net income of the association or corporation for the taxable year of the association or corporation ending with or during his taxable year. Any amount so included in the gross income of a member shall be treated as a dividend received.

(b) For annual return requirements of organizations described in section 501 (d), see section 6033 and paragraph (a) (5) of § 1.6033–1.

§ 1.501 (e) *Statutory provisions; exemption from tax on corporations, certain trusts, etc.; cross reference.*

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(e) *Cross reference.* For nonexemption of Communist-controlled organizations, see section 11 (b) of the Internal Security Act of 1950 (64 Stat. 997; 50 U. S. C. 790 (b)).

§ 1.501 (e)–1 *Communist-controlled organizations.* Under section 11 (b) of the Internal Security Act of 1950, as amended, which is made applicable to the Internal Revenue Code of 1954 by section 7852 (b) of that Code, no organization is entitled to exemption under sections 501 (a) or 521 (a) for any taxable year if at any time during such year such organization is registered under section 7 of such Act or if there is in effect a final order of the Subversive Activities Control Board established by section 12 of such Act requiring such organization to register under section 7 of such Act, or determining that it is a Communist-infiltrated organization.

§ 1.502 *Statutory provisions; feeder organizations.*

SEC. 502. *Feeder organizations.* An organization operated for the primary purpose of carrying on a trade or business for profit shall not be exempt under section 501 on the ground that all of its profits are payable to one or more organizations exempt under section 501 from taxation. For purposes of this section, the term "trade or business" shall not include the rental by an organization of its real property (including personal property leased with the real property).

§ 1.502–1 *Feeder organizations.* (a) In the case of an organization operated for the primary purpose of carrying on a trade or business for profit, exemption is not allowed under section 501 on the ground that all the profits of such organization are payable to one or more organizations exempt from taxation under section 501. For the purpose of this rule, the term "trade or business" does not include the rental by an organization of its real property (including personal property leased with the real property). In determining the primary purpose of an organization, all the circumstances must be considered, including the size and extent of the trade or business and the size and extent of those activities of such organization which are specified in the applicable paragraph of section 501.

(b) If a subsidiary organization of a tax-exempt organization would itself be exempt on the ground that its activities are an integral part of the exempt activities of the parent organization, its exemption will not be lost because, as a matter of accounting between the two organizations, the subsidiary derives a profit from its dealings with its parent organization, for example, a subsidiary organization which is operated for the sole purpose of furnishing electric power used by its parent organization, a tax-exempt educational organization, in carrying on its educational activities. However, the subsidiary organization is not exempt from tax if it is operated for the primary purpose of carrying on a trade or business which would be an unrelated trade or business (that is, unrelated to exempt activities) if regularly carried on by the parent organization. For example, if a subsidiary organization is operated primarily for the purpose of furnishing electric power to consumers other than its parent organization (and the parent's tax-exempt subsidiary organizations), it is not exempt since such business would be an unrelated trade or business if regularly carried on by the parent organization. Similarly, if the subsidiary is owned by several unrelated exempt organizations, and is operated for the purpose of furnishing electric power to each of them, it is not exempt since such business would be an unrelated trade or business if regularly carried on by any one of the tax-exempt organizations.

(c) In certain cases an organization which carries on a trade or business for profit but is not operated for the primary purpose of carrying on such trade or business is subject to the tax imposed under section 511 on its unrelated business taxable income.

§ 1.503 (a) *Statutory provisions; requirements for exemption; denial of exemption to organizations engaged in prohibited transactions.*

SEC. 503. *Requirements for exemption—(a) Denial of exemption to organizations engaged in prohibited transactions—(1) General rule.* An organization described in section 501 (c) (3) which is subject to the provisions of this section shall not be exempt from taxation under section 501 (a) if it has engaged in a prohibited transaction after July 1, 1950; and an organization described in section 401 (a) which is subject to the provisions of this section shall not be exempt from taxation under section 501 (a), if it has engaged in a prohibited transaction after March 1, 1954.

(2) *Taxable years affected.* An organization described in section 501 (c) (3) or section 401 (a) shall be denied exemption from taxation under section 501 (a) by reason of paragraph (1) only for taxable years after the taxable year during which it is notified by the Secretary or his delegate that it has engaged in a prohibited transaction, unless such organization entered into such prohibited transaction with the purpose of diverting corpus or income of the organization from its exempt purposes, and such transaction involved a substantial part of the corpus or income of such organization.

§ 1.503 (a)–1 *Denial of exemption to organizations engaged in prohibited transactions.* (a) The prohibited transactions enumerated in section 503 (c) are in addition to and not in limitation of the restrictions contained in section 501 (c) (3) and section 401 (a). Even though an organization has not engaged in any of the prohibited transactions referred to in section 503 (c), it still may not qualify for tax exemption in view of the general provisions of section 501 (c) (3) and section 401 (a). Thus, if a trustee or other fiduciary of the organization (whether or not he is also a creator of such organization) enters into a transaction with the organization, such transaction will be closely scrutinized in the light of the fiduciary principle requiring undivided loyalty to ascertain whether the organization is in fact being operated for the stated exempt purposes.

(b) An organization described in section 501 (c) (3) which after July 1, 1950, has engaged in any prohibited transaction as defined in section 503 (c), unless it is excepted by the provisions of section 503 (b), and an organization described in section 401 (a) which after March 1, 1954, has engaged in any such prohibited transaction shall not be exempt from taxation under section 501 (a) for any taxable year subsequent to the taxable year in which there is mailed to it a notice in writing by the Commissioner that it has engaged in such prohibited transaction. Such notification by the Commissioner shall be by registered or certified mail to the last known address of the organization. However, notwithstanding the requirement of notification by the Commissioner, exemption shall be denied with respect to any taxable year if such organization during or prior to such taxable year commenced the prohibited transaction with the purpose of diverting income or corpus from its exempt purposes and such transaction involved a substantial part of the

income or corpus of such organization. For the purpose of this section, the term "taxable year" means the established annual accounting period of the organization; or, if the organization has no such established annual accounting period, the "taxable year" of the organization means the calendar year.

(c) The application of section 503 (c) may be illustrated by the following examples:

Example (1). A creates a foundation in 1954 ostensibly for educational purposes. B, a trustee, accumulates the foundation's income from 1957 until 1959 and then uses a substantial part of this accumulated income to send A's children to college. The foundation would lose its exemption for the taxable years 1957 through 1959 and for subsequent taxable years until it regains its exempt status.

Example (2). If under the facts in example (1) such private benefit was the purpose of the foundation from its inception, such foundation is not exempt by reason of the general provisions of section 501 (c) (3), without regard to the provisions of section 503, for all years since its inception, that is, for the taxable years 1954 through 1959 and subsequent taxable years, since under section 501 (c) (3) the organization must be organized and operated exclusively for exempt purposes. See § 1.501 (c) (3)–1. See also § 1.504–1 for loss of exemption in the case of certain organizations accumulating income.

§ 1.503 (b) *Statutory provisions; requirements for exemption; organizations to which section applies.*

SEC. 503. *Requirements for exemption.* • • •

(b) *Organizations to which section applies.* This section shall apply to any organization described in section 501 (c) (3) or section 401 (a) except—

(1) A religious organization (other than a trust);

(2) An educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on;

(3) An organization which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501 (a)) from the United States or any State or political subdivision thereof or from direct or indirect contributions from the general public;

(4) An organization which is operated, supervised, controlled, or principally supported by a religious organization (other than a trust) which is itself not subject to the provisions of this section; and

(5) An organization the principal purposes or functions of which are the providing of medical or hospital care or medical education or medical research or agricultural research.

§ 1.503 (c) *Statutory provisions; requirements for exemption; prohibited transactions.*

SEC. 503. *Requirements for exemption.* • • •

(c) *Prohibited transactions.* For purposes of this section, the term "prohibited transaction" means any transaction in which an organization subject to the provisions of this section—

(1) Lends any part of its income or corpus, without the receipt of adequate security and a reasonable rate of interest, to;

(2) Pays any compensation, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(3) Makes any part of its services available on a preferential basis to;

(4) Makes any substantial purchase of securities or any other property, for more than adequate consideration in money or money's worth, from;

(5) Sells any substantial part of its securities or other property, for less than an adequate consideration in money or money's worth, to; or

(6) Engages in any other transaction which results in a substantial diversion of its income or corpus to;

the creator of such organization (if a trust); a person who has made a substantial contribution to such organization; a member of the family (as defined in section 267 (c) (4)) of an individual who is the creator of such trust or who has made a substantial contribution to such organization; or a corporation controlled by such creator or person through the ownership, directly or indirectly, of 50 percent or more of the total combined voting power of all classes of stock entitled to vote or 50 percent or more of the total value of shares of all classes of stock of the corporation.

§ 1.503 (c)–1 *Prohibited transactions*—(a) *In general.* The term "prohibited transaction" means any transaction set forth in section 503 (c) engaged in by an organization described in section 501 (c) (3) or section 401 (a), other than those organizations excepted by section 503 (b). Whether a transaction is a prohibited transaction depends on the facts and circumstances of the particular case. This section is intended to deny tax-exempt status to those organizations described in sections 501 (c) (3) and 401 (a) which engage in certain transactions which inure to the private advantage of (1) the creator of such organization (if it is a trust); (2) any substantial contributor to the organization; (3) a member of the family (as defined in section 267 (c) (4)) of an individual who is such creator of or such substantial contributor to such organization; or (4) a corporation controlled, as set forth in section 503 (c), by such creator or substantial contributor.

(b) *Loans as prohibited transactions under section 503 (c) (1)*—(1) *Adequate security.* For the purposes of section 503 (c) (1), which treats as prohibited transactions certain loans by an organization without receipt of adequate security and a reasonable rate of interest, the term "adequate security" means something in addition to and supporting a promise to pay, which is so pledged to the organization that it may be sold, foreclosed upon, or otherwise disposed of in default of repayment of the loan, the value and liquidity of which security is such that it may reasonably be anticipated that loss of principal or interest will not result from the loan. Mortgages or liens on property, accommodation endorsements of those financially capable of meeting the indebtedness, and stock or securities issued by corporations other than the borrower may constitute security for a loan to the persons or organizations described in section 503 (c). Stock of a borrowing corporation does not constitute adequate security. A borrower's evidence of indebtedness, irrespective of its name, is itself not security for a loan, whether or not it was issued directly to the exempt organization. However, if any such evidence of indebtedness provides for security that may be sold, foreclosed upon, or otherwise disposed of in default of repayment of the loan, there may be adequate security for such loan. If an organization subject to section 503 (c) purchases debentures issued by a person specified in section 503 (c), the purchase is considered, for purposes of section 503 (c) (1), as a loan made by the purchaser to the issuer on the date of such purchase. For example, if an exempt organization subject to section 503 (c) makes a purchase through a registered security exchange of debentures issued by a person described in section 503 (c), and owned by an unknown third party, the purchase will be considered as a loan to the issuer by the purchaser. For rules relating to loan of funds to, or investment of funds in stock or securities of, persons described in section 503 (c) by an organization described in section 401 (a), see paragraph (b) (5) of § 1.401–1.

(2) *Effective dates.* The effective dates for the application of the definition of adequate security in subparagraph (1) of this paragraph are:

(i) March 15, 1956, for loans (other than debentures) made after March 15, 1956;

(ii) January 31, 1957, for loans (other than debentures) made before March 16, 1956, and continued after January 31, 1957;

(iii) November 8, 1956, for debentures which were purchased after November 8, 1956;

(iv) March 15, 1959, or the ninetieth day after the date of enactment of legislation amending section 503 and relating to adequate security, whichever date is earlier, for debentures which were purchased before November 9, 1956, and held after such earlier date.

(v) If an employees' pension, stock bonus, or profit-sharing trust described in section 401 (a) made a loan before March 1, 1954, repayable by its terms after December 31, 1955, and which would constitute a prohibited transaction if made on or after March 1, 1954, the loan shall not constitute a prohibited transaction if held until maturity (determined without regard to any extension or renewal thereof).

(c) *Examples.* The following examples illustrate the operation of section 503 (c) (1):

Example (1). A, creator of an exempt trust subject to section 503, borrows $100,000 from such trust in 1960, giving his unsecured promissory note. The net worth of A is $1,000,000. The net worth of A is not "security" for such loan and the transaction is a prohibited transaction. If, however, the note is secured by a mortgage on property of sufficient value, or is accompanied by acceptable collateral of sufficient value, or carries with it the secondary promise of repayment by an accommodation endorser financially capable of meeting the indebtedness, it may be adequately secured. However, subordinated debenture bonds of a partnership which are guaranteed by the general partners are not adequately secured since the general partners are liable for the

firm's debt and their guaranty adds no additional security.

Example (2). Assume the same facts as in example (1) except that A's promissory note in the amount of $100,000 to the trust is secured by property which has a fair market value of $75,000. A's promissory note secured to the extent of $75,000 is not adequately secured within the meaning of section 503 (c) (1) since the security at the time of the transaction must be sufficient to repay the indebtedness, interest, and charges which may pertain thereto.

Example (3). Corporation M, a substantial contributor to an exempt organization subject to section 503, borrows $150,000 from such organization in 1960, giving its promissory note accompanied by stock of the borrowing corporation with a fair market value of $200,000. Since promissory notes and debentures have priority over stock in the event of liquidation of the corporation, stock of a borrowing corporation may not be adequate security. Likewise, debenture bonds which are convertible on default into voting stock of the issuing corporation may not constitute "adequate security" under section 503 (c) (1).

Example (4). B, creator of an exempt trust subject to section 503, borrows $100,000 from such trust in 1960, giving his secured promissory note at the rate of 3 percent interest. The prevailing rate of interest charged by financial institutions in the community where the transaction takes place is 5 percent for a loan of the same duration and similarly secured. The loan by the trust to the grantor is a prohibited transaction since section 503 (c) (1) requires both adequate security and a reasonable rate of interest. Further, a promise to repay the loan plus a percentage of future profits which may be greater than the prevailing rate of interest does not meet the reasonable rate of interest requirement.

Example (5). N Corporation, a substantial contributor to an exempt organization subject to section 503, borrows $50,000 on or after March 16, 1956, from the organization. If the loan is not adequately secured, the organization has committed a prohibited transaction at the time the loan was made. If the loan had been made on or before March 15, 1956, and is continued after January 31, 1957, it must be adequately secured on February 1, 1957, or it will be considered a prohibited transaction on that date. However, if the exempt organization were an employees' trust, described in section 401 (a), and the loan were made before March 1, 1954, repayable by its terms after December 31, 1955, it would not have to be adequately secured on February 1, 1957.

Example (6). An exempt organization subject to section 503 purchases a debenture issued by O Corporation, which is a substantial contributor to the organization. The organization purchases the debenture in an arm's length transaction from a third person on or after November 9, 1956. The purchase is considered as a loan by the organization to O Corporation and the loan must be adequately secured when it is made, or it is considered as a prohibited transaction at that time. If the organization purchased the debenture on or before November 8, 1956, and holds it after the earlier of the dates set forth in paragraph (b) (2) (iv) of this section the debenture must be adequately secured on the day after such earlier date or it will be then considered as a prohibited transaction. However, if the organization were an employees' trust described in section 401 (a), and if the debenture were purchased before March 1, 1954, and its maturity date is after December 31, 1955, the debenture does not have to be adequately secured.

§ 1.503 (d) *Statutory provisions; requirements for exemption; future status of organizations denied exemption.*

SEC. 503. *Requirements for exemption.* • • •

(d) *Future status of organizations denied exemption.* Any organization described in section 501 (c) (3) or section 401 (a) which is denied exemption under section 501 (a) by reason of subsection (a) of this section, with respect to any taxable year following the taxable year in which notice of denial of exemption was received, may, under regulations prescribed by the Secretary or his delegate, file claim for exemption, and if the Secretary or his delegate, pursuant to such regulations, is satisfied that such organization will not knowingly again engage in a prohibited transaction, such organization shall be exempt with respect to taxable years after the year in which such claim is filed.

§ 1.503 (d)–1 *Future status of organizations denied exemption.* (a) Any organization described in section 501 (c) (3) or an employees' trust described in section 401 (a), which is denied exemption under section 501 (a) by reason of the provisions of section 503 (a), may file, in any taxable year following the taxable year in which notice of denial was issued, a claim for exemption. Form 1023, the exemption application, shall be used for this purpose in the case of an organization described in section 501 (c) (3), and shall be filed with the district director of internal revenue for the internal revenue district in which is located the principal place of business or principal office of the organization claiming exemption. In the case of an employees' trust described in section 401 (a), the information described in § 1.404 (a)–2 shall be submitted with a letter claiming exemption. An employees' trust described in section 401 (a) shall submit this information to the district director of internal revenue with whom a request for a determination as to its qualification under section 401 and exemption under section 501 may be submitted under paragraph (1) of § 601.201 of this chapter (Statement of Procedural Rules). A claim for exemption must contain or have attached to it, in addition to the information generally required of such an organization claiming exemption as an organization described in section 501 (c) (3) or 401 (a), a written declaration made under the penalties of perjury by a principal officer of such organization authorized to make such declaration that the organization will not knowingly again engage in a prohibited transaction. See § 1.501 (a)–1 for proof of exemption requirements in general.

(b) If the Commissioner is satisfied that such organization will not knowingly again engage in a prohibited transaction and that the organization also satisfies all other requirements under section 501 (c) (3) or section 401 (a), the organization will be so notified in writing. In such case the organization will be exempt (subject to the provisions of sections 501 (c) (3), 401 (a), 503, and 504) with respect to the taxable years subsequent to the taxable year in which the claim prescribed in section 503 (d) is filed. Section 503 contemplates that an organization denied exemption because of the terms of such section will be subject to taxation for at least one full taxable year. For the purpose of this section, the term "taxable year" means the established annual accounting period of the organization; or, if the organization has no such established annual accounting period, the "taxable year" of the organization means the calendar year.

§ 1.503 (d)–2 *Fiscal years and short taxable years ending after March 1, 1954, subject to the Internal Revenue Code of 1939.* Pursuant to section 7851 (a) (1) (C), the regulations prescribed in §§ 1.503 (a)–1 to 1.503 (d)–1, inclusive, as they relate to the denial of exemption to organizations described in section 401 (a) engaged in prohibited transactions after March 1, 1954, shall also apply to taxable years beginning after December 31, 1953, and ending after March 1, 1954, but before August 17, 1954, and to taxable years beginning before January 1, 1954, and ending after March 1, 1954, which years are subject to the Internal Revenue Code of 1939.

§ 1.503 (e) *Statutory provisions; requirements for exemption; disallowance of certain charitable, etc., deductions.*

SEC. 503. *Requirements for exemption.* • • •

(e) *Disallowance of certain charitable, etc., deductions.* No gift or bequest for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), otherwise allowable as a deduction under section 170, 642 (c), 545 (b) (2), • • • shall be allowed as a deduction if made to an organization described in section 501 (c) (3) which, in the taxable year of the organization in which the gift or bequest is made, is not exempt under section 501 (a) by reason of this section. With respect to any taxable year of the organization for which the organization is not exempt pursuant to subsection (a) by reason of having engaged in a prohibited transaction with the purpose of diverting the corpus or income of such organization from its exempt purposes and such transaction involved a substantial part of such corpus or income, and which taxable year is the same, or prior to the, taxable year of the organization in which such transaction occurred, such deduction shall be disallowed the donor only if such donor or (if such donor is an individual) any member of his family (as defined in section 267 (c) (4)) was a party to such prohibited transaction.

§ 1.503 (e)–1 *Disallowance of certain charitable deductions.* (a) No gift or contribution which would otherwise be allowable as a charitable or other deduction under section 170, 642 (c), or 545 (b) (2) shall be allowed as a deduction if made to an organization described in section 501 (c) (3) which at the time the gift or contribution is made is not exempt under section 501 (a) by reason of the provisions of section 503.

(b) If an organization which is described in section 501 (c) (3) is not exempt because it engaged in a prohibited transaction involving a substantial part of its income or corpus with the purpose of diverting its income or corpus from its exempt purposes, and if the organization receives a gift or contribution during, or prior to, its taxable year in which such prohibited transaction occurred, then a deduction by the donor with respect to the gift or contribution shall not be disallowed under section 503 (e) unless the donor (or any member of his family if the donor is an individual) is a party to such prohibited transaction.

For the purpose of the preceding sentence, "family" is defined in section 267 (c) (4) and includes brothers and sisters, whether by whole or half blood, spouse, ancestors, and lineal descendants. See the regulations under section 267 (c).

(c) The application of section 503 (e) may be illustrated by the following example:

Example. In 1954, Corporation M, which files its income tax returns on the calendar year basis, creates a foundation purportedly for charitable purposes and deducts from its gross income for that year the amount of the gift to the foundation. Corporation M makes additional gifts to this foundation in 1955, 1956, and 1957, and takes charitable deductions for such years. B, an individual, also contributes to the foundation in 1955, 1956, and 1957, and takes charitable deductions for such years. In 1955, the foundation commences purposely to divert its corpus to the benefit of Corporation M, and a substantial amount of such corpus is so diverted by the close of the taxable year 1956. For 1955 and subsequent taxable years, the exemption allowed the foundation as an organization described in section 501 (c) (3) is denied by reason of the provisions of section 503 (a). Both Corporation M and individual B would be disallowed any deduction for the contributions made during 1957 to the foundation. Moreover, the charitable deductions taken by Corporation M for contributions to the foundation in the years 1955 and 1956 would also be disallowed since Corporation M was a party to the prohibited transaction. If the facts and surrounding circumstances indicate that the contribution in 1954 by Corporation M was for the purpose of the prohibited transaction, then the charitable deduction for the year 1954 shall also be disallowed with respect to Corporation M, since the prohibited transaction would then have commenced with the making of such contribution and the exemption allowed the foundation would then be denied for 1954 by reason of the provisions of section 503 (e). B's deductions for his contributions for the years 1955 and 1956 will not be disallowed since he was not a party to the prohibited transaction.

§ 1.503 (f) *Statutory provisions; requirements for exemption; definitions.*

SEC. 503. *Requirements for exemption.* • • •

(f) *Definition.* For purposes of this section, the term "gift or bequest" means any gift, contribution, bequest, devise, legacy, or transfer.

§ 1.503 (g) *Statutory provisions; requirements for exemption; special rule for loans.*

SEC. 503. *Requirements for exemption.* • • •

(g) *Special rule for loans.* For purposes of the application of subsection (c) (1), in the case of a loan by a trust described in section 401 (a), the following rules shall apply with respect to a loan made before March 1, 1954, which would constitute a prohibited transaction if made on or after March 1, 1954:

(1) If any part of the loan is repayable prior to December 31, 1955, the renewal of such part of the loan for a period not extending beyond December 31, 1955, on the same terms, shall not be considered a prohibited transaction.

(2) If the loan is repayable on demand, the continuation of the loan without the receipt of adequate security and a reasonable rate of interest beyond December 31, 1955, shall be considered a prohibited transaction.

§ 1.503 (g)–1 *Cross reference.* For provisions relating to loans by a trust described in section 401 (a), see § 1.503 (c)–1.

§ 1.504 *Statutory provisions; denial of exemption.*

SEC. 504. *Denial of exemption*—(a) *General rule.* In the case of any organization described in section 501 (c) (3) to which section 503 is applicable, exemption under section 501 shall be denied for the taxable year if the amounts accumulated out of income during the taxable year or any prior taxable year and not actually paid out by the end of the taxable year—

(1) Are unreasonable in amount or duration in order to carry out the charitable, educational, or other purpose or function constituting the basis for exemption under section 501 (a) of an organization described in section 501 (c) (3); or

(2) Are used to a substantial degree for purposes or functions other than those constituting the basis for exemption under section 501 (a) of an organization described in section 501 (c) (3); or

(3) Are invested in such a manner as to jeopardize the carrying out of the charitable, educational, or other purpose or function constituting the basis for exemption under section 501 (a) of an organization described in section 501 (c) (3).

Paragraph (1) shall not apply to income attributable to property of a decedent dying before January 1, 1951, which is transferred under his will to a trust created by such will. In the case of a trust created by the will of a decedent dying on or after January 1, 1951, if income is required to be accumulated pursuant to the mandatory terms of the will creating the trust, paragraph (1) shall apply only to income accumulated during a taxable year of the trust beginning more than 21 years after the date of death of the last life in being designated in the trust instrument.

(b) *Cross references.* For the limitation on charitable contributions in case of unreasonable accumulations by certain trusts, see section 681 (c) (2).

§ 1.504–1 *Denial of exemption.* (a) The restrictions enumerated in section 504 are in addition to and not in limitation of the restrictions contained in section 501 (c) (3). Even though an organization has not violated any of the terms of section 504, it still may not qualify for tax exemption in view of the general provisions of section 501 (c) (3). Thus, if a trustee or other fiduciary of the organization (whether or not he is also a creator of such organization) enters into a transaction with the organization, such transaction will be closely scrutinized in the light of the fiduciary principle requiring undivided loyalty to ascertain whether the organization is in fact being operated for the stated exempt purposes.

(b) (1) Any organization described in section 501 (c) (3) other than an organization described in section 503 (b) (1) through (5), inclusive, shall not be exempt under section 501 (a) if the amounts accumulated out of income during the taxable year, or any prior taxable year, and not actually paid out for exempt purposes by the end of the taxable year, are unreasonable. Amounts accumulated out of income become unreasonable when more income is accumulated than is needed, or when the duration of the accumulation is longer than is needed in order to carry out the purpose constituting the basis for the organization's exemption. Furthermore, such an organization shall not be exempt under section 501 (a) if amounts accumulated out of income are used to a substantial degree for purposes or functions other than those constituting the basis for the organization's exemption, or if such amounts are invested in such a manner as to jeopardize the carrying out of the purpose or function constituting the basis for the organization's exemption.

(2) The provisions for the denial of exemption for unreasonable accumulations of income will not apply to income attributable to property of a decedent dying before January 1, 1951, which is transferred under his will to a trust created by such will. In the case of a trust created by the will of a decedent dying on or after January 1, 1951, where income is required to be accumulated by the trust, the denial of exemption for unreasonable accumulations of income under paragraph (b) (1) will apply only to income accumulated during a taxable year of the trust beginning more than 21 years after the date of death of the last life in being designated in the trust instrument.

(c) For the purpose of section 504, the term "income" means gains, profits, and income determined under the principles applicable in determining the earnings or profits of a corporation. The amount accumulated out of income during the taxable year or any prior taxable year shall be determined under the principles applicable in determining the accumulated earnings or profits of a corporation. In determining the reasonableness of an accumulation out of income, there will be disregarded the following:

(1) The accumulation of gain upon the sale or exchange of a donated asset to the extent that such gain represents the excess of the fair market value of such asset when acquired by the organization over its substituted basis in the hands of the organization;

(2) The accumulation of gain upon the sale or exchange of property held for the production of investment income, such as dividends, interest, and rents, where the proceeds of such sale or exchange are within a reasonable time reinvested in property acquired and held in good faith for the production of investment income.

(d) Whether the conditions specified in paragraphs (1), (2), and (3) of section 504 (a) are present in any case must be determined from all the facts. The conditions specified in section 504 (a) (1), (2), and (3) may result from the use of only one organization or of a chain of two or more organizations.

(e) An organization that has lost its exempt status by reason of the provisions of section 504 may, in order to reestablish its exemption, file a claim for exemption with the district director of internal revenue for the internal revenue district in which is located the principal place of business or principal office of the organization. Form 1023, the exemption application, shall be used for this purpose. The claim for exemption must contain or be accompanied by information or evidence showing that the circumstances that caused the loss of exemption under section 504 no longer exist, and a written

declaration made under the penalties of perjury, by a principal officer of such organization authorized to make such declaration, that the organization will not knowingly again violate the terms of section 504. See § 1.501 (a)–1 for proof of exemption requirements in general. The provisions of section 504 contemplate that an organization denied exemption thereunder will be subject to taxation for at least one full taxable year. For the purpose of this section, the term "taxable year" means the established annual accounting period of the organization; or, if the organization has no such established annual accounting period, the "taxable year" of the organization means the calendar year.

(f) In the case of an organization described in section 501 (c) (3) denied exemption under section 501 (a) solely by reason of the provisions of section 504, deductions otherwise allowable under section 170, 545 (b) (2), or 642 (c) for gifts or contributions to such organization shall not be disallowed for the year during which the exemption is denied and prior years.

TAXATION OF BUSINESS INCOME OF CERTAIN EXEMPT ORGANIZATIONS

§ 1.511 *Statutory provisions; imposition of tax on unrelated business income of charitable, etc., organizations.*

SEC. 511. *Imposition of tax on unrelated business income of charitable, etc., organizations*—(a) *Charitable, etc., organizations taxable at corporation rates*—(1) *Imposition of tax.* There is hereby imposed for each taxable year on the unrelated business taxable income (as defined in section 512) of every organization described in paragraph (2) a normal tax and a surtax computed as provided in section 11. In making such computation for purposes of this section, the term "taxable income" as used in section 11 shall be read as "unrelated business taxable income".

(2) *Organizations subject to tax*—(A) *Organizations described in section 501 (c) (3), (5), and (6), and section 401 (a).* The taxes imposed by paragraph (1) shall apply in the case of any organization (other than a church, a convention or association of churches, or a trust described in subsection (b)) which is exempt, except as provided in this part, from taxation under this subtitle by reason of section 401 (a) or of paragraph (3), (5), or (6) of section 501 (c). Such taxes shall also apply in the case of a corporation described in section 501 (c) (2) if the income is payable to an organization which itself is subject to the taxes imposed by paragraph (1) or to a church or to a convention or association of churches.

(B) *State colleges and universities.* The taxes imposed by paragraph (1) shall apply in the case of any college or university which is an agency or instrumentality of any government or any political subdivision thereof, or which is owned or operated by a government or any political subdivision thereof, or by any agency or instrumentality of one or more governments or political subdivisions. Such taxes shall also apply in the case of any corporation wholly owned by one or more such colleges or universities.

(b) *Tax on charitable, etc., trusts*—(1) *Imposition of tax.* There is hereby imposed for each taxable year on the unrelated business taxable income of every trust described in paragraph (2) a tax computed as provided in section 1. In making such computation for purposes of this section, the term "taxable income" as used in section 1 shall be read as "unrelated business taxable income" as defined in section 512.

(2) *Charitable, etc., trusts subject to tax.* The tax imposed by paragraph (1) shall apply in the case of any trust which is exempt, except as provided in this part, from taxation under this subtitle by reason of section 501 (c) (3) or section 401 (a) and which, if it were not for such exemption, would be subject to subchapter J (sec. 641 and following, relating to estates, trusts, beneficiaries, and decedents).

(c) *Effective date.* The tax imposed by this section shall apply, in the case of a trust described in section 401 (a), only for taxable years beginning after June 30, 1954.

§ 1.511–1 *Imposition and rates of tax.* Section 511 (a) imposes a tax upon the unrelated business taxable income of certain organizations otherwise exempt from Federal income tax. Under section 511 (a) (1), organizations described in section 511 (a) (2) (A) and in paragraph (a) of § 1.511–2 and organizations described in section 511 (a) (2) (B) are subject to normal tax and surtax at the corporate rates provided by section 11. Under section 511 (b) (1), trusts described in section 511 (b) (2) are subject to tax at the individual rates prescribed in section 1. The deduction for personal exemption provided in section 642 (b) in the case of a trust taxable under subchapter J is not allowed in computing unrelated business taxable income.

§ 1.511–2 *Organizations subject to tax.* (a) (1) The taxes imposed by section 511 (a) (1) apply in the case of any organization (other than a church, a convention or association of churches, or a trust described in section 511 (b) (2)) which is exempt (except as provided in sections 511 through 515) from taxation under section 501 (a) as an organization described in section 501 (c) (3), (5), or (6), or section 401 (a). A corporation described in section 501 (c) (2) exempt from taxation under section 501 (a) holding property for an organization which itself is subject to the tax or for a church or a convention or association of churches, is also subject to the tax imposed by section 511 (a) (1).

(2) The taxes imposed by section 511 (a) apply in the case of any college or university which is an agency or instrumentality of any government or any political subdivision thereof, or which is owned or operated by a government or any political subdivision thereof or by any agency or instrumentality of any one or more governments or political subdivisions. Such taxes also apply in the case of any corporation wholly owned by one or more such colleges or universities. As here used, the word "government" includes any foreign government (to the extent not contrary to any treaty obligation of the United States) and all domestic governments (the United States and any of its Territories or possessions, any State, and the District of Columbia). Elementary and secondary schools operated by such governments are not subject to the tax on unrelated business income.

(3) (i) Churches and associations or conventions of churches are exempt from the tax imposed by section 511. The exemption is applicable only to an organization which itself is a church or an association or convention of churches. Subject to the provisions of subdivision (ii) of this subparagraph, religious organizations, including religious orders, if not themselves churches or associations or conventions of churches, and all other organizations which are organized or operated under church auspices, are subject to the tax imposed by section 511, whether or not they engage in religious, educational, or charitable activities approved by a church.

(ii) The term "church" includes a religious order or a religious organization if such order or organization (*a*) is an integral part of a church, and (*b*) is engaged in carrying out the functions of a church, whether as a civil law corporation or otherwise. In determining whether a religious order or organization is an integral part of a church, consideration will be given to the degree to which it is connected with, and controlled by, such church. A religious order or organization shall be considered to be engaged in carrying out the functions of a church if its duties include the ministration of sacerdotal functions and the conduct of religious worship. If a religious order or organization is not an integral part of a church, or if such an order or organization is not authorized to carry out the functions of a church (ministration of sacerdotal functions and conduct of religious worship) then it is subject to the tax imposed by section 511 whether or not it engages in religious, educational, or charitable activities approved by a church. What constitutes the conduct of religious worship or the ministration of sacerdotal functions depends on the tenets and practices of a particular religious body constituting a church. If a religious order or organization can fully meet the requirements stated in this subdivision, exemption from the tax imposed by section 511 will apply to all its activities, including those which it conducts through a separate corporation (other than a corporation described in section 501 (c) (2)) or other separate entity which it wholly owns and which is not operated for the primary purpose of carrying on a trade or business for profit. Such exemption from tax will also apply to activities conducted through a separate corporation (other than a corporation described in section 501 (c) (2)) or other separate entity which is wholly owned by more than one religious order or organization, if all such orders or organizations fully meet the requirements stated in this subdivision and if such corporation or other entity is not operated for the primary purpose of carrying on a trade or business for profit.

(b) The taxes imposed by section 511 (b) apply in the case of any trust which is exempt (except as provided in sections 511 through 515) from taxation under section 501 (a) as an organization described in section 501 (c) (3) or section 401 (a) and which, if it were not for such exemption, would be subject to the provisions of subchapter J of chapter 1. In the case of a trust described in section 401 (a), the tax imposed by section 511

(b) and this section shall apply only for taxable years beginning after June 30, 1954. An organization which is considered as "trustee" of a stock bonus, pension, or profit-sharing plan described in section 401 (a) (regardless of the form of such organization) is subject to the taxes imposed by section 511 (b) (1) on its unrelated business taxable income. However, if such an organization conducts a business which is a separate taxable entity on the basis of all the facts and circumstances, for example, as a corporation or an association taxable as a corporation, the business will be taxable as a feeder organization described in section 502.

§ 1.511–3 *Provisions generally applicable to the tax on unrelated business income*—(a) *Assessment and collections.* Since the taxes imposed by section 511 are taxes imposed by subtitle A of the Internal Revenue Code of 1954, all provisions of law and of the regulations applicable to the taxes imposed by subtitle A are applicable to the assessment and collection of the taxes imposed by section 511. Organizations subject to the tax imposed by section 511 (a) (1) are subject to the same provisions, including penalties, as are provided in the case of the income tax of other corporations. In the case of a trust subject to the tax imposed by section 511 (b) (1), the fiduciaries for such trust are subject to the same provisions, including penalties, as are applicable to fiduciaries in the case of the income tax of other trusts. See section 6151, et seq., and the regulations prescribed thereunder, for provisions relating to payment of tax.

(b) *Returns.* For requirements of filing annual returns with respect to unrelated business taxable income by organizations subject to the tax on such income, see section 6012, paragraph (e) of § 1.6012–2, and paragraph (a) (5) of § 1.6012–3.

(c) *Taxable years, method of accounting, etc.* The taxable year (fiscal year or calendar year, as the case may be) of an organization shall be determined without regard to the fact that such organization may have been exempt from tax during any prior period. See sections 441, 446, and 7701, and the regulations thereunder. Similarly, in computing unrelated business taxable income, the determination of the taxable year for which an item of income or expense is taken into account shall be made under the provisions of sections 441, 446, 451, and 461, and the regulations thereunder, whether or not the item arose during a taxable year beginning before, on, or after the effective date of the provisions imposing a tax upon unrelated business taxable income. If a method for treating bad debts was selected in a return of income (other than an information return) for a previous taxable year, the taxpayer must follow such method in its returns under section 511, unless such method is changed in accordance with the provisions of § 1.166–1. A taxpayer which has not previously selected a method for treating bad debts may, in its first return under section 511, exercise the option granted in § 1.166–1.

(d) *Foreign tax credit.* See section 515 for provisions applicable to the credit for foreign taxes provided in section 901.

§ 1.512 (a) *Statutory provisions; unrelated business taxable income; definition.*

SEC. 512. *Unrelated business taxable income*—(a) *Definition.* The term "unrelated business taxable income" means the gross income derived by any organization from any unrelated trade or business (as defined in section 513) regularly carried on by it, less the deductions allowed by this chapter which are directly connected with the carrying on of such trade or business, both computed with the exceptions, additions, and limitations provided in subsection (b). In the case of an organization described in section 511 which is a foreign organization, the unrelated business taxable income shall be its unrelated business taxable income derived from sources within the United States determined under subchapter N (sec. 861 and following, relating to tax based on income from sources within or without the United States).

§ 1.512 (a)–1 *Definition; general rule.* The unrelated business taxable income which is subject to the tax imposed by section 511 is the gross income, derived by any organization to which section 511 applies, from any unrelated trade or business regularly carried on by it, less the deductions allowed by chapter 1 of the Code which are directly connected with the carrying on of such trade or business, subject to certain exceptions, additions, and limitations referred to below. In the case of an organization which regularly carries on two or more unrelated businesses, its unrelated business taxable income is the aggregate of its gross income from all such unrelated businesses, less the aggregate of the deductions allowed with respect to all such unrelated businesses. For provisions generally applicable to the unrelated business tax, see § 1.511–3, and for rules applicable to the determination of the adjusted basis of property, see paragraph (a) (2) of § 1.514 (a)–1.

§ 1.512 (b) *Statutory provisions; unrelated business taxable income; exceptions, additions, and limitations.*

SEC. 512. *Unrelated business taxable income.* • • •

(b) *Exceptions, additions, and limitations.* The exceptions, additions, and limitations applicable in determining unrelated business taxable income are the following:

(1) There shall be excluded all dividends, interest, and annuities, and all deductions directly connected with such income.

(2) There shall be excluded all royalties (including overriding royalties) whether measured by production or by gross or taxable income from the property, and all deductions directly connected with such income.

(3) There shall be excluded all rents from real property (including personal property leased with the real property), and all deductions directly connected with such rents.

(4) Notwithstanding paragraph (3), in the case of a business lease (as defined in section 514) there shall be included, as an item of gross income derived from an unrelated trade or business, the amount ascertained under section 514 (a) (1), and there shall be allowed, as a deduction, the amount ascertained under section 514 (a) (2).

(5) There shall be excluded all gains or losses from the sale, exchange, or other disposition of property other than—

(A) Stock in trade or other property of a kind which would properly be includible in inventory if on hand at the close of the taxable year, or

(B) Property held primarily for sale to customers in the ordinary course of the trade or business.

This paragraph shall not apply with respect to the cutting of timber which is considered, on the application of section 631, as a sale or exchange of such timber.

(6) The net operating loss deduction provided in section 172 shall be allowed, except that—

(A) The net operating loss for any taxable year, the amount of the net operating loss carryback or carryover to any taxable year, and the net operating loss deduction for any taxable year shall be determined under section 172 without taking into account any amount of income or deduction which is excluded under this part in computing the unrelated business taxable income; and

(B) The terms "preceding taxable year" and "preceding taxable years" as used in section 172 shall not include any taxable year for which the organization was not subject to the provisions of this part.

(7) There shall be excluded all income derived from research for (A) the United States or any of its agencies or instrumentalities or (B) any State or political subdivision thereof; and there shall be excluded all deductions directly connected with such income.

(8) In the case of a college, university, or hospital, there shall be excluded all income derived from research performed for any person, and all deductions directly connected with such income.

(9) In the case of an organization operated primarily for purposes of carrying on fundamental research the results of which are freely available to the general public, there shall be excluded all income derived from research performed for any person, and all deductions directly connected with such income.

(10) In the case of any organization described in section 511 (a), the deduction allowed by section 170 (relating to charitable etc. contributions and gifts) shall be allowed (whether or not directly connected with the carrying on of the trade or business), but shall not exceed 5 percent of the unrelated business taxable income computed without the benefit of this paragraph.

(11) In the case of any trust described in section 511 (b), the deduction allowed by section 170 (relating to charitable etc. contributions and gifts) shall be allowed (whether or not directly connected with the carrying on of the trade or business), and for such purpose a distribution made by the trust to a beneficiary described in section 170 shall be considered as a gift or contribution. The deduction allowed by this paragraph shall be allowed with the limitations prescribed in section 170 (b) (1) (A) and (B) determined with reference to the unrelated business taxable income computed without the benefit of this paragraph (in lieu of with reference to adjusted gross income).

(12) There shall be allowed a specific deduction of $1,000.

§ 1.512 (b)–1 *Exceptions, additions, and limitations.* Whether a particular item of income falls within any of the exceptions, additions, and limitations provided in section 512 (b) shall be determined by all the facts and circumstances of each case. For example, if a payment termed "rent" by the parties is in fact a return of profits by a person operating the property for the benefit of

the tax-exempt organization or is a share of the profits retained by such organization as a partner or a joint venturer, such payment is not within the exception for rent. The exceptions, additions, and limitations provided in section 512 (b) are as follows:

(a) *Dividends, interest, and annuities.* All dividends, interest, and annuities, and the deductions directly connected therewith, shall be excluded in computing unrelated business taxable income.

(b) *Royalties.* Royalties, including overriding royalties, and all deductions directly connected with such income shall be excluded in computing unrelated business taxable income. Mineral royalties shall be excluded whether measured by production or by gross or taxable income from the mineral property. However, where an organization owns a working interest in a mineral property, and is not relieved of its share of the development costs by the terms of any agreement with an operator, income received from such an interest shall not be excluded. In-oil payments shall be treated in the same manner as royalty payments for the purpose of computing unrelated business taxable income.

(c) *Rents.* (1) Rents from real property (including personal property leased with the real property) and the deductions directly connected therewith shall also be excluded in computing unrelated business taxable income, except that certain rents from, and certain deductions in connection with, a business lease (as defined in section 514 (a)) shall be included in computing unrelated business taxable income. See §§ 1.514 (a)–1 and 1.514 (a)–2.

(2) Payments for the use or occupancy of rooms or other space where services are also rendered to the occupant, such as for the use or occupancy of rooms or other quarters in hotels, boarding houses, or apartment houses furnishing hotel services, or in tourist camps or tourist homes, motor courts or motels, or for the use or occupancy of space in parking lots, warehouses, or storage garages, do not constitute rentals from real estate. Generally, services are considered rendered to the occupant if they are primarily for his convenience and are other than those usually or customarily rendered in connection with the rental of rooms or other space for occupancy only. The supplying of maid service, for example, constitutes such service; whereas the furnishing of heat and light, the cleaning of public entrances, exits, stairways and lobbies, the collection of trash, etc., are not considered as services rendered to the occupant. Payments for the use or occupancy of entire private residences or living quarters in duplex or multiple housing units, of offices in an office building, etc., are generally rentals from real estate.

(d) *Gains and losses from the sale, etc., of property.* There shall also be excluded from the computation of unrelated business taxable income gains or losses from the sale, exchange, or other disposition of property other than (1) stock in trade or other property of a kind which would properly be included in the inventory of the organization if on hand at the close of the taxable year, or (2) property held primarily for sale to customers in the ordinary course of the trade or business. This exclusion does not apply with respect to the cutting of timber which is considered, upon the application of section 631 (a), as a sale or exchange of such timber. The exclusion under section 512 (b) (5) applies with respect to gains and losses from involuntary conversions, casualties, etc.

(e) *Net operating losses.* (1) The net operating loss deduction provided in section 172 shall be allowed in computing unrelated business taxable income. However, the net operating loss carryback or carryover (from a taxable year for which the taxpayer is subject to the provisions of section 511) shall be determined under section 172 without taking into account any amount of income or deduction which is not included under section 511 in computing unrelated business taxable income. For example, a loss attributable to an unrelated trade or business shall not be diminished by reason of the receipt of dividend income.

(2) For the purpose of computing the net operating loss deduction provided by section 172, any prior taxable year for which an organization was not subject to the provisions of section 511, or a corresponding provision of prior law, shall not be taken into account. Thus, if the organization was not subject to the provisions of section 511 or Supplement U of the 1939 Code for a preceding taxable year, the net operating loss is not a carryback to such preceding taxable year, and the net operating loss carryover to succeeding taxable years is not reduced by the taxable income for such preceding taxable year.

(3) A net operating loss carryback or carryover shall be allowed only from a taxable year for which the taxpayer is subject to the provisions of section 511, or a corresponding provision of prior law.

(4) In determining the span of years for which a net operating loss may be carried for purposes of section 172, taxable years in which an organization was not subject to the provisions of section 511 or a corresponding provision of prior law shall be taken into account. Thus, for example, if an organization is subject to the provisions of section 511 for the taxable year 1955 and has a net operating loss for that year, the last taxable year to which any part thereof may be carried over is the year 1960 regardless of whether the organization is subject to the provisions of section 511 in any of the intervening taxable years.

(f) *Research.* (1) Income derived from research for the United States or any of its agencies or instrumentalities or a State or political subdivision thereof, and all deductions directly connected with such income, shall be excluded in computing unrelated business taxable income.

(2) In the case of a college, university, or hospital, all income derived from research performed for any person and all deductions directly connected with such income, shall be excluded in computing unrelated business taxable income.

(3) In the case of an organization operated primarily for the purpose of carrying on fundamental research (as distinguished from applied research) the results of which are freely available to the general public, all income derived from research performed for any person and all deductions directly connected with such income shall be excluded in computing unrelated business taxable income.

(4) For the purpose of § 1.512 (a)–1 and this section, the term "research" does not include activities of a type ordinarily carried on as an incident to commercial or industrial operations, for example, the ordinary testing or inspection of materials or products or the designing or construction of equipment, buildings, etc. The term "fundamental research" does not include research carried on for the primary purpose of commercial or industrial application.

(g) *Charitable, etc., contributions.* (1) In computing the unrelated business taxable income of an organization described in section 511 (a) (2) the deduction from gross income allowed by section 170 (relating to charitable contributions and gifts) shall be allowed, whether or not the contribution is directly connected with the carrying on of the trade or business. Section 512 (b) (10) provides that this deduction shall not exceed 5 percent of the organization's unrelated business taxable income computed without regard to that deduction. The provisions of section 170 (b) (2) are not applicable to contributions by the organizations described in section 511 (a) (2).

(2) In computing the unrelated business taxable income of a trust described in section 511 (b) (2), the deduction allowed by section 170 (relating to charitable contributions and gifts) shall be allowed whether or not the contribution is directly connected with the carrying on of the trade or business. The deduction is limited as provided in section 170 (b) (1) (A) and (B), except that the amounts so allowed are determined on the basis of unrelated business taxable income computed without regard to this deduction (rather than on the basis of adjusted gross income). For purposes of this deduction, a distribution by a trust described in section 511 (b) (2) made pursuant to the trust instrument to a beneficiary described in section 170 shall be treated in the same manner as gifts or contributions.

(3) The contribution, whether made by a trust or other exempt organization, must be paid to another organization to be allowable. For example, a university described in section 501 (c) (3) which is exempt from tax and which operates an unrelated business, shall be allowed a deduction, not in excess of 5 percent of its unrelated business taxable income, for gifts or contributions to another university described in section 501 (c) (3) for educational work but shall not be allowed any deduction for amounts expended in administering its own educational program.

(h) *Specific deduction.* In computing unrelated business taxable income a deduction from gross income of $1,000 is allowed.

§ 1.512 (c) *Statutory provisions; unrelated business taxable income; special rules applicable to partnerships.*

SEC. 512. *Unrelated business taxable income.* • • •

(c) *Special rules applicable to partnerships.* If a trade or business regularly carried on by a partnership of which an organization is a member is an unrelated trade or business with respect to such organization, such organization in computing its unrelated business taxable income shall, subject to the exceptions, additions, and limitations contained in subsection (b), include its share (whether or not distributed) of the gross income of the partnership from such unrelated trade or business and its share of the partnership deductions directly connected with such gross income. If the taxable year of the organization is different from that of the partnership, the amounts to be so included or deducted in computing the unrelated business taxable income shall be based upon the income and deductions of the partnership for any taxable year of the partnership ending within or with the taxable year of the organization.

§ 1.512 (c)–1 *Special rules applicable to partnerships; in general.* In the event an organization to which section 511 applies is a member of a partnership regularly engaged in a trade or business which is an unrelated trade or business with respect to such organization, the organization shall include in computing its unrelated business taxable income so much of its share (whether or not distributed) of the partnership gross income as is derived from that unrelated business and its share of the deductions attributable thereto. For this purpose, both the gross income and the deductions shall be computed with the necessary adjustments for the exceptions, additions, and limitations referred to in section 512 (b) and in § 1.512 (b)–1. For example, if an exempt educational institution is a partner in a partnership which operates a factory and if such partnership also holds stock in a corporation, the exempt organization shall include in computing its unrelated business taxable income its share of the gross income from the operation of the factory, but not its share of any dividends received by the partnership from the corporation. If the taxable year of the organization differs from that of the partnership, the amounts included or deducted in computing unrelated business taxable income shall be based upon the income and deductions of the partnership for each taxable year of the partnership ending within or with the taxable year of the organization.

§ 1.513 *Statutory provisions; unrelated trade or business.*

SEC. 513. *Unrelated trade or business*—(a) *General rule.* The term "unrelated trade or business" means, in the case of any organization subject to the tax imposed by section 511, any trade or business the conduct of which is not substantially related (aside from the need of such organization for income or funds or the use it makes of the profits derived) to the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501 (or, in the case of an organization described in section 511 (a) (2) (B), to the exercise or performance of any purpose or function described in section 501 (c) (3)), except that such term does not include any trade or business—

(1) In which substantially all the work in carrying on such trade or business is performed for the organization without compensation; or

(2) Which is carried on, in the case of an organization described in section 501 (c) (3) or in the case of a college or university described in section 511 (a) (2) (B), by the organization primarily for the convenience of its members, students, patients, officers, or employees; or

(3) Which is the selling of merchandise, substantially all of which has been received by the organization as gifts or contributions.

(b) *Special rule for trusts.* The term "unrelated trade or business" means, in the case of—

(1) A trust computing its unrelated business taxable income under section 512 for purposes of section 681; or

(2) A trust described in section 401 (a) which is exempt from tax under section 501 (a);

any trade or business regularly carried on by such trust or by a partnership of which it is a member.

(c) *Special rule for certain publishing businesses.* If a publishing business carried on by an organization during a taxable year beginning before January 1, 1953, is, without regard to this subsection, an unrelated trade or business, but before the beginning of the third succeeding taxable year the business is carried on by it (or by a successor who acquired such business in a liquidation which would have constituted a tax-free exchange under section 112 (b) (6) of the Internal Revenue Code of 1939) in such manner that the conduct thereof is substantially related to the exercise or performance by such organization (or such successor) of its educational or other purpose or function described in section 501 (c) (3), such publishing business shall not be considered, for the taxable year, as an unrelated trade or business.

§ 1.513–1 *Definition of unrelated trade or business*—(a) *In general.* (1) As used in section 512 (a), the term "unrelated business taxable income" includes only income from an unrelated trade or business regularly carried on, and the term "trade or business" has the same meaning as it has in section 162.

(2) The income of an exempt organization is subject to the tax on unrelated business income only if two conditions are present with respect to such income. The first condition is that the income must be from a trade or business which is regularly carried on by the organization. The second condition is that the trade or business must not be substantially related (aside from the need of the organization for income or funds or the use it makes of the profits derived) to the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501, or, in the case of an organization described in section 511 (a) (2) (B) (governmental colleges, etc.) to the exercise or performance of any purpose or function described in section 501 (c) (3). Whether or not an organization is subject to the tax imposed by section 511 shall be determined by the application of these tests to the particular circumstances involved in each individual case. For certain exceptions from the term "unrelated trade or business", see paragraph (b) of this section.

(3) A trade or business is regularly carried on when the activity is conducted with sufficient consistency to indicate a continuing purpose of the organization to derive some of its income from such activity. An activity may be regularly carried on even though its performance is infrequent or seasonal.

(4) Ordinarily, a trade or business is substantially related to the activities for which an organization is granted exemption if the principal purpose of such trade or business is to further (other than through the production of income) the purpose for which the organization is granted exemption. In the usual case the nature and size of the trade or business must be compared with the nature and extent of the activities for which the organization is granted exemption in order to determine whether the principal purpose of such trade or business is to further (other than through the production of income) the purpose for which the organization is granted exemption. For example, the operation of a wheat farm is substantially related to the exempt activity of an agricultural college if the wheat farm is operated as a part of the educational program of the college, and is not operated on a scale disproportionately large when compared with the educational program of the college. Similarly, a university radio station or press is considered a related trade or business if operated primarily as an integral part of the educational program of the university, but is considered an unrelated trade or business if operated in substantially the same manner as a commercial radio station or publishing house. A trade or business not otherwise related does not become substantially related to an organization's exempt purpose merely because incidental use is made of the trade or business in order to further the exempt purpose. For example, the manufacture and sale of a product by an exempt college would not become substantially related merely because students as part of their educational program perform clerical or bookkeeping functions in the business. In some cases, the business may be substantially related because it is a necessary part of the exempt activity. For example, in the case of an organization described in section 501 (c) (3) and engaged in the rehabilitation of handicapped persons, the business of selling articles made by such persons as a part of their rehabilitation training would not be considered an unrelated business since such business is a necessary part of the rehabilitation program.

(b) *Exceptions.* Section 513 (a) specifically states that the term "unrelated trade or business" does not include—

(1) Any trade or business in which substantially all the work in carrying on such trade or business is performed for the organization without compensation; or

(2) Any trade or business carried on by an organization described in section 501 (c) (3) or by a governmental college or university described in section 511 (a) (2) (B), primarily for the convenience of its members, students, patients, officers, or employees; or

(3) Any trade or business which consists of selling merchandise, substantially all of which has been received by the organization as gifts or contributions.

An example of the operation of the first of the exceptions mentioned above would be an exempt orphanage operating a retail store and selling to the general public, where substantially all the work in carrying on such business is performed for the organization by volunteers without compensation. An example of the second exception would be a laundry operated by a college for the purpose of laundering dormitory linens and the clothing of students. The third exception applies to so-called "thrift shops" operated by a tax-exempt organization where those desiring to benefit such organization contribute old clothes, books, furniture, etc., to be sold to the general public with the proceeds going to the exempt organization.

(c) *Special rule respecting publishing businesses.* For a special rule with respect to publishing businesses carried on by an organization, see section 513 (c).

§ 1.514 (a) *Statutory provisions; business leases; business lease rents and deductions.*

SEC. 514. *Business leases*—(a) *Business lease rents and deductions.* In computing under section 512 the unrelated business taxable income for any taxable year—

(1) *Percentage of rents taken into account.* There shall be included with respect to each business lease, as an item of gross income derived from an unrelated trade or business, an amount which is the same percentage (but not in excess of 100 percent) of the total rents derived during the taxable year under such lease as (A) the business lease indebtedness, at the close of the taxable year, with respect to the premises covered by such lease is of (B) the adjusted basis, at the close of the taxable year, of such premises.

(2) *Percentage of deductions taken into account.* There shall be allowed with respect to each business lease, as a deduction to be taken into account in computing unrelated business taxable income, an amount determined by applying the percentage derived under paragraph (1) to the sum determined under paragraph (3).

(3) *Deductions allowable.* The sum referred to in paragraph (2) is the sum of the following deductions allowable under this chapter:

(A) Taxes and other expenses paid or accrued during the taxable year on or with respect to the real property subject to the business lease.

(B) Interest paid or accrued during the taxable year on the business lease indebtedness.

(C) A reasonable allowance for exhaustion, wear and tear (including a reasonable allowance for obsolescence) of the real property subject to such lease.

Where only a portion of the real property is subject to the business lease, there shall be taken into account under subparagraphs (A), (B), and (C) only those amounts which are properly allocable to the premises covered by such lease.

§ 1.514 (a)–1 *Business lease rents*—(a) *In general*—(1) *Rents includible in gross income.* There shall be included with respect to each business lease, as an item of gross income derived from an unrelated trade or business, an amount which is the same percentage (but not in excess of 100 percent) of the total rents derived during the taxable year under such lease as—

(i) The amount of the business lease indebtedness at the close of the taxable year of the lessor tax-exempt organization, with respect to the premises covered by such lease, is of

(ii) The adjusted basis of such premises at the close of such taxable year.

For definition of business lease as a lease for a term of more than 5 years, and for rules for determining the computation of such 5-year term in certain specific situations, see § 1.514 (b)–1. For definition of business lease indebtedness and allocation of business lease indebtedness where only a portion of the property is subject to a business lease, see § 1.514 (c)–1.

(2) *Determination of basis.* For purposes of the unrelated business income tax the basis (unadjusted) of property is determined under section 1012, and the adjusted basis of property is determined under section 1011. The determination of the adjusted basis of property is not affected by the fact that the organization was exempt from tax for prior taxable years. Proper adjustment must be made under section 1011 for the entire period since the acquisition of the property. Thus, adjustment must be made for depreciation for all prior taxable years whether or not the organization was exempt from tax for any of such years. Similarly, for taxable years during which the organization is subject to the tax on unrelated business taxable income the fact that only a portion of the deduction for depreciation is taken into account under section 514 (a) (2) does not affect the amount of the adjustment for depreciation.

(b) *Examples.* The application of this section may be illustrated by the following examples, in each of which it is assumed that the taxpayer makes its returns under section 511 on the basis of the calendar year, and that the lease is not substantially related to the purpose for which the organization is granted exemption from tax.

Example (1). Assume that a tax-exempt educational organization purchased property in 1942 for $600,000, using borrowed funds, and leased the building for a period of 20 years. Assume further that the adjusted basis of such building at the close of 1954 is $500,000 and that, at the close of 1954, $200,000 of the indebtedness incurred to acquire the property remains outstanding. Since the amount of the outstanding indebtedness is two-fifths of the adjusted basis of the building at the close of 1954, two-fifths of the gross rental received from the building during 1954 shall be included as an item of gross income in computing unrelated business taxable income. If, at the close of a subsequent taxable year, the outstanding indebtedness is $100,000 and the adjusted basis of the building is $400,000, one-fourth of the gross rental for such taxable year shall be included as an item of gross income in computing unrelated business taxable income for such taxable year.

Example (2). Assume that a tax-exempt organization owns a 4-story building, that in 1954 it borrows $100,000 which it uses to improve the whole building, and that it thereafter in 1954 rents the first and second floors of the building under 6-year leases at rentals of $4,000 a year. The third and fourth floors of the building are leased on a yearly basis during 1954. Assume, also, that the adjusted basis of the real property at the end of 1954 (after reflecting the expenditures for improving the building) is $200,000, allocable equally to each of the 4 stories. Under these facts, only one-half of the real property is subject to a business lease since only one-half is rented under a lease for more than five years. See § 1.514 (b)–1. The percentage of the rent under such lease which is taken into account is determined by the ratio which the allocable part of the business lease indebtedness bears to the allocable part of the adjusted basis of the real property, that is, the ratio which one-half of the $100,000 of business lease indebtedness outstanding at the close of 1954, or $50,000, bears to one-half of the adjusted basis of the business lease premises at the close of 1954, or $100,000. The percentage of rent which is business lease income for 1954 is, therefore, one-half (the ratio of $50,000 to $100,000) of $8,000, or $4,000, and this amount of $4,000 is considered an item of gross income derived from an unrelated trade or business.

§ 1.514 (a)–2 *Business lease deductions.* (a) The same percentage is used in determining both the portion of the rent and the portion of the deductions taken into account with respect to the business lease in computing unrelated business taxable income. See § 1.514 (a)–1 for the determination of such percentage. Such percentage is applicable only to the sum of the following deductions allowable under section 161:

(1) Taxes and other expenses paid or accrued during the taxable year upon or with respect to the real property subject to the business lease;

(2) Interest paid or accrued during the taxable year on the business lease indebtedness;

(3) A reasonable allowance for exhaustion, wear and tear (including a reasonable allowance for obsolescence) of the real property subject to such lease.

Where only a portion of the real property is subject to the business lease, there shall be taken into account only those amounts of the above-listed deductions which are properly allocable to the premises covered by such lease.

(b) The deductions allowable under section 514 (a) (3) and under paragraph (a) of this section with respect to a business lease are not limited by the amount included in gross income with respect to the rent from such lease, but any excess of such deductions over such gross income shall be applied against other items of gross income in computing unrelated business taxable income taxable under section 511 (a).

(c) The application of this section may be illustrated by the following example:

Example. Assume the same facts as those in example (1) in paragraph (b) of § 1.514 (a)–1. Assume, also, that for 1954 the organization pays taxes of $4,000 on the property, interest of $6,000 on its business lease indebtedness, and that the depreciation allowable for 1954 under section 167 is $10,000. Under the facts set forth in such example (1) and in this example, the deductions to be taken into account for 1954 in computing unrelated business taxable income would be two-fifths of the total of the deductions of $20,000, that is, $8,000.

§ 1.514 (b) *Statutory provisions; business leases; definition of business lease.*

SEC. 514. *Business leases.* * * *

(b) *Definition of business lease*—(1) *General rule.* For purposes of this section, the term "business lease" means a lease for a term of more than 5 years of real property by an organization (or by a partnership of

which it is a member), if at the close of the lessor's taxable year there is a business lease indebtedness (as defined in subsection (c)) with respect to such property.

(2) *Special rules for applying paragraph (1).* For purposes of paragraph (1)—

(A) In computing the term of a lease which contains an option for renewal or extension, the term of such lease shall be considered as including any period for which such option may be exercised; and the term of any lease made pursuant to an exercise of such option shall include the period during which the prior lease was in effect. If real property is acquired subject to a lease, the term of such lease shall be considered to begin on the date of such acquisition.

(B) If the property has been occupied by the same lessee for a total period of more than 5 years commencing not earlier than the date of acquisition of the property by the organization or trust (whether such occupancy is under one or more leases, renewals, extensions, or continuations thereof), the occupancy of such lessee shall be considered to be under a lease for a term of more than 5 years within the meaning of paragraph (1). However, subsection (a) shall apply in the case of a tenancy described in this subparagraph (and not within subparagraph (A)) only with respect to the sixth and succeeding years of occupancy by the same lessee. For purposes of this subparagraph, the term "same lessee" shall include any lessee of the property whose relationship with a lessee of the same property is such that losses in respect of sales or exchanges of property between the 2 lessees would be disallowed under section 267 (a).

(3) *Exceptions.* (A) No lease shall be considered a business lease if—

(i) Such lease is entered into primarily for purposes which are substantially related (aside from the need of such organization for income or funds or the use it makes of the rents derived) to the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501, or

(ii) The lease is of premises in a building primarily designed for occupancy, and occupied, by the organization.

(B) If a lease for more than 5 years to a tenant is for only a portion of the real property, and space in the real property is rented during the taxable year under a lease for not more than 5 years to any other tenant of the organization, leases of the real property for more than five years shall be considered as business leases during the taxable year only if—

(i) The rents derived from the real property during the taxable year under leases for more than 5 years (not including, as a lease for more than 5 years, an occupancy which is considered as such a lease by reason of paragraph (2) (B)) represent 50 percent or more of the total rents derived during the taxable year from the real property; or the area of the premises occupied under leases for more than 5 years (not including, as a lease for more than 5 years, an occupancy which is considered as such a lease by reason of paragraph (2) (B)) represents, at any time during the taxable year, 50 percent or more of the total area of the real property rented at such time; or

(ii) The rent derived from the real property during the taxable year from any tenant under a lease for more than 5 years (including as a lease for more than 5 years an occupancy which is considered as such a lease by reason of paragraph (2) (B)), or from a group of tenants (under such leases) who are either members of an affiliated group (as defined in section 1504) or partners, represents more than 10 percent of the total rents derived during the taxable year from such property; or the area of the premises occupied by any one such tenant, or by any such group of tenants, represents at any time during the taxable year more than 10 percent of the total area of the real property rented at such time.

In the application of clause (i), if during the last half of the term of a lease a new lease is made to take effect after the expiration of such lease, the unexpired portion of such lease on the date the second lease is made shall not be treated as a part of the term of the second lease.

§ 1.514 (b)–1 *Definition of business lease*—(a) *In general.* The term "business lease" means any lease, with certain exceptions discussed in paragraph (c) of this section, for a term of more than five years of real property by an organization subject to section 511 (or by a partnership of which it is a member) if at the close of the organization's taxable year there is a business lease indebtedness as defined in section 514 (c) and § 1.514 (c)–1 with respect to such property. For the purpose of section 514, the term "real property" and the term "premises" include personal property of the lessor tax-exempt organization leased by it to a lessee of its real estate if the lease of such personal property is made under, or in connection with, the lease of such real estate. For amounts of business lease rents and deductions to be included in computing unrelated business taxable income, see §§ 1.514 (a)–1 and 1.514 (a)–2.

(b) *Special rules.* (1) In computing the term of the lease, the period for which a lease may be renewed or extended by reason of an option contained therein shall be considered as part of the term. For example, a 3-year lease with an option for renewal for another such period is considered a lease for a term of six years. Another example is the case of a 1-year lease with option of renewal for another such term, where the parties at the end of each year renew the arrangement. In this case, during the fifth year (but not during the first four years), the lease falls within the 5-year rule, since the lease then involves five years and there is an option for the sixth year. In determining the term of the lease, an option for renewal of the lease is taken into account whether or not the exercise of the option depends upon conditions or contingencies.

(2) If the property is acquired subject to a lease, the term of such lease shall be considered to begin on the date of such acquisition. For example, if an exempt organization purchases, in whole or in part with borrowed funds, real property subject to a 10-year lease which has three years left to run, and such lease contains no right of renewal or extension, the lease shall be considered a 3-year lease and hence does not meet the definition of a business lease in section 514 (b) and paragraph (a) of this section. However, if this lease contains an option to renew for a period of three years or more, it is a business lease.

(3) Under the provisions of section 514 (b) (2) (B) a lease is considered as continuing for more than five years if the same lessee has occupied the premises for a total period of more than five years, whether the occupancy is under one or more leases, renewals, extensions, or continuations. Continued occupancy shall be considered to be by the same lessee if the occupants during the period are so related that losses in respect of sales or exchanges of property between them would be disallowed under section 267 (a) of the 1954 Code. Such period shall be considered as commencing not earlier than the date of the acquisition of the property by the tax-exempt organization or trust. This rule is applicable only in the sixth and succeeding years of such occupancy by the same lessee. See, however, paragraph (c) (3) of this section.

(c) *Exceptions.* (1) A lease shall not be considered a business lease if such lease is entered into primarily for a purpose which is substantially related (aside from the need of such organization for income or funds, or the use it makes of the rents derived) to the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption. For example, where a tax-exempt hospital leases real property owned by it to an association of doctors for use as a clinic, the rents derived under such lease would not be included in computing unrelated business taxable income if the clinic is substantially related to the carrying on of hospital functions. See § 1.513–1 for principles applicable in determining whether there is a substantial relationship to the exempt purposes of an organization.

(2) A lease is not a business lease if the lease is of premises in a building primarily designed for occupancy and occupied by the tax-exempt organization.

(3) If a lease for more than five years to a tenant is for only a portion of the real property, and space in the real property is rented during the taxable year under a lease for not more than five years to any other tenant of the tax-exempt organization, all leases of the real property for more than five years shall be considered as business leases during the taxable year only if—

(i) The rents derived from the real property during the taxable year under leases for more than five years represent 50 percent or more of the total rents derived during the taxable year from the real property; or the area of the premises occupied under leases for more than five years represents, at any time during the taxable year, 50 percent or more of the total area of the real property rented at such time; or

(ii) The rent derived from the real property during the taxable year from any tenant under a lease for more than five years, or from a group of tenants (under such leases) who are either members of an affiliated group (as defined in section 1504) or are partners, represents more than 10 percent of the total rents derived during the taxable year from such property; or the area of the premises occupied by any one such tenant, or by any such group of tenants, represents at any time during the taxable year more than 10 percent of the total area of the real property rented at such time.

In determining whether 50 percent or more of the total rents are derived from leases for more than 5 years, or whether

10 percent or more of the total area is occupied under leases for more than 5 years—

(a) An occupancy which is considered to be a lease of more than five years solely by reason of the provisions of paragraph (b) (3) of this section shall not be treated as such a lease for purposes of subdivision (i) of this subparagraph, and

(b) An occupancy which is considered to be a lease of more than five years solely by reason of the provisions of paragraph (b) (3) of this section shall be treated as such a lease for purposes of subdivision (ii) of this subparagraph, and

(c) If during the last half of the term of a lease a new lease is made to take effect after the expiration of such lease, the unexpired portion of the first lease will not be added to the second lease to determine whether such second lease is a lease for more than 5 years for purposes of subdivision (i) of this subparagraph.

(4) The application of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. In 1954 an educational organization, which is on the calendar year basis, begins the erection of an 11-story apartment building using funds borrowed for that purpose, and immediately leases for a 10-year term the first floor to a real estate development company to sublet for stores and shops. As fast as the new apartments are completed, they are rented on an annual basis. At the end of 1959 all except the tenth and eleventh floors are rented. Those two floors are completed during 1960 and rented. Assume that for 1954 and each subsequent taxable year through 1959, and for the taxable year 1963, the gross rental for the first floor represents more than 10 percent of the total gross rents derived during the taxable year from the building. Under this set of facts the 10-year lease of the first floor would be considered to be a business lease for all except the taxable years 1961, 1962, and 1964.

§ 1.514 (c) *Statutory provisions; business leases; business lease indebtedness.*

Sec. 514. *Business leases.* • • •

(c) *Business lease indebtedness.*—(1) *General rule.* The term "business lease indebtedness" means, with respect to any real property leased for a term of more than 5 years, the unpaid amount of—

(A) The indebtedness incurred by the lessor in acquiring or improving such property;

(B) The indebtedness incurred before the acquisition or improvement of such property if such indebtedness would not have been incurred but for such acquisition or improvement; and

(C) The indebtedness incurred after the acquisition or improvement of such property if such indebtedness would not have been incurred but for such acquisition or improvement and the incurrence of such indebtedness was reasonably foreseeable at the time of such acquisition or improvement.

(2) *Property acquired subject to mortgage, etc.* Where real property is acquired subject to a mortgage or other similar lien, the amount of the indebtedness secured by such mortgage or lien shall be considered (whether the acquisition was by gift, devise, or purchase) as an indebtedness of the lessor incurred in acquiring such property even though the lessor did not assume or agree to pay such indebtedness, except that where such property was acquired by gift, bequest, or devise before July 1, 1950, subject to a mortgage or other similar lien, the amount of such mortgage or other similar lien shall not be considered as an indebtedness of the lessor incurred in acquiring such property.

(3) *Certain property acquired by gift, etc.* Where real property was acquired by gift, bequest, or devise before July 1, 1950, subject to a lease requiring improvements in such property on the happening of stated contingencies, indebtedness incurred in improving such property in accordance with the terms of such lease shall not be considered as an indebtedness for purposes of this subsection.

(4) *Certain corporations described in section 501 (c) (2).* In the case of a corporation described in section 501 (c) (2), all of the stock of which was acquired before July 1, 1950, by an organization described in paragraph (3), (5), or (6) of section 501 (c) (and more than one-third of such stock was acquired by such organization by gift or bequest), any indebtedness incurred by such corporation before July 1, 1950, and any indebtedness incurred by such corporation on or after such date in improving real property in accordance with the terms of a lease entered into before such date, shall not be considered as an indebtedness with respect to such corporation or such organization for purposes of this subsection.

(5) *Certain trusts described in section 401 (a).* In the case of a trust described in section 401 (a), or in the case of a corporation described in section 501 (c) (2) all of the stock of which was acquired prior to March 1, 1954, by a trust described in section 401 (a), any indebtedness incurred by such trust or such corporation before March 1, 1954, in connection with real property which is leased before March 1, 1954, and any indebtedness incurred by such trust or such corporation on or after such date necessary to carry out the terms of such lease, shall not be considered as an indebtedness with respect to such trust or such corporation for purposes of this subsection.

(6) *Business lease on portion of property.* In determining the amount of the business lease indebtedness where only a portion of the real property is subject to a business lease, proper allocation to the premises covered by such lease shall be made of the indebtedness incurred by the lessor with respect to the real property.

(7) *Special rule applicable to trusts described in section 401 (a).* In the application of paragraph (1), if a trust described in section 401 (a) forming part of a stock bonus, pension, or profit-sharing plan of an employer lends any money to another trust described in section 401 (a) forming part of a stock bonus, pension, or profit-sharing plan of the same employer, such loan shall not be treated as an indebtedness of the borrowing trust, except to the extent that the loaning trust—

(A) Incurs any indebtedness in order to make such loan;

(B) Incurred indebtedness before the making of such loan which would not have been incurred but for the making of such loan; or

(C) Incurred indebtedness after the making of such loan which would not have been incurred but for the making of such loan and which was reasonably foreseeable at the time of making such loan.

§ 1.514 (c)–1 *Business lease indebtedness*—(a) *Definition.* The term "business lease indebtedness" means, with respect to any real property leased by a tax-exempt organization for a term of more than five years, the unpaid amount of—

(1) The indebtedness incurred by the lessor tax-exempt organization in acquiring or improving such property;

(2) The indebtedness incurred by the lessor tax-exempt organization prior to the acquisition or improvement of such property if such indebtedness would not have been incurred but for such acquisition or improvement; and

(3) The indebtedness incurred by the lessor tax-exempt organization subsequent to the acquisition or improvement of such property if such indebtedness would not have been incurred but for such acquisition or improvement and the incurrence of the indebtedness was reasonably foreseeable at the time of such acquisition or improvement.

See paragraph (i) of this section with respect to subsidiary corporations.

(b) *Examples.* The rules of section 514 (c) respecting business leases also cover certain cases where the leased property itself is not subject to an indebtedness. For example, they apply to cases such as the following:

Example (1). A university pledges some of its investment securities with a bank for a loan and uses the proceeds of such loan to purchase (either directly or through a subsidiary corporation) a building, which building is subject to a lease that then has more than five years to run. This would be an example of a business lease indebtedness incurred prior to the acquisition of the property which would not have been incurred but for such acquisition.

Example (2). If the building itself in example (1) in this paragraph is later mortgaged to raise funds to release the pledged securities, the lease would continue to be a business lease.

Example (3). If a scientific organization mortgages its laboratory building to replace working capital used in remodeling another one of its buildings or a building held by its subsidiary corporation, which other building is free of indebtedness and is subject to a lease that then has more than five years to run, the lease would be a business lease inasmuch as the indebtedness though incurred subsequent to the improvement of such property would not have been incurred but for such improvement, and the incurrence of the indebtedness was reasonably foreseeable when, to make such improvement, the organization reduced its working capital below the amount necessary to continue current operations.

(c) *Property acquired subject to lien.* Where real property is acquired subject to a mortgage or similar lien, whether the acquisition be by gift, bequest, devise, or purchase, the amount of the indebtedness secured by such mortgage or lien is a business lease indebtedness (unless paragraph (d) (1) of this section applies) even though the lessor does not assume or agree to pay the indebtedness. For example, a university pays $100,000 for real estate valued at $300,000 and subject to a $200,000 mortgage. For the purpose of the tax on unrelated business taxable income the result is the same as if $200,000 of borrowed funds had been used to buy the property.

(d) *Certain property acquired by gifts, etc.* (1) Where real property was acquired by gift, bequest, or devise, before July 1, 1950, subject to a mortgage or other similar lien, the amount of such mortgage or other similar lien shall not be considered as an indebtedness of the lessor tax-exempt organization incurred in acquiring such property. An indebtedness not otherwise covered by this exception is not brought within the exception by reason of a transfer of the

property between a parent and its subsidiary corporation.

(2) Where real property was acquired by gift, bequest, or devise, before July 1, 1950, subject to a lease requiring improvements in such property upon the happening of stated contingencies, indebtedness incurred in improving such property in accordance with the terms of such lease shall not be considered as indebtedness described in section 514 (c) and in this section. An indebtedness not otherwise covered by this exception is not brought within the exception by reason of a transfer of the property between a parent and its subsidiary corporation.

(e) *Certain corporations described in section 501* (c) (2). In the case of a title holding corporation described in section 501 (c) (2), all of the stock of which was acquired before July 1, 1950, by an organization described in section 501 (c) (3), (5), or (6) (and more than one-third of such stock was acquired by such organization by gift or bequest), any indebtedness incurred by such corporation before July 1, 1950, and any indebtedness incurred by such corporation on or after such date in improving real property in accordance with the terms of a lease entered into before such date, with respect to either such section 501 (c) (2) corporation or such section 501 (c) (3), (5), or (6) organization, shall not be considered an indebtedness described in section 514 (c) and in this section.

(f) *Certain trusts described in section 401 (a).* In the case of a trust described in section 401 (a), or in the case of a corporation described in section 501 (c) (2) all of the stock of which was acquired before March 1, 1954, by such a trust, any indebtedness incurred by such trust or such corporation before such date, in connection with real property which is leased before such date, and any indebtedness incurred by such trust or such corporation on or after such date necessary to carry out the terms of such lease, shall not be considered as an indebtedness described in section 514 (c) and in this section.

(g) *Business lease on portion of property.* Where only a portion of the real property is subject to a business lease, proper allocation of the indebtedness applicable to the whole property must be made to the premises covered by the lease. See example (2) of paragraph (b) of § 1.514 (a)–1.

(h) *Special rule applicable to trusts described in section 401 (a).* If an employees' trust described in section 401 (a) lends any money to another such employees' trust of the same employer, for the purpose of acquiring or improving real property, such loan will not be treated as an indebtedness of the borrowing trust except to the extent that the loaning trust—

(1) Incurs any indebtedness in order to make such loan;

(2) Incurred indebtedness before the making of such loan which would not have been incurred but for the making of such loan; or

(3) Incurred indebtedness after the making of such loan which would not have been incurred but for the making of such loan and which was reasonably foreseeable at the time of making such loan.

(i) *Subsidiary corporations.* The provisions of section 514 are applicable whether or not a subsidiary corporation of the type described in section 501 (c) (2) is availed of in making the business lease. For example, assume a parent organization borrows funds to purchase realty and sets up a separate section 501 (c) (2) corporation as a subsidiary to hold the property. Such subsidiary corporation leases the property for a period of more than five years, collects the rents and pays over all of the income, less expenses, to the parent organization, the parent organization being liable for the indebtedness. Under these assumed facts, the lease by the section 501 (c) (2) subsidiary corporation would be a business lease with respect to such subsidiary corporation, and the rental income would be subject to the tax, whether or not the subsidiary itself assumes the indebtedness and whether or not the property is subject to the indebtedness.

§ 1.514 (d) *Statutory provisions; business leases; personal property leased with real property.*

SEC. 514. *Business leases.* • • •

(d) *Personal property leased with real property.* For purposes of this section, the term "real property" and the term "premises" include personal property of the lessor leased by it to a lessee of its real estate if the lease of such personal property is made under, or in connection with, the lease of such real estate.

§ 1.515 *Statutory provisions; taxes of foreign countries and possessions of the United States.*

SEC. 515. *Taxes of foreign countries and possessions of the United States.* The amount of taxes imposed by foreign countries and possessions of the United States shall be allowed as a credit against the tax of an organization subject to the tax imposed by section 511 to the extent provided in section 901; and in the case of the tax imposed by section 511, the term "taxable income" as used in section 901 shall be read as "unrelated business taxable income".

FARMERS' COOPERATIVES

§ 1.521 *Statutory provisions; exemption of farmers' cooperatives from tax.*

SEC. 521. *Exemption of farmers' cooperatives from tax*—(a) *Exemption from tax.* A farmers' cooperative organization described in subsection (b) (1) shall be exempt from taxation under this subtitle except as otherwise provided in section 522. Notwithstanding section 522, such an organization shall be considered an organization exempt from income taxes for purposes of any law which refers to organizations exempt from income taxes.

(b) *Applicable rules*—(1) *Exempt farmers' cooperatives.* The farmers' cooperatives exempt from taxation to the extent provided in subsection (a) are farmers', fruit growers', or like associations organized and operated on a cooperative basis (A) for the purpose of marketing the products of members or other producers, and turning back to them the proceeds of sales, less the necessary marketing expenses, on the basis of either the quantity or the value of the products furnished by them, or (B) for the purpose of purchasing supplies and equipment for the use of members or other persons, and turning over such supplies and equipment to them at actual cost, plus necessary expenses.

(2) *Organizations having capital stock.* Exemption shall not be denied any such association because it has capital stock, if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the State of incorporation or 8 percent per annum, whichever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than nonvoting preferred stock, the owners of which are not entitled or permitted to participate, directly or indirectly, in the profits of the association, upon dissolution or otherwise, beyond the fixed dividends) is owned by producers who market their products or purchase their supplies and equipment through the association.

(3) *Organizations maintaining reserve.* Exemption shall not be denied any such association because there is accumulated and maintained by it a reserve required by State law or a reasonable reserve for any necessary purpose.

(4) *Transactions with nonmembers.* Exemption shall not be denied any such association which markets the products of nonmembers in an amount the value of which does not exceed the value of the products marketed for members, or which purchases supplies and equipment for nonmembers in an amount the value of which does not exceed the value of the supplies and equipment purchased for members, provided the value of the purchases made for persons who are neither members nor producers does not exceed 15 percent of the value of all its purchases.

(5) *Business for the United States.* Business done for the United States or any of its agencies shall be disregarded in determining the right to exemption under this section.

§ 1.521–1 *Farmers' cooperative marketing and purchasing associations; requirements for exemption under section 521.* (a) (1) Cooperative associations engaged in the marketing of farm products for farmers, fruit growers, livestock growers, dairymen, etc., and turning back to the producers the proceeds of the sales of their products, less the necessary operating expenses, on the basis of either the quantity or the value of the products furnished by them, are exempt from income tax except as otherwise provided in section 522. For instance, cooperative dairy companies which are engaged in collecting milk and disposing of it or the products thereof and distributing the proceeds, less necessary operating expenses, among the producers upon the basis of either the quantity or the value of milk or of butterfat in the milk furnished by such producers, are exempt from the tax. If the proceeds of the business are distributed in any other way than on such a proportionate basis, the association does not meet the requirements of the Internal Revenue Code of 1954 and is not exempt. In other words, nonmember patrons must be treated the same as members insofar as the distribution of patronage dividends is concerned. Thus, if products are marketed for nonmember producers, the proceeds of the sale, less necessary operating expenses, must be returned to the patrons from the sale of whose goods such proceeds result, whether or not such patrons are members of the association. In order to show its cooperative nature and to establish compliance with the requirement of the Code that the proceeds of sales, less necessary expenses, be turned back to all producers on the basis of either the quantity or the value of the products furnished by them, it is necessary for such an association to keep permanent records of the business done both with members and nonmembers. The Code does not require, however, that the association keep ledger accounts with each producer selling through the association. Any permanent records which show that the association was operating during the taxable year on a cooperative basis in the distribution of patronage dividends to all producers will suffice. While under the Code patronage dividends must be paid to all producers on the same basis, this requirement is complied with if an association, instead of paying patronage dividends to nonmember producers in cash, keeps permanent records from which the proportionate shares of the patronage dividends due to nonmember producers can be determined, and such shares are made applicable toward the purchase price of a share of stock or of a membership in the association.

(2) An association which has capital stock will not for such reason be denied exemption (i) if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the State of incorporation or 8 percent per annum, whichever is greater, on the value of the consideration for which the stock was issued, and (ii) if substantially all of such stock (with the exception noted below) is owned by producers who market their products or purchase their supplies and equipment through the association. Any ownership of stock by others than such actual producers must be satisfactorily explained in the association's application for exemption. The association will be required to show that the ownership of its capital stock has been restricted as far as possible to such actual producers. If by statutory requirement all officers of an association must be shareholders, the ownership of a share of stock by a nonproducer to qualify him as an officer will not destroy the association's exemption. Likewise, if a shareholder for any reason ceases to be a producer and the association is unable, because of a constitutional restriction or prohibition or other reason beyond the control of the association, to purchase or retire the stock of such nonproducer, the fact that under such circumstances a small amount of the outstanding capital stock is owned by shareholders who are no longer producers will not destroy the exemption. The restriction placed on the ownership of capital stock of an exempt cooperative association shall not apply to nonvoting preferred stock, provided the owners of such stock are not entitled or permitted to participate, directly or indirectly, in the profits of the association, upon dissolution or otherwise, beyond the fixed dividends.

(3) The accumulation and maintenance of a reserve required by State statute, or the accumulation and maintenance of a reasonable reserve or surplus for any necessary purpose, such as to provide for the erection of buildings and facilities required in business or for the purchase and installation of machinery and equipment or to retire indebtedness incurred for such purposes, will not destroy the exemption. An association will not be denied exemption because it markets the products of nonmembers, provided the value of the products marketed for nonmembers does not exceed the value of the products marketed for members. Anyone who shares in the profits of a farmers' cooperative marketing association, and is entitled to participate in the management of the association, must be regarded as a member of such association within the meaning of section 521.

(b) Cooperative associations engaged in the purchasing of supplies and equipment for farmers, fruit growers, livestock growers, dairymen, etc., and turning over such supplies and equipment to them at actual cost, plus the necessary operating expenses, are exempt. The term "supplies and equipment" as used in section 521 includes groceries and all other goods and merchandise used by farmers in the operation and maintenance of a farm or farmer's household. The provisions of paragraph (a) of this section relating to a reserve or surplus and to capital stock shall apply to associations coming under this paragraph. An association which purchases supplies and equipment for nonmembers will not for such reason be denied exemption, provided the value of the purchases for nonmembers does not exceed the value of the supplies and equipment purchased for members, and provided the value of the purchases made for nonmembers who are not producers does not exceed 15 percent of the value of all its purchases.

(c) In order to be exempt under either paragraph (a) or (b) of this section an association must establish that it has no taxable income for its own account other than that reflected in a reserve or surplus authorized in paragraph (a) of this section. An association engaged both in marketing farm products and in purchasing supplies and equipment is exempt if as to each of its functions it meets the requirements of the Internal Revenue Code of 1954. Business done for the United States or any of its agencies shall be disregarded in determining the right to exemption under section 521 and this section. An association to be entitled to exemption must not only be organized but actually operated in the manner and for the purposes specified in section 521.

(d) Cooperative organizations engaged in occupations dissimilar from those of farmers, fruit growers, and the like, are not exempt.

(e) An organization is not exempt from taxation under this section merely because it claims that it complies with the requirements prescribed therein. In order to establish its exemption every organization claiming exemption under section 521 is required to file a Form 1028. The Form 1028, executed in accordance with the instructions on the form or issued therewith, should be filed with the district director for the internal revenue district in which is located the principal place of business or principal office of the organization. However, an organization which has been granted exemption under the provisions of the Internal Revenue Code of 1939 or prior law may rely on that ruling, unless affected by substantive changes in the 1954 Code or any changes in the character, purposes, or methods of operation of the organization, and it is not necessary in such case for the organization to request a new determination as to its exempt status.

§ 1.522 *Statutory provisions; tax on farmers' cooperatives.*

SEC. 522. *Tax on farmers' cooperatives*—(a) *Imposition of tax.* An organization exempt from taxation under section 521 shall be subject to the taxes imposed by section 11 or section 1201.

(b) *Computation of taxable income.*—(1) *General rule.* In computing the taxable income of such an organization there shall be allowed as deductions from gross income (in addition to other deductions allowable under this chapter)—

(A) Amounts paid as dividends during the taxable year on its capital stock, and

(B) Amounts allocated during the taxable year to patrons with respect to its income not derived from patronage (whether or not such income was derived during such taxable year) whether paid in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice, or in some other manner that discloses to each patron the dollar amount allocated to him. Allocations made after the close of the taxable year and on or before the 15th day of the 9th month following the close of such year shall be considered as made on the last day of such taxable year to the extent the allocations are attributable to income derived before the close of such year.

(2) *Patronage dividends, etc.* Patronage dividends, refunds, and rebates to patrons with respect to their patronage in the same or preceding years (whether paid in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice, or in some other manner that discloses to each patron the dollar amount of such dividend, refund, or rebate) shall be taken into account in computing taxable income in the same manner as in the case of a cooperative organization not exempt under section 521. Such dividends, refunds, and rebates made after the close of the taxable year and on or before the 15th day of the 9th month following the close of such year shall be considered as made on the last day of such taxable year to the extent the dividends, refunds, or rebates, are attributable to patronage occurring before the close of such year.

§ 1.522–1 *Tax treatment of farmers' cooperative marketing and purchasing associations exempt under section 521*—(a) *In general.* (1) Section 522 is applicable to farmers', fruit growers', or like associations organized and operated on a cooperative basis in the manner prescribed in section 521. Although such an association is subject to both normal tax and surtax, as in the case of corporations generally, certain special rules for the computation of taxable income are provided in section 522 (b) and § 1.522–2. For the purpose of any law which refers to organizations exempt from income taxes such an association shall, however, be considered as an organization exempt under section 501. Thus, the provisions of section 243, providing a credit for dividends received from a domestic corporation subject to

taxation, are not applicable to dividends received from a cooperative association subject to section 522. The provisions of section 1501, relating to consolidated returns, are likewise not applicable.

(2) Rules governing the manner in which amounts allocated as patronage dividends, refunds, or rebates are to be taken into account in computing the taxable income of such an association are set forth in § 1.522–3. For the tax treatment, as to patrons, of amounts received during the taxable year as patronage dividends, rebates, or refunds, see section 61 and § 1.61–5.

(b) *Meaning of terms.* For purposes of §§ 1.522–1 to 1.522–3, inclusive, §§ 1.6044–1 and 1.61–5, the following terms shall have the meaning ascribed below:

(1) *Cooperative association.* The term "cooperative association" includes any corporation operating on a cooperative basis and allocating amounts to patrons on the basis of the business done with or for such patrons, except that the term does not include any cooperative or nonprofit corporation (including any cooperative or nonprofit corporation engaged in rural electrification) exempt from taxation under section 501 (a) and described in section 501 (c) (12) or (15) or any corporation subject to a tax imposed by subchapter L (relating to insurance companies).

(2) *Patron.* The term "patron" includes any person with whom or for whom the cooperative association does business on a cooperative basis, whether a member or a nonmember of the cooperative association, and whether an individual, a trust, estate, partnership, company, corporation, or cooperative association.

(3) *Allocation.* The term "allocation" includes distributions made by a cooperative association to a patron in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice, similar documents, or in any other manner whereby there is disclosed to a patron the dollar amount apportioned on the books of the association for the account of such patron. Thus, a mere credit to the account of a patron on the books of the cooperative association, without disclosure to the patron, is not an allocation.

(4) *Patronage dividends, rebates, and refunds.* The term "patronage dividend, rebate, or refund" includes any amount allocated by a cooperative association, to the account of a patron on the basis of the business done with or for such patron. The following are not patronage dividends, rebates, or refunds:

(i) Amounts distributed in redemption of capital stock, or in redemption or satisfaction of certificates of indebtedness, revolving fund certificates, retain certificates, letters of advice, or other similar documents;

(ii) Amounts allocated (whether in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice, or in some other manner that discloses to each patron the amount of such dividend, refund, or rebate) by the association for products of members or other patrons to the extent such amounts are fixed without reference to the earnings of the cooperative association. For this purpose, the term "earnings" includes the excess of amounts retained (or assessed) by the association to cover expenses or other items over the amount of such expenses or other items.

(c) *Examples.* The application of paragraph (b) of this section may be illustrated by the following examples:

Example (1). Cooperative A, a marketing association operating on a pooling basis, receives the products of patron W on January 5, 1954. On the same day Cooperative A advances to W 45 cents per unit for the products so delivered and allocates to him a "retain certificate" having a face value calculated at the rate of 5 cents per unit. During the operation of the pool, and before substantially all the products in the pool are disposed of, Cooperative A advances to W an additional 40 cents per unit, the amount being determined by reference to the market price of the products sold and the anticipated price of the unsold products. At the close of the pool on November 10, 1954, Cooperative A determines the excess of its receipts over the sum of its expenses and its previous advances to patrons, and allocates to W an additional 3 cents per unit and shares of the capital stock of A having an aggregate of face value calculated at the rate of 2 cents per unit.

The amount of patronage dividends, rebates, or refunds allocated to W during 1954 amount to 5 cents per unit, consisting of the aggregate of the following per-unit allocations: The amount of cash distribution (3 cents), and the face value of the capital stock of A (2 cents), which are fixed with reference to the earnings of A. The amount of the two distributions in cash (85 cents) and the face amount of the "retain certificate" (5 cents), which are fixed without reference to the earnings of A, do not constitute patronage dividends, rebates, or refunds.

Example (2). Cooperative B, a marketing association operating on a pooling basis, receives the products of patron X on March 5, 1954. On the same day Cooperative B pays to X $1.00 per unit for such products, this amount being determined by reference to the market price of the product when received, and issues to him a participation certificate having no face value but which entitles X on the close of the pool to the proceeds derived from the sale of his products less the previous payment of $1.00 and the expenses and other charges attributable to such products. On March 5, 1957, Cooperative B, having sold the products in the pool, having deducted the previous payments for such products, and having determined the expenses and other charges of the pool, redeems the participation certificate of X in cash for 10 cents per unit. The allocation made to X during 1957, amounting to 10 cents per unit, is a patronage dividend, rebate, or refund. Neither the payment to X in 1954 of $1.00 nor the issuance to him of the participation certificate in that year constitutes a patronage dividend, rebate, or refund within the meaning of this section.

Example (3). Cooperative C, a purchasing association, obtains supplies for patron Y on May 1, 1954, and receives in return therefor $100. On February 1, 1955, Cooperative C, having determined the excess of its receipts over its costs and expenses, allocates to Y a cash distribution of $1.00 and a revolving fund certificate of a face amount of $1.00. The amount of patronage dividends, rebates, or refunds allocated to Y for 1955 is $2.00, the aggregate of the cash distribution of $1.00, and the face amount, $1.00, of the revolving fund certificate.

Example (4). Cooperative D, a service association, sells the products of members on a fee basis. It receives the products of patron Z under an agreement not to pool his products with those of other members, to sell his products, and to deliver to him the proceeds of the sale. Patron Z makes payments to Cooperative D during 1954 aggregating $75 for service rendered him by Cooperative D during that year. On May 15, 1955, Cooperative D, having determined the excess of its receipts over its costs and expenses, allocates to Z a cash distribution of $2.00. Such amount is a patronage dividend, rebate, or refund allocated by Cooperative D during 1955.

(d) *Returns of exempt cooperative associations.* For requirements of annual returns by exempt cooperative associations, see sections 6012 and 6072 (d) and paragraph (f) of § 1.6012–2.

§ 1.522–2 *Manner of taxation of cooperative associations subject to section 522*—(a) *In general.* Farmers', fruit growers', or like associations, organized and operated in compliance with the requirements of section 521 and § 1.521–1 shall be subject to the taxes imposed by section 11 or section 1201, except that there shall be allowed as deductions from gross income, in addition to the other deductions allowable under chapter 1, certain special deductions provided in section 522 (b) (1) (A) and paragraph (c) of this section, and section 522 (b) (1) (B) and paragraph (d) of this section. Amounts allocated as patronage dividends, refunds, or rebates, whether in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice, or in some other manner that discloses to each patron the dollar amount allocated, with respect to patronage for the taxable year or for preceding taxable years, shall be taken into account in the manner provided in section 522 and in § 1.522–3.

(b) *Cooperative association exempt from tax before January 1, 1952.* (1) For the purpose of determining the method of accounting under section 446 in the case of a cooperative association which was exempt from tax for taxable years beginning prior to January 1, 1952, the method of accounting, recognized under sections 41, 42, and 43 of the Internal Revenue Code of 1939 and the regulations prescribed thereunder and utilized in the return of such association for its last taxable year to which the Internal Revenue Code of 1939 was applicable, shall be deemed to constitute the method of accounting regularly employed by the cooperative association. Any change from this method may be made only if permission is obtained from the Commissioner to change to another recognized method in accordance with section 446 and the regulations thereunder.

(2) In any case where inventories are an income-producing factor, see sections 471 and 472 and the regulations thereunder. The elective method of inventorying goods provided in section 472 may be adopted by the cooperative association for any taxable year beginning after December 31, 1953, in accordance with the requirements of section 472 and the regulations thereunder. However, in order to use such method for such a taxable year the cooperative association (unless it has used such method for a taxable year beginning after 1951 and before 1954 pursuant to an election exercised as provided in § 39.22 (d)–3 of this subchapter (Regulations 118)) must exercise the election provided in section 472 and the regulations thereunder, even if it may have utilized such method for accounting purposes for taxable years beginning before January 1, 1952.

(3) The following rules shall be applicable in computing the net operating loss deduction provided in section 172: No net operating loss carryover shall be allowed from a taxable year beginning prior to January 1, 1952, for which the cooperative association was exempt from tax under section 101 (12) of the 1939 Code. In the case of a taxable year beginning prior to January 1, 1952, for which the association was not exempt under section 101 (12) of the 1939 Code and of any taxable year beginning after December 31, 1951, the amount of the net operating loss carryback or carryover from such year shall not be reduced by reference to the income of any taxable year beginning prior to January 1, 1952, for which the association was exempt from tax under section 101 (12) of the 1939 Code. However, any taxable year beginning prior to January 1, 1952, for which the cooperative association was exempt under section 101 (12) of the 1939 Code shall be taken into account in determining the period for which a net operating loss may be carried back or carried over, as the case may be.

(4) The adjustments to the cost or other basis provided in sections 1011 and 1016 and the regulations thereunder, are applicable for the entire period since the acquisition of the property. Thus, proper adjustment to basis must be made under section 1016 for depreciation, obsolescence, amortization and depletion for all taxable years beginning prior to January 1, 1952, although the cooperative association was exempt from tax under section 521 or corresponding provisions of prior law for such years. However, no adjustment for percentage or discovery depletion is to be made for any year during which the association was exempt from tax. If a cooperative association has made a proper election in accordance with section 1020 and the regulations prescribed thereunder with respect to a taxable year beginning before 1952 in which the association was not exempt from tax, the adjustment to basis for depreciation for such years shall be limited in accordance with the provisions of section 1016 (a) (2).

(5) In the case of tax exempt and partially taxable bonds purchased at a premium and subject to amortization under section 171, proper adjustment to basis must be made to reflect amortization with respect to such premium from the date of acquisition of the bond. (For principles governing the method of computation, see the example in paragraph (b) of § 1.1016–9, relating to mutual savings banks, building and loan associations, and cooperative banks.) The basis of a fully taxable bond purchased at a premium shall be adjusted from the date of the election to amortize such premium in accordance with the provisions of section 171 except that no adjustment shall be allowable for such portion of the premium attributable to the period prior to the election.

(6) In the case of a mortgage acquired at a premium where the principal of such mortgage is payable in installments, adjustments to the basis for the premium must be made for all taxable years (whether or not the association was exempt from tax under section 521 during such years) in which installment payments are received. Such adjustments may be made on an individual mortgage basis or on a composite basis by reference to the average period of payments of the mortgage loans of such association. For the purpose of this adjustment, the term "premium" includes the excess of the acquisition value of the mortgage over its maturity value. The acquisition value of the mortgage is the cost including buying commissions, attorneys' fees or brokerage fees, but such value does not include amounts paid for accrued interest.

(c) *Deduction for dividends paid.* There is allowable as a deduction from the gross income of a cooperative association operated in compliance with the requirements of section 521 and § 1.521–1, amounts paid as dividends during the taxable year upon the capital stock of the cooperative association. For the purpose of the preceding sentence, the term "capital stock" includes common stock (whether voting or nonvoting), preferred stock, or any other form of capital represented by capital retain certificates, revolving fund certificates, letters of advice, or other evidence of a proprietary interest in a cooperative association. Such deduction is applicable only to the taxable year in which the dividends are actually or constructively paid to the holder of capital stock or other proprietary interest of the cooperative association. If a dividend is paid by check and the check bearing a date within the taxable year is deposited in the mail, in a cover properly stamped and addressed to the shareholder at his last known address, at such time that in the ordinary handling of the mails the check would be received by such holder within the taxable year, a presumption arises that the dividend was paid to such holder in such year. The determination of whether a dividend has been paid to such holder by the corporation during its taxable year is in no way dependent upon the method of accounting regularly employed by the corporation in keeping its books. For further rules as to the determination of the right to a deduction for dividends paid, under certain specific circumstances, see section 561 and the regulations thereunder.

(d) *Deduction for amounts allocated from income not derived from patronage.* There is allowable as a deduction from the gross income of a cooperative association operated in compliance with the requirements of section 521 and § 1.521–1 amounts allocated during the taxable year to patrons with respect to its income not derived from patronage (whether or not such income was derived during such taxable year) whether such amounts are paid in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice, or in some other manner that discloses to each patron the dollar amount allocated to him. For this purpose, allocations made after the close of the taxable year and on or before the 15th day of the ninth month following the close of the taxable year shall be considered as made on the last day of such taxable year to the extent that such allocations are attributable to income derived during the taxable year or during years prior to the taxable year. As used in this paragraph, the term "income not derived from patronage" means incidental income derived from sources not directly related to the marketing, purchasing, or service activities of the cooperative association. For example, income derived from the lease of premises, from investment in securities, from the sale or exchange of capital assets, constitutes income not derived from patronage. Business done with the United States shall constitute income not derived from patronage. In order that the deduction for income not derived from patronage may be applicable, it is necessary that the amount sought to be deducted be allocated on a patronage basis in proportion, insofar as is practicable, to the amount of business done by or for patrons during the period to which such income is attributable. Thus, if capital gains are realized from the sale or exchange of capital assets acquired and disposed of during the taxable year, income realized from such gains must be allocated to patrons of such year in proportion to the amount of business done by such patrons during the taxable year. Similarly, if capital gains are realized by the association from the sale or exchange of capital assets held for a period of more than one taxable year income realized from such gains must be allocated, in proportion insofar as is practicable, to the patrons of the taxable years during which the asset was owned by the association, and to the amount of business done by such patrons during such taxable years.

§ 1.522–3 *Patronage dividends, rebates, or refunds; treatment as to cooperative associations entitled to tax treatment under section 522*—(a) *General rule.* Patronage dividends, refunds, or rebates, allocated by a cooperative association entitled to tax treatment under section 522 to a patron shall be taken into account in computing the gross income of such association for the taxable year, as an increase in its other cost of goods sold in the case of an association marketing products for patrons, or as a reduction in its gross receipts, in the case of an association purchasing supplies and equipment or performing services for patrons, as the case may be, if:

(1) The allocation is made in fulfillment and satisfaction of a valid obligation of such association to the patron, which obligation was in existence prior to the receipt by the cooperative association of the amount allocated, and

(2) The allocation is made on or before the 15th day of the ninth month following the close of the taxable year in which the amounts allocated were received by the cooperative association.

For the purpose of subparagraph (1) of this paragraph, amounts allocated by a cooperative association entitled to tax

treatment under section 522 will be deemed allocated in fulfillment and satisfaction of a valid enforceable obligation, if made pursuant to provisions of the by-laws, articles of incorporation, or other contract, whereby the association is obligated to make such allocation after the retention of "reasonable reserves" and after payment of dividends on capital stock or other proprietary capital interests. Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, amounts allocated as patronage dividends, refunds, or rebates during the taxable year, on or before the 15th day of the ninth month following the close of such year, with respect to patronage for years preceding the taxable year, shall be taken into account as an increase in its other cost of goods sold, or as a reduction in gross receipts, for the taxable year, as the case may be, where retention as "reasonable reserves" of the amounts so allocated beyond the year in which earned was proper in accordance with the provisions of section 521 and where the allocation is made to the patron on a patronage basis in proportion insofar as is practicable, to the amount of business done by such patrons during the taxable year or years in which the retained amounts were received by the cooperative association.

(b) *Examples.* This section may be illustrated by the following examples:

Example (1). E, a cooperative association entitled to tax treatment under section 522, organized without capital stock, is engaged in the business of marketing products for its patrons on a non-pool basis. The by-laws of Cooperative E provide that there shall be allocated to patrons as patronage dividends within a reasonable time following the close of the year all of the gross returns from sales, less expenses of operation for the year and amounts retained as "reasonable reserves" necessary to the operation of Cooperative E. At the close of the taxable year, 1954, it is determined that from the gross returns from sales less operating expenses and all taxes for such year, $5,000 is to be retained as "reasonable reserves" for various necessary purposes of Cooperative E. It is assumed that the retention of such amount is proper in accordance with the provisions of section 521. Such $5,000 is apportioned on the books of Cooperative E to patrons of 1954 on a patronage basis, or permanent records are kept from which an apportionment to such patrons can be made. On March 1, 1955, pursuant to the terms of the by-laws, $200,000, the balance of the gross returns for the taxable year, is allocated to patrons of 1954 on the basis of patronage. $100,000 of such $200,000 is allocated in cash. The remaining $100,000 is allocated in "retain certificates", bearing no interest and redeemable in the discretion of the Board of Directors of Cooperative E.

There may be added to the cost of goods sold by Cooperative E for 1954, $200,000 ($100,000 in cash, $100,000 in retain certificates), the total amount allocated as patronage dividends, rebates, or refunds in fulfillment and satisfaction of the obligation of the by-laws, on March 1, 1955, before the 15th day of the ninth month following the close of 1954. There may not be added to the cost of goods sold by Cooperative E for 1954, $5,000, the amount retained as reserves apportioned on the books, but not allocated as patronage dividends, rebates, or refunds.

Example (2). The facts are the same as example (1), it additionally appearing that at the close of 1955 it is determined by Cooperative E to allocate as cash patronage dividends, rebates, or refunds to patrons of 1954, $5,000, the amount retained as "reasonable reserves" for 1954 in accordance with the provisions of section 521. On March 1, 1956, such amount is allocated.

There may be added to the cost of goods sold by Cooperative E for 1955, $5,000, the amount allocated with respect to patronage of a preceding year, 1954, properly maintained as a reserve under section 521.

SHIPOWNERS' PROTECTION AND INDEMNITY ASSOCIATIONS

§ 1.526 *Statutory provisions; shipowners' protection and indemnity associations.*

SEC. 526. *Shipowners' protection and indemnity associations.* There shall not be included in gross income the receipts of shipowners' mutual protection and indemnity associations not organized for profit, and no part of the net earnings of which inures to the benefit of any private shareholder; but such corporations shall be subject as other persons to the tax on their taxable income from interest, dividends, and rents.

INCOME TAX RETURNS

§ 1.6012 *Statutory provisions; persons required to make returns of income; general.*

SEC. 6012. *Persons required to make returns of income—(a) General rule.* Returns with respect to income taxes under subtitle A shall be made by the following:

(1) Every individual having for the taxable year a gross income of $600 or more (except that any individual who has attained the age of 65 before the close of his taxable year shall be required to make a return only if he has for the taxable year a gross income of $1,200 or more);

(2) Every corporation subject to taxation under subtitle A;

(3) Every estate the gross income of which for the taxable year is $600 or more;

(4) Every trust having for the taxable year any taxable income, or having gross income of $600 or over, regardless of the amount of taxable income; and

(5) Every estate or trust of which any beneficiary is a nonresident alien;

except that subject to such conditions, limitations, and exceptions and under such regulations as may be prescribed by the Secretary or his delegate, nonresident alien individuals subject to the tax imposed by section 871 and foreign corporations subject to the tax imposed by section 881 may be exempted from the requirement of making returns under this section.

(b) *Returns made by fiduciaries and receivers—(1) Returns of decedents.* If an individual is deceased, the return of such individual required under subsection (a) shall be made by his executor, administrator, or other person charged with the property of such decedent.

(2) *Persons under a disability.* If an individual is unable to make a return required under subsection (a) or section 6015 (a), the return of such individual shall be made by a duly authorized agent, his committee, guardian, fiduciary or other person charged with the care of the person or property of such individual. The preceding sentence shall not apply in the case of a receiver appointed by authority of law in possession of only a part of the property of an individual.

(3) *Receivers, trustees and assignees for corporations.* In a case where a receiver, trustee in bankruptcy, or assignee, by order of a court of competent jurisdiction, by operation of law or otherwise, has possession of or holds title to all or substantially all the property or business of a corporation, whether or not such property or business is being operated, such receiver, trustee, or assignee shall make the return of income for such corporation in the same manner and form as corporations are required to make such returns.

(4) *Returns of estates and trusts.* Returns of an estate or a trust shall be made by the fiduciary thereof.

(5) *Joint fiduciaries.* Under such regulations as the Secretary or his delegate may prescribe, a return made by one of two or more joint fiduciaries shall be sufficient compliance with the requirements of this section. A return made pursuant to this paragraph shall contain a statement that the fiduciary has sufficient knowledge of the affairs of the person for whom the return is made to enable him to make the return, and that the return is, to the best of his knowledge and belief, true and correct.

(c) *Consolidated returns.* For provisions relating to consolidated returns by affiliated corporations, see chapter 6.

§ 1.6012-2 *Corporations required to make returns of income.*

(a)-(d) [Reserved.]

(e) *Charitable and other organizations with unrelated business income.* Every organization, described in section 501 (c) (2), (3), (5), and (6), which is otherwise exempt from tax under section 501 (a), and which is subject to the tax imposed on unrelated business taxable income by section 511 (a) (1), shall make a return on Form 990-T for each taxable year if it has gross income, included in computing unrelated business taxable income for such taxable year, of $1,000 or more. A return on Form 990-T shall also be made for each taxable year by every governmental college or university and by every corporation wholly owned by such a college or university, which is subject to the tax on unrelated business taxable income and which has gross income, included in computing unrelated business taxable income for such taxable year, of $1,000 or more. The filing of a return of unrelated business income does not relieve the organization of the duty of filing other required returns.

(f) *Farmers' cooperatives.* Farmers' cooperative organizations described in section 521 are required to make a return of income whether or not such organizations are, under section 522, subject to the taxes imposed by section 11 or section 1201. The return shall be made on Form 990-C.

§ 1.6012-3 *Returns by fiduciaries—*(a) *For estates and trusts.*

(1)-(4) [Reserved.]

(5) *Trusts with unrelated business income.* Every fiduciary for a trust, described in section 501 (c) (3), or section 401 (a), which is otherwise exempt from tax under section 501 (a), and which is subject to the tax imposed on unrelated business taxable income by section 511 (b) (1), shall make a return on Form 990-T for each taxable year if the trust has gross income, included in computing unrelated business taxable income for such taxable year, of $1,000 or more. The filing of a return of unrelated business income does not relieve the fiduciary of such trust from the duty of filing other required returns.

INFORMATION RETURNS

§ 1.6033 *Statutory provisions; returns by exempt organizations.*

SEC. 6033. *Returns by exempt organizations—*(a) *General.* Every organization, except as hereinafter provided, exempt from taxation under section 501 (a) shall file an annual return, stating specifically the items of gross income, receipts, and disbursements, and such other information for the purpose of carrying out the provisions of subtitle A as the Secretary or his delegate may by forms or regulations prescribe, and shall keep such records, render under oath such statements, make such other returns, and comply with such rules and regulations, as the Secretary or his delegate may from time to time prescribe, except that, in the discretion of the Secretary or his delegate, an organization described in section 401 (a) may be relieved from stating in its return any information which is reported in returns filed by the employer which established such organization. No such annual return need be filed under this subsection by any organization exempt from taxation under the provisions of section 501 (a)—

(1) Which is a religious organization described in section 501 (c) (3); or

(2) Which is an educational organization described in section 501 (c) (3), if such organization normally maintains a regular faculty and curriculum and normally has a regularly organized body of pupils or students in attendance at the place where its educational activities are regularly carried on; or

(3) Which is a charitable organization, or an organization for the prevention of cruelty to children or animals, described in section 501 (c) (3), if such organization is supported, in whole or in part, by funds contributed by the United States or any State or political subdivision thereof, or is primarily supported by contributions of the general public; or

(4) Which is an organization described in section 501 (c) (3), if such organization is operated, supervised, or controlled by or in connection with a religious organization described in paragraph (1); or

(5) Which is an organization described in section 501 (c) (8); or

(6) Which is an organization described in section 501 (c) (1), if such organization is a corporation wholly owned by the United States or any agency or instrumentality thereof, or a wholly-owned subsidiary of such a corporation.

(b) *Certain organizations described in section 501 (c) (3).* Every organization described in section 501 (c) (3) which is subject to the requirements of subsection (a) shall furnish annually information, at such time and in such manner as the Secretary or his delegate may by forms or regulations prescribe, setting forth—

(1) Its gross income for the year,

(2) Its expenses attributable to such income and incurred within the year,

(3) Its disbursements out of income within the year for the purposes for which it is exempt,

(4) Its accumulation of income within the year,

(5) Its aggregate accumulations of income at the beginning of the year,

(6) Its disbursements out of principal in the current and prior years for the purposes for which it is exempt, and

(7) A balance sheet showing its assets, liabilities, and net worth as of the beginning of such year.

(c) *Cross reference.* For provisions relating to statements, etc., regarding exempt status of organizations, see section 6001.

§ 1.6033-1 *Returns by exempt organizations—*(a) *In general.* (1) Except as provided in section 6033 (a) and paragraph (g) of this section, every organization exempt from taxation under section 501 (a) shall file an annual return of information specifically stating its items of gross income, receipts and disbursements, and such other information as may be prescribed in the instructions issued with respect to the return. Such information return shall be filed annually regardless of the amount or source of the income or receipts of the organization. Except as provided in paragraph (d) of this section, such return shall be filed annually regardless of whether such organization is chartered by, or affiliated or associated with, any central, parent, or other organization.

(2) Every organization exempt from taxation under section 501 (a), and required to file a return under section 6033 and this section, other than those described in sections 401 (a), 501 (c) (3), and 501 (d), shall file its annual return on Form 990.

(3) Every employees' trust described in section 401 (a) which is exempt from taxation under section 501 (a) shall file an annual return on Form 990-P. The return shall include the information required by paragraph (b) (5) (ii) of § 1.401-1. The trust must also file the information required by § 1.404 (a)-2, unless the employer has notified the trustee that he has or will timely file such information. If the trustee has received such notification from the employer, then the trust must file a copy thereof with its return and the other information required by the return.

(4) (i) Every organization described in section 501 (c) (3), which is exempt from taxation under section 501 (a), and which is required to file a return under section 6033 and this section, shall file its annual return on Form 990-A.

(ii) In addition to the information required by subparagraph (1) of this paragraph, there shall also be furnished on Form 990-A, in the manner prescribed in the instructions issued with respect to the return, the information required by section 6033 (b). See section 6104 and the regulations thereunder for publicity of information required by section 6033 (b).

(5) (i) Every religious or apostolic association or corporation described in section 501 (d) which is exempt from taxation under section 501 (a) shall file a return on Form 1065 for each taxable year, stating specifically the items of gross income and deductions, and its taxable income. There shall be attached to the return as a part thereof a statement showing the name and address of each member of the association or corporation and the amount of his distributive share of the taxable income of the association or corporation for such year.

(ii) If the taxable year of any member is different from the taxable year of the association or corporation, the distributive share of the taxable income of the association or corporation to be included in the gross income of the member for his taxable year shall be based upon the taxable income of the association or corporation for its taxable year ending with or within the taxable year of the member.

(b) *Accounting period for filing return.* A return on Form 990, Form 990-A, or Form 990-P shall be on the basis of the established annual accounting period of the organization. Where the organization has no such established accounting period, such return shall be on the basis of the calendar year.

(c) *Returns when exempt status not established.* An information return on Form 990 or Form 990-A is not required to be filed by an organization claiming an exempt status under section 501 (a) prior to the establishment by the organization of such exempt status under section 501 (a) and § 1.501 (a)-1. If the date for filing an income tax return and paying the tax occurs before the tax-exempt status of the organization has been established, the organization is required to file the return and pay the tax. However, see sections 6081 and 6161 and the regulations thereunder for extensions of time for filing the return and paying the tax. Upon establishment of its exempt status, the organization may file a claim for a refund of income taxes paid for the period for which its exempt status is established.

(d) *Group returns.* (1) A central, parent, or like organization (referred to in this paragraph as "central organization"), exempt under section 501 (a) and described in section 501 (c), although required to file a separate annual return for itself under section 6033 and paragraph (a) of this section, may file annually, in addition to such separate annual return, a group return on Form 990 or Form 990-A as may be appropriate (see paragraph (a) of this section). Such group return may be filed for two or more of the local organizations, chapters, or the like (referred to in this paragraph as "local organizations") which are (i) chartered by, or affiliated or associated with, such central organization at the close of its annual accounting period, (ii) subject to the general supervision of, and examination by, the central organization, and (iii) exempt from taxation under section 501 (a) and described by the same provision of section 501 (c) as the central organization.

(2) (i) The filing of the group return shall be in lieu of the filing of a separate return by each of the local organizations included in the group return. The group return shall include only those local organizations which (in writing have authorized the central organization to include them in the group return, and which have made and filed, with the central organization, their statements, specifically stating their items of gross income, receipts, and disbursements, and such other information relating to them as is required to be stated in the group return. Such an authorization by a local organization shall be made annually, under the penalties of perjury, and shall be signed by a duly authorized officer of the local organization in his official capacity and shall contain the following statement, or a statement of like import: "I hereby declare under the penalties of perjury that this authorization (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is true, correct and complete and made in good faith for the taxable year,

stated." Such authorizations and statements shall be permanently retained by the central organization.

(ii) There shall be attached to the group return and made a part thereof a schedule showing the name and address of each of the local organizations and the total number thereof included in such return, and a schedule showing the name and address of each of the local organizations and the total number thereof not included in the group return. Prior to or simultaneously with the filing of a group return for an accounting period ending on or after December 31, 1957, the central organization shall notify each district director for the internal revenue district in which is located the principal place of business or principal office of each local organization included in or excluded from such group return that the local organization has or has not been, or will or will not be, included in such group return. The filing with each district director concerned of a copy of each schedule described in this subdivision shall constitute notice as required by the preceding sentence.

(3) The group return shall be on the basis of the established annual accounting period of the central organization. Where such central organization has no established annual accounting period, such return shall be on the basis of the calendar year. The same income, receipts, and disbursements of a local organization shall not be included in more than one group return.

(4) The group return shall be filed in accordance with these regulations and the instructions issued with respect to Form 990 or Form 990–A, whichever is appropriate, and shall be considered the return of each local organization included therein. The tax-exempt status of a local organization must be established before a group return including the local organization will be considered as the return of the local organization. See § 1.501 (a)–1 for requirements for establishing a tax-exempt status.

(e) *Time and place for filing.* The annual return of information on Form 990, 990–A, or 990–P shall be filed on or before the fifteenth day of the fifth calendar month following the close of the period for which the return is required to be filed. The annual return on Form 1065 required to be filed by a religious or apostolic association or corporation shall be filed on or before the fifteenth day of the fourth month following the close of the taxable year for which the return is required to be filed. Each such return shall be filed with the district director for the internal revenue district in which the principal place of business or principal office of the organization is located.

(f) *Penalties.* For criminal penalties for failure to file a return and filing a false or fraudulent return, see sections 7203, 7206, and 7207.

(g) *Organizations not required to file annual returns.* (1) (i) Annual returns on Form 990–A are not required to be filed by an organization described in section 501 (c) (3) which has established its right to exemption from taxation under section 501 (a) and which is—

(*a*) Organized and operated exclusively for religious purposes;

(*b*) Operated, supervised, or controlled by or in connection with an organization which is organized and operated exclusively for religious purposes;

(*c*) An educational organization which normally maintains a regular faculty and curriculum and normally has a regularly organized body of pupils or students in attendance at the place where its educational activities are regularly carried on; or

(*d*) A charitable organization, or an organization for the prevention of cruelty to children or animals, which is suported, in whole or in part, by funds contributed by the United States or any State or political subdivision thereof, or which is primarily supported by contributions of the general public.

(ii) An educational organization which normally maintains and has a regular faculty, curriculum, and student body and meets the conditions of subdivision (i) (c) of this subparagraph, which relieves it from the requirement of filing annual returns, shall not be considered as having thereafter failed to continue meeting such conditions if it is temporarily compelled to curtail or discontinue its normal and regular activities during the existence of abnormal circumstances and conditions.

(iii) An organization organized and operated exclusively for charitable purposes or for the prevention of cruelty to children or animals is not "primarily supported by contributions of the general public" for any accounting period if more than 50 percent of its income and receipts for such period is not actually derived from voluntary contributions and gifts made by the general public, as distinguished from a few contributors or donors or from related or associated persons. For purposes of this subdivision, the words "related or associated persons" refer to persons of a particular group who are connected with or are interested in the activities of the organization, such as founders, incorporators, shareholders, members, fiduciaries, officers, employees, or the like, or who are connected with such persons by family or business relationships.

(2) The annual return on Form 990 need not be filed by—

(i) A fraternal beneficiary society, order, or association, described in section 501 (c) (8), or

(ii) An organization described in section 501 (c) (1) if it is a corporation wholly owned by the United States or any agency or instrumentality thereof, or is a wholly owned subsidiary of such a corporation,

which has established its exemption from tax under section 501 (a).

(3) The provisions of section 6033 (a) relieving certain specified types of organizations exempt from tax under section 501 (a) from filing annual returns do not abridge or impair in any way the powers and authority of district directors provided for in other provisions of the Code and in the regulations thereunder to require the filing of such returns by such organizations. See section 6001 and § 1.6001–1.

(h) *Records, statements, and other returns of tax-exempt organizations.* (1) An organization which has established its right to exemption from tax under section 501 (a) and has also established that it is not required to file annually the return of information on Form 990 or Form 990–A shall immediately notify in writing the district director for the internal revenue district in which its principal office is located of any changes in its character, operations, or purpose for which it was originally created.

(2) Every organization which has established its right to exemption from tax, whether or not it is required to file an annual return of information, shall submit such additional information as may be required by the district director for the purpose of enabling him to inquire further into its exempt status and to administer the provisions of subchapter F of chapter 1 (section 501 and following) and of section 6033. See section 6001 and § 1.6001–1 with respect to the authority of the district director to require such additional information and with respect to the permanent books of account or records to be kept by such organizations.

(3) An organization which has established its right to exemption from tax under section 501 (a), including an organization which is relieved under section 6033 and this section from filing annual returns of information, is not, however, relieved from the duty of filing other returns of information. See, for example, sections 6041 and 6051 and the regulations thereunder.

(i) *Unrelated business tax returns.* In addition to the foregoing requirements of this section, certain organizations otherwise exempt from tax under section 501 (a) and described in section 501 (c) (2), (3), (5), or (6) or section 401 (a) which are subject to tax on unrelated business taxable income are also required to file returns on Form 990–T. See paragraph (e) of § 1.6012–2 and paragraph (a) (5) of § 1.6012–3 for requirements with respect to such returns.

PAR. 2. Paragraph (e) of § 1.401–1 of the Income Tax Regulations (26 CFR 1.401–1 (e)), as prescribed by Treasury Decision 6203 (21 F. R. 7269), approved September 24, 1956, is amended to read as follows:

(e) *Determination of exemptions and returns.* (1) An employees' trust may request a determination letter as to its qualification under section 401 and exemption under section 501. For the procedure for obtaining such a determination letter see paragraph (l) of § 601.201 of this chapter (Statement of Procedural Rules).

(2) A trust which qualifies under section 401 (a) and which is exempt under section 501 (a) must file a return in accordance with section 6033 and the regulations thereunder. See § 1.6033–1. In case such a trust realizes any unrelated business taxable income, as defined in section 512, such trust is also required to file a return with respect to such income. See § 1.6012–3.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: July 2, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58–5219; Filed, July 8, 1958; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 521—EMPLOYMENT OF APPRENTICES

PROCEDURE FOR EMPLOYMENT OF AN APPRENTICE AT SUBMINIMUM WAGES

Pursuant to authority under section 14 of the Fair Labor Standards Act, of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. 214), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45–A (15 F. R. 3290) and 85–A (22 F. R. 7614) of the Secretary of Labor, and in accordance with the requirements of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.), I hereby amend the second paragraph of § 521.5 of Title 29, Code of Federal Regulations, Part 521, by deleting therefrom the words "two true copies" contained in requirement (c) and inserting in lieu thereof the words "one true copy".

(Sec. 14, 52 Stat. 1068, as amended; 29 U. S. C. 214)

This amendment shall become effective upon publication in the FEDERAL REGISTER, notice thereof having been found unnecessary since the change is minor in nature and will decrease rather than increase the burden of complying with the requirements of this part. No delay in the effective date appears necessary for the same reasons.

Signed at Washington, D. C., this 3d day of July 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58–5233; Filed, July 8, 1958; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

WEEKLY CLOSED PERIODS

JULY 7, 1958.

Basis and purpose. On the basis of continued field observations of catches and escapements in the Bristol Bay area, it has been determined that notwithstanding the gear timetable contained in paragraph (a) of § 104.9, continued improvement in the runs in the Nushagak, Egegik, and Ugashik districts can permit some additional fishing time. Conversely, however, the continued near failure in the Naknek-Kvichak district makes further restrictions necessary.

Therefore, notwithstanding the provisions of paragraphs (a) and (d) of § 104.9, fishing will be permitted in the week ending July 12, 1958 in the Nushagak, Egegik, and Ugashik districts from 9 a. m. July 7 to 3 p. m. July 8 and from 9 a. m. July 10 to 3 p. m. July 11; and in the Naknek-Kvichak district from 9 a. m. July 7 to 3 a. m. July 8 and from 9 a. m. July 10 to 3 a. m. July 11.

In accordance with the provisions of paragraph (a) of § 104.9, announcement is made that the number of units of gear registered for the week ending July 12, 1958 is as follows:

Naknek-Kvichak—324 units.
Nushagak—271 units.
Egegik—112 units.
Ugashik—70 units.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Since in the case of the Naknek-Kvichak district, immediate action is necessary to protect the runs and immediate action is also necessary to permit full utilization of the runs in the Nushagak, Egegik, and Ugashik districts, notice and public procedure on these amendments are neither practicable nor in the public interest. These amendments shall become effective immediately upon publication in the FEDERAL REGISTER. (60 Stat. 237; 5 U. S. C. 1001 et seq.).

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 58–5244; Filed, July 7, 1958; 1:26 p. m.]

PROPOSED RULE MAKING

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

NOTICE OF ORAL ARGUMENT REGARDING VARIATION IN SALES LOAD OF REDEEMABLE SECURITIES OF REGISTERED INVESTMENT COMPANY

JULY 2, 1958.

On May 28, 1958, the Commission issued Investment Company Act Release No. 2718 inviting all interested persons to submit comments on its proposed Rule N–22D–1 relating to permissible variations in the sales load charged upon the sale of the redeemable securities of registered investment companies. Pursuant to this invitation, the Commission has received a number of written communications from various investment companies, state regulatory authorities, trade groups, and others, setting forth their views, comments and recommendations concerning the proposed Rule N–22D–1. It also has received several requests for an opportunity to present oral argument to the Commission on the proposed rule.

The Commission deems it appropriate that an opportunity to be heard be extended to all interested persons:

Notice is hereby given that oral argument before the Commission on the proposed Rule N–22D–1 under the Investment Company Act of 1940 will be held on July 23, 1958, at 10:00 a. m., e. d. s. t., in the offices of the Commission, 425 Second Street NW., Washington 25, D. C. Any person desiring to be heard on such matter should file with the Secretary of the Commission on or before July 22, 1958, his written request or application therefor, and should limit his request for time to make oral presentation so as to provide an opportunity for all interested persons to be heard.

It is ordered, That the Secretary of the Commission give notice of such oral argument, by first-class mail, to all persons who have heretofore submitted written views and comments to the Commission with respect to this matter. Notice shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Investment Company Act of 1940, and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58–5205; Filed, July 8, 1958; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 608, 609, 610, 611, 612]

[Administrative Order 511]

INDUSTRY COMMITTEES Nos. 40–A, 40–B, 40–C, 40–D, and 40–E

RESIGNATION AND APPOINTMENT OF EMPLOYEE MEMBER

Morris Bialis of Chicago, Illinois has resigned as an employee representative on Industry Committees Nos. 40–A, 40–B, 40–C, 40–D, and 40–E. The Secretary of Labor, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), hereby appoints Shelley Appleton of New York, New York to serve on said Committees as an employee representative.

Signed at Washington, D. C., this 2d day of July 1958.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F. R. Doc. 58–5234; Filed, July 8, 1958; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 30, 1958.

The United States Forest Service, Department of Agriculture, has filed an application, Serial No. M–028307, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land for a public recreational area in the Kaniksu National Forest.

For a period of thiry days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North 25th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

KANIKSU NATIONAL FOREST

Jack Pine Flats Recreation Area

T. 22 N., R. 32 W.,
Unsurveyed, but when surveyed will probably be:
The subdivisions of Section 12, S½NE¼ NW¼NW¼; SE¼NW¼NW¼; S½ NW¼NE¼NW¼; S½NE¼NE¼NW¼; SW¼NE¼NW¼; SE¼NE¼NW¼; NE¼SW¼NW¼; NW¼SE¼NW¼.

The areas described aggregate approximately 65 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 58–5198; Filed, July 8, 1958; 8:46 a. m.]

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 30, 1958.

The United States Forest Service, Department of Agriculture, has filed an application, Serial No. M–024160, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land for a public recreational area in the Kaniksu National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

KANIKSU NATIONAL FOREST

Bull River Bay Recreation Area

T. 26 N., R. 33 W.,
Sec. 10: W½SW¼NE¼NW¼, N½NW¼ NW¼NW¼, SE¼NW¼NW¼NW¼, E½ NW¼NW¼.

Containing 32.50 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 58–5199; Filed, July 8, 1958; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1958. Supp. 187]

GREAT AMERICAN INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

JULY 2, 1958.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C., sec. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $13,688,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issued of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office and State in which incorporated. Great American Insurance Company, New York, New York.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58–5218; Filed, July 8, 1958; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

WENGER SALES COMMISSION

DEPOSTING OF STOCKYARD

It has been ascertained that the Wenger Sales Commission, West Union, Iowa, originally posted on March 12, 1957, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it no longer meets the area requirements. Accordingly, notice is given to the owners thereof and to the public that such livestock market is no longer subject to the provisions of the act.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which no longer is within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 2d day of July 1958.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 58–5212; Filed, July 8, 1958; 8:48 a. m.]

Commodity Stabilization Service

Commodity Credit Corporation

DELEGATIONS OF AUTHORITY WITH RESPECT TO CERTAIN COMMODITY CREDIT CORPORATION ACTIVITIES

In order to provide for the execution of certain documents in connection with Commodity Credit Corporation transactions, a delegation of authority is provided below, pursuant to authority vested in me by the bylaws of Commodity Credit Corporation.

The authority herein delegated shall be exercised in conformity with the bylaws, regulations and programs of Commodity Credit Corporation, and the policies adopted by the Board of Directors of the Corporation.

The Directors or Acting Directors of the Commodity Stabilization Service Commodity Offices at Cincinnati, Ohio, Dallas, Texas, Evanston, Illinois, Kansas City, Missouri, Minneapolis, Minnesota, New Orleans, Louisiana, and Portland, Oregon may sign Commodity Credit Corporation sight drafts issued in disbursement of capital funds of Commodity Credit Corporation.

The Directors or Acting Directors of the Commodity Stabilization Service Commodity Offices at Evanston, Illinois, and Kansas City, Missouri, and other employees of such offices after written designation by the Director or Acting Director of the office may sign or countersign Commodity Credit Corporation certificates of interest issued to financial institutions participating in the financing of pools of price support commodity loans. Designations made by Directors or Acting Directors of employees in their respective offices shall remain in full force and effect until revoked by the Director or Acting Director or until the delegate is separated from his position in the office.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b)

Issued this 2d day of July 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58–5213; Filed, July 8, 1958; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–53]

AEROJET-GENERAL NUCLEONICS

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER on June 19, 1957, 22 F. R. 4329, the Atomic Energy Commission has issued License R–44 authorizing Aerojet-General Nucleonics to possess, operate and transfer to any authorized person a 100-milliwatt nuclear reactor which has been designated by the Company as Model AGN–201, Serial No. 114.

Dated at Germantown, Md., this 30th day of June 1958.

For the Atomic Energy Commission.

E. R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F. R. Doc. 58–5195; Filed, July 8, 1958; 8:45 a. m.]

[Docket No. 50–50]

NORTH AMERICA AVIATION, INC.

NOTICE OF TERMINATION OF UTILIZATION FACILITY LICENSE

Please take notice that, North American Aviation having requested the termination of its Facility License No. R–19, the Atomic Energy Commission has, this date, terminated said license, which was issued to North American Aviation, Inc., on August 15, 1957.

North American Aviation, Inc., has informed the Commission that it has dismantled the five (5) watt research reactor which it had operated at Canoga Park, California as authorized under License No. R–19.

This action is taken by the Commission without prejudice to the filing of a new application for license to construct and operate the facility at a later date. Further details may be obtained by examination of Docket No. 50–45 on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 30th day of June 1958.

For the Atomic Energy Commission.

E. R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F. R. Doc. 58–5196; Filed, July 8, 1958; 8:45 a. m.]

[Docket No. 50–34]

WESTINGHOUSE ELECTRIC CORP.

NOTICE OF ISSUANCE OF FACILITY LICENSE AMENDMENT

Please take notice that the Atomic Energy Commission has issued the following Amendment No. 1 to License CX–6 authorizing Westinghouse Electric Corporation to conduct a second series of critical experiments in its Yankee Critical Experiments Facility located at the Westinghouse Reactor Evaluation Center near Waltz Mill, Pennsylvania to test a change in the reactor water-to-uranium metal ratio from 3:1 to 2.23:1. The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license amendment. For further details, see (1) the application for license amendment by Westinghouse Electric Corporation and (2) a hazards analysis of the experiments prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 30th day of June 1958.

For the Atomic Energy Commission.

E. R. PRICE,
Acting Director, Division of Licensing and Regulation.

[License No. CX–6, Amdt. 1]

1. By application dated May 9, 1958, for amendment to License No. CX–6, Westinghouse Electric Corporation has applied for AEC authorization to conduct a second series of critical experiments in its Yankee Critical Experiments Facility involving a change in the reactor water-to-uranium metal ratio from 3:1 to 2.23:1. The Commission has reviewed the proposed experiments and concluded that they can be conducted by the applicant in its facility described in License No. CX–6 without presenting undue hazard to the health and safety of the public and that operation of the facility for the conduct of the experiments will not be inimical to the common defense and security.

The Commission hereby amends License No. CX–6 as follows:

a. Paragraph 1e. is changed to read as follows:

Westinghouse Electric Corporation has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

b. Paragraph 2a. is changed to read as follows:

Pursuant to section 104 (c) of the Atomic Energy Act of 1954, as amended, and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate as a utilization facility the critical experiment facility designated below, and to conduct the critical experiments described in the application in accordance with the procedures described therein.

c. Paragraph 3 is changed to read as follows:

This license applies to the facility which is owned by Westinghouse and located in Westmoreland County, Pennsylvania, and described in Westinghouse's application filed on July 29, 1957, and amendments to the application filed on August 14 and 21, 1957, and May 12, 1958 (herein referred to as "the application").

d. Paragraph 4a. (1) is deleted.

e. A new paragraph 4a. (1) is added as follows:

Westinghouse shall not perform a critical experiment, other than the experiments described in the application, in the facility until a description of the experiment and a hazards summary report shall have been submitted to the Commission and the Commission shall have specifically authorized the experimental activity.

Date of Issuance: June 30, 1958.

For the Atomic Energy Commission.

E. R. PRICE,
Acting Director,
Division of Licensing and Regulation.

[F. R. Doc. 58–5197; Filed, July 8, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9376 etc.]

RIDDLE AIRLINES, INC. ET AL.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of Riddle Airlines, Inc., Docket No. 9376; Slick Airways, Inc., Docket No. 9414; Aaxico Airlines, Inc., Docket No. 9439; The Flying Tiger Line, Inc., Docket No. 9530.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled matter, now assigned for July 9, is postponed to July 14, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., July 3, 1958.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 58-5235; Filed, July 8, 1958; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9290]

NUECES CO.

NOTICE OF POSTPONEMENT OF HEARING

JUNE 30, 1958.

Notice is hereby given that the hearing now scheduled for July 14, 1958, in the above-designated matter is postponed to commence at 10:00 a. m., e. d. s. t., July 24, 1958, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5200; Filed, July 8, 1958; 8:46 a. m.]

[Docket Nos. G-12174, G-12176]

TIDEWATER OIL CO. AND GULF INTERSTATE GAS CO.

NOTICE OF APPLICATIONS, CONSOLIDATING PROCEEDINGS AND DATE OF HEARING

JULY 1, 1958.

In the matters of Tidewater Oil Company, Docket No. G-12174; Gulf Interstate Gas Company, Docket No. G-12176.

Take notice that Tidewater Oil Company (Tidewater), a Delaware corporation with its principal place of business in San Francisco, California, filed an application in Docket No. G-12174 on March 8, 1957, authorizing the proposed sale of natural gas produced by Tidewater from certain lands[1] located in Savoy Field, Landry Parish, Louisiana, to United Fuel Gas Company, under the terms of a contract dated February 12, 1957. The gas to be sold as aforesaid is to be delivered to Gulf Interstate Gas Company for transport to United Fuel Gas Company through certain facilities to be constructed and operated for the purpose by Gulf Interstate. Such facilities will connect with the natural gas pipe lines system of the said transporter near Rayne, Louisiana, and the gas so delivered in Louisiana will be transported and delivered to United Fuel Gas Company at a point in Kentucky. From this point the gas will continue to points of sale for resale for ultimate public consumption, all as more fully described in the application on file with the Commission and open to public inspection.

Gulf Interstate Gas Company (Gulf Interstate), a Delaware corporation with its principal place of business in Houston, Texas, filed an application in Docket No. G-12176 on March 8, 1957, authorizing the construction and operation of approximately 5,000 feet of 4½ inch O. D. lateral supply pipe line and a meter station to be located in the Savoy Field, Landry Parish, Louisiana to enable it to take the gas from Tidewater. The estimated total costs of the proposed facilities is $34,800, which cost is to be financed from company funds.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 31, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 21, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5201; Filed, July 8, 1958; 8:46 a. m.]

[Docket No. G-14494 etc.]

TEXAS GAS TRANSMISSION CORP. ET AL.

ORDER MODIFYING ORDER FIXING DATE OF HEARING

JULY 1, 1958.

In the matters of Texas Gas Transmission Corporation, Docket No. G-14494; The British-American Oil Producing Company (Operator), Docket No. G-14515; Sohio Petroleum Company, Docket No. G-14569; Southwest Gas Producing Company, Inc., et al., Docket No. G-14835.

Upon consideration of the petition to modify order fixing date of hearing filed by Texas Gas Transmission Corporation on June 9, 1958, in the above designated matters:

Take notice that the date of hearing heretofore scheduled for September 15, 1958, at 10:00 a. m., e. d. s. t., by order issued May 29, 1958, is hereby changed and such hearing will be held on July 24, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

No protest or petition to intervene in the above-entitled matters have been received within the time required by the Commission's rules of practice and procedure.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5202; Filed, July 8, 1958; 8:47 a. m.]

[Docket No. G-15370]

PLACID OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 1, 1958.

Placid Oil Company (Operator) et al. (Placid), on June 2, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Letter,[1] dated September 27, 1957. (2) Notice of Change, dated May 29, 1958. (3) Letter,[2] dated September 26, 1957. (4) Notice of Change, dated May 29, 1958.

Purchaser: H. L. Hunt.

Rate schedule designation: (1) Supplement No. 3 to Placid's FPC Gas Rate Schedule No. 15. (2) Supplement No. 4 to Placid's FPC Gas Rate Schedule No. 15. (3) Supplement No. 2 to Placid's FPC Gas Rate Schedule No. 16. (4) Supplement No. 3 to Placid's FPC Gas Rate Schedule No. 16.

Effective date: July 3, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed revenue-sharing rate increases, Placid cites the letter agreements providing the new prices and states, among other things that such escalation clauses as contained in the amendatory agreements are common in long-term gas sales agreements; that producer's costs increase as direct functions of time and depletion of reserves, and that the increased prices are below the initial price contained in contracts negotiated at the same time for gas sold in the area and to deny same would be discriminatory. Placid also states that the proposed prices are just and reasonable and would result in no more than a fair return.

The increased rates and charges as proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement Nos. 3 and 4 to Placid's FPC Gas Rate Schedule No. 15, and Supplement Nos. 2 and 3 to Placid's FPC Gas Rate Schedule No. 16, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 3 and 4 to Placid's FPC Gas Rate Schedule No. 15, and Supplement Nos. 2 and 3 to Placid's FPC Gas Rate Schedule No. 16.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until December 3, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5203; Filed, July 8, 1958; 8:47 a. m.]

[Docket No. G-15371]

PLACID OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 1, 1958.

Placid Oil Company (Operator) et al., (Placid), on June 2, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated May 29, 1958.

Purchaser: H. L. Hunt.

Rate schedule designation: Supplement No. 6 to Placid's FPC Gas Rate Schedule No. 14.

Effective date: July 3, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed three-step periodic rate increase, Placid cites the contract provision therefor and states that the increased price is below the initial price contained in contracts negotiated at the same time for gas sold in the area and to deny same would be discriminatory. Placid also states that the proposed price is just and reasonable and would result in no more than a fair return.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Placid's FPC Gas Rate Schedule No. 14 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Placid's FPC Gas Rate Schedule No. 14.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 3, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5204; Filed, July 8, 1958; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 49]

MONONA COUNTY, IOWA

TRANSFER OF PROPERTY KNOWN AS ONAWA MATERIAL STORAGE YARD (D-IOWA-411)

Pursuant to the authority granted under Public Law 537, approved May 18, 1948, Eightieth Congress (16 U. S. C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated May 1, 1958, that property known as the Onawa Material Storage Yard (D-Iowa-411), Monona County, Iowa, and more particularly described in said deed, has been transferred from the United States to the State of Iowa.

2. The above-described property was transferred to the State of Iowa for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

F. MORAN MCCONIHE,
Commissioner,
Public Buildings Service.

JUNE 18, 1958.

[F. R. Doc. 58-5220; Filed, July 8, 1958; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 224]

MOTOR CARRIER APPLICATIONS

JULY 3, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 4409 (Sub No. 13), filed June 17, 1958. Applicant: R. & H. CORPORATION, 1004 Stanton Avenue, New Kensington, Pa. Applicant's attorney: Harold S. Shertz, 811-819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common or contract carrier,* by motor vehicle, over irregular routes, transporting: *Glass containers,* and *caps, covers, disks,* and *tops therefor,* and *fibreboard boxes,* from Huntington, Charleston, and Fairmont, W. Va., to points in Pennsylvania and New York, and *returned glass containers, cullet,* and *empty shipping containers, pallets,* and *other incidental shipping devices* on return. Applicant is authorized to conduct operations in Pennsylvania, New York, New Jersey, Maryland, West Virginia, Ohio, Delaware, Virginia, District of Columbia, Vermont, Connecticut, Massachusetts, Rhode Island, New Hampshire, North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee, and Indiana.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 4409 (Sub No. 11).

HEARING: September 4, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James H. Gaffney.

[1] Gulf Interstate Oil Company owns a 50 percent interest in one of the dedicated leases (Abel Smith Lease). Gulf Interstate Oil Company is a non-signatory co-owner.

[1] Parties agree to increase rate to 14.4 cents less 2.5 cents, or 11.9 cents per Mcf.

[2] Parties agree to increase rate to 14.4 cents less 0.5 cents, or 13.9 cents per Mcf.

No. MC 4409 (Sub No. 14), filed June 18, 1958. Applicant: R. & H. CORPORATION, 1004 Stanton Avenue, New Kensington, Pa. Applicant's attorney: Harold S. Shertz, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, and *caps, covers, disks*, and *tops therefor*, and *fibreboard boxes*, from points in Clarion County, Pa., except Knox, Pa., to points in Emmet, Cheboygan, Presque Isle, Charlevoix, Antrim, Otsego, Montmorency, Alpena, Leelanau, Benzie, Grand Traverse, Kalkaska, Crawford, Oscoda, Alcona, Manistee, Wexford, Missaukee, Roscommon, Ogemaw, Iosco, Mason, Lake, Osceola, Clare, Gladwin, Arenac, Oceana, Newaygo, Mecosta, Isabella, Midland, Muskegon, Kent, Ionia, Montcalm, Gratiot, Saginaw, Tuscola, Huron, Sanilac, Ottawa, Clinton, Shiawassee, Genesee, Lapeer, Allegan, Barry, Eaton, Ingham, Livingston, Oakland, Macomb, St. Clair, Van Buren, Kalamazoo, Calhoun, Jackson, Washtenaw, Wayne, Berrien, Cass, St. Joseph, Branch, Hillsdale, Lanawee, and Monroe Counties, Mich., and *pallets, empty shipping containers*, and *other incidental shipping devices* used in outbound movements of glass containers on return. Applicant is authorized to conduct operations in Pennsylvania, New York, New Jersey, Maryland, West Virginia, Ohio, Delaware, Virginia, District of Columbia, Vermont, Connecticut, Massachusetts, Rhode Island, New Hampshire, North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee, and Indiana.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 4409 (Sub No. 11).

HEARING: September 4, 1958, at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James H. Gaffney.

No. MC 4409 (Sub No. 15), filed June 18, 1958. Applicant: R. & H. CORPORATION, 1004 Stanton Avenue, New Kensington, Pa. Applicant's attorney: Harold S. Shertz, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, empty shipping containers*, and *other incidental shipping devices* used in outbound movements of glass containers, from points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Virginia, Vermont, and West Virginia to points in Clarion County, Pa., except Knox, Pa. Applicant is authorized to conduct operations in Pennsylvania, New York, New Jersey, Maryland, West Virginia, Ohio, Delaware, Virginia, District of Columbia, Vermont, Connecticut, Massachusetts, Rhode Island, New Hampshire, North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee, and Indiana.

NOTE: Applicant states that the intent of this application is to give shipper the authority to return shipping devices from their customers. A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 4409 (Sub No. 11).

HEARING: September 4, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James H. Gaffney.

No. MC 5649 (Sub No. 26), filed June 17, 1958. Applicant: KULP AND GORDON, INC., 370 Hall Street, Phoenixville, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel* and *iron, equipment, supplies*, and *materials*, used or useful in the installation or erection of such commodities, from Phoenixville, Pa., to points in Virginia within 25 miles of Washington, D. C., excluding points in the Washington, D. C., Commercial Zone as defined by the Commission. Applicant is authorized to conduct operations in Pennsylvania, Maryland, New Jersey, New York, Delaware, District of Columbia, Virginia, Connecticut, Massachusetts, Maine, and Rhode Island.

HEARING: September 4, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James H. Gaffney.

No. MC 5649 (Sub No. 28), filed June 17, 1958. Applicant: KULP AND GORDON, INC., 370 Hall Street, Phoenixville, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel* and *iron, equipment, supplies* and *materials*, used or useful in the installation or erection of such commodities, from Phoenixville, Pa., to Portsmouth and Norfolk, Va. Applicant is authorized to conduct operations in Pennsylvania, Maryland, New Jersey, New York, Delaware, District of Columbia, Virginia, Connecticut, Massachusetts, Maine, and Rhode Island.

HEARING: September 4, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James C. Cheseldine.

No. MC 25570 (Sub No. 4), filed June 16, 1958. Applicant: MYERS COAL COMPANY, INC., 110 East Liberty Street, Charles Town, W. Va. Applicant's attorney: Glenn F. Morgan, 1006–1008 Warner Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, crushed stone, limestone*, and *limestone dust*, in bulk and in bags, from Stephens City and Middletown, Va., to points in Maryland, Pennsylvania, and West Virginia, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations from and to specified points in West Virginia, Virginia, North Carolina, Pennsylvania, Maryland, Delaware, New Jersey, New York, South Carolina, Tennessee, Connecticut, and the District of Columbia.

HEARING: September 3, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner C. Evans Brooks.

No. MC 30837 (Sub No. 233), filed May 5, 1958. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, excluding house trailers and mobile homes, in initial movements, by the truckaway method, from Walnut Creek, Calif., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 4, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 40007 (Sub No. 58), filed June 4, 1958. Applicant: RELIABLE TRANSPORTATION COMPANY, A Corporation, 4817 Sheila Street, Los Angeles 22, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank trucks and trailers, from Phoenix and Tucson, Ariz., to Niland and Colton, Calif. Applicant is authorized to conduct operations in California, Arizona, New Mexico, Texas, and Nevada.

HEARING: September 25, 1958, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 42487 (Sub No. 360), filed March 27, 1958. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2110 Northwest Savier Street, Portland, Oreg. Applicant's attorneys: R. E. Poelman, 431 Burgess Drive, Menlo Park, Calif., and Donald A. Schafer, 1026 Public Service Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities requiring special equipment, serving Deer Valley Park (located approximately 14 miles north of Phoenix, Ariz., near Arizona Highway 69), as an off-route point in connection with applicant's authorized regular route operations between Salt Lake City, Utah, and Phoenix, Ariz. Applicant is authorized to conduct operations in Arizona, California, Idaho, Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

HEARING: September 19, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 42487 (Sub No. 366), filed May 13, 1958. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorneys: Ron E. Poelman, 431 Burgess Drive, Menlo Park, Calif., and Donald A. Schafer, 1026 Public Service Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between San Francisco, Calif., and Crescent City, Calif., over U. S. Highway 101, serving no intermediate points. Applicant is authorized to conduct operations in California and Oregon.

NOTE: Applicant states that the above authority will be restricted to traffic moving to and from points north of Brookings, Oregon, including Brookings.

HEARING: September 3, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 75, or if the Joint Board waives its rights to participate, before Examiner F. Roy Linn.

No. MC 45764 (Sub No. 8), filed June 26, 1958. Applicant: MAURICE ROBBINS, doing business as ROBBINS MOTOR TRANSPORTATION, 1517 South 52d Street, Philadelphia 43, Pa. Applicant's representative: Jacob Polin, 314 Old Lancaster Road, Merion, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machines and machinery*, and *parts and accesories therefor*, which because of size or weight require special equipment, between points in Pennsylvania east of the Susquehanna River and Trenton, N. J., on the one hand, and, on the other, points in Florida, Georgia, Indiana, Kentucky, Maine, Michigan, New Hampshire, North Carolina, Ohio, South Carolina, Tennessee, Vermont, and West Virginia. Applicant is authorized to conduct operations in New Jersey, Pennsylvania, New York, Maryland, Delaware, District of Columbia, Connecticut, and Massachusetts.

HEARING: September 11, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 52721 (Sub No. 6), filed May 12, 1958. Applicant: HOPPER TRUCK LINES, 3220 West McDowell, Phoenix, Ariz. Applicant's attorney: Wyman C. Knapp, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk other than citrus fruits and agricultural commodities, and commodities requiring special equipment other than those requiring refrigeration or specialized handling or rigging because of size or weight, (1) between San Diego, Calif., and El Centro, Calif., over U. S. Highway 80; (2) between Mesa, Ariz., and Lordsburg, N. Mex., over U. S. Highway 70; (3) betwen Tucson, Ariz., and El Paso, Tex., from Tucson over U. S. Highway 80 to Benson, Ariz., thence over Arizona Highway 86 to the Arizona-New Mexico State line, thence over New Mexico Highway 14 to the junction of U. S. Highway 80, thence over U. S. Highway 80 to El Paso, and return over the same route, serving all intermediate points on routes 2 and 3 outlined above. Applicant is authorized to conduct operations in California and Arizona.

HEARING: September 29, 1958, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 62499 (Sub No. 4), filed June 23, 1958. Applicant: HAGERSTOWN MOTOR EXPRESS CO., INC., 526 Frederick Street, Hagerstown, Md. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* which are drawn by passenger automobiles, in truckaway and towaway service, and *returned and disabled trailers*, between points in Washington and Frederick Counties, Md., points in Franklin and Adams Counties, Pa., and points in Morgan and Berkeley Counties, W. Va., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Pennsylvania, Maryland, West Virginia, and the District of Columbia.

HEARING: September 10, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 70272 (Sub No. 17), filed May 9, 1958. Applicant: KING VAN LINES, INC., 6800 East Kellogg, Wichita, Kans. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between El Paso, Texas, and points in Arizona and New Mexico, and those in California on and south of a line extending from Needles along U. S. Highway 66 to Los Angeles and points in the Los Angeles Commercial Zone as defined by the Commission, north of U. S. Highway 66. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: September 17, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner F. Roy Linn.

No. MC 83539 (Sub No. 34), filed June 16, 1958. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P. O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, and (B) *Iron or steel silos*, knocked down, each silo to include one unloader, and (C) *Parts and accessories* of Items (A) and (B) above, when moving with such commodities, between Kankakee, Ill., and points in the Commercial Zone thereof, as defined by the Commission, on the one hand, and, on the other, points in the United States, including the District of Columbia and the territory of Alaska. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming.

HEARING: September 9, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James I. Carr.

No. MC 92983 (Sub No. 299), filed June 20, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats and oils*, in bulk, in tank vehicles, between points in Iowa, Kansas, and Nebraska, on the one hand, and, on the other, points in California, Oregon, and Washington. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: July 28, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Leo W. Cunningham.

No. MC 107227 (Sub No. 62), filed May 21, 1958. Applicant: INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, in truckaway service, from Salinas, Calif., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 3, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 107527 (Sub No. 38), filed May 26, 1958. Applicant: POST TRANS-

PORTATION COMPANY, A Corporation, 3152 East 26th Street, Los Angeles 23, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank trucks and trailers, from Vernon and Dominguez, Calif., to the International boundary between the United States and Mexico at or near San Ysidro, Calif. Applicant is authorized to conduct operations in California, Nevada, Arizona, Utah, Wyoming, Montana, Idaho, Colorado, and New Mexico.

NOTE: A proceeding has been instituted under section 212 (c) in No. MC 107527 (Sub No. 37), to determine whether applicant's status is that of a common or contract carrier.

HEARING: September 26, 1958, at the Federal Building, Los Angeles, Calif., before Joint Board No. 304, or if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 109584 (Sub No. 41), filed March 18, 1958. Applicant: ARIZONA-PACIFIC TANK LINES, A Corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *meat fats*, in bulk, in tank vehicles, edible and inedible, from Albuquerque, N. Mex., to points in the Los Angeles, Calif., and Los Angeles Harbor, Calif., Commercial Zones, and (2) *paint materials, animal oils, fish oils* and *mineral base spirits*, in bulk, in tank vehicles, from points in Los Angeles County and Anaheim, Calif., to Phoenix and Tucson, Ariz., and *rejected and contaminated shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Utah, California, Colorado, Idaho, Oregon, Washington, Nevada, Arizona, Texas, and New Mexico.

NOTE: Applicant states that it seeks no duplication of operating authority.

HEARING: September 12, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 167, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 109584 (Sub No. 42), filed June 10, 1958. Applicant: ARIZONA-PACIFIC TANK LINES, a Corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphuric acid*, in bulk, in tank vehicles, from Chandler, Ariz., and points within five (5) miles thereof, including Chandler, to points in California, Colorado, New Mexico, Nevada, Texas, and Utah; and (2) *Rejected and contaminated shipments* of sulphuric acid and turpentine, from the above-specified destination points to their respective origin points. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

HEARING: September 11, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner F. Roy Linn.

No. MC 109584 (Sub No. 43), filed June 23, 1958. Applicant: ARIZONA-PACIFIC TANK LINES, a Corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Miami and Hayden, Ariz., to points in California, Colorado, Nevada, New Mexico, El Paso County, Tex., and Utah, and *rejected and contaminated shipments* of the above-specified commodity on return. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

HEARING: September 11, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner F. Roy Linn.

No. MC 112321 (Sub No. 1), filed April 4, 1958. Applicant: RAY E. CAGLE AND FORREST L. CAGLE, doing business as CAGLE BROS. TRUCKING SERVICE, 402 West Watkins Road, Phoenix, Ariz. Applicant's attorney: W. Francis Wilson, 522 Luhrs Building, Phoenix, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, fabricated iron and steel products, pipe, construction tools, machinery and equipment*, between points in Arizona, California, Utah, Nevada, Colorado, New Mexico, and Texas. Applicant is authorized to conduct operations in Arizona and New Mexico.

HEARING: September 15, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner F. Roy Linn.

No. MC 113518 (Sub No. 4), filed April 24, 1958. Applicant: FRESNO ALBUQUERQUE TRUCK LINE, INC., 360 East Second Street, Los Angeles, Calif. Applicant's attorney: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, alcohol and wine-making materials and supplies*, in bulk, in tank trucks or trailers, between San Francisco, Fresno, Bakersfield and Los Angeles, Calif., and points within 60 miles of each on the one hand, and, on the other, Denver, Colo., Atchison, Kans., Kansas City and St. Louis, Mo., Muscatine, Iowa, Omaha, Nebr., Chicago, Peoria, and Pekin, Ill., Terre Haute and Indianapolis, Ind., Columbus, Ohio, Paterson, N. J., New York, N. Y., and Bardstown and Louisville, Ky., and points within 50 miles of Bardstown and Louisville. Applicant is authorized to conduct operations in California and New Mexico.

HEARING: September 23, 1958, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 115379 (Sub No. 3), filed June 19, 1958. Applicant: JOHN D. BOHR, JR., R. D. No. 2, Annville, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate rock*, in bulk, from points in Philidelphia County, Pa., to points in Delaware. Applicant is authorized to transport limestone and limestone products, from specified counties in Pennsylvania, to points in Delaware and specified counties in Maryland, and sand from Cecil County, Md., to Dauphin and Lebanon Counties, Pa.

HEARING: September 9, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Michael B. Driscoll.

No. MC 115955 (Sub No. 4), filed June 23, 1958. Applicant: HARRY J. SCARI, doing business as SCARI'S DELIVERY SERVICE, 1014 West Sixth Street, Wilmington, Del. Applicant's attorney: Albert F. Beitel, American Security Building, Washington 5, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, with the restriction that shipments shall be limited to those moving on an airbill of lading in addition to a motor carrier movement by applicant and immediately prior or immediately subsequent movement by air, between the plant sites of International Latex Corporation, Dover, Del., on the one hand, and, on the other, Philadelphia International Airport and North Philadelphia Airport near Philadelphia, Pa., and the New Castle County Airport, New Castle, Del. Applicant is authorized to conduct common carrier operations in Delaware and Pennsylvania and contract carrier operations in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and the District of Columbia. Dual operations may be involved.

HEARING: September 10, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Isadore Freidson.

No. MC 116824 (Sub No. 3), filed June 2, 1958. Applicant: R. C. CHIPMAN, doing business as CHIPMAN TRUCK COMPANY, 22606 South Alameda Street, Long Beach, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cresylic acid*, in bulk in tank vehicles, from Santa Fe Springs, Calif., to Morenci, Ariz.

HEARING: September 26, 1958, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 116961 (Sub No. 1), filed April 28, 1958. Applicant: KARL ARTHUR WEBER, 10080 Central Avenue (P. O. Box 255), Ontario, Calif. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in combination hopper flat bed type equipment, from the site of the West Vaco Chemical Co. plant at Green River, Wyo., to points in California; and *Empty glass containers*, (all types), from Hayward, Antioch, Vernon, and Fullerton, Calif., to Salt Lake City, Utah, and points in Weber, Davis, Morgan, Summit, Salt Lake, and Wasatch Counties, Utah, Denver, Colo., and to points in Jefferson, Adams, Arapahoe, Douglas, and Elbert Counties, Colo.

HEARING: September 4, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 117100 (Sub No. 2), filed June 19, 1958. Applicant: SAM ORGEL AND JULE ORGEL, doing business as ELIZABETH RUBBER WASTE, 248 First Street, Elizabeth, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber* (crude, natural or synthetic) *reclaim rubber, scrap rubber and hard scrap-pulverized, plastic pellets or granules and powder, plastic scrap*, loose and in containers, between points in Essex, Union, Hudson, Bergen, Passaic, and Middlesex Counties, N. J., and New York, N. Y., on the one hand and, on the other, points in Connecticut, Massachusetts, Rhode Island, New York and Ohio.

NOTE: Applicant states that the above-described operations will be limited to a transportation service to be performed under a continuing contract or contracts with A. Schulman, Inc.

HEARING: September 9, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before examiner Leo W. Cunningham.

No. MC 117341, filed April 14, 1958. Applicant: W. R. WEBSTER AND W. D. WEBSTER, a Partnership, doing business as WEBSTER TANK TRUCK SERVICE, 12540 Los Nietos Road, Los Nietos, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, road oil*, and *fuel oil*, in bulk, in tank vehicles, from points in Los Angeles County, Calif., to Ports of Entry in California and Arizona on the boundary between the United States and Mexico, and from Tucson, Ariz., to the Port of Entry on the boundary between the United States and Mexico at or near Nogales, Ariz.

HEARING: September 25, 1958, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 117438, filed June 5, 1958. Applicant: CLARENCE VERNON BOWLING, doing business as BUD'S MOBILE HOME MOVING, 8918 Castro Valley Boulevard, Castro Valley, Calif. Applicant's attorney: Bruce R. Geernaert, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *House trailers*, designed to be drawn by passenger automobiles, in secondary movements, in truckaway service, between Castro Valley, Calif., on the one hand, and, on the other, points in California, Oregon, Washington, Nevada, Arizona, New Mexico, Texas, Oklahoma, Arkansas, Tennessee, Georgia, and Florida; and (2) *New house trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Newton, Kans., and Tulsa, Okla., to San Leandro, Calif.

HEARING: September 5, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 117456, filed June 16, 1958. Applicant: HARRY N. JONES AND DELMER A. PRITCHARD, doing business as MOBILE HOME MOVERS, 10429 Royal Ann Street, Oakland, Calif. Applicant's representative: Pete H. Dawson, 1261 Drake Avenue, Burlingame, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used house trailers*, in truckaway and driveaway service, between points in Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, Santa Cruz, and Solano Counties, Calif., on the one hand, and, on the other, points in Nevada, Oregon and Washington.

HEARING: September 5, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

MOTOR CARRIERS OF PASSENGERS

No. MC 453 (Sub No. 13), filed June 11, 1958. Applicant: THE GRAY LINE, INC., 1010 Eye Street NW., Washington, D. C. Applicant's attorney: S. Harrison Kahn, 726-34 Investment Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, in special operations, during the racing season, between Washington, D. C., and the Baltimore Raceway, Baltimore, Md., from Washington, D. C., over the Washington-Baltimore Parkway to Baltimore, thence over city streets and U. S. Highway 40 to the Baltimore Raceway, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Maryland, Delaware, New Jersey, Pennsylvania, Virginia, and the District of Columbia.

HEARING: September 10, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 120.

No. MC 89687 (Sub No. 6), filed May 28, 1958. Applicant: ALFRED L. RIDDLE, Doing business as RIDDLE SCENIC TOURS, 206 West Sixth Street, Los Angeles 14, Calif. Applicant's attorney: Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in special operations consisting of sightseeing or pleasure tours, (A) Remove the restriction against use of larger equipment than 7 passenger limousines in MC 89687. Also remove the seasonal restrictions presently contained in MC 89687 (Sub No. 5). Applicant seeks also to remove restrictions against the pick up or discharge of passengers at certain points en route, so that tour parties might, in connection with a tour to Death Valley National Monument, commence at one gateway and terminate at another gateway thus facilitating regular transcontinental or other common carrier travel connections. Applicant proposes to transport passengers and their baggage in special operations consisting of sightseeing and pleasure tours to Death Valley National Monument, where the tour begins at either Bakersfield, Barstow, or Baker, Calif., and ends at either of the following points: Bakersfield, Barstow, Baker, Lone Pine, Trona, Mojave, Calif., or Las Vegas, Nev. Applicant proposes to use the routes presently authorized in various combinations with the following additional connecting and service routes: (1) between Bakersfield, Calif., and Barstow, Calif., over U. S. Highway 466; (1A) between junction of U. S. Highway 466 and unnumbered road and the Borax Works near Boron, over unnumbered roads; (1AA) between junction of California Highway 127 and unnumbered highway near Shoshone, Calif., and Ashford Mill, via Salsberry Pass; (2) between Mojave, Calif., and Trona, Calif., from Mojave over U. S. Highway 6 to junction of unnumbered highway, thence over unnumbered highways to Trona, and return over the same route, serving the intermediate points of Inyokern, China Lake, and Ridgecrest; (3) between junction of U. S. Highway 395 and 466 at Beechers Corners and junction of California Highway 190 and Emigrant Canyon Highway (Emigrant Junction), over U. S. Highway 395 to Red Mountain, thence unnumbered highway through Trona to Emigrant Canyon; (3A) between Beechers Corners (junction U. S. Highway 395 and 466) and junction of U. S. Highways 395 and 6 near Brown, Calif., over U. S. Highway 395; (3B) between junction California Highway 190 and Panamint Valley Road and junction of Emigrant Canyon Highway and Panamint Valley Road over Panamint Valley Road.

NOTE: Applicant states that it seeks to provide tour parties originating in or destined to points in Northern California and the Pacific Northwest, a tour service to Death Valley through the Bakersfield gateway, making the approach to the valley from the east and south (Barstown and Baker). The various routes sought will be used in combination for various tours, and will afford a means of making circle tours of varying length following the sequence of history, and which routes make use of various historical wagon trail trails and alternates. Some tour parties desire to start their tour at one point and end at another point to facilitate on-travel. All service provided will contemplate a "package" tour to the points of interest in Death Valley National Monument. The service proposed will be performed only for a minimum of four adult fares. Applicant requests that a consolidated certificate be issued embracing the authority now held with that requested in the application.

HEARING: September 22, 1958, at the Federal Building, Los Angeles, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIERS OF PROPERTY

No. MC 12682, filed June 5, 1958. Applicant: JOHN E. BROPHY, 506 Oxford Road, Havertown, Pa. For a License (BMC 4) to engage in operations as a *broker* at Havertown, Pa., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of

household goods, as defined by the Commission, and *office equipment*, between points in Delaware, Montgomery, Chester, and Philadelphia Counties, Pa., on the one hand, and, on the other points in the United States.

HEARING: September 4, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before examiner Harold P. Boss.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

No. MC 30837 (Sub No. 236), filed June 24, 1958. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Freight carrying trailers, trailer* and *truck bodies, dollies with and without bodies*, set up or knocked down, from the site of the plant of Willys Motors, Inc., in Toledo, Ohio, to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. Applicant is authorized to conduct operations throughout the United States.

No. MC 35628 (Sub No. 218), filed June 20, 1958. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier* by motor vehicle, over alternate routes, transporting: *General commodities*, except Class A and B explosives, dangerous inflammables, household goods as defined by the Commisison and commodities in bulk, (1) between Lancaster, Pa., and Newark, N. J., from Lancaster over U. S. Highway 222 to Trexlertown, Pa., thence over Pennsylvania Highway 100 to junction U. S. Highway 22, thence over U. S. Highway 22 to Newark, and return over the same route, serving no intermediate points, and as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Breezewood and Philadelphia, Pa., and between Washington, D. C., and New York, N. Y., and (2) between Lancaster, Pa., and junction U. S. Highways 222 and 1, from Lancaster over Pennsylvania Highway 72 to junction U. S. Highway 222 at or near Wakefield, Pa., thence over U. S. Highway 222 to junction U. S. Highway 1, and return over the same route, serving no intermediate points, and serving junction U. S. Highways 222 and 1 for the purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations specified above. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, and the District of Columbia.

No. MC 55873, (Sub No. 29), filed June 24, 1958. Applicant: GREAT AMERICAN TRANSPORT, INC., 347 23d Street, Detroit 16, Mich. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Amoco Chemicals Company plant located approximately four miles southeast of the junction of U. S. Highway 6 and U. S. Highway 66, as an off-route point in connection with applicant's authorized regular route operations between Joliet, Ill., and Hammond, Ind., and between Joliet, Ill., and Aurora, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Ohio.

No. MC 66562 (Sub No. 1424) (AMENDMENT) filed June 3, 1958, published in the June 25, 1958, issue, on page 4661. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). In letter dated June 20, 1958, applicant's attorney indicates the conditions to which this application is subject are (1) that the service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, air or railway express service, and (2) shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor carrier movement by said applicant, an immediately prior or immediately subsequent movement by air or rail.

No. MC 66562 (Sub No. 1425) (AMENDMENT), filed June 3, 1958, published in the June 25, 1958, issue, on page 4661. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). In letter dated June 20, 1958, applicant's attorney indicates the conditions to which this application is subject are (1) that the service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, air or railway express service, and (2) shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor carrier movement by said applicant, an immediately prior or immediately subsequent movement by air or rail. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operations to service which is auxiliary to, or supplemental of, air or railway express service. That the authority granted herein, to the extent it authorizes the transportation of Class A and B explosives, shall be limited in point of time to a period expiring five years after September 5, 1957. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange with rail and air express service will be made at Louisville and Fulton, Ky.

No. MC 66562 (Sub No. 1432), filed June 23, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated, same address as above. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, serving Murray and Benton, Ky., as off-route points in connection with applicant's authorized regular route operations between Louisville, Ky., and Fulton, Ky.: from Louisville over U. S. Highway 31W to Elizabethtown, Ky., thence over U. S. Highway 62 to Paducah, Ky., and thence over U. S. Highway 45 to Fulton, and return over the same route, serving specified intermediate points, as reflected in Certificate No. MC 66562 Sub No. 1316, subject to RESTRICTIONS set forth therein as follows: The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, air or railway express service. Shipments transported by carrier shall be limited to those moving on a through bill of lading or express receipt covering, in addition to the motor carrier movement by carrier, an immediately prior or immediately subsequent movement by air or rail. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operations to service which is auxiliary to, or supplemental of, air or railway express service. That the authority granted herein, to the extent it authorizes the transportation of Class A and B explosives, shall be limited in point of time to a period expiring five years after September 5, 1957. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange with rail and air express service will be made at Louisville and Fulton, Ky.

No. MC 69785 (Sub No. 3), filed June 23, 1958. Applicant: F. CLIFFORD DAVIS AND CELINDA V. DAVIS, doing business as C. F. DAVIS TRANSPORTATION COMPANY, North Main Street, Danielson, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Norwick, Conn., to Westerly, R. I. Applicant is authorized to transport similar commodities in Connecticut, Massachusetts, and Rhode Island.

No. MC 88845 (Sub No. 5), filed June 24, 1958. Applicant: PARCEL DELIVERY SERVICE, INC., 287 Mount Pleasant Avenue, Newark, N. J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed film or processed film, replacement film, packing material, envelopes* and *labels* for use in shipping exposed film, between Fairlawn, N. J., and points in Rockland County, N. Y. Applicant is authorized to conduct operations in New Jersey and New York.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 88845 (Sub No. 4).

No. MC 92983 (Sub No. 300), filed June 23, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, resins, varnishes*, and *ingredients* thereof, in bulk, in tank vehicles, from points in the Kansas City, Mo., Commercial Zone, as defined by the Commission, to points in Montana, Nebraska, North Dakota, South Dakota, and Wyoming. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

No. MC 110525 (Sub No. 360), filed June 24, 1958. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Gerald L. Phelps and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Black chassis paint*, in bulk, in tank vehicles, from Pittsburgh, Pa., to Buffalo, N. Y. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 112721 (Sub No. 2), filed June 23, 1958. Applicant: G. P. DECKER, P. O. Box 654, Moab, Utah. Applicant's attorney: Bartly G. McDonough, 10 Executive Building, 455 East Fourth South, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uranium, vanadium and copper-bearing ores*, and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, between points within a 225-mile radius of Monticello, Utah, including Monticello. Applicant is authorized to transport the above-specified commodities from points within 175 miles of Monticello, Utah, except points located on the Navajo Indian Reservation in Arizona and Utah, to White Canyon, Green River and Monticello, Utah, Naturita, Uravan, and Durango, Colo., and Shiprock, N. Mex.

No. MC 113681 (Sub No. 14), filed June 30, 1958. Applicant: BAKERY PRODUCTS DELIVERY, INC., 404 West Putnam Avenue, Greenwich, Conn. Applicant's attorney: Reubin Kamisky, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, except frozen bakery products, under individual contracts or agreements with persons, as defined in Section 203 (a) of the Interstate Commerce Act, the business of which is the sale of bread, cakes and pastries, from the Bronx, N. Y., to Providence, R. I., Boston and Westfield, Mass., and Washington, D. C., and *stale, refused, damaged, rejected* and *nonsaleable shipments* of the above-described commodities, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in New York, Connecticut, Rhode Island, Massachusetts, New Jersey, Delaware, Maryland, Pennsylvania, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 113681 (Sub No. 12).

No. MC 116325 (Sub No. 1), filed June 26, 1958. Applicant: BYRON L. LANG, Jackson, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets, pallet bins, lumber, skids* and *crating*, from the plant site of the Lutesville Pallet Company, Inc., located two miles south of Lutesville, Mo., to points in Illinois, Iowa and Minnesota.

No. MC 117478, filed June 25, 1958. Applicant: DICK D. SPERRY, P. O. Box 468, Charles City, Iowa. Applicant's attorneys: Grover Hoff, Suite 901 Ridgely Building, Springfield, Ill., and Mack Stephenson, 208 East Adams, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* and *tractor parts*, between Charles City, Iowa, on the one hand, and, on the other, points in that part of Illinois on and north of a line beginning at the Illinois-Missouri State line near Alton, Ill., and extending along Illinois Highway 140 to junction U. S. Highway 40, thence along U. S. Highway 40 to the Illinois-Indiana State line. Applicant holds contract carrier authority in Permit No. MC 60465 to perform the above transportation service and by this application seeks to convert from contract to common carrier.

PETITION

No. MC 89723 (Sub No. 4), PETITION FOR MODIFICATION OF CERTIFICATE, dated June 17, 1958, MISSOURI PACIFIC FREIGHT TRANSPORT COMPANY, a CORPORATON, 1218 Olive Street, St. Louis 3, Mo. Petitioner's attorneys: Toll R. Ware and Walter G. Treanor, 2008 Missouri Pacific Building, St. Louis 3, Mo. Missouri Pacific Freight Transport Company, petitioner, in its Certificate No. MC 89723 Sub 4 dated July 5, 1957, under condition 3, which reads in part as follows: "No shipment shall be transported by carrier as a common carrier by motor vehicle (a) between any of the following points, or through or to or from more than one of said points: *Longview*, Palestine, Austin, San Antonio, Laredo, Fort Worth, Waco, Houston, *Hearne-Valley Junction* (to be considered as a single key point) or Odem, Texas * * *", seeks modification thereof by the elimination of the key points of Longview and Hearne-Valley Junction, Tex. In support of its petition, petitioner states, (1) the key points proposed to be lifted were among those imposed by the Commission effective July 21, 1944, at which time the volume of rail less-carload traffic partially justified operation of some merchandise box cars to the key points of Longview and Hearne-Valley Junction and such points were used as breakbulk points between cars and petitioner's trucks. During the past 13 years rail less-carload traffic has steadily declined so that at the present time these two points can no longer be justified as rail breakbulk points for merchandise cars; (2) Petitioner makes no attack upon the adequacy of existing independent common carrier truck service within the territory involved but is attempting to eliminate a serious waste of transportation on the part of the Missouri Pacific Railroad by permitting the discontinuation of large numbers of lightly-loaded box cars and by more complete utilization of petitioner's presently operated truck equipment; and (3) wherefore, petitioner respectfully petitions the Commission to eliminate Longview and Hearne-Valley Junction, Texas, as key points.

APPLICATIONS UNDER 212 (c) CONVERSION PROCEEDINGS

No. MC 105 (Sub No. 2), FIRST NATIONAL BANK OF ELKHART, ADMINISTRATOR OF THE ESTATE OF LEROY E. FOWLER (Elkhart, Ind.).

No. MC 210 (Sub No. 3), ERVIN G. FRAEMBS, doing business as ROTH TRUCK SERVICE (Chester, Ill.).

No. MC 1351 (Sub No. 6), MORRIS HASKELL, doing business as M. HASKELL (Palmer, Mass.).

No. MC 2310 (Sub No. 1), GARY WAREHOUSE COMPANY, INC. (Gary, Ind.).

No. MC 15808 (Sub. No. 21), GIRTON BROS., INC. (Brazil, Ind.).

No. MC 29674 (Sub No. 1), GEORGE L. PLACE (Putnam, Conn.).

No. MC 47693 (Sub No. 9), JOHN R. CALLAHAN, doing business as CALLAHAN TRANSPORTATION (Pittsburgh, Pa.).

No. MC 48844 (Sub No. 5), MALDWYN JAMES, doing business as JAMES TRANSFER (St. Paul, Minn.).

No. MC 53321 (Sub No. 3), RAU CARTAGE, INC. (Monroe, Mich.).

No. MC 76180 (Sub No. 7), CLARENCE OLIVER ASHFORTH, doing business as CLARENCE O. ASHFORTH (Waltham, Mass.).

No. MC 109176 (Sub No. 1), VINCENT J. COSTA, doing business as COSMAR FLORIST DELIVERY SERVICE (Union, N. J.).

No. MC 109467 (Sub No. 3), SHAW WAREHOUSE COMPANY (Birmingham, Ala.).

On January 3, 1958, the Commission, division 1, instituted the above-numbered proceedings, on its own initiative, under section 212 (c) of the Interstate Commerce Act, to determine whether the outstanding permits held by the above-named carriers should be revoked and in lieu thereof, certificates of public convenience and necessity issued. Said proceedings were instituted for the reason that there was ground to believe that the operations conducted pursuant to the outstanding contract-carrier authority of the above-named respondents might not be those of a contract carrier as de-

fined in section 203 (a) (15) of the act, as amended August 22, 1957, and might be those of a common carrier.

Additional consideration has been given to the operations conducted pursuant to the permits issued to the above-named carriers, as of August 22, 1957, and it has been determined that, at this time, the carriers' operations are in conformance with the definition of a contract carrier as set forth in section 203 (a) (15) of the act, as amended.

Orders of the Commission, division 1, dated June 3, 1958, vacate and set aside the orders of the Commission, division 1, entered January 3, 1958, instituting the above-numbered proceedings. Said orders discontinuing the proceedings shall become effective 30 days from the date of this publication unless within that period any proper party in interest show cause why the proceedings should not be discontinued.

No. MC 2787 (Sub No. 7), GEORGE E. WHITTAKER, doing business as WHITTAKER TRUCKING COMPANY (Toledo, Ohio).

No. MC 5619 (Sub No. 1), JOHN S. GEIGER'S SONS (Newark, N. J.).

No. MC 9279 (Sub No. 3), C. P. CRASKA, INC. (Utica, N. Y.).

No. MC 10183 (Sub No. 2), ROBERT COULSON (Camden, N. J.).

No. MC 11185 (Sub No. 108), J-T TRANSPORT COMPANY, INC. (Kansas City, Mo.).

No. MC 11723 (Sub No. 2), ARVIE J. BOWERS, doing business as BOWERS TRUCK COMPANY (Albion, Ill.).

No. MC 16675 (Sub No. 2), SHORE HAULAGE, INC. (New York, N. Y.).

No. MC 21241 (Sub No. 3), GENERAL TRANSPORTATION AND STORAGE COMPANY (Dayton, Ohio).

No. MC 21569 (Sub No. 1), MICHAEL SABATINO (Albany, N. Y.).

No. MC 29867 (Sub No. 10), NORWICH TRUCKING COMPANY, INC. (Norwich, N. Y.).

No. MC 43246 (Sub No. 14), BUSKE LINES, INC. (Litchfield, Ill.).

No. MC 59071 (Sub No. 1), ROSEN'S FILM DELIVERY SYSTEM, INC. (Hamden, Conn.).

No. MC 60153 (Sub No. 1), MRS. HAZEL H. BOLGER, doing business as BOLGER TRUCKING COMPANY (La Porte, Ind.).

No. MC 60782 (Sub No. 2), JAMES E. STAMPS AND WILLIAM J. STAMPS, Doing business as, STAMPS BROTHERS (Evansville, Ind.).

No. MC 88132 (Sub No. 1), W. D. SMITH TRANS. CO., INC. (West Boylston, Mass.).

No. MC 91811 (Sub No. 9), MILTON K. MORRIS (Philadelphia, Pa.).

No. MC 91910 (Sub No. 15), WM. O'DONELL, INC. (Elkhorn, Wis.).

No. MC 102799 (Sub No. 1), PACKAGE MESSENGERS, INC. (Philadelphia, Pa.).

No. MC 109746 (Sub No. 2), ELSON TRUCKING CO., INC. (Weehawken, N. J.).

No. MC 109931 (Sub No. 11), JOSEPHINE M. OONK AND JOHN H. OONK, Doing business as, STRAIGHT-WAY EXPRESS (Holland, Mich.).

No. MC 111069 (Sub No. 22), COLD-WAY CARRIERS, INC. (Clarksville, Ind.).

No. MC 112633 (Sub No. 1), DELIVERY SERVICE, INC. (Providence, R. I.).

No. MC 113856 (Sub No. 1), ANTHONY P. MARTINE, doing business as BERNMARTS EXPRESS (Wilmington, Del.).

No. MC 114046 (Sub No. 5), LEONARD WEST (Iron Mountain, Mich.).

No. MC 115353 (Sub No. 3), LOUIS J. KENNEDY (Kearny, N. J.).

On January 24, 1958, the Commission, division 1, instituted the above-numbered proceedings, on its own initiative, under section 212 (c) of the Interstate Commerce Act, to determine whether the outstanding permits held by the above-named carriers should be revoked and in lieu thereof, certificates of public convenience and necessity issued. Said proceedings were instituted for the reason that there was ground to believe that the operations conducted pursuant to the outstanding contract-carrier authority of the above-named respondents might not be those of a contract carrier as defined in section 203 (a) (15) of the act, as amended August 22, 1957, and might be those of a common carrier.

Additional consideration has been given to the operations conducted pursuant to the permits issued to the above-named carriers, as of August 22, 1957, and it has been determined that, at this time, the carriers' operations are in conformance with the definition of a contract carrier as set forth in section 203 (a) (15) of the act, as amended.

Orders of the Commission, division 1, dated June 3, 1958, vacate and set aside the orders of the Commission, division 1, entered January 24, 1958, instituting the above-numbered proceedings. Said orders discontinuing the proceedings shall become effective 30 days from the date of this publication unless within that period any proper party in interest show cause why the proceedings should not be discontinued.

No. MC 10397 (Sub No. 3), FRED STOCK, INC. (Maplewood, N. J.).

On December 13, 1957, the Commission, division 1, instituted the above-numbered proceeding, on its own initiative, under section 212 (c) of the Interstate Commerce Act, to determine whether the outstanding permits held by the above-named carrier should be revoked and in lieu thereof, a certificate of public convenience and necessity issued. Said proceeding was instituted for the reason that there was ground to believe that the operations conducted pursuant to the outstanding contract-carrier authority of the above-named respondent might not be those of a contract carrier as defined in section 203 (a) (15) of the act, as amended August 22, 1957, and might be those of a common carrier.

Additional consideration has been given to the operations conducted pursuant to the permits issued to the above-named carrier, as of August 22, 1957, and it has been determined that, at this time, the carrier's operations are in conformance with the definition of a contract carrier as set forth in section 203 (a) (15) of the act, as amended.

Order of the Commission, division 1, dated June 3, 1958, vacate and set aside the order of the Commission, division 1, entered December 13, 1957, instituting the above-numbered proceeding. Said order discontinuing the proceeding shall become effective 30 days from the date of this publication unless within that period any proper party in interest show cause why the proceeding should not be discontinued.

No. MC 18037 (Sub No. 4), CHAS. LEVY CIRCULATING CO., A CORPORATION (Chicago, Ill.).

No. MC 39368 (Sub No. 1), PACKARD MOTOR TRUCK TRANSPORTATION, INC. OF NEW JERSEY (South Amboy, N. J.).

No. MC 108911 (Sub No. 4), GARDNER AND MUHLEMAN, INC. (New Martinsville, W. Va.).

No. MC 110333 (Sub No. 3), GARRISON ELEVATOR COMPANY, INC. (New Albany, Ind.).

No. MC 112184 (Sub No. 9), TEL MANFREDI MOTOR TRANSIT COMPANY (Newberry, Ohio).

No. MC 115504 (Sub No. 5), KENISON TRUCKING, INC. (Salt Lake City, Utah).

On January 2, 1958, the Commission, division 1, instituted the above-numbered proceedings on its own initiative, under section 212 (c) of the Interstate Commerce Act, to determine whether the outstanding permits held by the above-named carriers should be revoked and in lieu thereof, certificates of public convenience and necessity issued. Said proceedings were instituted for the reason that there was ground to believe that the operations conducted pursuant to the outstanding contract-carrier authority of the above-named respondents might not be those of a contract carrier as defined in section 203 (a) (15) of the act, as amended August 22, 1957, and might be those of a common carrier.

Orders of the Commission, division 1, dated June 3, 1958, vacate and set aside the orders of the Commission, division 1, entered January 22, 1958, instituting the above-numbered proceedings. Said orders discontinuing the proceedings shall become effective 30 days from the date of this publication unless within that period any proper party in interest show cause why the proceedings should not be discontinued.

No. MC 27089 (Sub No. 2), CHIWAUKEE TRUCK LINES, INC. (Chicago, Ill.).

No. MC 29698 (Sub No. 14), LESTER FELLOWS CO. (Jersey City, N. J.).

No. MC 50552 (Sub No. 4), STANLEY PANEK, doing business as STANLEY'S PETROLEUM TRANSPORT (New Bedford, Mass.).

No. MC 61747 (Sub No. 2), GRANT A. KNUDSEN, doing business as "K" TRUCKING COMPANY (Batavia, Ohio).

No. MC 109491 (Sub No. 1), ROLLIN C. ARNOLD, doing business as GREGORY EXPRESS (Elmira, N. Y.).

No. MC 109558 (Sub No. 1), SOPHIA LANE AND HATTIE KAPLAN, doing business as STATE FILM SERVICE, (New York, N. Y.).

No. MC 109654 (Sub No. 5), GREEN MOTOR LINES, INCORPORATED, (Richmond, Va.).

On January 22, 1958, the Commission, division 1, instituted the above-numbered proceedings, on its own inititative, under section 212 (c) of the Interstate Commerce Act, to determine whether the outstanding permits held by the above-named carriers should be revoked and in lieu thereof, certificates of public convenience and necessity issued. Said proceedings were instituted for the reason that there was ground to believe that the operations conducted pursuant to the outstanding contract-carrier authority of the above-named respondents might not be those of a contract carrier as defined in section 203 (a) (15) of the act, as amended August 22, 1957, and might be those of a common carrier.

Additional consideration has been given to the operations conducted pursuant to the permits issued to the above-named carriers, as of August 22, 1957, and it has been determined that, at this time, the carriers' operations are in conformance with the definition of a contract carrier as set forth in section 203 (a) (15) of the act, as amended.

Orders of the Commission, division 1, dated June 3, 1958, vacate and set aside the orders of the Commission, division 1, entered January 22, 1958, instituting the above-numbered proceedings. Said orders discontinuing the proceedings shall become effective 30 days from the date of this publication unless within that period any proper party in interest show cause why the proceedings should not be discontinued.

No. MC 55893 (Sub No. 2), CLAIR H. PENROD, doing business as PENROD TRUCKING SERVICE (Lansing, Mich.).

No. MC 82044 (Sub No. 1), STAR WEST CARTAGE COMPANY, INC. (Chicago, Ill.).

No. MC 84268 (Sub No. 1), JEFFERSON PARK WAREHOUSE COMPANY, INC. (Chicago, Ill.).

No. MC 93109 (Sub No. 1), TACME FILM SERVICE, INC. (New York, N. Y.).

No. MC 93110 (Sub No. 1), ROCKLAND FILM SERVICE, INC. (New York, N. Y.).

No. MC 93111 (Sub No. 1), PALISADE FILM DELIVERY CORP. (New York, N. Y.).

On January 23, 1958, the Commission, division 1, instituted the above-numbered proceedings, on its own initiative, under section 212 (c) of the Interstate Commerce Act, to determine whether the outstanding permits held by the above named carriers should be revoked and in lieu thereof, certificates of public convenience and necessity issued. Said proceedings were instituted for the reason that there was ground to believe that the operations conducted pursuant to the outstanding contract-carrier authority of the above-named respondents might not be those of a contract carrier as defined in section 203 (a) (15) of the act, as amended August 22, 1957, and might be those of a common carrier.

Additional consideration has been given to the operations conducted pursuant to the permits issued to the above-named carriers, as of August 22, 1957, and it has been determined that, at this time, the carriers' operations are in conformance with the definition of a contract carrier as set forth in section 203 (a) (15) of the act, as amended.

Orders of the Commission, division 1, dated June 3, 1958, vacate and set aside the orders of the Commission, division 1, entered January 23, 1958, instituting the above-numbered proceedings. Said orders discontinuing the proceedings shall become effective 30 days from the date of this publication unless within that period any proper party in interest show cause why the proceedings should not be discontinued.

No. MC 62423 (Sub No. 3), JAMES A. LEWERS, doing business as LEWERS TRANSPORTATION CO. (North Providence, R. I.).

No. MC 71883 (Sub No. 5), A. G. JACKSON (Jamestown, N. Y.).

On December 18, 1957, the Commission, division 1, instituted the above-numbered proceedings, on its own initiative, under section 212 (c) of the Interstate Commerce Act, to determine whether the outstanding permits held by the above-named carriers should be revoked and in lieu thereof, certificates of public convenience and necessity issued. Said proceedings were instituted for the reason that there was ground to believe that the operations conducted pursuant to the outstanding contract-carrier authority of the above-named respondents might not be those of a contract carrier as defined in section 203 (a) (15) of the act, as amended August 22, 1957, and might be those of a common carrier.

Additional consideration has been given to the operations conducted pursuant to the permits issued to the above-named carriers as of August 22, 1957, and it has been determined that, at this time, the carriers' operations are in conformance with the definition of a contract carrier as set forth in section 203 (a) (15) of the act, as amended.

Orders of the Commission, division 1, dated June 3, 1958, vacate and set aside the orders of the Commission, division 1, entered December 18, 1957, instituting the above-numbered proceedings. Said orders discontinuing the proceedings shall become effective 30 days from the date of this publication unless within that period any proper party in interest show cause why the proceedings should not be discontinued.

No. MC 107527 (Sub No. 37), POST TRANSPORTATION COMPANY, A CORPORATION (Los Angeles, Calif.).

On February 14, 1958, the Commission, division 1, instituted the above-numbered proceeding, on its own initiative, under section 212 (c) of the Interstate Commerce Act, to determine whether the outstanding permits held by the above-named carrier should be revoked and in lieu thereof, a certificate of public convenience and necessity issued. Said proceeding was instituted for the reason that there was ground to believe that the operations conducted pursuant to the outstanding contract-carrier authority of the above-named respondent might not be those of a contract carrier as defined in section 203 (a) (15) of the act, as amended August 22, 1957, and might be those of a common carrier.

Additional consideration has been given to the operations conducted pursuant to the permits issued to the above-named carrier, as of August 22, 1957, and it has been determined that, at this time, the carrier's operations are in conformance with the definition of a contract carrier as set forth in section 203 (a) (15) of the act, as amended.

Order of the Commission, division 1, dated June 3, 1958, vacate and set aside the order of the Commission, division 1, entered February 14, 1958, instituting the above-numbered proceeding. Said order discontinuing the proceeding shall become effective 30 days from the date of this publication unless within that period any proper party in interest show cause why the proceeding should not be discontinued.

Applications for Certificates or Permits Which Are To Be Processed Concurrently With Applications Under Section 5, Governed by Special Rule 1.240 to the Extent Applicable

MOTOR CARRIERS OF PROPERTY

No. MC 107906 (Sub No. 14), filed June 30, 1958. Applicant: TRANSPORT MOTOR EXPRESS, INC., Meyer Road, P. O. Box 958, Fort Wayne, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, (1) Between South Bend and Indianapolis, Ind., via State Highway No. 31, serving all intermediate points. (2) Between Fort Wayne and Indianapolis, Ind., via State Highway No. 37, serving all intermediate points, and the off-route point of Jonesboro, Ind. (3) Between Fort Wayne and Logansport, Ind., via U. S. Highway No. 24, serving all intermediate points. (4) Between Logansport and Marion, Ind., via U. S. Highway No. 24, and State Highway No. 21, serving all intermediate points. (5) Between Logansport and Rochester, Ind., via State Highway 25, serving all intermediate points. (6) Between Marion and Rochester, Ind., via State Highway No. 21 and U. S. Highway No. 31, serving all intermediate points. (7) Between Marion and Indianapolis, via State Highway No. 21 to Muncie, Ind.; thence via State Highway No. 67 to Indianapolis serving all intermediate points, and the off-route point of Anderson, Ind. (8) Between Fort Wayne and Valparaiso, Ind., via U. S. Highway No. 30, serving all intermediate points. (9) Between Anderson, Ind., and Marion, Ind., via Indiana Highway No. 9, serving all intermediate points. (10) Between all points within a radius of 5 miles from the city limits of Plymouth, Warsaw, Columbia City, Rochester, Huntington, Wabash, Peru, Logansport, Kokomo, Marion, Muncie, Alexandria, Anderson, and Noblesville, Ind. (11) Between all points within a radius of 10 miles from the

city limits of Fort Wayne and South Bend except that the area surrounding South Bend shall not include Elkhart and Mishawaka as points of service. (12) Between all points in Marion County, Ind. *General commodities* over the following routes for operating convenience only and serving no intermediate points except as specified. (1) Between Columbia City and Huntington, Ind., via Indiana Highway No. 9. (2) Between Warsaw and Wabash, Ind., via Indiana Highway No. 15. (3) Between Wabash and Marion, Ind., via Indiana Highway No. 15. (4) Between Logansport and Kokomo, Ind., via U. S. Highway 35. (5) Between Kokomo, Ind., and junction of U. S. Highway No. 35 with Indiana Highway No. 21 via U. S. Highway No. 25. (6) Between junction of U. S. Highway No. 31 and Indiana Highway No. 28 and junction Indiana Highway 28 and Indiana Highway 21 via Indiana Highway 28 serving Alexandria, Ind., as a point already authorized under existing certificates. (7) Between Westfield, Ind., at junction of U. S. Highway No. 31 and Indiana Highway No. 32 and Noblesville, Ind., via Indiana Highway No. 32. (8) Between Noblesville and Anderson, Ind. via Indiana Highway No. 32. (9) Between Anderson, Ind., and the junction of Indiana Highway No. 232 and Indiana Highway No. 67 via Indiana Highway No. 32 and Indiana Highway No. 232. (10) Between junction of Indiana Highway No. 18 and U. S. Highway No. 31 and junction of Indiana Highway No. 18 and Indiana Highway 21 via Indiana Highway No. 18. *General commodities*, (1) Between Muncie, Ind. and Fort Wayne, Ind. via Indiana Highway No. 3 with no service to intermediate points as an alternate route. (2) Between Marion, Ind. and the junction of Indiana Highways No. 3 and 18 via Indiana Highway 18 as an alternate route serving no intermediate points. (3) Between Fort Wayne, Ind. and Baer Field, Ind., via Indiana Highway No. 3. Applicant is authorized to conduct operations in Pennsylvania, Illinois, Ohio, Indiana, Delaware, West Virginia, Rhode Island, New Jersey, Maryland, Massachusetts, District of Columbia, New York, Missouri and Wisconsin.

NOTE: This matter is directly related to MC–F 6948.

No. MC 108859 (Sub No. 29), filed June 25, 1958. Applicant: CLAIRMONT TRANSFER CO., a Corporation, 1803 Seventh Avenue North, Escanaba, Mich. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value or size, and except liquids in bulk, livestock, Class A and B explosives and inflammables, and household goods as defined by the Commission, between Oconto, Wis., and Suring, Wis.: from Oconto over Wisconsin Highways 22 and 32 to Suring, and return over the same route, with service at Gillett and Suring, Wis., as points of joinder only, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan and Wisconsin.

NOTE: This application is directly related to proceeding in MC–F 6934, Clairmont Transfer Co.—purchase—Steffke Freight Co.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–6907 GREAT FALLS TRANSFER & STORAGE COMPANY—PURCHASE—H. E. CALEF (ERMA L. CALEF, EXECUTRIX) and M. L. DOBSON (ALICE C. DOBSON, ADMINISTRATRIX), published in the May 28, 1958, issue of the FEDERAL REGISTER on page 3684. Supplement filed June 26, 1958, to show joinder of CARL H. SUHR, 2404 Fourth Avenue Number, Great Falls, Mont., as person in control of vendee.

No. MC–F–6944. Authority sought for lease by VON DER AHE VAN LINES, INC., 4601 Olive Street, St. Louis 8, Mo., of the operating rights and to purchase the property of BEE-LINE VAN AND STORAGE COMPANY, INC., 102 Young Street, Big Spring, Tex., and for acquisition by R. L. VON DER AHE, 5185 Lindell Blvd., St. Louis, Mo., of control of such rights and property through the transaction. Applicants' attorney: Harold G. Hernly, Wrape and Hernly, 1624 Eye Street NW., Washington 6, D. C. Operating rights sought to be leased: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes between San Angelo, Tex., and points within 80 miles of San Angelo, on the one hand, and, on the other, points in Arizona, New Mexico, Oklahoma, Kansas, Arkansas, and Louisiana. Lessee is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F–6945. Authority sought for merger into CONSOLIDATED COPPER-STATE LINES, 2163 East 14th Street, Los Angeles 21, Calif., of ALABAM FREIGHT LINES, 546 West Madison Street, Phoenix, Ariz., and for acquisition by C. G. ALLEN and SERVICE TANK LINES, both of Los Angeles, and HORACE W. STEELE, 546 West Madison Street, Phoenix, Ariz., of control of ALABAM FREIGHT LINES, through the merger into CONSOLIDATED COPPER-STATE LINES. Applicants' attorney: Reagan Sayers, Rawlings, Sayers, Scurlock & Eidson, Century Life Building, Fort Worth 2, Tex. Operating rights sought to be merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Phoenix, Ariz., and El Paso, Tex., between Phoenix, Ariz., and Ajo, Ariz., between Phoenix, Ariz., and Flagstaff, Ariz., and between Phoenix, Ariz., and Florence Junction, Ariz., serving all intermediate and certain off-route points; between Florence, Ariz., and Lordsburg, N. Mex., between junction Arizona Highways 87 and 287, and Lordsburg, N. Mex., serving no intermediate points; between Florence, Ariz., and Mesa, Ariz., serving all intermediate points and certain off-route points; between Flagstaff, Ariz., and the Arizona-Utah State line, serving all intermediate and certain off-route points; between Jacob Lake, Ariz., and Bright Angel Point, Ariz., serving all intermediate points; between Solomonsville, Ariz., and Morenci, Ariz., between Clifton, Ariz., and Duncan, Ariz., serving all intermediate points; between Ajo, Ariz., and a point on the International Boundary between the United States and Mexico, near Sonoyta, Mex., serving all intermediate and certain off-route points; between Ashurst, Ariz., and Klondyke, Ariz., between Cutter, Ariz., and Christmas, Ariz., and between Superior, Ariz., and Inspiration Mine, Ariz., serving all intermediate points; numerous routes for operating convenience only; *dangerous explosives*, between Phoenix, Ariz., and El Paso, Tex., serving the intermediate point of Williams Field, Ariz., near Higley, Ariz., and the off-route point of Luke Field, Ariz., near Phoenix, Ariz. Vendee is authorized to operate as a *common carrier* in Arizona and California. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–6946. Authority sought for control and merger by WELLS FARGO, INC., 1775 East Fourth Street, Reno, Nev., of the operating rights and property of S & S TRUCKING COMPANY, INC., 313 West Broadway, Farmington, N. Mex., and for acquisition by J. W. WELLS, P. O. Box 430, Las Vegas, Nev., of control of such rights and property through the transaction. Applicants' attorneys: Berol and Silver, 100 Bush Street, San Francisco 4, Calif., and Brown and Wood, P. O. Box 1144, Farmington, N. Mex. Operating rights sought to be controlled and merged: *Uranium and vanadium bearing ores*, as a *common carrier*, over irregular routes, from points in the Navajo Indian Reservation in Arizona and Utah within 150 miles of Monticello, Utah, to Shiprock, N. Mex.; *supplies and equipment* used in connection with the mining of uranium and vanadium bearing ores, from Shiprock, N. Mex., to points in the above-specified origin territory; *uranium and vanadium ores*, from points in the Navajo Indian Reservation in Arizona and Utah within 150 miles of Monticello, Utah, to Durango, Colo., and Monticello, Utah. WELLS FARGO, INC., is authorized to operate as a *common carrier* in Nevada, California, Idaho, Oregon, Arizona and Utah. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–6947. Authority sought for purchase by SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky., of a portion of the operating rights of J & M TRANSPORTATION CO., INC., P. O. Box 894, Americus, Ga., and for acquisition by J. F. BEAIRD, 1006 Ashley Street, Tampa, Fla., and J. A. GAMMON, 4107 Bells Lane, Louisville, Ky., of control of such rights through the purchase. Applicants' attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Operating rights sought to be transferred: *Vegetable oil*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Moultrie, Ga., to Cleveland, Ohio; between Moultrie, Ga., on the one hand, and, on the other, points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Illinois, Michigan, Kentucky, and Ohio (except Cleveland). Vendee is authorized to operate as a *common carrier* in Illinois, Kentucky, Indiana, Tennessee, Ohio, Georgia, Missouri, Minnesota, Alabama, Florida, Louisiana, Michigan, Mississippi, North Carolina, Texas, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–6948. Authority sought for control and merger by TRANSPORT MOTOR EXPRESS, INC., Meyer Road, P. O. Box 958, Fort Wayne, Indiana, of the operating rights and property of AMERICAN TRANSPORT COMPANY, INC., 625 Lincoln Boulevard, Marion, Indiana, and for acquisition by ROY HUSER, 141 Norfolk, Fort Wayne, Ind., JOHN P. FAHEY, 2411 Forrest Park, Fort Wayne, Ind., and LEON J. BAKER, 2016 Forrest Park, Fort Wayne, Ind., of control of such rights and property through the transaction. Applicants' attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Operating rights sought to be controlled and merged: Operations under the Second Proviso of section 206 (a) (1), Interstate Commerce Act, in the transportation of *general commodities*, as a *common carrier*, over various regular and irregular routes and certain alternate routes in connection with said regular routes within the State of Indiana. TRANSPORT MOTOR EXPRESS, INC., is authorized to operate as a *common carrier* in Ohio, Illinois, Pennsylvania, Indiana, West Virginia, Delaware, New York, New Jersey, Maryland, Virginia, Massachusetts, Connecticut, Rhode Island, Wisconsin, Missouri, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

NOTE: MC 107906 Sub 14 is a matter directly related.

No. MC–F–6949. Authority sought for purchase by SCHRODER'S EXPRESS, INC., 1550 Perin Street, Cincinnati 4, Ohio, of the operating rights and property of ALFRED E. FOSSMEYER, doing business as CHECKER EXPRESS LINES, 709 South 13th Street, Vincennes, Indiana, and for acquisition by PAUL L. SCHRODER, also of Cincinnati, of control of such rights and property through the purchase. Applicants' attorneys: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind., and Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Jasper, Ind., and St. Louis, Mo., and between Evansville, Ind., and Vincennes, Ind., serving all intermediate and certain off-route points; *animal and poultry feed*, over irregular routes from East St. Louis, Ill., to points in Knox, Gibson, Posey, Daviess, Pike, Martin, Lawrence, Orange, Dubois, Crawford, Vanderburgh, and Spencer Counties, Ind.; *livestock and agricultural commodities*, from points in the above-specified counties to East St. Louis, Ill.; *animal and poultry feeds and medicines*, from St. Louis, Mo., to points in Knox, Gibson, Posey, Daviess, Pike, Martin, Lawrence, Orange, Dubois, Crawford, Vanderburgh, Warrick, Spencer, and Perry Counties, Ind. Vendee is authorized to operate as a *common carrier* in Kentucky, Ohio and Indiana. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F. R. Doc. 58–5216; Filed, July 8, 1958; 8:49 a. m.]

[Notice 43]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 3, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Special Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–40235 (Deviation No. 2), I. R. C. & D. MOTOR FREIGHT, INC., P. O. Box 305, Richmond, Ind., filed June 23, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over three deviation routes, (A) between Dayton, Ohio, and Richmond, Ind., as follows: from Dayton over Ohio Highway 49 to junction U. S. Highway 40, thence over U. S. Highway 40 to junction U. S. Highway 35, thence over U. S. Highway 35 to Richmond; (B) between Cincinnati, Ohio, and Indianapolis, Ind. as follows: from Cincinnati over U. S. Highway 52 to junction Indiana Highway 46, thence over Indiana Highway 46 to junction U. S. Highway 421, thence over U. S. Highway 421 to Indianapolis; and (C) between Connersville, Ind., and Indianapolis, Ind., as follows: from Connersville over Indiana Highway 44 to junction U. S. Highway 52, thence over U. S. Highway 52 to Indianapolis; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: between Dayton, Ohio, and Richmond, Ind., over U. S. Highway 35; between Cincinnati, Ohio, and Indianapolis, Ind., over U. S. Highway 52; and between Connersville, Ind., and Indiana, Ind., as follows: from Connersville, over Indiana Highway 1 to junction U. S. Highway 40, thence over U. S. Highway 40 to Indianapolis.

No. MC–72300 (Deviation No. 1), AMERICAN CARLOADING CORPORATION, 111 North Fourth Street, St. Louis 2, Mo., filed June 26, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between St. Louis, Mo., and Detroit, Mich., as follows: from St. Louis over U. S. Highway 40 to Indianapolis, Ind., thence over Indiana Highway 37 to Ft. Wayne, Ind., thence over U. S. Highway 24 to Toledo, Ohio, thence over U. S. Highway 25 to Detroit, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from St. Louis, Mo., over U. S. Highway 66 to Chicago, Ill.; and from Detroit, Mich., over U. S. Highway 112 to Mottville, Mich., thence over U. S. Highway 131 to the Michigan-Indiana State line, thence over Indiana Highway 15 to junction Indiana Highway 120, thence over Indiana Highway 120 to Elkhart, Ind., and thence over U. S. Highway 20 to Chicago, Ill.; and return over the same routes.

No. MC–106051 (Deviation No. 1), OLD COLONY TRANSPORTATION CO., INC., 56 Prospect Street, New Bedford, Mass., filed June 27, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Eastern Terminus of the Massachusetts Turnpike at Weston, Mass., and West Stockbridge, Mass., as follows: from the Eastern Terminus of the Massachusetts Turnpike over the Massachusetts Turnpike and access routes to West Stockbridge and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Albany, N. Y., and Boston, Mass. over U. S. Highway 20.

No. MC–108473 (Deviation No. 1), ST. JOHNSBURY TRUCKING CO., INC., 38 Main Street, St. Johnsbury, Vt., filed June 26, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route,

between the Eastern Terminus of the Massachusetts Turnpike at Weston, Mass., and Springfield, Mass., as follows: from the Eastern Terminus of the Massachusetts Turnpike over the Massachusetts Turnpike and access routes to Springfield and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Boston, Mass., and Springfield, Mass., over the following pertinent route: from Boston over Massachusetts Highway 9 to Worcester, Mass., thence over Massachusetts Highway 12 to junction U. S. Highway 20, and thence over U. S. Highway 20 to Springfield.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-5217, Filed, July 8, 1958; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 3, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34799: *Substituted service—Rail for motor, F. E. C. Ry. Co. et al.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 8), for interested carriers. Rates on freight loaded in or on highway trailers and transported on railroad flat cars, in substituted service between Jacksonville (Bowden Yards), Fla., and Miami, Fla., on traffic originating at or destined to points on applicant motor carriers beyond the named substitution points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 1 to Southern Motor Carriers Rate Conference, Agent, tariff I. C. C. No. 32.

FSA No. 34800: *Watermelons from and to points in the south.* Filed by O. W. South, Jr., Agent (SFA No. A3688), for interested rail carriers. Rates on watermelons, in bulk, in refrigerator cars between points in southern territory, including Ohio and Mississippi River crossings, between points in southern territory, including Ohio and Mississippi River crossings, on the one hand, and points in Virginia and Washington, D. C., on the other, and from points in southern territory to St. Louis, Mo., and points in Illinois and Indiana, all as named or described in the application.

Grounds for relief: Short-line distance formula, grouping, special rate treatment for relief lines, and operation through higher-rated intermediate territories.

Tariffs: Supplement 53 to Southern Freight Association tariff I. C. C. 1613. Supplement 11 to Illinois Freight Association tariff I. C. C. 899. Supplement 39 to Trunk Line-Central Territory Railroads tariff I. C. C. 4796.

FSA No. 34801: *Scrap iron or steel—Southern points to Eagle City, Ohio.* Filed by O. W. South, Jr., Agent (SFA No. A3691) for interested rail carriers. Rates on scrap iron or steel, carloads from specified points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee to Eagle City, Ohio.

Grounds for relief: Short-line distance formula, and grouping.

Tariff: Supplement 2 to Southern Freight Association tariff I. C. C. No. S-14.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-5215; Filed, July 8, 1958; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

G. & W. HELLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

G. & W. Heller; 1 Belgradeplatz, Vienna X, Austria; Claim No. 63919; $9,773.34 in the Treasury of the United States. Vesting Order No. 1259.

Executed at Washington, D. C., on June 27, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-5222; Filed, July 8, 1958; 8:50 a. m.]

BORGHILD JOHANSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Borghild Johansen; Incognito Terrasse 3b, Oslo, Norway; Claim No. 62696; $3,288.48 in the Treasury of the United States. Vesting Order No. 8711.

Executed at Washington, D. C., on June 27, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-5223; Filed, July 8, 1958; 8:50 a. m.]

PIETRO IACOPI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Pietro Iacopi, Claim No. 32812; Aurelio Iacopi, Claim No. 32813; Giuseppe Lombardi, Michele Lombardi, Ugo Lombardi, Claim No. 60661; Lucca, Italy; Assunta Paolini, Sao Paulo, Brazil, Claim No. 60661; To the claimants jointly, as their interests may appear: $7,426.60 in the Treasury of the United States. Vesting Order No. 613.

Executed at Washington, D. C., on June 30, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-5224; Filed, July 8, 1958; 8:50 a. m.]

ANITA BRENNECKE DE PUELMA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anita Brennecke de Puelma, Santiago, Chile; Claim No. 58476; $508.09 in the Treasury of the United States. Vesting Order No. 12251.

Executed at Washington, D. C., on June 30, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-5225; Filed, July 8, 1958; 8:50 a. m.]

ANNALIESE SEIPPEL SCHMIDT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Annaliese Seippel Schmidt; Buenos Aires, Argentina; $240.01 in the Treasury of the United States. Agnes Charlotte Seippel; a/k/a Lottie Seippel, Buenos Aires, Argentina; $240.01 in the Treasury of the United States. Wolfgang Jorge Seippel; Buenos Aires, Argentina; $240.01 in the Treasury of the United States. Claim No. 62578. Vesting Orders Nos. 19234, 19298.

Executed at Washington, D. C., on June 30, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-5228; Filed, July 8, 1958; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF MRS. J. ECKSTEIN-MINKS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Mrs. J. Eckstein-Minks, Miss J. A., and W. A. Eckstein; L. S. Claim No. 972; $300.00 in the Treasury of the United States, and The Atchison, Topeka and Santa Fe Railway Company 4/95, Bond No. 38130, in the principal amount of $500, presently in the custody of the Safekeeping Department, Federal Reserve Bank, at New York City.

Mrs. C. J., Mr. H. P. C., Mr. G. F. Ch., and Mr. H. J. de Pauw Gerlings, and Mrs. N. van Dyk; L. S. Claim No. 1026; $3,310.00 in the Treasury of the United States, and The Atchison, Topeka and Santa Fe Railway Company 4/95, Bond No. 816, in the principal amount of $1,000, presently in the custody of the Safekeeping Department, Federal Reserve Bank, at New York City, and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to The Atchison, Topeka and Santa Fe Railway Company 4/95, Bonds Nos. 9273 and 49615, in the principal amount of $500 each.

Vesting Orders Nos. 18520 and 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, N. Y.

Executed at Washington, D. C., on June 30, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-5229; Filed, July 8, 1958; 8:50 a. m.]

JULIA ROTH

REVOCATION OF NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Notice of Intention to Return Vested Property hereinafter described to Julia Roth, Berlin, Niederschoenhausen, Wilhelm, Wolfstr. 32, Germany, was published on April 19, 1958 (23 F. R. 2632).

Claimant, Claim No., Property, and Location

Julia Roth; Berlin, Niederschoenhausen, Wilhelm, Wolfstr. 32, Germany; Claim No. 63115; $100.00 in the Treasury of the United States. Vesting Order No. 4234.

The aforesaid Notice of Intention to Return Vested Property is hereby revoked.

Executed at Washington, D. C., on June 30, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-5230; Filed, July 8, 1958; 8:50 a. m.]

KATSUMI YOSHIDA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Katsumi Yoshida, Yamaguchi-Ken, Japan; Claim No. 60596; $190.00 in the Treasury of the United States. Vesting Order No. 16325.

Executed at Washington, D. C., on June 30, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-5227; Filed, July 8, 1958; 8:50 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF ERNST HAMBURGER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Cash in the Treasury of the United States as noted below and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to the securities described below:

The State of the Netherlands for the benefit of:

Ernst Hamburger and Mrs. E. H. Rothola; L. S. Claim No. 825; The Kansas City Southern Railway Company 5/50, Bond No. 9960, in the principal amount of $1,000.

Landry & Van Till; L. S. Claim No. 976; $1,415.00. Cities Service Company 5/58, Debentures Nos. 4639 and 40457, and Cities Service Company 5/69, Debentures Nos. 17157 and 47850, all in the principal amount of $1,000 each.

Heldring & Pierson, in liquidation; L. S. Claim No. 1009, L. S. Claim No. 1029; Cities Service Company 5/50, Debenture No. 76525, and Cities Service Company 5/58, Debenture No. 7688, all in the principal amount of $1,000.

Miss W. P. de Haas; L. S. Claim No. 1027; $25.00. Cities Service Company 5/58, Debenture No. 47225, in the principal amount of $1,000.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, N. Y.

Executed at Washington, D. C., on June 30, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-5226; Filed, July 8, 1958; 8:50 a. m.]

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Washington, Thursday, July 10, 1958

TITLE 3—THE PRESIDENT

PROCLAMATION 3250

INDEPENDENCE DAY, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS of all the days in the year, the primary one to us—as a Nation—is the 4th of July, the anniversary of the signing of our Declaration of Independence; and

WHEREAS on this day we renew our allegiance to the Union, to the principles of self-government, and to the spirit of freedom which is the source of its strength, deeply aware that in many quarters of the globe this freedom is now threatened as never before; and

WHEREAS the freedom of mankind is indivisible and our land must play a central part in defending and developing the wellsprings of freedom, not only for ourselves, but for our friends and allies; and

WHEREAS this is the year which marks the hundredth anniversary of the birth of Theodore Roosevelt, a champion of the highest ideals of American citizenship; and

WHEREAS by a joint resolution approved July 3, 1958 (S. J. Res. 159) the Congress authorized and requested the President to proclaim July 4, 1958 as a day of rededication to the responsibilities of free citizenship:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, confident that July 4th will be observed as an occasion for traditional ceremony and civic festivities, call upon the people of the United States to observe this day as the beginning of a national year of dedication to the goals of free men. Let us use our liberty with honor and purpose, sharing it with our fellow citizens and, as free and responsible Americans, building a just and peaceful world for our children here at home and for our neighbors around the world.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this third day of July in the year of our Lord nineteen hundred and [SEAL] fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-5315; Filed, July 8, 1958; 4:49 p.m.]

PROCLAMATION 3251

MODIFYING THE IMPORT QUOTA ON LONG-STAPLE COTTON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS on September 5, 1939, the President, under the authority of section 22 of the Agricultural Adjustment Act, as amended (7 U. S. C. 624), issued a proclamation (No. 2351; 3 CFR, Cum. Supp., p. 113) limiting the quantities of certain cotton and cotton waste which might be entered, or withdrawn from warehouse, for consumption, which proclamation was suspended in part or modified by proclamations of December 19, 1940 (No. 2450; 3 CFR, Cum. Supp., p. 205), March 31, 1942 (No. 2544; 3 CFR, Cum. Supp., p. 294), June 29, 1942 (No. 2560; 3 CFR, Cum. Supp., p. 308), February 1, 1947 (No. 2715; 3 CFR, 1943–48, Comp., p. 102), June 9, 1947 (No. 2734; 3 CFR, 1943–48, Comp., p. 116), July 20, 1948 (No. 2800; 3 CFR, 1943–48, Comp., p. 217), September 3, 1949 (No. 2856; 3 CFR, 1949 Supp., p. 45), October 4, 1950 (No. 2905; 3 CFR, 1950 Supp., p. 57), October 12, 1950 (No. 2907; 3 CFR, 1950 Supp., p. 61), June 29, 1951 (No. 2934; 3 CFR, 1951 Supp., p. 35), and June 29, 1956 (No. 3145; 3 CFR, 1956 Supp., p. 34); and

WHEREAS under the proclamation of September 5, 1939, as suspended in part and modified, the quantity of cotton hav-

(Continued on p. 5235)

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FEDERAL REGISTER

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ing a staple of 1⅛ inches or more in length which may be entered, or withdrawn from warehouse, for consumption in any year beginning August 1 may not exceed 45,656,420 pounds; and

WHEREAS, pursuant to subsection (d) of section 22 of the Agricultural Adjustment Act, the United States Tariff Commission has made a supplemental investigation to determine whether changed circumstances require the further modification of the proclamation of September 5, 1939, to carry out the purposes of the said section 22; and

WHEREAS the Commission has transmitted to me a report of its findings and recommendations made in connection with its supplemental investigation:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby find and proclaim, on the basis of the supplemental investigation and report of the United States Tariff Commission, that changed circumstances require the further modification, as hereinafter provided, of the said proclamation of September 5, 1939, in order to carry out the purposes of section 22 of the Agricultural Adjustment Act, as amended. Accordingly, under the authority vested in me by such section, I hereby further modify the said proclamation of September 5, 1939, so that of the total quantity of 45,656,420 pounds of cotton having a staple of 1⅛ inches or more in length which may be entered, or withdrawn from warehouse, for consumption during the year beginning August 1, 1958, and in any subsequent year beginning August 1, not more than 39,590,778 pounds shall consist of cotton having a staple of 1⅜ inches or more in length, and not more than 6,065,642 pounds shall consist of cotton having a staple of 1⅛ inches or more but less than 1⅜ inches in length: *Provided*, that of such 6,065,642 pounds, not more than 1,500,000 pounds shall consist of harsh or rough cotton (except cotton of perished staple, grabbots, and cotton pickings), white in color and having a staple of 1$^{5}/_{32}$ inches or more in length, and not more than 4,565,642 pounds shall consist of other cotton.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of July in the year of our Lord nineteen hundred and fifty-eight and of the Independence of the United States of America the one hundred and eighty-third.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-5316; Filed, July 8, 1958; 4:49 p. m.]

RULES AND REGULATIONS

TITLE 23—HIGHWAYS

Chapter I—Bureau of Public Roads, Department of Commerce

PART 15—RULES AND REGULATIONS FOR ADMINISTERING FOREST HIGHWAYS

APPORTIONMENT

Section 15.2 (b) of the rules and regulations for administering forest highways, published and effective November 8, 1957, is hereby amended, effective upon publication in the FEDERAL REGISTER, by substituting a comma for the period at the end thereof and adding immediately thereafter the following: "except that the amounts authorized to be appropriated for forest highways under section 3 (a) of the Federal-Aid Highway Act of 1958 (72 Stat. 89), for the fiscal years ending June 30, 1959, June 30, 1960, and June 30, 1961, shall be apportioned for expenditure in each State, Alaska and Puerto Rico in the same percentage as the amounts apportioned for expenditure in each State, Alaska and Puerto Rico from funds authorized for forest highways for the fiscal year ending June 30, 1958."

(Sec. 6, 54 Stat. 869, as amended; 23 U. S. C. 23b. Interprets or applies sec. 23, 42 Stat. 288, as amended, sec. 2, 49 Stat. 1520, as amended; 23 U. S. C. 23, 23a)

Recommended:

CLARE HENDEE,
Acting Chief, Forest Service,
Department of Agriculture.

B. D. TALLAMY,
Federal Highway Administrator,
Bureau of Public Roads.

Approved:

TRUE D. MORSE,
Acting Secretary of Agriculture.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-5278; Filed, July 9, 1958; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 32]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

TAKE-OFF AND LANDING WEATHER MINIMUMS

Sections 40.405 and 40.406 of the Civil Air Regulations prescribe the weather minimums for instrument approach procedures and VFR and IFR take-offs and landings. This supplement interprets these regulations with respect to the weather reports which will control in determining whether such weather conditions exist at any given time.

Since the material concerning § 40.405 is published as an interpretation and not as a rule, the notice of proposed rule-making published in 21 F. R. 684 on January 31, 1956, is hereby withdrawn.

This supplement also revokes the rule contained in § 40.406-1 and republishes that material as an interpretation applying to § 40.406.

1. A new § 40.405–1 is added to read as follows:

§ 40.405–1 *VFR takeoff and landing minimums (CAA interpretations which apply to § 40.405).*—(a) *General.* The ceiling and visibility contained in the main body of the latest weather report furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau will control for VFR takeoffs and landings on all runways of an airport, except as provided in paragraph (b) of this section.

(b) *Runway visibility.* Whenever the latest weather report furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau, including an aural report from the control tower, contains a visibility value specified as runway visibility for a particular runway of an airport, such visibility will control for takeoffs and landings on that runway.[1]

2. Section 40.406–1, effective December 15, 1955, is hereby revoked, and a new § 40.406–1 is added to read as follows:

§ 40.406–1 *IFR takeoff and landing, and instrument approach procedure, weather minimums (CAA interpretations which apply to § 40.406).*—(a) *General.* The ceiling and visibility contained in the main body of the latest weather report furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau will control for instrument approach procedures and landings and takeoffs for all runways of an airport, except as provided in paragraph (b) of this section.

(b) *Runway visibility.* Whenever the latest weather report furnished by the U. S. Weather Bureau or a source ap-

[1] Information respecting the official runway visibility observations reported by the control tower operator may be obtained from the Office of the U. S. Weather Bureau for the airport concerned. Such office maintains a continuous graph recording of the runway visibility shown on the visibility meter in the control tower.

proved by the Weather Bureau, including an aural report from the control tower, contains a visibility value specified as runway visibility for a particular runway of an airport, such visibility will control for straight-in instrument approaches, landings, and takeoffs for that runway.[1]

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective August 15, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 1, 1958.

[F. R. Doc. 58-5237; Filed, July 9, 1958; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 14]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO-C52, AIRCRAFT FLIGHT DIRECTOR

Minimum performance standards for aircraft flight director instruments which are to be used in civil aircraft of the United States are defined in the new regulation § 514.51 (TSO-C52).

Section 514.51 appeared as a notice of proposed rule making in 23 F. R. 2973 on May 2, 1958. All interested persons have been afforded an opportunity to submit written views, data, or argument. No comments were received.

Section 514.51 is added under Subpart B of this part to read as follows:

§ 514.51 *Aircraft flight director—TSO-C52*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft flight director instruments which specifically are required to be approved for use in civil aircraft of the United States. Aircraft flight director instruments to be eligible for installation in civil aircraft shall meet the standards set forth in SAE Aeronautical Standard AS-420, "Flight Directors", dated December 15, 1954.[2]

(b) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

(c) *Effective date.* July 15, 1958.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 2, 1958.

[F. R. Doc. 58-5238; Filed, July 9, 1958; 8:45 a. m.]

[1] See footnote on page 5235.

[2] Copies may be obtained from the Society of Automotive Engineers, Inc., 485 Lexington Avenue, New York 17, New York.

[Amdt. 11]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.14 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)* is amended by changing all before "Newhall, Calif., radio range station;" to read: "From the Los Angeles, Calif., nondirectional radio beacon via the intersection of a 260° True bearing from the Los Angeles nondirectional radio beacon and the southwest course of the Camarillo, Calif., radio range; Camarillo, Calif., radio range station, except that the portions of this civil airway which lie within the geographic limits of, and between the designated altitudes of, the Point Mugu restricted area (R-100) and the established altitudes of the Point Mugu warning area (W-289) shall not be used by aircraft during the time of designation of this restricted area and this warning area unless prior approval is obtained from the Civil Aeronautics Administration Air Traffic Control; Newhall, Calif., radio range station;" by changing the name "Zuni, N. Mex., radio range station" to read: "El Moro, N. Mex., radio range station", and by changing the words which read: "excluding the portion which overlaps Albuquerque restricted area R-313;" to read: "excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Albuquerque restricted area (R-313) during the restricted area's time of designation:".

2. Section 600.108 *Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.)* is amended by changing the words which read: "a line bearing 309° True from the San Francisco Gap, Calif., nondirectional radio beacon" to read: "a line bearing 296° True from the San Francisco Gap, Calif., nondirectional radio beacon".

3. Section 600.115 is added to read:

§ 600.115 *Amber civil airway No. 15 (United States-Canadian Border to Annette Island, Alaska).* The airspace over United States territory from the Ethelda Bay, British Columbia, Canada, nondirectional radio beacon to the Annette Island, Alaska, radio range station.

4. Section 600.211 is amended by changing the caption to read: "*Red civil airway No. 11 (Tulsa, Okla., to Boston, Mass.)* and by deleting the portion which reads: "From the intersection of the northeast course of the Gage, Okla., radio range and a line bearing 314° True from the Enid, Okla., Vance AFB nondirectional beacon via the Enid, Okla., Vance AFB nondirectional radio beacon to the intersection of a line bearing 139° True from the Vance AFB nondirectional radio beacon and the north course of the Oklahoma City, Okla., radio range."

5. Section 600.212 is amended by changing the caption to read: "*Red civil airway No. 12 (Joliet, Ill., to Detroit, Mich.)*" and by deleting the portion which reads: "That airspace over United States territory from the Windsor, Ontario, Canada, radio range station to the Erie, Pa., radio range station."

6. Section 600.257 is amended to read:

§ 600.257 *Red civil airway No. 57 (Akron, Ohio, to Youngstown, Ohio).* From the Akron, Ohio, radio range station to the Youngstown, Ohio, radio range station.

7. Section 600.277 is amended by changing the caption to read: "*Red civil airway No. 77 (Richmond, Va., to Atlantic City, N. J.)* and by changing all before Tappahannock, Va., radio range station to read: "From the Richmond, Va., radio range station via the Tappahannock, Va., radio range station;".

8. Section 600.670 is amended by changing the caption to read: "*Blue civil airway No. 70 (Waco, Tex., to Ardmore, Okla.)* and by changing the portion which reads: "Mineral Wells, Tex., nondirectional radio beacon; Ardmore, Okla., nondirectional radio beacon to the Tulsa, Okla., radio range station." to read: "Mineral Wells, Tex., nondirectional radio beacon to the Ardmore, Okla., nondirectional radio beacon."

9. Section 600.672 *Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.)* is revoked.

10. Section 600.6002 *VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by changing the portion which reads: "Bozeman, Mont., omnirange station; intersection of the Bozeman omnirange 157° True and the Livingston omnirange 262° True radials; Livingston, Mont., omnirange station;" to read: "Bozeman, Mont., omnirange station; intersection of the Bozeman omnirange 157° and the Livingston omnirange 261° radials; Livingston, Mont., omnirange station;".

11. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Presque Isle, Maine)* is amended by changing the portion which reads: "Florence, S. C., omnirange station, including an east alternate; intersection of the Florence omnirange 054° and the Raleigh omnirange 198° radials; Raleigh, N. C., omnirange station, including a west alternate from the Florence omnirange station to the Raleigh omnirange station via the intersection of the Florence omnirange 060° and the Raleigh omnirange 232° radials; point of intersection of the Raleigh omnirange 008° True and the South Boston, Va., omnirange 081° True radials; Flat Rock, Va., omnirange station;" to read: "Florence, S. C., omnirange station, including an east alternate; intersection of the Florence omnirange 006° and the Raleigh omnirange 220° radials; Raleigh, N. C., omnirange station, including an east alternate via the intersection of the Florence omnirange 060° and the Raleigh omnirange 185° radials; intersection of the Raleigh omnirange 016° and the Flat Rock omnirange 214° radials; Flat Rock, Va., omnirange station;".

12. Section 600.6007 *VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.)* is amended by changing the portion which reads: "Tallahassee, Fla., omnirange station; intersection of the Tallahassee omnirange 267° and the Marianna omnirange 118° radials; Marianna, Fla., omnirange station, including a west alternate from the Cross City omnirange station to the Marianna omnirange station via the intersection of the Cross City omnirange 267° and the Marianna omnirange 141° radials;" to read: "Tallahassee, Fla., omnirange station; intersection of the Tallahassee omnirange 267° and the Marianna omnirange 141° radials; Marianna, Fla., omnirange station, including a west alternate from the Cross City omnirange station to the Marianna omnirange station via the intersection of the Cross City omnirange 287° and the Marianna omnirange 141° radials;".

13. Section 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.)* is amended by changing all before "Dodge City, Kans., omnirange station;" to read: "From the Pueblo, Colo., omnirange station via the Lamar, Colo., omnirange station; Garden City, Kans., VORTAC, including a north alternate; Dodge City, Kans., omnirange station;".

14. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing the portion which reads: "Albuquerque, N. Mex., omnirange station, including a south alternate from the Zuni omnirange station to the Albuquerque omnirange station via the intersection of the Zuni omnirange 111° True and the Albuquerque omnirange 254° True radials; Otto, N. Mex., omnirange station;" to read: "Albuquerque, N. Mex., omnirange station, including a south alternate from the Zuni omnirange station to the Albuquerque omnirange station via the point of intersection of the Zuni omnirange direct radial to the La Joya, N. Mex., omnirange with the Albuquerque omnirange 254° radial; Otto, N. Mex., omnirange station;".

15. Section 600.6022 *VOR civil airway No. 22 (New Orleans, La., to Jacksonville, Fla.)* is amended by changing the portion which reads: "Marianna, Fla., omnirange station, intersection of the Marianna omnirange 118° and the Tallahassee omnirange 267° radials; Tallahassee, Fla., omnirange station; to the Jacksonville, Fla., omnirange station, including a north alternate from the Marianna omnirange station to the Jacksonville omnirange station via the point of intersection of the Marianna omnirange 093° and the Albany, Ga., omnirange 152° radials and the point of intersection of the Valdosta, Ga., omnirange 233° and the Cross City omnirange 333° radials." to read: "Marianna, Fla., omnirange station; intersection of the Marianna omnirange 141° and the Tallahassee omnirange 267° radials; Tallahassee, Fla., omnirange station; to the Jacksonville, Fla., omnirange station, including a north alternate from the Marianna omnirange station to the Jacksonville omnirange station via the point of intersection of the Marianna omnirange 092° and the Albany, Ga., omnirange 152° radials and the point of intersection of the Valdosta, Ga., omnirange 233° and the Cross City, Fla., omnirange 333° radials."

16. Section 600.6035 *VOR civil airway No. 35 (Key West, Fla., to Syracuse, N. Y.)* is amended by changing the portion which reads: "Philipsburg, Pa., omnirange station; Elmira, N. Y., omnirange station;" to read: "Philipsburg, Pa., omnirange station; Stonyfork, Pa., omnirange station; Elmira, N. Y., omnirange station;".

17. Section 600.6040 is amended to read:

§ 600.6040 *VOR civil airway No. 40 (Bergholz, Ohio, to Johnstown, Pa.).* From the point of intersection of the Pittsburgh, Pa., omnirange 291° and the Youngstown, Ohio, omnirange 195° radials via the Imperial, Pa., omnirange station; to the point of intersection of the Pittsburgh, Pa., omnirange 067° and the Johnstown, Pa., omnirange 290° radials.

18. Section 600.6041 is amended to read:

§ 600.6041 *VOR civil airway No. 41 (Pittsburgh, Pa., to Youngstown, Ohio).* From the Pittsburgh, Pa., omnirange station via the Imperial, Pa., omnirange station; intersection of the Imperial 326° and the Youngstown, Ohio, 180° radials; to the Youngstown, Ohio, omnirange station.

19. Section 600.6042 is amended to read:

§ 600.6042 *VOR civil airway No. 42 (Flint, Mich., to Washington, D. C.).* That airspace over the United States territory from the point of intersection of the Lansing, Mich., omnirange 068° and the Salem, Mich., omnirange 342° radials via the Windsor, Ont., omnirange station; Cleveland, Ohio, omnirange station; the point of intersection of the Youngstown omnirange 233° and the Cleveland omnirange 116° radials; Imperial, Pa., omnirange station; Pittsburgh, Pa., omnirange station; Johnstown, Pa., omnirange station; Martinsburg, W. Va., omnirange station; to the Washington, D. C., terminal omnirange station.

20. Section 600.6045 *VOR civil airway No. 45 (New Bern, N. C., to Saginaw, Mich.)* is amended by changing all before "Pulaski, Va., omnirange station;" to read: "From the New Bern, N. C., omnirange station via the intersection of the New Bern omnirange 297° and the Raleigh omnirange 121° radials; Raleigh, N. C., omnirange station; Greensboro, N. C., omnirange station, including an east alternate via the intersection of the Raleigh omnirange 305° and the Greensboro omnirange 051° radials and also a west alternate via the intersection of the Raleigh omnirange 240° and the Greensboro omnirange 122° radials; Pulaski, Va., omnirange station;".

21. Section 600.6072 *VOR civil airway No. 72 (Troy, N. Y., to Albany, N. Y.)* is amended by changing the portion which reads: "Bradford, Pa., omnirange station; Elmira, N. Y., omnirange station;" to read: "Bradford, Pa., omnirange station; point of intersection of the Bradford omnirange 078° radial with the Stonyfork, Pa., omnirange direct radial to the Wellsville, N. Y., omnirange station; Elmira, N. Y., omnirange station;".

22. Section 600.6074 *VOR civil airway No. 74 (Hugo, Colo., to Pine Bluff, Ark.)* is amended by changing the portion which reads: "From the Hugo, Colo., omnirange station via the Garden City, Kans., omnirange station;" to read: "From the Hugo, Colo., omnirange station via the intersection of the Hugo omnirange 112° and the Garden City VORTAC 296° radials; Garden City, Kans., VORTAC;".

23. Section 600.6084 is amended by changing the caption to read: § 600.6084 *VOR civil airway No. 84 (Shabbona, Ill., to Syracuse, N. Y.)* and by changing the portion which reads: "to the Buffalo, N. Y., omnirange station." to read: "Buffalo, N. Y., omnirange station; Geneseo, N. Y., omnirange station; the point of intersection of the Rochester, N. Y., omnirange 130° and the Elmira, N. Y., omnirange 354° radials; Syracuse, N. Y., omnirange station."

24. Section 600.6095 is amended to read:

§ 600.6095 *VOR civil airway No. 95 (Phoenix, Ariz., to Winslow, Ariz.).* From the Phoenix, Ariz., omnirange station via the intersection of the Phoenix omnirange 004° and the Winslow omnirange 224° radials; to the Winslow, Ariz., omnirange station.

25. Section 600.6103 is amended by changing the caption to read: "*VOR civil airway No. 103 (Greensboro, N. C., to Windsor, Ont.)* and by changing the portion which reads: "to the Cleveland, Ohio, omnirange station." to read: "Cleveland, Ohio, omnirange station; point of intersection of the Carleton, Mich., omnirange 097° and the Windsor omnirange 121° radials; to the Windsor, Ont., omnirange station."

26. Section 600.6116 *VOR civil airway No. 116 (Kansas City, Mo., to New York, N. Y.)* is amended by changing all after "Bradford, Pa., omnirange station;" to read: "Bradford, Pa., omnirange station; Stonyfork, Pa., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; to the point of intersection of the Wilkes-Barre-Scranton omnirange 117° and the Wilton, Conn., omnirange 240° radials."

27. Section 600.6119 is amended to read:

§ 600.6119 *VOR civil airway No. 119 (Huntington, W. Va., to Rochester, N. Y.).* From the Huntington, W. Va., nondirectional radio beacon via the Henderson, W. Va., omnirange station; Parkersburg, W. Va., omnirange station; Wheeling, W. Va., omnirange station; Imperial, Pa., omnirange station; Fitzgerald, Pa., omnirange station; Bradford, Pa., omnirange station; Wellsville, N. Y., omnirange station; Geneseo, N. Y., omnirange station; to the Rochester, N. Y., omnirange station.

28. Section 600.6126 *VOR civil airway No. 126 (Chicago, Ill., to New York, N. Y.)* is amended by changing all after "Bradford, Pa., omnirange station;" to read: "Bradford, Pa., omnirange station; Stonyfork, Pa., omnirange station;

Wilkes-Barre-Scranton, Pa., omnirange station; Huguenot, N. Y., omnirange station; to the point of intersection of the Huguenot omnirange 114° and the Wilton, Conn., omnirange 240° radials."

29. Section 600.6127 is amended to read:

§ 600.6127 *VOR civil airway No. 127 (Livingston, Mont., to Helena, Mont.).* From the Livingston, Mont., omnirange station via the intersection of the Livingston omnirange 323° and the Helena, Mont., omnirange 119° radials to the Helena, Mont., omnirange station.

30. Section 600.6133 *VOR civil airway No. 133 (Charlotte, N. C., to Traverse City, Mich.)* is amended by changing the portion which reads: "Mansfield, Ohio, omnirange station; intersection of the Mansfield omnirange 345° True and the Salem omnirange 140° True radials; Salem, Mich., omnirange station;" to read: "Mansfield, Ohio, omnirange station; Sandusky, Ohio, omnirange station; intersection of the Waterville, Ohio, omnirange 058° and the Salem omnirange 140° radials; Salem, Mich., omnirange station;".

31. Section 600.6135 is amended to read:

§ 600.6135 *VOR civil airway No. 135 (Yuma, Ariz., to Tonopah, Nev.).* From the Yuma, Ariz., omnirange station via the Blythe, Calif., omnirange station; Needles, Calif., omnirange station; to the Las Vegas, Nev., omnirange station. From the point of intersection of the Tonopah omnirange 198° radial with the Coaldale, Nev., omnirange direct radial to Beatty, Nev., omnirange; to the Tonopah, Nev., omnirange station.

32. Section 600.6138 is amended to read:

§ 600.6138 *VOR civil airway No. 138 (Rock River, Wyo., to Fort Dodge, Iowa).* From the Rock River, Wyo., omnirange station via the Cheyenne, Wyo., omnirange station, including a north alternate via the intersection of the Rock River omnirange 108° and the Cheyenne omnirange 320° radials; to the Sidney, Nebr., omnirange station, including a south alternate. From the Grand Island, Nebr., omnirange station via the intersection of the Grand Island omnirange 099° and the Lincoln VORTAC 267° radials; Lincoln, Nebr., VORTAC; Neola, Iowa, omnirange station; to the Fort Dodge, Iowa, omnirange station.

33. Section 600.6143 is amended to read:

§ 600.6143 *VOR civil airway No. 143 (Charlotte, N. C., to Washington, D. C.).* From the Charlotte, N. C., omnirange station via the Greensboro, N. C., omnirange station, including a west alternate via the intersection of the Charlotte omnirange 005° and the Greensboro omnirange 238° radials; Lynchburg, Va., omnirange station; Montebello, Va., omnirange station. From the Front Royal, Va., omnirange station to the point of intersection of the Martinsburg, W. Va., omnirange direct radial to the Washington, D. C., terminal omnirange station and the Herndon, Va., omnirange direct radial to the Harrisburg, Pa., omnirange station.

34. Section 600.6147 *VOR civil airway No. 147 (Philadelphia, Pa., to Rochester, N. Y.)* is amended by changing all after "Elmira, N. Y., omhirange station;" to read: "Elmira, N. Y., omnirange station; Geneseo, N. Y., omnirange station; Rochester, N. Y., omnirange station."

35. Section 600.6164 *VOR civil airway No. 164 (Buffalo, N. Y., to New York, N. Y.)* is amended by changing all before "Williamsport, Pa., omnirange station;" to read: "From the Buffalo, N. Y., omnirange station via the Wellsville, N. Y., omnirange station; Stonyfork, Pa., omnirange station; Williamsport, Pa., omnirange station;".

36. Section 600.6174 is amended to read:

§ 600.6174 *VOR civil airway No. 174 (Vichy, Mo., to Washington, D. C.).* From the Vichy, Mo., omnirange station via the intersection of the Vichy omnirange 069° and the Troy omnirange 246° radials; Troy, Ill., omnirange station; Bible Grove, Ill., omnirange station; Scotland, Ind., omnirange station; Louisville, Ky., omnirange station; York, Ky., omnirange station; Henderson, W. Va., omnirange station; Elkins, W. Va., omnirange station; Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° and the Washington terminal omnirange 245° radials; to the Washington, D. C., terminal omnirange station.

37. Section 600.6190 is amended to read:

§ 600.6190 *VOR civil airway No. 190 (Phoenix, Ariz., to Evansville, Ind.).* From the Phoenix, Ariz., omnirange station via the St. Johns, Ariz., omnirange station; Grants, N. Mex., omnirange; intersection of the Grants omnirange 067° and the Santa Fe omnirange 253° radials; Santa Fe, N. Mex., omnirange station; Las Vegas, N. Mex., omnirange station; Dalhart, Tex., omnirange station; Gage, Okla., omnirange station; intersection of the Gage omnirange 059° and the Ponca City omnirange 280° radials; Ponca City, Okla., omnirange station; intersection of the Ponca City omnirange 076° and the Springfield omnirange 261° radials; Springfield, Mo., omnirange station; Farmington, Mo., omnirange station; to the Evansville, Ind., omnirange station.

38. Section 600.6194 *VOR civil airway No. 194 (Lafayette, La., to Norfolk, Va.)* is amended by changing the portion which reads: "Charlotte, N. C., omnirange station; Raleigh, N. C., omnirange station; Rocky Mount, N. C., omnirange station, including a south alternate via the intersection of the Raleigh omnirange 116° and the Rocky Mount omnirange 237° radials; Cofield, N. C., omnirange station;" to read: "Charlotte, N. C., omnirange station; intersection of the Charlotte omnirange 067° and the Raleigh omnirange 240° radials; Raleigh, N. C., omnirange station; Rocky Mount, N. C., omnirange station, including a south alternate via the intersection of the Raleigh omnirange 121° and the Rocky Mount omnirange 237° radials; Cofield, N. C., omnirange station;".

39. Section 600.6214 is amended to read:

§ 600.6214 *VOR civil airway No. 214 (Troy, Ill., to Wheeling, W. Va.).* From the Troy, Ill., omnirange station via the Bible Grove, Ill., omnirange station; Lewis, Ind., omnirange station; Shelbyville, Ind., omnirange station; point of intersection of the Cincinnati, Ohio, omnirange 004° and the Dayton, Ohio, omnirange 209° radials. From the Columbus, Ohio, Port Columbus Airport ILS localizer via the Zanesville, Ohio, omnirange station; point of intersection of the Parkersburg, W. Va., omnirange 006° and the Wheeling omnirange 252° radials; to the Wheeling, W. Va., omnirange station.

40. Section 600.6222 is amended by changing the caption to read: *"VOR civil airway No. 222 (El Paso, Tex., to Gordonsville, Va.)* and by changing all after "Hickory, N. C., omnirange station;" to read: "Hickory, N. C., omnirange station; Lynchburg, Va., omnirange station; Gordonsville, Va., omnirange station."

41. Section 600.6232 is amended to read:

§ 600.6232 *VOR civil airway No. 232 (Cleveland, Ohio, to Stroudsburg, Pa.).* From the point of intersection of the Cleveland, Ohio, omnirange direct radial to the Jefferson, Ohio, omnirange station with the Chadron omnirange 300° radial via the Chadron, Ohio, omnirange station; Fitzgerald, Pa., omnirange station; Milton, Pa., omnirange station; to the Stroudsburg, Pa., omnirange station.

42. Section 600.6244 is amended to read:

§ 600.6244 *VOR civil airway No. 244 (Oakland, Calif., to Hanksville, Utah).* From the Oakland, Calif., omnirange station via the intersection of the Oakland omnirange 078° and the Modesto omnirange 312° radials; Modesto, Calif., omnirange station; Coaldale, Nev., omnirange station; Tonopah, Nev., omnirange station; Milford, Utah, omnirange station; to the Hanksville, Utah, omnirange station.

43. Section 600.6250 is amended to read:

§ 600.6250 *VOR civil airway No. 250 (Imperial, Pa., to Fitzgerald, Pa.).* From the Imperial, Pa., omnirange station via the Ellwood City, Pa., omnirange station, intersection of the Ellwood City omnirange 054° and the Fitzgerald omnirange 240° radials; to the Fitzgerald, Pa., omnirange station.

44. Section 600.6252 is amended to read:

§ 600.6252 *VOR civil airway No. 252 (Buffalo, N. Y., to New York, N. Y.).* From the Buffalo, N. Y., omnirange station via the Geneseo, N. Y., omnirange station; Watkins Glen, N. Y., omnirange station; Binghamton, N. Y., omnirange station; point of intersection of the Binghamton omnirange 130° radial with the Wilkes-Barre-Scranton, Pa., omnirange direct radial to the point of intersection of the De Lancey, N. Y., omnirange 289° radial with the Binghamton, N. Y., omnirange direct radial to the Rockdale, N. Y., omnirange station; Huguenot, N. Y., omnirange station; to the point of intersection of the Wilkes-Barre-Scranton, Pa., 117° and the Wilton, Conn., omnirange 240° radials.

45. Section 600.6260 is amended to read:

§ 600.6260 *VOR civil airway No. 260 (Charlotte, N. C., to Richmond, Va.).* From the Charleston, W. Va., omnirange station via the Rainelle, W. Va., omnirange station; Roanoke, Va., terminal omnirange station; Lynchburg, Va., omnirange station; Flat Rock, Va., omnirange station to the Richmond, Va., radio range station.

46. Section 600.6297 is added to read:

§ 600.6297 *VOR civil airway No. 297 (Mansfield, Ohio, to Carleton, Mich.).* From the Mansfield, Ohio, omnirange station via the Sandusky, Ohio, omnirange; point of intersection of the Waterville, Ohio, omnirange 058° and the Salem, Mich., omnirange 140° radials; intersection of the Carleton omnirange 117° and the Salem omnirange 140° radials; to the Carleton, Mich., omnirange station.

47. Section 600.6421 is amended to read:

§ 600.6421 *VOR civil airway No. 421 (Truth or Consequences, N. Mex., to Farmington, N. Mex.).* From the Truth or Consequences, N. Mex., omnirange station via the St. Johns, Ariz., omnirange station; Zuni, N. Mex., omnirange station; to the Farmington, N. Mex., omnirange station.

48. Section 600.6614 *VOR civil airway No. 1514 (San Francisco, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "to the Modesto, Calif., omnirange station." to read: "Modesto, Calif., omnirange station; Coaldale, Nev., omnirange station; Tonopah, Nev., omnirange station; Milford, Utah, omnirange station; to the Hanksville, Utah, omnirange station."

49. Section 600.6616 *VOR civil airway No. 1516 (San Francisco, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "York, Ky., omnirange station; Elkins, W. Va., omnirange station;" to read: "York, Ky., omnirange station; Henderson, W. Va., omnirange station; Elkins, W. Va., omnirange station;".

50. Section 600.6620 *VOR civil airway No. 1520 (Los Angeles, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "to the Prescott, Ariz., omnirange station. From the Texico, N. Mex., omnirange station via the Childress, Tex., omnirange station;" to read: "Prescott, Ariz., omnirange station; St. Johns, Ariz., omnirange station; La Joya, N. Mex., omnirange station; Corona, N. Mex., omnirange station; the intersection of the Corona omnirange 080° and the Texico, N. Mex., omnirange 274° radials; Texico, N. Mex., omnirange station; Childress, Tex., omnirange station;" and by adding two last sentences to read: "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Melrose Restricted Area (R–529) is excluded during this restricted area's designated time of use. The portion of this airway below 15,000 feet mean sea level, between the Corona, N. Mex., omnirange station and the Texico, N. Mex., omnirange station shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control, between sunrise and sunset."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. July 31, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 1, 1958.

[F. R. Doc. 58–5239; Filed, July 9, 1958; 8:45 a. m.]

[Amdt. 12]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.115 is added to read:

§ 601.115 *Amber civil airway No. 15 control areas (United States-Canadian Border to Annette Island, Alaska).* All of Amber civil airway No. 15.

2. Section 601.211 is amended by changing the caption to read: *"Red civil airway No. 11 control areas (Tulsa, Okla., to Boston, Mass.)."*

3. Section 601.212 is amended to read:

§ 601.212 *Red civil airway No. 12 control areas (Joliet, Ill., to Detroit, Mich.).* All of Red civil airway No. 12.

4. Section 601.257 is amended to read:

§ 601.257 *Red civil airway No. 57 control areas (Akron, Ohio, to Youngstown, Ohio).* All of Red civil airway No. 57.

5. Section 601.277 is amended by changing the caption to read: *"Red civil airway No. 77 control areas (Richmond, Va., to Atlantic City, N. J.)."*

6. Section 601.670 is amended by changing the caption to read: *"Blue civil airway No. 70 control areas (Waco, Tex., to Ardmore, Okla.)."*

7. Section 601.672 *Blue civil airway No. 72 control areas (Enid, Okla., to Wichita, Kans.)* is revoked.

8. Section 601.1076 *Control area extension (Pheonix, Ariz.)* is amended by adding the following portion to present control area extension: "the airspace northeast of Phoenix lying within a 25-mile radius of the Phoenix omnirange station bounded on the west by VOR civil airway No. 95 and on the southeast by VOR civil airway No. 190."

9. Section 601.1080 *control area extension (Louisville, Ky.)* is amended by deleting the words which read: "excluding danger areas," and by adding the following sentence to the control area extension: "The portion of this control area extension which lies within the geographic limits of, and between the designated altitudes of, the Fort Knox restricted area R–64 is excluded during the restricted area's time of designation."

10. Section 601.1182 is amended to read:

§ 601.1182 *Control area extension (Enid, Okla.).* The airspace in the vicinity of Vance AFB, Enid, Okla., bounded on the north by VOR civil airway No. 190, on the east by Blue civil airway No. 5, on the south by VOR civil airway No. 140 and Red civil airway No. 59, and on the west by longitude 98°30'00".

11. Section 601.1204 *Control area extension (Zuni, N. Mex.)* is revoked.

12. Section 601.1204 is added to read:

§ 601.1204 *Control area extension (El Morro, N. Mex.).* Within 5 miles either side of the south course of the El Morro radio range extending from the radio range station to a point 25 miles south.

13. Section 601.1216 *Control area extension (New Orleans, La.)* is amended by changing the words which read: "bounded on the north by a direct line from the Belle Chasse, La., nondirectional radio beacon" to read: "bounded on the north by a direct line from the Navy New Orleans nondirectional radio beacon".

14. Section 601.1235 *Control area extension (West Palm Beach, Fla.)* is amended by changing the words which read: "below 2,000 feet" to read: "below 1,000 feet".

15. Section 601.1257 *Control area extension (Goshen, Ind.)* is amended by changing the words which read: "on the northeast by Red civil airway No. 57," to read: "on the northeast by VOR civil airway No. 30,"

16. Section 601.1279 is amended to read:

§ 601.1279 *Control area extension (Rapid City, S. Dak.).* The airspace within a 25–mile radius of the Rapid City radio range station lying in the northwest and northeast quadrants of the radio range; the airspace southeast of Rapid City lying within a 55–nautical mile radius of the Rapid City omnirange station bounded on the north by VOR civil airway No. 26 and on the west by VOR civil airway No. 89 excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Scenic restricted area (R–190) during the restricted area's time of designation.

17. Section 601.1291 is amended to read:

§ 601.1291 *Control area extension (Garden City, Kans.).* The airspace lying within a 25-mile radius of the New

Garden City Municipal Airport, Garden City, Kans.

18. Section 601.1431 *Control area extension (Bozeman, Mont.)* is revoked.

19. Section 601.1984 *Five mile radius zones* is amended by deleting the following airport: Lynchburg, Va.: Preston Glenn Airport.

20. Section 601.2050 is amended to read:

§ 601.2050 *Garden City, Kans., control zone.* Within a 5-mile radius of the New Garden City Municipal Airport, within 2 miles either side of the north course of the Garden City radio range extending from the radio range to a point 12 miles north, within 2 miles either side of a line bearing 144° True extending from the radio range station to the airport, and within 2 miles either side of the 005°, 024°, 121°, 167°, 253° and 322° True radials of the Garden City omnirange extending to points 12 miles from the omnirange station.

21. Section 601.2258 is amended to read:

§ 601.2258 *Wichita Falls, Tex., control zone.* Within a 5-mile radius of Shepherd AFB, Witchita Falls, Tex., within 2 miles either side of the southeast course of the Wichita Falls radio range extending from the radio range station to the Jolly fan marker, and within 2 miles either side of the Wichita Falls omnirange 274° True radial extending from the 5-mile radius zone to a point 10 miles west of the omnirange station.

22. Section 601.2426 is added to read:

§ 601.2426 *Lynchburg, Va., control zone.* Within a 5-mile radius of Preston Glenn Airport, Lynchburg, Va., within 2 miles either side of the 21° and 201° True radials of the Lynchburg omnirange extending from the 5-mile radius zone to a point 10 miles southwest of the omnirange station, and within 2 miles either side of the southeast course of the Lynchburg radio range extending from the radio range station to a point 10 miles southeast of the Oak Grove fan marker.

23. Section 601.2427 is added to read:

§ 61.2427 *Champaign, Ill., control zone.* Within a 5-mile radius of University of Illinois Field, Champaign, Ill., and within 2 miles either side of the 120°, 199°, 238° and 347° True radials of the Champaign omnirange extending from the omnirange station to points 12 miles southeast, south, southwest and north of the omnirange station.

24. Section 601.2428 is added to read:

§ 601.2428 *Butler, Pa., control zone.* Within a 3-mile radius centered on the Butler Airport and within 2 miles either side of the 083° and 263° True radials of the Butler omnirange extending from the 3-mile radius zone to a point 12 miles west of the omnirange station.

25. Section 601.2429 is added to read:

§ 601.2429 *Vandalia, Ill., control zone.* Within a 3-mile radius centered on Vandalia Airport and within 2 miles either side of the 003° and 183° True radials of the Vandalia omnirange extending from the 3-mile radius zone to points 12 miles north and 20 miles south of the omnirange station.

26. Section 601.2430 is added to read:

§ 601.2430 *Emporia, Kans., control zone.* Within a 3-mile radius centered on the Emporia Airport and within 2 miles either side of the 134° True radial of the Emporia omnirange extending from the 3-mile radius zone to a point 12 miles southeast of the omnirange station.

27. Section 601.2431 is added to read:

§ 601.2431 *Russell, Kans., control zone.* Within a 3-mile radius centered on Russell Airport and within 2 miles either side of the 007° True radial of the Russell omnirange extending from the 3-mile radius zone to a point 12 miles north of the omnirange station.

28. Section 601.2432 is added to read:

§ 601.2432 *Lamoni, Iowa, control zone.* Within a 3-mile radius centered on Lamoni Airport and within 2 miles either side of the 166° True radial of the Lamoni omnirange extending from the 3-mile radius zone to a point 12 miles south of the omnirange station.

29. Section 601.2433 is added to read:

§ 601.2433 *Philip, S. Dak., control zone.* Within a 3-mile radius centered on Philip Airport and within 2 miles either side of the 278° True radial of the Philip omnirange extending from the 3-mile radius zone to a point 12 miles west of the omnirange station.

30. Section 601.2434 is added to read:

§ 601.2434 *Sidney, Nebr., control zone.* Within a 3-mile radius centered on Sidney Airport and within 2 miles either side of the 079° and 259° True radials of the Sidney omnirange extending from the 3-mile radius zone to a point 12 miles west of the omnirange station.

31. Section 601.4014 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)* is amended by changing the name "Zuni, N. Mex., radio range station;" to read: "El Morro, N. Mex., radio range station;".

32. Section 601.4108 *Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.)* is amended by changing the reporting point which reads: "the intersection of the southwest course of the Travis AFB, Calif., radio range and a line bearing 309° True from the San Francisco Gap, Calif., nondirectional radio beacon;" to read: "the intersection of the southwest course of the Travis AFB, Calif., radio range with a line bearing 296° True from the San Francisco Gap, Calif., nondirectional radio beacon and the 303° True radial of the San Francisco terminal omnirange."

33. Section 601.4115 is added to read:

§ 601.4115 *Amber civil airway No. 15 (United States-Canadian Border to Annette Island, Alaska).* No reporting point designation.

34. Section 601.4211 is amended by changing the caption to read: "*Red civil airway No. 11 (Tulsa, Okla., to Boston, Mass.).*"

35. Section 601.4212 is amended by changing the caption to read: "*Red civil airway No. 12 (Joliet, Ill., to Detroit, Mich.).*" and by revoking the reporting point which reads: "Erie, Pa., radio range station."

36. Section 601.4257 is amended to read:

§ 601.4257 *Red civil airway No. 57 (Akron, Ohio, to Youngstown, Ohio).* No reporting point designation.

37. Section 601.4277 is amended by changing the caption to read: "*Red civil airway No. 77 (Richmond, Va., to Atlantic City, N. J.).*"

38. Section 601.4642 is amended to read:

§ 601.4642 *Blue civil airway No. 42 (Goshen, Ind., to Saginaw, Mich.).* Battle Creek, Mich., radio range station.

39. Section 601.4670 is amended by changing the caption to read: "*Blue civil airway No. 70 (Waco, Tex., to Ardmore, Okla.).*"

40. Section 601.4672 *Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.)* is revoked.

41. Section 601.4101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska)*, is amended after "Fresno, Calif., radio range station;" by adding the following reporting point: "the intersection of the northwest course of the Fresno, Calif., radio range and the northeast course of the Castle AFB radio range, Merced, Calif.;".

42. Section 601.6003 is amended to read:

§ 601.6003 *VOR civil airway No. 3 control areas (Key West, Fla., to Presque Isle, Maine).* All of VOR civil airway No. 3 including east alternates and a west alternate, but excluding all the airspace between the main airway and its east alternate extending from Florence, S. C., omnirange station to the Raleigh, N. C., omnirange station.

43. Section 601.6040 is amended to read:

§ 601.6040 *VOR civil airway No. 40 (Bergholz, Ohio, to Johnstown, Pa.).* All of VOR civil airway No. 40.

44. Section 601.6084 is amended to read:

§ 601.6084 *VOR civil airway No. 84 control areas (Shabbona, Ill., to Syracuse, N. Y.).* All of VOR civil airway No. 84.

45. Section 601.6103 is amended to read:

§ 601.6103 *VOR civil airway No. 103 control areas (Greensboro, N. C., to Windsor, Ontario).* All of VOR civil airway No. 103.

46. Section 601.6119 is amended to read:

§ 601.6119 *VOR civil airway No. 119 control areas (Huntington, W. Va., to Rochester, N. Y.).* All of VOR civil airway No. 119.

47. Section 601.6135 is amended to read:

§ 601.6135 *VOR civil airway No. 135 control areas (Yuma, Ariz., to Tonopah, Nev.).* All of VOR civil airway No. 135.

48. Section 601.6190 is amended to read:

§ 601.6190 *VOR civil airway No. 190 control areas (Phoenix, Ariz., to Grants, N. Mex.).* All of VOR civil airway No. 190.

49. Section 601.6214 is amended to read:

§ 601.6214 *VOR civil airway No. 214 control areas (Troy, Ill., to Wheeling, W. Va.).* All of VOR civil airway No. 214.

50. Section 601.6222 is amended to read:

§ 601.6222 *VOR civil airway No. 222 control areas (El Paso, Tex., to Gordonsville, Va.).* All of VOR civil airway No. 222.

51. Section 601.6232 is amended to read:

§ 601.6232 *VOR civil airway No. 232 control areas (Cleveland, Ohio, to Stroudsburg, Pa.).* All of VOR civil airway No. 232.

52. Section 601.6244 is amended to read:

§ 601.6244 *VOR civil airway No. 244 control areas (Oakland, Calif., to Hanksville, Utah).* All of VOR civil airway No. 244.

53. Section 601.6250 is amended to read:

§ 601.6250 *VOR civil airway No. 250 control areas (Imperial, Pa., to Fitzgerald, Pa.).* All of VOR civil airway No. 250.

54. Section 601.6252 is amended to read:

§ 601.6252 *VOR civil airway No. 252 control areas (Buffalo, N. Y., to New York, N. Y.).* All of VOR civil airway No. 252.

55. Section 601.6260 is amended to read:

§ 601.6260 *VOR civil airway No. 260 control areas (Charlotte, N. C., to Richmond, Va.).* All of VOR civil airway No. 260.

56. Section 601.6297 is added to read:

§ 601.6297 *VOR civil airway No. 297 control areas (Mansfield, Ohio, to Carleton, Mich.).* All of VOR civil airway No. 297.

57. Section 601.6421 is amended to read:

§ 601.6421 *VOR civil airway No. 421 control areas (Truth or Consequences, N. Mex., to Farmington, N. Mex.).* All of VOR civil airway No. 421.

58. Section 601.7001 *VOR domestic reporting points* is amended by changing the following reporting points to read:

Belle Glade Intersection: The intersection of the Miami, Fla., omnirange 344° T and the Vero Beach, Fla., omnirange 191° T radials.

Farina Intersection: The intersection of the Vandalia, Ill., omnirange 136° T and the Bible Grove, Ill., omnirange 261° T radials.

Moncure Intersection: The intersection of the Raleigh, N. C., omnirange 220° T and the Greensboro, N. C., omnirange 122° T radials.

Palestine Intersection: The intersection of the Imperial, Pa., omnirange 326° T and the Wheeling, W. Va., omnirange 003° T radials.

Pinehurst Intersection: The intersection of the Raleigh, N. C., omnirange 220° T and the Florence, S. C., omnirange 008° T radials.

Power Point Intersection: The intersection of the Imperial, Pa., omnirange 305° T and the Youngstown, Ohio, omnirange 186° T radials.

and by adding the following reporting point:

Goffs, Calif., omnirange station.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. July 31, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 1, 1958.

[F. R. Doc. 58-5240; Filed, July 9, 1958; 8:46 a. m.]

[Amdt. 227]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.19, the Fort Gordon (formerly Camp Gordon), Georgia, area (R-124) amended on November 15, 1955 in 20 F. R. 8470, is further amended by changing the "Time of designation" column to read: "0700 to 1900 daily."

2. In § 608.26, the Camp Clairborne, Louisiana, area (R-431) amended on February 2, 1954 in 19 F. R. 549, is further amended by changing the "Designated altitudes" column to read: "30,000 feet mean sea level," by changing the "Time of designation" column to read: "0600 to 1800 local time only during VFR weather conditions," and by changing the heading of the "Using agency" column to read: "Controlling agency" and that agency to read: "Commander, England AFB, Louisiana."

3. In § 608.32, the Black Creek, Mississippi, area (R-451) amended on May 25, 1955, in 20 F. R. 3651, is further amended by changing the heading of the "Time of use" column to read: "Time of designation" and that time to read: "0600-2300, daily, January through August, annually" and by changing the "Controlling agency" column to read: "Air National Guard, Jackson, Mississippi."

4. In § 608.32, the Gulfport, Mississippi, area (R-452) amended on August 18, 1955, in 20 F. R. 6008, is further amended by changing the "Designated altitudes" column to read: "50,000 feet mean sea level," by changing the "Time of designation" column to read: "Continuous" and by changing the heading of the "Using agency" column to read: "Controlling agency" and that agency to read: "Commander of Air National Guard Training Site, Gulfport Municipal Airport, Gulfport, Mississippi."

5. In § 608.39, the Guadalupe Mountains, New Mexico, area (R-212) amended on April 12, 1956, in 21 F. R. 2373, is further amended by changing the "Description by geographical coordinates" column to read: "Beginning at latitude 32°18'00", longitude 104°55'00"; thence to latitude 32°06'45", longitude 104°55'00"; thence to latitude 32°06'45", longitude 105°25'30"; thence to latitude 32°13'30", longitude 105°25'30"; thence to latitude 32°18'00", longitude 105°20'00"; thence to point of beginning."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on July 28, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 1, 1958.

[F. R. Doc. 58-5241; Filed, July 9, 1958; 8:46 a. m.]

[Amdt. 77]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Section 609.3 (d) *Explanation of terms,* was incorrectly republished in the Revision of Part 609 on July 12, 1957 (22 F. R. 5201) by the omission of the word "radials" and the insertion of the word "distances" in lieu of "headings." This amendment corrects these errors.

Inasmuch as this amendment is corrective in nature and imposes no additional burden on any person, compliance with the notice, procedure, and effective date provisions of the Administrative Procedure Act is unnecessary and not required.

Section 609.3 (d) is amended to read as follows:

§ 609.3 *Explanation of terms.* • • •

(d) "Courses," "bearings," "headings," and "radials" are stated in degrees magnetic.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 1, 1958.

[F. R. Doc. 58-5242; Filed, July 9, 1958; 8:46 a. m.]

[Amdt. 78]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Birmingham VOR	BHM-LFR	Direct	2000	T-dn	300-1	300-1	*200-½
Eden FM	BHM-LFR	Direct	2600	C-dn	800-1	900-1	800-1½
				A-dn	1000-2	1000-2	1000-2

*200-½ authorized Rny 23 only.
Procedure turn W side N crs, 358 Outbnd, 178 Inbnd, 2500' within 10 mi.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 178—2.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 mi, climb to 2600' on S crs BHM-LFR within 20 mi.
AIR CARRIER NOTE: No reduction in minimums authorized.
MAJOR CHANGE: Deletes any reference to Bradford FM.

City, Birmingham; State, Ala.; Airport Name, Municipal; Elev., 643'; Fac. Class, SBRAZ; Ident., BHM, Procedure No. 1, Amdt. 8, Eff. Date, 2 Aug. 58; Sup. Amdt. No 7, Dated, 9 Feb. 57

MIA VORTAC	MIA-LFR	Direct	1300	T-dn	300-1	300-1	300-1
BSY VORTAC	MIA-LFR	Direct	1400	C-dn	400-1	500-1	500-1½
Krome Int	MIA-LFR (Final)	Direct	600	S-dn-9R-L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn *N side W crs, 275° Outbnd, 095° Inbnd, 1100' within 10 mi.
*Procedure turn nonstandard to avoid traffic vicinity Tamiami Airport.
Minimum altitude over facility on final approach crs, 600'.
Crs and distance, facility to airport, Rwy 9-R, 086—4.9; Rwy 9-L, 077—5.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, climb to 1400' on E crs within 20 miles.

City, Miami; State, Fla.; Airport Name, International; Elev., 9'; Fac. Class, SBRAZ, Ident., MIA; Procedure No. 1, Amdt. 13; Eff. Date, 2 Aug. 58; Sup. Amdt. No. 12; Dated, 4 June 55

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
El Dorado VOR	ELD-RBn	Direct	1600	T-dn	300-1	300-1	300-1
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side crs, 310 Outbnd, 130 Inbnd, 1400' within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 900'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1900' on crs of 130 within 20 miles.
MAJOR CHANGE: Delete Caution Note.

City, El Dorado; State, Ark.; Airport Name, Goodwin Field; Elev., 277'; Fac. Class, RBN; Ident., ELD; Procedure No. 1, Amdt. 3, Eff. Date, 2 Aug. 58; Sup. Amdt. No. 2, Dated, 20 July 55.

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Greenville LFR	LOM	Direct	2300	T-dn	300-1	300-1	300-1½
Reedy Int	LOM (Final)	Direct	1600	C-dn	500-1	500-1	500-1½
Reese Int	LOM	Direct	2200	S-dn	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side S crs, 181° Outbnd, 001 Inbnd, 2200' within 10 mi.
Minimum altitude over LOM inbnd final, 1600'.
Distance to appr end of rny at OM, 3.6; at MM, 0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM, climb to 2200' on N crs ORL LFR within 10 miles, turn right and return to LOM or, when directed by ATC, climb to 4000' on N crs LFR within 13 miles, turn right and return to LFR.
CAUTION: Heavily obstructed missed approach area.

City, Greenville; State, S. C.; Airport Name, Greenville; Elev., 1049'; Fac. Class, LOM; Ident., GR; Procedure No. 1, Amdt. Orig.; Eff. Date, 2 Aug. 58

Minneapolis LFR	LOM	Direct	2200	T-dn	300-1	300-1	300-1½
Minneapolis VOR	LOM	Direct	2500	C-dn	500-1	500-1	500-1½
Burton FM	LOM	Direct	2200	S-dn-29L	400-1	(900-1	900-1
Keelson Int	LOM	Direct	2300	A-dn	800-2	800-2	800-2
Lakeville Int	LOM	Direct	2200				
Prior Int	LOM	Direct	2200				
White Bear Int	LOM	Direct	2500				
Kline Int	LOM	Direct	2300				
Cannon Falls Int	LOM	Direct	2400				
Denton RBn	LOM	Direct	2200				
Hastings FM	LOM (Final)	Direct	1700				
Radar Transitions as directed by ATC	Radar site	Within 20 mi	2500				

Procedure turn East side of crs, 115° Outbnd, 295° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 295°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles of LOM, climb to 2500' on crs of 295° to Int. 3-mi MSP-VOR and NW 1LS crs or, when directed by ATC: 1. Make left climbing turn, climb to 2500' on crs of 241° within 22 miles. 2. Make left climbing turn, climb to 2200' feet and return to LOM.
CAUTION: Tower 1228' MSL 3 miles West of Hastings FM.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul Int'l. (Wold-Chamberlain); Elev., 840'; Fac. Class, LOM; Ident., MS; Procedure No. 1, Amdt. 1; Eff. Date, 2 Aug. 58; Sup. Amdt. No. Orig.; Dated, 21 June 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
El Dorado RBN	ELD-VOR	Direct	1600	T-dn	300-1	300-1	300-1
				C-dn	400-1	500-1	500-1½
				S-22-dn	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 030 Outbnd, 210 Inbnd, 1400' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 900'.
Crs and distance, facility to airport, 210—3.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 mi, climb to 1400' on R-210 within 20 mi.
MAJOR CHANGE: Delete Caution Note.

City, El Dorado; State, Ark.; Airport Name, Goodwin Field; Elev., 277'; Fac. Class, BVOR; Ident., ELD; Procedure No. 1, Amdt. 5; Eff. Date, 2 Aug. 58; Sup. Amdt. No. 4, Dated, 15 Jan. 55

Fort Sill Int	LAW-VOR	Direct	2700	T-dn	300-1	300-1	300-1
				C-dn	400-1	500-1	500-1½
				S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Teardrop procedure turn, 149 Outbnd, 347 Inbnd, 2200' within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 347—4.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles, turn left and climb to 2200' on R 186 within 8 miles.
NOTE: Communications and weather service not available to general public. Voice on VOR controlled by Army Tower Post Field.
AIR CARRIER NOTE: Procedure may be authorized only for carriers having approval of their arrangements for communications and weather service at this airport.

City, Lawton; State, Okla.; Airport Name, Municipal; Elev., 1108'; Fac. Class, BVOR; Ident., LAW; Procedure No. 1; Amdt. 4; Eff. Date, 2 Aug. 58; Sup. Amdt. No. 3, Dated, 23 Nov. 57

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Greenville LFR	LOM	Direct	2300	T-dn	300–1	300–1	300–1
Reedy Int	LOM (Final)	Direct	2200	C-dn	500–1	500–1	500–1
Hones Int	LOM	Direct	2300	S-dn-36*	300–¾	300–¾	300–¾
				A-dn ILS	600–2	600–2	600–2

*No approach lights, 400–¾ required when glide slope not utilized.
Procedure turn W side S crs, 181 Ontbnd, 001 Inbnd, 2200' within 10 miles.
Minimum altitude at G. S. int inbnd, 2200'.
Altitude of G. S. and distance to appr end of rny at OM 2188—3.6, at MM 1213—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 3.6 miles after passing LOM, climb to 3000' on R-190 AVL-VOR and hold south of Tigerville Int or, when directed by ATC, climb to 3200' on N crs ILS (001) within 10 mi, turn right and return to LOM.
CAUTION: Maximum angle glide slope, heavily obstructed missed approach area.

City, Greenville; State, S. C.; Airport Name, Greenville; Elev., 1049'; Fac. Class, ILS-IGRL; Ident., LOM-GR; Procedure No. ILS-36, Amdt. 4; Eff. Date, 2 Aug 58; Supp. Amdt. No. 3; Dated, 6 July 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 58–5072; Filed, July 9, 1958; 9:13 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 90—TABLE OF CHARGES AT THE MINTS AND ASSAY OFFICES OF THE UNITED STATES [1]

The Bureau of the Mint finds that it is necessary, because of increased costs of labor and material, to revise its Table of Charges for various services performed by the Mint. It also finds that notice and public procedure thereon is impracticable, unnecessary and contrary to the public interest because such revisions are required by statutes (R. S. 3524, as amended (31 U. S. C. 332); R. S. 3546 (31 U. S. C. 360)) which require the Director of the Mint, with the concurrence of the Secretary of the Treasury, to fix mint charges so as to equal but not exceed, in their judgment, the actual average cost to each mint and assay office of the material, labor, wastage, and use of machinery employed. Accordingly, Part 90, Chapter I, Title 31 of the Code of Federal Regulations of the United States of America, is hereby revised to read as follows:

Sec.
90.1 Melting charge.
90.2 Eligibility, withdrawal and rejection of deposits.
90.3 Parting and refining charge.
90.4 Bar charges.
90.5 Assays of gold or silver bullion or jewelry free from platinum groups metals.
90.6 Assays of plated and filled goods (over 800 base metal) and white gold free from platinum group metals.
90.7 Assays of ores.
90.8 Assaying and stamping charges.
90.9 General provision.

AUTHORITY: §§ 90.1 to 90.9 issued under R. S. 3524, as amended, R. S. 3546; 31 U. S. C. 332, 360.

§ 90.1 *Melting charge.* (a) On each deposit of bullion a melting charge of $3.00 shall be imposed for the first 1,000 gross troy ounces or fraction thereof, and 30 cents additional for each 100 ounces or fraction thereof in excess of 1,000 ounces, computed on the after-melting weight: *Provided*; That no melting charge shall be imposed on deposits consisting of uncurrent United States coin or unmutilated stamped United States mint bars; on silver bullion free from gold, of the fineness of 999 thousandths or over when received in conformity with official regulations for monetary purposes and when a satisfactory assay can be obtained without melting; or on newly mined domestic silver bullion free from gold, received under the authorization of 31 U. S. C. 316c, 316d. Deposits of newly mined domestic silver bullion containing not less than ¼ thousandths of gold shall be subject to the same melting charges as gold deposits; such charges as may exceed the value of the gold in the deposit shall be waived.

(b) When the melting loss exceeds 15 percent, an additional charge of $1.80 for each deposit shall be imposed when the deposit weighs 100 gross troy ounces or less; on deposits weighing over 100 ounces the charge shall be $1.80 for the first 100 ounces and 55 cents for each 100 ounces or fraction in excess of 100 ounces. Such additional charge shall be computed on the before melting weight of the deposit.

(c) On each deposit containing white gold alloys, as determined by the assayer, an extra melting charge of $1.80 for each 100 gross troy ounces or fraction thereof shall be imposed. Such additional charge shall be computed on the before melting weight of the deposit.

(d) Deposits which fail to give concordant assays and those requiring an excessive amount of treatment, shall, at the discretion of the officer in charge of the Mint institution, be subject to an additional charge equal to the cost to the Government for additional fuel, labor, and materials used in melting and treatment, as well as in remelting and retreatment, if necessary, by the deposit melter. Impure deposits which fail to give concordant assays on dip samples from the second melting shall be rejected, subject to the provisions of § 90.2. The expenses incurred in treatment shall be collected. When such costs are assessed the charge set forth in paragraph (b) of this section shall not be made.

§ 90.2 *Eligibility, withdrawal and rejection of deposits.* (a) A gold deposit must contain one troy ounce of fine gold, at least 100 parts of gold in 1,000, and not less than 200 parts of gold or gold and silver combined in 1,000. If the deposit fails to meet these requirements or if the report of the assayer indicates it to be unsuitable for mint operations, it shall not be purchased. Deposits are not accepted in Washington, D. C.

(b) Gold, contained in deposits of silver eligible for receipt at a mint for return in bar form, may be purchased by the mints: Such deposits, however, must contain not less than 600 parts of silver in 1,000 and not more than 99 parts of gold in 1,000.

(c) If otherwise permissible,[2] deposits may be withdrawn by depositors at any time before payment is tendered therefor, and thereafter at the option of the officer in charge of the mint or assay office, subject to payment in cash of such charges for melting, etc., as have been incurred up to the time of withdrawal.

(d) Rejected deposits are subject to payment in cash of such charges as have been incurred up to time of rejection and should be returned to the depositor unless the metal may not be received by the depositor.[2] If the depositor may not receive the metal, the deposit will be held for delivery at his request and for his account, and by authorization of the Director of the Mint, to a person authorized to receive such metal.

§ 90.3 *Parting and refining charge (rate per gross troy ounces or fraction).*

CLASS A—BULLION CONTAINING GOLD

Base content (thousandths)	Gold content (thousandths)		
	Up to 250	250¼ to 500	500¼ to 949¾
	Cents	*Cents*	*Cents*
Up to 80	2	4	9
Over 80 to 160	3	5	10
Over 160 to 250	5	8	12
Over 250 to 350	8	10	14
Over 350 to 450	10	12	16
Over 450 to 550	12	14	18
Over 550 to 650	14	16	------
Over 650 to 750	16	18	------
Over 750	18	------	------
Base content disregarded	(1)	(1)	4
Base content disregarded	(2)	(2)	0

[1] Gold content 950 to 994¾.
[2] Gold content 995 and over.

CLASS B—SILVER BULLION FREE FROM GOLD

(Received for exchange for silver bars, under R. S. 3546 (31 U. S. C. 360); purchased under the Silver Purchase Act (31 U. S. C. 311a, 316b, 405a, 448–448e, 734a, 734b), or purchased for subsidiary silver coinage under R. S. 3526 (31 U. S. C. 335))

Silver content:	*Charge (cents)*
500 thousandths or less	9
500½ to 850 thousandths	7
850½ to 998¾ thousandths	2

CLASS C—MISCELLANEOUS

Upon gold bullion from 899 to 917 thousandths fine, having but one precious metal present and having base content of good copper, including foreign coins and domestic mutilated or uncurrent coin, a refining charge will be imposed only when payment is to be made in fine bars, in which case a charge of 10 cents per gross ounce, or fraction, will be imposed. Domestic gold coins will be received only in accordance with the provisions of § 92.1 of this chapter.

No refining charge will be imposed on domestic mutilated or uncurrent silver coin received in accordance with Part 100 of this chapter.

No refining charge will be imposed on newly mined domestic silver bullion free from gold. Deposits of newly mined domestic silver bullion containing not less than ¼ thousandths of gold shall be subject to the same refining charges as gold deposits; such charges as may exceed, after deduction of the melting charge, the value of the gold in the deposit, shall be waived.

When bullion contains less than one-fourth thousandth of gold or less than 8 thousandths of silver, the gold or silver content respectively shall not be reported for the benefit of the depositor.

[2] See § 90.9.

Gold coin containing 8 thousandths or over of silver acquires the status of bullion as regards charges and is subject to the appropriate charge for refining.

§ 90.4 *Bar charges.*—(a) *Charges on gold bars issued in exchange for gold bullion.*[2] (1) When payment in gold bars is requested without specification as to size, no bar charge will be imposed; except that when fine gold bullion of 0.995 or higher fineness is deposited in exchange for Government-stamped bars, a bar charge of 7 cents per $100 value of bars issued will be made; and with the further exception that when fineness of 999.9 is requested and available, a charge of 19 cents per $100 value of bars issued will be made.

(2) When special size bars are requested and are available, the bar charges will be:

	Rate per $100 value (cents)
Bar sizes (gross troy ounces):	
Large, over 50 ounces	7
Medium, 25 to 50 ounces	9
Small, below 25 but not less than 15 ounces	11
Special, below 15 but not less than 5 ounces	13

(b) *Charges on silver bars (0.999 or higher fineness) issued in exchange for silver bullion.*[2] No bar charges are imposed except when special size bars are requested and are available, in which case the bar charges will be:

	Rate per gross troy ounce (cents)
Bar sizes:	
Not less than 500 ounces	¼
Between 125 and 500 ounces	½
125 ounces or less	1

No charge will be imposed on 1,000 ounce bars.

(c) *Charges on gold bars sold.*[2] (1) Gold bars may be sold only in lots of not less than 25 fine troy ounces and only when of a fineness of 899 thousandths or above.

(2) No bar charge will be imposed on any gold bars of a fineness below 999 thousandths when particular sizes or finenesses are not requested.

(3) The following bar charges will be made for bars of a fineness of 999 thousandths or above, for bars of particular fineness, and for bars of particular sizes, when any of such bars are requested and available:

Fineness (thousandths)	Bar sizes (gross troy ounces)	Rates per $100 value
		Cents
999 and above, but below 999.9; also below 999 when particular sizes or finenesses are requested.	Large, over 50 ounces	7
	Medium, 25 to 50 ounces	9
	Small, below 25 ounces but not less than 15 ounces	11
	Special, below 15 but not less than 5 ounces	13
999.9	Any size	19

(d) *Charges on silver bars sold.* No bar charges are imposed on 1,000 ounce silver bars, sold in accordance with 31 U. S. C. 316d, and the Regulations issued thereunder. (Section 92.20 of this chapter.)

§ 90.5 *Assays of gold or silver bullion or jewelry free from platinum group metals.*

	Charge
Gold	$3.00
Silver	6.00
Gold and Silver (same sample)	10.00

An extra charge of $3.00 for each assay of gold or silver will be imposed when the sample contains any of the platinum group metals.

§ 90.6 *Assays of plated and filled goods (over 800 base metal) and white gold free from platinum group metals.*

	Charge
Gold	$7.00
Silver	7.00

An extra charge of $3.00 for each assay of gold or silver will be imposed when the sample contains any of the platinum group metals.

§ 90.7 *Assays of ores.* Assays of ores will be made at the United States Mint at Denver, Colorado. The charge for each metal determined will be:

	Charge
Gold	$2.50
Silver	2.50
Gold and Silver (same sample)	4.00
Lead	4.50
Zinc	4.50
Copper	4.00

§ 90.8 *Assaying and stamping charges.*[2] On bullion deposited for the purpose of receiving the Government assay and stamp the melting and assay charges above specified shall be imposed.

§ 90.9 *General provision.*[2] Nothing in this part provided shall be applied in a manner inconsistent with, or deemed to amend, modify, or repeal, any acts, orders, proclamations, regulations, or instructions, relating to gold or silver.

This revision shall become effective August 1, 1958.

[SEAL]

W. H. BRETT,
Director of the Mint.

Approved:

LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F. R. Doc. 58–5276; Filed, July 9, 1958; 8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 22—SECOND CLASS

The proposed amendments to § 22.4 published in the FEDERAL REGISTER of May 9, 1958, at page 3103 (23 F. R. 3103) are hereby adopted as regulations of the Post Office Department, as set forth below.

[1] Sections 54.44 and 54.52 of this chapter set forth the purchase and sale price of gold purchased and sold to the United States Mints and Assay Office under Subparts F and G of the Gold Regulations (§§ 54.35, 54.44 54.51, 54.52 of this chapter). The one-fourth of one percent charge referred to therein shall be in addition to all other mint charges in connection with purchases or sales of gold by the United States.

[1] Coinage mints are located at Philadelphia, Pa.; San Francisco, Calif.; and Denver, Colo. A United States Assay Office is located at New York, N. Y. No deposits are accepted at the Office of the Director of the Mint in Washington, D. C.

In § 22.4 *What may be mailed at second-class rates* amend paragraph (i) to read as follows:

(i) *Advertisements.* All advertisements in periodicals must be permanently attached. Page numbers are not required in periodicals, but when numbers are not carried on pages of advertisements and the other pages carry numbers, whole numbers in sequence must be allowed for the pages of advertisements. When pages of advertisements carry page numbers, the other pages must also be numbered, and the advertisement page numbers must be either whole numbers in sequence with the numbers on the other pages or the whole number of the last preceding page with alphabetical suffixes in sequence beginning with the letter "A." Independent publications may not be inserted in periodicals as advertisements. The physical make-up of advertisements may include such features as the following:

(1) Different advertisements may occupy the same space in different copies of the same issue.

(2) Pages of advertisements may not be smaller than ⅛ of the size of the regular pages when they include coupons or application or order forms occupying one-half or less of the page as permitted by paragraph (h) (3) (v) of this section.

(3) Advertisements larger than the regular pages may be prepared for folding out horizontally, vertically, or both.

(4) Advertisements may be die-cut or deckle-edged.

(5) Multiple page advertisements may be prepared for detachment as permitted by paragraph (h) (3) (i) and may be held together by staples or other means separate from and in addition to the regular binding of the periodical.

(6) Advertisements may be printed upon sheets of paper, cellophane, foil and other similar material.

(7) Advertisements may include statements that they are printed on the product or by means of the product of the advertiser.

NOTE: The corresponding Postal Manual section is 132.49.

(R. S. 161, 396, as amended; secs. 12, 14, 20 Stat. 359, as amended, sec. 1, 37 Stat. 550, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 225, 226, 229)

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

[F. R. Doc. 58-5294; Filed, July 9, 1958; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.34, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DOMESTIC BEET SUGAR AREA, 1958

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of further amending Sugar Regulation 814.34 (22 F. R. 11027, 23 F. R. 4611) which established allotments of the 1958 sugar quota for the Domestic Beet Sugar Area totaling 2,184,484 short tons, raw value.

This amendment is necessary to allot the larger quota for the area established by Sugar Regulation 811, Amendment 5 (23 F. R. 4597) which established the 1958 quota for the Domestic Beet Sugar Area of 2,227,558 short tons, raw value, a quantity 43,074 short tons, raw value, more than previously allotted.

Findings heretofore made by the Secretary in the course of this proceeding (23 F. R. 4611) provide for the revision of this order without further notice or hearing for the purpose of adjusting allotments to take account of any change in the quota for the area resulting from any change in sugar requirements for the continental United States and the proration of any deficit in the quota for another supply area, and allotments set forth herein have been established in accordance with such findings.

Effective date. Allotments established in this order are larger than the allotments established in S. R. 814.34, Amendment 1 (23 F. R. 4611). To afford adequate opportunities to plan and to accomplish marketings of the additional quantities of sugar in an orderly manner, it is imperative that this order be effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act: It is hereby ordered, That paragraph (a) of § 814.34 as amended, be further amended to read as follows:

§ 814.34 *Allotment of the 1958 sugar quota for the Domestic Beet Sugar Area*—(a) *Allotments.* The 1958 sugar quota for the Domestic Beet Sugar Area of 2,227,558 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processor	Allotments	
	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	291,977	5,457,514
American Crystal Sugar Co	293,075	5,478,037
Buckeye Sugars, Inc	10,269	191,944
Franklin County Sugar Co	11,244	210,168
Great Western Sugar Co., The	543,981	10,167,969
Holly Sugar Corp	356,914	6,671,290
Layton Sugar Co	12,429	232,318
Menominee Sugar Co	13,930	260,374
Michigan Sugar Co	74,013	1,383,421
Monitor Sugar Div., Robt. Cage Coal Co	33,769	631,196
National Sugar Manufacturing Co., The	6,820	127,477
Northern Ohio Sugar Co	30,710	574,019
Spreckels Sugar Co	247,924	4,634,093
Union Sugar Div., of Cons. Foods Corp	83,476	1,560,299
Utah-Idaho Sugar Co	217,027	4,056,579
Any other person	0	0
Total	2,227,558	41,636,598

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209, 61 Stat. 932, as amended, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 7th day of July 1958.

[SEAL] LAWRENCE MYERS, *Director, Sugar Division, Commodity Stabilization Service.*

[F. R. Doc. 58-5273; Filed, July 9, 1958; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Fresh Pea Order 1—1958]

PART 910—VEGETABLES GROWN IN CERTAIN DESIGNATED COUNTIES IN COLORADO

LIMITATION OF SHIPMENTS

Section 2 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 602), authorizes no action which has for its purpose the maintenance of prices to farmers above the level which it is declared to be the policy of Congress to establish. Section 2 of the act, however, authorizes the Secretary of Agriculture to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements for fresh peas in interstate commerce as will effectuate orderly marketing of such fresh peas as will be in the public interest.

§ 910.328 *Fresh Pea Order 1—1958*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended, (7 CFR Part 910), regulating the handling of peas and cauliflower grown in certain designated counties in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601, et seq.), and upon the basis of the recommendation and information submitted by the Fresh Pea Marketing Committee, established pursuant to said marketing agreement, as amended, and order, as amended, and upon other available information, it is hereby found that (i) the average price for such peas to producers thereof during the period July 11, 1958, through September 15, 1958, may exceed the parity price to producers of such peas, and (ii) the limitation of shipments, pursuant to § 910.52 (b) of said marketing agreement, as amended, and order, as amended, as hereinafter provided, will establish and maintain minimum standards of quality and maturity for such peas as will effectuate such orderly marketing of Colorado fresh peas as will be in the public interest and will, thereby, tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the shipment of fresh peas, in the manner set forth in this section, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances for any such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period July 11, 1958, through September 15, 1958, no handler shall handle any fresh peas grown in Alamosa, Rio Grande, Conejos, Costilla, Mineral, and Saguache Counties in the State of Colorado that do not at least meet the requirements of the U. S. No. 1 grade, and are of a minimum pod length of three (3) inches.

(2) The terms used in this section shall have the same meaning as when used in said marketing agreement, as amended, and order, as amended, and "U. S. No. 1" used in this section shall have the same meaning assigned to that term in the United States Standards for Fresh Peas (§§ 51.1375–51.1387 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 7, 1958.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division.*

[F. R. Doc. 58-5272; Filed, July 9, 1958; 8:51 a. m.]

[Cauliflower Order 1—1958]

PART 910—VEGETABLES GROWN IN CERTAIN DESIGNATED COUNTIES IN COLORADO

LIMITATION OF SHIPMENTS

Section 2 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 602), authorizes no action which has for its purpose the maintenance of prices to farmers above the level which it is declared to be the policy of Congress to establish. Section 2 of the act, however, authorizes the Secretary of Agriculture to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements for cauliflower in interstate commerce as will effectuate orderly marketing of such cauliflower as will be in the public interest.

§ 910.329 *Cauliflower Order 1—1958*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR Part 910), regulating the handling of peas and cauliflower grown in certain designated counties in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Cauliflower Marketing Committee, established pursuant to said marketing agreement, as amended, and order, as amended, and upon other available information, it is hereby found that (i) the average price for such cauliflower to producers thereof during the period July 11, 1958, through October 14, 1958, may exceed the parity price to producers of such cauliflower, and (ii) the limitation of shipments, pursuant to § 910.52 (b) of said marketing agreement, as amended, and order, as amended, as hereinafter provided, will establish and maintain minimum standards of quality and maturity for such cauliflower as will be in the public interest and will thereby tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the shipment of cauliflower, in the manner set forth in this section, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances for any such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period July 11, 1958, through October 14, 1958, no handler shall handle any cauliflower grown in Alamosa, Rio Grande, Conejos, Costilla, Mineral, and Saguache Counties in the State of Colorado that does not meet the requirements of the U. S. No. 1, or better grade, four (4) inches or larger diameter.

(2) The terms used in this section shall have the same meaning as when used in said marketing agreement, as amended, and order, as amended, and "U. S. No. 1" and "diameter" used in this section shall have the same meanings assigned to these terms in the United States Standards for Cauliflower (§§ 51.540–51.549 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 7, 1958.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division.*

[F. R. Doc. 58-5271; Filed, July 9, 1958; 8:51 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1959

The soil and water resources of the farm and ranch lands of our Nation must be protected and conserved. This is essential in order that farms and ranches will continue to have the capacity to produce sufficient food and other raw materials to meet the future needs of the Nation.

All the people of this Nation, not the farmers and ranchers alone, have a stake in, and a part of the responsibility for protecting and conserving, our farm and ranch lands. Recognizing this, the Congress appropriates funds to share with farmers and ranchers the cost of carrying out needed soil and water conservation measures. The Agricultural Conservation Program is a means of making this Federal cost-sharing available to farmers and ranchers.

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AUTHORITY: §§ 1101.1000 to 1101.1099 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs 7–17, 49 Stat. 1148, as amended, 72 Stat. 192; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1101.1000 *Introduction.* (a) Through the 1959 Agricultural Conservation Program (referred to in this subpart as the "1959 program") administered by the Department of Agriculture, the Federal Government will share with farmers and ranchers in the continental United States the cost of carrying out approved soil and water conservation practices in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

(b) Information with respect to the several practices for which costs will be shared when carried out on a particular farm or ranch, and the exact specifications and rates of cost-sharing for such practices, may be obtained from the county committee for the county in which the farm or ranch is located or from the State commitee.

GENERAL PROGRAM PRINCIPLES

§ 1101.1001 *General program principles.* The 1959 National Agricultural Conservation Program has been developed and is to be carried out on the basis of the following general principles:

(a) The national program contains broad authorities to help meet the varied soil and water conservation problems of the Nation. State and county committees and participating agencies shall design a program for each State and county. Such programs should include any additional limitations and restrictions necessary for the maximum conservation accomplishment in the area. The programs should be confined to the soil and water conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit in the State or county.

(b) The State and county programs should be designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1959 on the lands where they are to be applied.

(c) Costs will be shared with a farmer or rancher only on satisfactorily performed soil and water conservation practices for which Federal cost-sharing was requested by the farmer or rancher before the conservation work was begun.

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers or ranchers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices except those which are over and above those farmers or ranchers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing in a county or State are to be the minimum required to result in substantially increased performance of needed soil and water conservation practices within the limits prescribed in the national program.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland by measures such as drainage, irrigation, and land clearing. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers and ranchers otherwise would not perform but which are essential to sound soil and water conservation, the farmers and ranchers should assume responsibility for the upkeep and maintenance of those practices through their life spans. The State and county programs shall specify the life spans of practice A–4 and practice B–1, and other practices for which the measures involved might be used in connection with normal maintenance. State groups may specify life spans for other practices if needed to facilitate the administration of the program. Cost-shares are not applicable, after they are initially utilized, to undertake a practice during its normal life span unless the practice has failed to serve for its normal life span due to conditions beyond the control of the farm or ranch operator.

DISTRIBUTION OF FUNDS

§ 1101.1002 *State funds.* Funds available for conservation practices will be distributed among States on the basis of conservation needs, but the proportion allocated for use in any State shall not be reduced more than 15 percent from its proportionate 1958 distribution.

§ 1101.1003 *County funds.* The State committee will allocate the funds available for conservation practices among the counties within the State consistent with the needs for enduring conservation in the counties within the State and will give particular consideration to the furtherance of watershed conservation programs sponsored by local people and organizations.

STATE AND COUNTY AGRICULTURAL CONSERVATION PROGRAMS

§ 1101.1004 *Agencies to participate in development of State programs.* (a) A State agricultural conservation program (referred to in this subpart as "State program") shall be developed in each State in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made. The program shall be developed by the State ACP Development Group, which shall consist of the State committee (including the State Director of Extension), the State Conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State. The President of the Land-Grant College and the State Director of the Farmers Home Administration shall be invited to designate representatives to counsel with the group in the formulation of the State program. The chairman of the State committee shall invite representatives of the State Soil Conservation Committee (Board or Commission), the State Agricultural Extension Service, and other State and Federal agricultural agencies, and may invite others with conservation interests, to participate in the deliberations on the State program.

(b) The program for the State shall be that recommended by the State ACP Development Group and approved by the Administrator, ACPS, after obtaining the recommendations of the Soil Conservation Service and the Forest Service.

§ 1101.1005 *Agencies to participate in development of county programs.* (a) A county agricultural conservation program (referred to in this subpart as "county program") shall be developed in each county in accordance with the provisions of the State program and such modifications thereof as may be made. The county program shall be developed by the County ACP Development Group, which shall consist of the county committee, the designated representative of the Soil Conservation Service in the county, and the Federal Forest Service representative having jurisdiction of farm forestry in the county. The County ACP Development Group, working with the community committeemen, the governing body of the Soil Conservation District, the farm forestry representatives of the State, the County Agricultural Extension Agent for the county (if he is not included in the foregoing group as ex officio member of the county committee), the County Supervisor of the Farmers Home Administration, and others with conservation interests, shall develop recommendations for the county program.

(b) The program for the county then shall be formulated by the County ACP Development Group in consultation with the governing body of the Soil Conservation District on the overall conservation problems in the county and, especially on the work plans of the Soil Conservation District and of the Federal agencies involved to assure the most effective use of the available technical assistance and funds for cost-sharing. The program as formulated shall be recommended to the State committee for approval by the State ACP Development Group. The program for the county shall be that recommended by the county ACP Development Group and approved by the State ACP Development Group: *Provided, however,* That notwithstanding other provisions of the 1959 national or State program, no change shall be made in the 1959 program for the county which will have the effect of restricting eligibility requirements or cost-sharing on practices included in either the 1957 or 1958 program for the county, unless such change shall have been recommended by the county committee and approved by the State committee. The program recommendation shall be signed by the chairman of the county committee, the Soil Conservation Service technician, and the Forest Service representative where present in the county, and shall state that the program was developed in consultation with the governing body of the Soil Conservation District, if any, or shall state that the governing body was invited to participate in developing the program but did not accept.

§ 1101.1006 *Selection of practices.* Practices to be included in the State Program or in the county program shall be only those practices for which cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out.

§ 1101.1007 *Adaptation of practices.* (a) The practices included in the State program must meet all conditions and requirements of the national program. Additional conditions and requirements may be included where necessary for effective use in meeting the conservation problems in the State.

(b) The practices included in the county program must meet all conditions and requirements of the State program. Additional conditions and requirements may be included where necessary for effective use in meeting the conservation problems in the county.

§ 1101.1008 *Practice specifications.* (a) Minimum specifications which practices must meet to be eligible for Federal cost-sharing shall be set forth in the State handbook or in the county program, or be incorporated therein by specific reference to a standard publication or other written document containing such specifications.

(b) For practices involving the establishment or improvement of vegetative cover, the specifications shall include, where appropriate, liming, fertilization, and seeding rates, eligible seeds and mixtures, seeding dates, requirements for cultural operations and inoculation, and other steps essential to the successful establishment or improvement of the vegetative cover. Eligible seeds and mixtures shall include a legume or legumes where recommended for inclusion by the State Experiment Station or the State Extension Service. For mechanical or construction type practices, the specifications shall include, where appropriate, the types and sizes of material, installation or construction requirements, and other steps essential to the proper functioning of the structure. For other practices, the specifications shall include those steps essential to the successful performance of the practice.

(c) Practice specifications shall provide minimum performance requirements which will qualify the practice for cost-sharing and, where applicable, may also provide maximum limits of performance which will be eligible for cost-sharing. The minimum performance requirements established for a practice shall represent those levels of performance which are necessary to assure a satisfactory practice. The maximum limits of performance for cost-sharing established for a practice shall represent those levels of performance which are needed in order for the practice to be most effective in meeting the conservation problem and which are not in excess of levels for which cost-sharing can be justified.

§ 1101.1009 *Use of liming materials and commercial fertilizers for vegetative cover.* (a) For practices which authorize Federal cost-sharing for applications of liming materials and commercial fertilizers, the minimum application, and maximum application where applicable, on which cost-sharing is authorized shall, in each case, be determined on the basis of a current soil test: *Provided, however,* That if the State ACP Development Group determines that available facilities are not adequate to permit the desired use of these practices under the program, it shall authorize, to the extent necessary, an alternative basis for determination by the county committee of such applications. Such alternative basis shall be such as to insure beneficial use of Federal cost-sharing approved and shall be formulated by the State ACP Development Group in full consultation with the representatives of the State and Federal agencies participating in the development of the State program.

(b) The application of liming materials contained in commercial fertilizers, rock phosphate, or basic slag will not qualify for Federal cost-sharing. The application of manure will not qualify for Federal cost-sharing; however, manure may be used, where applicable, to meet all or a part of the fertilizer requirement for a practice.

§ 1101.1010 *Responsibility for technical phases of practices.* (a) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1101.1056, 1101.1063, and 1101.1071 to 1101.1083. This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance. For the practice contained in § 1101.1068, the Soil Conservation Service is responsible (1) for determining that the practice is needed and practicable on the farm, and (2) for necessary site selection, other preliminary work, and layout work of the practice. For the practices contained in §§ 1101.1062, 1101.1064, and 1101.1070, the Soil Conservation Service is responsible for determining that the practice is needed and practicable on the farm. In addition, upon agreement of the State committee and the State Conservationist of the Soil Conservation Service, responsibility for all or part of the unassigned technical phases of these or other practices may be assigned to the Soil Conservation Service for all counties in the State or for specified counties. The State Conservationist of the Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities. These assigned responsibilities will not apply in counties with respect to which the Administrator, ACPS, and the Administrator, SCS, agree that it would not be administratively practicable for the Soil Conservation Service to discharge these responsibilities. In such counties, these responsibilities shall be assumed by the county committees. The Soil Conservation Service will utilize to the full extent available resources of the State forestry agencies in carrying out its assigned responsibilities for the practice contained in § 1101.1056.

(b) The Forest Service is responsible for the technical phases of the practices contained in §§ 1101.1055 and 1101.1066. This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for forestry practices, and (3) working through State and county committees, determining performance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities, but services of State forestry agencies will be utilized to the full extent such services are available.

§ 1101.1011 *Rates of cost-sharing.* (a) The maximum Federal cost-share for each practice shall be the percentage of the average cost of performing the practice considered necessary to obtain the needed performance of the practice, but which will be such that the farmer or rancher will make a substantial contribution to the cost of performing the practice. Rates of cost-sharing shall not be in excess of 50 percent of the average cost of performing the practices, except that:

(1) For the practices contained in §§ 1101.1053 to 1101.1056, 1101.1066, 1101.1068, 1101.1069, 1101.1071 to 1101.1074, and 1101.1083, which have long lasting conservation benefits and from which the returns to the farmer or rancher are remote, the State ACP Development Group may establish rates of cost-sharing in excess of 50 percent of the average cost of performing the practices.

(2) Upon justification by the State ACP Development Group and approval of the Administrator, ACPS, rates of cost-sharing in excess of 50 percent of the average cost of performing the practices may be established for other practices having long lasting conservation benefits and from which the returns to the farmer or rancher are remote.

(3) Upon justification by the State and County ACP Development Groups, the Administrator, ACPS, may approve a rate of cost-sharing for one or more additional practices in a county in excess of 50 percent of the average cost of performing the practice, but only if the increased rate of cost-sharing is essential to introduce a greatly needed new conservation practice into the county or to bring about a greatly needed increase in the extent to which the practice otherwise would be carried out.

(b) For the purpose of establishing rates of cost-sharing, the average cost of performing a practice may be the average cost for a State, a county, a part of a county, or a farm or ranch, as determined by the State committee.

(c) The rates of cost-sharing for practices included in the county program may be lower than the rates approved for general use in the State.

§ 1101.1012 *Items of cost on which rates of cost-sharing may be based.* Except as otherwise provided by the wording of the practices or elsewhere in this subpart, the cost of any direct and significant factor in the performance of a practice may be considered in establishing the rate of cost-sharing for the practice.

§ 1101.1013 *State handbooks, bulletins, instructions, and forms.* The Administrator, ACPS, is authorized to prepare and issue State handbooks, bulletins, instructions, and forms required in administering the 1959 program. Copies of State handbooks, bulletins, instructions, and forms containing detailed information with respect to the 1959 program as it applies to specific States, counties, areas, and farms and ranches will be available in the office of the State committee and the office of the county committee. Persons wishing to participate in the program should obtain from the State committee or county committee all information needed in order to comply with all provisions of the program.

APPROVAL OF CONSERVATION PRACTICES ON INDIVIDUAL FARMS OR RANCHES

§ 1101.1014 *Opportunity for requesting cost-sharing.* Each farmer or rancher shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance on his farm or ranch. The county committee, taking into consideration the farmer's or rancher's request and any conservation plan developed by the farmer or rancher with the assistance of any State or Federal agency, shall direct the available funds for cost-sharing to those farms and ranches and to those practices where cost-sharing is considered most essential to the accomplishment of the basic conservation objective of the Department—the use of each acre of agricultural land within its capabilities and the treatment of each acre in accordance with its needs for protection and improvement.

§ 1101.1015 *Prior request for cost-sharing.* Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farmer or rancher before performance thereof is started, except that for the practices contained in §§ 1101.1002 and 1101.1096, the Administrator, ACPS, may authorize the acceptance of requests for cost-sharing filed within a reasonable period after performance thereof is started, such period to be stated in the practice wording. For practices for which (a) approval was given under the 1958 Agricultural Conservation Program, (b) performance was started but not completed during the 1958 program year, and (c) the county committee believes the extension of the approval to the 1959 program is justified under the 1959 program regulations and provisions, the filing of the request for cost-sharing under the 1958 program may be regarded as meeting the requirement of the 1959 program that a request for cost-sharing be filed before performance of the practice is started.

§ 1101.1016 *Method and extent of approval.* The county committee, in accordance with a method approved by the State committee, will determine the extent to which Federal funds will be made available to share the cost of each approved practice on each farm or ranch, taking into consideration the county allocation, the conservation problems in the county and of the individual farm or ranch, and the conservation work for which requested Federal cost-sharing is considered by the county committee as most needed in 1959. The method approved shall provide for the issuance of notices of approval showing for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. To the extent practicable, notices of approved practices shall be issued before performance of the practices is started. No practice may be approved for cost-sharing except as authorized by the national, State, or county program, or in accordance with procedures incorporated therein. Available funds for cost-sharing shall not be allocated on a farm or acreage-quota basis, but shall be directed to the accomplishment of the most enduring conservation benefits attainable.

§ 1101.1017 *Initial establishment or installation of practices.* Federal cost-sharing may be authorized under the 1959 program only for the initial establishment or installation of the practices contained in this subpart. The initial establishment or installation of a practice, for the purposes of the 1959 program, shall be deemed to include the replacement, enlargement, or restoration of practices for which cost-sharing has been allowed since the 1953 program if the practice has served for its normal life span, or if all of the following conditions exist:

(a) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(b) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(c) The county committee believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

§ 1101.1018 *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

§ 1101.1019 *Pooling agreements.* Farmers or ranchers in any local area may agree in writing, with the approval of the county committee, to perform designated amounts of practices which, by conserving or improving the agricultural resources of the community will solve a mutual conservation problem on the farms or ranches of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms or ranches of the persons who performed the practices.

PRACTICE COMPLETION REQUIREMENTS

§ 1101.1022 *Completion of practices.* Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1101.1023 to 1101.1025, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1101.1023 *Practices substantially completed during program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1959 program year, if the county committee determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions, except as provided in § 1101.1024.

§ 1101.1024 *Practices requiring more than one program year for completion.* Cost-shares approved under the 1959 program will not be considered as earned until all components of the approved practices are completed in accordance with all applicable specifications and program provisions. Cost-shares for completed components may be paid only after the practice is substantially completed, and only on the condition that the farmer or rancher will complete the remaining components of the practice within the time prescribed by the county committee which will afford the farmer or rancher a fair and reasonable opportunity to complete them, unless prevented from doing so for reasons beyond his control and regardless of whether cost-sharing therefor is offered, or refund the cost-shares paid to him. If an approved practice is not substantially completed by the end of the 1959 program year, the practice may be considered for reapproval under the 1960 program.

§ 1101.1025 *Practices involving the establishment or improvement of vegetative cover.* Costs for practices involving the establishment or improvement of vegetative cover, including trees, may be shared even though a good stand is not established, if the county committee determines, in accordance with standards approved by the State committee, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm or ranch operator. The county committee may require as a condition of cost-sharing in such cases that the area be reseeded or replanted, or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

§ 1101.1026 *Failure to meet minimum requirements.* Notwithstanding other provisions of the 1959 program, costs may be shared for practices treating with the establishment or improvement of vegetative cover for the performance actually rendered even though the minimum requirements with regard to seedbed preparation, the rate of seeding, or the application of liming materials or commercial fertilizers are not met, if the farmer or rancher establishes to the satisfaction of the county committee and the State committee or its designee (a) that he made every reasonable effort to meet the minimum requirements, and (b) that the practice as performed adequately meets the conservation problem.

FEDERAL COST-SHARES

§ 1101.1027 *Conservation materials and services*—(a) *Availability.* (1) Part or all of the Federal cost-share for an approved practice may be in the form of conservation materials or services furnished through the program for use in carrying out the practice. Materials or services may not be furnished to persons who are indebted to the Federal Government, as indicated by the register of indebtedness maintained in the office of the county committee, except in those cases where the agency to which the debt is owed waives its rights to set-off in order to permit the furnishing of materials and services.

(2) Title to any material furnished through the program shall vest in the Federal Government until the material is applied or planted, or all charges for the material are satisfied.

(b) *Cost to farmer or rancher.* The farmer or rancher will pay that part of the cost of the material or service, as established under instructions issued by the Administrator, ACPS, which is in excess of the Federal cost-share attributable to the use of the material or service or, upon request by the farmer or rancher and approval by the county committee, the farmer or rancher will pay that part of the cost of the material or service which is in excess of the farmer's or rancher's Federal cost-share for all components of the practice which will likely be completed during the program year. The Federal cost-share increase on the amount of the Federal cost-share so determined may be advanced as a credit against that part of the cost of the material or service required to be paid by the farmer or rancher.

(c) *Discharge of responsibility for materials and services.* (1) The person to whom a material or service is furnished under the 1959 program will be relieved of responsibility for the material or service upon determination by the county committee that the material or service was used for the purpose for which it was furnished and that any other components of the practice, on which the amount of the Federal cost-share advance toward the cost of the material or service was determined, have been carried out in accordance with all applicable specifications and program provisions. If the person uses any material or service for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost of the material or service borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares otherwise due him under the program.

(2) Any person to whom materials are furnished shall be responsible to the Federal Government for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may, in accordance with instructions issued by the Administrator, ACPS, be transferred to another person or otherwise disposed of at the expense of the person who abandoned or failed to use the material, or be retained by the person for use in a subsequent program year.

§ 1101.1028 *Practices carried out with State or Federal aid.* The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the county committee determines was furnished by a State or Federal agency. Materials or services furnished through the 1959 program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1101.1029 *Division of Federal cost-shares*—(a) *Federal cost-shares.* The Federal cost-share attributable to the use of conservation materials or services shall be credited to the person to whom the materials or services are furnished. Other Federal cost-shares shall be credited to the person who carried out the practices by which such other Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the county committee determines they contributed to the carrying out of the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1101.1030 *Increase in small Federal cost-shares.* The sum of the Federal cost-shares computed for any person with respect to any farm or ranch under the Agricultural Conservation Program and the Naval Stores Conservation Program shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	Increase in cost-share
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1101.1031 *Maximum Federal cost-share limitation.* (a) The total of all Federal cost-shares under the 1959 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1959 program may be withheld, or required to be refunded, if he has adopted, or participated in

adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

§ 1101.1032 *Persons eligible to file application for payment of Federal cost-shares.* Any person who, as landlord, tenant, or sharecropper on a farm or ranch, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1101.1033 *Time and manner of filing application and required information.* (a) It shall be the responsibility of persons participating in the program to submit to the county office forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to the office of each county committee and making copies available to the press. Other means of notification, including radio announcements and individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer or rancher.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the county office by December 31, 1960, or such earlier date as is prescribed by the Administrator, ACPS. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the applicable time limit.

§ 1101.1034 *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee or State committee in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm or ranch. The county committee or State committee shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the person is dissatisfied with the decision of the county committee, he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the State committee, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the State committee. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the county or State committee shall also be issued to each other landlord, tenant, or sharecropper on the farm or ranch who may be adversely affected by the decision.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1101.1035 *Compliance with regulatory measures.* Persons who carry out conservation practices under the 1959 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The persons with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws or regulations.

§ 1101.1036 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm or ranch under the 1959 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life spans in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1101.1037 *Practices defeating purposes of programs.* If the county committee finds, with the concurrence of the State committee, that any person has adopted or participated in any practice during the 1959 program year which tends to defeat the purposes of the 1959 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1959 program.

§ 1101.1038 *Depriving others of Federal cost-share.* If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1959 program.

§ 1101.1039 *Filing of false claims.* If the State committee finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1959 program and shall refund all amounts that may have been paid to him under the 1959 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1101.1040 *Misuse of purchase orders.* If the State committee finds that any person has knowingly used a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible for any Federal cost-share under the 1959 program and shall refund all amounts that may have been paid to him under the 1959 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1101.1041 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1101.1042, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 13, Subtitle A, of this title)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1101.1042 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1959 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1959, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

DEFINITIONS

§ 1101.1045 *Definitions.* For the purposes of the 1959 program:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means any one of the continental United States.

(d) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State committee under sec-

tion 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(e) "County" means parish or county.

(f) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm or ranch.

(h) "Farm" or "ranch" means that area of land considered as a farm under the current definition of farm applicable to marketing quota and acreage allotment programs (Part 718 of this title).

(i) "Cropland" means that land considered as cropland under the current definition of cropland applicable to marketing quota and acreage allotment programs (Part 718 of this title).

(j) "Program year" means the period, designated in the State handbook, during which conservation practices, or components thereof, must be carried out to be eligible for cost-sharing. The program year may begin on or after July 1, 1958, and end not later than December 31, 1959.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1101.1046 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1959, and is contingent upon legislative authority to the Secretary to exercise after December 31, 1958, the powers now conferred on him by section 8 of the act.

§ 1101.1047 *Availability of funds.* (a) The provisions of the 1959 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1959 program will not be available for paying Federal cost-shares for which applications are filed in the county office after December 31, 1960.

§ 1101.1048 *Applicability.* (a) The provisions of the 1959 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (b) (7) of this section; (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it; and (4) farms outside the continental United States.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; (6) Indian lands, except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations; and (7) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

CONSERVATION PRACTICES

CONSERVATION PRACTICES WITH ENDURING BENEFITS; WHERE PROPERLY APPLIED AND MAINTAINED

Practices Primarily for Establishment of Permanent Protective Cover

§ 1101.1049 *Practice A–1: Initial establishment of a permanent vegetative cover in orchards and vineyards for control of erosion.* Volunteer stands and acreages cut for hay are not eligible for cost-sharing.

§ 1101.1050 *Practice A–2: Initial establishment of a permanent vegetative cover for soil protection or as a needed land-use adjustment.* This practice is applicable only to land which should be established in permanent vegetative cover for protection against wind or water erosion, and to cropland which, as a part of a needed land-use adjustment, is being shifted to permanent protective vegetative cover other than as a part of a regular crop rotation. This practice is not applicable to land occupied by a merchantable stand of timber or pulpwood, or to land which, if cleared, would be suitable for continued production of cultivated crops. Federal cost-sharing may be approved for constructing fences where fences are necessary to protect the seeded area and only for the extent necessary to fence that area. Federal cost-sharing for fences shall be limited to permanent fences, excluding boundary and road fences.

§ 1101.1051 *Practice A–3: Establishment of additional acreages of vegetative cover in crop rotation to retard erosion and to improve soil structure, permeability, or water-holding capacity.* This practice is applicable only to land which needs such cover to retard erosion or to improve soil struoture, permeability, or water-holding capacity. Federal cost-sharing will be limited to that acreage which the county committee determines represents a desirable increase over what woud be the normal plantings of eligible crops on the farm in 1949 under the normal crop rotation for the farm. In making this determination, consideration should be given to the need for this practice on cropland which the farmer or rancher intends to divert from the production of crops for which allotments are established for the farm for 1959.

§ 1101.1052 *Practice A–4: Initial treatment of farmland to permit the use of legumes and grasses for soil improvement and protection.* This practice is applicable only to farmland devoted in 1959 to legumes (other than vegetable or truck crops, soybeans, mungbeans, and peanuts) or perennial grasses, and to farmland which the county committee determines will be devoted to such eligible uses in 1960. Federal cost-sharing will be limited to the application of liming materials, rock phosphate, and gypsum or other sulphur-bearing materials. Other forms of phosphate materials are eligible for cost-sharing under other practices involving the establishment or improvement of vegetative cover. Cost-shares paid or advanced for materials applied under this practice will not be considered as earned unless the land is devoted to eligible grasses and legumes at the time the materials are applied or is seeded to eligible grasses and legumes in 1959 or 1960, unless the farmer is prevented from seeding the eligible grasses and legumes within such period because of conditions beyond his control.

§ 1101.1053 *Practice A–5: Initial establishment of contour stripcropping to protect soil from wind or water erosion.* All cultural operations must be performed as nearly as practicable on the contour. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective contour stripcropping system.

§ 1101.1054 *Practice A–6: Initial establishment of field stripcropping to protect soil from wind or water erosion.* The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective field stripcropping system.

§ 1101.1055 *Practice A–7: Initial establishment of a stand of trees or shrubs on farmland for purposes other than the prevention of wind or water erosion.* No Federal cost-sharing will be allowed for planting orchard trees, or for plantings for ornamental purposes. If shrubs are used, those that benefit wildlife should be given preference wherever practicable. Plantings must be protected from fire and grazing. Federal cost-sharing may be authorized for clearing land occupied largely by scrubby brush of no economic value to permit planting of desirable tree species. Technical assistance must be utilized to determine the suitability of the land for clearing and the measures necessary to prevent erosion. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the planted area from grazing, excluding boundary and road fences.

§ 1101.1056 *Practice A–8: Initial establishment of a stand of trees or shrubs on farmland to prevent wind or water erosion.* Prevention of wind or water erosion on farmland is defined as (a) windbreaks, (b) shelterbelts, (c) gully stabilization, and (d) stabilization of streambanks. The use of this practice should include considerations of enhancement to wildlife habitat. No Federal cost-sharing will be allowed for planting orchard trees, or for plantings for ornamental purposes. Plantings must be protected from fire and grazing. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the planted area from grazing, excluding boundary and road fences.

Practices Primarily for Improvement and Protection of Established Vegetative Cover

§ 1101.1057 *Practice B–1: Improvement of an established vegetative cover for soil or watershed protection.* This practice is applicable only to land in permanent vegetative cover which needs more than normal maintenance measures in order to provide adequate soil or watershed protection. The improvement measures approved for cost-sharing shall be those which will extend materially the life of the vegetative cover. Federal cost-sharing may not be approved for normal maintenance measures such as annual topdressings with fertilizer or other mineral elements. This practice is not applicable to land on which the needed improvement measures will constitute complete reestablishment of the vegetative cover.

§ 1101.1058 *Practice B–2: Improvement of vegetative cover on rangeland by artificial reseeding or deferred grazing.* No Federal cost-sharing will be allowed if it is determined that any area seeded is grazed before the stand is well established or that any rangeland in the unit is overgrazed.

§ 1101.1059 *Practice B–3: Controlling competitive shrubs to permit growth of adequate desirable vegetative cover for soil protection on range or pasture land.* On areas where it is determined that the control of competitive shrubs will reduce the vegetative cover to such an extent as to induce erosion, the practice will not be approved unless followed by seeding or other approved erosion control measures.

§ 1101.1060 *Practice B–4: Furrowing, chiseling, ripping, scarifying, pitting, or listing noncrop grazing land to prevent soil loss, retard runoff, and improve water penetration.* The operation must be performed as nearly as practicable on the contour.

§ 1101.1061 *Practice B–5: Constructing wells for livestock water as a means of protecting vegetative cover.* The wells must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management. Adequate storage facilities must be provided. Pumping equipment must be installed, except for artesian wells. No Federal cost-sharing will be allowed for wells constructed primarily for the use of headquarters, or for costs other than for constructing or deepening wells and for water storage facilities.

§ 1101.1062 *Practice B–6: Developing springs or seeps for livestock water as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.* The springs or seeps must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management or make practicable the utilization of the land for vegetative cover.

§ 1101.1063 *Practice B–7: Constructing or sealing dams, pits, or ponds as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.* The dams, pits, or ponds must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management or make practicable the utilization of the land for vegetative cover.

§ 1101.1064 *Practice B–8: Installing pipelines for livestock water as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.* The pipelines must deliver water to locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management or make practicable the utilization of the land for vegetative cover.

§ 1101.1065 *Practice B–9: Constructing permanent fences as a means of protecting vegetative cover.* This practice may be approved only where fencing will contribute to better distribution of livestock and seasonal use of the forage. Fences between pasture and other land will not qualify for cost-sharing.

§ 1101.1066 *Practice B–10: Improvement of a stand of forest trees on farmland.* Federal cost-sharing may be allowed for any of the following measures: (a) Thinning, (b) pruning crop trees, (c) release of desirable tree seedlings by removing or killing competing and undesirable vegetation, (d) site preparation for natural reseeding, (e) fencing, and (f) erosion control measures on logging roads and trails. The area must be protected from fire. Where seedlings are present or needed, the area must be protected from grazing. Federal cost-sharing for site preparation will be limited to areas which have a sufficient number of desirable seed trees for natural reseeding, which will not restock unless brush, dense litter, and other material on the forest soil is broken up or removed so that soil is exposed, and on which the seed trees will be left until the area is restocked. Technical assistance shall be utilized, if available; otherwise the practice must be carried out in accordance with approved technical forestry standards. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the area from grazing, excluding boundary and road fences.

Practices Primarily for the Conservation and Disposal of Water

§ 1101.1068 *Practice C–1: Initial establishment of permanent sod waterways to dispose of excess water without causing erosion.*

§ 1101.1069 *Practice C–2: Initial establishment of permanent vegetation as protection against erosion.* Federal cost-sharing will be limited to the establishment of permanent vegetation on gullies, dams, dikes, levees, ditchbanks, farm roadsides, filter strips, and field borders. Consideration should be given to choice of plants favorable to wildlife.

§ 1101.1070 *Practice C–3: Initial establishment of orchards, vineyards, bush fruits, strawberries, or perennial vegetables on the contour to prevent erosion.* All cultural operations must be performed as nearly as practicable on the contour.

§ 1101.1071 *Practice C–4: Constructing terraces to detain or control the flow of water and check soil erosion.* Necessary protective outlets or waterways must be provided. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective terrace system. Costs of construction may include necessary leveling and filling to permit installation of an effective system.

§ 1101.1072 *Practice C–5: Constructing diversion terraces, ditches, or dikes to intercept runoff and divert excess water to protected outlets.* Necessary protective outlets or waterways must be provided. Federal cost-sharing may be authorized for removing stone walls or

hedgerows where such removal is necessary to the establishment of an effective terrace system. Costs of construction may include necessary leveling and filling to permit installation of an effective system.

§ 1101.1073 *Practice C–6: Constructing erosion control, detention, or sediment retention dams, pits, or ponds to prevent or heal gullying or to retard or reduce runoff of water.*

§ 1101.1074 *Practice C–7: Constructing channel lining, chutes, drop spillways, pipe drops, drop inlets, or similar structures for the protection of outlets and water channels that dispose of excess water.*

§ 1101.1075 *Practice C–8: Streambank or shore protection, channel clearance, enlargement or realinement, or construction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland.* This practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land, or where its primary purpose is to bring new land into agricultural production.

§ 1101.1076 *Practice C–9: Constructing permanent open drainage systems to dispose of excess water.* Federal cost-sharing may be authorized for clearing the necessary minimum width right-of-way. Federal cost-sharing may be authorized for the spreading of spoil banks where this is necessary for the effective utilization of the drainage system. No Federal cost-sharing will be allowed for ditches, the primary purpose of which is to bring new land into agricultural production. This practice is not applicable to land other than that devoted to the production of cultivated crops or crops normally seeded to hay or pasture during at least 2 of the 5 years preceding that in which the practice is applied; provided, however, that upon a showing by a farmer applicant for this practice that the land on which the practice is to be applied was in cultivated crops, tame hay, or seeded pasture 2 years out of 10 years preceding the application applied for, he may be allowed cost-shares as to such land. The installation of this practice on eligible land shall not be ineligible for cost-shares because its use results in incidental drainage on ineligible land. No Federal cost-shares are allowable for cleaning a ditch, installing crossing structures, or for other structures primarily for the convenience of the farm operator. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat.

§ 1101.1077 *Practice C–10: Installing underground drainage systems to dispose of excess water.* No Federal cost-sharing will be allowed for systems, the primary purpose of which is to bring new land into agricultural production. This practice is not applicable to land other than that devoted to the production of cultivated crops or crops normally seeded to hay or pasture during at least 2 of the 5 years preceding that in which the practice is applied; provided, however, that upon a showing by a farmer applicant for this practice that the land on which the practice is to be applied was in cultivated crops, tame hay, or seeded pasture 2 years out of 10 years preceding the application applied for, he may be allowed cost-shares as to such land. The installation of this practice on eligible land shall not be ineligible for cost-shares because its use results in incidental drainage on ineligible land. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat.

§ 1101.1078 *Practice C–11: Shaping or land grading to permit effective surface drainage.* No Federal cost-sharing will be allowed for any shaping or grading which is performed through farming operations in connection with land preparation for planting or cultivation of crops. No Federal cost-sharing will be allowed for shaping or land grading on land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years.

§ 1101.1079 *Practice C–12: Reorganizing irrigation systems to conserve water and prevent erosion.* The practice must be carried out in accordance with a reorganization plan approved by the responsible technician. No Federal cost-sharing will be allowed for cleaning a ditch, or for structures installed for crossings, or for other structures primarily for the convenience of the farm operator, or for portable pipe. No Federal cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose for the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years.

§ 1101.1080 *Practice C–13: Leveling land for more efficient use of irrigation water and to prevent erosion.* No Federal cost-sharing will be allowed for floating or restoration of grade; however, the leveling operation may be completed over a period of more than one program year on a component basis where the size of cuts and fills is such that a heavy leveling operation will be needed following settlement of the original fills. No Federal cost-sharing will be allowed for leveling land if the primary purpose of the leveling is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. The leveling must be carried out in accordance with a plan approved by the responsible technician.

§ 1101.1081 *Practice C–14: Constructing or lining dams, pits, or ponds for irrigation water.* The purpose of this practice is to conserve agricultural water or to provide water necessary for the conservation of soil resources. No Federal cost-sharing will be allowed for constructing or lining dams, pits, or ponds, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years.

§ 1101.1082 *Practice C–15: Lining irrigation ditches to prevent erosion and loss of water by seepage.* This practice is limited to ditches that are properly located and constructed as a part of an existing irrigation system.

§ 1101.1083 *Practice C–16: Constructing spreader ditches or dikes to divert and spread water to prevent erosion, to permit beneficial use of runoff, or to replenish ground water supply.*

CONSERVATION PRACTICES WITH BENEFITS OF LIMITED DURATION, GENERALLY REQUIRING PERIODIC REPETITION

Practices Primarily for Establishing Temporary Protective Vegetative Cover

§ 1101.1085 *Practice D–1: Establishment of vegetative cover for winter protection from erosion.* A good stand and good growth must be obtained in sufficient time to protect the area in the fall and winter of 1958 or 1959 and must be maintained on the land to a date specified in the county program. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. Volunteer stands will not qualify for cost-sharing. The Federal cost-share for this practice shall not be in excess of 50 percent of the average cost of seed and fertilizer. The quantity of fertilizer, if any, on which costs are shared shall be only that quantity needed for successful establishment of the cover crop.

§ 1101.1086 *Practice D–2: Establishment of vegetative cover for summer protection from erosion.* A good stand and good growth must be obtained and left on the land or turned under. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. Volunteer stands will not qualify for cost-sharing. The Federal cost-share for this practice shall not be in excess of 50 percent of the average cost of seed and fertilizer. The quantity of fertilizer, if any, on which costs are shared shall be only that quantity needed for successful establishment of the cover crop.

§ 1101.1087 *Practice D–3: Establishment of vegetative cover for green manure and for protection from erosion.* Federal cost-sharing will be limited to acreages of biennial or perennial legumes or perennial grasses, or mixtures of such legumes with adapted grasses, seeded during the 1959 program year. A good stand and good growth must be obtained. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. Volunteer stands will not qualify for cost-sharing. The Federal cost-share for this practice shall not be in excess of 50 percent of the average cost of seed and fertilizer. The quantity of fertilizer, if any, on which costs are shared shall be only that quantity needed for successful establishment of the green manure or cover crop.

§ 1101.1088 *Practice D–4: Establishment of vegetative cover to protect cropland throughout the 1959 crop year.* This practice is applicable only to cropland which is being shifted for the entire 1959 crop year from crop production to green manure or cover crops. Eligible seedings may consist of single seedings or successive seedings of grasses, legumes, small grains, or other crops which will provide adequate soil protection for the required period. Where annuals alone are used, at least two successive seedings must be made. Pasturing consistent with good management may be permitted. No crop may be harvested for seed in 1959. No annual crop seeded in the fall of 1959 may be harvested for seed in 1960 if such seeding is one of the two required seedings of such annual crops. No crop may be harvested for hay or silage in 1959, and no annual crop seeded in the fall of 1959 may be harvested for hay or silage in 1960 if such seeding is one of the two required seedings of such annual crops, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. One of the two required seedings of annuals may be a volunteer seeding which provides adequate soil protection, but no Federal cost-sharing may be allowed for the volunteer seeding.

Practices Primarily for the Temporary Protection of Soil From Wind and Water Erosion

§ 1101.1090 *Practice E–1: Stubble mulching to improve soil permeability and to protect soil from wind and water erosion.* Tillage operations must be such as to leave sufficient crop or weed residue on the surface or mixed in the upper part of the soil to provide protection against wind and water erosion.

§ 1101.1091 *Practice E–2: Initial establishment of contour farming operations on nonterraced land to protect soil from wind or water erosion.* All cultural operations must be performed as nearly as practicable on the contour. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. This practice is not applicable on any acreage for which Federal cost-sharing is approved under § 1101.1053. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective contour farming system.

§ 1101.1092 *Practice E–3: Wind erosion control operations in serious wind erosion areas.* Applicable only in areas where the Administrator, ACPS, upon the recommendation of the State ACP Development Group, determines there is a serious wind erosion problem for 1959. Eligible operations shall be confined to those having the most enduring benefits practicably attainable under existing conditions.

CONSERVATION PRACTICES WITH LIMITED AREA APPLICABILITY

Practices To Meet Special County Conservation Needs

§ 1101.1094 *Practice F–1: Special conservation practices.* Consistent with the principles set forth in § 1101.1001, the county committee and designated representatives of the Soil Conservation Service and the Forest Service at the county level may recommend, and the State committee and designated representatives of the Soil Conservation Service and the Forest Service at the State level may approve, for use in a county, practices included in this subpart for which there is need locally on a substantial number of farms but which are not selected for use in the State. Such approval shall be subject to review by the Administrator, ACPS, as to compliance with the provisions contained in this subpart.

§ 1101.1095 *Practice F–2: County conservation practices.* Consistent with the principles set forth in § 1101.1001, the Administrator, ACPS, may approve for use in a county, practices which are not included in this subpart which are needed to meet particular conservation problems in the county. Such approval may be given only upon the recommendation of the State and county committees and designated representatives of the Soil Conservation Service and the Forest Service at both the county and State levels, and upon their finding (a) that the conservation problem exists on a substantial number of farms in the county, (b) that the practices contained in this subpart will not provide adequate treatment of the problem, (c) that the proposed practice will adequately meet the problem, (d) that the proposed practice would not be performed without Federal cost-sharing, (e) that the offering of Federal cost-sharing for the proposed practice is justified as within the scope of national conservation objectives, (f) that adequate facilities, including technical services, will be available to permit the practice to be carried out effectively, and (g) that treatment of the problem cannot be safely delayed until a subsequent program.

Done at Washington, D. C., this 3d day of July 1958.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 58–5270; Filed, July 9, 1958; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—GENERAL PROVISIONS 1958-CROP PRICE SUPORT PROGRAMS FOR GRAINS AND RELATED COMMODITIES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service (23 F. R. 2663) and containing regulations of a general nature with respect to price support programs for certain grains and other commodities produced in 1958 are amended as follows:

1. Section 421.3006 (a) is amended to provide that the approval of storage structures by the county committee shall be under the supervision and direction of the State committee so that the amended paragraph reads as follows:

§ 421.3006 *Approved storage.* • • •

(a) *Farm storage.* Approved farm storage shall consist of storage struc-

tures located on or off the farm (excluding public warehouses), which are determined by the county committee under the supervision and direction of the State committee to be so located and of such substantial and permanent construction as to afford safe storage of the commodity.

2. Section 421.3009 (a) is amended by adding "for each warehouse receipt" to footnote 2 of the service charge table so that the subparagraph with the amended footnote 2 reads as follows:

§ 421.3009 *Service charges.* (a) Producers shall pay the following service charges on the quantity of the commodity placed under loan or specified in the purchase agreement. In the case of loans, the service charges shall be collected from the proceeds of the loan at the time the loan is disbursed except for prepayment of such minimum service charges as may be required under paragraph (b) of this section. In the case of purchase agreements, the service charges shall be collected at the time the purchase agreement form (Commodity Purchase Form 1) is completed. Such service charges shall be computed at the rates shown in column (2) of the following table for commodities the quantity of which is determined on the basis of bushels, and at the rates shown in column (3) for commodities the quantity of which is determined on the basis of 100 pounds. An additional service charge shall be paid on any additional quantity delivered to and accepted by CCC under a farm-storage loan or not redeemed in the case of an identity-preserved warehouse-storage loan.

Method of price support	Service charges		
	Per bushel	Per 100 pounds	Minimum charges
(1)	(2)	(3)	(4)
	Cents	*Cents*	
Farm-storage loans	1	2	[1] $3.00
Warehouse-storage loans	½	[2] 1	[2] 1.50
Purchase agreements	½	1	1.50

[1] With respect to rice, State committees are authorized to require payment of $5.00 for each lot sampled.
[2] With respect to rice, the service charge for warehouse-storage loans shall be 2 cents per 100 pounds with a minimum charge of $3.00 for each warehouse receipt.

3. Section 421.3020 is amended to delete Chicago and add Evanston to the list of CSS commodity offices so that the amended section reads as follows:

§ 421.3020 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Evanston, Illinois, 2201 Howard Street: Connecticut, Delaware, Illinois (except for rice), Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 1, Texas, 500 South Ervay Street: Alabama, Arkansas, Florida, Georgia, Illinois (for rice only), Louisiana, Mississippi, Missouri (for rice only), New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 11, Missouri, 560 Westport Road: Colorado, Kansas, Missouri (except for rice), Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 1218 Southwest Washington Street: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, 66 Stat. 758, 70 Stat. 188, 15 U. S. C. 714c; 7 U. S. C. 1441, 1447, 1421)

Issued this 3d day of July 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-5275; Filed, July 9, 1958; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6895]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MASTER FURRIERS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; exaggerated as regular and customary; sales below cost. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur products labeling act. Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Master Furriers, Inc. (Baltimore, Md.), et al., Docket 6895, June 10, 1958]

In the Matter of Master Furriers, Inc., a Corporation, and Ernest E. Marx, Erwin C. Bein and Sally Marx, Individually and as Officers of Said Corporation; Frank-Cunningham Stores Corporation, a Corporation, Trading as L. Frank Company, and I. David Israel, Harry Israel, Oscar Israel, Oscar Balamut and Martin Israel, Individually and as Officers of Said Corporation; M. J. Swartz, an Individual

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers doing business in Baltimore and New York City with violating the Fur Products Labeling Act by representing that fictitious prices on labels affixed to fur products were the regular retail selling prices; by failing to comply with invoicing requirements; by advertising in newspapers which represented falsely that fur products were being sold "below cost" and were reduced from regular prices which were in fact fictitious, and which used comparative prices and percentage saving claims not based on usual retail prices; and by failing to keep adequate records as a basis for such pricing claims.

Following acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 10 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Master Furriers, Inc., a corporation, and its officers, and respondents Ernest E. Marx and Erwin C. Bein, individually and as officers of said corporation, and respondent M. J. Swartz, an individual, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction into commerce or the sale advertising, offering for sale, transportation or distribution, of fur products, in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped or received in commerce as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act do forwith cease and desist from:

A. Misbranding fur products by:

1. Representing on labels affixed to fur products, or in any other manner, that certain amounts are the regular and usual prices of fur products when such amounts are in excess of the prices at which respondents usually and customarily sell such products in the recent regular course of their business.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations.

(b) That the fur product contains or is composed of used fur, when such is the fact.

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact.

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact.

(e) The name and address of the person issuing such invoice.

(f) The name of the country of origin of any imported furs contained in the fur product.

(g) The item number or mark assigned to a fur product.

2. Setting forth information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly in the sale or offering for sale of fur products, and which:

1. Represents, directly or by implication:

(a) That retail prices of fur products are reduced or that fur products are being sold "below cost" or "below wholesale cost", when such is not the fact.

(b) That respondent's regular price of any fur product is any amount which is in excess of the price at which respondents have regularly or customarily sold fur products of similar grade and quality in the recent course of their business.

2. Makes use of comparative prices or percentage savings claims in advertisements unless such compared prices or percentage savings claims are based upon the current market value of the fur product or unless a bona fide price at a designated time is stated.

3. Makes pricing claims and representations of the types referred to in paragraphs C 1 (a) and (b) and C 2 hereof, unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based as required by Rule 44 (e) of the rules and regulations.

It is further ordered, That the complaint herein be dismissed as to respondent Sally Marx.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Master Furriers, Inc., a corporation, and Ernest E. Marx and Erwin C. Bein, individually and as officers of said corporation, and M. J. Swartz, an individual, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 10, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-5253; Filed, July 9, 1958; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1673]

[Anchorage 027871]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Army for military purposes:

SEWARD MERIDIAN

T. 14 N., R. 2 W.,
Sec. 9, that part lying south and east of the Alaska Railroad right-of-way;
Sec. 10, that part lying south and east of the Alaska Railroad right-of-way and south of Eagle River;
Sec. 11, that part of the W½ lying south and west of Eagle River;
Sec. 16, that part lying east of the Alaska Railroad right-of-way;
Sec. 17, that part lying east of the Alaska Railroad right-of-way;
Sec. 19, lot 6, S½NE¼, SE¼NW¼, NE¼SW¼, SE¼, those parts lying south and east of the Alaska Railroad right-of-way.

The areas described aggregate approximately 1,401 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 2, 1958.

[F. R. Doc. 58-5249; Filed, July 9, 1958; 8:46 a. m.]

[Public Land Order 1674]

[79482]

UTAH

PARTIALLY REVOKING THE EXECUTIVE ORDER OF APRIL 17, 1926, CREATING PUBLIC WATER RESERVE NO. 107

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, is hereby revoked so far as it affects the following-described lands:

SALT LAKE MERIDIAN

T. 13 N., R. 18 W.,
Sec. 8, NW¼SE¼.

The area described contains 40 acres.

2. The lands are rough and mountainous in character, and are located in Utah Grazing District No. 1.

3. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on August 8, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 7, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 7, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands have been open to applications and offers under the mineral leasing laws, and to location for metalliferous minerals. They will be open to application for nonmetalliferous minerals under the United States mining laws beginning at 10:00 a. m. on November 7, 1958.

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 3, 1958.

[F. R. Doc. 58-5250; Filed, July 9, 1958; 8:46 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 170]

[Ex Parte No. MC-37]

COMMERCIAL ZONES AND TERMINAL AREAS

PROPOSED REVISION OF DEFINITION OF BOUNDARY OF ALBUQUERQUE, N. MEX., COMMERCIAL ZONE

JULY 2, 1958.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given that, for the purpose of including additional points and areas, which by reason of industrial and other developments and growth have become a part thereof, within the defined limits of the zone which is adjacent to and commercially a part of Albuquerque, N. Mex., within the meaning of section 203 (b) (8) of the Interstate Commerce Act, the Interstate Commerce Commission, informed by experience and by an informal investigation, proposes to modify and redefine, as hereinafter indicated, the limits of the zone adjacent to and commercially a part of Albuquerque, N. Mex., heretofore determined by the application of the population-mileage formula prescribed in Commercial Zones and Terminal Areas, 46 M. C. C. 665, 49 CFR 170.16, and to revise description of such zone limits to read as follows:

(a) The municipality of Albuquerque, N. Mex., itself.

(b) All points within a line drawn five miles beyond the corporate limits of Albuquerque, N. Mex.

(c) All municipalities any part of which is within the limits of the boundary defined in (b) above.

(d) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the city of Albuquerque or by any municipality included under the terms of (c) above.

No oral hearing is contemplated, by anyone wishing to make representations in favor of, or against, the above-proposed revision of the defined boundary of the Albuquerque, N. Mex., commercial zone may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments shall be filed with the Commission on or before August 11, 1958.

Notice to the general public of the action herein taken shall be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Federal Register Division.

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58-5255; Filed, July 9, 1958; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 171]

LEASING OF INDIAN TRIBAL LANDS FOR MINERALS OTHER THAN OIL AND GAS

LEASES TO BE MADE BY TRIBES

Notice is hereby given of intention to amend 25 CFR Part 171.2, to read as set forth below. The purpose of this amendment is to provide that leases for minerals other than oil and gas on Indian tribal lands shall be advertised for bids in the same manner as oil and gas leases unless the Commissioner grants permission to the tribal authorities to negotiate a lease. The amendment also outlines procedures for negotiation.

All interested persons are hereby given the opportunity to submit in writing views, data, and arguments concerning the proposed addition, to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D. C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST, *Assistant Secretary of the Interior.*

JULY 2, 1958.

1. Section 171.2 is amended to read as follows:

§ 171.2 *Leases to be made by tribes.* Indian tribes, bands or groups may, with the approval of the Secretary of the Interior or his authorized representative, lease their land for mining purposes. No oil and gas lease shall be approved unless it has first been offered at an advertised sale in accordance with § 171.3. Leases for minerals other than oil and gas shall be advertised for bids as prescribed in § 171.3 unless the Commissioner grants to the Indian owners written permission to negotiate for a lease. Negotiated leases, accompanied by proper bond and other supporting papers, shall be filed with the Superintendent of the appropriate Indian Agency within 30 days after such permission shall have been granted by the Commissioner to negotiate the lease. The appropriate Area Director is authorized in proper cases to grant a reasonable extension of this period prior to its expiration. The right is reserved to the Secretary of the Interior to direct that negotiated leases be rejected and that they be advertised for bids. All leases shall be approved by the Secretary of the Interior or his duly authorized representative.

[F. R. Doc. 58-5252; Filed, July 9, 1958; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 6741]

CLEAR CHANNEL BROADCASTING IN THE STANDARD BROADCAST BAND

ORDER EXTENDING TIME FOR FILING COMMENTS

1. The Commission has before it for consideration petitioners filed June 17 and 19, 1958, by Westinghouse Broadcasting Company, Inc., and by CBS Radio, a division of Columbia Broadcasting System, Inc., requesting the Commission to extend the time for filing comments in the above-entitled proceeding from July 15, 1958, to September 15, 1958.

2. On April 15, 1958, the Commission issued a Further Notice of Proposed Rule Making in this proceeding. The subject petitioners are licensees of clear channel stations on the frequencies 780, 880, 1020, 1030, 1100, and 1120 kc. They assert that they intend to file comments in response to the said Notice, and state that complete engineering studies will be made of each of the frequencies now assigned to their respective clear channel stations. Petitioners contend that additional time is needed to complete these engineering studies and to prepare written comments based thereon. They assert that an additional two months or until September 15, 1958, are needed to complete this work.

3. The Commission is of the view that the requested two month extension would unduly delay the expeditious consideration and disposition of this proceeding but that a one month extension of time for filing comments is warranted and would serve the public interest, convenience and necessity.

4. In view of the foregoing: *It is ordered*, That the aforementioned June 17 and 19, 1958, petitions of Westinghouse Broadcasting Company, Inc. and of CBS Radio, a division of Columbia Broadcasting System, Inc., are granted in part and are denied in part; that the time for filing comments in the above-entitled proceeding is extended from July 15, 1958, to August 15, 1958; and that the time for filing reply comments is extended from August 29, 1958, to September 29, 1958.

Adopted: June 27, 1958.

Released: June 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-5262; Filed, July 9, 1958; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 12076]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

ORDER EXTENDING TIME FOR FILING REPLIES TO OPPOSITIONS

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations. (Erie, Pennsylvania; Akron-Cleveland, Ohio; Clarksburg and Weston, West Virginia; Flint-Saginaw-Bay City, Michigan.)

1. The Commission has before it for consideration a motion, filed July 1, 1958, by Summit Radio Corporation for an extension of time to file its reply to the oppositions of Dispatch, Inc., W. S. Butterfield Theatres, Inc., and Trebit Corporation to Summit Radio Corporation's Petition for Reconsideration in the above-entitled matter. Movant asks that the date for filing its reply be extended from July 2, 1958, to July 9, 1958.

2. In support of this request, Summit Radio Corporation asserts that in view of the number of issues in this proceeding, together with the fact that counsel for Summit Radio will be away from his office, a brief extension of time for filing its reply is needed.

3. The Commission is of the view that the public interest, convenience, and necessity would be served by extending the time for filing replies to oppositions to the Summit Radio Corporation Petition for Reconsideration in this proceeding.

4. In view of the foregoing: *It is ordered*, That the motion of Summit Radio Corporation for extension of time to file replies is granted and that the time for filing replies to oppositions to the aforesaid Petition for Reconsideration in the above-entitled proceeding is extended from July 2, 1958, to July 9, 1958.

Adopted: July 3, 1958.

Released: July 7, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-5263; Filed, July 9, 1958; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

REVOCATION OF AIR NAVIGATION SITE WITHDRAWAL NO. 5

JULY 3, 1958.

1. By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214) and pursuant to section 2.5 of Bureau of Land Management Delegation of Authority, Order No. 541 of April 21, 1954 (19 F. R. 2473) as amended, it is ordered as follows:

The order of the Regional Administrator of January 18, 1954 (19 F. R. 432) reserving the following-described lands near McGrath, Alaska, as Air Navigation Site Withdrawal No. 3, as amended by order of February 10, 1954 (19 F. R. 961) and changed to Air Navigation Site No. 4, and as further amended by undated order in 19 F. R. 2027 (issue of April 8, 1954) to describe Air Navigation Site Withdrawal No. 5, is hereby revoked.

FAREWELL LANDING

Beginning at a point which bears N. 4°38' E., 415 feet and N. 75°30' W., 111 feet from the northwest corner of the 20' by 50' C. A. A. building used as a mess hall, said point of beginning located at approximately longitude 154°51' W. and latitude 62°59' N., and marked by a ½" iron pipe; thence by metes and bounds,

East, 500 feet;
South, 965 feet;
West, 500 feet to a point marked by a 2" square hub;
West, 76 feet to a point on the east bank of the Kuskokwim River;
Northerly on a meander line of the east bank of the Kuskokwim River to a point which bears west from the point of beginning;
East, 30 feet to the point of beginning.

Containing 12.25 acres, more or less.

2. Subject land is located on the east bank (left limit) of the Kuskokwim River at Farewell Landing approximately 52 miles up river from McGrath. The lands are generally level in this area and the subject tract is easily accessible from the river. The tract has tundra cover of which about half has been stripped during occupancy of the Civil Aeronautics Administration. Scattered spruce ranging from 1" to 24" in diameter are found in the general area and the edge of the timber reaches to within 200 feet of the northern part of the tract.

3. In accordance with section 202 (b) of the act of July 28, 1956 (70 Stat. 709; 711; 712) and subject to the requirements of the act, the Territory of Alaska shall be entitled, for a period of 90 days from July 3, 1958 to a preferred right of selection of the land, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation, for use in connection with the mental health program of the Territory.

4. Subject to any valid existing rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to settlement and to filing of such applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the application and claims described in paragraph 3 above and b (1) below, the lands, beginning at 10:00 a. m. on October 2, 1958, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284, as amended). Beginning 10:00 a. m. on December 31, 1958, any remaining lands will be subject to settlement under these laws by other qualified persons.

b. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on July 3, 1958. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on October 2, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications after that hour and before 10:00 a. m. December 31, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on December 31, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands will be open to location under the United States mining laws, in the absence of the filing of an application by the Territory as described in paragraph 3 of this order, beginning at 10:00 a. m. on December 31, 1958.

Persons claiming veterans' preference rights under paragraph b (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may

be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

RICHARD L. QUINTUS,
Fairbanks Operations Supervisor.

[F. R. Doc. 58-5245; Filed, July 9, 1958; 8:46 a. m.]

NEVADA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 2, 1958.

The Corps of Engineers on behalf of the Department of the Air Force has filed an application, Serial No. Nevada 035794, for the withdrawal of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws. The land in T. 18 S., R. 62 E. is presently withdrawn from all forms of appropriation under the public land laws, except mining and mineral leasing, as a part of the Desert Game Range. The applicant desires the land for a gunnery range in connection with Nellis Air Force Base.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 18 S., R. 62 E.,
Secs. 13 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 19 S., R. 62 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 11, inclusive;
Sec. 12, W½;
Secs. 16 and 17.
T. 18 S., R. 63 E.,
Sec. 18, W½E½, E½W½, Lots 1 to 4, inclusive;
Sec. 19, W½E½, E½W½, Lots 1 to 4, inclusive;
Sec. 30, W½NE¼, NW¼SE¼, E½W½, Lots 1 to 4, inclusive;
Sec. 31, E½NW¼, NE¼SW¼, Lots 1 to 4, inclusive.

The area described contains 21,513.56 acres more or less.

W. REED ROBERTS,
Acting State Supervisor.

[F. R. Doc. 58-5246; Filed, July 9, 1958; 8:45 a. m.]

NEVADA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 1, 1958.

General Services Administration has filed an application, Serial No. Nevada 024104, for the withdrawal of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws. The land is presently withdrawn from all forms of appropriation under the public land laws, other than mining and mineral leasing, as a part of the Nevada National Forest. The applicant desires the land for administrative purposes to protect a millsite previously withdrawn under Public Land Order 27, dated August 12, 1942.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 12 N., R. 36 E.,
Sec. 34, N½NW¼SW¼.

The area described contains 20 acres more or less.

W. REED ROBERTS,
Acting State Supervisor.

[F. R. Doc. 58-5247; Filed, July 9, 1958; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 2, 1958.

The Dept. of Agriculture, U. S. Forest Service has filed an application, Serial No. Idaho 08927, for the withdrawal of the lands described below, from location and entry under the General Mining Laws, subject to existing valid claims. The applicant desires the land for recreation areas and public camp grounds.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

SELWAY RIVER STREAMSIDE RECREATIONAL ZONE

A strip of land 200 feet wide on the northerly side of the Selway River contiguous to and beginning at the mean high water mark and a strip of land 100 feet wide on the southerly side of the Selway River contiguous to and beginning at the mean high water mark, extending east of the confluence of the Lochsa and Selway Rivers to the boundary of the Selway-Bitterroot Primitive Area, through the following described subdivisions or so much of said widths as may be situated within said subdivisions, comprising an area of 760 acres of national forest land more or less:

T. 32 N., R. 7 E.,
Sec. 9, Lots 2, 3, 6, 7, SW¼SW¼NE¼;
Sec. 10, Lot 7;
Sec. 15, Lots 5, 6;
Sec. 22, Lots 1, 2, 4, 5, 6;
Sec. 23, Lots 1, 2, 3, 4, 5;
Sec. 24, Lots 2, 3;
Sec. 25, Lots 1, 2, 4, 5, 6, 7;
Sec. 26, Lots 2, 3.
T. 32 N., R. 8 E.,
Unsurveyed, but when surveyed will probably be:
Sec. 25, S½S½SE¼;
Sec. 26, SW¼, S½SE¼;
Sec. 27, N½S½;
Sec. 28, S½NE¼, S½S½NW¼, N½SE¼;
Sec. 29, S½NE¼, N½S½;
Sec. 30, S½NE¼, N½S½NW¼, N½SE¼;
Sec. 35, NE¼NE¼;
Sec. 36, N½N½.
T. 31 N., R. 9 E.
Unsurveyed, but when surveyed will probably be:
Sec. 2, SW¼;
Sec. 3, S½NW¼, NE¼SW¼SE¼;
Sec. 4, S½NE¼, NW¼;
Sec. 11, N½N½;
Sec. 12, N½.
T. 32 N., R. 9 E.,
Unsurveyed, but when surveyed will probably be:
Sec. 30, SW¼SW¼;
Sec. 31, S½NE¼, NW¼;
Sec. 32, NW¼, NE¼SW¼, SE¼;
Sec. 33, SW¼SW¼.
T. 31 N., R. 10 E.,
Unsurveyed, but when surveyed will probably be:
Sec. 7, N½N½.

RACKLIFF CREEK RECREATION AREA (UNSURVEYED)

T. 32 N., R. 8 E.,
Sec. 29, SE¼SW¼NW¼.
Approximately 10 acres.

NINETEEN MILE RECREATION AREA (UNSURVEYED)

T. 32 N., R. 8 E.,
Sec. 29, NW¼SW¼NE¼.
Approximately 10 acres.

TWENTY MILE BAR RECREATION AREA (UNSURVEYED)

T. 32 N., R. 8 E.,
Sec. 28, NE¼SE¼NW¼.
Approximately 10 acres.

SLIDE CREEK RECREATION AREA (UNSURVEYED)

T. 32 N., R. 8 E.,
Sec. 27, NE¼NE¼SW¼.
Approximately 10 acres.

BOYD CREEK RECREATION AREA (UNSURVEYED)

T. 32 N., R. 8 E.,
Sec. 27, SW¼NW¼SE¼.
Approximately 10 acres.

ROCK ISLAND RECREATION AREA (UNSURVEYED)

T. 32 N., R. 8 E.,
Sec. 26, NE¼NE¼SW¼.
Approximately 2 acres.

RACK CREEK RECREATION AREA (UNSURVEYED)

T. 31 N., R. 9 E.,
Sec. 12, SW¼NW¼NW¼.
Approximately 10 acres.

MEADOW CREEK STREAMSIDE ZONE AND RECREATION AREA (UNSURVEYED)

A strip of land 300 feet wide contiguous to both sides of the thread of Meadow Creek beginning at the mouth of Meadow Creek and ending 1¼ miles upstream and located wholly within the following described subdivisions:

T. 31 N., R. 9 E.,
Sec. 11, NW¼, SW¼, SE¼;
Sec. 14, E½;
Approximately 45 acres.

TWENTY FIVE MILE BAR RECREATION AREA (UNSURVEYED)

T. 32 N., R. 9 E.,
Sec. 31, N½NE¼NW¼;
Approximately 20 acres.

GLOVER CREEK RECREATIONAL AREA (UNSURVEYED)

T. 32 N., R. 9 E.,
Sec. 32, SW¼SE¼NW¼;
Approximately 10 acres.

This area includes approximately 897 acres.

CLARK R. NOBLE,
Acting State Supervisor.

[F. R. Doc. 58-5248; Filed, July 9, 1958; 8:46 a. m.]

[Evanston-022404]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 2, 1958.

1. In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976) the following described land has been reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN, WYOMING
T. 19 N., R. 105 W.,
Sec. 22, Lot 21.

The area described contains 4.68 acres of public land.

2. All minerals in the above described land, both leasable and locatable, have been reserved by the grantor.

3. The tract is located north of Rock Spring, Wyoming, on the west side of Killpecker Creek. Soil is a brown sandy loam, supporting desert shrub vegetation in a sparse stand. Access is by service road from Rock Springs.

4. No application for these lands will be allowed under the homestead desert land, small tract or any other non-mineral public law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications and selections in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, presented prior to 10:00 a. m. on August 7, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 6, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above presented prior to 10:00 a. m. on November 6, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

6. Persons claiming veterans preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 929, Cheyenne, Wyoming.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F. R. Doc. 58-5251; Filed, July 9, 1958; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 9557, 9503]

LEWIS B. MAYTAG, JR., ET AL.; ACQUISITION OF CONTROL AND INTERLOCKING DIRECTORATES CASE

NOTICE OF HEARING

In the matter of the approval of the acquisition of control and interlocking relationships involving Lewis Maytag, Jr., Frontier Airlines, Inc., Maytag Aircraft Corporation and Maytag International Corporation under sections 408 and 409 of the Civil Aeronautics Act of 1938 as amended.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned for July 17, 1958 at 10:00 a. m., e. d. s. t., in Room 5132, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., July 7, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-5277; Filed, July 9, 1958; 8:51 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

CALL FOR REPORT OF CONDITION

Each insured mutual savings bank not a member of the Federal Reserve System is requested, pursuant to the provisions of section 10 (e) of the Federal Deposit Insurance Act, to send to the Federal Deposit Insurance Corporation within ten days after receipt of this notice a Report of Condition as of the close of business Monday, June 23, 1958, on Form 64 (Savings).[1]

Said Report of Condition shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings)", dated June 1951.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 58-5260; Filed, July 9, 1958; 8:49 a. m.]

INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM, EXCEPT BANKS IN THE DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

CALL FOR REPORT OF CONDITION

Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a

[1] Filed as part of the original document.

mutual savings bank, is requested, pursuant to the provisions of section 10 (e) of the Federal Deposit Insurance Act, to send to the Federal Deposit Insurance Corporation within ten days after receipt of this notice a Report of Condition on Form 64—Call No. 49 [1], and a Schedule FA—Supplementary data on Time Deposits of Individuals, Partnerships, and Corporations,[1] as of the close of business Monday, June 23, 1958.

Said Report of Condition shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64", dated December 1955, and Schedule FA shall be prepared in accordance with instructions printed on the Schedule.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 58-5261; Filed, July 9, 1958; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12107 and 12222; FCC 58M-701]

RIVERSIDE CHURCH IN THE CITY OF NEW YORK AND HUNTINGTON-MONTAUK BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re applications of The Riverside Church in the City of New York, New York, New York, Docket No. 12107, File No. BPH-2174; Huntington-Montauk Broadcasting Co., Inc., Huntington, New York, Docket No. 12222, File No. BPH-2233; for construction permits.

By agreement of the parties: *It is ordered*, This 1st day of July 1958, that the hearing in the above-entitled proceeding, heretofore continued without date, is hereby scheduled to be held on September 9, 1958, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: July 2, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5264; Filed, July 9, 1958; 8:50 a. m.]

[Docket Nos. 12207 and 12420; FCC 58M-705]

GRADY M. SINYARD AND STATES BROADCASTING SYSTEM, INC.

ORDER CONTINUING HEARING

In re applications of Grady M. Sinyard, New Boston, Ohio, Docket No. 12207, File No. BP-11076; States Broadcasting System, Inc., St. Marys, Ohio, Docket No. 12420, File No. BP-11598; for construction permit.

By agreement of the parties, *It is ordered*, This 2d day of July 1958, that the hearing in the above-entitled proceeding, heretofore scheduled to be held on July 16, 1958, is continued to September 16, 1958, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: July 2, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-526; Filed, July 9, 1958; 8:50 a. m.]

[Docket Nos. 12432 etc; FCC 58M-699]

WILSON BROADCASTING CORP. ET AL.

ORDER CONTINUING HEARING

In re Applications of Wilson Broadcasting Corporation, New Bedford, Massachusette, Docket No. 12432, File No. BPCT-2232; E. Anthony & Sons, Inc., New Bedford, Massachusetts, Docket No. 12433, File No. BPCT-2233; Eastern States Broadcasting Corp., New Bedford, Massachusetts, Docket No. 12434, File No. BPCT-2252; New England Television Company, Inc., New Bedford, Massachusetts, Docket No. 12435, File No. BPCT-2425; for construction permits for New Television Broadcast Stations (Channel 6).

The Hearing Examiner has under consideration: (1) a petition for leave to file amendment, together with the amendment, filed June 6, 1958, on behalf of Eastern States Broadcasting Corp. (hereinafter referred to as Eastern States; (2) an opposition to the petition filed June 12, 1958, on behalf of Wilson Broadcasting Corporation; (3) the statements made in oral argument by counsel for all parties on June 17, 1958; (4) a memorandum in suport of the petition filed June 24, 1958, on behalf of Eastern States; (5) a memorandum in opposition filed June 24, 1958, on behalf of E. Anthony & Sons, Inc. (hereinafter referred to as Anthony); and (6) the procedural facts shown by the Docket Record herein.[1]

The amendment seeks to show that Charles W. Steadman has severed his relationships with Eastern States and that consequent changes were made in the corporate organization. Briefly, Mr. Steadman was general counsel, secretary, a director, a stockholder, and a stock subscriber in the corporation; he was a 10 percent owner. Petitioner states that after this proceeding was designated for hearing (by Commission order released May 19, 1958) a disagreement between Mr. Steadman and others in the corporation relating to attorney fees and the conduct of the case led to Mr. Steadman's resignation and withdrawal. The amendment would alter the corporate structure by: (1) eliminating all references to Mr. Steadman; (2) showing that an existing stockholder, John S. Ashley, has become secretary; (3) increasing the stock subscription of Paul E. Thurlow from 4,410 to 6,860 shares (from 15.55 percent to 21 percent); (4) increasing from 5,400 to 7,450 shares (16.55 percent) the stock reserved for employees; (5) correcting in minor respects errors of calculation pertaining to the interests of two other stock subscribers; and (6) showing that Alfred Morton has become a director of the corporation. The amendment includes a biographical statement concerning Mr. Morton who was not previously connected with Eastern States, and who appears to have had a substantial amount of experience in radio and television broadcasting.

Petitioner contends that it has met the requirements of § 1.311 (b) of the Commission's Rules which provides that an amendment to an application after designation for hearing "will be granted only for good cause shown." An element of good cause is diligence, and it is clear that petitioner has sought to amend with reasonable promptness after Mr. Steadman's resignation. It is pointed out that the hearing has not been commenced and will not begin until after August of 1958, and it is urged that progress of the proceeding will not be disrupted by the amendment. Petitioner argues that no disadvantage to the competing applicants would result, and, in any event, the accomplished fact of Mr. Steadman's resignation necessitated changes in the corporate structure of the nature here proposed. It is claimed that the reorganization was made largely "within the family", and that "the act which precipitated the changes herein was beyond Eastern States' control."

The competing applicants contend that the amendment should not be allowed because it might change substantially, and to the disadvantage of competing applicants, the competitive case to be presented by Eastern States. It is pointed out that petitioner's application and other applications have been on file for many months and that the inevitability of a comparative hearing was apparent to petitioner for a long time prior to the order of designation—a period of time in which amendment by petitioner could have been effected as a matter of right. It is urged that the disagreement between petitioner and Mr. Steadman was an internal matter for which responsibility attaches to Eastern States, and that it should not now be permitted to augment its potential showing: of increased stock ownership by Mr. Thurlow; of increased employee stock participating potential; of a substituted occupant of the secretary's position; and of a so recently added director with broadcast experience and possible local residence ties.

After weighing the holdings of the Commission in Pioneer Broadcasters, Inc., 8 RR 648, in the affirmed ruling in The Toledo Blade Company, 10 RR 1221, and in the other cases cited by the parties, it is the considered opinion of the Hearing Examiner that petitioner has failed to allege and show good cause for allowing the proposed amendment. The disagreement within the corporation that led to Mr. Steadman's resignation and the fact of his withdrawal do not constitute sufficient reasons for permitting this applicant to change its competitive position by the individual replacements and stock realignments here proposed. The other applicants are in fairness entitled to proceed to hearing in competition with the applicant as constituted at the time the order of designation was issued unless persuasive reasons require otherwise, i.e., unless good cause justifies an altered and possibly improved comparative position for the petitioner. Facts amounting to good cause are not here shown.

It is ordered, This 30th day of June, 1958, that the petition for leave to file amendment be and it is hereby denied, and the amendment tendered with said petition is rejected; and

It is further ordered, That the hearing in this proceeding which is now scheduled to be commenced on July 22, 1958, is continued until such time as may be fixed by subsequent order.

Released: July 1, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5266; Filed, July 9, 1958; 8:50 a. m.]

[Docket No. 12487; FCC 58M-706]

WILA, INC. (WILA)

ORDER ADVANCING HEARING DATE

In re Application of WILA, Incorporated (WILA), Danville, Virginia, Docket No. 12487, File No. BMP-7592; for modification of construction permit.

The Hearing Examiner having under consideration a motion filed by the applicant on June 25, 1958, requesting an advancement of the hearing date;

It appearing that the advanced date would be beneficial not only to the applicant but also to the Hearing Examiner's schedule; and

It further appearing that no opposition has been expressed to the request;

It is ordered, This 2d day of July 1958, that the motion for advancement of hearing is granted and that the hearing will commence on July 24, 1958; and *It is further ordered*, That there will be a prehearing conference on July 8, 1958, at 9:30 a. m.

Released: July 3, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5267; Filed, July 9, 1958; 8:50 a. m.]

[Docket No. 12498; FCC 58M-693]

FALL RIVER BROADCASTING CORP. (KOBH)

ORDER SCHEDULING HEARING

In re Application of Fall River Broadcasting Corporation (KOBH), Hot Springs, South Dakota, Docket No. 12498, File No. BP-11281; for construction permit.

It is ordered, This 27th day of June 1958, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 2, 1958, in Washington, D. C.

Released: July 1, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5268; Filed, July 9, 1958; 8:50 a. m.]

[Dockets Nos. 12501 etc.; FCC 58M-694]

COMMUNITY TELECASTING CORP. ET AL.

ORDER SCHEDULING HEARING

In re Applications of Community Telecasting Corporation, Moline, Illinois, Docket No. 12501, File No. BPCT-2339; Frederick Epstein, Roy B. Cohen, Burt H. Cohen, Milton H. Cohen and Marvin Borman, d/b as KSTT Telecasting Company, Davenport, Iowa, Docket No. 12502, File No. BPCT-2356; Tele-Views News Company, Inc., Moline, Illinois, Docket No. 12503, File No. BPCT-2367; Midland Broadcasting Co., Moline, Illinois, Docket No. 12504, File No. BPCT-2370; Illiway Television, Inc., Moline, Illinois, Docket No. 12505; File No. BPCT-2428; Moline Television Corp., Moline, Illinois, Docket No. 12506, File No. BPCT-2440; Public Service Broadcasting Company, Moline, Illinois, Docket No. 12507, File No. BPCT-2442; Iowa-Illinois Television Co., Moline, Illinois, Docket No. 12508, File No. BPCT-2496; for construction permits for New Television Broadcast Stations.

It is ordered, This 27th day of June 1958, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 1, 1958, in Washington, D. C.

Released: July 1, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5269; Filed, July 9, 1958; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3614]

TRANS CONTINENTAL INDUSTRIES, INC.

ORDER SUMMARILY SUSPENDING TRADING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3d day of July A. D. 1958.

In the matter of trading on the American Stock Exchange and the Detroit Stock Exchange in the common stock, $1 par value of Trans Continental Industries, Inc., File No. 1-3614.

The common stock, $1 par value of Trans Continental Industries, Inc., being listed and registered on the American Stock Exchange and the Detroit Stock Exchange, national securities exchanges; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered; Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange and the Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 6, 1958, to July 15, 1958, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-5254; Filed, July 9, 1958; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15399]

SOHIO PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 3, 1958.

Sohio Petroleum Company (Sohio) on June 6, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Natural Gas Pipeline Company of America.
Rate schedule designation: Supplement No. 3 to Sohio's FPC Gas Rate Schedule No. 37.
Effective date: July 10, 1958 (effective date is the effective date proposed by Sohio).

In support of the proposed periodic rate increase, Sohio refers to the contract price provisions and states that the price was arrived at by arm's-length negotiation and does not exceed the current commodity value of the gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the

[1] Filed as part of the original document.

[1] A written opposition to the petition was filed June 16, 1958, on behalf of Anthony; it is not considered, having been filed beyond the time limit fixed by § 1.43 of the Commission's Rules, but consideration is given to opposing arguments made on the record on behalf of Anthony, New England Television Company, Inc., and Bureau.

Commission enter upon a hearing concerning the lawfulness of the said proposed change and that Supplement No. 3 to Sohio's FPC Gas Rate Schedule No. 37 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Sohio's FPC Gas Rate Schedule No. 37.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 10, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commisisoner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5259; Filed, July 9, 1958; 8:49 a. m.]

[Docket No. G-15398]

BILLY BRIDEWELL ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 3, 1958.

Billy Bridewell (Operator) et al. (Bridewell), on June 5, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated May 1, 1958.

Purchaser: Cities Service Gas Company.

Rate schedule designation: Supplement No. 1 to Bridewell's FPC Gas Rate Schedule No. 3.

Effective date: July 31, 1958 (effective date is the effective date proposed by Bridewell).

In support of the proposed periodic rate increase, Bridewell states that the increased price is a matter of contractual obligation under a contract resulting from bona fide arm's-length negotiations and that such schedules of periodic price escalations are common in long-term gas sales contracts. Bridewell states additionally that the proposed price is just and reasonable and to deny same would be inequitable, unfair and confiscatory, and would deprive him of property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Bridewell's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Bridewell's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 31, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5258; Filed, July 9, 1958; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 7, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34802: *Clay between points in southwest and border points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7319), for interested rail carriers. Rates on granulated or pulverized clay, carloads between points in the Southwest, between points in southwestern territory, on the one hand, and Paducah, Ky., on the other, and between points in southwestern territory, on the one hand, and points in gateways territory in Alabama, Louisiana (east of the Mississippi River), Kentucky, Mississippi, and Tennessee, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 291 to Southwestern Lines Tariff I. C. C. 4020.

FSA No. 34803: *Fine coal—Southern Railway mines to points in Carolina territory.* Filed by Southern Railway Company, Agent (No. 135-A), for interested rail carriers. Rates on fine coal, carloads from mines on the Southern Railway and its short-line connections in eastern Tennessee, southwestern Kentucky, and southwestern Virginia to points in North Carolina and South Carolina, also to Augusta, Ga., and points in Georgia on the Charleston and Western Carolina Railway intermediate to Augusta.

Grounds for relief: Competition of natural gas, oil, etc.

Tariff: Supplement 47 to Southern Railway Company's tariff I. C. C. A-11352.

FSA No. 34804: *Molasses residuum—New Orleans, La., to southwestern and western trunk line territories.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7321), for interested rail carriers. Rates on distillery molasses residuum (residuum from molasses distillation), dry, carloads from New Orleans, La., to specified points in Arkansas, Colorado, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming.

Grounds for relief: Market competition and short-line distance formulas.

Tariffs: Southwestern Lines Freight Tariff I. C. C. 4292.

FSA No. 34805: *Animal or poultry feed—New Orleans, La., to southwestern and western trunk line territories.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7322), for interested rail carriers. Rates on prepared animal or poultry feed, noibn, carloads from New Orleans, La., to specified points in Arkansas, Colorado, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming.

Grounds for relief: Market competition and short-line distance formulas.

Tariff: Southwestern Lines Freight Tariff I. C. C. 4292.

FSA No. 34806: *Cheese—Fulton and Leitchfield, Ky., to southern territory.* Filed by O. W. South, Jr., Agent (SPA No. A3692), for interested rail carriers. Rates on cheese, including cheese foods and related articles, carloads from Fulton and Leitchfield, Ky., to points in southern territory.

Grounds for relief: Short-line distance formula, grouping, special rate treatment for relief lines.

Tariff: Supplement 29 to Southern Freight Association tariff I. C. C. 1537.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58-5256; Filed, July 9, 1958; 8:48 a. m.]

FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL COMMUNICATIONS COMMISSION

1. Effective upon publication in the FEDERAL REGISTER, paragraph (c) of § 6.134 is revoked and paragraph (b) is amended as set out below.

§ 6.134 *Federal Communications Commission.* * * *

(b) One Associate Chief Engineer.

2. Effective upon publication in the FEDERAL REGISTER, paragraph (d) of § 6.334 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 58-5305; Filed, July 10, 1958; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

[Amdt. 10]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

The regulations governing the 1958 acreage reserve part of the Soil Bank Program, 22 F. R. 6397, as amended and supplemented, are hereby further amended as follows:

1. Section 485.310 (b) (1) is amended by deleting the next to last sentence and substituting therefor the following: "The producer shall notify the county office, by the date(s) entered on the notice of excess acreage, that he has disposed of any excess acreage or, in the case of tobacco, that he intends to dispose of such excess. The county committee, or the county office manager on behalf of the county committee, may waive notification upon finding that the excess acreage was in fact disposed of prior to the disposition date or, in the case of tobacco, upon submission of proof satisfactory to them that the producer was prevented from complying with the notification requirement because of conditions beyond his control. The producer shall, except in the case of wheat, pay the cost of determining the adjusted acreage."

2. Section 485.322 is amended by changing the heading "*Release and reapportionment of acreage allotments*" to read "*Release, reapportionment, and transfer of acreage allotments*" and by adding at the end thereof the following:

(c) *Transfer of acreage allotments for cotton.* If all or part of the allotment for cotton is transferred from a farm pursuant to the provisions of Public Law 85-456, 85th Cong., 2d sess. (June 11, 1958), any 1958 acreage reserve agreement for cotton in effect on such farm shall be deemed terminated. The operator of such farm may, within 15 days after the date of notice of such termination by the county committee, file a new acreage reserve agreement for cotton, signed by all the producers who signed the original agreement, on the basis of the allotment remaining on the farm after the transfer. The area designated as the acreage reserve under the new agreement may include all or part of the acreage designated under the original agreement or other acreage eligible for designation under the regulations but in no event shall the number of acres designated as acreage reserve under the new agreement exceed the number of acres so designated under the original agreement.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 7th day of July 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 58-5297; Filed, July 10, 1958; 8:49 a. m.]

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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 12, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restriction on the handling of Duarte plums grown in California.

It is, therefore, ordered as follows:

The provisions in paragraph (b) of § 936.594 (Plum Order 12; 23 F. R. 4692) are hereby amended to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 11, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Duarte plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths ($1\frac{13}{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths ($1\frac{13}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed twenty (20) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenths ($1\frac{10}{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than one and thirteen-sixteenths ($1\frac{13}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7½-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided*, That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of Section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in Section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Plum Order 12; or (2) as releasing or extinguishing any violation of Plum Order 12 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 9, 1958, to be effective on and after 12:01 a. m., P. s. t., July 11, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5341; Filed, July 10, 1958; 9:03 a. m.]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIFORNIA, AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

LIMITATION OF SHIPMENTS

§ 959.316 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this section until 30 days or any other period beyond the date specified (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) Except as otherwise provided in this section, during the period from July 15, 1958, through June 30, 1959, no handler shall ship (i) any potatoes of the round varieties (including, but not limited to Kennebec, Irish Cobbler, Bliss Triumph, and Pontiac varieties), unless such potatoes meet the requirements of the U. S. No. 2, or better, grade, 1⅞ inches minimum diameter, or (ii) any potatoes of the long varieties (including, but not limited to White Rose, Russet Burbank, and Early Gem varieties), unless such potatoes meet the requirements of the U. S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(2) Except as otherwise provided in this section, during the period from July 15, 1958, through June 30, 1959, no handler shall ship potatoes of any variety if such potatoes are more than "moderately skinned." During such period any handler may ship not to exceed a total of 100 hundredweight of each variety of such potatoes every seven days without regard to the aforesaid skinning requirements if prior to such handling the handler reports to the Oregon-California Potato Committee the name and address of the producer of such potatoes, and each such shipment is handled as an identifiable entity.

(3) Pursuant to § 959.53, each handler may ship up to, but not to exceed, five hundredweight per day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment of over five hundredweight.

(4) Except as otherwise provided in this section, the limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for any of the following purposes: (i) grading or storing within the district where grown; (ii) certified see potatoes; (iii) export; (iv) canning or freezing; (v) dehydration or manufacture or conversion into starch, flour, or alcohol; (vi) charity; (vii) potato shipping (viii) livestock feed within the district where grown, except that potatoes grown in District No. 2 or District No. 4 may be shipped for livestock feed within, or to, such districts for such purpose.

(5) During the period July 15, 1958, through June 30, 1959 no handler shall ship (i) potatoes for export which do not meet the requirements of the U. S. No. 1, or better, grade, 1½ inches minimum diameter, or (ii) potatoes for dehydration or manufacture or conversion into starch, flour, or alcohol unless such potatoes are of a size not smaller than 1½ inches in diameter and at least 85 percent of the potatoes grade not less than U. S. No. 1.

(6) (i) Potatoes which fail to meet applicable grade and size requirements of this section because of damage from shriveling or sprouting caused by the conditioning of the potatoes for potato chipping may be shipped for use for potato chipping;

(ii) Potatoes which by clipping second growth could be made to meet the aforesaid applicable grade and size requirements may be shipped for use for potato chipping without such clipping; and

(iii) Potatoes which have been conditioned for use for potato chipping and from which both ends are clipped or from which more than one-fourth of the potato has been cut away if in such cases the remaining portion weighs 6 ounces or more, may be shipped for use for potato chipping if such potatoes otherwise meet the applicable grade requirements.

(7) Each handler making shipments of potatoes authorized pursuant to subparagraph (4) of this paragraph shall, with respect to such shipments other than those for grading or storing and for livestock feed: (i) File an application for a Certificate of Privilege pursuant to §§ 959.130 and 959.131; (ii) pay the required assessments pursuant to § 959.61; (iii) have such shipments (except shipments of certified seed potatoes) inspected pursuant to § 959.60; and (iv) for each such shipment (except shipments of certified seed potatoes) furnish a record of shipment applicable thereto to the committee. Each application to ship potatoes for export, for canning or freezing, for dehydration or manufacture or conversion into starch, flour, or alcohol, for charity, or for potato chipping, shall be accompanied by a copy of the applicable bill of lading and the applicant handler's certification and the buyer's certification that the potatoes to be shipped are to be used for the purpose stated in the application. Each handler agrees, in his application to make shipments for canning or freezing, or for dehydration or manufacture or conversion into starch, flour, or alcohol, or for potato chipping, to bill each such shipment directly to the applicable processor and, if a particular shipment is not so billed, to furnish copies of the bill of lading and related diversion orders covering such shipment.

(8) Pursuant to § 959.60 (b), the inspection requirements of § 959.60 applicable to the handling of regraded, resorted, or repacked potatoes are suspended during the effective time of this section with respect to any such potatoes which prior to the regrading, resorting, or repacking thereof, were inspected pursuant to § 959.60 (a) and the inspection certificate is valid at the time of handling such regraded, resorted, or repacked potatoes.

(9) For the purpose of operation under this part and except as otherwise provided in this subparagraph, each required inspection certificate is hereby determined, pursuant to § 959.60 (c), to be valid for a period not to exceed 14 days following completion of inspection as shown on the certificate. The period of validity of an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

(10) Except as otherwise provided, the various terms, grades, and sizes referred to in this section shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title; 23 F. R. 8141) including the tolerances set forth therein; and all other terms used in this section shall have the same meaning as when used in said marketing agreement, as amended, and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 8, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-5312; Filed, July 10, 1958; 8:52 a. m.]

PART 993—HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993; 22 F. R. 8254), regulating the handling of dried prunes produced in California, hereinafter referred to collectively as the "order," issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Prune Administrative Committee (established pursuant to the order) held its initial marketing policy meeting on June 17, 1958. At that meeting, the committee formulated and adopted a marketing policy for the crop year beginning August 1, 1958; and such policy was submitted to the Secretary. At the time of the submission to the Secretary, the committee unanimously requested that the provisions in § 993.42 requiring it to hold another meeting not later than July 12 in connection with the marketing policy previously formulated and adopted for the crop year beginning August 1, 1958, be suspended temporarily and that no such meeting be held in July 1958.

At the initial marketing policy meeting, the committee: (1) Estimated that the 1958 production of California prunes would be well below average; (2) estimated that the total available supply of prunes in the 1958–59 crop year (1958 production plus carrying on August 1, 1958, from prior production) would be considerably less than normal market requirements and carryout for the 1958–59 crop year, and (3) recommended that the provisions of § 993.50 of the order be invoked for said crop year. The provisions of § 993.50 may be invoked if the Secretary finds prior to or at any time during a particular crop year that the seasonal average price to producers for prunes for that crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the act. Section 993.50 provides, among other things, for the application of prescribed minimum standards as to grade to the handling of prunes and prohibits the shipment or other final disposition of any lot of consumer packages of prunes unless the average count of the prunes contained in such lot is 100 or less per pound.

The prospective prune supply and price situation for the 1958–59 crop year indicates conditions which would require the provisions of § 993.50 to be invoked. In the light of such situation and since the Department's views do not differ from those of the committee with respect to the marketing policy which should be followed for the ensuing crop year, there appears to be no need for the committee to hold the second policy meeting in July 1958 to reconsider the marketing policy already adopted. The failure to hold such a meeting should not, however, preclude the committee from operating in accordance with the provisions of § 993.44 in the event it determines in future months that the marketing policy should be modified or changed. Further, holding the second meeting would entail considerable expense to the industry.

On the basis of the foregoing, it is hereby found that the provisions of the order applicable to second marketing policy meetings and related matters will not tend to effectuate the declared policy of the act during the period of suspension as hereinafter provided; and such provisions should be suspended for the stated period.

Sections 993.42 and 993.43 and 993.59 (a) (1) of the order require, inter alia, that a second policy meeting be held by the committee, not later than July 12 of any crop year, to reconsider the marketing policy is previously formulated and adopted for the ensuing crop year and related maters, that the Secretary notify the committee of his tentative views regarding such marketing policy and related matters, that the committee consider such tentative views at the second meeting, and that the committee submit to the Secretary as promptly as practicable after the conclusion of such second meeting, a report showing any revisions or changes that it desires to make in such marketing policy and related matters.

It is, therefore, ordered, That, the respective provisions in the second and third sentences of § 993.42, in the second sentence of § 993.43, and in the third, fourth, and fifth sentence in § 993.59 (a) (1) be, and the same hereby are, suspended until August 1, 1958.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this suspension order for 30 days after its publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.), in that: (1) The provisions involved in the suspension action require the Secretary to submit to the committee his tentative views on the marketing policy that was formulated and adopted by the committee for the 1958–59 crop year, and related matters, and the committee to hold a second meeting before July 12 to consider such policy, matters, and tentative views, but a very short period of time remains within which this suspension can be made effective; (2) the committee has already formulated and adopted the marketing policy for the 1958–59 crop year and given notice thereof to producers, dehydrators, and handlers, as provided in the order; (3) the Department's views on the marketing policy which should be followed in the ensuing crop year do not differ from those of the committee; (4) no new relevant data or information appears to be currently available for consideration by the Secretary or the committee which may warrant a modification or change in the adopted marketing policy; (5) the committee may consider any modification or change in the marketing policy at any time hereafter in the manner prescribed in § 993.44; and (6) public participation in connection with the suspension action could accomplish no useful purpose.

Terms used herein shall have the same meaning as when used in the order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 7, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-5298; Filed, July 10, 1958; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 103]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—SWINE DISEASES SPREAD THROUGH RAW GARBAGE

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the Act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the Act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (9 CFR, 1957 Supp., 76.27; 23 F. R. 794, 1855, 2589, 3850), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. A new subdivision (x) is added to subparagraph (3) of paragraph (d), relating to Camden County in New Jersey, to read:

(x) Block 275, Lot 3, in Winslow Township, owned and operated by Randall Pierce.

2. New subdivisions (lxxxvi), (lxxxvii), and (lxxxviii), are added to subparagraph (5) of paragraph (d) relating to Gloucester County in New Jersey, to read:

(lxxxvi) Block 233, Lot 39, Plate 21, in Deptford Township, owned by Cathren Lokaj and operated by John Teasdale;

(lxxxvii) Block 387, Lot 37A, Plate 30, in Deptford Township, owned and operated by Harry Cockran;

(lxxxviii) Block 176, Lot 18C, Plate 30, in Monroe Township, owned and operated by Emery Kennedy.

3. Subparagraph (9) of paragraph (d), relating to Monmouth County in New Jersey, is deleted.

4. Subparagraph (10) of paragraph (d), relating to Morris County in New Jersey, is deleted.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment releases areas in New Jersey, heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1957 Supp., Part 76, Subpart B as amended, will not apply to such areas. However, the restrictions pertaining to

such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under Section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 8th day of July 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58–5313; Filed, July 10, 1958; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 12]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATION; LOVELOCK, NEV., TO UNITED STATES-CANADIAN BORDER

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Division, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

Section 600.6635 is added to read:

§ 600.6635 *VOR civil airway No. 1535 (Lovelock, Nev., to United States-Canadian Border).* From the Lovelock, Nev., omnirange station via the Sod House, Nev., omnirange station; Rome, Oreg., omnirange station; Boise, Idaho, omnirange station; Missoula, Mont., omnirange station; Cut Bank, Mont., omnirange station; to the United States-Canadian Border via the Cut Bank omnirange direct radial to the Swift Current, Sask., radio range station.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. July 31, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 7, 1958.

[F. R. Doc. 58–5290; Filed, July 10, 1958; 8:45 a. m.]

[Amdt. 13]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

ALTERATION; LOVELOCK, NEV., TO UNITED STATES-CANADIAN BORDER

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Division, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

Section 601.6635 is added to read:

§ 601.6635 *VOR civil airway No. 1535 control areas (Lovelock, Nev., to United States-Canadian Border).* All of VOR civil airway No. 1535.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. July 31, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 7, 1958.

[F. R. Doc. 58–5281; Filed, July 10, 1958; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6949]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

PIPER BRACE SALES CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service;* § 13.280 *Unique nature or advantages.* Subpart—*Disparaging competitors and their products*—Competitors' products: § 13.1000 *Performance;* § 13.1010 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret and apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Piper Brace Sales Corporation et al., Kansas City, Mo., Docket 6949, June 10, 1958]

In the Matter of Piper Brace Sales Corporation, a Corporation, and Henry G. Nelkin, Anne R. Nelkin, Nedwyn R. Nelkin, Cecil Nelkin, and Marie H. Dinger, Individually and as Officers of Said Corporation, and Eugene Goldstein, Individually and as a Stockholder of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Kansas City, Mo., with misrepresenting in advertisements in newspapers the qualities and unique nature of their trusses or hernia supports and disparaging competitive products.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 10 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents Piper Brace Sales Corporation, and its officers, and Henry G. Nelkin and Nedwyn R. Nelkin, individually and as officers of said corporation, and Eugene Goldstein, individually and as a stockholder of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of devices designated as Rupture-Easer, Rupture-Gard, and PiPeer Golden Crown Truss, or any product or device of substantially similar construction or design; whether sold under the same names or any other name or names, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That the rupture cannot "come out" while an individual is wearing said devices;

(b) That the devices are the most effective trusses or hernia supports devised;

(c) That the devices operate upon a different principle from other trusses in common use, that is, the principle of closing the opening of the inguinal canal by means of external pressure; or that the control of rupture upon such principle is new;

(d) That competitive devices are old-fashioned, outmoded, torturing, or binding, or otherwise inferior to said devices;

2. Disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said devices, which advertisement contains any of the representations prohibited in Paragraph 1 hereof;

3. Placing in the hands of wholesalers, or retailers or others, a means and instrumentality by and through which they may deceive and mislead the purchasing public concerning said devices in the respects set out in Paragraph 1 above.

It is further ordered, That the complaint herein, insofar as it relates to respondents Anne R. Nelkin, Cecil Nelkin, and Marie H. Dinger, be, and the same hereby is, dismissed without prejudice to the right of the Commission to take such action in the future as the facts may then warrant.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to the following allegation of Paragraph Seven (a) thereof: "The pad on such devices can slip * * *".

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That Respondents Piper Brace Sales Corporation, a corporation, and Henry G. Nelkin and Nedwyn R. Nelkin, individually and as officers of said corporation, and Eugene Goldstein, individually and as a stockholder of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 10, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58–5287; Filed, July 10, 1958; 8:47 a. m.]

[Docket 7054]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GOLDMAN JEWELRY CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; usual as reduced, special, etc.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Goldman Jewelry Company et al., Kansas City, Mo., Docket 7054, June 10, 1958]

In the Matter of Goldman Jewelry Company, a Corporation, and Fred Goldman, Sr., and George L. Goldman, Individually and as Officers of Said Corporation, and Fred Goldman, Jr., and Richard A. Goldman, Individually

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers of jewelry and other merchandise in Kansas City, Mo., with representing falsely in advertisements in newspapers and otherwise that their commodities such as bone china cups and saucers, binoculars, and lap robes were being offered at reduced prices.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 10 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondent Goldman Jewelry Company, a corporation, and its officers; and Respondents Fred Goldman, Sr., and George L. Goldman, individually and as officers of said corporation, and Fred Goldman, Jr., and Richard A. Goldman, individually, and Respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of commodities in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the regular prices of Respondents' commodities are any amounts in excess of the prices at which such commodities have been sold by Respondents in their recent regular course of business;

2. Representing, directly or by implication, that any savings are afforded from Respondents' regular prices unless the amount for which they are offered constitutes a reduction from the price at which said commodities had been sold by Respondents in their recent regular course of business.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents named in the caption hereof shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 10, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58–5288; Filed, July 10, 1958; 8:47 a. m.]

[Docket 6956]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CARL M. STEPHAN ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.130 *Manufacture or preparation:* Fur Products Labeling Act; § 13.235 *Source or origin:* Place: *Foreign, in general.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Carl M. Stephan et al. trading as The Fashion, San Antonio, Tex., Docket 6956, June 11, 1958]

In the Matter of Carl M. Stephan, Earl Marcus, Gladys Stephan, Murray Marcus, Carol Marcus and Janet Marcus, Individually and as Copartners, Trading as The Fashion

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in San Antonio, Tex., with violating the Fur Products Labeling Act by failing to comply with the labeling, invoicing, and advertising requirements, and specifically by advertising in newspapers which failed to disclose the names of animals producing the furs in certain products or the country of origin, or that some products contained artificially colored or cheap or waste fur.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Carl M. Stephan, Earl Marcus, Gladys Stephan, Murray Marcus, Carol Marcus and Janet Marcus, individually and as co-partners, trading as The Fashion or under any other trade name or names, and respondents' representatives, agents, and employees, directly or indirectly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the offering for sale, sale, advertising, transportation or distribution of fur products which have been made in whole or in part of fur which had been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported it for distribution in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

(g) The item numbers or mark assigned to a fur product.

2. Setting forth on labels affixed to fur products:

(a) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information.

(b) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in the fur product;

(g) The item number or mark assigned to a fur product.

C. Falsely or deceptively advertising fur products through the use of any notice, advertisement, representation or public announcement, which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

2. Fails to disclose that fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur when such is a fact;

3. Fails to disclose that fur products are composed in whole or in substantial part, of paws, tails, bellies, or waste fur, when such is the fact;

4. Fails to disclose the name of the country of origin of the imported furs contained in fur products;

5. Fails to set forth all the information required under section 5 (a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

By "Decision of the Commission and Order", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 11, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-5289; Filed, July 10, 1958; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter G—Miscellaneous Rules

PART 765—RULES APPLICABLE TO THE PUBLIC

REGULATIONS FOR PEARL HARBOR, HAWAII

Scope and purpose. Section 765.6 is revised to substitute the Commander, U. S. Naval Base, Pearl Harbor, Territory of Hawaii, for the Commander, Pearl Harbor Naval Shipyard, as the officer responsible for insuring security and for governing the navigation, movements, and anchorage of vessels in the waters of Pearl Harbor and its entrance channel.

Section 765.6 is revised to read as follows:

§ 765.6 *Regulations for Pearl Harbor, Hawaii.* The Commander, U. S. Naval Base, Pearl Harbor, Territory of Hawaii, is responsible for prescribing and enforcing such rules and regulations as may be necessary for insuring security and for governing the navigation, movements, and anchorage of vessels in the waters of Pearl Harbor and in the entrance channel thereto. (37 Stat. 341, sec. 1; 62 Stat. 799; 33 U. S. C. 475; 18 U. S. C. 2152, E. O. 8143, 4 F. R. 2179, 3 CFR, 1943 Cum. Supp., p. 504.)

(Sec. 6011, 70A Stat. 375; 10 U. S. C. 6011)

Dated: July 3, 1958.

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD, *Rear Admiral, U. S. Navy, Judge Advocate General of the Navy.*

[F. R. Doc. 58-5292; Filed, July 10, 1958; 8:48 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter III—Saint Elizabeths Hospital, Department of Health, Education, and Welfare

PART 304—VOLUNTARY PATIENTS

TRIAL VISIT STATUS

Notice of proposed rule making having been published in the FEDERAL REGISTER on April 26, 1958 (23 F. R. 2816) and no public suggestions or coments having been received the amendment to this part set out below is hereby adopted. Such amendment shall become effective immediately upon publication, it having been determined that maximum benefit would accrue to this class of patient by the prompt initiation of the longer trial visit program and that the efficient administration of the over-all voluntary patient program would be promoted by an early effective date.

Section 304.3 (a) is amended to read as follows:

(a) A voluntary patient may leave the Hospital in trial visit status for a period not exceeding six months upon approval of the Superintendent and may be permitted to return as a voluntary patient within that period on the basis of the original certification.

(62 Stat. 572)

[SEAL] WINFRED OVERHOLSER, *Superintendent, Saint Elizabeths Hospital.*

Approved: July 3, 1958.

M. B. FOLSOM, *Secretary of Health, Education, and Welfare.*

[F. R. Doc. 58-5283; Filed, July 10, 1958; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

NAKNEK-KVICHAK DISTRICT; ADDITIONAL FISHING TIME

JULY 10, 1958.

Basis and purpose: On the basis of field observations indicating a marked improvement in the Naknek-Kvichak red salmon runs, it has been determined that some additional fishing time can be permitted.

Therefore, paragraph (a) of § 104.9, as amended July 7, 1958, is further amended to permit fishing in the Naknek-Kvichak district from 9 a. m. July 10 to 9 a. m. July 11, 1958.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

If full utilization of the red salmon runs in the Naknek-Kvichak district is to be realized, immediate action is necessary. Therefore, notice and public procedure on this amendment is neither practicable nor in the public interest and this amendment shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.).

A. W. ANDERSON, *Acting Director, Bureau of Commercial Fisheries.*

[F. R. Doc. 58-5346; Filed, July 10, 1958; 10:50 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 16]

[Docket No. 12161; FCC 58-638]

LAND TRANSPORTATION RADIO SERVICES

COOPERATIVE USE OF FACILITIES

In the matter of amendment of Part 16, rules governing the Land Transportation Radio Services to amend and clarify the permissible scope of cooperative use of facilities in these services.

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. On September 5, 1957, the Commission adopted a notice of proposed rule making in the above-entitled matter which was released on September 10, 1957, and published in the September 13, 1957, issue of the FEDERAL REGISTER (22 F. R. 7342). The time allowed for the submission of comments in this matter has expired.

3. Comments were received in this proceeding from the Association of American Railroads; the American Trucking Associations, Inc.; the American Taxicab Association, Inc.; and the American Automobile Association, Inc. A review of those comments indicates that there is a possibility of confusion as to the application of the proposal to the various services, because of the terminology employed in the rule amendments proposed. Accordingly, the Commission has reconsidered its original proposal in this matter, has concluded that some changes should be made therein and, as a result, is hereby revising its original proposal both for the purpose of added clarity and to make substantive changes therein.

4. As revised herewith, for the purpose of revising and clarifying the permissible scope of cooperative use of facilities in these services, the proposed amendment to § 16.3 is intended, first, to provide a clear description of what is to be considered the rendition of a private radiocommunication service and to exclude therefrom the installation, by a licensee, of his mobile units in the vehicles of other persons performing certain services under contract for the station licensee, as now permitted in the Railroad Radio Service and as proposed to be permitted in the Automobile Emergency Radio Service, and secondly, to prescribe the conditions under which a private radiocommunication service to other persons may be rendered by a licensee in the Land Transportation Radio Services. The three methods of such rendition of a base-mobile private radiocommunication service which are proposed to be permitted are separately considered, as follows:

(a) When base-station service is to be provided by a base station licensee to the mobile units of another licensee. In this case, advance approval by the Commission will not be required.

(b) When both base-station service and mobile units are to be provided by the same licensee to a person who is separately engaged in appropriate transportation activities but is not necessarily a licensee. In this case, each person to receive such service must be approved by the Commission in advance.

(c) Where base-station service and/or mobile units are to be provided by a licensee which is a non-profit corporation or association organized for the purpose of providing that service to persons who are engaged in appropriate land transportation activities. In this case, also, each person to receive such service must have been approved in advance by the Commission.

5. The revised proposed amendments, which are set forth in detail below, are issued under the authority of sections 4 (i) and 303 of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before August 1, 1958, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last date for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 2, 1958.

Released: July 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

1. Amend § 16.3 to read as follows:

§ 16.3 *Arrangements for cooperative use of facilities.* For the purposes of this part, the use of facilities licensed under this part for the transmission or reception of any communication which relates solely to the conduct of the activity or activities of a person other than the licensee of those facilities is defined as the rendition of a private radiocommunication service to such other person by the licensee. The installation and use of mobile units, operated under the licensee's station authorization, in the vehicles of other persons furnishing the licensee, under contract, services or facilities within the purview of the established scope of the service in which the station is authorized, in accordance with the provisions of §§ 16.357 and 16.506, shall not be considered the rendition of a private radiocommunication service when the communications involved relate solely to the furnishing of such services or facilities to the licensee. Except for emergency communications, or except for authorized communications relating to civil defense, any rendition of a private radiocommunication service by a station in the Land Transportation Radio Services shall be governed by the following:

(a) The licensee of a base station may render a private radiocommunication service to the licensee(s) of a mobile station or stations in the Land Transportation Radio Services, without specific advance approval by the Commission, upon satisfaction of the following conditions:

(1) The frequency upon which the base station is operated shall be one which would be available for assignment to base stations for use in connection with all of the transportation activities involved.

(2) The rendition of the radio communication service shall be on a cost-sharing or no-charge basis, in accordance with the provisions of paragraph (e) of this section.

(3) The licensee of the base station shall maintain exclusive control over the operation of the base station; however, he may provide dispatch points (but not control points) for the use of the licensee of the mobile station.

(4) Except upon specific authorization by the Commission, the licensee of a base station shall not serve a greater number of mobile units of any other person than the number of mobile units of the licensee served by the same base station.

(b) The licensee of a base station may install mobile units, operated under an authorization held by him, in the vehicles of other persons who are separately engaged in transportation activities and may render a private radiocommunication service to the vehicles in which those mobile units are installed only upon specific advance approval by the Commission with respect to every person to whom such radiocommunication service is to be rendered and upon satisfaction of the following additional conditions:

(1) The frequency or frequencies upon which the base and mobile station(s) are operated shall be one(s) which would be available for assignment to base and mobile stations, respectively, for use in conection with all of the transportation activities involved.

(2) The rendition of the radiocommunication service shall be on a cost-sharing or no-charge basis, in accordance with the provisions of paragraph (e) of this section.

(3) The licensee of the base and mobile station(s) shall maintain exclusive control over the operation of the base

and mobile station(s); however, he may provide dispatch points (but not control points) for the use of the persons receiving the radiocommunication service. In order to maintain such control, each person in whose vehicles the mobile units of the licensee are proposed to be installed shall enter into a written agreement verifying that the licensee has the sole right of control of the mobile radio units, that the vehicle operators shall operate the radio units subject to the orders and instructions of the base station operator and that the licensee shall at all times have such access to and control of the mobile equipment as will enable him to carry out his responsibilities under the license. A copy of the agreement with vehicle owners required hereby shall be kept with the station records and held available for inspection by Commission representatives but need not be submitted to the Commission unless specifically requested in a particular case.

(4) Except upon specific authorization by the Commission, the licensee of a base station shall not serve a greater number of mobile units of any other person than the number of mobile units of the licensee served by the same base station.

(c) A licensee authorized under the provisions of the various subparts of this part which make eligible in certain of these services a non-profit corporation or association organized for the purpose of furnishing a private radiocommunication service to persons engaged in the respective activities may render that communication service only upon specific advance approval by the Commission with respect to every person to whom such radiocommunication service is to be rendered and upon satisfaction of the following additional conditions:

(1) The frequency or frequencies upon which the base and mobile station(s) are operated shall be one(s) which would be available for use in connection with all of the transportation activities involved.

(2) The rendition of the radiocommunication service shall be on a cost-sharing or no-charge basis, in accordance with the provisions of paragraph (e) of this section.

(3) The licensee of the base and mobile station(s) shall maintain exclusive control over the operation of the base and mobile station(s) involved; however, he may provide dispatch points for the use of persons receiving the radiocommunication service. Control points may be provided only upon receiving the prior approval of the Commission in each case.

(d) Authority may be granted for the licensee of an operational fixed station or stations in one of the Land Transportation Radio Services to render a private radiocommunication service to specific other persons engaged in transportation activities, when the frequency or frequencies upon which such operational fixed station(s) are operated are ones which are available for assignment to operational fixed stations for use in connection with all of the transportation activities involved; however, such authority will be granted only on an individual and case-by-case basis at the discretion of the Commission pending further development of its microwave program. The rendition of such radiocommunication service, when authorized, shall be on a cost-sharing or no-charge basis, in accordance with the provisions of paragraph (e) of this section and each person who is to receive such radiocommunication service shall be named in the station authorization.

(e) All arrangements for the rendition of a private radiocommunication service in accordance with the provisions of the preceding paragraphs of this section shall be either on a no-charge basis or on a non-profit, cost-sharing basis pursuant to a written contract between the parties concerned. Such contract shall clearly establish that the licensee has full access to and exclusive control over the radio equipment operated under the authority of the license held by him; and that contributions to capital and operating expenses are accepted only on a cost-sharing, non-profit basis, said costs to be prorated on an equitable basis among all persons who are parties to the arrangement. Records which reflect the cost of the service and its non-profit, cost-sharing nature shall be maintained by the base (or fixed) station licensee and held available for inspection by Commission representatives.

(f) In order to comply with the requirement of specific advance approval contained in paragraphs (b), (c) and (d) of this section, a licensee proposing to render a private radiocommunication service to any other person (other than to render base station service to the licensee of a mobile station) shall make application for authority to render that service with respect to each base or fixed station involved, naming each person who is to receive service and including a description of the kind and extent of the transportation activity in which each is engaged. When the radiocommunication service is to be rendered on a regular basis, the requests for such authority shall be made on FCC Form 400, however, if the service is to be rendered on an irregular or temporary basis, the request may be in the manner provided for in § 16.53 of this part. Upon approval of the request, the Commission will designate the persons to whom service may be rendered on the station authorization or in the special temporary authority which shall be kept with the station records.

2. Amend § 16.53 (f) to read as follows:

(f) Lists of those persons to whom the applicant proposes to provide a private radiocommunication service, when prior advance approval with respect to those persons is required in accordance with the provisions of § 16.3, together with a description of the kind and extent of the transportation activity in which each is engaged.

3. Amend § 16.251 (a) (5) to read as follows:

(5) A non-profit corporation or association organized for the purpose of furnishing a radiocommunication service on a cost-sharing basis to persons all of whom are actually engaged in activities set forth in subparagraphs (1) to (4) of this paragraph: *Provided*, That the frequency on which such operation is proposed is available for assignment for use by base stations or mobile stations in connection with all such transportation activities.

4. Amend paragraph (b) of § 16.307 to read as follows:

(b) In addition to the provisions of § 16.3, a licensee of a base station in this service may install mobile units licensed to him in the vehicles of other persons furnishing to the licensee, under contract, a facility or service within the purview of paragraph (a) of this section: *Provided*, That the communications involved are exclusively in connection with such facility or service: *And provided further*, That in each case the licensee and such other person shall comply with the agreement requirements set forth in § 16.3 (b) (3).

5. Amend Subpart K, Automobile Emergency Radio Service, by the addition of the following new section:

§ 16.560 *Contract road service vehicles.* In addition to the provisions of § 16.3, an association of owners of private automobiles which is licensed of a base station and associated mobile units in this service may install mobile units operated under its license in the vehicles of other persons furnishing a private emergency road service to its members pursuant to a contract with the association: *Provided*, That the communications involved are exclusively in connection with such service: *And provided further*, That in each case the licensee and such other person shall comply with the agreement requirements set forth in § 16.3 (b) (3).

[F. R. Doc. 58-5306; Filed, July 10, 1958; 8:51 a. m.]

[47 CFR Part 16]

[Docket No. 12282; FCC 58-637]

LAND TRANSPORTATION RADIO SERVICE

LOCATION OF BASE STATIONS IN TAXICAB RADIO SERVICE

In the matter of amendment of Subpart I, Taxicab Radio Service, of Part 16, to require that Base Stations in that service shall be located within the area where their associated mobile units may legally pick up and discharge passengers.

1. The Commission has under consideration a notice of proposed rule making adopted January 3, 1958, in the above-entitled matter published in the FEDERAL REGISTER of January 10, 1958 (23 F. R. 192) and comments filed relative thereto. The purpose of the proposed amendment was to avoid those cases of unnecessary interference in the Taxicab Radio Service which might be caused by the operation of Base Stations located outside of areas served by their associated mobile units and therefore operate with more power or greater antenna height than would otherwise be necessary.

2. No comments in support of the proposal were received. The National Association of Taxicab Owners, Inc. filed comments to the proposal, with which the Commission concurs, indicating that if the rule changes are adopted in the form proposed, the administration thereof might require Commission determination of matters that are more properly under the jurisdiction of municipalities or other local regulatory bodies. In addition, the general purpose of the proposal may be accomplished, to a large extent, within the framework of the existing though more general rules governing power limitations and selection of frequencies.

3. In view of the foregoing and pursuant to sections 4 (i) and 303 of the Communications Act of 1934, as amended: *It is ordered*, That the Notice of Proposed Rule Making in Docket No. 12282 in the above-entitled matter be withdrawn and the proceedings in this Docket terminated.

Adopted: July 2, 1958.

Released: July 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5307; Filed, July 10, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 207]

[Ex Parte No. MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

EXTENSION OF TIME FOR FILING STATEMENTS

Upon consideration of the record in the above-entitled proceeding, and request of the Regular Common Carrier Conference of the American Trucking Associations, Inc., for an extension of time within which to file statements in response to the notice of rule making dated June 2, 1958; and good cause appearing therefor;

It is ordered, That the time within which such written statements may be filed, be, and it is hereby extended to September 15, 1958. Such written statements shall consist of an original signed copy and 14 copies thereof, and shall conform with the Commission's general rules of practice.

Dated at Washington, D. C., this 3d day of July A. D. 1958.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-5291; Filed, July 10, 1958; 8:48 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 3]

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY REGARDING COMPLIANCE WITH AIRPORT OPERATION AGREEMENTS

The purpose of this amendment is to delegate certain final authority to release the obligation of an airport grantee or sponsor to maintain landing area facilities.

Pursuant to authority under Department of Commerce Department Order 86 (21 F. R. 7027), the Delegation of Authority Regarding Compliance with Airport Operation Agreements published in the FEDERAL REGISTER on April 12, 1956 (21 F. R. 2392), as amended on March 13, 1957, in 22 F. R. 1616 and on September 12, 1957 in 22 F. R. 7291, is further amended by adding a new paragraph 46 to read as follows:

46 *Landing area facilities; reduction of maintenance obligation.* Each Regional Administrator is hereby delegated authority to release an airport sponsor or grantee from the obligation to maintain any runway, taxiway, apron, ramp, or warm-up pad or portion thereof, when he determines there is not any present or foreseeable future civil aviation need for the facility and that the remaining facilities are capable of serving the present and anticipated civil needs of the area.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 58-5282; Filed, July 10, 1958; 8:45 a. m.]

Office of the Secretary

ARCHIE J. WEITH, JR.

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Archie J. Weith, Jr.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: July 2, 1958.

4. Title of position: Consultant (Administrative Adviser to Director) Chemical & Rubber Division.

5. Name of private employer: American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York.

JOHN F. LUKENS,
Deputy Director of Personnel.

MAY 28, 1958.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

American Tel. & Telegraph Co.
Arkansas & Louisiana Gas Co.
Chicago & Eastern Illinois RR Co.
Northern Pacific Railway Co.
Peabody Coal Co.
St. Louis, San Francisco RR.
Union Carbide Corp.
Coast Shipping Corporation.
Intermountain Gas Corporation.
Plaza Investment Club.
American Cyanamid Company.
Hallmark Institute.
Bank Deposits.

ARCHIE J. WEITH, JR.

JULY 2, 1958.

[F. R. Doc. 58-5299; Filed, July 10, 1958; 8:50 a. m.]

JOHN ROBERT JONES

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of July 13, 1956, 21 F. R. 5240; December 20, 1956, 21 F. R. 10259; July 6, 1957, 22 F. R. 4768; January 1, 1958, 23 F. R. 20.

A. Deletions: None.
B. Additions: None.

This statement is made as of June 14, 1958.

JOHN ROBERT JONES.

JUNE 14, 1958.

[F. R. Doc. 58-5303; Filed, July 10, 1958; 8:50 a. m.]

JOHN K. TOPE

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. John K. Tope.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: June 27, 1958.

4. Title of position: Chief, Carbon & Alloy Flat Rolled and Tubular Branch.

5. Name of private employer: Republic Steel Corporation, Republic Building, Cleveland 1, Ohio.

CARLTON HAYWARD,
Director of Personnel.

JUNE 6, 1958.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Republic Steel Corporation.
Bank deposits.

JOHN K. TOPE.

JULY 2, 1958.

[F. R. Doc. 58-5301; Filed, July 10, 1958; 8:50 a. m.]

ODIE E. WALKER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Odie E. Walker.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: June 26, 1958.
4. Title of position: Consultant (Adviser to the Director) Water & Sewerage Industry & Utilities Division.
5. Name of private employer: Mueller Company, Decatur, Illinois.

CARLTON HAYWARD,
Director of Personnel.

MAY 20, 1958.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Mueller Company.
Bank Deposits.

ODIE E. WALKER.

JULY 1, 1958.

[F. R. Doc. 58-5302; Filed, July 10, 1958; 8:50 a. m.]

WILLIAM HATTON

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. William Hatton.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: June 12, 1958.
4. Title of position: Assistant Director, Communications Industries Division.
5. Name of private employer: Retired from: Federal Telecommunication Laboratories, Nutley, New Jersey.

CARLTON HAYWARD,
Director of Personnel.

JUNE 4, 1958.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

American Telephone & Telegraph.
General Refractories.
Lone Star Cement.
Phillips Petroleum.
Socony Mobile.
Bank Deposits.

WILLIAM HATTON.

JUNE 18, 1958.

[F. R. Doc. 58-5304; Filed, July 10, 1958; 8:51 a. m.]

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

MISCELLANEOUS AMENDMENTS

Federal Register Document 58-4353, appearing on pages 4010 to 4018, inclusive, of the issue for June 7, 1958, is amended as follows to include the postal field organization:

a. In the table of contents insert the following:

PART 814—RELATIONSHIPS AND CHANNELS OF COMMUNICATION

814.1 Formal Channels.
814.2 Abbreviated Channels.
814.3 Formal Channels: Headquarters and Field.
814.4 Functional Channels: Headquarters and Field.

PART 815—REGIONAL ABBREVIATIONS AND NUMERICAL DESIGNATIONS

PART 825—SERVICES OFFICERS

825.1 Field Services Officer.
825.2 Mobile Services Officer.

b. In the text, insert the following immediately preceeding "Subchapter [illegible] Organization Statements":

PART 814—RELATIONSHIPS AND CHANNELS OF COMMUNICATION

814.1—FORMAL CHANNELS

A communication sent to a level of higher authority shall ordinarily proceed through each successive point of higher authority without bypassing any. In the same manner an instruction, delegation of authority, or any other communication from a higher level of authority to a lesser level should also proceed through each point. This principle must be followed if each officer who is responsible for an area of activity is to be kept informed of what is going on. An officer who is accountable for any activity must be given an opportunity to pass judgment on matters under his jurisdiction.

814.2—ABBREVIATED CHANNELS

.21 The formal channels of communication need not be followed when routine information is being transmitted. There must, however, be a prior determination by the responsible officials, in line of command, that they may be routinely bypassed on a specific matter or category of matters as a routine procedure for the future.

.22 A superior officer may sometimes bypass subordinate levels of authority when he desires specific information or when he wishes a specific task done. As a matter of good management, this should ordinarily not be done, unless on specific matters of any nature there is an emergency or question of time expedience. When economy of operation or other good reason justifies the bypassing of points of authority on a continuing basis, an understanding must be established with all parties.

.23 Channels of communication should not be shortcut on matters requiring discretion or policy determination.

.24 Any officer who is bypassed in accordance with these principles must, however, be kept informed. This may be done orally or by carbon copy, as the situation may require. The information notification must be transmitted without any delay to the officer concerned.

.25 Ordinary business may be conducted across bureau and office lines by "opposite numbers" each acting within the scope of his responsibility. This timesaving practice should be followed routinely on nonpolicy transactions, unless a specific transaction or a category of transactions is reserved for a higher official. Direct communication between opposite numbers is also encouraged during informal, developmental phases of interbureau or interoffice policy, program, and procedural planning. In such cases, the persons involved must not commit their principals without prior consultation.

814.3—FORMAL CHANNELS: HEADQUARTERS AND FIELD

.31 General authority and responsibility for field operations is vested in the Assistant Postmaster General, Bureau of Operations, who directly supervises the Regional Operations Director, evaluates his performance, and is his general point of contact with the Department. The formal and official channel of communication and authority from the Post Office Department in Washington to any regional management official, other than postal inspectors in charge, is from the Assistant Postmaster General, Bureau of Operations, to the appropriate Regional Operations Director. However, the Assistant Postmasters General, the General Counsel, the Chief Postal Inspector, and the Director of the Office of Research and Engineering will communicate directly with Regional Operations Directors on all matters on which they represent and act for the Postmaster General and will provide professional and technical leadership for the field activities in the areas of their responsibilities.

.32 The formal channel to a postmaster or to the head of any postal transportation service installation is through the Regional Operations Director.

.33 Formal communications from the field to Washington headquarters shall be through the same channels, in reverse, except that the Regional Operations Director should ordinarily address his own communications to the Assistant Postmaster General, Bureau of Operations.

814.4—FUNCTIONAL CHANNELS: HEADQUARTERS AND FIELD

.41 The formal lines of authority and communication governing the relationship of the Washington headquarters to the field establishment are necessary if the responsible officials are to be held administratively accountable. As a matter of practical operation, however, it is essential that abbreviated channels of communication be authorized in order to bring the several bureaus in Washington in close contact with their functional counterparts in the region. This is to provide direct technical guidance to regional officials.

.42 The Postmaster General relies on the heads of the various bureaus and offices to formulate the directives and guidances for the Regional Operations Directors and their staffs. Certain of these will be issued over the signature of the Postmaster General or the Deputy Postmaster General. As a matter of delegation at national headquarters, most communications from Washington will be issued over the signatures of the various bureau heads, covering matters within their jurisdiction. In any such case, the communication will have the same effect as though it were sent to the Regional Operations Director by the Postmaster General or his Deputy. In either event, the Regional Operations Director shall be responsible for performance.

.43 Functional staff officers may communicate directly with the corresponding functional bureau or staff office in headquarters. In addition, where specifically authorized in the Department's instructions, they may also directly contact supporting headquarters offices, such as General Counsel, Chief Postal Inspector, Research and Engineering, and Public Relations, on matters of a technical nature not requiring administrative judgment of the Regional Operations Director.

.44 Routine operating reports ordinarily will be sent directly to the respective bureaus and offices for analysis and consideration. The Regional Operations Director will make such additional reports direct to the Assistant Postmaster General, Bureau of Operations, as are required or as he may deem appropriate.

.45 There should be close liaison between the regional officials and the Inspection Service which, as an independent arm of the Postmaster General, does not come under the jurisdiction of the Regional Operations Director. The Inspection Service may be requested to make findings of fact and give recommendations on postal matters.

PART 815—REGIONAL ABBREVIATIONS AND NUMERICAL DESIGNATIONS

The following are the official abbreviations and numerical designations of the fifteen regions of the Post Office Department. They should be used, respectively, when abbreviations or numbers are employed to identify the regions. This does not permit the substitution of abbreviations or numbers in formal reports where names of regions should be used.

Region	Abbreviation	Number
Boston	BOS	1
New York	NY	2
Philadelphia	PHI	3
Cincinnati	CIN	4
Washington	WDC	5
Atlanta	ATL	6
Chicago	CHI	7
St. Louis	STL	8
Minneapolis	MIN	9
Wichita	WIC	10
Dallas	DAL	11
San Francisco	SF	12
Memphis	MEM	13
Denver	DEN	14
Portland	POR	15

NOTE: The official abbreviation for the word "region" will be RGN.

c. Part 824—Regional Organization, is amended to read as follows:

PART 824—REGIONAL OPERATIONS DIRECTOR

824.1 Assistant to Director.
824.2 Postal Installations Manager.
824.3 Distribution and Traffic Manager.
824.4 Controller.
824.5 Vehicle Manager.
824.6 Real Estate Manager.
824.7 Personnel Manager.
824.8 Engineer.

PART 824—REGIONAL OPERATIONS DIRECTOR

a. Directs and takes final action with respect to all aspects of postal management, operations, transportation, finance, engineering, equipment, supply, and facilities and personnel within his region except with respect to the work of the postal inspection service, internal auditors, the mail equipment shops, mail bag repair centers and depositories, supply centers, cartography section, postal equipment technicians, examiners of equipment and supplies, and the money order center, except as to specific matters reserved to the Postmaster General and to the bureaus and offices of the national headquarters.

b. Exercises direct supervision over all officers and employees within his region except as provided in 824a.

824.1—ASSISTANT TO DIRECTOR

Assists the Regional Operations Director in his responsibilities for maintenance of liaison with the general public, principal mail users, Members of Congress, other Federal agencies, local authorities and others; directs regional information activities and programs for the promotion of public cooperation.

824.2—POSTAL INSTALLATIONS MANAGER

a. Advises the Regional Operations Director on total program, organization and complement of all postal installations in the region, and general management of postal installations in the region; acts for the Regional Operations Director in his absence or at his direction.

b. Directs the execution of policies and procedures for:

(1) Organization and operation of postal installations.

(2) Collection and delivery of mail by city and rural carriers.

(3) Utilization of field service personnel in accordance with performance standards.

(4) Determination of space, equipment, and supply adequacy and availability.

(5) Utilization of vehicles in collection and delivery services.

824.3—DISTRIBUTION AND TRAFFIC MANAGER

a. Assists the Regional Operations Director in the general direction of all mail transportation activities within the region.

b. Directs intraregion transportation.

c. Executes policies for the utilization of transportation services; directs the operation of mobile distribution units; eliminates duplication between Government-owned and highway contract vehicles and services.

d. Maintains liaison with carriers; negotiates with common carriers for transportation of mail; and analyzes carrier claims, cites irregularities, and assesses fines.

e. Directs the distribution of mail; coordinates the routing of preferential and bulk mail.

f. Supervises the scheduling and utilization of all motor vehicle service within the region; determines type of vehicle service best suited to particular needs.

g. Develops distribution schemes; programs scheme examinations.

824.4—CONTROLLER

a. Advises and assists the Regional Operations Director in the general direction of all financial matters within the region.

b. Compiles and prepares the regional budget and maintains accounting records related to the control of funds; develops regional targets.

c. Evaluates and interprets operating conditions disclosed by accounting reports.

d. Makes unit cost studies and makes recommendations as a basis for effecting cost reductions.

e. Assures the security of funds, revenues, and assets.

f. Compiles accounting cost analyses, financial, and statistical reports for use in headquarters and regional decision-making.

g. Maintains general and cost ledgers for regional accounts; settles postmaster accounts; processes employee accounts; processes transportation payment claims.

h. Carries out regional disbursing functions.

i. Adjudicates and settles tort claims under $100 and postmasters' claims for unavoidable losses by fire, burglary, or casualty of $25 and under, in accordance with policies and standards prescribed by the General Counsel.

j. Adjudicates and settles postmasters' claims of $25 and under for physical losses and losses by improper payment, other than those covered in 824.4i, in accordance with policies and standards prescribed by the Assistant Postmaster General, Bureau of Finance.

k. Authorizes post office cash reserves and bank accounts up to $50,000.

l. Approves the payment of postal savings accounts of deceased or incompetent depositors to other than the depositor.

m. Designates and revokes post offices as postal savings depositories, United States savings bond issuing agents, and United States savings stamp offices.

n. Pays unclaimed postal savings accounts on application of depositor.

o. Administers lockbox rental matters other than misuse cases.

p. Determines extent of employee liability for loss of funds and stamps.

q. Designates assistant disbursing officers.

r. Designates new depository banks; establishes maximum and minimum balances; analyzes bank charges for depositories maintaining postal funds of under $50,000.

824.5—VEHICLE MANAGER

a. Advises and assists the Regional Operations Director in the general direction of the maintenance and repair of Government-owned vehicles and the procurement of vehicles for hire.

b. Advises the Regional Operations Director and members of his staff on technical personnel complements at vehicle maintenance facilities, and qualifications for technical personnel.

c. Advises the Regional Operations Director and members of his staff on establishment, management, and retention of vehicle maintenance facilities.

d. Administers departmental policy regarding procurement and disposal of vehicles.

e. Allocates Government-operated vehicles, on request, of the size and type to meet postal needs, as prescribed by operating staff.

f. Directs surveys to determine vehicle facility layouts and vehicle equipment requirements and makes appropriate recommendations.

g. Provides staff assistance in the automotive engineering and motor vehicle equipment specialist fields.

h. Directs surveys and initiates action to implement improvements in the garaging, repair, and maintenance of Government-owned vehicles.

i. Supervises the execution of policies and procedures for:

(1) The procurement of parts and supplies for the vehicle service.

(2) The repair and maintenance services in Government-operated vehicle maintenance facilities and maintenance service performed under contract by commercial garages.

824.6—REAL ESTATE MANAGER

a. Plans, organizes, directs and supervises the operation of the real property management program in the region. Supervises field work for that part of the real property management program directed by the Assistant Postmaster General, Bureau of Facilities.

b. Negotiates, commits, revises, executes, and terminates agreements for real estate facilities used by the Post Office Department under leases or rental agreements or through agreements with other Government agencies for space in Government-owned buildings.

c. Acquires control of real property through assignable options, approves for advertising purposes, and assigns such options to the successful bidder.

d. Prepares bidding documents including site and floor plans, elevations, and final construction requirements for leased postal facilities.

e. Plans and authorizes physical space assignments for other Federal agencies in Post Office Department operated Government-owned buildings.

f. Analyzes the buildings management program, including development and recommendation of standards for custodial operations.

g. Analyzes and administers the programs governing fuel and utilities consumption, communications services, and other building services.

h. Takes necessary action on deferred maintenance in all postal space and negotiates with General Services Administration or lessors for corrective measures.

i. Recommends to General Services Administration alterations, structural changes, and deferred maintenance to nonpostal space in Government-owned buildings operated by the Post Office Department.

j. Authorizes placement of vending stands, other than Post Office Department-owned, in post office lobbies.

824.7—PERSONNEL MANAGER

Assists the Regional Operations Director in the direction of all personnel management functions in the region, including recruitment, selection, and placement of personnel; training activities; labor relations; safety and health programs; classification of positions; awards and efficiency rating systems; review and disposition of disciplinary action; and liaison with the Civil Service Commission in the region.

824.8—ENGINEER

a. Serves as a principal staff adviser to and assists the Regional Operations Director, and other members of the Director's staff, on all engineering matters including the following responsibilities:

b. Analyzes regional postal operations to identify areas for reducing costs by installation of new or modified equipment, better utilization of space, improved work flow, and develops regional programs for their achievement.

c. Conducts regional facilities studies, recommends location and functional design; develops and recommends space layout and mechanization for new, and related modification to existing, postal facilities.

d. Inspects all completed leased structures, including alterations and improvements, to determine compliance with plans, specifications, and other standards; coordinates with regional General Services Administration employees on matters involving Government-owned buildings; and, based on these activities, makes recommendations for action.

e. Supervises the installation of production measurement, work simplification, carrier-vehicle, and related programs.

d. New Part 825—Services Officers, is added to Subchapter 820—Organization Statements, to read as follows:

PART 825—SERVICES OFFICERS

825.1—FIELD SERVICES OFFICERS

a. Takes action to improve mail service within the geographic area assigned to him.

b. Expedites the mail in transit within, emanating from, or entering his area.

c. Reviews service activities of all postal installations and contract operators, including star route and mail messengers, to assure effective operation.

d. Plans, develops, and revises methods and schedules for movement and distribution of mail within work area.

e. Acts as advisor to postal installation heads on all postal matters concerned with the efficient economical operation of their respective offices.

f. Serves as general representative of the Regional Operations Director; interprets regulations; and carries out such other specific assignments as are given him by the Regional Operations Director.

825.2—MOBILE SERVICES OFFICER

a. Responsible for: (1) transportation of mail on railway post offices, highway post offices, and closed pouch trains; (2) proper utilization of manpower, (3) proper utilization of space.

b. Exercises supervision over and is responsible for the efficient operations of these organizations which are engaged in the distribution and movement of mail.

c. Directs the supervisors in charge of the crews and determines the organization of the crews for each run, basing it on the volume of mail handled; makes changes in the organizations.

d. Participates with regional staff in line organization meetings.

e. Determines schemes examination requirements for each position in each crew; makes selections for all supervisory promotions; investigates and initiates disciplinary actions.

f. Determines the amount of space needed for each run, based on volume of mail carried.

g. Ascertains service irregularities occurring on railway post offices and highway post offices and takes appropriate action in each case.

h. Makes a continuous review of the distribution practices and procedures followed by railway post offices and highway post offices in order to expedite the distribution and movement of mail; recommends to the regional staff for approval changes in the distribution and routing patterns; coordinates with the field services officer the distribution and movement of mail between the railway post offices and highway post offices and the postal installations and of star and mail messenger routes.

(R. S. 161, 396, as amended; sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58-5293; Filed, July 10, 1958; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

JULY 1958 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Available interest rates on sales made in July under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 1¾ percent per annum.

For periods over 6 months up to and including 18 months, 2¼ percent per annum.

For periods over 18 months up to and including 36 months, 2¾ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list.

Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter and entered into.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered promptly upon appearance by public notice issued by the appropriate CSS Commodity Offices and therefore generally they do not appear in the Monthly Sales List.

JULY 1958 MONTHLY SALES LIST

NOTICE TO BUYERS

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer (1) shall be regularly engaged in the business of buying or selling commodities and, for this purpose, shall maintain a bona fide business office in the United States, its territories, or possessions and therein have a person, principal or resident agent, upon whom service of judicial process may be had, and (2) shall submit a financial statement, bank advice, surety bond or other evidence of financial responsibility as may be required by CCC.

Commodity	Sales price or method of sale
Dairy products	All sales are under LD-26. All sales are in carlots only. As many as 3 buyers may participate in purchasing a single carlot.
Butter	Domestic price: For unrestricted use price is "in store"[1] at storage locations of products. For restricted use price is on the basis of delivery f. o. b. cars at point of use named in offer. CCC will convert to "in store" price as provided in LD-26. Export prices are on the basis of delivery f. a. s. vessel or at buyer's option f. o. b. cars point of export. If delivery is to be "in store" CCC will convert to "in store" price as provided in LD-26. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office. Domestic, unrestricted use: 68 cents per pound, New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic Ocean and Gulf of Mexico. 67¾ cents per pound, Washington, Oregon, and California. All other States, 67 cents per pound. Domestic, restricted use: For use as an extender for cocoa butter in the manufacture of chocolate and in such a manner as will not displace other dairy products from use in the manufacture of chocolate or in the manufacture of other products made from chocolate, 39 cents per pound. Export, unrestricted use: 39 cents per pound.
Nonfat dry milk, spray, roller (as available)	Domestic, unrestricted use: Spray process, U. S. Extra Grade; in barrels and drums, 16.25 cents per pound; in bags, 15.40 cents per pound. Roller process, U. S. Extra Grade; in barrels and drums, 14.25 cents per pound; in bags, 13.40 cents per pound. Domestic, restricted use (animal and poultry feed): In barrels, drums, or bags, 10.65 cents per pound. Export, unrestricted use: Spray or roller process, U. S. Extra Grade; in barrels and drums, 9.9 cents per pound; in bags, 9.05 cents per pound.
Cheddar cheese, cheddar, flats, twins, and rindless blocks (standard moisture basis).	Domestic: 39.5 cents per pound, for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific and Gulf of Mexico. All other States, 38.5 cents per pound. Export: 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton, upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-5, Revision I, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement CN-EX-4 and NO-C-9, as amended, and Announcement CN-EX-5 and NO-C-11.
Cotton, extra long staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, and NO-C-10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement CN-EX-4, and NO-C-9, as amended, and NO-C-10, as amended. Catalogs for Upland and Extra Long Staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Peanuts	Domestic (for crushing) or export: Competitive bid basis for limited quantities announced by Peanut Cooperative Associations under CCC Peanut Announcement 1, as amended. Domestic, unrestricted use: Shelled (1956 crop in cold storage): Market price but not less than the 1956 applicable loan rate for type and grade basis in store point of origin, plus 5 percent, adjusted for milling, storage, and other charges. Example of minimum price at point of storage: Virginias, U. S. Grade, Extra large kernels, 26.90 cents per pound; Virginias, U. S. Grade, Medium, 25.40 cents per pound; S. E. Runner, U. S. Grade No. 1, 24.40 cents per pound. Available Dallas CSS Commodity Office.
Wheat, bulk	Domestic: Commercial wheat-producing area: Market price, basis in store,[2] but not less than the 1958 applicable loan rate, plus (1) 16 cents per bushel if received by truck or (2) 11 cents per bushel if received by rail or barge. Examples of the foregoing minimum per bushel (ex-rail or barge): Chicago, No. 1 RW, $2.26; Minneapolis, No. 1 DNS, $2.31; Kansas City, No. 1 HW, $2.26. Noncommercial wheat-producing area: Market price, basis in store,[2] but not less than 133 percent of applicable 1958 county loan rate plus (1) 16 cents per bushel if received by truck, or (2) 11 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Export (as wheat): Under Announcement GR-261 revised, as amended for application to certain barter contracts and specially approved credit sales only at prices determined daily, and under Announcement GR-212 revised, amended, for specific offerings as announced. Disposals under Payment-in-Kind program under Announcement GR-345. Available Dallas, Evanston, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale, except under GR-345 at Dallas and Evanston, and Portland when announced.
Corn, bulk	Domestic: Commercial corn-producing area: Market price, basis in store,[2] but not less than the 1957 applicable loan rate for corn produced in compliance with 1957 acreage allotments plus: (1) a markup of 22 cents per bushel for corn in storage at point of production, (2) a markup of 24 cents per bushel and the rail freight (including transportation tax) from point of production to the present point of storage for corn in storage at other than point of production. Examples of the foregoing minimum price per bushel for No. 2 yellow corn, 13.3 percent moisture and 1.4 percent foreign material including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively: Chicago, $1.82¾; Minneapolis, $1.77¼. Noncommercial corn-producing area: Market price, basis in store,[2] but not less than 110 percent of the applicable 1957 loan rate plus markups as above. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Nonstorable corn, unrestricted use (as available): At other than bin sites, through the above offices. At bin sites, through ASC county offices. Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit sales, and under Announcement GR-368, for Feed Grain Payment-in-Kind program.

See footnotes at end of table.

JULY 1958 MONTHLY SALES LIST—Continued

Commodity	Sales price or method of sale
Rice, rough	Domestic, unrestricted: Market price but not less than the 1958 applicable loan rate plus 5 percent, plus 61 cents per hundredweight basis in store. Price and quantities available by varieties may be obtained from Dallas CSS Commodity Office or from Portland CSS Commodity Office for Pearl and Calrose.
Dry edible beans (bagged) (as available).	Export, For export as milled rice. Competitive bid as announced by Dallas CSS Commodity Office. Domestic or export: Commodity market price but not less than the following minimum price per hundredweight, for U. S. No. 1, f. o. b. indicated points of production, amount of paid-in freight to be added as applicable. For other grades, adjust by market differentials. In other areas, adjust by the 1957 price support differential.

Class	Price per hundredweight	Area of production	CSS Commodity Office
Red Kidney	$9 22	California	Portland.
Large Lima	10 93	California	Portland.
Pinto	6 94	East Colorado	Kansas City.
Pink	7 73	California	Dallas. Portland.

Burley Tobacco (as available)	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of announcement to be issued. This announcement will cover a limited quantity (about 16 million pounds). Copies of such announcement will be issued may be obtained from the Tobacco Division, Commodity Stabilization Service, when such announcement is released.
Gum resin	Domestic or export: Offer and acceptance basis "as is" in gilsonited metal drums (averaging 517 pounds net) in the stated quantities and on the designated storage yards, subject to the terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Gum turpentine	Domestic or export: Offer and acceptance basis, "as is", bulk in tanks in the stated quantities and in the designated storage tanks subject to the terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through ATFA, Valdosta, Ga.

[F. R. Doc. 58-5274; Filed, July 10, 1958; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12310, etc.; FCC 58M-719]

ENTERTAINMENT SERVICE, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Entertainment Service, Inc., Solvay, New York, Docket No. 12310, File No. BP-10868; Joseph A. Marturano and Philip S. Marturano, d/b as Rome Community Broadcasting Company, Rome, New York, Docket No. 12311, File No. BP-11262; James A. McKechnie, North Syracuse, New York, Docket No. 12312, File No. BP-11329; for construction permits.

The Hearing Examiner having under consideration a motion filed on July 3, 1958, by counsel for Entertainment Service, Inc., one of the applicants, requesting that the schedule of dates for exchange of direct affirmative case, further prehearing conference, and commencement of hearing previously fixed, be continued indefinitely; and,

It appearing, that counsel for the other parties, including the Broadcast Bureau, have informally agreed to the immediate grant of the motion, and good cause has also been shown for its grant;

It is ordered, This 3d day of July 1958, that the motion be and the same is hereby granted; and, accordingly, the dates for exchange of direct affirmative case, the further prehearing conference and commencement of the hearing are continued to dates to be fixed in a subsequent order.

Released: July 7, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-5308; Filed, July 10, 1958; 8:51 a. m.]

[Docket Nos. 12510, 12511; FCC 58-627]

ROBERT S. PLIMPTON AND SEAWAY BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re Applications of Robert S. Plimpton, Norfolk, New York, Docket No. 12510, File No. BP-11467; Seaway Broadcasting Co., Inc., Massena, New York, Docket No. 12511, File No. BP-12026; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 2d day of July 1958;

The Commission having under consideration the above-captioned applications of Robert S. Plimpton and Seaway Broadcasting Co., Inc. for construction permits for new standard broadcast stations to operate on 1050 kilocycles with a power of 1 kilowatt, daytime only, at Norfolk and Massena, New York, respectively;

It appearing that, except as indicated by the issues specified below, both applicants are legally, technically, financially, and otherwise qualified to construct and operate their proposed stations but that operation of both stations would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated June 5, 1958 of the aforegoing deficiency and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that timely replies were received from both applicants; and

It further appearing that on June 12, 1958, Seaway Broadcasting Co., Inc. amended its application to specify a new antenna site; and that it has not been determined yet whether the antenna system as proposed would constitute a hazard to air navigation; and

It further appearing that the Commission, after consideration of the foregoing, is of the opinion that a hearing on the instant applicants is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals, and the availability of other primary service to such areas and populations.

2. To determine whether the antenna system proposed by Seaway Broadcasting Co., Inc. would be a hazard to air navigation.

3. To determine, in the light of the nature of the respective operations proposed and of the areas and populations to be served, together with the other evidence adduced under issue 1, supra, whether considerations with respect to section 307 (b) of the Communications Act of 1934, as amended, are applicable to the above-entitled proceeding, and, if so, whether a choice between the applications hereon can be reasonably based thereon and, if so, whether a grant to either applicant would provide the more fair, efficient and equitable distribution of service to the communities involved.

4. To determine on a comparative basis, in the event that pursuant to the foregoing issue it is determined that 307 (b) considerations are inapplicable, which of the instant proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the two applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming services proposed in each of said applications.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the instant proposals should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the instant applicants pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give assurance that the proposals set forth in the application will be effectuated.

Released: July 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-5309; Filed, July 10, 1958; 8:52 a. m.]

[Docket Nos. 12512, 12513; FCC 58-629]

BALTIMORE BROADCASTING CORP. AND COMMERCIAL RADIO INSTITUTE, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Baltimore Broadcasting Corporation, Baltimore, Maryland, Docket No. 12512, File No. BPH-2384; Commercial Radio Institute, Inc., Baltimore, Maryland, Docket No. 12513, File No. BPH-2415; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of July 1958;

The Commission having under consideration the above-captioned applications of the Baltimore Broadcasting Corporation and the Commercial Radio Institute, Inc., for construction permits for new Class B FM broadcast stations to operate on 93.1 megacycles, Channel No. 226, in Baltimore, Maryland;

It appearing, that both of the applicants are legally, technically, financially and otherwise qualified to operate their proposed stations, but that the operations of both stations as proposed would result in mutually destructive interference, and it has not yet been determined if the proposed antenna structure of the Commercial Radio Institute, Inc., would constitute a hazard to air navigation; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated April 29, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that both applicants replied, indicating that they would appear at a hearing on their applications; and

It further appearing, that the Commission, after consideration of the above is of the opinion that a hearing on these applications is necessary; and

It further appearing that the Baltimore Broadcasting Corporation, licensee of standard broadcast Station WCBM, Baltimore, Maryland, proposes to mount the FM antenna on the No. 2 tower of the directional antenna system of Station WCBM; and

It further appearing, that the Commercial Radio Institute, Inc., proposes an RCA, Type No. BTF-5B, 5-kw transmitter which has not been type accepted by the Commission;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

2. To determine whether the antenna structure proposed by the Commercial Radio Institute, Inc., would constitute a hazard to air navigation.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 (c) of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That in the event of a grant of the application of the Baltimore Broadcasting Corporation the construction permit shall contain a condition requiring that Station WCBM request permission from the Commission to determine power of WCBM by the indirect method; that during the installation period of the FM antenna WCBM shall maintain the directional antenna system as closely as possible to values appearing in the license; and that upon completion of the installation WCBM shall submit sufficient data to show that the directional antenna pattern remains substantially unchanged, but if there is any change in the antenna or common point resistance, WCBM shall submit Forms 302 to report the change.

It is further ordered, That in the event of a grant of the application of the Commercial Radio Institute, Inc., the construction permit shall contain a condition requiring the submission of sufficient data in accordance with § 3.250 of the Commission's rules for type acceptance of the transmitter.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5310; Filed, July 10, 1958; 8:52 a. m.]

[Docket No. 12517; FCC 58-636]

FM BROADCAST STATIONS

NOTICE OF INQUIRY REGARDING SPECIFIED NON-BROADCAST ACTIVITIES ON A MULTIPLEX BASIS

In the matter of inquiry into amendment of Parts 2, 3, and 4 of the Commission's rules and regulations and the Standards of Good Engineering Practice concerning FM Broadcast Stations to permit FM Broadcast Stations to engage in specified non-broadcast activities on a multiplex basis.

1. On March 16, 1955, the Commission adopted a Report and Order (Docket 10832) amending certain of its rules and regulations to permit FM broadcast stations to engage in specialized non-broadcast activities on a simplex and/or multiplex basis. In that Report and Order, the Commission set forth its view that functional music operations are not broadcasting within the meaning of section 3 (o) of the Act but should be authorized as "an adjunct to the FM broadcast operation" so that the latter may draw financial sustenance from them. To that end, the Commission permitted FM licensees to obtain Subsidiary Communications Authorizations (SCA) to engage in certain types of activities, typified by the functional music operation, on a simplex basis during the time not devoted to the required minimum of 36 hours of FM broadcasting, or on a multiplex basis at any time.

2. The Commission's Order confined the subsidiary or secondary authorizations to limited types of non-broadcast services. These were described as involving specialized programming consisting of news, music, time, weather, etc. The Report and Order stated as follows: "The revisions here adopted are novel ones: We feel it best to proceed slowly. As presently set up, the SCA is limited to transmissions similar to those conducted under present functional music operations. We believe it desirable at the inception of this service that the character of the specialized operation not run completely counter to that of a broadcast operation. In reaching this result we want to make it clear that should the need be shown, we may permit wider use of the SCA at some later date—perhaps on a multiplex basis or only after the passage of the one-year period. For the present, however, we adhere to the limitation set out in the Notice."

3. Since the implementation of the provision for Subsidiary Communications Authorizations, interest in other uses of multiplexing on FM broadcast stations has steadily grown. Many of the proposed uses contemplate additional sources of revenue for the licensees of FM broadcast stations. Some view multiplexing as an economical means of obtaining a specialized radio communications service. The users run the gamut from price quotations for super markets, slow-scan video transmission of advertisements, and stock market reports to doctor paging services and traffic light control. Stereophonic broadcasting has been proposed both as an improved aural broadcasting system and as a type of subsidiary communications similar to that which may now be offered on a subscription basis.

4. The Commission is of the opinion that the question of additional uses of multiplexing on FM broadcast stations to provide various forms of communication should be reexamined at this time to determine, in light of our experience over the past three years, whether such additional uses are feasible, appropriate, and should be permitted in the FM broadcast band. Before deciding upon the most appropriate Commission action to resolve this problem (i.e., by the institution of rule-making or by some other procedure), we believe that it would be appropriate and useful to afford all interested parties an opportunity to submit such data and views as they feel should be taken into account.

5. Written comments may be filed on or before September 2, 1958, in an original and 14 copies. Authorization for the institution of this proceeding is found in section 403 of the Communications Act of 1934, as amended. Data and views are desired, in particular, on the following issues:

(a) What limitation, if any, should the Commission impose upon the types of subsidiary communications which an FM station may provide?

(b) Should an FM station be permitted to use subsidiary communications for relay purposes?

(c) Should the number of subsidiary communications channels employed by a single FM broadcast station be limited, and, if so, what should be the limit?

(d) To what extent, if any, should subsidiary communications be permitted to affect the quality of the broadcast channel?

(e) Should specific sub-channel frequencies be allocated for subsidiary purposes? What quality and performance standards should be applied to the sub-channels?

(f) Should an FM broadcast station be permitted to transmit subsidiary communications at times when it is not providing a broadcast service on its main channel?

(g) To what extent should we permit a license holder to enter into contracts or arrangements with other parties to provide program material for subsidiary communications or to lease the rights to the multiplex channels?

Adopted: July 2, 1958.

Released: July 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5311; Filed, July 10, 1958; 8:52 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-98]

UNIVERSITY OF DELAWARE

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on June 17, 1958, the Atomic Energy Commission has issued License R-43 authorizing the University of Delaware to acquire, possess and operate on its campus in Newark, Delaware, a 100-milliwatt nuclear reactor which has been designated by the manufacturer as Model AGN-201, Serial No. 113. Notice of the proposed action was published in the FEDERAL REGISTER on June 18, 1958, 23 F. R. 4387.

Dated at Germantown, Md., this 3d day of July 1958.

For the Atomic Energy Commission.

E. R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F. R. Doc. 58-5279; Filed, July 10, 1958; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12361]

ALABAMA-TENNESSEE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 7, 1958.

Take notice that on April 8, 1957, Alabama-Tennessee Natural Gas Company (Applicant), a Delaware corporation, having its principal place of business in Florence, Alabama, filed in Docket No. G-12361, an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities as follows:

(1) Approximately 5.64 miles of 10-inch transmission pipeline looping its existing 6-inch mainline between Decatur and Huntsville, Alabama.

(2) A 350 horsepower compressor unit to be installed on the main system in Limestone County, Alabama.

(3) Approximately 0.8 of a mile of 6-inch lateral pipeline and a measuring station, to deliver up to 1500 Mcf of natural gas per day to the Ford Motor Company aluminum die casting plant near Muscle Shoals, Alabama.

The estimated cost of the proposed facilities is $318,000, which costs are to be financed partly by a bank loan, partly by an advance from the customer, Ford Motor Company, and from company funds; all as more fully described in the application on file with the Commission and open to public inspection.

Applicant represents that the proposed facilities are necessary to enable it to meet the immediate future requirements of its customers engaged in the resale of natural gas to domestic, commercial and industrial customers and a new industrial plant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 11, 1958 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings, pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before July 18, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5284; Filed, July 10, 1958; 8:46 a. m.]

[Docket No. G-13254]

JOSEPH I. O'NEILL, JR.

ORDER AMENDING ORDER FIXING DATE OF HEARING

JULY 7, 1958.

By order issued on June 3, 1958, in the above-entitled proceeding published in the FEDERAL REGISTER on June 7, 1958 (23 F. R. 4019-4020) a hearing was scheduled in the said proceeding for 10:00 a. m., e. d. s. t., on July 10, 1958, as provided for in paragraph (A) thereof.

The Commission finds: Paragraph (A) of the said order issued on June 3, 1958 and published as above stated should be amended to provide as follows:

Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 10, 1958 at 9:30 a. m. e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The Commission orders: Paragraph (A) of the order fixing date of hearing in the above entitled proceeding is hereby amended to read as stated in the above finding.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5285; Filed, July 10, 1958; 8:46 a. m.]

[Project No. 2245]

HARRISON COUNTY RURAL ELECTRIC MEMBERSHIP CORPORATION NO. 89

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JULY 7, 1958.

Public notice is hereby given that Harrison County Rural Electric Membership Corporation No. 89, of Corydon, Indiana, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for a preliminary permit for proposed water-power Project No. 2245 to be located on the Ohio River at the proposed U. S. Government Navigation Dam and Lock above Cannelton, Indiana, in Perry County, Indiana, affecting navigable waters of the United States. The proposed project would consist of a powerhouse located at the Indiana end of the Cannelton Dam with an ultimate installed capacity of 80,000 kw.

No construction is authorized under a preliminary permit. A permit, if issued, merely gives permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is August 15, 1958.

The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5286; Filed, July 10, 1958; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9220]

AMERICAN AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the unrealistic schedules filed and published by American Airlines, Inc.

Upon request of the Office of Compliance, Civil Aeronautics Board, the hearing in the above-entitled proceeding, now assigned to be held July 16, 1958, is hereby postponed until a date later to be designated.

Dated at Washington, D. C., July 8, 1958.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 58-5314; Filed, July 10, 1958; 8:52 a. m.]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

RULES FOR CONDUCT OF HEARING

1. The Administrator will personally conduct the Hearing.

2. Any interested person, or business entity, may appear directly, by attorney or other representative, as a witness or participant at the Hearing, or may submit written facts or argument.

3. Persons or business entities desiring to participate in the Hearing must file an Entry of Appearance, at least seven calendar days before the date scheduled for Hearing with the General Counsel of the Corporation. No special form for the Entry of Appearance is required and it may be made by letter or telegram. The Entry of Appearance will give the name and address of the person appearing, the name and address of the person or business entity to be represented, the name and address of the witnesses to be offered (if other than the person making the appearance) and, a brief summary (in 10 legible copies) of the material to be presented and the argument to be made. The summary is for the purpose of scheduling witnesses on the same subject so that they may appear, as nearly as practicable, at the same time, and to form a basis for questioning by the Administrator or the General Counsel to the extent that they deem such questioning necessary to make an adequate record for decision. The summary will also be used as a basis on which the General Counsel may suggest to interested parties that the proposed testimony is being duplicated or cumulative.

4. Persons or business entities who desire to be heard may file a written statement, but those who do not desire to be present in person or by their own representative may submit to the General Counsel of the Corporation in writing (in 10 legible copies), seven calendar days before the scheduled Hearing date, the material or argument which they desire to have presented and the General Counsel will introduce it into the record for them. Such material or argument is subject to rejection by the Administrator, on the recommendation of the General Counsel, if it is held to be scurrilous or defamatory, irrelevant or immaterial.

5. The names of the proposed witnesses and the summary of their proposed evidence should be submitted to the General Counsel of the Corporation within the time limit set out above and plainly marked "Brief Summary on the Rules of Measurement and Toll Hearings" pursuant to paragraph 3 of these Hearing Rules. The written statements, to be presented pursuant to paragraph 4 of these Hearing Rules, should be submitted to the General Counsel of the Corporation within the time limit set out above and plainly marked "Statement of Evidence and Views for Rules of Measurement and Toll Hearings." Supplementary statements or arguments filed after the hearing pursuant to paragraph 11 of the Hearing Rules shall be filed with the General Counsel of the Corporation within the time limit set out and should be plainly marked "Supplementary Statement or Argument for Rules of Measurement and Toll Hearings."

6. The facts and arguments which are relevant and material to the actual Hearing issues will be admitted into the record by the Administrator. Rulings on relevancy and materiality will be made during the Hearing as required by the Administrator. No evidence or argument will be received on proposed amendments to United States statutes.

7. The Administrator will at the beginning of the Hearing recognize the Corporation's General Counsel who will:

(a) Offer for the record the recommendations and report of the United States Toll Committee and such other evidence as seems necessary or desirable for the purpose of making an adequate record on which decisions may be reached in respect to proposed tolls and germaine matters contained in the tolls committee report.

(b) Offer for the record such written statements as are determined to be proper under these rules as requested by persons or business entities requesting him to do so, and who are not present in person or by their own representative;

(c) Ask such other questions as suggested by the Administrator, or other persons, as appears necessary to complete the record; and

(d) Call the witnesses on a previously prepared schedule.

8. The Administrator will not recognize a right on the part of any participant to cross-examine other participants or witnesses but any person or business entity who has properly filed a timely Entry of Appearance may submit to the General Counsel questions he desires asked of particular witnesses. The Administrator or the General Counsel will ask such of those questions as appear desirable in their discretion.

9. The General Counsel may call witnesses, and in his discretion, may call upon persons who served as members of the United States Toll Committee to explain or augment such parts of their recommendations and report as may seem appropriate in the light of facts submitted or arguments made during the Hearing.

10. The Administrator may recess the Hearing from day to day and otherwise, as he deems expedient. Subject to the exigencies of the Hearing, he will endeavor to commence each day's Hearing at 10:00 a. m., recess at noon from 12:00 p. m. and adjourn for the day at 4:30 p. m.

11. Supplementary statements or arguments (in 10 legible copies) may be filed with the General Counsel of the Corporation within fifteen days after the close of the Hearing by any person who either submitted written statements or made oral presentations at the Hearing. Such material or argument is subject to rejection by the Administrator in whole or in part on the recommendation of the General Counsel, if it is held to be irrelevant or immaterial. Such statements which are not rejected will be made a part of the record of Hearing.

12. A transcript of the Hearing will be made for the use of the Corporation; participants and others may make arrangements with the General Counsel for copies. A charge will be made for the transcript.

LEWIS G. CASTLE, *Administrator.*

[F. R. Doc. 58-5347; Filed, July 10, 1958; 11:01 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 8, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34807: *Brick and related articles between points in southern territory.* Filed by O. W. South, Jr., Agent (SFA No. A3694), for interested rail carriers. Rates on brick and related commodities, carloads between points in southern territory except Florida, on the one hand, and points on the Chesapeake and Ohio, Norfolk and Western, and Virginian Railways, on the other.

Grounds for relief: Short-line distance formula, grouping, operation through higher-rated intermediate territories, and special rate treatment for relief lines.

Tariff: Supplement 54 to Southern Freight Association tariff I. C. C. 1613.

FSA No. 34808: *Toluene—Clairton, Pa., and related points to Chattanooga, Tenn.* Filed by O. E. Schultz, Agent (ER No. 2449), for interested rail carriers. Rates on toluene (toluol), tank-car loads from Bessemer, Clairton, Homestead, Munhall, Rankin, and Wylie, Pa., to Chattanooga, Tenn.

Grounds for relief: Barge-truck and market competition.

Tariff: Supplement 85 to Trunk Line Territory Tariff Bureau I. C. C. No. A-1079.

FSA No. 34809: *Gravel—Terre Haute, Ind., to Hindsboro, Ill.* Filed by Illinois Freight Association, Agent (IFA No. 14), for interested rail carriers. Rates on screened road surfacing gravel, carloads from Terre Haute, Ind., to Hindsboro, Ill.

Grounds for relief: Motor truck competition from waysite pit to jobsite.

Tariff: Supplement 35 to The Pennsylvania Railroad Company's tariff I. C. C. 3414.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-5290; Filed, July 10, 1958; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1160]

AMERICAN-SOUTH AFRICAN INVESTMENT TRUST, LTD.

NOTICE OF APPLICATION BY INVESTMENT COMPANY ORGANIZED IN THE UNION OF SOUTH AFRICA FOR ORDER PERMITTING ITS REGISTRATION AND SALE OF ITS SECURITIES IN THE UNITED STATES AND ORDER FOR HEARING THEREON

JULY 3, 1958.

Notice is hereby given that American-South African Investment Trust, Ltd. ("Applicant"), an investment company chartered under The Companies Act of 1926 of the Union of South Africa ("South Africa"), has filed an application, under section 7 (d) of the Investment Company Act of 1940 (the "act") seeking an order of the Commission permitting Applicant to register as an investment company under the act and to make a public offering of its securities in the United States.

Section 7 (d) of the act, among other things, prohibits a foreign investment company from selling its securities to the public through the mails or any means or instrumentalities of interstate commerce unless the Commission, upon application, issues a conditional or unconditional order permitting such company to register under the act and to make a public offering of its securities in the United States. To issue such an order the Commission must find that, by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of the act against such company and that the issuance of such order is otherwise consistent with the public interest and the protection of investors.

Applicant has been organized for the purpose of engaging in business as a closed-end diversified management investment company investing, in the main, in the securities of South African companies engaged in gold mining and related activities. Applicant may also invest, to a limited extent, in gold bullion.

The presently authorized capital stock of Applicant consists of one hundred shares of £10 par value. All shares have equal voting rights and will entitle the holder to one vote in the election of directors and all other matters. Applicant contemplates making a public offering in the United States of its common stock, through an underwriting group managed by Dillon Read & Co., Inc., to obtain at least $30,000,000 for its investment purposes.

Applicant has made undertakings and agreements which together with the provisions of the Applicant's Memorandum of Association ("charter") and Articles of Association ("by laws"), The South African Companies Act of 1926 and its common law, are submitted by the Applicant as special circumstances and arrangements justifying the entry of the requested order. Applicant alleges that, in addition to the undertakings and agreements provided for by Rule N-7D-1 applicable to Canadian investment companies, it has provided other undertakings and agreements in the protection of investors and as further assurance of the enforceability of the act against the Applicant.

The Applicant's charter and by-laws taken together contain, in substance and effect, the substantive provisions of the act applicable to closed-end investment companies, which provisions the Applicant has agreed may be enforced as a matter of contract right in the United States and South Africa by Applicant's shareholders.

Applicant's by-laws also contain, among other things, provisions summarized as follows: (1) That all of its securities and cash, other than cash in an amount not in excess of $75,000, will be maintained in the custody of a bank in the United States; (2) that not less than 60 percent of Applicant's directors must be citizens and residents of the United States; (3) that not less than a majority of Applicant's executive officers, including the Chairman of the Board, must be citizens and residents of the United States; (4) that Applicant will retain an independent public accountant with a permanent office and place of business in the United States; (5) that Applicant's investment adviser will maintain its books and records relating to Applicant, or duplicate copies thereof, in the United States; (6) that Applicant's principal underwriter will be a resident and citizen of the United States or a corporation organized under the laws of a state of the United States and having its principal place of business therein; and (7) that Applicant will maintain the original or duplicate copies of all its books and records at the office of its custodian or other office located within the United States.

Applicant has undertaken and agreed in its application, among other things, (i) that its charter and by-laws will not be changed in any manner inconsistent with act or the rules and regulations thereunder or the undertakings and agreements contained in the instant application without permission of the Commission; (ii) that Applicant's present and future officers, directors, investment advisers, principal underwriters and custodian will enter into agreements to comply with the act, Applicant's charter, by-laws, and undertakings and agreements contained in the instant application insofar as applicable to such persons and to do nothing inconsistent with such undertakings and agreements; (iii) that the aforesaid agreements as well as those of Applicant shall enure to the benefit of Applicant's shareholders as parties and beneficiaries; (iv) Applicant's custodian will maintain a list of the affiliated persons of Applicant, its officers, directors and investment adviser, and will not consummate any otherwise prohibited transaction with such persons unless specifically permitted by order of this Commission; (v) all of Applicant's shareholders meetings will be held in the United States, and Applicant will maintain in the United States a transfer agent and registrar, (vi) Applicant will apply to the New York Stock Exchange for listing of its shares; and (vii) that breach of the aforesaid agreements or violation of the act by any of the contracting parties will permit revocation of the requested order and the liquidation and distribution of Applicant's assets.

Other agreements and undertakings contained in the application are designed to facilitate the judicial enforcement of the act by the Commission or Applicant's shareholders in appropriate courts of the United States or South Africa. To that end each of the contracting parties who are not citizens and residents of the United States will appoint, irrevocably, an agent within the United States for service of process. To ensure the applicability of the act to purchases and sales of portfolio securities not made on established securities exchanges, Applicant has agreed that its custodian will consummate such transactions only in the United States and that the mails or means of interstate commerce will be employed.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application pursuant to sections 7 (d);

It is ordered, Pursuant to section 40 (a) of the act, that a hearing on the aforesaid application under the applicable provisions of the act and of the rules of the Commission thereunder be held on the 23d day of July 1958, at 10:00 a. m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in the rule setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

It is further ordered, That Sidney Feiler, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether, in light of the provisions of Applicant's charter, by-laws, agreements and undertakings, the South African Companies Act of 1926 and the South African common law, there exist such special circumstances or arrangements, as to make it legally and practically feasible effectively to enforce the act against Applicant.

(2) Whether entry of the requested order is consistent with the public interest and the protection of investors in light of the stated special circumstances and proposed special arrangements.

(3) Whether it is necessary or appropriate in the public interest and the protection of investors to attach terms and conditions to the requested order and, if so, the nature of such terms and conditions.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Applicant, that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-5295; Filed, July 10, 1958; 8:48 a. m.]

[File No. 7-1927]

"SHELL" TRANSPORT AND TRADING CO., LTD.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 7, 1958.

In the matter of application by the Pacific Coast Stock Exchange for unlisted trading privileges in the "Shell" Transport and Trading Company, Ltd., New York shares; File No. 7-1927.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before July 18, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-5296; Filed, July 10, 1958; 8:49 a. m.]

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TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Standard Practice Letter No. 4]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

COMPUTATION OF AVAILABLE CAPACITY

The Uniform System of Accounts and Reports requires that each air carrier file with the Civil Aeronautics Board a detailed statement of its present methods and any subsequent changes thereto in computing available ton-miles and available seat-miles for each aircraft type operated. The primary objective of the foregoing provision is to ensure comparability of the capacity data reported by the several carriers.

Statements initially filed by the carriers in accordance with the foregoing requirement have varied considerably as to scope and detail, resulting in difficulty of interpretation and causing burden to both the carriers and Board staff in preparing and using the statements. Therefore, under date of May 22, 1957, certain standard practices and a standard format, directed toward simplifying the presentation of the required statement, were circulated to the industry for comment. After careful review of the comments submitted and further consideration of the needs of the Board in this matter, the proposed standard practices and format are hereby revised (a) to exclude free baggage in computing passenger compartment capacity and (b) to limit filing of the form to one sample for each aircraft type where Form 41 data are based upon actual capacity for each individual hop rather than upon standards reflecting average conditions for the aircraft type.

As provided in the system of accounts, the computation of available seat-miles should be based upon direct airport-to-airport mileage between points served and the number of installed seats including lounge seats less any seats not available because of safety restrictions or priority mail loads. Similarly, the computation of available ton-miles should be based upon airport-to-airport mileage and the capacity available to traffic.

The over-all capacity of aircraft, for computing available seat-miles and available ton-miles, is controlled by the lower of (1) the capacity computed under the weight basis or (2) the capacity computed under the space basis as illustrated by the attached format. The average lift potential of the aircraft, giving effect to operating limitations, is reflected by the weight basis computation, whereas the space basis computation reflects limitations upon the average lift potential due to configuration, traffic density and available cubic space.

For these purposes the standards prescribed in the manual or otherwise approved for passenger and free baggage weight should be used. Individual carrier standards may be used for the number of installed seats, aircraft lift potential, cargo density, etc., provided that the standards are based upon representative experience, that separate standards are developed, as appropriate, for different classes of traffic and types of aircraft, and that the manner of determining each standard is fully explained in statements filed in conformance with § 241.22 (d) (10) (section 22.4 of the manual).

The objective of the attached format is to express on a uniform basis the average characteristics of each aircraft type used by the several carriers. Standards may be adopted to reflect operations for an entire year, part of a year, trip direction or other refinement. However, the data need be provided for only one representative sample of such refinement and the other seasonal or directional standards listed in such manner as to reveal the scope of variation in available seats and tons for the aircraft type. Where standard capacities are not used, the data should be provided for a representative illustration of one inter-airport hop for each aircraft type and each aircraft seating arrangement.

Therefore, pursuant to duly delegated authority as set forth in Public Notice 12, (23 F. R. 2946) effective May 1, 1958, the information indicated in the attached format[1] shall be presented as a matter of standard practice, to comply with the requirements of § 241.22 (d) (10) (section 22.4 of the manual) calling for statements on methods of computing

[1] Filed as part of original document.

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FEDERAL REGISTER

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available seat-miles and ton-miles. The action taken herein may be reviewed by the Board provided that request therefor is received on or before August 15, 1958.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 407, 52 Stat. 1000 as amended; 49 U. S. C. 487)

Issued: July 10, 1958.

Effective: August 1, 1958.

[SEAL] WARNER H. HORD,
Chief,
Office of Carrier Accounts and Statistics.

[F. R. Doc. 58-5344; Filed, July 11, 1958; 8:52 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 79]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE 16 JUNE 1958.							
City, Gila Bend; State, Ariz.; Airport Name, A F Aux; Elev., 858'; Fac. Class, SBRAZ; Ident., GBN; Procedure No. 1, Amdt. 4; Eff. Date, 5 Jan. 57; Sup. Amdt. No. 3; Dated, 12 Feb. 55							
				T–dn	300–1	300–1	300–1
				C–dn	600–1	600–1	600–1½
				A–dn	800–2	800–2	800–2

Procedure turn N side of NE crs, 011 Outbnd, 191 Inbnd, 1200' within 10 miles.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 165—0.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 0.3 miles, turn left and climb to 1500' on SE crs (094°) Middleton Island LFR within 20 miles.

City, Middleton Island; State, Alaska; Airport Name, Middleton Island; Elev. 70'; Fac. Class, SBRAZ; Ident., MDO; Procedure No. 1, Amdt. 1; Eff. Date, 9 Aug. 58; Sup. Amdt. No. Orig.; Dated, 31 May 56

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine. more than 65 knots
					65 knots or less	More than 65 knots	
OKB LFR	OKB RBn	Direct	1700	T–dn	300–1	300–1	300–1
OKB TVOR	OKB RBn	Direct	1700	C–dn	600–1	600–1	600–1½
				A–dn	800–2	800–2	800–2

Procedure turn N side crs, 250° Outbnd, 070° Inbnd, 1600' within 10 mi.
Minimum altitude over facility on final approach crs, 900'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing OKB RBn, turn left and climb to 900' on crs of 280° within 20 mi.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.
MAJOR CHANGE: Deletes straight-in minima in accordance with criteria.

City, Fort Rucker; State, Ala.; Airport Name, Ozark AAF; Elev., 305'; Fac. Class, MH; Ident., OKB; Procedure No. 1, Amdt 1; Eff. Date, 9 Aug. 58; Sup. Amdt. No. Orig.; Dated, 22 May 58

Chardon VOR	Lost Nation RBn	Direct	2500	T–dn	300–1	300–1	300–1
Perry RBn	Lost Nation RBn	Direct	2500	S–dn–27°	500–1	500–1	500–1
Country Int	Lost Nation RBn	Direct	2500	C–dn*	600–1	600–1	600–1½
Fairport Int	Lost Nation RBn	Direct	1900	A–dn	NA	NA	NA

*Authorized only for aircraft equipped to receive ADF and VOR simultaneously. If Chardon VOR not received 1200–1 minimums will apply.
Procedure turn North side of crs, 092° outbnd, 272° inbnd, 2300' within 10 miles of Int. 272° inbnd crs LNN RBn and R–335 Chardon VOR.
Minimum altitude over Int** on final approach crs, 1800'.
Crs and distance, Int** to airport, 272—4.3 mi.
**Int 272 Inbnd crs LNN RBn and R–335 Chardon VOR.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, climb to 2500' on crs of 272° within 10 miles and return to LNN RBn and hold West.
CAUTION: Stack 920' MSL 1.7 miles W8W of airport. High lines along east boundary of airport.
NOTE: Voice communications and weather on 122.8 available 24 hours a day. Contact Cleveland approach control for ATC. Runway lights east/west runway only.
Facility owned and operated by Lost Nation Airport.

City, Willoughby; State, Ohio; Airport Name, Lost Nation; Elev., 620'; Fac. Class, HW; Ident., LNN; Procedure No. 1, Amdt. 1; Eff. Date, 6 July 58; Sup. Amdt. No. Orig.; Dated, 5 July 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE 16 JUNE 1958.							
City, Gila Bend; State, Ariz.; Airport Name, AF AUX; Elev., 858'; Fac. Class, BVOR; Ident., GBN; Procedure No. 1, Amdt. 4; Eff. Date, 29 Dec. 56; Sup. Amdt. No. 3; Dated, 12 Feb. 1955							
Lynchburg LFR	LYH-VOR	Direct	2900	T-dn	500–1	500–1	
				C-dn	700–1	800–1	
				S-dn-3	600–1	600–1	
				A-dn	900–2	900–2	

Procedure turn East side of crs, 205° Outbnd, 025° Inbnd, 2900' within 10 mi.
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to airport, 025°—4.4.
If visual contact not estbalished upon descent to authorized landing minimums or if landing not accomplished within 4.4 mi, make a left climbing turn to 3000', Hold SW of Lynchburg VOR 205° Outbnd, 025° Inbnd.

City, Lynchburg; State, Va.; Airport Name, Preston Glenn; Elev., 942'; Fac. Class, VOR; Ident., LYH; Procedure No. 1, Amdt. Orig.; Eff. Date, 9 Aug. 58

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Tallahassee VOR	Capitol Fix*	Direct	1500	T-dn	300–1	300–1	
Tallahassee LFR	Capitol Fix*	Direct	1300	C-dn	500–1	500–1	
Tallahassee VOR	Quincy Int	Direct	1500	S-dn-12	400–1	400–1	
ILS–LOM	Capitol Fix*	Direct	1400	A-dn	800–2	800–2	
Quincy Int	Capitol Fix*(Final)	Direct	800				

*Capitol Fix: Int NW crs ILS and N crs LFR or VOR R-259.
Procedure turn W side NW crs, 302 Outbnd, 122 Inbnd, 1300' within 10 mi of Capitol Fix*.
No Glide Slope. Minimum altitude over Capitol Fix, 800'.
Crs and distance, Capitol Fix to airport, 122°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 mi after passing Capitol Fix*, climb to 1400' on SE crs of ILS within 20 mi or, when directed by ATC, turn right, climb to 1300' on S crs of LFR or R-240 of VOR.
AIR CARRIER NOTE: Take-off with less than 200-½ NA.
CAUTION: Unlighted terrain 300' MSL 1 mi NE of airport.

City, Tallahassee; State, Fla.; Airport Name, Dale Mabry; Elev., 70'; Fac. Class, ILS; Ident., ITLH; Procedure No. ILS-12, Amdt. 1; Eff. Date, 9 Aug. 58; Sup. Amdt. No. Orig.; Dated, 7 Jan. 56

5. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished

Transition												Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
													65 knots or less	More than 65 knots	
360	080	5	6000	10	6000	*15	6000	20	8000	25	9500	Surveillance approach			
080	110	5	3000	10	3000	15	3000	20	3000	25	3000				
110	235	5	1000	10	1500	15	1500	20	1500	25	1500	T-dn	400–1	400–1	
235	260	5	1500	10	1500	15	2000	20	2000	25	2000	C-dn	500–1	500–1	
260	280	5	3000	10	3000	15	3000	20	3000	25	3000	S-dn 4, 8	500–1	500–1	
280	290	5	6000	10	6000	15	6000	20	6000	25	7000	A-dn	800–2	800–2	
290	360	5	6000	10	6000	15	6000	20	6000	25	6000				

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
*Intermittent Radar Coverage 360–080.
Instrument approach procedure will normally commence from Southgate or Coconut Intersections.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished execute right climbing turn to intercept HNL LFR 8 mi or VOR R-168 and proceed to Southgate Int at 2000'.
CAUTION: Standard clearance over obstructions not provided for circling minimums; 385' terrain 1½ miles north, and 508' terrain 2 miles northeast of airport.

City, Honolulu; State, Hawaii; Airport Name, International, Elev., 10'; Fac. Class, Honolulu; Ident., Radar; Procedure No. 1, Amdt. 2; Eff. Date, 6 July 58; Sup. Amdt. No. 1; Dated 5 July 58

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 2, 1958.

[F. R. Doc. 58-5243; Filed, July 11, 1958; 9:27 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

STUDENT MEDICAL TECHNOLOGISTS (INTERNS)

1. Effective July 1, 1958, the following item is added to § 27.1:

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* • • •

Student medical technologists (interns), Department of the Army and U. S. Public Health Service, one year approved training, after a minimum of three years college level training.

2. Effective July 1, 1958, the following item is added to § 27.2:

§ 27.2 *Maximum stipends prescribed.* • • •

Student medical technologists (interns), Department of the Army and U. S. Public Health Service: One year approved training, after a minimum of three yars college level training	$2,000.

(61 Stat. 727; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-5342; Filed, July 11, 1958; 8:51 a. m.]

PART 27—EXCLUSION FROM PROVISIONS OF FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

GOVERNMENT OF THE DISTRICT OF COLUMBIA

1. Effective July 1, 1958, the item under § 27.1 for student clinical psychologist, Bureau of Mental Hygiene, Health Department, Government of the District of Columbia, is revoked and the following items are added to § 27.1:

§ 27.1 *Exclusions from provisions of Federal Employees Pay Act and Classification Act.* • • •

Government of the District of Columbia

Clinical psychology interns, third year approved postgraduate training (predoctoral).
Clinical psychology interns, fourth year approved postgraduate training (predoctoral).
Clinical psychology residents, fifth year approved postgraduate training (postdoctoral).
Chaplain student interns, approved clinical training during second year of approved postgraduate theological training.

2. Effective July 1, 1958, the maximum stipend prescribed under § 27.2 for the position of student clinical psychologist, Bureau of Mental Hygiene, Health Department, Government of the District of Columbia, is revoked and maximum stipends for the following positions are added to § 27.2:

§ 27.2 *Maximum stipends prescribed.* • • •

Government of the District of Columbia

Clinical psychology interns, third year approved postgraduate training (predoctoral)	$2,600
Clinical psychology interns, fourth year approved postgraduate training (predoctoral)	2,800
Clinical psychology residents, fifth year approved postgraduate training (postdoctoral)	3,100
Chaplain student interns, approved clinical training during second year of approved postgraduate theological training, no stipend other than any maintenance provided.	

(61 Stat. 727; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-5343; Filed, July 11, 1958; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 144]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.444 *Valencia Orange Regulation 144*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 10, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., July 13, 1958, and ending at 12:01 a. m., P. s. t., July 20, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 646,800 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 11, 1958.

[SEAL] FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5413; Filed, July 11, 1958; 11:19 a. m.]

[Plum Order 18]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.601 *Plum Order 18*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 8, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 13, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship any package or container of Diamond plums unless such plums grade at least U. S. No. 1; and,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenth ($1^{10}/_{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half ($37\frac{1}{2}$) percent, by count, of plums which measure less than one and ten-sixteenth ($1^{10}/_{16}$) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a $7\frac{1}{2}$-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "$7\frac{1}{2}$-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "$8\frac{1}{2}$-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 10, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5386; Filed, July 11, 1958; 8:57 a. m.]

[Plum Order 19]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.602 *Plum Order 19*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was

hold, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 8, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 13, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Late Santa Rosa plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth ($1^{13}/_{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth ($1^{13}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenth ($1^{1}/_{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than one and ten-sixteenth ($1^{1}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7½-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided,* That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 10, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5387; Filed, July 11, 1958; 8:58 a. m.]

[Plum Order 20]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.503 *Plum Order 20*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this

section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 8, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 13, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship any package or container of Late Tragedy plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade: *Provided*, That, gum spots which do not cause serious damage shall not be considered as a grade defect with respect to such grade; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 6 x 6 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and six-sixteenth (1 6/16) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and six-sixteenth (1 6/16) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U. S. No. 1," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 10, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5388; Filed, July 11, 1958; 8:58 a. m.]

[Plum Order 21]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.604 *Plum Order 21*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 8, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 13, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship any package or container of Kelsey plums unles such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the

plums in the package or container may fail to meet this requirement.

(2) When used in this section "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 10, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58–5389; Filed, July 11, 1958; 8:58 a. m.]

[Plum Order 22]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.605 *Plum Order 22*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 8, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 13, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship any package or container of Laroda plums unless such plums grade at least U. S. No. 1; and,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths (1 13/16) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths (1 13/16) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that ship-

ments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 10, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5390; Filed, July 11, 1958; 8:58 a. m.]

[Lemon Regulation 747]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.854 *Lemon Regulation 747*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 9, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 13, 1958, and ending at 12:01 a. m., P. s. t., July 20, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 372,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated July 10, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5391; Filed, July 11, 1958; 8:59 a. m.]

[Lime Order 6, Amdt. 1]

PART 1001—LIMES GROWN IN FLORIDA

QUALITY AND SIZE REGULATION

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001; 22 F. R. 2526), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 14, [illegible]. Shipments of designated varieties of Florida limes are currently subject to quality regulation pursuant to Lime Order 6 (§ 1001.306; 23 F. R. 4252) and, unless sooner modified or terminated, will continue to be so regulated until April 30, 1959; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendation and supporting information for regulation of lime shipments subsequent to July 14, 1958, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on July 8, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were given an opportunity to submit their views at this meeting; the provisions of this amendment are identical with the aforesaid recommendation of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

It is, therefore, ordered, That the provisions of paragraph (b) of § 1001.306 (Lime Order 6; 23 F. R. 4252) are hereby amended as follows:

1. Amend subparagraph (1) (ii) to read as follows:

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, which do not grade at least U. S. Combination, Turning;

2. Amend subparagraph (2) to read as follows:

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000-51.1016 of this title; 23 F. R. 4446).

Effective time. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., July 14, 1958.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 10, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5357; Filed, July 11, 1958; 8:57 a. m.]

[Public Land Order 1665]
[Anchorage 014664]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 903 OF JULY 3, 1953, WHICH RESERVED CERTAIN PUBLIC LANDS AS AIR NAVIGATION SITE WITHDRAWAL NO. 261

Correction

In Federal Register Document 58-[illegible], published at page 4810 of the issue for Saturday, June 28, 1958, the seventh line of the land description should read:

South, 4,485.5 feet to parallel 59°32' N.,

[Public Land Order 1675]

[74459]

[Reservoir Site Restoration No. 27 (Power Site Cancellation No. 118)]

CALIFORNIA

PARTIALLY REVOKING THE EXECUTIVE ORDER OF JUNE 8, 1926, CREATING RESERVOIR SITE RESERVE NO. 17

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. [illegible] of May 26, 1952, it is ordered as follows:

1. The Executive order of June 8, 1926, creating Reservoir Site Reserve No. 17 (Pacific Slope Basins), is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 1 S., R. 14 E.,
Sec. 15, S½SW¼;
Sec. 17, NW¼NE¼, SE¼NW¼, SW¼ and W½SE¼;
Sec. 20, W½NE¼, NW¼, NE¼SW¼ and SE¼;
Sec. 21, N½NE¼, W½SW¼, SE¼SW¼ and S½SE¼;
Sec. 22, W½NE¼, SE¼NE¼, NW¼, NE¼SW¼ and S½SW¼;
Sec. 23, Lots 12, 13, 14, 15, and 16;
Sec. 26, N½ Lot 1, Lots 2, 3, 4, 6, 7, 10, and E½ Lot 11;
Sec. 27, W½NE¼, E½NW¼ and W½SE¼;
Sec. 34, NW¼NE¼.

The areas described, including both public and non-public lands, aggregate 1,280.64 acres.

2. The Director of the Geological Survey on March 18, 1957 (22 F. R. 1993), cancelled the Departmental order of March 8, 1932, creating Power Site Classification No. 266 so far as it affects the lands described in paragraph 1 of this order.

3. The following-described lands, aggregating 160 acres are patented:

T. 1 S., R. 14 E.,
Sec. 15, SW¼SW¼;
Sec. 21, NE¼NE¼;
Sec. 22, W½NW¼.

4. The lands released by this order are located in southwestern Tuolumne vegetation consists of scrub oak, chamise, toyon, and various annual grasses.

5. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

6. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(i) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(ii) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on August 8, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 7, 1958, will be governed by the time of filing.

(iii) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (i) and (ii) above, presented prior to 10:00 a. m. on November 7, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

7. The restored lands have been open to application and offers under the mineral leasing laws. They have been open to location under the United States mining laws pursuant to the provisions of the Act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621).

8. The restored lands shall be subject until 10:00 a. m. on October 2, 1958, to application by the State of California under any statute or regulation applicable thereto.

9. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 3, 1958.

[F. R. Doc. 58-5318; Filed, July 11, 1958; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[General Order 22, Revised, Amdt. 3]

PART 282—UNIFORM SYSTEM OF ACCOUNTS FOR OPERATING-DIFFERENTIAL SUBSIDY CONTRACTORS

RESCISSION OF MISCELLANEOUS AMENDMENTS

The miscellaneous amendments to Part 282 appearing in the FEDERAL REGISTER issue of July 2, 1958 (23 F. R. 5039) are hereby rescinded.

[SEAL] CLARENCE G. MORSE,
Maritime Administrator.

[F. R. Doc. 58-5331; Filed, July 11, 1958; 8:49 a. m.]

[General Order 31, Revised]

PART 286—ESTABLISHMENT AND MAINTENANCE OF THE STATUTORY CAPITAL AND SPECIAL RESERVE FUNDS AND DETERMINATION OF "CAPITAL NECESSARILY EMPLOYED IN THE BUSINESS" AND "NET EARNINGS"

Effective as of January 1, 1958, Part 286 is hereby revised to read as follows:

Sec.
286.1 Order.
286.2 Creation and maintenance of statutory reserve funds.
286.3 Capital necessarily employed in the business.
286.4 Net earnings.
286.5 Preliminary compliance with reserve and recapture requirements.
286.6 Explanations and reservations.

AUTHORITY: §§ 286.1 to 286.6 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114. Interpret or apply sec. 207, 49 Stat. 2005, as amended; 46 U. S. C. 1177.

§ 286.1 *Order.* Pursuant to the Merchant Marine Act, 1936, as amended, particularly section 607 (d) thereof, the Maritime Administration hereby adopts §§ 286.1–286.6 for the establishment and maintenance of the statutory Capital and Special Reserve Funds, including the making of tentative deposits in the said funds in advance of completion of accounting between the Maritime Administration and the other party to an Operating-Differential Subsidy Agreement (therein referred to as the operator) for the year or other accounting period involved; and the determination of "capital necessarily employed in the business" and "net earnings" for the purposes of applying the reserve and recapture provisions of Operating-Differential Subsidy Agreements, under the act (therein sometimes referred to as the agreement), to the extent that such rules and regulations are not in conflict with the provisions of the said agreements.

§ 286.2 *Creation and maintenance of statutory reserve funds*—(a) *Application of operator and authoritative orders.* (1) At or before the time of the first deposit required to be made therein, the operator shall select, and make written application to the Maritime Administrator for approval of, the depository or depositories with whom it proposes to establish and maintain the Capital Reserve Fund and Special Reserve Fund.

(2) When such depository or depositories have been so designated and approved, the Maritime Administrator will adopt an appropriate order authorizing the establishment of the reserve fund involved, setting forth the conditions and restrictions under which it is to be maintained and with respect to withdrawals therefrom, and designating those authorized to execute, on behalf of the Maritime Administrator, instruments of withdrawal therefrom.

(3) A certified copy of such order will be furnished the depository for its guidance in honoring instruments of withdrawal and acting upon other instructions regarding the fund. The operator also will be furnished a certified copy of such order, promptly upon receipt of which, its Board of Directors shall adopt an appropriate resolution with respect to the fund in conformity with the action of the Maritime Administrator, and a certified copy thereof shall be furnished the Maritime Administrator for his records.

(b) *Amounts required to be deposited and authorized to be withdrawn*—(1) *Mandatory deposits.* (i) Mandatory deposits (i. e., deposits which are required to be made in the statutory reserve funds, either by the provisions of the act or of the agreement or by direction of the Maritime Administrator under the authority of the act or of the agreement) shall be made by the operator at the times and in the amounts so required without prior application to the Maritime Administrator and, when based upon preliminary or tentative calculations, shall be subject to adjustment upon the completion of final accounting for the year or other accounting period involved.

(ii) The amount of income earned on investments (including interest on bank deposits) in the statutory reserve funds which, pursuant to the provisions of the act and of the agreement, is required to be deposited in the statutory reserve funds, shall be deducted (to the extent allocated to subsidized operations under the other sections of this part) only for the purpose of determining the amount, if any, of the "net earnings" of the operator in excess of ten (10) per centum per annum on the operator's "capital necessarily employed" (remaining after deducting any other payments made from such "net earnings" into the Capital Reserve Fund) which, pursuant to the provisions of the act and of the agreement, is required to be deposited in the Special Reserve Fund.

(2) *Voluntary deposits and transfers.* Voluntary deposits (i. e., deposits which, under the provisions of the act and of the agreement, the operator may be permitted to make in the statutory reserve funds, but which are not mandatory) and transfers from the Special Reserve Fund to the Capital Reserve Fund, or from such statutory reserve funds to the general funds of the operator, shall be made only upon written application to, and receipt of written approval thereof from, the Maritime Administrator. Such application shall include a full statement of facts as to the desirability or necessity of making the deposit or transfer and, when required, shall be supported by adequate financial data.

(3) *Withdrawals.* Withdrawals from the statutory reserve funds (including transfers between the funds) shall be made only at the times and in the amounts authorized by the provisions of the act or of the agreement or by the Maritime Administrator under the authority of the act or of the agreement. Checks, drafts, or other instruments of withdrawal, after having been executed by the operator, shall be forwarded to the Maritime Administrator at Washington with appropriate explanation of the purposes of the proposed withdrawal, including properly certified invoices or other supporting papers. Such instruments of withdrawal, after countersignature on behalf of the Maritime Administrator, will be forwarded to the payees or returned to the operator, as the operator requests. Transfers between accounts in the same depository and for the same statutory reserve fund shall not be deemed withdrawals for the purpose of this paragraph.

(4) *Constructive deposits and withdrawals.* Except where specifically provided for in other general orders, no transaction shall be treated as a constructive deposit into, or a constructive withdrawal from, the statutory reserve funds, without the prior written consent of the Maritime Administrator. Adjustments of tentative deposits will be treated as provided in paragraph (f) of this section and such are not deemed to be constructive deposits or withdrawals.

(5) *Reporting requirements.* (i) The operator shall promptly notify the Comptroller, Maritime Administration, Washington 25, D. C., of all deposits into the statutory reserve funds, giving full details with respect thereto.

(ii) The detail of activities in the statutory reserve funds shall be reported by the operator to the appropriate District Comptroller of the Maritime Administration at such times and in such form as prescribed by the Comptroller.

(c) *Investment of statutory reserve funds in securities.* (1) The Maritime Administrator hereby approves the deposit of marketable interest-bearing direct obligations of the United States or obligations fully guaranteed as to principal and interest by the United States in the Capital Reserve Fund or Special Reserve Fund in lieu of cash and the purchase of such obligations with cash on deposit in the said funds: *Provided however,* That in no event shall an operator, without prior written approval of the Maritime Administrator, purchase, with moneys on deposit in the statutory reserve funds, evidences of indebtedness which are guaranteed by the United States pursuant to Title XI of the Merchant Marine Act, 1936, as amended.

(2) Subject to the further limitations prescribed in the applicable provisions of the act and the agreement, the operator shall make written application to the Maritime Administrator in all instances involving the deposit of any other securities in the Capital Reserve Fund or Special Reserve Fund in lieu of cash or the purchase thereof with (and to replace) cash on deposit in such funds, the transfer of securities from the Special Reserve Fund to the Capital Reserve Fund, or vice versa, and the replacement of securities on deposit in such funds with cash or securities from the general funds of the operator. The operator shall not consummate any such transaction until the written consent of the Maritime Administrator shall have been received. The application shall describe fully the securities and explain the desirability of the transaction and shall include a statement of the availability of cash in the statutory reserve funds in excess of sums required to meet maturing obligations or other demands to be liquidated with amounts on deposit in such funds. Every approval by the Maritime Administrator of an application from an operator for permission to deposit securities other than marketable interest-bearing direct obligations of the United States or obligations fully guaranteed as to principal and interest by the United States in the statutory reserve funds in lieu of cash, or to purchase such securities with cash on deposit in the said funds, shall be conditioned upon agreement by the operator to dispose of such securities forthwith upon subsequent request by the Maritime Administrator.

(3) Immediately upon the purchase of any securities for deposit in the statutory reserve funds, the operator shall advise the Maritime Administrator, giving the date of purchase, a description of the securities, and the price paid therefor (net, brokerage and other charges, and gross).

(4) Income earned on investments held in either the Capital Reserve Fund

or Special Reserve Fund shall be deposited when received in the Capital Reserve Fund: *Provided*, That upon receipt of the first interest payment following the purchase of securities for deposit in the Special Reserve Fund, the amount, if any, of accrued interest which was included in the cost of the securities (and, therefore, does not constitute an earning) shall be retained in the Special Reserve Fund, and the balance thereof, if any, shall be deposited in the Capital Reserve Fund.

(5) Interest paid by a depository or depositories on the cash balance (including time deposits) in the Capital Reserve Fund or Special Reserve Fund shall be retained in the fund with respect to which such interest payment is made.

(d) *Valuation of securities in statutory reserve funds.* The bases for valuation of securities in transactions involving the statutory reserve funds shall be as follows:

(1) Securities deposited in the statutory reserve funds in lieu of cash or in exchange for securities then on deposit in such funds shall be valued at market at the time of such deposit, unless otherwise determined by the Maritime Administrator.

(2) Securities transferred from the Special Reserve Fund to the Capital Reserve Fund, or vice versa, shall (subject to adjustment for accrued interest) be valued at the same amount as when deposited in the fund from which they are transferred, unless the Maritime Administrator in approving such transfer shall determine otherwise.

(3) The net proceeds derived from the disposal of securities on deposit in either of the statutory reserve funds shall be retained in the reserve fund from which such securities are withdrawn, except that with respect to securities in the Special Reserve Fund purchased at a discount and disposed of at a profit, so much of such profit as represents the difference between the cost and the par or face value thereof shall be deemed to be interest and shall be deposited in the Capital Reserve Fund.

(4) If securities on deposit in either of the statutory reserve funds are replaced by cash or securities from the general funds of the operator, the amount of cash or the value of securities to be deposited in such reserve fund, in lieu thereof, shall be the equivalent of the amount at which such replaced securities were valued at the time of their deposit in said fund (with adjustment on account of accrued interest), or the market value thereof at the time of withdrawal, whichever is the higher.

(5) For the purposes of this part, the market value of securities shall be determined in the following manner:

(i) With respect to transactions involving the purchase of securities with cash on deposit in the statutory reserve funds or the sale of securities on deposit therein, market value shall be the gross price paid or the net price received after proper brokerage and transfer taxes; if any, and adjusted for accrued interest: *Provided*, That if such securities are purchased or sold otherwise than upon a registered exchange, the price shall be within the range of transactions on the exchange on the date of such purchase or sale, or if there were no such transactions, then the market value thereof shall be determined by the Maritime Administrator on such basis as he may deem to be fair and reasonable in each individual case.

(ii) Where no actual purchase or sale is involved, such as the initial deposit of securities in the statutory reserve funds in lieu of cash or the replacement of securities on deposit therein by cash from the general funds of the operator, the last published sales price thereof on the day the transfer was made shall be deemed to be the market value thereof, or if no such sales were made, the market value thereof shall be determined by the Maritime Administrator on such basis as he may deem to be fair and reasonable in each individual case.

(e) *Time deposits.* Deposits in the statutory reserve funds not invested in securities may be placed in time deposits when, in the judgment of the Maritime Administrator and the operator, it is desirable and feasible so to do. No such time deposits requiring withdrawal notice of more than thirty (30) days shall be made, however, until the written consent of the Maritime Administrator first shall have been obtained.

(f) *Adjustment of tentative deposits.* (1) When the amount deposited in the Capital Reserve Fund or the Special Reserve Fund, based on preliminary or tentative calculations, is less than the amount required to be deposited therein, as determined upon the completion of final accounting for the year or other accounting period involved, the deficiency shall be cured promptly by the operator.

(2) When the amount deposited in the Capital Reserve Fund or the Special Reserve Fund, based on preliminary or tentative calculations, exceeds the amount required to be deposited therein, as determined upon the completion of final accounting for the year or other accounting period involved, adjustment thereof shall be accomplished by deducting such over-deposit from amounts subsequently required to be deposited in the fund involved: *Provided*, That to the extent such over-deposits in the Special Reserve Fund are sufficient to cure under-deposits in the Capital Reserve Fund, the adjustment, with the prior written approval of the Maritime Administrator, may be accomplished by transfer from the former to the latter.

§ 286.3 *Capital necessarily employed in the business*—(a) *Fundamental basis.* (1) "Capital necessarily employed in the business" or "capital investment necessarily employed in the operation of the subsidized vessels, services, routes, and lines" (such terms hereinafter being referred to as "capital employed") shall be determined upon the basis of the net worth reported by the operator in its balance sheet as at the end of the month preceding the effective date of the agreement (or in the last previous balance sheet deemed by the Maritime Administrator to present fairly the financial position of the operator, but adjusted to take into account subsequent changes in net worth and such other changes as the Maritime Administrator may deem essential to a proper determination of "capital employed" as at the end of such month), and as at each succeeding December 31 during the effective period of the agreement, adjusted as hereinafter provided. For the purpose of this determination, net worth shall be as stated in the operator's balance sheet, prepared in accordance with the Uniform System of Accounts for Operating-Differential Subsidy Contractors, as adopted by the Maritime Administrator in Part 282 of this chapter. Net worth shall be deemed to include capital stock, capital surplus, and earned surplus: *Provided*, That capital stock subscribed but not issued as at the date of this determination, or any part thereof, shall be deemed to be so included only from the date on which, and to the extent that, payments are made on account of such subscriptions. The net worth of the operator shall be adjusted to recognize the excess or deficiency of the underlying book value of wholly-owned subsidiary companies as compared with the investment of the operator therein, provided such companies, with the prior written approval of the Maritime Administrator, perform services or supply facilities coming within the purview of section 803 of the Merchant Marine Act, 1936, as amended, or the Subsidy Agreement of the operator. Net worth, as thus stated, shall be further adjusted in such manner as the Maritime Administrator may determine to be fair and reasonable, including the elimination of appreciation, adequate statement of the liabilities, and such other adjustments as are consistent with sound accounting principles. In the computation of net worth, goodwill and other intangibles not actually acquired for cash or for a consideration determined by the Maritime Administrator to be the equivalent thereof and stock held in treasury shall be excluded, and in instances where, in the judgment of the Maritime Administrator, goodwill and other intangibles were acquired improvidently or at an excessive price, the amount thereof shall be excluded also, or reduced, as the Maritime Administrator may determine.

(2) In determining "capital employed" based on the net worth of the operator, certain limitations shall be applied as follows:

LIMITATION (1)

CAPITAL RESERVE FUND

Interest Accruals for Deposit in Statutory [Capital] Reserve Funds

The excess, if any, of the sum of the balances in the Capital Reserve Fund and Interest Accruals for Deposit in Statutory [Capital] Reserve Funds accounts (as said accounts are hereinafter defined and after interim adjustments thereof are made as provided under paragraph (d) of this section) over the sum of (i) and (ii) as set forth below shall be deemed to be Capital Held in Reserve, and shall not be taken into account in determining "capital employed".

(i) The total depreciation, computed in accordance with Part 284 of this chapter, deposited or accrued for deposit in the Capital Reserve Fund on the vessels assigned under the Operating-Differential Subsidy Agree-

ment at the beginning of the year or other accounting period with respect to which the determination is made.

(ii) The amount in the Capital Reserve Fund determined by the Maritime Administrator as being committed by the operator to complete the equity payments (that is, the cost of vessel designs and plans, other capitalizable items, and the sum of progress payments to be made by the operator during the period of construction or reconstruction) (after deduction of any trade-in allowance otherwise allowed for "capital employed") of the operator's cost of a vessel, or vessels, covered by a construction, reconstruction, or Construction-Differential Subsidy Agreement, which vessel(s) is (are) to be assigned under an Operating-Differential Subsidy Agreement.

For the purpose of applying this limitation, the aggregate of the balances in the Capital Reserve Fund and Interest Accruals for Deposit in Statutory [Capital] Reserve Funds accounts, as of the date of the balance sheet on which the determination of "capital employed" is based, shall include only the following:

The sum of—

(a) The actual amount on deposit (including securities valued as provided under applicable regulations) in the Capital Reserve Fund of the operator;

(b) The balance of account entitled Interest Accruals for Deposit in Statutory [Capital] Reserve Funds;

(c) All other accrued deposits (except voluntary deposits) into the Capital Reserve Fund as follows:

(1) Accrued depreciation on vessels required to be deposited,

(2) Proceeds from sale or loss of vessels and other amounts which, upon collection, are required to be deposited.

(d) Approved transfers from the Special Reserve Fund;

(e) Less—amounts reflected in the balance sheet (other than Mortgage Notes—Vessels) which are payable from the Capital Reserve Fund and which are excluded from Working Capital for the purpose of determining "capital employed."

LIMITATION (2)

SPECIAL RESERVE FUND

Deferred Operating-Differential Subsidy Receivable Less: Recapturable Profits—Maritime Administration

The excess, if any, of the sum of the balances in the Special Reserve Fund and Deferred Operating-Differential Subsidy Receivable account, less the balance in the Recapturable Profits—Maritime Administration account (as hereinafter defined and after interim adjustments provided under paragraph (d) of this section) over five (5) percent of "capital employed," computed without regard to the Special Reserve Fund and related accounts as determined in accordance with this Limitation as at the last day of the recapture period immediately preceding the recapture period current on the effective date of this part and as at the last day of each consecutively succeeding recapture period shall be deemed to be Capital Held in Reserve, and shall not be taken into account in determining "capital employed"; except that during the initial recapture period of the first of one or more Operating-Differential Subsidy Agreements, if consecutive and without interval, the sum of the balances in the Special Reserve Fund account and Deferred Operating-Differential Subsidy Receivable account, less the balance in Recapturable Profits—Maritime Administration account, shall be deemed to be Capital Held in Reserve and shall not be taken into account in determining "capital employed."

For the purpose of applying this limitation, the balance in the Special Reserve Fund and related accounts listed below, including accruals, as of the balance sheet date on which the determination of "capital employed" is based, shall include only the following:

(a) Actual amount on deposit (including securities valued as provided under applicable regulations) in the Special Reserve Fund of the operator;

(b) All accrued mandatory deposits into the Special Reserve Fund;

(c) Less—Approved transfers to the Capital Reserve Fund;

(d) Deferred Operating-Differential Subsidy Receivable;

(e) Less—Recapturable Profits—Maritime Administration.

LIMITATION (3)

ADJUSTED WORKING CAPITAL

The excess, if any, of the balance of "Adjusted Working Capital" of the operator and its wholly-owned subsidiary companies as of the balance sheet date, after interim adjustments thereof, as provided in paragraph (d) of this section, and allocated to subsidized operations as provided in paragraph (e) of this section, over "Limitation of Adjusted Working Capital" in subsidized operations, as defined in Limitation (4), shall be deemed to be "Capital Held in Reserve" in the business and shall not be taken into account in determining "capital employed."

For the purpose of applying this Limitation, "Adjusted Working Capital" shall include only the following accounts defined in Part 282 of this chapter:

Accounts	
100–199 (369)	Current assets (less reserves and provision for accrued deposits in statutory reserve funds other than voluntary deposits, which shall not be accrued for deposit).
200	Unterminated voyage expense.
375–389	Deferred charges (to operations) and prepaid expenses.
Less:	
400–534	Current liabilities (excluding mortgage notes—vessels, and other liabilities payable from statutory reserve funds).
495	Advance ticket sales and deposits.
500	Unterminated voyage revenue.

The provision for accrued deposits into the statutory reserve funds referred to in Accounts 100–199 hereinabove shall include, but is not limited to, the following:

(i) Accrued depreciation on vessels required to be deposited into the Capital Reserve Fund;

(ii) Proceeds from sale or loss of vessels and other amounts which, upon collection, are required to be deposited into the Capital Reserve Fund;

(iii) All accrued mandatory deposits into the Special Reserve Fund.

LIMITATION (4)

LIMITATION OF ADJUSTED WORKING CAPITAL

Adjusted Working Capital as determined under Limitation (3) shall be allowed as "capital employed" to the extent of the Total Average Voyage Expenses employed in subsidized operations determined as follows:

Average Voyage Expenses shall be determined on the basis of the actual expenses of operating and maintaining the subsidized vessels (excluding lay-up expenses) for a period represented by the average length of time of all round voyages (excluding lay-up periods) calculated separately for each subsidized service (line). For the purposes of this Limitation, the term "line" shall be deemed to mean those described in Part I of the Operating-Differential Subsidy Agreement, or in instances where the routes or services described therein are not designated as "lines," then the trade routes referred to in Part I of the Subsidy Agreement shall for such purposes be deemed to be "lines": *Provided,* That in any event passenger services shall be deemed to be separate and distinct from freight services: *And provided further,* That in instances where unsubsidized vessels are operated in subsidized services and are subject to the reserve and recapture provisions of the Agreement, they shall not be considered as a separate category but shall be included with the subsidized vessels for the service involved.

This determination shall be made in the following manner:

First: By dividing the sum of such expenses for the accounting period involved applicable to the subsidized vessels in each such service (line) by the aggregate number of days (excluding "lay-up" days) consumed in all voyages of such vessels in each such service (line) terminating during such period;

Second: By multiplying the quotient thus obtained by the number of days (excluding "lay-up" days) in the average voyage in each such service (line); and

Third: By multiplying the resulting product by the quotient of the total number of days (excluding "lay-up" days) consumed in voyages of subsidized vessels in each such service (line) terminating during the accounting period divided by the number of calendar days within the accounting period.

The expense of operating and maintaining the subsidized vessels shall include overhead (Accounts 900–955 less Accounts 670 and 895) allocated to subsidized operations under § 286.4 and total Operating Expense—Terminated Voyages (Accounts 701–799 in Part 282 of this chapter). For the purpose of this Limitation (4), if, in any instance, the average subsidized voyage in any subsidized service (line), as determined above, is of less than ninety (90) days' duration, the expense of hull and machinery insurance (Account 755) and P & I insurance (Account [illegible]) shall be determined to be that for a period of ninety (90) days: *Provided,* That such allowance for insurance expense shall not, in the aggregate, exceed the total actual insurance expense for the accounting period. Expenses used for this purpose shall be those included in the annual accounting for each calendar year, filed under Part 282 of this chapter, and shall not be adjusted thereafter.

LIMITATION (5)

ACCOUNTS REPRESENTING THE REMAINDER OF ADJUSTED NET WORTH

Those accounts representing the remainder of adjusted net worth of the operator, and which have not been provided for in the calculation of "capital employed" under Limitations (1) through (4) of this section and paragraph (c) of this section shall be included in "capital employed" to the extent to which they are allocable to subsidized operations as provided under paragraph (c) of this section, subject to final acceptance or rejection by the Maritime Administrator.

(b) *Valuation of capital assets.* Subsidized and unsubsidized vessels when included in "capital employed" shall be valued in accordance with Part 284 of this chapter, and other capital assets shall be valued at cost, including betterments and reconditioning costs, to the operator or to any former owner who at any time previous to the acquisition of such assets by the operator was a subsidiary, holding, affiliate, or associate company of the operator (referred to as a "related company"), whichever is the lower, less depreciation: *Provided,* That the cost of acquisition of any assets acquired in exchange for capital shares or other securities of the operator from other than a "related company" shall not be in excess of the fair value of such property at the date of acquisition. Ex-

as provided for costs of reconstructing and reconditioning in paragraph (d) (6) of this section, no adjustment shall be made in the computation of "capital employed" for the increase in equity in vessels represented by betterments or liquidation of mortgage indebtedness applicable thereto, or for the decrease in such equity represented by the accrual of depreciation, for the year or other accounting period during which such betterments are made, indebtedness is liquidated, or depreciation accrues.

(c) *Allocation of vessel equity.* (1) The equity of the operator in vessels (meaning the depreciated value thereof as determined in accordance with Part 284 of this chapter, less the outstanding balance of any mortgage obligations covering such vessels, including such proportion of any blanket mortgage obligations as the Maritime Administrator may determine to be applicable thereto) shall be included in "capital employed" only during the period of operation or maintenance thereof under the agreement.

(2) In the event that any of the subsidized vessels is withdrawn from operation in the subsidized service for part of any fiscal period, a corresponding reduction shall be made in the calculation of "capital employed" on the basis of the relation that the number of days during which such vessel is so withdrawn bears to the total number of days in the year or other accounting period involved. In instances where an unsubsidized vessel owned by the operator is operated in its subsidized service, unless otherwise stipulated by the Maritime Administrator in connection with his written approval of the operations of such vessel in the subsidized service, the equity of the operator in such vessel (meaning the depreciated value thereof as determined in accordance with Part 284 of this chapter, less the outstanding balance of any mortgage obligations covering such vessel, including such proportion of any blanket mortgage obligations as the Maritime Administrator may determine to be applicable thereto) shall be included ratably in the calculation of "capital employed" on the basis of the relation that the number of days during which such vessel is so operated bears to the total number of days in the year or other accounting period involved. To the extent applicable to vessel equities, Part 281 of this chapter shall be controlling.

(d) *Interim additions and deductions required by this paragraph shall be applicable only to individual items of $100,000 or more).* (1) Additions to capital, such as cash realized from the sale of stock, paid in surplus, etc., and withdrawals of capital, if and to the extent that such additions and withdrawals involve assets taken into account in the determinations of "capital employed" pursuant to the other provisions of this section, shall, subject to the limitations set forth in paragraph (a) of this section, be included or deducted, as the case may be, in the computation of "capital employed," pro rata, on the basis of the proportion of such additions or withdrawals represented by the relation that the number of days from the date thereof to the end of the year or other accounting period involved bears to the total number of days within such period, this proportion to be allocated to or between "capital employed" in subsidized and in unsubsidized operations in the manner hereinafter prescribed.

(2) No interim adjustments shall be made for capital gains and capital losses (except those resulting from the acquisition, loss, sale, or other disposition of vessels) and earnings (or losses) during any accounting period, but they shall be included in the computation of "capital employed" only from the end of the year or other accounting period in which realized (or sustained). Dividends paid out of earnings that have not been included in "capital employed" shall not be deducted from "capital employed." Dividends shall be deemed to have been paid from surplus at the beginning of the year or other accounting period involved, unless the Board of Directors shall declare the dividends to be payable out of the current year's earnings.

(3) If, during the accounting period, the operator increases his indebtedness and the consideration received therefor is not allowable under this section as an element of "capital employed," there shall be an interim adjustment on account of the net decrease, if any, in "capital employed" resulting from such increase in indebtedness to be applied against the appropriate asset(s) if the indebtedness is secured by such asset(s) or against Limitation of Adjusted Working Capital if not secured. If, during the accounting period, the operator decreases his indebtedness and the funds used therefor have not been allowed under this section as an element of "capital employed," there shall be an interim adjustment on account of the net increase, if any, in "capital employed" resulting from such decrease in indebtedness to be applied against the appropriate asset(s) if the indebtedness is secured by such asset(s), or against Adjusted Working Capital if not secured. Indebtedness, for the purpose of this section, means any indebtedness secured by any asset(s) or any unsecured indebtedness other than routine trade indebtedness incurred in the ordinary conduct of business.

(4) The equity of the operator, determined in the manner prescribed in Part 284 of this chapter, in vessels acquired and in vessels sold, lost through marine disaster, or otherwise disposed of, during the year or other accounting period involved shall be included in the computation of "capital employed," pro rata, on the basis of the proportion of such equity represented by the relation that the number of days of operation in the subsidized service under the agreement bears to the total number of days in such period. Simultaneously, the consideration paid or received for such vessels (including receivables for gross trade-in allowances, and for claims from insurance underwriters on account of loss thereof, but subject to adjustment to an amount not in excess of final net settlements) shall be treated, for the purpose of determining "capital employed," in the same manner as is hereinbefore prescribed with respect to additions to, and withdrawals of, capital. In those instances in which a vessel is acquired for operation in the subsidized services and there is an interim period of reconstruction, shifting, waiting for schedule, or other reasonable interim period prior to and related to the entrance of the vessel in subsidized service between the date of acquisition and the date of commencement of operation or maintenance of the vessel under the agreement, the equity in such a vessel will be included in "capital employed" from date of acquisition, and cost of reconstruction and other capitalized costs shall be included from date of completion.

(5) That portion, if any, of the balance on deposit, or accrued for deposit, in the statutory Capital or Special Reserve Fund which has been deemed to be "Capital Held in Reserve" pursuant to the provisions of Limitations (1) and (2) of paragraph (a) (2) of this section and which is subsequently determined by the Maritime Administrator as being committed by the operator to complete the equity payments (that is, the cost of vessel designs and plans, other capitalizable items, and the sum of progress payments to be made by the operator during the period of construction or reconstruction) (after deduction of any trade-in allowance otherwise allowed for "capital employed") of the operator's cost of a vessel or vessels with respect to which a construction or reconstruction contract requiring operation in the subsidized service is executed by the operator during the year or other accounting period with respect to which determination of "capital employed" is made, shall be included, pro rata, in the computation of "capital employed." This computation shall be on the basis of the proportion of such part represented by the relation that the number of days from the date of the execution of such contract to the end of the year or other accounting period involved bears to the total number of days within such period: *Provided, however,* That in so far as the Special Reserve Fund is concerned, this paragraph shall be applicable only to amounts transferred, with the prior written approval of the Maritime Administrator, to the Capital Reserve Fund for such purposes from the date of such transfer.

(6) The costs of reconstructing or reconditioning a subsidized vessel shall be included in vessel's equity for the purpose of "capital employed" from the first day of the month following completion of such work. A corresponding reduction, calculated from date of adjustment to the end of the accounting period, shall be made to "capital employed" allowed elsewhere for the period, to the extent that interim adjustments for reconstruction or reconditioning costs otherwise would result in a duplicate allowance.

(e) *Allocation between subsidized and unsubsidized activities.* In instances where the operator engages in any other activities, in addition to the operation of the subsidized vessels, except extensive non-shipping operations (with respect to which the determination of the net as-

sets allocable thereto shall be accorded special consideration and shall be on such bases as the Maritime Administrator may determine to be fair and reasonable), the allocation of "capital employed" (other than the equity in vessels, which is hereinbefore disposed of in paragraph (c) of this section), subject to such exceptions as the Maritime Administrator shall determine to be essential to the production of a fair and reasonable result, generally shall be made as follows:

(1) Assets (and liabilities) employed exclusively in the operation of the subsidized vessels and services incident thereto, such as deposits in the statutory Capital and Special Reserve Funds, net vessel trade-in allowance granted for construction of new subsidized vessel(s), collateral posted with the Maritime Administration in lieu of the performance bond required under the agreement, and progress payments on vessels under construction to replace the subsidized vessels or augment the subsidized service, shall be allocated entirely to subsidized operations in the computation of "capital employed." Assets (and liabilities) allocated to subsidized operations as in this subparagraph provided shall be subject to the limitation relative to such assets (and liabilities) as provided in paragraph (a) of this section.

(2) Assets (and liabilities) not employed in the operation of the subsidized vessels and services incident thereto, as determined by the Maritime Administrator, including investments in, advances and loans to, and moneys on deposit with "related companies," together with debt applicable thereto, shall be allocated entirely to unsubsidized operations in the computation of "capital employed," except in instances where wholly owned subsidiary companies perform services or supply facilities coming within the purview of section 803 of the act or the Subsidy Agreement of the operator, in which instances the underlying book value of such wholly owned subsidiary companies shall be allocated between subsidized and unsubsidized operations on such basis as the Maritime Administrator shall determine to be fair and reasonable in each individual case. The "Adjusted Working Capital" of the wholly owned subsidiary companies which is included in the underlying book value of such companies, to the extent allocated to subsidized operations as provided in this paragraph shall be combined with the operator's "Adjusted Working Capital" (paragraph (a) (2), Limitation (3)).

(3) The acquisition cost of inventories of spares earmarked for specific vessels and not interchangeable, shall be allocated in the same manner as the vessels aboard which they are to be used. The acquisition cost of spares not earmarked for specific vessels, but which are interchangeable between other vessels of the fleet of the operator, shall be prorated between subsidized and unsubsidized operations on the basis of the relation that the number of subsidized and unsubsidized vessels of the type for which such spares are earmarked separately bears to the total of such type of vessels.

(4) "Capital employed" shall not include borrowed capital in any form. The indebtedness resulting from any such borrowing which is due and payable after one year shall be applied against the appropriate asset(s) if such indebtedness is secured by such asset(s), or against "Adjusted Working Capital" if not secured. Indebtedness, for the purposes of this subparagraph, means any indebtedness secured by any asset(s) or any unsecured indebtedness other than routine trade indebtedness incurred in the ordinary conduct of business.

(5) After the allocation of the operator's equity in the vessels, inventories of vessels' spares, and net assets directly and entirely allocable to subsidized or unsubsidized operations (the latter to include net assets allocable to nonshipping operations), the remainder of the adjusted net worth of the operator shall be allocated between subsidized and unsubsidized operations on the basis of the relation that the "Vessel Operating and Maintenance Expenses" incurred in subsidized and unsubsidized operations, separately (including a ratable proportion of such expenses on voyages in progress either (i) at the commencement and termination of each recapture period or (ii) at the beginning and ending of each annual accounting period, commencing with the accounting period current with the publication of this provision, at the irrevocable election of the operator, to be made known to the Maritime Administrator in writing within 180 days after the issuance of this order and within 180 days after the end of the first year in each recapture period thereafter), bears to the total of such expenses incurred in both subsidized and unsubsidized operations. (The term "Vessel Operating and Maintenance Expenses," as used herein, means those expenses proper for inclusion in Account 700—Operating Expense—Terminated Voyages, excepting Account 760—Charter Hire, in Account 800—Inactive Vessels Expense, excepting Account 826—Charter Hire, as defined in the Uniform System of Accounts for Operating-Differential Subsidy Contractors, as adopted by the Maritime Administrator in Part 282 of this chapter. "Vessel Operating and Maintenance Expenses" used for this purpose shall be those included in the annual accounting for each calendar year, filed under Part 292 of this chapter, and shall not be adjusted thereafter.) The amount so allocated to subsidized operations shall be deemed to be the proportion of such net assets to be included in "capital employed," subject to the limitations prescribed in paragraph (a) (2) of this section.

(6) In instances where two or more Operating-Differential Subsidy Agreements are concurrently in effect between the United States and the operator for all or part of any year or other accounting period, the allocation of "capital employed" as between operations under each of such agreements shall be made, if necessary, on the same basis as is prescribed in this section for allocation between subsidized and unsubsidized activities.

(7) In no event shall there be a duplication of allowances or exclusions for any item of "capital employed" under this section.

§ 286.4 *Net earnings—(a) Fundamental basis.* The net profit of the operator and its wholly-owned subsidiaries on its subsidized vessels and services incident thereto (hereinafter referred to as "net earnings") shall be determined by deducting from "gross income," as hereinafter defined for the purpose of this part only; operating expense—terminated voyages (including bar and slop chest losses and those resulting from advance and prepaid beyond transactions), inactive vessels expense, contributions to pools, expense of terminal operations, expense of cargo handling operations, expense of tug and lighter operations (less interdepartmental credits for services and facilities), administrative and general expense, management and operating commissions, advertising, amortization—leasehold, depreciation—shipping property and equipment, interest expense, amortization of deferred charges, doubtful notes and accounts receivable, miscellaneous deductions from income, taxes (including taxes based upon the portion of the earnings of the subsidized vessels and services incident thereto which is not required to be deposited in the statutory reserve funds, but not including taxes on earnings withdrawn from the statutory reserve funds and paid into the general funds of the operator, or distributed as dividends or bonuses, upon termination of the agreement or at the end of any recapture period as provided therein), and other charges which customarily are made in accordance with sound accounting practice in determining "net earnings" as the Maritime Administrator may determine to be fair and reasonable: *Provided*, That no such deduction shall be made on account of:

(1) Expenditures made or which the Maritime Administrator finds should have been made to place the subsidized vessels in good running order, condition, and repair, sufficiently tackled, appareled, furnished and equipped at the commencement of the first voyage of each such vessel under the agreement: *Provided*, That with respect to newly acquired vessels, which have been constructed, purchased, reconstructed, or reactivated for operation in the subsidized service, (i) the necessary, reasonable and proper expenses (other than capitalized expenditures), all as determined by the Maritime Administrator, applicable to the period between the delivery date of any such vessel to the operator and the commencement of the first voyage under Subsidy Agreement, (ii) depreciation computed in accordance with Part 284 of this chapter, and applicable to any such vessel between the date title passes to the owner and the commencement of the first subsidized voyage, and (iii) the interest on purchase mortgages and progress payments, to the extent not capitalizable as determined by the Maritime Administrator, applicable to any such vessel for the period from date title passes, in case of acquisition, and date work commences, in case of new construction or reconstruction, and the commencement of the first sub-

sidized voyage shall be deducted from subsidized earnings of the recapture period during which accrued or incurred.

(2) Expenses incurred in violation of the act or of the agreement or on account of any obligation resulting from any action taken in violation of the act or of the agreement, or

(3) Expenses found by the Maritime Administrator to have been clearly improvident, unnecessary, or excessive.

In so far as vessels are concerned, depreciation shall be computed in accordance with Part 284 of this chapter.

(b) *Definition of "gross income."* "Gross income" shall include operating revenue—terminated voyages (including bar and slop chest profits and those resulting from advance and prepaid beyond transactions), operating-differential subsidy, collections from pools, revenue from terminal operations, revenue from cargo handling operations, revenue from tug and lighter operations, revenue from other shipping operations, agency fees, commissions and brokerage earned, interest income (including, but not limited to, interest earned on cash or securities on deposit in the Capital and Special Reserve Funds), dividend income, and such other items of income as the Maritime Administrator may determine are properly includable.

(c) *Allocation between subsidized and unsubsidized activities.* Where the operator engages in any other activities in addition to the operation of the subsidized vessels, except extensive nonshipping operations (with respect to which the determination of the "net earnings" allocable thereto shall be accorded special consideration and shall be on such basis as the Maritime Administrator may determine to be fair and reasonable), the allocation of "net earnings," subject to such exceptions as the Maritime Administrator shall determine to be essential to the production of a fair and reasonable result, shall be made as follows:

(1) Operating revenue—terminated voyages and operating expense—terminated voyages (as detailed in Part 282 of this chapter, Accounts 600 and 700), shall be allocated directly to the subsidized and unsubsidized operations in which such revenues were earned and expenses were incurred: *Provided*, That, in instances where, pursuant to applicable provisions of the agreement and/or Part 281 of this chapter, the operating results of unsubsidized voyages are to be taken into account in determining "net earnings" for the purposes of the reserve and recapture provisions of the agreement, such results shall be allocated directly to the subsidized operations.

(2) Collections from pools and contributions to pools shall be allocated directly to the subsidized or unsubsidized operations in which such revenues were earned or expenses were incurred.

(3) Additional charter hire shall be allocated directly to subsidized or unsubsidized operations when practicable. In instances where both subsidized and unsubsidized operations occur under a single bareboat charter contract, additional charter hire shall be allocated directly to subsidized or unsubsidized operations on the basis of a separate computation of the additional charter hire liability for each operation: *Provided, however*, That in no event shall the additional charter hire so allocated to subsidized operations exceed the total additional charter hire paid or payable for the period involved.

(4) Inactive vessels expense, as approved in accordance with Part 281 of this chapter, necessarily and properly incurred in the maintenance of subsidized vessels shall be allocated directly to subsidized operations, and inactive vessels expense of unsubsidized vessels shall be allocated directly to unsubsidized operations, unless, and except as, otherwise specifically provided by agreement between the Maritime Administrator and the operator.

(5) Operating-differential subsidy accrued in accordance with the provisions of the agreement shall be allocated directly to subsidized operations.

(6) (i) The Uniform System of Accounts for Operating-Differential Subsidy Contractors, as adopted by the Maritime Administrator in Part 282 of this chapter, provides that Account 890—Interdepartmental credits for services and facilities, shall be credited with "agreed amounts" concurrently charged to Account 200—Unterminated voyage expense, or Account 700, Operating expense—terminated voyages, representing services performed and facilities furnished by the carrier for its owned or operated vessels, the expenses for which are included in the following accounts (among others):

Account 855—Expense of terminal operations.

Account 865—Expense of cargo handling operations.

Account 875—Expense of tug and lighter operations.

Account 885—Expense of other shipping operations.

(ii) Where the operator maintains such services or facilities and they are used by the subsidized vessels and if it is impracticable to determine the actual cost of such use, the operator shall charge in the operating expense accounts of such vessels fair and reasonable amounts for the use of such services or facilities (but at not in excess of (*a*) the "going rates" for the services or facilities at the ports involved, or (*b*) the rates at which such services or facilities could be obtained from independent suppliers, or (c) the rates charged all other vessels using them), and similar charges shall be made in the accounts of all other vessels operated by the operator.

(iii) Where the sum of the credits derived from the use of such services or facilities by vessels owned, or chartered from others, by the operator exceeds the gross revenues (Accounts 645, 650, 655 and 660) derived from the use of such services or facilities by other vessels,

(*a*) The expense of maintaining such services or facilities shall be allocated between subsidized and unsubsidized operations on the basis of the relation that the credits so derived from the vessels engaged in each such operation bears to the total of the credits derived from the furnishing of such services or facilities, except that revenues derived from the furnishing of such services or facilities to vessels neither owned nor chartered from others, by the operator shall not be included in the above calculation, but shall be prorated between subsidized and unsubsidized operations in the same manner as is the expense of maintaining such services or facilities as thus determined, and

(*b*) The amounts credited to Account 890 shall be allocated directly to subsidized and unsubsidized operations on the same basis as are the corresponding charges to the vessel operating expense accounts.

(iv) Conversely, where the sum of the credits derived from the use of such services or facilities by vessels owned, or chartered from others, by the operator is less than the gross revenues (Accounts 645, 650, 655 and 660) derived from the use of such services or facilities by other vessels,

(*a*) The amounts credited to Account 890 corresponding to charges in the operating expense accounts of the subsidized vessels shall be allocated directly to the operation of such subsidized vessels and the amounts credited (*1*) to that account corresponding to charges in the accounts of unsubsidized vessels owned, or chartered from others, by the operator, and (2) to the revenue accounts corresponding to charges against others for the use of such services or facilities, shall be allocated to unsubsidized operations, and

(*b*) The expense of maintaining such services or facilities shall be allocated between subsidized and unsubsidized operations on the basis of the relation that the revenues or credits so derived from the vessels engaged in each such operation bears to the total of the revenues and credits derived from the furnishing of such services or facilities.

(7) Depreciation expense shall be allocated between subsidized and unsubsidized operations on the same relative bases as the equities of the operator in the properties involved are allocated in the determination of "capital employed," excepting that depreciation on office furniture, fixtures and equipment shall be allocated between subsidized and unsubsidized operations on the same relative basis as are Administrative and General Expenses, pursuant to subparagraph (9) of this paragraph: *Provided*, That a common basis shall be used for valuation of the property (Part 284 of this chapter, insofar as vessels are concerned).

(8) Interest income and dividend income shall be allocated between subsidized and unsubsidized operations (which latter for these purposes shall be deemed to include Capital Held in Reserve) on the same basis as the value of the investments and securities from which such income is derived is allocated in the determination of "capital employed." With respect to investments in wholly-owned subsidiaries performing services or supplying facilities coming within the purview of section 803 of the act, dividend income from such subsidiaries shall be eliminated.

(9) (i) Where direct allocations are impracticable and where the amounts of individual items applicable to Accounts 900–944, otherwise directly allocable are less than $10,000, and except as otherwise provided in this section, income and expense properly recorded in the accounts listed hereunder, in accordance with the Uniform System of Accounts for Operating-Differential Subsidy Contractors, prescribed by the Maritime Administrator in Part 282 of this chapter, shall be allocated between subsidized and unsubsidized operations on the basis of the relation that the total Vessel Operating and Maintenance Expenses incurred in both subsidized and unsubsidized operations bears to such expenses incurred in subsidized and unsubsidized operations, separately (including a ratable proportion of such expenses on voyages in progress, either (i) at the commencement and termination of each recapture period, or (ii) at the beginning and ending of each annual accounting period, commencing with the accounting period current with the publication of this part, at the irrevocable election of the operator to be made known to the Maritime Administrator in writing within 180 days after the issuance of this order and within 180 days after the end of the first year in each recapture period thereafter):

Account 670—Agency fees, commissions, and brokerage earned, excepting compensation earned under NSA Order No. 47 (AGE 4) which shall be allocated as provided in section 9 (b) thereof.

Account 690—Miscellaneous other income.

Account 895—Credits from branch house operations.

Account 900—Administrative and general expense (but no compensation for personal services in excess of $25,000 per annum paid to a director, officer, or employee by the operator, its affiliates, subsidiary, or associates, shall be taken into account).

Account 945—Management and operating commissions.

Account 955—Taxes—miscellaneous.

Account 970—Amortization of deferred charges, excepting Account 973—Amortization; organization and preoperating expense with respect to the allocation of which a separate determination will be made by the Maritime Administrator in each instance.

Account 975—Doubtful notes and accounts receivable.

Account 979—Miscellaneous deductions from income.

(ii) The term "Vessel Operating and Maintenance Expenses," as used in this section, means those expenses proper for inclusion in Account 700—Operating expense—terminated voyages, excepting Account 760—Charter hire, and in Account 800—Inactive vessels expense, excepting Account 826—Charter hire, as defined in the Uniform System of Accounts for Operating-Differential Subsidy Contractors, as adopted by the Maritime Administrator in Part 282 of this chapter. The ratable proportion of such expenses on voyages in progress, previously referred to in this subparagraph, means that proportion of such expenses on each such voyage represented by the relation that the number of days of each falling within the accounting period involved bears to the total days in each such voyage. The expenses on which such calculation shall be based shall be those charged to income of the year involved with respect to voyages in progress at the commencement of such year and those charged to income of the succeeding year with respect to voyages in progress at the end of the year involved. "Vessel Operating and Maintenance Expenses" used for this purpose shall be those included in the annual accounting for each calendar year, filed under Part 292 of this chapter, and shall not be adjusted thereafter.

(10) Advertising expense shall be allocated between subsidized and unsubsidized operations on the following bases:

(i) Expenses of advertising freight services shall be allocated on the basis of the relation that freight revenues (Accounts 601 and 605) earned in the operation of subsidized vessels and in other operations of the operator, separately, bears to the total of such revenue derived from all operations of the operator.

(ii) Expenses of advertising passenger services and advertising expenses which are not susceptible to direct allocation as between those attributable to freight services and those attributable to passenger services shall be allocated among the various operations on the basis of the relation that the passenger revenues (Accounts 608 and 612) earned in each operation bears to the total of such revenues derived from all operations of the operator. (Passenger services as used in this part refer to vessels and accommodations for carrying in excess of twelve passengers.)

(11) Interest expense shall be allocated between subsidized and unsubsidized operations on the same relative basis as the liabilities with respect to which such expense is incurred are allocated in the determination of "capital employed."

(12) Federal taxes on income (subject to adjustment as finally determined by the Internal Revenue Service) shall be allocated between subsidized and unsubsidized operations on the basis of the net taxable income for each separate category with appropriate adjustments for foreign tax credits, capital gains or losses, dividends received deductions, net operating loss deductions, and other comparable items, subject, however, to the limitation prescribed in § 286.5 (b) (4). Where the operator's income is included in a consolidated return, the total Federal income taxes (before foreign tax credits and excluding taxes on capital gains, both of which shall be directly allocated) shall be distributed in proportion to the net taxable income, excluding capital gains or losses, to those companies which reported net taxable income for inclusion in the consolidated return for the purpose of determining the portion of the total Federal income tax which shall be allocated to the operator.

(13) Where two or more agreements are concurrently in effect between the United States and the operator for all or part of any year or other accounting period, the allocation of "net earnings" as between operations under each of such agreements, if required, shall be made on the same basis as is prescribed herein for allocation between subsidized and unsubsidized activities.

(d) *Management or operating agreements.* Where operators act as managing or operating agents for other persons or concerns, or vice versa, the amount of the management and operating commissions to be collected or paid, as the case may be, for such services, the division of "Overhead Expenses" between the operator and such other person or concern, shall be on such basis as the Maritime Administrator shall specify in approval of the arrangement.

(e) *Capital gains and capital losses.* "Net earnings" for the purposes of computations hereunder shall be adjusted so as to exclude capital gains and capital losses.

(f) *Income and expenses resulting from excluded assets.* Except where otherwise agreed between the Maritime Administrator and the operator, income from, and expenses attributable to, assets excluded in the computation of "capital employed" likewise shall be excluded in the computation of "net earnings": *Provided*, That the provisions of this paragraph shall not be applicable to chartered vessels, the profit (or loss) from the operations of which shall be allocated as the Maritime Administrator requires.

To the extent that Capital Reserve Fund and Special Reserve Fund (as computed under § 286.3 (a) (2), Limitations (1) and (2)) are excluded in the computation of "capital employed" income resulting from investments of such funds shall be proportionately excluded from earnings from subsidized operations. To the extent, if any, that Adjusted Working Capital employed in subsidized operations (as computed under § 286.3 (a) (2), Limitation (3)) exceeds the Total Average Voyage Expenses of subsidized operations (as computed under section 286.3 (a) (2), Limitation (4)) and, therefore is not includable in "capital employed," the excess should be regarded as being composed proportionately of the various assets and liabilities comprising Working Capital in the relation, percentagewise, that such excess bears to the net total of such assets and liabilities. Where items of income and expense are required hereunder to be allocated on the same basis as are the corresponding assets and liabilities involved, the proportion of such income and expense corresponding, percentagewise, to the proportion of the assets and liabilities included in the excess of the Adjusted Working Capital over the Total Average Voyage Expenses should be allocated to unsubsidized operations.

(g) *Profits from services or facilities furnished by "related companies."* (1) In determining "net earnings," any and all profits resulting from performing services or supplying facilities to the subsidized vessels of the operator, by persons subject to the provisions of section 803 of the act, which are required to be accounted for and paid over to the operator under said section, shall be taken into account.

(2) In instances where a wholly-owned subsidiary performs services or supplies facilities to subsidized vessels not coming under the provisions of section 803 of the act, but authorized under the Subsidy Agreement of the operator, and where the underlying book value

of such subsidiary has been taken into "capital employed" pursuant to the provisions of § 286.3, for the purpose of determining "net earnings" any and all profits or losses resulting from such subsidized operations also shall be taken into account, subject to the limitation contained in the Operating-Differential Subsidy Agreement.

(3) Settlement required under section 803 of the act or the agreement shall be accomplished by combining such earnings or losses with those of the parent company, provided that the Maritime Administrator reserves the right to require settlement in cash when, in his judgment, such settlement is justified.

(4) Where "related companies" of an operator perform services or supply facilities to the subsidized vessels of the operator which are subject to the provisions of section 803 of the act or the Subsidy Agreement of the operator, and further, where such "related companies" charge the subsidized vessels for such services or facilities on the basis of rates not in excess of the rates charged all other vessels using them, the corresponding expense of maintaining such facilities shall be determined, where necessary, and allocated between subsidized and unsubsidized operations on the following bases:

(i) With respect to "related companies" (other than wholly-owned subsidiaries), the expense of maintaining such facilities shall be allocated between subsidized and unsubsidized operations on the basis of the relation that the income so derived from the vessels engaged in each such operation bears to the total income derived from the furnishing of such facilities.

(ii) With respect to wholly-owned subsidiaries, income and expenses shall be allocated in the same manner as are the revenues, interdepartmental credits and expenses with respect to services and facilities when furnished by the operator as prescribed in paragraph (c) (5) of this section.

§ 286.5 *Preliminary compliance with reserve and recapture requirements*—(a) *Tentative deposits in statutory reserve funds and recording of excess profits.* Not later than ninety (90) days, or within such additional time as the Maritime Administrator may grant, after the end of each accounting year (except as otherwise required by the act or the agreement), the operator shall deposit in the Capital Reserve Fund and in the Special Reserve Fund the amounts required to be deposited therein with respect to such accounting year, pursuant to the provisions of the Operating-Differential Subsidy Agreement, based on the requirements of section 607 of the act: *Provided, however,* That in the event of any dividend being paid out of earnings of prior years or the current year, all deposits representing accrued depreciation and excess profits, if any, for those periods shall be made into the Capital Reserve Fund and Special Reserve Fund, either concurrently with the payment of such dividend or prior thereto, based upon the calculations, tentative or otherwise, upon which the operator's action in declaring the dividend was predicated. The amounts of such deposits shall be calculated in accordance with the rules and regulations for determining "capital employed," as prescribed in § 286.2 and "net earnings" as prescribed in § 286.4. Where audited financial and operating statements are unavailable, tentative calculations should be prepared for this purpose. If the operator establishes, to the satisfaction of the Maritime Administrator, that its available Working Capital would be seriously impaired or depleted by making any such deposit, the Maritime Administrator in his discretion may postpone, under such conditions as he may prescribe, the making of part or all of such deposit, provided that the amount so postponed shall not exceed the amount of the unpaid operating-differential subsidy for the period to which deposit applies.

(b) *Calculation of provision for Federal income tax.* For the purpose of these preliminary calculations:

(1) Where the "net earnings" from subsidized operations, before provision for Federal income tax, exceed 10 percent of the "capital employed," provision for Federal income tax may (except as otherwise provided in subparagraph (2) of this paragraph) be computed by dividing the amount equivalent to 10 percent of such capital by the difference between 100 percent and the effective rate of the estimated average income tax thereon, and multiplying the quotient by the effective rate of the estimated average income tax; e. g.,

Hypothesis:

(i) 10 percent of "capital employed"	$1,000,000
(ii) Illustrative rate of the estimated average income tax on above—52 percent.	
(iii) Difference between 100 percent and illustrative rate of the estimated average income tax—48 percent.	
(iv) "Net earnings," before provision for Federal income tax	3,000,000

Computation of tax:

(i) $1,000,000 ÷ (iii) 0.48 = $2,083,333 × (ii) 0.52 = $1,083,333.

Distribution of earnings:

"Net earnings," before provision for Federal income tax	$3,000,000
Less: Provision for Federal income tax	1,083,333
"Net earnings," after provision for Federal income tax	1,916,667
10 percent of "capital employed"	1,000,000
Excess earnings	916,667

(2) Where the "net earnings" from subsidized operations, before provision for Federal income tax, exceed 10 percent of "capital employed," by an amount less than the provision for Federal income tax, calculated as provided in subparagraph (1) of this paragraph, and where the "net earnings" from subsidized operations, before provision for Federal income tax, are not in excess of 10 percent of "capital employed," provision for Federal income tax may be deducted, in the determination of "net earnings" from subsidized operations, in an amount computed by applying the income tax rates to the amount of such "net earnings" before provision for Federal income tax.

(3) Calculations of provision for Federal income tax as herein provided (inapplicable to any earnings otherwise available for distribution to stockholders with respect to which Federal income taxes are deferred by reason of such earnings being deposited in the Capital or Special Reserve Fund) shall be subject to adjustment upon final determination, by the Internal Revenue Service, of the amount of such tax assessable upon the "net earnings" of the operator for the year or other accounting period involved.

(4) The provision for Federal income tax deducted in the determination of "net earnings" from subsidized operations shall not exceed the total of such tax reported in the income tax return or assessed, as the case may be, upon the total taxable income of the operator for the year or other accounting period involved: *Provided,* That any tax adjustments resulting from adjustments of taxable income or expense which may be related to a prior year or accounting period, and to the extent allocable to subsidized operations, shall be treated in the same manner as other adjustments of subsidized income or expense as authorized in Part 292 of this chapter.

(c) *Statements required by the Maritime Administration.* Promptly upon the completion of its calculation of the tentative amounts required to be deposited in the statutory reserve funds and of the amount of excess profits, if any, subject to recapture by the Maritime Administration, the operator shall submit to the appropriate District Comptroller of the Maritime Administration a statement, in quadruplicate, reflecting the operator's preliminary calculation of "capital employed," amounts required to be deposited in the Capital Reserve Fund and in the Special Reserve Fund, and excess profits, if any, subject to recapture by the Maritime Administration, and, also in quadruplicate, its balance sheet as at the beginning of the year or other accounting period involved, and its income sheet for such period, showing the allocation of "net earnings" as between subsidized and unsubsidized operations.

(1) The statement reflecting the operator's preliminary calculation of "capital necessarily employed," etc., shall be certified by a duly authorized officer of the operator to the following effect:

This statement correctly sets forth, to the best of my knowledge and belief, the "capital necessarily employed in the business" of the subsidized vessels and services incident thereto, the amounts of the deposits required to be made in the Capital Reserve Fund and

in the Special Reserve Fund, and the amount of excess profits subject to recapture by the Maritime Administration for the above stated period, pursuant to the provisions of the Operating-Differential Subsidy Agreement dated _____, and in accordance with the rules and regulations prescribed in General Order 31, Revised, of the Maritime Administrator, based on the records of the undersigned operator at this date.

_____
(Name of operator)

_____
(Title)

_____
(Date)

(2) The balance sheet shall be certified by a duly authorized officer of the operator to the following effect:

This balance sheet, to the best of my knowledge and belief, fairly presents the financial position of the undersigned operator as at the above date, as reflected in its books of account with which I am familiar, maintained in accordance with the Uniform System of Accounts for Operating-Differential Subsidy Contractors, prescribed by the Maritime Administrator in General Order 22, Revised, at this date.

_____
(Name of operator)

_____
(Title)

_____
(Date)

(3) The income sheet shall be certified by a duly authorized officer of the operator to the following effect:

This income sheet, to the best of my knowledge and belief, correctly states the operating results of the undersigned operator for the above period, as reflected in its books of account with which I am familiar, maintained in accordance with the Uniform System of Accounts for Operating-Differential Subsidy Contractors, prescribed by the Maritime Administrator in General Order 22, Revised, at this date.

_____
(Name of operator)

_____
(Title)

_____
(Date)

(4) The statements prescribed in this paragraph shall be prepared substantially in the form of those included among the illustrative examples supplied by the Comptroller, Maritime Administration, pursuant to Part 292 of this chapter.

§ 286.6 *Explanations and reservations.* (a) The account classifications included in this part are those described in the Uniform System of Accounts for Operating-Differential Subsidy Contractors in Part 282 of this chapter.

(b) Where, in the preceding sections hereof, reference is made to a particular part, such reference is to such part as amended, supplemented, or revised at the time of the transaction involved.

(c) The term "subsidized vessels" shall include the vessels listed in the Operating-Differential Subsidy Agreement and any other vessel for any period with respect to which its operating results are required, by the applicable provisions of the said agreement or Part 281 of this chapter, to be taken into account under the reserve fund and recapture provisions thereof.

(d) The preliminary or tentative deposits in the statutory reserve funds and calculations of excess profits subject to recapture by the Maritime Administration provided for in § 286.5 are subject to adjustment upon the approval by the Maritime Administrator of final accounting for each year or other accounting period involved.

(e) The establishment of the rules and regulations prescribed in §§ 286.1 to 286.5 is without prejudice to the right of the Maritime Administrator to determine or the operator to submit for consideration of the Maritime Administrator the employment of other bases for allocation and calculation in any instance where, upon the completion of any annual or final accounting, the results produced by the application of such rules and regulations create unreasonable results, in the judgment of the Maritime Administrator.

(f) If the rules and regulations prescribed in §§ 286.1 to 286.5 should conflict with the provisions of any applicable statute or of the Operating-Differential Subsidy Agreement, such provisions shall govern.

(g) Nothing in this part contained shall be construed as a waiver of any requirement that the consent of the Maritime Administrator be obtained with respect to any transaction, nor as a waiver of any other right reserved to the Maritime Administrator by the Act or under the Operating-Differential Subsidy Agreement.

The reporting requirements contained in this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Since this revision was drawn in collaboration with interested members of the affected industry over a considerable period of time, with the understanding that this revision was to be applicable to all subsidy accountings filed under Part 292 of this chapter for the calendar year 1958 and thereafter; since a hearing was held on May 6, 1958, for the purpose of resolving items unresolved as of such date; since the Maritime Administrator on May 20, 1958, issued his conclusions with respect to such unresolved items and granted all subsidized operators until July 3, 1958, to submit additional comments, if any, concerning this revision, for the Maritime Administrator's consideration; and such comments as were received not having introduced any factors not previously given consideration to; this revision is effective as of January 1, 1958.

Dated: July 8, 1958.

[SEAL] CLARENCE G. MORSE,
Maritime Administrator.

[F. R. Doc. 58-5329; Filed, July 11, 1958; 8:48 a. m.]

[General Order 71, Amdt. 2]

PART 291—DEFINITION OF CAPITAL NECESSARILY EMPLOYED IN THE BUSINESS

APPLICABILITY OF DEFINITION

Part 291 is amended by adding the following new paragraph at the end thereof:

Effective as of January 1, 1958, the definition in this part shall not be applicable with respect to capital necessarily employed determinations required to be made for accounting periods commencing on or after said date, but shall be superseded by the definition contained in Part 286 of this chapter.

(Sec. 607, 49 Stat. 2005, as amended; 46 U. S. C. 1177)

Dated: July 7, 1958.

[SEAL] CLARENCE G. MORSE,
Maritime Administrator.

[F. R. Doc. 58-5330; Filed, July 11, 1958; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

[Docket No. AO-71-A-36]

MILK IN NEW YORK-NEW JERSEY MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Belmont-Plaza Hotel, New York City, beginning at 10:00 a. m., on July 22, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the New York-New Jersey marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the New York State Cheese Manufacturers' Association, Inc.:

Proposal No. 1. Amend § 927.43 by (1) deleting therefrom the following: "there shall be credited to the handler receiving the milk from producers, four cents per pound of butterfat in such milk in the months of March through June, and three cents per pound of butterfat

in such milk in the months of July through February" and (2) substituting therefor the following: "There shall be credited to the handler receiving the milk from producers, five cents per pound of butterfat in such milk in the months of January through July and four cents per pound of butterfat in such milk in the months of August through December."

Proposed by the Pollio Dairy Products Corporation and the Fiorlat Dairy Products Corporation:

Proposal No. 2. Eliminate § 927.40 (e) (3).

Proposal No. 3. Amend § 927.43 to provide a butter-cheese adjustment of four cents per pound of butterfat in each of the twelve months of the year.

Proposed by Eastern Milk Producers Cooperative Association, Inc.:

Proposal No. 4. Amend § 927.40 (e) (3) by deleting the table contained therein and substituting the following:

Month to which price is applicable:	*Amount*
January	$0.10
February	.10
March	.08
April	.08
May	.05
June	.05
July	.18
August	.28
September	.28
October	.23
November	.18
December	.10

Proposed by Dairymen's League Cooperative Association, Inc.; Metropolitan Cooperative Milk Producers Bargaining Agency, Inc.; and Mutual Federation of Independent Cooperatives, Inc.:

Proposal No. 5. Amend § 927.43 by adding after "February" and immediately preceding the proviso the following: "Except that said three cents shall not apply in any month when the percentage of Class I–A plus I–B plus Class II utilization exceeds __[1] percent, and when the total amount of Class III milk for such month is less than __[2] million pounds."

Proposed by Milk Dealers Association of Metropolitan New York, Inc. and Sealtest Sheffield Farms Division of National Dairy Products Corporation:

Proposal No. 6. Amend § 927.43 by eliminating the butter-cheese adjustment of three cents per pound of butterfat during the months of August, September, October and November.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 205 East 42d Street, New York 17, N. Y., or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 9th day of July 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58–5324; Filed, July 11, 1958; 8:47 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Dissolution Order No. 120]

KALIO, INC.

Whereas, by virtue of the issuance of Vesting Order No. 2079, dated September 2, 1943 (8 F. R. 13937), and Vesting Order No. 6128, dated April 1, 1948 (11 F. R. 3619), and other actions taken under the Trading With the Enemy Act, as amended, the Attorney General of the United States (hereinafter referred to as "Attorney General"), successor to the Alien Property Custodian, is the owner of all of the issued and outstanding capital stock of Kalio, Inc. (hereinafter sometimes referred to as the "Company"), a New York corporation;

Whereas, a Certificate of Dissolution of the Company was issued by the Secretary of State of the State of New York on October 17, 1956, certifying to the dissolution of the Company, and said Certificate was duly published in accordance with the statutes of the State of New York; and

Whereas, the Company has been substantially liquidated.

Now, therefore, under the authority of the Trading With the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the known assets of the Company as of June 20, 1958, consist of

(a) Cash in the amount of $3,517.70, and

(b) Certain claims heretofore filed by the Company and currently pending before the Office of Alien Property with respect to property vested in the Attorney General pursuant to the Trading With the Enemy Act, as amended, and

(c) Rights and interests in and to certain United States and foreign letters patent, and

(d) Rights and interests in, to and under certain contracts relating, among other things, to the licensing of patents and inventions;

2. Finding that the Company has no known liabilities other than possible liabilities for taxes, if any, accrued or to be accrued prior to the final liquidation of its assets; and

3. Having determined that it is in the national interest of the United States that the Company be dissolved, that its affairs be wound up and that its assets be distributed;

hereby orders, that the officers and directors of the Company (and their successors, or any of them) wind up the affairs of Kalio, Inc. and distribute the assets of the Company coming into their possession, as follows:

I. They shall first pay all current expenses and necessary charges, if any, in effecting the dissolution of the Company and the winding up of its affairs;

II. They shall then pay all known federal, state and local taxes or fees, if any, owed by or accrued against the Company;

III. They shall then transfer, assign, convey and deliver to the Attorney General all remaining assets or property of the Company of whatsoever kind or nature (including any after-discovered assets or property, and all claims or causes of action of whatsoever kind or nature) as a liquidating distribution of assets to the sole stockholder; and

further orders, that nothing herein set forth shall be construed as prejudicing the rights under the Trading With the Enemy Act, as amended, of any person who may have a claim against the Company to file such claim with the Attorney General against any assets or property received by the Attorney General hereunder: *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person; *Provided further,* That any such claim against said Company shall be filed with or presented to the Attorney General within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

further orders, that all actions taken and acts done by the officers and directors of the Company pursuant to this Order and the directions contained herein, shall be deemed to have been taken and done in reliance on and pursuant to section 5 (b) (2) of the Trading With the Enemy Act, as amended (50 U. S. C. App. 5), and the aquittance and exculpation provided therein.

Executed in Washington, D. C., on July 8, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58–5300; Filed, July 11, 1958; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1958; Supp. 188]

CASCADE INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

JULY 3, 1958.

A Certificate of Authority has been issued by the Secretary of the Treasury

[1] A percentage figure within the range of 70–80 percent.

[2] A figure within the range of 200–250 million pounds.

to the following company under the act of Congress approved July 30, 1947, 6 U. S. C., sec. 6–13, as an acceptable surety on Federal Bonds. An underwriting limitation of $79,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, 25, D. C.

Name of Company, Location of Principal Executive Office, and State in Which Incorporated

Cascade Insurance Company; Tacoma, Wash.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58–5327; Filed, July 11, 1958; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 601, Amdt. 6]

REVESTED OREGON AND CALIFORNIA RAILROAD GRANT LANDS AND COOS BAY WAGON ROAD GRANT LANDS

DECLARATION OF ANNUAL PRODUCTIVE CAPACITY

JULY 3, 1958.

The annual productive capacities of the Master Units composing the Revested Oregon and California Railroad Grant Lands and the Coos Bay Wagon Road Grant Lands in Oregon as declared in Bureau Order No. 601, dated October 25, 1955, are amended as follows:

Master unit	Annual productive capacity (feet board measure)
1. Columbia River	36,000,000
2. Clackamas-Molalla	18,000,000
3. Alsea-Rickreall	51,000,000
4. Santiam River	47,000,000
5. Upper Willamette	62,900,000
6. Siuslaw	79,100,000
7. Douglas	112,800,000
8. South Umpqua	32,500,000
9. South Coast	160,100,000
10. Josephine	102,000,000
11. Jackson	54,700,000
12. Klamath	13,200,000
Total	769,300,000

CHARLES P. MEAD,
Acting Director.

[F. R. Doc. 58–5319; Filed, July 11, 1958; 8:45 a. m.]

Fish and Wildlife Service

[Commissioner's Order No. 4, Amdt. 1]

DIRECTOR, BUREAU OF SPORT FISHERIES AND WILDLIFE

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN REAL AND PERSONAL PROPERTY

JULY 7, 1958.

Subsection (b) of section 3, *Redelegation*, of Commissioner's Order No. 4, dated October 8, 1957 (22 F. R. 8126), is hereby amended to read as follows:

SEC. 3. *Redelegation.* • • •

(b) Transfer, donate, or dispose of excess or surplus real property and related personal property, other than buildings or other improvements (except industrial improvements) which are to be disposed of for off-site use.

ARNIE J. SUOMELA,
Commissioner of Fish and Wildlife.

[F. R. Doc. 58–5317; Filed, July 11, 1958; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 227, Supp. Order]

RICHARD FLESCHNER IMPORT-EXPORT

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of the application of the Agent-in-Charge, Investigation Staff, for an order vacating and setting aside the conditional restoration of export privileges to Richard Fleschner, doing business as Richard Fleschner Import-Export of Berlin-Wilmersdorf, Western Germany, as set forth in Parts III (A) and IV of the order of April 15, 1957, Case No. 227, 22 F. R. 2717, April 18, 1957, against Richard Fleschner, et ano.; Case No. 227, Supplemental Order.

The respondent, Richard Fleschner, heretofore by order dated April 15, 1957, published April 18, 1957, 22 F. R. 2717, having been denied export privileges for the duration of export controls, and said denial having been qualified as to him by a conditional restoration of export privileges on June 26, 1957, the condition for such restoration having been that, so long as export controls are in effect, he shall comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder, and the said order having provided further that, in the event of a breach of such condition, the Director, Office of Export Supply, might summarily, and without notice to the respondent, at such time as he shall determine that such breach has occurred, issue a supplemental order revoking such restoration of export privileges, and,

After reviewing an application made by the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce, for an order revoking such conditional restoration of export privileges, the evidence presented to the Compliance Commissioner in support thereof, the report of the Compliance Commissioner and his recommendation, and

It now having been determined by me that the respondent has knowingly violated § 381.5 of the Export Regulations in that:

(1) He sought to obtain the exportation from the United States of (a) a Model C Tournatractor with logging winch and designated engine, valued at $32,662 and (b) two Caterpillar D8 tractors and separate parts, valued in the aggregate at $69,573.46;

(2) In connection with his attempt to obtain such exportation, he caused and induced an exporter in the United States to submit two applications for validated licenses authorizing the exportation of the said equipment to him;

(3) In support of said applications and with knowledge that the representations being made by him were relevant and material to the determination whether the licenses sought should be granted, he represented to the Bureau of Foreign Commerce that the buyer and ultimate consignee in Poland of the equipment for which the export license applications had been filed was a particularly named Agency in Poland;

(4) The said Agency had not agreed to purchase the said equipment from him and it, in fact, was not the buyer and ultimate consignee thereof;

from which I have concluded that Richard Fleschner, the respondent herein, did knowingly falsely represent to the Bureau of Foreign Commerce that an Agency in Poland was the buyer and ultimate consignee of said equipment when, in fact, it was not such buyer and ultimate consignee and that such conduct on his part was in violation of § 381.5 of the Export Regulations.

And, it being necessary to achieve effective enforcement of the Export Control Act of 1949, as amended; *It is hereby ordered*:

Part III (A) of the said order of April 15, 1957, be and the same hereby is revoked, and the respondent, Richard Fleschner, be and he hereby is denied all export privileges so long as export controls shall be in effect, all as in the said order of April 15, 1957, provided, except as the same has been amended hereby: *And it is further ordered*:

The respondent, at any time following the issuance of this order, may file with the Compliance Commissioner (Bureau of Foreign Commerce, FC 2680, Washington 25, D. C.) a written request for a hearing at which he will be given every opportunity to present such evidence or proof as he may have to demonstrate that the Agency named by him was in fact the buyer of said equipment.

Dated: July 9, 1958.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 58–5326; Filed, July 11, 1958; 8:47 a. m.]

Federal Maritime Board

NIPPON YUSEN KAISHA (N. Y. K. LINE) AND BULL INSULAR LINE, INC.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8312, between Nippon Yusen Kaisha (N. Y. K. Line) and Bull Insular Line, Inc., covers the transportation of general cargo under through bills of lading from Hong Kong, Philip-

ports and Japan to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 8, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5333; Filed, July 11, 1958; 8:50 a. m.]

ANCHOR LINE LTD. ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD OF APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8440, between Anchor Line Limited, The Bristol City Line of Steamships Ltd., Canadian Pacific Railway Company, et al., provides for the creation of a conference to be known as the United States Great Lakes-United Kingdom Eastbound Freight Conference, for the establishment and maintenance of agreed rates, charges and practices in connection with the transportation of cargo in the trade from Great Lakes ports of the United States to Great Britain, Northern Ireland and Eire.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 8, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5345; Filed, July 11, 1958; 8:50 a. m.]

Maritime Administration

TRADE ROUTE NO. 2, U. S. ATLANTIC/WEST COAST SOUTH AMERICA

NOTICE OF TENTATIVE CONCLUSIONS AND DETERMINATIONS REGARDING THE ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS

Notice is hereby given that on July 1, 1958, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 2, and in accordance with his action of July 27, 1956 ordered that the following tentative conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

1. Trade Route No. 2, as described below, is reaffirmed as an essential foreign trade route of the United States: Trade Route No. 2—U. S. Atlantic/West Coast South America between United States Atlantic ports (Maine-East Coast Florida to but not including Key West) and ports on the West Coast of South America (Pacific Coast Colombia, Ecuador, Peru and Chile).

2. Requirements for United States flag operations on Trade Route No. 2 are approximately weekly sailings with C-2 type combination passenger-cargo vessels. Approximately four sailings per month with C-2 or equivalent freight vessels are also required with approximately one-half of the freighter sailings serving primarily ports on the Pacific Coast of Colombia, Ecuador and Peru and the remainder serving primarily ports in Peru and Chile.

3. The present C-2 type freight ships and C-2 type combination passenger-cargo ships operated on the route, which are equipped with adequate deep tank space and with substantial refrigerated space, are suitable for service to the full range of United States and foreign ports on Trade Route No. 2. Replacement ships required in the near-term future will need to be superior in speed and provide substantially more total refrigerated space and dry cargo capacity than the present ships. Prior to replacement of the present combination ships, passenger requirements will need to be re-evaluated.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views or request a hearing thereon, should submit same in writing to the Chief, Office of Government Aid, Maritime Administration, Department of Commerce, Washington 25, D. C., by close of business on July 28, 1958. In the event a hearing is requested, a statement must be included giving the reasons therefor. Any hearing thereby afforded will be before an Examiner on an informal basis only. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: July 8, 1958.

By order of the Maritime Administrator.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-5332; Filed, July 11, 1958; 8:49 a. m.]

Office of the Secretary

ADMINISTRATOR OF CIVIL AERONAUTICS

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS FOR PROCUREMENT OF FRESH OR PERISHABLE FOODS

Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950 and in accordance with a delegation dated June 17, 1958 from the Administrator, General Services Administration, to the Secretary of Commerce on the above subject, the Administrator of Civil Aeronautics is hereby authorized to negotiate without advertising under section 302 (c) (8) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, contracts for the procurement of fresh and perishable foods for the Civil Aeronautics Administration commissaries on Wake and Canton Islands.

The authority above delegated may be redelegated to such officers or employees of the Civil Aeronautics Administration as the Administrator of Civil Aeronautics deems necessary and shall be exercised in accordance with applicable limitations and requirements in the Act, particularly sections 304, 305, and 307, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

The authority delegated herein shall not extend beyond December 31, 1959.

Dated: July 7, 1958.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-5325; Filed, July 11, 1958; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15407]

RUTTER AND WILBANKS BROTHERS ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 8, 1958.

Rutter and Wilbanks Brothers (Operator) et al. (Rutter and Wilbanks) on June 10, 1958, tendered for filing a proposed change in their effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 6, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 9 to Rutter and Wilbanks' FPC Gas Rate Schedule No. 2.

Effective date: July 11, 1958. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed favored-nation rate increase, Rutter and Wilbanks state that the contract provisions including the provision for the subject increase were arrived at by arm's-length bargaining; that the increased price is fair and reasonable and necessary to compensate seller for increased costs of exploration and production and to provide an adequate return on investment.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Rutter and Wilbanks' FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Rutter and Wilbanks' FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 11, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5321; Filed, July 11, 1958; 8:46 a. m.]

[Docket No. G-15408]

COSDEN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 8, 1958.

Cosden Petroleum Corporation (Cosden) on June 9, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 6, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 5 to Cosden's FPC Gas Rate Schedule No. 3.

Effective date: July 10, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Cosden merely states that the increase is provided for by the contract escalator clause and is necessary to offset declining production and increasing costs and to prevent premature abandonment of the wells.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Cosden's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Cosden's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 10, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5322; Filed, July 11, 1958; 8:46 a. m.]

[Docket No. G-15409]

CONTINENTAL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

JULY 8, 1958.

Continental Oil Company (Continental) on June 12, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 7 to Continental's FPC Gas Rate Schedule No. 109.

Effective date: July 13, 1958 (effective date is the effective date proposed by Continental).

In support of the proposed favored-nation rate increase, Continental refers to El Paso Natural Gas Company's favored-nation letter and cites arm's-length bargaining and states that the contract was executed on the assumption that a fair rate of return could be realized thereunder and denial of the increased price would be discriminatory.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that Supplement No. 7 to Continental's FPC Gas Rate Schedule No. 109 be suspended and the use thereof deferred as hereinafter ordered.

The Commisson orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Continental's FPC Gas Rate Schedule No. 109.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 13, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5323; Filed, July 11, 1958; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12210; FCC 58M-720]

KENNETH G. PRATHER AND MISHA S. PRATHER

ORDER CONTINUING HEARING CONFERENCE

In re application of Kenneth G. Prather and Misha S. Prather, Boulder,

Colorado, Docket No. 12210, File No. BP-11209; for construction permit.

At the oral request of counsel for the applicant in the above-entitled matter, and with the concurrence of all other counsel: *It is ordered*, This 7th day of July 1958, that the further prehearing conference heretofore scheduled to commence on July 8, 1958, is hereby rescheduled to commence at 9:00 a. m., July 29, 1958, in the Commission's offices in Washington, D. C.

Released: July 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5334; Filed, July 11, 1958; 8:50 a. m.]

[Docket No. 12376; FCC 58M-721]

ALASKA TOWING CO.

ORDER CONTINUING HEARING

In the matter of Alaska Towing Company, P. O. Box 2466, Ketchikan, Alaska, Docket No. 12376; order to show cause why there should not be revoked the License for Radio Station WB-7326 aboard the vessel NILE.

On the Examiner's own motion: *It is ordered*, This 7th day of July 1958, that, pending Commission action on a Motion to Dismiss, filed on this date by the Safety and Special Radio Services Bureau of the Commission, the hearing in the above-entitled proceeding presently scheduled for July 8, 1958, is hereby continued to a date to be set by further order.

Released: July 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5335; Filed, July 11, 1958; 8:50 a. m.]

[Docket Nos. 12514-12516; FCC 58-634]

NORTHWEST VIDEO ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Thomas B. Friedman and Dawkins Espy db/as Northwest Video, Eugene, Oregon, Docket No. 12514, File No. BPCT-2429; Liberty Television, Inc., Eugene, Oregon, Docket No. 12515, File No. BPCT-2436; KEED Incorporated, Eugene, Oregon, Docket No. 12516, File No. BPCT-2457; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of July 1958;

The Commission having under consideration the above-captioned applications, each requesting a permit to operate on Channel 9 in Eugene, Oregon; and

It appearing, that the above-captioned applications are mutually exclusive in that operation by all of the applicants, as proposed, would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters that their applications are mutually exclusive, of the necessity for a hearing, and were advised of all objections to their applications, and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that pursuant to section 309 (b) of the Communications Act of 1934, as amended, a hearing is necessary; that Liberty Television, Inc. is legally, technically, financially and otherwise qualified to construct, own and operate the proposed television broadcast station; that KEED, Inc. is legally and financially qualified to construct, own and operate the proposed television broadcast station, and is technically so qualified except with respect to issues "1 and 2" below; and that Thomas B. Friedman and Dawkins Espy db/as Northwest Video are legally qualified to construct, own and operate the proposed television broadcast station and are technically so qualified except as to issue "4" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Thomas B. Friedman and Dawkins Espy db/as Northwest Video (a joint venture), Liberty Television, Inc. and KEED, Incorporated are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine, in view of the apparent inconsistencies contained in the application, the location of the main studio proposed by KEED, Inc., and, whether, if located outside of Eugene, a waiver of section 3.613 (a) of the rules would be justified.

2. To determine whether the antenna system and site proposed by KEED, Inc., would constitute a hazard to air navigation.

3. To determine whether Thomas B. Friedman and Dawkins Espy db/as Northwest Video are financially qualified to construct, own and operate the proposed television broadcast station.

4. To determine whether the antenna system and site proposed by Thomas B. Friedman and Dawkins Espy db/as Northwest Video, would constitute a hazard to air navigation.

5. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the record made with respect to the significant differences among the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming service proposed in each of the above-captioned applications.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, upon his own motion or upon petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, Thomas B. Friedman and Dawkins Espy db/as Northwest Video, Liberty Television, Inc., and KEED, Incorporated, pursuant to § 1.140 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: July 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5339; Filed, July 11, 1958; 8:51 a. m.]

[Docket No. 12499; FCC 58M-722]

ROBERT RAESIDE BUNTON

ORDER SCHEDULING HEARING

In the matter of Robert Raeside Bunton, Los Angeles, California, Docket No. 12499; suspension of amateur radio operator license (W6GWO).

It is ordered, This 7th day of July 1958, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 6, 1958, in Washington, D. C.

Released: July 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5336; Filed, July 11, 1958; 8:50 a. m.]

[Docket Nos. 12510, 12511; FCC 58M-723]

ROBERT S. PLIMPTON AND SEAWAY BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re applications of Robert S. Plimpton, Norfolk, New York, Docket No. 12510, File No. BP-11467; Seaway Broad-

casting Co., Inc., Massena, New York, Docket No. 12511, File No. BP-12026; for construction permits.

It is ordered, This 7th day of July 1958, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 8, 1958, in Washington, D. C.

Released: July 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5337; Filed, July 11, 1958; 8:50 a. m.]

[Docket Nos. 12512, 12513; FCC 58M-724]

BALTIMORE BROADCASTING CORP. AND COMMERCIAL RADIO INSTITUTE, INC.

ORDER SCHEDULING HEARING

In re applications of Baltimore Broadcasting Corporation, Baltimore, Maryland, Docket No. 12512, File No. BPH-2384; Commercial Radio Institute, Inc., Baltimore, Maryland, Docket No. 12513, File No. BPH-2415; for construction permits.

It is ordered, This 7th day of July 1958, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 8, 1958, in Washington, D. C.

Released: July 9, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5338; Filed, July 11, 1958; 8:51 a. m.]

[Dockets Nos. 12514-12516; FCC 58M-725]

NORTHWEST VIDEO ET AL.

ORDER SCHEDULING HEARING

In re applications of Thomas B. Friedman and Dawkins Espy d/b as Northwest Video, Eugene, Oregon, Docket No. 12514, File No. BPCT-2429; Liberty Television, Inc., Eugene, Oregon, Docket No. 12515, File No. BPCT-2436; KEED, INCORPORATED, Eugene, Oregon, Docket No. 12516, File No. BPCT-2457; for construction permits for new television broadcast stations.

It is ordered, This 7th day of July 1958, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 6, 1958, in Washington, D. C.

Released: July 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5340; Filed, July 11, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 9, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR 179) appear below.

As provided in the Commission's rules § 179.2 (f), any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61353. By order of July 2, 1958, The Transfer Board approved the transfer to Glenn Medearis and Naomi Medearis, a Partnership, doing business as Mid-Kansas Truck Lines, Gardner, Kansas, of Certificate in No. MC 111642 Sub 1, issued June 30, 1952, to Paul Stone, doing business as Stone Truck Line, Ottawa, Kansas, authorizing the transportation of general commodities, with certain exceptions, over regular routes, between Ottawa, Kans., and Kansas City, Mo., and the transportation of certain specified commodities, over irregular routes, between specified points in Kansas and Missouri. John E. Jandera, 641 Harrison Street, Topeka, Kansas, for applicants.

No. MC-FC 61345. By order of July 3, 1958, The Transfer Board approved the transfer to Nance and Collums, Inc., Brookhaven, Miss., of certificates in Nos. MC 116300 and MC 116300 Sub 1, issued June 12, 1957, and October 18, 1957, respectively, to John L. Nance and Kenneth Collums, a partnership, doing business as Nance and Collums, Brookhaven, Miss., authorizing the transportation of: *Salt*, from points in Louisiana (except New Orleans, Gretna, and Destrehan), to points in Mississippi and Alabama; and *Treated poles, treated piling*, and *treated timber*, from Fernwood, Miss., to points in Arkansas, Illinois, Indiana, Louisiana, Missouri, and Tennessee.

Phineas Stevens, 900 Milner Building, Jackson, Miss., for applicants.

No. MC-FC 61253. By order of July 2, 1958, The Commission, Division 4, approved the transfer to Briggs Transportation Co., Inc., Trenton, N. J., of a portion of certificate No. MC 11727, issued September 19, 1957, to Star Transport Co., a Corporation, Riverside, N. J., authorizing the transportation of *general commodities*, with certain exceptions, over a regular route, between Trenton, N. J., and Highstown, N. J., and specified intermediate and off-route points; and between points in Hunterdon, Mercer, and Warren Counties, N. J., on the one hand, and, on the other, specified points in Rhode Island, New York, Pennsylvania, Massachusetts, and Connecticut. The grant of authority is conditioned upon revocation of [illegible] duplicate operating rights of transferee.

Jacob Polin, 314 Old Lancaster Road, Merion, Pa. (P. O. Box 317, Bala-Cynwyd, Pa.), for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-5328; Filed, July 11, 1958; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 493 (23 F. R. 200) and Administrative Order No. 507 (23 F. R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Carwood Manufacturing Co., Winder, Ga.; effective 6-28-58 to 6-27-59 (men's and boys' cotton work pants and work shirts).

Feldt Manufacturing Co., Inc., Stamford, Texas; effective 6-25-58 to 6-24-59 (men's and ladies' western shirts).

Kent Uniforms, Inc., Burkesville, Ky.; effective 6-30-58 to 6-29-59 (replacement certificate) (nurses' and waitresses' uniforms).

Lawrence Manufacturing Co., Inc., Walnut Ridge, Ark.; effective 6-24-58 to 6-23-59 (ladies' dresses).

Sweet-Orr and Co., Inc., 68 First Street, SW., Pulaski, Va.; effective 6-24-58 to 6-23-59 (men's and boys' pants).

Williamson-Dickie Manufacturing Co., Bainbridge, Ga.; effective 6-27-58 to 6-26-59 (men's and boys' cotton work pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Apparel Manufacturing Corp., Mebane, N. C.; effective 6-26-58 to 6-25-59; 10 learners (children's dresses).

Columbus Manufacturing Co., Tabor City, N. C.; effective 6-24-58 to 6-23-59; 10 learners (boys' shirts).

Moree Garment Corp., Elloree, S. C.; effective 6-26-58 to 6-25-59; 10 learners (ladies' pajamas and gowns).

Gross Galesburg Co., North Main Street, Charlton, Iowa; effective 6-25-58 to 6-24-59; 10 learners (work shirts, pants).

K. & W. Manufacturing Co., Inc., 875 Hickory Street, Peckville, Pa.; effective 6-26-58 to 6-25-59; 10 learners (women's blouses).

West Union Garment Co., Inc., West Union, W. Va.; effective 7-11-58 to 7-10-59; 10 learners (brassieres, sun halters).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Brookside Industries, Inc., Reidsville, N. C.; effective 6-26-58 to 12-18-58; 20 learners (supplemental certificate) (men's shirts).

Devonshire Frocks, Inc., River Street, Franklin, N. H.; effective 6-30-58 to 12-29-58; 20 learners (women's dresses).

Kent Uniforms, Inc., Burkesville, Ky.; effective 6-30-58 to 12-29-58; 25 learners (nurses' and waitresses' uniforms).

The Raleigh Corp., Raleigh, Miss.; effective 6-23-58 to 12-22-58; 50 learners (ladies' dungarees and slacks).

Williamson-Dickie Manufacturing Co., McAllen, Texas; effective 6-26-58 to 12-25-58; 40 learners (work pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Boss Manufacturing Co., Oneida, Tenn.; effective 6-27-58 to 12-26-58; 25 learners for plant expansion purposes (work gloves).

William E. Seal & Co., East North Street, Millersburg, Pa.; effective 6-27-58 to 6-26-59; two learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Billie-Ray Hosiery Co., Inc., Route 40, North East, Md.; effective 6-26-58 to 6-25-59; five learners for normal labor turnover purposes (hosiery reclamation from mill waste).

Parkdale Hosiery Mill, Catawba, N. C.; effective 6-27-58 to 6-26-59; three learners for normal labor turnover purposes (seamless).

Sussex Hosiery Mills, Inc., P. O. Box 1377, Concord, N. C.; effective 7-8-58 to 7-7-59; five learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Alabama Textile Product Corp., Crestview, Fla.; effective 7-9-58 to 7-8-59; five percent of the total number of factory production workers in the production of men's shorts (men's shorts).

J. H. Rohrer Textile Co., Inc., New Ringgold, Pa.; effective 6-30-58 to 6-29-59; five learners for normal labor turnover purposes (men's, boys', women's and children's cotton knit underwear).

Wolverine Knitting Mills, 120 North Jackson Street, Bay City, Mich.; effective 7-1-58 to 6-30-59; five percent of the total number of factory production workers for normal labor turnover purposes (men's, women's and children's underwear, sleeping wear).

Wonderknit Corp., East Virginia St., Galax, Va.; effective 6-23-58 to 6-22-59; five percent of the total number of factory production workers for normal labor turnover purposes (knitted outerwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Garva Company, 28 Prolongacion Celis Aguilera, Caguas, P. R.; effective 6-9-58 to 12-8-58; authorizing the employment of 10 learners for plant expansion purposes in the occupations of, circle and straight cutting, and glass forming by heating, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (glass cutting and shaping).

The Alberto Moreno Wire Works, Inc., Km. 18.9 Rio Piedras-Caguas Rd., P. O. Box 10611, Caparra Heights, P. R.; effective 6-10-58 to 12-9-58; authorizing the employment of 10 learners for plant expansion purposes in the occupations of, wire weaving, shear operators, crimping and punch operators, and framing mechanics, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (wire guards, screens, partitions and railings).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 527 of the regulations issued thereunder (29 CFR Part 527) a special certificate authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act has been issued to the firm listed below. Effective and expiration dates, occupations, wage rates, number or proportion of student-workers as learners, and learning periods for the certificate issued under Part 527 are as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Emmanuel Missionary College, Berrien Springs, Mich.; effective 6-30-58 to 8-31-58; authorizing the employment of 25 student-workers in the bookbindery industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations, each for a learning period of 600 hours at the rates of 80 cents an hour for the first 300 hours and 85 cents an hour for the remaining 300 hours (supplemental certificate).

This student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D. C., this 2d day of July 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-5320; Filed, July 11, 1958; 8:46 a. m.]

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TITLE 6—A

Chapter IV—
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PART 421—

SUBPART—19
PURCHASE

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FEDERAL REGISTER

VOLUME 23 NUMBER 137

Washington, Tuesday, July 15, 1958

UNIVERSITY OF MICHIGAN

1958

MAIN READING ROOM

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F. R. 3485, containing the specific requirements for the 1958-crop wheat price support program are hereby amended as follows:

1. Section 421.3043 (a) (3) (i) is amended to include Port Arthur, Tex., so that as amended it reads as follows:

(3) (i) Notwithstanding the foregoing provisions of this paragraph, the support rate for wheat shipped by rail or water and stored at any of the following terminal markets and for which neither registered freight bills nor registered freight certificates are presented to guaranteed outbound movement at the minimum proportional domestic interstate freight rate, shall be equal to the applicable terminal rate:

Los Angeles, San Francisco, Stockton, and Oakland, Calif.
New Orleans, La.
Baltimore, Md.
Duluth, Minn.
Portland and Astoria, Oreg.
Albany and New York, N. Y.
Philadelphia, Pa.
Galveston, Houston, Corpus Christi, and Port Arthur, Tex.
Norfolk, Va.
Seattle, Longview, Tacoma, and Vancouver, Wash.
Superior, Wis.

2. Section 421.3043 (a) (3) (ii) is amended to provide a deduction from the terminal rate for wheat received by truck at Port Arthur, Tex., so that as amended it reads as follows:

(ii) Notwithstanding the foregoing provisions of this paragraph, the support rate for wheat received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph shall be determined by making a deduction from the terminal rate as follows:

Terminal:	*Amount of deduction (cents per bushel)*
Los Angeles, San Francisco, Stockton, and Oakland, Calif.; Duluth, Minn.; Portland and Astoria, Oreg.; Seattle, Longview, Tacoma, and Vancouver, Wash.; Superior, Wis	4½
New Orleans, La.; Baltimore, Md.; Philadelphia, Pa.; Galveston, Houston, Corpus Christi, and Port Arthur, Tex.; Norfolk, Va.; Albany and New York, N. Y.	6

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c; 7 U. S. C. 1441, 1421)

Issued this 10th day of July 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-5395; Filed, July 14, 1958; 8:54 a. m.]

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F. R. 3492, containing the specific requirements for the 1958-crop barley price support program are hereby amended as follows:

1. Section 421.3083 (a) (1) is amended by adding the following to the list of terminal markets and basic support rates per bushel:

Port Arthur, Tex $1.24

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FEDERAL REGISTER

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2. Section 421.3083 (a) (6) (i) is amended to include Port Arthur, Tex., so that as amended it reads as follows:

(6) (i) Notwithstanding the foregoing provisions of this paragraph barley shipped by rail or water and stored at any of the following terminal markets and for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the applicable terminal rate:

Los Angeles, San Francisco, Stockton, and Oakland, Calif.
New Orleans, La.
Baltimore, Md.
Duluth, Minn.
Portland and Astoria, Oreg.
Albany and New York, N. Y.
Philadelphia, Pa.
Galveston, Houston, and Port Arthur, Tex.
Norfolk, Va.
Seattle, Longview, Tacoma, and Vancouver, Wash.
Superior, Wis.

3. Section 421.3083 (a) (6) (ii) is amended to provide a deduction from the terminal rate for barley received by truck at Port Arthur, Tex., so that as amended it reads as follows:

(ii) Notwithstanding the foregoing provisions of this paragraph, the support rate for barley received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph, shall be determined by making a deduction of 3½ cents per bushel from the terminal rate.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 401, 63 Stat. 1054, sec. 308, 70 Stat. 206; 15 U. S. C. 714c; 7 U. S. C. 1421, 1447)

Issued this 10th day of July 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-5396; Filed, July 14, 1958; 8:54 a. m.]

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F. R. 3500, containing the specific requirements for the 1958-crop rye price support program are hereby amended as follows:

1. Section 421.3383 (a) (1) is amended by adding the following to the list of terminal markets and basic support rates per bushel:

Port Arthur, Tex. $1.42

2. Section 421.3383 (a) (6) (i) is amended to include Port Arthur, Tex., so that as amended it reads as follows:

(6) (i) Notwithstanding the foregoing provisions of this paragraph the support rate for rye shipped by rail or water and stored at any of the following terminal markets for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate shall be equal to the applicable terminal rate:

Los Angeles, Stockton, and San Francisco, Calif.
Baltimore, Md.
Duluth, Minn.
Portland and Astoria, Oreg.
Albany and New York, N. Y.
Philadelphia, Pa.
Galveston, Houston, and Port Arthur, Tex.
Norfolk, Va.
Seattle, Longview, Tacoma, and Vancouver, Wash.
Superior, Wis.

3. Section 421.3383 (a) (6) (ii) is amended to provide a deduction from the terminal rate for rye received by truck at Port Arthur, Tex., so that as amended it reads as follows:

(ii) Notwithstanding the foregoing provisions of this paragraph the support rate for rye received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph shall be determined by making a deduction from the terminal rate as follows:

Terminal:	*Amount of deduction (cents per bushel)*
Los Angeles, Stockton, and San Francisco, Calif.; Duluth, Minn.; Portland and Astoria, Oreg.; Seattle, Longview, Tacoma, and Vancouver, Wash.; Superior, Wis.	4½
Baltimore, Md.; Philadelphia, Pa.; Galveston, Houston, and Port Arthur, Tex.; Norfolk, Va.; Albany and New York, N. Y.	6

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. 714c; 7 U. S. C. 1447, 1421)

Issued this 10th day of July 1959.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-5394; Filed, July 14, 1958; 8:54 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.367]

PART 301—ADDITIONAL COMPENSATION AND CREDIT GRANTED CERTAIN EMPLOYEES OF FEDERAL GOVERNMENT SERVING OUTSIDE UNITED STATES

SUBPART E—UNHEALTHFUL POSTS

Pursuant to section 853 of the Foreign Service Act of 1946, as amended, and section 503 of Executive Order 10261 dated June 27, 1951, as amended, the following changes in the list of unhealthful places in § 301.61 established by Executive Order No. 5644 of June 8, 1931, as amended by the second paragraph of Executive Order No. 6942 of January 8, 1935, Executive Order No. 7062 of June 5, 1935, Executive Order No. 10000 of September 16, 1948, as amended, and Departmental Regulations 108.149 of March 13, 1952; 108.224 of June 1, 1954; 108.295 of August 15, 1956; and 108.322 of July 5, 1957 are made:

1. The following places are designated as unhealthful, effective as of January 1, 1942:

Abidjan, Ivory Coast.
Kampala, Uganda.

2. The designation of Florianopolis, Brazil, and Iskenderun, Turkey, as unhealthful is cancelled, effective as of the signature date of this regulation. The cancellation of this designation shall not affect any credit which has accrued for service at Florianopolis and Iskenderun prior to the date of his regulation.

(Secs. 303, 443, 853, 60 Stat. 1002, 1006, 1024; sec. 207, 62 Stat. 194, 1205; 22 U. S. C. 843, 888, 1093, 5 U. S. C. 118h)

For the Secretary of State.

W. K. SCOTT,
Assistant Secretary.

JULY 3, 1958.

[F. R. Doc. 58-5374; Filed, July 14, 1958; 8:51 a. m.]

[Dept. Reg. 108.366]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts,* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following July 12, 1958, paragraph (a) is amended by the deletion of the following:

Eleuthera Island, British West Indies.
Grand Bahama Island, British West Indies.
Grand Cayman, British West Indies.
Grand Turk Island, British West Indies.
Izatnagar, India.
Little Carter Cay, British West Indies.
Mayaguana Island, British West Indies.
San Salvador Island, British West Indies.

2. Effective as of the beginning of the first pay period following July 12, 1958,

paragraph (b) is amended by the deletion of the following:

India, all posts except Anand, Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar, Jodhpur, Lucknow, Ludhiana, Madras, Nabha, Nagpur, New Delhi, Pipri, Poona, Rajkot, Simla, Sindri, Trivandrum, Udaipur, and Vellore.

Iran, all posts except Ahwaz, Dezful, Isfahan, Kerman, Khaneh, Shiraz, and Tehran.

3. Effective as of the beginning of the first pay period following July 12, 1958, paragraph (c) is amended by the deletion of the following:

Bandung, Indonesia.

4. Effective as of the beginning of the first pay period following July 12, 1958, paragraph (d) is amended by the deletion of the following:

Antigua Island, British West Indies.
Kuala Lumpur, Malaya.

5. Effective as of the beginning of the first pay period following April 5, 1958, paragraph (a) is amended by the addition of the following:

Semarang, Indonesia.

6. Effective as of the beginning of the first pay period following July 12, 1958, paragraph (a) is amended by the addition of the following:

Eleuthera Island, Bahamas.
Grand Bahama Island, Bahamas.
Grand Cayman, T. W. I.
Grand Turk Island, T. W. I.
Izatnagar-Bareilly, India.
Little Carter Cay, Bahamas.
Mayaguana Island, Bahamas.
Sanandaj, Iran.
San Salvador Island, Bahamas.

7. Effective as of the beginning of the first pay period following July 12, 1958, paragraph (b) is amended by the addition of the following:

Bandung, Indonesia.
India, all posts except Anand, Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar-Bareilly, Jodhpur, Lucknow, Ludhiana, Madras, Nabha, Nagpur, New Delhi, Pipri, Poona, Rajkot, Simla, Sindri, Trivandrum, Udaipur, and Vellore.

Iran, all posts except Ahwaz, Dezful, Isfahan, Kerman, Khaneh, Sanandaj, Shiraz, and Tehran.

8. Effective as of June 11, 1958, paragraph (d) is amended by the addition of the following:

Beirut, Lebanon.
Tall Amara, Lebanon.
Terbol, Lebanon.

9. Effective as of the beginning of the first pay period following July 12, 1958, paragraph (d) is amended by the addition of the following:

Antigua Island, T.W.I.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

For the Secretary of State.

W. K. SCOTT,
Assistant Secretary.

JULY 2, 1958.

[F. R. Doc. 58-5373; Filed, July 14, 1958; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 1957 Supp., 146.26) are amended by adding to paragraph (b) of § 146.26 *Animal feed containing penicillin* • • • the following new subparagraph (40) as follows:

(40) It is intended for use as an aid in maintaining or increasing egg production, hatchability of eggs, reduction of the effects of stress, prevention of early mortality of chicks, and reduction of the effects of diseases when due to organisms that are sensitive to bacitracin, for the stimulation of appetite, and for improving feed efficiency as related to egg production; its labeling bears adequate directions and warnings for such use; and it contains, per ton of feed, the equivalent of 50 grams of bacitracin when fed during the first 4 to 6 weeks of egg production, and not less than the equivalent of 10 grams of bacitracin when fed during the remainder of the laying period; except that if it is intended for use to increase egg hatchability or prevention of early mortality of chicks or for use in the presence of disease outbreaks or during periods of stress it shall contain the equivalent of 100 grams of bacitracin per ton of feed, and its labeling shall include a statement that at this level it shall be fed for not more than 15 days.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendment herein set forth.

I further find that animal feed containing antibiotic drugs and conforming with the conditions prescribed in this order need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure their safety and efficacy.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies secs. 502, 507, 52 Stat. 1051, 59 Stat. 463 as amended; 21 U. S. C. 352, 357)

Dated: July 3, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-5349; Filed, July 14, 1958; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter II—Agricultural Marketing Service (School Lunch Programs), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURE

APPENDIX—APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT, AS AMENDED, FISCAL YEAR 1959

Pursuant to section 4 of the National School Lunch Act, as amended (42 U. S. C. 1751–1760), food assistance funds available for the fiscal year ending June 30, 1959 are apportioned among the States as follows:

State	Total	State agency	Withheld for private schools
Alabama	$2,885,351	$2,799,880	[illegible]
Alaska	61,776	61,776	
Arizona	677,505	626,308	[illegible]
Arkansas	1,794,518	1,758,356	[illegible]
California	4,991,042	4,991,042	
Colorado	848,709	775,890	[illegible]
Connecticut	735,116	735,116	
Delaware	132,837	107,322	[illegible]
District of Columbia	237,538	237,538	
Florida	1,984,123	1,886,690	[illegible]
Georgia	2,938,179	2,938,179	
Guam	61,888	82,280	[illegible]
Hawaii	336,483	272,623	[illegible]
Idaho	433,752	418,367	[illegible]
Illinois	3,555,630	3,555,630	
Indiana	2,212,423	2,212,423	
Iowa	1,604,575	1,426,832	[illegible]
Kansas	1,185,528	1,185,528	
Kentucky	2,479,810	2,479,810	
Louisiana	2,296,841	2,296,841	
Maine	545,576	460,409	[illegible]
Maryland	1,292,045	1,073,653	[illegible]
Massachusetts	1,904,386	1,904,386	
Michigan	3,452,034	2,914,188	[illegible]
Minnesota	1,850,453	1,545,536	[illegible]
Mississippi	2,609,587	2,609,587	
Missouri	2,036,530	2,036,530	
Montana	360,725	320,381	[illegible]
Nebraska	840,678	740,188	[illegible]
Nevada	96,820	91,823	[illegible]
New Hampshire	287,792	287,792	
New Jersey	1,968,970	1,534,417	[illegible]
New Mexico	642,255	642,255	
New York	5,690,805	5,690,805	
North Carolina	3,746,686	3,746,686	
North Dakota	501,237	450,110	[illegible]
Ohio	3,968,509	3,351,702	[illegible]
Oklahoma	1,445,849	1,445,849	
Oregon	874,608	874,608	
Pennsylvania	4,953,078	3,951,789	1,001,289
Puerto Rico	3,423,186	3,423,186	
Rhode Island	360,791	360,791	
South Carolina	2,455,989	2,422,612	[illegible]
South Dakota	530,113	476,084	[illegible]
Tennessee	2,752,729	2,672,802	[illegible]
Texas	5,488,245	5,166,017	[illegible]
Utah	572,261	563,603	[illegible]
Vermont	226,259	226,259	
Virginia	2,279,712	2,174,603	[illegible]
Virgin Islands	38,516	38,516	
Washington	1,268,808	1,167,880	[illegible]
West Virginia	1,542,416	1,501,842	[illegible]
Wisconsin	1,967,313	1,495,689	[illegible]
Wyoming	171,323	171,323	
Total	93,600,000	88,351,891	[illegible]

(Secs. 2–11, 60 Stat. 230–233, as amended; 42 U. S. C. 1751–1760)

Dated: July 9, 1958.

[SEAL] ORIS V. WELLS,
Administrator.

[F. R. Doc. 58-5360; Filed, July 14, 1958; 8:48 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

Part 718—Determination of Acreage and Performance

Miscellaneous Amendments

The amendments herein are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301 et seq.), the Sugar Act of 1948, as amended (7 U. S. C. 1100 et seq.), the Agricultural Act of 1949, as amended (7 U. S. C. 1441 et seq.), and the Soil Bank Act (7 U. S. C. 1801 et seq.). These amendments include provisions relative to: (1) The definition of "cropland"; (2) the definition of "farm"; (3) the determination and recording of acreages for tobacco and tobacco acreage reserve; (4) variances authorized with respect to the determined acreage of tobacco; and (5) the publication of State ASC committee determinations pursuant to § 718.15 (a), as amended, for the States of Arizona, Arkansas, and Mississippi.

Since farmers are now engaged in 1958 farming operations, it is imperative that notice of these amendments be given as soon as possible. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest and that these amendments shall become effective upon publication in the Federal Register.

1. Section 718.2 (e) is amended to read as follows:

(e) "Cropland" means land which the county committee determines: (1) Was tilled in at least one of the five calendar years immediately preceding the crop year for which the determination is being made; or (2) was established in permanent vegetative cover within the five calendar years immediately preceding the crop year for which the determination is being made and was classified as cropland at the time of establishment; or (3) has been tilled but at the time of determination is in an established crop rotation pattern recognized in the community. Land planted to vineyards, orchards, or other trees which was classified as cropland at the time of planting shall retain the cropland classification only for the year of planting, except that portions of the land area within an orchard or vineyard not devoted to trees or vines shall be classified as cropland if such land area meets the requirements of the first sentence of this paragraph. Insofar as the acreage of cropland on the farm enters into the determination of the farm acreage allotment, the cropland acreage on the farm shall not be deemed to be decreased during the period of any contract entered into pursuant to the conservation reserve program under the Soil Bank Act or any agreement entered into under the Great Plains conservation program by reason of the establishment and maintenance of vegetative cover or water storage facilities or other soil, water, wildlife, or forest-conserving uses under such contract or agreement.

2. Section 718.2 (i) is amended to read as follows:

(i) "Farm";

(1) *Farms constituted under prior regulations.* The term "farm" means land which has been properly constituted and identified as a farm under regulations issued pursuant to the Agricultural Adjustment Act of 1938, as amended, or the Soil Bank Act, as amended, and such land shall continue to constitute a farm for all programs to which the regulations in this part may apply until reconstituted as required under subparagraph (4) of this paragraph.

(2) *Farms constituted for the first time or reconstituted hereafter.* With respect to the constitution and identification of land as a farm for the first time or the reconstitution of farms made hereafter, the term "farm" shall mean all adjoining or nearby and easily accessible farm, wood, or range land under the same ownership which is operated by one person and all additional farm, wood, or range land under different ownership operated by such person which the county committee determines is nearby and easily accessible, is approximately equally productive, and for the past two years has been operated by such person and which will be so operated during the current year, or which has been operated by such person for one year with proof satisfactory to the county committee that it will be operated by such person for at least two more years. Notwithstanding the foregoing definition of "farm" in this subparagraph:

(i) Fields and subdivisions of fields which are part of a farm shall remain a part of such farm when operated under a short term agreement by another operator, unless and until such fields or subdivisions of fields may be properly constituted as a separate farm or part of another farm under this section.

(ii) Land for which one or more landlord(s) refuse(s) to sign a conservation reserve contract and which is a part of a multiple-ownership farm may be constituted as a separate farm provided some eligible land in the balance of such multiple-ownership farm is covered by a conservation reserve contract.

(iii) Where part of a farm is owned by the Federal Government and the federal agency handling the leasing of such land has leased such land under a lease restricting the production of price-supported commodities in excess supply, the farm shall be reconstituted so that such government-owned land is a separate farm. Such government-owned land, or other land as may be acquired by the Federal Government and leased to producers under such restrictive leases, shall not be combined with privately-owned land or with other government-owned land not under restrictive lease.

(iv) Where a conservation reserve contract has been entered into under the conservation reserve program regulations (6 CFR Part 485) pursuant to which the entire eligible land on the farm is designated as conservation reserve, the farm as constituted at the time all the eligible land becomes so designated shall not be combined with other land (as long as all of the eligible land in the farm is under contract) unless the conservation reserve contract is modified to include in the conservation reserve all eligible land of such other land.

(3) *Location of farm for administrative purposes.* A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(4) *Required reconstitutions.* A reconstitution of a farm either by division or by combination shall be required whenever:

(i) A change has occurred in the operation of the land after the last constitution or reconstitution and as a result of such change the farm does not meet the requirements of the definition set forth in paragraph (i) (2) of this section; or

(ii) The farm was not properly constituted under the applicable regulations in effect at the time of the last constitution or reconstitution; or

(iii) A reconstitution is required to meet the provisions of paragraph (i) (2) (ii) or (iii) of this section.

3. Section 718.9 (a) is amended to read as follows:

(a) *Tobacco and tobacco acreage reserve.* Each field or subdivision computed will be recorded in acres and hundredths of acres, dropping all thousandths, except where the field or subdivision being measured is less than one-hundredth (0.01) acre in which case the computations shall be carried to five decimal places and the acreage recorded in acres and thousandths. The total farm acreage of the acreage reserve and each kind of tobacco shall be the sum of the field and subdivision acreages of each kind of tobacco and shall be recorded in acres and hundredths of acres.

4. Section 718.10, as amended, is further amended by the addition of a paragraph at the end thereof to read as follows:

In case of tobacco, if the acreage determined for the farm does not exceed the tobacco allotment by more than the smaller of (a) 2 percent of such allotment or (b) nine-hundredths (0.09) acre, the farm tobacco allotment shall be considered as the tobacco acreage for the farm for that year and the farm operator shall be so notified. If the determined tobacco acreage for the farm exceeds this amount, the tobacco acreage as actually determined shall be the tobacco acreage for the farm for all program purposes.

5. In § 718.15 (b), the Table of Sections Affected by Determinations of State Committees Pursuant to § 718.15 (a), is amended for the States of Arizona, Arkansas, and Mississippi to read as follows:

TABLE OF SECTIONS AFFECTED BY DETERMINATIONS OF STATE COMMITTEES PURSUANT TO § 718.15 (a)

State	718.2 (1)	718.5 (f) (1)	718.5 (f) (2)	718.5 (g)	718.5 (a)	718.12 (a-2)	718.12 (b-1)	718.12 (b-2)
Arizona		0.1 A.	0.1 A. Minimum width 0.2 chain.		0.1 A. All destroyed acreage must be in one plot or be made up of entire field(s) plus 1 plot. The plot to be destroyed must be an area of regular shape with no more than 4 sides and with at least 1 side bordering on the edge of the field. If the area to be destroyed is a narrow strip extending out into the field from either a side or an end of the field, such strip must be at least four normal rows in width to qualify under the above requirements.			
Arkansas		0.5 A. Areas planted to rice on which the rice was destroyed in the construction of contour levees (dikes) shall not be eligible for deduction on the initial check of performance.			0.5 A. Areas on which rice was completely destroyed in the construction of contour levees (dikes) may be considered as acreage disposed of to adjust to the farm allotment provided the area in each levee (dike) meets the 0.5 A. minimum area requirement.			
Mississippi		0.1 A. Minimum width 0.2 chain.	0.1 A. Dikes in rice fields not planted to rice and irrigation dikes in cotton fields shall be eligible in the same manner as terraces provided they are 0.1 chain in width and the total area in any one field is not less than 0.1 A.		Minimum area in a single plot 0.5 A. except (1) when the total to be destroyed is 0.5 A. or less, the entire acreage destroyed must be in one plot; (2) when the acreage to be destroyed is more than 0.5 A., only one plot destroyed may be less than 0.5 A.; (3) all of any field or subdivision planted to cotton may be disposed of to come within the allotment regardless of size or number; (4) the area included in cotton and rice irrigation dikes where crops are destroyed may be combined and deducted provided: (a) the dikes are not less than 0.1 chain in width, and (2) the combined area in dikes for any one field is not less than 0.1 A. Minimum width for (1) and (2) above 0.2 chain.			

(Secs. 374, 375, 52 Stat. 65, as amended, 66, as amended, sec. 403, 61 Stat. 932, sec. 401, 63 Stat. 1054, as amended, sec. 124, 70 Stat. 198; 7 U. S. C. 1374, 1375, 1421, 1153, 1812)

Done at Washington, D. C., this 9th day of July 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-5369; Filed, July 14, 1958; 8:50 a. m.]

[1023—Allotments—(Cigar-Binder and Cigar-Filler and Binder—59-1)]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

MARKETING QUOTA REGULATIONS, 1959–60 MARKETING YEAR

GENERAL

Sec.
723.1011 Basis and purpose.
723.1012 Definitions.
723.1013 Extent of calculations and rule of fractions.
723.1014 Instructions and forms.
723.1015 Applicability of §§ 723.1011 to 723.1028.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

723.1016 Determination of 1959 preliminary acreage allotments for old farms.
723.1017 1959 old farm tobacco acreage allotments.
723.1018 Adjustment of acreage allotments for old farms, corrections of errors made in acreage allotments for old farms, and allotments for overlooked old farms.
723.1019 Reduction of acreage allotment for violation of the marketing quota regulations for prior marketing year.
723.1020 Reallocation of allotments released from farms removed from agricultural production or shifted from production of cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco to production of shade-grown cigar-leaf (type 61) wrapper tobacco.
723.1021 Farms divided or combined.
723.1022 Determination of normal yields for farms.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

723.1023 Determination of acreage allotments for new farms.
723.1024 Time for filing application.
723.1025 Determination of normal yields for new farms.

MISCELLANEOUS

723.1026 Determination of acreage allotments and normal yields for farms returned to agricultural production or shifted from production of shade-grown cigar-leaf (type 61) wrapper tobacco to production of cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco.
723.1027 Approval of determinations made under §§ 723.1011 to 723.1026, and notices of farm acreage allotments.
723.1028 Application for review.

AUTHORITY: §§ 723.1011 to 723.1028 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, 47, as amended, 63, 69 Stat. 684; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 723.1011 *Basis and purpose.* The regulations contained in §§ 723.1011 to 723.1028 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1959 farm acreage allotments and normal yields for cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco. The purpose of the regulations in §§ 723.1011 to 723.1028 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for the 1959–60 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 723.1011 to 723.1028, public notice (23 F. R. 2429) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 723.1011 to 723.1028 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 723.1012 *Definitions.* As used in §§ 723.1011 to 723.1028, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The definitions of the following terms as set forth in Part 719 of this chapter shall apply in §§ 723.1011 to 723.1028: "combination", "community committee", "county committee", "State committee", "county", "county office manager", "cropland", "Department", "Deputy Administrator", "division", "farm", "operator", "person", "producer", "reconstitution", "Secretary", "Soil Bank Contract", "State administrative officer", and "subdivision".

(b) "Director" means the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(c) "New farm" means a farm on which tobacco will be harvested in 1959 for the first time since 1953. If in accordance with applicable law and regulations, no 1955, 1956, 1957, or 1958 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, 1957, or 1958, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage with the meaning of "harvested acreage" as provided in paragraph (c) of § 723.1016.

(d) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1954 through 1958. If in accordance with applicable law and regulations, no 1955, 1956, 1957, or 1958 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, 1957, or 1958, respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 723.1016.

(e) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1958 into the total of the 1958 tobacco acreage allotment for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factors of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(f) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(g) "Tobacco" means:

(1) Type 42 tobacco, that type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(2) Type 43 tobacco, that type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(3) Type 44 tobacco, that type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley section of Ohio;

(4) Type 51 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced primarily in the Valley area of Connecticut;

(5) Type 52 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced primarily in the Connecticut Valley area of Massachusetts and Connecticut;

(6) Type 53 tobacco, that type of cigar-leaf tobacco commonly known as York State Tobacco, or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats section of New York, extending into Pennsylvania and in the Onondaga section of New York State;

(7) Type 54 tobacco, that type of cigar-leaf tobacco commonly known as southern Wisconsin cigar-leaf or southern Wisconsin binder type, produced principally south and east of the Wisconsin River; or

(8) Type 55 tobacco, that type of cigar-leaf tobacco commonly known as Northern Wisconsin cigar-leaf or Northern Wisconsin binder type, produced principally north and west of the Wisconsin River, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or all such types of tobacco as indicated by the context. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash.

§ 723.1013 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-hundredth acre. The rule of fractions will be to round upward fractions of more than five-thousandths and to round downward fractions of five-thousandths or less (i. e., 0.0050 would be 0.00 and 0.0051 would be 0.01).

§ 723.1014 *Instructions and forms.* The director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions for internal management as are necessary for carrying out §§ 723.1011 to 723.1028. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 723.1015 *Applicability of §§ 723.1011 to 723.1028.* Sections 723.1011 to 723.1028 govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1959.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 723.1016 *Determination of 1959 preliminary acreage allotments for old farms.* (a) The 1959 preliminary acreage allotment for an old tobacco farm shall be the 1958 farm acreage allotment established for such farm, except that where a quantity of tobacco produced on a farm prior to 1958 and stored under bond pursuant to regulations to postpone or avoid payment of penalty has been reduced because the 1958 acreage allotment for such farm was not fully harvested, and the allotments for such farm for the three years 1956–58 were underharvested to the extent provided in paragraph (c) of this section, the 1959 preliminary acreage allotment for such farm shall be determined subject to the provisions of paragraph (c) of this section, if applicable.

(b) For the purpose of determining, under the provisions of paragraph (a) of this section, a 1959 preliminary acreage allotment for an old farm equal to the 1958 farm acreage allotment for such farm, the 1958 farm acreage allotment shall mean the 1958 farm acreage allotment determined for such farm prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year; and for the purpose of determining a 1959 preliminary acreage allotment for an old farm under the provisions of paragraph (c) of this section, the 1958 farm acreage allotment shall mean the 1958 farm acreage allotment established for such farm after any such reduction.

(c) The provisions of this paragraph shall be applied, if applicable, in the case of an old farm, only where a quantity of tobacco produced thereon prior to 1958 and stored under bond pursuant to regulations to postpone or avoid payment of penalty was reduced because the 1958 allotment was not fully harvested and acreage allotments were underharvested as provided in this paragraph. If the harvested acreage (as that term is explained in subparagraphs (1), (2) and (3) of this paragraph) of cigar-binder or cigar-filler and binder tobacco on such old farm in each of the three years 1956–58 was less than 75 percent of the farm acreage allotment for each of such respective years, the 1959 preliminary allotment for such farm shall be the larger of the largest acreage of tobacco harvested on the farm in any one of such three years, or the average acreage of tobacco harvested on the farm in the five years 1954–58: *Provided*, That any such 1959 preliminary allotment shall not exceed the 1958 farm acreage allotment or be less than 0.01 acre.

(1) For the purpose of this paragraph, the 1958 harvested acreage shall have the meaning and include the acreage as provided in § 723.816 (b) (tobacco marketing quota regulations for the 1957–58 marketing year (21 F. R. 7202)); the 1957 harvested acreage shall have the meaning and include the acreage as provided in § 723.916 (c) (tobacco marketing quota regulations for the 1958–59 marketing year (22 F. R. 4351, 8127; 23 F. R. 135, 638)); and the 1958 harvested acreage shall include the acreage on the farm applicable to the kind of tobacco involved which is determined as provided in subparagraphs (2) and (3) of this paragraph to be devoted or diverted in 1958 to participation in the acreage reserve program or conservation reserve program.

(2) The tobacco acreage devoted in 1958 to the acreage reserve program shall be the smallest of (i) the acreage reserve entered on the agreement, (ii) the measured acreage reserve, or (iii) the 1958 allotment minus the actual acreage devoted in 1958 to tobacco.

(3) The acreage diverted from allotment crops in 1958 to the conservation reserve program shall be the smallest of (i) the acreage determined to be in the conservation reserve at the regular rate, (ii) the reduction in soil bank base crops from the farm's soil bank base, or (iii) the amount by which the sum of all acreage allotments for the farm for crops for which there was a reduction in the quantity of excess commodity stored pursuant to the regulations to postpone or avoid payment of penalty because the 1958 allotments were not fully planted, or as to tobacco was not fully harvested, exceeds the sum of the acreage actually devoted to such allotment crops and the acreage reserve, if any, credited under subparagraph (2) of this paragraph to such crops. The crops involved will share pro rata in the acreage so determined on the basis of the respective reductions made in such crops. Such respective reductions will be the amount by which the 1958 allotment exceeds the sum of the acreage actually devoted to the crop and the acreage devoted to the acreage reserve.

(d) Notwithstanding the foregoing provisions of this section, no 1959 preliminary allotment or 1959 farm tobacco acreage allotment shall be determined for any farm that the county and State committee determine has been retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 723.1020.

§ 723.1017 *1959 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 723.1016 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms, correction of errors, and for allotments for overlooked old farms pursuant to § 723.1018 shall not exceed the State acreage allotment.

§ 723.1018 *Adjustment of acreage allotments for old farms, correction of errors, and allotments for overlooked old farms.* Notwithstanding the limitations contained in § 723.1016, the individual 1959 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of the State committee or its representative as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available in the State for increasing allotments as above described under this section, correction of errors, and providing acreage allotments for overlooked farms shall not exceed in the case of cigar-binder (types 51 and 52) tobacco one percent of the total acreage allotted to all farms in the State for the production of such kind of tobacco for the 1958–59 marketing year, and shall not exceed in the case of cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco 4 percent of the total acreage allotted to all farms in the State for the production of such kind of tobacco for the 1958–59 marketing year.

§ 723.1019 *Reductions of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm for the 1958–59 or a prior marketing year which in fact was produced on a different farm, the 1959 acreage allotments established for both such farms shall be reduced, as provided in this section, except that such reduction for any such farm shall not be made if the county and State committees determine that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator or any producer on the farm shall have furnished complete and accurate proof of the disposition of all tobacco produced on the farm in 1958 or a prior year and in the event of failure to furnish such proof, the 1959 acreage allotment for the farm shall be reduced as provided in this section.

(c) If any producer has filed, or aided or acquiesced in the filing of, any false report with respect to the acreage of tobacco grown on the farm in 1958 or a prior year, the 1959 acreage allotment for the farm shall be reduced as provided in this section.

(d) If in the calendar year 1958 more than one crop of tobacco was grown from (1) the same tobacco plants, or (2 different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested. In case the allotment is transferred through a State pool to another farm under § 723.1020 before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as described above in this paragraph.

(e) Any reduction made with respect to a farm's 1959 acreage allotment for any of the reasons heretofore provided in this section shall be made no later than May 1, 1959. If the reduction cannot be made by such dates, the reduction shall be made with respect to the acreage allotment next established for the farm but no later than by a corresponding date to be specified in a subsequent year: *Provided, however*, That no reduction shall be made under this section in the 1959 acreage allotment for any farm for a violation described in paragraph (a), (b), (c), or (d) of this section if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the 1959 allotment for a violation described in paragraph (a), (b), or (c) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco produced on acreage falsely omitted from an acreage report or for which proof of disposition has not been furnished is not known, the county committee shall determine such quantity in the following manner, and if the actual total production of tobacco on the farm is not known, the county committee shall determine such total production and the farm marketing quota in the following manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield per acre and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c) or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced under paragraph (a) (b), (c) or (d) of this section.

(i) Producers of tobacco in the 1958–59 marketing year shall submit proof of disposition of tobacco and records and reports relative to the provisions of this section as set forth in § 723.952 of this part (Marketing Quota Regulations, 1958–59 marketing year, 1026 (Cigar-Binder and Cigar-Filler and Binder—58)–1).

§ 723.1020 *Reallocation of allotments released from farms removed from agricultural production or shifted from production of cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco to production of shade-grown cigar-leaf (type 61) wrapper tobacco.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm. The provisions of this paragraph shall not be applicable so long as (1) there is any marketing quota penalty due and unpaid with respect to the marketing of tobacco from the farm acquired by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm, or due to a false acreage report.

(b) The allotment determined or which would have been determined for any land which has been used for the production of cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco but which will be used in 1959 for the production of cigar wrapper (type 61) tobacco shall be placed in a State pool and shall be available to the State committee to establish allotments pursuant to § 723.1026 (b).

§ 723.1021 *Farms divided or combined.* Allotments for farms reconstituted for 1959 shall be determined in accordance with Part 719 of this chapter.

§ 723.1022 *Determination of normal yields for old farms.* The county committee will determine a normal yield for each farm for which a 1959 tobacco acreage allotment was established by first obtaining the average of the two highest yields for such farms in the three years 1951, 1953, and 1954, or if tobacco was grown in less than two of such years the yield for the one year will be used in lieu of the average yield of two years. If in any case the preliminary yield so obtained exceeds 125 percent or is less than 80 percent of the county check yield (to be ascertained as hereinafter provided), such preliminary yield shall be adjusted to the applicable percentage, and any preliminary yield may be also adjusted for drought, flood or other abnormal conditions affecting the yield, but the yield so adjusted shall not exceed 125 percent or be less than 80 percent of the county check yield. If the total production extension for all farms in the county in 1956 obtained by multiplying the 1956 acreage allotment for each farm by the preliminary yield so computed for such farm varies more than one percent from the total production extension obtained by multiplying the county check yield by the total of all allotted tobacco acreage in the county for 1956, the preliminary yield for each farm will then be factored to the extent required to eliminate any variance. Subject to the approval of the State committee, the yields may be further factored to provide a yield for each farm in the county that is not more than 125 percent or less than 80 percent of the county check yield. The yield for the farm thus determined shall be the normal yield for the farm: *Provided*, That if the farm has been reconstituted since 1950, the normal yield for such farm shall be determined by the county committee by appraisal taking into consideration available yield data for the land involved and yields established as heretofore provided in this section for similar farms in the community. The State committees or their representatives are authorized to make changes or require changes to be made in farm preliminary normal yields per acre which are necessary to result in a normal yield that is determined in accordance with this section, whether or not a producer questions or appeals the normal yield as determined for the farm to the State committee; however, such changes shall not be permitted to result in a weighted yield per acre for all farms in the county that is in excess of 102 percent of the county check yield. The county check yield shall be determined by the Deputy Administrator on the basis of the average of the two highest yields in the county in the three years 1951, 1953, and 1954, adjusted where necessary so as to conform with and, except for factoring, to not exceed 125 percent or be less than 80 percent of the State check yield; such State check yield to be determined by the Deputy Administrator on the basis of the average of the two highest yields in the State in the three years 1951, 1953, and 1954, but not to exceed 125 percent or be less than 80 percent of the average of the two high year averages of all States which grow the type of tobacco indicated in each of the following groups: (a) Types 51–52, (b) Types 42–44, and (c) Types 54 and 55.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.1023 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 723.1020, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm, taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the average of acreage allotments established for two or more but not to exceed five old farms in the community which are similar with respect to land, labor and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further*, That if the acreage planted to tobacco on a new tobacco farm is less than the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the acreage planted to tobacco on the farm.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in the kind of tobacco for which an allotment is requested and such experience shall consist of the preparation of the plant bed and extend through preparation of the tobacco for market: *Provided*, That production of tobacco on a farm in 1955, 1956, 1957, or 1958 for which in accordance with applicable law and regulations no 1955, 1956, 1957, or 1958 tobacco acreage allotment respectively was determined shall not be deemed such experience for any producer.

(2) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a cigar-binder (types 51 and 52) tobacco, or cigar-filler and binder (types 42, 43,

44, 53, 54, and 55) tobacco acreage allotment is established for the 1959–60 marketing year.

(3) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1954–58 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1953 due to no tobacco being produced thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1954–58 and at time of division of the farm contained cropland but received no part of the allotment due (a) to division of the allotment on a contribution basis, or (b) to agreement and approval of all interested parties as provided in regulations governing divisions and combinations of allotments.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1959 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

§ 723.1024 *Time for filing application.* An application for a new farm allotment shall be filed with the ASC county office not later than March 11, 1959, unless the farm operator was discharged from the armed services subsequent to December 31, 1958, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 723.1025 *Determination of normal yields for new farms.* The normal yield for a new farm shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 723.1022 for similar farms in the community.

MISCELLANEOUS

§ 723.1026 *Determination of acreage allotments and normal yields for farms returned to agricultural production or shifted from production of shade-grown cigar-leaf (type 61) wrapper tobacco to production of cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco.* (a) Notwithstanding the foregoing provisions of §§ 723.1011 to 723.1025, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production in 1959 or which was returned to agricultural production in 1958 too late for the 1958 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner within five years from the date of acquisition by a Federal, State or other agency having the right of eminent domain, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1959 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, or if more than five years have elapsed since the date of acquisition by a Federal, State, or other agency having the right of eminent domain, the farm returned to agricultural production shall be regarded as a new farm.

(b) Notwithstanding the foregoing provisions of §§ 723.1011 to 723.1025, an allotment may be established by the county and State committees for a farm which in 1958 was producing shade-grown cigar-leaf (type 61) wrapper tobacco but on which cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco will be produced in 1959. The acreage used for such purpose will be limited to that placed in the State pool pursuant to § 723.1020 (b). Any allotment established pursuant to this paragraph shall, to the extent of available acreage in such pool, be determined by the county and State committees so as to be fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Allotments established pursuant to this paragraph are eligible for consideration for adjustments under § 723.1018.

(c) The normal yield for any such farm under paragraph (a) or (b) of this section shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 723.1022 for similar farms in the community.

§ 723.1027 *Approval of determinations made under §§ 723.1011 to 723.1026, and notices of farm acreage allotments.* (a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by or on behalf of the State committee and the State committee may revise or require revision of any determinations made under §§ 723.1011 to 723.1026. All acreage allotments and yields shall be approved by or on behalf of the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by or on behalf of the State committee.

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeemen or an employee of the county office. Insofar as practical all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice, containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, no notice of such allotment shall be mailed until the proper allotment is determined for the farm by the county committee with the approval of the State committee: *Provided,* That the notice of allotment for any farm shall, insofar as practicable, be mailed no later than May 1, 1959.

(d) If the county committee determines with the approval of the State administrative officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1959–60 marketing year, provided the acreage of tobacco harvested from the farm is not in excess of the acreage shown on the erroneous notice. In the event the acreage of tobacco harvested exceeds the farm acreage allotment shown on the erroneous notice, the acreage allotment for the farm as correctly determined and shown on a revised notice of farm acreage allotment and marketing quota shall be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1959–60 marketing year.

§ 723.1028 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASC county office to have such allotment reviewed by a review committee. The proceedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at ASC county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 9th day of July 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-5364; Filed, July 14, 1958; 8:49 a. m.]

[1023—Allotments—Cigar-Filler (Type 41) Tobacco—59–1]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

CIGAR-FILLER (TYPE 41) TOBACCO MARKETING QUOTA REGULATIONS, 1959–60 MARKETING YEAR

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723.883 Determination of acreage allotments for new farms.
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MISCELLANEOUS

Sec.
723.886 Determination of acreage allotments and normal yields for farms returned to agricultural production.
723.887 Approval of determinations made under §§ 723.871 to 723.886.
723.888 Application for review.

AUTHORITY: §§ 723.871 to 723.888 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, as amended, 47, as amended, 63, 69 Stat. 684; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 723.871 *Basis and purpose.* The regulations contained in §§ 723.871 to 723.888 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1959 farm acreage allotments and normal yields for cigar-filler tobacco. The purpose of the regulations in §§ 723.871 to 723.888 is to provide the procedure for allocating, on an acreage basis, the State marketing quota for cigar-filler tobacco for the 1959–60 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 723.871 to 723.888, public notice (23 F. R. 2429) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 723.871 to 723.888, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 723.872 *Definitions.* As used in §§ 723.871 to 723.888, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The definitions of the following terms as set forth in Part 719 of this chapter shall apply in §§ 723.871 to 723.888: "Combination", "community committee", "county committee", "State committee", "county", "county office manager", "cropland", "Department", "Deputy Administrator", "division", "farm", "operator", "person", "producer", "reconstitution", "Secretary", "soil bank contract", "State administrative officer", and "subdivision".

(b) "Director" means the Director, or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(c) "New farm" means a farm on which tobacco will be harvested in 1959 for the first time since 1953. If in accordance with applicable law and regulations, no 1955 or 1956 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955 or 1956, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in § 723.876.

(d) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1954 through 1958. If in accordance with applicable law and regulations, no 1955 or 1956 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955 or 1956, respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in § 723.876.

(e) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1958 into the total of the 1958 tobacco acreage allotment for such old farms: *Provided,* That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factors of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(f) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(g) "Tobacco" means cigar-filler tobacco, type 41, that type of cigar-leaf tobacco commonly known as Pennsylvania Seedleaf, Pennsylvania Broadleaf, Pennsylvania filler type, or Lancaster and York County filler type, and produced principally in Lancaster County, Pennsylvania, and the adjoining counties, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco. The term "tobacco" shall include all leaves harvested including trash.

§ 723.873 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-hundredth acre. The rule of fractions will be to round upward fractions of more than five-thousandths and to round downward fractions of five-thousandths or less (i. e., 0.0050 would be 0.00 and 0.0051 would be 0.01).

§ 723.874 *Instructions and forms.* The Director, Tobacco Division, Commodity Stabilization Service, shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions for internal

ing out §§ 723.871 to 723.888. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service.

§ 723.875 *Applicability of §§ 723.871 to 723.888.* Sections 723.871 to 723.888 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1959. The applicability of §§ 723.871 to 723.888 is contingent upon the proclamation of national marketing quotas for cigar-filler tobacco for the three marketing years beginning October 1, 1959, by the Secretary of Agriculture, and the approval thereof by growers voting in a referendum pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

HARVESTED ACREAGE, ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 723.876 *Determination of harvested tobacco acreage for old farms.* The county committee shall determine from the best available data the acreage of tobacco harvested on each old tobacco farm for each of the years 1954–58. Data for making such determinations shall be taken from county office records, producers' sales records, producers' reports, and estimates of other persons having knowledge of tobacco produced on the farm. In determining the harvested acreage for any year, due allowance shall be made for drought, flood, hail, other abnormal weather conditions and plant bed and other diseases. The harvested acreage for 1955 and 1956 on a farm which is in excess of the tobacco acreage allotment for such farm shall not be considered as harvested acreage. Also, the 1956 harvested acreage shall be considered to equal the 1956 allotment if the farm owner or operator notified the county committee not later than August 1, 1956, that he desired to preserve such allotment. If a conservation reserve contract was in effect on the farm in 1956, the harvested acreage for 1956 shall include the acreage by which the 1956 allotment was underharvested, not to exceed the acreage in the conservation reserve contract.

§ 723.877 *Determination of 1959 preliminary acreage allotments for old farms.* (a) The preliminary acreage allotment for an old farm shall be the largest of the following:

(1) The average acreage of tobacco harvested on the farm in the five years 1954–58, except that if the five-year average is in excess of the three-year, 1956–58 average, it shall be reduced to the larger of such three-year average or 50 percent of the five-year average;

(2) 80 percent of the average acreage of tobacco harvested on the farm in the past three years 1956–58, or

(3) 45 percent of the acreage of tobacco harvested on the farm in 1958: *Provided*, That the preliminary acreage allotment for any old farm shall not be less than 0.01 acre.

age allotment. The preliminary allotments calculated for all old farms in the State pursuant to § 723.877 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 723.879 shall not exceed the State acreage allotment: *Provided*, That if the acreage allotment so determined for any farm (except farms operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco: *And provided further*, That if in the calendar year 1958 more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the 1959 acreage allotment established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested; in case the allotment is transferred through a State pool to another farm under § 723.880 before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as provided herein, or in case the farm is divided or combined with other land before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotments for the divided farms or the allotment for the combined farm shall be reduced as provided herein.

§ 723.879 *Adjustment of acreage allotments for old farms.* Notwithstanding the limitations contained in § 723.878, the farm acreage allotment for an old farm may be increased if the community and county committees find (with approval of the State committee) that such increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail and other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section shall not exceed two percent of the 1959 State acreage allotment.

§ 723.880 *Reallocation of allotments released from farms removed from agricultural production.* The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency have placed in the State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. In any year during the five years 1954–58 in which tobacco was not harvested from the farm due to such acquisition the harvested acreage shall be considered to be equal to the sum of the acreages of tobacco harvested from the farm during the five years 1954–58 divided by the number of years tobacco was harvested from the farm in 1954–58. Upon application to the county committee within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

§ 723.881 *Farms divided or combined.* Allotments for farms reconstituted for 1959 shall be determined in accordance with Part 719 of this chapter.

§ 723.882 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the years 1946–57 for which data are available; (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.883 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 723.880, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm, taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the average of the allotments established for two or more but not more than five old farms in the community which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further*, That if the acreage planted to tobacco on a new tobacco farm is less than the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the acreage planted to tobacco on the farm.

violations of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in cigar-filler (type 41) tobacco and such experience shall consist of the preparation of the plant bed and extend through preparation of the tobacco for market: *Provided*, That production of tobacco on a farm in 1955 or 1956 for which in accordance with applicable law and regulations no 1955 or 1956 tobacco acreage allotment, respectively, was determined shall not be deemed such experience for any producer.

(2) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a cigar-filler (type 41) tobacco acreage allotment is established for the 1959–60 marketing year.

(3) The farm or any portion thereof shall not have been a part of another farm during any of the years 1954–56 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1953 due to no tobacco being produced thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1954–56 and at time of division of the farm contained cropland but received no part of the allotment due (*a*) to division of the allotment on a contribution basis, or (*b*) to agreement and approval of all interested parties as provided in regulations governing divisions and combinations of allotments.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1959 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

§ 723.884 *Time for filing application.* An application for a new farm allotment shall be filed with the ASC county office not later than March 11, 1959, unless the farm operator was discharged from the armed services subsequent to December 31, 1958, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 723.885 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 723.886 *Determination of acreage allotments and normal yields for farms*

Notwithstanding the foregoing provisions of §§ 723.871 to 723.885, the preliminary acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned, within five years from the date of such acquisition, to agricultural production shall be determined as provided in § 723.880. If no tobacco was harvested on the farm during the five years 1954–58 the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 723.887 *Approval of determinations made under §§ 723.871 to 723.886.* (a) All allotments and yields shall be reviewed by or on behalf of the State committee and the State committee may revise or require revision of any determinations made under §§ 723.871 to 723.886. All acreage allotments and yields shall be approved by or on behalf of the State committee, and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by or on behalf of the State committee.

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeemen or an employee of the county office. Insofar as practical all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice, containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) removal of the farm from agricultural production, (2) division of the farm, or (3) combination of the farm, no notice of such allotment shall be mailed until the proper allotment is determined for the farm by the county committee with the approval of the State committee: *Provided*, That the notice of allotment for any farm shall, insofar as practicable, be mailed no later than May 1, 1959.

mines with the approval of the State administrative officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1959–60 marketing year, provided the acreage of tobacco harvested from the farm is not in excess of the acreage shown on the erroneous notice. In the event the acreage of tobacco harvested exceeds the farm acreage allotment shown on the erroneous notice, the acreage allotment for the farm as correctly determined and shown on a revised notice of farm acreage allotment and marketing quota shall be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1959–60 marketing year.

§ 723.888 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the ASC county office to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASC county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 9th day of July 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-5365; Filed, July 14, 1958; 8:49 a. m.]

[1023—Allotments—(Burley, Flue, Fire, Air, Sun—59)-1]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1959-60 MARKETING YEAR

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MISCELLANEOUS

725.1026 Determination of acreage allotments and normal yields for farms returned to agricultural production.
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725.1028 Application for review.

AUTHORITY: §§ 725.1011 to 725.1028 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, as amended, 47, as amended, 63, as amended, 66 Stat. 597, as amended, Pub. Law No. 85-92; 7 U. S. C. 1301, 1313, 1315, 1363.

GENERAL

§ 725.1011 *Basis and purpose.* (a) The regulations contained in §§ 725.1011 to 725.1028 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1959 farm acreage allotments and normal yields for burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco. The purpose of the regulations in §§ 725.1011 to 725.1028 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for burley flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1959–60 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 725.1011 to 725.1028, public notice (23 F. R. 2429) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 725.1011 to 725.1028, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In order that State and county committees may prepare and mail notices of farm acreage allotments for burley, flue-cured, and Virginia sun-cured tobacco as early as possible prior to the referenda to be held with respect to such kinds of tobacco, it is essential that the regulations in §§ 725.1011 to 725.1028, inclusive, be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest, and such regulations shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 725.1012 *Definitions.* As used in §§ 725.1011 to 725.1028, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The definitions of the following terms as set forth in Part 719 of this chapter shall apply in §§ 725.1011 to 725.1028: "combination", "community committee", "county committee", "State committee", "county", "county office manager", "cropland", "Department", "Deputy Administrator", "division", "farm", "operator", "person", "producer", "reconstitution", "Secretary", "Soil Bank Contract", "State administrative officer", and "subdivision".

(b) "Director" means the Director, or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(c) "New farm" means a farm on which tobacco will be harvested in 1959 for the first time since 1953. If in accordance with applicable law and regulations, no 1955, 1956, 1957, or 1958 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, 1957, or 1958, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 725.1016.

(d) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1954 through 1958. If in accordance with applicable law and regulations, no 1955, 1956, 1957, or 1958 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, 1957, or 1958, respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 725.1016.

(e) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1958 into the total of the 1958 tobacco acreage allotment for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factors of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(f) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(g) "Tobacco" means:

(1) Burley tobacco type 31; flue-cured tobacco types 11, 12, 13, and 14; fire-cured tobacco type 21, fire-cured tobacco types 22, 23, and 24; dark air-cured tobacco types 35 and 36; or Virginia sun-cured tobacco type 37, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or all, as indicated by the context.

(2) Any tobacco that has the same characteristics, and corresponding qualities, colors, and lengths as either burley, flue-cured, fire-cured type 21, fire-cured types 22, 23 and 24, dark air-cured or Virginia sun-cured tobacco shall be considered respectively either burley, flue-cured, fire-cured type 21, fire-cured types 22, 23, and 24, dark air-cured or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

§ 725.1013 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-hundredth acre. The rule of fractions will be to round upward fractions of more than five-thousands and to round downward fractions of five-thousandths or less (i. e., 0.0050 would be 0.00 and 0.0051 would be 0.01).

§ 725.1014 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by and the instructions shall be issued by, the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service.

§ 725.1015 *Applicability of §§ 725.1011 to 725.1028.* Sections 725.1011 to 725.1028 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1959, in the case of burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, and July 1, 1959, in the case of flue-cured tobacco. However, the applicability of §§ 725.1011 to 725.1028, in the case of burley, flue-cured and Virginia sun-cured tobacco, is contingent upon the proclamation of national marketing quotas for such kinds of tobacco for the three marketing years beginning October 1, 1959, by the Secretary of Agri-

culture and approval thereof by growers voting in referenda pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 725.1016 *Determination of 1959 preliminary acreage allotments for old farms.* (a) The 1959 preliminary acreage allotment for an old tobacco farm shall be the 1958 farm acreage allotment established for such farm, except that where a quantity of tobacco produced on a farm prior to 1958 and stored under bond pursuant to regulations to postpone or avoid payment of penalty has been reduced because of the 1958 acreage allotment for such farm was not fully harvested, and the allotments for such farm for the three years 1956–58 (five years 1954–58 for burley tobacco) were underharvested to the extent provided in paragraph (c) of this section, the 1959 preliminary acreage allotment for such farm shall be determined subject to the provisions of paragraph (c) of this section, if applicable.

(b) For the purpose of determining, under the provisions of paragraph (a) of this section, a 1959 preliminary acreage allotment for an old farm equal to the 1958 farm acreage allotment for such farm, the 1958 farm acreage allotment shall mean the 1958 farm acreage allotment determined for such farm prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year; and for the purpose of determining a 1959 preliminary acreage allotment for an old farm under the provisions of paragraph (c) of this section the 1958 farm acreage allotment shall mean the 1958 farm acreage allotment established for such farm after any such reduction.

(c) The provisions of this paragraph shall be applied, if applicable, in the case of an old farm, only where a quantity of tobacco produced thereon prior to 1958 and stored under bond pursuant to regulations to postpone or avoid payment of penalty was reduced because the 1958 allotment was not fully harvested, and acreage allotments were underharvested as provided in this paragraph. If the harvested acreage (as that term is explained in subparagraphs (1), (2) and (3) of this paragraph) of flue-cured, fire-cured, dark air-cured or Virginia sun-cured tobacco on such old farm in each of the three years 1956–58 was less than 75 percent of the farm acreage allotment for each of such respective years, the 1959 preliminary allotment for such farm shall be the larger of the largest acreage of tobacco harvested on the farm in any one of such three years, or the average acreage of tobacco harvested on the farm in the five years 1954–58: *Provided*, That any such 1959 preliminary allotment shall not exceed the 1958 farm acreage allotment or be less than 0.01 acre. If the harvested acreage (as that term is explained in subparagraphs (1), (2) and (3) of this paragraph) of burley tobacco on an old farm subject to this paragraph in each of the five years 1954–58 was less than 50 percent of the farm acreage allotment for each of such respective years, the 1959 preliminary allotment for such farm shall be the largest acreage of tobacco harvested on the farm in any one of such five years, but not less than 0.01 acre.

(1) For the purposes of this paragraph, the 1956 harvested acreage shall have the meaning and include the acreage as provided in § 725.816 (c) (tobacco marketing quota regulations for the 1957–58 marketing year (21 F. R. 6803)); the 1957 harvested acreage shall have the meaning and include the acreage as provided in § 725.916 (c) (tobacco marketing quota regulations for the 1958–59 marketing year (22 F. R. 5675, 8103; 23 F. R. 135)); and the 1958 harvested acreage shall include the acreage on the farm applicable to the kind of tobacco involved which is determined as provided in the following subparagraphs (2) and (3) of this paragraph to be devoted or diverted in 1958 to participation in the acreage reserve program or conservation reserve program.

(2) The tobacco acreage devoted in 1958 to the acreage reserve program shall be the smallest of (i) the acreage reserve entered on the agreement, (ii) the measured acreage reserve, or (iii) the 1958 allotment minus the actual acreage devoted in 1958 to tobacco.

(3) The acreage diverted from allotment crops in 1958 to the conservation reserve program shall be the smallest of (i) the acreage determined to be in the conservation reserve at the regular rate, (ii) the reduction in soil bank base crops from the farm's soil bank base, or (iii) the amount by which the sum of all acreage allotments for the farm for crops for which there was a reduction in the quantity of excess commodity stored pursuant to the regulations to postpone or avoid payment of penalty because the 1958 allotments were not fully planted or as to tobacco was not fully harvested exceeds the sum of the acreage actually devoted to such allotment crops and the acreage reserve, if any, credited under subparagraph (2) of this paragraph to such crops. The crops involved will share pro rata in the acreage so determined on the basis of the respective reductions made in such crops. Such respective reductions will be the amount by which the 1958 allotment exceeds the sum of the acreage actually devoted to the crop and acreage devoted to the acreage reserve.

(d) Notwithstanding the foregoing provisions of this section, no 1959 preliminary allotment or 1959 farm tobacco acreage allotment shall be determined for any farm that the county and State committee determine has been retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 725.1020.

§ 725.1017 *1959 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 725.1016 shall be adjusted uniformly so that the total of such allotments for old farms plus the acreage available for adjusting acreage allotments for old farms, correction of errors, and for allotments for overlooked old farms pursuant to § 725.1018 shall not exceed the State acreage allotment: *Provided*, That in the case of burley tobacco, the farm acreage allotment shall not be less than the smallest of (a) the 1958 allotment, (b) fifty-hundredths of an acre, or (c) 10 percent of the cropland in the farm: *Provided further*, That no 1958 burley tobacco allotment of seventy-hundredths of an acre or less shall be reduced more than one-tenth of an acre, and no 1958 burley tobacco farm acreage allotment of more than seventy-hundredths of an acre will be reduced to less than six-tenths of an acre.

§ 725.1018 *Adjustment of acreage allotments for old farms, correction of errors, and allotments for overlooked old farms.* Notwithstanding the limitations contained in § 725.1016, the individual 1959 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of the State committee or its representative as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available in the State for increasing allotments as above described under this section, correction of errors, and providing acreage allotments for overlooked farms shall not exceed one-tenth of one percent of the total acreage allotted to all tobacco farms in the State for the 1958–59 marketing year.

§ 725.1019 *Reductions of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm for the 1958–59 or a prior marketing year which in fact was produced on a different farm, the 1959 acreage allotments established for both such farms shall be reduced, as provided in this section, except that such reduction for any such farm shall not be made if the county and State committees determine that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator or any producer on the farm shall have furnished complete and accurate proof of the disposition of all tobacco produced on the farm in 1958 or a prior year and in the event of failure to furnish such proof, the 1959 acreage allotment for the farm shall be reduced as provided in this section.

(c) If any producer has filed, or aided or acquiesced in the filing of, any false report with respect to the acreage of tobacco grown on the farm in 1958 or a prior year, the 1959 acreage allotment

for the farm shall be reduced as provided in this section.

(d) If in the calendar year 1958 more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested. In case the allotment is transferred through a State pool to another farm under § 725.1020 before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as described above in this paragraph.

(e) Any reduction made with respect to a farm's 1959 acreage allotment for any of the reasons heretofore provided in this section shall be made no later than (1) April 1, 1959, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia or (2) May 1, 1959, in all other States; otherwise, if the reduction cannot be made by such dates, the reduction shall be made with respect to the acreage allotment next established for the farm but no later than by corresponding dates to be specified in a subsequent year: *Provided, however,* That no reduction shall be made under this section in the 1959 acreage allotment for any farm for a violation described in paragraph (a), (b), (c), or (d) of this section if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the 1959 allotment for a violation described in paragraph (a), (b), or (c) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco produced on acreage falsely omitted from an acreage report or for which proof of disposition has not been furnished is not known, the county committee shall determine such quantity in the following manner, and if the actual total production of tobacco on the farm is not known, the county committee shall determine such total production and the farm marketing quota in the following manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided,* That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield per acre and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c), or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced under paragraph (a), (b), (c), or (d) of this section.

(i) Producers of tobacco in the 1958–59 marketing year shall submit proof of disposition of tobacco and records and reports relative to the provisions of this section as set forth in § 725.952 (Marketing Quota Regulations, 1958–59 marketing year, 1026—Burley, Flue, Fire, Air and Sun—58) (23 F. R. 4143).

§ 725.1020 *Reallocation of allotments released from farms removed from agricultural production.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided,* That such allotment shall not exceed 20 percent of the acreage of cropland on the farm (50 percent of the acreage of cropland on the farm in the case of flue-cured tobacco).

(b) The provisions of this section shall not be applicable so long as (1) there is any marketing quota penalty due and unpaid with respect to the marketing of tobacco from the farm acquired by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm or due to a false acreage report.

§ 725.1021 *Farms divided or combined.* Allotments for farms reconstituted for 1959 shall be determined in accordance with Part 719 of this chapter.

§ 725.1022 *Determination of normal yields for old farms.* The county committee will determine a normal yield for each farm for which a 1959 tobacco acreage allotment was established by: first obtaining the average of the three highest yields for such farms in any three years during the period 1950–55, or if tobacco was grown in less than three years of such period the yield for one year or the average yield of two years in such period. If in any case the preliminary yield so obtained exceeds 125 percent or is less than 80 percent of the county check yield (to be ascertained as hereafter provided) such preliminary yield shall be adjusted to the applicable percentage, and any preliminary yield may be also adjusted for drought, flood, or other abnormal conditions affecting the yield, but the yield so adjusted shall not exceed 125 percent or be less than 80 percent of the county check yield. If the total production extension for all farms in the county in 1956 obtained by multiplying the 1956 acreage allotment for each farm by the preliminary yield so computed for such farm in 1956 varies more than one percent from the total production extension obtained by multiplying the county check yield by the total of all allotted tobacco acreage in the county for 1956, the preliminary yield for each farm will then be factored to the extent required to eliminate any variance. Subject to the approval of the State committee, the yields may be further factored to provide a yield for each farm in the county that is not more than 125 percent or less than 80 percent of the county check yield. The yield for the farm thus determined shall be the

normal yield for the farm: *Provided,* That if the farm has been reconstituted since 1950, the normal yield for such farm shall be determined by the county committee by appraisal taking into consideration available yield data for the land involved and yields established as heretofore provided in this section for similar farms in the community. State committees or their representatives are authorized to make changes or require changes to be made in farm preliminary normal yields per acre which are necessary to result in a normal yield that is determined in accordance with this section whether or not a producer questions or appeals the normal yield as determined for the farm to the State committee; however, such changes shall not be permitted to result in a weighted yield per acre for all farms in the county that is in excess of 102 percent of the county check yield. The county check yield shall be determined by the Deputy Administrator on the basis of the average of the three highest yields in the county in any three years during the period 1950–55 adjusted where necessary so as to conform with and, except for factoring, to not exceed 125 percent or be less than 80 percent of the State check yield; such State check yield to be determined by the Deputy Administrator on the basis of the average of the three highest yields in the State in any three years during the period 1950–55, but not to exceed 125 percent or be less than 80 percent of the average of the three high year averages of all States.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 725.1023 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 725.1020, for a new farm shall be that acreage which the county committee with the approval of the State committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the acreage allotment so determined shall not exceed 50 percent of the average of acreage allotments established for two or more but not more than five old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further,* That if the acreage planted to tobacco on a new tobacco farm is less than the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the acreage planted to tobacco on the farm.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years: *Provided,* That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements of this subparagraph if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from the date of discharge: *And provided further,* That production of tobacco on a farm in 1955, 1956, 1957, or 1958 for which, in accordance with applicable law and regulations no 1955, 1956, 1957, or 1958 tobacco acreage allotment, respectively, was determined shall not be deemed such experience for any producer.

(2) The farm operator shall live on and obtain 50 percent or more of his livelihood from the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco allotment is established for the 1959–60 marketing year.

(4) The farm shall be operated by the owner thereof.

(5) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1954–58 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1953 due to no tobacco being produced thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1954–58 and at time of division of the farm contained cropland but received no part of the allotment due (*a*) to division of the allotment on a contribution basis, or (*b*) to agreement and approval of all interested parties as provided in regulations governing divisions and combinations of allotments.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-fourth of one percent of the 1959 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

§ 725.1024 *Time for filing application.* An application for a new farm allotment shall be filed with the ASC county office prior to February 16, 1959, unless the farm operator was discharged from the armed services subsequent to December 31, 1958, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 725.1025 *Determination of normal yields for new farms.* The normal yield for a new farm shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 725.1022 for similar farms in the community.

MISCELLANEOUS

§ 725.1026 *Determination of acreage allotments and normal yield for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 725.1011 to 725.1025, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain, for any purpose and which is returned to agricultural production in 1959, or which was returned to agricultural production in 1958 too late for a 1958 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner within five years from the date of acquisition by a Federal, State or other agency having the right of eminent domain, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, or if more than five years have elapsed since the date of acquisition by a Federal, State or other agency having the right of eminent domain, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 725.1022 for similar farms in the community.

§ 725.1027 *Approval of determinations made under §§ 725.1011 to 725.1026, and notices of farm acreage allotments.* (a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by or on behalf of the State committee, and the State committee may revise or require revision of any determinations

made under §§ 725.1011 to 725.1026. All acreage allotments and yields shall be approved by or on behalf of the State committee and no official notice of acreage allotment shall be mailed to a farm operator until such allotment has been approved by or on behalf of the State committee.

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeemen or an employee of the county office. Insofar as practical all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, no notice of such allotment shall be mailed until the proper allotment is determined for the farm by the county committee with the approval of the State committee: *Provided*, That the notice of allotment for any farm shall, insofar as practicable, be mailed no later than (i) April 1, 1959, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, or (ii) May 1, 1959, in all other States.

(d) If the county committee determines with the approval of the State Administrative Officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1959–60 marketing year, provided the acreage of tobacco harvested from the farm is not in excess of the acreage shown on the erroneous notice. In the event the acreage of tobacco harvested exceeds the farm acreage allotment shown on the erroneous notice, the acreage allotment for the farm as correctly determined and shown on a revised notice of farm acreage allotment and marketing quota shall be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1959–60 marketing year.

§ 725.1028 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASC county office to have such allotment reviewed by a review committee. This procedure governing the review of farm acreage allotments and marketing quotas is contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASC county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 9th day of July 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-5363; Filed, July 14, 1958; 8:48 a. m.]

[1023—Allotments—(Maryland—59)-1]

PART 727—MARYLAND TOBACCO

MARKETING QUOTA REGULATIONS, 1959-60 MARKETING YEAR

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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

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727.1027 Approval of determinations made under §§ 727.1011 to 727.1026 and notices of farm acreage allotments.
727.1028 Application for review.

AUTHORITY: §§ 727.1011 to 727.1028 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, as amended, 47, as amended, 63, 69 Stat. 684; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 727.1011 *Basis and purpose.* The regulations contained in §§ 727.1011 to 727.1028 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1959 farm acreage allotments and normal yields for Maryland tobacco. The purpose of the regulations in §§ 727.1011 to 727.1028 is to provide the procedure for allocating on an acreage basis, the national marketing quota for Maryland tobacco for the 1959–60 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 727.1011 to 727.1028, public notice (23 F. R. 2429) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 727.1011 to 727.1028, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 727.1012 *Definitions.* As used in §§ 727.1011 to 727.1028 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The definitions of the following terms as set forth in Part 719 of this chapter shall apply in §§ 727.1011 to 727.1028: "combination", "community committee", "county committee", "State committee", "county", "county office manager", "cropland", "Department", "Deputy Administrator", "division", "farm", "operator", "person", "producer", "reconstitution", "Secretary", "Soil Bank Contract", "State administrative officer", and "subdivision".

(b) "Director" means the Director, or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(c) "New farm" means a farm on which tobacco will be harvested in 1959 for the first time since 1953. If, in accordance with applicable law and regulations, no 1955, 1956, 1957, or 1958 tobacco acreage allotment was determined for the farm, any acreage of tobacco har-

vested in 1955, 1956, 1957, or 1958, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 727.1016.

(d) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1954 through 1958. If in accordance with applicable law and regulations, no 1955, 1956, 1957, or 1958 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, 1957, or 1958, respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 727.1016.

(e) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1958 into the total of the 1958 tobacco acreage allotment for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factors of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(f) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(g) "Tobacco" means Maryland tobacco, type 32, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 727.1013 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-hundredth acre. The rule of fractions will be to round upward fractions of more than five-thousandths and to round downward fractions of five-thousandths or less (i. e., 0.0050 would be 0.00 and 0.0051 would be 0.01).

§ 727.1014 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions for internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service.

§ 727.1015 *Applicability of §§ 727.1011 to 727.1028.* Sections 727.1011 to 727.1028 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1959. However, the applicability of §§ 727.1011 to 727.1028 is contingent upon the proclamation of a national marketing quota for Maryland tobacco for the three marketing years beginning October 1, 1959, by the Secretary of Agriculture and approval thereof by growers voting in a referendum pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 727.1016 *Determination of 1959 preliminary acreage allotments for old farms.* (a) The 1959 preliminary acreage allotment for an old tobacco farm shall be the 1958 farm acreage allotment established for such farm, except that where a quantity of tobacco produced on a farm prior to 1958 and stored under bond pursuant to regulations to postpone or avoid payment of penalty has been reduced because the 1958 acreage allotment for such farm was not fully harvested, and the allotments for such farm for the three years 1956–58 were underharvested to the extent provided in paragraph (c) of this section, the 1959 preliminary acreage allotment for such farm shall be determined subject to the provisions of paragraph (c) of this section, if applicable.

(b) For the purpose of determining, under the provisions of paragraph (a) of this section, a 1959 preliminary acreage allotment for an old farm equal to the 1958 farm acreage allotment for such farm, the 1958 farm acreage allotment shall mean the 1958 farm acreage allotment determined for such farm prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year; and for the purpose of determining a 1959 preliminary acreage allotment for an old farm under the provisions of paragraph (c) of this section, the 1958 farm acreage allotment shall mean the 1958 farm acreage allotment established for such farm after any such reduction.

(c) The provisions of this paragraph shall be applied, if applicable, in the case of an old farm, only where a quantity of tobacco produced thereon prior to 1958 and stored under bond pursuant to regulations to postpone or avoid payment of penalty was reduced because the 1958 allotment was not fully harvested, and acreage allotments were underharvested as provided in this paragraph. If the harvested acreage (as that term is explained in subparagraphs (1), (2) and (3) of this paragraph) of Maryland tobacco on such old farm in each of the three years 1956–58 was less than 75 percent of the farm acreage allotment for each of such respective years, the 1959 preliminary allotment for such farm shall be the larger of the largest acreage of tobacco harvested on the farm in any one of such three years, or the average acreage of tobacco harvested on the farm in the five years 1954–58: *Provided*, That any such 1959 preliminary allotment shall not exceed the 1958 farm acreage allotment or be less than 0.01 acre.

(1) For the purposes of this paragraph, the 1956 harvested acreage shall have the meaning and include the acreage as provided in § 727.816 (b) (tobacco marketing quota regulations for the 1957–58 marketing year (21 F. R. 6882)), the 1957 harvested acreage shall have the meaning and include the acreage as provided in § 727.916 (c) (tobacco marketing quota regulations for the 1957–58 marketing year (22 F. R. 4355, 4912; 23 F. R. 136)); and the 1958 harvested acreage shall include the acreage on the farm applicable to the kind of tobacco involved which is determined as provided in the following subparagraphs (2) and (3) of this paragraph to be devoted or diverted in 1958 to participation in the acreage reserve program or conservation reserve program.

(2) The tobacco acreage devoted in 1958 to the acreage reserve program shall be the smallest of (i) the acreage reserve entered on the agreement, (ii) the measured acreage reserve, or (iii) the 1958 allotment minus the actual acreage devoted in 1958 to tobacco.

(3) The acreage diverted from allotment crops in 1958 to the conservation reserve program shall be the smallest of (i) the acreage determined to be in the conservation reserve at the regular rate, (ii) the reduction in soil bank base crops from the farm's soil bank base, or (iii) the amount by which the sum of all acreage allotments for the farm for crops for which there was a reduction in the quantity of excess commodity stored pursuant to the regulations to postpone or avoid payment of penalty because the 1958 allotments were not fully planted or as to tobacco was not fully harvested exceeds the sum of the acreage actually devoted to such allotment crops and the acreage reserve, if any, credited under subparagraph (2) of this section to such crops. The crops involved will share pro rata in the acreage so determined on the basis of the respective reductions made in such crops. Such respective reductions will be the amount by which the 1958 allotment exceeds the sum of the acreage actually devoted to the crop and the acreage devoted to the acreage reserve.

(d) Notwithstanding the foregoing provisions of this section, no 1959 preliminary allotment or 1959 farm tobacco acreage allotment shall be determined for any farm that the county and State committee determine has been retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 727.1020.

§ 727.1017 *1959 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 727.1016 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms, correction of errors made in old farm allotments, and allotments for overlooked old farms pursuant to § 727.1018 shall not exceed the State acreage allotment.

§ 727.1018 *Adjustment of acreage allotments for old farms, correction of errors made in old farm allotments, and allotments for overlooked old farms.* Notwithstanding the limitations contained in § 727.1016, the farm acreage allotment for an old farm may be increased if the community and county committees find (with the approval of the State committee) that such increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section, correction of errors made in old farm allotments, and allotments for overlooked old farms shall not exceed three-fourths of one percent of the total acreage allotted to all tobacco farms in the State for the 1958–59 marketing year.

§ 727.1019 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm for the 1958–59 or a prior marketing year which in fact was produced on a different farm, the 1959 acreage allotments established for both such farms shall be reduced, as provided in this section, except that such reduction for any such farm shall not be made if the county and State committee determine that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator or any producer on the farm shall have furnished complete and accurate proof of the disposition of all tobacco produced on the farm in 1958 or a prior year and in the event of failure to furnish such proof, the 1959 acreage allotment for the farm shall be reduced as provided in this section.

(c) If any producer has filed, or aided or acquiesced in the filing of, any false report with respect to the acreage of tobacco grown on the farm in 1958 or a prior year, the 1959 acreage allotment for the farm shall be reduced as provided in this section.

(d) If in the calendar year 1958 more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested. In case the allotment is transferred through a State pool to another farm under § 727.1020 before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as described above in this paragraph.

(e) Any reduction made with respect to a farm's 1959 acreage allotment for any of the reasons heretofore provided in this section shall be made no later than May 1, 1959. If the reduction cannot be made by such dates, the reduction shall be made with respect to the acreage allotment next established for the farm but no later than by a corresponding date to be specified in a subsequent year: *Provided, however,* That no reduction shall be made under this section in the 1959 acreage allotment for any farm for a violation described in paragraph (a), (b), (c), or (d) of this section if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the 1959 allotment for a violation described in paragraph (a), (b) or (c) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco produced on acreage falsely omitted from an acreage report or for which proof of disposition has not been furnished is not known, the county committee shall determine such quantity in the following manner, and if the actual total production of tobacco on the farm is not known, the county committee shall determine such total production and the farm marketing quota in the following manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided,* That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield per acre and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c), or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reductions, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced under paragraph (a), (b), (c), or (d) of this section.

(i) Producers of tobacco in the 1958–59 marketing year shall submit proof of disposition of tobacco and records and reports relative to the provisions of this section as set forth in § 727.952 of this part (Marketing Quota Regulations, 1958–59 Marketing Year, 1026—Maryland—58).

§ 727.1020 *Reallocation of allotments released from farms removed from agricultural production.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm

owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided,* That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

(b) The provisions of this section shall not be applicable so long as (1) there is any marketing quota penalty due and unpaid with respect to the marketing of tobacco from the farm acquired by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper indentification of tobacco produced on or marketed from such farm or due to a false acreage report.

§ 727.1021 *Farms divided or combined.* Allotments for farms reconstituted for 1959 shall be determined in accordance with Part 719 of this chapter.

§ 727.1022 *Determination of normal yields for old farms.* The county committee will determine by appraisal a normal yield for each farm for which a 1959 tobacco acreage allotment was established on the basis of the best yield information available for the years 1950–55. The preliminary yield so appraised shall not exceed 125 percent or be less than 80 percent of the county check yield (to be ascertained as hereafter provided). Any preliminary yield may be also adjusted for drought, flood or other abnormal conditions affecting the yield, but the preliminary yield so adjusted shall not exceed 125 percent or be less than 80 percent of the county check yield. If the total production extension for all farms in the county in 1956 obtained by multiplying the 1956 acreage allotment for each farm by the preliminary yield so computed for such farm varies more than one percent from the total production extension obtained by multiplying the county check yield by the total of all allotted tobacco acreage in the county for 1956, the yield for each farm will then be factored to the extent required to eliminate any variance. Subject to the approval of the State committee, the yields may be further factored to provide a yield for each farm in the county that is not more than 125 percent or less than 80 percent of the county yield. The yield for the farm thus determined shall be the normal yield for the farm. State committees or their representatives are authorized to make changes or require changes to be made in farm preliminary normal yields per acre which are necessary to result in a normal yield that is determined in accordance with this section whether or not a producer questions or appeals the normal yield as determined for the farm to the State committee; however, such changes shall not be permitted to result in a weighted yield per acre for all farms in the county that is in excess of 102 percent for the county check yield. The county check yield shall be determined by the Deputy Administrator on the basis of the average of the three highest yields in the county in any three years during the period 1950–55 adjusted where necessary so as to conform with and, except for factoring, to not exceed 125 percent or be less than 80 percent of the State check yields; such State check yield to be determined by the Deputy Administrator on the basis of the average of the three highest yields in the State in any three years during the period 1950–55, but not to exceed 125 percent or be less than 80 percent of the average of the three high year averages in all States.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 727.1023 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 727.1020, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more, but not more than five, old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further,* That if the acreage planted to tobacco on a new tobacco farm is less than the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the acreage planted to tobacco on the farm.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience during two of the past five years in Maryland tobacco and such experience shall have been for the entire crop year beginning with the preparation of the plant bed and extending through preparation of the tobacco for market: *Provided,* That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements of this subparagraph if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge: *And provided further,* That production of tobacco on a farm in 1955, 1956, 1957, or 1958 for which in accordance with applicable law and regulations no 1955, 1956, 1957, or 1958 tobacco acreage allotment, respectively, was determined shall not be deemed such experience for any producer.

(2) The farm operator shall live on and receive 50 percent or more of his livelihood from the farm covered by the application.

(3) The farm shall not have a 1959 allotment for any kind of tobacco other than that for which application is made under this part.

(4) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a Maryland tobacco acreage allotment is established for the 1959–60 marketing year.

(5) The farm shall be operated by the owner thereof.

(6) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1954–58 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1953 due to no tobacco being produced thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1954–58 and at time of division of the farm contained cropland but received no part of the allotment due (*a*) to division of the allotment on a contribution basis, or (*b*) to agreement and approval of all interested parties as provided in regulations governing divisions and combinations of allotments.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-eighth of one percent of the 1959 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 727.1024 *Time for filing application.* An application for a new farm allotment shall be filed with the ASC county office no later than February 15, 1959, unless the farm operator was discharged from the armed services subsequent to December 31, 1958, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 727.1025 *Determination of normal yields for new farms.* The normal yield for a new farm shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 727.1022 for similar farms in the community.

MISCELLANEOUS

§ 727.1026 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 727.1011 to 727.1025, the acreage allotments for any farm which was

acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production in 1959 or which was returned to agricultural production in 1958 too late for the 1958 allotment to be established shall be determined by one of the following methods:

(1) If the land is acquired by the original owner within five years from the date of acquisition by a Federal, State or other agency having the right of eminent domain, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1959 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, or if more than five years have elapsed since the date of acquisition by a Federal, State or other agency having the right of eminent domain, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 727.1022 for similar farms in the community.

§ 727.1027 *Approval of determinations made under §§ 727.1011 to 727.1026, and notices of farm acreage allotments.* (a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by or on behalf of the State committee, and the State committee may revise or require revision of any determinations made under §§ 727.1011 to 727.1026. All acreage allotments and yields shall be approved by or on behalf of the State committee, and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by or on behalf of the State committee.

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeemen or an employee of the county office. Insofar as practicable all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice, containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, no notice of such allotment shall be mailed until the proper allotment is determined for the farm by the county committee with the approval of the State committee: *Provided*, That the notice of allotment for any farm shall, insofar as practicable, be mailed no later than May 1, 1959.

(d) If the county committee determines with the approval of the State administrative officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1959–60 marketing year, provided the acreage of tobacco harvested from the farm is not in excess of the acreage shown on the erroneous notice. In the event the acreage of tobacco harvested exceeds the farm acreage allotment shown on the erroneous notice, the acreage allotment for the farm as correctly determined and shown on a revised notice of farm acreage allotment and marketing quota shall be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1959–60 marketing year.

§ 727.1028 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may within fifteen days after mailing of the official notice of farm acreage allotment and marketing quota, file application in writing with the ASC county office to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASC county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 9th day of July 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 58-5362; Filed, July 14, 1958; 8:48 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.76, as Amended, Supp. 2]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

COLORADO PROPORTIONATE SHARE AREA AND FARM PROPORTIONATE SHARES FOR THE 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9577; 23 F. R. 4325), the Agricultural Stabilization and Conservation Colorado State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 143,101 acres established for Colorado by the determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at the New Custom House, Denver, Colorado, and at the Offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Colorado. These bases and procedures incorporate the following:

§ 850.79 *Colorado*—(a) *Proportionate share areas.* Colorado shall be divided into three proportionate share areas comprising the parts of the State included in the factory districts of the Great Western Sugar Company, the Rock Ford-Sugar City-Swink factory districts, and the Delta factory district. These areas shall be designated Northern Area, Southern Area, and Western Area, respectively. Acreage allotments for these areas shall be computed by applying a weighting of 50 percent to the seven-year 1950–56 average accredited acreage for each area as a measure of "past production", and a weighting of 50 percent to the average of the two highest years' accredited acreage during the period 1950–56, as a measure of ability to produce, with pro rata adjustments to the State allocation of 143,101 acres. This results in the following area allocations: Northern Area—116,996 acres; Southern Area—20,660 acres; and Western Area—5,445 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Northern Area—1,170 acres for new producers, 1,170 acres for appeals, and 6,492 acres for adjustments in initial shares; Southern Area—207 acres for new producers, 207 acres for appeals, and 2,907 acres for adjustments in initial shares; and Western Area—54 acres for new producers, 54 acres for appeals, and 1,384 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU–100, Request for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.76. If a preliminary request for a tentative farm proportionate share is filed, a fully-completed form SU–100 shall be filed by April 1, 1958. However, requests for proportionate shares may be accepted after such dates and shares may be established if the county committee determines that in any such case the farm operator was prevented from filing a completed form SU–100 by such dates because of absence, illness or other reasons beyond his control.

(d) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases.* For each old-producer farm having an accredited acreage record for at least one of the years 1955–57, a farm base shall be determined by applying a formula to accredited acreage record of sugar beets on the farm during a base period.

(i) *Northern Area.* The base period shall be 1954–56 and the formula shall be the three-year average accredited acreage (1954–56).

(ii) *Southern Area.* The base period shall be 1954–56 and the formula shall be 75 percent of the three-year (1954–56) accredited acreage plus 25 percent of the highest accredited acreage during the base period.

(iii) *Western Area.* The base period shall be 1952–56 and the formula shall be 75 percent of the five-year (1952–56) average accredited acreage plus 25 percent of the two-year (1955–56) average.

(2) *Initial proportionate shares.* For each proportionate share area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph, is less than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial porportionate shares shall be established from the farm bases in each proportionate share area as follows: For farms for which respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with requested acreage; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1958-crop year by new producers (as defined in § 850.76) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. In establishing proportionate shares for new producers, consideration shall be given to the minimum acreage below which it would not be considered economically feasible to plant sugar beets on each farm. The State Committee has determined that under usual circumstances, this minimum level should be twelve acres.

(f) *Adjustment under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.76, applicable to appeals.

(g) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1958-crop season. However, any acreage released by producers prior to March 5 shall be used to increase small proportionate shares (less than 50 percent of the average for the area) so as to promote the more efficient operation of farms. In increasing such small-producer shares, the State Committee shall take into consideration the size of beet operations for small farms in the area, the type of operations in the area, and other pertinent factors relating to efficient sugar beet production.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1958 Sugar Beet Crop, even if the acreage established is "none". In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted proportionate share on a form SU–103–A or other similar written notice. For each tentative proportionate share which is established, the person filing the request for such share shall be notified on a form SU–103–B specifying that such tentative share does not constitute a farm proportionate share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets for the bases and procedures established by the Agricultural Stabilization and Conservation Colorado State Committee for determining farm proportionate shares in Colorado in accordance with the determination of proportionate shares for the 1958 crop of sugar beets, as issued by the Secretary of Agriculture.

Colorado is again divided into the same three areas. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are measured by applying formulas to the accredited acreages for the crop years 1954–56 in the Northern and Southern Areas and for the crop years 1952–56 in the Western Area.

The procedure for establishing farm shares for new producers meets the related requirements of § 850.76. The acreage set aside for such producers is sufficient to establish shares for farms at the prescribed minimum levels for those having the required qualifications. Twelve-acre shares are determined to be minimum economic units for new farms.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals, are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 921; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U. S. C. 1131, 1132)

Dated: June 12, 1958.

[SEAL] M. C. MCCORMICK, *Chairman, Agricultural Stabilization and Conservation Colorado State Committee.*

Approved: July 3, 1958.

LAWRENCE MYERS, *Director, Sugar Division, Commodity Stabilization Service.*

[F. R. Doc. 58-5366; Filed, July 14, 1958; 8:49 a. m.]

[Sugar Determination 850.76, as Amended, Supp. 4]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

ILLINOIS FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877) the Agricultural Stabilization and Conservation Illinois State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 1,972 acres established for Illinois by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at Room 232, U. S. Post Office and Court House, Springfield, Illinois, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Illinois. These bases and procedures incorporate the following:

§ 850.80 *Illinois*—(a) *Request for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Requests for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.76.

(b) *Establishment of individual farm proportionate shares.* For each farm in Illinois for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 1,972 acres so as to coincide with the acreage of 1958-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Illinois State Committee for determining farm proportionate shares in Illinois in accordance with the determination of proportionate shares for the 1958 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage of sugar beets actually planted within the State is smaller than the State allocation. This situation makes unnecessary the carrying out of detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to producers or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 921; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930 as amended; 7 U. S. C. 1131, 1132)

Dated: June 12, 1958.

[SEAL] LEE C. THOMPSON,
Chairman Agricultural Stabilization and Conservation Illinois State Committee.

Approved: July 3, 1958.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58–5367; Filed, July 14, 1958; 8:49 a. m.]

[Sugar Determination 850.76, as Amended, Supp. 7]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

INDIANA FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877) the Agricultural Stabilization and Conservation Indiana State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 41 acres established for Indiana by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at Room 516, Park Building, 611 N. Park Avenue, Indianapolis, Indiana, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Indiana. These bases and procedures incorporate the following:

§ 850.83 *Indiana*—(a) *Requests for, proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Requests for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.76.

(b) *Establishment of individual farm proportionate shares.* For each farm in Indiana for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 41 acres so as to coincide with the acreage of 1958–crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Indiana State Committee for determining farm proportionate shares in Indiana in accordance with the determination of proportionate shares for the 1958 crop of sugar beets as issued by the Secretary of Agriculture.

The acreage of sugar beets actually planted within the State is smaller than the State allocation. This situation makes unnecessary the carrying out of detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 921; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U. S. C. 1131, 1132)

Dated: June 10, 1958.

[SEAL] M. K. DERRICK,
Chairman, Agricultural Stabilization and Conservation Indiana State Committee.

Approved: July 3, 1958.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58–5368; Filed, July 14, 1958; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Subchapter A—Marketing Orders

[Lemon Reg. 746, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.853 (Lemon Regulation 746; 23 F. R. 5117) are hereby amended to read as follows:

(ii) District 2: 441,750 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 10, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58–5392; Filed, July 14, 1958; 8:53 a. m.]

Subchapter B—Prohibitions of Imported Commodities

PART 1069—LIMES

LIME REGULATION NO. 2

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), paragraphs (a) and (c), respectively, of § 1069.2 (Lime Regulation No. 2; 23 F. R. 1654) are hereby amended to read as follows:

§ 1069.2 *Lime Regulation No. 2.* (a) On and after the effective time of this section, the importation into the United States of any lot of limes which in the aggregate exceeds 250 pounds, net weight, is prohibited unless:

(1) Such limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements of at least the U. S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) meet the requirements of at least the U. S. Combination, Turning grade;

(3) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1⅝ inches in diameter: *Provided*, That not to exceed 5 percent, by count, of the limes in any container may fail to meet this requirement;

(4) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are smaller than 1⅞ inches in diameter have an average juice content of at least 48 percent, by volume: *Provided*, That such juice requirement shall not apply to containers of such limes containing not in excess of 5 percent of limes smaller than 1⅞ inches in diameter; and

(5) Each such importation is made in conformance with the general regulations (Part 1060 of this subchapter) applicable to the importation of listed commodities and the requirements of this section: *Provided*, That the provisions of § 1060.4 (e) of this subchapter shall not apply.

* * * * *

(c) Terms relating to grade and diameter shall, when used herein, have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000 to 51.1016 of this title; 23 F. R. 4446), and all other terms shall have the same meaning as is given to the respective term in the general regulations. Copies of the aforesaid standards may be obtained upon request to any office of the Federal or Federal-State Inspection Service of this Department.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective time of this amendment beyond that hereinafter specified (5 U. S. C. 1001 et seq.) in that (i) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which makes such regulation necessary; (ii) such regulation imposes the same restrictions on imports of limes as the grade, size, and quality restrictions being made applicable to the shipment of limes grown in Florida under Amendment 1 to Lime Order 6 (§ 1001.306), issued simultaneously herewith to become effective July 14, 1958; (iii) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; (iv) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this amended import regulation; (v) such notice is hereby determined, under the circumstances, to be reasonable.

(Sec. 401, 68 Stat. 907, as amended; 7 U. S. C. 608e–1)

Dated: July 10, 1958, to become effective at 12:01 a. m., e. s. t., July 20, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58–5358; Filed, July 14, 1958; 8:47 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP–1959, Supp. 1]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1959

STATE FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1959, the 1959 National Agricultural Conservation Program, approved July 3, 1958 (23 F. R. 5247), is hereby amended as follows:

Section 1101.1002 is amended to read as follows:

§ 1101.1002 *State funds.* (a) Funds available for conservation practices will be distributed among States on the basis of conservation needs, but the proportion allocated for use in any State shall not be reduced more than 15 percent from its proportionate 1958 distribution. The allocation of funds among the States is as follows:

Alabama	96,100,000
Alaska	50,000
Arizona	1,587,000
Arkansas	4,945,000
California	5,875,000
Colorado	3,225,000
Connecticut	499,000
Delaware	336,000
Florida	2,760,000
Georgia	7,389,000
Hawaii	186,000
Idaho	1,332,000
Illinois	8,833,000
Indiana	5,709,000
Iowa	9,683,000
Kansas	6,533,000
Kentucky	7,134,000
Louisiana	4,345,000
Maine	981,000
Maryland	1,309,000
Massachusetts	562,000
Michigan	5,149,000
Minnesota	6,235,000
Mississippi	6,622,000
Missouri	9,122,000
Montana	3,885,000
Nebraska	6,456,000
Nevada	388,000
New Hampshire	539,000
New Jersey	728,000
New Mexico	1,943,000
New York	4,746,000
North Carolina	6,595,000
North Dakota	4,566,000
Ohio	6,087,000
Oklahoma	7,401,000
Oregon	2,299,000
Pennsylvania	5,039,000
Puerto Rico	869,000
Rhode Island	83,000
South Carolina	3,642,000
South Dakota	4,756,000
Tennessee	5,290,000
Texas	20,250,000
Utah	1,378,000
Vermont	1,116,000
Virgin Islands	13,000
Virginia	4,572,000
Washington	2,457,000
West Virginia	1,567,000
Wisconsin	5,603,000
Wyoming	2,745,000
Total	211,700,000

(b) The apportionment shown in paragraph (a) of this section does not include the amount set aside for administrative expenses, the amount required for increases in small Federal cost-shares in § 1101.1030, and the amount set aside for the Naval Stores Conservation Program.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, 72 Stat. 192; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 7th day of July 1958.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 58–5385; Filed, July 14, 1958; 8:53 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter F—Animal Breeds

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

HORSES

On June 18, 1958, a notice of rule making was published in the FEDERAL REGISTER (23 F. R. 4383) regarding the proposed recognition by the Secretary of Agriculture of the book of record of purebred horses entitled "Holsteinisches Gestübuch", and the amendment of § 151.9 (a) of the regulations governing the recognition of breeds and books of record of purebred animals in countries other than Canada (9 CFR, 1957 Supp., 151.9 (a), as amended), to provide for such recognition and to provide that no horse registered in the said book of record will be certified by the Animal Inspection and Quarantine Division of the Agricultural Research Service, United States Department of Agriculture, as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the Holstein breed is submitted for such animal.

After due consideration of all relevant material presented in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by section 201, Paragraph 1606 of the Tariff Act of 1930, as amended (19 U. S. C. and Supp., sec. 1201, par. 1606), hereby amends said § 151.9 (a) as follows:

1. There is added to the table of said section relating to horses the following book of record:

HORSES

Name of breed	Book of record	By whom published
Holstein.....	Holsteinisches Gestutbuch.	Verband der Zuchter des Holsteiner Pferdes e. V., Elmshorn, Germany, Herr H Horstmann, Secretary.

2. The introductory of § 151.9 (a) is amended to read as follows:

§ 151.9 *Recognized breeds and books of record.* • • •

(a) *Breeds and books of record in countries other than Canada.* Books of the registry associations listed below are recognized for the following breeds: *Provided,* That no Belted Galloway cattle, horse of Criolla, Fjordhest (formerly known as Westland), Holstein, Shetland Pony or Welsh Pony and Cob breed, dog or cat registered in any of the books named shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the appropriate association listed below, is submitted for such animal.

• • • • •

(Par. 1606, 46 Stat. 673; 19 U. S. C. 1201, par. 1606)

The foregoing amendment shall become effective on the 15th day of July 1958.

Done at Washington, D. C., this 9th day of July 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-5361; Filed, July 14, 1958; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

NAKNEK-KVICHAK DISTRICT; REDUCED FISHING TIME

JULY 14, 1958.

Basis and purpose: Field observations of escapements as well as pack figures indicate a sharp decline in the runs of the four major districts in Bristol Bay, particularly in the Naknek-Kvichak district, and it has been determined that fishing time in the Naknek-Kvichak district must be reduced in the week from July 13 to July 19, 1958, from that specified in the gear timetable of § 104.9.

1. In accordance with the requirements of § 104.9, announcement is made that the number of units of gear registered for the week July 13 to July 19, 1958, is as follows:

	Units
Naknek-Kvichak	324
Nushagak	260
Egegik	160
Ugashik	70

2. Notwithstanding the provisions of paragraphs (a) and (b) of § 104.9, fishing is hereby restricted in he Naknek-Kvichak district to the periods from 9 a. m. July 14 to 9 p. m. July 14 and from 9 a. m. July 17 to 9 p. m. July 17, 1958.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Since immediate action is necessary if minimal escapements are to be realized, notice and public procedure on these amendments are impracticable and contrary to the public interest. Therefore, these amendments shall become effective immediately upon publication in the FEDERAL REGISTER. (60 Stat. 237; 5 U. S. C. 1001 et seq.)

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 58-5465; Filed, July 14, 1958; 11:45 a. m.]

PROPOSED RULE MAKING

POST OFFICE DEPARTMENT

[39 CFR Parts 22, 111]

REVISION OF INTERNATIONAL POSTAGE RATES ON SECOND CLASS MATTER

NOTICE OF PROPOSED RULE MAKING

The Department proposes, effective January 1, 1959, to adopt the following regulations respecting rates on publications acceptable as second class matter in the United States domestic service when addressed for delivery in other countries.

The proposed amendments relate to proprietary and foreign affairs functions of the Government and are therefore exempt from the rule making requirements of 5 U. S. C. 1003. However, consideration will be given to written views presented with respect to the proposed rates. Patrons desiring to submit written views or comments may send the same to Dr. I. I. Raines, Director, Postal Rates Division, Bureau of Finance, Post Office Department, Washington 25, D. C., at any time prior to August 15, 1958.

PART 22—SECOND CLASS

In § 22.1 *Second-class rates* amend paragraph (d) to read as follows:

(d) *Second-class rates to other countries*—(1) *Canada.* The following domestic rates apply:

(i) Nonadvertising portion, 2.1 cents per pound. Effective January 1, 1960, 2.3 cents per pound. Effective January 1, 1961, 2.5 cents per pound.

(ii) Advertising portion, 11 cents per pound. Effective January 1, 1960, 12.5 cents per pound. Effective January 1, 1961, 14 cents per pound.

(iii) Minimum per copy, ¼ cent. Effective January 1, 1960, ⅜ cent. Effective January 1, 1961, ½ cent.

(iv) Special rate publications: 1½ cents per pound. Minimum per copy ⅛ cent.

(2) *PUAS countries.* (i) The rates set forth in § 111.2 (d) (1) (i) (b), apply, except for special rate publications as described in paragraph (b) (2) of this section.

(ii) Special rate publications: 3 cents per pound. Minimum per copy, ¼ cent.

(3) *Other countries.* The rates set forth in § 111.2 (d) (1) (i) (c) apply.

NOTE: The corresponding Postal Manual section is 132.14.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART III—POSTAL UNION MAIL

In § 111.2 *Specific categories* amend subdivision (i) of paragraph (d) (1) to read as follows:

(i) Second-class matter mailed by the publishers or by registered news agents:

(*a*) To Canada: See § 22.1 (d) (1).

(*b*) To PUAS countries except Canada.

(*1*) Second-class matter other than special rate publications, as described in § 22.1 (b) (2) of this chapter, 3 cents for the first 2 ounces and 1½ cents for each additional 2 ounces or fraction. Minimum per copy, 3 cents.

(*2*) Special rate publications, see § 22.1 (d) (2) (ii) of this chapter.

(*c*) Other countries: 4 cents for the first 2 ounces and 2 cents for each additional 2 ounces. Minimum per copy, 4 cents.

NOTE: The corresponding Postal Manual section is 221.241a.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] LEO G. KNOLL,
Acting General Counsel.

[F. R. Doc. 58-5352; Filed, July 14, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

[Docket No. AO-252-A5]

MILK IN CENTRAL MISSISSIPPI MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Jackson, Mississippi, on December 9–10, 1957, pursuant to notice thereof issued on November 22, 1957 (22 F. R. 9482).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 29, 1958 (23 F. R. 3870) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. The level of Class I and Class II prices and the months when the lower Class I differential, and the higher Class I differential should apply.

2. A review of the rules qualifying distributing and supply plants as pool plants and clarification of the order language with respect to diverted milk.

3. The pricing and pooling of a handler's own farm production.

4. Changing the rate of compensatory payment on other source milk.

5. Clarification of the order language with respect to the classification of milk.

6. The proration of allowable shrinkage between distributing and supply plants.

7. Revision of order provisions with respect to the pricing of fluid milk products in inventory.

8. Revision of the transfer provisions with respect to milk, skim milk and cream moved to nonpool plants.

9. A revision of the base plan rules.

10. A provision for the determination of equivalent price quotations.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class prices.* The present Class I differentials above the basic formula price should be extended through February 29, 1960. The month of July should be added to the months when the Class I differential above the basic formula price is $1.85 and the Class II differential is 10 cents above the average of the four local dairy manufacturing plants. The Class I differential for the other seven months of the year should be $2.30.

Producers requested that class prices be continued at present levels because they handle 85 to 90 percent of the supply classified as Class II. They stated the relationship of receipts from producers to Class I needs is no more than adequate. They further contended that the present differentials, above the basic formula price for Class I, were first established in the fall of 1954 to encourage a supply for a deficit market. The present supply is no more than adequate and since a lower basic formula price is anticipated the cooperative association contends that Class I price differentials should not be lowered.

Handlers generally supported the cooperative association in the retention of the present level of the Class I price. One handler, however, proposed Class I differentials of $1.65 for the months of March through July and $2.05 for all other months, contending that the supply of producer milk is more than adequate.

Marketing data for three full years are now available. The first seventeen months are a period when returns to producers were pooled on an individual-handler basis. Since April 1, 1956, producer returns have been pooled market-wide. Receipts of producer milk were 117 percent of total Class I utilization for the first twelve months (November 1954–October 1955) of the order; 140 percent, the second year, and 135 percent during the 1956–57 period. An analysis of the available data substantiates the fact that supplies are little more than adequate for the Class I needs of the market plus a reasonable reserve supply. For example, a comparison of receipts of milk to gross Class I utilization during the short production season reveals the following: During the August-November 1956 period receipts were 121 percent of gross Class I utilization. For the same period of 1957 the relationship decreased to 118 percent. The data cited above do not demonstrate that the proposal to reduce the annual level of the Class I price 20 cents per hundredweight at this time is justified.

Official notice is taken of the fact that the Secretary has been requested to consider the need of regulating the handling of milk in areas to the north and south contiguous to this marketing area.

Production is still relatively high in July, the relation of production to Class I utilization is closely related to the March–June period and producers are paid a base and excess price for milk for the months of March through July. The base-excess plan for the payments to producers is designed to encourage the production of milk according to the needs of the market. Therefore, the period when the lower seasonal Class I differential applies should coincide in this marketing area with the period when producers are paid base and excess prices. Total receipts of producer milk and the relationship of production to Class I utilization for the month of July are very similar to those for the months of March and April.

Under the current marketing conditions, the level of the Class I differentials should be maintained at the current annual average of $2.11. Changing the seasonal pricing pattern to include five months, instead of four, at the lower differential value of $1.85 would decrease the Class I price level about three cents per hundredweight. A Class I differential of $2.30 for the seven months of August through February will maintain the annual average at its present level.

The Class II price should not be changed.

Handlers proposed the Class II price be reduced 10 cents per hundredweight, March through June, and 20 cents all other months. The stated reason for this view was that a Class II price too high creates a market surplus. But present prices have not done so. The utilization of producer milk in Class II during the March-June period of 1956 averaged 35.6 percent compared to 34.4 percent for the same period of 1957.

The Mississippi Milk Producers Association handles 85 to 90 percent of the producer milk utilized as Class II. Prices received by the cooperative association for producer milk used to produce Class II products were on the average higher than order prices. It testified that it is willing and able to handle the producer milk in excess of the Class I needs of the Central Mississippt marketing area, and it excepted to the recommended decision to lower the July Class II price differential from $0.20 to $0.10. It is concluded, therefore, that no change is necessary in the Class II pricing.

2. The definition of producer should be revised with respect to milk diverted for the account of a cooperative association. The month of December should be excluded from the months when diversion privileges are limited.

Producers proposed that the order be revised to clarify the language with respect to the responsible person and point of receipt of producer milk diverted from a pool plant for the account of a cooperative association. The intent of the present order provision is to provide that milk diverted for the account of a cooperative association be deemed to be received by the cooperative association at the location of the pool plant from which diverted. Milk diverted for the account of a cooperative association is accounted for by the cooperative association in its monthly report to the market administrator. The definition of producer milk is revised to state clearly the responsible person and point of receipt of producer milk diverted from a pool plant for the account of a cooperative association. This definition should be further revised

to provide that limited diversion apply only in the months of September, October, and November, instead of during the period of September through December. Excess milk supplies during the three months of September, October, and November, normally occur only on weekends or holidays. Provision for diversion of a producer's milk on not more than 10 days during any of these three months should provide adequate opportunity for disposal of excess milk in this period. During the month of December, however, schools are closed nearly half of the period and the trade during the year and holiday season is such that the 10-day limitation on diversion may not provide adequate opportunity for disposal of excess milk. Therefore, the month of December should not be included in the group of months of limited diversion.

Handlers proposed a reduction in the requirement that a distributing plant to maintain pool status dispose of more than 50 percent of its receipts from producers and pool plants on routes as Class I. This proposal, in conjunction with the proposal of handlers to reduce the Class II price, could have the effect of encouraging the development, by some plants, of a supply of Grade A milk for Class II operations at the expense of the marketwide pool and a consequent reduction of returns to producers. The application of a Class I utilization percentage is to distinguish plants primarily engaged in producing fluid milk products from plants more engaged in the production of manufactured dairy products. It was on this basis that the present 50 percent rule was determined. The evidence does not justify a change at this time. The proposal is denied.

Handlers further proposed that the month of December be removed from the August through January period during which supply plants are required to ship each month to distributing plants 50 percent or more of their receipts from producers in order to qualify as pool plants. The receipts of producer milk to Class I sales, for the six-month period August through January, was 123 percent in 1956 and 119 percent in 1957. During the month of December 1956, the relation of receipts to sales was 119 percent and in December 1957, 122 percent. During the last two years the utilization in December was little different from the average of the six-month period of lower production. Therefore, on the basis of the facts in this record no change should be made in the requirements which determine whether a supply plant is associated with this market. The requirement that a supply plant should ship 50 percent or more of its receipts from dairy farmers to a distributing plant each month, August through January, should be continued.

3. No change should be made with respect to the pricing and pooling of a handler's own production.

The proponent contended that the pricing and pooling of a handler's own production is unfair, unjust and inequitable. The proponent further questioned the intent of Congress, with respect to this matter, in the provisions of the Agricultural Marketing Agreement Act of 1937.

The evidence fails to show that marketing conditions in this area have changed since the Secretary issued his decision of March 25, 1957 (22 F. R. 2049). In that decision it was concluded that a handler distributing only fluid milk products from his own production should be exempt from the pricing and pooling provisions of this order. The decision, however, required the pricing and pooling of a handler's own production whenever such a handler purchases milk from producers, other handlers, and other sources.

It is therefore concluded that, on the basis of this record, no change should be made in the definitions of handler and producer-handler or in other provisions that would alter the pricing and pooling of a handler's own production as presently provided by the order.

4. The application of compensatory payments with respect to (1) unpriced milk allocated to Class I in a pool plant, and (2) fluid milk products distributed in the marketing area from a nonpool plant, should be revised.

The order presently provides for the months of March through August, a rate of compensatory payment on all other source milk, at the difference between the class prices. For the months of September through February, the rate is the difference between the Class I price and the uniform price.

It was proposed by producers that the rates of compensatory payment remain the same as in the order at this time, but that the application of rates be determined by the relationship between the receipts of producer milk and gross Class I utilization each month rather than seasonally by months as presently provided in the order. The proposal would require compensatory payments when receipts of producer milk at all pool plants are 112 percent or more of the total gross Class I utilization. The rate of payment would be the difference between the class prices. A lesser rate of the difference between the Class I price and the uniform price would apply when producer receipts are less than 112 percent of gross Class I use.

At the time the order was amended to include compensatory payments on unpriced milk, the supply of producer milk in the Central Mississippi marketing area was not sufficient to meet, on a year-around basis, the Class I needs of the market, plus a reasonable reserve supply. Producer receipts for November and December 1954 were only 88.4 percent and 103 percent, respectively, of gross Class I utilization. The receipts of producer milk during the September-December 1955 period ranged from 102 percent to 109 percent of total Class I use. During the September-December periods in 1956 and 1957, however, receipts of producer milk averaged 119 and 117 percent, respectively, of the total Class I use of the market. The lowest percentage during any of these eight months was nearly 111.

The production of producer milk in 1956 and 1957 was approximately 20 percent higher in the two flush months than during the two months of least production. Class I sales varied seasonally also during these same two years and were approximately 35 percent greater in the two months of highest sales each year than in the two months of least sales.

Handlers have reported receipts of other source milk each month since the order became effective and substantial quantities of such milk have been allocated each month to Class I in the pool plants of handlers except for the months of May, June, and July 1956 when no other source milk was received. It is a trade practice in this area to reconstitute and use on a year-around basis, substantial amounts of manufactured dairy products, such as nonfat dry milk, for distribution as fluid milk products. The record does not show the amounts, if any, of other source milk that may be received in the form of bulk fluid milk.

The cost and opportunity to purchase such nationally manufactured dairy products on the part of regulated handlers is relatively stable throughout the year. Therefore, any compensatory payment applied to such other source milk allocated to Class I should be at a single rate regardless of the time of year—to do otherwise would weaken the classified pricing system and undermine Class I prices. The Class II price under the order is a fair and economic measure of the cost of such other source milk used for Class I products in this market; for handlers pay this price for any producer milk used to produce such manufactured products.

In light of the data accumulated during the past three years, and under existing marketing conditions, no compensatory payment should be required on unpriced milk allocated to Class I in the pool plant of a handler when the supply of producer milk is such that a handler may need to depend on a supply of other source milk in the form of fresh fluid milk to meet his Class I needs. A reasonable criterion by which to determine when compensatory payments should apply is the relationship of the receipts of producer milk to total Class I use. Although the procurement and distribution of milk involves rather extensive geographical areas, the principal cooperative in this marketing area has demonstrated its ability and willingness to move the supply of producer milk to pool plants that need such milk for Class I use. Thus, under the present marketing conditions a minimum reserve of producer milk approximately ten percent above Class I needs of the area may be considered fair and reasonable to assure handlers a supply of producer milk at all times for their Class I needs.

When handlers are assured an adequate supply, plus a reasonable reserve, of producer milk for their Class I needs compensatory payments should apply on any other source milk allocated to Class I in the pool plant(s) of such handlers. The rate already established in the order, in months when supplies are normally in excess of needs, should apply. This rate is the difference between the two

class prices. Compensatory payments, under the provisions recommended herein, would apply any month regardless of the time of year when the supply of producer milk is in excess of 110 percent of the total Class I utilization. Likewise in times of short supply, regardless of the month, compensatory payments would not apply.

In the case of a handler whose plant fails to qualify as a distributing plant but who has sales of fluid milk products on routes in the marketing area, such handler also should under certain conditions be required to make payments to the producer-settlement fund. The amount of these payments would be the lesser of (1) the difference between the Class I and Class II price multiplied by the amount of Class I milk sold in the marketing area, or (2) the amount by which total payments to dairy farmers are less than the total amount of the plant's obligation to producers if such obligation is computed as if such plant were a pool plant.

If the handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

Affording this last option to nonpool plants from which some Class I milk is distributed in the marketing area will adequately protect the classified pricing and marketwide equalization plan in this particular market. The number and size of handlers in a position to use this option are relatively small. Actual or potential operations of handlers in a position to use this option to obtain an advantage over fully regulated handlers in the procurement of milk supplies are not of sufficient magnitude to defeat the purposes of marketwide equalization or otherwise preclude maintenance of orderly marketing conditions in this market. Handlers in a position to use this option do not exist to an extent permitting any significant diversion of the revenue derived from Class I sales in the marketing area to farmers only incidentally associated with the market, thus dissipating the return to pool producers of milk for which minimum class prices are established under the order and who are relied upon to produce an adequate and dependable supply of approved milk for the marketing area.

It is expected also that in this market the differences between Class I and uniform prices will be relatively small resulting from anticipated relatively high Class I utilization of pool milk. Accordingly, it is expected that there will be relatively small differences between the price which these partially regulated handlers will be required under the option to pay to their farmers and the minimum uniform price payable to producers by fully regulated handlers. Consequently, the exercise of this option could not have a disruptive influence on the handling of milk in this area. For these reasons, it is not necessary, in order to maintain the integrity of the regulatory plan in this particular market, to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their producers at least the total amount of money which they would be required to pay if they were fully regulated.

The nonpool handler should also pay his pro rata share of the costs of administration of the order. Complete verification of receipts, utilization and payments is required if such a handler is to be given credit for payments as related to the classified use value of skim milk and butterfat received. Accordingly, administrative expense should be determined on the same basis as for fully regulated plants. Should a handler operating a nonpool distributing plant elect when filing his report to make payments to the pool at the difference between the Class I and Class II prices with respect to sales in the marketing area, the expenses of administration will be assessed only with respect to such sales, since need for verification will then be confined to only that volume.

Compensatory payments should not apply to milk entering the marketing area from a plant regulated under another order since its proper classification and pricing will be determined pursuant to the other order.

5. The order language with respect to the classification of milk should be clarified.

A handler proposed that the classification provisions should be clarified by specifically excluding ice milk mixes, frozen ice milk, and frozen desserts from Class I. The adoption of this proposal would make no changes in the classification of milk under the order but would merely constitute a clarification by naming the related products covered by the Mississippi dairy laws and regulations with respect to ice cream, ice cream mixes, frozen desserts, and ice milk. The proposal should be adopted.

6. The method of determining allowable shrinkage should be changed.

The order presently provides for the assignment of shrinkage at the pool plant where the producer milk is received directly from producers. The maximum shrinkage allowed is 2 percent of all receipts. It was proposed that the allowable shrinkage should be prorated at the rate of 0.5 percent to the supply plant and 1.5 percent to the distributing plant when milk is moved in bulk from a supply plant to a distributing plant. This proposal would not change, as compared to present order provisions, the total percent of allowable shrinkage.

Proration of shrinkage as proposed provides a reasonable and equitable treatment of the shrinkage allowance. Handlers and producers supported this proposal to prorate shrinkage between distributing and supply plants. The proposal should be adopted.

7. The order provisions with respect to the pricing of fluid milk products in inventory should not be changed.

It was proposed by a handler that fluid milk products in inventory should be separately classified and priced at $4.00 per hundredweight. The stated reason for the proposal was to provide for the pricing of skim milk and butterfat in fluid milk products, held in inventory, during the month of actual utilization.

The order presently requires the reporting of fluid milk products in inventory as Class I. It is further provided in the determination of the uniform price that for the month of July an amount should be added by multiplying by 40 cents the hundredweight by which the inventory classified for the preceding month exceeds any inventory so classified for the preceding February.

The net effect of the present order provisions is to classify fluid milk products in inventory at the Class I price adjusted each July by any excess in such inventory between the end of February and June. March through June is the period when the seasonal Class I differential above the basic formula price is 40 cents less than other months. This adjustment provides an equitable means of handling any increase in inventory of fluid milk products from the beginning to the end of the lower seasonal pricing period.

Inasmuch as the Class I percentage of utilization of producer milk in this market is very high, fluid milk products held in inventory will be utilized mostly as Class I. The present provisions of the order for the classification and pricing of fluid milk products in inventory are adequate and equitable. It is concluded, therefore, that the only revision necessary in these provisions is to change July to August in § 987.70 (f). Such a modification will conform with the changes, recommended herein, with respect to Class I prices.

8. Provisions for the classification of milk, skim milk, and cream moved to nonpool plants should be revised.

A nonpool plant located at Brookhaven, Mississippi, receives milk from plants regulated by this order and by Order No. 42 regulating the handling of milk in the New Orleans marketing area. Milk transferred to such a nonpool plant should be classified in an equitable manner under each of the orders involved. There is need for uniformity in order provisions with respect to the classification of milk at a nonpool plant receiving milk from plants regulated by different Federal orders. This can be accomplished by providing the same provisions in each of the orders involved. Order No. 42, regulating the New Orleans marketing area, was amended effective December 1, 1957, to meet this specific situation. Under this amendment, any milk, skim milk, or cream received at a nonpool plant that is classified as Class I is shared pro rata by the pool plants under this order and by any plant(s) at which milk is priced under another order(s).

No opposition was offered to this method of classification. The amendment will facilitate the movement of milk in excess of market needs in the usual channels available to the market. The amendment provided herein will provide

for the proration, between pool plants of this and other orders, of any skim milk or butterfat classified as Class I at a nonpool plant receiving producer milk from pool plants under this and another Federal order(s).

9. The base plan rules should be revised.

One proposal would provide that bases should be assigned to dairy farmers who become producers under the order as a result of a plant becoming a pool plant by meeting the required distributing or supply plant qualifications or by the extension of the marketing area.

A distributing plant must sell 50 percent or more of its receipts from producers and other pool plants on routes as fluid milk products and 20 percent or more of such receipts on routes in the marketing area to qualify as a pool plant. Any supply plant failing to qualify as a pool plant during the required period must ship 50 percent or more of its receipts from dairy farmers to a pool distributing plant each month to again qualify as a pool plant. A plant that meets the pool plant requirements during the February through July period, is sufficiently associated with this market to justify the assignment of bases to producers delivering to such plant. To fail to do so would be discriminatory. This provision will permit these producers to share equally with all other producers in the returns for milk.

The rules governing the transfer of bases from one producer to another should be clarified.

Under certain conditions, bases may be transferred from one producer to another. Without an administrative determination it would be possible through the manipulation of ownership during the base-forming period to increase the combined bases of such producers in excess of the base which would be earned by their combined milk production during the base-forming period. The intent of the order is to provide a means of determining a base for each producer in accordance with the actual receipts of milk at pool plants during the base-forming period. To accomplish this intent under conditions where bases are transferred, the total base should be determined by adding together the milk deliveries of the transferee and transferor during the base-forming period and dividing this total by the number of days from the first day milk was received from either producer during the base-forming period to the last day of such period but not less than 120. This proposed revision of the base rules conforms with the practices followed in this market.

10. A provision for the determination of equivalent price quotations should be included in the order.

Such a provision is designed to meet an emergency situation in which a price quotation necessary in the determination of class prices, or for any other purposes, may not be available. In such event, the Secretary would determine a price equivalent to the price quotation normally available. The provision proposed will remove uncertainty as to the procedure to be followed in the absence of any price quotation provided for in the order and thereby will prevent unnecessary interruption in the administration of the order.

The entire order is redrafted to incorporate conforming provisions in the order to accommodate the recommended changes made herein.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Central Mississippi Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Central Mississippi Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of April 1958, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Central Mississippi marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 9th day of July 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Central Mississippi Marketing Area

§ 987.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the

[1] This order shall not become effective unless and until the requirements of § 900.14 of this chapter governing proceedings to formulate marketing agreements and marketing orders have been met.

act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

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DEFINITIONS

§ 987.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 987.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 987.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 987.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 987.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 987.6 *Central Mississippi marketing area.* "Central Mississippi marketing area" hereinafter called the "marketing area" means all the territory within the following counties: Adams, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, Hinds, Jasper, Jefferson, Jefferson Davis, Jones, Lamar (except Beat 2 thereof), Lauderdale, Lawrence, Lincoln, Madison, Marion, Neshoba, Newton, Perry, Rankin, Scott, Simpson, Smith, Walthall, Warren and Wayne, all in the State of Mississippi.

§ 987.7 *Distributing plant.* "Distributing plant" means an approved plant from which Class I milk equal to not less than 50 percent of its receipts of producer milk and fluid milk products from other pool plants is disposed of during the month, on routes or through plant stores, to wholesale or retail outlets (except pool plants) and from which not less than 20 percent of such Class I milk is disposed of during the month on routes or through plant stores, to wholesale or retail outlets (except pool plants) located in the marketing area.

§ 987.8 *Supply plant.* "Supply plant" means an approved plant from which during the month an amount equal to 50 percent or more of receipts of its producer milk is shipped to and received at distributing plants. Any supply plant that was a pool plant during each of the months of August through January immediately preceding shall be a pool plant each of the months of February through July unless written notice to the market administrator is received before the first day of the month of its intention to withdraw, in which case such plant shall thereafter be a nonpool plant, unless it again qualifies as a supply plant by shipping 50 percent or more of its receipts from dairy farmers to a plant described in § 987.7.

§ 987.9 *Pool plant.* "Pool plant" means either a distributing plant or a supply plant, except a plant operated by a producer-handler.

§ 987.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing or processing plant other than a pool plant.

§ 987.11 *Approved plant.* "Approved plant" means all of the buildings, premises and facilities of a plant(s) in which milk or skim milk is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors and sales through plant stores) to wholesale or retail outlets (except milk distributing or processing plants) located in the marketing area, or (b) from which milk or skim milk eligible for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant.

§ 987.12 *Handler.* "Handler" means:

(a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 987.13; or

(b) Any person in his capacity as the operator of one or more approved plants.

§ 987.13 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted from a pool plant to a nonpool plant, except plants under another order, for the account of a handler operating a pool plant or a cooperative association but for not more than 10 days production during the months of September,

October, and November. Milk diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted, and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at the location of the pool plant from which it was diverted.

§ 987.14 *Producer milk.* "Producer milk" means only the skim milk or butterfat contained in milk (a) received at a pool plant(s) directly from producers, or (b) diverted from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 987.13.

§ 987.15 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, and (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 987.16 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant which, during the month, received no other source milk (except own production), producer milk, or milk from a pool plant.

§ 987.17 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 987.18 *Fluid milk product.* "Fluid milk product" means all skim milk (including concentrated and reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks (including eggnog), yogurt, cream (other than frozen storage cream), cultured sour cream, and any mixture of cream and milk or skim milk (other than ice cream, ice cream mixes, frozen ice milk, ice milk mixes, frozen desserts and mixes, and sterilized products contained in hermetically sealed containers).

MARKET ADMINISTRATOR

§ 987.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 987.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary, complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 987.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon, satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 987.95, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 987.94, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 987.30 and 987.31, or payments pursuant to § 987.90, and §§ 987.93 to 987.98;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 987.51 (a) and the Class I butterfat differential computed pursuant to § 987.52 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 987.51 (b) and the Class II butterfat differential computed pursuant to § 987.52 (b), both for the previous month;

(2) On or before the 10th day after the end of each of the months of August through February, the uniform price computed pursuant to § 987.71, and the butterfat differential computed pursuant to § 987.91; and

(3) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk computed pursuant to § 987.72, and the butterfat differential computed pursuant to § 987.91;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association, which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by each handler; and

(k) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 987.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants for such month as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk; and for the months of March through July, the total quantity of base milk received;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 987.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his fluid milk plants, his producer payroll for such month, which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of March through July, the total pounds of base and excess milk, (iii) the number of days on which milk was received from such producer if less than a full calendar month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk, or cream at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such milk;

(3) On or before the day prior to diverting producer milk pursuant to § 987.13, his intention to divert such milk, the date(s) of such diversion and the nonpool plant to which such milk is to be diverted; and

(4) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

(c) Each handler who receives producer milk for which payment is to be made to a cooperative association pursuant to § 987.90 (e) shall report to such cooperative association with respect to each such producer, as follows:

(1) On or before the 20th day of each month, the total pounds of milk received during the first 15 days of the month,

(2) On or before the 10th day after the end of each month:

(i) The daily and total pounds of milk received during the month with separate totals for base and excess milk for the months of March through July, and the average butterfat test thereof; and

(ii) The amount or rate and nature of any deductions.

§ 987.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 987.33 *Retention of records.* All books and records required under this part to be made available to the market administrator, shall be retained by the handler for a period of three years to begin at the end of the calendar month, to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 987.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month at pool plants and which is required to be reported pursuant to § 987.30 shall be classified by the market administrator pursuant to the provisions of §§ 987.41 to 987.46.

§ 987.41 *Classes of utilization.* Subject to the conditions set forth in §§ 987.43 and 987.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in fluid milk products;

(2) Contained in inventory of milk and milk products designated as Class I milk pursuant to subparagraph (1) of this paragraph on hand at the end of the month; and

(3) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section;

(2) Disposed of and used for livestock feed;

(3) Contained in skim milk dumped, provided the market administrator is notified in advance and given opportunity to verify such dumping; and

(4) In shrinkage, but in an amount not to exceed one-half percent of the total pounds of skim milk and butterfat received directly from producers plus 1½ percent of the total pounds of skim milk and butterfat in bulk milk, skim milk, and cream in fluid form received at a pool plant from all sources less that disposed of in bulk to a pool plant of another handler.

§ 987.42 *Assignment of shrinkage.* The market administrator shall assign shrinkage at the pool plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(b) Assign the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in (1) producer milk and milk received from other pool plants, and (2) other source milk.

§ 987.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 987.44 *Transfers.* Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of fluid milk products to the pool plant of another handler unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 987.30, subject in any event to the conditions set forth in subparagraph (1) of this paragraph:

(1) (i) In no event shall the skim milk or butterfat assigned to Class II milk exceed the amount thereof remaining in Class II milk in the plant(s) of the transferee handlers after subtraction of other source milk pursuant to § 987.46, and any additional amounts of such skim milk or butterfat shall be classified as Class I milk; and

(ii) If either or both handlers have other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to producer milk of both handlers; and

(b) As Class I milk if transferred or diverted in the form of bulk milk, skim milk or cream to a nonpool plant unless:

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received at the nonpool plant during the month from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, used to produce any items of Class II milk (as defined pursuant to § 987.41 (b)) at such nonpool plant during the month;

(ii) Add the skim milk and butterfat respectively, in fluid bulk cream transferred from such nonpool plant to a plant at which milk is priced pursuant to this or another order issued pursuant to the act and such cream is allocated to other than Class I milk (under the applicable order definitions at the transferee plant).

(iii) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of the items of Class II milk processed in such second nonpool plant plus the bulk fluid cream shipped from such second nonpool plant to other nonpool plants which do not dispose of milk or cream for consumption in fluid form: *Provided*, That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(iv) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of fluid Grade A milk products.

In the event that the remaining skim milk and butterfat, respectively, computed pursuant to subdivision (iv) of this subparagraph is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to act, the difference shall be assigned pro rata, to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the act), and shall be classified as Class I milk.

§ 987.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat dry milk contained in such product, plus all of the water originally associated with such solids.

§ 987.46 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month, with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 987.42 (b);

(2) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk, except that to be subtracted pursuant to subparagraph (3) of this paragraph: *Provided*, That if the pounds of skim milk in other source milk exceed the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk, the pounds of skim milk in fluid milk products received from plants regulated pursuant to other orders issued pursuant to the act, less any equivalent amounts of skim milk in other source milk allocated to Class I milk at each of such plants, respectively: *Provided*, That if the pounds of skim milk to be subtracted exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(5) Subtract from the remaining pounds of skim milk in each class the skim milk contained in fluid milk products received from the pool plants of other handlers, according to the classification of such skim milk as determined pursuant to § 987.44 (a);

(6) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 987.50 *Basic formula price.* The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price:

(a) Divide the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture, by 3.5 and multiply by 4.0.

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed by adding together any plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.8; and

(2) Deduct five cents from the simple average as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month, by the Department of Agriculture, and multiply by 7.5; and

(c) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Kraft Cheese Co., Newton, Miss.
Borden Co., Starksville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

§ 987.51 *Class prices.* Subject to the provisions of §§ 987.52 and 987.53, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* Through February 29, 1960, the minimum price per hundredweight shall be the basic formula price for the preceding month, plus $1.85 during the months of March through July and plus $2.30 during all other months;

(b) *Class II milk price.* The price per hundredweight for Class II milk shall be the price determined pursuant to § 987.50 (c) plus 10 cents during each of the months of March through June and plus 20 cents during all other months.

§ 987.52 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 987.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11.

§ 987.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 50 miles or more from the city limits of Hattiesburg, Jackson, Meadville or Meridian, Mississippi, whichever is closest by the shortest hard-surfaced highway distance as determined by the market administrator, and which is transferred in the form of fluid milk products to another pool plant and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 987.51 (a) shall be reduced at the rate set forth in the following schedule:

Distance from the city limits of Hattiesburg, Jackson, Meadville or Meridian, Miss. (miles):	*Rates per hundredweight (cents)*
50 but not more than 60	10.0
For each additional 10 miles or fraction thereof, an additional	1.5

Provided, That, for the purposes of calculating such location differential, products so designated as Class I milk which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 987.46 (a) (1), (2), and (3), and the comparable steps in § 987.46 (b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor-plants to be made first to plants which the location differential is applicable.

§ 987.54 *Rate of compensatory payments.* In any month in which total deliveries of producer milk exceed 110 percent of the total amount classified as

Class I (excluding duplications) at all pool plants, the rate of compensatory payment per hundredweight shall be calculated as follows:

(a) Subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price adjusted by the Class I butterfat differential and adjust such difference by the location differential rate set forth in § 987.52 for the location of the plant at which the milk was received from farmers.

§ 987.55 *Use of equivalent prices.* If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 987.60 *Producer-handlers.* Sections 987.40 to 987.46, 987.50 to 987.54, 987.61, 987.62, and 987.70 to 987.72, 987.80 to 987.83, and 987.90 to 987.98 shall not apply to a producer-handler.

§ 987.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a plant specified in paragraph (a) or (b) of this section except as follows: The operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless a greater volume of Class I milk is disposed of during the month from such plant to retail or wholesale outlets (except pool plants) in the Central Mississippi marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That, if such distributing plant disposed of Class I milk during the month in the marketing areas of more than one other Federal order, the marketing area in which the most Class I milk is disposed shall determine the Federal order under the provisions of which such plant shall be regulated; and

(b) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualified as a pool plant pursuant to § 987.8.

§ 987.62 *Obligations of a handler operating a nonpool distributing plant.* Each handler who operates during the month a nonpool distributing plant shall pay to the market administrator for deposit in the producer settlement fund and the administrative assessment fund, as the case may be, as follows:

(a) If such handler so elects in writing at the time of reporting pursuant to § 987.30, the amounts computed as follows:

(1) On or before the 15th day after the end of the month, for the producer settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 15th day after the end of the month, as his pro rata share of expense of administration, the rate specified in § 987.95 with respect to Class I milk disposed of on routes in the marketing area; and

(b) Except as the handler's obligation may be computed pursuant to paragraph (a) of this section, he shall pay the amounts as follows:

(1) On or before the 25th day after the end of the month, for the producer settlement fund, the amount specified in paragraph (a) (1) of this section, or any plus amount resulting from the following computation, whichever is less:

(i) Determine the value for milk received from dairy farmers at such plant for such month pursuant to § 987.70 as if such plant has been a pool plant; and

(ii) Deduct the gross payments made by the handler to dairy farmers for milk received at such plant for such month. Such gross payments shall be limited to cash payments made to the dairy farmer or his assignee on or before the date for filing reports required pursuant to § 987.31 (b), plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 15th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 987.95 had such plant been a pool plant.

§ 987.70 *Computation of value of producer milk.* The value of producer milk received during the month by each handler at his pool plant(s) shall be computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price;

(b) Add together the resulting amounts.

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months;

(e) In the case of a handler operating a pool plant which was not a pool plant under this order during each of the preceding five months, add an amount calculated by multiplying the difference between the Class I and the Class II prices adjusted by the appropriate butterfat differentials by any figure determined as follows: Any amount by which the hundredweight of skim milk or butterfat in inventory for such month, pursuant to § 987.41 (a) (2), is less than the least hundredweight of skim milk or butterfat, respectively, deducted pursuant to § 987.46 (a) (4) and (b) for such handler for any month since such plant was not a pool plant;

(f) Add for each month of August an amount calculated by multiplying by 40 cents the hundredweight by which the inventory classified pursuant to § 987.41 (a) (2) for the preceding month exceeds any inventory so classified for the preceding February; and

(g) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk, pursuant to § 987.46 (a) (2) and (b), by the rate of compensatory payment as determined pursuant to § 987.54, for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products.

§ 987.71 *Computation of the uniform price.* For each of the months of August through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 4.0 percent butterfat content, for plants within the marketing area as follows:

(a) Combine into one total the values computed pursuant to § 987.70 for the producer milk of all handlers who submit reports prescribed in § 987.30 and who have made payments for the previous month pursuant to § 987.90 or § 987.97;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the variation in the average butterfat content of such milk from 4.0 percent by the butterfat differential computed pursuant to § 987.91, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 987.90 (c) (1);

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 987.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, for plants within the marketing area, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 987.30, and who have made payments for the previous month pursuant to § 987.90 or § 987.97, as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price; (2) multiply any additional hundredweight of such milk by the Class I milk price;

and (3) add together the resulting amounts;

(b) Divide the aggregate value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers;

(c) Subtract an amount determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 987.71 (a) to (d);

(d) Divide the result obtained pursuant to paragraph (c) of this section by the total hundredweight of base milk of handlers included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content for plants within the marketing area.

BASE RATING

§ 987.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the months of September through January by the number of days from the first day milk is received from such producer during said months to the last day of January, inclusive, but not less than 120 days.

§ 987.81 *Computation of base.* The base of each producer to be applied during the months of March through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days production delivered by such producer to handlers during the month.

§ 987.82 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a pool plant during the months of September through January and to each person for whose account milk was delivered to a plant that did not qualify as a pool plant during each month of the base forming period, but which qualifies as a pool plant during any of the months of March through July, bases shall be assigned on deliveries at such plant in the same manner as if such plant had been a pool plant during each month of the base forming period; and

(b) An entire base shall be transferred by the market administrator to another person upon receipt of an application form, approved by the market administrator, and signed by the base-holder(s), or his heirs, and by the person to whom such base is transferred subject to the following condition:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base forming period and dividing the total by the number of days from the first day of delivery by either the transferee or transferor during the base forming period to the last day of January inclusive but not less than 120 days.

§ 987.83 *Announcement of established bases.* On or before March 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 987.90 *Payments to producers.* Except as provided in paragraph (e) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(a) On or before the last day of each month, for milk received during the first 15 days of the month, at not less than the price per hundredweight for Class II milk for the preceding month;

(b) On or before the 15th day after the end of each of the months of August through February for milk received during such month at not less than the uniform price per hundredweight, computed for such handler pursuant to § 987.71, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92, less proper deductions authorized in writing by such producer and less payment made pursuant to paragraph (a) of this section, and deductions made pursuant to § 987.94;

(c) On or before the 15th day after the end of each of the months of March through July, after allowance for the amount of payment made pursuant to paragraph (a) of this section for deductions made pursuant to § 987.94, and for other proper deductions authorized in writing by such producer, as follows:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 987.72 for the quantity of base milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92; and

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 987.72 for the quantity of excess milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92;

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) In lieu of payments pursuant to paragraphs (a), (b) and (c) of this section, each handler shall make payment to a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines that such cooperative association is authorized to collect payment, as follows:

(1) On or before the 26th day of each month, an amount equal to not less than the Class II price for the preceding month, multiplied by the hundredweight of milk received during the first 15 days of the month from such producers; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the applicable uniform price(s) pursuant to §§ 987.71 and 987.72, multiplied by the hundredweight of milk received from such producers to which each such price is applicable, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92, less payment made such cooperative association pursuant to subparagraph (1) of this paragraph, and proper deductions authorized in writing by such producers or such cooperative associations; and

(f) On or before the 13th day after the end of the month, each handler shall pay to each cooperative association which is also a handler, for milk received from it not less than the value of such milk as classified pursuant to § 987.44 (a) at the applicable respective class prices, including differentials prescribed by the order.

§ 987.91 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 987.90 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 987.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest half cent.

§ 987.92 *Location differentials to producers.* In making payment to producers pursuant to § 987.90, the applicable uniform prices to be paid for producer milk received at a pool plant located 50 miles or more from the city limits of Hattiesburg, Jackson, Meadville, or Meridian, Mississippi, whichever is closest by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced at the rate set forth in the following schedule:

Distance from the city limits of Hattiesburg, Jackson, Meadville or Meridian, Miss. (miles):	Rates per hundredweight (cents)
50 but not more than 60	10.0
For each additional 10 miles or fraction thereof, an additional	1.5

§ 987.93 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth under which such error occured.

§ 987.94 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 987.90, shall deduct 7 cents per hundredweight, or such amount not exceeding 7 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk received from each such producer. In lieu of such statement, a handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 987.90 (d).

§ 987.95 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, for such month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handler's own production; (b) other source milk allocated to Class I milk pursuant to § 987.56 (a) (2) and (b); and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 987.96 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 987.62, 987.93 and 987.97, and out of which he shall make all payments pursuant to §§ 987.93 and 987.98: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 987.97 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay, except as provided in § 987.62, to the market administrator any amount by which the value of his producer milk as computed pursuant to § 987.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 987.98 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 987.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 987.99 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay any handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 987.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 987.101.

§ 987.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 987.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 987.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary,

liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 987.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 987.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 58-5359; Filed, July 14, 1958; 8:47 a. m.]

Agricultural Research Service

[7 CFR Part 319]

FOREIGN QUARANTINE NOTICES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Agricultural Research Service, pursuant to sections 1, 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 154, 159, 160, 162), is considering the amendment of §§ 319.37-4 (b) and 319.37-8 of the regulations supplemental to the quarantine relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37-4 (b), 319.37-8) in the following respects:

a. Add at the end of § 319.37-4 (b) the following sentence: "In the case of seeds of such fruits as are approved for importation without treatment under the provisions of §§ 319.56, 319.56-1 et seq., the requirements as to freedom from pulp shall not apply when such seeds are imported, under the requirements of this section, for propagation."

b. Add at the end of § 319.37-8 the following two sentences: "Furthermore, all plants and cuttings of genera that are not prohibited entry into the United States but are known to be hosts of the citrus blackfly or may hereafter be determined as such, from all foreign countries (except Canada, countries in Europe and Asia Minor; and those in Africa bordering the Mediterranean Sea), must be defoliated before shipment from the country of origin if they are to be imported through any port other than the Ports of New York and Seattle. The Director of the Plant Quarantine Division shall issue adminstrative instructions listing the genera of plants that are not prohibited entry into the United States but are known to be hosts of the citrus blackfly or that may hereafter be determined as such."

c. Add a new section to be designated as § 319.37-8a, consisting of administrative instructions issued under the authority of the above proposed amendment, to read as follows:

§ 319.37-8a *Administrative instructions designating genera known to be hosts of the citrus blackfly.* (a) The Director of the Division, upon the basis of evidence satisfactory to him, has determined that the following genera of plants, that are not prohibited entry into the United States, are known hosts of the citrus blackfly (Aleurocanthus woglumi Ashby):

Achras.	Jatropha.
Anacardium.	Lagerstroemia.
Annona.	Lucuma.
Ardisia.	Magnolia.
Bouvardia.	Mammea.
Bumelia.	Mangifera.
Bursera.	Melia.
Buxus.	Myroxylon.
Calocarpum.	Myrtus.
Capsicum.	Parmentiera.
Cardiospermum.	Persea.
Cedrela.	Plumeria.
Cestrum.	Populus.
Cnidoscolus.	Psidium.
Coffea.	Punica.
Crataegus.	Pyrus.
Cydonia.	Sapindus.
Diospyros.	Solandra.
Duranta.	Spondias.
Eugenia.	Strelitzia.
Fraxinus.	Tabebuia.
Hibiscus.	Vitis.
Hura.	Zingiber.
Ixora.	

(b) Such additional admissible plants as may later be determined as hosts of the citrus blackfly shall have the same status as those listed herein.

(c) Blackfly host plants of genera that are prohibited entry into the United States are not included in the list in paragraph (a) of this section.

The first of these proposed amendments, if adopted, would have the effect of making inapplicable, in respect to the seeds of fruits that may now be imported without treatment in accordance with the provisions of §§ 319.56, 319.56-1 et seq., the requirements of § 319.37-4 (b), as to freedom from pulp. That is, if the entire fruit is eligible for importation without treatment, seeds from such fruit may be imported although accompanied by moist and fleshy pulp.

The second proposal would require that plants and plant cuttings of genera that are known to be hosts of the citrus blackfly from countries where this species occurs must be defoliated in the country of origin if they are to be imported through any port other than the Ports of New York and Seattle. It also authorizes the Director of the Plant Quarantine Division to issue administrative instructions listing such genera. The final proposed amendment consists of administrative instructions listing the genera of plants that are not otherwise prohibited entry into the United States and are known hosts of the citrus blackfly.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 1, 5, 7, 9, 37 Stat. 315, 316, 317, 318, as amended; 7 U. S. C. 154, 159, 160, 162)

Done at Washington, D. C., this 10th day of July 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-5393; Filed, July 14, 1958; 8:54 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

SOAP AND RELATED PRODUCTS INDUSTRY

NOTICE OF TENTATIVE DECISION IN DETERMINATION OF PREVAILING MINIMUM WAGES

A complete record of proceedings held under Sections 1 and 10 of the Walsh-Healey Public Contracts Act (41 U. S. C. 35 and 43a) to determine the prevailing minimum wages for persons employed in the soap and related products industry has been certified by the Hearing Examiner. The record, having been fully considered, the rules of practice, 41 CFR 203.21 (b), next require issuance of a tentative decision in the matter, including a statement of findings and conclusions, as well as the reasons and basis therefor, and the appropriate wage determination.

For reasons hereinafter stated, no change is proposed from present regulations in either the substantive definition of the industry or in the geographical area to which the wage determination applies. Revision of the existing wage rate, however, is proposed to conform to the minimum wage which prevails as evidenced by the data of record, and to eliminate from the present regulations special provision for beginners and learners. There is no need to invoke special provision for apprentices or handicapped workers as special rates for them are governed by general regulations (41 CFR Part 201).

Definition. The record discloses that aside from an objection by one employer representative who urged the exclusion from the definition of products containing less than twenty percent soap or detergent, all other parties participating in the hearing approved of the definition. A spokesman for the American Soap and Glycerin Association stated that "the association believes that it is a fairly accurate definition." Similarly approving, were the comments on the definition made by the representative authorized to present the views of the International Chemical Workers Union, concurred in by the Oil, Chemical, and Atomic Workers International Union and by the AFL-CIO.

No product content limitation by percentages is justified by the evidence. Moreover, I take official notice of the fact that there is no percentage limitation on ingredients of soaps or synthetic organic detergent products as classified by either the Bureau of Census or the Bureau of Budget in their respective publications—the Census of Manufacturers and the Standard Industrial Classification. In substance the proposed definition has been in effect since 1950 and I find that it is appropriate for this industry.

LOCALITY

Among the subjects and issues presented in the notice of hearing was whether a single industry-wide determination or separate geographically described regional determinations should be made. Several views on this question were expressed at the hearing and there are also in the record, relevant economic data.

In brief, the labor organizations urged a single industry-wide determination, arguing from the premise that "the major part of this industry's products are sold nationally, usually according to brand names, and without regard to location of production." The industry trade association appearing at the hearing offered no objection to such a single determination. A representative of a single establishment urged that a wage differential be established for the industry in the South.

This last argument appears to rely more on lower wage rates paid in the South generally than on an insular position in terms of competition. Even with respect to the wage structure however, I note that the spokesman for the employer association expressed the view that while there is a difference between the rates paid in the South and elsewhere, the difference is "not as marked today as heretofore * * * We do not believe probably that the South demonstrates a sufficient proportion of this type of business to make a separate rate for areas, say, than any other area." In any event, the controlling purposes of the Walsh-Healey Act preclude use of such as basis for determining a separate regional minimum wage. As the Supreme Court has pointed out, the purpose of the act is "* * * to obviate the possibility that any part of our tremendous national expenditures would go to forces tending to depress wages and purchasing power * * *", Perkins v. Lukens Steel Company, 310 U. S. 113, 128.

The record contains uncontroverted evidence introduced by the Wage and Hour and Public Contracts Divisions on marketing and competitive factors showing substantial interregional shipments throughout the country. Government Exhibit No. 7 entitled "Government Awards Subject to the Public Contracts Act for the Soap and Related Products Industry Showing the Origin or Place of Manufacture and Destination by Regions, of Bids and Shipments Made Pursuant to Federal Agency Invitations-to-bid for the Calendar Year 1956", conclusively supports a single determination of the prevailing minimum wage in all the area in which the industry operates. From the information contained in this Exhibit it is seen that 63.5 percent of all bids and 42 percent of all shipments were inter-regional with every region bidding for contracts in and shipping soap to every other region. I therefore find that the area of competition for Government contracts subject to the Walsh-Healey Act in the products of this industry is co-extensive with all of that area in which the industry has its plants, and that it may not be defined more narrowly. This conclusion is in accordance with findings in the previous wage determinations issued for this industry.

Under all the evidence, therefore, I find that the locality in which the products of the soap and related products industry are to be manufactured or furnished under contracts subject to the Act includes all that area in which the industry has its establishments.

WAGE DATA

The wage data introduced at the hearing consist primarily of data compiled and prepared from a survey of the industry conducted by the Bureau of Labor Statistics. The survey included all establishments with eight or more employees. Two hundred and sixteen establishments with 15,443 covered employees were found to be within the scope of the survey as the industry was defined in these proceedings. Wage data were actually obtained and studied from 206 of the 216 establishments. That the data more nearly represent the whole industry the remaining ten establishments were included in accordance with well established statistical procedures by ascribing to them the same wages found in plants actually studied which had similar characteristics of size, location and the like.

A representative of the Association of American Soap and Glycerin producers representing the majority of the establishments in the soap and related products industry while appearing and testifying at the hearing made no specific recommendation as to a prevailing minimum wage rate. This representative, however, sought to project certain undesirable effects which he urged to be avoided in determining the prevailing minimum wage. His principal concern was that the rate determined not "price out" the smaller establishments in the industry employing 50 or less employees with a possibility of curtailed employment and competitive disadvantage on bidding for Government contracts in the products of the industry. On the basis of the evidence in the record of the hearing, it is evident that neither the majority nor even any substantial part of the smaller establishments employing the smaller number of employees are wholly confined to the lower half of minimum wages paid in the industry. The smaller establishments employing 50 or less employees are found throughout the whole range of the minimum wage frequency distribution tables. A considerable number of these smaller plants are shown to pay the prevailing minimum wage hereinafter determined. It necessarily follows that some portion of the establishments in a particular industry pay less than the prevailing minimum wage. It is the intent and purpose of the statute that such lower wage segment of the industry not have access to Government business unless its minimum wages are brought up to the prevailing industry standard. It is precisely to foreclose unfair competitive advantage by such lower-paying establishments that the act requires the payment of not less than the prevailing minimum wage in the industry.

The unions' evaluation of the minimum wages paid in this industry as reflected in the Bureau of Labor Statistics tabulations concludes that $1.50 per hour is appropriate for determination as the prevailing minimum wage in this industry.

To this rate the unions would add six cents to compensate for wage increases between September 1956 and the date of the hearing, in the plants in the industry having contracts with them. This increase is based upon the pattern established by both unions in bargaining with employers, and BLS data on average hourly earnings which it is urged show an increase of not less than six cents per hour from September 1956 to March 1957.

With regard to increases in minimum wage rates in this industry between the BLS wage survey of September 1956 and the time of the hearing, the union presentation relates first to collective agreements which they have negotiated for 22 plants in the industry. These plants compose just over 10 percent of the establishments reported by the Bureau of Labor Statistics and employ 4741 workers, or approximately 30 percent of the workers in the industry reported by the Bureau. Negotiated increases in minimum wages were indicated for 15 of the 22 establishments having a total employment of 4327 workers or approximately 28 percent of the industry total. The unions' presentation states that these increases average slightly above 7 cents an hour, and concludes that this data taken in conjunction with increases in the average hourly earnings of workers in this industry as published by the Bureau of Labor Statistics in the Monthly Labor Review spell out "a pattern of wage increases in this industry of no less than six cents since last September [1956]". I take official notice that the Bureau's published finding shows an increase in the applicable adjusted average hourly earnings of 15 cents from September 1956 to June 1957.

The data with respect to the increases negotiated by the unions standing alone are not complete or comprehensive enough, viewing the industry as a whole, to conclude with necessary support of substantial evidence what if any increase in minimum wages has occurred since September 1956 for purposes of determining the prevailing minimum wages in this industry. To follow the unions' suggestion would require determination without equivalent data as to post-survey increases in minimum wages, if any, in 90 percent of the establishments employing approximately 70 percent of the employees in the industry. No satisfactory or plausible basis for so concluding is advanced.

Similarly, no method is proposed or suggested by the unions to translate increases in the cited average hourly earnings into increases in the minimum wages paid in the industry. For these reasons the proposal of the unions for a post-survey increase of 6 cents an hour in the prevailing minimum wage in this industry must be denied.

An evaluation of the BLS wage data introduced at the hearing shows that in the Soap and Related Products Industry 52.7 percent of the establishments paid no covered worker a minimum wage of less than $1.35 per hour. On the other hand, 51.3 percent of all covered workers were employed in plants which paid no worker a minimum wage of less than $1.65 per hour.

Thus, the evidence presents two extremes, in relation to the data, normally in closer approximation and usually adverted to for a finding as to the minimum wage which prevails. As to industries where the employment is better diffused among the various plants in the industry, relating establishment minimum wages separately to total employment units or to total covered employment in such units has yielded minimum wages which are in relative proximity so that either could be characterized as prevailing in the particular industry. The exercise of statutory discretion in such cases has favored choice of one of these two minimum wages which under all the facts of record most accurately measures the prevailing minimum wages in the industry, considered as a whole. Such process of determination, however, is precluded here by the evidence which shows a substantial spread between the minimum wage suggested by each of the two approaches. Any choice between them in appraising the minimum wages of the industry as a whole, would depend upon whether the various sizes of plants as to employment should be disregarded and all should be treated as equals in their contribution to the prevailing minimum wage standard of the industry, or whether they should be accorded force and influence in accordance with their size.

In this industry, no single minimum hourly wage is found among the several plants with such frequency that it fairly may be said to be "prevailing" in the industry, in the sense that it will serve to distinguish the plants which pay "not less than • • • the prevailing minimum wages for persons employed in • • • the particular" industry. In this context, the minimum wage practices of the larger plants contributing most to employment in the industry inherently have greater, but not necessarily exclusive weight in influencing the practice which is prevalent in the industry as a whole, than the practices of its least substantial employing and productive units. However, each productive unit regardless of size offers some measurable contribution to the minimum wage practices of the industry viewed as a whole, requiring evaluation and weighting.

These several considerations are satisfied by the $1.50 rate proposed by the unions, which is so situated within the range between the rates of $1.35 and $1.65, as to avoid their disabilities as wholly accurate measures of the prevailing minimum wage practice of the industry. Table 3 of Government's Exhibit No. 5 shows that this rate has substantial representation as a minimum wage in the various sizes of plants surveyed from the largest to the smallest. While it recognizes the impact of the minimum wages paid by the larger plants, it also gives due weight to the minimum wage practices of the smaller sized plants, about 30 percent of which pay $1.50 or more as their minimum wage. The wage survey data on payment of this minimum rate show that 67.6 percent of all covered workers in the industry are employed in establishments which pay plant minimum wages of not less than $1.50 an hour.

It is evident from this analysis that the $1.50 rate is the most appropriate and accurate measure of the prevalent minimum wage practice in this industry.

There remains for consideration the contention of a single employer who urged that a lower wage rate be determined for the South in that the wage rates in the South are lower than in other regions and such differential is necessary for the southern plants to remain competitive. The data disclose that 25 percent of the establishments in the South employing 83.3 percent of the 1,106 covered workers paid no worker minimum wages at less than $1.50, and only 185 workers were employed in southern plants paying wages of less than $1.50. The evidence of record obviously fails to support and conclusively refutes the proposal of this employer, and it is rejected.

On the basis of the evidence contained in the record, I find, therefore, that the prevailing minimum wage in the Soap and Related Products Industry is $1.50 per hour.

Learners or beginners. Separate wage data for learners were not obtained in the BLS survey, as it appears that the industry does not employ learners as this term is usually applied. Both the labor unions and the industry representatives at the hearing expressed the opinion that the use of beginners or learners in the industry was of such a minor character that authorization of a subminimum rate for such classification would be without substantial basis and unwarranted. A view was expressed for one employer located in the South that a subminimum rate should be authorized for learners or beginners if the prevailing minimum wage were determined to be $1.10 per hour. Since no basis is presented for a learner or beginner subminimum wage tolerance, none is necessary or will be provided.

Accordingly, upon the findings and conclusions stated herein, and pursuant to authority under the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35 et seq.) and in accordance with the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 237), notice is hereby given that I propose to amend Title 41 of the Code of Federal Regulations, Part 202, as follows:

§ 202.31 *Soap and related products industry*—(a) *Definition.* The soap and related products industry is defined as the manufacture of soap in bars, chips and flakes, and in granulated, sprayed, powdered, paste, and liquid forms; synthetic organic detergents for household or institutional use; glycerin (except synthetic glycerin); and products when they contain soap and/or synthetic organic detergents: Cleansing, scouring powders, shaving soaps and creams, shampoos, washing compounds, and other cleaning agents and compounds.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the soap and related products industry under contracts subject to the Walsh-Healey Public Contracts Act shall not be less than $1.50 per hour arrived at either on a time or piece rate basis.

(c) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

Within thirty days from the date of the publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed action above described. Exceptions should be directed to the Secretary of Labor and filed with the Chief Hearing Examiner, Room 4414, United States Department of Labor, Washington 25, D. C.

Signed at Washington, D. C., this 8th day of July 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-5370; Filed, July 14, 1958; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41]

[Draft Release 58-13]

SCHEDULED INTERSTATE AIR CARRIER OPERATIONS AND SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

REQUIREMENTS FOR PILOT ROUTE QUALIFICATION

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board amendments to Parts 40 and 41 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by Aug. 26, 1958. Copies of such communications will be available after Aug. 28, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Section 40.303 of the Civil Air Regulations requires, in part, that each pilot in command in qualifying over a route shall make an entry into each regular, provisional, and refueling airport into which he is scheduled to fly. Section 41.50 of the Civil Air Regulations provides, in part, that a pilot in qualifying over a route shall make at least one round trip or two one-way trips over the route, including a familiarization flight at each regular, provisional, or refueling airport, with one of the air carrier's check pilots. Sections 40.304 and 41.51 governing the maintenance and re-establishment of route qualifications require under certain circumstances that the provisions of §§ 40.303 and 41.50 be complied with by the pilot in command.

On January 20, 1955, the Bureau of Safety published Civil Air Regulations Draft Release No. 55-3 (20 F. R. 550). This draft release dealt with the over-all problem of pilot airport and route qualification and considerable emphasis was placed on recent developments of motion picture panoramic views of airports and their environs which showed excellent promise of providing an effective means for insuring pilot airport qualification. The Bureau expressed the view that the regulations should be amended in a manner that would encourage further research and development of the visual training aids programs by various commercial sources and at the same time provide more acceptable airport qualification rules for use in the meantime. Furthermore, the Bureau stated that it would seem appropriate to permit methods of airport qualification other than physical entry, provided that such alternative methods had the approval of the Administrator.

Following publication of Draft Release 55-3, the Board promulgated a series of Special Civil Air Regulations (SR-413, SR-414, SR-418, and SR-418A) as a vehicle for permitting the controlled introduction of new techniques in airport and route qualification. These included the use of pictorial means within the training program which enable pilots to qualify at specified airports by using color motion pictures or slides showing clear daylight views of the complete physical layouts of the airports, surrounding terrain, obstructions, approaches to all runways, restricted areas, and conspicuous reference points that are of value to pilots. Under these special regulations air carriers were also authorized to conduct operations at an airport in close proximity to an airport into which pilots were qualified when the Administrator found that such pilots were adequately qualified at the new airport. In making such findings the Administrator took into consideration such things as the familiarity of the pilots with the layout, surrounding terrain, location of obstacles, and instrument approach and traffic control procedures at the new airport. In addition, under SR-418 and SR-418A, a pilot was expressly permitted to accomplish initial qualification into an airport without being accompanied by a pilot qualified at that airport if such initial entry were made under VFR weather conditions at the particular airport involved.

One of the principal purposes of these special regulations has been to provide sufficient opportunity for evaluation of pictorial means of airport and route qualification by industry and Government alike in order to guide the Board in its final action in amending the Civil Air Regulations. Experience gained under these special regulations up to the time of the adoption of SR-418A indicated that the various procedures provided therein for airport and route qualification, including pictorial means, had been successful. Therefore, the Board stated in the preamble to SR-418A that prior to the termination of that regulation, a proposal to incorporate its substance into Parts 40 and 41 would be circulated for comment. Inasmuch as SR-418A terminates on September 23, 1958, the Board is interested in obtaining comments as to the continued effectiveness and extent of use of the privileges of SR-418A and any other recommendations with respect to incorporation of the provisions of that regulation in Parts 40 and 41 of the Civil Air Regulations.

The provisions of SR-418A are being proposed for incorporation in Parts 40 and 41 with a slight revision of the requirement concerning route qualification on those routes on which navigation must be accomplished by pilotage and on which the flight is to be conducted at or below the level of adjacent terrain. These changes are being made in the interest of clarity.

In view of the foregoing, notice is hereby given that the Bureau proposes to recommend to the Board that Parts 40 and 41 of the Civil Air Regulations be amended as follows:

1. By amending §§ 40.303 and 41.50 to read as follows:

Pilot route and airport qualification requirements. (a) An air carrier shall not utilize a pilot as pilot in command until he has been qualified for the route on which he is to serve in accordance with the provisions of this section and the appropriate instructor or check pilot has so certified.

(b) Each such pilot shall demonstrate adequate knowledge concerning the subjects listed below with respect to each route to be flown. Those portions of the demonstration pertaining to holding procedures and instrument approach procedures may be accomplished in a synthetic trainer which contains the radio equipment and instruments necessary to simulate the navigational and letdown procedures approved for use by the air carrier:

(1) Weather characteristics,
(2) Navigational facilities.
(3) Communication procedures,
(4) Type of en route terrain and obstruction hazards,
(5) Minimum safe flight levels,
(6) Position reporting points,
(7) Holding procedures,
(8) Pertinent traffic control procedures, and
(9) Congested areas, obstructions, physical layout, and all instrument approach procedures for each regular, provisional, and refueling airport approved for the route.

(c) Each such pilot shall make an entry as a member of the flight crew at each regular, provisional, and refueling airport into which he is scheduled to fly. Such entry shall include a landing and take-off. The qualifying pilot shall occupy a seat in the pilot compartment and he shall be accompanied by a pilot who is qualified at the airport.

(d) Such pilot shall not be required to meet the entry requirements of paragraph (c) of this section when:

(1) The initial entry is made under VFR weather conditions at the particular airport involved; or

(2) The air carrier shows that the pilot airport qualification can be accomplished by an approved pictorial means; or

(3) The air carrier notifies the Administrator that it intends to conduct operations at an airport in close proximity to an airport into which the pilot involved is presently qualified by entry, and the Administrator finds that such pilot is adequately qualified at the new airport. The Administrator, in making such finding, shall take into consideration at least the familiarity of the pilot with the layout, surrounding terrain, location of obstacles, and instrument approach and traffic control procedures at the new airport.

(e) On routes or route segments on which navigation must be accomplished by pilotage and on which flight is to be conducted at or below the level of the adjacent terrain which is within a horizontal distance of 25 miles on either side of the center line of the route to be flown, the pilot shall be familiarized with such route or route segments by not less than two one-way trips on the flight deck over the route or route segments under VFR weather conditions to permit the qualifying pilot to observe terrain along the route.

2. By amending § 40.304 (a) by changing the reference "§ 40.303 (d)" to read "§ 40.303 (e)".

3. By amending § 41.51 to read as follows:

§ 41.51 *Maintenance and re-establishment of pilot route and airport qualification for particular trips.* (a) To maintain pilot route and airport qualification, each pilot being utilized as pilot in command, within the preceding 12-month period, shall have made at least one trip as pilot or other member of the flight crew between terminals into which he is scheduled to fly and shall have complied with the provisions of § 41.50 (e), if applicable.

(b) In order to re-establish pilot route and airport qualifications after absence from a route for a period in excess of 12 months, a pilot shall comply with the appropriate provisions of § 41.50.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may by changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, 49 U. S. C. 551–560)

Dated at Washington, D. C., July 8, 1958.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE, *Director.*

[F. R. Doc. 58-5397; Filed, July 14, 1958; 8:55 a. m.]

[14 CFR Part 241]

[Economic Regs. Draft Release 96]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

CERTIFICATION OF FORM REPORTS

JULY 10, 1958.

Notice is hereby given that the Civil Aeronautics Board has under consideration amendment of the reporting requirements of Part 241 of the Economic Regulations (14 CFR Part 241). This proposed rule would require the carriers at the time of filing a Form 41 report to identify and explain any differences between the accounting methods and methods of computing and reporting traffic statistics used in such report and those methods used in prior reports. The present certification of the Form 41 report would be modified accordingly.

The principal features of this proposed amendment are explained in the explanatory statement below and the proposed amendment is set forth below.

This regulation is proposed under authority of sections 205 (a) and 407 of the Civil Aeronautics Act, as amended (52 Stat. 984, 1000; 49 U. S. C. 425, 487).

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate and addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before August 13, 1958 will be considered by the Board before taking final action thereon. Copies of such communications will be available on or after August 15, 1958 for examination by interested persons in the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] JOHN B. RUSSELL, *Acting Secretary.*

Explanatory statement. All data included in the Form 41 reports, to fully serve the public interest, must either be prepared and reported on a basis consistent with similar data included in prior reports or adequate notice must be given concerning changes and deviations. While air carriers are required by § 241.2–16 of the "Uniform System of Accounts and Reports for Air Carriers" to set forth as footnotes to the financial statements all matters which are not clearly identified in the body of the financial statement but which can have a significant impact upon reported results, the carriers have failed to identify or explain in their Form 41 reports changes in reporting practices utilized in preparing such reports. Furthermore, the carriers are not presently required to certify that the data in a particular report was prepared and reported on a basis consistent with prior reports.

Accordingly, this proposal would require that an additional statement be included in the certification to a Form 41 report certifying that the methods and procedures used are consistent with those used in prior reports except as specifically indicated by appropriate notations or explanations accompanying the schedules.

Such notations or explanations should be attached to the first report affected by the change in methods or procedure and, except for changes resulting from an overall substitution in the regulations, would cover all changes in accounting methods having an impact upon financial data including, but not limited to, changes in methods of or basis for reserve accruals, depreciation, allocations between operating divisions or to nontransport activities, etc., and all changes in methods of computing and reporting traffic and capacity statistics having an impact upon such statistics.

The proposal would necessitate the reprinting of Schedule A of Form 41. Carriers would, therefore, be requested for an interim period to type the additional certification on the currently effective Schedule A for reporting purposes, until a supply of the modified schedule becomes available.

It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) in the following respects:

1. By adding a new paragraph (i) to § 241.22 to read as follows:

(i) All changes in accounting methods having an impact upon financial data (except for those resulting from an over-all substitution in regulations), including but not limited to changes in methods of or basis for reserve accruals, depreciation, allocations between operating divisions or nontransport activities, and all changes in methods of computing and reporting traffic and capacity statistics having an impact upon such statistics, shall be adequately explained and identified in the report first reflecting such changes. Such explanations relating to financial position or financial results, shall be made on Schedules P-1 and P-2, Notes to Balance Sheet, and Notes to Income Statement, respectively. Changes in methods for computing or reporting traffic and capacity statistics shall be identified and explained on a separate sheet attached to the first report affected. (See section 2, item 14.) The requirements herein shall not be construed, in any sense, as relieving the air carrier of the responsibility for conforming its procedures to those otherwise prescribed in this system of accounts and reports.

2. By amending the title to § 241.2 to read "Certification and Balance Sheet Elements" and by inserting immediately thereafter the subtitle "Schedule A—Certification" followed by a statement concerning the form and contents of the certification to read as follows: The certification of the Form 41 reports, embodied in Schedule A thereof, shall read as follows:

I, the undersigned ----------
---------- of the
(Title of officer in charge of accounts)

(Full name of the reporting company)
do certify that this report and all schedules and supporting documents which are submitted herewith or have been submitted heretofore as parts of this report filed for the above indicated period have been prepared under my direction; that I have carefully examined them and declare that they correctly reflect the accounts and records of the company, and to the best of my knowledge and belief are a complete and accurate statement, after adjustments to reflect full accruals, of the operating revenues and expenses, income items, assets, liabilities, capital, surplus, and operating statistics for the periods reported in the several schedules; that the various items herein reported were determined in accordance with the Uniform System of Accounts for Air Carriers prescribed by the Civil Aeronautics Board; and that the data contained herein is reported on a basis consistent with prior reports except as specifically noted in explanations accompanying the financial and statistical statements.

[F. R. Doc. 58-5398; Filed, July 14, 1958; 8:55 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 7, 1958.

The Bureau of Reclamation has filed an application, Serial No. Idaho 09271, for the withdrawal of the lands described below, from all forms of appropriation under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388). The applicant desires the land for development of the Burns Creek Dam and Reservoir on the Snake River.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will

[1] Section 241.2–16.

sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 3 N., R. 42 E.,
Sec. 4, Lots 5, 7, 8, and NW¼SW¼;
Sec. 5, Lots 6, 7, 8, 9, 10, and the portions of Lots 5 and 11 not included in Homestead Entry Survey 555;
Sec. 9, Lots 4, 5, 8, 9, 10, and NW¼SW¼ NW¼NE¼, SW¼SE¼NW¼NE¼.

This area includes approximately 245.75 acres, and is located on the Snake River about 15 miles east of Ririe, Bonneville County, Idaho.

DONALD I. BAILEY,
Acting State Supervisor.

[F. R. Doc. 58-5372; Filed, July 14, 1958; 8:51 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-18]

GENERAL ELECTRIC CO.

NOTICE OF ISSUANCE OF FACILITY LICENSE AMENDMENT

Please take notice that the Atomic Energy Commission has issued the following Amendment (No. 5) to License DPR-1 authorizing General Electric Company to conduct tests in its Vallecitos Boiling Water Reactor with two types of fuel elements designated by the applicant as the "Geneva Conference fuel" type and the "APPR fuel" type. The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed tests does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the Vallecitos Boiling Water Reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license amendment. For further details, see (1) the application for amendment submitted by General Electric Company and (2) a hazards analysis of the proposed tests prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 8th day of July 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[Docket No. 50-18]

[License No. DPR-1, Amdt. 5]

GENERAL ELECTRIC COMPANY

AMENDMENT OF UTILIZATION FACILITY LICENSE

In addition to activities previously authorized by the Commission under License No. DPR-1, as amended, the General Electric Company (hereinafter referred to as the "licensee") is authorized to perform the tests described in application amendments No. 25 and 27 dated May 28, 1958, and June 24, 1958, respectively, in accordance with the procedures and subject to the limitations stated therein.

In performing these tests, the licensee shall comply with the conditions and requirements contained or incorporated in paragraph 4 of License No. DPR-1 as amended.

This amendment is effective as of the date of issuance.

Date of issuance: July 8, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-5348; Filed, July 14, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9217 et al.]

STATES-ALASKA AIR SERVICES

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that the place of the prehearing conference assigned to be held on July 28, 1958, at 10:00 a. m., e. d. s. t., is changed from Room 1509 to Room 1510, Temporary Building No. 4, 17th Street and Constitution Avenue NW, Washington, D. C., before Examiner William J. Madden.

Dated at Washington, D. C., July 9, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-5399; Filed, July 14, 1958; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12315, 12316; FCC 58M-732]

SHEFFIELD BROADCASTING CO. AND J. B. FALT, JR.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Iralee W. Benns, tr/as Sheffield Broadcasting Co., Sheffield, Alabama, Docket No. 12315, File No. BP-11130; J. B. Falt, Jr., Sheffield, Alabama, Docket No. 12316, File No. BP-11559; for construction permits.

The Chief Hearing Examiner having under consideration the motion of Iralee W. Benns, tr/as Sheffield Broadcasting Co., filed July 7, 1958, that the date for exchange of exhibits constituting the direct cases of the parties herein be extended from July 8 to August 25, 1958, and that the prehearing conference heretofore scheduled for July 23, 1958, be continued to September 9, 1958;

It appearing, that counsel for the moving party had been occupied in other hearing matters almost continuously since May 26, 1958, and that additional time is required by him to prepare adequately for the hearing in this proceeding;

It appearing further, that the Commission's Broadcast Bureau, and all other parties of record in the matter, consent to the granting of the instant motion and to a waiver of the provisions of § 1.43 of the rules to permit immediate consideration thereof;

It is ordered, This 8th day of July 1958, that the motion is granted and that the final date for exchange of exhibits constituting the direct cases of the parties to the above-entitled proceeding is extended from July 8, 1958, to August 25, 1958; and that the prehearing conference herein, which is presently scheduled for July 23, 1958, is continued to September 9, 1958.

Released: July 9, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5376; Filed, July 14, 1958; 8:52 a. m.]

[Docket No. 12332, etc.; FCC 58M-734]

PENINSULA BROADCASTING CORP. ET AL.

ORDER SCHEDULING FURTHER PREHEARING CONFERENCE

In re applications of Peninsula Broadcasting Corporation, (WVEC-TV), Hampton, Virginia, Docket No. 12332, File No. BMPCT-4721; Tim Brite, Inc. (WTOV-TV), Norfolk, Virginia, Docket No. 12333, File No. BMPCT-4778; for modification of construction permits. Virginian Television Corporation, Norfolk, Virginia, Docket No. 12335, File No. BPCT-2413; for construction permit for new television broadcast station.

Pursuant to a letter request by counsel for the applicant Tim Brite, Inc. submitted in conformity with the procedures heretofore established on the record at a prehearing conference.

It is ordered, This 9th day of July 1958, that a further prehearing conference in this proceeding shall be held at 9:15 a. m. on Wednesday, July 16, 1958, in Room 1230, New Post Office Building, Washington, D. C.

Released: July 9, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5377; Filed, July 14, 1958; 8:52 a. m.]

[Docket No. 12429; FCC 58M-728]

WILLIAM WALKER ET AL.

ORDER CONTINUING HEARING

In re application of William Walker, et al., (Transferors) and Evening Telegram Company, Norman M. Postles and

Walter C. Bridges (Transferees), Docket No. 12429, File No. BTC-2699; for commission consent to the voluntary transfer of control of M & M Broadcasting Company, licensee of Stations WMAM and WMBV-TV, Marinette, Wisconsin.

It is ordered, This 7th day of July 1958 that, pursuant to agreement of counsel arrived at during the prehearing conference held on this date, the hearing in the above-entitled proceeding is continued from July 15, to July 23, 1958, at 10 o'clock a. m., in Washington, D. C.

Released: July 9, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5378; Filed, July 14, 1958; 8:52 a. m.]

[Docket Nos. 12510, 12511; FCC 58M-737]

ROBERT S. PLIMPTON AND SEAWAY BROADCASTING CO., INC.

NOTICE OF PREHEARING CONFERENCE

In re applications of Robert S. Plimpton, Norfolk, New York; Docket No. 12510, File No. BP-11467; Seaway Broadcasting Co., Inc., Massena, New York; Docket No. 12511, File No. BP-12026; for construction permits.

A prehearing conference will be held Monday, September 8, 1958, at 10 a. m., in the offices of the Commission, Washington, D. C.

Dated: July 9, 1958.

Released: July 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5379; Filed, July 14, 1958; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-9548 etc.]

MURPHY CORP. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

JULY 8, 1958.

In the matters of Murphy Corporation et al., Docket Nos. G-9548, G-9550, G-11366, G-11367, G-13428; Murphy Corporation, Docket Nos. G-11160, G-13429, G-13432.

Upon consideration of the motion filed July 3, 1958, by Counsel for Murphy Corporation et al. and Murphy Corporation for postponement of the hearing now scheduled for July 14, 1958, in the above-designated matters;

The hearing now scheduled for July 14, 1958, is hereby postponed to October 6, 1958, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5350; Filed, July 14, 1958; 8:45 a. m.]

[Docket Nos. G-12059 etc.]

TRANSCONTINENTAL GAS PIPELINE CORP. AND ATLANTIC SEABOARD CORP.

ORDER FIXING DATE FOR ORAL ARGUMENT

JULY 8, 1958.

In the matters of Transcontinental Gas Pipeline Corporation, Docket Nos. G-12059, G-13357 and G-13560; Atlantic Seaboard Corporation, Docket No. G-13707.

On May 29, 1958, the Presiding Examiner issued his decision in the above designated proceeding. Thereafter, on June 17, 1958, exceptions to that decision were filed by Atlantic Seaboard Corporation, National Coal Association et al., and Baltimore Gas & Electric Company. Together with their respective exceptions, each of the above-named parties filed a motion or request for opportunity to present oral argument before the Commission in opposition to the aforementioned decision.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective motions and request for oral argument before the Commission be granted as herein ordered and provided.

The Commission orders:

(A) Oral argument shall be had before the Commission on July 31, 1958 at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the exceptions to the Presiding Examiner's decision.

(B) Those parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of this Commission on or before July 18, 1958, of such intention and the time required for presentation of their argument.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5351; Filed, July 14, 1958; 8:46 a. m.]

[Docket No. E-6832]

SOUTHERN NEVADA POWER CO.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED RATE SCHEDULES

JULY 9, 1958.

Southern Nevada Power Company (Southern Nevada), incorporated under the laws of the State of Nevada, with its principal place of business in Las Vegas, Nevada, on June 9, 1958, tendered two proposed rate schedules for filing, pursuant to section 205 of the Federal Power Act, with the request that they be permitted to be effective April 1, 1958. The proffered filings have been tentatively designated in the Commission's files as Supplement Nos. 1 to Southern Nevada's Rate Schedules FPC Nos. 1 and 2.

Substantively, the proposed supplemental rate schedules would effect increases in the rates and charges embodied in Southern Nevada's currently effective rate schedules for wholesale electric service to: (1) The Colorado River Commission of Nevada (Southern Nevada's Rate Schedule FPC No. 1); (2) California-Pacific Utilities Company (Southern Nevada's Rate Schedule FPC No. 2). The Colorado River Commission of Nevada, an instrumentality of the State of Nevada, in turn resells the power and energy purchased from Southern Nevada to the California-Pacific Utilities Company for resale by the latter through its Needles, California, electric system. California-Pacific Utilities Company's other purchase of electric power and energy from Southern Nevada is used by the former to meet the electric requirements of its Henderson, Nevada, electric system.

Based upon data submitted by Southern Nevada, the proposed rate increase to the Colorado River Commission of Nevada would amount to $22,523 ([illegible] percent) for the twelve-month period ending March 1958, and the proposed increase to California-Pacific Utilities Company would amount to $3,620 ([illegible] percent) for the same twelve-month period. In each instance, the proposed increase would be accomplished by a [illegible] mill per kwh increase in each step of the energy charge portion of Southern Nevada's currently filed demand-energy type rate and a contraction of the first step of that charge from 180,000 kwh to 100,000 kwh per month. That demand-energy rate is Southern Nevada's LGS rate, a standard rate of the Company available to industrial and resale purchasers. As such, it is attached to the agreement between Southern Nevada and the Colorado River Commission of Nevada, dated June 24, 1955, embodied in Southern Nevada's Rate Schedule FPC No. 1, and the agreement between Southern Nevada and California-Pacific Utilities Company, dated June 1, 1955, embodied in Southern Nevada's Rate Schedule FPC No. 2. The former agreement is for an initial 10-year term from January 1, 1956, and successive 10-year periods thereafter, and the last mentioned agreement is for an initial term of 10 years from June 1, 1955, and for successive 10-year periods thereafter.

In support of the proposed rate increases, Southern Nevada submitted data, showing a rate base derived by an apparent averaging of replacement cost and book cost, less depreciation reserve and customer advances; a return of [illegible] percent; and a normalization of Southern Nevada's federal income tax liability by reason of certain practices of the Company in the computation of income taxes.

The proposed changes in Southern Nevada's currently filed rate schedules have not been shown to be justified; may result in excessive rates or charges; may place an undue burden upon ultimate consumers; and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful within the meaning of the Federal Power Act. And unless suspended by order of the Commission, the proposed supplemental rate schedules will become effective July 10, 1958, pursuant to the provisions of

the Federal Power Act and the Commission's Regulations thereunder.

The Commission finds: In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act that the Commission, pursuant to the authority of that Act, enter upon a hearing concerning the lawfulness of Southern Nevada's Rate Schedules FPC Nos. 1 and 2 as proposed to be changed by Supplements Nos. 1 thereto and that the operation of such proposed supplemental rate schedules be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) A public hearing be held concerning the lawfulness of Southern Nevada's Rate Schedules FPC Nos. 1 and 2 as proposed to be changed by Supplements Nos. 1 thereto at a time and place and in the manner all to be fixed by further order of the Commission.

(B) Pending such hearing and decision thereon, the operation of each of the proposed supplemental rate schedules referred to in Paragraph (A) above hereby is suspended and the use thereof deferred until December 11, 1958. On that date the proposed supplemental rate schedules shall take effect in the manner prescribed by the Act, subject to further order of the Commission.

(C) During the period of suspension Southern Nevada's Rate Schedules FPC Nos. 1 and 2, now on file with the Commission, shall remain and continue in effect.

(D) Interested State Commissions may participate in this proceeding as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5380; Filed, July 14, 1958; 8:52 a. m.]

[Docket No. G-15410]

MAGNOLIA PETROLEUM CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 9, 1958.

Magnolia Petroleum Company (Operator) et al. (Magnolia), on June 9, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Supplemental Agreement,[1] dated May 29, 1958. (2) Notice of Change, undated.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: (1) Supplement No. 1 to Magnolia's FPC Gas Rate Schedule No. 24. (2) Supplement No. 2 to Magnolia's FPC Gas Rate Schedule No. 24.

[1] Parties renegotiate a base rate increase from 8.997 cents to 18.5 cents per Mcf.

Effective date: July 10, 1958 (the stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed renegotiated rate increase, Magnolia states that the sale of natural gas is a commodity sale and not a service, as is the transportation of gas, and the determination of a just and reasonable rate should be by a "supply and demand formula" method. In addition, Magnolia states the increase is necessary because its revenue requirements have increased with the rise in cost of doing business and the additional revenue is further made necessary to encourage further exploration and development.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or perferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement Nos. 1 and 2 to Magnolia's FPC Gas Rate Schedule No. 24 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement Nos. 1 and 2 to Magnolia's FPC Gas Rate Schedule No. 24.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 10, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by § 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5381; Filed, July 14, 1958; 8:52 a. m.]

[Docket No. G-15417]

CONTINENTAL OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 9, 1958.

Continental Oil Company (Operator) et al. (Continental), on June 9, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 10 to Continental's FPC Gas Rate Schedule No. 85; Supplement No. 7 to Continental's FPC Gas Rate Schedule No. 92.

Effective date: July 10, 1958 (the stated effective date is the effective date proposed by Continental).

In support of the proposed favored-nation rate increases, Continental submits copies of letters dated November 1, 1957, from El Paso Natural Gas Company (El Paso) notifying Continental that effective January 1, 1958, El Paso was increasing by 1 cent per Mcf the price it was paying for purchased gas. In addition, Continental states that the pricing provisions of the contracts were arrived at from good faith arm's-length bargaining and are an integral part of the consideration and to deny the proposed increases is a denial of Continental's constitutional rights.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 10 to Continental's FPC Gas Rate Schedule No. 85, and Supplement No. 7 to Continental's FPC Gas Rate Schedule No. 92 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 10 to Continental's FPC Gas Rate Schedule No. 85, and Supplement No. 7 to Continental's FPC Gas Rate Schedule No. 92.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until December 10, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(c) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of

practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5382; Filed, July 14, 1958; 8:52 a. m.]

[Docket No. G-15418]

TEXAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 9, 1958.

The Texas Company (Texas) on June 9, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 10 to Texas' FPC Gas Rate Schedule No. 88; Supplement No. 12 to Texas' FPC Gas Rate Schedule No. 89; Supplement No. 9 to Texas' FPC Gas Rate Schedule No. 90; Supplement No. 9 to Texas' FPC Gas Rate Schedule No. 96; Supplement No. 13 to Texas' FPC Gas Rate Schedule No. 97.
Effective date: July 10, 1958 (the stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increases, Texas submits copies of letters from Texas Eastern Transmission Corporation (Texas Eastern) stating that Texas Eastern has agreed with other producers in South Central Texas to a redetermined price of 13.8733 cents per Mcf, including reimbursement for existing taxes, for the five-year period commencing February 5, 1958. Texas states that the increase comprises a part of the overall consideration to partially compensate it for continuously increasing development, operation and maintenance costs and the further increases in exploratory expenditures due to deeper drilling and the diminishing frequency of successful discoveries. Texas further states that United Gas Pipe Line Company (United Gas) has contracted for gas in Bee County at 17 cents per Mcf; that intrastate gas is being purchased in Refugio County by Houston Pipe Line Company and United Gas for 14.5 cents per Mcf, and that Texas Eastern is importing Mexican gas 120 miles to the south for 14.4 cents per Mcf.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 10 to Texas' FPC Gas Rate Schedule No. 88; Supplement No. 12 to Texas' FPC Gas Rate Schedule No. 89; Supplement No. 9 to Texas' FPC Gas Rate Schedule No. 90; Supplement No. 9 to Texas' FPC Gas Rate Schedule No. 96, and Supplement No. 13 to Texas' FPC Gas Rate Schedule No. 97, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 10 to Texas' FPC Gas Rate Schedule No. 88; Supplement No. 12 to Texas' FPC Gas Rate Schedule No. 89; Supplement No. 9 to Texas' FPC Gas Rate Schedule No. 90; Supplement No. 9 to Texas' FPC Gas Rate Schedule No. 96, and Supplement No. 13 to Texas' FPC Gas Rate Schedule No. 97.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until December 10, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5383; Filed, July 14, 1958; 8:53 a. m.]

[Docket Nos. G-13189, G-13374]

SANTA ROSA GAS CO. AND EL PASO NATURAL GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 9, 1958.

Take notice that on October 7, 1957, El Paso Natural Gas Company (El Paso) filed in Docket No. G-13374 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain field facilities for the purpose of purchasing and receiving natural gas from Santa Rosa Gas Company (Santa Rosa) from the latter's holdings in the Fort Stockton Field, Pecos County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities for which authorization is sought by El Paso are:

(1) Approximately 21.4 miles of 16-inch O. D. lateral supply pipeline to extend from the existing processing plant owned and operated by the Pecos Company (Pecos) in Pecos County, to a proposed compressor station to be known as the Fort Stockton Compressor Station to be installed in the Fort Stockton Field by Santa Rosa;

(2) Approximately 18.4 miles of 8⅝-inch O. D. pipeline looping a portion of El Paso's existing 8⅝-inch O. D. line which extends from its existing Sealy Smith Plant to the aforesaid Pecos Plant (the portion to be looped extends from a point in Ward County, Texas, to the Pecos Plant);

(3) Additional metering facilities to be installed at the aforesaid Pecos Plant.

The estimated total initial cost of the above facilities is $946,000, which cost will be financed from current working funds.

On August 29, 1957, Santa Rosa filed in Docket No. G-13189 an application pursuant to section 7 (c) for a certificate of public convenience and necessity covering the above sale of gas to be made pursuant to a 20-year residue gas purchase contract executed by and between El Paso and Santa Rosa. The seller is a partnership consisting of Chas. J. Brown II, James Doughty, B. F. Harrison, Pierre M. Aubuchon and Chester L. Whelan, all of whom are signatory seller parties to the contract for Santa Rosa.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 12, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 30, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5384; Filed, July 14, 1958; 8:53 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 294, Supplement 1]

SECRETARY OF COMMERCE

DELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CERTAIN CONTRACTS FOR SUPPLIES AND SERVICES IN CONNECTION WITH BUREAU OF THE CENSUS PROGRAMS

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, paragraph 6 of Delegation of Authority No. 294, dated June 18, 1957 (22 F. R. 4460), is hereby rescinded and the following paragraph is substituted in lieu thereof:

6. This delegation shall be effective as of the date hereof and shall not extend beyond December 31, 1959.

b. All other provisions of Delegation of Authority No. 294 shall remain in force and effect.

c. This supplement shall be effective as of July 1, 1958.

Dated: July 9, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-5375; Filed, July 14, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 32405]

FRESH MEATS; WESTERN TRUNK LINE, SOUTHWESTERN AND CENTRAL TERRITORIES TO EASTERN TRUNK LINE AND NEW ENGLAND TERRITORIES

NOTICE OF INVESTIGATION AND HEARING WITH RESPECT TO TRANSPORTATION RATES, CHARGES, RULES, REGULATIONS AND PRACTICES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 24th day of June A. D. 1958.

It appearing that certain motor carrier rates from origins in Central and Southwestern Territories to destinations in Trunk Line and New England Territories are under investigation in I. & S. Docket No. M-11010 and that certain rail rates from certain origins in Central Territory to destinations in Trunk Line and New England Territories are under investigation in Docket No. 32356;

It further appearing that upon consideration of the petition dated April 11, 1958, of Eastern Meat Packers Association, National Live Stock Producers Association, American National Cattlemen's Association and National Wool Growers Association for an investigation by the Commission into the lawfulness of the rates, charges, rules, regulations and practices governing the transportation of fresh meats, in truckloads, by motor carriers, from origins in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, North Dakota, South Dakota, and Texas to destinations in Delaware, District of Columbia, Maryland, Massachusetts, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; joint replies of certain eastern railroads, and of John Morrell & Company, The Rath Packing Company, Geo. A. Hormel & Company and Oscar Mayer & Company;

And it further appearing that this proceeding should embrace schedules setting forth rates on fresh meats, in truckloads, and the rules and regulations and practices relating thereto, of motor common and contract carriers operating from and to the points defined below; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in schedules of all common and contract motor carriers, other than the respondents named in I. & S. Docket No. M-11010, Fresh Meats—Central and Southwest to East from origins described in the schedules suspended by order dated March 19, 1958, and supplemental orders thereto, in the aforesaid numbered docket, to destinations in the States named in the second paragraph above as more particularly described in the aforesaid schedules; and including the rates, charges, rules, regulations and practices of all motor common and contract carriers from origins named in Docket No. 32356, Fresh Meats—Midwest to East, not included in No. M-11010;

It is further ordered, That the investigation in this proceeding shall also include the lawfulness of the rates, charges, rules, regulations and practices contained in schedules of rail carriers from origins of Amarillo, Dallas, and Fort Worth, Texas; Oklahoma City, Oklahoma; Kansas City, and Wichita, Kansas; St. Joseph and St. Louis, Missouri; Alton and East St. Louis, Illinois; Davenport, Iowa; Louisville, Kentucky; and Cincinnati, Ohio, to destinations set forth in the first ordering paragraph which are published either as joint through rates on combination rates over the Mississippi River crossings;

And it is further ordered, That the carriers parties to the said schedules set forth in the first two ordering paragraphs be, and they are hereby, made respondents to this proceeding, and that a copy of this order be forthwith served upon the said respondents; and that notice of this proceeding be given the public by posting a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Division of Federal Register;

And it is further ordered, That these proceedings be assigned for hearing on the 28th day of July A. D. 1958, at 8:30 o'clock a. m., United States standard time (9:30 o'clock a. m., District of Columbia daylight saving time), at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter D. McCloud.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-5371; Filed, July 14, 1958; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24 NY-4416]

THE AMISH CO.

ORDER VACATING ORDER OF SUSPENSION

JULY 8, 1958.

In the matter of Michael Laurence and Stephen Richards as "The Amish Company," File No. 24 NY-4416.

Michael Lawrence and Stephen Richards as "The Amish Company", 41 West 86th Street, New York, New York, filed with the Commission on December 7, 1956 a notification on Form 1-A and offering circular relating to an offering of $96,000 aggregate amount of pre-formation limited partnership interests for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A, promulgated thereunder;

The Commission on June 9, 1958 ordered, pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the conditional exemption under Regulation A sought for the offering be temporarily suspended on the ground that the terms and conditions of Regulation A had not been complied with in that Form 2-A reports of sales, as required by Rule 260, had not been filed.

Subsequent to the Commission's action temporarily suspending the exemption, a Form 2-A report was filed reflecting that an aggregate of $11,200 interests had been sold as of November 15, 1957, and the unsold portion was withdrawn from the offering.

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors;

It is ordered, Pursuant to Rule 261 (b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order of suspension be, and it hereby is, vacated.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-5353; Filed, July 14, 1958; 8:46 a. m.]

[File No. 70-3713]

UTAH POWER AND LIGHT CO.

NOTICE OF PROPOSED ISSUE AND SALE AT COMPETITIVE BIDDING OF FIRST MORTGAGE BONDS

JULY 8, 1958.

Notice is hereby given that Utah Power & Light Company ("Utah"), a Maine Corporation and a registered holding company which is also a public-utility operating company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a) and 7 of the act and Rule 50 thereunder as applicable to the proposed transaction, which is summarized as follows:

Utah proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the act, $20,000,000 principal amount of First Mortgage Bonds, ... percent Series, due 1988, to be dated August 1, 1958, and to mature August 1, 1988.

The interest rate on the Bonds (a multiple of ⅛ of 1 percent) and the price (exclusive of accrued interest) to be paid for the Bonds (not less than 100 percent nor more than 102¾ of the principal amount) will be determined by competitive bidding. The Bonds will be issued under Utah's Mortgage and Deed of Trust to Guaranty Trust Company of New York et al., dated as of December 1, 1943, as heretofore supplemented and as further supplemented by a Twelfth Supplemental Indenture to be dated as of August 1, 1958. Such bonds will also be entitled to the benefit of the Indenture dated as of December 1, 1943, between Utah's subsidiary, The Western Colorado Power Company, and said trustees.

Utah states that part of the net proceeds from the sale of said Bonds will be used to redeem $15,000,000 principal amount of 1988 series bonds, 5¼ percent Series, due 1987, at 107.54 percent of their principal amount plus accrued interest; to pay bank loans aggregating $4,000,000; and that the remainder of such proceeds will be applied toward Utah's construction program. The filing states that the construction program of it and its two subsidiaries for the three year period 1958 through 1960 calls for the expenditure of an aggregate of $43,000,000, of which $39,800,000 applies to Utah.

Utah estimates that its expenses in connection with the issue and sale of said Bonds will be as follows:

Federal stamp taxes	$22,000
Filing fees, this Commission	2,040
Trustee's fees	7,800
Auditors' fees (Haskins & Sells)	3,000
Fees of Company counsel (Reid & Priest)	10,000
Printing and engraving	22,500
Charges of Ebasco Services Incorporated	6,000
Miscellaneous	2,660
Total	76,000

The fees of Beekman & Bogue, counsel to the underwriters, estimated at $8,500, will be paid by the successful bidders.

Utah has filed applications for the approval of the issuance and sale of said Bonds with the Public Service Commission of Wyoming and the Idaho Public Utilities Commission, which, in the opinion of Utah's counsel, are the only state regulatory commissions having jurisdiction in the premises.

Notice is further given that any interested person may, not later than July 23, 1958, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from said rules as provided in rules 20 (a) and 100 under the act, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 58-5354; Filed, July 14, 1958; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 191]

OKLAHOMA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of June, 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Oklahoma;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Butler (Tornado occurring on or about June 10, 1958).

Offices: Small Business Administration Regional Office, Home Savings Building, Fifth Floor, 1006 Grand Avenue, Kansas City 6, Mo. Small Business Administration Branch Office, 301 Bitting Building, 107 North Market Street, Wichita 2, Kansas.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1958.

Dated: June 11, 1958.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 58-5356; Filed, July 14, 1958; 8:47 a. m.]

[Declaration of Disaster Area 189]

KANSAS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of June, 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Kansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Butler (Tornado occurring on or about June 10, 1958).

Offices: Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex. Small Business Administration Branch Office, Bankers Service Life Building, Room 315, 114 No. Broadway, Oklahoma City 2, Okla.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1958.

Dated: June 30, 1958.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 58-5355; Filed, July 14, 1958; 8:46 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Export Programs

PART 483—WHEAT AND FLOUR

SUBPART—WHEAT EXPORT PROGRAM—PAYMENT IN KIND (GR-345) TERMS AND CONDITIONS

The Terms and Conditions of the Wheat Export Program—Payment in Kind (GR-345) (21 F. R. 6627), as amended (22 F. R. 653) and (22 F. R. 4945), are reissued as Revision I, as follows:

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AUTHORITY: §§ 483.101 to 483.195 issued under sec. 5, 62 Stat. 1072; 15 U. S. C. 714c. Interpret or apply sec. 2, 63 Stat. 945, sec. 104, 64 Stat. 198, 67 Stat. 358, 70 Stat. 966; sec. 407, 63 Stat. 1051, 68 Stat. 583, 70 Stat. 6; 7 U. S. C. 1641, 1642; 7 U. S. C. 1427.

GENERAL

§ 483.101 *General statement.* Commodity Credit Corporation (referred to in this subpart as "CCC") pursuant to this subpart will conduct a Wheat Export Program (referred to in this subpart as the "program") under which a person or firm who has exported wheat produced in the United States may apply for payment in the form of a certificate that is redeemable in wheat held in the inventory of CCC. The program is designed

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to encourage the exportation through normal trade channels of wheat held in private inventories and in CCC stocks in order (a) to maintain and expand the market in friendly countries for United States produced wheat, (b) to obtain the benefits and fulfill the obligations of the United States under the International Wheat Agreement, (c) to aid the price support program by strengthening the domestic market price to producers, (d) to reduce the quantity of wheat which would otherwise be taken into CCC's stocks under its price support program, and (e) to promote the orderly liquidation of CCC stocks. The program will be administered by Commodity Stabilization Service, United States Department of Agriculture, and information pertaining to the program may be obtained from any CSS Commodity Office listed in § 483.180.

ELIGIBILITY FOR PAYMENT BY CCC

§ 483.105 *General conditions of eligibility.* (a) Payment under this program will be made to an exporter in connection with the net quantity of wheat exported from the United States to a designated country and the net quantity of wheat in customs bond in Canada exported in like manner from Canadian ports, excluding West Coast Canadian ports, pursuant to a sale to a foreign buyer for which the exporter receives a Notice of Registration from a designated Contracting Officer of CCC, in accordance with § 483.136, subject to the terms and conditions set forth in this subpart. Payment also will be made to an exporter for wheat which was exported prior to sale and for which the exporter has received a Notice of Registration from a designated Contracting Officer of CCC, subject to the terms and conditions of this subpart particularly § 483.109.

(b) Sales to foreign buyers under the International Wheat Agreement, and outside the Wheat Agreement, may be made pursuant to this program. Countries designated as IWA and non-IWA are defined in § 483.184. A sale under the IWA differs from a non-IWA sale only in that the former is recorded under the Wheat Agreement against quotas of the buying country and of the United States, normally pursuant to request of the buyer; and that a sale under the Wheat Agreement is subject to open quota balances and other requirements as set forth in this subpart. Final determination of recordability under the Wheat Agreement is under the jurisdiction of the Wheat Council (see § 483.121), but an exporter's rights under this subpart are not altered by any action of the Wheat Council.

(c) A sale which involves wheat produced outside the United States, or a mixture of wheat which is partly derived from wheat produced outside the United States is not eligible for registration under the program. However, in the event the Director determines that such a mixture is exported unintentionally, payment may be made but only on that portion which it is established to his satisfaction was produced in the United States.

(d) To be eligible for payment under this program, the xporter shall furnish documentary evidence of export, as required in § 483.147, which has not been used, or will not subsequently be used as evidence of export in connection with any other application for wheat export payment under this program or in connection with any other export program under which CCC has made or has agreed to make an export allowance, or in connection with any other export program which involves the sale of wheat for export at prices which reflect any export allowance. Nothing herein shall be construed as precluding exportations of wheat under this program from fulfilling sales under Purchase Authorizations pursuant to Public Law 480, 83d Congress. Documentary evidence of export submitted under § 483.162 in connection with purchases of wheat from CCC may also be submitted to CCC as evidence of export in connection with Applications for Wheat Export Payments.

(e) Sales may be made pursuant to this program to a foreign buyer for shipment to any designated country specified in § 483.184, whether or not such buyer is located in the country of destination. A sale to be eligible for payment must be a bona fide sales transaction with the foreign buyer named in the Declaration of Sale. Brokers or agents of either the seller or the foreign buyer shall not be named as the buyer in the Declaration of Sale.

(f) The foreign buyer may be an affiliate of the U. S. exporter, in which case the sales registered for export payment must be a bona fide sales transaction in which the affiliate is acting in its own behalf as an independent buyer and not on behalf of the exporter. The foreign sale shall not be a "wash sale" or any other type of inter company transaction which does not result in an actual exportation of wheat against the specific sale on which the export payment rate was based.

(g) Where a sale is made by an exporter to a foreign buyer who simultaneously resells to another foreign buyer, the latter may be the buyer named in the Notice of Sale and Declaration of Sale. In such a case, for purposes of determining the rate applicable to the sale under § 483.131, the initial buyer shall be considered as an intermediary and the sale shall be considered as being between the exporter and the buyer named in the Declaration of Sale.

§ 483.106 *Countries and buyers to which wheat may be exported.* With the following exceptions, exports under this program shall be made only to the designated country and to the buyer named in the Declaration of Sale:

(a) With respect to Non-IWA sales, shipment may be made to a consignee or notify party other than the buyer named in the Notice of Sale and Declaration of Sale, provided the exporter furnishes a certification to the Director that such shipment is at the request of the buyer named in the Declaration of Sale, such shipment constitutes delivery against the exporter's sale to the foreign buyer on which the export payment is based pursuant to § 483.131 and is not in connection with a different sale, and that the exporter knows of no circumstances with respect to such shipment which would impair the integrity of such sale.

(b) With respect to IWA sales, shipment shall be made only to the buyer named in the Notice of Sale and Declaration of Sale, unless the exporter (1) obtains the written approval of the Director for shipment to some other consignee, and (2) furnishes the Director a certification as required in paragraph (a) of this section.

(c) With respect to both IWA and Non-IWA sales, shipment shall be made only to the country named in the Declaration of Sale, unless the exporter (1) obtains the written approval of the Director for shipment to a designated country other than the country named in the Declaration of Sale and (2) furnishes the Director a certification as required in paragraph (a) of this section.

§ 483.107 *Date of exportation.* (a) Wheat sold for export in a specified export rate period announced by CCC, must be exported before the end of that period in order for the exporter to obtain the export payment rate applicable to that sale, unless an extension is obtained in writing from CCC changing the export date to a later period. In the event that export takes place after the specified rate period and the exporter has not obtained an extension to change the export date to a later period, payment will be made at that rate which was in effect at time of sale, or time of giving Notice of Sale, whichever is lower, for the period in which actual export takes place. It will be the general policy to grant an extension if it can be shown that exportation under the contract has been delayed by circumstances beyond the exporter's or importer's control and is not due to intentional violation of the contract.

(b) With respect to sales under the Wheat Agreement, notwithstanding any other provision of this subpart except paragraph (a) of this section, wheat sold for recording against quotas of any IWA crop year must be exported not later than July 31 of such crop year unless later exportation is authorized (1) by announcement issued in connection with a rate announcement (see § 483.130), or

(2) in specific cases by prior written approval of the Director.

§ 483.108 *Excess quantities loaded.* Payment will not be made on quantities loaded on vessels, cars, or trucks which are in excess of the quantity shown on the Declaration of Sale plus either of the following tolerances as applicable: (a) A loading tolerance not to exceed 10 percent as shown on the Declaration of Sale, or (b) a 1 percent tolerance if no loading tolerance is shown on the Declaration of Sale. A new Declaration of Sale and a new Notice of Registration are required for any additional quantity loaded.

§ 483.109 *Wheat exported prior to sale.* (a) In connection with any quantity of wheat exported prior to sale, payments will be made only on that portion thereof which has been reported in accordance with paragraph (b) of this section and only on sales made by the actual exporter of such wheat, and not to any other party who buys such wheat and resells it to a designated country.

(b) In order to receive export payment on wheat exported prior to sale the exporter must have reported the exportation of such wheat to the Director within seven days after the date of such exportation as defined in § 483.188, unless additional time for reporting is granted in writing by the Director. This report must include the following information:

(1) Date of exportation.

(2) Port of exportation.

(3) Country and port of original destination of wheat.

(4) Name of ocean vessel upon which loaded.

(5) Quantity in bushels.

(6) Class and grade.

(7) The report shall also contain a statement that the vessel contains other wheat sold by the exporter filing the report, as provided in paragraph (c) of this section.

(c) Unless otherwise approved in writing by the Director either before or after loading, only unsold wheat which is loaded on a vessel which also carries wheat sold by the same exporter, and registered under this program, shall be reported under paragraph (b) of this section, and shall be eligible for export payment when sold. In the case of full cargo shipments the unsold portion shall not exceed one-third of the total cargo. In the case of part cargo lots the unsold portion shall not exceed 2,000 metric tons. The exporter should obtain separate bill or bills of lading for both the unsold and sold quantities of wheat exported.

(d) At such time as the wheat is sold, the exporter shall report the sale to the Director as provided in § 483.135, and shall submit all other reports and documents as required by this subpart. In reporting the sale the exporter must state that the wheat sold was reported to the Director, as provided in paragraph (b) of this section. This may be done by the use of the code word "Abroad".

(e) The export rate applicable to such sale shall be that rate in effect at time of sale, or time of giving Notice of Sale, whichever is the lower, for the export rate period current at that time which applies (1) to the port from which the wheat was exported, and (2) to the country shown in the Declaration of Sale.

(f) All other conditions of this subpart, except as modified by this section are applicable to sales described in this section.

PROVISIONS APPLICABLE EXCLUSIVELY TO IWA SALES

§ 483.120 *Program period—IWA.* With respect to sales under the Wheat Agreement, notwithstanding any other provisions of this subpart, sales transactions for recording against quotas of any IWA crop year must be entered into not later than July 31, of such crop year.

§ 483.121 *Recording in the Wheat Council's records.* The Wheat Agreement provides that a transaction or part of a transaction in wheat-grain between participating exporting and importing countries is eligible for entry in the Wheat Council's records against guaranteed quantities of those countries for a crop year:

(a) Provided (1) it is at a price not higher than the maximum nor lower than the minimum (i. e., the equivalents of the basic maximum and minimum prices) in effect during the crop year in which the loading periods specified in the transaction falls and (2) the exporting and importing countries have not agreed that it shall not be entered against their guaranteed quantities, and

(b) To the extent that (1) both the importing and exporting countries concerned have unfilled quantities for the crop year, and (2) the loading period specified in the transaction falls within that crop year.

§ 483.122 *IWA maximum and minimum prices.* Maximum and/or minimum price equivalents under the Wheat Agreement will be announced from time to time by CCC. The Wheat Agreement provides that to such maximum prices may be added such marketing costs and carrying charges as may be agreed between buyer and seller, and that such carrying charges may accrue for the buyer's account only after an agreed date specified in the contract under which the wheat is sold. (See § 483.135 (b) (5).)

§ 483.123 *Status of IWA quotas.* There will be issued not less often than weekly, a statement as to the status of quotas of importing and exporting countries. Any exporter upon request, addressed to the office indicated in § 483.178 will be furnished with all information that is available as to the status of the fulfillment of quotas under the Wheat Agreement.

EXPORT PAYMENT RATES AND ANNOUNCEMENTS

§ 483.130 *Announcement of rates.* Export payment rates will be announced from Washington, D. C., daily or at intervals of up to 7 days. Rates will be released at approximately 3:31 p. m., e. s. t. (see § 483.194), and will remain in effect through 3:30 p. m., e. s. t., on the expiration date stated in the announcement at which time a new announcement will be made. No rates will be announced on Saturday, and rates effective at 3:31 p. m., e. s. t., on Friday will be in effect through 3:30 p. m., e. s. t., of the market day succeeding Saturday unless the announcement specifically provides otherwise. Announcements will be available through a press release, ticker service, and through Commodity Stabilization Service Offices at Portland (Oregon), Minneapolis, Kansas City (Missouri), Dallas, Evanston, and New Orleans. Different rates of payment for separate coasts or ports, various classes of wheat, destinations, periods of exportation, etc., may be announced simultaneously.

§ 483.131 *Determination of rates.* The rate in effect at the time of sale to the foreign buyer, or the time of giving Notice of Sale as required by § 483.135 (a), whichever rate is the lower, shall be the rate applicable to the sale. The supporting evidence of sale submitted by the exporter in form prescribed in § 483.137 (d), will be the basis for determining the time of sale. The factors which may be determinative of the time of sale, are:

(a) Time of the exporter's filing a cablegram or mailing a written acceptance of a definite offer to purchase received from the foreign buyer.

(b) Time of receipt by the exporter of a cablegram or other written acceptance from the foreign buyer of a definite offer by the exporter to sell or the time of receipt by the exporter of a cablegram or other written notification from his agent that the foreign buyer has accepted a definite offer by the exporter to sell.

(c) Time of filing by the exporter of a cablegram or time of mailing of a written confirmation of the booking of a shipment or shipments to be made pursuant to an open offer of the exporter to sell or a standing order of the buyer to purchase. It must be clear from the evidence, however, that the exporter is empowered by the terms of the open offer or standing order to firm the contract by issuing a confirmation. For example, if he is authorized to confirm the sale at a price which may be established at his option, the evidence must show that such is the understanding between buyer and seller, otherwise it will be necessary for the buyer also to confirm the price, and receipt of the buyer's confirmation will establish the time of sale.

(d) A sale shall not be considered as entered into until the purchase price has been established, and time of sale shall be the earliest time the exporter has knowledge that a firm contract exists with the foreign buyer on which a firm dollar and cent price has been established pursuant to paragraphs (a), (b) and (c) of this section: *Provided, however,* That if a sale is made through an intermediary (See § 483.105 (g)), for purposes of determination of the applicable export payment rate, no substantially greater lapse of time for concluding the sales transaction may be recognized than would have elapsed had the exporter been dealing directly with the foreign buyer.

(e) If export is wholly by truck or rail and the time of sale cannot be determined on the basis of the factors set

forth in paragraph (a), (b) or (c) of this section, or by any other means, the sale will be deemed to have been made at the time of issuance of inland bill of lading, or if none is issued, at the time of clearance through United States Customs. If export is by ocean carrier and time of sale cannot be determined as outlined above, the sale will be deemed to have been made at the time of issuance of ocean carrier bill of lading, or if none is issued, at the time the wheat is loaded on board ocean carrier.

(f) If the time of day at which the sale was entered into is not established and two payment rates are in effect on the day the sale was entered into, the time of sale will be deemed to occur at the time the lower of the two rates was in effect.

REGISTRATION OF SALES

§ 483.135 *Notice of Sale*—(a) *Time.* (1) The exporter shall file a Notice of Sale as soon as possible after entering into the sales agreement. (See § 483.178.) (In the case of IWA sales, in order to comply with the terms of the Wheat Agreement, the report of transactions must reach the Wheat Council in London not later than 10 days after the date the exporter entered into the sales agreement).

(2) Notices of Sale should normally be filed by telegraph, although telephone may be used. Telephoned notices should be confirmed immediately by telegraph.

(3) In order for the exporter to be assured of the curent rate of payment, the telegram reporting the sale must be filed by 3:30 p. m., e. s. t. (or the telephone call must be made by that time), on the expiration date for such rate as shown in the rate announcement.

(b) *Information required.* In giving Notice of Sale the exporter must report the following information:

(1) Date of sale.

(2) Whether the sale is IWA or Non-IWA.

(3) If PL–480, the Authorization Number.

(4) Contract quantity in bushels and the contract loading tolerance, if any, in percentage, but not in excess of 10 percent.

(5) The sale price must be shown on a f. o. b. vessel bulk basis, except that on exports from West Coast ports the price may be given on an instore basis. In the case of IWA transactions, if, because of marketing costs and carrying charges as provided for in § 483.122, the sales price exceeds the maximum price, the Notice of Sale must show the total price and the amount thereof included for marketing costs and carrying charges, each shown separately. The f. o. b. or the instore price shown should include all charges and commissions necessary to the sale and moving of the wheat to the f. o. b. or the instore position. For example, a selling agent's commission would be included, whereas guaranteed out-turn insurance would not be included.

(6) The coast of export.

(7) Country of destination.

(8) Name of purchaser. (Where the sale involves more than one purchaser, the Notice of Sale should contain the name of one purchaser and the word "others".)

(9) The number of the import license, buying permit, or similar authorization applicable to the sale, for those countries where such is required for IWA transactions, unless otherwise authorized by the Director. (Where the sale involves more than one purchaser, the Notice of Sale should contain one license number and the word "others".)

(10) Delivery period specified in contract.

(11) Class and grade of wheat, and protein content when protein is specified in contract.

(12) If under subparagraph (6) of this paragraph, more than one coast of export is shown, indicate the CSS Commodity Office (Evanston, Dallas or Portland), to which the exporter will submit Application for Wheat Export Payment.

(13) The word "Abroad" for wheat exported prior to sale. (See § 483.109 (d).)

(14) Such additional information in individual cases as may be requested by the Director.

§ 483.136 *Notice of Registration.* (a) Upon receipt of the Notice of Sale, a designated Contracting Officer of CCC will issue a Notice of Registration by telegram unless he determines that to do so would not be in the best interests of the program. A Notice of Registration is a condition precedent to the exporter receiving payment under this subpart. Accordingly, before concluding a transaction it may be to the exporter's advantage in instances involving sales of an unusual nature to ascertain from the office indicated in § 483.178, whether the sale may be registered, or to condition his sales upon his receiving a Notice of Registration under this subpart.

(b) In the telegram of registration, the Contracting Officer may utilize the code letters "PIK" to indicate "Registered for Payment in Kind".

(c) Each Notice of Registration will include a registration number which shall be shown on the Declaration of Sale (See § 483.137), and on the Application for Wheat Export Payment, CCC Form 357, and in all correspondence with reference to the transaction.

§ 483.137 *Declaration of Sale and evidence of sale*—(a) *Time of submission and required copies.* (1) The exporter shall prepare a Declaration of Sale, (CCC Form No. 359), and mail or deliver it normally within two days after receipt of CCC's Notice of Registration. (See § 483.178.)

(2) The Declaration of Sale must be submitted in an original and three copies all of which shall be signed in an original signature by the exporter or his authorized representative. One copy of the Declaration of Sale will be acknowledged and returned to the exporter.

(3) Only one Declaration of Sale normally should be submitted by the exporter for each sale identified by a Registration Number assigned in the Notice of Registration (see § 483.136 (c)), although this is not mandatory. If more than one Declaration of Sale is submitted, the letters A, B, C, etc., shall be added to Registration Numbers on the respective declarations.

(b) *Information required.* The information to be entered on the Declaration of Sale, is as follows:

(1) The Registration Number.

(2) Whether sale is IWA or Non-IWA.

(3) If PL–480, the Authorization Number.

(4) Date and time of sale and of filing Notice of Sale.

(5) Name of purchaser, or purchasers.

(6) The number of each import license, buying permit, or similar authorization applicable to the sale for those countries where such are required. All applicable numbers shall be so entered even though such numbers were reported in the Notice of Sale.

(7) Contract quantity in bushels, and if the contract provides for a loading tolerance, the amount of such tolerance but not to exceed ten percent.

(8) Country of destination.

(9) Delivery period specified in the contract.

(10) Class and grade of wheat, and protein content when specified in the contract.

(11) The sales price in the case of bulk wheat must be given on an f. o. b. vessel, bulk basis, on exports from Gulf and East Coast ports and on an instore, or f. o. b. vessel, bulk basis, on exports from the West Coast ports. In the case of IWA transactions, if, because of marketing costs and carrying charges as provided for in § 483.122, the sale price of wheat exceeds the IWA maximum price, the declaration shall show the total price and amount thereof included for marketing costs and carrying charges, each shown separately. The f. o. b. or the instore price shown should include all charges and commissions necessary to the sale and the moving of the wheat to the f. o. b. or the instore position. For example, a selling agent's commission would be included, whereas guaranteed outturn insurance would not be included.

(12) Export rate per bushel of wheat in effect as determined by § 483.131.

(13) Coastal area from which it is anticipated exportation will be made.

(14) CSS Commodity Office to which Application for Wheat Export Payment will be submitted.

(15) Where the exporter intends to ship, transship, or cause wheat to be shipped or transshipped to one or more of the countries or areas identified in § 483.184 (b) (1), (2) and (3), the license issued by the Bureau of Foreign Commerce, U. S. Department of Commerce, for such movement, shall be identified. With respect to any such movement to Hong Kong not requiring a specific license, the exporter shall state that a specific license is not required.

(16) Such additional information in individual cases as may be requested by the Director.

(c) *Name in which filed.* The Declaration of Sale may be filed under a trade name provided the name of the actual exporter and the relationship between the two is clearly established by an appropriate signature on the Decla-

ration and all related documents, such as:

American Grain Company
(Trade name)
U. S. Grain Company
/s/ John Smith, Secretary

(d) *Evidence of sale.* Supporting evidence of sale, in one copy only, must be filed with each Declaration of Sale. Such evidence may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale including contracts between exporter and buyer. In transactions involving an intermediate party (see §§ 483.105 (g) and 483.131 (d)) the evidence required is certified true copies of all documents evidencing the sales which are exchanged between the exporter, the intermediate party and the buyer shown in the Declaration of Sale, provided such evidence includes all information required under paragraph (b) of this section, and unless additional documentation is specifically requested by the Director.

OBLIGATION AND DEFAULT

§ 483.140 *Exporter's agreement with CCC.* The Notice of Sale and the Declaration of Sale by the exporter and the Notice of Registration shall constitute an agreement by the exporter to export the quantity of wheat within the prescribed period stated in the Notice of Sale, in consideration of the undertaking of CCC to make an export payment, subject to the Terms and Conditions of this subpart.

§ 483.141 *Cancellation of sale or failure to export.* (a) The exporter shall notify the Director promptly in every case where, after giving Notice of Sale as required in § 483.135, a sale is cancelled by the exporter or by the importer, and he must state the reason for such cancellation. The exporter also shall notify the Director promptly when, for any reason, it becomes apparent to him that he will not be able to fulfill his obligation under § 483.140 by making shipment within the prescribed period.

(b) If the Vice President after affording an exporter the opportunity to present evidence determines that the exporter has cancelled the sale, or failed to export, or failed to discharged fully any other obligation assumed by him under the program, the exporter shall pay to CCC on demand any damages resulting from his failure to discharge his obligation to CCC, and the exporter may be denied the right to continue participating in this program for such period as the Vice President may determine and until the exporter has complied with such terms and conditions as the Vice President may prescribe, unless the exporter establishes to the satisfaction of CCC that his failure to discharge his obligations under the program resulted from causes beyond his control and without his fault or negligence.

(c) If any quantity of wheat exported pursuant to the exporter's contract with CCC is reentered into the United States, including Alaska, Hawaii, or Puerto Rico, whether or not such reentry is caused by the exporter, or if any wheat is transshipped or caused to be transshipped by the exporter to any country that is not a designated country, the exporter shall be in default, shall refund any payment made by CCC, and shall comply with any demand of CCC made pursuant to the requirement of paragraph (b) of this section. The exporter shall not be required to refund the payment made by CCC if he establishes to the satisfaction of CCC with respect to any reentry that (1) the reentry resulted from causes beyond his control and without his fault or negligence and promptly after he received notice of reentry he exported the wheat required to be exported under his contract with CCC to a designated country, or (2) the wheat reentered was lost, damaged or destroyed and the physical condition is such that its reentry into the United States will not impair CCC's price support program.

WHEAT EXPORT PAYMENT CERTIFICATE

§ 483.145 *Application for Wheat Export Payment.* An original and two (2) copies of Application for Wheat Export Payment, CCC Form 357, must be prepared and submitted together with the evidence of exportation, as provided in § 483.147, to the CSS Commodity Office shown on the acknowledged copy of the Declaration of Sale which is returned to the exporter. Exporter should submit application as soon as possible after exportation as the face value of the certificate is subject to discount as provided in § 483.146 (b). Supplies of CCC Form 357 and detailed instructions regarding the preparation and submission of the form may be obtained from the CSS Commodity Offices in Evanston, Dallas, and Portland (Oregon).

§ 483.146 *Description of certificate.* Upon receipt of an Application for Wheat Export Payment (CCC Form 357) the CSS Commodity Office will determine the amount of payment due and issue to the exporter a Wheat Export Payment Certificate (CCC Form 358) for the amount due. Such certificate is described in this section and will be subject to the provisions embodied in the Certificate and the applicable provisions in this subpart.

(a) *Payee.* Except as provided in § 483.176, the Certificate will be issued only to the exporter who has filed a Declaration of Sale and has obtained the Registration Number which shall be shown in the space provided in the Certificate.

(b) *Face value.* The amount shown in the space provided for the face value of the Certificate will be the amount obtained by multiplying the number of net bushels of wheat exported by the applicable export payment rate. Certificates will be accepted at face value if applied to the purchase of wheat under contracts with CCC which specify a date of sale not more than 60 days after the date of export shown on the certificate. If a certificate is applied to the purchase of wheat under a contract with CCC which specifies a date of sale more than 60 days after the date of export shown on the certificate, the value at which the certificate will be accepted will be the face value reduced by 1/50 of one percent for each day beginning on the 61st day after such date of export and ending with the date of sale specified in the CCC contract to which it is applied.

(c) *Date of export.* The date of export shown on the Certificate will be the date of export as defined in § 483.131 which shall be deemed to be the date on which the export payment was earned.

(d) *General provisions.* The Wheat Export Payment Certificate will be redeemable in wheat which Commodity Credit Corporation makes available from its stocks for sale under this program. The certificate may be presented to the Evanston, Dallas, or Portland offices of Commodity Stabilization Service, as provided in § 483.155, for wheat handled by the office to which submitted. The certificate may be transferred by endorsement subject to all terms, conditions, and restrictions contained in this section and in §§ 483.155 to 483.165, applicable to the person or firm to whom it was originally issued.

§ 483.147 *Documents required as evidence of exportation.* (a) Each application for Wheat Export Payment (CCC Form 357) must be supported by the following documents as applicable unless otherwise approved by the Director.

(1) If the exportation is by water, a non-negotiable copy of the applicable on-board ship ocean bill of lading signed by an agent of the ocean carrier, which shows the weight of the wheat, the name of the vessel, and that the wheat is destined for the foreign buyer(s) and the country of destination identified in the Declaration of Sale or to a different consignee or designated country determined pursuant to § 483.106. In the case of bagged wheat, an ocean bill of lading showing the gross weight of the wheat and the number of bags may be furnished, provided the ocean bill of lading also shows the weight of the bags or the exporter furnishes an acceptable certification as to the weight of the bags. Where loss, destruction or damage to the wheat occurs subsequent to loading aboard the ocean carrier but prior to issuance of on-board ship bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading. If the country of destination shown on the ocean bill of lading differs from that shown on the Declaration of Sale or the country of destination approved by the Director pursuant to § 483.106, the exporter shall also furnish one copy of the Shipper's Export Declaration, authenticated by the appropriate United States Custom official, showing that the country of destination is, in fact, the country to which the wheat is required to be exported.

(2) If export is by rail or truck, and not under Public Law 480, 83d Congress, one copy of Shipper's Export Declaration, authenticated by the appropriate United States Customs official, which identified the shipment(s), the date of clearance into the foreign country and the weight of the wheat, or if bagged, the weight of the wheat less the weight of the bags and which provides the other applicable information referred to in subparagraph (1) of this paragraph. If export is under Public Law 480, 83d Congress, one authenticated copy of Shipper's Export Declaration (or photostat of an unauthenticated copy) which shall bear a statement certified by the exporter that "The authenticated copy of the Shipper's Export Declaration was forwarded to (name of banking institution) with my draft for financing of this shipment under P. A. No. ——."

(3) One copy of an Export Grain Inspection Certificate issued by an inspector licensed under the United States Grain Standards Act. If the Inspection Certificate shows mixed wheat, it will be necessary for the grade designation to show the approximate percentage of each class of wheat which constitutes more than 10 percent of the mixture.

(4) On bulk wheat, a copy of the official loading weight certificate.

(5) Where shipment is exported from a Canadian port;

(i) One signed or certified true copy of the bill of lading or other document covering the movement of the wheat from the United States to Canada, and

(ii) One signed or certified true copy of the document evidencing the holding of the wheat in customs bond in Canada.

(b) If the shipper or consignor named in the on-board bill(s) of lading or the Shipper's Export Declaration(s), is other than the exporter named in the Declaration of Sale, waiver by such shipper or consignor of any interest in the application for payment in favor of such exporter is required. Such waiver must clearly identify the on-board bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence exportation.

DISPOSITION OF WHEAT EXPORT CERTIFICATE

§ 483.155 *Submission of offers.* (a) Offers to purchase CCC wheat with certificates may be submitted by letter, telegram, or orally to the CSS Commodity Office serving the coastal area in which the offerer desires delivery. The offerer must specify the class, grade, quality and quantity desired, and the desired point of delivery. CCC reserves the right to determine the classes, grades, qualities and quantities and point of delivery for which offers will be considered, and to reject any offer.

(b) If the wheat purchased hereunder is to be exported under Title I, Public Law 480, 83d Congress, the exporter shall advise CCC of that fact and of the number of the P. L. 480 Purchase Authorization in the offer if it is known at that time. If the number is not known at the time of the offer, it shall be furnished as soon as it becomes known to the purchaser. If there is any change in the information that has been submitted in reference to a P. L. 480 Purchase Authorization pursuant to this section, the purchaser shall immediately notify CCC.

§ 483.156 *Creation of contracts.* Preliminary negotiations for purchase of wheat under this subpart shall be confirmed by written Confirmation of Sale which shall be issued by the CSS Commodity Office in duplicate. One copy shall be signed and returned by the exporter whose offer to purchase wheat is accepted by CCC. Such exporter is hereinafter called "the purchaser". Confirmation of Sale, together with the terms and conditions of this subpart, and any amendments in effect on the date of sale, shall constitute the sales contract. Any provision of prior negotiations not contained in the Confirmation of Sale shall be of no effect. The term "date of sale," as used in this subpart, shall mean the date that the parties concluded their preliminary negotiations, and such date will be specified in the Confirmation of Sale.

§ 483.157 *Price.* The price shall be basis f. o. b. vessel, instore, or track at port or other point of export (without export allowance) as determined by CCC and shall be specified in the Confirmation of Sale.

§ 483.158 *Payment terms and financial arrangements.* (a) The amount due CCC for wheat purchased hereunder shall be paid by the purchaser by surrender to CCC of properly endorsed certificate(s). If certificates having a value in excess of the purchase price are surrendered by the purchaser to CCC, the certificates having the earliest dates of export shall be applied first to the purchase and any certificates not applied shall be returned to the purchaser. If the value of certificates applied to the purchase exceeds the purchase price, such excess will be adjusted by issuance and delivery to the purchaser of a balance certificate which may be used on a subsequent purchase from CCC. The date of export shown on the balance certificate will be the date shown on the original certificate, or if more than one certificate is applied to the purchase the date of export shown on the balance certificate will be the latest date of export shown on a certificate applied to the purchase. The face value of the balance certificate will be determined by deducting from the face value of certificates surrendered to CCC, the purchase price of the wheat and any discount applicable to the portion of the certificates being applied to the purchase as provided in § 483.146 (b).

(b) Financial arrangements covering the purchase price specified in the Confirmation of Sale of any wheat purchased from CCC hereunder shall be made prior to delivery of the wheat by CCC in one of the following ways:

(1) Surrender to the appropriate CSS Commodity Office of certificate(s) sufficient to pay for the wheat.

(2) If a purchaser desires delivery prior to receipt by CCC of certificates he shall make payment in cash, certified check, or cashier's check for the wheat to be delivered. To the extent that certificates are received by CCC within 90 days after delivery of the wheat to the purchaser, CCC shall promptly make refund to the purchaser of cash received. Any such refund shall be in an amount equivalent to the value of certificates determined acceptable by CCC.

(c) The amount of the upward adjustment in price which is provided in § 483.163 for failure to submit certificates within 90 days after delivery shall be computed as of the date of sale, and shall be specified in the Confirmation of Sale. Financial arrangements for such price adjustment shall be made in one of the following ways:

(1) Payment in cash, certified check, or cashier's check, or

(2) Establishment of an irrevocable commercial letter of credit acceptable to CCC which shall have an effective period of at least 150 days from the date for delivery specified in the Confirmation of Sale and upon which CCC will draw drafts for the amount of the upward adjustment in price resulting from such failure to submit certificates within 90 days after delivery, supported by a statement signed by the Chief or Acting Chief of the Fiscal Division of the CSS Commodity Offices, specifying the amount due CCC. Promptly after CCC receives acceptable certificates in payment of the wheat purchased as provided in paragraph (b) (2) of this section, CCC shall notify the bank which issued or confirmed the letter of credit that CCC consents to a reduction of such letter of credit, unless otherwise requested by the purchaser, or shall make refund to the purchaser of cash received. Any such reduction or refund shall be in an amount equivalent to the purchaser's financial coverage under this subsection related to the quantity for which payment has been received in the form of acceptable certificates by CCC.

(d) The financial arrangements provided in paragraphs (b) and (c) of this section shall be made:

(1) Prior to delivery of the wheat by CCC on purchases which provide for delivery within 5 days following the date of the sale, and,

(2) On all other purchases, not less than 5 days prior to delivery of the wheat by CCC, unless CCC consents in writing to a different period.

(e) If the purchaser fails to make a financial arrangement acceptable to CCC in accordance with paragraph (d) of this section CCC shall have the right to deem the purchaser in default and may avail itself of any remedy available to an unpaid seller. The purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 483.159 *Delivery.* (a) The method, time, and place of delivery will be as specified in the Confirmation of Sale.

(b) If the wheat is to be delivered instore, delivery shall be accomplished by delivery to the purchaser of endorsed warehouse receipts, or other evidence of title. Delivery may be made by posting warehouse receipts in the mail. In the case of instore delivery the terms of continued storage thereafter shall be for determination between the purchaser and warehouseman. All warehouse charges accruing after delivery and loading out charges shall be for the account of the purchaser.

(c) If the wheat is to be delivered other than instore, the details thereof shall be specified in the Confirmation of Sale.

(d) Title and risk of loss and damage shall pass to the purchaser upon delivery. All charges thereafter accruing shall be for the account of the purchaser: *Provided*, That if delivery is not made within 30 days after the date of sale, the purchaser shall make cash settlement

with CCC for warehouse charges on the wheat not delivered, at the rate specified in the Confirmation of Sale for the period beginning on the 31st day to and including the final date for delivery specified in the Confirmation of Sale or any written extension thereof: *Provided further*, That the purchaser shall not be responsible for such charges accruing after such 30-day period as a result of delay on the part of CCC in making delivery which is not attributable to the fault of the purchaser.

(e) If on deliveries other than instore the purchaser fails to take delivery of the wheat within the delivery period specified in the Confirmation of Sale, or any written extension thereof, CCC may at its option deliver the wheat instore in a warehouse of its choice by delivery of endorsed warehouse receipts, or CCC shall have the right to deem the purchaser in default and the purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 483.160 *Specifications.* (a) If the wheat is to be delivered instore, CCC shall deliver warehouse receipts, or other evidence of title, representing the kind of wheat and the quantity, class, grade and/or quality stated in the Confirmation of Sale, and CCC shall have no responsibility in the event of failure of the warehouseman to deliver in accordance with the warehouse receipts or other evidence of title.

(b) If the wheat is to be delivered other than instore, the kind of wheat and the quantity, class, grade and/or quality delivered shall be that stated in the Confirmation of Sale. Determinations as to the class, grade, and/or quality of the wheat delivered shall be made on the basis of official inspection at point of delivery, unless otherwise specified in the Confirmation of Sale. The method of determining the quantity delivered shall be as stated in the Confirmation of Sale. If the wheat delivered is within the quality tolerance, if any, specified in the Confirmation of Sale, such delivery shall be accepted by the purchaser. If the wheat delivered is not within the quality tolerance, if any, specified in the Confirmation of Sale, the wheat may be rejected by the purchaser at the time of delivery or accepted subject to an adjustment in price for grade and quality difference in accordance with current market premiums and discounts, as determined by CCC. In case of rejection, CCC shall, upon request of the purchaser, replace such rejected quantity. The purchaser may reject any over deliveries in quantity. Over deliveries in quantity accepted by the purchaser shall be settled for at the contract price unless a different price has been agreed to between CCC and the purchaser. In case of under deliveries a balance certificate shall be issued by CCC or if other financial arrangements were furnished the value of certificates the purchaser is required to surrender will be reduced. In the case of over deliveries the purchaser shall tender cash or certificates to CCC. If the value of wheat delivered exceeds the value of certificates surrendered by $3.00 or less, no adjustment will be necessary. If the value of certificates surrendered exceeds the value of wheat delivered by $3.00 or less, a balance certificate will not be issued unless requested.

§ 483.161 *Export requirements.* (a) The purchaser shall, within 60 days after delivery of the wheat to him or within such extension of that period as may for good cause be authorized by CCC in writing before or after expiration of such 60-day period, cause exportation to a designated country of wheat equal in quantity and of the same class and from the same coast in the United States as the wheat delivered by CCC. The requirement that wheat of the same class be exported may be satisfied by exporting a quantity of mixed wheat which contains, as evidenced by the Export Grain Inspection Certificate, wheat at least equal in quantity and of the same class as that delivered by CCC.

(b) The purchaser shall, within 30 days after exportation, furnish to the CSS Commodity Office evidence of such exportation, as required in § 483.162. Failure of the purchaser to furnish CCC proof of exportation within 90 days after delivery of the wheat to him, or, in the case of extension of the time for export, within 30 days from the last date specified for exportation under such extension, shall constitute prima facie evidence of failure to export. Documents supporting an Application for Wheat Export Payment on the wheat exported will be accepted as proof of export of wheat purchased from CCC if they satisfy the requirements specified in § 483.162, and the Application for Wheat Export Payment is accompanied by a letter in duplicate specifying the documents which are submitted as proof of export and the CCC sales contract number to which they relate.

§ 483.162 *Evidence of export.* (a) Evidence of export shall be furnished within the period specified in § 483.161 and shall consist of:

(1) If the export is by water, a nonnegotiable copy, certified by the purchaser as true and correct, of the applicable on-board ship ocean bill of lading, signed by an agent of the ocean carrier, which shows the weight of the wheat, the name of the vessel, that the wheat is destined to a designated country and the CCC sales contract number. In the case of bagged wheat, an ocean bill of lading showing the gross weight of the wheat and number of bags may be furnished, provided the ocean bill of lading also shows the weight of the bags or the purchaser furnishes an acceptable certification as to the weight of the bags. Where loss, destruction, or damage to the wheat occurs subsequent to loading aboard the ocean carrier but prior to issuance of on-board ship bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading.

(2) If export is by rail or truck, one unauthenticated copy of Shipper's Export Declaration (or photostat copy of an unauthenticated copy) which identifies the shipment(s), the date of clearance into the foreign country, the weight of the wheat, or, if bagged, the gross weight of the bagged wheat less weight of the bags and the CCC contract number. The unauthenticated copy, or photostat copy thereof, shall bear one of the following statements certified by the purchaser: "The authenticated copy of this Shipper's Export Declaration was forwarded to (name of banking institution) with my draft for financing under P. A. No. ___," or "The authenticated copy of this Shipper's Export Declaration was forwarded to (name of the CSS Commodity Office) with my application for wheat Export Payment Certificate under Registration No. ___."

(3) A copy of an official Export Grain Inspection Certificate issued by an inspector licensed under the U. S. Grain Standards Act.

(4) On bulk wheat a copy of the official loading weight certificate.

(5) Where shipment is exported from a Canadian port,

(i) One signed or certified true copy of the bill of lading or other document covering the movement of the wheat from the United States to Canada, and

(ii) One signed or certified true copy of the document evidencing the bonding of the wheat in customs bond in Canada.

(6) Such additional proof of export as may be required by CCC.

(b) Where exportation of the wheat has been made by anyone or transshipment made or caused by the purchaser to one or more of the countries or areas identified in § 483.184 (b) (1), (2) or (3), the bills of lading or other pertinent documentary evidence required to be furnished to CCC shall identify the license by number issued by the Bureau of Foreign Commerce, U. S. Department of Commerce, for such movement. With respect to any such movement to Hong Kong not requiring a specified license, the required documentary evidence shall contain a statement by the purchaser that a specific license was not required.

§ 483.163 *Adjusted sales price.* Sales of wheat under this Announcement are made at prices below the statutory minimum required under section 407 of the Agricultural Act of 1949, as amended, for sales for unrestricted use upon condition that payment in certificates is made as provided in § 483.158 and upon the further condition that all provisions of §§ 483.161 and 483.162 are complied with. In the event of failure to comply with such conditions, the sales price with respect to the quantity of wheat for which certificates have not been received, or the quantity which is not exported, or which is reentered into the United States, including Alaska, Hawaii and Puerto Rico, or which is transshipped or caused to be transshipped by the purchaser to a country or an area identified in § 483.184 (b) (1), (2) or (3) shall be the highest of the following prices in effect on the date of purchase or the date of default as determined by CCC:

(1) CCC's statutory minimum sales price for unrestricted use for the same kind, class, grade and quality of the wheat as determined by CCC, or

(2) The sales price, announced by CCC for sale for unrestricted use of the same kind, class, grade and quality of the wheat, or

(3) If no such sales price has been announced, the highest domestic market price at the point where CCC delivered the wheat as determined by CCC. The total amount of any upward adjustment in sales price arising under this section shall be paid in cash by the purchaser to CCC promptly upon demand. Any such upward adjustment in sales price will be waived to the extent that the Vice President, CCC, or his designated representative, determines (i) that the wheat has not been exported or has been reentered or transshipped for causes beyond the control, and without the fault or negligence, of the purchaser and that the quantity of wheat involved in default (other than wheat transshipped to a country excluded by § 483.184) is, pursuant to written approval of CCC, subsequently exported to a designated country within the period specified by CCC, or (ii) with respect to any wheat reentered as the result of its loss, damage, destruction or deterioration, the physical condition thereof is such that its entry into domestic market channels will not impair CCC's price support operations.

§ 483.164 *Inability to perform.* CCC shall not be responsible for damages for any failure to deliver, or delay in delivery of, the wheat due to any cause beyond the control of and without the fault or negligence of CCC, including, but not restricted to, failure of warehousemen to meet delivery instructions. In case of delay in delivery due to any such causes, CCC shall make delivery to the purchaser as soon as practicable.

§ 483.165 *Covenant against contingent fees.* The purchaser warrants that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies. For breach or violation of this warranty CCC shall have the right to annul the contract without liability or in its discretion to require the purchaser to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

MISCELLANEOUS PROVISIONS

§ 483.174 *Performance guarantee.* In addition to the performance guarantee required under § 483.158 (c), CCC reserves the right to require the exporter to furnish a cash deposit, performance bond, or performance type letter of credit, acceptable to CCC, to guarantee performance of any of his obligations under this subpart.

§ 483.175 *Good faith.* If the Vice President after affording the exporter an opportunity to present evidence determines that such exporter has not acted in good faith in connection with any transaction under this subpart such exporter may be denied the right to continue participating in this program or the right to receive payment under this subpart in connection with any sales previously made under this program, or both. Any such action shall not affect any other right of the Department of Agriculture or the Government by way of the premises.

§ 483.176 *Assignments.* No exporter shall, without the written consent of the Director, assign any right to an export payment under this subpart, except that certificates received by him may be transferred by endorsement as provided in § 483.146 (d).

§ 483.177 *Records and accounts.* Each exporter shall maintain accurate records showing sales and deliveries of wheat exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for two years after date of export.

§ 483.178 *Submission of reports.* The Notice of Sale, Declaration of Sales, and related reports required under this subpart to be submitted to the Director should be addressed as follows:

Chief, Commercial Export Branch, Grain Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C.

Delivery to the above office of telegraphic Notices of Sale will be expedited if addressed as follows:

Com. Ex Branch, USDA (MK), Washington, D. C.

The telephone number of this office is REpublic 7-4142, Extensions 3261, 3262, 3927 and 3928.

§ 483.179 *Additional reports.* The exporter shall file such additional reports as may be required from time to time by the Director, subject to the approval of the Bureau of the Budget.

§ 483.180 *CSS Commodity Offices.* Information concerning this program may be obtained from CSS Commodity Offices listed below:

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 2201 Howard Street, Evanston, Illinois.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 500 South Ervay Street, Dallas 1, Texas.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 560 Westport Road, Kansas City 41, Missouri.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 1008 West Lake Street, Minneapolis 8, Minnesota.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oregon.

§ 483.181 *Officials not to benefit.* No member or delegate to Congress, or resident commissioner, shall be admitted to any benefit that may arise from any provision of this program but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 483.182 *Amendment and termination.* This offer may be amended or terminated by filing of such amendment or termination with the Federal Register Division for publication. Any such amendment or termination shall not be applicable to sales for export which otherwise comply with the terms and conditions of this offer made before the effective time and date of such amendment or termination.

DEFINITIONS

§ 483.184 *Designated countries.* (a) With respect to sales made for recording under the Wheat Agreement, a designated country shall be any country or territory which has been designated in a rate announcement (see § 483.130) as having a quota open for IWA sales.

(b) With respect to sales not specifically made for recording under the Wheat Agreement, a designated country shall be a destination outside the continental limits of the United States, excluding Alaska, Hawaii or Puerto Rico, and also excluding

(1) Any country or area listed as Sub-Group A of Group R of the Comprehensive Export Schedule issued by the Bureau of Foreign Commerce, U. S. Department of Commerce, unless a license for such shipment or transhipment thereto has been obtained from such Bureau;

(2) Macao unless specific license for shipment or transhipment thereto has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce; or

(3) Hong Kong in the case of any commodity for which a specific license is required by regulations of the U. S. Department of Commerce under the Export Control Act of 1949, unless such specific license for shipment or transhipment thereto has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce.

§ 483.185 *Vice President.* "Vice President" means the Executive Vice President of the Commodity Credit Corporation or his designee.

§ 483.186 *Director.* "Director" means the Director of the Grain Division, Commodity Stabilization Service, Washington, D. C.

§ 483.187 *Wheat.* "Wheat" means wheat grown in the United States and as defined in the official Grain Standards of the United States. The quantity of wheat exported which is eligible for export payment and which satisfies the exportation requirements of this subpart, shall be determined by deducting from the weight of the wheat (which shall not include the weight of any bags) any dockage indicated on the inspection certificate issued at the time of loading for export.

§ 483.188 *Export and exportation.* "Export" and "exportation" mean, except as hereinafter provided, a shipment from the continental United States destined to a designated country, or a shipment from Canada destined to a designated country of wheat which has been moved from the United States into Canada under customs bond. The wheat so shipped shall be deemed to have been exported on the date which appears on the applicable on-board export bill of lading, or if shipment to the designated country is by truck or rail, the date the

shipment clears the United States Customs. If wheat is lost, destroyed or damaged after loading on board an export vessel, exportation shall be deemed to have been made as of the date of the on-board vessel bill of lading or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction or damage occurs subsequent to loading aboard vessel but prior to issuance of the on-board bill of lading.

NOTE TO EXPORTER: Since the export payment on any given quantity of wheat is conditioned upon the exportation thereof to a designated country, exporters may find it desirable to carry insurance on the full domestic value of wheat against any loss which may occur prior to the wheat leaving this country by rail or truck or prior to loading on the export vessel.

§ 483.189 *Exporter.* "Exporter" means an individual, corporation, partnership, association or other business entity, which is regularly engaged in the business of buying and selling wheat for export and for this purpose maintains a bona fide business office in the continental United States, and therein has a person, principal, or resident agent upon whom service of process may be had.

§ 483.190 *Ocean carrier.* "Ocean carrier" means the vessel on which shipment from the United States or Canada, other than shipments between such countries, is exported pursuant to a sale registered under this program.

§ 483.191 *United States.* "United States" unless otherwise qualified means the continental United States.

§ 483.192 *Wheat Agreement.* "Wheat Agreement" or IWA, means the 1956 International Wheat Agreement, ratified by the United States on July 16, 1956.

§ 483.193 *Wheat Council.* "Wheat Council" means the International Wheat Council established by Article XIII of the Wheat Agreement.

§ 483.194 *3:31 e. s. t.* "3:31 e. s. t.," as used in this subpart means 3:31 eastern standard time, except that when Washington, D. C. is on daylight saving time 3:31 e. s. t. means 3:31 eastern daylight saving time (2:31 eastern standard time).

§ 483.195 *Day.* "Day" means calendar day.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of July 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

APPENDIX—NOTICE TO EXPORTERS

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities to Macao, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and Communist-controlled areas of Vietnam and Laos, except under validated license issued by the U. S. Department of Commerce, Bureau of Foreign Commerce. A validated license is also required for shipment to Hong Kong unless the commodity is included on the general license GHK list.

These regulations further require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U. S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for reexport of said commodities, or any part thereof, without prior Commerce Department authorization, to Macao, Hong Kong, the Soviet Bloc, a Communist-controlled area in the Far East including Communist China, North Korea and Communist-controlled areas of Vietnam and Laos, and (2) the sanction of denial of future U. S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by that agency. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser. For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule 15 CFR 379.10 (c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the Field Offices of the Department of Commerce.

[F. R. Doc. 58-5417; Filed, July 15, 1958; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.76, Supp. 2]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

WASHINGTON PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877), the Agricultural Stabilization and Conservation Washington State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 33,473 acres established for Washington by the determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at the Hutton Building (Room 310), South 9, Washington Street, Spokane, Washington, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Wash... These bases and procedures incorp... the following:

§ 850.78 *Washington*—(a) *Pro... tionate share areas.* Washington ... be divided into three proportionate ... areas as served by beet sugar compan... These areas shall be designated as fo... lows: Utah-Idaho, Amalgamated ... American Crystal. Acreage allotm... for these areas shall be computed by ap... plying to the planted sugar beet acrea... record for each area a weighting of ... percent to the average acreage for t... crops of 1952 through 1954, as a measu... of "past production", and a weighting ... 25 percent to the largest acreage of ... of the crops of 1952 through 1954, as ... measure of "ability to produce" with ... ceiling of 100 percent of the 1954 acr... age, a floor of 88.7 percent of the ... acreage and pro rata adjustments to ... total of 33,473 acres. Acreage allotm... computed as aforestated are establish... as follows: Utah-Idaho Area—31,... acres, Amalgamated Area—1,838 acres, and American Crystal Area—101 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Utah-Idaho Area—... acres for small producers, 164.0 acres for new producers, 315.0 acres for appeals, and 0 acres for adjustments in initial shares; Amalgamated Area—9.5 acres for new producers, 30 acres for appeals and 26 acres for adjustments in initial shares; and American Crystal Area—1 acre for new producers, 1 acre for appeals, and 0 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU-100, Request for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date for such filing, provided in § 850.76. If a preliminary request for a tentative farm proportionate share is filed, a fully-completed form SU-100 shall be filed by February 11, 1958. However, requests for proportionate shares may be accepted after such dates and shares may be established if the county committee determines that in any such case the farm operator was prevented from filing a completed form SU-100 by such dates because of absence, illness or other reasons beyond his control.

(d) *Establishment of individual proportionate shares for old producer farms*—(1) *Farm bases.* For each farm whose operator is a tenant with a personal accredited acreage record during at least one of the crop years 1955-57, the 1958 base shall be determined by applying weightings to his personal accredited acreage record, or to the accredited acreage record of the farm he will operate in 1958, whichever is more favorable. In each case of applicable accredited acreage for all of the crop years 1955–57, such weightings shall be 25 percent to the average for the years 1955 and 1956, as a measure of past production, and 75 percent to 1957, as a measure of ability to produce. In each case of applicable accredited acreage for only one or two of the crop years 1955-57, such weightings shall be 20 percent

and 30 percent to 1956, as measure of past production, and 50 percent to 1957, as a measure of ability to produce. If the operator is the owner of the farm, or is a tenant without a personal accredited acreage record in at least one of the years 1955–57, and the farm has an accredited acreage record during at least one of such years, the 1958 base for such farm shall be determined by applying the above-specified weightings to the accredited acreage record of the farm; except, that when the accredited acreage record for the farm is used as the personal production record of a tenant in determining the base for another farm for 1958, the above weightings shall be applied only to that part of the accredited acreage record corresponding to the farm owner's shares of the sugar beet crops produced on such farm in the base period. The tenant will receive 100 percent of the personal history credit unless the owner of the land requests a proportionate share, in which case it will be limited to the tenant's share of the sugar beets for the years he operated the land. The 1958 farm base for a farm operated by a tenant having a personal accredited acreage record as a new producer in 1955, 1956, or 1957 shall equal his most recent year's accredited acreage, but not to exceed the most recent established share.

(2) *Initial proportionate shares.* For each proportionate share area, the total of individual farm bases for old-producer farms, as established pursuant to paragraph (d) of this section, is less than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established from the farm bases in each proportionate share area as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1958-crop year by new producers (as defined in § 850.76) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(f) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.76 applicable to appeals.

(g) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1958-crop season. However, any acreage released by producers prior to February 15, 1958, shall be used to increase shares of small producers (less than 8 acres). In increasing such small producers shares, the State Committee shall take into consideration the size of beet operations for small farms in the area, the type of operations in the area, and other pertinent factors relating to efficient sugar beet production.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1958 Sugar Beet Crop, even if the acreage established is "none". In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted proportionate share on a form SU–103–A or other similar written notice. For each tentative proportionate share which is established, the person filing the request for such share shall be notified on a form SU–103–B specifying that such tentative share does not constitute a farm proportionate share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of share.* If the Agricultural Stabilization and Conservation County Committee determines that the proportionate share for any farm was established with consideration for the personal history of a person who had no interest or did not acquire any interest in such farm as a tenant, or who was not the operator of the farm at the time of planting sugar beets on the farm, the State Committee shall be notified of the circumstances and the actual operator of the farm shall be given an opportunity to file a request for a share for such farm. Pursuant to such a request, the proportionate share for the farm shall be redetermined on the basis of the personal history of such actual operator, the farm history, or new producer procedure, whichever is applicable, even though a downward adjustment to zero acres may be required. The actual farm operator shall be furnished a form SU–103–A setting forth the redetermined share for the farm and he shall also be furnished a statement explaining the reasons for the adjustment. A copy of such statement shall be furnished the person to whom the original Form SU–103 was issued.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Washington State Committee for determining farm proportionate shares in Washington in accordance with the determination of proportionate shares for the 1958 crop of sugar beets, as issued by the Secretary of Agriculture.

Washington is again divided into the same three areas. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are measured by applying formulas to the accredited acreages for the crop years 1955–57.

The procedure for establishing farm shares for new producers meets the related requirements of § 850.76.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals, are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 921; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930 as amended; 7 U. S. C. 1131, 1132)

Dated: June 11, 1958.

[SEAL] RAY SYRE,
Chairman, Agricultural Stabilization and Conservation Washington State Committee.

Approved: July 8, 1958.

TOM O. MURPHY,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58–5445; Filed, July 15, 1958; 8:56 a. m.]

[Sugar Determination 850.76, Supp. 5]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

IOWA FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877), the Agricultural Stabilization and Conservation Iowa State Committee has issued the bases and procedures for establishing individual farm proportionate shares

from the allocation of 1,342 acres established for Iowa by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at the Iowa Building, 505 Sixth Avenue, Des Moines, Iowa, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Iowa. These bases and procedures incorporate the following:

§ 850.81 *Iowa*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Requests for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.76.

(b) *Establishment of individual farm proportionate shares.* For each farm in Iowa for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 1,342 acres so as to coincide with the acreage of 1958-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Iowa State Committee for determining farm proportionate shares in Iowa in accordance with the determination of proportionate shares for the 1958 crop of sugar beets as issued by the Secretary of Agriculture.

The acreage of sugar beets actually planted within the State is smaller than the State allocation. This situation makes unnecessary the carrying out of detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 921; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U. S. C. 1131, 1132)

Dated: June 13, 1958.

[SEAL] JOSEPH F. CARBER,
Chairman, Agricultural Stabilization and Conservation Iowa State Committee.

Approved: July 8, 1958.

TOM O. MURPHY,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58–5443; Filed, July 15, 1958; 8:56 a. m.]

[Sugar Determination 850.76, as Amended, Supp. 13]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

NEBRASKA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877; 23 F. R. 4325), the Agricultural Stabilization and Conservation Nebraska State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 63,892 acres established for Nebraska by the determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at Room 407, U. S. Post Office and Court House Building, Lincoln, Nebraska, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Nebraska. These bases and procedures incorporate the following:

§ 850.89 *Nebraska*—(a) *Proportionate share areas.* Nebraska shall be divided into four proportionate share areas as served by beet sugar companies. These areas shall be designated "American Crystal", "Great Western", "Holly", and "Utah-Idaho", respectively. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area, a weighting of 75 percent to the average acreage for the crops of 1950 through 1954 as a measure of "past production" and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with pro rata adjustments to a total of 63,892 acres. Acreage allotments computed as aforestated are established as follows: American Crystal Area—6,162 acres; Great Western Area—53,825 acres; Holly Area—484 acres; and Utah-Idaho Area—3,421 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from each area allotment for new producers as follows: American Crystal Area—62 acres; Great Western Area—538 acres; Holly Area—5 acres; and Utah-Idaho Area—68 acres. Set-asides for appeals shall be as follows: American Crystal Area—62 acres; Great Western Area—538 acres; Holly Area—5 acres; and Utah-Idaho Area—34 acres. Set-asides for adjustments in initial shares shall be as follows: American Crystal Area—611 acres; Great Western Area—0 acres; Holly Area—0 acres; and Utah-Idaho Area—94 acres.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU–100, Request for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date for such filing, provided in § 850.76. If a preliminary request for a tentative farm proportionate share is filed, a fully-completed Form SU–100 shall be filed by April 2, 1958. However, requests for proportionate shares may be accepted after such dates and shares may be established if the County Committee determines that in any such case the farm operator was prevented from filing a complete Form SU–100 by such date because of absence, illness or other reasons beyond his control.

(d) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases.* In each proportionate share area, the 1958 farm base for each old-producer farm shall equal the most recent of the 1957, 1956, or 1955 crop shares established for the farm, including adjustments made under appeals but excluding any other upward adjustment made because the shares of other farms were not fully planted and excluding any downward adjustment made because the acreage planted on the farm was less than the share originally established for the farm.

(2) *Initial proportionate shares.* For each of the American Crystal, Great Western and Holly proportionate share areas, the total of individual farm bases for old-producer farms, as established pursuant to paragraph (d) of this section, is more than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established from the farm bases in each of these proportionate share areas by prorating to such farms in accordance with their respective bases the area allotment less the prescribed set-asides. For the Utah-Idaho Area the total of individual farm bases for old-producer farms is equal to the area allotment minus the set-aside of acreage. Accordingly, initial proportionate shares shall be established from the farm bases as follows: For farms for which requested acreages are equal to or less than the farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases the area allotment less the prescribed set-asides and total of the initial shares established in accordance with the preceding part of this subparagraph.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1958-crop year by new producers (as defined in § 850.76) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation

water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(f) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.76 applicable to appeals.

(g) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment of each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1958-crop season. However, any acreage released by producers prior to April 1, 1958, shall be used to increase shares of small producers (smaller than average for the area). In increasing such small producers' shares, the State Committee shall take into consideration the size of beet operations for small farms in the area, the type of operations in the area, and other pertinent factors relating to efficient sugar beet production.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1958 Sugar Beet Crop, even if the acreage established is "none". In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals, or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted proportionate share on a Form SU–103–A or other similar written notice. For each tentative proportionate share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm proportionate share for the purpose of payment under the Sugar Act of 1958, as amended.

(i) *Redetermination of share.* If the Agricultural Stabilization and Conservation County Committee determines that the proportionate share for any farm was established with consideration for the personal history of a person who had no interest or did not acquire any interest in such farm as a tenant, or who was not the operator of the farm at the time of planting sugar beets on the farm, the State Committee shall be notified of the circumstances and the actual operator of the farm shall be given an opportunity to file a request for a share for such farm. Pursuant to such a request, the proportionate share for the farm shall be redetermined on the basis of the personal history of such operator, the farm history, or new-producer procedure, whichever is applicable, even though a downward adjustment to zero acres may be required. The actual farm operator shall be furnished a Form SU–103–A setting forth the redetermined share for the farm and he shall also be furnished a statement explaining the reasons for the adjustment. A copy of such statement shall be furnished the person to whom the original Form SU–103 is issued.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Nebraska State Committee for determining farm proportionate shares in Nebraska in accordance with the determination of proportionate shares for the 1958 crop of sugar beets, as issued by the Secretary of Agriculture.

Nebraska is again divided into four areas and advisory committees are utilized. Farm proportionate shares of old producers are established so as to recognize "past production" and "ability to produce" sugar beets. The procedure for establishing farm shares for new producers meets the related requirements of § 850.76.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 921; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U. S. C. 1131, 1132)

Dated: June 27, 1958.

[SEAL] WILFRED R. NELSON,
Chairman, Agricultural Stabilization and Conservation Nebraska State Committee.

Approved: July 8, 1958.

TOM O. MURPHY,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58–5444; Filed, July 15, 1958; 8:56 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1022—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

DETERMINATION RELATIVE TO ESTABLISHMENT OF RESERVE FUND

Notice was published in the June 28, 1958, daily issue of the FEDERAL REGISTER (23 F. R. 4812) that consideration was being given to proposals regarding the establishment of a reserve fund to provide for the maintenance and functioning of the Washington Cherry Marketing Committee in accordance with the provisions of the marketing agreement and Order No. 122 (7 CFR Part 1022; 22 F. R. 3835) regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Washington Cherry Marketing Committee (established pursuant to the said marketing agreement and order), it is hereby determined that:

§ 1022.202 *Reserve fund.* The establishment of a reserve fund in the amount of $10,000.00 is appropriate and necessary to the maintenance and functioning of the Washington Cherry Marketing Committee. Such amount approximates one fiscal period's expenses. The committee is hereby authorized to carry forward in the aforesaid reserve excess assessment funds from the fiscal period ended March 31, 1958, and subsequent fiscal periods, not to exceed the foregoing amount. Such reserve shall be used to provide for the maintenance and functioning of the committee in accordance with the provisions of the marketing agreement and Order No. 122.

It is hereby found that good cause exists for not postponing the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the establishment of the reserve fund as herein provided does not require any increase in assessment rate or special preparation by handlers which cannot be completed by said effective time; (2) § 1022.42 provides that excess assessments remaining at the end of a fiscal year may be carried over into following periods as a reserve, as prescribed by the Secretary, for the maintenance and functioning of the committee; (3) the rate of assessment for the present fiscal year has not yet been fixed and current operating expenses of the committee must be met; (4) it is essential, under the circumstances, that specification of the reserve fund be made effective immediately for the maintenance and functioning of the committee; and (5) no useful purpose would be served by delaying the effective time beyond that hereinafter set forth.

Terms used in said marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 10, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58–5414; Filed, July 15, 1958; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR-422A]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

TURBINE-POWERED TRANSPORT CATEGORY AIRPLANES OF CURRENT DESIGN; SPECIAL CIVIL AIR REGULATIONS

Correction

In F. R. Document 58-5193, appearing in the issue for Tuesday, July 8, 1958, at page 5158, make the following change: In 4T.122 (a), line 4, the word "trust" should read "thrust".

Subchapter A—Civil Air Regulations

[Supp. 10]

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

CHANGES TO PERMIT REMOVAL AND INSTALLATION OF WINGS AND TAIL SURFACES FOR TRANSPORTATION ON TRAILERS

This supplement permits the removal and installation of certain glider wings and tail surfaces by a pilot who does not have the specialized training or practical experience of an aircraft mechanic.

1. Section 18.1-6 is amended by adding the following:

§ 18.1-6 *Preventive maintenance (CAA interpretations which apply to § 18.1).* The following are considered to be typical preventive maintenance operations: * * *

The removal and installation of glider wings and tail surfaces which are specifically designed for quick removal and installation when such removal and installation can be accomplished by the pilot.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 555)

This supplement shall become effective August 15, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator,
of Civil Aeronautics.

JULY 9, 1958.

[F. R. Doc. 58-5402; Filed, July 15, 1958, 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 15]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS PARTS, PROCESSES, AND APPLIANCES

TSO-C51, AIRCRAFT FLIGHT RECORDER

Minimum performance standards for aircraft flight recorders which are to be used in civil aircraft of the United States are defined in the new § 514.50 (TSO-C51).

Section 514.50 appeared as a notice of proposed rule making in 23 F. R. 2843 on April 29, 1958. All interested persons have been afforded an opportunity to submit written views, data, or argument. Based on these comments, the CAA-CAB Standard has been revised to incorporate the few changes considered applicable. These are minor and relaxatory in nature. Since the CAA-CAB Standard did not appear in the FEDERAL REGISTER but is incorporated in the TSO by reference, no useful purpose should be served by republication for further comments.

Section 514.50 is added under Subpart B of this part to read as follows:

§ 514.50 *Aircraft flight recorder—TSO-C51*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft flight recorders which specifically are required to be approved for use in civil aircraft of the United States. Aircraft flight recorders eligible for installation in civil aircraft shall meet the standards set forth in CAA-CAB Standard, "Aircraft Flight Recorder", dated June 12, 1958.[1]

(b) *Marking.* In addition to the markings in § 514.3, the rating (nominal voltage and wattage) shall also be marked on the recorder.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

(d) *Effective date.* August 1, 1958.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator
of Civil Aeronautics.

JULY 9, 1958.

[F. R. Doc. 58-5401; Filed, July 15, 1958; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7056]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ADELL CHEMICAL CO., INC.

Subpart—*Advertising falsely or misleadingly:* § 13.195 *Safety.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1890 *Safety.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Adell Chemical Company, Inc., Holyoke, Mass., Docket 7056, June 11, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a concern in Holyoke, Mass., with selling its household detergent "Lestoil" without warning purchasers that it was a combustible mixture and should not be used near an open flame or extreme heat, and with representing in television broadcasts that it could be used safety in such situations.

After acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Adell Chemical Company, Inc., a corporation, and its officers, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any detergent having the same composition or possessing substantially similar properties as the detergent now designated as "Lestoil", do forthwith cease and desist from:

1. Offering for sale, selling or distributing such product unless an adequate warning notice is clearly and conspicuously displayed on such product disclosing that such product is a combustible mixture and that purchasers thereof should avoid using it near an open flame or extreme heat.

2. Representing pictorially or by any other means, directly or indirectly, that such product is not a combustible mixture or that such product is safe to use near an open flame or extreme heat.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 11, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-5410; Filed, July 15, 1958; 8:47 a. m.]

[Docket 6472]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WYBRANT SYSTEM PRODUCTS CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1895 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721, 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Wybrant System Products Corporation et al., New York, N. Y., Docket 6472, May 29, 1958]

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[1] Copies may be obtained from the CAA Aircraft Engineering Division (W-241), Washington 25, D. C.

In the Matter of Wybrant System Products Corporation, a Corporation, and Abel Wybrants, William W. Wybrants, and Wade M. Wybrants, Individually and as Officers of Said Corporation, and as Copartners, Trading and Doing Business as The Wybrant System

This proceeding was heard by a hearing examiner on the complaint of the Commission charging operators in New York City of "The Wybrant System" with advertising falsely that by use of their preparations and treatment baldness and excessive hair loss would be prevented and new hair would be grown on bald areas in the majority of cases, and with failing to reveal that the vast majority of cases of excessive hair loss and baldness were male-pattern baldness and that in such cases use of their preparations would be of no value.

From the hearing examiner's initial decision and order to cease and desist made upon the record of the trial proceedings, counsel for both parties filed cross-appeals. Upon review, the Commission denied respondents' appeal, granted in part and denied in part the appeal of complaint counsel, modified the initial decision to conform with its written opinion, and on May 29 adopted the initial decision as thus modified as the decision of the Commission.

The order to cease and desist, as modified, is as follows:

It is ordered, That respondents Wybrant System Products Corporation, a corporation, and Abel Wybrants, William W. Wybrants, and Wade M. Wybrants, individually and as officers of said corporation, and as copartners trading as The Wybrant System, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their Lotion No. 2, also known as the Wybrant formula, or their shampoos, the compositions of which are set out in the findings herein, for use in the treatment of conditions of the hair and scalp, or any preparation of substantially similar composition, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that the use of any such preparations, alone or in conjunction with any method or treatment, will prevent or overcome excessive hair fall or baldness or cause new hair to grow, unless any such representation be expressly limited to cases other than those arising by reason of male pattern baldness, and unless the advertisement clearly and conspicuously reveals the fact that the great majority of cases of excessive hair fall and baldness are the beginning and more fully developed stages of male pattern baldness and that in such cases said preparations will be of no value in preventing or overcoming excessive hair fall or baldness or in causing new hair to grow.

2. Disseminating or causing to be disseminated by any means any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in Paragraph 1 above, or which fails to comply with the affirmative requirements of Paragraph 1 above.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

It is further ordered, That the initial decision of the hearing examiner, as modified by the Commission, be, and it hereby is, adopted as the decision of the Commission.

Issued: May 29, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-5411; Filed, July 15, 1958; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

INFORMAL STATEMENTS RE VARIOUS FOOD AND DRUG MATTERS

Under the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055; 21 U. S. C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), and pursuant to the provisions of the Administrative Procedure Act (sec. 3, 60 Stat. 237, 238; 5 U. S. C. 1002), Part 3 of this chapter is amended by adding to Subpart B the following new sections:

§ 3.507 *Location of expiration date in drug labeling.* Drugs which require an expiration date should show the expiration date on the immediate container. When the immediate container is packaged in an individual carton, the expiration date should also be placed on the carton. When single-dose containers are packed in individual cartons, the expiration date may properly appear on the carton only.

(Secs. 505, 506, 507, 52 Stat. 1052, as amended, 55 Stat. 851, 59 Stat. 463, 61 Stat. 12, 63 Stat. 409; 21 U. S. C. 355, 356, 357)

§ 3.508 *Significance of control numbers on drug labeling.* The lot number on the label of a drug should be capable of yielding the complete manufacturing history of the package. An incorrect lot number may be regarded as causing the article to be misbranded.

(Sec. 502, 52 Stat. 1050; 21 U. S. C. 352)

§ 3.509 *Labeling of drug preparations containing salicylates.* (a) The label of any oral drug preparation intended for sale without prescription and which contains any salicylate ingredient (including aspirin, salicylamide, other salicylates and combinations) must bear a conspicuous warning statement such as: "Warning: Keep out of the reach of children," or "Warning: Keep this and all medications out of the reach of children." Such a warning statement is required for compliance with section 502 (f) (2) of the Federal Food, Drug, and Cosmetic Act and is intended to guard against accidental poisonings. Safety closures that prevent access to the drug by young children are also recommended to guard against accidental poisonings.

(b) Effervescent preparations and preparations containing para-aminosalicylate as the only salicylate ingredient are exempted from this labeling requirement.

(c) Aspirin tablets sold as such and containing no other active ingredients, except enteric-coated tablets which cannot be subdivided to a child's dose, should always bear dosage directions for each age group down to 3 years of age, with a statement such as, "For children under 3 years of age consult your physician." It is recommended that aspirin tablets specially made for pediatric use be produced only in 1¼-grain size to reduce the hazard of errors in dosage.

(d) Salicylate preparations other than aspirin tablets sold as such may, at the option of the distributor, be labeled for use by adults only, if their labeling and advertising clearly offer them for administration to adults only.

(e) (1) It is the obligation of the distributor who labels a salicylate preparation for administration to children to make certain that the article is suitable for such use and labeled with adequate directions for use in the age group for which it is offered, but in no case should such an article bear directions for use in children under 3 years of age. If the directions provide for administration to children as young as 3 years of age, the label should bear the statement, "For children under 3 years of age consult your physician." However, if the directions provide for administration to children only of an age greater than 3 years (for example, the dosage instructions provide for administration of the article to children only down to age 6), the label should bear a statement such as, "For younger children consult your physician."

(2) A statement such as, "For children under 3 years of age consult your physician" or "For younger children consult your physician," is not required on the label of an article clearly offered for administration to adults only.

(f) If the labeling or advertising of a salicylate preparation offers it for use in arthritis or rheumatism, the label and labeling should clearly state that the beneficial effects claimed are limited to:

"For the temporary relief of minor aches and pains of arthritis and rheumatism." The qualifying phrase "for the temporary relief of minor aches and pains" should appear with the same degree of prominence and conspicuousness as the phrase "arthritis and rheumatism." The label and labeling should bear in juxtaposition with such directions for use conspicuous warning statements to the effect: "Caution: If pain persists for more than 10 days, or redness is present, or in conditions affecting children under 12 years of age, consult a physician immediately." The salicylate dosage should not exceed 60 grains in a 24-hour period or 10 grains in a 4-hour period. If the article contains other analgesics, the salicylate dosage should be appropriately reduced.

(g) (1) The label of any drug containing more than 5 percent methyl salicylate (wintergreen oil) should bear a conspicuous warning such as: "Warning: Do not use otherwise than as directed. Keep out of the reach of children to avoid accidental poisoning."

(2) If the preparation is a counter-irritant or rubefacient, it should also bear a caution such as, "Caution: Discontinue use if excessive irritation of the skin develops. Avoid getting into the eyes or on mucous membranes." (See also § 3.35.)

(Sec. 502, 52 Stat. 1051; 21 U. S. C. 352)

§ 3.510 *Over-the-counter drugs for minor sore throats; suggested warning.* The Food and Drug Administration has studied the problem of the labeling of lozenges or troches containing antibiotics and a local anesthetic, chewing gum containing aspirin, various mouth washes and gargles and other articles sold over the counter for the relief of minor irritations of the mouth or throat. It will not object to the labeling of suitable articles of this type "For the temporary relief of minor sore throats," provided this is immediately followed in the labeling with a warning statement in prominent type essentially as follows: "Warning—Do not use in the presence of fever, headache, nausea, or vomiting. These usually indicate a severe infection. Do not use more than 2 days unless directed by physician. If irritation persists or increases, discontinue use and consult physician. Do not administer to children under 6 years of age unless directed by a physician."

(Sec. 502, 52 Stat. 1051; 21 U. S. C. 352)

§ 3.651 *Shampoo preparations containing egg as one of the ingredients.* The present views of the Food and Drug Administration concerning the status of shampoo preparations containing egg as one of the ingredients are as follows:

(a) An article designated as "egg shampoo" should contain one egg (or the equivalent amount of dried whole egg) in that quantity of the article which would be used in one shampooing of the hair.

(b) An article that contains less than one egg per "shampoo" should not be referred to as an "egg shampoo," and the word "egg" should not be used as part of the name of the article. At the present time, the Administration is not raising objection to the marketing of an article containing less than one egg per "shampoo," provided the word "egg" does not appear in the name of the article, the reference to the egg ingredient, such as "plus egg," appears in a subordinate position on the label and is in type which is substantially reduced in size in comparison with the title of the article, and the reference to the presence of egg reveals the amount of the egg ingredient.

(c) In the case of an article containing less than 2 percent egg, the amount of egg is so small as to be insignificant, and it is therefore considered that it would be misleading for the labeling to make any mention of the presence of egg in such a product.

(Sec. 602, 52 Stat. 1054; 21 U. S. C. 362)

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

Dated: July 9, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-5403; Filed, July 15, 1958; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter B—Personnel

[Dept. Reg. 108.368]

PART 11—EXAMINATIONS FOR THE APPOINTMENT OF FOREIGN SERVICE OFFICERS

WHEN AND WHERE GIVEN

1. Section 11.2 *When and where given* is amended to read:

§ 11.2 *When and where given.* The written examination will be given annually or semi-annually, if required, in designated cities in the United States and at Foreign Service posts abroad on dates established by the Board of Examiners for the Foreign Service. The oral examination will be given at Washington, D. C., throughout the year and periodically in selected cities throughout the United States and at selected Foreign Service posts abroad. The physical examination will be given as indicated in § 11.8.

2. Section 11.8 *The physical examination*, paragraph (b), is amended to read:

(b) The physical examinations will be conducted by medical officers of the Armed Services, the Public Health Service, the Department of State, or accredited colleges and universities, or, in exceptional circumstances, by private physicians designated by the Board of Examiners.

(Sec. 212, 60 Stat. 1001; 22 U. S. C. 827)

For the Secretary of State.

W. K. SCOTT,
Assistant Secretary for Administration.

JULY 7, 1958.

[F. R. Doc. 58-5440; Filed, July 15, 1958; 8:55 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

REFINANCING

In § 201.9 (b), subparagraphs (1) and (4) are amended to read as follows:

§ 201.9 *Refinancing.* • • •

(b) *Maximum maturity.* (1) A Class 1 (a) loan or a Class 2 (a) loan which had an original principal amount, exclusive of financing charges, of $600 or less may be refinanced for an additional period not in excess of 3 years and 32 days from the date of the refinancing, but not to exceed 5 years from the date of the original note. A Class 1 (a) loan or a Class 2 (a) loan which had an original principal amount, exclusive of financing charges, of more than $600 may be refinanced for an additional period not in excess of 5 years and 32 days from the date of the refinancing, but not to exceed 7 years from the date of the original note.

• • • • •

(4) When a Class 1 loan or a Class 2 loan is made or refinanced and consolidated with another Class 1 loan or Class 2 loan, the new note evidencing the consolidated obligation shall not be for a longer term than that which the component loan having the shortest permissible maturity could have if made or refinanced alone: *Provided*, That consolidated Class 1 (a) or Class 2 (a) loans may be refinanced for an additional period of 5 years and 32 days, but not to exceed 7 years from the date of the earliest component loan, if the consolidated obligation, exclusive of financing charges, exceeds $600 or if any of the component loans had an original principal amount, exclusive of financing charges, of more than $600.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703)

Issued at Washington, D. C., July 10, 1958.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 58-5426; Filed, July 15, 1958; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 910]

VEGETABLES GROWN IN CERTAIN DESIGNATED COUNTIES IN COLORADO

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the San Luis Valley Vegetable Committee, established pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR Part 910), regulating the handling of vegetables grown in certain designated counties in Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 910.212 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the San Luis Valley Vegetable Committee, established pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended, to enable such committee to perform its functions pursuant to the provisions of aforesaid amended marketing agreement and order, during the fiscal period ending May 31, 1959, will amount to $900.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended, shall be six-tenths of one cent ($0.006) per bushel of peas or crate of cauliflower or respective equivalent quantities thereof, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR Part 910).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 10, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5416; Filed, July 15, 1958; 8:49 a. m.]

[7 CFR Part 937]

NECTARINES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR INITIAL FISCAL YEAR

Consideration is being given to the following proposals submitted by the Nectarine Administrative Committee established under the marketing agreement and Order No. 37 (7 CFR Part 937; 23 F. R. 4616) regulating the handling of nectarines grown in California, effective June 25, 1958, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $19,460.00 will be necessarily incurred by said committee during the initial fiscal period (June 25, 1958, through February 28, 1959) for its maintenance and functioning under the aforesaid marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles nectarines shall pay during the initial fiscal period in accordance with the applicable provisions of said marketing agreement and order, the rate of assessment of $0.01 per standard lug box, or equivalent quantity of nectarines in other containers or in bulk so handled by such handler during such fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order, and "standard lug box" shall mean the No. 26 standard lug box set forth in section 828.4 of the Agricultural Code of California.

Dated: July 10, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5415; Filed, July 15, 1958; 8:49 a. m.]

[7 CFR Part 963]

[Docket No. AO-306]

HANDLING OF APPLES GROWN IN DESIGNATED PART OF WASHINGTON

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of apples grown in designated part of the State of Washington, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., not later than the close of business of the fifteenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed marketing agreement and order (hereinafter referred to collectively as the "order") were formulated, was held at Chelan, Washington, on May 6, 1958, and continued at Yakima, Washington, on May 12, 1958, pursuant to a notice thereof which was published April 3, 1958, in the FEDERAL REGISTER (23 F. R. 2201). Such notice set forth a proposed marketing agreement and order which had been presented to the Department of Agriculture by the Washington State Horticultural Association, with a petition for a hearing thereon.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction in this instance;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the order including:

(a) Definition of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The incurring of expenses and the levying of assessments;

(d) The method for regulating shipments of apples grown in the production area;

(e) The provision of exemptions and the establishment of special regulations for apples handled in certain types of shipments or for certain specified purposes;

(f) The requirement for inspection and certification of apples handled;

(g) The establishment of reporting requirements for handlers;

(h) The requirement of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(i) Additional terms and conditions as set forth in §§ 963.62 to 963.71 and published in FEDERAL REGISTER (23 F. R. 2201) on April 3, 1958, which are common to marketing agreements and orders, and certain other terms and conditions as set forth in §§ 963.72 to 963.74, and also published in the said issue of the FEDERAL REGISTER, which are common to marketing agreements only.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) Apples are produced commercially in 35 states. Since 1934, the production of apples in Washington has ranged between 17.2 (1951) percent to 39.8 (1945) percent of the total commercial production in the United States. In 1957, Washington's production of 32,600,000 bushels of apples amounted to 27.8 percent of the total production in the United States. Washington markets the major portion of its apples in fresh fruit channels. Washington apples, since 1934, have ranged from 22.5 percent in 1937 to 48.9 percent in 1945 of the fresh sales of apples produced in the United States.

Washington apples are distributed widely in the United States, Canada, and many other foreign countries. The State of Washington is an important market for Washington apples. The evidence of record indicates that during the period September through June of 1955–56 and 1956–57 season, the Seattle market handled a larger volume of Washington apples than any of the following markets—San Francisco, Oakland, St. Louis, Pittsburgh, Philadelphia, Detroit, Cleveland, Cincinnati, Boston, and Atlanta.

Any handling of Washington apples in fresh market channels exerts an influence on all other handling of such apples in fresh form. Sellers of apples, as of other commodities, endeavor to conduct their businesses so as to secure maximum returns for the apples they have for sale. The seller of apples continually surveys all accessible markets so that he may take advantage of the best possible opportunity to market the fruit. Markets within the State of Washington provide opportunities to dispose of apples the same as markets within other states, or for export; and the sale of a quantity of apples in a market within Washington exerts a similar influence on all other sales of apples as a like quantity sold in another market within any other state.

If shipments of apples to markets outside Washington were regulated, while those within the State were unregulated, growers and handlers would attempt to market within the State the lower quality apples which could not be shipped under regulation. This would depress the price of apples in Washington markets to a level below that prevailing in markets outside the State. The existence of a lower price level for apples marketed within Washington would tend to depress the prices for apples sold in interstate markets, particularly in immediately adjacent markets. Buyers generally have ready access to market information; and knowledge of lower prices in one market is used in bargaining for apples to be shipped into other markets, including markets outside the State of Washington. Moreover, it appears obvious that with substantial quantities of poor quality apples burdening markets in the State of Washington, there would be less opportunity to sell in such markets apples meeting the requirements of the regulations established. The larger quantity of apples, which would be required to be sold in interstate markets under such circumstances, would likewise tend to lower the level of prices in the interstate markets.

Apples are usually either prepared for market as quickly as possible after they are delivered to the packing facility, or they are stored loose, ungraded, and prepared for market as orders are received by the sales force. Often, apples which are graded, packaged, and sold are stored in storages within the production area for shipment to the market later in the season. Buyers for some chain stores purchase large quantities of apples, some of which are destined for markets within the State and some of which will be sent to markets outside the State. Shipments originally destined for Seattle, Spokane, or Vancouver are often diverted to markets outside the State. In many of these situations, neither the packer, seller, nor buyer know the final destination of the apples at time of purchase. Moreover, it was testified at the hearing that were the sale of apples to intrastate markets unregulated, some shippers may change their method of doing business in that they would first ship to intrastate destinations and later divert the same shipment to interstate markets. These situations would make it difficult to affect compliance with interstate shipments if shipments to markets within the State were unregulated. Because of the foregoing, it is concluded that the movement and sale of Washington apples, whether to a market within the State of Washington or outside thereof, affect prices of all apples grown in the production area. Therefore, it is hereby found that all handling of apples grown in the production area is either in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce. Hence, except as hereinafter otherwise provided, all handling of apples grown in the production area should be subject to the authority of the act and of the order.

(2) The hearing record indicates that the trend of apple production in Washington is sharply upward. The total annual production of apples in that State fluctuated rather sharply during the past few years. The annual production for the past 7 years is as follows: 1951, 19,100,000 bushels; 1952, 22,800,000 bushels; 1953, 24,400,000 bushels; 1954, 23,200,000 bushels; 1955, 26,100,000 bushels; 1956, 17,700,000 bushels; and 1957, 32,600,000 bushels. Crops as large and often larger than in 1957 can be expected in the future because of the large numbers of young trees that will soon be coming into production. Increased plantings have been due in part to the making available of additional land through the Federal Bureau of Reclamation, the development of better pumps which makes land at higher elevations available for planting, and the market popularity of the Red Strains, primarily of the Delicious variety. Since 1949, the rate of planting has been considerably over and above the amount of planting needed to maintain normal production. The 1954 Census lists 1,134,114 trees of nonbearing age and 2,436,108 trees of bearing age. At the present time, Washington Delicious accounts for more than 50 percent of the total Delicious production in the United States. A large percentage of the trees of nonbearing age and young trees just beginning to bear are of the Red Sport strains of the Delicious variety.

Prices received by growers for Washington apples sold in fresh fruit channels were relatively favorable for the 1951 through the 1956 crops. Washington production during those years was generally light to moderate. Prices received were unfavorable in 1949 and 1950 when the crops were large. Returns to growers were unfavorable for the 1957 crop. In both 1950 and 1957 shipments of off-condition apples were an important factor in depressing prices. "Condition" includes not only such factors as storage scab, decay, scald, internal breakdown, and watercore but also those which may be described in terms indicating the varying degree of firmness, depending upon stage of the ripening process such as Hard, Firm, Firm Ripe, Ripe, and Overripe. Many shipments of off-condition apples were made in 1957 which did not return to the grower the costs of picking, packing, storing, and transporting to the markets. This resulted not only in a loss of at least production costs to the growers of these apples but also resulted in a further lowering of returns to growers in that the sale of such apples depressed the prices at which apples in better condition could be sold.

Condition appears to be a more important factor from the standpoint of consumer acceptance than grade. This is understandable since consumers purchasing apples which are mealy and overripe will be dissatisfied and reduce or entirely discontinue apple purchases. However, the better grade apples in the same condition generally command better prices than poorer grade apples.

The Washington apple industry has long recognized the demoralizing effect of cull apples on prices to growers and the shipment of such apples for fresh market uses is prohibited under State law unless such apples are ringfaced in lidded bushel baskets and labeled "culls." Such apples are used for processing both within and outside of the State of Washington. It was alleged that in some instances these cull apples shipped to destinations outside the State of Washington for processing are actually sold in fresh fruit channels. This lessens the demand for better apples in such channels and lowers the price at which they can be sold.

The Washington apple industry spends substantial sums of money in advertising Washington apples. Witnesses contended that the shipment of fruit in poor condition and of unsatisfactory quality was, in part, nullifying these efforts. Sums spent in advertising would be more effective if only apples which would provide consumer satisfaction were marketed.

The term maturity as used by the industry refers to the stage of ripeness of the apple, ranging from immature to

and mealy. Prices for apples are generally high at the beginning of the season, and growers and handlers are anxious to start shipping in order to take advantage of such prices. However, the shipment of immature apples early in the season to take advantage of the high prices is not such a common occurrence although testimony indicated that with increased plantings of Red strain varieties which develop a red color at an earlier stage of maturity, growers may well attempt to ship more immature apples in future years. Another factor which tends to lessen or prevent the shipment of immature apples is the industry appointed maturity committee. This committee sets the date after which the Delicious variety may be shipped. Also, each of the grades established in the State of Washington Standards for apples and each of the grades, except U. S. No. 1 Early, established in the United States Standards for apples require the apples to be mature.

Color is an important grade factor and red color is a desirable attribute of all the major varieties of Washington apples, except varieties such as Golden Delicious and Yellow Newtown. The climate in the production area, warm days and cool nights, is conducive to the development of a highly colored apple. This high color is an important factor in determining the grade of a particular variety of apples. Different varieties often have different color requirements for the same grade. Adverse weather just before or during the period at which the fruit should be picked can seriously affect the outcome of the crop. Hot weather during this period can dull or cloud the color already present or slow down the formation of red color. This lack of color often results in the apple being graded at least one grade lower than would be the case if color was not a major factor. The attempt on the part of some growers and handlers to obtain a higher degree of color on each apple has sometimes resulted in leaving the apples on the trees beyond the date which is the most optimum time to harvest from the standpoint of condition. Leaving the apple on the tree after the optimum harvest date results in harvested fruit which has advanced in maturity beyond the stage at which the apples can be harvested and marketed in a satisfactory condition through the normal commercial channels of trade. This poses a problem for growers in trying to decide whether to harvest apples in optimum condition or to leave them on the trees to obtain better color. The decision of some growers has often been to place more emphasis on color than on condition. This has resulted in off-condition apples being marketed in some instances. The marketing of such off-condition fruit depresses the price for apples and contributes to disorderly marketing conditions.

Several witnesses contended that the proposed order should not be adopted. Most of these witnesses agreed that the Washington apple industry faced a problem especially in the marketing of off-condition apples. A few of these opposition witnesses believed nothing should be done in attempting to solve it on an industrywide basis and that the solution should be left to each individual. Most of the opposition witnesses, however, agreed that some industry program should be formulated to attempt to solve the problems. These witnesses contended either (1) that the proposed program would not help in solving the problem or (2) that it should be undertaken under the authority of existing or new State laws rather than through a Marketing Committee under the authority of the Federal Agricultural Marketing Agreement Act of 1937, as amended.

Testimony shows that a better job can be done in growing, harvesting, and marketing apples. If growers and shippers knew that apples must meet certain requirements of condition in order to be shipped in fresh fruit channels not only would growers redouble their efforts to produce and harvest fruit in the required condition, but shippers also would use greater care in planning the shipment of the various lots of apples while they were still in satisfactory condition. The establishment of regulations with respect to condition, maturity, and grade such as are contemplated under the order would provide a method whereby orderly marketing could be promoted.

Therefore, it is concluded that the establishment of the order, providing for the regulation of condition, maturity, and grade, is necessary to effectuate the declared policy of the act. Also, the establishment and maintenance in effect of minimum standards of condition, maturity, and grade, when prices are above the parity level, will effectuate such orderly marketing of Washington apples as will be in the public interest. The objective under such order is to make available to buyers only those apples that are of desirable condition, maturity, and grade. Such regulations should contribute to the establishment of more orderly marketing conditions and tend to increase the demand for Washington apples.

(3) The term "apples" should be defined in the order to identify the commodity to be regulated thereunder. Such term, as used in the order, refers to all varieties of the fruit classified botanically as Malus sylvestris which is grown in the production area. Such fruit is commonly called apples, and the term has a specific meaning to all growers, handlers, and others who produce and market the commodity.

The term "variety" should be defined in the order, as hereinafter set forth, since it is proposed, for reasons hereinafter discussed, to provide authority for different regulations for different varieties of apples. There are comparatively few varieties of apples grown in the production area which are of major commercial importance. However, additional varieties and red strains of existing varieties are being propagated. Each of the varieties has characteristics which serve to distinguish it. From a market standpoint, however, they are competitive one with the other. It is necessary, therefore, that all varieties of apples, including those that may be developed in the future, be subject to regulations under the order.

A definition of "production area" should be set forth in the order to delineate the area in which the apples to be regulated are grown. Apples are produced in all counties within the State of Washington. However, most commercial production is confined to the Yakima and Wenatchee-Okanogan areas of central Washington, commonly referred to as the Wenatchee Valley and the Yakima Valley. Smaller commercial areas are located in Spokane, Skamania, Klickitat and Walla Walla counties. The Census report shows a considerable number of trees in some of the counties, and a few trees in each of the other counties, west of the summit of the Cascade range. However, most of these trees consist of backyard plantings, and many of them are early varieties which do not compete with the Washington commercial apple crop. Since there is very little likelihood of commercial orchards being developed in this area in the near future, the area west of the summit of the Cascade range should be excluded from the production area at this time. The area lying generally east of Wenatchee Valley and Yakima Valley contains districts having soil, water conditions, and general weather pattern of such nature to be potential producing areas. This is further evidenced by the increased rate of tree planting in certain parts of this area. Also, it would not be practicable to exclude areas not producing apples which surround or are adjacent to all of the production area. Moreover, apples from the area generally east of the Wenatchee Valley and Yakima Valley move into one or both Valleys at times for preparation for market or for storage prior to shipment to market. A modification was proposed which would exclude the counties of Skamania and Klickitat from the production area. This area is commonly referred to as the White Salmon-Underwood area and is considered to be a commercial producing district. The two counties should not be excluded within the production area for the following reasons: (1) The Delicious variety which ranks first in volume of production within Washington, is produced in this area in considerable volume; (2) apples from this area are prepared for market in the same way and packed in the same type containers as are apples from other areas within the State; (3) apples from this area are sometimes transported to packing facilities in the Yakima area for preparation for market; and (4) apples from Yakima are sometimes stored in the White Salmon-Underwood area. There was considerable testimony given that no commercial producing district within the State of Washington should be excluded from the production area. It is concluded, therefore, that the production area as hereinafter defined is the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act.

(4) The term "handler" should be defined in the order to identify the persons who are subject to regulation under the program. Since it is the handling of

apples that is regulated, the term "handler" should apply to all persons who place apples in commerce by performing any of the activities within the scope of the term "handle," as hereinafter described. In other words, any person who is responsible for the sale, delivery, consignment, or transportation of apples, or who in any other way places apples in commerce, should be a handler under the order and be required to carry out such activities in accordance with the order provisions. However, the transportation by a common or contract carrier of apples owned by another person should not be considered as making such carrier a "handler" as, in such instances, the carrier is performing services for hire and is not responsible for the grade, maturity or condition of the commodity. Of course, if the carrier is the owner of the apples being transported, such carrier would be the handler the same as any other person who may primarily be engaged in another business—such as producer or retailer—but at times is also a handler of apples.

The term "handle" should be defined to identify those activities that it is necessary to regulate in order to effectuate the declared policy of the act. Such activities include all phases of selling and transporting which place apples in the channels of commerce within the production area or from the production area to any point outside thereof. The handling of apples begins at the time the fruit is picked from the tree and includes each of the successive selling and transporting activities until the fruit reaches its final destination. The performance of any one or more of these activities, such as selling, consigning, delivering, or transporting by any person, either directly or through others, should constitute handling. In order to effectuate the declared policy of the act, each such person should be required, except as hereinafter indicated, to limit such handling of apples to fruit which conforms to the applicable regulations under the order.

In most years few apples are sold on-the-tree. There are some sales on the basis of delivered at roadside or at warehouse door. After picking, nearly all the apples are sorted, graded, packed, or otherwise prepared for market. Such preparation for market is generally done at the packinghouse. The grower, in such instances, properly relies on the person preparing the apples for market to see that the fruit which is later shipped meets all applicable requirements for marketing. Moreover, such activities are, of necessity, preliminary to placing the apples in marketing channels. It would not be practical and would unnecessarily complicate the administration of the order to endeavor to require persons engaged in the preparation of apples for market to meet the requirements of regulations under the program until after such preparation. Therefore, such activities should be excluded from the definition of "handle." Apples may be sold at the orchard where grown or at a packinghouse, before or after packing, to truckers and others who transport the apples from such points to markets within and without the State. The sale or delivery of apples to such persons and the subsequent movement to market are handling transactions. Any person who engages in any such transaction, whether grower, packinghouse operator, trucker, or others, would therefore be a handler under the order by virtue of such transaction. Each such person should have the responsibility of assuring himself that the apples he handles meet all applicable regulations in effect at the time of handling. Compliance with the regulations which are authorized by the order can readily be determined by the person who is responsible for grading and otherwise preparing the apples for market. The primary responsibility for determining whether a particular lot of apples conforms to the applicable regulations should rest with the person who places such lot, or causes it to be placed, in the current of commerce. In most cases, such person will be the one who was responsible for grading and preparing the apples for market. However, all subsequent handlers also should be responsible for seeing that any regulations applicable to the apples are met at the time such persons handle the apples. This can readily be ascertained by determining that the apples have been inspected and certified as meeting such regulations or by having them inspected. As all handling of apples is in interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce, it is concluded that, except as indicated herein and as specifically exempted by the act and order, all sales, consignment, delivery, or transportation of apples within the production area or between the production area and any point outside thereof should be subject to the order and any regulations issued pursuant thereto.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citations for the statute, pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

The term "fiscal period" should be defined to set forth the period with respect to which financial records of the [illegible] Quality Control Committee—the [illegible] which will administer the program [illegible] cally—are to be maintained. At [illegible] present time, it is desirable to [illegible] a 12-month period ending the last [illegible] of July of each year as a fiscal [illegible] Such a period would fix the end of [illegible] fiscal period and the beginning of [illegible] next at a time of least activity in [illegible] marketing of apples. This would facilitate fixing the term of office of members and alternates to coincide with such period as it would allow sufficient time prior to the time shipments begin for the committee to organize and develop information necessary to its functioning during the ensuing year, and would also insure that a minimum of expense would be incurred during a fiscal period prior to the time assessment income is available to defray such expenses. However, it may develop that for convenience of management, or for other good and sufficient reasons not now apparent, that it would be desirable to establish a fiscal period other than one ending the last day of July; hence, authority should be included in the order to provide for such establishment subject to approval of the Secretary pursuant to recommendations of the committee. Therefore, it is concluded that such term should be defined as hereinafter set forth to provide this flexibility.

A definition of "committee" should be incorporated in the order to identify the administrative agency established under the provisions of the program. Such committee is authorized by the act and the definition thereof, as hereinafter set forth, is merely to avoid the necessity of repeating its full name each time it is referred to.

Definitions of "grade" and "condition" should be incorporated in the order to provide a basis for expressing grade and condition limitations thereunder, and thus to enable persons affected thereby to ascertain the extent and application of grade and condition limitations. "Grade" should be defined as any one of the officially established grades of apples as defined and set forth in: (1) Sections 51.300 to 51.327 of the United States Standards for Apples (21 F. R. 5084), or (2) Standards for Apples issued by the State of Washington, effective September 1957, or (3) amendments to any grade set forth in either of such standards, or modifications thereof, or variations based thereon. "Condition" should be defined to mean any of the officially established standards relative to condition factors of apples as defined and set forth in: (1) Section 51.317 of the United States Standards for Apples (21 F. R. 5084), or (2) Condition Standards for Apples issued by the State of Washington, effective September 1957, or (3) amendments to either such condition standards, or modifications thereof, or variations based thereon. Such definitions provide the flexibility necessary to cope with the possible variations in apples due to detrimental effects of weather or other possible hazards affecting the crop. The United States Standards for Apples or the Standards for Apples issued by the State of Wash-

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each of which contain condition standards, have been used by the apple industry in the State of Washington for a number of years and therefore provide appropriate bases for describing grade and condition limitations.

The term "grower" should be synonymous with "producer" and should be defined to include any person who is engaged, within the production area, in the production of apples for market and who has a proprietary interest therein. There are several types of shippers or handlers who operate within the production area. One such type shipper is commonly known as a grower-shipper. The Agricultural Marketing Agreement Act of 1937, as amended, has for one of its purposes the establishment and maintenance of such orderly marketing conditions as will establish to farmers parity prices. It is thought that a person deriving most of his income from a producing enterprise would have more complete understanding of the producer problems and would be better able to represent the producers. To insure appropriate producer representation on the committee, it was testified at the hearing that a grower-shipper who handles apples other than his own production should not participate as a grower in the election of nominees for committee membership, nor should he be eligible to serve as a grower member of the committee, if the apples of his own production constituted less than 51 percent of the total apples handled by such person during the previous fiscal year. Since provision is made for handler representation on the committee, it was testified the grower representation should be limited to persons who are primarily growers. This is not intended in any way to eliminate any grower-shipper from nominating, voting for, or serving as a committee member or alternate member, but merely provides that if he is primarily a shipper, he shall fall into the shipper category as far as voting for committee members or serving on the committee is concerned. The term "grower" should, therefore, be defined as hereinafter set forth.

"District" should be defined as set forth in the order to provide a basis for the nomination and selection of committee members. The districts (i. e., the geographical divisions of the production area as established and as set forth in the order) represent the best basis which could be devised at this time for providing a fair, adequate, and equitable representation on the committee. The provision for redistricting is desirable because it allows the committee and the Secretary to consider, from time to time, whether the basis for representation on the committee should be changed.

(b) It is desirable to establish an agency to administer the order locally under and pursuant to the act, as an aid to the Secretary in carrying out the declared policy of the act. The term "Apple Quality Control Committee" is a proper identification of the agency and reflects the character thereof. A committee of 17 members, with a like number of alternates, should provide adequate industry representation on the committee to recommend marketing regulations and to perform other administrative responsibilities. In order to insure a committee that will represent the apple industry within the production area, 12 of the members should be producers and 5 should be handlers. Although it is primarily a grower's program, the restrictions are placed at the handler level so it is only right that the handlers have representation on the committee. The division of 12 grower and 5 handler members provides a majority membership to the producers. Handlers are usually closer to the marketing situation, and 5 members on the committee should provide ample advice and counsel to the grower members of the committee. Alternate members should have the same qualifications as the member for whom he is an alternate, as he will be acting in the place and stead of the member. Growers who are also shippers should vote for or serve on the committee as grower member or handler member on the basis hereinbefore outlined. Some growers and handlers of apples are corporations. These corporations have employees who are in charge of the growing, harvesting, packing, and marketing operations. Such employees would be qualified from the standpoint of knowledge and experience for service on the committee, and it would not be in the best interest of the industry to deny them the opportunity to be nominated for and serve on the committee as grower member or handler member, respectively.

Some opponents to the proposed program wanted to modify the committee membership to consist of a total of 16 members, 8 of which would be grower members and 8 would be handler members. It was testified that the restriction encompassed by means of the program would be at the handler level. Also, even though off-condition is often the result of decisions made on the part of the grower, the ultimate decision as to the disposition of the fruit sometimes rests with the handler.

Testimony shows that a substantial portion of the total volume of apples sold in fresh fruit channels are either sold through cooperative pools or the individual grower sells his own production. In such cases the grower or a board of directors composed of growers or a group of growers making up the pool has the final say as to whether or not to sell the fruit. The individual grower who also sells is commonly known as a grower-shipper. Such grower-shipper may limit his sales to apples of his own production or he may also market some apples produced by others. In either event, this type marketer, as a group, markets a considerable volume of the total production of Washington apples. Such grower-shipper is, when his production is 51 percent or more of the total volume of apples he marketed during the previous fiscal year, eligible to vote for and serve on the committee as grower member or alternate grower member. Also, a considerable number of people are employed in a sales capacity, as, for example, sales manager of a cooperative, who are also growers. These individuals would be eligible to vote for and serve in a grower capacity on the committee. Because of the marketing methods used, it appears very likely that a number of the grower members of the committee would also be handlers and have marketing experience.

Therefore, it is concluded that the committee should consist of 17 members, of which 12 shall be grower members and 5 shall be handler members. Two grower members and one handler member and their respective alternates shall represent District 1. Four grower members and two handler members and their respective alternates shall represent District 2. Five grower members and two handler members and their respective alternates shall represent District 3. One grower member and his alternate shall represent District 4. Such representation recognizes to the extent practicable the relative volume of production in the various districts. Also, such division follows the established division into horticultural districts. Provision to reapportion membership on the committee among districts should be provided so that, if it becomes apparent that through shifts in production, reestablishment of districts, or other reasons, such representation is inappropriate, the Secretary may, upon recommendation of the committee, make such reapportionment as he finds necessary.

Each member of the committee and his alternate should be a grower, or an officer, or employee of a corporate grower, or a handler, or officer, or employee of a handler of apples in the district for which selected. Persons with such qualifications should be intimately acquainted with the problems of producing or marketing apples grown in such district and may be expected to present accurately the problems incident to the production and handling of apples grown in that district.

The term of office of committee members and alternates under the proposed program should be for 2 years beginning August 1 and ending July 31, or such other beginning and ending dates as may be prescribed so that the term of office shall remain constant with the fiscal period as hereinafter set forth in § 963.7. However, the term of office for 6 of the initial grower members and alternates and 2 of the initial handler members and alternates shall end on July 31, 1959. This provision is necessary to set up the rotation process whereby about one-half of the committee will be elected each year. This rotation procedure will also provide a committee, half of which will be familiar with the workings of the order and will be able to acquaint the new members of the committee with the operations of the program. The term of office, starting August 1, will begin sufficiently in advance of the time shipment of apples commences each season to allow adequate time for the committee to organize and start operating. Since it is possible that the new committee members may not be appointed immediately upon expiration of the term of existing members, or that some may fail to qualify immediately, provision should be made for members to continue to serve

on the committee until their successors are selected and have qualified. This is necessary to insure continuity of committee operations.

A procedure for the election of nominees for membership on the committee should be prescribed in the order to assist the Secretary in his selection of members and alternate members of the committee. It is recognized that the Secretary is vested with authority under the act to select the committee members; and the nomination of prospective members and alternate members by mail balloting, or at meetings of the growers or handlers is a practical method of providing the Secretary with names of the persons which the industry desires to serve on the committee. While the use of mail balloting is not used to the same extent as nomination meetings in securing nominees under marketing agreements and orders, it is used to some extent, and it was testified that such method had proved successful in the election of nominees for appointment to other Washington apple industry bodies. It was also testified that extenuating circumstances might make it impossible for a certain group or groups to attend a nomination meeting. For example, it probably would be very difficult to hold a nomination meeting in District 4 because of its very large size and the scattered distribution of the apple producing areas in such district. Therefore, the committee may find it desirable to use the mail balloting method of securing the names of nominees exclusively in District 4. The manner of designating nominees in each district, whether by mail balloting or by nomination meetings, or a combination of both, should be at the option of the committee. The committee should, with approval of the Secretary, establish procedural rules and regulations as necessary to govern the conduct of mail balloting and nomination meetings.

As the administrative committee will not be in a position to act until after the selection by the Secretary of its initial members, the order should provide a procedure for the selection of the initial members. The Secretary may appropriately select the initial committee members and alternates from nominations which may be made by growers or handlers or appropriate groups thereof, or from other eligible persons; and the order should so provide. In order that the initial membership of the committee may be selected as soon as possible after the approval of the program, it should be required that such nominations be submitted not later than the effective date thereof.

Elections for the purpose of designating nominees for successor members of the committee and their alternates should be held each year by the committee. Currently such elections should be held in sufficient time for names of nominees to be submitted to the Secretary no later than June 1 of each year, so that the committee can be appointed and functioning by the beginning of the fiscal period, August 1. However, since provision is made for changing the fiscal period, authority should be included for the committee, with approval of the Secretary, to adjust the date by which nominations shall be submitted in keeping with any change in the fiscal period.

Only growers, including duly authorized officers or employees of corporate growers should be eligible to participate in the nomination and election of grower members and their alternates because it is proper that growers nominate the persons who are to represent them. Each grower should be permitted only one vote for each nominee to be elected in the district in which he produces apples as this is a democratic method of voting. To prevent growers who produce apples in more than one district from having a bigger voice in nominating representatives than do growers who produce apples in only one district, no grower should be permitted to participate in the election of nominees in more than one district in any one fiscal year. For the same reason, if a person is both a grower and handler of apples, such person should be permitted to vote either as a grower or as a handler but not as both. A person who produces and handles apples should be permitted to vote for and be nominated to serve as a grower member or alternate only if not less then 51 percent of the apples handled by him during the previous season were of his own production for the reasons outlined hereinbefore under the discussion of the term grower.

Only handlers, including duly authorized officers or employees of handlers, should be permitted to participate in the nomination and election of nominees for handler members and their alternates. Each handler should be eligible to cast only one vote for each nominee to be elected in the district in which he handles apples. No handler should be permitted to participate in the election of nominees in more than one district in any one fiscal year.

If election is by meetings of growers and handlers, the committee should, insofar as possible, schedule such nomination meetings at such times and places and make such public announcement thereof as will tend to result in maximum grower and handler participation. The committee may call upon other organizations or agencies, such as the Extension Service, the field office of the Fruit and Vegetable Division, U. S. D. A., grower and shipper associations, et cetera, to assist in conducting such nomination meetings. If the committee wishes to hold nomination meetings in connection with other meetings that are conducted on apples in any or all districts, authority should be provided that such nomination meetings may be so held. If, on the other hand, the committee wishes to hold separate nomination meetings, this is a matter of judgment and responsibility which should properly fall within the authority of the committee.

At each meeting held for the purpose of designating persons as nominees for successor members or alternate members of the committee, a chairman and a secretary should be selected by the growers or handlers eligible to participate therein. Only growers or handlers present at the meeting should be [illegible] to participate in the election of [illegible] nominees to be designated at such [illegible]ing, except that an officer or [illegible] of a corporate grower, or an officer [illegible] employee of a handler who is [illegible] may cast the vote of such grower [illegible] handler, if specifically authorized to [illegible] so. The chairman shall preside over [illegible] meeting, accept nominations, and conduct the voting in a democratic manner. The secretary selected at the meeting shall record the voting so that the number of votes cast for each person can be announced and the results submitted promptly to the committee. Minutes of the nomination meetings provide a written record in the event of any question that may later arise as to the authority for a particular member's nomination. A record of the person receiving the next highest number of votes may be necessary also to refer to in case of disqualification of the first choice nominee, or in the event of death, illness, or for some other reason.

If designation of nominees is by mail balloting, the committee should publicly announce the period within which names of candidates shall be filed with the committee and the number of endorsements necessary for the name of the candidate to be placed on the ballot. If the names of candidates are to be secured at meetings of growers and handlers, the committee should so announce in order that growers and handlers may plan accordingly. The period of balloting should be publicized, and ballots made available by mail or at designated places within the particular district. The ballot should include, in addition to the names of candidates, explicit directions for marking and mailing. At the conclusion of election, whether by meeting or meetings or by mail balloting, the committee shall promptly submit a report thereof to the Secretary.

In order that there will be an administrative agency in existence at all times to administer the order, the Secretary should be authorized to select committee members and alternates without regard to nomination if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed herein. Such selection should, of course, be on the basis of the representation provided in the order so that the composition of the committee will at all times continue as prescribed in the order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed promptly after the notification of appointment so that the composition of the committee will not be delayed unduly.

Provision should be made as set forth in the order for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to

...for maintaining a full membership on the committee.

The order should provide that an alternate member shall be selected for each member of the committee in order to help insure that each district will have representation at meetings. If any committee member is sick, or otherwise unable to attend a meeting, or at the request of the member for whom he is an alternate, the alternate member should represent the district at such meeting. Each alternate who is selected should have the same qualifications for membership as the members of the committee and should be able to perform such duties as are assigned to him by the committee. The alternate should be able to take over the duties of the member for the district represented should the member die, be removed from office, or be disqualified. The alternate should serve in place of the member until a successor to such member has been appointed and has qualified. So that as complete a representation as possible will be present at meetings, the order should provide that in the event neither member nor his alternate is able to attend a meeting, such member or the committee may designate any other alternate member from the same district and group (handler or grower) who is not acting as a member to serve in such member's place and stead.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the order, are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by the members of the committee will be confined to those which reasonably are necessary for the committee to carry out its responsibilities as prescribed in the program. It should be recognized that these specified duties are not necessarily all inclusive, and that it may develop that there are other duties which the committee may need to perform.

With respect to the provision set forth in § 963.31 (m) providing for redistricting and reapportionment of membership on the committee, such provision is necessary to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement should be made. The division of the production area into the districts as set forth in the order is a logical one at the present time from the standpoint of geographical considerations and relative volume of production. However, shifts or other changes which may take place in the future due to increased or decreased production cannot be foreseen. Additional plantings of apples are continuing to be made within the production area. As more land is made available by the Federal Bureau of Reclamation, plantings may be extended to new locations within such area. Decreased acreage may result from the pulling out of trees of undesirable varieties. Therefore it is desirable to provide flexibility of operation so that if it should be in the best interests of the administration of the order to change the boundaries of districts, or reapportion the representation on the committee among districts, the committee may so recommend; and the Secretary may take such action.

A modification to the proposal as set forth in the notice of hearing was offered which would require the committee to hold a majority of its meetings and locate its headquarters in Wenatchee, Washington. However, the committee would best be able to perform its functions and duties if it were left to the discretion of the committee to determine the location of committee headquarters and the place at which each meeting of the committee would be held.

At least 14 members of the committee, or alternates acting for members, should be present at any meeting of the committee, and any committee action shall require concurring votes of at least 11 of those present. Any action taken by the committee is of such importance that more than just a bare majority should be required to constitute a quorum or to take any action. Eleven concurring votes is approximately a two-thirds (65 percent) majority of entire 17 member committee and approximately a four-fifths (79 percent) majority if only the minimum of 14 were present. It is very desirable to require a high percentage of the committee to agree to any action in order to obtain the necessary support by the industry.

The committee should be authorized to hold simultaneous meetings of groups of its members assembled in two or more places. Such procedure would expedite meetings during busy seasons. Such meetings should be subject to the establishment of proper communications, that is, all persons should be able to hear and all should be able to participate in the discussion and other action the same as at an assembled meeting at one place. Any and all such meetings shall be considered as an assembled meeting.

In addition to meetings held where the committee is assembled in one place, or when simultaneous meetings are held at two or more designated places, the committee should be authorized to vote by telephone, telegraph, or other means of communication when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting or when rapid action is necessary because of an emergency. Any votes cast in this fashion should be confirmed promptly in writing to provide a written record of the votes so cast. In case of an assembled meeting, however, all votes should be cast in person.

It is appropriate that the members and alternates of the committee may receive compensation for the time spent in attending committee meetings. The order should authorize a maximum of $10.00 per day for this purpose, since the time so spent is usually at financial sacrifice to their personal businesses. While the payment of an amount not to exceed $10.00 per day will by no means fully compensate such members and alternates for the time spent away from their personal businesses, there are people within the industry in the production area who are willing to represent the industry by serving on the committee even though they do so at some personal sacrifice. The order also should provide for reimbursement of actual out-of-pocket reasonable expenses incurred by members and alternates on committee business, since it would be unfair to require them to bear such expenses incurred in the interest of all apple growers and handlers in the production area.

In order for an alternate to adequately represent his district at any committee meeting in place of an absent member, it may be desirable that he should have attended previous meetings along with the member, so as to have a full understanding of all background discussions leading up to action that may be taken at the meeting. Also, an alternate may, in future years, be selected as a member on the committee; and to this extent, attendance at meetings by alternate members could be helpful. Although only committee members, and alternates acting as members, have authority to vote on actions taken by the committee, it is often important for the committee to obtain as wide a representation as practical of producer and handler attitudes toward a proposed regulation or other matter. Therefore, the order should provide that the committee, at its discretion, may request the attendance of alternate members at any or all meetings, notwithstanding the expected or actual presence of the respective members, when a situation so warrants. The same compensation and reimbursement of expenses that are available to members should be made available also to alternate members when they are so requested and attend such meetings as alternates.

Provision should be made in the order whereby the committee will prepare an annual report, as soon as possible, after the close of each fiscal period. Such report should contain a complete review of the regulatory operations during the fiscal period and any recommendations for changes in the program. Such reports would provide the committee, the industry, and the Secretary with valuable reference information and would aid in promoting better understanding of the program by handlers and growers.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for its maintenance and functioning and to enable it to exercise its power and perform its duties pursuant to the order. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of expenses by the administrative agency established under an order and requires that each order of this nature contain provisions requiring handlers to pay, pro rata, the necessary expenses.

As his pro rata share of such expenses, each handler who first handles apples during a fiscal period should pay assessments to the committee, at a rate fixed

by the Secretary, on all apples so handled. In this way, each handler's total payments of assessments during a fiscal period would be proportionate to the quantity of apples handled by each such handler and assessments would be levied on the same apples only once.

It was proposed at the hearing to limit the rate of assessment for any one fiscal year to one-fourth cent ($0.0025) per bushel, or equivalent quantity, of apples. Testimony shows that with normal production an assessment rate of one-fourth cent per bushel would provide ample funds to carry on the program without restrictions. It was further testified that with increased plantings of new acreage, production should increase considerably, thereby increasing revenue for the program. In the case of short crop year, the ones which would provide the smallest amount of income, the minimum amount of regulations probably would be imposed. Thus, expenses would be at a minimum during the years of least income.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of the income and expenditures necessary for the administration of the order during such period. Each such budget should be submitted to the Secretary with an analysis of its components. Such budget and report should also recommend to the Secretary the rate of assessment believed necessary to secure the income required for that period. The committee, because of its knowledge of the prospective crop, will be in a good position to ascertain the necessary assessment rate and make recommendations in this regard.

The rate of assessment to be applicable during a fiscal year should be fixed by the Secretary on the basis of the recommendation of the committee, or from other available information, so as to assure the imposition of such assessments as are consistent with the act. Such rate should be fixed on a fair and equitable unit basis and in an amount not in excess of one-fourth cent per bushel, as may be necessary to secure sufficient funds to cover the expenses which may be incurred during the fiscal period and to accumulate and maintain an operating reserve.

The accumulation and maintenance of an operating reserve are important and accepted functions of any business. Such a reserve is especially necessary to the continued effective and economical operation of the order over a period of years. In most years, shipments of apples will not be made in any substantial volume until after September 15, or more than one month after the beginning of the fiscal year. The period prior to the shipping season will be the period of greatest activity as the committee will be surveying the prospective crop and market conditions and developing a marketing policy for the marketing of the crop. In all probability, a large percentage of the committee's expenses for the fiscal period generally will be incurred before current assessment income is equal to current expenses. While the committee should be authorized to accept advance payments of assessments from handlers, as one means of financing its early operation, it usually would be necessary unless an operating reserve is established to borrow the funds to operate during the portion of each fiscal period until assessment income is sufficient to meet expenditures. The cost of such borrowing is, of course, an expense of operation and, as such, is borne by handlers. Over the years, therefore, handlers would have to pay expenses under the order which would equal or exceed the cost of establishing and maintaining an operating reserve.

A further saving would accrue to the industry through such a reserve by reason of the manner in which apples are marketed. The record of the hearing shows that a substantial portion of the total volume of apples sold in fresh fruit channels are either sold through cooperative pools or the individual grower sells his own production. Therefore, while the assessments are collected from handlers, the apple growers are the ones who actually pay them. If provisions were not made for a reserve, it would be necessary to return to handlers any excess of assessment income over actual expenses during each fiscal period. The cost of determining each handler's pro rata share of such excess and the refunding of such shares to handlers would be an expense chargeable to such fiscal period. In addition, handlers upon receipt of such refunds would have the obligation of returning to each of their growers his pro rata share of the refund. Where the excess of assessment over expenses during a fiscal period is not large, the costs to handlers of returning to growers their proportionate shares of such excess well may exceed the total refund involved.

There are further advantages that would accrue to the industry through the existence of such an operating reserve. Funds would be available to pay a deficit during any season when, either by overestimation of apple shipments or an unexpected reduction in the crop by weather hazards, assessment income did not equal expenses. Without the reserve, it would be necessary for handlers to cover the deficit. Also, it would constitute an extra burden on the industry to increase the assessment rate after some disaster had reduced the crop.

The reserve fund would be available for use in connection with the liquidation of the program in the event the order is terminated, as well as to cover operation costs, such as salaries and other necessary expenses, during any period when the order, or any of its provisions, is inoperative or suspended. It is possible, of course, that the program may be terminated at the end of a fiscal period, or during a year when the production of apples is relatively light. In such circumstances, it would be burdensome to handlers to require payment of an assessment to cover the liquidation costs. All handlers receive benefits from the program's operation; and even if a handler ceases handling apples before the full time of its operation has expired, it would be appropriate and equitable for such handler to share in the expense of liquidation. Should the order provisions be suspended, it is such suspension would occur during period when apple production has seriously curtailed. It would seem reasonable and proper, therefore, to use reserve funds to defray the costs of liquidation or any necessary expenses during a period when particular provisions of the order are inoperative. It is anticipated, of course, that the committee will endeavor to minimize costs in this regard as far as reasonably practicable consistent with the efficient performance of its responsibilities.

Evidence presented at the hearing was to the effect that the handlers of apples have been a relatively stable group with few changes in personnel from year to year and that it would be equitable, and far less burdensome, to contribute to the establishment of such an operating reserve during years of normal production rather than to have a high rate of assessment during a season when the crop is materially reduced. Moreover, the growers of apples do not change frequently as production of tree crops cannot be shifted rapidly to other commodities. In other words, those who would be making the slightly higher payment that might be required in the years when the reserve fund was being established would benefit when the assessments would be correspondingly reduced.

The proposed reserve fund should be built up slowly over a number of years, probably over a 5-year period, to avoid imposing a high assessment for this purpose. It was indicated that it would be appropriate, and in keeping with the desires of the industry, to include in the annual budget a specific amount for the reserve fund as well as to use any other excess funds at the end of a fiscal period for this purpose. In order that such reserve funds not be accumulated beyond a reasonable amount, it was proposed that a limit of approximately one fiscal period's expenses be provided. After the reserve is built up to that amount, the assessment rate for following fiscal periods should be fixed so that a deficit may be incurred. Any such deficits should be paid from the reserve until it reaches a level considered too low for the purpose for which it was established, as heretofore described, after which replenishment of the reserve should be undertaken. In this manner, the industry would receive full benefits of the economy of operation which will result from the committee not being in the position of having to incur the costs of borrowing money to finance operations during the pre-harvesting period, when assessment income would not cover expenses, or of having to make refunds of excess assessments at the end of a fiscal year. Such handling of the assessments and reserve funds is believed to be equitable, in the circumstances, and would effect desirable economies in the administration of the program.

Upon termination of the order, any funds in the reserve which are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. How-

...r, should the order be terminated ...r many years of operation, and there ...ve been several withdrawals and re-deposits in the reserve, the precise equities of handlers may be difficult to ascertain and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal the monies to be distributed. Therefore, it would be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances. In view of the foregoing, it is, therefore, concluded that authority should be provided, as hereinafter set forth, to permit the establishment and use of a reserve fund in the manner hereinbefore described.

Should it develop that assessment income during a fiscal period, plus any funds in reserve, would not, at the previously fixed rate, provide sufficient income to meet expenses, the funds to cover such expenses should be obtained by means of increasing the rate of assessment. Since the act requires that the administrative expenses shall be paid by handlers, this is the only source of income to meet such expenses. The increased assessment rate should be applied to all apples handled during the particular fiscal period so that the total payments by each handler during each fiscal period will be proportionate to the total volume of apples handled during that period.

Should the provisions of the order be suspended, during any portion or all of a fiscal period, it will be necessary to secure funds to cover expenses during such period unless funds in the reserve are sufficient for such purpose. The committee will incur expenses each fiscal period even though the order may be inoperative during a particular period. To cease incurring any expenses when operations under the order were suspended for short periods would tend to increase rather than decrease total expenses as complete liquidation of the committee's affairs would be necessary to eliminate the payment of any salaries, rent, or utilities. Thereafter, when operations were resumed, it would be necessary to hire and train new personnel and new quarters would have to be obtained and outfitted. Such costs probably would exceed the expenses of maintaining an office and a minimum staff during a period of suspension. Moreover, the committee should be in a position to resume its functions at any time conditions are such that a period of suspension of operations should be terminated. Since expenses will not cease when the order is inoperative for a period, authorization should be provided to require the payment of assessments during such periods.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purposes of the order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration could be subject to inspection at any time by the Secretary. The committee should provide the Secretary with periodic reports at appropriate times, such as at the end of each fiscal year or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over the committee's activities and operations. Each member and each alternate, as well as employees, agents, or other persons working for or on behalf of the committee, should be required to account for all receipts and disbursements, funds, property, and records for which they are responsible, should the Secretary at any time ask for such an accounting. Also, whenever any person ceases to be a member or alternate of the committee, he should similarly be required to account for all funds, property, and other committee assets for which he is responsible and to deliver such funds, property, and other assets to the committee. Such person should also be required to execute assignments and such other instruments which may be appropriate to vest in the committee the right to all such funds and property and all claims vested in such person. This is a matter of good business practice.

(d) The declared policy of the act is to establish and maintain such orderly marketing conditions for apples, among other commodities, as will tend to establish parity prices therefor, and to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will be in the public interest. The regulation of apple shipments by condition, maturity, or grade, or any combination thereof, as authorized in the order, provides a means of carrying out such policy.

The proposal as set forth in the notice of hearing provided for the establishment of standards of quality, condition, maturity, and grade on any or all varieties of apples during any period or periods. It also provided for the regulation of shipments of apples by establishing minimum standards of quality, condition, maturity, and grade during any period when season average prices are expected to exceed the parity levels. On the basis of the testimony adduced at the hearing, quality, to the producers and handlers, has a very broad significance and meaning. It covers such factors as color and defects, which are factors of grade. It also covers condition factors, such as decay, internal breakdown, scald, and bitter pit. It also includes factors for which satisfactory specifications have not yet been developed, such as flavor, palatability, and culinary qualities. The record of the hearing indicates that only condition, maturity, and grade regulations are desired and needed at this time. All three of these are factors of quality. Factors affecting condition, maturity, and grade are well known to the growers and handlers throughout the production area and to inspection personnel, dealers and others throughout the industry. In most, if not in all, instances, satisfactory methods of determining each such factor and generally the extent it affects the apple have been developed and are in general use. Condition is a factor of quality, as aforesaid. However, after apples have been in storage or in transit, condition is not a factor of grade in apples. Hence, the regulation of grade alone would not necessarily insure the shipment of apples of desirable quality. It may be desirable, according to testimony, to regulate condition in many instances in a manner separate and distinct from grade and perhaps in some instances to recommend condition regulations without grade regulations. Furthermore, regulation of quality after apples have been in storage or transit probably should primarily be on the basis of condition rather than grade.

The U. S. Standards for apples and the State of Washington Standards for apples require that apples be mature. Immature apples, except in U. S. No. 1 Early, are considered as defects and are scored against grade. Such apples are classified "Culls." The U. S. Standards for apples require that apples be not overripe. Overripe is a stage of maturity. The four stages of firmness of mature apples are: Hard, Firm, Firm ripe, and Ripe. The next stage of maturity is overripe. Although the wording in the Washington Standards for apples is somewhat different from that in the U. S. Standards, the interpretation is practically the same. Mature and overmature apples are often referred to in terms of condition as well as in terms of maturity. Maturity is a factor of condition or grade, depending upon the stage of maturity. For example, overripe may be either a factor of grade or condition depending upon whether the determination is made at the time of packing or after the apples have been stored. Since the proposed marketing agreement and order program proposes to regulate only a portion of the factors which affect quality, namely, condition, maturity, and grade, it is hereby concluded that authority to regulate as hereinafter specified is within the broad authority contained in the act and will tend to effectuate the declared policy of the act.

In order to facilitate the operation of the program, the committee should each year, and prior to recommending regulation of apple shipments, prepare and adopt a marketing policy for the ensuing marketing season. A report on such policy should be submitted to the Secretary and made available to growers and handlers of apples, to the extent practicable, on or before September 1 of each year. Such policy would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the basis therefor. Handlers and growers could plan their operations in accordance therewith. The policy also would be useful to the committee and the Secretary when specific regulatory actions are being considered, since it would provide basic information necessary to the evaluation of such regulation.

In preparing its marketing policy, the committee should give consideration to the supply and demand factors, hereinafter set forth in the order, affecting marketing conditions for apples since consideration of such factors is essential

to the development of an economically sound and practical marketing policy.

The committee should be permitted to revise its marketing policy so as to give appropriate recognition to the latest market developments when changes in supply and demand factors are sufficiently marked to warrant modification of such policy. Such action is necessary if the marketing policy is to appropriately reflect the probable regulatory proposals of the committee and be of maximum benefit to all persons concerned. A report of each revised marketing policy should be submitted to the Secretary and made available to growers and handlers, together with the data considered by the committee in making the revision.

The committee should, as the local administrative agency under the order, be authorized to recommend such condition, maturity, and grade regulations, as well as any other regulations and amendments thereto authorized by the order, as will tend to effectuate the declared policy of the act. It is the key to successful operation of the order that the committee should have such responsibility. The Secretary should look to the committee, as the agency reflecting the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions to the end that favorable returns would be received by growers for apples. The committee should, therefore, have authority to recommend such regulations as are authorized by the order whenever such regulations will, in the judgment of the committee, tend to promote more orderly marketing conditions and effectuate the declared policy of the act.

When the supply and demand situation changes so that the then current regulations do not appear to the committee to be carrying out the declared policy of the act, the committee should have the authority to recommend the amendment, modification, suspension, or termination of such regulations, as the situation warrants.

The proposal as set forth in the notice of hearing contained no specific date by which time the committee should make recommendations for regulations to the Secretary. A modification was offered which would require the committee, whenever the committee deems it advisable to regulate the handling of any variety or varieties of apples, to recommend such regulations to the Secretary on or before September 1 of each year. The harvesting of apples in the production area usually starts during the first half of September. In order for the growers and handlers to plan their harvesting and marketing operations in the most efficient manner, it is very necessary that they have the maximum amount of time for making such plans. Any regulations that the committee may recommend will have a direct and important bearing on the harvesting and marketing operations of all growers and handlers. Therefore, it will be of great assistance to them to know as early as possible what regulations are likely to be in effect. Since harvesting operations usually begin about the first or second week in September, September 1 generally should be a satisfactory date. By this time, the committee should have sufficient information to be reasonably able to predict the marketing policy for the season. The requirement that the committee recommend such regulations to the Secretary on or before September 1 of each year is not intended to and shall not preclude the committee from making recommendations to the Secretary relative to revised regulations whenever the committee feels that a revision of the regulations is justified. Moreover, it is impossible to foresee all the factors that might develop which the committee should consider in making recommendations for regulations. Therefore, the September 1 date is not to be considered a mandatory date if the committee has good and sufficient reasons to warrant its making recommendations a few days after September 1.

The order should authorize the Secretary, on the basis of committee recommendations or other available information, to issue various condition, maturity, and grade regulations which tend to help growers to obtain favorable returns through establishment of more orderly marketing conditions for apples. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments, or modifications thereof, as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy, he should have authority to suspend or terminate the regulation, in accordance with the requirements of the act.

The condition, maturity, and grade of apples which are shipped at any particular time have a direct effect on returns to growers. It is a fact that poorer grades and off-condition lots of apples marketed return lower prices than do better grades and better condition fruit. A restriction, under the order, of the shipment of apples of low grade should result in more favorable returns for the better grades marketed by eliminating the price depressing effect of poor quality apples.

Handlers have shipped in fresh fruit channels apples of less desirable grades and lots containing off-condition fruit. Such apples may be sold only at discounts. The returns from such sales often do not cover the cash costs of harvesting and marketing. The sale of this type of fruit tends to depress the prices for the entire crop, for the particular year, below the level which otherwise would exist if only fruit of suitable condition, maturity, and grade, considering the supply and demand conditions for such fruit, is available in the markets.

The demand for particular grades and qualities of apples varies depending upon the supplies available, the grade and quality composition of such supplies, the availability of competing commodities, and other factors such as the trend and level of consumer income. The supply and demand situation for apples is subject to changes from time to time during a particular season, depending upon the varietal composition of the apples available at any given time as well as the overall volume and quality of the crop.

The grade and quality of apple crops and the available supply for the season as a whole and for any particular period during the season are important factors which must be considered in establishing regulations. As the volume of apples increases or remains large, there doubtless will be a sufficient volume of apples harvested in the production area so that the shipment of only the more desirable grades, maturities, and condition of any or all varieties could fill market demands. In view of the anticipated large increase in the volume of production, it is important that consumers be presented with apples which are of desirable condition, maturity, and grade. Therefore, the order should provide for the establishment by the Secretary of regulations by condition, maturity, and grade, based upon limitations recommended by the committee or other available information; and such regulations shall cover such period or periods as it is determined are warranted. In making its recommendations for such regulations, the committee should consider the hereinafter enumerated supply and demand factors. The committee, because of the knowledge and experience of its members, will be qualified to evaluate such factors and to develop economically sound and practical recommendations for regulations and to advise the Secretary with respect to the supply and demand conditions under which the apple crop will be marketed.

As heretofore stated, there are comparatively few varieties of apples of commercial importance now grown in the production area. Each variety has certain characteristics which serve to distinguish it from other varieties. The differences in characteristics, such as shape, color, or maturing characteristics, may make it desirable to apply different regulations to different varieties. For example, the requirements as to color for common Delicious may be less restrictive than those for Red Delicious as high color is a characteristic of the latter variety. Therefore, the order should provide authority for issuance of different regulations for different varieties.

It is not in the public interest to continue regulation when the season average price of apples exceeds parity. The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of condition, maturity, and grade for any or all varieties of apples, and such grading and inspection requirements, during any and all periods when the season average price for apples may be above parity, as will effectuate such orderly marketing of apples as will be in the public interest. Some apples do not give consumer satisfaction regardless of the price level. Off-condition apples, such as are evidenced by decay, internal breakdown, or mealy, pithy, and rather dry flesh, as in an overripe apple, and sometimes low grades of certain varieties of apples are examples of the type of fruit that is wasteful and does not represent a value to the consumer and should not be shipped.

The shipment of apples lacking in the quality necessary to assure delivery in satisfactory condition would cause an adverse buyer reaction and would tend to demoralize the market for later shipments of any fruit. Such undesirable fruit has been marketed in the past and undoubtedly would again be marketed in the absence of regulation when the season average price is above parity. Hence, the discontinuance of regulations during seasons when the average price exceeds parity could adversely affect consumers and also result in dissipation of all benefits from the prior operation of the program.

Adverse growing conditions and weather factors may cause some fruit to develop abnormally, or so affect the quality that it would not be in the public interest to permit its shipment. The possible development depends upon the conditions in the particular season. It is necessary, therefore, that the provisions of the order contain the flexibility needed to reflect such conditions. Hence, the specific minimum standards of condition, maturity, and grade that may be made applicable during a particular year should be established by the Secretary upon the basis of the recommendations of the committee, made after review of the existing conditions that year, or other available information.

(e) The order should provide for the exemption from its provisions such handling of apples which is not necessary to regulate in order to effectuate the declared purposes of the act. Insofar as practicable, such exempted handling should be stated explicitly in the order so that handlers will have knowledge of such handling not subject to the provisions of the program.

Apples which are handled for consumption by charitable institutions, for distribution by relief agencies, or for commercial processing into products have little influence on the level of prices for apples sold for fresh consumption in the domestic and export markets.

A modification of the proposal contained in the notice of hearing was offered during the hearing. The modification proposed to regulate the handling of apples for processing to the full extent permitted under the act. The act specifically exempts apples for canning and freezing. Apples grown in the State of Washington which were used for all methods of processing during the seasons 1951 to 1956, inclusive, ranged from 9.9 percent to 12.5 percent of the total production. Evidence further shows that approximately 30 percent of the apples for processing is used for canning or freezing and is thus exempt from the provisions of the act. The remaining approximate 70 percent of the apples for processing is used for dehydration. Some of the evidence supporting this modification was persuasive. However, dehydrators compete with canners and if apples for dehydration were regulated and apples for canning were free of regulation the regulation would probably be ineffective and the present competitive position of the dryers and canners would be altered. The evidence does not show sufficient justification to warrant the regulation of apples for processing.

All apples for canning, freezing, dehydration, juice, or other methods, however, should be subject to rules, regulations, and safeguards issued by the committee, with the approval of the Secretary, which will prevent such apples from entering unauthorized channels of trade. Rules designed to assure that apples shipped for processing both within and outside of the State of Washington are actually processed could be formulated and issued. This would prevent the marketing of cull apples in fresh fruit channels which have been shipped for processing.

A modification was offered which would exempt individual gift packages as a special purpose shipment from the provisions of the order, except as hereinafter provided. Such gift packages may comprise a special package consisting of one layer of 12 to 18 apples, a half box, a box, or a specially designed chest. Each such package may contain one variety or a mixture of varieties of apples or a mixture of one or more varieties of apples and one or more varieties of pears. Gift packages may be sent out individually or they may be consolidated and may consist of an entire carload. Such consolidation is for the purpose of obtaining a lower freight rate. Gift packages in such shipments retain their individual identity the same as though each was shipped individually. Because of the high quality fruit which comprises such shipments, the extra burden that may be encountered if inspection and certification were required, and the possible expense and difficulty of collecting assessment fees, it may be desirable to exempt such shipments from any or all provisions of the order. However, the order upon which the hearing was held contains authority to do this and no further modification of it is necessary for that purpose.

It was also testified at the hearing that some apples from Hood River, and the Dalles, Oregon, and from points in Idaho and perhaps from Utah are brought into the production area for preparation for market. After such apples are prepared for market, they are either shipped to market or stored for later shipment. Such apples are normally kept separate and distinct from the apples which are grown in the production area and which are also prepared for market using the same facility as is used for the out-of-state apples. The Washington Apple Commission requires that such out-of-state apples be kept separate in order that a correct assessment may be made on all apples produced within the State of Washington. The definition of apples, as hereinafter set forth, specifies all varieties of apples grown in the production area, thus apples grown outside the production area do not come under the provisions of the order. However, the committee should have authority to issue such rules and regulations governing the handling of apples grown outside the production area as is necessary to prevent such apples from losing their identity after they are brought into the production area. If any handler fails to comply with such rules and regulations or for other reasons any such apples cannot be distinguished from those grown in the production area because of commingling or failure to keep them separate, such fruit must then meet any regulations in effect in the production area at the time of shipment.

It was testified at the hearing that the cold storage facilities throughout the production area are generally not adequate for the storage of the percentage of the crop which it is often thought desirable to store. In general, it was testified there is proportionately more storage space within District 3 than within Districts 1 or 2. Some varieties, sizes, and maturities are more suitable than others for extended periods of storage. Handlers in District 3 might be and often are handlers in Districts 1 and/or 2. There are also some purchases of apples within the production area, as for example, buying brokers, who purchase apples for sale later in the season. For these and other reasons, there has been established, over a period of years, the practice of moving apples from one district to another for storage. Such storage lots may include apples loose in packages and apples packed for market. During the time such apples are stored within the production area, they are not considered by the industry as having been placed in channels of trade. A modification was offered which would permit apples moving into and during periods of storage within the production area to be exempt from any or all regulations of the order. Under this modification, such stored apples would be subject to all the applicable provisions of the order when such apples are placed in trade channels. The order should, therefore, provide authority for the committee, with the approval of the Secretary, to issue rules and regulations to permit such movement of apples and to prevent such apples, upon release from such storages, from being handled except in conformity with the provisions of this part.

In addition, provision should be made to authorize the committee, with the approval of the Secretary, to exempt the handling of apples, in such specified small quantities, or types of shipments, or shipments made for such specified purposes as it is not necessary to regulate in order to effectuate the declared purposes of the act. Such authorization is necessary to enable the exemption of such handling which is found not feasible administratively to regulate and which does not materially affect marketing conditions in commercial channels. It would be impractical to set forth these exemptions in detail in the order, because to do so would destroy the flexibility which is necessary to reflect conditions affecting the handling of apples in the production area. Therefore, it should be discretionary with the committee, subject to the approval of the Secretary, whether small quantities or types of shipments, or shipments made for specified purposes, should be exempted from regulation, inspection, and assessments and the period

during which such exemptions should be in effect.

The allowance of any exemptions may be found to result in avenues of escape from regulation which, if they are found to exist, should be closed. Hence, the committee should be authorized to prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as are necessary to prevent apples handled for any of the exempted purposes from entering into regulated channels of trade and thereby tend to defeat the objective of the program. For example, should it be found that a portion of the apples moving to commercial processors was being diverted to fresh fruit markets, it may be necessary for the committee to establish procedures to govern the movement of fruit for processing even though such apples do not have to comply with condition, maturity, and grade requirements. These procedures might include such requirements as filing applications for authorization to move apples in exempted channels and certification by the receiver that such apples would be used only for the purposes indicated, if it is found that such requirements are necessary to the effective enforcement of the program regulations.

(f) Provision should be made in the order requiring all apples handled, whenever regulations are effective, to be inspected by the Federal-State Inspection Service and certified as meeting the applicable requirements of such regulation. Inspection and certification of all apples subject to regulation are essential to provide evidence of compliance with the regulations in effect. As the handler of a lot of apples is responsible for compliance with the regulations and is the only person with prior knowledge that the apples are to be handled, it is reasonable and necessary to require handlers to submit each lot of apples handled for inspection and certification. Handlers are familiar with the Federal-State Inspection Service and with the procedures for inspection and certification of fruits in the production area. The evidence of record indicates that only such service is in a position to perform the required inspection and certification.

It was testified at the hearing that such service is currently inspecting approximately 80 percent to 85 percent of the apples which are grown in the production area and marketed in fresh fruit channels of trade. Some expansion of the inspection service will be necessary to provide adequate inspection under the order. This service can be expanded sufficiently to accomplish this. The efficiency of the service should not be impaired because of the increased volume. Currently, new personnel are being hired, trained, supervised, and interwoven into the service each season. This is effectively done by conducting training classes at the start of the season, and then assigning each trainee to work with an experienced inspector to get additional on-the-job experience.

Inspection fees are the chief source of income for the Federal-State Inspection Service. For that reason, it is generally not the policy to maintain a year-round staff of the size required for peak load periods. Consequently, a slight delay may be encountered for some inspections of apples which are not intended to be shipped until some future date. The policy now in effect, and which will be continued, specifies that the inspection of lots going to cold storage shall be deferred whenever necessary in order to inspect lots being shipped.

Responsibility for having each lot of apples inspected should fall on each person who handles apples. In this way, not only will the handler who first ships or handles apples be responsible for meeting this requirement but also no subsequent handler may handle such apples unless a properly issued inspection certificate, valid pursuant to the terms of the order and the applicable regulations thereunder applies to the shipment. Each handler must bear responsibility for determining that each of his shipments of apples conforms to all requirements of the order if the regulations are to be of maximum benefit.

After the apples have been inspected and certified they are sometimes regraded, resorted, repackaged or otherwise further prepared for market. Such action causes such lots of apples to lose their identity as related to the inspection certificate which has previously been issued. Therefore, a new inspection and certification is necessary to establish the maturity, grade, and/or condition of such reconditioned lot of apples.

After the first handler of a lot of apples has had such lot inspected and certified as meeting all applicable regulations, subsequent handlers should, under ordinary circumstances, be permitted to handle such fruit without incurring the expense of another inspection. To facilitate the identification of lots that have been inspected prior to movement to transshipment points, all apples inspected at shipping points should be appropriately marked to so indicate unless such apples are being loaded for direct shipment to destinations outside the production area.

Some apples are packed prior to storage in refrigerated warehouses and other apples are stored and packed later. Very few apples are shipped at harvest time and most apples are stored before shipping. The marketing season for apples grown in the production area is long and large quantities are stored for several months. These storages are generally well managed and efficiently operated. However, apples tend to deteriorate when stored, especially for long periods of time.

An inspection certificate issued at the time apples are placed in storage or at other times might not represent the true condition of the apples at a later date. Hence, authority should be provided to establish a period of time prior to shipment during which the required inspection must be performed. This would mean that, even though a particular lot of apples has been inspected, if such inspection was performed prior to the period specified, an additional inspection would be required. Such a provision is necessary to prevent the handling of fruit which has been stored too long and deteriorated.

(g) The committee should have authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information as may be needed to perform such agency's functions under the order. Handlers have such necessary information in their possession, and the requirement that they furnish such information to the committee in the form of reports would not constitute an undue burden. Moreover, since handlers are the only persons subject to regulation under the program, they are the only persons who could be required to furnish such information. It is anticipated that most of the information needed by the committee in order to carry out its functions can be obtained from copies of the inspection certificates. However, it is difficult to anticipate every type of report or kind of information which the committee may find necessary in the conduct of its operations under the order. Therefore, the committee should have the authority to request, with approval of the Secretary, reports and information, as needed, of the type set forth in the order and at such times and in such manner as may be necessary.

The Secretary should retain the right to approve, change, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports. Any reports and records submitted for committee use by handlers should remain under protective classification and be disclosed to none other than the Secretary and persons authorized by the Secretary. Under certain circumstances, the release of information with respect to apple shipments may be helpful to the committee and the industry generally in planning for operations under the order during the marketing season. However, such reported information may not be released other than on a composite basis, and such release of information should disclose neither the identity of handlers nor their individual operations. This is necessary to prevent the disclosure of information which may affect detrimentally the trade or financial position, or the business operations of individual handlers.

Since it is possible that a question could arise with respect to compliance, handlers should be required to maintain for each fiscal period complete records on their receipts, handling, and dispositions of apples. Such records should be retained for not less than two succeeding years.

(h) Except as provided in the order, no handler should be permitted to handle apples, the handling of which is prohibited pursuant to the order; and no handler should be permitted to handle apples except in conformity with the order. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

(1) The provisions of §§ 963.62 to 963.71, as hereinafter set forth, are similar to those which are included in other marketing agreements and orders now operating. The provisions of §§ 963.72 to 963.74, as hereinafter set forth, also are included in other marketing agreements now operating. All such provisions are incidental to, and not inconsistent with, the act and are necessary to effectuate the other provisions of the recommended marketing agreement and order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

Those provisions which are applicable to both the proposed marketing agreement and the proposed order, identified by section number and heading, are as follows: § 963.62 *Right of the Secretary;* § 963.63 *Effective time;* § 963.64 *Termination;* § 963.65 *Proceedings after termination;* § 963.66 *Effect of termination or amendment;* § 963.67 *Duration of immunities;* § 963.68 *Agents;* § 963.69 *Derogation;* § 963.70 *Personal liability;* and § 963.71 *Separability.*

Those provisions which are applicable to the proposed marketing agreement only, identified by section number and heading, are as follows: § 963.72 *Counterparts;* § 963.73 *Additional parties;* and § 963.74 *Order with marketing agreement.*

Rulings on proposed findings and conclusions. June 2, 1958, was set by the Presiding Officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No such brief was filed.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of apples grown in the production area in same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of apples grown in the production area which make necessary different terms and provisions applicable to different parts of such area;

(5) All handling of apples grown in the production area as defined in said marketing agreement and order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order [1] are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 963.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 963.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 963.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 963.4 *Production area.* "Production area" shall include in the State of Washington the counties of Okanogan, Chelan, Kittitas, Yakima, and Skamania and all the counties east thereof.

§ 963.5 *Apples.* "Apples" means all varieties of apples grown in the production area, classified botanically as Malus sylvestris.

§ 963.6 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Malus sylvestris.

§ 963.7 *Fiscal period.* "Fiscal period" is synonymous with fiscal year and means the 12-month period ending on July 31 of each year or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

§ 963.8 *Committee.* "Committee" means the Apple Quality Control Committee established pursuant to § 963.20.

§ 963.9 *Grade.* "Grade" means any one of the officially established grades of apples as defined and set forth in:

(a) Sections 51.300 to 51.327 of this title (21 F. R. 5084), or amendments thereto, or modifications thereof, or variations based thereon;

(b) Standards for Apples issued by the State of Washington or amendments thereto, or modifications thereof, or variations based thereon.

§ 963.10 *Condition.* "Condition" means any of the officially established standards relative to condition factors of apples as defined and set forth in:

(a) Section 51.317 of this title (21 F. R. 5084), or amendments thereto, or modifications thereof, or variations based thereon;

(b) Condition Standards for Apples issued by the State of Washington or amendments thereto, or modifications thereof, or variations based thereon.

[1] The provisions identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order.

§ 963.11 *Grower.* "Grower" is synonymous with producer and means any person who produces apples for market and who has a proprietary interest therein: *Provided,* That, the term grower, as used in §§ 963.20, 963.22, and 963.23, shall not include any person who is a handler unless such person produced at least 51 percent of the apples he handled during the previous fiscal period.

§ 963.12 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting apples owned by another person) who handles apples.

§ 963.13 *Handle.* "Handle" and "ship" are synonymous and mean to sell, consign, deliver, or transport apples or cause the sale, consignment, delivery, or transportation of apples within the production area or from any point within the production area to any point outside thereof: *Provided,* That the term "Handle" shall not include the transportation within the production area of apples from the orchard where grown to a packing facility located within such area for preparation for market, or the delivery or sale of such apples to such packing facility for such preparation.

§ 963.14 *District.* "District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 963.31 (m):

(a) "District 1" shall include the County of Okanogan and that part of Douglas County included within Horticultural District No. 11, Washington State Department of Agriculture.

(b) "District 2" shall include the counties of Chelan, Grant, and that part of Douglas County included within Horticultural District No. 4, Washington State Department of Agriculture.

(c) "District 3" shall include the Counties of Yakima, Kittitas, Skemania, Klickitat, and Benton.

(d) "District 4" shall include all other counties in the production area not included in Districts 1, 2, or 3.

ADMINISTRATIVE BODY

§ 963.20 *Establishment and membership.* There is hereby established an Apple Quality Control Committee consisting of 17 members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Twelve of the members and their respective alternates shall be growers or officers or employees of corporate growers. Five of the members and their respective alternates shall be handlers, or officers or employees of handlers. Two of the grower members and their respective alternates shall be producers of apples in District 1, four of the grower members and their respective alternates shall be producers of apples in District 2, five of the grower members and their respective alternates shall be producers of apples in District 3, and one of the grower members and his respective alternate shall be a producer of apples in District 4. One of the handler members and his respective alternate shall be a handler of apples in District 1, two of the handler members and their

respective alternates shall be handlers of apples in District 2, and two of the handler members and their respective alternates shall be handlers of apples in District 3.

§ 963.21 *Term of office.* The term of office of each member and alternate member of the committee shall be for two years, beginning August 1 and ending July 31; or such other dates that may be approved by the Secretary pursuant to recommendations by the committee: *Provided,* That the term of office of six of the initial grower members and alternates and two of the initial handler members and alternates shall end on July 31, 1959. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 963.22 *Nomination.*—(a) *Initial members.* Nominations for each of the twelve initial grower members and five initial handler members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 963.20.

(b) *Successor members.* (1) The names of nominees for successor members and alternates of the committee shall be submitted to the Secretary by the committee no later than June 1 of each year, or by such other date as may be established by the committee and approved by the Secretary. The committee shall conduct elections for the purpose of designating nominees. Such elections may be either by meetings of the growers and handlers or by mail balloting or a combination of both. The committee may establish rules and regulations as necessary to govern the conduct of nomination meetings and mail balloting. The committee shall determine and announce the method of election to be followed in each district.

(2) In the designation of nominees, only growers, including duly authorized officers or employees of corporate growers, may participate in the election of nominees for grower member and grower alternate positions. Only handlers, including duly authorized officers or employees of handlers, may participate in the election of nominees for handler member and handler alternate positions. Each grower shall be entitled to cast but one vote for each grower nominee and one vote for each grower alternate nominee to be designated from the district in which he is a producer. Each handler shall be entitled to cast but one vote for each handler nominee and one vote for each handler alternate nominee to be designated from the district in which he is a handler. No grower or handler, as the case may be, may vote in more than one district in any one fiscal year. If a person is qualified both as grower and as a handler, he may vote as either a grower or as a handler but not as both.

(3) If nomination meetings are held, the committee shall publicly announce the time and place of each such meeting. At each such meeting a chairman and a secretary shall be selected by the growers or handlers eligible to participate therein. Only growers and handlers present at such meetings shall be eligible to participate in the election of the nominees to be designated at such meeting. The chairman shall announce at the meeting the number of votes cast for each person for member or alternate and shall promptly submit to the committee a complete report concerning such meeting.

(4) If nominees are designated by mail balloting, the committee shall publicly announce the period within which the names of candidates shall be filed with the committee and the number of endorsements necessary for the name of a candidate to be placed on the ballot. At the option of the committee, candidates may be also designated at meetings of growers and handlers. The committee shall publicly announce the period of balloting. Ballots shall be made available to growers and handlers either by mail or at designated places within the district. The ballot shall include, in addition to the names of the candidates, explicit directions for marking and mailing.

(5) At the conclusion of the voting, whether at a meeting or meetings or by mail balloting, the committee shall promptly submit a report thereof to the Secretary.

§ 963.23 *Selection.* From the nominations made pursuant to § 963.22, or from other qualified persons, the Secretary shall select the twelve grower members of the committee, the five handler members of the committee, and an alternate for each such member.

§ 963.24 *Failure to nominate.* If nominations are not made within the time and in the manner prescribed in § 963.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 963.20.

§ 963.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 963.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 963.22 and 963.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 963.20.

§ 963.27 *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member from the same district and group (handler or grower) to serve in such member's place and stead.

§ 963.30 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 963.31 *Duties.* The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to apples;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee; *Provided:* That any such changes shall reflect, insofar as practicable, shifts in apple production within the districts and the production area;

(n) To select such persons as may be necessary to serve as advisers or counselors to the committee, including, but not limited to, representatives from the Washington State Department of Agriculture, Washington State College Extension Service, and the Washington State Apple Commission.

§ 963.32 *Procedure.* (a) Fourteen members of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require the concurring votes of at least eleven members. At any assembled meeting, all votes shall be cast in person.

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided,* That such meetings shall be subject to the establishment of communication between all such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place. Any such meeting shall be considered as an assembled meeting.

(c) The committee may vote by telephone, telegraph, or other means of communication, and any votes so cast shall be confirmed promptly in writing.

§ 963.33 *Expenses and compensation.* The members of the committee, and alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and may also receive compensation, as determined by the committee, which shall not exceed $10.00 per day or portion thereof spent in performing such duties: *Provided,* That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

§ 963.34 *Annual report.* The committee shall, as soon as practicable after the close of each fiscal period, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal period; and (b) any recommendations for changes in the program.

EXPENSES AND ASSESSMENT

§ 963.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee to enable it to exercise its powers and perform its duties in accordance with the provisions of this part. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 963.41.

§ 963.41 *Assessments.* (a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal period, each person who first handles apples during such period shall pay to the committee, upon demand, assessments on all apples so handled. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person during the fiscal period in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period and to accumulate and maintain a reserve fund equal to approximately one fiscal period's expense. Such rate of assessment shall not exceed one-fourth cent ($0.0025) per bushel in any fiscal year. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all apples handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance and may also borrow money for such purpose.

§ 963.42 *Accounting.* (a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this section, it shall be refunded proportionately to the persons from whom it was collected: *Provided,* That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not equal approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray expenses, during any fiscal period, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal year when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

REGULATIONS

§ 963.50 *Marketing policy.* (a) Each season prior to making any recommendations pursuant to § 963.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of apples within the production area;

(2) The expected general quality and size of apples in the production area and in other areas;

(3) The expected demand conditions for apples in different market outlets;

(4) The expected shipments of apples produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of apples; and

(8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for apples, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each market-

ing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 963.51 *Recommendations for regulation.* (a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of apples in the manner provided in § 963.52, the committee shall recommend such regulations to the Secretary. To the extent practicable, such recommendations shall be made on or before September 1 of each year.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for apples during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 963.52 *Issuance of regulations.* (a) The Secretary shall regulate, in the manner specified in this section, the handling of apples whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Establish standards of condition, maturity, and grade for any or all varieties of apples during any period or periods and may prohibit shipment of such lots of apples which fail to meet such standards: *Provided*, That nothing in this section shall be construed to authorize the establishment of shipping quotas, embargoes, or any other limitation on the shipment of any lots of apples meeting such condition, maturity, or grade standards;

(2) Regulate the shipment of apples by establishing minimum standards of condition, maturity, and grade for any or all varieties of apples during any period or periods when season average prices are expected to exceed the parity level.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

§ 963.53 *Modification, suspension, or termination of regulations.* (a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 963.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of apples in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such suspension.

§ 963.54 *Special purpose shipments.* (a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 963.41, 963.52, 963.53, and 963.55, and the regulations issued thereunder, handle apples (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) (1) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to §§ 963.41, 963.52, 963.53, or 963.55, the handling of apples in such minimum quantities, or types of shipments (including individual gift packages), or for such specified purposes as may be prescribed.

(2) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent apples handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle apples pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the apples will not be used for any purpose not authorized by this section.

(d) The committee may, with the approval of the Secretary, designate storage warehouses within the production area, and exempt, from any or all restrictions under this part, the handling of apples to such storages: *Provided*, That the committee, with the approval of the Secretary, shall adopt such rules and regulations as may be necessary to prevent any apples so stored from being handled, upon removal from storage, except in conformity with the provisions of this part.

§ 963.55 *Inspection and certification.* (a) Whenever the handling of any variety of apples is regulated pursuant to § 963.52 or § 963.53, each handler who handles apples shall, prior thereto, cause such apples to be inspected by the Federal-State Inspection Service and certified by it as meeting the applicable requirements of such regulation: *Provided*, That, except as otherwise provided in this section, this requirement shall not be applicable to apples that have previously been inspected and certified.

(b) Inspection and certification shall be required for apples which previously have been so inspected and certified if such apples have been regraded, resorted, repackaged, or in any other way further prepared for market.

(c) The commitee may, with the approval of the Secretary, establish a period prior to shipment during which the inspection required by this section must be performed.

(d) Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such apples.

REPORTS

§ 963.60 *Reports.* (a) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties and functions under this part. Such reports may include, but are not necessarily limited to, the following: (1) The quantities of each variety of apples received by such handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such apples; and (4) the destination of each shipment of such apples.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the apples received, and of apples disposed of, by such handler as may be necessary to verify reports pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 963.61 *Compliance.* Except as provided in this part, no person shall handle apples, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle apples except in conformity with the provisions of this part.

§ 963.62 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 963.63 *Effective time.* The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 963.64.

§ 963.64 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production of apples for market: *Provided*, That such majority has produced for market during such period more than 50 percent of the volume of apples produced for market.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 963.65 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this section shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 963.66 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) effect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any right or remedies of the Secretary or of any other person with respect to any such violation.

§ 963.67 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

§ 963.68 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 963.69 *Derogation.* Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 963.70 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other act, either of commission, or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 963.71 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or things shall not be affected thereby.

§ 963.72 *Counterparts.* This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. • • •

§ 963.73 *Additional parties.* After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party. • • •

§ 963.74 *Order with marketing agreement.* Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for the regulating of the handling of apples in the same manner as is provided for in this agreement. • • •

Dated: July 11, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Service.

[F. R. Doc. 58-5442; Filed, July 15, 1958; 8:55 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 567, Amdt. 3]

SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

REDELEGATIONS OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS

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PART 1—GENERAL

SEC. 1.1 *Appeals.* Any action taken by any Superintendent or officer in charge pursuant to this order shall be subject to the right of appeal. An appeal may be taken from the decision of such Superintendent or officer in charge to the Commissioner of Indian Affairs, pursuant to section 1 of Order 551, as amended, of the Bureau of Indian Affairs. Any action taken by the Com-

missioner of Indian Affairs pursuant to this order shall be subject to the right of appeal to the Secretary of the Interior pursuant to section 1 (a) of Order No. 2508, as amended, of the Secretary of the Interior.

PART 2—AUTHORITY OF SUPERINTENDENT OR OFFICER IN CHARGE OF CHEROKEE AGENCY

Subject to the provisions of Part 1, the Superintendent or officer in charge of the Cherokee Agency may, under the direction and supervision of the Commissioner of Indian Affairs, exercise the authority of the Commissioner of Indian Affairs as indicated in this part.

FUNCTIONS RELATING TO LANDS AND MINERALS

SEC. 2.12 *Leases and permits.* The approval of leases and permits, pursuant to the provisions of 25 CFR Part 131, of (1) tribal lands and restricted lands owned by individual Indians and associations of Indians; and (2) lands acquired by the United States for Indian school or other administrative purposes or transferred to or placed under the administration of the Bureau of Indian Affairs. This authority does not extend to the waiver of requirements for advertising of leases or permits or to the waiver of acreage limitations on farm and farm pasture lands.

SEC. 2.14 *Tribal fees.* The approval of fees fixed by tribes when performing clerical or ministerial work in connection with the grants of leases and permits pursuant to 25 CFR Part 131.

SEC. 2.16 *Mineral leases and permits.* (a) The approval of coal, sand, gravel, pumice, and building stone leases and permits of tribal and trust or restricted individually owned lands.

(b) The authority delegated in this section does not include:

(1) Approval of leases on lands purchased or reserved for agency or school purposes.

(2) Approval of instruments providing for the payment of overriding royalty.

(3) Assignments of separate horizons or strata of the subsurfaces.

SEC. 2.18 *Releases of mortgages.* The approval of releases of mortgages given as security for loans made from the restricted funds of individual Indians, upon proof of payment of the loan.

SEC. 2.19 *Rights-of-way.* The approval of rights-of-way for oil and gas pipelines, telephone and telegraph lines, and public highways, pursuant to the provisions of 25 CFR Part 161. This authority extends to and includes the issuance of advance authority for preliminary surveys and permission for beginning construction prior to the official approval of the right-of-way.

SEC. 2.20 *Archaeological permits.* The approval of permits for the excavation of ruins and archaeological sites and the gathering of objects of antiquity on Indian reservations pursuant to 25 CFR Part 132.

FUNCTIONS RELATING TO TRADING WITH INDIANS

SEC. 2.170 *Traders' licenses.* The issuance of licenses to traders with the Indian tribes and the renewal and revocation of licenses pursuant to the provisions of 25 CFR Part 251.

FUNCTIONS RELATING TO WELFARE MATTERS

SEC. 2.253 *Commitment of insane Indians.* The commitment of insane Indians to State hospitals or institutions, pursuant to the provisions of 25 CFR Part 253.

PART 3—AUTHORITY OF SUPERINTENDENT OR OFFICER IN CHARGE OF SEMINOLE AGENCY

Subject to the provisions of Part 1, the Superintendent or officer in charge of the Seminole Agency may, under the direction and supervision of the Commissioner of Indian Affairs, exercise the authority of the Commissioner of Indian Affairs as indicated in this part.

FUNCTIONS RELATING TO LANDS AND MINERALS

SEC. 2.12 *Leases and permits.* The approval of leases and permits of tribal and individually owned trust or restricted lands for farming, farm pasture, or business purposes, pursuant to the provisions of 25 CFR Part 131. This authority does not extend to the waiver of requirements for advertising of leases or permits or to the waiver of acreage limitations of farm and farm pasture lands.

SEC. 2.14 *Tribal fees.* The approval of fees fixed by tribes when performing clerical or ministeral work in connection with the grants of leases and permits pursuant to 25 CFR Part 131.

SEC. 2.16 *Mineral leases and permits.* (a) The approval of coal, sand, gravel, pumice, and building stone leases and permits of tribal and trust or restricted individually owned lands.

(b) The authority delegated in this section does not include:

(1) Approval of leases on lands purchased or reserved for agency or school purposes.

(2) Approval of instruments providing for the payment of overriding royalty.

(3) Assignments of separate horizons or strata of the subsurface.

SEC. 2.19 *Rights-of-way.* The approval of rights-of-way for oil and gas pipelines, telephone and telegraph lines, and public highways, pursuant to the provisions of 25 CFR Part 161. This authority extends to and includes the issuance of advance authority for preliminary surveys and permission for beginning construction prior to the official approval of the right-of-way.

SEC. 2.24 *Archaeological permits.* The approval of permits for the excavation of ruins and archaeological sites and the gathering of objects of antiquity on Indian reservations pursuant to 25 CFR Part 132.

FUNCTIONS RELATING TO WELFARE MATTERS

SEC. 2.253 *Commitment of insane Indians.* The commitment of insane Indians to State hospitals or institutions pursuant to the provisions of 25 CFR Part 253.

W. BARTON GREENWOOD,
Acting Commissioner.

JULY 9, 1958.

[F. R. Doc. 58-5404; Filed, July 15, 1958; 8:46 a. m.]

[Bureau Order 551, Amdt. 43]

CERTAIN LAND TRANSACTIONS, CROW RESERVATION, MONTANA, AND COLVILLE AND YAKIMA RESERVATIONS, WASHINGTON

REDELEGATION OF AUTHORITY

Order 551, as amended, is further amended to add a new section under the heading "Functions Relating to Indian Education" to reads as follows:

SEC. 181 *Vocational training for adult Indians.* All those matters set forth in 25 CFR Part 34, except the making of waivers or exceptions to the regulations pursuant to 25 CFR 34.10.

W. BARTON GREENWOOD,
Acting Commissioner.

JULY 9, 1958.

[F. R. Doc. 58-5405; Filed, July 15, 1958; 8:46 a. m.]

Bureau of Land Management

[Misc. 78296; Alabama]

ALABAMA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 10, 1958.

Pursuant to a determination of the Federal Power Commission issued April 18, 1958 as modified by a determination issued May 5, 1958, Docket No. DA-11—Alabama and in accordance with Order No. 541, section 1.5 (d) Part I and 2.9 (a) Part II of the Director of the Bureau of Land Management, approved April 21, 1954, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes in Power Site Reserve Project No. 82, of November 3, 1920, are hereby restored to disposition under the public land laws, subject to the provisions of section 24, of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and subject to the condition that in the event the said tract is required for additional power development, any improvement or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittee or licensees; and subject to the proviso that such disposition shall be subject to the

prior right of the Alabama Power Company, licensee for Project No. 82, its successors and assigns, to use the lands for project purposes as provided by the license for Project No. 82:

ST. STEPHENS MERIDIAN, ALABAMA

T. 22 N., R. 16 E.,
Sec. 5, Lots 1, 2, 3, 4 and 5;
Sec. 8, Lot 1.
Being those portions of said tract lying below the 360-foot contour.

The areas described embraces 19.37 acres of public land.

The lots comprise 5 small islands in the Coosa River, Coosa County, situated some 10 miles upstream from Mitchell Dam and a little more than 3 miles below Lay Dam, both of which are licensed projects of the Alabama Power Company. Lots 1, 2 and 5 Sec. 5 and Lot 1 Sec. 8 were originally one complete island, being separated into three small islands after construction of the Mitchell Dam, and now known as Foshee Islands. The average elevation of the islands ranges from 12 to 14 feet above the water level of the river. They are rocky in character with a shallow gravel clay soil. The islands support a good growth of pine, oak, hickory, elm and sweet gum trees, largely merchantable in character.

No applications for the land will be allowed under any of the nonmineral public land laws unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

The land above-described will be subject to application by the State of Alabama for a period of 90 days from the date of publication of this order, for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended (16 U. S. C. 1946 ed., Supp. IV, 818).

Subject to any existing rights and the requirements of applicable law, the land described is hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the application and claims mentioned in this paragraph.

(2) All valid applications under the Homestead and Small Tract laws by qualified veterans of World War II or the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, presented prior to 10:00 a. m., on August 15, 1958, will be considered as simultaneously filed at that hour. Rights under such preference rights applications filed after that hour and before 10:00 a. m., on November 14, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2), above, presented prior to 10:00 a. m., on November 14, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, according to the provisions of the act of August 11, 1955 (69 Stat. 688).

Persons claiming veterans' preference rights under paragraph a (2), above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries regarding the lands shall be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Washington 25, D. C.

H. K. SCHOLL,
Manager.

[F. R. Doc. 58-5406; Filed, July 15, 1958; 8:46 a. m.]

NEVADA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 8, 1958.

The Bureau of Sport Fisheries and Wildlife has filed an application, Serial No. Nevada 045695, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws. The applicant desires the land as an addition to the Ruby Lake National Wildlife Refuge, established by Executive Order 7923 of July 2, 1938, and Proclamation 2416 of July 25, 1940.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 27 N., R. 57 E.,
Sec. 25, E½SE¼, unsurveyed.

The area contains 80 acres more or less.

W. REED ROBERTS,
Acting State Supervisor.

[F. R. Doc. 58-5407; Filed, July 15, 1958; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 8, 1958.

The Civil Aeronautics Administration has filed an application, Serial No. Idaho 09315, for the withdrawal of the lands described below, from all forms of appropriation under the Public Land Laws, General Mining Laws, and Mineral Leasing Laws. Grazing outside of the fenced area will be permitted. The applicant desires the land for a VHF Remote Transmitter-Receiver Site.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 14 S., R. 34 E.,
Sec. 14, SW¼SE¼SW¼.

This area includes 10 acres east of Holbrook, Oneida County, Idaho.

DONALD I. BAILEY,
Acting State Supervisor.

[F. R. Doc. 58-5408; Filed, July 15, 1958; 8:47 a. m.]

Office of the Secretary

VOLUNTARY OIL IMPORT PROGRAM

UNFINISHED GASOLINE AND OTHER UNFINISHED OILS

SECTION 1. *Recommendations of President's Special Committee.* On June 4, 1958, the President approved the recommendations made by the Special Committee to Investigate Crude Oil Imports in its Report on Imports of Petro-

leum Products. The President's Special Committee concluded "that if commercial imports of unfinished gasoline and other unfinished oils increase beyond the currently prevailing level, such imports may constitute a threat to the voluntary program" and recommended "that importing companies voluntarily limit their imports of such unfinished gasoline and other unfinished oils to this level during the remainder of the calendar year 1958." The Administrator, Voluntary Oil Import Program, was instructed to "promulgate administrative procedures as required, governing the importation of such unfinished gasoline and other unfinished oils."

SEC. 2. *Request to importing companies.* (a) For the purposes of this aspect of the Voluntary Oil Import Program, the quantities of unfinished gasoline and other unfinished oils, expressed in average barrels per day, which were imported during the months of May and June, 1958, are established as the currently prevailing level.

(b) Except as provided in paragraph (c) of this section, each importing company is requested to limit its imports of unfinished gasoline and other unfinished oils during the second half of the calendar year 1958 to the company's currently prevailing level as established in paragraph (a) of this section.

(c) No request is made of an importing company to limit its imports of asphaltic residuum during the period prior to September 16, 1958, to the company's currently prevailing level as established in paragraph (a) of this section. However, each importing company is requested to limit its imports of asphaltic residuum after September 15, 1958, to the company's prevailing level as established in paragraph (a) of this section.

SEC. 3. *Definitions.* For the purposes of this aspect of the Voluntary Oil Import Program:

(a) *Imports.* The word "imports" refers to importation into, or withdrawal from bond for use in, the continental United States.

(b) *Unfinished gasoline and other unfinished oils.*[1] All gasoline and other petroleum oils, other than crude oil, which are further distilled or processed, including but not limited to cracking, reforming, or treating, for the production of finished petroleum products are unfinished gasoline and other unfinished oils. Petroleum oils, except crude oil, mechanically blended are considered finished oils.

(c) *Asphaltic residuum.*[1] Asphaltic residuum means those petroleum residues of the following characteristics:

(i) Gravity API—not lighter than 14.9°.

(ii) Asphalt content—not less than 65 percent of asphalt having a penetration at 25° C. (77° F.) under a load of 100 grams applied for 5 seconds of not more than 100.

Nothing shall be considered as asphaltic residuum which is processed in a manner which subjects it to destructive distillation, cracking, vis breaking, or hydrogenation. To be considered asphaltic residuum the asphalt derived from the asphaltic residuum must have been or will be sold as paving asphalt, binders, coatings, or waterproofing.

SEC. 4. *Reports by importing companies.* Each company which imported unfinished gasoline and other unfinished oils during the months of May or June 1958 is requested to file reports on form Budget Bureau No. 42–R1307.1 with the Administrator, Voluntary Oil Import Program, Department of the Interior, Washington 25, D. C. Copies of the form will be mailed upon application to the Administrator.[2]

M. V. CARSON, JR.,
Administrator,
Voluntary Oil Import Program.

JULY 14, 1958.

[F. R. Doc. 58-5466; Filed, July 14, 1958; 2:19 p. m.]

[1] These definitions are not those used in Schedule A—Statistical Classification of Commodities Imported Into the United States, Bureau of the Census.

[2] The reporting requirements of section 4 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 249]

KASTENHUBER & LEHRFELD, INC. ET AL.

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Kastenhuber & Lehrfeld, Inc., 21 West 46th Street, New York, New York; John Woodward, 21 West 46th Street, New York, New York; Oversea Trading Co., (H. K.) Ltd., 806 Bank of East Asia Building, Hong Kong; C. S. Tsong (Tsong Chen Sang), Managing Director, 806 Bank of East Asia Building, Hong Kong; respondents; Case No. 249.

Kastenhuber & Lehrfeld, Inc. and John Woodward, its employee in charge of exports, both of 21 West 46th Street, New York City, and Oversea Trading Co. (H. K.) Ltd. and C. S. Tsong (Tsong Chen Sang), its managing director, both of 806 Bank of East Asia Building, Hong Kong, were charged by the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce, U. S. Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, Kastenhuber & Lehrfeld, Inc. by John Woodward, with knowledge that Oversea Trading Co. (H. K.) Ltd., whose business was being conducted by C. S. Tsong, intended to transship to Communist China ball point pen materials exported from the United States, shipped such materials to Oversea, which materials Oversea and Tsong thereafter transshipped to Communist China in violation of the export licenses under which they had been exported from the United States.

All parties were duly served with the charging letter and Oversea and Tsong answered the same, denying knowledge of United States export regulations, claiming that their intentions with respect to materials exported to them were known to Kastenhuber & Lehrfeld, Inc., and that they had sold these materials to manufacturers in Hong Kong. Kastenhuber & Lehrfeld, Inc. and John Woodward at first answered the charging letter but thereafter undertook negotiations for the submission of a consent proposal in accordance with § 382.10 of the regulations and, a consent disposition ultimately having been agreed upon, the same was submitted to the Compliance Commissioner with the agreement of the Acting Director, Investigation Staff. In due course, after examining into the facts, the Compliance Commissioner recommended that the consent proposal be accepted. The Compliance Commissioner's recommendation that the proposal be approved is hereby accepted.

The case against Oversea and Tsong was referred to the Compliance Commissioner, who has reviewed the evidence and the answer of said respondents and has submitted to the undersigned his report and recommendation, which, upon the facts as hereinafter found, appears to be fair and just and is therefore adopted.

Now after considering the entire record, including the report and recommendations of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned respondent Kastenhuber & Lehrfeld, Inc. was engaged in the business of smelting and refining precious metals in the City of New York and, in connection with said business, was engaged also in the exportation of metals and ball pen point materials. Its exportations were under the supervision of and were conducted by respondent John Woodward. Wherever the name Kastenhuber is hereinafter used such use will include both Kastenhuber & Lehrfeld, Inc. and Woodward.

2. At all times hereinafter mentioned Oversea Trading Co. (H. K.) Ltd. was engaged in the import business in Hong Kong and C. S. Tsong (Tsong Chen Sang), its manager or director, conducted said business on its behalf. Wherever reference is hereinafter made to Oversea such reference will include both Oversea Trading Co. (H. K.) Ltd. and Tsong.

3. At all times hereinafter mentioned Kastenhuber well knew that ball pen point materials exported from the United States to Hong Kong were prohibited from being shipped out of Hong Kong to Communist China without express approval by the Bureau of Foreign Commerce of the United States Department of Commerce.

4. As long ago as the thirty-first day of December 1953 Oversea knew that ball pen point materials exported from the United States to Hong Kong pursuant to validated license granted by the Bureau of Foreign Commerce were prohibited from being reexported from Hong Kong to other destinations and at all times hereinafter mentioned the said respondents Oversea well knew that no goods exported from the United States to Hong Kong might be transshipped out of Hong Kong to Communist China without prior approval from the Bureau of Foreign Commerce.

5. On or about the fifth day of March 1955 the respondent Kastenhuber & Lehrfeld, Inc., and the Oversea respondents entered into an agreement under and pursuant to which Oversea became the sole selling agent for Kastenhuber in Hong Kong and Macao and said agreement provided further that at such time as restrictions imposed by the United States against trade with Communist China would be removed said agreement would be extended to and include that country.

6. At the time of the making of said agreement all the respondents knew that it was the intention of Oversea, if and when it obtained ball pen point materials from Kastenhuber, to transship some or all of said materials to purchasers in Communist China.

7. Having such knowledge, and for the purpose of supplying Kastenhuber with documentation to support applications it was required to make for validated export licenses to export ball pen point materials to Hong Kong, Oversea executed a series of purchase notes or orders for ball pen point materials. In each of said notes or orders it represented that the ball pen point materials ordered were "For resale to pen manufacturers in Hong Kong for use in manufacturing of fountain pens, none of this material will be reexported. We will promptly notify you of any change of our intentions." In addition, at the same time that it supplied Kastenhuber with such purchase notes or orders, it supplied Kastenhuber with an import license issued by the Hong Kong Government, in which import license it was represented by Oversea that the goods which were the subject matter of the particular order which it accompanied were for "Local Consumption" (in Hong Kong) or were "for manufacturing purposes in Hong Kong."

8. Kastenhuber thereupon submitted to the Bureau of Foreign Commerce applications for validated export licenses to export ball pen point materials to Oversea in Hong Kong, one such application being submitted for each of the aforementioned purchase notes, and in each of the said applications Kastenhuber did represent and state to the Bureau of Foreign Commerce that Oversea was the intermediate and ultimate consignee and the purchaser and that Hong Kong was the country of ultimate destination, and it further stated and represented that the said materials were for resale in Hong Kong to manufacturers of fountain pens. Attached to each of the said applications by Kastenhuber, and in support thereof, were the purchase notes and import licenses received by it from Oversea.

9. In reliance on the said applications, the statements and representations therein contained, and the supporting documents, the Bureau of Foreign Commerce issued seven validated export licenses authorizing the exportation by Kastenhuber to Oversea of 1,300 ounces of ball pen point materials having an aggregate value of $143,580. (One of these licenses was cancelled subsequent to the commencement of the investigation herein.)

10. Kastenhuber, from time to time, during 1955 and 1956, following receipt of said validated licenses, exported to Oversea an aggregate of 1,200 ounces of ball pen point materials having a value of $128,580. In connection with each exportation so made, it utilized the validated license applicable thereto and executed or caused to be executed with respect to each such exportation one or more air waybills and one or more export declarations in which it certified and represented, or caused to be certified and represented, that Oversea was the ultimate purchaser and consignee and that the ultimate destination of the goods so being exported was Hong Kong.

11. With respect to each of the shipments so made by Kastenhuber, in addition to the air waybills issued in connection therewith, Kastenhuber issued bills or commercial invoices for the materials so being shipped and on none of said bills or commercial invoices or air waybills did Kastenhuber set forth the destination control notice which it was required to endorse thereon by § 379.10 (c) of the Export Regulations.

12. Following receipt of the ball pen point materials so exported from the United States by Kastenhuber to Oversea and with the knowledge as aforesaid that such materials were prohibited from being reexported or transshipped from Hong Kong to Communist China, Oversea, without disclosing its intention to the Bureau of Foreign Commerce, reexported and transshipped to Communist China at least 550 ounces thereof.

13. In about January 1956 and again in March 1956, first during the course of an end-use check to verify the representations made in the applications for export licenses and next during the investigation of this case, an American Consul in Hong Kong, acting on behalf of the Bureau of Foreign Commerce, interrogated Tsong concerning the disposition of the ball pen point materials received by Oversea from Kastenhuber and whether it had made any exportation thereof to China and he, in response to questions propounded to him, stated that it had made no exportation to China and that such sales as it had made had been made to wholesalers in Hong Kong.

14. Prior to the times that Tsong made such statements to the American Consul, Oversea had exported quantities of the ball pen point materials which had been received by it from Kastenhuber, which materials were the subject matter of the inquiries directed to him.

And, from the foregoing, the following are my conclusions:

A. Kastenhuber & Lehrfeld, Inc. and John Woodward knowingly caused exportations to be made in violation of the export control law and regulations; used validated export licenses and shipper's export declarations for the purpose of and in connection with facilitating and effecting exportations contrary to the terms, provisions, and conditions thereof; and issued and prepared or caused to be issued and prepared commercial invoices and air waybills in connection with such exportations without endorsing on the face thereof the required destination control notices, all in violation of §§ 381.5, 381.8, 379.10 (c) (2), and 379.10 (c) (3) of the Export Regulations.

B. The respondents Oversea Trading Co. (H. K.) Ltd. and C. S. Tsong (Tsong Chen Sang) knowingly bought, financed, and then received goods exported from the United States with knowledge that, with respect to such exportations, violations of the Export Control Act and the regulations had occurred, were about to occur, and were intended to occur; made false statements and concealed material facts from an official of the United States representing the Bureau of Foreign Commerce during the course of an investigation under the authority of the Export Control Act of 1949, as amended; and diverted and transshipped commodities exported from the United States to destinations not permitted under the licenses pursuant to which they had been exported from the United States and contrary to prior representations made by them for the purpose of obtaining the issuance of such export licenses in violation of §§ 381.4, 381.5 (b) (1), and 381.6 of the Export Regulations.

When making his recommendation, the Compliance Commissioner, in his report, said:

> We are unable to determine what portion of [the exportations] were transshipped but it is reasonable to assume that the greater proportion thereof was. Considering that in the first four months of 1958 [Kastenhuber & Lehrfeld, Inc.] shipped less than $7,000 worth of ball point pen materials (and these to countries other than Hong Kong), [its] claimed voluntary withdrawal from the cross-Pacific trade, the fact that (as represented) $85,000 worth of business has been declined, the fact that [it] will be denied the privilege of supplying its long established Cuban customers with raw metals previously averaging about $25,000 a year in exports and the most important fact that both [Kastenhuber & Lehrfeld, Inc. and Woodward] seem to be fully rehabilitated, a six month denial of export privileges, which will include the balance of 1958, seems to result in a complete adjustment for the illicit exportations. For these reasons I do hereby approve the consent proposal * * * and recommend that it be accepted.
>
> The remedial action to be taken against the Oversea respondents presents a different picture. They diligently sought the illegal business, deliberately and with knowledge and intent made the false representations and reexportations, and thereafter failed to cooperate in the investigation and made false statements to our agent in Hong Kong. They are not subject to our policing and inspection and there is no way to be assured that they will not violate again if given the opportunity. For these reasons I recommend that they be denied export privileges so long as export controls are in effect.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law: *It is hereby ordered*:

I. All outstanding validated export licenses in which any one of the respondents herein appears or participates as vendor, exporter, purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. A. Henceforth, and for the duration of export controls, the respondents, Oversea Trading Co. (H. K.) Ltd. and C. S. Tsong (Tsong Chen Sang), be and

they hereby are suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in any past, present, or future exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by the respondent, directly or indirectly, in any manner or capacity, (a) as party or as representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

B. For six months following the date hereof, the respondents, Kastenhuber & Lehrfeld, Inc., and John Woodward, be and they hereby are suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in any past, present, or future exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by the respondent, directly or indirectly, in any manner or capacity, (a) as party or as representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges, insofar as it shall apply to any respondent, shall extend not only to such respondent, his or its successors or assigns, directors, officers, agents, and employees, but also to any person, firm, corporation, or business organization with which he or it may be related, now or hereafter, by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

IV. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, shall, on behalf of or in any association with any respondent or any related party, during such time as any such respondent is subject to the terms of this order, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in any exportation from the United States. Nor shall any such person, firm, corporation, or other business organization do any of the foregoing acts with respect to any exportation in which such respondent or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: July 10, 1958.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 58-5420; Filed, July 15, 1958; 8:51 a. m.]

Federal Maritime Board

ISTHMIAN LINES, INC.

NOTICE OF TERMINATION OF BAREBOAT CHARTER

Notice of annual review of bareboat charter covering the vessel "Wellesley Victory" (Isthmian Lines, Inc., charterer) appeared in the FEDERAL REGISTER issue of June 27, 1958 (23 F. R. 4765).

The Federal Maritime Board has found that conditions do not exist justifying the continuance of the charter beyond a year's period of operation of said vessel.

Dated: July 11, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5427; Filed, July 15, 1958; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 308]

MARKET AGENCIES AT SIOUX CITY STOCK YARDS, SIOUX CITY, IOWA

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on August 1, 1956 (15 A. D. 898), authorizing the respondents to modify their temporary schedule of rates and charges in certain respects and to assess the modified schedule to and including July 31, 1958, unless changed by further order before the latter date.

By petition filed on July 3, 1958, respondents requested authority to modify the current temporary schedule of rates and charges in certain respects and to continue assessing such schedule, as so modified, to and including July 31, 1960, unless extended or modified by further order prior to that date. The modifications requested are as follows:

SELLING AND RESELLING CHARGES

Commission shall be charged on all livestock consigned to, and offered for sale by a commission firm, except livestock that is returned to point of origin, or shipped to another Central Public Market.

SECTION A

	Rates per head	
	Present	Proposed
Cattle:		
Consignments of 1 head and 1 head only	$1.55	$1.65
Consignments of more than one head:		
First 5 head in each consignment	1.25	1.35
Next 10 head in each consignment	1.20	1.30
Each head over 15 in each consignment	1.05	1.15
Calves:		
Consignments of 1 head and 1 head only	.90	1.00
Consignments of more than one head:		
First 5 head in each consignment	.80	.90
Next 10 head in each consignment	.75	.85
Each head over 15 in each consignment	.65	.75
Bulls, irrespective of manner of arrival	1.80	1.90
T. B. Reactors, Bangs reactors, cripples, suspects or subjects, or condemned	1.80	1.90

SECTION B

Hogs, irrespective of manner of arrival:		
Consignments of 1 head and 1 head only	$0.68	$0.73
Consignments of more than 1 head:		
First 10 head in each consignment	.46	.50
Next 15 head in each consignment	.41	.45
Each head over 25 in each consignment	.36	.40
Boars, cripples or subjects	.85	.90

The proposed rates and charges, if authorized, will produce additional revenue for the respondent market agencies and increase the cost of marketing livestock. It appears, therefore, that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 11th day of July 1958.

[SEAL] JOHN C. PIERCE, Jr.,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 58-5441; Filed, July 15, 1958; 8:55 a. m.]

Office of the Secretary

INDIANA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2

(a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in Adams County, Indiana, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1959, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 10th day of July 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-5418; Filed, July 15, 1958; 8:50 a. m.]

FLORIDA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following counties in the State of Florida a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

FLORIDA

Alachua.	Lake.
Baker.	Manatee.
Brevard.	Marion.
Citrus.	Orange.
Clay.	Osceola.
DeSoto.	Pasco.
Duval.	Pinellas.
Flagler.	Polk.
Hardee.	Putnam.
Hendry.	Sarasota.
Hernando.	Seminole.
Highlands.	St. Johns.
Hillsborough.	Sumter.
	Volusia.

Pursuant to the authority set forth above, production emergency loans will not be made in Hendry County after December 31, 1958, and in the other counties listed above after March 31, 1959, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 9th day of July 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-5419; Filed, July 15, 1958; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-6]

BATTELLE MEMORIAL INSTITUTE

NOTICE OF ISSUANCE OF AMENDED UTILIZATION FACILITY LICENSE

Please take notice that the Atomic Energy Commission has issued the following amended License R–4 authorizing Battelle Memorial Institute to make modifications in the Institute's research reactor at West Jefferson, Ohio, and to observe a new operating restriction when operating the reactor. The amended License R–4 also allocates special nuclear material for use in connection with operation of the reactor. The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the modifications do not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the facility.

The amended license (1) requires Battelle Memorial Institute, when operating the research reactor, to observe a new operating restriction which limits the amount of excess reactivity above cold clean critical which may be loaded in the reactor to a maximum 4.6 percent k/k; (2) authorizes the licensee (a) to use boron-carbide safety rods rather than cadmium safety rods, (b) to remove radiation monitors from "scram" circuits and install the excess radiation detectors in the "alarm" circuit, (c) to close air intakes and exhausts manually rather than automatically, (d) to leave most of the fuel elements and control rods in the core grid plate on scheduled shut-down days, (e) to change the plan for sounding the alarm in the event of detection of excess radiation, (f) to use a new reactor start-up procedure, (g) to substitute a fuel element fabricated by the "roll-swage" method for a standard fuel element in the fuel load inserted in the reactor; (3) increases the allocation of special nuclear material to Battelle Memorial Institute; and (4) increases the Battelle Memorial Institute's authorization to possess and use special nuclear material.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of the issuance of the amended license upon receipt of a request therefor from the licensee or an intervener within 30 days after issuance of the amended license. For further details see (1) the application submitted by Battelle Memorial Institute, and amendments thereto, and (2) a hazards analysis of the modifications prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 9th day of July 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[Docket No. 50-6]

BATTELLE MEMORIAL INSTITUTE

[License No. R–4, as amended]

1. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

a. The utilization facility authorized for construction by Construction Permit dated August 5, 1955 (later designated CPRR–4), issued to Battelle Memorial Institute, has been constructed and will operate in conformity with the application as amended and in conformity with the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act") and the rules and regulations of the Commission;

b. There is reasonable assurance that the facility can be operated without endangering the health and safety of the public;

c. Battelle Memorial Institute is technically and financially qualified to operate the facility, and to possess and use special nuclear material;

d. Issuance of a license to possess and operate the facility will not be inimical to the common defense and security or to the health and safety of the public;

e. Battelle Memorial Institute has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Battelle Memorial Institute:

a. Pursuant to section 104c of the act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate as a utilization facility the research reactor (herein referred to as "the facility") designated below in accordance with the procedures described in the application.

b. Pursuant to the act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess and use:

(1) 11.302 kilograms of contained uranium 235 in fuel element assemblies as fuel for operation of the facility;

(2) 1.68 grams of contained uranium 235 in neutron measuring instruments incorporated in the facility.

c. Pursuant to the act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced from operation of the facility.

3. This license applies to the facility which is owned by Battelle Memorial Institute and located at West Jefferson, Ohio, and described in Battelle Memorial Institute's application dated May 4, 1955, and amendments thereto dated April 5, 1956, June 5, 1956, March 19, 1957, April 10, 1957, May 10, 1957, May 20, 1957, June 3, 1957, June 13, 1957, July 3, 1957, October 9, 1957, and January 10, 1958 (herein referred to as "the application").

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the act and rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

a. The maximum amount of excess reactivity above cold clean critical which may be loaded in the Battelle Research Reactor shall not exceed 4.6 percent in either the open pool or the stall position. In the stall position, the excess reactivity shall be determined with the beam tubes filled with air.

b. Battelle Memorial Institute shall not operate the reactor at power levels in excess of 1,000 kilowatts without previous authorization from the Commission.

c. The reactor shall be operated in such a manner that all positive reactivity additions by the shim-safety rods are made by manual manipulation only.

d. In addition to those otherwise required under this license and applicable regulations, the Institute shall keep the following records:

(1) Facility operating records, including power levels.

(2) Record of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of Battelle Memorial Institute as measured at the point of such release or discharge.

(4) Records of emergency scrams, including reasons for emergency shutdowns.

d. Battelle Memorial Institute shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

5. Pursuant to § 50.60 of the regulations in Title 10, Chapter 1, CFR, Part 50, the Commission has allocated to Battelle Memorial Institute for use in the operation of the reactor, 11.302 kilograms of uranium 235 contained in uranium in the isotopic ratio specified in Battelle Memorial Institute's application. Estimated schedules of special nuclear material transfers to Battelle Memorial Institute and returns to the Commission are contained in Appendix "A" which is attached hereto. Shipments by the Commission to Battelle Memorial Institute in accordance with column 2 in Appendix "A" will be conditioned upon Battelle Memorial Institute's return to the Commission of material substantially in accordance with column 3 of Appendix "A".

6. This license shall expire at midnight, August 5, 1965, unless sooner terminated.

Date of issuance: July 9, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

APPENDIX "A" TO BATTELLE MEMORIAL INSTITUTE FACILITY LICENSE NO. R-4

ESTIMATED SCHEDULE OF TRANSFERS OF SPECIAL NUCLEAR MATERIAL FROM THE COMMISSION TO BATTELLE AND TO THE COMMISSION FROM BATTELLE

Date of transfer (fiscal year)	Transfers from AEC to Battelle kgs. U-235	Returns by Battelle to AEC kgs. U-235		Net yearly distribution including cumulative losses kgs. U-235	Cumulative distribution including cumulative losses kgs. U-235
		Recoverable cold scrap	Spent hot fuel		
1956	5.282			5.282	5.282
1957					5.282
1958	1.120	0.560		0.560	5.842
1959	7.840	3.920	0.476	3.444	9.286
1960	1.120	0.560	3.332	(2.772)	6.514
1961	7.840	3.920	0.476	3.444	9.958
1962	1.120	0.560	3.332	(2.772)	7.186
1963	7.840	3.920	0.476	3.444	10.630
1964	1.120	0.560	3.332	(2.772)	7.858
1965	7.840	3.920	0.476	3.444	11.302
1966	1.120	0.560	3.332	(2.772)	8.530
			[1] 5.842	[2] 5.842	[2] 2.688
	42.242	18.480	21.074	[2] 2.688	

[1] Inventory to be returned.
[2] Fabrication and burnup losses.

[F. R. Doc. 58-5400; Filed, July 15, 1958; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12031; FCC 58M-735]

BIRCH BAY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of George A. Wilson & L. N. Ostrander d/b as Birch Bay Broadcasting Company, Blaine, Washington, Docket No. 12031, File No. BP-10848; for construction permit.

By agreement of the parties: *It is ordered*, This 9th day of July 1958, that the hearing in the above-entitled proceeding presently scheduled to be held on July 17, 1958, is hereby continued to July 30, 1958.

Released: July 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5436; Filed, July 15, 1958; 8:54 a. m.]

[Docket No. 12465; FCC 58M-741]

WLBE, INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of WLBE, Inc. (WLBE), Leesburg-Eustis, Florida, Docket No. 12465, File No. BP-11305; for construction permit.

It is ordered, This 9th day of July 1958, that a prehearing conference in the above-entitled proceeding will be held on July 30, 1958, at 9:00 a. m., in the offices of the Commission, Washington, D. C.

Released: July 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5437; Filed, July 15, 1958; 8:54 a. m.]

[Docket Nos. 12518, 12519; FCC 58-654]

CLARION BROADCASTING CO. AND COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Victor D. Lindeman, Jr., and Robert Z. Morrison, d/b as Clarion Broadcasting Company, Clarion, Pennsylvania, Docket No. 12518, File No. BP-11332; W. E. Sheridan, Thomas Culbertson, Harriet Hearst, W. C. Hearst, W. J. McKnight III and Punxsutawney Broadcasting Company, d/b as County Broadcasting Company, Clarion, Pennsylvania, Docket No. 12519, File No. BP-11843; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of July 1958;

The Commission having under consideration the above-captioned applications of Victor D. Lindeman, Jr., and Robert Z. Morrison d/b as Clarion Broadcasting Company, and of W. E. Sheridan, Thomas Culbertson, Harriet Hearst, W. C. Hearst, W. J. McKnight III and Punxsutawney Broadcasting Company d/b as County Broadcasting Company, each for a construction permit for a new standard broadcast station to operate on 1300 kilocycles with a power of one kilowatt, daytime only, at Clarion, Pennsylvania; and

It appearing that except as indicated by the issues specified below, both applicants are legally, technically, financially and otherwise qualified to operate the proposed stations but that the operation of the proposed stations would result in mutually destructive interference and that the proposed operations would cause interference to Station WERE, Cleveland, Ohio (1300 kc, 5 kw, DA-1, U); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated May 14, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply to the Commissioner's letter was filed by each applicant; and

It further appearing that by letter dated June 5, 1958, the licensee of Station WERE expressed an intention of participating in a hearing on the applications; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operations would cause interference to Station WERE, Cleveland, Ohio, or any other standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That Cleveland Broadcasting Incorporated, licensee of Station WERE, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party in support thereof, by the addition of the following issue:

To determine whether funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 11, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5438; Filed, July 15, 1958; 8:55 a. m.]

[Docket Nos. 12520 etc.; FCC 58-655]

LEAVENWORTH BROADCASTING CO. (KCLO) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of George Basil Anderson and Florence L. Anderson d/b as Leavenworth Broadcasting Company (KCLO), Leavenworth, Kansas, Docket No. 12520, File No. BP-11195; Wichita Beacon Broadcasting Company, Inc. (KWBB), Wichita, Kansas, Docket No. 12521, File No. BP-11207; Willie Ray Harlowe and Carroll C. Lee d/b as Bowie-Nocona Broadcasting Company, Bowie, Texas, Docket No. 12522, File No. BP-11241; Bert F. Dimock, Jr., and Elmer Covey d/b as Montague County Broadcasting Company, Bowie, Texas, Docket No. 12523, File No. BP-11890; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of July 1958;

The Commission having under consideration the above-captioned applications requesting the following standard broadcast facilities:

BP-11195; KCLO, Leavenworth, Kans.; George Basil Anderson and Florence L. Anderson d/b as Leavenworth Broadcasting Company. Has: 1410 kc, 500 w, Day. Req: 1410 kc, 5 kw, DA, Day.

BP-11207; KWBB, Wichita, Kans.; Wichita Beacon Broadcasting Company, Inc. Has: 1410 kc, 1 kw, DA-2, Unl. Req: 1410 kc, 1 kw, 5 kw-LS, DA-2, Unl.

BP-11241; NEW, Bowie, Tex.; Willie Ray Harlowe and Carroll C. Lee d/b as Bowie-Nocona Broadcasting Company. Req: 1410 kc, 500 w, DA, Day.

BP-11890; NEW, Bowie, Tex.; Bert F. Dimock, Jr., and Elmer Covey d/b as Montague County Broadcasting Company. Req: 1410 kc, 500 w, Day.

It appearing that except as indicated by the issues specified below, all the applicants are legally, technically, financially and otherwise qualified to operate their proposed stations but that the operation of Station KCLO as proposed would cause interference to the proposed operation of Station KWBB; that the proposed operations of Station KWBB and the Bowie-Nocona Broadcasting Company would result in mutual interference; that the proposed operation of Station KWBB would cause interference to the proposed operation of the Montague County Broadcasting Company; that the applications of the Bowie-Nocona Broadcasting Company and the Montague County Broadcasting Company are mutually exclusive; that the proposed operation of the Bowie-Nocona Broadcasting Company may not be in compliance with § 3.28 (c) in that the interference which would be received from the proposed operation of Station KWBB may affect more than ten percent of the population within the proposed normally protected primary service area; that the population in the normally protected primary service area of the Montague County Broadcasting Company which would be affected by interference received from the KWBB proposal and from the existing operation of Station KBUD, Athens, Texas (1410 kc, 250 w, Day) would exceed the ten percent permitted under the provisions of § 3.28 (c) of the Commission's rules; and that the proposed operation of the Montague County Broadcasting Company would cause interference to Station KBUD and to Station KFYN, Bonham, Texas (1420 kc, 250 w, DA), both Class IV stations operating on regional channels, but that § 3.29 of the Commission's rules provides that Class I stations will not be protected against interference from a Class III station, which the Montague County Broadcasting Company proposes; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated May 1, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that all of the applicants filed timely replies to the Commission's letter; and

It further appearing that in an amendment filed June 12, 1958, the Wichita Beacon Broadcasting Company, Inc., indicated that it would accept the interference which would be caused to the proposed operation of Station KWBB by the proposed operation of KCLO, provided both proposals are granted simultaneously; and

It further appearing that by amendment filed May 27, 1958, the Bowie-Nocona Broadcasting Company indicated that the interference which would be received by the proposed operation from the proposed operation of Station KWBB and the existing operation of Station KBUD would affect more than ten percent of the population within the proposed normally protected primary service area; therefore, the proposed operation would not be in compliance with § 3.28 (c) of the Commission's rules; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Stations KCLO and KWBB as proposed and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would receive primary service from the proposed operations of the Bowie-Nocona Broadcasting Company and the Montague County Broadcasting Company and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether, because of interference received, the proposed operations of the Bowie-Nocona Broadcasting Company and the Montague County Broadcasting Company would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

5. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals herein would best provide a fair, efficient and equitable distribution of radio service.

6. To determine on a comparative basis, in the event that pursuant to the foregoing issue, Bowie, Texas, is considered to have the greater need for either the operation proposed by the Bowie-Nocona Broadcasting Company or the Montague County Broadcasting Company, which of said two proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the two applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming services proposed in each of said applications.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 11, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5439; Filed, July 15, 1958; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1975]

IDAHO POWER CO.

NOTICE OF LAND WITHDRAWAL, IDAHO

By letters to the Bureau of Land Management of March 18, 1948, April 13, 1950, and withdrawal notice of July 26, 1956, this Commission gave notice of the reservation of approximately 702 acres of land of the United States pursuant to the filing of applications for license both original and amendatory, by the Idaho Power Company for Project No. 1975.

On August 17, 1956, the licensee filed an application for further amendment of license to cover, among other things, the installation of a new transmission line from the Bliss plant, of this project to the King Substation.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands, insofar as title thereto remains in the United States are included in the aforesaid power project. Under said section 24 of these lands are, from said date of filing of application for amendment of license, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress.

BOISE MERIDIAN, IDAHO

All portions of the following described subdivisions lying within 75 feet of the center line survey of the transmission line right-of-way location, as delimited on map Exhibit "J-2" and "K-2" (consolidated) entitled "Bliss H. E. Development Transmission Line," and filed in this Commission on August 17, 1956.

T. 6 S., R. 12 E.,
Sec. 8: Lot 8;
Sec. 17: N½NW¼, SE¼NW¼, S½NE¼, NE¼SE¼;
Sec. 21: N½NE¼;
Sec. 22: NW¼NW¼, S½NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 23: S½SW¼;
Sec. 25: SW¼NW¼, N½SW¼, SE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 26: NW¼NE¼, NE¼NW¼, S½NE¼,
T. 6 S., R. 13 E.,
Sec. 31: Lot 1, E½NW¼, SW¼NE¼, N½SE¼;
Sec. 32: W½SW¼, SE¼SW¼, SW¼SE¼;
T. 7 S., R. 13 E.,
Sec. 3: N½SW¼, N½SE¼, SE¼SE¼;
Sec. 4: Lots 1, 2, 3, NE¼SE¼;
Sec. 10: Lot 1.

The general determination made by the Commission at its meeting of April 17, 1922, with respect to lands reserved for power transmission line purposes only, is applicable to these lands. The area reserved by the filing of this application is approximately 156 acres.

A copy of map Exhibit "J-2" and "K-2", consolidated, (F. P. C. No. 1975-36) has been transmitted to the Bureau of Land Management and Geological Survey.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5409; Filed, July 15, 1958; 8:47 a. m.]

[Docket No. G-15411]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDED PROPOSED CHANGE IN RATES

JULY 9, 1958.

Magnolia Petroleum Company (Magnolia) on June 9, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Supplemental Agreement,[1] dated May 29, 1958. (2) Notice of Change, undated.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: (1) Supplement No. 9 to Magnolia's FPC Gas Rate Schedule No. 69. (2) Supplement No. 10 to Magnolia's FPC Gas Rate Schedule No. 69.

Effective date: July 10, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed renegotiated rate increase, Magnolia states that the sale of natural gas is a commodity sale and not a service, as is the transportation of gas, and the determination of a just and reasonable rate should be by a "supply and demand formula" method. In addition, Magnolia states the increase is necessary because its revenue requirements have increased with the rise in cost of doing business and the additional revenue is further made necessary to encourage further exploration and development.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement Nos. 9 and 10 to Magnolia's FPC Gas Rate Schedule No. 69 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement Nos. 9 and 10 to Magnolia's FPC Gas Rate Schedule No. 69.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 10, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5428; Filed, July 15, 1958; 8:53 a. m.]

[Docket No. G-15412]

ATLANTIC REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 10, 1958.

The Atlantic Refining Company (Atlantic) on June 13, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 10, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 22 to Atlantic's FPC Gas Rate Schedule No. 34.

Effective date: July 14, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Atlantic submits a copy of a letter from Texas Eastern Transmission Corporation (Texas Eastern) in which Texas Eastern agrees to the redetermined price for five years commencing February 5, 1958. In addition, Atlantic states that the contract was negotiated at arm's-length.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 22 to Atlantic's FPC Gas Rate Schedule No. 34 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 22 to Atlantic's FPC Gas Rate Schedule No. 34.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 14, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5429; Filed, July 15, 1958; 8:53 a. m.]

[Docket No. G-15413]

AZTEC OIL & GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 10, 1958.

Aztec Oil & Gas Company (Aztec) on June 16, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 4 to Aztec's FPC Gas Rate Schedule No. 6.

Effective date: July 17, 1958 (effective date is the effective date proposed by Aztec).

In support of the proposed favored-nation rate increase, Aztec submits a copy of a letter from El Paso Natural Gas Company notifying of the 1 cent per Mcf increase. Aztec states that the contract resulted from good faith arm's-length bargaining and denial of the increase would cause Aztec to suffer a loss.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Aztec's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Aztec's FPC Gas Rate Schedule No. 6.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 17, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5430; Filed, July 15, 1958; 8:53 a. m.]

[Docket No. G-15414]

BRITISH AMERICAN OIL PRODUCING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 10, 1958.

The British American Oil Producing Company (British American) on June 16, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 4, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 6 to British American's FPC Gas Rate Schedule No. 6.

Effective date: July 17, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, British-American submits a copy of a letter from El Paso Natural Gas Company notifying of the increase and agreeing to pay the higher price subject to Commission action. In addition, British American states that the entire pricing provisions represent the consideration of the contract; that the pricing arrangement is common in many long-term contracts in order to permit initial delivery at a price lower than the average price and that such an arrangement is economically desirable to all parties.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to British American's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to British American's FPC Gas Rate Schedule No. 6.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred as hereinafter ordered.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5431; Filed, July 15, 1958; 8:53 a. m.]

[1] Parties renegotiate a base rate increase from 10 cents at 16.7 psia to 18.5 cents per Mcf at 15.025 psia.

[Docket No. G-15415]

ROY L. JENNINGS ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 10, 1958.

Roy L. Jennings and Maurice Clogg, d/b/a Jennings & Clogg, (Operator), et al., (Jennings & Clogg), on June 18, 1958, tendered for filing a proposal change in their presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 13, 1958.

Purchaser: Cities Service Gas Company.

Rate schedule designation: Supplement No. 1 to Jennings & Clogg's FPC Gas Rate Schedule No. 1.

Effective date: July 19, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Jennings & Clogg state that the pricing provisions are a matter of contractual obligation; that the contract resulted from bona fide arm's length bargaining in a competitive market; that the prices constitute a single indivisible rate, and that it would be unfair and unjust for the Commission not to approve the proposed price.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Jennings & Clogg's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Jennings & Clogg's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 19, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5432; Filed, July 15, 1958; 8:54 a. m.]

[Docket No. G-15419]

SUNRAY MID-CONTINENT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 10, 1958.

Sunray Mid-Continent Oil Company (Sunray) on June 11, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated January 3, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 11 to Sunray's FPC Gas Rate Schedule No. 8. Supplement No. 14 to Sunray's FPC Gas Rate Schedule No. 27. Supplement No. 14 to Sunray's FPC Gas Rate Schedule No. 29.

Effective date: July 12, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increases, Sunray submits copies of letters signed by Texas Eastern Transmission Corporation and Sunray agreeing that for the five-year period commencing February 5, 1958, the price under the contracts had been redetermined to be 13.8733 cents per Mcf, including reimbursement for existing taxes. Sunray states that the contract as an entity was entered into at arm's length, that the consideration to Sunray was the entire price schedule to insure the receipt of the full market value of the gas, that without such a provision Sunray would not have agreed to a long-term contract, that the effect is the same as if an average contract price had been agreed upon, that the proposed price is just and reasonable and in line with other area prices for gas for resale and that denial of the increase would be unjust and discriminatory.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 11 to Sunray's FPC Gas Rate Schedule No. 8; Supplement No. 14 to Sunray's FPC Gas Rate Schedule No. 27, and Supplement No. 14 to Sunray's FPC Gas Rate Schedule No. 29, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 11 to Sunray's FPC Gas Rate Schedule No. 8; Supplement No. 14 to Sunray's FPC Gas Rate Schedule No. 27, and Supplement No. 14 to Sunray's FPC Gas Rate Schedule No. 29.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until July 13, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5433; Filed, July 15, 1958; 8:54 a. m.]

[Docket No. G-15420]

SUNRAY MID-CONTINENT OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 10, 1958.

Sunray Mid-Continent Oil Company (Operator) et al. (Sunray), on June 11, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated January 3, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 11 to Sunray's FPC Gas Rate Schedule No. 10. Supplement No. 12 to Sunray's FPC Gas Rate Schedule No. 31. Supplement No. 18 to Sunray's FPC Gas Rate Schedule No. 33. Supplement No. 11 to Sunray's FPC Gas Rate Schedule No. 32.

Effective date: July 12, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increases, Sunray submits copies of letters signed by Texas Eastern Transmission Corporation and Sunray agreeing that for the five-year period commencing February 5, 1958, the price under the contracts had been redetermined to be 13.8733 cents per Mcf, including reimbursement for existing taxes. Sunray states that the contract as an entity was entered into at arm's length, that the consideration to Sunray was the entire price schedule to insure the receipt of the full market value of the gas, that without such a provision Sunray would not have agreed to a long-term contract, that the effect is the same as if an average contract price had been agreed upon, that the proposed price is just and reasonable and in line with other area prices for gas for resale and that denial of the increase would be unjust and discriminatory.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 11 to Sunray's FPC Gas Rate Schedule No. 10; Supplement No. 12 to Sunray's FPC Gas Rate Schedule No. 31; Supplement No. 18 to Sunray's FPC Gas Rate Schedule No. 33, and Supplement No. 11 to Sunray's FPC Gas Rate Schedule No. 32, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 11 to Sunray's FPC Gas Rate Schedule No. 10; Supplement No. 12 to Sunray's FPC Gas Rate Schedule No. 31; Supplement No. 18 to Sunray's FPC Gas Rate Schedule No. 33, and Supplement No. 11 to Sunray's FPC Gas Rate Schedule No. 32.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until July 13, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5434; Filed, July 15, 1958; 8:54 a. m.]

[Docket No. G-15421]

RUTTER AND WILBANKS BROTHERS ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 10, 1958.

Rutter and Wilbanks Brothers (Operator) et al. (Rutter and Wilbanks), on June 10, 1958, proposed changes in its presently effective rate schedules for the sale of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 6, 1958.

Rate schedule designation: Supplement No. 10 to Rutter and Wilbanks FPC Gas Rate Schedule No. 1. Supplement No. 9 to Rutter and Wilbanks FPC Gas Rate Schedule No. 3.

Purchaser: El Paso Natural Gas Company.

Effective date: July 11, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increases, Rutter and Wilbanks refer to the contract price provisions and state that the prices were arrived at by arm's-length negotiations and the increased prices are fair and reasonable and necessary to compensate seller for increased costs of exploration and provide an adequate return on investment.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 19 to Rutter and Wilbanks Brothers (Operator), et al., FPC Gas Rate Schedule No. 1 and Supplement No. 9 to Rutter and Wilbanks Brothers (Operator), et al., FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges, contained in Supplement No. 19 to Rutter and Wilbanks Brothers (Operator), et al., FPC Gas Rate Schedule No. 1 and Supplement No. 9 to Rutter and Wilbanks Brothers (Operator), et al., FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until December 11, 1958, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5435; Filed, July 15, 1958; 8:54 a. m.]

FEDERAL RESERVE SYSTEM

FIRST NEW YORK CORP. ET AL.

ORDER DENYING ACTION TO BECOME BANK HOLDING COMPANIES

First New York Corporation, The First National City Bank of New York, and International Banking Corporation; order denying action to become bank holding companies.

In the matter of the applications of First New York Corporation, The First National City Bank of New York, and International Banking Corporation for prior approval of action to become bank holding companies under section 3 of the Bank Holding Company Act of 1956 (Docket No. BHC 1-3).

There having come before the Board of Governors, pursuant to section 3 (a) (1) of the Bank Holding Company Act of 1956 (12 U. S. C. 1842) and section 4 (a) (1) of the Board's Regulation Y (12 CFR 222.4 (a) (1)), applications on behalf of First New York Corporation, a Delaware corporation with its principal office in New York City, The First National City Bank of New York, New York City, and International Banking Corporation, a Connecticut corporation with its principal office in New York City, for the Board's prior approval of action whereby each of such companies would become a bank holding company under the Act; a hearing on said applications having been held pursuant to section 7 (a) of the Board's Regulation Y (12 CFR 222.7 (a)); opportunity having been given to all parties for the filing of proposed findings and conclusions; the Hearing Examiner having filed a Report and Recommended Decision and a Supplemental Report and Recommended Decision, in each of which he recommended that said applications be denied; the Applicants and The County Trust Company, White Plains, New York (a non-applicant party to this proceeding), having filed exceptions and briefs; oral arguments having been presented to the Board; and all such steps having been taken in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR 263),

It is hereby ordered, For the reasons set forth in the accompanying State-

ment[1] of the Board, that the applications of First New York Corporation, The First National City Bank of New York, and International Banking Corporation pursuant to section 3 (a) (1) of the Bank Holding Company Act of 1956, shall be, and hereby are, denied.

This 10th day of July 1958.

By order of the Board of Governors.[2]

[SEAL] S. R. CARPENTER, *Secretary.*

[F. R. Doc. 58-5421; Filed, July 15, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 225]

MOTOR CARRIER APPLICATIONS

JULY 11, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 39230 (Sub No. 2), filed April 17, 1958, published issue June 5, 1958. Applicant: HARCOURT & COWAN, INC., Milroy, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Previous publication gave the location of the site of The Heekin Can Company plant near Newton, Ohio, whereas the location of the plant is at or near *Newtown*, Ohio.

HEARING: Remains as assigned July 23, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 208, or, if the Joint Board waives its right to participate, before Examiner Frank F. Saltzman.

No. MC 59894 (Sub No. 16), filed June 16, 1958. Applicant: TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East Second Street, El Paso, Tex. Applicant's attorney: Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Phoenix, Ariz., and Deer Valley Park, Ariz., and points within 3 miles thereof: from Phoenix over U. S. Highway 80 to junction Arizona Highway 69, and thence over Arizona Highway 69 to Deer Valley Park, and points within 3 miles thereof, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in California, Arizona, New Mexico, and Texas.

NOTE: Applicant states Deer Valley Park, Ariz. is a new, unincorporated industrial area on Arizona Highway 69 approximately 15 miles northwest of the State Capitol at Phoenix.

HEARING: September 19, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 83539 (Sub No. 34), (AMENDMENT), filed June 16, 1958, published issue of July 9, 1958. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce St., P. O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, and (B) *Iron or steel silos*, knocked down, each silo to include one unloader, and (C) *Parts and accessories* of Items (A) and (B), above, when moving with such commodities, between Kankakee, Ill., and points in the Commercial Zone thereof, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wyoming, and the Territory of Alaska. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming.

HEARING: Remains as assigned September 9, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James I. Carr.

No. MC 92983 (Sub No. 301), filed June 30, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spirits*, in bulk, in tank vehicles, from Peekskill, N. Y., to Owensboro, Ky. Applicant is authorized to conduct operations in Nebraska, Wisconsin, Missouri, Illinois, Iowa, Arkansas, Ohio, Minnesota, Kansas, Indiana, Kentucky, North Carolina, South Carolina, Louisiana, Florida, Tennessee, North Dakota, South Carolina, Texas, Virginia, New York, Pennsylvania, Connecticut, Massachusetts, Mississippi, Georgia, Alabama, and Oklahoma.

HEARING: September 11, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 115841 (Sub No. 26), filed June 27, 1958. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P. O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape products, fruit juices, and vegetable juices* (not including frozen product), in vehicles equipped with mechanical refrigeration capable of affording protection against heat and cold, from North East and Erie, Pa., to points in North Carolina, South Carolina, Georgia, and points in Florida on and north of a line extending from St. Augustine, Fla., through Panama City, Fla. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant states that no shipment shall be transported to any point in Florida except as part of a load which has been partially unloaded at some point north of Florida.

HEARING: September 11, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Frank R. Saltzman.

No. MC 117032 (Sub No. 3), filed April 28, 1958. Applicant: NELSON TRANSPORT, INC., 3917 East 14th Street, Des Moines, Polk County, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Feed, seed, fertilizer, agricultural implements, farm machinery* and *tankage* in truckloads only, between La Plata, Mo., and Pocahontas, Iowa, from La Plata over U. S. Highway 63 to junction Iowa Highway 163, thence over Iowa Highway 163 to junction Iowa Highway 60, thence over Iowa Highway 60 to junction U. S. Highway 30, thence over U. S. Highway 30 to junction U. S. Highway 169, thence over U. S. Highway 169 to junction Iowa Highway 3, thence over Iowa Highway 3 to Pocahontas, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations over regular routes in Illinois and Iowa, and over irregular routes in Iowa, Kansas, Nebraska, Oklahoma, and Iowa.

HEARING: July 31, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 137.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub No. 91), filed June 27, 1958. Applicant: YOUNGER BROTHERS, INC., P. O. Box 14287, Houston, Tex. Applicant's attorney: Ewell H.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D. C., or to any Federal Reserve Bank.

[2] Voting for this action: Chairman Martin, Vice Chairman Balderston, and Governors Szymczak, Robertson, and Shepardson; voting against this action: Governors Vardaman and Mills.

Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty shipper-owned vehicles*, from New Orleans, La., to Houston, Tex. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, South Carolina, Tennessee, Texas, and Utah.

No. MC 1632 (Sub No. 7), filed June 26, 1958. Applicant: CHARLES C. ROSEN, INC., 930 Manchester Boulevard, Pittsburgh 12, Pa. Applicant's attorneys: John A. Vuono and Samuel P. Delisi, 1211 Berger Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, and *materials* and *equipment* used in the manufacture thereof, between the site of the Pittsburgh Screw and Bolt Corporation plant, located near Mount Pleasant in East Huntington Township, Westmoreland County, Pa., on the one hand, and, on the other, points in Ohio on and north of U. S. Highway 40 and on and east of a line beginning at Zanesville, Ohio, and extending in a northerly direction to Lorain, Ohio, and that part of West Virginia on and north of a line extending east and west through Moundsville, W. Va.

No. MC 2202 (Sub No. 165), filed June 30, 1958. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Washington, Pa., and the Pennsylvania Turnpike Interchange at Donegal, Pa., from Washington over U. S. Highway 40 to junction Pennsylvania Highway 71, thence over Pennsylvania Highway 71 to junction Pennsylvania Highway 981, thence over Pennsylvania Highway 981 to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51 to junction Pennsylvania Highway 711, thence over Pennsylvania Highway 711 to junction U. S. Highway 119, thence over U. S. Highway 119 to junction Pennsylvania Highway 982, thence over Pennsylvania Highway 982, to junction Pennsylvania Highway 31, thence over Pennsylvania Highway 31 to the Pennsylvania Turnpike Interchange at Donegal, and return over the same route, serving no intermediate points, but serving the termini for joinder purposes only. Applicant is authorized to conduct operations in Alabama, Connecticut, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states that the instant application is in the nature of an amendment to the alternate route between Cambridge, Ohio, and the Pennsylanvia Turnpike at New Stanton, Pa., as authorized in MC 2202 (Sub No. 152); that it proposes to retain the segment of the route between Cambridge, Ohio, and Washington, Pa., and that it proposes to substitute the route herein applied for to and from Donegal, Pa., for Pennsylvania Highway 31 and U. S. Highway 119 to and from New Stanton, Pa. Applicant further states that upon approval of this application it would be more than willing to have the present authority east of Washington, Pa., cancelled.

No. MC 10914 (Sub No. 3), filed June 27, 1958. Applicant: THE O'BRIEN & NYE CARTAGE CO., 308 Central Viaduct, Cleveland, Ohio. Applicant's attorney: Ewald E. Kundtz, 1104 Terminal Tower, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat by-products, dairy products*, and *articles distributed by meat packing houses*, as described in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 40 M. C. C. 23, from Cleveland, Ohio, to points in Lawrence, Erie, and Mercer Counties, Pa., and *rejected, damaged and returned shipments* of the commodities specified in this application on return. Applicant is authorized to conduct operations in Ohio.

No. MC 35334 (Sub No. 44), filed July 1, 1958. Applicant: COOPER-JARRETT, INC., 2113 West 73d Street, Chicago, Ill. Applicant's attorney: Carl Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (not including those requiring refrigeration), serving the site of the Amoco Chemicals Company plant, located approximately four miles southeast of junction U. S. Highways 6 and 66, near Joliet, Ill., as an off-route point in connection with applicant's authorized regular route operations between Kansas City, Mo., and Chicago, Ill. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Missouri, Nebraska, New Jersey, New York, Ohio, and Pennsylvania.

No. MC 41192 (Sub No. 5), filed July 2, 1958. Applicant: GRAND RAPIDS MOTOR EXPRESS, INC., 101 Grandville Avenue SW., Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Holland, Mich., and the site of the Consumers Power Co. plant in Port Sheldon Township, Ottawa County, Mich., approximately 10 miles north of Holland, from Holland over U. S. Highway 31 north to Port Sheldon Road, thence west over Port Sheldon Road to the site of the Consumers Power Co. plant in Port Sheldon Township, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Illinois and Michigan.

No. MC 66562 (Sub No. 1435), filed June 26, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Department, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, between Charlottesville, Va., and Huntington, W. Va., as follows: From Charlottesville over U. S. Highway 250 to Staunton, Va., thence over Virginia Highway 254 to junction Virginia Highway 42, thence over Virginia Highway 42 to junction U. S. Highway 60, thence over U. S. Highway 60 to junction U. S. Highway 219, near Lewisburg, W. Va., thence over U. S. Highway 219 to junction West Virginia Highway 63, thence over West Virginia Highway 63 to junction West Virginia Highways 12 and 3, thence over West Virginia Highways 12 and 3 to junction West Virginia Highway 3, thence over West Virginia Highway 3 to junction West Virginia Highway 20, thence over West Virginia Highway 20 to junction County Road 31, thence over County Road 31 to junction U. S. Highway 19, thence over U. S. Highway 19 to junction West Virginia Highway 61, thence over West Virginia Highway 61 to junction U. S. Highway 21, thence over U. S. Highway 21 to junction U. S. Highway 60, thence over U. S. Highway 60 to junction West Virginia Highway 61, thence over West Virginia Highway 61 to junction U. S. Highway 60, thence over U. S. Highway 60 to Huntington, and return over the same route, serving the intermediate points of Waynesboro, Staunton, Clifton Forge, Covington, Va., and White Sulphur Springs, Ronceverte, Alderson, Hinton, Brooks*, Sandstone, Quinnimont, Prince, Cotton Hill, Deep Water, Mount Carbon*, Montgomery, Handley*, Pratt, Crown Hill*, Eastbank*, Coalburg*, Cabincreek, Chelyan*, Chesapeake*, Marmet, Charleston, Saint Albans, Culloden*, Milton, Ona*, and Barboursville, W. Va., and the off-route points of Ivy, Crozet, Greenwood, Afton, Fishersville, Swoope, Augusta Springs*, Craigsville, Goshen, Millsboro, Lowmoor, and Alleghany, Va., and Fort Spring, Pence Springs*, Lowell*, Talcott*, Meadow Creek*, Thayer, Thurmond, Sewell, South Fayette, Kanawha Falls*, Scott*, Teays*, and Hurricane, W. Va. RESTRICTION: The service proposed to be performed by applicant will be limited to service which is auxiliary to or supplemental of express service. Shipments proposed to be transported by applicant will be limited to those moving on a through bill of lading or express receipt covering, in addition to the motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air.

NOTE: Applicant states that interchange with rail and air express will be made at Charlottesville, Waynesboro, Millboro, Va., and Hinton, Charleston, and Huntington, W. Va., and that the traffic to be handled includes U. S. Mail and railroad baggage in

addition to express. Applicant further states that U. S. Mail and railroad baggage only will be transported to and from the intermediate and off-route points shown with an asterisk (*) above. Applicant is authorized to conduct operations throughout the United States.

No. MC 73675 (Sub No. 20), filed February 5, 1958. Applicant: GALLAGHER FREIGHT LINES, INC., 2424 Arapahoe Street, Denver, Colo. Applicant's attorney: Donald L. Stern, Suite 924 City Nat'l. Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, serving the site of the Intermountain Chemical Company plant (commonly referred to as Westvaco) near Green River (Sweetwater County), Wyo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Colorado, Illinois, Montana, Nebraska, New Mexico, Utah, and Wyoming.

NOTE: Applicant requests that all duplicating authority be eliminated if it is found that it already has the requested authority.

No. MC 75872 (Sub No. 20), filed June 27, 1958. Applicant: BOSTON & MAINE TRANSPORTATION COMPANY, a Corporation, 1 Monsignor O'Brien Highway, Cambridge, Mass. Applicant's attorney: R. G. Bleakney, Jr., Law Department, Boston and Maine Railroad, North Station, Boston 14, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, without exception, in substitute motor-for-rail service which is auxiliary to or supplemental of rail service of the Boston and Maine Railroad, (1) between Orange, Mass., and Williamstown, Mass., from Orange over Massachusetts Highway 2 to Williamstown, and return over the same route, serving all intermediate points which are stations on the rail line of Boston and Maine Railroad, intermediate points of Erving, Millers Falls, Lake Pleasant, Montague, Greenfield, Shelburne Falls, Charlemont, Zoar, Hoosac Tunnel, North Adams, and Williamstown, and serving no off-route points; (2) between Springfield, Mass., and White River Junction, Vt., from Springfield over U. S. Highway 5 to White River Junction; also from junction U. S. Highway 5 and Massachusetts Highway 141 at Holyoke to Easthampton, thence via Massachusetts Highway 10 to junction U. S. Highway 5 at Northampton; also from junction U. S. Highway 5 and Massachusetts Highway 10 at Bernardston via Massachusetts Highway 10 to junction Massachusetts Highway 63, thence via Massachusetts Highway 63 to junction Massachusetts Highway 142, thence via Massachusetts and Vermont Highway 142 to junction U. S. Highway 5 at Brattleboro, Vt.; also from junction U. S. Highway 5 and Vermont Highway 12 in the vicinity of Bellows Falls, Vt., via Vermont and New Hampshire Highway 12 to Claremont, N. H., thence via New Hampshire Highway 12 to junction U. S. Highway 5 at Ascutney, Vt., and return over the same routes serving all intermediate point which are stations on the rail line of Boston and Maine Railroad, intermediate points of Chicopee, Holyoke, Northampton, Greenfield, Mount Hermon and East Northfield, Mass., Brattleboro, Putney, Westminster, Bellows Falls, and Windsor, Vt., and Charlestown and Claremont, N. H., and serving the off-route point of Claremont Junction. RESTRICTIONS: The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, rail service. Shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement, prior or subsequent movement by rail. Such further conditions as the Commission in the future may find necessary to impose in order to restrict carrier's operations to service which is auxiliary to or supplemental of rail service. The authority granted herein, to the extent that it authorizes the transportation of Class A and B explosives shall be limited, in point of time, to a period expiring five years from the date of issuance thereof. Applicant is authorized to conduct operations in New Hampshire, Massachusetts, Maine, and Vermont.

No. MC 75872 (Sub No. 21), filed June 27, 1958. Applicant: BOSTON & MAINE TRANSPORTATION COMPANY, a Corporation, 1 Monsignor O'Brien Highway, Cambridge, Mass. Applicant's attorney: R. G. Bleakney, Jr., Law Department, Boston and Maine Railroad, North Station, Boston 14, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, without exception, in substitute motor-for-rail service which is auxiliary to or supplemental of railroad service of the Boston and Maine Railroad, (1) between Littleton, N. H., and Berlin, N. H., from Littleton over New Hampshire Highway 116 to Whitefield, thence over U. S. Highway 3 to Groveton, and thence over New Hampshire Highway 110 to Berlin, and return over the same route, serving all intermediate points which are stations on the rail lines of Boston and Maine Railroad; (2) between Whitefield, N. H., and Berlin, N. H., from Whitefield over New Hampshire Highway 116 to junction U. S. Highway 2, thence over U. S. Highway 2 to junction New Hampshire Highway 16, and thence over New Hampshire Highway 16 to Berlin, and return over the same route, serving all intermediate points which are stations on the rail lines of the Boston and Maine Railroad, and the off-route point of Gorham, N. H.; (3) between Lancaster, N. H., and junction U. S. Highway 2 and New Hampshire Highway 116, in the vicinity of Jefferson, N. H., from Lancaster over U. S. Highway 2 to junction New Hampshire Highway 116, and return over the same route, serving all intermediate points which are stations on the rail lines of Boston and Maine Railroad. RESTRICTION: The operating rights authorized above are restricted against service at any point not a station on the rail lines of the Boston and Maine Railroad. The service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of rail service of the Boston and Maine Railroad. Shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement, an immediately prior or immediately subsequent movement by rail. Such further conditions as the Commission in the future may find necessary to impose in order to restrict carrier's operations to service which is auxiliary to or supplemental of rail service. The authority granted herein, to the extent that it authorizes the transportation of Class A and B explosives shall be limited in point of time to a period expiring five years after May 21, 1958; and (4) between Intervale, N. H., and Berlin, N. H., from Intervale over New Hampshire Highway 16 to Berlin, and return over the same route, serving all intermediate points which are stations on the rail lines of Boston and Maine Railroad, and the off-route point of Gorham, N. H. RESTRICTION: The service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of rail service of the Boston and Maine Railroad. Carrier shall not serve any point not a station on the rail line of Boston and Maine Railroad. Shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement, an immediately prior or immediately subsequent movement by rail. The authority granted herein shall not be tacked with other authority of carrier south of Dover, N. H. Such further conditions as the Commission, in the future, may find necessary to impose in order to restrict carrier's operations to service is auxiliary to or supplemental of rail service. The authority granted herein, to the extent that it authorizes the transportation of Class A and B explosives shall be limited, in point of time, to a period expiring five years after June 18, 1957. Applicant is authorized to conduct operations in New Hampshire, Massachusetts, Maine, and Vermont.

NOTE: Applicant states: Routes (1), (2), and (3) to be construed as an extension of applicant's authorized route between White River Junction, Vt., and Littleton, N. H., as reflected in its Sub No. 4 certificate and subject to restrictions applicable thereto, and set forth above, in connection with said routes; route (4) to be construed as an extension of applicant's authorized route between Milton and Intervale, N. H., as reflected in its Sub No. 15 certificate and subject to the restrictions applicable thereto, and set forth above in connection with said route.

No. MC 106603 (Sub No. 53), filed July 3, 1958. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. Applicants' attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty pallets*, from points in Indiana south of U. S. Highway 40 to Grand Rapids, Mich., and from points in Michigan (except Detroit), on, south or west of the following highways: Michigan Highway 55 from Manistee to junction Michigan Highway

66, thence over Michigan Highway 66 to junction Michigan Highway 115, thence over Michigan Highway 115 to junction U. S. Highway 10, thence over U. S. Highway 10 to junction Michigan Highway 21, thence over Michigan Highway 21 to Port Huron, Mich., to Chicago Heights, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin.

MOTOR CARRIERS OF PASSENGERS

No. MC 29957 (Sub No. 70), filed June 30, 1958. Applicant: CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Avenue, Alexandria, La. Applicant's attorney: Alfred Crager, 315 Continental Avenue, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage, newspapers* and *express* in the same vehicle with passengers, between Baytown, Texas, and Houston, Texas, from Baytown, over access roads to Texas Highway 73, thence over Texas Highway 73 to Houston, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Mississippi, Illinois, Missouri, Alabama, Tennessee, and Kentucky.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6946 (correction) published in the July 9, 1958, issue of the FEDERAL REGISTER on page 5228. The name of WELLS FARGO, INC., should have been shown as WELLS CARGO, INC.

No. MC–F 6950. Authority sought for purchase by INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids 2, Mich., of the operating rights of CONNECTICUT MOTOR LINES, INC. (JOHN H. McKEEVER, RECEIVER), Hanover Avenue and Maxwell Street, Allentown, Pa. Applicants' attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Operating rights sought to be transferred: *General commodities* with certain exceptions including household goods and commodities in bulk as a *common carrier* over regular routes between certain points in Connecticut; (2)a) between New York, N. Y., and East Port Chester, Conn., between New Haven, Conn., and Boston, Mass., between Hartford, Conn., and Boston, Mass., and between New London, Conn., and Boston, Mass., serving certain intermediate points; between Philadelphia, Pa., and New York, N. Y., and between Philadelphia, Pa., and Morrisville, Pa., serving all intermediate and off-route points in the Philadelphia, Pa., Commercial Zone, as defined by the Commission in 17 M. C. C. 533; one alternate route for operating convenience only; *general commodities* with certain exceptions including household goods and commodities in bulk over irregular routes, between Stamford, Bridgeport, Meriden, and Clinton, Conn., and points on the regular routes at which service is authorized under (2)a) above, on the one hand, and, on the other, Freeport and Tarrytown, N. Y., New Brunswick, Paterson, Perth Amboy, Plainfield, and Waverly, N. J., Fall River, Fitchburg, Greenfield, Haverhill, Lawrence, Leominster, Lowell, Lynn, Maynard, New Bedford, Pittsfield, and Willimansett, Mass., and Newport, Valley Falls, and Woonsocket, R. I.; and between Stratford, Conn., on the one hand, and, on the other, Poughkeepsie and Schenectady, N. Y., Providence, R. I., and points in Massachusetts; *malt beverages*, from New Haven, Conn., to Amsterdam and Binghamton, N. Y., Barre, Bennington, Brattleboro, Middlebury, Montpelier, Rutland, and Swanton, Vt., and Ramsey, N. J., and from Amsterdam and Binghamton, N. Y., Barre, Bennington, Brattleboro, Middlebury, Rutland, Montpelier, and Swanton, Vt., and Ramsey, N. J., to New Haven, Conn. Vendee is authorized to operate as a *common carrier* in Ohio, Pennsylvania, Illinois, Iowa, Minnesota, Wisconsin, Missouri, Indiana, Michigan, Maryland, Kentucky, West Virginia, New York, New Jersey, Delaware, Massachusetts, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6951. Authority sought for control and merger by PENNSYLVANIA-OHIO EXPRESS, INC., (OHIO), Oak Hill, Ohio, of the operating rights and property of PENNSYLVANIA-OHIO EXPRESS, INC., (PA.), Dunn Avenue, Washington, Pa., and for acquisition by DARRELL D. DETTY, Box 266, Oak Hill, Ohio, of control of such rights and property through the transaction. Applicants' attorney: John P. McMahon, 44 East Broad Street, Columbus, Ohio. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Wheeling, W. Va., and Pittsburgh, Pa., serving all intermediate and certain off-route points; *iron and steel articles, molybdenum products, chemicals, glassware*, and *clay products*, over irregular routes, between Washington, Pa., and points in Pennsylvania within five miles of Washington, on the one hand, and, on the other, points in Ohio and West Virginia; *household goods*, as defined by the Commission, between points in Washington County, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, New York, New Jersey, Maryland, and the District of Columbia; *telephone exchanges* and *line supplies and equipment*, between points in Washington County, Pa., on the one hand, and, on the other, points in Brooke, Hancock, Ohio, and Marshall Counties, W. Va.; *condensed milk*, in containers, from Greenville and Marysville, Ohio, to certain points in Pennsylvania and West Virginia; *cans and containers*, from certain points in Pennsylvania and West Virginia to Greenville and Marysville, Ohio; *powdered coffee*, in containers, from Sunbury, Ohio, to certain points in Pennsylvania and West Virginia; *condensed milk* and *powdered coffee*, both in containers, from Greenville, Marysville, and Sunbury, Ohio, to certain points in West Virginia; *caps* and *containers*, from certain points in Pennsylvania and West Virginia to Greenville, Marysville, and Sunbury, Ohio. PENNSYLVANIA-OHIO EXPRESS, INC. (OHIO) holds no authority from this Commission, however its controlling stockholder owns all the stock of GRANT TRUCKING, INC., Oak Hill, Ohio, which is authorized to operate as a *common carrier* in Ohio, Connecticut, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Minnesota, Missouri, Alabama, Iowa, Maine, New Hampshire, Rhode Island, Vermont, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6952. Authority sought for purchase by C. I. WHITTEN TRANSFER COMPANY, 200 19th Street, Huntington, W. Va., of the operating rights of THOMAS L. LEISHMAN, P. O. Box 2531, Charleston, W. Va. Applicants' representative: Michael R. Prestera, Vice President, C. I. Whitten Transfer Company, 200 19th Street, Huntington, W. Va. Operating rights sought to be transferred: *Explosives*, as a *common carrier* over irregular routes, from Evansville, Ind., and Wolf Lake, Ill., to certain points in Illinois and Indiana; *explosives* and *blasting supplies*, from Evansville, Ind., and Wolf Lake, Ill., to points in Kentucky on and west of U. S. Highway 31E. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Kentucky, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, West Virginia, Ohio, Alabama, Connecticut, Delaware, Massachusetts, Vermont, Maine, New York, Tennessee, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6953. Authority sought for control by LEONARD BROS. MOTOR EXPRESS SERVICE, INC., 124 North Washington Street, Greensburg, Pa., of PORTO TRANSPORT, INCORPORATED, 600 South Colony Road, Wallingford, Conn., and for acquisition by MARTHA J. LEONARD, WALTER E. LEONARD and GILDA LEONARD, all of Greensburg, of control of PORTO TRANSPORT, INCORPORATED, through the acquisition by LEONARD BROS. MOTOR EXPRESS SERVICE, INC. Applicant's attorneys: Jerome Solomon, 1325 Grant Building, Pittsburgh 19, Pa., and Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between New

Britain, Conn., and New York, N. Y., between Winsted, Conn., and New York, N. Y., and between Boston, Mass., and Newark, N. J., serving all intermediate and certain off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between points in Connecticut, between Hartford, Middletown, Shelton, Ansonia, and Cheshire, Conn., on the one hand, and, on the other, Newark, Perth Amboy, Paterson, and Passaic, N. J., between New York, N. Y., on the one hand, and, on the other, points in Kings, Queens, Nassau and Suffolk Counties, N. Y., between certain points in New York, on the one hand, and, on the other, certain points in Connecticut and New Jersey, and between Trenton, N. J., and points in Hudson, Bergen, Passaic, Essex, Middlesex, Somerset, and Morris Counties, N. J., on the one hand, and, on the other, New York, N. Y., and points in New Jersey; *cotton webbing* and *brake lining*, from Middletown, Conn., to New York, N. Y.; *silverware* and *cutlery*, from Wallingford, Conn., to New York, N. Y.; *chemicals, valves, pyroxylin products, machinery, electrical appliances, motorcycles* and *nitro-cellulose*, in truck load lots, from Springfield, Mass., and points in Massachusetts and Connecticut within 15 miles thereof, to points in Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. LEONARD BROS. MOTOR EXPRESS SERVICE, INC., is authorized to operate as a *common carrier* in New York, Pennsylvania, Connecticut, Maryland, and New Jersey. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6954. Authority sought for purchase by UNION PACIFIC MOTOR FREIGHT COMPANY, 1416 Dodge Street, Omaha, Nebr., of a portion of the operating rights of MASKELYNE TRANSFER AND STORAGE, INC., 944 North Ninth Street, P. O. Box 957, Walla Walla, Wash., and for acquisition by UNION PACIFIC RAILROAD COMPANY, also of Omaha, of control of such rights through the purchase. Applicants' attorney: W. R. Rouse, 1416 Dodge Street, Omaha, Nebr. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Walla Walla, Wash., and Pomeroy, Wash., and between Walla Walla, Wash., and Pendleton, Oreg., serving certain intermediate points and the off-route point of Prescott, Wash. Vendee is authorized to operate as a *common carrier* in Wyoming, Idaho, Utah, Colorado, Iowa, Nebraska, Kansas, Missouri, Oregon, Nevada, and Washington. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–5423; Filed, July 15, 1958; 8:52 a. m.]

PETITION TO REDEFINE COMMERCIAL ZONE LIMITS

JULY 11, 1958.

The following petitions relative to the limits of the zone adjacent to and commercially a part of a municipality within the meaning of section 203 (b) (8) of the Interstate Commerce Act have been received and will be processed in the manner hereinafter indicated.

In Ex Parte No. MC–37, *Commercial Zones and Terminal Areas*, five petitions have been filed as follows: by the New Orleans Traffic and Transport Bureau, on April 21, 1958; by Cities Service Oil Company on June 16, 1958; by Shell Oil Company and Shell Chemical Corporation, on June 16, 1958; by General American Transportation Corporation, on June 16, 1958; and by The American Oil Company, on June 16, 1958, seeking redefinition of the limits of the Commercial Zone of New Orleans, La., in a manner to expand them. Petitioners' representatives are: Louis A. Schwartz, General Manager, New Orleans Traffic and Transport Bureau, 408 International Building, 611 Gravier Street, New Orleans 12, La.; George H. Blohm, Traffic Manager, Cities Service Oil Company, 60 Wall Street, New York 5, N. Y.; C. H. Wager, Traffic Manager, Shell Oil Company, 50 West 50th Street, New York 20, N. Y.; H. J. Birmingham, Traffic Manager, General American Transportation Corporation, 135 South La Salle Street, Chicago 90, Ill.; L. F. Andry, Division Traffic Manager, The American Oil Company, 1040 St. Charles Avenue, New Orleans, 13, La.

The limits of the commercial zone of New Orleans, La., are presently defined in Ex Parte No. MC–37, *Commercial Zones and Terminal Area*, (New Orleans, La., Commercial Zone) 66 M. C. C. 709 (49 CFR 170.27).

Petitioners seeks enlargement of the specifically described zone limits, particularly in the areas, east of the Mississippi River to include Mereaux, Violet, Toca, and St. Clair, La., and west of Jefferson Parrish, La., to or near the Bonnet Carre Spellway including Norco, La.

No oral hearing is contemplated with respect to the petition, but an informal investigation with respect to redefinition of the zone limits as requested, and in other respects, will be conducted. Subsequent to such investigation the Commission will either (1) enter an order denying the petition or, (2) if any change is considered, a Notice of Proposed Rule Making will be published. Persons supporting or opposed to any change in the present zone limits, who desire to participate in future proceedings on this petition or be notified of any action taken thereon, should notify the Commission and the individual petitioners of their desire on or before 30 days from the date of this publication.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–5424; Filed, July 15, 1958; 8:52 a. m.]

[Notice No. 2]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 11, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's rules § 179.2 (f), any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 61256. By order of July 9, 1958. The Transfer Board approved the transfer to C. Philips Trucking, Inc., Woonsocket, Rhode Island, of certificate in No. MC 94997, issued July 10, 1941, to Celestino Philips, Woonsocket, Rhode Island, authorizing the transportation of; macaroni, from Woonsocket, R. I., to Boston, Cambridge, and Somerville, Mass., and flour, from Boston and Cambridge, Mass., to Woonsocket, R. I., over regular routes, and newspapers, magazines, and periodicals, from Providence, R. I., to points and places in Burrillville, North Smithfield, and Woonsocket Townships, Providence County, R. I., and those in Blackstone Township, Worcester County, Mass., and household goods as defined by the Commission, between points in the Woonsocket, Burrillville, Smithfield, and North Smithfield Townships, Providence County, R. I., on the one hand, and, on the other, points in Massachusetts, over irregular routes. Gerard J. Donovan, 11 Beacon Street, Boston 8, Mass., for applicants.

No. MC–FC 61281. By order of July 8, 1958, The Transfer Board approved the transfer to Samuel Jannetta, doing business as Eastern States Transportation Co., York, Pa., of a portion of permit in No. MC 5619, issued July 21, 1943, to John S. Geiger's Sons, A Corporation, Newark, N. J., authorizing the transportation of *malt beverages, advertising materials, tavern supplies, paper and paperboard, empty containers, exhibits for display*, and all *such commodities* used in a brewery and beverage bottling plant, between Newark, N. J., and points within 30 miles thereof, and between Newark, N. J., and points within 30 miles thereof, on the one hand, and, on the other, points in New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. S. Harrison Kahn, 726–34 Investment Building, Washington, D. C., for applicants.

No. MC–FC 61306. By order of July 8, 1958, The Transfer Board approved the transfer to Roy A. Kemble, Maple Hill, Kansas, of Certificate in No. MC 7342 Sub 3, issued April 29, 1957, to Vernon Adams, doing business as Flint Hills Truck Line, Maple Hill, Kansas, authorizing the transportation of: Feed, agricultural implements and parts, building materials, petroleum products in containers, empty petroleum products containers, hardware, aluminum pipe, irrigation equipment, commercial fertilizer, fence posts, twine, wire fencing, and baling wire, between Paxico, Kans., and points within 21 miles thereof, on the one hand, and, on the other, Kansas City and St. Joseph, Mo. Floyd D. Strong, 701 Jackson Street, Topeka, Kansas, for applicants.

No. MC–FC 61307. By order of July 8, 1958, The Transfer Board approved the transfer to Paul R. Kemble, Dover, Kansas, of certificate No. MC 75321, issued October 4, 1949, to Roy A. Kemble and Paul R. Kemble, a partnership, doing business as Kemble Brothers, Dover, Kansas, authorizing the transportation over irregular routes, of livestock and molasses containers, from Dover, Kans., and points within ten miles of Dover, to Kansas City, Mo., Kans., and Livestock, feed, molasses, farm machinery, and parts, binder twine, building materials, and fencing materials, from Kansas City, Mo., Kans., to Dover, Kans., and points within ten miles of Dover. Floyd D. Strong, 701 Jackson Street, Topeka, Kansas, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–5425; Filed, July 15, 1958; 8:52 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 11, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34810: *Volcanic ash, scoria, slag, cinders, from points in the west to western trunk line territories.* Filed by Western Trunk Line Committee, Agent (No. A–1900), for interested rail carriers. Rates on (a) ash, scoria or slag, volcanic, carloads, and (b) cinders, clay or shale, carloads from Antoniot, Crater, Howard, and McClintock, Colo., and Twin Mountain, N. M., as to rates on ash, scoria, or slag, and Laramie, Wyo., Haydite, Mo., Ottawa, Kans., and Rapid City, S. D., as to rates on cinders, clay or shale to points in Iowa, Kansas, Missouri, Nebraska, North Dakota; also specified points in Illinois, Minnesota, and Wisconsin on scoria or slag from Twin Mountain.

Grounds for relief: Short-line distance formula.

Tariffs: Supplement 83 to Western Trunk Line Committee tariff I. C. C. A–4123. Supplement 1 to Western Trunk Line Committee tariff I. C. C. A–4240. Supplement 44 to Southwestern Freight Bureau tariff I. C. C. 4259.

FSA No. 34811: *Substituted service—Rail for motor—M. & St. L. Ry.* Filed by Associated Motor Carriers Tariff Bureau, A. R. Fowler, Agent (No. 4), for interested carriers. Rates on freight of various kinds, loaded in highway trailers, transported on railroad flat cars in substituted service between Peoria, Ill., on the one hand, and Minneapolis, Minn., on the other, on traffic originating at or destined to points beyond the named points served by motor carriers.

Grounds for relief: Motor truck competition.

Tariff: Associated Motor Carriers Tariff Bureau tariff MF–I. C. C. No. A–78, A. R. Fowler, Agent.

FSA No. 34812: *Lubricating oil—St. Marys, W. Va., to Kansas City, Kans.-Mo.* Filed by O. E. Schultz, Agent (ER No. 2450), for interested rail carriers. Rates on petroleum lubricating oil, tank-car loads from St. Marys, W. Va., to Kansas City, Kans.-Mo.

Grounds for relief: Competition of carriers by water.

Tariff: Supplement to Trunk Line-Central Territory Railroads Tariff Bureau tariff I. C. C. C–1.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–5422; Filed, July 15, 1958; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF–2440]

CONDOR PETROLEUM CO., INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 9, 1958.

Condor Petroleum Co., Inc., a Delaware corporation, filed with the Commission on September 5, 1957, a notification and offering circular relating to a proposed offering of 100,000 shares of its 10-cent par value common stock at $3.00 per share and subsequently filed amendments thereto for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A promulgated thereunder.

The Commission has reasonable grounds to believe that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of circumstances under which they are made not misleading, particularly, with respect to:

(1) The identity of the actual underwriter;

(2) The identity of the person or persons to whom commissions on sales of securities are being paid.

B. The offering is being and would be made in violation of section 17 of the act.

C. The Regulation A exemption is not available pursuant to Rule 261 (a) (6) in that the actual underwriter of the securities being offered was temporarily enjoined by the United States District Court for the Southern District of New York on January 3, 1958, from further violations of section 15 (c) (3) of the Securities Exchange Act of 1934.

It is ordered, Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Condor Petroleum Co., Inc. and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after the entry of this order will, within twenty days after receipt of such request, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the suspension order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 58–5412; Filed, July 15, 1958; 8:48 a. m.]

FEDERAL REGISTER

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UNIVERSITY OF MICHIGAN

JUL 16 1958

MAIN READING ROOM

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

[Amdt. 11]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

The regulations governing the 1958 acreage reserve program, 22 F. R. 6397, as amended and supplemented, are hereby further amended as follows:

1. Section 485.309 (a) is amended by deleting the period at the end of the second sentence and adding the following: "except that the Administrator may, in order to prevent undue hardship, authorize the county committee to accept an agreement after such closing date if, because of misinformation or misunderstanding, the producer was under the impression that he had filed an agreement or did not realize that he had to file an agreement by the applicable closing date."

2. Section 485.309 (b) (3) is amended by adding at the end thereof the following: "Notwithstanding the foregoing provisions of this subparagraph, the Administrator may authorize the county committee to permit the owner or landlord to sign an agreement after the dates provided for above in this subparagraph if, in his judgment, such action is necessary in order to prevent undue hardship."

3. Section 485.337 is amended to read as follows:

§ 485.337 *Termination of agreements.* The Administrator, in order to prevent undue hardship, may, upon recommendation of the State committee, consent to the termination by the producer of any agreement entered into hereunder, if in his judgment, such action is in the best interests of the program.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 14th day of July 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 58-5485; Filed, July 16, 1958; 8:54 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter IV—Foreign-Trade Zones Board

[Order 47]

PART 400—GENERAL REGULATIONS GOVERNING FOREIGN-TRADE ZONES IN THE UNITED STATES, WITH RULES OF PROCEDURE

APPLICATIONS; EXAMINERS COMMITTEE

Pursuant to the provisions of section 8 of the Foreign-Trade Zones Act of June 18, 1934 (48 Stat. 1000; 19 U. S. C. 81h), the General Regulations Governing Foreign-Trade Zones in the United States, with Rules of Procedure (15 CFR Part 400), are hereby amended as follows:

1. Amend § 400.1307 to read as follows:

§ 400.1307 *Applications.* Upon receipt of an application, the Executive Secretary of the Foreign-Trade Zones Board will designate an examiner who will investigate the application and accompanying exhibits for compliance with the provisions of §§ 400.600 to 400.608.

2. Amend § 400.1308 to read as follows:

§ 400.1308 *Examiners Committee.* If the application and accompanying exhibits are in order, the Executive Secretary of the Foreign-Trade Zones Board will appoint an Examiners Committee and designate a chairman. This committee will consist of the examiner appointed by the Executive Secretary who has examined the application as provided in § 400.1307, the Collector of Customs and the District Engineer in whose districts the proposed zone is to be located. The committee will then make a thorough investigation of the application and report its findings to the Board.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary in connection with the issuance of this order, because its application is restricted to the administrative functions of the Foreign-Trade Zones Board, and is of a nature that it imposes no burden on the parties of interest. The effective date of this order

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FEDERAL REGISTER

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is, therefore, upon publication in the FEDERAL REGISTER.

(Sec. 8, 48 Stat. 1000; 19 U. S. C. 81h)

Signed at Washington, D. C., this 11th day of July 1958.

FOREIGN-TRADE ZONES BOARD,
[SEAL] SINCLAIR WEEKS,
Secretary of Commerce,
Chairman and Executive Officer,
Foreign-Trade Zones Board.

Attest:

JOSEPH M. MARRONE,
Executive Secretary.

[F. R. Doc. 58-5474; Filed, July 16, 1958; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1026 (Cigar-Binder and Cigar-Filler and Binder-58)-1]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

CIGAR-BINDER (TYPES 51 AND 52) TOBACCO, AND CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55) TOBACCO MARKETING QUOTA REGULATIONS, 1958–59 MARKETING YEAR

Correction

In F. R. Document 58-5232, appearing in the issue for Wednesday, July 9, 1958, at page 5183, make the following change: In § 723.938 (d), lines 24 and 25, "acre penalty" should read "zero penalty".

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter C—Determination of Proportionate Shares

[Sugar Determination 855.6]

PART 855—MAINLAND CANE SUGAR AREA

PROPORTIONATE SHARES FOR FARMS; 1959 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 855.6 *Proportionate shares for sugarcane farms in the Mainland Cane Sugar Area for the 1959 crop*—(a) *Definitions.* "Acreage" or "acres" as used in this section means the area of sugarcane within the farm proportionate share on which sugarcane is grown and marketed (or processed) for the extraction of sugar or liquid sugar, or which is harvested for seed or abandoned and classified as bona fide abandonment under procedure issued by the Commodity Stabilization Service. The term "operator" as used in this section means the person who as producer controls and directs the operations on the farm. The term "Secretary" as used in this section means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated to act in his stead.

(b) *Farm proportionate share.* A 1959-crop proportionate share for each sugarcane farm in the Mainland Cane Sugar Area, as constituted at the beginning of harvest of the 1959 crop on such farm, shall be established as hereinafter provided in terms of acres by the Agricultural Stabilization and Conservation County Committee (hereinafter referred to as "county committee") for the county in which the farm headquarters is located.

(1) *Farms for which 1958 farm proportionate shares were established.* (i) The 1959 proportionate share for any farm for which a proportionate share was established pursuant to § 855.5 (22 F. R. 8112) shall be the larger of (*a*) ten acres or (*b*) 110 percent of the final established 1958 proportionate share for the farm, or in the case of subdivisions or combinations of 1958 farms, 110 percent of the 1958 proportionate share computed in accordance with subdivisions (ii) and (iii) of this subparagraph.

(ii) The 1958 proportionate share for any farm which is subdivided for the purposes of the 1959-crop proportionate share program shall be divided among the subdivisions for the purposes of establishing 1959-crop proportionate shares for such subdivisions pursuant to subdivision (i) of this subparagraph by one of the following methods: By multiplying the 1958 proportionate share for the farm of which such subdivisions were a part by the percentage that the cropland suitable for the production of sugarcane in each subdivision is of the total cropland suitable for the production of sugarcane in the 1958 farm; or, if the county committee determines that the use of the cropland relationship in any case results in the establishment of a proportionate share which is materially inconsistent with the acreage of sugarcane grown on any subdivision during the crop years 1956, 1957 and 1958, or is not representative of the existing sugarcane acreage growing on any subdivision, by apportioning the 1958 proportionate share for such farm to the subdivisions thereof on the basis of the total acreage of sugarcane grown within farm proportionate shares on each subdivision during the crop years 1956, 1957 and 1958, or on the basis of existing acreage of sugarcane growing on each subdivision; or if all persons concerned in the subdivision of such farm file a written request with the county committee which is approved by the county committee, by apportioning the 1958 proportionate share for such farm to the subdivisions thereof on the basis of the total acreage of sugarcane grown within farm proportionate shares on each subdivision during the crop years 1956, 1957 and 1958 or on the basis of existing acreage of sugarcane growing on each subdivision, whichever basis is requested.

(iii) If, for the purposes of the 1959-crop proportionate share program, two or more farms as constituted for the 1958-crop proportionate share program, or two or more subdivisions of any such farms are combined, or there is a combination of one or more such farms and one or more such subdivisions, the 1958 proportionate share computed for the combined farm for the purposes of subdivision (i) of this subparagraph shall be the sum determined by adding the 1958 farm proportionate shares of entire 1958 farms, if any, involved in the combination, and the 1958 proportionate shares calculated for farm subdivisions, if any, involved in the combination, as provided in subdivision (ii) of this subparagraph.

(2) *New farms.* The proportionate share for any farm for which a 1958 proportionate share was not established shall be 5.0 acres.

(3) *Transfer of farm proportionate shares.* The proportionate share established or which would have been established pursuant to subparagraph (1) of this paragraph for any land either removed from sugarcane production because of transfer by sale, lease or donation to any Federal, State or other agency or entity, having the right of eminent domain, or transferred to such an agency or entity for use primarily for the production of sugarcane for experimental purposes, shall, upon application to the appropriate Agricultural Stabilization and Conservation State Office (referred to in this section as "State Office") within five years from the date of such transfer, be added to the proportionate share, if any, established for other land within the State owned, purchased, or leased by the owner of the land so transferred.

(4) *Adjustments of proportionate shares.* Wherever the county commit-

tee determines that the proportionate share established for a farm is not large enough to provide for experimental seedings of sugarcane under the supervision of a Federal or State agency, or is not fair and equitable as compared with proportionate shares for other farms in the county or parish, considering the availability and suitability of land, adequacy of drainage, availability of production facilities, and the production experience of the operator, the county committee shall, after review of all the facts, forward the case, together with its recommendations, to the appropriate Agricultural Stabilization and Conservation State Committee (referred to in this section as "State Committee"). The State Committee shall review the county committee's recommendation, make such adjustments in the proportionate share as are determined to be necessary to establish a proportionate share for the farm which will permit the planting of such experimental acreage or one which is fair and equitable considering the foregoing factors and return the case to the county committee indicating appropriate disposition. For the purpose of making such adjustments, a maximum of 440 acres is hereby established for the State of Louisiana, and a maximum of 60 acres is established for the State of Florida.

(5) *Notification of proportionate shares.* Each operator of a farm for which a proportionate share is established pursuant to this section shall be notified in writing on behalf of the county committee of the proportionate share established for his farm and of his right to appeal under subparagraph (7) of this paragraph.

(6) *Notification of excess sugarcane acreage.* If the county committee determines that the measured acreage of sugarcane for any farm is in excess of the acreage established as the proportionate share for such farm, written notice of the acreage in excess of the proportionate share (referred to in this section as "excess acreage") and of the eligibility requirements for payment as set forth in paragraph (c) (6) of this section shall be furnished to the operator of such farm.

(7) *Appeals.* A producer of sugarcane who believes that the proportionate share established for his farm pursuant to this section is inequitable may file an appeal in writing at the local Agricultural Stabilization and Conservation County Office (referred to in this section as "county office") prior to July 1, 1959. The county committee shall make such adjustments as are necessary due to the use of any incorrect data in determining the proportionate share. In any other case, the county committee shall, after review of all the facts, forward the case, together with its recommendation, to the State Committee. The State Committee shall review the county committee's recommendation, act upon the appeal, and return the case to the county committee indicating the appropriate disposition. Upon receipt thereof, the county committee shall notify the producer in writing as soon as possible regarding the decision on his appeal. If the producer is dissatisfied with the decision, he may appeal in writing before September 1, 1959, to the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C., whose decision shall be final. In acting upon the appeal, the State Committee or the Director shall consider only such matters as under the provisions of this section are required or permitted to be considered by the county committee in the establishment of the farm proportionate share to be reviewed.

(8) *Erroneous notice of 1959 proportionate share.* If through error, a producer is officially notified of a 1959 proportionate share for his farm greater than the proportionate share properly established pursuant to this section, and it is found by the State Committee that such producer, acting solely on the information contained in the erroneous notice, marketed 1959-crop sugarcane from an acreage in excess of the proportionate share properly established, the producer will be deemed to be in compliance with the farm proportionate share unless he marketed sugarcane for sugar from an acreage in excess of the proportionate share stated in the erroneous notice or unless it is determined by the State Committee that the error was so gross as to place the producer on notice regarding the error. However, the Sugar Act payment with respect to the farm shall be limited to the amount of sugar commercially recoverable from the sugarcane marketed (or processed) from the acreage within the properly established proportionate share.

(c) *Eligibility for payment under the Act.* The eligibility of any producer of sugarcane for payment under the act shall be subject to the following conditions:

(1) That the acreage of sugarcane grown on the farm and marketed (or processed) for the production of sugar or liquid sugar shall not exceed the proportionate share determined for the farm in accordance with this section, except that any sugarcane grown on acreage in excess of such proportionate share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the operator-producer on the farm furnishes to the county committee weight tickets evidencing that such sugarcane was sold by him, or was processed by or for him for the extraction of sugar or liquid sugar for livestock feed or the production of livestock feed, and if so sold, was purchased by the processor for such purpose. Notwithstanding the foregoing provisions of this subparagraph, the producer shall be deemed to have met the requirements for payment with respect to marketings (or processings) within the farm proportionate share where sugarcane was marketed (or processed) for sugar or liquid sugar from an acreage on the farm exceeding the farm proportionate share: *Provided*, That: (i) Such excess acreage is not more than the larger of two-tenths acre or one percent of the farm proportionate share but not to exceed three acres, and (ii) within one year from the date of the processing of such excess sugarcane, the producer has arranged for a quantity of sugar which was produced from sugarcane in the Mainland Cane Sugar Area, which had not been marketed to fill a quota for such area as provided in Part 816 of this chapter and which is equivalent to the quantity of sugar produced from such excess acreage, to be made subject to a bond given pursuant to the provisions of Part 816 of this chapter which provides that a condition of such bond be that the sugar shall be used for livestock feed or for the production of livestock feed. The Sugar Act payment in any such case shall be limited to the amount of sugar commercially recoverable from the sugarcane marketed (or processed) from the acreage within such share;

(2) That the number of share tenants or sharecroppers engaged in the production of sugarcane of the 1959 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the State Committee. In considering such approval the State Committee shall be guided by whether the reduction was the result of a voluntary action of the share tenant or sharecropper, or whether the reduction was beyond the control of the producer;

(3) That the producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect;

(4) That the requirements of the act with respect to child labor shall have been met, except that such requirements shall not be applicable to any sugarcane marketed (or processed) from an acreage in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed if the producer furnishes proof which the county committee finds acceptable and adequate that the work performed by any child subject to such requirements was related solely to such sugarcane;

(5) That the requirements of the act and of the regulations issued pursuant thereto with respect to wage rates and, in the case of a processor-producer (a producer who is also a processor), prices paid for sugarcane shall have been met;

(6) That if the county committee determines there is excess acreage of sugarcane on a farm:

(i) Any excess acreage which the producer elects to plow-out, abandon, or harvest separately must be so disposed of before or after the harvest of sugarcane for sugar and appropriate notification must be given by the operator to permit verification by a county office representative of the action taken, except that in Florida excess acreage may be plowed-out or harvested for cattle feed during the period that sugarcane is being harvested for sugar if the county office is notified prior thereto and a representative of that office verifies that such acreage has been plowed-out or harvested for cattle feed;

(ii) Any excess acreage of sugarcane harvested for feed, the manufacture of

syrup, or sugar for livestock feed or for the production of livestock feed concurrently with acreage within the proportionate share which is being harvested for sugar or liquid sugar must be staked out or similarly and clearly identified by a representative of the county office and the staked-out acreage must be so located on the farm that it may be harvested readily without interfering with the harvest of proportionate share acreage and the identity of the sugarcane from excess acreage must be maintained separately after harvest to assure its marketing to the mill for such purposes: *Provided*, That if sugarcane is harvested from excess acreage for the manufacture of sirup concurrently with the harvest of sugarcane for the production of sugar or liquid sugar, other than sugar for livestock feed, and such acreage is not staked-out or identified as provided in this subdivision, the producer shall not market a quantity of sugarcane for the production of sugar or liquid greater than the total of the tonnages of sugarcane marketed for both sugar and sirup multiplied by the percentage that the acreage harvested for sugar on the farm is of the total acreage of sugarcane marketed for both of such purposes.

(iii) An estimate of the average tons of sugarcane per acre growing on excess acreage which has been staked-out or similarly identified and which has been designated for harvest for sirup or sugar for livestock feed must be made jointly and before harvest by a representative of the county office and by the operator of the farm, which estimate must be reduced to writing and signed by the operator and placed on record in the county office.

(iv) Any farm operator who markets sugarcane from excess acreage for sirup must furnish to the county committee weight tickets evidencing that such sugarcane was sold by him or processed by him or for him for such purpose, and in the case where excess acreage is staked-out and an estimate is made as provided in subdivision (iii) of this subparagraph, if the average tonnage of sugarcane per acre grown on such excess acreage, as computed by dividing the total tonnage of sugarcane marketed for sirup by the excess acreage, is less than 80 percent of the estimate made pursuant to subdivision (iii) of this subparagraph, no payment shall be made until the operator furnishes proof acceptable to the county committee that the sugarcane from all of the excess acreage on the farm was marketed or disposed of other than for seed or the production of sugar or liquid sugar except sugar or liquid sugar for livestock feed.

(v) The operator must maintain a record of the excess acreage in each field or parts of fields and the method and purpose of disposal of sugarcane grown on excess acreage in each such case.

(d) *Filing application for payment.* Application for payments authorized under Title III of the act with respect to sugarcane planted on a farm for harvest during the 1959-crop season shall be made on Form SU-120 by a producer on the farm (as used in this section the term "producer" means any person who is the legal owner at the time of harvest or abandonment of a portion or all of the crop of sugarcane grown on the farm for the extraction of sugar or liquid sugar) or his legal representative or heirs who must sign and file the form in the county office for the county where the farm or major portion thereof is located or with a representative of such office no later than June 30, 1961.

(e) *Determination of eligibility and basis for payment and appeals for review thereof.* Except as otherwise provided in regulations relating to conditional payments, compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment, and the amount thereof shall be determined by the county committee. Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider such determination. The county committee shall notify the producer of its decision in writing. If the producer is dissatisfied with the decision of the county committee, he may, within 15 days after the date of mailing of the decision to him, appeal in writing to the State Committee. The State Committee shall, after giving the producers an opportunity to appear before the Committee, if so requested, notify the producer of its decision in writing within 30 days after the submission of the appeal. If the producer is dissatisfied with the decision of the State Committee, he may, within 15 days after the date of mailing of the decision to him, request the Secretary to review the decision of the State Committee. The decision of the Secretary shall be final. Determinations by the County and State Committees and reviews thereof shall be made and decided in accordance with the applicable provisions of the act and regulations issued by the Secretary thereunder and on the basis of the facts in the individual case.

(f) *Obtaining information regarding eligibility for payment.* Where it is necessary to obtain information to assist the county committee in determining compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment or the amount thereof, or to assist the State Committee or the Secretary in reviewing, upon appeal, any such determination by the county committee, any such information with respect to acreage or compliance shall be obtained as provided in the applicable provisions of Part 718 of this title, as amended. If the operator or his representative, of any farm with respect to which application is made for any payment authorized under Title III of the act prevents the obtaining of the information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis of any such payment or the amount thereof, as provided in this paragraph, the conditions prescribed by the act and regulations for any such payment shall be deemed not to have been met until such farm operator or his representative permits such information to be obtained.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. Section 301 (b) of the act provides as a condition for payment to producers that there shall not have been marketed (or processed), except for livestock feed, an amount of sugarcane grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm as determined by the Secretary pursuant to section 302 of the act. For the Mainland Cane Sugar Area, the term "proportionate share" means the individual farm's share of the total acreage of sugarcane required to enable the area to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary, for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Section 302 (a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm.

Section 302 (b) provides that in determining the proportionate share for a farm, the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugarcane, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or sharecroppers and of producers in any local producing area whose past production has been adversely, seriously, and generally affected by drought, storm, freeze, flood, disease, insects, or other similar abnormal and uncontrollable conditions.

General. Pursuant to the foregoing provisions of the act, proportionate shares for sugarcane farms are established for each crop since the marketing of sugarcane within such shares by producers constitutes one of the conditions for payment. Restrictive proportionate shares are required in any area when the indicated production will be greater than the quantities needed to fill the quota and provide a normal carryover inventory for such area.

Situation indicated for 1959. Information available at the time the 1958-crop determination was issued (October 8, 1957) indicated that the effective inventory of sugar on January 1, 1958 (i. e., sugar on hand, plus sugar processed after January 1, from sugarcane of the previous year's designation) would equal or exceed the January 1, 1957, inventory of about 347,000 tons. Because of extremely unfavorable weather conditions during the harvest season, 1957-crop production was limited to 532,000 tons. With 1957 marketings of 635,700 tons, the effective inventory on January 1, 1958, actually amounted to 243,000 tons, down

by more than 100,000 tons from a year earlier. Information received from the industry indicates that the same adverse weather conditions in the fall of 1957 also affected the 1958 crop of sugarcane to some degree and that sugar production therefrom may not be significantly higher than 600,000 tons. Assuming this production level and the present quota of 685,441 tons, the effective inventory on January 1, 1959, will be about 160,000 tons of sugar. While this is lower than any beginning-of-the-year inventory since 1952, it is reasonable to assume that if the 1959 crop were unrestricted and if yields of sugar per acre resume the upward trend shown for the period prior to 1957, excessive stocks would accumulate. Accordingly it is deemed that restrictions on the 1959 crop are needed.

Public hearing. An informal public hearing was held in New Orleans, Louisiana, on May 20, 1958, to receive information and recommendations for establishing farm proportionate shares in the Mainland Sugarcane Area for the 1959 crop. In a press release of May 6, 1958, the Department asked for comments, suggestions and discussion at the hearing regarding the type of program desired by the producers concerned. The industry also was asked for views regarding the total acreage which should be allotted for sugarcane production for the 1959 crop and for recommendations as to what a normal carryover of sugar should be. The hearing was attended by a large number of interested persons from Louisiana and Florida, and testimony was presented by persons representing essentially all producers of sugarcane in the area.

A recommendation was made by an industry representative, which was concurred in by other industry representatives, that the basic pattern of the 1958 program be extended for the 1959 crop. Recommendations by industry representatives for changes from the 1958-crop determination, included the following: (1) That the 1959 proportionate share for each old farm be the larger of ten acres or 110 percent of the 1958 farm share.

(2) That the special provisions of the 1958 determination applicable to Avoyelles, Rapides and St. Landry Parishes in Louisiana be omitted from the 1959 determination.

(3) That the adjustment provisions be amended to permit an increase in the proportionate share acreage for a farm to enable an experiment station to expand its acreage of seedling sugarcane.

Those who testified recommended unanimously that the 1959 acreage level for the area be increased by 10 percent over the 1958-crop level. They also agreed that the industry would be willing to carry any increased sugar inventories that might possibly result from the proposed increase in the acreage level.

Determination. This determination provides for the establishment of total 1959-crop proportionate shares, as recommended by the industry, at 110 percent of the 1958 acreage level. In establishing this acreage level, consideration has been given to the prospective sugar supply and inventory situation, the probable sugar marketing opportunities for the area in 1958 and 1959, factors such as variations in yield and the possibilities of freeze damage which may affect production, and the testimony presented at the hearing. Production of sugar from the acreage level provided for in this determination should enable the area to fill its quota and maintain a normal carryover inventory.

For 1959 farms which are identical with 1958 farms, 1959 proportionate shares will equal 110 percent of the 1958 proportionate shares, except that the minimum share for any such farm will be ten acres rather than five acres as was the case for 1958. This will permit a somewhat more economical level of operation for many small farms. Special provisions included in the 1957 and 1958 determinations for the Northern Louisiana Area have been eliminated from this determination, since the proportionate shares established pursuant to the determination should provide sufficient acreage to permit an economic operation of the one mill located in that area.

The provisions of this determination with respect to (1) proportionate shares for new farms, (2) proportionate shares for farms removed from sugarcane production because of transfer to any agency or entity having the right of eminent domain or for use primarily for the production of sugarcane for experimental purposes, (3) the division or combining of acreage records where farms are subdivided or combined, and (4) other general provisions are substantially the same as those included in the 1958-crop determination. The recommendations of the industry have been adopted generally. The acreages made available for adjustments in proportionate shares (440 in Louisiana and 60 in Florida) are identical to those effective for 1958. Based upon experience during the past four years, such acreages will be sufficient to make equitable adjustments in farm proportionate shares and in addition enable the adjusting of proportionate shares to provide for acreages of seedling sugarcane grown by experiment stations of Federal and State agencies.

As in 1958, this determination provides for a written notice to any farm operator for whose farm it is determined that the growing sugarcane acreage is in excess of the proportionate share and provides further that such farm operator shall be notified of the requirements that must be met with respect to such excess acreage in order to be eligible for payment. To make it more practicable for county committees to determine compliance with proportionate shares, farm operators of farms having excess acreage are again required to dispose of such acreage at certain times and under certain conditions and to furnish proof that the sugarcane from the excess acreage was used for purposes other than the production of quota sugar.

It is believed that this determination provides an equitable basis for establishing proportionate shares for the 1958 Mainland Sugarcane Crop.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153; interprets or applies secs. 301, 302, 61 Stat. 929, as amended; 7 U. S. C. 1132)

Issued this 14th day of July 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-5487; Filed, July 16, 1958; 8:54 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 944—MILK IN QUAD CITIES MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. et seq.), and of the order regulating the handling of milk in the Quad Cities marketing area (7 CFR Part 944), it is hereby found and determined that:

(a) The following provisions of § 944.10 (b) will not tend to effectuate the declared policy of the act for the months of July and August 1958: "From which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year."

(b) Notice of proposed rule making, public procedure thereon, and 30 days' notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) The information upon which this action is based did not become available in time sufficient for such compliance.

(2) A substantial majority of the producers and handlers of milk for the market have requested this action.

(3) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(4) This suspension order does not require of persons affected substantial or extensive preparation.

Therefore, good cause exists for making this order effective July 1, 1958.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective July 1, 1958, for the period July through August 1958.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 11th day of July 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-5472; Filed, July 16, 1958; 8:51 a. m.]

PART 1000—MILK IN CHATTANOOGA, TENN., MARKETING AREA

ORDER AMENDING ORDER

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1000.0 Findings and determinations.

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AUTHORITY: §§ 1000.0 to 1000.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1000.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chattanooga, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe with respect to all butterfat and skim milk contained in (i) producer milk, (ii) other source milk allocated to Class I milk pursuant to § 1000.45 (a) (3) and (4) and (b), and (iii) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1000.62.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1958.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued May 21, 1958, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued June 19, 1958. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chattanooga, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 1000.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1000.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1000.3 *Chattanooga, Tennessee, marketing area.* "Chattanooga, Tennessee, marketing area", called the "marketing area" in this part, means all of the territory included within the boundaries of Hamilton, McMinn and Bradley counties, all in the State of Tennessee.

§ 1000.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1000.5 *Approved dairy farmer.* "Approved dairy farmer" means any person who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority.

§ 1000.6 *Producer.* "Producer" means any approved dairy farmer who produces milk which is received during the month at a pool plant: *Provided*, That if such milk is diverted from a pool plant by a handler to a nonpool plant for his account any day during the months of March through July or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which diverted.

§ 1000.7 *Pool plant.* "Pool plant" means any:

(a) Milk distributing plant approved or recognized by any health authority having jurisdiction in the marketing area for the receiving or processing of Grade A milk and from which Class I milk equal to not less than 50 percent of its receipts of milk from other pool plants and from approved dairy farmers is disposed of during the month on a route(s) and from which Class I milk equal to not less than 20 percent of its total Class I disposition is disposed of during the month on a route(s) in the marketing area.

(b) Milk supply plant which, during the month, ships fluid milk products approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume equal to not less than 50 percent of its receipts of milk from approved dairy farmers to a plant specified in paragraph (a) of this section: *Provided*, That any plant which qualifies as a pool plant pursuant to this paragraph in each of the months of August through February shall be designated as a pool plant for the following months of March through July: *And provided further*, That any such plant may withdraw from pool plant status for any month in the March–July period if the operator of such plant files with the market administrator prior to the first day of such month a written request for such withdrawal.

§ 1000.8 *Nonpool plant.* "Nonpool plant" means any milk plant other than a pool plant.

§ 1000.9 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of one or more pool plants; or (b) a cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 1000.6.

§ 1000.10 *Producer-handler.* "Producer-handler" means any approved dairy farmer who operates a distributing plant in which he processes milk from his own production, and distributes all or a portion of such milk within the marketing area as Class I milk, but who receives no milk from other dairy farmers or from nonpool plants.

§ 1000.11 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 1000.6.

§ 1000.12 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk and skim milk drinks, yogurt, cream (sweet or sour) or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream and ice milk mix and aerated cream).

§ 1000.13 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1000.14 *Route.* "Route" means any delivery (including delivery by a vendor or a sale from a plant or plant store) of milk or any milk product classified as Class I milk pursuant to § 1000.41 (a) other than a delivery to any milk processing plant.

§ 1000.15 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 1000.16 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 1000.17 *Base milk.* "Base milk" means milk received at pool plants from a producer during any of the months of March through July which is not in excess of such producer's daily average base computed pursuant to § 1000.90, multiplied by the number of days in such month.

§ 1000.18 *Excess milk.* "Excess milk" means milk received at pool plants from a producer during any of the months of March through July which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 1000.90.

§ 1000.19 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency that may be authorized by act of Congress or by executive order to perform the price reporting functions of the United States Department of Agriculture.

MARKET ADMINISTRATOR

§ 1000.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1000.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1000.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1000.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1000.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless

otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any handler who, after the date on which he is required to perform such acts has not made reports pursuant to §§ 1000.30 and 1000.31 or payments pursuant to §§ 1000.80 through 1000.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice of, the following:

(1) The 10th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month, and

(2) The 10th day of each month, the uniform prices, computed pursuant to §§ 1000.71 and 1000.72, and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 1000.30 *Reports of sources and utilization.* On or before the 6th day after the end of each month each handler, except a producer-handler, shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1000.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator:

(1) On or before the 6th day of each of the months of April through August, the aggregate quantity of base milk received at his pool plant(s) for the preceding month,

(2) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of March through July, the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer; together with the price paid and the amount and nature of any deductions,

(3) On or before the day prior to diverting producer milk pursuant to § 1000.6, his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

(4) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

(c) Upon request by the market administrator, operators of nonpool plants distributing milk in the marketing area or selling milk to pool plants as defined in § 1000.7 shall file a report containing such information with respect to receipts and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1000.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers and disbursement of money so deducted.

§ 1000.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1000.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for pool plants pursuant to § 1000.30 (a) shall be classified each month pursuant to the provisions of §§ 1000.41 through 1000.45.

§ 1000.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1000.42 through 1000.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) skim milk disposed of and used for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (4) in shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1000.6) and other source milk: *Provided*, That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1000.6) and other source milk respectively.

§ 1000.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this order shall be classified Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1000.43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified Class I milk, unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1000.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk

for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the subtraction of other source milk pursuant to § 1000.45;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified Class I milk;

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool milk plant shall be classified Class I milk unless, (1) the transferee-plant is located less than 250 miles from the City Hall in Chattanooga, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, (2) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1000.30 for the month within which such transaction occurred, (3) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (4) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk; and

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1000.30, (2) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only" and the shipment is so invoiced, (3) the handler gives the market administrator sufficient notice to allow him to verify such shipment, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

§ 1000.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1000.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1000.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month:

(1) Subtract from the pounds of skim milk in Class I milk disposed of as cream (sweet or sour), skim milk, flavored milk, flavored milk and skim milk drinks, and buttermilk, all in consumer-packaged form on routes, the pounds of such skim milk received during the month in the same product and same packages from a plant fully regulated pursuant to Order No. 88 (Part 988 of this chapter) regulating the handling of milk in the Knoxville marketing area: *Provided*, That this subparagraph shall not apply to any item received if the same product is processed and packaged in the pool plant.

(2) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1000.41 (b),

(3) Subtract from the pounds of skim milk remaining in Class II milk the skim milk received as other source milk not in the form of fluid milk products: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(4) Subtract from the pounds of skim milk remaining in Class II milk the skim milk in other source milk received in the form of fluid milk products and not subject to the Class I pricing provisions of another order issued pursuant to the act: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(5) Subtract from the pounds of skim milk remaining in Class II milk the skim milk in other source milk which was not subtracted pursuant to subparagraph (1) of this paragraph and which is subject to the Class I pricing provisions of another order issued pursuant to the act; *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(6) Subtract from the pounds of skim milk remaining in Class II milk the skim milk contained in inventories of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk,

(7) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1000.44 (a),

(8) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (2) of this paragraph,

(9) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk. Any amount so subtracted shall be known as "overage";

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1000.50 *Basic formula price.* The basic formula price per hundredweight (computed to the nearest cent) to be used in determining the price for Class I milk pursuant to § 1000.51 (a) shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content computed pursuant to paragraph (a), (b), or (c) of this section, or § 1000.51 (b) (1).

(a) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Company and Location
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopervilie, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

and an amount computed by multiplying the butterfat differential computed pursuant to § 1000.73, by 5.

(b) The price per hundredweight computed as follows:

(1) Multiply the Chicago butter price by 6;

(2) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange: *Provided*, That if the price of "Twins" is not quoted on such exchange, the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by 7, add 30 percent thereof, and then multiply by 4.

(c) The price per hundredweight computed as follows: Multiply the Chicago butter price by 4.0, add 20 percent thereof, and add to such sum 3¾ cents for each full one-half cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. Chicago area manufacturing plants, for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, is above 5 cents.

§ 1000.51 *Class prices.* Subject to the provisions of §§ 1000.52 and 1000.53, the minimum prices per hundredweight of milk containing 4 percent butterfat, to be paid by each handler for milk received at his pool plant from producers, during the month, shall be as follows:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.75;

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents: *Provided*, That any addition or subtraction shall be limited to 50 cents per hundredweight;

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk (excluding that Class I milk subtracted pursuant to § 1000.45 (a) (1) and (b)), disposed of from all pool plants for the first and second preceding months into the total hundredweight of producer milk for the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

Month for which price applies	Months for which utilization is computed	Standard utilization range	
		Minimum	Maximum
January	November–December	117	121
February	December–January	117	121
March	January–February	117	121
April	February–March	119	123
May	March–April	124	128
June	April–May	134	138
July	May–June	134	138
August	June–July	128	132
September	July–August	115	119
October	August–September	110	114
November	September–October	114	118
December	October–November	114	118

(b) *Class II milk price.* For the months of February through August, the Class II milk price shall be the price computed pursuant to subparagraph (1) of this paragraph, rounded to the nearest cent. For all other months, it shall be the price computed pursuant to subparagraph (1) of this paragraph, or the price computed pursuant to § 1000.50 (c), whichever is higher.

(1) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from dairy farmers during the month at the following plants or places, for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the month:

Company and Location
Kraft Foods Co., Fayetteville, Tenn.
Pet Milk Co., Greensville, Tenn.
Carnation Co., Murfreesboro, Tenn.
Borden Co., Lewisburg, Tenn.

§ 1000.52 *Butterfat differentials to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 1000.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I milk price.* Multiply the Chicago butter price for the preceding month by 0.13; and

(b) *Class II milk price.* Multiply the Chicago butter price for the month by 0.115: *Provided*, That such butterfat differential shall not exceed the result obtained by dividing the Class II price, pursuant to § 1000.51 (b), by 40.

§ 1000.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 65 miles or more from the City Hall of Chattanooga, Tennessee, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 1000.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the City Hall of Chattanooga, Tenn. (miles):	*Rate per hundredweight (cents)*
65 but not more than 75	15.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 1000.45 (a) (1) through (6), and the comparable steps in § 1000.45 (b) for such plant, such assignment to the transferring plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1000.54 *Rate of compensatory payments.* The rate of compensatory payment per hundredweight shall be calculated as follows:

(a) For the months of March through July, subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price, adjusted by the Class I butterfat differential, and in the case of fluid milk products, adjusted by the Class I location differential of the plant at which the milk was received from farmers.

(b) For the months of August through February, subtract the uniform price to producers from the Class I price.

§ 1000.55 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1000.60 *Producer-handlers.* Sections 1000.40 through 1000.45, 1000.50 through 1000.53, 1000.61 and 1000.62, 1000.70 through 1000.75, and 1000.80 through 1000.87 shall not apply to a producer-handler.

§ 1000.61 *Plants subject to other Federal orders.* Upon application to the market administrator and a subsequent determination by the Secretary, a plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants or nonpool plants) in the Chattanooga, Tennessee, marketing area than in the marketing area regulated pursuant to such order; and

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a pool plant for each of the preceding months of August through February.

§ 1000.62 *Operators of nonpool plants.* An operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall, on or before the 12th day after the end of the month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing

area during the month by the rate of compensatory payment calculated pursuant to § 1000.54.

DETERMINATION OF PRICES TO PRODUCERS

§ 1000.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1000.45 by the applicable class price, total the resulting amounts, and add any amount necessary to reflect adjustments in location differential allowance required pursuant to the proviso of § 1000.53;

(b) Add the amounts computed in subparagraphs (1), (2) and (3) of this paragraph;

(1) Multiply the rate of compensatory payment determined pursuant to § 1000.54 by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1000.45 (a) (3) and (b),

(2) Multiply the rate of compensatory payment determined pursuant to § 1000.54 at the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1000.45 (a) (4) and (b),

(3) Multiply the rate of compensatory payment determined pursuant to § 1000.54 at the nearest plant(s) from which an equivalent amount of other source milk was received by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1000.45 (a) (6) and (b), which is in excess of the sum of: (i) The quantity for which a payment must be computed pursuant to paragraph (d) of this section, and (ii) the quantity subtracted from Class II milk pursuant to § 1000.45 (a) (5) and (b) in the preceding month;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1000.45 (a) (9) and (b) by the applicable class price; and

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1000.45 (a) (7) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1000.45 (a) (6) and (b) for the current month, whichever is less, respectively.

§ 1000.71 *Computation of the uniform price.* For each of the months of August through February, the market administrator, shall compute the uniform price per hundredweight of producer milk of 4.0 percent butterfat content, f. o. b. market, as follows:

(a) Combine into one total the values computed pursuant to § 1000.70 for the producer milk of all handlers who submit reports prescribed in § 1000.30 and who are not in default of payments pursuant to § 1000.80 or § 1000.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1000.73, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1000.80 (a) (2);

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Add the total amount of payment due pursuant to § 1000.62;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

§ 1000.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, f. o. b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 1000.30, and who are not in default of payments pursuant to § 1000.80 or § 1000.82 as follows: (1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the remaining hundredweight quantity of excess milk by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers;

(c) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 1000.71 (a) through (e);

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content f. o. b. market.

§ 1000.73 *Butterfat differential to producers.* The applicable uniform price to be paid each producer shall be increased or decreased for each ten-tenth of one percent which the average butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differentials for such class as determined by § 1000.52, dividing by the total butterfat in producer milk, and rounding to the nearest fifth of a cent.

§ 1000.74 *Location differential to producers.* The applicable uniform price to be paid for producer milk received at a pool plant located 65 miles or more from the City Hall of Chattanooga, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the rates set forth in § 1000.53.

§ 1000.75 *Notification of handler.* On or before the 10th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1000.30, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of March through July the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 1000.71 and 1000.72 and the butterfat differential computed pursuant to § 1000.73; and

(d) The amounts to be paid by such handler pursuant to §§ 1000.82, 1000.85 and 1000.86, or § 1000.62 and the amount due such handler pursuant to § 1000.82.

PAYMENTS

§ 1000.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph,

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1000.85, (iii) plus or minus adjustments for errors made in previous payments made to such producers, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1000.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of March through July the total pounds of base milk received, (iii) the amount or rate and nature of any deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1000.84.

§ 1000.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1000.62, 1000.82 and 1000.84, and out of which he shall make all payments pursuant to §§ 1000.83 and 1000.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1000.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1000.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 1000.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1000.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1000.84 *Adjustment of errors in payment.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 1000.82, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 1000.83, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1000.80, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

§ 1000.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1000.80, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1000.86 *Expenses of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator for each of his pool plants, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 1000.45 (a) (3) and (4) and (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1000.62.

§ 1000.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled, and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims

to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 1000.90 *Computation of daily average base for each producer.* Subject to the rules set forth in § 1000.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of September through January immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of January, inclusive, or by 120, whichever is more: *Provided*, That any producer who, during the preceding months of September through January, delivered his milk to a nonpool plant which became a pool plant after the beginning of such period shall be assigned a base in the same manner as if he had been a producer during such period, calculated from his deliveries during such September–January period to such plant.

§ 1000.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base calculated pursuant to § 1000.90 to each person for whose account producer milk was delivered to pool plants during the months of September through January;

(b) A base which is assigned pursuant to the proviso of § 1000.90 shall be nontransferable. An entire base which is otherwise assigned shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred; and

(c) A base which has been established by two or more persons operating a dairy farm as a partnership may be divided between the partners on any basis agreed to in writing by the partners provided written notification of the agreed division of base signed by each partner is received by the market administrator prior to the first day of the month on which such division is to be effective.

§ 1000.92 *Announcement of established bases.* On or before March 1 of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily average base established by such producer, and shall notify a cooperative association of which such producer is a member of such daily average base if the cooperative association so requests.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1000.100 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1000.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1000.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1000.103 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1000.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1000.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 11th day of July, 1958, to be effective on and after the 1st day of August, 1958.

[SEAL] DON PAARLBERG, *Assistant Secretary.*

[F. R. Doc. 58-5471; Filed, July 16, 1958; 8:51 a. m.]

PART 1004—MILK IN CENTRAL ARIZONA MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISION

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 1004), regulating the handling of milk in the Central Arizona marketing area, hereinafter referred to as the "order", it is hereby found that:

(a) The following provisions: (1) The phrase, "Subject to the provisions of paragraph (b) of this section," in § 1004.91 (a), and (2) § 1004.91 (b) in its entirety no longer tend to effectuate the declared policy of the act;

(b) Notice of proposed rule making, public procedure thereon, and 30-days' prior notice to the effective date hereof are found to be impracticable, unnecessary, and contrary to the public interest in that (1) this suspension order is necessary to correct a situation which has threatened to disrupt the orderly marketing of milk, whereby producers through abuse of the base transfer provisions have been able to inflate their earned bases quite substantially. A hearing on proposed amendments providing for extensive revision of the order (No. 104), as amended, including a revision of the base rules was conducted at Phoenix, Arizona, on June 11 and 12, 1958, (23 F. R. 3881). The time required for a thorough analysis of the record evidence, and the performance of the several procedural steps which must be followed before an amendment can be issued, preclude the possibility of making an amendment to the order (No. 104), as amended, effective before August 1, 1958; (2) since the base-forming period begins on August 1, it is necessary to give producers ample notice before that date, that base-inflating transfers will not be permitted; (3) this suspension order does not require of persons affected substantial or extensive preparation prior to its effective date; and (4) the time intervening between the date of this suspension order and its effective date affords persons affected a reasonable time to prepare for its effective date.

It is therefore ordered, That the following provisions be and hereby are suspended effective July 17, 1958:

1. In § 1004.91 (a) the phrase, "Subject to the provisions of paragraph (b) of this section".

2. Section 1004.91 (b).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 11th day of July 1958.

[SEAL] DON PAARLBERG, *Assistant Secretary.*

[F. R. Doc. 58-5470; Filed, July 16, 1958; 8:50 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 206]

PART 154—RATES SCHEDULES AND TARIFFS

ORDER MODIFYING RULES AND REGULATIONS WITH RESPECT TO SUPPLEMENTS REFLECTING ADDITION TO LOUISIANA STATE GAS GATHERING TAX

JULY 11, 1958.

In the matter of The Louisiana State Gas Gathering Tax (Act No. 8, Louisiana Law of 1958, Amending Title 47 of the Louisiana Revised Statutes of 1950) [House Bill No. 303].

Pursuant to Act No. 8 of 1958 (House Bill No. 303), of the State of Louisiana, as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950, an additional "excise, license or privilege tax for the privilege of engaging" in the "business" of "gathering gas produced" in Louisiana is levied "at the rate of one cent (1¢) per thousand (1,000) cubic feet (corrected to a base pressure of 15.025 pounds per square inch, absolute pressure)" of gas gathered within the State of Louisiana, for a period of two years beginning August 1, 1958 and continuing through July 31, 1960 (unless made non-operative sooner as provided in the subject law).

The incidence of such tax may result in increases in the rates paid by the purchasers under all rate schedules governing sales of natural gas produced in Louisiana, subject to the jurisdiction of the Commission, which contain provisions whereby the buyer is to reimburse the seller for any portion of such additional tax. The Natural Gas Act and § 154.94 of the Commission's regulations thereunder make it mandatory that any such proposed increased rates be timely and properly filed with the Commission.

To simplify the proposed required changes in rates, the Commission deems it expedient and in the public interest to waive the 30-day notice requirement under section 4 (d) of the act and § 154.94 of the Commission's regulations and to eliminate, to the extent feasible, the data and information thereby required to be submitted in support of any proposed changes in rate based upon said Act No. 8, to be effective August 1, 1958.

Accordingly, a natural-gas company, in submitting a supplement to any of its effective rate schedules on file with the Commission to reflect as of August 1, 1958, the statutory addition of one cent (1¢) per Mcf to the present gathering tax may, notwithstanding other provisions of the Commission's Rules and Regulations, make such filings as hereinafter provided.

A number of affected natural-gas companies have advised the Commission that litigation is to be instituted challenging the constitutionality of the aforesaid Act No. 8 of 1958 of the State of Louisiana. In view of this fact, and to assure appropriate refund, in the event said Act No. 8 of 1958 should be declared unconstitutional by final judicial decision, of payments made pursuant to rate schedule changes proposed as a result of such legislation, the Commission proposes to suspend for one day beyond the date they would otherwise become effective any such rate schedule changes.

The Commission finds: It is appropriate and in the public interst in the administration of the Natural Gas Act (a) to waive the 30-day notice requirement set forth in section 4 (d) of the Natural Gas Act and § 154.94 of the Commission's regulations with respect to the filing of any appropriate supplement reflecting the addition of one cent (1¢) to the Louisiana gathering tax, effective August 1, 1958, providing such filing is made on or before August 1, 1958; and (b) with respect to the filing, whether before or after August 1, 1958, of any appropriate supplement reflecting the additional Louisiana gathering tax to submit 3 copies of the data in the form set forth below, in lieu of the data required by § 154.94 (e) of the Commission's regulations.

1. This filing is submitted pursuant to Commission Order No. -- to reflect -- percent reimbursement of the additional Louisiana gas gathering tax of one cent (1¢) per Mcf effective August 1, 1958 levied by Act No. 8 of 1958 of the State of Louisiana (House Bill No. 303).

2. Such reimbursement is provided by section -- of the contract dated ---------- between ---------- and ---------- on file with the Commission and designated ---------- FPC Gas Rate Schedule No. --.

3. A copy of this filing was served on the buyer as required by the Commission's regulations on ----------.

4. Comparison of rates prior to and subsequent to such change in rate (cents per Mcf) at 15.025 psia:

Date	Base price per Mcf	Tax reimbursement per Mcf	Total price per Mcf
July 31, 1958			
Aug. 1, 1958			

Sales for 12 months ended April 30, 1958---------- Mcf

The Commission orders: Rate schedule changes reflecting the incidence of the additional one cent (1¢) per Mcf gathering tax of the State of Louisiana as of August 1, 1958, if filed on or before August 1, 1958 may be filed on less than the 30 days' notice required by section 4 (d) of the Natural Gas Act and in accordance with the findings of this order.

(Sec. 16, 52 Stat. 830; 15 U. S. C. 717o)

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5458; Filed, July 16, 1958; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54639]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

REDUCED RATE OF DUTY FOR CERTAIN WOOLEN TEXTILES

Presidential Proclamation No. 3160 of September 28, 1956, as amended by Presidential Proclamation No. 3225, dated March 7, 1958, provides that after the annual quota on certain woolen fabrics classifiable under paragraphs 1108 and 1109 (a), Tariff Act of 1930, has been filled, the ad valorem part of the duty on serges, weighing not over 6 ounces per square yard, and nuns' veilings and other woven fabrics, weighing not over 4 ounces per square yard: All the foregoing wholly or in chief value of wool of the sheep, valued at over $4 per pound, in solid colors, imported to be used in the manufacture of apparel for members of religious orders, shall be at the rate of 30 percent rather than at the rate of 45 percent. To prescribe regulations governing the entry of these woolen textiles at this reduced rate the Customs Regulations are amended as follows:

Part 10 is amended by adding at the end thereof the following new centerhead and section:

WOOLEN TEXTILES

§ 10.111 *Woolen textiles imported to be used in the manufacture of apparel for members of religious orders.* (a) Serges, weighing not over 6 ounces per square yard, and nun's veiling and other woven fabrics, weighing not over 4 ounces per square yard; all the foregoing wholly or in chief value of wool of the sheep, valued at over $4 per pound, in solid colors, imported to be used in the manufacture of apparel for members of religious orders, entered, or withdrawn from warehouse, for consumption after the annual quota on certain wool fabrics classifiable under paragraphs 1108 and 1109 (a), Tariff Act of 1930, has been filled may be released on deposit of estimated duties at the rate the ad valorem part of which is 30 percent, as provided for in the President's Proclamation No. 3160 of September 28, 1956 (3 CFR, 1956 Supp., Ch. 1; TD 54212), as amended by the President's Proclamation No. 3225 of March 7, 1958 (23 F. R. 1687; TD 54550), if there is filed with the entry or the withdrawal a declaration of a person having knowledge of the facts that the fabrics were imported to be used in the manufacture of apparel for members of religious orders. Liquidation of the entry covering the fabrics shall be suspended until the proof of use provided for in paragraph (b) of this section is furnished or the time allowed for the production thereof has expired.

(b) Within 1 year from the date of the entry (in case of warehouse entries as well as consumption entries) or any extension of that period as hereinafter provided for, the importer shall furnish

proof of use satisfactory to the collector that the imported fabrics have been used in the manufacture of apparel for members of religious orders. The collector may, upon written application of the importer before the expiration of the initial or any extended period, extend the period for further periods of 1 year each, but not to exceed 5 years from the date of entry.

(c) When proof of use is not furnished within the 1 year period or any extension thereof provided for in paragraph (b) of this section, the entry shall be liquidated at the rate the ad valorem part of which is 45 percent, as provided for in the President's Proclamation No. 3160 of September 28, 1956, as amended.

(Sec. 1 (pars. 1108, 1109) 46 Stat. 648; 19 U. S. C. 1001 (pars. 1108, 1109))

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: July 10, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-5455; Filed, July 16, 1958; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 1957 Supp., 146.26 (23 F. R. 1620)) are amended as indicated below:

In § 146.26 *Animal feed containing penicillin;* * * * paragraph (b) (37) is amended by changing the words "0.004 percent" to read "0.006 percent".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendment herein set forth.

I further find that animal feed containing antibiotic drugs and conforming with the conditions prescribed in the regulations need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure their safety and efficacy.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies secs. 502, 507, 52 Stat. 1051, 59 Stat. 463 as amended; 21 U. S. C. 352, 357)

Dated: July 10, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-5447; Filed, July 16, 1958; 8:45 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 221—OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT ST. IGNATIUS, MONTANA

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law 404, 79th Cong., 60 Stat. 238) and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583; 25 U. S. C. 385; 39 Stat. 142; and 45 Stat. 210; 25 U. S. C. 387) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551 Amendment No. 1; 16 F. R. 5454-7), notice was given of the intention to modify §§ 221.24, 221.26, and 221.28 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts, as follows:

Charges applicable to all irrigable lands of the Flathead Indian Irrigation Project that are included in the Irrigation District Organization and are subject to the jurisdiction of the three irrigation districts.

Interested persons were thereby given opportunity to participate in preparing the modification by submitting data or written arguments within 30 days from the publication of the notice. No objections were submitted. Accordingly, §§ 221.24, 221.26, and 221.28 are modified as follows:

§ 221.24 *Charges.* Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1959 an assessment of $240,744 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 74,262.5 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 *Charges.* Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1959 an assessment of $45,776 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 13,779.1 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 *Charges.* Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, and April 18, 1950, there is hereby fixed, for the season of 1959 an assessment of $17,240 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 6,135.4 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

M. A. JOHNSON,
Acting Area Director.

[F. R. Doc. 58-5448; Filed, July 16, 1958; 8:45 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 21—PUBLIC LANDS; MILITARY AND NAVAL RESERVATIONS

FORT GULICK ARMY RESERVATION, CANAL ZONE

CROSS REFERENCE: For amendment to the tabulation in § 21.3, insofar as it relates to Fort Gulick Army Reservation, see Canal Zone Order 49 in Appendix to this chapter, *infra.*

Appendix—Canal Zone Orders

[Canal Zone Order 49]

FORT GULICK ARMY RESERVATION, CANAL ZONE

By virtue of the authority vested in the President of the United States by section 5 of Title 2 of the Canal Zone Code, as amended by section 1 of the Act of September 26, 1950, 64 Stat. 1038, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10595 of February 7, 1955, it is ordered as follows:

SECTION 1. *Setting apart of reservation; boundaries.* The following-described area of land in the Canal Zone is hereby reserved and set apart as, and assigned to the uses and purposes of an Army reservation, which shall be known as Fort Gulick Army Reservation, and which shall be under the control and jurisdiction of the Secretary of the Army, subject to the provisions of section 2 of this order:

The area comprising this reservation is situated southeasterly of Mount Hope on the western shore of the Quebrada Ancha Arm of Gatun Lake, and includes Banana Island and the Egronal Islands which are situated in Gatun Lake, and the boundary is more particularly described as follows:

Beginning at monument No. 1, which is a 1½-inch galvanized iron pipe set in concrete, located on the continuous 92-foot contour of the west shore of the Quebrada Ancha Arm of Gatun Lake, the geographic position of which monument, referred to the Canal Zone triangulation system is in latitude 9°18' N. plus 2,418.6 feet and longitude 79°52' W., plus 1,990.0 feet from Greenwich.

Thence from said initial point by metes and bounds:

N. 23°08'00" W., 359.9 feet, to monument No. 1A, which is a 1½-inch galvanized iron pipe;

N. 23°12'30" W., 297.4 feet, through monument No. 1B, which is a 1½-inch galvanized iron pipe, to monument No. 2, which is a 2½-inch galvanized iron pipe, the distances being 202.7 feet and 94.7 feet, successively, from beginning of the course;

N. 73°07'30" W., 369.8 feet, to monument No. 3, which is a 1½-inch galvanized iron pipe;

N. 72°56'30" W., 996.8 feet, through monuments Nos. 4, NF14 and 5 (monument No. 4 is a 2½-inch galvanized iron pipe; monument No. NF14 is a concrete post 8 inches square; monument No. 5 is a 1½-inch galvanized iron pipe) to monument No. 6, which is a concrete post 8 inches square, the distances being 204.8 feet, 453.6 feet, 114.1 feet and 146.3 feet, successively, from beginning of the course;

N. 45°58'00" W., 118.2 feet, to monument No. 7, which is a 1½-inch galvanized iron pipe;

N. 46°13'30" W., 315.5 feet to monument No. 8, which is a 2½-inch galvanized iron pipe;

N. 46°01'00" W., 456.1 feet, to monument No. 9, which is a 2½-inch galvanized iron pipe;

N. 46°02'00" W., 400.0 feet, to monument No. 10, which is a 2½-inch galvanized iron pipe;

N. 46°01'00" W., 463.0 feet, to monument No. 11, which is a 2½-inch galvanized iron pipe;

N. 46°01'30" W., 205.1 feet, to monument No. 12, which is a 2½-inch galvanized iron pipe;

N. 46°01'00" W., 1,141.6 feet, through monuments Nos. 13 and 14, which are 2½-inch galvanized iron pipes, to monument No. 15, which is a concrete post, 8 inches square, the distances being 389.8 feet; 394.9 feet and 356.9 feet, successively, from beginning of the course;

(From monument NF-14 to monument No. 15, the above described line follows the northeasterly boundary of the Gatun Tank Farm Naval Reservation);

N. 00°01'00" W., 2515.4 feet, through monuments Nos. 16 to 21 inclusive, which are 2½-inch galvanized iron pipes, to monument No. 22, which is a 1½-inch galvanized iron pipe, the distances being 249.8 feet, 193.4 feet, 470.0 feet, 525.0 feet, 520.6 feet, 406.0 feet and 150.6 feet, successively, from beginning of the course;

N. 54°57'00" W., 470.7 feet, to monument No. 23, which is a 1½-inch galvanized iron pipe;

N. 53°41'30" E., 52.9 feet, to monument No. 23-A, which is a 2-inch galvanized iron pipe, located 50 feet southwesterly from the centerline of the Fort Gulick Road;

N. 54°56'00" W., 175.6 feet, to monument No. 23-X, which is a 2-inch galvanized iron pipe, located 50 feet southwesterly from the centerline of the Fort Gulick Road;

N. 35°04'00" E., 100.0 feet, through monument No. 23-Y, which is a ½-inch brass plug located on the centerline of the Fort Gulick Road, to monument No. 23-D, which is a 1½-inch galvanized iron pipe, the distances being 49.9 feet and 50.1 feet, successively, from beginning of the course;

N. 89°06'30" E., 342.2 feet, through monument No. 23-E, which is a 2-inch galvanized iron pipe, to monument No. 24, which is a 1½-inch galvanized iron pipe, the distances being 186.1 feet and 156.1 feet, successively, from beginning of the course;

N. 10°13'30" W., 75.6 feet, to monument No. 24-A which is a 1½-inch galvanized iron pipe;

N. 10°16'30" W., 715.2 feet, to monument No. 24-B, which is a 1½-inch galvanized iron pipe;

N. 10°18'00" W., 431.3 feet, to monument No. 24-C, which is a 1½-inch galvanized iron pipe;

N. 10°12'00" W., 236.0 feet, to monument No. 24-D, which is a 1½-inch galvanized iron pipe;

N. 10°15'30" W., 192.8 feet, to monument No. 24-E, which is a concrete post 8 inches square;

Due East, 239.4 feet, to monument No. 24-F, which is a 1½-inch galvanized iron pipe;

N. 89°59'30" E., 140.8 feet, to monument No. 25, which is a 2½-inch galvanized iron pipe;

N. 00°01'00" W., 370.0 feet, to monument No. 26, which is a concrete post 8 inches square;

S. 50°31'00" E., 1522.2 feet, through monuments Nos. 27 and 28, which are 2½-inch galvanized iron pipes, to monument No. 29, which is a concrete post 8 inches square, the distances being 501.6 feet, 563.0 feet and 457.6 feet, successively, from beginning of the course;

N. 85°14'00" E., 432.9 feet, through monuments Nos. 30 and 31, which are 2½-inch galvanized iron pipes, to monument No. 32, which is a 1½-inch galvanized iron pipe, the distances being 160.6 feet, 62.4 feet and 189.9 feet, successively, from beginning of the course;

N. 43°47'30" E., 1037.4 feet, parallel to and 50 feet southeasterly of the centerline of the Fort Gulick-France Field Road, to monument No. 33, which is a 1½-inch galvanized iron pipe;

On a curve to the left, with a radius of 1011.3 feet, 422.3 feet to monument No. 34, which is a 1½-inch galvanized iron pipe (the direct bearing and distance between monuments Nos. 33 and 34 is N. 31°49'30" E., 419.4 feet);

N. 19°50'00" E., 1345.0 feet, parallel to and 50 feet easterly of the centerline of the Fort Gulick-France Field Road, to monument No. 35, which is a 1½-inch galvanized iron pipe;

S. 24°59'30" E., 626.4 feet, to monument No. 36, which is a 1½-inch galvanized iron pipe;

Due East, 9122.1 feet, through monuments Nos. 37 to 43 inclusive, which are 1½-inch galvanized iron pipes, and 47 to 74 inclusive, which are 2½-inch galvanized iron pipes, to monument No. 75, which is a concrete post 8 inches square, located on the continuous 100-foot contour of the west shore of the Quebrada Ancha Arm of Gatun Lake, the distances being 374.3 feet, 125.1 feet, 254.1 feet, 335.2 feet, 254.4 feet, 224.3 feet, 335.1 feet, 156.6 feet, 325.0 feet, 161.0 feet, 400.0 feet, 400.0 feet, 300.0 feet, 227.0 feet, 173.0 feet, 264.0 feet, 517.4 feet, 307.0 feet, 134.0 feet, 340.4 feet, 137.2 feet, 203.0 feet, 300.0 feet, 332.0 feet, 92.0 feet, 342.0 feet, 180.0 feet, 73.0 feet, 262.0 feet, 440.8 feet, 113.0 feet, 347.0 feet, 334.0 feet, 126.0 feet, 125.0 feet and 107.2 feet, successively, from beginning of the course;

Due East, 100 feet, more or less, to an unmarked point on the continuous 87-foot contour of the shore line of Gatun Lake;

In a general southwesterly direction, along the 87-foot contour of the shore line of Gatun Lake, as it meanders, to an unmarked point, from which the bearing and distance to the above mentioned monument No. 1, is N. 23°08'00" W., 15 feet, more or less;

N. 23°08'00" W., 15 feet, more or less, to the point of beginning.

In addition to the above described area, there shall be included within the reservation all land above the 87-foot contour, consisting of islands known as the Egronal Islands and Banana Island, located in Gatun Lake within the boundaries described as follows:

Beginning at an unmarked point called "A" on the drawing, located on the shore of the Quebrada Ancha Arm of Gatun Lake where longitude 79°51' plus 4,975.0 feet intersects the 87-foot contour;

Thence from said initial point by metes and bounds:

Due South 4,300 feet, more or less, to an intersection with latitude 9°17' plus 4,200 feet, to an unmarked point called "B" on the drawing;

Due West, 2,000 feet, to an unmarked point called "C" on the drawing;

Northwesterly, 3,550 feet, more or less, to an unmarked point called "D" on the drawing, located at a point on the shore of Gatun Lake where longitude 79°52' plus 2,200 feet intersects the 87-foot contour on the shore of Quebrada Ancha Arm of Gatun Lake;

In a general northeasterly and southeasterly direction, following the 87-foot contour of the shore of Gatun Lake, to unmarked point called "A" on the drawing, the point of beginning.

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The boundary of the reservation, from monument No. 1 to monument No. 23-A inclusive, and from monument No. 23-D to monument No. 75 inclusive, was surveyed by the Surveys Branch, The Panama Canal, in January and February 1940 and December 1946, and the boundary from monument No. 23-A to monument No. 23-D was surveyed by said Surveys Branch in April 1950.

The reservation contains an area of 1,841.1 acres, more or less, (Main land 1,755.8 acres and islands 85.3 acres) and is as shown on Panama Canal Company drawing No. M-6118-44, entitled "Map Showing Boundary of Fort Gulick Army Reservation", scale 1:10,000, dated January 20, 1958, on file in the Office of the Governor of the Canal Zone, Balboa Heights, Canal Zone.

SEC. 2. *Conditions and limitations.* The reservation established by section 1 of this order shall be subject to the following conditions and limitations:

(a) The areas comprising this reservation shall continue to be subject to the civil jurisdiction of the Canal Zone Government in conformity with the provisions of the Canal Zone Code as amended and supplemented.

(b) The Canal Zone Government and the Panama Canal Company, their agents, employees, contractors, licensees, and permittees shall enjoy access to the reserved area in carrying out the operations of such agencies, subject, however, to necessary security measures.

(c) No sanitary sewage originating within the developed sections of the reservation shall be permitted to discharge into the drainage basin of Gatun Lake.

SEC. 3. *Orders superseded.* This order supersedes Canal Zone Order No. 2 of December 1, 1946, and Canal Zone Order No. 20 of June 29, 1950. Any lands included within Gatun Lake Military Reservation or Fort Gulick Military Reservation as set out by said previous orders and not included within the area included in this order are hereby released and returned to the jurisdiction and control of the Canal Zone Government.

WILBER M. BRUCKER,
Secretary of the Army.

JULY 8, 1958.

[F. R. Doc. 58-5456; Filed, July 16, 1958; 8:47 a.m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 96—AIR CARRIERS

INTERNATIONAL AIR TRANSPORTATION

Section 96.7 *International airmail regulations* is amended to read as follows:

§ 96.7 *International air transportation*—(a) *Authority*—(1) *Applicability.* The rules and regulations in this part apply to all international and overseas air carriers assigned FAM numbered routes by the Post Office Department and to foreign air carriers to the extent noted in this section, and supplement the provisions of the Convention of the Universal Postal Union.

(2) *Air transportation defined.* (i) "Air Carrier" means any individual or company of the United States engaging in air transportation.

(ii) "Foreign Air Carrier" means any individual or company not of the United States engaging in foreign air transportation.

(iii) "Carrier" means both a U. S. flag and foreign flag air carrier.

(iv) "Air Transportation" means the transportation of mail by aircraft.

(v) "Interstate, Overseas and Foreign Air Transportation" means transportation of persons, property or mail by an air cafrier for hire.

(vi) "Mail" means United States mail and foreign mail.

(3) *Authority to engage in air transportation*—(i) *American Flag air carriers.* Air carriers shall not engage in air transportation unless a certificate has been issued by the Civil Aeronautics Board authorizing them to do so. Each such certificate states the terminal points and intermediate points, if any, between which the air carrier is authorized to engage in air transportation.

(ii) *Foreign Flag air carriers.* Foreign air carriers shall not engage in air transportation from U. S. soil without a permit issued by the Civil Aeronautics Board authorizing such transportation.

(4) *Rules and policy.* The Department will make such rules and regulations as may be necessary for the safe and expeditious transportation of mail by aircraft. The Assistant Postmaster General, Bureau of Transportation, will establish the policy for transportation of mail and for exchange of airmail between postal employees and carriers.

(5) *Agreements.* The Department may enter into agreements with postal administrations of other countries with respect to airmail transportation. The Department may also make arrangements with foreign air carriers for the transportation of mail if they have been issued permits by the Civil Aeronautics Board.

(6) *Transportation of foreign origin mail.* Air carriers transporting mail of foreign countries are subject to control and regulation of the United States.

(b) *Carrier operations*—(1) *Filing of schedules.* Carriers authorized to engage in air transportation shall transport mail only after filing their schedules of operation with the Department. The Department will designate the flights required for the transportation of mail and inform the carriers accordingly. No carrier shall transport mail in accordance with any schedule other than one designated or ordered to be established by the Department for the transportation of mail.

(2) *Schedule revisions.* Changes to existing schedules must be filed with the Department not less than ten days before their effective dates. Three copies should be filed with the Director, International Service, Bureau of Transportation, Post Office Department, Washington 25, D. C., one with the distribution and traffic manager, Post Office Department, in each region concerned, and three with the claim for the mail transportation.

(3) *Flight movement.* Carriers should operate designated flights as nearly as practicable at the times indicated in published schedules. Whenever earlier or later departures are required, sufficient advance notice should be given the local postal representatives in order that appropriate adjustments may be made in the dispatch schedules.

(4) *Extra sections.* Extra sections of a designated scheduled flight may be used for the transportation of mail.

(5) *Emergency flights.* Emergency flights operated by a carrier may be used for the transportation of mail. However, carriers should not accept mail for any country served by the emergency flight if they are not authorized to serve that country regularly.

(6) *Omission of service.* If a scheduled stop is to be omitted on a designated flight, the carrier must immediately notify the local postal representatives concerned. If the service is to be suspended for one week or more, the carrier must notify the Director, International Service, Post Office Department, Washington 25, D. C., and the local postal representative at the point involved. The same officials should be notified when the service is resumed.

(7) *Cancelled flights.* When a flight is cancelled at the initial terminal or any point en route, the carrier should promptly notify the local postal representatives concerned.

(8) *Delayed departures.* If a flight is delayed after accepting mail and the delay is estimated to be six hours or less beyond the scheduled departure, the mail will be retained aboard the flight. If the flight is delayed over six hours, the dispatching postal unit should be informed of the delay and the probable time of departure. In such cases, the postal representative will determine whether the mail should be returned to the postal unit.

(9) *Accidents.* Carriers will immediately inform the Post Office Department, Washington, D. C., of any accident resulting in possible damage to or loss of United States mail. When an accident occurs in the United States, the distribution and traffic manager, Post Office Department, in the region concerned should also be notified. Accidents occurring outside the United States must be reported to the postal administration of the country to which the carrier belongs and to the postal administration of the country in which the accident occurs. (See paragraph (c) (6) of this section.)

(c) *Transportation of mail*—(1) *Tender of mail.* When authorized to transport mail, carriers shall provide necessary and adequate facilities and service for its transportation and will be held strictly accountable for the proper care of mail and postal equipment while in their custody.

(2) *Priority of mail and allocations*—(i) *Priority.* Air carriers shall transport all mail available for each flight designated by the Department. If the mail available for dispatch exceeds the weight allocation or normal load, the excess shall have priority of transportation over all unconfirmed and non-revenue traffic. (See § 96.1 (a) for normal mail load.)

(ii) *Allocations and estimates.* Weight allocations are for planning purposes to assist the postal service as well as air carriers to fully realize the maximum payload on each flight. Postal units will give air carriers an advance estimate of the mail anticipated for the flight, which may be above or below the weight allocation already agreed upon. If the estimate is in excess of the allocation, the air carrier may refuse the excess if confirmed traffic prevents its acceptance. If the air carrier refuses mail, Form 2750, Report of Irregular Handling of Air Mail, should be prepared for the difference between the amount accepted and the allocation or normal load. (See paragraph (d) of this section.)

(iii) *Backlog.* Carriers will be expected to provide sufficient lift to accommodate any backlog of mail which has accumulated due to irregular operations or cancellations.

(iv) *Removal or refusal.* When it becomes necessary to reduce the load of an aircraft due to weather or other cause, the following order of removal or refusal shall prevail:

(*a*) Company material.
(*b*) Express and cargo.
(*c*) All categories of mail other than letters and cards (LC).
(*d*) Diplomatic pouches not carried as first class mail.
(*e*) Company mail.
(*f*) LC mail after removal of all other traffic except revenue passengers with space confirmed prior to knowledge that the load must be reduced.

(3) *Delivery of mail to carriers*—(i) *Documentation.* The postal unit delivering mail must prepare the AV–7s, Mail Waybills, listing the origin, destination, weight of the mail, and dispatch and routing instructions. One set of AV–7s must be prepared for each stop point on the flight where mail is available for transportation.

(ii) *Verification by carriers.* The carriers shall verify all mail tendered for transportation against the entries appearing on the AV–7s. If an irregularity in the condition of the mail is observed at the time of acceptance, it should be brought to the attention of the postal unit before signing the AV–7s.

(4) *Delivery of mail to carriers on delayed flights and extra sections*—(i) *Delayed flights.* After flight documents have been completed for imminent departure and a delay occurs, additional mail should not be accepted by carriers unless it can be done without detriment and cause no further delay in departure of the flight. Additional mail will be tendered if space is available and it will not cause removal of passengers or cargo already manifested on the aircraft documents.

(ii) *Extra sections.* Mail may be conveyed on extra sections of a designated flight. Mail carried on extra sections shall be considered as having been conveyed on the regular scheduled flight for purposes of arriving at the base weight for the flight.

(5) *Transfer between flights.* Each carrier must transfer mail between its own flights whenever the transfer is shown on the AV–7s. It must transfer mail at points in the United States, its territories or possessions with domestic air carriers as directed by the Department. It must transport Form 2733, Interline Airmail Record, from the point of dispatch to the point of transfer, delivering the forms to the receiving air carrier with the mail. The receiving air carrier must accept and receipt for all mail listed on Form 2733. If the mail does not agree with the listing on the form, the delivering air carrier must prepare Form 2734, Airmail Exception Record. Actual mail transferred must be listed by on-line destination. In case of failure to connect the trip prescribed in Form 2733, air carrier should deliver the mail, together with the forms, to the local postal unit.

(6) *Retaining mail in foreign countries.* In a foreign country, carriers may retain custody of United States civilian mail aboard a flight when the departure is delayed up to 24 hours. On delays over 24 hours, or upon cancellation, civilian mail must be delivered to the local post office for disposition. The original documents, properly endorsed, must accompany the mail. Military airmail must be held in the custody of the air carrier, and the Post Office Department, Washington, D. C., should be promptly requested by wire to furnish instructions for disposition. Under no circumstances should military airmail be turned over to a foreign post office or to a foreign air carrier.

(7) *Delivery of mail by carriers to postal representatives.* Upon arrival of a flight, the carrier must unload the mail and make delivery as soon as possible to the authorized postal representative at such point as may be designated.

(i) *AV–7s.* One copy of each set of AV–7s and additional copies which are required for receipt to the carrier must be delivered with the mail. Any irregularities must be noted on all copies of the AV–7.

(ii) *No documents in the United States.* Carriers delivering mail to United States postal installations without AV–7s will obtain receipt on Form 2753, Receipt to Airline, for all mail delivered to the postal unit. The receipt will show only the total number of pieces being delivered. If a postal unit is not located at the airport, Form 2753 must be prepared by the carrier for signature by the postal service motor vehicle driver.

(iii) *No documents in foreign countries.* Carriers delivering mail to foreign postal installations without AV–7s will obtain receipt on such form as may be prescribed in that country.

(iv) *Delivery of all mail aboard an aircraft.* At terminal points of flights, all mail on board the aircraft will be delivered to the postal unit unless there is an agreement to the contrary between carriers and the governments concerned.

(v) *Irregular stops.* Carriers making irregular landings in the United States due to weather or other causes may retain the mail for six hours while holding for clearance to proceed to the designated terminal point. If the flight cannot proceed within the six hours, the mail on board, together with the mail documents, shall be delivered to the local postal unit.

(8) *Irregularities*—(i) *Labels lost in transit.* When a dispatch has lost its label in transit, the carrier may transport the dispatch to its off-loading point if it can be identified from the mail documents. Otherwise, the dispatch should be delivered to a postal unit for identification and re-labeling. Receipt should be obtained by the carrier from the accepting postal unit.

(ii) *Damaged mail dispatches.* When mail is discovered in a damaged condition, it should be off-loaded at the first stop or at the destination of the dispatch whichever occurs first. The damaged mail should be tendered to the local post office for handling and a receipt obtained therefor.

(iii) *Mail depredations.* All sealed mail containers that have been tampered with while in a carrier's custody should be surrendered immediately to the local post office with a statement of facts for any action deemed appropriate according to the laws of the country where the depredations or tampering of the mail occurred.

(9) *Refusals and removals of mail.* Refusals and removals of mail by a carrier may result in diversion of the mail to another carrier and in the imposition of fines.

(d) *Mail transportation irregularities*—(1) *Deductions and fines.* Carriers transporting mail will observe all applicable rules and regulations issued by the Department. The Department may impose a penalty against air carriers for failure to comply.

(2) *Reporting of irregularities.* It is the responsibility of postal personnel at international exchange offices to report all instances of irregularities that come to their attention. These reports should be made on Form 2759; the original and first copy of which will be sent to the distribution and traffic manager having jurisdiction over that unit; the second copy to the local station manager of the carrier concerned; and the third copy retained at the office preparing the report. Reports of irregularities not chargeable to a carrier should be forwarded to the distribution and traffic manager; with the usual copy being retained for files of the reporting unit.

(3) *Processing Form 2759.* If it is determined that a penalty is in order, the 2759 will be sent to the fining region with recommendation by the 20th of the month following that in which the irregularity occurred.

(4) *Notification to the carrier.* The copy of Form 2759 sent to the air carrier serves as notice of the irregularity. It is not contemplated that there will be a letter of acceptance of responsibility by the carrier. Failure to inform the distribution and traffic manager in whose region the 2759 was prepared by the 10th of the following month will be considered as an acceptance of the facts as stated in the report.

(5) *Assessing penalties.* All irregularities occurring during a month will be processed as a unit and cleared by the end of the following month. It is not intended that a penalty be imposed if the irregularity is the result of weather conditions or other circumstances beyond the control of the carrier. The following schedule shall be used to determine the amount of each penalty.

(i) *Refusal and removal.* Air carriers using pre-determined weight allocations need not submit Form 2760, Refusal or Removal Report. In such cases, an explanation should be furnished the distribution and traffic manager within fifteen days after the irregularity occurs but no later than the 10th of the following month, including such facts as the weight of company material and cargo carried on the flight. Failure to accept the allocation or advance estimate, if any is given, will be analyzed to determine whether a penalty should be imposed. The basis for such penalty shall be $1.00 for each kilogram or fraction.

(ii) *Failure to notify postal authorities.* Failure to notify postal authorities of non-operation, late departure, additional sections, additional stops, omission of scheduled stops, etc., will be subject to a penalty if in the opinion of the distribution and traffic manager there is significant failure to cooperate. Such penalties should be in multiples of $25.00 for each offense.

(iii) *Delayed delivery to postal unit.* Air carriers delivering mail to the postal unit at the airport in excess of the prescribed time limit shall be assessed a penalty of $7.00 for each piece unless appropriate explanation is furnished.

(iv) *Non-receipt of mail documents.* Air carriers delivering mail without

AV–7s or mail manifest will be penalized on the basis of $10.00 for each such occurrence unless a satisfactory explanation is given.

(v) *Serious infractions.* In the event of a serious infraction which requires punitive action not specifically mentioned herein, the distribution and traffic manager will communicate such facts to the Director, International Service, for decision.

(6) *Computing penalties.* After computing penalties for a month and the total penalties amount to $50.00 or less, the cases shall be filed and no penalty imposed for that month.

(7) *Appeal by carrier.* If a carrier should appeal the amount of the penalty on any particular irregularity, all papers should be forwarded to the Director, International Service, for review.

(8) *Notification to the office settling the accounts.* The distribution and traffic manager will advise the office settling the accounts as indicated below, the total deduction to be made from mail pay due the carrier. A copy of such advice should also be sent to the Director, International Service. Also, a copy should be sent to the carrier concerned, together with a copy of Form 2759 on which penalties have been assessed.

Name of carrier	Route No.	Region assessing fines	Office settling accounts
American Airlines, Inc.	FAM 26	Fort Worth	Reg. Controller, Wichita.
Braniff Airways, Inc.	FAM 34	do	(1).
Delta Airlines, Inc.	FAM 31	Atlanta	(1).
Eastern Air Lines, Inc.	FAMs 33 and 35	New York	Reg. Controller, Richmond.
National Airlines, Inc.	FAM 32	Washington	Do.
Northwest Airlines, Inc.	FAM 28	Minneapolis	(1).
Pan American Airways, Inc. (Latin American Division).	FAM 5	Atlanta	(1).
Pan American Airways, Inc. (Pacific Division).	FAM 14	San Francisco	(1).
Pan American Airways, Inc. (Atlantic Division).	FAM 18	New York	(1).
Pan American-Grace Airways, Inc.	FAM 9	do	(1).
Trans World Airlines, Inc.	FAM 27	Chicago	(1).
United Air Lines, Inc.	FAM 30	Denver	Reg. Controller, Denver.
Western Air Lines, Inc.	FAM 36	San Francisco	Reg. Controller, San Francisco.

[1] International Accounts Section, Bureau of Finance, Post Office Department, Washington 25, D. C.

(e) *Records and reports*—(1) *Form 2759, Report of Irregular Handling of Air Mail.* Postal employees must prepare Form 2759 promptly to report all irregularities in the handling of mail, including refusals by carriers. The form serves as a basis for assessing penalties against air carriers whenever the circumstances warrant.

(2) *Form 2753, Receipt to Airline.* Form 2753 is a receipt prepared by postal personnel and given carriers delivering mail without AV–7s. The receipt is prepared in duplicate and will show only the total number of pieces and flight data.

(3) *Form 2734, Airmail Exception Record.* Form 2734 will be prepared by air carriers due to effect transfer of airmail to a United States domestic air carrier when circumstances prevent following the original routing, loss of papers, etc.

(f) *Rates of compensation*—(1) *Rates for air carriers; United States mail.* Rates of compensation due air carriers for the transportation of mail are fixed by the Civil Aeronautics Board and amounts due them are paid by the Department from appropriations for the transportation of mail by aircraft.

(2) *Rates for air carriers; foreign mail.* The Department will fix from time to time the rates of compensation that are charged foreign countries for the conveyance of their mail by air carriers.

(3) *Rates for foreign air carriers; United States mail.* The Department will not pay to a foreign air carrier or his national government, a rate for transporting mail between the United States and such country, higher than that paid to air carriers by foreign governments for transporting their mail between such foreign countries and the United States.

(g) *Payment for transportation of mail*—(1) *Air carrier accounts; payment for foreign mail.* All revenue received from foreign governments for the transportation of their mail by air carriers is for their account. Collections of amounts due from foreign countries may be effected from such foreign countries direct by air carriers (with prior approval of the Department) or by the Department.

(2) *Air carrier accounts; payment for United States mail.* Air carriers will submit their claims, prepared and supported according to instructions furnished by the Department, to the offices named below:

Carrier	FAM Route No.	Office settling accounts
American Airlines, Inc.	FAM 26	Reg. Controller, POD, Wichita.
Eastern Air Lines, Inc.	FAMs 33 and 35	Reg. Controller, POD, Richmond.
National Airlines, Inc.	FAM 32	Reg. Controller, POD, Richmond.
United Air Lines, Inc.	FAM 30	Reg. Controller, POD, Denver.
Western Airlines, Inc.	FAM 36	Reg. Controller, POD, San Francisco.
Braniff Airways, Inc.	FAM 34	International Accounts Section, Bureau of Finance, Post Office Department, Washington 25, D. C.
Delta Air Lines, Inc.	FAM 31	
Northwest Airlines, Inc.	FAM 28	
Pan American World Airways, Inc.:		
(Latin American Division)	FAM 5	
(Pacific Division)	FAM 14	
(Atlantic Division)	FAM 18	
Pan American Grace Airways, Inc.	FAM 9	
Trans World Airlines, Inc.	FAM 27	

(3) *Foreign air carrier accounts; payment for mail loaded in the United States.* Foreign flag air carriers authorized by their governments to collect direct from the United States Post Office Department will submit their claims prepared and supported according to instructions furnished by the Post Office Department, Washington 25, D. C. Transportation charges for mail enplaned in the United States will be claimed from the United States Post Office Department irrespective of actual origin of the mail transported from the United States by foreign air carriers.

(h) *International air handbook.* Exchange offices will be governed by instructions contained in Transportation Handbook, Series T–1, Instructions for Handling and Reporting of International Airmail at Exchange Offices, together with such special instructions as may be issued from time to time.

NOTE: The corresponding Postal Manual Part is Part 542.

(R. S. 161, 396, as amended; sec. 405, 52 stat. 994, as amended; 5 U. S. C. 22, 369, 49 U. S. C. 485)

[SEAL] LEO G. KNOLL,
Acting General Counsel.

[F. R. Doc. 58–5457; Filed, July 16, 1958; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter L—Mineral Lands

[Circular 2007]

PART 185—GENERAL MINING REGULATIONS

SUBPART I—MINING, DEVELOPMENT AND UTILIZATION OF THE MINERAL RESOURCES OF PUBLIC LANDS WITHDRAWN OR RESERVED FOR POWER DEVELOPMENT

On pages 8946 to 8948, inclusive, of the FEDERAL REGISTER for November 16, 1956, there was published a notice of proposed regulations to implement the act of August 11, 1955 (69 Stat. 681; 30 U. S. C. secs. 621–625). Interested persons were allowed 30 days in which to submit written comments, suggestions or objections with respect to the proposed regulations. As a result of certain comments received, the following changes in the proposed regulations are made:

1. The title is changed by adding Subpart I thereto, which was omitted from the proposed regulations.

2. The sections were renumbered to be chronologically in agreement with the subpart designation and to allow for possible expansion of regulations previously written and printed in Circular No. 1941.

3. That part of § 185.174 (b) reading "every notice of location made must contain a statement that it is made subject to the act and" is deleted. This suggested change was adopted because it is believed that such a statement, as written, was not authorized by the law.

4. Section 185.177 was redrafted to detail more completely the subject of hearings which may be required relative to placer mining locations.

5. That part of § 185.178 reading "State Supervisor" was changed to "Examiner" in conformance with the Administrative Procedures Act.

6. Section 185.183 (b) (3) was redrafted to read "The location was made prior to August 11, 1955 on lands restored to location from a power site reserve or withdrawal subject to section 24 of the Federal Power Act" for clarification only.

7. The following was added to § 185.183 (c) as an alternative for the deletion in § 185.174 (b): "For identification purposes only, the copy of the location notice or certificate, filed in the Land Office under this subsection, should contain a notation that it was filed under the Act of August 11, 1955."

8. The word "must" where it appears in § 185.183 (c) and (d), has been changed to "shall" to agree with the act.

9. The word "must" where it appears in § 185.184 (b), has been changed to "shall" to meet the objections of the American Mining Congress.

Subpart I of Part 185, as published and revised, is set forth below.

HATFIELD CHILSON,
Acting Secretary of the Interior.

JULY 10, 1958.

SUBPART I—MINING, DEVELOPMENT, AND UTILIZATION OF THE MINERAL RESOURCES OF PUBLIC LANDS WITHDRAWN OR RESERVED FOR POWER DEVELOPMENT

Sec.
185.172 Purpose and authority.
185.173 Powersite lands opened to mineral location and development exception.
185.174 Power rights retained in United States.
185.175 O. & C. R. R. and Coos Bay Wagon lands subject to act of April 8, 1948.
185.176 Placer locator to conduct no mining operation for 60 days.
185.177 Hearing, time and place; fees and costs.
185.178 Bond or deposit required.
185.179 Restoration of surface condition.
185.180 Act ineffective as to other withdrawals.
185.181 Prospecting and development at financial risk of party or parties doing work.
185.182 United States not liable except for negligence.
185.183 Owner of claim to file notice of location and assessment work.
185.184 No limitation or restriction of rights under valid claims located prior to withdrawal.
185.185 No limitation of rights where claimant in diligent prosecution of work when future withdrawal made.
185.186 Mining claim and mill site use; limitation.

AUTHORITY: §§ 185.172 to 185.186 issued under R. S. 2478, as amended, sec. 2, 69 Stat. 682; 43 U. S. C. 1201, 30 U. S. C. 621.

§ 185.172 *Purpose and authority.* The act of August 11, 1955 (69 Stat. 681) was enacted "To permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes". The regulations in this part are intended to implement those parts of the act which require action by the Department of the Interior. The expression "act" shall mean the act of August 11, 1955 (69 Stat. 681), cited in the act as the "Mining Claims Rights Restoration Act of 1955".

§ 185.173 *Power site lands opened to mineral location and development; exception.* The act in section 2 provides in part as follows:

All public lands belonging to the United States heretofore, now or hereafter withdrawn or reserved for power development or power sites shall be open to entry for location and patent of mining claims and for mining, development, beneficiation, removal, and utilization of the mineral resources of such lands under applicable Federal statutes; * * * that nothing contained herein shall be construed to open for the purposes described in this section any lands (1) which are included in any project operating or being constructed under a license or permit issued under the Federal Power Act or other act of Congress, or (2) which are under examination and survey by a prospective licensee of the Federal Power Commission, if such prospective licensee holds an uncanceled preliminary permit issued under the Federal Power Act authorizing him to conduct such examination and survey with respect to such lands and such permit has not been renewed in the case of such prospective licensee more than once.

§ 185.174 *Power rights retained in the United States.* (a) The act in the first proviso provides as follows:

That all power rights to such lands shall be retained by the United States.

(b) Under this proviso every patent issued for such a location must contain a reservation unto the United States, its permittees or licensees of the right to enter upon, occupy and use, any part of the lands for power purposes without any claim or right to compensation accruing to the locator or successor in interest from the occupation or use of any of the lands within the location, for such purposes. Furthermore, the patent will contain a provision that the United States, its permittees and licensees shall not be responsible or held liable or incur any liability for the damage, destruction, or loss of any mining claim, mill site, facility installed or erected, income, or other property or investments resulting from the actual use of such lands or portions thereof for power development at any time where such power development is made by or under the authority of the United States, except where such damage, destruction, or loss results from the negligence of the United States, its permittees and licensees.

§ 185.175 *O. & C. R. R. and Coos Bay Wagon lands subject to the act of April 8, 1948.* The act in the second proviso thereof provides

that locations made under the act within the revested Oregon and California Railroad and reconveyed Coos Bay Wagon grant lands shall also be subject to the provisions of the Act of April 8, 1948 (62 Stat. 162).

See §§ 185.37a–185.37e.

§ 185.176 *Placer locator to conduct no mining operations for 60 days.* (a) The act in section 2 (b) provides in part as follows:

The locator of a placer claim under this Act, however, shall conduct no mining operations for a period of sixty days after the filing of a notice of location pursuant to section 4 of this Act. If the Secretary of the Interior, within sixty days from the filing of the notice of location, notifies the locator by registered mail of the Secretary's intention to hold a public hearing to determine whether placer mining operations would substantially interfere with other uses of the land included within the placer claim, mining operations on that claim shall be further suspended until the Secretary has held the hearing and has issued an appropriate order. The order issued by the Secretary of the Interior shall provide for one of the following: (1) a complete prohibition of placer mining; (2) a permission to engage in placer mining upon the condition that the locator shall, following placer operations, restore the surface of the claim to the condition in which it was immediately prior to those operations; or (3) a general permission to engage in placer mining. No order by the Secretary with respect to such operations shall be valid unless a certified copy is filed in the same State or county office in which the locator's notice of location has been filed, in compliance with the United States mining laws.

(b) Upon receipt of a notice of location of a placer claim filed in accordance with § 185.183 for land subject to location under the act, a determination will be made by the authorized officer of the Bureau of Land Management as to whether placer mining operations on the land may substantially interfere with other uses thereof. If it is determined that placer operations may substantially interfere with other uses, a notice of intention to hold a hearing will be sent to each of the locators by registered mail within 60 days from date of filing of the location notice.

§ 185.177 *Hearing, time, and place; notice by parties desiring to protest; fees and costs.* (a) If a hearing is to be held, notice of the hearing will be delivered personally or by registered mail to the locator of the placer claim. The notice will indicate the time and place of hearing. The procedures with respect to service of notice of hearing and conduct thereof shall follow the rules of practice of the Department of the Interior (Part 221 of this title) in effect at the time the hearing is held. No publication of the notice will be required but a copy thereof shall be posted in the proper land office of the Bureau of Land Management for a period of not less than 30 days prior to the date set for the hearing. The manager shall give such publicity to the hearing as may be done without expense to the Government.

(b) Any party, other than a Federal agency, desiring to appear and testify at a hearing in protest to placer mining operations must file a written notice of protest in the land office wherein the notice of hearing is posted. Such notice, accompanied by a $10 filing fee, must contain the party's name and address and a statement showing the nature of the party's interest in the use of the lands embraced within the mining

claim. Each notice of protest must be filed within the period of time specified in the notice of hearing. The manager shall forward a copy of each such notice that is filed to the mining locator prior to the hearing. Each party appearing at the hearing shall pay the reporter's fee covering the testimony of the party and of his witnesses and his cross-examination of any other party or witnesses.

(c) Following the hearing, the examiner will render a decision, subject to the right of appeal by any person admitted as a party to the hearing in accordance with the rules of practice of the Department of the Interior (Part 221 of this title). Each decision by an examiner, or upon appeal, shall provide for the issuance of an appropriate order as provided in section 2 (b) of the act; but no such order shall issue until the decision, upon which it is based, becomes final. A certified copy of any order issued shall be filed in the same State or county office in which the location notice has been filed. Any such order permitting mining operations shall be filed at the expense of the mining locator.

§ 185.178 *Bond or deposit required.* Should a limited order be issued under section 2 (b) (2) of the act, the locator is required to furnish a bond in a sum determined by the Examiner. The bond must be either a corporate surety bond or a personal bond accompanied by cash or negotiable Federal securities equal at their par value to the amount of the penal sum of the bond, together with power-of-attorney to the Secretary of the Interior or his delegate.

§ 185.179 *Restoration of surface condition.* If the locator fails or refuses to restore the surface, appropriate action will be taken against him and his surety, including the appropriation of any money deposited on personal bonds, to be used for the purpose of restoring the surface of the claim involved. Any moneys on deposit or received from surety in excess of the amount needed for the restoration of the surface of the particular claim shall be refunded.

§ 185.180 *Act ineffective as to other withdrawals.* (a) The act in section 2 (c) provides as follows:

> Nothing in this act shall affect the validity of withdrawals or reservations for purposes other than power development.

(b) If the power site lands are also affected by any other type of withdrawal which prevents mining location in whole or in part, the provisions of the act apply only to the extent that the lands are otherwise open to location.

§ 185.181 *Prospecting and development at financial risk of party or parties doing work.* The act in section 3 provides in part as follows:

> Prospecting and exploration for and the development and utilization of mineral resources authorized in this act shall be entered into or continued at the financial risk of the individual party or parties undertaking such work.

§ 185.182 *United States not liable except for negligence.* The act in section 3 provides in part as follows:

> *Provided*, That the United States, its permittees and licensees shall not be responsible or held liable or incur any liability for the damage, destruction, or loss of any mining claim, mill site, facility installed or erected, income, or other property or investments resulting from the actual use of such lands or portions thereof for power development at any time where such power development is made by or under the authority of the United States, except where such damage, destruction, or loss results from the negligence of the United States, its permittees and licensees.

§ 185.183 *Owner of claim to file notice of location and assessment work.* (a) The act in section 4 provides as follows:

> The owner of any unpatented mining claim located on land described in section 2 of this act shall file for record in the United States district land office of the land district in which the claim is situated (1) within one year after the effective date of this act, as to any or all locations heretofore made, or within sixty days of location as to locations hereafter made, a copy of the notice of location of the claim; (2) within sixty days after the expiration of any annual assessment year, a statement as to any work done or improvements made during the previous assessment year.

(b) Neither section 4 nor any other provision of the act validates any mining location made prior to the act, which is invalid because made on lands after they were withdrawn or reserved for power purposes and before a favorable determination by the Federal Power Commission under section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063; 1075), as amended (16 U. S. C. 792; 818) and the opening or restoration of the lands to location. Section 4 applies to unpatented locations for lands referred to in § 185.173 only if:

(1) The location was made on or after August 11, 1955, or

(2) The location was made prior to August 11, 1955 and prior to the withdrawal or reservation of the lands for power purposes, or

(3) The location was made prior to August 11, 1955 on lands restored to location from a powersite reserve or withdrawal subject to section 24 of the Federal Power Act.

(c) The owner of an unpatented location coming under paragraph (b) (1) of this section, within sixty days from the date of location shall file in the United States land office for the district in which the lands lie,[1] a copy of the notice or certificate of location and within sixty days after the expiration of each assessment year, a statement as to the assessment work done or improvements made during that assessment year.[2]

(d) The owner of an unpatented location coming under either paragraph (b) (2) or (3) of this section, before August 11, 1956 shall have filed in the United States land office for the district in which the lands lie[1] a copy of the notice or certificate of location and within 60 days from the date of expiration of the assessment year which ended noon July 1, 1956 and within 60 days from the date of expiration of each succeeding assessment year, shall file a statement as to the assessment work done or improvements made during the previous assessment year.

§ 185.184 *No limitation or restriction of rights under valid claims located prior to withdrawal.* (a) The act in section 5 provides:

> Nothing in this act contained shall be construed to limit or restrict the rights of the owner or owners of any valid mining claim located prior to the date of withdrawal or reservation: *Provided*, That nothing in this act shall be construed to limit or restrict the rights of the owner or owners of any mining claim who are diligently working to make a discovery of valuable minerals at the time any future withdrawal or reservation for power development is made.

(b) Although the act does not limit or restrict the rights of owners of locations to which section 5 refers, such owners shall comply with section 4 by making the filings required either by paragraph (c) or paragraph (d) of § 185.183, whichever is applicable.

§ 185.185 *No limitation of rights where claimant in diligent prosecution of work when future withdrawals made.* (a) Under section 5 of the act quoted in § 185.114 the rights to a location made prior to any future withdrawal or reservation for power development or one on which the locator was diligently working to make a discovery of valuable minerals are not limited or restricted.

§ 185.186 *Mining claim and mill site use; limitation.* (a) The act in section 6 provides as follows:

> Notwithstanding any other provisions of this act, all mining claims and mill sites or mineral rights located under the terms of this act or otherwise contained on the public lands as described in section 2 shall be used only for the purposes specified in section 2 and no facility or activity shall be erected or conducted thereon for other purposes.

(b) Under this section, a mining claim or mill site may not be used for purposes other than for legitimate mining and milling. The claimant, therefore, may not erect on the mining claim any facility or activity such as filling stations, curio shops, cafes, tourist or hunting and fishing lodges, or conduct such businesses thereon.

[F. R. Doc. 58-5449; Filed, July 16, 1958; 8:46 a. m.]

[1] In this connection, the land office for North Dakota and South Dakota is located at Billings, Montana; that for Nebraska at Cheyenne, Wyoming; and that for Arkansas, Florida, Louisiana and Mississippi, at Washington, D. C.

[2] For identification purposes only, the copy of the location notice or certificate, filed in the land office under this subsection, should contain a notation that it was filed under the Act of August 11, 1955.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 107—CHIGNIK AREA

CURTAILMENT OF FISHING

Basis and purpose: Field observations show that the catch of red salmon in the Chignik Bay district has arisen to a total of 200,000 as compared to an escapement through the weir of 156,000 and it is, therefore, necessary to curtail fishing to achieve greater escapements.

Section 107.9 is amended in paragraph (b) by adding the following proviso: "*Provided*, That fishing is further prohibited from 6 a. m. July 16 to 6 a. m. July 21, 1958."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Immediate action is necessary if required escapements are to be achieved. Therefore, notice and public procedure on this amendment are not practical nor in the public interest and it shall become effective immediately upon publication in the FEDERAL REGISTER. (60 Stat. 237; 5 U. S. C. 1001 et seq.)

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

JULY 15, 1958.

[F. R. Doc. 58-5511; Filed, July 15, 1958; 2:11 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 1]

RULES OF THE BUREAU OF INDIAN AFFAIRS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given of intention to add a new Part 1, to Title 25 of the Code of Federal Regulations, to read as set forth below. The purpose of this addition is to establish a procedure permitting interested persons to petition for the issuance, amendment, or repeal of rules in Title 25.

All interested persons are hereby given the opportunity to submit in writing views, data, and arguments concerning the proposed addition, to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D. C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 10, 1958.

PART 1—RULES OF THE BUREAU OF INDIAN AFFAIRS

Sec.
1.1 Scope.
1.2 Petitions respecting regulations.

AUTHORITY: §§ 1.1 and 1.2 issued under 25 U. S. C. 2 and 5 U. S. C. 22.

§ 1.1 *Scope.* Chapters I and II of this title contain the bulk of the regulations of the Department of the Interior of general application relating to Indian affairs. Subtitle B, Chapter I, Title 43 of the Code of Federal Regulations contains rules relating to the relationship of Indians to public lands and townsites. Subtitle A of Title 43 of the Code of Federal Regulations has application to certain aspects of Indian affairs and, among other things, governs practice before the Department of the Interior, of which the Bureau of Indian Affairs is a part. Indian health matters are covered in 42 CFR Part 36. Title 30 of the Code of Federal Regulations contains regulations on oil and gas and other mining operations which, under certain circumstances, may be applicable to Indian resources.

§ 1.2 *Petitions respecting regulations.* Any interested persons may petition for issuance, amendment, or repeal of any regulation in Chapters I and II of this title. Such petition shall show the text of the proposed regulation or amendment or identify the regulations the repeal or modification of which is desired, and set forth the reasons in support of the petition. The petition may be filed, by mail or by delivery in person, with the office of the Secretary of the Interior, Washington, D. C. (5 U. S. C. 1003d.)

[F. R. Doc. 58-5454; Filed, July 16, 1958; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 967]

[Docket No. AO-170-A11]

HANDLING OF MILK IN SOUTH BEND-LA PORTE-ELKHART, INDIANA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at South Bend, Indiana, on March 18-20, 1958, pursuant to notice thereof issued on February 6, 1958 (23 F. R. 876) and notice of postponement of hearing issued February 25, 1958 (23 F. R. 1257).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on June 6, 1958 (23 F. R. 4087) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

(1) Expansion of the marketing area to cover several counties,

(2) Adoption of delivery performance requirements for plants participating in the marketwide pool; inclusion of a definition of "reload point",

(3) Introduction of compensatory payments on certain milk partially regulated,

(4) Modification of the base and excess plan to permit the computation of bases for new producers entering the regulated market as the result of any marketing area expansion,

(5) Revision of the price formulas for Class I milk and Class II milk; and introduction of price adjustments for location,

(6) Adoption of provisions by which announced class prices would be expressed in terms of prices per hundredweight of milk of 3.5 percent butterfat content, plus or minus a butterfat differential for butterfat test variation in each class, in lieu of separately computed class prices for skim milk and butterfat,

(7) Revision of the administrative assessment provision, and

(8) Certain order revisions for administrative purposes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The marketing area should be enlarged to include all territory geographically located within the perimeter boundaries of the counties of La Porte, St. Joseph, and Elkhart, Indiana, together with all incorporated communities therein. The name of the marketing area should be changed to "South Bend-La Porte-Elkhart, Indiana, marketing area".

The South Bend-La Porte, Indiana, marketing area as defined at the present time includes the cities of Michigan City and La Porte, in La Porte County, and the cities of South Bend and Mishawaka, in St. Joseph County, all in the State of Indiana. Territory outside the corporate limits of such cities but located within the respective counties named is not a part of the marketing area.

Producers proposed the expansion of the marketing area to cover such named counties in their entirety, including all incorporated communities lying therein and also the entire county of Elkhart, together with its incorporated places.

One handler proposed the inclusion of the same areas suggested in the producers' proposal plus the Indiana counties of Starke, Marshall, Kosciusko, Fulton, and Pulaski in their entirety. This proposal was abandoned by proponent during the course of the hearing and in view of the lack of evidence as to the need for regulation of the latter five counties, it is concluded that such counties should not be made a part of the defined marketing area.

Extension of regulation to La Porte, St. Joseph, and Elkhart counties, however, will correct unstable marketing conditions caused by lack of uniformity in the buying prices for milk in these counties. It will provide also a framework for orderly marketing and insure an adequate supply of Grade A milk for consumers. Basically, an order provides for:

(a) A regular and dependable method for determining prices to producers at levels contemplated under the Agricultural Marketing Agreement Act, as amended;

(b) The establishment of uniform pricing to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk;

(c) An impartial audit of handlers' records of receipts and utilization further to insure uniform prices for milk purchased;

(d) A means for insuring accurate weights and tests of milk;

(e) Uniform returns to producers supplying the market and an equitable sharing by all producers of the lower returns from the sale of reserve milk; and

(f) Marketwide information on receipts, sales, and other data relating to milk marketing in the area.

In this instance the order also would establish for producers supplying the annexed area, as well as maintain for the producers currently affected by the order, uniform rules for the operation of a base and excess plan to encourage more even production of milk seasonally.

The suburban communities in St. Joseph County, adjacent to the city of South Bend, represent a regular outlet for a substantial proportion of the total Class I milk business of South Bend (regulated) handlers. A very large percentage of the fluid milk sold in St. Joseph County is processed in plants under the South Bend-La Porte order and thus is subject to order pricing. Some fluid milk sold in the county in competition with order-priced milk is distributed by persons not under price regulation of any kind and for a long period such distribution has presented difficult competitive problems for regulated handlers as the result of price advantage in the purchase of milk from dairy farmers. Since the adoption in July 1957 of statewide regulations in Indiana requiring the sale of Grade A milk only for fluid consumption, all milk distributed in St. Joseph County from milk plants located in that county or in other counties has been required to meet quality standards substantially the same as those applicable to milk sold in the city of South Bend. Such milk thus may reasonably be priced on a basis equivalent to South Bend approved milk. The elimination of differences in the pricing of milk purchased from dairy farmers for sale in the county will tend to promote orderly marketing.

At the present time there are no unregulated plants distributing milk in La Porte County. Although the county has not issued a formal health ordinance as have St. Joseph and Elkhart Counties, all milk distributed in the county meets the State quality requirements for milk to be sold for fluid consumption as Grade A milk through inspection by the health authorities of the city of La Porte and Michigan City. Since regulated plants service this county with its complete milk requirements at the present time and the county is a part of the regular distribution area for a substantial proportion of the Grade A milk processed in such plants, its inclusion in the marketing area is practicable and desirable to avoid repetition of the pricing disadvantages which have been experienced by regulated handlers operating in St. Joseph County. La Porte County should be included in the marketing area.

South Bend handlers distribute milk in Elkhart County in competition with milk distributors at Elkhart and with milk distributors from locations outside either county. Also farms of dairy farmers delivering milk to Elkhart distributors are interspersed with those of producers whose milk is shipped to South Bend and currently priced by the order. Farm prices for milk in the South Bend and Elkhart milksheds have fluctuated widely, with consequent supply problems for the South Bend market. The Elkhart market has been subject to recurring resale price disturbances with detrimental effect on farm prices for milk. At other times, when milk prices in the Cleveland market (at Goshen, Indiana) have been relatively attractive, Elkhart prices to farmers have been sufficiently high to attract milk from South Bend plants, without regard to the adequacy of supplies for such plants.

The adoption of price regulation for the Elkhart market will promote greater stability of supplies for both markets and, with the prices recommended herein, will provide more assurance for consumers that adequate supplies will be available in both markets which have had periodic difficulties in maintaining sufficient supplies. Further, competitive difficulties resulting from differences in the cost of purchasing milk from farmers will be avoided as between South Bend and Elkhart dealers and between Elkhart dealers and distributors more distantly located who have established outlets in Elkhart County. It is concluded that Elkhart County should be included in the marketing area.

In view of the addition of the City of Elkhart, a principal community, to the marketing area, it is concluded that henceforth the marketing area should be referred to as the "South Bend-La Porte-Elkhart, Indiana, marketing area".

(2) Performance requirements for plants to participate in the marketwide pool and a definition of "reload point" should be provided.

The major producers' association proposed that delivery performance standards be established for plants to participate in the marketwide pool. Proponents submitted that a "pool plant" should be defined as either (a) a plant which is approved by a health authority having jurisdiction in the marketing area for the processing and distribution of milk in fluid form and from which (i) at least 10 percent of the plant's volume of Class I and Class II milk is disposed of on routes lying entirely or partially within the marketing area, and (ii) either 50 percent of its receipts of producer milk is disposed of as Class I milk, or 65 percent of such receipts is disposed of in Class I and Class II milk combined; or (b) a plant or reload point from which not less than 50 percent of the receipts of milk or butterfat is disposed of to a plant as defined in (a) above. Proponents, in a separate proposal, also suggested an increase in the level of the Class II price, and conditioned their support of the use of Class II milk utilization as a basis of pool plant qualification on the adoption of a Class II price increase.

Several handlers joined in a separate, but similar, proposal to establish delivery performance standards as a basis for pool plant qualification. However, as noted elsewhere in this decision, handlers proposed to discontinue the use of a separate classification and price for milk used in the manufacture of cottage cheese, and to price milk in this use at the current Class III price level.

Under the present order all milk eligible for distribution as fluid milk which is received at an "approved plant" from which Class I milk is disposed of in the marketing area is fully regulated and pooled. A plant may become fully regulated during any month of the year by making only token sales of Class I milk in the marketing area. While the present provisions have functioned to serve their intended purposes of pricing and pooling only that milk customarily associated with the market, recent changes in procurement practices, i. e., the procurement of milk from greater distances, and the proposed expansion of the marketing area, make advisable more precise standards for determining the milk to be eligible for pooling. Such standards are necessary to specify adequately, for regulatory purposes, that milk which may be said to be identified primarily with this market.

The order provides for the distribution of producer returns by means of a marketwide pool. Since the marketwide pool results in payments to all producers on an average utilization for the market, individual handlers are relieved, in large measure, of responsibility for maintaining a high Class I utilization in order to support their pay rates to producers. Whatever utilization of milk a handler may have, his minimum rate of pay to producers will be the same as that of other handlers in the market because handlers whose proportion of utilization in Class I is greater than the market average make payments into the producer-settlement fund and those whose proportion of utilization in Class I is less than the average for the market receive payment from the fund, in order that all producers may receive uniform prices. Thus, under certain circumstances, the operators of plants engaged principally in the manufacture of milk into manufactured dairy products, or in supplying other fluid markets, have an incentive to place their plants under the regulation for the sole purpose of obtaining payment from the producer-settlement fund. If a distributor loses some portion of fluid sales in another marketing area temporarily, he may seek to join the South Bend-La Porte-Elkhart market pool in order to continue to pay farmers a blended price on such milk, even though it is used in lower-priced manufacturing uses. If unregulated operators are entirely free to decide when they will or will not share in the market pool, their decisions normally will be made to join the pool when they will draw payments from the equalization fund. Thus, status of a plant with respect to the pool may be the determining factor in guiding the operations of

the plant operator. The South Bend-La Porte-Elkhart market, however, would gain no advantage from the payment of equalization on such supplies. Such a distribution of equalization payments, in fact, would reduce the blended price to dairy farmers regularly supplying the market, thereby having an adverse effect on returns to those producers furnishing milk supplies upon which this market depends. The scope of pooling and the plan for distributing returns for Class I sales under the order, therefore, must be such that the Class I use values will serve the purpose for which they are intended, i. e., to insure a sufficient and dependable supply of milk for the market.

A major problem in establishing or maintaining a marketwide pool is to fix standards which will accommodate the sharing of Class I sales among only those producers who are an essential and regular part of the milk supply for the marketing area. In order not to extend regulation beyond the point necessary to accomplish the objectives of the statute, standards adopted should be flexible enough to include in the pool only those plants having significant association with this market and to permit intermittent shipments and casual sales of milk, without pooling, by plants the primary function of which is the supplying of milk for other markets, but which are found to be distributing milk in the area on the basis of a small, perhaps accidental, shipment.

It is concluded that delivery performance should be the measure of whether a plant is sufficiently identified with the market to be fully subject to the pricing, pooling and payment provisions of the order. A 50-percent requirement on Class I disposition will identify those distributing plants which, in the first place, are primarily employed in a fluid milk business as contrasted to a milk manufacturing operation. The requirement that at least 10 percent of the distributing plant's Class I sales be made within the marketing area on routes is designed to include in the pool only those plants which have more than an incidental association with this market.

The requirement that 50 percent of the monthly receipts of milk from dairy farmers at a supply-type plant be moved to a distributing-type plant which is qualified as a pool plant, in order that the supply plant may participate in the pool, will identify those supply plants with the primary function of supplying such milk as is needed over and above the quantities delivered from farms of individual producers directly to the marketing area. At the present time there is only one plant (actually a reload point) of this type at which the total volume of Grade A milk received is an integral part of the supply for the marketing area. A supply-type plant with less than 50 percent of its receipts supplied to the marketing area in any month should be considered a source primarily for some other market. It is expected that such limitation on pool participation, in practice, will affect only plants which have no previous record of service to the marketing area but for which area outlets may be sought in the future. Any plant or reload point, however, which has served the market as a supply source for each of any five consecutive months in the period from August to March, inclusive, in accordance with the 50 percent delivery requirements for such months, will be permitted automatic pool plant status for the immediately following four months of April through July.

Milk from sources other than those meeting Grade A requirements may be utilized for cottage cheese to be sold in parts of the marketing area. If performance standards for pooling were based on Class II milk utilization as well as Class I milk, it would be possible for a plant the major function of which is the manufacture and sale of such product to qualify for pooling, and dairy farmers producing milk not meeting Grade A quality standards would receive the marketwide blended price. The pricing and pooling provisions are designed to return to producers a blended price which will bring forth an adequate supply of Grade A milk for the market's fluid needs. Since it is not required uniformly that Grade A milk be used in cottage cheese, it would be inappropriate for a plant to qualify for pooling on the basis of Class II sales. It is concluded, therefore, that Class II utilization should not be used as a basis for pool qualification.

There is no provision in the current order for the pricing of milk at reload points. It was proposed, however, that a definition of "reload point" be incorporated into the order so that all producers would be equitably treated in the distribution of returns for their milk on the basis of the location to which their milk is delivered.

The conversion from can handling to bulk tank handling of milk presents additional problems in the handling and pricing of milk. When milk comes to the market in cans from great distances the milk of individual producers is dumped, weighed, tested and assembled in storage tanks in the country supply plant and cooled for shipment by over-the-road tanks to the processing plant. Upon receipt at such plant the handler becomes responsible for accounting for the milk and the plant is also the point of pricing.

When milk is collected from distant farms by the bulk tank method, it may be measured in the farm bulk tank, sampled for butterfat, pumped into a bulk tank truck, and delivered either to a supply plant or to a reloading point where, in turn, the tank loads of milk hauled from the farms are pumped directly into large over-the-road tank trucks and delivered to a distributing plant. In the case of the one reload point being used in this market individual records of each farmer's deliveries are kept as well as facilities maintained for washing and sanitizing the tank trucks and for the testing of butterfat samples.

One Order 67 handler currently reloads milk from individual farm pick-up tanks into over-the-road tankers and delivers the milk to his distributing plant. Since a reload point under the bulk handling method serves a function similar to that of a supply plant under the can handling method, it should be treated in the same manner insofar as pricing, location differentials to handlers, and performance requirements for pool status are concerned. It is concluded that a definition of reload point and its application to pricing, location differentials, and performance requirements will facilitate the pricing and orderly marketing of milk under Order 67. The term "reload point" should be defined to mean any location at which milk moved from the farm in a tank truck is commingled with other milk before entering a plant, except that reloading operations on the premises of a plant shall be considered as a part of the plant's operations.

(3) The order should be amended to provide compensatory payments on other source milk (except that priced under another order) disposed of as Class I milk in the marketing area.

Producers and handlers made similar proposals which would provide for compensatory payments on milk which is not priced by the order but is disposed of in the marketing area in Class I milk or Class II milk. Proponents suggested that such compensatory payments should be at the respective rate of the difference between the Class I or Class II price, depending on the class in which disposition was made, and the Class III price.

Since the order will provide for the identification of that milk which is subject to total regulation under the order, the possibility remains that some milk (i. e. other source milk) will be disposed of in the marketing area as Class I milk which will not be subject to total regulation.

It should be required that on all other source milk classified as Class I milk, a payment shall be made into the equalization fund at a rate equal to the difference between the Class I price and the Class III price. Payments at this rate are necessary to maintain the integrity of the pricing and pooling provisions of the order.

Essentially all other source milk which might be utilized as Class I milk in the marketing area would be produced as part of a supply intended primarily to meet the demand for milk for fluid consumption (or the equivalent of Class I milk uses under the order) in some area other than the area regulated by this order but not used for such purposes in the area for which it was produced. It could be only milk in excess of the amount needed for fluid disposition in the area for which it was produced. This is particularly so in view of the statewide Grade A milk law in Indiana. If the plant operator with such milk could not find a Class I sale for such milk within the Order 67 marketing area, it would be necessary for him to convert the milk into a manufactured milk product. The most likely surplus disposition of this other source milk would be as butter and nonfat dry milk, or as cheese. Its value, therefore, to the plant operator would be a surplus milk value. The Class III price for milk under the South Bend-La Porte-Elkhart order is based on the value of milk converted into butter and nonfat dry milk, and this is the price which regu-

lated handlers are required to pay for milk when they convert it into these products in their own plants or dispose of reserve supplies to manufacturing plants. The Class III price, therefore, is an accurate and fair representation of the value to the receiving plant operator of surplus milk from an unregulated plant which is disposed of for Class I purposes in the marketing area.

If unregulated plant operators were allowed to dispose of surplus milk for Class I purposes in the regulated marketing area without some compensating, or neutralizing, provision of the order, it is clear that the disposition of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area. The plan of Congress, as contemplated under the Agricultural Marketing Agreement Act of 1937, as amended, of returning a reasonable level of prices to the producers for the regulated marketing area, would be defeated. Moreover, inefficiencies in the marketing of milk would be encouraged, since there would be incentive for the regulated handlers to obtain milk for Class I uses not from the regular and normal sources of supply for the market but from other sources of supply generated solely as a result of the price advantage created for unregulated milk by the regulation itself. Providing for some method of compensating for, or neutralizing the effect of, the advantage created for unregulated milk is, therefore, an essential and necessary provision of this order.

Because the value for Class I milk in the regulated market is established by the level of the Class I price provided for in the order and the true value of other source milk when disposed of in the marketing area is the Class III value, a payment computed as the difference between the Class III price and the Class I price will remove the advantage which other source milk otherwise would have. Although from the standpoint of health standards, ungraded milk is not to be used for Class I purposes, the possibility remains that this grade of milk may find its way at times into such uses. When this occurs, the same rate of payment should apply to such milk, normally used in manufactured milk products, since its value is established by a lack of eligibility, on a Grade A standard, for regular use as Class I milk.

On the other hand, such payments should not apply to milk entering this marketing area from a plant regulated under another order since its proper classification and price will be determined pursuant to the other order, and if used in Class I milk as defined in this order will be priced equivalently (with due allowance for the transportation cost between markets) under the other order.

There may be other situations in which plant operators may find it economical or desirable to make shipments of small quantities of milk to the marketing area and yet it would be neither necessary nor desirable in terms of effective regulation to bring the plants fully under regulation. For instance, a plant which is associated with another market may find it advantageous to ship milk to a plant regulated by the order in order to have such milk converted into manufactured milk products. It would be quite possible, through misunderstanding or error, for such milk, which was intended for utilization in Class III products, to be assigned a Class I classification. In such circumstances it would not be practical or desirable to place the plant under full regulation. The application of compensatory payments as prescribed will accommodate such situations.

If milk is distributed as Class I milk within the marketing area or routes from a nonpool plant, it is necessary to require payments to be made into the producer-settlement fund on such milk, also, in order to maintain reasonable uniformity of cost of milk and equity among all handlers. Accordingly, there is included in the amended order a provision that each handler operating routes in the area from a nonpool plant shall make payment at the difference between the Class I and Class III price per hundredweight on that volume of "other source milk" distributed as Class I milk in the marketing area. As previously stated, all milk produced for consumption in fluid form in the State of Indiana must meet minimum Grade A requirements and is subject to statewide sanitary standards. As a consequence of this code of sanitary requirements and reciprocal arrangements existing with other state and local health authorities, any milk wherever produced which has approval by the health authorities for fluid consumption is eligible from a sanitation standpoint for sale in the South Bend-LaPorte-Elkhart marketing area. Because of this, small quantities of milk may be disposed of in the regulated marketing area as Class I milk from plants which are not normal or regular sources of supply for the marketing area. If any small, incidental, or accidental shipment of milk into the marketing area were to bring under total regulation all the milk at the plant from which such shipment was made, undue hardship might result for the operator of such plant and for the farmers delivering the milk involved.

Under the definition of "pool plant" any plant, no matter where located, which becomes an integral part of the South Bend-La Porte-Elkhart market may be brought under regulation by delivery performance in the manner required, and any such plant may be removed from full regulation when it no longer operates in a way that brings it within the scope of the pool plant qualification section of the order. In each case the decision as to whether a plant will be fully regulated under the order, or will not be subject to total regulation, may be determined by the decision of the plant operator.

In view of the competitive circumstances in this market relating to the production and sale of cottage cheese as discussed elsewhere in this decision, no compensatory payment should apply on milk disposed of as Class II milk.

(4) The "base and excess plan" of distributing among producers the proceeds from the sale of milk should not be revised.

Producers proposed that the base and excess plan be revised to permit the computation of bases for those producers brought onto the market through marketing area expansion by the same method as is used for computing the bases of regular producers now on the market. Such revision would eliminate from the category of "new producers", for base-allotment purposes, any producers brought onto the market by such means. The proposed method of calculation was intended to apply in 1958 only and therefore would not have significance unless the amended order were to become effective prior to August 1, 1958. If the marketing area were to be expanded, effective July 1, 1958, for example, the revised base computation provisions would apply to the month of July only since beginning August 1 a uniform (weighted average) price for all milk delivered is payable to all producers for several months following and a new base effective on deliveries in the April–July 1959 period is computed for each producer on his deliveries in the fall months of 1958.

On the basis that the marketing area expansion cannot take place prior to August 1, 1958, it is concluded that this proposal should not be adopted.

(5) (a) The supply-demand adjustment relative to the Class I price should be modified to provide closer Class I price alignment between the South Bend-La Porte-Elkhart market and other major markets.

The order presently provides for a Class I price determined from a basic formula price of midwest condensery prices or Chicago butter-nonfat dry milk prices, whichever provides the higher level, plus price differentials which average $1.10 annually, increased or decreased by a supply-demand adjustment identical to that computed under Order 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

Producers proposed that the supply-demand adjustment as computed under Order 41 and applied to Order 67 milk be eliminated and that a supply-demand adjustment based on supply and sales conditions in the local market be incorporated. A proponent witness testified that, at current prices, South Bend-La Porte-Elkhart producers have been attracted to the Cleveland market and to unregulated markets even though local supplies were inadequate at all times to meet handlers' needs for fluid milk.

Experience with the supply-demand adjustment as computed under Order 41 and applied to milk priced under Order 67 discloses that such adjustment factor does not fully reflect supply and demand conditions in the Order 67 marketing area at all times. With the expansion of the marketing area herein proposed, the use of the current supply-demand formula would be even less effective in reflecting local conditions.

Among the factors influencing the supply-demand situation in the South Bend-La Porte-Elkhart market which indicate the propriety of a modification of the supply-demand formula at this time are:

1. Competition for supplies from nearby fluid milk markets.

2. Costs involved in procuring additional supplies from locations beyond the immediate milkshed.

3. Recently effective uniform Grade A requirements on all fluid milk distributed within the marketing area.

4. The inadequacy of current milk supplies.

Cleveland (Order 75), Fort Wayne (Order 32), and Order 67 handlers, and unregulated dealers, all compete for supplies in the various parts of the Order 67 milkshed. The proposed extension of the marketing area to include Elkhart County will intensify competition for milk supplies between Order 67 handlers and the Cleveland market. In 1957 the Order 67 minimum Class I price, on a 3.5 percent butterfat basis, averaged $4.06 while in the same period the minimum Cleveland Class I price f. o. b. Goshen, Indiana (located in Elkhart County), averaged $4.34. If the 1957 Order 67 Class I price had not been decreased by the supply-demand adjustment in effect, the Cleveland Class I price f. o. b. Goshen would have exceeded the Order 67 price by only 10 cents instead of 28 cents per hundredweight. Class I utilization of milk for these markets averaged 71 and 73 percent, respectively, for the year. The 1957 Cleveland order minimum uniform price f. o. b. Goshen, Indiana, averaged $3.99 and the comparable Order 67 uniform price was $3.83. The minimum Class I price for 3.5 percent milk under the Fort Wayne, Indiana, order for 1957, official notice of which is taken, averaged $4.34 per hundredweight.

Prices for fluid milk reported paid to dairy farmers by unregulated dealers in nearby communities have been at times in excess of Order 67 Class I prices. One Michigan dealer who competes for supplies with Order 67 handlers paid prices for fluid milk for bottling as high as $4.70 per hundredweight on a 4 percent butterfat basis during recent winter months (or about $4.40 on a 3.5 percent butterfat basis). Several of the farmers from whom such dealer purchased milk formerly delivered their milk to Order 67 handlers.

Order 41 handlers distribute milk in the South Bend-La Porte marketing area from Chicago regulated plants and also offer local handlers competition for farm supplies of milk. Thus, it is recognized that the Class I price level under Order 67 must be reasonably related to Class I prices under Order 41 as well as to price levels in other nearby markets. However, Order 41 Class I prices announced for the 55–70 mile zone do not reveal entirely the prevailing price relationships between the two markets. The basic formula price under Order 41 is, for all practical purposes, the same as that of Order 67. The respective Class I price differentials, on an annual average basis, under the two orders are $0.90 and $1.10 per hundredweight. The Chicago Class I price is announced for a zone 55–70 miles from the City Hall in Chicago while the South Bend-La Porte Class I price is announced f. o. b. the marketing area. Although not computed f. o. b. market under the order, as in the case of the South Bend-La Porte market, the return for Class I milk delivered to market in Chicago, after the addition of an inner zone payment (4 cents per hundredweight) and consideration of that portion of the farm-to-plant hauling cost (14.5 cents per hundredweight on the average) borne by handlers, is appreciably higher than that for the 55–70 mile zone location from which the various zone Class I price differentials for the milkshed are computed. A reasonable price level for the South Bend-La Porte market must take such factors into account since they affect the South Bend handlers' ability to procure milk supplies in competition with this neighboring market.

Another important factor which has had recent impact on milk supplies available to Order 67 handlers is the Indiana Grade A law. This statute which became effective July 1, 1957, requires that all milk sold for fluid distribution anywhere in the State be produced on inspected farms and labeled as Grade A milk. Ungraded milk supplies in northern Indiana have decreased substantially in recent years, leaving relatively small quantities of Grade B milk available in this area for conversion to Grade A outlets. Inasmuch as the South Bend-La Porte-Elkhart milkshed area overlaps the procurement areas of numerous unregulated dealers serving such markets, who formerly were not required to purchase milk meeting the Grade A standard, such dealers now compete with Order 67 handlers for supplies of the higher quality.

One Order 67 handler has arranged for a regular supply of milk from Schullsburg, Wisconsin. This handler, who operates in the Chicago market from other plants, purchases the milk directly from producers who have converted to bulk farm tanks, reloads the milk into over-the-road tankers and transports it to his Order 67 bottling plant in Indiana. On the assumption that milk may be procured from Wisconsin farms at the Chicago Class I price for the zone in which the plant or reload point is located plus transportation to South Bend, the cost per hundredweight of such milk to the Order 67 handler, delivered to the market, would be greater than the current Order 67 Class I price. With decreasing supplies of Grade A milk available in the direct-delivery area in relation to overall fluid milk requirements, and taking account of the prices being paid at competing outlets, Order 67 handlers have the choice of obtaining their milk requirements from locations beyond Chicago or of paying prices sufficient to maintain production from direct-delivery producers. Therefore, it is reasonable to compute the Class I price under Order 67 on a basis that takes into account the costs of procuring more distant supplies.

On an annual average, handlers under Order 67 have maintained a reserve supply of milk above Class I milk requirements of approximately 26 percent. Such reserve, which may be regarded as appropriate to a reasonably balanced supply for this market, varies from about 18 percent in November, the month of lowest production, to approximately 34 percent in May, the month of highest production. Class I uses in January and February 1958 were 77.9 and 74.7 percent, respectively, of total producer receipts as compared with approximately 74.3 and 69.6 percent, respectively, for the same months last year. Normal percentages of Class I milk to producer receipts in these months in a balanced supply situation would approximate 76 and 75 percent, respectively. Although the market supply is becoming tighter with a lesser proportion of the total receipts being locally produced, the present supply-demand adjustment is having the effect of reducing Class I prices below the level needed to provide adequate supplies.

In view of the above, a price adjustment based on local supply-demand relationships is appropriate. The supply-demand adjustment should be designed to increase the Class I price when Class I utilization is relatively high in relation to supply and to decrease the Class I price when Class I utilization is relatively low. An appropriate price adjustment for each month may be made on the basis of utilization data for the second and third preceding months. The use of figures for the second and third preceding months will provide a reasonable indication of current market conditions and will be the latest figures available in advance of the month for which the price is being computed. The following table sets forth monthly utilization percentages considered as standard, or normal, for a balanced supply situation, and the month in which the price would be affected thereby:

Month for which price applies	Months used in computing current supply-demand ratio	Standard utilization percentage
January	October–November	80
February	November–December	79
March	December–January	77
April	January–February	76
May	February–March	75
June	March–April	73
July	April–May	69
August	May–June	67
September	June–July	70
October	July–August	74
November	August–September	75
December	September–October	76

The rate of adjustment should be 2 cents for each percentage point that the Class I utilization is above or below the standard utilization percentage. The total amount of the adjustment should be limited, however. Supply-demand adjustments applicable under Chicago Order No. 41 and Cleveland Order No. 75 are limited to plus or minus 24 and 25 cents per hundredweight, respectively. A limitation under this order of plus or minus adjustments of 24 cents per hundredweight with a floor of the Chicago minimum Class I price for the 55–70 mile zone will provide greater assurance of a reasonable price relationship with adjacent markets at all times.

Also, to accomplish the above purposes, the Class I price differentials for the months of December and July should be modified by decreasing the differential 20 cents (from $1.30 to $1.10) in December and increasing the differential 20 cents (from $0.90 to $1.10) in July. This seasonal modification of the Class I price differentials will provide for each month stated Class I price differentials 20 cents

higher than the stated differentials for the 55–70 mile zone under the Chicago order. At the present time monthly differences in the differentials under the two orders vary from 0 to 40 cents per hundredweight with an average of 20 cents per hundredweight.

(b) A schedule of location adjustments applicable to the pricing of milk received at pool plants should be established in relation to the distance the plant is located from South Bend. The rate should be 10 cents per hundredweight for milk received at plants located not less than 55 miles but not more than 60 miles from the St. Joseph County Courthouse in Sound Bend, plus 1.6 cents for each 10 miles (or fraction thereof) in excess of 60 miles therefrom.

The present order does not provide for location differentials. Class and uniform prices for milk at regulated plants (or at reload points) located at various distances from the marketing area are the same as are applicable to milk received from farms at plants located within the marketing area.

Historically, there have been no outlying plants supplying milk in bulk to distributing plants in the South Bend-La Porte marketing area. For the most part handlers have purchased their milk from direct-delivery producers. In periods of short supply, handlers have purchased needed additional supplies from plants regulated under other Federal orders, particularly the Chicago order. As stated above, one Order 67 handler, in addition to purchasing milk from producers whose farms are located in the vicinity of his distributing plant location, began in recent months the purchase of milk from producers with farms located in southwest Wisconsin, approximately 255 miles from South Bend. The net uniform price for such milk, after hauling deductions, paid to the Wisconsin producers has been closely aligned with the uniform price computed under the Chicago order for the same location.

Producer proponents testified that although no particular problems had arisen, it might be possible in the absence of location differentials for inequities of cost among handlers and in the distribution of returns among producers to result.

Milk produced on farms or received at plants has a progressively lower value in relation to a given market as such farms or plants are located farther from the market. The difference in value is related to the cost of transporting milk to the market from the respective locations. It is economically sound and necessary to recognize such differences in value at pool plants to promote a uniform basis of determining milk costs for handlers and in distributing the returns for milk among producers. Producers are producing milk for the fluid milk market. The difference in value of producer milk for fluid purposes received at a country point as compared with a city distributing plant is the additional cost to the handler in getting the milk to the city plant. Returns to producers located near the market should reflect their location advantage. This may be done by establishing a schedule of location adjustments to apply at distant plants, and at reload points, in accordance with their respective distances from the markting area.

At this time only one handler regularly purchases milk at a considerable distance from the marketing area. As referred to, this milk is purchased in southwest Wisconsin and is reloaded at that location before being shipped in large tankers to his distributing plant. Such reload point is located approximately 255 miles from South Bend and 278 miles from the handler's plant. The hauling rate for the delivery of milk from that location to South Bend approximates 42 cents per hundredweight.

Proponents suggested that no location differential should apply within 70 miles from the County Court House in St. Joseph County. It was testified that custom and the basing point for pricing under Order No. 41 for Chicago are the basis for this proposal. As previously stated, Order 67 provides that prices shall be announced f. o. b. marketing area, whereas under Order No. 41 the Class I price is announced for the 55–70 mile zone and is supplemented by customary "inner zone" pricing arrangements. In comparing returns to direct-delivery producers under Chicago Order 41 with returns to direct-delivery producers under Order 67 consideration must be given to the previously mentioned customary and prevailing subsidies for hauling paid by Order 41 handlers and to the additional 4 cents per hundredweight required to be paid by Chicago handlers to all producers delivering milk to plants located in the marketing area, which payments are not reflected in the announced price for the 55–70 mile zone. The application of location differentials, as herein adopted, beginning at a 55-mile distance from South Bend will provide not only close alignment of farm returns for Class I milk at Order 41 plants in the Calumet area, which are the closest Order 41 plants to the South Bend-La Porte-Elkhart marketing area, and at Order 67 distributing plants, but also a close alignment at all points beyond the 55-mile zone. No adjustments for location are appropriate for points less than 55 miles from South Bend since country plants or reload points would not serve an economic purpose within this distance insofar as the maintenance of market supplies are concerned or provide a marketing function for producers. Also, within the 55-mile distance competing markets offer alternative outlets for milk at prices equivalent to or higher than the delivered-to-market price at South Bend.

Milk can be hauled in large quantities from distant points to plants in South Bend for approximately 1.6 cents per hundredweight for each 10 miles of distance. Even though no location differential should be provided within the 55-mile zone, the differential should apply on the basis of the total distance that the supply plant, or reload point, is located from South Bend.

The location differential allowed to handlers should apply only to that portion thereof which is actually needed for utilization as Class I milk at the distributing plant. In determining the quantity so utilized in Class I, allocation of Class I milk, for pricing purposes, should first be made to direct receipts from producers at the distributing plant. Any residual Class I milk should be allocated to the more distant plants, or reload points, in sequence beginning with the plant or reload point having the smallest location differential. This will assure that producers as a whole do not absorb excessive hauling costs for milk.

It is concluded that a schedule of location differentials shoud be adopted to apply in determining handler costs of Class I milk and producer payments applicable at various locations in the milkshed.

(c) The price differential (over basic formula price) for Class II milk should not be increased; the classification of milk used for cottage cheese (Class II milk) should not be changed.

Milk used to produce cottage cheese is classified as Class II milk and priced at the basic formula price plus 70 cents per hundredweight for August through February, and plus 45 cents per hundredweight for March through July.

Producers proposed to increase the Class II price 15 cents per hundredweight above the current level for each month. It is contended that current order Class II prices do not reflect the costs involved in producing Grade A milk for use in cottage cheese and that the return for such milk tends to reduce the uniform price. It is anticipated by proponents that even though, in the past, the use of milk from uninspected sources has been permitted for cottage cheese manufacture in portions of the enlarged marketing area, county health regulations will require, in the near future, the use of inspected milk for this product.

The separate classification and pricing for milk used to produce cottage cheese under Order 67 became effective March 1, 1957. Although the new Indiana Grade A milk law requires milk for fluid distribution to be derived from inspected sources, it does not require milk for cottage cheese to be derived from similar sources. While local health ordinances for portions of the marketing area indicate the necessity of using inspected milk for this product, the standards applicable throughout the marketing area are not uniform at this time and substantial quantities of cottage cheese produced from ungraded milk are sold in parts of the area.

In view of the lack of uniformity in the enforcement of requirements on milk used in the manufacture of cottage cheese, provision for higher pricing might well intensify the use of ungraded milk for this purpose, causing a net loss in returns to producers if equivalent quantities of producer milk were forced into the lower-priced Class III uses. Considering the prices of skim milk and butterfat from alternative sources for cottage cheese manufacture, and the availability of outside sources of cottage cheese in finished form, the Class II price level provided is designed to insure

the maximum return to producers without a loss of market for inspected milk in this product.

Handlers proposed that milk for cottage cheese be classified with other manufactured dairy products and that, as a corollary change, the Class III classification be designated as Class II milk. The redesignated Class II milk would be priced, however, at the current Class III price level. They testified that at a previous hearing when the classification and pricing of cottage cheese was considered, it was anticipated that enforcement of regulations requiring inspected milk for cottage cheese would be uniform throughout the marketing area and that since it has not been, the lower pricing of milk so used is appropriate.

The extra value of producer (inspected) milk for making cottage cheese is recognized by handlers in practice and present pricing has not caused a reduction in cottage cheese sales. It is concluded that producers should receive the higher return provided by the Class II price for the quality of milk furnished for this product. Therefore, no change in classification should be made at this time.

(6) The order should be amended to provide that class prices be announced in terms of a hundredweight of milk containing 3.5 percent butterfat, with class butterfat differentials for butterfat test variations above or below 3.5 percent.

Class prices under the present order are set forth in terms of separate prices for the butterfat and skim milk contained in a hundredweight of milk used in each class. However, the market administrator calculates and publishes for informational purposes a price per hundredweight for each class on a 3.5 percent butterfat basis.

Revision of the order to provide for the announcement of class prices for a hundredweight of milk on a 3.5 percent butterfat basis with appropriate class price differentials for butterfat test variations above or below the basic test is desirable to provide for simplicity of calculations, better understanding of price levels, and statistical comparisons of prices under Order 67 with prices of other markets. Expression of prices in these terms will not, of itself, materially alter handlers' costs or producers' returns on an annual basis. Such changes as may affect the levels of class prices are discussed in connection with issue numbered 5 in this decision. This change was supported by the major cooperative in the market and no objections thereto were offered at the hearing. It is concluded that the revised method of computing and announcing class prices should be adopted.

Class price differentials for each point of butterfat test variation to provide class prices for butterfat similar to those in the current order could be calculated as follows:

Classes I and II. Multiply by 0.13 the average of the daily wholesale prices per pound of 93-score butter at Chicago during the month, as reported by the United States Department of Agriculture, and round to the nearest tenth of a cent.

Class III. Multiply by 0.12 the average of the daily wholesale prices per pound of 92-score butter at Chicago, similarly reported, and round to the nearest tenth of a cent. These differentials were suggested by the major cooperative in the market.

In the case of the Class I butterfat differential the amount resulting from the above computation represents a reasonable value of butterfat in Class I uses and is adopted. However, in view of somewhat different competitive circumstances involved in the marketing of cottage cheese, including the availability of butterfat from lower-priced sources for use in such product in some portions of the marketing area, a differential computed by multiplying Chicago 93-score butter by 0.125 is more appropriately related to the lower value of milk utilized in Class II milk, and therefore, is adopted. This modification will place a slightly increased value on the skim milk and a lesser value on the total amount of butterfat so utilized. However, such change does not alter the Class II price level on a 3.5 percent butterfat basis.

Manufactured products in Class III must compete on a national basis with products made from ungraded milk. Therefore, the present basis for computing the price of Class III butterfat should be continued through the medium of the Class III butterfat differential.

In setting up a new system for calculating class prices per hundredweight of milk it is desirable for administrative reasons to round such prices to the nearest cent. This revision is also adopted. For convenience in computing handlers' costs the use of separate class prices for skim milk and butterfat, reflecting the levels established by the prices per hundredweight of 3.5 percent milk, will be continued.

(7) The application of the assessment for expense of administration should be modified.

It was proposed that the assessment (not to exceed 4 cents per hundredweight of milk) for expense of administration of the order be limited, insofar as "other source milk" is concerned, to those portions classified as Class I milk and Class II milk. At the present time the assessment applies to all other source milk, except such milk subject to another Federal order, even though some or all the milk may be used strictly for the manufacture of milk products of the types covered by Class III milk.

At least one milk distributor who would be regulated upon expansion of the marketing area maintains a substantial business in products produced from ungraded (Grade B) milk as well as a fluid milk business utilizing Grade A milk. The application of the administrative assessment to milk of Grade B quality utilized in manufactured milk products would present an expense to him not ordinarily associated with the processing of ungraded milk.

Funds to cover the necessary auditing of reserves of producer milk which from time to time may be commingled with ungraded milk for disposition as manufactured milk products will be derived from the application of the assessment to the producer milk so utilized. It is possible, however, that at times some other source milk may be utilized as Class I milk or Class II milk. It is the duty of the market administrator to verify for each month the receipts and disposition of milk from all sources in order that the integrity of the classified-price plan for producers' milk (Grade A milk priced by the order) may be maintained. Equity in sharing the cost of administration of the order among all handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (including such handler's own production) and to such other source milk as may be allocated to Class I milk. In view of the fact that cottage cheese is not required to be produced from Grade A milk in all parts of the marketing area it is not practicable to apply the assessment to other source milk so used by pool handlers.

(8) Certain revisions of the order should be made for administrative purposes.

(a) The order should be amended to set forth clearly the conditions under which milk subject to this order may be made exempt therefrom when such milk is also subject to the class price provisions of another marketing agreement or order.

The present order provides that skim milk and butterfat disposed of as Class I milk in the marking area on a route shall not be subject to the provisions of this order if "(a) such milk is priced under another marketing agreement or order issued pursuant to the act, and (b) the person making such disposition of milk in the marketing area is subject to regulation under such other marketing agreement or order," provided that the handler making such disposition of milk in the marketing area shall make reports to the market administrator, at such time and in such manner as the latter may require, which shall be subject to verification. In general, interested parties at the hearing supported revision of the provisions of the order to the extent necessary relative to plants regulated under other orders, and to producer milk which might qualify for pooling under two orders, to provide clarity in the application of this order to such milk.

Some milk in packaged form is distributed in the market by handlers regulated under Order 41. In light of the expanded marketing area, it is possible that even larger quantities of Class I milk may be distributed in the area from plants regulated by other orders. Milk may be disposed of from plants under this order into other Federally-regulated markets.

Order 41 contains a provision which exempts from regulation thereunder a plant from which a greater percentage of its receipts is disposed of as Class I milk in another Federal marketing area. It is consistent with the pooling requirements that a plant be regulated under the South Bend-La Porte-Elkhart order if the Class I disposition in the marketing area is greater than in another marketing area. The provision that a distributing plant shall be regulated under the order for the market in which the

greater disposition is made will provide clarity, avoid duplication of regulation and will coordinate orders affecting adjacent marketing areas as to milk involved under more than one order.

The pooling standards for supply-type plants in adjacent Federal order markets provide for automatic pool status during certain months based on performance requirements in other months. It is possible under such conditions that a supply plant for such other market which has automatic pool status during certain months could dispose of a major portion of its receipts to a distributing plant in this market in such months. In this circumstance, such a plant should not be regulated under this order so long as it continues to be regulated under the order in which it already has met pooling requirements and from which it has not become exempt through withdrawal or otherwise according to the terms of such other order. The provisions of the attached order so provide.

Although exemption of other Federal order distributing plants would depend on a determination by the Secretary that the conditions prescribed in the order apply to the plant(s) in question, the operator of such a plant, otherwise exempt from order provisions, must be required to make reports to the market administrator as to receipts and utilization, so that the exact status of the plant can be determined. A similar requirement is necessary also with respect to supply-type plants involved with more than one order.

(b) The conversion from can handling to bulk tank handling of milk by producers creates problems as to the pool treatment of milk under the order which has been diverted from a plant regulated under another order. In view of the proximity of Order 67 plants to plants regulated under other orders, it is entirely possible that producer milk may be diverted to an Order 67 plant from a plant regulated under another order without having been received first at the latter plant. Since the present order does not provide a specific method of determining which order would apply to such milk, it is quite possible that the milk would be subject to the two orders. Any inclusion of milk under this order which would cause duplication of regulation could prove unduly burdensome to the handlers involved. Therefore, it is concluded that the South Bend-La Porte-Elkhart order should provide for a determination by the Secretary as to the extent to which such order shall apply when the milk is also subject to another order. The provisions of the attached order so provide.

(c) An equivalent price provision should be incorporated in the order. It has been found that from time to time various price quotations specified in an order become unavailable with little if any advance notice. The use of an equivalent price would remove uncertainty as to the procedure to be followed in the absence of price quotations specified in the order and thus would prevent unnecessary interruption in the operation of the order. The proposal should be adopted.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the South Bend-La Porte-Elkhart, Indiana, Marketing Area", and "Order Regulating the Handling of Milk in the South Bend-La Porte-Elkhart, Indiana, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order regulating the handling of milk in the South Bend-La Porte-Elkhart, Indiana, marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of April 1958 is hereby determined to be the representative period for the conduct of such referendum.

Richard J. Connolly is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this decision is issued.

Issued at Washington, D. C., this 11th day of July 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Regulating the Handling of Milk in the South Bend-La Porte-Elkhart, Indiana, Marketing Area

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967.0 Findings and determinations.

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967.40 Skim milk and butterfat to be classified.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met. This order amends the order (No. 67) regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area.

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AUTHORITY: §§ 967.0 to 967.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 967.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of Order No. 67 and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (Part 900 of this chapter), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof; it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight, or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat received within the month in producer milk (including such handler's own production), and in other source milk either allocated to Class I milk or disposed of within the marketing area as Class I milk on routes, which is not priced under another Federal marketing agreement or order issued pursuant to the act.

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the South Bend-La Porte-Elkhart, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 967.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 967.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 967.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal Agency authorized to perform the price reporting functions of the United States Department of Agriculture specified in this part.

§ 967.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 967.5 *Market administrator.* "Market administrator" means the person designated pursuant to § 967.20 as the agency for the administration of this part.

§ 967.6 *South Bend-La Porte-Elkhart, Indiana, marketing area.* "South Bend-La Porte-Elkhart, Indiana, marketing area", hereinafter called the "marketing area", means all the territory geographically located within the perimeter boundaries of La Porte, St. Joseph and Elkhart Counties, including all incorporated and unincorporated cities, towns, and villages, Federal military reservations, facilities and installations, and State institutions lying wholly or partially within such counties; all in the State of Indiana.

§ 967.7 *Route.* "Route" means any delivery either inside or outside the marketing area (including disposition by a vendor or from a plant store or from vending machines) of any item of Class I milk to a wholesale or retail stop other than a plant (§ 967.8), but excluding any disposition of skim milk or butterfat in the marketing area from a nonpool plant to any other plant or to a commercial processor of foods.

§ 967.8 *Plant.* "Plant" means the entire land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, maintained and operated at the same location primarily for the receiving, processing or other handling of milk or milk products. This definition shall not include any building, premises, facilities, or equipment used primarily to hold or store bottled milk or milk products in finished form in transit for wholesale or retail distribution on a route(s).

§ 967.9 *Reload point.* "Reload point" means any location at which milk moved from the farm in a tank truck is commingled with other milk before entering a plant, except that reloading operations on the premises of a plant shall be considered a part of the plant's operations.

§ 967.10 *Pool plant.* "Pool plant" means any plant meeting the conditions of paragraph (a) of this section, or any plant or reload point meeting the conditions of paragraph (b) of this section, but not any plant exempt pursuant to § 967.60, or the plant of a person defined in § 967.16:

(a) A plant in which milk is processed or packaged and from which not less than 10 percent of its total disposition of Class I milk during the month either by the operator of such plant or by another person is made within the marketing area on a route(s): *Provided,* That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area is not less than 50 percent of such plant's total receipts of milk eligible for sale in fluid form as Grade A milk within the marketing area; or

(b) Any plant or reload point from which during any month 50 percent or more of its total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to a plant(s) which has qualified pursuant to paragraph (a) of this section: *Provided*, That if during each of any five consecutive months during the period August through March, inclusive, a plant meets the delivery requirements set forth in this paragraph, such plant shall be a pool plant for the immediately following months of April, May, June and July, unless the plant is withdrawn from such status upon request of the handler, which withdrawal would become effective on the first day of the month following in which the market administrator is notified of the request for withdrawal. Any plant so withdrawn from pool plant status may not regain status prior to the following August.

§ 967.11 *Nonpool plant.* "Nonpool plant" means any plant other than a pool plant.

§ 967.12 *Producer.* "Producer" means any person, except a person as defined in § 967.16, who produces milk eligible for sale in fluid form as Grade A milk within the marketing area which is either (a) received from the farm at a pool plant(s), or (b) caused to be temporarily diverted by handler for his account from a pool plant to a nonpool plant: *Provided*, That such diverted milk shall be deemed to be received by such handler at the location of the pool plant from which it was diverted.

§ 967.13 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association, to be qualified pursuant to the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

§ 967.14 *Producer milk.* Except as provided in § 967.60, "producer milk" or "milk received from producers" means milk produced by one or more dairy farmers who are producers (as defined in § 967.12).

§ 967.15 *Handler.* "Handler" means (a) any person in his capacity as the operator of a pool plant(s), (b) any cooperative association with respect to producer milk caused to be delivered for the account of such association from the farms of producers to the pool plant(s) of another handler(s) and milk customarily received as producer milk at a pool plant which is diverted by such association for its account to a nonpool plant; or (c) any person in his capacity as the operator of any nonpool plant from which milk is disposed of as Class I milk within the marketing area on a route(s).

§ 967.16 *Producer-handler.* "Producer-handler" means any handler who produces milk eligible for sale in fluid form as Grade A milk within the marketing area but receives no milk directly from other dairy farmers: *Provided*, That the maintenance, care and management of the dairy animals and other resources necessary to produce such milk and the processing, or distribution of such milk are his personal enterprise and at his personal risk.

§ 967.17 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form, except in a nonfluid milk product disposed of in the same form as received, from sources other than producer milk and a pool plant(s).

§ 967.18 *Base, base milk and excess milk.* (a) "Base" means a quantity of milk expressed in pounds per day computed pursuant to § 967.62.

(b) "Base milk" means a quantity of producer milk received by a handler during each of the months of April, May, June, and July which is not in excess of such producer's base multiplied by the number of days on which such milk was produced.

(c) "Excess milk" means producer milk received by a handler during each of the months of April, May, June, and July which is in excess of the base milk received from such producer.

MARKET ADMINISTRATOR

§ 967.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 967.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 967.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain in an amount and with surety thereon satisfactory to the Secretary a bond covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 967.85:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 967.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 967.30 and 967.31 or (2) payments pursuant to §§ 967.80 to 967.87;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments of each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 7th day after the end of such month, the minimum class prices for milk (rounded to the nearest cent) and the butterfat differentials computed pursuant to §§ 967.53, 967.54, 967.55, and 967.57;

(2) On or before the 14th day after the end of such month, the uniform price computed pursuant to § 967.71 and the butterfat and location differentials computed pursuant to § 967.81;

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before April 1 each year notify each producer of the amount of his base, and notify each handler of the amount of the base of each producer delivering milk to any of the handler's plants.

REPORTS, RECORDS AND FACILITIES

§ 967.30 *Monthly reports of receipts and utilization.* (a) On or before the 9th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 967.15 (a) or (b) shall report to the market administrator for the preceding month with respect to all milk and milk products, except any milk product defined as Class III milk which is disposed of in the form in which received without further processing or packaging by the handler, received at each pool plant, the following:

(1) The quantities of skim milk and the quantities of butterfat contained in milk received from producers (including such handler's own production) producer-handlers, and other handlers.

(2) The quantities of skim milk and quantities of butterfat contained in other source milk, with the sources thereof;

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including the quantities of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(4) The aggregate quantities of base milk and excess milk received (for April through July); and

(5) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

(b) Except as provided in § 967.31 (a), each handler who operates a nonpool plant as referred to in § 967.15 (c) shall report to the market administrator, on or before the 9th day after the end of each month, his total receipts, his total utilization of milk and milk products, his total disposition of Class I milk, including as a separate figure the quantity of Class I milk disposed of within the marketing area on routes, and such other information with respect to all receipts and utilization for such month as the market administrator may prescribe.

§ 967.31 *Other reports.* (a) Each producer-handler who handles during the month only milk of his own production shall make reports to the market administrator at such times and in such manner as the market administrator shall prescribe.

(b) On or before the 25th day of each month, each handler shall submit to the market administrator such handler's producer payroll for the preceding month which shall show for each producer and cooperative association (1) the total pounds of milk delivered with the average butterfat test thereof, (2) the net amount of the payment to each producer and to each cooperative association, together with the prices, deductions and charges involved, (3) for the months of September through December, the number of days on which milk was received from each producer, and (4) for the months of April through July, the number of days on which milk was received from each producer and the amount of his base and excess milk.

§ 967.32 *Records and facilities.* Each handler shall permit the market administrator to make such examination of his operations, equipment and facilities as the market administrator deems necessary and shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (a) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (b) the weights, and tests for butterfat and for other content, of all other skim milk or butterfat handled; (c) payments to producers and cooperative associations; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each month.

§ 967.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 967.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the month by a handler, in producer milk, in other source milk and from another handler shall be classified by the market administrator pursuant to the provisions of §§ 967.41 to 967.46, inclusive.

§ 967.41 *Classes of utilization.* Subject to the conditions set forth in §§ 967.43 and 967.44, the skim milk and butterfat described in § 967.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of (except as provided in paragraph (c) (1) of this section) in the form of milk, skim milk, flavored milk, flavored milk drink, and buttermilk; (2) disposed of as cream (sweet or sour) and any fluid mixture of cream and milk (or skim milk) containing not less than 6 percent butterfat (but not including ice cream or other frozen dessert mixes disposed of to a commercial processor, or any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product); (3) disposed of in fluid or frozen form as concentrated milk, flavored milk, flavored milk drink not sterilized and not otherwise specified under paragraph (c) of this section, and as eggnog; (4) in shrinkage of receipts of producer milk computed pursuant to § 967.42 which is in excess of 2 percent of such receipts; and (5) not specifically accounted for as any item named in this paragraph or as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat (1) disposed of in bulk in the form of milk, skim milk, buttermilk, and cream to any manufacturer of candy, soup or bakery products and used in such products; (2) in condensed milk or skim milk (sweetened or unsweetened) disposed of to commercial food processors; (3) disposed of (or used to produce, in the case of ice cream and frozen desserts and mixes (liquid or powdered) for such products, and aerated cream products) as sweetened condensed milk in hermetically sealed cans, evaporated milk, ice cream, ice cream mix, other frozen desserts and mixes, storage cream, butter, cheese and nonfat dry milk; (4) dumped or disposed of for livestock feed as skim milk (including that in whole milk dumped), flavored milk, flavored milk drink and buttermilk; (5) disposed of as a milk product other than any of those specified in paragraph (a) (1), (2) and (3) in paragraph (b), and in paragraphs (c) (1), (2), (3) and (4) of this section; (6) contained in monthly inventory variations; (7) in actual shrinkage of receipts of producer milk computed pursuant to § 967.42 but not in excess of 2 percent of such receipts; and (8) in actual shrinkage of other source milk computed pursuant to § 967.42.

§ 967.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between that in producer milk and in other source milk.

§ 967.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 967.44 *Transfers.* Skim milk or butterfat disposed of by a handler in the form of any item named in § 967.41 (a) (1), (2), or (3) shall be classified:

(a) As Class I milk if transferred from the pool plant of a handler to the pool plant of another handler (except a producer-handler), unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 9th day after the end of the month within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class at the plant of the transferee-handler after the subtraction of other source milk pursuant to § 967.46, and any excess of such skim milk or butterfat, respectively, shall be assigned to Class I milk;

(b) On the basis of ratable apportionment to each class according to the use of skim milk and butterfat in the pool plant of the transferee-handler if caused

to be delivered to such plant by a cooperative association in the manner described in § 967.15 (b);

(c) As Class I milk if transferred or diverted to the plant of a producer-handler;

(d) As Class I milk if transferred or diverted to a nonpool plant, unless (1) the transferor-handler claims use in another class on the basis of utilization in the nonpool plant in his report submitted to the market administrator pursuant to § 967.30 for the month within which such transaction occurred, (2) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, and (3) in such receiver's plant there actually had been used during such month in the use indicated in such report, not less than an equivalent amount of skim milk and butterfat derived by him from milk or cream: *Provided*, That if upon inspection of such receiver's records of such plant, there had not been used in such indicated use an equivalent amount of skim milk and butterfat so derived, the remaining pounds shall be classified as Class I milk.

§ 967.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively in each class for such handler.

§ 967.46 *Allocation of skim milk and butterfat classified.* The pounds of skim milk and butterfat, respectively, remaining in each class after the following computations shall be the pounds in each class allocated to producer milk;

(a) Subtract, respectively, from the pounds of skim milk and butterfat in Class I milk (to the extent Class I milk is available) the pounds of skim milk and butterfat in other source milk which is (1) received in consumer packages as any item specified in § 967.41 (a) (1), (2) or (3) from a plant where milk is subject to the class price provisions of a Federal marketing agreement or order issued pursuant to the act for another fluid milk marketing area, and (2) disposed of without repackaging;

(b) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class (other than the pounds in inventory variations and plant shrinkage of skim milk and butterfat pursuant to § 967.41 (c) (7)), in series beginning with Class III milk, the pounds of skim milk and butterfat in other source milk excluding that subtracted pursuant to paragraph (a) of this section.

(c) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from other handlers and assigned to such class pursuant to § 967.44; and

(d) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class in series beginning with Class III milk, the pounds by which such pounds of skim milk and butterfat in all classes exceed, respectively, the total pounds of skim milk and butterfat received in milk from producers.

MINIMUM PRICES

§ 967.50 *Class prices.* Each handler shall pay, at the time and in the manner set forth in §§ 967.80 to 967.84, not less than the prices per hundredweight computed pursuant to §§ 967.51 to 967.59 for all milk received during each month from producers and cooperatives associations: *Provided*, That with respect to skim milk and butterfat transferred from the pool plant of, or caused to be delivered as producer milk by, a cooperative association which is a handler to the pool plant of another handler, the applicable class price shall be that for the location of the latter plant.

§ 967.51 *Basic formula price.* The basic formula price to be used in determining the prices of Class I milk and Class II milk shall be the higher of the prices computed by the market administrator for the month immediately preceding from the formulas set forth in paragraphs (a) and (b) of this section.

(a) The arithmetical average of the basic (or field) prices reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received during the month at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department:

Companies and Locations

Borden Company, Mount Pleasant, Mich.
Borden Company, Orfordville, Wis.
Borden Company, New London, Wis.
Carnation Company, Sparta, Mich.
Carnation Company, Richland Center, Wis.
Carnation Company, Oconomowoc, Wis.
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) Compute a price per hundredweight by adding together the amounts resulting pursuant to subparagraphs (1) and (2) of this paragraph;

(1) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department and from the result thus obtained deduct 64.2 cents;

(2) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter, and from the result thus obtained deduct 11 cents.

§ 967.52 *Supply and demand adjustment.* On or before the 7th working day of each month the market administrator shall make the following computations based upon information obtained from handlers' reports of receipts and utilization:

(a) Determine the sum of the receipts of milk from all producers (including receipts from own farm production) during the second and third preceding months;

(b) Determine the sum of the pounds of milk and milk products disposed of from pool plants as Class I (excluding shrinkage and unaccounted for milk) during the same preceding months, and

(c) Divide the amount obtained in paragraph (b) of this section by the amount obtained in paragraph (a) of this section and adjust to the nearest full percentage point. The resulting percentage shall be known as the "current supply-demand ratio."

§ 967.53 *Class I price.* Except as provided in § 967.56, the price for Class I milk of 3.5 percent butterfat content shall be the basic formula price computed pursuant to § 967.51, plus $1.30 for the months of August through November; plus $1.10 for December, January, February and July; and plus $0.90 for all other months: *Provided*, That whenever the current supply-demand ratio varies from that set forth in the table below for the applicable month, the Class I price shall be increased or decreased to a maximum amount of 30 cents at the rate of 2.0 cents for each full percentage point that the current supply-demand ratio is above or below that set forth in the table for such month, but such price, after adjustment, shall not be less than the minimum price per hundredweight for Class I milk for the same month as computed for the 55–70 mile zone under Order No. 41 for the Chicago, Illinois, marketing area.

Month to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	80	October-November.
February	79	November-December.
March	77	December-January.
April	76	January-February.
May	75	February-March.
June	73	March-April.
July	69	April-May.
August	67	May-June.
September	70	June-July.
October	74	July-August.
November	75	August-September.
December	76	September-October.

§ 967.54 *Class II price.* The price for Class II milk of 3.5 percent butterfat content shall be the basic formula price plus $0.70 for the months of August through February; and plus $0.45 for all other months.

§ 967.55 *Class III price.* The price for Class III milk of 3.5 percent butterfat content shall be that computed under § 967.51 (a).

§ 967.56 *Location differential credits to handlers on Class I milk.* In computing the value of each handler's milk pursuant to § 967.70, the following location differentials shall be credited with respect to each hundredweight of producer milk received at a pool plant or reload

point located more than 55 miles from the St. Joseph County Courthouse, South Bend, Indiana, and classified as Class I milk: 10 cents for distances at least 55 miles but not more than 60 miles, and an additional 1.6 cents for each 10 miles, or major fraction thereof, in excess of 60 miles, in all instances by the shortest hard-surfaced highway distance, as determined by the market administrator, from such pool plant or reload point to the St. Joseph County Courthouse, South Bend, Indiana: *Provided*, That for the purpose of computing the credits applicable pursuant to this section, the amount of milk transferred in bulk form from a pool plant(s) pursuant to § 967.10 (b) to a pool plant(s) pursuant to § 967.10 (a) and classified as Class I milk, shall not exceed the total amount of Class I milk disposed of from the latter plant less the total amount of any producer milk received at such plant from producers' farms and shall be assigned to pool plants under § 967.10 (b) in sequence beginning with the plant having the smallest allowable credit.

§ 967.57 *Class butterfat differentials*—(a) *Class I milk.* Multiply by 0.13 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department for the month, and round to the nearest one-tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(b) *Class II milk.* Multiply by .125 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department for the month, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(c) *Class III milk.* Multiply by .12 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (92-score) bulk creamery butter at Chicago, as reported by the Department for the month, and round to the nearest tenth of a cent.

§ 967.58 *Computation of prices of skim milk and butterfat.* The prices per hundredweight of skim milk and butterfat to be paid by each handler for milk in each class shall be computed as follows: For each class, respectively, the price per hundredweight of skim milk shall be the applicable class price for the month (§§ 967.53, 967.54 and 967.55) less the result of multiplying the applicable class butterfat differential for the month (§ 967.57) by 35. For each class, respectively, the price per hundredweight of butterfat shall be the applicable class price for the month plus the result of multiplying the applicable class butterfat differential for the month by 965.

§ 967.59 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 967.60 *Exempt milk.* (a) Milk received at a plant qualified as a pool plant under § 967.10 (a) shall be exempt from the provisions of this part if the conditions of subparagraphs (1) and (2) of this section are met: *Provided*, That the handler of such milk shall make reports to the market administrator with respect to his total receipts and utilization of skim milk and butterfat at such times and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with § 967.32:

(1) The Secretary determines that a greater quantity of milk is disposed of in fluid form from such plant to another regulated area as defined in another marketing agreement or order issued pursuant to the act either on a route(s) or through a plant(s) regulated by such other marketing agreement or order than is disposed of from such plant in the South Bend-La Porte-Elkhart marketing area either on a route(s) or through another pool plant(s); and

(2) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from this part.

(b) Milk received at a plant qualified as a pool plant under § 967.10 (b) shall be exempt from the provisions of this part as producer milk if such milk is subject to class prices at a plant regulated under another marketing agreement or order issued pursuant to the act: *Provided*, That the proviso set forth in paragraph (a) of this section shall apply.

(c) In the case of producer milk received directly from a farm at a pool plant which milk (1) has been diverted (without being physically received therein) from a plant at which farm receipts of milk are subject to the class price provisions of another marketing agreement or order issued pursuant to the act, (2) is reflected on the producer-payroll of the plant from which diverted, and (3) is not specifically exempt from class pricing by the terms of such other marketing agreement or order, the Secretary shall make a determination as to the extent to which the terms of this part shall apply to such milk.

§ 967.61 *Producer-handlers.* Sections 967.40 to 967.46, 967.50 to 967.58, 967.70 to 967.72, 967.80 to 967.84 and 967.86 to 967.88 shall not apply to a producer-handler.

§ 967.62 *Computation of base.* Subject to the conditions set forth in § 967.63, the market administrator shall compute for each of the months of April, May, June and July a base for each producer, as follows:

(a) Divide the total pounds of milk received by a handler from each producer during the months of September, October, November and December immediately preceding, by the number of days such milk was produced (not to be less than 90 days): *Provided*, That any producer for whom a base has been computed may, upon written notice to the market administrator postmarked not later than February 15 preceding, relinquish his base and be allotted a base computed pursuant to paragraph (b) of this section.

(b) Any producer who has not established a base or who elects to relinquish his base pursuant to the provisions of paragraph (a) of this section shall be assigned a base for each of the months of April, May, June and July computed as follows:

(1) From the total quantity of producer milk received by handlers during the same month of the previous year, subtract the total receipts from producers who did not establish bases or who had relinquished their bases.

(2) Determine the percentage that base milk was of the remaining pounds, and subtract 10.

(3) Multiply the resulting percentage by the total pounds of milk received by a handler from the producer during the applicable month and divide the result by the number of days such milk was produced.

§ 967.63 *Base rules.* Any base computed pursuant to § 967.62 (a) shall be subject to the following rules:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm on which such base was earned, and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) If a producer operates more than one farm he must establish a base with respect to the milk from each farm, and in the event such producer chooses to relinquish the base earned for one farm he must do so for all farms.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 967.70 *Computation of the value of milk.* (a) For each month the total value of milk received by each handler from producers or associations of producers (including any such milk caused to be delivered to such handler from the farms of producers for the account of a cooperative association) during such month shall be a sum of money computed by the market administrator by multiplying the pounds of skim milk and butterfat in each class by the applicable class prices pursuant to § 967.58, adding together the resulting amounts, adding any amounts computed for such handler

pursuant to subparagraphs (1) and (2) of this paragraph, and subtracting the total amount of any location differential credits computed pursuant to § 967.56.

(1) Add, with respect to other source milk (except other source milk classified and priced under the class price provisions of another marketing agreement or order issued pursuant to the act) received in fluid form as milk, skim milk or cream at each pool plant of such handler in excess of the total volume of his Class II milk and Class III milk at such plant, an amount computed by multiplying the hundredweight of skim milk and butterfat in such other source milk by the difference between the Class I milk and Class III prices for skim milk and butterfat, respectively, pursuant to § 967.58: *Provided*, That if the plant supplying such milk is located outside the marketing area and more than 55 miles from the St. Joseph County Courthouse, South Bend, Indiana, the payment per hundredweight of milk otherwise required by this subparagraph shall be reduced by the applicable location adjustment provided in § 967.56 for the distance such plant is located from the St. Joseph County Courthouse, but not to exceed an amount equal to the difference between the Class I and Class III prices.

(2) Multiply the pounds of skim milk and butterfat subtracted pursuant to § 967.46 (d) by the respective applicable class prices.

(b) For each month the total obligation to the producer-settlement fund for each handler who, during such month, disposed of Class I milk (except other source milk classified and priced under the class price provisions of another marketing agreement or order issued pursuant to the act) within the marketing area on routes from a nonpool plant shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in other source milk so disposed of by the difference between the Class I and Class III prices for skim milk and butterfat, respectively, adjusted for the location of the plant at the rates applicable for pool plants pursuant to § 967.56: *Provided*, That a producer-handler shall not be obligated for payments under this paragraph with respect to that portion of other source milk represented by his own farm production.

§ 967.71 *Computation of uniform price.* For each of the months of August through March the market administrator shall compute a uniform price per hundredweight of producer milk as follows:

(a) Combine into one total the values computed pursuant to § 967.70 for all handlers who filed reports pursuant to § 967.30 and were not in violation of § 967.83 for the preceding month;

(b) Subtract, if the average butterfat content of milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 967.81 (a), and multiplying the resulting amount by the total hundredweight of milk included in these computations;

(c) Add an amount equal to the total value of the location differentials computed pursuant to § 967.81 (b);

(d) Add not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight, for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for milk of 3.5 percent butterfat content.

§ 967.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through July the market administrator shall compute separate prices per hundredweight for base milk and excess milk of producers as follows:

(a) Make the same computations as required pursuant to § 967.71 (a), (b), (c), and (d);

(b) Compute the total value, on a 3.5 percent butterfat basis, of that portion of milk, included in the computations pursuant to paragraph (a) of this section, which is excess milk by: multiplying the quantity of such excess milk (but not more than an amount equal to the total quantity of Class III milk included in these computations) by the price for Class III milk of 3.5 percent butterfat content, and multiplying any quantity of such excess milk greater than such Class III milk, in series, by the prices for Class II milk and Class I milk of 3.5 percent butterfat content, respectively, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk, and adjust to the nearest cent (the result shall be known as the "uniform price for excess milk" of 3.5 percent butterfat content);

(d) Subtract the value computed pursuant to paragraph (b) of this section from the total value of milk included in these computations, and divide the result by the total hundredweight of base milk represented; and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight, for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports of payments or delinquencies in payments by handlers. The result shall be known as the "uniform price for base milk" of 3.5 percent butterfat content.

PAYMENTS

§ 967.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 18th day after the end of each month, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for the months of August through March and the uniform prices for base milk and excess milk for the months of April through July, adjusted by the producer butterfat and location differentials pursuant to § 967.81, for all milk received from such producer during such month and less payment to such producer made pursuant to paragraph (c) of this section: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 967.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each month, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such month, not less than the value of skim milk and butterfat in such milk computed at the minimum class prices, less payments to such association made pursuant to paragraph (c) of this section. For the purpose of determining the classification of skim milk and butterfat in such milk, such skim milk and butterfat shall be ratably apportioned among the quantities of skim milk and butterfat in such handler's Class I milk, Class II milk and Class III milk allocated to producer milk pursuant to § 967.46.

(c) On or before the 4th day after the end of such month each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the amount per hundredweight provided in the schedule set forth in this paragraph, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such month: *Provided*, That in the event any producer or cooperative association discontinues shipping to such handler during any month, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such month shall be made on or before the 18th day after the end of such month pursuant to paragraphs (a) and (b) of this section:

When the uniform price or base price for the preceding month is—	*The amount of the partial payment shall be—*
Under $1.00	$0.00
$1.00 to $1.99	1.00
$2.00 to $2.99	2.00
$3.00 to $3.99	3.00
$4.00 to $4.99	4.00
$5.00 to $5.99	5.00
$6.00 to $6.99	6.00
$7.00 and over	7.00

§ 967.81 *Producer butterfat and location differentials.* (a) In making payments pursuant to § 967.80 (a), there shall be added to, or subtracted from, the uniform price, for each one-tenth of

one percent of butterfat content in such producer milk above or below 3.5 percent, an amount computed by multiplying the average of the daily wholesale prices per pound of 92-score butter at Chicago during the month, as reported by the Department, by 0.12 and rounding to the nearest tenth of a cent.

(b) In making payments to producers pursuant to § 967.80 for milk received at a pool plant at which a location adjustment is applicable pursuant to § 967.56, the uniform price per hundredweight for the months of August through March, and the uniform price per hundredweight for base milk for the months of April through July, shall be reduced by the zone rate per hundredweight for such plant prior to the proviso in § 967.56.

§ 967.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit payments made by handlers pursuant to § 967.83 and payments related thereto pursuant to § 967.87 and out of which he shall make all payments to handlers pursuant to § 967.84 and payments related thereto pursuant to § 967.87.

§ 967.83 *Payments to the producer-settlement fund.* (a) On or before the 16th day after the end of each month, each handler whose obligation is computed pursuant to § 967.70 (a) shall pay to the market administrator the amount by which the value of such handler's milk as determined pursuant to § 967.70 (a), minus the amount to be paid to a cooperative association pursuant to § 967.80 (b) is greater than the amount to be paid producers pursuant to § 967.80 (a): *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 967.80 (b), such cooperative association shall pay to the market administrator, on or before the 16th day after the end of each month, the amount by which the utilization value of such milk is greater than the value computed at the uniform price pursuant to § 967.71 adjusted by the producer butterfat and location differentials pursuant to § 967.81.

(b) On or before the 16th day after the end of each month, each handler (including any handler who may also have an obligation pursuant to paragraph (a) of this section) who, during such month, disposed of milk as described in § 967.70 (b) shall pay the amount computed for him pursuant to such paragraph.

§ 967.84 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount by which the value of producer milk received by such handler during such month pursuant to § 967.70 minus the amount to be paid to a cooperative association pursuant to § 967.80 (b) is less than the amount to be paid producers pursuant to § 967.80 (a), less any unpaid obligation of such handler to the market administrator pursuant to §§ 967.83, 967.85, 967.86, and 967.87: *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 967.80 (b) the market administrator shall pay to such cooperative association, on or before the 17th day after the end of such month, the amount by which the utilization value of such milk is less than the value computed at the uniform price pursuant to § 967.71 adjusted by the producer butterfat and location differentials pursuant to § 967.81: *And provided further*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 967.85 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 967.22 (d), each handler (except a producer-handler) as defined in § 967.15 (a) or (b) shall pay the market administrator, on or before the 16th day after the end of each month, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to skim milk and butterfat received within the month in producer milk (including such handler's own production) and in other source milk allocated to Class I milk; and each handler as defined in § 967.15 (c), including a producer-handler, shall make payment at the same rate per hundredweight with respect to other source milk disposed of as Class I milk within the marketing area on routes: *Provided*, That milk which is subject to administrative expense assessment under another marketing agreement or order issued pursuant to the act shall be exempt from payment under this section.

§ 967.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 967.80 (a) shall make a deduction of 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers (except milk of such handler's own production) at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association. Such deductions shall be paid by the handler to the market administrator on or before the 16th day after the end of each month. Such moneys shall be expended by the market administrator for verification of weights, samples and tests of milk received from such producers and in providing market information to such producers, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer, except a producer for whom payments are collected by a cooperative association pursuant to § 967.80 (b), (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor, to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 967.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 16th day after the end of such month, such deduction to the association entitled to receive it under this paragraph.

§ 967.87 *Adjustments of accounts.* (a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) An unpaid obligation of a handler or of the market administrator shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 1st day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 967.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this

section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 967.90 *Effective time.* The provisions of this part or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 967.91 *Suspension or termination.* The Secretary shall, whenever he finds that this part or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 967.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 967.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so desired by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 967.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 967.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 58-5469; Filed, July 16, 1958; 8:50 a. m.]

[7 CFR Part 1003]

[Docket No. AO-269-A1]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT OF MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure governing procedures to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed amendment of Marketing Agreement No. 127, and Order No. 103 (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California. The marketing agreement and order (hereinafter referred to as the "order") are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), (hereinafter referred to as the "act"), and any amendment which may result from this proceeding also will be effective pursuant to said act. Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., not later than the close of business on the twelfth day after publication of this document in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed amendment of the order is formulated, was held in Coachella, California, on April 10 and 11, 1958, pursuant to notice thereof which was published in the FEDERAL REGISTER (23 F. R. 1960) on March 25, 1958. The notice of hearing contained proposals received from the Date Administrative Committee (hereinafter referred to as the "committee"), established pursuant to the order, as the agency to administer the terms and provisions thereof.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

1. Redefine the term "area of production" so as to expand the area to include certain additional date packing and storage facilities.

2. Redefine the term "handle" so as to exclude from handling the movement of dates by a handler to storage for his account within the area of production.

3. Redefine the term "trade demand" so as to relate it to the aggregate quantity of whole dates and pitted dates, rather than to the quantity of marketable dates, for the crop year.

4. Redefine the term "marketable dates" so as to prescribe more specifically and in conformity with other proposals the minimum grade and size standards which whole or pitted dates must meet in order to qualify as "marketable dates."

5. Define the term "substandard dates" to mean those dates which are better than cull dates but which are not "marketable dates," and define the term "cull dates."

6. Define the term "graded dates" by specifying the requirements which dates must meet in order to qualify as graded dates.

7. Revise the provisions relating to the Date Administrative Committee with respect to establishment, membership representation, term of office, nominations and procedure.

8. Revise the provisions of § 1003.39 so as to provide minimum standards of quality for dates for further processing and clarify the giving of notice thereof to handlers.

9. Revise the provisions of § 1003.40 to provide for the establishment of size as well as grade regulations and for such regulations to govern dates eligible for restricted obligation as well as dates that may be handled.

10. Revise the provisions of § 1003.41 (a) so that inspection would cover size as well as grade and that dates be certified for handling at the time of the inspection.

11. Revise the provisions of § 1003.41 (b) to prescribe more specifically the requirements which dates for further processing shall meet, provide that interhandler transfers of graded dates as well as field-run dates shall not be subject to the requirements with respect to inspection and certification, and provide that dates be certified for further processing at the time of the inspection.

12. Revise the provisions of § 1003.45 (a) and (c) so as to clarify handlers' obligations with respect to withholding restricted dates and paying assessments.

13. Add provisions to § 1003.45 to permit handlers (a) to meet their obligations to withhold restricted dates by the setting aside, or by making disposition in cull outlets of, appropriate quantities of field-run dates and (b) to defer meeting such obligations by setting aside graded dates.

14. Authorize container regulations.

15. Revise the provisions of § 1003.51 in connection with interhandler transfers of dates.

16. Revise the provisions of §§ 1003.55 and 1003.56, including a provision for the use or disposition, in conformity with such sections, of any dates which have not been certified for handling or for further processing, and authorize the committee to approve manufacturers for diversion of such dates.

17. Revise the provisions of § 1003.57 with respect to the terminal dates for the disposition or diversion of dates which have not been certified for handling or further processing.

18. Revise the provisions of § 1003.61 to bring handlers' reports of carryover in line with the requirements of order administration.

19. Revise the provisions of § 1003.64 to eliminate unnecessary reports with respect to the disposition of restricted dates and provide for disposition reports for other marketable, substandard, and cull dates.

20. Delete from § 1003.72 the sentence establishing the assessment rate for the initial crop year (1955-56).

21. Revise the provisions of § 1003.74 to provide a more appropriate formula for determining handlers' shares of excess assessment funds.

22. Add a general provision with respect to compliance.

23. Make such other changes in the marketing agreement and order as are necessary to make the entire marketing agreement and order conform with any amendment which may result from these proceedings.

Findings and conclusions. The findings and conclusions on the material issues, based upon the evidence adduced at the hearing and the record thereof, are as follows:

1. Section 1003.4 of the order now defines "area of production" as consisting of Los Angeles and Riverside Counties located within the State of California. According to the decision (20 F. R. 4301) issued with respect to the promulgation of the order, while practically all California dates are produced in Riverside County, large volumes of such dates are moved to nearby Los Angeles County where they are processed and packed, and sold through handlers located there. There is no commercial date production in Los Angeles County. Los Angeles County was included in the "area of production" so as to cover the processing facilities located there and utilized in preparing the dates for market. In this connection, §§ 1003.9, 1003.41 (b) and 1003.51 of the date order, and as such sections are proposed to be amended, contain provisions which distinguish between the movement of dates within the "area of production" and the shipment of dates from the area to points outside. Under marketing order programs of this type, regulation is usually such as to permit the commodity to move within the production area from growers to handlers, and among handlers, with a minimum of restriction, primarily prior to and for the purpose of, its preparation for market. Such relative freedom from regulation is necessary because the more significant regulations are designed to be applicable to the commodity after it is prepared for market. Ascertaining compliance with these regulations could become unduly burdensome, if not impossible, if the commodity were allowed to move for such purposes to points outside the production area entirely free from the regulation.

As shown by the record of the hearing on the proposed amendment of the order, one date handler has packing (processing) facilities in Orange County, which adjoins the present "area of production"; and some of the handlers who have packing plants in the "area of production" have date storage facilities located in that part of San Bernardino County west of 116 degrees W. longitude, which also adjoins the area. Dates are not produced commercially in Orange County or the part of San Bernardino County that is west of 116 degrees W. longitude. The movement of dates within the entire area to or from these plants or facilities is not different from the movement within the present "area of production" to or from similar facilities. There appears to be no reason why the program requirements and regulations should not apply to dates received at the former facilities in the same manner as the dates processed or packed, or stored, in the present area of production.

Another compliance problem, that could be minimized by enlarging the present area of production, results from the fact that the two Counties (Riverside and Los Angeles) comprising the present area of production are not contiguous, i. e., they are separated by small portions of Orange County and the indicated part of San Bernardino County. In order to unite the area, and have the same regulations apply to the dates received at the packing (processing) or storage facilities located immediately outside of the present area of production in the same manner as those dates received at the facilities within the present area, § 1003.4 should be amended by adding to the present area of production all of Orange County and that part of San Bernardino County lying west of 116 degrees W. longitude. Such enlargement would result in an undivided area to which the order as proposed to be amended could be applied more effectively and with less burden on handlers in carrying out the declared policy of the act. The new area thus would become the smallest regional production area which is practicable consistently with carrying out the declared policy of the act. Since essentially no new date production or methods of marketing would be involved, the terms applicable to the present area would also be applicable to the enlarged area.

The counties comprising the area of production are specified in present § 1003.17 relating to the terms "part" and "subpart." Such section should be revised to conform to the proposed revision of § 1003.4.

2. Section 1003.9 should be amended to clearly exclude from the definition of "handle" the movement of dates by a handler to storage for his account when such storage is within the area of production. It is common practice for date handlers in California to store large quantities of dates for their account within the area of production as now defined, and the immediately adjacent area which is proposed to be included in the area of production (issue 1). In some instances the facilities for storing the dates may be separated by varying distances from the handler's plant. In other instances handlers have storage facilities which are connected with or adjacent to the packing plant. In the latter instance, the movement of dates to such storage would not be considered an act of handling. It is unnecessary to differentiate between the movement of dates to storage by handlers in either instance provided such movement is for the handler's account and the storage is within the area of production. If any such movement of dates is considered as handling, assessments would have to be paid and grade, size, and volume regulations, including "withholding" would have to be observed prior to such movement. This would be an unnecessary burden on handlers. Therefore, the movement of dates to such storage should be excluded from the definition of "handle".

3. In the present provisions of § 1003.11, the term "trade demand" is defined in terms of the quantity of marketable dates which the trade will acquire from all handlers during the crop year. Under the current interpretation of the provisions of § 1003.12, and as such provisions are proposed to be amended, the definition of the term "marketable dates" is such that the minimum requirements for marketable dates may be below those of the dates which the trade will acquire. Hence, it would be incorrect to construe trade demand in terms of marketable dates. In recommending the free and restricted percentages for any crop year, the committee bases such percentages on the aggregate quantity of whole dates and pitted dates which can be disposed of in the free market. Regulations under the marketing program should be designed to provide the trade with the required quantity of dates of acceptable quality. Therefore, § 1003.11 should be amended so as to define the term "trade demand" in terms of the aggregate quantity of whole dates and pitted dates which will be acquired by the trade.

4. Section 1003.12, which defines marketable dates, is now interpreted to mean that marketable dates are those whole or pitted dates meeting the requirements of § 1003.39, namely, those which are certified as equal to or higher than U. S. Grade C of the effective United States Standards for Grades of Processed Dates. As hereinafter indicated, it is intended and proposed (issue 8) that dates for further processing (i. e., those meeting U. S. Grade C (Dry) as defined in such United States Standards) be covered in § 1003.39 and be included in marketable dates. It is provided in § 1003.45 that only marketable dates may become restricted dates so that the minimum requirements for marketable dates and restricted dates are the same.

Under § 1003.40 as proposed to be amended, size regulations, as well as grade regulations in addition to those contained in § 1003.39, could be established for any variety of restricted dates. Therefore, in order to establish the meaning of marketable dates more specifically and in conformity with other proposals, § 1003.12 should be amended to redefine the term "marketable dates" to mean those whole or pitted dates which are certified as equal to or higher than the applicable minimum grade then in effect pursuant to § 1003.39 and any additional, applicable requirements, pursuant to § 1003.40, which may then be in effect for restricted dates.

5. In the notice of hearing it was proposed that a new § 1003.15 be added which would define substandard dates as those dates which are not marketable dates. Section 1003.56 as proposed to be amended would limit the disposition of substandard and cull dates to products not destined for human consumption as food except that, in years when no additional requirements have been established for restricted dates pursuant to § 1003.40, substandard dates, but not cull dates, may be disposed of in such products destined for human consumption as food as may be approved by the Secretary upon recommendation of the committee. Hence, it is necessary that substandard dates be distinguished from cull dates which would never be used in products for human consumption. Therefore, substandard dates should be defined as dates which fail to meet the requirements for marketable dates but are not cull dates.

The term "cull dates" should be defined to permit a clear definition of substandard dates. The date industry in California generally considers as culls those dates which fail to meet the requirements, with respect to freedom from defects, prescribed in § 798 of the Agricultural Code of California. Such requirements as so prescribed are applicable to dates for use in products or by-products other than alcohol, brandy, and products not intended for human consumption. Thus, dates which fail to meet such requirements may be used only in alcohol, brandy, and products which are not intended for human consumption. Therefore, the term "cull dates" should be so defined.

6. Since the term "graded dates" is used in the order and in proposals included in the notice of hearing, it was proposed at the hearing that the term be defined. It is a common practice for handlers to have dates cleaned, and sorted (graded) and then later, which may be at the time of handling or disposition, have them inspected and certified. Handlers usually are aware, prior to the inspection, that these dates would meet the requirements under the program for marketable dates (which include dry dates for further processing) or perhaps the requirements for dates that may be handled if any needed moisture were added. As the term "graded dates" is used in the proposed order, it is sufficient that graded dates refer to dates which are eligible for certification as marketable dates. Therefore, the order should be amended by adding a provision so to define the term "graded dates."

7. The provisions of § 1003.21 of the order relating to the establishment of the Date Administrative Committee should be amended to require that the committee shall be composed of seven members with an alternate for each such member, provided that the number of members and alternates may be changed consistent with findings made pursuant to § 1003.22.

Under the current provisions of the order, the Date Administrative Committee consists of seven members with an alternate for each member. Members and alternates are selected by the Secretary as follows:

(a) One to represent handlers each of whom produced not less than 40 percent of the volume he handled.

(b) One to represent cooperative handlers.

(c) Two to represent handlers not included in (a) or (b) above.

(d) One to represent producers who are members of a cooperative marketing association.

(e) Two to represent producers who are not members of a cooperative marketing association. The foregoing representation was based on each handler member representing approximately 25 percent of the tonnage handled and each producer member representing approximately one-third of the total number of commercial producers. Provision is made for the Secretary to realign the representation whenever he finds that changes in tonnage handled or producer membership in cooperatives are such as to warrant a realignment.

Since the effective date of the order in 1955, the tonnages of dates handled by the respective groups have changed substantially so that for the 1957–58 season the handlers in group (a) had handled well under 25 percent of the total, and handlers in group (b) had handled slightly more than those in group (c). A problem arose as to whether group (b) should be given another representative on the committee and if so, from which other handler group should the representative be taken. Since group (a) has only one member, to take a representative from it would leave that group with none. The difference in tonnage handled between groups (b) and (c) was not sufficient to indicate clearly that a representative should be taken from group (c) and given to group (b). To resolve this situation and provide each segment of the date industry having common interest, with representation in proportion to tonnage produced or handled, § 1003.22 should be amended to provide that members and alternate members shall, until such time as a realignment of the committee membership is effected, be selected by the Secretary from each of the following groups and on the following basis:

(a) One member from handlers, each of whom produced during the then current crop year to February 28 at least 51 percent of all of the dates handled by him during such period, and producers, each of whom delivered during the then current crop year to February 28 at least 50 percent of his deliveries to such handlers;

(b) Three members from cooperative marketing associations of whom one shall be an employee and serve as a handler member of the committee, and two shall be from among the producer members of such associations; and

(c) Three members from all other handlers and producers, of whom two shall be handler members selected from among such other handlers and one shall be a producer member selected from among such other producers.

The producer-handlers in proposed group (a) and the cooperative marketing associations in proposed group (b) have interests both as handlers and as producers. The handler and the producer representations, therefore, should properly be grouped together in each case. The remaining handlers and the remaining producers in proposed group (c) have some interests in common in that the former handle the dates of the latter and, therefore, these handlers and producers should be grouped together for purposes of overall representation.

In order to be included in proposed group (a), a handler should produce at least 51 percent of all of the dates he handles to insure that his interest is primarily that of a producer, and thus provide a definite line of demarcation between such handlers and those in proposed group (c).

To insure that the committee is fully aware of the problems of producers and handlers at all times, producers themselves and handlers themselves should actually serve as members of the committee rather than people who might be hired to so serve. However, in the case of handlers, their employees who are engaged, in the business of the handler, in handling dates should be eligible to serve. In the case of producers who are not actual persons, such as corporations, their employees who have responsible positions in the production of dates should be eligible to serve.

It should be set forth in § 1003.22 that the proposed representation is based on each member representing approximately 14.28 percent of the tonnage handled. The basic percentage of 14.28 percent for a member results from a seven member committee and represents one-seventh of the total tonnage handled. Also, provisions should be included for the Secretary to change the number of representatives for a group whenever he finds that any change in tonnage handled in any group is equivalent to more than one-half (i. e., 7.14 percent) of the basic percentage (i. e., 14.28 percent) for a member. In this way, a procedure would be provided for maintaining the same proportional representation when significant changes warrant realignment of committee membership and representation.

Applying the foregoing procedure, any group which has handled an amount which exceeds 21.42 percent (i. e., 7.14 percent plus the basic percentage for one member) of the total quantity of dates handled would be entitled to two members. When such amount exceeds 35.70 percent (i. e., 7.14 percent plus the basic percentage for two members) of the total, the group would be entitled to representation by three members. Likewise, if any group exceeds 49.98 percent of the total, it would be entitled to representation by four members. Similarly, if the quantity of dates handled by any group should decrease, the number of members to which it is entitled would be determined correspondingly but in an inverse manner. However, each group should be entitled to at least one member and one alternate even if the quantity handled should fall below one-half of the basic percentage of 14.28 percent of the total quantity handled. This is necessary to prevent a group from being without representation.

Any increase or decrease in the representation of a particular group should not be dependent upon a change in membership representation of any other group. This follows from the operation of the formula.

In order to have a fixed formula, and retain the same basic relation, the 14.28 percent as a guide for making changes should continue to be applicable, even though the committee membership may be changed from the initial seven members from which the 14.28 percent results.

In order that representation and any changes in representation reflect current relationships, data with respect to production, deliveries, and handlings should be for the then current crop year through February 28. The quantity certified for handling or further processing should be the basis for any realignment of the membership representation.

As stated above, the committee as proposed would consist initially of three producer representatives, three handler representatives, and one representative for producer-handlers and those producers delivering to such handlers. Such balance between producers and handlers is essentially the same as under current provisions of the order and has worked out well during the years the order has been in effect. Except for group (a), any change in the nomination and selection of members for any group should be made so as to keep producer members and handler members in balance insofar as possible.

Under the current provisions of § 1003.23, members and alternates serve for two-year terms. The terms of approximately one-half of the members and alternates expire each year. Since the representation for any group may be changed from year to year, the Secretary could be faced with the problem of having to determine, in case of a decrease, which of the positions of two members, one having a year to serve, and one whose term was expiring that particular year, should be abolished. Therefore, in order to prevent this problem from arising, the provisions of § 1003.23 should be amended to provide that the term of office for members and alternate members shall be one year ending on May 14 but each such member and alternate shall continue to serve until his successor has been selected and has qualified. By having the term of office commence on May 15, instead of April 15 as at present, the nomination meetings may be held later and ample time allowed for compiling the necessary current data.

The provisions with respect to the nomination of initial members in § 1003.24 should be deleted since they are no longer applicable.

In order to permit ample time for the compilation of the required data which would cover the then current crop year through February 28, the provisions of § 1003.23 should be amended to provide for nomination meetings to be held on or before April 15, rather than on or before March 15.

Since it is proposed to joint producer-handlers with producers delivering dates to them in the nomination of a member and alternate in proposed group (a) there would be no satisfactory common denominator for weighting the vote of any such person. Therefore, each such producer-handler and each such producer should be entitled to one vote for each position to be filled, and no one's vote should be weighted by the tonnage of dates handled or produced. However, in the nomination meetings the vote of each cooperative marketing association in proposed group (b) and each handler in proposed group (c) should be weighted by the tonnage of dates acquired by each from producers and certified, for handling or further processing, through February 28 of the then current crop year. There are only two such cooperatives and if the votes are not weighted, it is possible that no nominations would result from a meeting. Such weighting of the votes of the handlers in proposed group (c) is the same as at present for such handlers.

It was proposed at the hearing that the vote of each producer in proposed group (c) be weighted by his production. These are independent producers and they would vote in separate meetings from the handlers in the same group. However, it is not the practice under marketing orders to weight producers' votes in nomination meetings. The proposal, therefore, is denied. It is concluded that each such producer shall be entitled to one vote for each position to be filled.

The terms "cooperative handlers" and "cooperative marketing association" are used in the current provisions of the order in connection with the committee. The former term, reflecting the handler aspect of the association, is presently defined in § 1003.16 as meaning any handler which is a cooperative marketing association of growers organized under the laws of the State of California. The latter term has been used with reference to the producer aspect of the association. As the order is proposed to be amended, the term "cooperative handler" would be deleted while the term "cooperative marketing association" would remain in the order but reflect both the handler and producer aspects of the association. As previously stated, three members of the committee would be selected from cooperative marketing associations; and of these members one would be a handler member of the committee and two would be producer members of the committee. In view of the proposed changes with respect to such terms, § 1003.16 should be revised so that it defines the term "cooperative marketing association." Such term should continue to mean any cooperative marketing association of date growers organized under the laws of the State of California.

Under the current provisions of § 1003.31, at least five affirmative votes are required for all decisions of the seven member committee, and the presence of five members are required to constitute a quorum. Since it is proposed to amend § 1003.22 whereby the size of the committee may change, § 1003.31 should be amended to require that all decisions of the committee shall be by an affirmative vote of at least two-thirds of the committee, and that two-thirds of the members be present in order to constitute a quorum. The two-thirds requirement would make no change in the present requirements as long as there is a committee of seven.

8. Under the current provisions of § 1003.39, U. S. Grade C (as such grade is defined in the current United States Standards for Grades of Dates, § 52.1001 et seq. of this title) is established as the minimum standard of quality for whole dates and pitted dates handled under the program. As provided in § 1003.41 (b), dates for further processing (i. e., dry dates which have been graded and which require the addition of moisture) may be shipped if they have been inspected and certified as being equal to the minimum grade standards except for character associated with moisture. U. S. Grade C (Dry) was included in said United States Standards as a grade for dry dates for further processing subsequent to the effective date of the order in 1955. The requirements of U. S. Grade C (Dry) are the same as those of U. S. Grade C except for factors associated with moisture. Since U. S. Grade C (Dry) provides a specific minimum standard for dates for further processing, and its requirements are the same as those of the order for such dates, the provisions of § 1003.39 should be amended by specifying therein that all whole and pitted dates handled under the order, as proposed to be amended, shall meet the requirements of U. S. Grade C or, if for further processing, U. S. Grade C (Dry), of the effective United States Standards for Grades of Dates: *Provided*, That the Secretary may, upon recommendation of the committee, prescribe other minimum standards of quality. Since U. S. Grade C and U. S. Grade C (Dry) have to do with minimum quality, the prescribing of any other minimum standard of quality would, in effect, be replacing the existing minimum standards.

The provisions of § 1003.39 should be amended to make it clear that the committee's giving, or failure to give, notice to all handlers of record of the effective minimum standard regulation shall not affect or change the effective time, of such regulations or any obligations to comply with such regulations.

9. Under the current provisions of § 1003.40, the committee may recommend, and the Secretary may establish,

grade regulations to govern shipments of any variety of dates, in addition to those regulations provided by the minimum standards prescribed in § 1003.39. Known outlets for marketable dates have been and are likely to continue for some time to be insufficient to absorb all of the dates available under the minimum standards of quality. If elimination of any dates is necessary it should be of the lower grades or less desirable sizes, or both; thereby placing in trade channels or products only the higher valued dates with consequent better returns to growers.

In order to provide further assurance that, when dates are to be so eliminated from the outlets for marketable dates, only dates of the poor qualities will be diverted, the provisions of § 1003.40 should be amended to authorize (a) additional grade regulation for restricted dates, as well as for dates that may be handled, and (b) size regulation for restricted dates and for dates that may be handled. With respect to both grade regulation and size regulation, it is intended that the regulations may differ for restricted dates and for dates that may be handled.

The current United States Standards for Grades of Dates require only that the dates be uniform in size. The record of the hearing shows that, with some exceptions, the smaller the date the lower is its quality. Hence, by size regulation, dates of the poorer qualities would, in the main, be removed from the supply of available dates; thus upgrading the remainder and providing opportunity for increased growers' returns from the outlets for marketable dates. It was testified that size is more readily ascertained than some of the quality factors of grade, and that it provides a uniform yardstick for inspection purposes.

According to the record, in some years the entire date crop may be on the small side, and some of the small dates that ripen late in the season may be of good quality. Hence, in some seasons it would be desirable to permit smaller sizes of dates to be included with the marketable dates. Some of these small dates of good quality could be used in specialty outlets and under size regulations, it may be necessary to exempt them pursuant to § 1003.52. As is now the case under the order, before establishing any additional regulation, the Secretary would need to find that such regulation would tend to effectuate the declared policy of the act.

10. Inasmuch as the proposed amendment to § 1003.40 would authorize the establishment of size regulations, it is also proposed that § 1003.41 (a) be amended to require inspection of dates prior to handling to determine if they meet the then current size regulation as well as grade regulation. Therefore, § 1003.41 (a) should be amended to provide for the inspection of dates as to their size.

It was proposed at the hearing that § 1003.41 (a) should be further amended to specify that when dates packed for handling are inspected and meet the effective regulations they should at that time be certified for handling. It was testified that handlers normally have dates certified for handling at the time such dates are inspected because in most cases, shipment is made soon after the inspection. Moreover, at the time when dates are certified for handling, assessments under the order are paid and the required withholding of restricted dates under volume regulations is observed. It was also testified that the committee could foresee no problem that may arise in the future if the requirement as to certification at the time of inspection is set forth in the provisions of the order. Therefore, § 1003.41 (a) should also be amended to provide that when dates packed for handling are inspected and meet the effective regulations they shall be certified for handling.

11. The present provisions of § 1003.41 (b) provide that prior to shipment each handler shall, at his own expense, cause an inspection and certification to be made that dates handled for further processing are equal to the minimum grade standard except for character associated with moisture. Since § 1003.40 provides for the establishment of standards other than those prescribed in § 1003.39, it is not clear from the language of § 1003.41 (b) as to the minimum requirements such dates shall meet. Therefore, for clarification, § 1003.41 (b) should be amended to provide that prior to handling any dates for further processing each handler shall, at his expense, cause: (a) an inspection to be made to ascertain if such dates meet the applicable grade and size requirements effective pursuant to § 1003.39 or § 1003.40, except for character associated with moisture; and (b) a certification for further processing to be made of all such dates as meet such grade and size requirements.

Section 1003.41 (b) also provides that such inspection and certification requirements shall not apply to interhandler transfers of field-run dates within the area of production. It was testified that handlers also transfer graded dates to other handlers within the production area and that such transfers are essential to their operations. It is not necessary that either field-run or graded dates be inspected and certified when such transfer is wholly within the area of production because the receiving handler normally would obtain inspection and certification prior to the final shipment of such dates. Therefore, § 1003.41 (b) should also be amended to exempt from the inspection and certification requirements interhandler transfers, within the area of production, of graded dates as well as field-run dates.

12. The current provisions of the first sentence of § 1003.45 (a) provide that whenever volume regulation has been established for a crop year pursuant to § 1003.44, each handler, before or upon shipping dates, shall have withheld from shipment a quantity of marketable dates, or their equivalent in graded dates, having a weight equal to the restricted percentage referable to such shipment. Under the current provisions of § 1003.45 (c) dates may be certified for handling or for further processing at any time during the crop year, at which time the assessment requirements provided in § 1003.72 and such withholding obligation shall be met. Under these provisions, the practice has been for handlers to pay their assessments and meet their withholding obligations at the time of having dates so certified for handling or for further processing. As indicated in the record of the hearing, it was believed a handler's obligation under §1003.45 (a) does not become firm until shipment is made. Moreover, it was believed that a handler would be entitled to an adjustment in assessments which he had previously paid at the time of certification and in the withholding obligation he had met, in the event he had more dates certified than he actually handled. However, under order operations up to the date of the hearing, no such adjustment had been requested or made.

In order to make the provisions of the order conform with practice, § 1003.45 (a) should be revised to provide that under volume regulation each handler shall, at the time of having dates of any variety certified for handling or for further processing, withhold from shipment a quantity of marketable dates of the same variety having a weight equal to the restricted percentage referable to the quantity of dates so certified. The practice of handlers meeting their withholding and assessment obligations at the time of certification facilitates compliance because a handler's obligation can be determined as soon as the inspection is completed and the certification is available to the committee, which is shortly after inspection. If the obligations were met only at the time of shipment or other disposition, it would be necessary for handlers to file with the committee reports of shipments and other dispositions more frequently than the monthly reports they now file.

As discussed below under issue 13, it is proposed to permit handlers to defer the meeting of, but not to meet, their withholding obligation by setting aside graded dates; and therefore, the phrase "or their equivalent in graded dates" included in the current provisions of § 1003.45 (a) should be deleted therefrom.

Handlers generally do not go to the expense of preparing dates and having them certified unless they have good reason for expecting to ship them. However, it is possible that a handler may not have available markets for all of such certified dates, or certified dates could thereafter become damaged or unsuitable for shipment. To take care of eventualities with respect to any excess of certified dates, a handler who has had more dates certified for handling or further processing than he subsequently shipped or otherwise handled should be permitted upon request to the committee and with its approval to have any of the excess quantity of such dates removed from certification and his withholding and assessment obligations adjusted in conformity therewith. Section 1003.45 (c) should, therefore, be amended accordingly.

Section 1003.45 (c) should be amended also to make it clear that the certification of dates for handling or further processing means the certification of dates provided in § 1003.41.

13. (a) As set forth in the notice of hearing, it was proposed to amend § 1003.45 so that a handler may (1) pledge graded dates or field-run dates with the committee in deferment of his restricted obligation, and (2) meet his restricted obligation by disposing of field-run dates in cull outlets. A substitute proposal was presented at the hearing under which dates would not be pledged with the committee but a handler would be permitted to set aside and hold graded dates or field-run dates subject to surveillance or control by the committee as a basis for a deferment in meeting a withholding obligation. As indicated in the record of the hearing, the setting aside of a quantity of field-run or graded dates which contain the required weight of marketable dates would insure that dates were available to meet the withholding obligation. The record also discloses that whether such setting aside of dates is treated as a deferment, an exception to § 1003.45 (a), or otherwise is immaterial so long as handlers are afforded an opportunity to use graded dates or field-run dates, in connection with withholding obligations.

Complete inspection by the inspection agency of graded dates which could be set aside under the substitute proposal would not occur at the time they are set aside. Moreover, until such time as the graded dates are inspected and certified as marketable dates, the extent of the handler's satisfaction of his restricted obligation would not be known. Hence, a handler's setting aside of graded dates should properly be considered as a deferment in meeting his obligation to withhold marketable dates from handling, rather than as a means of satisfying a withholding obligation.

However, with respect to the setting aside of field-run dates, the substitute proposal contemplates inspection of the dates by the inspection agency at the time they are set aside to determine the proportion of the field-run dates which would be eligible for certification as marketable dates. The quantity of such marketable dates being set aside in field-run dates (and thus withheld from handling) could thus be determined from an appropriate inspection certificate and credited against the handler's restricted obligation at that time. Therefore, the setting aside of such inspected, field-run dates should be treated as a special procedure by which a handler may meet his obligation to withhold restricted dates. Such procedure is closely related to the proposal to permit handlers to meet their restricted obligations by disposing of field-run dates in cull outlets and the two should be considered together, as hereinafter discussed.

(b) With respect to the setting aside of graded dates, the provisions of § 1003.45 should be amended so as to enable a handler, with the approval of the committee and in accordance with any rules and regulations which the committee may prescribe with the approval of the Secretary, to defer until any date not later than July 31 of the crop year his meeting of a withholding obligation. Such deferment should be accomplished by the handler setting aside and holding such quantity of graded dates as will assure at the time of actual satisfaction of the withholding obligation a weight of marketable dates withheld from handling equal to that required to be withheld in order to meet the withholding obligation. The dates thus physically set aside would be removed from the market for free dates during the period of the deferment. Also, this mode of operation in meeting a withholding obligation would permit deferment without the handler incurring the cost of any bond; and as discussed in the next paragraph, could eliminate or reduce dual inspections.

Under the provisions of § 1003.45, dates withheld to meet the restricted obligation must be inspected. In most instances in the past when these dates were diverted or otherwise disposed of in the authorized outlets for restricted dates, another inspection and a certification, which are not required under the order, were obtained to insure that the dates were of the grade required by the outlet. Under the proposal to permit a handler to set aside graded dates in deferment of his meeting a restricted obligation, an inspection would not, as a general rule, be required at the time the dates are set aside. Thus, handlers would, in the main, be relieved of having one inspection.

It would be the responsibility of the handler who is afforded the privilege of setting aside graded dates under the deferment plan that the dates meet the requirements for marketable dates. However, in view of its responsibility in administering the program, the committee would, of course, need to assure itself that any such dates proposed to be, or which have been, set aside are, in fact, graded dates as such are proposed to be defined. Therefore, it should be provided that, if the committee has reason to believe any such dates do not meet such requirements, it shall require that the handler have an inspection of the dates at his expense as a condition to the deferment.

The period of any deferment by setting aside graded dates should not extend beyond July 31, which is the end of the crop year. Since diversions and other dispositions of restricted dates usually continue during June and July, it would be desirable that such deferments be permitted to continue through July so that disposition of such dates and termination of the deferment may coincide and one inspection serve for both.

As a condition to the committee approving the deferment, and to permit the committee to determine at any time whether the terms of the deferment are not being complied with, the handler who applies for any such deferment should be required to agree in writing that: (1) He will appropriately mark the set-aside, graded dates as such and hold them separate and apart from other dates; (2) the graded dates will not be removed from the stacks in which they are set aside without prior written permission from the committee; (3) any inspection of the dates by the committee will be permitted at any reasonable time; and (4) if the quantity, quality, or size of the set-aside dates is found by the committee at any time to be deficient, he will promptly set aside such additional or other quantity as is necessary to correct the deficiency.

(c) Under the present provisions of the order, any restricted dates which cannot be disposed of in product form would, with few exceptions, need to be disposed of in outlets prescribed for cull dates. Although the markets for date products are being expanded, it is likely in some crop years handlers will be unable to dispose of all of their restricted dates in product outlets. A handler incurs considerable expense in grading field-run dates in order that they meet the requirements for marketable dates. Moreover, during the first part of the crop year such grading competes for the handler's time and facilities with his processing and handling of free dates. Obviously, it is unnecessary that dates be graded when they are disposed of in cull outlets. Since cull outlets are noncompetitive with outlets for free dates, the disposition in cull outlets of marketable dates that are contained in field-run dates would conform with the diversion from the free market when any free and restricted percentages are established. Therefore, the provisions of § 1003.45 should be further amended so that a handler on request to the committee and with its approval may meet any of his restricted obligations by disposing of appropriate quantities of eligible (as explained in the next paragraph) field-run dates in cull outlets prescribed in § 1003.56 as proposed to be amended, or by withholding the necessary quantities of such field-run dates from handling.

According to the record of the hearing, field-run dates should contain at least 70 or 80 percent marketable dates in order to be eligible to be used by handlers in meeting their withholding obligations. Such a requirement, or a similar requirement with respect to the minimum quality of the dates, is necessary to prevent handlers from meeting their withholding obligations with field-run dates of a quality or a size such that they normally would dispose of such dates in cull outlets. If handlers used field-run dates of any quality in meeting their withholding obligations, there may be, in effect, no restriction in the quantity of dates handled, thus tending to defeat volume regulation. Therefore, the amendment should include provision for requiring that field-run dates which handlers may use in meeting their restricted obligations (by disposing of them in cull outlets or withholding them from handling) shall contain a minimum percentage of marketable dates or otherwise meet minimum standards of quality or size. Since such a minimum percentage or standards would need to be changed from time to time, depending on the general quality of the particular date crop and economic conditions, the specific minimum percentage or standards of quality or size should be specified in rules and regulations prescribed by the committee with the approval of the Secretary. Since the United States Standards for Grades of Dates are not applicable to field-run dates in all respects, the

committee would need to prescribe with the approval of the Secretary, minimum standards of quality or size for the inspection of field-run dates. Such rules and regulations and minimum standards should be prescribed and in effect before the committee grants permission to a handler to use field-run dates to meet his withholding obligation.

Upon such disposal of eligible field-run dates, or withholding such dates from handling, the handler should be credited with satisfaction of his restricted obligation to the extent of that proportion of the eligible field-run dates that meets the applicable minimum grade and size requirements for marketable dates. Prior to such disposal, or withholding from handling, the handler should, at his expense, have the field-run dates inspected; and that portion of such dates meeting the applicable minimum grade and size requirements for marketable dates should be determined pursuant to such inspection. The inspection would be the only inspection required and is necessary in order to determine the proportion of the eligible field-run dates that constitutes marketable dates. In any event, under the order all restricted dates have to be inspected in connection with handlers' meeting their withholding obligations.

In permitting the handler to so satisfy his withholding obligation, the committee should require the handler to agree in writing, as a condition for the committee's granting the permission, that: (a) Any such field-run dates set aside will be held separate and apart from other dates and appropriately marked; (b) such dates will not be removed from the stacks in which so set aside for substitution of other dates, disposition or for any other reason without prior written permission of the committee; and (c) inspection of such dates by the committee will be permitted at any reasonable time. Such an agreement is necessary so that the committee may ascertain whether the provisions of § 1003.45 (a) are being complied with. It should be specified in the order that, in order to satisfy a withholding obligation by direct disposal of field-run dates into cull outlets, the disposal shall be under the supervision of the committee and through persons on a committee approved list of feeders and manufacturers. This follows from the committee's responsibilities in the administration of the program and the requirements of the order with respect to the disposition of cull dates. It should also be specified in the order that any handler who sets aside field-run dates to meet his withholding obligation may, upon giving notice to the committee of any of the following proposed actions and obtaining its approval, (1) dispose of any such set-aside, field-run dates in the same manner as provided for direct disposal, (2) grade such dates and have the graded dates certified as marketable dates and withhold or dispose of the marketable dates as restricted dates, or (3) substitute for the set-aside, field-run dates an equivalent quantity of marketable dates which he shall withhold or dispose of as restricted dates. These actions by the handler follow from or are indicated by, the provisions of the order, as proposed to be amended, with respect to withholding restricted dates from handling.

The handler's privilege of meeting any of his restricted obligation for a particular crop year by withholding from handling, or disposing of field-run dates in cull outlets, should not extend beyond the crop year (July 31). While any grading of the set-aside, field-run dates is likely to be accomplished by March 31, there is no reason for having the privilege of setting aside, or disposal in cull outlets, of field-run dates terminate earlier than July 31. As a necessary incident to its administration of the order, the committee should prescribe rules and regulations, with the approval of the Secretary, covering operation of this phase of the program. Among other operations, the inspection, disposition, and satisfaction of a handler's restricted obligation, should be pursuant to such rules and regulations.

14. Data presented at the hearing shows that dates were packed in more than 22 different packages of varying sizes and capacities during the 1956–57 crop year. Some of the containers differ in size from the next larger containers by a few ounces, and in a few cases by less than an ounce. It was testified that from an industry standpoint, the practice of packing dates in such an array of container sizes has caused packing costs to be increased through the necessity of purchasing additional equipment and packing materials and by time lost in changing packing lines to accommodate different package sizes; also, that the existence of such an array of package sizes causes confusion in marketing with respect to pricing and, at times, misunderstanding on part of the trade. As an example of the latter, the industry as a whole might be packing and selling a 12-ounce package, which is a size of package widely used at present, and some person could offer a 11½ or 11-ounce package at a little lower price. While the person offering the lighter package might specify the weight in his offer, the lighter weight probably would not be specified when information concerning the offer is passed among buyers and sellers. Thus, the trade could be confused as to the prices at which dates are being offered and this would not promote orderly marketing. By having uniformity as to the weights of the consumer packages, proponents believe less confusion would exist in the minds both of the trade and the consumer.

The record also indicates that the consumer could be assured more acceptable dates through the use of containers or packages which provide better sanitation or cause the dates to keep better.

At this time the committee does not have all of the necessary information to make decisions as to any container regulation, but needed information may be obtained in the operation of the program. To provide authority in the order to correct problems such as those indicated in the foregoing discussion of this issue, the order should be amended to provide that whenever the committee deems it advisable to establish a container regulation for any variety of dates, it shall recommend to the Secretary the size, capacity, weight, or pack of the container or containers, which may be used in the handling or packaging of dates, or both. It should be provided that if the Secretary should find upon the basis of such recommendation or other information available to him that such container regulation would tend to effectuate the declared policy of the act, he shall establish such regulation. Notice of the container regulation and of its effective date should be sent by the committee to all handlers of record, as is the case with other regulations under the order. Such notice to handlers would usually precede the effective date of a regulation and thereby afford handlers maximum time to prepare therefor and adjust their operations accordingly. According to the record of the hearing, any such regulation should be applicable to all types of date containers, including bags, and container size should be measured by weight of the contents and not by shape or dimension of the container. With research to provide a proper basis for decisions, container regulations could result in increased returns to producers.

There was considerable testimony at the hearing also to the effect: (a) Dates are more of a specialty item than some of the fruits and vegetables which are generally presented to the consumer more or less in bulk; (b) the date industry has a difficult task in trying to sell all of the tonnage it produces, and has to do that through the designing and promoting packs that the consumer will accept; (c) there have to be changes in style, changes in weights, and changes in the type of package to creat or stimulate interest on the part of the consumer; and (d) exemptions pursuant to § 1003.52 would need to be granted for specialty packs, including, but not limited to, those for sale direct to consumers, for mail order, and to certain department stores. Witnesses testifying were almost unanimous in believing that appropriate container regulations could contribute to the solution of industry problems; and authority for establishing such regulations should be contained in the order.

15. The provisions of § 1003.51 relating to interhandler transfers of dates should be amended by removing therefrom the requirements that handlers give notice to, and obtain the permission of, the committee before transferring dates to another handler. In lieu of the deleted provisions, a reporting requirement should be included.

In past operations, the committee has found that the advance notice requirements are unnecessary for effective operation of the program and that removal of these requirements would simplify administration. However, it is necessary that the committee's records pertaining to the respective holdings of dates by handlers accurately reflect the actual holdings of each handler. This could be accomplished by simply requiring each handler who transfers any such dates to another handler to report to the committee the necessary identifying

information upon the completion of the transfer.

16. (a) Sections 1003.55 and 1003.56 presently and as proposed to be amended, prescribe outlets for the disposition of dates other than free dates. It is, of course, intended that the disposition by any person of such dates be limited to the prescribed outlets. In order to clarify the limitations on the disposition, including use, of such dates, a new section (§ 1003.54) should be added to the order which would prescribe that, except as provided in § 1003.55 and § 1003.56, dates other than free dates shall not be used or disposed of.

(b) This marketing program contemplates that a handler will dispose of all of his marketable dates (inspected and certified as such) other than free dates in specified outlets. It appears from the evidence that the present provisions of § 1003.55 do not clearly reflect this situation. A handler who has marketable dates which he does not use to meet any restricted obligation should be afforded an opportunity to dispose of such dates in the outlets prescribed for restricted dates. Since restricted dates may, pursuant to § 1003.55, be diverted or otherwise disposed of for use as human food and must be inspected and certified as meeting the requirements for marketable dates, it is consistent to require that other dates which may be disposed of the same as restricted dates also must be inspected and certified as meeting the requirements for marketable dates. This would preclude substandard and cull dates from being disposed of in such outlets. It is intended, of course, that no provisions should preclude any restricted dates or other dates inspected and certified as marketable dates from being disposed of in the prescribed outlets for substandard dates and cull dates in accordance with the requirements for such outlets.

(c) Whenever any additional grade or size regulation has been established for restricted dates pursuant to § 1003.40, as proposed to be amended (issue 9), it would be inconsistent to permit the disposition of substandard dates (as such term is proposed to be defined) in restricted outlets; and such substandard dates should be limited to feed, nontable syrup, alcohol or brandy outlets or such other outlets for non-human food products as the committee concludes are non-competitive with the outlets for free and restricted dates. Maceration is one of the outlets prescribed in § 1003.55 for restricted dates and is the only human food outlet now prescribed in § 1003.56 for substandard dates. Therefore, in order to accomplish the indicated limitation as to the outlets for substandard dates, § 1003.56 should be amended by deleting the word "macerated".

As discussed under issue 9, additional grade or size regulation for restricted dates would be established only when the quantity of restricted dates is expected to exceed the demand for dates in the outlets prescribed in § 1003.55 for such dates. The outlets for restricted dates are certain export outlets and the production of human food products. Under such additional regulations, the sale of substandard dates for maceration would tend to pull down the average price received by growers for all restricted dates sold in authorized outlets. The exclusion of substandard dates from maceration outlets would not preclude the disposition of such dates in the authorized cull outlets.

However, in crop years when supplies are such that no additional requirements pursuant to § 1003.40 are established for restricted dates producer returns may be increased by permitting the disposition of substandard dates in outlets such as that of macerated dates. The committee, should, of course, be aware of the appropriate outlets which could result in growers getting increased returns by the use of substandard dates to such outlets; and its recommendation as to the particular outlets should be furnished the Secretary for his consideration and approval. Accordingly, § 1003.56 should be further amended to provide that, in such years, substandard dates may be disposed of by use in such products destined for human consumption as may be approved by the Secretary upon recommendation of the committee. In such case, and to insure that the dates are edible and not culls, all such dates for disposition in human food products should be inspected and certified prior to disposition to assure that the dates qualify as substandard dates.

The current provisions of § 1003.56 limit the disposition of cull dates to products not destined for human consumption as food. Since the proposed deletion of "maceration" from the prescribed outlets for substandard dates would leave only products which are not destined for human consumption as food, the amendment should provide for the disposition of substandard dates and cull dates in the same outlets and without inspection, except that at any time when the disposition of substandard dates is permitted in human food outlets as indicated in the preceding paragraph, any dates for use in such outlets shall be inspected and certified as substandard or better dates.

(d) The order should be amended by adding a new § 1003.57 (and renumbering existing § 1003.57 as § 1003.58) requiring that any diversion pursuant to § 1003.55 or § 1003.56 of restricted dates, other marketable dates, substandard dates or cull dates may be accomplished only by manufacturers or feeders (which may include handlers) approved by the committee. Since some of these persons may not be handlers, such requirement is needed to provide the necessary controls to insure that the dates to be diverted are actually diverted as prescribed and do not enter unauthorized channels. The approval of such manufacturers or feeders by the committee should be in accordance with such rules, regulations and safeguards as may be prescribed by the committee pursuant to § 1003.58 of the order (to be renumbered as § 1003.59), especially since the exercise of such approval or disapproval would, in effect, be one of the safeguards against unauthorized disposition.

The new section should include a provision that, in order to become an approved manufacturer or feeder, any person shall submit an application to the committee in which he agrees, as a condition to approval, to furnish to the committee such information as it may require and to comply with all program requirements and restrictions relative to the use and disposition of such dates.

The committee needs to obtain information from approved manufacturers, concerning diversion of dates, for use in determining marketing policy and otherwise doing necessary planning in the administration of the program. Information as to the demand for date products is important in establishing free and restricted percentages. Since substantial industry effort is being made to develop new outlets for date products, it is essential that the committee be informed as to the progress that is made in all approved outlets and the quantity of dates needed in such outlets.

17. It is proposed that the present § 1003.57 be renumbered as § 1003.58 and amended to provide that by September 30 of the subsequent crop year all dates covered by § 1003.55 and § 1003.56 shall, in accordance with such section: (a) Be converted from their whole or pitted form, or otherwise disposed of; or (b) set aside and marked for disposition pursuant to the applicable requirements of such sections. In addition, the committee should prescribe with the approval of the Secretary, such rules and regulations as are needed to assure the disposition of such dates.

Present § 1003.57 provides that dates covered by §§ 1003.55 and 1003.56 shall be converted from their whole or pitted form or sold under firm contracts to manufacturers of approved products by September 30 of the subsequent crop year. According to the record of the hearing, a number of date handlers have the necessary facilities in which to manufacture approved products from the dates covered by § 1003.55 and § 1003.56. These handlers are, in fact, also manufacturers of date products, and they have avoided difficulty in complying with the provision of present § 1003.57 by selling such dates under firm contracts to their manufacturing operations. However, other date handlers who do not carry on date manufacturing operations have found it difficult to comply with the provisions of such section. Although at the present time the outlets for date products are being expanded, such outlets are not able to use all of the dates available for the manufacture of date products.

It was testified that since, in general, almost all dates covered by §§ 1003.55 and 1003.56 are converted from their whole or pitted from within a year from the time they are produced, it would be an unnecessary burden to require handlers to dispose of, or contract for the disposal of, dates covered by such sections into approved outlets by September 30. Rather, handlers should, by September 30 of the subsequent crop year, set aside and mark for disposition in the prescribed outlets any such dates then on hand. In this way, all handlers should have no difficulty in complying with the disposition requirements; and the set-aside should keep such dates out of the usual channels of trade for packed dates.

Therefore, § 1003.57 should be amended accordingly.

18. The provisions relating to "Report of handler carry-over" (§ 1003.61) should be amended by listing two new dates and deleting the May 15 date for handler carry-over reports. The three expressed dates should be January 1, June 1, and August 1.

Section 1003.61 now provides, among other things, that handler carry-over reports shall be as of January 1 and May 15 of each crop year. The purpose of the May 15 date was to provide carry-over information early enough for the committee to use such information as a basis for developing its marketing policy for the subsequent crop year. However, in practice the marketing policy meeting has never been held prior to the middle of June. Further, handlers have at times found it difficult to report actual carry-over information as of the middle of a month because records are kept on a calendar month basis. The proposed June 1 date would recognize this record keeping practice and provide ample time for the committee to correlate the carry-over data so reported to it with other information prior to the marketing policy meeting.

In past program operations, the committee obtained from handlers on a voluntary basis, their carry-over information as of August 1—the beginning of the crop year. This information has been used by the committee in determining whether its previously recommended marketing policy for such crop year should be modified and in developing the marketing policy for the subsequent crop year. The August 1 carry-over report, therefore, is of significant value for the committee and should be expressly required.

19. The provisions of § 1003.64 should be amended by deleting therefrom paragraph (a) which requires handlers to notify the committee of their intentions to dispose of restricted dates prior to making such dispositions and by revising paragraph (b) so that the reports required upon completion of disposition cover all dates for which disposition is prescribed in §§ 1003.55 and 1003.56. Such dates, include, in addition to restricted dates (for which the report is now required), other marketable dates, substandard dates and cull dates. According to the record of the hearing, requiring handlers to report their intention to dispose of restricted dates prior to making such disposition serves no useful purpose inasmuch as all such dates are disposed of only to manufacturers which are approved by the committee. The revision of paragraph (b) so as to specify all of the dates for which disposition is prescribed in §§ 1003.55 and 1003.56 is necessary to make it clear that the reports cover all dates for which outlets are prescribed pursuant to such sections.

Pursuant to other provisions of the order, handlers now submit reports of dispositions of substandard dates and cull dates on a monthly basis. By requiring handlers to report such dispositions promptly following completion of the individual disposition, the committee will be aided in determining if such dispositions were proper and actually made as reported.

20. The provisions of § 1003.72, which relates to assessments, should be amended by deleting therefrom that sentence which established the rate of accessment for the initial crop year. Inasmuch as the initial crop year was 1955–56 that sentence is no longer applicable.

21. Section 1003.74, which relates to refunds of excess assessments paid by handlers should be amended to provide that a handler's share of the excess funds shall be the amount of assessments he paid in excess of his actual pro rata share of the committee's expenses. The present provisions of § 1003.74 provide that a handler be refunded or credited with his share of such excess funds on the basis of the ratio of the total amount paid by him to the total amount paid by all handlers. Under such language it would appear that if a handler should pay only part of his total assessments, or less than his pro rata share of committee expenses, he would nevertheless be entitled to receive a refund or credit. In such an event, those handlers who had paid the full amount of their assessments would then receive smaller refunds or credits than they would have received if all handlers had been refunded or credited the respective amounts they had paid in excess of their pro rata shares of the committee's expenses. Under the proposal, the matter of refunds or credits would be clarified and each handler would receive that part of the excess to which he is entitled.

22. The various provisions of the order (as proposed to be amended) prescribe or provide for, grade, size, and volume regulations, and the use or other disposition of restricted dates and other dates which are not certified for handling or further processing. It is, of course, intended that handlers will comply with all such regulations, and use or dispose of the restricted dates and such other dates only in authorized outlets. Therefore, it would be appropriate that a new section (§ 1003.76) be added to the order reflecting this matter of compliance. Such section should provide that no handler shall handle dates (including dates for further processing) except in conformity with, and as authorized by, or pursuant to, the applicable provisions of the part, including but not limited to the regulations relating to grade, size, and volume; and no handler shall use or otherwise dispose of restricted dates or any other dates which have not been certified for handling or for further processing, except in conformity with, and as authorized by, or pursuant to, the applicable provisions of the part.

23. As proposed in the notice of hearing and testified at the hearing, changes should be made in such other provisions of the order as are necessary to make such other provisions conform with any amendment which may result from this proceeding. The making of such changes is, of course, desirable. The proposed amendment of § 1003.40 (issue 9) would provide for the establishment of size regulations. In the proposed amendment of § 1003.45 (issue 12) the word "handling" rather than "shipping" would be used, and following the words "[illegible] for handling" the words "or for further processing" would be inserted. While the changes in connection with the word "handle," or its various forms, are themselves to some extent changes to bring about conformity to existing provisions of the order, nevertheless other changes should be made in the order to conform the provisions to all of such revisions, as follows: (a) Insert in § 1003.34 (a) after the word "grades", the words "and size"; (b) insert in § 1003.34 (e) after the word "grade", the words "and size"; change the word "shipped" to "handled" wherever such word appears in §§ 1003.41 (c) and 1003.44 (b); and (d) insert "or for further processing" immediately after the words "handled or certified for handling" wherever such words appear in §§ 1003.46, 1003.50, 1003.72 and 1003.73.

Ruling on proposed findings and conclusions. The period during which interested parties might file briefs with the Hearing Clerk of the Department with respect to testimony presented at the hearing and the conclusions to be drawn therefrom expired on April 24, 1958. No briefs were filed.

General findings. (1) The marketing agreement and order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement and order, as hereby proposed to be amended, regulate the handling of domestic dates (produced or packed in the Counties of Riverside, Orange and Los Angeles, and that portion of San Bernardino County lying west of 116 degrees W. longitude, located within the State of California) in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement and order, as hereby proposed to be amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of dates in the area of production covered by the marketing agreement and order, as hereby proposed to be amended, which would require different terms applicable to different parts of such area; and

(5) All handling of dates produced or packed in the area of production, as hereby proposed to be amended, is either in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Revise the provisions of § 1003.4 to read as follows:

§ 1003.4 *Area of production.* "Area of production" means the Counties of Riverside, Orange and Los Angeles, and that portion of San Bernardino County lying west of 116 degrees W. longitude, located within the State of California."

2. Insert in § 1003.9, between the words "production" and "shall", the phrase "or the movement of dates by a handler to storage for his account within the area of production".

3. Delete from § 1003.11 the words "the quantity of marketable" and insert, in lieu thereof, the words "the aggregate quantity of whole dates and pitted".

4. Delete from § 1003.12 the phrase, "minimum grade permitted to be handled by the regulations imposed by this part", and insert, in lieu thereof, the phrase, "applicable minimum grade then in effect pursuant to § 1003.39 and any additional, applicable requirements, pursuant to § 1003.40, which may then be in effect for restricted dates."

5. Add a new § 1003.15 as follows:

§ 1003.15 *Substandard dates.* "Substandard dates" means those dates which fail to meet the requirements for marketable dates but are not cull dates.

6. Add a new § 1003.16 as follows:

§ 1003.16 *Cull dates.* "Cull dates" means dates which fail to meet the requirements (with respect to freedom from defects) prescribed in section 798 of the Agricultural Code of California for dates for use in products or by-products other than alcohol, brandy, and products not intended for human consumption.

7. Add a new § 1003.17 as follows:

§ 1003.17 *Graded dates.* "Graded dates" means those dates which are eligible for certification as marketable dates.

8. Renumber present § 1003.15 as § 1003.18.

9. Renumber present § 1003.16 as § 1003.19 and revise its provisions to read as follows:

§ 1003.19 *Cooperative marketing association.* "Cooperative marketing association" means a cooperative marketing association of date growers organized under the laws of the State of California.

10. Renumber § 1003.17 as § 1003.20 and amend said section by deleting "and Riverside Counties of California", and inserting in lieu thereof, ", Riverside and Orange Counties, and that portion of San Bernardino County lying west of 116 degrees W. longitude located within the State of California".

11. Delete §§ 1003.21, 1003.22, 1003.23 and 1003.24, and insert, in lieu thereof, the following:

§ 1003.21 *Establishment of Date Administrative Committee.* A Date Administrative Committee, composed of seven members with an alternate member for each such member, is hereby established to administer the terms and conditions of this part: *Provided*, That the number of members and alternates may be changed consistent with findings made pursuant to § 1003.22 (b).

§ 1003.22 *Membership representation.* (a) Members and alternate members shall, until such time as a realignment of the committee membership is effected pursuant to paragraph (b) of this section, be selected by the Secretary from each of the following groups and on the following basis:

(1) One member from handlers, each of whom produced during the then current crop year to February 28 at least 51 percent of all of the dates handled by him during such period, and producers, each of whom delivered to such handlers during the then current crop year to February 28 at least 50 percent of his deliveries to all handlers during such period;

(2) Three members from cooperative marketing associations of whom one shall be an employee and serve as a handler member of the committee, and two shall be from among the producer members of such associations;

(3) Three members from all other handlers and producers of whom two shall be handler members selected from among such other handlers, and one shall be a producer member selected from among such other producers.

The foregoing representation is based on each member representing approximately 14.28 percent of date tonnage handled.

(b) Whenever the Secretary finds that any change in tonnage handled in any group is equivalent to more than one-half of the basic 14.28 percent for a member, he shall so notify the committee and thereafter nominations and selections of members and alternates in that group shall be in such numbers and follow such alignment as the Secretary may determine: *Provided*, That each group shall be entitled to at least one member and alternate. Any such realignment shall be based on the tonnage of dates acquired from producers and certified for handling or further processing during the then current crop year to February 28. Any increase or decrease in the number of members representing a particular group shall not be dependent upon a change in membership representation of any other group nor shall any increase or decrease in the total number of members on the committee change the basic percentage herein established for tonnage representation for members. Except for group (a), any change in the nomination and selection of members for any group shall be made so as to keep producer members and handler members in balance insofar as possible.

§ 1003.23 *Term of office.* The term of office for members and alternate members shall be one year ending on May 14 but each such member and alternate member shall continue to serve until his successor has been selected and has qualified.

§ 1003.24 *Nominations.* (a) Each group specified in § 1003.22 may nominate, at a nomination meeting or meetings held on or before April 15 of each year, members and alternates to represent the group. With respect to the group specified in § 1003.22 (c), separate meetings of handlers and of producers shall be held to nominate the handler representatives and producer representatives, respectively.

(b) At any meeting of the group specified in § 1003.22 (a), each producer and each producer-handler shall be entitled to one vote for each position to be filled. At the respective meetings of the cooperative marketing associations in the group specified in § 1003.22 (b), and of the handlers in the group specified in § 1003.22 (c), each such association and each such handler shall be entitled to vote for each position to be filled as a representative for the particular group; and each such vote shall be weighted by the tonnage of dates acquired from producers and certified, for handling or for further processing, through February 28 of the then current crop year. At any meeting of the producers in the group specified in § 1003.22 (c), each such producer shall be entitled to one vote for each position to be filled. The individual receiving the highest number of votes for a position shall be the nominee. Immediately after the completion of the meetings covered by this section, the committee shall report to the Secretary the nominees for each position together with a certificate of all necessary tonnage data and other information deemed by the committee to be pertinent or which is requested by the Secretary. The Secretary shall select, in his discretion, members and alternates from such nominees or from other qualified persons; but any such selection shall be from the groups, and on the basis, prescribed in § 1003.22. However, the Secretary shall allow a reasonable time for nominations to be received before proceeding with any selection without regard to nominations.

12. Delete from § 1003.31 the second and third sentences and insert, in lieu thereof, the following two sentences: "All decisions of the committee shall be by an affirmative vote of at least two-thirds (in case of fractional numbers, rounded to the nearest whole number) of the members of the committee. The presence of two-thirds, determined in the same way, of the members of the committee shall be required to constitute a quorum."

13. Amend § 1003.34 (a) to read as follows:

(a) Its estimate of the total date production separated as to marketable dates and dates of other grades and, when applicable, sizes, which will be produced in such crop year;

14. Amend § 1003.34 (e) by inserting the words "and size" after the word "grade".

15. Delete from § 1003.39 the first sentence and insert, in lieu thereof, the following sentence: "In order to effectuate the declared policy of the act all whole dates and pitted dates handled under this subpart shall meet the requirements of U. S. Grade C, or, if for further processing, U. S. Grade C (Dry), of the effective United States Standards for Grades of Dates: *Provided*, That the Secretary may, upon recommendation of the committee, prescribe other minimum standards of quality."

16. Delete from § 1003.39 the last sentence and insert, in lieu thereof, the fol-

lowing two sentences: "Notice of the minimum standard regulation shall be sent by the committee to all handlers of record. On and after the effective date of such regulations no handler shall handle dates except in accordance with such minimum standard."

17. Delete § 1003.40 and insert, in lieu thereof, the following:

§ 1003.40 *Additional grade or size regulations.* Whenever the committee deems it advisable to establish grade or size requirements for any variety of dates, in addition to the minimum standard provided pursuant to § 1003.39, to govern dates of such variety to be handled or to be withheld to meet restricted obligation, or both, it shall recommend to the Secretary requirements as to grade based on the effective United States Standards for Grades of Dates or any modification thereof, and such size requirements as it may deem appropriate. If the Secretary finds, upon the basis of such recommendation or other information available to him, that such additional grade or size regulation, or both such regulations, will tend to effectuate the declared policy of the act, he shall establish such regulations. Notice thereof, showing the effective date, shall be sent by the committee to all handlers of record. On and after the effective date no handler shall handle dates of such variety or withhold such dates to meet withholding obligation except in accordance with such regulations.

18. Amend § 1003.41 in the following respects: (1) Revise § 1003.41 (a) and (b) to read as follows:

§ 1003.41 *Inspection*—(a) *Packed dates.* Prior to handling any dates packed for handling each handler shall, at his own expense, cause: (1) An inspection to be made of such dates in order to ascertain if such dates meet the applicable grade and size regulations prescribed or provided for in this part; and (2) a certification for handling to be made of all such dates as meet such grade and size regulations.

(b) *Dates for further processing.* Prior to handling any dates for further processing each handler shall, at his own expense, cause: (1) An inspection to be made to ascertain if such dates meet the applicable grade and size requirements effective pursuant to § 1003.39 or § 1003.40, except for character associated with moisture; and (2) a certification for further processing to be made of all such dates as meet such grade and size requirements: *Provided,* That such inspection and certification requirements shall not apply to interhandler transfers within the area of production of field-run dates or graded dates.

(2) Change in the first sentence of § 1003.41 (a), the word "shipped" to the word "handled".

19. Change in § 1003.44 (b) the word "shipped" to "handled".

20. Delete § 1003.45 (a) and insert, in lieu thereof, the following:

(a) Whenever free and restricted percentages for any variety of dates have been established for a crop year by the Secretary in accordance with § 1003.44, each handler shall, at the time of having dates of such variety certified for handling or for further processing, withhold from handling a quantity of marketable dates of such variety having a weight equal to the restricted percentage for such variety referable to the dates so certified. The weight required to be withheld shall be determined by dividing the restricted percentage by the free percentage and applying the resultant withholding percentage, rounded to the nearest one-tenth of one percent, to the weight of dates so certified. The withholding percentage, computed as aforesaid, shall be established by the Secretary. When pitted dates are certified, the weight to be withheld shall be determined by dividing the weight of the pitted dates certified for handling or further processing by 0.90 and applying the withholding percentage.

21. Delete § 1003.45 (c) and insert, in lieu thereof, the following:

(c) At any time during the crop year dates may be inspected and certified for handling or for further processing as provided in § 1003.41. Dates so certified shall, at the time of certification, be identified by appropriate seals, stamps, or tags to be furnished by the committee and to be affixed to the containers by the handler under the direction and supervision of the committee or its designated inspectors. The assessment requirements in § 1003.72 as well as the withholding obligation prescribed in paragraph (a) of this section shall be met at the time of certification. However, a handler who has had more dates certified for handling or further processing than he subsequently shipped or otherwise handled may, upon request to the committee and with its approval, have any of such excess quantity of the certified dates removed from certification and his withholding and assessment obligations adjusted accordingly. A handler who has had dates certified for handling or further processing and has not had them removed from certification, may carry such certified dates over into the new crop year and need not pay the assessment nor meet the requirements of any withholding percentages established for such year.

22. Insert after § 1003.45 (d) new paragraphs (e) and (f) as follows:

(e) On request to the committee and with its approval, a handler may, in accordance with the provision of this paragraph and any applicable rules and regulations which the committee may prescribe with the approval of the Secretary, defer until any date not later than July 31 of the crop year the meeting of any portion of his obligation to withhold restricted dates by setting aside such amount of graded dates as will assure a quantity of marketable dates equal at least to the quantity needed to be withheld from handling to meet his withholding obligation. With respect to any such dates the handler may set aside in connection with such a deferment, the committee may require, if it deems it necessary, the handler to have made, at his own expense, such inspection as may be necessary for a determination as to whether such dates conform to the applicable requirements for dates that may be set aside under this paragraph. As a condition to the committee approving the deferment, the handler shall agree in writing that: (1) He will adequately mark and identify the set-aside graded dates as such and hold them separate and apart from other dates; (2) the graded dates will not be removed from the stacks in which so set aside without the prior written permission of the committee; (3) inspection of the dates by the committee will be permitted at any reasonable time; and (4) if the quantity, quality, or size of the set-aside dates is found by the committee at any time to be deficient, the handler will promptly set aside such additional or substitute quantity of graded dates as is necessary to correct the deficiency.

(f) Upon the committee prescribing, with the approval of the Secretary, minimum standards for inspection of field-run dates and appropriate administrative rules and regulations, a handler may, in accordance therewith and the provisions of this paragraph, satisfy all or any part of his obligation to withhold restricted dates by setting aside field-run dates or by disposing of field-run dates in outlets prescribed in, or pursuant to, § 1003.56. The field-run dates shall be of such quality or size as shall be prescribed in such rules and regulations. The setting aside, direct disposal, and disposal of any field-run dates set aside shall occur prior to July 31 of the crop year in which the withholding obligation occurs. Prior to the disposal or setting aside of the field-run dates, the handler shall have had them inspected to determine the weight of dates eligible to satisfy withholding obligation. Upon such disposal or setting aside of the field-run dates, the handler shall be credited with satisfaction of his restricted obligation to the extent of the eligible weight of dates. In permitting the handler to so satisfy his withholding obligation the committee shall require the handler to agree in writing that: (1) Any field-run dates set aside will be held separate and apart from other dates and appropriately marked; (2) such dates will not be removed from the stacks in which so set aside for substitution of other dates, disposition, or for any other reason without prior written permission of the committee; and (3) inspection of said dates by the committee will be permitted at any reasonable time. In order to satisfy a withholding obligation by direct disposal of field-run dates into cull outlets, the disposal shall be under the supervision of the committee and through persons on a committee approved list of feeders and manufacturers. The handler may, upon giving prior notice to the committee of any of the following proposed actions with respect to field-run dates withheld and obtaining its approval, (i) dispose of any such set-aside field-run dates in the same manner as provided for direct disposal (ii) grade such dates and have the graded dates certified as marketable dates and withhold or dispose of such marketable dates

as restricted dates, or (iii) substitute for the set-aside, field-run dates an equivalent quantity of marketable dates which he shall withhold or dispose of as restricted dates.

23. Add a new § 1003.48 as follows:

§ 1003.48 *Container regulation.* Whenever the committee deems it advisable to establish a container regulation for any variety of dates, it shall recommend to the Secretary the size, capacity, weight, or pack of the container, or containers, which may be used in the handling or packaging of dates, or both. If the Secretary finds upon the basis of such recommendation or other information available to him that such container regulation would tend to effectuate the declared policy of the act he shall establish such regulation and notice thereof showing the effective date shall be sent by the committee to all handlers of record. After the effective date of such regulation, no handler shall handle dates of such variety except in accordance with such regulation and all other applicable requirements in effect pursuant to this part.

24. Delete from § 1003.51 the first sentence and insert, in lieu thereof, the following: "Transfers of dates may be made from one handler to another, and each handler who so transfers any such dates shall immediately upon the completion of the particular transfer notify the committee of the transfer, specifying the date of the transfer, the quantity and variety of dates involved, and the name of the receiving handler."

§ 1003.54 *Disposition of other than free dates.* Dates other than free dates shall not be used or otherwise disposed of except as provided in §§ 1003.55 and 1003.56.

26. Delete §§ 1003.55, 1003.56, and 1003.57 and insert, in lieu thereof, the following:

§ 1003.55 *Outlets for restricted and other marketable dates.* Restricted dates may be disposed of only through exportation to such countries as the committee may approve or by diversion in such form as rings, chunks, pieces, butter, macerated, or paste, or any other products which the committee concludes to be appropriate and which will result in the dates moving into consumption in a form other than that of whole dates or pitted dates. Dates other than restricted dates may also be so disposed of if they are inspected and certified as meeting the requirements for marketable dates. However, the provisions of this section shall not preclude any such dates from being disposed of in the outlets for substandard dates and cull dates prescribed in § 1003.56.

§ 1003.56 *Outlets for substandard and cull dates.* Substandard dates and cull dates may be disposed of without inspection, but only in feed, non-table syrup, alcohol, or brandy outlets, or in such other outlets for non-human food products as the committee concludes are non-competitive with the outlets for free and restricted dates: *Provided*, That in crop years when no additional requirements have been established for restricted dates of a particular variety pursuant to § 1003.40, substandard dates of that variety which have been inspected and certified as such may also be disposed of by diversion into such products for human consumption as may be approved by the Secretary upon recommendation of the committee.

§ 1003.57 *Approved manufacturers or feeders for diversion of restricted, other marketable, substandard, and cull dates.* (a) Diversion, pursuant to § 1003.55 or § 1003.56, of restricted dates, other marketable dates, substandard dates, or cull dates shall be accomplished only by such persons (which may include handlers) as are approved manufacturers or feeders. Any person may become an approved manufacturer or feeder if he (1) submits an application to the committee in which he agrees, as a condition to approval of his application, to furnish to the committee such information as it may require and to comply with the requirements and restrictions relative to the use and disposition of such dates, as set forth in this part, and (2) receives from the committee written approval of his application. The application and approval shall be in accordance with such rules, regulations and safeguards as may be prescribed pursuant to § 1003.59.

§ 1003.58 *Terminal dates.* Dates covered by §§ 1003.55 and 1003.56 shall, by September 30 of the subsequent crop year (a) in accordance with the applicable requirements of such sections, be disposed of, or be converted from their whole or pitted form; or (b) be set aside and marked for disposition pursuant to the applicable requirements of such sections. The committee may prescribe, with the approval of the Secretary, such rules, regulations and safeguards, pursuant to § 1003.59, as may be necessary to prevent dates covered by §§ 1003.55 and 1003.56 from interfering with the objectives of this part.

27. Renumber existing § 1003.58 as § 1003.59.

28. Amend § 1003.61 to read as follows:

§ 1003.61 *Reports of handler carry-over.* Each handler shall file each year with the committee written reports of his carry-over of dates as of January 1, June 1, and August 1, and at such other times as the committee may prescribe. Such reports shall be filed within 15 days of the respective dates.

29. Amend § 1003.64 to read as follows:

§ 1003.64 *Reports on disposition of restricted, other marketable, substandard and cull dates.* Each handler disposing of any quantity of restricted dates or other marketable dates, substandard dates, or cull dates for which disposition is prescribed in §§ 1003.55 and 1003.56 shall promptly thereafter report such disposition to the committee in such form as the committee may prescribe.

30. Delete from § 1003.72 the fourth sentence.

31. Amend § 1003.74 to read as follows:

§ 1003.74 *Refunds.* Excess funds held by the committee at the conclusion of a crop year may be used to defray expenses for no more than the ensuing four months and thereafter, within a reasonable time, the committee shall credit or, upon demand, refund the aforesaid excess to handlers who contributed to such excess. A handler's share of the excess funds shall be the amount of assessments he paid in excess of his actual pro rata share of the expenses of the committee.

32. Add a new § 1003.76 as follows:

§ 1003.76 *Compliance.* No handler shall handle any dates (including dates for further processing) except in conformity with, and as authorized by or pursuant to, the applicable provisions of this part, including but not being limited to the regulations relating to grade, size, and volume; and no handler shall use or otherwise dispose of restricted dates or any other dates which have not been certified for handling or for further processing except in conformity with, and as authorized by or pursuant to, the applicable provisions of this part.

33. Insert "or for further processing" immediately after the words "handled or certified for handling" wherever such words appear in §§ 1003.46, 1003.50, 1003.72 and 1003.73.

Dated: July 11, 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-5446; Filed, July 16, 1958; 8:45 a. m.]

[7 CFR Part 1020]

HANDLING OF APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1958-59 FISCAL YEAR

Consideration is being given to the following proposals by the Washington Apricot Marketing Committee established under the marketing agreement and Order No. 120 (7 CFR Part 1020; 22 F. R. 3514) regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $10,306 will be necessarily incurred by said committee during the fiscal period (April 1, 1958, through March 31, 1959), for its maintenance and functioning under the aforesaid marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles apricots shall pay during such fiscal period in accordance with the aforesaid marketing agreement and order, the rate of assessment of $1.50 per ton of apricots so handled by such handler during such fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should

file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than the 7th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 11, 1958.

[SEAL] FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5467; Filed, July 16, 1958; 8:49 a. m.]

[7 CFR Part 1022]

HANDLING OF SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1958-59 FISCAL YEAR

Consideration is being given to the following proposals by the Washington Cherry Marketing Committee established under the marketing agreement and Order No. 122 (7 CFR Part 1022; 22 F. R. 3835) regulating the handling of sweet cherries grown in Designated Counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $10,340.00 will be necessarily incurred by said committee during the fiscal period (April 1, 1958, through March 31, 1959) for its maintenance and functioning under the aforesaid marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles cherries shall pay during such fiscal period in accordance with the aforesaid marketing agreement and order, the rate of assessment of $1.50 per ton of cherries so handled by such handler during such fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than the 7th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 11, 1958.

[SEAL] FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5468; Filed, July 16, 1958; 8:50 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-168]

GENERAL POLICY AND INTERPRETATIONS

NONACCEPTABILITY OF RATE FILINGS BASED UPON STATE-PRESCRIBED MINIMUM PRICES

ORDER FIXING DATE OF ORAL ARGUMENT

JULY 11, 1958.

By notice of proposed rulemaking issued April 28, 1958, in docket No. R-168, published in the FEDERAL REGISTER on May 2, 1958 (23 F. R. 2973), the Commission proposed to take certain actions with respect to certain rate filings based upon State-prescribed minimum prices.

Interested persons were advised that they could submit data, views, and comments in writing concerning these proposals not later than May 27. On or before that date, the Commission received such views and comments, together with several requests for opportunity to present the views orally with respect to the proposed actions.

The Commission finds: It is reasonable and appropriate for the purposes of the administration of the Natural Gas Act and for carrying out the provisions thereunder that interested persons be afforded an opportunity to present their views orally with respect to the proposals as hereinafter ordered.

The Commission orders:

(A) Oral argument in the above-entitled matter be had before the Commission on July 29, 1958, commencing at 10:00 a. m., e. d. s. t., in the Hearing Room of the Commission, 441 G Street NW., Washington, D. C., for the purpose of affording interested persons an opportunity to present their views orally with respect to the proposed action by the Commission as set forth in the notice of April 28.

(B) On or before July 25, 1958, interested persons intending to participate in the oral argument shall advise the Secretary of such intention and shall state the amount of time they wish to have allotted to them for such purpose.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5459; Filed, July 16, 1958; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 9, 1958.

The Bureau of Reclamation has filed an application, Serial No. Idaho 09230, for the withdrawal of the lands described below, from all forms of appropriation under the Public Land Laws but not from the mining and mineral leasing laws subject to prior approval of the Bureau of Reclamation. The applicant desires the land for enlarging Little Wood River Reservoir.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 1 N., R. 20 E.,
Sec. 13; NW¼SE¼.

This area includes 40 acres located north of Carey in Blaine County, Idaho.

DONALD I. BAILEY,
Acting State Supervisor.

[F. R. Doc. 58-5450; Filed, July 16, 1958; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 9, 1958.

The City of Sandpoint, Idaho has filed an application, Serial No. Idaho 09191, for the withdrawal of the lands described below, from all forms of appropriation under the Public Land Laws, including the general mining laws and mineral leasing laws. The applicant desires the land for preservation and protection of the city water shed and water supply.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 57 N., R. 2 W.,
Sec. 4; Lots 1, 6, 7, SW¼NE¼, S½NW¼;
Sec. 6; Lot 8.

This area includes 300.67 acres located in Bonner County, Idaho.

DONALD I. BAILEY,
Acting State Supervisor.

[F. R. Doc. 58-5451; Filed, July 16, 1958; 8:46 a. m.]

[Misc. 1084; 2082358]

ALASKA

REVOCATION OF ORDERS OPENING LANDS UNDER THE FOREST HOMESTEAD ACT

JULY 11, 1958.

Upon request of the Department of Agriculture, and pursuant to the authority delegated by Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

Subject to valid existing rights, the orders of August 10, 1948 and April 18, 1949, opening lands in the Tongass National Forest for entry under the Act of June 11, 1906 (34 Stat. 233; 16 U. S. C. 506-509) as amended, are hereby revoked so far as they affect the lands hereafter described:

a. List No. 10-11:

Land: A tract of 69.81 acres, described by metes and bounds, located on the north bank of Anchor Slough, a part of Chickamin River, approximate latitude 55°49' N., longitude 130°54'30" W.

b. List No. 10-12:

Land: A tract of 125.61 acres, described by metes and bounds, located on the north bank of Anchor Slough, a part of Chickamin River, approximate latitude 55°50'00" N., longitude 130°55'00" W.

c. List No. 10-13:

Land: A tract of 99.79 acres, described by metes and bounds, located on the south bank of Anchor Slough, and on an island between Anchor Slough and the main Chickamin River, approximate latitude 55°50' N., longitude 130°55' W.

d. List No. 10-14:

Land: A tract of 129.83 acres, described by metes and bounds, located on the shore of an unnamed island between Anchor Slough and Chickamin River, approximate latitude 55°50' N., longitude 130°55' W.

e. List No. 10-15:

Land: A tract of 126.68 acres, described by metes and bounds, located on the shore of an unnamed island between Anchor Slough and Chickamin River, approximate latitude 55°50' N., longitude 130°55' W.

f. List No. 10-16:

Land: A tract of 138.75 acres, described by metes and bounds, located on the shore of an unnamed island between Anchor Slough and Chickamin River, approximate latitude 55°50' N., longitude 130°55' W.

g. List No. 10-17:

Land: A tract of 85.94 acres, described by metes and bounds, located on the east shore of an island between Anchor Slough and Chickamin River, approximate latitude 55°50' N., longitude 130°55' W.

EARL J. THOMAS,
Acting Director, Bureau of Land Management.

[F. R. Doc. 58-5452; Filed, July 16, 1958; 8:46 a. m.]

Bureau of Reclamation

JOHN DAY PROJECT, OREGON

ORDER OF REVOCATION

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416), and pursuant to Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental order of March 21, 1917, insofar as said order affects the following-described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order, or affect any other order withdrawing or reserving the land hereinafter described:

WILLAMETTE MERIDIAN

T. 12 S., R. 26 E.,
Sec. 20, SW¼NE¼, SE¼NW¼ and NE¼SW¼;
Sec. 26, SE¼SW¼ and SW¼SE¼;
Sec. 30, NE¼NE¼;
Sec. 34, NE¼SE¼.
T. 13 S., R. 27 E.,
Sec. 5, S½SE¼.

The areas described aggregate 360 acres.

WILLIAM I. PALMER,
Acting Associate Commissioner.

[Oregon 06048]

JULY 11, 1958.

I concur.

The records of the Bureau of Land Management will be noted accordingly.

1. The S½SE¼ of Sec. 5, T. 13 S., R. 27 E., has been patented without a mineral reservation to the United States. The lands in Sec. 20 T. 12 S., R. 26 E., are included in Power Site Reserve No. 65, and those in Secs. 30 and 34 are withdrawn for stock driveway purposes.

2. The lands, which are located 3 to 6 miles west of Dayville, Grant County, Oregon are generally rough and covered by a stand of cheat and bunch grass.

3. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights, the provision of existing withdrawals, and the requirements of applicable law, the vacant public lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on August 16, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 15, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 15, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The restored lands excepting those described in paragraphs 6 and 7 of this order, have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on November 15, 1958.

6. The lands withdrawn for power purposes have been open to location under the United States mining laws pursuant to the provisions of the act of August 11, 1955 (69 Stat. 681; 30 U. S. C. 621).

7. The lands withdrawn for stock driveway purposes have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws and the regulations in 43 CFR 185.35, at 10:00 a. m. on August 16, 1958.

8. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office,

Bureau of Land Management, Portland, Oregon.

EARL J. THOMAS,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 58-5453; Filed, July 16, 1958 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Agricultural Marketing Service

J. R. FAULKNER

NOTICE OF PUBLIC HEARING REGARDIND APPLICATION

Notice is hereby given of a public hearing to be held at Room 404 U. S. Post Office and Courthouse Building, Bull & York Streets, Savannah, Georgia, beginning at 10:00 a. m., e. s. t., on July 23, 1958, upon the application of J. R. Faulkner, T/A 301 Tobacco Warehouse, Sylvania, Georgia, for permissive tobacco inspection and price support services. Such public hearing will be conducted and evidence received pursuant to the concurrent and identical policy statements and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets (23 F. R. 5109, 5112).

Done at Washington, D. C., this 15th day of July 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-5516; Filed, July 16, 1958; 9:04 a. m.]

Office of the Secretary

ILLINOIS

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Illinois a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ILLINOIS

Clark.	Lawrence.
Crawford.	Wabash.
Edwards.	White.
Gallatin.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1959, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 11th day of July 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-5473; Filed, July 16, 1958; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

PACIFIC STRAITS CONFERENCE AND PRINCE LINE, LTD.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement 5680-E, between the member lines of the Pacific/Straits Conference and Prince Line, Limited, covers the admission of that company to associate membership in said conference. As an associate member, Prince Line, Limited, will be obligated to abide by all the rates, rules, regulations and decisions of the conference; will be permitted to participate in conference contracts with shippers; but will have no vote on conference affairs.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 14, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5475; Filed, July 16, 1958; 8:52 a. m.]

H. L. ZIEGLER, INC., AND DUMONT SHIPPING CO., INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8316 between H. L. Ziegler, Inc., Cotton Exchange Building, Houston, Texas, and Dumont Shipping Co., Inc., 11 Broadway, New York 4, New York, is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 14, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5476; Filed, July 16, 1958; 8:52 a. m.]

H. L. ZIEGLER, INC., AND BERRY AND MCCARTHY SHIPPING CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8317 between H. L. Ziegler, Inc., Houston, Texas, and Berry & McCarthy Shipping Co., San Francisco, Calif., is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 14, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5477; Filed, July 16, 1958; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Public Notice PN 12, Amdt. 1]

DELEGATIONS OF FINAL AUTHORITY RELATED TO SUBSTANTIVE PROGRAM MATTERS

The Civil Aeronautics Board hereby amends Public Notice PN 12, dated May 1, 1958,[1] as follows:

1. By amending the entire section 5, *Chief, Office of Carrier Accounts and Statistics* to read as follows:

SEC. 5. *Chief, Office of Carrier Accounts and Statistics.* The Chief, Office of Carrier Accounts and Statistics, is administering the accounting, reporting, and record-keeping requirements of Parts 241, 242, 243, 244, 248, and 249 of the Economic Regulations, is authorized to:

.01 Waive any of the accounting, reporting, and record-keeping requirements, as warranted to meet temporary or local conditions.

.02 Interpret the Board's accounting, reporting, and record-keeping requirements.

.03 Require submission by carriers of special statements necessary to an explanation of any carrier accounting and reporting practice.

.04 Establish detailed standard accounting, reporting, and record-keeping practices required to achieve conformance with policies promulgated by the Board.

.05 Grant or deny individual requests for extension of time for filing reports.

2. By amending subsection 11.01C to read as follows:

C. Chief, Office of Carrier Accounts and Statistics—The authorities recited in section 5, except subsection 5.02.

3. By adding a new section 11.02C1, as follows:

C. By the Chief, Office of Carrier Accounts and Statistics.

1. To the Chief, Regulations and Reports Division—The authority cited in subsection 5.05.

Effective: June 24, 1958.

[SEAL] JOHN B. RUSSELL,
Acting Secretary and Comptroller.

[F. R. Doc. 58-5481; Filed, July 16, 1958; 8:53 a. m.]

[Docket No. 9090]

SHULMAN, INC.; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 28, 1958, at 10:00 a. m., e. d. s. t., in Room 5855, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., July 14, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-5482; Filed, July 16, 1958; 8:54 a. m.]

[Docket Nos. 9703, 9714]

U. S. AIRCOACH AND MELVIN N. CHAPMAN

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of U. S. Aircoach for an exemption (to lease an airplane from a person engaged in a phase of aeronautics) for approval of interlocking relationships, and, in the alternative, for a waiver, Docket No. 9703.

In the matter of the application of Melvin N. Chapman for approval of control under section 408 of the Civil Aeronautics Act of 1938, as amended, Docket No. 9714.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a prehearing conference in the above-entitled proceeding is assigned to be held on July 18, 1958, at 10:00 a. m., e. d. s. t., in Room 1509, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Dated at Washington, D. C., July 14, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-5483; Filed, July 16, 1958; 8:54 a. m.]

[Docket No. 9523]

EASTERN AIR LINES, INC., ET AL.; PUERTO RICO PASSENGER FARES

NOTICE OF PREHEARING CONFERENCE

In the matter of the fares of Eastern Air Lines, Inc.; Pan American World Airways, Inc., and Trans Caribbean Airways, Inc., between San Juan, Puerto Rico, on the one hand, and Miami, Florida, and New York, New York, on the other.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a prehearing conference in the above-entitled proceeding is assigned to be held on July 25, 1958, at 10:00 a. m., e. d. s. t., in Room 1509, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated at Washington, D. C., July 14, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-5484; Filed, July 16, 1958; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12416—12419; FCC 58M-749]

NICK J. CHACONAS ET AL.

ORDER CONTINUING HEARING

In re applications of Nick J. Chaconas, Gaithersburg, Maryland, Docket No. 12416, File No. BP-10996; I. T. Cohen and Anne H. Cohen, d/b as Tri-County Broadcasting Company, Laurel, Maryland, Docket No. 12417, File No. BP-11309; The Eleven Fifty Corp., Capitol Heights, Maryland, Docket No. 12418, File No. BP-11379, TCA Broadcasting Corporation, College Park, Maryland, Docket No. 12419, File No. BP-11741; for construction permits.

The Hearing Examiner having under consideration a Joint Motion for Postponement of Hearing filed by the above-captioned applicants on July 9, 1958, requesting that the hearing now scheduled for July 14, 1958 be continued to September 16, 1958; and

It appearing that the only other party to the proceeding, the Broadcast Bureau, has no objection to the grant of the motion;

It is ordered, This 10th day of July 1958, that the motion is granted and the hearing of July 14 is continued to Tuesday, September 16, 1958; *and it is further ordered,* On the Examiner's own motion, that a prehearing conference will be held on Tuesday, September 2, 1958 at 10 a. m., in the offices of the Commission, Washington, D. C.

Released: July 11, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5488; Filed, July 16, 1958; 8:55 a. m.]

[Docket Nos. 12445—12450; FCC 58M-747]

FLORIDA GULFCOAST BROADCASTERS, INC.

ORDER CONTINUING HEARING ET AL.

In re applications of Florida Gulfcoast Broadcasters, Incorporated, Largo, Florida, Docket No. 12445, File No. BPCT-2371; City of St. Petersburg, Florida (WSUN-TV), St. Petersburg, Florida, Docket No. 12446, File No. BPCT-2373; Suncoast Cities Broadcasting Corporation, St. Petersburg, Florida, Docket No. 12447, File No. BPCT-2389; Tampa Telecasters, Inc., Tampa, Florida, Docket No. 12448, File No. BPCT-2432; WTSP-TV, Inc., St. Petersburg, Florida, Docket No. 12449, File No. BPCT-2437; Bay Area Telecasting Corporation, St. Petersburg, Florida, Docket No. 12450, File No. BPCT-2445; for construction permits for new television broadcast stations (Channel 10).

The Hearing Examiner having under consideration (1) a Joint Petition for Leave to Amend, filed on June 30, 1958, by Bay Area Telecasting Corporation; City of St. Petersburg, Florida (WSUN-TV); Suncoast Cities Broadcasting Corporation; Tampa Telecasters, Inc., and WTSP-TV, Inc.; (2) an Opposition of Florida Gulfcoast Broadcasters, Inc., to Joint Petition for Leave to Amend, filed on July 7, 1958; and (3) a request for oral argument;

It is ordered, This 10th day of July 1958, that oral argument on the Joint Petition for Leave to Amend and the Opposition thereto, is hereby scheduled to be held at 10:00 a. m., July 18, 1958, in the offices of the Commission, Washington, D. C.;

It is further ordered, That the hearing presently scheduled for July 28, 1958, is hereby continued to a date to be set by subsequent order; and

It is further ordered, That a prehearing conference will be held on July 18, 1958, immediately following the oral argument referred to above.

Released: July 11, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5489; Filed, July 16, 1958; 8:55 a. m.]

[Docket Nos. 12501—12508; FCC 58M-752]

COMMUNITY TELECASTING CORP. ET AL.

ORDER SCHEDULING PRE-HEARING CONFERENCE

In re applications of Community Telecasting Corporation, Moline, Illinois,

[1] 23 F. R. 2946.

Docket No. 12501, File No. BPCT-2339; Frederick Epstein, Roy B. Cohen, Burt H. Cohen, Milton H. Cohen and Marvin Borman d/b as KSTT Telecasting Company, Davenport, Iowa, Docket No. 12502, File No. BPCT-2356; Tele-Views News Company, Inc., Moline, Illinois, Docket No. 12503, File No. BPCT-2367; Midland Broadcasting Co., Moline, Illinois, Docket No. 12504, File No. BPCT-2370; Illiway Television, Inc., Moline, Illinois, Docket No. 12505, File No. BPCT-2428; Moline Television Corp., Moline, Illinois, Docket No. 12506, File No. BPCT-2440; Public Service Broadcasting Company, Moline, Illinois, Docket No. 12507, File No. BPCT-2442; Iowa-Illinois Television Co., Moline, Illinois, Docket No. 12508, File No. BPCT-2496; for construction permits for new television broadcast stations.

It is ordered, This 11th day of July 1958, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 a. m., September 11, 1958, in the Commission's offices in Washington, D. C.

Released: July 14, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5490; Filed, July 16, 1958; 8:55 a. m.]

[Docket Nos. 12518, 12519; FCC 58M-751]

CLARION BROADCASTING CO. AND COUNTY BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Victor D. Lindeman, Jr., and Robert Z. Morrison, d/b as Clarion Broadcasting Company, Clarion, Pennsylvania, Docket No. 12518, File No. BP-11332; W. E. Sheridan, Thomas Culbertson, Harriet Hearst, W. C. Hearst, W. J. McKnight III and Punxsutawney Broadcasting Company, d/b as County Broadcasting Company, Clarion, Pennsylvania, Docket No. 12519, File No. BP-11843; for construction permits.

It is ordered, This 11th day of July 1958, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 10, 1958, in Washington, D. C.

Released: July 14, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5491; Filed, July 16, 1958; 8:55 a. m.]

[Docket Nos. 12520—12523; FCC 58M-750]

LEAVENWORTH BROADCASTING CO. (KCLO) ET AL.

ORDER SCHEDULING HEARING

In re applications of George Basil Anderson and Florence L. Anderson, d/b as Leavenworth Broadcasting Company (KCLO), Leavenworth, Kansas, Docket No. 12520, File No. BP-11195; Wichita Beacon Broadcasting Company, Inc. (KWBB), Wichita, Kansas, Docket No. 12521, File No. BP-11207; Willie Ray Harlowe and Carroll C. Lee, d/b as Bowie-Nocona Broadcasting Company, Bowie, Texas, Docket No. 12522, File No. BP-11241; Bert F. Dimock, Jr., and Elmer Covey, d/b as Montague County Broadcasting Company, Bowie, Texas, Docket No. 12523, File No. BP-11890; for construction permits.

It is ordered, This 11th day of July 1958, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 10, 1958, in Washington, D. C.

Released: July 14, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5492; Filed, July 16, 1958; 8:55 a. m.]

[Docket No. 12524]

SAMUEL JAMES ROLEY

ORDER DESIGNATING MATTER FOR HEARING ON STATED ISSUES

In the matter of Samuel James Roley, Beverly Hills, California, suspension of amateur radio operator license (W6VUP).

The Commission having under consideration the request of Samuel James Roley, Beverly Hills, California for a hearing in the above-entitled matter;

It appearing that the said Samuel James Roley, acting in accordance with the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, filed with the Commission within the time provided therefor an application requesting a hearing on the Commission's Order of June 16, 1958, which suspended his Extra Class Amateur Radio Operator License for a period of six months; and

It appearing that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, said licensee is entitled to a hearing in the matter and that, upon the filing of a timely written application therefor, the Commission's Suspension Order is held in abeyance until the conclusion of proceedings in the said hearing;

It is ordered, This 10th day of July 1958, under authority contained in section 303 (m) (2) of the Communications Act of 1934, as amended, and section 0.292 (f) of the Commission's rules, that the matter of the suspension of the Extra Class Amateur Radio Operator License of Samuel James Roley be designated for hearing before a Commission Examiner, at a time and place later to be specified, upon the following issues:

1. To determine whether the licensee committed the violations of the Commission's rules as set forth in the Commission's Order of Suspension;

2. If the licensee committed such violations, to determine whether the facts or circumstances in connection therewith would warrant any change in the Commission's Order of Suspension.

It is further ordered, That a copy of this order be transmitted by Certified Mail—Return Receipt Requested, to Mr. Samuel James Roley, 2840 North Beverly Drive, Beverly Hills, California.

Released: July 11, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5493; Filed, July 16, 1958; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15448]

MAGNOLIA PETROLEUM CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 11, 1958.

Magnolia Petroleum Company (Operator) et al. (Magnolia) on June 13, 1958, tendered for filing proposed changes in its present effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 10 to Magnolia's FPC Gas Rate Schedule No. 20. Supplement No. 4 to Magnolia's FPC Gas Rate Schedule No. 48.
Effective date: July 14, 1958 (effective date is the first day after expiration of the required thirty days notice).

In support of the proposed favored-nation rate increases, Magnolia submits general statements stating that the gas sales contracts resulted from arm's-length negotiations in good faith, seller would not have committed the gas for the contractual term without price adjustment, and the proposed price is just and reasonable and is not in excess of the current field price. Magnolia also cites the increasing costs of exploration, production and gathering of gas and avers that increased prices are necessary as an incentive to continue such operations.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 10 to Magnolia's FPC Gas Rate Schedule No. 20, and Supplement No. 4 to Magnolia's FPC Gas Rate Schedule No. 48, be suspended and the use thereof deferred as hereinafter ordered.

[1] Supplement No. 8 to Magnolia's FPC Gas Rate Schedule No. 20 and Supplement No. 1 to Magnolia's FPC Gas Rate Schedule No. 48 are in effect subject to refund in Docket No. G-12981.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 10 to Magnolia's FPC Gas Rate Schedule No. 20, and Supplement No. 4 to Magnolia's FPC Gas Rate Schedule No. 48.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until December 14, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5460; Filed, July 16, 1958; 8:48 a. m.]

[Docket No. G-15449]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 11, 1958.

Magnolia Petroleum Company (Magnolia) on June 13, 1958, proposed changes in its presently effective date schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 8 to Magnolia's FPC Gas Rate Schedule No. 26. Supplement No. 6 to Magnolia's FPC Gas Rate Schedule No. 76. Supplement No. 9 to Magnolia's FPC Gas Rate Schedule No. 101. Supplement No. 8 to Magnolia's FPC Gas Rate Schedule No. 102. Supplement No. 9 to Magnolia's FPS Gas Rate Schedule No. 103. Supplement No. 3 to Magnolia's FPC Gas Rate Schedule No. 119.

[1] Supplement No. 7 to Magnolia's FPC Gas Rate Schedule No. 26; Supplement No. 8 to Magnolia's FPC Gas Rate Schedule No. 101; Supplement No. 6 to Magnolia's FPC Gas Rate Schedule No. 102; Supplement No. 7 to Magnolia's FPC Gas Rate Schedule No. 103; and Supplement No. 1 to Magnolia's FPC Gas Rate Schedule No. 119 are in effect subject to refund in Docket No. G-12962 and Supplement No. 4 to Magnolia's FPC Gas Rate Schedule No. 76 is in effect subject to refund in Docket No. G-13030.

Effective date: July 14, 1958 (effective date is the first day after expiration of the required thirty days notice).

In support of the proposed favored-nation rate increases, Magnolia submits general statements stating that the gas sales contracts resulted from arm's-length negotiations in good faith; seller would not have committed the gas for the contractual term without price adjustments, and the proposed price is just and reasonable and is not in excess of the current field price. Magnolia also cites the increasing costs of exploration, production and gathering of gas and avers that the increased prices are necessary as an incentive to continue such operations.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 8 to Magnolia's FPC Gas Rate Schedule No. 26; Supplement No. 6 to Magnolia's FPC Gas Rate Schedule No. 76; Supplement No. 9 to Magnolia's FPC Gas Rate Schedule No. 101; Supplement No. 8 to Magnolia's FPC Gas Rate Schedule No. 102; Supplement No. 9 to Magnolia's FPC Gas Rate Schedule No. 103; and Supplement No. 3 to Magnolia's FPC Gas Rate Schedule No. 119, be suspended and the use thereof be deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 8 to Magnolia's FPC Gas Rate Schedule No. 26; Supplement No. 6 to Magnolia's FPC Gas Rate Schedule No. 76; Supplement No. 9 to Magnolia's FPC Gas Rate Schedule No. 101; Supplement No. 8 to Magnolia's FPC Gas Rate Schedule No. 102; Supplement No. 9 to Magnolia's FPC Gas Rate Schedule No. 103; and Supplement No. 3 to Magnolia's FPC Gas Rate Schedule No. 119.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until December 14, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5461; Filed, July 16, 1958; 8:49 a. m.]

[Docket No. G-15450]

SUN OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 11, 1958.

Sun Oil Company (Sun) on June 11, 1958, tendered for filing a proposed change in its rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Letter, dated October 31, 1957. (2) Contract, dated January 5, 1953. (3) Letter, dated April 27, 1955. (4) Supplemental Agreement, dated January 31, 1956. (5 Letter, dated February 13, 1958.
Purchaser: United Fuel Gas Company.
Rate schedule designation: (1) Sun's FPC Gas Rate Schedule No. 98. (2) Supplement No. 1 to Sun's FPC Gas Rate Schedule No. 98. (3) Supplement No. 2 to Sun's FPC Gas Rate Schedule No. 98. (4) Supplement No. 3 to Sun's FPC Gas Rate Schedule No. 98. (5) Supplement No. 4 to Sun's FPC Gas Rate Schedule No. 98.
Effective date: Date of initial delivery.

Sun submitted as a rate schedule an agreement adopting the terms and conditions of a contract dated January 5, 1953, between The Atlantic Refining Company (Atlantic) and United Fuel Gas Company (United Fuel) for the sale of gas to United Fuel from Sun's interest in the Midland-Estherwood Field, Acadia Parish, Louisiana. Sun states that its portion of the gas from the units not committed under other sales arrangements has heretofore been disposed of by Atlantic under the terms of a joint operation agreement. Atlantic's filed rate schedule for the sales in the subject field is its FPC Gas Rate Schedule No. 63, and the presently effective rate of 18.2 cents per Mcf is in effect subject to refund in suspension Docket No. G-13440. The rate schedule is also involved in two previous suspension proceedings, Docket Nos. G-9443 and G-11247. Sun has filed a certificate application to cover the sale in Docket No. G-15267.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Sun's FPC Gas Rate Schedule No. 98, and Supplement Nos. 1, 2, 3 and 4 thereto, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Sun's FPC Gas Rate Schedule No. 98, and Supplement Nos. 1, 2, 3 and 4 thereto.

(B) Pending such hearing and decision thereon, said rate schedule and the supplements thereto be and they are each hereby suspended and the use thereof deferred until July 13, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule or supplements hereby suspended shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5462; Filed, July 16, 1958; 8:49 a. m.]

[Docket No. 10396 etc.]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

ORDER FIXING DATE FOR ORAL ARGUMENT

JULY 11, 1958.

In the matters of American Louisiana Pipe Line Company, Docket No. G-10396; Gulf Refining Company, Docket No. G-10400; Panhandle Eastern Pipe Line Company, Docket No. G-11061.

Numerous exceptions have been filed to the initial decision issued June 12, 1958, by the Presiding Examiner in the above-entitled proceedings, and requests for oral argument thereon have been submitted in connection with the exceptions.

The Commission finds: It is appropriate in the public interest that oral argument be held on the exceptions filed to the Examiner's decision as hereinafter ordered.

The Commission orders:

(A) Oral argument before the Commission in this matter be held on August 4, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C.

(B) Parties desiring to participate in the oral argument shall advise the Secretary on or before July 22, 1958, and shall specify the amount of time requested for presentation of argument.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5463; Filed, July 16, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 27-88]

TRIUMPH MINES, LTD.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 10, 1958.

I. Triumph Mines, Limited ("Issuer") a Canadian corporation, filed with the Commission on May 24, 1955 a notification and offering circular relating to a proposed offering of 450,000 shares of its nonassessable common voting stock at 50 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation D promulgated thereunder.

II. The Commission has reasonable cause to believe that Regulation D is unavailable pursuant to Rule 501 (c) (2) in that officers of the issuer, Samuel Arthur Liening and Robert Roy Armstrong, are subject to a permanent injunction issued by the United States District Court for the Western District of Washington, Northern Division on April 18, 1958 enjoining, among other things, their activities in connection with the purchase and sale of securities.

III. *It is ordered*, Pursuant to Rule 509 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under section 3 (b) and Regulation D be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 58-5464; Filed, July 16, 1958; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

WERNER GÜNTHER KLEIN AND [illegible] HORST KLEIN

NOTICE OF INTENTION TO RETURN [illegible] PROPERTY

Pursuant to section 32 (f) of [illegible] Trading With the Enemy Act, as amended, notice is hereby given of [illegible] tion to return, on or after 30 days [illegible] the date of publication hereof, the [illegible] lowing property, subject to any [illegible] or decrease resulting from the [illegible] istration thereof prior to return, [illegible] after adequate provision for taxes [illegible] conservatory expenses:

Claimant, Claim No., Property, and Location

Werner Günther Klein, Thielallee 36, Berlin-Dahlem, Germany, $50.00 in the Treasury of the United States.

Gerhard Horst Klein, Thielallee 36, Berlin-Dahlem, Germany, $50.00 in the Treasury of the United States.

Vesting Order No. 4234; Claim Nos. [illegible] and 63117.

Executed at Washington, D. C., on July 9, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-5478; Filed, July 16, 1958; 8:52 a. m.]

JEAN LECLABART

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Mr. Jean Leclabart; 29 bis Rue d'Auteuil, Paris 8, France; Property described in Vesting Order No. 293 (7 F. R. 9636, November 26, 1942; amendment, 8 F. R. 10,817, July 31, 1943) relating to Patent Application Serial No. 283,283 (now United States Letters Patent No. 2,344,097). Claim No. 5666; Vesting Order No. 293.

Executed at Washington, D. C., on July 9, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-5479; Filed, July 16, 1958; 8:53 a. m.]

THE NATIONAL ARCHIVES OF THE UNITED STATES

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MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.25, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1958

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948, as amended (61 Stat. 922, as amended, hereinafter called the "act") for the purpose of allotting the 1958 sugar quota for the Mainland Cane Sugar Area. The basis and purpose of the order are more fully explained below.

Effective date. Allotments established by this order are larger than the allotments established in S. R. 814.25. To afford adequate opportunities to plan and accomplish marketings of the additional quantities of sugar in an orderly manner, it is imperative that this order be effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things (1) to prevent disorderly marketing of sugar or liquid sugar and (2) to afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary, and a notice was published on January 25, 1958 (23 F. R. 514), of a public hearing to be held at New Orleans, Louisiana, in the Monteleone Hotel, on February 25, 1958, at 10:00 a. m., c. s. t., for the purpose of receiving evidence to enable the Secretary (1) to affirm, modify or revoke the preliminary finding of necessity for allotments, (2) to establish a fair, efficient and equitable allotment of the 1958 quota for the Mainland Cane Sugar Area for the calendar year 1958, (3) to revise or amend the allotment of the quota for the purpose of (a) allotting any increase or decrease in the quota, (b) prorating any deficit in the allotment for any allottee and (c) substituting final data for estimates of such data, and (4) to make provisions for the transfer and exchange of allotments. The hearing was held at the place and time specified in the notice and testimony was given with respect to all of the issues referred to in the hearing notice.

Based upon the record of the hearing and pursuant to the applicable rules of practice and procedure, the Acting Administrator, Commodity Stabilization Service, United States Department of Agriculture, on May 24, 1958, filed a recommended decision and proposed order with respect to the allotment of the 1958 sugar quota for the Mainland Cane Sugar Area with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C. Notice of such filing and opportunity to file exceptions thereto (23 F. R. 3599) was given to all interested persons in the manner provided in the rules of practice and procedure.

At the time of the hearing and the issuance of the Recommended Decision relating to this allotment order, only estimated data for 1957 production, 1957 marketings and January 1, 1958, inventories were available. Final data have subsequently become available, have been made a part of the official records of the Department and are herein substituted for estimates of such data as provided for in the findings and conclusions.

Basis for findings and conclusions. Section 205 (a) of the act reads in pertinent part as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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quota or proration thereof allotted to him * * *

The record of the hearing indicates that the prospective supply of mainland cane sugar available for marketing in 1958 exceeds the quota for that area to an extent that allotment of the quota is necessary (R. 8).

The Government witness introduced for the record annual data on processings, past marketings and inventories for the period 1953 through 1957 (R. 8, 9; Ex. 5).

All three factors specified in the provision of law quoted above have been considered and each is given a percentile weighting by the formula on which this allotment of the 1958 Mainland Cane Sugar Area quota is based. That formula follows the proposal made in the record in regard to the measures and weightings of factors to be used for determining allotments (R. 20–22; Ex. 7) and all processors of the area joined in recommending its adoption (R. 19, 32) and no separate Government proposal was made.

The procedure for determining 1958 allotments is the same as that used in allotting the 1957 quota with one exception. Provision is made to make an allotment to any processor, in addition to the allotment otherwise determined for such processor, to permit the marketing in 1958 of sugar which the processor could not market in 1957 because he was unable to accurately estimate his production and, as a result, declared too large a deficit in his 1957 allotment. No such additional allotment would be made to either a processor who had sufficient sugar available but declared a deficit because he did not desire to market as much sugar as his 1957 allotment would permit, or a processor who declared a deficit and did not have sufficient sugar available to market more than permitted within his 1957 allotment, adjusted for the deficit (R. 25–28).

In Louisiana, processors produce sugar during the four months, October through January. Under these circumstances processors cannot determine the exact quantity of sugar which they will produce for marketing within the calendar year (R. 18, 27). Thus, the provision was proposed for making an additional allotment to any processor who declared a greater deficit than his final production warranted to facilitate obtaining the release of probable, but not absolutely certain, deficits in allotments sufficiently in advance of the end of the year to enable full use of the quota for the area and thus contribute to a fair, efficient and equitable distribution of such quota.

This provision in 1958 would affect only one allottee. Iberia Sugar Coop., Inc., would receive an allotment of 308 tons, in addition to the allotment which this allottee would otherwise receive. The hearing record reveals that this

allottee's share of the 1957 market included 308 tons which was relinquished to other processors through error in estimating its 1957 crop; that the allottee had the ability to market the sugar and would have done so in 1957 had the error not occurred; and that other processors as a group benefited to the extent of 308 tons by increases in their 1957 allotments (R. 17 and Brief). All processors concerned signed a stipulation favoring such an additional 1958 allotment to Iberia Sugar Coop., Inc., together with a waiver of any legal right to object to such a provision and this stipulation and waiver is a part of the record of the hearing.

The record of the hearing contains only a single proposal or recommendation on each of the matters with respect to which a finding or conclusion is made in this order, and each such proposal or recommendation either was concurred in by all interested persons or no alternative or dissenting view was expressed.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) January 1, 1958, effective inventories of mainland cane sugar approximated 237,000 short tons, raw value. With favorable crop conditions in 1958 the total supply of sugar available for marketing in 1958 is expected to exceed the quota established for the area.

(2) The supply situation makes necessary the allotment of the 1958 sugar quota for the Mainland Cane Sugar Area to assure an orderly flow of such sugar in the channels of interstate commerce, to prevent disorderly marketing of sugar, and to afford all interested persons equitable opportunities to market sugar within the quota.

(3) Processings of all sugar from 1957-crop sugarcane by each processor, exclusive of known quantities of sugar produced from sugarcane to which proportionate shares did not pertain, is a fair, efficient and equitable measure of processings of sugar from the 1957-crop of sugarcane to which proportionate shares pertained.

(4) An allotment of 100 short tons, raw value, shall be established for the Louisiana State University.

(5) An allotment of 308 short tons, raw value, shall be established for Iberia Sugar Coop., Inc., to be added to the allotment determined for said allottee in accordance with the method set forth in (6) and (7), below.

(6) The remainder of the 1958 Mainland Cane Sugar Area quota for consumption within the continental United States, after allotting 408 tons as provided in (4) and (5), above, shall be allotted to all processors other than Louisiana State University by measuring and weighting each of the three factors specified in section 205 (a) of the act and determining allotments as follows, based on data in the hearing record and final data of which official notice will be taken.

(a) The factor processings from proportionate shares shall be measured by each processor's production of sugar from 1957-crop sugarcane, in short tons, raw value, exclusive of known quantities of sugar produced from sugarcane to which proportionate shares did not pertain, expressed as a percentage of the total of the measure for all processors, and weighted by 60 percent.

(b) The factor past marketings shall be measured by each processor's average annual marketings within his allotment for the years 1953 through 1957, in short tons, raw value, expressed as a percentage of the total for all processors of the measure, and weighted by 20 percent.

(c) The factor ability to market shall be measured by the sum of (1) each processor's January 1, 1958, effective inventory and (2) his share of the difference between 587,068 short tons, raw value, and total January 1, 1958, effective inventories of all processors. Each processor's share of such difference shall be determined by applying to the area total difference the percentage that his average 1953–57 new-crop marketings within the processor's allotments were of the area average. The sum of (1) and (2), above, in short tons, raw value, expressed as a percentage of the total of the measure of all processors should be weighted by 20 percent.

(d) The total of the percentages resulting from (a), (b) and (c), above, for each processor shall be multiplied by the quantity in short tons, raw value, by which the quota exceeds 408 tons allotted in (4) and (5), above, to determine his allotments in short tons, raw value.

(7) The quantity of sugar and the percentages referred to in paragraph (6), above, based upon final data, to be used in the determination of allotments are as set forth in the following table:

Processor	Processings of sugar from 1957-crop cane		Past marketings average within allotments, 1953–57		Ability to market					Processor's percentage share of the quota less 408 tons [2]
					Effective inventory 1–1–58	New-crop marketings		Measures used		
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total		Average within allotments 1953–57	"Shares" of difference [1]	Col. (5) plus Col. (7)	Percent of total	
					Short tons, raw value					
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Albania Sugar Co.	5,588	1.051	5,880	1.070	1,264	3,989	5,571	6,835	1.164	1.077
Alma Plantation, Ltd.	7,482	1.408	6,830	1.241	2,579	4,627	6,462	9,041	1.540	1.651
J. Aron & Co., Inc.	14,044	2.642	11,945	2.172	5,560	7,497	10,470	16,030	2.731	2.566
Billeaud Sugar Factory	6,302	1.186	8,013	1.457		0	6,290	8,771	1.494	1.303
Breaux Bridge Sugar Coop.	5,039	.948	6,264	1.158		0	4,774	6,667	1.136	1.026
J. M. Burguieres Co., Ltd.	6,510	1.225	5,900	1.090	2,377	3,787	5,289	7,666	1.306	1.214
Wm. T. Burton Industries	6,407	1.205	6,871	1.250	4,720	1,165	1,627	6,347	1.081	1.139
Cairo & Graugnard	2,813	.529	3,208	.584	124	2,512	3,806	3,810	.649	.525
Caldwell Sugar Coop., Inc.	9,893	1.861	10,230	1.861	3,164	6,475	7,646	10,810	1.841	1.957
Catherine Sugar Co., Inc.	7,103	1.336	8,268	1.504	947	5,568	7,776	8,723	1.486	1.409
Columbia Sugar Co.	5,050	.950	5,083	.925	2,645	1,702	2,377	5,022	.856	.998
Cora-Texas Mfg. Co., Inc.	2,321	.437	2,409	.438	1,053	1,077	1,504	2,557	.436	.437
Dugas & LeBlanc, Ltd.	10,591	1.993	10,748	1.955	2,674	6,975	9,741	12,415	2.115	2.040
Duhe & Bourgeois Sugar Co.	7,986	1.503	8,151	1.483	2,568	4,929	6,884	9,452	1.610	1.580
Erath Sugar Co., Ltd.	4,921	.926	6,796	1.236	0	5,817	8,124	8,124	1.384	1.080
Evan Hall Sugar Coop., Inc.	17,311	3.257	18,926	3.442	3,468	12,399	17,316	20,784	3.540	3.350
Evangeline Pepper & Food Products	4,501	.847	4,631	.842	62	3,833	5,353	5,415	.922	.801
Fellsmere Sugar Prod. Assoc.	5,900	1.110	8,557	1.556	4,579	390	545	5,124	.873	1.162
Frisco Cane Co., Inc.	808	.152	772	.140	385	421	588	973	.166	.152
Glenwood Coop., Inc.	13,038	2.453	13,742	2.500	4,449	7,175	10,020	14,469	2.465	2.465
Gulf States Land & Industries	15,583	2.932	19,299	3.510	4,944	8,777	12,258	17,202	2.930	3.047
Helvetia Sugar Coop., Inc.	6,796	1.279	6,588	1.198	2,468	4,161	5,811	8,279	1.410	1.299
Iberia Sugar Coop., Inc.	11,007	2.071	12,981	2.361	457	9,779	13,657	14,114	2.404	2.198
LaFourche Sugar Co.	13,976	2.630	13,193	2.400	4,625	8,010	11,187	15,812	2.693	2.397
Harry L. Laws & Co., Inc.	7,595	1.429	8,688	1.617	1,605	5,566	7,773	9,378	1.597	1.500
Levert-St. John, Inc.	7,521	1.415	8,702	1.583	0	7,373	10,297	10,297	1.754	1.616
Loisel Sugar Co., Inc.	3,062	.576	5,060	.920	431	3,731	5,211	5,642	.961	.722
Louisiana State Penitentiary	3,269	.615	2,782	.506	967	1,809	2,514	3,481	.593	.589
Lula Factory, Inc.	10,504	1.976	10,596	1.927	2,229	7,461	10,429	12,689	2.158	2.003
Meeker Sugar Coop., Inc.	4,446	.837	3,515	.639	1,857	2,552	3,564	5,421	.923	.815
Milliken & Farwell, Inc.	11,478	2.160	11,522	2.096	4,733	5,506	7,765	12,498	2.129	2.141
Nation Sugar Ref. Co.	7,833	1.474	12,774	2.323	806	5,838	8,153	8,959	1.526	1.654
Okeelanta Sugar Ref., Inc.	18,071	3.400	13,129	2.388	17,063	202	282	17,345	2.955	2.109
M. A. Patout & Son, Ltd.	7,770	1.462	8,305	1.511	1,165	6,008	8,391	9,556	1.628	1.506
Poplar Grove Plt'g. & Ref. Co.	6,513	1.225	6,206	1.129	1,909	4,204	6,011	7,920	1.342	1.220
St. James Sugar Coop., Inc.	11,165	2.101	10,975	1.996	3,647	6,731	9,400	13,047	2.222	2.104
St. Mary Sugar Coop., Inc.	11,127	2.094	11,167	2.031	267	9,229	12,889	13,156	2.241	2.111
South Coast Corp.	36,585	6.884	35,327	6.971	14,279	16,978	23,711	37,990	6.471	6.819
Southdown Sugars, Inc.	36,921	6.947	38,502	7.003	20,189	11,107	15,512	35,701	6.081	6.735
Sterling Sugars, Inc.	16,478	3.100	16,601	3.020	5,399	10,201	14,246	19,645	3.346	3.123
J. Supple's Sons Plt'g. Co.	3,627	.682	4,122	.750	1,302	2,058	2,874	4,176	.711	.701
United States Sugar Corp.	111,661	21.009	105,791	19.242	98,816	3,195	4,462	103,278	17.592	19.972
Valentine Sugars, Inc.	9,457	1.779	9,370	1.704	7,886	3,011	4,205	12,091	2.060	1.830
Vida Sugars, Inc.	3,416	.643	4,082	.742	0	3,455	4,825	4,825	.822	.699
A. Wilbert's Sons Lbr. & Sh. Co.	8,296	1.561	8,009	1.457	2,767	4,867	6,797	9,564	1.629	1.554
Young's Industries, Inc.	3,723	.700	5,889	1.071	0	4,450	6,215	6,215	1.059	.840
Total	531,488	100.000	549,779	100.000	242,399	246,796	344,669	587,068	100.000	100.000

[1] The difference between 587,068 tons (initial 1958 quota established by S. R. 811 amounting to 587,476 tons less 408 tons allotted to Louisiana State University and Iberia Sugar Coop., Inc.) and 242,399 tons (1–1–58 effective inventory) amounting to 344,669 tons prorated on the basis of each processor's 1953–57 average new-crop marketings within allotments (Col. 6).

[2] Determined by weighting "processings" (Col. 2) by 60 percent; "marketings" (Col. 4) by 20 percent; and "ability" (Col. 9) by 20 percent.

(8) Wm. T. Burton Industries, Inc., shall succeed to all interest in the historical data, pertinent to determining allotments, of the former allottee, Burton-Sutton Oil Co., Inc.

(9) The order shall be revised without further notice or hearing, for the purpose of (a) substituting final data for estimated data on 1957-crop processings, 1957 marketings and January 1, 1958, inventories used in measuring the factors, when such data become part of the official records of the Department; (b) allotting any area deficit which increases the 1958 Mainland Cane Sugar Area quota for consumption within the continental United States; (c) making allotments to give effect to any change in quota due to action pursuant to sections 201 and 202 (a) of the act and (d) allotting any quantity of an allotment to other allottees, when written notification of release of such allotment becomes part of the official records of the Department. In making revisions to give effect to quota changes indicated under (b) and (c), above, allotments shall be computed in the same manner as is provided for in this order. Revisions of allotments referred to in (d), above, shall be made by increasing proportionately, the allotments otherwise established by this proceeding except that the quantity prorated to any allottee shall be limited in accordance with statements in writing from allottees releasing allotments in excess of specific quantities.

(10) Official notice will be taken of written notification to the Sugar Division by an allottee that he is unable to fill part of his allotment when the notification becomes a part of the official records of the Department, any regulation issued by the Secretary which changes the 1958 Mainland Cane Sugar Area quota and final data for 1957-crop processings, 1957 marketings and January 1, 1958, inventories that become a part of the official records of the Department.

(14) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee of the 1958 Mainland Cane Sugar Area quota.

(15) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient and equitable distribution of any 1958 Mainland Cane Sugar Area quota that may be established for consumption within the continental United States and meet the requirements of section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act: *It is hereby ordered*, That § 814.25 be amended to read as follows:

§ 814.25 *Allotment of the 1958 sugar quota for the Mainland Cane Sugar Area*—(a) *Allotments.* The 1958 Mainland Cane Sugar Area quota for consumption within the continental United States of 685,441 short tons, raw value, is hereby allotted to the following processors in amounts which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co	7,378
Alma Plantation, Ltd	9,597
J. Aron & Co., Inc	17,578
Billeaud Sugar Factory	8,919
Breaux Bridge Sugar Coop	7,042
J. M. Burguieres Co., Ltd., The	8,316
Wm. T. Burton Industries, Inc	8,145
Caire & Graugnard	3,823
Caldwell Sugar Coop., Inc	12,721
Catherine Sugar Co., Inc	9,591
Columbia Sugar Co	6,343
Cora-Texas Mfg. Co., Inc	2,994
Dugas & LeBlanc, Ltd	13,769
Duhe & Bourgeois Sugar Co., Inc	10,413
Erath Sugar Co., Ltd	7,398
Evan Hall Sugar Coop., Inc	22,949
Evangeline Pepper & Food Products, Inc	5,898
Fellsmere Sugar Producers Assoc	7,892
Frisco Cane Co., Inc	1,041
Glenwood Coop., Inc	16,886
Gulf States Land & Industries, Inc	20,873
Helvetia Sugar Coop., Inc	8,830
Iberia Sugar Coop., Inc	15,351
LaFourche Sugar Co	17,790
Harry L. Laws & Co., Inc	10,276
Levert-St. John, Inc	10,385
Loisel Sugar Co., Inc	4,946
Louisiana State Penitentiary	4,035
Lula Factory, Inc	13,714
Meeker Sugar Coop., Inc	5,583
Milliken & Farwell, Inc	14,667
National Sugar Refining Co	11,330
Okeelanta Sugar Refinery, Inc	21,298
M. A. Patout & Son, Ltd	10,310
Poplar Grove Pltg. & Ref. Co., Inc	8,419
St. James Sugar Coop., Inc	14,413
St. Mary Sugar Coop., Inc	14,461
South Coast Corp	46,712
Southdown Sugars, Inc	46,480
Sterling Sugars, Inc	21,462
J. Supple's Sons Pltg. Co., Inc	4,802
United States Sugar Corp	136,815
Valentine Sugars, Inc	12,468
Vida Sugars, Inc	4,788
A. Wilbert's Sons Lbr. & Sh. Co	10,645
Young's Industries, Inc	5,795
Louisiana State University	100
All other persons	00
Total	685,441

(b) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of § 816.3 of this chapter (23 F. R. 1943).

(c) *Exchanges of sugar between allottees.* When approved in writing by the Director of the Sugar Division, or the Chief of the Quota and Allotment Branch thereof, Commodity Stabilization Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section, may ship, transport or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it had been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(d) *Delegation.* The Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, is hereby authorized to revise the allotments established under this order without further notice or hearing in accordance with findings and conclusions heretofore made, to give effect to (1) the reallocation of any quantity of an allotment released by an allottee and (2) any change in the Mainland Cane Sugar Area quota.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 14th day of July 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-5486; Filed, July 17, 1958; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Avocado Order 16, Amdt. 1]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969) regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as herein after set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until July 8, 1958; a determination as to the time of maturity of the varieties of avocados covered by this amendment was made at the meeting of said committee on July 8, 1958, after consideration of all

available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this regulation are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

It is, therefore, ordered, That the provisions of § 969.316 (b) (23 F. R. 4349), are hereby amended by revising the dates appearing in columns (2), (4), (6), and (8) of Table 1, applicable to the Trapp, Waldin, and Petersen varieties of avocados, so that after such revision the portion of such table applicable to such varieties shall read as follows:

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Trapp	Aug. 11, 1958	14 ounces 3 9/16 inches	Aug. 25, 1958	12 ounces 3 7/16 inches	Sept. 8, 1958	10 ounces 3 5/16 inches	Sept. 29, 1958
Waldin	Aug. 18, 1958	16 ounces 3 9/16 inches	Sept. 1, 1958	14 ounces 3 9/16 inches	Sept. 15, 1958	11 ounces 3 7/16 inches	Oct. 13, 1958
Petersen	do	12 ounces 3 9/16 inches	do	11 ounces 3 5/16 inches	do	10 ounces 3 7/16 inches	Oct. 6, 1958

(c) The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., July 29, 1958.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 15, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5515; Filed, July 17, 1958; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21-516]

PART 42—BUILDING WIRE AND CABLE MANUFACTURING INDUSTRY

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of July 18, 1958.

Statement by the Commission. Trade practice rules for the Building Wire and Cable Manufacturing Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which these rules are established consists of persons, firms, corporations and organizations engaged in the manufacture and sale of building wire and cable products limited to 600 volts maximum capacity and generally referred to as types R, RH, RW, RH-RW, RHW, RR, TW, UF, SEU, SEA, SD, NM and ABC.

Proceedings relating to the establishment of these rules were instituted upon an application of the Building Wire and Cable Association, Inc. A general industry conference was held under Commission auspices in New York City on October 11, 1957, at which proposals for rules were submitted for consideration of the Commission. Thereafter, proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice a public hearing was held in Washington, D. C., on April 2, 1958, and all matters there presented, or otherwise received in the proceeding, were considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules, as approved, become operative thirty (30) days after the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec.
42.0 Definitions.
42.1 Misrepresentation (general).
42.2 Substitution of products.
42.3 Misleading price lists.
42.4 Deceptive invoicing, etc.
42.5 Prohibited discrimination.
42.6 Prohibited forms of trade restraints (unlawful price fixing, etc.).
42.7 Prohibited sales below cost.
42.8 Inducing breach of contract.
42.9 Consignment distribution.
42.10 Enticing away employees of competitors.
42.11 Defamation of competitors or false disparagement of their products.
42.12 Commercial bribery.
42.13 Arrangements to exclude sales of competitors' products.
42.14 Push money.
42.15 Tie-in sales; coercing purchase of one product as a prerequisite to the purchase of other products.
42.16 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 42.0 to 42.16 issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 42.0 *Definitions*—(a) *Industry members.* As used in this part, "industry members" include all persons, firms, corporations and organizations engaged in the manufacture and sale of industry products as defined in paragraph (b) of this section.

(b) *Industry products.* As used in this part, "industry products" are building wire and cable products limited to 600 volts maximum capacity and generally referred to as types R, RH, RW, RH-RW, RHW, RR, TW, UF, SEU, SEA, SD, NM and ABC.

§ 42.1 *Misrepresentation (general).* It is an unfair trade practice for any member of the industry, in connection with the sale, offering for sale, or distribution of industry products, to make or publish, or cause to be made or published, by way of advertising, labeling, or otherwise, any statement or representation which, directly or by implication, has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the kind, type, grade, quality, price, size, weight, strength, composition, durability, capacity, safety, or availability, of any industry product, or which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers in any other material respect. [Rule 1]

§ 42.2 *Substitution of products.* It is an unfair trade practice for a member of the industry to make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving purchasers, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications (in bids or otherwise) upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 2]

§ 42.3 *Misleading price lists.* It is an unfair trade practice for any industry member, in the course of or in connection with the offering for sale, sale or distribution of industry products, to publish or circulate price lists which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers in any material respect. [Rule 3]

§ 42.4 *Deceptive invoicing, etc.* It is an unfair trade practice for members of the industry to issue invoices, billings, or sales slips which by reason of misstatements therein or omissions therefrom have the capacity and tendency or effect of deceiving purchasers or prospective purchasers in any material respect. [Rule 4]

§ 42.5 *Prohibited discrimination*[1]— (a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: See subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note following paragraph (f) of this section.

(b) The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use, and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a) (2) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a) (4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a) (5) of this section).

Example 1. The granting of a discount on a purchase made by a customer which is not granted on purchases made by all other customers, or which is not granted in the same amount on the purchases of all other customers.

Example 2. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of such customer's purchases during the period and fails to grant a discount of the same percentage to all other customers on their purchases during such period.

Example 3. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

Example 4. Terms of 2/10th prox. are granted by an industry member to some customers on goods purchased by them from this industry member. Another customer or customers are, nevertheless, allowed to take an additional discount when making payment to the industry member within the time prescribed.

Example 5. At the time of price decline, price adjustments upon inventory of customers are granted to some customers and not to other customers.

NOTE: As previously indicated, the foregoing are examples of practices to be considered violative of the prohibitions of paragraph (a) of this section when involving goods of like grade and quality and when not subject to the other exemptions, exclusions, or defenses set forth in this paragraph.

(c) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(e) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

[1] As used in this part, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

NOTE: See subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note following paragraph (f) of this section.

(f) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any person engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

NOTE: This paragraph is a restatement of section 2 (f) of the Clayton Act as amended. In a complaint proceeding under this section, in order to make out a prima facie violation, the Commission must show that the favored buyer induced or received the lower price knowing, or knowing facts from which he should have known, that such price was violative of section 2 (a) of said act and not justified under subparagraph (2), (4), or (5) of paragraph (a) of this section. When, in any such proceeding, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways, including:

(1) By showing that the buyer paying the lower price knew that the methods by, and quantities in, which the goods were sold and delivered to him by the seller, were the same as in the case of the competing buyer or buyers paying the higher price or prices; or

(2) By showing, when there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower price or prices knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential.

NOTE: This section is based on the provisions of section 2 of the Clayton Act as amended by the Robinson-Patman Act.

Subsection (b) of section 2 of the Clayton Act as amended, which reads as follows, is in amplification of the note to paragraph (a) (5) of this section and of the note to paragraph (e) of this section. "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

[Rule 5]

§ 42.6 *Prohibited forms of trade restraints (unlawful price fixing, etc.)*[2] It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other persons or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 6]

§ 42.7 *Prohibited sales below cost.* (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) Of seasonal goods near the conclusion of the season; (2) of obsolescent goods; (3) made under judicial process; or (4) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 7]

§ 42.8 *Inducing breach of contract.* (a) Knowingly inducing or attempting to induce a breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of any such contractual duties or services under any circumstance having the capacity and tendancy or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for any industry member to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 8]

§ 42.9 *Consignment distribution.* It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose of or with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to consumers through regular channels of distribution, thereby injuring, destroying, or preventing competition, or tending to create a monopoly or unreasonably to restrain trade. Nothing in this section shall be construed as restricting or preventing consignment shipping or marketing of industry products in good faith where suppression of competition, restraint of trade, or undue interference with competitors' use of the usual channels of distribution is not effected; nor shall anything in this section be construed to authorize any agreement, understanding, or planned common course of action by and between industry members mutually to conform or restrict their practice of shipping goods on consignment with the intent or effect of lessening competition. [Rule 9]

§ 42.10 *Enticing away employees of competitors.* Knowingly enticing away employees or sales representatives of competitors under any circumstance having the capacity and tendency or effect of substantially injuring or lessening competition is an unfair trade practice: *Provided,* That nothing in this section shall be construed as prohibiting em-

[2] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

ployees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition. [Rule 10]

§ 42.11 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the quality, grade, origin, use, construction, design, performance, properties, manufacture, or distribution of the products of competitors or of their business methods, selling prices, values, credit terms, policies or services, is an unfair trade practice. [Rule 11]

§ 42.12 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 12]

§ 42.13 *Arrangements to exclude sales of competitors' products.* It is an unfair trade practice for any member of the industry to sell or contract for the sale of any industry products for use or resale, or to fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in new or used products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or such condition, agreement, or understanding may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 13]

§ 42.14 *Push money.* It is an unfair trade practice for any industry member to pay or contract to pay anything of value to a salesperson employed by a customer of the industry member, as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the salesperson in promoting the resale of products supplied by the industry member to the customer:

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the salesperson's employer; or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the sales person or customer is dependent on lottery or chance; or

(c) When any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sales of products of competitors of an industry member; or

(d) When, because of the terms and conditions of the understanding or agreement, including its duration, or the attendant circumstances, the effect may be substantially to lessen competition or tend to create a monopoly; or

(e) When similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with sections 2 (d) and (e) of the Clayton Act.

NOTE: Payments made by an industry member to a salesperson of a customer under any agreement or understanding that all or any part of such payments is to be transferred by the salesperson to the customer, or is to result in a corresponding decrease in the salesperson's salary, are not to be considered within the purview of this section, but are to be considered as subject to the requirements and provisions of section 2 (a) of the Clayton Act.

[Rule 14]

§ 42.15 *Tie-in sales; coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products of the industry as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 15]

§ 42.16 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 16]

Issued: July 15, 1958.

Promulgated by the Federal Trade Commission July 18, 1958.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 58-5501; Filed, July 17, 1958; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 37—PREPAYMENT AND REFUNDS

TEMPORARY SUSPENSION OF 5-CENT CHARGE FOR UNPAID AND SHORT PAID MAIL

Amend paragraph (b) of § 37.1 *Postage payment* (23 F. R. 4601) by adding at the end thereof the following: "Beginning August 1, 1958, and continuing through October 31, 1958, the 5-cent charge for unpaid and short paid mail provided by this paragraph is suspended. During this period the charge for unpaid and short paid mail shall be the deficient postage only. This suspension of the 5-cent charge for unpaid and short paid mail is for the purpose of giving mailers time to become familiar with the new postage rates effective August 1, 1958."

(R. S. 161, 396, as amended, 3896; Sec. 1, 72 Stat. 83; 5 U. S. C. 22, 369, 39 U. S. C. 271, 272a)

[SEAL] PAUL MEININGER,
Acting General Counsel.

The foregoing amendment is hereby adopted as the regulations of the Post Office Department.

ARTHUR E. SUMMERFIELD,
Postmaster General.

[F. R. Doc. 58-5564; Filed, July 17, 1958; 9:30 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 604—POLICIES OF THE UNITED STATES EMPLOYMENT SERVICE

OCCUPATIONAL TESTING

Notice is hereby given that § 604.10 (f) of Part 604 is amended to read as follows:

§ 604.10 *Occupational testing.* • • •

(f) To release certain test materials to nonprofit vocational guidance and placement agencies, upon approval by the United States Employment Service.

(Sec. 12, 48 Stat. 117, as amended; 29 U. S. C. 49k)

Signed at Washington, D. C., this 14th day of July 1958.

ROBERT C. GOODWIN,
Director of the Bureau of Employment Security.

[F. R. Doc. 58-5497; Filed, July 17, 1958; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1676]

[1218080]

UTAH

PARTIALLY REVOKING EXECUTIVE ORDER OF APRIL 17, 1926, CREATING PUBLIC WATER RESERVE NO. 107

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, is hereby revoked so far as it affects the following-described lands in Utah:

SALT LAKE MERIDIAN

T. 38 S., R. 24 E.,
Sec. 1, NW¼SE¼.

The area described contains 40 acres.

2. The lands are in Utah Grazing District No. 6, and are suitable for crop production, if irrigated.

3. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on August 16, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 15, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 15, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

The lands have been open to applications and offers under the mineral-leasing laws, and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m. on November 15, 1958.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 11, 1958.

[F. R. Doc. 58-5496; Filed, July 17, 1958; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

CARRIER'S MONTHLY REPORT OF NO EXCESS DRIVING TIME AND NO EXCESS TIME ON DUTY BY DRIVERS

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 9th day of July A. D. 1958.

The matter of Form BMC–62, Carrier's Monthly Report of No Excess Driving Time and No Excess Time on Duty by Drivers,[1] being under consideration; and

It appearing that following reclassification by the Interstate Commerce Commission of motor carriers of property, revision of Form BMC–62 so as to clarify its applicability to both Class I and Class II of motor carriers of property is desirable;

It further appearing that this revision is merely an instruction which conforms with the requirement of § 195.9 (c) which became effective April 1, 1958, and therefore, pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) for good cause it is found that notice of proposed rule making is unnecessary;

It is ordered, That the order of July 29, 1955, in so far as it prescribed Form BMC–62 is vacated as of the effective date of this order;

It is further ordered, That Form BMC–62 (1958), Carrier's Monthly Report of No Excess Driving Time and No Excess Time on Duty By Drivers, is approved, adopted, and prescribed for appropriate use as required by § 195.9 (c) and that § 7.62 be amended accordingly, provided, that stocks of Form BMC–62 in the possession of carriers or their suppliers on the effective date hereof may be used;

And it is further ordered, That this order shall be effective July 9, 1958, and shall continue in effect until further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Federal Register Division.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-5503; Filed, July 17, 1958; 8:47 a. m.]

[1] Filed as part of the original document.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS

MISCELLANEOUS AMENDMENTS

Basis and purpose. By notice of proposed rule making published on February 12, 1958 (23 F. R. 910), the public was notified of proposed changes in Part 6, Title 50, Code of Federal Regulations, which would add cowbirds to the species of migratory birds that may be killed without a permit under § 6.62 and add house finches to the designated species of depredating birds that may be killed in California under § 6.63 when damaging or about to damage agricultural or horticultural crops. These changes were deemed desirable since investigations by Service personnel and others show that cowbirds frequently cause widespread damage to agricultural crops. Furthermore, the California Department of Agriculture has reported serious agricultural crop damage caused by house finches and has requested that provisions be made whereby such birds may be killed when found causing such damage. This report has been confirmed by qualified Service personnel.

Interested persons were invited to submit their views, data, or arguments in writing with respect to the proposed changes to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., on or before the expiration of 30 days from the date of publication of the notice. Consideration having been given to all relevant matters presented, it has been determined that without unduly endangering the cowbird and house finch populations, the best interests of agriculture and horticulture will be served by permitting depredating members of these species to be killed in the manner contemplated by the proposed amendments. Accordingly, Part 6 of the regulations is amended in pertinent part as follows:

1. The headnote and the introductory paragraph of § 6.62 are amended to read as follows:

§ 6.62 *Depredating blackbirds, cowbirds and grackles.* Any person without a permit, may kill yellow-headed, red-winged, bi-colored red-winged, tricolored red-winged, and Brewer's Blackbirds, cowbirds, and all grackles under the conditions and restrictions prescribed in this section when found committing or about to commit serious depredations upon any agricultural crop or ornamental or shade trees.

2. The introductory paragraph of § 6.63 is amended to read as follows:

§ 6.63 *Designated species of depredating birds in California.* In any county in California in which meadowlarks; horned larks; Gambel's Nuttall's, golden-crowned, white-crowned, and other crowned sparrows; goldfinches; house finches; and California woodpeckers, Lewis woodpeckers, and flickers are, under extraordinary conditions, seriously

injurious to agricultural or other interests, the agricultural commissioner, without a permit may kill or cause to be killed under his general supervision and direction such of the aforesaid migratory birds as may be necessary to safeguard from their depredations any agricultural or horticultural crop in such county, subject to the conditions and restrictions prescribed in this section.

Since the foregoing amendments serve to relieve existing restrictions on the killing of cowbirds and house finches when found depredating upon agricultural or horticultural crops, they are exempt from the 30-day advance publication requirement imposed by section 4 (c) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238; 5 U. S. C. 1003 (c)), and they shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interpret or apply E. O. 10250, 16 F. R. 5385, 3 CFR, 1951 Supp.)

Issued at Washington, D. C., and dated July 11, 1958.

HATFIELD CHILSON,
Acting Secretary of the Interior.

[F. R. Doc. 58-5495; Filed, July 17, 1958; 8:45 a. m.]

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

REDUCTION OF FISHING TIME

Basis and purpose. Because of declining red salmon runs in the Egegik and Ugashik districts of Bristol Bay, immediate reduction in fishing time is necessary.

Section 104.9, as amended July 14, 1958, is further amended under Item 1 by changing the period after 1958 to a comma and adding the following: "and in the Egegik and Ugashik districts to the period from 9 a. m. July 17 to 9 p. m. July 17, 1958."

Since the decline of runs in the two districts involved require immediate action to secure needed escapement, notice and public procedure on this amendment is impracticable and it shall become effective immediately upon publication in the FEDERAL REGISTER. (68 Stat. 237; 5 U. S. C. 1001 et seq.)

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 58-5565; Filed, July 17, 1958; 10:38 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 966]

[Docket No. AO-257-A4]

HANDLING OF MILK IN SHREVEPORT, LOUISIANA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreements Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Monroe, Louisiana, on March 4–6, 1958, pursuant to notice thereof issued on February 7, 1958 (23 F. R. 911).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 24, 1958 (23 F. R. 4750) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Extension of the marketing area.
2. Revision of order provisions with respect to the classification of milk.
3. The level of class prices in the present and proposed extended marketing area.
4. Establishment of location adjustments from the nearer of the city halls at Shreveport and Monroe, Louisiana, and the revision of the present rate of adjustment.
5. Changes in the assignment and transfer of bases.
6. A revision of the computation of the value of producer milk when a handler has other source milk allocated to Class I in the same month that associated producer milk is assigned to such handler.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The Shreveport, Louisiana, marketing area should be expanded to include all the territory in Claiborne, Lincoln, Morehouse, Ouachita, and Union Parishes, and redesignated as the Northern Louisiana marketing area.

Three proposals were made with respect to expanding the marketing area. In addition to the area herein recommended producers proposed the inclusion of Caldwell, Madison, Richland and West Carroll Parishes; handlers proposed (1) the inclusion of Franklin Parish, and (2) Natchitoches Parish, the city of Leesville and the military installation at Camp Polk in Vernon Parish.

The recommended area includes the principal sales areas of those distributors in and around Monroe who compete with presently regulated Shreveport handlers. The cities of Haynesville and Homer in Claiborne parish are presently a part of the marketing area. A regulated handler at Haynesville and a handler operating an approved plant at El Dorado, Arkansas, compete with each other in the distribution of fluid milk products throughout Claiborne parish as well as these two cities. These handlers and those located in Ouachita Parish also compete for the supply of producer milk in Claiborne Parish. The trade situation in Union Parish is similar to that in Claiborne except that the centers of population are smaller. It is in the remaining three—Lincoln, Ouachita, and Morehouse—of the five parishes herein recommended in the expansion of the marketing area where the trade between the regulated distributors located in Shreveport and Monroe is the most extensive. Located within these three parishes are five milk distributors procuring milk from approximately 200 producers. One of these distributors located in Monroe is currently regulated by the order. Sales distribution of all five of these handlers is interwoven in the additional five parishes recommended herein to be added. Two regulated handlers located in Shreveport distribute fluid milk products in Monroe and the territory between the two cities. Such sales represent approximately 10 percent of their business. Approximately 10 percent of the fluid milk business of a Monroe handler is distributed in the present Shreveport area.

The handling of milk under the present Shreveport order and in the new territory recommended is closely related, as previously demonstrated. The health regulations applicable to milk sold in these markets are the same. Hence, it is concluded that expansion of the Shreveport area should be limited to the parishes herein recommended. These parishes embrace most of the trade territory of the group of competing distributors operating therein. It is this inter-relationship of the trade, that determines and justifies the extension of the Shreveport marketing area, herein recommended. Such extension may be said to be essential to the maintenance of stability and orderly marketing in the market for producer milk.

The inclusion of Natchitoches Parish and parts of Vernon Parish has been an issue in two previous decisions (19 F. R. 887 and 21 F. R. 3967). In both decisions the conclusion was to reject the addition of this territory as a part of the marketing area. These decisions found that the supply of producer milk was not adequate on a year-round basis for the Class I needs of the existing marketing area; presently regulated handlers apparently are able to compete successfully with milk distributors in these parishes as well as in the larger territory of central and southeastern Louisiana; and finally such a proposal would bring under regulation handlers with sources of supply and points of distribution primarily associated with other markets. For these reasons, and the fact that this record adds no new evidence in support of the proposal, it is concluded that this territory should not be included in the marketing area.

The evidence does not justify the inclusion of the parishes of Caldwell, Franklin, Madison, Richland and West Carroll. The excluded parishes are essentially rural in character and the distribution therein represents fringe area sales to the Northern Louisiana (Shreveport-Monroe) area as proposed in this decision. It is not necessary or feasible to include in a marketing area all of the territory where a regulated handler competes for retail and wholesale outlets.

Two distributors operating in these parishes have a minor portion of their sales in the area herein recommended. Whether the volume of such sales would be great enough to make them subject to the regulation is not clear. One of these distributors proposed the inclusion of Franklin parish for protection against competition with unregulated distributors. While he is a major distributor in Franklin parish, having approximately 80 percent of the sales, his testimony showed that nearly half of his business is in localities that were not proposed for the marketing area. No sales are made in these parishes from fluid milk plants located in the present marketing area. Distribution in these five excluded parishes is a minor portion of the sales of a presently regulated fluid milk plant located in Monroe and of another plant located in Monroe which would be regulated by the inclusion of the area herein recommended. Thus the exclusion of these parishes would not unduly restrict sales or the procurement of producer milk by regulated handlers.

The provisions of the order modified, as recommended herein, are appropriate and economically sound for the regulation of the handling of milk both for the present marketing area and for the additional territory. The expanded market territory, however, should be redesignated the Northern Louisiana marketing area.

2. The order provisions affecting the classification of milk should be revised.

Two proposals were made with respect to the classification of milk. One proposal would merely clarify the order language. The other proposal would increase the daily amount of skim milk permitted to be accounted for as dumped and classified as Class II, from 1,500 pounds to 2,500 pounds, or 7 percent of skim milk received in producer milk, whichever is greater. The present and proposed provisions require that the market administrator be given at least 24 hours' notice of the handlers' intention to make such disposition of skim milk.

The evidence is that handlers move excess skim milk to manufacturing plants or dispose of it as livestock feed whenever it is possible to do so. The producers' association has full supply contracts with several handlers and assists other handlers in obtaining supplies of milk when the market is in short supply. Under these market conditions and where the order requires that handlers must account for dumped skim milk as a Class II disposition and notify the market administrator in advance of such dumping of skim milk there is no need to place a quantitative limitation. It is therefore recommended that the order language with respect to classification be revised for clarification and also to eliminate the present limitation on the amounts of skim milk that may be dumped during the months of April, May and June, and accounted for as Class II disposition.

3. The class prices for milk in the present marketing area should apply to the extended area. Action with respect to class prices in the present marketing area was taken in a separate decision issued June 10, 1958.

Producers proposed that a higher Class I price—15 cents per hundredweight above Shreveport—should apply to milk received from producers at fluid milk plants located in the parishes of Ouachita and Morehouse. A handler also recommended that the differential in these two parishes should be 20 cents above Shreveport.

The procurement of supplies and sales of fluid milk products under the present Shreveport order and in the additional area recommended is closely related. The relationship of the supply of producer milk to Class I sales in the new territory is approximately the same as in the present marketing area. The utilization of producer milk in Class I, in the present area, averages over 90 percent. The same high Class I utilization has been experienced in the additional territory.

Until the summer of 1957, Class I prices and blend prices to producers in the Ouachita-Morehouse area have been 15–20 cents per hundredweight higher than prices under the order. Such was also the case before April 1955 when the order was first made effective. But, marketing conditions in the whole Northern Louisiana marketing area, as recommended herein, are not static. A handler, presently regulated by the order, located in Ouachita Parish started distributing milk in the rural areas of the present marketing area in April 1955. Since that time distribution has increased and includes the metropolitan area of the city of Shreveport. Likewise two handlers located in Shreveport have gradually extended their sales territory eastward to include Ouachita Parish, where the cities of West Monroe and Monroe are located. The fact that the location differential for the regulated plant in Ouachita Parish is nineteen and a quarter cents less than the price of producer milk delivered to fluid milk plants in Shreveport resulted in a lowering of class prices and prices to dairy farmers by handlers in this general area.

But under existing market conditions, previously stated in this decision (i. e. intramarket trade competition, common areas of procurement and similar supply-demand relations) the Class I price structure in the new territory should be the same as that in the present marketing area.

4. In the expanded marketing area location adjustments should apply to milk received from producers at fluid milk plants located more than 50 miles from either the city hall in Minden or Monroe, Louisiana, whichever is closer. The rate at such plants should be 12 cents less than the announced price and less an additional 1 cent for each additional 10 miles or fraction thereof for fluid milk plants located beyond 80 miles.

The recommended differential provision would result in the same Class I price at all plants within the expanded marketing area. The provisions of the order presently provide location adjustments beyond a 40-mile radius of the city hall in Shreveport. The rate is 1.75 cents for each 10 miles or fraction thereof that the fluid milk plant is located from the Shreveport city hall. Two plants currently regulated under the order have location differentials of 12.25 cents and 19.25 cents. Producers proposed at the hearing that the location adjustments should not apply to milk received from producers at fluid milk plants located within 75 miles of the city hall at either Shreveport or Monroe and that the rate should be reduced to 1 cent for each 10 miles distance from the city hall. But, this proposal would extend uniform Class I prices to possible plant locations far beyond the borders of the expanded area. Evidence supports uniform prices within the area, but not for locations at substantially greater distances from central area points.

Hence, it is recommended that location adjustments should apply only to milk received at fluid milk plants more than 50 miles from either the city hall in Minden or Monroe. These cities would serve as convenient locations in the expanded area from which to determine zones for location differentials. Milk produced closer than 50 miles can be readily transported directly from producers' farms to distributing plants in the principal consuming communities in the marketing area as recommended herein. Therefore, the need for location differentials at plants within the marketing area is not justified under present marketing conditions. A higher rate for relatively short distances is justified as compared with long-distance movements of milk. The record evidence substantiates a differential of 12 cents per hundredweight hauling cost within the radius of 50 to 60 miles of the recommended basing points and 1 cent for each additional 10 miles beyond 60 miles. The producers' association procures and hauls supplemental supplies of bulk milk from nonfluid milk plants to effect full supply contracts that it has with some handlers. The proposed location adjustment rate represents the actual cost of hauling such milk by the cooperative in fulfilling their contracts with handlers. There was no opposition to the use of this rate, but it was supported by a handler witness. The location differential for existing approved plants located outside the marketing area will be approximately the same as under the present order provisions. In paying producers, the applicable location differential should be the same as the Class I price

differential to handlers. This is as the order presently provides.

5. The base plan rules should be revised.

In the order provisions defining distributing and supply plants certain requirements are set forth which determine that such plants are primarily associated with this marketing area. Therefore, dairy farmers who become producers under the order as a result of a plant becoming a fluid milk plant by meeting the required distributing or supply plant qualifications or by the extension of the marketing area should be assigned bases. Accordingly, the order language has been revised to provide assignment of bases to dairy farmers who become producers under such circumstances.

The intent of the order is to provide a means of determining a base for each producer in accordance with the actual receipts of milk at fluid milk plants during the base-forming period. To accomplish this intent under conditions where bases are transferred, the total base should be determined by adding together the milk deliveries of the transferee and transferor during the base-forming period and dividing this total by the number of days from the first day milk was received from either producer during the base-forming period to the last day of such period but not less than 90. This proposed revision of the base rules conforms with the practices currently in effect in this market as a result of administrative decision.

6. No change should be made in the computation of the value of producer milk.

Producers requested a review of the computation of the value of producer milk when a handler has other source milk allocated to Class I in the same month that associated producer milk is assigned to such handler. Producers failed to offer a specific proposal to amend the order in respect to the problem cited.

The record evidence is that handlers are not displacing producer milk in their Class I utilization with receipts of bulk milk from other sources. It is not intended that associated producer milk affect the handlers cost of milk. The associated producer provisions merely provide a sharing of returns among producers and associated producers. There was no showing that the present allocation provisions of the order failed to insure that producer milk receives the highest utilization possible, since any receipts of other source milk is subtracted first from the Class II utilization of the fluid milk plant. Under these circumstances additional safeguards to protect the interests of producers permanently associated with the market are not justified by the evidence.

The entire order is redrafted to incorporate conforming provisions to accommodate the changes recommended herein.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Shreveport, Louisiana, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Shreveport, Louisiana, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Shreveport, Louisiana, marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of May 1958 is hereby determined to be the representative period for the conduct of such referendum.

John D. Nord is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 15th day from the date this decision is issued.

Issued at Washington, D. C., this 14th day of July 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

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Order[1] Amending the Order Regulating the Handling of Milk in the Shreveport, Louisiana, Marketing Area

§ 966.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Shreveport, Louisiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to receipts of other source milk allocated to Class I, producer milk, associated producer milk and Class I milk distributed on routes in the marketing area by a nonfluid milk plant.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Shreveport, Louisiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 966.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 966.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 966.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 966.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 966.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 966.6 *Northern Louisiana, Marketing Area.* "Northern Louisiana, Marketing Area," hereinafter called the "marketing area," means all territory within the boundaries of the Parishes of Bossier, Caddo, Claiborne, Desoto, Lincoln, Morehouse, Ouachita, Red River, Union, and Webster, all in the State of Louisiana.

§ 966.7 *Distributing plant.* "Distributing plant" means any plant from which a volume of Class I milk equal to an average of more than 1,500 pounds per day or not less than 4 percent of the Grade A milk and skim milk received from producers and other plants is disposed of during the month through routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except fluid milk plants) located in the marketing area.

§ 966.8 *Supply plant.* "Supply plant" means any plant from which "Grade A" milk or skim milk is received during the month at a distributing plant:

(a) In any of the months of March through June; and

(b) On ten or more days or in an amount equal to a daily average of not less than 8,300 pounds in any of the months of July through February.

§ 966.9 *Fluid milk plant.* "Fluid milk plant" means a distributing plant or a supply plant.

§ 966.10 *Approved plant.* "Approved plant" means (a) a fluid milk plant and (b) any milk processing or packaging plant from which Class I milk is disposed of through routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets located in the marketing area.

§ 966.11 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or packaging plant other than a fluid milk plant.

§ 966.12 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade "A" inspection requirements for milk for fluid consumption which milk is (a) received at a fluid milk plant or (b) diverted for the account of a handler from such plant during the month to a nonfluid milk plant; *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted; *And provided further,* That this definition shall not include any such person with respect to milk produced by him which is subject to the pricing and payment provisions of another marketing order issued pursuant to the Act.

§ 966.13 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer and re-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

ceived at the fluid milk plant directly from producers or diverted pursuant to § 966.12.

§ 966.13a *Associated producer.* "Associated producer" means a person who, with respect to any milk not accepted at a fluid milk plant or diverted from it by a handler in any month, meets all of the following qualifications:

(a) Produces milk in conformity with the sanitation requirements of any duly constituted health authority relating to milk for fluid consumption;

(b) Delivered milk for not less than 60 days during the preceding months of September through December, which milk was received at or diverted from a fluid milk plant; and

(c) Certifies in writing to the market administrator, on or before the first day of any month following the first month in which any of his milk is not accepted at or diverted from a fluid milk plant, that he is ready and willing to deliver his milk to such fluid milk plant, and does so perform in response to appropriate request from the handler through the market administrator.

§ 966.13b *Associated producer milk.* "Associated producer milk" means all skim milk and butterfat sold during the month by associated producers to a nonfluid milk plant(s) which, during such month, utilized skim milk and butterfat in products designated pursuant to § 966.41 (b) (1): *Provided*, That the sale of such milk by associated producers is reported to and verified by the market administrator pursuant to § 966.32 (c).

§ 966.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 966.41 (a) (1), except (1) such products received from other fluid milk plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 966.41 (b) (1) and (6) from any source (including those produced at the plant) which are reprocessed or converted to another product during the month.

§ 966.15 *Handler.* "Handler" means any person in his capacity as the operator of one or more approved plants.

§ 966.16 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant but who receives no milk from dairy farmers or producers.

§ 966.17 *Base-forming period.* "Base-forming period" means the months of September through December.

§ 966.18 *Base-operating period.* "Base-operating period" means the months of February through July.

§ 966.19 *Base milk.* "Base milk" means producer milk received by a handler and associated producer milk assigned to such handler during the base-operating period, which milk is not in excess of bases computed pursuant to § 966.80.

§ 966.20 *Excess milk.* "Excess milk" means producer milk received by a handler and associated producer milk assigned to such handler during the base-operating period, which milk is in excess of the base milk received during the month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 966.80.

§ 966.21 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 966.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 966.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 966.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 966.94 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 966.93 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties);

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records for examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 966.30 to 966.32, or payments pursuant to §§ 966.90 to 966.95, inclusive;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum price for Class I milk computed pursuant to § 966.51 (a) and the Class I butterfat differential pursuant to § 966.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 966.51 (b) and the Class II butterfat differential pursuant to § 966.52 (b), both for the preceding month;

(2) On or before the 10th day of each month, the uniform price(s) computed pursuant to § 966.72 or § 966.73 as applicable, and the butterfat differential computed pursuant to § 966.91.

(k) Mail to each handler at his last known address a statement showing for such handler:

(1) On or before the 5th day of the month the names and addresses of associated producers assigned to such handler;

(2) On or before the 12th day after the end of the month (i) the amount and value of producer milk in each class and the total thereof; (ii) for the months of the base-operating period, the amounts and value of his base and excess milk, respectively; and

(3) On or before the 10th day of the month the quantity and butterfat test of associated producer milk assigned to such handler and the amount in payment thereof to be remitted to the market administrator for payment to associated producers pursuant § 966.90 (f): *Provided*, That during the base-operating period such notification shall include the quantity and butterfat test of associated producer milk designated as base and excess milk and the amount thereon to be remitted.

REPORTS, RECORDS AND FACILITIES

§ 966.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his fluid milk plants as follows:

(a) The quantities of skim milk and butterfat contained in milk received from each producer and, for the months of the base-operating period, the quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 966.41 (a) (1) received from fluid milk plants of other handlers;

(c) The quantities of skim milk and butterfat in other source milk;

(d) The quantities of skim milk and butterfat contained in inventories of products designated as Class I milk pursuant to § 966.41 (a) on hand at the beginning and end of the month;

(e) Utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the disposition of Class I milk outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 966.31 *Payroll reports.* On or before the 20th day of each month, each handler, except a producer-handler shall submit to the market administrator his producer payroll for deliveries of milk for the preceding month for each of his fluid milk plants which shall show:

(a) The name and address of each producer;

(b) The total pounds and the average butterfat test of milk received from such producer;

(c) The number of days, if less than the entire month, for which milk was received from such producer; and, for the months of the base-operating period, such producer's deliveries of base milk and excess milk;

(d) The rate and net amount of payment to each producer; and

(e) The nature and amount of any deductions or charges involved in such payments.

§ 966.32 *Other reports.* (a) Each producer-handler and each handler operating a nonfluid milk plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, who causes milk to be diverted for his account directly from a producer's farm to a nonfluid milk plant, shall prior to such diversion report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and name of the plant to which such milk is to be diverted; and

(c) Each associated producer shall submit to the market administrator on or before the 3d day of the month, a statement of the quantity and butterfat test of his milk sold during the preceding month to a nonfluid milk plant which during such month utilized skim milk and butterfat in Class II products pursuant to § 966.41 (b) on or before the 12th day of the month, payment statements, weight slips, or other acceptable evidence to verify the quantity and butterfat test of milk sold pursuant to this paragraph.

§ 966.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat from any source;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including any deductions authorized by producers or cooperative association and disbursements of money so deducted.

§ 966.34 *Retention of records.* All books and records required this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act, or a court action specified in such notice, the handler shall retain such books and records or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 966.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat at fluid milk plants which is required to be reported for the month pursuant to § 966.30 shall be classified by the market administrator pursuant to the provisions of §§ 966.41 to 966.46.

§ 966.41 *Classes of utilization.* Subject to the conditions set forth in §§ 966.43 and 966.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat: (1) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk and drinks, cream, cultured sour cream, and any mixture of cream and milk or skim milk except that classified pursuant to paragraph (b) (2) and (5) of this section; (2) used to produce concentrated fluid milk; and (3) not specially accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce eggnog, aerated cream products, ice cream, ice cream mix, ice milk, ice milk mix, frozen desserts, evaporated milk, condensed milk and milk products packaged in hermetically sealed containers or any other product not specified in paragraph (a) (1) of this section;

(2) Disposed of and used for livestock feed or skim milk dumped during April, May and June: *Provided*, That in the case of skim milk dumped, the market administrator is given at least 24 hours' notice of the handler's intention to make such disposition and the amount involved;

(3) Contained in inventory of milk and milk products designated as Class I milk pursuant to paragraph (a) (1) of this section on hand at the end of the month;

(4) In shrinkage not to exceed 2 percent of skim milk and butterfat, respectively, in receipts from producers and other source milk;

(5) Disposed of to commercial bakeries or food product manufacturing plants (other than nonfluid milk plants) which do not dispose of milk for fluid consumption; and

(6) In frozen cream.

§ 966.42 *Shrinkage.* The market administrator shall assign shrinkage at the fluid milk plant(s) of a handler as follows:

(a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(b) Assign the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk.

§ 966.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II milk;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 966.44 *Transfers.* Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk in § 966.41 (a) (1), to the fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 966.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 966.46 (a) (2) and (b) and any additional amounts of such skim

milk or butterfat shall be classified as Class I milk: *And provided further*, That if either or both handlers have other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of products designated as Class I milk in § 966.41 (a) (1);

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant, unless the following conditions are met:

(1) The transferring handler claims Class II utilization in a product specified in § 966.41 (b);

(2) The operator of such nonfluid milk plant maintains adequate books and records showing the receipts and utilization of all skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification; and

(3) The Class I milk, as defined pursuant to § 966.41 (a) (1) in such nonfluid milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers, who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any Class I milk in excess of receipts from such dairy farmers shall be assigned to milk, skim milk or cream so transferred or diverted.

§ 966.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plant(s) of each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat solids content of such product together with all of the water originally associated with such solids content.

§ 966.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 966.45 the market administrator shall determine the classification of producer milk received at the fluid milk plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 966.42 (b);

(2) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk in other source milk as defined pursuant to § 966.14;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk contained in inventory on hand at the beginning of the month and classified pursuant to § 966.41 (b) (3);

(4) Subtract from the remaining pounds of skim milk in each class the skim milk contained in products designated as Class I milk in § 966.41 (a) (1) received from the fluid milk plants of other handlers, according to the classification of such skim milk as determined pursuant to § 966.44 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 966.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed, pursuant to paragraphs (a), (b), and (c) of this section rounded to the nearest one-tenth cent.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0.

Present Operator and Location

Borden Company, Mount Pleasant, Mich.
Carnation Company, Sparta, Mich.
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Borden Company, Orfordville, Wis.
Borden Company, New London, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Oconomowoc, Wis.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.96.

(c) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location

Carnation Company, Sulphur Springs, Tex.
The Borden Company, Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.

§ 966.51 *Class prices.* Subject to the provisions of §§ 966.52 and 966.53, the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk price.* Through June 30, 1960, the minimum price shall be the basic formula price for the preceding month plus $2.00 for each of the months of March, April, May and June, and plus $2.40 for all other months; and

(b) *Class II milk price.* The minimum price shall be the price computed pursuant to § 966.50 (c) for the months of March, April, May and June and the higher of the prices computed pursuant to § 966.50 (b) or (c) for all other months, rounded in each case to the nearest one-tenth cent.

§ 966.52 *Butterfat differentials to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 966.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120;

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.110.

§ 966.53 *Location adjustment to handlers.* For milk received from producers at a fluid milk plant located more than 50 but not more than 60 miles by shortest hard surfaced highway distance, as determined by the market administrator, from either the City Hall in Minden or Monroe, Louisiana, whichever is closer and which is classified as Class I, the prices determined pursuant to § 966.51 (a) shall be reduced 12 cents and by an additional one cent for each 10 miles or fraction thereof that such distance exceeds 60 miles.

§ 966.54 *Use of equivalent price.* If for any reason a price quotation required by this part for computing class prices, or for any other purpose, is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to such required price.

APPLICATION OF PROVISIONS

§ 966.60 *Producer-handler.* Sections 966.40 to 966.46, 966.50 to 966.53, 966.70 to 966.72, 966.80 to 966.82, and 966.90 to 966.96 shall not apply to producer-handler.

§ 966.61 *Plants subject to other Federal orders.* (a) An approved plant will be considered to be a nonfluid milk plant during the month for the purpose of this part if (1) a larger volume of Class I milk is disposed of from such plant in the marketing area of another order issued pursuant to the act than is distributed in the Northern Louisiana marketing area (i) through retail or wholesale outlets (other than distributing plants) during the month, or (ii) to distributing plant(s) in each of the preceding months of September through December, and (2) such plant would be subject to the classification and the pricing provision of such other order.

(b) The operator of such approved plant shall with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require in lieu of the reports required pursuant to § 966.30 and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 966.70 *Net obligation to handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price and add together resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 966.46 (a) (6) and (b) by the applicable class price;

(c) Add an amount computed as follows:

(1) Determine the pounds, if any, that the skim milk or butterfat in inventory subtracted from Class I milk pursuant to § 966.46 (a) (3) and (b) is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) for the preceding month; and

(2) Multiply such pounds by the difference between the Class I price in the current month and the Class II price in the preceding month adjusted by the appropriate butterfat differentials;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months;

§ 966.71 *Computation of aggregate value used to determine uniform prices.* For each month, the market administrator shall compute for each handler who operates a fluid milk plant an aggregate value from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Add to the amount computed pursuant to § 966.70 an amount equal to the volume of associated producer milk assigned to such handler pursuant to § 966.27 (k) (3) multiplied by the Class II price;

(b) Add or subtract for each one-tenth of one percent that the average butterfat content of producer milk received by such handler and associated producer milk assigned to such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers determined pursuant to § 966.91 and multiplying the result by the total hundredweight of producer milk and associated producer milk;

(c) Add an amount equal to the total deductions to be made pursuant to § 966.92; and

(d) Add the amount represented by any deductions made for eliminating a fraction of a cent in computing the uniform price(s) for such handler for the preceding month.

§ 966.72 *Computation of uniform prices.* For each month which is not in the base-operating period, the market administrator shall compute the uniform price for producer milk received by each handler by dividing the aggregate value computed pursuant to § 966.71 by the total hundredweight of producer milk received by, and associated producer milk assigned to, such handler. The result less any fraction of a cent per hundredweight shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content at a fluid milk plant located not more than 50 miles from the nearer of the city halls in Minden or Monroe, Louisiana.

§ 966.73 *Computation of the uniform prices for base milk and for excess milk.* For each of the months of the base-operating period, the market administrator shall compute for each handler a uniform price for base milk and for excess milk as follows:

(a) Compute the value, subject to the conditions set forth in paragraph (b) of this section, of excess milk received by such handler by multiplying the quantity of such milk by the Class II price;

(b) Compute the value of base milk received by such handler by subtracting the value obtained pursuant to paragraph (a) of this section from the value obtained pursuant to § 966.71: *Provided*, That if such resulting value is greater than the amount computed by multiplying the hundredweight of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (a) of this section to the extent the excess price shall not exceed the base price. Any additional value remaining shall be prorated on a volume basis between excess and base milk;

(c) Divide the value obtained pursuant to paragraph (b) of this section by the hundredweight of base milk. This result less any fraction of a cent per hundredweight shall be known as the uniform price for base milk of 4.0 percent butterfat content at a fluid milk plant located not more than 50 miles from the nearer of the city halls in Minden or Monroe, Louisiana; and

(d) Add the value represented by any fraction of a cent subtracted pursuant to paragraph (c) of this section to the value obtained pursuant to paragraph (a) of this section and divide by the hundredweight of excess milk. This result less any fraction of a cent per hundredweight shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content at a fluid milk plant, located not more than 50 miles from the nearer of the city halls in Minden or Monroe, Louisiana.

DETERMINATION OF BASE

§ 966.80 *Computation of daily average base for each producer.* The daily average base for each producer shall be an amount calculated by the market administrator as follows: Divide the total pounds of milk received by the handler(s) from such producer during the base-forming period by the number of day's production a producer delivered during the base-forming period, but not less than 90.

§ 966.81 *Computation of base.* The base of each producer to be applied during the base-operating period shall be a quantity of milk calculated by multiplying the daily base of such producer by the number of days for which such producer's milk was received by such handler during the month.

§ 966.82 *Base rules.* The following rules shall apply for the establishment and transfer of bases:

(a) The base shall be assigned to the producer for whose account milk is received by a handler during the base-forming period and to each person for whose account producer milk was delivered to a plant that did not qualify as a fluid milk plant during each month of the base-forming period but which qualifies as a fluid milk plant during any of the months of February through July, bases shall be assigned on deliveries at such plant in the same manner as if such plant was a fluid milk plant during each month of the base-forming period; and

(b) An entire base shall be transferred by the market administrator to another person upon receipt of an application form, approved by the market administrator, and signed by the base-holder(s), or his heirs, and by the person to whom such base is transferred subject to the following condition:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base-forming period and dividing the total by the number of days from the first day of delivery by either the transferee or transferor during the base-forming period to the last day of December inclusive but not less than 90 days.

§ 966.83 *Announcement of established bases.* On or before the 25th day after the end of the base-forming period, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 966.90 *Payments to producers.* Except as provided in paragraph (d) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 28th day of each month, for milk received during the first 15 days of the month at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each month which is not in the base-operating period for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 966.72 subject to the butterfat and location differentials computed pursuant to §§ 966.91 and 966.92, respectively, plus or minus adjustments for errors made in previous payments to such producers; and less (1) payment made pursuant to paragraph (a) of this section; (2) marketing service deductions pursuant to § 966.93 and (3) proper deductions authorized by such producer;

(c) On or before the 15th day after the end of each of the months of the base-operating period for milk received during such month, after allowance for payment made pursuant to paragraph (a) of this section, adjustments for errors made in previous payments to such producer, marketing service deductions pursuant to § 966.93 and proper deductions authorized by such producer, an amount computed:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 966.73 for the quantity of base milk received from such producer during the month, subject to the butterfat and location differentials computed pursuant to §§ 966.91 and 966.92, respectively; and

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 966.73 for the quantity of excess milk received from such producer during the month, subject to the butterfat and location differentials computed pursuant to §§ 966.91 and 966.92, respectively;

(d) On or before the 11th and 25th days of each month, in lieu of the payment pursuant to paragraphs (a) and (b) and (c) of this section, respectively, each handler shall pay to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers;

(e) In making the payments to producers pursuant to paragraphs (b) and (c) or (d) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(f) On or before the 12th day after the end of the month, each handler having associated producer milk shall remit to the market administrator for payment to associated producers an amount computed by multiplying the quantity of associated producer milk assigned to such handler pursuant to § 966.27 (k) (3) by the difference between such handler's uniform price(s) as determined pursuant to § 966.72 or § 966.73, as applicable, and the Class II price determined pursuant to § 966.51 (b). Such amounts shall be maintained by the market administrator in a separate fund out of which he shall, on or before the 15th day after the end of the month, make appropriate payment to each associated producer, such payments to be verified pursuant to § 966.32 (c) (2).

§ 966.91 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 966.90 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 966.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 966.92 *Location differentials.* In making payment to producers and cooperative association pursuant to §966.90 a handler may deduct, with respect to producer and associated producer milk received at or assigned to a fluid milk plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the nearer of the city halls in Minden or Monroe, Louisiana, the amount per hundredweight applicable to such plant pursuant to § 966.53.

§ 966.93 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 966.90 shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the service set forth in paragraph (a) of this section and for whom a cooperative association is authorized to receive payment for marketing services as set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and shall pay such deductions to the cooperative association entitled to receive it, on or before the 15th day after the end of the month during which such milk was received. Such deductions shall be accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer. In lieu of such statement, the handler may request the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 966.31.

§ 966.94 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler except a producer-handler, shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is allocated to Class I milk pursuant to § 966.46 (a) (2) and (b); (b) producer milk including such handler's own production; (c) Class I milk distributed during the month on routes (including routes operated by vendors) to retail or wholesale outlets located in the marketing area from a nonfluid milk plant other than a plant as defined under § 966.61; and (d) associated producer milk.

§ 966.95 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due a producer or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 966.96 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money;

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler and said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 966.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 966.101.

§ 966.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 966.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 966.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 966.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 966.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

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NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 167-18, Revision 1]

[CGFR 58-27]

COMMANDANT, U. S. COAST GUARD

DELEGATION OF FUNCTIONS

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, and by 14 U. S. C. 631 and 633, there are transferred to the Commandant, U. S. Coast Guard, the functions of the Secretary of the Treasury under:

1. Section 182 of Title 14, U. S. Code, but a cadet shall have the right to appeal to the Secretary from a determination of the Commandant that he shall be separated from the Academy and the Service for misconduct, inaptitude, or physical disability.

2. Section 303 of the Career Compensation Act of 1949, as amended.

3. The Armed Forces Leave Act of 1946, as amended, except the functions pertaining to Armed Forces Leave Bonds.

The Commandant may make provisions for the performance by subordinates in the Coast Guard of the functions transferred by paragraph 1 above relating to voluntary separation of cadets from the Academy and the Service.

Dated: July 11, 1958.

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-5512; Filed, July 17, 1958; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF GULF AND SOUTH ATLANTIC HAVANA STEAMSHIP CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 4188-20, between the member lines of the Gulf and South Atlantic Havana Steamship Conference, modifies the basic agreement of that conference (No. 4188, as amended), covering the trade from U. S. Gulf and South Atlantic ports south of Virginia, to Havana, Cuba, and to Cuba Mainland Outports, Mariel and Matanzas, either by direct service or via Havana. The purpose of the modification is to add a provision that no member shall charter or otherwise make available, except by direct sale, any vessel owned, chartered or otherwise controlled, to any non-member for operation in the trade covered by the Conference.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 15, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5494; Filed, July 17, 1958; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11978 etc.; FCC 58M-758]

CHARLES R. BRAMLETT ET AL.

ORDER SCHEDULING HEARING CONFERENCE

In re applications of Charles R. Bramlett, Torrance, California, Docket No. 11978, File No. BP-9833; Latin-American Broadcasting Corporation, Monterey Park, California, Docket No. 11981, File No. BP-10811; Radio Orange County, Inc., Anaheim, California, Docket No. 12218, File No. BP-11236; Anaheim-Fullerton Broadcasting Co., Inc., Anaheim-Fullerton, California, Docket No. 12219, File No. BP-11242; for construction permits.

The Hearing Examiner having under consideration the necessity of setting a date for a hearing conference;

It appearing that an oral argument on a petition to amend filed by Radio Orange County, Inc. was scheduled for July 14, 1958, but that developments in the case have apparently rendered such argument unnecessary; and

It further appearing that a hearing conference is desirable;

It is ordered, This 14th day of July 1958, that the oral argument scheduled for July 14, 1958, is cancelled and a hearing conference will be held on July 18, 1958, at 2:00 p. m.

Released: July 14, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5513; Filed, July 17, 1958; 8:49 a. m.]

[Docket Nos. 12422—12425; FCC 58M-760]

POMPANO BEACH BROADCASTING CORP. ET AL.

ORDER GRANTING INDEFINITE POSTPONEMENT OF DATES FOR EXCHANGING WRITTEN DIRECT CASES AND FOR HEARING

In re applications of Pompano Beach Broadcasting Corporation, Pompano Beach, Florida, Docket No. 12422, File No. BP-11297; Voice of South Miami Broadcasters, Inc., South Miami, Florida, Docket No. 12423, File No. BP-11410; Louis G. Jacobs, Miami-South Miami, Florida, Docket No. 12424, File No. BP-11489; South Miami Broadcasting, Incorporated, South Miami, Florida, Docket No. 12425, File No. BP-11751; for construction permits.

The Hearing Examiner having before him for consideration a "Motion for Extension of Procedural Dates" filed jointly on July 9, 1958, in the above-entitled matter by counsel for all four applicants; and

It appearing that the applicants have reached tentative agreements looking toward settlement of the case which might make possible the granting of two of the four applications involved herein (Louis G. Jacobs and Pompano Beach Broadcasting Corporation); and

It further appearing that no useful purpose would be served by exchanging written direct cases and going to hearing on the dates now specified; and

It further appearing that counsel for the Broadcast Bureau has consented to an indefinite postponement of the dates for exchanging written direct cases and for hearing in this matter,

It is accordingly ordered, This 14th day of July 1958, that the dates for exchanging written direct cases and for hearing (July 10, 1958, and July 21, 1958, respectively) in this matter be and they hereby are continued indefinitely.

Released: July 14, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5514; Filed, July 17, 1958; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-9174, etc.]

MIDSTATES OIL CORP.

NOTICE OF POSTPONEMENT OF HEARING

JULY 11, 1958.

In the matters of Midstates Oil Corporation, Docket Nos. G-9174, G-9387, G-11039, G-11081, G-13427 and G-13431.

Notice is hereby given that the hearing now scheduled for July 14, 1958, in the above-designated matters is postponed to commence at 10:00 a. m., e. d. s. t., September 9, 1958, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5499; Filed, July 17, 1958; 8:46 a. m.]

[Docket Nos. G-9417, etc.]

BAYVIEW OIL CORP. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

JULY 11, 1958.

In the matters of Bayview Oil Corporation, Docket No. G-9417; Bayview Oil Corporporation, operator et al., Docket No. G-13739; Bayview Oil Corporation, et al., Docket No. G-13421.

Notice is hereby given that the hearing now scheduled for July 16, 1958, in the above-designated matters is postponed to commence at 10:00 a. m., e. d. s. t., September 10, 1958, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5500; Filed, July 17, 1958; 8:46 a. m.]

[Docket No. G-13246, etc.]

MICHIGAN WISCONSIN PIPE LINE CO. ET AL.

ORDER POSTPONING DATE OF HEARING

JULY 14, 1958.

In the matters of Michigan Wisconsin Pipe Line Company, Docket No. G-13246; Northern Indiana Public Service Company, Docket Nos. G-12871, G-[illegible]; Northern Illinois Gas Company, Docket No. G-13408; Michigan Gas Utilities Company, Docket No. G-13858.

The above proceedings were consolidated for hearing on July 8, 1958, pursuant to an order of the Commission dated [illegible] 16, 1958, to determine the allocation of the incremental supply of gas available to Michigan Wisconsin Pipe Line Company (Michigan Wisconsin).

At the opening of the hearing on July 8, 1958, Applicant (Michigan Wisconsin), offered to introduce into evidence a proposed unfiled tariff changing its existing straight commodity rate to a two-part demand commodity rate form and rate level. Michigan Wisconsin requested that the proposed change in tariff form the basis for allocation of its supplies in these proceedings. The Examiner ruled that although the proposed change in rate form and rate level was not in issue in these proceedings, he would receive evidence upon which an allocation could be made, predicated both on the existing tariff as well as the proposed tariff.

On July 11, 1958, Staff Counsel filed and served on the parties an appeal from the ruling of the Examiner allowing the introduction of evidence on the proposed change of tariff in these proceedings and requested, because of the urgency of this appeal, that the Secretary allow five days from the date of service of the appeal upon the parties for the filing of replies.

The Commission finds:

(1) An appeal from a ruling of the Examiner in these proceedings has been filed by Staff Counsel stating that it is urgent to obtain a prompt Commission decision on said appeal to prevent detriment to the public interest.

(2) It is necessary in the public interest that further hearings in these proceedings be postponed until such time as the Commission has had an opportunity to pass upon Staff Counsel's appeal.

The Commission orders: For the reason stated in Finding No. 2, the hearings in these proceedings, which are in recess on July 14, 1958, and are scheduled to be reconvened on July 15, 1958, be and the same hereby are postponed until such further date as the Commission may determine, pending its decision on the appeal of Staff Counsel.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5509; Filed, July 17, 1958; 8:49 a. m.]

[Project No. 2246]

COUNTY OF YUBA, STATE OF CALIFORNIA

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JULY 14, 1958.

Public notice is hereby given that County of Yuba, State of California, of Marysville, California, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for a preliminary permit for proposed water-power Project No. 2246 to be known as the Greater Yuba River Water and Power Development and located on the Yuba River and its tributaries, North Fork Yuba River and Middle Fork Yuba River, and Dry Creek, a tributary of Bear River, in Yuba, Sierra, and Nevada Counties, California, in the region of Downieville, North San Juan, Sheridan, Wheatland, Marysville, Yuba City, Lincoln, Smartsville, Grass Valley, Nevada City, and Camptonville and to consist of an "initial development", a "later development", and an "ultimate development" described as follows: Initial development—(1) New Bullards Dam and Reservoir, consisting of a dam about 490 feet high with crest at elevation 1900, located on the North Fork Yuba River 800 feet downstream from the existing Bullards Bar Dam, and a reservoir with total storage capacity of 645,000 acre-feet at elevation 1895 (including 300,000 acre-feet of flood control) and water-surface area of 3,650 acres, which reservoir would inundate the existing Bullards Bar hydroelectric development of Pacific Gas and Electric Company licensed by the Commission as Project No. 187; (2) Freemans Dam and Reservoir, consisting of a dam about 535 feet high with crest at elevation 1910, located on Middle Fork Yuba River, and a reservoir with total storage capacity of 420,000 acre-feet at elevation 1900 and water-surface area of 2,700 acres; (3) New Bullards-Colgate Tunnel, consisting of a pressure tunnel 5.7 miles long, with peak capacity of 2,840 cfs, connecting New Bullards Reservoir to Colgate Powerhouse Extension; (4) Colgate Powerhouse Extension, consisting of a powerhouse located on the Yuba River and with installed capacity of 331,000 horsepower, which would adjoin or be near the existing unlicensed Colgate Powerhouse of Pacific Gas and Electric Company and the existing Englebright Reservoir of the California Debris Commission would serve as an afterbay; (5) Waldo Dam and Reservoir, consisting of a dam about 210 feet high with crest at elevation 445 located on Dry Creek, and a reservoir with total storage capacity of 300,000 acre-feet and water-surface area of 4,200 acres lying entirely within Beal Air Force Base boundary; (6) Englebright-Waldo Tunnel, consisting of a new tunnel outlet from Englebright Reservoir with tunnel therefrom about 6.4 miles long with capacity of 1,000 cfs to Waldo Reservoir, and a branch thereof about 2.1 miles long with capacity of 750 cfs to Parks Powerhouse; and (7) Parks Powerhouse, located on the southern edge of Yuba River Canyon just below Parks Bar Bridge and with installed capacity of 18,000 horsepower; Later development—(8) Pittsburgh Hill Dam, Reservoir and Powerhouse, consisting of a dam about 355 feet high with crest at elevation 2255, located on North Fork Yuba River, a reservoir with total storage capacity of 90,000 acre-feet at elevation 2250 and water surface area of 850 acres, and a powerhouse at base of dam with installed capacity of 32,300 horsepower; and Ultimate development —which possible development would include six dams—Omega, Washington, Edwards and French Corral on South Fork Yuba River and Moores Flat and Badger Hill on Middle Fork Yuba River, which reservoirs and associated powerhouses are estimated to provide annually the following: 280,600 acre-feet of conserved water; 119,000,000 kilowatt-hours of electric energy; 287,000 acre-feet of emergency dry year irrigation water; and 130,000 acre-feet of flood control storage. The proposed project would be in physical conflict with constructed licensed Project No. 187 and with proposed Projects Nos. 2238 and 2240, applications for preliminary permits for which are now pending before the Commission, and might conflict with water use by licensed Project No. 1403 of the Pacific Gas and Electric Company, which consists of a powerhouse supplied by a penstock from Englebright Dam.

No construction is authorized under a preliminary permit. A permit, if issued merely gives permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is August 25, 1958. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5510; Filed, July 17, 1958; 8:49 a. m.]

[Docket No. G-15457]

OHIO VALLEY GAS CORP.

NOTICE OF APPLICATION

JULY 16, 1958.

Take notice that the Ohio Valley Gas Corporation (Applicant), a public utility engaged in the distribution of natural gas in the State of Indiana, having its principal place of business in Winchester, Indiana, filed an application on July 11, 1958 for an order, pursuant to section 7 (a) of the Natural Gas Act, directing American Louisiana Pipe Line Company (American Louisiana), to sell and deliver to Applicant certain volumes of natural gas for resale and distribution in Portland, Indiana, all as more fully represented in the application which is on file with the Commission and open for public inspection.

By order of the Commission issued September 4, 1956, in the consolidated proceedings at Docket Nos. G-2306, et al. (16 F. P. C. 397), American Louisiana was ordered and directed to sell and deliver 2,500 Mcf of natural gas per day to Applicant for resale and distribution in Portland, Indiana. Deliveries of such natural gas commenced in November, 1956.

In the proceedings at Docket Nos. G-10396 et al., Applicant was permitted to intervene and there requested allocation of an additional volume of 1,000 Mcf of gas per day from American Louisiana for distribution in Portland.

By order of the Commission issued April 17, 1958, in the matters of Michigan Wisconsin Pipe Line Company, et al., Docket Nos. G-13246 et al., Applicant was permitted to intervene in said proceedings in order to show its further increased requirements of natural gas from American Louisiana for Portland.

Applicant is herein requesting an order of the Commission directing American Louisiana to sell and deliver to Applicant, for resale and distribution in Portland, Indiana, an additional volume of 1,350 Mcf of gas per day over and above the presently allocated 2,500 Mcf per day and the 1,000 Mcf per day additional quantity requested in Docket No. G-10396. The additional quantity of 1,350 Mcf of gas per day represents the third-year needs of consumers in Portland as shown by the following estimate of annual and peak-day requirements.

Annual (Mcf)

1959	1960	1961
620,308	682,777	733,368

Peak-day (Mcf)

1958-59	1959-60	1960-61
3803	4391	4804

Applicant states that American Louisiana has available an unallocated supply of natural gas which enables it to sell and deliver to Applicant the additional quantity of 1,350 Mcf per day requested herein, and that the sale and delivery of such additional quantity of gas will not impair American Louisiana's ability to render adequate service to its existing customers or subject it to any undue burden.

In a related motion filed on July 11, 1958, Ohio Valley Gas Corporation requests that the instant 7 (a) application be consolidated with the proceedings in Docket Nos. G-13246 et al., since Applicant is an intervener in the aforesaid proceedings which Applicant alleges involve common questions of law and fact with the application in Docket No. G-15457.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 31, 1958.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5525; Filed, July 17, 1958; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1156]

EQUITY CORP. AND FINANCIAL GENERAL CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING TRANSACTION BETWEEN AFFILIATES

JULY 11, 1958.

Notice is hereby given that The Equity Corporation ("Equity"), a registered closed-end, non-diversified, investment company, and Financial General Corporation ("Financial"), an affiliated company of Equity, have filed a joint application and an amendment thereto pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the provisions of section 17 (a) of the act, the purchase by Financial from Equity of 49,989 shares of stock of United Insurance Company ("United") which constitute all of that company's capital stock, except for eleven directors' qualifying shares. The purchase is to be made at a price of $18.05 per share or an aggregate cash consideration of $902,187.

The amended application recites, among other things, that Equity acquired 29,989 shares of common stock, $10 par value of United (then named The Erie Insurance Company) from Bell Aircraft Corporation on June 3, 1955 for a cash consideration of $499,817. Subsequent to such acquisition, United's capitalization was increased from 30,000 shares to 50,000 shares of common stock, $10 par value. The additional 20,000 shares were purchased by Equity for $500,000, making its total investment, in United including certain capitalized expenditures, an aggregate of $1,001,819 equivalent to $20.04 per share. United is an Iowa insurance company, which writes automobile liability and physical damage insurance. It was organized in January 1954, by Bell Aircraft Corporation and is authorized to do an insurance business in 9 states and the District of Columbia. Since its organization net premiums earned by United have increased from $6,975 in 1954 to $203,083 at December 31, 1957. Net losses have declined from a high of $55,331 as of December 31, 1956 to $11,648, as of December 31, 1957. The book value of the common stock of United at December 31, 1957 was $17.79 per share.

It is further recited in the amended application that the difference between the proposed purchase price of $18.05 per share and the book value of $17.79 per share arises from the variation between the method of determining net worth for Insurance Department purposes and the method of determining book value in accordance with accounting principles generally accepted in the insurance field. In valuing insurance company stocks for the purpose of sale, it is further stated that it is customary to place a valuation upon estimated equity in the reserves for unearned premiums, i. e., the difference between actual premiums and estimated losses, and to add this estimated amount, less the anticipated Federal income tax thereon, to the purchase price of the stock. The customary allowance in the fire and casualty field for this equity is 40 percent; however, in the instant case an allowance of only 25 percent, less 30 percent estimated tax or $11,945 was taken which reflects the actual experience of United in its operations for the past year.

Equity owned 66.69 percent of the outstanding common stock of Financial. On March 27, 1958, Equity declared a dividend on its common stock payable in Financial common stock on June 10, 1958, to record holders on April 25, 1958, at the rate of 13/100ths of a share of Financial common stock for each share of Equity common stock held on that date. Upon completion of this dividend distribution Equity will own only 24.61 percent of the outstanding voting securities of Financial. The distribution by Equity of the Financial stock and the proposed sale of its direct holdings in United is in conformity with Equity's adopted program to substantially disassociate itself from the banking and insurance businesses which is conducted by Financial through its subsidiary companies.

Equity and Financial are affiliated persons of each other as defined in the act, hence the transaction between them is prohibited under section 17 (a) unless the Commission grants an exemption pursuant to section 17 (b). Section 17 (a) of the act, with certain exceptions, prohibits an affiliated person of a registered investment company from purchasing or selling any security to such registered investment company or any company controlled by such registered company. Under section 17 (b) of the act the Commission shall grant an exemption from the act if it finds that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any one concerned and that the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the act, and with the general purposes of the act.

Notice is further given that any interested person may, not later than July 24, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the amended application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 58-5505; Filed, July 17, 1958; 8:47 a. m.]

[File No. 1-650]

LANDIS MACHINE CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JULY 14, 1958.

In the matter of Landis Machine Company, common stock; File No. 1-650.

Midwest stock exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above-named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The Fayscott Corporation has come to own all but 480 of the 47,070 outstanding shares.

Upon receipt of a request, on or before July 29, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 58-5506; Filed, July 17, 1958; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 182]

IOWA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of July, 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Iowa;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to said counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Audubon, Cass, Montgomery and Shelby (Flash floods occurring on or about July 1 and July 2, 1958).

Offices: Small Business Administration Regional Office, Home Savings Building, Fifth Floor, 1006 Grand Avenue, Kansas City 6, Mo. Small Business Administration Branch Office, Federal Office Building, Room 705, 15th and Dodge Streets, Omaha 2, Nebr.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1959.

Dated: July 3, 1958.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 58-5507; Filed, July 17, 1958; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 3]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 15, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR 179), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61180. By order of July 10, 1958, The Transfer Board approved the transfer to Leon Hahn, Hutchinson, Kansas of a portion of Certificate No. MC 112779 issued May 10, 1957, to Abe K. Friesen, doing business as Friesen Truck Line, Hutchinson, Kansas, authorizing the transportation of *Greases, lubricating oils, household sprays,* and *anti-freeze* in containers, in truckloads of not less than 15,000 pounds, over irregular routes from Oklahoma City, Okla., to points in Nebraska. Rufus H. Lawson, P. O. Box 7342, Oklahoma City 12, Oklahoma, for applicants.

No. MC-FC 61282. By order of July 11, 1958, The Transfer Board approved the transfer to C. Edward Long, doing business as Laramie-Walden Bus Lines, 164 North Third, Laramie, Wyo., of certificate in No. MC 110718 Sub 1, issued September 10, 1952, to M. M. Young, 164 North Third, Laramie, Wyo., authorizing the transportation of: Passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, over a regular route, between Laramie, Wyo., and Walden, Colo.

No. MC-FC 61289. By order July 10, 1958, The Transfer Board approved the transfer to Howard Wagner, Rural Route No. 1, Chamberlain, South Dakota, of Certificates in Nos. MC 80899 and MC 80899 Sub 1, issued June 6, 1941, and December 2, 1947, respectively, to Joe R. Houska, Academy, South Dakota, authorizing the transportation of livestock, feed, farm machinery, and farm-machinery parts, between specified points in South Dakota and Iowa.

No. MC-FC 61330. By order of July 11, 1958, The Transfer Board approved the transfer to Donald B. Taylor, doing business as Taylor Transit, 4261 Minnehaha Avenue South, Minneapolis 6, Minnesota, of Certificate in No. MC 51845, issued September 21, 1949, to Henry Howell and Floyd Howell, a Partnership, doing business as Howell & Son, Nebraska City, Nebraska, authorizing the transportation of agricultural implements, washing machines, household goods, and general commodities, with certain exceptions, between certain specified towns in Iowa, Nebraska, and Missouri.

No. MC-FC 61387. By order of July 10, 1958, The Transfer Board approved the transfer to Claude M. Tarbet, Amarillo, Texas, of Certificates in Nos. MC 108997, and MC 108997 Sub 1, issued February 28, 1952, and June 15, 1955, respectively, to J. L. Lawhon, Oklahoma City, Oklahoma, authorizing the transportation of *building materials and supplies, refrigerdation and air conditioning machinery and equipment and parts therefor, fertilizer,* in sacks, *lumber,* and *peat moss,* over irregular routes, from, to and between specified points in Oklahoma, Texas, New Mexico, and Colorado. Rufus H. Lawson, P. O. Box 7342, Oklahoma City 12, Oklahoma, for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58-5504; Filed, July 17, 1958; 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 15, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34813: *Grain and grain products from Texas to Oklahoma.* Filed by Southwestern Freight Bureau, Agent (No. B-7325), for interested rail carriers. Rates on grain, grain products, and related articles, also seeds, carloads, from specified points in Texas to specified points in Oklahoma.

Grounds for relief: Short line distance formula and grouping.

Tariff: Supplement 102 to Southwestern Lines tariff I. C. C. 3831.

FSA No. 34814: *Vinyl chloride from Plaquemine, La., to Pottstown, Pa.* Filed by Southwestern Freight Bureau, Agent (No. B-7327), for interested rail carriers. Rates on vinyl chloride, inhibited, tank-car loads, from Plaquemine, La., to Pottstown, Pa.

Grounds for relief: Market competition with Baton Rouge and North Baton Rouge, La.

Tariff: Supplement 321 to Southwestern Lines tariff I. C. C. 4087.

FSA No. 34815: *T. O. F. C. service from and to southwestern points.* Filed by Southwestern Freight Bureau, Agent (No. B-7326), for interested rail carriers. Rates on various commodities loaded in or on highway trailers and transported on railroad flat cars, or loaded in demountable trailer bodies and transported in open-top railroad cars, between points in Kansas and Missouri, on the one hand, and points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, also Memphis, Tenn., and Natchez, Miss., on the other; also between points in Kansas, on the one hand, and points in Missouri, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to Southwestern Lines tariff I. C. C. 4291.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58-5502; Filed, July 17, 1958; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200) and Administrative Order No. 507 (23 F. R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ashland Crafts, Inc., 18th Street and Carter Avenue, Ashland, Ky.; effective 7-19-58 to 7-18-59 (children's dresses).

Burro Manufacturing Co., 105 East Markham Street, Little Rock, Ark.; effective 7-11-58 to 7-10-59 (cotton work clothes).

Cotton City Wash Frocks, Inc., 52 12th Street, Fall River, Mass.; effective 7-8-58 to 7-7-59 (misses' and women's dresses).

Dormar Manufacturing Co., Gratz, Pa.; effective 7-1-58 to 6-30-59 (men's sport shirts).

Plains Manufacturing Co., Inc., 61 Hudson Road, Plains, Pa.; effective 7-26-58 to 7-25-59 (brassieres).

Williamson-Dickie Manufacturing Co., Eagle Pass, Tex.; effective 7-1-58 to 6-30-59 (denim dungarees and jackets).

Winchendon Fashions, Inc., 61 Railroad Street, Winchendon, Mass.; effective 7-2-58 to 7-1-59 (dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Clayton Garment Co., Inc., Clayton, Ala.; effective 7-2-58 to 7-1-59; 10 learners (men's sport shirts).

Pajama-Craft Manufacturing Co., Inc., Littlestown, Pa.; effective 7-3-58 to 7-2-59; 10 learners (men's and boys' pajamas).

Relda Apparel Manufacturing Co., Inc., 47 Main Street, Hughesville, Pa.; effective 7-10-58 to 7-9-59; 10 learners (women's dresses).

Rhea Manufacturing Co., Colquitt Division, Colquitt, Ga.; effective 7-8-58 to 7-7-59; 10 learners (dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blackwelder Manufacturing Co., Inc., Yadkinville Highway, Mocksville, N. C.; effective 7-1-58 to 12-31-58; 10 learners (ladies' pajamas).

Delta Shirt Manufacturing Co., Inc., Bayard, N. M.; effective 7-3-58 to 1-2-59; 25 learners (boys' shirts).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Clayson Knitting Co., Star, N. C.; effective 7-1-58 to 6-30-59; five learners for normal labor turnover purposes (seamless).

Gaby Hosiery Mills, Inc., Mill Street, Dandridge, Tenn.; effective 7-7-58 to 7-6-59; five learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Carmi Ainsbrooke Corp., Olney, Ill.; effective 7-3-58 to 7-2-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's shorts).

Ithaca Textiles, Inc., 402-406 East State Street, Ithaca, N. Y.; effective 7-7-58 to 7-6-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's knitted underwear).

I. Mathews and Brothers, 64 Conduit Street, New Bedford, Mass.; effective 7-3-58 to 7-2-59; five learners for normal labor turnover purposes (ladies' and children's underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

William B. Kessler, Inc., Pleasant and Tilton Streets, Hammonton, N. J.; effective 7-2-58 to 1-1-59; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of, sewing machine operator, handsewer, final presser, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 85 cents an hour for the first 280 hours, and not less than 90 cents an hour for the remaining 200 hours (men's suits, slacks, and sport coats).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Shelen, Inc., San Vicente No. 18, Mayaguez, P. R.; effective 6-19-58 to 12-18-58; authorizing the employment of 15 learners for plant expansion purposes in the occupation of sewing machine operators, for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (girdles and garter belts).

Soil Electronics Manufacturing Corp., P. O. Box 325, Roosevelt, P. R.; effective 6-16-58 to 12-15-58; authorizing the employment of 5 learners for plant expansion purposes in the occupations of, resistor manufacturing, cell manufacturing, and subassembly and cable, each for a learning period of 480 hours at the rates of 70 cents an hour for the first 240 hours and at 80 cents an hour for the remaining 240 hours (resistors, soil blocks and subassembly and cable making).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 9th day of July 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-5498; Filed, July 17, 1958; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ROSALIE GOMPERTS-SPRINGER STICHTING

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rosalie Gomperts-Springer Stichting; c/o Albert B. Gomperts, Herengracht 437, Amsterdam, The Netherlands; $1,436.89 in the Treasury of the United States; Claim No. 61997; Vesting Orders Nos. 17836, 17911 and 17947.

Executed at Washington, D. C., on July 10, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 58-5480; Filed, July 16, 1958; 8:53 a. m.]

FEDERAL REGISTER

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UNIVERSITY OF MICHIGAN
MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

ENTIRE EXECUTIVE CIVIL SERVICE

Effective upon publication in the FEDERAL REGISTER, paragraphs (g) and (s) of § 6.101 are amended as set out below.

§ 6.101 *Entire Executive Civil Service.* * * *

(g) Any position the duties of which are part-time or intermittent in which the appointee will receive compensation during his service year that aggregates not more than 40 percent of the annual salary rate for the first step of GS-3. This limitation on compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority shall not be for job employment. In the Metropolitan Area of Washington, D. C., appointments under this authority shall be subject to the prior approval of the Commission.

* * * * *

(s) Temporary or intermittent positions at GS-7 and below when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be (1) bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed, or (2) bona fide high school science and mathematics teachers. No person shall be employed under this provision (1) in a position of a routine clerical type; or (2) in excess of 130 working days a year; or (3) at a compensation during a period of a year that aggregates for positions at GS-4 and below more than 40 percent of the annual salary for the first step of GS-3, and for positions at GS-5, 6, or 7 more than 33⅓ percent of the annual salary for the first step of the grade at which the position is classified. The grade level at which the person enters on duty determines the pay limitation applicable to him throughout his service year. These limitations on compensation include any premium pay such as for overtime, night, Sunday, or holiday work. They do not, however, include any mandatory within-grade salary increase to which the employee becomes entitled subsequent to appointment under this authority.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-5559; Filed, July 18, 1958; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, and Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN TURNIP GREENS WITH TURNIPS[1]

On April 23, 1958, a notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 2684) regarding a proposed issuance of United States Standards for Grades of Frozen Turnip Greens with Turnips.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Turnip Greens with Turnips are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

PRODUCT DESCRIPTION, STYLES, COLOR, PROPORTION OF INGREDIENTS, AND GRADES

Sec.
52.3731 Product description.
52.3732 Styles of frozen turnip greens with turnips.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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FEDERAL REGISTER

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52.3743 Score sheet for frozen turnip greens with turnips.

AUTHORITY: §§ 52.3731 to 52.3743 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, COLOR, PROPORTION OF INGREDIENTS, AND GRADES

§ 52.3731 *Product description.* Frozen turnip greens with turnips is the product prepared from the clean, sound, succulent leaves and the clean, sound, succulent roots of the turnip plant (Brassica rapa) by washing, sorting, trimming, blanching, and proper draining, and is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the perservation of the product.

§ 52.3732 *Styles of frozen turnip greens with turnips*—(a) *General.* The style of frozen turnip greens with turnips applies to the form of the leaf material used and to the turnip root ingredient of the product. The turnip root ingredient is prepared in one of the following forms: Whole; sliced; diced; and cut.

(b) "Style I Whole Leaf" is the style of frozen turnip greens with turnips that consists of the leaf with adjacent portions of the stem, together with a single form of the turnip root ingredient.

(c) "Style II Sliced" is the style of frozen turnip greens with turnips that consists of leaves with adjacent portions of the stem which have been sliced into reasonably uniform strips, together with a single form of the turnip root ingredient.

(d) "Style III Cut or Chopped" is the style of frozen turnip greens with turnips that consists of leaves with adjacent portions of the stem which have been cut or chopped into small pieces, together with a single form of the turnip root ingredient.

§ 52.3733 *Color of turnips in frozen turnip greens with turnips.* (a) White.

(b) Yellow.

§ 52.3734 *Recommended proportion of ingredients.* It is recommended that frozen turnip greens with turnips consist of 50 percent or more, by weight, of turnip greens and not less than 20 percent nor more than 50 percent, by weight, of turnips.

§ 52.3735 *Grades of frozen turnip greens with turnips.* (a) "U. S. Grade A" (or "U. S. Fancy") is the quality of frozen turnip greens with turnips in which the turnip ingredient is fairly uniform in size and each ingredient possesses similar varietal characteristics; possesses a good flavor; possesses a good color; is practically free from defects; possesses a good character; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" (or "U. S. Extra Standard") is the quality of frozen turnip greens with turnips in which each ingredient possesses similar varietal characteristics; possesses a reasonably good flavor; possesses a reasonably good color; is reasonably free from defects; possesses a reasonably good character; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen turnip greens with turnips that fail to meet the requirements of U. S. Grade B.

FACTORS OF QUALITY

§ 52.3736 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points.*
(i) Uniformity of size.
(ii) Varietal characteristics.
(iii) Flavor.
(iv) Proportion of ingredients.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given for each such factor is:

Factors:	Points
Color	20
Defects	40
Character	40
Total score	100

(b) *Evaluation of quality.* The rating for the factors of color, defects, and character (with respect to each ingredient) and the evaluation of uniformity of size and similar varietal characteristics are determined immediately after thawing so that the product is sufficiently free from ice crystals to permit proper handling as individual units. A representative sample is cooked to ascertain the tenderness of the frozen leaf and root ingredient before final evaluation of the score for character. The flavor is also ascertained on the cooked product.

(c) *Definition of requirements not rated by score points.* (1) "Good flavor" means that the product, after cooking, has a good, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(2) "Reasonably good flavor" means that the product, after cooking, may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(3) "Fairly uniform in size" means that the turnip ingredient units may vary in size but not to an extent that seriously detracts from the appearance of the product.

§ 52.3737 *Ascertaining the ratings for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.3738 *Color*—(a) *General.* The factor of color refers to the general brightness of the combined ingredients before and after cooking.

(b) (*A*) *classification.* Frozen turnip greens with turnips that possess a good color may be given a score of 17 to 20 points. "Good color" means that the leafy ingredient posseses a bright, practically uniform typical green color of young tender turnip greens and that the turnip ingredient possesses a practically uniform bright characteristic color for the variety of young tender turnips, which ingredients have been properly prepared and properly processed.

(c) (*B*) *classification.* Frozen turnip greens with turnips that possess a reasonably good color may be given a score of 14 to 16 points. Frozen turnip greens with turnips that fall into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the color of the leafy ingredient is reasonably bright and typical of reasonably young and reasonably tender turnip greens and that the turnip ingredient possesses a characteristic color for the variety, which color is typical of reasonably young and reasonably tender turnips which have been properly prepared and properly processed.

(d) (*SStd.*) *classification.* Frozen turnip greens with turnips that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3739 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from sand, grit, or silt, harmless extraneous material, and from damaged leaf and turnip ingredient.

(1) "Sand, grit, or silt" means any particle of earthy material.

(2) "Harmless extraneous material" means any extraneous vegetable substance, such as weeds or grass, that is harmless.

(3) "Damage" means damaged by yellow, brown, or other discoloration affecting any leaf or portion of leaf, stem or portion of stem, and damage by discoloration, insect injury, pathological injury, or other means affecting any leaf or unit of turnip ingredient. Minute, insignificant blemishes shall not be considered as damage.

(b) (*A*) *classification.* Frozen turnip greens with turnips that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that no grit, sand, or silt may be present that affects the appearance or edibility of the product, and that there may be present for each 10 ounces, net weight, of turnip greens with turnips not more than:

(1) In whole leaf style, an aggregate of 6 inches in length of grass and weeds: *Provided*, That the total amount does not materially affect the appearance or edibility of the product.

(2) In other styles no grass or weeds or pieces of grass or weeds that materially affect the appearance or edibility of the product.

(3) An aggregate area of damage affecting 3 square inches (3" x 1") of leaves and stems or portions of leaves and stems, and 5 percent, by count, of units of turnip ingredient affected by damage: *Provided*, That damaged units do not materially affect the appearance or edibility of the product.

(c) (*B*) *classification.* Frozen turnip greens with turnips that are reasonably free from defects may be given a score of 28 to 33 points. Frozen turnip greens with turnips that fall into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the product may contain a trace of grit, sand, or silt that does not seriously affect the appearance or edibility of the product and that there may be present for each 10 ounces, net weight, of turnip greens with turnips not more than:

(1) In whole leaf style an aggregate of 9 inches in length of grass and weeds: *Provided*, That the total amount does not seriously affect the appearance or edibility of the product.

(2) In other styles no grass or weeds or pieces of grass or weeds that seriously affect the appearance or edibility of the product.

(3) An aggregate area of damage affecting 6 square inches (6" x 1") of leaves and stems or portions of leaves and stems, and 10 percent, by count, of units of turnip ingredient affected by damage: *Provided*, That damaged units do not seriously affect the appearance or edibility of the product.

(d) (*SStd.*) *classification.* Frozen turnip greens with turnips that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3740 *Character*—(a) *General.* The factor of character refers to the tenderness and texture of the product and the degree of freedom from fibrous or pithy turnip material.

(b) (*A*) *classification.* Frozen turnip greens with turnips that possess a good character may be given a score of 34 to 40 points. "Good character" means that the leafy ingredient is tender and practically free from coarse or tough leaves and stems and that the turnip ingredient possesses a tender texture and is practically free from fibrous or pithy units.

(c) (*B*) *classification.* Frozen turnip greens with turnips that possess a reasonably good character may be given a score of 28 to 33 points. Frozen turnip greens with turnips that fall into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the leafy ingredient is reasonably tender and reasonably free from coarse or tough leaves and stems and that the turnip ingredient possesses a reasonably tender texture and is reasonably free from fibrous or pithy units.

(d) (*SStd.*) *classification.* Frozen turnip greens with turnips that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATION AND METHODS OF ANALYSIS

§ 52.3741 *Explanation and methods of analysis.* (a) The proportion of each of the ingredients is determined on the thawed product by the following procedure:

(1) Separate the leafy ingredient from the turnip ingredient from all of the containers in the sample.

(2) Composite the leafy ingredient and weigh.

(3) Composite the turnip ingredient and weigh.

(4) Add the weights of each of the ingredients to obtain the total weight of the combined ingredients in all of the containers in the sample.

(5) Calculate the percent of each of the ingredients by dividing the total weight of the combined ingredients into the composite weight of each ingredient and multiply by 100.

(b) Compliance with the requirements for proportions of ingredients will be determined by averaging the percent, by weight, of each ingredient in all of the containers in the sample: *Provided*, That any deviation from the recommended proportion of ingredients in any container is within the limits of good commercial practice.

LOT INSPECTION AND CERTIFICATION

§ 52.3742 *Ascertaining the grade of a lot.* The grade of a lot of frozen turnip greens with turnips covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87; 22 F. R. 3535).

SCORE SHEET

§ 52.3743 *Score sheet for frozen turnip greens with turnips.*

Size and kind of container		
Container marks or identification		
Label		
Net weight (ounces)		
Style of product		
Turnips (form and color)		
Proportion of ingredients:		
Turnip greens %		
Turnips %		
Uniformity of turnip ingredient (Whole, Sliced, Diced, Cut) Meets A ..... Falls A		

Factors		Score points	
Color	20	(A)	17-20
		(B)	1 14-16
		(SStd.)	1 0-13
Defects	40	(A)	34-40
		(B)	1 28-33
		(SStd.)	1 0-27
Character	40	(A)	34-40
		(B)	1 28-33
		(SStd.)	1 0-27
Total score	100		
Flavor			
Varietal characteristics			
Grade			

1 Indicates limiting rule.

The United States Standards for Grades of Frozen Turnip Greens with Turnips (which is the first issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: July 16, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-5532; Filed, July 18, 1958; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 145]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.445 *Valencia Orange Regulation 145*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 17, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., July 20, 1958, and ending at 12:01 a. m., P. s. t., July 27, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600,600 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 18, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5620; Filed, July 18, 1958; 11:29 a. m.]

[Plum Order 23]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.606 *Plum Order 23*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 8, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 20, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship any package or container of Sharkey plums unless such plums grade at least U. S. No. 1; and,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth (1 13/16) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth (1 13/16) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the

same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5526; Filed, July 18, 1958; 8:47 a. m.]

[Plum Order 24]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.607 *Plum Order 24*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 8, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 20, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship any package or container of Queen Ann plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds ($66\frac{2}{3}$) percent, by count, of the plums measure not less than one and thirteen-sixteenths ($1\frac{13}{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths ($1\frac{13}{16}$) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third ($33\frac{1}{3}$) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5527; Filed, July 18, 1958; 8:47 a. m.]

[Plum Order 25]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.608 *Plum Order 25*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 8, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 20, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Emily plums unless such plums grade at least U. S. No. 1; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds ($66\frac{2}{3}$) percent, by count, of the plums measure not less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter; *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths ($1\frac{13}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third ($33\frac{1}{3}$) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed thirty-three and one-third ($33\frac{1}{3}$) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenth ($1\frac{10}{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half ($37\frac{1}{2}$) percent, by count, of plums which measure less than one and ten-sixteenth ($1\frac{10}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a $7\frac{1}{2}$-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided*, That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5528; Filed, July 18, 1958; 8:48 a. m.]

[Plum Order 26]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.609 *Plum Order 26*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett

pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 8, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 20, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of President plums unless such plums grade at least U. S. No. 1; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth ($1^{13}/_{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth ($1^{13}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenth ($1^{10}/_{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than one and ten-sixteenth ($1^{10}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7½-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided*, That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) §§ 51.1520 to 51.1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5529; Filed, July 18, 1958; 8:48 a. m.]

[Plum Order 27]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.610 *Plum Order 27*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 8, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 20, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship any package or container of Giant plums unless such plums grade at least U. S. No. 1; and,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenth ($1^{10}/_{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than one and ten-sixteenth ($1^{10}/_{16}$) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7½-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5530; Filed, July 18, 1958; 8:48 a. m.]

[Plum Order 28]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.611 *Plum Order 28*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the

extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 8, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 20, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Late Duarte plums unless such plums grade at least U. S. No. 1; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth ($1^{13}/_{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth ($1^{13}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenth ($1^{1}0/_{16}$ inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than one and ten-sixteenth ($1^{1}0/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7½-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided*, That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5531; Filed, July 16, 1958; 8:48 a. m.]

[Lemon Reg. 748]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.855 *Lemon Regulation 748*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 16, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 20, 1958, and ending at 12:01 a. m., P. s. t., July 27, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 372,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 17, 1958.

[SEAL] FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5590; Filed, July 18, 1958; 9:12 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

GULF OF MEXICO AND APALACHICOLA BAY, FLORIDA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.113 is hereby prescribed establishing and governing the use and navigation of a restricted area in the Gulf of Mexico and Apalachicola Bay south of Apalachicola, Florida, as follows:

§ 204.113 *Gulf of Mexico and Apalachicola Bay south of Apalachicola, Florida, Drone Recovery Area, Tyndall Air Force Base, Florida*—(a) *The restricted area.* A rectangular area excluding St. George Island with the eastern boundary of the area west of the channel through St. George Island within the following co-ordinates: Beginning at a point designated as the northeast corner latitude 29°38'33" N., longitude 84°58'00" W.; thence southeast to latitude 29°35'45" N., longitude 84°56'00" W.; thence southwest to latitude 29°34'-15" N., longitude 85°00'35" W.; thence northwest to latitude 29°37'10" N., longitude 85°02'00" W.; thence northeast to point of beginning.

(b) *The regulations.* (1) The area will be used twice daily and during usage will be restricted to navigation for a period of one hour. It may be used freely at all other times.

(2) Patrol boats and aircraft will warn navigation out of the area before each testing period.

(3) The regulations in this section shall be enforced by the Commander, Headquarters 4756th Air Defense Wing (Weapons) U. S. Air Force, Tyndall Air Force Base, Florida, and such other agencies as he may designate.

[Regs., June 12, 1958, 800.2121 (Gulf of Mexico, Fla.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 58-5518; Filed, July 18, 1958; 8:45 a. m.]

PART 207—NAVIGATION REGULATIONS

PENSACOLA BAY, FLORIDA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.176, establishing and governing the use and navigation of a seaplane restricted area in Pensacola Bay, Florida, is hereby amended, redesignating the southern boundary of the area, as follows:

§ 207.176 *Pensacola Bay, Fla.; seaplane restricted area*—(a) *The area.* Beginning at latitude 30°22'28", longitude 87°16'00"; thence to latitude 30°21'02", longitude 87°14'20"; thence to latitude 30°20'02", longitude 87°15'16"; thence to latitude 30°19'52", longitude 87°16'12"; thence to latitude 30°20'11", longitude 87°17'58"; and thence 272° true to the shore.

* * * * * *

[Regs., June 25, 1958, 800.21 (Pensacola Bay, Fla.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 58-5517; Filed, July 18, 1958; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1658]

[Wyoming 058362]

WYOMING

WITHDRAWING PUBLIC LANDS FOR USE OF FOREST SERVICE AS PICNIC GROUNDS, CAMPGROUNDS AND RECREATION AREAS

Correction

In F. R. Document 58-4738, appearing in the issue for Tuesday, June 24, 1958, at page 4602, make the following change under *"Silver Lake Campground"*: In Sec. 35, the area described as "N½NW¼ SE¼" should read "N½NW¼SW¼".

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 941]

[Docket No. AO-101-A23]

MILK IN CHICAGO, ILL., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Chicago, Illinois, on June 17, 1958, pursuant to notice thereof issued on June 6, 1958 (23 F. R. 4084).

The material issues on the record of the hearing related to:

1. Modifying the requirements that a country plant must meet to qualify as a pool plant.

2. The need for immediate action by the Secretary with respect to issue No. 1.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The performance standards for country plants to attain pool plant status under the order should be modified. As now provided in the order a country plant may attain pool plant status during the month by shipping at least 50 percent of the butterfat in, or 50 percent of the volume of, milk received from dairy farmers to pool plants distributing Class I or Class II milk in the marketing area. If a country plant ships at least 50 percent of its receipts from dairy farmers during the preceding period of September through November, it is accorded pool plant status for the months of December through August.

The Pure Milk Association, which producer cooperative markets the milk of 25 country plants under the Chicago order, proposed that the monthly ship-

ping requirement percentage for country plants to pool be changed from 50 to 30 and that August through October replace September through November as the period during which a country plant shall ship a specified percentage of its receipts in order to be accorded pool plant status for the following 9 months.

Milk moving from country plants to pool plants distributing milk in the marketing area or to other pool plants does not have to be utilized in such pool plants in order to be credited toward the 50 percent shipping requirement. In order to insure that their country plants will meet the minimum performance standards for participation in the pool, handlers have found it necessary to ship milk or cream to pool plants, which milk or cream was not actually needed for fluid use in the market. In order to qualify its country plants, Pure Milk Association shipped to pool plants in each of the months of October and November 1957, for example, over 12 million pounds of milk equivalent of milk or cream that had to be returned to the country for manufacture.

Location differential credits to handlers are applicable on milk or cream shipped to a pool plant distributing milk in the marketing area whether such milk or cream is used in the pool plant, reshipped to another plant or is returned to the original shipping plant. The application of location differential credits on such milk not needed for fluid distribution reduces the value of producer milk in the pool thereby reducing overall returns to producers. Moreover, extra hauling costs are incurred by handlers on such milk that moves to pool plants solely for the purpose of qualifying country plants for pool plant status.

Performance standards should be such that any plant that has as its major function the supplying of milk to the market may pool its sales and share in the marketwide pool. Such standards should not be so high that they force milk to be transported to pool plants distributing milk in the marketing area if such milk is not needed to supply fluid milk outlets. A minimum standard is necessary, however, to avoid the possibility that a plant otherwise not associated with the market might qualify itself for equalization payments to its own advantage and to the disadvantage of the market.

It is economically more feasible to meet the needs of the market for Class I and Class II purposes from those farms and plants nearest the market before bringing in milk from more distant plants. The performance standards should be such, however, that milk from more distant plants would be available for the market when it is needed. If all of the milk received from pool plants within 100 miles of Chicago had been used for Class I and Class II purposes in 1956, 33 percent of the receipts from all other pool plants would have been needed to meet the Class I and Class II requirements of the market. Under similar conditions in 1957, 30 percent of the receipts from pool plants located beyond 100 miles of Chicago would have been needed to meet the Class I and Class II requirements. The performance standards should require that at least this amount of milk be made available by country plants.

The minimum standards now in the order have forced milk to be transported to the maketing area when such milk was not needed for Class I and Class II purposes. Such uneconomical movements of milk, resulting in lower returns to producers and extra costs to handlers, have tended to disrupt the orderly marketing of milk in the Chicago area. Reducing the shipping requirement to 30 percent for country plants to attain pool plant status during any month will insure an adequate supply for the market without forcing handlers to move milk to the market when it is not needed for fluid purposes.

August through October should replace September through November as the period during which a country plant may obtain pool plant status for the following 9 months by shipping a specified percentage of its receipts from dairy farmers to pool plants. The pattern of production for the Chicago market has changed in recent years so that August is one of the 3 months of lowest production. Deliveries by producers during August have been less than during November in each of the 3 preceding years. According pool plant status to a plant during the months of seasonally high production on the basis of its supplying the market during the preceding fall months contemplates using as such basis the 3 months of the year when production for the market is low in relation to the demand for Class I and Class II milk. Replacing November with August as one of the months in the 3-month period during which a plant's shipments will qualify it as a pool plant during the following 9 months will accomplish this purpose.

Besides proposing that August through October should replace September through November as the period during which a country plant's shipments may earn pool plant status during the following 9 months, producers proposed reducing the required shipping percentage for the period from 50 to 30. In addition to the requirement of shipping 50 percent of its receipts from dairy farmers during the 3-month period, each plant is now required to ship 30 percent of such receipts in each of the months during this period. During the 3 lowest production months of 1956 and 1957, 48 percent of the milk receipts from supply plants located more than 100 miles from Chicago would have been needed to supply the Class I and Class II needs of the market if all of the milk from plants within 100 miles of Chicago had been utilized for Class I and Class II purposes. Although it is conceivable that maintaining the percentage requirement of 50 percent might work a hardship on some plants now associated with the market, it was not established that a reduction to 30 percent is necessary or desirable at this time. Neither was it established that fixing a percentage somewhat above that proposed by producers would work a hardship on any handler. Revising the requirement from 50 to 40 percent of its receipts from dairy farmers that a country plant must ship during the 3-month period of August through October to qualify as a pool plant in the following 9 months will contribute to orderly marketing and thereby best tend to effectuate the intent of the act under present conditions in the Chicago market.

In opposing the producers' proposal of changing from 50 to 30 the percentage that a country plant must ship during the month to qualify as a pool plant, handlers proposed retaining the 50 percent rate but qualifying plants on a handler instead of on an individual plant basis. That is, a handler would qualify his plants collectively on the basis of the percentage that the aggregate shipments from them was of their aggregate receipts. Although there may be some merit to enabling Chicago order handlers to qualify their plants on such a basis, the data presented at the hearing with respect to this proposal were insufficient to justify taking any action on it at this time.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. It is therefore found that good cause exists for omission of the recommended decision in order to inform interested parties of the conclusions reached. Uncertainty on the part of interested parties might lead to instability in the market. Knowledge of the action decided upon by the Secretary will permit those affected to adjust their operations promptly in accordance with such decision.

Delay beyond August 1, 1958, will defeat the purpose of the amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereof, would make such relief substantially ineffective and therefore should be eliminated in this instance. The notice of hearing stated that consideration would be given to the question of whether economic and marketing conditions require emergency action with respect to any or all amendments deemed necessary as a result of the hearing. Action under the procedure described above was requested by proponents at the hearing.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the prices of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order amending the order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Chicago, Illinois, marketing area" and "Order amending the order, regulating the handling of milk in the Chicago, Illinois, marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of May 1958 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order, regulating the handling of milk in the Chicago, Illinois, marketing area, is approved or favored by producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 15th day of July 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area

§ 941.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Except in subparagraph (4) thereof, delete "50 percent" in each instance wherein it appears in § 941.66 (b) and substitute therefor "30 percent."

2. Delete "50 percent" in each instance wherein it appears in § 941.66 (b) (4) and substitute therefor "40 percent."

3. Delete "September, October, and November" in each instance wherein it appears in § 941.66 (b) and substitute therefor "August, September, and October."

4. In § 941.66 (b) (4) delete "December of the same year and continuing through August" and substitute therefor "November of the same year continuing through July".

[F. R. Doc. 58-5560; Filed, July 18, 1958; 8:55 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 968]

[Docket No. AO-173-A10]

MILK IN WICHITA, KANSAS MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Allis Hotel, Wichita, Kansas, beginning at 10:00 a. m., local time, on August 5, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Wichita, Kansas marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the act, if they were applied to the marketing area as proposed to be redefined and, if not what modifications of the provisions of the order would be appropriate.

Proposal No. 9 refers to the Class I price. Although, the Class I price is a primary determinant of supply and demand responses, other provisions of the order are related. Accordingly, the hearing will be open to consideration of location differentials to handlers and producers, to all aspects of the definition of pool plants, compensatory payments and to the definitions of approved dairy farmer, producer, handler, producer-handler, producer milk and other source milk.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Wichita Milk Producers Association:

Proposal No. 1: Amend § 968.3 to read as follows:

§ 968.3 *Wichita, Kansas, marketing area.* "Wichita, Kansas, marketing area" means all territory within the limits of Sedgwick County and Cowley County, and the towns of Mulvane, Belle Plaine, Oxford and Geuda Springs in Sumner County, all within the State of Kansas.

Proposal No. 2: Amend § 968.5 to read as follows:

§ 968.5 *Approved dairy farmer.* "Approved dairy farmer" means any person who holds a currently valid permit or license issued by any health authority having jurisdiction within the marketing

area for the production of milk to be disposed of as Grade A milk, or produces milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases as Type II, No. 1, or Type III, No. 1 which is received at a plant supplying Class I milk to such an institution or base in the marketing area.

Proposal No. 3: Amend § 968.7 to read as follows:

§ 968.7 *Approved plant.* "Approved plant" means any plant (a) approved by any health authority having jurisdiction within the marketing area for the handling of milk to be disposed of for fluid consumption as milk in the marketing area at which milk is received from approved dairy farmers, or (b) supplying to any agency of the United States Government located within the marketing area Class I milk products accepted as meeting the requirements of Type II, No. 1 or Type III, No. 1.

Proposal No. 4: Amend paragraph (b) of § 968.9 *Handler* by deleting the present provision and inserting in lieu thereof the following:

A cooperative association which delivers 50 percent or more of the Grade A milk produced by its members to handlers subject to full regulation by this part (with respect to the milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned or operated by such cooperative association for the account of such cooperative association), such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered.

Proposal No. 5: Amend § 968.9 by adding a new paragraph (c) to read as follows:

(c) Any cooperative association with respect to the milk of its member producers which is caused by it to be diverted to a nonpool plant for the account of such cooperative association.

Proposal No. 6: Consider the necessity for the insertion of a new definition for a supply plant to be included in the order as § 968.9 with the present § 968.9 and subsequent sections being renumbered. This proposed definition will involve consideration of qualification standards for a supply plant to qualify as a pool plant.

Proposal No. 7: Consider the need for amending § 968.41 (a), (b) and (c), to provide for the proper classification of any new products which may become subject to the classification provisions of the Order by virtue of the proposed expansion of the marketing area.

Proposal No. 8: Amend § 968.45 *Computation of skim milk and butterfat in each class* by substituting a comma in place of the period at the end of the sentence and adding the following words: "*Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids."

Proposal No. 9: Amend § 968.51 (a) so as to provide for the establishment of the proper Class I differential and to provide for the automatic adjustment of the Class I price based upon the relationship of producer receipts to Class I sales.

Proposal No. 10: Consider the need for amendments to §§ 968.61 and 968.62 to establish the basis for computing compensatory payments on other source milk received by handlers from non-pool plants subject to the pricing provisions of another Federal Milk Marketing Order and Agreement and from non-pool plants which are not subject to the pricing provisions of other Federal Milk Marketing Orders and Agreements.

Proposal No. 11: Consider the need for the insertion of a new § 968.81 (b) to provide for location differentials to producers for milk delivered to pool plants located more than a specified distance outside the Wichita, Kansas, marketing area.

Proposal No. 12: Make such other conforming changes in other provisions of Federal Marketing Order No. 68 as may be necessary to effectuate the intent of the above specific proposed amendments.

Proposed by the Beatrice Food Co., DeCoursey Cream Co., Hyde Park Dairies Inc. and Steffens Dairy Foods Company:

Proposal No. 13: Amend § 968.3 to include all the territory within the counties of Sumner, Harper, Kingman, Reno, Rice, McPherson, Harvey, Butler, Elk, Chautauqua and Greenwood, all within the State of Kansas.

Proposed by Tip Top Dairies:

Proposal No. 14: Amend § 968.3 to include all the territory within Marion County.

Proposal No. 15: Amend the provisions in the order whereby the milk used for the manufacture of cottage cheese be accounted for on the basis of the sales of cottage cheese.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 2700 East Central, Wichita 2, Kansas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 16th day of July 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-5561; Filed, July 18, 1958; 8:55 a. m.]

Commodity Stabilization Service

[7 CFR Part 871]

[Hearing Clerk Docket No. SH-165]

1958 CROP SUGAR BEET PRICES IN IMPERIAL VALLEY, CALIFORNIA

NOTICE OF REOPENING OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsection (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held as follows: At El Centro, California, at 10:00 a. m., August 5, 1958, Farm Bureau Building, 1000 Broadway.

The California Beet Growers Association, Stockton, California has informed the Department that processors who purchase sugar beets in the region commonly known as Imperial Valley, California, have proposed changes in the purchase contracts to be applicable to the 1958 crop. The Association has requested the holding of a hearing to afford interested persons an opportunity for the presentation of evidence to be taken into consideration by the Secretary in determining fair and reasonable prices for sugar beets produced in that region. The record and the hearing (identified as Docket No. SH 165) will be reopened for that purpose and the scope of the hearing will be limited to the presentation of evidence relative and pertinent to fair and reasonable prices for sugar beets produced in the Imperial Valley.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officer.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to the foregoing matter.

A. A. Greenwood and Charles F. Denny are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 14th day of July 1958.

[SEAL] LAWRENCE MYERS,
Director,
Sugar Division.

[F. R. Doc 58-5562; Filed, July 18, 1958; 8:55 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXCEPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF MALATHION

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, proposing the establishment of tolerances for residues of malathion in or on raw agricultural commodities, as follows:

8 parts per million in or on figs.
4 parts per million in or on meat and meat byproducts of sheep and goats.

The analytical method proposed in the petition for determining residues of malathion is that described in the Journal of Agricultural and Food Chemistry, Volume II, No. 11, pages 570–573 (1954).

Dated: July 15, 1958.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 58-5552; Filed, July 18, 1958; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2–11, 16, 19]

FREQUENCY CHANGES

EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of Parts 6 and 9 of the Commission's rules and regulations to require the use of single sideband transmission in fixed radiotelephone service below 25,000 kc, except Alaskan and maritime fixed, Docket No. 11513; and in the matter of amendment of Part 9 of the Commission's Rules to require the use of single sideband transmission in the aeronautical mobile service for radiotelephony on frequencies below 25,000 kc, Docket No. 11678; and in the matter of amendment of Parts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, and 19 of the Commission's rules concerning type acceptance of transmitters, bandwidth and spurious emissions, Docket No. 11654.

The Commission having under consideration a petition dated June 30, 1958, filed by Aeronautical Radio Inc. (ARINC) as supplemented by letter dated July 9, 1958, requesting a further extension of time in which to submit comments directed to the Commission's Further Notice of Proposed Rule Making (released October 21, 1957) in the above-entitled matters; and

It appearing that the petitioner, as licensee of numerous aeronautical en route and aeronautical fixed facilities serving both domestic and international civil air routes, is directly concerned in the outcome of these proceedings; and

It further appearing that in response to an earlier ARINC petition (January 27, 1958) the Commission adopted an order on February 3, 1958, extending the time for filing comments in the above-captioned matters from February 3, 1958, to July 15, 1958, on the ground that a related study of single sideband standards for the aeronautical mobile service undertaken by the Radio Technical Commission for Aeronautics (RTCA SC–84) had not been completed; and

It further appearing that the earliest date on which RTCA SC–84 can complete its Report is July 17, 1958, in which event final consideration could be given that Report by the RTCA Executive Committee at its scheduled meeting August 11, 1958; and

It further appearing that irrespective of RTCA's ability to meet the above-mentioned target dates, the public interest would be served by further extending the final date for submission of comments in view of the close interrelationship of the forthcoming RTCA SC–84 Report with the subject matter of these proceedings:

It is ordered, This 15th day of July 1958, that, pursuant to the authority contained in section 0.322 (b) of the Commission's rules, the time for filing comments in the above-captioned matters is hereby extended from July 15, 1958, to October 15, 1958, and that rebuttal comments may be filed within 20 days from such extended date.

Released: July 15, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5554; Filed, July 18, 1958; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 130]

[Docket No. 32448]

RATE BUREAUS AND OTHER ORGANIZATIONS

ACCOUNTS, RECORDS AND REPORTS; NOTICE OF EXTENSION OF TIME FOR FILING RESPONSES

JULY 9, 1958.

This proceeding was instituted pursuant to a notice dated May 29, 1958, which was published June 13, 1958, in the FEDERAL REGISTER (23 F. R. 4318) as an inquiry into the matter of rules and regulations governing the maintenance and preservation of accounts and other records, and reports to be filed by conferences, bureaus, committees, and other organizations operating pursuant to rate-making agreements approved by the Commission under the provisions of section 5a of the Interstate Commerce Act.

Upon petition of National Motor Freight Traffic Association, Inc., and good cause appearing, the time for filing responses in this proceeding has been extended from July 25, 1958, as shown in the original notice of rule making, to October 25, 1958.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-5538; Filed, July 18, 1958; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

ASSISTANT ADMINISTRATOR ET AL.

REDELEGATIONS OF AUTHORITY WITH RESPECT TO CLAIMS

Section 10, Redelegations of Authority, published in the FEDERAL REGISTER March 9, 1955 (20 F. R. 1412), is hereby amended to read as follows:

SEC. 10. *Claims.* (a) The head of the Disbursement Audit Section may compromise and finally settle any claim arising under any contract (except power contracts) which the Administrator is authorized to settle under the act of August 20, 1937, as amended.

(b) The Field Contact Officer may, when the amount involved does not exceed $200, determine, settle, compromise, and pay claims for damage to real and personal property which the Administrator is authorized to settle under the act of August 20, 1937, as amended.

Dated: July 11, 1958.

WM. A. PEARL,
Administrator.

[F. R. Doc. 58-5519; Filed, July 18, 1958; 8:45 a. m.]

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 43]

VOCATIONAL TRAINING FOR ADULT INDIANS

REDELEGATION OF AUTHORITY

Correction

In F. R. Doc. 58-5405, appearing at page 5398 of the issue for Wednesday, July 16, 1958, the headings should read as set forth above.

Bureau of Land Management

[B-26209]

[Classification No. 23]

COLORADO

SMALL TRACT CLASSIFICATION; CORRECTION

1. Effective immediately, FEDERAL REGISTER Document 58–2955 appearing in the issue for April 24, 1958 at pages 2756–2759 is corrected as follows:

In paragraph 2, T. 5 S., R. 87 W. is corrected to read T. 5 S., R. 78 W.

In the tabulation under T. 5 S., R. 77 W., Sec. 6, Lot 12 is corrected to read Lot 63.

ANDREW J. SENTI,
Acting Lands and Minerals Officer.

JULY 11, 1958.

[F. R. Doc. 58-5520; Filed, July 18, 1958; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U. S. C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishments are licensed as of April 15, 1958 for the production of the biological products set forth under each establishment. Such licenses are effective until suspended or revoked in accordance with such Act and regulations.

This notice will be amended from time to time in the FEDERAL REGISTER to indicate any suspensions or revocations of licenses as well as the licensing of additional establishments and products.

Part I. Establishments Arranged by License Number Showing the Products for Which Each Establishment Is Licensed

LICENSED ESTABLISHMENTS

LICENSE NO. 1—PARKE, DAVIS & CO., DETROIT, MICH.

1. Antitoxins

B. oedematiens Antitoxin.
Diphtheria Antitoxin.
Dysentery Antitoxin, Shiga.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

2. Blood and Blood Derivatives

Histamine Azoprotein.
Immune Serum Globulin (Human).
Poliomyelitis Immune Globulin (Human).
Thrombin.

3. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Pertussis Vaccine Aluminum Phosphate Adsorbed.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Nine polyvalent bacterial vaccines with "No U. S. Standard of Potency."

4. Bacterial Antigens

Six polyvalent bacterial antigens with "No U. S. Standard of Potency."

5. Modified Bacterial Antigens

Two polyvalent modified bacterial antigens with "No U. S. Standard of Potency."

6. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Diphtheria Toxoid-Antitoxin Mixture.
Scarlet Fever Streptococcus Toxin for Immunization.
Staphylococcus Toxoid.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

7. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria Toxoid and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus).

8. Viral and Rickettsial Vaccines

Adenovirus Vaccine.
Influenza Virus Vaccine.
Poliomyelitis Vaccine.
Rabies Vaccine.
Smallpox Vaccine.

9. Diagnostic Substances for Dermal Tests

Blastomycin.
Diphtheria Toxin for Schick Test.
Histoplasmin.
Scarlet Fever Streptococcus Toxin for Dick Test.
Schick Test Control.
Tuberculin, Autolytic.
Tuberculin, Old.
Tuberculin, Purified Protein Derivative.

10. Diagnostic Substances for Laboratory Tests

Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test.
Influenza Virus Hemagglutinating Antigen.

11. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Poison Ivy Extract.

12. Trivalent Organic Arsenicals

Dichlorophenarsine Hydrochloride.
Oxophenarsine Hydrochloride.

LICENSE NO. 2—MERCK SHARP & DOHME, DIVISION OF MERCK & CO., INC., WEST POINT AND PHILADELPHIA, PA.

1. Antitoxins

Tetanus Antitoxin.

2. Therapeutic Immune Serums

Antibrucella Serum.
Anti-Rocky Mountain Spotted Fever Serum.
Antitularemic Serum.

3. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Fibrinogen (Human).
Human Blood Cells.
Immune Serum Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).
Thrombin.

4. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Three polyvalent bacterial vaccines with "No U. S. Standard of Potency".

5. Sensitized Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Six polyvalent sensitized bacterial vaccines with "No. U. S. Standard of Potency".

6. Bacterial Antigens

Bacterial Antigen with Antihistaminic.
Three polyvalent bacterial antigens with "No U. S. Standard of Potency".

7. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Protamine Precipitated.
Staphylococcus Toxoid.
Tetanus Toxoid.

8. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria Toxoid and Pertussis Vaccine Combined Alum Precipitated.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

9. Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Poliomyelitis Vaccine.
Rabies Vaccine.
Rocky Mountain Spotted Fever Vaccine.
Smallpox Vaccine.
Typhus Vaccine.

10. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Scarlet Fever Streptococcus Toxin for Dick Test.
Schick Test Control.
Tuberculin, Purified Protein Derivative.

11. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.

12. Allergenic Extracts

Poison Ivy Extract.
Poison Oak Extract.

13. Miscellaneous

Antivenin (*Latrodectus mactans*).
Bee Venom.
Blood Group Specific Substances A and B.

LICENSE NO. 8—CUTTER LABORATORIES, BERKELEY, CALIF.

1. Antitoxins

B. oedematiens Antitoxin.
Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.

Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

2. Therapeutic Immune Serums

Antipertussis Serum.

3. Blood and Blood Derivatives

Antihemophilic Globulin (Human).
Fibrin Film.
Fibrin Foam.
Fibrinogen (Human).
Immune Serum Globulin (Human).
Mumps Immune Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).
Tetanus Immune Globulin (Human).
Thrombin.

4. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Pertussis Vaccine Aluminum Hydroxide Adsorbed.
Plague Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Three polyvalent bacterial vaccines with "No U. S. Standard of Potency."

5. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Hydroxide Adsorbed.

6. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Aluminum Hydroxide Adsorbed.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.
Diphtheria Toxoid and Pertussis Vaccine Combined.
Tetanus Toxoid and Pertussis Vaccine Combined.
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Adsorbed (For Adult Use).

7. Viral and Rickettsial Vaccines

Equine Encephalomyelitis Vaccine (Eastern).
Equine Encephalomyelitis Vaccine (Western).
Poliomyelitis Vaccine.
Smallpox Vaccine.

8. Diagnostic Substances for Dermal Tests

Coccidioidin.
Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

9. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.

10. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Poison Ivy Extract.
Poison Oak Extract.

LICENSE NO. 11—INSTITUT PASTEUR, PARIS, FRANCE

1. Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

2. Bacterial Vaccines

Cholera Vaccine.
Typhoid Vaccine.

3. Toxoids and Toxins for Immunization

Staphylococcus Toxoid.

LICENSE NO. 14—NEW YORK CITY DEPARTMENT OF HEALTH, BUREAU OF LABORATORIES, NEW YORK, N. Y.

1. Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

2. Blood and Blood Derivatives

Normal Horse Serum.

3. Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

4. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Tetanus Toxoid.

5. Viral and Rickettsial Vaccines

Smallpox Vaccine.

6. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

7. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Human Serum.

LICENSE NO. 17—LEDERLE LABORATORIES DIVISION, AMERICAN CYANAMID CO., PEARL RIVER, N. Y.

1. Antitoxins

B. histolyticus Antitoxin.
B. oedematiens Antitoxin.
B. sordellii Antitoxin.
Botulism Antitoxin.
Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

2. Therapeutic Immune Serums

Antirabies Serum.

3. Blood and Blood Derivatives

Immune Serum Globulin (Human).
Poliomyelitis Immune Globulin (Human).

4. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid and Paratyphoid Vaccine.
Four polyvalent bacterial vaccines with "No. U. S. Standard of Potency."

5. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Scarlet Fever Streptococcus Toxin for Immunization.
Staphylococcus Toxoid.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

6. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.

7. Viral and Rickettsial Vaccines

Encephalitis Vaccine, Herpes "F" Strain.
Influenza Virus Vaccine.
Mumps Vaccine.
Q Fever Vaccine.
Rabies Vaccine.
Rocky Mountain Spotted Fever Vaccine.
Smallpox Vaccine.
Typhus Vaccine (Epidemic).

8. Diagnostic Substances for Dermal Tests

Lymphogranuloma Venereum Antigen.
Scarlet Fever Streptococcus Toxin for Dick Test.
Tuberculin, Old.
Tuberculin, Patch Test.

9. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.

10. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Trichinella Extract.

11. Miscellaneous

Streptokinase—Streptodornase.

LICENSE NO. 30—SHERMAN LABORATORIES, DETROIT, MICH.

1. Bacterial Vaccines

Pertussis Vaccine.
Eighteen polyvalent bacterial vaccines with "No U. S. Standard of Potency".

2. Bacterial Antigens

One polyvalent bacterial antigen with "No U. S. Standard of Potency".

3. Allergenic Extracts

Allergenic Extracts (including pollens).
Poison Ivy Extract.
Poison Oak Extract.
Poison Ivy-Poison Oak Extracts Combined.

LICENSE NO. 43—ABBOTT LABORATORIES, NORTH CHICAGO, ILL.

1. Blood and Blood Derivatives

Radio-Iodinated (I^{131}) Serum Albumin (Human).

2. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

LICENSE NO. 51—THE UPJOHN CO., KALAMAZOO, MICH.

1. Blood and Blood Derivatives

Thrombin.

LICENSE NO. 52—E. R. SQUIBB & SONS, DIVISION OF OLIN MATHIESON CHEMICAL CORP., BIOLOGICAL LABORATORIES, NEW BRUNSWICK, N. J.

1. Blood and Blood Derivatives

Fibrinogen (Human).
Immune Serum Globulin (Human).
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).
Radio-Iodinated (I^{131}) Serum Albumin (Human).

2. Multiple Antigen Preparations

Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus).

3. Diagnostic Substances for Dermal Tests

Lymphogranuloma Venereum Antigen.

LICENSE NO. 56—ELI LILLY & CO., INDIANAPOLIS, IND.

1. Antitoxins

Diphtheria Antitoxin.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. *septique* Antitoxin.

2. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Bacterial Vaccine made from Partially Autolyzed Pneumococci.
Seven polyvalent bacterial vaccines with "No U. S. Standard of Potency".

3. Bacterial Antigens

Thirteen polyvalent bacterial antigens with "No U. S. Standard of Potency".

4. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Tetanus Toxoid.

5. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

6. Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Mumps Vaccine.
Poliomyelitis Vaccine.
Rabies Vaccine.
Smallpox Vaccine.
Typhus Vaccine.

7. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Histoplasmin.
Mumps Skin Test Antigen.
Schick Test Control.
Tuberculin, Old.

8. Allergenic Extracts

Allergenic Extracts.
Fungus Antigens.

LICENSE NO. 64—MASSACHUSETTS PUBLIC HEALTH BIOLOGIC LABORATORIES, BOSTON, MASS.

1. Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

2. Blood and Blood Derivatives

Immune Serum Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).

3. Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

4. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Tetanus Toxoid.

5. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Precipitated.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Precipitated.

6. Viral and Rickettsial Vaccine

Smallpox Vaccine.

7. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

LICENSE NO. 73—CONNAUGHT ANTITOXIN LABORATORIES, UNIVERSITY OF TORONTO, TORONTO, CANADA

1. Antitoxins

Diphtheria Antitoxin.
Staphylococcus Antitoxin.
Tetanus Antitoxin.

2. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Staphylococcus Toxoid.
Tetanus Toxoid.

LICENSE NO. 84—TERRELL LABORATORIES, FORT WORTH, TEX.

1. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

LICENSE NO. 91—HOLLISTER-STIER LABORATORIES, SPOKANE, WASH.; CHICAGO, ILL.; PHILADELPHIA, PA.; AND LOS ANGELES, CALIF.

1. Bacterial Vaccines

Two polyvalent bacterial vaccines with "No U. S. Standard of Potency".

2. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Poison Ivy Extract.
Poison Oak Extract.

LICENSE NO. 99—DIVISION OF LABORATORIES, MICHIGAN DEPARTMENT OF HEALTH, LANSING, MICH.

1. Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

2. Therapeutic Immune Serums

Anti-Hemophilus Influenzae Type b Serum.
Antipneumococcic Serum.

3. Blood and Blood Derivatives

Antihemophilic Globulin (Human).
Citrated Whole Blood (Human).
Fibrinogen (Human).
Immune Serum Globulin (Human).
Normal Horse Serum.
Normal Human Plasma.
Normal Rabbit Serum.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).
Resuspended Red Blood Cells (Human).

4. Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

5. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

6. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.

7. Viral and Rickettsial Vaccines

Rabies Vaccine.
Smallpox Vaccine.

1. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Histoplasmin.
Schick Test Control.
Tuberculin, Old.

9. Diagnostic Substances for Laboratory Tests

Pneumococcus Typing Serum.

LICENSE NO. 101—NATIONAL DRUG CO., PHILADELPHIA, PA.

1. Antitoxins

Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.

2. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Fourteen polyvalent vaccines with "No U. S. Standard of Potency".

3. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Scarlet Fever Streptococcus Toxin for Immunization.
Staphylococcus Toxoid.
Streptococcus Erythrogenic Toxin.
Tetanus Toxoid.

4. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.
Staphylococcus Toxoid—Bacterial Vaccine made from Staphylococcus (Aureus).
Staphylococcus Toxoid—Streptococcus Toxin—Bacterial Vaccine made from Staphylococcus (Aureus), Streptococcus (Hemolyticus), Pneumococcus Hemophilus Influenzae.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (for Adult Use).

5. Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Rabies Vaccine.
Smallpox Vaccine.
Typhus Vaccine (Epidemic).
Yellow Fever Vaccine.

6. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Scarlet Fever Streptococcus Toxin for Dick Test.
Schick Test Control.

7. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

LICENSE NO. 102—MULFORD COLLOID LABORATORIES, PHILADELPHIA, PA.

1. Allergenic Extracts

Poison Ivy Extract.
Poison Oak Extract.
Tincture Poison Ivy.

LICENSE NO. 103—ALLERGY LABORATORIES, OKLAHOMA CITY, OKLA.

1. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

LICENSE NO. 105—C. F. KIRK CO., NEW YORK, N. Y.

1. Bacterial Vaccines

Typhoid Vaccine.
Fourteen polyvalent bacterial vaccines with "No U. S. Standard of Potency".

2. Allergenic Extracts

Allergenic Extracts.
Poison Ivy Extract Alum Precipitated.

LICENSE NO 107—PORRO BIOLOGICAL LABORATORIES, TACOMA, WASH.

1. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

LICENSE NO. 108—LABORATOIRE DU BACTERIOPHAGE, PARIS, FRANCE

1. Bacterial Antigens

Fifteen bacterial antigens with "No U. S. Standard of Potency".

LICENSE NO. 110—PITMAN-MOORE CO., DIVISION ALLIED LABORATORIES, INC., ZIONSVILLE, IND.

1. Antitoxins

Diphtheria Antitoxin.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. *septique* Antitoxin.

2. Therapeutic Immune Serums

Antierysipeloid Serum.

3. Blood and Blood Derivatives.

Immune Serum Globulin (Human).
Poliomyelitis Immune Globulin (Human).

4. Bacterial Vaccines.

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Thirteen polyvalent bacterial vaccines with "No U. S. Standard of Potency".

5. Bacterial Antigens

Five bacterial antigens with "No U. S. Standard of Potency".

6. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Staphylococcus Toxoid.
Tetanus Toxoid.

7. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.

8. Viral and Rickettsial Vaccines

Equine Encephalomyelitis Vaccine (Eastern)
Equine Encephalomyelitis Vaccine (Western).
Influenza Virus Vaccine.
Poliomyelitis Vaccine.
Rabies Vaccine.
Typhus Vaccine.

9. Diagnostic Substance for Dermal Tests

Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

10. Allergenic Extracts

Allergenic Extracts (including pollens).
Poison Ivy Extract.
Poison Ivy-Poison Oak Extract.
Poison Oak Extract.

LICENSE NO. 111—WILLIAM S. MERRELL CO., CINCINNATI, OHIO

1. Bacterial Vaccines

One polyvalent bacterial vaccine with "No U. S. Standard of Potency".

LICENSE NO. 113—MICHAEL REESE RESEARCH FOUNDATION, CHICAGO, ILL.

1. Therapeutic Immune Serums

Measles Immune Serum (Human).
Mumps Immune Serum (Human).
Poliomyelitis Immune Serum (Human).
Scarlet Fever Immune Serum (Human).

2. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Normal Human Serum.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

3. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum
Anti-Rh Typing Serums:
Anti Rh_0 (Anti-D).
Anti-Rh_0' (Anti-CD).
Anti-Rh_0'' (Anti-DE).
Anti-Rh_0 rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-Human Serum.

LICENSE NO. 119—BARRY LABORATORIES, INC., DETROIT, MICH.

1. Bacterial Vaccines

Nine polyvalent bacterial vaccines with "No U. S. Standard of Potency".

2. Allergenic Extracts

Allergenic Extracts (including pollens).
Poison Ivy Extract.
Poison Ivy-Oak-Sumac Extracts Combined.
Poison Sumac Extract.

LICENSE NO. 120—ILLINOIS DEPARTMENT OF PUBLIC HEALTH, BUREAU OF BIOLOGIC PRODUCTS, DIVISION OF LABORATORIES, CHICAGO, ILL.

1. Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

2. Toxoids and Toxins for Immunization

Diphtheria Toxoid.

3. Multiple Antigen Preparations

Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.

4. Viral and Rickettsial Vaccines

Rabies Vaccine.

5. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Schick Test Control.

LICENSE No. 121—TEXAS STATE DEPARTMENT OF HEALTH, AUSTIN, TEX.

1. Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.

2. Toxoids and Toxins for Immunization

Diphtheria Toxoid.

3. Multiple Antigen Preparations

Diphtheria Toxoid and Pertussis Vaccine Combined Alum Precipitated.

4. Viral and Rickettsial Vaccines

Rabies Vaccine.

5. Diagnostic Substances for Dermal Tests

Diptheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

LICENSE No. 125—HYNSON, WESTCOTT & DUNNING, BALTIMORE, MD.

1. Miscellaneous

Cobra Venom Solution.
Cobra Venom with Silicic and Formic Acids.

LICENSE No. 129—WELLCOME PHYSIOLOGICAL RESEARCH LABORATORIES, BECKENHAM, KENT, ENGLAND.

1. Miscellaneous

Russell Viper Venom.

LICENSE No. 135—MYERS LABORATORIES, INC., WARREN, PA.

1. Bacterial Antigens

One polyvalent bacterial antigen with "No U. S. Standard of Potency."

LICENSE No. 139—PHILADELPHIA SERUM EXCHANGE, PHILADELPHIA, PA.

1. Therapeutic Immune Serums

Measles Immune Serum (Human).
Mumps Immune Serum (Human).
Pertussis Immune Serum (Human).
Scarlet Fever Immune Serum (Human).

2. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Serum.
Single Donor Plasma (Human).

3. Diagnostic Substances for Dermal Tests

Mumps Skin Test Antigen.

4. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C)
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-Human Serum.

LICENSE No. 140—HYLAND LABORATORIES, LOS ANGELES, CALIF.

1. Therapeutic Immune Serums

Antimumps Serum.
Antipertussis Serum.
Mumps Immune Serum (Human).
Pertussis Immune Serum (Human).

2. Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Citrated Whole Blood (Human).
Immune Serum Globulin (Human).
Mumps Immune Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Packed Red Blood Cells (Human).
Pertussis Immune Globulin (Human).
Poliomyelitis Immune Globulin (Human).
Resuspended Red Blood Cells (Human).

3. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Group AB Serum (Human).
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C)
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.

LICENSE No. 144—WYETH LABORATORIES, INC., MARIETTA, PA.

1. Antitoxins

Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.

2. Therapeutic Immune Serums

Antipertussis Serum.

3. Blood and Blood Derivatives

Normal Horse Serum.

4. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

5. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Scarlet Fever Streptococcus Toxin for Immunization.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

6. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids Alum Precipated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria Toxoid Aluminum Phosphate Adsorbed and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Adsorbed (for Adult Use).
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (for Adult Use).

7. Viral and Rickettsial Vaccines

Poliomyelitis Vaccine.
Rabies Vaccine.
Smallpox Vaccine.

8. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Scarlet Fever Streptococcus Toxin for Dick Test.
Schick Test Control.
Tuberculin, Old.

9. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Poison Ivy Extract.
Poison Oak Extract.
Poison Ivy-Oak-Sumac Extracts Combined.

10. Miscellaneous

Antivenin (Crotalidae) Polyvalent.

LICENSE No. 147—ENDO LABORATORIES, INC., RICHMOND HILL, N. Y.

1. Allergenic Extracts

Allergenic Extracts (including miscellaneous substances).

LICENSE No. 149—THE ARMOUR LABORATORIES, DIVISION OF ARMOUR AND COMPANY, KANKAKEE, ILL.

1. Blood and Blood Derivatives

Fibrin Film.
Fibrin Foam.
Immune Serum Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).
Thrombin.

LICENSE No. 152—GOTHAM PHARMACEUTICAL CO., BROOKLYN, N. Y.

1. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

LICENSE No. 154—JOHN ELLIOTT BLOOD BANK OF DADE COUNTY, INC., MIAMI, FLA.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE No. 155—WIENER SERUM LABORATORY, BROOKLYN, N. Y.

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-rh^w and Anti-K Serum (Anti-(C^w+Kell)).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.

LICENSE No. 156—ORTHO PHARMACEUTICAL CORP., RARITAN, N. J.

1. Blood and Blood Derivatives

Fibrinogen (Human).
Profibrinolysin (Human).
Thrombin.

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A, B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-C^w).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-S Serum.
Anti-Human Serum.

LICENSE No. 157—CERTIFIED BLOOD DONOR SERVICE, INC., JAMAICA, N. Y.

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-C^w).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-P Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.

LICENSE No. 158—WASHINGTON BLOOD LABORATORY, WASHINGTON, D. C.

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-Human Serum.

LICENSE No. 159—BLOOD GROUPING LABORATORY OF BOSTON, INC., BOSTON, MASS.

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-C^w).
Anti-Rh$_o$+Rh$_o$ (Anti-D+D^u).
Anti-K Serum (Anti-Kell).
Anti-Le^a Serum (Anti-Lewis).
Anti-Le^b Serum.
Anti-M Serum.
Anti-Human Serum.

LICENSE No. 161—BLOOD TRANSFUSION ASSOCIATION, NEW YORK, N. Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-Human Serum.

LICENSE No. 162—BLOOD AND PLASMA BANK, NEW YORK UNIVERSITY, BELLEVUE MEDICAL CENTER, NEW YORK, N. Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.

LICENSE No. 163—HIGH TITER SERUM LABORATORY, NEW YORK, N. Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-K Serum (Anti-Kell).
Anti-Human Serum.

LICENSE No. 164—KNICKERBOCKER BLOOD BANK, NEW YORK, N. Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-Fy^a Serum (Anti-Duffy).
Anti-Jk^a Serum (Anti-Kidd).
Anti-K Serum (Anti-Kell).
Anti-Le^a Serum (Anti-Lewis).
Anti-M Serum.
Anti-P Serum.
Anti-S Serum.
Anti-Human Serum.

3. Miscellaneous

Blood Group Specific Substance A.
Blood Group Specific Substance B.

LICENSED No. 165—BLOOD BANK FOUNDATION, NASHVILLE, TENN.

1. Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Citrated Whole Blood (Human).
Normal Human Plasma.
Resuspended Red Blood Cells (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh'' (Anti-E).
Anti-K Serum (Anti-Kell).
Anti-Human Serum.

LICENSE No. 166—BELLE BONFILS MEMORIAL BLOOD BANK, DENVER, COLO.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-K Serum (Anti-Kell).

LICENSE No. 167—J. K. AND SUSIE L. WADLEY RESEARCH INSTITUTE AND BLOOD CENTER, DALLAS, TEX.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-Human Serum.

LICENSE No. 168—MOUNT SINAI MEDICAL RESEARCH FOUNDATION, CHICAGO, ILL.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serum:
Anti-Rh$_o$ (Anti-D).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.

LICENSE No. 169—CHICAGO BLOOD DONOR SERVICE, CHICAGO, ILL.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

LICENSE No. 170—JACKSON MEDICAL LABORATORY AND BLOOD BANK, JACKSON, TENN.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE No. 171—COURTLAND LABORATORIES, LOS ANGELES, CALIF.

1. Therapeutic Immune Serums

Chickenpox Immune Serum (Human).
Measles Immune Serum (Human).
Mumps Immune Serum (Human).
Pertussis Immune Serum (Human).
Scarlet Fever Immune Serum (Human).

2. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Immune Serum Globulin (Human).
Normal Serum Albumin (Human).
Normal Human Plasma.
Poliomyelitis Immune Globulin (Human).

LICENSE No. 173—INTERSTATE BLOOD BANK, MEMPHIS, TENN.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE No. 174—LLOYD BROS., PHARMACISTS, INC., CINCINNATI, OHIO

1. Allergenic Extracts

Tincture Poison Ivy.

LICENSE No. 175—INTER-COUNTY BLOOD BANK, INC., JAMAICA, N. Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).

LICENSE No. 176—LABORATORIOS MYN, MEXICO D. F., MEXICO

1. Miscellaneous

Antivenin, Scorpion.

LICENSE No. 177—ROGATOL PHARMACEUTICAL CO., HATO REY, P. R.

1. Bacterial Antigens

Bacterial Antigen made from Streptococcus.

2. Allergenic Extracts

Allergenic Extract—*Schistosoma mansoni.*

LICENSE No. 178—CALIFORNIA TRANSFUSION SERVICE, LOS ANGELES, CALIF.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE No. 179—DADE REAGENTS, INC., MIAMI, FLA.

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.

LICENSE No. 181—JACKSONVILLE BLOOD BANK, INC., JACKSONVILLE, FLA.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.

LICENSE No. 182—IRWIN MEMORIAL BLOOD BANK OF THE SAN FRANCISCO MEDICAL SOCIETY, SAN FRANCISCO, CALIF.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

LICENSE No. 183—SOUTHWEST BLOOD BANKS, INC., PHOENIX, ARIZ.

This establishment license includes the following locations:

Southwest Blood Bank of Albuquerque, Albuquerque, N. Mex.
Southwest Blood Bank of Alexandria, Alexandria, La.
Southwest Blood Bank of Casper, Casper, Wyo.
Southwest Blood Bank of El Paso, El Paso, Tex.
Southwest Blood Bank of Harlingen, Harlingen, Tex.
Southwest Blood Bank of Houston, Houston, Tex.
Southwest Blood Bank of Little Rock, Little Rock, Ark.
Southwest Blood Bank of Lubbock, Lubbock, Tex.
Southwest Blood Bank of Meridian, Meridian, Miss.
Southwest Blood Bank of Phoenix, Phoenix, Ariz.
Southwest Blood Bank of Reno, Reno, Nev.
Southwest Blood Bank of San Antonio, San Antonio, Tex.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE No. 184—TRAVENOL LABORATORIES, INC., MORTON GROVE, ILL., AND LOS ANGELES, CALIF.

1. Therapeutic Immune Serums

Antimumps Serum (Human).
Antipertussis Serum (Human).

2. Bacterial Antigens

Pseudomonas Polysaccharide.

3. Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Immune Serum Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).

4. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Group AB Serum (Human).
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.

LICENSE No. 185—MINNEAPOLIS WAR MEMORIAL BLOOD BANK, INC., MINNEAPOLIS, MINN.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).

LICENSE No. 187—MILWAUKEE BLOOD CENTER, INC., MILWAUKEE, WIS.

1. Therapeutic Immune Serums

Measles Immune Serum (Human).
Mumps Immune Serum (Human).
Pertussis Immune Serum (Human).
Poliomyelitis Immune Serum (Human).
Scarlet Fever Immune Serum (Human).

2. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Normal Human Serum.
Single Donor Plasma (Human).

3. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Human Serum.

LICENSE No. 188—RESEARCH FOUNDATION AND UNIVERSITY OF ILLINOIS, CHICAGO, ILL.

1. Bacterial Vaccines

BCG Vaccine.

LICENSE No. 190—AMERICAN NATIONAL RED CROSS, WASHINGTON, D. C.

This establishment license includes the following locations:

Asheville Regional Blood Center, Asheville, N. C.
Atlanta Regional Blood Center, Atlanta, Ga.
Badger Regional Blood Center, Madison, Wis.
Beaver County Regional Blood Center, New Brighton, Pa.
Birmingham Regional Blood Center, Birmingham, Ala.
Black Hawk County Regional Blood Center, Waterloo, Iowa.
Boise Regional Blood Center, Boise, Idaho.
Buffalo Regional Blood Center, Buffalo, N. Y.
Central Texas Regional Blood Center, Waco, Tex.
Charlotte Regional Blood Center, Charlotte, N. C.
Cleveland Regional Blood Center, Cleveland, Ohio.
Columbia River Regional Blood Center, Yakima, Wash.
Columbus Regional Blood Center, Columbus, Ohio.
Connecticut Regional Blood Center, Hartford, Conn.
Detroit Regional Blood Center, Detroit, Mich.
Fort Wayne Regional Blood Center, Fort Wayne, Ind.
Greater Toledo Regional Blood Center, Toledo, Ohio.
Huntington Regional Blood Center, Huntington, W. Va.
Intermountain Regional Blood Center, Fort Douglas, Utah.
Johnstown Regional Blood Center, Johnstown, Pa.
Knox County Regional Blood Center, Galesburg, Ill.
Lansing Regional Blood Center, Lansing, Mich.
Los Angeles Regional Blood Center, Los Angeles, Calif.
Louisville Regional Blood Center, Louisville, Ky.
Massachusetts Regional Blood Center, Boston, Mass.
Mobile Regional Center, Mobile, Ala.
Montana Regional Blood Center, Great Falls, Mont.
Nashville Regional Blood Center, Nashville, Tenn.
Nebraska-Iowa Regional Blood Center, Omaha, Nebr.
New York Regional Blood Center, New York, N. Y.
Northeastern Pennsylvania Regional Blood Center, Wilkes-Barre, Pa.
Pacific Northwest Regional Blood Center, Portland, Oreg.
Peoria Regional Blood Center, Peoria, Ill.
Philadelphia Regional Blood Center, Philadelphia, Pa.
Roanoke Regional Blood Center, Roanoke, Va.
Rochester Regional Blood Center, Rochester, N. Y.
Santa Clara Valley Regional Blood Center, San Jose, Calif.
South Atlantic Regional Blood Center, Savannah, Ga.
South Carolina Regional Blood Center, Columbia, S. C.
Southern Arizona Regional Blood Center, Tucson, Ariz.
Springfield Regional Blood Center, Springfield, Mo.
St. Louis Regional Blood Center, St. Louis, Mo.
St. Paul Regional Blood Center, St. Paul, Minn.
Syracuse Regional Blood Center, Syracuse, N. Y.
Tidewater Regional Blood Center, Norfolk, Va.
Tulsa County Regional Blood Center, Tulsa, Okla.
Vermont-New Hampshire Regional Blood Center, Burlington, Vt.
Volusia-Flagler Regional Blood Center, Daytona Beach, Fla.
Washington, D. C. Regional Blood Center, Washington, D. C.
Wichita County Regional Blood Center, Wichita Falls, Tex.
Wichita Regional Blood Center, Wichita, Kans.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

LICENSE No. 191—BLOOD BANK OF THE ALAMEDA-CONTRA COSTA MEDICAL ASSOCIATION, OAKLAND, CALIF.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).
Single Donor Plasma (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.

LICENSE No. 192—KING COUNTY CENTRAL BLOOD BANK, SEATTLE, WASH.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.

LICENSE No. 193—CENTER LABORATORIES, PORT WASHINGTON, N. Y.

1. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

LICENSE No. 194—SACRAMENTO MEDICAL FOUNDATION BLOOD BANK, SACRAMENTO, CALIF.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

LICENSE No. 195—PENINSULA MEMORIAL BLOOD BANK, BURLINGAME, CALIF.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE No. 197—SONOMA COUNTY COMMUNITY BLOOD BANK, SANTA ROSA, CALIF.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE No. 198—TRI-COUNTIES BLOOD BANK, SANTA BARBARA, CALIF.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE No. 199—BLOOD BANK OF HAWAII, HONOLULU, HAWAII

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.

LICENSE No. 201—SAN DIEGO BLOOD BANK, SAN DIEGO, CALIF.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE No. 202—TACOMA-PIERCE COUNTY BLOOD BANK, TACOMA, WASH.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE No. 203—SPOKANE & INLAND EMPIRE BLOOD BANK, SPOKANE, WASH.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Single Donor Plasma (Human).

LICENSE No. 204—VIRGINIA BLOOD BANK, INC., RICHMOND, VA.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Anti-B Blood Grouping Serum.

LICENSE No. 209—MAXWELL BLOOD BANK, THE CHILDREN'S MEMORIAL HOSPITAL, CHICAGO, ILL.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE No. 212—DISTRICT OF COLUMBIA GENERAL HOSPITAL, WASHINGTON, D. C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE No. 213—BLOOD BANK OF THE WASHINGTON HOSPITAL CENTER, WASHINGTON, D. C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 214—DOCTORS HOSPITAL BLOOD BANK, WASHINGTON, D. C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 215—BLOOD GROUPING LABORATORY, WASHINGTON, D. C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

LICENSE NO. 217—FREEDMEN'S HOSPITAL, WASHINGTON, D. C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 218—PROVIDENCE HOSPITAL BLOOD BANK, WASHINGTON, D. C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 219—FARGO CLINIC BLOOD BANK, FARGO, N. DAK.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 220—BROOME COUNTY BLOOD CENTER, BINGHAMTON, N. Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 221—ESSEX COUNTY BLOOD BANK, INC., NEWARK, N. J.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 222—AURORA BLOOD BANK AND DONORS SOCIETY, AURORA, ILL.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).

LICENSE NO. 224—COMMUNITY BLOOD AND PLASMA SERVICE, INC., BIRMINGHAM, ALA.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 226—BLOOD BANK OF SAN BERNARDINO AND RIVERSIDE COUNTIES, INC., SAN BERNARDINO, CALIF.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 227—CENTRAL FLORIDA BLOOD BANK, ORLANDO, FLA.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 228—SOUTHWEST FLORIDA BLOOD BANK, INC., TAMPA, FLA.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 229—BENDER LABORATORY BLOOD BANK, ALBANY, N. Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 231—DUBUQUE BLOOD BANK ASSOCIATION, DUBUQUE, IOWA

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.

LICENSE NO. 232—HOLY CROSS HOSPITAL RESEARCH FOUNDATION, SALT LAKE CITY, UTAH

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh_0 (Anti-D).
Anti-Rh_0' (Anti-CD).
Anti-hr' (Anti-c).
Anti-Human Serum.

LICENSE NO. 233—OCHSNER FOUNDATION HOSPITAL BLOOD BANK, NEW ORLEANS, LA.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 234—CENTRAL BLOOD BANK OF PITTSBURGH, PITTSBURGH, PA.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 235—UNIVERSITY OF CINCINNATI BLOOD TRANSFUSION SERVICE, CINCINNATI, OHIO

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

LICENSE NO. 236—MEDICAL CENTER-STATE HEALTH DEPARTMENT BLOOD BANK, GRAND FORKS, N. DAK.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 237—SHREVEPORT EMERGENCY BLOOD BANK, INC., SHREVEPORT, LA.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 238—INSTITUTO SIEROTERAPICO TOSCANO, SIENA, ITALY

1. Therapeutic Immune Serums

Antirabies Serum.

LICENSE NO. 239—HOUCHIN COMMUNITY BLOOD BANK, BAKERSFIELD, CALIF.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 240—MEMPHIS BLOOD CENTER, INC., MEMPHIS, TENN.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 241—COMMUNITY BLOOD AND PLASMA SERVICE, INC. OF TEXAS, HOUSTON, TEX.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 243—BLOOD PLASMA CORP. OF JAPAN, OSAKA, JAPAN

1. Blood and Blood Derivatives

Normal Human Plasma.

LICENSE NO. 244—TRAVIS COUNTY MEDICAL SOCIETY BLOOD BANK, AUSTIN, TEX.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 245—NIHON SEIYAKU CO., LTD., TOKYO, JAPAN

1. Blood and Blood Derivatives

Normal Human Plasma.

LICENSE NO. 246—POTTER COUNTY MEDICAL BLOOD CENTER, AMARILLO, TEX.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 248—CENTRAL BLOOD BANK, INC., SOUTH BEND, IND.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 249—NORTHERN ILLINOIS BLOOD BANK, INC., ROCKFORD, ILL.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 250—ST. LUKE'S HOSPITAL BLOOD BANK, ABERDEEN, S. DAK.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 251—THE JACOB BLUMBERG MEMORIAL BLOOD BANK, INC., OF THE LAKE COUNTY MEDICAL SOCIETY, WAUKEGAN, ILL.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 252—DETROIT BLOOD SERVICE, INC., DETROIT, MICH.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

LICENSE NO. 254—KNOXVILLE BLOOD CENTER, INC., KNOXVILLE, TENN.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 257—CHEK-LAB, INC., CHICAGO, ILL.

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serum:
Anti-Rh_0' (Anti-CD).
Anti-Human Serum.

LICENSE NO. 258—OSTERREICHISCHES INSTITUT FUR HAEMODERIVATE, VIENNA, AUSTRIA

1. Blood and Blood Derivatives

Immune Serum Globulin (Human).
Poliomyelitis Immune Globulin (Human).

LICENSE NO. 259—HOLSTON VALLEY COMMUNITY HOSPITAL BLOOD BANK, KINGSPORT, TENN.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 260—ST. FRANCIS HOSPITAL BLOOD BANK, TRENTON, N. J.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 261—HOSPITAL BLOOD SERVICE, INC., DETROIT, MICH.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 262—SERVICE LEAGUE COMMUNITY BLOOD BANK, INC., PUEBLO, COLO.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 263—COMMUNITY BLOOD BANK, NORTON, VA.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 264—MID-WEST BLOOD BANK AND PLASMA SERVICE, KANSAS CITY, MO.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 265—W. E. STEWART BLOOD BANK, TYLER, TEX.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 266—BLOOD BANK OF THE BRYN MAWR HOSPITAL, BRYN MAWR, PA.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 267—BLOOD BANK OF ST. LUKE'S HOSPITAL (DULUTH), DULUTH, MINN.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 268—COMMUNITY BLOOD SERVICE, INC., ST. LOUIS, MO.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 269—BEVERLY BLOOD CENTER, INC., CHICAGO, ILL.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 270—MARIETTA MEMORIAL HOSPITAL, MARIETTA, OHIO

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 271—ST. LUKE'S MEMORIAL HOSPITAL BLOOD BANK, RACINE, WIS.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 272—SOUTHERN MICHIGAN BLOOD CENTER, INC., DETROIT, MICH.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 273—OKLAHOMA CITY COMMUNITY BLOOD BANK, INC., OKLAHOMA CITY, OKLA.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 274—BERGEN COMMUNITY BLOOD BANK, PARAMUS, N. J.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 275—U. S. PHARMACEUTICAL, INC., BURBANK, CALIF.

1. Blood and Blood Derivatives

Normal Human Plasma.

2. Diagnostic Substances for Laboratory Tests

Anti-Rh Typing Serum:
Anti-Rh_0 (Anti-D).

LICENSE NO. 276—WESTERN PENNSYLVANIA BLOOD CENTER, INC., PITTSBURGH, PA.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 277—COMMUNITY MEMORIAL GENERAL HOSPITAL, LA GRANGE, ILL.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 278—BROOKLYN DONOR CENTER, INC., BROOKLYN, N. Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 279—MENOLASINO LABORATORIES, MELROSE PARK, ILL.

1. Diagnostic Substances for Laboratory Tests

Anti-Human Serum.

LICENSE NO. 280—WARD LABORATORIES, DURHAM, N. C.

1. Diagnostic Substances for Laboratory Tests

Anti-Fy^a Serum (Anti-Duffy).
Anti-K Serum (Anti-Kell).
Anti-Human Serum.

LICENSE NO. 281—NUCLEAR CONSULTANTS, INC., ST. LOUIS, MO.

1. Blood and Blood Derivatives

Radio-Iodinated (I^{131}) Serum Albumin (Human).

LICENSE NO. 283—HOFFMANN LABORATORIES, INC., PATERSON, N. J.

1. Bacterial Antigens

One polyvalent bacterial antigen with "No U. S. Standard of Potency".

LICENSE NO. 284—RHODE ISLAND HOSPITAL BLOOD BANK, PROVIDENCE, R. I.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 285—MARATHON COUNTY BLOOD BANK, INC., WAUSAU, WIS.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 286—EDGEWATER HOSPITAL BLOOD BANK, CHICAGO, ILL.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 287—CLEVELAND DONOR SERVICE, INC., CLEVELAND, OHIO

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 288—DELTA BLOOD BANK, STOCKTON, CALIF.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 289—HOSPITAL UNIVERSITY OF PENNSYLVANIA BLOOD BANK, PHILADELPHIA, PA.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 290—PINEVIEW GENERAL HOSPITAL BLOOD BANK, VALDOSTA, GA.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 291—SCI LAB, DERBY, COLO.

1. Diagnostic Substances for Dermal Tests

Blastomycin, Pin Test.
Coccidioidin, Pin Test.
Histoplasmin, Pin Test.
Tuberculin, Pin Test.

LICENSE NO. 292—GRAHAM LABORATORIES, INC., DALLAS, TEX.

1. Allergenic Extracts

Allergenic Extracts.

LICENSE NO. 293—PASSAIC BLOOD BANK, INC., PASSAIC, N. J.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 295—ST. MARY COMMUNITY BLOOD BANK, HOBOKEN, N. J.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 296—MIDWEST BLOOD SERVICE, INC., DETROIT, MICH.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 297—PFIZER LABORATORIES, DIV. CHAS. PFIZER & CO., INC., NEW YORK, N. Y., TERRE HAUTE, IND.

1. Viral and Rickettsial Vaccines

Influenza Virus Vaccine.

LICENSE NO. 298—LEWISTON-CLARKSTON BLOOD BANK, LEWISTON, IDAHO

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 299—THE LINCOLN FOUNDATION, SWARTHMORE, PA.

1. Bacterial Antigens

One polyvalent bacterial antigen with "No U. S. Standard of Potency".

LICENSE NO. 300—MASSACHUSETTS GENERAL HOSPITAL BLOOD BANK, BOSTON, MASS.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

LICENSE NO. 301—CLEVELAND BIOLOGICALS, INC., CLEVELAND, OHIO

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

Part II. List of Biologic Products With License Numbers of Establishments Licensed for Each Product

1. Antitoxins

B. *histolyticus* Antitoxin—17.
B. *oedematiens* Antitoxin—1-8-17.
B. *sordellii* Antitoxin—17.

Botulism Antitoxin—17.
Diphtheria Antitoxin—1-8-11-14-17-56-64-73-99-101-110-144.
Dysentery Antitoxin, Shiga—1.
Gas Gangrene Polyvalent Antitoxin—8-17-101-144.
Perfringens Antitoxin—1-8-17-56-110.
Staphylococcus Antitoxin—73.
Tetanus Antitoxin—1-2-8-11-14-17-56-64-73-99-101-110-144.
Tetanus and Gas Gangrene Polyvalent Antitoxin—1-8-17-56-101-110-144.
V. *septique* Antitoxin—1-8-17-56-110.

2. Therapeutic Immune Serums

Antibrucella Serum—2.
Antierysipeloid Serum—110.
Anti-Hemophilus Influenzae Type b Serum—99.
Antimumps Serum—140-184.
Antipertussis Serum—8-140-144-184.
Antipneumococcic Serum—99.
Antirabies Serum—17-238.
Anti-Rocky Mountain Spotted Fever Serum—2.
Antitularemic Serum—2.
Chicken Pox Immune Serum (Human)—171.
Measles Immune Serum (Human)—113-139-171-187.
Mumps Immune Serum (Human)—113-139-140-171-187.
Pertussis Immune Serum (Human)—139-140-171-187.
Poliomyelitis Immune Serum (Human—113-187.
Scarlet Fever Immune Serum (Human)—113-139-171-187.

3. Blood and Blood Derivatives

Antihemophilic Globulin (Human)—8-99.
Antihemophilic Plasma (Human)—140-165-184.
Citrated Whole Blood (Human)—2-99-113-139-140-154-161-162-163-164-165-166-167-168-169-170-171-173-175-178-181-182-183-185-187-190-191-192-194-195-197-198-199-201-202-203-204-209-212-213-214-215-217-218-219-220-221-222-224-226-227-228-229-231-233-234-235-236-237-239-240-241-244-246-248-249-250-251-252-254-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-276-277-278-284-285-286-287-288-289-290-293-295-296-298-300-301.
Fibrin Film—8-149.
Fibrin Foam—8-149.
Fibrinogen—2-8-52-99-156.
Histamine Azoprotein—1.
Human Blood Cells—2.
Immune Serum Globulin (Human)—1-2-8-17-52-64-99-110-140-149-171-184-258.
Mumps Immune Globulin (Human)—8-140.
Normal Horse Serum—14-99-144.
Normal Human Plasma—2-8-64-99-113-140-149-162-165-171-182-184-185-187-190-192-199-215-231-243-245-275.
Normal Human Serum—113-139-187.
Normal Rabbit Serum—99.
Normal Serum Albumin (Human)—2-8-52-64-99-140-149-171-184.
Packed Red Blood Cells (Human)—113-140-161-166-169-175-181-182-185-190-191-194-215-222-235-252.
Pertussis Immune Globulin (Human)—140.
Poliomyelitis Immune Globulin (Human)—1-2-8-17-52-64-99-110-140-149-171-184-258.
Profibrinolysin (Human)—156.
Radio-Iodinated (I^{131}) Serum Albumin (Human)—43-52-281.
Resuspended Red Blood Cells (Human)—99-113-140-165-166-182-185-191-215-235.
Single Donor Plasma (Human)—139-161-169-181-187-190-191-194-203-252.
Tetanus Immune Globulin (Human)—8.
Thrombin—1-2-8-51-149-156.

4. Bacterial Vaccines

BCG Vaccine—188.
Cholera Vaccine—1-2-8-11-17-56-101-144.
Bacterial Vaccine made from Partially Autolyzed Pneumococci—56.
Pertussis Vacine—1-2-8-14-17-30-56-64-99-101-110-120-121-144.
Pertussis Vaccine Aluminum Hydroxide Adsorbed—8.
Pertussis Vaccine Aluminum Phosphate Adsorbed—1.
Plague Vaccine—8.
Typhoid Vaccine—1-2-8-11-14-56-64-99-101-105-110-120-121-144.
Typhoid and Paratyphoid Vaccine—1-2-8-14-17-56-64-99-101-110-120-144.
Polyvalent bacterial vaccines with "No U. S. Standard of Potency"—1-2-8-17-30-56-91-101-105-110-111-119.

5. Sensitized Bacterial Vaccines

Cholera Vaccine—2.
Pertussis Vaccine—2.
Typhoid Vaccine—2.
Typhoid and Paratyphoid Vaccine—2.
Polyvalent sensitized bacterial vaccines with "No U. S. Standard of Potency"—2.

6. Bacterial Antigens

Bacterial Antigen with Antihistaminic—2.
Pseudomonas Polysaccharide—184.
Polyvalent bacterial antigens with "No U. S. Standard of Potency"—1-2-30-56-108-110-135-177-283-299.

7. Modified Bacterial Antigens

Polyvalent modified bacterial antigens with "No U. S. Standard of Potency"—1.

8. Toxoids and Toxins for Immunization

Diphtheria Toxoid—1-2-8-14-17-56-64-73-99-101-110-120-121-144.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed—8.
Diphtheria Toxoid Aluminum Phosphate Adsorbed—1-14-17-99-144.
Diphtheria Toxoid Protamine Precipitated—2.
Diphtheria Toxoid-Antitoxin Mixture—1.
Scarlet Fever Streptococcus Toxin for Immunization—1-17-101-144.
Staphylococcus Toxoid—1-2-11-17-73-101-110.
Streptococcus Erythrogenic Toxin—101.
Tetanus Toxoid—1-2-8-14-17-56-64-73-99-101-110-144.
Tetanus Toxoid Aluminum Hydroxide Adsorbed—8.
Tetanus Toxoid Aluminum Phosphate Adsorbed—1-17-99-144.

9. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined—1-2-8-56-101.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated—1-2-8-56-99.
Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined—17-101-110-144.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed—1-17-99-144.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Precipitated—64.
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined—8.
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed Combined—8.
Diphtheria and Tetanus Toxoids Combined—1-8-17-56.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated—1-2-56-99-101-110-144.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed—1-17-99-144.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Precipitated—64.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined—8.
Diphtheria Toxoid and Pertussis Vaccine Combined—8.
Diphtheria Toxoid and Pertussis Vaccine Combined Alum Precipitated—2-121.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined—1-101-110-120-144.
Diphtheria Toxoid and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed—1.
Diphtheria Toxoid Aluminum Phosphate Adsorbed and Pertussis Vaccine Combined—144.
Staphylococcus Toxoid-B. Vaccine made from Staphylococcus (Aureus)—101.
Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus)—1-52.
Staphylococcus Toxoid-Streptococcus Toxin-B. Vaccine made from Staphylococcus (Aureus), Streptococcus (Hemolyticus), *D pneumonia* and *H. influenzae*—101.
Tetanus Toxoid and Pertussis Vaccine Combined—8.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use)—2-56-101-144.
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Adsorbed (for Adult Use)—8.
Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Adsorbed (for Adult Use)—144.

10. Viral and Rickettsial Vaccines

Adenovirus Vaccine—1.
Encephalitis Vaccine, Herpes "F" Strain—17.
Equine Encephalomyelitis Vaccine (Eastern)—8-110.

Equine Encephalomyelitis Vaccine (Western)—8-110.
Influenza Virus Vaccine—1-2-17-56-101-110-297.
Mumps Vaccine—17-56.
Poliomyelitis Vaccine—1-2-8-56-110-144.
Q Fever Vaccine—17.
Rabies Vaccine—1-2-17-56-99-101-110-120-121-144.
Rocky Mountain Spotted Fever Vaccine—2-17.
Smallpox Vaccine—1-2-8-14-17-56-64-99-101-144.
Typhus Vaccine—2-56-110.
Typhus Vaccine (Epidemic)—17-101.
Yellow Fever Vaccine—101.

11. Diagnostic Substances for Dermal Tests

Blastomycin—1.
Blastomycin, Pin Test—291.
Coccidioidin—8.
Coccidioidin, Pin Test—291.
Diphtheria Toxin for Schick Test—1-2-8-14-17-56-64-99-101-110-120-121-144.
Histoplasmin—1-56-99.
Histoplasmin, Pin Test—291.
Lymphogranuloma Venereum Antigen—17-52.
Mumps Skin Test Antigen—56-139.
Scarlet Fever Streptococcus Toxin for Dick Test—1-2-17-101-144.
Schick Test Control—1-2-8-14-56-64-99-101-110-120-121-144.
Tuberculin, Autolytic—1.
Tuberculin, Old—1-8-14-17-56-64-99-110-121-144.
Tuberculin, Patch Test—17.
Tuberculin, Pin Test—291.
Tuberculin, Purified Protein Derivatives—1-2.

12. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum—2-8-14-17-113-139-140-155-156-157-158-159-161-163-164-165-166-168-179-181-184-185-187-191-232-257.
Anti-B Blood Grouping Serum—2-8-14-17-113-139-140-155-156-157-158-159-161-163-164-165-166-168-179-181-184-185-187-191-204-232-257.
Anti-A,B Blood Grouping Serum—113-139-140-156-157-158-164-179-181-184.
Absorbed Anti-A Serum—113-139-140-155-156-157-158-163-164-179-184.
Group AB Serum (Human)—140-184.
Anti-Rh Typing Serums:
Anti-Rh_o (Anti-D)—14-17-113-139-140-155-156-157-158-159-161-163-164-165-166-167-168-179-181-184-185-187-232-275.
Anti-Rh_o' (Anti-CD)—14-17-113-139-140-155-156-157-158-159-161-163-164-165-166-167-179-184-185-187-232-257.
Anti-Rh_o'' (Anti-DE)—113-139-140-155-156-157-158-163-164-165-179-184.
Anti-Rh_o rh' rh'' (Anti-CDE)—113-139-140-156-157-158-164-165-179-184.
Anti-rh' (Anti-C)—113-139-140-155-156-157-158-159-161-163-164-167-179-184-185.
Anti-rh'' (Anti-E)—113-139-140-155-156-157-158-159-161-163-164-165-166-167-179-184-185.
Anti-hr' (Anti-c)—113-139-140-155-156-157-158-159-164-166-167-179-184-185-232.
Anti-hr'' (Anti-e)—155-156-157-159-164-166-179.
Anti-rh^w (Anti-C^w)—156-157-159.
Anti-Rh_o+$\mathfrak{R}h_o$ (Anti-D+D^u)—159.
Anti-Fy^a Serum (Anti-Duffy)—155-156-157-164-280.
Anti-Jk^a (Anti-Kidd)—164.
Anti-k (Anti-Cellano)—155-156-157.
Anti-K Serum (Anti-Kell)—140-155-156-157-159-164-165-166-179-280.
Anti-rh^w and Anti-K Serum (Anti-(C^w+Kell))—155.
Anti-Le^a Serum—(Anti-Lewis)—159-164.
Anti-Le^b Serum—159.
Anti-M Serum—17-140-155-156-157-159-164-168-179-184.
Anti-N Serum—17-140-155-156-157-168-179-184.
Anti-P Serum—157-164.
Anti-S Serum—156-164.
Anti-Human Serum—14-17-113-139-140-155-156-157-158-159-161-164-165-167-168-179-181-184-187-232-257-279-280.
Anti-Human Precipitin Serum—140-155-157-184.
Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test—1.
Influenza Virus Hemagglutinating Antigen—1.
Pneumococcus Typing Serum—99.

13. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances)—1-8-17-30-43-56-84-91-101-103-105-107-110-119-144-147-152-193-292.
Allergenic Extract-*Schistosoma mansoni*—177.
Fungus Antigens—56.
Poison Ivy Extract—1-2-8-30-91-102-110-119-144.
Poison Ivy Extract Alum Precipitated—105.
Poison Ivy-Poison Oak Extracts Combined—30-110.
Poison Ivy-Oak-Sumac Extracts Combined—119-144.
Poison Oak Extract—2-8-30-91-102-110-144.
Poison Sumac Extract—119.
Tincture Poison Ivy—102-174.
Trichinella Extract—17.

14. Trivalent Organic Arsenicals

Dichlorophenarsine Hydrochloride—1.
Oxophenarsine Hydrochloride—1.

15. Miscellaneous

Antivenins:
Antivenin (*Latrodectus mactans*)—2.
Antivenin (Crotalidae) Polyvalent—144.
Antivenin, Scorpion—176.
Blood Group Specific Substances:
Blood Group Specific Substance A—164.
Blood Group Specific Substance B—164.
Blood Group Specific Substances A and B—2.
Enzymes:
Streptokinase-Streptodornase—17.
Venoms:
Bee Venom—2.
Cobra Venom Solution—125.
Cobra Venom with Silicic and Formic Acids—125.
Russell Viper Venom—129.

Part III. Licensed Establishments Arranged Alphabetically

A. Domestic Establishments

	United States license No.
Abbott Laboratories, North Chicago, Ill	43
Allergy Laboratories, Oklahoma City, Okla	103
American National Red Cross, Washington, D. C	190
Armour Laboratories, Kankakee, Ill	149
Aurora Blood Bank and Donors Society, Aurora, Ill	222
Barry Larboratories, Inc., Detroit, Mich	119
Belle Bonfils Memorial Blood Bank, Denver, Colo	166
Bender Laboratory Blood Bank, Albany, N. Y	229
Bergen Community Blood Bank, Paramus, N. J	274
Beverly Blood Center, Inc., Chicago, Ill	269
Blood and Plasma Bank, New York University-Bellevue Medical Center, New York, N. Y	162
Blood Bank of The Bryn Mawr Hospital, Bryn Mawr, Pa	266
Blood Bank Foundation, Nashville, Tenn	165
Blood Bank of Hawaii, Honolulu, Hawaii	199
Blood Bank of the Alameda-Contra Costa Medical Association, Oakland, Calif	191
Blood Bank of St. Luke's Hospital (Duluth), Duluth, Minn	267
Blood Bank of San Bernardino and Riverside Counties, Inc., San Bernardino, Calif	226
Blood Bank of the Washington Hospital Center, Washington, D. C	213
Blood Grouping Laboratory, Washington, D. C	215
Blood Grouping Laboratory of Boston, Inc., Boston, Mass	159
Blood Transfusion Association, New York, N. Y	161
Broome County Blood Center, Binghamton, N. Y	220
Brooklyn Donor Center, Inc., Brooklyn, N. Y	276
C. F. Kirk Company, New York, N. Y	105
California Transfusion Service, Los Angeles, Calif	178
Center Laboratories, Port Washington, N. Y	193
Central Blood Bank, Inc., South Bend, Ind	248
Central Blood Bank of Pittsburgh, Pittsburgh, Pa	234
Central Florida Blood Bank, Orlando, Fla	227
Certified Blood Donor Service, Inc., Jamaica, N. Y	157
Chek-Lab, Inc., Chicago, Ill	257
Chicago Blood Donor Service, Inc., Chicago, Ill	169
Cleveland Biologicals, Inc., Cleveland, Ohio	301

	United States license No.
Cleveland Donor Service, Inc., Cleveland, Ohio	287
Community Blood Bank, Norton, Va	263
Community Blood and Plasma Service, Inc., Birmingham, Ala	224
Community Memorial General Hospital, La Grange, Ill	277
Community Blood and Plasma Service, Inc., of Texas, Houston, Tex	241
Community Blood Service, Inc., St. Louis	268
Courtland Laboratories, Los Angeles, Calif	171
Cutter Laboratories, Berkeley, Calif	8
Dade Reagents, Inc., Miama, Fla	179
Delta Blood Bank, Stockton, Calif	288
Detroit Blood Service, Inc., Detroit, Mich	252
District of Columbia General Hospital, Washington, D. C	212
Doctors Hospital Blood Bank, Washington, D. C	214
Dubuque Blood Bank Association, Dubuque, Iowa	231
Edgewater Hospital Blood Bank, Chicago, Ill	286
Eli Lilly and Company, Indianapolis, Ind	56
Endo Laboratories, Inc., Richmond Hill, N. Y	147
E. R. Squibb & Sons, Division of Olin Mathieson Chemical Corp., Biological Laboratories, New Brunswick, N. J	52
Essex County Blood Bank, Inc., Newark, N. J	221
Fargo Clinic Blood Bank, Fargo, N. Dak	219
Freedman's Hospital, Washington, D. C	217
Gotham Pharmaceutical Company, Brooklyn, N. Y	152
Graham Laboratories, Inc., Dallas, Tex	202
High Titer Serum Laboratory, New York, N. Y	163
Hoffmann Laboratories, Inc., Paterson, N. J	283
Hollister-Stier Laboratories, Chicago, Ill.; Philadelphia, Pa.; Spokane, Wash.; Los Angeles, Calif	91
Holston Valley Community Hospital Blood Bank, Kingsport, Tenn	259
Holy Cross Hospital Research Foundation, Salt Lake City, Utah	232
Hospital Blood Service, Inc., Detroit, Mich	261
Hospital University of Pennsylvania Blood Bank, Philadelphia, Pa	289
Houchin Community Blood Bank, Bakersfield, Calif	239
Hyland Laboratories, Los Angeles, Calif	140
Hynson, Westcott & Dunning, Baltimore, Md	125
Illinois Department of Public Health, Bureau of Biologic Products, Division of Laboratories, Chicago, Ill	120
Inter-County Blood Bank, Inc., Jamaica, N. Y	175
Interstate Blood Bank, Inc., Memphis, Tenn	173
Irwin Memorial Blood Bank of the San Francisco Medical Society, San Francisco, Calif	182
J. K. and Susie L. Wadley Research Institute and Blood Center, Dallas, Tex	167
Jackson Medical Laboratory and Blood Bank, Jackson, Tenn	170
Jacksonville Blood Bank, Inc., Jacksonville, Fla	181
Jacob Blumberg Memorial Blood Bank, Inc. of the Lake County Medical Society, Waukegan, Ill	251
John Elliott Blood Bank of Dade County, Inc., Miami, Fla	154
King County Central Blood Bank, Seattle, Wash	192
Knickerbocker Blood Bank, New York, N. Y	164
Knoxville Blood Center, Inc., Knoxville, Tenn	254
Lederle Laboratories Division, American Cyanamid Co., Pearl River, N. Y	17
Lewiston-Clarkston Blood Bank, Lewiston, Idaho	298
Lincoln Foundation, The, Swarthmore, Pa	299
Lloyd Brothers, Pharmacists, Inc., Cincinnati, Ohio	174
Marathon County Blood Bank, Inc., Wausau, Wis	285
Marietta Memorial Hospital, Marietta, Ohio	270
Massachusetts General Hospital Blood Bank, Boston, Mass	300
Massachusetts Public Health Biologic Laboratories, Boston, Mass	64
Maxwell Blood Bank, The Children's Memorial Hospital, Chicago, Ill	209
Medical Center, State Health Department Blood Bank, Grand Forks, N. Dak	236
Memphis Blood Center, Inc., Memphis, Tenn	240
Menolasino Laboratories, Melrose Park, Ill	279
Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point and Philadelphia, Pa	2
Michael Reese Research Foundation, Chicago, Ill	113
Michigan Department of Health, Division of Laboratories, Lansing, Mich	99
Mid-West Blood Bank and Plasma Center, Kansas City, Mo	264
Midwest Blood Service, Inc., Detroit, Mich	296
Milwaukee Blood Center, Inc., Milwaukee, Wis	187
Minneapolis War Memorial Blood Bank, Inc., Minneapolis, Minn	185
Mount Sinai Medical Research Foundation, Chicago, Ill	168
Mulford Colloid Laboratories, Philadelphia, Pa	102
Myers Laboratories, Inc., Warren, Pa	135
National Drug Co., Philadelphia, Pa. and Swiftwater, Pa	101
New York City Department of Health, Bureau of Laboratories, New York, N. Y	14
Northern Illinois Blood Bank, Inc., Rockford, Ill	240
Nuclear Consultants, Inc., St. Louis, Mo	201
Ochsner Foundation Hospital Blood Bank, New Orleans, La	233
Oklahoma City Community Blood Bank, Inc., Oklahoma City, Okla	273
Ortho Pharmaceutical Corp., Raritan, N. J	156
Parke, Davis & Co., Detroit, Mich	1
Passaic Blood Bank, Inc., Passaic, N. J	260
Peninsula Memorial Blood Bank, Burlingame, Calif	126
Pfizer Laboratories, Div. Chas. Pfizer & Co., Inc., N. Y., N. Y., Terre Haute, Ind	297
Philadelphia Serum Exchange, Philadelphia, Pa	139
Pineview General Hospital Blood Bank, Valdosta, Ga	200
Pitman-Moore Co., Division Allied Laboratories, Inc., Zionsville, Ind	116
Porro Biological Laboratories, Tacoma, Wash	197
Potter County Memorial Blood Center, Amarillo, Tex	240
Providence Hospital Blood Bank, Washington, D. C	210
Research Foundation and University of Illinois, Chicago, Ill	188
Rogatol Pharmaceutical Co., Hato Rey, P. R	177
Rhode Island Hospital Blood Bank	
Rhode Island Hospital Blood Bank, Providence, R. I	204
Sacramento Medical Foundation Blood Bank, Sacramento, Calif	194
St. Francis Hospital Blood Bank, Trenton, N. J	200
St. Luke's Hospital Blood Bank, Aberdeen, S. Dak	250
St. Luke's Memorial Hospital Blood Bank, Racine, Wis	271
St. Mary Community Blood Bank, Hoboken, N. J	235
San Diego Blood Bank, San Diego, Calif	201
Sci Lab, Derby, Colo	231
Service League Community Blood Bank, Inc., Pueblo, Colo	262
Sherman Laboratories, Detroit, Mich	30
Shreveport Emergency Blood Bank, Inc., Shreveport, La	237
Sonoma County Community Blood Bank, Santa Rosa, Calif	197
Southern Michigan Blood Center, Inc., Detroit, Mich	272
Southwest Blood Banks, Inc., Phoenix, Ariz	165
Southwest Florida Blood Bank, Inc., Tampa, Fla	228
Spokane & Inland Empire Blood Bank, Spokane, Wash	269
Tacoma-Pierce County Blood Bank, Tacoma, Wash	203
Terrell Laboratories, Fort Worth, Tex	96
Texas State Department of Health, Austin, Tex	121
Travenol Laboratories, Inc., Morton Grove, Ill., and Los Angeles, Calif	194
Travis County Medical Society Blood Bank, Austin, Tex	244
Tri-Counties Blood Bank, Santa Barbara, Calif	198
U. S. Pharmaceutical, Inc., Burbank, Calif	275
U. S. Standard Products Co., Mount Prospect, Ill	65
University of Cincinnati Blood Transfusion Service, Cincinnati, Ohio	235
Upjohn Company, Kalamazoo, Mich	51
Virginia Blood Bank, Inc., Richmond, Va	204
Ward Laboratories, Durham, N. C	280
Washington Blood Laboratory, Washington, D. C	158
W. E. Stewart Blood Bank, Inc., Tyler, Tex	265
Western Pennsylvania Blood Center, Inc., Pittsburgh, Pa	276
Wiener Serum Laboratory, Brooklyn, N. Y	155
William S. Merrell Co., Cincinnati, Ohio	111
Wyeth Laboratories, Inc., Marietta, Pa	144
B. FOREIGN ESTABLISHMENTS	
Blood Plasma Corp. of Japan, Osaka, Japan	243
Connaught Medical Research Laboratories, University of Toronto, Toronto, Canada	73
Institut Pasteur, Paris, France	11
Istituto Sieroterapico Toscano, Siena, Italy	238
Laboratoire du Bacteriophage, Paris, France	108
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Nihon Seiyaku Co., Ltd., Tokyo, Japan	245
Osterreichisches Institut fur Haemoderivate, Vienna, Austria	258
Wellcome Physiological Research Laboratories, Beckenham, Kent, England	129

[SEAL] RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, U. S. Department of Health, Education, and Welfare.

Approved: July 15, 1958.

J. STUART HUNTER,
Assistant to the Surgeon General for Information, Public Health Service, U. S. Department of Health, Education, and Welfare.

[F. R. Doc. 58-5524; Filed, July 18, 1958; 8:47 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[418.3]

TUBINGS AND MEAT CASINGS MADE OF HIDE FLESHINGS OR HIDE SPLITS

TARIFF CLASSIFICATION

JULY 14, 1958.

It appears probable that a correct interpretation of the tariff laws requires that tubings and meat casings of various types made of hide fleshings (also known as hide splits) be subject to a duty, by virtue of the similitude clause in paragraph 1559, Tariff Act of 1930, as amended, equal to the duty applicable to tubings and casings made of regenerated cellulose compounds (other than cellulose acetate) under paragraph 31 (b) (1) or (2), Tariff Act of 1930, as modified, which is 20 cents per pound or 25½ percent ad valorem, respectively. Such tubings and casings are now classified under a uniform and established practice as nonenumerated manufactured articles under paragraph 1558, Tariff Act of 1930, as modified, with duty at the rate of 10 percent ad valorem.

Pursuant to section 16.10a (d) of the Customs Regulations, notice is hereby given that the existing uniform practice of classifying such merchandise under paragraph 1558 is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of the tubings and casings which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 58-5549; Filed, July 18, 1958; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 825]

PAN ATLANTIC STEAMSHIP CORP. ET AL.; PACIFIC COAST/PUERTO RICO GENERAL INCREASE IN RATES AND CHARGES

NOTICE OF DISCONTINUANCE OF PROCEEDING

On July 7, 1958, the Board entered the following second supplemental order in this proceeding:

It appearing that the Pan Atlantic Steamship Corporation, Pope & Talbot, Inc., Waterman Steamship Corporation (Puerto Rican Division), and the Bay Cities Transportation Company, through the Pacific Coast/Puerto Rican Conference, Agent C. R. Nickerson, filed on statutory notice effective August 15, 1957, and later, increases in rates and charges of approximately 15 percent;

It further appearing that the Board by order dated August 13, 1957, suspended said increases until December 16, 1957, and undertook an investigation on its own motion to determine the reasonableness and lawfulness of the proposed increased rates and charges, such investigation to be designated as Docket No. 825;

It further appearing that the Board by amended order dated August 16, 1957, vacated so much of its order of August 13, 1957, as directed the suspension of the aforesaid increases in rates and charges of respondent lines;

It further appearing that in said amended order dated August 16, 1957, the Board further ordered the said respondent carriers to keep an account of all freight monies received from August 20, 1957, to December 15, 1957, inclusive, by reason of the aforesaid increase in rates over the rates previously in effect;

It further appearing that the Board, in supplemental order dated October 10, 1957, expanded Docket No. 825 to include investigation of the increase in rates and charges of approximately 15 percent named in new tariff schedules published and filed by Isbrandtsen Company, Inc., effective October 16, 1957, and subsequently deferred to become effective October 21, 1957; and the said carrier was added as a respondent to the proceeding and was ordered to keep an account of all freight monies received from October 21, 1957, to February 21, 1958, inclusive, by reason of the aforesaid increases in its rates over its rates previously in effect;

It further appearing that in said amended order of August 16, 1957, and supplemental order of October 10, 1957, the Board ordered all respondents to repay the sums, if any, which the facts and circumstances as found by the Board would warrant, to the respective persons who had paid the freight during the four-month periods heretofore cited;

It further appearing that under date of October 28, 1957, Isbrandtsen Company, Inc., sought special permission to reduce the increase of 15 percent effective October 21, 1957, to approximately 7½ percent; and under date of November 7, 1957, the Board granted special permission No. 3657 and as a result thereof, the reduced rates became effective November 11, 1957;

It further appearing that under date of November 4, 1957, C. R. Nickerson, Agent, Pacific Coast-Puerto Rican Conference sought special permission on behalf of the Conference lines to reduce the initial increase of 15 percent, effective August 20, 1957, to approximately 7½ percent and that under date of November 7, 1957, the Board granted special permission No. 3659 became effective November 13, 1957;

It further appearing that respondent conference lines have moved the Board to discontinue this proceeding in view of the reduction of the increase in rates from 15 percent to 7½ percent;

It further appearing that from a review of financial records and other relevant data pertaining to the operations of respondent lines, the rates and charges, rules, regulations and practices of respondents in schedules presently in effect are not unjust or unreasonable;

It further appearing, that respondents have undertaken voluntarily to refund to the respective persons who have paid them so much of the freight monies received under the 15 percent rate increase as exceeds the rate which would have been applicable under the presently effective tariff reflecting the 7½ percent increase;

It is ordered, That in consideration of the aforementioned undertaking of respondents to refund a portion of the monies collected under the original 15 percent increase, the motion of respondent conference lines be granted and that this proceeding be discontinued;

It is further ordered, That copies of this order shall be filed with said tariffs in the Regulation Office of the Federal Maritime Board; that a copy hereof shall be forthwith served upon Pan-Atlantic Steamship Corporation, Pope & Talbot, Inc., Waterman Steamship Corporation (Puerto Rico Division), Bay Cities Transportation Company, Isbrandtsen Company, Inc., and Pacific Coast-Puerto Rico Conference, C. R. Nickerson, Agent; and that said protestants, agent and carriers be duly notified of the dismissal of the investigation and that notice thereof be published in the FEDERAL REGISTER.

Dated: July 16, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F. R. Doc. 58-5551; Filed, July 18, 1958; 8:53 a. m.]

[Docket No. 840]

ANCHOR LINE LTD. ET AL.

NOTICE OF INVESTIGATION AND OF CONSOLIDATION AND HEARING

On July 11, 1958, the Federal Maritime Board entered the following order:

It appearing that pursuant to section 15 of the Shipping Act, 1916 (46 U. S. C. 814), an agreement was filed for approval and assigned Federal Maritime Board Agreement No. 8400, between Anchor Line Limited, The Bristol City Line of Steamships Ltd., Canadian Pacific Railway Company, The Cunard Steam-Ship Co., Ltd., Ellerman's Wilson Line Limited, Furness, Withy & Co. Limited, Manchester Liners Ltd., and The Ulster Steamship Company, Ltd.; and

It further appearing that pursuant to notice of filing of said agreement, which appeared in the FEDERAL REGISTER on January 18, 1958 (23 F. R. 349), the member lines of the Great Lakes-United Kingdom Westbound Conference (operating under approved Agreement No. 8140, as amended), filed a petition alleging that Agreement No. 8400, if approved, would result in a situation detrimental to the commerce of the United States and requesting an investigation and hearing and disapproval of Agreement No. 8400; and

It further appearing that the member lines of said Agreement No. 8140, which are also members of the Great Lakes-United Kingdom Eastbound Conference (approved Agreement No. 8130), have filed a complaint, Docket No. 833, against the approval of said Agreement No. 8400 and alleging, among other things, that said agreement is in violation of the Shipping Act, 1916, as amended; and

It further appearing that by order of April 7, 1958, the Board on its own motion instituted a proceeding, Docket No. 834, to determine whether operations under Agreement No. 8400 would violate section 15 of the Shipping Act, 1916; and

It further appearing that Dockets Nos. 833 and 834 have been consolidated for hearing and report; and

It further appearing that the parties to Agreement No. 8400, have filed a petition dated May 13, 1958, under sections 15 and 22 of the Shipping Act, 1916, in which the Board is requested (1) to reconsider and declare null and void its previous approval of Agreements Nos. 8130 and 8140, (2) to dismiss the complaint in Docket No. 833, (3) to discontinue the proceeding in Docket No. 834, and (4) to approve Agreement No. 8400; and

It further appearing that the member lines of Agreements Nos. 8130 and 8140 have filed a motion to dismiss the petition dated May 13, 1958, setting forth a general denial of all allegations in said petition and a request for oral argument; and

It further appearing that petitioners, in reply to said motion, asked the Board to deny the motion, to grant the relief sought by the petition, and to hear oral argument thereon; and

It further appearing that said petition dated May 13, 1958, presents issues, among others, that the Board withdraw its approval of Agreements Nos. 8130 and 8140, which can be resolved only by hearing under sections 15, 22 and 23 of the Shipping Act, 1916; and good cause appearing therefor;

It is ordered, That the petition of May 13, 1958, for dismissal of the complaint in Docket No. 833, and for the discontinuance of the Board's investigation in Docket No. 834, be, and it is hereby, denied;

It is further ordered, That the motion to dismiss the petition of May 13, 1958, and the requests for oral argument on such motion, be and they are hereby, denied; and

It is further ordered, That the remaining issues presented by said petition of May 13, 1958, be set for hearing and investigation, and consolidated with the pending proceedings in Dockets Nos. 833 and 834 for hearing and report; and

It is further ordered, That this order be published in the FEDERAL REGISTER, and a copy thereof served on each party in Dockets Nos. 833 and 834.

Pursuant to the above order, notice is hereby given that the hearing herein ordered will be held before an examiner of the Board's Hearing Examiners' Office at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's Rules of Practice and Procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5 (n) (46 CFR 201.74) of said rules.

Dated: July 16, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F. R. Doc. 58-5550; Filed, July 18, 1958; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

EUDORA LIVESTOCK AUCTION ET AL.

DEPOSITING OF STOCKYARDS

It has been ascertained that the Eudora Livestock Auction, located in the downtown section of Eudora, Arkansas, originally posted on June 26, 1957, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under the act for the reason that it is no longer being operated as a public market. The owner of this market has built new facilities approximately two miles outside the city limits of Eudora, Arkansas, and notice of proposed posting of the new market is being issued.

It has also been ascertained that the Winneshiek Co-operative Association Sales Pavilion, Decorah, Iowa, originally posted on March 5, 1957, as being subject to the Packers and Stockyards Act, 1921, no longer comes within the definition of a stockyard under the act for the reason that it no longer meets the area requirements, and that The Inter-State Stock Yards, Toledo, Ohio, originally posted on November 1, 1921, as being subject to said act, no longer comes within the definition of a stockyard under the act for the reason that it is no longer being operated as a public market.

Accordingly, notice is given to the owners of the aforementioned stockyards and to the public that such livestock markets are no longer subject to the provisions of the act.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which no longer is within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 14th day of July 1958.

[SEAL] DAVID M. PETTUS, *Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 58-5533; Filed, July 18, 1958; 8:49 a. m.]

EUDORA LIVESTOCK AUCTION ET AL.

PROPOSED POSTING OF STOCKYARDS

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Eudora Livestock Auction, Eudora, Ark. (Located approximately 2 miles outside city limits).

Sargent Livestock Commission Company, Sargent, Nebr.

Union Stockyards, McAlester, Okla.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 14th day of July 1958.

[SEAL] DAVID M. PETTUS, *Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 58-5534; Filed, July 18, 1958; 8:49 a. m.]

SPENCER MARKETING CORP. ET AL.

POSTED STOCKYARDS

Pursuant to the authority delegated to the director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U. S. C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name of stockyard	*Date of posting*
IOWA	
Spencer Marketing Corporation, Spencer	April 16, 1958
NEBRASKA	
Curtis Sale Barn, Curtis	March 10, 1958
TEXAS	
Jesse Young Livestock Commission, Corsicana	April 16, 1958
Plainview Livestock Sales Ring, Plainview	May 23, 1958
Tulia Livestock Auction, Tulia	May 23, 1958

Done at Washington, D. C., this 14th day of July 1958.

[SEAL] DAVID M. PETTUS, *Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 58-5535; Filed, July 18, 1958; 8:49 a. m.]

Foreign Agricultural Service

DIRECTOR OF PROGRAM OPERATIONS DIVISION

REDELEGATION OF AUTHORITY TO ISSUE AUTHORIZATIONS FOR PROCUREMENT OF SURPLUS AGRICULTURAL COMMODITIES AND OCEAN TRANSPORTATION

By virtue of the authority vested in the Administrator, Foreign Agricultural Service, by the Secretary of Agriculture on March 6, 1956 (21 F. R. 1431) the Director, Program Operations Division, Foreign Agricultural Service, is authorized, effective July 1, 1958, to issue FAS Form 480-A authorizations for the procurement of surplus agricultural commodities and ocean transportation under the program carried out pursuant to Title I of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), as amended.

Dated: July 15, 1958.

[SEAL] MAX MYERS, *Administrator, Foreign Agricultural Service.*

[F. R. Doc. 58-5536; Filed, July 18, 1958; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12285]

STUDY OF RADIO AND TELEVISION NETWORK BROADCASTING

NOTICE SCHEDULING HEARINGS

Further hearings in the above-entitled proceeding will be held on July 21, 1958, for the purpose of hearing additional testimony by Dean Roscoe L. Barrow and Dean Louis H. Mayo. The Hearings will commence at 10:00 a. m. in the Commission's Meeting Room (Room No. 7134), New Post Office Building, Washington, D. C.

Dated: July 15, 1958.

Released: July 15, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-5555; Filed, July 18, 1958; 8:54 a. m.]

[Docket Nos. 11323, 11327; FCC 58M-762]

B. J. PARRISH AND JAMES A. NOE (KNOE)

NOTICE SCHEDULING PRE-HEARING CONFERENCE

In re applications of B. J. Parrish, Pine Bluff, Arkansas, Docket No. 11823, File No. BP-8698; James A. Noe (KNOE), Monroe, Louisiana, Docket No. 11327, File No. BP-9161; for construction permits.

A prehearing conference will be held Tuesday, September 9, 1958, at 10 a. m., in the offices of the Commission, Washington, D. C.

Dated: July 15, 1958.

Released: July 15, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-5556; Filed, July 18, 1958; 8:54 a. m.]

[Docket Nos. 12477—12480; FCC 58M-764]

MONOCACY BROADCASTING CO. ET AL.

ORDER FOR PREHEARING CONFERENCE

In re applications of The Monocacy Broadcasting Company, Gettysburg, Pennsylvania, Docket No. 12477, File No. BP-11325; Times and News Publishing Company (WGET), Gettysburg, Pennsylvania, Docket No. 12478, File No. BP-11683; The Price Broadcasters, Inc., Frederick, Maryland, Docket No. 12479, File No. BP-11759; Dan Weinberg and John J. Keel, d/b as Frederick County Broadcasting Company, Middletown, Maryland, Docket No. 12480; File No. BP-11889; for construction permits.

A prehearing conference in the above-entitled proceeding will be held on Thursday, July 24, 1958, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 15th day of July 1958.

Released: July 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-5557; Filed, July 18, 1958; 8:54 a. m.]

[Docket Nos. 12518, 12519; FCC 58M-763]

CLARION BROADCASTING CO. AND COUNTY BROADCASTING CO.

ORDER SCHEDULING PRE-HEARING CONFERENCE

In re applications of Victor D. Lindeman, Jr., and Robert Z. Morrison, d/b as Clarion Broadcasting Company, Clarion, Pennsylvania, Docket No. 12518, File No. BP-11332; W. E. Sheridan, Thomas Culbertson, Harriet Hearst, W. C. Hearst, W. J. McKnight III and Punxsutawney Broadcasting Company, d/b as County Broadcasting Company, Clarion, Pennsylvania, Docket No. 12519, File No. BP-11843; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 15th day of July 1958, that all parties, or their attorneys, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., July 31, 1958.

Released: July 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5558; Filed, July 18, 1958; 8:54 a. m.]

[Docket No. 12312; FCC 58M-767]

JAMES A. McKECHNIE

ORDER SCHEDULING HEARING

In re application of James A. McKechnie, North Syracuse, New York, Docket No. 12312, File No. BP-11329; for construction permit.

The Hearing Examiner having under consideration a motion to specify date of hearing in the above-styled proceeding filed July 16, 1958, by counsel for the applicant, James A. McKechnie, requesting that the hearing in this proceeding, previously continued indefinitely, be set for July 23, 1958; and

It appearing that counsel for the Broadcast Bureau has consented to the grant of the motion and waived the provisions of § 1.43 of the Commission's rules in order to permit immediate consideration thereof;

It is ordered, This 16th day of July 1958, that the motion be and it is hereby granted and the hearing in the above-styled proceeding is scheduled for 9:00 o'clock a. m., on July 23, 1958, in the offices of the Commission, Washington, D. C.

Released: July 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5563; Filed, July 18, 1958; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2247]

NORTHERN LIGHTS, INC.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JULY 15, 1958.

Public notice is hereby given that Northern Lights, Inc., of Sandpoint, Idaho, has filed application under the Federal Power Act (16 U.S.C. 791a-825r) for a preliminary permit for proposed water-power Project No. 2247, to be located on Smith Creek, a tributary of the Kootenai River, in Boundary County, Idaho, in the region of Porthill, and to consist of a small dam above a waterfall on Smith Creek; a powerhouse below the falls with an installed capacity of about 600 kilowatts, developing about 190 feet of head; and a pipeline extending from the dam to the powerhouse.

No construction is authorized under a preliminary permit. A permit, if issued, merely gives permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is August 21, 1958. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5544; Filed, July 18, 1958; 8:51 a. m.]

[Docket Nos. G-6342, G-6353, G-6355]

CONTINENTAL OIL CO.

NOTICE OF DATE OF HEARING

JULY 15, 1958.

Take notice that pursuant to the authority conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on August 27, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications of Continental Oil Company in the above-entitled proceedings: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

The applications herein were duly noticed by publication in the FEDERAL REGISTER on April 26, 1956 (21 F. R. 2706-07).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5545; Filed, July 18, 1958; 8:51 a. m.]

[Docket No. G-12852 etc.]

ARKANSAS FUEL CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 15, 1958.

In the matters of Arkansas Fuel Corporation,[1] Docket No. G-12852; Russell Williamson, Docket No. G-12853; The Carter Oil Company,[2] Docket No. G-12855; The TXL Oil Corporation,[3] Docket No. G-12860; Gulf Oil Corporation, Docket No. G-12864; The R. W. Rine Drilling Company,[4] Docket No. G-12870; Sinclair Oil & Gas Company,[5] Docket No. G-12874; Phillips Petroleum Company, Docket No. G-12877; Murphy Corporation,[6] Docket No. G-12888; Amerada Petroleum Corporation,[7] Docket No. G-12890; Tidewater Oil Company,[8] Docket No. G-12894; L. M. Fisher, L. M. Fisher, Trustee, H. J. Mosser and W. E. Seeger,[9] Docket No. G-12899.

Take notice that each of the above designated parties, hereinafter collectively referred to as Applicants, has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission.

Applicant produces and proposes to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No., Location of Field, and Buyer
G-12852; Lapeyrouse Field, Terrebonne Parish, La.; United Gas Pipe Line Company.
G-12853; Jack Wireman Fork Field, Magoffin County, Ky.; Kentucky West Virginia Gas Company.
G-12855; Acreage in Seward County, Kans.; Panhandle Eastern Pipe Line Company.
G-12860; Spraberry Field, Midland County, Tex.; El Paso Natural Gas Company.
G-12864; Acreage in Beaver and Texas Counties, Okla.; Kansas-Nebraska Natural Gas Company, Inc.
G-12870; Fincham Field, Meade County, Kans.; Northern Natural Gas Company.
G-12874; Keystone (Ellenburger) Field, Winkler County, Tex.; El Paso Natural Gas Company.
G-12877; Hugoton Field, Meade County, Kans.; Panhandle Eastern Pipe Line Company.
G-12888; Sligo Field, Bossier Parish, La.; Texas Gas Transmission Corporation.
G-12890; Eumont Field, Lea County, N. Mex.; Permian Basin Pipeline Company.
G-12894; Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Company.
G-12899; Reynolds Ranch Area, Jim Wells County, Tex.; Gas Gathering Company (For resale to Texas Illinois Natural Gas Pipeline Company).

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 27, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 31, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5546; Filed, July 18, 1958; 8:51 a. m.]

[1] Arkansas Fuel Oil Corporation, nonoperator, is filing for its 39.6063 percent interest in the Joseph Exposito, et al., Unit Well No. 1 and in addition certain ununitized acreage. Applicant is the only signatory seller party to the gas sales contract dated May 16, 1957.

[2] The Carter Oil Company is filing for its 75 percent interest in the Breen-Renfro Unit, production from which is proposed to be sold under a ratification agreement dated October 1, 1956, of a basic contract dated July 5, 1956, between The Carter Oil Company, et al., Sellers, and Panhandle Eastern Pipe Line Company, Buyer. Applicant and Panhandle Eastern (buyer and owner of the remaining 25 percent interest in the said unit) are both signatory parties to the ratification agreement. The Carter Oil Company, Operator, et al., were authorized in Docket No. G-10920 covering the sale of gas under the basic contract.

[3] Application covers proposed sale of natural gas pursuant to four amendatory agreements dated September 1, 1956, October 1, 1956, April 1, 1957, and June 17, 1957, which add additional acreages to a basic contract dated April 20, 1955, as amended. Applicant was authorized in Docket No. G-8892 covering the sale of gas under the basic contract.

[4] The R. W. Rine Drilling Company is filing for its 12.5 percent interest in approximately 3,600.20 acres. Applicant is the only signatory seller party to the gas sales contract dated May 28, 1957.

[5] Production is limited to the McKee Formation.

[6] Murphy Corporation, nonoperator, is filing for its 19.7955 percent interest in the Wgrant C-1 Unit and is the only signatory seller party to the gas sales contract dated June 30, 1957.

[7] Amerada Petroleum Corporation is filing for its 100 percent interest in 80 acres, production from which is proposed to be sold under an amendatory agreement dated March 1, 1957, which adds additional acreage to a basic gas sales contract dated February 20, 1952, as amended. Applicant was authorized in Docket No. G-6311 covering the sale of gas under the basic contract. Production is limited to depths down to and including the Queen Zone.

[8] Tidewater Oil Company, formerly Tidewater Associated Oil Company, is filing for its 100 percent interest in the B. C. Davis Lease, production from which is proposed to be sold under an amendatory agreement dated July 2, 1957, which adds additional acreage to a basic gas sales contract dated May 1, 1949, as amended. Applicant was authorized in Docket No. G-6275 covering the sale of gas under the basic contract.

[9] L. M. Fisher, L. M. Fisher, Trustee, H. J. Mosser, and W. E. Seeger, nonoperators, are filing individually for their respective interests in the G. W. Reynolds Tract. All are signatory seller parties to the gas sales contract dated September 1, 1956.

[Docket No. G-15129]

ATLANTIC SEABOARD CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 15, 1958.

Take notice that Atlantic Seaboard Corporation (Applicant), a Delaware corporation, with its principal place of business in Charleston, West Virginia, filed an application on May 22, 1958, as supplemented on June 19, 1958, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate:

1. Approximately 12 miles of 26-inch loop line in West Virginia, between its Seneca and Lost River Compressor stations on its Cobb-Rockville line.

2. Approximately 5.7 miles of 26-inch loop line in Shenandoah County, Virginia, on its Cobb-Rockville line, east of the Lost River Station.

Applicant states that its proposed facilities will increase its system capacity to render additional service to existing customers and market area beginning with the 1958-59 heating season.

Applicant estimates its total system requirements at 828,800 Mcf for the designed peak-day of the 1958-59 winter period. Applicant's presently estimated daily transmission capacity with existing facilities, is 792,300 Mcf, leaving a capacity deficiency on a peak-day of 36,500 Mcf. The proposed facilities, with capacity of 828,800 Mcf per day, will enable Applicant to overcome this deficiency during the 1958-59 winter season. The system is designed to meet every customer's maximum contract demand on the same day.

The estimated aggregate cost of the proposed facilities is $2,092,900, which sum will be obtained from Applicant's parent, The Columbia Gas System, Inc., by the sale of securities to the latter, as has been its practice in the past.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 9, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 8, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5547; Filed, July 18, 1958; 8:52 a. m.]

[Docket No. G-12156]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 15, 1958.

Take notice that The Ohio Fuel Gas Company (Applicant), an Ohio corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 99 North Front Street, Columbus, Ohio, filed on March 5, 1957, an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing it to construct and operate certain proposed facilities, and for permission to abandon certain other facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate: Approximately 6.3 miles of 12¾-inch O. D. natural gas transmission pipeline in Sandusky County, Ohio, extending from Line D-100 to Line D-12 near Fremont; together with valves, fittings and incidental facilities necessary for proper operation and control.

Applicant alleges that this proposed new connection will replace substantially greater sections of Line D which are no longer capable of providing required service.

Applicant proposes to abandon approximately 2.9 miles of 16-inch O. D.; 17.3 miles of 12¾-inch O. D. and 1.2 miles of 10¾-inch O. D. pipe from Line D, which Applicant alleges is no longer suitable for continued operations because these sections are limited by their inability to carry pressures higher than 160 psig.

The Bellevue-Norwalk-Sandusky area and the Wellington Storage area require more gas than these existing lines can deliver. The new 6.3 miles of 12¾-inch will permit pressures up to 337 psig at Line D–100 and is proposed to permit adequate service to said area and the delivery of gas into the Wellington Storage area in volumes sufficient to assure adequate flexibility of storage operations and maintenance of input schedules.

The proposed abandonment would eliminate existing service to twenty-two rural customers.

The estimated cost of the proposed construction is $243,000, which will be financed by The Columbia Gas System, Inc. The estimated cost of removing the facilities to be abandoned is $90,000; the salvage value is estimated at $146,000, and the credit to fixed capital is estimated at $171,160.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 18, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 6, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–5548; Filed, July 18, 1958; 8:52 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DESIGNATION OF ACTING COMMUNITY DISPOSITION SUPERVISOR, OAK RIDGE, TENNESSEE

Wendell J. Chesser is hereby designated to act in the place and stead of the Community Disposition Supervisor, Oak Ridge, Tennessee, with the title of "Acting Community Disposition Supervisor" and with all the powers, rights, and duties delegated or assigned to the Community Disposition Supervisor, in the event the Community Disposition Supervisor is unable to act by reason of his absence, illness, or other cause.

This designation supersedes the designation of Acting Community Disposition Supervisor, Oak Ridge, Tennessee, effective July 4, 1957, published at 22 F. R. 4739 (July 4, 1957).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1283 (1948), as amended, 12 U. S. C. 1701c)

Effective as of the 19th day of July 1958.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 58–5553; Filed, July 18, 1958; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1164]

DIVERSIFIED INVESTMENT FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

JULY 14, 1958.

Notice is hereby given that Diversified Investment Fund, Inc. ("Applicant"), a registered open-end diversified investment company, has filed an application pursuant to section 10 (f) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 10 (f) of the act the proposed purchase by Applicant of not to exceed 5,000 shares of the 4⅞ percent Cumulative Preferred Stock of Boston Edison Company.

Boston Edison Company has filed a registration statement with the Commission under the Securities Act of 1933 proposing a public offering of 250,000 shares of its Cumulative Preferred Stock. The registration statement for the sale of such stock became effective July 9, 1958, with a public offering price of $101.80 per share. Dick & Merle-Smith, of which Julian K. Roosevelt, a director of the Applicant, is a partner, is among the group of investment bankers who are underwriting the public offering. The Applicant proposes to purchase the Preferred Stock, subject to a review of the offering price and the dividend rate, from underwriters or members of the selling group other than Dick & Merle-Smith.

If Applicant were to purchase 5,000 shares, it would require no more than 2 percent of the total offering and it is expected that the purchase will represent an investment of less than four-fifths of 1 percent of the Applicant's total assets as of June 30, 1958.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director or member of an advisory board of such registered investment company is an affiliated person unless the Commission by order grants an exemption therefrom. Since Julian K. Roosevelt is an affiliated [illegible] of an investment banking firm which [illegible] part of the underwriting group of [illegible] securities being offered, the proposed purchase by Applicant is subject to the provisions of section 10 (f) of the act.

The application represents that the proposed purchase of the Boston Edison Cumulative Preferred Stock is consistent with the investment policy of the Applicant.

Notice is further given that any interested person may, not later than July 28, 1958, at 12:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N–5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58–5521; Filed, July 18, 1958; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 2–1A, (Revision 1), Amdt. 1]

ASSISTANT CHIEF, ADMINISTRATIVE SERVICES DIVISION

DELEGATION RELATING TO ADMINISTRATIVE SERVICES DIVISION

Delegation of Authority No. 2–1A (Revision 1) dated January 9, 1958, is hereby amended by: Deleting Part II in its entirety and substituting the following in lieu thereof:

II. The specific authority delegated in I, B, I, except authority for purchases of Transportation of Things (object class .03), Printing and Binding (object class .06), Supplies and Materials (object class .08), and Petty Cash in the amount not to exceed in excess of $10 for any one item purchased, may not be redelegated.

Dated: July 11, 1958.

N. J. BILLINGSLEY,
Chief,
Administrative Services Division.

[F. R. Doc. 58–5522; Filed, July 18, 1958; 8:46 a. m.]

TARIFF COMMISSION

NONMETALLIC MINERALS AND PRODUCTS THEREOF; WORKS OF ART, ANTIQUES, AND MODELS

HEARINGS ON PROPOSED REVISED AND CONSOLIDATED TARIFF SCHEDULES

Under section 101 (b), Title I, Customs Simplification Act of 1954, as amended, and section 332 of the Tariff Act of 1930,

The United States Tariff Commission hereby gives notice that Schedule 5, entitled "Nonmetallic Minerals and Products Thereof", and Part 5 of Schedule 7, entitled "Works of Art, Antiques, and Models", of the proposed revised and consolidated tariff schedules are being released today and that public hearings thereon will begin at 10 a. m., e. d. s. t., on Tuesday, the 16th day of September 1958 in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

Requests to appear at the hearings on these schedules must be filed in writing with the Secretary of the Commission not later than September 5, 1958. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after September 5, 1958. Any person who fails to receive such notification by September 9, 1958 should immediately communicate with the office of the Secretary of the Commission.

In its public notice issued January 17, 1958, regarding hearings on Schedule 1 (Animal and Vegetable Products) of the proposed revised and consolidated tariff schedules (23 F. R. 449 et seq.; weekly Treasury Decisions, Vol. 93, No. 4, January 23, 1958) interested parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of January 17 applies to the hearings on the schedules being released today to the extent that they are applicable.

As each of the schedules is completed and released, copies thereof are made available for public inspection at the offices of the Commission in Washington, D. C., and New York, N. Y.; at all field offices of the Department of Commerce, and at the offices of collectors of customs and appraisers of merchandise at all headquarters ports of entry in the United States.

Issued: July 15, 1958.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58–5523; Filed, July 18, 1958; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Bar Order SA–5]

CERTAIN BULGARIAN, HUNGARIAN, AND RUMANIAN DEBTORS

ORDER FIXING BAR DATE FOR FILING DEBT CLAIMS

In accordance with section 208 (b) of the International Claims Settlement Act of 1949, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Order No. 10644, January 2, 1959, is hereby fixed as the date after which the filing of debt claims shall be barred in respect of Bulgarian, Hungarian and Rumanian debtors, any of whose property was first vested in or transferred to the Attorney General between January 1, 1958 and June 30, 1958, inclusive.

(Pub. Law 285, 84th Cong., 69 Stat. 252; E. O. 10644, Nov. 7, 1955, 20 F. R. 8363)

Executed at Washington, D. C., this 14th day of July 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58–5541; Filed, July 18, 1958; 8:50 a. m.]

[Vesting Order 11208, Amdt.]

CARL ZEISS

In re: Trademarks of Carl Zeiss, Jena.

Vesting Order 11208, dated May 7, 1948, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, Part I, attached to and made a part of said vesting order, the following items:

Registration No.	Date	Character of goods
307,588 336,280	10–31–33 6–30–36	Objectives. Lenses for scientific use, etc.

and substituting therefor respectively the following:

307,588 (and/or 641,010	10–31–33 2– 5–57	Objectives. Projection apparatus & Objectives).
336,280 (and/or 653,062	6–30–36 10–15–57	Lenses for scientific use, etc. Optical instruments).

All other provisions of said Vesting Order 11208 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on April 22, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58–5542; Filed, July 18, 1958; 8:51 a. m.]

[Vesting Order 15107, as Amended]

J. A. HENCKELS K. G.

In re: Trademarks owned by J. A. Henckels K. G., Solingen, Germany.

Vesting Order 15107, dated September 19, 1950, as amended, is hereby further amended as follows and not otherwise:

By deleting from Exhibit A attached to and made a part of said vesting order the following item:

247,624	Cutlery	Class 23.

and substituting therefor the following:

247,624 (and/or 652,020	Cutlery Cutlery and Tools	Class 23. Class 23.)

All other provisions of said Vesting Order 15107, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411, 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C. on April 22, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58–5543; Filed, July 18, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 16, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34816: *Blackstrap molasses and related articles between Texas Gulf ports and points in Arkansas and Louisiana.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 328), for interested rail carriers. Rates on blackstrap molasses and hydrol, tank-car loads, between Texas gulf ports, on the one hand, and points in Arkansas and Louisiana, on the other, applicable on export, import, and coastwise traffic.

Grounds for relief: Short line distance formula, market competition, and port competition.

Tariff: Supplement 6 to Texas-Louisiana Freight Bureau tariff I. C. C. 896.

FSA No. 34817: *Vegetables from Oxford, N. C., to southern and border points.* Filed by O. W. South, Jr., Agent (SFA No. A3695), for interested rail carriers. Rates on fresh or green vegetables (not cold-packed nor frozen), straight or mixed carloads, from Oxford, N. C., and points grouped therewith, to points in southern territory, including Ohio and Mississippi River crossings, Virginia-West Virginia points, Washington, D. C., and points grouped therewith.

Tariff: Supplement 30 to Southern Freight Tariff Bureau tariff I. C. C. 1558.

FSA No. 34818: *Vegetables from Oxford, N. C. and points grouped therewith to official territory.* Filed by O. W. South, Jr., Agent (SFA No. A3696), for interested rail carriers. Rates on fresh or green vegetables (not cold-packed nor frozen), straight or mixed carloads, from Oxford, N. C., and points grouped therewith to points in official (including IFA) territory.

Grounds for relief: Rate relationship basis of formula, grouping, and motor truck competition.

Tariff: Supplement 65 to Southern Freight Tariff Bureau tariff I. C. C. 1277.

FSA No. 34819: *Brick and slabs from, to, and between the southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7208), for interested rail carriers. Rates on common brick and related articles, also building or roofing slabs, carloads, between points in southwestern territory, on the one hand, and points in western trunk line and southern territories, on the other.

Grounds for relief: Short line distance formula.

Tariffs: Supplement 39 to S. W. F. B. tariff I. C. C. 4257, Supplement 47 to S. W. F. B. tariff I. C. C. 4259, and Supplement 43 to S. W. F. B. tariff I. C. C. 4260.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-5537; Filed, July 18, 1958; 8:50 a. m.]

[Notice 4]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 15, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, which are notices to the general public that the Board has received an application for transfer of motor carrier operating rights, will be published in the FEDERAL REGISTER. These synopses are prepared in such manner that they will be understood without reference to the application. Any interested person may submit his views or request an oral hearing, under specified conditions, concerning the transfer to the Board, and shall include in his request specific reasons why such a hearing should be held. Requests for oral hearings must be filed with the Board within 30 days after the date of this notice.

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61300. By order of July 11, 1958, The Transfer Board approved the transfer to Robert Lafayette Price, doing business as Anchor Transfer Company, Silver Spring, Md., of Certificate No. MC 114212 Sub 1, issued to Embassy Moving & Storage Co., Inc., Silver Spring, Md., authorizing the transportation of: Household goods, as defined by the Commission, between Washington, D. C., and Silver Spring, Md., and points in Maryland within ten miles of Silver Spring, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia. (No attorney nor agent named.)

No. MC-FC 61364. By order of July 14, 1958, The Transfer Board approved the transfer to Essenfeld Bros., Inc., New York, New York, of certificate in No. MC 73081, issued June 18, 1954, to Lawrence Spingola and Louis J. Spingola, a partnership, doing business as Steady Trucking Service Company, Brooklyn, New York, authorizing the transportation of *General commodities*, with the usual exceptions, between points in New York and New Jersey within 35 miles of Columbus Circle, New York, N. Y. William D. Traub, 10 East 40th Street, New York 16, N. Y., for transferee. Carl Tavolacci, 85-10 18th Ave., Brooklyn 14, N. Y., for transferor.

No. MC-FC 61370. By order of July 11, 1958, The Transfer Board approved the transfer to George T. Donner, doing business as Checker Storage, Philadelphia, Pa., authorizing the transportation of: *Household goods*, as defined by the Commission, *office furniture and equipment*, and *store fixtures*, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, the District of Columbia, and Virginia. Motor Carriers Service Bureau, Inc., S. E. Cor. Broad and Spring Garden Sts., Philadelphia 23, Pa.

No. MC-FC 61377. By order of July 11, 1958, The Transfer Board approved the transfer to Lucia Miller, doing business as Parma Transfer Company, Parma, Idaho, of certificate in No. MC 101334 issued June 19, 1957 to W. J. Miller, doing business as Parma Transfer Company authorizing the transportation of general commodities, except Class A and B explosives, over irregular routes, between Parma, Idaho, and points in Idaho within ten miles thereof, on the one hand, and, on the other, points in Baker and Malheur Counties, Oreg., within 100 miles of Parma. B. James Koehler, Jr., Robertson Building, Parma, Idaho, for applicants.

No. MC-FC 61385. By order of July 11, 1958, The Transfer Board approved the transfer to Orville D. Anderson, Greenville, Pa., of certificate in No. MC 112131, issued December 12, 1951, to Ludwig E. Urban, Sharon, Pa., authorizing the transportation of *Passengers*, in round-trip charter operations, over irregular routes, beginning and ending at points in Hickory Township, Mercer County, Pa., and extending to points in Ohio within 20 miles of Sharon, Pa. George Hardy Rowley, attorney at law, 47 Clinton Street, Greenville, Pa., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-5539; Filed, July 18, 1958; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 23 NUMBER 142

Washington, Tuesday, July 22, 1958

UNIVERSITY OF MICHIGAN

JUL 23 1958

READING ROOM

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO MARKETING QUOTAS FOR UPLAND COTTON OF THE 1958 AND SUCCEEDING CROPS

RATE OF PENALTY

Basis and purpose. Section 346 (a) of the Agricultural Adjustment Act of 1938, as amended, provides that whenever farm marketing quotas are in effect with respect to any crop of cotton, the producer shall be subject to a penalty on the farm marketing excess at a rate per pound equal to 50 percent of the parity price per pound for cotton as of June 15 of the calendar year in which such crop is produced. When the regulations pertaining to marketing quotas for upland cotton of the 1958 and succeeding crops were approved by the Secretary of Agriculture on May 8, 1958, the parity price per pound for upland cotton as of June 15, 1958, was not available and the exact rate of penalty could not be included in such regulations. Such parity price is now available and the purpose of this amendment is to establish and include in the regulations the exact rate of penalty per pound of upland cotton for the 1958 crop of such cotton.

Cotton is presently being harvested in the southernmost areas of the United States and it is necessary that this amendment be made effective at the earliest possible date in order that the exact rate of penalty may be made known to producers who desire to market cotton and to buyers who are charged in the regulations with the duty of collecting penalty on the cotton marketed subject to the penalty and the lien for the penalty. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.51 of the regulations pertaining to marketing quotas for upland cotton of the 1958 and succeeding crops (23 F. R. 3231) is hereby amended by addition of a new paragraph (a) at the end thereof which reads as follows:

(a) *Penalty rate for 1958 crop.* The parity price for cotton effective as of June 15, 1958, is 38.68 cents per pound. The rate of penalty for cotton produced in 1958 as calculated on the basis of such parity price and in accordance with the provisions of § 722.26 shall be 19.3 cents per pound of lint cotton.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 346; 52 Stat. 38, as amended; 7 U. S. C. 1301, 1346)

Done at Washington, D. C., this 17th day of July 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] MARVIN L. McLAIN, *Acting Secretary.*

[F. R. Doc. 58-5595; Filed, July 21, 1958; 8:50 a. m.]

[Amdt. 1]

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO MARKETING QUOTAS FOR EXTRA LONG STAPLE COTTON OF THE 1958 AND SUCCEEDING CROPS

RATE OF PENALTY

Basis and purpose. Section 347 (c) of the Agricultural Adjustment Act of 1938, as amended, provides that the applicable penalty rate for extra long staple cotton (hereinafter referred to as "ELS cotton") under section 346 of the act shall be the higher of 50 percent of the parity price or 50 percent of the support price for ELS cotton as of the date specified in section 346, which date is June 15 of

(Continued on p. 5535)

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FEDERAL REGISTER

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the calendar year in which the ELS cotton crop is produced. When the Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1958 and Succeeding Crops were approved by the Secretary of Agriculture on May 8, 1958, the parity price per pound for ELS cotton as of June 15, 1958, was not available and the exact rate of penalty for 1958 could not be included in such regulations. Such parity price is now available and the purpose of this amendment is to establish and include in the regulations the exact rate of penalty per pound of ELS cotton for the 1958 crop of such cotton.

In view of the early harvest date in the southernmost areas of the United States, it is necessary that this amendment be made effective at the earliest possible date in order that the exact rate of penalty may be made known to producers who desire to market ELS cotton and to buyers who are charged in the regulations with the duty of collecting the penalty on ELS cotton marketed subject to the penalty and the lien for the penalty. Accordingly, it is hereby found and determined that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.152 of the regulations pertaining to marketing quotas for extra long staple cotton of the 1958 and succeeding crops (23 F. R. 3241) is hereby amended by addition of a new paragraph (a) at the end thereof which reads as follows:

(a) *Penalty rate for 1958 crop.* The parity price for ELS cotton effective as of June 15, 1958, is 83.2 cents per pound. Section 101 (f) of the Agricultural Act of 1949, as amended, provides that the support price for 1958 crop ELS cotton shall not exceed the same per centum of the parity price as for the 1956 crop. Such per centum was 75 percent. No increased price support levels for 1958 crop ELS cotton have been established pursuant to section 402 of the Agricultural Act of 1949, as amended. Accordingly, if the support price for 1958 crop ELS cotton were determined on the basis of the June 15, 1958 parity price, the support price thus determined could not exceed 75 per centum of the parity price for ELS cotton as of June 15, 1958. Thus, the parity price, being higher than the possible support price, is used in accordance with the provisions of § 722.126 in calculating the rate of penalty for 1958 crop ELS cotton. Such rate of penalty shall be 41.6 cents per pound of ELS lint cotton.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 301, 346, 347; 52 Stat. 38, as amended; 63 Stat. 674, 675, as amended; 7 U. S. C. 1301, 1346, 1347)

Done at Washington, D. C., this 17th day of July 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] MARVIN L. MCLAIN, *Acting Secretary.*

[F. R. Doc. 58-5596; Filed, July 21, 1958; 8:51 a. m.]

PART 728—WHEAT

SUBPART—1959–60 MARKETING YEAR

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM

Section 728.909 is issued to announce the results of the wheat marketing quota referendum for the marketing year, July 1, 1959, through June 30, 1960, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a marketing quota for wheat for the 1959–60 marketing year (23 F. R. 1984). The Secretary announced (23 F. R. 1985) that a referendum would be held on June 20, 1958, to determine whether or not wheat producers were in favor of or opposed to marketing quotas for the marketing year July 1, 1959, through June 30, 1960. Since the only purpose of this proclamation is to announce results of the referendum, it is found and determined that with respect to this proclamation application of the notice and procedure provision of the Administrative Procedure Act is unnecessary.

§ 728.909 *Proclamation of the results of the wheat marketing quota referendum for the marketing year 1959–60.* In a referendum of farmers who will be subject to quotas on the 1959 crop of wheat held on June 20, 1958, 230,300 eligible farmers voted. Of those voting 193,583 or 84.1 percent favored quotas for the marketing year beginning July 1, 1959. Therefore, wheat marketing quotas will be in effect for the 1959–60 marketing year.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Done at Washington, D. C., this 17th day of July 1958.

[SEAL] MARVIN L. MCLAIN, *Acting Secretary.*

[F. R. Doc. 58-5597; Filed, July 21, 1958; 8:51 a. m.]

[Amdt. 1]

PART 730—RICE

SUBPART—REGULATIONS PERTAINING TO RICE MARKETING QUOTAS

RICE ACREAGE AND RATE OF PENALTY

The purpose of the amendments herein is (1) to exclude from the definition of "rice acreage" certain acreages outside field border levees or inside of drainage ditch banks under certain conditions when such acreages cannot be harvested or destroyed by mechanical means; and (2) to amend the rate of penalty provisions to put into effect the increase in the rate of penalty provided in Public Law 85-443, and to state the 1958 rate of penalty in cents per pound.

Since farmers have already planted the 1958 crop of rice on their farms and soon will be making plans to harvest such crop, it is imperative that they be notified of these amendments as soon as possible. In addition the amendment with respect to the rate of penalty merely repeats the provisions of a newly enacted law and involves a mathematical computation. Accordingly it is hereby found that compliance with the notice, procedure, and effective date provisions of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary and contrary to the public interest, and these amendments shall become effective upon publication in the FEDERAL REGISTER.

1. Section 730.951 (v) (definition of "rice acreage") is amended by striking out the word "and" immediately preceding the language "(5)", by changing the period at the end thereof to a comma, and by adding the following language: "and (6) any acreage seeded to rice outside of the field border levee where such levee is bounded by a fence or other barrier which would make it impossible to harvest or destroy the rice from such area by mechanical means, and any acreage seeded to rice inside of drainage ditch banks where the topography would make it impossible to harvest or destroy the rice from such acreage by mechanical means: *Provided*, That the seeding operations have been performed with an end gate seeder or by airplane."

2. Section 730.972 is amended to read as follows:

§ 730.972 *Rate of penalty.* The rate of penalty on rice shall be 65 per centum of the parity price per pound of rice as of June 15 of the calendar year in which the crop is produced. The rate of penalty applicable to the 1958 crop of rice shall be 3.88 cents per pound, which is 65 per centum of the parity price per pound of rice as of June 15, 1958, which is determined to be 5.98 cents per pound.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Issued this 17th day of July, 1958.

[SEAL] MARVIN L. MCLAIN, *Acting Secretary.*

[F. R. Doc. 58-5594; Filed, July 21, 1958; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 747, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown

in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U S C 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237, 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (iii) of § 953.854 (Lemon Regulation 747, 23 F. R. 5298) are hereby amended to read as follows:

(iii) District 2: 418,500 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 17, 1958.

[SEAL] FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5591; Filed, July 21, 1958; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1681]

[Anchorage 025709]

ALASKA

REVOKING PUBLIC LAND ORDER NO. 1065 OF FEBRUARY 3, 1955

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10365 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1065 of February 3, 1955, which withdrew the following-described public lands in Alaska for use of the Department of the Army in connection with an antiaircraft artillery firing range, is hereby revoked:

SEWARD MERIDIAN

T. 12 N., R. 1 W.,
Secs. 19, Lots 3 and 4, E½SW¼, and S½SE¼;
Secs. 29, Lots 1, 2, and 3, and NE¼NE¼;
Secs. 30, Lots 1 and 2.
T. 13 N., R. 4 W.,
Secs. 1, Lots 1, 2, 3, and 4, E½W½, and E½;
Secs. 2, Lots 1, 2, 3, and 4, SE¼NE¼, S½NW¼, and S½;
Secs. 3, Lots 1, 2, 3, and 4, S½N½, and S½;
Secs. 4, Lots 1, 2, 3, and 4, S½N½, and S½;
Secs. 5, Lots 1, 2, 3, and 4, S½N½, and S½;
Secs. 6, Lots 1, 2, 3, 4, 5, 6, and 7, S½NE¼, SE¼NW¼, E½SW¼, and SE¼.

The areas described aggregate both public and non-public land, 4,480 acres.

2. Lots 4 and the SE¼NE¼, of sec. 23, and the NE¼NW¼, sec. 25, T. 12 N., R. 4 W., have been patented.

3. The remaining lands consist of swampy lowlands bordering on Turnagain Arm tide lands.

4. In accordance with section 202 (b) of the act of July 28, 1956 (70 Stat. 709, 711, 48 U. S. C. 46-3 (b)), and subject to the requirements of that act and the regulations in 43 CFR Part 76, the Territory of Alaska shall be entitled until October 16, 1958, to a preferred right of selection of the restored lands in connection with its mental health program, except as against prior existing valid rights, or as against equitable claims subject to allowance and confirmation.

5. Subject to any valid existing rights, the requirements of applicable law, and the preference right of selection of the Territory of Alaska, the public lands described in paragraph 1 of this order are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph.

(b) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(c) All valid applications under the Homestead, Alaska Homesite, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279-284, as amended), presented prior to 10:00 a. m. on October 16, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 15, 1959, will be governed by the time of filing.

(d) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (b) and (c) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on January 15, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

6. The lands will be open to location under the United States mining laws, beginning at 10:00 a. m. on January 15, 1959.

7. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 16, 1958

[F. R. Doc. 58-5573; Filed, July 21, 1958; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 80]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Columbus VOR	CSG-LFR	Direct	2000	T-dn	300–1	300–1	200–½
Columbus LOM	CSG-LFR	Direct	2000	C-dn	600–1	600–1	600–1½
Marvyn VHF Rng	CSG-LFR	Direct	1500	S-dn-2	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn E side SW crs, 202° Outbnd, 022 Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and dist from facility to airport, 022—2.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles turn left and climb to 1600′ on SW crs CSG LFR within 20 miles.
CAUTION: 1670′ MSL radio tower located 8 miles N of Lawson Army Air Field. 880′ MSL Jump Towers located 12½ miles NE of Lawson Army Air Field. Restricted Area R-129 E and SE of Lawson Army Air Field.
City, Columbus; State, Ga.; Airport Name, Lawson Army Air Field; Elev., 232′; Fac. Class, SBMRLZ; Ident., CSG; Procedure No. 1, Amdt. 1; Eff. Date, 16 Aug. 58; Sup. Amdt. No. Orig.; Dated, 17 Dec. 55

Daytona Beach VOR	DAB-LFR	Direct	1400	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn S side W crs, 281 Outbnd, 101 Inbnd, 1300′ within 10 mi. (Beyond 10 mi NA.)
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 100—2.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 mi, climb to 1400′ on E crs within 13 mi.
CAUTION: 1670′ MSL radio tower located 8 miles N of Lawson Army Air Field. 880′ MSL Jump Towers located 12½ miles NE of Lawson Army Air Field. Restricted Area R-129 E and SE of Lawson Army Air Field.
City, Daytona Beach; State, Fla.; Airport Name, Daytona Beach; Elev., 34′; Fac. Class, SBMLZ-DTV; Ident., DAB; Procedure No. 1, Amdt. 9; Eff. Date, 16 Aug. 58; Sup. Amdt. No. 8; Dated, 14 June 58

Clayton FM	IND-LFR (Final)	Direct	1500	T-dn	300–1	300–1	200–¾
Indianapolis VOR	IND-LFR	Direct	2000	C-dn	400–1	500–1	500–1½
				S-dn-9	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of W crs, 250 Outbnd, 070 Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 072—2.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 mi, climb to 2900′ on E crs IND-LFR and proceed to Greenfield Int, or as directed by ATC as follows:
1. Climb to 2200′ on S crs of IND-LFR within 20 mi.
2. Climb on SW crs ILS to 1900′. Proceed to LOM.
MAJOR CHANGES: Deletes Caution Note.
City, Indianapolis; State, Ind.; Airport Name, Weir Cook Municipal; Elev., 796′; Fac. Class, SBRAZ, Ident., IND; Procedure No. 1, Amdt. 8; Eff. Date, 23 June 58; Sup. Amdt. No. 7; Dated, 15 Mar. 58.

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Dallas VOR	LOM	Direct	1800	T-dn	300–1	300–1	200–½
Ross Ave Int	LOM	Direct	1800	C-dn	400–1	500–1	500–1½
Little Elm Int	LOM	Direct	1600	S-dn-13	400–1	400–1	400–1
Dallas RBn	LOM	Direct	1800	A-dn	800–2	800–2	800–2
Farmers Branch Int	LOM	Direct	1600				

Radar Terminal transition altitude: 2000′* within 20 miles.
*Radar control must provide 1000′ clearance within 3 mi or 500′ clearance within 3–5 miles of radio towers 1108′ msl 20 mi North; 1221′ msl 10 mi WNW; and TV tower 2349′ msl 17 mi SSW of airport.
Procedure turn N side E crs, 307 Outbnd, 127 Inbnd, 2000′ within 10 mi. NA beyond 10 mi.
#Procedure turn nonstandard due ATC.
Minimum altitude over facility on final approach, 1400′
Crs and distance, facility to airport, 127°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles of LOM, climb to 2000′ on track of 127 within 20 mi or when directed by ATC, turn left, proceed to DAL VOR climbing to 2000′ or when under positive RADAR contact, climb to 2000′* on crs as directed by ATC.
CAUTION: 1221′ radio tower 5.6 mi WNW of LOM, 695′ tank 1.7 mi SE rnwy 31.
City, Dallas; State, Tex.; Airport Name, Love Field; Elev., 485′; Fac. Class, LOM; Ident., DA; Procedure No. 1, Amdt. Orig.; Eff. Date, 16 Aug. 58

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
IND-VOR	LOM	Direct	1900	T-dn	300-1	300-1	300-½
Clayton FM	LOM	Direct	1900	C-dn	400-1	500-1	500-1½
IND-LFR	LOM	Direct	1900	S-dn-4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 223° Outbnd, 043° Inbnd, 1900' within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 043°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles, climb to 2900' on E crs IND-LFR to Greenfield Int, or as directed by ATC.
1. Climb to 2200' on S crs IND-LFR within 20 miles.
2. Make left turn, climb to 1900' and proceed to LOM.
MAJOR CHANGE: Caution Note deleted.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook Muni; Elev., 796'; Fac. Class, LOM; Ident., IN; Procedure No. 1, Amdt. 1, Eff. Date, 23 June 58; Sup. Amdt. No. Orig. Dated, 5 June 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Ephrata LFR	EPH VOR	Direct	3000	T-dn*	300-1	300-1	200-½
				C-dn	800-2	800-2	800-2
				C-dn	1000-2	1000-2	1000-2
				S-dn-RY20	500-1½	500-1½	600-1½
				A-dn	1000-3	1000-3	1000-3
				A-dn	1200-3	1200-3	1200-3

*600-2 required for take-off on Runway 20.
Procedure turn N side of crs, 020 Outbnd, 200 Inbnd, 3000' within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 2400'.
Crs and distance, facility to airport, 200—4.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi, turn left, climb to 4000' on R-059 within 20 mi.
Alternate Missed Approach when directed by ATC within 5.7 mi, turn left, return to VOR station, hold at 3000' on R-020 within 10 mi.
CAUTION: 2351' radio tower 3 mi W of airport.

City, Ephrata; State, Wash.; Airport Name, Ephrata; Elev., 1268'; Fac. Class, BVOR; Ident., EPH; Procedure No. 1, Amdt. 4, Eff. Date, 16 Aug. 58; Sup. Amdt. No. Dated, 26 July 58

				T-dn*	300-1	300-1	200-½
				C-dn*	1100-2	1100-2	1100-2
				A-dn*	1100-2	1100-2	1100-2

*Night operation authorized only on NW-SE runway.
Procedure turn W side of crs, 010 Outbnd, 190 Inbnd, 4800' within 10 mi.
Minimum altitude over facility on final approach crs, 4800'.
Crs and distance, facility to airport, 190—0.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.7 mi, make right turn climb to 5800' on R-269 within 20 mi.
CAUTION: 4473' MSL tower 1.7 mi S of airport and 4021' MSL tower 3 mi SW of airport.

City, Goodland; State, Kans.; Airport Name, Goodland; Elev., 3653'; Fac. Class, BVOR; Ident., GLD, Procedure No. 1, Amdt. 3; Eff. Date, 26 June 58; Sup. Amdt. No. 2 Dated, 3 Nov. 56

Indianapolis LFR	IND-VOR	Direct	2000	T-dn	300-1	300-1	200-½
Int NW crs Ind-LFR and Ind R-321 VOR	IND-VOR (Final)	Direct	1600	C-dn	400-1	500-1	500-1½
				S-dn-14	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 321 Outbnd, 141 Inbnd, 2100' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 141—6.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles, climb to 2100' on R-136° within 20 miles, or as directed by ATC as follows: (1) Climb to 2900' on E crs IND-LFR and proceed to Greenfield Int. (2) Climb to 2200' on S crs of IND-LFR within 20 miles. (3) Climb on SW crs ILS to 1900' proceed to LOM.
MAJOR CHANGE: Caution Note deleted.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook Municipal; Elev., 796'; Fac. Class, BVOR; Ident., IND; Procedure No. 1, Amdt. 5; Eff. Date, 23 June 58; Sup. Amdt. No. 4, Dated, 15 Mar. 58

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine more than 65 knots
BTL-LFR	BTL-VOR	Direct	2200	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-4	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn East side of crs, 216 Outbnd, 036 Inbnd, 2200' within 10 mi.
Minimum altitude over West Int* on final approach crs, 1600'.
Crs and distance, West Int* to airport, 036°—3.4 mi.
*West Int: Int BTL-VOR R-216 and W crs BTL-LFR (or R-083 AZO-VOR).
Crs and distance, breakoff point to airport, 044°—0.42 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished proceed to VOR, climb to 2200' on R-036 BTL-VOR within 20 miles.
NOTE: Aircraft must be dual omni equipped or equipped to receive VOR and LFR simultaneously, otherwise 700' ceiling minimums will apply.
City, Battle Creek; State, Mich.; Airport Name, Kellogg Fld.; Elev., 941'; Fac. Class, BVOR; Ident., BTL; Procedure No. Ter VOR-4, or com. of facility, Amdt. Orig.; Eff. Date, 3 July 58

BTL-LFR	BTL-VOR	Direct	2200	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-9	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 260 Outbnd, 080 Inbnd, 2200' within 10 mi.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, breakoff point to airport, 090°—0.40 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed to VOR, climb to 2200' on R-060 of BTL-VOR within 20 mi.
City, Battle Creek; State, Mich.; Airport Name, Kellogg Fld.; Elev., 941'; Fac. Class, BVOR; Ident., BTL; Procedure No. TerVOR-9, or com. of facility, Amdt. Orig.; Eff. Date, 3 July 58

BTL-LFR	BTL-VOR	Direct	3000	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-13	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn North side of crs, 318° Outbnd, 138° Inbnd, 3000' within 10 mi. NA beyond 10 mi.
Minimum altitude over Augusta Int* on final approach crs, 1600'.
Crs and distance, Augusta Int* to BTL-VOR, 138°—5.0 mi.
*Augusta Int: Int BTL-VOR R-318 and AZO-VOR R-051.
Crs and distance, breakoff point to airport, 127°—0.58 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished proceed to VOR, climb to 2200' on R-138 of BTL-VOR within 20 mi.
CAUTION: 1954' tower, 294°—13 mi.
NOTE: Ceiling minimum of 700' apply until AZO-VOR commissioned, or if aircraft not dual omni equipped.
City, Battle Creek; State, Mich.; Airport Name, Kellogg Fld.; Elev., 941'; Fac. Class, BVOR; Ident., BTL; Procedure No. TerVOR-13 or com. of facility, Amdt. Orig.; Eff. Date, 3 July 58

BTL-LFR	BTL-VOR	Direct	2200	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-18	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 018° Outbnd, 198° Inbnd, 2200' within 10 miles.
Minimum altitude over Bedford Int* on final approach crs, 1600'.
Crs and distance, Bedford Int* to airport, 198°—3.6 mi.
*Bedford Int: Int BTL-VOR R-018 and AZO-VOR R-062.
Crs and distance, breakoff point to airport, 180°—0.67 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished proceed to VOR, climb to 2200' on R-198 of BTL-VOR within 20 miles.
NOTE: Aircraft must be dual omni equipped otherwise 700' ceiling minimums apply. (500' ceilings NA until AZO-VOR commissioned.)
City, Battle Creek; State, Mich.; Airport Name, Kellogg Fld.; Elev., 941'; Fac. Class, BVOR; Ident., BTL; Procedure No. Ter VOR-18, or com. of facility, Amdt. Orig.; Eff. Date, 3 July 58

BTL-LFR	BTL-VOR	Direct	2200	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn-22	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 051° Outbnd, 231° Inbnd, 2200' within 10 miles.
Minimum altitude over BTL-VOR on final approach crs, 1600'.
Crs and distance, breakoff point to airport, 224°—0.35 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished proceed to VOR, make left turn, climb to 2200' on R-180 of BTL-VOR within 20 miles.
City, Battle Creek; State, Mich.; Airport Name, Kellogg Fld.; Elev., 941'; Fac. Class, BVOR; Ident., BTL; Procedure No. TerVOR-22 or com. of facility, Amdt. 3; Eff. Date, 3 July 58

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine: more than 65 knots
BTL-LFR	BTL-VOR	Direct	2200	T-dn	300-1	300-1	300-1½
				C-dn	700-1	700-1	700-1½
				S-dn-27	700-1	700-1	700-2
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 097 Outbnd, 277 Inbnd, 2200′ within 10 miles.
Minimum altitude over BTL-VOR on final approach crs, 1600′.
Crs and distance, breakoff point to airport, 270°—0.28 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished proceed to VOR, make right turn climb to 2200′ on R-360 of BTL-VOR within 20 mi.

City, Battle Creek; State, Mich.; Airport Name, Kellogg Fld.; Elev., 941′; Fac. Class, BVOR; Ident, BTL; Procedure No. TerVOR-27, or com. of facility, Amdt. 3; Eff. Date, 3 July 58

BTL-LFR	BTL-VOR	Direct	2200	T-dn	300-1	300-1	300-1½
				C-dn	600-1	600-1	600-1½
				S-dn-31	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn North side of crs, 118° Outbnd, 298° Inbnd, 2200′ within 10 miles.
Minimum altitude over South Side Int* on final approach crs, 1600′.
Crs. and distance, South Side Int* to airport, 298°—3.5 mi.
*South Side Int: Int R-079 AZO-VOR and R-118 BTL-VOR.
Crs and distance, breakoff point to airport, 307°—0.42 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed to VOR, make right turn climb to 2200′ on R-360 of BTL-VOR within 20 miles.
NOTE: Ceiling minimums 700′ apply until AZO-VOR commissioned, or if aircraft not dual omni equipped.

City, Battle Creek; State, Mich.; Airport Name, Kellogg Fld.; Elev., 941′; Fac. Class, BVOR; Ident., BTL; Procedure No. TerVOR-31, or date of com. of facility, Amdt. Orig; Eff. Date, 3 July 58

BTL-LFR	BTL-VOR	Direct	2200	T-dn	300-1	300-1	300-1½
				C-dn	600-1	600-1	600-1½
				S-dn-36	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn East side of crs, 159° Outbnd, 339° Inbnd, 2200′ within 10 miles.
Minimum altitude over East Int* on final approach crs, 1600′.
Crs and distance, East Int* to airport, 339°—3.3 mi.
*East Int: Int of BTL-VOR R-159 and East crs of BTL-LFR (or R-085 AZO-VOR).
Crs and distance, breakoff point to airport, 360°—0.77 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished proceed to VOR, climb to 2200′ on R-360 of BTL-VOR within 20 mi.
NOTE: Aircraft must be dual omni equipped or equipped to receive VOR and LFR simultaneously, otherwise 700′ ceiling minimums will apply.

City, Battle Creek; State, Mich.; Airport Name, Kellogg Fld.; Elev., 941′; Fac. Class, BVOR; Ident., BTL; Procedure No. TerVOR-36, or com. of facility, Amdt. Orig; Eff. Date, 3 July 58

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine: more than 65 knots
Burbank LFR	LOM	Direct	*5000	T-dn#	300-1	300-1	300-1
Sangus Int	LOM	Direct	7000	C-dn	900-1½	900-1½	900-1½
Simi Int	LOM	Direct	4600	C-dn	900-2	900-2	900-2
Broome Int	LOM	Direct	4600	S-dn-7	400-1	400-1	400-1
Malibu Int	LOM	Direct	5000	A-dn	900-2	900-2	900-2
Shoreline Int	LOM	Direct	5000				
Newhall LFR	LOM	Direct	6000				
Fillmore VOR	LOM	Direct	5000				
Fillmore VOR	ILS W crs	R-120	5000				
Int W crs ILS and Fillmore VOR R-120	LOM (Final)	Direct	4600				

*4600′ authorized after course is established westbound on ILS localizer.
#400-1 required for takeoff when departing via SE crs BUR LFR. 200-½ authorized for takeoff on Rny 25 for more than 2 engine aircraft only.
CAUTION: When departing via SE crs BUR LFR establish crs on SE crs BUR LFR as soon as practical after takeoff.
Procedure turn S side of crs, 256 Outbnd, 076 Inbnd, 4600 within 10 miles of LOM. Beyond 10 mi NA.
Minimum altitude at G. S. int inbnd, 4600.
Altitude of G. S. and distance to appr end of rny at OM 4577-11.9, at MM 1331-1.7, at inner compass locator 924-0.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right and climb to 4600′ on W crs of BUR ILS within 10 mi west of LOM. Alternate missed approach, when directed by ATC, climb to 3000′ on SE crs of BUR LFR, then make 180° right turn, continuing climb to 5000′ while homing on BUR LFR and hold at BUR LFR in nonstandard 2 minute pattern on SE crs, or if directed by ATC, climb to 5000′ on SE crs of BUR LFR.
AIR CARRIER NOTE: Sliding scale prohibited below ¾ mi for takeoff and straight-in landing minimums. Sliding scale not applicable to circling minimums.
NOTE: Provision for use with inoperative ILS components not applicable.
NOTE: Nonstandard installation; localizer antenna at approach end of runway.
CAUTION: 2000′ terrain 2.2 miles NE of airport rising to 3126′ approximately 3.5 mi ENE of airport.

City, Burbank; State, Calif.; Airport Name, Lockheed Air Term.; Elev., 764′; Fac. Class, ILS, Ident., BUR; Procedure No. ILS-7, Amdt. 10; Eff. Date, 16 Aug. 58; Sup. Amdt. No. 9, Dated, 24 Aug. 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine: more than 65 knots
Dallas VOR	LOM	Direct	1800	T-dn	300-1	300-1	300-1½
Rom Ave. Int	LOM	Direct	1800	C-dn	400-1	400-1	400-1½
Farmers Branch Int	LOM	Direct	1600	S-dn-13	200-½	200-½	200-½
Little Elm Int	LOM	Direct	1600	A-dn	600-2	600-2	600-2
DAL RBn	LOM	Direct	1800				

*Radar terminal area transition altitude: 2000** within 20 miles.
**Radar control must provide 1000′ clearance when within 3 mi or 500′ clearance when within 3–5 mi of radio towers—1108′ msl 20 mi N; 1221′ msl 10 mi WNW; and TV tower 2349′ msl 17 mi SSW of airport.
Procedure turn N side NW crs, 307 Outbnd, 127 Inbnd, 2000′ within 10 mi. NA beyond 10 mi.
Minimum altitude at G. S. int inbnd, 2000′.
Altitude of G. S. and distance to appr end of rny at OM 2000—4.2; at MM 634—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles of LOM climb to 2000 on SE crs ILS (127) within 20 miles or, when directed by ATC, turn left, proceed to DAL VOR, climbing to 2000′, or when under positive radar contact, climb to 2000′** on crs as directed by ATC.
CAUTION: 1221′ R. T. 5.6 mi WNW of LOM. 600′ tank 1.7 mi SE runway 31. Procedure turn non-standard due ATC.

City, Dallas; State, Tex.; Airport Name, Love Field; Elev., 485′; Fac. Class, ILS-IDAL; Ident., LOM-DA; Procedure No. ILS-13, Amdt. 5; Eff. Date, 16 Aug. 58; Sup. Amdt. No. 4; Dated, 28 Sept. 57

IND VOR	LOM	Direct	1900	T-dn	300-1	300-1	300-1½
Clayton FM via crs 105-ILS	SW crs ILS (Final)	Direct	1900	C-dn	400-1	400-1	400-1½
IND-LFR via crs 194 ILS	SW crs ILS	Direct	1900	S-dn-4*	200-½	200-½	200-½
Int E crs IND-LFR and NE crs ILS	LOM	Direct	1900	A-dn	600-2	600-2	600-2
Int S crs IND-LFR and SW crs ILS	LOM	Direct	2000				
Int IND R-305 and SW crs ILS	LOM (Final)	Direct					
Radar terminal area transition altitudes-distances are from radar site and azimuths progress clockwise.							
120		20 mi	2000				
260		20 mi	#2300				

*300-½ required when approach lights inoperative.
#Except 2800′ within 3 mi of 1849′ tower, 2800′ within 3 mi of 1815′ tower, and 2900′ within 3 mi of 1852′ TV tower NE and E of airport.
Procedure turn S side SW crs, 223 Outbnd, 043 Inbnd, 1900′ within 10 mi of LOM.
Minimum altitude at G. S. int inbnd, 1900.
Altitude of G. S. and distance to appr end of rny at OM 1900—3.9, at MM 980—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 2000′ on E crs of IND-LFR to Greenfield Int or as directed by ATC:
1. Climb to 2200′ on S crs of IND-LFR within 20 mi.
2. Make left turn, climb to 1900′ and proceed to LOM.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook Mnn.; Elev., 796′; Fac. Class, ILS-IND; Ident., LOM-IN; Procedure No. ILS-4; Amdt. 1; Eff. Date, 23 June 58; Sup. Amdt. No. Orig.; Dated, 5 June 58

Int ILS loc and E crs IND LFR	River Int*	Direct	2300	T-dn	300-1	300-1	300-1½
Fairgrounds Int	River Int (Final)*	Direct	1800	C-dn	400-1	400-1	400-1½
Castleton Int	Fairgrounds Int	Direct	2300	S-dn-22	400-1	400-1	400-1
Indianapolis LFR via crs 075	ILS localizer	Direct	2300	A-dn	800-2	800-2	800-2
4.3 mi Radar Fix on Final	4.3 mi Radar Fix	Direct	1800				
4.3 mi Radar Fix	App end rny 22 (Final)	Direct	1200				
Radar terminal area transition altitudes-distances are from Radar site and azimuths progress clockwise.**							
120		20 mi	2000				
200		20 mi	#2300				
120							

#Except 2800′ within 3 mi of 1849′ tower, 2800′ within 3 mi of 1815′ tower, and 2900′ within 3 mi of 1852′ tower E and NE of airport.
*Holding Not Authorized below 2300′.
**Radar Transitions must intercept NE crs ILS at least 3 mi NE of River Int.
Procedure turn N side NE crs ILS, 043 Outbnd, 223 Inbnd, 2900′ within 10 mi of River Int.
No Glide Slope, minimum altitude over River Int or Radar Fix to Rny 22R, 223—4.3; No Middle Marker.
No Outer Marker, brng and distance River Int or Radar Fix to Rny 22R, 223—4.3; No Middle Marker.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing River Int or Radar Fix, make right turn climb to 2000′ on W crs IND-LFR within 15 miles or, when directed by ARTC, as follows:
1. Climb to 2100′ on NW crs IND-LFR within 20 mi.
2. Climb on SW crs, ILS to 1900′ and proceed to LOM.
NOTE: This ILS procedure not authorized when radar is inoperative unless aircraft is equipped to receive VOR and ILS simultaneously.
MAJOR CHANGE: Caution Note deleted.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook Mun.; Elev., 796′; Fac. Class, ILS; Ident., VOR & Radar; Procedure No. ILS-22, Amdt. 1; Eff. Date, 23 June 58; Sup. Amdt. No. Orig.; Dated, 5 June 58

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
260	120	Within 20 mi.	*2300	Surveillance approach			
120	260	Within 20 mi.	2000	T-dn	300-1	300-1	300-1
				C-dn#	500-1	500-1½	500-1½
				S-dn#	400-1	400-1	400-1
				C or S-dn##	500-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
*2800' within 3 miles of 1849 tower; 2800' within 3 miles of 1815' tower; and 2600' within 3 miles of 1855' tower, E & NE of airport.
#Runways 9, 13, 18, 27, 31, 3\5, 4.
##Runway 22—minimums higher due to ground clutter.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runways 4, 9, 13, 18: Climb to 2900' on E crs IND–LFR and proceed to Greenfield Int, or as directed by ATC, as follows:
1. Climb to 2200' on S crs of IND–LFR within 25 mi.
2. Climb on SW crs ILS to 1900'; proceed to LOM.
Runways 22, 27, 31, 36: Climb to 2000' on W crs of IND–LFR within 15 mi. of Station or, as directed by ATC as follows:
1. Climb on SW crs ILS to 1900', proceed to LOM.
2. Climb to 2100' on NW crs of IND–LFR within 25 miles.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook Mun.; Elev., 796'; Fac. Class, Weir Cook; Ident., Radar; Procedure No. 1, Amdt. 6; Eff. Date, 23 June 58; Supp. Amdt. No. 5; Dated, 15 Mar. 58.

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 16, 1958.

[F. R. Doc. 58–5602; Filed, July 21, 1958; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter C—Production and Subsistence Loans

[Administration Letter 576(441)]

PART 341—POLICIES AND AUTHORITIES

SUBPART A—OPERATING LOANS TO FULL-TIME FAMILY-TYPE FARMERS

SPECIAL TYPE LOANS IN HAWAII

Part 341, Title 6, Code of Federal Regulations (22 F. R. 685, 7629), is amended to provide exceptions to eligibility, loan purpose, and rates and terms provisions with respect to certain types of loans in Hawaii, and to read as follows:

§ 341.5 *Eligibility*—(a) *Applicant.* • • •

(9) The provisions of subparagraphs (7) and (8) of this paragraph are modified to the extent that loans to full-time family-type farmers in Hawaii for the purpose of establishing such crops as coffee, sugarcane, and pineapple or any similar crop, which requires 18 months or more from planting to initial harvest time may be made to otherwise qualified applicants.

(i) After the loan is made, the borrower must be engaged in agriculture as farm owner, tenant, or farm laborer, and must have the time and means of adequately caring for his plantings.

(ii) The applicant must agree that after his farm comes into full production, the major portion of his income will be derived from farming operations and that he will spend the major portion of his time in carrying on his farming operations.

§ 341.8 *Loan purposes.* (a) • • •

(13) In the Territory of Hawaii loans may also be made to full-time family-type farmers for the following purposes:

(i) Necessary coffee-drying equipment and trellis for passion fruit may be purchased with Operating loan funds under provisions of this paragraph, provided such equipment does not become a part of the real estate and thereby prevent the Farmers Home Administration from obtaining an enforceable chattel lien on such equipment. Consideration should be given to the acquisition of such equipment through the use of group services where possible.

(ii) Subject to the limitations prescribed in subparagraphs (1), (2), and (3) of this paragraph loans may be made for erecting necessary farm buildings and making essential repairs and improvements to existing farm buildings, provided the buildings, repairs, or improvements for which the loan is made are normally considered a part of the cost of operating the farm and will enable the applicant to establish or reorganize an approved farming enterprise, and not more than $2,000 may be advanced to a borrower for any or all such purposes during any fiscal year.

(iii) Subject to the limitations prescribed in subparagraphs (1), (2), and (3) of this paragraph loans may be made for the establishment and improvement of pastures, hay crops, coffee, pineapple, banana, and similar perennial-type crops and for the construction of terraces, waterways, and farm ponds, the clearing, levelling and drainage of land, and the payment for other approved soil and water conservation and improvement measures, provided not more than $2,000 may be advanced to a borrower for any or all of such purposes during any fiscal year.

(iv) When loans are made to tenants for real estate improvements authorized in subparagraphs (10), (11), (12) of this paragraph and this subparagraph, the lease must provide for an assignment of the lease to the Government or to someone designated by the Government, and loans may not be made to tenants operating on Hawaiian Homes Commission lands unless its present regulations and policies are changed in a manner which would permit the Farmers Home Administration to obtain a valid crop mortgage.

§ 341.9 *Rates and terms.* • • •

(a) • • •

(5) For loans made to full-time family-type farmers in Hawaii to establish such crops as pineapple, coffee, and sugarcane which usually require more than 18 months from planting to harvest

dates, the initial payment will be scheduled on a date coinciding with the date the income is to be received but not more than 24 months from the date of the loan check.

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: July 16, 1958.

[SEAL] DARREL A. DUNN,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 58–5598; Filed, July 21, 1958; 8:51 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.369]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following July 12, 1958, paragraph (a) is amended by the deletion of the following:

Addis Ababa, Ethiopia.

2. Effective as of the beginning of the first pay period following July 12, 1958, paragraph (b) is amended by the deletion of the following:

Ben Guerir, Morocco.
Boulhaut, Morocco.
Sidi Slimane, Morocco.

3. Effective as of the beginning of the first pay period following July 12, 1958, paragraph (c) is amended by the deletion of the following:

Casablanca, Morocco.
Nouasseur, Morocco.
Rabat, Morocco.

4. Effective as of the beginning of the first pay period following July 12, 1958, paragraph (b) is amended by the addition of the following:

Addis Ababa, Ethiopia.

5. Effective as of the beginning of the first pay period following July 12, 1958, paragraph (c) is amended by the addition of the following:

Ben Guerir, Morocco.
Boulhaut (Fedala), Morocco.
Sidi Slimane, Morocco.

6. Effective as of the beginning of the first pay period following July 12, 1958, paragraph (d) is amended by the addition of the following:

Casablanca, Morocco.
Nouasseur, Morocco.
Rabat (including AF Site 11), Morocco.

(Sec. 102, Part I, E. O. 10,000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

Dated: July 10, 1958.

For the Secretary of State.

W. K. SCOTT,
Assistant Secretary.

[F. R. Doc. 58–5575; Filed, July 21, 1958; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

PART 115—SOUTHEASTERN ALASKA AREA

MISCELLANEOUS AMENDMENTS

JULY 21, 1958.

Basis and purpose. In accordance with the requirements of § 104.9 announcement is hereby made that the number of units registered to fish in the various districts of Bristol Bay for the week ending July 26, 1958 is as follows:

Naknek-Kvichak—301 units.
Nushagak—182 units.
Egegik—91 units.
Ugashik—63 units.

The red salmon runs continue to be weak in the Naknek-Kvichak, Egegik, and Ugashik districts and continued restricted fishing time is required. Therefore, the requirements of paragraphs (a) and (b) of § 104.9 notwithstanding, fishing is restricted in the Naknek-Kvichak, Egegik, and Ugashik districts to the following periods:

From 9 a. m. July 21 to 9 p. m. July 21 and from 9 a. m. July 24 to 9 p. m. July 24, 1958.

Basis and purpose. The pink salmon runs in the northern part of Southeastern Alaska are not entering the streams in adequate numbers because of extremely dry weather, requiring temporary closures until adequate escapements are secured, and Part 115 is hereby amended accordingly.

Section 115.5 is amended in paragraph (a) *Icy Strait district* (1) (ii) by adding the following: "The weekly closed period in the Eastern section is extended to include the period from 6 a. m. July 21 to 6 a. m. July 24, 1958"; in paragraph (b) *Western district* (1) (ii), (2); and in paragraph (c) *Eastern district* (2) and (3); by adding the following: "the weekly closed periods are extended to include the period from 6 a. m. July 21 to 6 a. m. July 24, 1958."

Because of continued weak runs in the three districts of Bristol Bay specified and the extremely low water levels in the pink salmon streams in Southeastern Alaska, which preclude suitable escapements into the streams, notice and public procedure on these amendments are not in the public interest and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 48 Stat. 464, as amended; 48 U. S. C. 221)

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 58–5655; Filed, July 21, 1958; 11:21 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 187, 189]

[Ex Parte No. MC–52]

FREIGHT SCHEDULES OF RATES AND CHARGES OF MOTOR CONTRACT CARRIERS OF PROPERTY

NOTICE OF PROPOSED RULE MAKING

JULY 7, 1958.

These rules are proposed in accordance with the provisions of section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003), and under the authority of sections 204, 210a and 218 of the Interstate Commerce Act, as amended.

Interested parties may file with this Commission on or before October 6, 1958, written statements of facts, opinions or arguments concerning the rules herein proposed. Any such statements shall conform to the specifications provided in Rule 15 of the Commission's general rules of practice (49 CFR 1.15). One signed original and seven copies shall be furnished for the Commission's use.

No formal hearing is contemplated with respect to these proposed rules, but informal conferences may be arranged with designated officials of the Commission.

The proposed rules have been set out without explanation below. It is believed that their nature and purpose will be readily understood by those conversant with the present rules carried in Tariff Circular MF No. 2, and in Special Circular M No. 1 (49 CFR 187.0–187.11 and 189.1–189.5), which are being canceled.

These proposals have been set out in codified form for convenient reproduction in that form in the proposed tariff circular.

Notice to the public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for inspection and by filing a copy with the Director, Federal Register Division.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

Regulations issued by the Interstate Commerce Commission under the authority of sections 204, 210a and 218 of the Interstate Commerce Act, as amended, to govern the construction, publication, filing, posting and maintenance for public inspection, of freight schedules of motor contract carriers of property.

PART 187—FREIGHT RATE TARIFFS, SCHEDULES AND CLASSIFICATIONS

SCHEDULES OF MOTOR CONTRACT CARRIERS OF PROPERTY

Sec.
187.1 Conformity required.
187.2 Definitions.

Sec.
187.3 Waiver of rules; rejection of schedules.
187.4 Publication, filing and posting of schedules.
187.5 Form and content of schedules.
187.6 Applications for special permission.
187.7 Power of attorney.
187.8 Change of name or transfer of entire operation.
187.9 Transfer of part of an operation.
187.10 Assumption of operating control by receiver.
187.11 General instructions.
187.12 Temporary operations of contract carrier properties.

§ 187.1 *Conformity required.* Every schedule filed with the Commission shall conform to the regulations set out in §§ 187.1 to 187.12.

§ 187.2 *Definitions.* As used in §§ 187.1 to 187.12:

(a) The term "act" means the Interstate Commerce Act, as amended.

(b) The term "Commission" means the Interstate Commerce Commission.

(c) The term "contract carrier" means a contract carrier of property as defined in section 203 (a) (15) of the act.

(d) The term "rates" means actual rates and charges and minimum rates and charges except where the context indicates otherwise.

(e) The term "schedule" means a publication stating rates of a contract carrier or rules and other provisions applicable in connection with those rates, or a publication containing rates together with such rules and other provisions.

§ 187.3 *Waiver of rules; rejection of schedules*—(a) *Waiver of rules.* In response to an application which has been prepared in the manner outlined in § 187.6, and which provides adequate justification for that action, the Commission in its discretion may authorize the waiving of any of these regulations in this part, or the notice requirements of the act.

(b) *Rejection of schedules.* Any schedule tendered for filing which fails to give lawful notice of the change in rates, or other provisions which it proposes to establish, or which fails to meet the requirements of the regulations in this part, or which violates any order of the Commission or of a court, is subject to rejection by the Commission. When a schedule is rejected, the Commission, acting through a designated administrative officer, will inform the carrier who tendered it for filing, in writing, of the reasons for rejection and will return the rejected schedule to that carrier.

(c) *Commission may direct reissue.* For good cause the Commission may at any time without formal hearing direct the reissue of any schedule.

§ 187.4 *Publication, filing and posting of schedules*—(a) *Contract carriers must file schedules.* Except as otherwise provided in §§ 187.10 to 187.12 and except to the extent that the Commission grants relief from the requirements of the act for filing schedules every contract carrier shall publish and file in its own name schedules clearly and explicitly stating actual rates and charges (see Notes A and B to this section) covering the services which it performs, together with rules, regulations and practices affecting those rates and charges or the value of the service thereunder, except that a carrier serving but one shipper having rendered continuous service to such shipper for not less than one year may file reasonable minimum rates and charges (see Note A to this section) covering the services which it performs, together with rules, regulations and practices affecting those rates and charges or the value of the service thereunder, unless the Commission requires the filing of actual rates and charges.

NOTE A. Rates shall be stated in cents or in dollars per 100 pounds, per mile, per hour, per ton of 2,000 pounds, per ton of 2,240 pounds, per truckload of specified amount or per other defined unit.

NOTE B. Section 218 of the act requires that the schedule of a contract carrier, who files actual rates and charges, shall contain rates, charges and other provisions precisely as provided by the effective contract or contracts between the carrier and its shipper or shippers. When a contract carrier has more than one contract covering similar but not identical services or contracts covering identical services for which different rates of compensation are provided by the contracts, exceptional care must be exercised to accomplish publication of clear and explicit schedule provisions that reflect actual rates, charges, rules, or practices. In such case, the carrier may publish a separate schedule for each contract provided the carrier submits in the same envelope with the schedule, when tendered for filing, a separate statement identifying the contract in connection with which the schedule applies. If rates, charges and other provisions applying in connection with more than one contract are published in a single schedule, the carrier filing the schedule shall submit in the same envelope with the schedule, when tendered for filing, a separate statement indicating as to each rate table, charge, item, rule or regulation, the contract or contracts in connection with which that rate table, charge, item, rule or regulation applies.

(b) *Agency or joint schedules prohibited.* A contract carrier may not participate in a tariff or schedule issued by another carrier or by an agent except that it may participate under power of attorney in an agency publication containing highway distances and in an agency publication containing the regulations promulgated by the Commission to govern the transportation of explosives or other dangerous articles. See § 187.5 (v).

(c) *Three copies to be filed.* Three copies of every schedule must be filed with the Commission at its office in Washington, D. C. All three copies, together with a true copy of each contract or amendment to a contract filed with that schedule to comply with the requirements of § 187.4 (f), shall be included in one package marked "Tariffs" and addressed to Interstate Commerce Commission, Washington, D. C., and shall be accompanied by a letter of transmittal (in duplicate if receipt is desired) listing the schedules, contracts and amendments to contracts enclosed therewith. All postage or other charges must be prepaid.

(d) *Letters of transmittal.* Each transmittal letter shall bear the signature of the person issuing the schedule, except that it may bear the personal signature of the carrier's representative duly authorized to file schedules with the Commission, provided that a properly attested letter of authorization accompanies the letter of transmittal or has previously been submitted and is effective in the Commission's files. At any one time a carrier may have in effect in the Commission's files one and only one such letter of authorization. The Commission may decline to accept for filing any schedule not accompanied by a properly signed letter of transmittal.

(e) *Notice of filing.* (1) Each new rate or charge and each reduced rate or charge, also each new or changed rule, regulation or practice which effects a reduction in rates or charges or which increases the value of the service shall be published in a schdeule which shall be posted and filed with the Commission at its office in Washington, D. C., at least 30 days prior to the effective date of such rate, charge, rule, regulation or practice.

(2) Increased rates or charges and changes in rules, regulations, or practices which effect a decrease in the value of service or increase in a rate or charge, and rates, charges, rules, regulations or practices republished without change, shall be published in a schedule which shall be posted and filed with the Commission at least one day prior to the effective date of such rates, charges, rules, regulations, or practices. See §§ 187.5 (g) and 187.6.

(f) *Schedules must be supported by a true copy of each related contract.* Schedules shall not be published and filed to apply on any commodity or from or to any point or for any service, not covered by contract filed with the Commission, except that a contract carrier may file a schedule of rates covering services for which it has on file with the Commission no schedule in effect or published to become effective at a future date, provided it files therewith a true copy of the contract, or amendment to an existing contract, between the shipper and the carrier for those services.

NOTE: The provisions of this paragraph do not apply to the filings of schedules of carriers transporting only bullion, currency, jewels, or other precious or very valuable articles.

(g) *Posting of schedules.* At its headquarters or general offices every contract carrier shall keep available for public inspection a complete file of all its effective schedules. Upon request assistance shall be furnished to anyone seeking information from those schedules.

§ 187.5 *Form and content of schedules*—(a) *Form of schedule.* A schedule shall be filed in book or pamphlet form. It shall be plainly printed, mimeographed, planographed, stereotyped, or reproduced by other similar durable process on paper of good quality of size 8 by 11 inches. It shall contain no alteration or erasure. A margin of not less than five-eighths of an inch with no printing thereon shall be provided on the binding edge of each page.

(b) *Numbering of schedules.* Schedules other than supplements shall bear consecutive MF-I. C. C. numbers beginning with MF-I. C. C. No. 1 or continuing

with the next consecutive MF-I. C. C. number in the same series of schedules.

(c) *The number assigned to a schedule which has been rejected may not be used again.* The rejected schedule may not be referred to in any subsequent schedule as having been cancelled, amended or withdrawn, but the schedule published in its stead shall bear the following notation:

Issued in lieu of (here identify the rejected schedule) rejected by the Interstate Commerce Commission.

(d) *Title page.* The first (front or top) page of a schedule shall be prepared as a title page showing in the upper right-hand corner its MF-I. C. C. number and immediately thereunder notice of cancelation specifying the number of any schedules being canceled thereby.

(e) *Name of carrier.* On the upper central part of the title page shall appear the name of the issuing carrier exactly as it is shown in the carrier's permit, and the number of that permit.

(f) *Application of schedule.* Below the carrier's name and permit number shall be shown, following the words "Contract Carrier Schedule of Actual Rates and Charges Applying On" or "Contract Carrier Schedule of Minimum Rates and Charges Applying On", whichever is more appropriate, a short, specific description of the commodity or commodities covered by the schedule (or the word "Commodities" where the articles covered are too numerous to list); and a brief description of the territories within which or points from, to, or between which the schedule applies.

(g) *Issued and effective dates.* On the lower left-hand side of the title page shall be shown the date of issue and on the lower right-hand side the date on which the schedule is to become effective. Schedules which contain new or changed rates or other provisions effective on more dates than one shall show a general (title page) effective date not earlier than 30 days subsequent to the date on which the schedule is filed with the Commission, followed by a notation reading substantially as follows: "except as otherwise provided on page (here give reference to the page or pages on which new or changed rates or other provisions are shown as becoming effective on dates other than the general effective date of the schedules)".

(h) *Issuing officer.* At the bottom of the title page below the issued and effective dates shall be shown the name, title and mail address of the owner, representative or officer of the carrier by whom the schedule is issued. The title "agent" may not be used.

(i) *Table of contents.* Immediately after title page shall be published a table of contents arranged in alphabetical order to indicate the page on which each subject is treated. If the schedule contains so small a volume of matter that its title page and interior arrangement plainly disclose its contents, the table of contents may be omitted.

(j) *Index of commodities.* Next shall be provided a complete alphabetical index of commodities indicating the number of the page on which rates or charges on each commodity will be found.

(k) *Index of points.* Following the index of commodities a schedule naming specific points shall publish an index showing those points, the states in which they are located and the page or pages on which each point is named.

(l) *Rules.* Rules and other provisions affecting rates and charges shall be published following the index of points. Each rule and other governing provision must be designated as an "item", and be given a separate "item" number; portions which can be understandingly read without recourse to the whole and "exceptions" to the general application of a rule or other such provision may be published in separate paragraphs and such paragraphs may be given subnumbers or letters.

(m) *Commodity descriptions.* The commodity or commodities upon which rates are to apply should be described in an orderly manner and as specifically as conditions permit. Exceptional care should be exercised so that descriptions will not be so general as to embrace articles not intended to be covered.

(n) *Rate tables.* Rate tables shall follow commodity descriptions and shall name the commodities on which the rates apply, or make reference to pages or items listing those commodities. As far as practicable rate tables shall show points of origin or destination alphabetically. If desired, points in any one state may be shown in a separate alphabetical list and the several state lists arranged alphabetically by states.

(o) *Multiple minimum-quantity rates.* Different rates based on different minimum quantities may be published provided the schedule shows clearly in connection with such provisions whether the lowest charge obtainable under the different rates and minimums applicable thereto (or actual quantities, if greater) will be applied, or whether the provisions will be applied in some different, explicitly stated manner.

(p) *Mixed shipments.* Rates may be established on different articles for mixed quantity shipments. Minimum quantities should be specified together with a statement in connection with the commodity description that the rates apply on mixed quantity shipments. Such rates may also be made applicable upon straight shipments of one or more or all of the articles by a provision to that effect in connection with the commodity description. When more than one article is included in an item or commodity description, the schedule should state whether or not the rates apply on straight or mixed shipments or both.

(q) *Changes must be indicated.* Schedules must indicate any change thereby made in existing rates or rules, regulations, practices or other provisions by use of the reference marks specified for the purpose in paragraph (r) of this section.

(r) *Uniform reference marks.* All schedules shall indicate changes made in existing rates, rules, regulations, practices or other provisions by use of the following uniform symbols in connection with those changes:

↓ to denote reductions.
◆ to denote increases.
▲ to denote changes which result in neither reductions nor increases in charges.

(s) *Explanation of abbreviations and reference marks.* At the end of each schedule there shall appear an Explanation of Abbreviations, followed by an Explanation of Reference Marks. Under the Explanation of Abbreviations shall appear an explanation of all abbreviations used in the schedule, except that commonly used abbreviations of state names or parts of names of companies, places or addresses may be omitted. Under the Explanation of Reference Marks shall appear an explanation of all characters, symbols or reference marks used in the schedule, except reference marks, characters or symbols which are explained on the page or pages of the schedule on which they appear.

(t) *Distance rates.* Schedules carrying rates dependent on mileages or distances for their application shall publish those distances between points or provide a simple definite method for determining them.

(u) *Supplements.* A change in or addition to a schedule shall be known as an amendment, and shall be published in a supplement. Supplements shall be numbered consecutively and shall carry the same MF-I. C. C. number as the schedule amended. Each supplement shall specify on its title page the supplement or supplements or schedule which it cancels, and shall also list by their numbers the supplements containing effective changes from matter published in the originally filed schedule. The matter contained in each supplement shall be arranged in the same general manner and order as the schedule which it amends. The following is the maximum number of effective supplements permitted to any one schedule:

16 pages or less—2 supplements.
17 pages or more—3 supplements.

In addition to the above, schedules of 17 or more pages may have one additional supplement of not exceeding 4 pages. Supplements announcing adoptions or suspension effected by orders of the Commission will not be counted in computing the allowable number of supplements.

(v) *Explosive and dangerous articles.* Schedules which contain rates for the transportation of explosives or other dangerous articles must also contain the rules and regulations promulgated by the Commission governing the transportation thereof, or must bear specific reference to the MF-I. C. C. number of a separate publication which contains such rules and regulations.

(w) *Item amendment.* When an amendment is made in a numbered item, such item shall be published in the supplement in its entirety as amended. The revised item showing the amended provision should be given the same item number with a letter suffix; for example: Item 40–A cancels Item 40; Item 40–B cancels Item 40–A; and so on. When any rate or other provision contained in an

item designated by an item number is amended, resulting in the cancellation of all or a portion thereof, the cancelled matter shall not be reproduced in the new item effecting the cancellation except to the extent necessary to identify the item.

§ 187.6 *Applications for special permissions.* (a) Reductions in rates and charges and establishment of new rates and charges on less than statutory notice; waiver of requirements of the regulations in this part. The act authorizes the Commission in its discretion and for good cause shown to permit reductions in or the establishment of new rates or charges on less than statutory notice, and also to permit departure from the Commission's regulations. This authority will be exercised only in cases where actual emergency and real merit are shown. Commercial competition or the desire to meet the rates of a competing carrier that has given statutory notice for reduced rates or for the establishment of new rates and charges will not of itself be regarded as cause for permitting changes in rates or other provisions on less than statutory notice. Clerical or typographical errors in schedules constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the error, together with a full statement of the attending circumstances and must be presented with reasonable promptness after publication of the defective schedule.

(b) Applications shall be submitted in duplicate on paper 8 by 11 inches in substantially the form shown below and shall furnish all pertinent information. They should be numbered consecutively and must bear the signature and title of the owner or of an officer or duly authorized representative of the carrier.

Form of application:

(Address)

(Date)

To the Interstate Commerce Commission,
Washington 25, D. C.

Application No. ------

---,
(Name of carrier)

by ---
(Name of officer, specifying title)

does hereby petition the Interstate Commerce Commission that he (it) be permitted, under section 218 of the act, to put in force the following provisions to become effective ------ days after the filing thereof with the Interstate Commerce Commission.

(Here show matter as directed by paragraph (d) of this section).

Your petitioner further represents that the said, (state whether rates, charges, or other provisions) above mentioned will be published in (here show matter as directed by paragraph (e) of this section).

1. (Here state matter as directed by paragraph (f) of this section).

2. (Here state matter as directed by paragraph (g) of this section).

3. (Here show justification as directed by paragraph (h) of this section).

(Name of carrier)

By ---
(Name and title)

Verification: [1]

The above statement was subscribed and sworn to before me this ------ day of ---------- 19--.

(Notary Public)

(c) Partial use of authority prohibited: The authority granted by special permission, if used, must be used in its entirety and in the manner set forth in the order of special permission. If it is not desired to use all of the authority granted, and less or more extensive or different authority is desired, a new application complying with the provisions of this rule in all respects and referring to the previous permission must be filed.

(d) The proposed provisions shall be set forth clearly and completely in the application. An accompanying exhibit may be used if identified by letter, such as "Exhibit A", and so referred to in the application. If the proposed provisions consist of rates, all points of origin and destination must be shown or definitely indicated; if permission is sought to establish a rule, the exact wording of the proposed rule must be given.

(e) The application shall show MF–I. C. C. numbers of the schedules in which the proposed rates, rules or other provisions will be published. If publication is to be made in schedules already referred to, that shall be stated.

(f) The application shall set forth the rates or provisions which it is desired to change. Where the matter to be shown is voluminous or for other reasons difficult of presentation, it shall be included in an accompanying exhibit, properly identified and referred to in the application. Reference shall be made by MF–I. C. C. number, supplement number and item or page number to the schedules in which rates or provisions to be superseded are published. The extent to which cancellations will be made must be definitely indicated.

(g) Applications should name the carriers, and specify by I. C. C. or MF–I. C. C. number the schedules or tariffs maintaining corresponding rates or other provisions. Applications should also state whether those carriers have been notified of the applications, including any short-notice features. Applications to establish on less than thirty days' notice schedules to cover temporary operating authority granted under the authority of section 210a of the act should show that common carriers or their tariff publishing agents as well as contract carriers maintaining corresponding rates or other provisions have been advised of the proposals. All applications shall state what objections or other views have been expressed by the carriers so notified. The Commission must obtain information of the types mentioned before acting upon requests for tariff-circular relief or short notice; and applications will be handled with materially more speed when the carriers in filing their applications are careful to furnish the facts requested.

(h) Applications shall state the special circumstances or unusual conditions relied upon as justifying the requested permission, together with any related facts or circumstances which may aid the Commission in determining whether the requested permission is justified. If permission to establish provisions on less than statutory notice is sought, the petitioner shall state why the proposed provisions could not have been established upon thirty days' notice.

§ 187.7 *Power of attorney.* (a) The forms set forth in this section shall be used by a contract carrier of property to give authority to an agent to publish distance tariffs and supplements thereto or tariffs and supplements thereto naming rules and regulations as promulgated by the Interstate Commerce Commission to govern the transportation of explosives and other dangerous articles. See § 187.6 (b).

(b) This form shall be used to authorize an individual to act as agent:

POWER OF ATTORNEY

MFA 4 No. ------
cancels
MFA -- No. ------

(Name of carrier)

(Post office address)

---, 19--

Know all men by this instrument:

That [Name of granting carrier—see paragraph (d) of this section], a contract carrier of property by motor vehicle, does (do) hereby make, constitute and appoint [Name of principal agent] attorney and agent to publish and file for such carrier [Here specify affirmatively the precise authority given to the agent; that is, either distance tariffs and supplements thereto or tariffs and supplements thereto naming rules and regulations as promulgated by the Interstate Commerce Commission to govern the transportation of explosives and other dangerous articles or both] as permitted or required of contract carriers by motor vehicle under the authority of Part II of the Interstate Commerce Act and the regulations of the Interstate Commerce Commission issued pursuant thereto and does (do) hereby ratify and confirm all that said attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failures to act of said attorney and agent.

And, further, that [Name of granting carrier—see paragraph (d) of this section] does (do) hereby make and appoint [Name of alternate agent] alternate attorney and agent to do and perform the same acts and exercise the same authority herein granted to [Name of principal agent] in the event and only in the event of the death or disability of [Name of principal agent].

(Name of carrier)

By ---
(See paragraph (e), this section)

Attest (if a corporation):

(Secretary)

[CORPORATE SEAL]

Duplicate mailed to ----------, Agent.

(c) This form shall be used to authorize a corporation or association (see paragraph (g) of this section) to act as agent:

[1] Only the original need be executed.

POWER OF ATTORNEY

MFA 5 No. ------
cancels
MFA -- No. ------

(Name of carrier)

(Post office address)

---, 19--

Know all men by this instrument:

That [Name of granting carrier—see paragraph (d) of this section], a contract carrier of property by motor vehicle, does (do) hereby make, constitute and appoint [Name of agent] attorney and agent to publish and file for such carrier [Here specify affirmatively the precise authority given to the agent; that is, either distance tariffs and supplements thereto or tariffs and supplements thereto naming rules and regulations as promulgated by the Interstate Commerce Commission to govern the transportation of explosives and other dangerous articles or both] as permitted or required of contract carriers by motor vehicle under the authority of Part II of the Interstate Commerce Act and the regulations of the Interstate Commerce Commission issued pursuant thereto and does (do) hereby ratify and confirm all that said attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failures to act of said attorney and agent.

(Name of carrier)

By ---
(See paragraph (e), this section)

Attest (if a corporation):

(Secretary)

[CORPORATE SEAL]

Duplicate mailed to ----------, Agent.

(d) Full and correct carrier name to be shown: In the space for the name of the carrier in Forms MFA 4 and MFA 5, there must be shown, if the carrier is an individual, the individual name followed by the trade name, if any. If the carrier is a partnership, the correct names of all partners must be given followed by the trade name, if any. If the carrier is a corporation, the correct corporate name must be used. (See paragraph (e) of this section.)

(e) Persons who may sign powers of attorney: If the carrier is an individual, the power of attorney must be signed by the individual. If a partnership, the power of attorney must be signed individually by each partner. If the carrier is a corporation, the power of attorney must be signed by the president or a vice president, attested by the secretary of the corporation, and the corporate seal shall be affixed. In all cases, the name of the carrier must be identical with the name as it appears in the permit issued by the Commission.

(f) Type of publication to be specified: The power of attorney shall specify whether the agent designated therein shall publish a distance tariff or a tariff of rules and regulations governing the transportation of explosives and other dangerous articles.

(g) Agents, who may be: Agents may be natural persons, corporations, or unincorporated associations whose articles of association (or other form of agreement) have been approved by the Commission in a proceeding pursuant to the provisions of section 5a, Part I of the act. An officer or employee of an incorporated tariff publishing agent may not act as agent in his individual capacity for the publication of tariffs.

(h) Revocation of powers of attorney. A power of attorney may be revoked upon not less than sixty days' notice to the Commission by filing a notice of revocation with the Commission, serving at the same time a copy thereof on the agent in whose favor such power of attorney was executed. Such notice shall not bear a separate serial number, but shall specify the form and number of the power of attorney to be revoked, shall name the agent and alternate agent, if any, in whose favor the power of attorney was executed, shall specify a date upon which revocation is to become effective, which must not be less than sixty days subsequent to the date of its receipt by the Commission and shall be executed in the following manner on paper of good quality, size 8 by 11 inches:

REVOCATION NOTICE

(Name of carrier)

(Post office address)

---, 19--

Know all men by this instrument:

Effective ----------, 19--, power of attorney MFXA ------, No. ------, issued by

---
(Name of carrier)

in favor of ---
(Name of agent and of alternate, if any)

is hereby canceled and revoked.

(Name of carrier)

By ---
(See paragraphs (d) and (e) of this section)

Attest (if a corporation):

(Secretary)

[CORPORATE SEAL]

Duplicate mailed to ---
(Name of agent)

(Address)

(Date)

§ 187.8 *Change of name or transfer of entire operation.* (a) Adoption notice: When the name of a contract carrier is changed or when its operating control is transferred to another contract carrier, the carrier which will thereafter operate the properties shall file with the Commission and post an adoption notice numbered in its MF–I. C. C. series reading as follows:

The ---------- (name and doing business as, if any, of the adopting carrier) hereby adopts, ratifies and makes its own, in every respect as if the same had been originally filed and posted by it, all schedules, powers of attorney and other instruments whatsoever filed with the Interstate Commerce Commission by, or heretofore adopted by, the ---------- (name and doing business as, if any, of the old carrier) prior to ---------- (date).

(b) In addition to the adoption notice, the new carrier shall immediately file with the Commission and post a consecutively numbered supplement to each of the effective schedules issued or adopted by its predecessor reading as follows:

Effective ---------- (here insert date shown in the adoption notice) this schedule, or as amended, became the schedule of ---------- (name and doing business as, if any, of the new carrier) as per its adoption notice MF–I. C. C. No. ------.

(c) Succeeding supplements to such schedules filed by the adopting carrier shall be numbered consecutively following the number of the adoption supplement.

(d) As soon as practicable a schedule adopted in its entirety shall be republished in the series of the adopting carrier. The notice directing its cancelation shall identify it by reference to its MF–I. C. C. number and to the series in which it was issued. Any schedule not so reissued prior to its second adoption shall immediately thereafter be republished in the series of the second adopting carrier.

§ 187.9 *Transfer of part of an operation.* (a) When the operating control of a contract carrier's properties is transferred in part to another contract carrier, the old carrier shall issue a supplement to each of its affected schedules upon 30 days notice carrying this cancellation notice:

Effective ---------- (date) the rates, charges, rules and regulations in this schedule are withdrawn and canceled insofar as they apply ---------- (here describe the operations transferred). For rates, charges, rules and regulations to apply see schedule MF–I. C. C. No. ------, issued by (name and doing business as, if any, of the new carrier). Note—whenever necessary the term, "minimum rates", shall be substituted for the term, "rates", in this notice.

(b) The new carrier shall issue and file at the same time, to become effective on the same date, a schedule or schedules establishing on 30 days' notice rates, rules and regulations in lieu of those withdrawn by the old carrier.

§ 187.10 *Assumption of operating control by a receiver.* Adoption notices similar to those prescribed in § 187.8, but numbered consecutively in the MF–I. C. C. series of the old carrier, must immediately be filed by a receiver when he assumes full possession and operating control of a carrier's lines, and must show the name of the receiver on the title page in connection with the carrier name. When such possession and operating control are terminated, the carrier taking over the properties in their entirety shall file an adoption notice, and if a change in the name of the carrier has been made, shall also file supplements as prescribed in § 187.8.

NOTE: As used in §§ 187.10 and 187.11, the term "receiver" means a receiver, trustee, executor, administrator, assignee, or other similar party.

§ 187.11 *General instructions.*[1] (a) Notices of adoption shall be filed with the Commission immediately and if possible on or before the date shown therein. Copies shall be sent to each agent to which power of attorney has been given by the old carrier. The effective date must be the date (as shown in the body of the notice) on which the change in

[1] See note in § 187.10.

name or operation occurs, except that if prior approval by the Commission of such change is required, the effective date shown shall not antedate that approval.

(b) Powers of attorney: Powers of attorney adopted by a receiver or other carrier shall, within 120 days, be replaced and superseded by new powers of attorney issued by, and numbered in the series of the receiver or other new carrier, except that a receiver may number powers of attorney in the old series (see also § 187.12). The cancellation reference to the former power of attorney must include the name or initials of the former issuing carrier. Powers of attorney which will not be replaced by new issues shall be regularly revoked on the notice and in the manner prescribed by § 187.7.

(c) Adoption notices and special supplements issued under the authority of §§ 187.8 to 187.11, shall contain no other matter.

§ 187.12 *Temporary operation of contract carrier properties.* (a) When temporary authority to take over the operating control of all or a portion of the operations of a contract carrier is granted pursuant to the provisions of section 210a (b) of the act, the new carrier that assumes temporary control of the operations of the old carrier shall, except as provided in paragraph (b) of this section, comply with the provisions of §§ 187.8, 187.9 and 187.11.

(b) New powers of attorney to be in series of old carrier. The new carrier is not required to reissue the adopted powers of attorney during the period of temporary control of the operations of the old carrier. New powers of attorney authorizing the publication of provisions applicable from or to points included in the temporarily controlled operations shall be in the series of the old carrier; for example:

MFXA 2 No. 6 (Roe's Trucking Series)

John Doe Transport, Inc., Operator of Richard Roe d/b/a Roe's Trucking (Post Office Address).

(c) Publications of the new carrier to be in its name as operator of the old carrier. Changes in schedules of rates, minimum rates, charges or provisions relating thereto, applying from, to, or between points in the temporarily controlled operations shall be published and filed in the name of the new carrier as operator of the old carrier and numbered in the series of the old carrier. For example, if John Doe Transport, Inc., assumes temporary control of the operations of Richard Roe, d/b/a Roe's Trucking, the title page of schedules must show the I. C. C. number and name of the carrier in substantially the following manner:

MF-I. C. C. No. 17 (Roe's Trucking Series)

John Doe Transport, Inc., Operator of Richard Roe d/b/a Roe's Trucking.

(d) Adoption notice to be filed when permanent authority is granted to take over temporarily controlled operations. When permanent authority to take over the temporarily controlled operation is granted pursuant to the provisions of section 5 of the act, the new carrier shall file an adoption notice and otherwise comply with provisions of §§ 187.8, 187.9 and 187.11.

(e) Adoption notice to be filed when temporary authority ends. If the temporary authority to assume operating control of the old carrier is discontinued or vacated, the old carrier must file an adoption notice and otherwise comply with §§ 187.8, 187.9 and 187.11. The effective date to be shown in the adoption notice and adoption supplements is the date on which the new carrier's temporary authority to operate the properties of the old carrier expires or is vacated.

[F. R. Doc. 58-5540; Filed, July 21, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 957]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 957.211 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and this part to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending May 31, 1959, will amount to $30,000.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 98 and this part, shall be sixty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and this part.

(49 Stat. 753, as amended, 7 U. S. C. 608c)

Dated: July 17, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5592; Filed, July 21, 1958; 8:50 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 167-58]

ORGANIZATIONS DESIGNATED IN CONNECTION WITH FEDERAL EMPLOYEE SECURITY PROGRAM

REMOVAL OF CERTAIN ORGANIZATIONS FROM LIST

Order No. 12-53 of the Attorney General dated April 29, 1953, published at 18 F. R 2741-42 which concerned in part the designation of the following organizations pursuant to Executive Order No. 10450 in connection with the Federal employee security program is hereby rescinded insofar as it pertains to these organizations, and said organizations are removed from the list of organizations designated pursuant to Executive Order No. 10450:

Independent Socialist League.
Socialist Youth League.
Workers Party.

WILLIAM P. ROGERS,
Attorney General.

JULY 18, 1958.

[F. R. Doc. 58-5628; Filed, July 21, 1958; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

HELLS CANYON PROJECT, OREGON

ORDER OF REVOCATION

JUNE 20, 1958.

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416), and pursuant to Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental order dated April 12, 1951, insofar as said order affects the following-described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

WILLAMETTE MERIDIAN

T. 12 S., R. 45 E.,
Sec. 11, E½SE¼;
Sec. 12, NW¼SW¼.

The areas described aggregate 120 acres.

FLOYD E. DOMINY,
Associate Commissioner.

[Oregon 05958]

JULY 15, 1958.

I concur.

The lands except the NE¼SE¼, are withdrawn in Power Site Classification No. 423, of November 30, 1951. All the lands have been classified for disposal under the act of June 14, 1926 (44 Stat. 741; 43 U. S. C. 869) as amended, and will not be subject to appropriation under any other public land law unless the classification is revised.

CHARLES P. MEAD,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 58-5574; Filed, July 21, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

ORGANIZATION, FUNCTIONS, AND AUTHORITIES

ASSIGNMENT OF FUNCTIONS

The notice of organization, functions, and authorities of the Agricultural Research Service (22 F. R. 2679), as amended, is further amended as follows:

Section II A on page 2679 entitled "Assignment of functions" is amended by the addition of the following as a numbered paragraph 14:

14. All administrative functions on behalf of the Secretary relating to radiological safety within the Department, including control of the acquisition, use and disposition, from the standpoint of radiological safety, of all materials and equipment which are sources of actual and potential radiation hazard.

Done at Washington, D. C., this 17th day of July 1958.

[SEAL] E. T. BENSON,
Secretary.

[F. R. Doc. 58-5593; Filed, July 21, 1958; 8:50 a. m.]

Office of the Secretary

FEDERAL-STATES RELATIONS; AGRICULTURAL RESEARCH SERVICE

ASSIGNMENT OF FUNCTIONS

The statement of delegations of authority and assignment of functions (19 F. R. 74), as amended, is further amended by adding at the end of section 200 the following paragraph n:

n. All administrative functions on behalf of the Secretary relating to radiological safety within the Department, including control of the acquisition, use and disposition, from the standpoint of radiological safety, of all materials and equipment which are sources of actual and potential radiation hazard.

Done at Washington this 17th day of July 1958.

[SEAL] E. T. BENSON,
Secretary.

[F. R. Doc. 58-5599; Filed, July 21, 1958; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[File 23-483]

FIRMA LEO SAVELSBERG, FELDSAATEN-GROSSHANDLUNG

ORDER DENYING EXPORT PRIVILEGES FOR AN INDEFINITE PERIOD

In the matter of Leo Savelsberg, doing business under the firm name and style of Firma Leo Savelsberg, Feldsaaten-Grosshandlung, 21 Durenerstrasse, Julich, Rhineland, Germany, Respondent; File 23-483.

There is pending an investigation concerning certain exportations of seed from the United States and the indicated unauthorized transshipment and diversion thereof to unauthorized destinations including the Communist sector of Berlin, which investigation is concerned also with the conduct of the respondent, Leo Savelsberg, doing business under the firm name and style of Firma Leo Savelsberg, Feldsaaten-Grosshandlung, insofar as such conduct might have been related to the purchase and subsequent transshipment and diversion of all or a portion of such seed; and the Director, Investigation Staff, Bureau of Foreign Commerce, U. S. Department of Commerce, has applied for an order denying to said respondent all export privileges for an indefinite period by reason of his failure and refusal to respond to written interrogatories duly served on him. The application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, CFR) and, in accordance with the practice thereunder, was referred to the Compliance Commissioner of the Bureau of Foreign Commerce who, after considering evidence in support thereof, has recommended that it be granted.

Now, upon receipt of the Compliance Commissioner's recommendation, after reviewing and considering the evidence submitted in support of the application, in which evidence it appears (1) that the respondent, during the course of his business, became informed and knew that the American seed acquired by him was prohibited by the Department of Commerce from being transshipped to Soviet destinations, (2) that, having such knowledge, he nevertheless sold to and caused a portion of such seed to be delivered to a purchaser in the Communist sector of Berlin, and (3) that material interrogatories were duly served on him to which he has failed, omitted, and refused to respond without reasonable cause and without adequate explanation and, having concluded further (a) that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended, and (b) that it is advisable that persons in the United States and in other parts of the world be informed by publication of this order of the provisions hereafter set forth so that the respondent may be prevented from receiving and transshipping commodities exported from the United States so long as it is effective: *It is hereby ordered:*

I. All outstanding validated export licenses in which the respondent, Leo Savelsberg or his company, Firma Leo Savelsberg, Feldsaaten-Grosshandlung, appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. The respondent, his firm, successors or assigns, partners, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any past, present, or future exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondent's and such other persons' and firms' participation (a) as parties or as representatives of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

III. This denial of export privileges shall apply not only to the respondent, but also to any person, firm, corporation, or business organization with which he now or hereafter may be related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

IV. This order shall remain in effect until the respondent satisfactorily answers or furnishes written information or documents in response to the interrogatories heretofore served on him or gives adequate reason for his failure or refusal to respond, except insofar as it may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, or other business organization, within the United States or elsewhere (whether or not engaged in trade relating to exports from the United States) shall, on behalf of or in any association with the respondent or any related party, without prior disclosure of the facts to and specific authorization from the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, or do any of the foregoing acts with respect to any exportation in which respondent or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

VI. In accordance with the provisions of § 382.11 (c) of the Export Regulations, the respondent may move, at any time prior to the cancellation or termination hereof, to vacate or modify this indefinite denial order by filing an appropriate application therefor, supported by evidence, with the Compliance Commissioner, and he may request oral hearing thereon, which, if requested, will be held before the Compliance Commissioner at Washington, D. C., at the earliest convenient date.

Dated: July 16, 1958.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 58-5584; Filed, July 21, 1958; 8:48 a. m.]

Office of the Secretary

[Dept. Order 85, Amdt. 3]

BUREAU OF THE CENSUS

ORGANIZATION AND FUNCTIONS

JULY 10, 1958.

The material appearing in 20 F. R. 492-494 of January 21, 1955; 21 F. R. 6720 of September 6, 1956; and 22 F. R. 9446-9447 of November 26, 1957, is further amended as follows:

The purpose of this amendment is to establish, on a temporary basis through 1962, a Decennial Operations Division to handle the processing of Population and Housing Census returns. This Division will have responsibility for all population and housing clerical processing activities. Department Order No. 85, as amended, is further amended as follows:

1. Sections 2.02 as it relates to the Assistant Director for Demographic Fields and 5.04 are amended by the addition of the Decennial Operations Division.

2. The following new section 5.04 4 is added:

4. Decennial Operations Division formulates processing plans and procedures and processes statistical data relating to general population characteristics, labor force characteristics, and housing characteristics collected in the 1960 Decennial Censuses of Population and Housing; and maintains a system of reports to assure adherence to stipulated standards of quality, cost, and progress.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-5585; Filed, July 21, 1958; 8:49 a. m.]

ROBERT W. NISSEN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of July 25, 1956, 21 F. R. 5596; January 23, 1957, 22 F. R. 461; July 23, 1957, 22 F. R. 5346; January 22, 1958, 23 F. R. 403.

A. Deletions: Permo Gas & Oil Pfd., Safety Industries, General Tire.
B. Additions: None.

This statement is made as of July 6, 1958.

ROBERT W. NISSEN.

JULY 7, 1958.

[F. R. Doc. 58-5570; Filed, July 21, 1958; 8:46 a. m.]

R. CHESTER REED

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of January 18, 1956, 21 F. R. 340; July 20, 1956, 21 F. R. 5463; January 15, 1957, 22 F. R. 293; July 23, 1957, 22 F. R. 5846; January 25, 1958, 23 F. R. 517.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 4, 1958.

R. CHESTER REED.

JULY 7, 1958.

[F. R. Doc. 58-5572; Filed, July 21, 1958; 8:46 a. m.]

RAY E. HIGGINS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Ray E. Higgins.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: July 11, 1958.

4. Title of position: Chief, Carbon and Alloy, Semi-Finished, Rail, Structural, Bars and Wire Branch.

5. Name of private employer: Tennessee Coal and Iron Division, United States Steel Corporation, Fairfield, Alabama.

CARLTON HAYWARD,
Director of Personnel.

JUNE 13, 1958.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interests.

United States Steel Corporation.
Armco Steel Corporation.
Bank deposits.

RAY E. HIGGINS.

JULY 14, 1958.

[F. R. Doc. 58-5571; Filed, July 21, 1958; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

BARRANCA MESA, LOS ALAMOS COUNTY, NEW MEXICO

DELEGATION OF AUTHORITY WITH RESPECT TO ESTABLISHMENT OF A RESIDENTIAL AREA AND SALES OF BUILDING LOTS IN SUCH AREA

I hereby affirm that pursuant to authority of section 161 (e) and (g) of the Atomic Energy Act of 1954, as amended, 42 U. S. C. 2201 (e) and (g), the following delegation of authority was issued as set forth below by K. E. Fields on May 14, 1958.

Dated: July 15, 1958.

PAUL F. FOSTER,
General Manager.

I hereby delegate to the Manager, Los Alamos Area Office, the following authority with respect to establishment of a residential area on Barranca Mesa, Los Alamos County, New Mexico, and to sales of building lots in such residential areas.

a. To select an area in Los Alamos County, New Mexico, to be identified as Barranca Mesa Subdivision No. 1.

b. To execute and record in the record books of the local government a subdivision plat of Barranca Mesa Subdivision No. 1, Los Alamos County, New Mexico, and in such subdivision plat to dedicate areas to the use of the public with the retention of such easements in dedicated areas as he deems appropriate.

c. To cooperate with other agencies of the Federal Government in establishing standards for the subdivision, and to make formal agreement with such agencies as to the following of such standards.

d. To prepare such protective covenants insuring the quality of Barranca Mesa Subdivision No. 1 as he deems appropriate and to execute and record such protective covenants in the record books of the local government.

e. To prepare, execute, and record in the record books of the local government a document embodying a guarantee to sell to record owners of building lots utilities in accordance with delegation of authority dated March 10, 1958, from the General Manager, U. S. Atomic Energy Commission, to the Manager, Los Alamos Area Office.

f. To sell and convey the Government's interest in any lot in Barranca Mesa Subdivision No. 1, to fix the sale price of each lot in such subdivision (said price to be not less than the appraised valuation), and to execute sale contracts, deeds, and modifications thereof and other documents in connection therewith.

g. To prepare, execute, and record documents, for the revocation, vacation, and withdrawal of the subdivision plat, protective covenants and utilities guarantee from the record books of the local government as may become necessary to accommodate changed conditions. Authority to revoke, vacate, or withdraw the subdivision plat, protective covenants, and utilities guarantee as a result of changed conditions is limited solely to those portions of the subdivision, title to which still remains in the Government.

h. To administer the provisions of deeds and other documents, file documents, make determinations, and take such other action as is necessary or incidental to the establishment of Barranca Mesa Subdivision No. 1, the sale of lots in such Subdivision, and the execution of documents or the administration of the provisions thereof.

Actions heretofore taken consistent with the authorities granted by this delegation are hereby ratified and confirmed.

The authorities granted by this delegation may also be exercised by any person acting in the stead of the above-mentioned official.

Witness my hand this 14th day of May 1958.

K. E. FIELDS,
General Manager,
United States Atomic Energy Commission.

[F. R. Doc. 58-5566; Filed, July 21, 1958; 8:45 a. m.]

[Docket No. 50-103]

AEROJET-GENERAL NUCLEONICS

PROPOSED ISSUANCE OF CONSTRUCTION PERMIT AND FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue to Aerojet-General Nucleonics, San Ramon, California, a construction permit substantially as set forth below unless within fifteen (15) days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). For further details see (1) the application submitted by Aerojet-General Nucleonics, and amendment thereto, and (2) a memorandum by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Notice is also hereby given that if the Commission issues the construction permit, the Commission may without further prior public notice convert the construction permit for Model AGN-211 reactor Serial No. 101 to a Class 104 license authorizing operation of the reactor by Aerojet-General Nucleonics at the company's facilities at San Ramon, California, if it is found that the reactor has been constructed in accordance with the specifications contained in the application, and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission that the granting of such license would not be in accordance with the provisions of the act. The license authorizing operation of the reactor will include a condition that a maximum of 0.2 percent excess reactivity may be present in the reactor with the experimental facilities empty and a maximum of 0.4 percent excess reactivity may be present in the reactor with moderator or fuel in the experimental facilities. Additional Class 104 licenses authorizing operation of Model AGN-211 reactors at a level of 15 watts will not be issued by the Commission until the applicant furnishes the Commission with a report setting forth the measured radiation dose rates during operation of reactor Model AGN-211 Serial No. 101 at 15 watts at the surface of the pool, on the bridge, at the outer surface of the shield, at the console, and at any area where persons may be expected to be located during operation of the reactor.

Dated: July 15, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

By application dated April 7, 1958, and amendment thereto dated May 23, 1958, Aerojet-General Nucleonics, San Ramon, California, requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, authorizing construction and operation of ten nuclear reactors of a type designated by Aerojet-General Nucleonics as Model AGN-211 and referred to as Serial Nos. 101 through 110 (hereinafter referred to as "the reactors") at a maximum power of 15 watts (thermal). The reactors will be semi-portable, plastic core, swimming pool-type, research reactors using uranium enriched to 20 percent in the isotope uranium-235 as fuel. Reference to the application herein will be to the original application as amended.

The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactors will be utilization facilities as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The reactors will be useful in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the act").

C. Aerojet-General Nucleonics is financially qualified to construct and operate the reactors in accordance with the regulations contained in Title 10, Chapter I, CFR.

D. Aerojet-General Nucleonics is technically qualified to design and construct the reactors.

E. Aerojet-General Nucleonics has submitted sufficient information to provide reasonable assurance that the reactors can be constructed at the proposed location without undue risk to the health and safety of the public.

F. Aerojet-General Corporation has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

Pursuant to the act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Aerojet-General Nucleonics to construct the reactors in accordance with the specifications contained in the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest and latest completion dates on each reactor shall be as set forth below. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

AGN Serial No.	Earliest completion date	Latest completion date
101	July 31, 1958	Jan. 1, 1959
102	Aug. 1, 1958	Do.
103	do	June 1, 1959
104	do	Do.
105	do	July 1, 1959
106	do	Do.
107	do	Aug. 1, 1959
108	do	Do.
109	Sept. 1, 1958	Sept. 1, 1959
110	do	Do.

B. The reactors shall be constructed and located at the location in San Ramon, Contra Costa County, California, specified in the application.

Upon completion of the construction of the reactor designated as Model AGN-211, Serial No. 101 in accordance with the terms and conditions of this permit, and upon finding that the reactor authorized has been constructed in conformity with the application and in conformity with the provisions of the act and of the rules and regulations of the Commission, the Commission will issue a Class 104 license to Aerojet-General Nucleonics pursuant to Section 104c of the act, with license shall expire 20 years after the date of this construction permit. Such license shall include, as one of its conditions, a requirement that a maximum of 0.2 percent excess reactivity may be present in the reactor with the experimental facilities empty and a maximum of 0.4 percent excess reactivity may be present in the reactor with moderator or fuel in the experimental facilities.

Date of issuance:

For the Atomic Energy Commission.

Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-5567; Filed, July 21, 1958; 8:45 a. m.]

[Docket No. 50-18]

GENERAL ELECTRIC CO.

ISSUANCE OF FACILITY LICENSE AMENDMENT

Please take notice that the Atomic Energy Commission has issued the following Amendment (No. 6) to License DPR-1 authorizing the General Electric Company as requested in its application for license amendment No. 26 to conduct tests in its Vallecitos Boiling Water Reactor to (1) irradiate two antimony cylinders, (2) evaluate the performance of an automatic reactor pressure control system, and (3) investigate the mechanical performance of a fuel element type designed for use in the first fuel loading of the Nuclear Merchant Ship Reactor (Savannah). The Commission has found that operation of the facility in accordance with the terms and conditions of the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this

amendment is not necessary in the public interest since the conduct of the proposed additional experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the Vallecitos Boiling Water Reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license amendment. For further details, see (1) the application for license amendment submitted by General Electric Company and (2) a hazards analysis of the proposed experiments prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 15th day of July 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[License No. DPR-1 Amdt. No. 6]

AMENDMENT OF UTILIZATION FACILITY LICENSE

In addition to the activities previously authorized by the Commission under License No. DPR-1, as amended, the General Electric Company (hereinafter referred to as the "licensee"), is authorized to perform the tests described as "Irradiation of Lockheed Sources", "Automatic Pressure Regulator Test", and "Operation With Savannah Fuel", in the application amendment No. 26 dated June 20, 1958, in accordance with the procedures and subject to the limitations stated therein.

In performing these tests, the licensee shall comply with the conditions and requirements contained or incorporated in paragraph 4 of License No. DPR-1 as amended.

This amendment is effective as of the date of issuance.

Date of issuance: July 15, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-5568; Filed, July 21, 1958; 8:45 a. m.]

[Docket No. 27-10]

NUCLEAR ENGINEERING CO., INC.

APPLICATION FOR LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICE

Please take notice that an application for a license to provide radioactive waste disposal service for special nuclear material has been filed by Nuclear Engineering Company, Inc., 2600 North Main Street, Walnut Creek, California.

The application specifies that a maximum possession limit of five hundred (500) grams of U-235 contained in uranium, twenty (20) percent enriched in the U-235 isotope.

The applicant proposes to dispose of the wastes in the Pacific Ocean at 123°-18' and 123°30' N. longitude; 37°38' W. latitude and 123°24' and 123°30' N. longitude; 37°43' W. latitude in depths of 1,000 fathoms or greater. The application states that all wastes will be packaged prior to disposal.

The material will be packaged and stored at the Cowell Cement Plant, Cowell, California.

A copy of the application is available for public inspection in the Atomic Energy Commission Public Document Room at 1717 H Street NW., Washington, D. C.

Nuclear Engineering Company, Inc., currently possesses an AEC license which permits disposal of packaged radioactive waste material in the Pacific Ocean. A copy of this license is on file in the Public Document Room.

Dated at Germantown, Md., this 14th day of July 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-5569; Filed, July 21, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9013]

SCANDINAVIAN AIRLINES SYSTEM

NOTICE OF HEARING

In the matter of the application of Scandinavian Airlines System under section 402 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 28, 1958, at 10:00 a. m., e. d. s. t., in Room 1417, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Dated at Washington, D. C., July 17, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc 58 5589; Filed, July 21, 1958; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11997; FCC 58-687]

VARIOUS NON-GOVERNMENTAL SERVICES IN CERTAIN RADIO SPECTRUM

NOTICE OF HEARING ON STATUTORY INQUIRY INTO ALLOCATION OF FREQUENCIES

In the matter of statutory inquiry into the allocation of frequencies to the various non-Governmental Services in the radio spectrum between 25 Mc and 890 Mc; Docket No. 11997.

As indicated in the initial Order of Inquiry in the above-entitled matter released on April 11, 1957, the Commission intends to conduct a fact-finding hearing in this proceeding concerning service allocation needs in that portion of the spectrum between 25-890 Mc. In response to the Commission's initial order, a large number of interested persons have filed comments, and a large number of these have indicated an intention to appear and present evidence at such hearing.

The Commission is, of course, desirous of receiving in evidence all testimony which will be of assistance in its examination and review of basic frequency allocation policies in the light of present and future needs. However, the Commission wishes to avoid prolonging the hearing unduly and to prevent, insofar as possible, the introduction of evidence which will be merely repetitious or cumulative. In order to accomplish this purpose the procedure set forth below will be followed.

All persons desiring to appear and present evidence at the fact-finding hearing shall submit on or before October 1, 1958, the name of each proposed witness and a detailed outline setting forth the substance of the evidence, both oral and written, that each such witness proposes to present. The Commission wishes to emphasize that witnesses will not be permitted to testify concerning matters not included in these statements unless expressly requested by the Commission to do so.

Initially these outlines will be for the use of the Commission counsel only and will not be made available to other parties to the proceeding. An original and four copies of each such outline should be served on the General Counsel of the Commission, and each should be plainly entitled "Statement of Proposed Evidence for Docket No. 11997."

Based upon these statements it will be determined which witnesses will be invited to testify and what testimony and exhibits they will be asked to present. The Commission wishes to urge that, wherever possible, all members of an industry group or association be represented by an industry spokesman or spokesmen. When an industry group is to be represented by an industry spokesman, any member of that industry group who desires to present his own witnesses will be required to show in detail the reasons why such additional representation is necessary, and what the additional evidence will be.

As soon as practicable after October 1, 1958, the Commission will issue a notice designating a firm hearing date. A list of the witnesses selected to testify setting forth the approximate date on which they may expect to appear will also be issued. All such witnesses will be required to submit copies of the actual testimony and exhibits they will present at the hearing prior to the date on which they are scheduled to appear. Details concerning such submissions will be specified in a subsequent notice.

All parties participating in the hearing will be given an opportunity to submit to Commission Counsel suggested questions which they desire to be asked of any of the witnesses at the hearing. However, the selection of questions and all of the questioning, will be by the Commission and Commission Counsel. After all the evidence has been presented the Commission will determine what further proceedings, if any, will be held in this docket.

Dated: July 16, 1958.

Released: July 17, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5587; Filed, July 21, 1958; 8:49 a. m.]

[Docket No. 12440; FCC 58M-773]

MACOMB BROADCASTING CO. (WKAI)

ORDER CONTINUING HEARING CONFERENCE

In re application of The Macomb Broadcasting Company (WKAI), Macomb, Ill., Docket No. 12440, File No. BP-11239; for construction permit.

It is ordered, This 16th day of July 1958, that the prehearing conference now scheduled for July 18, 1958, is continued without date.

Released: July 17, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5588; Filed, July 21, 1958; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15452]

MIDSTATES OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 16, 1958.

Midstates Oil Corporation (Midstates) on June 19, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 17, 1958.
Purchaser: Mississippi River Fuel Corporation.
Rate schedule designation: Supplement No. 7 to Midstate's FPC Gas Rate Schedule No. 7.
Effective date: August 1, 1958 (effective date is the effective date proposed by Midstates).

In support of the proposed increase Midstates states that the scale of prices is beneficial to both buyer and seller since buyer is interested in a long-term commitment of the gas reserves and seller's costs increase with the age of the producing property and depletion of reserve. Also that without such price escalation to provide a relatively uniform net income Midstates would not have entered into such long-term contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Midstate's FPC Gas Rate Schedule No. 7 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Midstate's FPC Gas Rate Schedule No. 7.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 1, 1959 and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5576; Filed, July 21, 1958; 8:47 a. m.]

[1] Supplement No. 4 to Midstates' FPC Gas Rate Schedule No. 7 is now in effect subject to refund in Docket No. G-9174.

[Docket No. G-15252]

SAMEDAN OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 16, 1958.

Take notice that on June 9, 1958, Samedan Oil Corporation, Operator (Applicant), filed in Docket No. G-15252 an application, pursuant to section 7 (b) of the Natural Gas Act, for authorization to abandon service of natural gas to Permian Basin Pipeline Company (Permian) from the Hughes B-3 Lease, Penrose Skelly Field, Lea County, New Mexico, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject service, covered by a sales contract dated September 3, 1954, by and between Applicant and A. A. Kemnitz, non-operator, as sellers, and Permian, as buyer, was authorized by the Commission on September 21, 1956, in Docket No. G-4312.

Applicant states that rapid pressure decline in Well No. 6 located on the Hughes B-3 Lease made delivery into the high-pressure system of Permian impossible and that attempts to deliver gas by means of a booster plant constructed by Permian have proved so costly as to make delivery into Permian's lines wholly and completely uneconomical.

Applicant further states that a representative of Permian advises that Permian is agreeable to the aforesaid abandonment.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 7, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 6, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5577; Filed, July 21, 1958; 8:47 a. m.]

[Docket No. G-11797]

EL PASO NATURAL GAS CO.

NOTICE OF PETITION TO AMEND AND DATE OF HEARING

JULY 16, 1958.

On June 9, 1958, El Paso Natural Gas Company filed a petition to amend the Commission's order issued March 26, 1958, in Docket Nos. G-11797 and G-12580 issuing certificates of public convenience and necessity to El Paso to construct and operate facilities for the

transportation and sale of an additional 185,000 Mcf of natural gas per day.

El Paso desires to delete some of the certificated facilities and to construct and operate other facilities in lieu thereof and to remove from service certain compressor installations in Yuma County, Arizona, all as fully described in the petition which is on file with the Commission and is open to public inspection.

El Paso says that the changes in the facilities for which authority is requested will not result in any change in the total estimated cost in the over-all construction project of Docket No. G–11797 and that the difference which is anticipated to occur in the total direct cost of the project will be borne by the contingency fund provided in the original application in Docket No. G–11797.

The changes in the facilities originally certificated in Docket No. G–11797 and the facilities now proposed in lieu thereof are summarized as follows:

Field facilities—(A) *San Juan Basin.* (a) Delete 28.6 miles of 10 to 16-inch field pipelines authorized to connect certain reserves to the Chaco extraction plant.

(b) Delete conversion and modification of certain compressor cylinders at Applicant's existing Kutz Canyon and Angel Peak compressor stations.

(c) In lieu of the deletions, construct and operate 3,660 additional compressor horsepower, together with appurtenances, at three existing field compressor stations already connected to the Chaco plant, as follows: Ballard, 660 HP., Largo, 2,000 HP., and Lindreth 1,000 HP.

(B) *Permian Basin.* (a) Delete those additions and modifications to Applicant's Jal No. 2 gasoline absorption plant as originally proposed and reduce the additional boiler plant equipment and general structures proposed at Applicant's Jal No. 3 gasoline absorption plant.

(b) In lieu of the deletions and reductions, construct and operate additional fractionating equipment at existing Jal No. 4 plant to process liquid products from the Jal area (this plant will be the central fractionating plant); construct and operate a total of 13.9 miles of 4½-inch and 2⅜-inch liquid product pipelines connecting the various Jal plants, and modify existing facilities at Jal No. 3 and Jal No. 1 gasoline plants, to facilitate the transfer of liquid products to Jal No. 4 plant.

Main line facilities—(A) *Yuma branch pipeline.* (a) Delete a total of 74.0 miles of 10¾-inch pipeline looping an existing 5-inch lateral to the Yuma, Arizona, area.

(b) In lieu of the deletion, construct and operate a total of 79.0 miles of 10¾-inch, 12¾-inch, and 16-inch loop line on the Yuma lateral.

(B) *Compression—San Juan Mainline.* (a) Delete a total of 16,500 additional horsepower certificated for existing Williams, Leupp, and Navajo Compressor Stations and the 20,000 horsepower new compressor station known as Window Rock Station.

(b) In lieu of the deletions, construct and operate a new 10,000 horsepower electric driven centrifugal compressor station to be known as Seligman Compressor Station[1] in Yavapai County, Arizona; 2,400 additional horsepower at Williams and 5,000 additional horsepower at Leupp Compressor Stations; construct and operate a new 17,500 horsepower compressor station to be known as Window Rock Station in unsurveyed lands in the Navajo Indian Reservation in Arizona.

(C) *Main line metering facilities.* Petitioner proposes to construct and operate a new meter station to serve the Axis Power Plant of Arizona Public Service Company near Yuma, Arizona, consistent with the new location of the plant. The original proposal was to meter the gas at the existing Yuma meter station.

(D) *Main line communications equipment.* Additional communications equipment are proposed in this petition to connect the new Seligman Compressor Station to Petitioner's communciation system.

Costs. A comparison of estimated costs for the entire Docket No. G–11797 project as certificated with the entire project as revised, is as follows:

	Total direct cost	General overhead	Contingency	Total cost of project
Revised estimate	$96,864,000	$4,773,000	$3,363,000	$105,000,000
Original estimate	95,454,000	4,773,000	4,773,000	105,000,000

No change in the financing plans as originally proposed will result and Petitioner expects no material change in cost of service from that originally expected. No change in sales volumes or pipeline capacity will result from the changes proposed.

Facilities to be abandoned. Petitioner proposes to remove from service and place in stock for future service elsewhere, the 1050 horsepower of packaged portable compressor units currently in service on the Yuma 5-inch branch line, authorized in Docket Nos. G–2279 and G–10954. The estimated cost of removal is $32,000.

These matters should be disposed of promptly. Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and of the Commission's rules of practice and procedure, a hearing will be held on August 8, 1958 at 9:30 a. m., e. d. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by said petition: *Provided, however,* That after a noncontested hearing, the Commission may dispose of the proceedings pursuant to § 1.30 (c) of the Commission's rules of practice and procedure. Under the procedure provided for herein it will be unnecessary for Petitioner to appear or to be represented at the hearing unless otherwise informed.

Protests, notices and petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 5, 1958. Failure of any party to appear and participate in the hearing will be construed as waiver of intermediate decision proceeding where waiver is requested.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5578; Filed, July 21, 1958; 8:47 a. m.]

[1] This station, with gas turbine driven compressor units, was originally proposed and is still pending in El Paso's Docket No. G–12580. A concurrent petition in that docket requests deletion of the station from that application.

[Docket No. G–13875]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 16, 1958.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation, with its principal place of business in Omaha, Nebraska, filed an application on December 10, 1957, as amended June 2, 1958, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant, by its amended application, seeks authorization to construct and operate a 2,000 horsepower compressor unit for its Redfield, Iowa, station, together with field lines and 14 wells for the purpose of large scale testing of the Mt. Simon formation at its Redfield storage, to determine its feasibility as a gas storage reservoir.

Applicant plans to inject gas initially into Mt. Simon at a rate of 19,000 Mcf per day, increasing to 40,000 Mcf per day when the proposed compressor and field lines are completed and the necessary 4 or 5 wells are available for injection.

Applicant plans a maximum injection rate of 85,000 Mcf per day when the total of 14 wells to be drilled become available for injection. This maximum rate is expected to be reached during the coming summer. An inventory of about 8 billion cubic feet is expected by October 31, 1958. Applicant estimates that with this inventory, about 1 billion cubic feet can be withdrawn for testing purposes during the winter of 1958–59. A total of 25 billion cubic feet is estimated to be reached in 1959.

The total estimated cost of the proposed facilities is $1,866,000. Applicant states that the investment and expenses incurred during the testing operations will not be capitalized until the Mt. Simon formation is utilized to provide additional capacity for its system. Financing of the proposed facilities is to

be carried out with funds on hand or generated by company operations. No additional sales or services are proposed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 5, 1958.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5579; Filed, July 21, 1958; 8:47 a. m.]

[Docket No. G–15454]

UNITED PRODUCING CO., INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 16, 1958.

United Producing Company, Inc. (United) on June 20, 1958, tendered for filing a proposed change in its effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 18, 1958.
Purchaser: Cities Service Gas Company.
Rate schedule designation: Supplement No. 2 to United's FPC Gas Rate Schedule No. 5.
Effective date: July 23, 1958 (effective date is the effective date proposed by United).

In support of the proposed favored-nation increase United cites the contractual covenant and the triggering renegotiated increase of Republic Natural Gas Company for its sale in the same field and county, and submits Cities Service's letter advising as to the triggering increase. United also states that the contract was negotiated at arm's length, the favored-nation provisions were inserted for seller's protection and the increased price is not out of line with other prices being received in the area and to deny same would result in irreparable damage to seller and unjustly enrich buyer.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to United's FPC Gas Rate Schedule No. 5 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to United's FPC Gas Rate Schedule No. 5.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 23, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5580; Filed, July 21, 1958; 8:48 a. m.]

[Docket No. G–14637]

NORTHERN NATURAL GAS PRODUCING CO.[1]

NOTICE OF SEVERANCE

JULY 16, 1958.

Take notice that the application In the Matter of Northern Natural Gas Producing Company in Docket No. G–14637, which has heretofore been consolidated with various other applications in a proceeding entitled: In the Matters of Union Producing Company, Docket Nos. G–14124, et al. and scheduled to be heard therewith at 9:30 a. m., e. d. s. t., on Thursday, July 24, 1958, is hereby severed from said consolidated proceeding and continued to a date to be set hereafter by further notice.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5581; Filed, July 21, 1958; 8:48 a. m.]

[Docket No. G–15453]

HERMAN BROWN

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 16, 1958.

Herman Brown (Brown) on June 23, 1958, tendered for filing a proposed change in its presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Consolidated Gas Utilities Corporation.
Rate schedule designation: Supplement No. 1 to Brown's FPC Gas Rate Schedule No. 3.
Effective date: July 24, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Brown states that the increased price is just and reasonable and to deny same would be discriminatory as other sellers are receiving the same price for gas in the area. Brown submits copies of the letter agreement establishing the 11.0-cent price.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Brown's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 1 to Brown's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 24, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5582; Filed, July 21, 1958; 8:48 a. m.]

[1] Proceeding entitled "In the Matters of Union Producing Company, Docket Nos. G–14124, et al."

GENERAL SERVICES ADMINISTRATION

CHINESE HOG BRISTLES

PROPOSED DISPOSITION OF HOLDINGS IN NATIONAL STOCKPILE

Pursuant to the provisions of section 3 (e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U. S. C. 98b (e), notice is hereby given of a proposed disposition of approximately 1,518,899 pounds of Chinese hog bristles now held in the national stockpile. This quantity is the remaining stockpile inventory of Chinese hog bristles and is in addition to the

2,000,000 pounds covered by the notice of proposed disposition which was published in the FEDERAL REGISTER on December 3, 1955 (20 F. R. 8869).

The Office of Defense Mobilization has made a revised determination, pursuant to section 2 (a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling Chinese hog bristles The revised determination was by reason of obsolescence of Chinese hog bristles for use in time of war and was based upon the finding of the Office of Defense Mobilization that new materials, within the meaning of section 3 (e) (2) of the act, have been developed for the same uses for which Chinese hog bristles were stockpiled.

General Services Administration proposes to sell said bristles either by competitive bidding or at fixed prices established by General Services Administration. The bristles will be offered for sale in lots of varying quantities and composition in order to provide an opportunity to purchase to all consumers and dealers. The bristles will also be made available for transfer to any Federal agency having a need therefor.

It is believed that this plan of disposition will protect the United States against avoidable loss on the sale or transfer of the bristles and also protect producers, processors, and consumers against avoidable disruption of their usual markets.

It is proposed to make the Chinese hog bristles covered by this notice available for sale or transfer after January 22, 1959.

Dated: July 17, 1958.

FRANKLIN FLOETE,
Administrator of General Services.

[F. R. Doc. 58-5623; Filed, July 21, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 5]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 17, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 60941. By order of July 14, 1958, Division 4, approved the transfer to E. M. Tharp Trucking, Inc., Porterville, Calif., of certificates Nos. MC 95476 and MC 95476 Sub 1, issued October 18, 1949, and July 15, 1953, respectively, to Ben Rizzio doing business as Rizzio Truck, Alhambra, Calif., authorizing the transportation over irregular routes of: *Cotton, cotton linters,* and *cotton motes,* in lots of not less than ten tons, from points in California on and within 30 miles of U. S. Highway 99 from Merced to a point 25 miles south of Bakersfield, and those on and within 30 miles of U. S. Highway 60 from Edom to Blythe, to Los Angeles, Wilmington, San Pedro, Terminal Island, and Long Beach, Calif.; *Cotton bale ties* and *cotton bagging,* from Los Angeles, Wilmington, San Pedro, Terminal Island, and Long Beach, to the above-specified origin point; and *Boilers, water heaters and parts,* from Monrovia, Calif., to the Port of Wilmington, Calif., with restrictions. Gerrit Pos, 317 West Main Street, Alhambra, Calif., for applicants.

No. MC-FC 61096. By order of July 16, 1958, the Transfer Board approved the transfer to Geise Transfer & Storage, Incorporated, Olean, New York, of a portion of certificate No. MC 9148, issued January 6, 1954, Eugene Munday, Jr., doing business as Keystone Trucking Company of Bradford, Pa., authorizing the transportation of: Household goods, as defined by the Commission, between points in Pennsylvania within ten miles of Bradford, Pa., including Bradford, on the one hand, and, on the other, points in New York. Albert W. Johnson, 205 Hamlin Bank Building, Smethport, Pa., for applicants.

No. MC-FC 61154. By order of July 16, 1958, the Transfer Board approved the transfer of Creech Brothers Truck Lines, Inc., Troy, Missouri, of certificate No. MC 40757, issued April 1, 1942, to W. H. Creech and Clem W. Creech, doing business as Creech Brothers, Troy, Missouri, authorizing the transportation of general commodities, with exceptions, between Troy, Mo., and East St. Louis, Ill., over regular routes, and livestock, from Troy, Mo., and points within 25 miles of Troy, to National Stock Yards, Ill., to Troy Mo., and points within 25 miles of Troy, and household goods, as defined by the Commission, between Troy, Mo., and points within 50 miles of Troy, on the one hand, and, on the other, points in Illinois and Missouri, over irregular routes. A. A. Marshall, 305 Buder Building, St. Louis 1, Mo., for applicants.

No. MC-FC 61336. By order of July 15, 1958, the Transfer Board approved the transfer to Joseph J. Smisek, Sr., and Joseph J. Smisek, Jr., a partnership, doing business as S & S Transfer, Omaha, Nebr., of a portion of certificate No. MC 981, issued May 20, 1958, to Stephen J. Sawyer and Lawson Goodwin, a partnership, doing business as Able Transportation, Winterset, Iowa, authorizing the transportation of: *Animal and poultry feed, empty bags and sacks, fly spray and mange oil* in cans and drums, and *advertising material* used in connection with the sale and distribution of fly spray, mange oil, and animal and poultry feed, over irregular routes, from Burlington, Wis., to points in 67 Nebraska counties to those in that part of Iowa on and west of U. S. Highway 65 and on and south of U. S. Highway 30; and, to those in that part of Missouri on and west of U. S. Highway 65 and on and north of U. S. Highway 36, with no transportation on return except as otherwise authorized. Francis A. McLane, attorney at law, 4934 South 24th Street, Room 4, Omaha 7, Nebraska, for applicants.

No. MC-FC 61356. By order of July 16, 1958, The Transfer Board approved the transfer to Frank L. Petrella, Philadelphia, Pa., of certificate in No. MC 93228, issued February 6, 1958, to Irvin R. Garber, Philadelphia, Pa., authorizing the transportation of *new furniture,* uncrated, from Philadelphia, Pa., to New York, N. Y., Wilmington, Del., and points in New Jersey, and *chairs* and *porcelain table tops,* from New York, N. Y., to Philadelphia, Pa. W. F. O'Brien, Motor Carriers' Exchange, southeast corner Broad and Spring Garden Streets, Philadelphia 23, Pennsylvania, for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-5586; Filed, July 21, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24S-1586]

TEXAS-AUGELLO PETROLEUM EXPLORATION CO.

ORDER POSTPONING DATE OF HEARING

JULY 15, 1958.

The Commission by order dated April 25, 1958, having ordered a hearing in the above-entitled matter pursuant to section 3 (b) of the Securities Act of 1933, as amended, and Rule 261 thereunder and said hearing being now scheduled to commence on July 28, 1958 at 10:00 a. m., at the Seattle Regional Office; and

Counsel for Texas-Augello Petroleum Corporation and counsel for the Division of Corporation Finance having agreed to a postponement of the hearing to a later date;

It is ordered, That the hearing scheduled to commence on July 28, 1958 be and hereby is postponed to commence August 28, 1958 at 10:00 a. m., in the Seattle Regional Office of the Commission, Room 304, 905 Second Avenue Building, Seattle, Washington, and to continue thereafter at such time and place as the hearing officer may determine.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-5583; Filed, July 21, 1958; 8:48 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[C. C. C. Farm Storage Facility Loan Bulletin, Amdt. 1]

PART 474—FARM STORAGE FACILITIES

SUBPART—FARM STORAGE FACILITY LOAN PROGRAM

AVAILABILITY OF LOANS

The purpose of this amendment is to amend the bulletin setting forth the conditions under which loans will be made to borrowers for purchase or construction of farm storage facilities to provide that loans will be made in the continental United States, including Alaska.

Section 474.722 (a) of the bulletin setting forth the regulations governing loans for purchase or construction of farm storage facilities (23 F. R. 5029) is amended to read as follows:

§ 474.722 *Availability of loans*—(a) *Area.* Loans will be available in any State of the continental United States, and Alaska.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b)

Issued at Washington, D. C., this 17th day of July 1958.

[SEAL] CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 58-5622; Filed, July 22, 1958; 8:50 a. m.]

[C. C. C. Mobile Drier Bulletin, Amdt. 1]

PART 474—FARM STORAGE FACILITIES

SUBPART—PROGRAM TO FINANCE THE PURCHASE OF MOBILE DRYING EQUIPMENT FOR FARM COMMODITIES

AVAILABILITY OF LOANS

The purpose of this amendment is to amend the bulletin setting forth the conditions under which loans will be made to borrowers for purchase of mobile drying equipment to provide that loans will be made in the continental United States, including Alaska.

Section 474.762 (a) of the bulletin setting forth the regulations governing loans for purchase of mobile drying equipment (23 F. R. 4771) is amended to read as follows:

§ 474.762 *Availability of loans*—(a) *Area.* Loans will be available in any State of the continental United States, and Alaska.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b)

Issued at Washington, D. C., this 17th day of July 1958.

[SEAL] CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 58-5621; Filed, July 22, 1958; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 938—POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

LIMITATION OF SHIPMENTS

§ 938.300 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 135 and Order No. 38 (7 CFR Part 938), regulating the handling of Irish potatoes grown in the Red River Valley of North Dakota and Minnesota effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Red River Valley Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(Continued on p. 5559)

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FEDERAL REGISTER

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(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) Except as otherwise provided in this section, during the period from August 3, 1958, through June 30, 1959, no handler shall ship potatoes of any variety unless such potatoes grade U. S. No. 2, or better, grade, and

(i) If of the round varieties, are 2 inches minimum diameter; or

(ii) If of any other variety, including but not being limited to the long varieties such as Russett Burbank, are 2 inches minimum diameter or 4 ounces minimum weight; or

(iii) Except if they are packed for and meet the requirements of size B for the lot.

(2) Except as otherwise provided in this section, during the period from August 1 through November 1, 1958, no handler shall ship a lot of potatoes if such potatoes are more than "moderately skinned" which means that not more than 10 percent of the potatoes in such lot have more than one-half of the skin missing or "feathered."

(3) The limitations of subparagraph (1) and (2) of this paragraph shall not apply to shipments of certified seed potatoes.

(4) Except as otherwise provided, the various terms, grades and sizes referred to in this section shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 1556 of this title; 23 F. R. 3141) including the tolerances set forth therein; and all other terms used in this section shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 18, 1958, to become effective August 3, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-5642; Filed, July 22, 1958; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING RATES OF ASSESSMENT FOR 1958

On June 10, 1958, a notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 4035) regarding the budget of expenses and the fixing of the rates of assessment for the calendar year 1958, under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus. This regulatory program is effective pursuant to Public Law No. 320, 74th Congress, approved August 24, 1935 (7 U. S. C. 851 et seq.).

The notice provided a period of 30 days for interested parties to file data, views or arguments with the Hearing Clerk. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, it is hereby found and determined that:

Section 131.158 is added to read as follows:

§ 131.158 *Budget of expenses and rates of assessment for the calendar year 1958.*—(a) *Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order (§§ 131.1 to 131.96), for the maintenance and functioning of said Agency during the calendar year 1958, will amount to $44,440.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of $6,254.03 on hand with said Control Agency on January 1, 1958, from assessments collected during the calendar year 1957, leaving a balance of $38,185.97 to be collected during the calendar year 1958.

(b) *Rates of assessment.* Of the amount of $38,185.97 to be collected during the calendar year 1958, the sum of $29,021.34 shall be assessed against handlers who are manufacturers, and $9,164.63 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1958 by each handler who is a manufacturer shall be $19.96 for each ten thousand dollars or fraction thereof of serum and virus sold by such handler during the calendar year 1957 and the pro rata share of such expenses to be paid for the calendar year 1958 by each handler who is a wholesaler shall be $25.00 for the first ten thousand dollars or fraction thereof and $8.80 for each additional ten thousand dollars or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order (§§ 131.1 to 131.96).

(c) *Terms.* As used in this section, the terms "handler", "manufacturer", "wholesaler", "virus", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order (§§ 131.1 to 131.96).

Findings relative to effective date. It is hereby further found that (1) the fiscal year of the Control Agency established pursuant to the provisions of the marketing agreement and the marketing order corresponds to the calendar year, and the current calendar year 1958 is already well advanced; (2) the expenses of operating this regulatory program since January 1, 1958, have been paid with funds representing assessments collected in excess of expenses incurred during the calendar year 1957 and prepayments of a portion of their 1958 assessments by manufacturer and wholesaler handlers; (3) nearly all such funds have now been expended; (4) in order for the administrative assessments to be collected, it is essential that the specification of the assessment rates be effective immediately so as to enable the Control Agency to perform its respective duties and functions under the aforesaid marketing agreement and marketing order; and (5) no preparation with respect to this determination is required of persons regulated which cannot be completed prior to the effective date hereof. Wherefore, it is hereby determined that good cause exists for making this determination effective upon its publication in the FEDERAL REGISTER.

(49 Stat. 781–782; 7 U. S. C. 851–855)

Done at Washington, D. C., this 18th day of July 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 58-5643; Filed, July 22, 1958; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 9]

PART 507—AIRWORTHINESS DIRECTIVES

MISCELLANEOUS AMENDMENTS

This amendment to Part 507 contains the Airworthiness Directives amended or issued during June 1958. Individual notice of the Airworthiness Directives contained herein has been given to operators and other interested persons who are subscribers to a Civil Aeronautics Administration mailing service.

In the interest of safety, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and therefore, is not required.

Section 507.10 (a) is amended as follows:

1. 58-8-2 Cessna 172 as it appeared in 23 F. R. 3587 is amended by changing the compliance paragraph to read as follows:

Compliance required before next flight, unless already accomplished, and at least every 25 hours thereafter, except that the airplane may be flown to place of inspection with cabin air control in "off" position. The 25-hour inspection may be discontinued upon inspection and installation of Cessna Service Kit SK-172-10.

It is further amended by adding a fourth paragraph to read as follows:

Even though SK-172-10 has been installed, if occupants experience headache, drowsiness, sluggishness, or smell exhaust gases, the cabin air heater and any other openings in the firewall into the engine compartment should be immediately closed and fresh air admitted into the cabin. Inspect the cabin heater and entire exhaust manifold before next flight. If cracks are found, replace the defective part before further operation.

2. 57-13-6 Hiller UH-12, UH-12A, UH-12B and UH-12C as it appeared in 23 F. R. 435 is amended by adding item (4) as follows:

(4) Upon installation of improved tail rotor blades, P/N 55064 in accordance with Hiller Service Bulletin No. 80, the special inspections called for in Parts (1) and (2) above are no longer required.

3. 57-22-1 Piper PA-16, PA-20 and PA-22 as it appeared in 23 F. R. 439 is amended by deleting item 4 and substituting the following:

(4) The sealing of the firewall on all PA-16, PA-20 and PA-22 aircraft must be inspected at 100-hour intervals in accordance with Piper Service Bulletin No. 161. If found deficient, it must be resealed in accordance with the manufacturer's service bulletin or accepted aeronautical practices.

4. 46-13-3 Lockheed 18 as it appeared in 21 F. R. 9452 is amended by changing the second sentence of 1 (b) to read as follows: "At each engine change, remove plate and elbow on bottom of sump housing (P/N 114690) and inspect hopper with a light and mirror."

5. 58-10-9 Viscount 700 series as it appeared in 23 F. R. 4726 is amended by adding "This supersedes AD 58-7-5."

6. The following new airworthiness directives are added:

58-11-1 Douglas. Applies to all DC-6 and DC-7 series aircraft as indicated below.

Several instances have been reported wherein cracks have been found or failures have occurred in the nose wheel upper retract link assembly, P/N 5325437. In at least one case, failure resulted in folding of the nose gear when the aircraft stopped, following landing and taxi.

The failures occurred in the forged and fitting, P/N 5328993, caused by a crack starting in the vicinity of the 1/8 inch radius where the fitting is machined to the O. D. of the tube, P/N 2329712. Cracks in the unfailed parts were found in the same location. Failures occurred on two airplanes having a total of 24,000 and 13,800 hours respectively and a crack was reported on one airplane with 7,521 hours. The airplane time is not significant since the interchange of landing gear components at major overhaul may result in the gear components actually having more or less time than the airplanes themselves.

Subsequent to DC-6 series fuselage No. 435 and DC-7 series fuselage No. 434, Douglas increased the 1/8 inch radius to 3/4 inch radius. The following must be accomplished on all nose gear upper retract link assemblies, P/N 5325437, delivered by the manufacturer that do not incorporate the larger radius.

(1) Inspect the right and left hand forged end fitting with the 1/8 inch radius at the earliest possible opportunity where facilities are available, and in any case, at the inspection period nearest 100 hours. Inspection should preferably be accomplished by magnaflux; however, dye penetrant inspection can be considered satisfactory if parts are uniformly warmed to open tight cracks.

(2) If cracks are found, parts must be replaced. No rework is considered feasible.

(3) Parts which are not cracked should be reworked at the earliest practicable opportunity to increase the 1/8 inch radius to 3/4 inch and polish the area to a 32 microinch finish. The reworked area should be protected with zinc chromate primer and aluminized lacquer and the reworked parts properly identified to distinguish them from those manufactured with the 3/4 inch radius.

(4) After the initial inspection, all parts must be inspected regularly at the inspection period nearest to 300 hours until rework is accomplished.

(5) After rework, inspections at frequent intervals should continue to assure that the rework has removed damaged material and/or incipient cracks.

(Douglas Alert Service Bulletin A-677 for the DC-6 series and A-139 for the DC-7 series cover the above subject and describe how to increase the 1/8 inch radius to a 3/4 inch radius.)

58-11-2 Lockheed. Applies to All Lockheed Model 18 Aircraft. (This AD revises AD 58-7-2 by changing the repetitive inspection requirements.)

Compliance required as indicated.

A number of reports has been received relative to cracks in the welds of the drag strut yoke, P/N XY450-2L-1, on the main landing gear. These cracks, as they progress, result in a continuing reduction in the strength of the landing gear and hence render the landing gear unairworthy. It is, therefore, necessary to inspect the main landing gear for cracks in the area indicated as follows:

(1) Not later than July 1, 1958, and at each 500 hours operation thereafter inspect the main landing gear by means of dye penetrant, magnetic particle or equivalent.

(2) At each 100 hours operation conduct a visual inspection using an eight-power magnifying glass or equivalent.

In the event cracks are found, the oleo strut must be replaced.

If the oleo strut is replaced by a new part, the above inspections need not be resumed until after 3,000 hours of service.

This supersedes AD 58-7-2.

58-11-3 Lockheed. Applies to All Lockheed Model 18 Series And PV-1 Aircraft.

Compliance required as soon as possible, but not later than December 1, 1958.

Numerous reports have been received of cracks occurring at the base of the rudder cable attachment tangs, on rudder control quadrant, Lockheed P/N 53026. There is evidence that excessive clearance may exist between the tangs and the rudder cable attach fittings which permits a bending load to be applied at the base of the tangs, when the AN5 attach bolts are tightened.

P/N 53026 should be inspected by means of a dye penetrant or equivalent inspection means in the areas noted above. If cracks are found, the parts must be replaced.

Furthermore, the means of attaching the rudder cables to the quadrant must be modified to preclude over-loading the attach tangs and subsequent occurrence of cracks due to the tightening of the attach bolts.

Two acceptable means of accomplishing the modification are noted below:

(1) Replace both the AN5 bolts with AN4-12A bolts, AN365 nuts and AN960-516 washers, under the head and nut in conjunction with a 1/4" x 032 wall cadmium plated steel spacer one inch long as a sleeve. The length of the sleeve may protrude past the thickness of the washers a maximum of 1/8" or a minimum of 0.003" so that when tightened, the nut will bottom against the spacer and not on the washers.

NOTE: To compensate for machining tolerances and casting variation, additional washers or various length sleeves may be used to obtain the proper sleeve exposure.

(2) Replace the AN5 bolts with AN23-9 clevis bolts, AN-516 washers, AN320-6 nuts and AN380-2-3 cotter pins.

NOTE: If more than 1/4 inch of bolt grip is exposed after installing the nut and washer due to machining tolerances and casting variation, place additional washers under the head of the bolt to reduce the grip exposure to a minimum of 0.003 inch.

(Lockheed Service Bulletin No. 18/SB130 covers this same subject.)

58-11-4 Lockheed. Applies to Model 1649A.

Compliance required as indicated.

Model 1649A aircraft have been found to have possibly hazardous autopilot induced wing-aileron flutter under certain combinations of boost package tolerances and autopilot transfer valve following failure at speeds above 215 knots indicated airspeed. This speed must not be exceeded in autopilot operation until further information is issued as to corrective action.

(This is also covered in Lockheed message to operators, dated May 22, 1958.)

58-12-1 Douglas. Applies to All DC-3 Series Aircraft.

Compliance required whenever the center or outer wing attach angles or doublers, the spar butt plates, or the compression angles on the center wing or the waffle plates on the outer wing are reworked or replaced or when an outer wing panel is substituted for another.

As a result of the inspections required by AD 39-24-1, it has been found that numerous cracks are occurring in the wing attach angles and doublers at a relatively low number of hours of operation after replacement as required by that AD. In the past, many of these failures have been attributed to the type of operations or to the use of inadequate tooling for replacement of the attach angles and doublers. It has now been determined that, in many cases, little or no attention is given to the maintenance of proper tolerances at the attach point between the center and outer wing panels which may be contributing to such failures.

Therefore, prior to replacement of an outer wing panel, the following tolerances must be adhered to:

(1) Compression angles attached to the corrugations and stringers and the spar cap butt plates of the center wing must be held in plane with the attach angle to a plus or minus 0.002 inch tolerance.

(2) The waffle plates attached to the stringers and the spar cap butt plates of the outer wing must be held in plane with the attach angle to a plus or minus 0.008 inch tolerance.

(3) This range will allow a maximum of 0.010 inch interference to a maximum 0.010 inch clearance between the compression angles and plates, and the butt plates when the wing is installed.

(4) It is acceptable to have either interference or clearance; however, the most desirable joint is from flush to an 0.005 inch accumulative interference fit.

This supplements AD 39-24-1.

58-12-2 Piper. Applies to All Model J-3, PA-11, PA-15, PA-16 and PA-17.

Compliance required not later than July 15, 1958.

There is a possibility that some aileron hinge reinforcing brackets, P/N 10931-03, supplied to the field during the past three years were fabricated from aluminum instead of steel. Brackets which have been replaced since June 1954 must be inspected to determine the type of material. All aluminum brackets are to be removed and replaced with steel brackets.

(Piper Service Bulletin No. 165 covers this subject.)

58-12-3 Applies to All Aircraft With Sea Level Engines Equipped With Pressure Type Carburetors.

Compliance required as indicated.

A number of in-flight power failures attributed to ice formation in the carburetor and induction system have occurred with sea level engines having pressure type carburetors. Accordingly, pilots must refrain from entering into and continuing flight in atmospheric conditions of snow, sleet, hail or heavy rain with temperatures of 60° F. or below unless the aircraft is equipped with a carburetor air heater which will provide 90° F. temperature rise when the outside air temperature is 30° F. and the engine is developing no more than 75 percent power.

Not later than October 1, 1958, a placard must be installed at the "carburetor heat" or "alternate air" control to read "Flight in snow, sleet, hail or heavy rain below 60° F. prohibited." This placard may be removed when an adequate air heater as described above is provided.

58-12-4 Beech. Applies to Models B50, C50, D50, E50 and F50.

Compliance required as soon as possible but not later than November 15, 1958.

The AN3158 tail light assembly does not meet the requirements of the Civil Air Regulations for intensity and light pattern. It must be replaced by an assembly meeting those requirements. Beech kit 50-169 provides an acceptable assembly.

(Beech Service Bulletin 33, 24, 17, 9 and 2 for B50, C50, D50, E50 and F50, issued April 1958, covers this same subject.)

58-12-5 Lockheed. Applies to All Model 1649A Aircraft.

Compliance required as indicated.

Model 1649A aircraft have been found to have possible hazardous wing bending oscillation, dynamically induced by aileron oscillation, under certain combinations of boost package tolerances and autopilot modulating piston follow-up failure. In order to correct this condition, the following must be accomplished:

Modify the aileron control valve by installing a new modulating piston stop to meet limits of aileron deflection rates of 7.5° per second minimum and 11° per second maximum. The valve is then to be reidentified as 963182-11 and to be painted yellow to denote noninterchangeability with elevator and rudder valves. Details of the necessary modifications are given in Lockheed communication FS/225805-W, dated June 13, 1958.

This modification is to be accomplished as soon as maintenance schedules will permit but not later than January 1, 1959. Until the modification is accomplished, the airplane must be flown in autopilot operation at speeds not to exceed 215 KIAS.

This supersedes AD 58-11-4.

58-13-4 Sud Aviation. Applies to Model SE3130 Alouette II Helicopters.

Compliance required as indicated.

Prior to next flight unless already accomplished, and every subsequent fifty hours, inspect the reinforcement plates at the root end of the tail rotor blades for defective bonding. Defective bonding can be determined by tapping the bonded area with a coin. Defective blades must be replaced.

French SGACC considers this directive mandatory with which the CAA concurs.

(Sud Aviation Helicopter Service Bulletin AL34.11131 covers this same subject.)

58-13-5 Wright Engines. Applies to All Wright TC18DA and TC18EA Series Engines Except as Noted.

Compliance required as indicated.

To improve engine reliability, the following items must be accomplished:

(1) At first overhaul after August 1, 1958, but no later than March 1, 1959, install piston compression ring, Wright Aeronautical Division P/N 147414, or subsequently approved ring in the No. 2 ring groove. WAD Service Bulletins Nos. TC18-269B and TC18E-81B, cover this same subject.

(2) At first overhaul after July 1, 1958, and each succeeding overhaul, install only new, resin graphite coated pistons in the master rod cylinders (1 and 2). In other locations, continued time pistons may be used provided they are recoated with either resin or spray graphite and are otherwise satisfactory for reuse. In addition, prior to reuse, the top and second grooves of all these pistons must be inspected for ring groove step wear and contouring of the ring groove wall. If any of these conditions are found, the piston must be regrooved. WAD Repair Instruction Nos. 860468 and 72-5-12 cover this same subject.

(3) Applies to TC18EA series engines only. At next overhaul but not later than March 1, 1959, fuel injection pumps must be timed so that the end of injection occurs at 35° ATC on the intake stroke on the right hand injection pump and 25° ATC on the left hand injection pump. In addition, at first overhaul after August 1, 1958, but not later than March 1, 1959, compensated length fuel injection lines must be installed on cylinders Nos. 6, 13, 15, 17, and 18. WAD Service Bulletin No. TC18E-118 covers this same subject.

(4) At next overhaul but not later than March 1, 1959, the spark advance relays used in the ignition distributors on the subject engines must be assembled with increased relay spring pressures. Detailed instructions for setting the required spring pressure are contained in Scintilla Division Service Bulletin No. 408A.

(5) At first overhaul after July 1, 1958, but not later than March 1, 1959, the valve springs used in all TC18 engines must have the coil ends contoured per WAD Service Bulletins Nos. TC18-339 or TC18E-159.

(6) To insure that the proper power recovery turbine cooling shield to wheel lip clearance is retained, this clearance must be checked at each regular periodic inspection. The maximum service limit for this clearance is 0.080 inches (wheel in outer-most position) for a maximum circumferential distance of 180°. WAD Service Bulletins Nos. TC18-323 and TC18E-140 cover this same subject.

(7) To insure proper retention of the power recovery turbine wheel, the shaft and shaft nut threads must be inspected for wear and distortion at every power recovery turbine overhaul. WAD Service Bulletins Nos. TC18-327 and TC18E-146 detail the techniques and limits for such inspections. In addition, at first overhaul after September 1, 1958, but not later than March 1, 1959, the power recovery turbine must be assembled with WAD P/N 147555 nut or subsequently approved turbine wheel retaining system.

(8) To prevent inadvertent loss of oil from the power recovery turbine fluid couplings, at next engine overhaul but not later than March 1, 1959, the PRT oil control valve must incorporate a WAD P/N 147465 valve body. WAD Service Bulletins Nos. TC18-302A and TC18E-115A cover this same subject.

(9) To insure proper retention of the power recovery turbine nozzle, WAD P/N 492D21, nozzle to nozzle support attaching screws should be removed at next PRT overhaul and replaced with either WAD P/N 6043D8 or 492D65 screws. Until this is accomplished, a daily check of the tightness of the nozzle must be made in accordance with the instructions contained in WAD letter to all operators dated June 10, 1958.

(10) At first overhaul after August 1, 1958, but not later than March 1, 1959, the rocker box drain manifold and sumps must be removed in accordance with WAD Service Bulletins Nos. TC18-347 or TC18E-166.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 16, 1958.

[F. R. Doc. 58-5601; Filed, July 22, 1958; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

FORMS FOR CURRENT REPORTS

The Securities and Exchange Commission has adopted certain amendments to Form 8-K (§ 249.308), which is the form prescribed for current reports filed pursuant to sections 13 and 15 (d) of the Securities Exchange Act of 1934. Notice of the proposed action was published May 20, 1958, in Securities Exchange Act Release No. 5699.

The amendments relate to Item 11 of the form which requires information in regard to matters submitted to a vote of security holders either at a meeting of such security holders or otherwise. One of the amendments pertains to paragraph (b) which calls for information in regard to the election of directors. The purpose of the amendment is to clarify this paragraph to indicate more clearly the information required thereby. Another amendment relates to Instruction 2 to the item, which has been construed by certain issuers not to require the furnishing of information in certain cases where it is the intention of the item and the instructions that such information be furnished.

The amendments are adopted pursuant to the Securities Exchange Act of 1934, particularly sections 13, 15 (d) and 23 (a) thereof. Item 11 of the form as amended reads as follows:

Item 11. *Submission of matters to a vote of security holders.* If any matter has been submitted to a vote of security holders, through the solicitation of proxies or otherwise, furnish the following information:

(a) The date of the meeting and whether it was an annual or special meeting.

(b) If the meeting involved the election of directors, state the name of each director elected at the meeting and the name of each other director whose term of office as a director continued after the meeting.

(c) Briefly describe each other matter voted upon at the meeting and state the number of affirmative votes and the number of negative votes cast with respect to each such matter.

Instructions. 1. If any matter has been submitted to a vote of security holders otherwise than at a meeting of such security holders, corresponding information with respect to such submission shall be furnished. The solicitation of any authorization or consent (other than a proxy to vote at a stockholders' meeting) with respect to any matter shall be deemed a submission of such matter to a vote of security holders within the meaning of this item.

2. Paragraph (a) need be answered only if paragraph (b) or (c) is required to be answered.

3. Paragraph (b) need not be answered if (i) proxies for the meeting were solicited pursuant to Regulation 14, (ii) there was no solicitation in opposition to the management's nominees as listed in the proxy statement, and (iii) all of such nominees were elected. If the registrant did not solicit proxies and the board of directors as previously reported to the Commission was re-elected in its entirety, a statement to that effect in answer to paragraph (b) will suffice as an answer thereto.

4. Paragraph (c) need not be answered as to procedural matters or as to the selection or approval of auditors.

5. If the issuer has published a report containing all of the information called for by this item, the item may be answered by a reference to the information contained in such report, provided copies of such report are filed as an exhibit to the report on this form.

(Sec. 23, 48 Stat. 901, as amended, 15 U. S. C. 78w)

The foregoing action shall become effective August 16, 1958.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

JULY 16, 1958.

[F. R. Doc. 58-5616; Filed, July 22, 1958; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6302]

PART 171—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

NATIONAL EMERGENCY TRANSFERS OF DISTILLED SPIRITS

Section 3183 of the Internal Revenue Code of 1939 permitted the use of beverage distilled spirits for industrial purposes and made provision for appropriate safeguards and controls with respect to the withdrawal and movement of such spirits. The provisions of section 3183 of the Internal Revenue Code of 1939 were implemented by Treasury Decision 5864 approved November 2, 1951, which added Subpart G "National Emergency Transfers of Distilled Spirits" to 26 CFR (1939) Part 171. The provisions of section 3183 of the Internal Revenue Code of 1939 were reenacted without material change as section 5217 of the Internal Revenue Code of 1954. Such regulations are prescribed under and made applicable to section 5217 of the Internal Revenue Code of 1954, insofar as such regulations are not inconsistent with the Internal Revenue Code of 1954, by virtue of section 7807 (a) of the Internal Revenue Code of 1954 and Treasury Decision 6091, approved August 16, 1954.

Public Law 85-517, approved July 11, 1958, amends section 5217 of the Internal Revenue Code of 1954 by changing the termination date for such section to July 11, 1960.

In order to reflect in such regulations the new termination date, § 171.280 is amended by striking in the first sentence the date, "July 11, 1958" and inserting in lieu thereof the date, "July 11, 1960".

Because these amendments merely extend the termination date of the regulations, it is found impracticable and contrary to the public interest to comply with the public rule making and effective date requirements of section 4 (a) and (c) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003).

(Sec. 5217, 68A Stat. 641, as amended; 26 U. S. C. 5217)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner.

Approved: July 16, 1958.

DAN THROOP SMITH,
Deputy to the Secretary.

[F. R. Doc. 58-5630; Filed, July 22, 1958; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 581—PERSONNEL REVIEW BOARDS

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

In § 581.3 (f), subparagraph (3) (vi) is changed to read as follows:

§ 581.3 *Army Board for Correction of Military Records.* • • •

(f) *Action on application.* • • •

(3) *Staff action.* • • •

(vi) After the appropriate Secretary has taken action on the record, the applicant or his counsel is entitled, upon request, (*a*) to inspect the record of proceedings; and (*b*) to receive a copy of the Board's findings, decisions, and recommendations; unless the Chairman considers that granting the request would be detrimental to the public interest.

[Regs., July 14, 1958, SAOMR] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interprets or applies sec. 1552, 70A Stat. 116; 10 U. S. C. 1552)

[SEAL] HERBERT M. JONES,
Major General, USA,
The Adjutant General.

[F. R. Doc. 58-5600; Filed, July 22, 1958; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1677]

[Wyoming 035636 (Kansas)]

KANSAS

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF AGRICULTURE

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Kansas are hereby withdrawn from all forms of appropriation under the public-land laws, except leasing under the mineral leasing laws and the sale of materials under the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved for use and development by the Forest Service of the Department of Agriculture for soil erosion control and other land utilization activities in connection with the Morton County Land Utilization Project, Kansas:

SIXTH PRINCIPAL MERIDIAN

T. 32 S., R. 39 W.,
Sec. 23, NW¼SW¼ and SW¼SE¼.
T. 34 S., R. 43 W.,
Sec. 8, SE¼SW¼;
Sec. 13, SE¼NW¼;
Sec. 14, SW¼SE¼ and E½SE¼.

The areas described aggregate 280 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 16, 1958.

[F. R. Doc. 58-5603; Filed, July 22, 1958; 8:45 a. m.]

[Public Land Order 1678]

[2113188]

TEXAS

TRANSFERRING JURISDICTION OVER THE OIL AND GAS DEPOSITS RESERVED TO THE UNITED STATES IN LANDS CONVEYED TO THE STATE OF TEXAS

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The jurisdiction over the mineral deposits in the following-described lands comprising the former Marine Corps Air Station, Eagle Mountain Lake, Texas, which lands have been conveyed by quitclaim deed to the State of Texas with a reservation of minerals to the United States, is hereby transferred from the Department of the Navy to the Department of the Interior:

Beginning at a concrete monument which is the southeast corner of the former United States Marine Corps Air Station, Eagle Mountain Lake, Texas, which monument is south 0 degrees 18 minutes east 3,900 feet from the southeast corner of the P. H. Pope survey; thence north 0 degrees 18 minutes west 10,407.4 feet to a corner in the south right-of-way line of the C. R. I. and P. Railroad for the most easterly northeast corner of this tract; thence north 63 degrees 15 minutes west 1,990.9 feet to the Wise and Tarrant County line, for the northerly corner of this tract; thence north 89 degrees 20 minutes west 4,766.3 feet along the boundary of Wise and Tarrant Counties, to the west line of the Dewees and the east line of the C. R. Huff survey; thence north 0 degrees 30 minutes west, along the east line of the C. R. Huff survey, a distance of 646 feet to a point; thence north 38 degrees 16 minutes east, 1,200 feet to a point; thence along the arc of a curve, concave to the right, having a radius of 930.34 feet, a distance of 1,196 feet to the west right-of-way line of the C. R. I. and P. Railroad; thence north 54 degrees 17 minutes west, 185 feet along said right-of-way line to a point; thence south 89 degrees 20 minutes west 654 feet to a point; thence south 38 degrees 16 minutes west 1,741 feet to a point on the east line of the C. R. Huff survey; thence north 0 degrees 30 minutes west, along said east line of the Huff survey, 40 feet to a point; thence south 38 degrees 16 minutes west 967 feet to a point on the north boundary line of the former United States Marine Corps Air Station, said boundary being identical with the Wise and Tarrant County line, and north 89 degrees 20 minutes west 606 feet from the southwest corner of the C. R. Huff survey; thence westerly along the Wise and Tarrant County line north 89 degrees 20 minutes west 3,467.9 feet, to a concrete monument, for the northwest corner of the T. Harvey survey; said concrete monument being set at elevation 649 feet on the east shore of Eagle Mountain Lake; thence along the east shore of Eagle Mountain Lake with the contour line of elevation 649 feet the following courses and distances:
South 0 degrees 15 minutes west 660.4 feet;
South 38 degrees 51 minutes east 559 feet;
South 72 degrees 42 minutes west 192 feet;
South 88 degrees 23 minutes west 212 feet;
North 48 degrees 35 minutes west 223 feet;
North 50 degrees 05 minutes west 370 feet;
South 75 degrees 25 minutes west 172 feet;
North 37 degrees 51 minutes west 181.5 feet;
North 84 degrees 42 minutes west 119 feet;
South 3 degrees 39 minutes east 321 feet;
South 50 degrees 18 minutes west 304.7 feet;
South 37 degrees 18 minutes east 654.9 feet;
South 15 degrees 31 minutes west 289 feet;
South 11 degrees 50 minutes east 425.5 feet;
South 67 degrees 20 minutes west 111 feet;
South 25 degrees 47 minutes west 261 feet;
South 20 degrees 45 minutes east 199.4 feet;
South 26 degrees 56 minutes east 246.6 feet;
South 83 degrees 10 minutes west 325 feet;
South 31 degrees 24 minutes west 326 feet;
South 16 degrees 39 minutes east 220 feet;
South 63 degrees 44 minutes west 244 feet;
South 7 degrees 52 minutes west 232 feet;
South 24 degrees 42 minutes west 196 feet;
South 22 degrees 34 minutes west 278 feet;
Thence south 23 degrees 13 minutes west 88 feet to a ¾-inch iron pipe for the southwest corner of area "A" of the Tarrant County Water Control and Improvement District Numbered 1, the O. T. Funk survey; thence leaving the contour of elevation 649 feet, south 86 degrees 25 minutes east 1,729.8 feet to a 1-inch iron pipe; thence south 3 degrees 35 minutes west, 2,369 feet to a 1-inch iron pipe in the south line of the D. T. Flores survey; thence north 89 degrees 40 minutes west 280 feet to a point; thence south 25 degrees 40 minutes east 1,701.95 feet to an iron pipe; thence north 89 degrees 00 minutes east 635.6 feet to an iron pipe; thence south 68 degrees 50 minutes east, 599 feet to an iron pipe; thence south, 550 feet to a point; thence east 1,020 feet to an iron pipe; thence north 305 feet to a ¾-inch iron pipe in the north line of the D. T. Flores survey; thence south 89 degrees 40 minutes east, 3,044.17 feet along the north line of the D. T. Flores survey passing the northeast corner of the D. T. Flores survey and the west line of the W. G. King survey abstract numbered 900, to a 1-inch iron pipe for corner; thence south 55 degrees 00 minutes east 834.43 feet with a line parallel to the Texaco pipeline and distant 100 feet in a southwesterly direction from the centerline of said pipeline, to an iron pipe; thence south 2,074.73 feet to an iron pipe for the most easterly southeast corner of Area "D" section numbered 1 of the Tarrant County Water Control and Improvement District Numbered 1, in the O. T. Funk survey; located in the south property fence of the former United States Marine Corps Air Station and the south line of the W. G. King survey, said corner being north 89 degrees 00 minutes east 2,101.60 feet from the centerline of the Newark-Dido paved road; thence north 89 degrees 00 minutes east 4,321.6 feet along the south line of the W. G. King survey and the T. Chubb survey to the point of beginning, containing in all 2,477.43 acres more or less, 8.89 acres being located in Wise County, and 2,468.54 acres in Tarrant County, Texas.

2. The minerals shall not be open to applications and offers under the mineral-leasing or other laws, except that where there is drainage or threatened drainage of oil or gas from such lands, the Secretary of the Interior shall take such steps as may be necessary to protect the interests of the United States from loss on account of such drainage or threatened drainage.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 16, 1958.

[F. R. Doc. 58-5604; Filed, July 22, 1958; 8:45 a. m.]

[Public Land Order 1679]

[BLM-043416]

FLORIDA

PARTIALLY REVOKING THE EXECUTIVE ORDER OF FEBRUARY 3, 1913, CREATING PHOSPHATE RESERVE NO. 16—FLORIDA NO. 5; ADDING LANDS TO APALACHICOLA NATIONAL FOREST

By virtue of the authority vested in the President by section 24 of the act of March 3, 1891 26 Stat. 1103; 16 U. S. C. 471), section 1 of the act of June 4, 1897 (30 Stat. 34; 16 U. S. C. 475), by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, and upon recommendation of the Secretary of Agriculture, it is ordered as follows:

1. Subject to valid existing rights, the following-described public land in Florida is hereby added to and reserved as a part of the Apalachicola National Forest, and the boundaries of the said national forest and adjusted accordingly:

TALLAHASSEE MERIDIAN

T. 1 S., R. 2 W.,
Sec. 14, lot 1.

The area described contains 1.07 acres.

2. The Executive Order of February 3, 1913, creating Phosphate Reserve No. 16, Florida No. 5, is hereby revoked so far as it affects the land described in paragraph 1 of this order.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 16, 1958.

[F. R. Doc. 58-5605; Filed, July 22, 1958; 8:46 a. m.]

[Public Land Order 1680]

[380931]

WYOMING

PARTIALLY REVOKING THE EXECUTIVE ORDERS OF DECEMBER 5, 1913 AND APRIL 17, 1926, CREATING PUBLIC WATER RESERVES NOS. 12 AND 107, RESPECTIVELY

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of December 5, 1913, creating Public Water Reserve No. 12, and the Executive Order of April 17, 1926, creating Public Water Reserve No. 107, are hereby revoked so far as they affect the following-described lands:

SIXTH PRINCIPAL MERIDIAN

Public Water Reserve No. 12

T. 41 N., R. 67 W.,
Sec. 26, N½SE¼ and SW¼SE¼.
T. 45 N., R. 67 W.,
Sec. 20, NE¼.
T. 45 N., R. 69 W.,
Sec. 5, W½NE¼.
T. 46 N., R. 70 W.,
Sec. 9, SE¼SE¼;
Sec. 26, NW¼SW¼.
T. 46 N., R. 71 W.,
Sec. 2, SW¼SW¼;
Sec. 4, S½SE¼;
Sec. 9, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 11, NW¼NW¼.
T. 46 N., R. 72 W.,
Sec. 26, SE¼NE¼.
T. 47 N., R. 67 W.,
Sec. 19, NW¼NE¼ and NE¼NW¼.
T. 47 N., R. 70 W.,
Sec. 9, SW¼SW¼;
Sec. 29, NE¼NE¼ and NE¼NW¼.

Public Water Reserve No. 107

T. 45 N., R. 63 W.,
Sec. 4, NE¼SW¼.
T. 46 N., R. 64 W.,
Sec. 26, NW¼NW¼.

The areas described aggregate approximately 1,120 acres.

2. The lands are typical of grazing lands in eastern Wyoming, and are located in Campbell, Weston, and Niobrara Counties. The soils vary widely, but are for the most part shallow to moderate in depth. Vegetation consists of sagebrush and native grasses.

3. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, of equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on August 21, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 20, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 20, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands have been open to applications and offers under the mineral-leasing laws, and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals under the United States mining laws beginning at 10:00 a. m. on November 20, 1958.

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 16, 1958.

[F. R. Doc. 58-5606; Filed, July 22, 1958; 8:46 a. m.]

[Public Land Order 1682]

[78039]

UTAH

MODIFYING EXECUTIVE ORDER NO. 5327 OF APRIL 15, 1930

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 5327 of April 15, 1930, which reserved deposits of oil shale and lands containing such deposits owned by the United States, for classification, is hereby modified to the extent necessary to permit disposal under the act of March 3, 1877 (19 Stat. 377; 43 U. S. C. 321, et. seq.) as amended, of the following-described lands, subject to the provisions of section 1 of the act of July 17, 1914 (38 Stat. 509; 30 U. S. C. 121), where applicable:

SALT LAKE MERIDIAN

T. 8 S., R. 17 E.,
Sec. 17:
Sec. 20, N½NE¼, SW¼NE¼, NW¼, NE¼SW¼, NW¼SE¼ and S½SE¼;
Sec. 28, N½, and N½S½;
Sec. 29, NE¼, E½NW¼, NE¼SW¼, and N½SE¼.

The areas described aggregate approximately 1,920 acres.

2. The lands are partly below and partly above an existing irrigation canal. The soil is a deep silt loam of fair fertility. Vegetation is of the desert-shrub type.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications in accordance with the following:

a. Applications under the Desert-Land Act of March 3, 1877 (19 Stat. 377; 43 U. S. C. 321) et seq., may be presented to the Manager mentioned below, beginning on the date of this order. Such applications will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on August 21, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 20, 1958, will be governed by the time of filing.

4. All valid applications other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 20, 1958, will be considered as simultaneously filed at that hour. Rights under such applications filed after that hour will be governed by the time of filing.

5. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Salt Lake City, Utah.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 16, 1958.

[F. R. Doc. 58-5607; Filed, July 22, 1958; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12385; FCC 58-688]

[Rules Amdt. 3-116]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, *Table of assignments*, Television Broadcast Stations (Pittsburgh, Pennsylvania; Clarksburg, W. Va., Youngstown, Ohio).

1. The Commission has under consideration the proposal by Metropolitan Pittsburgh Educational Television Station and set forth in a Notice of Proposed Rule Making (FCC 58-308) released on April 4, 1958, and published in the FEDERAL REGISTER on April 10, 1958 (23 F. R. 2355), to shift Channel 22 from Clarksburg, West Virginia, to Pittsburgh, Pennsylvania, as follows:

City	Channel No.	
	Present	Proposed
Pittsburgh, Pa.	2−, 11, [1]13−, 16, 47 −, 53+.	2−, 11, [1]13−, 16, 22, 47−, 53+.
Clarksburg, W. Va.	12+, 22, 69−	12+, 69−

[1] Since the filing of this petition Channel 4+ has been shifted from Irwin to Pittsburgh, Pa.

2. The Commission also has before it an alternate proposal filed by Sanford A. Schafitz and Guy W. Gully, d/b as Community Telecasting Company, permittee of Station WXTV, Channel 73, Youngstown, Ohio, to assign Channel 22 to Youngstown by making the following changes in the Table of Assignments for television channels:

City	Channel No.	
	Present	Proposed
Youngstown, Ohio	21−, 27, 73−	21−, 22, 73−
Pittsburgh, Pa.	2−, 11, [1]13−, 16, 47−, 53+.	2−, 11, [1]13−, 16, 22, 47−, 53+.
Clarksburg, W. Va.	12+, 22, 69−	12+, 69−, 73−

[1] Since the filing of this petition Channel 4+ has been shifted from Irwin to Pittsburgh, Pa.

Community further requested that Golden Triangle Television Corporation, permittee of Station WTVQ, Channel 47, Pittsburgh, be ordered to show cause why its authorization should not be modified to specify Channel 22 in lieu of Channel 47 and that Forest City Publishing Company, permittee of Station WHK-TV, Channel 19, Cleveland, be ordered to show cause why its authorization should not be modified to specify

Channel 25 in lieu of Channel 19. These proposals were also contained in the Notice of Proposed Rule Making in the subject Docket.

3. Comments were filed by Metropolitan Pittsburgh Educational Television Station, licensee of Station WQED, Channel 13, Pittsburgh, Pennsylvania, WKST, Inc., permittee of Station WKST-TV, Channel 45, New Castle, Pennsylvania, Community Telecasting Company, permittee of WXTV, Channel 73, Youngstown, Ohio, Butler Broadcasting Company, Inc., licensee of Standard Broadcasting Station WISR, Butler, Pennsylvania, and The Joint Council on Educational Television (JCET).

4. Metropolitan Pittsburgh Educational Television Station states that it is the licensee of an educational television broadcast station, WQED, in Pittsburgh, which currently telecasts 81½ hours each week and has been in operation since April 1, 1954. It provides direct service to the public and parochial schools of the Pittsburgh area of two types: Direct total teaching and/or enrichment and supplementation. In the past year it has taught seven daily classes in 350 classrooms in 58 different school districts, 22 parochial schools, and 2 private schools of 7 counties. It has also conducted high school classes through which viewers have been able to earn high school diplomas, summer school classes over the air, and has provided programs in the arts, sciences, and cultural subjects for the schools and for the public. The additional channel is needed to enlarge this program both for classroom instruction and home instruction. The UHF channel would also be used for specialized educational service for the industries and professions of the Pittsburgh area. If Channel 22 is made available in Pittsburgh, Metropolitan proposes to apply for and build an educational television station, if possible, by the beginning of the fall term. The Joint Council on Educational Television verifies the contribution that Metropolitan has made to education via television and supports its request for the assignment of Channel 22 to Pittsburgh as a second educational reservation.

5. The proposal of Community Telecasting Company conflicts with the proposal of Metropolitan Pittsburgh Educational Television Station in that it would assign Channel 22 to Pittsburgh but would assign it to WTVQ in lieu of its present assignment of Channel 47. In its comments, Community did not deny the need for an additional educational channel in Pittsburgh and suggested that Metropolitan use Channel 73 for the second educational TV station. It supported its request for the assignment of Channel 33 to Youngstown on the premise that Channel 73 is at a competitive disadvantage because the other three stations operating in the Youngstown-New Castle area are on the lower UHF channels.

6. WKST, Inc. directed its opposition primarily toward the proposal of Community to place Channel 33 in Youngstown. It did not deny the need for a second educational channel in Pittsburgh but took the position that such a channel could be obtained by revoking the construction permit of one or the other of the present permit holders in Pittsburgh for Channels 16, 47 or 53, all of which are inactive and any one of which could be made available for the educational station. The gist of the opposition of WKST, Inc., is that the Youngstown area does not need and cannot support a fourth VHF television broadcast station. Even if Youngstown does need a fourth UHF TV station it should not be permitted to preempt a lower UHF channel such as Channel 33 because this channel might be better used in some other community in Western Pennsylvania or Eastern Ohio.

7. Butler Broadcasting Company, Inc., stated that it had considered the possibility of entering the field of television broadcasting and objects to the preemption of Channel 33 by Community in Youngstown.

8. The Commission has carefully considered the comments filed in this proceeding and is of the opinion that a compelling need has been shown for a second educational television channel in Pittsburgh. The use of Channel 13 for 81½ hours per week averages almost 12 hours daily and from the standpoint of efficient use of the channel, compares favorably with regular commercial television broadcast stations. Under these circumstances the assignment of a second educational TV channel to Pittsburgh cannot be considered prodigal. The community of Clarksburg, West Virginia is most directly affected by the deletion of Channel 22, yet no opposition was voiced from that area. Therefore, there appears to be no valid reason why Channel 22 should not be assigned to Pittsburgh. The Commission is also of the view that Channel 22 should be reserved for education.

9. We also find considerable merit in the proposal of Community Telecasting Company to assign Channel 33 to Youngstown in lieu of Channel 73. Although we do not agree that the lower UHF channels are overwhelmingly superior to the upper UHF channels from the standpoint of technical potential, we are aware that in the present state of the art there are technological differences between the upper and lower UHF channels and more important, these differences affect the attitude of the television broadcasting industry. For these reasons, the argument of Community that it will be placed in a better competitive position and will therefore be able to inaugurate a fourth UHF television service for the Youngstown area seems convincing. Because we believe that the technological differences which exist today between the lower and upper UHF channels will disappear with the development of television broadcasting in the UHF band, we are not persuaded by the arguments that Channel 33 should be held in reserve for use at some future time in some other community in Western Pennsylvania or Eastern Ohio. By encouraging the implementation of the lower UHF channels we will bring closer the day when those differences are no longer significant. One of the original complexities of the proposal to place Channel 33 in Youngstown for use by WXTV was the existence of an outstanding construction permit for Channel 19 in Cleveland, Ohio. The site specified in that construction permit was at less than the required minimum separation for Channel 33 at the site specified in the construction permit held by Community Telecasting Company. The construction permit for WHK-TV, Channel 19, Cleveland, was deleted April 24, 1958, thus removing this problem.

10. The assignment of Channel 33 to Youngstown will also require deletion of Channel 47 in Pittsburgh. Channel 73 may be substituted for Channel 47 in Pittsburgh. Golden Triangle Corporation, permittee of Station WTVQ, Channel 47, Pittsburgh, was ordered to show cause why its permit should not be modified to specify Channel 22 or Channel 73. It failed to respond to this Show Cause Order. However, on June 13, 1958, the construction permit held by Golden Triangle Corporation was deleted at the request of the permittee.

11. Finally, the Community proposal would have substituted Channel 79 for Channel 22 in Clarksburg, West Virginia. In view of the fact that no interests in the Clarksburg area have indicated a desire to construct and operate a television station on either Channel 22 or Channel 69 the substitution of Channel 79 for Channel 22 would be a mere gesture. Furthermore, the listing of these upper channels in the Table of Assignments is creating unnecessary problems in instances where small communities in the mountainous portions of the eastern states desire to operate television broadcast translators. We feel confident that if any party becomes interested in inaugurating television broadcast service on a UHF channel in the Clarksburg area, a suitable channel for such operation can be found.

12. On June 18, 1958, Pittsburgh Educational Television Station filed a counterproposal which took cognizance of the deletion of the Channel 47 construction permit and requested that WQED be assigned Channel 16 and that Telecasting, Inc., permittee of WENS, Channel 16, Pittsburgh, be assigned Channel 22 or Channel 47 in lieu of Channel 16. Telecasting, Inc., has consented to the proposed substitution of either Channel 22 or Channel 47.

13. In view of the time that has elapsed since this proceeding was instituted and the separate interests of Community Telecasting Company and Pittsburgh Educational Television Station, the Commission believes that this proceeding should be concluded without further rule making based on the Pittsburgh Educational Television Station counterproposal so that Community may proceed with its plans to inaugurate an additional UHF television service in Youngstown, and that a new rule making proceeding should be instituted to consider the Pittsburgh Educational Television Station counterproposal.

14. Accordingly, the Commission has decided to adopt the proposed amendment insofar as it assigns Channel 22 as an educational reservation to Pittsburgh, substitutes Channel 33 for Channel 73 in Youngstown, Ohio, deletes Channel 22—

from Clarksburg, West Virginia, and substitutes Channel 73 for Channel 47 in Pittsburgh. Simultaneously with this action, it is adopting a Notice of Proposed Rule Making which proposes to change the educational reservation in Pittsburgh from Channel 22 to Channel 16 and orders Telecasting, Inc., permittee of WENS, Channel 16, Pittsburgh, to show cause why its permit should not be modified to specify Channel 22 in lieu of Channel 16.

15. Authority for the adoption of the amendments herein is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

16. In view of the foregoing: *It is ordered*, That, effective August 25, 1958, the Table of Assignments contained in § 3.606 of the Commission rules and regulations is amended, insofar as the communities listed below are concerned, as follows:

City	*Channel No.*
Youngstown, Ohio	21−, 27, 33
Pittsburgh, Pa.	2−, 4+, 11, *13−, 16, *22, 53+, 73−
Clarksburg, W. Va.	12+, 69−

17. *It is further ordered*, That effective August 25, 1958, pursuant to sections 303 (f) and 316 of the Communications Act of 1934, as amended, the construction permit for WXTV, Channel 73, Youngstown, Ohio, is modified, to specify operation on Channel 33 in accordance with the data furnished in response to the show cause order, subject to the condition that construction looking toward a changeover to the new frequency shall not commence until a modified authorization has been issued to Community Telecasting Company.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: July 16, 1958.

Released: July 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5631; Filed, July 22, 1958; 8:52 a. m.]

[Docket No. 12401; FCC 58-688]

[Rules Amdt. 19-5]

PART 19—CITIZENS RADIO SERVICE

CONELRAD PLAN

In the matter of amendment to Part 19 of the Commission's rules and regulations to effectuate the Commission's CONELRAD Plan for the Citizens Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of July 1958;

The Commission has before it for consideration its Notice of Proposed Rule Making in the above matter released April 21, 1958 (FCC 58-372) and published in the FEDERAL REGISTER April 24, 1958 (23 F. R. 2745).

No comments have been filed in this matter.

These amendments to Part 19 of the Commission's rules are promulgated under authority of sections 303 (r) and 606 (c) of the Communications Act as amended and Executive Order 10312 signed by the President December 10, 1951.

Accordingly, it is ordered, That Part 19 of the Commission's rules is amended to include the rules set forth below, effective August 18, 1958.

Released: July 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

SUBPART E—CONELRAD

Sec.
19.101 Scope and objective.
19.102 Alerting.
19.103 Operation during CONELRAD Radio Alert.
19.104 Special conditions.
19.105 Radio All Clear.
19.106 Tests.
19.107 Record entries.

AUTHORITY: §§ 19.101 to 19.107 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 606, 48 Stat. 1082, as amended, 1104, as amended; 47 U. S. C. 303, 606; E. O. 10312, 16 F. R. 12452; 3 CFR 1951 Supp.

§ 19.101 *Scope and objective.* (a) This subpart applies to all radio stations in the Citizens Radio Service located within the continental United States, and is for the purpose of providing for the alerting and operation of radio stations in this service during periods of enemy air attack or imminent threat thereof.

(b) The objective of these CONELRAD rules is to minimize the navigational aid that an enemy might obtain from the electromagnetic radiations from radio stations in the Citizens Radio Service while simultaneously providing for a continued radio service under controlled conditions when such operation is essential to the public welfare.

§ 19.102 *Alerting.* (a) Licensees of radio stations in the Citizens Radio Service are responsible for making provisions to receive the CONELRAD Radio Alert and the CONELRAD Radio All Clear.

(b) The CONELRAD Radio Alert will be initiated by the Commanding Officer of the Air Division (Defense) or higher military authority.

(c) Citizens Radio Service mobile radio systems, including stations at fixed locations associated therewith, and point-to-point systems where applicable, may, if desired, be alerted at a single point, normally the control point or the control center. The control point thus receiving the CONELRAD Radio Alert will be responsible for the dissemination of the CONELRAD Radio Alert to all stations integrated into the radio system or systems and insuring that all associated stations execute CONELRAD requirements immediately. Relaying of a CONELRAD Radio Alert is considered a transmission of extreme emergency affecting the national safety and may be carried on under the authority of § 19.103 (a) (1).

(d) The CONELRAD Radio Alert for the Citizens Radio Service may be received by one or more of the methods outlined below:

(1) By monitoring any standard, FM, or TV broadcast station by aural or automatic means, to receive the CONELRAD Radio Alert.

(2) By reception of the CONELRAD Radio Alert from a point that has received the CONELRAD Radio Alert from a standard, FM, or TV broadcast station.

(3) Radio station licensees desiring to receive the CONELRAD Radio Alert by a means not covered by subparagraph (1) or (2) of this paragraph may request authority from the Secretary, Federal Communications Commission to receive the Alert in another manner. The request must include reason why methods described in subparagraph (1) or (2) of this paragraph are not suitable and must fully describe the proposed method for receiving the Alert.

NOTE: Every standard, FM, and TV broadcast station will be notified of the CONELRAD Radio Alert by telephone calls or by radio broadcasts. Immediately upon receipt of the Radio Alert each standard, FM, and TV broadcast station will proceed as follows on its normally assigned frequency:

(1) Discontinue the normal program.

(2) Cut the transmitter carrier for approximately five seconds. (Sound carrier only for TV stations.)

(3) Return carrier to the air for approximately 5 seconds.

(4) Cut the transmitter carrier for approximately 5 seconds.

(5) Return carrier to the air.

(6) Broadcast 1000 cycle (approximate) steady state tone for fifteen seconds.

(7) Broadcast the CONELRAD Radio Alert message as follows: "We interrupt our normal program to cooperate in security and Civil Defense measures as requested by the United States Government. This is a CONELRAD Radio Alert. Normal broadcasting will now be discontinued for an indefinite period. Civil Defense information will be broadcast in most areas at 640 and 1240 on your regular radio receiver".

(8) The CONELRAD Radio Alert message will then be repeated.

(1) through (8) above is for the purpose of attracting the listeners' attention, or, if desired, to operate an automatic alert receiver or warning device. (Caution: (1) through (6) is a warning that a Radio Alert may follow; the actual Radio Alert signal is the spoken word in the form of the CONELRAD Radio Alert message.)

The CONELRAD Radio Alert message is set forth in (7) above, is worded in a manner suitable for reception by the public; however, the message is also the CONELRAD Radio Alert. When this CONELRAD Radio Alert message is received, all licensees must immediately comply with the CONELRAD operating procedure. The precise CONELRAD Radio Alert message, above, will be broadcast only in the event of an actual alert. In the event of a CONELRAD test or drill, broadcast stations will make an announcement that a test or drill is taking place.

(e) All radio stations in the Citizens Radio Service not directly receiving the CONELRAD Radio Alert must use caution in returning to the air after an "out of service" period, to insure that a CONELRAD Radio Alert is not in progress before making any transmissions.

§ 19.103 *Operation during a CONELRAD Radio Alert.* (a) Radio stations in the Citizens Radio Service, upon receipt of a CONELRAD Radio Alert, will interrupt any communications in progress, leave the air and maintain radio silence for the duration of the CONELRAD Radio Alert, except for transmissions handled in accordance with the following restrictions unless otherwise ordered by the Federal Communications Commission:

(1) No transmissions shall be made unless they are of extreme emergency nature affecting the national safety or the safety of people and property.

NOTE: Transmission affecting the safety or security of industrial plants, personnel or equipment and materials necessary to the national defense may be made. All transmissions not immediately necessary must be withheld until the CONELRAD Radio All Clear has been issued.

(2) All transmissions shall be as short as possible and the stations' carrier shall be removed from the air during periods of no message transmission.

(3) No station identification shall be given either by announcement of regularly assigned call sign or by announcement of geographical location. If identification is necessary to carry on the service, the use of special identifiers will be authorized.

§ 19.104 *Special conditions.* Licensees of radio stations or systems in the Citizens Radio Service, who for technical or operational reasons believe that compliance with § 19.103 cannot be met, may request a waiver of § 19.103. Such request must be made by letter to the Secretary, Federal Communications Commission, Washington 25, D. C., stating why § 19.103 cannot be complied with. The Commission upon investigation may modify the CONELRAD operating requirements of the station or system if it is found to be essential to the defense of the nation or the public welfare.

§ 19.105 *Radio All Clear.* The CONELRAD Radio All Clear will be initiated only by the Air Division (Defense) Commander or higher military authority and will be disseminated over the same channels as the CONELRAD Radio Alert. Broadcast stations will transmit the CONELRAD Radio All Clear message on normally assigned frequencies as follows:

The CONELRAD operating procedures have been ordered discontinued. All radio stations are authorized to return to normal operation on their regularly assigned frequencies:

I repeat

The CONELRAD operating procedures have been ordered discontinued. All radio stations are authorized to return to normal operation on their regularly assigned frequencies.

Radio stations and systems licensed in the Citizens Radio Service may resume normal operation when the CONELRAD Radio All Clear message is received unless otherwise restricted by order of the Federal Communications Commission.

§ 19.106 *Tests.* Tests of the CONELRAD alerting and operating systems may be conducted at appropriate intervals. Stations not normally in operation during the period of a test will not be required to take part. Tests of the operating system will not require the station to close down and will be conducted in a manner that will not interfere with the transmission of normal traffic. Reports of the results of such tests may be required in a form to be prescribed by the Commission.

§ 19.107 *Record entries.* Appropriate entries of all CONELRAD tests, drills, and operations shall be made in the station records.

[F. R. Doc. 58-5632; Filed, July 22, 1958; 8:53 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 110—DESTRUCTION OF RECORDS

SUBPART F—PERSONS WHICH FURNISH CARS TO RAILROADS

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 11th day of July A. D. 1958.

The matter of regulations to govern the destruction of records of persons which furnish cars to railroads being under consideration pursuant to provisions of section 20 (7) (b) of the Interstate Commerce Act, as amended, (34 Stat. 594, 35 Stat. 648, 54 Stat. 918; 49 U. S. C. 20); and,

It appearing that an order was entered May 2, 1952 requiring all persons which furnish cars or protective service against heat or cold to or on behalf of any carrier by railroad or express company subject to section 20 (6) of the Interstate Commerce Act, and which were exempted from accounting regulations prescribed pursuant to that section, to comply with regulations to govern the destruction of carrier records as prescribed by that order; and,

It further appearing that a notice of proposed rule making was issued May 21, 1958 showing in detail the revised regulations which were receiving consideration, such notice being published in the FEDERAL REGISTER on June 4, 1958 (23 F. R. 3902) pursuant to provisions of section 4 (a) of the Administrative Procedure Act; and consideration having been given to responses to that notice by interested persons, which were received on or before June 30, 1958 as therein provided, in the formulation of regulations hereinafter prescribed:

It is ordered, That the said order entered May 2, 1952 and the regulations therein prescribed be, and both the order and the regulations hereby are, canceled effective September 1, 1958, as of which date the title of Subpart F of Part 110 of this chapter shall be changed to conform to the above heading of this order and the regulations hereinafter prescribed substituted for the text thereof.

It is further ordered, That effective September 1, 1958 all persons which furnish cars to railroad or express companies subject to provisions of section 20 (6) of the Interstate Commerce Act, but do not provide protective service against heat or cold, shall comply with regulations which are attached hereto, and are by this reference made a part of this order, before destroying accounts, books, records, memoranda, correspondence, or other documents which pertain or relate to the cars so furnished.

And it is further ordered, That this order shall be served on each person which is subject to its provisions, and on every trustee, receiver, executor, administrator, or assignee of such persons, and that notice of the order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing the order with attached regulations with the Director, Federal Register Division.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

Regulations to govern the destruction of records of persons which furnish cars to railroads are as follows:

SUBPART F—PERSONS WHICH FURNISH CARS TO RAILROADS

Sec.
110.100 Regulations prescribed.
110.101 Statutory provisions.
110.102 Authority to destroy records.
110.103 Photographic copies.
110.104 Periods of retention.

AUTHORITY: §§ 110.100 to 110.104 issued under sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20.

§ 110.100 *Regulations prescribed.* All persons, including corporations and partnerships as well as individuals, which furnish cars to or on behalf of any carrier by railroad or express company subject to provisions of section 20 (6) of the Interstate Commerce Act, but do not furnish protective service against heat or cold, shall comply with regulations in this part before destroying records or documents which pertain or relate to the cars so furnished. Compliance with the regulations in this part will not, however, exempt such a person from statutory requirements other than provisions of the Interstate Commerce Act, for retention of such records or documents for periods longer than those hereinafter prescribed. (Car line companies which also provide protective service are subject to regulations in §§ 110.1 to 110.7.)

§ 110.101 *Statutory provisions.* (a) Section 20 (6) of the Interstate Commerce Act includes the following requirements:

The Commission • • • shall at all times have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of persons which furnish cars • • • to or on behalf of any carrier by railroad or express company • • •: *Provided, however*, That such authority shall be limited to accounts, books, records, memoranda, correspondence, or other documents which pertain or relate to the cars • • • so furnished. • • • Persons furnishing such cars • • • shall submit their accounts, books, records, memoranda, correspondence, or other documents, to the extent above provided, for inspection and copying • • • upon demand • • •.

(b) Section 20 (7) (b) of the Interstate Commerce Act includes the following provisions:

Any person who • • • shall knowingly and willfully destroy, mutilate, alter, or by any other means or device falsify the records of • • • accounts, records, or memoranda,

• • • shall be deemed guilty of a misdemeanor and shall be subject • • • to a fine of not more than five thousand dollars or imprisonment for not more than two years, or both such fine and imprisonment: *Provided*, That the Commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents • • • as may, after a reasonable time, be destroyed, and prescribing the length of time the same shall be preserved.

§ 110.102 *Authority to destroy records.* Records and documents which pertain or relate to cars furnished subject to provisions of section 20 (6) of the Interstate Commerce Act may be destroyed after the same have been retained respectively for periods hereinafter prescribed.

§ 110.103 *Photographic copies.* Records and documents covered by the regulations in this part may be destroyed at any time after they have been suitably photographed in the normal course of business under a program instituted for the protection or storage of other company records of a similar nature or purpose: *Provided, however*, That microfilm copies shall be retained for the periods of time prescribed for the original records or documents, respectively; that the microfilm copies shall be no less readily accessible than the original records or documents as normally filed or preserved would be; and that suitable facilities shall be available to locate, identify, read, or reproduce such microfilm copies.

§ 110.104 *Periods of retention.* Records and documents listed in this section, insofar as they pertain or relate to cars furnished to or on behalf of any carrier by railroad or express company, shall be retained for the periods of time shown for each kind of record or document, respectively. Inclusion of a record or document in the list imposes no requirement that it shall be installed if the information normally so recorded is not otherwise required by provisions of the Interstate Commerce Act.

Item	Description of records	Period to be retained
1	Contracts, leases, and agreements.	5 years after expiration or termination.
2	Copies and files of tax returns.	3 years.
3	Insurance records, including the policies.	2 years after expiration of coverage.
4	Records of the cost of construction of cars (see note).	3 years after sale or retirement.
5	Records of rents and revenues from cars, of repairs to and maintenance of cars, and of safety appliances installed or repaired.	3 years.
6	Car location records and reports.	2 years.
7	Records and files of claims for personal injuries, and fire and other damages.	5 years after settlement or rejection.
8	Accident records and reports, if not included in Item 7.	2 years.
9	Reports to regulatory agencies, file copies of and supporting papers.	6 years.
10	Correspondence	For the period prescribed for the records to which correspondence relates.

NOTE: In addition to records that become the property of the company which acquires cars, the Commission's safety regulations require a car builder or noncarrier car repair shop to retain certain records relating to the construction or repair of tank cars. See Appendix W, A. A. R. Tank Car Specifications.

[F. R. Doc. 58-5625; Filed, July 22, 1958; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 964]

DRIED FIGS PRODUCED IN CALIFORNIA

APPROVAL OF BUDGET OF EXPENSES OF DRIED FIG ADMINISTRATIVE COMMITTEE FOR 1958-59 CROP YEAR AND FIXING RATE OF ASSESSMENT FOR SUCH CROP YEAR

Notice is hereby given that the Secretary of Agriculture is considering the approval of a budget of expenses of the Dried Fig Administrative Committee for the 1958-59 crop year and the fixing of a rate of assessment for that year, as hereinafter set forth. The amount of the budget and rate of assessment were unanimously recommended by the aforesaid committee in accordance with the provisions of Marketing Agreement No. 123, as amended, and Order No. 64, as amended (7 CFR Part 964), regulating the handling of dried figs produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the eighth day after the publication of this notice in the FEDERAL REGISTER. In the event that the said eighth day after publication should fall on a legal holiday, Saturday, or Sunday, such submissions must be received by the Director not later than the close of business on the next following business day.

The proposed budget of expenses and rate of assessment follows:

§ 964.303 *Budget of expenses of the Dried Fig Administrative Committee and rate of assessment for the 1958-59 crop year*—(a) *Budget of expenses.* Expenses in the amount of $26,460 are reasonable and are likely to be incurred by the Dried Fig Administrative Committee for its maintenance and functioning for the crop year which will begin on August 1, 1958, and will end on July 31, 1959.

(b) *Rate of assessment.* Each handler shall pay to the Dried Fig Administrative Committee, in accordance with the provisions of Marketing Agreement No. [illegible] as amended, and Order No. 64, as amended, an assessment of $1.35 for each ton of salable tonnage dried figs handled by him as the first handler thereof during the crop year which will begin on August 1, 1958, and will end on July 31, 1959, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

The term "salable tonnage dried figs" as used in § 964.303 (b), means and includes all natural condition dried figs acquired by a handler during the crop year which will begin on August 1, 1958, pursuant to the applicable provisions of the aforesaid marketing agreement, as amended, and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 18, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-5641; Filed, July 22, 1958; 8:54 a. m.]

[7 CFR Part 980]

[Docket No. AO-301]

HANDLING OF MILK IN WESTERN COLORADO MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Western Colorado marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, was conducted at Grand Junction, Colorado, on December 10-13, 1957, pursuant to notice thereof which was issued November 19, 1957 (22 F. R. 9394).

The material issues of record related to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions—1. *Character of the commerce.* All milk to be regulated by the proposed marketing agreement and order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

The marketing area specified in the order proposed herein includes all territory within three counties located in Western Colorado. There is continuous and substantial interstate commerce in the procurement of milk and the sale of fluid milk and its products to consumers. Two handlers who would be regulated under the proposed order regularly distribute packaged fluid milk products on routes into the counties of Grand and San Juan located in Southeastern Utah. Thus, Western Colorado handlers are in competition with each other across the Colorado-Utah state line, and with handlers located in Utah as well, in the sale of milk and milk products at the wholesale and retail levels.

Substantial quantities of manufactured dairy products, such as cottage cheese, condensed milk, and nonfat dry milk solids are sold in the proposed marketing area from sources located outside of the State of Colorado. The condensed milk is used for the manufacture of ice cream which is distributed locally. The nonfat dry milk solids are used occasionally for the manufacture of cottage cheese and also to fortify fluid milk products.

Producers for the Western Colorado market supply milk primarily for fluid use. However, there is necessarily some reserve for variations in sales and production. This reserve milk is commonly manufactured into butter at local plants and shipped to the west coast for distribution.

On a supplemental basis, substantial quantities of milk produced in Utah and Idaho were imported during the period of July 1956 through February 1957. However during this same period milk was being exported to New Mexico. The total quantity of milk imported during the above period was approximately 768,000 pounds and exports amounted to approximately 384,000 pounds. Thus, milk so imported was commingled with locally produced milk and distributed in bulk and packaged form in Colorado, Utah, and New Mexico.

It will be noted that there is interstate commerce in three major respects; procurement of milk for the market, distribution by handlers, and in close relationship with national markets for manufactured dairy products.

2. *Need for an order.* Marketing conditions in the Western Colorado area indicate that the issuance of a marketing order, such as that set forth herein, will tend to effectuate the declared policy of the act with respect to milk produced for the Western Colorado market.

Stability of the marketing conditions together with a reasonable certainty of an adequate supply of pure and wholesome milk can be assured for the Western Colorado marketing area only when all milk handlers in the area have substantially equal costs of milk according to use, and only when all farmers supplying milk to each handler in the market receive the same price per hundredweight for Grade A milk.

These conditions do not exist. Most of the handlers distributing milk to consumers in the marketing area purchase their raw milk from farmers affiliated with the Western Colorado Milk Producers Association. The Association has been unable to attain a satisfactory arrangement with respect to checking of weights and tests of milk delivered to handlers by producers, the utilization of milk by the handlers, bargaining for the price to be received by producers for the milk, and the assignment of bases to producers.

Producers were unable to make satisfactory pricing arrangements for the sale of their milk. Prices paid for milk have been determined without consultation with the producers and without regard to the use of the milk. Producers were paid on a base-excess plan throughout the year. Producer bases were fixed most of the time and did not change from year to year as changes occurred in the production and sales patterns. The base prices paid by major handlers in the market had little relationship, if any, to the total Class I sales by their respective plants. Moreover, one handler paid two different base prices to his producers. A discounted base price was paid to producers for milk sold outside of the proposed marketing area.

The Western Colorado handlers have frequently found it necessary to purchase milk from outside sources in order to meet their needs. However, the quantities so purchased, the prices paid by handlers and the times when such milk was needed are not known to the producers. Handlers at times have had to pay more for such milk than the price generally paid to local producers. Moreover, there were times when the imported milk was available at prices lower than prices paid to producers. The producers' lack of knowledge about such outside milk results in mistrust and is a serious handicap to local producers in planning production to supply the market. The availability of surplus milk from other fluid milk markets purchased on an "opportunity" basis is a serious threat to market stability.

These variations in price plans and in net prices paid to producers reflect different raw material costs to various dealers who are selling milk in the marketing area. A condition of unequal costs among handlers may cause them to attempt to economize by reducing returns to producers. This in turn would tend to stimulate successive price reductions by competitors. This development is contrary to the interest of producers and over a period of time may jeopardize an adequate supply of milk. Alternatively, some handlers may attempt to achieve equality by reducing the quantity of their purchases of milk in order to obtain the highest possible proportion of the higher value uses of milk. This reaction, however, may result in intermittent shortages of supply for the market.

If producers receive widely varying prices for their milk, they tend to shift around among milk dealers and to shift in and out of the market. Such shifts may become sufficiently frequent as to jeopardize a dependable supply of pure and wholesome milk.

A marketing agreement and order program is needed to establish and maintain orderly marketing conditions throughout the marketing area. The thorough auditing of the utilization of all milk received by handlers, the checking of butterfat tests and weights of all producer milk, and the publication of complete supply and use data for the market will aid in this objective by assuring producers that they will receive a proper accounting for their milk and by providing full information on market developments.

3. *Order provisions.* The major provisions of an order suitable for the Western Colorado area will be described in the following portions of this decision.

(a) *Marketing area.* The marketing area should include all the territory within the counties of Delta, Mesa and Montrose, all in the State of Colorado. The city of Grand Junction is the largest population center in the marketing area. It is estimated that the population in January 1957 of Grand Junction was approximately 20,000 out of a total population of 82,000 in the three-county area.

The three-county area is served exclusively by a group of six handlers. Three of these handlers have bottling plants in Grand Junction at which milk is received from producers. One handler has a bottling plant in the city of Delta and another plant in Grand Junction at which ice cream is manufactured. The latter plant would not be regulated under the attached order. The two other handlers have bottling plants located in the towns of Montrose and Paonia.

Of the six handlers distributing milk in the proposed marketing area, three handlers distribute milk into each of the counties in the proposed marketing area. The sales of the other three handlers are as follows: One handler distributes milk only in the city of Grand Junction. The two handlers whose plants are located in Montrose and Paonia distribute milk only in Montrose and Delta counties, respectively.

In addition to the sales competition, the six handlers also compete actively in the purchase of milk from dairy farmers. The milkshed area is, of course, somewhat larger than the defined marketing area but the farms of most of

the producers supplying each of the six handlers are intermingled. Approximately 177 producers supply these six handlers.

The three-county area requires all milk distributed for fluid purposes meet Grade A standards. The State of Colorado has a Grade A law which requires that all milk sold for fluid purposes must be Grade A milk. There are local health departments in Grand Junction and Montrose which have Grade A ordinances similar to the State of Colorado's law but there isn't any provision in these ordinances which restrict the movement of milk in the marketing area. The principal difference between the local ordinance and the State law is that the local health departments issue Grade A permits to the local dairy farmers whereas the State does not. The State inspects only the plants and issues permits to such plants.

Producers proposed that the marketing area also include the counties of Dolores, Garfield, Gunnison, Hinsdale, La Plata, Montezuma, Ouray, San Juan, and San Miguel. The cooperative association had no members delivering milk to the additional handlers who would be regulated, but they considered these counties to be an important and integral portion of the market. The six handlers who would be regulated hereunder and who are served in whole or part by the association testified that there was not any need to include any other territory than the handlers' primary market which would be the marketing area proposed herein. If the above-mentioned counties were included it would be necessary to regulate handlers whose primary market is not located in the Western Colorado area. Since no evidence was presented at the hearing as to the quantity of Class I sales the handlers had in these counties it is safe to assume that the competition was not sufficient to warrant regulation or that their major competition would only come from handlers who would be regulated under the order.

The marketing area as herein defined comprises a contiguous, generally populous territory, served by the same handlers. Such area is, in reality, a single milk market, all parts of which are regulated by health ordinances generally similar in scope and enforcement, and which constitutes a practical unit for the proposed regulation.

(b) *Milk to be priced.* The type of regulation provided by a milk order is essentially a matter of establishing minimum prices to be paid to dairy farmers who produce milk for the market. The scope of such regulation may be made specific by providing appropriate definitions.

The primary factor in determining which dairy farmers are producers of milk for the marketing area is the disposition of milk from the plant to which they deliver their milk. Market conditions described in the record indicate that the most practical method of order regulation would be to establish minimum prices to all farmers delivering Grade A milk to plants from which such milk is distributed in the marketing area.

In order to qualify under the definitions of the order, any dairy farmer or any milk plant should have the approval of an appropriate health authority for the production or disposition of milk for consumption as Grade A fluid milk. Since approval to produce or distribute milk in the proposed marketing area may be extended to farmers or plants under inspection of other health authorities, no requirement should be made that a dairy farm or a milk plant must hold a permit actually issued by a health authority in the marketing area.

A "fluid milk plant" should be defined as any plant from which Class I milk is disposed of on routes in the marketing area. In delineating the Western Colorado marketing area, it has been noted that all of the milk plants located within this area have a preponderance of their Class I sales within the defined marketing area. Since these milk plants are the only ones from which Class I milk is distributed in the defined marketing area, it is appropriate that the definition of a fluid milk plant should include all milk plants from which Class I milk is disposed of on routes in the marketing area. (To avoid the administrative problem of dealing with insignificant operations, plants from which less than 200 pounds per day of Class I milk may be disposed of on routes in the marketing area are specifically exempted from the pricing and payment provisions of the order.) In other words, any milk plant from which a significant volume of Class I milk is disposed of on routes in the marketing area will be subject to full regulation under the order.

At the present there are no plants serving as receiving stations or regular supply plants for fluid milk plants in this area. Such supplemental shipments as are needed by the market are in most cases of short duration and originate usually from plants located in Utah. It appears at this time that effective regulation in the marketing area may be accomplished without regulating supply plants which furnish only incidental shipments of bulk milk to fluid milk plants. If, in the future, supply plants serve as regular sources of supply for the market or supplies from such sources displace local producer milk, the question of pricing milk at such plants should be considered at another hearing.

Milk received at a regulated plant from plants not subject to the Western Colorado order should be designated as other source milk and allocated first to the lowest priced uses of the reporting handler. This procedure is necessary to assign the fluid milk sales to the regular producers who supply milk to the fluid plants and to preserve the effectiveness of the classified pricing plan.

Fluid milk plants from which a higher proportion of the Class I sales is disposed of in the marketing area under another Federal order need not be subject to this regulation provided that such plant is fully subject to regulation under the other order. It would not be feasible to extend regulation to such plants because to do so would subject them to duplicate regulation under the act. Provision should be made for the operators of such plants to report their receipts and utilization to the market administrator as may be necessary to determine their status under the order.

A "nonfluid milk plant" should be defined as any milk plant other than a fluid milk plant. The term "route" is used in the definition of a fluid milk plant to cover a number of types of distributing operations in which handlers may engage in the proposed marketing area. "Route" should be defined as any delivery to retail or wholesale outlets (including a sale from a plant or plant store) of a fluid milk product other than a delivery to any milk processing plant.

"Handler" should be defined as the operator of a fluid milk plant. The operator of any fluid milk plant is included in order to require such a person to report to the market administrator and apply other order provisions pertaining to such handlers. The handler is the person to whom the provisions of the regulation are applicable. He is the person who receives the milk from dairy farmers and who is responsible for reporting receipts and utilization of milk at each fluid milk plant. He is also responsible for paying producers minimum prices. If a handler operates both a fluid milk plant and a nonfluid milk plant, this definition is not intended to include such person as an operator of such latter plant.

"Producer" should be defined as any person who produces milk in compliance with inspection requirements of a duly constituted health authority for Grade A milk for fluid consumption and whose milk is received at a fluid milk plant. This definition is intended to include the producers of milk for fluid use whose milk is supplied by a fluid milk plant to Federal installations within the marketing area. Provision should also be made to include a producer whose milk is diverted to a nonfluid milk plant by the handler for his account. The milk of producers which is diverted by a handler should continue to be pooled with the milk of his other producers so that the producers whose milk is diverted will be paid the handler's uniform price. This will facilitate the movement of milk to nonfluid milk plants for the purpose of adjusting utilization to short-term variations in supply and preserve the producer status of such dairy farmer so that his milk production will be available to supply the market's fluid milk needs at other times. For purposes of applying location differentials diverted milk should be deemed to have been received at the plant from which it was diverted.

"Producer-handler" should be defined as any person who receives receiver milk from his own dairy farms (but not from other producers) and who distributes fluid milk products in the marketing area. He may purchase supplemental milk for Class I use from fluid milk plants under the order. Producer-handlers should be subject to the order only to the extent that they must submit reports to the market administrator as required and maintain and make available to the market administrator accounts, records and facilities so that he may verify that such persons are producer-handlers.

The proponents proposed that any producer-handler who distributes more than 1,000 pounds of Class I milk per day on routes in the marketing area would lose his producer-handler status and become a fully regulated handler. The 1,000 pound limitation on a producer-handler under individual-handler pools has no value because the producer-handler would not have to make any equalization payments as he would under a marketwide pool. However, at the time of the hearing there were no producer-handlers distributing Class I milk in the marketing area. In view of the fact that the order provides for individual-handler pools and there are no producer-handlers in the market there is no need to place a quantity limitation on a producer-handler's Class I sales in the marketing area.

The classification provisions of the proposed order should provide that any milk, skim milk or cream transferred by a handler to a producer-handler will be Class I milk. Any supplemental milk which a producer-handler obtains from other handlers must, by virtue of the nature of the operation involved, be presumed to be needed for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from other handlers and still maintain his status as a producer-handler. Any milk which a handler receives from a producer-handler should be considered as other source milk and allocated to the lowest class utilization at the fluid milk plant of a handler after the allocation of shrinkage on producer milk. Milk disposed of to another handler by a producer-handler must be presumed to be surplus to the operation of the producer-handler.

"Other source milk" should be defined as all skim milk and buttterfat contained in milk and milk products utilized by the handler in his operation except milk received from producers and fluid milk products received from other fluid milk plants. It will include all fluid milk and fluid milk products from plans other than fluid milk plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It will include those manufactured products from a plant's own production or from other fluid milk plants which are reprocessed or converted into another product in the plant during the same or a later month.

A "fluid milk product" should be defined as any product which the duly constituted health authority in the marketing area require be made from Grade A milk. These products would be milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour, including any mixture of cream and milk or skim milk), and concentrated (frozen or fresh) milk, flavored milk, or flavored milk drinks which are neither sterilized nor in hermetically sealed cans.

(c) *Classification of milk.* All milk and milk products received by a handler should be classified on the basis of skim milk and butterfat according to the form in which or the purpose for which it is used or disposed of as Class I, Class II or Class III milk. The handlers proposed a single surplus class, but the reasons for the three classifications of skim milk and butterfat are discussed in detail under Class Prices.

Skim milk and butterfat are not used in most products in the same proportion as contained in the milk received from producers, and therefore, should be classified separately according to their separate uses. The skim milk and butterfat content of milk products received and disposed of by handlers can be determined through recognized testing procedures. Some of these products such as ice cream and condensed products present an accounting problem in that some of the water contained in the milk has been removed. It is necessary in the case of such products to provide an acceptable means of ascertaining the amount of skim milk and butterfat used to produce them. This may be established through the use of adequate plant records made available to the market administrator for products produced by the handler or by means of standard conversion factors for products purchased by the handler. The accounting procedure to be used in the case of any milk product should be based on the pounds of milk or skim milk required to produce such products.

Class I milk. The products which should be included in Class I milk are those generally required by health authorities having jurisdiction in the marketing area to be made from milk or milk products from approved Grade A sources. The extra cost of getting quality milk produced and delivered to a market in the condition and quantities required makes it necessary to provide a price for milk for Class I utilization above the ungraded or manufacturing milk price.

Class I milk should include all the products defined in the fluid milk products provision. All of the enumerated forms of milk contained in the fluid milk product definition are required by the health authorities having jurisdiction in the defined marketing area to be made from milk produced on farms approved to supply milk for fluid use. Buttermilk is an exception to this since it is not required to be made from Grade A milk. However, all the handlers in the Western Colorado market make buttermilk out of Grade A milk and proposed that such product be included in Class I milk.

The Class I products which contain concentrated skim milk solids such as skim milk drinks and buttermilk to which extra solids are added or concentrated whole milk disposed of in fresh or frozen form for fluid use should be included under the Class I definition. Products such as evaporated or condensed milk in bulk, or packaged in hermetically sealed cans, should not be considered as concentrated milk.

Class II milk should be all the skim milk and butterfat used to produce ice cream, imitation ice cream, frozen desserts, ice cream mix, imitation ice cream mix, frozen dessert mix, yogurt, eggnog, aerated cream, skim condensed milk, whole condensed milk, cottage cheese curd and cream used in the creaming of cottage cheese curd. Although these products are not required to be made of Grade A milk, when local Grade A milk is available these products are made from milk of approved sources. When local milk is not available such products as high quality, low temperature spray process nonfat dry milk are desired and used for these products. Most of the products contained in the definition of Class II are commonly made in local plants at little or no haul cost. Therefore, milk used to produce Class II products should be classified differently from the milk used to produce Class III products.

Class III milk should be all skim milk and butterfat used to produce all products not specified in Class I or Class II. Included in Class III are butter, cheese, evaporated and condensed milk, nonfat dry milk, and other products not designated as Class I or Class II.

Class III should include actual shrinkage on producer milk in an amount not in excess of 2 percent of receipts directly from producers and actual shrinkage on other source milk. Unaccounted for milk in excess of a reasonable allowance for plant loss should be Class I in order to require full accounting by handlers for their receipts. Two percent is considered reasonable maximum allowance for this purpose. An efficiently operated fluid milk plant should be able to keep its shrinkage within this allowance. No limit should be placed on shrinkage of other source milk. Such milk is deducted from the lowest use class under the allocation provision. Since it is not feasible to segregate shrinkage of producer milk from that of other source milk in the same plant, total shrinkage is prorated on the basis of the volume of receipts.

Class III should also include any skim milk and butterfat which is dumped after prior notification to and opportunity for verification by the market administrator or for livestock feed to the extent that verifiable records of such utilization are maintained by the handler.

Butterfat and skim milk used to produce Class II and Class III products should be considered to be disposed of when so used. Handlers will need to maintain stock records of such products, however, to permit audit of their utilization records by the market administrator. Class II and Class III products from any source which are used during the month in the production of another product should be subject to a reclassification charge if they are used in a higher price class. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. Inventory is intended to include stocks on hand of bulk milk, skim milk, cream, bottled milk and other fluid milk products designated as Class I. Manufactured products (Class II and Class III) on hand are not included in the inventory account because the milk

used to produce such products will already have been accounted for. However, handlers will need to keep records of such products but they will not be included in inventory for the purposes of accounting for current receipts.

It is concluded that inventory should be accounted for as Class III milk. If fluid milk products in inventory are accounted for as Class III milk at the end of a month, it will be necessary to provide a method to deal with the producer milk inventory which is used in the current month for Class I purposes but which the handler accounted for to producers as Class III milk at the end of the previous month. In plants which engage primarily in a fluid milk business, it is quite possible that a decrease in inventory in any given month may exceed their total utilization of milk in Class III. Handlers, at times, also use other source milk in their operations. Producer milk from inventory should have prior claim on Class I sales over current receipts of other source milk. This can be accomplished by considering the ending inventory in one month as a receipt in the following month and subtracting such receipt (under the allocation procedure) in series starting with Class III milk following the subtraction of other source milk. To the extent that opening inventory is allocated to Class I and Class II milk and there was an equivalent amount of producer milk classified in Class III milk in the previous month (after the allocation of other source milk) a reclassification charge should be made at the difference between the Class I or Class II price in the current month and the Class III price in the preceding month. This will promote equality in the cost of milk among handlers and returns to producers, irrespective of whether or not such producer milk is from the previous month's ending inventory or is a current receipt.

Transfers. With respect to milk utilized in any given plant, the above described classification rules apply.

However, since some Class I items may be disposed of to other milk plants for processing, separate classification procedure should be prescribed for transfers to other plants.

Milk, skim milk, cream or other products designated as Class I milk transferred by a handler to the fluid milk plant of another handler, except that of a producer-handler, should be classified as Class I milk unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II or Class III milk. However, sufficient Class II or Class III utilization must be available at the transferee plant for such assignment after prior allocation of shrinkage and other source milk, as described below. On the other hand, if the transferring handler had other source milk during the month, the assignment of products transferred to another plant to the Class I utilization of such plant should be limited so that other source milk in the transferring handler's plant will not be allocated to Class I milk while at the same time producer milk is allocated to Class II and Class III milk in the transferee handler's plant.

Milk, skim milk, or cream transferred in bulk to a nonfluid milk plant located more than 350 miles distant from the City Hall in Grand Junction should be classified as Class I. There are adequate facilities for the manufacture of excess milk into manufactured products within a radius of 350 miles. Both Salt Lake City and Denver are within this radius. The automatic classification as Class I of milk, skim milk or cream moved more than 350 miles is administratively necessary in order to reduce the administrative expense which would otherwise be involved in having the market administrator verify actual utilization in nonfluid milk plants located at extreme distances from the market.

The more common form of transfer to a nonfluid milk plant by Western Colorado handlers is the movement of excess milk to nearby manufacturing plants. It is provided that transfers of milk, skim milk, or cream from a fluid milk plant to a nonfluid milk plant located less than 350 miles distant be Class I unless Class II or Class III use is affirmatively established. Evidence of such use consists of a certification by the fluid milk plant operator that the transfer was intended for Class II or Class III use, and verification by the market administrator of the records made available by the nonfluid milk plant operator shows an equivalent quantity was so utilized.

Allocation. In view of the fact that the order class prices apply only to producer milk it is necessary, if a fluid milk plant has butterfat or skim milk other than that received in producer milk, to determine the quantities of milk in each class to be assigned to current receipts from producers. The milk received from producers (as defined herein) should be assigned to Class I before other milk is so assigned. The dairy farmers defined under the order as producers are the dairy farmers for whom minimum prices are established under the order and those relied upon to produce an adequate supply of milk for the market. If handlers were permitted to assign producer milk to Class II or Class III, while at the same time assigning milk received from other sources to Class I, the returns from the sale of Class I milk would not accrue to those farmers for whom minimum prices are established and who are relied upon to provide an adequate supply of milk for the market. Thus, the prior assignment of producer milk to Class I is essential to insure the effectiveness of the classified pricing program, under the order, and to effectuate the purposes of the act. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in § 980.46 of the order.

Under this procedure, the skim milk and butterfat, respectively, remaining in each class is assigned to producer milk by making the following deductions from the gross utilization of each handler starting with Class III milk:

(1) Class III shrinkage of producer milk;

(2) Other source milk as defined in § 980.13;

(3) Beginning inventory;

(4) Receipts from other handlers (according to classification);

(5) Overage.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described should be carried out with respect to all milk received during each month. To apply a shorter accounting period would place an accounting and reporting burden upon handlers and increase the cost of administering the order.

(d) *Class prices.* Class I prices should be established at a level which, together with appropriate Class II and Class III prices, will return to producers a uniform price sufficient to bring forth the required supply of Grade A milk throughout the year. Class I prices established too low will result in the production of insufficient milk to meet the Class I needs of the market. On the other hand, prices at too high a level will stimulate production and bring to the market more milk than is necessary to satisfy the Class I needs, including a reasonable reserve. The development of uneconomic reserves of Grade A milk will tend to depress the price paid to producers for the market.

Basic formula price. In their proposal, the producers suggested that a basic formula price and differential method of pricing be established. The purpose of the basic formula price is to reflect the national market price for milk used in manufacturing dairy products. Because the market for most manufactured products is nationwide, prices of such products reflect, to a large extent, changes in the general economic conditions affecting the supply and demand for ungraded milk. These prices, in turn, influence the local market prices for the same uses of milk. For these reasons, in most fluid milk markets it has been found appropriate to use the prices for butter and nonfat dry milk solids, or the prices paid by condenseries (with differentials over these basic manufacturing prices) to establish fluid milk prices. The differential added to the basic formula price should reflect the additional costs of getting Grade A milk produced and delivered to consumers in the quantities required meet the needs for fluid consumption in the Western Colorado marketing area. The use of alternative components as included in the attached order in the determination of the basic formula price will reflect the basic factors affecting the value of manufacturing milk at any given time.

The basic formula price should be the higher of (a) the prices paid by Wisconsin and Michigan condenseries for milk of 3.5 percent butterfat, or (b) a price calculated from a formula using the prices of butter and nonfat dry milk. This basic formula pricing plan is similar to that proposed by the proponents at the hearing except that for the sake of uniformity the same formula as is used in the Southwest Kansas and Wichita, Kansas, orders has been used.

The condensery price is the same as that proposed by producers and commonly used in Federal orders. However, a somewhat higher butter-powder formula should be used than that proposed by producers. The formula price per hundredweight of 3.5 percent milk should be comprised of a butterfat value

equal to the price of 92-score butter at Chicago less a "make" allowance of 3 cents, multiplied by a yield factor of 4.2 and a skim milk value equal to the average prices of spray and roller process nonfat dry milk at Chicago area manufacturing plants less a "make" allowance of 5.5 cents multiplied by a yield factor of 8.2. The principal reason for using a higher butter-powder formula is that markets closest to the Western Colorado area. At the support prices prevailing during the April 1958–March 1959 marketing season, the Southwest Kansas and Wichita formulas would produce a price of $2.94 for 3.5 percent milk and the basic formula proposed by producers would be only $2.81. Since inter-market relationships constitute a major factor in the use of basic formulas, the formulae already used in the Wichita and Southwest Kansas orders should be adopted.

Class I differential. For the first 18 months of the operation of an order for the Western Colorado area, the minimum Class I price per hundredweight of milk of 3.5 percent butterfat content should be determined during the months of March, April, May, and June by adding a differential of $1.60 to the basic formula price for the preceding month and during all other months such differential should be $2.05.

Some time after the order has been in operation a full year, a hearing can be called to consider more permanent Class I price provisions. At such time considerable marketwide data on all aspects of the marketing of milk in the area will have become available. These data can be expected to provide for a reappraisal of the Class I price structure, including the supply-demand adjustment.

The proponents proposed a Class I differential of $2.45 per hundredweight over the basic formula price. They presented testimony that such a price was needed because of the higher costs of production and transportation in the Western Colorado area than in surrounding areas. The proposed Class I price would have averaged $5.47, $5.56 and $5.59 in 1955, 1956 and 1957, respectively.

The historical prices paid for fluid milk for bottling purposes vary to a large extent in the market. At present there is no classified payment plan operating in the market. Producers are paid on a base and excess plan. The base price was reportedly tied to the amount of fluid sales each handler had in his plant and, therefore, constitutes the closest available approximation to a historical Class I price.

Although the producers were paid either on a per hundredweight or per pound of fat basis, the historical prices stated below have been converted to a Class I differential over a basic formula price. The basic formula price used is the same one provided in the proposed order applicable to the period. In 1955 the price paid to producers for base milk of 3.5 percent butterfat content by two of the three largest handlers averaged $2.19 over a basic formula price of $3.06 (for a total of $5.25 per hundredweight) f. o. b. the plant. During the same period another large handler paid two different base prices to his producers yielding Class I differentials of $1.14 (total price of $4.20 per hundredweight) and $2.19 ($5.25 per hundredweight). The Class I differential of $1.14 was paid to producers whose milk was purported to have been sold outside of the marketing area provided herein. The prices per hundredweight paid to producers for base milk did not change from January 1955 through February 1957, although manufacturing values, as measured by the basic formula, varied somewhat.

In March 1957 the handler who paid the two different base prices increased them by 17 cents per hundredweight, but at the same time another handler decreased his base paying price. For the first 10 months of 1957 the average Class I differential over the basic formula price of $3.14 paid for base milk in the Western Colorado market by all handlers, weighted by producer numbers, was $1.84 ($4.98 per hundredweight) f. o. b. the plant. During this period the range of average Class I differentials was from $1.20 ($4.34) to $2.25 ($5.39) and of the total of 177 producers delivering to the six plants which would be regulated 43 producers received a Class I differential of $1.20 ($4.34), 4 producers received $1.30 ($4.54), 66 producers received $1.98 ($5.12), 34 producers received $2.11 ($5.25) and 30 producers received $2.25 ($5.39). It is obvious that a significant number of new producers have been willing to supply milk under open bases at a Class I differential of about $1.20. However, it is unlikely that such a price would bring forth an adequate supply of milk for the market since these shippers still represent less than one quarter of the total and have not had sufficient cost experience to determine whether they can produce permanently at the low price. Therefore, it is concluded that Class I differentials of $1.60 during the months of March, April, May and June and $2.05 during all other months would be more nearly in line with the prices which have been paid to the majority of producers.

A second guide to the appropriate level of Class I prices is the cost of alternative supplies of milk. If the Class I price in the Western Colorado market were established at a price which exceeded the cost of supplies from alternative sources over any extended period of time there would be an incentive for handlers to reduce their purchases from local producers and purchase milk from outside sources.

Supplemental milk was imported during the months of July 1956 through February 1957, mostly from Salt Lake City. The prices paid for this milk varied from $1.00 per pound of fat ($3.50 per hundredweight of 3.5 milk) in the latter part of January and the first part of February to $1.50 per pound of fat ($5.25 per hundredweight) during July of 1956. The hauling cost on this milk was 70 cents per hundredweight. The f. o. b. Grand Junction price of such milk at 3.5 percent butterfat would have ranged from $4.20 to $5.95, as compared with the average Class I price of $5.25 provided herein for the same period.

The cost of supplemental milk from the usual midwestern sources of supply would be higher than the Class I price provided herein. A handler in Springfield, Missouri, said he could have delivered 3.5 percent milk to Grand Junction during the month of November 1957 for $6.28 per hundredweight. A handler in St. Paul, Minnesota, quoted a price of $6.25 per hundredweight for the same period. A handler from Minneapolis, however, quoted a price of $5.92 per hundredweight f. o. b. Grand Junction for milk delivered on a year-round basis. The prices quoted exceed the proposed average Class I price of $5.04 during the year of 1957.

The seasonality of the Class I differentials herein proposed, 45 cents less in March through June than in other months, gives greater incentive to the production of milk for the market in those months of normally short production. This seasonal variation in the Class I price differential is particularly important in view of the absence of a base-rating plan. (The base-rating plan is covered in more detail in another section of this decision.) On the basis of the prices which have been paid to producers in the past few years, the cost of supplemental supplies from other markets, and the advisability of providing an incentive for level production, it is concluded that Class I differentials of $1.60 for the flush months of March through June and $2.05 for the months of July through February will be appropriate.

Class II price. The Class II price should reflect a value for milk used to produce cottage cheese, ice cream and related products in the Western Colorado market. The price for such milk should be the basic formula price for the current month plus 60 cents.

Milk used for these purposes should command a premium over milk used in the manufacture of the major nationally marketed dairy products such as butter, nonfat dry milk, hard cheese and evaporated milk. The premium is based on the lower transportation and handling cost, the superior quality of Grade A milk in the manufacture of these products, and the cost of alternative sources of ingredients.

In this market much of the reserve supply of milk that is needed because handlers' Class I sales fluctuate on a daily basis is converted into such products as cottage cheese, ice cream and related products in handlers' plants or other nearby plants. Transportation and rehandling costs are either eliminated or minimized.

Ungraded milk for these purposes commands a higher price than milk used in the manufacture of Class III products. As an example, a local ice cream plant has paid $3.85 per hundredweight for ungraded milk of 3.5 percent butterfat for use in ice cream. The price level of Class II milk should not be below that paid for ungraded milk for the same use, since such "pay" prices represent the prevailing value for milk for such uses. It is to be expected that milk in excess of Class I uses will be used in the highest valued manufactured products.

The cost of alternative supplies of milk for Class II use are more than the prices the handler must pay for butterfat and milk solids from producers.

Cream purchased from Springfield, Missouri, would cost the handlers about 75 to 80 cents per pound of butterfat delivered to Grand Junction. Milk solids purchased in the form of nonfat dry milk or condensed milk would cost the handler approximately $1.10 to $1.435 per hundredweight of skim milk equivalent. Thus, the total price paid for butterfat and milk solids would be more than the price per hundredweight handlers would be required to pay local producers for milk used in Class II products.

Class III price. The minimum Class III price per hundredweight for milk of 3.5 percent butterfat content should be the basic butter-powder formula price less 13 cents.

The problem of disposing of milk not needed for Class I or Class II purposes was discussed in detail at the hearing. When the local handlers have surplus milk over their Class I and Class II needs the only local outlets they have are two small butter plants which buy only cream. In most cases the skim milk would be returned to the producers for livestock feed or dumped down the sewer.

The prices paid at the local butter plants ran between 55 to 57 cents per pound of butterfat with 10-cent premium on sweet cream during the first 10 months of 1957 for a 3.5 percent value of $2.28 to $2.35 per hundredweight. The Class III price provided herein would have averaged $2.97 for 1957. The butterfat value of Class III milk would be 71.5 cents per pound of fat or $2.50 of the Class III price in 1957. Under the 1958–1959 support price level the Class III price will be $2.71 of which the butterfat value will be $2.43 or 69.3 cents per pound of butterfat. Thus, the major portion of the Class III price is contained in the value placed on the butterfat and relatively little value is placed on the skim milk.

Equivalent price. The order should include a provision that whenever a price quotation is not available, a price which is determined by the Secretary to be equivalent should be used. Price series may be unavailable through such causes as failure to report, termination of marketing quotations resulting from changes in dairy marketing, and combining or termination of other Federal orders.

Butterfat differentials. As pointed out previously herein, butterfat and skim milk should be accounted for separately for classification purposes. Since it is concluded that the class prices should be established for milk containing 3.5 percent butterfat, it will be necessary to adjust class prices in accordance with the average test of milk in each class by a butterfat differential which will reflect differences in the value of the milk due to variations in the butterfat content. The values resulting from multiplying the average price of 92-score butter of Chicago by 0.135 for Class I and by 0.120 for Class II and Class III milk will provide an appropriate basis for adjusting such prices in this market. These adjustments will reflect changes in the central market price of butterfat. The Class II and Class III butterfat differential reflects the local value of butterfat in milk or cream utilized for manufacturing purposes. The Class I butterfat differential reflects a somewhat higher value assigned to butterfat in milk, cream and other fluid milk products. However, it will be noted that the major portion of the Class I price differential over the manufacturing values is assigned to skim milk.

The use of butterfat differentials in this manner follows standard practices in most fluid milk markets for adjusting prices of milk of various butterfat contents. In order that the Class I butterfat differential may be announced early each month, it is provided that the Class I butterfat differential be based on the average price of butter for the preceding month. This will permit the announcement of the Class I butterfat differential at the same time the Class I price is announced.

The Class II and Class III prices and butterfat differentials will not be announced until the end of the month. Handlers, however, will know that the prices of such milk will follow the central market prices for butter and nonfat solids and the competitive price paid for manufacturing milk.

The butterfat differentials to producers for milk containing more or less than 3.5 percent butterfat should correspond to the weighted average values of butterfat and skim milk in producer milk utilized by handlers in each class. This follows the same principle as the payment of a uniform price to all producers. Each producer shares equally in the total value of the handler's Class I, Class II and Class III utilization, at the basic test of 3.5 percent butterfat. It is equally appropriate that each should receive the average utilization value of butterfat and skim milk components for milk testing above or below 3.5 percent. It is probable that the weighted average will be slightly below the differential for Class I milk of 0.135 times the butter price because it will be heavily weighted by the Class I uses. The net result will, therefore, be close to the differential of 0.135 times the butter price proposed by producers.

Location differentials. Class I milk products, because of their bulky, perishable nature, incur a relatively high transportation charge if moved a considerable distance. Milk delivered directly by farmers to plants in or near the urban centers in the marketing area is therefore worth more to a handler than milk which is received from farmers at a plant located many miles from the market. This is so because in the latter instance the handler must incur the additional cost of moving that milk into the central market. The producer, in turn, receives less for milk delivered to points distant from the market area in lieu of incurring the additional cost of hauling his milk into the central market. Under these conditions the value of producer milk delivered to plants located some distance from the central market is reduced in proportion to the distance (and the cost of transporting such milk) from the point of receipt to the central market.

It is conceivable that a distant plant not subject to another order, such as one located at Salt Lake City, Utah, could become regulated by this order. Such a plant would be located approximately 200 miles from Grand Junction, Colorado. Thus, the operator of this plant would incur a substantial transportation cost on the bulk or packaged milk before reaching any portion of the marketing area and should be allowed an offsetting credit in order to be fully competitive with the fluid milk plants located within the marketing area. In order to allow for the cost of moving Class I milk from distant plants that might become route distributors in the Western Colorado marketing area, it is necessary to establish the Class I price for such milk delivered to plants at a point in the market and then provide a schedule of deductions from the Class I price as location differentials. This will place all handlers on an equal competitive basis on the Class I milk distributed in the marketing area.

Grand Junction is the population center of the marketing area and represents a central point from which location differentials should be based. The distance used in determining location differentials should be measured from the Courthouse at Grand Junction, Colorado, by the shortest highway distance, as determined by the market administrator.

The location differential rates in Federal orders vary considerably. The Texas Panhandle rates are 35 cents in 100–110 mile zone plus 1.6 cents for each additional 10-mile zone. The Greater Kansas City rates are 16 cents in the 50–70 mile zone plus one-half cent for each additional 10 miles thereafter. The Oklahoma Metropolitan rates are 10 cents in the 50–150 mile zone, 2 cents per each 15 miles in the 150–240 mile zone and plus one cent for each additional 15 miles in excess of 240 miles. The Neosho Valley rates are 10 cents in the 50–60 mile zone plus 2 cents for each additional 15 miles. The Ozarks rate is 1.5 cents per 10 miles distance from the nearest point in the marketing area. The Southwest Kansas rates are 7.5 in the 100–110 mile zone plus 1.5 cents for each additional 10 miles.

The initial mileage zone should not be quite as large as the initial mileage zone in the Oklahoma Metropolitan market but large enough to encompass all the fluid milk plants presently serving the marketing area. Since all the fluid milk plants serving the marketing area are located within 100 miles of Grand Junction, there should not be any location differential applicable at plants located in the 0–100 mile zone. Accordingly, a rate of 15 cents should be established for the 100–110 mile zone plus 1.5 cents for each additional 10-mile zone. The location differential applicable to Salt Lake City and Denver plants would be 43.5 cents and 39 cents, respectively.

A method should be provided for determining the priority of milk from various plants in allocating to Class I for the purpose of computing the aggregate of location differentials to be allowed. Such differentials would be made for each handler in sequence beginning with milk received directly from producers and then milk received from those plants which have the lowest location differential.

The producer should receive less for milk delivered to points which are distant from the marketing area in lieu of incurring the additional cost of hauling his milk to the marketing area. Under these conditions the value of producer milk delivered to plants should be reduced in proportion to the distance that such plant is from Grand Junction by the same rate that applies to Class I milk.

(e) *Distribution to producers of proceeds from the sale of milk—Individual-handler pooling.* Returns to producers should be distributed by means of individual-handler pools rather than by a marketwide pool.

Under individual-handler pooling the producers supplying each of the regulated handlers would be paid a blend price based upon that particular handler's proportionate utilization of milk in Class I, Class II, and Class III. Handlers would pay for milk on the basis of its class use value under either type of pooling. Also under either type of pooling, uniform prices are announced for milk of a given butterfat content delivered to a given point or zone. Milk of other butterfat content or delivered to distant plants would be subject to butterfat and location differentials.

Milk marketing conditions in the Western Colorado area make individual-handler pooling feasible. This is a comparatively small market, is more nearly isolated and self-contained than most milk marketing areas, and supply and demand for Grade A milk is closely balanced at all of the handler's plants. All the distributors who would be regulated hereunder are specialized in fluid milk operations and have little manufacturing equipment other than vats for the manufacture of the cottage cheese.

Individual-handler pooling is somewhat simpler to administer than a marketwide pool. It not only avoids the pooling of funds but also involves less complicated standards for determining which plants are subject to regulation.

Producers favored a marketwide pool because of their concern with the widely varying treatment accorded them by the several handlers in the past. However, the order would provide several very substantial elements of uniformity that have not been present in the absence of regulation. It would provide a uniform system of classification and class prices supplemented by a thorough system of audit and check weighing and testing. It would also provide timely and dependable information on marketing conditions to all interested parties. It appears highly likely that under these circumstances there would be only small differences in the uniform prices payable to producers by each of the handlers. The attached order also specifically requires each handler to make payment to any duly authorized cooperative association for producer member milk delivered to such handler. The act specifies that the cooperative association which receives payment for member milk may reblend the proceeds from the sale of milk to the various handlers and distribute the returns uniformly among all producer members.

If actual operation of an order reveals that the differences in blend prices are of sufficient magnitude and persistence as to create substantial marketing difficulties, consideration could be given to the adoption of a marketwide pool.

Base and excess plan. A base and excess plan should not be used in the Western Colorado market as a method of distributing returns among producers and in order to encourage level production.

For a number of years the majority of producers supplying the Western Colorado market have been operating under a "closed" base or quota plan. Under this plan total bases were held to approximately each handlers' level of Class I sales and new or established producers were allowed to make new base only to the extent a handler might need additional milk to satisfy his requirements. The producers did not know in advance which months would be the base-forming months for use in determining their bases in the following year if the handler allowed the producers to set new bases. In some instances producers were able to obtain or increase their bases by purchasing dairy cows with earned bases and by just buying the base itself.

At the hearing both the handlers and producers favored a base-rating plan under which new bases would be established by each producer each year but with the base-forming months not known in advance. The base-forming months would be the 4 months of lowest production in relation to Class I sales, as ascertained after the end of the year. This contrasts with the practice of establishing the base-forming months in advance as is done in all the Federal orders which utilize base-rating plans to encourage level production. It was contended that with advance notice and an opportunity to set new bases each year, producers would over-respond to a base plan. Clearly, the unknown base-forming period was desired for its effect on total production rather than as a means of leveling the seasonality of production.

The base plan endorsed by producers and the handlers would supplant the function which is intended under the Agricultural Marketing Agreement Act to be performed by the class prices established at the level required by the act. The act requires that prices established for milk be such as to assure an adequate supply for the market, reflect supply and demand conditions, and be in the public interest. Consequently, it would be contrary to the purpose of the act, if order provisions hinder the free action of forces of supply and demand so as to prevent attainment of an adequate supply of milk for the market at price levels which are in line with supply and demand conditions and in the public interest. In view of these considerations as to the purposes of the law under which Federal orders are issued, it would not be proper to establish a base plan which would tend to restrict the volume of milk produced for the market.

It would be difficult to predict what producer responses would be under a base plan when such producer has been under a quota plan for several years. There would probably be a great incentive to producers to increase their production which would nullify the function of any "open" base plan. Therefore, it would be more effective to level out production with the pricing provisions of the order than to level out production with an open type of base-rating plan.

Payments to individual producers and to members of cooperative associations. Each handler should make final payment to each producer for milk delivered by such producer at the appropriate uniform price on or before the 15th day of the month following receipt of the milk. Provision is made for partial payments on milk received during the first 15 days of the month, such payment to be made on or before the 28th day of the month.

Payments due any producer for milk should be paid by the handler to a cooperative association if the cooperative association makes a written request for such payment and if the producer has given the cooperative association written authorization, in the form of a contract or in any other form, to collect such payments. The association's request should also provide for indemnifying the handler for any loss incurred because of any improper claim.

Provision is made for handlers to make payments to a cooperative association two days in advance of the time the handler is required to make payments to individual producers in order that all producers will receive payment on approximately the same date.

In making such payments for producer milk to a cooperative association, the handler should at the same time furnish the cooperative association with a statement showing the name of each producer for whom payment is being made, the volume and average butterfat content of milk delivered by each such producer, and the amount of and reasons for any deductions which the handler withheld from the amount payable to each producer. This statement is necessary so the cooperative association can make proper distribution of the money to producers for whom it collects payment.

Unless a cooperative association can receive payment for the milk marketed on behalf of its producer-members, it cannot reblend the sales proceeds from milk sold in various outlets. This important function is specifically provided for in the act.

(f) *Other administrative provisions.* In addition to those provisions heretofore determined to be appropriate, certain other provisions should be contained in the order to carry out, from an administrative viewpoint, the purposes of the regulation. Certain terms and definitions are desirable in the interest of brevity and to assure that the usage of a term always implies the same meaning. The terms that are defined in the proposed order are common to many other Federal milk orders. Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agent.

Records and reports. Provisions should be included in the order for the purpose of requiring handlers to maintain adequate records of their operations and to make certain reports as may be

required by the market administrator. Certain time limits must be prescribed for filing such reports and for making payments to producers. Dates must also be established for the announcement of prices by the market administrator. The following schedule will afford interested parties sufficient time to perform the functions as indicated below:

Day of Month and Function

6th—Announcement by the market administrator of Class I price and butterfat differential for current month and Class II and Class III prices and butterfat differentials for preceding month.

7th—Submission by handlers of monthly reports of receipts and utilization for preceding month.

10th—Announcement by market administrator of uniform price for each handler and notification to handlers of value for their producer milk received during the preceding month.

13th—Final payments by handlers to cooperative associations for milk received during the preceding month.

15th—Final payments by handlers to individual producers for milk received during preceding month and payments to market administrator for administrative assessment and marketing service deductions.

20th—Submission of producer payroll report by handlers for preceding month.

26th—Partial payments by handlers to cooperative associations.

28th—Partial payments by handlers to individual producers.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, and such facilities as are necessary to determine the accuracy of the information, submit such reports to the market administrator as he may deem necessary and furnish to him or his representative any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled and to verify all payments required under the order.

It is necessary that handlers retain records to prove the utilization of the milk received from, and that proper payments were made to, producers. Since the books of all handlers associated with the market cannot be audited immediately after the milk has been delivered to a plant, it is necessary that such records be kept for a reasonable period of time.

The order should provide for specific limitations of the time that handlers should be required to retain their books and records and the period of time in which obligations under the order should terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

Expense of administration. Each handler should be required to pay the market administrator, as the handler's pro rata share of the cost of administering the order, not more than five cents per hundredweight, or such lesser amounts as the Secretary may from time to time prescribe, on (a) receipts of producer milk (including such handler's own production) and (b) other source milk in a fluid milk plant which is classified as Class I milk.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. The record indicates that other source milk is received by handlers to supplement local producer supplies of milk. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (including handler's own production) and other source milk allocated to Class I milk.

In view of the anticipated volume of milk and the cost of administering orders in markets of comparable circumstances, it is concluded that an initial rate of five cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the five cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

Marketing services. A provision should be included in the order for furnishing marketing services to producers such as verifying tests and weights of milk and furnishing market information. These should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a cooperative association is performing such services for any member-producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are based on the pricing provisions of the order, and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

An important phase of the marketing service program is to furnish producers with correct market information. As previously discussed, detailed information regarding market conditions is not now regularly available either to producers or to cooperative associations. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a market-wide basis to all producers.

To enable the market administrator to furnish such services, provision should be made for a maximum deduction of six cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. In two briefs it was denied that the Western Colorado Milk Producers Association was a duly constituted cooperative association and that, in consequence, the testimony of witnesses in behalf of such association must be disregarded. However, the testimony offered by these witnesses was given under oath and after they had stated their personal qualification for giving such testimony. There is no requirement of law that the promulgation of this regulation must be supported at the hearing by a duly constituted producers' association. It is further noted that under the act and regulations producer approval, through cooperatives or otherwise, is not to be ascertained until after a final decision and proposed order is submitted for producer approval. In any event, as stated elsewhere in this decision, the record shows that the Western Colorado Milk Producers Association has in recent times actively represented a substantial number of producers in the marketing of their milk.

All of the briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order regulating the handling of milk in the Western Colorado marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

Order Regulating the Handling of Milk in the Western Colorado Marketing Area

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DEFINITIONS

§ 980.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 980.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 980.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 980.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 980.5 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

§ 980.6 *Western Colorado marketing area.* "Western Colorado marketing area" hereinafter called "marketing area" means all the territory within the outer boundaries of the counties of Delta, Mesa, and Montrose, all in the State of Colorado.

§ 980.7 *Fluid milk plant.* "Fluid milk plant" means any milk processing or packaging plant from which Class I milk is disposed of under a Grade A label on route(s) in the marketing area during the month.

§ 980.8 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk plant other than a fluid milk plant.

§ 980.9 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority having jurisdiction within the marketing area and whose milk is (a) received at a fluid milk plant or (b) diverted from a fluid milk plant to a nonfluid milk plant for the account of the operator of a fluid milk plant: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 980.10 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions are met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in the form of fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of a fluid milk product from fluid milk plants of other handlers.

§ 980.11 *Handler.* "Handler" means any person in his capacity as the operator of a fluid milk plant.

§ 980.12 *Producer milk.* "Producer milk" means all skim milk and butterfat contained in milk produced by a producer and received at a fluid milk plant directly from producers or diverted pursuant to § 980.9.

§ 980.13 *Other source milk.* "Other source milk" means all skim and butterfat contained in:

(a) Receipts during the delivery period of fluid milk products except (1) fluid milk products received from fluid milk plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 980.14 *Fluid milk products.* "Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour, including any mixture of cream and milk or skim milk), and concentrated (fresh or frozen) milk, flavored milk or flavored milk drinks which are neither sterilized nor in hermetically sealed cans.

§ 980.15 *Route.* "Route" means any delivery to retail or wholesale outlets (including a sale from a plant or plant store) of a fluid milk product other than a delivery to any milk processing plant.

MARKET ADMINISTRATOR

§ 980.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 980.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 980.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date upon which he enters upon such

duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 980.84 the cost of his bond and those of his employee, his own compensation, and all other expenses (except those incurred under § 980.83) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for by this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments by each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, and by such investigation as the market administrator deems necessary;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 980.30 to 980.32, or (2) payments pursuant to § 980.82, § 980.82, § 980.83, or § 980.84;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 980.51 (a) and the Class I butterfat differential computed pursuant to § 980.52 (a), both for the current month;

(2) On or before the 6th day of each month the minimum prices for Class II and Class III milk computed pursuant to § 980.51 (b) and (c) and the Class II and Class III butterfat differentials computed pursuant to § 980.52 (b), all for the previous month; and

(3) On or before the 10th day after the end of each month the uniform price for each handler computed pursuant to § 980.72 and the producer butterfat differential computed pursuant to § 980.81.

(j) On or before the 10th day after the end of each month, mail to each handler at his last known address, a statement showing the amount and value of producer milk in each class and the totals thereof; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and such information concerning the operations hereof as are necessary and appropriate to the proper functioning of this part and which do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 980.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the receipts and utilization at his fluid milk plant(s) for such month, as follows:

(a) The quantities and butterfat content of producer milk received (including such handler's own farm production);

(b) The quantities of fluid milk products, with the butterfat content thereof, received from fluid milk plants of other handlers;

(c) The quantities of other source milk, with butterfat content thereof, received;

(d) The quantities and butterfat content of inventories of fluid milk products on hand at the beginning and end of the month;

(e) The utilization of all receipts of milk and milk products; and

(f) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

§ 980.31 *Payroll reports.* On or before the 20th day of each month each handler shall submit to the market administrator his producer payroll for the preceding month which shall show (a) the total pounds of milk received from each producer and the average butterfat test of milk received, (b) the number of days on which milk was received from each producer, (c) the amount of payment to each producer or cooperative association, (d) the nature and amount of any deductions or charges involved in such payments, and (e) such other information with respect thereto as the market administrator may request.

§ 980.32 *Other reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 980.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative, during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify, or establish the correct data with respect to:

(a) The receipts and utilization of all producer milk, milk and milk products from other handlers, and other source milk;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) Payments to producers or to cooperative associations; and

(d) The pounds of milk and milk products, with butterfat content, on hand at the beginning and end of each month.

§ 980.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 980.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat at fluid milk plants which is required to be reported for the month pursuant to § 980.30, shall be classified by the market administrator pursuant to the provisions of §§ 980.41 to 980.46.

§ 980.41 *Classes of utilization.* Subject to the conditions set forth in §§ 980.43 and 980.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of fluid milk products except those classified pursuant to paragraph (e) (2) of this section, or (2) not specifically accounted for as Class II or Class III utilization.

(b) *Class II milk.* Class II milk shall be all the skim milk and butterfat used to produce ice cream, imitation ice cream, frozen desserts, ice cream mix, imitation ice cream mix, frozen dessert mix, yogurt, eggnog, aerated cream, skim condensed milk, whole condensed milk or cottage cheese.

(c) *Class III milk.* Class III milk shall be all the skim milk and butterfat: (1) Used to produce any product other than a fluid milk product or products designated as Class II pursuant to paragraph (b) of this section; (2) in inventory of fluid milk products on hand at the end of the month; (3) accounted for as livestock feed; (4) in skim milk dumped after prior notification to and opportunity for verification by the market administrator; (5) in shrinkage not to exceed 2 percent of skim milk and butterfat received directly from producers; and (6) in shrinkage of other source milk.

§ 980.42 *Shrinkage.* The market administrator shall allocate shrinkage over receipts at fluid milk plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat; and

(b) Assign the remaining amounts pro rata to the handler's receipts, respectively, in milk received directly from producers and in other source milk.

§ 980.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II or Class III milk.

(a) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 980.44 *Transfers.* Skim milk and butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to a fluid milk plant of another handler, except a producer-handler, unless utilization in another class is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 980.30: *Provided*, That the skim milk or butterfat so assigned to Class II or Class III shall be limited to the amount remaining in Class II or Class III milk in the plant of the transferee handler after subtraction of other source milk pursuant to § 980.46 (a) (2) and the corresponding step of (b) and any additional amount of such skim milk or butterfat shall be classified as Class I milk: *And provided further*, That if either or both handlers have other source milk during the month, the skim milk or butterfat so transferred shall be assigned, in series, to next higher valued class of utilization classified at both plants so as to allocate the highest possible utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant located more than 350 miles from the City Hall in Grand Junction, Colorado, by the shortest highway distance as determined by the market administrator;

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant located not more than 350 miles from the City Hall in Grand Junction, Colorado, by the shortest highway distance as determined by the market administrator, unless the following conditions are met:

(1) The transferring-handler claims Class II or Class III utilization in a product specified in § 980.41 (b) or (c);

(2) The operator of such nonfluid milk plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II or Class III in such transferor's plant;

(e) If any skim milk or butterfat is transferred to a second nonfluid milk plant under paragraph (d) of this section, the same conditions of audit, classification and allocation shall apply.

§ 980.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk, Class II milk and Class III milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 980.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 980.45 the market administrator shall determine the classification of milk received from producers at fluid milk plant(s) of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk allocated to shrinkage in skim milk received from producers pursuant to § 980.41 (c) (5);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in other source milk other than that subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(4) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from other fluid milk plants according to its classification as determined pursuant to § 980.44 (a);

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class III the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers in series beginning with Class III. Such excess shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of each class of milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 980.50 *Basic formula price.* The basic formula price for each month to be used in determining the class prices set forth in § 980.51 shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section rounded to the nearest one-tenth cent:

(a) The average of the basic or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

§ 980.51 *Class prices.* Subject to the provisions of §§ 980.52 and 980.53 the minimum prices per hundredweight for the first eighteen months beginning with the effective date of prices pursuant to this section to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $1.60 during the months of March, April, May, and June and plus $2.05 during all other months.

(b) *Class II milk.* The basic formula price for the current month plus 60 cents.

(c) *Class III milk.* The price computed pursuant to § 980.50 (b) for the current month less 13 cents.

§ 980.52 *Butterfat differential to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 980.51 shall be increased or decreased, respectively, for each one-tenth of one percent of butterfat by multiplying the simple average, as computed by the market administrator, of the daily wholesale calling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chi-

cago as reported by the Department during the month by the applicable factor specified below, and rounding to the nearest one-tenth cent.

(a) *Class I milk.* Multiply such price for the preceding month by 0.135; and

(b) *Class II and Class III milk.* Multiply such price for the current month by 0.120.

§ 980.53 *Location differentials to handlers.* For milk which is received from producers at a fluid milk plant located more than 100 miles by the shortest highway distance, as determined by the market administrator, from the Courthouse in Grand Junction, Colorado, and which is classified as Class I milk the price computed pursuant to § 980.51 (a) shall be reduced by 15 cents if such plant is located more than 100 miles but not more than 110 miles from such Courthouse and by an additional 1.5 cent for each 10 miles or fraction thereof that such distance exceeds 110 miles: *Provided,* That for the purpose of calculating such differential transfers between fluid milk plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds the receipts from producers at such plants, such assignment to transferor plants to be made first to plants at which no differential credit is applicable and then in the sequence beginning with the plant at which the lowest location differential credit would apply.

§ 980.54 *Use of equivalent prices.* If for any reason a price specified by this part for computing class prices or for other purposes is not available in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is specified.

APPLICATION OF PROVISIONS

§ 980.60 *Handler exemption.* Sections 980.40 to 980.46, 980.50 to 980.53, 980.70 to 980.72 and 980.80 to 980.85 shall not apply to a producer-handler or to a handler operating a fluid milk plant from which an average of less than 200 pounds per day of Class I milk is disposed of on routes in the marketing area.

§ 980.61 *Plants subject to other Federal orders.* Milk received at the plant of a handler at which the handling of milk is fully subject during the month to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Western Colorado marketing area shall be exempted for such month from all provisions of this part except that the handler operating such plant shall make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 980.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amount computed by multiplying pounds of overage deducted from each class pursuant to § 980.46 (a) (7) and the corresponding step of § 980.46 (b) by the applicable class price;

(c) Add a reclassification charge equal to the difference between the Class I price value for the current month and the Class III price value for the preceding month or the Class II price value for the current month and the Class III price value for the preceding month for the skim milk and butterfat subtracted from Class I or Class II, respectively, pursuant to § 980.46 (a) (5) and the corresponding step of § 980.46 (b) which is not in excess of the skim milk and butterfat remaining in Class III in the previous month pursuant to § 980.46 (a) (5) and the corresponding step of § 980.46 (b); and

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 980.71 *Computation of aggregate value used to determine uniform prices.* For each month the market administrator shall compute an aggregate value for each handler from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content as follows:

(a) Adjust the amount computed pursuant to § 980.70 by the total of the location differentials to be made pursuant to § 980.81 (b).

(b) Add or subtract from the amount computed pursuant to § 980.70 for each one-tenth percent that the average butterfat content or producer milk received by such handler is less or more, respectively, than 3.5 percent, an amount computed by multiplying such difference by the butterfat differential to producers, as determined pursuant to § 980.81 (a) and multiplying the result by the total hundredweight of producer milk; and

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price for such handler for the preceding month.

§ 980.72 *Computation of uniform prices for handlers.* The market administrator shall compute a uniform price for producer milk received by each handler as follows: Divide the aggregate value computed pursuant to § 980.71 by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent, shall be known as the uniform price for such handler for milk of 3.5 percent butterfat content, at a fluid milk plant f. o. b. marketing area.

PAYMENTS

§ 980.80 *Payments to producers.* Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 28th day of each month, for milk received during the first 15 days of the month at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 980.72 subject to the butterfat and location differentials computed pursuant to § 980.81; plus or minus adjustments for errors made in previous payments to such producer; and less (1) payment made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 980.83 and (3) proper deduction authorized in writing by such producer;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 13th and 26th day of each month in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 980.81 *Producers differentials*—(a) *Butterfat differential.* The applicable uniform prices to be paid pursuant to § 980.80 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 980.52, weighted by the pounds of butterfat in producer milk used by such handler in each class and the result rounded to the nearest tenth of a cent.

(b) *Location differential.* For milk which is received from producers at an approved plant located more than 100 miles by the shortest highway distance, as determined by the market administrator, from the Courthouse in Grand Junction, Colorado, there shall be deducted 15 cents per hundredweight of milk if such plant is located more than 100 miles but not more than 110 miles from such Courthouse, and an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles.

§ 980.82 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due a producer or the market administrator from such handler or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 980.83 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 980.80, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of each month and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 980.84 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handlers' own production; and (b) other source milk at a fluid milk plant which is allocated to Class I milk pursuant to § 980.46.

§ 980.85 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed unless such handler within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 980.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 980.101.

§ 980.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 980.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 980.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and dis-

tribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 980.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 980.101 *Separability of provisions.* If any provision of this part or its application to any person or circumstances is held invalid the application of such provision and of the remaining provisions of this part, to other persons or circumstances, shall not be affected thereby.

Issued at Washington, D. C., this 18th day of July 1958.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 58-5640; Filed, July 22, 1958; 8:54 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

DICYCLOMINE HYDROCHLORIDE PREPARATIONS; LABELING REQUIREMENTS

The Commissioner of Food and Drugs, pursuant to the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 701 (a); 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353 (b) (3), 355 (c), 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR, 1957 Supp., 130.101 (a)) has promulgated a regulation (21 CFR, 1957 Supp., 130.102 (a) (8)) exempting from prescription-dispensing requirements certain dicyclomine hydrochloride preparations, provided they comply in all respects with the provisions of that section. One of the provisions of the regulation relates to a warning statement in the labeling against use of the preparation if dryness of the throat, blurring of vision, dizziness, or rapid pulse occurs.

It now having been determined that such a warning statement is not required for the protection of the public health, the Commissioner of Food and Drugs, on his own initiative, and under the above-referenced authority, proposes to delete this requirement.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, submit written views and comments with reference to the proposed amendment, addressed to the Hearing Clerk Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C. All such views and comments should be submitted in quintuplicate.

Dated: July 17, 1958.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 58-5629; Filed, July 22, 1958; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12538; FCC 58-684, 60735]

TELEVISION BROADCAST STATIONS, PITTSBURGH, PA.; TABLE OF ASSIGNMENTS

NOTICE OF PROPOSED RULE MAKING AND ORDER TO SHOW CAUSE

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations, Pittsburgh, Pennsylvania.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a counterproposal in Docket No. 12385, filed on June 18, 1958, by Metropolitan Pittsburgh Educational Station, licensee of educational television Station WQED, Pittsburgh, Pennsylvania, for rule making to amend § 3.606 *Table of assignments*, Television Broadcast Stations, so as to reserve Channel 16 in Pittsburgh for educational use in lieu of Channel 22.[1] Petitioner also requests that the Commission order Telecasting, Inc., to Show Cause why its outstanding authorization for Station WENS in Pittsburgh should not be modified to specify operation on Channel 22 or 47 in lieu of Channel 16.

3. In support of its proposal petitioner submits that WENS consents to the reservation of Channel 16 for educational use; that it will not adversely affect the interests of any party; and that it will make possible the early commencement of educational programs on this channel in view of the fact that Channel 16 was in use for a period of three years and many existing TV receivers are equipped for reception of Channel 16.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views and relevant data.

5. Telecasting, Inc., holds a construction permit for Station WENS on Channel 16 in Pittsburgh. The proposal herein would reserve Channel 16 for educational use in lieu of Channel 22, and so would require WENS to shift to Channel 22. We are therefore directing Telecasting, Inc., to Show Cause why its authorization for WENS should not be modified to specify operation on Channel 22 in lieu of Channel 16 at Pittsburgh.

6. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

7. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 25, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. Response to the Show Cause Order issued should also be filed on or before August 25, 1958.

8. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 16, 1958.

Released: July 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-5633; Filed, July 22, 1958; 8:53 a. m.]

[1] This counterproposal was filed late in Docket 12385. In order to expedite action on this proposal without holding up a decision on other changes requested in that proceeding we are treating this pleading as a request for rule making. We are simultaneously issuing a Report and Order in Docket 12385 which, among other things, assigns Channel 22 to Pittsburgh and reserves it for educational use and substitutes Channel 73 for 47 in that city.

[47 CFR Part 9]

[Docket No. 12541; FCC 58-691]

AVIATION SERVICES

OPERATION OF RADIO FACILITIES IN TIME OF WAR

In the matter of amendment of Part 9, Aviation Services, to provide specific rules governing the operation of aviation radio facilities in time of war.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The proposed amendments appearing below would supplement existing CONELRAD requirements by establishing specific operating procedures to be observed by radio stations in the Aviation Services in time of war. The procedures herein proposed would, among other things, curtail the use of HF band frequencies during a state of war involving the United States.

3. The proposed wartime operating procedures, as set forth in § 9.1205 (c) below, were developed in cooperation with the U. S. Air Force and the Departments of Commerce and Defense in response to a request by the Office of Defense Mobilization.

4. The proposed amendments are issued pursuant to authority contained in sections 303 (r) and 606 (c) of the Communications Act of 1934, as amended, and Executive Order No. 10312 signed by the President December 10, 1951.

5. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 20, 1958, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Rebuttal comments may be filed within 10 days from the last day for filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 16, 1958.

Released: July 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

Amend Part 9, Aviation Services, as indicated below:

Delete § 9.1205 and substitute a new section to read as follows:

§ 9.1205 *Operation.* (a) During a period of CONELRAD Radio Alert, all ground stations in the Aviation Services will maintain radio silence, unless required by the appropriate CAA Air Route Traffic Control Center (ARTCC) to remain in the air for the purpose of air traffic control. Such operations will be in accordance with the CAA CONELRAD Plan dated May 1, 1953, and instructions issued by the appropriate ARTCC under the Defense/Commerce SCATER Plan dated May 7, 1957. Licensees of ground stations in the Aviation Services should contact the CAA ARTCC within whose flight advisory area the station is located, for the details of operation applicable to a specific station. When not required by the CAA for the purposes of security control of air traffic, all ground stations in the Aviation Services will promptly leave the air and maintain radio silence for the duration of a CONELRAD Radio Alert, except as specifically authorized by the appropriate ARTCC.

(b) During a period of CONELRAD Radio Alert, all aircraft radio stations in the Aviation Services will maintain radio silence, except for transmissions involving the national safety, or the safety of life and property in the air. Such operations will be in accordance with the CAA CONELRAD Plan dated May 1, 1953, and the instructions of the appropriate ARTCC within whose flight advisory area the aircraft may be located.

(c) Upon proclamation by the President that there exists a state of war involving the United States, and for the duration of such state of war, all licensees in the Aviation Services shall observe the following supplemental restrictions on station operations:

(1) *Domestic.* Air/ground communications within the continental United States shall be limited to those involving safety of flight; air/ground and aeronautical fixed communications on HF band frequencies shall be discontinued except where other facilities are unavailable or inoperative and then only where appropriate security measures are employed. Security measures shall include at least the following: (i) Transmit emergency traffic only, (ii) identify by means other than clear text, and (iii) make transmissions as brief as possible.

(2) *International.* Air/ground communications shall be limited to those involving safety of flight and such communications in the HF band shall be discontinued, except that international air carriers arriving or departing from U. S. gateway airports may use HF band frequencies when VHF and UHF radio are inoperative, not available or will not provide the range required; international aeronautical fixed communications may be conducted on HF band frequencies only when appropriate security measures are employed. Security measures shall include at least the following: (i) Transmit emergency traffic only, (ii) identify by means other than clear text, and (iii) make transmissions as brief as possible.

(3) *Weather transmission.* The HF band shall not be employed for transmission of clear text weather information except in emergencies; unscheduled weather reports and forecasts (not exceeding two hours ahead) may be transmitted in clear text only on frequency bands other than the HF band, and then only when the station involved is 200 miles or more from the nearest coast line.

(4) *Navigational aids.* To the extent that ground based navigational aids are used for communication purposes, such facilities shall be operated in accordance with the provisions of this paragraph.

(d) None of the provisions of this subpart shall be interpreted to preclude the operation of certain stations in the Aviation Services in connection with the activities of local, state or federal civil defense organizations, provided such operations are not in conflict with operations necessary for CAA air route traffic control, and such operations are specifically authorized by the Federal Communications Commission.

[F. R. Doc. 58-5634; Filed, July 22, 1958; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

PERMITTING INVESTMENT COMPANIES TO PURCHASE SECURITIES WHERE AFFILIATES PARTICIPATE IN UNDERWRITING

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of § 270.10f-3 (Rule N-10F-3) under the Investment Company Act of 1940 to permit registered investment companies, under prescribed conditions, to purchase securities during the existence of an underwriting syndicate, notwithstanding an affiliation between any such investment company and one or more members of the underwriting syndicate.

Section 10 (f) of the Investment Company Act provides that no registered investment company shall purchase, during the existence of any underwriting syndicate, any security a principal underwriter of which is an officer, director, member of an advisory board, investment adviser, or employee of such registered company, or is a person of which any such officer, director, member of an advisory board, investment adviser, or employee is an affiliated person. Such section, however, authorizes the Commission, by rules and regulations, as well as by order, to exempt any such transaction from such prohibitions, if and to the extent that such exemption is consistent with the protection of investors.

The experience gained by the Commission in its consideration of requests for orders of exemption under this exemptive authority indicates that protection of investors may be adequately insured by the conditions and safeguards specified in the proposed rule. These include limitations with respect to the consideration paid, as related both to the amount of the offering and the assets of the investment company. Moreover, underwriters' commissions may not exceed stated amounts, no purchase may be made from an affiliated underwriter, and the offering must be effectively registered under the Securities Act of 1933.

The conditions are designed to permit purchases without an exemptive order where the circumstances are such as to make it unlikely that the purchase would not be consistent with the protection of investors. The conditions relating to the percent of offering and assets are standards which have been met by most of the purchases which we have heretofore permitted by order. The condition that no purchase may be made from an affiliated underwriter eliminates from the operations of the rule cases where further investigation would be necessary to be satisfied that an exemption is appropriate for the protection of investors.

The proposed limitations on underwriters' commissions were also satisfied by most of the purchases heretofore permitted by order, and it is believed that they would tend to restrict operation of the rule to investment grade offerings. It should be emphasized that purchases that do not meet the strict conditions of the rule may nevertheless be exempted by order upon application where the statutory standard is satisfied.

The text of the proposed rule follows:

§ 270.10f-3 *Exemption of certain purchases of securities during the existence of an underwriting or selling syndicate.* Any purchase of securities by a registered investment company prohibited by section 10 (f) of the act shall be exempt

from the provisions of such section if the following conditions are met:

(a) The securities to be purchased are (1) part of an issue effectively registered under the Securities Act of 1933 which is being offered to the public; (2) purchased at the public offering price within twenty-four hours after the first date on which the registered issue is offered to the public, if not offered for subscription upon exercise of rights or, if so offered, purchased at any time within seven days after the beginning of the rights period; and (3) offered pursuant to an underwriting agreement under which the underwriters are committed to purchase all of the registered securities being offered.

(b) The gross commission, spread or profit to the principal underwriters (excluding, in the case of a rights offering, any profits or losses resulting from purchases or sales by the underwriters of rights or securities during or after the rights period) shall not exceed: (1) 7.0 percent of the public offering price if the security to be purchased is a common stock; (2) 3.25 percent of the public offering price if the security to be purchased is a preferred stock, whether or not convertible into common stock; (3) 2.25 percent of the public offering price if the security to be purchased is a subordinated debenture, or a bond or debenture convertible into common stock or having common stock purchase warrants attached; or (4) 1.25 percent of the public offering price in respect of any other security to be purchased.

(c) The issuer of the securities to be purchased shall have been in continuous operation for not less than three years, including the operations of any predecessors.

(d) The amount of securities of any class of such registered issue to be purchased by the registered investment company having the same investment adviser, shall not exceed 3 percent of the amount of the offering of such class.

(e) The consideration to be paid by the registered investment company in purchasing the securities being offered shall not exceed 3 percent of the total assets of such registered investment company, provided that if such consideration shall exceed $1,000,000, it shall not exceed 1 percent of such company's total assets.

(f) Such registered investment company does not purchase the securities being offered directly or indirectly from an officer, director, member of an advisory board, investment adviser or employee of such registered investment company or from a person of which any such officer, director, member of an advisory board, investment adviser or employee is an affiliated person.

(g) The purchase of the securities being offered shall have been authorized or approved by a resolution of the board of directors of the registered investment company, or of a previously existing executive, investment, or similar committee composed of members of such board, which resolution shall certify: (1) That all directors who are affiliated persons of a principal underwriter of the issue in question refrained from participation in consideration of the transaction; (2) that there voted in favor of such a resolution a majority of the board of directors or of the committee, none of whom were affiliated persons of any principal underwriter; and (3) that in its judgment the purchase of such securities meets all the requirements of paragraphs (a) to (f) of this section.

(h) A full statement of the transaction indicating compliance with this section shall be filed with the Commission within ten days after consummation thereof.

All interested persons are invited to submit views and comments on the proposed rule. Written statements of views and comments and any requests for oral argument in respect of the proposed rule should be submitted to the Securities and Exchange Commission, Washington 25, D. C., on or before August 15, 1958.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

JULY 15, 1958.

[F. R. Doc. 58-5615; Filed, July 22, 1958; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

BOISE PROJECT, IDAHO

ORDER OF REVOCATION

JULY 1, 1958.

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416), and pursuant to Departmental Order No. 2765 of July 30, 1954, I hereby revoke the departmental orders of April 15, 1919 and June 23, 1943, in so far said orders affect the following-described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN

T. 6 N., R. 4 W.,
Sec. 11, SW¼ and N½SE¼;
Sec. 12, N½NW¼SW¼, NE¼SW¼, and E½SE¼SW¼;
Sec. 23, NE¼NE¼, SE¼SW¼, and SW¼SE¼;
Sec. 25, W½NE¼NW¼, S½NW¼NW¼, SW¼NW¼, NW¼SE¼NW¼, S½NE¼SE¼NW¼, S½SE¼NW¼, and SE¼SW¼.

The areas described aggregate approximately 595 acres.

FLOYD E. DOMINY,
Acting Commissioner.

[Idaho 09188]

JULY 17, 1958.

I concur. The records of the Bureau of Land Management will be noted accordingly.

1. The land is in five scattered parcels lying from 12 to 15 miles north of Caldwell, Idaho. Elevation of the land is about 2,600 feet. Vegetative cover is mainly cheatgrass with scattered sagebrush. The soil is mainly fine sand to fine sandy loam with some rock. The surface is undulating.

2. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on August 22, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 21, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 21, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on November 21, 1958.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

CHARLES P. MEAD,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 58-5608; Filed, July 22, 1958; 8:46 a. m.]

BOISE PROJECT, IDAHO

ORDER OF REVOCATION

SEPTEMBER 18, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of April 26, 1938, in so far as said order affects the following-described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 14 N., R. 3 E.,
Sec. 25, Lot 7.
T. 12 N., R. 4 E.,
Sec. 7, SE¼SE¼.
T. 13 N., R. 4 E.,
Sec. 6, Lots 2 and 13;
Sec. 7, Lot 3;
Sec. 8, Lots 3 and 6;
Sec. 17, Lot 10 and the unsurveyed island in the NW¼;
Sec. 20, Lots 2 and 11;
Sec. 29, Lots 5 and 10;
Sec. 30, Lots 7, 9 and 11;
Sec. 31, The unsurveyed island in the NE¼NE¼.
T. 6 N., R. 5 W.,
Sec. 26, S½NE¼.

The above areas aggregate approximately 500 acres.

DON S. CAMPBELL,
Acting Assistant Commissioner.

[1724268]

JULY 17, 1958.

I concur.

1. The lands are in Valley County, from one-half to nine miles from Cascade, Idaho.

2. Subject to any valid existing rights, to existing withdrawals for power purposes hereinafter referred to, and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and location in accordance with the following:

(1) All applications, except any from the State of Idaho under paragraph 5, infra, presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on August 22, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 21, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 21, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

3. The following described lands in T. 13 N., R. 4 E., are withdrawn in Power Site Reserve No. 207:

Sec. 6, lot 13;
Sec. 8, lots 3 and 6;
Sec. 17, lot 10;
Sec. 20, lot 11;
Sec. 29, lots 5 and 10;
Sec. 30, lots 7, 9, and 11;
Sec. 31, Unsurveyed island in the NE¼ NW¼.

4. The following-described lands in T 13 N., R. 4 E., were the subject of a favorable determination of the Federal Power Commission in DA–443–Idaho issued July 8, 1954:

Sec. 17, lot 10;
Sec. 20, lot 2;
Sec. 29, lot 5;
Sec. 30, lot 7.

5. With respect to the lands described in paragraph 4, this opening is subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended. The said lands shall be subject to application by the State of Idaho, until 10:00 a. m. on October 17, 1958, for rights-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of the said section 24 of the Federal Power Act.

6. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on November 21, 1958, the lands described in paragraph 4 being so opened subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U. S. C. 621).

7. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

CHARLES P. MEAD,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 58-5609; Filed, July 22, 1958; 8:47 a. m.]

SHOSHONE PROJECT, WYOMING

ORDER OF REVOCATION

JUNE 30, 1958.

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416), and pursuant to Departmental Order No. 2765 of July 30, 1954, I hereby revoke the Departmental Orders of April 21, 1903, February 16, 1909, August 2, 1913, and April 20, 1920, so far as said orders affect the following-described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders, or affect any other order withdrawing or reserving the lands hereinafter described:

SIXTH PRINCIPAL MERIDIAN

T. 53 N., R. 100 W.
Sec. 6, lots 6, 7, 12, and E½SE¼;
Sec. 7, lots 1, 5, 9, E½NE¼ and SE¼;
T. 53 N., R. 102 W.
Sec. 35, lot 7.

The areas described aggregate 317.13 acres.

WILLIAM I. PALMER,
Acting Associate Commissioner.

[Wyoming 047652]

JULY 17, 1958.

I concur. The records of the Bureau of Land Management will be noted accordingly.

1. The lands are located along the Shoshone River, north of Cody, Wyoming. At this point the river is in a fairly deep canyon, with more or less precipitous sides.

2. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. Subject to any valid existing rights, the requirements of applicable law, and the provisions of paragraphs 5 and 6 of this order, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on August 22, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 21, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 21, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on November 21, 1958.

5. The following-described lands are reserved for power purposes in Power Site Classification No. 253 of May 12, 1930, or Power Site Reserve No. 563 of December 20, 1916, and were the subject of a favorable determination by the Federal Power Commission in DA–124–Wyoming, issued April 21, 1953:

SIXTH PRINCIPAL MERIDIAN

T. 53 N., R. 100 W.
Sec. 6, lot 12;
Sec. 7, lots 1, 5 and 9.
T. 53 N., R. 102 W.
Sec. 35, lot 7.

As to these lands, therefore, this opening is subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

6. The lands described in paragraph 5 above shall be subject until 10:00 a. m. on October 17, 1958, to application by the State of Wyoming under any statute or regulation applicable thereto, for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act, supra. Such preference right shall have precedence over the priority provisions of paragraph 3 a (2) of this order.

7. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

CHARLES P. MEAD,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 58–5610; Filed, July 22, 1958; 8:47 a. m.]

YAKIMA PROJECT, WASHINGTON

ORDER OF REVOCATION

[Washington 03022]

JULY 17, 1958.

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416), and pursuant to Departmental Order No. 2765 of July 30, 1954, I hereby revoke the Departmental orders of December 22, 1905, and September 18, 1916, insofar as said orders affect the following-described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the lands hereafter described:

WILLAMETTE MERIDIAN

T. 9 N., R. 26 E.,
Sec. 24, N½NW¼ and SW¼SE¼.
T. 9 N., R. 27 E.,
Sec. 12, E½;
Sec. 30, SW¼NW¼NE¼, NW¼SE¼NE¼, S½SE¼NE¼, NW¼NE¼NW¼, S½NE¼NW¼, and SE¼.
T. 8 N., R. 28 E.,
Sec. 2, W½;
Sec. 10, SW¼.
T. 9 N., R. 28 E.,
Sec. 22, SE¼NE¼SW¼, N½NE¼SW¼, E½SE¼, NW¼SE¼, and NE¼SW¼SE¼.
T. 9 N., R. 29 E.,
Sec. 30, SE¼SE¼.
T. 8 N., R. 30 E.,
Sec. 32, SE¼NE¼.

The areas described aggregate approximately 1,390 acres.

JULY 7, 1958.

FLOYD E. DOMINY,
Associate Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

1. The lands are semi-arid, low-value, grazing lands in the Kennewick-Richland area. The extremely sandy soil and lack of precipitation precludes their cultivation without water for irrigation. The E½ sec. 12, T. 9 N., R. 27 E., is in an allowed homestead entry, and the NW¼SE¼ sec. 30, T. 9 N., R. 28 E., is withdrawn for power purposes.

2. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. Subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on August 22, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 21, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 21, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on November 21, 1958, the lands in sec. 30, T. 9 N., R. 28 E., being so opened pursuant to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U. S. C. 621).

5. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

CHARLES P. MEAD,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 58–5611; Filed, July 22, 1958; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MINNESOTA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in Otter Tail County, Minnesota, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1959, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 18th day of July 1958.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 58–5644; Filed, July 22, 1958; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 9703, 9714]

U. S. AIRCOACH AND MELVIN N. CHAPMAN

NOTICE OF HEARING

In the matter of the application of U. S. Aircoach for an exemption (to lease an airplane from a person engaged in a phase of aeronautics) for approval of interlocking relationships and, in the alternative, for a waiver, Docket No. 9703.

In the matter of the application of Melvin N. Chapman for approval of control under section 408 of the Civil Aeronautics Act of 1938, as amended, Docket No. 9714.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled applications is assigned for July 24, 1958, at 10:00 a. m., e. d. s. t., in Room 1064, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Dated at Washington, D. C., July 18, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58–5664; Filed, July 22, 1958; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 58–686]

[Amdt. O–43]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

INTERNATIONAL BROADCASTING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 16th day of July 1958;

The Commission having before it for consideration the Delegations of Authority to the Chief Engineer with respect to International Broadcasting, and its rules governing International Broadcast Stations (Subpart F of Part 3 of the Commission's rules); and

It appearing that certain amendments to the aforementioned delegations are necessary in order to achieve consistency with the aforementioned rules; and

It appearing that no rule-making procedure is required in view of the fact that these amendments relate to a matter of agency management, and are, therefore, exempted from section 4 of the Administrative Procedure Act; now therefore

It is ordered, Pursuant to sections 303 (f), 303 (r) and 5 (d) (1) of the Communications Act of 1934, as amended, that section 0.331 (a) of Part O, the Commission's Statement of Organization, Delegations of Authority, and Other Information, be amended effective July 25, 1958, as set forth below.

Released: July 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend section 0.331 (a) to read as follows:

(a) With respect to International Broadcasting to act upon the following matters:

(1) Requests for the use of frequencies and frequency hours for transmissions to specific target areas subject to the conditions set forth in the Commission's Rules governing International Broadcast Stations.

(2) Applications for modification of construction permit to make changes in the antenna system where such applications do not involve departure from the policy set by the Commission.

[F. R. Doc. 58–5635; Filed, July 22, 1958; 8:53 a. m.]

[Docket No. 12243; FCC 58M–778]

PIERCE BROOKS BROADCASTING CORP. (KGIL)

ORDER CONTINUING HEARING

In re application of Pierce Brooks Broadcasting Corp. (KGIL), San Fernando, California, Docket No. 12243, File No. BP–10512; for construction permit.

The Hearing Examiner having under consideration informal request of Pasadena Presbyterian Church for a week's continuance of the hearing herein;

It appearing, that counsel for all other parties to the proceeding have informally consented to immediate consideration and grant of the request;

It is ordered, This 18th day of July 1958, that the above request is granted; and the hearing now scheduled for July 21, 1958, at 9:00 a. m., is continued until July 28, 1958, at 10:00 a. m.

Released: July 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58–5636; Filed, July 22, 1958; 8:53 a. m.]

[Docket No. 12469; FCC 58–676]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the revised tentative allocation plan for Class B FM Broadcast Stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of July 1958;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing, that Notice of Proposed Rule Making (FCC 58–538) setting forth the above proposal was issued by the Commission on June 5, 1958 and was duly published in the FEDERAL REGISTER (23 F. R. 4062), which notice provided that interested parties might file statements or briefs with respect to the said proposal on or before July 7, 1958; and

It further appearing, that no comments were filed, either in favor or opposition to the proposed amendment; and

It further appearing, that adoption of the proposed amendment will make Channel 282 available for assignment in Athens, Alabama, for which an application, File No. BPH–2435, has been filed by the Athens Broadcasting Company, Inc.; and

It further appearing, that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b)

of the Communications Act of 1934, as amended;

It is ordered, That effective July 16, 1958, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the city of Athens, Alabama:

General area	Channels	
	Delete	Add
Athens, Alabama	----------	282

Released: July 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5637; Filed, July 22, 1958; 8:53 a. m.]

[Docket No. 12470; FCC 58-677]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the revised tentative allocation plan for Class B FM broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of July 1958;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing that Notice of Proposed Rule Making (FCC 58-539) setting forth the above proposal was issued by the Commission on June 5, 1958, and was duly published in the FEDERAL REGISTER (23 F. R. 4063), which notice provided that interested parties might file statements or briefs with respect to the said proposal on or before July 7, 1958; and

It further appearing that no comments were filed, either in favor of or in opposition to the proposed amendment; and

It further appearing that adoption of the proposed amendment will make Channel 238 available for assignment in Lancaster, Ohio, for which an application, File No. BPH-2434, has been filed by the Hocking Valley Broadcasting Corp.; and

It further appearing that authority for the adoption of the proposed amendment is contained in Sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective July 16, 1958, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the cities of Lancaster and Columbus, Ohio:

General area	Channels	
	Delete	Add
Lancaster, Ohio	----------	238
Columbus, Ohio	238	----------

Released: July 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5638; Filed, July 22, 1958; 8:53 a. m.]

[Docket No. 12471; FCC 58-678]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the revised tentative allocation plan for Class B FM broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of July 1958;

The Commission having under consideration a proposal to amend the revised tentative allocation plan for Class B FM broadcast stations, and

It appearing that Notice of Proposed Rule Making (FCC 58-540) setting forth the above proposal was issued by the Commission on June 5, 1958, and was duly published in the FEDERAL REGISTER (23 F. R. 4063), which notice provided that interested parties might file statements or briefs with respect to the said proposal on or before July 7, 1958; and

It further appearing that no comments were filed, either in favor of or opposition to the proposed amendment; and

It further appearing that adoption of the proposed amendment will make Channel 235 available for assignment to Class A FM Broadcast Station KCLE-FM, Marti, Inc., licensee, Cleburne, Texas, which has an application, File No. BPH-2418, pending for such an assignment; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered That effective July 16, 1958, the revised tentative allocation plan for Class B FM broadcast stations is amended as follows in respect to the city of Cleburne, Texas:

General area	Channels	
	Delete	Add
Cleburne, Tex	----------	235

Released: July 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5639; Filed, July 22, 1958; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1783]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF PETITION TO AMEND ORDER

JULY 17, 1958.

Take notice that on June 30, 1958, Transcontinental Gas Pipe Line Corporation (Transco), a Delaware corporation, having its principal place of business at Houston, Texas, filed a petition to amend the Commission's order issued December 15, 1955. The order of December 15, 1955 in the above entitled proceedings modified and affirmed as modified, the Presiding Examiner's decision issued October 17, 1955, which authorized Transco to sell and deliver the following volumes of natural gas to Duke Power Company on an interruptible basis for use in the company's plant at its Lee Electric generating station near Williamston, South Carolina:

Year	Maximum annual volume in Mcf
1956 (first)	11,700,000
1957 (second)	8,300,000
1958 (third)	6,930,000
1959 (fourth)	6,850,000
1960 (fifth)	6,850,000

As of June 15, 1958, Transco had delivered 4,832,617 Mcf to Duke, leaving 2,097,383 Mcf of the 1958 allocation still to be delivered.

Transco's petition recites that it will have capacity available south of its Compressor Station 15 during August and September of this year for the sale and delivery of up to 1,300,000 Mcf of interruptible gas to Duke, over and above the presently authorized 1958 delivery of 6,930,000 Mcf. This excess capacity will be available, according to the petition, because Transco cannot begin injection of cushion gas into the proposed Leidy storage pool in Pennsylvania as it had planned, since authorization of the Leidy project is currently pending in Docket No. G-13590, et al. Transco further submits that Duke is the only outlet for the increased volumes which will be available, because its customers in the south do not take their full allocations during the summer months. Because of the expected development of the Leidy pool at a later date, Applicant will be required to inject larger volumes than originally planned into that pool during the summer of 1959, but will have excess gas available during the summer of 1958. It, therefore, proposes to sell and deliver to Duke during 1958 up to 1,300,000 Mcf of natural gas, in addition to the presently authorized volume of 6,930,000 Mcf, and to reduce the 1959 allocation by the excess delivered to Duke in 1958. It appears from Transco's petition that the total volumes delivered to Duke will be unchanged from those authorized in the Commission's order of December 15, 1955, and that Duke is agreeable to the proposed changes.

Take further notice that protests or petitions to intervene with respect to the petition to amend may be filed with the Federal Power Commission, Washington, 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 6, 1958.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5612; Filed, July 22, 1958; 8:47 a. m.]

[Docket No. G-15076]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 17, 1958.

Take notice that Arkansas Louisiana Gas Company (Applicant) a Delaware corporation with a principal office in Shreveport, Louisiana, filed an application on May 8, 1958, and supplements thereto on June 2 and July 3, 1958, pursuant to section 7 of the Natural Gas Act for:

(1) Under section 7 (a) for an order of the Commission directing Texas Eastern Transmission Corporation (Texas Eastern) to establish a physical connection of its existing facilities with a natural gas transmission line proposed to be constructed and owned by the towns of Tupelo, McCrory and Patterson, Arkansas, and to sell natural gas to Applicant who will operate the pipeline and resell the gas for distribution in the above towns and in several unincorporated towns and to other customers along the route of the line.

(2) Under section 7 (c) for a certificate of public convenience and necessity to operate the proposed pipeline under a lease agreement with the towns with an option to purchase the system at a later date. Applicant will also operate distribution systems in all the towns, which are also to be owned and built by the towns.

Tupelo, McCrory and Patterson propose to construct the transmission line extending from a tap on Texas Eastern's line to the three towns, consisting of approximately 24 miles of 4½-inch and 2⅜-inch pipe, together with distribution systems in each of the towns and distribution or service connections along the route of the line between the towns. The unincorporated communities which will also receive service from the line include Auvergne, Schoffner, Weldon and Overcup, all in Arkansas, as well as some cotton gins and irrigation pumping units.

Applicant proposes to operate the said leased transmission line and distribution systems under a lease arrangement providing (a) for the payment of rentals by the Applicant sufficient to cover the principal and interest payments on gas revenue bonds of the municipalities, and (b) an option to purchase said leased properties from the municipalities.

The application recites that Applicant operates several distribution plants which are beyond the economic reach of its own integrated pipeline system. The town of Tupelo, City of McCrory and town of Patterson are too far removed from Applicant's system to warrant construction or extension of a line to bring gas service to these towns. Texas Eastern's Big Inch transmission line is reasonably close to the towns and can serve them from a proposed tap on that line to the towns, a distance of about 24 miles.

The estimated gas requirements of the market area, based on Applicant's experience in other similar areas, are as follows:

Vols. in Mcf @ 15.025 psia

Year	Peak day	Annual
1st	733	87,765
2d	742	91,930
3d	750	96,095
4th	759	99,980
5th	767	104,145

The application further recites that the cost of the proposed transmission line is estimated at $274,780, which cost will be shared proportionately by the three major towns. The estimated costs of the distribution systems in each town including proportionate shares of the cost of the transmission line plus overheads, contingencies and other items are as follows: Tupelo—$80,500; McCrory—$395,500; and Patterson—$99,000. The municipalities propose to issue 25-year 4-per cent revenue bonds for the above amounts to finance the cost of their respective systems, and portion of transmission line.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 14, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 1, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5613; Filed, July 22, 1958; 8:48 a. m.]

[Project No. 2172]

COOS-CURRY ELECTRIC COOPERATIVE, INC.

NOTICE OF APPLICATION FOR LICENSE

JULY 17, 1958.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Coos-Curry Electric Cooperative, Inc., of Coquill, Oregon, for license for proposed water-power Project No. 2172 to be located on Illinois River, a tributary to Rogue River, in Curry and Josephine Counties, Oregon, approximately 25 miles east of Gold Beach, Oregon, affecting lands of the United States within the Siskiyou National Forest. The proposed project, known as Bald Mountain Project, would be located at river mile 21.8 and would consist of a concrete gravity overflow diversion dam about 124 feet high and 600 feet along the crest; five automatic spillway gates to maintain a constant water surface at elevation 644 feet; a small reservoir with an area of 225 acres and no usable storage other than pondage; fish ladders, both for upstream and downstream migration; an intake structure; a concrete-lined tunnel, 15 feet in diameter and 3.9 miles long; underground penstocks; a powerhouse located about 12 river miles below the dam, containing three 36,300 horsepower turbines connected to 27,000 kilowatt generators and one 14,750 horsepower turbine connected to an 11,000 kilowatt generator; a step-up substation; two 115-kv transmission lines extending from the powerhouse to Gold Beach; and appurtenant mechanical and electrical facilities.

A preliminary permit for the proposed project was issued to Coos-Curry Electric Cooperative, Inc., effective May 1, 1955, and expired April 30, 1956.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 2, 1958. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5614; Filed, July 22, 1958; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3717]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

NOTICE OF FILING REGARDING ISSUE AND SALE OF PROMISSORY NOTES BY SUBSIDIARIES TO BANKS AND TO PARENT COMPANY

JULY 16, 1958.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by New England Electric System ("NEES"), a registered holding company, and twenty-one of its public-

utility subsidiaries ("the borrowing companies"), namely, Attleboro Electric Company ("Attleboro"), Central Massachusetts Gas Company ("Central Mass."), Granite State Electric Company ("Granite"), Lawrence Gas Company ("Lawrence"), Lynn Gas and Electric Company ("Lynn"), Merrimack-Essex Electric Company ("Merrimack"), The Mystic Power Company ("Mystic"), Mystic Valley Gas Company ("Mystic Valley"), The Narragansett Electric Company ("Narragansett"), Northampton Electric Lighting Company ("Northampton"), Northampton Gas Light Company ("Northampton Gas"), North Shore Gas Company ("North Shore"), Northern Berkshire Electric Company ("Northern"), Norwood Gas Company ("Norwood"), The Pequot Gas Company ("Pequot"), Quincy Electric Company ("Quincy"), Southern Berkshire Power & Electric Company ("Southern"), Suburban Electric Company ("Suburban"), Wachusett Gas Company ("Wachusett"), Weymouth Light and Power Company ("Weymouth"), and Worcester County Electric Company ("Worcester"). NEES and the borrowing companies have designated sections 6 (a), 7, 10, and 12 (f) of the act and Rules 42 (b) (2), 43, 50 (a) (2) and 50 (a) (3) thereunder as applicable to the proposed transactions, which are summarized as follows:

The borrowing companies propose to issue from time to time through December 31, 1958, unsecured promissory notes to (a) banks in the aggregate principal amount of $34,234,000 and (b) NEES in the aggregate principal amount of $25,450,000 or a total of $59,684,000. The maximum amount of the proposed notes to be outstanding at any one time during the six months to December 31, 1958, is stated at $47,094,000. The proceeds of the proposed borrowings are to be used to pay then outstanding notes due to banks and/or to NEES (estimated at an aggregate of $33,979,000 principal amount at July 1, 1958) and to provide new money (estimated at $13,115,000 for the six months ending December 31, 1958) for construction expenditures or to reimburse the treasury therefor. The notes will bear interest at not in excess of the prime rate in effect at the time such loans are made, and will mature on or prior to March 31, 1959. Provision will be made for certain subsidiaries to pay their bank indebtedness, in whole or in part, with borrowings from NEES, or vice versa. In the case of notes issued to NEES to prepay notes to banks, the interest rate will be the prime interest rate, but not in excess of the interest rate on the notes being prepaid to the date of their maturity. In the case of notes issued to banks to prepay notes to NEES, if the interest rate exceeds that of the notes to be prepaid, NEES will file an amendment hereto to become effective only pursuant to rule or order of the Commission.

Each of the borrowing companies proposes that if any permanent financing is done prior to the maturity of the indebtedness to be issued hereunder, it will apply the proceeds therefrom in reduction of, or in total payment of, its note indebtedness then outstanding; that the balance of its note indebtedness then unissued hereunder, if any, will be reduced by the amount, if any, by which the proceeds of such permanent financing exceeds its note indebtedness at the time outstanding; and that the maximum amount of its note indebtedness proposed to be outstanding hereunder will be reduced by the amount of the proceeds obtained by it from such permanent financing.

The following table shows for each borrowing company (1) the aggregate amount of notes proposed to be issued to banks and to NEES, and (2) the maximum amount of notes issued hereunder to be outstanding with banks and with NEES at any one time.

[000's omitted]

Borrowing company	Aggregate amount of notes to be issued		Maximum amount of notes to be outstanding		
	Banks	NEES	Banks	NEES	Banks or NEES
Attleboro		$860		$860	
Central Mass	$1,000		$1,000		
Granite	1,250		200		$1,050
Lawrence	450		450		
Lynn	3,250		3,250		
Merrimack	9,325	5,000	4,325		5,000
Mystic	175		175		
Mystic Valley	1,300		1,300		
Narragansett	6,500		6,500		
North Shore	1,200		1,200		
Northampton	790	815			790
Northampton Gas		665		665	
Northern	1,350	1,350			1,350
Norwood		840		840	
Pequot	19	30	19	30	
Quincy	2,725	2,725			2,725
Weymouth		3,850		3,850	
Southern		1,615		1,615	
Surburban	1,400		1,400		
Wachusett	800		800		
Worcester	2,700	7,700		5,000	2,700
Total	34,234	25,450	20,619	12,860	13,615

While no definite arrangements have yet been made by any of the borrowing companies, it is expected that borrowings from banks will be made from any one or more of the following:

The First National Bank of Boston, Boston, Mass.
Second Bank-State Street Trust Company, Boston, Mass.
The Chase Manhattan Bank, N. Y.
The Hanover Bank, N. Y.
Irving Trust Company, N. Y.
The New York Trust Company, N. Y.
The First National City Bank of New York.
Industrial National Bank of Providence, Providence, R. I.
Rhode Island Hospital Trust Company, Providence, R. I.
Hartford National Bank & Trust Company, Hartford, Conn. (Mystic River Branch.)
First National Bank, Northampton, Mass.
Northampton National Bank, Northampton, Mass.
South Shore National Bank, Quincy, Mass.
Norfolk County Trust Company, Quincy, Mass.
Quincy Trust Company, Quincy, Mass.
Haverhill National Bank, Haverhill, Mass.
The Andover and Merrimac National Bank, Haverhill, Mass.
First National Bank, Adams, Mass.
Greylock National Bank, Adams, Mass.
North Adams National Bank, North Adams, Mass.
North Adams Trust Company, North Adams, Mass.
First National Bank, Malden, Mass.
Malden Trust Company, Malden, Mass.
Middlesex County National Bank, [illegible], Mass.
Union National Bank, Lowell, Mass.
Arlington Trust Company, Lawrence, Mass.
Bay State Merchants National Bank, Lawrence, Mass.
Attleboro Trust Company, Attleboro, Mass.
First National Bank, Attleboro, Mass.
Merchants-Warren National Bank, Salem, Mass.
Naumkeag Trust Company, Salem, Mass.
Guaranty Bank & Trust Company, Worcester, Mass.
The Mechanics National Bank of Worcester, Worcester, Mass.
Worcester County Trust Company, Worcester, Mass.

Incidental services in connection with the proposed note issues will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated at not exceeding $200 for each applicant-declarant.

No further action by any regulatory commission, other than this Commission, is necessary to carry out the proposed transactions. The Public Utilities Commission of New Hampshire has issued an order authorizing the notes proposed to be issued by Granite.

Notice is further given that any interested person may, not later than July 31, 1958 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the joint application-declaration as filed or as amended may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 58-5618; Filed, July 22, 1958; 8:50 a. m.]

[File No. 24FW-1143]

MISSILE OIL CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 17, 1958.

I. Missile Oil Corporation ("Issuer"), a Nevada corporation with its principal office at 1435 South La Cienega Boulevard, Los Angeles, California filed with the Commission on June 26, 1958, a notification on Form 1-A and an offering circular relating to an offering of 300,000 shares of its 10-cent par value non-assessable common stock at $1.00 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of sections 3 (b) and Regulation A thereunder.

II. The Commission has reason to believe that:

A. The offering circular and other material contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The statement on page 2 of the offering circular that "Officers, Directors and present Stockholders will own 63 percent of the outstanding stock * * * in exchange for leases costing in excess of $207,000, services rendered and an actual cash expenditure of $37,000", in that the directors, officers, and stockholders have not paid said $207,000 for the subject leases and are not obligated to make such payments, but such amount is to be paid from the proceeds of the offering.

2. The failure to disclose in the offering circular that the public investors, if the offering is completely sold, will have invested approxamitely 88½ percent of the cash in the enterprise for their 37 percent interest, while the officers, directors, and present stockholders will have contributed approximately only 11½ percent of the cash investment for their 63 percent interest.

3. The inclusion in the financial statements as an asset the sum of $210,000, described as "Oil Leases, at Cost", when, in fact, there is only an agreement to purchase oil leases, and the only cost incurred was a $3,000 earnest money deposit.

4. The statement on page 3 of the offering circular setting forth the conclusion of the Conkling Brothers, geologists, that the leases are a "safe and profitable investment", in that said conclusion, taken from the geological report, referred to the proposed purchase price of $210,000 and not to the interests of the public in the leases which would amount to only 37 percent of the total outstanding interests.

5. The failure to disclose in the offering circular that the royalties to be paid on the Texas and California properties are materially higher than customary, and are particularly burdensome on the Texas properties.

6. The statement on page 5 of the offering circular that in connection with the California properties the Issuer plans "an extensive exploratory and drilling program there" in that there is a failure to disclose that even if the entire offering were sold and the proceeds distributed in the manner set forth in the offering circular there would be little if any funds available for such exploration and drilling.

7. The failure to include in the offering circular adequate maps showing the location of the leases and the present status and depth of all wells drilled for oil and gas on or in the immediate vicinity of such leases in both Texas and California and the geological structural contours in the area where the California leases are located.

8. The statement on page 6 of the offering circular that, in connection with the Texas properties, "oil production on two of the four wells can be increased, possibly up to the allowable (212 barrels per allowable day)" and "* * * by so recompleting these wells the oil production from this property should be doubled and have a sizable increase in the gas production", in that the productivity of the wells in the area referred to does not indicate such statements would be reasonable for any substantial period of time.

9. The failure to include in the offering circular the actual oil and gas production by months from the date of completion of each of the Texas wells to the present time; the total allowable production for each well during each month; and the net production of oil and of gas for each month which would have accrued to the Issuer's interest.

10. The statement on page 6 of the offering circular implying that the increase of gas production from the Texas wells offset the decline in oil production, in that such increase does not offset the loss from decline in oil production.

11. The statement on page 7 of the offering circular that there are estimated gross future recoverable reserves from the Texas wells in the amount of 194,971 barrels as of January 1, 1958, in that the productivity of such wells indicates such estimation is excessive and without adequate foundation.

12. The statement on page 7 relating to reserves estimated to be recoverable through secondary methods in that there is no past experience from such methods of operation on or in the general vicinity of Issuer's leases to justify the inclusion of reserves based on recovery from secondary methods.

13. The statement on page 7 that the value of the Texas property net to the working interest is $2,143,857 in that past experience, and future unknown and indeterminable factors make such an estimation of value unreasonable and without adequate basis.

14. The statement on page 8 relating to the 1957 earnings from the four wells on the Texas properties in that such figure, $201,243, apparently represents gross income.

15. The statement on page 8 of the offering circular implying that reduced allowable production accounted solely for the decline in production in that other material factors were involved which accounted for the production decline.

16. The statement on page 9 relating to the value of the California properties in the amount of $403,340 in that the assigned value of $20 per acre is of such a speculative, arbitrary and fluctuating nature as to preclude the inclusion of such amount as a representation.

17. The failure to disclose in the offering circular the use of proceeds in the event the amount sold is insufficient to purchase the Texas properties.

B. The terms and conditions of Regulation A have not been complied with in that:

1. Copies of the underwriting agreement and signed consents of underwriters have not been filed as required by Items 11 (b) and 11 (c) of Form 1-A.

III. *It is ordered*, Pursuant to Rule 261 (a) of the rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for such hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 58-5617; Filed, July 22, 1958; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 193]

KANSAS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of July, 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Kansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Atchison (Flash flood occurring on or about July 11, 1958).

Office: Small Business Administration Regional Office, Home Savings Building, Fifth

Floor, 1006 Grand Avenue, Kansas City 6, Missouri.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1959.

Dated: July 11, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-5619; Filed, July 22, 1958; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 226]

MOTOR CARRIER APPLICATIONS

JULY 18, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1184 (Sub No. 11), filed June 26, 1958. Applicant: GEORGE F. BURNETT COMPANY, INC., P. O. Box 2538, 20450 West Ireland Road, South Bend, Ind. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foreign automobiles*, in truckaway service, from Muskegon, Mich., to South Bend, Ind. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: September 18, 1958, in U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 23.

No. MC 7073 (Sub No. 3), CORRECTION, filed March 31, 1958, published in the FEDERAL REGISTER June 11, 1958 on Page 4115. Applicant: EUGENE E. BOOS, doing business as BOOS APPLIANCE & HARDWARE COMPANY, Highland, Kans. Applicant's attorney: Ernest W. Rothfelder, 1012-15 Corby Building, St. Joseph, Mo. The previous publication indicated that the proposed transportation of the various commodities listed in the first part of the notice would originate from Kansas City, Mo., and points in Doniphan County, Kans. This was in error. The origin point of the proposed operation is Kansas City, Mo., only, and the commodities are destined to points in Doniphan County, Kans., and points in Brown County, Kans., on and east of Combined U. S. Highways 159 and 73, also the *ice* and *fertilizer* will originate only at St. Joseph, Mo., and are destined to Highland, Kans., and points in Kansas. *Ordinary livestock* will be transported on return.

HEARING: Remains as assigned July 29, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 10761 (Sub No. 75), filed May 5, 1958. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value and except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Exeter, Pa., as an off-route point in connection with applicant's authorized regular route operations between Pittsburgh, Pa., and New York, N. Y., over U. S. Highway 22, New Jersey Highway 29 and U. S. Highway 1. Applicant is authorized to transport similar commodities in Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, West Virginia, and Wisconsin.

HEARING: September 3, 1958, at the Fulton Building, 101-115 Sixth Street, Pittsburgh, Pa., before Examiner Alfred B. Hurley.

No. MC 13700 (Sub No. 2), filed May 19, 1958. Applicant: ROCKS TRANSFER LINES, INC., 13-15 West 7th Street, Holland, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, (1) between Holland, Mich., and Port Sheldon, Mich., over unnumbered county road, commonly known as Butternut Drive, serving no intermediate points; and (2) between junction U. S. Highway 31 and unnumbered county road known as Port Sheldon Road (Ottawa County), Mich., from junction U. S. Highway 31 and unnumbered county road known as Port Sheldon Road, over Port Sheldon Road to junction Butternut Drive, thence over Butternut Drive to Port Sheldon, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Illinois and Michigan.

HEARING: September 8, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 13964 (Sub No. 2), filed [illegible] 22, 1958. Applicant: JOHN R. [illegible], 20116 Greydale Avenue, Detroit, Mich. Applicant's attorney: Rex [illegible], 2608 Guardian Building, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper other than ordinary, grooms, mats, equipment* and *tack*, between points in Michigan, on the one hand, and, on the other, points in Pennsylvania, New Jersey, Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Louisiana, Arkansas, Iowa, Missouri, Wisconsin, Colorado, Arizona, and California. Applicant is authorized to transport similar commodities in Michigan, Ohio, Indiana, Illinois, and Kentucky, and household goods as defined by the Commission in Connecticut, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, New York, Ohio, Pennsylvania, Tennessee, Wisconsin, and the District of Columbia.

HEARING: September 9, 1958, at the Federal Building, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 15728 (Sub No. 2), filed June 21, 1958. Applicant: AUTO PRODUCTS TRANSPORT, INC., 16244 James Couzens Highway, Detroit, Mich. Applicant's attorney: Quentin A. Ewart, 910 Prudden Building, Lansing 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Plymouth, Mich., to points in Indiana on and north of U. S. Highway 136 from the Indiana-Illinois State line to Indianapolis, and on and north of U. S. Highway 40 from Indianapolis to the Indiana-Ohio State line, and from Plymouth, Mich., to points in Ohio on and north of U. S. Highway 30 from the Ohio-Indiana State line to Delphos, on and north of U. S. Highway 30-N from Delphos to Bucyrus, and on and west of Ohio Highway 4 from Bucyrus to Mansfield, and *empty containers or other such incidental facilities* (not specified) used in transporting paper and paper products on return. Applicant is authorized to transport paper and paper products in Michigan and Ohio.

HEARING: September 10, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 9.

No. MC 19778 (Sub No. 30), filed June 27, 1958. Applicant: CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, 516 West Jackson Boulevard, Chicago 6, Ill. Applicant's attorney: W. L. Hunter, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, 888 Union Station, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Rockford, Ill., and junction of U. S. Highway 51 and Illinois Highway 72 near David Junction, from Rockford over Illinois Highway 2 to junction Belt Line Road, thence over Belt Line Road to junction of U. S. Highway 51, thence over U. S. Highway 51 to junction of Illinois Highway 72, and return over the same route; (2) between Hampshire, Ill., and Lenark, Ill., over Illinois Highway 72; (3) between junction of Illinois Highways 72 and 26 west of Forreston, Ill., and Freeport, Ill., over Illinois Highway 26; (4) between Freeport, Ill., and Rockford, Ill., over U. S. Highway 20, serving the intermediate points of Hampshire, Genoa, Kirkland, Monroe Center, Davis Junction, Stillman Valley, Bryon, Adeline, Forreston, Shannon, Lenark, Freeport, and Rockford, Ill., which are stations on the rail line of applicant. Applicant is authorized to conduct operations in Illinois and Iowa.

HEARING: September 12, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 34865 (Sub No. 36), filed June 19, 1958. Applicant: CONTRACT CARRIERS, INC., 2425 Walton Street, Anderson, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum ingots*, from the site of the plant of American Smelting and Refining Company, Wood River Township, Madison County, Ill., to Muncie, Red Key, and Winchester, Ind. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Missouri and Ohio, and irregular route operations in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier.

HEARING: September 16, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 50069 (Sub No. 199), filed June 12, 1958. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum residuum*, in bulk, in tank vehicles, for export only, from Lima, Ohio, to Toledo, Ohio. Applicant is authorized to conduct operations in Ohio, Michigan, Indiana, Pennsylvania, West Virginia, Illinois, Kentucky, Missouri, Wisconsin, New York, Iowa, Minnesota, Maryland, Virginia, Connecticut, Delaware, Kansas, Nebraska, Oklahoma, Tennessee, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, North Dakota, South Dakota, Georgia, and Florida.

HEARING: September 24, 1958, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 53325 (Sub No. 2), filed June 30, 1958. Applicant: DAVID C. KEMPER, doing business as KEMPER TRUCKING CO., 1530 Ewing Street, Seymour, Ind. Applicant's attorney: William J. Guenther, 1511-14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, from St. Bernard, Ohio, to Louisville, Ky. Applicant is authorized to conduct operations in Ohio, Indiana, and Kentucky.

HEARING: September 18, 1958, in the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 208.

No. MC 55811 (Sub No. 43), filed June 23, 1958. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete mix*, consisting of cement and fine aggregate, or cement and fine and course aggregate, dry, in paper sacks, *paving or paving joint compounds, asphalt, reclaimed rubber, rosin* and *chemicals*, with or without limestone, *sand or vermiculite*, in bags, from Cincinnati, Ohio, to Lafayette, Ind., and Louisville, Ky., and *pallets*, from Muncie, Ind., and points in Indiana within sixty (60) miles of Muncie, and Lafayette, Ind., to Cincinnati, Ohio. Applicant is authorized to conduct operations in Indiana, Michigan, Kentucky, Missouri, Pennsylvania, Illinois, Ohio, Iowa, Wisconsin, and West Virginia.

HEARING: September 18, 1958, in the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 60.

No. MC 59206 (Sub No. 15), filed May 26, 1958. Applicant: HOLLAND MOTOR EXPRESS, INC., 1 West Fifth Street, Holland, Mich. Applicant's attorney: Leonard D. Verdier, Jr., Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Consumers Power Company plant, located in Port Sheldon Township, Ottawa County, Mich., as an off-route point in connection with applicant's authorized regular route operations between Muskegon, Mich., and Benton Harbor, Mich., over U. S. Highway 31. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, and Ohio.

HEARING: September 8, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 61231 (Sub No. 9), filed June 17, 1958. Applicant: ALKIRE TRUCK LINES, INC., Livestock Exchange Building, 1600 Genesee, Kansas City, Mo. Applicant's attorney: Lowell L. Knipmeyer, Waltower Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Belle Plaine, Iowa, to Chicago, Ill., Waukesha, Wis., and Grand Rapids, Mich. Applicant is authorized to conduct irregular route operations in Illinois, Indiana, Iowa, Missouri, Nebraska, and Oklahoma, and irregular route operations in Illinois, Indiana, and Iowa.

HEARING: September 22, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 64932 (Sub No. 243), filed July 2, 1958. Applicant: ROGERS CARTAGE CO., 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Formaldehyde*, in bulk, in tank vehicles, from Toledo, Ohio, to Chicago, Ill. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: September 12, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 58.

No. MC 66539 (Sub No. 13), filed June 2, 1958. Applicant: PHIL KRASS AND MARY KRASNOWSKY, doing business as I. L. & C. COMPANY, 4535 North Kedzie Avenue, Chicago 25, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tape recorders* and *hi-fidelity sound equipment and parts, supplies, and materials* used in the manufacture, distribution, and sale of tape recorders and hi-fidelity sound equipment, from Chicago, Ill., to New York, N. Y. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, New York, and Pennsylvania.

NOTE: Applicant states that the proposed service will be performed for Bell & Howell Co., Pentron Corp., and Revere Camera Co., all located in Chicago, Ill. A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a common or contract carrier, assigned Docket No. MC 66539 (Sub No. 12).

HEARING: September 22, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 68909 (Sub No. 58), filed June 19, 1958. Applicant: DECATUR CARTAGE COMPANY, 1932 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except livestock, Class A and B explosives, inflammables, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Forest Products Division of Olin Mathieson Chemical Corporation plant located approximately four miles southeast of the junction of U. S. Highway 6 and U. S. Highway 66, as an off-route point in connection with applicant's authorized regular route operations between Joliet, Ill., and La Salle, Ill., over U. S. Highway 6. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, and Ohio.

HEARING: September 11, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 69116 (Sub No. 45), filed June 19, 1958. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South

La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Forest Products Division of the Olin Mathieson Chemical Corporation plant located approximately four (4) miles southeast of junction U. S. Highways 6 and 66, as an off-route point in connection with applicant's authorized regular route operations between Topeka, Kans., and Chicago, Ill., over U. S. Highway 66. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, and the District of Columbia.

HEARING: September 11, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 71452 (Sub No. 2), filed June 13, 1958. Applicant: W. C. SMITH, doing business as INDIANA FILM TRANSIT COMPANY, 220 Osage Street, Indianapolis 4, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Indianapolis, Ind., and points in Carroll, Cass, Miami, Wabash, White, Tippecanoe, Clinton, Howard, Tipton, Grant, Blackford, Montgomery, Boone, Hamilton, Madison, Delaware, Randolph, Putnam, Hendricks, Marion, Hancock, Henry, Wayne, Parke, Vigo, Clay, Owen, Morgan, Johnson, Shelby, Rush, Fayette, Monroe, Martin, Lawrence, Brown, Jackson, Bartholomew, Jennings, Decatur, Greene, and Jay Counties, Ind. Applicant indicates the authority as here requested is subject to the restriction that only those shipments which have had an immediately prior or an immediately subsequent movement by aircraft will be transported. Applicant states that it is his view that the operations as proposed are exempt; that the service would be incidental to transportation by aircraft; and applicant contends that the exemption in section 203 (b) (7a) is applicable. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, and Ohio.

HEARING: September 17, 1958, in the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 75830 (Sub No. 4), filed June 11, 1958. Applicant: INTER-CITY TRANSPORT & MOTOR COMPANY, P. O. Box 88, Buckhannon, W. Va. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by chain retail variety stores and *material, equipment* and *supplies* used in the conduct of such business houses, between McKeesport, Pa., on the one hand, and, on the other, points in Minnesota within 20 miles of Minneapolis, Minn., including Minneapolis, and Milwaukee, Wis., and points within 20 miles thereof, and Madison, Oshkosh, and Sheboygan, Wis. Applicant is authorized to conduct operations in Pennsylvania, West Virginia, Kentucky, Ohio, Indiana, and Illinois.

NOTE: Applicant states that the above service will be conducted under special and individual contracts with persons as defined in section 203 (a) of the Interstate Commerce Act who operate chain retail variety stores.

HEARING: September 5, 1958, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Alfred B. Hurley.

No. MC 92722 (Sub No. 10), filed June 14, 1956. Applicant: ROBERT R. WALKER, INC., 1818 West Sample Street, P. O. Box 206, South Bend, Ind. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington, D. C. This is a second publication, which covers a Report of the Commission, Division 1, adopted June 27, 1958. The application as filed sought authority for the transportation of certain vehicles and parts both in initial and secondary movement. The secondary authority requested was for operation between all points in the territory described in the initial movement portion of the application subject to certain restrictions. As published in the FEDERAL REGISTER of July 4, 1956, however, the secondary authority sought was described as *from* South Bend to points in the territory named. Division 1, in its Report, states: "We find that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, (1) of *motor vehicles*, except trailers, in initial movements in truckaway service, from South Bend, Ind., to points in Alabama, Georgia, New Mexico, Tennessee, and those in North Carolina east of a line commencing at the Virginia-North Carolina State line and extending along U. S. Highway 21 to Statesville, N. C., thence along U. S. Highway 70 to Salisbury, N. C., and thence along U. S. Highway 52 to the North Carolina-South Carolina State line, and (2) of the commodities described in (1) above, in secondary movements, in truckaway service, between all points in the territory described in (1) above, limited to the transportation of such shipments as have been transported by applicant or other carriers in initial movements from South Bend and restricted against the transportation of such traffic as has had an immediately prior movement by water; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and our rules and regulations thereunder; that an appropriate certificate should be granted after the lapse of 30 days from the date of republication in the FEDERAL REGISTER of a corrected statement of the authority sought herein, provided that no petitions for further hearing are received during that period and that the application in all respects should be denied."

No. MC 94430 (Sub No. 16), filed June 11, 1958. Applicant: WEISS TRUCKING COMPANY, INC., Mongo, [illegible]. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles and in containers, from points in Lucas and Erie Counties, Ohio, to points in the following counties in Indiana: Cass, Delaware, Fulton, Hamilton, Hancock, Henry, Howard, Madison, Marion, Marshall, Randolph, St. Joseph, Tipton, and Wayne, and *empty containers or other such incidental facilities* used in transporting cement on return. Applicant is authorized to conduct operations in Ohio, Indiana, Michigan, and Illinois.

HEARING: September 23, 1958, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 60.

No. MC 103654 (Sub No. 44), (REPUBLICATION) filed April 4, 1958. Applicant: SCHIRMER TRANSPORTATION COMPANY INCORPORATED, [illegible] Pelham Boulevard, St. Paul, Minn. Applicant's attorney: Donald A. Morken, 100 First National-Soo Line Building, Minneapolis 2, Minn. This is a second notice of an application which, as originally filed sought authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid or dry packing house products, materials* and *supplies, rendering plant products, materials* and *supplies* that can be poured, scooped or shoveled, in bulk, between points in Minnesota, North Dakota, South Dakota, Iowa, Wisconsin, Illinois, Nebraska, Missouri, the Upper Peninsula of Michigan, and Kansas. Under date of April 22, 1958, prior to the original publication, applicant's attorney tendered an amendment to the application to broaden the scope and include that part of the Chicago, Ill., Commercial Zone in the State of Indiana. The amendment was accepted and applicant's attorney so advised. However, when the application was assigned for hearing the publication in the FEDERAL REGISTER failed to include the additional territory sought: "that part of the Chicago, Ill., Commercial Zone in Indiana". At a hearing held June 25, 1958 at Minneapolis, Minn., before Examiner Harold P. Boss applicant was allowed to present evidence of need as to service to that portion of the Chicago, Ill., Commercial Zone extending into Indiana. The application was also further amended in certain respects. The Examiner's Report and Recommended Order will give consideration to the need for service to that territory. However, such report will not be served until a lapse of 30 days after this publication within which time any person or persons who may have been prejudiced by the allowance of the amendment and the failure of the previous publication in the FEDERAL REGISTER to reflect such amendment may file an appropriate petition for further hearing.

No. MC 105269 (Sub No. 24), filed July 3, 1958. Applicant: GRAFF TRUCKING

COMPANY, INC., 2110 Lake Street, Kalamazoo, Mich. Applicant's attorney: K. P. Clardy, Olds Tower, Lansing, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste materials, waste paper, rags* and *junk*, between points in the lower peninsula of Michigan on the one hand, and, on the other, points in Indiana and Illinois. Applicant is authorized to conduct operations in Michigan, Kentucky, Missouri, Iowa, Wisconsin, Illinois, Indiana, and Ohio.

HEARING: September 15, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 73.

No. MC 110420 (Sub No. 188), filed June 10, 1958. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Blends or mixtures of *corn syrup*, and blends or mixtures of *liquid sugar*, in bulk, in tank vehicles, (1) from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Wisconsin, Iowa, Indiana, Nebraska, Minnesota, Michigan, Missouri, Ohio, Illinois, Arkansas, Kentucky, South Dakota, Tennessee, New York, Pennsylvania, West Virginia, and Kansas; (2) from Cedar Rapids, Iowa, Pekin, Ill., and North Kansas City, Mo., to points in Wisconsin, Iowa, Indiana, Nebraska, Minnesota, Michigan, Missouri, Ohio, Illinois, Arkansas, Kentucky, South Dakota, and Kansas; (3) from Keokuk, Iowa, to points in Wisconsin, Iowa, Indiana, Nebraska, Minnesota, Michigan, Missouri, Ohio, Illinois, Kentucky, Tennessee, and Alabama; (4) from Clinton, Iowa, to points in Wisconsin, Iowa, Indiana, Nebraska, Minnesota, Michigan, Missouri, Ohio, and Illinois; (5) from points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, to points in Wisconsin, Iowa, Indiana, Nebraska, Minnesota, Michigan, Missouri, Ohio, Illinois, Arkansas, Kentucky, South Dakota, and Tennessee; (6) from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, to points in Arkansas, Kentucky, South Dakota, Tennessee, Illinois, Alabama, Georgia, Louisiana, Oklahoma, Davenport, Burlington, and Sioux City, Iowa, Indianapolis, Ind., Omaha, Nebr., St. Paul, Minn., that part of Wisconsin on and south of Wisconsin Highway 60, that part of Michigan on and south of U. S. Highway 16, that part of Ohio north and west of a line beginning at Cleveland, Ohio, and extending along U. S. Highway 42 to Delaware, Ohio, thence along U. S. Highway 23 to Columbus, Ohio, thence along U. S. Highway 40 to Lafayette, Ohio, and thence along U. S. Highway 42 to Cincinnati, Ohio, including points on the indicated portions of the highways specified, and that part of Texas on and east of U. S. Highway 81; and (7) from Granite City, Ill., to Kansas City, Mo. *Corn syrup, blends and/or mixtures of corn syrup,* and *blends and/or mixtures of liquid sugar*, from St. Louis, Mo., to points in Iowa and Nebraska. Applicant is authorized to conduct operations in Illinois, Wisconsin, Iowa, Minnesota, Missouri, Indiana, Nebraska, Michigan, Ohio, Alabama, Florida, Kansas, Louisiana, Mississippi, Massachusetts, New York, Oklahoma, Pennsylvania, Tennessee, Texas, South Dakota, Virginia, and West Virginia.

HEARING: September 23, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 113843 (Sub No. 25), filed June 2, 1958. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street., Boston 10, Mass. Applicant's attorney: James M. Walsh, 316 Summer Street, Boston 10, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittsburgh, Pa., to points in Michigan. Applicant is authorized to conduct operations in Ohio, Massachusetts, New York, Maryland, the District of Columbia, Virginia, West Virginia, Illinois, Wisconsin, Connecticut, Indiana, Michigan, New Jersey, Pennsylvania, Rhode Island, Kentucky, Maine, New Hampshire, Texas, North Carolina, South Carolina, Tennessee, Delaware, Missouri, Minnesota, Nebraska, Iowa, and Colorado.

HEARING: September 4, 1958, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Joint Board No. 244, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 114829 (Sub No. 4), filed June 23, 1958. Applicant: GENERAL CARTAGE COMPANY, INC., P. O. Box 298, Sterling, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, such as reinforcing bars, bar joists, spirals, concrete accessories, wire mesh, fencing and fencing materials, bars, sheets, angles, beams, channels, plate, floor plate, wire, and structural steel, from Sterling, Ill., to points in Iowa, Minnesota, Missouri, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Iowa, Missouri, and Wisconsin.

NOTE: Applicant states the proposed transportation is for the account of Midwest Metals Corp., Sterling, Ill.

HEARING: September 24, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 115668 (Sub No. 2), filed June 12, 1958. Applicant: WARREN G. HARDING, R. R. 2, Allen Chapel Road, Kendallville, Ind. Applicant's representative: Thomas P. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cookies* and *cakes*, from River Forest, Ill., to points in Berrien, Cass, Van Buren, Kalamazoo, and Saint Joseph Counties, Mich., and *empty containers or other such incidental facilities* (not specified) used in transporting cookies and cakes on return. Applicant is authorized to transport cookies and cakes in Illinois, Indiana, and Michigan.

NOTE: Applicant states he is serving Continental Baking Company of River Forest, Ill. A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 115668 (Sub No. 1).

HEARING: September 16, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 73.

No. MC 116069 (Sub No. 1), filed May 22, 1958. Applicant: MARINE TRANSIT, INC., Richland Center, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rowboats* and *outboard motor boats*, between all points in the United States east of the Eastern boundaries of Montana, Wyoming, Colorado, and New Mexico. *Inboard motor boats* not exceeding 40 feet in length, from Baltimore and Solomons, Md., Lancaster, Pa., Tell City, Ind., and New Orleans, La., to all points in the above-described territory.

NOTE: Application is pending in No. MC-PC 61141 to transfer the operating rights in Certificate No. MC 116069 from R. L. Schmitz and Charles G. Olsen, doing business as O & S Transport, Inc., to Marine Transit, Inc. Certificate No. MC 116069 authorizes operations in Arkansas, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, Ohio, Pennsylvania, Tennessee, Texas, and Wisconsin.

HEARING: September 17, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 117100 (Sub No. 1), (REPUBLICATION), filed May 16, 1958, published in the FEDERAL REGISTER issue of June 5, 1958, on page 2956. Applicant: SAM ORGEL AND JULE ORGEL doing business as ELIZABETH RUBBER WASTE, 248 First Street, Elizabeth, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. This is a second notice of an application which as originally published incorrectly described the method of transportation of the commodities sought to be transported by reason of the omission of the phrase "and in containers". At a hearing held on July 10, 1958, before Examiner John P. McCarthy, applicant was allowed to amend the application to correct the error. The application was also further amended in certain respects. The operations proposed by applicant, and as set forth at the hearing cover the transportation of rubber (crude, natural or synthetic), except that transported in bulk, in tank vehicles, reclaim rubber, scrap rubber and hard rubber scrap-pulverized, plastic pellets or granules and powder, plastic scrap, *loose and in containers*, between points in Essex, Union, Hudson, Bergen, Passaic and Middlesex Counties, N. J., and New York, N. Y., on the one hand, and, on the other, points in Delaware, Maryland, District of Columbia, Virginia, and that part of Pennsylvania on and east of a

line beginning at the Maryland-Pennsylvania State line and extending north along U. S. Highway 111 to Harrisburg, Pa., thence along U. S. Highway 15 to the New York State line, over irregular routes. Evidence was received in support of the application as amended. The Examiner's Report and Recommended Order will not be served until a lapse of 30 days after this publication within which time any person who may have been prejudiced by the allowance of the amendment may file an appropriate petition for a further hearing.

No. MC 117100 (Sub No. 2) (REPUBLICATION), published in FEDERAL REGISTER July 9, 1958, at page 5223, filed July 19, 1958. Applicant: SAM ORGEL AND JULE ORGEL, doing business as ELIZABETH RUBBER WASTE, 248 First Street, Elizabeth, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber* (crude, natural or synthetic) except in bulk, in tank vehicles, *reclaimed rubber, scrap rubber and hard scrap-pulverized, plastic pellets or granules and powder, plastic scrap*, loose, in containers, and in bulk, between points in New Jersey and New York, N. Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, and New York.

NOTE: Applicant states that the above-described operations will be limited to a transportation service to be performed under a continuing contract or contracts with A. Schulman, Inc., Akron, Ohio.

HEARING: September 9, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo W. Cunningham.

No. MC 117167 (REPUBLICATION), filed February 7, 1958. Applicant: EDWIN J. BARRETT, doing business as BARRETT'S AUTO SERVICE, 6902 Railroad Avenue, Omaha, Nebr. Applicant's attorney: John C. Barrett, 4825 South 24th Street, Omaha 7, Nebr. This is a second notice of an application which as originally published inadvertently omitted the *State of Iowa* which applicant proposed to serve in addition to the States of Nebraska, Missouri, Colorado, Wyoming, Kansas, South Dakota, and Minnesota, in the transportation as a common carrier, over irregular routes, of *wrecked and disabled motor vehicles and trailers*, in truckaway service, requiring the use of wrecker equipment. At a hearing held July 7, 1958, before Examiner Lucian A. Jackson applicant was allowed to present evidence of need as to service to *Iowa*. The Examiner's Report and Order will consider the need for service to Iowa as well as the States shown above. However, such report will not be served until a lapse of 30 days after this publication within which time any person or persons who may have been prejudiced by the allowance of the evidence pertaining to the need for service to Iowa may file an appropriate petition for further hearing.

No. MC 117335, filed April 14, 1958. Applicant: COURTNEY C. McCOY, South Webster, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, in dump vehicles, (1) from points in Greenup and Carter Counties, Ky., to points in Jackson, Scioto, and Lawrence Counties, Ohio; (2) from points in Lawrence County, Ohio, to points in Greenup County, Ky.

NOTE: Applicant states it is not certain whether his operations would be that of a contract or common carrier under the new definition as prescribed by the Commission in section 203 (a) (15) of the Interstate Commerce Act. Applicant has filed with this application a Motion to Dismiss on the grounds that the authority sought above is not required.

HEARING: September 19, 1958, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 37.

No. MC 117336, filed April 14, 1958. Applicant: VINTON H. McCOY, Rt. 2, Oak Hill, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, in dump vehicles, (1) from points in Greenup and Carter Counties, Ky., to points in Jackson, Scioto and Lawrence Counties, Ohio; (2) from points in Lawrence County, Ohio, to points in Greenup County, Ky.

NOTE: Applicant states it is not certain whether his operations would be that of a contract or common carrier under the new definition as prescribed by the Commission in section 203 (a) (15) of the Interstate Commerce Act. Applicant has filed with this application a Motion to Dismiss on the grounds that the authority sought above is not required.

HEARING: September 19, 1958, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 37.

No. MC 117344 (Sub No. 7), filed July 7, 1958. Applicant: THE MAXWELL CO., 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio to points in Indiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations as a contract carrier in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in MC 50404 (Sub No. 55).

HEARING: September 25, 1958, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 117344 (Sub No. 8), filed July 7, 1958. Applicant: THE MAXWELL CO., 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad [illegible], Columbus 15, Ohio. Authority [illegible] to operate as a *common carrier*, by [illegible] vehicle, over irregular routes, transporting: *Sugar*, in bulk, in tank or [illegible] type trucks, from Cincinnati, Ohio, [illegible] points in Indiana, and *empty containers or other such incidental facilities* [illegible] specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations as a contract carrier in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in MC 50404 (Sub No. [illegible]).

HEARING: September 25, 1958, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 117416, filed May 23, 1958. Applicant: NEWMAN AND PEMBERTON CORPORATION, 222 Daylight Building, Knoxville, Tenn. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place, NW, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment* and supplies used in the production and distribution of canned goods, from points in Anderson Township, Hamilton County, Ohio, to Chestnut Hill, Clinton, Newport, Sevierville, Jefferson City, and Tellico Plains, Tenn., and *used canning machinery*, and *damaged, defective, rejected*, or returned *shipments* of materials, equipment and supplies used in the production and distribution of canned goods on return. Applicant is authorized to conduct contract carrier operations under Permit No. MC 102541 and Sub numbers thereunder. A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 102541 (Sub No. 6).

NOTE: Applicant states that if this application is determined prior to final determination of the conversion application, applicant seeks interim authority for the operations described above.

HEARING: September 24, 1958, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 209.

No. MC 117441, filed June 5, 1958. Applicant: RUTTER, INC., 1246 West Melrose Street, Chicago 13, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank semi-trailers, from the sites of the Badger Pipeline Terminal, Highway 83, west of Mount Prospect Road, and Kingsbury Marine Terminal, Kingsbury Street, and North Branch of Chicago River in Illinois to points in Illinois and Wisconsin within the territory bounded by U. S. Highway 6 at its junction with the Illinois-Indiana State line, thence north along the Illinois-Indiana State line to Lake Michigan, thence north along the shores of Lake Michigan to Milwaukee, Wis., thence west on U. S. Highway 18 to its junction with U. S.

Highway 12, thence southeast on U. S. Highway 12 to its junction with Illinois Highway 83, thence south on Illinois Highway 83 to its junction with U. S. Highway 54, thence south on U. S. Highway 54 to its junction with U. S. Highway 6, thence east on U. S. Highway 6 to origin point, serving all points lying on the above named highways and within the boundaries named, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return.

HEARING: September 15, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 117447, filed June 11, 1958. Applicant: GLENN M. KIER, 2208 Hemlock Drive, McKeesport, Pa. Applicant's attorney: Jerome Solomon, 1325–27 Grant Building, Pittsburgh, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Iron and steel structural footwork*, from McKeesport, Allegheny County, Pa., to points in Ohio, New York, West Virginia, Maryland, New Jersey, Delaware, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return.

HEARING: September 8, 1958, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Alfred B. Hurley.

No. MC 117468, filed June 20, 1958. Applicant: WILLIAM P. VARGA, 4897 Dublin Road, Columbus, Ohio. Applicant's attorney: Walter E. Schaeffer, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Tuscarawas, Holmes, Coshocton, and Wayne Counties, Ohio, to points in Monroe County, Mich., and *empty containers or other such incidental facilities* used in transporting coal, on return.

HEARING: September 23, 1958, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 117476, filed June 25, 1958. Applicant: FRANCIS MERLE HUNTER, 103 West Main Street, North East, Pa. Applicant's attorney: Arthur J. Diskin, 310 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between points in Erie County, Pa., and Chautauqua County, N. Y.

NOTE: Applicant states it will also render pick-up and delivery service for other interstate common carriers.

HEARING: September 3, 1958, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Alfred B. Hurley.

No. MC 117497, filed July 7, 1958. Applicant: RALPH F. LUDWIG AND RAYMOND H. LUDWIG, doing business as LUDWIG BROTHERS TRUCKING CO., 11369 Robson Avenue, Detroit 27, Mich. Applicant's attorney: Wilhelmina Boerama, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, (1) from Detroit, Mich., to points in Ashland, Auglaize, Columbiana, Crawford, Cuyahoga, Defiance, Delaware, Fulton, Hancock, Henry, Huron, Knox, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Portage, Richland, Sandusky, Seneca, Summit, Stark, Trumbull, Wayne, Wood, Wyandot, Williams, Ottawa, Paulding, Putnam, Van Wert, Allen, Hardin, Union, Morrow, Madison, Franklin, Holmes, Erie, Lake, Geauga and Ashtabula Counties, Ohio, and points in Adams, Allen, DeKalb, Elkhart, Fulton, Kosciusko, La Porte, Marshall, Noble, St. Joseph, LaGrange, Steuben, and Whitley Counties, Ind., (2) from Detroit, Mich., to the ports of entry on the international boundary line between the United States and Canada in or near Detroit and Port Huron, Mich.

HEARING: September 10, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 9.

MOTOR CARRIERS OF PASSENGERS

No. MC 41257 (Sub No. 4), filed June 2, 1958. Applicant: NORTH STAR LINE, INC., 341 Ellsworth Avenue SW., Grand Rapids, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Grand Rapids, Mich., and Allegan, Mich., from Grand Rapids over U. S. Highway 131 to the junction of Michigan Highway M–118, thence over Michigan Highway M–118 to Allegan, and return over the same route, serving no intermediate points, except highway intersection. Applicant is authorized to conduct similar operations in Michigan.

HEARING: September 9, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 67226 (Sub No. 5), filed July 11, 1958. Applicant: THE BALTIMORE MOTOR COACH COMPANY, 609–619 West Biddle Street, Baltimore, Md. Applicant's attorney: Aaron Margolis, Central Savings Bank Building, Baltimore 2, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in seasonal operations between June 6 and September 1, both inclusive, of each year, between Baltimore, Md., and the Charles Town Race Track at Charles Town, W. Va., from Baltimore over U. S. Highway 40 to junction U. S. Highway 340, at Frederick, Md., thence over U. S. Highway 340 to the Charles Town Race Track at Charles Town, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that the proposed operation is to be seasonal to the extent of the actual operation of the Charles Town Race Track; that it has been advised that the Race Track will maintain an 85-day meeting, beginning June 6, 1958, and that the dates of future meetings are indefinite, but that it proposes to maintain its service during all meetings of the Race Track. Applicant further states that it does not propose to tack the authority herein applied for to any portion of its present authority.

HEARING: September 11, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub No. 30), filed July 7, 1958. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 8, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the intermediate points and/or communities of Barretts and Bemiss, Ga., located on Georgia Highway 125, in connection with applicant's authorized regular route operations between Ray City, Ga., and Valdosta, Ga., over Georgia Highway 125. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 28322 (Sub No. 8), filed July 7, 1958. Applicant: SALT LAKE-KANAB FREIGHT LINES, INC., 350 South First West Street, Salt Lake City, Utah. Applicant's attorney: Wood R. Worsley, 701 Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, livestock, liquid commodities in bulk, in tank vehicles, household goods as defined by the Commission, and commodities which because of their size or weight require the use of special equipment, other than flat bed trucks, serving the Glen Canyon Dam site in Arizona (located on the Colorado River near the Utah-Arizona State line), and points in Arizona within ten (10) miles thereof, as off-route points in connection with applicant's authorized regular route operations between Salt Lake City, Utah, and Phoenix, Ariz. Applicant is authorized to conduct operations in Arizona and Utah.

No. MC 36436 (Sub No. 29), filed July 11, 1958. Applicant: HOWARD MOLAND, CLARENCE MOLAND, LOTHARD MOLAND, AND H. T. MOLAND, doing business as MOLAND BROS. TRUCKING COMPANY, 2502 West Huron Street, Duluth, Minn. Applicant's attorney: Claude J. Jasper, One West

Main Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Mauston, Wis., and junction Wisconsin Highways 82 and 13, over Wisconsin Highway 82, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; (2) Between Wisconsin Dells, Wis., and junction Wisconsin Highways 13 and 73, over Wisconsin Highway 13, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; (3) Between Marshfield, Wis., and junction Wisconsin Highways 97 and 64, over Wisconsin Highway 97, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (4) Between Merrill, Wis., and junction Wisconsin Highways 64 and 13, over Wisconsin Highway 64, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Michigan, Minnesota, and Wisconsin.

No. MC 66562 (Sub No. 1428), filed June 17, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: James E. Thomas, 1220 The Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, between Copperhill, Tenn., and Blue Ridge, Ga., from Copperhill over Tennessee Highway 68 to junction U. S. Highway 64, thence over U. S. Highway 64 to junction North Carolina Highway 60, thence over North Carolina Highway 60 to the North Carolina-Georgia State line, thence over Georgia Highway 60 to junction U. S. Highway 76, thence over U. S. Highway 76 to Blue Ridge, and return over the same route, serving no intermediate points, but serving Murphy, N. C., as an off-route point. RESTRICTION: The service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of air or Railway Express Service. Shipments transported by said applicant shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor carrier movement by said applicant, an immediately prior or immediately subsequent movement by air or rail, except as to shipments originating at or consigned to Atlanta, Ga. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that the proposed service is an extension and will connect with applicant's authorized regular route to Atlanta, Ga. Applicant further states that interchange with rail or air express service will be made at Atlanta, Ga.

No. MC 66562 (Sub No. 1437), filed June 30, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Traverse City, Mich., and Frankfort, Mich., from Traverse City over U. S. Highway 31 to junction Michigan Highway 137, thence over Michigan Highway 137 to National Music Camp at Interlochen, Mich., thence return over Michigan Highway 137 to junction U. S. Highway 31, thence over U. S. Highway 31 to junction Michigan Highway 115, thence over Michigan Highway 115 to Frankfort, and return over the same route, serving the intermediate points of National Music Camp at Interlochen, Mich., and Beulah, Mich. Applicant indicates the conditions applicable to the proposed service are as follows: The service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, air or railway express service. Shipments transported by said applicant shall be limited to those moving on a through bill of lading or express receipt, covering in addition to a motor carrier movement by said applicant, an immediately prior or immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states the proposed authority is sought in connection with its present authority in MC 66562 (Sub No. 1047).

No. MC 66562 (Sub No. 1438), filed June 30, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Berlin, Wis., and Waupun, Wis., from Berlin over Wisconsin Highway 49 to Waupun, and return over the same route, serving the intermediate points of Ripon and Brandon, Wis. Applicant indicates the conditions to which the proposed service is subject are that the service to be performed will be limited to that which is auxiliary to, or supplemental of, express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt covering, in addition to the motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states the operations applied for are to extend those authorized in Dockets No. MC 66562 Sub No. 269 and Sub No. 934.

No. MC 92983 (Sub No. 304), filed July 11, 1958. Applicant: ELDON MILLER, INC., Box 232, 330 East W[illegible] Street, Iowa City, Iowa. Au[illegible] sought to operate as a *common* [illegible] by motor vehicle, over irregular [illegible] transporting: *Paints, resins,* [illegible] and *ingredients thereof*, in bulk, in [illegible] vehicles, from points in the Kansas [illegible] Mo., Commercial Zone, as defined by [illegible] Commission, to points in Arkansas, Kentucky, Tennessee, and Mississippi. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and Wyoming.

No. MC 108223 (Sub No. 10), filed July 7, 1958. Applicant: CENTURY-MATTHEWS MOTOR FREIGHT, INC., [illegible] South 26th Avenue West, Duluth, Minn. Applicant's attorney: Hoyt Crooks, [illegible] Raymond Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (1) *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points within 10 miles of Aurora, Minn., as off-route points, in connection with applicant's authorized regular route operations between Virginia, Minn., and Winston, Minn., over Minnesota Highway 35. (2) *General commodities, including Class A and B explosives*, moving in express service, serving points within 10 miles of Aurora, Minn., as intermediate and off-route points, in connection with applicant's authorized regular route operations between Aurora, Minn., and Allen Junction, Minn., which authorized regular route operations are subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering in addition to a motor carrier movement by said carrier, an immediately prior or immediately subsequent movement by rail. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations in Minnesota and Wisconsin.

NOTE: Applicant states authority is sought as an extension of present terminal and origin areas to permit service to and from an expanded area under active development by the taconite industry. Villages, mining pits, plants, camps, and other locations requiring service are presently being established and from time to time will be newly established at various locations within the area as development proceeds.

No. MC 111812 (Sub No. 49), filed July 7, 1958. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P. O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald

Glenn, 824 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings*, and *adhesives, pastes, primers* and *cleaners*, from Marcus Hook, Pa., and Kearney, N. J., to Sioux Falls, S. Dak. Applicant is authorized to conduct operations in North Dakota, Washington, Oregon, Minnesota, Iowa, California, Nevada, Nebraska, Montana, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, and New York.

No. MC 114194 (Sub No. 12), filed July 10, 1958. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup* and *blends thereof*, from St. Louis, Mo., to points in Iowa and Nebraska, except no corn syrup to Davenport, Burlington, Sioux City, Clinton, and Keokuk, Iowa, and Omaha, Nebr. Applicant is authorized to conduct operations in Illinois, Missouri, Tennessee, Indiana, and Ohio.

No. MC 116714 (Sub No. 2), filed July 7, 1958. Applicant: MARKET HAULAGE, INC., 333 North Bedford Road, Mt. Kisco, N. Y. Applicant's attorney: Ewald E. Kundtz, 1104 Terminal Tower, Cleveland 13, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold by retail and general groceries and food business houses and stores, and *supplies, equipment and advertising material* and *related items* used in the conduct of such business, from Mount Kisco, N. Y., to Westerly, R. I., and *rejected, damaged and returned shipments* of the above-described commodities, and *empty containers or other such incidental facilities* used in transporting said commodities, on return. Applicant is authorized to conduct similar operations from Mount Kisco, N. Y., to points in Fairfield, Hartford, and New Haven Counties, Conn.

NOTE: Applicant requests that the proposed operations be restricted as follows: The operations described above shall be limited to a transportation service to be performed under a continuing contract or contracts with the Grand Union Company.

No. MC 117495, filed July 7, 1958. Applicant: MERCHANTS REFRIGERATED TRANSFER, INC., 840 Brady Street, Jacksonville, Fla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, and *packing-house products*, from Jacksonville, Fla., to points Alachua, Baker, Bradford, Clay, Columbia, Duval, Flagler, Gadsden, Jefferson, Lake, Leon, Madison, Marion, Nassau, Orange, Saint Johns, Seminole, Sumter, Suwannee, and Volusia Counties, Fla., and to points in Appling, Bacon, Brantley, Brooks, Camden, Charlton, Clinch, Colquitt, Decatur, Dougherty, Echols, Glynn, Grady, Lowndes, Macon, Mitchell, Sumter, Terrell, Thomas, Ware, and Wayne Counties, Ga.

No. MC 117500, filed July 7, 1958. Applicant: EDWARD LAFAYETTE WATSON, doing business as WATSON TRUCKING COMPANY, Route 30, Matteson, Ill. Applicant's attorney: Harold T. Halfpenny, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* and *mortar*, in bulk and in bags, in dump trucks, flatbed, tank, and hopper-type equipment, from Burlington, Ind., to points in that part of Illinois bounded on the north by the Illinois-Wisconsin State line, on the west by U. S. Highway 51, and on the south by U. S. Highway 36, and *empty cement bags* on return.

APPLICATIONS UNDER 212 (c) CONVERSION PROCEEDINGS

No. MC 18383 (Sub No. 2). Applicant: ALVAH T. LONGLEY, Concord, N. H. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On May 15, 1958, the carrier requested dismissal of the application, and an order was entered July 2, 1958, effective August 18, 1958, dismissing the application and discontinuing the proceeding.

No. MC 18585 (Sub No. 1) WALTER PUZIO, Wallington, N. J.

No. MC 110930 (Sub No. 2) ANDREW MATERNA AND WALTER MATERNA, Doing business as MATERNA'S PADDED VAN SERVICE, Garfield, N. J.

The above-numbered proceedings were instituted under section 212 (c) on the Commission's own initiative, on February 17, 1958, to determine the carriers' status pertaining to their contract authority issued on or before August 22, 1957. Such proceedings were instituted because the carriers had failed to file verified statements in response to a Questionnaire mailed September 20, 1957. Such statements have now been filed and the order entered February 17, 1958, instituting proceedings is hereby vacated and set aside as of August 18, 1958.

No. MC 84568 (Sub No. 1) Applicant: ANTONIO ROMANO, SALVATORE ROMANO, MICHAEL ROMANO, AND MARIO ROMANO, Doing business as, ROMANO & SONS TRUCKING CO., New York, N. Y. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On May 22, 1958, the carrier requested dismissal of the application, and an order was entered on July 2, 1958, effective August 18, 1958, dismissing the application and discontinuing the proceeding.

No. MC 109504 (Sub No. 2). Applicant: PAUL EDWARD McMAHON, South Meriden, Conn. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On May 1, 1958, the carrier requested dismissal of the application, and an order was entered on July 9, 1958, effective August 25, 1958, dismissing the application and discontinuing the proceeding.

No. MC 111735 (Sub No. 1). Applicant: HARRY A. DECATO AND EUGENE J. DECATO, Doing business as, DECATO BROS. TRUCKING CO., Lebanon, N. H. Carrier filed an application under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On May 14, 1958, the carrier requested dismissal of the application, and an order was entered July 2, 1958, effective August 18, 1958, dismissing the application and discontinuing the proceeding.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6943 (correction) (LOUIS L. MOCKENHAUPT—CONTROL—VICTORVILLE-BARSTOW TRUCK LINE AND B & L TRUCK & TRANSFER CO.), published in the July 2, 1958, issue of the FEDERAL REGISTER on page 5056. The operations of B & L TRUCK & TRANSFER CO. should have been described, in part, as *"specified commodities"* in lieu of *"general commodities,* with certain exceptions." This authority is more specifically described in a Form BMC–75 statement now pending before the Interstate Commerce Commission.

No. MC–F 6955. Authority sought for purchase by SULLIVAN LINES, INC., 129 South State Street, Dover, Del., of the operating rights and certain property of ROBERT E. SULLIVAN, doing business as SULLIVAN LINES, 308 Bourse Building, Philadelphia 6, Pa., and for acquisition by ARTHUR A. GALLAGHER and ROBERT PINTO, both of Philadelphia, of control of such rights and property through the purchase. Applicants' attorney: Vernon L. Stouffer, 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities,* with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Philadelphia and Pittsburgh, Pa., New York and Buffalo, N. Y., Newark, N. J., Baltimore, Md., Washington, D. C., and Akron, Canton, Cleveland, Toledo, Columbus, Dayton, and Cincinnati, Ohio, over the following routes, or any combinations thereof: (between Philadelphia, Pa., and Toledo, Ohio) from Philadelphia over U. S. Highway 30 to Lancaster, Pa., U. S. Highway 230 to Harrisburg, Pa., thence over U. S. Highway 22 to Ebensburg, via Duncansville, Pa., thence over U. S. Highway 422 to Youngstown, Ohio, via Butler, Pa. (also from Philadelphia over U. S. Highway 30 via

Bedford, Pa., to Pittsburgh, Pa., thence over Pennsylvania Highway 8 to Butler; also from Bedford, Pa., over U. S. Highway 220 to Duncansville), thence over Ohio Highway 18 to junction Ohio Highway 176, thence over Ohio Highway 176 to Ghent, Ohio, thence over U. S. Highway 21 to Cleveland, Ohio, (also from Youngstown over U. S. Highway 62 to Canton, Ohio, thence over Ohio Highway 8 to Cleveland; also from Edinburg, Ohio, over Ohio Highway 14 to Cleveland), thence over Ohio Highway 254 to junction Ohio Highway 57, thence over Ohio Highway 57 to Lorain, Ohio, thence over U. S. Highway 6 to Sandusky, Ohio, and thence over Ohio Highway 2 to Toledo; (between Philadelphia, Pa., and Cincinnati, Ohio) from Philadelphia to Cleveland as specified above, thence over U. S. Highway 42 to Cincinnati, via Delaware and Xenia, Ohio, from Philadelphia to Xenia as specified above, thence over U. S. Highway 35 to Dayton, Ohio, and thence over U. S. Highway 25 to Cincinnati, and from Philadelphia to Delaware as specified above, thence over U. S. Highway 23 to Columbus, Ohio, thence over U. S. Highway 40 to junction U. S. Highway 42, and thence over U. S. Highway 42 to Cincinnati; (between New York, N. Y., and Toledo, Ohio) from New York over U. S. Highway 1 to junction New Jersey Highway 29, thence over New Jersey Highway 29 to junction U. S. Highway 22, thence over U. S. Highway 22 to Ebensburg, Pa., and thence over the highways specified above to Toledo; (between Washington, D. C., and Toledo, Ohio) from Washington over U. S. Highway 1 to Baltimore, thence over U. S. Highway 111 to Harrisburg, Pa., and thence over the highways specified above to Toledo; (between Baltimore, Md., and New York, N. Y.) from Baltimore over U. S. Highway 1 to Philadelphia, Pa., (also from Baltimore over U. S. Highway 40 to State Road, Del., thence over U. S. Highway 13 to Philadelphia), and thence over U. S. Highway 1 to New York; (between Baltimore, Md., and Pittsburgh, Pa.) from Baltimore over U. S. Highway 111 to Harrisburg, Pa., thence over U. S. Highway 11 to junction U. S. Highway 22 at Amity Hall, Pa., and thence over U. S. Highway 22 to Pittsburgh; (between New York, N. Y., and Pittsburgh, Pa.) from New York over the highways specified above to Ebensburg, Pa., and thence over U. S. Highway 22 to Pittsburgh; (between Philadelphia, Pa., and Buffalo, N. Y.) from Philadelphia over the highways specified above to Harrisburg, Pa., thence over U. S. Highway 15 to Wayland, N. Y., thence over New York Highway 63 to Dansville, N. Y., thence over New York Highway 36 to Leicester, N. Y., thence over Alternate U. S. Highway 20 to Aurora, N. Y., and thence over New York Highway 16 to Buffalo; return over these routes or any combination thereof to the above-specified origin points; service is authorized to and from certain intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over a regular route between Detroit, Mich., and Toledo, Ohio, serving all intermediate and certain off-route points. Vendee holds no authority from this Commission; however its controlling stockholder is a partner in the partnership known as ARTHUR A. GALLAGHER AND LOTTIE GALLAGHER, REMAINING TRUSTEE OF THE ESTATE OF EDWARD A. GALLAGHER, DECEASED, doing business as E. A. GALLAGHER & SONS, Philadelphia, Pa., which is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, New York, Maryland, Delaware, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Wisconsin, Michigan, West Virginia, Ohio, Indiana, Illinois, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6956. Authority sought for purchase by REMY MOVING & STORAGE CORP., corner Third and Wade Streets, Fall River, Mass., of the operating rights of CAPE COD MOVING & STORAGE CO., INC., 538 Bearses Way, Hyannis, Mass., and for acquisition by EDWARD F. SIMARD, also of Fall River, of control of such rights through the purchase. Applicants' representative: Edward F. Simard, President, Remy Moving & Storage Corp., corner Third and Wade Streets, Fall River, Mass. Operating rights sought to be transferred: *Ship stores and supplies*, as a *common carrier*, over a regular route between Providence, R. I., and Wellfleet, Mass., serving certain intermediate points; *household goods*, as defined by the Commission, over irregular routes between Falmouth, Mass., and points in Massachusetts within 50 miles of Falmouth, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, and between certain points in Massachusetts, on the one hand, and, on the other, points in Connecticut, Rhode Island, and Maryland; *curtains, cotton piece goods, materials*, and *supplies* used in the manufacture and distribution of curtains, between Wellfleet, Mass., and Danielson, Conn.; *used furniture*, uncrated, between Provincetown, Mass., and New York, N. Y. Vendee is authorized to operate as a *common carrier* in Massachusetts, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Virginia, and Maine. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6957. Authority sought for purchase by INTERSTATE MOTOR LINES, INC., 235 West Third South, Salt Lake City 1, Utah, of the operating rights and property of T. S. CARTER, R. S. CARTER, T. J. CARTER, AND LEONARD D. SEIFERS, doing business as ELY TRANSFER COMPANY, 235 West Third South, Salt Lake City 1, Utah, and for acquisition by T. S. CARTER, also of Salt Lake City, of control of such rights and property through the transfer. Applicants' attorneys: Berol and Silver, 100 Bush Street, San Francisco 4, Calif. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between McGill, Nev., and Kimberly, Nev., and between Ely, Nev., and Las Vegas, Nev., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Illinois, California, Wyoming, Idaho, Oregon, Colorado, Missouri, Utah, Nevada, Nebraska, Iowa, Arizona, and Kansas. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6958. Authority sought for purchase by HOWARD SOBER, INC., 2400 West St. Joseph Street, P. O. Box 1288, Lansing 4, Mich., of a portion of the operating rights of UNITED TRANSPORTS, INC., 4900 North Santa Fe, P. O. Box 9547, Oklahoma City, Okla., and for acquisition by HOWARD SOBER, 6501 North Harrison Road, East Lansing, Mich., of control of such rights through the purchase. Applicants' attorney: Albert F. Beasley, 1019 Investment Building, Washington 5, D. C. Operating rights sought to be transferred: *New trucks*, and *new chassis*, in initial movements, in driveaway service, as a *common carrier*, over irregular routes, from Springfield, Ohio, to Joplin, Mo., and points in Oklahoma, with the right to stop shipments in transit for installation of bodies or parts, on shipments from Springfield to points in Oklahoma; *new trucks, new bodies, new cabs, new chassis*, and *parts thereof*, in initial movements, in truckaway service, from Springfield, Ohio, to Joplin, Mo.; *new trucks, new commercial cars, new chassis*, and *parts thereof*, in initial movements, in driveaway service, from places of manufacture and assembly in Fort Wayne, Ind., to points in Oklahoma, with the right to stop shipments in transit for the installation of bodies or parts; *automobiles, trucks, tractors, chassis, cabs, bodies*, and *parts therefor*, restricted to initial movements, in driveaway service, from points of manufacture and assembly in Fort Wayne, Ind., and Springfield, Ohio, to points in Arizona; *trucks, truck-tractors, chassis*, and *station-wagon type vehicles* on truck chassis designed to transport passengers and property, with or without bodies, and parts thereof, in initial movements, in truckaway service, from Fort Wayne, Ind., and Springfield, Ohio, to points in Kansas, Oklahoma, Texas, Arizona, and New Mexico; *motor vehicles* (other than automobiles and trailers) and *chassis*, in initial movements, in driveaway service, from Fort Wayne, Ind., and Springfield, Ohio, to points in Kansas, Oklahoma, Texas, Arizona, and New Mexico; *parts of, or accessories for, such vehicles as are described above*, when transported with vehicles moving under the above-described authority, from Fort Wayne, Ind., and Springfield, Ohio, to points in Kansas, Oklahoma, Texas, Arizona, and New Mexico. Vendee is authorized to operate as a *common carrier* in all States in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6959. Authority sought for purchase by CANNON BALL TRANSIT COMPANY, INCORPORATED, 523 East Windsor Avenue, Alexandria, Va., of a portion of the operating rights of A. W. HAWKINS, INC., 128 Commerce Street, Culpeper, Va., and for acquisition by ROBERT A. SILLS, also of Alexandria, of control of such rights through the purchase. Applicants' attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D. C. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, and *emigrant movables*, as a *common carrier* over irregular routes between points in Culpeper, Madison, and Rappahannock Counties, Va., on the one hand, and, on the other, points in Maryland, Pennsylvania, Delaware, New Jersey, New York, North Carolina, South Carolina, West Virginia, and the District of Columbia; *household goods* and *carnival and show equipment*, between points in Virginia, on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Illinois, Maryland, Delaware, Pennsylvania, New York, New Jersey, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Maryland, Virginia, Pennsylvania, New Jersey, New York, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6960. Authority sought for purchase by DORSEY OWINGS, R. F. D. No. 4, Ellicott City, Md., of the operating rights of MARY PHILLIPS, GEORGE PHILLIPS AND ANDREW PHILLIPS, doing business as PHILLIPS BROS., 7712 Norbush Avenue, Baltimore, Md. Applicants' attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D. C. Operating rights sought to be transferred: *Corrugated and fiber boxes*, as a *contract carrier* over irregular routes from Baltimore, Md., to Washington, D. C., and points in Lehigh, Northampton, Franklin, Chester, Lancaster, Dauphin, Adams, Berks, and York Counties, Pa., and New Castle County, Del. Vendee is authorized to operate as a *contract carrier* in Maryland, West Virginia, Pennsylvania, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F. R. Doc. 58-5627; Filed, July 22, 1958; 8:51 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 18, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34820, *Crushed stone from Colorado points to Tornillo, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-7335), for interested rail carriers. Rates on crushed stone, carloads, from Canon City and Salida, Colo., to Tornillo, Texas.

Grounds for relief: Short line distance formula.

Tariff: Supplement 62 to Southwestern Freight Bureau tariff I. C. C. 4252.

FSA No. 34821, *Molasses residuum from New Orleans, La., to I. F. A. territory.* Filed by Illinois Freight Association, Agent (No. 16), for interested rail carriers. Rates on distillery molasses residuum, carloads, from New Orleans, La., to points in Illinois Freight Association territory.

Grounds for relief: Short line distance formula.

Tariff: Supplement 21 to Illinois Freight Association tariff I. C. C. 899.

FSA No. 34822, *Feed from New Orleans, La., to I. F. A. territory.* Filed by Illinois Freight Association, Agent (No. 17), for interested rail carriers. Rates on animal or poultry feed, carloads, from New Orleans, La., to points in Illinois Freight Association territory.

Grounds for relief: Short line distance formula.

FSA No. 34823, *Paper and paper articles in official territory.* Filed by O. E. Schultz, Agent (ER No. 2451), for interested rail carriers. Rates on paper and related articles, carloads, and cores, skids or platforms, empty, returned, carloads, between points in official territory, on the one hand, and points in Illinois, Iowa, Michigan, Wisconsin, and western trunk line Zone 1 territory, on the other.

Grounds for relief: Short line distance formula.

Tariffs: Supplement 7 to Tariff Publishing Officer H. R. Hinsch's tariff I. C. C. C-13, and supplement 10 to Tariff Publishing Officer W. J. Prueter's tariff I. C. C. A-4193.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F. R. Doc. 58-5624; Filed, July 22, 1958; 8:51 a. m.]

[Notice 44]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 18, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Special Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-29938 (Deviation No. 1), WRIGHT TRUCKING, INC., 16 Main Street, P. O. Box 889, Lowell, Mass., filed June 30, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, between the Eastern Terminus of the Massachusetts Turnpike at Weston, Mass., and Springfield, Mass., as follows: From the Eastern Terminus of the Massachusetts Turnpike over the Massachusetts Turnpike to Springfield and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from Lowell, Mass., over Massachusetts Highway 110 to Worcester, Mass., thence over Massachusetts Highway 12 to Auburn, Mass., thence over U. S. Highway 20 via Sturbridge, Mass., to Springfield, Mass., thence over U. S. Highway 5 via Hartford, Conn., to New Haven, Conn. (also from Springfield over Alternate U. S. Highway 5 to Hartford, thence over U. S. Highway 5 and Alternate U. S. Highway 5 to New Haven), and thence to Newark, N. J.; from Boston, Mass., over U. S. Highway 20 to Auburn, Mass.; and from Boston over Massachusetts Highway 9 to Worcester, Mass.; and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC-1501 (Deviation No. 13), THE GREYHOUND CORPORATION, 5600 Jarvis Avenue, Chicago 31, Ill., filed July 9, 1958. Attorney for said carrier, Raymond H. Warns, 5600 Jarvis Avenue, Chicago 31, Ill. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route, between junction Tri-State Toll Highway and Illinois Highway 41 at the Lake County-Cook County Line near Deerfield, Ill., and junction Tri-State Toll Highway and Illinois Highway 173, as follows: from junction Tri-State Toll Highway and Illinois Highway 41 over the Tri-State Toll Highway to junction Illinois Highway 173 and return over the same route, for operating convenience only, using Illinois Highway 173 as an access road to and from the Tri-State Toll Highway to and from Illinois Highway 41, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Chicago, Ill., and Milwaukee, Wis., over U. S. Highway 41.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F. R. Doc. 58-5626; Filed, July 22, 1958; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 23 NUMBER 144

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JUL 25 1958

MAIN READING ROOM

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1683]

[1888959]

COLORADO

AMENDING EXECUTIVE ORDER NO. 8957 OF DECEMBER 3, 1941, WHICH WITHDREW PUBLIC LANDS FOR USE OF WAR DEPARTMENT

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 8957 of December 3, 1941, which withdrew public lands in Colorado for use of the War Department as camp sites, is hereby amended by deleting therefrom the following paragraph added thereto by Executive Order No. 9526 of February 28, 1945:

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

2. Executive Order No. 8957 is further amended by substituting the words "Department of the Army" for the words "War Department" wherever they appear.

3. Executive Order No. 8957 of December 3, 1941 affects the following-described public lands:

SIXTH PRINCIPAL MERIDIAN

T. 13 S., R. 66 W.,
Sec. 22, NW¼NE¼.
T. 16 S., R. 67 W.,
Sec. 11, E½SE¼;
Sec. 14, E½NE¼NW¼;
Sec. 26, NW¼NW¼.
T. 17 S., R. 66 W.,
Sec. 5, NE¼NE¼ (lot 1);
Sec. 18, NW¼SW¼ (lot 3).

The areas described aggregate 261.85 acres.

4. The Department of the Interior retains jurisdiction over the management of the surface and subsurface resources, including mineral resources, of the lands. No disposal of such resources will be made except under applicable public land laws with the concurrence of the Department of the Army and, where necessary, only after modification of the provisions of this order.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 18, 1958.

[F. R. Doc. 58-5646; Filed, July 23, 1958; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 81]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

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FEDERAL REGISTER

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(As of January 1, 1958)

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ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Int 217° brg from AUS RBn and N crs SRO LFR.	SRO LFR	Direct	3000	T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1
				S–dn–17	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2
Int 217° brg from AUS RBn and W crs SRO LFR.	SRO LFR	Direct	3000	T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1
				S–dn–17	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn W side N crs, 351 Outbnd, 171 Inbnd, 2000' within 10 mi.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 167—3.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, make right climbing turn, reporting over SRO LFR at 2000'. Hold at 2000' on N crs SRO LFR within 10 miles.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.

City, San Marcos; State, Tex.; Airport Name, Gary AAF; Elev., 596'; Fac. Class, MRLZW; Ident., SRO; Procedure No. 1, Amdt. 1; Eff. Date, 23 Aug. 58; Sup. Amdt. No. Orig.; Dated, 23 Feb. 57

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Otis AFB RAPCON site.				T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1
				S–dn–24	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Transition to final approach course by Radar vectoring is authorized at 1500 feet MSL (Otis RAPCON) when aircraft is within 20 miles (excludes noncontrolled airspace) of Otis AFB RAPCON site.
Procedure turn E side of crs, 065 Outbnd, 245 Inbnd, 1500' within 10 mi. NA beyond 10 mi (nonstandard to avoid Otis AFB traffic).
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, 245—2.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 mi, make an immediate left climbing turn return to Hyannis MHW at 1300'.
NOTE: Facility must be monitored aurally during this procedure.

City, Hyannis; State, Mass.; Airport Name, Barnstable; Elev., 56'; Fac. Class, MHW; Ident., HYA; Procedure No. 1, Amdt. 8; Eff. Date, 23 Aug. 58; Sup. Amdt. No. 7; Dated, 4 Aug. 56

				T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1
				S–dn–24	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Transition to final approach course by radar vectoring is authorized at 1200 feet MSL (Otis RAPCON) when aircraft is within 20 miles (excludes noncontrolled airspace) of Otis AFB RAPCON site.
Procedure turn E side of crs, 055 Outbnd, 235 Inbnd, 1200' within 7 miles. NA beyond 7 mi. to avoid restricted area R–79.
Minimum altitude over facility on final approach crs, 700'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles, make a left climbing turn, returning to Martha's Vineyard MHW at 1200' and hold south.
Bearing and distance, facility to airport, 235°—2.7.
CAUTION: Do not proceed outbound for approach above 1500'. If necessary to lose altitude, shuttle in a one-minute holding pattern—right turns, 015° inbound to MVY.
Restricted area R–79 in use with weather conditions of 2000—3 or better.

City, Vineyard Haven; State, Mass.; Airport Name, Martha's Vineyard; Elev., 68'; Fac. Class, MHW; Ident., MVY; Procedure No. 1, Amdt. 8; Eff. Date, 23 Aug. 58; Sup. Amdt. No. 7; Dated, 1 July 57

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T–dn	300–1	300–1	
				C–dn	600–1	600–1	
				A–dn	NA	NA	

Procedure turn North side of crs, 078° Outbnd, 258° Inbnd, 3400' within 10 miles.
Minimum altitude over facility on final approach crs, 2600'.
Crs and distance, facility to airport, 258°—6.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a right climbing turn to 3400' and return to Jamestown VOR R–078 within 10 miles.
NOTE: Communications: 1. Weather and field conditions 122.8; 2. Contact Cleveland Center for ATC clearance.

City, Jamestown; State, N. Y.; Airport Name, Municipal; Elev., 1725'; Fac. Class, VOR; Ident., JHW; Procedure No. 1, Amdt. Orig.; Eff. Date, 23 Aug. 58

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	*500–1	*500–1	*300–1
				S-d-4	500–1	500–1	400–1
				A-dn	800–2	800–2	800–2

*Night operations—Runways 13-31 only.
Procedure turn S side of crs, 218 Outbnd, 038 Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 600'.
Crs and distance, breakoff point to app end rny 4, 044—0.25.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, climb to 1500' on crs of 038° within 10 miles of Salisbury VOR.

City, Salisbury; State, Md.; Airport Name, Wicomico Co.; Elev., 52'; Fac. Class, BVOR-DME; Ident., SBY; Procedure No. TerVOR-4, Amdt. 2; Eff. Date, 23 Aug. 58; Sup. Amdt. No. 1; Dated, 19 Nov. 53

				T-dn	300–1	300–1	200–½
				C-dn	*500–1	*500–1	*300–1
				S-d-22	500–1	500–1	400–1
				A-dn	800–2	800–2	800–2

*Night operations—Runways 13-31 only.
Procedure turn N side crs, 050 Outbnd, 230 Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 600'.
Crs and distance, breakoff point to app end rny 22, 224—0.25.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, climb to 1500' on crs of 230° within 10 miles of Salisbury VOR.

City, Salisbury; State, Md.; Airport Name, Wicomico Co.; Elev., 52'; Fac. Class, BVOR-DME; Ident., SBY; Procedure No. TerVOR-22, Amdt. 2; Eff. Date, 23 Aug. 58; Sup. Amdt. No. 1; Dated, 19 Nov. 53

				T-dn	300–1	300–1	200–½
				C-dn	*500–1	*500–1	*300–1
				S-d-31	500–1	500–1	400–1
				A-dn	800–2	800–2	800–2

*Night operations—Runway 13-31 only.
Procedure turn E side crs, 124 Outbnd, 304 Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 600'.
Crs and distance, breakoff point to app end rny 31, 314—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, climb to 1700' on crs of 304° within 10 miles of Salisbury VOR.

City, Salisbury; State, Md.; Airport Name, Wicomico Co.; Elev., 52'; Fac. Class, BVOR-DME; Ident., SBY; Procedure No. TerVOR-31, Amdt. 2; Eff. Date, 23 Aug. 58; Sup. Amdt. No. 1, Dated, 19 Nov. 53.

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
MXF LFR	Catona Int	Direct	2000	T-dn	300–1	300–1	200–½
MGM VOR	Catona Int	Direct	2400	C-dn	400–1	500–1	300–1½
				S-dn-27	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar Terminal Area transition altitude: 2500' within 30 mi.
Procedure turn *S side of E crs, 093° Outbnd, 273° Inbnd, 2000' within 10 mi. Beyond 10 mi. NA.
*Procedure turn nonstandard due to traffic.
Minimum altitude over Catona Int on final approach crs, 1500'.
Crs and distance, Catona Int to airport, 273—4.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1700' on W crs ILS within 20 mi or, when directed by ATC, turn left, climb to 1800' on R-120 MGM-VOR.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221'; Fac. Class, ILS; Ident., IMGM; Procedure No. ILS-27, Amdt. Orig.; Eff. Date, 23 Aug. 58

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Syracuse VOR via R-235	W crs ILS	Direct	1700	T-dn	**300–1	**300–1	**200–½
Int W crs ILS and R-235 Syracuse VOR	Liverpool Int* (Final)	Direct	1400	C-dn	600–1	700–1	700–1½
Syracuse LFR	Liverpool Int* (Final)	Direct	1400	S-dn-10	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

*Int W crs Syracuse ILS and R-190 Syracuse VOR.
**600–1 required for takeoff to the SE.
Procedure turn S side W crs, 278 Outbnd, 098 Inbnd, 2000 within 10 mi of *Liverpool Int.
No glide slope or marker. Minimum altitude over Liverpool Int* 1400. Crs and distance to approach end of runway 098° 3.4 mi. Descent to indicated landing minimums authorized after passing Liverpool Int*.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing Liverpool Int*, climb to 1800' on E crs of ILS to LOM (098).
Note: This procedure authorized only for aircraft equipped to receive VOR and ILS simultaneously.
Air Carriers Note: Neither sliding scale nor reduction in minimums authorized for take-offs to the SE.
City, Syracuse; State, N. Y.; Airport Name, Hancock; Elev., 419'; Fac. Class, ILS-SYR Back Crs; Ident., ILS Localizer; Procedure No. ILS-10, Amdt. 5; Eff. Date, 23 Aug. 58; Sup. Amdt. No. 4; Dated, 2 Nov. 57

Int N crs ICT LFR and N crs ILS	Kechi Int* (Final)	Direct	2500	T-dn	300–1	300–1	200–½
ICT-VOR	Kechi Int*	Direct	3000	C-dn	400–1	500–1	500–1½
Int SW crs ICT–LFR and S crs ILS	Kechi Int*	Direct	3000	S-dn-19	400–1	400–1	400–1
Int ICT–VOR R036 and N crs ILS	Kechi Int* (Final)	Direct	2500	A-dn	800–2	800–2	800–2
Int ICT–VOR R051 and N crs ILS	Kechi Int*						

*Kechi Int: Int R-065 ICT and N crs ILS.
Procedure turn E side of crs, 010 Outbnd, 190 Inbnd, 3000 within 10 miles of Kechi Int*. Procedure turn non-standard account of 2444' MSL TV tower W.
No Glide Slope. No Outer Marker. Altitude over Kechi Int* 2500'; brg and distance, 190—5.1. No Middle Marker.
Altitude over Int N crs ILS R-108 ICT 2100'; brg and distance, 190—3.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing Kechi Int* climb to 2500 on E crs ILS within 20 mi., or, when directed by ATC: (1) Make right turn climbing to 2900' and proceed outbnd on R-216 ICT within 20 miles.
Note: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
Caution: 2049' MSL tower 7.8 mi NNE and 2444' MSL tower 8.7 mi NNW of airport.
City, Wichita; State, Kans.; Airport Name, Municipal; Elev., 1332'; Fac. Class, ILS Back crs. appr.; Ident., ICT; Procedure No. ILS-19, Comb. VOR-ILS, Amdt. 2; Eff. Date, 23 Aug. 58; Sup. Amdt. No. 1; Dated, 22 Sept. 56

Wilkes-Barre-Scranton VOR	CYE* Rbn	Direct	3500	T-dn#	600–1	600–1	600–1
Int E crs Wilkes-Barre-Scranton LFR and SW crs ILS.	CYE* Rbn	Direct	3500	C-d	900–1½	1000–1½	1000–2
				C-n	1200–2	1200–2	1200–2
Wilkes-Barre-Scranton LFR	CYE* Rbn	Direct	3500	S-dn-4	600–1½	600–1½	600–1½
Int E crs Williamsport and SW crs Wilkes-Barre-Scranton LFR.	CYE* Rbn	Direct	3500	A-d	1200–2	1200–2	1200–2
				A-n	1600–3	1600–3	1600–3

#Takeoff minimums for Runways 10 and 16: Day—600–2, Night—800–2.
*Crystal Lake RBn—This procedure is predicated on the reception of the CYE Rbn and ILS glide slope.
Procedure turn W side SW crs, 223 Outbnd, 043 Inbnd, 3500' within 10 mi of Crystal Lake Rbn.
‡Procedure turn nonstandard to provide separation from approaches to Hazleton, Pa.
Minimum altitude at G. S. int inbnd, inbnd final 3500 over Crystal Lake Rbn.
Altitude of G. S. and distance to appr end of rny at OM CYE* Rbn 3500—8.7, LOM 2250—3.9; at MM LMM 1180—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3500' on a crs of 043° from the LMM and then proceed to the Wilkes-Barre VOR at 3500'. Alternate missed approach when requested by ATC, make a climbing left turn and climb to 4000' on SW crs Wilkes-Barre LFR.
Note: High terrain to E, SE and S of airport within 2.5 miles.
Air Carriers Note: Provisions for reduced visibility not authorized at night or with day minimums below 1 mi for 75 mph (65K) or less aircraft and 1½ mi for more than 75 mph (65K) aircraft.
City, Wilkes-Barre; State, Pa.; Airport Name, Wilkes-Barre-Scranton; Elev., 956'; Fac. Class, ILS-AVP; Ident., MHW-CYE; Procedure No. ILS-4, Amdt. 7; Eff. Date 23 Aug. 58; Sup. Amdt. No. 6; Dated, 2 June 56

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 18, 1958.

[F. R. Doc. 58–5687; Filed, July 23, 1958; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF DRIED CURRANTS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of amendments to the United States Standards for Grades of Dried Currants (7 CFR 52.981 to 52.985) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). The amendments as hereinafter set forth provide for a change in allowance for moldy currants and moisture content.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. In § 52.983, paragraphs (a) and (b), change the moisture limit from "18 percent" to "20 percent."

2. Change § 52.983 (a) (7) to read:

(7) Not more than 3 percent, by count, of dried currants may be moldy;

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

3. Change § 52.983 (b) (7) to read:

(7) Not more than 4 percent, by count, of dried currants may be moldy;

4. In Table I of § 52.983, change the line for moldy currants to read:

Moldy currants	3	4

5. In § 52.985—work sheet, change the line for moldy currants to read:

Moldy currants	3	4

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: July 18, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-5656; Filed, July 23, 1958; 8:47 a. m.]

[7 CFR Part 916]

[Docket No. AO-247-A5]

HANDLING OF MILK IN UPSTATE MICHIGAN MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Upstate Michigan marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Traverse City, Michigan, on May 20, 1958, pursuant to notice thereof which was issued April 25, 1958 (23 F. R. 2932).

The material issues on the record of the hearing relate to:

1. The price for Class I milk;
2. Individual-handler pools and pool plant qualification requirements of distributing plants and supply plants;
3. Producer definition;
4. Allocation of producer milk and other source milk in Class II and Class III utilization;
5. Transfers to nonpool plants; and
6. Administrative assessment.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The price for Class I milk.* The Class I price differentials for each month shoud be retained with the present seasonal variations and at the same annual level.

Under the provisions of the order Class I price provisions would have expired on June 30, 1958. On the basis of the record of this hearing the terminating provision has been suspended for July and August, 1958, pending further consideration of continuing pricing provisions and other issues of the hearing. Class I price differentials added to a basic formula price under the order are $1.05 during the months of February through June and $1.45 during the months of July through January. These seasonal changes and the level of the Class I price differentials were made effective in October 1956, following the introduction of seasonal pricing in the Detroit market, which became effective in the Detroit order, September 1956. Seasonal changes in the Class I price differentials in the Muskegon order, following the same seasonal pattern as this order, have been made as of July 1, 1958. These revisions have been made in recognition of the need for alignment of prices among the Upstate Michigan, Muskegon and Detroit federal order markets. Regular supplemental supplies of milk priced under the Detroit order are received by a handler under the Upstate Michigan order. Other supplemental supplies of milk are received from handlers under the Muskegon order. The need for alignment of prices among these markets has been established on previous records. No evidence was introduced on this record which diminishes this need for maintaining the alignment of prices now established for these markets.

The percentage of producer receipts utilized as Class I milk has increased approximately 2 percent, on a monthly average basis, from 1956 to 1957. Producer receipts classified as Class I milk during the period October 1956 through January 1957 averaged 83 percent. For a similar period beginning in October 1957 this average was 85 percent. These four of the seven months when the higher rate of Class I price differentials applies in computing the Class I price are those for which there are comparable data. Producer receipts classified as Class I milk for February, March, and April, 1956, averaged 76 percent. During the same months of 1957, the average was 77 percent. Since July 1956 premium prices have been paid in this market for every month except July and August, 1957. These prices have exceeded Class I prices under the order by amounts that have been as much as 64 cents. This balance of producer receipts and Class I milk has been maintained with these prices somewhat above order prices.

The introduction of a supply-demand adjustment factor in the Class I price formula should be delayed until the market has had further experience under the present provisions of the order. Marketwide pooling provisions have been in effect less than a year under this order. Seasonal pricing in this market is of recent origin having been effective since October 1958. It can be expected that these factors will change the balance of the supply and demand in this market. At a future date, when more experience has been gained under these provisions, consideration may be given to the inclusion of a supply-demand adjustor. In view of these factors, it is concluded that the present level of Class I price should be continued without inclusion of automatic adjustment features other than the seasonal changes in the basic formula price.

Certain handlers recommended that the Class I price differential of $1.45 over the basic formula price for the month of January be reduced to $1.05. These handlers claim to have received increasing supplies of producer milk in excess of their Class I requirements during January 1957 and 1958. The total producer milk classified as Class I milk has increased from 76 percent in January 1956 to 82 percent in January 1958. These percentages are in each case almost identical with those for the preceding December. Similarly, producer milk classified as Class I milk has increased from 72 percent in February 1956 to 81 percent in February 1958. Although individual handlers may experience surplus supplies of milk in January, the market experience at this time does not warrant reduction of the Class I price differential for January.

Therefore, it is concluded that the current order Class I price differentials of $1.05 for the months of February through June, and $1.45 for the months of July through January should be continued.

2. The present marketwide type of pool and pool plant provisions should be retained.

This order was amended, effective August 1, 1957, to provide that returns to producers be distributed on the basis of a marketwide pool. The cooperative association representing a majority of producers, under the previous individual-handler pooling arrangement, was required to handle virtually all of the surplus milk of the market. Handlers with agreements with this association received only the volumes of milk necessary for their fluid milk requirement. These handlers depended on this association to provide supplemental supplies of milk and to handle their surplus milk. This situation has continued to the present time.

Another cooperative association with a fluid milk plant regulated under the Upstate Michigan order and a supply plant regulated under the Detroit order proposed returning to an individual-handler pool basis. It was pointed out that no plant under this order provides facilities for manufacture of surplus milk from the cooperative's fluid milk plant. They contend that individual-handler pools would permit greater returns to their producers who have reduced the seasonality in their production to a greater extent than the average of the remaining producers on the market. Producer members of this cooperative have farms located in an area in which competition for supplies from Detroit and unregulated markets exceeds that of the Upstate Michigan market. A handler also joined in the proposal for individual-handler pooling.

Handlers have continued to depend on the bargaining cooperative association, which does not have a fluid milk plant, to handle practically all of the excess milk and to provide supplemental supplies of milk. It was not demonstrated that handlers had changed their methods of operations significantly during the 10 month period that this market has been on a marketwide pool basis. The cooperative association which operates a distributing plant assumes the responsibility of procuring supplies of milk for its own bottling requirements and handling any excess production of its members. However, most handlers depend on the bargaining cooperative to perform these functions. In view of these marketing conditions, the marketwide pool should be continued.

The cooperative association with a fluid milk operation proposed that if individual-handler pools were not adopted, then distributing plant requirements should be revised to exclude plants distributing less than 30 percent of producer receipts as fluid milk products during the month in the marketing area. Under this proposal this association's plant would be fully regulated during the months of July and August and only partially regulated during other months.

A distributing plant becomes regulated when distribution of either 150,000 pounds or more, or 20 percent or more of producer receipts as fluid milk products is made in the marketing area during the month. The proposed elimination of the volume standard and increase in the percentage requirement to 30 percent for pool status would provide opportunity for plants with considerable volumes of milk to enter this small market under partial regulation. The major volume of sales in the market has continued to be by numerous small handlers with plants located throughout the area. The proponent, however, disposes of approximately 12 percent of the total in-area sales of the market, in addition to more extensive out-of-area sales. This proposal to permit the shift from full regulation to partial regulation during all months except July and August could cause instability in the market and wide fluctuations in sales and producer receipts. Other nearby unregulated plants with large volumes of milk would have the same opportunity as this plant. A situation could then result whereby a major portion of the sales in the marketing area would not be included in the pool. For these reasons it is concluded that the proposed revision of distributing plant standards should be denied.

A third cooperative association proposed that the shipment to a distributing plant of 30 percent of producer receipts at a supply plant should be sufficient to qualify the supply plant for pool status. It was also proposed that continued shipment of 30 percent of producer receipts by a supply plant to a distributing plant during each of the months of July through November would qualify a supply plant regardless of shipments through the following November. This plant at times has provided supplemental supplies of milk to handlers in the market, but for an extended period of time furnished no milk to regulated handlers. On the basis of experience since adoption of marketwide pooling, the present requirements provide reasonable standards for qualification in a market of this type. There was no showing that the present shipping standards for supply plants do not reflect the degree of association with the market on which pool plant status should depend. The proposed reduction in supply plant standards is therefore denied.

3. *Producer definition.* The order should specify more definitely the past association with the market required of producers whose milk is to be included in the marketwide pool when diverted for the account of a handler or cooperative association.

The cooperative association representing a substantial majority of the producers whose milk is delivered to pool plants of proprietary handlers in the Upstate Michigan market accepts the responsibility for marketing producer milk in excess of the needs of many of these handlers by diversion from farms to nonpool plants. Such diversions may represent either seasonal surpluses or those resulting from daily sales fluctuations of pool plants with limited storage and manufacturing facilities.

This cooperative association requested that the order specify a standard of association with the market so that they would know the producers eligible for pooling through diversion. Prior to adoption of the marketwide pooling provisions (August 1, 1957) a limited standard of such association defined the "associated producers" eligible to share in a handler's utilization on milk which the handler neither received nor diverted. Receipt at a handler's plant during the preceding November was required.

A more realistic standard of association with the market for purposes of identifying qualified dairy farmers eligible for producer status on diverted milk would be delivery to a pool plant on half or more of the delivery days of any three of the preceding twelve months or on any three days of the current or immediately preceding month. The Upstate Michigan market has two periods in which it may be expected that milk of all producers will be needed regularly in the market, the July–August tourist season of increased sales, and the October–December period of lowest production. Delivery to a pool plant on half of the delivery days (recognizing thereby the alternate day delivery of bulk tank producers) in any three of the preceding twelve months is a reasonable minimum qualification for pooling of diverted milk. Provision should also be made for those producers currently delivering milk to a pool plant whose milk may be diverted. Accordingly delivery in the preceding month or prior delivery in the current month should also qualify diverted milk for pooling. It is concluded that these standards should be included in the order.

4. *Allocation.* Provision should be included to allocate producer milk to Class II use in a handler's plant in July and August in a volume commensurate with his uses in other months if other source milk thereby allocated to Class I use is priced under another order.

Class I sales in the Upstate Michigan marketing area are substantially higher during the vacation season of July and August than at other periods of the year. For 1957 daily average sales in July and August were 50 and 57 percent respectively above the averages for other months. For some handlers the increase is even greater; in some cases July and August sales are from two to three times those of other months.

It is uneconomical for the market to develop local production of milk adequate for the July and August business. To do so would require carrying substantial surpluses throughout other months of the year. July and August are months in which milk supplies are available from other markets which have seasonal surpluses at that time.

Under the present provisions of the order in July and August all producer receipts of many handlers are, except for allowable plant loss, priced as Class I milk. Handlers must import, for these months, either in finished form or as raw materials, the Class II items such as cream, cottage cheese and ice cream mix with which a number of such handlers complement their fluid milk sales. As a consequence, many handlers have discontinued manufacture of these products entirely, and Class II usage in the market represents only 2 to 3 percent of producer receipts, while a cooperative association must divert milk for manufacturing use as Class III milk at a lower return.

Handlers and producers agree that provisions which would retain in Class II a reasonable amount of producer milk in July and August for the handler who has regularly used milk for Class II use in other months would contribute to orderly marketing in the Upstate Michigan area. It is concluded that, up to the lesser of the weighted average percentage that Class II utilization was of producer receipts in the preceding 10-month period of September through June, or 8 percent, producer receipts should be allocated to Class II milk in preference to milk priced under another order. This will provide a reasonable minimum basis upon which to observe effectiveness of the provision in encouraging Class II use in other months of milk now used in Class III. Producer milk should not yield priority of allocation to unpriced other source milk, as it is normal practice for some unpriced solids in concentrated form to be used in certain of the Class II products involved.

5. *Transfers to nonpool plants.* The rules for classification of milk transferred to a nonpool plant should not be

changed to require that such milk have prior claim on the highest class utilization at the nonpool plant. The rule should be modified, however, to provide Class I classification to the extent that such utilization at the nonpool plant exceeds receipts at such plant from inspected dairy farmers plus milk classified as Class I milk under the Detroit order.

The Upstate Michigan order presently permits classification of milk transferred to a nonpool plant to be at any classification claimed if use of an equivalent volume of milk in such class can be verified. It was proposed that milk so transferred should be allocated to the highest available use at the nonpool plant, except for April, May or June, when the milk so transferred would be allocated to the lowest available use.

The proposed provision would be identical with that of the order for the Detroit marketing area. That provision was adopted in the Detroit order to discourage the practice of nonpool handlers with Class I disposition from depending upon the Detroit pool to carry their daily and seasonal reserves. There is no evidence, however, that operators of nonpool plants have depended upon Upstate Michigan supplies for such reserves. No handler operating an Upstate Michigan pool plant operates a nonpool bottling plant. This is in contrast to the situation where a number of Detroit handlers operate distributing plants serving other areas.

This order assigns prior claim to the Class I sales of pool plants to Upstate Michigan producers. Similarly, under the circumstances prevailing in this market, transfers to nonpool plants should not claim priority over the receipts at such plants from the inspected producers regularly supplying such plant. There is the probability that both Upstate Michigan and Detroit pool milk may be transferred to the same nonpool plant. In view of the Detroit provisions, priority should also be yielded to the milk required to be classified as Class I under that order. Any higher class utilization in excess of such receipts should be allocated to the pool milk transferred to the nonpool plant. As is currently provided, the same rules should apply in determining the utilization of any milk that may be transferred from the nonpool plant to a second plant.

6. *Administrative assessment.* The administrative assessment of 5 cents per hundredweight of milk should continue to apply to all producer receipts, and other source milk which is allocated to Class I milk in pool plants. Such other source milk should, however, be limited to that not priced under another order.

The cooperative association representing a majority of producers proposed that the administrative assessments be revised to apply only to milk classified as Class I milk. This association handles the major portion of the diverted milk from handlers in this market and thus pays administrative assessment on such diverted milk which is used for manufacturing purposes. This group claims that this assessment increases the costs to the association's members in providing outlets for surplus milk to handlers.

Verification of receipts, utilization and payments is required of all handlers regardless of the utilization of milk by a particular handler. Equity in sharing the cost of administration of the order among handlers is achieved under the present provisions.

The cooperative association with no Class I utilization of its own may act as the handler for a substantial portion of the surplus milk of the market. This situation, however, is not unique and does not provide a basis for exception to the universal practice in all Federal orders of applying assessment for administrative expense to producer receipts used in all classes. In the event the normal operating balance of the administrative assessment fund is reached, it is possible to reduce the rate of administrative assessment as it applies to producer receipts under the provisions of the order. Therefore, the proposed limitation of the administrative assessment to Class I milk is denied. In view, however, of the increased volumes of milk priced under other orders that may be allocated to Class I utilization under the amended allocation rules discussed elsewhere in this decision, it is considered appropriate to limit the other source milk for which administrative assessment is computed to that not priced under another order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Upstate Michigan marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Amend § 916.11 to read as follows:

§ 916.11 *Producer.* "Producer" means any qualified dairy farmer whose milk is received directly from the farm at a pool plant. "Producer" shall also include a qualified dairy farmer with respect to milk diverted from a pool plant to a nonpool plant for the account of a handler or cooperative association, if milk of such qualified dairy farmer was previously received at a pool plant (a) on any three days of the current or immediately preceding month or (b) on half or more of the delivery days of any three of the immediately preceding twelve months. Milk so diverted shall be deemed to have been received at the pool plant from which diverted if for the account of the operator of such pool plant, and at a pool plant at the location of the plant from which diverted, if diverted for the account of a cooperative association from the pool plant of another handler.

2. Amend § 916.43 (b) to read as follows:

(b) Skim milk and butterfat disposed of by a handler from a pool plant to a nonpool plant in the form of milk or skim milk shall be Class I utilization if so reported by the handler, or unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest use remaining after allocating, in series beginning with Class I, receipts from dairy farmers who are the regular source of supply of inspected milk for such plant, and receipts from plants regulated under Part 924 of this chapter for the Detroit, Michigan, marketing area. If any milk is transferred from such plant to a second nonpool plant, the same conditions of audit, classification and allocation shall apply in determining classification.

3. Amend § 916.46 to read as follows:

§ 916.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § 916.41 (b) (3);

(b) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat contained in milk or milk products received in packaged form which were classified and priced under another marketing agreement or order issued pursuant to the Act and disposed of in the same form as received;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat remaining in other source milk not subject to the Class I pricing provisions of an order issued pursuant to the act;

(d) For the months of July and August only, subtract from the pounds of butterfat remaining in Class II the least of:

(1) Such remainder;

(2) A percentage of butterfat in receipts of producer milk equal to the weighted average percentage that Class II utilization (exclusive of shrinkage and inventory) was of producer receipts during the preceding months of September through June; or

(3) 8 percent of receipts of butterfat in producer milk.

(e) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat remaining in other source milk subject to the Class I pricing provisions of another order issued pursuant to the act;

(f) Subtract from the remaining pounds of butterfat in Class II and Class I, in series beginning with Class II, the pounds of butterfat in inventory of fluid milk products and cream on hand at the beginning of the month;

(g) Subtract from the remaining pounds of butterfat in each class, the pounds of butterfat received from other handlers in such classes pursuant to § 916.43 (a); and

(h) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraphs (a) and (d) of this section;

(i) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class, in series beginning with the lowest-priced utilization.

4. Amend § 916.51 (a) by deleting the provision as follows: "Through June 30, 1958".

5. In § 916.60 (b) delete "§ 916.46 (g)" and substitute therefor "§ 916.46 (i)".

6. In § 916.60 (c) (1) delete "§ 916.46 (d)" and substitute therefor "§ 916.46 (f)".

7. In § 916.60 (c) (2) change the parenthetical statement "(except as shrinkage)" to "(except as shrinkage and pursuant to § 916.46 (d))".

8. In § 916.74 change "§§ 916.46 and 916.47" to "§ 916.46 (c) and the corresponding step of § 916.47".

Issued at Washington, D. C., this 21st day of July 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 58-5685; Filed, July 23, 1958; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 12509]

DISMISSAL OR AMENDMENT OF COMPETING BROADCAST APPLICATIONS

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of §§ 1.311, 1.312 and 1.363 of the Commission's rules, concerning dismissal or amendment of competing broadcast applications.

1. The Commission has before it for consideration a petition filed on July 14, 1958, by the Federal Communications Bar Association requesting that the time for filing comments in the above-entitled proceeding be extended from July 28, 1958, to September 26, 1958.

2. The Association states that its members are vitally interested in the subject matter of the proceeding and that it has had the proposed rule changes under study since the release June 30, 1958, of the notice of rule making herein. It urges that the additional time required is needed to afford the Association sufficient time to determine whether it will be feasible to prepare comments expressing the views of the Association and, if this is not feasible, to afford members of the Association who desire to submit individual comments ample time to do so.

3. Upon considering the representations of the petitioner, the Commission believes that the public interest, convenience and necessity would be served by affording the additional time required for filing comments.

4. *Accordingly, it is ordered,* That the aforesaid request of the Federal Communications Bar Association is granted; that the time for filing comments in the above-entitled proceeding is extended from July 28, 1958, to September 26, 1958; and that the time for filing reply comments is extended from August 12, 1958, to October 13, 1958.

Adopted: July 17, 1958.

Released: July 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5666; Filed, July 23, 1958; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Office of Defense Lending Order 1-1]

DIRECTOR, OFFICE OF DEFENSE LENDING

ASSIGNMENT OF FUNCTIONS

By virtue of the authority vested in me as Assistant Secretary of the Treasury by Treasury Department Order No. 181-3 dated December 7, 1954 (19 F. R. 8488) and Treasury Department Order No. 185 dated June 28, 1957 (22 F. R. 4730), it is ordered as follows:

1. Paragraph 2 of Office of Defense Lending Order No. 1 dated July 1, 1957 (22 F. R. 5613) is hereby amended by adding at the end thereof a new sentence reading as follows: "In the absence or disability of both the Director and the Assistant Director, the Chief Counsel, Office of Defense Lending, shall perform, as Acting Director, all of the functions assigned to the Director."

2. This order shall be effective July 15, 1958.

Dated: July 15, 1958.

[SEAL] LAURENCE B. ROBBINS,
Assistant Secretary of the Treasury.

[F. R. Doc. 58-5686; Filed, July 23, 1958; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Order No. 566, Amdt. 6]

CONSTRUCTION, SUPPLY AND SERVICE CONTRACTS AND NEGOTIATING CONTRACTS FOR SERVICES OF ENGINEERING AND ARCHITECTURAL FIRMS

REDELEGATION OF AUTHORITY

Order 566 (19 F. R. 3971), as amended (20 F. R. 2092, 5703; 21 F. R. 2290, 7460, 8219) is revised to read as follows:

SECTION 1. *Redelegation of authority and designation of Contracting Officers.* (a) The authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in Order 2783 (20 F. R. 425) to negotiate, without advertising, in accordance with Title III of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 251 et seq.) under section 302 (c) (4) of that act, contracts for services of engineering and architectural firms and Order 2509, as amended, pertaining to construction, supply and service contracts, irrespective of the amounts involved, is redelegated to each of the following officials or any one acting for them: The Deputy Commissioner; the Assistant Commissioner, Administration; the Chief, Branch of Plant Design and

Construction and Area Directors. Each of those officials, or any one acting for them, is also designated as and is authorized to perform the duties of Contracting Officer.

(b) The Chief, Branch of Property and Supply, or any one acting for him, is authorized to enter into contracts for supplies, equipment and services irrespective of the amount involved, and perform the duties of Contracting Officer in regard to such contracts.

(c) The Administrative Officer, Branch of Plant Design and Construction, or any one acting for him, may enter into contracts for supplies, equipment and services and perform the duties of Contracting Officer in regard to such contracts in amounts not to exceed $10,000 for any one contract.

SEC. 2. *Authorized representative of Contracting Officers.* (a) The Chief, Branch of Plant Design and Construction, or any one acting for him, is designated as and may perform the duties of the authorized representative of the Contracting Officer as such term is used in such contracts for contracts entered into by the Deputy Commissioner and Assistant Commissioner, Administration, or any one acting for them.

(b) The Assistant Chief, and the Chiefs of the Architectural, Engineering, and Operations Sections, of the Branch of Plant Design and Construction, or any one acting for them, are severally designated as and may severally perform the duties of the authorized representative of the Contracting Officer as such term is used in contracts entered into by the Chief, Branch of Plant Design and Construction, or any one acting for him.

(c) The Chiefs of the following units, Administrative; Contract; Construction Supervision; Cost Estimating; Civil Engineering; Electrical Engineering; Health Facilities; Mechanical Engineering; Plans Production; Project Management; Project Planning; Sanitary Engineering; Specifications; and Structural Engineering, or any one acting for them, are severally designated as and may severally perform the duties of the authorized representative of the Contracting Officer, as such term is used in such contracts with respect to the technical functions in their respective fields of activities for contracts entered into by the Deputy Commissioner, Assistant Commissioner, Administration, and Chief, Branch of Plant Design and Construction, or any one acting for them.

(d) Authorized representatives of Contracting Officers are not authorized to take final action on those functions relating:

(1) To the termination of a contract;

(2) To disputes concerning questions of fact which are not disposed of by agreement.

SEC. 3. *Authority to redelegate.* Area Directors may redelegate the authority delegated to them by this order. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 4. *Appeals.* An appeal from a findings of fact or decision of a Contracting Officer shall be made by notice of appeal in writing addressed to the Board of Contract Appeals, Office of the Solicitor, Department of the Interior, Washington 25, D. C., and shall be mailed to or filed with the Contracting Officer, within the time allowed by the contract. The notice of appeal shall specify the portion of the findings of fact or decision from which the appeal is taken, and the reasons why the findings or decision are deemed erroneous. Immediately upon receipt of the notice of appeal, the Contracting Officer shall inform the Board by air mail that the appeal has been received. (Regulations governing appeals are published in 19 F. R. 9389.)

W. BARTON GREENWOOD,
Acting Commissioner.

JULY 15, 1958.

[F. R. Doc. 58-5645; Filed, July 23, 1958; 8:45 a. m.]

Bureau of Land Management

[B-26232]

[Classification 25]

COLORADO

SMALL TRACT CLASSIFICATION; AMENDMENT

1. Pursuant to authority delegated to me by the Colorado State Supervisor of the Bureau of Land Management, effective February 19, 1958 (23 F. R. 1098), it is ordered as follows:

2. Effective immediately, paragraph 3 and the tabulation thereunder, in Federal Register Document 58-2610, appearing in the issue for April 10, 1958, at pages 2358 and 2359, is hereby amended to read as follows:

Lot No.	Acreage	Advance rental for 3-year lease period	Right-of-way width and location along boundary		Appraised value
			30 feet	15 feet	
2	1.25	$138.00	West	East	$600
3	.63	60.00	West		400
4	.63	90.00		East	600
7	1.25	97.50		East	650
9	.63	90.00		East	600
10	.63	67.50	West		450
29 [1]	1.25	150.00			1,000
40 [1]	.94		South		
39	.63	60.00	South	West	400

[1] For purposes of disposition lots 29 and 40 are combined into one tract, totaling 2.19 acres. This tract is covered by an application from an individual entitled to preference under 43 CFR 257.5 (a).

ANDREW J. SENTI,
Acting Lands and Minerals Officer.

JULY 15, 1958.

[F. R. Doc. 58-5647; Filed, July 23, 1958; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[File No. 23-506]

SOGEMAR, S. A.

ORDER TERMINATING INDEFINITE DENIAL ORDER

In the matter of Sogemar, S. A. (Societe General d'Entreprises Maritimes), 14, rue du Margrave, Antwerp, Belgium, respondent.

An order having been entered herein on May 15, 1958 (23 F. R. 3417, May 20, 1958) denying to Sogemar, S. A. all privileges of participating in exportations from the United States because of its failure to answer interrogatories duly served on it in accordance with § 382.15 of the Export Regulations (15 CFR, Chapter III, Subchapter B, Part 382), and the respondent now having responded in the interrogatories, it is therefore this 21st day of July 1958,

It is ordered, That the said order of May 15, 1958, be and the same hereby is terminated.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 58-5665; Filed, July 23, 1958; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11751; FCC 58-681]

TELEVISION BROADCAST STATIONS, ALBANY-SCHENECTADY-TROY AND VAIL MILLS, NEW YORK, ET AL.

MEMORANDUM OPINION AND ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations, Albany-Schenectady-Troy and Vail Mills, New York; and order directing Copper City Broadcasting Corporation to show cause why its authorization for Station WKTV, Utica, New York, should not be modified to specify operation on Channel 2 in lieu of Channel 13; Docket No. 11751.

1. The Commission has before it for consideration: (a) The response of Copper City Broadcasting Corporation, licensee of Station WKTV, Channel 13, Utica, New York (Copper City) filed on May 16, 1958, to the order to show cause included in the Commission's Memorandum Opinion and Order adopted April 23, 1958 (24 FCC 352); (b) opposition to requests for reconsideration contained in the response of Copper City, filed on May 26, 1958, by Van Curler Broadcasting Corporation (Van Curler) operating Station WTRI, Channel 35, Albany, New York, and holder of an instrument of authorization for a new television broadcast station to operate on Channel 13 in Albany; (c) a pleading filed on May 26, 1958, by Central New York Broadcasting Corporation (Central), licensee of Station WSYR-TV, Channel 3, Syracuse, with respect to the response of Copper City; and (d) a letter filed on June 13, 1953, by Van Curler Broadcasting Corporation.

2. On June 24, 1957, the Commission issued a Notice of Further Proposed Rule Making and Orders To Show Cause in the instant proceeding in which it shifted, inter alia, Channel 13 from Utica to Albany and ordered Copper City to show cause why its authorization should not be modified to specify operation on Channel 2. In response to the show cause order, Copper City filed, on July 24, 1957, supporting comments consenting to the proposed modification and also filed engineering data with respect to

operation on Channel 2, specifying a site (original site) which met all the mileage separation requirements of the rules and specifying a tower 1,373 feet above average terrain (1,081 feet above ground, 2,381 feet above mean sea level). Thus, it was that on September 9, 1957, the Commission issued a Report and Order in this proceeding (23 FCC 358, FCC 57-981), in which it modified the license of Copper City for Station WKTV in Utica to specify operation on Channel 2 in lieu of Channel 13. This order of modification was made subject to the condition that construction of Station WKTV for operation on Channel 2 was not to be commenced until a modified authorization was to be issued. Such an authorization has not yet been issued to Copper City.

3. In a response filed on January 23, 1958, to the show cause order issued September 9, 1957, Copper City asserted that it had been unable to obtain approval of the Airspace Subcommittee for its Channel 2 proposal and consequently specified an alternate site which did receive approval from the Airspace Subcommittee. The Airspace Subcommittee, however, stated that it would approve a height of 2,049 feet (above mean sea level) at the site originally specified. The alternate site proposal involved a mileage separation problem, and, as a result thereof a number of oppositions and counterproposals were submitted, all of which were set forth and discussed in the Commission's Memorandum Opinion and Order of April 23, 1958. In that order the Commission, after careful consideration of the various alternative courses, concluded that the public interest would best be served by ordering Copper City to show cause why its authorization should not be modified to specify operation on Channel 2 at the site originally proposed by Copper City, having the approximate coordinates of 43°06'09" N. latitude 74°56'27" W. longitude, but with an overall antenna height of only 2,049 feet above mean sea level, which height the Airspace Panel has advised it will approve. Additionally, the Commission rejected the contention that this proposed antenna height would result in unsatisfactory service to Utica and adjacent communities. The Commission also ordered that should Copper City desire a hearing it should so indicate in a response to be filed on or before June 2, 1958.

4. In its instant response Copper City alleges that compliance with said order "would permanently and irrevocably impair the service now being rendered by WKTV to the Utica-Rome area"; that such service "can be continued without substantial diminution or impairment" by permitting Copper City to operate from the alternate site (short to Syracuse) with an antenna height above mean sea level of 2,049 feet or at the site originally specified with an antenna height above mean sea level of 2,381 feet. Consequently, Copper City requests that the Commission either (a) reconsider its action of April 23, 1958, and modify its show cause order so as to permit operation at the alternate site, at the height indicated above; (b) reconsider and vacate the Show Cause Order directing the operation of Station WKTV on Channel 2 in lieu of Channel 13; or (c) grant Copper City a hearing pursuant to section 316 (a) of the Communications Act of 1934, as amended, to show why the Commission's order of April 23, 1958 should not issue.

5. Van Curler's "Opposition" to Copper City's "Response" urges that insofar as Copper City requests that the Comisision reconsider its order to show cause with respect to the original site it has advanced no new arguments which would justify such action; that the request for reconsideration of the action deleting Channel 13 from Utica, is, in effect, an untimely petition for reconsideration of the original Report and Order of June 24, 1957, in the above proceeding; that such a procedure is not feasible in view of the changes which have taken place as a result thereof; that Copper City is estopped from urging such action; that any rights which Copper City may have had to a hearing on whether it should be shifted from Channel 13 to Channel 2 have been waived; and that the only hearing to which it could conceivably be entitled is on the question of whether WKTV should operate at the original site with an antenna height above mean sea level of 2,049 rather than 2,381 feet. Van Curler, also requests that if a hearing is deemed necessary, that it be expedited by holding it before the Commission en banc; or if before an examiner, by directing the examiner to certify the record to the Commission without preparing an initial decision as provided for in section 409 (b) of the act. Van Curler urges that any other procedure would tend to frustrate the Commission's purpose to provide three equally competitive services to Albany-Schenectady-Troy at the earliest possible date. Van Curler points out, additionally, that the only reason given by Copper City for requesting reconsideration is the unsupported allegation that operation at the original site with an antenna height of 2,049 feet above mean sea level would impair, irrevocably, the service now being rendered to the Utica-Rome area; that this contention has been rejected by the Commission; that Van Curler engineering consultants, three in all, support the conclusion that adequate service would be provided to the Utica-Rome area from the original site at the height approved; and that Van Curler is prepared to demonstrate its conviction by building a station on Channel 2 with the height, and from the site specified by the Commission, if the Commission will issue authority for such construction.

6. Central in its pleadings merely reiterates its opposition to the authorization of Copper City at the alternate site which would result in a separation of less than 60 miles to the WSYR-TV site, required by the rules with respect to adjacent channels.

7. In a letter filed on June 13, 1958, Van Curler directs the Commission's attention to an article appearing in the New York Times, on June 12, 1958, at page 63-c which is an account of NBC's announcement of its proposal to abandon its UHF station in Buffalo, New York, because of its inability to compete in that market with the two VHF stations operating in the area. Van Curler alleges that this NBC announcement further emphasizes the dilemma of Van Curler in attempting to continue operation on Channel 35 until such time as Channel 13 is vacated by Copper City.

8. For the reasons stated in its Memorandum Opinion and Order and Order To Show Cause of April 23, 1958, the Commission concluded that the public interest, convenience and necessity would best be served by directing Copper City to show cause why it should not operate on Channel 2, with an overall antenna height not to exceed 2,049 feet above mean sea level at a site having the approximate coordinates 43°06'09" N. latitude, 74°56'27" W. longitude. In reaching this conclusion, the Commission also considered the possibility of authorizing the alternate site favored by Copper City but rejected the proposal as not being in the public interest. Nothing in the response changes this conclusion. Insofar as Copper City requests that the Commission reconsider its action of April 23, 1958, and vacate the Show Cause Order directing operation of Station WKTV on Channel 2 in lieu of Channel 13, it is clear that such an action would require reconsideration of the entire rule making proceeding. However, Copper City has advanced no arguments which refute the soundness of our original judgment that the public interest would best be served by making the Albany area a three VHF market and we adhere to the reasons stated in support thereof. As contemplated in our Show Cause Order of April 23, 1958, Copper City was to be afforded a hearing if it so requested. In this connection, Van Curler has requested that a hearing, if necessary, should be expedited by holding it before the Commission en banc or as provided for in section 409 (b) of the Communications Act of 1934, as amended. The Commission is sympathetic to the desires of Van Curler for a quick disposition of the instant case. However, we are not persuaded that the circumstances require a hearing before the Commission en banc, or that such a procedure would necessarily conduce to expedition, since the press of other business and the fact that the Commission will meet only once during the month of August makes it unlikely that a hearing date could be set until sometime in the Fall. Nor, can we make the necessary finding under section 409 (b) of the act that "* * * due and timely execution of [our] functions imperatively and unavoidably require that the record be certified to [us] for initial or final decision."

In view of the above; *it is ordered*, That the requests for reconsideration contained in the "Response of Copper City Broadcasting Corporation to Show Cause Order dated April 25, 1958" filed on May 16, 1958, are denied; that the request of Van Curler Broadcasting Corporation in its "Opposition" for a hearing before the Commission en banc or for an expedited hearing pursuant to section 409 (b) of the act is denied.

It is further ordered, That, pursuant to sections 303 (f) and 316 of the Communications Act of 1934, as amended, a hearing be held at the offices of the Commission in Washington, D. C., at a time to be specified in a subsequent order, before an Examiner to be later designated, to determine whether the public interest, convenience and necessity would be promoted by modifying the license of Copper City Broadcasting Corporation for Station WKTV, Channel 13 in Utica, to specify operation on Channel 2, from a site having the approximate coordinates 43°06'09" N. latitude 74°56'27" W. longitude, with an overall antenna height (including obstruction lighting) not exceeding 2,049 feet above mean sea level.

It is further ordered, That the hearing in this proceeding be expedited.

It is further ordered, That the Chief of the Broadcast Bureau and Van Curler Broadcasting Corporation are made parties to the proceeding.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission.

Adopted: July 16, 1958.

Released: July 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5667; Filed, July 23, 1958; 8:49 a. m.]

[Docket No. 11751; FCC 58M-789]

TELEVISION BROADCAST STATIONS, ALBANY-SCHENECTADY-TROY AND VAIL MILLS, NEW YORK ET AL.

ORDER SCHEDULING HEARING

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations, Albany-Schenectady-Troy and Vail Mills, New York; and order directing Copper City Broadcasting Corporation to show cause why its authorization for Station WKTV, Utica, New York, should not be modified to specify operation on Channel 2 in lieu of Channel 13; Docket No. 11751.

It is ordered, This 17th day of July 1958, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 3, 1958, in Washington, D. C.

Released: July 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5668; Filed, July 23, 1958; 8:49 a. m.]

[Docket No. 11788 etc.; FCC 58M-784]

JAMES W. MILLER ET AL.

ORDER CONTINUING HEARING

In re applications of James W. Miller, Milford, Connecticut, Docket No. 11788, File No. BP-10500; Orange County Broadcasting Corporation (WGNY), Newburgh, New York, Docket No. 12411, File No. BP-11365; Vincent De Laurentis, Hamden, Connecticut, Docket No. 12412, File No. BP-11607; Albert L. Capstaff, tr/as Eastern States Broadcasting Co., Hamden, Connecticut, Docket No. 12413, File No. BP-11760; for construction permits.

The Hearing Examiner having under consideration a motion to extended time for exchanging direct cases filed by Eastern States Broadcasting Company on July 17, 1958;

It appearing that counsel for each of the other parties have consented to the grant of this motion and to its immediate consideration;

It is ordered, This 18th day of July 1958, that the above motion is granted; and the dates designated for various procedural steps herein are postponed as follows:

Date for exchange of exhibits; July 21-28, 1958.

Filing of objections to direct cases, request for additional information, and notices of witnesses desired; Sept. 2-11, 1958.

Hearing date; Sept. 15-17, 1958.

Oral Testimony of Witnesses; Sept. 16-18, 1958.

Released: July 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5669; Filed, July 23, 1958; 8:49 a. m.]

[Docket No. 11978 etc.; FCC 58M-782]

CHARLES R. BRAMLETT ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Charles R. Bramlett, Torrance, California, Docket No. 11978, File No. BP-9833; Latin-American Broadcasting Corporation, Monterey Park, California, Docket No. 11981, File No. BP-10811; Radio Orange County, Inc., Anaheim, California, Docket No. 12218, File No. BP-11236; Anaheim-Fullerton Broadcasting Co., Inc., Anaheim-Fullerton, California, Docket No. 12219, File No. BP-11242; for construction permits.

The Hearing Examiner having under consideration certain proposals for modifying the future course of this proceeding which were made at a conference held on July 18, 1958;

It appearing that a conference was held on May 12, 1958, at which time the date of September 8, 1958, was established as the date for commencement of the hearing proper; and

It further appearing that in the meantime consultations have taken place among the applicants looking toward the elimination of competing applications through the dismissal of all except the application of Radio Orange County, Inc.; and

It further appearing from representations of counsel that petitions to dismiss without prejudice have been filed or will shortly be filed by Charles R. Bramlett and Anaheim-Fullerton Broadcasting Co., Inc. but that the intentions of Latin-American Broadcasting Corporation cannot at the present time be definitely ascertained; and

It further appearing that the public interest would be served by learning at the earliest possible date whether this is to be a competitive proceeding between two or more applicants or whether it will be heard only upon noncompetitive issues;

It is ordered, This 18th day of July 1958, that a further hearing conference will be held on July 24, 1958, at 9:00 a. m. in Washington, D. C., for the purpose of reconsidering the course of hearing.

Released: July 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5670; Filed, July 23, 1958; 8:49 a. m.]

[Docket No. 12068; FCC 58M-788]

FLORENCE BROADCASTING CO., INC.

ORDER CONTINUING HEARING CONFERENCE

In re application of Florence Broadcasting Company, Inc., Brownsville, Tennessee, Docket No. 12068, File No. BP-10850; for construction permit.

The Hearing Examiner having under consideration petition filed on July 14, 1958, by Florence Broadcasting Company, Inc., requesting indefinite continuance of the prehearing conference herein;

It appearing that counsel for all other parties who have appeared in the proceeding have no objection to immediate consideration and grant of the petition;

It further appearing that sufficient grounds have been shown for a limited continuance, but an indefinite continuance is not appropriate on the showing made;

It is ordered, This 18th day of July 1958, that the above petition is granted in part; and the prehearing conference now scheduled for July 25, 1958, is continued until September 15, 1958, at 10:00 a. m.

Released: July 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5671; Filed, July 23, 1958; 8:49 a. m.]

[Docket No. 12410; FCC 58M-776]

BRIDGEPORT BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of the Bridgeport Broadcasting Company (WICC), Bridgeport, Connecticut, Docket No. 12410, File No. BP-10707; for construction permit.

The Hearing Examiner having under consideration a motion filed July 15, 1958, requesting that the date for the exchange of the applicant's exhibits in this proceeding be continued from July 17, 1958 to August 15, 1958 and that the evidentiary hearing be continued to September 16, 1958;

It appearing that the reason for the requested continuance is the fact that consulting engineers are unable to complete preparations of the numerous engineering exhibits involved, that counsel for the other parties have consented to the granting of the requested continuance, and good cause for granting the request for the continuance having been shown;

It is ordered, This the 17th day of July 1958, that the motion for continuance is granted and the date for the exchange of the applicant's exhibits is continued from July 17, 1958, to August 15, 1958, and the date of the evidentiary hearing is continued from July 28, 1958, to September 16, 1958.

Released: July 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5673; Filed, July 23, 1958; 8:50 a. m.]

[Docket No. 12429; FCC 58M-781]

WILLIAM WALKER ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re application of William Walker, et al. (Transferors), and Evening Telegram Company, Norman M. Postles and Walter C. Bridges (Transferees), Docket No. 12429, File No. BTC-2699; for Commission consent to the voluntary transfer of control of M & M Broadcasting Company, Licensee of Stations WMAM and WMBV-TV, Marinette, Wisconsin.

The Hearing Examiner having under consideration motion for further pretrial conference filed on July 17, 1958, by counsel for the respondents, Norbertine Fathers and Valley Telecasting Company; and

It appearing that counsel for the other parties have informally agreed to the immediate consideration and grant of such motion;

It is ordered, This 18th day of July 1958, that the motion be and the same is hereby granted and a prehearing conference in the above-entitled proceeding is scheduled at the offices of the Commission in Washington, D. C., at 10:00 a. m. on Monday, July 21, 1958.

Released: July 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5674; Filed, July 23, 1958; 8:50 a. m.]

[Docket No. 12525]

AQUADA PRODUCTS, INC.

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

The Commission having under consideration the issuance of an order pursuant to section 312 (b) of the Communications Act of 1934, as amended, to the Aquada Products, Inc., 721 Broadway, New York 3, New York, to cease and desist from violating Part 18 of the Commission's rules by operating industrial heating equipment which, (1) is a source of interference to authorized radio services and (2) is not certified or licensed in accordance with the Commission's rules;

It appearing that the Aquada Products, Inc., operates in its plant at 721 Broadway, New York 3, New York, certain industrial heating equipment which utilizes a radio frequency generator or generators and transmits radio frequency energy on frequencies authorized for use by the United States Army and the New York City Police Department; and

It further appearing that said industrial heating equipment is subject to the provisions of §§ 18.1, 18.2 (c), 18.3, 18.4, 18.8, and 18.101 through 18.108 of the Commission's rules; and

It further appearing that the aforementioned industrial heating equipment causes interference to Police radio communications in the New York City area; and

It further appearing that the aforementioned industrial heating equipment has not been certified by a duly qualified engineer or by the manufacturer of the equipment as required by § 18.103 of the Commission's rules, nor has the equipment been licensed pursuant to § 18.3 of the Commission's rules; and

It further appearing that the above facts have been called to the attention of the Aquada Products, Inc., by the Commission both orally and in writing, and that the Aquada Products, Inc., has been afforded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished;

It is ordered, This 15th day of July 1958, pursuant to section 312 (c) of the Communications Act of 1934, as amended, and pursuant to section 0.41 (f) of the Commission's rules to show cause why there should not be issued an order commanding the Aquada Products, Inc., to cease and desist from violating the provisions of Part 18 of the Commission's rules by operating industrial heating equipment without the certification or license required by Part 18 of the Commission's rules, and by operating such equipment in a manner which causes interference to authorized radio services; and

It is further ordered, That a hearing in this matter be held in New York, New York at 10:00 a. m., on the 9th day of September 1958, in order to determine whether said cease and desist order should be issued, and that the Aquada Products, Inc., is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, Pursuant to § 1.402 of the rules, that Aquada Products, Inc., is directed to file with the Commission within thirty days of the receipt of this order a written appearance in triplicate, stating that Aquada Products, Inc., will appear and present evidence on the matter specified in this order if the Aquada Products, Inc., desires to avail itself of its opportunity to appear before the Commission. If said Aquada Products, Inc., does not desire to appear before the Commission and give evidence on the matter specified herein, it shall, within thirty days of the receipt of this order, file with the Commission, in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of reasons why Aquada Products, Inc., believes that cease and desist order shall not be issued; and

It is further ordered, That failure of said Aquada Products, Inc., timely to respond to this order or failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: July 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5675; Filed, July 23, 1958; 8:50 a. m.]

[Docket No. 12526]

FRANKLIN PLASTIC NOVELTIES

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

The Commission having under consideration the issuance of an order pursuant to section 312 (b) of the Communications Act of 1934, as amended, to B. Harry Frankel, tr/as Franklin Plastic Novelties, 557 Sixth Avenue, New York 11, New York (hereinafter referred to as Franklin Plastic Novelties) to cease and desist from violating Part 18 of the Commission's rules by operating industrial heating equipment which, (1) is a source of interference to authorized radio services and (2) is not certified or licensed in accordance with the Commission's rules;

It appearing that the Franklin Plastic Novelties operates in its plant at 557 Sixth Avenue, New York 11, New York, certain industrial heating equipment which utilizes a radio frequency generator or generators and transmits radio frequency energy on frequencies authorized for use by television broadcast stations and the New York City Police Department; and

It further appearing that said industrial heating equipment is subject to the provisions of §§ 18.1, 18.2 (c), 18.3, 18.4, 18.8 and 18.101 through 18.108 of the Commission's rules; and

It further appearing that the aforementioned industrial heating equipment causes interference to authorized Police radio communications and television broadcast reception in the New York City area; and

It further appearing that the aforementioned industrial heating equipment has not been certified by a duly qualified engineer or by the manufacturer of the equipment as required by § 18.103 of the Commission's rules, nor has the equipment been licensed pursuant to § 18.3 of the Commission's rules; and

It further appearing that the above facts have been called to the attention of the Franklin Plastic Novelties by the Commission both orally and in writing, and that the Franklin Plastic Novelties has been afforded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished;

It is ordered, This 15th day of July 1958, pursuant to section 312 (c) of the Communications Act of 1934, as amended, and pursuant to section 0.41 (f) of the Commission's rules to show cause why there should not be issued an order commanding the Franklin Plastic Novelties to cease and desist from violating the provisions of Part 18 of the Commission's rules by operating industrial heating equipment without the certification or license required by Part 18 of the Commission's rules, and by operating such equipment in a manner which causes interference to authorized radio services; and

It is further ordered, That a hearing in this matter be held in New York, New York, at 10:00 a. m. on the 10th day of September 1958, in order to determine whether said cease and desist order should be issued, and that the Franklin Plastic Novelties is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, Pursuant to § 1.402 of the rules, that Franklin Plastic Novelties is directed to file with the Commission within thirty days of the receipt of this order a written appearance in triplicate, stating that the Franklin Plastic Novelties will appear and present evidence on the matter specified in this order if the Franklin Plastic Novelties desires to avail itself of its opportunity to appear before the Commission. If said Franklin Plastic Novelties does not desire to appear before the Commission and give evidence on the matter specified herein, it shall, within thirty days of the receipt of this order, file with the Commission, in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of reasons why Franklin Plastic Novelties believes that cease and desist order shall not be issued; and

It is further ordered, That failure of said Franklin Plastic Novelties, timely to respond to this order or failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: July 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5676; Filed, July 23, 1958; 8:50 a. m.]

[Docket No. 12527]

EMAR SEPARATOR CO.

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

The Commission having under consideration the issuance of an order pursuant to section 312 (b) of the Communications Act of 1934, as amended, to R. Major Moscovitz and H. Moscovitz, tr/as Emar Separator Company, 421 West 28th Street, New York 1, N. Y. (hereinafter referred to as the Emar Separator Company) to cease and desist from violating Part 18 of the Commission's rules by operating industrial heating equipment which, (1) is a source of interference to authorized radio services and (2) is not certified or licensed in accordance with the Commission's rules:

It appearing that the Emar Separator Company operates in its plant at 421 West 28th Street, New York 1, N. Y., certain industrial heating equipment which utilizes a radio frequency generator or generators and transmits radio frequency energy on frequencies authorized for use by television broadcasting stations; and

It further appearing that said industrial heating equipment is subject to the provisions of §§ 18.1, 18.2 (c), 18.3, 18.4, 18.8 and 18.101 through 18.108 of the Commission's rules; and

It further appearing that the aforementioned industrial heating equipment causes interference to television broadcasting in the New York City area; and

It further appearing that the aforementioned industrial heating equipment has not been certified by a duly qualified engineer or by the manufacturer of the equipment as required by § 18.103 of the Commission's rules, nor has the equipment have licensed pursuant to § 18.3 of the Commission's rules; and

It further appearing that the above facts have been called to the attention of the Emar Separator Company by the Commission both orally and in writing, and that the Emar Separator Company has been afforded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished;

It is ordered, This 15th day of July 1958, pursuant to section 312 (c) of the Communications Act of 1934, as amended, and pursuant to section 0.41 (f) of the Commission's rules to show cause why there should not be issued an order commanding the Emar Separator Company to cease and desist from violating the provisions of Part 18 of the Commission's rules by operating industrial heating equipment without the certification or license required by Part 18 of the Commission's rules, and by operating such equipment in a manner which causes interference to authorized radio services; and

It is further ordered, That a hearing in this matter be held in New York, N. Y., at 10:00 a. m. on the 11th day of September 1958 in order to determine whether said cease and desist order should be issued, and that the Emar Separator Company is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, Pursuant to § 1.402 of the rules, that the Emar Separator Company is directed to file with the Commission within thirty days of the receipt of this order a written appearance in triplicate, stating that the Emar Separator Company will appear and present evidence on the matter specified in this order if the Emar Separator Company desires to avail itself of its opportunity to appear before the Commission. If said Emar Separator Company does not desire to appear before the Commission and give evidence on the matter specified herein, it shall, within thirty days of the receipt of this order, file with the Commission, in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of reasons why the Emar Separator Company believes that cease and desist order shall not be issued; and

It is further ordered, That failure of said Emar Separator Company timely to respond to this order or failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: July 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5677; Filed, July 23, 1958; 8:50 a. m.]

[Docket No. 12528 etc.; FCC 58-669]

DONALD W. HUFF ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Donald W. Huff, Lansdale, Pennsylvania, Docket No. 12528, File No. BP-11313; Equitable Publishing Company, Lansdale, Pennsylvania, Docket No. 12529, File No. BP-11934; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of July 1958;

The Commission having under consideration the above-captioned applications of Donald W. Huff and of the Equitable Publishing Company, each for a construction permit for a new standard broadcast station to operate on 1440 kilocycles with a power of 500 watts, directional antenna, daytime only, at Lansdale, Pennsylvania;

It appearing that, except as indicated by the issues specified below, both applicants are legally, technically, financially and otherwise qualified to operate the proposed stations but that the simultaneous operation of both proposals would result in mutually destructive interference; that the proposed operations would cause objectionable interference to Stations WCOJ, Coatesville, Pennsylvania (1430 kc, 5 kw, DA-N, U) and WCDL, Carbondale, Pennsylvania (1440 kc, 1 kw, Day); and that the interference which would be received from Station WCDL and from Stations WGCB, Red Lion, Pennsylvania (1440 kc, 1 kw, Day) and WMVB, Millville, New Jersey (1440 kc, 1 kw, DA, Day) would affect more than ten percent of the population within the respective, proposed primary service areas in contravention of § 3.28 (c) of the Commission's rules; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicants

were advised by letter dated May 14, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that, by letter dated May 29, 1958, the licensee of Station WCDL objected to a grant of the applications; and

It further appearing that in a reply dated June 9, 1958, to the Commission's letter of May 14, 1958, counsel for the Equitable Publishing Company contended that Donald W. Huff is not financially qualified to construct and operate his proposed station and that the Equitable Publishing Company proposal will not cause interference to WCDL but that no facts or data were submitted to support said contentions; and that, moreover, a reexamination by the Commission of Donald W. Huff's financial proposal indicates that sufficient funds, assets and credits are available to meet the costs of construction and initial operation of the proposed station; and

It further appearing that, on June 13, 1958, the application of Donald W. Huff was amended to make slight changes in the proposed directional antenna pattern and to include measurement data purporting to show that the proposed operation would not cause interference to Station WCDL and that the loss in population to the proposed operation due to interference from existing stations would only be slightly in excess of ten percent; but that the measurement data submitted do not meet the requirements of the Commission's Technical Standards and; therefore, are not sufficient for the purpose for which they were submitted; and

It further appearing that both applicants have requested a waiver of § 3.28 (c) of the Commission's rules; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operations would cause objectionable interference to Stations WCOJ, Coatesville, Pennsylvania, and WCDL, Carbondale, Pennsylvania, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, because of the interference received, the proposed operations would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

4. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programing service proposed in each of the above-mentioned applications.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the Chester County Broadcasting Company and the Carbondale Broadcasting Co., Inc., licensees of Stations WCOJ and WCDL, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5678; Filed, July 23, 1958; 8:50 a. m.]

[Docket No. 12530; FCC 58-670]

MUSICAL HEIGHTS, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Musical Heights, Inc., Braddock Heights, Maryland, Docket No. 12530, File No. BP-10918; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of July 1958;

The Commission having under consideration the above-captioned application for a construction permit for a new standard broadcast station to operate on 1370 kilocycles with a power of 500 watts, directional antenna, daytime only;

It appearing that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate its proposed station, but that the proposal would involve objectionable interference with Station WAYZ, Waynesboro, Pennsylvania; may distort the directional antenna pattern of Station WFMD, Frederick, Maryland, as a result of the proximity of the towers of the two stations; and that it has not been determined whether the antenna of the instant proposal would be a hazard to air navigation; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicant was advised by letter dated June 19, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude at this time that a grant of the application would be in the public interest; and

It further appearing that the applicant and the licensee of Station WAYZ filed timely replies in which they stated that they would appear at a hearing on the instant application; and

It further appearing that, after consideration of the foregoing, the Commission is of the opinion that a hearing on the instant application is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal, and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would involve objectionable interference with Station WAYZ, Waynesboro, Pennsylvania, or any other existing station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the instant proposal would have adverse affects on the directional antenna pattern of Station WFMD, Frederick, Maryland, because of the proximity of the towers of the two stations, and, if so, what corrective measures would be taken by the applicant.

4. To determine whether the antenna system of the instant proposal would be a hazard to air navigation.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Richard F. Lewis, Jr., Inc., of Waynesboro and The Monocacy Broadcasting Company, licensees of Stations WAYZ and WFMD, respectively, are made parties to the hearing; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and respondents herein, pursuant to the provisions of

§ 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5679; Filed, July 23, 1958; 8:50 a. m.]

[Docket No. 12531 etc.; FCC 58-671]

ROBERT A. CORLEY ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Robert A. Corley, College Park, Georgia, Docket No. 12531, File No. BP-11336; Harvey S. Hester, Smyrna, Georgia, Docket No. 12532, File No. BP-11860; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th of July 1958;

The Commission having under consideration the above-captioned applications of Robert A. Corley and Harvey S. Hester for construction permits for new standard broadcast stations to operate on 1570 kilocycles, with a power of 1 kilowatt, daytime only, at College Park and Smyrna, Georgia, respectively; and

It appearing that, except as indicated by the issues specified below, the applicants are legally, technically, financially and otherwise qualified to construct and operate their proposed stations, but that their proposals involved mutual interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were notified by letter dated May 5, 1958, that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that each applicant filed a timely reply; and

It further appearing that, after consideration of the foregoing, we are of the opinion that a hearing on these applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals, and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient, and equitable distribution of radio service.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5680; Filed, July 23, 1958; 8:50 a. m.]

[Docket No. 12533; FCC 58-672]

PAUL A. BRANDT

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Paul A. Brandt, Gladwin, Michigan, Docket No. 12533, File No. BP-11361; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of July 1958;

The Commission having under consideration the above-captioned application of Paul A. Brandt for a construction permit for a new standard broadcast station to operate on 1450 kilocycles with a power of 100 watts, unlimited time, at Gladwin, Michigan;

It appearing that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to operate the proposed station but that Stations WCEN, Mt. Pleasant, Michigan, and WCBQ, St. Helen, Michigan, of which the applicant is licensee, now serve a portion of the service area of the proposed Gladwin station and that the portion of the proposed service area now receiving service from Station WCEN includes the City of Gladwin; and that, therefore, it appears that a grant of the instant application may be in contravention of the provisions of § 3.35 of the Commission's rules on multiple ownership; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated June 18, 1958, of the foregoing and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that, by letter dated June 25, 1958, counsel for the applicant stated that Gladwin receives no primary service at night; that the only daytime primary service received in Gladwin is from distant stations; that the applicant has no intention of programing the proposed station in conjunction with any other station of which he is licensee; that Gladwin is located in a different county and different trade area than either Mt. Pleasant or St. Helen; that a weekly newspaper is published in Gladwin; that, in view of these circumstances, the Commission should grant the application without hearing or, if it is the Commission's policy to require a hearing, it is requested that the application be designated at an early date; and

It further appearing that the Commission is unable to make a determination in this matter on the basis of the data before it and is of the opinion that an evidentiary hearing is necessary to obtain complete information relative to the above-captioned application and the grounds advanced in support of the applicant's request for a grant of the application;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine the overlap which would exist between the service area of the proposed station and the service areas of Stations WCEN, Mt. Pleasant, Michigan, and WCBQ, St. Helen, Michigan, of which Paul A. Brandt is the licensee, the nature and extent of the overlap, and whether such overlap is in contravention of § 3.35 of the Commission's rules on multiple ownership.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That to avail himself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission's rules, in persons or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present

evidence on the issues specified in this order.

Released: July 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5681; Filed, July 23, 1958; 8:51 a. m.]

[Docket No. 12534; FCC 58-674]

SOUTH KENTUCKY BROADCASTERS (WRUS)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Roth E. Hook and Woodrow Sosh, d/b as South Kentucky Broadcasters (WRUS), Russellville, Kentucky, Docket No. 12534, File No. BMP-7734; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of July 1958;

The Commission having under consideration the above-captioned application (originally filed as a modification of permit) for a construction permit to increase the power of Station WRUS, Russellville, Kentucky (610 kc, 500 watts, Day), to 1 kilowatt; and

It appearing that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to operate Station WRUS as proposed, but that said operation would cause objectionable interference to Stations WTVN, Columbus, Ohio, and WSGN, Birmingham, Alabama; and that interference received by the instant proposal from said stations would affect more than 10 percent of the population in its normally protected primary service area in contravention of § 3.28 (c) of the Commission rules; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicant was advised by letter dated May 28, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that, in a timely reply, the applicant stated that it would appear at a hearing on said application; and

It further appearing that, after consideration of the foregoing, the Commission is of the opinion that a hearing on the instant application is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WRUS.

2. To determine whether the proposed operation of Station WRUS would involve objectionable interference with Stations WTVN, Columbus, Ohio, and WSGN, Birmingham, Alabama, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of Station WRUS would comply with the provisions of § 3.28 (c) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Radio Columbus, Inc. and Winston-Salem Broadcasting Co., Inc., licensees of Stations WTVN, Columbus, Ohio, and WSGN, Birmingham, Alabama, respectively, are made parties to the hearing; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and respondents herein, pursuant to the provisions of § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5682; Filed, July 23, 1958; 8:51 a. m.]

[Docket No. 12535 etc.; FCC 58-679]

ARNOLD J. STONE ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Arnold J. Stone, Alameda, California, Docket No. 12535, File No. BPH-2414; Patrick Henry and David D. Larsen, a Partnership, Alameda, California, Docket No. 12536, File No. BPH-2437; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of July 1958;

The Commission having under consideration the above-captioned applications of Arnold J. Stone, and Patrick Henry and David D. Larsen, a Partnership, for construction permits for new Class A FM broadcast stations to operate on 92.7 megacycles, Channel No. 224, in Alameda, California;

It appearing that both of the applicants are legally, technically, financially and otherwise qualified to operate their proposed stations, but that the operations of both stations as proposed would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated June 10, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that both applicants replied, indicating that they would appear at a hearing on their applications; and

It further appearing that the Commission, after consideration of the above is of the opinion that a hearing on these applications is necessary; and

It further appearing that according to data submitted in the application of Arnold J. Stone, the antenna height above average terrain should be 85 feet in place of 105.9 feet; and

It further appearing that according to data submitted in the application of Patrick Henry and David D. Larsen, the antenna height above average terrain should be minus 4 feet in place of minus 2 feet; and

It further appearing that in accordance with arrangements made with Bay Radio, licensee of standard broadcast station KSAY, San Francisco, California, Patrick Henry and David D. Larsen propose to mount the FM antenna of their proposed station on the west tower of the three-tower directional antenna system of Station KSAY;

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 (c) of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That in the event of a grant of the application of Arnold J. Stone the construction permit shall specify an antenna height above average terrain of 85 feet.

It is further ordered, That in the event of a grant of the application of Patrick

Henry and David D. Larsen the construction permit shall specify an antenna height above average terrain of minus 4 feet.

It is further ordered, That in the event of a grant of the application of Patrick Henry and David D. Larsen the construction permit shall contain a condition requiring that Station KSAY request permission from the Commission to determine power of KSAY by the indirect method; that during the installation period of the FM antenna KSAY shall maintain the directional antenna system as closely as possible to values appearing in the license; and that upon completion of the installation KSAY shall submit sufficient data to show that the directional antenna pattern remains substantially unchanged, but if there is any change in the antenna or common point resistance, KSAY shall submit Forms 302 to report the change.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5683; Filed, July 23, 1958; 8:51 a. m.]

[Docket Nos. 12539, 12540; FCC 58-685]

PRESS WIRELESS, INC.

ORDER DESIGNATING APPLICATIONS FOR HEARING ON STATED ISSUES

In the matter of the applications of Press Wireless, Inc., Docket No. 12539, File No. 2579-C4-ML-58; Docket No. 12540, File No. 2580-C4-ML-58; for modification of its Centereach, N. Y., and Belmont, Calif., fixed public press station licenses to permit the handling of traffic specified in proposed Tariff F. C. C. No. 34 (International Telecon Service), and certain other non-press communications.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of July 1958;

The Commission, having under consideration:

(a) Applications filed on April 30, 1958, as amended by letter dated June 5, 1958, by Press Wireless, Inc. (PW) for modification of its Centereach, N. Y. (File No. 2579-C4-ML-58) and Belmont, Calif. (File No. 2580-C4-ML-58) fixed public press station licenses to permit the handling of traffic specified in proposed Tariff F. C. C. No. 34 (International Telecon Service) and certain other non-press communications;

(b) Letter dated May 6, 1958, from the Commission to PW requesting certain additional information relative to the subject applications;

(c) Letters dated May 8, 1958, and May 15, 1958, from RCA Communications, Inc. (RCAC) and American Cable and Radio Corporation (AC&R), respectively, opposing a grant of the subject applications;

(d) Letter dated May 23, 1958, from PW in reply to foregoing letter of May 6, 1958, from the Commission;

(e) Letter dated May 26, 1958, from PW in reply to foregoing letters of AC&R and RCAC opposing a grant of the subject applications;

(f) Letter dated May 29, 1958, from the Commission to PW pursuant to section 309 (b) of the Communications Act of 1934, as amended, advising as to the reasons it appeared the subject PW applications could not be granted without a hearing and the proposed issues the Commission would consider in any such hearing, copies of which letter were sent to AC&R, RCAC, Globe Wireless, Ltd. (Globe), The French Telegraph Cable Company, The Western Union Telegraph Company (WU) and Tropical Radio Telegraph Company;

(g) Letter dated June 5, 1958, from PW amending its foregoing subject applications to include specific language it desires in authorizations requested;

(h) Letter dated June 9, 1958, from PW in reply to Commission's letter of May 29, 1958, raising certain questions with respect to the Commission's letter of May 29, 1958;

(i) Letter dated June 10, 1958, from Globe in reply to Commission's letter of May 29, 1958, objecting to a grant of the subject applications;

(j) Letters dated June 13, 1958, from AC&R and RCAC in reply to Commission's letter of May 29, 1958, reiterating their previous objections to a grant of the subject applications;

(k) Telegram dated June 17, 1958, from WU objecting to a grant of the subject applications;

(l) Letter dated June 17, 1958, from Globe, objecting to the PW amendment of June 5, 1958;

(m) Letter dated June 19, 1958, from the Commission to PW pursuant to section 309 (b) of the Communications Act of 1934, as amended, clarifying questions raised by PW in its reply of June 9, 1958, to the Commission's letter of May 29, 1958, copies of which were sent to AC&R, Globe, RCAC and WU;

It appearing that PW is licensed only in the fixed public press service;

It further appearing that PW's subject applications and proposed tariff request authority for the applicant to handle certain non-press communications of its press customers, including communications in the fixed public service classification, for which the applicant is not licensed;

It further appearing that the Commission, upon examination of the subject PW applications, and upon consideration of all of the foregoing, is unable to determine that the public interest, convenience or necessity would be served by a grant of the subject applications;

It further appearing that the two issues suggested for inclusion in any hearing herein by PW in its foregoing letter of June 9, 1958, and the issue suggested by RCAC in its foregoing letter of June 13, 1958, are not necessary as they are covered in essence by issues "(11)" and "(13)" herein;

It further appearing that PW in its "Further Petition for Relief" for (a) an immediate grant of the subject applications or (b) that such applications and proposed tariff be set for hearing either before the Commission en banc or before an Examiner with instructions to expedite the proceedings and to certify the record to the Commission for final decision, has not shown that due and timely execution of the Commission's functions imperatively and unavoidably require the Commission to preside at the hearings herein or further that they require the omission of a Recommended or Initial Decision herein;

It is ordered, That pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing at the offices of the Commission in Washington, D. C. at a time to be specified in a subsequent Order, upon the following issues:

(1) The nature, capacity and adequacy of existing communication facilities furnishing service similar to that proposed by the applicant;

(2) The extent of public need, if any, for the proposed service, including:

(a) The extent to which the applicant's press customers now use international teletypewriter exchange (TELEX) service to transmit press traffic only, as presently defined in the respective effective applicable tariffs and the extent to which such customers will use the proposed service for such purpose;

(b) The extent to which the applicant's press customers now use TELEX service to transmit only traffic which does not come within the definition of press traffic as defined in the respective effective applicable tariffs and the extent to which such customers would use the proposed service for such purpose;

(c) The extent to which the applicant's press customers now use TELEX service to transmit both press and non-press traffic in the same call and in the connection the relative percentage of press and non-press matter transmitted in the average TELEX call of this type and the extent to which such customers would use the proposed service for such purposes; and

(d) The expected volume of telegraph traffic and the revenues therefrom to be derived from the proposed service;

(3) The extent to which, if any, the applicant will be required, in order to provide adequate service, to use frequencies and facilities in addition to those now in use by it;

(4) The capacity, transmission quality, and scheduled hours of operation of the circuits related to the subject applications;

(5) The nature of any contracts, agreements, understandings and routing practices between the applicant and any other carrier or operating agency in connection with the type of service and the charges therefor proposed in the subject applications.

(6) The nature of the service to be rendered by the applicant, including points, areas or countries to be served;

(7) The charges to be made, and the division of such charges, including a justification for its basic charge and the per minute charges for service in excess of three minutes;

(8) Competition in communciations service with the points, areas or countries involved in the proposed applications and the rates proposed;

(9) The effects, if any, that a grant of the subject applications would have upon the communication services presently being furnished by other carriers and the revenues derived therefrom by such other carriers;

(10) The effects, if any, the handling of the proposed traffic would have upon the applicant's present quality of its press services, including the extent to which the proposed service would require the use of personnel and facilities which would otherwise be devoted exclusively to the handling of press traffic;

(11) Whether a grant of the subject applications would be consistent with the purpose for which the applicant was and still is licensed, namely, "a specialized press carrier licensed in the fixed public press service";

(12) The specific terms of the authorization sought, if the applications herein were to be granted;

(13) Whether, in the light of the evidence adduced on the foregoing issues, the public interest, convenience and necessity would be served by authorizing the applicant to furnish the service provided for in proposed Tariff F. C. C. No. 34 (International Telecon Service), and certain other non-press communications services requested in its letter of June 5, 1958, amending the subject applications.

It is further ordered, That the Chief, Common Carrier Bureau, American Cable and Radio Corporation and its operating subsidiaries All America Cables and Radio, Inc., The Commercial Cable Company and Mackay Radio and Telegraph Company, Inc., and RCA Communications, Inc., are made parties to the proceeding herein;

It is further ordered, That any United States carrier engaged in furnishing overseas or foreign telegraph communication service which can show it is a party in interest may intervene and participate fully herein pursuant to the provisions of § 1.104 of the Commission's rules;

It is further ordered, That a copy of this order be served upon each respondent carrier;

It is further ordered, That PW's Petition for Further Relief is denied, except that its request for certification of the record to the Commission for final decision is denied without prejudice to the renewal of such request at the close of the hearings herein.

Released: July 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5684; Filed, July 23, 1958; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9333]

STEWART AIR SERVICE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of Stewart Air Service Enforcement Proceeding.

Notice is hereby given that the hearing in the above-entitled proceeding heretofore assigned to be held on July 28, 1958, is postponed until August 5, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., July 18, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-5662; Filed, July 23, 1958; 8:48 a. m.]

[Docket No. 9090]

SHULMAN, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that the hearing in the above-entitled proceeding heretofore assigned to be held on July 28, 1958, is postponed until August 18, 1958, at 10 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., July 18, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-5663; Filed, July 23, 1958; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12360]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 18, 1958.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at El Paso, Texas, filed an application on April 8, 1957 (supplemented on April 17, 1957), for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing construction and operation of certain taps and appurtenant facilities and to render additional gas service to two of its present gas utility companies customers, Lea County Gas Company (Lea Gas) and Southern Union Gas Company (Southern) as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

The proposed taps and appurtenant facilities are for the purpose of enabling Applicant to make delivery of additional volumes of natural gas under present rates for the kind of services rendered to new domestic and commercial consumer customers of the two gas utility companies above named, and are described as follows:

(1) A main line tap with appurtenances, to be known as the Red Mountain Tap, located on Applicant's main 12-inch system in Luna County, New Mexico, to serve Lea Gas with 40,100 Mcf per year, 1,600 Mcf of which is for service by Lea Gas to its residential customers and the balance of 38,500 Mcf for irrigation pumping engine fuel to farmers.

(2) Three taps with appurtenances hereto, to be known as the Ayers, Doran and Price taps, located along Applicant's main Permian-San Juan pipeline in Lea County, New Mexico, to serve Southern to enable it to resell gas to farmers for operation of irrigation pumping facilities in Luna and Lea Counties, New Mexico. The volumes of gas to be sold and delivered to Southern through each of the taps above named are as follows:

Ayers 8,000 Mcf per annum with peak day requirements of 72 Mcf.
Doran 16,600 Mcf per annum with peak day requirements of 150 Mcf.
Price 42,800 Mcf per annum with peak day requirements of 385 Mcf.

The estimated total cost of all the proposed facilities to be constructed by Applicant is $1100, which will be supplied from funds on hand.

The Applicant states that Lea Gas and Southern will construct and operate the facilities necessary for them to take delivery of gas from Applicant's facilities and for making distribution of the same to their respective customers.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 26, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 4, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the inter-

mediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5652; Filed, July 23, 1958; 8:46 a. m.]

[Docket Nos. G-13169 etc.]

SEABOARD OIL CO. ET AL.

ORDER FIXING DATE OF ORAL ARGUMENT

JULY 17, 1958.

In the matters of Seaboard Oil Company et al., Docket Nos. G-13169 et al.; and Transcontinental Gas Pipe Line Corporation et al., Docket Nos. G-13143 et al.

Numerous exceptions have been filed to the initial decision issued June 17, 1958, by the Presiding Examiner in the matters of Seaboard Oil Company et al., Docket Nos. G-13169 et al., and requests for oral argument thereon have been submitted in connection with the exceptions.

On July 9, 1958, an initial decision was issued by the Presiding Examiner in the matters of Transcontinental Gas Pipe Line Corporation et al, Docket Nos. G-13143 et al. The filing date for exceptions in relation to said decision is July 21, 1958.

It is recognized that the above-entitled proceedings are not consolidated but are inter-related. Due to the inter-relationship, it is desirable in the circumstances and consistent with the proper administration of the Natural Gas Act that oral argument be had upon the decisions referred to and the exceptions thereto, at an early date. Expeditious disposition of these matters is necessary in the public interest.

The Commission finds:

(1) It is appropriate in the public interest that oral argument be held on the Examiner's decisions above referred to and the exceptions thereto as hereinafter ordered.

(2) Orderly procedure requires that such oral arguments be held in close sequence as hereinafter ordered.

The Commission orders:

(1) Oral argument before the Commission in the matters of Seaboard Oil Company et al., Docket Nos. G-13169 et al., be held commencing August 1, 1958, at 10 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

(2) Upon completion of the oral argument set forth in paragraph (1) above, oral argument shall be held in the matters of Transcontinental Gas Pipe Line Corporation et al., Docket Nos. G-13143 et al.

(3) Parties permitted to participate in the oral argument shall be limited to those parties who have participated in the several proceedings and the oral argument of any party or participant shall be limited to the proceeding or proceedings in which such party shall have participated. The parties desiring oral argument shall advise the Secretary on or before July 25, 1958, and shall specify the amount of time requested for presentation of argument.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5650; Filed, July 23, 1958; 8:46 a. m.]

[Docket No. G-14802]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 18, 1958.

Take notice that on March 31, 1958, the Manufacturers Light and Heat Company (Applicant), filed in Docket No. G-14802 an application, as amended on June 6, 1958, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of certain natural gas facilities on Applicant's transmission pipeline system between York, Pennsylvania, and its Waynesburg Compressor Station in Greene County, Pennsylvania, in order to serve the increasing requirements of its eastern Pennsylvania markets during the winter of 1958-59 and thereafter, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities:

(1) Approximately 15.95 miles of 24-inch transmission pipeline looping its existing 12-inch Line No. 143 from the Waynesburg Compressor Station in Greene County, Pennsylvania, to a point near Masontown, Pennsylvania;

(2) Approximately 18 miles of 24-inch transmission pipeline from Abbottstown to York, Pennsylvania, paralleling a portion of Applicant's old "oil line system" now used for natural gas service, and

(3) A regulator station at East York in Adams County, Pennsylvania, where the proposed 18-mile line will connect with the old oil line system.

The proposed construction will be combined with contemplated future construction in 1959 and 1960 to form a new pipeline extending from Applicant's sources of supply in western Pennsylvania and northern West Virginia to a part of its eastern markets which are presently supplied through Applicant's "oil line system" and its Port Jervis line. Due to size, age and condition of the "oil line system", operation thereof is restricted to a maximum pressure limitation of 250 psia which limits the volume of gas that can be transported through it.

The estimated requirements of Applicant's eastern market are as follows:

	1958	1959	1960	1961	1962
Annual	49,736,456	52,303,300	55,395,100	57,168,700	59,179,500
Peak day	237,583	247,971	261,990	275,220	288,450

With the facilities proposed in this application, Applicant shows that it can eliminate prospective deficiencies on its "oil line system" through 1958-59, with normal industrial curtailment.

The estimated total capital cost of the proposed facilities is $3,047,000 which will be financed as part of Applicant's overall 1958 construction program through issuance and sale of securities and promissory notes to Applicant's parent, The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 19, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 8, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5651; Filed, July 23, 1958; 8:46 a. m.]

[Docket No. G-14844 etc.]

HARRY WINES ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 17, 1958.

In the matters of Harry Wines, Docket No. G-14844; Sinclair Oil & Gas Company,[1] Docket No. G-14902; Pan American Petroleum Corporation,[2] Docket No. G-14922; Humble Oil & Refining Company,[3] Docket No. G-14967; Phillips Petroleum Company,[4] Docket No. G-14974; Reuel W. Little,[5] Docket No. G-15041; Fairman Drilling Company et al.,[6] Docket No. G-15078; D. W. Pickett,[7] Docket No. G-15102.

See footnotes at end of document.

Take notice that each of the above designated parties, hereinafter referred to as Applicants, has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully presented in the respective applications which are on file with the Commission and open to public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.; Location of Field; and Purchaser

G-14844; Collins Settlement District, Lewis County, W. Va.; Equitable Gas Company.

G-14902; Farnsworth Field, Ochiltree County, Tex.; Northern Natural Gas Company.

G-14922; Lake St. John Field, Tensas Parish, La.; Tensas Gathering Corporation (for resale to Olin Gas Transmission Corporation).

G-14967; Florence Field Vermilion Parish, La.; United Fuel Gas Company.

G-14974; Hugoton Field, Seward County, Kans.; Panhandle Eastern Pipe Line Company.

G-15041; Keyes Field, Cimarron County, Okla.; Colorado Interstate Gas Company.

G-15078; Luthersburg-Deemer Field, Clearfield County, Pa.; New York State Natural Gas Corporation.

G-15102; Chicolete Creek, Lavaca County, Tex.; Texas Eastern Transmission Corporation (assignee of Wilcox Trend Gathering System, Inc.).

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 10, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 25, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Production is limited to formations down to top of the Mississippi Limestone Zone.

On June 3, 1958, Applicant filed a statement invoking the provisions of § 157.28 for temporary authorization.

[2] Pan American Petroleum Corporation, nonoperator, is filing for its 35 percent working interest in the Craft Brothers Lease and is the only signatory seller party to the gas sales contract dated February 17, 1958.

[3] The gas sales contract limits production to depths from surface of ground down to bases of the Trahan and Florence Sands in the north and south segments of the subject field, respectively.

[4] Gulf Interstate will transport the subject gas for the account of United Fuel commingled with its other gas supplies for redelivery into United Fuel's facilities at points in Kentucky. Gulf Interstate received authorization in Docket No. G-2058 to construct and operate the facilities necessary to enable it to take gas from the subject area.

[5] Phillips Petroleum Company, nonoperator, is filing for its 25 percent working interest in production from the Southwestern-Collins Unit and is the only signatory seller party to the gas sales contract dated February 1, 1958. Application states that deliveries of Applicant's gas are presently being made by Southwestern Exploration Company, Operator, pursuant to the latter's gas sales contract with Panhandle Eastern dated October 1, 1957, to which contract Phillips is not a signatory party. Phillips has negotiated the subject contract to dispose of its share of the production. Southwestern has applied for authorization to sell gas produced from the subject unit in pending Docket No. G-14147. Temporary authorization was issued to Southwestern pursuant to § 157.28 by airmail letter dated January 15, 1958.

[6] Reuel W. Little is filing for his 5.494 percent working interest in the Barrick Well No. 1.

[7] Fairman Drilling Company, a partnership consisting of Hermes H. Fairman, Harry H. Fairman, Ernest E. Fairman, Roy R. Fairman, Milo M. Fairman, Earl F. Fairman, Frank F. Fairman and Hubert S. Griffiths, is filing for itself and on behalf of the co-owner, William C. Hurtt. All above-named partners and W. C. Hurtt are signatory seller parties to the gas sales contract dated February 17, 1958.

[8] Production is limited to horizons down to and including depth of 3,236 feet below surface.

[9] Gas will be delivered into the facilities of Wilcox for redelivery to Texas Eastern at Provident City, Texas. Wilcox has received authorization in Docket No. G-10840 to construct and operate facilities to enable it to take gas from the subject area. Texas Eastern transports such gas in interstate commerce for resale.

[F. R. Doc. 58-5649; Filed, July 23, 1958; 8:46 a. m.]

[Docket No. G-15451]

REPUBLIC NATURAL GAS CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 18, 1958.

Republic Natural Gas Company et al. (Republic) on June 19, 1958, tendered for filing proposed changes in the presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 18, 1958.

Purchaser: Northern Natural Gas Company.

Rate schedule designation: Supplement No. 5 to Republic's FPC Gas Rate Schedule No. 8; Supplement No. 7 to Republic's FPC Gas Rate Schedule No. 9.

Effective date: July 20, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the two proposed redetermined rate increases, Republic submits copies of the arbitration award and avers that such is consistent with the covenants of the gas sales contract and that such provision is necessary to insure a just and reasonable price for the gas and a fair return for the seller.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 5 to Republic's FPC Gas Rate Schedule No. 8 and Supplement No. 7 to Republic's FPC Gas Rate Schedule No. 9 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 5 to Republic's FPC Gas Rate Schedule No. 8 and Supplement No. 7 to Republic's FPC Gas Rate Schedule No. 9.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until December 20, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5657; Filed, July 23, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 32255 (Sub-No. 1)]

MONTANA INTRASTATE FREIGHT RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 2, held at its

office in Washington, D. C., on the 11th day of July A. D. 1958.

It appearing that in Ex Parte No. 212, Increased Freight Rates, 1958, decided February 11, 1958, the Commission authorized carriers subject to the Interstate Commerce Act, parties thereto, to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorization have been made, subject to investigation of the lawfulness of such rates and charges and the remedial provisions of the Interstate Commerce Act;

It further appearing that on April 14, 1958, the Commission, by division 2, entered an order instituting an investigation under section 13 of the Interstate Commerce Act of the Montana intrastate freight rates and charges, docketed as No. 32255, as a result of a petition filed on August 19, 1957, prior to the Commission's decision in Ex Parte No. 212, by the Chicago, Burlington & Quincy Railroad Company and other common carriers by railroad operating to, from and between points in the State of Montana, alleging that the Board of Railroad Commissioners of the State of Montana has failed to authorize or permit petitioners to establish for interstate traffic on their railroads in Montana increases in freight rates and charges corresponding to those authorized by this Commission in Ex Parte No. 196, Increased Freight Rates, 1956, 298 I. C. C. 279, and Ex Parte No. 206, Increased Freight Rates and Charges, Eastern, Western and Southern Territories, 1956–1957, 299 I. C. C. 429, 299 I. C. C. 557, and 300 I. C. C. 633.

It further appearing that a petition was filed on June 2, 1958, with this Commission in which petitioners aver that in addition to the increases authorized in Ex Parte No. 196 and Ex Parte No. 206, supra, the rates and charges which petitioners are required by the Board of Railroad Commissioners of the State of Montana to maintain for the interstate transportation of property upon their railroads in Montana do not include increases authorized by this Commission in No. 212, supra, and made by petitioners on interstate traffic, and they request the Commission to institute an investigation under section 13 and combine the investigation in this matter with the investigation in Docket No. 32255 and that a hearing be held at the same time and place upon a joint record, reserving jurisdiction, however, in its order affecting Ex Parte No. 212 increases as applied to Montana intrastate rates and charges for the purpose of altering the same in accordance with any final order which may be entered by the Commission in Ex Parte No. 212, supra;

And it further appearing that there has been brought in issue by the said petition rates and charges made or imposed by authority of the State of Montana, and that the Board of Railroad Commissioners of the State of Montana on June 20, 1958, filed an answer to the petition:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted and docketed as No. 32255 (Sub-No. 1), and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other interested parties to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Montana, for the intrastate transportation of property, made or imposed by authority of the State of Montana, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in Ex Parte No. 212, supra, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce in violation of section 13 of the Interstate Commerce Act, and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum, rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Montana, which are subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents, and that the State of Montana be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State, and to the Board of Railroad Commissioners of the State of Montana at Helena, Mont.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing with Docket No. 32255 at such time and place as the Commission may hereafter designate.

By the Commission, division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F R Doc. 58-5658; Filed, July 23, 1958; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-7950]

SPRECKELS COMPANIES

NOTICE OF APPLICATION FOR EXEMPTION

JULY 17, 1958.

Notice is hereby given that Spreckels Companies, a California corporation ("applicant") has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 ("act") (17 CFR 240.15d-20) for an order exempting the issuer from the operation of section 15 (d) of the act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all of the outstanding securities of the issuer are held of record, as therein defined, that the number of such record holders does not exceed 99 persons and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The application states with respect to the request for exemption from the reporting requirements of section 15 (d) of the act, as follows:

(1) All of applicant's outstanding securities are held of record and consist only of 369,461 shares of capital stock, all of which are held of record by 13 persons and there are believed to be not more than 19 beneficial owners.

(2) Applicant's stock is closely held with three persons owning 90 percent, and is not actively traded.

(3) All of the applicant's stockholders are furnished annual reports containing financial statements certified by independent public accountants.

(4) Information contained in financial statements and schedules now filed by applicant will to a large extent continue to be filed by its parent, The American Sugar Refining Company.

(5) The filing by applicant of the reports required by section 15 (d) of the act and the rules and regulations thereunder is not necessary in the public interest or for the protection of investors.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after August 8, 1958, unless prior thereto a hearing is ordered by the Commission. Any interested persons, may, not later than August 6, 1958 at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 58-5653; Filed, July 23, 1958; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-VII-1 (Rev. 1), Amdt. 1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

Delegation of Authority No. 30-VII-1 (Revision 1), 23 F. R. 2988, is hereby amended by:

Deleting Part II in its entirety and substituting the following in lieu thereof:

II. The authority delegated herein may not be redelegated with the exception of I. B.

Dated: June 24, 1958.

GEORGE E. HALE, *Acting Regional Director, Chicago Regional Office.*

[F. R. Doc. 58-5654; Filed, July 23, 1958; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

NELLY JAHREISS-CODONI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Nelly Jahreiss-Codoni, Thoune, Switzerland; Claim No. 63868; $89.50 in the Treasury of the United States. Vesting Order No. 17003.

Executed at Washington, D. C., on July 17, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-5660; Filed, July 23, 1958; 8:48 a. m.]

SOCIETA ANONIMA PRODUZIONE ESERCIZI CINEMATOGRAFICI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended (50 U. S. C. App. 32 (f)), notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societa Anonima Produzione Esercizi Cinematografici, Rome, Italy; Claim No. 42624; $306.28 in the Treasury of the United States and all right, title, and interest of the Attorney General of the United States, acquired by Vesting Order No. 3943, in and to the Italian language motion picture entitled Voglio Vivere Con Letizia, together with negative and positive prints, if any, of this Italian language motion picture held by the said Attorney General.

Executed at Washington, D. C., on July 17, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-5661; Filed, July 23, 1958; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Adamsville Garment Co., Inc., Adamsville, Tenn.; effective 7-11-58 to 7-10-59 (men's and boys' sport shirts).

Allencraft Corporation, 217 South Church Street, Murfreesboro, Tenn.; effective 7-9-58 to 7-8-59 (men's and boys' sport shirts).

Blue Bell, Incorporated, Madison, Va.; effective 7-14-58 to 7-13-59 (kiddies' overalls, boxer long dungarees).

Colonial Shirt Corporation, Woodbury, Tenn.; effective 7-21-58 to 7-20-59 (dress and sport shirts).

Dillon Manufacturing Co., Dillon, S. C.; effective 7-9-58 to 7-8-59 (ladies' cotton house dresses).

E & W Manufacturing Co., of Yazoo City, Yazoo City, Miss.; effective 7-21-58 to 7-20-59; workers engaged in the production of pajamas (men's, boys' and women's pajamas).

Morris Freezer & Co., Inc., 1200 West Main Street, Wytheville, Va.; effective 7-19-58 to 7-18-59 (boys' woven shirts).

Hunter Sadler Co., Strauss Street, Tupelo, Miss.; effective 7-16-58 to 7-15-59 (jackets, sport shirts).

The Moyer Co., 18 North Walnut Street, Youngstown, Ohio; effective 7-14-58 to 7-13-59 (men's slacks).

Tic Tac Co., Inc., Dicey Creek Rd., RFD No. 2, Camden, S. C.; effective 7-18-58 to 7-17-59 (children's outerwear).

Toby Manufacturing Co., Inc., 620 Franklin Avenue, Essex, Baltimore, Md.; effective 7-28-58 to 7-27-59 (work pants).

Tropical Garment Manufacturing Co., 2506 Ivy Street, Tampa, Fla.; effective 7-14-58 to 7-13-59 (men's shorts, sport and work shirts).

Wythe Shirt Manufacturing Corp., West Spring Street, Wytheville, Va.; effective 7-19-58 to 7-18-59 (boys' shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Alpha Sportswear, 4143 East Speedway, Tucson, Ariz.; effective 7-9-58 to 7-8-59; five learners (two piece separates—skirts and blouses).

Hendel Manufacturing Co., 41 Huntington Street, New London, Conn.; effective 7-14-58 to 7-13-59; seven learners (walking shorts, gym shorts, jackets).

Samuel Meltzer, d/b/a The Liberty Co., East Front Street., Dyer, Tenn.; effective 7-15-58 to 7-14-59; 10 learners (men's and boys' pajamas, and robes).

Mitchell Garment Co., Inc., Farmville, Va.; effective 7-14-58 to 7-13-59; five learners (children's wash dresses).

The More Manufacturing Co., Marissa, Ill.; effective 7-10-58 to 7-9-59; 10 learners (ladies' apparel).

Myles Manufacturing Co., Pennsboro, W. Va.; effective 7-14-58 to 1-11-59; 10 learners (replacement certificate) (women's cotton blouses and pajamas).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Adamsville Garment Co., Inc., Adamsville, Tenn.; effective 7-11-58 to 1-10-59; 10 learners (men's and boys' sport shirts).

Blue Bell, Incorporated, Madison, Va.; effective 7-14-58 to 1-13-59; 25 learners (kiddies' overalls, boxer long dungarees).

Hickman Garment Corporation, Hickman, Ky.; effective 7-14-58 to 1-13-59; 15 learners (kiddie jackets).

Samuel Meltzer, d/b/a The Liberty Co., East Front Street, Dyer, Tenn.; effective 7-15-58 to 1-14-59; 15 learners (men's and boys' pajamas and robes).

Tic Tac Co., Inc., Dicey Creek Road, RFD No. 2, Camden, S. C.; effective 7-15-58 to 1-14-59; 20 learners (children's outerwear).

Williamson-Dickie Manufacturing Co., Bainbridge, Ga.; effective 7-7-58 to 1-6-59; 20 learners (men's and boys' cotton work pants).

Williamson-Dickie Manufacturing Co., Eagle Pass, Tex.; effective 7-7-58 to 1-6-59; 20 learners (denim dungarees and jackets).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Renze Cigar Co., 109 South Eighth Street, Connellsville, Pa.; effective 7-14-58 to 7-13-59; 3 learners for normal labor turnover purposes (hand made Italian cigars).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Adams-Millis Corp., Bodenhamer Street, Kernersville, N. C.; effective 7-14-58 to 7-13-59; five percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Mayo Knitting Mill, Inc., Tarboro, N. C.; effective 7-22-58 to 7-21-59; five percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Barberry Knitting Mills, Inc., 42 Franklin Street, Lakeport, N. H.; effective 7-11-58 to 7-10-59; five percent of the total number of factory production workers for normal labor turnover purposes (sweaters).

Lawrence Manufacturing Corp., 693 East Main Street, Ephrata, Pa.; effective 7-10-58 to 1-9-59; 10 learners for plant expansion purposes (gowns, pajamas, bedjackets, robes, etc.).

Wonderknit Corp., East Virginia Street, Galax, Va.; effective 7-7-58 to 1-6-59; 10 learners for plant expansion purposes (knit outerwear).

Independent Telephone Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.70 to 522.74, as amended).

Citizens Telephone Corp., Warren, Ind., effective 7-14-58 to 7-13-59.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Lauhala Sportswear Co., 1722 Kalakaua Avenue, Honolulu, Hawaii; effective 7-14-58 to 7-13-59; three learners for normal labor turnover purposes in the occupation of sewing machine operator, for a learning period of 480 hours, at the rates of at least 80 cents an hour for the first 320 hours and not less than 85 cents an hour for the remaining 160 hours (women's and children's dresses, men's shorts).

Rachman Manufacturing Co., 1135 Moss Street, Reading, Pa.; effective 7-14-58 to 1-13-59; five percent of the total number of factory production workers for normal labor turnover purposes, in the occupation of sewing machine operator, for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours, and not less than 95 cents an hour for the remaining 200 hours (navy uniforms).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 15th day of July 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-5646; Filed, July 24, 1958; 8:45 a. m.]

FEDERAL REGISTER
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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

§ 958.327 *Limitation of shipments, Area No. 3*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the area committee for Area No. 3, established pursuant to said marketing agreement and order, and upon the basis of other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, then would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) Except as otherwise provided in this section, during the period from July 28, 1958, through June 30, 1959, inclusive, no handler shall ship potatoes of any variety grown in Area No. 3 unless such potatoes grade at least U. S. No. 2 and, in addition,

(i) If such potatoes are of the long varieties, they are of a size not smaller than 2 inches in diameter or 4 ounces in weight; or

(ii) If such potatoes are of the round varieties (including, but not being limited to, Irish Cobbler, Katahdin, Kennebec, Bliss Triumph, and Pontiac), they are of a size not smaller than 2 inches in diameter, and are fairly well shaped, free from damage caused by second growth, growth cracks, sunburn, and cuts, free from surface scab which covers an area or more than 25 percent of the surface of the potato in the aggregate, and free from pitted scab which affects the appearance of the potato to a greater extent than the amount of the surface scab permitted: *Provided,* That an additional tolerance of five percent shall be allowed for potatoes which do not meet the specified requirements relating to shape, damage caused by second growth, growth cracks, sunburn, and cuts, and freedom from scab.

(2) During the period July 28 through November 1, 1958, no handler shall ship any lot of any variety of potatoes grown in Area No. 3, if the potatoes in such lot are more than "slightly skinned": *Provided,* That not to exceed a total of 100 hundredweight of such potatoes may be handled for any producer without regard to the aforesaid skinning requirements if the handler thereof reports to the area committee for Area No. 3, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(3) For the purpose of determining who shall be entitled to the exception set forth in the proviso in subparagraph (2) of this paragraph: (i) "Producer" means any individual, partnership, corporation, association, landlord-tenant relationship, community property ownership, or any other business unit engaged in the production of potatoes for market; and (ii) it is intended that such exception shall apply separately to each farm of

(Continued on next page)

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FEDERAL REGISTER

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a producer and only to the potatoes grown on such farm.

(4) Except as otherwise provided, the various terms, grades, and sizes referred to in this section shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title; 23 F. R. 3141) including the tolerances set forth therein; and all other terms used in this section shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 22, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5704; Filed, July 24, 1958; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR-425A]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

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PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; PROVISIONAL CERTIFICATION AND OPERATION OF MULTIENGINE TURBINE-POWERED TRANSPORT AIRPLANES FOR WHICH TYPE CERTIFICATES HAVE NOT BEEN ISSUED

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 22d day of July 1958.

Special Civil Air Regulation No. SR-425, adopted by the Board on June 2, 1958, authorizes air carriers holding Part 40, 41, or 42 air carrier operating certificates to conduct crew training, service testing, and simulated air carrier operations in provisionally certificated turbine-powered transport category airplanes. The Board's objective in adopting SR–425 was to provide a means whereby air carriers could conduct crew training and obtain as much experience as possible in ground handling, maintenance, and flight of these transports prior to their introduction into commercial service.

The Board did not specifically extend these operating privileges to the manufacturers under SR–425 as it assumed that training of the personnel of air carriers who were purchasing new transports would be conducted in experimentally certificated aircraft as had been the custom in the past. However, recent administrative and regulatory interpretations have cast doubt on the legality of such operations under existing authority.

To clarify the Board's intent on this point, section III of SR–425A has been worded so as to make it clear that the manufacturer may provide training to air carrier personnel in provisionally

...ated airplanes which are under the operational control of the air carrier or in such airplanes which are under the operational control of the manufacturer.

The other provisions of SR–425A are identical to SR–425 and require no further discussion at this time.

In view of the foregoing, SR–425A is being promulgated to continue the authority to permit the provisional certification and operation of multiengine turbine-powered airplanes and specifically permits manufacturers who hold a provisional type certificate for a multiengine turbine-powered airplane to conduct crew training, service testing, and related operations in airplanes so certificated.

Since this special regulation merely clarifies SR–425 and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and this regulation may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective July 22, 1958:

Contrary provisions of the Civil Air Regulations notwithstanding, a turbine-powered transport airplane for which the issuance of a transport category type certificate is pending shall be eligible for provisional certification and operation in accordance with the provisions of this special regulation.

SECTION I. *Provisional type certificate*—(a) *Applicant.* (1) Any U. S. manufacturer of a turbine-powered airplane may apply for the issuance of a provisional type certificate provided that he has applied to the Administrator for the issuance of a transport category type certificate for such airplane. The application for a provisional type certificate shall be made in a manner prescribed by the Administrator.

(2) The applicant shall be a manufacturer who has previously received a type certificate for at least one airplane in the transport category and has a currently effective production certificate for that type.

(b) *Requirements for issuance.* The Administrator shall issue a provisional type certificate for an airplane for which application is made in accordance with paragraph (a) of this section when the conditions of subparagraphs (1) through (8) of this paragraph are met.

(1) The applicant shall submit the report of flight tests required by § 4b.16 of Part 4b of the Civil Air Regulations and the Civil Aeronautics Administration's official flight test program with respect to the issuance of the type certificate shall be in progress.

(2) The applicant shall certify that, to the best of his knowledge, the airplane for which provisional type certification is sought has been designed and constructed in accordance with those airworthiness requirements applicable to the issuance of the type certificate for that airplane.

(3) An airplane conforming with the type for which a type certificate has been applied shall have been flown at least 100 hours by the applicant under the provisions of an experimental certificate issued in accordance with the provisions of Part I of the Civil Air Regulations.

(4) The applicant shall have flown the airplane in all maneuvers necessary to show compliance with those flight requirements applicable to the issuance of the type certificate.

(5) The applicant shall have prepared a provisional airplane flight manual containing all the limitations, information, and procedures as are required for the issuance of the type certificate for that airplane: *Provided,* That where all limitations, information, and procedures have not been established, the applicant shall establish appropriate restrictions on the operation of the airplane.

(6) The applicant shall state that the airplane is considered safe for operation for the purposes set forth herein when conducted in accordance with the provisional airplane flight manual prescribed in subparagraph (5) of this paragraph.

(7) The applicant shall establish special inspections and maintenance instructions which are considered necessary to insure continued airworthiness of the airplane.

(8) The Administrator shall find, on the basis of the provisions contained in this special regulation, that the airplane has no feature, characteristic, or condition which renders it unsafe when operated in accordance with the provisional airplane flight manual prescribed in subparagraph (5) of this paragraph and maintained in accordance with the inspections and maintenance instructions prescribed in subparagraph (7) of this paragraph.

(c) *Transferability.* A provisional type certificate issued under this special regulation shall not be transferable.

(d) *Duration.* A provisional type certificate shall remain in effect for 6 months or until the airplane is issued a transport category type certificate, whichever occurs first, unless sooner superseded, revoked, or otherwise terminated by the Administrator or the Board: *Provided,* That a provisional type certificate which would terminate prior to 6 months after issuance due to the issuance of a transport category type certificate may remain in effect for an additional 60 days.

SEC. II. *Provisional airworthiness certificate*—(a) *Applicant.* The holder of a provisional type certificate or a certificated U. S. air carrier authorized to conduct operations by section III of this regulation may apply for the issuance of a provisional airworthiness certificate for an airplane for which a provisional type certificate has been issued in accordance with the provisions of section I of this special regulation. The application for a provisional airworthiness certificate shall be made in a manner prescribed by the Administrator.

(b) *Requirements for issuance.* (1) An applicant for a provisional airworthiness certificate for an airplane for which a provisional type certificate has been issued shall be issued such provisional airworthiness certificate upon presentation of a statement of conformity by the manufacturer that such airplane conforms to the provisional type certificate.

(2) The airplane shall have been manufactured under a quality control system established in anticipation of, and intended to be used as a basis for, the production certificate to be issued to cover that airplane.

(3) The airplane shall have been flown at least 5 hours by the manufacturer and found by him to be in safe operating condition.

(4) The airplane shall be furnished with a provisional airplane flight manual as required by subparagraph (b) (5) of section I of this special regulation.

(5) The Administrator shall find, on the basis of the provisions contained in this special regulation, that the airplane has no feature, characteristic, or condition which renders it unsafe when operated in accordance with the provisional airplane flight manual prescribed in subparagraph (b) (5) of section I of this special regulation and maintained in accordance with the inspections and maintenance instruction prescribed in subparagraph (b) (7) of section I of this special regulation.

(6) The words "provisional airworthiness" shall be displayed on the exterior of the airplane near each entrance to the cabin or cockpit of the airplane with letters not less than 2 inches in height.

(c) *Transferability.* A provisional airworthiness certificate issued under this special regulation shall be transferable only to an air carrier authorized to conduct operations by section III of this regulation.

(d) *Duration.* A provisional airworthiness certificate shall remain in effect for 6 months, or until the airplane is issued a transport category type certificate, whichever occurs first, unless sooner superseded, revoked, or otherwise terminated by the Administrator or the Board: *Provided,* That provisional airworthiness certificates which would terminate prior to 6 months after issuance due to the issuance of a transport category type certificate may remain in effect for an additional 60 days.

SEC. III. *Operation rules.* A manufacturer holding a provisional type certificate, or an air carrier holding an air carrier operating certificate issued by the Administrator in accordance with Part 40, 41, or 42 of the Civil Air Regulations, may operate turbine-powered transport category airplanes certificated in accordance with sections I and II of this special regulation in accordance with the following operating rules:

(a) *General.* (1) An air carrier or manufacturer may conduct flights for the purpose of crew training, service testing, and simulated air carrier operations not in air transportation, or as otherwise specifically authorized by the Board.

(2) Operations which are conducted for the purposes delineated in the definition of "flight test" in § 60.60 of Part 60 of the Civil Air Regulations shall be conducted in accordance with § 60.24.

(3) The airplane shall be operated in accordance with the limitations, information, and procedures prescribed in the provisional airplane flight manual prepared in accordance with subparagraph (b) (5) of section I of this special regulation.

(4) An air carrier or manufacturer shall establish procedures for the use and guidance of flight and ground operations personnel in the conduct of its operations. Specific procedures shall be established for operations from airports where the runways may require a take-off or approach over populated areas. These procedures shall be approved by the Administrator.

(5) In addition to crew members, only those persons listed in § 40.356 (c) of Part 40 shall be carried in operations conducted under this special regulation.

(6) Each air carrier or manufacturer shall insure that each flight crew member possesses adequate knowledge of, and familiarity with, the airplane and the procedures to be used by him.

(7) Airplanes operated under this special regulation shall be maintained in accordance with applicable Civil Air Regulations, including any special inspections and maintenance instructions prescribed by the manufacturer or the Administrator.

(8) No airplane issued a provisional airworthiness certificate under this special regulation shall be operated if the manufacturer or the Administrator determines that a change in design, construction, or operation is necessary to insure safe operation until such change is made. (See also § 1.24 of Part 1 of the Civil Air Regulations.)

(9) The provisional airworthiness certificate shall be prominently displayed in the airplane at all times.

(10) Operations under this special regulation shall be restricted to the United States, its territories, and possessions, unless otherwise authorized by the Board.

(b) *Additional air carrier rules.* (1) Each air carrier shall maintain current records for each flight crew member. These records shall contain such information as is necessary to show that the crew member is properly trained and qualified to perform his assigned duties.

(2) The appropriate instructor, supervisor, or check airman shall certify as to the proficiency of each flight crew member and such certification shall become a part of the flight crew member's record.

(3) A log of flights conducted under this special regulation, and accurate and complete records of the inspections made, shall be kept by each air carrier and made available to the manufacturer and the Administrator.

This special regulation supersedes Special Civil Air Regulation No. SR–425 and shall terminate on June 20, 1961, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 605, 608, 609, 52 Stat. 1007, 1009, 1010, 1011, as amended; 49 U. S. C. 551, 553, 555, 558, 559)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58–5705; Filed, July 24, 1958; 8:49 a. m.]

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Apalachicola, Florida, Restricted Area (R-183A) (Mobile).	Beginning at latitude 29°39'30", longitude 85°25'25"; to latitude 29°40'00", longitude 85°21'36"; to latitude 29°43'45", longitude 84°39'00"; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.	Surface to 40,000 feet MSL.	Continuous...	Tyndall AFB, Florida. Attention: Wing Operations Officer.

This amendment shall become effective on August 28, 1958.

2. In § 608.18, the Lake George, Florida, area (R–176) amended on May 4, 1956, in 21 F. R. 2977, is further amended by changing the "Description by Geographical Coordinates" column by adding "Excluding that portion which is within 5 miles of the centerline of VOR Civil Airway 267".

This amendment shall become effective on August 28, 1958.

3. In § 608.58, the Camp Guernsey, Wyoming, temporary restricted area amended on May 22, 1958 in 23 F. R. 3516, is further amended by changing the "Description by Geographical Coordinates" as follows: "Beginning at latitude 42°-30'00", longitude 104°54'30"; thence to latitude 42°30'00", longitude 104°40'-00"; thence to latitude 42°17'00", longitude 104°40'00"; thence to latitude 42°-15'00", longitude 104°48'00"; thence to latitude 42°22'00", longitude 104°53'30".

This amendment shall become effective August 10 through August 24, 1958.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 18, 1958.

[F. R. Doc. 58–5688; Filed, July 24, 1958; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21–163]

PART 50—CUT AND WIRE TACK INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of July 25, 1958.

Statement by the Commission. Trade practice rules for the Cut and Wire Tack Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. Such rules constitute a revision of, and will supersede, the trade practice rules for the Cut and Wire Tack, Small Cut Nail, and Staple Industry as promulgated by the Commission on August 31, 1931, and which appeared in the Code of Federal Regulations (16 CFR Part 50) under the title "Cut Tack, Cut Nail, and Staple Industry."

The industry for which these rules are established is composed of persons, firms, corporations, and organizations engaged in the manufacture, importation, [illegible] offering for sale, or distribution of cut tacks and wire tacks. (Thumb tacks are not included.)

The rules are directed to the prevention and elimination of various unfair trade practices deemed to be violative of laws administered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings leading to the establishment of these rules were instituted upon application of the American Institute of Tack Manufacturers. During the course thereof proposed rules for the industry were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments respecting the rules as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in Washington, D. C., on June 2, 1958, and all matters there presented, or otherwise received in the proceeding, were duly considered by the Commission.

Following such hearing, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

Such rules become operative thirty (30) days from the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys or prevents competition, that the rules are to be applied.

Sec.
50.0 The industry and its products.
50.1 Misrepresentation (general).
50.2 Misrepresentation as to character of business.
50.3 Misrepresenting products as conforming to standard.
50.4 Deception as to origin.
50.5 Guarantees, warranties, etc.
50.6 Substitution of products.
50.7 Deceptive use or imitation or simulation of trade or corporate names, trade-marks, etc.
50.8 Deceptive invoicing, etc.
50.9 Defamation of competitors or false disparagement of their products.
50.10 Inducing breach of contract.
50.11 Enticing away employees of competitors.
50.12 Commercial bribery.
50.13 Procurement of competitors' confidential information.
50.14 Coercing purchase of one product as a prerequisite to the purchase of other products.
50.15 Exclusive deals.
50.16 Consignment distribution.

50.17 Prohibited sales below cost.
50.18 Prohibited forms of trade restraints (unlawful price fixing, etc.)
50.19 Prohibited discrimination.
50.20 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 50.0 to 50.20 issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 50.0 *The industry and its products.* (a) Products of the industry as covered by the rules herein consist of cut tacks and wire tacks. (Thumb tacks are not included.)

(b) Members of the industry are persons, firms, corporations, and organizations engaged in the manufacture, importation, sale, offering for sale, or distribution of such products.

§ 50.1 *Misrepresentation (general).* It is an unfair trade practice for any member of the industry to make or publish, or cause to be made or published, by way of advertising, labeling, or otherwise, any statement or representation which, directly or by implication, has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the manufacture or distribution of any industry product, or as to the grade, quality, quantity, weight, count per pound, composition, condition, use, size, material, finish, holding power, strength, origin, design, durability, performance, or immunity from or resistance to rust, of any such product, or which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers in any other material respect. [Rule 1]

§ 50.2 *Misrepresentation as to character of business.* It is an unfair trade practice for any member of the industry, in the course of or in connection with the offering for sale, sale, or distribution of industry products, to misrepresent the character, extent, volume, or type of his business. [Rule 2]

§ 50.3 *Misrepresenting products as conforming to standard.* In connection with the sale or offering for sale of industry products, it is an unfair trade practice to represent, through advertising or otherwise, that such products conform to any standards recognized in or applicable to the industry when such is not the fact. [Rule 3]

§ 50.4 *Deception as to origin.* (a) It is an unfair trade practice to sell or offer for sale industry products under any representation which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the place of manufacture thereof.

(b) It is an unfair trade practice to sell or offer for sale industry products of foreign manufacture without adequate and nondeceptive disclosure of the fact that such products were manufactured in an identified foreign country, when the failure to make such disclosure has the capacity and tendency or effect of deceiving purchasers or prospective purchasers of such products. Such disclosure of foreign origin, as when required under this section, shall be in the form of a legible marking, stamping, or labeling on the outside of the containers in which the products are sold or offered for sale, and shall be of such size, conspicuousness, and degree of permanency, as to be and remain noticeable and readable upon casual inspection during the marketing of the products and until consummation of their sale for use. [Rule 4]

§ 50.5 *Guarantees, warranties, etc.* (a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member:

(1) To represent that any industry product is guaranteed unless, in close conjunction with such representation, the identity of the guarantor, the extent and nature of the guarantee, and any material conditions or limitations relating to the liability of the guarantor under the guarantee, are adequately and nondeceptively disclosed; or

(2) To offer or use any guarantee respecting an industry product under which the guarantor fails to observe his obligations; or

(3) To offer or use any guarantee which is otherwise deceptive or unfair.

(b) This section shall be applicable not only to guarantees but also to warranties, to purported guarantees and warranties, and to any promise or representation in the nature of a guarantee or warranty. [Rule 5]

§ 50.6 *Substitution of products.* It is an unfair trade practice for a member of the industry to make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving purchasers, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications (in bids or otherwise) upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 6]

§ 50.7 *Deceptive use or imitation or simulation of trade or corporate names, trade-marks, etc.* It is an unfair trade practice for any member of the industry:

(a) To imitate or simulate the trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers; or

(b) To use any trade name, corporate name, trade-mark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the name, nature, or origin of any product of the industry, or of any material used therein, or which is false, deceptive, or misleading in any other material respect. [Rule 7]

§ 50.8 *Deceptive invoicing, etc.* It is an unfair trade practice for any member of the industry to issue invoices, billings, or sales slips which by reason of misstatements therein or omisions therefrom have the capacity and tendency or effect of deceiving purchasers or prospective purchasers in any material respect. [Rule 8]

§ 50.9 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the products of competitors in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 9]

§ 50.10 *Inducing breach of contract.* (a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for an industry member to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 10]

§ 50.11 *Enticing away employees of competitors.* It is an unfair trade practice wilfully to entice away employees or sales representatives of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided*, That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition. [Rule 11]

§ 50.12 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees or representatives of customers or prospective customers, or to agents, employees or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 12]

§ 50.13 *Procurement of competitors' confidential information.* It is an unfair trade practice for any member of the

industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 13]

§ 50.14 *Coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 14]

§ 50.15 *Exclusive deals.* It is an unfair trade practice for any member of the industry to contract to sell or sell any industry product, or to fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 15]

§ 50.16 *Consignment distribution.* (a) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment without the express request or prior consent of the purchasers.

(b) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to purchasers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or unreasonably to restrain trade.

(c) Nothing in this section shall be construed to authorize any understanding or agreement, combination or conspiracy, or planned common course of action, by and between industry members, mutually to conform or restrict their practice of shipping goods on consignment with the intent or effect of lessening competition. [Rule 16]

§ 50.17 *Prohibited sales below cost.* (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) Made under judicial process; or (2) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 17]

§ 50.18 *Prohibited forms of trade restraints (unlawful price fixing, etc.)*[1] It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule

§ 50.19 *Prohibited discrimination.*[2] (a) Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination: It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under paragraph (a) of this section depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: See subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note following paragraph (f) of this section.

(b) The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use, and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see subparagraph (2) of paragraph (a) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see subparagraph (4) of paragraph (a) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see subparagraph (5) of paragraph (a) of this section).

Example No. 1. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant such discount to other customers under like conditions.

Example No. 2. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

Example No. 3. An industry member invoices goods to all his customers at the same price but supplies additional quantities of such goods at no extra charge to one or more, but not to all, such customers; or supplies other goods or premiums to one or more, but not to all, such customers for which he makes no extra charge and which effects an actual price difference in favor of certain of his customers.

Example No. 4. Terms of 2/10th prox. are granted by an industry member to some customers on goods purchased by them from the industry member. Another customer or customers are, nevertheless, allowed to take a 5 percent instead of a 2 percent discount when making payment to the industry member within the time prescribed.

NOTE: As previously indicated, the foregoing are examples of practices to be considered violative of the prohibitions of paragraph (a) of this section when involving goods of like grade and quality and when not subject to the other exemptions, exclusions, or defenses set forth in this paragraph.

(c) Prohibited brokerage and commissions: It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) Prohibited advertising or promotional allowances, etc: It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

NOTE 1: Industry members giving advertising allowances to competing customers must exercise precaution and diligence in seeing that all of such allowances are used in accordance with the terms of their offers.

NOTE 2: When an industry member gives allowances to competing customers for advertising in a newspaper or periodical, the fact that a lower advertising rate for equivalent space is available to one or more, but not all, such customers, is not to be regarded by the industry member as warranting the retention by such customer or customers of any portion of the allowance for his or their personal use or benefit.

(e) Prohibited discriminatory services or facilities: It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: See subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note following paragraph (f) of this section.

(f) Inducing or receiving an illegal discrimination in price: It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

NOTE: Paragraph (f) of this section is a restatement of section 2 (f) of the Clayton Act as amended. In a complaint proceeding under this section in order to make out a prima facie violation, the Commission must show that the favored buyer induced or received the lower price knowing, or knowing facts from which he should have known, that such price was violative of section 2 (a) of said act and not justified under subparagraph (2), (4), or (5) of paragraph (a) of this section. When, in any such proceedings, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways, including:

(1) By showing that the buyer paying the lower price knew that the methods by, and quantities in, which the goods were sold and delivered to him by the seller were the same as in the case of the competing buyer or buyers paying the higher price or prices; or

(2) By showing, when there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower price or prices knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential.

NOTE: Section 50.19 is based on the provisions of section 2 of the Clayton Act as amended by the Robinson-Patman Act.

Subsection (b) of section 2 of the Clayton Act as amended, which reads as follows, is in amplification of the note to subparagraph (5) of paragraph (a) of this section and of the note to paragraph (e) of this section:

"Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services of facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

[Rule 19]

§ 50.20 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or

[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trademark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[2] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or, the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

promote the use of any unfair trade practice specified in this part. [Rule 20]

Issued: July 22, 1958.

Promulgated by the Federal Trade Commission, July 25, 1958.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-5692; Filed, July 24, 1958; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1684]

[17003767]

WASHINGTON

MODIFYING EXECUTIVE ORDER NO. 7803 OF FEBRUARY 2, 1938

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 7803 of February 2, 1938, reserving the following-described public lands in Washington for use of the Forest Service, Department of Agriculture, as a fire lookout station, in connection with the administration of the Chelan National Forest, is hereby modified to the extent necessary to permit disposal of the lands, under applicable public-land laws, by a State exchange or State selection:

WILLAMETTE MERIDIAN

T. 27 N., R. 22 E.
Sec. 26, E½NW¼SE¼ and W½NE¼SE¼.

The areas described aggregate 40 acres.

ROGER ERNST, *Assistant Secretary of the Interior.*

JULY 21, 1958.

[F. R. Doc. 58-5689; Filed, July 24, 1958; 8:45 a. m.]

[Public Land Order 1685]

WASHINGTON

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES AND RECREATION AREAS

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests indicated, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites and recreation areas, as indicated:

[Washington 02220]

WILLAMETTE MERIDIAN

COLVILLE NATIONAL FOREST

Graves Mountain Lookout

T. 36 N., R. 35 E.,
Sec. 12, (unsurveyed), Beginning at a point from which the fire lookout tower on Graves Mountain bears West, 5:00 chains, thence
South, 5 chains;
West, 10 chains;
North, 10 chains;
East, 10 chains;
South, 5 chains, to point of beginning.

Sullivan Lake Recreation Area

T. 38 N., R. 44 E. W. M.,
Sec. 6, lots 2, 4, 7, and 8;
Sec. 7, lots 2, 3, 6, and 7;
Sec. 18, lots 2, 3, 4, 5, 6, 7, 9, and S½SE¼.
T. 39 N., R. 44 E. W. M.,
Sec. 31, lots 3, 6, and 9;
Sec. 32, lots 1, and 2.

Sullivan Creek Recreation Area

A strip of land 3 chains in width along the course of Sullivan Creek being one chain on the South side and 2 chains on the North side of said Creek and extending approximately 11 miles from the West line of sec. 32 T. 39 N., R. 44 E. to the north line of sec. 10 T. 39 N., R. 45 E. through the following subdivisions:

T. 39 N., R. 44 E. W. M.,
Sec. 25, NE¼SW¼, S½SW¼, and N½SE¼;
Sec. 26, SE¼SE¼;
Sec. 32, S½NE¼, N½NW¼, SE¼NW¼, and N½SE¼;
Sec. 33, NW¼SW¼, S½SW¼, N½SE¼, and SW¼SE¼;
Sec. 34, SE¼NE¼, N½SW¼, SW¼SW¼, and N½SE¼;
Sec. 35, N½NE¼, N½NW¼, and SW¼NW¼;
Sec. 36, NW¼NW¼.
T. 39 N., R. 45 E. W. M.,
Sec. 9, SE¼SE¼;
Sec. 10, W½NE¼, SE¼NW¼, N½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 15, NW¼NW¼;
Sec. 16, N½NE¼, SW¼NE¼, N½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 17, SE¼SW¼, and S½SE¼;
Sec. 19, lot 8, NE¼NE¼, S½NE¼, E½SW¼, and NW¼SE¼;
Sec. 20, N½NW¼;
Sec. 30, lots 1, 2, 3, 4, and 6.

The areas described aggregate 869.45 acres.

[Washington 02315]

SNOQUALMIE NATIONAL FOREST

Goose Prairie Administrative Site

T. 16 N., R. 12 E., (unsurveyed),
Sec. 11, E½SE¼;
Sec. 12, NW¼ and W½SW¼;
Sec. 14, NE¼NE¼.

The areas described aggregate 360 acres.

The total area described in this order is 1,229.45 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST, *Assistant Secretary of the Interior.*

JULY 21, 1958.

[F. R. Doc. 58-5690; Filed, July 24, 1958; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[1958 Dept. Circular 1012]

1⅝ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES C–1959

OFFERING OF CERTIFICATES

JULY 21, 1958.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for certificates of indebtedness of the United States, designated 1⅝ percent Treasury Certificates of Indebtedness of Series C–1959, in exchange for which any of the following listed securities, singly or in combinations aggregating $1,000 or multiples thereof, may be tendered:

4 percent Treasury Certificates of Indebtedness of Series C–1958, maturing August 1, 1958
2¼ percent Treasury Bonds of 1956–59, called for redemption on September 15, 1958
2⅜ percent Treasury Bonds of 1957–59, called for redemption on September 15, 1958

Exchanges will be made par for par in the case of the maturing certificates and in the case of the called bonds, at par with interest allowed to September 15 on the bonds and interest charged from August 1 to September 15 on the new certificates. The amount of the offering will be limited to the amount of the eligible securities of the three issues enumerated above tendered in exchange and accepted. The books will be open only on July 21 through July 23 for the receipt of subscriptions for this issue.

II. *Description of certificates.* 1. The certificates will be dated August 1, 1958, and will bear interest from that date at the rate of 1⅝ percent per annum, payable semiannually on February 1 and August 1, 1959. They will mature August 1, 1959. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $1,000,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before August 1, 1958, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series C–1958, maturing August 1, 1958, Treasury Bonds of 1956–59, called for redemption on September 15, 1958, or Treasury Bonds of 1957–59, called for redemption on September 15, 1958, which will be accepted at par, and should accompany the subscription. Coupons dated August 1, 1958 should be detached from the maturing certificates and cashed when due. Coupons dated September 15, 1958 should be detached from both series of bonds and cashed when due. All subsequent coupons should be attached to coupon bonds when surrendered. Payment of accrued interest on the new certificates from August 1 to September 15, 1958 ($1.98709 per $1,000) should be made by all subscribers tendering coupon bonds in exchange when the subscription is tendered. In the case of registered bonds, the accrued interest will be deducted from the amount of the check which will be issued in payment of final interest on the bonds surrendered.

V. *Assignment of registered bonds.* 1. Treasury bonds of the two eligible issues in registered form tendered in payment for certificates offered hereunder should be assigned by the registered payees or assignees thereof to "The Secretary of the Treasury for exchange for 1⅝ percent Treasury Certificates of Indebtedness of Series C–1959 to be delivered to ----------", in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington. The bonds must be delivered at the expense and risk of the holders.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON, *Secretary of the Treasury.*

[F. R. Doc. 58-5703; Filed, July 24, 1958; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[No. 59-2]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 15, 1958.

In exchanges of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended, the following described lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN, OREGON

Minerals in the following lands were reconveyed to the United States:

LAKEVIEW 016243

T. 41 S., R. 14 E., W. M.,
Sec. 11: SW¼SE¼. 40.00 acres

LAKEVIEW 016310

T. 39 S., R. 11 E., W. M.,
Sec. 2: Lot 4. 40.29 acres

LAKEVIEW 016352

T. 28 S., R. 13 E., W. M.,
Sec. 20: SW¼SE¼;
T. 27 S., R. 16 E., W. M.,
Sec. 32: S½SE¼;
T. 28 S., R. 16 E., W. M.,
Sec. 5: Lot 1;
Sec. 15: W½SW¼;
Sec. 21: E½NE¼;
Sec. 22: NW¼. 456.49 acres

THE DALLES 031186

T. 22 S., R. 35 E., W. M.,
Sec. 4: W½SE¼, N½SW¼. 160.00 acres

THE DALLES 031372

T. 19 S., R. 37 E., W. M.,
Sec. 3: Lots 1, 2, SE¼NE¼;
Sec. 26: SW¼NE¼.
T. 19 S., R. 38 E., W. M.,
Sec. 9: E½NE¼SE¼. 183.13 acres

THE DALLES 031764

T. 39 S., R. 36 E., W. M.,
Sec. 19: N½NE¼, NE¼NW¼.
T. 40 S., R. 36 E., W. M.,
Sec. 31: SE¼SW¼, SW¼SE¼.
T. 41 S., R. 36 E., W. M.,
Sec. 19: Lots 2, 4, 5, SE¼NW¼. 451.28 acres

THE DALLES 031802

T. 21 S., R. 36 E., W. M.,
Sec. 17: NW¼NW¼. 40.00 acres

THE DALLES 031935

T. 16 S., R. 13 E., W. M.,
Sec. 36: W½SW¼, NE¼SW¼. 120.00 acres

THE DALLES 031938

T. 15 S., R. 13 E., W. M.,
Sec. 36: SE¼NE¼, NE¼SE¼.
T. 17 S., R. 13 E., W. M.,
Sec. 36: SE¼NE¼, SE¼. 280.00 acres

THE DALLES 031946

T. 15 S., R. 13 E., W. M.,
Sec. 36: SW¼SE¼. 40.00 acres

THE DALLES 031949

T. 15 S., R. 13 E., W. M.,
Sec. 36: SE¼SE¼.
T. 17 S., R. 13 E., W. M.,
Sec. 36: SW¼NW¼.
T. 17 S., R. 14 E., W. M.,
Sec. 36: NE¼SW¼. 120.00 acres

THE DALLES 031964

T. 9 S., R. 41 E., W. M.,
Sec. 3: S½S½;
Sec. 10: N½;
Sec. 11: S½NW¼, Lots 1, 3. 617.70 acres

Save and except the tract of land in SE¼NE¼ Sec. 10, conveyed by E. A. King to the State of Oregon, August 31, 1928, and recorded in Book III, at Page 9, of the Deed Records of Baker County, Oregon, described as follows: Beginning at a point on the North right of way line 30 feet left of Engineer's Station 453/41 of the Baker-Cornucopia Highway, said point being 230 feet west of the east one-quarter corner of Section 10, T. 9 S., R. 41 E., W. M.; thence North 82°17' west along the said right of way line a distance of 400 feet; thence north a distance of 800 feet, thence south 82°17' east a distance of 400 feet; thence south a distance of 800 feet to the point of beginning, containing 7.28 acres.

THE DALLES 031989

T. 30 S., R. 31 E., W. M.,
Sec. 16: All. 640.00 acres

THE DALLES 032096

T. 31 S., R. 43 E., W. M.,
Sec. 1: Lots 1, 2, 3, 4, S½N½, N½SE¼, SW¼SE¼. 440.36 acres

THE DALLES 032103

T. 28 S., R. 29½ E., W. M.,
Sec. 24: SE¼NE¼, NE¼SE¼.
T. 28 S., R. 29¾ E., W. M.,
Sec. 22: Lots 2, 3, 4;
Sec. 23: S½NW¼, SW¼, SW¼SE¼;
Sec. 26: N½NW¼, NW¼NE¼;
Sec. 27; Lot 1. 597.60 acres

THE DALLES 032153

T. 18 S., R. 17 E., W. M.,
Sec. 36: All. 640.00 acres

THE DALLES 032216

T. 40 S., R. 35 E., W. M.,
Sec. 27: NE¼. 160.00 acres

THE DALLES 032243

T. 16 S., R. 17 E., W. M.,
Sec. 16: NE¼, S½NW¼.
T. 17 S., R. 16 E., W. M.,
Sec. 16: All;
Sec. 21: N½. 1,200.00 acres

THE DALLES 032329

T. 22 S., R. 31 E., W. M.,
Sec. 14: NE¼, W½SE¼, SW¼;
Sec. 15: SE¼SE¼;
Sec. 22: NE¼;
Sec. 23: NW¼NW¼.
640.00 acres

OREGON 0453

T. 23 S., R. 18 E., W. M.,
Sec. 14: E½SW¼, SE¼;
Sec. 16: All;
Sec. 23: E½NW¼;
Sec. 36: All.
T. 24 S., R. 17 E., W. M.,
Sec. 35: SE¼SE¼.
1,640.00 acres

OREGON 0552

T. 32 S., R. 32 E., W. M.,
Sec. 29: E½E½.
160.00 acres

OREGON 0740

T. 17 S., R. 42 E., W. M.,
Sec. 16: S½;
Sec. 24: N½NE¼;
Sec. 31: SE¼, SW¼NE¼;
Sec. 32: S½SW¼.
T. 17 S., R. 43 E., W. M.,
Sec. 17: NW¼SW¼;
Sec. 18: S½SE¼, NE¼SE¼;
Sec. 19: Lot 1, NW¼NE¼, NE¼NW¼.
959.67 acres

OREGON 01346

T. 23 S., R. 30 E., W. M.,
Sec. 31: All.
648.00 acres

OREGON 01357

T. 17 S., R. 14 E., W. M.,
Sec. 32: SW¼SE¼.
40.00 acres

OREGON 01367

T. 31 S., R. 32 ¾ E., W. M.,
Sec. 32: SE¼SW¼;
Sec. 36: All.
T. 32 S., R. 32 ¾ E., W. M.,
Sec. 5: Lot 3, SE¼NW¼.
759.87 acres

OREGON 01377

T. 32 S., R. 46 E., W. M.,
Sec. 16: S½SE¼, SE¼SW¼.
120.00 acres

OREGON 01474

T. 28 S., R. 33 E., W. M.,
Sec. 3: S½SW¼;
Sec. 4: S½SE¼, SE¼SW¼;
Sec. 9: E½NW¼, NE¼, E½SE¼;
Sec. 10: W½;
Sec. 15: NW¼.
1,000.00 acres

OREGON 01499

T. 17 S., R. 23 E., W. M.,
Sec. 10: S½NE¼.
T. 17 S., R. 24 E., W. M.,
Sec. 4: Lot 4, SW¼NW¼, W½SW¼;
Sec. 34: W½SW¼, SE¼SW¼.
360.83 acres

OREGON 01556

T. 17 S., R. 25 E., W. M.,
Sec. 10: NW¼SE¼.
T. 21 S., R. 23 E., W. M.,
Sec. 16: All;
Sec. 27: SW¼;
Sec. 28: N½S½, S½N½.
1,160.00 acres

OREGON 01600

T. 29 S., R. 12 W., W. M.,
Sec. 26: SW¼SW¼;
Sec. 35: NE¼NW¼.
80.00 acres

OREGON 01606

T. 16 S., R. 15 E., W. M.,
Sec. 3: S½NE¼, N½SE¼, SE¼SE¼.
200.00 acres

OREGON 01626

T. 17 S., R. 14 E., W. M.,
Sec. 36: W½SW¼.
T. 18 S., R. 14 E., W. M.,
Sec. 4: SW¼NE¼, NW¼SE¼, SE¼SE¼.
200.00 acres

OREGON 01649

T. 18 S., R. 13 E., W. M.,
Sec. 27: W½NE¼, N½SE¼.
160.00 acres

OREGON 01657

T. 23 S., R. 30 E., W. M.,
Sec. 19: All;
Sec. 21: All.
T. 29 S., R. 30 E., W. M.,
Sec. 36: All.
1,924.32 acres

OREGON 01683

T. 18 S., R. 14 E., W. M.,
Sec. 36: NW¼NE¼, E½NW¼.
120.00 acres

OREGON 01684

T. 17 S., R. 14 E., W. M.,
Sec. 36: NW¼.
160.00 acres

OREGON 01748

T. 7 S., R. 41 E., W. M.,
Sec. 17: N½S½.
160.00 acres

OREGON 01759

T. 17 S., R. 14 E., W. M.,
Sec. 3: Lot 1.
39.59 acres

OREGON 01804

T. 17 S., R. 14 E., W. M.,
Sec. 36: E½SE¼.
T. 18 S., R. 14 E., W. M.,
Sec. 36: SW¼NW¼.
120.00 acres

OREGON 01807

T. 24 S., R. 16 E., W. M.,
Sec. 4: Lot 4, SW¼NW¼;
Sec. 5: Lot 1, SE¼NE¼.
157.56 acres

OREGON 01915

T. 18 S., R. 38 E., W. M.,
Sec. 8: W½W½;
Sec. 10: NE¼SW¼, S½SW¼;
Sec. 17: W½NW¼, SE¼NW¼, NE¼SW¼.
T. 24 S., R. 40 E., W. M.,
Sec. 23: S½NE¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 24: S½SW¼.
760.00 acres

OREGON 01954

T. 10 S., R. 44 E., W. M.,
Sec. 17: SE¼SE¼.
T. 11 S., R. 43 E., W. M.,
Sec. 15: W½SW¼;
Sec. 16: E½SE¼.
200.00 acres

OREGON 01962

T. 19 S., R. 46 E., W. M.,
Sec. 17: SW¼, SE¼NW¼, NW¼SE¼, SW¼NE¼, N½NE¼;
Sec. 19: Lots 1, 2, E½NW¼, NE¼.
T. 20 S., R. 45 E., W. M.,
Sec. 1: All.
1,297.41 acres

OREGON 01966

T. 17 S., R. 13 E., W. M.,
Sec. 36: SE¼NW¼.
40.00 acres

OREGON 02075

T. 23 S., R. 38 E., W. M.,
Sec. 11: S½SW¼;
Sec. 14: SW¼, SW¼NE¼;
Sec. 24: NW¼, NW¼NE¼, N½SW¼, SW¼SW¼;
Sec. 25: E½SW¼, NW¼SW¼;
Sec. 26: NE¼SE¼.
920.00 acres

OREGON 02136

T. 20 S., R. 39 E., W. M.,
Sec. 19: Lots 3, 4, SE¼NW¼, E½SW¼, S½NE¼, SE¼;
Sec. 20: W½SW¼;
Sec. 30: Lots 1, 2, 3, E½W½, NW¼SE¼, SW¼NE¼, N½NE¼.
T. 22 S., R. 37 E., W. M.,
Sec. 36: S½.
1,281.25 acres

OREGON 02160

T. 19 S., R. 14 E., W. M.,
Sec. 25: NE¼NW¼, NE¼NE¼, SE¼SE¼;
Sec. 36: W½SE¼.
200.00 acres

Except that portion of the NE¼NE¼ Sec. 25, heretofore deeded to the State of Oregon, for highway purposes.

OREGON 02163

T. 17 S., R. 14 E., W. M.,
Sec. 36: W½SE¼.
T. 18 S., R. 14 E., W. M.,
Sec. 36: E½SW¼, SE¼SE¼.
T. 19 S., R. 14 E., W. M.,
Sec. 11: NW¼NE¼.
240.00 acres

OREGON 02173

T. 16 S., R. 40 E., W. M.,
Sec. 13: NW¼SE¼.
T. 17 S., R. 37 E., W. M.,
Sec. 26: SW¼NW¼, SW¼, S½SE¼;
Sec. 27: S½NE¼;
Sec. 34: NE¼SW¼;
Sec. 35: W½NW¼, N½SW¼, W½SE¼, SE¼SE¼.
T. 17 S., R. 41 E., W. M.,
Sec. 19: SW¼NE¼, W½SE¼;
Sec. 30: NW¼NE¼.
880.00 acres

OREGON 02200

T. 17 S., R. 13 E., W. M.,
Sec. 36: W½NE¼.
T. 18 S., R. 14 E., W. M.,
Sec. 36: NE¼SE¼.
120.00 acres

OREGON 02213

T. 24 S., R. 43 E., W. M.,
Sec. 32: N½SE¼;
Sec. 33: SW¼, N½SE¼.
T. 27 S., R. 45 E., W. M.,
Sec. 33: E½NW¼, SW¼NE¼, NW¼SE¼.
480.00 acres

OREGON 02214

T. 30 S., R. 42 E., W. M.,
Sec. 19: All;
Sec. 31: All.
T. 31 S., R. 42 E., W. M.,
Sec. 5: All;
Sec. 7: All.
2,585.18 acres

OREGON 02224

T. 17 S., R. 14 E., W. M.,
Sec. 36: SW¼NE¼.
T. 19 S., R. 14 E., W. M.,
Sec. 36: SW¼NE¼.
80.00 acres

OREGON 02232

T. 18 S., R. 43 E., W. M.,
Sec. 29: All.
640.00 acres

OREGON 02239

T. 19 S., R. 46 E., W. M.,
Sec. 29: NW¼NE¼, S½NE¼, SE¼, W½.
600.00 acres

OREGON 02244

T. 16 S., R. 14 E., W. M.,
Sec. 31: E½;
Sec. 35: SE¼;
Sec. 36: S½.
680.00 acres

OREGON 02267

T. 15 S., R. 23 E., W. M.,
Sec. 19: All.
637.60 acres

OREGON 02295

T. 30 S., R. 43 E., W. M.,
Sec. 11: N½NE¼, S½NW¼, SW¼.
320.00 acres

OREGON 02308

T. 19 S., R. 14 E., W. M.,
Sec. 36: E½NE¼.
80.00 acres

OREGON 02371

T. 29 S., R. 25 E., W. M.,
Sec. 1: S½;
Sec. 2: SE¼;
Sec. 27: SE¼.
640.00 acres

OREGON 02517

T. 19 S., R. 14 E., W. M.,
Sec. 36: NW¼NE¼.
T. 20 S., R. 14 E., W. M.,
Sec. 1: NW¼SW¼.
80.00 acres

OREGON 02535

T. 19 S., R. 15 E., W. M.,
Sec. 17: N½.
320.00 acres

OREGON 02623

T. 36 S., R. 40 E., W. M.,
Sec. 7: Lots 1, 2, 11, 12, 13, 14, 23, 24, E½.
640.00 acres

OREGON 02731

T. 20 S., R. 14 E., W. M.,
Sec. 1: Lots 1, 2, S½NE¼.
160.55 acres

OREGON 02732

T. 24 S., R. 37 E., W. M.,
Sec. 9: E½NE¼;
Sec. 10: NE¼NE¼, W½NW¼.
200.00 acres

OREGON 02744

T. 34 S., R. 4 W., W. M.,
Sec. 8: SW¼SW¼.
40.00 acres

OREGON 02749

T. 20 S., R. 14 E., W. M.,
Sec. 1: N½SE¼.
80.00 acres

OREGON 02757

T. 30 S., R. 41 E., W. M.,
Sec. 23: E½NE¼, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 25: NE¼NE¼, N½NW¼;
Sec. 27: E½NE¼, NE¼SW¼, SE¼;
Sec. 33: SE¼NE¼, S½NE¼SE¼, SW¼SE¼.
780.00 acres

OREGON 02786

T. 22 S., R. 31 E., W. M.,
Sec. 23: S½SW¼.
80.00 acres

OREGON 02827

T. 24 S., R. 28 E., W. M.,
Sec. 16: All.
640.00 acres

OREGON 02875

T. 19 S., R. 14 E., W. M.,
Sec. 36: E½NW¼.
80.00 acres

OREGON 02987

T. 20 S., R. 14 E., W. M.,
Sec. 13: SE¼NW¼, NW¼SW¼.
80.00 acres

OREGON 03026

T. 29 S., R. 44 E., W. M.,
Sec. 35: S½, S½N½.
T. 30 S., R. 44 E., W. M.,
Sec. 5: Lot 4, SW¼NW¼, W½SW¼.
640.92 acres

OREGON 03075

T. 40 S., R. 36 E., W. M.,
Sec. 1: S½SW¼;
Sec. 2: SE¼SE¼;
Sec. 11: NE¼NE¼.
160.00 acres

OREGON 03106

T. 25 S., R. 28 E., W. M.,
Sec. 9: S½NW¼, W½SE¼, SW¼;
Sec. 16: E½.
640.00 acres

OREGON 03109

T. 22 S., R. 10 E., W. M.,
Sec. 16: E½SW¼.
T. 26 S., R. 20 E., W. M.,
Sec. 22: S½SW¼;
Sec. 27: N½NW¼.
240.00 acres

OREGON 03142

T. 40 S., R. 14½ E., W. M.,
Sec. 16: All.
640.00 acres

OREGON 03317

T. 39 S., R. 12 E., W. M.,
Sec. 22: E½SW¼, W½SE¼;
Sec. 27: W½NE¼, SE¼SE¼;
Sec. 34: NE¼NE¼.
320.00 acres

OREGON 03563

T. 33 S., R. 23 E., W. M.,
Sec. 36: S½S½.
160.00 acres

OREGON 04564

T. 35 S., R. 2 E., W. M.,
Sec. 17: NW¼SW¼.
40.00 acres

OREGON 01961

T. 18 S., R. 14 E., W. M.,
Sec. 36: NW¼NW¼.
40.00 acres

LAKEVIEW 016105

T. 28 S., R. 13 E., W. M.,
Sec. 32: E½SE¼;
Sec. 33: W½SW¼, SE¼SW¼.
T. 29 S., R. 13 E., W. M.,
Sec. 4: Lot 3;
Sec. 5: Lots 1, 2.
T. 29 S., R. 14 E., W. M.,
Sec. 10: S½SE¼;
Sec. 15: NE¼, E½NW¼.
636.33 acres

Minerals in the following lands were not reconveyed to the United States:

THE DALLES 031372

T. 19 S., R. 38 E., W. M.,
Sec. 9: E½SE¼SE¼.
20.00 acres

THE DALLES 031761

T. 13 S., R. 44 E., W. M.,
Sec. 2: Lots 2, 3, 4, S½N½, N½SW¼, SE¼.
516.37 acres

THE DALLES 031802

T. 21 S., R. 36 E., W. M.,
Sec. 8: SE¼;
Sec. 17: SW¼NW¼, E½NW¼, NE¼.
440.00 acres

OREGON 0495

T. 26 S., R. 17 E., W. M.,
Sec. 2: Lots 3, 4;
Sec. 3: Lots 1, 2.
160.91 acres

OREGON 0552

T. 32 S., R. 32 E., W. M.,
Sec. 26: N½NW¼;
Sec. 27: N½NE¼.
160.00 acres

OREGON 01480

T. 33 S., R. 24 E., W. M.,
Sec. 16: All;
Sec. 33: S½NE¼, SE¼;
Sec. 36: All.
T. 38 S., R. 28 E., W. M.,
Sec. 5: NE¼SE¼.
1,560.00 acres

OREGON 01858

T. 25 S., R. 38 E., W. M.,
Sec. 36: N½, SE¼, NE¼SW¼.
T. 25 S., R. 39 E., W. M.,
Sec. 36: E½NW¼, NE¼, N½SE¼, SE¼SE¼, S½SW¼, NW¼SW¼.
T. 25 S., R. 40 E., W. M.,
Sec. 16: N½, N½SW¼, E½SE¼;
Sec. 36: S½SW¼, SW¼SE¼.
T. 25 S., R. 41 E., W. M.,
Sec. 36: S½, S½N½.
T. 26 S., R. 39 E., W. M.,
Sec. 16: S½, SW¼NW¼, NE¼NE¼.
T. 26 S., R. 40 E., W. M.,
Sec. 16: All;
Sec. 36: All.
T. 26 S., R. 41 E., W. M.,
Sec. 16: All;
Sec. 36: All.
T. 26 S., R. 42 E., W. M.,
Sec. 36: All.
T. 27 S., R. 41 E., W. M.,
Sec. 16: All.
T. 27 S., R. 42 E., W. M.,
Sec. 16: S½NW¼, NW¼NW¼, S½NE¼, NW¼NE¼, SE¼, N½SW¼, SE¼SW¼.
6,840.00± acres

OREGON 01861

T. 31 S., R. 42 E., W. M.,
Sec. 16: E½SE¼, less R/W for public Hy. described in deed dtd. 10/1/35, from Oregon State Land Board to State of Oregon, recorded in Book 42, Page 467, State Record of Deeds.
Sec. 36: All.
T. 31 S., R. 43 E., W. M.,
Sec. 16: All;
Sec. 36: All.
T. 32 S., R. 43 E., W. M.,
Sec. 16: All.
2,636.50± acres

OREGON 01862

T. 20 S., R. 42 E., W. M.,
Sec. 36: All.
T. 21 S., R. 42 E., W. M.,
Sec. 16: All.
T. 22 S., R. 42 E., W. M.,
Sec. 16: All.
1,920.00± acres

OREGON 01863

T. 30 S., R. 44 E., W. M.,
Sec. 36: S½, S½NW¼, SE¼NE¼; less R/W for public Hy. described in deed dtd. 7/16/37, from Oregon State Land Board to Oregon State Hy. Com. recorded in Book 43, Page 288, State Record of Deeds.
T. 31 S., R. 44 E., W. M.,
Sec. 16: W½.
T. 31 S., R. 45 E., W. M.,
Sec. 36: All.
T. 31 S., R. 46 E., W. M.,
Sec 16: All.
T. 32 S., R. 46 E., W. M.,
Sec. 16: N½, N½S½, SW¼SW¼.
T. 34 S., R. 42 E., W. M.,
Sec. 16: N½.
3,061.40± acres

OREGON 01865

T. 17 S., R. 38 E., W. M.,
Sec. 16: N½SE¼.
T. 17 S., R. 39 E., W. M.,
Sec. 16: All.
Sec. 36: N½NE¼, NE¼NW¼, SE¼NE¼, SW¼, S½SE¼.
1,120 ± acres

OREGON 01868

T. 21 S., R. 35 E., W. M.,
Sec. 36: E½.
T. 22 S., R. 34 E., W. M.,
Sec. 16: All.
T. 22 S., R. 35 E., W. M.,
Sec 36: E½.
T. 23 S., R. 35 E., W. M.,
Sec. 36: All.
1,920 ± acres

OREGON 01870

T. 19 S., R. 37 E., W. M.,
Sec. 16: SW¼, E½NW¼, W½E½.
T. 20 S., R. 36 E., W. M.,
Sec. 36: S½, NW¼.
T. 21 S., R. 36 E., W. M.,
Sec. 16: N½NE¼, SW¼NE¼, SE¼.
1,160 ± acres

OREGON 01874

T. 17 S., R. 22 E., W. M.,
Sec. 36: N½, SW¼, W½SE¼, NE¼SE¼.
T. 17 S., R. 24 E., W. M.,
Sec. 16: All;
Sec. 36: W½, W½E½.
T. 18 S., R. 23 E., W. M.,
Sec. 16: All;
Sec. 36: All.
T. 19 S., R. 22 E., W. M.,
Sec. 16: NE¼, NE¼NW¼, N½SE¼, SE¼SE¼.
T. 19 S., R. 23 E., W. M.,
Sec. 16: All;
Sec. 36: All.
T. 20 S., R. 23 E., W. M.,
Sec. 16: All;
Sec. 36: All.
T. 21 S., R. 22 E., W. M.,
Sec. 36: E½E½.
T. 21 S., R. 24 E., W. M.,
Sec. 16: W½, SE¼, N½NE¼, SE¼NE¼.
6,640 ± acres

OREGON 01875

T. 21 S., R. 38 E., W. M.,
Sec. 36: All.
T. 21 S., R 39 E, W. M.,
Sec. 16: W½, W½E½;
Sec. 36: N½NW¼, NW¼NE¼, Lots 1, 2, S½SW¼.
T. 22 S., R. 38 E., W. M.,
Sec. 16: All; less R/W deeded Oregon Eastern RR Co. by State of Oregon, 5/10/10 recorded in Book 37, Page 187, State Record of Deeds.
T. 22 S., R. 39 E., W. M.,
Sec. 16: W½, E½NE¼, S½SE¼.
T. 22 S., R. 40 E., W. M.,
Sec. 16: All.
3,150.70 ± acres

OREGON 01877

T. 21 S., R. 30 E., W. M.,
Sec. 36: All.
T. 21 S., R. 31 E., W. M.,
Sec. 36: All.
T. 22 S., R. 30 E., W. M.,
Sec. 16: S½.
1,600 ± acres

OREGON 01878

T. 23 S., R. 37 E., W. M.,
Sec. 16: All.
640.00 ± acres

OREGON 01880

T. 32 S., R. 41 E., W. M.,
Sec. 36: S½.
T. 32 S., R 42 E., W. M.,
Sec. 16: N½, N½S½;
Sec. 36: All.
T. 32 S., R. 43 E., W. M.,
Sec. 36: All.
T. 32 S., R. 44 E., W. M.,
Sec. 16: NW¼NW¼, S½NW¼, NE¼, SW¼, N½SE¼, SW¼SE¼.
T. 34 S., R. 42 E., W. M.,
Sec. 16: S½.
2,960.00 ± acres

OREGON 01881

T. 24 S., R. 38 E., W. M.,
Sec. 36: All.
T. 24 S., R. 40 E., W. M.,
Sec. 16: All;
Sec. 36: All.
T. 25 S., R. 39 E., W. M.,
Sec. 16: N½, SW¼, S½SE¼, NE¼SE¼.
2,520 ± acres

OREGON 01884

T. 22 S., R. 38 E., W. M.,
Sec. 36: All.
T. 22 S., R. 39 E., W. M.
Sec. 36: All.
T. 22 S., R. 40 E., W. M.,
Sec. 36: All.
T. 23 S., R. 37 E., W. M.,
Sec. 36: All.
T. 23 S., R. 38 E., W. M.,
Sec. 16: All.
T. 23 S., R. 39 E., W. M.,
Sec. 36: All;
Sec. 16: S½.
T. 24 S., R. 38 E., W. M.,
Sec. 16: S½, S½N½, NW¼NW¼, NE¼NE¼.
T. 24 S., R. 39 E., W. M.,
Sec. 16: All.
5,360 ± acres

OREGON 02170

T. 2 N., R. 22 E., W. M.,
Sec. 3: All;
Sec. 11: All;
Sec. 15: N½N½.
1,442.30 acres

OREGON 02212

T. 19 S., R. 45 E., W. M.,
Sec. 5: Lots 3, 4, S½NW¼;
Sec. 6: SE¼NE¼;
Sec. 7: E½SW¼;
Sec. 16: SE¼SW¼;
Sec. 36: S½.
T. 19 S., R. 46 E., W. M.,
Sec. 19: Lots 3, 4, E½SW¼, SE¼.
962.38 acres

OREGON 02296

T. 19 S., R. 17 E., W. M.,
Sec. 16: S½;
Sec. 17: SE¼NE¼, E½SE¼;
Sec. 19: Lots 1, 2, 3, 4, SE¼, SE¼NE¼, N½NE¼, E½W½;
Sec. 20: NW¼, NE¼NE¼;
Sec. 21: N½NW¼, SW¼NW¼, NW¼SW¼, S½SW¼, S½SE¼;
Sec. 27: W½;
Sec. 28: NE¼;
Sec. 30: Lots 1, 2, 3, 4, E½W½, E½;
Sec. 31: Lots 1, 2, 3, 4, E½W½, SE¼;
Sec. 33: S½.
3,559.44 acres

OREGON 02323

T. 15 S., R. 43 E., W. M.,
Sec. 17: All.
640.00 acres

OREGON 02444

T. 20 S., R. 43 E., W. M.,
Sec. 1: W½SW¼, SW¼NW¼;
Sec. 2: SE¼SE¼, W½SE¼, SW¼;
Sec. 3: SE¼SE¼, W½SE¼, SW¼NE¼, SW¼, S½NW¼, Lot 4;
Sec. 4: SE¼, SE¼NE¼, Lot 1;
Sec. 9: NE¼;
Sec. 11: N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 12: W½NW¼;
Sec. 15: E½NE¼;
Sec. 34: SE¼SE¼;
Sec. 35: SW¼.
T. 20 S., R. 44 E., W. M.,
Sec. 16: N½N½, SE¼NW¼.
T. 21 S., R. 43 E., W. M.,
Sec. 2: Lots 3, 4, SW¼NW¼, NW¼SW¼,
Sec. 3: Lots 1, 2, S½NE¼, SE¼NW¼, SW¼, SE¼;
Sec. 10: N½NE¼.
3,002.76 acres

OREGON 02477

T. 19 S., R. 43 E., W. M.,
Sec. 36: NE¼, N½NW¼, S½SW¼.
T. 20 S., R. 43 E., W. M.,
Sec. 10: N½;
Sec. 15: W½E½, W½;
Sec. 16: NW¼;
Sec. 22: W½SE¼, SE¼SW¼;
Sec. 27: NW¼NE¼, NE¼NW¼.
1,480.00 acres

OREGON 02482

T. 34 S., R. 25 E., W. M.,
Sec. 19: Lots 3, 4;
Sec. 30: Lot 4.
136.09 acres

OREGON 02643

T. 27 S., R. 13 E., W. M.,
Sec. 10: NE¼NE¼;
Sec. 13: SW¼SW¼;
Sec. 24: NW¼, SW¼NE¼, NE¼SW¼, NW¼SE¼.
T. 27 S., R. 14 E., W. M.,
Sec. 8: NW¼.
520.00 acres

OREGON 02650

T. 35 S., R. 37 E., W. M.,
Sec. 13: SE¼;
Sec. 23: SE¼;
Sec. 25: W½, SE¼;
Sec. 33: S½;
Sec. 35: SE¼.
T. 35 S., R. 38 E., W. M.,
Sec. 1: Lots 3, 4, 5, 6, S½NW¼, SW¼;
Sec. 3: All;
Sec. 5: Lots 3, 4, 5, 6, S½NW¼, S½;
Sec. 7: Lots 1, 2, 3, 4, 5, 6, 7, 8, NE¼, E½W½;
Sec. 9: E½, SW¼;
Sec. 11: All;
T. 35 S., R. 38 E., W. M.,
Sec. 13: NW¼NW¼;
Sec. 15: All;
Sec. 17: W½, SE¼;
Sec. 19: E½, Lots 5, 6, 7, 8, E½SW¼;
Sec. 21: All;
Sec. 23: NW¼NE¼, NE¼NW¼, W½W½;
Sec. 27: N½NE¼, SW¼, SW¼NE¼, W½SE¼;
Sec. 29: N½, SW¼, N½SE¼, SW¼SE¼, N½SE¼SE¼;
Sec. 31: All;
Sec. 33: Lots 1, 2, 3, NW¼, N½SW¼, N½SE¼.
9,613.18 acres

OREGON 02859

T. 18 S., R. 16 E., W. M.,
Sec. 36: NE¼, NE¼NW¼, S½NW¼, N½SW¼, S½SW¼, SE¼.
560.00 acres

OREGON 03109

T. 25 S., R. 20 E., W. M.,
Sec. 22: N½SE¼, SW¼SE¼;
Sec. 23: NW¼SW¼.
160.00 acres

The areas described total 101,547.21 acres of public land.

Further information as to mineral rights, reservations for rights of way etc., in these lands is of record in the Land Office, Bureau of Land Management, 809 NE. Sixth Avenue, Portland 12, Oregon.

The lands are for the most part in widely scattered parcels distributed throughout southeastern Oregon. They are generally arid or semiarid in char-

...der, and are not suitable for farming. The lands identified by serial numbers Oregon 01600 and Oregon 02744 are located in southwestern Oregon. They are in an area of high rainfall with yearly precipitation up to 60 inches, and support a growth of young Douglas fir and other associated minor species, and are not suitable for farming.

No application for these lands will be allowed under the homestead, desert-land, small-tract, or any other non-mineral public-land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands above-described are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10 a. m. on August 20, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10 a. m. on November 19, 1958, will be governed by the time of filing.

(3) All valid applications, and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10 a. m. on November 19, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands in which the minerals were conveyed to the United States will be open to location under the United States mining laws, beginning 10 a. m., on November 19, 1958.

Persons claiming veteran's preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 809 NE. Sixth Avenue, Portland 12, Oregon.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 58-5691; Filed, July 24, 1958; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board and Maritime Administration

[Docket No. S-78]

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF HEARING

Notice is hereby given that a public hearing has been authorized and directed to be held to determine to what extent written permission should be granted to American President Lines, Ltd., under section 805 (a) of the Merchant Marine Act, 1936, as amended, to operate its proposed new passenger vessel between California and Hawaii in its Trans-Pacific, Trade Route No. 29, Line A-1 Service.

The purpose of the hearing is to receive evidence relevant to what extent American President Lines, Ltd., or a predecessor in interest was in bona fide operation as a common carrier by water in the domestic trade described above in 1935 and has so operated since that time, except as to interruptions to service over which said Operator or its predecessor in interest had no control, and if not whether granting such written permission (1) will result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal services, or (2) would be prejudicial to the objects and policy of the act.

The hearing will be before an Examiner, at a time and place to be announced, in accordance with the Federal Maritime Board's rules of practice and procedure and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having any interest in the foregoing and desiring to intervene in this proceeding are requested to notify the Secretary, Federal Maritime Board/Maritime Administration, Washington 25, D. C., in writing in triplicate, by close of business on August 8, 1958, and should promptly file petition for leave to intervene in accordance with said rules of practice and procedure.

Dated: July 21, 1958.

By order of the Federal Maritime Board and Maritime Administrator.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5672; Filed, July 24, 1958; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-37]

GENERAL DYNAMICS CORP.

NOTICE OF ISSUANCE OF AMENDMENT TO UTILIZATION FACILITY LICENSE

Please take notice that the Atomic Energy Commission has issued the following amendment to License CX-3, as amended. The amendment authorizes General Dynamics Corporation, to (1) erect a graphite thermal column on one side of the existing CIRGA facility reflector and measure the effects of various reflecting and shielding materials placed around the thermal column and (2) modify the CIRGA facility and perform certain experiments with the modified facility to simulate and provide test data for a new reactor, planned for construction and designated the REGA research reactor, at the Corporation's critical experiments facility located at Torrey Pines Mesa, San Diego, California.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed additional experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously authorized operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commision will direct the holding of a formal hearing on the matter of the issuance of the amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the amendment. Further details may be obtained from (1) the application submitted by General Dynamics Corporation, and amendments thereto, and (2) a hazards analysis of the proposed experiments prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commisison, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 18th day of July 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

GENERAL DYNAMICS CORP.

[Docket No. 50-37]

[License No. CX-3, as Amended]

AMENDMENT OF UTILIZATION FACILITY LICENSE

General Dynamics Corporation, by two amendments dated May 28, 1958, to its application for license, requested AEC authorization to (1) erect a graphite thermal column on one side of the existing CIRGA facility reflector and measure the effects of various reflecting and shielding materials placed around the thermal column and (2) modify the CIRGA facility and perform certain experiments with the modified facility to simulate and provide test data for a new reactor to be designated the REGA research reactor, at the Corporation's critical experiments facility located at Torrey Pines Mesa, San Diego, California.

Paragraph 3 of License No. CX-3, as amended, is hereby amended to read as follows:

This license applies to the facility which is owned by General Dynamics Corporation and located at Torrey Pines Mesa, in San Diego, California, and described in General Dynamics Corporation's application dated October 20, 1956, and amendments thereto dated December 5, 1956, December 7, 1956, January 25, 1957, February 15, 1957, March 26, 1957, May 9, 1957, August 21, 1957, November 27, 1957, January 15, 1958, March 3, 1958, May 5, 1958, May 6, 1958, and two amendments dated May 28, 1958 (herein collectively referred to as "the application").

The Atomic Energy Commission has found that operation of the facility in accordance with the terms and conditions of the license as amended will not be inimical to the common defense and security or to the health and safety of the public.

Date of issuance:

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-5698; Filed, July 24, 1958; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8955]

AEROLINEAS PERUANAS, S. A.

NOTICE OF HEARING

In the matter of the application of Aerolineas Peruanas, S. A., for a foreign air carrier permit.

Notice is hereby given that the hearing in the above-entitled proceeding is assigned to be held on August 12, 1958, at 10:00 a. m., e. d. s. t., in Room 5855, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., July 21, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-5706; Filed, July 24, 1958; 8:50 a. m.]

[Docket No. 9205]

EMPRESA GUATEMALTECA DE AVIACION, S. A. (AVIATECA)

NOTICE OF HEARING

In the matter of the application of Empresa Guatemalteca de Aviacion, S. A. (Aviateca), for extension or renewal of its foreign air carrier permit between a point or points in Guatemala, the intermediate point Belize, British Honduras, and the terminal point Miami, Fla., with respect to persons, property, and mail; between a point or points in Guatemala, and the terminal point New Orleans, La., with respect to property and mail; and for certain additional authorizations.

Notice is hereby given that the hearing in the above-entitled proceeding is assigned to be held on September 9, 1958, at 10:00 a. m., e. d. s. t., in Room 1509, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., July 21, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-5707; Filed, July 24, 1958; 8:50 a. m.]

[Docket No. 9746]

AEROVIAS "Q" S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Aerovias "Q" S. A., d/b/a "Q" Airways, for a foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a prehearing conference in the above-entitled proceeding is assigned to be held on July 28, 1958, at 10:00 a. m., e. d. s. t., in Room 1064, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., July 21, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-5708; Filed, July 24, 1958; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13862 etc.]

EL PASO NATURAL GAS CO. ET AL.

NOTICE OF POSTPONEMENT OF DATE OF HEARING

JULY 22, 1958.

In the matters of El Paso Natural Gas Company, Docket No. G-13862; Shell Oil Company, Docket No. G-13876; Aztec Oil & Gas Company, Docket No. G-13946; Phillips Petroleum Company, Docket No. G-13963; Western Natural Gas Company, Docket No. G-13964; The Pure Oil Company, Docket No. G-14156; General Petroleum Corporation, Docket No. G-14245; Davis Oil Company, Docket No. G-14361; The Carter Oil Company, Docket No. G-14369; Continental Oil Company, Docket No. G-14396; Sun Oil Company, Docket No. G-14403; The Ohio Oil Company, Docket No. G-14441; Pan American Petroleum Corporation, Docket No. G-14640; Three States Natural Gas Company, Docket No. G-14800; [illegible] Mining Corporation, Docket No. [illegible] 14834; Petro-Atlas Corporation, Docket No. G-15081; The Texas Company, Docket No. G-15153.

On July 1, 1958, the above-entitled proceedings were noticed by the Secretary of the Commission for hearing on July 25, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above-captioned application.

On July 18, 1958, the Attorney General of the State of California filed a petition for leave to intervene in these proceedings.

The hearing heretofore scheduled in these proceedings for July 25, 1958, is hereby postponed to a date to be fixed by future notice of the Secretary of the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5731; Filed, July 24, 1958; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1165]

AMERICAN RESEARCH AND DEVELOPMENT CORP. AND KALVAR CORP.

NOTICE OF APPLICATION FOR ORDER EXEMPTING TRANSACTION BETWEEN AFFILIATES

JULY 18, 1958.

Notice is hereby given that American Research and Development Corporation ("Research"), a registered closed-end non-diversified management investment company, and Kalvar Corporation ("Kalvar"), whose primary business is the research, development and commercialization of a new type of photocopy film and paper, have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act"), requesting an order exempting from the provisions of section 17 (a) of the act the transaction between Research and Kalvar described below.

Kalvar, organized in 1956 under the laws of Louisiana and having outstanding at the present time 75,000 shares of common stock, 2¢ par value, of which Research owns 8,750 shares (or 11 percent), is currently operating at a loss and additional working capital is essential for continued operation of the company. (Losses since inception to the fiscal year ended March 31, 1958 have amounted to $304,170, and it is estimated that losses for the period April 1 through May 31, 1958 approximated $25,000.) Kalvar is planning to raise $300,000 through the sale of 15,000 shares of common stock pursuant to an offering exempt from registration under Regulation A of the Securities Act of 1933 and from which it is estimated that Kalvar will net $270,000. However, pending completion of this offering under Regulation A, the application states that it is imperative that interim financing be provided. Kalvar recently borrowed $115,000 from a bank, of which $35,000

...been repaid, and Research proposes to loan $15,000 to Kalvar, such loan to be evidenced by Kalvar's note in the principal amount of $15,000 bearing interest at the rate of 5 percent per annum and maturing 60 days from the date thereof. Such note would be subordinate to Kalvar's present bank indebtedness aggregating $80,000 and secured by receivables and/or the personal signatures of certain stockholders.

Generally speaking, section 17 (a) of the act prohibits an affiliated person of a registered investment company from borrowing money from such registered investment company unless the Commission, upon application pursuant to section 17 (b) of the act, grants an exemption from section 17 (a) of the act, after finding that the proposed transaction is reasonable and fair, does not involve overreaching on the part of any person concerned and is consistent with the policy of such registered investment company as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

Since Research owns more than 5 percent of the outstanding common stock of Kalvar, these companies are affiliated persons of each other as defined in section 2 (a) (3) of the act; hence, the proposed transaction is prohibited under section 17 (a) of the act unless the Commission grants the application herein and issues an order of exemption pursuant to section 17 (b) of the act.

Notice is further given that any interested person may, not later than July 30, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N–5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 58–5697; Filed, July 24, 1958; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA–248]

ALLGEMEINE DEPOSITEN AKTIENGESELLSCHAFT

In re: property owned by Allgemeine Depositen Aktiengesellschaft, a national of Hungary; F–63–1010, F–34–256.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Hanover Bank, 70 Broadway, New York, New York, in the amount of $65,301.00, arising out of an account entitled, "Allgemeine Depositen Aktiengesellschaft, Zurich, Switzerland," maintained by the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Allgemeine Depositen Aktiengesellschaft, Zurich, Switzerland, which is a national of Hungary as defined in said Executive Order 8389, as amended, by reason of the ownership, direct or indirect of all, or a substantial part, of its shares by the Hungarian Commercial Bank of Pest, also known as Pester Ungarische Commercial Bank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 18, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 58–5699; Filed, July 24, 1958; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 22, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34824, *Wallboard from Arkansas and Texas points to IFA–WTL territories.* Filed by Southwestern Freight Bureau, Agent (No. B–7338), for interested rail carriers. Rates on wallboard, carloads, as described in the application, from Hardyboard, Ark., and Diboll, Texas, to points in Illinois Freight Association and western trunk line territories.

Grounds for relief: Short line distance formula.

Tariff: Supplement 25 to Southwestern Lines tariff I. C. C. 4271.

FSA No. 34825, *Wallboard from Arkansas and Texas points to southern points.* Filed by Southwestern Freight Bureau, Agent (No. B–7339), for interested rail carriers. Rates on wallboard, carloads, as described in the application, from Hardyboard, Ark., and Diboll, Texas, to Mississippi River crossings and points in southern territory east thereof.

Grounds for relief: Short line distance formula.

Tariff: Supplement 26 to Southwestern Lines tariff I. C. C. 4271, and Supplement 3 to Southwestern Lines tariff I. C. C. 4289.

FSA No. 34826, *Fine coal from Illinois and Kentucky mines to Harryat, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3697), for the Illinois Central Railroad Company and the Seaboard Air Line Railroad Company. Rates on fine coal, carloads, from mines on the Illinois Central Railroad in western Kentucky and southern Illinois to Harryat, Ga.

Grounds for relief: Market competition and competition with natural gas.

Tariff: Supplement 89 to Illinois Central Railroad tariff I. C. C. E–1860.

FSA No. 34827, *Iron and steel articles from interstate points to Heacker, Texas.* Filed by the Southwestern Freight Bureau, Agent (No. B–7336), for interested rail carriers. Rates on iron and steel articles, carloads, as described in the application, from points in trunk-line, central, western, southern, and southwestern territories to Heacker, Texas.

Grounds for relief: Market competition with other distribution points in the Houston, Tex., industrial district.

Tariff: Supplement 208 to Southwestern Lines tariff I. C. C. 4170.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58–5693; Filed, July 24, 1958; 8:46 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 93]

PENNSYLVANIA RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, The Pennsylvania Railroad Company, because of work stoppage on the Lake Erie car ferries, is unable to transport traffic routed over its lines across Lake Erie between Ashtabula, Ohio, and Port Burwell, Ontario: *It is ordered*, That:

(a) Rerouting traffic: The Pennsylvania Railroad Company, being unable to transport traffic to points reached via Lake Erie car ferries, because of work stoppage on such ferries operating between Ashtabula, Ohio, and Port Burwell, Ontario, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective 4:00 p. m., July 17, 1958.

(g) Expiration date: This order shall expire at 11:59 p. m., August 16, 1958, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Federal Register Division.

Issued at Washington, D. C., July 17, 1958.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 58-5694; Filed, July 24, 1958; 8:47 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 94]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Missouri-Kansas-Texas Railroad Company, because of flood conditions, at Schell City, Missouri, is unable to transport traffic routed over its line: *It is ordered*, That:

(a) Rerouting traffic: The Missouri-Kansas-Texas Railroad Company, and its connections, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 8:00 a. m., July 21, 1958.

(g) Expiration date: This order shall expire at 11:59 p. m., August 4, 1958, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Federal Register Division.

Issued at Washington, D. C., July 21, 1958.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 58-5695; Filed, July 24, 1958; 8:47 a. m.]

FEES FOR COPYING, CERTIFICATION AND SERVICES IN CONNECTION THEREWITH

JULY 15, 1958.

Pursuant to the provisions of Title V of the Independent Offices Appropriation Act, 1952 (5 U. S. C. section 140), as implemented by Bureau of the Budget Circular No. A-28 dated January 21, 1954, addressed to Heads of Executive Departments and Establishments, the Interstate Commerce Commission has revised its schedule of fees for copying, certification and services in connection therewith, effective September 1, 1958.

Certifications and copies of such tariffs, reports and other public records and documents on file with the Interstate Commerce Commission, as may be practicable to furnish, will be made on the following basis:

1. Certificate of the Secretary 50 cents.

2. Services involved in examination of tariffs or schedules for preparation of photostat copies or certified copies of tariffs or schedules or extracts therefrom, at the rate of $3.50 per hour.

3. Services involved in checking records to be certified to determine authenticity, the clerical work, etc., incidental thereto, at the rate of $2.50 per hour.

4. Photostat copies of tariffs, reports and other documents at the rate of 25 cents per exposure. Copy of one or more pages may be made with one exposure, depending on size of page.

5. Minimum charge of $1.00 will be made for service and/or photostats.

6. Payment must be made in cash or by postal money order or check payable to the order of the Treasurer of the United States and sent to the Secretary of the Interstate Commerce Commission, Washington 25, D. C. Remittances should not be drawn to the order of the Interstate Commerce Commission or its Secretary.

7. Transcripts of testimony and of oral argument, or extracts therefrom, may be purchased by the public from the Commission's official reporter. For the fiscal year ending June 30, 1959, the official reporter is General Reporting Corporation, 939 D Street NW., Washington, D. C., and the rates per page of approximately 200 words are as follows:

35 cents per page for hearings or arguments held at Washington, D. C., and 30 cents per page for hearings or arguments held at points in the United States other than Washington, D. C.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-5696; Filed, July 24, 1958; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 23 NUMBER 146

Washington, Saturday, July 26, 1958

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934
LITTERA SCRIPTA MANET
UNIVERSITY OF MICHIGAN
JUL 28 1958
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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MEDICAL TECHNOLOGIST

Section 24.140 is added to read as follows:

§ 24.140 *Medical Technologist, GS-644-0 (all grades)*—(a) *Educational requirement.* Applicants must meet the requirements specified under one of the following:

(1) The successful completion of a full 4-year course in medical technology leading to a bachelor's degree from an accredited college or university.

(2) The successful completion of at least 3 academic years at an accredited college or university and the successful completion of a full course of at least 12 months in a school of medical technology approved by the Council on Medical Education and Hospitals of the American Medical Association.

(3) The successful completion of at least 90 semester hours of course-work in an accredited college or university which includes a total of 24 semester hours distributed as follows: At least 6 semester hours in inorganic chemistry, 3 semester hours in either quantitative analysis, organic chemistry or biochemistry, and 3 semester hours in each of five of the following biological sciences: General biology, bacteriology, parasitology, anatomy, histology, embryology, physiology, and zoology; and enough additional experience and/or training covering several fields of medical laboratory work of an appropriate nature to total four years of experience and education. The scope and quality of this additional experience and/or training must have been such that when combined with the required semester hours outlined above it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the 4-year course described in subparagraph (1) of this paragraph.

(4) The successful completion of a full 4-year course in chemistry or in one of the biological sciences in an approved college or university leading to a bachelor's degree and at least 1 year of practical experience and/or training covering several fields of medical laboratory work.

(b) *Duties.* Medical technologists perform a variety of responsible professional duties in medical laboratory work. They perform various examinations and tests in the different parts of the laboratory and are responsible for accurate observations, accurate and valid results, and accurate presentation of findings. They calibrate instruments and equipment and standardize solutions. They must recognize irregularities and deviations from the norm. Technologists in the higher grades, depending upon the grade level of the position and the type of laboratory, perform the newer and more complex tests and procedures, assist in or direct training programs for medical technicians and medical technologists, serve as medical technologist in charge, and perform other related duties as assigned.

(c) *Knowledge and training requisite for the performance of duties.* In order that medical technologists may engage successfully in the diverse phases of medical technology represented in the professional medical technologist positions of the Federal Government, it is necessary that they be thoroughly and broadly trained. They must have basic knowledges of (1) inorganic chemistry; (2) quantitative analysis, organic chemistry, or biochemistry; (3) and several of the biological sciences such as general biology, bacteriology, parasitology, anatomy, histology, embryology, physiology, and zoology. These knowledges can be gained only through a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories, and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-5740; Filed, July 25, 1958; 8:52 a. m.]

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PART 464—TOBACCO

SUBPART—TOBACCO LOAN PROGRAM

Statement with respect to the tobacco price support loan program formulated by the Commodity Credit Corporation and Commodity Stabilization Service (hereinafter referred to respectively as "CCC" and "CSS").

Sec.
464.1001 Administration.
464.1002 Availability of price support.
464.1003 Level of price support.
464.1004 Deductions from advances.
464.1005 Interest rate and general provisions.
464.1006 Adjustment of interest and disposition of overplus.
464.1007 Maturity date.
464.1008 Eligible producer.
464.1009 Eligible tobacco.
464.1010 Auction warehouse certification of flue-cured tobacco.

AUTHORITY: §§ 464.1001 to 464.1010 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 2, 59 Stat. 506, sec. 5, 62 Stat. 1072, secs. 101, 401, 403, 63 Stat. 1051, as amended, 1054; secs. 125, 211, 70 Stat. 198, 202; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421, 1423, 1312 note, 1813, 1860.

§ 464.1001 *Administration.* (a) This program will be administered by the Tobacco Division, CSS, under the general direction and supervision of the Executive Vice President, CCC. The program will be carried out in the field by producer associations or other responsible organizations (hereinafter referred to as "associations") acting for groups of producers. To obtain a loan, an association must enter into a loan agreement with CCC, which agreement will set forth terms and conditions prescribed by CCC. CCC reserves the right to restrict the number of associations with which it will contract, and in so doing will select such associations as it deems necessary or desirable to effectuate the purposes of this program with a maximum of efficiency and economy of operation. The names of such associations may be obtained from the Tobacco Division, CSS, United States Department of Agriculture, Washington 25, D. C.

(b) Each year CCC will make loans to associations upon the security of eligible tobacco, and the associations in turn will make price support advances to eligible producers either directly or through auction warehouses. Loans made to associations will include not only the initial loan value of the tobacco, but also advances for services performed in receiving, packing, storing, and marketing of tobacco pledged as security for the loan. Associations will be authorized to enter into contracts for these services through the usual trade channels.

§ 464.1002 *Availability of price support.* (a) Price support will be available for any crop of each of the following kinds of tobacco, if producers have not disapproved marketing quotas for such crop:

Flue-cured tobacco, types 11, 12, 13, and 14.
Kentucky-Tennessee fire-cured tobacco, types 22 and 23.
Virginia fire-cured tobacco, type 21.
Virginia sun-cured tobacco, type 37.
Dark air-cured tobacco, types 35 and 36.
Burley tobacco, type 31.
Maryland tobacco, type 32.
Cigar filler, tobacco, type 41.
Cigar filler and binder tobacco, types 42, 43, 44, 53, 54, and 55.
Puerto Rican tobacco, type 46.
Cigar binder tobacco, types 51 and 52.

(b) No price support will be available with respect to any kind of tobacco for any year for which marketing quotas have been disapproved by growers.

(c) Price support to eligible producers will be made available on eligible tobacco in the following manner:

(1) *Auction market area.* (i) In the areas where tobacco is marketed through auction markets, price support will be extended through auction warehouses which have contracted with the association, on a form of agreement approved by CCC, to make price support advances to producers on behalf of the association. Producers will deliver their tobacco to auction warehouses to be displayed and offered for sale at auction. The association contract with auction warehouses will require the auction warehouses to see that producers are informed that price support advances are available and to make price support advances to eligible producers on eligible tobacco. Producers will generally receive the price support advances from the warehouseman for any tobacco to be consigned to the association at the time the warehouseman settles with the producer for the entire quantity of the producer's tobacco that has been displayed for inspection and offered for sale on any one day's auction market. The warehouseman will, in turn, be reimbursed by the association with funds borrowed from CCC.

(ii) Price support will be available only at warehouses where tobacco inspection service is provided by the Agricultural Marketing Service, U. S. D. A. Inspection and price support services may be extended to new markets or to additional sales on established markets under 7 CFR Part 29 and this part issued pursuant to the Tobacco Inspection Act (7 U. S. C. 511 et seq.), the Commodity Credit Corporation Charter Act (15 U. S. C. 714 et seq.), and the Agricultural Act of 1949, as amended (7 U. S. C. 1421 et seq.). These regulations provide that such additional services may be extended only after a formal public hearing establishes the need for the services and the adequacy of the buying power that will participate.

(iii) Commodity Credit Corporation reserves the right to direct the association to withhold a contract under the price support program from any auction warehouse for one or more years if, based on previous performance of similar contracts, there is substantial reason to expect that such warehouse will not fulfill the contract obligations.

(2) *Non-auction market area.* Eligible producers in non-auction market areas will deliver eligible tobacco to central receiving points designated by the appropriate association. After the tobacco has been graded by U. S. D. A. inspectors, the producer will receive the advance directly from the association for any tobacco to be pledged as security for loans.

(3) *Period of price support.* Price support will be available to eligible producers on eligible tobacco only during each year's normal marketing season for each kind of tobacco for which support is provided.

§ 464.1003 *Level of price support.* (a) As required by statute, the level of price support to eligible producers will be 90 percent of the respective parity prices as of the beginning of the marketing year for those kinds of tobacco for which marketing quotas are in effect, except that fire-cured and dark air-cured (including Virginia sun-cured) tobacco will be supported at 75 percent and 66⅔ percent, respectively, of the level for Burley tobacco, but not to exceed the higher of (1) the level applicable to the 1957 crop or (2) 90 percent of the parity price therefor. Generally, a minimum price support level will be announced prior to the normal planting time for each kind of tobacco. The price support level will be again computed as of the beginning of the marketing year, which is July 1 for flue-cured and October 1 for the other kinds of tobacco. Price support will be made available on each kind of tobacco at the higher of (i) the minimum level announced prior to planting time or (ii) the level computed as of the beginning of the marketing year. Schedules of loan rates, by types and grades, for each kind of tobacco will be announced as supplements to this statement after the parity price as of the beginning of each marketing year is

known. Flue-cured tobacco of varieties Coker 139, Coker 140, and Dixie Bright 244 will be supported at one-half the support rates for comparable grades of other varieties.

(b) The loan level for Puerto Rican tobacco, type 46, will be determined as of October 1, the beginning of each marketing year, at the minimum level provided under section 101 (a) of the Agricultural Act of 1949, as amended.

§ 464.1004 *Deductions from advances.* (a) The associations will be required to bear a portion of the overhead costs in connection with the loan operation. For this purpose, the associations in the auction marketing areas may charge the producer a fee of 12 cents per hundred pounds and may make such other charges as may be authorized or approved by CCC. Such charges may be collected by a deduction from the advance made to the producer on his tobacco or by arrangements with the auction warehousemen under which he will collect such charges and remit to the association. In the non-auction market areas, the fee will be established at a rate commensurate with the services performed by the association.

(b) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, the Government will effect collection of the amount of the indebtedness by set-off from the amount of price support advance due the producer in the following manner: Any within-quota marketing card issued for such farm in accordance with the applicable regulations issued by the Secretary of Agriculture with respect to marketing quotas will bear the notation "Indebted to U. S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness will be shown on the inside back cover of the marketing card. The acceptance and use of a within-quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card will constitute an authorization by such producer to any tobacco warehouseman or association to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lienholders. The acceptance and use of a within-quota marketing card bearing a notation and information of indebtedness to the United States will not constitute a waiver of any right of the producer to contest the validity of such indebtedness by appropriate administrative, appeal or legal action. Under the marketing quota regulations issued by the Secretary, if the producer named as debtor on the card objects to the issuance, or after issuance to the use, of a within-quota marketing card bearing the notation and information of indebtedness to the United States thereon, he may elect to receive an excess marketing card showing "zero percent" penalty, in which event the producer will be ineligible for price support advances.

§ 464.1005 *Interest rate and general provisions.* The loans made to the associations will bear interest at the rate announced by CCC for each crop year and be non-recourse both as to principal and interest except in the case of misrepresentation, fraud, or failure to carry out the terms of the loan contract. Tobacco loses its identity as to original ownership through commingling in the packing process, and individual producers may not redeem their tobacco once it has been pledged for loan. All proceeds of sales of the loan collateral of each crop year will be applied to the loan account for such crop year until the loan is repaid in full.

§ 464.1006 *Adjustment of interest and disposition of overplus.* The contract between CCC and any association may include provisions under which CCC will adjust the interest rate as outlined in paragraph (c) of this section and the association will apply, as directed by CCC, one-half of the "overplus" from any crop year loan to the indebtedness on other crop year loans. This arrangement will be available only to those associations which include under the arrangement all CCC loans outstanding at the time the arrangement is made.

(a) *Definition of overplus.* "Overplus" is the balance remaining from the sales proceeds of the loan tobacco, after deducting the amount of the loan indebtedness, plus all additional charges accrued with respect to the loan tobacco, including handling charges, operating costs, and interest.

(b) *Disposition of overplus.* For those associations which agree to apply one-half of the overplus to other crop year loans, the remaining one-half of the overplus shall constitute "net gains", and for those associations which do not agree to apply one-half of the overplus to other crop year loans, the entire overplus shall constitute "net gains". Net gains shall be distributed in cash by the associations to the producers who placed the tobacco under loan unless other disposition is approved by CCC.

(c) *Adjustment of interest rate.* In consideration of any association's agreement to apply one-half of the overplus from any crop year to the CCC loan indebtedness of other crop years, the interest rate for such crop year shall be adjusted annually, as of the beginning of each subsequent marketing year (July 1 for flue-cured tobacco loans and October 1 for loans on other kinds of tobacco) to the rate established by CCC as applicable to price support loans on the current crops, minus one percent per annum: *Provided*, That if such adjusted interest rate is determined by CCC to be less than the average rate of interest applicable to CCC's borrowings from the Treasury, the amount of interest accrued at such adjusted interest rate shall be increased at the end of the marketing year or at the time of final repayment of the loan to the amount which would have accrued at the average interest rate applicable to CCC's borrowings from the Treasury during such period.

§ 464.1007 *Maturity date.* Loans made under the program will mature on demand.

§ 464.1008 *Eligible producer.* (a) An eligible producer is one for whom a within-quota marketing card has been issued under the applicable regulations issued by the Secretary of Agriculture with respect to tobacco marketing quotas for the applicable marketing year. In general, the marketing quota regulations provide for the issuance of a within-quota marketing card where the tobacco acreage harvested for each kind of tobacco produced on the farm is not in excess of the applicable acreage allotment established under the marketing quota program for such farm, except that a within-quota marketing card is not issued where the planted acreage of any kind of tobacco exceeds the farm acreage allotment established therefor unless a request for disposition of the excess acreage is filed promptly. In the case of flue-cured tobacco, two types of within-quota marketing cards will be used: a "white" within-quota marketing card will signify that the tobacco produced on the farm for which such marketing card was issued is eligible for full price support, and a "blue" within-quota Limited Support marketing card will signify that the tobacco produced on the farm for which such card was issued is eligible for price support on a grade basis at one-half of the regular price support rate. The regulations further provide that, if any producer on a farm is indebted to the United States, any within-quota marketing card issued for such farm shall bear the notation "Indebted to U. S." and information with respect to such indebtedness, provided that, if the producer objects to the issuance, or after issuance to the use, of the within-quota marketing card bearing such notation and information, an excess marketing card showing "zero percent" penalty shall be issued for such farm. Also, an excess marketing card (ineligible for price support loans) shall be issued in any case where tobacco is produced on newly irrigated or drained land which was not used for the production of tobacco prior to May 28, 1956, and which is within any Federal irrigation or drainage project (as defined in section 211 of the Agricultural Act of 1956) authorized on or after May 28, 1956; or where tobacco is produced on land reclaimed by a flood-control project authorized on or after May 28, 1956; or where tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.) Marketing quota cards issued pursuant to the Agricultural Adjustment Act of 1938, as amended, when utilized for the purpose of obtaining price support under the regulations in this subpart are submitted, and the data in support thereof is reported, under the Agricultural Act of 1949, as amended, and the Commodity Credit Corporation Charter Act, as amended, and may be utilized as Commodity Credit Corporation deems necessary or desirable for the conduct of the price support program.

(b) As Puerto Rican tobacco is not under U. S. marketing quotas, all producers of this type of tobacco are considered eligible producers for the purpose of this program.

§ 464.1009 *Eligible tobacco.* Eligible tobacco shall be U. S. and Puerto Rican tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) which (a) has been properly identified in accordance with applicable tobacco Marketing Quota Regulations on a valid memorandum of sale issued from a "Within-Quota" Marketing Card or a Within-Quota Limited Support Marketing Card, where marketing quotas are in effect; (b) has been delivered to the association by the producer prior to sale to any other person; (c) is in sound and merchantable condition; (d) is of a type and crop year for which price support is available; (e) is free and clear of any and all liens and encumbrances; (f) was not produced on newly irrigated or drained land which is within any Federal irrigation or drainage project (as defined in section 211 of the Agricultural Act of 1956) authorized on or after May 28, 1956; (g) was not produced on land reclaimed by a flood-control project authorized on or after May 28, 1956; and (h) was not produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

§ 464.1010 *Auction warehouse certification of flue-cured tobacco.* Auction warehouses through which price support is made available to producers of flue-cured tobacco shall identify, through the use of "certified" basket tickets, all tobacco (including resale and "excess" tobacco) offered for sale at auction which is determined to be of varieties eligible for full price support. A distinguishably different type of basket ticket shall be used for all other tobacco offered for sale at auction. The basis for determining whether tobacco is of varieties eligible for full price support shall be (a) for producer tobacco, the marketing card issued pursuant to marketing quota regulations for the farm on which the tobacco was produced, and (b) for resale tobacco (tobacco which has been previously sold by the producer), a certification by the seller to U. S. D. A. and the warehouse on Form MQ 79–1 Dealer's Certification—Resale Tobacco, a form provided for under the marketing quota regulations (1958 Tobacco Marketing Bulletin No. 1), except where another basis is authorized by the Director, Tobacco Division, CSS. In the case of producer tobacco, the warehouse shall examine the marketing card prior to the time the tobacco is offered for sale, record the marketing card serial number on the warehouse floor sheet, and shall use certified basket tickets on the tobacco only if the marketing card presented is a Within-Quota (white) Marketing Card or an Excess (red) Marketing Card stamped "Acceptable Varieties". A dealer by execution of the Form MQ 79–1 Dealer's Certification—Resale Tobacco shall certify that the tobacco offered for sale and all other resale tobacco in which the dealer has an interest was purchased directly from the producer and was identified by a valid bill of non-warehouse sale issued from a Within-Quota (white) Marketing Card or an Excess (red) Marketing Card stamped "Acceptable Varieties", or was purchased by him at auction sale through a warehouse having price support available to producers and was identified by a certified basket ticket. Properly executed Dealer's Certification—Resale Tobacco shall be furnished to the U. S. D. A. representative stationed at the warehouse prior to the sale of the tobacco, with a copy to the warehouse. Where the Director, Tobacco Division, notifies the warehouse that the certifications of any dealer are not acceptable for this purpose, the Dealer's Certification shall not be used by the warehouse as a basis for a "certified" basket ticket. Such notice will be given to all warehouses having price support available to producers if a dealer is found to have made a false certification, or if a dealer fails to file reports required by applicable marketing quota regulations. In the latter case, the notice will be rescinded when the dealer files the reports if they show that he has not made false certifications with respect to identification of full support variety tobacco. Dealers making false certifications, or producers using marketing cards other than the one issued for the farm on which the tobacco was produced, to obtain use of certified basket tickets for tobacco not entitled to such identification, shall be subject to applicable provisions of law relating to conspiracy, fraud, or other offenses, and to penalties imposed by applicable marketing quota regulations. A dealer who has full support variety resale tobacco for which the Dealer's Certification cannot properly be executed because such tobacco or other tobacco in which he has an interest was acquired other than as the certification form provides, or a dealer whose certifications have been determined to be unacceptable, may have full support variety tobacco identified on a "certified" basket ticket through application to the Director, Tobacco Division. In such instances, if by examination of the marketing quota records and other evidence, the Director determines that the tobacco is of a full support variety, a special authorization will be given for the warhouses to identify the tobacco on a "certified" basket ticket.

Issued this 23d day of July 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

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PART 475—EMERGENCY FEED PROGRAM

SUBPART—EMERGENCY FEED PROGRAM

This bulletin contains regulations pertaining to the Emergency Feed Program of the Department of Agriculture and is issued by the Commodity Credit Corporation.

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AUTHORITY: §§ 475.51 to 475.63 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055, as amended; 7 U. S. C. 1427.

§ 475.51 *General statement.* Section 407 of the Agricultural Act of 1949, as amended, provides that the Commodity Credit Corporation, on such terms and conditions as the Secretary of Agriculture may deem in the public interest, shall make available any farm commodity or product thereof owned or controlled by it for use in relieving distress in connection with any major disaster determined by the President to warrant assistance by the Federal Government under Public Law 875, 81st Congress, as amended. The basic objective of this program is to assist eligible farmers, ranchers and stockmen to acquire the feed required to maintain their foundation herds of livestock during periods of emergency. The program shall be in effect in areas determined by the President as areas of major disaster and also designated by the Secretary of Agriculture as areas eligible to receive assistance of the nature provided in this program. Bequests for designation of areas by the President under Public Law 875, 81st Congress, and information in support thereof must originate with the Governor of the State. When such a request is approved by the President, the Secretary of Agriculture is authorized to designate the specific counties within the State in which assistance may be made available. In making the designation of specific counties within the State, the Secretary of Agriculture will take into consideration the information and recommendation submitted by the State Disaster Committee, based on information and recommendations supplied by the county disaster committees concerned.

§ 475.52 *Administration.* The program provided for in this subpart will be administered by the Commodity Stabilization Service (hereinafter referred to as CSS) and Commodity Credit Corporation (hereinafter called CCC) under the general direction and supervision of the Executive Vice President, CCC, and in the field will be carried out by the Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called State and county committees) and CSS commodity offices. State and county committees and CSS commodity offices and representatives and employees of any of such committees or offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

§ 475.53 *Definitions.* The following terms shall have the following meanings

in this subpart and in all forms and documents used in connection herewith (except where the context or subject matter otherwise requires or where otherwise defined in the Feed Dealer's Agreement—Emergency Feed Program).

(a) "Designated disaster area" means an area designated by the President under Public Law 875, 81st Congress, as an area of major disaster and also by the Secretary of Agriculture as an area in which assistance is to be made available as provided under this program.

(b) "Eligible farmer" means a farmer, rancher or stockman who meets the requirements of eligibility and whose application for assistance under the Emergency Feed Program has been approved.

(c) "Foundation herd" means the breeding stock of cattle, sheep and goats namely: cows, bulls, and heifers or calves retained for replacement; ewes, rams and ewe lambs for replacement; and nannies, billies, and kids for replacement.

(d) "Animal unit" means 1 cow or 1 bull; 2 heifers; 3 calves; 5 sheep; 5 goats; 7 lambs, or 7 kids.

(e) "Prescribed period" means a period which begins on the date the application for assistance under this program is filed in the county office and which ends on the date set by the county committee in accordance with instructions from the State Committee. Such period shall not begin earlier than the date the program was authorized in the county or end later than the expiration date of the program in the county, as specified by the Administrator, CSS, Washington, D. C. Such beginning and ending date shall be specified in section I of the purchase order issued to the farmer.

(f) "Designated surplus feed grains" (hereinafter called feed grains) means barley, corn, grain sorghums and oats as such terms are defined in the Official Grain Standards of the United States. The term "corn" includes ear corn. The conversion factor to be used for converting ear corn to shelled corn will be shown on the purchase order when issued.

(g) "Approved mixed feed" means Mixed Feed A which must contain at least 75 percent by weight of feed grain(s) or Mixed Feed B which must contain at least 60 percent by weight of feed grain(s). The feed grain(s) used in the approved mixed feed may be whole, crushed, cracked, ground or otherwise similarly processed, provided all of the ingredients of the whole grain are included. Prior to delivery to farmers, bags containing approved mixed feed must be appropriately labeled substantially as follows, depending on the type of approved mixed feed involved:

(1) "Mixed Feed A—containing at least 75 percent by weight of designated surplus feed grain(s)", or

(2) "Mixed Feed B—containing at least 60 percent by weight of designated surplus feed grain(s)."

(h) "Designated CCC-owned surplus feed grains" means barley, corn, grain sorghums and oats owned by CCC.

(i) "Dealer" means any person engaged in selling feed grains or approved mixed feed.

(j) "Person" means an individual, partnership, corporation, cooperative or other business entity.

(k) "CCC storage sites" means CCC-owned structures, CCC-leased facilities, and those facilities operated by CCC under right of entry. (Such structures and facilities are commonly called CCC binsites).

§ 475.54 *Availability of assistance*—(a) *Area.* This program shall be in effect only with respect to foundation herds located in designated disaster areas as defined in § 475.53 (a).

(b) *Eligibility requirements.* Subject to the terms and conditions hereinafter prescribed in this subpart, any person whose principal occupation is farming or ranching and whose financial condition is such that he requires assistance under this program in order to maintain his foundation herd of livestock and continue his livestock operations, is eligible for assistance as herein provided and may file an application for assistance. The principal occupation of a person who is an individual may be considered to be either the occupation from which he received at least one-half of his net income (gross income less expenses) during the last full year prior to the year in which the county in which his farm is located was included in a designated disaster area eligible to participate in drought emergency, disaster relief, and other emergency feed programs, or the occupation to which he devoted at least one-half of his gainfully employed time during such year. The principal occupation of persons other than individuals (i. e., partnerships, corporations, etc.) will be deemed to be farming or ranching only if at least one-half of their net income for such preceding year was derived from farming or ranching. Any feed received under this program must be used only for feeding the foundation herd. Dairymen who normally purchase all of their feed are not eligible for assistance. Dairymen who normally produce their hay or grain may qualify for assistance, but the amount of such assistance shall not in any event exceed the amount of feed normally grown on their farms and fed to the foundation herd.

§ 475.55 *Operating provisions*—(a) *Where to apply.* Applications for assistance must be made at the office of the county committee of the county which keeps the farm program records for the farm or ranch, provided the foundation herd involved has not been removed permanently from such county. If the foundation herd has been removed permanently from such county, or if the county office has no farm program records for the farm or ranch, the application must be made in the office of the county committee of the county in which the principal part of the herd is located. Applications for assistance shall not be filed in more than one county for the same foundation herd for the same period of time or any portion thereof.

(b) *Filing of applications.* Before an applicant may be considered for assistance, an application, Form DF-1, "Application and Certification," must be filed in the appropriate county office as provided in paragraph (a) of this section. The date of filing shall be the date the application is received in the county office. The applicant must furnish all of the information required on the application. Whenever the information furnished is incomplete or not clear or there is doubt as to the applicant's eligibility, the county committee will request such additional information of the applicant as may be necessary. The applicant must certify that the feed received under the program will be fed only to his foundation herd.

(c) *Committee action on applications.* (1) The county committee will review each application and, except for those applications submitted by State and county committeemen and those involving 1,000 or more animal units, will determine whether the applicant is eligible for assistance and the amount of assistance which may be provided. Applications submitted by State and county committeemen and those involving 1,000 or more animal units will be handled as outlined in subparagraph (7) of this paragraph.

(2) The maximum amount an eligible applicant may be approved to receive under this program shall not exceed the quantity of feed grain obtained by multiplying 4 pounds of feed grain per animal unit per day, or whatever lesser amount is established by the State Committee, by the number of animal units in the foundation herd and by the number of days in the prescribed period. The assistance to be made available to an eligible applicant under this program shall be determined by computing the maximum amount of feed grain that the applicant may be approved to receive and deducting from such maximum amount the total amount of feed grains available to the applicant during the prescribed period. The assistance to be made available to a dairyman who normally produces his hay or grain shall not exceed the amount of feed normally grown on his farm and fed to the foundation herd. No assistance shall be provided any applicant if the total amount of feed available to him during the prescribed period is determined to be equal to or more than the maximum amount of feed grain such applicant may be approved to receive.

(3) The total amount of feed grains available to the applicant during the prescribed period shall be determined by taking into consideration the feed already on hand, the estimated feed to be produced, the feed which has not yet been delivered under previous emergency feed programs, the feed the applicant otherwise will acquire and the feed which he is able to acquire. In determining the feed available to the applicant, the county committee shall take into account available hay and forage, including pasture, in terms of grain feed value equivalents. The county committee shall use its judgment in determining the amount of feed the applicant is able to acquire during the prescribed period, taking into account:

(i) The total cash loans and credit that can be obtained for use during the

prescribed period from all sources including the following:

(a) Liquid assets (i. e., cash, stocks, bonds, accounts receivable, etc.) calculated as of the date of filing of his application.

(b) Estimated value of his other property (i. e., chattels, personalty and realty) calculated as of the date of filing of his application, and

(c) Estimated net income for the prescribed period from all sources; less

(ii) (a) Outstanding indebtedness (secured and otherwise), calculated as of the date of filing of his application;

(b) Estimated future operating expenses and estimated normal living expenses (excluding taxes), calculated for the prescribed period, and

(c) Estimated cash or credit needed by the applicant to pay his share of the purchase price of the feed grains that he may be approved to receive.

(4) The county committee shall take reasonable precautions to see that feed is not furnished under the program to applicants who are able to maintain their foundation herd without assistance; however, an applicant shall not be required to exhaust all of his resources before assistance is made available under the program. If the applicant is a partnership the above described information shall be provided as to each of the partners and the partnership. If the applicant is a corporation and the corporation is wholly or substantially (i. e., 75 percent or more) owned by an individual and those related to him by blood or marriage, the county committee shall disregard the corporate entity for the purpose of determining the feed grains the applicant is able to acquire and treat the applicant as a partnership comprised of the individual and those related to him by blood or marriage and require the above described information from the individual and related stockholders. The fact that the purchase of needed feed at prevailing prices may not be profitable to the applicant is not sufficient to qualify him for assistance.

(5) Each county committee shall exercise judgment in a fair and impartial manner in making determinations with respect to applicants under subparagraphs (1) to (4) of this paragraph. The county committee shall base its determinations primarily upon the information supplied by the applicant, but shall take into consideration other information available to it, including knowledge of the committeemen concerning the applicant's normal operations.

(6) Each application must be considered by at least two members of the county committee. The action taken with respect to each application, except applications submitted by State or county committeemen and those involving 1,000 or more animal units, will be indicated thereon in the appropriate space. If the application is approved, the amount of designated feed grains which the applicant is approved to receive shall be indicated thereon. If the application is rejected, a brief statement of the reasons for such action will be given in the space provided for that purpose. At least one member of the county committee will sign the original and copy of the application in behalf of the county committee. The original shall be retained in the county office and the copy of the application delivered to the applicant, showing the action taken.

(7) In connection with applications submitted by State and county committeemen and those involving 1,000 or more animal units, the county committee will make recommendations with respect to the eligibility of the applicant and the amount of assistance which such applicant is entitled to receive in accordance with the standards prescribed in this subpart. Such recommendations, together with the applications, shall be referred to such officials in CSS as may be designated by the Executive Vice President, CCC, to make final determinations with respect to such applications on the basis of the same standards and subject to the same limitations as are applicable to the county committee.

(d) *Appeals and review of county committee action.* An applicant may appeal to the State Committee determinations made by the county committee as to his eligibility or the amount of feed grains which he is approved to receive. An appeal shall be accompanied by a written statement of the applicant's justification together with supporting evidence. The State Committee either on its own motion or on appeal is authorized to review actions taken by the county committee with respect to the eligibility of an applicant and the amount of feed he is approved to receive. If the facts warrant such action the State Committee may reverse the determination made by the county committee as to the eligibility of an applicant, and either revise upward or downward the amount of feed an applicant has been approved to receive. The State Committee shall make its determination on the basis of the same standards and subject to the same limitations as are applicable to the county committee. Adjustment downward will be made by the State Committee only after affording the applicant an opportunity to present reasons, together with evidence in support of his position. If revised upward, an additional purchase order shall be issued to the applicant by the county committee in the amount of the increase in the total assistance allowed. If revised downward and the applicant had been issued a purchase order, the applicant on demand shall return to the county committee a purchase order representing the amount of the decrease in the total assistance allowed, or he shall refund such amount in cash to the county committee. If revised downward and no purchase order had been issued, the county committee will issue a purchase order in the amount approved by the State Committee. No appeal may be had from determinations of the State Committee.

(e) *Farmer's purchase order*—(1) *Issuance.* For each approved application the county committee will issue a purchase order, Form DF-2 (hereinafter referred to as purchase order) to the farmer named in the application which will show the number of hundredweight of feed grains as approved in the application. At the farmer's request, the county committee may issue two or more purchase orders based on one application. If more than one purchase order is issued with respect to an application, the total number of hundredweight of feed grains shown on such purchase orders shall not exceed the number of hundredweight for which the application was approved. If a purchase order has been issued and the farmer requests two or more purchase orders in lieu thereof, the purchase order previously issued must be returned to the county committee for voiding prior to the issuance of the new purchase orders. The replacement purchase orders shall bear the same expiration date as the original purchase order which was voided by the county committee. It shall be solely the responsibility of the farmer to request the issuance of additional purchase orders with respect to an application in sufficient time to permit transfer by him to the dealer of such purchase orders within the period of time specified in the original purchase order.

(2) *Use.* The farmer to whom a purchase order is issued may use it only as part payment on the purchase price of feed grains or approved mixed feed purchased during the prescribed period from a dealer or his authorized representative or from another farmer as provided in paragraph (f) (2) of this section. Such purchase order may not be used by the farmer for any other purpose. A dealer who accepts a purchase order from the farmer to whom it was issued must have allowed such farmer credit for the value thereof as specified in subparagraph (3) of this paragraph in part payment of feed grains and approved mixed feed shown thereon in order to obtain a Dealer's Certificate.

(3) *Value.* The total value of any purchase order shall be the smaller of the following amounts: (i) The number of hundredweight shown in section I of the purchase order multiplied by $1.00, or (ii) the number of hundredweight of feed grains or approved mixed feed listed in the table set forth in section III of the purchase order multiplied by the applicable value per hundredweight shown below:

(a) Feed grains (excluding ear corn and approved mixed feed): $1.00 per hundredweight.

(b) Ear corn $1.00 per hundredweight multiplied by the ear corn conversion factor.

(c) Mixed Feed A: $0.75 per hundredweight.

(d) Mixed Feed B: $0.60 per hundredweight.

A purchase order shall have no value whatsoever for the purchase of mixed feed containing less than sixty percent (60%) by weight of feed grains. In the event a dealer accepts a purchase order as part payment on the purchase price of mixed feed containing less than sixty percent (60%) by weight of feed grains and exchanges the purchase order for a Dealer's Certificate he shall, upon demand, refund to CCC the amount of credit allowed on such purchase order. Approved mixed feed may contain more than the minimum percentage of feed

grains, but a purchase order used in part payment for the purchase of such mixed feed will in no event be valued at other than the amount stated in (c) and (d) of this subdivision.

(4) *Transfer, date, and delivery.* A purchase order may be transferred by the farmer to a dealer in partial payment of feed grains or approved mixed feed, shown in section III of the purchase order, which have been actually sold and physically delivered by the dealer to the farmer within the prescribed period. The date of transfer of the purchase order shall be the date the certification in section IV is signed by the farmer, which shall be not later than the expiration date of the purchase order.

(i) An actual sale shall be deemed to have been made when the dealer and farmer have agreed on the kinds, quantities and prices of feed grains and approved mixed feed and the total purchase price has been paid by the farmer to the dealer or charged by the dealer against the farmer.

(ii) Physical delivery shall be deemed to have been completed when the farmer has permanently removed or caused to be removed from the dealer's premises and control the total quantity of feed grains and approved mixed feed included in an actual sale.

(f) *Feed on hand and not used*—(1) *At the expiration of the program in the county.* The farmer shall not use, feed, sell or otherwise dispose of eligible feed acquired on a purchase order which he has on hand on the expiration date of the program in the county unless he pays to the county committee the amount of credit he received on the purchase order(s) for such feed. The expiration date of the program in the county for the purpose of this section shall be the last day of the prescribed period as specified in the purchase order, unless the period of assistance to farmers in the county under this program extends beyond the date in the purchase order and the farmer has received notification in writing from the county committee of such later date. The farmer shall promptly report the quantity and kind of eligible feed acquired on purchase order(s) on hand on the expiration date of the program.

(2) *Reduced or liquidated herds or herds removed from the designated disaster area.* Where feed acquired under the program has not been fed and the herd is substantially reduced or entirely liquidated, or the herd is partially or entirely removed permanently from the designated disaster area, the farmer must report promptly the quantity and kind of such feed on hand to the county office from which the purchase order was obtained. The farmer may then either pay the county committee the value he received on the purchase order for the quantity of feed on hand beyond his requirement for the remainder of the herd in the designated disaster area as determined by the county committee and dispose of the feed as he chooses, or if there is a current Emergency Feed Program in the area he may sell the feed to another farmer who has a current purchase order. If the other farmer who intends to purchase such feed has a purchase order in excess of the quantity of feed being purchased, he shall return the original purchase order to the county office that issued it and obtain in lieu thereof two or more purchase orders, one equalling the amount to be allowed for the emergency feed purchased and another for the balance of the unused portion of the purchase order surrendered. Both farmers, the purchaser and the seller, shall complete and execute such purchase order and submit it to the county office, which shall issue no Dealer's Certificate in connection with such purchase.

§ 475.56 *Eligible dealer.* Any person (individual, partnership, corporation, cooperative or other business entity, including agencies of State and local governments) who is engaged in the handling of feed grains or approved mixed feed, who enters into a Feed Dealer's agreement—Emergency Feed Program with CCC, and who posts a performance bond as required by CCC may qualify as an eligible dealer except as follows: (a) A dealer who has deliberately violated the terms and conditions of a previous Emergency Feed Program or has been billed by CCC for an amount due under a previous Emergency Feed Program which he has not paid; (b) any Member of or Delegate to Congress, or Resident Commissioner, and (c) any partnership of which a Member of or Delegate to Congress, or a Resident Commissioner is a partner. A dealer must enter into a separate Feed Dealer's Agreement—Emergency Feed Program with CCC for each county in which he presents purchase orders.

§ 475.57 *Dealer's Certificates*—(a) *Basis of issuance.* (1) An eligible dealer or his authorized representative may present a purchase order, which has been transferred to him by a farmer, to the county committee which issued it and obtain a Dealer's Certificate based thereon except as follows:

(i) Purchase orders issued in the dealer's name.

(ii) Purchase orders issued in the name of a partnership in which the dealer is a partner.

(iii) Purchase orders issued in the name of a person who is a partner of the same partnership as the dealer.

(iv) Purchase orders issued to a partnership or individual engaged in farming or livestock enterprise in which the dealer has a financial interest.

(v) Purchase orders presented by a dealer who is not otherwise entitled to present a purchase order under the terms and conditions of the Feed Dealer's Agreement.

(2) A dealer who accepts the transfer of a purchase order prior to the time that he enters into an applicable Feed Dealer's Agreement—Emergency Feed Program does so at his own risk and CCC shall not be liable to the dealer in any way for refusal to enter into such an agreement with the dealer. There must be compliance with the following conditions with respect to each purchase order presented:

(i) A purchase order must be received at the office of the county committee which issued it within 30 calendar days after the date of transfer of the purchase order from the farmer to the dealer.

(ii) The dealer must have actually sold and the farmer must have actually purchased and received physical delivery of the quantity of feed grains or approved mixed feed listed in the table set forth in section III of the purchase order. In the event that any feed grains were delivered trackside to the farmer named in the purchase order, the sales price to the farmer must have been no more than the cost of such feed grains to the dealer plus a handling margin no larger than that which has been determined by the State Committee to be reasonable. (Information as to the handling margins determined by the State Committee to be reasonable will be available at the county office and should be obtained from such office.)

(iii) The dealer must have accepted the transfer of the purchase order in part payment for the quantity of feed grains or approved mixed feed listed in the table set forth in section III of the purchase order to the full extent of the value as specified in § 475.55 (e) (3) for each hundredweight so listed up to the maximum value of the purchase order.

(iv) The dealer must submit to the county office with each purchase order copies of sales tickets, sales slips, invoices, or other appropriate documents, and scale tickets, when available, for the feed grains or approved mixed feed purchased by the farmer, showing the kinds and quantities of feed grains or approved mixed feed purchased, the date of such purchases, the price per hundredweight charged the farmer, and the credit allowed on the purchase price for the purchase order.

(v) Sections III and IV of the purchase order must have been duly executed.

(b) *Face value.* The face value of a Dealer's Certificate shall be an amount equal to the total value of the purchase order or purchase orders submitted in exchange for the Dealer's Certificate. The total value of each purchase order shall be determined in accordance with § 475.55 (e) (3).

(c) *Transfer.* Dealer's Certificates may be transferred by the dealer to any supplier, broker, agent or other person, and may subsequently be transferred from person to person. The transfer of Dealer's Certificates shall be made by endorsement on the reverse side thereof, giving the address of the endorser, and the date of the endorsement.

§ 475.58 *Presentation of Dealer's Certificates to CCC.* Subject to all of the provisions of this subpart, valid Dealer's Certificates, if presented to CCC by the holder within 120 calendar days after the date of issuance, will be accepted at face value for the purchase of designated CCC-owned surplus feed grains which CCC makes available for sale to holders of Dealer's Certificates under this program. CCC reserves the right to limit sales made in redemption of Dealer's Certificates to such grades of the designated CCC-owned surplus feed grains and to such locations of such feed grains, as CCC may from time to time determine.

(a) *Where to purchase.* Holders of valid Dealer's Certificates may purchase designated CCC-owned surplus feed grains from:

(1) CSS commodity offices provided CCC has determined that such surplus feed grains are available through such commodity offices for sale under this program. Information as to CSS commodity offices having such surplus feed grains available for sale may be obtained from the following CSS commodity offices: Evanston CSS Commodity Office, 2201 Howard Street, Evanston, Ill.; Dallas CSS Commodity Office, 500 South Ervay Street, Dallas 1, Tex.; Kansas City CSS Commodity Office, 560 Westport Road, Kansas City 41, Mo.; Minneapolis CSS Commodity Office, 1006 West Lake Street, Minneapolis 8, Minn.; and Portland CSS Commodity Office, 1218 Southwest Washington Street, Portland 5, Oreg.; or

(2) County committees of counties which are located in a designated disaster area as defined in § 475.53 (a), or which were in a designated disaster area during this program even though the counties are no longer in such an area if CCC has designated CCC-owned surplus feed grains stored in CCC storage sites located in such counties and CCC has determined that such surplus feed grains are available for sale under this program. The sale will be made by the county committee in charge of the storage site. Information as to the location of CCC storage sites within the State which are now or were formerly under this program in the designated disaster area may be obtained from the State Committee. Information as to the availability of designated CCC-owned surplus feed grains in CCC storage sites may be obtained from the county committee of the county in which the CCC storage site is located.

(b) *Amount of purchase*—(1) *From commodity offices.* Purchases from CSS commodity offices shall be in carload lots, except as provided in § 475.63 (b).

(2) *From county committees.* Purchases from applicable county committees may be in carload lots or less.

(c) *Purchase from CSS Commodity Office*—(1) *Offer to purchase.* In making an offer to purchase, the holder of Dealer's Certificate(s) must specify the class, grade, quality and quantity of the designated CCC-owned surplus feed grain which he desires to purchase, together with the destination and the consignee to whom such feed grain is to be shipped.

(2) *Confirmation of sale.* The CSS commodity office will accept, or reject the offer within 72 hours from the time the offer is received (such acceptance or rejection will be by collect wire if requested): *Provided,* That any acceptance shall be conditioned on the signing and return by the purchaser to the CSS commodity office of a confirmation of sale issued by such office containing terms and conditions applicable to the sale. Such confirmation of sale, together with the provisions contained in this section shall constitute the sales contract.

(3) *Price.* Sales will be made by the CSS commodity office at the prevailing market price, as determined by CCC, "in store" or f. o. b. car at point determined by CCC.

(4) *Payment.* (i) The purchaser must submit valid Dealer's Certificates of face value sufficient to cover the sales value of the feed grain purchased. Such Dealer's Certificates must be submitted in advance of delivery of the feed grains but no later than 10 calendar days after the date of issuance of the confirmation of sale. CCC shall have the election to cancel the sales contract if the purchaser fails to comply with this requirement.

(ii) Notwithstanding the foregoing requirement, the Executive Vice President, CCC, pursuant to notice published in the FEDERAL REGISTER, may authorize Directors of CSS commodity offices to accept in payment from a holder of valid Dealer's Certificates having a total value insufficient to buy a carload lot, the valid Dealer's Certificates held by him plus an amount of cash to cover the remainder of the purchase price of a carload lot of feed grains provided (*a*) the period for which assistance under this program was authorized by the Administrator, CSS, in the counties where the Dealer's Certificates were issued expired at least 120 days prior to the date of filing the notice in the FEDERAL REGISTER; and (*b*) the Executive Vice President, CCC, determines that there is only a minor volume of feed grain represented by unredeemed Dealer's Certificates which were issued in such counties and Dealer's Certificates which were issued in other counties are not readily available, and that such sales of feed grain for cash will not impair the price support program. The notice published in the FEDERAL REGISTER shall identify the counties in which the Dealer's Certificates were issued and the period of assistance authorized by the Administrator, CSS, under this program in such counties, to which the notice applies.

(5) *Delivery.* (i) Delivery of designated CCC-owned surplus feed grains will be made "in store" or f. o. b. cars at point determined by CCC. CCC does not guarantee delivery within any specified period of time following receipt of the Dealer's Certificate(s) but will utilize all practicable means to secure prompt delivery. The purchaser, if he so requests, will be advised by collect wire of cars being shipped.

(ii) The basis for determination of the quality and quantity of feed grains delivered shall be stated in the confirmation of sale issued by the CSS commodity office.

(6) *Basis of settlement at end of each sale.* (i) In the event that the Dealer's Certificates submitted to CCC have a total face value which is less than the value of the feed grains delivered, because of over-delivery or other cause approved by CCC, the purchases shall pay to CCC, in cash, the difference between the total face value of the certificates submitted and the value of the feed grain delivered, calculated on the basis of the specified sales price.

(ii) In the event the purchaser submits Dealer's Certificates having a total face value in excess of the sales value of the feed grain delivered, the purchaser will be issued a new Dealer's Certificate for the excess value.

(iii) To avoid administrative costs of issuing Dealer's Certificates in small denominations, Dealer's Certificates for excess value of $3 or less will be issued only upon request. Deficiencies of $3 or less owed to CCC may be disregarded unless demand for payment is made by CCC.

(d) *Purchase from county committee*—(1) *Price.* All sales from CCC storage sites will be made at the prevailing market price as determined by the county committee on the date of sale.

(2) *Payment.* Payment shall be made by presentation to the county committee, prior to delivery of the feed grains, of valid Dealer's Certificates of an aggregate face value equal to the total price of the feed grains purchased. The provisions of paragraph (c) (6) of this section shall be applicable to sales from CCC storage sites.

§ 475.59 *Limitation on rights of transferees.* The right of a transferee in due course of a Dealer's Certificate to present the Dealer's Certificate and obtain designated CCC-owned surplus feed grains shall not be limited except as follows:

(a) A Dealer's Certificate will not be accepted if presented later than 120 calendar days after the date of issuance.

(b) In the event that, after issuance of a Dealer's Certificate, there has been any alteration increasing its face value, such certificate will be accepted only for its face value at the time of issuance.[1]

(c) Any transferee who acquires the Dealer's Certificate knowing or having good cause to know that the dealer who originally obtained such certificate from the county committee did so on the basis of false or fraudulent certifications or representations shall not be entitled to present the Dealer's Certificate. A transferee of a Dealer's Certificate who acquires such certificate without knowing or having good cause to know of any such false or fraudulent certifications or representations shall be entitled to present the certificate and obtain designated CCC-owned surplus feed grains.

§ 475.60 *Suspension of Feed Dealer's Agreement.* CCC may suspend the right of an eligible dealer who has entered into Feed Dealer's Agreement or Agreements to participate in this program by notification in writing to the dealer if it has good reason to believe that the dealer has failed to comply with the provisions of such Agreement(s) with respect to any purchase order presented by him to the county committee, or if the dealer has failed to comply with the provisions of a previous Emergency Feed Program or Feed Dealer's Agreement and the failure was not known to the county committee when the Feed Dealer's Agreement—Emergency Feed Program was executed. Any such suspension shall be effective as to all Feed Dealer's Agreements entered into by the dealer under this program. In the event of suspension, the dealer shall not be entitled to present any purchase order to any county committee except to the ex-

[1] Any false certification or representation, willful alteration, or other fraudulent act may be subject to prosecution under Federal Criminal statutes and to action under Federal Civil frauds statutes.

tent that CCC may thereafter agree to accept such purchase order.

§ 475.61 *Maintenance of books and records.* The dealer shall maintain and preserve books and records which will permit verification of all transactions with regard to Farmer's Purchase Orders and Dealer's Certificates for at least three full years following exchange of the purchase order for Dealer's Certificates and for such additional period as CCC may request in writing. An examination of such books and records by a duly authorized representative of the United States shall be permitted at any time during business hours.

§ 475.62 *Extension of time*—(a) *Expired purchase orders.* If the farmer actually purchases and accepts physical delivery of feed grains or approved mixed feed within the prescribed period but does not execute the certificate in section IV of the purchase order within such prescribed period, or if the dealer does not present the purchase order to the county committee within 30 calendar days after the timely transfer of the purchase order to him from the farmer, the farmer or the dealer, as the case may be, may make a request in writing to the county committee which issued the purchase order for an extension of time, giving the facts and circumstances. The county committee may grant an extension of time if it determines that such extension will not adversely affect the program.

(b) *Expired Dealer's Certificates.* Dealers and transferees holding expired Dealer's Certificates may file an application in writing for an extension of time to present such certificates with the county office which issued the certificates or with the CSS commodity office serving the State in which the expired Dealer's Certificates were issued. Such application shall contain a full statement of facts justifying the petitioner's request and the reason why the certificates were allowed to expire. Requests for extension of time of Dealer's Certificates totaling $1,000 or less will be acted on by the appropriate county office or the CSS commodity office. Requests for extension of time on Dealer's Certificates totaling in excess of $1,000 will be transmitted by such offices to the Administrator, CSS, Washington 25, D. C., for final action. Such extensions will be granted where it is determined that they will not adversely affect the program.

§ 475.63 *Termination.* (a) The program provided for in this subpart may be terminated at any time upon issuance of public notice in the FEDERAL REGISTER. Such termination shall not apply with respect to any purchase order or Dealer's Certificate issued prior to the effective date of such termination.

(b) Upon termination of this program holders of valid Dealer's Certificates having a total face value insufficient to purchase a carload lot of any of the available designated CCC-owned surplus feed grains (1) may purchase from a CSS commodity office a carload lot of such feed grains and submit to the CSS commodity office the Dealer's Certificates held by him, plus an amount of cash sufficient to cover the remainder of the price of the carload of feed grain purchased, or (2) may purchase from a CSS commodity office for delivery "in store" a quantity of available designated CCC-owned surplus feed grains equal in price to the face value of such Dealer's Certificates and submit such Dealer's Certificates to the CSS commodity office in payment therefor. The provisions of § 475.58 shall be applicable to such purchases, except to the extent that such provisions are inconsistent with this paragraph.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 23d day of July 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-5742; Filed, July 25, 1958; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 146]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.446 *Valencia Orange Regulation 146*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 24, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., July 27, 1958, and ending at 12:01 a. m., P. s. t., August 3, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 554,400 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 25, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5791; Filed, July 25, 1958; 11:43 a. m.]

[Peach Order 1]

PART 940—PEACHES GROWN IN MESA COUNTY, COLORADO

REGULATION BY GRADES AND SIZES

§ 940.310 *Peach Order 1.*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 40, as amended (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 27, 1958. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 10, 1958; recommendations as to the need for, and the extent of, regulation of shipments of such peaches were made by said committee on July 10, 1958, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendations and supporting information were submitted to the Department, and made available to growers and handlers; necessary supplemental information was not available to the Department until July 22, 1958; shipments of some of the early varieties of the current crop of peaches have begun in light volume, and shipments in heavy volume are expected to begin shortly, and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., M. s. t., July 27, 1958, and ending at 12:01 a. m., M. s. t., October 12, 1958, no handler shall ship:

(i) Any peaches of any variety which do not grade at least U. S. No. 1;

(ii) Any peaches of the Early Elberta, Gleason Elberta, Sullivan Elberta, or Golden Jubilee varieties which are of a size smaller than 2 inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2 inches in diameter (a) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2 inches in diameter; and (b) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2 inches in diameter; or

(iii) Any varieties of peaches other than the Early Elberta, Gleason Elberta, Sullivan Elberta, and Golden Jubilee varieties which are of a size smaller than 2⅛ inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (a) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2⅛ inches in diameter; and (b) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(3) *Definitions.* As used herein, "peaches," "handler," "ship," and "varieties" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U. S. No. 1," "diameter," and "count" shall have the same meaning as when used in the revised United States Standards for Peaches (§§ 51.1210 to 51.1223 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 22, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5722; Filed, July 25, 1958; 8:48 a. m.]

[Lemon Reg. 749]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.856 *Lemon Regulation 749*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 23, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 27, 1958, and ending at 12:01 a. m., P. s. t., August 3, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 279,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 24, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5760; Filed, July 25, 1958; 9:00 a. m.]

PART 987—MILK IN CENTRAL MISSISSIPPI MARKETING AREA

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987.97 Payments to the producer-settlement fund.
987.98 Payments out of the producer-settlement fund.
987.99 Termination of obligations.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

987.100 Effective time.
987.101 Suspension or termination.
987.102 Continuing obligations.
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MISCELLANEOUS PROVISIONS

987.110 Agents.
987.111 Separability of provisions.

AUTHORITY: §§ 987.0 to 987.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 987.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1958.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued May 29, 1958 and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued July 9, 1958. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period (April 1958), were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 987.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 987.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 987.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 987.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 987.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 987.6 *Central Mississippi marketing area.* "Central Mississippi marketing area" hereinafter called the "marketing area" means all the territory within the following counties: Adams, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, Hinds, Jasper, Jefferson, Jefferson Davis, Jones, Lamar (except Beat 2 thereof), Lauderdale, Lawrence, Lincoln, Madison, Marion, Neshoba, Newton, Perry, Rankin, Scott, Simpson, Smith, Walthall, Warren and Wayne, all in the State of Mississippi.

§ 987.7 *Distributing plant.* "Distributing plant" means an approved plant from which Class I milk equal to not less than 50 percent of its receipts of producer milk and fluid milk products

from other pool plants is disposed of during the month, on routes or through plant stores, to wholesale or retail outlets (except pool plants) and from which not less than 20 percent of such Class I milk is disposed of during the month on routes or through plant stores, to wholesale or retail outlets (except pool plants) located in the marketing area.

§ 987.8 *Supply plant.* "Supply plant" means an approved plant from which during the month an amount equal to 50 percent or more of receipts of its producer milk is shipped to and received at distributing plants. Any supply plant that was a pool plant during each of the months of August through January immediately preceding shall be a pool plant each of the months of February through July unless written notice to the market administrator is received before the first day of the month of its intention to withdraw, in which case such plant shall thereafter be a nonpool plant, unless it again qualifies as a supply plant by shipping 50 percent or more of its receipts from dairy farmers to a plant described in § 987.7.

§ 987.9 *Pool plant.* "Pool plant" means either a distributing plant or a supply plant, except a plant operated by a producer-handler.

§ 987.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing or processing plant other than a pool plant.

§ 987.11 *Approved plant.* "Approved plant" means all of the buildings, premises and facilities of a plant(s) in which milk or skim milk is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors and sales through plant stores) to wholesale or retail outlets (except milk distributing or processing plants) located in the marketing area, or (b) from which milk or skim milk eligible for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant.

§ 987.12 *Handler.* "Handler" means:

(a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 987.13; or

(b) Any person in his capacity as the operator of one or more approved plants.

§ 987.13 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted from a pool plant to a nonpool plant, except plants under another order, for the account of a handler operating a pool plant or a cooperative association but for not more than 10 days production during the months of September, October, and November. Milk diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted, and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at the location of the pool plant from which it was diverted.

§ 987.14 *Producer milk.* "Producer milk" means only the skim milk or butterfat contained in milk (a) received at a pool plant(s) directly from producers, or (b) diverted from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 987.13.

§ 987.15 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, and (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 987.16 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant which, during the month, received no other source milk (except own production), producer milk, or milk from a pool plant.

§ 987.17 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 987.18 *Fluid milk product.* "Fluid milk product" means all skim milk (including concentrated and reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks (including eggnog), yogurt, cream (other than frozen storage cream), cultured sour cream, and any mixture of cream and milk or skim milk (other than ice cream, ice cream mixes, frozen ice milk, ice milk mixes, frozen desserts and mixes, and sterilized products contained in hermetically sealed containers).

MARKET ADMINISTRATOR

§ 987.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 987.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary, complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 987.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon, satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 987.95, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 987.94, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 987.30 and 987.31, or payments pursuant to § 987.90, and §§ 987.93 to 987.98;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 987.51 (a) and the Class I butterfat differential computed pursuant to § 987.52 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 987.51 (b) and the Class II butterfat differential computed pursuant to § 987.52 (b), both for the previous month;

(2) On or before the 10th day after the end of each of the months of August through February, the uniform price computed pursuant to § 987.71, and

the butterfat differential computed pursuant to § 987.91; and

(3) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk computed pursuant to § 987.72, and the butterfat differential computed pursuant to § 987.91;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association, which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by each handler; and

(k) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 987.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants for such month as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk; and for the months of March through July, the total quantity of base milk received;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 987.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his fluid milk plants, his producer payroll for such month, which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of March through July, the total pounds of base and excess milk, (iii) the number of days on which milk was received from such producer if less than a full calendar month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk, or cream at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such milk;

(3) On or before the day prior to diverting producer milk pursuant to § 987.13, his intention to divert such milk, the date(s) of such diversion and the nonpool plant to which such milk is to be diverted; and

(4) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

(c) Each handler who receives producer milk for which payment is to be made to a cooperative association pursuant to § 987.90 (e) shall report to such cooperative association with respect to each such producer, as follows:

(1) On or before the 20th day of each month, the total pounds of milk received during the first 15 days of the month,

(2) On or before the 10th day after the end of each month:

(i) The daily and total pounds of milk received during the month with separate totals for base and excess milk for the months of March through July, and the average butterfat test thereof; and

(ii) The amount or rate and nature of any deductions.

§ 987.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 987.33 *Retention of records.* All books and records required under this part to be made available to the market administrator, shall be retained by the handler for a period of three years to begin at the end of the calendar month, to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 987.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month at pool plants and which is required to be reported pursuant to § 987.30 shall be classified by the market administrator pursuant to the provisions of §§ 987.41 to 987.46.

§ 987.41 *Classes of utilization.* Subject to the conditions set forth in §§ 987.43 and 987.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in fluid milk products;

(2) Contained in inventory of milk and milk products designated as Class I milk pursuant to subparagraph (1) of this paragraph on hand at the end of the month; and

(3) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section;

(2) Disposed of and used for livestock feed;

(3) Contained in skim milk dumped, provided the market administrator is notified in advance and given opportunity to verify such dumping; and

(4) In shrinkage, but in an amount not to exceed one-half percent of the total pounds of skim milk and butterfat received directly from producers plus 1½ percent of the total pounds of skim milk and butterfat in bulk milk, skim milk, and cream in fluid form received at a pool plant from all sources less that disposed of in bulk to a pool plant of another handler.

§ 987.42 *Assignment of shrinkage.* The market administrator shall assign shrinkage at the pool plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(b) Assign the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in (1) producer milk and milk received from other pool plants, and (2) other source milk.

§ 987.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 987.44 *Transfers.* Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of fluid milk products to the pool plant of another handler unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 987.30, subject in any event to the conditions set forth in subparagraph (1) of this paragraph:

(1) (i) In no event shall the skim milk or butterfat assigned to Class II milk exceed the amount thereof remaining in Class II milk in the plant(s) of the transferee handlers after subtraction of other source milk pursuant to § 987.46, and any additional amounts of such skim milk or butterfat shall be classified as Class I milk; and

(ii) If either or both handlers have other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to producer milk of both handlers; and

(b) As Class I milk if transferred or diverted in the form of bulk milk, skim milk or cream to a nonpool plant unless:

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received at the nonpool plant during the month from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, used to produce any items of Class II milk (as defined pursuant to § 987.41 (b)) at such nonpool plant during the month;

(ii) Add the skim milk and butterfat respectively, in fluid bulk cream transferred from such nonpool plant to a plant at which milk is priced pursuant to this or another order issued pursuant to the act and such cream is allocated to other than Class I milk (under the applicable order definitions at the transferee plant).

(iii) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of the items of Class II milk processed in such second nonpool plant plus the bulk fluid cream shipped from such second nonpool plant to other nonpool plants which do not dispose of milk or cream for consumption in fluid form: *Provided*, That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(iv) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of fluid Grade A milk products.

In the event that the remaining skim milk and butterfat, respectively, computed pursuant to subdivision (iv) of this subparagraph is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to act, the difference shall be assigned pro rata, to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the act), and shall be classified as Class I milk.

§ 987.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat dry milk contained in such product, plus all of the water originally associated with such solids.

§ 987.46 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month, with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 987.42 (b);

(2) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk, except that to be subtracted pursuant to subparagraph (3) of this paragraph: *Provided*, That if the pounds of skim milk in other source milk exceed the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk, the pounds of skim milk in fluid milk products received from plants regulated pursuant to other orders issued pursuant to the act, less any equivalent amounts of skim milk in other source milk allocated to Class I milk at each of such plants, respectively: *Provided*, That if the pounds of skim milk to be subtracted exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(5) Subtract from the remaining pounds of skim milk in each class the skim milk contained in fluid milk products received from the pool plants of other handlers, according to the classification of such skim milk as determined pursuant to § 987.44 (a);

(6) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 987.50 *Basic formula price.* The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price:

(a) Divide the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture, by 3.5 and multiply by 4.0.

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed by adding together any plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.8; and

(2) Deduct five cents from the simple average as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month, by the Department of Agriculture, and multiply by 7.5; and

(c) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Kraft Cheese Co., Newton, Miss.
Borden Co., Starksville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

§ 987.51 *Class prices.* Subject to the provisions of §§ 987.52 and 987.53, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* Through February 29, 1960, the minimum price per hundredweight shall be the basic formula price for the preceding month, plus $1.85 during the months of March through July and plus $2.30 during all other months;

(b) *Class II milk price.* The price per hundredweight for Class II milk shall be the price determined pursuant to § 987.50 (c) plus 10 cents during each of the months of March through June and plus 20 cents during all other months.

§ 987.52 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 987.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11.

§ 987.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 50 miles or more from the city limits of Hattiesburg, Jackson, Meadville or Meridian, Mississippi, whichever is closest by the shortest hard-surfaced highway distance as determined by the market administrator, and which is transferred in the form of fluid milk products to another pool plant and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 987.51 (a) shall be reduced at the rate set forth in the following schedule:

Distance from the city limits of Hattiesburg, Jackson, Meadville or Meridian, Miss. (miles):	*Rates per hundredweight (cents)*
50 but not more than 60	10.0
For each additional 10 miles or fraction thereof, an additional	1.5

Provided, That, for the purposes of calculating such location differential, products so designated as Class I milk which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 987.46 (a) (1), (2), and (3), and the comparable steps in § 987.46 (b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor-plants to be made first to plants which the location differential is applicable.

§ 987.54 *Rate of compensatory payments.* In any month in which total deliveries of producer milk exceed 110 percent of the total amount classified as Class I (excluding duplications) at all pool plants, the rate of compensatory payment per hundredweight shall be calculated as follows:

(a) Subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price adjusted by the Class I butterfat differential and adjust such difference by the location differential rate set forth in § 987.52 for the location of the plant at which the milk was received from farmers.

§ 987.55 *Use of equivalent prices.* If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 987.60 *Producer-handlers.* Sections 987.40 to 987.46, 987.50 to 987.54, 987.61, 987.62, and 987.70 to 987.72, 987.80 to 987.83, and 987.90 to 987.98 shall not apply to a producer-handler.

§ 987.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a plant specified in paragraph (a) or (b) of this section except as follows: The operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless a greater volume of Class I milk is disposed of during the month from such plant to retail or wholesale outlets (except pool plants) in the Central Mississippi marketing area than in the marketing area regulated pursuant to such other order: *Provided,* That, if such distributing plant disposed of Class I milk during the month in the marketing areas of more than one other Federal order, the marketing area in which the most Class I milk is disposed shall determine the Federal order under the provisions of which such plant shall be regulated; and

(b) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualified as a pool plant pursuant to § 987.8.

§ 987.62 *Obligations of a handler operating a nonpool distributing plant.* Each handler who operates during the month a nonpool distributing plant shall pay to the market administrator for deposit in the producer settlement fund and the administrative assessment fund, as the case may be, as follows:

(a) If such handler so elects in writing at the time of reporting pursuant to § 987.30, the amounts computed as follows:

(1) On or before the 15th day after the end of the month, for the producer settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 15th day after the end of the month, as his pro rata share of expense of administration, the rate specified in § 987.95 with respect to Class I milk disposed of on routes in the marketing area; and

(b) Except as the handler's obligation may be computed pursuant to paragraph (a) of this section, he shall pay the amounts as follows:

(1) On or before the 25th day after the end of the month, for the producer settlement fund, the amount specified in paragraph (a) (1) of this section, or any plus amount resulting from the following computation, whichever is less:

(i) Determine the value for milk received from dairy farmers at such plant for such month pursuant to § 987.70 as if such plant has been a pool plant; and

(ii) Deduct the gross payments made by the handler to dairy farmers for milk received at such plant for such month. Such gross payments shall be limited to cash payments made to the dairy farmer or his assignee on or before the date for filing reports required pursuant to § 987.31 (b), plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 15th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 987.95 had such plant been a pool plant.

§ 987.70 *Computation of value of producer milk.* The value of producer milk received during the month by each handler at his pool plant(s) shall be computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months;

(e) In the case of a handler operating a pool plant which was not a pool plant under this order during each of the preceding five months, add an amount calculated by multiplying the difference between the Class I and the Class II prices adjusted by the appropriate butterfat differentials by any figure determined as follows: Any amount by which the hundredweight of skim milk or butterfat in inventory for such month, pursuant to § 987.41 (a) (2), is less than the least hundredweight of skim milk or butterfat, respectively, deducted pursuant to § 987.46 (a) (4) and (b) for such handler for any month since such plant was not a pool plant;

(f) Add for each month of August an amount calculated by multiplying by 40 cents the hundredweight by which the inventory classified pursuant to § 987.41 (a) (2) for the preceding month exceeds any inventory so classified for the preceding February; and

(g) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk, pursuant to § 987.46 (a) (2) and (b), by the rate of compensatory payment as determined pursuant to § 987.54, for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products.

§ 987.71 *Computation of the uniform price.* For each of the months of August through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 4.0 percent butterfat content, for plants within the marketing area as follows:

(a) Combine into one total the values computed pursuant to § 987.70 for the producer milk of all handlers who submit reports prescribed in § 987.30 and who have made payments for the previous month pursuant to § 987.90 or § 987.97;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the variation in the average butterfat content of such milk from 4.0 percent by the butterfat differential computed pursuant to § 987.91, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 987.90 (c) (1);

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 987.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, for plants within the marketing area, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 987.30, and who have made payments for the previous month pursuant to § 987.90 or § 987.97, as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price; (2) multiply any additional hundredweight of such milk by the Class I milk price; and (3) add together the resulting amounts;

(b) Divide the aggregate value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers;

(c) Subtract an amount determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 987.71 (a) to (d);

(d) Divide the result obtained pursuant to paragraph (c) of this section by the total hundredweight of base milk of handlers included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content for plants within the marketing area.

BASE RATING

§ 987.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the months of September through January by the number of days from the first day milk is received from such producer during said months to the last day of January, inclusive, but not less than 120 days.

§ 987.81 *Computation of base.* The base of each producer to be applied during the months of March through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days production delivered by such producer to handlers during the month.

§ 987.82 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a pool plant during the months of September through January and to each person for whose account milk was delivered to a plant that did not qualify as a pool plant during each month of the base forming period, but which qualifies as a pool plant during any of the months of March through July, bases shall be assigned on deliveries at such plant in the same manner as if such plant had been a pool plant during each month of the base forming period; and

(b) An entire base shall be transferred by the market administrator to another person upon receipt of an application form, approved by the market administrator, and signed by the base-holder(s), or his heirs, and by the person to whom such base is transferred subject to the following condition:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base forming period and dividing the total by the number of days from the first day of delivery by either the transferee or transferor during the base forming period to the last day of January inclusive but not less than 120 days.

§ 987.83 *Announcement of established bases.* On or before March 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 987.90 *Payments to producers.* Except as provided in paragraph (e) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(a) On or before the last day of each month, for milk received during the first 15 days of the month, at not less than the price per hundredweight for Class II milk for the preceding month;

(b) On or before the 15th day after the end of each of the months of August through February for milk received during such month at not less than the uniform price per hundredweight, computed for such handler pursuant to § 987.71, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92, less proper deductions authorized in writing by such producer and less payment made pursuant to paragraph (a) of this section, and deductions made pursuant to § 987.94;

(c) On or before the 15th day after the end of each of the months of March through July, after allowance for the amount of payment made pursuant to paragraph (a) of this section for deductions made pursuant to § 987.94, and for other proper deductions authorized in writing by such producer, as follows:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 987.72 for the quantity of base milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92; and

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 987.72 for the quantity of excess milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92;

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) In lieu of payments pursuant to paragraphs (a), (b) and (c) of this section, each handler shall make payment to a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines that such cooperative association is authorized to collect payment, as follows:

(1) On or before the 26th day of each month, an amount equal to not less than the Class II price for the preceding month, multiplied by the hundredweight of milk received during the first 15 days of the month from such producers, and

(2) On or before the 13th day after the end of each month an amount equal to not less than the applicable uniform price(s) pursuant to §§ 987.71 and 987.72, multiplied by the hundredweight of milk received from such producers to which each such price is applicable, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92, less payment made such cooperative association pursuant to subparagraph (1) of this paragraph, and proper deductions authorized in writing by such producers or such cooperative associations; and

(f) On or before the 13th day after the end of the month, each handler shall pay to each cooperative association which is also a handler, for milk received from it not less than the value of such milk as classified pursuant to § 987.44 (a) at the applicable respective class prices, including differentials prescribed by the order.

§ 987.91 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 987.90 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 987.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest half cent.

§ 987.92 *Location differentials to producers.* In making payment to producers pursuant to § 987.90, the applicable uniform prices to be paid for producer milk received at a pool plant located 50 miles or more from the city limits of Hattiesburg, Jackson, Meadville, or Meridian, Mississippi, whichever is closest by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced at the rate set forth in the following schedule:

Distance from the city limits of Hattiesburg, Jackson, Meadville or Meridian, Miss. (miles):	*Rates per hundredweight (cents)*
50 but not more than 60	10.0
For each additional 10 miles or fraction thereof, an additional	1.5

§ 987.93 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth under which such error occured.

§ 987.94 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 987.90, shall deduct 7 cents per hundredweight, or such amount not exceeding 7 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk received from each such producer. In lieu of such statement, a handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 987.90, (d).

§ 987.95 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, for such month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handler's own production; (b) other source milk allocated to Class I milk pursuant to § 987.56 (a) (2) and (b); and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 987.96 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 987.62, 987.93 and 987.97, and out of which he shall make all payments pursuant to §§ 987.93 and 987.98: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 987.97 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay, except as provided in § 987.62, to the market administrator any amount by which the value of his producer milk as computed pursuant to § 987.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 987.98 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 987.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 987.99 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay any handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 987.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 987.101.

§ 987.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 987.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 987.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 987.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 987.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 22d day of July 1958, to be effective on and after the 1st day of August 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-5724; Filed, July 25, 1958; 8:49 a. m.]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017), regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER July 1, 1958 (23 F. R. 5018). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 1017.202 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and this part, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period beginning July 1, 1958 and ending June 30, 1959, will amount to $2,930.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 130 and this part, shall be three-tenths of one cent ($0.003) per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and this part.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 22, 1958, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5723; Filed, July 25, 1958; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54645]

PART 79—IMPORTATION OF ARTICLES IN CONNECTION WITH THE KENTUCKY STATE FAIR AT LOUISVILLE, KENTUCKY

The following regulations under Public Law No. 85-405, 85th Congress,[1] approved May 16, 1958, relate to the entry of articles in connection with the Kentucky State Fair to be held at Louisville, Kentucky, September 4 to September 13, 1958, inclusive.

[1] • • • That any article which is imported from a foreign country for the purpose of exhibition at the Kentucky State Fair (hereinafter in this Act referred to as the "fair") to be held at the Kentucky Fair and Exposition Center, Louisville, Kentucky, from September 4, 1958, to September 13, 1958, inclusive, by the Kentucky State Fair, a corporation, or for use in constructing, installing, or maintaining foreign exhibits at the fair, upon which article there is a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges under such regulations as the Secretary of the Treasury shall prescribe.

SEC. 2. It shall be lawful at any time during or within three months after the close of the fair to sell within the area of the fair articles provided for in this Act, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe. All such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry under this Act for consumption or entry under the general tariff law.

SEC. 3. Imported articles provided for in this Act shall not be subject to any marking requirements of the general tariff laws, except

Sec.
79.1 Invoices; marking; bond.
79.2 Entry, appraisement; procedure.
79.3 Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act.
79.4 Detail of customs officers to protect revenue; expenses.
79.5 Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.

AUTHORITY: §§ 79.1 to 79.5 issued under Pub. Law 85-405.

§ 79.1 *Invoices; marking; bond.* (a) Articles intended for exhibition under the provisions of Public Law No. 85-405, 85th Congress, and valued at over $500, are subject to the usual special customs invoice requirements if of a class for which such invoices are required under the Tariff Act of 1930, as amended, and the regulations issued thereunder. The invoices shall be on either customs Form 5515 or on foreign service Form 138 and shall contain the information prescribed under section 481 of the Tariff Act of 1930. (19 U. S. C. 1481)

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder.

when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States.

SEC. 4. At any time during or within three months after the close of the fair, any article entered under this Act may be abandoned to the United States or destroyed under customs supervision, whereupon any duties on such articles shall be remitted.

SEC. 5. Articles which have been admitted without payment of duty or exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the fair, under such regulations as the Secretary of the Treasury shall prescribe.

SEC. 6. The Kentucky State Fair shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under this Act. The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under this Act, shall be reimbursed by the Kentucky State Fair to the United States under regulations to be prescribed by the Secretary of the Treasury. Receipts from such reimbursement shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930, as amended. (19 U. S. C., sec. 1524).

(c) The Kentucky State Fair shall give to the collector of customs at Louisville, Kentucky, a bond in an amount to be determined by the collector and containing such conditions for compliance with Public Law No. 85-405, 85th Congress, and the regulations in this part, as shall be approved by the Bureau of Customs.

§ 79.2 *Entry; appraisement; procedure.* (a) All entries under the regulations in this part shall be made at the port of Louisville, Kentucky, in the name of the Kentucky State Fair, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under the regulations in this part, an entry under the general tariff law in the name of any person duly authorized in writing by the Kentucky State Fair to make such entry may be accepted by the collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than Louisville shall be entered for immediate transportation without appraisement to the latter port in the manner prescribed by the general customs regulations.

(c) Upon the arrival at the port of Louisville of articles to be entered under the regulations in this part, they shall be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION

Entry No.....

Entry at the port of Louisville of articles consigned or transferred to the Kentucky State Fair under.....
.....I. T. No ..... ex S. S .....
from..... on the ..... day of..... 19 ...., for exhibition purposes under Public Law No. 85-405 of the 85th Congress, approved May 16, 1958.

Mark	Number	Package and contents	Quantity	Invoice value

KENTUCKY STATE FAIR
By .....

(d) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. The articles shall be tentatively appraised prior to their exhibition or use. All imported exhibits entered under these regulations shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 79.5 (a).

(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided for, or under the general tariff law, or for exportation. If not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any customs law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the exposition in the manner prescribed in § 10.49 (c) of this chapter, except that in each case an entry under paragraph (c) of this section shall be filed, which shall supersede any previous entry, and no new bond other than that specified in § 79.1 (c) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the exposition in the manner prescribed in § 8.33 of this chapter.

§ 79.3 *Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (7 U. S. C. 151-164a, 167), shall not be permitted except under permits issued therefor by the Plant Quarantine Branch of the Agricultural Research Service, Department of Agriculture, and in accordance with the plant quarantine regulations. The entry of food products shall conform to the requirements of the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 301 et seq.), and regulations issued thereunder.

§ 79.4 *Detail of customs officers to protect revenue; expenses.* (a) The collector of customs at Louisville, Kentucky, shall detail an officer to act as his representative at the exposition and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary to properly protect the revenue.

(b) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the exposition or transferred thereto for exhibition, shall be reimbursed by the Kentucky State Fair to the Government, payment to be made monthly to the collector of customs, Louisville, Kentucky, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Salaries and Expenses, Bureau of Customs."

§ 79.5 *Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.* (a) Any article entered under the regulations of this part may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the exposition or at any time during or within three months after the close of the exposition. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the exposition in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930, as amended (19 U. S. C. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal from entry under the provisions of Public Law No. 85-405, 85th Congress.

(b) At any time prior to the opening of the exposition, or at any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in § 15.4 of this chapter.

(c) Any articles entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the exposition, shall be regarded as abandoned to the Government.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 21, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-5735; Filed, July 25, 1958; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 229]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Division, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

A temporary restricted area is established, to be known as "North Central", described as follows:

Name and location (chart)	Description by Geographical coordinates	Designated altitudes	Time of designation	Controlling agency
North Central Temporary Restricted Area (Chicago) (RF-32).	"Beginning at latitude 45°20'37" longitude 82°31'25"; to latitude 43°33'00", longitude 84°30'00"; to latitude 40°-00'00", longitude 84°30'00"; to latitude 40°00'00", longitude 90°00'00"; to latitude 42°00'00", longitude 90°40'00"; to latitude 44°00'00", longitude 90°50'00"; to latitude 46°00'00", longitude 91°-00'00"; to latitude 46°30'00", longitude 90°00'00"; to latitude 48°03'36", longitude 90°00'00"; thence along the U. S.-Canadian boundary to the point of beginning, excluding that portion overlying the Moline Control Zone."	Surface to 40,000 feet MSL.	0100-0400 (c. d. s. t.).	Nonspecified.

NOTE: This affects §§ 608.21, 608.22, 608.23, 608.30, 608.31, 608.43, 608.57.

This amendment shall become effective August 20, 21, 22, 27, 28, 29, September 3, 4, 5, 10, 11, 12, 17, 18, 19, 30, and October 1, 2, 3, 14, 15, 16, 17, 1958.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 18, 1958.

[F. R. Doc. 58-5710; Filed, July 25, 1958; 8:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 520—EMPLOYMENT OF STUDENT LEARNERS

APPLICATION FOR SPECIAL STUDENT-LEARNER CERTIFICATE

Pursuant to authority under section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. 214), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Order No. 45-A of the Secretary of Labor (15 F. R. 3290), and in accordance with the requirements of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.), I hereby amend paragraph (a) of § 520.3 of Title 29, Code of Federal Regulations, after the introductory clause by deleting therefrom the words "an original and duplicate copy of every application" and inserting in lieu thereof the words "an application".

(Sec. 14, 52 Stat. 1068, as amended; 29 U. S. C. 214)

This amendment shall become effective upon publication in the FEDERAL REGISTER. Notice and public procedure thereon are omitted for good cause since it is hereby found that such action is unnecessary. The requirement of filing a duplicate copy hereby eliminated, was solely for the convenience of the agency. No delay in the effective date of the amendment is provided, because it relieves applicants of the restriction of having their applications considered only if they file a duplicate copy.

Signed at Washington, D. C., this 22d day of July 1958.

CLARENCE T. LUNDQUIST,
Administrator.

[F. R. Doc. 58-5738; Filed, July 25, 1958; 8:51 a. m.]

PART 522—EMPLOYMENT OF LEARNERS

MISCELLANEOUS AMENDMENTS

Notice was published in the FEDERAL REGISTER on June 10, 1958 (23 F. R. 4035), that the Acting Administrator of the Wage and Hour Division, United States Department of Labor, proposed to amend the regulations heretofore issued pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. 214), which provide for the employment of learners in the knitted wear industry at wages lower than the wage applicable under section 6 of the act (29 CFR 522.30 to 522.35). Interested persons were invited to submit in writing any data, views, or arguments pertaining to the proposals within fifteen days of the publication of the notice in the FEDERAL REGISTER.

All relevant matter submitted has been considered, together with all other available information, and it appears that the adoption of the proposed amendments is appropriate. The purposes of the proposals are to increase the special minimum wage presently authorized for the learner occupations in the knitted wear industry from 85 cents an hour to 90 cents an hour and to provide that no worker may be employed as a learner at hourly wage rates below the minimum wage applicable under section 6 of the act for the learning periods permitted by the regulations involved in more than two of the learner occupations authorized in this industry.

Accordingly, in accordance with the requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) and pursuant to authority contained in section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C.

214), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Order No. 45–A (15 F. R. 3290) of the Secretary of Labor, I hereby adopt the amendments of Part 522 of Title 29, Code of Federal Regulations, as proposed and as indicated below:

1. Section 522.34 is amended by inserting the following new paragraph (d):

(d) No worker shall be employed as a learner at subminimum rates in more than two of the learner occupations authorized in § 522.33.

2. Paragraph (a) of § 522.35 is amended to read as follows:

(a) The subminimum rate which may be authorized in special certificates issued in the knitted wear industry shall be not less than 90 cents per hour.

These amendments shall take effect August 25, 1958.

(Sec. 14, 52 Stat. 1068, as amended; 29 U. S. C. 219)

Signed at Washington, D. C., this 22d day of July 1958.

CLARENCE T. LUNDQUIST,
Administrator.

[F. R. Doc. 58–5739; Filed, July 25, 1958; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITLES

TOLERANCE FOR RESIDUE OF SODIUM 2,4-DICHLOROPHENOXYACETATE

A petition was filed with the Food and Drug Administration by The Dow Chemical Company, Midland, Michigan, requesting the establishment of a tolerance for residues of sodium 2,4-dichlorophenoxyacetate, expressed as 2,4-dichlorophenoxyacetic acid, in or on asparagus.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended as follows:

1. Section 120.3 (e) (4) is amended by inserting therein, after the item "Sesone * * *" the item "Sodium 2,4-dichlorophenoxyacetate."

2. Part 120 is amended by adding the following new section:

§ 120.165 *Tolerance for residues of sodium 2,4-dichlorophenoxyacetate.* A tolerance of 5 parts per million is established for residues of sodium 2,4-dichlorophenoxyacetate, calculated as 2,4-dichlorophenoxyacetic acid, in or on asparagus.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: July 22, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58–5736; Filed, July 25, 1958; 8:50 a. m.]

Subchapter C—Drugs

Part 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Part 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Part 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

Part 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Part 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

Part 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay for antibiotics and antibiotic-containing drugs (21 CFR Part 141e) and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146a, 146b, 146c, 146d, 146e) are amended as indicated below:

1. Section 141e.401 *Bacitracin* is amended by adding thereto the following new paragraphs:

(g) *Ash content.* Place approximately 1 gram of the sample, accurately weighed, in a tared porcelain crucible and carefully ignite at a low temperature until thoroughly charred. The crucible may be loosely covered with a porcelain lid during the charring. Add to the contents of the crucible 2 milliliters of nitric acid and 5 drops of sulfuric acid, and cautiously heat until white fumes are involved, then ignite, preferably in a muffle furnace, at 500° C. to 600° C. until the carbon is all burned off. Cool the crucible in a desiccator and weigh. From the weight of residue obtained, calculate the sulfated ash content.

(h) *Heavy metals content.* Using the sulfated ash obtained in paragraph (g) of this paragraph, proceed as directed in the U. S. P. Heavy Metals Test, Method II, starting with the words "Cool, add 2 ml. of hydrochloric acid * * *."

2. Section 146a.22 *Penicillin-streptomycin-neomycin-polymyxin ointment* * * * is amended in the following respects:

a. Paragraph (a) is amended by changing the words "and (3)" in the second sentence to read ", (3), and (4)".

b. Paragraph (b) is amended by adding to the second sentence the words ", except the standard for toxicity."

c. Paragraph (d) is amended by inserting a period after the word "potency" in the first sentence and deleting the words "and toxicity."

3. In § 146a.23 *Penicillin-streptomycin-erythromycin ointment* * * *, paragraph (c) is amended by deleting from the first sentence the word "toxicity,".

4. Section 146a.26 *Penicillin ointment* is amended in the following respects:

a. Paragraph (a) *Standards of identity* * * * is amended by changing the fifth, sixth, seventh, and eighth sentences to read as follows: "The calcium penicillin or crystalline penicillin used conforms to the requirements of § 146a.24 (a), except the limitation on penicillin K content, and except § 146a.24 (a) (1), (2), (3), and (4), but its potency is not less than 300 units per milligram. The procaine penicillin used conforms to the requirements of § 146a.44 (a), except § 146a.44 (a) (2), (3), and (4). The *l*-ephenamine penicillin G used conforms to the requirements of § 146a.64 (a), except § 146a.64 (a) (2), (3), and (4). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium."

b. Paragraph (d) (2) (ii) is amended by deleting the word "toxicity,".

5. Section 146a.36 *Penicillin vaginal suppositories* is amended in the following respects:

a. Paragraph (a) *Standards of identity* * * * is amended by changing the third, fourth, and fifth sentences to read as follows: "The sodium penicillin, calcium penicillin, and potassium penicillin used conform to the requirements of § 146a.24 (a), except § 146a.24 (a) (1), (2), (3), and (4), but its potency is not less than 300 units per milligram. The procaine penicillin used conforms to the requirements of § 146a.44 (a), except if the batch of procaine penicillin in oil is packaged and labeled solely for udder instillations of cattle, the penicillin used is exempt from the requirements of paragraph (a) (2), (3), and (4) of that section, or if the batch of procaine penicillin in oil is packaged and labeled solely for subcutaneous injection in fowl, the penicillin used is exempt from the requirements of paragraph (a) (2) and (3) of that section."

b. In paragraph (d) *Request for certification; samples* subparagraph (2) (ii) is amended by inserting after the word "toxicity" the following parenthetical expression: "(unless it is intended for udder instillations of cattle),".

6. Section 146a.40 *Penicillin bougies* * * * is amended in the following respects:

a. Paragraph (a) *Standards of identity* * * * is amended by changing the fourth, fifth, and sixth sentences to read as follows: "The sodium penicillin, calcium penicillin, or potassium penicillin used conforms to the requirements of § 146a.24 (a), except the limitation on penicillin K content and except § 146a.24 (a) (1), (2), (3), and (4), but its potency is not less than 300 units per milligram. The procaine penicillin used conforms to the requirements of § 146a.44 (a), except the limitation on penicillin K content and except § 146a.44 (a) (2), (3), and (4). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium."

b. In paragraph (d) *Request for certification; samples*, subparagraph (2) (ii) is amended by deleting the word "toxicity,".

7. Section 146a.45 *Procaine penicillin in oil* is amended in the following respects:

a. Paragraph (a) *Standards of identity* * * * is amended by changing the sixth sentence to read as follows: "The procaine penicillin used conforms to the requirements of § 146a.44 (a), except if the batch of procaine penicillin in oil is packaged and labeled solely for udder instillations of cattle, the penicillin used is exempt from the requirements of paragraph (a) (2), (3), and (4) of that section, or if the batch of procaine penicillin in oil is packaged and labeled solely for subcutaneous injection in fowl, the penicillin used is exempt from the requirements of paragraph (a) (2) and (3) of that section."

b. In paragraph (d) *Request for certification; samples* subparagraph (2) (ii) is amended by inserting after the word "toxicity" the following parenthetical expression: "(unless it is intended for udder instillations of cattle),".

8. In § 146a.52 *Procaine penicillin and crystalline penicillin in oil*, paragraph (a) (1) is changed to read as follows:

(1) It contains not less than 50,000 units of crystalline penicillin for each 300,000 units of procaine penicillin, except if it is packaged and labeled solely for veterinary use. The crystalline penicillin used conforms to the requirements prescribed therefor by § 146a.24 (a), except if the batch of procaine penicillin and crystalline penicillin in oil is intended solely for udder instillations of cattle, the crystalline penicillin used is exempt from the requirements of paragraph (a) (2), (3), and (4) of that section.

b. Paragraph (a) (3) is amended by inserting in the first sentence, after the word "toxicity", the following parenthetical expression: "(unless it is intended for udder instillations of cattle),".

9. Section 146a.54 *Penicillin-streptomycin ointment* * * * is amended in the following respects:

a. Paragraph (a) (2) is changed to read as follows:

(2) It contains not less than 10 milligrams of streptomycin or dihydrostreptomycin per gram, unless it is intended solely for veterinary use and is conspicuously so labeled. If the ointment is intended for human use, the streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.101 (a) or § 146b.103 of this chapter, except the standards for sterility, toxicity, pyrogens, and histamine. If the ointment is intended solely for veterinary use, the streptomycin or dihydrostreptomycin used may conform to the standards prescribed by § 146b.114 (a) of this chapter.

b. Paragraph (c) is changed to read as follows:

(c) In addition to complying with the requirements of § 146a.26 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and date of the latest tests and assays of the streptomycin or dihydrostreptomycin used in making the batch for potency, moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate. He shall also submit in connection with his request a sample consisting of not less than six packages, or if it contains two or more kinds of penicillin salt, seven packages, of such ointment and (unless it was previously submitted) a sample consisting of six packages containing approximately equal portions of not less than 0.5 gram each of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

10. In § 146a.55 *Penicillin-streptomycin bougies* * * *, paragraph (a) (3) is amended by deleting the word "toxicity,".

11. In § 146a.56 *Penicillin-bacitracin ointment*, paragraph (a) is amended as follows:

a. Subparagraph (2) is amended by adding thereto the following clause: "the bacitracin used conforms to the standards prescribed therefor by § 146e.401 (a) of this chapter, except paragraph (a) (2), (3), (4), and (8) of that section;".

b. Subparagraph (4) is amended by deleting the word "toxicity," from the first sentence and changing the words "and pH" to read "pH, and ash content."

12. Section 146a.57 *Procaine penicillin and streptomycin in oil* * * * is amended in the following respects:

a. Paragraph (a) (1) is changed to read:

(1) It contains not less than 2.0 milligrams of streptomycin or dihydrostreptomycin per milliliter. The streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.101 (a) or § 146b.103 of this chapter, except the standards for sterility, pyrogens, and histamine, or by § 146b.114 (a) of this chapter, except that if it is intended for udder instillations of cattle the streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.101 (a) or § 146b.106 of this chapter, except the standards for sterility, toxicity, pyrogens, and histamine, or by § 146b.114 (a) of this chapter, except the standard for toxicity.

b. Paragraph (a) (4) is amended by inserting in the first sentence after the word "toxicity" the following parenthetical clause: "(if it is intended for subcutaneous injection in fowl),".

13. In § 146a.60 *Penicillin-bacitracin troches* * * *, paragraph (a) is amended as follows:

a. Subparagraph (1) is amended by changing the second sentence to read: "The bacitracin used conforms to the standards prescribed by § 146e.401 (a) of this chapter, except § 146e.401 (a) (2), (4), and (8)."

b. Subparagraph (3) is amended by inserting in the first sentence, after the word "pH", the words "ash content, if it is bacitracin,".

14a. In § 146a.62 *Penicillin-neomycin ointment*, paragraph (a) is amended by adding to the second sentence the following clause: ", except the standard for toxicity."

b. Section 146a.62 (d) is amended by deleting from the first sentence the word "toxicity,".

15. In § 146a.63 *Crystalline penicillin and bacitracin*, paragraph (d) *Request for certification* * * * is amended as follows:

a. Subparagraph (2) (iii) is changed to read as follows:

(iii) The bacitracin used in making the batch; potency, toxicity, ash content, and heavy metals content.

b. Subparagraph (3) (iii) is amended by changing the figure "3" to "4".

16. In § 146a.70 *Penicillin-streptomycin-bacitracin ointment* * * *, paragraph (a) is amended as follows:

a. Subparagraph (1) is amended by changing the second sentence to read: "The bacitracin used conforms to the standards prescribed therefor by § 146e.401 (a) of this chapter except paragraph (a) (2), (3), (4), and (8) of that section."

b. Subparagraph (3) is changed to read as follows:

(3) In addition to complying with requirements of § 146a.54 (c), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless pre-

viously submitted) the results and the date of the latest tests and assays of the bacitracin or bacitracin methylene disalicylate used in making the batch for potency, moisture, pH, and ash content. He shall also submit in connection with his request a sample consisting of not less than 7 packages of such ointment and (unless it was previously submitted) a sample consisting of 6 packages containing approximately equal portions of not less than 0.5 gram each of the bacitracin or bacitracin methylene disalicylate used in making the batch, packaged in accordance with the requirements of § 146e.401 (b) of this chapter.

17. Section 146a.76 *Penicillin-streptomycin implantation pellets* • • • is amended as follows:

a. In paragraph (a) *Standards of identity* • • •, the sixth and seventh sentences are changed to read as follows: "The streptomycin used conforms to the requirements of § 146b.101 (a) of this chapter, except § 146b.101 (a) (2), (4), and (5). The dihydrostreptomycin used conforms to the requirements of § 146b.103 of this chapter, except the standards for sterility, pyrogens, and histamine content."

b. In paragraph (d) *Request for certification; samples*, subparagraph (2) (iii) is amended by deleting the words "histamine content,".

c. Paragraph (e) *Fees*, is amended by changing subparagraph (1) to read as follows:

(1) $1.00 for each pellet in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), and (iv) of this section.

18. Section 146a.81 *Penicillin-streptomycin vaginal suppositories* • • • is amended in the following respects:

a. Paragraph (a) (1) is changed to read as follows:

(1) Each suppository shall contain not less than 200 milligrams of streptomycin or dihydrostreptomycin. The streptomycin used conforms to the standards prescribed by § 146b.101 (a) of this chapter, except § 146b.101 (a) (2), (3), (4), and (5). The dihydrostreptomycin used conforms to the standards prescribed by § 146b.103 of this chapter, except the standards for sterility, toxicity, pyrogens, and histamine.

b. Paragraph (a) (3) is amended by deleting the word "toxicity,".

19. Section 146a.82 *Penicillin-streptomycin-bacitracin dental paste* • • • is amended as follows:

a. Paragraph (a) *Standards of identity* • • • is amended by changing the last sentence to read: "The bacitracin used conforms to the standards prescribed therefor by § 146e.401 (a) of this chapter, except § 146e.401 (a) (4) and (8)."

b. In paragraph (d) *Request for certification* • • •, subparagraph (2) (iv) is amended to read as follows:

(iv) The bacitracin used in making the batch; potency, toxicity, sterility, moisture, pH, and ash content.

20. In § 146a.83 *Procaine penicillin-streptomycin-neomycin-erythromycin in oil* • • •, paragraph (c) is amended by deleting the word "toxicity,".

21. Section 146a.87 *Penicillin-bacitracin-neomycin ointment* • • • is amended in the following respects:

a. Paragraph (a) is amended by changing the second sentence to read as follows: "The neomycin used conforms to the standards prescribed by § 146e.410 (a) (2) of this chapter, except the standard for toxicity."

b. Paragraph (c) is amended by deleting the word "toxicity," from the second sentence.

22. Section 146a.88 *Penicillin-streptomycin tablets* • • • is amended in the following respects:

a. Paragraph (a) (1) is changed to read:

(1) Each tablet contains not less than 20 milligrams of streptomycin or dihydrostreptomycin. If the tablets are intended for human use, the streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.101 (a) or § 146b.103 of this chapter, except the standards for sterility, pyrogens, and histamine content. If the tablets are intended solely for veterinary use, the streptomycin or dihydrostreptomycin used may conform to the standards prescribed by § 146b.114 (a) of this chapter.

b. Paragraph (a) (3) is amended by deleting the words "histamine content," from the first sentence.

c. Paragraph (b) (2) is amended by changing "$10.00" to read "$4.00".

23. Section 146a.89 *Penicillin-streptomycin-neomycin in oil* • • • is amended in the following respects:

a. Paragraph (a) is changed to read as follows:

(a) (1) Unless it is intended solely for veterinary use and is conspicuously so labeled, it contains not less than 2.0 milligrams of neomycin per milliliter. The neomycin used conforms to the standards prescribed for neomycin by § 146e.410 (a) (2) of this chapter, except the standard for toxicity (unless it is intended for use by subcutaneous injection in fowl).

(2) If it is intended solely for veterinary use and is conspicuously so labeled, it may contain polyvinylpyrrolidone.

b. Paragraph (b) is amended by designating the context thereof as subparagraph (1) and adding thereto the following new sentence: "If it contains polyvinylpyrrolidone, the name and quantity of such ingredient."

c. Paragraph (b) is further amended by adding thereto subparagraph (2), reading as follows:

(2) On the label and labeling, if it contains polyvinylpyrrolidone, after the name "penicillin-streptomycin-neomycin in oil," "penicillin-dihydrostreptomycin-neomycin in oil," "penicillin-streptomycin-neomycin ointment," or "penicillin-dihydrostreptomycin-neomycin ointment," wherever such name appears, the words "with polyvinylpyrrolidone," in juxtaposition with such name.

d. Paragraph (c) is amended by inserting after the word "toxicity," the following parenthetical expression: "(if it is intended for subcutaneous injection in fowl),".

24. Section 146a.96 *Dibenzylamine penicillin and streptomycin in oil* • • • is amended by changing the last sentence thereof to read as follows: "The dibenzylamine penicillin used conforms to the requirements of § 146a.94 (a), except § 146a.94 (a) (2), (3) (unless it is intended for subcutaneous injection in fowl), and (4)."

25. In § 146a.108 *Procaine penicillin-streptomycin-polymyxin in oil* • • •, paragraph (a) is amended by changing the period at the end thereof to a comma and adding the following clause: ", except the standard prescribed for toxicity (unless it is intended for subcutaneous injection in fowl)."

26. Section 146a.111 *Procaine penicillin-neomycin-polymyxin in oil* • • • is amended in the following respects:

a. In paragraph (a) *Standards of identity* • • •, the sixth, seventh, eighth, and ninth sentences are changed to read as follows: "The procaine penicillin used conforms to the requirements of § 146a.44 (a), except § 146a.44 (a) (2), (3), and (4). The neomycin used conforms to the requirements of § 146e.410 (a) (2) of this chapter, except the standard for toxicity. The polymyxin used conforms to the requirements of § 146b.107 (a) of this chapter, except the standard for toxicity. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (b) *Packaging* • • • is amended by changing subparagraph (2) to read as follows:

(2) In addition to complying with the requirements of § 146a.26 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the dates of the latest tests and assays of the neomycin (for potency, moisture, and pH) and polymyxin (for potency) used in making the batch; the number of units of penicillin; the number of milligrams of neomycin, and the number of units of polymyxin per milliliter or per gram. He shall also submit in connection with his requests a sample consisting of not less than seven immediate containers of the batch and (unless they were previously submitted) samples consisting of five packages each of the neomycin and polymyxin used in making the batch, each package containing approximately equal portions of not less than 0.5 gram.

27. Section 146a.112 *Crystalline penicillin - streptomycin - polymyxin - oxytetracycline-carbomycin powder veterinary* • • • is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by changing sentences four to twelve, inclusive, to read as follows: "The crystalline penicillin used conforms to the standards prescribed therefor by § 146a.24, except § 146a.24 (a) (2), (3), and (4). The streptomycin used conforms to the standards prescribed therefor by § 146b.101 (a) of this chapter, except § 146b.101 (a) (2), (3), (4), and (5). The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146b.103 of this chapter, except the standards for sterility, toxicity, pyrogens, and histamine. The polymyxin B used conforms to the standards prescribed therefor by § 146b.107 (a) of this chapter, except the standard for toxicity. The oxytetracycline used is produced by the growth of Streptomyces Rimosus. The crystalline oxytetracycline base has a potency of not less than 900 micrograms per milliliter on the anhydrous basis, has a moisture content of not more than 7.5 percent, and a pH of from 5.5 to 7.5. The crystalline oxytetracycline hydrochloride has a potency of not less than 835 micrograms per milligram, a moisture content of not more than 1.5 percent, and a pH of from 2.3 to 2.9. The crystalline carbomycin used is produced by the growth of Streptomyces halstedii, has a potency of not less than 750 μg. per milligram, and has a moisture content of not more than 5.0 percent and a pH of from 5.0 to 8.0. Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. In paragraph (d) *Request for certification; samples*, subparagraph (2) (ii), (iii), (v), and (vi) is amended by deleting the word "toxicity,".

c. Paragraph (d) (2) (iv) is amended by inserting a period after "Toxicity" and deleting the remainder of the sentence.

28. Section 146b.102 *Streptomycin ointment* • • • is amended in the following respects:

a. Paragraph (a) is changed to read as follows:

(a) *Standards of identity, strength, quality, and purity.* Streptomycin ointment and dihydrostreptomycin ointment are streptomycin or dihydrostreptomycin in a suitable and harmless ointment base, with or without suitable and harmless dispersing and suspending agents and preservatives. Their potency is not less than 5,000 μg per gram of ointment. The streptomycin used conforms to the requirements of § 146b.101 (a), except § 146b.101 (a) (2), (3), (4), (5), and (6). The dihydrostreptomycin used conforms to the requirements of § 146b.103, except the standards for sterility, toxicity, pyrogens, histamine, and moisture. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (d) (2) (ii) is amended by deleting the word "toxicity,".

29. Section 146b.104 *Streptomycin tablets* • • • is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by changing the words "and pyrogens" in the sixth sentence to read: ", pyrogens, and histamine content."

b. Paragraph (d) (2) (ii) is amended by deleting the words "histamine content,".

c. Paragraph (e) (1) is changed to read as follows:

(e) • • •

(1) $0.75 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section.

30. Section 146b.107 *Streptomycin-polymyxin-bacitracin tablets* is amended in the following respects:

a. Paragraph (a) is changed to read as follows:

(a) *Standards of identity, strength, quality, and purity.* Streptomycin-polymyxin-bacitracin tablets are tablets composed of streptomycin, polymyxin B, and bacitracin, with or without the addition of one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is not less than 250 milligrams of streptomycin, 200,000 units of polymyxin B, and 5,000 units of bacitracin. Its moisture content is not more than 3 percent. The streptomycin used conforms to the standards prescribed therefor by § 146b.101 (a), except § 146b.101 (a) (2), (4), and (5). The polymyxin used is produced by the growth of *Bacillus polymyxa*, has a potency of not less than 3,800 units per milligram, and is nontoxic. The bacitracin used conforms to the standards prescribed therefor by § 146e.401 (a) of this chapter, except § 146e.401 (a) (2), (4), and (8). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (d) (2) (ii) is amended by deleting the word "histamine,".

c. Paragraph (e) (1) is amended to read as follows:

(e) • • •

(1) $1.00 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), and (v) of this section.

31. Section 146b.108 *Streptomycin syrup* • • • is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by changing "(2), (4), and (6)" to read "(2), (4), (5), and (6)".

b. Paragraph (a) is further amended by changing the words "and moisture" to read "moisture, and histamine content".

c. Paragraph (d) (2) (ii) is amended by deleting the words "histamine content,".

d. Paragraph (e) (1) is amended to read as follows:

(e) *Fees.* • • •

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section; and

32. Section 146b.109 *Streptomycin-bacitracin-polymyxin gauze pads* is amended in the following respects:

a. In paragraph (a) *Standards of identity* • • •, the sixth sentence is changed to read: "The bacitracin used conforms to the standards prescribed therefor by § 146e.401 (a), except § 146e.401 (a) (2), (4), and (8)."

b. Paragraph (d) (2) (iii) is amended by changing the words "and pH" to read "pH, and ash content."

33. Section 146b.110 *Streptomycin otic with antifungal agent* • • • is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by changing the fourth sentence to read as follows: "The streptomycin used conforms to the standards prescribed therefor by § 146b.101 (a), except § 146b.101 (a) (2), (3), (4), (5), and (6)," and by inserting in the fifth sentence, after the word "pyrogens," the word "toxicity,".

b. Paragraph (d) (2) (ii) is amended by deleting the word "toxicity,".

34. Section 146b.111 *Streptomycin-kaolin-pectin-aluminum hydroxide gel powder veterinary* • • • is amended in the following respects:

a. Paragraph (a) is changed to read:

(a) *Standards of identity, strength, quality, and purity.* Streptomycin-kaolin-pectin-aluminum hydroxide gel powder veterinary and dihydrostreptomycin-kaolin-pectin aluminum hydroxide gel powder veterinary are streptomycin or dihydrostreptomycin, kaolin, pectin, and dried aluminum hydroxide gel, with or without the addition of one or more suitable and harmless diluents, colorings, and flavorings. Its content of streptomycin or dihydrostreptomycin is not less than 37.5 milligrams per gram of powder. Its moisture content is not more than 10 percent. The streptomycin used conforms to the standards prescribed therefor by § 146b.101 (a), except § 146b.101 (a) (2), (4), and (5). The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146b.103, except the standards for sterility, pyrogens, and histamine content. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (d) (2) (ii) is amended by deleting the words "histamine content,".

c. Paragraph (e) (1) is amended to read as follows:

(e) *Fees.* • • •

(1) $1.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section.

35. Section 146b.118 *Streptomycin-penicillin-sulfonamide with kaolin and pectin* • • • is amended in the following respects:

a. Paragraph (a) is amended to read as follows:

(a) *Standards of identity, strength, quality, and purity.* Streptomycin-penicillin-sulfonamide with kaolin and pectin and dihydrostreptomycin-penicillin-sulfonamide with kaolin and pectin are dry mixtures of streptomycin sulfate or dihydrostreptomycin sulfate, crystalline penicillin G (sodium or potassium), one or more suitable sulfonamides, kaolin, and pectin, with or without bismuth subcarbonate and with or without one or more suitable and harmless preservatives, colorings, and flavorings. Its moisture content is not more than 2 percent. The pH of a suspension prepared as directed in its labeling is not less than 5.5 and not more than 7.5. The streptomycin used conforms to the standards prescribed by § 146b.101 (a), except § 146b.101 (a) (2), (4), and (5). The dihydrostreptomycin used conforms to the standards prescribed by § 146b.103, except the standards for sterility, pyrogens, and histamine content. The crystalline penicillin G used conforms to the standards prescribed therefor by § 146a.24 (a) of this chapter, except § 146a.24 (a) (2) and (4). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (d) (2) (ii) is amended by deleting the words "histamine content,".

c. Paragraph (e) (1) is changed to read:

(e) *Fees.* • • •

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), and (iv) of this section; $5.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) of this section.

36. Section 146b.121 *Streptomycin-erythromycin ointment* is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by changing "(2), (4), and (5)" in the fourth sentence to read "(2), (3), (4), and (5)" and by deleting the words "is nontoxic," from the fifth sentence.

b. Paragraph (d) (2) (ii) is amended by deleting the word "toxicity,".

37. Section 146b.124 *Streptomycin-polymyxin-neomycin ointment* • • • is amended in the following respects:

a. Paragraph (a) is changed to read as follows:

(a) *Standards of identity, strength, quality, and purity.* Streptomycin-polymyxin-neomycin ointment and dihydrostreptomycin-polymyxin-neomycin ointment are streptomycin or dihydrostreptomycin, polymyxin, and neomycin in a suitable and harmless ointment base, with or without one or more suitable sulfonamides, and with or without suitable and harmless dispersing and suspending agents. Their moisture content is not more than 1 percent. Their potency is such that when used as directed in their labeling each dose shall contain not less than 250 milligrams of streptomycin or dihydrostreptomycin, 100,000 units of polymyxin B, and 150 milligrams of neomycin. The streptomycin used conforms to the requirements of § 146b.101 (a), except § 146b.101 (a) (2), (3), (4), and (5). The dihydrostreptomycin used conforms to the requirements of § 146b.103, except the standards for sterility, toxicity, pyrogens, and histamine. The polymyxin B used conforms to the requirements prescribed for polymyxin B by § 146b.107 (a), except the standard for toxicity. The neomycin used conforms to the requirements prescribed for neomycin by § 146e.410 (a) (2) of this chapter, except the standard for toxicity. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (d) is amended by deleting the word "toxicity," from subparagraph (2) (ii); by inserting a period after "Potency" and deleting the words "and toxicity" from subparagraph (2) (iii); and by deleting the word "toxicity," from subparagraph (2) (iv).

38. Section 146b.126 *Streptomycin-neomycin powder* • • • is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by changing the fourth and fifth sentences to read: "The streptomycin used conforms to the standards prescribed therefor by § 146b.101 (a), except § 146b.101 (a) (2), (4), and (5). The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146b.103, except the standards for sterility, pyrogens, and histamine content."

b. Paragraph (d) (2) (ii) is amended by deleting the words "histamine content,".

c. Paragraph (e) (1) is amended to read as follows:

(e) *Fees.* • • •

(1) $4.00 for each immediate container submitted in accordance with paragraph (d) (3) (ii), (iii), and (iv) of this section; $5.00 for each immediate container submitted in accordance with paragraph (d) (3) (i) of this section.

39. Section 146c.202 *Chlortetracycline hydrochloride ointment* • • • is amended in the following respects:

a. Paragraph (a) is changed to read as follows:

(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline hydrochloride ointment, tetracycline hydrochloride ointment, and tetracycline ointment are crystalline chlortetracycline hydrochloride, chlortetracycline calcium, tetracycline hydrochloride, or tetracycline, in a suitable and harmless ointment base. It may contain a suitable local anesthetic, cortisone, hydrocortisone, or a suitable ester of cortisone or hydrocortisone, and one or more suitable and harmless preservatives and stabilizing agents. Its moisture content is not more than 1 percent if it is chlortetracycline hydrochloride or tetracycline hydrochloride ointment. Its potency is not less than 1 milligram per gram. The chlortetracycline hydrochloride used in making the chlortetracycline hydrochloride ointment and in preparing the chlortetracycline calcium used in making the chlortetracycline calcium ointment conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (1), (2), (3), (4), and (5), but its potency is not less than 750 µg. per milligram. The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except § 146c.218 (a) (2), (3), (4), and (5). The tetracycline used conforms to the requirements of § 146c.220 (a). Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. In paragraph (c) *Labeling*, subparagraph (1) (iv) is amended by changing "36 months" to read "36 months or 48 months".

c. Paragraph (d) (2) (ii) is amended by deleting the word "toxicity,".

40. In § 146c.205 *Chlortetracycline powder,* • • •, subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the words "36 months" to read "36 months or 48 months".

41. Section 146c.208 *Chlortetracycline otic* • • • is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by changing the third and fourth sentences to read as follows: "The chlortetracycline used conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (2), (3), (4), and (5). The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except § 146c.218 (a) (2), (3), (4), and (5)."

b. Paragraph (d) (2) (iii) is amended by deleting the word "toxicity,".

42. Section 146c.212 *Chlortetracycline suppositories* • • • is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by changing the reference "§ 146c.201 (a) (1), (2), (4), and (5)" in the fourth sentence to read "§ 146c.201 (a) (1), (2), (3), (4), and (5)," and the reference "§ 146c.218 (a) (2), (4), and (5)" in the fifth sentence to read "§ 146c.218 (a) (2), (3), (4), and (5)."

b. Paragraph (d) (2) (ii) is amended by deleting the word "toxicity,".

43. Section 146c.223 *Chlortetracycline-neomycin-streptomycin - penicillin ointment* • • • is amended in the following respects:

a. Paragraph (a) (2) is amended by changing the period at the end of the second sentence to a comma and adding the following clause: ", except the standard for toxicity."

b. Paragraph (a) (3) and (4) is amended to read as follows:

(3) They contain not less than 14 milligrams of streptomycin or dihydrostreptomycin per gram. The streptomycin used conforms to the standards prescribed by § 146b.101 (a) of this chapter, except § 146b.101 (a) (2), (3), (4), and (5). The dihydrostreptomycin used conforms to the standards prescribed by § 146b.103 of this chapter, except the standards for sterility, toxicity, pyrogens, and histamine.

(4) They contain not less than 28,000 units of procaine penicillin G per gram, except that if it is intended for use by udder instillation, each single dose as recommended in its labeling contains not more than 100,000 units of procaine penicillin G. The procaine penicillin used conforms to the requirements prescribed by § 146a.44 (a) of this chapter, except § 146a.44 (a) (2), (3), and (4).

44. Section 146c.230 *Chlortetracycline hydrochloride powder topical* is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by changing the reference "§ 146c.201 (a) (2), (4), and (5)" in the third sentence to read: "§ 146c.201 (a) (2), (3), (4), and (5)" and by changing the reference "§ 146c.218 (a) (2), (4), and (5)" in the fourth sentence to read "§ 146c.218 (a) (2), (3), (4), and (5)."

b. Paragraph (d) (2) (ii) is amended by deleting the word "toxicity,".

45. Section 146c.237 *Chlortetracycline-neomycin - streptomycin ointment* • • • is amended in the following respects:

a. Paragraph (a) (2) is amended by changing the period at the end of the second sentence to a comma and adding the following clause: "except the standard for toxicity."

b. Paragraph (a) (3) is amended by inserting the number "(3)" between "(2)" and "(4)" in the second sentence and inserting the word "toxicity," after the word sterility,".

c. Paragraph (c) is amended by deleting the word "toxicity," from the first sentence.

46. Section 146d.303 *Chloramphenicol ointment* • • • is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by inserting the number "(3)," between the numbers "(2)" and "(4)" in the fifth sentence.

b. Paragraph (d) (2) (ii) is amended by deleting the word "toxicity,".

47. Section 146d.308 *Chloramphenicol otic* • • • is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by inserting "(3)," following "subparagraphs (2)" in the fifth sentence.

b. Paragraph (d) (2) (ii) is amended by deleting the word "toxicity,".

48. Section 146d.309 *Chloramphenicol-streptomycin capsules* • • • is amended in the following respects:

a. Paragraph (a) (2) is amended to read as follows:

(2) Each capsule contains not less than 125 milligrams of streptomycin or dihydrostreptomycin. The streptomycin used conforms to the standards prescribed therefor by § 146b.101 (a) of this chapter, except § 146b.101 (a) (2), (4), and (5). The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146b.103 of this chapter, except the standards for sterility, pyrogens, and histamine content.

b. Paragraph (a) (5) is amended by deleting the words "histamine content,".

c. Paragraph (b) (2) is amended by changing "$10.00" to read "$4.00".

49. Section 146d.311 *Chloramphenicol palmitatestreptomycin oral suspension* • • • is amended in the following respects:

a. Paragraph (a) is amended to read:

(a) It contains not less than 30 milligrams of streptomycin or dihydrostreptomycin per milliliter. The streptomycin used conforms to the standards prescribed by § 146b.101 (a) of this chapter, except § 146b.101 (a) (2), (4), (5), and (6). The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146b.103 of this chapter, except the standards for sterility, pyrogens, moisture, and histamine content.

b. Paragraph (c) is amended by deleting the words "histamine content," from the first sentence.

c. Paragraph (d) (2) is amended by changing "$10.00" to "$4.00".

50. Section 146d.312 *Chloramphenicol-neomycin ointment* is amended in the following respects:

a. Paragraph (a) is amended by changing the period at the end of the second sentence to a comma and adding the following clause: ", except the standard for toxicity."

b. Paragraph (d) is amended by deleting the word "toxicity" from the first sentence.

51. Section 146e.401 *Bacitracin* is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by adding thereto the following subparagraphs:

(7) Its ash content is not more than 3.0 percent.

(8) If it is intended for systemic medication, its heavy metals content is not more than 30 parts per million.

b. In paragraph (d) *Request for certification: samples,* subparagraph (1) is amended by changing the words "and pH" in the second sentence to read "pH, ash content, and heavy metals."

c. Paragraph (d) is further amended by changing subparagraph (2) (i) to read:

(i) For all tests except sterility, one immediate container for each 5,000 immediate containers in such batch, but in no case less than six or more than 13 immediate containers. If a sample of such batch has not been previously submitted in accordance with subparagraph (3) or (4) of this paragraph, such person shall also submit one additional package containing 1.0 gram of the batch.

52. Section 146e.402 *Bacitracin ointment* • • • is amended in the following respects:

a. Paragraph (a) is amended to read:

(a) *Standards of identity, strength, quality, and purity.* Bacitracin ointment and zinc bacitracin ointment are composed of bacitracin or zinc bacitracin in a suitable and harmless ointment base, or they are a powder composed of bacitracin or zinc bacitracin and one or more suitable and harmless diluents, dispersing agents, and preservatives which upon the addition of the quantity of water recommended in its labeling, produces an ointment. It may contain a suitable local anesthetic, cortisone, or a suitable derivative of cortisone, one or more suitable sulfonamides, one or more suitable proteolytic enzymes, and, if it is intended solely for veterinary use and is conspicuously so labeled, one or more suitable antifungal agents or rotenone. Its potency is not less than 500 units per gram. Its moisture content is not more than 1 percent, except if it is a powder its moisture content is not more than 5 percent. The zinc bacitracin used conforms to the standards prescribed therefor by § 146e.418 (a), except § 146e.418 (a) (2). The bacitracin used conforms to the standards prescribed therefor by § 146e.401 (a), except § 146e.401 (a) (2), (3), (4), and (8). Each other substance used, if its name is recognized in the U. S. P. or B. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (d) (2) (ii) is amended to read:

(ii) The bacitracin or zinc bacitracin used in making the batch: potency, moisture, pH, ash content if it is bacitracin, and zinc content if it is zinc bacitracin.

53. Section 146e.403 *Bacitracin tablets* • • • is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by changing the fourth and fifth sentences to read: "The bacitracin used conforms to the standards prescribed therefor by § 146e.401 (a), except § 146e.401 (a) (2), (4), and (8)."

b. Paragraph (d) (2) (ii) is amended by inserting the words "ash content if it is bacitracin," after "pH,".

54. Section 146e.404 *Bacitracin troches* • • • is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by changing the fourth sentence to read: "The bacitracin used conforms to the standards prescribed therefor by § 146e.401 (a), except § 146e.401 (a) (2), (4), and (8)."

b. In paragraph (c) *Labeling*, subparagraph (1) (iii) is amended by changing the words "24 months" to read "24 months or 36 months or 48 months".

c. Paragraph (d) (2) (ii) is amended to read as follows:

(d) *Request for certification; samples.* • • • (2) • • •

(ii) The bacitracin or zinc bacitracin used in making the batch; potency, moisture, toxicity, pH, ash content if it is bacitracin, and zinc content if it is zinc bacitracin.

55. Section 146e.405 *Bacitracin with vasoconstrictor* • • • is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by changing "(2), and (4)" in the fifth sentence to read: "(2), (4), and (8)".

b. Paragraph (d) (2) (i) is amended by changing the words "and pH" to read "pH, and ash content."

56. Section 146e.408 *Bacitracin ophthalmic* is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by changing the

sixth sentence to read: "The bacitracin used conforms to the requirements of § 146e.401 (a), except § 146e.401 (a) (2), (4), and (8)."

b. Paragraph (d) (2) (ii) is amended by changing the words "and pH" to read "pH, and ash content."

57. In § 146e.409 *Bacitracin-polymyxin ointment* • • •, paragraph (a) is amended in the following respects:

a. Subparagraph (2) is amended by changing the period at the end of the second sentence to a comma and adding the following clause: ", except the standard for toxicity."

b. Subparagraph (7) is amended by deleting the words "and toxicity" from the first sentence.

58. In § 146e.411 *Bacitracin-neomycin ointment* • • •, paragraph (a) is amended in the following respects:

a. Subparagraph (1) is amended by changing the period at the end of the second sentence to a comma and adding the following clause: ", except the standard for toxicity."

b. Subparagraph (3) is amended by deleting the word "toxicity," from the first sentence.

59. Section 146e.419 *Bacitracin-neomycin-polymyxin troches* • • • is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by changing the fourth sentence to read: "The bacitracin used conforms to the standards prescribed therefor by § 146e.401 (a), except § 146e.401 (a) (2), (4), and (8)."

b. Paragraph (d) (2) (ii) is amended by changing the words "and pH" to read "pH, and ash content."

60. In § 146e.422 *Bacitracin-polymyxin-neomycin ointment*, paragraph (a) is amended in the following respects:

a. Subparagraph (1) is amended by changing the period at the end of the second sentence to a comma and adding the following clause: ", except the standard for toxicity."

b. Subparagraph (4) is amended by deleting the word "toxicity," from the first sentence.

61. Section 146e.425 *Bacitracin powder* is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by changing the fourth sentence to read: "The bacitracin used conforms to the standards prescribed therefor by § 146e.401 (a), except § 146e.401 (a) (2), (4), and (8)."

b. Paragraph (d) (2) (ii) is amended by changing the words "and pH" to read "pH, and ash content."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay providing for the aforesaid amendments.

Effective date. The amendments numbered 23a (to paragraph (a) (2)), 23b, 23c, 39b, 40, and 54b shall become effective upon publication in the FEDERAL REGISTER. All other amendments encompassed in this order shall become effective 90 days from the date of publication.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: July 18, 1958.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-5659; Filed, July 25, 1958; 8:45 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 21—COMMISSIONED OFFICERS

PART 22—PERSONNEL OTHER THAN COMMISSIONED OFFICERS

MISCELLANEOUS AMENDMENTS

The following amendments to and revocations of the Public Health Service Regulations (Part 21—Commissioned Officers and Part 22—Personnel Other Than Commissioned Officers) are hereby made:

1. Section 21.203 is amended by deleting therefrom the words "of the Regular Corps".

2. Section 21.221 is amended by striking out the last clause beginning with the word "except" and adding the following:

§ 21.221 *Generally.* • • • except as follows:

(a) *Insignia.* Public Health Service insignia, other than appropriate insignia of grade, shall be worn in lieu of the insignia of the Women's Reserve, U. S. Naval Reserve.

(b) *Miniature corps device on collar tip.* A metal Public Health Service miniature corps device shall be worn on the left shirt collar tip in lieu of grade mark worn by commissioned officers of the Women's Reserve, U. S. Naval Reserve.

3. Section 21.222 is revoked, and §§ 21.223 and 21.224 are designated §§ 21.222 and 21.223, respectively.

4. Section 21.222 as redesignated by the previous item is amended as follows:

§ 21.222 *Detail to States.* Female officers detailed to State or local health departments while engaged in public health activities may wear the uniform dress, if any, of the department to which detailed.

5. Section 21.269 is revoked, and §§ 21.270, 21.271, 21.272 and 21.273 are redesignated as §§ 21.269, 21.270, 21.271 and 21.272 respectively.

6. Section 22.4 is revoked.

(Sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216)

Approved: July 3, 1958.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: July 22, 1958.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 58-5737; Filed, July 25, 1958; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1686]

IDAHO AND COLORADO

WITHDRAWING PUBLIC LANDS IN SALMON AND ROOSEVELT NATIONAL FORESTS FOR USE OF FOREST SERVICE AS RECREATION AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Salmon National Forest, Idaho and Roosevelt National Forest, Colorado, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as recreation areas:

[Idaho 08878]

BOISE PRINCIPAL MERIDIAN

SALMON NATIONAL FOREST

Deadwater Spring Picnic Area

T. 24 N., R. 20 E., unsurveyed,
Sec. 24, SE¼SW¼SW¼.

The area described contains 10 acres.

[Colorado 020392]

SIXTH PRINCIPAL MERIDIAN

ROOSEVELT NATIONAL FOREST

Middle St. Vrain Recreation Area

T. 2 N., R. 73 W.,
Sec. 13, S½SW¼SE¼;
Sec. 14, S½S½ and S½N½SW¼;
Sec. 15, N½S½, N½SW¼SE¼, and SE¼SE¼;
Sec. 16, SW¼NE¼, S½NW¼, N½N½SW¼, and N½SE¼;
Sec. 17, S½NE¼, S½N½NE¼, NW¼NW¼, E½SW¼NW¼, SE¼NW¼, NE¼NE¼SW¼, and N½N½SE¼;
Sec. 23, N½N½N½;
Sec. 24, N½NW¼NE¼.

The areas described aggregate 1,050 acres.

Jim Creek Recreation Area

T. 2 N., R. 72 W.,
Sec. 31, lots 3, 4, and 21.

The area described contains 113.67 acres.

Halloway Picnic Ground

T. 2 N., R. 72 W.,
Sec. 30, lot 5.

The area described contains 24.71 acres.

Four Mile Campground

T. 1 N., R. 73 W.,
Sec. 23, NE¼NE¼; less patented mineral claims;
Sec. 24, NW¼, NE¼SW¼, and N½SE¼, less patented mineral claims.

The areas described aggregate 260 acres.

Gross Reservoir Recreation Area

T. 1 S., R. 71 W.,
Sec. 16, lots 11, 12, 13, 14, 15, 16, SE¼SW¼, and SW¼SE¼;
Sec. 19, lots 5, 6, 7, 8, 9, 10, 11, 12, 13, W½NE¼, E½NW¼, E½SW¼, and W½SE¼;
Sec. 29, tracts 62, 63, and 64;
Sec. 30, lots 10, 11, 12, 13, 14, 15, 16, 17, and 18.
T. 1 S., R. 72 W.,
Sec. 13, lots 1, 2, 5, and 6;
Sec. 24, lots 1, 2, 6, 7, 8, 9, 10, and 11;
Sec. 25, lots 1, 2, 7, and 8.

The areas described aggregate 1,941.23 acres.

The areas withdrawn by this order aggregate 3,419.61 acres.

This order shall be subject to existing withdrawals for power and reservoir purposes so far as they affect any of the lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 21, 1958.

[F. R. Doc. 58-5712; Filed, July 25, 1958; 8:45 a. m.]

[Public Land Order 1687]

[Colorado 020387]

COLORADO

WITHDRAWING PUBLIC LANDS FOR USE OF FOREST SERVICE FOR ADMINISTRATIVE SITE

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 43 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Gunnison National Forest in Colorado are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, for an administrative site:

NEW MEXICO PRINCIPAL MERIDIAN

GUNNISON NATIONAL FOREST

Big Meadows Administrative Site

T. 44 N., R. 1 E.,
Sec. 17, W½NW¼NW¼;
Sec. 18, E½NE¼NE¼.

The areas described aggregate 40 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 21, 1958.

[F. R. Doc. 58-5713; Filed, July 25, 1958; 8:45 a. m.]

[Public Land Order 1688]

[Fairbanks 012024]

ALASKA

AMENDING PUBLIC LAND ORDER NO. 1521 AS AMENDED BY PUBLIC LAND ORDER NO. 1541

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

In Federal Register Document 57-8250, appearing as Public Land Order No. 1521, at page 8016 of the issue for October 9, 1957, and in Federal Register Document 57-9289, appearing as Public Land Order No. 1541, at page 8983 of the issue of November 8, 1957, the name of the using agency is changed to read "Department of the Air Force" instead of "Department of the Army" wherever it appears.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 21, 1958.

[F. R. Doc. 58-5714; Filed, July 25, 1958; 8:46 a. m.]

[Public Land Order 1689]

[Idaho 09491]

IDAHO

PARTIALLY REVOKING EXECUTIVE ORDER OF AUGUST 15, 1919, WHICH CREATED PUBLIC WATER RESERVE NO. 66

By virtue of the authority vested in the President by the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) as amended, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of August 15, 1919, creating Public Water Reserve No. 66, is hereby revoked so far as it affects the following-described lands in Idaho:

BOISE MERIDIAN

T. 10 N., R. 21 E.,
Sec. 34, SE¼NE¼ and NE¼SE¼;
Sec. 35, S½N½, W½SW¼, SE¼.

The areas described aggregate 480 acres, of which the S½N½ and E½SE¼ (240 acres) in sec. 35 have been patented.

2. The land is about 24 miles northwest of Mackay, Idaho. The soil is heavy muck with clay loam with both seeped and open water areas. The vegetative cover is varied. The seeped areas support sedgegrasses, swamp grass, and reeds. Higher areas have some greasewood and sagebrush with intermingled weeds. Elevation is about 6,350 feet.

3. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on August 26, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 25, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 25, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands have been open to applications and offers under the mineral-leasing laws, and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m. on November 25, 1958.

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must properly corroborate statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 21, 1958.

[F. R. Doc. 58-5715; Filed, July 25, 1958; 8:46 a. m.]

[Public Land Order 1690]

[1271673]

OREGON

REVOKING EXECUTIVE ORDER NO. 4700 OF AUGUST 5, 1927, WHICH WITHDREW LANDS FOR USE OF FOREST SERVICE AS A LOOKOUT STATION

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 4700 of August 5, 1927, temporarily withdrawing the following-described lands in Oregon for use of the Forest Service, Department of Agriculture, as a lookout station, is hereby revoked:

WILLAMETTE MERIDIAN

T. 4 S., R. 7 W.,
Sec. 11, NE¼SW¼ and NW¼SW¼.

The areas described aggregate 80 acres.

2. The lands are revested Oregon and California Railroad grant lands and have been classified for retention in Federal ownership for permanent forest production in conformity with the sustained yield timber management requirements established by the act of August 28, 1937 (50 Stat. 874; 43 U. S. C. 1181a–1181f).

3. The lands have been open to applications and offers under the mineral-leasing laws and to location for metalliferous minerals. They will be open to location under the United States mining laws for non-metalliferous minerals at 10:00 a. m. on August 27, 1958, subject to the provisions of paragraph 4 of this order.

4. Portions of the lands contain improvements represented by wooden structures erected by the Forest Service, and a triangulation station and certain reference points erected by the United States Coast and Geodetic Survey. Any entry upon or location of such lands or use or disposal thereof, shall be subject to the right of the United States, its officers, agents or employees to maintain, repair, operate, improve, or remove such improvements and to enter upon the lands at any time or times for such purposes, and the United States shall retain all right, title and interest in and to such improvements until they have been removed or officially abandoned in place.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 22, 1958.

[F. R. Doc. 58-5716; Filed, July 25, 1958; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

PART 310—MERCHANT MARINE TRAINING

EDITORIAL NOTE: In the revised edition, as of January 1, 1958, of this title and chapter, the sources shown throughout Part 310 should include the parenthetical term "(WSA Function Series)" following the general order number for proper identification purposes.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 958]

IRISH POTATOES GROWN IN COLORADO

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the area committee for Area No. 3 established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.228 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and this part to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending May 31, 1959, will amount to $2,375.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 97 and this part shall be $0.00095 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and this part.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5741; Filed, July 25, 1958; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 13]

ADMISSION, GUIDE, ELEVATOR, AND AUTOMOBILE FEES

COMMERCIAL PASSENGER-CARRYING VEHICLES, GREAT SMOKY MOUNTAINS NATIONAL PARK

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U. S. C. 3), it is proposed to amend 36 CFR Part 13 by adding § 13.18 as set forth below. The purpose of this amendment is to establish sightseeing vehicle fees in Great Smoky Mountains National Park, North Carolina and Tennessee. This amendment shall not be construed so as to interfere with the free public use of State Highways numbered 71 and 73.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U. S. C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendment to the National Park Service, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 21, 1958.

A new section is added to Part 13, to read as follows:

§ 13.18 *Commercial passenger-carrying vehicles, Great Smoky Mountains National Park.* (a) Permits issued by the Superintendent, and compliance with applicable state and federal regulations, shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire within the park. The fee for such permits shall be as follows:

(1) Annual permit for calendar year: $1.00 for each passenger-carrying seat in the vehicle to be operated.

(2) Quarterly permit for a period beginning January 1, April 1, July 1, or October 1: 25¢ for each passenger-carrying seat in the vehicle to be operated.

(b) In addition to the permit required in paragraph (a) of this section, a guide permit issued by the Superintendent shall be required for each driver of a commercial passenger-carrying vehicle, including taxicabs, carrying passengers for hire within the park. Such a permit will be issued by the Superintendent upon a showing to his satisfaction that the applicant possesses adequate knowledge of the park's road system and points of interest, and has complied with all applicable state and federal regulations. The fee for a guide permit shall be $5.00 for the calendar year, or any part thereof.

[F. R. Doc. 58-5717; Filed, July 25, 1958; 8:46 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 158]

[Delegation of Authority 23–C]

CHIEF, DIVISION OF SUPPLY MANAGEMENT ET AL.

DELEGATION OF AUTHORITY FOR PROCUREMENT TRANSACTIONS

By virtue of the authority vested in the Secretary of State by the act of May 26, 1949 (63 Stat. 111; 5 U. S. C. 151c and 22 U. S. C. 811a), as amended, the authority vested in the Secretary of State by delegation of authority dated August 9, 1950 (15 F. R. 6130–6131), signed by Jess Larson, Administrator of General Services, the authority vested in the Secretary of State by Delegation of Authority No. 337 dated May 9, 1958, signed by Franklin Floete, Administrator of General Services (which authority shall not extend beyond September 30, 1959) and in accordance with the authority conferred by section 307 of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended, upon the "Agency Head" as defined in section 309 (a) of said act, there is hereby delegated to the officials listed below (and to any official legally designated to act for one of those enumerated during the absence or incapacity of the latter) authority to make purchases and contracts, to sign and issue purchase orders, contracts, and certificates of award in connection therewith, and to use the procurement procedures contained in title III of the above-mentioned delegations of authority from the Administrator of General Services and the specific limitations indicated below. The authority hereby delegated is subject to all other applicable provisions of law and to all instructions, regulations, and directives which are now in effect or which may be issued hereafter by the Department of State, or by any other Government agency of competent jurisdiction, governing purchasing and contracting functions.

a. *Office of General Services.*

Chief, Division of Supply Management;
Chief, Procurement Branch;
Contract Specialist, Procurement Branch;
Procurement Officer, Procurement Branch;
Purchase Agent, Procurement Branch;

Limitations: (1) The following limitations as to dollar amount per transaction apply to the positions indicated: Chief, Procurement Branch, $50,000; Contract Specialist, $20,000; Procurement Officer, $2,500; Purchase Agent, $500. (2) No authority is delegated to make the determinations and decisions specified in Public Law 152, as amended, section 305 (a) or paragraphs (11) and (12) of section 302 (c). (3) Authority to make determinations or decisions specified in paragraph (10) of section 302 (c) is delegated only to the Chief, Division of Supply Management, and said authority is limited to contracts which will not require the expenditure of more than $25,000. (4) Authority to authorize a cost, cost-plus-a-fixed-fee, or any other incentive-type contract, either within or outside the United States and its possessions, and to make the determinations and decisions specified in section 304 (b) is delegated to the Chief, Division of Supply Management only. (5) Authority to negotiate contracts for services in connection with development, preparation, and grading of examinations for candidates for the Foreign Service of the United States, without advertising, under section 302 (c) (5) of Public Law 152, is delegated only to the Chief, Division of Supply Management, and Chief, Procurement Branch, and shall not extend beyond September 30, 1959.

b. *Office of Intelligence Resources and Coordination.*

Chief and Assistant Chief, Library Division;

Limitations: For the purchase of newspapers, books, maps, and periodicals. No authority is delegated to make the determinations and decisions specified in Public Law 152, as amended, section 305 (a) or paragraphs (10), (11) and (12) of section 302 (c); to authorize a cost, cost-plus-a-fixed-fee, or any other incentive type contract; or to make the determinations and decisions specified in section 304 (b).

c. *Office of Foreign Buildings.*

Director, Office of Foreign Buildings;

Limitations: Chargeable to funds available in the appropriation "Acquisition of Buildings Abroad" or in other appropriations available for foreign buildings operations. No authority is delegated: to make the determinations and decisions specified in Public Law 152, as amended, section 305 (a) or paragraphs (10), (11), and (12) of section 302 (c); to authorize cost, cost-plus-a-fixed-fee, or any other incentive type contract; or to make the determinations and decisions specified in section 304 (b), except when the supplies or services contracted for are to be delivered to points outside of the United States and its possessions.

d. *Miscellaneous.*

Imprest Fund Cashiers;

Limitations: The authority delegated to Imprest Fund Cashiers employed in the Division of Supply Management is limited to purchases not involving more than $100 per transaction; other Imprest Fund Cashiers are limited to $50 per transaction and are, in addition, limited to the types of purchases indicated in the documents designating them as Imprest Fund Cashiers. No authority is delegated to use the procurement procedure contained in Title III of Public Law 152, as amended.

This delegation of authority supersedes Delegation of Authority No. 23–B dated October 13, 1954.

Dated: July 14, 1958.

For the Secretary of State.

W. K. SCOTT,
Assistant Secretary for Administration.

[F. R. Doc. 58-5718; Filed, July 25, 1958; 8:47 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

FINDINGS REGARDING FOREIGN SOCIAL INSURANCE AND PENSION SYSTEMS

Section 202 (t) of the Social Security Act (42 U. S. C. 402 (t) (2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence presented by 36 countries, named below, with respect to the social insurance or pension systems, if any, of such countries, from which evidence it appears that such countries either have no social insurance or pension systems of general application in such countries which pay periodic benefits, or the actuarial equivalent thereof, on account of old age, retirement, or death, or have social insurance or pension systems under which citizens of the United States, not citizens of the country involved, who leave that country, are not permitted to receive such benefits or equivalent while outside that country.

Accordingly it is hereby determined and found by the Commissioner of Social Security that each of the following 36 countries does not meet the requirements of section 202 (t) (2) of the Social Security Act (42 U. S. C. 402 (t) (2)) because such country either has no social insurance or pension system which is of general application in such country under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, or has such a system but individuals who

are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are not permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence:

Afghanistan.	Lebanon.
Australia.	Liberia.
Cambodia.	Libya.
Canada.	Mexico.
Ceylon.	New Zealand.
Colombia.	Pakistan.
Cuba.	Paraguay.
Czechoslovakia.	Saudi Arabia.
Denmark.	South Korea.
Dominican Republic.	Spain.
Egypt.	Switzerland.
Ethiopia.	Syria.
Formosa.	Thailand.
France.	Tunisia.
Iceland.	Union of South Africa.
Indonesia.	Venezuela.
Iraq.	Vietnam.
Jordan.	
Laos.	

CHARLES I. SCHOTTLAND,
Commissioner of Social Security.

Approved: JULY 22, 1958.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 58-5711; Filed, July 25, 1958; 12:08 p. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-30]

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Pursuant to an order handed down on June 24, 1958, by the Hearing Examiner in the matter of National Advisory Commitee for Aeronautics, Docket 50-30, the Atomic Energy Commission has issued the following Construction Permit No. CPTR-3 to the National Advisory Committee for Aeronautics authorizing the construction of a 60 megawatt light water-cooled and -moderated research and testing reactor at the Plum Brook Ordnance Works near Sandusky, Ohio, as described in the application for license filed under Docket No. 50-30.

For further details see the application for license on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 21st day of July 1958.

For the Atomic Energy Commission.

E. R. PRICE,
Acting Director, Division of Licensing and Regulation.

[Construction Permit No. CPTR-3]

The National Advisory Committee for Aeronautics (hereinafter referred to as "NACA") on August 20, 1956, filed its application for Class 104 license to construct and operate a nuclear reactor (hereinafter referred to as "the reactor"). Amendatory and supplementary material was incorporated in the application by filings on August 28, 1956, November 14, 1956, December 3, 1956, March 27, 1957, June 14, 1957, and July 23, 1957. Reference to "the application" herein will be to the original application as amended and supplemented.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," the Atomic Energy Commission (hereinafter referred to as "the Commission") hereby issues a construction permit to NACA to construct a utilization facility in accordance with the application and amendments thereto. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations is subject to all applicable provisions of the Atomic Energy Act of 1954, as amended, and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. The earliest date for the completion of the facility is January 1, 1959. The latest date for the completion of the facility is January 1, 1960. The term "completion date" as used herein means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The site proposed for the location of the reactor is the location on the grounds of the Plum Brook Ordnance Works approximately 3 miles south-southeast of Sandusky, Ohio, as specified in the Facility Hazards Summary report dated April 17, 1956, submitted by NACA.

C. The general type of facility authorized for construction is a 60 megawatt light water-cooled and -moderated research and testing reactor having a core contained in a reactor pressure tank shielded by a concrete shield and a circular pool of water and further contained in a cylindrical steel tank, all as further described in NACA's application.

D. The applicant may proceed to design and construct a facility of the general design concept set forth in the application and amendments thereto without further authorization. However, this does not constitute final approval of any technical specification of the facility as distinguished from the general design concept proposed. Before the license is issued to operate the facility, the Commission must finally approve all technical specifications. If the applicant desires final approval of any particular technical specification prior to the issuance of the license to operate, the applicant may request that the Commission grant specific approval of any technical specification by appropriate amendment to this permit.

This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless the NACA has submitted to the Commission (by proposed amendment to the application) the complete, final Hazards Summary Report (portions of which may be submitted and evaluated from time to time) and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the facility in accordance with the specified procedures.

Upon completion (as defined in Paragraph A above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon a finding that the reactor authorized has been constructed in conformity with the application as amended, and in conformity with the provisions of the Act and the rules and regulations of the Commission and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the Act, the Commission will issue a Class 104 license to NACA pursuant to section 104 (c) of the act, which license shall expire ten (10) years after the date of this construction permit.

Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to NACA for use in connection with the reactor, 224 kilograms of uranium 235 contained in uranium of the isotopic ratios specified in NACA's application. Estimated schedules of special nuclear material transfers to NACA and returns to the Commission are contained in Appendix "A" attached hereto. Shipments by the Commission to NACA in accordance with column 2 in Appendix "A" will be conditioned on NACA's return to the Commission of material substantially in accordance with column 3 of Appendix "A".

Date of issuance: July 21, 1958.

For the Atomic Energy Commission.

E. R. PRICE,
Acting Director,
Division of Licensing and Regulation.

APPENDIX "A"

Estimated schedule of transfers of special nuclear material from the Commission to NACA and to the Commission from NACA:

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to NACA, kgs. U-235	(3) Returns by NACA to AEC, kilograms U-235		(4) Net yearly distribution, kgs. U-235	(5) Cumulative distribution, kgs. U-235
		Recoverable scrap	Spent fuel		
1959	59.4	4.5	.....	54.9	54.9
1960	64.8	10.8	29.7	24.3	79.2
1961	64.8	10.8	39.6	14.4	93.6
1962	64.8	10.8	39.6	14.4	108.0
1963	64.8	10.8	39.6	14.4	122.4
1964	64.8	10.8	39.6	14.4	136.8
1965	64.8	10.8	39.6	14.4	151.2
1966	64.8	10.8	39.6	14.4	165.6
1967	64.8	10.8	39.6	14.4	180.0
1968	64.8	10.8	39.6	14.4	194.4
1969	64.8	10.8	39.6	14.4	208.8
1970	64.8	10.8	39.6	14.4	223.2
1971	.....	5.4	19.8	(25.2)	198.0
Inventory to be returned	.....	.....	28.9	(28.9)	169.1

[F. R. Doc. 58-5709; Filed, July 25, 1958; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1167]

ATOMIC DEVELOPMENT MUTUAL FUND, INC.

NOTICE OF FILING FOR ORDER PERMITTING REDUCED PUBLIC OFFERING PRICES ON PURCHASES OF COMPANY SHARES BY TAX-EXEMPT ORGANIZATIONS

JULY 21, 1958.

Notice is hereby given that Atomic Development Mutual Fund, Inc. ("Fund"), a registered open-end diversified investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 22 (d) of the act the offering of shares of the Fund to certain tax-exempt organizations at a reduced sales load.

The regular public offering price of the shares of the Fund is equal to their net asset value plus a sales charge, payable to Atomic Development Securities Co., Inc., its distributor, of approximately the following percentages of the offering prices:

Amount	Sales commission (percent)
Up to $9,999	8¼
$10,000 to $24,999	7½
$25,000 to $49,999	6
$50,000 to $99,999	4½
$100,000 to $199,999	3
$200,000 to $499,999	1½
$500,000 or more	1

The Fund desires to accept subscriptions at a reduced sales load from charitable, religious, educational and similar organizations exempt from taxation under section 501 (c) (3) of the Internal Revenue Code and employees' trusts exempt from taxation under section 401 of the Internal Revenue Code, by computing the sales charge upon each additional purchase by such groups based on the quantity discount applicable to the amount then being purchased plus the amount paid for shares previously purchased less the net asset value of shares redeemed.

Section 22 (d) of the act, with certain exceptions not pertinent here, prohibits registered investment companies from selling their redeemable securities to any person, other than a dealer or principal underwriter, at a price less than the current public offering price described in the prospectus. The offering of shares of the company to purchasers exempt from section 501 (c) (3) and 401 of the Internal Revenue Code on the basis herein proposed, may involve an offering of its shares below the normal offering price, in contravention of the provisions of section 22 (d) of the act. Accordingly, the Fund has filed the instant application for an order of the Commission exempting the offering of Fund shares to the above-mentioned organizations from said provisions of the act.

Section 6 (c) of the act authorizes the Commission, by order upon application, to exempt, conditionally or unconditionally, any transaction from any provisions of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

The Fund states that such an exemption would not affect the net asset value received by the Fund for its shares, and would appear appropriate in that charitable, religious, educational and other non-profit organizations are in common acceptance favored in their relations and transactions with others and thus enjoy tax exemptions and usually receive special treatment in their trade transactions. The Fund also states that such an exemption would also appear appropriate in view of the purposes and objectives of employees' trusts, which also receive tax exemptions.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file at the office of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than August 4, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest and the reasons for such request and the issues, if any, of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-5719; Filed, July 25, 1958; 8:47 a. m.]

[File No. 812-1166]

E. I. DU PONT DE NEMOURS AND CO. AND ATLANTIC AVIATION CORP.

NOTICE OF APPLICATION REGARDING TRANSACTION BETWEEN AFFILIATED PERSONS

JULY 21, 1958.

Notice is hereby given that E. I. du Pont de Nemours and Company ("Applicant") of Wilmington, Delaware, an affiliated person of and presumptively controlled by Christiana Securities Company ("Christiana"), a registered closed-end diversified management company, which is an affiliated person of and presumptively controlled by Delaware Realty and Investment Company ("Realty"), also a registered closed-end non-diversified management investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940, for an order exempting from the provisions of section 17 (a) of the act the purchase by Applicant of approximately 116 acres of improved land from Atlantic Aviation Corporation ("Vendor"). The purchase price of the property is to be $4,000 per acre, or a total of approximately $464,000. Vendor is wholly-owned by Henry B. du Pont, a Director and Vice President of Applicant and also a Director of Realty and a Director and President of Christiana.

The property proposed to be purchased, referred to in the application as the "Du Pont Flying Field", is located about one mile from the City limits of Wilmington, northeast of the intersection of the Lancaster Turnpike and Centre (Ferris) Road. Improvements thereon consist of landing lights, drains and roads. Sewer facilities cross certain parts of the land and can readily be extended. Gas, water, telephone and electric power facilities are also available to the property. Prior to its purchase by Vendor, the land was owned by Henry B. du Pont, who acquired it between 1927 and 1938 as part of a tract of approximately 132 acres at a cost of slightly more than $3,000 an acre. After adding improvements at a cost of $60,663, Mr. du Pont's total investments in the 116 acres amounted to $412,143, or approximately $3,550 an acre.

Vendor purchased the 132-acre tract from Mr. du Pont in 1955 at cost. In 1956 Vendor sold approximately 5 unimproved acres of the tract to All American Engineering Company ("Engineering"), an unaffiliated person, for $26,500, or about $5,700 an acre. In 1958, Vendor sold 10 improved acres of the tract to Engineering, on which were located Vendor's operating facilities, hangars, shops and offices, for $350,000, which included $4,000 an acre for the land. Vendor has agreed to sell a strip of land along the Lancaster Turnpike of approximately one acre to the State of Delaware for $5,000 and, in view of the adjacency of applicant's facilities, has offered the remaining 116 acres to Applicant. Two separate appraisals were obtained on the property in April and in June 1957. One appraiser set a value of slightly more than $3,400 an acre and the other approximately $3,500 an acre. The application states, among other things, that the price of $4,000 per acre agreed to by Applicant and Vendor is in keeping with the conditions of the local real estate market under which sales are often made at figures in excess of appraisals.

The application further states that the acquisition will, among other things, provide a tract of desirable land close to Wilmington for possible future expansion and will offer security to Applicant's adjacent laboratories and proposed office building by reducing the hazard to their facilities that could arise from the manner in which it might be used or developed by others. Vendor desires to dispose of the property since it has decided to locate its business elsewhere.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) grants an exemption from the provisions of section 17 (a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned. It must also find that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act. Since, by definition under the Act, Vendor is an affiliated person of an affiliated person of registered investment companies, and Applicant is a controlled company of such investment companies, the proposed sale by Vendor is subject to the provisions of section 17 (a) of the act.

Notice is further given that any interested person may, not later than July 31, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing

be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N–5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 58–5720; Filed, July 25, 1958; 8:47 a. m.]

[File No. 70–3714]

EBASCO SERVICES, INC., AND EBASCO OVERSEAS CORP.

NOTICE OF FILING REGARDING ISSUANCE OF SECURITIES BY NEW SUBSIDIARY AND ACQUISITION THEREOF BY PARENT

JULY 21, 1958.

Notice is hereby given that Ebasco Services Incorporated ("Ebasco"), a subsidiary company of Electric Bond and Share Company, a registered holding company, and Ebasco Overseas Corporation ("Ebasco Overseas"), a subsidiary of Ebasco, have filed an application-declaration and amendments thereto with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6 (b), 9, and 10 of said Act and Rule 43 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Ebasco recently organized Ebasco Overseas, a Delaware corporation with an authorized capital consisting of 1,000 shares of common stock of a par value of $1.00 per share. Ebasco Overseas proposes to issue and sell and Ebasco proposes to purchase 100 shares of such stock at $10.00 per share.

Ebasco's purpose in forming Ebasco Overseas is to afford a vehicle through which to undertake contracts to perform engineering, general construction, construction supervision, and related services in countries of the Middle and Far East. The funds to be derived by Ebasco Overseas from the proposed issuance of common stock will provide it with the minimum capital required for it to commence doing business.

It is stated that no special fees or commissions are expected to be paid in connection with the proposed transactions and that such fees and expenses as are paid will be nominal. Legal matters are handled by regularly retained counsel of Ebasco and the portion of retainer applicable to services rendered in connection with the proposed transactions is not expected to exceed $1,000 with expenses not in excess of $50.

Notice is further given that any interested person may, not later than August 5, 1958 at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration, as amended, which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as proposed or as further amended, may be granted or permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100 under the act or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 58–5721; Filed, July 25, 1958; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9523]

EASTERN AIR LINES, INC., ET AL.; PUERTO RICO PASSENGER FARES

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of the fares of Eastern Air Lines, Inc.; Pan American World Airways, Inc., and Trans Caribbean Airways, Inc., between San Juan, Puerto Rico, on the one hand, and Miami, Florida, and New York, New York, on the other.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the prehearing conference in the above-entitled proceeding, now scheduled for July 25, 1958, is postponed until August 1, 1958, at 10:00 a. m., e. d. s. t., in Room E–210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated at Washington, D. C., July 22, 1958.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 58–5725; Filed, July 25, 1958; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11751; FCC 58M–802]

TELEVISION BROADCAST STATIONS, ALBANY-SCHENECTADY-TROY AND VAIL MILLS, NEW YORK

ORDER SCHEDULING PRE-HEARING CONFERENCE

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations, Albany-Schenectady-Troy and Vail Mills, New York; and order directing Copper City Broadcasting Corporation to show cause why its authorization for Station WKTV, Utica, New York, should not be modified to specify operation on Channel 2 in lieu of Channel 13; Docket No. 11751.

It is ordered, This 22d day of July 1958, that a prehearing conference in the above-entitled proceeding will be held on July 28, 1958, in the offices of the Commission, Washington, D. C.

Released: July 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT, *Acting Secretary.*

[F. R. Doc. 58–5763; Filed, July 24, 1958; 5:07 p. m.]

[Docket Nos. 12441, 12442; FCC 58M–801]

PAN AMERICAN RADIO CORP. AND VERNON G. LUDWIG

ORDER CONTINUING HEARING AND SCHEDULING PRE-HEARING CONFERENCE

In re applications of Pan American Radio Corporation, Tucson, Arizona; Docket No. 12441, File No. BP–11286; Vernon G. Ludwig, Benson, Arizona; Docket No. 12442, File No. BP–11784; for construction permits.

The Hearing Examiner having under consideration a petition for extension of hearing date, filed on July 10, 1958, by Vernon G. Ludwig, requesting that hearing in the above-entitled matter now scheduled for July 24, 1958, be continued to a date to be determined later, and that a prehearing conference be scheduled for September 11, 1958;

It appearing that no other party to the proceeding has objection to grant of the above request;

It is ordered, This 22d day of July 1958, that hearing in the above-entitled matter is continued to a date to be determined at a prehearing conference which is hereby scheduled for 10 a. m., September 11, 1958.

Released: July 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT, *Acting Secretary.*

[F. R. Doc. 58–5764; Filed, July 24, 1958; 5:07 p. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 23, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34828: *Bags and bagging from Texas to southern and official territories.* Filed by Southwestern Freight Bureau, Agent (No. B–7328), for interested rail carriers. Rates on bags and bagging material in mixed carloads with citrus fruit from points in Texas as described in the application to points in southern and official territories.

Grounds for relief: Market competition.

Tariff: Supplement 91 to Southwestern Lines tariff I. C. C. 3915.

FSA No. 34829: *Crude petrolatum from Texas points to Laurel, Miss.* Filed by Southwestern Freight Bureau, Agent (No. B–7340), for interested rail carriers. Rates on crude petrolatum, tank-car loads, from Port Arthur and West Port Arthur, Texas, to Laurel, Miss.

Grounds for relief: Motor truck competition.

Tariff: Supplement 166 to Southwestern Lines tariff I. C. C. 4118.

FSA No. 34830: *Substituted service, rail for motor, N. Y., N. H. & H. R. R.* Filed by The New York, New Haven and Hartford Railroad Company, for itself and on behalf of interested motor carriers. Rates on various commodities loaded in highway trailers and transported on railroad flat cars, between points in New England territory, and between points in that territory, on the one hand, and other points in the United States, on the other.

Grounds for relief: Motor truck competition.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58–5726; Filed, July 25, 1958; 8:49 a. m.]

[Notice 6]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 23, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 61128. By order of July 16, 1958, Division 4, approved the transfer to Vann Transfer & Storage Co., Inc., Thomasville, Ga., of Certificate in No. MC 30467, issued May 23, 1957 to B. Y. Vann, doing business as Vann Transfer & Storage Co., Thomasville, Ga., authorizing the transportation of *household goods* between points in Georgia, on the one hand, and, on the other, points in Florida, South Carolina, North Carolina, Tennessee, and Alabama.

No. MC–FC 61151. By order of July 16, 1958, Division 4, approved the transfer to Fisher Carting and Moving, Inc., Hamburg, New York, of Certificate No. MC 37511, issued March 29, 1943, to Albert F. Fisher, doing business as Fisher Carting & Moving, Hamburg, New York, authorizing the transportation of household goods, as defined, between Hamburg, N. Y., and points within 25 miles of Hamburg, on the one hand, and, on the other, points in Massachusetts, New York, Pennsylvania, New Jersey, Ohio, Illinois, and Michingan. Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, New York, for applicants.

No. MC–FC 61316. By order of July 16, 1958, the Transfer Board approved the transfer to James A. Rothwell, Jr., Louis Kaminski, and Doyle Bolyard, a partnership, doing business as Zottola Express, Pittsburgh, Pa., or Certificate No. MC 128, issued January 31, 1950, to Henry Zottola, Pittsburgh, Pa., authorizing the transportation over regular routes of such commodities, as are dealt in by wholesale food business houses, from Baltimore, Md., to Pittsburgh, Pa., with restrictions, meats and lard, from Pittsburgh, Pa., to Washington, D. C., and Baltimore, Md., packing-house products and commodities used or useful in the sale and distribution of such products, between Pittsburgh, Pa., and Cumberland, Md., and over irregular routes, packing-house products, from Pittsburgh, Pa., to Olean, N. Y. Transferee is also substituted as respondent in 212 (c) proceedings instituted in docket No. MC 128 Sub 6. Morris F. Cohen, 432 Bakewell Building, 417 Grant Street, Pittsburgh, Pa., for applicants.

No. MC–FC 61372. By order of July 17, 1958, the Transfer Board approved the transfer to Sam Bass Trucking Co., Inc., Box 391, Star Route A, Flemington, New Jersey, of a permit in No. MC 1051, issued June 16, 1941, to Samuel Bass, doing business as Sam Bass Trucking, and permits Nos. MC 1051 Sub 2, and MC 1051 Sub 3, issued May 27, 1957, and April 1, 1958, respectively, to Samuel Bass, Fannie Bass, Executrix, doing business as Sam Bass Trucking, Box 391, Star Route A, Flemington, New Jersey, authorizing the transportation of specific commodities, over irregular routes, from, to and between specified points in Connecticut, Delaware, Maryland, New Jersey, New York, Massachusetts, and Pennsylvania.

No. MC–FC 61384. By order of July 17, 1958, the Transfer Board approved the transfer to Charles E. Birkes, doing business as The Regular Express, 1921 Pine Street, St. Louis 3, Missouri, of Certificate No. MC 84610, issued March 28, 1942, to A. L. Bartsch, doing business as The Regular Express, 1921 Pine Street, St. Louis 3, Missouri, authorizing the transportation of general commodities, with certain exceptions, between points in St. Louis, Mo., and of grease, oils, and compounds, in containers, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, and points in St. Louis County, Mo., within 15 miles of St. Louis.

No. MC–FC 61397. By order of July 17, 1958, the Transfer Board approved the transfer to Owens Truckmen, Inc., New York, New York, of a Certificate in No. MC 19496, issued October 30, 1943, to Richard F. Owens and Allen J. Owens, A Partnership, doing business as Owens Truckmen, New York, New York, authorizing the transportation of machinery and parts, over irregular routes, between points in New York, N. Y., and machinery and parts, and equipment, materials, supplies and merchandise of dismantled factories, over irregular routes, between New York, N. Y., on the one hand, and, on the other, specified points in New York and New Jersey. Frank G. Perrotta, Farrell & Perrotta, The Meadow-Brook Bank Building, 20 Jerusalem Avenue, Hicksville, New York, for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58–5727; Filed, July 25, 1958; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GEERTRUIDA VAN DER HEIJDEN WARENDORF ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Geertruida van der Heijden Warendorf, Amsterdam, Holland, Lize Friedemann-van der Heijden, Kfar Jedidjak, Israel; L. S. Claim No. 883; $392.08 in the Treasury of the United States.

Rachel Witteboon, Geneva, Switzerland, Rudolf and Jules Witteboon and Rozette van Engel-Witteboon, Antwerp, Belgium, Anne Zeelander-Witteboon, New York, N. Y.; L. S. Claim No. 888; $2,728.94 in the Treasury of the United States.

Hermine Bradley, Pau, France; L. S. Claim No. 913; all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 Fed. Reg. 10097, October 3, 1951) in and to Cities Service Company 5/69, Debenture No. 38584, in the principal amount of $1,000.

Vesting Order No. 18521.

Executed at Washington, D. C., on July 18, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58–5728; Filed, July 25, 1958; 8:50 a. m.]

H. NEUBERG & CO.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

H. Neuberg & Co., in liquidation, Amsterdam, Holland; Claims Nos. 61761 and 61772; $32,657.78 in the Treasury of the United States, and 19 shares "Cofex" Compagnie D'Expansion Financiere S. A. (Luxembourg), capital stock, 1,000 francs, evidenced by Certificates Nos. 4, 6 through 11, and 13 for 1 share each; Certificate No. 12 for 2 shares, and Certificates Nos. 2, 3 and 5 for 3 shares each, presently in the custody of the Safekeeping Department, Federal Reserve Bank, at New York City. Vesting Order No. 17780.

Executed at Washington, D. C., on July 18, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-5729; Filed, July 25, 1958; 8:50 a. m.]

GUSTAVE L. BONWITT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gustave L. Bonwitt, New York, New York; Mrs. Elizabeth Hartogs-Hijman, Arnhem, Holland; Claim No. 59773; $201.20 in the Treasury of the United States, and 100 shares of Catalin Corporation of America (Delaware) capital stock, $1.00 par value per share, evidenced by Certificate No. C-1966, registered in the name of the Attorney General of the United States, presently in the custody of the Safekeeping Department, Federal Reserve Bank, at New York City: 60 percent thereof to Gustave L. Bonwitt and 40 percent thereof to Mrs. Elizabeth Hartogs-Hijman. Vesting Order No. 17780.

Executed at Washington, D. C., on July 18, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-5730; Filed, July 25, 1958; 8:50 a. m.]

[Vesting Order SA-249]

ALLGEMEINE DEPOSITEN AKTIENGESELLSCHAFT

In re: property owned by Allgemeine Depositen Aktiengesellschaft, a national of Hungary; F-63-1010, F-34-256.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

(a) That certain debt or other obligation of the Swiss Credit Bank, New York Agency, 18 Pine Street, New York 5, New York, in the sum of $5,721.10, constituting a portion of a blocked account entitled, "General Ruling No. 6 Account of Credit Suisse (Swiss Credit Bank), Zurich," maintained by the aforesaid bank, together with any and all rights to demand, enforce and collect the same, and

(b) $76,500.00 face value European Mortgage Series B Corporation, a corporation organized under the laws of the State of Delaware, 7½ percent Income Bonds due February 1, 1966, presently in the custody of the Swiss Credit Bank, New York Agency, 25 Pine Street, New York 5, New York, in an account entitled, "Credit Suisse (Swiss Credit Bank), Zurich," evidenced by Certificates Numbered D-4, 21, 38, 52, 56 and 75/80 for $500.00 each, and Certificates M-170/79, 204/6, 218, 226, 427, 499, 523/32, 597, 600/7, 620, 624/6, 630, 659, 709/25, 757/61, 764, 767/71, and 779 for $1,000.00 each, together with any and all rights thereunder and thereto,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Allgemeine Depositen Aktiengesellschaft, Zurich, Switzerland, which is a national of Hungary as defined in said Executive Order 8389, as amended, by reason of the ownership, direct or indirect of all, or a substantial part, of its shares by the Hungarian Commercial Bank of Pest, also known as Pester Ungarische Commercial Bank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 18, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director of Alien Property.

[F. R. Doc. 58-5700; Filed, July 24, 1958; 8:48 a. m.]

[Vesting Order SA-250]

CITY SAVINGS BANK CO. LTD.

In re: debts owing to The City Savings Bank Company Limited, also known as Innerstadtische Sparcassa Actiengesellschaft; F-34-1683.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: a. That certain debt or other obligation of Irving Trust Company, One Wall Street, New York 15, New York, arising out of an account entitled, "Deposit Cash Installment Account," maintained at the aforesaid bank for The City Savings Bank Company Limited, Budapest, Hungary, pursuant to a Fiscal Agency Agreement dated February 15, 1928, together with any and all rights to demand, enforce and collect the same, and

b. Those certain debts or other obligations of Irving Trust Company, One Wall Street, New York 15, New York, arising out of accounts entitled, "Coupon Accounts," maintained at the aforesaid bank for The City Savings Bank Company Limited, Budapest, Hungary, pursuant to a Fiscal Agency Agreement dated February 15, 1928, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by The City Savings Bank Company Limited, also known as Innerstadtische Sparcassa Actiengesellschaft, Budapest, Hungary a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 18, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-5701; Filed, July 24, 1958; 8:48 a. m.]

[Vesting Order SA-251]

CONCORDIA SOCIETE ANONIMA ROMANA PETRU INDUSTRIA PETROLULUI

In re: debt or other obligation owing to Concordia Societe Anonima Romana Petru Industria Petrolului, of Bucharest, Rumania, by Oil Well Supply, Dallas, Texas; F-57-229.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Oil Well Supply, a division of United States Steel Corporation, P. O. Box 478, Dallas, 21, Texas, in the amount of $538.12, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned directly or indirectly by Concordia Societe Anonima Romano Petru Industria Petrolului, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 18, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-5702; Filed, July 24, 1958; 8:49 a. m.]

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10774

PROVIDING FOR THE PROTECTION OF THE CIVIL-SERVICE RIGHTS OF FEDERAL PERSONNEL WHO TRANSFER TO THE INTERNATIONAL ATOMIC ENERGY AGENCY

By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States (5 U. S. C. 631), the Civil Service Act (22 Stat. 403; 5 U. S. C. 632 *et seq.*), section 301 of title 3 of the United States Code, and section 6 (c) of the International Atomic Energy Agency Participation Act of 1957 (71 Stat. 455), and as President of the United States, it is ordered as follows:

SECTION 1. Subject to the restrictions and conditions set forth herein, the United States Civil Service Commission is designated and empowered to exercise the authority vested in the President by section 6 (c) of the International Atomic Energy Agency Participation Act of 1957 (hereinafter referred to as the Act) to prescribe such regulations as may be necessary to carry out the provisions of section 6 of the Act and to protect the retirement, insurance, and other civil-service rights and privileges of any Federal employee, Presidential appointee, or elected officer who enters the employ of the International Atomic Energy Agency (hereinafter referred to as the Agency) pursuant to the provisions of section 6 of the Act.

SEC. 2. Consistent with the provisions of section 6 of the Act and this order, and to the extent provided in regulations prescribed pursuant to section 1 of this order, a Federal employee, a Presidential appointee, or an elected officer who enters the employ of the Agency pursuant to section 6 of the Act, after August 27, 1957, shall be entitled to the protection and benefit of the rights and privileges specified in the Act and of such other civil-service rights and privileges to which he would have been entitled had he continued his employment in his position in the Federal service.

SEC. 3. The regulations prescribed pursuant to section 1 of this order shall provide for the following protections and benefits:

(a) The retention by a Federal employee of coverage and all rights and benefits under the Civil Service Retirement Act, as amended, and the Federal Employees' Group Life Insurance Act of 1954, as amended, during the re-employment period in which the employee is properly exercising or could exercise the re-employment right provided by section 6 (a) of the Act. During such re-employment period, the employee shall be considered as on leave without pay for retirement and insurance purposes: *Provided*, that nothing in this subsection shall preclude the vesting of retirement or insurance coverage for a Federal employee, a Presidential appointee, or an elected officer in the event of his death during the first three consecutive years of his employment with the Agency or, in the case of a Federal employee, during the re-employment period referred to in this subsection.

(b) The entitlement of a Federal employee to the rate of basic compensation to which he would have been entitled had he remained in the Federal service when he is re-employed pursuant to section 6 (a) of the Act, and the entitlement of a Presidential appointee or an elected officer to such rate of basic compensation when he is re-employed in the Federal position which he left or one of like seniority, status, and pay within ninety days from the date of his separation from the Agency following a term of employment not extending beyond the first three consecutive years from the date of his entering the employ of the Agency.

(c) The entitlement of a Federal employee upon re-employment as prescribed in subsection (b) of this section, or of a Presidential appointee or an elected officer who is re-employed within ninety days from the date of his separation from the Agency following a term of employment not extending beyond the first three consecutive years from the date of his entering the employ of the Agency, to service credit for all appropriate civil-service purposes for the period commencing with his separation from his Federal position and ending with the termination of his service with the Agency, and, in the case of a Federal employee, for the additional period between the termination of his service with the Agency and his re-employment.

(d) The restoration of the sick-leave account of a Federal employee, a Presidential appointee, or an elected officer

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FEDERAL REGISTER

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(As of January 1, 1958)

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to its status at the time he left the Federal service if he is re-employed as prescribed in subsection (c) of this section.

(e) The right of appeal to the Civil Service Commission by any Federal employee who enters the employ of the Agency pursuant to section 6 (a) of the Act and who is denied re-employment. The decision of the Commission on the appeal shall be final, and the department or agency concerned shall take the action necessary to effectuate the decision of the Commission.

SEC. 4. Regulations prescribed pursuant to section 1 of this order need not be limited in their coverage and application to the protections and benefits set forth herein.

SEC. 5. Prior to the re-employment of a Federal employee pursuant to section 6 (a) of the Act and during the employment of a Presidential appointee or an elected officer pursuant to section 6 (b) of the Act, all computations under section 6 of the Act, this order, or regulations prescribed pursuant to section 1 of this order shall be made in the same manner as they would have been if the rate of basic compensation received by the Federal employee, Presidential appointee, or elected officer concerned on the last day of his Federal service had continued without change.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 25, 1958.

[F. R. Doc. 58-5828; Filed, July 28, 1958; 10:11 a. m.]

EXECUTIVE ORDER 10775

AMENDMENT OF EXECUTIVE ORDER NO. 10633, ESTABLISHING AN AIRSPACE RESERVATION OVER THE LAS VEGAS PROJECT, LAS VEGAS, NEVADA

By virtue of the authority vested in me by section 4 of the Air Commerce Act of 1926 (44 Stat. 570), it is ordered as follows:

That part of Executive Order No. 10633 of August 19, 1955, which describes the area of the Las Vegas Project, Las Vegas, Nevada, above which an airspace reservation has been established by the order, is hereby amended to read as follows:

LAS VEGAS PROJECT, LAS VEGAS, NEVADA

Beginning at Lat. 37°17'00", Long. 115°45'00"; thence due south to Lat. 37°12'00", Long. 115°45'00"; thence due west to Lat. 37°12'00", Long. 115°56'00"; thence due south to Lat. 36°41'00", Long. 115°56'00"; thence due west to Lat. 36°41'00", Long. 116°26'30"; thence due north to Lat. 36°51'00", Long. 116°26'30"; thence due west to Lat. 36°51'00", Long. 116°33'30"; thence due north to Lat. 37°16'00", Long 116°33'30"; thence due east to Lat. 37°16'00", Long. 115°56'00"; thence due north to Lat. 37°17'00", Long. 115°56'00"; thence due east to Lat. 37°17'00", Long. 115°45'00", the point of beginning.

The effect of the amendment made by this order is to enlarge the said airspace reservation by including therein the air space above an area of approximately fifteen by forty miles at the western boundary of the reservation, so that the reservation will include all the air space above the Atomic Energy Commission's test-site area. The air space above the additional area was formerly a part of the restricted air space over the Las Vegas Bombing and Gunnery Range of the Department of the Air Force.

This order shall become effective thirty days after the date thereof.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 25, 1958.

[F. R. Doc. 58-5829; Filed, July 28, 1958; 10:11 a. m.]

EXECUTIVE ORDER 10776

DELEGATING TO THE SECRETARY OF DEFENSE CERTAIN AUTHORITY OF THE PRESIDENT RELATING TO THE MODIFICATION OF STANDARDS AND REQUIREMENTS WITH RESPECT TO THE INDUCTION OF PERSONS INTO THE ARMED FORCES, AND FOR OTHER PURPOSES

By virtue of the authority vested in me by title 3 of the United States Code, and as President of the United States and Commander in Chief of the Armed Forces, there is hereby delegated to the Secretary of Defense the authority (relating to the prescribing of rules and regulations modifying the standards and requirements with respect to induction of persons into the armed forces) vested in the President by the last proviso of section 4 (a) of the Universal Military Training and Service Act, added by the act of July 28, 1958. The Secretary of Defense is hereby authorized to re-delegate that authority to any official of the Department of Defense who is required to be appointed by and with the advice and consent of the Senate. No person shall be inducted into the armed forces for training and service who does not meet the standards and requirements specified in the rules and regulations prescribed by the Secretary or his designee pursuant to this order.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 28, 1958.

[F. R. Doc. 58-5844; Filed, July 28, 1958; 11:38 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Export Programs

[Announcement CN-EX-3 (Revision 1), Amdt. 3]

PART 482—COTTON PRODUCTS EXPORT PROGRAM

DETERMINATION OF BASE EQUALIZATION PAYMENT RATE

In order to also take the rate of payment under the Cotton Export Program—Payment-in-Kind (Announcement CN-EX-6) into consideration in the determination of the base equalization payment rate, § 482.6 of the Cotton Products Export Program dated November 15, 1956 (21 F. R. 9048), as amended April 24, 1957 (22 F. R. 3039), and April 9, 1958 (23 F. R. 2399), is hereby further amended so as to read as follows:

§ 482.6 *Determination of base equalization payment rate.* The base equalization payment rate in connection with sales for export made during each calendar month will be determined and announced by CCC prior to the beginning of such month and will be based on the weighted average export differential (the export payment rate announced under the payment-in-kind cotton export program, and the difference between domestic market prices for cotton and the prices at which Commodity Credit Corporation sells cotton for export), as determined by CCC, under its cotton export programs: *Provided, however,* That if the computation of such differential for any month indicates a change in the base equalization payment rate of 0.10 cent or less from the preceding month, the base equalization payment rate shall be the same as for the preceding month.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U. S. C. 714c)

Issued this 23d day of July 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 58-5757; Filed, July 28, 1958; 8:48 a. m.]

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations governing the 1957 acreage reserve program, 21 F. R. 10449, as amended and supplemented, are hereby further amended as follows:

1. Section 485.212 (b) is amended by adding subparagraph (6) to read as follows:

(6) The Administrator may, in order to prevent undue hardship, authorize the county committee to accept an agreement after the applicable final date specified above in this paragraph if, because of misinformation or misunderstanding, the producer was under the impression that he had filed an agreement or did not realize that he had to file an agreement by such applicable final date.

2. Section 485.240 is amended by changing the heading to read "*Termination and correction of agreements*" and changing paragraph (a) to read as follows:

(a) The Administrator, in order to prevent undue hardship, may, upon recommendation of the State committee, consent to the termination by the producer of any agreement entered into hereunder if, in his judgment, such action is in the best interests of the program.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 23d day of July 1958.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 58-5758; Filed, July 28, 1958; 8:48 a. m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

PART 502—SPECIAL MILK PROGRAM FOR CHILDREN

Regulations are hereby revised and reissued for the operation of a Special Milk Program for Children pursuant to the authority contained in Public Law 85-478, approved July 1, 1958.

Sec.
502.200 General purpose and scope.
502.201 Administration.
502.202 Advance of funds to State Agencies.
502.203 Accounting for program funds by State Agencies.
502.204 Use of funds.
502.205 Agreements between CCC and State Agencies.
502.206 Agreements between State Agencies and schools and child-care institutions.

Sec.

502.207 Agreements between CCC and private schools and child-care institutions.
502.208 Reimbursement.
502.209 Requirements for participation.
502.210 Effective dates for reimbursement.
502.211 Administrative analyses and audits.
502.212 State Agency reports and records.
502.213 Investigations.
502.214 Claims against schools or child-care institutions.
502.215 Definitions.
502.216 Miscellaneous provisions.
502.217 Program information.
502.218 Operations pending issuance of regulations.

AUTHORITY: §§ 502.200 to 502.218 issued under sec. 4, 62 Stat. 1070, 15 U. S. C. 714b. Interpret or apply 72 Stat. 276.

§ 502.200 *General purpose and scope.* This part announces the policies and prescribes the general regulations with respect to the operation of the Special Milk Program for Children, under Public Law 85–478 and sets forth the general requirements for participation in the Program. The act reads as follows:

> For each of the three fiscal years in the period beginning July 1, 1958, and ending June 30, 1961, not to exceed $75,000,000 of the funds of the Commodity Credit Corporation shall be used to increase the consumption of fluid milk by children (1) in nonprofit schools of high-school grade and under; and (2) in nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. Amounts expended hereunder and under the authority contained in the last sentence of section 201 (c) of the Agricultural Act of 1949, as amended, shall not be considered as amounts expended for the purpose of carrying out the price-support program.

§ 502.201 *Administration.* (a) Within the United States Department of Agriculture, the Agricultural Marketing Service (hereinafter referred to as AMS) shall act for and on behalf of the Commodity Credit Corporation (hereinafter referred to as CCC) in connection with the operation of this Program. Within AMS, and under the general supervision of the Administrator of AMS, the Food Distribution Division (hereinafter referred to as FDD–AMS) shall be responsible for Program administration.

(b) To the extent practicable and permissible under State law, responsibility for the administration of this Program in schools and child-care institutions within a State shall be in the educational agency of the State: *Provided, however,* That another State Agency, upon request by an appropriate State official, may be approved by FDD–AMS to administer the Program in child-care institutions.

(c) FDD–AMS shall administer the Program in any class of schools (hereinafter referred to as private schools) and in child-care institutions in which the Program is not administered by the State.

§ 502.202 *Advance of funds to State Agencies.* (a) For the Federal fiscal year beginning July 1, 1958 and ending June 30, 1959, FDD–AMS shall reserve for advance to State Agencies entering into agreements with CCC an amount equal to 105 percent of the total amount of reimbursement payments made during the preceding Federal fiscal year to the classes of schools and institutions in which State Agencies will administer the Program during the Federal fiscal year beginning July 1, 1958. Reimbursement payments in that year shall be determined by FDD–AMS on the basis of the latest information available to FDD–AMS at the time the reserve for each State Agency is established.

(b) The funds reserved for any State Agency shall be made available in not less than nine monthly payments. The first payment shall be scheduled to arrive in the State on or about September 1, and shall include payments for July, August and September. Payments for succeeding months shall be scheduled to arrive on or about the first of each month: *Provided, however,* That the payment for May shall cover operations for May and June.

(c) FDD–AMS reserves the right to request any State Agency to justify its need for the full amount of any scheduled payment prior to its advancement. In the event that a State Agency does not justify the need for the full amount of this payment, FDD–AMS shall withhold from such payment the amount determined to be in excess of Program needs.

(d) In the event that a State Agency justifies the need for funds in excess of the amount of its reserve, additional funds will be provided to such State Agency to the extent funds are available for such purpose.

(e) The State Agency shall return to AMS any Federal funds paid to it under the Program which are unobligated at the end of each fiscal year. Such return shall be made as soon as practicable but in any event not later than 30 days following demand made by FDD–AMS. The State Agency shall also pay to AMS any interest paid or credited to it with respect to Federal funds paid to it under the Program.

§ 502.203 *Accounting for program funds by State Agencies.* Each State Agency entering into an agreement with CCC shall maintain a separate account of all Federal funds advanced to it under the Program and shall maintain a current record of payments made to schools and child-care institutions and of the unexpended balance remaining on hand. All payments made from such funds shall be made only upon properly certified vouchers.

§ 502.204 *Use of funds.* Funds made available under this Program shall be used to increase the consumption of milk through reimbursement payments to schools and child-care institutions in connection with the purchase of milk for service to children.

§ 502.205 *Agreements between CCC and State Agencies.* CCC shall enter into written agreements with State Agencies for the administration of the Program within the States. The agreement shall show the class or classes of schools and child-care institutions for which the State Agency is assuming responsibility.

§ 502.206 *Agreements between State Agencies and schools and child-care institutions.* State Agencies shall enter into written agreements with schools and child-care institutions setting forth the terms and conditions under which the State Agencies will reimburse the schools and child-care institutions in connection with the purchase of milk for service to children. Such agreements shall contain, as a minimum, the requirements of § 502.209.

§ 502.207 *Agreements between CCC and private schools and child-care institutions.* In those States in which FDD–AMS will administer the Program in private schools and child-care institutions, CCC shall enter into written agreements with such private schools and child-care institutions setting forth the terms and conditions under which AMS will reimburse the schools and child-care institutions in connection with the purchase of milk for service to children.

§ 502.208 *Reimbursement.* (a) Reimbursement payments shall be made for milk purchased for service to children by participating schools and child-care institutions, except that reimbursement shall not be made for the first half pint of milk served as part of a Type A lunch by schools participating in the National School Lunch Program.

(b) For schools that offer milk to children as a separately priced item, the maximum rate of reimbursement shall be four cents per half pint for schools that serve Type A lunches under the National School Lunch Program. For other schools and for child-care institutions that offer milk to children as a separately priced item, the maximum rate of reimbursement shall be three cents per half pint. Less-than-maximum rates of reimbursement shall be assigned, or assigned rates shall be adjusted, if circumstances indicate such action is advisable.

(c) Schools or child-care institutions that do not offer milk to children as a separately priced item, shall, at the time they apply for participation, submit for approval the methods and practices under which they plan to increase consumption of milk by children. The rate of reimbursement for such schools and child-care institutions shall be two cents per half pint.

(d) Schools operating the Program in more than one school attendance unit may be regarded by the State Agency or FDD–AMS as a single school or as individual schools for reimbursement purposes. If regarded as a single school, reimbursement shall not be made at a rate in excess of three cents per half pint unless all units are serving Type A lunches under the National School Lunch Program.

(e) Schools and child-care institutions offering milk as a separately priced item shall make maximum use of the reimbursement payments received under the Program to reduce the price of milk to children. The full amount of such payments shall be reflected in reduced prices to children, except that such payments may be used by schools or child-care institutions to defray distribution costs. Distribution costs shall not exceed one cent per half pint. Exceptions to this provision may be granted by the State Agency or FDD–AMS in instances where the situation in a school or child-care institution justifies a distribution cost margin fractionally above one cent, and such exceptions shall be subject to periodic reviews.

§ 502.209 *Requirements for participation.* (a) Schools and child-care institutions shall make written application for participation to the State Agency except that, in those States in which FDD–AMS administers the Program in private schools or child-care institutions, application shall be made to FDD–AMS. In approving the application, the State Agency or FDD–AMS shall determine that the applicant is a school or child-care institution as defined in § 502.215 and shall designate the effective date on which the school or child-care institution may begin operations. Schools and child-care institutions whose applications are approved shall execute agreements with the State Agency or CCC.

(b) A child-care institution which operates its food service under a contract with a food service management company may be approved for participation subject to review and approval of the institution's food service contract by FDD–AMS. A school operating under a similar arrangement is not eligible for participation.

(c) Schools and child-care institutions participating in the Program shall meet the following minimum requirements, which requirements shall be included in the agreements entered into between the schools and child-care institutions and State Agencies and between the private schools and child-care institutions and CCC:

(1) Conduct a nonprofit food service or, in the event no other food service is maintained, conduct a nonprofit milk service;

(2) Claim reimbursement only for milk as defined in this part and in accordance with the provisions of § 502.208;

(3) Submit claims for reimbursement in accordance with procedural requirements established by FDD–AMS; and

(4) Maintain such records and furnish such reports and documents as are prescribed by the State Agency or by FDD–AMS. All invoices, receipts and records pertaining to the Program shall be maintained for a period of three years after the end of each Federal fiscal year's operations. Records shall be made available for review or audit purposes to the State Agency and AMS, or to AMS in the case of a private school or child-care institution which contracts directly with CCC.

§ 502.210 *Effective dates for reimbursement.* A State Agency or AMS may grant written approval to begin operations under this Program prior to the processing of the application from a school or child-care institution. Such approval shall be attached to the subsequently filed application and the agreement executed by the school or child-care institution. Reimbursement shall be made for any milk served in accordance with the requirements of this Part from the date upon which the school or child-care institution was authorized to begin operations: *Provided, however,* That no reimbursement shall be made for milk that was served more than 30 days prior to the receipt of the application by the State Agency or AMS: *Provided, further,* That in no event shall reimbursement be made by any State Agency for milk served prior to the beginning of the effective period stated in the State Agency's agreement with CCC.

§ 502.211 *Administrative analyses and audits.* The State Agency shall provide AMS with full opportunity to conduct administrative analyses and audits of all operations of the State Agency under this Program. The State Agency shall make available its records, including records of the receipt and expenditure of funds under the Program, upon reasonable request by AMS. AMS shall also have the right to make audits of the records and operations of any participating school or child-care institution.

§ 502.212 *State Agency reports and records.* Within 30 days after the end of each calendar month, the State Agency shall make a report to FDD–AMS concerning the operation of the Program for that month, on a form provided by FDD–AMS. The State Agency shall maintain for a period of three years after the end of each Federal fiscal year's operations, all records pertaining to the Program.

§ 502.213 *Investigations.* Each State Agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program, and shall take appropriate action to correct any irregularities. State Agencies shall maintain on file evidence of such investigations and actions. AMS shall make investigations at the request of the State Agency or where AMS determines investigations by AMS are appropriate.

§ 502.214 *Claims against schools or child-care institutions.* (a) If a State Agency receives information or has reason to believe that a claim or a portion of a claim for reimbursement submitted by a school or child-care institution is not properly payable under this part, it shall not pay the claim or such portion of the claim and shall advise the school or child-care institution of the reasons for nonpayment or disallowance. The school or child-care institution may submit to the State Agency evidence and information to justify the total amount claimed, or may submit a reclaim for the portion disallowed, with appropriate justification therefor. The State Agency may make reimbursement in the amount it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(b) If a State Agency receives information or has reason to believe that a payment already made to a school or child-care institution was not proper under this part, it shall advise the school or child-care institution of the amount and basis of the alleged overpayments and may request a refund or advise the school or child-care institution that the amount overpaid is being deducted from subsequent claims. The school or child-care institution shall have full opportunity to present evidence and information to the State Agency to justify the amount of reimbursement paid. If the evidence is not sufficient, the State Agency shall collect the amount of the overpayment from the school or child-care institution, by refund or by deduction from subsequent claims for reimbursement made by the school or child-care institution. If new evidence becomes available to the school or child-care institution it may, within a reasonable time after the collection, make a reclaim for all or a portion of the amount so collected, and the State may pay the amount of any reclaim it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(c) The State Agency may refer any matter in connection with this section to FDD–AMS for determination of the action to be taken.

(d) The State Agency shall retain for AMS audit and review all records pertaining to action taken under this section.

(e) If FDD–AMS does not concur with the State Agency action in paying a claim or a reclaim, or in failing to collect an overpayment, FDD–AMS shall assert a claim against the State Agency for the amount of such claim, reclaim or overpayment. In all such cases the State Agency shall have full opportunity to submit to FDD–AMS evidence or information concerning the action taken. If, in the determination of FDD–AMS, the State Agency's action was unwarranted, the State Agency shall promptly pay to AMS the amount of the claim, reclaim or overpayment.

(f) The amounts recovered by the State Agency from schools or child-care institutions shall be available to make reimbursement payments during the fiscal year for which the funds were initially available.

(g) With respect to schools or child-care institutions in which FDD–AMS administers the Program, when FDD–AMS disallows a claim or a portion of a claim, or makes a demand for refund of an alleged overpayment, it shall notify the schools or child-care institutions of the reasons for such disallowance or demand and the schools or child-care institutions shall have full opportunity to submit evidence or to file reclaim for any amount disallowed or demanded in the same manner afforded in this section to schools or child-care institutions administered by State Agencies.

§ 502.215 *Definitions*—(a) *State.* The 48 States, the District of Columbia, the Territories of Alaska and Hawaii, and such other Territories as may be designated by the Secretary from time to time.

(b) *School.* (1) Any school which is a public school of high school grade and under within the definition of the statutes of the State, and

(2) Any private school of high school grade and under exempt from income tax under the Internal Revenue Code, as amended. The term "school" as used in this part includes, where applicable, the authorized sponsoring agency which has entered into an agreement under this Program for the school.

(c) *Child-care institution.* Any nonprofit nursery school (other than nursery schools falling within the definition of

school in this section), child-care center, settlement house, summer camp, or similar nonprofit institution, devoted to the care and training of children of high school grade and under, including children of pre-school age.

(d) *Nonprofit food or milk service.* Food or milk service maintained by or on behalf of the school or child-care institution for the benefit of the children, all of the income from which is used solely for the operation or improvement of such food or milk service.

(e) *Milk.* Unflavored milk which meets State and local butterfat and sanitation standards for fluid whole milk, and flavored milk made from fluid whole milk which meets such standards.

(f) *Cost of milk.* The purchase price paid by the school or child-care institution to the milk distributor for milk delivered to the school. This does not include any amount paid to the milk distributor for the rental of or installment purchase of milk service equipment.

(g) *Distribution costs.* Direct expenses incurred by the school or child-care institution in connection with the sale, handling and service of milk. This may include expenses incident to acquisition or rental of necessary milk service equipment.

§ 502.216 *Miscellaneous provisions*—(a) *Disqualifications and compliance clause.* Any State Agency or any school or child-care institution may be disqualified from future participation if it fails to comply with the provisions of this part and its agreement with CCC or the State Agency. This does not preclude the possibility of other action being taken through other means where necessary, including prosecution for fraud under applicable Federal statutes. If any part of the money disbursed by CCC in connection with the Program, by any improper or negligent action is diminished, lost, misapplied, or diverted from the Program by the State Agency, or by any school or child-care institution, FDD-AMS may order such money to be replaced. Until the money is replaced, no subsequent payment shall be made to the State Agency or to the school or child-care institution causing the loss. The State Agency or the school or child-care institution shall have full opportunity to submit evidence, explanation or information concerning instances of noncompliance or diversion of funds, before a final determination is made in such cases.

(b) *Savings clause.* Any or all of the provisions of this part may be withdrawn, or amended, at any time by AMS: *Provided, however,* That such action shall not be taken without prior notice to State Agencies having agreements with CCC.

§ 502.217 *Program information.* Schools and child-care institutions desiring information concerning the Program should write to their State Educational Agency or to the appropriate Area Office of FDD–AMS as indicated below:

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia:

Food Distribution Division, AMS, United States Department of Agriculture, 139 Centre Street, Room 501, New York 13, N. Y.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia:

Food Distribution Division, AMS, United States Department of Agriculutre, 50 Seventh Street NE., Room 252, Atlanta 23, Ga.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin:

Food Distribution Division, AMS, United States Department of Agriculture, 431 South Dearborn Street, Room 926, Chicago 5, Ill.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas:

Food Distribution Division, AMS, United States Department of Agriculture, 500 South Ervay Street, Room 3–127, Dallas 1, Tex.

(e) In the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming:

Food Distribution Division, AMS, United States Department of Agriculture, Room 344, Appraisers Building, 630 Sansome Street, San Francisco 11, Calif.

§ 502.218 *Operations pending issuance of regulations.* In order that programs for the service of milk to children begun under prior legislation and regulations (effective through June 30, 1958) might not be disrupted, approval was given upon enactment of Public Law 85–478, on July 1, 1958, to States, schools and institutions to begin operations under the new legislation pending issuance of new regulations. Accordingly, in instances in which approval was so given, agreements with CCC will have an effective period beginning with July 1, 1958, or the date of approval, whichever is later, and reimbursement shall be made by State Agencies or AMS for any milk served on or after the date on which schools or institutions were approved to begin operations (on or after July 1, 1958), although prior to publication of this part, if the State Agency or AMS determines that the requirements of this part were met.

NOTE: The recordkeeping and reporting requirements herein specified have been approved by, and any further such requirements that may be established will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

JULY 23, 1958.

[F. R. Doc. 58–5755; Filed, July 28, 1958; 8:47 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 727—MARYLAND TOBACCO

MARKETING QUOTA REGULATIONS, 1959–60 MARKETING YEAR

Correction

In F. R. Doc. 58–5362, appearing at page 5334 of the issue for Tuesday, July 15, 1958, the following changes should be made in § 727.1022:

In the fifth sentence, the words "county yield" should read "county check yield" and in the seventh sentence the words "102 percent for" should read "102 percent of".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 967—MILK IN SOUTH BEND-LA PORTE-ELKHART, INDIANA, MARKETING AREA

ORDER AMENDING ORDER

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AUTHORITY: §§ 967.0 to 967.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 967.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of Order No. 67 and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (Part 900 of this chapter), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof; it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight, or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat received within the month in producer milk (including such handler's own production), and in other source milk either allocated to Class I milk or disposed of within the marketing area as Class I milk on routes, which is not priced under another Federal marketing agreement or order issued pursuant to the act.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than August 1, 1958.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued June 6, 1958, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued July 11, 1958. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the South Bend-La Porte-Elkhart, Indiana, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 967.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 967.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 967.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal Agency authorized to perform the price reporting functions of the United States Department of Agriculture specified in this part.

§ 967.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 967.5 *Market administrator.* "Market administrator" means the person designated pursuant to § 967.20 as the agency for the administration of this part.

§ 967.6 *South Bend-La Porte-Elkhart, Indiana, marketing area.* "South Bend-La Porte-Elkhart, Indiana, marketing area", hereinafter called the "marketing area", means all the territory geographically located within the perimeter boundaries of La Porte, St. Joseph and Elkhart Counties, including all incorporated and unincorporated cities, towns, and villages, Federal military reservations, facilities and installations, and State institutions lying wholly or partially within such counties; all in the State of Indiana.

§ 967.7 *Route.* "Route" means any delivery either inside or outside the marketing area (including disposition by a vendor or from a plant store or from vending machines) of any item of Class I milk to a wholesale or retail stop other than a plant (§ 967.8), but excluding any disposition of skim milk or butterfat in the marketing area from a nonpool plant to any other plant or to a commercial processor of foods.

§ 967.8 *Plant.* "Plant" means the entire land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, maintained and operated at the same location primarily for the receiving, processing or other handling of milk or milk

products. This definition shall not include any building, premises, facilities, or equipment used primarily to hold or store bottled milk or milk products in finished form in transit for wholesale or retail distribution on a route(s).

§ 967.9 *Reload point.* "Reload point" means any location at which milk moved from the farm in a tank truck is commingled with other milk before entering a plant, except that reloading operations on the premises of a plant shall be considered a part of the plant's operations.

§ 967.10 *Pool plant.* "Pool plant" means any plant meeting the conditions of paragraph (a) of this section, or any plant or reload point meeting the conditions of paragraph (b) of this section, but not any plant exempt pursuant to § 967.60, or the plant of a person defined in § 967.16:

(a) A plant in which milk is processed or packaged and from which not less than 10 percent of its total disposition of Class I milk during the month either by the operator of such plant or by another person is made within the marketing area on a route(s): *Provided*, That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area is not less than 50 percent of such plant's total receipts of milk eligible for sale in fluid form as Grade A milk within the marketing area; or

(b) Any plant or reload point from which during any month 50 percent or more of its total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to a plant(s) which has qualified pursuant to paragraph (a) of this section: *Provided*, That if during each of any five consecutive months during the period August through March, inclusive, a plant meets the delivery requirements set forth in this paragraph, such plant shall be a pool plant for the immediately following months of April, May, June and July, unless the plant is withdrawn from such status upon request of the handler, which withdrawal would become effective on the first day of the month following in which the market administrator is notified of the request for withdrawal. Any plant so withdrawn from pool plant status may not regain status prior to the following August.

§ 967.11 *Nonpool plant.* "Nonpool plant" means any plant other than a pool plant.

§ 967.12 *Producer.* "Producer" means any person, except a person as defined in § 967.16, who produces milk eligible for sale in fluid form as Grade A milk within the marketing area which is either (a) received from the farm at a pool plant(s), or (b) caused to be temporarily diverted by handler for his account from a pool plant to a nonpool plant: *Provided*, That such diverted milk shall be deemed to be received by such handler at the location of the pool plant from which it was diverted.

§ 967.13 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association, to be qualified pursuant to the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

§ 967.14 *Producer milk.* Except as provided in § 967.60, "producer milk" or "milk received from producers" means milk produced by one or more dairy farmers who are producers (as defined in § 967.12).

§ 967.15 *Handler.* "Handler" means (a) any person in his capacity as the operator of a pool plant(s), (b) any cooperative association with respect to producer milk caused to be delivered for the account of such association from the farms of producers to the pool plant(s) of another handler(s) and milk customarily received as producer milk at a pool plant which is diverted by such association for its account to a nonpool plant; or (c) any person in his capacity as the operator of any nonpool plant from which milk is disposed of as Class I milk within the marketing area on a route(s).

§ 967.16 *Producer-handler.* "Producer-handler" means any handler who produces milk eligible for sale in fluid form as Grade A milk within the marketing area but receives no milk directly from other dairy farmers: *Provided*, That the maintenance, care and management of the dairy animals and other resources necessary to produce such milk and the processing, or distribution of such milk are his personal enterprise and at his personal risk.

§ 967.17 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form, except in a nonfluid milk product disposed of in the same form as received, from sources other than producer milk and a pool plant(s).

§ 967.18 *Base, base milk and excess milk.* (a) "Base" means a quantity of milk expressed in pounds per day computed pursuant to § 967.62.

(b) "Base milk" means a quantity of producer milk received by a handler during each of the months of April, May, June, and July which is not in excess of such producer's base multiplied by the number of days on which such milk was produced.

(c) "Excess milk" means producer milk received by a handler during each of the months of April, May, June, and July which is in excess of the base milk received from such producer.

MARKET ADMINISTRATOR

§ 967.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 967.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 967.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain in an amount and with surety thereon satisfactory to the Secretary a bond covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 967.85:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 967.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 967.30 and 967.31 or (2) payments pursuant to §§ 967.80 to 967.87;

(g) Submit his books and records for examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments of each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 7th day after the end of such month, the minimum class prices for milk (rounded to the nearest cent) and the butterfat differentials computed pursuant to §§ 967.53, 967.54, 967.55, and 967.57;

(2) On or before the 14th day after the end of such month, the uniform price

computed pursuant to § 967.71 and the butterfat and location differentials computed pursuant to § 967.81;

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before April 1 each year notify each producer of the amount of his base, and notify each handler of the amount of the base of each producer delivering milk to any of the handler's plants.

REPORTS, RECORDS AND FACILITIES

§ 967.30 *Monthly reports of receipts and utilization.* (a) On or before the 8th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 967.15 (a) or (b) shall report to the market administrator for the preceding month with respect to all milk and milk products, except any milk product defined as Class III milk which is disposed of in the form in which received without further processing or packaging by the handler, received at each pool plant, the following:

(1) The quantities of skim milk and the quantities of butterfat contained in milk received from producers (including such handler's own production) producer-handlers, and other handlers.

(2) The quantities of skim milk and quantities of butterfat contained in other source milk, with the sources thereof;

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including the quantities of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(4) The aggregate quantities of base milk and excess milk received (for April through July); and

(5) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

(b) Except as provided in § 967.31 (a), each handler who operates a nonpool plant as referred to in § 967.15 (c) shall report to the market administrator, on or before the 9th day after the end of each month, his total receipts, his total utilization of milk and milk products, his total disposition of Class I milk, including as a separate figure the quantity of Class I milk disposed of within the marketing area on routes, and such other information with respect to all receipts and utilization for such month as the market administrator may prescribe.

§ 967.31 *Other reports.* (a) Each producer-handler who handles during the month only milk of his own production shall make reports to the market administrator at such times and in such manner as the market administrator shall prescribe.

(b) On or before the 25th day of each month, each handler shall submit to the market administrator such handler's producer payroll for the preceding month which shall show for each producer and cooperative association (1) the total pounds of milk delivered with the average butterfat test thereof, (2) the net amount of the payment to each producer and to each cooperative association, together with the prices, deductions and charges involved, (3) for the months of September through December, the number of days on which milk was received from each producer, and (4) for the months of April through July, the number of days on which milk was received from each producer and the amount of his base and excess milk.

§ 967.32 *Records and facilities.* Each handler shall permit the market administrator to make such examination of his operations, equipment and facilities as the market administrator deems necessary and shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (a) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (b) the weights, and tests for butterfat and for other content, of all other skim milk or butterfat handled; (c) payments to producers and cooperative associations; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each month.

§ 967.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 967.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the month by a handler, in producer milk, in other source milk and from another handler shall be classified by the market administrator pursuant to the provisions of §§ 967.41 to 967.46, inclusive.

§ 967.41 *Classes of utilization.* Subject to the conditions set forth in §§ 967.43 and 967.44, the skim milk and butterfat described in § 967.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of (except as provided in paragraph (c) (1) of this section) in the form of milk, skim milk, flavored milk, flavored milk drink, and buttermilk; (2) disposed of as cream (sweet or sour) and any fluid mixture of cream and milk (or skim milk) containing not less than 6 percent butterfat (but not including ice cream or other frozen dessert mixes disposed of to a commercial processor, or any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product); (3) disposed of in fluid or frozen form as concentrated milk, flavored milk, flavored milk drink not sterilized and not otherwise specified under paragraph (c) of this section, and as eggnog; (4) in shrinkage of receipts of producer milk computed pursuant to § 967.42 which is in excess of 2 percent of such receipts; and (5) not specifically accounted for as any item named in this paragraph or as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat (1) disposed of in bulk in the form of milk, skim milk, buttermilk, and cream to any manufacturer of candy, soup or bakery products and used in such products; (2) in condensed milk or skim milk (sweetened or unsweetened) disposed of to commercial food processors; (3) disposed of (or used to produce, in the case of ice cream and frozen desserts and mixes (liquid or powdered) for such products, and aerated cream products) as sweetened condensed milk in hermetically sealed cans, evaporated milk, ice cream, ice cream mix, other frozen desserts and mixes, storage cream, butter, cheese and nonfat dry milk; (4) dumped or disposed of for livestock feed as skim milk (including that in whole milk dumped), flavored milk, flavored milk drink and buttermilk; (5) disposed of as a milk product other than any of those specified in paragraph (a) (1), (2) and (3) in paragraph (b), and in paragraphs (c) (1), (2), (3) and (4) of this section; (6) contained in monthly inventory variations; (7) in actual shrinkage of receipts of producer milk computed pursuant to § 967.42 but not in excess of 2 percent of such receipts; and (8) in actual shrinkage of other source milk computed pursuant to § 967.42.

§ 967.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between that in producer milk and in other source milk.

§ 967.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such

skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 967.44 *Transfers.* Skim milk or butterfat disposed of by a handler in the form of any item named in § 967.41 (a) (1), (2), or (3) shall be classified;

(a) As Class I milk if transferred from the pool plant of a handler to the pool plant of another handler (except a producer-handler), unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 9th day after the end of the month within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class at the plant of the transferee-handler after the subtraction of other source milk pursuant to § 967.46, and any excess of such skim milk or butterfat, respectively, shall be assigned to Class I milk;

(b) On the basis of ratable apportionment to each class according to the use of skim milk and butterfat in the pool plant of the transferee-handler if caused to be delivered to such plant by a cooperative association in the manner described in § 967.15 (b);

(c) As Class I milk if transferred or diverted to the plant of a producer-handler;

(d) As Class I milk if transferred or diverted to a nonpool plant, unless (1) the transferor-handler claims use in another class on the basis of utilization in the nonpool plant in his report submitted to the market administrator pursuant to § 967.30 for the month within which such transaction occurred, (2) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, and (3) in such receiver's plant there actually had been used during such month in the use indicated in such report, not less than an equivalent amount of skim milk and butterfat derived by him from milk or cream: *Provided*, That if upon inspection of such receiver's records of such plant, there had not been used in such indicated use an equivalent amount of skim milk and butterfat so derived, the remaining pounds shall be classified as Class I milk.

§ 967.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively in each class for such handler.

§ 967.46 *Allocation of skim milk and butterfat classified.* The pounds of skim milk and butterfat, respectively, remaining in each class after the following computations shall be the pounds in each class allocated to producer milk;

(a) Subtract, respectively, from the pounds of skim milk and butterfat in Class I milk (to the extent Class I milk is available) the pounds of skim milk and butterfat in other source milk which is (1) received in consumer packages as any item specified in § 967.41 (a) (1), (2) or (3) from a plant where milk is subject to the class price provisions of a Federal marketing agreement or order issued pursuant to the act for another fluid milk marketing area, and (2) disposed of without repackaging;

(b) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class (other than the pounds in inventory variations and plant shrinkage of skim milk and butterfat pursuant to § 967.41 (c) (7)), in series beginning with Class III milk, the pounds of skim milk and butterfat in other source milk excluding that subtracted pursuant to paragraph (a) of this section.

(c) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from other handlers and assigned to such class pursuant to § 967.44; and

(d) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class in series beginning with Class III milk, the pounds by which such pounds of skim milk and butterfat in all classes exceed, respectively, the total pounds of skim milk and butterfat received in milk from producers.

MINIMUM PRICES

§ 967.50 *Class prices.* Each handler shall pay, at the time and in the manner set forth in §§ 967.80 to 967.84, not less than the prices per hundredweight computed pursuant to §§ 967.51 to 967.59 for all milk received during each month from producers and cooperatives associations: *Provided*, That with respect to skim milk and butterfat transferred from the pool plant of, or caused to be delivered as producer milk by, a cooperative association which is a handler to the pool plant of another handler, the applicable class price shall be that for the location of the latter plant.

§ 967.51 *Basic formula price.* The basic formula price to be used in determining the prices of Class I milk and Class II milk shall be the higher of the prices computed by the market administrator for the month immediately preceding from the formulas set forth in paragraphs (a) and (b) of this section.

(a) The arithmetical average of the basic (or field) prices reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received during the month at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department:

Companies and Locations

Borden Company, Mount Pleasant, Mich.
Borden Company, Orfordville, Wis.
Borden Company, New London, Wis.
Carnation Company, Sparta, Mich.
Carnation Company, Richland Center, Wis.
Carnation Company, Oconomowoc, Wis.
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) Compute a price per hundredweight by adding together the amounts resulting pursuant to subparagraphs (1) and (2) of this paragraph;

(1) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department and from the result thus obtained deduct 64.2 cents;

(2) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter, and from the result thus obtained deduct 11 cents.

§ 967.52 *Supply and demand adjustment.* On or before the 7th working day of each month the market administrator shall make the following computations based upon information obtained from handlers' reports of receipts and utilization:

(a) Determine the sum of the receipts of milk from all producers (including receipts from own farm production) during the second and third preceding months;

(b) Determine the sum of the pounds of milk and milk products disposed of from pool plants as Class I (excluding shrinkage and unaccounted for milk) during the same preceding months, and

(c) Divide the amount obtained in paragraph (b) of this section by the amount obtained in paragraph (a) of this section and adjust to the nearest full percentage point. The resulting percentage shall be known as the "current supply-demand ratio."

§ 967.53 *Class I price.* Except as provided in § 967.56, the price for Class I milk of 3.5 percent butterfat content shall be the basic formula price computed pursuant to § 967.51, plus $1.50 for the months of August through November; plus $1.10 for December, January, February and July; and plus $0.80 for all other months: *Provided*, That whenever the current supply-demand ratio varies from that set forth in the table below for the applicable month, the Class I price shall be increased or decreased to a maximum amount of 20 cents at the rate of 2.0 cents for each full percentage point that the current supply-demand ratio is above or below that set forth in the table for such month, but such price, after adjustment, shall not be less than the minimum price per hundredweight for Class I milk for the same month as computed for the 201-210 mile zone under Order No. 41 for the Chicago, Illinois, marketing area.

Month to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	80	October–November.
February	79	November–December.
March	77	December–January.
April	76	January–February.
May	75	February–March.
June	73	March–April.
July	69	April–May.
August	67	May–June.
September	70	June–July.
October	74	July–August.
November	75	August–September.
December	76	September–October.

§ 967.54 *Class II price.* The price for Class II milk of 3.5 percent butterfat content shall be the basic formula price plus $0.70 for the months of August through February; and plus $0.45 for all other months.

§ 967.55 *Class III price.* The price for Class III milk of 3.5 percent butterfat content shall be that computed under § 967.51 (a).

§ 967.56 *Location differential credits to handlers on Class I milk.* In computing the value of each handler's milk pursuant to § 967.70, the following location differentials shall be credited with respect to each hundredweight of producer milk received at a pool plant or reload point located more than 55 miles from the St. Joseph County Courthouse, South Bend, Indiana, and classified as Class I milk: 10 cents for distances at least 55 miles but not more than 60 miles, and an additional 1.6 cents for each 10 miles, or major fraction thereof, in excess of 60 miles, in all instances by the shortest hard-surfaced highway distance, as determined by the market administrator, from such pool plant or reload point to the St. Joseph County Courthouse, South Bend, Indiana: *Provided*, That for the purpose of computing the credits applicable pursuant to this section, the amount of milk transferred in bulk form from a pool plant(s) pursuant to § 967.10 (b) to a pool plant(s) pursuant to § 967.10 (a) and classified as Class I milk, shall not exceed the total amount of Class I milk disposed of from the latter plant less the total amount of any producer milk received at such plant from producers' farms and shall be assigned to pool plants under § 967.10 (b) in sequence beginning with the plant having the smallest allowable credit.

§ 967.57 *Class butterfat differentials*—(a) *Class I milk.* Multiply by 0.13 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department for the month, and round to the nearest one-tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(b) *Class II milk.* Multiply by .125 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department for the month, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter for the month, the price for Grade AA (93-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(c) *Class III milk.* Multiply by .12 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (92-score) bulk creamery butter at Chicago, as reported by the Department for the month, and round to the nearest tenth of a cent.

§ 967.58 *Computation of prices of skim milk and butterfat.* The prices per hundredweight of skim milk and butterfat to be paid by each handler for milk in each class shall be computed as follows: For each class, respectively, the price per hundredweight of skim milk shall be the applicable class price for the month (§§ 967.53, 967.54 and 967.55) less the result of multiplying the applicable class butterfat differential for the month (§ 967.57) by 35. For each class, respectively, the price per hundredweight of butterfat shall be the applicable class price for the month plus the result of multiplying the applicable class butterfat differential for the month by 965.

§ 967.59 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 967.60 *Exempt milk.* (a) Milk received at a plant qualified as a pool plant under § 967.10 (a) shall be exempt from the provisions of this part if the conditions of subparagraphs (1) and (2) of this section are met: *Provided*, That the handler of such milk shall make reports to the market administrator with respect to his total receipts and utilization of skim milk and butterfat at such times and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with § 967.32:

(1) The Secretary determines that a greater quantity of milk is disposed of in fluid form from such plant to another regulated area as defined in another marketing agreement or order issued pursuant to the act either on a route(s) or through a plant(s) regulated by such other marketing agreement or order than is disposed of from such plant in the South Bend-La Porte-Elkhart marketing area either on a route(s) or through another pool plant(s); and

(2) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from this part.

(b) Milk received at a plant qualified as a pool plant under § 967.10 (b) shall be exempt from the provisions of this part as producer milk if such milk is subject to class prices at a plant regulated under another marketing agreement or order issued pursuant to the act: *Provided*, That the proviso set forth in paragraph (a) of this section shall apply.

(c) In the case of producer milk received directly from a farm at a pool plant which milk (1) has been diverted (without being physically received therein) from a plant at which farm receipts of milk are subject to the class price provisions of another marketing agreement or order issued pursuant to the act, (2) is reflected on the producer-payroll of the plant from which diverted, and (3) is not specifically exempt from class pricing by the terms of such other marketing agreement or order, the Secretary shall make a determination as to the extent to which the terms of this part shall apply to such milk.

§ 967.61 *Producer-handlers.* Sections 967.40 to 967.46, 967.50 to 967.58, 967.70 to 967.72, 967.80 to 967.84 and 967.86 to 967.88 shall not apply to a producer-handler.

§ 967.62 *Computation of base.* Subject to the conditions set forth in § 967.63, the market administrator shall compute for each of the months of April, May, June and July a base for each producer, as follows:

(a) Divide the total pounds of milk received by a handler from each producer during the months of September, October, November and December immediately preceding, by the number of days such milk was produced (not to be less than 90 days): *Provided*, That any producer for whom a base has been computed may, upon written notice to the market administrator postmarked not later than February 15 preceding, relinquish his base and be allotted a base computed pursuant to paragraph (b) of this section.

(b) Any producer who has not established a base or who elects to relinquish his base pursuant to the provisions of paragraph (a) of this section shall be assigned a base for each of the months of April, May, June and July computed as follows:

(1) From the total quantity of producer milk received by handlers during the same month of the previous year, subtract the total receipts from producers who did not establish bases or who had relinquished their bases.

(2) Determine the percentage that base milk was of the remaining pounds, and subtract 10.

(3) Multiply the resulting percentage by the total pounds of milk received by a handler from the producer during the applicable month and divide the result by the number of days such milk was produced.

§ 967.63 *Base rules.* Any base computed pursuant to § 967.62 (a) shall be subject to the following rules:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm on which such base was earned, and the transferor must notify

the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) If a producer operates more than one farm he must establish a base with respect to the milk from each farm, and in the event such producer chooses to relinquish the base earned for one farm he must do so for all farms.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 967.70 *Computation of the value of milk.* (a) For each month the total value of milk received by each handler from producers or associations of producers (including any such milk caused to be delivered to such handler from the farms of producers for the account of a cooperative association) during such month shall be a sum of money computed by the market administrator by multiplying the pounds of skim milk and butterfat in each class by the applicable class prices pursuant to § 967.58, adding together the resulting amounts, adding any amounts computed for such handler pursuant to subparagraphs (1) and (2) of this paragraph, and subtracting the total amount of any location differential credits computed pursuant to § 967.56.

(1) Add, with respect to other source milk (except other source milk classified and priced under the class price provisions of another marketing agreement or order issued pursuant to the act) received in fluid form as milk, skim milk or cream at each pool plant of such handler in excess of the total volume of his Class II milk and Class III milk at such plant, an amount computed by multiplying the hundredweight of skim milk and butterfat in such other source milk by the difference between the Class I milk and Class III prices for skim milk and butterfat, respectively, pursuant to § 967.58: *Provided*, That if the plant supplying such milk is located outside the marketing area and more than 55 miles from the St. Joseph County Courthouse, South Bend, Indiana, the payment per hundredweight of milk otherwise required by this subparagraph shall be reduced by the applicable location adjustment provided in § 967.56 for the distance such plant is located from the St. Joseph County Courthouse, but not to exceed an amount equal to the difference between the Class I and Class III prices.

(2) Multiply the pounds of skim milk and butterfat subtracted pursuant to § 967.46 (d) by the respective applicable class prices.

(b) For each month the total obligation to the producer-settlement fund for each handler who, during such month, disposed of Class I milk (except other source milk classified and priced under the class price provisions of another marketing agreement or order issued pursuant to the act) within the marketing area on routes from a nonpool plant shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in other source milk so disposed of by the difference between the Class I and Class III prices for skim milk and butterfat, respectively, adjusted for the location of the plant at the rates applicable for pool plants pursuant to § 967.56: *Provided*, That a producer-handler shall not be obligated for payments under this paragraph with respect to that portion of other source milk represented by his own farm production.

§ 967.71 *Computation of uniform price.* For each of the months of August through March the market administrator shall compute a uniform price per hundredweight of producer milk as follows:

(a) Combine into one total the values computed pursuant to § 967.70 for all handlers who filed reports pursuant to § 967.30 and were not in violation of § 967.83 for the preceding month;

(b) Subtract, if the average butterfat content of milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 967.81 (a), and multiplying the resulting amount by the total hundredweight of milk included in these computations;

(c) Add an amount equal to the total value of the location differentials computed pursuant to § 967.81 (b);

(d) Add not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight, for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for milk of 3.5 percent butterfat content.

§ 967.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through July the market administrator shall compute separate prices per hundredweight for base milk and excess milk of producers as follows:

(a) Make the same computations as required pursuant to § 967.71 (a), (b), (c), and (d);

(b) Compute the total value, on a 3.5 percent butterfat basis, of that portion of milk, included in the computations pursuant to paragraph (a) of this section, which is excess milk by: multiplying the quantity of such excess milk (but not more than an amount equal to the total quantity of Class III milk included in these computations) by the price for Class III milk of 3.5 percent butterfat content, and multiplying any quantity of such excess milk greater than such Class III milk, in series, by the prices for Class II milk and Class I milk of 3.5 percent butterfat content, respectively, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk, and adjust to the nearest cent (the result shall be known as the "uniform price for excess milk" of 3.5 percent butterfat content);

(d) Subtract the value computed pursuant to paragraph (b) of this section from the total value of milk included in these computations, and divide the result by the total hundredweight of base milk represented; and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight, for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports of payments or delinquencies in payments by handlers. The result shall be known as the "uniform price for base milk" of 3.5 percent butterfat content.

PAYMENTS

§ 967.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 18th day after the end of each month, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for the months of August through March and the uniform prices for base milk and excess milk for the months of April through July, adjusted by the producer butterfat and location differentials pursuant to § 967.81, for all milk received from such producer during such month and less payment to such producer made pursuant to paragraph (c) of this section: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 967.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each month, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such month, not less than the value of skim milk and butterfat in such milk computed at the minimum class prices, less payments to such association made pursuant to paragraph (c) of this section. For the purpose of determining the classification of skim milk and butterfat in such milk, such skim milk and butterfat shall be ratably apportioned among the quantities of skim milk and butterfat in such handler's Class I milk, Class II milk and Class III milk allocated to producer milk pursuant to § 967.46.

(c) On or before the 4th day after the end of such month each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the amount per hundredweight provided in the schedule set forth in this paragraph, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such month: *Provided*, That in the event any producer or cooperative association discontinues shipping to such handler during any month, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such month shall be made on or before the 18th day after the end of such month pursuant to paragraphs (a) and (b) of this section:

When the uniform price or base price for the preceding month is—	*The amount of the partial payment shall be—*
Under $1.00	$0.00
$1.00 to $1.99	1.00
$2.00 to $2.99	2.00
$3.00 to $3.99	3.00
$4.00 to $4.99	4.00
$5.00 to $5.99	5.00
$6.00 to $6.99	6.00
$7.00 and over	7.00

§ 967.81 *Producer butterfat and location differentials.* (a) In making payments pursuant to § 967.80 (a) there shall be added to, or subtracted from, the uniform price, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, an amount computed by multiplying the average of the daily wholesale prices per pound of 92-score butter at Chicago during the month, as reported by the Department, by 0.12 and rounding to the nearest tenth of a cent.

(b) In making payments to producers pursuant to § 967.80 for milk received at a pool plant at which a location adjustment is applicable pursuant to § 967.56, the uniform price per hundredweight for the months of August through March, and the uniform price per hundredweight for base milk for the months of April through July, shall be reduced by the zone rate per hundredweight for such plant prior to the proviso in § 967.56.

§ 967.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit payments made by handlers pursuant to § 967.83 and payments related thereto pursuant to § 967.87 and out of which he shall make all payments to handlers pursuant to § 967.84 and payments related thereto pursuant to § 967.87.

§ 967.83 *Payments to the producer-settlement fund.* (a) On or before the 16th day after the end of each month, each handler whose obligation is computed pursuant to § 967.70 (a) shall pay to the market administrator the amount by which the value of such handler's milk as determined pursuant to § 967.70 (a), minus the amount to be paid to a cooperative association pursuant to § 967.80 (b) is greater than the amount to be paid producers pursuant to § 967.80 (a): *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 967.80 (b), such cooperative association shall pay to the market administrator, on or before the 16th day after the end of each month, the amount by which the utilization value of such milk is greater than the value computed at the uniform price pursuant to § 967.71 adjusted by the producer butterfat and location differentials pursuant to § 967.81.

(b) On or before the 16th day after the end of each month, each handler (including any handler who may also have an obligation pursuant to paragraph (a) of this section) who, during such month, disposed of milk as described in § 967.70 (b) shall pay the amount computed for him pursuant to such paragraph.

§ 967.84 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount by which the value of producer milk received by such handler during such month pursuant to § 967.70 minus the amount to be paid to a cooperative association pursuant to § 967.80 (b) is less than the amount to be paid producers pursuant to § 967.80 (a), less any unpaid obligation of such handler to the market administrator pursuant to §§ 967.83, 967.85, 967.86, and 967.87: *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 967.80 (b) the market administrator shall pay to such cooperative association, on or before the 17th day after the end of such month, the amount by which the utilization value of such milk is less than the value computed at the uniform price pursuant to § 967.71 adjusted by the producer butterfat and location differentials pursuant to § 967.81: *And provided further*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 967.85 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 967.22 (d), each handler (except a producer-handler) as defined in § 967.15 (a) or (b) shall pay the market administrator, on or before the 16th day after the end of each month, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to skim milk and butterfat received within the month in producer milk (including such handler's own production) and in other source milk allocated to Class I milk; and each handler as defined in § 967.15 (c), including a producer-handler, shall make payment at the same rate per hundredweight with respect to other source milk disposed of as Class I milk within the marketing area on routes: *Provided*, That milk which is subject to administrative expense assessment under another marketing agreement or order issued pursuant to the act shall be exempt from payment under this section.

§ 967.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 967.80 (a) shall make a deduction of 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers (except milk of such handler's own production) at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association. Such deductions shall be paid by the handler to the market administrator on or before the 16th day after the end of each month. Such moneys shall be expended by the market administrator for verification of weights, samples and tests of milk received from such producers and in providing market information to such producers, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer, except a producer for whom payments are collected by a cooperative association pursuant to § 967.80 (b), (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor, to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 967.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 16th day after the end of such month, such deduction to the association entitled to receive it under this paragraph.

§ 967.87 *Adjustments of accounts.* (a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) An unpaid obligation of a handler or of the market administrator shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 1st day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 967.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 967.90 *Effective time.* The provisions of this part or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 967.91 *Suspension or termination.* The Secretary shall, whenever he finds that this part or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 967.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 967.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so desired by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 967.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 967.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 23d day of July 1958, to be effective on and after the 1st day of August 1958: *It is ordered*, That the complete text of the order, as hereby amended, be published in the FEDERAL REGISTER.

[SEAL] MARVIN L. McLAIN,
Acting Secretary.

[F. R. Doc. 58 5756; Filed, July 28, 1958; 8 48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

RELEASE OF INFORMATION

1. The centerhead immediately following § 1.455 is amended to read "Release of Information from Veterans Administration Records".

2. Section 1.501 is revised to read as follows:

§ 1.501 *Release of information by Veterans Administration officials and employees—(a) Release of information by the Administrator.* The Administrator of Veterans Affairs or his designee may release information, statistics, or reports to individuals or organizations when in his judgment such release would serve a useful purpose.

(b) *Release of information concerning policy and administration.* Correspondence, reports, records and other papers concerning matters of policy and administration, the disclosure of which may either (1) violate the provisions of personnel procedures on conduct of Veterans Administration employees, (2) adversely reflect upon a special group of veterans, (3) have a detrimental effect upon business or private interest, or (4) involve the Veterans Administration in a controversy, will not be disclosed by any officer or employee of the Veterans Administration to any person or persons outside the Veterans Administration without the consent of the Administrator, Deputy Administrator, a department head, top staff official or Manager having jurisdiction over the particular subject matter. Disclosure of all investigative information or reports may be made only as provided by § 1.454.

3. Section 1.507 is revised to read as follows:

§ 1.507 *Disclosures to Members of Congress.* Members of Congress shall be furnished in their official capacity in any case such information contained in the Veterans Administration files as may be requested for official use. However, in any unusual case, the request will be presented to the Administrator, Deputy Administrator, Assistant Administrator or department head for personal action. When the requested information is of a type which may not be furnished a claimant, the Member of Congress shall be advised that the information is furnished to him confidentially in his official capacity and should be so treated by him. (See sec. 1201, Pub. Law 85-56.) Information concerning the beneficiary designation of a United States Government life insurance or National Service life insurance policy is deemed confidential and privileged and during the insured's lifetime shall not be disclosed to anyone other than the insured or his duly appointed fiduciary unless the insured or the fiduciary authorizes the release of such information.

(Sec. 210, 71 Stat. 91; 38 U. S. C. 211a. Interpret or apply secs. 1201, 1202, 71 Stat. 126; 38 U. S. C. 3201, 3202)

This regulation is effective July 29, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58-5759; Filed, July 28, 1958; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 16-30]

[Docket No. 12295]

PART 16—LAND TRANSPORTATION RADIO SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Parts 10, 11, and 16 of the Commission's rules to change the effective date of narrow-band technical standards in the 25–50 and 152–162 Mc bands.

The Commission having under consideration the Report and Order in the above-entitled matter (FCC 58–620) adopted June 26, 1958; and

It appearing that under the terms of the subject Report and Order, Parts 10, 11 and 16 of the Commission's rules were amended as set forth therein, the formal codification of such changes to be accomplished by subsequent orders of the Commission; and

It further appearing that the formal codification of the changes herein ordered in Part 16 of the Commission's rules conforms without any substantive change to the effective date of narrow-band technical standards in the 25–50 and 152–162 Mc bands and the availability of "split-channel" frequencies in these bands already ordered in the text of the Report and Order above-described, and are, therefore, editorial in nature, requiring no further public notice of rule making thereon; and

It further appearing that the effective date for the amendment ordered herein to Part 16 has already been set by the above-described Report and Order; and

It further appearing that authority for the amendments herein ordered is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Delegation of Authority;

It is ordered, This 23d day of July 1958, that, effective August 1, 1958, Part 16 of the Commission's rules, Land Transportation Radio Services, is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: July 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

1. Amend paragraph (f) of § 16.8 by the addition of the following new subparagraph (3):

(3) In the case of stations of radiocommunications systems authorized prior to August 1, 1958, for operation on frequencies not currently available for assignment to such stations, the provisions of this paragraph regarding immediate compliance with the technical standards which are generally effective on November 1, 1963, shall not be applicable to the assignment of secondary or tertiary frequencies to such stations; provided, that in lieu thereof the frequency deviation of all frequency modulated transmitters of such stations shall not exceed ±5 kc.

2. Amend paragraph (a) of § 16.9 to read as follows:

(a) A statement, including an engineering survey if necessary, which sets forth the technical and other considerations in support of the selection of the particular frequency requested. The Commission expects that the applicant will notify the licensees of all known stations in the same or other services located within the local interference range of the proposed station location and operating on any frequency within 30 kc of the frequency proposed to be used by the applicant, of the applicant's intention to request that frequency.

3. Amend § 16.102 to read as follows:

§ 16.102 *Frequency stability.* (a) Except as provided in paragraphs (b) and (c) of this section, a permittee or licensee in these services shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency:

Frequency range	All fixed and base stations	All mobile stations	
		Over 3 watts	3 watts or less
	Percent	*Percent*	*Percent*
Below 25 Mc	0.01	0.01	0.02
25 to 50 Mc	.002	.002	.005
50 to 1000 Mc	.005	.005	.005
Above 1000 Mc	(1)	(1)	(1)

[1] To be specified in the station authorization.

(b) In lieu of meeting the requirements of paragraph (a) of this section for the frequency ranges shown below, transmitters authorized prior to November 1, 1958, and transmitters which are operationally integrated with existing radiocommunication systems authorized prior to November 1, 1958, may conform to the following tolerances until not later than October 31, 1963:

Frequency range	Transmitter power	
	Over 3 watts	3 watts or less
	Percent	*Percent*
50 to 150.8 Mc	.005	.01
162 to 220 Mc	.005	.01
220 to 1000 Mc	(1)	(1)

[1] To be specified in the station authorization.

(c) In lieu of meeting the requirements of paragraph (a) of this section for the frequency bands shown below, transmitters authorized prior to November 1, 1963, for operation wholly within the limits of one or more of the territories or possessions of the United States, and transmitters operationally integrated with existing radiocommunication systems authorized prior to August 1, 1958, for operation in other areas, may conform to the following frequency tolerances until not later than October 31, 1963, provided either (1) that the authorized operation be conducted only on frequencies specifically assigned to stations of the respective systems prior to the foregoing respective dates or (2) that the authorized operation be conducted on frequencies which are directly substituted for specific frequencies in the same frequency range which were assigned to stations of the respective systems prior to August 1, 1958, and which are no longer available for assignment to the station or stations involved:

Frequency range	Transmitter power	
	Over 3 watts	3 watts or less
	Percent	*Percent*
25 to 50 Mc	0.01	0.02
152 to 162 Mc	.005	.01

(d) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this section, the power of a transmitter shall be the maximum rated plate power input to its final radio frequency stage, as specified by the manufacturer.

4. Amend subparagraphs (3) and (4) of § 16.104 (b) to read as follows:

(3) In lieu of meeting the requirements of subparagraph (2) of this paragraph, transmitters authorized prior to November 1, 1963, to utilize type F3 emission for operation wholly within the limits of one or more of the territories or possessions of the United States on frequencies within the ranges 25–50 Mc and 152–162 Mc may be operated on frequencies within those ranges with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc, until not later than October 31, 1963.

(4) In lieu of meeting the requirements of subparagraph (2) of this paragraph, transmitters which are operationally integrated with existing radiocommunication systems authorized prior to August 1, 1958, to utilize type F3 emission and to operate on frequencies within the range 25–50 Mc or 152–162 Mc (i) may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc until not later than January 31, 1959, provided that the authorized operation continues only on frequencies authorized stations of the respective systems prior to August 1, 1958, and (ii) may be operated with a maximum frequency deviation of 5 kc until not later than October 31, 1963, provided that the operation takes place either on frequencies authorized stations of the respective systems prior to August 1, 1958, or on frequencies which are directly substituted for specific frequencies in the same frequency range which were assigned to stations of the respective systems prior to August 1, 1958, and which are no longer available for assignment to the station or stations involved.

5. Amend paragraph (d) of § 16.105 to read as follows:

(d) Each transmitter which is operated on a frequency in the range 25 to 50 Mc, or 152 to 162 Mc, and which is

provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low-pass filter in accordance with the provisions of paragraph (g) of this section: *Provided*, That this requirement shall not apply until November 1, 1963, to transmitters of stations operated wholly within the limits of one or more of the territories or possessions of the United States; and this requirement shall not apply until November 1, 1963, to transmitters which are operationally integrated with existing radiocommunication systems which were authorized prior to August 1, 1958, in those cases where either (1) the authorized operation is conducted only on frequencies specifically assigned to stations of the respective systems prior to August 1, 1958, or (2) the authorized operation is conducted only on frequencies which are directly substituted for specific frequencies in the same frequency range which were assigned to stations of the respective systems prior to August 1, 1958, and which are no longer available for assignment to the station or stations involved.

6. Amend paragraph (e) of § 16.105 to read as follows:

(e) Each transmitter which is operated on a frequency in the range 150.8 to 152 Mc and which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low-pass filter, in accordance with the provisions of paragraph (g) of this section.

7. Amend § 16.105 by the addition of the following new paragraphs (f) and (g):

(f) Each transmitter which is operated on a frequency in the range 450 to 470 Mc and which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low-pass filter, in accordance with the provisions of paragraph (g) of this section: *Provided*, That this requirement shall not apply until November 1, 1963, to transmitters first authorized or installed prior to November 1, 1958, or to transmitters which are operationally integrated with existing radiocommunications systems which were authorized prior to November 1, 1958.

(g) The audio low-pass filter required by the provisions of the preceding paragraphs of this section shall be installed between the modulation limiter and the modulated stage and, at audio frequencies between 3 kc and 15 kc, shall have an attenuation greater than the attenuation at 1 kc by at least:

$40 \log_{10}(f/3)$ decibels

where "f" is the audio frequency in kilocycles. At audio frequencies above 15 kc the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc.

[F. R. Doc. 58-5762; Filed, July 28, 1958; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 115—SOUTHEASTERN ALASKA AREA

FISHING FOR HERRING PERMITTED

JULY 25, 1958.

Basis and purpose. Because of the relative abundance of herring and in order to provide for scientific sampling, it has been determined that a limited catch of herring can be permitted in certain closed areas in Southeastern Alaska.

Section 115.57 is amended in paragraph (a) by changing the period at the end of the text to a colon and adding the following proviso: "*Provided*, That not more than 2,000 short tons may be taken after July 27, 1958, in the combined areas of Icy Strait, except Port Frederick; Lynn Canal north of 58°34'10" N. lat.; and Chatham Strait between the latitudes of Point Augusta and South Passage Point."

Immediate action on this amendment is necessary if the limited quota provided is to be obtained. Therefore, notice and public procedure are impracticable and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 58-5804; Filed, July 25, 1958; 3:04 p. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 132]

[No. 32406]

RULES, STANDARDS AND INSTRUCTIONS FOR INSTALLATION, INSPECTION, MAINTENANCE AND REPAIR OF POWER OR TRAIN BRAKES

NOTICE OF PROPOSED RULE MAKING AND HEARING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of July A. D. 1958.

It appearing that pursuant to the provisions of the Power or Train Brakes Safety Appliance Act of 1958, the Commission, complying with the directive of the Congress of the United States, entered an order on May 1, 1958, effective August 9, 1958, adopting the rules, standards and instructions for the installation, inspection, maintenance and repair of air brake equipment adopted by the Association of American Railroads in 1925, as amended;

It further appearing that a petition has been filed by the Association of American Railroads for modification of § 132.12 of the said rules, standards and instructions, and that petitions for exception from the 500 mile requirement of § 132.12 of said rules, standards and instructions, have been filed by The Atchison, Topeka and Santa Fe Railway Company; the Gulf, Colorado and Santa Fe Railway Company; the Panhandle and Santa Fe Railway Company; and the Great Northern Railway Company;

And it further appearing that in order to determine whether a need exists for modification of § 132.12 to permit the granting of relief from those provisions in instances where compliance therewith is impractical or for other reasons;

It is ordered, That pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given of a proposal to modify § 132.12 of 49 CFR Part 132, Power Brakes and Drawbars (Railroad), by adding a note following the introductory paragraph. The note will read as follows:

NOTE. Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier.

It is further ordered, That the said petitions of the Association of American Railroads; The Atchison, Topeka and Santa Fe Railway; the Gulf, Colorado and Santa Fe Railway Company; the Panhandle and Santa Fe Railway Company; and the Great Northern Railway Company, be assigned for hearing at the office of the Interstate Commerce Commission in Washington, D. C., beginning at 10:00 a. m., September 3, 1958, before Commissioner Kenneth H. Tuggle and Examiner Henry J. Vinskey.

And it is further ordered, That notice of this proposal shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing a copy with the Director, Federal Register Division.

(Sec. 2, 32 Stat. 943, as amended; 45 U. S. C. 9)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-5750; Filed, July 28, 1958; 8:46 a. m.]

[49 CFR Part 324]

[Docket No. 32464]

UNIFORM SYSTEM OF ACCOUNTS FOR CARRIERS BY INLAND AND COASTAL WATERWAYS

NOTICE OF PROPOSED RULE MAKING

JULY 18, 1958.

Notice is hereby given pursuant to provisions of section 4 (a) of the Administrative Procedure Act that the Commission has under consideration the matter of modifying the provisions of the Uniform System of Accounts for Carriers by Inland and Coastal Waterways as they relate to the classification of certain assets, liabilities, and income, as shown hereunder and as more particularly explained below.

(1) Provide for inclusion under current assets of the following items:

Spare parts, except major parts used as standby equipment, which are to be included in property account 141, Line Equipment.
Inventory of fuel oil aboard vessels.
Prepayments.
Working advances.

(2) Provide for inclusion under current liabilities of the portion of long-term debt due within one year.

(3) Change the titles of accounts for unearned surplus to read capital surplus; also the titles of accounts for earned surplus to read retained income.

(4) Amend the rules to provide specifically that the proceeds realized from sale of property or from insurance in excess of book cost of property shall be included directly in retained income (surplus).

(5) Provide that Federal income tax consequences, when material in amount, attributable to items of taxable income or deductions from taxable income, recorded directly in retained income accounts, shall be included in accounts 283, Miscellaneous credits, or 285, Miscellaneous debits, as appropriate.

(6) Provide for transferring amortization reserve for defense projects to the depreciation reserve.

(7) Provide that delayed items and adjustments, other than ordinary adjustments of a recurring nature, shall be included directly in retained income (surplus).

(8) Provide that water-line tax accruals (other than income taxes) shall be classified under operating expenses.

(9) Provide for including in insurance accounts in operating expenses the deductible average losses, assumed by carrier, where self-carried insurance reserves are maintained to equalize such losses in connection with hull and disbursement insurance, cargo insurance, and protection and indemnity insurance.

(10) Provide for inclusion in charter rent account rental payable for charter of vessels from all sources and not only from "other carriers."

Any interested person may on or before August 31, 1958, file with the Commission's Secretary written views or suggestions to be considered in this connection, and may request oral argument thereon. After consideration of responses so received and giving effect to such further changes as may be found necessary because of them, the modifications will be ordered pursuant to provisions of Part III of the Interstate Commerce Act (54 Stat. 933 as amended; 49 U. S. C. 904; to interpret or apply 54 Stat. 944 as amended; 49 U. S. C. 913).

[SEAL] HAROLD D. McCOY,
Secretary.

1. Current and other assets:

In § 324.1–113 *Material and supplies* change the account number to read § 324.1–115 without changing the title and cancel paragraph (a) of the text, substituting the following provisions in lieu thereof:

(a) This account shall include the cost, less cash and other discounts, of all unissued and unapplied material and supplies, articles in process of manufacture by the carrier fuel, tools, stationery, commissary and other supplies including fuel stores in the inventories on board vessels. This account also shall include the cost of unapplied spare parts, except major parts used as standby equipment. (See account 141, "Line Equipment.")

In § 324.1–114 *Other current assets* change the section number to read § 324.1–116 without change in the title or text.

In § 324.1–157 *Spare parts* cancel the number, title, and text of the account.

In § 324.1–172 *Prepayments* change the section number to read § 324.1–114 without change in title or text.

In § 324.1–173 *Working advances* change the section number to read § 324.1–113 without change in title or text.

In § 324.2–141 *Line equipment* insert the following new provision as the final sentence in the first paragraph of the text: "This account shall include major parts used as standby equipment, such as engines, propellers, pumps, etc., for replacing parts being repaired or overhauled."

2. Long-term debt due within one year:

In § 324.1–207 *Matured long-term obligations* cancel the title and text of this account, substituting the following title and text and retaining the note:

§ 324.1–207 *Current maturity of long-term debt.* This account shall include the total amount of all funded obligations (except amounts due affiliated companies) which are past due or which will mature within one year from the close of the accounting period and for which arrangements have not been entered into for an extension of time as to payment. This includes the portion of long-term debt maturing serially or payable in installments within one year.

In § 324.1–211 *Funded debt unmatured* paragraph (b) (1), *Equipment obligations* eliminate from the text the comma and the clause reading "including those maturing serially or payable in installments."

3. Retained income and capital surplus:

In § 324.1–250 *Unearned surplus* change the title of this account to read, *"Capital surplus."*

In § 324.1–250–2 *Other unearned surplus* change the title of this subaccount to read, *"Other capital surplus."*

In § 324.1–260 *Earned surplus; appropriated* change the title of this account to read, *"Retained income; appropriated."*

In § 324.1–280 *Earned surplus; unappropriated* change the title of this account to read, *"Retained income; unappropriated."*

4. Sale of property or insurance recovered:

In § 324.3–282 *Credits from transportation property retired* cancel the text of the account and substitute the following in lieu thereof:

§ 324.3–282 *Credits from transportation on property retired.* This account shall include profits realized from sale of carrier property; also insurance recoverable from lost or damaged property. The amount includible in this account is the proceeds realized from the sale of the property or from insurance in excess of the book cost after deducting any expense in connection with sale or disposition of the property.

5. Income taxes attributable to amounts recorded in retained income:

In § 324.3–283 *Miscellaneous credits* add the following new item to the list of items in the text:

10. Federal income tax credit, when material in amount, attributable to items of deductions from taxable income, recorded directly in retained income accounts.

In § 324.3–285 *Miscellaneous debits* add the following new item to the list of items in the text:

12. Federal income taxes, when material in amount, attributable to items of taxable income, recorded directly in retained income accounts.

In § 324.5–532 *Income taxes* cancel the text of the account and substitute the following in lieu thereof:

§ 324.5–532 *Income taxes.* This account shall include accruals for Federal and State income taxes, when not in lieu of a property tax, payable on amounts includible in the carrier's income accounts.

NOTE: Federal income tax charges or credits, when material in amount, attributable to items of taxable income or deductions from taxable income, recorded directly in retained income accounts, shall be included in accounts 285, "Miscellaneous debits," or 283, "Miscellaneous credits", as appropriate.

6. Amortization reserve; defense projects:

In § 324.1–149 *Depreciation reserve; transportation property* add the following new sentence in paragraph (a) of the text: "This account shall be subdivided so as to show separately:

(1) Depreciation reserve—transportation property.

(2) Past provision for amortization of defense projects."

In § 324.1–150 *Amortization reserve; defense projects* cancel the number, title, and text of the account.

7. Delayed items:

In § 324.4 *Delayed items and adjustments* eliminate the second sentence and substitute the following sentence in lieu thereof: "When the amount of a delayed item, which is not an ordinary adjustment of a recurring nature, is relatively so large that its inclusion in income for the current year would seriously distort such income, the amount of the item shall be included in account 283, 'Miscellaneous credits,' or 285, 'Miscellaneous debits,' as appropriate."

In § 324.3–283 *Miscellaneous credits* add the following new item to the list of items in the text:

11. Delayed items and credit adjustments, other than ordinary adjustments of a recurring nature, including material adjustments of Federal income taxes. (See § 324.4 *Delayed items.*)

In § 324.3–285 *Miscellaneous debits* add the following new item to the list of items in the text:

13. Delayed items and debit adjustments, other than ordinary adjustments of a recurring nature, including material adjustments of Federal income taxes. (See § 324.4 *Delayed items.*)

In § 324.4–508 *Delayed income credits* and § 324.5–534 *Delayed income debits* cancel the numbers, titles, texts, and notes of the two accounts.

8. Water-line tax accruals:

In § 324.5–521 *Water-line tax accruals* cancel the number only and retain the section, title, and notes without change, substituting § 324.7–486 in lieu of § 324.5–521.

9. Insurance and deductible losses:

In § 324.7–471 *Hull and disbursement insurance*, § 324.7–472, *Cargo insurance*, and § 324.7–473 *Protection and indemnity insurance* add the following sentence to the text of each of the three accounts (471, 472 and 473): "This account also shall include provisions for deductible average losses, assumed by the carrier, where self-carried insurance reserves are maintained to equalize such losses. (See account 221, 'Insurance reserves'.)"

10. Charter Rental for Transportation Property:

In § 324.7–481 *Charter rents* cancel the title and text of this account and substitute the following in lieu thereof:

§ 324.7–481 *Charter rents; transportation property.* (a) This account shall include the rent payable by the carrier under contract for the charter of vessels (when the amount payable as charter rent is not dependent upon the commodities and volume of freight transported), such as bare boat or time charters.

(b) The carrier shall include the rent payable under the contract in this account, and shall include in other appropriate operating expense accounts additional expenses incurred by it in operating vessels chartered from others.

11. Other changes:

Before an order is entered pursuant to this notice of proposed rule making, all references and instructions elsewhere in this system of accounts will be modified or corrected in conformity with the foregoing, and such modifications or corrections will be detailed in the order.

[F. R. Doc. 58-5749; Filed, July 28, 1958; 8:46 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12415; FCC 58M-807]

LION BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re application of Lion Broadcasting Co., Inc., Dover, New Jersey, Docket No. 12415, File No. BP–11215; for construction permit.

The Hearing Examiner having under consideration a Petition to Schedule Hearing Date filed on behalf of Lion Broadcasting Co., Inc. on July 22, 1958, requesting that the hearing in the above-entitled proceeding be scheduled to commence at 2 p. m. on July 29, 1958; and

It appearing from the petition that counsel for all parties have informally consented to the immediate consideration and granting of the petition, and that such action will conduce to the orderly dispatch of the Commission's business:

Now therefore it is ordered, This 23d day of July 1958, that the aforesaid petition is granted, and the hearing shall be commenced at 2 p. m. on July 29, 1958.

Released: July 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5774; Filed, July 28, 1958; 8:50 a. m.]

[Docket Nos. 12422, 12424; FCC 58M-814]

POMPANO BEACH BROADCASTING CORP. AND LOUIS G. JACOBS

ORDER SCHEDULING HEARING

In re applications of Pompano Beach Broadcasting Corporation, Pompano Beach, Florida, Docket No. 12422, File No. BP–11297; Louis G. Jacobs, Miami-South Miami, Florida, Docket No. 12424, File No. BP–11489; for construction permits.

It is ordered, This 24th day of July 1958, that the hearing in the above-entitled matter presently postponed indefinitely is hereby scheduled to commence at 9:00 a. m., July 29, 1958, in the Commission's offices in Washington, D. C.

Released: July 24, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R Doc. 58-5773; Filed, July 28, 1958; 8:50 a. m.]

[Docket Nos. 12528, 12529; FCC 58M-792]

DONALD W. HUFF AND EQUITABLE PUBLISHING CO.

ORDER SCHEDULING HEARING

In re applications of Donald W. Huff, Lansdale, Pennsylvania, Docket No. 12528, File No. BP–11313; Equitable Publishing Company, Lansdale, Pennsylvania, Docket No. 12529, File No. BP–11934; for construction permits.

It is ordered, This 17th day of July 1958, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 17, 1958, in Washington, D. C.

Released: July 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5766; Filed, July 28, 1958; 8:49 a. m.]

[Docket No. 12530; FCC 58M-793]

MUSICAL HEIGHTS, INC.

ORDER SCHEDULING HEARING

In re application of Musical Heights, Inc., Braddock Heights, Maryland, Docket No. 12530, File No. BP–10918; for construction permit.

It is ordered, This 17th day of July 1958, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 14, 1958, in Washington, D. C.

Released: July 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5767; Filed, July 28, 1958; 8:49 a. m.]

[Docket No. 12524; FCC 58M-791]

SAMUEL JAMES ROLEY

ORDER SCHEDULING HEARING

In the matter of Samuel James Roley, Beverly Hills, California, Docket No. 12524; suspension of amateur radio operator license (W6VUP).

It is ordered, This 17th day of July 1958, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 7, 1958, in Washington, D. C.

Released: July 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5765; Filed, July 28, 1958; 8:49 a. m.]

[Docket Nos. 12531, 12532; FCC 58M-794]

ROBERT A. CORLEY AND HARVEY S. HESTER

ORDER SCHEDULING HEARING

In re applications of Robert A. Corley, College Park, Georgia, Docket No. 12531, File No. BP–11336; Harvey S. Hester, Smyrna, Georgia, Docket No. 12532, File No. BP–11860; for construction permits.

It is ordered, This 17th day of July 1958, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 9, 1958, in Washington, D. C.

Released: July 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5768; Filed, July 28, 1958; 8:49 a. m.]

[Docket No. 12533; FCC 58M-795]

PAUL A. BRANDT

ORDER SCHEDULING HEARING

In re application of Paul A. Brandt, Gladwin, Michigan, Docket No. 12533, File No. BP–11361; for construction permit.

It is ordered, This 17th day of July 1958, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 15, 1958, in Washington, D. C.

Released: July 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5769; Filed, July 28, 1958; 8:49 a. m.]

[Docket No. 12534; FCC 58M-790]

SOUTH KENTUCKY BROADCASTERS (WRUS)

ORDER SCHEDULING HEARING

In re application of Roth E. Hook and Woodrow Sosh, d/b as South Kentucky Broadcasters (WRUS), Russellville, Kentucky, Docket No. 12534, File No. BMP–7734; for construction permit.

It is ordered, This 17th day of July 1958, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 14, 1958, in Washington, D. C.

Released: July 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5770; Filed, July 28, 1958; 8:49 a. m.]

[Docket Nos. 12535, 12536; FCC 58M-796]

ARNOLD J. STONE ET AL.

ORDER SCHEDULING HEARING

In re applications of Arnold J. Stone, Alameda, California, Docket No. 12535, File No. BPH–2414; Patrick Henry and David D. Larsen, A Partnership, Alameda, California, Docket No. 12536, File No. BPH–2437; for construction permits.

It is ordered, This 17th day of July 1958, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 13, 1958, in Washington, D. C.

Released: July 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5771; Filed, July 28, 1958; 8:49 a. m.]

[Docket Nos. 12539, 12540; FCC 58M-797]

PRESS WIRELESS, INC.

ORDER SCHEDULING HEARING

In the matter of the applications of Press Wireless, Inc., Docket No. 12539, File No. 2579–C4–ML–58; Docket No. 12540, File No. 2580–C4–ML–58; for modification of its Centereach, N. Y., and Belmont, Calif., fixed public press station licenses to permit the handling of traffic specified in proposed Tariff F. C. C. No. 34 (International Telecon Service), and certain other non-press communications.

It is ordered, This 17th day of July 1958, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 13, 1958, in Washington, D. C.

Released: July 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-5772; Filed, July 28, 1958; 8:49 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE (MANPOWER, PERSONNEL AND RESERVE)

DELEGATION OF AUTHORITY EFFECTING PURPOSES OF FEDERAL VOTING ASSISTANCE ACT OF 1955

JULY 22, 1958.

Authorizing and empowering the Assistant Secretary of Defense (Manpower, Personnel and Reserve) to perform the functions and discharge the responsibilities of the Secretary of Defense in effecting the purposes of the Federal Voting Assistance Act of 1955.

By virtue of the authority vested in me by Executive Order 10646, dated November 22, 1955 (20 F. R. 8681), I hereby designate Charles C. Finucane, in his capacity as Assistant Secretary of Defense (Manpower, Personnel and Reserve), as the Coordinator of the Federal Voting Assistance Program.

As the Coordinator of the Federal Voting Assistance Program, Mr. Finucane is hereby authorized and empowered to perform the functions and discharge the responsibilities of the Secretary of Defense to effect the purposes of the Federal Voting Assistance Act of 1955 (69 Stat. 584).

Delegation of authority published at 22 F. R. 3396 is hereby superseded and cancelled.

NEIL MCELROY,
Secretary of Defense.

[F. R. Doc. 58-5744; Filed, July 28, 1958; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 21, 1958.

The Dept. of Agriculture, U. S. Forest Service has filed an application, Serial No. Idaho 09113, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws. The applicant desires the land for Gibbonsville Public Service Site.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 26 N., R. 21 E.,
Gibbonsville Public Service Site—Salmon National Forest—Beginning at corner 7 of Mineral Survey 955a in SW¼ of Section 25, unsurveyed T. 26 N., R. 21 E., B. M., Idaho, which is 3,717.9 feet north 27 degrees 57 minutes east of U. S. Mineral Monument No. 1, thence north 62 degrees 12 minutes west 533.1 feet to set stone which is northwest corner of A. D. & M. placer claim, thence south 20 degrees 18 minutes east 879.7 feet to corner 8 of Mineral Survey 955a, thence north 16 degrees 6 minutes east 600 feet to point of beginning, containing 3.58 acres, more or less. Situated in approximately the SW¼SW¼ Sec. 25 and/or the NW¼NW¼ Sec. 36.

This area includes approximately 3.58 acres near Gibbonsville, Lemhi County, Idaho.

DONALD I. BAILEY,
Acting State Supervisor.

[F. R. Doc. 58-5746; Filed, July 28, 1958; 8:45 a. m.]

[Classification 49]

NEW MEXICO

SMALL TRACT CLASSIFICATION

JULY 21, 1958.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands totalling 80 acres in Dona Ana County,

New Mexico, as suitable for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 1 E.,
Sec. 20, N½NW¼.

2. Classification of the above described lands by this order segregates them from all forms of appropriations, including locations under the mining laws, except application under the mineral leasing laws.

3. The lands are located four and one-half miles west of Las Cruces, and lie about one-eighth mile north of U. S. Highway No. 70. The lands are moderately undulating to rough and rolling. The soils are sandy loam in texture and the vegetation consists chiefly of mesquite, cacti, and some grasses. The climate is mild and semiarid, the average annual temperature being 60° F. and the average annual rainfall is 9". The elevation is 4100'. Utilities may be provided from the City of Las Cruces, or if not, the purchasers will have to provide utilities for themselves. Business, educational, religious and recreational facilities are available in Las Cruces, New Mexico.

4. Each of the tracts, numbered from 1 through 30 for reference purposes only, contain from 2.5 acres to 5 acres. The fair market value of the tracts, the reference number, and legal description are shown below. The tracts will be subject to all existing rights-of-way and rights-of-way 33' in width will be reserved from each tract as described below for roads, utility lines, etc. All minerals will be reserved by the United States.

Tract No.	R/W location and description of tract	No. acres	Appraised price
1	North & East sides NE¼NE¼NE¼NW¼	2.5	$375
2	North & West sides NW¼NE¼NE¼NW¼	2.5	375
3	North & East sides NE¼NW¼NE¼NW¼	2.5	375
4	North & West sides NW¼NW¼NE¼NW¼	2.5	375
5	North & East sides NE¼NE¼NW¼NW¼	2.5	375
6	North & West sides NW¼NE¼NW¼NW¼	2.5	375
7	North & East sides NE¼NW¼NW¼NW¼	2.5	375
8	North, West & South sides, W½NW¼NW¼NW¼	5	600
9	South & East sides SE¼NW¼NW¼NW¼	2.5	375
10	South & West sides SW¼NE¼NW¼NW¼	2.5	375
11	South & East sides SE¼NE¼NW¼NW¼	2.5	375
12	South & West sides SW¼NW¼NE¼NW¼	2.5	375
13	South & East sides SE¼NW¼NE¼NW¼	2.5	375
14	South & West sides SW¼NE¼NE¼NW¼	2.5	375
15	South & East sides SE¼NE¼NE¼NW¼	2.5	375
16	North & East sides NE¼SE¼NE¼NW¼	2.5	375
17	North & West sides NW¼SE¼NE¼NW¼	2.5	375
18	North & East sides NE¼SW¼NE¼NW¼	2.5	375
19	North & West sides NW¼SW¼NE¼NW¼	2.5	375
20	North & East sides NE¼SE¼NW¼NW¼	2.5	375
21	North & West sides NW¼SE¼NW¼NW¼	2.5	375
22	North & East sides NE¼SW¼NW¼NW¼	2.5	375
23	North, South & West sides W½SW¼NW¼NW¼	5	600
24	South & East sides SE¼SW¼NW¼NW¼	2.5	375
25	South & West sides SW¼SE¼NW¼NW¼	2.5	375
26	South & East sides SE¼SE¼NW¼NW¼	2.5	375
27	South & West sides SW¼SW¼NE¼NW¼	2.5	375
28	South & East sides SE¼SW¼NE¼NW¼	2.5	375
29	South & West sides SW¼SE¼NE¼NW¼	2.5	375
30	South & East sides SE¼SE¼NE¼NW¼	2.5	375

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. The above-described tracts will be sold at public auction at a public sale to be held at Las Cruces, New Mexico at 10:30 a. m., October 29, 1958. Bids may be made personally by the applicant or his agent at the sale or may be mailed. Bids sent by mail will be considered only if received at the Santa Fe Land Office prior to 10:00 a. m. October 27, 1958. No bid will be accepted if it is less than the appraised value of the tract. See paragraph 4 for appraised values.

7. Each bid sent by mail must clearly show (a) the name and post office address of the bidder, (b) Classification No. 49, (c) the land description of the tract for which the bid is made, described in accordance with Paragraph 4 of this order, (d) whether the bidder is entitled to veteran's preference in accordance with paragraph 8 of this order. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. Each bid must be enclosed in a separate envelope but payment need only accompany the highest bid, provided all other bids designate the envelope containing the payment. Each envelope must carry on its reverse the following information and nothing else: (a) Classification No. 49, (b) Veteran's Preference, if the bidder is entitled to veteran's preference in accordance with paragraph 8, and (c) the description of the tract for which the bid is made, described in accordance with paragraph 4 of this order.

8. All valid applications filed prior to March 29, 1955 will be granted the preference rights provided for by 43 CFR 257.5 (a). In accordance with 43 CFR 257.14 (e), each tract will be awarded to the highest bidder, either written or oral, among persons entitled to veteran's preference, and if there be none, to the highest bidder among nonpreference bidders. No person will be awarded more than one tract. Persons entitled to veteran's preference, in brief, are (a) honorably discharged veterans who served at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or to the surviving spouse or minor children of veterans killed in the line of duty. Successful bidders among preference claimants will be called upon for proof of the military service upon which their claim is based.

9. All inquiries concerning these lands shall be addressed to the Manager, Land Office, P. O. Box 1251, Santa Fe, New Mexico.

W. J. ANDERSON,
Acting State Supervisor.

[F. R. Doc. 58-5745; Filed, July 28, 1958; 8:45 a. m.]

ALASKA

RENTALS AND ROYALTIES; OIL AND GAS LEASES

Notice is hereby given that, in accordance with the provisions of Public Law 85-505 enacted on July 3, 1958 (72 Stat. 322), the annual lease rentals for lands in Alaska not within any known geologic structure of a producing oil or gas field and the royalty payments on production shall be identical with those prescribed for such leases covering similar lands in the States of the United States, except that leases which may be issued pursuant to applications or offers to lease filed prior to and which were pending on May 3, 1958, shall require the payment of 25 cents per acre as lease rental for the first year of such lease.

Anyone filing a lease offer from July 3, 1958, to August 4, 1958, inclusive, which was not accompanied by the proper amount of the first year's lease rental, shall be given an opportunity to submit the required rental without loss of priority of his lease offer.

Pending formal promulgation of departmental regulations implementing the provisions of Public Law 85-505, this notice constitutes authority to the Bureau of Land Management, U. S. Department of the Interior, to resume issuance of leases covering lands in Alaska in accordance with the provisions of that act.

FRED A. SEATON,
Secretary of the Interior.

JULY 24, 1958.

[F. R. Doc. 58-5810; Filed, July 28, 1958; 3:26 p. m.]

ALASKA

NOTICE OF AVAILABILITY OF LANDS FOR NON-COMPETITIVE OIL AND GAS LEASING

JULY 24, 1958.

Notice is hereby given that there have been filed in the Land Offices, Bureau of Land Management, Anchorage and Fairbanks, Alaska, and in the Office of the Director, Bureau of Land Management, Department of the Interior, Washington 25, D. C., approved maps describing by leasing blocks approximately 4,000,000 acres of land in specified townships within the area described in section 1 of Public Land Order 1621, which are now available for noncompetitive oil and gas leasing. Such maps may be examined at those offices during the regular business hours. A portfolio containing an index map and leasing maps may be purchased from such offices for $1.50. This portfolio also contains a leasing map of the lands in the Gubik gas field which will be subject to competitive leasing only.

1. Approximately 4,000,000 acres of land will become subject to noncompetitive oil and gas leasing on the date of publication hereof. These lands are designated on said maps as separately numbered leasing blocks, in the specified townships, not exceeding 2,560 acres each.

2. All leasing will be subject to the provisions of the Mineral Leasing Act of 1920, as amended (41 Stat. 437); Public Land Order 1621, dated April 18, 1958; the regulations in 43 CFR, Part 192, and the provisions hereof.

3. All offers to lease must be submitted on Form 4-1158 and in accordance with the regulations 43 CFR 192.42. Each offeror may file only one offer for each separate leasing block.

4. The lands applied for must be described according to the leasing blocks in the specified townships shown on the approved maps, notwithstanding the provisions of 43 CFR 71.2 and 43 CFR 192.42 (d). Each entire leasing block is deemed and declared to be a legal subdivision subject to the restrictions on assignment of a part thereof as provided for in the regulation 43 CFR 192.140.

5. Each offer must be filed in a separately sealed envelope which sealed envelope must contain a $10 filing fee and the first year's advance rental at the rate of 50 cents per acre in accordance with the provisions of Public Law 85-505 enacted July 3, 1958, and have endorsed on its face the name and address of the offeror, and the description of the land applied for by leasing block number and township. Each offer must include the rental payment for the full acreage of the leasing block including any water area shown on the leasing map. Any offers not so submitted will be rejected and returned to the offeror.

6. All offers must be filed in the Land Office, Bureau of Land Management (P. O. Box 1050), Fairbanks, Alaska. All offers received in the above-noted Land Office from the date of publication hereof and until 10 a. m. of the 60th day thereafter, will be considered as having been simultaneously filed. The priorities of all conflicting offers will be determined in accordance with the procedure outlined in the regulation 43 CFR 295.8 and the sealed envelopes referred to in the preceding paragraph will be returned unopened to the unsuccessful offerors.

EARL J. THOMAS,
Acting Director.

[F. R. Doc. 58-5809; Filed, July 25, 1958; 3:26 p. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

MOORE-McCORMACK LINES, INC.

NOTICE OF APPLICATION

Notice is hereby given of the application of Moore-McCormack Lines, Inc., for written permission of the Maritime Administrator, under section 805 (a) of the Merchant Marine Act, 1936, as amended, 46 U. S. C. 1223, to permit the operation of its owned subsidized vessel, SS. "Mormacsun," by the charterer of said vessel, States Marine Lines, to load military cargo on or about August 6, 1958, at Hawaii for discharge on the United States Pacific Coast.

Any person, firm, or corporation having an interest in such application and desiring a hearing on issues pertinent to section 805 (a) should, by the close of business on August 1, 1958, notify the Secretary, Maritime Administration, in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Administration.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Administrator determines that petitions to intervene, filed within the specified time, do not demonstrate sufficient interest to warrant a hearing, the application will be processed without a hearing.

Dated: July 25, 1958.

By order of the Maritime Administrator.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-5827; Filed, July 28, 1958; 9:09 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2230]

CITY OF SITKA

NOTICE OF LAND WITHDRAWAL, ALASKA

JULY 23, 1958.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power project No. 2230 for which completed amendatory application for license was filed June 30, 1958. Under said section 24 these lands are, from said date of filing, reserved from entry, location or disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

First Judicial Division
Baranof Island
Medvetcha River

All lands lying adjacent to Blue Lake at an altitude of less than 365 feet above sea level as shown on a map designated Exhibit "J" (drawing 5715-01) entitled "City of Sitka, Blue Lake Hydro-Electric Project, General Map, Northeast Section," and filed in the office of the Federal Power Comission on January 2, 1958;

All lands embracing the dam site, portal intake, tunnel, penstock, powerhouse and transmission line locations as delimited on map sheets designated "Exhibit K" (drawings 5715-03-1, 5715-05-1, 5806-1kk and 5806-2kk), entitled "Detail Map of Area"; subtitled "Upper Tunnel—Dam Site-Intake," "Powerhouse", "Penstock and Tunnel" and "Tunnel and Conduit" respectively, and filed in the office of the Federal Power Commission on June 30, 1958.

The area of lands of the United States reserved pursuant to the filing of this application is approximately 898.43 acres, of which 867.11 acres have been heretofore reserved in connection with Project No. 408 or in Power Site Classifications Nos. 221 and 427.

Copies of each of the project maps (F. P. C. No. 2230-22 through 25) have been transmitted to the Bureau of Land Management, Geological Survey and Forest Service.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5747; Filed, July 28, 1958; 8:45 a. m.]

[Project No. 408]

CITY OF SITKA, ALASKA

NOTICE OF APPLICATION FOR SURRENDER OF LICENSE

JULY 24, 1958.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by City of Sitka, Alaska, licensee for major Project No. 408, for surrender of its license for the project located on Medvetcha River in Sitka Precinct, Territory of Alaska, and affecting lands of the United States within Tongass National Forest. The project consists of a log diversion dam in the Medvetcha River constructed in 1913; a water conduit about 1,490 feet long consisting of 270 feet of tunnel and about 1,220 feet of flume and a 54-inch diameter wood-stave pipe extending from the dam downstream to a powerhouse; two 36-inch wood-stave surge pipes; a powerhouse with two 200-kva generating units and appurtenant equipment; a step-up 2300/11950-volt substation adjacent to the powerhouse; and an 11,950-volt transmission line and telephone line extending from the substation to the east boundary of the Sitka National Monument.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is August 29, 1958. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5805; Filed, July 28, 1958; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3119]

SAN MAURICIO MINING CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JULY 23, 1958.

In the matter of San Mauricio Mining Company, Capital Stock; File No. 1-3119.

Pacific Coast Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The Company terminated its mining operations in 1956. The Exchange suspended the stock from dealings on July 25, 1957. The Company's financial statements show current liabilities in excess of current and total assets.

Upon receipt of a request, on or before August 8, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 58-5752; Filed, July 28, 1958; 8:47 a. m.]

[File No. 1-3503]

ATOK-BIG WEDGE MINING CO., INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JULY 23, 1958.

In the matter of Atok-Big Wedge Mining Co., Inc., Capital Stock; File No. 1-3503.

Pacific Coast Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The Company discontinued mining operations in 1953. The Exchange suspended the stock from dealings on July 25, 1957. The Company has omitted the filing of annual reports with the Exchange.

Upon receipt of a request, on or before August 8, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 58-5753; Filed, July 28, 1958; 8:47 a. m.]

[File No. 1-3874]

TRABELLA URANIUM MINES, INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JULY 22, 1958.

In the matter of Trabella Uranium Mines, Inc., common stock; File No. 1-3874.

San Francisco Mining Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above-named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The company has failed to file reports required by the Securities and Exchange Commission and the Exchange, and communications addressed to the company have elicited no response.

Upon receipt of a request, on or before August 6, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 58-5751; Filed, July 28, 1958; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 24, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34831, *Syrup, from, to, and between points in Illinois territory.* Filed by Illinois Freight Association, Agent (No. 18), for interested rail carriers. Rates on syrup, corn or wheat unmixed; syrup, noibn, and molasses, noibn, in bulk in barrels or drums and in tank cars, carloads, between points in Illinois Freight Association territory, and between points in that territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short line distance formula and grouping.

Tariffs: Supplement 12 to Illinois Freight Association tariff I. C. C. 900, and supplement 21 to Illinois Freight Association tariff I. C. C. 899.

FSA No. 34832, *Fertilizers from southwestern points to New Florence, Mo.* Filed by Southwestern Freight Bureau, Agent (No. B-7331), for interested rail carriers. Rates on ammonium nitrate and ammonium sulphate fertilizer, carloads, and superphosphate, carloads, from points in Arkansas, Louisiana, Oklahoma, and Texas to New Florence, Mo.

Grounds for relief: Short line distance formula and grouping.

Tariff: Southwestern Lines tariff I. C. C. 4290.

FSA No. 34833, *Brick between points in western and southern territories.* Filed by Western Trunk Line Committee, Agent (No. A-1992), for interested rail carriers. Rates on common brick and related articles, carloads, between points in western trunk-line territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short line distance formula and market competition with producing points in central and Illinois territories.

Tariff: Supplement 2 to Western Trunk Lines tariff I. C. C. A-4241.

FSA No. 34834, *Commodity rates from and to Geismar, La.* Filed by O. W. South, Jr., Agent (SFA No. A3702), for interested rail carriers. Rates on all commodities (other than coal and coke), carload and less-than-carload, between Geismar, La., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Establishment of a new station.

FSA No. 34835, *Cast iron pipe and fittings from Swan and Tyler, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-7324), for interested rail carriers. Rates on cast iron pressure pipe and fittings, carloads, from Swan and Tyler, Tex., to points in southern and southwestern territories.

Grounds for relief: Short line distance formula.

Tariff: Supplement 38 to Southwestern Lines tariff I. C. C. 4044.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-5748; Filed, July 28, 1958; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 194]

WISCONSIN

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of July 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Wisconsin;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Iron (Tornado, hail and heavy rains occurring on or about July 14 and 15, 1958).

Office: Small Business Administration Regional Office, 301 Metropolitan Building, Second Avenue and Third Street, Minneapolis 1, Minn.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1959.

Dated: July 16, 1958.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 58-5754; Filed, July 28, 1958; 8:47 a. m.]

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THE NATIONAL ARCHIVES

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VOLUME 23 NUMBER 148

Washington, Wednesday, July 30, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, subparagraphs (2) and (27) of paragraph (a) of § 6.312 are amended as set out below.

§ 6.312 *Department of Commerce.*

(a) *Office of the Secretary.* • • •

(2) Nine Confidential Assistants to the Secretary.

• • • • • •

(27) Deputy Director, Office of International Trade Fairs.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-5803; Filed, July 29, 1958; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 13]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Division, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.)* is amended by adding a last sentence to read: "The portion of the east alternate between the Eugene and Portland, Oreg., omnirange stations which lies within the Portland International Airport Military Climb Corridor (R-535) is excluded."

2. Section 600.6283 is amended to read:

§ 600.6283 *VOR civil airway No. 283 (Redmond, Oreg., to Newberg, Oreg.).* From the Redmond, Oreg., omnirange station to the Newberg, Oreg., omnirange station.

(Sec. 205, 52 Stat. 984; 49 U.S.C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U.S.C. 452)

This amendment shall become effective 0001 P. s. t. August 1, 1958.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

JULY 23, 1958.

[F. R. Doc. 58-5732; Filed, July 29, 1958; 8:45 a. m.]

[Amdt. 14]

PART 601—DESIGNATION OF CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Division, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1039 is amended to read:

§ 601.1039 *Control area extension (Portland, Oreg.).* The airspace within a 30-mile radius of the Portland International Airport, including the airspace centered on the back course of the Portland ILS localizer (119° True), extending from the airport 5-mile radius control zone boundary to a point 27 miles southeast thereof and having a width of 2

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FEDERAL REGISTER

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miles at the control zone boundary and expanding to a width of 4.6 miles at the southeast boundary. The portions of this control area extension which lie within the Portland International Airport Military Climb Corridor (R–535) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

2. Section 601.6283 is amended to read:

§ 601.6283 *VOR civil airway No. 283 control areas (Redmond, Oreg., to Newberg, Oreg.).* All of VOR civil airway No. 283.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 P. s. t. August 1, 1958.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

JULY 23, 1958.

[F. R. Doc. 58–5733; Filed, July 29, 1958; 8:45 a. m.]

[Amdt. 230]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Division, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.45, the Portland International Airport Military Climb Corridor, Oregon, area (R–535), is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Portland International Airport Military Climb Corridor, Oregon (R–535) (Portland).	The area centered on the back course of the ILS localizer 119° TRUE, extending from the airport 5 mile Control Zone boundary to a point 27 miles southeast thereof and having a width of 2 miles at the Control Zone and expanding to a width of 4.6 miles at the southeast boundary, as further identified by the following explanatory chart.	*Lower Level* Beginning at the edge of the Control Zone to a point 5 miles from the edge, at a level of 2,000′ MSL; thence to a point 10 miles from said edge at a level of 6,000′ MSL; thence to a point 15 miles from said edge at a level of 10,000′ MSL; thence to a point 20 miles from said edge at a level of 15,000′ MSL; thence to a point 27 miles from said edge at a level of 19,000′ MSL, as further identified by the following explanatory chart. *Upper Level* Beginning at the edge of the Control Zone to a point 1 mile from said edge, at a level of 10,000′ MSL; thence to a point 3 miles from said edge at a level of 17,000′ MSL; thence to a point 5 miles from said edge at a level of 23,000′ MSL; thence to a point 27 miles from said edge at a level of 27,000′ MSL, as further identified by the following explanatory chart.	Continuous.	CAA Airport Traffic Control Tower, Portland International Airport.

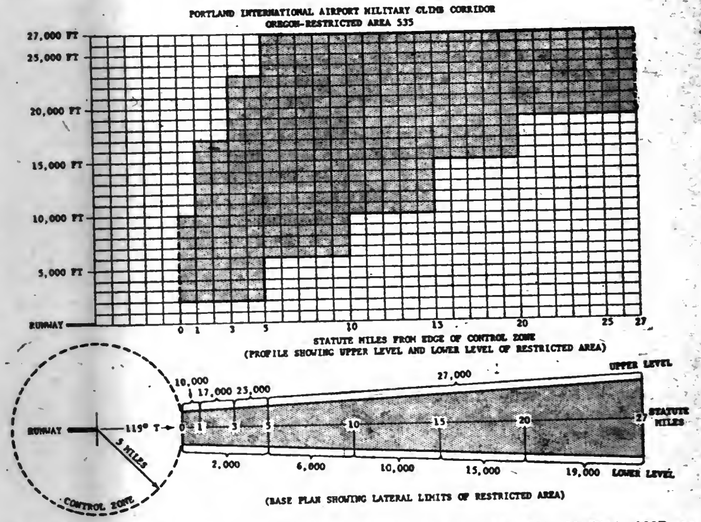

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on August 1, 1958.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

JULY 23, 1958.

[F. R. Doc. 58–5734; Filed, July 29, 1958; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1023—Allotments—(Cigar-Filler (Type 41) Tobacco—59)-1]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

COMMUNITY CROPLAND FACTOR

This amendment is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311–15), and amends the definition of "Community cropland factor" contained in § 723.872 (23 F. R. 5327). The year "1958" appearing in such section is changed to "1959."

Section 723.872 (e) is amended to read:

(e) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1959 into the total of the 1959 tobacco acreage allotment for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factors of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(Sec. 375, 52 Stat. 66 as amended; 7 U. S. C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended, 7 U. S. C. 1313)

Done at Washington, D. C., this 25th day of July 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] MARVIN L. MCLAIN, *Acting Secretary.*

[F. R. Doc. 58-5826; Filed, July 29, 1958; 8:55 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.19, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DIRECT-CONSUMPTION PORTION OF MAINLAND QUOTA FOR PUERTO RICO, 1958

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act") for the purpose of further amending Sugar Regulation 814.19 (23 F. R. 136, 2853), which established allotments of the direct-consumption portion of the 1958 mainland quota for Puerto Rico.

This amendment of S. R. 814.19 is necessary to: (1) Give effect to the amendment of Sugar Regulation 811 (23 F. R. 4597) which established the direct-consumption portion of the 1958 mainland quota for Puerto Rico of 133,064 short tons, raw value, a quantity greater than the 130,016 short tons, raw value, previously allotted and to allot the larger quantity in accordance with findings heretofore made and (2) prorate to other allottees, to the extent they are able to utilize additional allotments, allotment deficits declared by two allottees totalling 1,721 short tons, raw value. Prior to issuance of Sugar Regulation 814.19, Amendment 1, the South Porto Rico Sugar Company released its entire 1958 allotment. Accordingly the quota was allotted by Sugar Regulation 814.19, Amendment 1, to the other allottees.

Findings heretofore made by the Secretary in the course of this proceeding (23 F. R. 136) provide that this order shall be revised without further notice or hearing for the purposes indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Effective date. It is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective upon publication in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered that paragraph (a) of § 814.19 be further amended to read as follows:

§ 814.19 *Allotment of the direct-consumption portion of 1598 sugar quota for Puerto Rico*—(a) *Allotments.* The direct-consumption portion of the 1958 sugar quota for Puerto Rico, amounting to 133,064 short tons, raw value, is hereby allotted as follows:

Allottee:	*Direct-consumption allotment (short tons, raw value)*
Central Aguirre Sugar Co., a trust	6,434
Central Roig Refining Co	20,937
Central San Francisco	1,473
Porto Rican American Sugar Rfy., Inc	84,020
Western Sugar Refining Co	20,000
All other persons (raw sugar only)	200
Total	133,064

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 24th day of July 1958.

[SEAL] LAWRENCE MYERS, *Director, Sugar Division, Commodity Stabilization Service.*

[F. R. Doc. 58-5825; Filed, July 29, 1958; 8:55 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Nectarine Order 7, Amdt. 1]

PART 937—NECTARINES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937; 23 F. R. 4616) regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of nectarines of the varieties hereinafter specified, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of the specified varieties of nectarines.

(b) It is, therefore, ordered that the provisions of paragraph (b) (1) of § 937.307 (Nectarine Order 7; 23 F. R. 5190) hereby are amended by deleting the semicolon (;) appearing after the phrase "U. S. No. 1" and inserting in lieu thereof, the following: ": *Provided*, That nectarines of the Freedom variety, which otherwise grade at least U. S. No. 1, may be handled when the surface of the individual fruit of such variety is affected by russeting which is not checked or cracked; and nectarines of the Golden Grand, Marigold, Le Grand, Grandeur, Late Le Grand, and Gold King varieties, which otherwise grade at least U. S. No. 1, may be handled when not to exceed 25 percent of the surface of the individual fruit of the respective variety is affected by russeting which is not checked or cracked;"

(c) The provisions of this amendment shall become effective at 12:01 a. m., P. s. t., July 26, 1958.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 25, 1958.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 58-5816; Filed, July 29, 1958; 8:53 a. m.]

[Nectarine Order 8, Amdt. 1]

PART 937—NECTARINES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937; 23 F. R. 4616) regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of nectarines of the varieties hereinafter specified, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of the specified varieties of nectarines.

(b) It is, therefore, ordered that the provisions of paragraph (b) (1) of § 937.308 (Nectarine Order 8; 23 F. R. 5191) hereby are amended by inserting, after the phrase "U. S. No. 1," the following: ": *Provided*, That any such variety of nectarines which otherwise grade at least U. S. No. 1 may be handled when not to exceed 25 percent of the surface of the individual fruit of the respective variety is affected by russeting which is not checked or cracked."

(c) The provisions of this amendment shall become effective at 12:01 a. m., P. s. t., July 26, 1958.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 25, 1958.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 58-5819; Filed, July 29, 1958; 8:53 a. m.]

PART 941—MILK IN CHICAGO, ILLINOIS, MARKETING AREA

ORDER AMENDING ORDER

§ 941.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1958.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued July 15, 1958. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

1. Except in subparagraph (4) thereof, delete "50 percent" in each instance wherein it appears in § 941.66 (b) and substitute therefor "30 percent."

2. Delete "50 percent" in each instance wherein it appears in § 941.66 (b) (4) and substitute therefor "40 percent."

3. Delete "September, October, and November" in each instance wherein it appears in § 941.66 (b) and substitute therefor "August, September, and October."

4. In § 941.66 (b) (4) delete "December of the same year and continuing through August" and substitute therefor "November of the same year and continuing through July".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 25th day of July 1958, to be effective on and after August 1, 1958.

[SEAL] MARVIN L. MCLAIN, *Acting Secretary.*

[F. R. Doc. 58-5821; Filed, July 29, 1958; 8:54 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

ORDER, AS AMENDED, REGULATING HANDLING

Sec.
957.0 Findings and determinations.

DEFINITIONS

957.1 Secretary.
957.2 Act.
957.3 Person.
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957.7 Certified seed potatoes.
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ADMINISTRATIVE COMMITTEE

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BUDGET, EXPENSES AND ASSESSMENTS

Sec.
957.40 Expenses.
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REGULATIONS

957.50 Marketing policy.
957.51 Recommendation for regulations.
957.52 Issuance of regulations.
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INSPECTION AND CERTIFICATION

957.65 Inspection and certification.

COMPLIANCE

957.70 Compliance.

MISCELLANEOUS PROVISIONS

957.80 Reports.
957.81 Right of the Secretary.
957.82 Effective time.
957.83 Termination.
957.84 Proceedings after termination.
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957.88 Derogation.
957.89 Personal liability.
957.90 Separability.
957.91 Amendments.

AUTHORITY: §§ 957.0 to 957.91 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 957.0 *Findings and determinations.* Findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Pocatello, Idaho, on November 5–6, 1957, upon proposed amendments to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The said order, as amended, and as hereby further amended, regulates the handling of potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in, a marketing agreement upon which a hearing has been held;

(3) The said order, as amended, and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area and in the current of commerce between the production area and any point outside thereof, is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping potatoes covered by this order, as amended) of more than 50 percent of the volume of potatoes covered by this order, as amended, have signed a marketing agreement, as amended, regulating the handling of Irish potatoes grown in the production area, and

(2) The issuance of this order, as amended, is approved or favored (i) by at least two-thirds of the producers of Irish potatoes who participated in a referendum held during the period April 28 through May 5, 1958, and who, during the determined representative period (July 1, 1957 through April 30, 1958), have been engaged within the production area in the production of potatoes for market, and (ii) by producers who participated in the aforesaid referendum who, during the aforesaid representative period, produced for market at least two-thirds of the volume of such potatoes produced for market within the production area specified herein by all producers who participated in the said referendum.

Order relative to handling. It is therefore, ordered that on and after the effective time hereof, the handling of Irish potatoes grown in the production area as defined herein shall be in conformity to and in compliance with the terms and conditions of this amendatory order; and such terms and conditions are as follows:

DEFINITIONS

§ 957.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 957.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 957.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 957.4 *Production area.* "Production area" means all territory included within Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south thereof.

§ 957.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the aforesaid production area.

§ 957.6 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 957.7 *Certified seed potatoes.* "Certified seed potatoes" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State in which the potatoes are grown, or other seed certification agencies which the Secretary may designate.

§ 957.8 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 957.9 *Ship or handle.* "Ship" or "handle" means to pack, sell, transport, or in any other way to place potatoes in the current of interstate or foreign commerce between the production area and any point outside thereof, or so as directly to burden, obstruct, or affect any such commerce.

§ 957.10 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 957.11 *Committee.* "Committee" means the administrative committee, called the Idaho-Eastern Oregon Potato Committee, established pursuant to § 957.20.

§ 957.12 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 957.13 *Grade and size.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) The United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon; or

(c) Standards for potatoes issued by the State from which the potatoes are shipped, or amendments thereto, or modifications thereof, or variations based thereon.

§ 957.14 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 957.15 *Pack.* "Pack" means a quantity of potatoes in any type of container and which falls within specific weight limits or within specific grade and/or size limits, or any combination thereof, recommended by the committee and approved by the Secretary.

§ 957.16 *Container.* "Container" means a sack, box, bag, crate, hamper, basket, carton, package, barrel, or any other type of receptacle used in the packaging, transportation, sale, or other handling of potatoes.

§ 957.17 *District.* "District" means each of the geographical divisions of the production area established pursuant to § 957.22 or as reestablished pursuant to § 957.23.

ADMINISTRATIVE COMMITTEE

§ 957.20 *Establishment and membership.* (a) The Idaho-Eastern Oregon Potato Committee consisting of 8 members, of whom 5 shall be producers and 3 shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a committee member or alternate to represent producers shall be an individual who is a producer in the district for which selected or an officer or employee of a producer in such district, and shall be a resident thereof. A producer who handles potatoes other than of his own production shall qualify as a producer under this section, and §§ 957.24, 957.25, 957.27, and 957.29, only if the potatoes of his own production constituted 51 percent or more of the total quantity of potatoes handled by him during the portion of the then current season preceding his nomination.

(c) Each person selected as a committee member or alternate to represent handlers shall be an individual who is a handler or an officer or employee of a handler, and shall be a resident of the production area.

§ 957.21 *Term of office.* The term of office of committee members and alternates shall be for one year beginning on the first day of June and continuing until the following May 31. Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify and continuing until the end thereof, and until their successors are selected and have qualified.

§ 957.22 *Districts.* For the purpose of selecting committee members, the following districts of the production area are hereby established:

(a) *District No. 1.* The counties of Oneida, Power, Bingham, Butte, Clark, and all counties lying east thereof in Idaho;

(b) *District No. 2.* Malheur County, Oregon, and counties of Owyhee, Elmore, Boise, Valley, and all counties lying west thereof in Idaho;

(c) *District No. 3.* The remaining designated counties in Idaho included in the production area, and not included in District 1 or District 2.

§ 957.23 *Redistricting.* The Secretary, upon recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts. In recommending any such changes in districts or representation, the committee shall give consideration to: (a) Shifts in potato acreage within districts and within the production area during recent years; (b) the importance of new potato production in its relation to existing districts; (c) the equitable relationship between the committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors.

§ 957.24 *Selection.* Members and alternates of the committee shall be selected by the Secretary on the following basis (unless otherwise apportioned pursuant to § 957.23) from nominations made pursuant to § 957.25 or from other eligible persons: (a) two producer members and one handler member, with their respective alternates, from District No. 1; (b) one producer member and one handler member, with their respective alternates, from District No. 2; and (c) two producer members and one handler member, with their respective alternates, from District No. 3.

§ 957.25 *Nominations.* For the selection by the Secretary of the members and alternates of the Idaho-Eastern Oregon Potato Committee, nominations may be made in the manner indicated in this section. Nominations for members and alternates may be submitted by producers or handlers, as the case may be, or groups of either thereof, on an elective basis or otherwise.

(a) In order to provide nominations for committee members and alternates, the committee shall hold, or cause to be held, prior to April 1 of each year, one or more meetings of producers and of handlers in each district to nominate committee members and alternates.

(b) In arranging for such meetings, the committee may, if it deems it to be desirable, utilize the services and facilities of existing organizations and agencies, and may combine its meetings with others.

(c) At each such meeting, at least one nominee shall be designated for each position as member and for each position as alternate member on the committee.

(d) Only producers may participate in designating nominees for producer members and alternates, and only handlers may participate in designating nominees for handler members and alternates.

(e) Nominations shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than May 1 of each year.

(f) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he will vote.

(g) Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates. In the event a person is engaged in producing or handling potatoes in more than one district, such person shall elect the district within which he may participate, as aforesaid, in designating nominees. An eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the district in which he elects to vote.

§ 957.26 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 957.25, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation prescribed in this subpart.

§ 957.27 *Acceptance.* Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 957.28 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the

manner specified in § 957.25 or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in § 957.24.

§ 957.29 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence and may perform such other duties as may be assigned or requested by the committee. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor to such member is selected and has qualified. The committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ 957.30 *Procedure.* (a) Five of the members of the committee shall be necessary to constitute a quorum; and at least five concurring votes shall be required to pass any motion or approve any committee action. At any assembled meeting, all votes shall be cast in person.

(b) The committee may provide for meetings by telephone, telegraph or other means of communication and any vote cast at such meeting shall be confirmed promptly in writing.

§ 957.31 *Expenses and compensation.* Committee members and their respective alternates shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart, and may receive compensation at a rate, to be determined by the committee and approved by the Secretary, not to exceed $10.00 for each day, or portion thereof, spent in attending to committee business.

§ 957.32 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 957.33 *Duties.* It shall be the duty of the Committee:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(c) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(d) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(e) To furnish to the Secretary such available information as he may request;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal period to submit to the Secretary a budget of its expenses for such fiscal period, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate and exchange information when deemed desirable by the committee with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart.

BUDGET, EXPENSES AND ASSESSMENTS

§ 957.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share such expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a fiscal period and the total quantity of potatoes handled by all handlers as first handlers thereof during the same period.

§ 957.41 *Budget.* At the beginning of each fiscal period, and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenses as authorized in § 957.40. The committee shall promptly submit such budget promptly to the Secretary with an accompanying report showing the basis for its calculations.

§ 957.42 *Assessments.* (a) The funds to cover the committee's expenses pursuant to § 957.40 shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who ships potatoes as the first handler thereof shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of such expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary, but not to exceed $1.00 per carload, or equivalent quantity. Such rates may be established upon the basis of the committee's recommendations or other available information.

(c) At any time during or subsequent to a given fiscal period, the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendation, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes assessable under this part and handled by the first handler thereof during such fiscal period.

§ 957.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, and records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee, he shall account for all receipts, disbursements, funds, and property (including but not limited to books and other records) pertaining to the committee's activities for which he is responsible, and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, agency, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person or persons to act as trustee or trustees for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 957.44 *Refunds.* At the end of each fiscal period funds arising from the excess of assessments collected over expenses shall be accounted for as follows:

(a) Except as provided in paragraph (c) of this section, each handler entitled to a proportionate refund of such excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him;

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve. Such reserve may be established at an amount not to exceed approximately one-half of an average fiscal period's operational expenses; and such reserve may be used to cover the necessary expenses of liquidation, in the event of termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal period when there is a crop failure, or during any period of suspension of any or all of the provisions of this part.

(c) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate. To the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

REGULATIONS

§ 957.50 *Marketing policy*—(a) *Preparation.* Prior to or at the same time as recommendations are made pursuant to § 957.51, the committee shall consider, and prepare, a proposed policy for the marketing of potatoes. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, and quality, in different packs, and in different containers;

(2) Supplies of potatoes by grade, size, and quality in the production area and in other potato producing areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) The committee shall promptly submit a report to the Secretary setting forth the aforesaid marketing policy and shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to deviate from such marketing policy because of changed supply and demand conditions, the committee shall formulate a new or revised marketing policy in the manner set forth in this section. The committee shall promptly submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the new or revised marketing policy.

§ 957.51 *Recommendation for regulations.* Whenever the committee deems it advisable that the handling of potatoes be regulated pursuant to § 957.52, or § 957.53, or both, it shall recommend to the Secretary grade, size, quality, or maturity regulation, or any combination thereof, or amendment thereto, or modification, suspension, or termination thereof, whenever it finds that such regulation, as provided in such sections, will tend to effectuate the declared policy of the act.

§ 957.52 *Issuance of regulations.* (a) The Secretary shall limit the handling of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, qualities, or maturities, or any combination thereof, of any or all varieties of potatoes during any period; or

(2) Regulate the shipment of particular grades, sizes, qualities, or maturities of potatoes differently, for different varieties, for different portions of the production area, for different packs, for different containers, or for any combination of the foregoing, during any period; or

(3) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both; or

(4) Regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

§ 957.53 *Shipments for specified purposes.* Whenever the Secretary finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it will tend to effectuate the declared policy of the act, he shall modify, suspend, or terminate regulations under or pursuant to § 957.42, § 957.52, or § 957.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes:

(a) Export;

(b) Relief or charity;

(c) Livestock feed;

(d) Certified seed potatoes;

(e) Processing into specified products, and

(f) Such other purposes which may be specified by the Committee, with the approval of the Secretary.

§ 957.54 *Minimum quantity exemption.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued or in effect pursuant to §§ 957.40 to 957.65, inclusive, or any combination thereof.

§ 957.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modifications, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 957.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 957.53 from entering channels of trade and other outlets for other than the specific purpose authorized therefor.

(b) Safeguards, provided by this section, may include, but shall not be limited to, requirements that handlers:

(1) Shall obtain the inspection required by § 957.65 or pay the assessment provided by § 957.42, or both, in connection with the potato shipments effected in accordance with § 957.53; and

(2) Shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under provisions of § 957.53.

(c) The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of Certificates of Privilege.

(d) The committee may rescind, or deny to any handler, Certificates of Privilege if proof satisfactory to the committee is obtained that potatoes shipped by him for the purposes stated in § 957.53 were handled contrary to the provisions of this section.

(e) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications for such certificates, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary.

INSPECTION AND CERTIFICATION

§ 957.65 *Inspection and certification.* (a) During any period in which regulations are in effect pursuant to §§ 957.42, 957.52, or § 957.53, or any combination thereof, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to recommendations by the committee and approved by the Secretary.

(2) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates covering such potatoes insofar as the requirements of this section are concerned. During any period in which shipments of potatoes are regulated, as aforesaid, no handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected and covered by a valid inspection certificate as required in paragraph (a) of this section.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate shall be valid may be established by the com-

mittee with the approval of the Secretary; and such length of time may be different for shipments for different purposes.

(d) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available promptly to the committee by the inspection service.

COMPLIANCE

§ 957.70 *Compliance.* Except as provided in this part, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship potatoes except in conformity to the provisions of this subpart.

MISCELLANEOUS PROVISIONS

§ 957.80 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this subpart. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 957.81 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 957.82 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

§ 957.83 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before April 30 of the then current fiscal period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 957.84 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 957.85 *Effect of termination or amendments.* (a) Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (1) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (2) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (3) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

(b) The persons who are committee members and alternates on the effective date of this subpart shall continue in office until their successors have been selected and have qualified. All rules and regulations issued or approved by the Secretary pursuant to this part (Order No. 57, as amended) and not in conflict herewith, which are in effect immediately prior to the date of this amendment shall continue in effect under this subpart as originally issued, or subsequently modified, until such rules and regulations are changed, modified, or suspended in accordance with this subpart.

§ 957.86 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 957.87 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 957.88 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers, granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 957.89 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 957.90 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 957.91 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

Issued at Washington, D. C., this 25th day of July 1958, to become effective September 1, 1958.

[SEAL] MARVIN L. McLAIN,
Acting Secretary.

[F. R. Doc. 58-5820; Filed, July 29, 1958; 8:53 a. m.]

PART 966—MILK IN NORTHERN LOUISIANA MARKETING AREA

ORDER AMENDING ORDER

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AUTHORITY: §§ 966.0 to 966.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 966.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northern Louisiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to receipts of other source milk allocated to Class I, producer milk, associated producer milk and Class I milk distributed on routes in the marketing area by a nonfluid milk plant.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1958.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued June 24, 1958 and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued July 14, 1958. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who participated in a referendum and who during the determined representative period (May 1958) were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northern Louisiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 966.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 966.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 966.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 966.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 966.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged

in making collective sales or marketing milk or its products for its members.

§ 966.6 *Northern Louisiana, Marketing Area.* "Northern Louisiana, Marketing Area," hereinafter called the "marketing area," means all territory within the boundaries of the Parishes of Bossier, Caddo, Claiborne, Desoto, Lincoln, Morehouse, Ouachita, Red River, Union, and Webster, all in the State of Louisiana.

§ 966.7 *Distributing plant.* "Distributing plant" means any plant from which a volume of Class I milk equal to an average of more than 1,500 pounds per day or not less than 4 percent of the Grade A milk and skim milk received from producers and other plants is disposed of during the month through routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except fluid milk plants) located in the marketing area.

§ 966.8 *Supply plant.* "Supply plant" means any plant from which "Grade A" milk or skim milk is received during the month at a distributing plant:

(a) In any of the months of March through June; and

(b) On ten or more days or in an amount equal to a daily average of not less than 8,300 pounds in any of the months of July through February.

§ 966.9 *Fluid milk plant.* "Fluid milk plant" means a distributing plant or a supply plant.

§ 966.10 *Approved plant.* "Approved plant" means (a) a fluid milk plant and (b) any milk processing or packaging plant from which Class I milk is disposed of through routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets located in the marketing area.

§ 966.11 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or packaging plant other than a fluid milk plant.

§ 966.12 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade "A" inspection requirements for milk for fluid consumption which milk is (a) received at a fluid milk plant or (b) diverted for the account of a handler from such plant during the month to a nonfluid milk plant: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted: *And provided further,* That this definition shall not include any such person with respect to milk produced by him which is subject to the pricing and payment provisions of another marketing order issued pursuant to the Act.

§ 966.13 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer and received at the fluid milk plant directly from producers or diverted pursuant to § 966.12.

§ 966.13a *Associated producer.* "Associated producer" means a person who, with respect to any milk not accepted at a fluid milk plant or diverted from it by a handler in any month, meets all of the following qualifications:

(a) Produces milk in conformity with the sanitation requirements of any duly constituted health authority relating to milk for fluid consumption;

(b) Delivered milk for not less than 60 days during the preceding months of September through December, which milk was received at or diverted from a fluid milk plant; and

(c) Certifies in writing to the market administrator, on or before the first day of any month following the first month in which any of his milk is not accepted at or diverted from a fluid milk plant, that he is ready and willing to deliver his milk to such fluid milk plant, and does so perform in response to appropriate request from the handler through the market administrator.

§ 966.13b *Associated producer milk.* "Associated producer milk" means all skim milk and butterfat sold during the month by associated producers to a nonfluid milk plant(s) which, during such month, utilized skim milk and butterfat in products designated pursuant to § 966.41 (b) (1): *Provided,* That the sale of such milk by associated producers is reported to and verified by the market administrator pursuant to § 966.32 (c).

§ 966.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 966.41 (a) (1), except (1) such products received from other fluid milk plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 966.41 (b) (1) and (6) from any source (including those produced at the plant) which are reprocessed or converted to another product during the month.

§ 966.15 *Handler.* "Handler" means any person in his capacity as the operator of one or more approved plants.

§ 966.16 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant but who receives no milk from dairy farmers or producers.

§ 966.17 *Base-forming period.* "Base-forming period" means the months of September through December.

§ 966.18 *Base-operating period.* "Base-operating period" means the months of February through July.

§ 966.19 *Base milk.* "Base milk" means producer milk received by a handler and associated producer milk assigned to such handler during the base-operating period, which milk is not in excess of bases computed pursuant to § 966.80.

§ 966.20 *Excess milk.* "Excess milk" means producer milk received by a handler and associated producer milk assigned to such handler during the base-operating period, which milk is in excess of the base milk received during the month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 966.80.

§ 966.21 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 966.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 966.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 966.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 966.94 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 966.93 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties);

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 966.30 to 966.32, or payments pursuant to §§ 966.90 to 966.95, inclusive.

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum price for Class I milk computed pursuant to § 966.51 (a) and the Class I butterfat differential pursuant to § 966.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 966.51 (b) and the Class II butterfat differential pursuant to § 966.52 (b), both for the preceding month;

(2) On or before the 10th day of each month, the uniform price(s) computed pursuant to § 966.72 or § 966.73 as applicable, and the butterfat differential computed pursuant to § 966.91.

(k) Mail to each handler at his last known address a statement showing for such handler;

(1) On or before the 5th day of the month the names and addresses of associated producers assigned to such handler;

(2) On or before the 12th day after the end of the month (i) the amount and value of producer milk in each class and the total thereof; (ii) for the months of the base-operating period, the amounts and value of his base and excess milk, respectively; and

(3) On or before the 10th day of the month the quantity and butterfat test of associated producer milk assigned to such handler and the amount in payment thereof to be remitted to the market administrator for payment to associated producers pursuant § 966.90 (f): *Provided,* That during the base-operating period such notification shall include the quantity and butterfat test of associated producer milk designated as base and excess milk and the amount thereon to be remitted.

REPORTS, RECORDS AND FACILITIES

§ 966.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his fluid milk plants as follows:

(a) The quantities of skim milk and butterfat contained in milk received from each producer and, for the months of the base-operating period, the quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 966.41 (a) (1) received from fluid milk plants of other handlers;

(c) The quantities of skim milk and butterfat in other source milk;

(d) The quantities of skim milk and butterfat contained in inventories of products designated as Class I milk pursuant to § 966.41 (a) on hand at the beginning and end of the month;

(e) Utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the disposition of Class I milk outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 966.31 *Payroll reports.* On or before the 20th day of each month, each handler, except a producer-handler shall submit to the market administrator his producer payroll for deliveries of milk for the preceding month for each of his fluid milk plants which shall show:

(a) The name and address of each producer;

(b) The total pounds and the average butterfat test of milk received from such producer;

(c) The number of days, if less than the entire month, for which milk was received from such producer; and, for the months of the base-operating period, such producer's deliveries of base milk and excess milk;

(d) The rate and net amount of payment to each producer; and

(e) The nature and amount of any deductions or charges involved in such payments.

§ 966.32 *Other reports.* (a) Each producer-handler and each handler operating a nonfluid milk plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, who causes milk to be diverted for his account directly from a producer's farm to a nonfluid milk plant, shall prior to such diversion report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and name of the plant to which such milk is to be diverted; and

(c) Each associated producer shall submit to the market administrator on or before the 3d day of the month, a statement of the quantity and butterfat test of his milk sold during the preceding month to a nonfluid milk plant which during such month utilized skim milk and butterfat in Class II products pursuant to § 966.41 (b) on or before the 12th day of the month, payment statements, weight slips, or other acceptable evidence to verify the quantity and butterfat test of milk sold pursuant to this paragraph.

§ 966.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat from any source;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including any deductions authorized by producers or cooperative association and disbursements of money so deducted.

§ 966.34 *Retention of records.* All books and records required this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act, or a court action specified in such notice, the handler shall retain such books and records or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 966.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat at fluid milk plants which is required to be reported for the month pursuant to § 966.30 shall be classified by the market administrator pursuant to the provisions of §§ 966.41 to 966.46.

§ 966.41 *Classes of utilization.* Subject to the conditions set forth in §§ 966.43 and 966.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat: (1) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk and drinks, cream, cultured sour cream, and any mixture of cream and milk or skim milk except that classified pursuant to paragraph (b) (2) and (5) of this section; (2) used to produce concentrated fluid milk; and (3) not specially accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce eggnog, aerated cream products, ice cream, ice cream mix, ice milk, ice milk mix, frozen desserts, evaporated milk, condensed milk and milk products packaged in hermetically sealed containers or any other

product not specified in paragraph (a) (1) of this section;

(2) Disposed of and used for livestock feed or skim milk dumped during April, May and June: *Provided*, That in the case of skim milk dumped, the market administrator is given at least 24 hours' notice of the handler's intention to make such disposition and the amount involved;

(3) Contained in inventory of milk and milk products designated as Class I milk pursuant to paragraph (a) (1) of this section on hand at the end of the month;

(4) In shrinkage not to exceed 2 percent of skim milk and butterfat, respectively, in receipts from producers and other source milk;

(5) Disposed of to commercial bakeries or food product manufacturing plants (other than nonfluid milk plants) which do not dispose of milk for fluid consumption; and

(6) In frozen cream.

§ 966.42 *Shrinkage.* The market administrator shall assign shrinkage at the fluid milk plant(s) of a handler as follows:

(a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(b) Assign the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk.

§ 966.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II milk;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 966.44 *Transfers.* Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk in § 966.41 (a) (1), to the fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 966.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 966.46 (a) (2) and (b) and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further*, That if either or both handlers have other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of products designated as Class I milk in § 966.41 (a) (1);

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant, unless the following conditions are met:

(1) The transferring handler claims Class II utilization in a product specified in § 966.41 (b);

(2) The operator of such nonfluid milk plant maintains adequate books and records showing the receipts and utilization of all skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification; and

(3) The Class I milk, as defined pursuant to § 966.41 (a) (1) in such nonfluid milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers, who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any Class I milk in excess of receipts from such dairy farmers shall be assigned to milk, skim milk or cream so transferred or diverted.

§ 966.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plant(s) of each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat solids content of such product together with all of the water originally associated with such solids content.

§ 966.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 966.45 the market administrator shall determine the classification of producer milk received at the fluid milk plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 966.42 (b);

(2) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk in other source milk as defined pursuant to § 966.14;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk contained in inventory on hand at the beginning of the month and classified pursuant to § 966.41 (b) (3);

(4) Subtract from the remaining pounds of skim milk in each class the skim milk contained in products designated as Class I milk in § 966.41 (a) (1) received from the fluid milk plants of other handlers, according to the classification of such skim milk as determined pursuant to § 966.44 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 966.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed, pursuant to paragraphs (a), (b), and (c) of this section rounded to the nearest one-tenth cent.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0.

Present Operator and Location

Borden Company, Mount Pleasant, Mich.
Carnation Company, Sparta, Mich.
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Borden Company, Orfordville, Wis.
Borden Company, New London, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Oconomowoc, Wis.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.96.

(c) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location

Carnation Company, Sulphur Springs, Tex.
The Borden Company, Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.

§ 966.51 *Class prices.* Subject to the provisions of §§ 966.52 and 966.53, the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk price.* Through June 30, 1960, the minimum price shall be the basic formula price for the preceding month plus $2.00 for each of the months of March, April, May and June, and plus $2.40 for all other months; and

(b) *Class II milk price.* The minimum price shall be the price computed pursuant to § 966.50 (c) for the months of March, April, May and June and the higher of the prices computed pursuant to § 966.50 (b) or (c) for all other months, rounded in each case to the nearest one-tenth cent.

§ 966.52 *Butterfat differentials to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 966.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120;

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.110.

§ 966.53 *Location adjustment to handlers.* For milk received from producers at a fluid milk plant located more than 50 but not more than 60 miles by shortest hard surfaced highway distance, as determined by the market administrator, from either the City Hall in Minden or Monroe, Louisiana, whichever is closer and which is classified as Class I, the prices determined pursuant to § 966.51 (a) shall be reduced 12 cents and by an additional one cent for each 10 miles or fraction thereof that such distance exceeds 60 miles.

§ 966.54 *Use of equivalent price.* If for any reason a price quotation required by this part for computing class prices, or for any other purpose, is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to such required price.

APPLICATION OF PROVISIONS

§ 966.60 *Producer-handler.* Sections 966.40 to 966.46, 966.50 to 966.53, 966.70 to 966.72, 966.80 to 966.82, and 966.90 to 966.96 shall not apply to producer-handler.

§ 966.61 *Plants subject to other Federal orders.* (a) An approved plant will be considered to be a nonfluid milk plant during the month for the purpose of this part if (1) a larger volume of Class I milk is disposed of from such plant in the marketing area of another order issued pursuant to the act than is distributed in the Northern Louisiana marketing area (i) through retail or wholesale outlets (other than distributing plants) during the month, or (ii) to distributing plant(s) in each of the preceding months of September through December, and (2) such plant would be subject to the classification and the pricing provision of such other order.

(b) The operator of such approved plant shall with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require in lieu of the reports required pursuant to § 966.30 and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 966.70 *Net obligation to handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price and add together resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 966.46 (a) (6) and (b) by the applicable class price;

(c) Add an amount computed as follows;

(1) Determine the pounds, if any, that the skim milk or butterfat in inventory subtracted from Class I milk pursuant to § 966.46 (a) (3) and (b) is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) for the preceding month; and

(2) Multiply such pounds by the difference between the Class I price in the current month and the Class II price in the preceding month adjusted by the appropriate butterfat differentials;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months;

§ 966.71 *Computation of aggregate value used to determine uniform prices.* For each month, the market administrator shall compute for each handler who operates a fluid milk plant an aggregate value from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Add to the amount computed pursuant to § 966.70 an amount equal to the volume of associated producer milk assigned to such handler pursuant to § 966.27 (k) (3) multiplied by the Class II price;

(b) Add or subtract for each one-tenth of one percent that the average butterfat content of producer milk received by such handler and associated producer milk assigned to such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers determined pursuant to § 966.91 and multiplying the result by the total hundredweight of producer milk and associated producer milk;

(c) Add an amount equal to the total deductions to be made pursuant to § 966.92; and

(d) Add the amount represented by any deductions made for eliminating a fraction of a cent in computing the uniform price(s) for such handler for the preceding month.

§ 966.72 *Computation of uniform prices.* For each month which is not in the base-operating period, the market administrator shall compute the uniform price for producer milk received by each handler by dividing the aggregate value computed pursuant to § 966.71 by the total hundredweight of producer milk received by, and associated producer milk assigned to, such handler. The result less any fraction of a cent per hundredweight shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content at a fluid milk plant located not more than 50 miles from the nearer of the city halls in Minden or Monroe, Louisiana.

§ 966.73 *Computation of the uniform prices for base milk and for excess milk.* For each of the months of the base-operating period, the market administrator shall compute for each handler a uniform price for base milk and for excess milk as follows:

(a) Compute the value, subject to the conditions set forth in paragraph (b) of this section, of excess milk received by such handler by multiplying the quantity of such milk by the Class II price;

(b) Compute the value of base milk received by such handler by subtracting the value obtained pursuant to paragraph (a) of this section from the value obtained pursuant to § 966.71: *Provided*, That if such resulting value is greater than the amount computed by multiplying the hundredweight of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (a) of this section to the extent the excess price shall not exceed the base price. Any additional value remaining shall be prorated on a volume basis between excess and base milk;

(c) Divide the value obtained pursuant to paragraph (b) of this section by the hundredweight of base milk. This result less any fraction of a cent per hundredweight shall be known as the uniform price for base milk of 4.0 percent butterfat content at a fluid milk plant located not more than 50 miles from the nearer of the city halls in Minden or Monroe, Louisiana; and

(d) Add the value represented by any fraction of a cent subtracted pursuant to paragraph (c) of this section to the value obtained pursuant to paragraph (a) of this section and divide by the hundredweight of excess milk. This result less any fraction of a cent per hundredweight shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content at a fluid milk plant, located not more than 50 miles from the nearer of the city halls in Minden or Monroe, Louisiana.

DETERMINATION OF BASE

§ 966.80 *Computation of daily average base for each producer.* The daily average base for each producer shall be an amount calculated by the market administrator as follows: Divide the total pounds of milk received by the handler(s) from such producer during the base-forming period by the number of day's production a producer delivered during the base-forming period, but not less than 90.

§ 966.81 *Computation of base.* The base of each producer to be applied during the base-operating period shall be a quantity of milk calculated by multiplying the daily base of such producer by the number of days for which such producer's milk was received by such handler during the month.

§ 966.82 *Base rules.* The following rules shall apply for the establishment and transfer of bases:

(a) The base shall be assigned to the producer for whose account milk is received by a handler during the base-forming period and to each person for whose account producer milk was delivered to a plant that did not qualify as a fluid milk plant during each month of the base-forming period but which qualifies as a fluid milk plant during any of the months of February through July, bases shall be assigned on deliveries at such plant in the same manner as if such plant was a fluid milk plant during each month of the base-forming period; and

(b) An entire base shall be transferred by the market administrator to another person upon receipt of an application form, approved by the market administrator, and signed by the baseholder(s), or his heirs, and by the person to whom such base is transferred subject to the following condition:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base-forming period and dividing the total by the number of days from the first day of delivery by either the transferee or transferor during the base-forming period to the last day of December inclusive but not less than 90 days.

§ 966.83 *Announcement of established bases.* On or before the 25th day after the end of the base-forming period, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 966.90 *Payments to producers.* Except as provided in paragraph (d) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 28th day of each month, for milk received during the first 15 days of the month at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each month which is not in the base-operating period for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 966.72 subject to the butterfat and location differentials computed pursuant to §§ 966.91 and 966.92, respectively, plus or minus adjustments for errors made in previous payments to such producers; and less (1) payment made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 966.93 and (3) proper deductions authorized by such producer;

(c) On or before the 15th day after the end of each of the months of the base-operating period for milk received during such month, after allowance for payment made pursuant to paragraph (a) of this section, adjustments for errors made in previous payments to such producer, marketing service deductions pursuant to § 966.93 and proper deductions authorized by such producer, an amount computed:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 966.73 for the quantity of base milk received from such producer during the month, subject to the butterfat and location differentials computed pursuant to §§ 966.91 and 966.92, respectively; and

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 966.73 for the quantity of excess milk received from such producer during the month, subject to the butterfat and location differentials computed pursuant to §§ 966.91 and 966.92, respectively;

(d) On or before the 11th and 25th days of each month, in lieu of the payment pursuant to paragraphs (a) and (b) and (c) of this section, respectively, each handler shall pay to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers;

(e) In making the payments to producers pursuant to paragraphs (b) and (c) or (d) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(f) On or before the 12th day after the end of the month, each handler having associated producer milk shall remit to the market administrator for payment to associated producers an amount computed by multiplying the quantity of associated producer milk assigned to such handler pursuant to § 966.27 (k) (3) by the difference between such handler's uniform price(s) as determined pursuant to § 966.72 or § 966.73, as applicable, and the Class II price determined pursuant to § 966.51 (b). Such amounts shall be maintained by the market administrator in a separate fund out of which he shall, on or before the 16th day after the end of the month, make appropriate payment to each associated producer, such payments to be verified pursuant to § 966.32 (c) (2).

§ 966.91 *Butterfat differential to producers.* The applicable uniform price to be paid each producer pursuant to § 966.90 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 966.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 966.92 *Location differentials.* In making payment to producers and cooperative association pursuant to § 966.90 a handler may deduct, with respect to producer and associated producer milk received at or assigned to a fluid milk plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the nearer of the city halls in Minden or Monroe, Louisiana, the amount per hundredweight applicable to such plant pursuant to § 966.53.

§ 966.93 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 966.90 shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the service set forth in paragraph (a) of this section and for whom a cooperative association is authorized to receive payment for marketing services as set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and shall pay such deductions to the cooperative association entitled to receive it, on or before the 15th day after the end of the month during which such milk was received. Such deductions shall be accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer. In lieu of such statement, the handler may request the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 966.31.

§ 966.94 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler except a producer-handler, shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is allocated to Class I milk pursuant to § 966.46 (a) (2) and (b); (b) producer milk including such handler's own production; (c) Class I milk distributed during the month on routes (including routes operated by vendors) to retail or wholesale outlets located in the marketing area from a nonfluid milk plant other than a plant as defined under § 966.61; and (d) associated producer milk.

§ 966.95 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due a producer or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 966.96 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money;

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler and said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 966.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 966.101.

§ 966.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 966.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 966.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 966.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 966.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 25th day of July 1958, to be effective on and after the 1st day of August 1958.

[SEAL] MARVIN L. McLAIN,
Acting Secretary.

[F. R. Doc. 58-5822; Filed, July 29, 1958; 8:54 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

TREATMENT OR DISPOSAL BY INCINERATION

The following amendment is designed to remove an ambiguity in the current regulation and to assure that no licensee shall treat or dispose of any licensed material by incineration without prior Commission approval of his proposed procedures.

Inasmuch as this amendment is designed to clarify an existing regulation and not to effect any change in the Commission's procedures and requirements, the Atomic Energy Commission has found that general notice of proposed rule making and public procedure thereon are unnecessary. The Commission will, however, give consideration to any comments or suggestions concerning the amendment. All interested persons who desire to submit written comments and suggestions relating to the following amendment should send them to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Effective thirty days after publication in the FEDERAL REGISTER, a new § 20.305 is added to Title 10, Chapter I, Part 20—

Standards for Protection Against Radiation, to read as follows:

§ 20.305 *Treatment or disposal by incineration.* No licensee shall treat or dispose of licensed material by incineration except as specifically approved by the Commission, pursuant to §§ 20.103 (a) and 20.302.

(Sec. 161, 68 Stat. 948, as amended; 42 U. S. C. 2201)

Dated at Germantown, Md., this 7th day of July 1958.

For the Atomic Energy Commission.

PAUL F. FOSTER,
General Manager.

[F. R. Doc. 58-5775; Filed, July 29, 1958; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

[Docket No. FDC-63]

PART 27—CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

HONEY DESIGNATED AS OPTIONAL INGREDIENT OF CANNED PRUNE JUICE

In the matter of establishing a definition and standard of identity for canned prune juice, a water extract of dried prunes:

In the FEDERAL REGISTER of May 30, 1958 (23 F. R. 3779), the Commissioner of Food and Drugs, pursuant to the authority of section 701 (e) (3) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1055, as amended 70 Stat. 919; 21 U. S. C. 371), which authority was delegated to him by the Secretary of Health, Education, and Welfare (22 F. R. 1045), published findings of fact and a proposed order based upon the evidence submitted at the public hearing held in the above-identified matter. No objections were filed to the proposed order within the time limit specified therein.

Now, therefore, in accordance with the authority vested in me by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U. S. C. 341, 371) the following findings of fact and order are hereby promulgated:

Findings of fact.[1] 1. On May 25, 1955, the National Canners Association submitted a proposal requesting that there be established a definition and standard of identity for canned prune juice, a water extract of dried prunes. As relevant to this proceeding, the request of the National Canners Association proposed that honey, along with other designated sweetening ingredients, should be provided for in the standard as optional ingredients. Subsequently, the National Canners Association modified their proposal by deleting the provisions that had listed sweetening ingredients, including honey, as optional ingredients of the food to be standardized. The proposal, modified as requested, was published in the FEDERAL REGISTER of October 28, 1955 (20 F. R. 8125). (R. 4–5, 145–6, 294–5; Ex. 1, 2, 3)

2. W. F. Straub and Company, Chicago, Illinois, a canner of prune juice who had for many years added a small amount of honey to the article, protested the failure of the proposed standard to list honey as a permitted optional ingredient. The order ruling on the proposal was published in the FEDERAL REGISTER of February 17, 1956 (21 F. R. 1094), and it did not list honey as a permitted optional ingredient in the definition and standard of identity for the food. To this order W. F. Straub and Company filed a formal objection and requested a public hearing on the issue of providing for the optional use of honey in prune juice. (R. 6–8, 84–6, 89, 268, 304; Ex. 2, 4, 5, 12)

3. At the hearing held upon the Straub Company's objections, the evidence established that a significant number of consumers and persons participating in the taste tests were able to detect the difference between prune juice with 2 percent to 3 percent honey added and prune juice without honey. Many of those participating in the taste tests expressed a preference for prune juice with honey. It appears that honey adds flavoring other than sweetness and makes prune juice more palatable to some consumers. Because of the variation in the dried prunes used, particularly variations in tartness, it is advisable to allow a variation in the amount of honey added. The minimum amount of honey that should be used is 2 percent by weight and the maximum is 3 percent by weight. (R. 57, 84, 88–9, 90–122, 150–1, 204–7, 211, 225, 292, 320–36; Ex. 7, 9, 14, 16, 17, 21, 25, 26, 27–30)

4. The witnesses testifying at the hearing in support of the use of honey as an optional ingredient advocated that the article with honey should have not less than 18.5 percent prune solids, which is the same minimum value for prune solids in the article without honey. With this provision in the standard, it would not be cheaper to add honey to the prune juice. (R. 58, 84, 115–6, 122–9, 208–10; Ex. 4, 14, 18)

5. While many of those participating in the taste tests expressed a preference for prune juice with honey, others expressed a preference for unsweetened prune juice and for prune juice without honey. The evidence of record supports the use of honey in the range of 2 percent to 3 percent. This is a relatively small proportion of the food. It will promote fair dealing for the standard to require that the prune juice with added honey be labeled to show the percent of honey that it contains. A reasonable label statement is "with _____ honey" or "_____ honey added," the blank being filled in with the percent by weight of honey in the finished food, or with the statement "between 2 and 3 percent." (R. 57, 84, 90–111, 144, 150–2, 204–7, 221, 225, 259–60, 278–84, 288, 306, 307–8; Ex. 16, 17, 21, 26–30)

Conclusion. Upon consideration of the entire record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of consumers to modify the definition and standard of identity for canned prune juice, a water extract of dried prunes, by listing honey, in a quantity not less than 2 percent and not more than 3 percent by weight, as a permitted optional ingredient and by designating such optional ingredient for label declaration by a statement informative as to the relatively small proportion of honey in the finished food.

Wherefore: *It is ordered*, That § 27.60 (21 CFR, 1957 Supp., 27.60) be amended to read as follows:

§ 27.60 *Canned prune juice; identity; label statement of optional ingredients.* (a) Canned prune juice is the food prepared from a water extract of dried prunes and contains not less than 18.5 percent by weight of water-soluble solids extracted from dried prunes. The quantity of prune solids may be adjusted by the concentration, dilution, or both, of the water extract or extracts made. Such food may contain one or more of the optional acidifying ingredients specified in paragraph (b) (1) of this section, in a quantity sufficient to render the food slightly tart, and it may contain honey added within the quantitative limits prescribed by paragraph (b) (2) of this section. Such food is sealed in a container and so processed by heat, before or after sealing, as to prevent spoilage.

(b) The optional ingredients referred to in paragraph (a) of this section are:

(1) One or any combination of two or more of the following acidifying ingredients:

(i) Lemon juice.
(ii) Lime juice.
(iii) Citric acid.

(2) Honey, in a quantity not less than 2 percent and not more than 3 percent by weight of the finished food.

(c) (1) The name of the food is "Prune juice—A water extract of dried prunes." For the purposes of the Federal Food, Drug, and Cosmetic Act concerning the label declaration of the name of the food, the explanatory statement "A water extract of dried prunes" may appear immediately below the words "prune juice," but there shall be no intervening written, printed, or graphic matter, and the type used for the words "A water extract of dried prunes" shall be of the same style and not less than half the point size of the type used for the words "prune juice."

(2) (i) When one or more of the acidifying ingredients specified in paragraph (b) (1) of this section are used, the label shall bear the statement "_____ added" or "with added _____," the blank being filled in with the name or names of the optional ingredients used.

(ii) When honey, as specified in paragraph (b) (2) of this section, is used the label shall bear the statement "with _____ honey" or "_____ honey added," the blank to be filled in with the percent by weight of the honey in the finished food or with the statement "between 2 and 3%."

(iii) When one or more of the ingredients designated in paragraph (b) (1) of this section and the ingredient designated in paragraph (b) (2) of this section are used, the statements specified in subdivisions (i) and (ii) of this subparagraph may be combined, as for example, "with lemon juice and between 2 and 3% honey added."

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words specified in this paragraph, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Effective date. This order shall become effective 90 days from the date of its publication in the FEDERAL REGISTER.

[Sec. 701, 52 Stat. 1055, as amended 70 Stat. 919. Interprets or applies sec. 401, 52 Stat. 1046, as amended 70 Stat. 919; 21 U. S. C. 341)

Dated: July 24, 1958.

[SEAL] M. B. FOLSOM,
Secretary.

[F. R. Doc. 58-5802; Filed, July 29, 1958; 8:51 a. m.]

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

TITLE 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Administrator, Housing and Home Finance Agency

PART 3—SLUM CLEARANCE AND URBAN RENEWAL

RELOCATION PAYMENTS; MISCELLANEOUS AMENDMENTS

The rules and regulations governing the making of relocation payments under section 106 (f) of the Housing Act of 1949, as amended, 42 U. S. C. 1456, to individuals, families, and business concerns displaced by an urban renewal project, prescribed on behalf of the Housing and Home Finance Administrator by the Acting Urban Renewal Commissioner, as of October 8, 1956 (21 F. R. 9991, 12–15–56), as amended (22 F. R. 1980, 3–26–57; 22 F. R. 9937, 12–12–57; 23 F. R. 750, 2–5–58; and 23 F. R. 1723, 3–13–58), are hereby further amended in the following respects:

1. In § 3.101 (j) (1), by deleting before the period at the end thereof the phrase "following the allocation of Federal funds"; and

2. In § 3.108 (a), by deleting the phrase "covered by a grant contract".

(Sec. 502, 62 Stat. 1283, as amended, sec. 106, 63 Stat. 417, as amended, sec. 305, 70 Stat. 1100, sec. 304, 71 Stat. 300–301; 12 U. S. C. 1701c, 42 U. S. C. 1456)

Issued as of the 30th day of July 1958.

R. L. STEINER,
Urban Renewal Commissioner.

[F. R. Doc. 58-5817; Filed, July 29, 1958; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Personnel

PART 723—BOARD FOR THE CORRECTION OF NAVAL RECORDS

STAFF ACTION

1. Section 723.8 (e) is revised to read as follows:

(e) After the Secretary of the Navy has taken action on the record, the applicant or his counsel is entitled upon request:

(1) To inspect the record of proceedings; and

(2) To receive a copy of the Board's findings, decisions, and recommendations;

Unless the Chairman considers that granting the request would be detrimental to the public interest.

(Sec. 6011, 70A Stat. 375; 10 U. S. C. 6011. Interprets or applies sec. 1552, 70A Stat. 116; 10 U. S. C. 1552)

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,
Rear Admiral, U. S. Navy,
Judge Advocate General of the Navy.

JULY 22, 1958.

[F. R. Doc. 58-5781; Filed, July 29, 1958; 8:46 a. m.]

Chapter VII—Department of the Air Force

Subchapter C—Claims and Accounts

PART 836—CLAIMS AGAINST THE UNITED STATES

CLAIMS ARISING OUTSIDE THE UNITED STATES

In Part 836, §§ 836.61 to 836.83 are rescinded and the following substituted therefor:

Sec.
836.61 Purpose.
836.62 Definitions.
836.63 Claims payable.
836.64 Claims not payable.
836.65 Claims under other laws and regulations.
836.66 Claims under treaties and agreements.
836.67 Conditions of payment.
836.68 Damages allowed.
836.69 When claim must be presented.
836.70 Who presents claims.
836.71 Form of claim.
836.72 How claims are settled.
836.73 Monetary jurisdiction.
836.74 How claims are processed.
836.75 What actions commissions take.
836.76 Claims over $1,000 and $15,000.
836.77 Cross servicing claims.

AUTHORITY: §§ 836.61 to 836.77 issued under sec. 1, 70A Stat. 488; 10 U. S. C. 8012. Interpret or apply sec. 1, 70A Stat. 154, 155; 10 U. S. C. 2734, 2735.

DERIVATION: AFR 112-6, February 6, 1958.

§ 836.61 *Purpose.* Sections 836.61 to 836.77 state the procedures for settling and paying claims made against the United States by inhabitants of foreign countries because of death, personal injury, or damage to or loss of public or private property, real or personal. Sections 836.61 to 836.77 apply only in those cases where such claims arise outside the United States, its Territories and possessions, and are caused by military personnel or civilian employees of the Air Force.

§ 836.62 *Definitions*—(a) *Claims.* Demands for payment submitted by individuals, partnerships, associations, or corporations, including foreign countries, states, territories, and other political subdivisions of such countries, other than demands for payment that arise under ordinary obligations incurred in procuring regular services or supplies (contract claims).

(b) *Civilian employees.* Civilian employees of the Air Force, prisoners of war and interned enemy aliens engaged in labor for pay; and volunteer workers and others serving as employees of the Air Force without compensation.

(c) *Inhabitant of a foreign country.* A person who dwells or resides in a foreign country. Neither citizenship nor domicile is required. A foreign country includes any place under the jurisdiction of the United States in a foreign country. A person includes a corporation or other business association. A corporation or other business association is not necessarily excluded as an inhabitant because organized under United States law.

(d) *Military personnel.* Forces or individual members of the Air Force.

(e) *Noncombat activities.* Authorized activities which are peculiarly Air Force activities that have little parallel in civilian pursuits or which historically have been considered as furnishing proper basis for paying claims—such as maneuvers, special field exercises, using explosives, firing guns or other weapons, practice bombings, operating aircraft and missiles, using balloons, using animals, using equipment or devices having latent mechanical defects, moving combat or other vehicles designed especially for military use, and using and occupying real estate.

(f) *Settle.* Consider, ascertain, adjust, determine, and dispose of a claim, whether by approval or disapproval in whole or in part.

§ 836.63 *Claims payable.* Unless otherwise prescribed, claims for death, personal injury, or damage to or loss of property, real or personal, may be settled under §§ 836.61 to 836.77.

(a) *Death.* Only one claim arises for all beneficiaries. The amount allowed, to the extent found practicable, will be apportioned among the beneficiaries as prescribed by the law or custom of the situs where the accident or incident resulting in death occurred.

(b) *Property.* Included in the property for which damage claims may be settled are real property used and occupied under lease (express or implied) or otherwise, and personal property loaned, rented, or otherwise bailed to the United States under an agreement (express or implied), unless the owner has expressly assumed the risk of damage or loss. Claims for damage or loss en-

forceable under a lease or other contract may be settled under §§ 836.61 to 836.77, or under contractual procedures, as deemed in the best interest of the United States. Claims for rent, as such, may not be settled under §§ 836.61 to 836.77, but allowances may be made for the use of property arising out of trespass or other tort, even though claimed as rent.

§ 836.64 *Claims not payable.* A claim will not be settled under §§ 836.61 to 836.77 if it:

(a) Results directly or indirectly from combat activities;

(b) Involves personal injury or death and arises out of any working accident covered by any workmen's compensation law or regulation, whether Federal Employees' Compensation Act of September 7, 1916 (39 Stat. 742, as amended; 5 U. S. C. 751), Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U. S. C. 901); or law or custom of the situs which provides compensation or social security benefits; or when similar benefits are provided by insurance under applicable regulations, or pursuant to United States contract: *Provided*, That this provision has no application to claims for property damage, or where there is a mandatory provision in the law of the situs requiring the claimant to reimburse the foreign government agency out of any recovery;

(c) Is waived or assumed by a foreign country under a treaty or international agreement, or is cognizable under a treaty or agreement which requires settlement by a foreign country;

(d) Is purely contractual in character;

(e) Is based on the negligence of a United States concessionnaire or other independent contractor or his employees;

(f) Arises from private contractual or domestic obligations;

(g) Arises out of the activities of dependents of military personnel, or their servants;

(h) Is based solely on compassionate grounds;

(i) Is a bastardy claim;

(j) Is for patent or copyright infringement;

(k) Arose before July 29, 1956 and the incident occurred outside a foreign country, its Territories, possessions, or territorial waters (open seas) or the claimant was an inhabitant of a foreign country other than the one in which the accident occurred; or

(l) Arose in an "occupied country" before a treaty or international agreement relating to claims. (Such claims usually are paid out of funds chargeable to the economy of the occupied country concerned under an agreement.)

§ 836.65 *Claims under other laws and regulations*—(a) *Sections 836.11 to 836.24 (AFR 112–3).* Claims will be settled under §§ 836.61 to 836.77, if applicable, although they might otherwise be settled under §§ 836.11 to 836.24.

(b) *Sections 836.51 to 836.56 (AFR 112–5).* Claims which are within the scope of §§ 836.61 to 836.77 and also within the scope of §§ 836.51 to 836.56 may be processed under the provisions of §§ 836.51 to 836.56 or §§ 836.61 to 836.77, or under both, as the facts and circumstances may warrant: *Provided*, That such settlement can be accomplished without defeating the purpose of the Foreign Claims Act and §§ 836.61 to 836.77.

(c) *Sections 836.90 to 836.99 and and 836.116 to 836.120 (AFR's 112–7 and 176–8).* Claims which may be settled under §§ 836.90 to 836.99 or §§ 836.116 to 836.120 will not be settled under §§ 836.61 to 836.77.

(d) *Sections 836.141 to 836.148 (AFR 112–12).* Claims which may be settled under §§ 836.141 to 836.148 may be settled under §§ 836.61 to 836.77 only when specifically authorized by The Judge Advocate General in each case. Authority may be requested by communication containing a summary of the facts, without forwarding the claim file.

§ 836.66 *Claims under treaties and agreements.* When a foreign government is responsible for settling claims against the United States under Article VIII of the Agreement Regarding the Status of Forces of Parties to the North Atlantic Treaty; under Article XVIII of the Japanese Administrative Agreement; or under a similar treaty or international agreement:

(a) Air Force authorities generally will be required to obtain and furnish foreign countries relevant evidence from United States sources, except as limited by Air Force security regulations. Reasonable requests for other assistance in investigating claims may also be complied with.

(b) Where claims are processed under a treaty or other international agreement and the Air Force has been assigned claims responsibility, the United States Sending State Office, or comparable office for claims in foreign countries, will send a copy of each voucher for reimbursement (68 Stat. 1006; 31 U. S. C. 224i–2) with a copy of the bill submitted by the foreign government. These copies will be forwarded by a letter of transmittal indicating the number and total amount of claims disapproved by the foreign government to:

The Judge Advocate General
Headquarters USAF
Attn: Chief, Claims Division
Washington 25, D. C.

§ 836.67 *Conditions of payment.* (a) Acts or omissions that create a condition without which the accident or incident could not have occurred but are not its proximate cause, will not constitute a proper basis for payment, even though they violate the law of the situs or military regulation. A claim may be approved under §§ 836.61 to 836.77 when the act or omission (except for so-called "other noncombat activities") that caused the injury, death, or damage to or loss of property was negligent, wrongful, or otherwise involved fault and was caused by:

(1) Military personnel;

(2) Civilian employees who are citizens of the United States;

(3) Civilian employees who are not citizens of the United States and were hired in one country for employment in another; or

(4) Civilian employees who are not citizens of the United States, other than those in subparagraph (3) of this paragraph, acting within the scope of their employment.

(b) The law or custom of the situs pertaining to contributory or comparative negligence, and to joint tort-feasors, will be applied so far as practicable to determine liability.

(c) Scope of employment will be determined by United States law.

§ 836.68 *Damages allowed.* Generally, in determining the proper elements and amount of damages, the law and custom of the situs will be applied, but neither court costs, including attorney's fees, nor the like, punitive or moral damages, nor interest is allowable. Items properly allowable in personal injury claims include actual and reasonable medical and hospital expenses, reasonable compensation for physical pain and suffering and disability, and loss of earning capacity, and, if death results, actual and reasonable burial expenses and compensation for loss of life. Property damage or loss is governed by §§ 836.1 to 836.6.

§ 836.69 *When claim must be presented.* A claim must be presented within 1 year after the accident or incident from which it arose to either the appropriate United States or foreign government officials. (See § 836.66)

§ 836.70 *Who presents claim*—(a) *Proper claimant.* Each claimant, and in a claim based on death, the decedent, must have been an inhabitant of a foreign country at the time of the accident or incident and not otherwise barred from allowance of a claim. (For claims arising before July 29, 1956, the claimant must have been an inhabitant of the foreign country in which the accident or incident occurred; a transient is not a proper claimant. An inhabitant of any part or subdivision of a foreign country is considered to have been an inhabitant of the foreign country for any claim arising in any part of that country.)

(b) *Claimants excluded.* (1) A national, or a corporation controlled by a national, of a country at war or engaged in armed conflict with the United States, or of any country allied with such enemy country, unless the foreign claims commission considering the claim or the local military commander determines that the claimant was at the time of the accident or incident, and is, friendly to the United States.

(2) Members and civilian employees of the Armed Forces of the United States and their dependents who are inhabitants of the United States and in a foreign country primarily because of their sponsor's or their own Armed Forces orders.

(3) United States citizens not inhabitants of a foreign country.

(4) Persons whose injuries are caused under circumstances where compensation or similar benefits are provided under law, regulation, or custom. (See § 836.64 (b).)

(c) *Insurers and other subrogees.* An insurer or other subrogee may not present a claim in his own name. A claim for the entire amount of damage or injury suffered will be presented by, and settlement made solely with, the insured, without regard to the insurance; not with the insurer or with both the insured and the insurer. This leaves undisturbed, as between the parties, the rights of the insured and of the insurer or another who has become subrogated to the rights of the owners of the property lost or damaged, or of the person who is injured or whose death results. This permits the United States to settle with a single claimant, and no inquiry into or determination of the relative rights of the parties will be made.

§ 836.71 *Form of claim.* A claim may be presented orally but, before approval, must be presented in writing and signed by the claimant or his authorized agent or attorney. Written claims should be presented on Standard Form 95, "Claim for Damage or Injury," but any written claim will be considered if it gives a reasonably definite indication of the time, place, and nature of an accident or incident and an estimate or statement of the amount claimed. The amount claimed will be expressed in terms of the currency of the situs and, if allowed, will be paid in the currency of the country either in which the accident or incident occurred or in which the claimant was or is an inhabitant.

§ 836.72 *How claims are settled.* (a) Claims will be settled or forwarded as herein directed, or in accordance with regulations and statutes described in §§ 836.65 and 836.66. Claims under §§ 836.61 to 836.77 and 836.11 to 836.24 will be settled by Air Force foreign claims commissions if within their monetary jurisdiction.

(b) To permit the prompt settlement of claims within reasonable proximity to the places where accidents or incidents occur, The Judge Advocate General may authorize the appointment of one or more commissions in each foreign country where Air Force personnel are stationed or claims may arise.

§ 836.73 *Monetary jurisdiction.* Unless specifically limited in the appointing orders, a commission of one member has authority to settle claims not over $1,000. A commission of three members has authority to settle claims presented in amounts not over $15,000, and claims presented in amounts over $15,000 determined by the Secretary of the Air Force or his designee to be meritorious in an amount not over $15,000. When the commission was appointed by the United States Air Forces in Europe or the Pacific Air Forces, any settlement allowance for over $5,000 will be subject also to the approval of the appointing authority, or his Director of Claims. When the commission was otherwise appointed, such settlement allowances will be subject to the approval of the Chief or Assistant Chief, Claims Division, Office of The Judge Advocate General. When such a claim is settled by disapproval, no approval action is required and the commission need only forward one complete claim file. (See § 836.75.) When a commission settles a claim by an allowance of over $5,000, the approving authority may:

(a) Approve the whole allowance or any lesser amount over $5,000 (approval authorizes payment); or

(b) Disapprove the allowance in any amount over $5,000 and return the claim file, with the necessary comment and recommendation, to the commission for its consideration and action.

§ 836.74 *How claims are processed.* When a commission receives a claim and allied documents, it will consider the claim and determine how it should be processed for settlement. (See §§ 836.1 to 836.6.) If the claim was not presented within 1 year, the claimant will be advised by the commission that the claim is barred. A claim otherwise within §§ 836.61 to 836.77 but not presented within 1 year will not be settled under §§ 836.11 to 836.24. If necessary, the commission will conduct a further investigation or refer the claim to appropriate authorities for investigation. It may confer with the claimant to resolve or determine facts and, if deemed in the best interest of the Government and permitted by the situation, conduct a hearing and take testimony. Claims under other laws, treaties, agreements or regulations, or claims in excess of monetary limits, will be forwarded promptly to the proper authorities.

§ 836.75 *What actions commissions take.* The action of a commission on a claim under §§ 836.61 to 836.77 and §§ 836.11 to 836.24 will be included in a standard seven-paragraph memorandum or certificate opinion, as appropriate. Memorandum opinions will include findings on all pertinent factual and legal questions. The opinion will clearly state the reasons when a claim is disapproved; and, when a claim is approved in whole or in part, the opinion will include the amount allowed for each item, calculations or explanations of the differences between amounts claimed and amounts approved, and citations of local law or custom, when applicable. For budget and record purposes, all awards and settlement agreements will be expressed in the currency of the situs with an approximate dollar amount in parentheses immediately following. They will also include the rate of exchange.

(a) *Effect.* The settlement action of a commission upon claims within its jurisdiction is final and conclusive.

(b) *Notice.* The claimant will be notified by letter of the commission's settlement action and the reasons therefor on a claim within its jurisdiction, where the claim is disapproved or the amount approved is less than the amount claimed. Copies of the opinion or action will not be furnished the claimant.

(c) *Reconsideration.* A commission may reconsider its settlement at any time before payment. When the commission is composed of different personnel than at the time of the original action, settlement may be reconsidered only upon presentation of new and material evidence, or to correct fraud, collusion, errors in calculation, or other mistakes. The opinion of a commission on reconsideration will state the reason for the reconsideration.

§ 836.76 *Claims over $1,000 and $15,000.* Claims over the $1,000 limit of a one-man commission that are not amended to an amount within its jurisdiction will be referred to any Air Force three-man commission within that area, or to The Judge Advocate General. (See §§ 836.11 to 836.24.) Claims over $15,000 under §§ 836.61 to 836.77 that are not amended to an amount within the jurisdiction of a commission will nevertheless be considered by a three-man commission and forwarded promptly, through appropriate claims channels, to the Chief, Claims Division, Office of The Judge Advocate General, with supporting papers, findings of fact, recommendations, and opinion as to the action to be taken by the Secretary of the Air Force.

§ 836.77 *Cross servicing claims.* Any claim, whether arising from activities of the Army, Navy, Air Force, Marine Corps, or Coast Guard (when operating as a service in the Navy) may, upon request by the service concerned, be settled by a commission appointed by the Secretary of the Air Force or his designee, in accordance with §§ 836.61 to 836.77. Claims arising after July 28, 1956 from accidents or incidents caused by a civilian employee of the Department of Defense, other than a civilian employee of the Department of the Army, Navy, or Air Force, may be settled and paid under §§ 836.61 to 836.77 by Air Force commissions. The cross servicing of claims is mandatory when the Air Force has been assigned sole responsibility for the settlement of claims in a designated foreign country or oversea area. A claim arising from Air Force activities in a foreign country where another service has been assigned responsibility for its settlement will be sent to the appropriate claims office of that service for settlement.

[SEAL] CHARLES M. McDERMOTT,
Colonel, U. S. Air Force, Deputy Director of Administrative Services.

[F. R. Doc. 58-5799; Filed, July 29, 1958; 8:50 a. m.]

PART 836—CLAIMS AGAINST THE UNITED STATES

PERSONNEL CLAIMS; MISCELLANEOUS AMENDMENTS

In Part 836, § 836.99 *Notice to claimant* is revised and §§ 836.100 and 836.101 are added:

§ 836.99 *Replacement in kind.* (a) The commander of the organization with which the claimant is serving or to which he belongs, may direct that personal property damaged or lost be replaced in kind from available Air Force stocks. However, this applies only if the items claimed are not Government property, including property furnished through the Clothing Monetary Allowance System or through issue (see paragraph (d) of § 836.92).

(b) A claim that may be settled under this paragraph will be processed in accordance with other pertinent provisions

of §§ 836.90 to 836.101. However, it will not be forwarded to higher authority for approval action. The action by or for the commander directing replacement in kind, and the replacement made to comply with such action, will be for all purposes a final and conclusive settlement of the claim.

§ 836.100 *Approval and payment or disapproval*—(a) *Approving authorities*—(1) *General.* When claims submitted under §§ 836.90 to 836.101 cannot be disposed of under § 836.99, they will be considered, ascertained, adjusted, determined, and settled, when substantiated in accordance with other pertinent provisions of §§ 836.90 to 836.101. Such claims will be approved and paid or disapproved only by the officer or officers designated by the Secretary of the Air Force for that pupose.

(2) *Settlement authority.* Claims filed for not more than $1,000 may be settled and paid by the approving authorities in the field, in accordance with the delegation of such authority by the Secretary of the Air Force. Claims filed for more than $1,000 will be forwarded for action and permanent filing through the appropriate Air Materiel area, oversea command, and/or foreign claims commission to:

The Judge Advocate General
Headquarters USAF
Attn: Claims Division
Washington 25, D. C.

(3) *Disapproval.* Where the circumstances of the loss warrant total disapproval, the file will be forwarded by the action authority in the field direct to The Judge Advocate General, USAF, regardless of the amount claimed.

(b) *Payment.* When a claim is approved in whole or in part, the approving authority will transmit the claim, and its related file, to the appropriate disbursing officer for payment.

NOTE: If the claimant dies before or after the approval of the claim filed in his name under paragraph (a) of § 836.98, and no demand is presented by a duly appointed legal representative of the estate, finance procedures will govern the method of paying the amount due the deceased claimant.

(c) *Notice to claimant.* When the authorized designee of the Secretary of the Air Force disapproves a claim, the claimant will be notified in writing of the action taken and the reasons therefor.

§ 836.101 *Reconsideration of action.* The action of the approving authority in disapproving a claim in whole or in part will be final and conclusive for all purposes, as such settlements are not subject to appeal to the Secretary of the Air Force or any other agency of the Government. However, the approving authority may reconsider any claim when the claimant submits evidence showing errors or irregularities in the submission or settlement of the claim. Requests for such reconsideration or review will be in writing and will be submitted to the approving authority within 60 days after the claimant receives notice of disapproval or partial approval of his claim. If, upon reconsideration, it is determined that a further amount is due the claimant, a supplemental voucher will be prepared.

(Sec. 8012, 70A Stat. 488; 10 U. S. C. 8012) [AFR 112-7, June 6, 1957 and AFR 112-7A, June 12, 1958]

[SEAL] CHARLES M. McDERMOTT,
Colonel, U. S. Air Force, Deputy Director of Administrative Services.

[F. R. Doc. 58-5800; Filed, July 29, 1958; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 46—RURAL SERVICE

RURAL BOXES

The proposed amendment to § 46.5, paragraph (c), published in the FEDERAL REGISTER of February 27, 1958, at page 1217 (23 F. R. 1217) is hereby amended and adopted as a regulation of the Post Office Department, as set forth below.

In § 46.5 *Rural boxes* amend paragraph (c) to read as follows:

(c) *Posts and supports*—(1) *Construction.* Posts or other supports for rural mail boxes must be neat and of adequate strength and size. They may not be designed to represent effigies or caricatures that would tend to disparage or ridicule any person. The box may be attached to a fixed or movable arm.

(2) *Newspaper receptacles.* A receptacle for newspapers, not restricted to any one paper, may be placed above or below the mail box or on the post or support, provided it will not interfere with the delivery of the mail, obstruct the view of the flag, or present a hazard to the carrier or his vehicle. The receptacle must not extend beyond the front of the mail box when the box door is closed. No advertising shall be displayed on the outside of the receptacle except that the name of a publication may be shown.

NOTE: The corresponding Postal Manual section is 156.53.

(R. S. 161, 396, as amended; sec. 1, 39 Stat. 423; 5 U. S. C. 22, 369, 39 U. S. C. 191)

[SEAL] LEO G. KNOLL,
Acting General Counsel.

[F. R. Doc. 58-5789; Filed, July 29, 1958; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1691]

MONTANA AND ARIZONA

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF FOREST SERVICE FOR EXPERIMENTAL PURPOSES, ADDING LANDS TO THOSE WITHDRAWN BY PUBLIC LAND ORDER NO. 1583 OF FEBRUARY 5, 1958 AS A ROADSIDE ZONE

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests indicated, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as indicated:

[Montana 024037]

MONTANA PRINCIPAL MERIDIAN

BITTERROOT NATIONAL FOREST

Lick Creek Experimental Area

T. 4 N., R. 21 W.,
Sec. 19, S½NW¼ (unsurveyed);
Sec. 19, S½, unsurveyed;
Sec. 20, S½N½ and S½;
Sec. 29, N½ and N½S½;
Sec. 30, SE¼;
Sec. 30, N½ and SW¼, unsurveyed;
Sec. 31, N½NW¼, unsurveyed.
T. 4 N., R. 22 W. (unsurveyed),
Sec. 13, SE¼SW¼ and S½SE¼;
Sec. 24, E½W½ and E½;
Sec. 25, NE¼, NE¼NE¼NW¼ and E½SE¼.

The areas described aggregate approximately 2,930 acres.

[Arizona 09295]
(Public Land Order 1583)

GILA AND SALT RIVER MERIDIAN

GILA NATIONAL FOREST

Roadside Zone

A strip of land 300 feet on each side of the center line of United States Highway 60 where it traverses national forest land through the following legal subdivision:
T. 1 N., R. 29 E. (unsurveyed),
Sec. 8, SW¼.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

[SEAL] ROGER ERNST,
Assistant Secretary of the Interior.

JULY 23, 1958.

[F. R. Doc. 58-5777; Filed, July 29, 1958; 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

Appendix A—Delegations of Authority

GENERAL DELEGATION OF AUTHORITY TO HEADS OF SERVICES

STAFF OFFICERS AND REGIONAL COMMISSIONERS

Organization of General Services Administration. The Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377; 40 U. S. C. 471), vests the functions of the General Services Administration in the head of the agency, the "Administrator of General Services". These functions are performed by the Administrator, or, subject to his direction and control, by such officers or divisions of the agency as he may designate.

There are two organizational levels within the agency: The Central Office and the "Regional Office". Within the Central Office there are the Office of the Administrator, five "Service" organizations and three Staff Offices. The Office of the Administrator consists of the Immediate Office of the Administrator, Office of the Deputy Administrator, the Office of the Special Assistant to the Administrator—Congressional and Public Affairs, and the Board of Review. The Service organizations are: Federal Supply Service, Public Buildings Service, Transportation and Public Utilities Service, Defense Materials Service, and National Archives and Records Service; the Staff Offices are: The Office of the Administrative Assistant to the Administrator, Office of the General Counsel and Office of the Comptroller. The Services are responsible for the direction and coordination of their programs in the ten regional offices. Staff Offices provide assistance and advice throughout the General Services Administration. On policy and major operational matters, the Services maintain direct communication with the "Regional Commissioners". On professional, technical and routine matters, they communicate directly with their counterpart "Regional Directors". The Regional Offices, headed by Commissioners, are completely integrated and parallel the organizational pattern of the Central Office.

A more detailed description of the organizational structure of the General Services Administration may be found in the "United States Government Organization Manual" published annually as a special edition of the FEDERAL REGISTER, by the Federal Register Division, National Archives and Records Service, General Services Administration.

NOTE: The numbering of Delegations of Authority Nos. 320 to 328 inclusive, dated February 17, 1958, upon which this publication is based, is followed in designating sections herein; sections of the applicable Delegations of Authority are similarly designated herein as subsections except for such as are reserved or do not have direct application to the public. Successive redelegations of authority are numbered as hyphenated sections for each echelon of organization, e. g., sec. 320-1 will state the redelegation of authority from the Service to the Regional Commissioner, and sec. 320-1-1 will state the redelegation of authority from a Regional Commissioner to a subordinate division of his office.

Extent of delegation. Pursuant to the authority vested in the Administrator of General Services by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and other applicable statutes, Executive orders, regulations, and delegations, the following legal authority is hereby delegated to the designated officers and employees as set forth below.

The Administrator of General Services, as necessary, may direct that certain actions or categories of actions be submitted to him for review and approval prior to the exercise of the authority delegated herein.

Any authority delegated herein shall be exercised in accordance with such applicable laws and regulations as are in effect on the date of the exercise of such authority.

Except as otherwise provided by law or in this delegation, the recipient may redelegate and authorize successive redelegation of authorities to his subordinates as he determines to be appropriate to the full and expeditious performance of their assigned responsibilities: *Provided*, That any authority delegated to the Head of a staff office may not be redelegated by him to a Regional Director or other officer or employee of a Regional Office.

Execution and delivery of instruments. Any authority delegated herein shall include the authority to take any action incidental to the exercise of such authority, such as, but not limited to, the following:

(a) To execute, acknowledge and deliver appropriate written documents and instruments, including deeds, leases, permits, contracts, receipts, and bills of sale;

(b) To accept any notes, bonds, mortgages, deeds of trust, or other security instruments taken in consideration, in whole or in part, in connection with the disposal of property;

(c) To perform all acts necessary or proper to release and discharge any security instrument or any lien created thereby or otherwise; and

(d) To perform any other acts necessary to effectuate the transfer of title to property.

Newspaper advertising. Any authority delegated herein to advertise, give public notice, or determine the manner of advertising shall include the authority to publish advertisements or notices in newspapers. 60 Stat. 809 (1946) (5 U. S. C. 22a; Rev. Stat. 3828 44 U. S. C. 324).

Authorities superseded. This delegation of authority supersedes all previous delegations of authority to officers and employees of the General Services Administration specified herein.

320. *Administrative Assistant to the Administrator.* The Administrative Assistant to the Administrator is hereby delegated authority under the:

1. *Federal Property and Administrative Services Act of 1949, as amended.*

a. *Title II.* (3) To withdraw surplus General Services Administration personal property. Sec. 202 (b) (2) (40 U. S. C. 483 (b) (2)).

(6) To authorize abandonment, destruction, or donation of General Services Administration personal property to public bodies, and to make any determinations and findings incidental thereto. Sec. 202 (h) (40 U. S. C. 483 (h)).

(7) To take possession of, utilize, transfer, or dispose of, abandoned and unclaimed personal property and determine the fair value and costs of care and handling thereof. Sec. 203 (m) (40 U. S. C. 484 (m)).

(8) To procure the temporary (not in excess of one year) or intermittent services of experts or consultants, or organizations thereof: *Provided*, That such authority shall not include the authority to procure stenographic reporting services. Sec. 209 (b), 63 Stat. 391 (1949) (5 U. S. C. 630h (b)).

Title III. (1) To negotiate contracts without advertising for any service to be rendered by any university, college, or other educational institution. Sec. 320 (c) (5).

2. *Other applicable statutes, regulations, and Executive orders:*

d. *Purchases.* (1). To make purchases of office supplies, equipment, nonpersonal services, not available from General Services Administration stores stock, or through the use of supply and service contracts executed by the Federal Supply Service, Region 3.

321. *Comptroller.* The Comptroller is hereby delegated authority under the:

1. *Federal Property and Administrative Services Act of 1949, as amended.*

a. *Title I.* (1) To perform liquidation functions relating to the disposal of surplus aircraft, aircraft components, and electronics property, except for the making of administrative determinations arising out of Industry Agents' contracts. Sec. 105.

b. *Title II.* (1) To approve credit in connection with the disposal of surplus property and the establishment of credit terms and conditions. Sec. 203 (c).

(2) To administer and manage any credit, lease or permit, and any security therefor, and to adjust and settle any right of the Government with respect thereto, and to collect all moneys due the Government on account thereof: *Provided*, That such authority shall not apply to any legal action to adjust, enforce, and settle any right of the Government with respect thereof. Sec. 204 (g).

(3) To enter into contracts with recognized public accounting firms and certified public accountants for the performance by said firms or individuals of audits of the accounts of General Services Administration and those of its agents and prime contractors and subcontractors. Sec. 208 (b).

(8) To approve certificates of essentiality in connection with loans made by the Treasury Department (Reconstruction Finance Corporation and Export-Import Bank of Washington) under the Defense Production Act of 1950, as amended.

322. *General Counsel.* The General Counsel is hereby delegated authority under the:

1. *Federal Property and Administrative Services Act of 1949, as amended.*

a. *Title II.* (1) To represent executive agencies in proceedings involving carriers and other public utilities before Federal and State regulatory bodies, with respect to transportation and other public utility services for the use of such agencies. Sec. 201 (a) (4).

(2) To consider, ascertain, determine, adjust, and settle the following claims:

(a) Claims in connection with abandoned or unclaimed property. Sec. 203 (m).

(b) Claims or adjustments. Sec. 204 (d).

(c) Enforcements, adjustments, or settlements. Sec. 204 (g).

2. *Other applicable statutes, regulations, and Executive orders:*

a. *Claims.* (1) To consider, ascertain, determine, adjust, and settle the following claims:

(a) Any claim, demand, or request for adjustment in the nature of a claim, other than those described in paragraph 1. a. (2) above, arising out of or incident to any contract, agreement, lease, or permit executed pursuant to competent authority covering the procurement by purchase, construction, or otherwise, or disposal of personal property, real property, and services: *Provided*, That this authority shall not impair or affect authority otherwise vested in contracting officers to decide questions of fact under disputes clauses of contracts, or any responsibility vested in the Board of Review.

(b) Any claim under the Federal Tort Claims Act, as amended, 60 Stat. 843 (1946) (28 U. S. C. 2672), and any claim in tort by General Services Administration on behalf of the Government.

b. *Forfeitures.*

(1) To apply for a court order for delivery of property subject to forfeiture proceedings under section 304 of the act of August 27, 1935, as amended, 49 Stat. 880 (40 U. S. C. 304i).

c. *Certification.* (1) To certify true copies of delegations of authority by the Administrator and redelegations of authority by other General Services Administration officials, and to provide such further certification as may be necessary to effectuate the intent of such delegations in form for recording in any jurisdiction, as may be required.

(2) To authenticate and attest copies of records created by General Services Administration, to furnish authenticated copies of such records, and to charge fees therefor.

(3) To determine whether the release of authenticated copies of any records in the custody of the Administrator is legal and not prejudicial to the national interest or security of the United States and to furnish properly authenticated copies of such records in response to subpoenas duces tecum in appropriate cases.

d. *Notices relating to debarment of bidders.* (1) To execute and issue appropriate notices relating to debarments and proposed debarments of bidders.

323. *Commissioner, Defense Materials Service.* The Commissioner, Defense Materials Service, is hereby delegated authority under the:

1. *Federal Property and Administrative Services Act of 1949, as Amended.*

a. *Title I.* (1) To exercise authority relating to conducting tests, making charges and fixing fees therefor. Sec. 109 (g) (5 U. S. C. 630g (g)).

b. *Title II.* (1) To procure and supply personal property and nonpersonal services for the use of executive agencies and perform functions related to such procurement and supply; and, upon its request, provide these services to any Federal agency, mixed-ownership corporation, or the District of Columbia. Secs. 201 (a) (3), 201 (b) (40 U. S. C. 481 (a) (3), 481 (b)).

(2) To accept strategic or critical materials in lieu of cash in connection with the lease, sale, or other disposition of surplus property. Sec. 204 (f) (40 U. S. C. 485 (f)).

(3) To procure the temporary (not to exceed one year) or intermittent services of experts or consultants, or organizations thereof: Provided, that such authority shall not include the authority to procure stenographic reporting services. Sec. 208 (b) (5 U. S. C. 630h (b)).

c. *Title III.* Pursuant to section 309 (a) (41 U. S. C. 259 (a)), the Commissioner, Defense Materials Service, is designated as an "agency head" for the purposes of Title III; and, except for the making of delegations or determinations specified in section 302 (a) (41 U. S. C. 252 (a)), the Commissioner may exercise the following authority provided in Title III;

(1) In connection with contracts or purchases in excess of $10,000 negotiated under paragraph (7) or (8) of section 302 (c), to make determinations and give the publicity required by section 302 (b) (41 U. S. C. 252 (b)).

(2) To negotiate purchases and contracts for property and services without advertising and to make any determinations and decisions required in connection therewith. Sec. 302 (c) (1) through (14) (41 U. S. C. 252 (c) (1) through (14)). In connection with the negotiation of purchases or contracts which should not be publicly disclosed, section 302 (c) (11), and the purchases or contracts which are to be negotiated in order to assure standardization of equipment and interchangeability of parts, section 302 (c) (12), the authority to make the determinations and decisions specified in section 302 (c) (11) and (12) is not redelegable. In connection with the negotiation of purchases or contracts for experimental, developmental, or research work, or for the manufacture or furnishing of property for experimentation, development, research, or test section 302 (c) (1), the authority to make the determinations or decisions specified in section 302 (c) (10) is redelegable only to a chief officer responsible for procurement and only with respect to contracts which will not require the expenditure of more than $25,000. 41 U. S. C. 302 (c).

(3) To make purchases and contracts for property and services by advertising. Sec. 302 (c) (41 U. S. C. 252 (c)).

(4) To determine that the rejection of all bids is in the public interest. Sec. 303 (b) (41 U. S. C. 253 (b)).

(5) To determine the type of negotiated contract which will promote the best interests of the Government. Sec. 304 (a) (41 U. S. C. 254 (a)).

(6) To make the determinations required in connection with cost, cost-plus-a-fixed-fee, and incentive-type contracts. Sec. 304 (b) (41 U. S. C. 254 (b)).

(7) To approve advance payments and to make the determinations and decisions required in connection therewith. This authority is not redelegable. Sec. 305 (a) (41 U. S. C. 255 (a)).

d. *Title IV.* (1) to dispose of foreign excess property under the abaca program (Abaca Production Act of 1950, 64 Stat. 435, 50 U. S. C. 541 et seq., Executive Orders 10539 and 10533), in accordance with Title IV of the Act, and to make any determinations under said Title IV with respect to such disposals.

2. *Other applicable statutes, Executive orders, regulations and delegations: a. Strategic and Critical Materials Stock Piling Act.* (Covers authority under the Strategic and Critical Materials Stock Piling Act, 60 Stat. 590 (1946), 50 U. S. C. 98–98h; the authority given is to be exercised in accordance with applicable directives of the Director of the Office of Defense Mobilization.)

(1) To purchase strategic and critical materials. Sec. 3 (a) (50 U. S. C. 98b (a)).

(2) To provide for the storage, security, and maintenance of strategic and critical materials for stockpiling purposes. Sec. 3 (b) (50 U. S. C. 98b (b)).

(3) To provide for the refining or processing of stockpile materials. Sec. 3 (c) (50 U. S. C. 98b (c)).

(4) To provide for the rotation of strategic and critical materials constituting a part of the stockpile when necessary to prevent deterioration. Sec. 3 (d) (50 U. S. C. 98b (d)).

(5) To dispose of any stockpile materials which are no longer needed because of revised determinations by the Office of Defense Mobilization. Sec. 3 (e) (50 U. S. C. 98b (e)).

(6) To sell or otherwise dispose of materials released from the stockpile for use, sale or other disposition for the purposes of common defense; or in time of war or during a national emergency. Sec. 5 (50 U. S. C. 98d).

b. *Defense production.* (Covers authority under the Defense Production Act of 1950, as amended, 50 U. S. C. App. 2061, et seq., Executive Order 10480 dated August 14, 1953, as amended, and any other applicable Executive Orders and delegations of authority covering Defense Production Act functions.)

(1) In accordance with programs certified by the Director of the Office of Defense Mobilization:

(a) To purchase and make commitments to purchase metals, minerals, and other materials for Government use or resale pursuant to section 303 (a) of the Defense Production Act. (50 U. S. C. App. 2093 (a).)

(b) To determine the quantities, terms and conditions, including advance payments, and periods of such purchases, commitments to purchase, and sales pursuant to section 303 (b) of the Defense Production Act. (50 U. S. C. App. 2093 (b).)

(c) To make provision for subsidy payments, to determine the amounts, manner, terms, and conditions thereof, and to make findings pursuant to section 303 (c) of the Defense Production Act. (50 U. S. C. App. 2093 (c).)

(d) To store and have processed and refined any materials procured under section 303 of the Defense Production Act, as provided in section 303 (d) thereof. (50 U. S. C. App. 2093 (d).)

(3) In accordance with the policy directives issued by the Director of the Office of Defense Mobilization, to encourage the exploration, development, and mining of strategic and critical metals and minerals pursuant to Sec. 303 of the Defense Production Act. (50 U. S. C. App. 2093.)

(a) In connection with foreign projects which were under the jurisdiction

of the Administrator on November 12, 1954; and

(b) In carrying out any program certified to the Administrator by the Director of the Office of Defense Mobilization.

Interior Defense Delegation 1, dated December 22, 1954 (19 F. R. 9357).

c. *Supplemental stockpile.* (1) In accordance with programs certified by the Office of Defense Mobilization, to purchase or contract for the purchase of materials for the supplemental stockpile pursuant to the Agricultural Trade Development and Assistance Act of 1954, as amended, 7 U. S. C. 1691 et. seq., Executive Order 10560, dated September 9, 1954, and Delegation of Authority from the Director of the Office of Defense Mobilization dated November 17, 1954 (DMO Order V–4, 32A CFR Ch. 1).

d. *Abaca program.* (1) To provide for the production and sale of Western Hemisphere abaca pursuant to the Abaca Production Act of 1950, 64 Stat. 435, 50 U. S. C. 541, and Executive Order 10539, as amended by Executive Order 10553, to issue rules and regulations and to make determinations pursuant to said act and executive orders, to enter into contracts and to acquire property for the purposes of said act, and to dispose of property held for the purposes of said act when such property is no longer needed.

f. *"Buy American Act."* (1) To determine whether articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured are mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, and to determine, as a condition precedent to the purchase of materials of foreign origin for public use within the United States, that the price of like materials of domestic origin is unreasonable, or that the purchase of like materials of domestic origin is inconsistent with the public interest, under the provisions of 41 U. S. C. 10a and Executive Order 10582, dated December 17, 1954, and to make the findings pursuant to 41 U. S. C. 10b. (47 Stat. 1530 (1933), 41 U. S. C. 10a, b.)

g. *First War Powers Act, 1941.* (1) To enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to approve advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts, including authority to modify or amend or settle, by agreement, claims under contracts heretofore or hereafter made; to approve advance, progress, and other payments upon such contracts and to enter into agreements with contractors or obligors modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds, and to determine that any such action would facilitate the national defense. Title II of the First War Powers Act, 1941, as amended. (55 Stat. 839, 50 U. S. C. App. 611 and Executive Orders 10227 of March 30, 1951, and 10210 of February 2, 1951.)

h. *Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956.* (1) Pursuant to the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956, Public Law 733, 84th Congress, 70 Stat. 579, and Delegation of Authority issued pursuant thereto by the Secretary of the Interior, dated July 31, 1956. (21 F. R. 5872.)

(a) To accept offers and perform all necessary services, including the making of contracts, incident to the purchase, handling, and storage of the ores and concentrates specified in the act and in accordance with the programs established for the administration of said act; and

(b) To hold and dispose of such ores and concentrates procured under the authority of said act in accordance with the provisions of said act.

i. *National Industrial Reserve.* (1) As directed by the Secretary of Defense, to accept the transfer of and to provide for the handling, care, storage, protection, maintenance, utilization, repair, restoration, renovation, lending, leasing, and disposition of excess machine tools and industrial manufacturing equipment, except such tools and equipment as are part of an industrial plant. National Industrial Reserve Act of 1948. (62 Stat. 1225, 50 U. S. C. 451–462.)

j. *Service Agreement with Commodity Credit Corporation.* (1) To exercise all functions to be performed by GSA pursuant to agreement between Commodity Credit Corporation and General Services Administration relating to the inspection, handling, importation, storage, etc., of strategic materials acquired by the Commodity Credit Corporation through barter of surplus agricultural commodities.

3. *General authorities.* c. *Drawback documentation.* (1) Procurement authority delegated hereunder shall include the authority to execute certificates required in support of drawback entries pursuant to Customs Regulations, to endorse export bills of lading, and to execute certificates of exportation. (19 CFR 22.37.)

324. *Commissioner, Federal Supply Service.* The Commissioner, Federal Supply Service, is hereby delegated under authority of:

1. *Federal Property and Administrative Services Act of 1949, as amended.*

a. *Section 3.* (1) To determine property surplus. Sec. 3 (g) (40 U. S. C. 472 (g)).

(2) To designate contractual services, other than personal and professional services, as nonpersonal services. Sec. 3 (j) (40 U. S. C. 472 (j)).

b. *Title I.* (1) To make administrative determinations in connection with the disposal of surplus aircraft, aircraft components, and electronic property. Sec. 105 (5 U. S. C. 630 (c)).

(6) To exercise authority relating to conducting tests, making charges, and fixing fees therefor. Sec. 109 (g) (5 U. S. C. 630 g (g)).

c. *Title II.* (2) To procure and supply personal property and nonpersonal services for the use of executive agencies and perform functions related to such procurement and supply; and, upon its request, provide these services to any Federal agency, mixed-ownership corporation, or the District of Columbia. Secs. 201 (a) (3), 201 (b) (40 U. S. C. 481 (a) (3), 481 (b)).

(3) To exchange or sell similar items and apply to the exchange allowance or proceeds of sale in whole or part payment for the property acquired. Sec. 201 (c) (40 U. S. C. 481 (c)).

(8) To withdraw surplus property. 203 (a) (40 U. S. C. 484 (a)).

(13) To authorize abandonment, destruction, or donation of property to public bodies, and to make any determinations and findings incidental thereto. Sec. 202 (h) (40 U. S. C. 483 (h)).

(14) To direct agencies to delay or discontinue the disposal of any item of surplus property and to determine that such action is in the interest of the Government. Sec. 203 (a) (40 U. S. C. 484 (a)).

(15) To dispose of surplus property. Secs. 203 (a), (c) (40 U. S. C. 484 (a), (c)).

(16) To assume custody and accountability of surplus property. Sec. 203 (b) (40 U. S. C. 484 (b)).

(17) To perform, or provide for the performance of, the care and handling of surplus property. Sec. 203 (b) (40 U. S. C. 484 (b)).

(18) To grant credit and take security in connection with any disposal of surplus property authorized. Sec. 203 (c) (40 U. S. C. 484 (c)).

(19) To prescribe and utilize appropriate terms and conditions for disposals of surplus property by General Services Administration. Sec. 203 (c) (40 U. S. C. 484 (c)).

(20) To execute certificates covering transfers of title to motor vehicles and motorcycles. Secs. 201 (c), 203 (c) (40 U. S. C. 481 (c), 484 (c)).

(21) To dispose of surplus property by negotiation and to determine that disposal by advertising in a given case will not better protect the public interest. Sec. 203 (e) (40 U. S. C. 484 (e)).

(23) To donate surplus property for purposes of education, public health, or civil defense, or for research for any such purpose. Sec. 203 (j) (40 U. S. C. 484 (j)).

(24) To disapprove, or notify that General Services Administration will interpose no objection to actions proposed to be taken by any agency to enforce compliance; reform, correct, or amend instruments; and grant releases from terms and conditions thereof. Sec. 203 (k) (2) (40 U. S. C. 484 (k) (2)).

(25) To donate certain surplus property to the American National Red Cross. Sec. 203 (l) (40 U. S. C. 484 (l)).

(26) To take possession of, utilize, transfer, or dispose of, abandoned and unclaimed property and determine the fair value and costs of care and handling thereof. Sec. 203 (m) (40 U. S. C. 484 (m)).

(27) To administer and manage leases and permits where disposal has been by lease or permit: Provided, that such authority shall not include the authority to enforce, adjust, and settle any claim arising thereunder. Sec. 204 (g) (40 U. S. C. 485 (g)).

(32) To procure the temporary (not in excess of one year) or intermittent services of experts or consultants, or organizations thereof, including stenographic reporting services. Sec. 203 (b) (5 U. S. C. 630 (h) (b)).

(35) To determine whether motor vehicle and related services will be furnished through the use, under rental or other arrangements, of motor vehicles of private fleet operators, taxicab companies, local or interstate common carriers, or Government-owned vehicles of combinations thereof. Sec. 211 (b) (2) (40 U. S. C. 491 (b) (2)).

(38) To fix prices payable by requisitioning agencies for motor vehicle and related services. Sec. 211 (d) (40 U. S. C. 491 (d)).

d. *Title III.* Pursuant to section 309 (a) (41 U. S. C. 259 (a)), the Commissioner, Federal Supply Service, is designated as an "agency head" for the purposes of Title III; and, except for the making of delegations or determinations specified in section 302 (a) (41 U. S. C. 252 (a)), the Commissioner may exercise the following authority provided in Title III:

(1) In connection with contracts or purchases in excess of $10,000 negotiated under paragraph (7) or (8) of section 302 (c), to make determinations and give the publicity required by section 302 (b) (41 U. S. C. 252 (b)).

(2) To negotiate purchases and contracts for property and services without advertising, and to make any determinations and decisions required in connection therewith. Sec. 302 (c) (1) through (14) (41 U. S. C. 252 (c) (1) through (14)). In connection with the negotiation of purchases or contracts which should not be publicly disclosed, section 302 (c) (11), and purchases or contracts which are to be negotiated in order to assure standardization of equipment and interchangeability of parts, section 302 (c) (12), the authority to make the determinations and decisions specified in section 302 (c) (11) and (12) is not redelegable. In connection with the negotiation of purchases or contracts for experimental, developmental, or research work, or for manufacture or furnishing of property for experimentation, development, research, or test section 302 (c) (10), the authority to make the determinations or decisions specified in section 302 (c) (10) is redelegable only to a chief officer responsible for procurement and only with respect to contracts which will not require the expenditure of more than $25,000. (41 U. S. C. 302 (c).)

(3) To make purchases and contracts for property and services by advertising. Sec. 302 (c) (41 U. S. C. 252 (c)).

(4) To determine that the rejection of all bids is in the public interest. Sec. 303 (b) (41 U. S. C. 253 (b)).

(5) To determine the type of negotiated contract which will promote the best interests of the Government. Sec. 304 (a) (41 U. S. C. 254 (a)).

(6) To make the determinations required in connection with cost, cost-plus-a-fixed-fee, and incentive-type contracts. Sec. 304 (b) (41 U. S. C. 254 (b)).

(7) To approve advance payments and to make the determinations and decisions required in connection therewith. This authority is not redelegable. Sec. 305 (a) (41 U. S. C. 255 (a)).

2. *Other applicable statutes, regulations, and Executive orders.* a. *Disaster relief.* (1) To exercise the following authorities of the Administrator as prescribed by Federal Civil Defense Administration Disaster Orders issued from time to time pursuant to Public Law 875, 81st Congress (64 Stat. 1109 (1950)), as amended, 42 U. S. C. 1855–1855g, and Executive Order 10427, dated January 16, 1953:

(a) The authority to enter into and execute memoranda of understanding with duly authorized officials of any State within a major disaster area which has been designated by the President and with duly authorized representatives of the Federal Civil Defense Administration, to the end that General Services Administration may appropriately assist in providing surplus supplies and equipment for the relief of small businesses whose places of business have been damaged or destroyed by major disaster; and

(b) The authority to carry out and fulfill all commitments properly made and obligations properly undertaken by GSA by virtue of such memoranda of understanding.

(2) To exercise the following functions assigned to the Administrator in any major disaster pursuant to Public Law 875, 81st Congress (64 Stat. 1109), as amended, 42 U. S. C. 1855–1855g, and Executive Order 10427, dated January 16, 1953.

(a) The utilization, or lending to States and local Governments of General Services Administration equipment, supplies, facilities, personnel, and other resources (other than the extension of credit);

(b) The distribution of medicine, food and other consumable supplies; and

(c) The donation or lending of surplus equipment and supplies to States for use or distribution by them.

b. *Abandoned, forfeited, and seized property.* (1) To exercise authority of the Administrator covering abandoned, forfeited, or seized property, under the Act of August 27, 1935, as amended (49 Stat. 879; 40 U. S. C. 304f-m), and sections 5862 (b) and 5688 (a) of the Internal Revenue Code of 1954 (26 U. S. C. 5862 (b), 5688 (a)): *Provided*, That such authority shall not include the authority to make rules and regulations, and to apply for a court order.

d. *Conditional gifts for defense purposes.* (1) To perform the functions vested in the Administrator by Public Law 537, 83d Congress, approved July 27, 1954, as they pertain to tangible personal property. (68 Stat. 566, 50 U. S. C. 1151, 1152.)

e. *Renegotiation Board regulations.* (1) To determine that a contract has a direct and immediate connection with the national defense pursuant to the Renegotiation Board Regulations. This authority is not redelegable. (32 CFR 1453.5 (c).)

f. *"Buy American Act."* (1) To determine whether articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, and to determine, as a condition precedent to the purchase of materials of foreign origin for public use within the United States, that the price of like materials of domestic origin is unreasonable, or that the purchase of like materials of domestic origin is inconsistent with the public interest, under the provisions of 47 Stat. 1520 (1933), 41 U. S. C. 10a, and Executive Order 10582, dated December 17, 1954, and to make the findings pursuant to 41 U. S. C. 10b. (41 U. S. C. 10a, 10b.)

g. *First War Powers Act, 1941.* (1) To enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to approve advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts, including authority to modify or amend or settle, by agreement, claims under contracts heretofore or hereafter made; to approve advance, progress, and other payments upon such contracts and to enter into agreements with contractors or obligors modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds, and to determine that any such action would facilitate the national defense. Title II of the First War Powers Act, 1941, as amended. (55 Stat. 838, 50 U. S. C. App. 611, and Executive Orders 10210 of February 2, 1951, and 10227 of March 26, 1951.)

i. *Civil Defense.* (1) To perform civil defense responsibilities delegated by the Federal Civil Defense Administrator and to cooperate with the Federal Civil Defense Administrator pursuant to the Federal Civil Defense Act of 1950, approved January 12, 1951, as amended. (64 Stat. 1246) (50 U. S. C. App. 2251-2297.)

(2) During the period of any civil defense emergency, to provide General Services Administration personnel, materials, and facilities to the Federal Civil Defense Administrator for the aid of the States, and to prepare civil defense emergency plans, in consultation with the Federal Civil Defense Administration, pursuant to the Federal Civil Defense Act of 1950, as amended, and Executive Order 10346, dated April 18, 1952, as amended.

j. *Economy Act.* (1) To make determinations and to place orders with any other department, establishment, bureau, or office for materials, supplies, equipment, work, or services, and to make agreements as to cost adjustments in connection therewith. (41 Stat. 613 (1920), as amended, 31 U. S. C. 686.)

3. *General authorities.* c. *Drawback documentation.* (1) Procurement authority delegated hereunder shall include the authority to execute certificates required in support of drawback entries,

pursuant to Customs Regulations, to endorse export bills of lading and to execute certificates of exportation. (19 CFR 22.37.)

325. *The Archivist of the United States.* The Archivist of the United States is hereby delegated authority under the:

1. *Federal Property and Administrative Services Act of 1949, as amended:*

a. *Title II.* (1) To procure the temporary (not in excess of one year) or intermittent services of experts or consultants, or organizations thereof: *Provided,* That such authority shall not include the authority to procure stenographic reporting services. Sec. 208 (b) (5 U. S. C. 630h (b)).

b. *Title III.* (1) To negotiate purchases and contracts for property and services without advertising, and to make any determinations and decisions required in connection therewith. Sec. 302 (c) (1), (4), (5), (14) (41 U. S. C. 252 (c) (1), (4), (5), (14)).

(2) To determine the type of negotiated contract which will promote the best interests of the Government. Sec. 304 (a) (41 U. S. C. 254 (a)).

(3) To make the determinations required in connection with cost, cost-plus-a-fixed-fee, and incentive-type contracts. Sec. 304 (b) (41 U. S. C. 254 (b)).

c. *Title V.* (4) To provide centralized microfilming services for Federal agencies. Sec. 505 (d) (44 U. S. C. 395 (d)).

(5) To establish, maintain, and operate records centers. Sec. 505 (d) (44 U. S. C. 395 (d)).

(9) To transfer, with the approval of the head of the originating agency (or his successor in functions, if any), records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations. Sec. 507 (a) (2) (44 U. S. C. 397 (a) (2)).

(10) To impose, relax, or remove restrictions on the use of records transferred to General Services Administration, subject to the limitations prescribed in the act, Executive orders, or regulations. Sec. 507 (b), (e), (f) (44 U. S. C. 397 (b), (e), (f)).

(12) To accept for deposit and to direct and effect the transfer of:

(a) Personal papers and other historical materials of any President or former President of the United States, or any other official or former official of the Government, and other papers relating to and contemporary with any President or former President of the United States. 69 Stat. 695 (1955); and

(b) Documents, including motion picture films, still pictures, and sound recordings that are appropriate for preservation by the United States Government. Secs. 507 (a) (3), (e), (i) (44 U. S. C. 397 (a) (3), (e) (1), (2)).

(13) To maintain, operate, and protect Presidential archival depositories as a part of the National Archives system; to charge and collect reasonable fees for the privilege of visiting and reviewing any exhibit room or museum space in any Presidential archival depository; to accept bequests of money or other property; and to expend, under the provisions of section 5 of the act of July 9, 1941, as amended, funds paid into the National Archives Trust Fund, for the benefit of the Presidential archival depository in connection with which they were received, including administrative and custodial expenses. Sec. 507 (f) (57 Stat. 381 (1943) 44 U. S. C. 397 (f)).

(15) To make and preserve appropriate motion picture films, still pictures, and sound recordings, pertaining to and illustrative of the United States Government and its activities; and to release for nonprofit educational purposes motion picture films, still pictures, and sound recordings in the National Archives. Sec. 507 (h) (44 U. S. C. 397 (h)).

(17) To furnish authenticated or unauthenticated copies of materials deposited with the National Archives of the United States in a Federal Records Center, or a Presidential archival depository, the use of which is not restricted. Secs. 509 (c), 511 (c) (44 U. S. C. 399 (c), 401 (c) (2), (e); 5 U. S. C. 140).

2. *Other applicable statutes, regulations, and Executive orders:* a. *Presidential libraries.* (1) To exercise, in accordance with the provisions of the Joint Resolution, approved August 12, 1955, the authority to acquire historical material for the United States archival depositories of a President or former President of the United States, to remove such material temporarily and dispose of duplicates and any other material having no permanent value or historical interest, to collect admission fees, sell publications and disburse funds. (Pub. Law 373, 84th Cong.; 69 Stat. 695 (1955)).

b. *National Archives Trust Fund Board.* (1) To exercise any authority vested in the Administrator relating to the execution of certified vouchers or the sale of publications under section 5 of the National Archives Trust Fund Board Act, approved July 9, 1941, as amended. (55 Stat. 581 (1941) 44 U. S. C. 300ee.)

c. *Records Disposal Acts.* (2) To exercise, in accordance with the provisions of sections 7 and 8 of the aforesaid act, the authority to empower the head of an agency to dispose of records. (44 U. S. C. 371.)

d. *Federal Register Act.* (1) To exercise, in accordance with the provisions of the Federal Register Act, as amended, and the regulations of the Administrative Committee of the Federal Register, any authority of the Administrator relating to the custody, filing for public inspection, and publication of documents in the FEDERAL REGISTER and publication of the U. S. Government Organization Manual and the Code of Federal Regulations. (49 Stat. 500 (1935), 44 U. S. C. 301–313.)

e. *Acts of Congress.* (1) To exercise any authority of the Administrator relating to the receipt, custody and publication of the acts of Congress. (1 U. S. C. 106a, 112; 44 U. S. C. 191a, 192, 197.)

f. *Amendments to the Constitution.* (1) To exercise any authority of the Administrator relating to publication, certification, and adoption of amendments to the Constitution of the United States. (65 Stat. 710 (1951), 1 U. S. C. 106b.)

g. *Electoral votes.* (1) To exercise, in accordance with the provisions of the Act of June 25, 1948, as amended, any authority of the Administrator relating to the receipt, custody, filing for public inspection and verification of the Presidential electoral vote of the several States, and any authority of the Administrator relating to receipt, custody, and filing for public inspection of credentials of electors of President or Vice President. (24 Stat. 373 (1887), 3 U. S. C. 6.)

326. *Commissioner, Public Buildings Service.* The Commissioner, Public Buildings Service, is hereby delegated under authority of:

1. *Federal Property and Administrative Services Act of 1949, as amended.*

a. *Section 3.* (2) To determine property surplus. Sec. 3 (g) (40 U. S. C. 472 (g)).

b. *Title I.* (1) To exercise authority relating to conducting tests, making charges, and fixing fees therefor. Sec. 109 (g) (5 U. S. C. 630g (g)).

(1) To procure and supply personal property and nonpersonal services for the use of executive agencies and perform functions related to such procurement and supply; and, upon its request, provide these services to any Federal agency, mixed-ownership corporation, or the District of Columbia. Secs. 201 (a) (3), 201 (b) (40 U. S. C. 481 (a) (3), 481 (b)).

(5) To withdraw surplus property. Sec. 203 (a) (40 U. S. C. 484 (a)).

(11) To authorize abandonment, destruction, or donation of property to public bodies, and to make any determinations and findings incidental thereto. Sec. 202 (h) (40 U. S. C. 483 (h)).

(12) To direct agencies to delay or discontinue the disposal of any item of surplus property and to determine that such action is in the interest of the Government. Sec. 203 (a) (40 U. S. C. 484 (a)).

(13) To dispose of surplus property. Secs. 203 (a) and (c); Secs. 13 (d), 13 (g), and 13 (h) of the Surplus Property Act of 1944, as amended. (40 U. S. C. 484 (a), (c); 50 U. S. C. 1622 (d), (g), and (h).)

(14) To assume custody and accountability of surplus property. Sec. 203 (b) (40 U. S. C. 484 (b)).

(15) To perform, or provide for the performance of, the care and handling of surplus property. Sec. 203 (b) (40 U. S. C. 484 (b)).

(16) To prescribe and utilize appropriate terms and conditions for disposals of surplus property by General Services Administration. Sec. 203 (c) (40 U. S. C. 484 (c)).

(17) To grant interim rights for use and occupancy of surplus property and to disapprove or notify that no objection will be interposed to holding agencies granting such rights. Sec. 203 (c) (40 U. S. C. 484 (c)).

(18) To grant credit and take security in connection with any disposal authorized. Sec. 203 (c) (40 U. S. C. 484 (c)).

(19) To dispose of surplus property by negotiation and to determine that disposal by advertising in a given case will not better protect the public interest. Sec. 203 (e) (40 U. S. C. 484 (e)).

(20) To disapprove, or notify that General Services Administration will interpose no objection to actions proposed to be taken by any agency to enforce compliance; reform, correct, or amend instruments; and grant releases from terms and conditions thereof. Sec. 203 (k) (2) (40 U. S. C. 484 (k) (2)).

(21) To take possession of, utilize, transfer, or dispose of, abandoned and unclaimed property and determine the fair value and the costs of care and handling thereof. Sec. 203 (m) (40 U. S. C. 484 (m)).

(23) To administer and manage leases and permits where disposal has been by lease or permit: *Provided*, That such authority shall not include the authority to enforce, adjust, and settle any claim arising thereunder. Sec. 204 (g) (40 U. S. C. 485 (g)).

(25) To procure the temporary (not in excess of one year) or intermittent services of experts or consultants, or organizations thereof: Provided, that such authority shall not include the authority to procure stenographic reporting services. Sec. 208 (b) (5 U. S. C. 630h (b)).

(28) To approve payment of ground rent for buildings owned by the United States or occupied by Federal agencies, and to approve payment of such rent in advance when required by law or to determine such to be in the public interest. Sec. 210 (a) (3) (40 U. S. C. 490 (a) (3)).

(29) To approve payment of rent and make repairs, alteration, and improvements under any lease entered into by or transferred to General Services Administration for housing any Federal agency exempted by law, as of June 30, 1950, from the 25 percent limitation of the Act of June 30, 1932. Sec. 210 (a) (5) (40 U. S. C. (a) (5)).

(30) To obtain payments through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished on a reimbursable basis to any other Federal agency, or any mixed-ownership corporation, or the District of Columbia. Sec. 210 (a) (6) (40 U. S. C. 490 (a) (6)).

(31) To make changes in, maintain and repair the New York pneumatic tube system. Sec. 210 (a) (7) (40 U. S. C. 490 (a) (7)).

(32) To repair, alter, and improve rented premises without regard to the 25 percent limitation of Section 322 of the Act of June 30, 1932, and to make the determination required in connection therewith. This authority is not redelegable. Sec. 210 (a) (8) (40 U. S. C. 490 (a) (8)).

(33) To furnish utilities and other services to occupants or users of National Industrial Reserve plants and surplus property installations. Sec. 210 (a) (10) (40 U. S. C. 490 (a) (10)).

(35) To acquire by purchase, condemnation, or otherwise, real property or interests therein. Sec. 210 (a) (12) (40 U. S. C. 490 (a) (12)).

(38) At the request of any Federal agency or any mixed-ownership corporation, or the District of Columbia, to acquire lands for buildings and projects authorized by the Congress, make surveys and test borings, prepare plans and specifications, and contract for and supervise the construction and development, and the equipping of such buildings or projects; and determine sums necessary to be transferred to General Services Administration by such agency in advance for such purposes. Sec. 219 (c) (40 U. S. C. 490 (c)).

(39) To make the determinations required by sec. 210 (g) in connection with the moving or supplying of furniture and furnishings to agencies moving between General Services Administration controlled locations. Sec. 210 (g) (40 U. S. C. 490 (g)).

d. *Title III.* Pursuant to section 309 (a) (41 U. S. C. 259 (a)), the Commissioner, Public Buildings Service, is designated as an "agency head" for the purposes of Title III; and, except for the making of delegations or determinations specified in section 302 (a) (41 U. S. C. 252 (a)), the Commissioner may exercise the following authority provided in Title III:

(1) In connection with contracts or purchases in excess of $10,000 negotiated under paragraph (7) or (8) of section 302 (c), to make determinations and give the publicity required by section 302 (b) (41 U. S. C. 252 (b)).

(2) To negotiate purchases and contracts for property and services without advertising and to make any determinations and decisions required in connection therewith. Section 302 (c) (1) through (14) (41 U. S. C. 252 (c) (1) through (14)). In connection with the negotiation of purchases or contracts which should not be publicly disclosed, section 302 (c) (11), and purchases or contracts which are to be negotiated in order to assure standardization of equipment and interchangeability of parts, section 302 (c) (12) the authority to make the determinations and decisions specified in sections 302 (c) (11) and (12) is not redelegable. In connection with the negotiation of purchases or contracts for experimental, developmental, or research work, or for the manufacture or furnishing of property for experimentation, development, research, or test, section 302 (c) (10), the authority to make the determinations or decisions specified in section 302 (c) (10) is redelegable only to a chief officer responsible for procurement and only with respect to contracts which will not require the expenditure of more than $25,000. (41 U. S. C. 302 (c).)

(3) To make purchases and contracts for property and services by advertising. Sec. 302 (c) (41 U. S. C. 252 (c)).

(4) To determine that the rejection of all bids is in the public interest. Sec. 303 (b) (41 U. S. C. 253 (b)).

(5) To determine the type of negotiated contract which will promote the best interests of the Government. Sec. 304 (a) (41 U. S. C. 254 (a)).

(6) To make the determinations required in connection with cost, cost-plus-a-fixed fee, and incentive-type contracts. Sec. 304 (b) (41 U. S. C. 254 (b)).

(7) To approve advance payments and to make the determinations and decisions required in connection therewith. This authority is not redelegable. Sec. 305 (a) (41 U. S. C. 255 (a)).

f. *Title VII.* (1) To approve payments of sums in lieu of taxes. Secs. 703, 704 (40 U. S. C. 523, 524).

2. *Other applicable statutes, regulations, and Executive orders.* a. *Project selection, site acquisition, design and construction.* (3) To acquire sites in accordance with applicable law, including the acceptance of donations. (40 U. S. C. 257, 258a, c, e, 298a, 341, 350, 352, 490 (c); 50 U. S. C. 1151, 1152.)

(4) To authorize the closing and vacating of streets and alleys in the District of Columbia. (40 U. S. C. 341.)

(5) To prepare and approve plans, drawings, designs, specifications, and estimates and to enter into professional service contracts incidental thereto. (40 U. S. C. 128, 267, 268, 298, 341, 342, 350, 350a, 352.)

(6) To construct, extend, remodel, alter, repair, preserve, improve and renovate buildings, and to administer and supervise the performance of such work. (40 U. S. C. 297, 341, 342.)

(8) To contract for the seeding, planting, or landscaping the grounds of any public building in an amount not exceeding $1,800 without regard to section 3709 of the Revised Statutes. (40 U. S. C. 298c.)

(9) To determine whether articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured, or mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, and to determine, as a condition precedent to the purchase of materials of foreign origin is unreasonable, or that the purchase of like materials of domestic origin is inconsistent with the public interest, under the provisions of 41 U. S. C. 10a and Executive Order 10582, dated December 17, 1954, and to make the findings pursuant to 41 U. S. C. 10b. (41 U. S. C. 10a, 10b.)

(10) To make the determinations, enter into purchase contracts and other agreements, and to exercise the other powers and authorities granted in sections 411 and 412 of the Public Buildings Act of 1949, as amended, added by the Public Buildings Purchase Contract Act of 1954, and by the Act approved July 12, 1955. (40 U. S. C. 356, 356a.)

b. *Leasing.* (1) To procure space for GSA and other agencies by lease, administer the same, and to obtain, when appropriate, reimbursement therefor. Sec. 1, Reorganization Plan No. 18 of 1950 (40 U. S. C. 36, 37a, 304c).

(3) To issue permits and licenses, revocable at will, for the use of General Services Administration lands and buildings, and to make the determination that the Government's interest will be subserved thereby.

(4) To authorize deviations in U. S. Standard Form No. 2 (Revised). (40 U. S. C. 487 (a) (4).)

c. *Operation of Buildings.* (1) To assign, reassign, and allot space in leased and Government-owned buildings. Sec. 1, Reorganization Plan No. 18 of 1950 (40 U. S. C. 1, 37a, 42, 285, 304c, 346).

(2) To exercise authority in connection with the operation, maintenance, repair, improvement, and protection of Government-owned and rented buildings. Sec. 2, Reorg. Plan No. 18 of 1950 (40 U. S. C. 19, 285, 343).

(3) To prescribe rules and regulations governing General Services Administration buildings and grounds; utilize facilities and services of State and local law enforcement agencies. (40 U. S. C. 318a, b, c.)

d. *National industrial reserve.* (1) To accept the transfer of, and to utilize, maintain, protect, repair, restore, renovate, lease transfer, or dispose of industrial plants and related personal property in the national industrial reserve as authorized or directed by the Secretary of Defense. (50 U. S. C. 455.)

e. *District of Columbia hospital program.* (1) To exercise the authority contained in Public Law 648, 79th Congress, 60 Stat. 696, approved August 7, 1946, as amended by Public Law 221, 82d Congress, 65 Stat. 657, approved October 25, 1951, to acquire land, construct buildings, make grants to private agencies, and take any and all other and further action in exercise of the powers and in discharge of the duties assigned to the Administrator of General Services pursuant to the aforesaid Public Law 648, as amended, and as modified by said Federal Property and Administrative Services Act of 1949, as amended. (60 Stat. 896, 65 Stat. 657; 40 U. S. C. 471.)

f. *Wildlife conservation transfer orders.* (1) To make determinations as to availability of and to transfer property for wildlife conservation purposes under Public Law 537, 80th Congress, approved May 19, 1948; and to make and have published in the FEDERAL REGISTER an appropriate order whenever any such transfer is made. (62 Stat. 240, 16 U. S. C. 667c.)

g. *Conditional gifts for defense purposes.* (1) To perform the functions vested in the Administrator by Public Law 537, 83d Congress, approved July 27, 1954, as they pertain to real property and related personal property. (68 Stat. 566, 50 U. S. C. 1151, 1152.)

h. *Renegotiation Board regulations.* (1) To determine that a contract has a direct and immediate connection with the national defense pursuant to Renegotiation Board Regulations. This authority is not redelegable. (32 CFR 1453.5 (c).)

i. *First War Powers Act, 1941.* (1) To enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to approve advance progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts, including authority to modify or amend or settle, by agreement, claims under contracts heretofore or hereafter made; to approve advance, progress and other payments upon such contracts and to enter into agreements with contractors or obligors modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds, and to determine that any such action would facilitate the national defense. Title II of the First War Powers Act, 1941, as amended. (55 Stat. 838, 50 U. S. C. App. 611, and Executive Orders 10227 of March 26, 1951, and 10210 of February 2, 1951.)

j. *Transfers of property for highway purposes.* (1) To exercise the authority of the Administrator under the Federal Highway Act to transfer to State Highway Departments property determined to be necessary for highway purposes. (23 U. S. C. 18.)

k. *Transfers under Federal Airport Act.* (1) To transfer property pursuant to section 16 of the Federal Airport Act, and make determinations incident thereto. (49 U. S. C. 1115.)

l. *Transfers for street widening purposes.* (1) To transfer portions of Federal building sites for street widening purposes. (40 U. S. C. 345b.)

m. *Disaster relief.* (1) To exercise the following functions assigned to the Administrator in any major disaster pursuant to Public Law 875, 81st Congress (64 Stat. 1109), as amended, 42 U. S. C. 1855–1855g, and Executive Order 10427, dated January 16, 1953:

(a) The performance on public or private lands of protective and other work essential for the preservation of life and property, clearing debris and wreckage, making emergency repairs to and temporary replacements of public facilities of local governments damaged or destroyed.

327. *Commissioner, Transportation and Public Utilities Service.* The Commissioner, Transportation and Public Utilities Service, is hereby delegated authority under the:

1. *Federal Propery and Administrative Services Act of 1949, as amended.* a. *Title II.* (1) To procure and supply personal property and nonpersonal services, in connection with transportation or related services, for the use of executive agencies (including General Services Administration) and perform functions related to such procurement and supply; and, upon its request, provide these services to any Federal agency, mixed-ownership corporation, or the District of Columbia. Secs. 201 (a) (3) and 201 (b) (40 U. S. C. 481 (a) (3), 481 (b)).

(2) To represent executive agencies (including General Services Administration) in negotiations with carriers and other public utilities involving transportation and other public utilities services for use of such agencies. Sec. 201 (a) (4) (40 U. S. C. 481 (a) (4)).

(3) To procure the temporary (not in excess of one year) or intermittent services of experts or consultants, or organizations thereof: *Provided*, That such authority shall not include the authority to procure stenographic reporting services. Sec. 208 (b) (5 U. S. C. 630h (b)).

b. *Title III.* Pursuant to section 309 (a) (41 U. S. C. 259 (a)), the Commissioner, Transportation and Public Utilities Service, is designated as an "agency head" for the purposes of Title III; and, except for the making of delegations or determinations specified in section 302 (a) (41 U. S. C. 252 (a), the Commissioner may exercise the following authority provided in Title III:

(1) To negotiate purchases and contracts for property and services without advertising, and to make any determinations and decisions required in connection therewith. Secs. 302 (c) (1) through (6), (9), (11), (13), (14) (41 U. S. C. 252 (c) (1) through (6), (9), (11), (13), (14)). In connection with the negotiation of purchases and contracts which should not be publicly disclosed, section 302 (c) (11), the authority to make determinations and decisions specified in section 302 (c) (11) is not redelegable.

(2) To make purchases and contracts for property and services by advertising. Sec. 302 (c) (41 U. S. C. 252 (c)).

(3) To determine that the rejection of all bids is in the public interest. Sec. 303 (b) (41 U. S. C. 253 (b)).

(4) To determine the type of negotiated contract which will promote the best interests of the Government. Sec. 304 (a) (41 U. S. C. 254 (a)).

(5) To make the determinations required in connection with cost, cost-plus-a-fixed-fee, and incentive-type contracts. Sec. 304 (b) (41 U. S. C. 254 (b)).

2. *Other applicable statutes, regulations, and Executive orders.* a. *Strategic and Critical Materials Stockpiling and Defense Production Acts.* (1) To negotiate and execute all contracts for transportation or related services arising under:

(a) The Strategic and Critical Materials Stockpiling Act (60 Stat. 596 (1946), 50 U. S. C. 98) or the Defense Production Act of 1950, as amended.

(b) The supplemental stockpile, pursuant to the Agricultural Trade Development and Assistance Act of 1954, as amended (68 Stat. 454, 7 U. S. C. 1691), Executive Order 10560, dated September 9, 1954, and Delegation of Authority from the Director of the Office of Defense Mobilization, dated November 17, 1954 (DMO V–4, 32A CFR Ch. 1).

(c) The Abaca Production Act of 1950 (64 Stat. 435, 50 U. S. C. 541) and Executive Order 10539 of June 22, 1954, as amended by Executive Order 10552 of August 18, 1954.

(d) The Domestic Tungsten, Asbestos, Fluorspar and Columbium-Tantalum Production and Purchase Act of 1956 (70 Stat. 579, 50 U. S. C. App. 2191–2195), and Delegation of Authority issued pursuant thereto by the Secretary of the Interior, dated July 31, 1956 (21 F. R. 5872).

(e) The agreement between Commodity Credit Corporation and General Services Administration relating to services to be furnished by General Services Administration with respect to strategic materials acquired by Commodity Credit Corporation through barter of surplus agricultural commodities.

3. *General authorities.* c. *Drawback documentation.* (1) Procurement authority delegated hereunder shall include the authority to execute certificates required in support of drawback entries pursuant to Customs Regulations, to endorse export bills of lading, and to execute certificates of exportation. (19 CFR 22.37.)

328. *Regional Commissioners.* The Regional Commissioners are hereby delegated authority under the:

1. *Federal Property and Administrative Services Act of 1949, as amended.* a. *Title II.* (1) To represent executive agencies in proceedings involving carriers and other public utilities before Federal and State regulatory bodies, with respect to transportation and other public utility services for the use of such agencies. Sec. 201 (a) (4).

(2) To consider, ascertain, determine, adjust and settle the following claims:

(a) Claims in connections with abandoned or unclaimed property. Sec. 203 (m).

(b) Claims or adjustments. Sec. 204 (d).

(c) Enforcements, adjustments, or settlements. Sec. 204 (g).

(5) To withdraw surplus General Services Administration personal property. Sec. 202 (b) (2) (40 U. S. C. 483 (b) (2)).

(8) To authorize abandonment, destruction, or donation of General Services Administration personal property to public bodies, and to make any determinations and findings incidental thereto. Sec. 202 (h) (40 U. S. C. 483 (h)).

(9) To approve credit in connection with the disposal of surplus property and the establishment of credit terms and conditions. Sec. 203 (c).

(10) To take possession of, utilize, transfer or dispose of abandoned and unclaimed personal property and determine the fair value and costs of care and handling thereof. Sec. 203 (m) (40 U. S. C. 484 (m)).

(12) To administer and manage any credit, lease or permit, and any security therefor, and to collect all moneys due the Government on account thereof: *Provided,* That such authority shall not apply to any legal action to adjust, enforce, and settle any right of the Government with respect thereto. Sec. 204 (g).

(13) To procure the temporary (not in excess of one year) or intermittent services of experts or consultants, or organizations thereof: *Provided,* That such authority shall not include the authority to procure stenographic reporting services. Sec. 208 (b) (5 U. S. C. 630h (b)).

b. *Title III.* (1) To negotiate contracts without advertising for any service to be rendered by any university, college, or other educational institution. Sec. 302 (c) (5).

2. *Other applicable statutes, regulations, and Executive orders:* c. *Illustrations in field printing.* (1) To make the certifications as to the use of illustrations in the General Services Administration field printing prescribed by the Government Printing and Binding Regulations, published by the Joint Committee on Printing, Congress of the United States: *Provided,* That the additional cost of the illustrations in such printing in any case shall not exceed $500. This authority may not be redelegated.

d. *Legal activities.* (1) To consider, ascertain, determine, adjust and settle the following claims:

(a) Any claim, demand, or request for adjustment in the nature of a claim, other than those described in paragraph 1. a. (2) above, arising out of or incident to any contract, agreement, lease, or permit executed pursuant to competent authority covering the procurement by purchase, construction, or otherwise, or disposal of personal property, real property, and services: *Provided, however,* That this authority shall not impair or affect authority otherwise vested in contracting officers to decide questions of fact under disputes clauses of contracts, or any responsibility vested in the Board of Review.

(b) Any claim under the Federal Tort Claims Act, as amended (60 Stat. 843 (1946), 28 U. S. C. 267), and any claim in tort by General Services Administration on behalf of the Government.

(2) To apply for a court order for delivery of property subject to forfeiture proceedings under Section 304 of the Act of August 27, 1935, as amended. This authority may be redelegated to the Regional Counsel only. (49 Stat. 880, 40 U. S. C. 304i.)

(3) To certify true copies of delegations of authority by the Administrator and redelegations by other General Services Administration officials, and to provide such further certification as may be necessary to effectuate the intent of such delegations and redelegations in form for recording in any jurisdiction, as may be required.

(4) To authenticate and attest copies of records created by General Services Administration, to furnish authenticated copies of such records, and to charge fees therefor.

(5) To determine whether the release of authenticated copies of any records in the custody of the Administrator is legal and not prejudicial to the national interest or security of the United States and to furnish properly authenticated copies of such records in response to subpoenas duces tecum in appropriate cases.

f. *Purchases.* (1) To make purchases of office supplies, equipment, and nonpersonal services, not available from General Services Administration stores stock, or through the use of supply and service contracts executed by the Federal Supply Service.

Effective date. This delegation of authority shall become effective immediately.

FRANKLIN FLOETE,
Administrator.

JULY 24, 1958.

[F. R. Doc. 58-5801; Filed, July 29, 1958; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[21 CFR Ch. II]

(—) 3-HYDROXYMORPHINAN AND OTHER DRUGS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the provisions of the Act of March 8, 1946 (60 Stat. 38; 26 U. S. C. 4731), section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1103), and by virtue of the authority vested in me by the Secretary of the Treasury (12 F. R. 1480), that a determination is proposed to be made that each of the following named new drugs has an addiction-forming or addiction-sustaining liability similar to morphine and is an opiate:

(—) 3-Hydroxymorphinan
2'-Hydroxy-2,5,9-trimethyl - 6,7-benzmorphan
3 - Allyl-1-methyl-4-phenyl - 4 - propionoxypiperidine
Dimethylaminoethyl diphenyl-a-ethoxyacetate

Consideration will be given to any written data, views or arguments, pertaining to the addiction-forming or addiction-sustaining liability of the above-named drugs, which are received by the Commissioner of Narcotics prior to September 2, 1958. Any person desiring to be heard on the addiction-forming or addiction-sustaining liability of the above-named drugs will be accorded the opportunity at a hearing in the office of the Commissioner of Narcotics, 1300 E Street NW., Washington 25, D. C., at 10:00 o'clock a. m., September 2, 1958, provided that such person furnishes written notice of his desire to be heard, to the Commissioner of Narcotics, Washington 25, D. C., not later than 20 days from the publication of this notice in the FEDERAL REGISTER. If no written notice of a desire to be heard shall be received within 20 days from the date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held, but the Commissioner of Narcotics shall proceed to make a recommendation to the Secretary of the Treasury for a finding under section 1 of the act of March 8, 1946.

(60 Stat. 38; 26 U. S. C. 4731)

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.

[F. R. Doc. 58-5812; Filed, July 29, 1958; 8:52 a. m.]

POST OFFICE DEPARTMENT

[39 CFR Part 46]

RURAL PATRONS, AFFIXING OF STAMPS DURING MONTH OF DECEMBER

NOTICE OF PROPOSED RULEMAKING

It is proposed to amend the Department's regulations to require patrons on rural routes to affix stamps to all greeting cards and letter mail during the month of December each year. The amendment to Title 39, Chapter I, Code of Federal Regulations, which follows will achieve the desired purpose.

The proposed change relates to a proprietary function of Government, and is therefor exempt from the rulemaking requirements of 5 U. S. C. 1003. However, the Postmaster General desires to voluntarily observe the requirements in this case so that postal patrons may have an opportunity to present written views concerning the proposed regulation. Consideration will be given the regulation in the light of such comments as may be received. Such written views may be submitted to Mr. P. R. Gallagher, Director, Delivery Services Branch, Bureau of Operations, Post Office Department, Washington 25, D. C., at any time prior to August 30, 1958.

In § 46.4 *Payment of postage,* insert the following as the second sentence of paragraph (a): "During the month of December, however, patrons are required to affix stamps to all greeting cards and letter mail."

NOTE: The corresponding Postal Manual section is 156.41.

(R. S. 161, 396, as amended; sec. 1, 39 Stat. 423; 5 U. S. C. 22, 369, 39 U. S. C. 191)

[SEAL] LEO G. KNOLL,
Acting General Counsel.

[F. R. Doc. 58-5788; Filed, July 29, 1958; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 192]

OIL AND GAS LEASES

PROPOSED RULE MAKING

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by the act of February 25, 1920 (41 Stat. 437; 30 U. S. C., sec. 181, et seq.), as amended and supplemented, it is proposed to amend 43 CFR 192.3, 192.4 and 192.42 hereinafter set forth. The proposed amendment of § 192.3 (a) would include within the accountable acreage limitations the acreage included in applications or offers to lease. The acreage limitations have been construed consistently to apply to lease applications and offers as well as to leases almost since the enactment of the Mineral Leasing Act. (Circular 1036, October 16, 1925, 51 L. D. 239; Circular 1073, June 18, 1926, 51 L. D. 475.)

Interested parties may submit in triplicate written comments and suggestions with respect to the proposed amendments to the Director, Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication hereof in the FEDERAL REGISTER.

Dated: July 24, 1958.

FRED A. SEATON,
Secretary of the Interior.

1. Paragraphs (a) and (c) of § 192.3 are amended to read as follows, and new paragraphs (d) and (e) are added thereto:

§ 192.3 *Acreage limitations.* (a) No person, association, or corporation, except as in the act provided, may hold more than 46,080 acres in any one State, or more than 100,000 acres in the Territory of Alaska, whether directly through the ownership of leases or interests in leases and applications or offers therefor or indirectly as a member of an association or associations, or as a stockholder of a corporation or corporations, holding leases or interests therein and applications or offers therefor. Leases or offers or applications for leases committed to any unit or cooperative plan approved or prescribed by the Secretary of the Interior shall not be included in computing accountable acreage. Leases or offers or applications for leases subject to an operating, drilling, or development contract approved by the Secretary of the Interior pursuant to section 17 (b) of the act, other than communitization agreements, shall be excepted in determining the accountable acreage of the lessees or operators.

* * * * *

(c) No lease will be issued and no transfer or operating agreement will be approved until it has been shown that the offeror, transferee, or operator is entitled to hold the acreage or obtain the operating rights.

(d) At any time upon request by the authorized officer of the Bureau of Land Management, the record title holder of any lease or a lease operator or a lease offeror may be required to file in the appropriate land office duplicate statements under oath, showing (1) the serial number and the date of each lease of which he is the record holder, or under which he holds operating rights, and each application or offer for lease held or filed by him in the particular State or Territory setting forth the acreage covered thereby, and (2) the nature, extent and acreage interests, including royalty interests held by him in any oil and gas lease of which the reporting party is not the lessee of record, whether by corporate stock ownership, interest in unincorporated associations and partnerships, or in any other manner.

(e) (1) If any person holding or controlling only leases or interests in leases is found to hold accountable acreage in violation of the provisions of this section and of the act, the last lease or leases or interest or interests acquired by him which created the excess acreage holding may be cancelled or forfeited or the person holding or controlling such leases or interests may be compelled to dispose of them. The entire lease or interest causing the excess holding will be cancelled or forfeited or required to be disposed of even though only part of the acreage in the lease or interest constitutes excess holding.

(2) If any person holding or controlling leases or interests in leases only, or applications or offers for leases only, or both leases or interest in leases and applications or offers, below the acreage limitation provided in this section, files an application or offer, or a group of applications or offers (filed simultaneously), which causes him to exceed the acreage limitation, the application or offer, or group of applications or offers, causing the excess holding, will be rejected in its entirety.

(3) If any person holding or controlling both leases or interests in leases and applications or offers for leases, or only applications or offers for leases, below the acreage limitation provided in this section, acquires a lease or leases, or interests therein, which cause him to exceed the acreage limitation, his most recently filed application or offer, or applications or offers, then containing acreage in excess of the limitation provided in this section will be rejected in its or their entirety. For the purpose of this subparagraph, time of filing shall be determined by the time of filing marked on the application or offer or, if the same time is marked on two or more applications or offers, by the serial number of the applications or offers.

(4) The provisions of this paragraph shall not limit any action which the Department may take with respect to excess acreage holdings in cases not otherwise covered by this paragraph.

2. Paragraph (a) of § 192.4 is amended to read as follows:

(a) Acreage held under a nonrenewable option, valid only for three years or such longer period as may be authorized by the Secretary, shall not be chargeable under § 192.3, but no optionee may hold options on leases or offers to lease at any one time for more than 200,000 acres in any one State, or in the Territory of Alaska.

3. Paragraph (e) of § 192.4 is amended to read as follows:

(e) Each optionee must file in the appropriate land office within 90 days after June 30 and December 31 of each year duplicate statements under oath, showing as of the prior June 30 and December 31, respectively (1) name of optionee and serial number of lease, application or offer for lease subject to option; (2) date and expiration date of each option; (3) number of acres covered by each option, and (4) aggregate number of options held in each State, and total acreage thereof. Option statements covering lands in the State of California shall be filed in the land office at Sacramento, California, and statements covering lands in Alaska shall be filed in the land office at Anchorage, Alaska.

4. Subparagraph (3) of paragraph (e) of § 192.42 is amended and subdivided to read as follows:

(e) Each offer, when first filed, shall be accompanied by: * * *

(3) (i) Except in a case where an officer of a corporation signs an offer on behalf of the corporation (as to which see paragraph (f) of this section), evidence of the authority of the attorney in fact or agent to sign the offer and lease, if the offer is signed by such attorney or agent on behalf of the offeror.

(ii) If such offeror is an individual, a statement over the offeror's signature setting forth the offeror's citizenship and whether the offeror's direct and indirect interests in oil and gas leases, applications, and offers therefor, exceed 46,080 chargeable acres in the same State, or exceed 100,000 acres in the Territory of Alaska.

(iii) A signed statement by the offeror that he is the sole party in interest in the offer and the lease, if issued; if not he shall set forth the names and the nature and extent of the interest therein

of the other interested parties, the nature of the agreement between them, if oral, and a copy of such agreement, if written. Such statement must be signed by all of the interested parties including the offeror, and all interested parties must furnish evidence of their qualifications to hold such lease interest.

5. Paragraph (g) (1) of § 192.42 is supplemented by adding a new subdivision thereto as follows:

(viii) The offer is required to be rejected pursuant to § 192.3 (e).

[F. R. Doc. 58-5776; Filed, July 29, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO REVISION OF ADMINISTRATIVE RULES AND REGULATIONS

Notice is hereby given that the Secretary is considering the revision of § 984.463 and the addition of a new section, § 984.479, in the administrative rules and regulations (7 CFR 984.401–984.488) pertaining to operating procedures of the Walnut Control Board applicable to walnut handlers pursuant to Marketing Agreement No. 105, as amended, and Order No. 84, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

It is proposed that § 984.463 *Disposition of substandard walnuts* be revised to set forth specific control procedures applicable to the disposal of substandard walnuts by handlers and thereby enable the Walnut Control Board to more effectively carry out its functions.

Proposed new § 984.479 would specify the records to be maintained by handlers pursuant to § 984.79 of the marketing agreement and order.

Consideration will be given to data, views, or arguments pertaining to these proposals which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

Proposed § 984.463 as revised and proposed new § 984.479 are as follows:

§ 984.463 *Disposition of substandard walnuts.* (a) (1) No handler may dispose of substandard walnuts which he holds except:

(i) By crushing them into oil, feeding them to livestock or destroying them; or

(ii) To a crusher approved by the Control Board to receive them for crushing into oil at a location where oil crushing facilities are available, or to a livestock feeder approved by the Control Board to receive them for feeding to livestock at a location where the walnuts are to be fed.

(2) During each marketing year the Control Board shall maintain an approved list of crushers and livestock feeders and of the locations within the area of production to which substandard walnuts may be shipped. The Board may deny approval to any applicant or remove any crusher or feeder from the approved list when such denial or removal is deemed necessary to insure control of substandard walnut disposition.

(3) Applications for approval to crush or feed substandard walnuts should be submitted to the Board annually on a form prescribed by the Board and which includes the location and a description of the crushing or feeding facilities to be used and a certification to the Control Board and the Secretary of Agriculture that the applicant will:

(i) Crush or feed such walnuts at the approved location.

(ii) Use such walnuts for no other purpose than for crushing into oil or livestock feeding.

(iii) Permit such inspection of his premises and of walnuts received and held by him, and such examination of his books and records covering walnut transactions as the Control Board may require.

(iv) Keep written records of his receipts, holdings and use of substandard walnuts available for examination by authorized representatives of the Control Board and the U. S. Department of Agriculture for a period of two years after the end of the marketing year in which the recorded transactions are completed.

(b) Each handler who uses substandard walnuts for oil production or livestock feeding or destroys them shall report the quantity and use of such substandard walnuts on WCB Form No. 20a not later than the 10th day of each month with respect to the substandard walnuts used or destroyed during the preceding month.

(c) Each handler who disposes of substandard walnuts to a crusher or livestock feeder approved by the Control Board, for oil production or livestock feeding, shall upon shipment furnish to the Control Board on a form specified by the Board a report giving the date, name and address of the handler and of the buyer, the quantity of substandard walnuts shipped, the intended use, the location to which shipped, and such other information as the Control Board may require.

§ 984.479 *Books and other records.* (a) Pursuant to § 984.79, each handler shall maintain true and complete records of all shelled and unshelled walnuts or walnut material, by categories, received, held, or disposed of by him. Such records shall include the following:

(1) The name and addresses of the persons from whom received, and the quantities received from each such person.

(2) The names and addresses of the persons to whom disposal is made, and the quantities disposed of to each such person.

(3) The quantities used by a handler for manufacturing, production of oil, and livestock feeding, or in other outlets.

(4) The quantities held on August 1, and January 1 of each marketing year.

(b) The records shall be maintained and in such form as to permit verification of all transactions involved and shall be made available during normal business hours to authorized representatives of the Walnut Control Board or the Secretary of Agriculture.

Dated: July 24, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-5792; Filed, July 29, 1958; 8:48 a. m.]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF BUDGET OF EXPENSES FOR PRUNE ADMINISTRATIVE COMMITTEE FOR 1958–59 CROP YEAR AND FIXING RATE OF ASSESSMENT FOR SUCH CROP YEAR

Notice is hereby given that the Secretary is considering the approval of a budget of expenses for the Prune Administrative Committee for the 1958–59 crop year and the fixing of a rate of assessment for that year, as hereinafter set forth. The amount of the budget and rate of assessment were unanimously recommended by the aforesaid committee in accordance with the provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993; 22 F. R. 8254), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the eighth day after publication of this notice in the FEDERAL REGISTER. In the event that the said eighth day after publication should fall on a legal holiday, Saturday, or Sunday, such submissions must be received by the Director not later than the close of business on the next following business day.

The proposed budget of expenses and rate of assessment are as follows:

§ 993.309 *Budget of expenses of the Prune Administrative Committee and rate of assessment for the 1958–59 crop year*—(a) *Budget of expenses.* Expenses in the amount of $88,660 are reasonable and are likely to be incurred by the Prune Administrative Committee for its maintenance and functioning for the crop year beginning August 1, 1958 and ending July 31, 1959.

(b) *Rate of assessment.* Each handler shall pay to the Prune Administrative

Committee, in accordance with the provisions of § 993.50 (e), an assessment of 65 cents for each ton of dried prunes received by him as the first handler thereof during the crop year beginning August 1, 1958 and ending July 31, 1959, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 25, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-5824; Filed, July 29, 1958; 8:55 a. m.]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO SPECIAL REGULATION OF PRUNES FOR 1958–59 CROP YEAR

Notice is hereby given that the Secretary is considering the making of a finding and determination that the estimated season average price for prunes for the crop year which begins August 1, 1958, would be in excess of the price level contemplated by the provisions of section 2 (1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), if the below-parity regulatory provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993; 22 F. R. 8254), regulating the handling of dried prunes produced in California, effective under the act, were made operative for the 1958–59 crop year.

In conjunction with the proposed finding and determination, it is intended that the Secretary will order that the provisions of paragraphs (b), (c), (d), (e) and (f) of § 993.50 of said marketing agreement and order shall apply to all handling of prunes, and that pack regulations (7 CFR 993.501–993.518; 23 F. R. 3373) be suspended, during the remaining portion of the 1958–59 crop year beginning with the effective time of this proposed regulation. The invoking of such provisions would tend to effectuate the declared policy of the act for such crop year and would be in accordance with the authorization contained in § 993.50 (a).

In its meeting of June 17, 1958, the Prune Administrative Committee (established pursuant to the marketing agreement and order) considered data relevant to the formulation of a marketing policy for the 1958–59 crop year and unanimously recommended that the provisions of § 993.50 be made effective for that year. The 1958 production of prunes is indicated to be much below average. Moreover, it is definitely indicated that the total available supply of prunes in 1958–59 will be considerably less than the normal requirements for domestic and export markets and for carryout. The prospective supply and demand situation indicates that the estimated season average price to producers for prunes for 1958–59 would exceed parity if the handling of prunes were regulated pursuant to the below-parity regulatory provisions of this marketing program. However, the act authorizes no action which has for its purpose the maintenance of prices to farmers above parity.

Salable and surplus percentages of 90 and 10 percent, respectively, were established (22 F. R. 6645) for the 1957–58 crop year which ends July 31, 1958. The last sentence of § 993.59 (a) (1) provides that the salable and surplus percentages fixed for any crop year shall remain in full force and effect throughout the remainder of that crop year and during the following crop year until such percentages are fixed for the following crop year. However, it is proposed that there be no volume percentages established for the 1958–59 crop year. Therefore, if the provisions of § 993.50 are made effective after July 31, 1958, it is proposed to terminate the applicability of the volume percentages established in the 1957–58 crop year to handlers' acquisitions of prunes in the 1958–59 crop year and to order that any and all surplus tonnage prunes held by handlers and referable to their acquisitions of prunes during the crop year which begins on August 1, 1958, shall, as soon as practicable after the effective time of the proposed special regulation of prunes, be released to the respective handlers for disposition in accordance with the provisions of § 993.50 (c).

Consideration will be given to any data, views, or arguments pertaining to this notice which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the eighth day after publication of this notice in the FEDERAL REGISTER. In the event that the eighth day after publication should fall on a legal holiday, Saturday, or Sunday, such submissions must be received by the Director not later than the close of business on the next following business day.

Dated: July 25, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-5823; Filed, July 29, 1958; 8:54 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 17]

BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF PROPOSAL TO AMEND DEFINITION AND STANDARD OF IDENTITY FOR BREAD TO ADD WHEAT GLUTEN TO THE LIST OF OPTIONAL INGREDIENTS

Notice is hereby given that Hercules Powder Company, Wilmington, Delaware, has filed a petition proposing that the definition and standard of identity for bread be amended to provide for adding wheat gluten, meeting specified functional tests, as an optional ingredient. The petition sets out that the purpose to be served by the added wheat gluten is to make a stronger dough with improved gas-retaining properties capable of yielding better finished baked products; for example, hamburger buns with a stronger hinge, which do not break easily when opened.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U. S. C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F. R. 1045), all interested persons are hereby invited to present their views in writing regarding the proposal published below. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The petitioner proposes that paragraph (a) of the definition and standard of identity for bread (21 CFR 17.1) be amended by adding thereto a new subparagraph, as follows:

(15) Wheat gluten derived from wheat flour from which starch has been removed by washing with water until the gluten contains not less than 75 percent protein on a moisture-free basis (not less than 13.16 percent nitrogen using the factor 5.7); provided that the gluten is not denatured during drying as determined by the test hereinafter set forth; and provided further that the term "wheat flour" shall mean the food whose standard of identity is prescribed by § 15.1 of this chapter, except that the percent of ash therein, calculated to a moisture-free basis, is not more than 2.3. To determine whether the wheat gluten is denatured use a laboratory sigma mixer of 1 pint capacity (Carl Heinrich Company, Boston, Massachusetts). Place 100 cubic centimeters of water at 25° C. in the mixer and start the mixer. Add 30 grams of wheat gluten gradually so as to aid dispersion. Time of addition is noted and the sample observed continuously until such time as the approach of dough formation is marked by a visual change in consistency of the slurry. When the gluten begins to agglomerate and separate from the water, the mixer is stopped. If the resulting pieces of agglomerated gluten can be combined into one large dough mass showing the homogeneity, elasticity, and film-forming properties of an undenatured gluten, the dough-forming point has been reached. If not, mixing is resumed until the material does show the above properties. The mixing time required for the formation of the dough is noted. If a sample of gluten forms a dough within 60 minutes the gluten has not been denatured during drying. If the gluten does not form a dough after mixing for 1

hour under the above-controlled conditions the gluten is deemed to have been denatured during drying.

Dated: July 23, 1958.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 58-5790; Filed, July 29, 1958; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NORTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 22, 1958.

The United States Army Corps of Engineers has filed an application, Serial No. M-021926 (ND) for the withdrawal of the lands described below, from all forms of appropriation including the mining but not the mineral leasing laws. The applicant desires the land for use in connection with the Garrison Dam and Reservoir Project as provided for by the Flood Control Act of December 22, 1944 (58 Stat. 887, 897).

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FIFTH PRINCIPAL MERIDIAN

T. 152 N., R. 103 W.,
Sec. 3: Lots 13, 14;
Sec. 9: Lot 5;
Sec. 10: Lots 1, 3, 5;
Sec. 14: Lot 2.
T. 153 N., R. 100 W.,
Sec. 6: Lot 4 and unsurveyed accretion thereto.
T. 153 N., R. 101 W.,
Sec. 6: That portion of Lot 9 lying southerly of the Great Northern Railway right-of-way;
Sec. 7: Lot 2;
Sec. 19: Lots 4, 5, 8 and unsurveyed accretions thereto.
T. 153 N., R. 102 W.,
Sec. 20:
Lot 2,
Lot 3, less Great Northern Railway right-of-way;
Sec. 22: Lots 2, 3;
Sec. 25:
Lot 7,
Lot 8 and unsurveyed accretion thereto;
Sec. 26: Lots 7, 8;
Sec. 29: Lot 3;
Sec. 34: Lot 7.
T. 154 N., R. 100 W.,
Sec. 31:
Lot 2,
Lot 3,
Lot 4 and unsurveyed accretion thereto.
T. 154 N., R. 101 W.,
Sec. 25: Lots 5, 8;
Sec. 29: That portion of the SW¼SE¼ lying southerly of the Great Northern Railway right-of-way;
Sec. 33: Lots 1, 2, 3, 4;
Sec. 34: Lots 1, 2, 3;
Sec. 35: Lots 3, 4, 5.

Total—approximately 939.96 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 58-5778; Filed, July 29, 1958; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED TRANSFER OF JURISDICTION

JULY 23, 1958.

Notice is hereby given that the Office of Territories, Department of Interior, has made application, Anchorage 043764, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the following described lands for a public works project AAA 50-A-315, Unit 2, for construction of the Tustumena School, near the Town of Kasilof, Alaska;

T. 3 N., R. 11 W., S. M.,
Sec. 31, SW¼SE¼NW¼;
Containing 10 acres more or less.

The purpose of this notice is to give persons having bona fide objection to the transfer, the opportunity to file with the Manager of the Anchorage Land Office, Alaska, a protest within thirty days from the date of the notice, together with evidence that a copy of the protest has been served on the District Director, Office of Territories, Juneau, Alaska.

IRVING W. ANDERSON,
Manager.

[F. R. Doc. 58-5779; Filed, July 29, 1958; 8:46 a. m]

ARKANSAS

NOTICE OF PROPOSED WITHDRAWAL

JULY 24, 1958.

The Department of the Army, Corps of Engineers, has filed an application for the withdrawal from all forms of appropriation under public land laws, including the United States Mining and Mineral Leasing Laws, subject to valid existing rights, the lands hereafter described.

The land is required for use in conjunction with the construction, operation and maintenance of the Dardanelle Lock and Dam Project, Arkansas, and will be subject to inundation by the Dardanelle Lock and Dam Project.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

FIFTH PRINCIPAL MERIDIAN, ARKANSAS

T. 8 N., R. 23 W.,
Sec. 27, E½SE¼SW¼.

The area described contains 20 acres.

H. K. SCHOLL,
Manager.

[F. R. Doc. 58-5780; Filed, July 29, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

CHAIRMAN, ALASKA ASC COMMITTEE

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN COMMODITY CREDIT CORPORATION ACTIVITIES

In order to provide for the execution of certain documents in connection with Commodity Credit Corporation transactions in the Territory of Alaska, a delegation of authority is provided below, pursuant to authority vested in me by the bylaws of Commodity Credit Corporation.

The authority herein delegated shall be exercised in conformity with the bylaws, regulations, and programs of Commodity Credit Corporation, and the policies adopted by the Board of Directors of the Corporation.

Definitions. The term "CCC" shall mean Commodity Credit Corporation.

The term "ASC" shall mean Agricultural Stabilization and Conservation.

The term "committee member" shall mean any member of an ASC county committee within the Territory of Alaska.

Delegation. The Chairman, Alaska ASC Committee or, upon written designation by him, any county committee member may sign or countersign CCC sight drafts properly issued pursuant to any ASC-administered program in which the use of CCC sight drafts is prescribed.

Issued this 17th day of July 1958.

[SEAL] CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 58-5793; Filed, July 29, 1958; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

A. KIRSTEN AND SARTORI AND BERGER

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 7822-1, between A. Kirsten and Sartori and Berger, modifies approved joint service Agreement No. 7822, covering the establishment and maintenance of a joint cargo service in the trade between Great Lakes ports of the United States and Canada, the St. Lawrence River, Nova Scotia, New Brunswick and Newfoundland, on the one hand, and Continental ports of Europe within the Bordeaux/Hamburg Range and the port of London. The purpose of the modification is to provide that notice required to cancel the agreement on November 1st of any year shall be given by September 1st of that year instead of by July 1st as presently provided.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 25, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5813; Filed, July 29, 1958; 8:52 a. m.]

CITY OF OAKLAND, CALIFORNIA AND HOWARD TERMINAL

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8085-C, between the City of Oakland, California, and Howard Terminal, provides for the cancellation of approved Agreement No. 8085, as amended and extended by Agreements Nos. 8085-A and 8085-A-1, covering the lease by the City of Oakland of its Grove Street Pier, Market Street Pier and certain area adjacent thereto, the lease of which is now covered by Agreement No. 8305, approved May 26, 1958.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 25, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5814; Filed, July 29, 1958; 8:52 a. m.]

ASSOCIATED-BANNING CO. ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 7576-2, between Associated-Banning Company, Indies Terminal Company, Marine Terminals Corporation (of Los Angeles), et al., modifies the basic agreement of the Master Contracting Stevedores Association of Southern California, No. 7576, the objects and purposes of which are to promote fair and honorable business practices among the parties thereto in the performance of car loading, car unloading and accessorial services in connection therewith at docks and terminals at Southern California ports. The purpose of the modification is (1) to change the present name of the Association to "Southern California Carloading Tariff Bureau," and (2) to substitute "Federal Maritime Board" for "U. S. Maritime Commission" or "Maritime Commission", wherever such latter designations appear in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 25, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5815; Filed, July 29, 1958; 8:53 a. m.]

AMERICAN MAIL LINE LTD., AND AMERICAN PRESIDENT LINES, LTD.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8318, between American Mail Line Ltd., and American President Lines, Ltd., provides for the appointment of American President as agent of American Mail for the performance of services in connection with the business of the principal in the midwestern part of the United States as set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 25, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5816; Filed, July 29, 1958; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2114]

PUBLIC UTILITY DISTRICT NO. 2 OF GRANT COUNTY, WASHINGTON

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

JULY 23, 1958.

Public notice is hereby given that Public Utility District No. 2 of Grant County, Washington, of Ephrata, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license for water-power Project No. 2114, located on the Columbia River in Chelan, Douglas, Kittitas, Grant, Yakima, and Benton Counties, Washington, to include therein two 230-kilovolt, three-phase, single-circuit, steel-tower transmission lines, designated as Priest Rapids-Midway 230 kv Lines Nos. 1 and 2, and extending closely parallel to each other in an easterly direction from Priest Rapids Powerhouse of Project No. 2114 to a point about one mile north of the existing Midway Substation of the Bonneville Power Administration, thence by separate routes across the Columbia River to Midway Substation. The total length of No. 1 line is approximately 7.0 miles and that of No. 2 line is about 7.5 miles. The transmission lines are to be located in Grant and Benton Counties, Washington.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is August 27, 1958. The application is on file with the Commission for inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5782; Filed, July 29, 1958; 8:46 a. m.]

[Docket No. IT-5762]

EL PASO ELECTRIC CO.

NOTICE OF APPLICATION

JULY 23, 1958.

Take notice that El Paso Electric Company (Company), incorporated under the laws of the State of Texas, with its principal place of business at El Paso, Texas, on July 14, 1958, filed an application for authorization, pursuant to section 202 (e) of the Federal Power Act, to increase the amount and rate of electric energy which the Company may transmit from the United States to Mexico.

By order issued August 31, 1949, in the above docket, the Company was authorized to transmit electric energy from the United States to Mexico in an amount not to exceed 30,000,000 kilowatt-hours per year at a rate not to exceed 7,500 kilowatts over facilities covered by a Presidential Permit to the Company, signed by the President of the United States on May 21, 1946, in the above docket, for sale to Compania Mexicana Productora de Luz y Fuerza, S. A. (Mexican Co.) for use and resale in Juarez, Mexico, and vicinity. Upon expiration of the Company's contract with Mexican Co., the aforementioned order was modified, by order issued May 23, 1951, in the above docket, to the extent and only to the extent of authorizing the Company to transmit electric energy from the United States to Mexico for sale to Comision Federal de Electricidad, an agency of the Republic of Mexico, in place of Mexican Co. The Company now seeks to increase to 158,000,000 kwh the maximum amount and to 30,000 kva the maximum rate of electric energy which may be exported annually to Comision Federal de Electricidad, Division Norte, over the Company's existing facilities specified in the aforementioned Permit and over certain proposed facilities for which the Company, in its above-mentioned application, seeks an amendment of said Permit.

Information on file with the Commission indicates that the Company's present authorization to export electric energy is inadequate to supply the needs of Comision Federal de Electricidad, Division Norte.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 14, 1958, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5783; Filed, July 29, 1958; 8:46 a. m.]

[Docket No. G-14740]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 24, 1958.

Take notice that on March 24, 1958, as supplemented on June 30, 1958, Southern Natural Gas Company (Applicant) filed in Docket No. G-14740 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to serve natural gas from Applicant's Vicksburg lateral pipeline on an interruptible basis to Mississippi Valley Portland Cement Company (Cement Company) for use in a new plant presently being constructed near Redwood, Mississippi, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities consist of approximately 4.5 miles of 6⅝-inch loop pipeline on Applicant's Vicksburg lateral from a point some 2.85 miles south of its Onward compressor station in a southerly direction to the northern terminus of the proposed loop line which is the subject of an application in Docket No. G-14587. Also proposed is a tap and meter station at milepost 17.95 on Applicant's existing Vicksburg lateral, south of the Yazoo River crossing, for service to the cement plant.

The total estimated cost of the proposed facilities is $154,640, which will be defrayed by Applicant from funds on hand.

Cement Company will construct its own 3.5 mile service line from the proposed meter station to the new cement plant. The estimated daily fuel requirement of Cement Company is 3,500 Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 18, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and Procedure (18 CFR 1.8 or 1.10) on or before August 14, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5787; Filed, July 29, 1958; 8:47 a. m.]

[Docket No. G-15505]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 23, 1958.

Magnolia Petroleum Company (Magnolia) on June 24, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchaser: Shell Oil Company.
Rate schedule designation: Supplement No. 4 to Magnolia's FPC Gas Rate Schedule No. 146. Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 149. Supplement No. 3 to Magnolia's FPC Gas Rate Schedule No. 151.
Effective date: July 25, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation increase Magnolia states that: The sales are installment sales, the contracts resulted from arm's length bargaining, long-term contracts would not have been entered into had Magnolia not been contractually assured that the price adjustments would be included as a part of the sale price, the sale is of a commodity rather than a service such as rendered by a pipe line company, the prices were determined under a "supply and demand" formula, the proposed prices do not exceed the current market prices in the area where produced and the increases are necessary because of increasing costs. Shell resells the gas to Texas Eastern Transmission Corporation under a rate now in effect subject to refund.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 4 to Magnolia's FPC Gas Rate Schedule No. 146; Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 149, and Supplement No. 3 to Magnolia's FPC Gas Rate Schedule No. 151, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 4 to Magnolia's FPC Gas Rate Schedule No. 146; Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 149, and Supplement No. 3 to Magnolia's FPC Gas Rate Schedule No. 151.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until July 26, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5785; Filed, July 29, 1958; 8:47 a. m.]

[Docket No. G-15506]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 23, 1958.

Pan American Petroleum Corporation (Pan American) on June 27, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Comission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 23, 1958.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 13 to Pan American's FPC Gas Rate Schedule No. 58. Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 59. Supplement No. 14 to Pan American's FPC Gas Rate Schedule No. 63. Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 66. Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 86.
Effective date: July 28, 1958 (effective date is the first day after expiration of the required thirty days' notice).

Pan American submits copies of letters from Texas Eastern (executed by both parties) in which it is agreed that the redetermined rate for the five-year period commencing February 5, 1958 is 13.8733 cents per Mcf. (The redetermined rate is the average of the three highest prices paid by three different transporters for substantially similar volumes of similar gas produced in a portion of Texas Railroad Commission District No. 2.) In support of the proposed increases Pan American states that the price is a matter of contractual obligation arising from a contract resulting from arm's length negotiation in a competitive market, it would be inequitable and confiscatory for the Commission not to approve the increases as fair and reasonable, lack of approval would deprive Pan American of property without due process, the appropriate regulatory standard for judging the justness and reasonableness of an independent producer price is the current market price and recently negotiated contracts in the area having higher average base prices.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 13 to Pan American's FPC Gas Rate Schedule No 58; Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 59; Supplement No. 14 to Pan American's FPC Gas Rate Schedule No. 63; Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 66, and Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 86 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges, contained in Supplement No. 13 to Pan American's FPC Gas Rate Schedule No. 58; Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 59; Supplement No. 14 to Pan American's FPC Gas Rate Schedule No. 63; Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 66, and Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 86.

(B) Pending such hearing and decision thereon, said supplements be and they are hereby each suspended and the use thereof deferred until December 28, 1958, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE *Secretary.*

[F. R. Doc. 58-5784; Filed, July 29, 1958; 8:47 a. m.]

[Docket No. G-15507]

PAN AMERICAN PETROLEUM CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 23, 1958.

Pan American Petroleum Corporation (Operator) et al. (Pan American), on June 27, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge is contained in the following designated filing:

Description: Notice of Change, dated June 23, 1958.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 15 to Pan American's FPC Gas Rate Schedule No. 87.
Effective date: July 28, 1958 (effective date is the first day after expiration of the required thirty days' notice).

Pan American submits copies of letters from Texas Eastern (executed by both parties) in which it is agreed that the redetermined rate for the five-year period commencing February 5, 1958 is 13.8733 cents per Mcf. (The redetermined rate is the average of the three highest prices paid by three different transporters for substantially similar volumes of similar gas produced in a portion of Texas Railroad Commission District No. 2.) In support of the proposed increase Pan American states that the price is a matter of contractual obligation arising from a contract resulting from arm's length negotiation in a competitive market, it would be inequitable and confiscatory for the Commission not to approve the increase as fair and reasonable, lack of approval would deprive Pan American of property without due process, the appropriate regulatory standard for judging the justness and reasonableness of an independent producer price is the current market price and recently negotiated contracts in the area having higher average base prices.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 15 to Pan American's FPC Gas Rate Schedule No. 87 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 15 to Pan American's FPC Gas Rate Schedule No. 87.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 28, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule nor supplement hereby suspended shall be changed until this proceeding has been disposed or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5786; Filed, July 29, 1958; 8:47 a. m.]

[Docket No. G-15508]

MIDSTATES OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 24, 1958.

Midstates Oil Corporation (Midstates) on June 25, 1958, tendered for filing a proposed change in the rate schedule covering the sale of its natural gas subject to the jurisdiction of the Commission. The proposed change is contained in the following designated filings:

Description:
(1) Instrument of Ratification and Adoption, dated June 6, 1956.
(2) Contract, dated July 16, 1956.
(3) Letter, dated July 16, 1956.
(4) Letter, dated July 24, 1957.

Buyer: Texas Eastern Transmission Corporation.

Rate schedule designation:
(1) Midstate's FPC Gas Rate Schedule No. 64.
(2) Supplement No. 1 to Midstate's FPC Gas Rate Schedule No. 64.
(3) Supplement No. 2 to Midstate's FPC Gas Rate Schedule No. 64.
(4) Supplement No. 3 to Midstate's FPC Gas Rate Schedule No. 64.

Effective date: August 1, 1958 (effective date is the date proposed by Midstates).

Midstates submitted, as an initial rate schedule, the ratification and adoption of the contract comprising Bert Fields et al., FPC Gas Rate Schedule No. 9 covering the sale of gas from the Williams Unit No. 1, Waskom Field, Harrison County, Texas, to Texas Eastern Transmission Corporation. The latter rate schedule is involved in a suspension proceeding in Docket No. G-13404. Heretofore, Midstates' gas produced from the Williams Unit has been sold for Midstates' account by Fields under Fields' Rate Schedule No. 9, pursuant to the terms and provisions of an operating agreement between the two parties.

Accompanying the ratification was a sample billing statement for the first month (August 1958) on sales by Midstates for its own account, reflecting a price of 14.4 cents per Mcf at 14.65 psia. This is the same rate that is effective subject to refund in Docket No. G-13403. The effective price under Fields' Rate Schedule No. 9 prior to the favored-nation increase to 14.4 cents per Mcf was 13.44896 cents per Mcf.

The changed schedule so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Midstates Oil Corporation's FPC Gas Rate Schedule No. 64 and Supplement Nos. 1, 2 and 3 thereto be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rate and charge contained in Midstates Oil Corporation's FPC Gas Rate Schedule No. 64 and Supplement Nos. 1, 2, and 3 thereto.

(B) Pending such hearing and decision thereon, said rate schedule and the supplements thereto be and they are each hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) The rate schedule and the supplements thereto hereby suspended shall not be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5807; Filed, July 29, 1958; 8:51 a. m.]

[Docket No. G-15525]

B. B. ORR

ORDER ACCEPTING FOR FILING CERTAIN RATE SCHEDULES, SUBJECT TO CERTAIN SPECIFIED CONDITIONS, AND PROVIDING FOR HEARING

JULY 23, 1958.

B. B. Orr (Orr), on May 5, 1958, filed certificate applications in Docket Nos. G-15048 and G-15049 covering proposed sales of gas from two wells located in the Smith Lindsey Unit, Waskom Field, Harrison County, Texas, to Mississippi River Fuel Corporation (Mississippi River). In support of his application in Docket No. G-15049, Orr submitted the gas sales contract theretofore filed as Bayview Oil Corporation (Operator), et al.'s FPC Gas Rate Schedule No. 7, the basic contract having been executed April 23, 1951, and sales thereunder to Mississippi River having commenced October 26, 1951. The contract dedicates gas produced from certain leased acreage in Waskom Field. By the Commission's letter of May 26, 1958, Orr was notified that his filing of the Bayview contract was rejected as incomplete on his own behalf. On June 10, 1958, Orr resubmitted the contract of April 23, 1951, and amendments thereto for filing as his FPC Gas Rate Schedule No. 3, and Supplements Nos. 1 through 4; and on June 23, 1958, Orr purported to complete such rate filing by submitting the related assignments, Supplements Nos. 5 through 7, by which he acquired [1] the lease interests of certain of the acreage dedicated to the basic contract, and from which acreage Orr proposes to sell gas to Mississippi River.

In response to Orr's request for temporary authorization to commence the two proposed sales in both Docket Nos. G-15048 and G-15049, the Commission's letter of May 26, 1958, authorized the sales in the former docket. The letter of May 26, 1958, on the other hand, did not grant the requested temporary authorization in Docket No. G-15049, because, as stated above, the related rate filing was incomplete. Following Orr's submittal on June 10, 1958, of the 1951 Bayview contract as his Rate Schedule No. 3, as aforesaid, the Commission, by letter on June 17, 1958, granted Orr temporary authorization to make sales under the Bayview contract as assigned in part to him; subject, however, to the conditions of the hearing and refund orders and the orders making rate changes effective, subject to refund, in Docket Nos. G-9417 and G-13421, involving Supplements Nos. 4 and 6 to Bayview's said Rate Schedule No. 7. The temporary authorization was also conditioned upon the submittal by Orr of a complete rate schedule for the proposed sales, and thereafter Orr submitted the three assignments as aforesaid.

The 1951 Bayview contract provides for a June 7, 1954 rate of 13.0 cents per Mcf (plus ¼ cent per Mcf for dehydration and an amount for partial reimbursement of the Texas Occupation Tax) and a schedule of periodic escalations of ½ cent per Mcf. The escalations to 13.5 and 14.0 cents contractually due October 26, 1955, and October 26, 1957, as filed by Bayview as proposed changes in rates, were made subject to hearing, suspended, and thereafter made effective subject to refund by orders issued in Docket Nos. G-9417 and G-13421, respectively. Thus, under Bayview's Rate Schedule No. 7, the presently effective rate, subject to refund, is 14 cents per Mcf commencing March 26, 1958.

In submitting his Rate Schedule No. 3 Orr included a billing statement indicating that the escalated rate of 14 cents per Mcf (plus the aforesaid dehydration and tax adjustments) would be applied upon commencement of sales by him. However, the 14 cents per Mcf rate is subject to the rate conditions contained in the certificate authorization, as aforementioned.

We will, therefore, permit Orr's FPC Gas Rate Schedule No. 3 and Supplements Nos. 1 through 7 to become effective upon commencement of deliveries by Orr subject to hearing and refund as provided herein.

The increased rate and charge of 14 cents per Mcf plus the afore-mentioned adjustments has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Assignments dated April 12, 1954, November 29, 1954, and March 3, 1955.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes in rates and charges contained in Orr's FPC Gase Rate Schedule No. 3 and Supplements Nos. 1 through 7 thereto.

The Commission orders:

(A) Orr's FPC Gas Rate Schedule No. 3 and Supplements Nos. 1-7, are hereby accepted for filing, effective as of the date of initial delivery thereunder by Orr, subject to the conditions imposed by paragraphs (B) through (H) herein.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, and 15 thereof, the Commission's rules of practice and procedure, and the regulations thereunder (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge of 14 cents per Mcf (plus the aforementioned adjustments) contained in Orr's FPC Gas Rate Schedule No. 3 and Supplements Nos. 1 through 7 thereto.

(C) Upon execution by Orr of a surety bond described in paragraph (G) below and acceptance thereof, evidenced by a letter addressed to Orr by the Secretary, the 14 cents per Mcf (plus the aforementioned adjustments) rate, charge and classification set forth in Orr's FPC Gas Rate Schedule No. 3 and Supplements Nos. 1 through 7 thereto, shall be effective upon commencement of delivery pursuant to temporary authority granted in Docket No. G-15049, as aforesaid.

(D) Nothing contained herein shall be construed as a waiver of the requirements of section 7 of the Natural Gas Act, or of section 157 of the Commission's rules and regulations thereunder, requiring applications for certificates of public convenience and necessity; and this order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against either B. B. Orr, or Bayview Oil Corporation.

(E) Orr shall refund to those entitled thereto the portion of the increased rates and charges hereby made effective found by the Commission in this proceeding not justified, with interest at the rate of six percent per annum from the date of payment to Orr until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges, for each billing period, specifying by whom and in whose behalf such amounts were paid, and shall report (original and four copies), in writing and under oath, to the Commission monthly, or quarterly if Orr so elects and so notifies the Commission within 30 days from the issuance of this order, for each billing period and for each purchaser the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate of 13 cents per Mcf (plus ¼ cent for dehydration and an amount for partial reimbursement of the Texas Occupation Tax) and under the rates allowed by this order to become effective, together with the difference in the revenues so computed.

(F) As a condition of this order, within 15 days from the date of issuance thereof, Orr shall execute and file with the Secretary of this Commission a surety bond in the amount and conditioned as set out in paragraph (G) hereof, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved.

(G) By said surety bond, Orr, his surety, and his heirs, executors, administrators, and assigns, jointly and severally, shall be held and firmly bound unto the Federal Power Commission for the use and benefit of those entitled thereto in the sum of $900, and said bond shall contain the following provisions:

The condition of this obligation is such that:

Whereas, B. B. Orr (herein called Orr), on June 10, 1958, filed with the Federal Power Commission (herein called the Commission) his FPC Gas Rate Schedule No. 3 and Supplements Nos. 1 through 7 thereto, proposing to increase rates and charges over which the Commission has exercised jurisdiction; and

Whereas, by order issued July 23, 1958, the Commission ordered a hearing to be held concerning the lawfulness of the proposed rates, charges, and classifications, subject to the Commission's jurisdiction, as therein set forth; and

Whereas, the Commission, on July 23, 1958, issued its order making the rates, charges, and classifications set forth in Orr's FPC Gas Rate Schedule No. 3 and Supplements Nos. 1 through 7 thereto, effective upon commencement of deliveries thereunder, subject to Orr's furnishing a bond in the sum of $900 satisfactory to the Commission, and required that Orr refund any portion of the increased rates and charges made effective upon commencement of deliveries thereunder, found by the Commission in Docket No. G-15525 not justified;

Now, therefore, if Orr, his surety, and his heirs, executors, administrators, and assigns, in conformity with the terms and conditions of the order issued July 23, 1958, by the Federal Power Commission, In the Matter of B. B. Orr, Docket No. G-15525, shall:

(1) Well and truly repay at such times and in such amounts, to the persons entitled thereto, and in such manner as may be required by the final order of the Commission in said proceeding, subject to court review thereof, any portion of such rates and charges collected by Orr after commencement of deliveries, as such final order may find not justified, together with interest thereon at the rate of six (6) percent per annum from the date of payment thereof to Orr until refunded; and

(2) Comply otherwise with the terms and conditions of said order issued

, and with the provisions of the Natural Gas Act relating thereto, then this obligation shall be terminated, otherwise to remain in full force and effect.

(H) If Orr, in conformity with the terms and conditions of paragraph (E) of this order, make the refunds as may be required by order of the Commission, the bond shall be discharged, otherwise it shall remain in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5806; Filed, July 29, 1958; 8:51 a. m.]

[Docket No. G-15526]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 24, 1958.

Magnolia Petroleum Company (Magnolia), on June 24, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchaser: Hassle Hunt Trust.
Rate schedule designation: Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 150. Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 152.
Effective date: July 25, 1958 (effective date is the first day after expiration of the required thirty days notice).

In support of the proposed periodic increases Magnolia states that: The sales are installment sales, the contracts resulted from arm's-length bargaining, long-term contracts would not have been executed had Magnolia not been contractually assured that the price adjustments would be included as a part of the schedule of prices, the sale is of a commodity rather than a service, the prices were determined under a "supply and demand" formula, the proposed prices do not exceed the current market prices in the areas where produced, and the increases are necessary because of increasing costs.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 150 and Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 152 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary

concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 150 and Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 152.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until December 25, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5808; Filed, July 29, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 45]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 25, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Special Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 126 (Deviation No. 1), HUEY MOTOR EXPRESS, 1040 Flint Street, Cincinnati, Ohio, filed July 3, 1958. Attorney for said carrier, Robert H. Kinker, seventh floor, McClure Building, Frankfort, Ky. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Louisville, Ky., and Milton, Ky., as follows: From junction U. S. Highways 42 and 31E in Louisville over U. S. Highway 31E to junction Indiana Highway 62, thence over Indiana Highway 62 to junction U. S. Highway 421, thence over U. S. Highway 421 to junction Kentucky Highway 36 in Milton and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Louisville, Ky., and Milton, Ky., over the following pertinent route: From junction U. S. Highways 42 and 31E in Louisville over U. S. Highway 42 to junction U. S. Highway 421 near Bedford, Ky., thence over U. S. Highway 421 to junction Kentucky Highway 36 in Milton.

No. MC 126 (Deviation No. 2), HUEY MOTOR EXPRESS, 1040 Flint Street, Cincinnati, Ohio, filed July 14, 1958. Attorney for said carrier, Robert H. Kinker, seventh floor, McClure Building, Frankfort, Ky. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Milton, Ky., and Cincinnati, Ohio, as follows: From junction Kentucky Highway 36 and U. S. Highway 421 in Milton over U. S. Highway 421 to junction U. S. Highway 50, thence over U. S. Highway 50 to junction U. S. Highway 42 in Cincinnati and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Milton, Ky., and Cincinnati, Ohio, over the following pertinent route: From Milton over Kentucky Highway 36 to junction U. S. Highway 42 near Carrollton, Ky., thence over U. S. Highway 42 to Cincinnati.

No. MC 200 (Deviation No. 8), RISS & COMPANY, INC., 15 West 10th Street, Kansas City, Mo., filed July 7, 1958. Attorney for said carrier, Ivan E. Moody, 15 West 10th Street, Kansas City, Mo. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Tiffin, Ohio, and Strongsville, Ohio, as follows: From Tiffin over Ohio Highway 18 to junction U. S. Highway 20 at Bellevue, Ohio, thence over U. S. Highway 20 to junction Ohio Highway 82 at a point south of Elyria, Ohio, thence over Ohio Highway 82 to junction U. S. Highway 42 at Strongsville and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Tiffin, Ohio, and Strongsville, Ohio, over the following pertinent route: From Tiffin over U. S. Highway 224 to junction U. S. Highway 42 at Lodi, Ohio, thence over U. S. Highway 42 to Strongsville.

No. MC 200 (Deviation No. 9), RISS & COMPANY, INC., 15 West 10th Street, Kansas City 5, Mo., filed July 7, 1958. Attorney for said carrier, Ivan E. Moody, 15 West 10th Street, Kansas City 5, Mo. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Wichita, Kans., and Fort Smith, Ark., as follows: From Wichita over Kansas Highway 96 to junction Kansas Highway 47, to junction U. S. Highway 75, thence over U. S. Highway 75 to junction U. S. Highway 160, thence over U. S. Highway 160 to junction U. S. Highway 169, thence over U. S. Highway 169 to junction U. S. Highway 60, thence over U. S. Highway 60 to junction U. S. Highway 69, thence over U. S. Highway 69 to Muskogee, Okla., thence over U. S. Highway 64 to Fort Smith and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Wichita, Kans., and Fort Smith, Ark., over the following pertinent route: From Wichita over Kansas Highway 96 to Fredonia, Kans., thence over Kansas Highway 47 to junction U. S. Highway 75, thence over U. S. Highway 75 to junction Kansas Highway 37, thence over Kansas Highway 37 to junction U. S. Highway 169, thence over U. S. Highway 169 to junction U. S. Highway 160, thence over U. S. Highway 160 to Parsons, Kans., thence over U. S. Highway 59 to junction Kansas Highway 96, thence over Kansas Highway 96 to the Missouri-Kansas State line, thence over Missouri Highway 96 to junction unnumbered highway near Carl Junction, Mo., thence over unnumbered highway to junction U. S. Highway 57, thence over U. S. Highway 57 to Joplin, Mo., thence over U. S. Highway 71 to Fort Smith.

No. MC 2309 (Deviation No. 2), GILLETTE MOTOR TRANSPORT, INC., 2311 Butler Street, Dallas 19, Tex., filed July 11, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Tulsa, Okla., and Miami, Okla., as follows: From Tulsa over the Will Rogers Turnpike and access routes to Miami and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Tulsa, Okla., and Miami, Okla., over U. S. Highway 66.

No. MC 14421 (Deviation No. 2), CHICAGO DUBUQUE MOTOR TRANSPORTATION COMPANY, 51 Shield Street, P. O. Box 388, Dubuque, Iowa, filed July 3, 1958. Attorney for said carrier, Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between junction Wisconsin Highway 35 and the bridge commonly known as the Wisconsin-Lansing Bridge, near Lansing, Iowa, and La Crescent, Minn., as follows: From junction Wisconsin Highway 35 and the bridge commonly known as the Wisconsin-Lansing Bridge over the Wisconsin-Lansing Bridge to Lansing, Iowa, thence over Iowa Highway 182 to the Minnesota-Iowa State line, thence over Minnesota Highway 26 to La Crescent and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between junction Wisconsin Highway 35 and the bridge commonly known as the Wisconsin-Lansing Bridge, near Lansing, Iowa, and La Crescent, Minn., over the following pertinent route: From junction Wisconsin Highway 35 and the said bridge, over Wisconsin Highway 35 to junction combined U. S. Highways 14 and 61, thence over U. S. Highway 61 to La Crescent.

No. MC 29938 (Deviation No. 2), WRIGHT TRUCKING, INC., 16 Main Street, Lowell, Mass., filed July 14, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Eastern Terminus of the Connecticut Turnpike at East Lyme, Conn., and the Connecticut-New York State line, as follows: From the Eastern Terminus of the Connecticut Turnpike over the Connecticut Turnpike and access routes to the Connecticut-New York State line and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent route: Between Lowell, Mass., and Newark, N. J., as follows: From Lowell over Massachusetts Highway 3A (formerly U. S. Highway 3) to junction U. S. Highway 3, thence over U. S. Highway 3 to Boston, Mass., thence over U. S. Highway 1 via Dedham and North Attleboro, Mass., and Wakefield and Westerly, R. I., to junction Alternate U. S. Highway 1 (formerly U. S. Highway 1) near Stonington, Conn., thence over Alternate U. S. Highway 1 via Stonington to junction U. S. Highway 1, thence over U. S. Highway 1 to junction unnumbered highway (formerly U. S. Highway 1) near Poquonoc Bridge, Conn., thence over unnumbered highway via Groton, Conn., to junction U. S. Highway 1, thence over U. S. Highway 1 to junction Alternate U. S. Highway 1 (formerly U. S. Highway 1), thence over Alternate U. S. Highway 1 via New London, Conn., to junction U. S. Highway 1 near East Lyme, Conn., thence over unnumbered highway (formerly U. S. Highway 1) via Laysville, Conn., to junction U. S. Highway 1 near Old Lyme, Conn., thence over U. S. Highway 1 to junction unnumbered highway (formerly U. S. Highway 1) near Old Saybrook, Conn., thence over unnumbered highway via Old Saybrook to junction U. S. Highway 1, thence over U. S. Highway 1 to junction Alternate U. S. Highway 1 (formerly U. S. Highway 1) near Branford, Conn., thence over Alternate U. S. Highway 1 via Branford to junction U. S. Highway 1, thence over U. S. Highway 1 to junction unnumbered highway (formerly U. S. Highway 1) thence over unnumbered highway via East Haven, Conn., to junction U. S. Highway 1, thence over U. S. Highway 1 via New Haven, Conn., to junction Alternate U. S. Highway 1 (formerly U. S. Highway 1) near Milford, Conn., thence over Alternate U. S. Highway 1 via Milford to junction U. S. Highway 1, thence over U. S. Highway 1 via Fairfield, Conn., to junction unnumbered highway (formerly U. S. Highway 1) near Darien, Conn., thence over unnumbered highway via Darien to junction U. S. Highway 1, thence over U. S. Highway 1 to Newark.

No. MC 61471 (Deviation No. 1), BENJAMIN MOTOR EXPRESS, INC., 2-32 Vine Street, Everett 49, Mass., filed July 14, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Lyme, Conn., and the Western Terminus of the Connecticut Turnpike at the Connecticut-New York State line, as follows: From East Lyme over the Connecticut Turnpike and access routes to the Western Terminus of the said Turnpike and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Boston, Mass., and New York, N. Y., over U. S. Highway 1.

No. MC 69281 (Deviation No. 1), THE DAVIDSON TRANSFER & STORAGE CO., 6201 Pulaski Highway, Baltimore 3, Md., filed July 21, 1958. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over two deviation routes, between Baltimore, Md., and Lancaster, Pa., as follows: (A) From Baltimore over U. S. Highway 1 to Conowingo, Md., thence over U. S. Highway 222 (Pennsylvania Highway 22) to Lancaster; and (B) from Baltimore over U. S. Highway 40 to Perryville, Md., thence over U. S. Highway 222 (Pennsylvania Highway 22) to Lancaster; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Baltimore, Md., and Lancaster, Pa., over the following pertinent route: From Baltimore over U. S. Highway 111 to York, Pa., thence over U. S. Highway 30 to Lancaster.

No. MC 72300 (Deviation No. 2), AMERICAN CARLOADING CORPORATION, 111 North Fourth Street, St. Louis 2, Mo., filed July 7, 1958. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between St. Louis, Mo., and Aurora, Ill., as follows: From St. Louis over U. S. Highway 66 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction U. S. Highway 34, thence over U. S. Highway 34 to junction Illinois Highway 31, thence over Illinois Highway 31 to Aurora and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: From St. Louis, Mo., over U. S. Highway 66 to Chicago, Ill.; and from Aurora, Ill., over Illinois Highway 65 to junction U. S. Highway 34, thence over U. S. Highway 34 to Chicago, Ill.; and return over the same routes.

No. MC 72300 (Deviation No. 3), AMERICAN CARLOADING CORPORATION, 111 North Fourth Street, St. Louis 2, Mo., filed July 14, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, between St. Louis, Mo., and South Bend, Ind., as follows: From St. Louis over U. S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction U. S. Highway 54, thence over U. S. Highway 54 to junction Illinois Highway 17, thence over Illinois Highway 17 to junction Indiana Highway 2, thence over Indiana Highway 2 to South Bend, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: From St. Louis, Mo., over U. S. Highway 66 to Chicago, Ill.; from Joliet, Ill., over U. S. Highway 6 to junction Indiana Highway 2, thence over Indiana Highway 2 to South Bend, Ind., and thence over U. S. Highway 33 to Elkhart, Ind.; and from Joliet, Ill., over Illinois Highway 4A to junction Illinois Highway 7, thence over Illinois Highway 7 to Chicago, Ill.; and return over the same routes.

No. MC 72300 (Deviation No. 4), AMERICAN CARLOADING CORPORATION, 111 North Fourth Street, St. Louis 2, Mo., filed July 10, 1958. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between St. Louis, Mo., and Rockford, Ill., as follows: From St. Louis over U. S. Highway 67 to junction Illinois Highway 78, thence over Illinois Highway 78 to junction U. S. Highway 52, thence over U. S. Highway 52 to junction Illinois Highway 72, thence over Illinois Highway 72 to junction Illinois Highway 26, thence over Illinois Highway 26 to junction U. S. Highway 20, thence over U. S. Highway 20 to Rockford and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: From St. Louis,

Mo., over U. S. Highway 66 to Chicago, Ill.; from Chicago, Ill., over U. S. Highway 330 via DeKalb, Ill., to junction U. S. Highway 51, thence over U. S. Highway 51 to Rochelle, Ill., thence return over U. S. Highway 51 to Rockford, Ill., and thence over Illinois Highway 2 to South Beloit, Ill.; from Chicago, Ill., over U. S. Highway 20 to Starks, Ill., thence over Illinois Highway 72 to junction U. S. Highway 51, and thence to South Beloit, Ill., as specified above; and from Chicago, Ill., over the above specified route to DeKalb, Ill., thence over Illinois Highway 23 to Marengo, Ill., thence over U. S. Highway 20 to Rockford, Ill., and thence to South Beloit, Ill., as specified above; and return over the same routes.

No. MC 75981 (Deviation No. 1), WATT BROS., INC., P. O. Box 267, Central Falls, R. I., filed July 3, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Waterford, Conn., and the Western Terminus of the Connecticut Turnpike at the Connecticut-New York State line, as follows: From Waterford over the Connecticut Turnpike and access routes to the Western Terminus of the said Turnpike and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent route: Between Boston, Mass., and Newark, N. J., as follows: From Boston over U. S. Highway 1 via Pawtucket, R. I., to Providence, R. I., thence over Rhode Island Highway 3 to junction Alternate Rhode Island Highway 3, thence over Alternate Rhode Island Highway 3 to junction Rhode Island Highway 3, thence over Rhode Island Highway 3 to Hopkinton, R. I., thence over Rhode Island Highway 84 to junction Rhode Island-Connecticut State line, thence over Connecticut Highway 84 to New London, Conn., thence over U. S. Highway 1 to New York, N. Y., thence via the Holland Tunnel to Jersey City, N. J., and thence over U. S. Highway 9 to Newark.

No. MC 108473 (Deviation No. 2), ST. JOHNSBURY TRUCKING CO., INC., 38 Main Street, St. Johnsbury, Vt., filed July 7, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Eastern Terminus of the Connecticut Turnpike at Killingly, Conn., and the Western Terminus of the said Turnpike at the Connecticut-New York State line, as follows: From the Eastern Terminus of the Connecticut Turnpike over the Connecticut Turnpike and access routes to the Western Terminus of the said Turnpike and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Boston, Mass., and New York, N. Y., over the following pertinent routes: From Boston over U. S. Highway 1 via Providence, R. I. to Westerly, R. I. (also from Providence over Rhode Island Highway 3 to junction Alternate Rhode Island Highway 3, thence over Alternate Rhode Island Highway 3 to junction Rhode Island Highway 3, thence over Rhode Island Highway 3 via Hopkinton, R. I., to Westerly), thence over U. S. Highway 1 to Groton, Conn. (also from Hopkinton over Rhode Island Highway 84 to the Rhode Island-Connecticut State line, thence over Connecticut Highway 84 to junction U. S. Highway 1 near Groton), and thence over U. S. Highway 1 via New Haven, Conn., to New York; from Boston to Providence as specified above, thence over U. S. Highway 6 via Willimantic, Conn., to junction Alternate U. S. Highway 6, thence over Alternate U. S. Highway 6 to junction Connecticut Highway 17 (formerly Connecticut Highway 15) thence over Connecticut Highway 17 to New Haven, Conn., and thence to New York as specified above; from Boston to Providence as specified above, thence over U. S. Highway 44 via Putnam and East Hartford, Conn., to Hartford, Conn., thence over U. S. Highway 5 to New Haven, and thence to New York as specified above; and from Boston over Massachusetts Highway 9 to Worcester, Mass., thence over Massachusetts Highway 12 to junction U. S. Highway 20, thence over U. S. Highway 20 to Springfield, Mass., thence over U. S. Highway 5 to East Hartford, Conn., and thence to New York as specified above.

No. MC 111625 (Deviation No. 1), BERMAN'S MOTOR EXPRESS, INC., P. O. Box 288, Binghamton, N. Y., filed July 3, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Eastern Terminus of the Massachusetts Turnpike and the Western Terminus of the said Turnpike at the Massachusetts-New York State line, as follows: From the Eastern Terminus of the Massachusetts Turnpike over the Massachusetts Turnpike and access routes to the Western Terminus of the said Turnpike and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: From Binghamton, N. Y., over New York Highway 7 to Duanesburg, N. Y., thence over U. S. Highway 20 to junction Massachusetts Highway 9, and thence over Massachusetts Highway 9 to Boston, Mass. (also from junction U. S. Highway 20 and Massachusetts Highway 9, over U. S. Highway 20 to Boston); and from New Lebanon, N. Y., over New York Highway 22 south approximately ten miles to junction unnumbered highway, thence over unnumbered highway to the New York-Massachusetts State line, thence over unnumbered highway to junction Massachusetts Highway 41, thence over Massachusetts Highway 41 to West Stockbridge, Mass., and thence over Massachusetts Highway 102 to East Lee, Mass.; and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 14), THE GREYHOUND CORPORATION, 5600 Jarvis Avenue, Chicago 31, Ill., filed July 7, 1958. Attorney for said carrier, Raymond H. Warns, 5600 Jarvis Avenue, Chicago 31, Ill. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over two deviation routes, (A) between Chicago, Ill., and Rockford, Ill., as follows: From the point of access to the Northern Illinois Toll Highway in Chicago over the Northern Illinois Toll Highway to a point immediately north of Cherry Valley, Ill. (junction Illinois Highway 5), thence over Illinois Highway 5 to Rockford; and (B) between Chicago, Ill., and Beloit, Wis., as follows: From the point of access to the Northern Illinois Toll Highway in Chicago over the Northern Illinois Toll Highway to the Rockton Road connection with U. S. Highway 51 immediately south of South Beloit, Ill., thence over U. S. Highway 51 to Beloit; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Chicago, Ill., and Beloit, Wis., over the following pertinent route: From Chicago over U. S. Highway 20 to junction Illinois Highway 5 at Belvidere, Ill., thence over Illinois Highway 5 to junction U. S. Highway 51 at Rockford, and thence over U. S. Highway 51 to Beloit.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F. R. Doc. 58-5795; Filed, July 29, 1958; 8:49 a. m.]

[Notice 227]

MOTOR CARRIER APPLICATIONS

JULY 25, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1124 (Sub No. 148), filed May 20, 1958. Applicant: HERRIN TRANSPORTATION COMPANY, a Corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, 617 First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Class A and B explosives*, (1) Between New Orleans, La., and Crestview, Fla., from New Orleans over U. S. Highway 90 to junction U. S. Highway 90–A, thence over U. S. Highway 90–A to junction U. S. Highway 90, thence over U. S. Highway 90 to Crestview, and return over the same route, serving no intermediate points; and (2) between Baton Rouge, La., to Crestview, Fla., from Baton Rouge over U. S. Highway 190 to junction U. S. Highway 90 near Slidell, La., thence over U. S. Highways 90 and 90–A as specified above to Crestview, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi, Tennessee and Texas.

HEARING: September 25, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Lawrence A. Van Dyke.

No. MC 2229 (Sub No. 89), filed May 26, 1958. Applicant: RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, P. O. Box 3148, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Center, Tex., and Timpson, Tex., over Texas Highway 87, serving no intermediate points, as an alternate route for operating convenience only, and serving the termini, for joinder purposes only. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

NOTE: Duplication with present authority to be eliminated.

HEARING: September 29, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 2229 (Sub No. 90), filed May 26, 1958. Applicant: RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, P. O. Box 3148, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Pineland, Tex., and Hemphill, Tex., over Texas Farm-to-Market Highway 83, serving all intermediate points, and coordinating the above-proposed service with service being rendered under applicant's present authority. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

HEARING: September 29, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 2229 (Sub No. 91), filed May 26, 1958. Applicant: RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, P. O. Box 3148, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving all intermediate points between Beaumont, Tex., and Lufkin, Tex., over U. S. Highway 69. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

NOTE: Applicant is presently authorized to operate over U. S. Highway 69 between Beaumont, Tex., and Lufkin, Tex., without service at intermediate points. Applicant states that the purpose of the instant application is to authorize intermediate service between the termini.

HEARING: September 30, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 9895 (Sub No. 100), filed June 13, 1958. Applicant: R. B. "DICK" WILSON, INC., East 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526, Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft fuels*, in bulk, in tank vehicles, from Nebraska City, Nebr., and points within 10 miles thereof to points in Oklahoma, Iowa, Missouri, Kansas, South Dakota, North Dakota, and Wyoming. Applicant is authorized to conduct operations in Wyoming, Colorado, Kansas, Nebraska, South Dakota, Utah, and Idaho.

HEARING: September 26, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald F. Colfer.

No. MC 11207 (Sub No. 193), filed May 21, 1958. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue, North, P. O. Box 1271, Birmingham, Ala. Applicant's attorney: John W. Cooper, 818–821 Massey Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition pipe, and connections, fittings, and accessories therefor*, from Marrero, La., to points in Mississippi on and south of U. S. Highway 80. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

HEARING: September 30, 1958, in the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 28, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 17481 (Sub No. 17), filed May 22, 1958. Applicant: MOORE MOTOR FREIGHT LINES, INC., 2091 Kasota Avenue, St. Paul 14, Minn. Applicant's representative: A. R. Fowler, Associated Motor Carrier Tariff Bureau, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, and Chaska, Minn. Applicant is authorized to conduct regular route operations in Illinois, Minnesota, and Wisconsin, and irregular route operations in Illinois, Indiana, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: September 12, 1958, in Room 926, Metropolitan Building, Second Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 26739 (Sub No. 23), filed July 8, 1958. Applicant: CROUCH BROS., INC., Transport Building, St. Joseph, Mo. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, traction engines* and *stationary engines* (not including tractors with vehicle beds, bed frames or fifth wheels, and those which, because of size or weight require use of special equipment), and *attachments* and *parts* therefor when transported in the same vehicle, from Waterloo and Dubuque, Iowa, and points in Peru Township, Dubuque County, Iowa, to points in Kansas, Missouri, and Oklahoma. RESTRICTION: The service requested herein to points in Kansas west of U. S. Highway 75 can be subjected to the condition that all traffic transported thereunder shall move through St. Joseph, Mo. Applicant is authorized to conduct operations in Missouri, Kansas, Iowa, Illinois, Nebraska, Oklahoma, and Arkansas.

NOTE: Applicant is authorized to transport contractors' machinery and equipment, farm implements and machinery, agricultural machinery, and farm tractors from and to all of the above-described points, under which authorities applicant claims the right to transport all types of tractors manufactured at and distributed from the plants of Deere & Company located at or near Dubuque and Waterloo, Iowa. Applicant states the purposes of the application are as follows: (1) to clarify applicant's authority to perform the above transportation; (2) to present proof of public convenience and necessity to receive, as a result of this proceeding, such additional authority as may be required; and (3) to remove the necessity of operating through certain gateways on movements to points in Oklahoma and a portion of Missouri.

HEARING: September 29, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald F. Colfer.

No. MC 28573 (Sub No. 12), filed May 5, 1958. Applicant: GREAT NORTHERN RAILWAY COMPANY, a Corporation, 175 East Fourth Street, St. Paul 1, Minn. Applicant's attorney: R. W. Cronon, 175 East Fourth Street, St. Paul 1, Minn. This BMC 78 application filed to change the wording to remove any and all restrictions in a part of applicant's authorized common carrier operations in Certificate No. MC 28573 and sub numbers 1, 5A, 5B and 9 authorizing applicant to transport *general*

commodities, between Williston, N. Dak., and points in Montana, and between points in Montana, which restrict or confine service of applicant to that which is auxiliary to or supplemental of its rail service, which impose keypoints, through bill of lading, or prior or subsequent rail haul limitations, or in any way prohibit applicant from performing, as part of its transportation service, an all-motor service on motor-truck billing at motor-truck rates, either locally or in conjunction with other motor carriers, from, to and between the points heretofore authorized to be served in the certificates of public convenience and necessity referred to above. Applicant is authorized to transport general commodities in Minnesota, Montana, North Dakota, and Oregon.

HEARING: September 30, 1958, at the Montana Board of Railroad Commissioners, Helena, Mont., before Examiner Richard H. Roberts.

No. MC 29955 (Sub No. 13), filed June 16, 1958. Applicant: ENGLAND BROS. TRUCK LINES, INC., 300 North Second Street, Fort Smith, Ark. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission and commodities requiring special equipment, between Dallas, Tex., and Little Rock, Ark.: From Dallas over U. S. Highway 67 to Little Rock, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Arkansas, Missouri, Tennessee, Oklahoma, and Texas.

HEARING: September 22, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 152, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 30837 (Sub No. 234), filed June 20, 1958. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crane carrier trucks and truck chassis*, in initial movements, in driveaway service, from Industry (City of Industry), Calif., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 4, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 30837 (Sub No. 235), filed June 20, 1958. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck and trailer bodies*, (unmounted), from Riverside, Calif., to Birmingham, Ala., to Jacksonville, Tex., Portland, Oreg., and Tacoma and Seattle, Wash. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 4, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 52657 (Sub No. 522), filed June 5, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from Council Bluffs, Iowa, and points within ten miles of Council Bluffs to points in the United States, including all ports of entry on the International Boundary Line between the United States and Canada, and to points in the Territory of Alaska. (B) *Loading and unloading devices, hoists* and *tail or end gates; truck and trailer bodies*, from Council Bluffs, Iowa, and points within 10 miles of Council Bluffs to points in the United States, including all ports of entry on the International Boundary Line between the United States and Canada, and to points in the Territory of Alaska. (C) *Trailers*, other than those designed to be drawn by passenger automobiles, which at the time of transportation are loaded with shipments of truck or trailer bodies, in initial and secondary movements, in truckaway and driveaway service, from Council Bluffs, Iowa, and points within 10 miles of Council Bluffs to points in the United States, including all ports of entry on the International Boundary Line between the United States and Canada, and to points in the Territory of Alaska. (D) *Tractors*, in secondary movements, in driveaway service, only when drawing trailers moving in initial and secondary driveaway service, as described in Paragraphs (A) and (C) above, from Council Bluffs, Iowa, and points within ten miles of Council Bluffs to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia, all ports of entry located on the International Boundary Line between the United States and Canada, and to points in the Territory of Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 25, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald F. Colfer.

No. MC 52751 (Sub No. 14), filed June 12, 1958. Applicant: ACE LINES, INC., 2420 Minnehaha Avenue, Minneapolis, Minn. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, and *farm machinery and parts thereof*, between points in South Dakota on the one hand, and, on the other, points in Illinois, Iowa, and Minnesota. Applicant is authorized to conduct operations in Minnesota, North Dakota, South Dakota, Iowa, and Illinois.

NOTE: Applicant states that it is authorized and now performs the proposed service by joinder of present rights through the gateway of Nassau, Minn., and points within 25 miles of Nassau. Elimination of the gateway restriction is proposed insofar as the stated traffic is concerned.

HEARING: September 17, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 59117 (Sub No. 9), filed July 1, 1958. Applicant: ELLIOTT TRUCK LINE, INC., P. O. Box 1, Vinita, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in specially equipped tank trailers, from Sterlington, La., to the plant site of the Grand River Chemical Division plant of Deere & Company near Pryor, Okla., and Atlas, Mo. Applicant is authorized to conduct operations in Missouri, Oklahoma, Kansas, Arkansas, Texas, and Mississippi.

HEARING: October 10, 1958, in the Federal Building, Oklahoma City, Okla., before Examiner Lawrence A. Van Dyke.

No. MC 92983 (Sub No. 303), filed July 7, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, P. O. Box 232, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, in tank vehicles, from Des Moines, Iowa, to points in Illinois, Kansas, Nebraska, Minnesota, Missouri, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: September 23, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 96025 (Sub No. 24), filed July 8, 1958. Applicant: DEWELL WILLIAM HOSKINS, doing business as HOSKINS TRUCK SERVICE, P. O. Box 66, Malvern, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, traction engines*, and *stationary engines*, (not including tractors with vehicle beds, bed frames, or fifth wheels, and those which because of size or weight require the use of specal equipment) and *attachments* and *parts therefor* when transported in the same vehicle, from

Waterloo and Dubuque, Iowa, and points in Peru Township, Dubuque County, Iowa, to points in Arkansas and Louisiana, and *damaged or rejected shipments* of the above specified commodities on return. Applicant is authorized to conduct operations in Arkansas, Tennessee, Oklahoma, Kansas, Missouri, and Iowa.

NOTE: Applicant states that it is now authorized to transport farm tractors from Waterloo and Dubuque, Iowa, to points in Arkansas and Louisiana. Under this authority applicant claims the right to transport all types of tractors manufactured at and distributed from the plants of Deere & Company, located at Dubuque and Waterloo, Iowa. The purpose of the application is to clarify applicant's authority to perform this transportation, and if additional authority is required, to receive it as a result of the proceeding, through the presentation of evidence of public convenience and necessity.

HEARING: September 29, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald F. Colfer.

No. MC 98749 (Sub No. 7), filed June 24, 1958. Applicant: DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, 100 South Second Street, Longview, Tex. Applicant's attorney: Joe T. Lanham, Suite 1009 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kerosenes and gasolines*, in bulk, in tank vehicles, from the plant sites of the La Gloria Oil and Gas Company, at or near Tyler, Tex., the Premier Oil & Refining Company, at or near Greggton, Tex., the Skelly Oil Refinery, at or near Longview, Tex., the H. L. Hunt Refinery, at or near Harleton, Tex., the Waskom Natural Gas Refinery, at or near Waskom, Tex., and the American Petrofina Refinery at or near Mount Pleasant, Tex., to the plant site of the Texas Eastern Transmissions Company, at a point three and one-half miles northeast of Carthage, Tex., on U. S. Highway 79. Applicant is authorized to conduct operations in Arkansas, California, Colorado, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oregon, Tennessee, Texas, Washington, and Wisconsin.

HEARING: September 24, 1958, at the Federal Office Building, Franklin and Pannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 100449 (Sub No. 8), filed July 7, 1958. Applicant: FRANCIS MALLINGER, doing business as MALLINGER TRUCK LINES, 428 Avenue C, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sewer pipe, drain tile, flue lining, wall coping, mortar mix*, and *fire clay*, from Lehigh, Iowa, to points in the Upper Peninsula of Michigan and those in Lake and Porter Counties, Ind. Applicant is authorized to conduct operations in Iowa, Minnesota, Nebraska, South Dakota, Wisconsin, and North Dakota.

HEARING: September 19, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Gerald L. Colfer.

No. MC 105678 (Sub No. 13), filed June 27, 1958. Applicant: SECO TRUCKING CO., a Corporation, 219 North Jackson Avenue, Mason City, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives and explosive supplies*, except liquid nitroglycerin, from Atlas, Mo., and points within ten (10) miles thereof, to points in Illinois, North Dakota, and South Dakota; *blasting agents, ammonium nitrate*, and *nitro-carbo-nitrate*, from Atlas, Mo., and points within ten (10) miles thereof, to points in Iowa, Minnesota, Wisconsin, Illinois, Nebraska, North Dakota, and South Dakota; and *returned and rejected shipments* of the above-specified commodities, on return. Applicant is authorized to transport similar items, and fertilizer, in Pennsylvania, Illinois, Missouri, Iowa, Nebraska, South Dakota, Minnesota, Michigan, North Dakota, and Wisconsin.

HEARING: September 22, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 106398 (Sub No. 103), filed May 19, 1958. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, P. O. Box 8096, Dawson Station, Tulsa, Okla. Applicant's attorney: Thomas E. James, 1020 Brown Building, P. O. Box 858, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Outboard boats*, not exceeding 18 feet in length, in special designed boat trailers, from points in Oklahoma and Texas, except Denison, Texas, and points within 10 miles thereof to points in the United States, and *empty containers or other such incidental facilities* (not specified) and *damaged* or *refused* shipments of the above commodities on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 15, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 106398 (Sub No. 106), filed June 23, 1958. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa 15, Okla. MAIL: P. O. Box 8096, Dawson Station, Tulsa, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable concrete batch mixers*, from Brownwood, Tex., and points within ten (10) miles thereof, to points in the United States, and *damaged or refused shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 17, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 106839 (Sub No. 3), filed May 16, 1958. Applicant: JURISICH & LARSEN MOTOR FREIGHT LINES, INC., 1155 Constance Street, New Orleans 13, La. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between New Orleans, La., and Kreole, Miss., over U. S. Highway 90, serving all intermediate points, including Bay St. Louis, Pass Christian, Long Beach, Gulfport, Mississippi City, Biloxi, Ocean Springs, and Pascagoula, Miss., and the off-route points of Moss Point, Waveland, and Van Cleave, Miss. Applicant is authorized to conduct operations in Mississippi and Louisiana.

HEARING: September 29, 1958, in the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 28, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 107002 (Sub No. 126), filed July 11, 1958. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard (P. O. Box 547), Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, between points in Texas, Louisiana, Arkansas, Oklahoma, Tennessee, Mississippi, Alabama, Georgia, and Florida. Applicant is authorized to conduct operations in Louisiana, Mississippi, Tennessee, Arkansas, Alabama, Kentucky, Florida, Georgia, Texas, Oklahoma, North Carolina, South Carolina, Missouri, Pennsylvania, Illinois, Connecticut, Maine, Indiana, Maryland, Michigan, Massachusetts, Minnesota, New York, New Jersey, Ohio, Rhode Island, Wisconsin, and Virginia.

HEARING: October 3, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Lawrence A. Van Dyke.

No. MC 108207 (Sub No. 58), filed May 26, 1958. Applicant: FROZEN FOOD EXPRESS, a Corporation, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh fruits and vegetables, nursery stock* and *cut flowers* (to be transported in the same vehicle and at the same time as other regulated commodities which applicant is authorized to transport), between points in California, Arizona, New Mexico, Texas, and Oklahoma. Applicant is authorized to conduct operations in Texas, Louisiana, Illinois, Michigan, Missouri, Arkansas, Tennessee, Oklahoma, Mississippi, Wisconsin, Minnesota, California, Iowa, Kansas, Nebraska, Ohio, Pennsylvania, Kentucky, Indiana, Arizona, and New Mexico.

HEARING: September 11, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 108380 (Sub No. 50), filed January 21, 1958. Applicant: JOHNSTON'S FUEL LINERS, INC., P. O. Box 112, Newcastle, Wyo. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Mandan, N. Dak., to points in South Dakota east of a line beginning at the North Dakota-South Dakota State line and extending along U. S. Highway 83 to its junction with U. S. Highway 183, and thence along U. S. Highway 183 to the South Dakota-Nebraska State line. Applicant is authorized to transport similar commodities in Colorado, Idaho, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

HEARING: September 25, 1958, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 158, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 109584 (Sub No. 42), (CORRECTION) filed June 10, 1958, published at page 5222, issue of July 9, 1958. Applicant: ARIZONA–PACIFIC TANK LINES, a Corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphuric acid*, in bulk, in tank vehicles, from Chandler, Ariz., and points within five (5) miles thereof, including Chandler, to points in California, Colorado, New Mexico, Nevada, Texas, and Utah; and (2) *Rejected and contaminated shipments of sulphuric acid*, from the above-specified destination points to their respective origin points. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

NOTE: The effect of this correction is to strike the return movement of rejected and contaminated shipments of turpentine.

HEARING: September 11, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner F. Roy Linn.

No. MC 110042 (Sub No. 4), filed May 26, 1958. Applicant: RAY & NELSON TRANSPORTATION CO., a Corporation, 1103 East 25th Street, Kearney, Nebr. Applicant's attorney: Joseph C. Tye, Pratt Building, Kearney, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Automobiles and trucks* (without title), and *used automobiles and trucks*, in initial and secondary movements, in truckaway service, from South Bend and Dyer, Ind., to Kearney, Nebr. Applicant is authorized to transport new automobiles from Detroit, Mich., to North Platte and Kearney, Nebr., and farm tractors from Detroit to points in Nebraska.

HEARING: September 24, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald F. Colfer.

No. MC 110505 (Sub No. 42), filed July 8, 1958. Applicant: RINGLE TRUCK LINES, INC., 601 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, traction engines* and *stationary engines* (not including tractors with vehicle beds, bed frames or fifth wheels, and those which, because of size or weight require use of special equipment), and *attachments* and *parts* therefor when transported in the same vehicle, from Waterloo and Dubuque, Iowa, and points in Peru Township, Dubuque, County, Iowa, to points in Michigan, Indiana, Ohio, and Kentucky. Applicant is authorized to conduct operations in Indiana, Illinois, Ohio, Kentucky, Iowa, Missouri, West Virginia, Wisconsin, Pennsylvania, Nebraska, Tennessee, Alabama, Michigan, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, the District of Columbia, Arkansas, Kansas, Minnesota, Louisiana, North Dakota, and South Dakota.

NOTE: Applicant is authorized to transport farm tractors from Waterloo, Iowa, to points in Michigan, Indiana, Ohio, and Kentucky; also from points in Iowa within 5 miles of Dubuque to points in Indiana, Ohio, and Kentucky; also agricultural machinery and parts from points in Iowa except Fort Dodge, and points within one (1) mile thereof, to points in Shelby County, Ill., and from Shelbyville, Ill., to points in Michigan. Applicant states the purposes of the application are: (1) To clarify applicant's authority to perform the above transportation; (2) to present proof of public convenience and necessity to receive, as a result of this proceeding, such additional authority as may be required; and (3) to remove the necessity of operating through the Shelbyville, Ill., gateway on movements from points in Iowa within five miles of Dubuque, Iowa, to points in Michigan.

HEARING: September 29, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald F. Colfer.

No. MC 110700 (Sub No. 1), filed May 23, 1958. Applicant: DANIEL NERO, 816 Jackson Street, Easton, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over a regular route, transporting: *Baked goods*, (1) from Easton, Pa., to Brooklyn, N. Y., from Easton over U. S. Highway 22 to the Pennsylvania-New Jersey State line, thence over U. S. Highway 22 to the junction of Alternate U. S. Highways 1–9, thence over Alternate U. S. Highways 1–9 to the Holland Tunnel, thence through the Holland Tunnel to the junction of Canal Street in New York City, thence over Canal Street to Bowery Avenue, thence over Bowery Avenue to the junction of Delancey Street, thence over Delancey Street to the Williamsburg Bridge, thence across the Williamsburg Bridge to Brooklyn, serving no intermediate points; (2) *empty containers or other such incidental facilities* (not specified) used in transporting the above commodity, from Brooklyn, N. Y., to Easton, Pa., over the above specified route, serving no intermediate points. Applicant is authorized to conduct operations in Pennsylvania and New Jersey.

HEARING: September 8, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner John P. McCarthy.

No. MC 110814 (Sub No. 8), filed May 15, 1958. Applicant: W. L. LINKENHOGER, G. N. LINKENHOGER, AND J. L. LINKENHOGER, doing business as WESTERN LINES, P. O. Box 2040, Corpus Christi, Tex. Applicant's attorney: Joe T. Lanham, Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products, including compounded oils and greases having a petroleum base*, in packages or containers; and *also including the following: brake fluids, compounds; compounds, anti-freeze; compounds, buffing or polishing; compounds, cleaning liquids; compounds, iron or steel rust preventive or removing liquid; compounds, tree or weed killing; gasoline additives; deodorants; insecticides, other than agricultural, liquid; insecticides, agricultural, liquid; paraffin wax*, in boxes, barrels or containers; *sprayers, containers* (cartons, boxes, cans or drums); from Beaumont, Tex., to points in New Mexico, Oklahoma, Arkansas, and Louisiana; and from West Port Arthur, Tex., to points in New Mexico and Oklahoma, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas.

HEARING: September 9, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 111008 (Sub No. 10), filed May 2, 1958. Applicant: JESSE KIRK, JR., doing business as JESSE KIRK, JR. TRUCK LINE, North Travis Street, P. O. Box 461, Cameron, Tex. Applicant's attorney: Don G. Humble, P. O. Box 569, Cameron, Tex. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt* and *salt products*, from Jefferson Island (Iberia County), La., to points in Texas west of U. S. Highway 81 from the Red River to Hillsboro, Tex., and thence west of U. S. Highway 77 to Brownsville, Tex., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to transport similar commodities in Arkansas, Louisiana, New Mexico, and Texas.

NOTE: A proceeding has been instituted under section 212 (c) in No. MC 111008 (Sub No. 9), to determine whether applicant's status is that of a common or contract carrier.

HEARING: September 22, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 111326 (Sub No. 6), filed July 8, 1958. Applicant: WARREN TRANSPORT, INC., 224 Witry Street, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, traction engines* and *stationary engines* (not including tractors with vehicle beds, bed frames or fifth wheels, and those which, because of size or weight require use of special equipment), and *attachments* and *parts* therefor when transported in the same vehicle, from Dubuque and Waterloo, Iowa, and points in Peru Township, Dubuque County, Iowa, to points in Illinois, Wisconsin, the Upper Peninsula of Michigan, and in Porter and Lake Counties, Ind.

NOTE: Applicant is authorized to transport farm tractors and related farm tractor parts from and to the above-described points, under which authority applicant claims the right to transport all types of tractors manufactured at and distributed from the plants of Deere & Company located at or near Dubuque and Waterloo, Iowa. Applicant states the purposes of the application are: (1) to clarify applicant's authority to perform the above transportation; and (2) to present proof of consistency with the public interest to receive, as a result of this proceeding, such additional authority as may be required.

HEARING: September 29, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald F. Colfer.

No. MC 111472 (Sub No. 57), filed June 2, 1958. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mountable spreaders*, from Appleton, Wis., to points in New Jersey, North Carolina, Utah, Nevada, and California; (2) *agricultural machinery, implements and parts*, from Appleton, Wis., to points in New York, Vermont, New Jersey, Florida, Texas, and Idaho.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 111472 (Sub No. 53). Applicant is authorized to conduct operations throughout the United States.

HEARING: September 10, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Richard H. Roberts.

No. MC 111878 (Sub No. 1), filed June 9, 1958. Applicant: FRANK BABBITT, doing business as BABBITT BROS. TRANSFER CO., 623 17th Avenue, Bloomer, Wis. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Milk* and *milk products*, in bulk, in tank vehicles, from Bloomer, Wis., and points in Wisconsin within 75 miles thereof, to points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, and West Virginia. (2) *Liquid cleaning compound*, in bulk, in tank vehicles, between Philadelphia, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in Michigan, Illinois, Wisconsin, Minnesota, Iowa, and Nebraska. (3) *Wine, apple juice* and *grape juice*, in bulk, in tank vehicles, from points in New York to points in Illinois, Wisconsin, and Minnesota. (4) *Fruit juice*, in bulk, in tank vehicles, from points in Florida to points in Illinois, Minnesota, and Wisconsin.

NOTE: Applicant holds common carrier authority in Certificate No. MC 111878 to transport milk and milk products, in bulk, in tank vehicles, from Bloomer, Wis., and points in Wisconsin within 75 miles thereof, to specified points and points within the Commercial Zones of each, as defined by the Commission in Texas, Nebraska, Oklahoma, Pennsylvania, Colorado, Kansas, Iowa, Minnesota, Illinois, and Missouri. Applicant states that no duplicate authority is sought and if the above described authority is issued as applied for, the existing authority may be cancelled.

HEARING: September 15, 1958, in Room 926, Metropolitan Building, Second Avenue South and Third Streets, Minneapolis, Minn., before Examiner Richard H. Roberts.

No. MC 112020 (Sub No. 46), filed June 16, 1958. Applicant: COMMERCIAL OIL TRANSPORT, a Corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins*, in bulk, in tank vehicles, from Tyler, Tex., and points within 10 miles thereof, to points in Louisiana. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma,, Kansas, Missouri, Nebraska, Illinois, Iowa, Colorado, Indiana, Mississippi, Michigan, Ohio, Wisconsin, New York, Tennessee, and Kentucky.

HEARING: September 9, 1958, at the Baker Hotel, Dallas, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 112497 (Sub No. 112), filed June 13, 1958. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from McKamie, Ark., to Tulsa, Okla. Applicant is authorized to conduct operations in Louisiana, Mississippi, Arkansas, Florida, Georgia, Alabama, Tennessee, Texas, Missouri, South Carolina, Kentucky, North Carolina, Ohio, California, New York, Illinois, Indiana, New Mexico, and Oklahoma.

HEARING: October 10, 1958, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 217, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 112497 (Sub No. 115), filed July 7, 1958. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid acids and chemicals*, in bulk, in tank vehicles, from points in Ascension Parish, La., to points in Arizona, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, New Mexico, and Oklahoma. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia.

HEARING: October 2, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Lawrence A. Van Dyke.

No. MC 113514 (Sub No. 38), filed June 27, 1958. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in specialized equipment, between points in Texas, on the one hand, and, on the other, points in Oklahoma, Arkansas, and Louisiana. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Texas, and Utah.

NOTE: Applicant is under common control with Chemical Express, a contract carrier conducting operations under Permit No. MC 115135 Sub 1 dated January 28, 1957. Dual operations under Section 210 may be involved.

HEARING: September 19, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 113779 (Sub No. 68), filed June 6, 1958. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, P. O. Box 12385, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid* and *phosphatic fertilizer solutions*, in bulk, in tank vehicles, from Dallas, Texas and points within 10 miles thereof to points in Arkansas, Louisiana, New Mexico, Mississippi, and Oklahoma and *contaminated* and *rejected* shipments of the above commodities on return. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: September 16, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 113779 (Sub No. 69), filed June 9, 1958. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 Laporte Expressway, P. O. Box 12385, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid* and *phosphatic fertilizer solutions*, from Texas City, Tex., and points within ten (10) miles thereof, to points in Arkansas, Louisiana, Mississippi, New Mexico, and Oklahoma, and

contaminated and rejected shipments of the above-described commodities, on return. Applicant is authorized to conduct operations in all of the United States except Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, and the District of Columbia.

HEARING: September 26, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Mack Myers.

No. MC 113779 (Sub No. 71), filed June 19, 1958. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 Laporte Expressway (P. O. Box 12385), Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycols*, in bulk, in tank vehicles, from Sugarland, Tex., and points within 10 miles thereof, to points in New Mexico; and *contaminated and rejected shipments* of glycols, on return. Applicant is authorized to conduct operations in all of the United States except Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, and the District of Columbia.

HEARING: September 26, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 33, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 113855 (Sub No. 28), filed May 26, 1958. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood blocking, dolly poles, wooden skids and timbers, laminated rafters and beams, prefabricated timbers and trusses, wood posts, laminated wood, wood decking* and *used construction poles*, from points in Washington and Oregon, to points in North Dakota, South Dakota, Minnesota, Wisconsin, and Iowa. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 26, 1958, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Richard H. Roberts.

No. MC 113855 (Sub No. 29), filed July 8, 1958. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, traction engines* and *stationary engines* (not including tractors with vehicle beds, bed frames or fifth wheels, and those which because of size or weight require the use of special equipment), and *attachments* and *parts therefor* when transported in the same vehicle, from Waterloo and Dubuque, Iowa, and points in Peru Township, Dubuque County, Iowa, to points in Idaho, Washington, Wyoming, Oregon, California, Nevada, Utah, Arizona, New Mexico, Montana, that portion of Minnesota north of a line beginning at East Grand Forks, Minn., and extending in an easterly direction along U. S. Highway 2 to junction U. S. Highway 71, thence in a northeasterly direction along U. S. Highway 71 to the boundary of the United States and Canada near International Falls, Minn., including the points named and points on the indicated portions of the highways specified, and ports of entry on the international boundary line between the United States and Canada, located in Minnesota and North Dakota, with traffic destined to said ports of entry in North Dakota and Minnesota restricted to foreign commerce.

NOTE: Applicant states that under separate authorities, it is now authorized to transport agricultural machinery, and implements, other than hand, and farm tractors, from Waterloo and Dubuque, Iowa, to all points named above, except those in North Dakota and Minnesota. Applicant is authorized to transport heavy machinery, machine parts, farm implements, and road construction equipment to Minnesota, and farm tractors and farm machinery and parts to a portion of North Dakota. Under these authorities, applicant claims the right to transport all types of tractors manufactured at, or distributed from Waterloo and Dubuque, Iowa. The purposes of this application are (1) to clarify applicant's authority to perform the above transportation, (2) to present proof of public convenience and necessity for the service and to receive, as a result of this proceeding, such additional authority as may be required, and (3) to remove the necessity of operating through the East Grand Forks, Minn., gateway on movements to said ports of entry in North Dakota.

HEARING: September 29, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald F. Colfer.

No. MC 113908 (Sub No. 38), filed June 25, 1958. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, Springfield, Mo. Applicant's attorney: Turner White III, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Des Moines, Iowa, to points in Illinois, Kansas, Nebraska, Minnesota, Missouri, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Ohio, Kentucky, South Dakota, Iowa, Missouri, Kansas, Minnesota, Nebraska, Texas, and Michigan.

HEARING: September 18, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 114004 (Sub No. 22), filed June 2, 1958. Applicant: ARKANSAS TRUCKING CO., INC., 8828 New Benton Highway, P. O. Box 1715, Little Rock, Ark. Applicant's attorney: Ed E. Ashbaugh, 902 Wallace Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in truckaway and driveaway service, in secondary movements, between points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 18, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Lawrence A. Van Dyke.

No. MC 114211 (Sub No. 11), filed July 8, 1958. Applicant: DONALDSON TRANSFER COMPANY, a Corporation, 213 Witry Street, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, traction engines*, and *stationary engines* (not including tractors with vehicle beds, bed frames or fifth wheels, and those which because of size or weight require the use of special equipment), and *attachments* and *parts* therefor, when transported in the same vehicle, from Waterloo and Dubuque, Iowa, and points in Peru Township, Dubuque County, Iowa, to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota, restricted against transportation in foreign commerce. Applicant is authorized to conduct operations in Illinois, Iowa, Nebraska, Kansas, Colorado, Minnesota, South Dakota, Wisconsin, North Dakota, Missouri, and Indiana.

NOTE: Under separate authorities, applicant is authorized to transport tractors, road-making machinery, and contractors' equipment and supplies, and agricultural machinery, agricultural implements, and parts thereof, from and to all of the points described above, under which authorities applicant claims the right to transport all types of tractors manufactured at and distributed from the plants of Deere & Company located at or near Waterloo and Dubuque, Iowa. Applicant states the purposes of the application are as follows: (1) to clarify applicant's authority to perform the above transportation; (2) to present proof of public convenience and necessity to receive, as a result of this proceeding, such additional authority as may be required; and (3) to remove the necessity of operating through the Fort Dodge, Iowa, gateway on movements to points in North Dakota.

HEARING: September 29, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald L. Colfer.

No. MC 114647 (Sub No. 4), filed June 16, 1958. Applicant: ROBERT E. PLETCHER, doing business as PLETCHER TRANSFER & STORAGE, 111 North Fourth Street, Forest City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by truckaway and driveaway service, from Forest City, Iowa, to points in Illinois, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Applicant is authorized to conduct operations in Iowa and Minnesota.

HEARING: September 18, 1958, at the Federal Officer Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 115162 (Sub. No. 42), filed July 8, 1958. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 2284 Fairview Avenue, Montgomery, Ala.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, traction engines* and *stationary engines*, (not including tractors with vehicle beds, bed frames or fifth wheels, and those which because of size or weight require the use of special equipment) and *attachments* and *parts therefor* when transported in the same vehicle, from Dubuque and Waterloo, Iowa, and points in Peru Township, Dubuque County, Iowa, to points in Mobile and Monroe Counties, Ala.

NOTE: Applicant states that it is now authorized to transport farm tractors from and to the points described above. Under this authority, applicant claims the right to transport all types of tractors manufactured at and distributed from the plants of Deere & Company located at Dubuque and Waterloo, Iowa. The purposes of the application are (1) to clarify applicant's authority to perform the above transportation, and (2) to present proof of public convenience and necessity to receive as a result of this proceeding, such additional authority as may be required.

HEARING: September 29, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald F. Colfer.

No. MC 115733 (Sub No. 2), filed May 9, 1958. Applicant: SAM LATTNER DISTRIBUTING CO., a corporation, P. O. Box 351, Groesbeck, Tex. Applicant's attorney: Albert G. Walker, 202 Capital National Bank Building, Austin, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in crates, cartons and other containers, between Mexia, Tex., and points within 5 miles thereof, on the one hand, and, on the other, points in New Mexico, Oklahoma, Arkansas, and Louisiana. Applicant is authorized to conduct operations in Texas, New Mexico, Colorado, Nebraska, Kansas, Oklahoma, Missouri, Illinois, Arkansas, Louisiana, Mississippi, and Tennessee.

HEARING: September 16, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 116073 (Sub No. 4), filed June 30, 1958. Applicant: JOHN C. BARRETT, doing business as MOORHEAD PHILLIPS SERVICE, 1335 Center Avenue, Moorhead, Minn. Applicant's attorney: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile trailer homes*, in initial movements, from Ironwood and Chesaning, Mich., to points in the United States.

HEARING: September 12, 1958, in Room 926, Metropolitan Building, Second Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Richard H. Roberts.

No. MC 116073 (Sub No. 5), filed June 30, 1958. Applicant: JOHN C. BARRETT, doing business as MOORHEAD PHILLIPS SERVICE, 1335 Center Avenue, Moorhead, Minn. Applicant's attorney: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile trailer homes*, in initial movements, from Britton, S. Dak., to points in the United States.

HEARING: September 22, 1958, at the U. S. Court Rooms, Fargo, N. Dak., before Examiner Richard H. Roberts.

No. MC 116073 (Sub No. 6), filed June 30, 1958. Applicant: JOHN C. BARRETT, doing business as MOORHEAD PHILLIPS SERVICE, 1335 Center Avenue, Moorhead, Minn. Applicant's attorney: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used mobile trailer homes*, in secondary movements, between points in Minnesota and North Dakota, on the one hand, and, on the other, points in the United States.

HEARING: September 23, 1958, at the U. S. Court Rooms, Fargo, N. Dak., before Examiner Richard H. Roberts.

No. MC 116077 (Sub No. 43), filed May 12, 1958. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, 1020 Brown Building, P. O. Box 858, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous hydrogen chloride*, in manifold cylinder trailers, from points in Tarrant County, Tex., to points in Louisiana, Arkansas, Oklahoma, Mississippi, Alabama, and Florida, and *empty shipper-owned vehicles* on return. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, and Texas.

HEARING: September 23, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Mack Myers.

No. MC 116077 (Sub No. 44), filed June 23, 1958. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex., Applicant's attorneys: Charles D. Mathews and Thomas E. James, P. O. Box. 858, 1020 Brown Building, Austin, Tex.. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, clay slurry* and *clay products*, in bulk, from points in Georgia to points in Mississippi, Louisiana, Arkansas, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Illinois, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Oregon, Tennessee, Texas, and Washington.

HEARING: September 24, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Mack Myers.

No. MC 117282 (Sub No. 1), filed June 2, 1958. Applicant: RAYMOND L. SCHOENBERGER, Talmage, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone*, from Blue Ball, Lancaster County, Pa., to points in Maryland and Delaware.

NOTE: Applicant states he proposes to transport Ground Limestone to farms in the above-named States.

HEARING: September 3, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner John P. McCarthy.

No. MC 117283 (Sub No. 1), filed June 2, 1958. Applicant: IRVIN L. MARTIN, Goodville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, from Blue Ball, Lancaster County, Pa., to points in Maryland and Delaware.

HEARING: September 3, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner John P. McCarthy.

No. MC 117284 (Sub No. 1), filed June 2, 1958. Applicant: RAYMOND M. WEBER, R. D. No. 1, East Earl, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, from Blue Ball, Lancaster County, Pa., to points in Maryland and Delaware.

NOTE: Applicant states he proposes to transport Agricultural Limestone to farms in the above-named states.

HEARING: September 3, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner John P. McCarthy.

No. MC 117285 (Sub No. 1), filed June 2, 1958. Applicant: THOMAS J. DEVINE, Intercourse, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, from Blue Ball, Lancaster County, Pa., to points in Maryland and Delaware.

HEARING: September 3, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner John P. McCarthy.

No. MC 117286 (Sub No. 1), filed June 2, 1958. Applicant: RICHARD L. MEYERS, Reamstown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, from Blue Ball, Lancaster County, Pa., to points in Maryland and Delaware.

NOTE: Applicant states he proposes to transport agricultural limestone to farms in the above-named States.

HEARING: September 3, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner John P. McCarthy.

No. MC 117305 (Sub No. 1), filed June 2, 1958. Applicant: ROCKFORD LEED, JR., R. D. No. 1, Conestoga, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime-*

stone, from Blue Ball, Lancaster County, Pa., to points in Maryland and Delaware.

HEARING: September 3, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner John P. McCarthy.

No. MC 117385, filed May 8, 1958. Applicant: JOHN R. BEILER, JR., 120 North Custer Avenue, New Holland, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, in bulk, in spreader type vehicles, from Blue Ball, Lancaster County, Pa., to points in New Castle, Kent, and Sussex Counties, Del., and points in Cecil, Kent, Caroline, and Queen Annes Counties, Md.

NOTE: Applicant states he will be delivering bulk limestone to farmers only.

HEARING: September 3, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner John P. McCarthy.

No. MC 117430 (Sub No. 1), filed June 30, 1958. Applicant: HOMER M. CONNEL, 1609 Pine Street, Abilene, Tex. Applicant's attorney: Joe T. Lanham, Suite 1009, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Quarried stone*, from points in Williamson, Burnet, and Travis Counties, Tex., to points in California.

HEARING: September 18, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 117432, filed June 2, 1958. Applicant: ORVILLE M. BAKER, doing business as TRAILER TOWING SERVICE, 810 Litchfield, Wichita, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, between points in Kansas, Arizona, New Mexico, Oklahoma, and Texas.

HEARING: October 3, 1958, at the Hotel Lassen, Wichita, Kans., before Examiner Gerald F. Colfer.

No. MC 117433, filed June 2, 1958. Applicant: ISAAC SEGAL, MEYER SEGAL AND MORRIS SEGAL, doing business as SEGAL & SON, Riverhead (Long Island), N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, in bags and in bulk, from Wilmington, Del., to points in Suffolk County, N. Y., and *empty containers or other such incidental facilities* (not specified) used in transporting animal feed on return.

HEARING: September 8, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner John P. McCarthy.

No. MC 117439, filed June 5, 1958. Applicant: BULK TRANSPORT, INC., 1007 Louisiana National Bank Building, Baton Rouge, La. Applicant's attorney: Harold R. Ainsworth, National Bank of Commerce Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, packages and bags, between points in Louisiana, on the one hand, and, on the other, points in Texas and Mississippi.

HEARING: October 1, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 246, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 117440, filed June 5, 1958. Applicant: BEN E. OGLE, doing business as BEN E. OGLE TRUCKING, 702 North First, Indianola, Iowa. Applicant's attorney: P. F. Elgin, 106–8 East Salem, Indianola, Iowa. Authority sought to operate as a *contract carrier;* by motor vehicle, over irregular routes, transporting: *Furniture* and *household goods*, and *empty containers or other such incidental facilities* (not specified) used in transporting such commodities, between points in Iowa, Missouri, Kansas, Nebraska, Colorado, Minnesota, Illinois, Wisconsin, Arkansas, and Oklahoma.

HEARING: September 16, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 117449, filed June 12, 1958. Applicant: RAY BOOTS AND GRETA BOOTS, doing business as BOOTS PRODUCE, Elkader, Iowa. Applicant's attorney: Charles F. Neylan, Neylan Building, Elkader, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Cheese*, (1) from Elkader, Iowa to Viroqua, Wis., from Elkader over Iowa Highway 13 to junction U. S. Highway 18, thence over U. S. Highway 18 to Prairie du Chien, Wis., thence over Wisconsin Highway 27 to junction of U. S. Highway 14–61, thence over U. S. Highway 14–61 to Viroqua; (2) from Elkader, Iowa to Viola, Wis., from Elkader over the above described route to Viroqua, Wis., thence over Wisconsin Highway 56 to Viola; (3) from Elkader, Iowa to Muscoda, Wis., from Elkader over Iowa Highway 13 to junction of U. S. Highway 18, thence over U. S. Highway 18 to Prairie du Chien, thence over U. S. Highway 18 to junction of Wisconsin Highway 60, thence over Wisconsin Highway 60 to Wisconsin Highway 80, thence over Wisconsin Highway 80 to Muscoda, serving no intermediate points.

HEARING: September 23, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 202, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 117458, filed June 16, 1958. Applicant: RUFFIN TRANSPORT, INC., P. O. Box 571, Shreveport, La. Authority sought to operate at a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags or other containers, or in bulk, from points in Arkansas to points in Louisiana, Texas, Oklahoma, and Missouri, and *empty containers or other such incidental facilities* (not specified) used in transporting cement on return.

HEARING: September 23, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Lawrence A. Van Dyke.

No. MC 117465 (Sub No. 1), filed June 19, 1958. Applicant: CLYDE REEVES, doing business as BEAVER EXPRESS, 1618 Texas Street, Woodward, Okla. Applicant's attorneys: W. A. Lybrand *and* Max G. Morgan, 450 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, excluding Class A and B explosives, moving in express service, (1) Between Woodward, Okla., and Guymon, Okla., as follows: (a) From Woodward over U. S. Highway 183 to junction U. S. Highway 64, thence over U. S. Highway 64 to junction U. S. Highway 54, thence over U. S. Highway 54 to Guymon; (b) From junction U. S. Highways 183 and 270, near Fort Supply, Okla., over U. S. Highway 270 to junction U. S. Highway 64, near Forgan, Okla.; and (c) From junction U. S. Highways 270 and 283, near May, Okla., over U. S. Highway 283 to junction U. S. Highway 64, and return over the above routes, serving all intermediate points; (2) Between Woodward, Okla., and Arnett, Okla., from Woodward over Oklahoma Highway 15 to junction U. S. Highway 283, near Shattuck, Okla., thence over U. S. Highway 283 to Arnett, and return over the same route, serving all intermediate points; and (3) Between junction U. S. Highways 283 and 60, approximately six (6) miles west of Arnett, Okla., and Shattuck, Okla., as follows: From junction U. S. Highways 283 and 60, approximately six (6) miles west of Arnett, over U. S. Highway 60 to Canadian, Tex., thence over U. S. Highway 83 to Perryton, Tex., thence over Texas Highway 15 to junction U. S. Highway 283, thence over U. S. Highway 283 to Shattuck, and return over the same route, serving all intermediate points.

HEARING: October 13, 1958, in the Federal Building, Oklahoma City, Okla., before Joint Board No. 16, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 117489, filed June 30, 1958. Applicant: JOHN N. SHEPPARD AND RICHARD T. SHEPPARD, doing business as SHEPPARD TRUCKING, Route 4, Box 664, Oshkosh, Wis. Applicant's representative: Adolph E. Solie, 716 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast concrete products*, such as roof slabs, window sills, coping, mausoleum crypt slabs, perlite slabs, and forms, including the necessary accompanying clips, mastic, plaster, perlite, and other installation materials used in connection with the installation thereof, when shipped with the commodities specified above, from Oshkosh, Wis., to points in Iowa, Minnesota, the Upper Peninsula of Michigan, that part of Illinois on and west of U. S. Highway 51 from the Wisconsin-Illinois State line to junction U. S. Highway 36 at Decatur, Ill., and on and north of U. S. Highway 36 from Decatur to the Illinois-Missouri State line, and points in Florence County, Wis., and *rejected and damaged shipments* of the above-specified commodities and *empty containers and other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

NOTE: Applicant states he proposes to transport the above-specified commodities to job sites (for installation) in the above-specified States.

HEARING: September 11, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Richard H. Roberts.

No. MC 117499, filed July 7, 1958. Applicant: EDGAR P. ROBERT, 652 Fremaux, Slidell, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile products*, from Slidell, La., to points in Hancock, Harrison, Jackson, Stone, Pearl River, Perry, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson Counties, Miss.

HEARING: September 30, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 28, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 117501, filed July 7, 1958. Applicant: HAROLD L. NELSON, 1215 Boone Street, Boone, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aeration equipment for grain elevators*, from Boone, Iowa to points in Colorado, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin; (2) *agricultural fans*, from Piqua, Ohio, to Boone, Iowa.

NOTE: Applicant states that the proposed operations are to be limited to a transportation service to be performed under continuing contract with Rolfes Grain Aeration Company, Boone, Iowa.

HEARING: September 19, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

MOTOR CARRIERS OF PASSENGERS

No. MC 28572 (Sub No. 7), filed May 5, 1958. Applicant: GREAT NORTHERN RAILWAY COMPANY, a Corporation, 175 East Fourth Street, St. Paul 1, Minn. Applicant's attorney: H. V. Rhedin (same address). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express, mail, newspapers, milk and cream*, and *baggage of passengers*, in same or separate vehicles, (1) between Williston, N. Dak., and Watford City, N. Dak., from Williston over U. S. Highway 2 to junction U. S. Highway 85, thence over U. S. Highway 85 to Watford City, and return over the same route; and (2) between junction of North Dakota Highway 23 and U. S. Highway 85, north of Alexander, N. Dak., and Richey, Mont., from the junction of North Dakota Highway 23 and U. S. Highway 85, over North Dakota Highway 23 to the Montana-North Dakota State line, thence over Montana Highway 23N to Sidney, Mont., thence over Montana Highway 23 to Richey, and return over the same route, serving all intermediate points on the above-described routes which are stations on the rail line of Great Northern Railway Company and off-route points (which are stations on the rail line of applicant) of Lambert, Mont., and Charbonneau and Rawson, N. Dak. Applicant is authorized to perform similar operations in Montana and North Dakota.

HEARING: September 29, 1958, at the Montana Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 84, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 117414, filed May 23, 1958. Applicant: BALOGH COACH LINES, INC., 1607 10th Avenue North, Grand Forks, N. Dak. Applicant's representative: E. J. Hanson, Chamber of Commerce, Grand Forks, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Grand Forks, N. Dak., and Devils Lake, N. Dak., from Grand Forks over U. S. Highway 2 to Devils Lake, and return over the same route, serving all intermediate points; (2) between junction of North Dakota Highway 18 and U. S. Highway 2 and Larimore, N. Dak., over North Dakota Highway 18; (3) between junction of U. S. Highway 2 and Grand Forks County Road (generally referred to as the Mekineck Road) and Grand Forks Air Base, over Grand Forks County Road.

NOTE: The approach to the Air Base is one-fourth mile north of U. S. Highway 2 and thence west of U. S. Government property to the entrance to the Base.

HEARING: September 25, 1958, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 300, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 117460, filed June 16, 1958. Applicant: JELCO, INC., Route No. 4, Sparta, Wis. Applicant's attorney: Leo J. Goodman, Sidney Hotel Building, Sparta, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at Sparta, Monroe County, Viroqua, Vernon County, and Mauston, Juneau County, Wis., and extending to Minneapolis and St. Paul, Minn., and Chicago, Ill. Beginning and ending at Beloit, Rock County, Wis., and extending to Rockford and Chicago, Ill.

HEARING: September 11, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Richard H. Roberts.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2512 (Sub No. 25), filed July 7, 1958. Applicant: WILSON TRANSFER, INC., Bay Center, Wash. Applicant's attorney: John M. Hickson, 1225 Failing Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, high explosives, commodities in bulk, and those requiring special equipment, in less than truck load lots only, between Portland, Oreg., on the one hand, and, on the other, Illwaco, Wash., and points within twenty (20) miles thereof. Applicant is authorized to conduct operations in California, Oregon, and Washington.

NOTE: Applicant states that the purpose of the instant application is to modify and change its present authority in Certificate No. MC 2512, dated January 16, 1957, by eliminating therefrom the present restriction that the movement of General Commodities, between Portland, Oreg., and the above-mentioned points in Washington must be in truck load lots.

No. MC 6575 (Sub No. 2), filed July 15, 1958. Applicant: G. ARREDONDO TRANSFER CO., 1220 Santa Rita Street, Laredo, Tex. Applicant's attorney: Maynard F. Robinson, Frost National Bank Building, San Antonio, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including commodities of unusual value, Class A, B and C explosives, household goods as defined by the Commission, commodities in bulk other than liquids and commodities which require special equipment because of size or weight*, between Laredo, Texas, and points within 5 miles thereof and the port of entry on the international boundary line between the United States and Mexico at or near Laredo, Tex. Applicant is authorized to transport General commodities, except those commodities listed above, between points in Texas within 5 miles of Laredo, including Laredo.

No. MC 66562 (Sub No. 1435), (AMENDMENT) filed June 26, 1958, published in the FEDERAL REGISTER of July 16, 1958, page 5411. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (Same address as applicant). In letter dated July 18, 1958, applicant's attorney requests that "covering in addition to the motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air." be deleted from the restriction.

NOTE: The subject application is being handled, at the present, at the request of applicant, under the "no hearing" procedure.

No. MC 66562 (Sub No. 1439), filed July 15, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y.

Applicant's attorney: James E. Thomas, Alston, Sibley, Miller, Spann & Shackelford, 1220 The Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Greensboro, N. C., and Goldsboro, N. C., from Greensboro over North Carolina Highway 6 to junction U. S. Highway 70, thence over U. S. Highway 70 to Goldsboro (also from junction U. S. Highways 70 and 301 over U. S. Highway 301 to Selma, N. C., thence over U. S. Highway 70–A to junction U. S. Highway 70), and return over the same route, serving the intermediate points of Durham and Raleigh, N. C., and the off-route point of Selma, N. C. Applicant indicates the proposed service is subject to the following RESTRICTIONS: 1. The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or railway express service. 2. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor crarier movement by applicant, an immediately prior or immediately subsequent movement by air or rail. Applicant is authorized to conduct operations throughout the United States.

No. MC 88082 (Sub No. 3), filed July 17, 1958. Applicant: ST. MARYS TRUCKING CO., INC., P. O. Box 206, 400 South Webb Street, St. Marys, Ohio. Applicant's representative: Earl J. Thomas, Thomas Building, 5844–5850 North High Street, Worthington, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-fabricated poultry houses*, from St. Marys, Ohio, to points in Indiana. Applicant is authorized to conduct operations in Indiana, Ohio, Illinois, and West Virginia.

No. MC 109451 (Sub No. 90), filed July 9, 1958. Applicant: ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ethyl acetate and denatured alcohol solvents*, in bulk, in tank vehicles, from Ficklin, Ill., to points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a common or contract carrier, assigned Docket No. MC 109451 (Sub No. 82).

No. MC 112020 (Sub No. 47), filed July 16, 1958. Applicant: COMMERCIAL OIL TRANSPORT, a Corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Dallas, Tex., to points in New Mexico. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, Kansas, Nebraska, Missouri, Illinois, Iowa, Indiana, Colorado, Michigan, Mississippi, Ohio, Wisconsin, New York, Kentucky, and Tennessee.

No. MC 117512, filed July 14, 1958. Applicant: LEE JOHNSON, 1027 Utah, West Plains, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Iron ore*, in bulk, in dump trucks, (A) from the mine site of Shook & Fletcher Supply Co. located approximately 4.6 miles south of Montier, Mo., to the loading dock of Shook & Fletcher Supply Co. on the St. Louis-San Francisco Ry. Co., at or near Montier, Mo., from the mine site of Shook & Fletcher Supply Co. over Shannon County Supplemental Route "T" to junction unnumbered county road, thence over unnumbered county road to the loading dock of Shook & Fletcher Supply Co. on the St. Louis-San Francisco Ry. Co., at or near Montier, serving no intermediate points. (B) From the mine site of Shook & Fletcher Supply Co. located approximately 12 miles south of West Plains, Mo., to West Plains, from the mine site of Shook & Fletcher Supply Co. over Howell County Supplemental Route "JJ" to junction U. S. Highway 160, thence over U. S. Highway 160 to West Plains, serving no intermediate points.

MOTOR CARRIERS OF PASSENGERS

No. MC 3700 (Sub No. 40), filed July 18, 1958. Applicant: MANHATTAN TRANSIT COMPANY, U. S. 46, East Paterson, N. J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip operations, during the racing seasons, (1) beginning and ending at Paterson, Clifton, and Passaic, N. J., and extending to Delaware Park Race Track, Stanton, Del., Pimlico Race Track, Baltimore, Md., Laurel Race Track, Laurel, Md., and Bowie Race Track, Bowie, Md.; (2) beginning and ending at Clifton and Passaic, N. J., and extending to Aqueduct Race Track, New York, N. Y., Belmont Race Track, Elmont, N. Y., Jamaica Race Track, New York, N. Y., Yonkers Race Track, Yonkers, N. Y., Roosevelt Raceway, Westbury, N. Y., Delaware Park Race Track, Stanton, Del., Laurel Race Track, Laurel, Md., Pemlico Race Track, Baltimore, Md., and Bowie Race Track, Bowie, Md. Applicant is authorized to conduct operations in New Jersey, New York, Connecticut, Pennsylvania, District of Columbia, Delaware, Maine, Maryland, Massachusetts, North Carolina, New Hampshire, Rhode Island, Tennessee, Vermont, and Virginia.

PETITION

No. MC 2892, PETITION dated July 8, 1958, FOR WAIVER OF RULE 1.101 (e) AND FOR REOPENING AND RECONSIDERATION OF "GRANDFATHER" APPLICATION IN DOCKET NO. MC 74628, ROLAND C. AMES MOTOR TRANSPORTATION, INC., Woodsville, N. H. Petitioner's attorney: Mary E. Kelley, 10 Tremont Street, Boston, Mass. Pursuant to appropriate transfer proceedings, Certificate MC 74628 dated July 31, 1941, issued to David Barcomb, doing business as Ideal Trucking Company, Hardwick, Vt., was merged with Certificate of petitioner, Roland C. Ames Motor Transportation, Inc. The Barcomb certificate authorized, among other things, the transportation of general commodities with exceptions "between points within 36 miles of Hardwick, Vt., including Hardwick, Vt." Holders of the authority in question, on the assumption that Burlington, Vt., and other points on the shore of Lake Champlain in the vicinity of Burlington, were embraced within the 36-mile radius of Hardwick, have continuously served such points in the belief they were authorized to do so. As the result of recent proceeding in No. MC–F 6786, Quinn Freight Lines, Inc.—Control and Merger—Roland C. Ames Motor Transportation, Inc., the question arose with respect to petitioner's right to serve Burlington, Vt., or to and from the Burlington, Vt., area. It is recited, among other things, that the "grandfather" rights granted to Barcomb resulted from informal conferences, with no uniformity with respect to maps or methods of computing distances in the determination of mileages and that it appears inconceivable that it was intended Barcomb should be granted authority to serve all points in northern Vermont except a limited area along the shore of Lake Champlain. Wherefore, petitioner seeks to waive the provisions of Rule 1.101 (3) of the Commission's general rules of practice and accept the instant petition for reopening and reconsideration of the Barcomb "grandfather" application with respect to authority to serve the Burlington, Vermont, area.

APPLICATIONS UNDER 212 (c) CONVERSION PROCEEDINGS

No. MC 102718 (Sub No. 4), SPENCER WADDELL (Columbus, Ga.); No. MC 106614 (Sub No. 1), THOMAS GUADAGNO (Teaneck, N. J.). The above-numbered proceedings were instituted under section 212 (c) on the Commission's own initiative, on February 17, 1958, to determine the carriers' status pertaining to their contract authority issued on or before August 22, 1957. Such proceedings were instituted because the carriers failed to file verified statements in response to a Questionnaire mailed September 20, 1957. Such statements have now been filed and the order entered February 17, 1958, instituting proceedings is hereby vacated and set aside as of September 2, 1958.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6954 (correction) (UNION PACIFIC MOTOR FREIGHT CO.—PURCHASE (PORTION)—MASKELYNE TRANSFER AND STORAGE, INC.) published in the July 16, 1958, issue of the FEDERAL REGISTER on page 5414. The following restrictions were eliminated from the authority sought to be transferred: "The service performed by carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the Union Pacific Railroad Company, hereinafter called the railroad; no service shall be rendered to or from any point not a station on the rail lines of the railroad; shipments transported shall be limited to those which are received from, or delivered to, the railroad under a through bill of lading covering, in addition to a motor carrier movement by carrier, a prior or subsequent movement by rail; all contractual arrangements between carrier and the railroad shall be reported to the Commission and shall be subject to revision by it if and as it may be found necessary in order that such arrangement shall be fair and equitable to the parties; and such further conditions as the Commission, in the future, may find it necessary to impose to restrict carrier's operation to service which is auxiliary to, or supplemental of, the rail service of the railroad."

No. MC–F 6961. Authority sought for purchase by INTERSTATE TRUCK SERVICE, INC., 605–611 South First Street, Martins Ferry, Ohio, of the operating rights of HILMER GARDE, doing business as GLENCOE TRANSFER, Glencoe, Ohio, and for acquisition by DAVID L. BENNETT, Bethlehem Boulevard, Wheeling, W. Va., and GEORGE L. HANNAN, JR., Warwood Terrace, Wheeling, W. Va., of control of such rights through the transfer. Applicants' attorney: Wilmer A. Hill, Transportation Building, Washington, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions excluding household goods and including commodities in bulk, as a *common carrier* over a regular route between Glencoe, Ohio, and Wheeling, W. Va., serving all intermediate points and the off-route points of Willow Grove and Warnock, Ohio; *general commodities*, with certain exceptions excluding household goods and including commodities in bulk, over irregular routes, between Glencoe, Ohio, and points within five miles of Glencoe, on the one hand, and, on the other, Pittsburgh, Pa., and Parkersburg, W. Va. Vendee is authorized to operate as a *common carrier* in Ohio, West Virginia, Pennsylvania, Maryland, Indiana, Kentucky, New York, Delaware, Massachusetts, New Jersey, Tennessee, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6962. Authority sought for purchase by BRUCE JOHNSON TRUCKING COMPANY, INC., P. O. Box 5233 and/or Creosote Road, Charlotte 6, N. C., of the operating rights of GRIFFIN AND GRIST TRUCKING COMPANY, 125 Creosote Road, Charlotte 6, N. C. Applicants' attorney: Charles Basil Caudle, 718 Johnston Building, Charlotte, N. C. Operating rights sought to be transferred: *The commodities* listed in A and B of the appendix to the report in *Modification of Permits—Packing House Products*, 46 M. C. C. 23, as a *common carrier*, over irregular routes, from Charlotte, N. C., to points in South Carolina; *frozen foods*, from Charlotte, N. C., to points in South Carolina. Vendee is authorized to operate as a *common carrier* in South Carolina, North Carolina, Georgia, Virginia, Tennessee, and New Jersey. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6963. Authority sought for control by SCHWERMAN TRUCKING CO., 620 South 29th Street, Milwaukee 46, Wis., of SCHWERMAN TRUCKING CO. OF N. Y., INC., 620 South 29th Street, Milwaukee 46, Wis., and for acquisition by FRED SCHWERMAN, SR., FRED J. SCHWERMAN, RICHARD D. SCHWERMAN and CARL SCHWERMAN, all of Milwaukee, of control of SCHWERMAN TRUCKING CO. OF N. Y., INC., through the acquisition by SCHWERMAN TRUCKING CO. Applicant's attorney: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. Operating rights sought to be transferred: Authority applied for by SCHWERMAN TRUCKING CO. OF N. Y., INC., in a pending application, covering the transportation of *cement*, as a *contract carrier*, over irregular routes, from two plant sites located in the vicinity of Hudson, N. Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. SCHWERMAN TRUCKING CO. is authorized to operate as a *contract carrier* in Indiana, Illinois, and Wisconsin. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6964. Authority sought for purchase by SCHWERMAN TRUCKING CO. OF INDIANA, INC., 620 South 29th Street, Milwaukee 46, of a portion of the operating rights of SCHWERMAN TRUCKING CO., 620 South 29th Street, Milwaukee 46, Wis., and for acquisition by FRED SCHWERMAN, SR., FRED J. SCHWERMAN, RICHARD D. SCHWERMAN, and CARL SCHWERMAN, all of Milwaukee, of control of such rights through the purchase. Applicants' attorney: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. Operating rights sought to be transferred: *Cement and mortar*, as a *contract carrier*, over irregular routes, from Buffington, Ind., to points in Illinois and Wisconsin within 160 miles of Buffington; *fly ash*, in bulk, in tank vehicles, from Chicago, Ill., to certain points in Wisconsin. Vendee is authorized to operate as a *contract carrier* in Indiana, Illinois, Ohio, and Kentucky. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6965. Authority sought for purchase by DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill., of a portion of the operating rights of SQUARE DEAL CARTAGE COMPANY, 13401 Eldon Avenue, Detroit 34, Mich., and for acquisition by WALTER F. CAREY, 6125 Middlebelt Road, Birmingham, Mich., and BERT B. BEVERIDGE, 707 North Ocean Drive, Del Ray Beach, Fla., of control of such rights through the purchase. Applicants' attorney: George S. Dixon, 2150 Guardian Building, Detroit 26, Mich. Operating rights sought to be transferred: *Freight trailers* and *trailer chassis*, restricted to initial movements, in truck-away, tow-away, and drive-away service, as a *common carrier* over irregular routes, from points in the Cincinnati, Ohio, Commercial Zone, as defined by the Commission, the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, Springfield, Mo., and Charlotte, N. C., to points in the United States including the District of Columbia; *new trailers and semi-trailers*, other than those designed to be drawn by passenger automobiles, and *chassis therefor*, in initial movements in truck-away service, from Elizabeth and Linden, N. J., Fort Smith, Ark., and points within ten miles of Fort Smith, to points in the United States; *truck bodies* and *trailer bodies* and *accessories and equipment therefor*, moving in connection therewith, knocked down and set up, from points in the Cincinnati, Ohio, Commercial Zone as defined by the Commission, to points in the United States. Vendee is authorized to operate as a *common carrier* in all States in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58–5796; Filed, July 29, 1958; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 25, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34836: *Petroleum oil from Pennsylvania points to Houston, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B–7330) for interested rail carriers. Rates on petroleum oil tank-car loads from Clairton and West Elizabeth, Pa., to Houston, Tex.

Grounds for relief: Truck-water competition.

Tariff: Supplement 33 to Southwestern Lines tariff I. C. C. 4188.

FSA No. 34837: *Acid from Texas City and Houston, Tex., to Pawtucket, R. I.* Filed by Southwestern Freight Bureau, Agent (No. B–7341), for interested rail carriers. Rates on petroleum cresylic acid, tank-car loads, from Texas City and Houston, Tex., to Pawtucket, R. I.

Grounds for relief: Short line distance formula.

Tariff: Supplement 494 to Southwestern Lines tariff I. C. C. 4139.

FSA No. 34838: *Fertilizer from Sterlington, La., to Mississippi.* Filed by Southwestern Freight Bureau, Agent (No. B–73337), for interested rail carriers. Rates on manufactured fertilizer and fertilizer material, dry, carloads, from Sterlington, La., to points in Mississippi on the Illinois Central Railroad.

Grounds for relief: Short line distance formula.

Tariff: Supplement 112 to Southwestern Lines Tariff I. C. C. 4000.

FSA No. 34839: *Fresh Vegetables between points in the South.* Filed by O. W. South, Jr., Agent (SFA No. A3701), for interested rail carriers. Rates on vegetables, fresh or green (not cold-packed nor frozen), straight or mixed carloads, between points in southern territory.

Grounds for relief: Rate relationship basis formula and grouping.

Tariff: Supplement 31 to Southern Freight Tariff Bureau tariff I. C. C. 1558.

FSA No. 34840: *Clay from Cartersville, Ga., to points in the South.* Filed by O. W. South, Jr., Agent (SFA No. A3705), for interested rail carriers. Rates on clay, carloads, as described in the application, from Cartersville, Ga., to points in southern territory, Ohio and Mississippi River crossings, Washington, D. C., and points in Virginia.

Grounds for relief: Short line distance formula and grouping.

Tariff: Supplement 56 to Southern Freight Tariff Bureau tariff I. C. C. 1613.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58–5794; Filed, July 29, 1958; 8:49 a. m.]

TARIFF COMMISSION

WATCH MOVEMENTS

REPORT TO PRESIDENT

JULY 25, 1958.

The United States Tariff Commission today submitted to the President its third periodic report on the developments in the trade in watch movements since the "escape clause" action, on July 27, 1954, modifying the concession thereon granted in the trade agreement with Switzerland signed January 9, 1936. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952 (3 CFR, 1952 Supp., p. 105). That order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its third report to the President under Executive Order 10401 with respect to watch movements, the Commission advised the President that the conditions of competition between imported and domestic watch movements had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in watch movements do not warrant a formal inquiry into the question of whether a reduction in the duties on watch movements could be made without resulting in serious injury to the domestic industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U. S. Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58 5797; Filed, July 29, 1958; 8 49 a m]

TOWELING OF FLAX, HEMP, OR RAMIE

REPORT TO PRESIDENT

JULY 25, 1958.

The United States Tariff Commission today submitted to the President its first periodic report on the developments in the trade in toweling of flax, hemp, or ramie since the "escape clause" action on July 25, 1956, withdrawing the concession granted in the General Agreement on Tariffs and Trade on such toweling classifiable under paragraph 1010 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952 (3 CFR, 1952 supp., p. 105). That order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its first report to the President under Executive Order 10401 with respect to toweling of flax, hemp, or ramie, the Commission advised the President that the conditions of competition between imported and domestic toweling had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in toweling of flax, hemp, or ramie do not warrant a formal inquiry into the question of whether a reduction in the duty on such toweling could be made without resulting in serious injury to the domestic industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U. S. Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL] DON N. BENT,
Secretary.

[F. R. Doc. 58 5798; Filed, July 29, 1958; 8 50 a. m.]

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FEDERAL REGISTER

VOLUME 23 NUMBER 149

Washington, Thursday, July 31, 1958

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1020—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1958–59 FISCAL PERIOD

Notice was published in the July 17, 1958, daily issue of the FEDERAL REGISTER (23 F. R. 5465) that consideration was being given to the proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending March 31, 1959, under the marketing agreement and Order No. 120 (7 CFR Part 1020; 22 F. R. 3514), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Apricot Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 1020.202 *Expenses and rate of assessment for the 1958–59 fiscal period*—(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning April 1, 1958, and ending March 31, 1959, will amount to $10,306.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles apricots shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one and one-half dollars ($1.50) per ton of apricots so handled by such handler during such fiscal period.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipments of apricots are now being made; (2) the rate of assessment is applicable to all apricots shipped during the aforesaid fiscal period; and (3) it is essential that the specification of assessment rate be issued immediately so as to enable the said Washington Apricot Marketing Committee to perform its duties and functions in accordance with said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 28, 1958.

[SEAL] FLOYD F. HEDLUND,
Deputy Director,
Fruit and Vegetable Division.

[F. R. Doc. 58–5871; Filed, July 30, 1958; 8:53 a. m.]

PART 1022—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1958–59 FISCAL PERIOD

Notice was published in the July 17, 1958, daily issue of the FEDERAL REGISTER (23 F. R. 5466) that consideration was being given to the proposals regarding the expenses and fixing of the rate of assessment for the fiscal period ending March 31, 1959, under the marketing agreement and Order No. 122 (7 CFR Part 1022; 22 F. R. 3835), regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in such notice which

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FEDERAL REGISTER

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were submitted by the Washington Cherry Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 1022.203 *Expenses and rate of assessment for the 1958–59 fiscal period*—(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning April 1, 1958, and ending March 31, 1959, will amount to $10,340.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles cherries shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one and one-half dollars ($1.50) per ton of cherries so handled by such handler during such fiscal period.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipment of cherries are now being made; (2) the rate of assessment is applicable to all cherries shipped during the aforesaid fiscal period; and (3) it is essential that the specification of assessment rate be issued immediately so as to enable the said Washington Cherry Marketing Committee to perform its duties and functions in accordance with said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 28, 1958.

[SEAL] FLOYD F. HEDLUND, *Deputy Director, Fruit and Vegetable Division.*

[F. R. Doc. 58–5872; Filed, July 30, 1958; 8:54 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments are effective August 1, 1958:

PART 21—FIRST CLASS

Section 21.1 *Rates* is amended to read as follows:

§ 21.1 *Rates.*

Kind of mail	*Rate*
All first-class mail except postal and post cards and drop letters.	4 cents per ounce.
Drop letters	3 cents per ounce.
Single postal cards and post cards	3 cents each.
Double postal cards and post cards (reply portion of double post card does not have to bear postage when originally mailed).	6 cents (3 cents each portion).
Business reply mail (see § 21.2 (c)):	
Cards	5 cents each.
Other than cards:	
Weight not over two ounces	4 cents per ounce plus 2 cents per piece.
Weight over two ounces	4 cents per ounce plus 5 cents per piece.
Airmail	See § 26.1.

NOTE: The corresponding Postal Manual section is 131.1.

(R. S. 161, 396, as amended; sec. 2, 45 Stat. 940, as amended, sec. 201, 62 Stat. 1261, as amended: 5 U. S. C. 22, 369, 39 U. S. C. 280, 303, 463a)

PART 22—SECOND CLASS

In § 22.1 *Second-class rates* amend paragraph (c) to read as follows:

(c) *Transient rate.*

1. Copies mailed by public. 2. Sample copies in excess of 10 percent allowance. 3. Copies to persons not included in list of subscribers.	2 cents for first 2 ounces; 1 cent each additional ounce or fraction thereof, or the fourth-class rate, whichever is lower.

NOTE: The corresponding Postal Manual section is 132.13.

(R. S. 161, 396, as amended, sec. 2, 65 Stat. 672, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 289a)

PART 23—CONTROLLED CIRCULATION PUBLICATIONS

Section 23.1 *Rates* is amended to read as follows:

§ 23.1 *Rates.*

12 cents per pound, minimum 1 cent per piece.

NOTE: The corresponding Postal Manual section is 133.1.

(R. S. 161, 396, as amended, sec. 203, 62 Stat. 1262, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 291b)

PART 24—THIRD CLASS

a. In § 24.1 *Rates* make the following changes in the table:

1. Amend the single rate data applicable to books and catalogs, etc., to read as follows:

3 cents first 2 ounces, 1½ cents each additional ounce or fraction.

2. Amend the single rate data applicable to "circulars and other printed matter, merchandise" to read as follows:

3 cents first 2 ounces, 1½ cents each additional ounce or fraction.

3. As to articles of odd size or form, amend the rate data by striking out "3 cents" and inserting in lieu thereof "6 cents."

NOTE: The corresponding Postal Manual section is 134.1.

b. In § 24.2 *Classification* amend paragraph (a) (5) by striking out "(8 ounces)."

NOTE: The corresponding Postal Manual section is 134.21e.

c. In § 24.3 *Weight and size limitations* amend paragraph (a) to read as follows:

(a) *Weight.* Each piece may weigh up to but not including 16 ounces, except for items described in § 24.2 (a) (3) and (4) and letters for the blind. (See Part 28.)

NOTE: The corresponding Postal Manual section is 134.31.

(R. S. 161, 396, as amended; sec. 3, 65 Stat. 673, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 290a–1)

PART 25—FOURTH CLASS

a. In § 25.1 *Rates* make the following changes:

1. In paragraph (a) the caption of the first column of the table is amended to read as follows: "Weight, 16 ounces or over but not exceeding—."

2. In paragraph (a) delete the phrase "Over 8 ounces to—" which appears at the top of the pounds column of the table.

3. In paragraph (b) the caption of the first column of the table is amended to read as follows: "Weight, 16 ounces or over but not exceeding—."

4. Paragraph (c) is amended to read as follows:

(c) *Educational materials.*

Kind of mail	Rate (without regard to zone)	
	First pound	Each additional pound or fraction
Books: 16-millimeter films and 16-millimeter film catalogs (rate applies for films and catalogs except when mailed to commercial theaters); printed music, printed objective test materials, phonograph recordings, and manuscripts for books, periodicals and music. (See § 25.2 (a) (4))	*Cents* 9	*Cents* 5

NOTE: The corresponding Postal Manual section is 135.11, 135.12, and 135.13.

5. Paragraph (d) is amended to read as follows:

(d) *Library materials.* (These rates are restricted to public libraries, institutions of learning, and certain nonprofit organizations or associations.)

Kind of mail	Rate (without regard to zone)	
	First pound	Each additional pound or fraction
Library books, 16-millimeter films, filmstrips, transparencies and slides, microfilms, sound recordings, and catalogs of such materials, printed music, bound volumes of academic theses or periodicals, phonograph recordings, and other library materials (rate restricted to mailings by or to certain organizations. (See § 25.2 (a) (5))	*Cents* 1	*Cent* 1

NOTE: The corresponding Postal Manual section is 135.14.

b. In § 25.2 *Classification* make the following changes:

1. Amend paragraph (a) (3) to read as follows:

(3) Catalogs and similar printed advertising matter in bound form, having 24 or more pages, at least 22 of which are printed, weighing 16 ounces or more but not exceeding 10 pounds, and individually addressed, may be mailed at the zone rates in § 25.1 (b).

NOTE: The corresponding Postal Manual section is 135.213.

2. Amend paragraph (a) (4) to read as follows:

(4) The rates in § 25.1 (c) are for:

(i) Books of 24 pages or more, at least 22 of which are printed, permanently bound for preservation consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for students' notations and containing no advertising matter other than incidental announcements of books. Advertising includes paid advertising and the publisher's own advertising. The advertising may be in display, classified, or editorial style.

(ii) 16-millimeter films, which must be positive prints in final form for viewing, and 16-millimeter film catalogs of 24 pages or more, at least 22 of which are printed, except films and film catalogs sent to commercial theaters.

(iii) Printed music whether in bound form or in sheet form.

(iv) Printed objective test materials and accessories thereto used by or in behalf of educational institutions in the testing of ability, aptitude, achievement, interests, and other mental and personal qualities with or without answers, test scores, or identifying information recorded thereon in writing or by mark.

(v) Phonograph recordings.

(vi) Manuscripts for books, periodical articles and music.

NOTE: The corresponding Postal Manual section is 135.214.

3. Amend paragraph (a) (5) to read as follows:

(5) The rates in § 25.1 (d) apply to:

(i) The following items when loaned or exchanged between schools, colleges, or universities and public libraries, nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans or fraternal organizations or associations or when sent between libraries, organizations or associations stated herein and their members, readers or borrowers:

(*a*) Books consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for students' notations and containing no advertising matter other than incidental announcements of books.

(*b*) Printed music, whether in bound form or in sheet form.

(*c*) Bound volumes of academic theses in typewritten or duplicated form.

(*d*) Bound volumes of periodicals.

(*e*) Phonograph recordings.

(*f*) Other library materials in printed, duplicated, or photographic form or in the form of unpublished manuscripts.

(ii) 16-millimeter films, filmstrips, transparencies, slides, microfilms, all of which must be positive prints in final form for viewing; sound recordings; and catalogs of such materials having 24 or more pages, at least 22 of which are printed, when sent to or from schools, colleges, universities, or public libraries, and to or from nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans', or fraternal organizations or associations.

NOTE: The corresponding Postal Manual section is 135.215.

c. In § 25.3 *Weight and size limits* amend the first sentence of paragraph (a) to read as follows:

(a) *Weight.* Each addressed piece must weigh 16 ounces or more but not in excess of the following limits:

NOTE: The corresponding Postal Manual section is 135.31.

d. In § 25.5 *Written additions* make the following changes:

1. Amend paragraph (a) (4) to read as follows:

(4) The wrapper or cover on articles mailed at the rates in § 25.1 (c) must be marked Educational Materials.

NOTE: The corresponding Postal Manual section is 135.51d.

2. Amend paragraph (a) (5) to read as follows:

(5) The wrapper or cover on articles mailed at the rates in § 25.1 (d) must be marked Library Materials.

NOTE: The corresponding Postal Manual section is 135.51e.

e. Section 25.9 *Nonprofit organization* is amended to read as follows:

§ 25.9 *Library materials; identification of mailer or addressee.* Each parcel mailed under the provisions of §§ 25.1 (d) and 25.2 (a) (5) must show in the address or the return address the name of a school, college, university, public library, or the name of a nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans', or fraternal organization or association. No permit is required.

NOTE: The corresponding Postal Manual section is 135.9.

(R. S. 161, 396, as amended, 3879, as amended; sec. 204, 62 Stat. 1262, as amended, sec. 1, 69 Stat. 610, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 240, 240a, 292a)

PART 26—AIRMAIL

In § 26.1 *Rates* amend the first chart therein to read as follows:

Weight		Rate
8 ounces or less.	Air postal or post cards.	5 cents each.
	Letters and packages	7 cents an ounce.
	Business reply mail (See § 21.2 (c)):	
	Air Cards	7 cents each.
	Airmail other than cards:	
	Weight not over 2 ounces.	7 cents an ounce, plus 2 cents per piece.
	Weight over 2 ounces.	7 cents an ounce, plus 5 cents per piece.

NOTE: The corresponding Postal Manual section is 136.1.

(R. S. 161, 396, as amended; sec. 201, 62 Stat. 1261, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 463a)

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

[F. R. Doc. 58-5875; Filed, July 30, 1958; 8:54 a. m.]

PART 111—POSTAL UNION MAIL

PART 141—OUTGOING MAIL (TREATMENT ABROAD AND RETURN TO UNITED STATES)

MISCELLANEOUS AMENDMENTS

The proposed amendments to Parts 111 and 141 published in the FEDERAL REGISTER of July 4, 1958, at page 5122 (23 F. R. 5122), are hereby adopted as regulations of the Post Office Department with the following additional amendments:

1. In § 111.1 *All categories* amend subdivision (iii) of paragraph (c) (5) by striking out "3 cents" in the first sentence thereof and inserting in lieu thereof "4 cents".

2. In § 111.2 *Specific categories* amend the last sentence of subdivision (ii) of paragraph (b) (4) to read as follows: "Prepayment of the two halves shall be by means of United States postage stamps (3 cents for Canada and Mexico and 5 cents for other countries) affixed to each half."

All of the regulations as adopted, shall be effective August 1, 1958, with the exception that the new rates prescribed in that part of the amendment to paragraph (d) (1) of § 111.2 as they apply to books, and the new rate prescribed in the amendment to subdivision (i) of paragraph (d) (6) of § 111.2, shall become effective September 1, 1958.

The regulations as adopted read as follows:

a. In § 111.1 *All categories* make the following changes in paragraph (a):

1. In the chart, opposite both Canada and Mexico, and under "Airmail rates—Letters and letter packages, per ½ oz.", strike out "'.06" and insert in lieu thereof "'.07".

2. Amend footnote 4 to read as follows:

4 Per ounce (letters). Single post cards, 5 cents each.

b. In § 111.1 *All categories* amend subdivision (iii) of paragraph (c) (5) by striking out "3 cents" in the first sentence thereof and inserting in lieu thereof "4 cents".

c. In § 111.2 *Specific categories* make the following changes:

1. Amend paragraph (a) (1) to read as follows:

(1) *Rates.* The surface rate for letters and letter packages to Canada and Mexico is 4 cents per ounce. To all other countries it is 8 cents for the first ounce and 5 cents for each additional ounce. For airmail rates, see § 111.1 (a).

NOTE: The corresponding Postal Manual section is 221.211.

2. In paragraph (b) amend subdivisions (i) and (ii) of subparagraph (1) to read as follows:

(i) *Surface.* Canada and Mexico, 3 cents single; reply-paid, 3 cents each half. All other countries, 5 cents single; reply-paid, 5 cents each half.

(ii) *Airmail.* Canada and Mexico, 5 cents single; reply-paid, 7 cents on message half, 3 cents on reply half. St. Pierre and Miquelon, 8 cents single; reply-paid, 8 cents on message half, 5 cents on reply half. All other countries, 10 cents single; reply-paid, letter rate (10, 15, or 25 cents) on message half and 5 cents on reply half. There is no provision whereby you may prepay the reply half for return to the United States by airmail. See § 121.3 (b) of this chapter regarding prepayment of foreign reply-paid cards to be transmitted to other countries by airmail.

NOTE: The corresponding Postal Manual section is 221.221 a and b.

3. In paragraph (c) amend subparagraph (1) to read as follows:

(1) *Rates.* Surface rate for commercial papers for all countries is 4 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction of 2 ounces. Minimum charge is 10 cents. For airmail rates, see § 111.1 (a).

NOTE: The corresponding Postal Manual section is 221.231.

4. That part of paragraph (d) (1) which precedes subdivision (i), and subdivision (i) are amended to read as follows:

(1) *Surface rates.* Surface rates for printed matter to all countries are 4 cents for the first 2 ounces and 2 cents for each additional 2 ounces, except as follows:

(i) For rates on second-class matter mailed by publishers or registered news agents, see § 22.1 (d) of this chapter.

NOTE: The corresponding Postal Manual section is 221.241a.

5. In subdivision (i) of paragraph (d) (6) strike out "8 cents" and insert in lieu thereof "12 cents".

NOTE: The corresponding Postal Manual section is 221.246a.

6. In paragraph (f) amend subparagraph (1) by striking out "3 cents" and inserting in lieu thereof "4 cents".

NOTE: The corresponding Postal Manual section is 221.261.

7. In paragraph (g) amend subparagraph (1) to read as follows:

(1) *Rates.* Surface rate for all countries accepting small packets is 4 cents for each 2 ounces or fraction. Minimum charge, 20 cents per packet. For airmail rates, see § 111.1 (a). See subparagraph (8) of this paragraph for list of countries which do not accept small packets.

NOTE: The corresponding Postal Manual section is 221.271.

8. In paragraph (h) amend subparagraph (1) to read as follows:

(1) *Rates.* The surface rate is 4 cents for each 2 ounces or fraction. Minimum charge, 10 cents per package. For airmail rates, see § 111.1 (a).

NOTE: The corresponding Postal Manual section is 221.281.

9. In paragraph (i) amend the first sentence of subdivision (ii) of subparagraph (2) by striking out "3 cents" and inserting in lieu thereof "4 cents".

NOTE: The corresponding Postal Manual section is 221.292b.

10. Amend the last sentence of subdivision (ii) of paragraph (b) (4) to read as follows: "Prepayment of the two halves shall be by means of United States postage stamps (3 cents for Canada and Mexico and 5 cents for other countries) affixed to each half."

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

11. In § 141.1 *Postal Union mail* amend subdivisions (i) and (iv) of paragraph (c) (2) to read as follows:

(i) On any 8-ounce merchandise package, return postage equal to the amount of postage originally paid.

* * * * *

(iv) On second-class matter returned from Canada, if you are the publisher or registered news agent, return postage of 2 cents for the first 2 ounces and 1 cent for each additional ounce.

NOTE: The corresponding Postal Manual section is 251.132a and d.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

[F. R. Doc. 58-5877; Filed, July 30, 1958; 8:54 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

CERTIFICATION FEES

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507 (b) (5), 59 Stat. 463, as amended; 21 U. S. C. 357 (b) (5)) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for the certification of animal feed containing antibiotic drugs (21 CFR 146.8, 146.26) are amended as indicated below:

1. Section 146.8 *Fees* is amended in paragraph (f) by deleting the period at the end thereof and adding the following phrase "and § 146.26."

2. Section 146.26 *Animal feed containing penicillin* * * * is amended by adding the following new paragraph:

(c) [Reserved.]

(d) *Fees.* The fees for the services rendered with respect to each application for an exemption from certification under the regulations in paragraph (b) of this section, and for each amendment thereto, shall be:

(1) $5.00 for each medicated feed formula containing one or more new-drug substances described in an initial application.

(2) $5.00 for changes in one or more new-drug substances contained in a medicated feed formula described in an amendment to such application.

The fee prescribed by this paragraph shall accompany each application and each amendment to such application unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

Effective date. This order shall become effective on September 1, 1958.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the fees set forth herein are necessary in order to provide, equip, and maintain an adequate certification service for the antibiotic and antibiotic-containing drugs.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: July 28, 1958.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 58-5846; Filed, July 30, 1958; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; NORTH CAROLINA

On July 3, 1958, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

NORTH CAROLINA

County	Average value	County	Average value
Alamance	$32,000	Lee	$35,000
Alexander	35,000	Lenoir	40,000
Alleghany	40,000	Lincoln	35,000
Anson	30,000	McDowell	30,000
Ashe	40,000	Macon	30,000
Avery	25,000	Madison	30,000
Beaufort	30,000	Martin	35,000
Bertie	35,000	Mecklenburg	40,000
Bladen	32,000	Mitchell	25,000
Brunswick	28,000	Montgomery	30,000
Buncombe	35,000	Moore	30,000
Burke	27,000	Nash	35,000
Cabarrus	35,000	New Hanover	35,000
Caldwell	30,000	Northampton	30,000
Camden	40,000	Onslow	30,000
Carteret	27,000	Orange	30,000
Caswell	30,000	Pamlico	25,000
Catawba	40,000	Pasquotank	40,000
Chatham	35,000	Pender	30,000
Cherokee	30,000	Perquimans	30,000
Chowan	40,000	Person	30,000
Clay	30,000	Pitt	40,000
Cleveland	40,000	Polk	35,000
Columbus	35,000	Randolph	30,000
Craven	30,000	Richmond	30,000
Cumberland	32,000	Robeson	37,000
Currituck	35,000	Rockingham	35,000
Dare	20,000	Rowan	40,000
Davidson	40,000	Rutherford	35,000
Davie	40,000	Sampson	35,000
Duplin	35,000	Scotland	32,000
Durham	35,000	Stanly	40,000
Edgecombe	40,000	Stokes	35,000
Forsyth	40,000	Surry	35,000
Franklin	35,000	Swain	30,000
Gaston	35,000	Transylvania	30,000
Gates	30,000	Tyrell	35,000
Graham	25,000	Union	35,000
Granville	35,000	Vance	35,000
Greene	40,000	Wake	40,000
Guilford	40,000	Warren	30,000
Halifax	35,000	Washington	35,000
Harnett	35,000	Watauga	35,000
Haywood	40,000	Wayne	35,000
Henderson	40,000	Wilkes	38,000
Hertford	32,000	Wilson	40,000
Hoke	32,000	Yadkin	40,000
Hyde	30,000	Yancey	40,000
Iredell	40,000		
Jackson	30,000		
Johnston	40,000		
Jones	30,000		

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: July 24, 1958.

[SEAL] DARREL A. DUNN,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 58-5874; Filed, July 30, 1958; 8:54 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

The 1958 C. C. C. Grain Price Support Bulletin 1 (23 F. R. 2663), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1958 was supplemented by 1958 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Wheat (23 F. R. 3485), containing specific requirements applicable to price support operations on the 1958 wheat crop. These regulations are further supplemented by the addition of paragraph (d) to § 421.3043 as follows:

(d) *Support rates.* Basic support rates for wheat placed under loan or delivered under purchase agreements are set forth in this paragraph.

(1) *Basic support rates at designated terminal markets.* Basic support rates per bushel for grade No. 1 wheat stored in approved warehouses at the terminal markets listed below are as follows.

Terminal market	Rate per bushel: Wheat produced in commercial area	Rate per bushel: Wheat produced in noncommercial area
Astoria, Oreg.	$2.07	$1.55
Portland, Oreg.	2.07	1.55
Longview, Wash.	2.07	1.55
Seattle, Wash.	2.07	1.55
Tacoma, Wash.	2.07	1.55
Vancouver, Wash.	2.07	1.55
Los Angeles, Calif.	2.15	1.61
Oakland, Calif.	2.15	1.61
San Francisco, Calif.	2.15	1.61
Stockton, Calif.	2.15	1.61
Atchison, Kan.	2.15	1.61
Council Bluffs, Iowa	2.15	1.61
Kansas City, Kans.	2.15	1.61
Kansas City, Mo.	2.15	1.61
Louisville, Ky.	2.15	1.61
Saint Joseph, Mo.	2.15	1.61
Omaha, Neb.	2.15	1.61
Sioux City, Iowa	2.15	1.61
Cairo, Ill.	2.15	1.61
Chicago, Ill.	2.15	1.61
East St. Louis, Ill.	2.15	1.61
Memphis, Tenn.	2.15	1.61
Milwaukee, Wis.	2.15	1.61
St. Louis Mo.	2.15	1.61
Duluth, Minn.	2.20	1.65
Minneapolis, Minn.	2.20	1.65
St. Paul, Minn.	2.20	1.65
Superior, Wis.	2.20	1.65
Albany, N. Y.	2.27	1.70
Baltimore, Md.	2.27	1.70
Norfolk, Va.	2.27	1.70
Philadelphia, Pa.	2.27	1.70
New York, N. Y.	2.27	1.70
Corpus Christi, Tex.	2.34	1.76
Galveston, Tex.	2.34	1.76
Houston, Tex.	2.34	1.76
New Orleans, La.	2.34	1.76

(2) *Basic county support rates.* (i) The following basic county support rates per bushel are established for grade No. 1 wheat. Both farm-storage and country warehouse-storage loans, except as otherwise provided in paragraph (b) of this section will be made at the support rate established for the county in which the wheat is stored: *Provided, however,* That if the wheat produced in the commercial wheat-producing area and stored outside the commercial wheat-producing area or if the wheat is produced in the noncommercial wheat-producing area and stored in the commercial wheat-producing area, the rate shall be the applicable rate where stored adjusted to the percentage level applicable to where the wheat was produced.

(ii) If two or more approved warehouses are located at the same or adjoining towns, villages or cities having the same domestic interstate freight rate, such towns, villages or cities shall be deemed to constitute one shipping point and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate in the county involved.

County	Rate per bushel
ALABAMA	
All counties	$1.49
ARIZONA	
Apache	$0.94
Cochise	1.33
Coconino	.94
Gila	1.12
Graham	1.26
Greenlee	1.19
Maricopa	1.42
Mohave	$0.94
Navajo	.94
Pima	1.49
Pinal	1.42
Santa Cruz	1.31
Yavapai	1.14
Yuma	1.45
ARKANSAS	
Arkansas	$1.87
Ashley	1.92
Baxter	1.82
Benton	1.77
Boone	1.80
Bradley	1.91
Calhoun	1.90
Carroll	1.78
Chicot	1.92
Clark	1.89
Clay	1.91
Cleburne	1.89
Cleveland	1.88
Columbia	1.93
Conway	1.83
Craighead	1.92
Crawford	1.78
Crittenden	1.98
Cross	1.95
Dallas	1.89
Desha	1.90
Drew	1.91
Faulkner	1.84
Franklin	1.79
Fulton	1.87
Garland	1.86
Grant	1.88
Greene	1.91
Hempstead	1.92
Hot Spring	1.87
Howard	1.84
Independence	1.88
Izard	1.84
Jackson	1.91
Jefferson	1.87
Johnson	1.81
Lafayette	1.93
Lawrence	1.91
Lee	$1.94
Lincoln	1.88
Little River	1.92
Logan	1.78
Lonoke	1.88
Madison	1.78
Marion	1.81
Miller	1.90
Mississippi	1.94
Monroe	1.90
Montgomery	1.82
Nevada	1.91
Newton	1.80
Ouachita	1.91
Perry	1.88
Phillips	1.91
Pike	1.83
Poinsett	1.95
Polk	1.81
Pope	1.82
Prairie	1.89
Pulaski	1.87
Randolph	1.91
St. Francis	1.94
Saline	1.87
Scott	1.83
Searcy	1.89
Sebastian	1.89
Sevier	1.84
Sharp	1.87
Stone	1.85
Union	1.91
Van Buren	1.83
Washington	1.78
White	1.90
Woodruff	1.92
Yell	1.82
CALIFORNIA	
Alameda	$2.01
Alpine	1.80
Amador	2.01
Butte	1.95
Calaveras	2.01
Colusa	1.97
Contra Costa	2.01
El Dorado	1.98
Fresno	1.96
Glenn	$1.94
Humboldt	1.94
Imperial	1.91
Inyo	1.81
Kern	1.93
Kings	1.96
Lake	1.96
Lassen	1.78
Los Angeles	2.00

CALIFORNIA—Continued

County	Rate per bushel	County	Rate per bushel
Madera	$1.98	San Luis Obispo	$1.92
Marin	2.01	San Mateo	2.02
Mariposa	1.99	Santa Barbara	1.93
Mendocino	1.93	Santa Clara	2.01
Merced	2.00	Santa Cruz	1.98
Modoc	1.70	Shasta	1.88
Mono	1.78	Sierra	1.81
Monterey	1.96	Siskiyou	1.76
Napa	2.01	Solano	2.00
Orange	1.99	Sonoma	2.00
Placer	1.99	Stanislaus	2.02
Plumas	1.80	Sutter	1.98
Riverside	1.95	Tehama	1.91
Sacramento	2.01	Tulare	1.96
San Benito	1.97	Tuolumne	2.02
San Bernardino	1.99	Ventura	2.00
San Diego	1.94	Yolo	1.99
San Joaquin	2.03	Yuba	1.98

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.75	Kit Carson	$1.77
Alamosa	1.64	La Plata	1.55
Arapahoe	1.75	Larimer	1.75
Archuleta	1.55	Las Animas	1.74
Baca	1.76	Lincoln	1.75
Bent	1.76	Logan	1.75
Boulder	1.75	Mesa	1.56
Chaffee	1.60	Moffat	1.56
Cheyenne	1.77	Montezuma	1.49
Conejos	1.63	Montrose	1.56
Costilla	1.64	Morgan	1.75
Crowley	1.75	Otero	1.75
Custer	1.69	Ouray	1.56
Delta	1.56	Phillips	1.78
Denver	1.75	Pitkin	1.56
Dolores	1.49	Prowers	1.77
Douglas	1.75	Pueblo	1.75
Eagle	1.57	Rio Blanco	1.56
Elbert	1.75	Rio Grande	1.68
El Paso	1.75	Routt	1.56
Fremont	1.70	Saguache	1.63
Garfield	1.56	San Miguel	1.52
Grand	1.60	Sedgwick	1.78
Huerfano	1.72	Summit	1.60
Jackson	1.63	Washington	1.75
Jefferson	1.75	Weld	1.75
Kiowa	1.77	Yuma	1.77

CONNECTICUT

All counties	$1.52

DELAWARE

Kent	$2.07
New Castle	2.08
Sussex	2.07

FLORIDA

All counties	$1.49

GEORGIA

All counties	$2.02

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$1.59	Gem	$1.60
Adams	1.57	Gooding	1.54
Bannock	1.54	Idaho	1.67
Bear Lake	1.57	Jefferson	1.53
Benewah	1.70	Jerome	1.53
Bingham	1.54	Kootenai	1.69
Blaine	1.53	Latah	1.70
Boise	1.58	Lemhi	1.53
Bonner	1.66	Lewis	1.67
Bonneville	1.54	Lincoln	1.53
Boundary	1.64	Madison	1.53
Butte	1.53	Minidoka	1.53
Camas	1.53	Nez Perce	1.70
Canyon	1.59	Oneida	1.54
Caribou	1.54	Owyhee	1.59
Clearwater	1.55	Payette	1.61
Clark	1.53	Power	1.54
Custer	1.69	Shoshone	1.66
Elmore	1.53	Teton	1.53
Franklin	1.56	Twin Falls	1.56
Fremont	1.54	Valley	1.57
	1.53	Washington	1.61

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.89	Lee	$1.93
Alexander	1.92	Livingston	1.93
Bond	1.94	Logan	1.92
Boone	1.94	McDonough	1.90
Brown	1.90	McHenry	1.95
Bureau	1.92	McLean	1.92
Calhoun	1.93	Macon	1.92
Carroll	1.91	Macoupin	1.95
Cass	1.92	Madison	1.95
Champaign	1.92	Marion	1.92
Christian	1.92	Marshall	1.92
Clark	1.92	Mason	1.92
Clay	1.92	Massac	1.91
Clinton	1.95	Menard	1.92
Coles	1.92	Mercer	1.89
Cook	1.97	Monroe	1.94
Crawford	1.90	Montgomery	1.93
Cumberland	1.92	Morgan	1.92
De Kalb	1.95	Moultrie	1.92
DeWitt	1.92	Ogle	1.93
Douglas	1.92	Peoria	1.92
DuPage	1.97	Perry	1.92
Edgar	1.92	Piatt	1.92
Edwards	1.90	Pike	1.91
Effingham	1.92	Pope	1.87
Fayette	1.92	Pulaski	1.92
Ford	1.92	Putnam	1.92
Franklin	1.92	Randolph	1.92
Fulton	1.92	Richland	1.91
Gallatin	1.87	Rock Island	1.90
Greene	1.95	St. Clair	1.95
Grundy	1.94	Saline	1.87
Hamilton	1.91	Sangamon	1.92
Hancock	1.88	Schuyler	1.91
Hardin	1.83	Scott	1.92
Henderson	1.89	Shelby	1.92
Henry	1.91	Stark	1.92
Iroquois	1.93	Stephenson	1.91
Jackson	1.92	Tazewell	1.92
Jasper	1.91	Union	1.92
Jefferson	1.92	Vermilion	1.92
Jersey	1.95	Wabash	1.89
Jo Daviess	1.90	Warren	1.90
Johnson	1.85	Washington	1.92
Kane	1.96	Wayne	1.90
Kankakee	1.96	White	1.88
Kendall	1.96	Whiteside	1.91
Knox	1.91	Will	1.97
Lake	1.97	Williamson	1.92
La Salle	1.94	Winnebago	1.92
Lawrence	1.91	Woodford	1.92

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$1.86	Huntington	$1.87
Allen	1.87	Jackson	1.93
Bartholomew	1.93	Jasper	1.93
Benton	1.90	Jay	1.87
Blackford	1.88	Jefferson	1.91
Boone	1.89	Jennings	1.92
Brown	1.89	Johnson	1.90
Carroll	1.90	Knox	1.87
Cass	1.90	Kosciusko	1.89
Clark	1.98	Lagrange	1.88
Clay	1.88	Lake	1.95
Clinton	1.89	La Porte	1.91
Crawford	1.93	Lawrence	1.94
Daviess	1.86	Madison	1.87
Dearborn	1.90	Marion	1.89
Decatur	1.92	Marshall	1.89
De Kalb	1.87	Martin	1.87
Delaware	1.86	Miami	1.89
Dubois	1.91	Monroe	1.96
Elkhart	1.89	Montgomery	1.88
Fayette	1.89	Morgan	1.87
Floyd	2.02	Newton	1.91
Fountain	1.87	Noble	1.87
Franklin	1.90	Ohio	1.90
Fulton	1.90	Orange	1.96
Gibson	1.86	Owen	1.87
Grant	1.88	Parke	1.87
Greene	1.87	Perry	1.89
Hamilton	1.88	Pike	1.88
Hancock	1.89	Porter	1.94
Harrison	1.90	Posey	1.86
Hendricks	1.89	Pulaski	1.92
Henry	1.87	Putnam	1.89
Howard	1.89	Randolph	1.87

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Ripley	$1.91	Union	$1.89
Rush	1.89	Vanderburgh	1.91
St. Joseph	1.89	Vermillion	1.86
Scott	1.94	Vigo	1.90
Shelby	1.89	Wabash	1.89
Spencer	1.91	Warren	1.89
Starke	1.91	Warrick	1.89
Steuben	1.87	Washington	1.96
Sullivan	1.84	Wayne	1.87
Switzerland	1.90	Wells	1.86
Tippecanoe	1.89	White	1.92
Tipton	1.88	Whitley	1.88

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$1.92	Jefferson	$1.85
Adams	1.93	Johnson	1.90
Allamakee	1.93	Jones	1.91
Appanoose	1.88	Keokuk	1.87
Audubon	1.94	Kossuth	1.94
Benton	1.91	Lee	1.88
Black Hawk	1.92	Linn	1.91
Boone	1.91	Louisa	1.88
Bremer	1.93	Lucas	1.90
Buchanan	1.91	Lyon	1.91
Buena Vista	1.92	Madison	1.90
Butler	1.93	Mahaska	1.88
Calhoun	1.91	Marion	1.88
Carroll	1.94	Marshall	1.91
Cass	1.98	Mills	1.95
Cedar	1.88	Mitchell	1.95
Cerro Gordo	1.94	Monona	1.95
Cherokee	1.91	Monroe	1.88
Chickasaw	1.93	Montgomery	1.95
Clarke	1.91	Muscatine	1.88
Clay	1.93	O'Brien	1.92
Clayton	1.92	Osceola	1.93
Clinton	1.89	Page	1.95
Crawford	1.94	Palo Alto	1.93
Dallas	1.91	Plymouth	1.92
Davis	1.86	Pocahontas	1.92
Decatur	1.90	Polk	1.90
Delaware	1.91	Pottawattamie	1.95
Des Moines	1.88	Poweshiek	1.89
Dickinson	1.93	Ringgold	1.90
Dubuque	1.90	Sac	1.91
Emmet	1.95	Scott	1.89
Fayette	1.92	Shelby	1.95
Floyd	1.94	Sioux	1.92
Franklin	1.93	Story	1.91
Fremont	1.95	Tama	1.91
Greene	1.92	Taylor	1.92
Grundy	1.92	Union	1.92
Guthrie	1.92	Van Buren	1.86
Hamilton	1.92	Wapello	1.86
Hancock	1.94	Warren	1.90
Hardin	1.92	Washington	1.87
Harrison	1.95	Wayne	1.80
Henry	1.87	Webster	1.92
Howard	1.95	Winnebago	1.95
Humboldt	1.93	Winneshiek	1.93
Ida	1.92	Woodbury	1.93
Iowa	1.90	Worth	1.95
Jackson	1.89	Wright	1.93
Jasper	1.90		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.92	Douglas	$1.95
Anderson	1.93	Edwards	1.85
Atchison	1.95	Elk	1.90
Barber	1.85	Ellis	1.85
Barton	1.85	Ellsworth	1.86
Bourbon	1.93	Finney	1.81
Brown	1.95	Ford	1.83
Butler	1.87	Franklin	1.95
Chase	1.90	Geary	1.90
Chautauqua	1.90	Gove	1.82
Cherokee	1.91	Graham	1.84
Cheyenne	1.80	Grant	1.80
Clark	1.81	Gray	1.82
Clay	1.89	Greeley	1.80
Cloud	1.88	Greenwood	1.90
Coffey	1.92	Hamilton	1.80
Comanche	1.83	Harper	1.86
Cowley	1.87	Harvey	1.87
Crawford	1.92	Haskell	1.81
Decatur	1.82	Hodgeman	1.84
Dickinson	1.87	Jackson	1.94
Doniphan	1.95	Jefferson	1.95

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Jewell	$1.87	Pratt	$1.85
Johnson	1.95	Rawlins	1.81
Kearny	1.80	Reno	1.86
Kingman	1.87	Republic	1.88
Kiowa	1.85	Rice	1.86
Labette	1.91	Riley	1.91
Lane	1.82	Rooks	1.85
Leavenworth	1.95	Rush	1.85
Lincoln	1.86	Russell	1.85
Linn	1.93	Saline	1.87
Logan	1.81	Scott	1.81
Lyon	1.91	Sedgwick	1.87
McPherson	1.87	Seward	1.79
Marion	1.87	Shawnee	1.93
Marshall	1.91	Sheridan	1.82
Meade	1.81	Sherman	1.80
Miami	1.95	Smith	1.86
Mitchell	1.88	Stafford	1.85
Montgomery	1.91	Stanton	1.79
Morris	1.89	Stevens	1.79
Morton	1.77	Sumner	1.87
Nemaha	1.92	Thomas	1.81
Neosho	1.92	Trego	1.84
Ness	1.84	Wabaunsee	1.92
Norton	1.85	Wallace	1.80
Osage	1.93	Washington	1.89
Osborne	1.86	Wichita	1.80
Ottawa	1.87	Wilson	1.91
Pawnee	1.85	Woodson	1.92
Phillips	1.85	Wyandotte	1.95
Pottawatomie	1.92		

KENTUCKY

Adair	$1.96	Kenton	$1.96
Allen	1.95	Knox	1.96
Anderson	1.97	Larue	1.96
Ballard	1.93	Laurel	1.97
Barren	1.95	Lawrence	1.97
Bath	1.97	Lee	1.97
Bell	1.96	Lewis	1.98
Boone	1.96	Lincoln	1.98
Bourbon	1.98	Livingston	1.93
Boyd	1.98	Logan	1.94
Boyle	1.98	Lyon	1.94
Bracken	1.97	McCracken	1.93
Breathitt	1.96	McCreary	1.96
Breckenridge	1.94	McLean	1.93
Bullitt	1.96	Madison	1.98
Butler	1.94	Magoffin	1.96
Caldwell	1.94	Marion	1.97
Calloway	1.93	Marshall	1.93
Campbell	1.96	Mason	1.97
Carlisle	1.93	Meade	1.94
Carroll	1.96	Menifee	1.96
Carter	1.97	Mercer	1.98
Casey	1.97	Metcalfe	1.95
Christian	1.94	Monroe	1.96
Clark	1.98	Montgomery	1.97
Clay	1.96	Morgan	1.96
Clinton	1.97	Muhlenberg	1.94
Crittenden	1.93	Nelson	1.97
Cumberland	1.96	Nicholas	1.97
Daviess	1.93	Ohio	1.94
Edmonson	1.94	Oldham	1.96
Elliott	1.97	Owen	1.97
Estill	1.97	Owsley	1.96
Fayette	1.98	Pendleton	1.97
Fleming	1.97	Powell	1.97
Franklin	1.97	Pulaski	1.98
Fulton	1.93	Robertson	1.97
Gallatin	1.96	Rockcastle	1.98
Garrard	1.98	Rowan	1.96
Grant	1.97	Russell	1.96
Graves	1.93	Scott	1.97
Grayson	1.95	Shelby	1.96
Green	1.97	Simpson	1.95
Greenup	1.98	Spencer	1.96
Hancock	1.94	Taylor	1.97
Hardin	1.95	Todd	1.94
Harrison	1.97	Trigg	1.94
Hart	1.95	Trimble	1.96
Henderson	1.93	Union	1.93
Henry	1.96	Warren	1.94
Hickman	1.93	Washington	1.96
Hopkins	1.94	Wayne	1.97
Jackson	1.96	Webster	1.93
Jefferson	1.96	Whitley	1.96
Jessamine	1.98	Wolfe	1.96
Johnson	1.96	Woodford	1.98

LOUISIANA

County	Rate per bushel
All counties	$1.42

MAINE

All counties	$1.49

MARYLAND

County	Rate per bushel	County	Rate per bushel
Allegany	$1.97	Howard	$2.10
Anne Arundel	2.04	Kent	2.08
Baltimore	2.06	Montgomery	2.05
Calvert	2.02	Prince Georges	2.04
Caroline	2.08	Queen Annes	2.08
Carroll	2.06	St. Marys	2.03
Cecil	2.06	Somerset	2.05
Charles	2.02	Talbot	2.08
Dorchester	2.07	Washington	2.01
Frederick	2.05	Wicomico	2.06
Garrett	1.91	Worcester	2.05
Harford	2.06		

MASSACHUSETTS

All counties	$1.52

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$1.72	Keweenaw	$1.84
Alger	1.82	Lake	1.79
Allegan	1.85	Lapeer	1.84
Alpena	1.71	Leelanau	1.72
Antrim	1.72	Lenawee	1.85
Arenac	1.77	Livingston	1.85
Baraga	1.89	Luce	1.72
Barry	1.85	Mackinac	1.72
Bay	1.82	Macomb	1.86
Benzie	1.82	Manistee	1.79
Berrien	1.89	Marquette	1.86
Branch	1.86	Mason	1.78
Calhoun	1.86	Mecosta	1.79
Cass	1.89	Menominee	1.82
Charlevoix	1.72	Midland	1.82
Cheboygan	1.70	Missaukee	1.78
Chippewa	1.72	Monroe	1.86
Clare	1.82	Montcalm	1.81
Clinton	1.84	Montmorency	1.71
Crawford	1.73	Muskegon	1.82
Delta	1.82	Newaygo	1.81
Dickinson	1.82	Oakland	1.84
Eaton	1.85	Oceana	1.79
Emmet	1.71	Ogemaw	1.80
Genesee	1.84	Ontonagon	1.83
Gladwin	1.80	Osceola	1.79
Gogebic	1.92	Oscoda	1.80
Grand Traverse	1.76	Otsego	1.71
Gratiot	1.84	Ottawa	1.85
Hillsdale	1.85	Presque Isle	1.70
Houghton	1.84	Roscommon	1.73
Huron	1.79	Saginaw	1.84
Ingham	1.85	St. Clair	1.86
Ionia	1.84	St. Joseph	1.88
Iosco	1.73	Sanilac	1.82
Iron	1.84	Schoolcraft	1.82
Isabella	1.82	Shiawassee	1.85
Jackson	1.85	Tuscola	1.82
Kalamazoo	1.88	Van Buren	1.87
Kalkaska	1.72	Washtenaw	1.85
Kent	1.84	Wayne	1.85
		Wexford	1.79

MINNESOTA

Aitkin	$2.00	Faribault	$1.96
Anoka	2.00	Fillmore	1.95
Becker	1.93	Freeborn	1.98
Beltrami	1.93	Goodhue	1.99
Benton	1.99	Grant	1.95
Big Stone	1.94	Hennepin	2.00
Blue Earth	1.98	Houston	1.95
Brown	1.98	Hubbard	1.94
Carlton	2.01	Isanti	2.00
Carver	2.00	Itasca	1.98
Cass	1.97	Jackson	1.95
Chippewa	1.96	Kanabec	1.99
Chisago	2.00	Kandiyohi	1.99
Clay	1.93	Kittson	1.87
Clearwater	1.93	Koochiching	1.89
Cottonwood	1.96	Lac Qui Parle	1.95
Crow Wing	1.98	Lake of the Woods	1.90
Dakota	2.00	Le Sueur	2.00
Dodge	1.90	Lincoln	1.94
Douglas	1.97		

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Lyon	$1.96	Rice	
McLeod	2.00	Rock	
Mahnomen	1.92	Roseau	
Marshall	1.90	St. Louis	
Martin	1.96	Scott	
Meeker	2.00	Sherburne	
Mille Lacs	2.00	Sibley	
Morrison	1.98	Stearns	
Mower	1.97	Steele	
Murray	1.95	Stevens	
Nicollet	2.00	Swift	
Nobles	1.93	Todd	
Norman	1.92	Traverse	
Olmsted	1.98	Wabasha	
Otter Tail	1.95	Wadena	
Pennington	1.90	Waseca	
Pine	1.99	Washington	
Pipestone	1.94	Watonwan	
Polk	1.91	Wilkin	
Pope	1.97	Winona	
Ramsey	2.00	Wright	
Red Lake	1.92	Yellow Medicine	
Redwood	1.97		
Renville	1.98		

MISSISSIPPI

All counties	

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.88	Linn	
Andrew	1.95	Livingston	
Atchison	1.94	McDonald	
Audrain	1.91	Macon	
Barry	1.90	Madison	
Barton	1.92	Maries	
Bates	1.95	Marion	
Benton	1.92	Mercer	
Bollinger	1.90	Miller	
Boone	1.90	Mississippi	
Buchanan	1.95	Moniteau	
Butler	1.91	Monroe	
Caldwell	1.94	Montgomery	
Callaway	1.91	Morgan	
Camden	1.87	New Madrid	
Cape Girardeau	1.91	Newton	
Carroll	1.94	Nodaway	
Carter	1.89	Oregon	
Cass	1.95	Osage	
Cedar	1.93	Ozark	
Charlton	1.93	Pemiscot	
Christian	1.90	Perry	
Clark	1.90	Pettis	
Clay	1.95	Phelps	
Clinton	1.95	Pike	
Cole	1.89	Platte	
Cooper	1.92	Polk	
Crawford	1.92	Pulaski	
Dade	1.91	Putnam	
Dallas	1.89	Ralls	
Daviess	1.94	Randolph	
De Kalb	1.95	Ray	
Dent	1.90	Reynolds	
Douglas	1.86	Ripley	
Dunklin	1.91	St. Charles	
Franklin	1.95	St. Clair	
Gasconade	1.92	Ste. Genevieve	
Gentry	1.95	St. Francois	
Greene	1.90	St. Louis	
Grundy	1.92	Saline	
Harrison	1.93	Schuyler	
Henry	1.95	Scotland	
Hickory	1.92	Scott	
Holt	1.95	Shannon	
Howard	1.91	Shelby	
Howell	1.82	Stoddard	
Iron	1.92	Stone	
Jackson	1.95	Sullivan	
Jasper	1.91	Taney	
Jefferson	1.96	Texas	
Johnson	1.94	Vernon	
Knox	1.88	Warren	
Laclede	1.87	Washington	
Lafayette	1.95	Wayne	
Lawrence	1.90	Webster	
Lewis	1.90	Worth	
Lincoln	1.95	Wright	

MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	$1.50	Madison	$1.58
Big Horn	1.59	Meagher	1.60
Blaine	1.63	Mineral	1.57
Broadwater	1.60	Missoula	1.57
Carbon	1.60	Musselshell	1.64
Carter	1.73	Park	1.60
Cascade	1.60	Petroleum	1.60
Chouteau	1.60	Phillips	1.65
Custer	1.71	Pondera	1.60
Daniels	1.69	Powder River	1.70
Dawson	1.72	Powell	1.55
Deer Lodge	1.55	Prairie	1.72
Fallon	1.73	Ravalli	1.52
Fergus	1.60	Richland	1.73
Flathead	1.56	Roosevelt	1.73
Gallatin	1.60	Rosebud	1.66
Garfield	1.70	Sanders	1.57
Glacier	1.60	Sheridan	1.72
Golden Valley	1.60	Silver Bow	1.56
Granite	1.53	Stillwater	1.60
Hill	1.60	Sweet Grass	1.60
Jefferson	1.56	Teton	1.60
Judith Basin	1.60	Toole	1.60
Lake	1.56	Treasure	1.66
Lewis and Clark	1.60	Valley	1.68
Liberty	1.60	Wheatland	1.60
Lincoln	1.58	Wibaux	1.74
McCone	1.71	Yellowstone	1.60

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.89	Jefferson	$1.92
Antelope	1.90	Johnson	1.93
Arthur	1.80	Kearney	1.88
Banner	1.75	Keith	1.80
Blaine	1.85	Keya Paha	1.85
Boone	1.92	Kimball	1.75
Box Butte	1.79	Knox	1.89
Boyd	1.87	Lancaster	1.95
Brown	1.84	Lincoln	1.84
Buffalo	1.89	Logan	1.85
Burt	1.95	Loup	1.88
Butler	1.95	McPherson	1.84
Cass	1.95	Madison	1.92
Cedar	1.90	Merrick	1.92
Chase	1.80	Merrill	1.78
Cherry	1.82	Nance	1.92
Cheyenne	1.76	Nemaha	1.94
Clay	1.90	Nuckolls	1.90
Colfax	1.95	Otoe	1.95
Cuming	1.95	Pawnee	1.92
Custer	1.87	Perkins	1.80
Dakota	1.93	Phelps	1.87
Dawes	1.77	Pierce	1.91
Dawson	1.87	Platte	1.93
Deuel	1.78	Polk	1.93
Dixon	1.92	Red Willow	1.84
Dodge	1.95	Richardson	1.93
Douglas	1.95	Rock	1.85
Dundy	1.80	Saline	1.94
Fillmore	1.92	Sarpy	1.95
Franklin	1.87	Saunders	1.95
Frontier	1.85	Scotts Bluff	1.76
Furnas	1.85	Seward	1.95
Gage	1.93	Sheridan	1.79
Garden	1.80	Sherman	1.89
Garfield	1.88	Sioux	1.75
Gosper	1.86	Stanton	1.93
Grant	1.80	Thayer	1.91
Greeley	1.91	Thomas	1.84
Hall	1.90	Thurston	1.94
Hamilton	1.92	Valley	1.88
Harlan	1.86	Washington	1.95
Hayes	1.81	Wayne	1.90
Hitchcock	1.82	Webster	1.89
Holt	1.88	Wheeler	1.92
Hooker	1.82	York	1.93
Howard	1.90		

NEVADA

County	Rate per bushel	County	Rate per bushel
Churchill	$1.29	Lyon	$1.26
Clark	1.18	Mineral	1.15
Douglas	1.35	Mye	1.00
Elko	1.17	Ormsby	1.35
Esmeralda	1.11	Pershing	1.34
Eureka	1.17	Storey	1.35
Humboldt	1.26	Washoe	1.35
Lander	1.17	White Pine	.85
Lincoln	1.18		

NEW HAMPSHIRE

County	Rate per bushel
All counties	$1.51

NEW JERSEY

County	Rate per bushel	County	Rate per bushel
Bergen	$2.03	Middlesex	$2.03
Burlington	2.04	Monmouth	2.02
Camden	2.07	Morris	2.01
Cape May	1.99	Ocean	2.01
Cumberland	2.06	Passaic	2.02
Essex	2.03	Salom	2.05
Gloucester	2.07	Somerset	2.01
Hunterdon	2.01	Sussex	1.99
Mercer	2.06	Warren	2.00

NEW MEXICO

County	Rate per bushel	County	Rate per bushel
Bernalillo	$1.71	Mora	$1.71
Catron	1.62	Otero	1.73
Chaves	1.77	Quay	1.80
Colfax	1.69	Rio Arriba	1.54
Curry	1.81	Roosevelt	1.79
De Baca	1.76	Sandoval	1.71
Dona Ana	1.71	San Juan	1.33
Eddy	1.75	San Miguel	1.71
Grant	1.55	Santa Fe	1.68
Guadalupe	1.76	Sierra	1.71
Harding	1.73	Socorro	1.71
Hidalgo	1.71	Taos	1.62
Lea	1.80	Torrance	1.73
Lincoln	1.73	Union	1.76
Luna	1.71	Valencia	1.66
McKinley	1.55		

NEW YORK

County	Rate per bushel	County	Rate per bushel
Albany	$2.08	Oneida	$2.02
Allegany	2.00	Onondaga	2.02
Broome	2.01	Ontario	2.02
Cattaraugus	1.97	Orange	1.99
Cayuga	2.02	Orleans	2.01
Chautauqua	1.93	Oswego	2.02
Chemung	2.02	Otsego	1.99
Chenango	2.02	Putnam	2.00
Clinton	1.91	Rensselaer	2.06
Columbia	2.04	Rockland	2.01
Cortland	2.02	Saratoga	2.05
Delaware	1.97	Schenectady	2.08
Dutchess	2.00	Schoharie	2.06
Erie	1.99	Schuyler	2.02
Essex	1.94	Seneca	2.02
Franklin	1.88	Steuben	2.02
Fulton	1.96	St. Lawrence	1.94
Genesee	2.02	Suffolk	1.94
Greene	2.03	Sullivan	1.97
Herkimer	2.02	Tioga	2.02
Jefferson	1.98	Tompkins	2.02
Lewis	1.98	Ulster	2.02
Livingston	2.02	Warren	2.00
Madison	2.02	Washington	2.01
Monroe	2.02	Wayne	2.02
Montgomery	2.07	Westchester	2.01
Nassau	1.96	Wyoming	2.01
Niagara	2.01	Yates	2.01

NORTH CAROLINA

County	Rate per bushel
All counties	$2.03

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$1.79	Kidder	$1.86
Barnes	1.90	La Moure	1.88
Benson	1.85	Logan	1.86
Billings	1.79	McHenry	1.83
Bottineau	1.81	McIntosh	1.85
Bowman	1.78	McKenzie	1.76
Burke	1.79	McLean	1.82
Burleigh	1.84	Mercer	1.80
Cass	1.91	Morton	1.82
Cavalier	1.85	Mountrail	1.80
Dickey	1.89	Nelson	1.87
Divide	1.78	Oliver	1.82
Dunn	1.79	Pembina	1.87
Eddy	1.87	Pierce	1.84
Emmons	1.84	Ramsey	1.86
Foster	1.87	Ransom	1.90
Golden Valley	1.75	Renville	1.80
Grand Forks	1.89	Richland	1.93
Grant	1.80	Rolette	1.83
Griggs	1.89	Sargent	1.91
Hettinger	1.80	Sheridan	1.85

NORTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Sioux	$1.81	Traill	$1.90
Slope	1.76	Walsh	1.87
Stark	1.80	Ward	1.81
Steele	1.90	Wells	1.86
Stutsman	1.88	Williams	1.78
Towner	1.85		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.85	Licking	$1.87
Allen	1.86	Logan	1.85
Ashland	1.88	Lorain	1.88
Ashtabula	1.91	Lucas	1.86
Athens	1.87	Madison	1.86
Auglaize	1.86	Mahoning	1.91
Belmont	1.88	Marion	1.87
Brown	1.85	Medina	1.88
Butler	1.85	Meigs	1.85
Carroll	1.88	Mercer	1.86
Champaign	1.85	Miami	1.86
Clark	1.85	Monroe	1.88
Clermont	1.85	Montgomery	1.85
Clinton	1.85	Morgan	1.88
Columbiana	1.89	Morrow	1.87
Coshtocton	1.88	Muskingum	1.88
Crawford	1.87	Noble	1.86
Cuyahoga	1.88	Ottawa	1.87
Darke	1.88	Paulding	1.86
Defiance	1.86	Perry	1.87
Delaware	1.87	Pickaway	1.86
Erie	1.87	Pike	1.85
Fairfield	1.87	Portage	1.88
Fayette	1.85	Preble	1.85
Franklin	1.87	Putnam	1.86
Fulton	1.86	Richland	1.88
Gallia	1.85	Ross	1.86
Geauga	1.92	Sandusky	1.87
Greene	1.85	Scioto	1.85
Guernsey	1.88	Seneca	1.87
Hamilton	1.85	Shelby	1.86
Hancock	1.87	Stark	1.88
Hardin	1.87	Summit	1.88
Harrison	1.88	Trumbull	1.91
Henry	1.85	Tuscarawas	1.88
Highland	1.85	Union	1.87
Hocking	1.87	Van Wert	1.86
Holmes	1.88	Vinton	1.87
Huron	1.87	Warren	1.85
Jackson	1.85	Washington	1.88
Jefferson	1.90	Wayne	1.88
Knox	1.87	Williams	1.86
Lake	1.90	Wood	1.87
Lawrence	1.85	Wyandot	1.87

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	$1.84	Johnston	$1.83
Alfalfa	1.83	Kay	1.84
Atoka	1.83	Kingfisher	1.83
Beaver	1.78	Kiowa	1.83
Beckham	1.83	Latimer	1.83
Blaine	1.83	Le Flore	1.83
Bryan	1.83	Lincoln	1.83
Caddo	1.83	Logan	1.83
Canadian	1.83	Love	1.83
Carter	1.83	McClain	1.83
Cherokee	1.85	McCurtain	1.83
Choctaw	1.83	McIntosh	1.83
Cimarron	1.76	Major	1.82
Cleveland	1.83	Marshall	1.83
Coal	1.83	Mayes	1.87
Comanche	1.83	Murray	1.83
Cotton	1.83	Muskogee	1.84
Craig	1.89	Noble	1.83
Creek	1.83	Nowata	1.90
Custer	1.83	Okfuskee	1.83
Delaware	1.89	Oklahoma	1.83
Dewey	1.82	Okmulgee	1.84
Ellis	1.80	Osage	1.86
Garfield	1.83	Ottawa	1.89
Garvin	1.83	Pawnee	1.84
Grady	1.83	Payne	1.83
Grant	1.84	Pittsburg	1.83
Greer	1.83	Pontotoc	1.83
Harmon	1.83	Pottawatomie	1.83
Harper	1.79	Pushmataha	1.83
Haskell	1.83	Roger Mills	1.82
Hughes	1.83	Rogers	1.83
Jackson	1.83	Seminole	1.83
Jefferson	1.83	Sequoyah	1.83

OKLAHOMA—Continued

County	Rate per bushel	County	Rate per bushel
Stephens	$1.83	Washington	$1.89
Texas	1.76	Washita	1.83
Tillman	1.83	Woods	1.82
Tulsa	1.87	Woodward	1.81
Wagoner	1.86		

OREGON

Baker	$1.67	Lake	$1.67
Benton	1.86	Lane	1.83
Clackamas	1.90	Lincoln	1.80
Clatsop	1.86	Linn	1.87
Columbia	1.88	Malheur	1.60
Coos	1.76	Marion	1.90
Crook	1.85	Morrow	1.85
Curry	1.74	Multnomah	1.92
Deschutes	1.85	Polk	1.88
Douglas	1.78	Sherman	1.87
Gilliam	1.86	Tillamook	1.92
Grant	1.85	Umatilla	1.78
Harney	1.54	Union	1.68
Hood River	1.92	Wallowa	1.66
Jackson	1.73	Wasco	1.92
Jefferson	1.86	Washington	1.92
Josephine	1.71	Wheeler	1.85
Klamath	1.71	Yamhill	1.90

PENNSYLVANIA

Adams	$2.02	Lancaster	$2.04
Allegheny	1.91	Lawrence	1.92
Armstrong	1.93	Lebanon	2.02
Beaver	1.91	Lehigh	2.02
Bedford	1.96	Luzerne	2.00
Berks	2.04	Lycoming	1.97
Blair	1.96	McKean	1.96
Bradford	2.00	Mercer	1.92
Bucks	2.08	Mifflin	1.97
Butler	1.93	Monroe	1.98
Cambria	1.91	Montgomery	2.05
Carbon	1.98	Montour	1.97
Centre	1.96	Northampton	2.01
Chester	2.06	Northumberland	1.97
Clarion	1.93	Perry	1.97
Clearfield	1.94	Pike	1.97
Clinton	1.97	Potter	1.92
Columbia	2.02	Schuylkill	1.99
Crawford	1.92	Snyder	1.97
Cumberland	2.01	Somerset	1.93
Dauphin	1.99	Sullivan	2.02
Delaware	2.07	Susquehanna	2.00
Elk	1.96	Tioga	2.00
Erie	1.92	Union	1.97
Fayette	1.92	Venango	1.92
Forest	1.93	Warren	1.91
Franklin	2.01	Washington	1.91
Fulton	1.99	Wayne	1.95
Greene	1.91	Westmoreland	1.91
Huntingdon	1.96	Wyoming	2.02
Indiana	1.93	York	2.03
Jefferson	1.94		
Juniata	1.97		
Lackawanna	1.99		

RHODE ISLAND

All counties	$1.52

SOUTH CAROLINA

All counties	$2.02

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$1.86	Day	$1.91
Beadle	1.90	Deuel	1.93
Bennett	1.80	Dewey	1.81
Bon Homme	1.89	Douglas	1.87
Brookings	1.93	Edmunds	1.88
Brown	1.90	Fall River	1.74
Brule	1.85	Faulk	1.88
Buffalo	1.87	Grant	1.93
Butte	1.73	Gregory	1.87
Campbell	1.85	Haakon	1.80
Charles Mix	1.87	Hamlin	1.93
Clark	1.92	Hand	1.89
Clay	1.92	Hanson	1.90
Codington	1.93	Harding	1.73
Corson	1.82	Hughes	1.86
Custer	1.74	Hutchinson	1.89
Davidson	1.89	Hyde	1.87

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Jackson	$1.78	Perkins	$1.79
Jerauld	1.90	Potter	1.85
Jones	1.79	Roberts	1.92
Kingsbury	1.92	Sanborn	1.90
Lake	1.92	Shannon	1.79
Lawrence	1.73	Spink	1.90
Lincoln	1.91	Stanley	1.84
Lyman	1.81	Sully	1.84
McCook	1.91	Todd	1.83
McPherson	1.87	Tripp	1.85
Marshall	1.90	Turner	1.91
Meade	1.76	Union	1.92
Mellette	1.82	Walworth	1.86
Miner	1.91	Washabaugh	1.78
Minnehaha	1.92	Yankton	1.90
Moody	1.93	Ziebach	1.78
Pennington	1.77		

TENNESSEE

Anderson	$2.01	Lauderdale	$1.92
Bedford	1.98	Lawrence	1.97
Benton	1.95	Lewis	1.97
Bledsoe	1.99	Lincoln	1.99
Blount	2.02	Loudon	2.01
Bradley	2.01	McMinn	2.01
Campbell	2.01	McNairy	1.94
Cannon	1.97	Macon	1.96
Carroll	1.94	Madison	1.93
Carter	2.04	Marion	1.99
Cheatham	1.96	Marshall	1.98
Chester	1.94	Maury	1.97
Claiborne	2.03	Meigs	2.00
Clay	1.97	Monroe	2.02
Cocke	2.02	Montgomery	1.95
Coffee	1.98	Moore	1.98
Crockett	1.93	Morgan	2.00
Cumberland	1.99	Obion	1.93
Davidson	1.96	Overton	1.98
Decatur	1.95	Perry	1.96
DeKalb	1.97	Pickett	1.98
Dickson	1.96	Polk	2.02
Dyer	1.92	Putnam	1.98
Fayette	1.92	Rhea	2.00
Fentress	1.99	Roane	2.00
Franklin	1.99	Robertson	1.95
Gibson	1.94	Rutherford	1.97
Giles	1.98	Scott	2.00
Grainger	2.02	Sequatchie	1.99
Greene	2.03	Sevier	2.02
Grundy	1.98	Shelby	1.92
Hamblen	2.03	Smith	1.97
Hamilton	2.00	Stewart	1.95
Hancock	2.04	Sullivan	2.05
Hardeman	1.93	Sumner	1.95
Hardin	1.95	Tipton	1.92
Hawkins	2.05	Trousdale	1.96
Haywood	1.93	Unicoi	2.03
Henderson	1.95	Union	2.02
Henry	1.94	Van Buren	1.98
Hickman	1.96	Warren	1.98
Houston	1.95	Washington	2.04
Humphreys	1.95	Wayne	1.96
Jackson	1.97	Weakley	1.94
Jefferson	2.02	White	1.98
Johnson	2.04	Williamson	1.97
Knox	2.02	Wilson	1.96
Lake	1.93		

TEXAS

Andrews	$1.82	Burnet	$1.92
Archer	1.83	Caldwell	1.97
Armstrong	1.83	Calhoun	1.97
Atascosa	1.94	Callahan	1.84
Bailey	1.83	Carson	1.83
Bandera	1.92	Castro	1.83
Bastrop	1.97	Chambers	2.02
Baylor	1.83	Childress	1.83
Bee	1.92	Clay	1.85
Bell	1.96	Cochran	1.83
Bexar	1.95	Coke	1.83
Blanco	1.95	Coleman	1.89
Borden	1.83	Collin	1.92
Bosque	1.94	Collingsworth	1.83
Bowie	1.87	Comal	1.97
Briscoe	1.83	Comanche	1.86
Brown	1.92	Concho	1.89
Burleson	1.99	Cooke	1.87

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Coryell	$1.92	Live Oak	$1.93
Cottle	1.83	Llano	1.96
Crosby	1.83	Loving	1.74
Culberson	1.74	Lubbock	1.83
Dallam	1.78	Lynn	1.83
Dallas	1.92	McCulloch	1.91
Dawson	1.83	McLennan	1.97
Deaf Smith	1.83	Martin	1.83
Delta	1.90	Mason	1.92
Denton	1.92	Maverick	1.81
DeWitt	1.96	Medina	1.94
Dickens	1.83	Menard	1.89
Dimmit	1.86	Midland	1.89
Donley	1.83	Milam	1.89
Eastland	1.84	Mills	1.92
Edwards	1.83	Mitchell	1.83
Ellis	1.94	Montague	1.87
El Paso	1.73	Moore	1.81
Erath	1.87	Motley	1.89
Falls	1.97	Navarro	1.96
Fannin	1.87	Nolan	1.89
Fisher	1.83	Ochiltree	1.90
Floyd	1.83	Oldham	1.83
Foard	1.83	Palo Pinto	1.87
Gaines	1.83	Parker	1.90
Galveston	2.13	Parmer	1.83
Garza	1.83	Pecos	1.79
Gillespie	1.89	Potter	1.89
Glasscock	1.83	Presidio	1.79
Goliad	1.95	Randall	1.83
Gray	1.82	Real	1.87
Grayson	1.87	Reeves	1.79
Guadalupe	1.97	Refugio	1.96
Hale	1.83	Roberts	1.83
Hall	1.83	Robertson	1.97
Hamilton	1.88	Rockwall	1.92
Hansford	1.80	Runnels	1.87
Hardeman	1.83	San Saba	1.92
Harris	2.12	Schleicher	1.89
Hartley	1.80	Scurry	1.89
Haskell	1.83	Shackelford	1.83
Hays	1.97	Sherman	1.79
Hemphill	1.80	Somervell	1.92
Hill	1.95	Stephens	1.89
Hockley	1.83	Sterling	1.89
Hood	1.91	Stonewall	1.83
Howard	1.83	Sutton	1.79
Hudspeth	1.74	Swisher	1.89
Hunt	1.92	Tarrant	1.89
Hutchinson	1.80	Taylor	1.89
Irion	1.80	Terry	1.83
Jack	1.87	Throckmorton	1.89
Jackson	2.00	Tom Green	1.89
Jeff Davis	1.74	Travis	1.97
Johnson	1.94	Uvalde	1.79
Jones	1.83	Van Zandt	1.92
Karnes	1.92	Victoria	1.97
Kaufman	1.93	Waller	2.10
Kendall	1.92	Ward	1.79
Kent	1.83	Wharton	2.00
Kerr	1.91	Wheeler	1.89
Kimble	1.90	Wichita	1.89
King	1.83	Wilbarger	1.89
Kinney	1.84	Williamson	1.97
Knox	1.83	Wilson	1.92
Lamar	1.87	Wise	1.89
Lamb	1.83	Yoakum	1.89
Lampasas	1.92	Young	1.87
Limestone	1.97	Zavala	1.84
Lipscomb	1.80		

UTAH

Beaver	$1.61	Piute	$1.58
Box Elder	1.54	Rich	1.57
Cache	1.54	Salt Lake	1.57
Carbon	1.57	San Juan	1.59
Daggett	1.57	San Pete	1.54
Davis	1.57	Sevier	1.59
Duchesne	1.57	Summit	1.57
Emery	1.57	Tooele	1.54
Garfield	1.50	Uintah	1.57
Grand	1.57	Utah	1.57
Iron	1.61	Wasatch	1.57
Juab	1.54	Washington	1.61
Kane	1.50	Wayne	1.59
Millard	1.56	Weber	1.57
Morgan	1.57		

VERMONT

County	Rate per bushel
All counties	$1.51

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Accomac	$2.03	Lancaster	$2.03
Albemarle	2.02	Lee	2.01
Alleghany	2.00	Loudoun	2.02
Amelia	2.03	Louisa	2.02
Amherst	2.02	Lunenburg	2.03
Appomattox	2.03	Madison	2.02
Arlington	2.02	Mathews	2.03
Augusta	2.02	Mecklenburg	2.02
Bath	2.00	Middlesex	2.03
Bedford	2.02	Montgomery	2.00
Bland	2.00	Nansemond	2.02
Botetourt	2.01	Nelson	2.02
Brunswick	2.02	New Kent	2.03
Buchanan	2.00	Norfolk	2.02
Buckingham	2.03	Northampton	2.03
Campbell	2.02	Northumberland	2.03
Caroline	2.03	Nottaway	2.03
Carroll	2.01	Orange	2.02
Charles City	2.03	Page	2.02
Charlotte	2.03	Patrick	2.01
Chesterfield	2.03	Pittsylvania	2.02
Clarke	2.02	Powhatan	2.03
Craig	2.00	Prince Edward	2.03
Culpeper	2.02	Prince George	2.03
Cumberland	2.03	Prince William	2.02
Dickenson	2.00	Princess Anne	2.02
Dinwiddie	2.03	Pulaski	2.01
Elizabeth City	2.03	Rappahannock	2.02
Essex	2.03	Richmond	2.03
Fairfax	2.02	Roanoke	2.01
Fauquier	2.02	Rockbridge	2.02
Floyd	2.01	Rockingham	2.02
Fluvanna	2.02	Russell	2.01
Franklin	2.01	Scott	2.01
Frederick	2.02	Shenandoah	2.02
Giles	2.00	Smyth	2.01
Gloucester	2.03	Southampton	2.02
Goochland	2.03	Spotsylvania	2.03
Grayson	2.01	Stafford	2.03
Greene	2.02	Surry	2.02
Greensville	2.02	Sussex	2.02
Halifax	2.02	Tazewell	2.00
Hanover	2.03	Warren	2.02
Henrico	2.03	Warwick	2.03
Henry	2.01	Washington	2.01
Highland	2.00	Westmoreland	2.03
Isle of Wight	2.02	Wise	2.01
James City	2.03	Wythe	2.01
King and Queen	2.03	York	2.03
King George	2.03		
King William	2.03		

WASHINGTON

Adams	$1.72	Lewis	$1.86
Asotin	1.70	Lincoln	1.71
Benton	1.79	Mason	1.80
Chelan	1.77	Okanogan	1.70
Clallam	1.67	Pacific	1.80
Clark	1.92	Pend Oreille	1.67
Columbia	1.77	Pierce	1.92
Cowlitz	1.90	San Juan	1.88
Douglas	1.70	Skagit	1.86
Ferry	1.61	Skamania	1.92
Franklin	1.75	Snohomish	1.88
Garfield	1.77	Spokane	1.71
Grant	1.72	Stevens	1.66
Grays Harbor	1.82	Thurston	1.86
Island	1.88	Wahkiakum	1.90
Jefferson	1.79	Walla Walla	1.77
King	1.91	Whatcom	1.85
Kitsap	1.79	Whitman	1.71
Kittitas	1.80	Yakima	1.79
Klickitat	1.87		

WEST VIRGINIA

County	Rate per bushel	County	Rate per bushel
Barbour	$1.97	Mingo	$1.96
Berkeley	2.01	Mineral	1.99
Boone	1.96	Monongalia	1.95
Braxton	1.96	Monroe	1.99
Brooke	1.94	Morgan	2.00
Cabell	1.94	Nicholas	1.98
Calhoun	1.95	Ohio	1.94
Clay	1.96	Pendleton	2.00
Doddridge	1.94	Pleasants	1.93
Fayette	1.98	Pocahontas	2.00
Gilmer	1.95	Preston	1.97
Grant	1.99	Putnam	1.94
Greenbrier	2.00	Raleigh	1.97
Hampshire	2.00	Randolph	1.99
Hancock	1.94	Ritchie	1.94
Hardy	2.00	Roane	1.94
Harrison	1.96	Summers	2.00
Jackson	1.93	Taylor	1.97
Jefferson	2.02	Tucker	1.99
Kanawha	1.95	Tyler	1.93
Lewis	1.96	Upshur	1.97
Lincoln	1.95	Wayne	1.95
Logan	1.96	Webster	1.98
McDowell	1.98	Wetzel	1.94
Marion	1.95	Wirt	1.94
Marshall	1.94	Wood	1.93
Mason	1.94	Wyoming	1.97
Mercer	1.99		

WISCONSIN

Adams	$1.90	Marathon	$1.92
Ashland	1.96	Marinette	1.83
Barron	1.97	Marquette	1.89
Bayfield	1.96	Milwaukee	1.96
Brown	1.87	Monroe	1.93
Buffalo	1.97	Oconto	1.85
Burnett	2.00	Oneida	1.87
Calumet	1.88	Outagamie	1.87
Chippewa	1.96	Ozaukee	1.91
Clark	1.93	Pepin	1.98
Columbia	1.88	Pierce	1.99
Crawford	1.92	Polk	1.99
Dane	1.90	Portage	1.90
Dodge	1.90	Price	1.93
Door	1.83	Racine	1.96
Douglas	2.00	Richland	1.88
Dunn	1.98	Rock	1.92
Eau Claire	1.97	Rusk	1.96
Florence	1.86	St. Croix	1.99
Fond du Lac	1.89	Sauk	1.88
Forest	1.90	Sawyer	1.97
Grant	1.87	Shawano	1.87
Green	1.90	Sheboygan	1.90
Green Lake	1.88	Taylor	1.93
Iowa	1.87	Trempeleau	1.95
Iron	1.93	Vernon	1.93
Jackson	1.95	Vilas	1.88
Jefferson	1.91	Walworth	1.92
Juneau	1.91	Washburn	1.98
Kenosha	1.97	Washington	1.91
Kewaunee	1.85	Waukesha	1.92
LaCrosse	1.94	Waupaca	1.89
LaFayette	1.87	Waushara	1.88
Langlade	1.87	Winnebago	1.88
Lincoln	1.87	Wood	1.92
Manitowoc	1.88		

WYOMING

Albany	$1.69	Natrona	$1.61
Big Horn	1.58	Niobrara	1.71
Campbell	1.66	Park	1.57
Carbon	1.63	Platte	1.71
Converse	1.65	Sheridan	1.63
Crook	1.68	Sublette	1.56
Fremont	1.58	Sweetwater	1.56
Goshen	1.75	Teton	1.52
Hot Springs	1.58	Uinta	1.56
Johnson	1.64	Washakie	1.58
Laramie	1.75	Weston	1.70
Lincoln	1.56		

(3) *Premiums and discounts for classification, grade, variety and protein content.*

	Cents per bushel
(i) Classification premiums and discounts:	
(a) Premiums:	
Hard Amber Durum[1]	+10
Amber Durum[1]	+5
(b) Discounts:	
Yellow Hard Winter	−2
Red Durum	−20
Soft Red Winter Wheat and White Wheat (except the varieties Baart and Bluestem of the sub-class Hard White) stored in the States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington and in counties in neighboring States where the natural movement of wheat is toward West Coast terminals	−2
Mixed Wheats (do not apply more than 1 of the Mixed Wheat discounts):	
Mixed Wheat (including Mixed Wheat containing less than 5 percent of wheats of the classes Durum and/or Red Durum)	−2
Mixed Wheat (containing from 5 percent to 10 percent of wheats of the classes Durum and/or Red Durum)	−6
Mixed Wheat (containing more than 10 percent of wheats of the classes Durum and/or Red Durum)	−15
(ii) Grade premium and discount:	
(a) Premium:	
No. 1 Heavy (Hard Red Spring)	+1
(b) Discounts:	
No. 2	−1
No. 3	−3
No. 4 on basis of test weight	−6
No. 5 on basis of test weight	−9
No. 4 or No. 5 because of containing Durum and/or Red Durum[2][3]	−6
Smut—Degree basis:	
Light Smutty	−2
Smutty	−6
Smut—Percentage basis:	
One-half of 1 percent	−1
1 percent or over	−3
Garlic—Degree basis:	
Light garlicky	−6
Garlicky	−15
(iii) Variety discount	−20
The following varieties listed by class will be subject to discount of 20 cents per bushel. This discount is in addition to any other applicable discount:	

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule.

[2] These discounts are in addition to any other applicable numerical grade discount.

[3] Not applicable to any of the mixed wheats or Red Durum. For discounts applicable to mixed wheat containing Durum and/or Red Durum, see subdivision (i) of this subparagraph.

Hard Red Winter	Hard Red Spring	Durum	White	Soft Red Winter
Stafford	Henry (except in Wisconsin and Washington.	Pentad	Rex	Kawvale.
Pawnee Sell. 33	Spinkcota	Golden Ball	Sonora	Kanqueen.
Red Chief	Premier	Pelisa	Fifty-Fold	Nured.
Chiefkan	Sturgeon		Florence	Seabreeze.
Early Blackhull	Progress		Greeson	
Red Jacket	Gasser			
Kanking	Kinney			
New Chief				
Blue Jacket				
Pairkof				
Cimarron				
Red Hull				

NOTE: CCC Grain Form 32, "Wheat Varieties Certification" must be signed by the producer to determine whether or not a variety discount is applicable.

(iv) Protein premiums: [1]

Protien content (percent)	Hard Red Winter	Hard Red Spring	Hard White Wheat of the varieties Baart and Bluestem
	Cents per bushel	*Cents per bushel*	*Cents per bushel*
10.0–10.9	0	0	1
11.0–11.9	0	1	2
12.0–12.9	1	2	3
13.0–13.9	2	3	4
14.0–14.4	3	4	5
14.5–14.9	4	5	6
15.0–15.4	5	6	7
15.5–15.9	6	7	8
16.0–16.4	7	8	9
16.5–16.9	8	10	11
17.0–17.4	9	12	13
Over 17.4	(2)	(2)	(2)

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule.
[2] Two-cent premium for each ½ percent of protein over 17.4 percent.

(4) *Applicability of weed control provisions.* Where the State committee determines that State, district or county weed control laws as administered, affect the wheat crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the wheat complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the Sate in which the wheat is stored determines that State, district or county weed control laws, as administered, affect wheat stored in approved warehouses, the rate shall be 10 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the wheat complies with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

---------- (Signature)

---------- (Address)

---------- (Date)

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, as amended, 1053, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1447, 1421)

Issued this 23d day of July 1958.

[SEAL] CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-5761; Filed, July 30, 1958; 8:45 a. m.]

PART 464—TOBACCO

SUBPART—TOBACCO LOAN PROGRAM

Set forth below is schedule of advance rates, by grades, for the 1958 crop of types 11–14, flue-cured tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published 23 F. R. 5645.

§ 464.1021 *1958 Crop—Flue-cured Tobacco, Types 11–14, Advance Schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
A1F	82.12	B1L	70.12
A2F	78.12	B2L	68.12
A1R	75.12	B3L	66.12
A2R	70.12	B4L	61.12

[1] The advance rates listed above are applicable only to tied flue-cured tobacco identified on a "Within Quota" (white) marketing card; rates for untied flue-cured tobacco similarly identified are five dollars ($5.00) per hundred pounds less for each grade than for tied tobacco; and rates for tobacco identified on a "Limited Support—Within Quota" (blue) marketing card are 50 percent of the applicable rates for tobacco identified on a "Within Quota" (white) marketing card, plus six cents ($0.06) per hundred pounds. The Cooperative Association through which price support is made available is authorized to deduct 12 cents per hundred pounds to apply against the overhead costs. Only the original producer is eligible to receive advances. Tobacco graded "W" (unsafe order), "U" (unsound), N2L, N2F, N2R, N2GL, N2GF, N2GR, "Decayed", "Botched", "Nested", or "Off-type" will not be accepted.

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
B5L	55.12	H3R	66.12
B6L	48.12	H4R	61.12
B1F	70.12	H5R	56.12
B2F	68.12	H6R	45.12
B3F	66.12	H4K	56.12
B4F	61.12	H5K	49.12
B5F	55.12	H6K	43.12
B6F	48.12	C1L	76.12
B1FR	67.12	C2L	74.12
B2FR	65.12	C3L	73.12
B3FR	62.12	C4L	72.12
B4FR	57.12	C5L	69.12
B5FR	52.12	C1F	76.12
B6FR	45.12	C2F	74.12
B1R	59.12	C3F	73.12
B2R	55.12	C4F	72.12
B3R	50.12	C5F	69.12
B4R	42.12	C4LL	69.12
B5R	36.12	C5LL	58.12
B6R	30.12	C4LV	66.12
B3D	40.12	C5LV	60.12
B4D	34.12	C4FV	65.12
B5D	29.12	C5FV	60.12
B6D	24.12	C4KF	60.12
B3LL	58.12	C5KF	54.12
B4LL	54.12	C5KR	48.12
B5LL	48.12	C5M	55.12
B3LV	61.12	X1L	72.12
B4LV	56.12	X2L	71.12
B5LV	50.12	X3L	69.12
B3FV	61.12	X4L	62.12
B4FV	56.12	X5L	59.12
B5FV	50.12	X1F	73.12
B3RV	46.12	X2F	71.12
B4RV	38.12	X3F	69.12
B5RV	32.12	X4F	62.12
B4KL	48.12	X5F	52.12
B5KL	42.12	X3LL	55.12
B6KL	33.12	X4LL	50.12
B4KF	47.12	X3LV	60.12
B5KF	41.12	X4LV	51.12
B6KF	32.12	X5LV	41.12
B4KG	44.12	X3FV	60.12
B5KG	38.12	X4FV	51.12
B6KG	29.12	X5FV	41.12
B3KR	56.12	X4KG	40.12
B4KR	51.12	X5KG	30.12
B5KR	44.12	X4KR	51.12
B4M	44.12	X4KF	50.12
B5M	38.12	X5KF	40.12
B3GL	60.12	X3M	52.12
B4GL	55.12	X4M	46.12
B5GL	51.12	X3G	53.12
B6GL	44.12	X4G	45.12
B3GF	54.12	X5G	33.12
B4GF	50.12	P2L	62.12
B5GF	45.12	P3L	56.12
B6GF	38.12	P4L	45.12
B4GR	43.12	P5L	30.12
B5GR	34.12	P2F	61.12
B6GR	30.12	P3F	54.12
H1L	74.12	P4F	44.12
H2L	73.12	P5F	27.12
H3L	72.12	P3G	39.12
H4L	70.12	P4G	30.12
H5L	65.12	P5G	22.12
H6L	57.12	N1L	18.12
H1F	74.12	N1F	28.12
H2F	73.12	N1R	33.12
H3F	72.12	N1GL	19.12
H4F	70.12	N1GF	26.12
H5F	65.12	N1GR	23.12
H6F	57.12		

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 403, 63 Stat. 1051, as amended, 1054, secs. 125, 211, 70 Stat. 198, 202; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421, 1813, 1860)

Issued this 15th day of July 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-5873; Filed, July 30, 1958; 8:54 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6301]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

EXEMPT ORGANIZATIONS

Correction

In Federal Register Document 58–5219, published at page 5192, July 9, 1958, the following changes should be made in § 1.522–2 (b):

1. In subparagraph (2), the reference in the third sentence should read "as provided in 26 CFR 39.22 (d)–3 (Regulations 118)".

2. The eighth line of subparagraph (4) should read "solescence, amortization, and depletion".

Subchapter F—Procedure and Administration

[T. D. 6299]

PART 301—PROCEDURE AND ADMINISTRATION

Correction

In Federal Register Document 58–5025, July 1, 1958, the following changes should be made:

1. In § 301.7512, the 16th line of section 7512 should read "livered in hand to an officer, partner, or".

2. In § 301.7512–1, the seventh line of paragraph (c) should read "sec. 7512, I.R.C.". The taxes de-".

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1692]

[M–014987]

MONTANA

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES, RECREATION AREAS, OR FOR OTHER PUBLIC PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereafter designated are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites, recreation areas, or for other public purposes as indicated:

MONTANA PRINCIPAL MERIDIAN

BEAVERHEAD NATIONAL FOREST

Antone Administrative Site

T. 12 S., R. 5 W.,
Sec. 21, NE¼NE¼.
The area described contains 40 acres.

Wise River Ranger Station

T. 1 N., R. 11 W.,
Sec. 34, SE¼SE¼.
T. 1 S., R. 11 W.,
Sec. 3, lots 1, 7, 8, SE¼NE¼, SE¼ and those portions of lots 2, 3, 4, 5, 6, SW¼NE¼, and S½NW¼ not included in HES No. 223.
The areas described aggregate approximately 460 acres.

Selway Lookout Administrative Site

T. 8 S., R. 15 W.,
Sec. 17, SE¼NE¼NE¼.
The area described contains 10 acres.

Crow Creek Campground

T. 6 N., R. 1 W.,
Sec. 4, NW¼SE¼SE¼, and N½SW¼SE¼SE¼.
The areas described aggregate 15 acres.

Glendale Campground

T. 6 N., R. 1 W.,
Sec. 14, SW¼SW¼SE¼, and W½SE¼SW¼SE¼.
The areas described aggregate 15 acres.

Jenkins Gulch Campground

T. 6 N., R. 1 W.,
Sec. 4, S½NE¼NE¼SW¼, SE¼SE¼NE¼SW¼, N½SE¼SW¼, NW¼SW¼NW¼SE¼, and S½SW¼NW¼SE.
The areas described aggregate 35 acres.

Trout Creek Recreational Area

T. 11 N., R. 1 W.,
Sec. 2, lots 5, 6, and N½SW¼;
Sec. 3, SW¼SW¼.
The areas described aggregate 190 acres.

Beaver Creek Recreational Area

T. 13 N., R. 1 W.,
Sec. 27, NE¼NE¼, SW¼NE¼, NE¼SW¼, and N½SW¼SW¼;
Sec. 28, SE¼SE¼.
The areas described aggregate 180 acres.

Crystal Creek Picnic Area

T. 8 N., R. 2 W.,
Sec. 4, lots 4 and 11.
The areas described aggregate 75.45 acres.

McClellan Creek Recreational Area

T. 8 N., R. 2 W.,
Sec. 9, lots 6, 7, N½NW¼SE¼, and N½SW¼NW¼SE¼.
The areas described aggregate 56.12 acres.

Meriwether Campground

T. 13 N., R. 2 W.,
Sec. 19, E½.
The area described contains 320 acres.

Strawberry Lookout Administrative Site

T. 8 N., R. 3 W.,
Sec. 1, S½SE¼NE¼.
The area described contains 20 acres.

Colorado Mountain Lookout Administrative Site

T. 9 N., R. 5 W.,
Sec. 26, SW¼NW¼SW¼, and NW¼SW¼SW¼;
Sec. 27, SE¼NE¼SE¼, and NE¼SE¼SE¼.
The areas described aggregate 40 acres.

Ten Mile Recreational Area

T. 9 N., R. 5 W.,
Sec. 17, W½NW¼SW¼, NW¼SW¼SW¼, SE¼NE¼SE¼, NE¼SE¼SE¼, and S½SE¼SE¼;
Sec. 20, NE¼NE¼, SE¼NW¼NE¼, S½NE¼, SE¼SE¼NW¼, NW¼NE¼SE¼, N½NW¼SE¼, and SW¼NW¼SE¼;
Sec. 21, SW¼NW¼.
The areas described aggregate 290 acres.

Ontario Creek Recreational Area

T. 8 N., R. 6 W.,
Sec. 17, SW¼NW¼SW¼, and NW¼SW¼SW¼;
Sec. 18, SE¼NE¼SE¼, and NE¼SE¼SE¼.
The areas described aggregate 40 acres.

Treasure Mountain Lookout Administrative Site

T. 8 N., R. 6 W.,
Sec. 6, lots 2, 3, 6, and 7.
The areas described aggregate 134.02 acres.

Little Blackfoot Recreational Area

T. 9 N., R. 6 W.,
Sec. 30, SE¼NW¼, NE¼SW¼, and N½SE¼SW¼.
The areas described aggregate 100 acres.

Kading Pasture Administrative Site

T. 8 N., R. 7 W.,
Sec. 21, lot 2, SE¼SE¼NW¼, NE¼SW¼, N½SE¼SW¼, and W½NW¼SE¼.
The areas described aggregate 134.80 acres.

HELENA NATIONAL FOREST

Aspen Grove Campground

T. 14 N., R. 7 W.,
Sec. 7, NW¼ of lot 5, lots 7 and 8, S½N½N½NW¼SE¼, S½N½NW¼SE¼, S½NW¼SE¼, and SE¼NE¼SW¼.
The areas described aggregate 136.22 acres.

Snowbank Summer Home Area

T. 15 N., R. 8 W.,
Sec. 9, S½NW¼NE¼, and N½SW¼NE¼.
The areas described aggregate 40 acres.

Heart Lake Recreational Area

T. 16 N., R. 8 W., Unsurveyed,
Sec. 17, SW¼SW¼;
Sec. 18, S½SE¼;
Sec. 19, N½NE¼;
Sec. 20, NW¼NW¼.
The areas described aggregate 240 acres.

Blackfoot Canyon Recreational Area

T. 14 N., R. 9 W.,
Sec. 29, NE¼NE¼NE¼.
The area described contains 10 acres.

Beaver Creek Campground

T. 15 N., R. 9 W.,
Sec. 33, SW¼SE¼.
The area described contains 40 acres.

Meadow Creek Recreational Area

T. 16 N., R. 9 W., Unsurveyed,
Sec. 18, SW¼SW¼;
Sec. 19, NW¼NW¼.
T. 16 N., R. 10 W., Unsurveyed,
Sec. 13, SE¼SE¼;
Sec. 24, NE¼NE¼.
The areas described aggregate approximately 120 acres.

Indian Creek Recreational Area

T. 12 N., R. 1 E.,
Sec. 8, S½S½;
Sec. 17, N½NE¼.
The areas described aggregate 240 acres.

Vigilante Campground

T. 12 N., R. 1 E.,
Sec. 30, SE¼, less patented land in HES 398.
The area described contains 150 acres.

KOOTENAI NATIONAL FOREST

Lake Creek Campground

T. 26 N., R. 30 W.,
Sec. 5, S½SW¼SE¼;
Sec. 8, N½NW¼NE¼.
The areas described aggregate 40 acres.

Sylvasite Administrative Site

T. 34 N., R. 33 W., Unsurveyed,
Beginning at Corner No. 6 of H. E. S. No. 845 thence
S. 20°00' E. 11.75 chains,
S. 38°00' E. 25.90 chains,
S. 13°30' E. 4.50 chains,
S. 25°00' W. 13.50 chains,
S. 12° 00' E. 12.50 chains,
S. 86°00' W. 12.40 chains,
N. 15°00' W. 54.87 chains,
N. 47°00' E. 12.40 chains to the point of beginning.
The area described contains approximately 90 acres.

The total area described in this order is 3,261.61 acres.

This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 25, 1958.

[F. R. Doc. 58-5830; Filed, July 30, 1958; 8:45 a. m.]

[Public Land Order 1693]

[78919]

UTAH

POWER SITE RESTORATION NO. 545; PARTLY REVOKING EXECUTIVE ORDER OF JULY 2, 1910, WHICH CREATED POWER SITE RESERVE NO. 34

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive Order of July 2, 1910, creating Power Site Reserve No. 34, as construed by Interpretation No. 156 of October 10, 1930, is hereby revoked so far as it affects the following-described lands:

SALT LAKE MERIDIAN, UTAH

T. 26 S., R. 20 E.,
Sec. 36, W. ¾ of lot 4 and NE¼SE¼.

The areas described aggregate approximately 70 acres.

Upon this revocation, the grant made to the State of Utah by the act of July 16, 1894 (28 Stat. 107) or the act of January 25, 1927 (44 Stat. 1026; 43 U. S. C. 870), whichever is applicable, will attach to the lands, subject to any valid existing rights.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 25, 1958.

[F. R. Doc. 58-5831; Filed, July 30, 1958; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 1-4; FCC 58-731]

PART 1—PRACTICE AND PROCEDURE

USE OF CERTAIN FREQUENCIES BY STANDARD BROADCAST STATIONS

In the matter of amendment of § 1.351 of Commission rules and regulations for standard broadcast stations specifying the frequencies 940 kc and 1550 kc.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of July 1958;

The Commission having under consideration an amendment of § 1.351 of its rules and regulations in order to expedite action on applications for standard broadcast stations which have heretofore been placed in a deferred action status pending a final decision in Docket No. 8333 concerning daytime skywave;

It appearing, that as presently written § 1.351 of the rules requires that action be withheld on certain applications for new Class II standard broadcast stations or for changes in existing stations on all frequencies listed in paragraphs (a) and (b) of § 3.25 of the rules governing standard broadcast stations because such proposed operations might result in increased interference to Class I broadcast stations in the United States;

It further appearing, that two of the frequencies listed in § 3.25 (b) of the rules, i. e., 940 kc and 1550 kc, are not assigned to Class I–B stations in the United States and that the inclusion of these two frequencies in the provisions of § 1.351 is undesirable;

It further appearing, that the Commission is of the view that exempting the frequencies 940 kc and 1550 kc from the requirements of § 1.351 will be conducive to the orderly and expeditious dispatch of its functions and is, therefore, in the public interest;

It further appearing, that the amendments herein ordered are procedural in nature, and, therefore, compliance with the requirements of sections 4 (a) and (b) of the Administrative Procedure Act is not required;

It is ordered, That, pursuant to sections 4 (i) and (j) and 303 (r) of the Communications Act of 1934, as amended, § 1.351 of the Commission's rules and regulations is amended, effective September 10, 1958, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: July 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

1. Section 1.351 is amended as follows: Insert the words "except 940 kc and 1550 kc" after words "any of the frequencies" wherever they appear in paragraphs (a), (b), (c), and (d) of § 1.351.

2. Section 1.351 as amended will read as follows:

§ 1.351 *Standard broadcast applications on which action will be withheld pending conclusion of the proceeding in Docket No. 8333.* Action will be withheld on the following types of applications:

(a) Applications proposing daytime or limited time assignments on any of the frequencies, except 940 kc and 1550 kc, specified in § 3.25 (a) and (b) of this chapter.

(b) Applications by existing daytime or limited time stations presently assigned to any of the frequencies, except 940 kc and 1550 kc, specified in § 3.25 (a) and (b) of this chapter, proposing:

(1) A change in operation resulting in an increase in radiation towards the normally protected contour of a United States Class I station on the channel; or

(2) A change in transmitter location resulting in a material reduction in the distance from that station to the normally protected contour of a United States Class I station on the channel.

(c) Applications for new stations, and those for changes in frequency assignment of existing stations, proposing unlimited time Class II assignments which would operate differently during the day and night in the continental United States on any of the frequencies, except 940 kc and 1550 kc, specified in § 3.25 (b) of this chapter, or in Alaska, Hawaii, Virgin Islands, and Puerto Rico on any of the frequencies, except 940 kc and 1550 kc, specified in § 3.25 (a) and (b) of this chapter.

(d) Applications for changes in existing stations other than frequency, proposing unlimited time Class II facilities which would operate differently during the day and night in the continental United States on any of the frequencies, except 940 kc and 1550 kc, specified in § 3.25 (b) of this chapter, or proposing unlimited Class II facilities in Alaska, Hawaii, Virgin Islands and Puerto Rico on any of the frequencies, except 940 kc and 1550 kc, specified in § 3.25 (a) and (b) of this chapter, where the resulting daytime and nighttime operations are different; and it is either

(1) Proposed to change daytime operation resulting in any increase in radiation towards the normally protected contour of a United States Class I station on the channel; or

(2) It is proposed to change transmitter location resulting in a material reduction in the distance from that station to the normally protected contour of a United States Class I station on the channel.

[F. R. Doc. 58-5856; Filed, July 30, 1958; 8:51 a. m.]

[Docket No. 12337; FCC 58-713]

[Rules Amdt. 3-118]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS, LITTLE ROCK-PINE BLUFF, ARK.; TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Little Rock-Pine Bluff, Arkansas).

1. The Commission has before it for consideration the proposal set out in its Notice of Proposed Rule Making (FCC 58-184) released on February 28, 1958, and published in the FEDERAL REGISTER on March 5, 1958 (23 F. R. 1573) to shift Channel 7 from Pine Bluff to Little Rock, Arkansas, in response to a petition from Central South Sales Company, licensee of Station KATV on Channel 7 at Pine Bluff, as follows:

City	Channel No.	
	Present	Proposed
Little Rock, Ark	*2–, 4, 11+, 17–, 23+, 7–, 36	*2–, 4, 7–, 11+, 17–, 23+, 36
Pine Bluff, Ark		

Central South also requested the Commission to modify its license for Station KATV to specify operation on Channel 7– at Little Rock in lieu of Pine Bluff.

2. Comments favoring the proposal were filed by Central South Sales Company, American Broadcasting Company, and the Pine Bluff Chamber of Commerce. Opposition comments were filed by Arkansas Television Company, licensee of Station KTHV on Channel 11, Little Rock, and by the City of Pine Bluff.

3. Central South submits that it operates Station KATV from a site about 26 miles from Little Rock and 14 miles from Pine Bluff and provides city-grade coverage to both communities; that Pine Bluff, a community with a population of only 37,162 persons, is only 36 miles from the much larger City of Little Rock which has a population of 146,310 persons;[1] and that two stations are in operation in Little Rock, each with a national television network affiliation. Central South urges that Pine Bluff has only 12,832 television receivers and has not demonstrated its capacity to support a VHF facility. It states that in spite of its sales efforts its income from Pine Bluff advertisers for the period of January through September, 1957, was only $55,371.76, whereas its monthly loss on the Pine Bluff studios for the same period was $105,329.75 and that as of December 31, 1957, the company shows an operating deficit of $384,083. Central South argues that because of the proximity and substantially larger size of Little Rock, studios must be maintained there and it must therefore depend on Little Rock for its primary source of advertising support as well as for its local program material. It contends that it must compete with the two Little Rock stations but since its channel is assigned to Pine Bluff it is at a substantial competitive disadvantage in many respects; that the network with which it is affiliated is at a disadvantage in obtaining national spot revenue because of the Pine Bluff identification and in obtaining local Little Rock advertising; and that KATV is hampered in rendering a wide public service. Central South further urges that the proposal would provide a third competitive facility in Little Rock in conformance with the stated objectives of the Commission and with previous decisions in similar situations, such as the Tulsa-Muskogee and Galveston-Houston cases. Petitioner submits that it will continue to offer a balanced public service program designed to meet the requirements of its entire service area, including Little Rock and Pine Bluff. As evidence of this intention; it submits an agreement with the Pine Bluff Chamber of Commerce which includes such provisions as retention of studio facilities in Pine Bluff, etc.

4. ABC submits that Pine Bluff is a much smaller market than Little Rock, the 100th market in the country; that Pine Bluff receives service from the two Little Rock stations; and that because of its small size and the fact that it is overshadowed by the Little Rock stations, Pine Bluff appears unable to support a television station of its own. ABC urges that its experience and that of KATV's national spot representative demonstrate that the Pine Bluff identification adversely affects the sale of time to national advertisers and to Little Rock merchants; that the proposal would permit KATV to compete on an equal basis with the Little Rock stations; that it would increase the opportunites for more effective competition among a greater number of stations and conform to previous decisions concerning a station in a small city located near a larger city and dependent to a great extent upon revenues derived from coverage of the larger city.

5. Arkansas Television Company (KTHV) opposes the shift of Channel 7 to Little Rock. KTHV argues that Central South attempted to operate KATV as a Little Rock outlet soon after the initial grant in June, 1953, and did not devote any attention to trying to make the station successful as a Pine Bluff station. KTHV contends that the figures given by KATV to show that Pine Bluff cannot support a local station are misleading since income from other sources, such as network, national, and regional business and its revenues from Little Rock are not mentioned; whereas the allocating of Pine Bluff local sales against local expenses gives a distorted version of the situation. It contends that the Pine Bluff operation may be profitable. KTHV submits that the population of Pine Bluff in July, 1956, was 39,795 and that the increases in industry and population indicate that this city is an expanding one and could support a station. It urges that the proposal would deprive Pine Bluff of its only television outlet and would be contrary to the mandate of section 307 (b) of the Communications Act; that it would serve only the private financial interest of the petitioner; and that the retention of KATV's main studio in Pine Bluff is the best way to insure maintenance of an outlet in that city for local expression. Finally, KTHV urges that this proceeding really involves a modification of KATV's license coming under sections 308 and 309 of the act, requiring the exercise of the Commission's licensing or adjudicatory power and not its rule-making or legislative power and that as a result of this KTHV requests a formal adjudicatory hearing.

6. The City of Pine Bluff, Arkansas, in opposing the subject proposal, contends that since the inception of Station KATV, its owners have operated it chiefly as a Little Rock facility; that although the primary trade and industry areas of the City of Pine Bluff are south and east of the city, the licensee located its transmission facilities in the opposite direction, i. e., toward Little Rock, in order to invade and capture as much of the Little Rock advertising market as possible; that at about the same time station KATV went on the air it acquired principal offices and main studio facilities in Little Rock; that as a consequence of the Little Rock character of the operation of station KATV, no serious effort has been made to cover events of public interest in Pine Bluff, although events of a similar character are carried regularly on the news programs originating from the Little Rock studios of KATV; and that the staff maintained by KATV at its Pine Bluff offices does not include full time news reporters or full time advertising salesmen, and that as a result the local revenues of KATV have suffered a severe decline. The city asks that before any action is taken on the subject proposal, public hearings be held in the City of Pine Bluff.

7. In its reply comments KATV states that it recognizes that two procedural steps are involved in this proceeding: the rulemaking channel allocation and the subsequent modification of its license, and urges that the rights of KTHV and others in a hearing on the modification of license are protected. KATV urges that its location of site towards Little Rock was on advice of engineering counsel and serves the public interest; that it has done everything possible to make the station a success, including sales efforts, lower rates, "company membership" in Pine Bluff organizations, etc.; that in spite of all this it has sustained losses from December, 1953, to December, 1957, of $483,738;[2] and that its offer of agreement with the Pine Bluff Chamber of Commerce was made in good faith. Finally, KATV asserts that KTHV opposes the move of Channel 7 to Little Rock because it wishes to avoid competition for business and from network and other program sources.

8. In its reply KTHV contends that if account is taken of purchase price of over $400,000 for the studio facilities of UHF Station KRTV at Little Rock, it appears that the claimed deficit of $384,083 may be an accounting entry only, arising from the treatment of advances for capital expenditures as accounts payable and current liabilities and that a very serious question exists as to the validity of KATV's case for financial distress and its claim that Pine Bluff will not support a VHF operation. KTHV contends that the Muskogee-Tulsa case, and others, differs from the

[1] According to the 1950 U. S. Census, the population of the city of Little Rock, was 102,213 and the Metropolitan area population was 196,685.

[2] In its reply comments KATV recomputed its four-year losses and found them to aggregate $483,738 instead of the earlier figure of $384,083.

instant case with respect to close alliance between the two cities, ability of the smaller city to support a station, and the absence of opposition from the local government.

9. We have carefully considered the subject proposal to shift Channel 7 from Pine Bluff to Little Rock and all the comments and data submitted by the interested parties and have concluded that the public interest would best be served by shifting the channel as requested. In several previous television allocations proceedings, we have considered requests for the removal of a channel from a small city located close to a much larger city and within the coverage range of stations operating in the larger city. The instant case is very similar to others such as Galveston-Houston (16 Pike & Fischer RR 1605) and Muskogee-Tulsa (15 Pike & Fischer RR 1720). Pine Bluff is a city with a population of 37,162, while Little Rock has a city population of 102,162 and a metropolitan area population of 196,685. Both operating Little Rock stations serve Pine Bluff since the distance between the communities is only 38 miles. The Pine Bluff station must of necessity compete in the Little Rock market with the Little Rock stations for audience, both national and local revenues and programs, and in doing so is at a competitive disadvantage because of its identification as a Pine Bluff station. Under these circumstances we do not believe that the retention of Channel 7 at Pine Bluff would insure the preservation of a local station in Pine Bluff. On the other hand we are of the view that the adoption of the proposal would provide for greater competition among more stations and thus would more fully satisfy the requirements of section 307 (b) of the Communications Act and the objectives of the television allocation plan as outlined in the Report and Order in Docket 11532.

10. We do not believe that an evidentiary hearing is warranted in the instant case, and the requests of KTHV and the City of Pine Bluff for such a hearing are denied. The requirements of the Communications Act of 1934, as amended, and the Administrative Procedure Act have been fully met by the rule making procedures that we followed in this case. All interested parties have been afforded ample opportunity to submit comments in the subject proceeding, and all comments have been carefully considered. An unnecessary delay in finalizing the proposal would result from the initiation of an evidentiary proceeding.

11. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), 307, (b) and 316 (a) of the Communications Act of 1934, as amended.

12. In view of the foregoing: *It is ordered*, That, effective September 2, 1958, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

Amend the entries under the State of Arkansas as follows:

City	*Channel No.*
Little Rock	*2−, 4, 7−, 11+, 17−, 23+
Pine Bluff	36

13. We also believe that the public interest would be served by insuring continuance of Channel 7− service to Pine Bluff and to the Little Rock area without interruption. We are, therefore, modifying Central South Sales Company's license for Station KATV to specify operation on Channel 7− at Little Rock in lieu of Pine Bluff. The transmitter site now used by Central South for Station KATV conforms to all technical requirements for operation on Channel 7− at Little Rock; and making this frequency available to Central South at Little Rock will require no interruption in its present service to Pine Bluff and to the Little Rock area. This action is not being taken to assist a particular broadcaster but because we believe that it has the greater likelihood of providing the public with continued service.

14. Accordingly: *It is further ordered*, That, effective September 2, 1958, pursuant to section 316 (a) of the Communications Act of 1934, as amended, the outstanding license of Central South Sales Company for the operation of Station KATV is modified to specify location at Little Rock, Arkansas, in lieu of Pine Bluff, Arkansas, subject to the following conditions:

(a) Central South Sales Company should advise the Commission in writing by August 20, 1958, whether it accepts the modification of its license for operation of Station KATV at Little Rock, subject to the conditions listed herein or desires a hearing pursuant to section 316 (a);

(b) Central South Sales Company should submit to the Commission by August 20, 1958, all necessary information for the preparation of a modified authorization specifying location of Station KATV at Little Rock, Arkansas;

(c) Operation as a Little Rock station shall not commence until authorization has been specifically granted by the Commission and until all pertinent equipment performance measurements which may be necessary are submitted and approved by the Commission; and

(d) In the event that Central South Sales Company is unable to commence operation of Station KATV at Little Rock, Arkansas, in full conformance with the Commission's Rules by the effective date specified above, the Commission will consider a request for continued operation of the Station, in accordance with the terms and conditions of the current KATV authorization, until operation at Little Rock, Arkansas, can be commenced.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: July 23, 1958.

Released: July 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5858; Filed, July 30, 1958; 8:51 a. m.]

[Docket No. 12392; FCC 58-712]

[Rules Amdt. 3-117]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS, CONCORD, N. H., AND BENNINGTON, VT.; TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Concord, New Hampshire and Bennington, Vermont).

1. The Commission has before it for consideration its Notice of Proposed Rule Making (FCC 58-332), issued on April 10, 1958, and published in the FEDERAL REGISTER on April 15, 1958 (23 F. R. 2431) in response to a petition filed by Springfield Television Broadcasting Corporation, licensee of Station WWLP, Channel 22, Springfield, Massachusetts, proposing to substitute Channel 76 for 75 at Concord, New Hampshire and Channel 69− for 74+ at Bennington, Vermont.

2. No comments were filed in opposition to the proposal. In support of the proposal petitioner urges that the proposed assignments will conform to all the requirements of the rules; that it would make Channel 74 available for translator use in Springfield, Vermont, a community not large enough to support a television station of its own; and that no outstanding authorizations or pending applications will be affected by the changes proposed. The Commission is of the view that the proposal would serve the public interest.

3. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i), 301, 303 (c), (d), and (r) and 307 (b) of the Communications Act of 1934, as amended.

4. In view of the foregoing: *It is ordered*, That effective September 2, 1958, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the communities named are concerned, as follows:

City	*Channel No.*
Concord, N. H.	76
Bennington, Vt.	69−

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: July 23, 1958.

Released: July 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5859; Filed, July 30, 1958; 8:51 a. m.]

* Commissioner Lee dissenting.

[Rules Amdt. 5-7]

[Docket No. 12347; FCC 58-716]

PART 5—EXPERIMENTAL RADIO SERVICES

STUDENT AUTHORIZATIONS

In the matter of amendment of Part 5 of the Commission's rules to provide for the issuance of short term authorizations for use by students.

1. On March 12, 1958, the Commission issued a Notice of Proposed Rule Making (23 F. R. 1833) in the above entitled matter.

2. Comments were received from the General Electric Company which unqualifiedly endorsed the Commission's proposal. The Academy of Model Aeronautics also endorsed the Commission's proposal and in addition urged the Commission to expedite action on several other docket proceedings dealing with the Citizens Radio Band. These additional comments are not germane to this proceeding, and will not be considered further herein.

3. A comment was also received from the American Telephone and Telegraph Company (hereinafter referred to as AT & T). AT & T states that it concurs in the Commission's proposal to permit students to use radio in school or school approved projects. However, it calls attention to the proceedings in Dockets 11959 and 11995 and its petition of March 31, 1958, relative to the reallocation of the frequency band 460–461 Mc from the Citizens Radio Service to the Domestic Public Land Mobile Service. In view of these proceedings, AT & T requests that no assignment to students be made on frequencies between 460–461 Mc until the pending proceedings are terminated and the status of the band 460 to 461 Mc is settled.

4. The Commission appreciates AT & T's concern regarding assignments in the band 460 to 461 Mc. However, it should be noted that the Commission is continuing to assign frequencies between 460–461 Mc to Class A Citizens Radio Stations during the pendency of the above mentioned proceedings. Furthermore, since the authorizations to be issued under these new rules will be of short duration, no useful purpose will be served at this time by denying students the use of these frequencies. The availability of these frequencies for students' use will of course be reconsidered after a decision is reached in Dockets 11959 and 11995.

5. The Commission has changed the limits of the 460 Mc band to conform them to the new limits of the Citizens band as set forth in its recent Third Report and Order in Docket No. 11959 (23 F. R. 4782). The new limits are 460 Mc to 461 Mc and 462.525 Mc to 467.475 Mc.

6. The Commission believes that the public interest will be served by the adoption of the amendment set forth below. Authority for this action is contained in section 4 (i), 301 and 303 (f) of the Communications Act of 1934, as amended (47 USC 154 (i), 301 and 303 (f)).

7. Accordingly: *It is ordered*, That effective August 25, 1958, Part 5 of the Commission's rules is amended as set forth below.

Adopted: July 23, 1958.

Released: July 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

Amend Part 5 of the Commission's rules, Experimental Radio Services as follows:

1. Add the following new subpart:

Subpart H—Student Authorizations

Sec.
5.401 Eligibility for license.
5.402 Filing of applications.
5.403 Waiver of construction permit.
5.404 Waiver of operator requirement.
5.405 Power limitation.
5.406 Frequencies.
5.407 Measurements required.
5.408 Waiver of technical and operating requirements.
5.409 Non-interference condition.
5.410 Record of operation.
5.411 Notification.

AUTHORITY: §§ 5.401 to 5.411 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303.

SUBPART H—STUDENT AUTHORIZATIONS

§ 5.401 *Eligibility for license.* The Commission may issue an authorization under this subpart to students for the purpose of presenting experiments or technical demonstrations for school or school approved projects which require the use of radio for a limited period of time. Such authorizations may, in the discreation of the Commission, be granted to students of seventh grade or higher level.

§ 5.402 *Filing of applications.* (a) Notwithstanding the requirements in Subpart B of this part, an application for a student authorization may be filed in letter form, in duplicate, with the original signed under oath or affirmation. The application shall contain the information set forth in paragraph (b) of this section.

(b) The application shall contain the following information:

(1) Name and address of applicant.

(2) A statement that the applicant is a citizen of the United States.

(3) Applicant's school and grade.

(4) A detailed description in narrative form of the project including the type and purpose of operation.

(5) Place of operation—street address, name of building, or other specific location.

(6) Date(s) of operation including the exact hours, when known, as well as the duration of each period of operation.

(7) Equipment to be used. If manufactured, list name of manufacturer and type number. For other equipment, describe in detail and furnish a circuit diagram.

(8) Frequency(ies) desired and range of frequencies which could be employed.

(9) The method by which the frequency of operation will be determined.

(10) Frequency tolerance.

(11) The means by which this tolerance will be maintained.

(12) DC plate power input to final radio frequency stage. If not known, indicate any known power rating of equipment and state whether this is power output of transmitter or radiated power, and whether average or peak.

(13) Type of emission including a description of the modulation that will be applied, if modulated.

(14) Description of the antenna to be used, including height above ground.

(c) The application shall be accompanied by a signed statement from the principal of the school, or a member of its faculty, on appropriate letterhead, stating that the project has the approval of the school and indicating the person under whose general supervision the project will be conducted.

§ 5.403 *Waiver of construction permit.* Subject to the requirements of §§ 5.401 and 5.402, the provisions contained in section 319 (d) of the Communications Act are waived insofar as such provisions require the issuance of a construction permit prior to the issuance of the student authorization provided for in this subpart.

§ 5.404 *Waiver of operator requirement.* Subject to the requirements of §§ 5.401 and 5.402, the provisions contained in section 318 of the Communications Act are waived insofar as such provisions require that a station authorized under this subpart be operated by a person holding an operator's license: *Provided, however*, That the Commission, in its discretion, may require that operations authorized pursuant to this subpart be conducted by, or in the presence of, a licensed operator of the appropriate grade.

§ 5.405 *Power limitation.* No authorization under this subpart will be issued unless the description of the project shows that the dc plate power input to the final radio frequency stage does not exceed 5 watts: *Provided, however*, That a greater power may be authorized if a satisfactory showing is made that such greater power is necessary and that appropriate measures will be taken to prevent interference.

§ 5.406 *Frequencies.* (a) Frequencies in the bands listed below are available for assignment in authorizations issued under this subpart:

27.23 Mc to 27.28 Mc.
460 Mc to 461 Mc.
462.525 Mc to 467.475 Mc.
2450 Mc to 2500 Mc.

(b) In each case, the carrier frequency must be far enough inside the band so as to keep the sideband energy within the band limits specified.

§ 5.407 *Measurements required.* The frequency of operation must be measured or checked prior to each time of operation.

§ 5.408 *Waiver of technical and operating requirements.* Subject to the provisions of §§ 5.405, 5.406, and 5.407, the provisions in Subparts C and D of this part are waived insofar as such pro-

visions require a station authorized under this subpart to observe the technical and operating requirements set forth therein.

§ 5.409 *Non-interference condition.* Each authorization issued to a student under this subpart is subject to the condition that no harmful interference, as defined in § 5.4 (h), is caused to any authorized station.

§ 5.410 *Record of operation.* (a) The licensee holding an authorization issued under this subpart shall maintain a record of operation containing the following information:

(1) The date and time of each period of operation.

(2) The frequency of operation as measured or checked at the beginning of each period of operation.

(3) A brief description of the experimentation being conducted.

(b) Each entry shall be signed by the person operating the equipment.

(c) These records shall be retained for one month after the termination of the authorization.

§ 5.411 *Notification.* (a) The holder of an authorization issued under this subpart shall notify the Engineer in Charge of the district in which the station will be operated in advance of each scheduled operation.

(b) The notice to the Engineer in Charge shall be in writing and shall contain the following information:

(1) Place of operation.

(2) Date(s) of operation, including exact time if known.

(3) Frequency(ies) to be used.

(4) Call letters of station.

[F. R. Doc. 58-5857; Filed, July 30, 1958; 8:51 a. m.]

[Docket No. 12228; FCC 58-727]

[Rules Amdt. 19-6]

PART 19—CITIZENS RADIO SERVICE

TYPE APPROVAL OF RECEIVER-TRANSMITTER COMBINATIONS

In the matter of amendment of the Commission's rules and regulations governing the Citizens Radio Service regarding requirements necessary for type approval of equipment.

1. On October 23, 1957, the Commission adopted a Notice of Proposed Rule Making in the above-entitled matter which was published in the FEDERAL REGISTER of October 29, 1957 (22 F. R. 8541). The Commission subsequently extended the time for filing comments in this matter from November 15, 1957, to February 21, 1958, and later, to March 10, 1958, in response to two successive requests from the Vocaline Company of America, Inc. Time for filing reply comments now has expired.

2. As outlined in the Notice of Proposed Rule Making initiating these proceedings, the purpose of the amendment in question was to resolve a situation wherein the Commission found itself called upon to type-approve Citizens Radio transmitting equipment which was inseparable physically from receiving equipment which did not meet the Commission's requirements limiting receiver radiation. It was recognized that there existed a considerable danger that prospective licensees in the Citizens Radio Service might be lead, by innocent misconstruction of the meaning of the Commission's type approval of such equipment, into purchasing or operating receiving equipment which fails of compliance with other parts of the Commission's rules. The proposed amendment is, in this light, a protective measure.

3. Only one party, the Vocaline Company of America, Inc., filed comments in connection with this proceeding. Vocaline's comments oppose adoption of the proposed amendment on the grounds that its requirements would increase the cost of equipment that Vocaline produces for use in the Citizens Radio Service. Additionally, Vocaline petitioned that the Commission exempt from the requirements of Part 15 of the rules "superregenerative radio transceivers that tune in the frequency range of 30 to 890 megacycles and operate with power of 3 watts or less." This includes equipment manufactured for and used in other services for which the special conditions and considerations relevant to the Citizens Radio Service obviously do not obtain. To the extent that the Vocaline petition thus pertains to issues and equipments not embraced in this Docket (Docket 12228), the petition of the Vocaline Company of America, Inc., hereby is denied.

8. The Commission is mindful that adoption of the amendment proposed in this proceeding for the Citizens Radio Service may provoke certain difficulties for Vocaline and its distributors insofar as a certain model of remotely controlled transceivers is concerned. It is noted, however, that two types of Vocaline transmitters have been type approved by the Commission for the Citizens Radio Service. Moreover, there are presently a large number of other type approved Citizens Radio transceivers which now are available on the market. The Commission, then, fails to find either that Vocaline will suffer irreparable injury or that the continued development of the Citizens Radio Service will be endangered by adoption of the proposed amendment. Rather, it appears that the desirability of providing the measure of protection for the public afforded by the proposed amendment decisively outweighs the arguments of Vocaline.

9. In view of the foregoing: *It is ordered*, Under authority contained in sections 4 (i), 303 (e), (f), and (r) of the Communications Act of 1934, as amended, that Part 19 of the Commission's rules is hereby amended, effective August 25, 1958, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: July 23, 1958.

Released: July 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

Add a new § 19.46 as follows:

§ 19.46 *Type approval of receiver-transmitter combinations.* Type approval will not be issued for transmitting equipment for operation under this part when such equipment is enclosed in the same cabinet, is constructed on the same chassis in whole or in part, or is identified with a common type or model number with a radio receiver, unless such receiver has been certificated to the Commission as complying with the requirements of Part 15 of this chapter.

[F. R. Doc. 58-5860; Filed, July 30, 1958; 8:52 a. m.]

[Docket No. 12402; FCC 58-717]

[Rules Amdt. 20-2]

PART 20—DISASTER COMMUNICATIONS SERVICE

CONELRAD PLAN

In the matter of Amendment to Part 20 of the Commission's rules and regulations to effectuate the Commission's CONELRAD Plan for the Disaster Communications Services.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of July 1958;

The Commission has before it for consideration its Notice of Proposed Rule Making in the above matter released April 21, 1958, FCC 58-373 and published in the FEDERAL REGISTER April 24, 1958 (23 F. R. 2747).

No comments have been filed in this matter.

These amendments to Part 20 of the Commission's rules are promulgated under authority of sections 303 (r) and 606 (c) of the Communications Act as amended and Executive Order 10312 signed by the President December 10, 1951.

Accordingly: *It is ordered*, That Part 20 of the Commission's rules is amended to include the rules set forth below, effective August 25, 1958.

Released: July 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

Add the following new subpart.

SUBPART E—CONELRAD

Sec.
20.40 Scope and objective.
20.41 Alerting.
20.42 Operation during a CONELRAD Radio Alert.
20.43 Special conditions.
20.44 Radio All Clear.
20.45 Tests.
20.46 Record entries.

AUTHORITY: §§ 20.40 to 20.46 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082 as amended, sec. 606, 48 Stat. 1104 as amended; 47 U. S. C. 303, 606. E. O. 10312, 16 F. R. 12452; 3 CFR, 1951 Supp.

§ 20.40 *Scope and objective.* (a) This subpart applies to all radio stations in the Disaster Communications Service located within the continental United States, and is for the purpose of providing for the alerting and operation of radio stations in this service during periods of enemy air attack or imminent threat thereof.

(b) The objective of these CONELRAD rules is to minimize the navigational aid that an enemy might obtain from the electromagnetic radiations from radio stations in the Disaster Communications Service while simultaneously providing for a continued radio service under controlled conditions when such operation is essential to the public welfare.

§ 20.41 *Alerting.* (a) Licensees of radio stations in the Disaster Communications Service are responsible for making provisions to receive the CONELRAD Radio Alert and the CONELRAD Radio All Clear.

(b) The CONELRAD Radio Alert will be initiated by the Commanding Officer of the Air Division (Defense) or higher military authority.

(c) Disaster Communications Service mobile radio systems, including fixed stations associated therewith, and fixed service systems where applicable, may if desired, be alerted at a single point, normally the control point or the control center. The control point thus receiving the CONELRAD Radio Alert will be responsible for the dissemination of the CONELRAD Radio Alert to all stations integrated into the radio system or systems and insuring that all associated stations execute CONELRAD requirements immediately. Relaying of a CONELRAD Radio Alert is considered a transmission of extreme emergency affecting the national safety.

(d) The CONELRAD Radio Alert for the Disaster Communications Service may be received by one or more of the following methods:

(1) By monitoring any standard, FM, or TV broadcast station by aural or automatic means, to receive the CONELRAD Radio Alert.

(2) By reception of the CONELRAD Radio Alert from a point that has received the CONELRAD Radio Alert from a standard, FM, or TV broadcast station.

(3) Radio station licensees desiring to receive the CONELRAD Radio Alert by a means not covered by subparagraph (1) or (2) of this paragraph may request authority from the Secretary, Federal Communications Commission to receive the Alert in another manner. The request must include reasons why methods described in subparagraph (1) or (2) of this paragraph are not suitable and must fully describe the proposed method for receiving the Alert.

NOTE: Every standard, FM, and TV broadcast station will be notified of the CONELRAD Radio Alert by telephone calls or by radio broadcasts. Immediately upon receipt of the Radio Alert each standard, FM, and TV broadcast station will proceed as follows on its normally assigned frequency:

(1) Discontinue the normal program.

(2) Cut the transmitter carrier for approximately five seconds. (Sound carrier only for TV stations.)

(3) Return carrier to the air for approximately 5 seconds.

(4) Cut transmitter carrier for approximately 5 seconds.

(5) Return carrier to the air.

(6) Broadcast 1000 cycle (approximate) steady state tone for fifteen seconds.

(7) Broadcast the CONELRAD Radio Alert message as follows: "We interrupt our normal program to cooperate in security and Civil Defense measures as requested by the United States Government. This is a CONELRAD Radio Alert. Normal broadcasting will now be discontinued for an indefinite period. Civil Defense information will be broadcast in most areas at 640 and 1240 on your regular radio receiver."

(8) The CONELRAD Radio Alert message will then be repeated.

(1) through (6) above is for the purpose of attracting the listeners' attention, or, if desired, to operate an automatic alert receiver or warning device. (Caution: (1) through (6) is a warning that a Radio Alert may follow; the actual Radio Alert signal is the spoken word in the form of the CONELRAD Radio Alert message.)

The CONELRAD Radio Alert message as set forth in (7) above, is worded in a manner suitable for reception by the public; however, the message is also the CONELRAD Radio Alert. When this CONELRAD Radio Alert message is received, all licensees must immediately comply with the CONELRAD operating procedure. The precise CONELRAD Radio Alert message, above, will be broadcast only in the event of an actual alert. In the event of a CONELRAD test or drill, broadcast stations will make an announcement that a test or drill is taking place.

(e) Base, fixed, and mobile stations in the Disaster Communications Service not directly receiving the CONELRAD Radio Alert must use caution in returning to the air after an "out of service" period, to insure that a CONELRAD Radio Alert is not in progress before making any transmissions.

§ 20.42 *Operation during a CONELRAD Radio Alert.* (a) Radio Stations in the Disaster Communications Service, upon receipt of a CONELRAD Radio Alert, will interrupt any communications in progress, leave the air and maintain radio silence for the duration of the CONELRAD Radio Alert, except for transmissions handled in accordance with the following restrictions unless otherwise ordered by the Federal Communications Commission:

(1) No transmissions shall be made unless they are of an extreme emergency nature affecting the national safety or the safety of people and property.

(2) All transmissions shall be as short as possible and the stations' carrier shall be removed from the air during periods of no message transmission.

(3) No station identification shall be given either by announcement of regularly assigned call signals or by announcement of geographical location. If identification is necessary to carry on the service, the use of special identifiers is authorized. A record of all such identifiers shall be maintained in accordance with § 20.25 (b) (4).

§ 20.43 *Special conditions.* Licensees of radio stations or systems in the Disaster Communications Service, who for technical or operational reasons believe that compliance with § 20.42 cannot be met, may request a waiver of § 20.42. Such request must be made by letter to the Secretary, Federal Communications Commission, Washington 25, D. C., stating why § 20.42 cannot be complied with. The Commission upon investigation may modify the CONELRAD operating requirements of the station or system if it is found to be essential to the defense of the nation or the public welfare.

§ 20.44 *Radio All Clear.* The CONELRAD Radio All Clear will be initiated by the Air Division (Defense) Commander or higher military authority and will be disseminated over the same channels as the CONELRAD Radio Alert.

Broadcast stations will transmit the CONELRAD Radio All Clear message on normally assigned frequencies as follows:

The CONELRAD operating procedures have been ordered discontinued. All radio stations are authorized to return to normal operation on their regularly assigned frequencies.

I repeat

The CONELRAD operating procedures have been ordered discontinued. All radio stations are authorized to return to normal operation on their regularly assigned frequencies.

Radio stations and systems licensed in the Disaster Communications Service may resume normal operation when the CONELRAD Radio All Clear message is received unless otherwise restricted by order of the Federal Communications Commission.

§ 20.45 *Tests.* Tests of the CONELRAD alerting and operating systems may be conducted at appropriate intervals. Stations not normally in operation during the period of a test will not be required to take part. Tests of the operating system will not require the station to close down and will be conducted in a manner that will not interfere with the transmission of normal traffic. Reports of the results of such tests may be required in a form to be prescribed by the Commission.

§ 20.46 *Record entries.* Appropriate entries of all CONELRAD tests, drills, and operations shall be made in the station records.

[F. R. Doc. 58-5861; Filed, July 30, 1958; 8:52 a. m.]

[FCC 58-718; Rules Amdt. 65-f]

PART 65—COMMUNICATIONS FELLOWSHIPS FOR STUDENTS FROM OTHER AMERICAN REPUBLICS

DELETION OF PART

In the matter of deletion of Part 65 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices at Washington, D. C., on the 23d day of July 1958.

The Commission having under consideration the deletion of Part 65 of its rules and regulations entitled "Communications Fellowships For Students From Other American Republics;" and

It appearing that since adoption of Part 65 it has become obsolete and fellowships are now awarded through programs conducted by the Department of State and the United Nations. The Federal Communications Commission cooperates in these programs under Presidential Executive Orders and maintains for this purpose its Technical Assistance Division; and

It further appearing that other legislation provides the means for study in this country and to continue carrying Part 65 in Title 47 of the Code of Federal Regulations will result in confusion with other United States exchange programs; and

It further appearing that Part 65 involves benefits, has become obsolete and therefore the notice and procedure provided for in section 4 of the Administrative Procedure Act are not necessary and this Order may be made effective immediately; and

It further appearing that authority for the proposed deletion is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended; therefore

It is ordered, That, effective July 23, 1958, Part 65 of the Commission's Rules is deleted in its entirety.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: July 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5862; Filed, July 30, 1958; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 929]

[Docket No. AO-260-A3]

MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Eastern South Dakota marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Watertown, South Dakota, on December 4–5, 1957, pursuant to notice thereof which was issued October 18, 1957 (22 F. R. 8383).

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area.
2. Instituting a marketwide pool for distributing returns to producers.
3. Qualifications for attaining pool plant status.
4. Payments on unpriced milk disposed of in the marketing area from nonpool plants.
5. The level of the Class I price.
6. Reducing the Class I butterfat differential.
7. Application of location differentials on class prices and in paying producers.
8. Classifying milk transferred or diverted to a nonpool plant.
9. Using a base and excess plan in paying producers.
10. Miscellaneous administrative and conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

1. The marketing area should include all of the territory within the counties of Beadle, Brown, Codington, Day and Spink, all in the State of South Dakota. The marketing area is now limited to the cities of Aberdeen, Huron, Redfield and Watertown, which are, respectively, in Beadle, Brown, Spink, and Codington Counties. Population of these 4 cities, according to the 1950 census, was 53,000. For the 5 counties, herein recommended as the marketing area, the 1950 population was 97,000.

The expanded marketing area will conform more closely with the sales territory of regulated handlers and will bring under regulation unregulated distributors who now enjoy a competitive advantage over regulated handlers. The principal unregulated handler who would be affected by the change is the Crescent Dairy of Webster. Milk from this plant is distributed in Day, Brown, Codington, and Spink Counties in competition with presently regulated handlers. As an unregulated handler the Crescent Dairy has not been required to pay class prices under the order to which its principal competitors have been subject, and the price paid by this handler for milk for fluid use has been consistently below that provided by the order. Effective May 1, 1956, the Crescent Dairy raised the price

...id to producers for "base milk" of 3.5 ...rcent butterfat from $3.67 to $4.09 per ...ndredweight. The comparable price ...r Class I milk under the Eastern South ...kota order from May 1956 through De...mber 1957 ranged from $4.44 to $4.90. The price advantage enjoyed by the Crescent Dairy has tended to bring about instability in the marketing of milk in the proposed enlarged area and has impaired the effectiveness of the Eastern South Dakota order.

Fairmont Foods Company distributes Grade A milk in the Eastern South Dakota marketing area from its plant at Moorhead, Minnesota. The sales from this plant in the marketing area in the past have been insufficient to qualify it as a fully regulated plant under the order. Likewise, it is indicated that the sales from this plant in the enlarged marketing area would not qualify it as a pool plant, but would subject it to partial regulation as a nonpool plant under the marketwide pool order.

Grade A milk products sold for fluid consumption throughout the proposed marketing area must be approved by local or state health authorities who are governed by health ordinances, practices and procedures patterned after the United States Public Health Ordinance and Code. Movements of Grade A milk, both in bulk and packaged form, between various localities in the marketing area take place through the reciprocal approval of the responsible health authorities. Ratings by the United States Public Health Service are recognized as a basis for approval of outside sources of milk. Moreover, a state law provides that after June 30, 1958, no milk other than Grade A may be sold in South Dakota. This will result in the extension of regulation under the order to those who now distribute ungraded milk in the area and who will have met the requirements for obtaining approval as Grade A operations by June 30.

Aberdeen, Huron, Watertown, Webster, and Redfield are the principal points at which milk from producers is purchased and packaged for distribution throughout the marketing area. However, a substantial proportion of the distribution from these cities is in nearby communities and in the rural areas of the counties in which they are located. Because of this, the best interests of the market would be served by defining the marketing area on the basis of county rather than city boundaries.

It was proposed by producers and handlers that Hughes County, in which is located the city of Pierre, be included in the marketing area. Tyler's Dairy of Pierre, which operates the only Grade A plant in Hughes County, receives milk regularly from three dairy farmers. In addition, this handler purchases milk in half-gallon paper containers and supplemental supplies of milk in bulk from the Oak Grove Dairy, Norwood, Minnesota.

Pierre, with a 1950 population of 5,700, is the largest city between Huron in the Eastern South Dakota marketing area and Rapid City in the Black Hills marketing area. Its distance from Huron is 116 miles, from Rapid City 183 miles and from Sioux Falls 226 miles. The population of Pierre has increased appreciably since 1950 due to the Missouri River Development work in the vicinity. The growth in population has brought about an increase in the quantities of milk distributed in the area. In recent years milk has been distributed in Pierre from plants in Huron and Redfield under the Eastern South Dakota order, from a plant in Sioux Falls under the Sioux Falls-Mitchell order and from the Fairmont Foods plant at Moorhead, Minnesota. Tyler Dairy competes with these handlers only in Pierre and in a nearby smaller community.

Tyler's Dairy does not have a price advantage over regulated handlers in the procurement of milk. This handler pays producers $4.65 per hundredweight for 3.5 percent milk for Class I purposes. The average Class I price under the Eastern South Dakota order for the 12 months ending October 1957 was $4.55.

Hughes County is relatively far removed from the primary sales distribution area of Eastern South Dakota handlers and under existing marketing conditions it would not be practicable to include it in the marketing area. Accordingly, Hughes County should not be included in the marketing area.

Handlers stated that the marketing area considered at the hearing was not large enough in that it did not include various places wherein milk from their plants is distributed and therefore would not regulate some handlers with whom they compete. The volume of milk sold in localities outside the marketing area from pool plants as defined under the proposed order is not in itself justification for the inclusion of such localities in the marketing area. Neither was it established that marketing conditions in these localities are such that their exclusion would be inappropriate or unjustified at this time.

It is neither administratively feasible nor necessary to include all territory in the marketing area in which handlers to be regulated distribute milk. Furthermore, it would not be possible to designate a marketing area of reasonable size which would include all sales outlets of each and every handler that would be subject to regulation. As additional territory would be added, the problems associated with the extension of regulation to distributors that make a substantial portion of their fluid milk sales outside the market would be increased many fold. By providing for a marketing area as proposed herein, regulation is at a minimum for milk distributors with a large proportion of their sales outside the marketing area and their operations will not be unduly disturbed with respect to the major portion of their sales in communities wherein they compete with other distributors who would not be regulated at all by the proposed order.

It was urged at the hearing that the order provide specifically that any territory within the boundaries of the designated marketing area which is occupied by government (Municipal, State or Federal) reservations, installations, institutions or other establishments should be considered as within the marketing area. It is clearly intended that all such territory be included in the marketing area. However, so that there will be no doubt as to the intent of the marketing area definition, it should be indicated that the designated places in the Eastern South Dakota marketing area shall include territory within such boundaries which is occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other establishments.

2. The order should be amended to provide for a marketwide equalization pool as a means of distributing to producers the proceeds from the sale of their milk. Such a pool will assure each producer supplying the market that he will receive a return based on his pro rata share of the Class I sales of the entire market. The "blend" price that a producer receives will depend on the overall utilization of all producer milk received at the pool plants of all regulated handlers during the month. Although each handler subject to the order will be required to pay uniform prices for producer milk in accordance with the classification of such milk pursuant to the order, the minimum blend prices payable to producers will be the same for all producers in the market irrespective of the use made of such milk by the individual handler.

Under the individual-handler type of pool now contained in the order the minimum prices payable to producers is uniform to all producers delivering to the same handler. The price that a producer receives depends on the proportion of his milk used in Class I and in Class II milk by a handler. Although each handler now subject to the order is required to pay uniform minimum prices to all producers who deliver to him during each month, the minimum uniform prices payable to producers by the several handlers differ according to the variation among handlers in the proportion of milk used in each class.

Although the potential supply of producer milk in the production area for the Eastern South Dakota market is adequate for the market's needs, the individual handler pool has tended to deter the obtaining of such adequate supply on a year-round basis. Some handlers' receipts of producer milk during the months of low production are inadequate for their Class I needs and they have been reluctant to take on additional producers. A reason for this practice has been that the additional reserve supplies that such handlers would be required to carry in the months of seasonally high production would lower the uniform prices to their producers under the individual handler pool. This, it was suggested, put such handlers at a disadvantage with other handlers who are limiting their purchases from producers and thereby paying higher uniform prices during the flush production months. This reluctance to take on additional producers has brought about an uneconomic procurement pattern for the Eastern South Dakota market and has impeded the maintenance of an adequate reserve supply of milk for the order market.

The uniformity of payments to all producers as provided under a marketwide pool will permit a handler either to maintain a manufacturing operation in his plant to handle the seasonal and daily reserve supplies of milk or to limit the operation at his plant to the handling of milk for Class I purposes without affecting the blend prices payable to his producers as against other producers in the market. The facilities in the various plants in the area for handling producer milk which is in excess of that needed for Class I purposes varies considerably at the present time. While a number of plants in the market are exclusively Class I operations and handle no surplus milk, there are several plants that are now equipped to handle substantial quantities of milk for manufacturing purposes. The facilities for handling milk for manufacturing purposes were considerably less extensive in April 1955 when the present order was promulgated.

There are currently separate cooperative associations of producers in each of the 4 cities in the present marketing area. Under the individual handler pool there has been limited movement of bulk milk between handlers in the different cities in the marketing area. Instead producer associations have frequently been called upon to market outside the order the milk of their members not needed for Class I purposes by order handlers. A marketwide pool will provide a greater incentive for the Eastern South Dakota producer associations to obtain the optimum utilization of milk for the whole market because of their sharing equally in benefits of the Class I sales for the total market. Likewise, a marketwide pool will make it possible for the producer associations to assist in diverting seasonal reserve milk, thus keeping on the market those producers who are needed to fulfill the year-round requirements of the market. It assists in apportioning among all producers the lower returns from reserve milk where otherwise this burden may be placed on individual groups of producers. A marketwide pool will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk.

Because all producers will receive payment at the rate of the marketwide uniform price each month and because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers for such milk at the applicable uniform price would pay the difference into the producer-settlement fund, and each handler whose obligation for producer milk is less than the applicable uniform price value would receive payment of the difference from the fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached order is similar to that contained in all other Federal orders with marketwide pools.

Experience has indicated that it is desirable to set aside a reasonable reserve or balance in such fund at the end of each month. Such a reserve is necessary in order to provide for contingencies such as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the attached order at not less than four nor more than five cents per hundredweight of producer milk in the pool for the month. The unobligated balance in the producer-settlement fund remaining from the preceding month would be added to the values used in calculating the uniform prices each month. The amount of the reserve which is provided herein should be adequate to enable the producer-settlement fund to perform its function efficiently.

As indicated elsewhere in this decision, compensatory payments received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited into the producer-settlement fund would be included in the uniform price computation and thereby be distributed to all producers on the market.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers would be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount. The remaining amounts due such handlers from the fund would be paid as soon as the balance in the fund becomes adequate to meet such payments, and handlers would then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has failed to make the payments required to the producer-settlement fund for the preceding month would be eliminated in the computation of the uniform price.

3. The order should be revised to prescribe standards based on association with the market for qualifying a plant as a pool plant. As indicated elsewhere in this decision, marketwide pooling of producer returns is considered essential to the stable and orderly functioning of the Eastern South Dakota market. Since a marketwide pool results in payment to all producers on an average utilization for the market, individual handlers will be relieved of any responsibility for maintaining a high Class I utilization in order to support their payments to producers. Whatever utilization of milk a handler may have, his rate of payment to producers will be the same as that of all other handlers in the market. Thus, it is possible that his status with respect to the pool may become a determining factor in guiding a handler's operation.

The basis for determining which plants shall be pool plants under the Eastern South Dakota order, and thereby fully subject to regulation, should be clearly set forth in the order and apply uniformly to all plants, wherever located. Pool plant status should not be determined solely on an occasional shipment of milk to the market, or on approval by a specified health authority. Such a method for determining which plants shall be subject to regulation would not provide a workable basis for administering the order in conjunction with the other provisions recommended in this decision.

Since the production of high quality milk involves extra expenses, it is important that the amount of milk produced under Grade A inspection be no more than the minimum necessary to provide the market with an adequate and dependable supply of quality milk. To encourage more than enough production of such milk would represent an economic waste, since the expenditures incurred in producing Grade A milk not needed on the market would result in no extra value to consumers.

Essential to the operation of a marketwide pool is the establishment of performance standards to apply uniformly to all plants. Any plant, regardless of its location, should have equal opportunity to comply with the standards and thereby to participate in the marketwide pool and have its producers share in the Class I sales of the market. Any producer who meets the necessary health department requirements should be permitted, under the order, to sell his milk to plants meeting the standards of qualification. Whether or not plants and producers choose to supply the Eastern South Dakota market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs, and alternative outlets.

Performance standards should be such that any plant which has as its major function the supplying of milk to the market would pool its sales and share in the marketwide equalization. On the other hand, plants only casually, or incidentally, associated with the market should not be subject to complete regulation. Neither should they be permitted or required to equalize their sales with all handlers in the market. If a milk plant were to be permitted to share on a pro rata basis the Class I utilization of the entire market without being genuinely associated with the market, then the differentials paid by users of Class I milk would be dissipated without accomplishing their intended purpose. If a plant were to be qualified and fully regulated merely by making a token shipment of milk or cream into the market for sale as Class I milk, then any milk plant which found itself in a position where it was selling a smaller share of its milk in Class I then the average for all regulated handlers might make such shipment and receive equalization payments from the pool. The only qualification such a plant would be required to meet would be compliance with the necessary health department standards.

Since reserve milk is an essential part of any fluid milk business there will always be some excess milk in the plants of handlers supplying other markets. This

will be particularly true in the months of flush production. Plants selling primarily to other markets, or plants shipping milk on an opportunity basis to any market where supplies happen to be short, do not represent sources of milk on which the Eastern South Dakota market may depend. If such a plant, by selling a token quantity of Class I milk in the marketing area, were allowed to pool its surplus, the operator thereof could gain an unwarranted advantage in paying producers by receiving equalization payments from the Eastern South Dakota order pool. Such a distribution of equalization payments would, in fact, reduce the blend price to producers regularly supplying the market, thereby having an adverse effect on the milk supplies upon which the market depends. This could result in the need for higher Class I prices than would otherwise be required to supply the market adequately.

Because of the difference in marketing practices and functions between distributing plants and supply plants, two sets of performance standards have been provided. A "distributing plant" under the order would be defined as a plant in which milk is processed or packaged and from which any fluid milk product (as hereinafter defined) is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area. A "supply plant" would be defined to mean a plant (except a distributing plant) from which Grade A milk, skim milk or cream is shipped during the month to a distributing plant which is qualified as a pool plant.

In order to qualify as a pool plant, a distributing plant should be required to distribute at least 10 percent of its milk from producers and other plants during the month as Class I milk on retail or wholesale routes to outlets in the marketing area.

A distributing plant having more than 90 percent of its business outside the marketing area or in other outlets should not be considered as essentially associated with the market. It is not considered advisable to bring such a plant under full regulation because of the minor share of its business which is in the marketing area. Full regulation in such case would not be necessary to accomplish the purpose of the order, and might well place such plant at a competitive disadvantage in relation to its competitors in supplying the unregulated market.

Such a minimum is necessary to avoid the possibility that a plant otherwise not associated with the market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market, by means of minor sales in the marketing area.

It is contemplated that only plants primarily engaged in route distribution of fluid milk products should be qualified as pool plants under this definition. In order to preserve this distinction, a further condition is placed on distributing plants that their total distribution of Class I milk on routes to wholesale or retail outlets, both inside and outside the marketing area, must amount during the month to at least 35 percent of their receipts of milk from dairy farmers and from other plants. Any plant which does not qualify on this basis should be deemed to be primarily a supply plant and its pool status should be judged by the standards applied to such plants.

A plant from which milk for Class I uses is distributed regularly in the marketing area under normal circumstances may be expected to dispose of its milk in such a way as to exceed by a reasonable margin the minimum performance standards necessary to qualify as a pool plant. There may be from time to time plants supplying milk to the marketing area which would not qualify for pool status. Such plants would be subject to payments hereinafter discussed if they are not fully subject to regulation.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that currently the quantity of milk produced for the Eastern South Dakota market is adequate on an annual basis for the needs of the market. At times, especially during the months of seasonally high production, distributors in the market have not needed all of the milk available from producers in order to keep their Class I outlets fully supplied. In order to assure that all the producers' milk which is pooled with the market will be available for Class I, supply plant standards should be set at levels which require that such milk will be available.

In order to qualify for pool plant status a supply plant should ship to distributing plants which are pool plants at least 35 percent of its receipts of milk from dairy farmers in any month in the form of fluid milk products. A supply plant from which a proportionately lesser quantity of milk is disposed of in this manner should not, under the present conditions in the Eastern South Dakota market, be considered as primarily associated with the regulated market.

It is recognized that if there is any demand for milk from supply plants it will be greatest during the season of low production. For sustained periods during the months of flush production supplies of milk received at plants located in or near the marketing area may be sufficient to supply the Class I outlets. During this part of the year it would be more economical to leave the most distant milk in the country for manufacture and use local supplies for Class I use. The performance provisions should not force milk to be transported to distributing plants in the months of seasonally high production in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant may maintain pool plant status throughout the year if it supplies a substantial portion of its producer milk to distributing plants during the months when milk production tends to be lowest. The proposed standards require that a supply plant provide distributing plants which are pool plants with milk to the extent of 50 percent of its producer milk receipts during the period of September through November to maintain automatic pool status for the months of March through June.

A handler operating a distributing plant or a supply plant which does not meet the standards for a pool plant should be required to file reports for such plant and submit to audits by the market administrator to verify the status of such plant.

Some handlers in the market receive milk from both Grade A and ungraded producers. Where such an operation takes place, it is generally the practice of the handler to maintain the ungraded operation physically apart from that of his Grade A operation. The handler who operates an ungraded plant which is in the adjoining or same building as his Grade A plant should not be restricted in the operation of his ungraded plant to any greater degree than the operator of any other ungraded plant. However, proper safeguards should be provided in the order to insure that the ungraded and graded portions of a plant operated by the same handler are maintained as separate entities. It is concluded, therefore, that if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it should not be considered a part of a pool plant. However, if the graded and ungraded operations of a plant are not maintained separately, the entire operation of such plant would be considered as that of a pool plant, and all ungraded milk received at such plant would be considered as other source milk received at a pool plant.

4. The order should provide that payment be made into the producer-settlement fund with respect to unpriced milk which is allocated to Class I milk in a pool plant.

Receipt of milk in excess of Class I disposition is necessary to operate a fluid milk business. Because of seasonal fluctuations in production without corresponding changes in demand, this excess or reserve milk must be marketed in manufactured form in competition with products made from ungraded milk. The existence of this reserve Grade A milk, which must be marketed at a lower price, is the primary cause of the instability which may affect fluid milk markets.

Considerable volumes of Grade A milk must be disposed of as surplus by various unregulated plants from which the Eastern South Dakota order handlers may obtain milk. When milk is available in substantial volumes from nonpool sources, handlers under the order could obtain such milk at prices reflecting its value as surplus milk, which prices would approximate the Class II price under the order. During the seasonally high production months of March through June, the compensation payment on other source milk allocated to Class I milk should be the difference between the minimum price of producer milk used for surplus (Class II) and the Class I price adjusted to the location of the plant from which such other source milk was

received from farmers. This rate will reflect generally the difference in the value between unregulated and regulated milk for Class I use at that time.

During the months of July through February, when milk supplies tend to be shorter than in other months, it is not likely that other source fluid milk products will be available to the market at surplus prices. It may reasonably be expected that during such months milk would be available from unregulated sources at prices more nearly at the level of the uniform price under the order. The compensation payment during these months should be the difference between the marketing area uniform price to producers and the Class I price adjusted to the location of the plant from which such fluid milk products are supplied. The relationship between the supply of and demand for milk in the market in the July through February period tends to fluctuate from year to year according to marketing conditions. These conditions will generally prevail also in surrounding markets that are potential sources of supply for unpriced milk. Thus, the rate of compensation payment based on the difference between Class I and uniform prices will adjust itself automatically in these months in accordance with the proportion of Class I milk to the total milk pooled and this will tend to affect also conditions in the area from which unpriced milk is obtained.

The rates which are here found to be appropriate for the Eastern South Dakota marketing area give recognition to general competitive conditions in the purchase and sale of fluid milk products. However, such conditions do not prevail uniformly in all instances since all transactions are not made under the same circumstances and it would not be administratively feasible to adjust prices or payments to individual transactions.

It is therefore necessary to have definite and specified rates applicable to all handlers similarly situated. The rates herein provided were proposed by producers and are those which will best effectuate the intent of the act under current marketing conditions in the area. No other rates were proposed at the hearing with respect to compensatory payments on unpriced milk.

Other source milk used in the form of nonfat dry milk solids should be considered to be from a source at the location of the pool plant where it is used. In some instances there will be none and in other cases insignificant transportation charges per hundredweight experienced by handlers on such other source milk under the skim milk equivalent basis of accounting provided in the order. By following this procedure, the compensation payment on other source milk derived from nonfat dry milk solids will be comparable to that on any other source milk which is allocated to Class I milk.

In addition to that other source milk which would enter the marketing area through pool plants, some milk is distributed in the marketing area from nonpool plants. The largest distribution of nonpool milk in the Eastern South Dakota marketing area is from a plant in Moorhead, Minnesota. At this location and at various other locations in nearby Minnesota substantial quantities of milk are available throughout the year. It would not be possible to stabilize the Eastern South Dakota market under the classified pricing program if distribution in the marketing area of unpriced milk from nonpool plants without compensation payments were allowed. Since such milk may be procured for distribution in the Eastern South Dakota marketing area on the same basis as other source milk at pool plants it should be classified and priced the same as unpriced milk distributed through any other channels.

No compensation payment should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where Eastern South Dakota order handlers might obtain supplemental supplies approximate the Eastern South Dakota order Class I price as adjusted for location of the supplying plants. Since handlers operating plants under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to dispose of their surplus producer milk in the Eastern South Dakota marketing area for Class I use at less than Class I prices.

Handlers proposed that no compensatory payment be required on other source milk received at a pool plant during a month when receipts of producer milk are below 110 percent of Class I sales. If such a provision were incorporated in the order, it would not be expected to have any effect in the seasonally high production months of March through June. During the months of July through February the compensatory payment rate herein provided of the difference between the Class I price and uniform price would adjust itself automatically to changes in the relationship between the producer milk supply and the Class I sales of the market. Thus, with producer milk receipts at a ratio of less than 110 percent of Class I sales the compensatory payment rate would be relatively negligible or completely nonexistent. In view of this, there is no need for providing in the order that the compensatory payment provision shall be inoperative when producer receipts are below 110 percent of Class I sales. Moreover, such a provision would be harmful to the best interests of the market by encouraging handlers to limit their purchases of producer milk and thereby bring about an uneconomic procurement pattern for the Eastern South Dakota market at the expense of nearby dairy farmers.

5. No change should be made in the Class I price at this time.

Handlers proposed that the Class I price be reduced 46 cents for milk sold outside the marketing area. They argued that such a reduction in price is necessary to enable them to compete with unregulated Grade A milk and ungraded milk.

The Class I price under the Eastern South Dakota order is established at a level which will insure an adequate supply of Grade A milk for the market. Reducing the price for Class I milk disposed of outside the marketing area would degress the overall returns to producers, thereby having an adverse effect on the milk supplies upon which the market depends.

The enlarged marketing area as proposed herein encompasses the territory in which regulated handlers distribute the major portion of their receipts from producers. Handlers should not be encouraged by means of an "out of area price" to seek additional Class I outlets at the expense of producers primarily associated with the Eastern South Dakota order market. Such uneconomical movements of milk, resulting in lower returns to producers, would seriously jeopardize stability and orderly operation in the Eastern South Dakota market.

In addition to the competition from unregulated Grade A milk, handlers claimed they need to reduce their prices for Grade A milk in areas where ungraded milk is offered for sale. Extra costs are involved in meeting the sanitary requirements relative to the maintenance of a dairy herd for the production of Grade A milk. Recognition of the higher quality and greater value of milk sold as Grade A in the sales territory served by Eastern South Dakota handlers is indicated in those communities wherein both Grade A and ungraded milk are sold by the preference of consumers for Grade A milk. In view of this, there is no justification for reducing the Class I price for milk sold outside the marketing area to enable handlers to purchase Grade A milk at prices which approximate the ungraded milk price. Moreover, in accordance with a recently enacted law, ungraded milk for human consumption may not be offered for sale in South Dakota after June 30, 1958.

The two price system proposed by handlers would have the effect of having consumers of milk in the marketing area subsidize buyers of milk in communities outside the marketing area. There is no sound economic basis to discriminate against purchasers in the sales territories wherein Eastern South Dakota order handlers have the greater part of their Class I sales in favor of buyers elsewhere.

Evidence was also received on a proposal that would reduce the Class I price 23 cents and on another that would base the Class I price on the price for Class II milk plus a differential of $1.40.

At the present time the Class I price is computed by adding $1.40 to the higher of the Class II price or the Midwest Condensery price. Eliminating the condensery price as a factor in calculating the Class I price would result in a price approximating that in the Sioux Falls-Mitchell order, which price averages about 15 cents below the Eastern South Dakota Class I price.

The argument of handlers that a lower Class I price is necessary to enable them to compete with unregulated handlers and handlers regulated by other orders was not substantiated at the hearing. In fact, the testimony presented did not establish that the Class I price now provided under the individual handler pool order would not be appropriate under

the marketwide pool herein recommended.

6. The Class I butterfat differential should be computed by multiplying the average of the daily quotations for Grade A (92-score) butter at Chicago for the preceding month by 0.120. The differential is now obtained by adding 2.8 cents to the Class II butterfat differential, which results in a Class I butterfat differential approximating the Chicago butter price average times 0.160.

The Class I butterfat differential in the Eastern South Dakota order is high in relation to the Class I butterfat differential in other markets. Under the Chicago order, for example, handlers pay a butterfat differential on Class I milk approximating the Chicago 92-score butter price times 0.120.

The high Class I butterfat differential, it was indicated, has been one of the principal reasons for the rapid and continuing decline in the proportion of butterfat contained in the Class I disposition in the market. This decrease of butterfat in Class I utilization is reflected especially in the low butterfat content of fluid milk distributed in the marketing area.

In Eastern South Dakota, as in other markets, whole milk in fluid form is the most significant item making up the Class I sales in the market. The average butterfat content of fluid whole milk distributed in the marketing area currently ranges between 3.3 and 3.5 percent, tending generally to be but little above the required minimum in the State of South Dakota of 3.25 percent.

A high butterfat differential as now contained in the order tends to be a deterrent to increasing the butterfat content of fluid milk products distributed by regulated handlers. The change proposed herein gives recognition to the increasing value of the nonfat solids portion of the milk for fluid purposes in relation to the butterfat portion. The lower rate of the butterfat differential should give some encouragement to the sale of higher fat milk and of cream.

7. A schedule of location differentials should be incorporated in the order to provide an appropriate adjustment of order prices at the location of any plant from which milk is moved to the marketing area. With the same class prices applicable, milk received at a plant outside the marketing area and moved to the marketing area for processing and packaging may be expected to be more costly to a handler than milk received directly from producers at his processing plant in the marketing area. In the same manner, additional transportation costs would be incurred by the operator of a plant from which packaged milk is moved a relatively long distance to the marketing area. Unless provision is made in the order for the application of location differentials, producers delivering milk to plants located at some distance from the marketing area would be paid the same uniform prices as producers delivering to plants in the marketing area.

It is economically more feasible to meet the needs of the market for fluid purposes from those farms or plants nearest the market before bringing in milk from more distant plants. The value of milk to the market for fluid purposes is greater at the location of a plant in the marketing area which packages it for distribution than at a plant from which milk must be moved to the marketing area for Class I uses. Recognition in the order through the medium of a location differential should be given to this difference in value.

So as to be equitable to all handlers, the minimum Class I price to be paid for producer milk should not be dependent upon the type of plant receiving the milk. However, to the extent that milk is received elsewhere from producers and brought to the marketing area by a handler, the handler has assumed a transportation cost which might otherwise be borne by producers. Accordingly, the Class I price should be adjusted downward in the case of a plant which assumes the cost of hauling milk to the marketing area.

It is customary, in both regulated and unregulated markets, for handlers to pay producers delivering milk to plants farther removed from the market a lesser price per hundredweight than is paid producers delivering directly to plants in the marketing area. To the extent that this represents a lower price because of the location of the milk, such difference in value should be recognized under the order.

Official notice is here taken of Order No. 17, regulating the handling of milk in the Black Hills, South Dakota, marketing area. The location differential in that order reduces the price for Class I milk received from producers at a pool plant located more than 100 miles from the four principal cities in the marketing area by 15 cents for the first 110 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the post offices in such cities.

Aberdeen, Huron and Watertown are the principal cities in the Eastern South Dakota marketing area and are so situated with respect to the overall marketing area so that basing location differential mileage zones from the nearest of them would be equitable to all handlers. The post office in each of these cities would be an appropriate point from which the mileage used in applying the location differentials might be measured. Computing the differential from the nearest of such cities will reflect the value of the milk in relation to the nearest potential outlet and it may reasonably be expected that milk which is moved for regular distribution or as a supplementary source of supply would be nearer to the city to which the shipments were made. This method of arriving at location differential adjustments will result in values for milk at plants at different locations in such a manner as to promote the economical allocation of available supplies in accordance with location of such supplies with respect to the major consuming centers in the marketing area.

Because the Eastern South Dakota marketing area is spread over a relatively large territory and because milk distributed in the marketing area is moved great distances, it would be inappropriate to have location differentials applicable at plants which are less than 100 miles from any of the principal cities in the marketing area. Accordingly, it is concluded that the Class I price under the Eastern South Dakota order should be reduced by 15 cents for the first 110 miles and 1.5 cents for each additional 10 miles or fraction thereof with respect to producer milk received at a plant which is not less than 100 miles from the nearest of the Post Offices of Aberdeen, Huron, and Watertown.

The location differential here recommended is economically sound and will be applicable to all handlers wherever located. The proposed rates are fundamentally the same as those contained in various other orders and are representative of the cost of hauling milk by an efficient means to the market.

Prices paid producers supplying plants to which location differentials apply should be reduced to reflect the lower value of such milk f. o. b. the point to which delivered.

No adjustment should be made in the Class II price because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with location of the plant receiving the milk. This is because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices paid for ungraded milk received at various sections of the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk by the most advantageous possible method. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk. To do otherwise would remove part of the incentive for keeping handling costs at a minimum. To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that for the purpose of calculating such location differential credit the skim milk and butterfat in fluid milk products transferred in bulk form be assigned to any Class II use remaining in the transferee plant after a maximum assignment of 5 percent of the direct producer receipts to Class II milk at such plant.

8. The marketwide pool order will facilitate the transfer and diversion of fluid milk products from pool plants to nonpool plants. At the present time, under the individual handler pool order, the diversion by a cooperative association of the milk of its members is not subject to the order and does not affect the blend price paid by a handler at a specified plant. However, the transfer or diversion by a handler of excess producer milk for manufacturing purposes under the individual handler pool order affects the blend price returned to his producers but not to other producers on the market. As provided in the proposed marketwide pool order, milk transferred by a cooperative association or

proprietary handler to a nonpool plant would affect returns to all producers on the market. In view of this, it is important that the transfer provisions of the order specify clearly the manner in which milk that is transferred or diverted from a pool plant to a nonpool plant should be classified under the marketwide pool herein proposed.

Fluid milk products transferred or diverted to a nonpool plant should be classified as Class I milk unless certain conditions are met. The operator of the nonpool plant, if requested, should make his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to insure proper application of the classification procedures prescribed in the order.

In order to classify such transfers or diversions as Class II milk the fluid milk products disposed of from the receiving nonpool plant should not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers directly supplying such plant. However, if the fluid milk products disposed of from the receiving nonpool plant exceed the receipts of skim milk and butterfat from dairy farmers regularly supplying such plant, the difference should be assigned to the fluid milk products transferred or diverted from a pool plant and classified as Class I milk. If the transfers and diversions to the nonpool plant during the month are from two or more plants subject to the provisions of this and other orders issued pursuant to the act, the skim milk and butterfat assigned to Class I milk at each such pool plant under the Eastern South Dakota order should be not less than that obtained by prorating the assignable Class I milk at the nonpool plant over the receipts from all plants subject to the provisions of this and other orders issued pursuant to the act.

The method herein recommended for classifying transfers and diversions from pool plants to nonpool plants accords equitable treatment to order handlers and gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving priority to dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable source of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary functions of the transfer provisions of the order by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

The provision for classifying fluid milk products as Class II milk should not be extended to include milk transferred or diverted to nonpool plants located more than 150 miles from the nearest of the post offices of Aberdeen, Huron, and Watertown. The area thus described is adequate to dispose of reserve milk for Class II use. Fluid milk products moving greater distances are normally for Class I use.

When milk or skim milk in bulk has been transferred or diverted to a nonpool plant located not more than 150 miles from Aberdeen, Huron, and Watertown, the market administrator is required to verify the utilization claimed by such nonpool plant. It may reasonably be expected that the market administrator will be able to make such verification within such "surplus disposal area" without incurring undue expense. It would not, however, be administratively feasible or otherwise justifiable to have a surplus disposal area of unlimited expanse or to cover a geographical area which is larger than that provided herein. Making such provision might tend to make unreasonable demands on the market administrator in connection with the verification of occasional or irregular shipments to nonpool plants located beyond the area wherein handlers who would be subject to the order normally dispose of reserve supplies of milk for Class II purposes.

9. A "base and excess" plan of distributing the returns for milk among producers should be employed in connection with the market-wide pool.

Base and excess plans, although they vary among cooperative associations and handlers have been commonly used throughout the marketing area. The base and excess method of distributing milk returns during the months of heaviest production has wide support among producers.

Because of the seasonal variations in the production of milk for the Eastern South Dakota market, there is need for an incentive to increase production in the fall and winter months relative to spring and summer months. This can best be accomplished through a uniformly administered base and excess plan incorporated in the order.

Some handlers and cooperative associations have difficulty in utilizing efficiently all milk delivered to them in the months of seasonally high production. By providing returns related directly to a producer's ability to deliver additional milk in the fall and winter as compared with deliveries during the season of flush production, a more even milk production pattern will be encouraged.

The base-excess plan herein recommended would establish for each producer a base that would depend upon his deliveries of milk to pool plants during the months of September, October and November. During these months, as well as all other months in the period of July through February, producers would receive the marketwide blend or uniform price for all milk which they deliver to pool plants.

For each of the months of March through June separate uniform prices for "base milk" and "excess milk" would be computed so that Class I sales would first be allotted to base milk. Base milk would be milk received at a pool plant from a producer during any of the months of March through June which is not in excess of an amount equal to the daily base of such producer multiplied by the number of days in such month. Class II disposition in the market would first be allotted to excess milk. If Class I disposition is more than the base milk received from producers in any m... such additional Class I milk would b... allocated to excess milk and the ... blend price increased accordingly.

The daily base of each producer would be calculated by the market administrator by dividing the total pounds of producer milk received at all pool plants from such producer during the months of September through November by the number of days on which such milk is received from such producer.

It may be expected that new producers coming on the market during or after the base forming period would be needed to supply the Class I needs of the market. These producers should be permitted to share in the proceeds from the sale of Class I milk during the base operating period even though they did not establish bases during the preceding September through November period. A producer who delivered milk during the base forming period but desires to change his level of production should not be required to receive payment for the high production at the excess price. Such a producer should be permitted to relinquish his base and establish the base of a new producer if he so desires. This would add greater flexibility to the plan and would accommodate cases of abnormally low production during the base forming period due to unusual circumstances.

For those producers who do not deliver milk during the base forming period or who deliver milk on less than 60 days during the base forming period or who desire to relinquish established bases, the daily base would be calculated for each of the months of March through June by dividing the pounds of producer milk received from such producer during the month by the number of days in such month and multiplying the quotient by 50 percent for the months of March and April and by 40 percent for May and June. The above percentages will allow new producers to share in the Class I market during the base operating period but will not encourage new producers to come on the market at that time if their production is not needed to supply the Class I needs of the market.

If a plant were a nonpool plant during the preceding September through November period and became a pool plant during any of the months of March through June of the following year, provision should be made for assigning bases to the dairy farmers regularly supplying such plant. This would be effectuated most equitably by according such dairy farmers the same treatment as other producers in establishing bases. This would be accomplished by providing that for the purpose of calculating the daily base of a producer deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant.

It was proposed by producers that the months of January and February be included in the base operating period and the months of August and December be included in the base forming period. The record does not show that the receipts of milk in these months is

abnormal in relation to receipts in other months. Moreover, including these months in the base forming and base paying periods would make the plan unduly restrictive and would not improve the effectiveness of the base-excess plan. September, October and November are normally the months in which the production of milk for the Eastern South Dakota market is lowest and the base forming period should be limited to these months.

Location differentials heretofore discussed should be applied to prices paid producers for base milk. Since excess milk will represent principally producer milk classified in Class II to which no location differential is applicable, the producer price for excess milk should not be subject to the location differential provision of the order.

It is necessary to provide certain rules in connection with the establishment and transfer of bases in order to provide reasonable administrative workability of the plan. Such rules should outline specifically the method for calculating the base for each producer and set forth clearly the procedure to be followed for transferring bases. It is desirable that the need for administrative discretion and restrictive conditions in connection with the application of the base rules be kept at a minimum. To accomplish this, it is necessary that transfer of bases be limited to the entire base of a producer.

The free transfer of entire bases as proposed by producers and recommended herein will facilitate the operation and contribute toward carrying out the intent of the base-excess plan. The purpose of the base-excess plan is to encourage fall production by providing for each producer to share in the Class I market during the spring months of high production along with other producers in proportion to his deliveries to the market during the preceding fall months. Providing for unrestricted base transfer will give added assurance to a producer that he will have the full benefit of the base he has made whether or not he is able to continue milk production for his own account through the following months of flush production. This assurance should increase the effectiveness of the base-excess plan in encouraging production of milk during the months of the year when it is most needed on the market. Bases should be transferred on the first day of a month following receipt of a statement on an approved form showing the holder of such base, the person to whom it is to be transferred, and signed by both parties.

No provision is now made in the order for distributing to producers the returns for their milk through a base and excess plan. It would be desirable, therefore, to allow producers a reasonable period of time to make such changes as might be necessary to adjust their production patterns toward obtaining the optimum benefits under a base and excess plan. The earliest possible date on which the amended order could become effective would be during the 1958 base making period. In view of this, Eastern South Dakota producers would not have had adequate notice that would enable them to make any changes affecting their production in the fall of this year. On the basis of these facts and from the viewpoint of administrative feasibility it is concluded that the base and excess method of paying producers should not be utilized under the order during the 1959 base operating period. Accordingly, during the months of March through June 1959 each producer would be paid not less than the monthly marketwide uniform price for his total deliveries. This would be accomplished by providing that all milk delivered by producers to pool plants during the 1959 base operating period shall be considered base milk.

10. (a) The entire order should be redrafted to incorporate conforming and clarifying changes and to facilitate application of its various provisions.

In designating which persons would be subject to regulation and the application of order provisions to them, new or revised definitions are provided in the atached order, including those for "producer", "fluid milk product", "producer milk" and "other source milk". The definitions for "pool plant", "distributing plant", and "supply plant" are discussed elsewhere in this decision.

"Producer" should mean any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a pool plant.

"Fluid milk product" should mean milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except ice cream mixes and sterilized products in hermetically sealed containers). The items designated as fluid milk products pursuant to this definition are those products which when disposed of by handlers are considered as Class I milk.

"Producer milk" should be defined as all skim milk and butterfat contained in milk received at a pool plant directly from producers.

When producer milk is not needed in the market for Class I purposes, the movement of such milk to nonpool plants for manufacturing purposes should be facilitated. Allowing for unlimited diversion during those months when reserve supplies of milk are heaviest will contribute to this end. Unlimited diversion is neither necessary nor desirable during the other months of the year when producer milk regularly associated with the market is needed to supply the Class I needs of the market. It is necessary, however, to provide for limited diversion during such months to enable handlers to divert producer milk on such occasions as weekends or holidays when the milk is not needed in the market for Class I purposes.

Provision should be made so that the producer milk regularly received at a pool plant may be diverted for the account of a handler to a nonpool plant any day during the flush production months and on not more than the number of days that milk was delivered to a pool plant from the farm of the producer during any other months and still retain producer milk status under the order. Milk diverted in the manner herein prescribed should be deemed to have been received at the plant from which it was diverted.

"Other source milk" should be defined as all skim milk and butterfat contained in or represented by fluid milk products utilized by the handler in his operations except producer milk, fluid milk products received from pool plants, and inventory at the beginning of the month. Thus, other source milk would represent skim milk and butterfat which is not subject to the pricing provisions of this order during the month. It would include all milk products from plants other than pool plants, milk received from a producer-handler and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It would include those manufactured products from a plant's own production which are made and are reprocessed or converted into another product during the same or a later month.

(b) During the months of March through June the maximum shrinkage that may be classified in Class II should be 5 percent of the receipts of skim milk from producers and other sources. Handlers testified that it has been necessary during these months of seasonally high production to dump small quantities of skim milk for which no outlet was available.

It would not be practicable to permit in an unlimited manner the dumping of skim milk by pool plant handlers. Neither would it be appropriate to classify in other than Class II small quantities of skim milk for which no better outlet is available. The necessary relief to handlers in this matter will be appropriately afforded by the increased shrinkage allowance (from 2 to 5 percent) herein provided on skim milk dumped during the spring months of heavy production.

(c) The Class II price in the Eastern South Dakota order is based on prices paid for butter and nonfat dry milk solids. Producers proposed that the formula used to compute this price be rewritten to conform with the language used in other Midwestern Federal orders. Since this change would not affect the annual level of the Class II price, it should be made at this time. The Class II price would be the price obtained as follows: (1) Multiply the Chicago butter price by 4.24; (2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids for human consumption f. o. b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the preceding month through the 25th day of the current month; (3) Add into one sum the amounts computed in (1) and (2) above and subtract 80 cents therefrom.

The method used in computing the Class II butterfat differential should also be changed. The differential is now computed by multiplying the Chicago butter price by 0.125 and subtracting 0.8 cents therefrom. Computing the differential by multiplying the Chicago butter

price for the current month by 0.110 will not change the level of the Class II butterfat differential and will simplify the calculation thereof.

(d) A proposal made by handlers would give other source milk priority over producer milk in allocating the Class I sales of regulated handlers. This would have the effect of assigning the lowest value utilization for the market to dairy farmers associated with it. The inclusion of such a provision in the order would tend to nullify the purpose for which orders are issued and would be inconsistent with the intent of the act. Accordingly, the proposal to give other source milk priority over producer milk to the Class I sales of regulated handlers is hereby denied.

(e) The date by which handlers are required to submit to the market administrator their monthly reports should be changed from the 6th day to the 7th day of the following month. Handlers stated that the extra day is necessary because a number of reports and statements are required of them from various sources immediately following the close of each month, and being required to file monthly reports with the market administrator by the 6th has frequently worked a hardship on them. There was no opposition to this handler proposal and it is expected that the extra day for preparing reports will enable handlers to provide the market administrator in a more complete and accurate manner the data needed to compute the monthly uniform price under the marketwide pool.

(f) Under the marketwide pool, it will be necessary for the market administrator to receive reports and payments when due in order to calculate the blend price and make disbursement of money to handlers for the equalization of producer pay rates. The order should be adjusted, therefore, to permit disclosure of the names of handlers delinquent in such matters as soon as the delinquency occurs. Also, interest should be charged on money overdue the market administrator. The interest rate provided in the attached order is 6 percent per annum. Such an interest rate is not a penalty but represents a fair price for the use of the money. Charging interest will avoid giving the handler any incentive to retain money temporarily for use in his business at no cost until compliance can be enforced.

(g) One of the formulas used in computing the basic formula price, which is used in calculating the Eastern South Dakota order Class I price, is the average of the prices paid for milk received from dairy farmers at specified plants in Wisconsin and Michigan known as the "Midwestern Condenseries". One of the 13 plants now listed in the order (Pet Milk Company, Hudson, Michigan) is no longer in operation. Accordingly, only the 12 of the 13 plants in the Midwestern Condensery group now operating are listed in the attached proposed order as the plants whose prices paid to dairy farmers shall be used in determining the basic formula price under the order.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied.

General findings. (a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditons thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions, which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Eastern South Dakota marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended.

DEFINITIONS

§ 929.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 929.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 929.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 929.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 929.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 929.6 *Eastern South Dakota marketing area.* "Eastern South Dakota marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the counties of Beadle, Brown, Codington, Day and Spink, all in the State of South Dakota, including territory within such boundaries which is occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other establishments.

§ 929.7 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 929.8 *Distributing plant.* "Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 929.9 *Supply plant.* "Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant qualified pursuant to § 929.10.

§ 929.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 10 percent of such receipts are so disposed of to such outlets in the marketing area: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written applica-

tion is filed with the market administrator on or before the 15th day of any of the months of March, April, May or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year: *And provided further*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

§ 929.11 *Nonpool plant.* "Nonpool plant" means any plant other than a pool plant which receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 929.12 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of one or more distributing or supply plants, or (b) any cooperative association with respect to the milk from producers diverted by the association for the account of such association from a pool plant to a nonpool plant.

§ 929.13 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers or from sources other than pool plants.

§ 929.14 *Producer milk.* "Producer milk" means the skim milk and butterfat contained in milk received at a pool plant directly from producers: *Provided*, That milk diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further*, That in any of the months of July through March milk diverted from the farm of a producer on more than the number of days that milk was delivered to a pool plant from such farm during the month shall not be deemed to have been received by the diverting handler at the plant from which diverted on such days.

§ 929.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except ice cream, ice cream mixes, and sterilized products hermetically sealed containers).

§ 929.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant), which are reprocessed or converted to another product in the plant during the month.

§ 929.17 *Base milk.* "Base milk" means milk received at a pool plant from a producer during any of the months of March through June that is not in excess of such producer's daily base computed pursuant to § 929.90 multiplied by the number of days in such month: *Provided*, That all milk received at a pool plant from a producer during any of the months of March through June 1959 shall be base milk.

§ 929.18 *Excess milk.* "Excess milk" means the amount of milk received at a pool plant from a producer during any of the months of March through June that is in excess of base milk received from such producer during such month.

§ 929.19 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 929.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 929.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 929.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 929.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 929.30 and 929.31, or payments pursuant to §§ 929.62, 929.80, 929.84, 929.86 and 929.87;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 929.51 (a) and the Class I butterfat differential pursuant to § 929.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 929.51 (b) and the Class II butterfat differential pursuant to § 929.52 (b), both for the preceding month; and

(2) The 10th day after the end of each of the months of July through February, the uniform price pursuant to § 929.72 and the producer butterfat differential pursuant to § 929.81; and

(3) The 10th day after the end of each of the months of March through June, the uniform price for base milk and excess milk pursuant to § 929.73 and the butterfat differential pursuant to § 929.81; and

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests, the percentage of the milk caused to be delivered by the cooperative association or its members to the pool plant(s) of each handler during the month, which was utilized in each class. For the purpose of this report, the milk so delivered shall be allocated to each class for each handler in the same ratio as all producer milk received by such handler during the month.

REPORTS, RECORDS AND FACILITIES

§ 929.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for such month in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by receipts of producer milk, and the aggregate quantities of base and excess milk;

(b) The quantities of skim milk and butterfat contained in or represented by

fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by producer milk diverted to nonpool plants pursuant to § 929.14;

(e) Inventories of fluid milk products on hand at the beginning and end of the month; and

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 929.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer:

(i) His name and address,

(ii) The total pounds of milk received from such producer including for the months of March through June, the total pounds of base and excess milk,

(iii) The number of days, if less than the entire month, for which milk was received from such producer,

(iv) The average buttrefat content of such milk, and

(v) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at his pool plant, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such milk;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 929.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 929.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 929.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 929.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 929.41 through 929.46.

§ 929.41 *Classes of utilization.* Subject to the conditions set forth in § 929.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) contained in inventory of fluid milk products on hand at the end of the month; and (3) in shrinkage allocated to receipts of producer milk and other source milk (except milk diverted to a nonpool plant pursuant to § 929.14) but not in excess of 2 percent of such receipts of butterfat, 2 percent of such receipts of skim milk in the months of July through February and 5 percent of such receipts of skim milk in the months of March through June.

§ 929.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler s receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and other source milk.

§ 929.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 929.44 *Transfers.* Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to another pool plant unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator pursuant to § 929.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 929.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further*, That if other source milk was received at either or both plants the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Aberdeen, Huron, and Watertown, South Dakota; and

(d) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Aberdeen, Huron, and Watertown, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 929.30 for the month within which such transactions occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines constitute the regular sources of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products so transferred or diverted and classified as Class I milk: *And provided further*, That if the total skim milk and

butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this order and other orders issued pursuant to the act is more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a pool plant shall be not less than that obtained by prorating the assignable Class I milk at the transferor plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the act.

§ 929.45 *Computation of the skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for each pool plant and shall compute the pounds of butterfat and skim milk in each class at each such plant: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water reasonably associated with such solids in the form of whole milk.

§ 929.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 929.45, the market administrator shall determine the classification of producer milk received at the pool plants of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 929.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class in series beginning with Class II milk, the pounds of skim milk in other source milk which were received in the form of fluid milk products which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from other pool plants according to the classification of such products as determined pursuant to § 929.44 (a);

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month; and

(9) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 929.50 *Basic formula price.* The higher of the prices computed pursuant to paragraph (a) or (b) of this section, rounded to the nearest cent, shall be the basic formula price.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Company, Mt. Pleasant, Mich.
Borden Company, New London, Wis.
Borden Company, Orfordville, Wis.
Carnation Company, Oconomowoc, Wis.
Carnation Company, Richland, Center, Wis.
Carnation Company, Sparta, Mich.
Pet Milk Company, Belleville, Wis.
Pet Milk Company, Coopersville, Mich.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Wayland, Mich.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The price computed pursuant to § 929.51 (b).

§ 929.51 *Class prices.* Subject to the provisions of §§ 929.52 and 929.53 the class prices per hundredweight shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.40.

(b) *Class II milk price.* The Class II milk price shall be the price obtained by adding the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph, and subtracting 80 cents therefrom.

(1) Multiply the Chicago butter price by 4.24.

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the preceding month through the 25th day of the current month.

§ 929.52 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 929.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II prices.* Multiply the Chicago butter price for the current month by 0.110.

§ 929.53 *Location differentials to handlers.* For producer milk which is received at a pool plant located 100 miles or more from the Post Offices of Aberdeen, Huron, and Watertown, South Dakota, by the shortest hard surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 929.51 (a) shall be reduced by 15 cents for the first 110 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the Post Offices of Aberdeen, Huron, and Watertown: *Provided*, That for the purpose of calculating the location differential adjustment applicable pursuant to this section, fluid milk products that are transferred in bulk form between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 929.46 (a) (4) and the comparable steps in (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable to each plant, beginning with the plant having the largest differential.

§ 929.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 929.60 *Producer-handler.* Sections 929.40 through 929.46, 929.50 through 929.52, 929.70 through 929.73 and 929.80 through 929.87 shall not apply to a producer-handler.

§ 929.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 929.10 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Eastern South Dakota marketing area than in

the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 929.30) and allow verification of such reports by the market administrator.

§ 929.62 *Handlers operating nonpool plants.* Each handler in his capacity as the operator of a nonpool plant shall, on or before the 13th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount obtained by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month by the rate determined pursuant to § 929.63.

§ 929.63 *Rate of payment on unpriced milk.* The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I shall be any plus amount obtained by subtracting from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk;

(a) During the months of March through June, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through February, the uniform price pursuant to § 929.72 adjusted by the Class I butterfat differential.

DETERMINATION OF UNIFORM PRICE

§ 929.70 *Computation of value of milk for each handler.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 929.46 (a) (9) and the corresponding step of (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of (1) the hundredweight of producer milk classified in Class II less shrinkage during the preceding month or (2) the hundredweight of milk subtracted from Class I pursuant to § 929.46 (a) (8) and the corresponding step of (b);

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 929.46 (a) (2) and (3) and the corresponding step of (b) by the rate of payment on unpriced milk determined pursuant to § 929.63 at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided*, That if the source of any Class I products at a pool plant are not clearly established or if such skim milk is in the form of nonfat dry milk solids, they shall be considered to have been received from a source at the location of the pool plant where they are classified.

§ 929.71 *Computation of aggregate value used to determine uniform price.* For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content, f. o. b. plants located within 100 miles of the post offices of Aberdeen, Huron, and Watertown, South Dakota, as follows:

(a) Combine into one total the values computed pursuant to § 929.70 for all handlers who made the reports prescribed in § 929.30 for such month, except those in default of payments required pursuant to § 929.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the hundredweight of such producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 929.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 929.72 *Computation of uniform price.* For each of the months of July through February, the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content f. o. b. pool plants located within 100 miles of the post offices of Aberdeen, Huron, and Watertown, South Dakota, as follows:

(a) Divide the aggregate value computed pursuant to § 929.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The resulting figure shall be the uniform price for producer milk.

§ 929.73 *Computation of uniform price for base milk and excess milk.* For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f. o. b. pool plants located within 100 miles of the post offices of Aberdeen, Huron, and Watertown, South Dakota, as follows:

(a) From the reports submitted by handlers pursuant to § 929.30 determine the aggregate classification of producer milk included in the computation of value pursuant to § 929.71 and the total hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of such excess milk on a 3.5 percent butterfat basis by multiplying the total hundredweight of such milk that is not greater than the total Class II milk pursuant to paragraph (a) of this section by the Class II milk price and by adding thereto the value obtained by multiplying the hundredweight of such excess milk that is greater than the quantity of such Class II milk by the Class I milk price;

(c) Divide the value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk, and subtract not less than 4 nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for excess milk;

(d) Subtract the value of excess milk obtained in paragraph (b) of this section from the aggregate value of all milk obtained in § 929.71; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for base milk.

§ 929.74 *Notification of handlers.* On or before the 10th day of each month the market administrator shall notify each handler with respect to his pool plants:

(a) The amount and value of milk in each class computed pursuant to §§ 929.46 and 929.70 and the totals of such amounts and values;

(b) The uniform price computed pursuant to § 929.72 or § 929.73, whichever is applicable;

(c) The amount due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 929.80 and 929.84; and

(e) The amount to be paid by such handler pursuant to § 929.87.

PAYMENT FOR MILK

§ 929.80 *Time and method of payment for producer milk.* (a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 15th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform prices per hundredweight pursuant to §§ 929.72 and 929.73 subject to the butterfat differential computed pursuant to § 929.81 plus or minus adjustments for errors made in previous payments to such producer; and less (i) payment made pursuant to paragraph (1) hereof, (ii) location differential deductions pursuant to § 929.82, and (iii) proper deductions authorized by such producer.

(b) Each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(c) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the recipient, that shall show:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from each producer, including for the months of March through June, the pounds of base milk and excess milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate that is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 929.81 *Butterfat differentials to producers.* The uniform prices for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 perecnt, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 929.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 929.82 *Location differentials to producers.* The uniform price pursuant to § 929.72 and the uniform price for base milk pursuant to § 929.73 for producer milk received at a pool plant located 100 miles or more from the Post Offices of Aberdeen, Huron and Watertown, South Dakota, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced by 15 cents for the first 110 miles or les and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the Post Offices of Aberdeen, Huron and Watertown, South Dakota.

§ 929.83 *Producer-settlement fund.* The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 929.62, 929.84, 929.85, and 929.86: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 929.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 929.80 of such handler to producers for milk received at a pool plant during the month is less than the value of such producer milk pursuant to § 929.70: *Provided*, That to this amount shall be added one-half of 1 percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue.

§ 929.85 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation pursuant to § 929.80, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 929.70: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 929.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 929.86 *Adjustment of accounts.* Whenever verification by the market administrator of reports of payments of any handler discloses errors made in payments to or from the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days of such billing make payments to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of less than is required by § 929.80, the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

§ 929.87 *Expense of administration.* As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to butterfat and skim-milk contained in (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 929.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

§ 929.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more produeers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable

period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 929.90 *Daily base.* The daily base for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through November immediately preceding by the number of days on which such milk is received from such producer: *Provided*, That for the purpose of calculating the daily base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further*, That if no milk is received from a producer at a pool plant during the months of September through November or if milk is received on less than 60 days during such months, the daily base of such producer shall be calculated for each of the months of March through June by dividing the pounds of producer milk received from such producer during the month by the number of days in such month and multiplying the quotient by 50 percent for the months of March and April and by 40 percent for May and June: *And provided further*, That any producer for whom a daily base has been established pursuant to this section based on deliveries of 60 or more days during the preceding months of September through November may, in lieu thereof, by notifying the market administrator prior to March 31, be accorded a daily base calculated pursuant to the immediately preceding proviso of this section.

§ 929.91 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the months of September through November.

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the first day of any month following receipt by the market administrator of an application for such transfer. Such application shall be on a form approved by the market administrator and shall be signed by the baseholder and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders.

§ 929.92 *Announcement of established bases.* On or before February 15 of each year the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 929.100 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 929.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 929.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 929.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 929.110 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 929.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 25th day of July 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 58-5845; Filed, July 30, 1958; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12336; FCC 58-714]

TELEVISION BROADCAST STATIONS; WALKER-BRAINERD, MINN.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Walker-Brainerd, Minnesota).

1. The Commission has under consideration the proposal set forth in its Notice of Proposed Rule Making (FCC 58-183) released on February 28, 1958, and published in the FEDERAL REGISTER on March 5, 1958 (23 F. R. 1574) to shift Channel 12— from Brainerd to Walker, Minnesota, in response to a petition filed by Central Minnesota Television Company, permittee of television Station KCMT, Alexandria, Minnesota, and applicant for a new television station at Bemidji, Minnesota.

2. Comments were filed by Central Minnesota Television Company; Mr. Levi Johnson, Mayor of Brainerd, Minnesota; Mr. Verner F. Anderson, Secretary-Manager of Brainerd Chamber of Commerce; and Brainerd Broadcasting Company, licensee of radio Station KLIZ, Brainerd, Minnesota. A number of letters were submitted from individuals and civic organizations in central and northcentral Minnesota, urging the adoption of the Central Minnesota proposal.

3. Central Minnesota submits that Walker is the largest community in the center of an area of central Minnesota which has no immediate prospect of receiving television service and that a Channel 12 station at Walker, operating with power of 150 kw and an antenna height of 900 feet above average terrain would provide Grade B service to approximately 135,850 people and would provide Grade B or better service to cities such as Brainerd, Aitkin, Grand Rapids, and Bemidji, Minnesota. Petitioner states that in order to maintain the required 190 mile separation from the transmitter site specified in the pending application of Two-States Television Company, Inc. (BPCT-2433),[1] for a Channel 12 station

[1] This application was granted by the Commission on June 11, 1958.

at Mankato, Minnesota, a Channel 12 station at Brainerd would have to be located at least 24 miles north of Brainerd and that the use of Channel 9 at Bemidji would require a transmitter site some three miles north of Bemidji. Central Minnesota urges that the public interest would be better served by the operation of a VHF station further north of Brainerd than the area presently available for a Channel 12 Brainerd operation and further south of the area where Channel 9 at Bemidji must be used; that since Channel 9 cannot be moved to the south and meet separation requirements, Channel 12 should be moved from Brainerd to Walker in order to make more effective use of available television frequencies and to provide a larger number of people with a first television service. If Channel 12 is assigned to Walker, Central Minnesota states that it will amend its application for a new station at Bemidji[1] to specify Channel 12 at Walker.

4. Central Minnesota further submits that it is investigating the possibility of locating the proposed transmitter site south of Walker in the direction of Brainerd so as to provide Brainerd with a Grade A signal and that it may be economically feasible to utilize greater height and power than was used in computing the predicted coverage; that it would not be feasible to construct a station on Channel 9 at Bemidji in view of the sparsely populated nature of the area north of Bemidji as compared to the area south of that community; and that since the Commission's mileage separation requirements would necessitate the seleection of a site at least 24 miles north of Brainerd on Channel 12, it would appear logical to assign the Channel to Walker. Central Minnesota urges that a station at Walker would serve an important industrial, educational, and recreational area containing such communities as Brainerd with a population of 12,637, Bemidji with a population of 10,001, and Walker, the county seat of Cass County.

5. Mayor Johnson, Mr. Anderson, and Brainerd Broadcasting urge that the channel should remain in Brainerd, on the grounds that to shift the channel to Walker would deprive the city of Class A service; that it is an important and fast growing community, and that an application for a station in Brainerd will be filed in the near future.[2] In its reply comments, Central Minnesota contends that Grade A service will be provided the city of Brainerd if a site only 14 miles south of Walker is found, using their proposed power and antenna height; that the opponents of the proposal based their opposition on a misunderstanding of the proposal; that more persons would receive a first service from the proposed station than from a station in Brainerd; and that the Brainerd Broadcasting Company has not made good on its representations to file an application for Channel 12.

6. We have carefully examined the contentions of the parties and have concluded that the public interest would be best served by the retention of Channel 12 at Brainerd. Brainerd is a city of 12,637 persons and has been assigned Channel 12. Petitioner is anxious to construct a new television station in this general area and proposes that Channel 12 be shifted to the community of Walker, which has a population of only 1,160, in order to obtain the largest possible coverage within the Grade B contour, a large portion of which would be a first service, and in order to serve the city of Bemidji, as well as Brainerd. In order to conform with the requirements of the rules, Channel 12 would have to be located approximately 24 miles north of Brainerd. Petitioner submits that it is willing to choose a site as much as 14 miles south of Walker in order to provide Brainerd with a Grade A signal based upon assumed facilities of 150 kw and an antenna height of 900 feet. It concedes that the only impact of the shift in channel as it affects Brainerd is that there will no longer be the need to provide Brainerd with the required city-grade signal of 77 dbu. While the Commission would like to make possible the inauguration of a new television service in this area, we do not believe that we would be justified in shifting the channel from the much larger city of Brainerd to the small community of Walker. In reaching this conclusion, we are not unmindful of the contentions advanced by the proponent concerning the greater population to be served and the larger area which would receive a first service. A station designed to serve Brainerd could, if a satisfactory site were chosen, serve substantially the same area with a first service as would a station designed to serve Walker. With the facilities proposed by Central Minnesota, a station on Channel 12 could be located 24 miles from Walker (and 30 miles from Brainerd), place the required city-grade signal over Brainerd, and also provide Bemidji with Grade B signals. Bemidji has been assigned Channel 9, but no applications have as yet been filed for this assignment. In the event a station is eventually constructed at Bemidji on Chanpel 9, it would serve almost all of the area which would be served by a Walker station and unserved by a Brainerd station on the same channel. Further, we do not believe that the retention of Channel 12 at Brainerd presents a serious impediment to any party interested in serving this general area.

7. In view of the foregoing, we are convinced that the adoption of the proposal of Central Minnesota would not serve the public interest, convenience, and necessity, and conclude that Channel 12 should remain in Brainerd.

8. Accordingly: *It is ordered*, That the petition of Central Minnesota Television Company is denied, and this proceeding is terminated.

Adopted: July 23, 1958.

Released: July 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5863; Filed, July 30, 1958; 8:52 a. m.]

[1] This application (BPCT-2376) is for Channel 13. On September 19, 1957, the Commission adopted a Report and Order in Docket No. 12114 (FCC 57-1026) substituting Channel 9 for Channel 13 at Bemidji and shifting Channel 13 to Hibbing, Minnesota.

[2] As of this date, no such application has been filed.

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of the Mint

[Delegation Order No. 1, Rev. 1]

OFFICERS OF THE BUREAU OF THE MINT

DELEGATION OF AUTHORITY TO MEET EMERGENT CONDITIONS

1. By virtue of the authority vested in me by Treasury Department Order No. 129 (Revision No. 2), there is hereby delegated to the Superintendents of the United States Mints at Philadelphia, Pennsylvania, Denver, Colorado, and the United States Assay Office at New York, New York, and to the Officer in Charge of the United States Mint, San Francisco, California, upon the proclamation by the President of the existence of a state of civil defense emergency or in the event of an enemy attack upon any point within the continental limits of the United States, so much of the authority vested in the Director of the Mint by delegation from the Secretary of the Treasury as relates to the functions performed by the respective officers within their functional and geographical areas of jurisdiction. The purpose of this delegation is to provide a temporary expedient to meet emergent conditions. The respective officers will be notified when they are to cease to exercise the authority herein delegated.

2. The following officers of the Bureau of the Mint, in the order of succession enumerated, upon the proclamation by the President of the existence of a state of civil defense emergency or in the event of an enemy attack upon any point within the continental limits of the United States, shall, if I am absent or disabled, or if there is a vacancy in the office, act as Director of the Mint.

Assistant Director;
Chief Accountant;
Assistant Chief Accountant;
Internal Auditor;
Technical Consultant;
Officer in Charge, United States Bullion Depository, Fort Knox, Kentucky.

3. The following officer of the Bureau of the Mint, in the order of succession enumerated, shall act as Director of the

Mint, during my absence or disability, or when there is a vacancy in the office.

Assistant Director.

Dated: July 28, 1958.

[SEAL] WM. H. BRETT,
Director of the Mint.

[F. R. Doc. 58-5884; Filed, July 30, 1958; 8:55 a. m.]

[Delegation Order No. 2]

OFFICER IN CHARGE, UNITED STATES MINT, SAN FRANCISCO, CALIF.

DELEGATION OF FUNCTIONS

All of the duties and functions of the Superintendent and of the Assayer of the United States Mint in San Francisco, California, vested in me by the Secretary of the Treasury by Treasury Order No. 179-2 of June 19, 1958 are hereby delegated to the Officer in Charge, United States Mint, San Francisco, California.

This order shall be effective on August 1, 1958.

Dated: July 24, 1958.

[SEAL] WM. H. BRETT,
Director of the Mint.

[F. R. Doc. 58-5855; Filed, July 30, 1958; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 25, 1958.

The Department of Agriculture has filed an application, Serial No. Idaho 05278, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, subject to valid existing claims. The applicant desires the land for administrative sites, public service sites, recreation areas and roadside zones.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

North Fork Payette River (Idaho No. 15) Highway Roadside Zone

A strip of land 200 feet on each side of the center line of Idaho Highway No. 15, through the following legal subdivisions:

T. 9 N., R. 3 E.,
Sec. 4, Lots 1, 2, 3;
Sec. 8, E½NE¼;
Sec. 9, Lots 1, 2, 3, 4;
Sec. 16, Lots 1, 2, 3, 4, 8, 9;
Sec. 21, Lots 5, 6;
Sec. 28, Lots 5, 6, 7, 10;
Sec. 32, Lot 8.
T. 10 N., R. 3 E.,
Sec. 4, Lots 6, 9, 15, SE¼NE¼SW¼;
Sec. 9, Lots 2, 3, 6, 7;
Sec. 16, Lots 2, 3, 6;
Sec. 20, Lots 1, 2;
Sec. 21, Lot 6;
Sec. 29, Lot 2;
Sec. 32, Lots 2, 3, 5;
Sec. 33, Lot 2.
Total area 593 acres, more or less.

Idaho City (Idaho No. 21) Highway Roadside Zone

A strip of land 200 feet on each side of the center line of Idaho Highway No. 21 through the following legal subdivisions:

T. 4 N., R. 4 E.,
Sec. 2, SE¼NW¼;
Sec. 15, SW¼NE¼;
Sec. 21, SE¼SE¼;
Sec. 28, N½NE¼NE¼.
T. 5 N., R. 4 E.,
Sec. 35, SE¼NW¼.
T. 5 N., R. 5 E.,
Sec. 5, Lot 9;
Sec. 8, Lot 2;
Sec. 18, Lot 3.
T. 6 N., R. 5 E.,
Sec. 25, Lots 1, 2, 3, NE¼SE¼;
Sec. 26, Lots 8, 10;
Sec. 34, Lots 2, 3.
T. 6 N., R. 6 E.,
Sec. 30, Lot 3, NE¼NE¼, W½NE¼.
T. 7 N., R. 6 E.,
Sec. 24, SE¼SE¼;
Sec. 25, NE¼NE¼, S½NE¼, NE¼SW¼; W½SW¼;
Sec. 35, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, NW¼SE¼.
T. 7 N., R. 7 E.,
Sec. 3, Lot 1, SE¼NE¼, E½SE¼;
Sec. 9, S½NE¼, SE¼SW¼, W½SE¼;
Sec. 10, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 17, SE¼NE¼, SW¼SW¼, E½SW¼, W½SE¼;
Sec. 19, Lots 3, 4, NE¼NE¼, S½NE¼, NE¼SW¼;
Sec. 20, NW¼NW¼.
T. 8 N., R. 7 E.,
Sec. 2, Lot 4, SW¼NW¼, SW¼;
Sec. 3, SE¼NE¼, NE¼SE¼, W½SE¼, SE¼SE¼;
Sec. 10, W½NE¼, SE¼SW¼, W½SE¼;
Sec. 14, SW¼SW¼;
Sec. 15, N½NE¼, E½NW¼, N½SW¼, SE¼SW¼, S½SE¼;
Sec. 22, E½NE¼, E½SE¼;
Sec. 23, NW¼NW¼;
Sec. 26, W½SW¼;
Sec. 27, E½NE¼, NE¼SE¼;
Sec. 34, SE¼NE¼, E½SE¼;
Sec. 35, NW¼NW¼.
T. 9 N., 9. 7 E.,
Sec. 27, Lot 3;
Sec. 34, SE¼NE¼, NW¼NW¼, SE¼NW¼, NW¼SE¼, E½SE¼ excepting N½NE¼NW¼NW¼, SE¼NE¼NW¼NW¼;
Sec. 35, Lot 3, W½SW¼.
Total area 1,235 acres, more or less.

South Fork of Payette River (No. 24) Forest Highway Roadside Zone

A strip of land 200 feet on each side of the center line of Forest Highway No. 24 through the following legal subdivisions:

T. 9 N., R. 3 E.,
Sec. 28, Lots 7, 8, 9, 10.
T. 8 N., R. 5 E.,
Sec. 2, Lots 5, 11;
Sec. 5, Lots 5, 6, 7;
Sec. 6, Lot 6;
Sec. 8, Lot 3;
Sec. 9, Lots 3, 11;
Sec. 10, Lots 2, 9, 13.
T. 9 N., R. 5 E.,
Sec. 36, Lots 1, 3, 7.
T. 8 N., R. 6 E.,
Sec. 1, Lots 5, 6, 7, 12;
Sec. 2, Lots 1, 9, 10.
T. 9 N., R. 6 E.,
Sec. 31, Lots 2, 3;
Sec. 32, Lots 1, 2, 3, 4, 7, 8;
Sec. 33, Lots 1, 3, 4, 5;
Sec. 34, Lots 1, 2, 5, 7;
Sec. 35, Lots 1, 3, 5.
T. 9 N., R. 7 E.,
Sec. 28, Lots 1, 2, 3, 5;
Sec. 29, Lots 1, 2;
Sec. 31, Lots 3, 8, SE¼NE¼;
Sec. 32, Lot 3;
Sec. 33, Lot 2.
T. 9 N., R. 8 E.,
Sec. 23, Lot 1;
Sec. 24, Lots 3, 4, 7, 9, 10, 11, NE¼NW¼ SE¼NE¼;
Sec. 26, Lots 4, 5, unpatented portions of of Lot 3, NW¼NE¼;
Sec. 27, Unpatented portions of Lot 1;
Sec. 31, Unpatented portions of Lots 2, 3, 9;
Sec. 32, Lots 1, 2, 6, unpatented portions of Lot 3;
Sec. 33, Lots 1, 2, 3, 4, S½NW¼;
Sec. 34, Lots 3, 4, 5, unpatented portion of Lot 2.
T. 9 N., R. 9 E.,
Sec. 11, Lot 1;
Sec. 12, Lots 1, 2, 3, 7;
Sec. 14, Lot 2, NE¼NW¼;
Sec. 15, Lots 1, 3, 4, 6;
Sec. 16, Lots 1, 2, 3, 4;
Sec. 17, Lot 1;
Sec. 19, Lot 2.
T. 9 N., R. 10 E.,
Sec. 5, Lots 3, 4, W½SW¼;
Sec. 6, SE¼SE¼;
Sec. 7, Lot 2, NE¼NE¼, S½NW¼NE¼.
T. 10 N., R. 10 E.,
Sec. 25, SW¼NW¼, N½SW¼, NW¼SE¼, S½SE¼;
Sec. 26, E½SE¼NE¼, W½SW¼NE¼, S½NW¼;
Sec. 27, S½NE¼, S½NW¼, NW¼SW¼;
Sec. 28, N½SW¼, SW¼SW¼, N½SE¼;
Sec. 29, SE¼E¼;
Sec. 31, SE¼SE¼;
Sec. 32, NE¼NE¼, W½NE¼, SW¼SW¼, E½SW¼.
T. 10 N., R. 11 E. Unsurveyed,
Sec. 33, N½N½;
Sec. 34, SW¼NW¼.
Total area 1,525 acres, more or less.

Elk Creek (No. 50) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 50 through following legal subdivisions:

T. 7 N., R. 6 E.,
Sec. 19, SE¼SE¼;
Sec. 20, Unpatented portions of Lots 1, 5, 8, NE¼NE¼;
Sec. 21, NW¼NW¼;
Sec. 30, Lots 2, 3, 4, NE¼NE¼, W½NE¼, SE¼NW¼;
Sec. 31, Lots 1, 2.
Total area 81 acres, more or less.

Pikes Fork (No. 75) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 75 through the following legal subdivisions:

T. 7 N., R. 8 E.,
Sec. 6, Lots 2, 3, 5.
T. 8 N., R. 8 E.,
Sec. 12, SE¼NE¼, SE¼SW¼, N½SE¼;
Sec. 13, NE¼NW¼, S½NW¼, NW¼SW¼;
Sec. 14, SE¼SE¼;
Sec. 23, NE¼NE¼, W½NE¼, E½SW¼;
Sec. 26, NW¼NW¼;
Sec. 27, S½NE¼, N½SW¼;
Sec. 28, SE¼SW¼, NE¼SE¼, SW¼SE¼;
Sec. 31, SE¼SE¼;
Sec. 32, S½NE¼, N½SW¼;
Sec. 33, N½NW¼.

T. 6 N., R. 9 E.,
Sec. 5, S½SE¼;
Sec. 6, SE¼SW¼;
Sec. 7, Lot 2, NE¼NW¼;
Sec. 8, N½NW¼;
Sec. 9, SW¼NE¼, N½NW¼, NE¼SE¼;
Sec. 10, SW¼SW¼;
Sec. 13, S½NW¼, W½SE¼;
Sec. 14, S½NW¼;
Sec. 15, NW¼NE¼, S½NE¼, NE¼NW¼;
Sec. 24, W½NE¼, E½SE¼;
Sec. 25, E½NE¼, E½SE¼;
Sec. 36, E½NE¼.
T. 7 N., R. 10 E.,
Sec. 3, Lot 4;
Sec. 4, SE¼NE¼, W½SE¼;
Sec. 9, W½NE¼, E½SE¼;
Sec. 16, W½NE¼, NW¼SE¼.
T. 8 N., R. 10 E.,
Sec. 27, SW¼SW¼;
Sec. 28, N½SW¼, N½SE¼;
Sec. 29, SE¼SE¼;
Sec. 31, Lot 2, NE¼SW¼, N½SE¼;
Sec. 32, NW¼NE¼, SE¼NW¼, N½SW¼;
Sec. 34, E½NW¼, W½SW¼.
Total area 497 acres, more or less.

Beaver Creek-Swanholm (No. 76) Forest Development Road Roadside Zone

A strip of land 200 feet on each side of the center line of Forest Development Road No. 76 through the following legal subdivisions:

T. 7 N., R. 7 E.,
Sec. 1, N½SE¼;
Sec. 2, NE¼SE¼.
T. 6 N., R. 8 E.,
Sec. 3, Lots 1, 2, 3.
T. 7 N., R. 8 E.,
Sec. 6, Lot 5, NE¼SW¼, S½SE¼;
Sec. 8, S½NE¼, N½NW¼;
Sec. 9, SW¼NW¼, N½SW¼, SW¼SE¼;
Sec. 14, SW¼SW¼;
Sec. 15, SW¼NW¼, N½SW¼, W½SE¼;
Sec. 22, SE¼NE¼, W½SE¼;
Sec. 23, W½NW¼;
Sec. 27, W½NE¼, E½SW¼;
Sec. 34, E½NW¼, E½SW¼;
Sec. 35, S½SW¼, S½SE¼.
T. 6 N., R. 9 E.,
Sec. 3, Lot 4, SE¼NW¼, E½SW¼;
Sec. 10, SW¼NE¼, NE¼NW¼, W½SE¼;
Sec. 14, W½SW¼;
Sec. 15, E½NE¼;
Sec. 23, W½NW¼, E½SW¼;
Sec. 26, SE¼NW¼, NE¼NW¼, NE¼SW¼.
T. 7 N., R. 9 E.,
Sec. 28, SE¼SW¼, SW¼SE¼;
Sec. 29, S½SW¼, N½SE¼;
Sec. 30, SE¼SE¼;
Sec. 31, Lot 2, N½NE¼, SE¼NW¼;
Sec. 33, N½NE¼, SE¼NE¼;
Sec. 34, SW¼NW¼, W½SW¼.
Total area 902 acres, more or less.

Smith Prairie-Fall Creek (No. 77) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 77 through the following legal subdivisions:

T. 2 N., R. 8 E.,
Sec. 25, NE¼NE¼, W½NE¼, S½NW¼;
Sec. 26, S½NE¼, S½NW¼, W½SE¼.
T. 2 N., R. 9 E.,
Sec. 19, Lot 4.
Total area 90 acres, more or less.

South Fork Salmon River (No. 88-A) Forest Development Road Roadside Zone

A strip of land 200 feet on each side of the center line of Forest Development Road No. 88-A through the following legal subdivisions:

T. 16 N., R. 6 E.,
Sec. 1, W½SW¼;
Sec. 11, SE¼NE¼, E½SE¼;
Sec. 12, W½NW¼;
Sec. 14, E½NE¼, E½SE¼;
Sec. 23, SW¼NE¼, E½NE¼, W½SE¼;
Sec. 26, E½NW¼, E½SW¼;
Sec. 35, Lots 1, 2, W½NE¼, NW¼SE¼.
Total area 218 acres, more or less.

Slide Gulch (No. 91-A) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 91-A through the following legal subdivisions:

T. 3 N., R. 6 E.,
Sec. 2, Lot 3, SE¼NW¼, SW¼SW¼, E½SW¼;
Sec. 10, Lot 8;
Sec. 14, Lot 10, W½NW¼, NE¼SW¼;
Sec. 23, NE¼NE¼;
Sec. 24, SW¼NW¼, E½SW¼, S½SE¼;
Sec. 25, N½NE¼.
T. 4 N., R. 6 E.,
Sec. 28, Lots 3, 6;
Sec. 33, W½NE¼, SE¼NE¼;
Sec. 34, NW¼SW¼, unpatented portion of SW¼SE¼.
T. 1 N., R. 7 E.,
Sec. 24, Lot 1.
T. 3 N., R. 7 E.,
Sec. 32, N½NE¼, N½NW¼;
Sec. 34, N½NE¼, N½NW¼.
T. 1 S., R. 7 E.,
Sec. 12, Lot 1, W½NE¼, NW¼SE¼.
T. 1 N., R. 8 E.,
Sec. 19, Lots 3, 5;
Sec. 30, Lots 5, 6, 11;
Sec. 31, Lots 1, 7, 10, SE¼NE¼.
T. 1 S., R. 8 E.,
Sec. 1, Lots 3, 4, 5, 6;
Sec. 5, Lot 1;
Sec. 6, Lots 1, 4, 5;
Sec. 8, Lot 1;
Sec. 11, Lots 1, 2, 3, 7, 8;
Sec. 12, Lot 3;
Sec. 14, Lot 2;
Sec. 15, Lots 1, 2, 3, 4, 5;
Sec. 21, SE¼SW¼, S½SE¼;
Sec. 22, S½S½;
Sec. 23, SW¼SW¼.
Total area 441 acres, more or less.

Old Long Valley (No. 139) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 139 through the following subdivisions:

T. 9 N., R. 2 E.,
Sec. 1, Lot 2, SW¼NE¼, SE¼SW¼, W½SE¼;
Sec. 12, NE¼NW¼;
Sec. 13, E½SW¼.
T. 10 N., R. 2 E.,
Sec. 16, N½NE¼, SE¼NW¼, W½SW¼;
Sec. 20, unpatented portions of SW¼NE¼ and NE¼SW¼;
Sec. 25, Lot 4, SW¼NW¼, W½SW¼;
Sec. 36, N½SW¼, SE¼SW¼.
T. 9 N., R. 3 E.,
Sec. 31, Lot 4.
T. 11 N., R. 3 E.,
Sec. 5, Lot 1, W½SE¼;
Sec. 8, W½NE¼, NE¼SE¼, E½W½SE¼;
Sec. 17, W½NE¼, NE¼SW¼;
Sec. 30, Unpatented portion of NE¼NE¼.
T. 12 N., R. 3 E.,
Sec. 2, NE¼SW¼, E½SE¼;
Sec. 11, SE¼SE¼;
Sec. 14, N½NE¼, W½SE¼;
Sec. 32, E½SE¼.
Total area 211 acres, more or less.

Middle Fork Payette River (No. 145) Forest Development Road Roadside Zone

A strip of land 200 feet on each side of the center line of Forest Development Road No. 145 through the following legal subdivisions:

T. 10 N., R. 4 E.,
Sec. 12, NE¼SE¼, S½SW¼SE¼.
T. 10 N., R. 5 E.,
Sec. 6, Lots 6, 7, S½NE¼, SE¼NW.
T. 11 N., R. 5 E.,
Sec. 2, Lots 1, 2, SW¼NE¼, W½SE¼;
Sec. 10, E½NE¼, SW¼NE¼, NE¼SW¼, S½SW¼;
Sec. 11, N½NW¼;
Sec. 15, NW¼NW¼;
Sec. 21, S½SW¼NW¼, W½SW¼;
Sec. 28, W½NW¼;
Sec. 29, W½SE¼, SE¼SW¼;
Sec. 31, S½SE¼SE¼;
Sec. 32, E½NW¼, N½SW¼.
T. 12 N., R. 5 E.,
Sec. 25, SE¼SE¼.
T. 12 N., R. 6 E.,
Sec. 4, SW¼NW¼, W½SW¼;
Sec. 8, E½NE¼, E½SE¼;
Sec. 17, E½NE¼, E½SW¼;
Sec. 19, N½NE¼;
Sec. 20, NW¼NW¼;
Secs. 30, Lots 3, 4, NE¼NE¼, NW¼NE¼, SW¼NE¼, SE¼NW¼, NE¼SW¼.
T. 13 N., R. 6 E.,
Sec. 2, Lots 3, 6, SE¼NW¼, N½SW¼;
Sec. 3, N½SE¼, SW¼SE¼;
Sec. 9, E½SE¼;
Sec. 10, SW¼NW¼, E½NW¼;
Sec. 16, W½NE¼, NW¼SE¼.
T. 14 N., R. 6 E.,
Sec. 12, NW¼NW¼, E½NW¼, W½SW¼, S½SE¼;
Sec. 13, W½NW¼, W½SW¼;
Sec. 23, SW¼SE¼;
Sec. 26, NW¼NE¼, E½SW¼;
Sec. 34, S½SE¼;
Sec. 35, W½NW¼.
T. 15 N., R. 6 E.,
Sec. 24, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 25, NW¼NE¼, SE¼NW¼, E½SW¼;
Sec. 36, W½NW¼, NW¼SW¼.
Total area 1,097 acres, more or less.

Clear Creek-Stanley (No. 146) Forest Development Road Roadside Zone

A strip of land 200 feet on each side of the center line of Forest Development Road 146 through the following legal subdivisions:

T. 9 N., R. 7 E.,
Sec. 12, NE¼SW¼, W½SW¼, E½NW¼;
Sec. 13, N½SW¼NW¼, NW¼NW¼, SW¼SW¼NW¼;
Sec. 14, NE¼SE¼, W½SE¼;
Sec. 23, NE¼NW¼, S½NW¼, W½SW¼;
Sec. 27, E½NE¼, unpatented portion of SW¼NE¼.
T. 10 N., R. 7 E.,
Sec. 25, SE¼SW¼, N½SE¼;
Sec. 36, E½NW¼, NE¼SW¼, S½SW¼.
T. 10 N., R. 8 E.,
Sec. 3, Lot 4, SW¼NW¼;
Sec. 4, S½NE¼, W½SE¼;
Sec. 9, NE¼, S½NW¼, W½SW¼, N½SE¼;
Sec. 16, NW¼NW¼;
Sec. 17, S½NE¼, E½SW¼;
Sec. 19, SW¼SW¼, NE¼SW¼;
Sec. 20, NE¼NW¼, S½NW¼;
Sec. 30, Lots 1, 2, 3.
T. 11 N., R. 8 E.,
Sec. 2, Lot 4, SW¼NW¼, W½SW¼;
Sec. 10, E½NE¼, E½SE¼;
Sec. 11, NW¼NW¼;
Sec. 15, E½NE¼, E½SE¼;
Sec. 22, E½NE¼, E½SE¼;
Sec. 27, E½NE¼, NE¼SE¼, S½SE¼;
Sec. 34, SE¼NW¼, E½SW¼.
T. 12 N., R. 8 E.,
Sec. 35, S½NE¼, S½SW¼;
Sec. 36, N½NE¼, S½NW¼.
T. 12 N., R. 9 E.,
Sec. 3, SW¼NE¼, W½SE¼;
Sec. 9, S½SE¼;
Sec. 10, NE¼NW¼, S½NW¼, NW¼SW¼;
Sec. 16, E½NW¼, N½SW¼;
Sec. 20, NE¼NE¼, SW¼NE¼, E½SW¼;
Sec. 29, W½NW¼;
Sec. 30, Lot 4, S½NE¼, SE¼SW¼.
T. 13 N., R. 9 E.,
Sec. 34, S½SE¼;
Sec. 35, S½SW¼, SW¼SE¼;
Sec. 36, S½NE¼, N½SW¼.

T. 12 N., R. 10 E.,
Sec. 5, E½SW¼, W½NE¼;
Sec. 8, SE¼NW¼, NE¼NW¼, W½SE¼;
Sec. 17, NW¼NE¼, NE¼SE¼;
Sec. 21, S½NW¼.
T. 13 N., R. 10 E.,
Sec. 31, S½NE¼, S½NW¼;
Sec. 32, W½SE¼, SE¼NW¼.
Total area 1,624 acres, more or less.

Knox-Yellow Pine (No. 148) Forest Development Road Roadside Zone

A strip of land 200 feet on each side of the center line of Forest Development Road No. 148 through the following legal subdivisions:

T. 15 N., R. 6 E.,
Sec. 1, Lot 5.
T. 15 N., R. 7 E.,
Sec. 1, SE¼SE¼;
Sec. 11, S½NE¼, NW¼SW¼;
Sec. 12, NW¼NE¼, W½NE¼NE¼, S½NW¼;
Sec. 10, S½S½;
Sec. 17, N½NE¼, N½NW¼.
T. 16 N., R. 7 E.,
Sec. 1, Lot 1, SE¼NE¼, W½SE¼;
Sec. 12, E½NW¼;
Sec. 13, W½NW¼, W½SW¼;
Sec. 23, SE¼NE¼, NE¼SE¼;
Sec. 24, SW¼NW¼, N½SW¼;
Sec. 25, W½NE¼, E½SE¼;
Sec. 36, NE¼NE¼.
T. 17 N., R. 7 E.,
Sec. 36, SE¼NE¼, E½SE¼.
T. 15 N., R. 8 E.,
Sec. 6, Lots 4, 5.
T. 16 N., R. 8 E.,
Sec. 31, Lots 1, 3, 4.
T. 17 N., R. 8 E.,
Sec. 5, Lot 2, SW¼NE¼, W½SE¼;
Sec. 8, E½NW¼, E½SW¼;
Sec. 17, W½NW¼, W½SW¼;
Sec. 20, NW¼, W½SW¼;
Sec. 30, Lots 2, 3, 4, N½NE¼, E½NW¼;
Sec. 31, Lot 1.
T. 18 N., R. 8 E.,
Sec. 4, Lot 2, SW¼NE¼;
Sec. 9, W½SE¼;
Sec. 20, SW¼NE¼, E½NE¼, W½SE¼;
Sec. 29, E½SW¼;
Sec. 32, SE¼NW¼, E½SW¼.
T. 19, N., R. 8 E.,
Sec. 21, SE¼SE¼;
Sec. 27, NW¼NE¼, N½NW¼;
Sec. 28, NE¼NE¼, S½NW¼NW¼, SW¼NW¼, SW¼SW¼;
Sec. 33, N½SW¼, N½SW¼SE¼.
Total area 1,088 acres, more or less.

Bear Valley-Pen Basin (No. 149) Forest Development Road Roadside Zone

A strip of land 200 feet on each side of the center line of Forest Development Road No. 149, through the following legal subdivisions:

T. 12 N., R. 7 E.,
Sec. 1, Lots 1, 3, 4, S½NE¼.
T. 13 N., R. 7 E.,
Sec. 1, Lot 4, SW¼NW¼, W½SW¼;
Sec. 11, Unpatented portion of E½SE¼, SW¼NE¼;
Sec. 14, E½NE¼, E½SE¼;
Sec. 23, W½NE¼, SW¼SE¼;
Sec. 26, W½SW¼;
Sec. 34, W½NE¼;
Sec. 35, SW¼SW¼, S½SE¼;
Sec. 36, SW¼SW¼.
T. 14 N., R. 7 E.,
Sec. 12, SE¼NE¼, N½SE¼, SW¼SE¼;
Sec. 13, W½NE¼, N½SW¼, SW¼SW¼;
Sec. 23, NE¼NE¼, SW¼NE¼, W½SE¼;
Sec. 26, E½NW¼, E½SW¼;
Sec. 35, W½NW¼, E½SW¼.
T. 15 N., R. 7 E.,
Sec. 12, E½NE¼, E½SE¼;
Sec. 13, E½NE¼.
T. 12 N., R. 8 E.,
Sec. 3, Lot 4, SW¼NW¼;
Sec. 5, Lots 1, 2, 3, 4;
Sec. 9, E½NE¼, E½SE¼;
Sec. 16, E½NE¼, E½SE¼;
Sec. 21, E½NE¼, NE¼SE¼, SE¼SE¼;
Sec. 27, W½NW¼, W½SW¼;
Sec. 34, N½NW¼, N½SE¼;
Sec. 35, SW¼SW¼.
T. 13 N., R. 8 E.,
Sec. 33, S½SW¼, S½SE¼;
Sec. 34, NE¼SW¼, S½SW¼, N½SE¼;
Sec. 35, SW¼NE¼, SW¼NW¼, N½SW¼;
Sec. 36, N½NE¼, N½NW¼.
T. 14 N., R. 8 E.,
Sec. 6, Lot 2, SE¼NW¼, E½SW¼;
Sec. 7, Lots 1, 2.
T. 15 N., R. 8 E.,
Sec. 19, NE¼NE¼;
Sec. 20, S½NW¼, E½SW¼;
Sec. 29, E½NW¼, E½SW¼;
Sec. 31, S½NE¼, W½SE¼;
Sec. 32, W½NW¼.
T. 13 N., R. 9 E.,
Sec. 30, Lots 1, 2;
Sec. 31, Lot 1, N½NE¼, NE¼NW¼;
Sec. 32, W½NW¼NW¼, W½E½NW¼NW¼;
Sec. 33, S½NW¼, N½SE¼;
Sec. 34, S½SW¼, SW¼SE¼.
Total area 1,290 acres, more or less.

Scott Mountain-Deadwood (No. 762) Forest Development Road Roadside Zone

A strip of land 200 feet on each side of the center line of Forest Development Road No. 762 through the following legal subdivisions:

T. 9 N., R. 6 E.,
Sec. 2, Lots 2, 4, SW¼SW¼;
Sec. 3, Lot 1, E½SE¼;
Sec. 10, NE¼NE¼, SE¼SE¼;
Sec. 11, E½NE¼, W½NW¼, W½SW¼, NE¼SE¼;
Sec. 15, NE¼NE¼, W½NE¼, E½SW¼;
Sec. 21, SE¼NE¼, N½SE¼, SW¼SE¼;
Sec. 22, N½NW¼;
Sec. 28, SW¼NE¼, NE¼NW¼, W½SE¼;
Sec. 33, Lot 4, E½NW¼.
T. 10 N., R. 6 E.,
Sec. 1, Lot 1, S½NE¼, S½NW¼, W½SW¼;
Sec. 2, SE¼SE¼;
Sec. 11, N½NE¼, SE¼NW¼, E½SW¼;
Sec. 14, W½NW¼, SW¼SW¼;
Sec. 15, SE¼NE¼, NE¼SE¼;
Sec. 22, SE¼SE¼;
Sec. 23, W½NE¼, NW¼, S½SW¼, W½SE¼;
Sec. 26, SW¼SW¼;
Sec. 27, N½NE¼, SW¼NE¼, E½SE¼;
Sec. 34, SE¼SE¼;
Sec. 35, S½N½SW¼, S½SW¼.
T. 11 N., R. 6 E.,
Sec. 25, SE¼SE¼;
Sec. 36, W½NE¼, SE¼NW¼, NE¼SW¼, S½SE¼.
T. 11 N., R. 7 E.,
Sec. 17, N½NE¼, E½SW¼;
Sec. 20, W½NW¼, W½SW¼;
Sec. 30, E½NE¼.
Total area 911 acres, more or less.

Deadwood River (No. 150) Forest Development Road Roadside Zone

A strip of land 200 feet on each side of the center line of Forest Development Road No. 150 through the following legal subdivisions:

T. 11 N., R. 7 E.,
Sec. 5, Lot 2, SE¼NE¼, E½SE¼.
Sec. 8, E½NE¼, E½SE¼;
Sec. 17, NE¼NE¼.
T. 12 N., R. 7 E.,
Sec. 3, Lot 3, SW¼NW¼, E½SW¼;
Sec. 10, E½NW¼, W½SW¼;
Sec. 15, NW¼NW¼;
Sec. 16, S½NE¼, SE¼SW¼;
Sec. 20, NE¼SE¼, SW¼SE¼;
Sec. 21, E½NW¼NW¼;
Sec. 29, NW¼NE¼, SE¼NW¼, NW¼SW¼;
Sec. 32, W½NE¼, NW¼SE¼, SW¼SE¼.
T. 13 N., R. 7 E.,
Sec. 34, NE¼NE¼, SW¼NE¼, SE¼SW¼, NE¼SE¼.
Total area 368 acres, more or less.

Cow Creek Bridge (No. 152) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 152 through the following subdivisions:

T 1 S., R. 8 E.,
Sec. 6, Lot 3, SW¼SW¼, E½SW¼.
Total area 24 acres, more or less.

Squaw Valley (No. 154) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 154 through the following subdivisions:

T. 12 N., R. 1 E.,
Sec. 2, E½SE¼;
Sec. 14, E½NW¼.
Total area 15 acres, more or less.

Neal (No. 151) Forest Development Road, Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 151 through the following subdivisions:

T. 2 N., R. 5 E.,
Sec. 1, SW¼NW¼, NE¼SW¼,
Sec. 2, N½SW¼,
Sec. 3, SE¼SW¼, S½SE¼.
T. 3 N., R. 5 E.,
Sec. 19, Lots 1, 2, 3;
Sec. 30, NE¼NW¼.
T. 2 N., R. 6 E.,
Sec. 2, Lots 7, 10;
Sec. 12, Lots 6, 11, W½SE¼.
T. 3 N., R. 6 E.,
Sec. 31, Lot 9, NE¼SW¼, SE¼SE¼;
Sec. 33, Lots 7, 9, S½NW¼, NW¼SE¼;
Sec. 34, Lots 5, 6, 7, 8.
Total area 163 acres, more or less.

Middle Fork Boise River (No. 631) Forest Development Road Roadside Zone

A strip of land 200 feet on each side of a center line of Forest Development Road No. 631 through the following legal subdivisions:

T. 3 N., R. 4 E.,
Sec. 11, Lots 1, 2, 3, 4, NW¼SW¼;
Sec. 12, Lots 1, 3;
Sec. 13, Lots, 1, 4, 5, 6, SE¼NE¼.
T. 3 N., R. 5 E.,
Sec. 1, Lots 1, 2, 5, 9, 10, NW¼SW¼;
Sec. 2, Lot 1, SE¼NE¼, NE¼SE¼;
Sec. 7, S½SE¼;
Sec. 8, SW¼SE¼;
Sec. 10, Lots 1, 2, 3;
Sec. 11, SW¼NW¼;
Sec. 17, Lot 8, N½NE¼, SW¼NE¼, N½NW¼;
Sec. 18, Lots 2, 10, NW¼NE¼, E½NW¼.
T. 4 N., R. 6 E.,
Sec. 13, Lots 1, 2, 5, SE¼SW¼;
Sec. 22, Lots 1, 2, 5, 8;
Sec. 23, Lots 1, 2, 3, 4, 5;
Sec. 27, Lots 2, 3, 4;
Sec. 28, Lots 1, 2, 3, 6, 7, SE¼SW¼;
Sec. 29, Lots 1, 2, 3, 4;
Sec. 30, Lots 3, 6;
Sec. 31, Lots 3, 4, 6;
Sec. 33, Lot 2.
T. 4 N., R. 7 E.,
Sec. 4, Lots 1, 10;
Sec. 5, Lot 7;
Sec. 7, Lots 3, 4, 7, 10;
Sec. 8, Lots 1, 5, 6, 7, 8;
Sec. 18, Lots 1, 4.
T. 5 N., R. 7 E.,
Sec. 23, Lots 2, 3, SE¼NE¼;
Sec. 24, Lots 1, 2, 3, 4;
Sec. 26, Lots 2, 3, 5, 6, 7;
Sec. 34, Lots 1, 5, 7, 10, 11, 12;
Sec. 35, Lot 3.
T. 5 N., R. 8 E.,
Sec. 9, Lot 1;
Sec. 10, Lots 1, 2, 6, 7;

Sec. 11, Lots 1, 4, 5, 6;
Sec. 12, Lots 1, 2, 3, 4;
Sec. 17, Lots 6, 7;
Sec. 18, Lots 3, 5, 6, 9;
Sec. 19, Lot 2.
T. 5 N., R. 9 E.,
Sec. 3, Lots 4, 5;
Sec. 4, Lots 4, 5, 6, 8;
Sec. 5, Lot 1;
Sec. 6, Lot 11, SE¼SE¼;
Sec. 7, N½NE¼, NE¼NW¼.
T. 6 N., R. 9 E.,
Sec. 25, S½SE¼;
Sec. 34, SW¼SE¼, W½SE¼SE¼;
Sec. 35, S½NE¼, NW¼SW¼;
Sec. 36, NW¼NE¼, S½NW¼, unpatented portion of NE¼NW¼.
T. 6 N., R. 10 E.,
Sec. 25, S½SW¼, S½SE¼;
Sec. 26, S½SW¼, S½SE¼;
Sec. 27, SE¼SW¼, S½SE¼;
Sec. 29, SW¼NW¼, SW¼SE¼;
Sec. 30, Lot 3, SE¼NE¼, SW¼NE¼;
Sec. 32, NE¼NE¼;
Sec. 33, S½NW¼, N½SE¼;
Sec. 34, W½NW¼, NW¼SW¼;
Sec. 36, N½NE¼.
T. 5 N., R. 11 E.,
Sec. 3, Lot 5, SW¼NW¼;
Sec. 4, Lots 5, 9, S½NW¼;
Sec. 5, Lots 2, 8;
Sec. 6, Lots 1, 2.
T. 6 N., R. 11 E.,
Sec. 31, Lot 1, E½NW¼, NE¼SW¼, SW¼SE¼, SE¼SE¼;
Sec. 32, S½SW¼, S½SE¼.
Total area 2,305 acres, more or less.

Ditch Creek R. S. (No. 650) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of a center line of Forest Development Road No. 650 through the following legal subdivisions:

T. 12 N., R. 4 E.,
Sec. 2, S½NW¼.
T. 13 N., R. 5 E.,
Sec. 15, SW¼SW¼;
Sec. 20, SW¼;
Sec. 21, E½NE¼, SW¼, N½SE¼;
Sec. 22, NW¼NW¼;
Sec. 28, NW¼NW¼;
Sec. 29, N½NE¼.
Total area 93 acres, more or less.

Banner Creek (No. 681) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of a center line of Forest Development Road No. 681 through the following legal subdivisions:

T. 8 N., R. 7 E.,
Sec. 12, S½S½;
Sec. 13, NE¼NE¼;
Sec. 14, N½NE¼, SE¼NW¼, W½SW¼.
T. 8 N., R. 8 E.,
Sec. 17, W½NE¼, N½NW¼, W½SE¼;
Sec. 18, Lot 1, NE¼NW¼;
Sec. 20, Lots 1, 5, W½SW¼;
Sec. 29, E½NW¼, E½SW¼;
Sec. 32, W½NW¼, W½SW¼.
Total area 107 acres, more or less.

Fall Creek-Rocky Bar (No. 709) Forest Development Road Roadside Zone

A strip of land 200 feet on each side of the center line of Forest Development Road No. 709 through the following legal subdivisions:

T. 3 N., R. 8 E.,
Sec. 1, SE¼NE¼, E½SE¼;
Sec. 12, E½NE¼, SE¼SW¼, NE¼SE¼, W½SE¼;
Sec. 13, W½NE¼, NE¼NW¼, W½SE¼;
Sec. 24, E½NE¼, NE¼SE¼.
T. 1 N., R. 9 E.,
Sec. 2, Lot 4;
Sec. 9, W½SE¼, W½NE¼.
T. 2 N., R. 9 E.,
Sec. 35, NW¼NW¼.
T. 3 N., R. 9 E.,
Sec. 6, Lot 5, SE¼NW¼;
Sec. 30, Lots 1, 2, 3, E½SW¼;
Sec. 31, Lot 2, E½NW¼, E½SW¼.
T. 4 N., R. 9 E.,
Sec. 1, Lot 1, SW¼NE¼, E½SW¼, W½SE¼;
Sec. 3, Lots 1, 2, SW¼NE¼, SE¼SW¼, W½SE¼;
Sec. 9, SE¼SE¼;
Sec. 10, E½NW¼, NW¼SW¼, SW¼SW¼;
Sec. 12, W½NE¼, NW¼SE¼, NE¼SE¼;
Sec. 16, N½NE¼, S½NW¼, W½SW¼;
Sec. 20, E½NE¼, W½SE¼;
Sec. 29, NW¼NE¼, SW¼NW¼, E½NW¼;
Sec. 30, E½SE¼;
Sec. 31, W½NE¼, W½SE¼.
T. 5 N., R. 9 E.,
Sec. 25, S½SW¼;
Sec. 34, E½SE¼;
Sec. 35, NE¼NE¼, SW¼NE¼, S½NW¼;
Sec. 36, E½NW¼, NW¼NW¼, NW¼SE¼, SE¼SE¼.
T. 4 N., R. 10 E.,
Sec. 7, E½NE¼SW¼, E½W½NE¼SW¼.
Total area 1,061 acres, more or less.

Second Fork (No. 701) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of a center line of Forest Development Road No. 701 through the following legal subdivisions:

T. 12 N., R. 2 E.,
Sec. 20, N½SE¼, SE¼SE¼;
Sec. 21, SW¼NW¼, E½NW¼;
Sec. 28, S½NW¼;
Sec. 29, NE¼NE¼, S½NE¼, W½SE¼;
Sec. 31, SE¼NE¼, NE¼SE¼, SE¼NW¼ SE¼;
Sec. 32, NE¼NW¼, W½NW¼.
Total area 97 acres, more or less.

Gold Fork (No. 702) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of a center line of Forest Development Road No. 702 through the following legal subdivisions:

T. 15 N., R. 5 E.,
Sec. 3, SW¼NE¼, W½SE¼;
Sec. 10, NE¼NW¼, NE¼SW¼, S½SW¼;
Sec. 21, W½NE¼, E½SE¼;
Sec. 28, E½NE¼.
Total area 141 acres, more or less.

Cottonwood-Thorn Creek (No. 707) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 707 through the following legal subdivisions:

T. 4 N., R. 5 E.,
Sec. 1, NE¼SE¼, W½SE¼;
Sec. 3, Lot 3, SW¼NE¼, E½SW¼;
Sec. 10, NE¼, NE¼SW¼, E½NW¼;
Sec. 11, S½NE¼, N½SW¼;
Sec. 12, N½NW¼;
Sec. 15, W½NE¼, E½SE¼;
Sec. 22, Lot 1, NE¼SE¼;
Sec. 23, Lot 8;
Sec. 26, Lots 1, 5, 6.
T. 4 N., R. 6 E.,
Sec. 6, Lots 2, 5.
T. 5 N., R. 6 E.,
Sec. 21, SE¼SE¼;
Sec. 22, W½NW¼, W½SW¼;
Sec. 28, E½NE¼, S½SW¼, W½SE¼;
Sec. 29, SE¼SE¼;
Sec. 31, SE¼SE¼;
Sec. 32, N½NE¼, SE¼NW¼, W¼SW¼.
Total area 243 acres, more or less.

Packer John (No. 788) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 788 through the following legal subdivisions:

T. 10 N., R. 4 E.,
Sec. 4, SW½;
Sec. 17, NE¼NE¼, W½NE¼, E½SW¼, SW¼SE¼;
Sec. 20, N½NE¼.
Total area 44 acres, more or less.

Boise Ridge (No. 798) Forest Development Road Roadside Zone

A strip of land 200 feet on each side of center line of Forest Development Road No. 798 through the following legal subdivisions:

T. 4 N., R. 3 E.,
Sec. 3, Lot 4, W½SW¼;
Sec. 9, NE¼;
Sec. 22, W½SE¼;
Sec. 26, Lots 1, 2, N½NW¼;
Sec. 27, N½NE¼;
Sec. 35, N½NE¼.
T. 5 N., R. 3 E.,
Sec. 2, Lots 3, 4;
Sec. 3, Lot 1, SW¼NE¼, W½SE¼;
Sec. 10, E½NW¼, E½SW¼;
Sec. 27, N½NW¼, SE¼NW¼, E½SW¼;
Sec. 34, E½NW¼, W½SW¼.
T. 6 N., R. 3 E.,
Sec. 25, S½NE¼, S½NW¼.
T. 7 N., R. 3 E.,
Sec. 1, Lot 3, SE¼NW¼, W½SE¼;
Sec. 13, S½NE¼, N½SE¼;
Sec. 24, E½NW¼, NE¼SW¼, W½SW¼;
Sec. 25, NW¼NE¼, SE¼NE¼.
T. 6 N., R. 4 E.,
Sec. 8, NW¼NW¼;
Sec. 18, NE¼NE¼, E½SW¼, NW¼SE¼;
Sec. 19, Lot 4, W½NW¼, W½SW¼;
Sec. 30, Lot 1.
T. 7 N., R. 4 E.,
Sec. 30, Lot 3, E½SW¼, S½SE¼;
Sec. 31, NE¼NE¼;
Sec. 32, W½NW¼, W½SW¼.
Total area 780 acres, more or less.

South Side Payette River (No. 800) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 800 through the following legal subdivisions:

T. 8 N., R. 4 E.,
Sec. 1, Lots 3, 4, 5, 6, SE¼NW¼.
T. 8 N., R. 5 E.,
Sec. 6, Lots 9, 10, 13;
Sec. 8, Lot 6;
Sec. 9, Lots 7, 8, 13, 14;
Sec. 10, SW¼SW¼;
Sec. 15, W½SE¼;
Sec. 22, NE¼NE¼.
Total area 92 acres, more or less.

Summit Flat (No. 751) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 751 through the following legal subdivisions:

T. 7 N., R. 6 E.,
Sec. 1, Lot 2, SW¼NE¼.
T. 8 N., R. 6 E.,
Sec. 22, E½SW¼, N½SE¼;
Sec. 23, N½SW¼, S½SE¼;
Sec. 25, S½NW¼, E½SW¼;
Sec. 27, NW¼;
Sec. 28, SE¼NE¼, E½SE¼;
Sec. 31, Lot 2, S½NE¼;
Sec. 32, N½NE¼, N½NW¼;
Sec. 33, NE¼NE¼, S½NE¼, S½NW¼, NW¼SW¼;
Sec. 36, W½NE¼, NE¼NW¼, W½SE¼.
T. 7 N., R. 7 E.,
Sec. 18, Lots 2, 3, SE¼SW¼;
Sec. 19, E½NW¼, S½NE¼.
Total area 218 acres, more or less.

Bull Trout Lake (No. 780) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 780 through the following legal subdivisions:

T. 11 N., R. 10 E. (unsurveyed),
Sec. 3, E½SW¼;
Sec. 9, NE¼NE¼;
Sec. 10, N½NW¼.
Total area 27 acres, more or less.

Idaho City-Alexander Flat (No. 712) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 712 through the following legal subdivisions:

T. 5 N., R. 6 E.,
Sec. 3, Lots 6, 9, 10, 12, NE¼SE¼;
Sec. 4, Lot 10, NW¼SE¼, E½SE¼.
T. 5 N., R. 8 E.,
Sec. 5, Lot 1, SE¼NE¼, E½SE¼;
Sec. 8, W½NE¼.
T. 6 N., R. 6 E.,
Sec. 30, S½NE¼.
T. 6 N., R. 8 E.,
Sec. 32, E½SE¼, E½W½SE¼;
Sec. 33, SW¼SW¼.
Total area 132 acres, more or less.

Artillery Dome (No. 822) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 822 through the following legal subdivisions:

T. 15 N., R. 8 E.
Sec. 2, SW¼NE¼, S½NW¼;
Sec. 3, S½NE¼, S½SW¼;
Sec. 4, SE¼SW¼, S½SE¼;
Sec. 7, E½E½SW¼, SW¼SE¼;
Sec. 9, E½NW¼, NW¼SW¼, SW¼SW¼;
Sec. 11, N½SE¼SE¼, SW¼SE¼SE¼;
Sec. 13, S½S½NE¼, S½S½NW¼;
Sec. 14, W½NE¼NE¼;
Sec. 17, NE¼NE¼, SW¼NE¼, S½NW¼;
Sec. 18, E½NE¼.
T. 15 N., R. 9 E.,
Sec. 10, NE¼NE¼, W½NE¼, NW¼SW¼, SW¼SW¼;
Sec. 11, N½NE¼, N½NW¼;
Sec. 12, S½NE¼;
Sec. 18, E½SW¼;
Sec. 19, NE¼NW¼, W½NE¼, N½SE¼;
Sec. 20, S½SW¼, S½SE¼;
Sec. 21, W½SW¼, W½NW¼.
T. 15 N., R. 10 E.,
Sec. 5, S½SW¼;
Sec. 6, SE¼SE¼;
Sec. 7, Lot 3, E½NE¼, NE¼SW¼, NW¼SE¼.
Total area 317 acres, more or less.

Bogus Basin (No. 836) Forest Development Road Roadside Zone

A strip of land 200 feet on each side of the center line of Forest Development Road No. 836 through the following legal subdivisions:

T. 5 N., R. 3 E.,
Sec. 28, NE¼NW¼;
Sec. 29, NE¼SW¼, S½SW¼, N½SE¼;
Sec. 31, Lot 2, NE¼NE¼, S½NE¼, SE¼NW¼;
Sec. 32, N½NW¼.
Total area 154 acres, more or less.

Danskin Logging Road (No. 879) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 879 through the following legal subdivisions:

T. 8 N., R. 5 E.,
Sec. 2, Lot 5.
T. 9 N., R. 5 E.,
Sec. 24, N½NE¼, S½NW¼;
Sec. 25, SW¼NW¼, W½SW¼;
Sec. 35, E½NE¼, E½SE¼;
Sec. 36, NW¼NW¼.
Total area 75 acres, more or less.

Cabin Creek (No. 919) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 919 through the following legal subdivisions:

T. 16 N., R. 6 E.,
Sec. 36, NE¼SE¼, S½SE¼.
T. 16 N., R. 7 E.,
Sec. 9, E½SE¼;
Sec. 10, NE¼NE¼, S½NE¼, S½NW¼;
Sec. 11, N½NE¼, N½NW¼;
Sec. 16, NE½NE¼, W½NE¼, NE¼SW¼, NW¼SW¼;
Sec. 17 SE¼SE¼;
Sec. 19, S½SE¼;
Sec. 20, NE¼NW¼, W½NW¼;
Sec. 30, Lots 3, 4, E½NW¼;
Sec. 31, Lots 1, 2, 3.
Total area 163 acres, more or less.

Dixie-Atlanta (No. 921) Forest Development Road Roadside Zone

A strip of land 200 feet on each side of the center line of Forest Development Road No. 921 through the following legal subdivisions:

T. 1 S., R. 8 E.,
Sec. 1, Lot 8;
Sec. 12, Lot 2, SE¼NW¼;
Sec. 14, W½NE¼, W½SE¼.
T. 2 N., R. 10 E.,
Sec. 6, SE¼SE¼;
Sec. 7, Lots 1, 4, 7, 10.
T. 4 N., R. 10 E.,
Sec. 4, Lot 4;
Sec. 5, Lot 1, SW¼NE¼, W½SE¼;
Sec. 8, Lot 2, NW¼NE¼;
Sec. 20, NE¼SE¼, W½SE¼;
Sec. 21, SW¼NW¼, E½NW¼;
Sec. 28, SW¼NW¼, N½SW¼, SE¼SW¼;
Sec. 29, NE¼;
Sec. 33, NW¼NE¼, E½NE¼, E½SE¼;
Sec. 34, SW¼SW¼.
T. 5 N., R. 10 E.,
Sec. 12, SE¼SE¼;
Sec. 13, NE¼NE¼, W½NE¼, N½SW¼, SW¼SW¼;
Sec. 14, SE¼SE¼;
Sec. 22, NE¼SE¼, SW¼SE¼;
Sec. 23, N½NE¼, S½NW¼;
Sec. 27, NW¼NE¼, E½NW¼, NE¼SW¼, S½SW¼;
Sec. 28, SE¼SE¼;
Sec. 33, N½NE¼, SE¼NW¼, E½SW¼.
T. 5 N., R. 11 E.,
Sec. 5, SW¼NE¼, SE¼NW¼, NW¼SW¼;
Sec. 6, N½SE¼, SW¼SE¼;
Sec. 7, Lots 3, 4, W½NE¼, NE¼SW¼.
Total area 804 acres, more or less.

Gardena-Placerville (No. 926) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 926 through the following legal subdivisions:

T. 7 N., R. 3 E.,
Sec. 13, N½SW¼, W½SE¼;
Sec. 14, NE¼SE¼.
Total area 37 acres, more or less.

Alder Creek (No. 928) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 928 through the following legal subdivisions:

T. 7 N., R 4 E.,
Sec. 2, Lot 2, SW¼NE¼, W½SE¼;
Sec. 11, Lot 1, NW¼NE¼.
T 8 N., R. 4 E.,
Sec. 22, W½NE¼, E½SE¼;
Sec. 23, SW¼SW¼;
Sec. 26, NW¼NW¼, E½NW¼, NE¼SW¼, W½SE¼;
Sec. 35, Unpatented portions of NE¼NE¼, W½NE¼, W½SE¼.
Total area 104 acres, more or less.

Horseshoe Bend-Grimes Pass (No. 799) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 799 through the following legal subdivisions:

T. 6 N., R. 3 E.,
Sec. 1, SE¼SW¼, NE¼SE¼, SW¼SE¼.
T. 7 N., R. 4 E.,
Sec. 32, Lot 4, SW¼, SW¼SE¼.
T. 6 N., R. 5 E.,
Sec. 7, N½NE¼.
T. 8 N., R. 5 E.,
Sec. 22, Lot 1;
Sec. 23, Lots 8, 9, SE¼SW¼.
Total area 74 acres, more or less.

Cascade-Knox (No. 22) Forest Highway Roadside Zone

A strip of land 200 feet on each side of the center line of Forest Highway No. 22 through the following legal subdivisions:

T. 15 N., R. 5 E.,
Sec. 13, SE¼SE¼;
Sec. 23, S½SW¼, NW¼SE¼;
Sec. 24, NW¼NE¼, S½NW¼;
Sec. 27, E½NE¼NE¼, W½NW¼NE¼, NE¼NW¼, SW¼NW¼;
Sec. 32, N½SE¼;
Sec. 33, N½NE¼, SW¼NW¼.
T. 15 N., R. 6 E.,
Sec. 2, Lot 5;
Sec. 10, SE¼NE¼, W½SE¼;
Sec. 15, E½NW¼, N½SW¼;
Sec. 16, S½SW¼, N½SE¼;
Sec. 17, S½SW¼, S½SE¼;
Sec. 18, Lot 3, NE¼SW¼, S½SE¼.
Total area 323 acres, more or less.

Grimes Creek (No. 847) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 847 through the following legal subdivisions:

T. 5 N., R. 3 E.,
Sec. 11, Lot 4, S½SW¼, S½SW¼SE¼;
Sec. 14, NW½NE¼, N½NW¼;
Sec 15, N½NE¼.
T. 5 N., R. 4 E.,
Sec. 9, S½SE¼;
Sec. 10, N½SW¼;
Sec. 17, NW¼NW¼;
Sec. 18, NE¼NE¼, S½NE¼, SE¼NW¼;
Sec. 22, SE¼SW¼;
Sec. 27, NE¼NW¼.
Total area 92 acres, more or less.

Sage Hen Basin (No. 851) Forest Development Road Roadside Zone

A strip of land 100 feet on each side of the center line of Forest Development Road No. 851 through the following legal subdivisions:

T. 11 N., R. 2 E.,
Sec. 3, Lot 3, SE¼NW¼, W½SW¼;
Sec. 9, SE¼NE¼, S½SE¼;
Sec. 10, W½NW¼;
Sec. 16, W½NE¼, SW¼SW¼, E½SW¼;
Sec. 20, NW¼SE¼.
Total area 65 acres, more or less.

Swanholm Creek Public Service Site

T. 6 N., R. 9 E.,
Sec. 26, SE¼SE¼NW¼, E½NE¼SW¼, N½NW¼SE¼.
Total area 50 acres.

Atlanta Public Service Site

T. 6 N., R. 11 E.,
Sec. 34, Lot 7;
Sec. 35, Lots 8, 10, 11.
Total area 92 24 acres.

Lowman Public Service Site

T. 9 N., R. 7 E.,
Sec. 27, Lot 2.
Total area 27.40 acres.

Mountain View Public Service Site

T. 9 N., R. 7 E.,
Sec. 26, SW¼SW¼SW¼;
Sec. 27, Lot 6
(except for that portion of H. E. S. 490 lying in Lot 6);
Sec. 34, Lot 1.
Total area 39.63 acres.

Parks Creek Public Service Site

T. 9 N., R. 7 E.,
Sec. 13, SW¼SE¼NW¼, SE¼SW¼NW¼, NW¼NE¼SW¼, NE¼NW¼SW¼;
Total area 40 acres.

Helende Public Service Site

T. 9 N., R. 8 E.,
Sec. 23, Lot 2.
Total area 30.15 acres.

Casner Creek Public Service Site

T. 9 N., R. 9 E.,
Sec. 14, Lots 3, 4.
Total area 51.95 acres.

Kettle Creek Public Service Site

T. 9 N., R. 9 E.,
Sec. 19, Lots 8, 11, E½NW¼NW¼NW¼.
Total area 29 acres.

Swinging Bridge Public Service Site

T. 10 N., R. 3 E.,
Sec. 29, Lot 3.
Total area 50 acres.

Camp Creek Public Service Site

T. 10 N., R. 10 E.,
Sec. 26, SE¼NE¼SW¼NE¼, NE¼SE¼SW¼NE¼, S½SE¼SW¼NE¼, SW¼NW¼SE¼NE¼, NW¼SW¼SE¼NE¼, W½W½NE¼SE¼, S½SW¼NW¼SE¼, E½NW¼SE¼.
Total area 50 acres.

Warm Springs Public Service Site

T. 10 N., R. 10 E.,
Sec. 31, Lots 2, 3, W½SW¼NE¼SW¼, W½SE¼SW¼.
Total area 105.76 acres.

Bull Trout Lake Public Service Site

T. 11 N., R. 10 E. (unsurveyed),
Sec. 9, SW¼NW¼NE¼, S½NE¼, SE¼NE¼NW¼, E½SE¼NW¼, NE¼SE¼;
Sec. 10, W½SW¼NW¼, W½NW¼SW¼.
Total area 200 acres, more or less.

Warm Lake Public Service Site

T. 15 N., R. 6 E.,
Sec. 1, S½;
Sec. 2, S½;
Sec. 11, All;
Sec. 12, All;
Sec. 13, All;
Sec. 14, All;
Sec. 23, N½;
Sec. 24, N½.
T. 15 N., R. 7 E.,
Sec. 6, S½;
Sec. 7, All;
Sec. 18, All;
Sec. 19, N½.
Total area 5,279.83 acres.

Boise Peak Recreation Area

T. 4 N., R. 3 E.,
Sec. 10, S½S½N½NW¼.
Total area 10 acres.

Bogus Basin Recreation Area

T. 5 N., R. 3 E.,
Sec. 15, SW¼;
Sec. 17, SE¼SE¼;
Sec. 21, All;
Sec. 22, N½NW¼, SW¼NW¼;
Sec. 28, Lot 1.
Total area 1,003.94 acres.

Dead Horse Flat Recreation Area

T. 9 N., R. 7 E.,
Sec. 36, Lots 4, 5, SE¼SE¼NE¼.
Total area 55.35 acres.

Lick Creek Recreation Area

T. 9 N., R. 7 E.,
Sec. 35, Lots 1, 2.
Total area 74.10 acres.

Alexander Flat Recreation Area

T. 5 N., R. 8 E.,
Sec. 8, Lots 1, 3, S½SE¼SW¼;
Sec. 17, Lots 1, 5.
Total area 102.37 acres.

Simmons Creek Recreation Area

T. 5 N., R. 8 E.,
Sec. 17, Lot 8, W½NW¼SW¼, NW¼SW¼SW¼;
Sec. 18, Lots 4, 10, N½SE¼SE¼, N½SW¼SE¼SE¼;
Sec. 19, Lot 1, NW¼NW¼NE¼.
Total area 156.43 acres.

Hot Springs Recreation Area

T. 8 N., R. 5 E.,
Sec. 6, Lot 7.
Total area 49.40 acres.

Station Camp Recreation Area

T. 8 N., R. 5 E.,
Sec. 6, Lot 4.
Total area 29.60 acres.

Banks No. 2 Camp Recreation Area

T. 9 N., R. 3 E.,
Sec. 32, Lots 5, 6, 7;
Sec. 33, W½W½NW¼SW¼.
Total area 62.50 acres.

Banks Camp Recreation Area

T. 9 N., R. 3 E.,
Sec. 28, Lot 11;
Sec. 29, Lot 3.
Total area 51.04 acres.

Forks of Pine Creek Recreation Area

T. 9 N., R. 6 E.,
Sec. 21, NW¼SE¼.
Total area 40 acres.

Pine Creek Recreation Area

T. 9 N., R. 6 E.,
Sec. 15, E½E½SE¼SW¼, W½SW¼SE¼, W½E½SW¼SE¼.
Total area 40 acres.

Pine Flat Recreation Area

T. 8 N., R. 6 E.,
Sec. 1, Lot 8.
T. 8 N., R. 7 E.,
Sec. 6, Lot 5.
T. 9 N., R. 7 E.,
Sec. 31; S½E½E½SW¼SW¼, S½W½SE¼SW¼.
Total area 93.96 acres.

Big Eddy Recreation Area

T. 10 N., R. 3 E.,
Sec. 4, Lot 12.
Total area 18.60 acres.

Canyon Camp Recreation Area

T. 10 N., R. 3 E.,
Sec. 21, Lots 2, 3.
Total area 31 acres.

Cold Springs Recreation Area

T. 10 N., R. 3 E.,
Sec. 16, Lot 7.
Total area 32.40 acres.

Williams Creek Recreation Area

T. 10 N., R. 3 E.,
Sec. 29, Lot 6, 7, NE¼SW¼SE¼.
Total area 87.10 acres.

Tie Creek Recreation Area

T. 10 N., R. 4 E.,
Sec. 12, S½NW¼SE¼, N½SW¼SE¼.
Total area 40 acres.

Hardscrabble Recreation Area

T. 11 N., R. 5 E.,
Sec. 31, SE¼NE¼SE¼, NE¼SE¼SE¼.
Total area 20 acres.

Middle Fork Recreation Area

T. 11 N., R. 5 E.,
Sec. 29, S½SW¼NE¼.
Total area 20 acres.

One Spoon Recreation Area

T. 10 N., R. 5 E.,
Sec. 7, Lots 1, 2.
Total area 77.33 acres.

Rattlesnake Camp Recreation Area

T. 11 N., R. 5 E.,
Sec. 20, S½NE¼SE¼, N½SE¼SE¼.
Total area 40 acres.

Silver Creek Bridge Recreation Area

T. 11 N., R. 5 E.,
Sec. 1, Lots 3, 4.
Total area 81.80 acres.

Trail Creek Recreation Area

T. 11 N., R. 5 E.,
Sec. 21, S½NW¼NW¼, N½SW¼NW¼.
Total area 40 acres.

Boiling Springs Recreation Area

T. 12 N., R. 5 E.,
Sec. 21, NE¼NE¼SE¼.
Total area 10 acres.

Fir Springs Recreation Area

T. 12 N., R. 7 E.,
Sec. 21, SW¼NE¼NW¼, SE¼NW¼NW¼, SW¼NW¼.
Total area 60 acres.

Granite Springs Recreation Area

T. 12 N., R. 7 E.,
Sec. 29, E½SE¼SW¼, W½SW¼SE¼.
Total area 40 acres.

Vulcan Hot Springs Recreation Area

T. 14 N., R. 6 E.,
Sec. 11, W½NE¼, W½E½NE¼, E½E½NW¼.
Total area 160 acres.

Green Table Recreation Area

T. 15 N., R. 5 E.,
Sec. 33, SW¼NE¼NW¼, SE¼NW¼NW¼, NE¼SW¼NW¼, NW¼SE¼NW¼.
Total area 40 acres.

Porcupine Flat Recreation Area

T. 15 N., R. 5 E.,
Sec. 27, W½W½NE¼NE¼, E½NW¼NE¼.
Total area 30 acres.

Curtis Creek Recreation Area

T. 15 N., R. 6 E.,
Sec. 15, SW¼NW¼NE¼, NW¼SW¼NE¼.
Total area 20 acres.

Summit Camp Recreation Area

T. 15 N., R. 7 E.,
Sec. 10, SW¼NE¼SE¼, S½NW¼SE¼, E½SW¼SE¼, SE¼SE¼.
Total area 90 acres.

Alpine Camp Recreation Area

T. 15 N., R. 8 E.,
Sec. 13, SW¼NE¼NE¼, NW¼SE¼NE¼.
Total area 20 acres.

Penn Basin Recreation Area

T. 15 N., R. 8 E.,
Sec. 19, S½SE¼NE¼NE¼, E½SE¼NE¼;

Sec. 20, SW¼SW¼NW¼NW¼, W½W½SW¼NW¼.
Total area 37.5 acres.

Green Springs Recreation Area

T. 15 N., R. 9 E.,
Sec. 18, Lot 3.
Total area 37.36 acres.

Sheepeater Hot Springs Recreation Area

T. 15 N., R. 10 E.,
Sec. 24, Lot 2.
Total area 25.10 acres.

Trout Creek Recreation Area

T. 16 N., R. 7 E.,
Sec. 1, SE¼SW¼.
Total area 40 acres.

Buck Mountain Recreation Area

T. 16 N., R. 8 E.,
Sec. 31, Lot 2.
Total area 37.48 acres.

Golden Gate Recreation Area

T. 19 N., R. 8 E.,
Sec. 33, SE¼SE¼SW¼, SW¼SW¼SE¼.
Total area 20 acres.

Yellow Pine Recreation Area

T. 19 N., R. 8 E.,
Sec. 28, W½NW¼SW¼;
Sec. 29, S½S½SE¼NE¼, N½NE¼SE¼.
Total area 50 acres.

Poker Meadow Recreation Area

T. 13 N., R. 9 E.,
Sec. 25, S½S½NE¼SW¼, E½SE¼NW¼SW¼, E½E½SW¼SW¼, SE¼SW¼.
Total area 65 acres.

Bear Valley Creek Recreation Area

T. 13 N., R. 9 E.,
Sec. 34, E½SW¼SE¼, W½SE¼SE¼.
Total area 40 acres.

Danskin Mountain Lookout Administrative Site

T. 1 N., R. 7 E.,
Sec. 18, SE¼SE¼.
Total area 40 acres.

Danskin Administrative Site

T. 1 N., R. 7 E.,
Sec. 24, Lot 8;
Sec. 25, NE¼NE¼, N½SE¼NE¼, SW¼SW¼SE¼NE¼, N½S½SE¼NE¼, SE¼SE¼SE¼NE¼.
T. 1 N., R. 8 E.,
Sec. 19, Lot 4;
Sec. 30, Lots 2, 3, 4.
Total area 230.11 acres.

House Mountain Lookout Administrative Site

T. 1 N., R. 8 E.,
Sec. 10, SE¼.
Total area 160 acres.

Pine Administrative Site

T. 1 N., R. 9 E.,
Sec. 2, SW¼NW¼, NW¼SW¼, S½SW¼.
Total area 160 acres.

Cottonwood Administrative Site

T. 4 N., R. 5 E.,
Sec. 34, SE¼SE¼;
Sec. 35, that portion or the W½ and the NW¼SE¼ not previously withdrawn; SW¼SE¼.
T. 3 N., R. 5 E.,
Sec. 2, Lots 2, 3, 4.
Total area 390.10 acres.

Lava Mountain Administrative Site

T. 3 N., R. 7 E.,
Sec. 24, S½SE¼SE¼;
Sec. 25, N½NE¼NE¼, SW¼NE¼NE¼, E½W½NW¼NE¼, E½NW¼NE¼.
T. 3 N., R. 8 E.,
Sec. 19, Lot 4;
Sec. 30, Lot 1.
Total area 144.76 acres.

Trinity Administrative Site

T. 3 N., R. 8 E.,
Sec. 1, Lot 1.
T. 3 N., R. 9 E.,
Sec. 6, Lots 3, 4.
T. 4 N., R. 8 E.,
Sec. 36, E½SE¼SE¼.
T. 4 N., R. 9 E.,
Sec. 31, Lot 4.
Total area 174 67 acres.

Trinity Mountain Lookout Administrative Site

T. 3 N., R. 9 E.,
Sec. 18, NW¼NE¼.
Total area 40 acres.

Troutdale Administrative Site

T. 4 N., R. 7 E.,
Sec. 4, Lots 8, 9, NE¼SW¼, NW¼SE¼.
Total area 143.55 acres.

Rocky Bar Administrative Site

T. 4 N., R. 10 E.,
Sec. 7, Lot 5, W½W½NE¼SW¼.
Total area 45.40 acres.

Shafer Butte Lookout Administrative Site

T. 5 N., R. 3 E.,
Sec. 15, NW¼.
Total area 160 acres.

Bald Mountain Administrative Site

T. 5 N., R. 6 E.,
Sec. 28, NW¼, W½NE¼.
Total area 240 acres.

Alexander Flat Administrative Site

T. 5 N., R. 8 E.,
Sec. 8, N½SE¼SW¼, N½SE¼;
Sec. 9, Lots 3, 4, W½NW¼SW¼, SW¼SW¼;
Sec. 16, Lots 1, 8, NW¼NW¼NE¼.
Total area 278.19 acres.

Montezuma Ranger Station Administrative Site

T. 5 N., R. 11 E.,
Sec. 3, Lot 1.
Total area 35.50 acres.

Barber Flats Administrative Site

T. 6 N., R. 8 E.,
Sec. 32, E½E½NE¼SW¼, E½SE¼SW¼, W½W½SE¼.
Total area 70 acres.

Dutch Creek Administrative Site

T. 6 N., R. 9 E.,
Sec. 34, E½SE¼SE¼;
Sec. 35, SW¼NE¼SW¼, SE¼NW¼SW¼, SW¼SW¼.
Total area 80 acres.

Swanholm Administrative Site

T. 6 N., R. 10 E.,
Sec. 6, Lot 4.
Total area 25.85 acres.

Pilot Peak Lookout Administrative Site

T. 7 N., R. 6 E.,
Sec. 12, SW¼NE¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼, NW¼SE¼NE¼.
Total area 40 acres.

Beaver Creek Administrative Site

T. 7 N., R. 7 E.,
Sec. 2, NE¼SW¼, S½SW¼, NW¼SE¼;
Sec. 3, E½SE¼SE¼.
Total area 180 acres.

Sunset Mountain Lookout Administrative Site

T. 7 N., R. 7 E.,
Sec. 32, SE¼SE¼NE¼, NE¼NE¼SE¼;
Sec. 33, SW¼SW¼NW¼, NW¼NW¼SW¼.
Total area 40 acres.

Deer Park Administrative Site

T. 7 N., R. 9 E.,
Sec. 28, N½SW¼.
Total area 80 acres.

Graham Administrative Site

T. 7 N., R. 10 E.,
Sec. 9, S½NW¼SW¼NE¼, S½SW¼NE¼, S½NE¼SE¼NW¼, SE¼SE¼NW¼, NW¼SE¼, W½SW¼SE¼, W½E½SW¼SE¼, SW¼NE¼SW¼, E½NE¼SW¼, SE¼SW¼;
Sec. 16, N½NW¼NE¼, N½NE¼NW¼.
Total area 220 acres.

Dry Buck Lookout Administrative Site

T. 9 N., R. 3 E.,
Sec. 6, Lots 3, 4.
T. 10 N., R. 3 E.,
Sec. 31, Lots 3, 4, 5.
Total area 167.67 acres.

Poorman Administrative Site

T. 9 N., R. 5 E.,
Sec. 29, SW¼SE¼.
Total area 40 acres.

Pyle Creek Lookout Administrative Site

T. 9 N., R. 5 E.,
Sec. 4, Lot 4.
Total area 17.21 acres.

Deadwood Lookout Administrative Site

T. 9 N., R. 6 E.,
Sec. 11, S½SE¼SE¼;
Sec. 12, SW¼SW¼SW¼;
Sec. 13, NW¼NW¼NW¼;
Sec. 14, N½NE¼NE¼.
Total area 60 acres.

Gallagher Flat Administrative Site

T. 9 N., R. 6 E.,
Sec. 31, E½W½NE¼NE¼, E½NE¼NE¼;
Sec. 32, NW¼NW¼, W½W½NE¼NW¼.
Total area 80 acres.

Payette Administrative Site

T. 9 N., R. 7 E.,
Sec. 29, Lot 3, SW¼SW¼;
Sec. 32, Lot 2.
Total area 106.05 acres.

Jordan Administrative Site

T. 9 N., R. 8 E.,
Sec. 32, Lots 4, 5.
Total area 48.15 acres.

Jackson Peak Lookout Administrative Site

T. 9 N., R. 9 E.,
Sec. 32, SW¼NE¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼, NW¼SE¼NE¼.
Total area 40 acres.

Warm Springs Creek Administration Site

T. 9 N., R. 10 E.,
Sec. 6, S½NE¼SE¼SW¼, SE¼SW¼SE¼SW¼, SE¼SE¼SW¼, S½N½SW¼SE¼, S½SW¼SE¼;
Sec. 7, Lot 1, N½NW¼NE¼, N½NE¼NW¼, N½S½NE¼NW¼.
Total area 131.16 acres.

Fletcher Mountain Administrative Site

T. 10 N., R. 2 E.,
Sec. 22, Lot 1.
Total area 36.85 acres.

Tripod Lookout Administrative Site

T. 10 N., R. 3 E.,
Sec. 8, S½NE¼SW¼, S½SW¼;
Sec. 17, W½NW¼, W½E½NW¼, N½NW¼SW¼;
Sec. 18, E½E½NE¼, NE¼NE¼SE¼.
Total area 290 acres.

Scriver Administrative Site

T. 10 N., R. 4 E.,
Sec. 9, NE¼NW¼, E½SW¼NW¼, W½SE¼NW¼, NE¼NW¼SW¼, W½NW¼SW¼, NW¼SW¼SW¼.
Total area 120 acres.

Hardscrabble Administrative Site

T. 10 N., R. 5 E.,
Sec. 6, Lot 1.
Total area 41 acres.

Bog Administrative Site

T. 10 N., R. 6 E.,
Sec. 35, NW¼SW¼NE¼, S½NE¼NW¼, E½SW¼NW¼, SE¼NW¼, NW¼NE¼SW¼, NE¼NW¼SW¼.
Total area 110 acres.

Scott Mountain Lookout Administrative Site

T. 10 N., R. 6 E.,
Sec. 19, SE¼NE¼SW¼, E½SE¼SW¼, SW¼NW¼SE¼, W½SW¼SE¼.
Total area 60 acres.

Deadwood River Guard Station Administrative Site

T. 10 N., R. 7 E.,
Sec. 31, NW¼SE¼.
Total area 40 acres.

Stevens Point Lookout Administrative Site

T. 10 N., R. 7 E.,
Sec. 33, NW¼SE¼.
Total area 40 acres.

Bear Wallow Lookout Administrative Site

T. 11 N., R. 4 E.,
Sec. 35, S½NW¼NW¼, N½SW¼NW¼.
Total area 40 acres.

Rattlesnake Lookout Administrative Site

T. 11 N., R. 5 E.,
Sec. 12, S½SE¼NE¼, NE¼SE¼, N½SE¼SE¼.
Total area 80 acres.

White Hawk Administrative Site

T. 11 N., R. 8 E.,
Sec. 17, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.
Total area 160 acres.

Big Meadows Administrative Site

T. 11 N., R. 8 E.,
Sec. 15, SW¼.
Total area 160 acres.

Red Mountain Lookout Administrative Site

T. 11 N., R 9 E. (unsurveyed),
Sec. 29, E½SE¼SW¼, W½SW¼SE¼;
Sec. 32, W½NW¼NE¼, E½NE¼NW¼.
Total area 80 acres, more or less.

Third Fork Administrative Site (Addition No. 1)

T. 12 N., R. 1 E.,
Sec. 14, NE¼SW¼, N½NW¼SW¼.
Total area 60 acres.

Sage Hen Administrative Site

T. 12 N., R. 2 E.,
Sec. 35, E½E½SW¼NE¼, W½SE¼NE¼, W½E½SE¼NE¼, W½W½NE¼SE¼, E½E½NW¼SE¼.
Total area 60 acres.

Grass Valley Administrative Site

T. 12 N., R. 3 E.,
Sec. 10, W½NE¼NE¼, E½NW¼NE¼.
Total area 40 acres.

Ditch Creek Administrative Site

T. 12 N., R 4 E.,
Sec. 2, Lots 1, 2.
Total area 86.68 acres.

Boiling Springs Administrative Site (Addition)

T. 12 N., R. 5 E.,
Sec. 15, S½SW¼;
Sec. 22, W½NE¼, NW¼.
Total area 320 acres.

Silver Creek Administrative Site

T. 12 N., R. 6 E.,
Sec. 19, E½SE¼NE¼, NE¼SE¼, SE¼SW¼SE¼, SE¼SE¼;
Sec. 20, SW¼NW¼, W½NW¼SW¼, NW¼SW¼SW¼.
Total area 180 acres.

Silver Creek Lookout Administrative Site

T. 12 N., R. 6 E.,
Sec. 7, S½NW¼SE¼, N½SW¼SE¼.
Total area 40 acres.

Wilson Corral Administrative Site

T. 13 N., R. 2 E.,
Sec. 22, SE¼NE¼NE¼, NE¼SE¼NE¼;
Sec. 23, W½NW¼NW¼.
Total area 40 acres.

Wilson Meadow Administrative Site

T. 13 N., R. 2 E.,
Sec. 25, SE¼NE¼, NE¼SE¼.

T. 13 N., R. 3 E.,
Sec. 30, Lots 2, 3.
Total area 156.54 acres.

Rammage Meadow Administrative Site

T. 13 N., R. 2 E.,
Sec. 34, NE¼SW¼, W½SE¼SW¼, W½NW¼SE¼.
Total area 80 acres.

Hite Administrative Site (Addition No. 1)

T. 13 N., R. 3 E.,
Sec. 25, SW¼NE¼.
Total area 40 acres.

Clear Creek Administrative Site

T. 13 N., R. 5 E.,
Sec. 3, S½SW¼.
Total area 80 acres.

Upper Deadwood Administrative Site

T. 13 N., R. 7 E.,
Sec. 23, SW¼SE¼SW¼;
Sec. 26, NE¼NW¼, SE¼NW¼NW¼.
Total area 60 acres.

Crawford Administrative Site (Addition)

T. 14 N., R. 4 E.,
Sec. 21, NE¼SW¼, SE¼.
Total area 200 acres.

Middlefork Administrative Site

T. 14 N., R. 6 E.,
Sec. 19, S½SW¼NE¼, NW¼SE¼, N½SW¼SE¼.
Total area 80 acres.

Stolle Meadows Administrative Site

T. 14 N., R. 6 E.,
Sec. 1, W½ Lot 3, SW¼NW¼, Lot 4.
T. 15 N., R. 6 N.,
Sec. 36, SW¼SW¼, W½SE¼SW¼.
Total area 158.065 acres.

Morehead Lookout Administrative Site

T. 14 N., R. 9 E.,
Sec. 10, S½SW¼NW¼, NW¼SW¼.
Total area 60 acres.

Landmark Ranger Station Administrative Site

T. 15 N., R. 7 E.,
Sec. 12, E½NE¼NE¼, NE¼SE¼NE¼.
T. 15 N., R. 8 E.,
Sec. 6, Lot 7;
Sec. 7, Lots 1, 2, 3, 4, SW¼NE¼SW¼, W½SE¼SW¼;
Sec. 18, Lots 1, 2, W½NE¼NW¼, SE¼NW¼.
Total area 379.64 acres.

Landmark Landing Field Administrative Site

T. 15 N., R. 8 E.,
Sec. 18, Lots 3, 4, S½N½NE¼SW¼, S½NE¼SW¼, SE¼SW¼.
Total area 144.19 acres.

Pistol Pass Administrative Site

T. 15 N., R. 8 E.,
Sec. 11, SE¼SE¼SE¼;
Sec. 13, NW¼NE¼, NW¼SW¼NE¼, N½NW¼, N½S½NW¼;
Sec. 14, E½NE¼NE¼.
Total area 200 acres.

Artillery Dome Administrative Site

T. 15 N., R. 10 E.,
Sec. 3, W½NW¼SW¼;
Sec. 4, E½NE¼SE¼.
Total area 40 acres.

Shrapnel Creek Administrative Site

T. 15 N., R. 10 E.,
Sec. 4, N½SW¼, SE¼SW¼.
Total area 120 acres.

Thunderbolt Administrative Site

T. 16 N., R. 7 E.,
Sec. 8, S½SW¼SW¼;
Sec. 17, N½NW¼NW¼.
Total area 40 acres.

Forty-Four Administrative Site

T. 16 N., R. 9 E.,
Sec. 24, S½SW¼SW¼;
Sec. 25, NW¼NW¼NW¼.
Total area 30 acres.

Indian Creek Landing Field Administrative Site

T. 16 N., R. 11 E.,
Sec. 3, Lot 4.
T. 17 N., R. 11 E.,
Sec. 34, Lots 1, 2, 3, 4.
Total area 130.84 acres.

Risley Administrative Site

T. 16 N., R. 11 E.,
Sec. 8, SW¼NE¼.
Total area 40 acres.

Middle Fork Landing Field Administrative Site

T. 16 N., R. 13 E.,
Sec. 6, E½E½SE¼SW¼, SE¼NW¼SE¼, N½SW¼SE¼, SW¼SW¼SE¼.
Total area 50 acres.

Chilcoot Lookout Administrative Site

T. 17 N., R. 8 E.,
Sec. 36, S½NE¼NE¼, N½SE¼NE¼.
Total area 40 acres.

Big Baldy Lookout Administrative Site

T. 17 N., R. 10 E.,
Sec. 26, W½SW¼SW¼NW¼, N½SW¼;
Sec. 27, E½SE¼SE¼NE¼, N½SE¼.
Total area 170 acres.

Indian Creek Ranger Station Administrative Site

T. 17 N., R. 11 E.,
Sec. 34, S½NE¼, SE¼NW¼;
Sec. 35, Lot 4.
Total area 163.36 acres.

Grays Peak Administrative Site

T. 17 N., R. 11 E.,
Sec. 12, SE¼NE¼NW¼.
Total area 10 acres.

Mahoney Lookout Administrative Site

T. 17 N., R. 12 E.,
Sec. 35, S½SW¼SE¼.
Total area 20 acres.

Ramey Lookout Administrative Site

T. 17 N., R. 13 E.,
Sec. 10, S½NE¼NW¼, N½SE¼NW¼.
Total area 40 acres.

Johnson Creek Administrative Site

T. 18 N., R. 8 E.,
Sec. 4, W½SE¼;
Sec. 9, W½NE¼.
Total area 160 acres.

Meadow Creek Lookout Administrative Site

T. 18 N., R. 9 E.,
Sec. 29, N½NW¼SW¼.
Total area 20 acres.

Norton Ridge Lookout Administrative Site

T. 18 N., R. 12 E.,
Sec. 36, E½NE¼.
Total area 80 acres.

Above areas include 37,118.40 acres, more or less, scattered throughout the Boise National Forest.

MICHAEL T. SOLAN,
Acting State Supervisor.

[F. R. Doc. 58-5832; Filed, July 30, 1958; 8:45 a. m.]

[No. 59-1]

OREGON

RESTORATION ORDER UNDER FEDERAL POWER ACT

JULY 17, 1958.

Pursuant to Determination No. DA-456, Oregon, of the Federal Power Commission and in accordance with Order No. 541 section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473), as amended, and pursuant to authority delegated by Oregon State Supervisor, Bureau of Land Management, under Part III, Redelegation of Authority to Specified Classes of Employees, effective April 6, 1956 (21 F. R. 2253), it is ordered as follows:

1. The lands hereinafter described, so far as they are withdrawn and reserved for power purposes, are hereby restored to disposition under the public land laws, subject to the provision of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended; subject to the condition that in the event the said lands are required for power purposes, any improvements or structures placed thereon which are found to interfere with such development shall be removed or relocated as may be necessary to eliminate such interference at no cost to the United States, its permittees or licensees; and subject further to the prior rights of the licensee for Project No. 1971 and its successors to use the lands for project purposes as provided by the license for Project No. 1971.

WILLAMETTE MERIDIAN, OREGON

T. 12 S., R. 45 E.,
Sec. 11: SE¼SE¼;
Sec. 12: NW¼SW¼.
80.00 acres public land.

2. The lands described in paragraph 1, shall be subject to application by the State of Oregon for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for rights of way for public highways or as a source of material for construction and maintenance of such highways in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended, and conditions set forth in paragraph 1.

3. (a) The lands lie in the Snake River Canyon, approximately 13 miles north of Huntington, Oregon. The lands will border on a portion of the lake to be formed by the Brownlee Dam and have been classified for recreational purposes pursuant to the act of June 14, 1926 (44 Stat. 741), as amended by the act of June 4, 1954 (68 Stat. 173: 43 U. S. C. 869) and under authority of section 7 of the act of June 28, 1934 (48 Stat. 1272, 43 U. S. C. 315 f), as amended. This classification segregates the land from all appropriation under all other public land laws including location under mining laws, and applications under the Small Tract Act of June 1, 1938 (52 Stat. 609) as amended by the act of June 8, 1954 (68 Stat. 237; 43 U. S. C. 682a).

(b) Subject to any valid existing rights, the lands are hereby opened to filing of applications by qualified applicants under the Recreation Act of June 14, 1926, supra, as amended, which limits applicants in this instance to the State of Oregon, Federal and State instrumentalities, and political subdivisions including counties and municipalities and nonprofit associations and nonprofit corporations. Applications filed under any other public land laws will not be accepted.

4. Inquiry concerning the above lands should be addressed to Manager, Land Office, Bureau of Land Management, 809 N. E. Sixth Avenue, Portland 12, Oregon.

ELTON M. HATTAN,
Lands and Minerals Officer.

[F. R. Doc. 58-5833; Filed, July 30, 1958; 8:46 a. m.]

[No. 59-1]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 17, 1958.

Corps of Engineers, United States Army, has filed an application, Serial No. Oregon 05286, for the withdrawal of the land described below, subject to valid existing rights, from all forms of appropriation, including grazing leases or permits, minerals leases, and location of mining claims.

The applicant desires the land for construction of a lock and dam to provide power, flood control, and navigational facilities on the Columbia River in the John Day Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 809 N. E. Sixth Avenue, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

GILLIAM COUNTY

T. 3 N., R. 17 E.,
Sec. 14: Lot 1,
Sec. 24: NW¼NW¼, SW¼SW¼.
T. 3 N., R. 18 E.,
Sec. 18: Lots 1, 2, 3, 4, and 5, SE¼SW¼, S½SE¼.
Sec. 22: Lots 1, 2, and 3, W½SW¼, SE¼SW¼.
Sec. 26: Lots 1, 2, 3, and 4, SW¼SW¼,
Sec. 30: NE¼NW¼,
Sec. 33: NW¼SE¼, SE¼SE¼.
T. 2 N., R. 19 E.,
Sec. 4: Lots 1, 2, 3, and 4,
Sec. 6: SE¼NE¼.
T. 3 N., R. 20 E.,
Sec. 26: Lots 1, 2, and 3,
Sec. 28: Lots 1, 2, 3, and 4,
Sec. 32: Lots 2, 3, and 4.
T. 3 N., R. 21 E.,
Sec. 2: Lots 1 and 2,
Sec. 10: Lots 1, 2, and 3, SE¼SE¼.
T. 3 N., R. 22 E.,
Sec. 4: Lots 1, 2, 3, and 4,
Sec. 6: Lots 1, 2, 3, and 4, NE¼SW¼, E½SE¼.

MORROW COUNTY

T. 4 N., R. 23 E.,
Sec. 14: Lots 1, 2, 3, and 4,
Sec. 20: Lots 1, 2, 3, and 4, S½NE¼, NE¼SW¼, S½SW¼, SE¼,
Sec. 22: Lots 1, 2, 3, and 4,
Sec. 30: Lot 1, NE¼NW¼.
T. 4 N., R. 24 E.,
Sec. 7: Lot 1,
Sec. 8: Lots 3 and 4,
Sec. 12: Lots 1 and 2, SW¼SW¼,
Sec. 18: Lots 1, 2, 3, 4, 5, S½NE¼.
T. 4 N., R. 25 E.,
Sec. 2: Lots 2, 3, and 4, SW¼SW¼,
Sec. 4: Lots 1 and 2,
Sec. 8: Lots 5, 6, and 7, SE¼NE¼, NE¼SE¼,
Sec. 10: N½N½, SW¼NE¼, S½NW¼, S½,
Sec. 11: N½NW¼, SE¼NW¼,
Sec. 18: Lot 1, NW¼NE¼, NE¼NW¼.
T. 5 N., R. 25 E.,
Sec. 24: Lot 1.
T. 5 N., R. 26 E.,
Sec. 18: Lots 1, 2, and 3,
Sec. 20: Lots 1, 2, 3, 4, 5, 6, 7, and 8, S½N½, S½,
Sec. 22: Lots 4, 5, 6, 7, and 8, W½SW¼,
Sec. 28: N½.
T. 5 N., R. 27 E.,
Sec. 17: Lot 1,
Sec. 19: Lot 1,
Sec. 20: N½N½, SE¼NW¼, NW¼SW¼.

UMATILLA COUNTY

T. 5 N., R. 27 E.,
Sec. 14: Lots 3 and 4.
T. 5 N., R. 28 E.,
Sec. 17: NW¼SW¼.
Approximately 6,020.44 acres of public land.

ELTON M. HATTAN,
Lands and Minerals Officer.

[F. R. Doc. 58-5834; Filed, July 30, 1958; 8:46 a. m.]

ALASKA

SMALL TRACT PUBLIC SALE NO. 4—ACS

JULY 28, 1958.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954, (19 F. R. 2473), I hereby offer the small tracts described below for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended.

2. The attached list of tracts will be offered for sale at a public auction to be held in the schoolroom building Kenai, Alaska, beginning at 9:00 a. m. on Saturday, August 16, 1958. Bids may be made personally by the applicant or his agent at the sale or may be mailed. Bids sent by mail will be considered only if received at the Land Office, 131 Fifth Avenue, Anchorage, Alaska, prior to 3:00 p. m. on Friday, August 15, 1958. Sealed bids

will be opened in the presence of the public in the schoolroom during the progress of the sale. No sealed bid will be accepted if it is less than the minimum acceptable bid listed for the tract. No oral bid will be accepted unless it is at least $5.00 greater than the highest sealed bid, or if there be none, if it is less than the minimum acceptable bid for the tract. Sealed bids must be in units of $5.00, and oral bidding will be in increments of $5.00 unless otherwise specified at the sale. See the attached list of tracts for the minimum acceptable bids.

3. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted.

4. Each bid sent by mail must clearly show (a) the name and post office address of the bidder, (b) Small Tract Public Sale No. 4—AOS, and (c) the land description of the tract for which the bid is made, described in accordance with the attached list. Each bid must be accompanied by the full amount bid in the form of a certificate or cashier's check, post office money order(s), or bank draft made payable to the Bureau of Land Management. Each bid must be enclosed in a separate envelope, but payment need accompany only the highest bid, providing all other bids designate the envelope containing the payment. Each envelope must carry on its reverse side the following information and nothing else: (a) "Small Tract Public Sale No. 4—AOS, August 16, 1958", (b) the description of the tract for which the bid is made, in accordance with the attached list.

5. Each tract will be awarded to the highest qualified bidder. If the highest bid is oral, the bidder will be required to make payment for the tract at the close of bidding, and a personal check will be acceptable for that purpose. Any person who is declared high bidder for any tract will automatically be disqualified from consideration for other tracts at the sale.

6. Inquiries concerning these lands should be addressed to the Manager, Anchorage Land Office, 131 Fifth Avenue, Anchorage, Alaska, and should be accompanied by a stamped, self-addressed return envelope.

7. The Kenai, Ninilchik, Anchor River and Homer tracts are located on the west side of the Kenai Peninsula. The Ninilchik, Anchor River and Homer tracts are located approximately fifty-five, seventy-five and ninety miles, respectively, south of Kenai on the Sterling Highway. It should be noted, that whereas the general localities of these small tract units are accessible by road, some of the individual tracts subject to this sale may not be so situated.

8. The individual tracts vary in size as shown in the attached list. Right-of-way easements for roads and public utilities will be reserved if so shown in the original classification order and all minerals in the lands will be reserved to the United States. Desirability of these tracts varies greatly with some being excellent throughout, while others contain wet, steep, inaccessible, or other undesirable characteristics. Prospective bidders are cautioned to carefully inspect the tract before offering to buy, as all sales are final. Tracts to be included in the sale are shown on the attached list.

9. A qualified purchaser of each tract in this sale will, upon tendering full payment thereof, receive a receipt as evidence of the sale. Patent will be issued to the purchaser at a later date without any further compliance or action upon the purchasers part. There are no building requirements upon these tracts.

L. T. MANN,
Operations Supervisor, Anchorage.

STO	Description	Acres	Appraised price	Minimum acceptable bid
	Kenai Area			
	T. 6 N., R. 11 W., S. M.:			
	Section 31:			
53	Lot 20	2.50	$300	$190
60	Lot 110	2.50	370	210
53	Lot 120	1.25	170	95
	Section 33:			
60	Lot 27	2.50	465	280
60	Lot 38	2.50	290	185
	Section 34:			
60	Lot 50	2.50	290	185
60	Lot 57	2.50	260	160
60	Lot 80	2.50	380	250
	T. 6 N., R. 12 W., S. M.:			
	Section 14:			
60	Lot 45	2.50	270	170
60	Lot 123	2.50	290	185
60	Lot 125	2.50	270	170
60	Lot 133	2.50	280	175
60	Lot 134	2.50	290	185
	Section 23:			
60	Lot 24	2.50	290	185
60	Lot 50	2.50	465	280
60	Lot 70	2.50	270	170
	Homer Area			
	T. 6 S., R. 13 W., S. M.:			
7	Section 23, Lot 9	5.00	75	75
	T. 6 S., R. 14 W., S. M.:			
7	Section 12, SE¼SE¼SW¼SE¼	2.50	100	85
9	Section 15, E½NW¼SW¼NW¼	5.00	125	95
9	Section 15, W½NE¼SW¼NW¼	5.00	125	95
9	Section 15, W½SW¼SW¼NW¼	5.00	100	85
	Anchor River Area			
	T. 6 S., R. 14 W., S. M.:			
8	Section 32, W½SW¼NE¼NW¼	5.00	125	95
66	Section 32, E½SW¼NE¼NW¼	5.00	125	95
	T. 5 S., R. 15 W., S. M.:			
	Section 10:			
66	S½SE¼SE¼SW¼	5.00	300	210
66	N½NE¼SE¼SW¼	5.00	125	125
	Ninilchik Area			
	T. 1 S., R. 14 W., S. M.:			
65	Section 34, N½SW¼SW¼SE¼SW¼	1.25	175	110
	Millers Landing Unit			
	T. 6 S., R. 13 W., S. M.:			
43	Section 14, Lot 29	2.44	45	45

TA 13381

[F. R. Doc. 58-5835; Filed, July 30, 1958; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Land Management has filed an application, Serial Number 020439 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but excluding provisions of the mineral leasing laws and the Materials Act. The applicant desires the land for an administrative site and a fire control station.

For a period of sixty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P. O. Box 1050, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

CANTWELL AREA

Beginning at a point on the centerline of the Denali Highway which bears N. 0°25'30" E., 1,200 feet, and East, 100 feet from Corner No. 3, U. S. S. 3203 A and B; thence by metes and bounds

West, 430 feet;
North, 660 feet;
East, 430 feet to a point on the centerline of the Denali Highway;

South, 660 feet along said centerline to the point of beginning.
Containing approximately 6.5 acres.

RICHARD L. QUINTUS,
Operations Supervisor, Fairbanks.

[F. R. Doc. 58-5836; Filed, July 30, 1958; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Army has filed an application, Serial Number 020174 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for use as a trainfire area and for various types of training. Congressional approval is required under provisions of Public Law 85-337.

For a period of sixty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P. O. Box 1050, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FAIRBANKS AREA

A track of land located approximately 20 miles southeast of Fairbanks, Fourth Judicial Division, Territory of Alaska, and more precisely described as follows:

Commencing at a point identical with the northeast corner of the Eielson Air Force Base at approximately latitude 64°42'18" N., longitude 146°56'05" W.; thence West 5.25 miles, more or less, along the north boundary of said Air Force Base to a point at approximately latitude 64°42'18" N., longitude 147°-06'45" W.; thence North 7.5 miles, more or less, to a point at approximately latitude 64°49' N., longitude 147°06'45" W.; thence East 18.25 miles, more or less, to a point at approximately latitude 64°49' N., longitude 146°30' W.; thence South 2.5 miles, more or less, to a point at approximately latitude 64°47' N., longitude 146°30' W.; thence East 8.75 miles, more or less, to a point at approximately latitude 64°47'10" N., longitude 146°-10'24" W.; thence South 12.6 miles, more or less, to a point at approximately latitude 64°36'24" N., longitude 146°10'24" W.; thence Southwesterly 6.2 miles, more or less, to a point at approximately latitude 64°33'-46" N., longitude 146°20'54" W.; thence West 11.8 miles, more or less, to a point at approximately latitude 64°33'46" N., longitude 146°44'18" W.; thence Northwesterly 6.7 miles, more or less, to a point identical with the southeast corner of the Eielson Air Force Base at approximately latitude 64°36'12" N., longitude 146°56'05" W.; thence North 7 miles along the east boundary of said Air Force Base to the point of beginning. containing 256,000 acres, more or less.

RICHARD L. QUINTUS,
Operations Supervisor, Fairbanks.

[F. R. Doc. 58-5837; Filed, July 30, 1958; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial No. Fairbanks 019801, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for an addition to Clear Air Force Station.

Congressional approval of this application will be required under provisions of Public Law 85-337.

For a period of sixty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1050, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 7 S., R. 8 W., FAIRBANKS MERIDIAN

Sec. 5: Lot 1, SE¼NE¼, SE¼;
Sec. 4: Lot 4, Lot 3, S½NW¼, SW¼;
Sec. 8: E½NW¼, that portion of the NE¼ lying west of the Alaska Railroad right-of-way.
Containing 709.59 acres.

RICHARD L. QUINTUS,
Operations Supervisor, Fairbanks.

[F. R. Doc. 58-5838; Filed, July 30, 1958; 8:47 a. m.]

[Washington 03197]

WASHINGTON

RESTORATION ORDER UNDER FEDERAL POWER ACT

JULY 24, 1958.

Pursuant to the following-listed determination of the Federal Power Commission, and in accordance with Redelegation Order No. 541, dated April 21, 1954 (54 F. R. 3200), it is ordered as follows:

Subject to valid existing rights, and existing withdrawals, the lands in Washington hereinafter described, so far as they are withdrawn for power purposes, are hereby restored, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and subject to the conditions that the United States, its permittees or licensees, in the operation of licensed project No. 2042, shall not be held liable for any damages caused by flooding of any improvements of the grantee placed thereon in the lands hereinafter described in the Commission's finding.

Determination No.; Type of Withdrawal; and Type of Restoration

DA-154-Washington, U. S. Forest Service; Project No. 2042; Forest Exchange.

WILLAMETTE MERIDIAN, WASHINGTON

T. 34 N., R. 44 E.,
Sec. 7: NE¼SE¼.

The above lands are under the jurisdiction of the Department of Agriculture, and are within the Kaniksu National Forest, State of Washington. The State of Washington has waived its preference right of application as provided by section 24 of the Federal Power Act.

The lands have been open to applications and offers under the mineral leasing laws. Beginning at 10:00 a. m. on the 29th day of August, 1958, they will become subject to such other forms of application, location, offer and selection as may by law be made of national forest lands.

This restoration is made in furtherance of a proposed Forest Exchange for land within the same forest, under the provisions of the Act of March 20, 1922 (42 Stat. 465) as amended, by which the offered lands will benefit a Federal land program. This restoration is therefore not subject to the provisions contained in the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to Veterans of World War II and others.

FRED J. WEILER,
State Supervisor.

[F. R. Doc. 58-5839; Filed, July 30, 1958; 8:47 a. m.]

National Park Service

[Order 1]

ADMINISTRATIVE ASSISTANT, DEATH VALLEY NATIONAL MONUMENT

DELEGATION OF AUTHORITY TO EXECUTE AND APPROVE CERTAIN CONTRACTS

SECTION 1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of $25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order No. 14; 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2. Region Four Order No. 3)

[SEAL] FRED W. BINNEWIES,
Superintendent,
Death Valley National Monument.

[F. R. Doc. 58-5840; Filed, July 30, 1958; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11751; FCC 58M-808]

TELEVISION BROADCAST STATION ALBANY-SCHENECTADY-TROY, N. Y., ET AL.

ORDER CONTINUING HEARING CONFERENCE

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations Albany-Schenectady-Troy and Vail Mills, New York, and order directing Copper City Broadcasting Corporation to show cause why its authorization for Station WKTV, Utica, New York, should not be modified to specify

...ration on Channel 2 in lieu of Channel 13.

The Chief Hearing Examiner having under consideration the petition of the Commission's Broadcast Bureau, filed July 23, 1958, requesting that the prehearing conference in the above-entitled proceeding, which is presently scheduled for July 28, 1958, be continued to July 31, 1958;

It appearing that the petition is supported by a showing of good and sufficient cause and that all other parties to the proceeding consent to the continuance requested therein;

Accordingly: *It is ordered*, This 23d day of July 1958, that the petition is granted, and that the prehearing conference herein scheduled for July 28, 1958, is continued to 10:00 a. m., July 31, 1958.

Released: July 24, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5864; Filed, July 30, 1958; 8:52 a. m.]

[Docket No. 11757; FCC 58M-815]

TELEVISION BROADCAST STATIONS EVANSVILLE, IND., AND LOUISVILLE, KY.

ORDER CONTINUING HEARING

In the matters of amendment of § 3.606 *Table of assignments*, television broadcast stations (Evansville, Indiana, and Louisville, Kentucky) and order directing Evansville Television, Inc., to show cause why its authorization for Station WTVW, Evansville, Indiana, should not be modified to specify operation on Channel 31 in lieu of Channel 7.

On verbal request of counsel for the Commission and with the concurrence of other counsel: *It is ordered*, This 24th day of July 1958, that the hearing now scheduled to reconvene in this proceeding on July 28, 1958, be, and the same is hereby, continued to October 14, 1958, at 10 o'clock a. m., in the Commission's offices, Washington, D. C.

Released: July 24, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5865; Filed, July 30, 1958; 8:52 a. m.]

[Docket No. 12537; FCC 58-701]

DARWIN BROADCASTING CO. (KHCD)

ORDER TO SHOW CAUSE

In the matter of revocation of License of Henry Chester Darwin, tr/as Darwin Broadcasting Company (KHCD), Clifton, Arizona.

The Commission having under consideration the matter of certain violations of the Communications Act of 1934, as amended, and the Commission's rules relating to the operation of standard broadcast Station KHCD, licensed to Henry Chester Darwin, tr/as Darwin Broadcasting Company, Clifton, Arizona; and

It appearing, that pursuant to the provisions of § 1.61 of the Commission's rules, notices of violations of the Commission's rules in the operation of the station were given the licensee as follows:

(a) Notice dated January 22, 1957, specifying that as the result of an inspection made on January 16, 1957, said licensee had violated the following sections of the Commission's rules:

3.40 (b) (3) (4)—antenna base not suitably protected
3.45 (c)—many ground radials missing
3.47—no audio performance measurements available
3.55, 3.56—transmitter and/or modulation monitor defective
3.57—operating power below tolerance
3.58 (d)—required weekly remote antenna meter check not logged;

(b) Notices dated February 18, 1957, and March 6, 1957, specifying that said licensee had violated § 1.61 of the Commission's rules by failing to respond to the above-mentioned Violation Notice, dated January 22, 1957;

(c) Notice dated July 22, 1957, specifying that as the result of a special inspection made on July 15, 1957, said licensee was still in violation of substantially the same Commission rules as contained in the January 22, 1957, notice, namely, §§ 3.40, 3.45, 3.47, 3.55, 3.56 and 3.57 and, in addition, Section 3.931 (no provision for receiving CONELRAD alerts);

(d) Notice dated May 8, 1958 specifying that as the result of a special inspection made on April 30, 1958 said licensee had violated the following sections of the Commission's rules:

3.39—no indication that remote meter check has been made as required
3.40 (b) (3) (iv)—antenna base fencing inadequate
3.40 (b) (3) (v)—slant wire unprotected at transmitter house
3.40 (e)—insufficient spare tubes available
3.45 (c)—non-compliance with terms of license in that ground system is practically non-existent
3.47—no audio performance measurements available
3.55, 3.56—transmitter and/or modulation monitor defective
3.57—operating power above tolerance
3.66—remote meters not within 2% of base meters
3.92—no station authorization posted or available
3.93—failure to employ a full-time first-class operator
3.111—operating log entries fictitious
3.931—no provision for receiving CONELRAD alerts; and

It further appearing that despite the fact that three separate Official Notices of Violation were served on the licensee, that two notices were served indicating failure of the licensee to reply to the Notices of Violation, and that responses from the licensee stated that remedial measures had been taken to attain compliance, the operation of Station KHCD, Clifton, Arizona was continued in wilful violation of said Commission rules; and

It further appearing that on the 8th day of January 1958, said licensee entered into a lease agreement with Herb Jepko and Associates at Clifton, Arizona, by the terms of which the licensee leased Station KHCD to said Herb Jepko and Associates for one year beginning January 1, 1958, and ending December 31, 1958, the lessee having the option to renew said lease for one year beginning January 1, 1959 and ending December 31, 1959, for the annual rental of $2,000, payable in monthly installments; and that said lessee was permitted by said licensee to take over the operation and control of said station on that date, all in wilful contravention of the provisions of section 310 (b) of the Communications Act of 1934, as amended:

It is ordered This 23d day of July 1958, pursuant to the provisions of section 312 (a) and (c) of the Communications Act of 1934, as amended, that the said Henry Chester Darwin show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said Henry Chester Darwin, tr/as Darwin Broadcasting Company, Clifton, Arizona, and a second copy to him at his present address, 1100 Mogford Street, Midland, Texas.

Released: July 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5866; Filed, July 30, 1958; 8:53 a. m.]

[Docket Nos. 12544, 12545; FCC 58-706]

BAY AREA ELECTRONIC ASSOCIATES AND SONOMA COUNTY BROADCASTERS

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of John F. Egan and Robert Sherman, d/b as Bay Area Electronic Associates, Santa Rosa, Cali-

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty (30) days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. If the licensee fails to file such an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty (30) days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty (30) days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

fornia, Docket No. 12544, File No. BP-11319; Alfred M. Pettler, Samuel Elkins, Herbert Stiller, Martin D. Rockey and Sanford Spillman, d/b as Sonoma County Broadcasters, Santa Rosa, California, Docket No. 12545, File No. BP-11809; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of July 1958;

The Commission having under consideration the above-captioned applications of Bay Area Electronic Associates and Sonoma County Broadcasters, each for a construction permit for a new standard broadcast station to operate on 1580 kilocycles, daytime only, with powers of 500 and 250 watts, respectively, at Santa Rosa, California;

It appearing, that, except as indicated by the issues specified below, Bay Area Electronic Associates is financially qualified, and each of the applicants is legally, technically, and otherwise qualified to construct and operate its respective proposal, but that operation of both stations as proposed would result in mutually destructive interference; that both proposals would involve objectionable interference to Stations KSJO, San Jose, California, and KWIP, Merced, California; that it has not been determined whether the proposal of Sonoma County Broadcasters is in compliance with § 3.28 (c) of the Commission rules inasmuch as said applicant has not filed, as requested, data on interference received from Stations KSJO and KWIP; and that, on the basis of the information in its application, Sonoma County Broadcasters is not financially qualified to construct and operate its proposed station because the balance sheet of Alfred M. Pettler does not show sufficient quick assets to meet his commitment of $28,500 to said applicant and to his existing business; and

It appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated May 21, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It appearing that each applicant filed a timely reply in which it stated that it would prosecute its application; and

It further appearing that in its said reply, dated June 19, 1958, Sonoma County Broadcasters stated that it would file additional engineering and financial data, but that such data have not been filed with the Commission; and

It further appearing that, in a telegram received by the Commission on June 24, 1958, the general manager of Station KSJO requested a 30 day extension of time to reply to the Commission's above-referenced letter on the ground that "impending technical problems make required action difficult at this time," but that we are of the opinion that the request fails to set forth sufficient reasons to warrant our delaying further action on the instant proposals and that the request, therefore, should be denied; and

It further appearing that, in view of the foregoing, the Commission is of the opinion that a hearing on the instant applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals, and the availability of other primary service to such areas and populations.

2. To determine whether each of the instant proposals would involve objectionable interference with Stations KSJO, San Jose, California, and KWIP, Merced, California, or any other existing station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in light of Issue 2, whether, because of the interference received from Stations KSJO and KWIP, the proposal of Sonoma County Broadcasters would comply with the provisions of § 3.28 (c) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether Sonoma County Broadcasters is financially qualified to construct and operate its proposed station.

5. To determine which of the instant proposals would better serve the public interest, convenience, and necessity in the light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the two applicants as to:

a. The background and experience of each of the instant applicants to own and operate its proposed station.

b. The proposals of each of the instant applicants with respect to the management and operation of its proposed station.

c. The programming service proposed by each of the instant applicants.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That Patrick H. Peabody and Joseph Gamble Stations, Inc., licensees of Stations KSJO, San Jose, California, and KWIP, Merced, California, respectively, are made parties to the hearing; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and respondents herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That the above-referenced request on behalf of Station KSJO for an extension of thirty days to reply to the Commission's letter of May 21, 1958, is denied.

Released: July 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5867; Filed, July 30, 1958; 8:53 a. m.]

[Docket Nos. 12546, 12547; FCC 58-703]

NEWARK BROADCASTING CORP. AND WMGM BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Newark Broadcasting Corporation, Newark, New Jersey, Docket No. 12546, File No. BPH-2427; WMGM Broadcasting Corporation, New York City, N. Y., Docket No. 12547, File No. BPH-2442; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of July 1958;

The Commission having under consideration the above-captioned applications of the Newark Broadcasting Corporation and the WMGM Broadcasting Corporation for construction permits for new Class B FM broadcast stations to operate on 100.3 megacycles, Channel No. 262, in Newark, New Jersey, and New York City, N. Y., respectively;

It appearing, that, except as indicated hereinafter, both of the applicants are legally, technically, financially, and otherwise qualified to operate their proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated June 24, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that both applicants replied, indicating that they would appear at a hearing on their applications; and

It further appearing that the Commission, after consideration of the above is of the opinion that a hearing on these applications is necessary; and

It further appearing that the WMGM Broadcasting Corporation is a wholly owned subsidiary of Loew's Incorporated, defendant in the case of the United States of America v. Lowe's Incorporated, Civil Action No. 119-24, now pending in

the United States District Court for the Southern District of New York in which Loew's Incorporated is charged with violation of section I of the Sherman Act (15 U. S. C., Section I) and that, in the event of favorable action on the application of the WMGM Broadcasting Corporation in the hearing ordered below, a grant of the application shall be without prejudice to such action as the Commission may deem necessary, if any, as a result of a final determination in the pending litigation; and

It further appearing that the Newark Broadcasting Corporation, licensee of standard broadcast station WVNJ, Newark, New Jersey, proposes to mount the FM antenna on the center tower of the directional antenna system of Station WVNJ; and

It further appearing that the WMGM Broadcasting Corporation proposes an RCA, Type No. BTF-5B, 5-kw transmitter which has not been type accepted by the Commission;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 50 uv/m and 1 mv/m contours of the operations proposed, respectively, by the Newark Broadcasting Corporation and the WMGM Broadcasting Corporation and the availability of other such FM broadcast service to the said areas and populations.

2. To determine, in the light of the nature of the respective operations proposed and of the areas and populations to be served, together with the other evidence presented under issue 1, whether considerations with respect to section 307 (b) of the Communications Act of 1934, as amended, are applicable to the above-entitled proceeding, and, if so, whether a choice between the applications herein can be reasonably based thereon and if so, whether a grant to one or the other of the applicants would provide the more fair, efficient and equitable distribution of service to the communities involved.

3. To determine, in the event it is concluded that a choice between the two applications cannot be made on considerations relating to section 307 (b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

a. The background and experience of each of the above-named applicants to own and operate its proposed station.

b. The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

c. The programming service proposed in each of the above-mentioned applications.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 (c) of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That in the event of a grant of the application of the WMGM Corporation as a result of the hearing proceeding, such grant shall be without prejudice to such action as the Commission may deem necessary, if any, as a result of a final determination in the proceeding entitled United States of America v. Loew's Incorporated, Civil Action No. 119-24, in the United States District Court for the Southern District of New York.

It is further ordered, That in the event of a grant of the application of the Newark Broadcasting Corporation the construction permit shall contain a condition requiring that Station WVNJ request permission from the Commission to determine power of WVNJ by the indirect method; that during the installation period of the FM antenna WVNJ shall maintain the directional antenna system as closely as possible to values appearing in the license; and that upon completion of the installation WVNJ shall submit sufficient data to show that the directional antenna pattern remains substantially unchanged, but if there is any change in the antenna or common point resistance, WVNJ shall submit Forms 302 to report the change.

It is further ordered, That in the event of a grant of the application of the WMGM Broadcasting Corporation the construction permit shall contain a condition requiring the submission of sufficient data in accordance with § 3.250 of the Commission's rules for type acceptance of the transmitter.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5868; Filed, July 30, 1958; 8:53 a. m.]

[Docket Nos. 12548, 12549; FCC 58-709]

FALCON BROADCASTING CO. AND SIERRA MADRE BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of George A. Baron tr/as Falcon Broadcasting Company, Vernon, California, Docket No. 12548, File No. BPH-2382; Max H. Isoard tr/as Sierra Madre Broadcasting Company, Sierra Madre, California, Docket No. 12549, File No. BPH-2403; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of July 1958;

The Commission having under consideration the above-captioned applications of George A. Baron tr/as Falcon Broadcasting Company and Max H. Isoard tr/as Sierra Madre Broadcasting Company for construction permits for new Class A FM broadcast stations to operate on 107.1 megacycles, Channel No. 296, in Vernon and Sierra Madre, California, respectively;

It appearing that George A. Baron is legally, technically and otherwise qualified, except that there is some question as to his ability to finance the construction and initial operation of the station; and

It further appearing that Max H. Isoard is legally, technically, financially and otherwise qualified; and

It further appearing that operations of both stations as proposed would result in mutually destructive interference; and

It further appearing that the Bible Institute of Los Angeles, Inc., licensee of Station KBBI, Los Angeles, contends (1) that KBBI would suffer objectionable interference from each proposal; (2) that the application of the Falcon Broadcasting Company would not comply with the Commission's rules, namely, § 3.203 (a) in that a Class A station is designed to render service primarily to a community or to a city or town other than the principal city of an area, whereas, it is stated that Vernon has a population of only 432 persons and the station proposes to serve primarily the principal City of Los Angeles; § 3.203 (b) in that Class A stations are not permitted in cities having more than 6 Class B stations, whereas, the transmitting site is in Los Angeles which has more than 6 Class B stations; and § 3.313 (c) wherein it is stated that stations normally will not be authorized to operate in the same city or nearby cities with a frequency separation of less than 800 kilocycles, whereas, the frequency separation between the proposed channel and the assignment of Station KBBI is only 400 kilocycles; (3) that the application of the Sierra Madre Broadcasting Company would not comply with the Commission's rules, namely, § 3.203 (a) in that a Class A station's normally protected contour is the 1 mv/m contour, whereas, the proposed operation would suffer serious limitations within the 1 mv/m contour from the authorized operation of KBBI; § 3.313 (c) in that a frequency separation of only 400 kilocycles will exist between the proposed channel and the assignment of KBBI in place of 800 kilocycles; and the proposal would result in an inefficient distribution of facilities.

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated

April 29, 1958, of the aforementioned matters and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that both applicants replied, indicating that they would appear at a hearing on their applications; and

It further appearing that the Falcon Broadcasting Company in a letter dated May 27, 1958, stated that an amendment was being prepared and would be filed as soon as completed, but that such an amendment has not yet been received; and

It further appearing that the Sierra Madre Broadcasting Company in a letter dated May 23, 1958, requested an extension of sixty days in which to review further the situation; and

It further appearing that the Commission is of the opinion that the orderly dispatch of the Commission's business requires that these applications be designated for hearing without further delay inasmuch as any applicant may amend after designation for hearing on a showing of good cause, pursuant to § 1.311 of the Commission's rules; and

It further appearing that the Commission, after consideration of the foregoing is of the opinion that a hearing on the instant applications is necessary; and

It further appearing that the Falcon Broadcasting Company proposes a Gates Type No. FM–1B, 1-kw transmitter which has not been type accepted by the Commission;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 50 uv/m and 1 mv/m contours of the operations proposed, respectively, by the Falcon Broadcasting Company and the Sierra Madre Broadcasting Company and the availability of other such FM broadcast service to the said areas and populations.

2. To determine whether the Falcon Broadcasting Company is financially qualified to construct and operate its proposed station.

3. To determine the nature and extent of the interference, including areas and populations affected thereby, if any, that each of the instant proposals would cause to Station KBBI.

4. To determine the nature and extent of the interference, including areas and populations affected thereby, if any, to be caused to the proposals of the Falcon Broadcasting Company and the Sierra Madre Broadcasting Company from operation of Station KBBI and whether the proposals would be in compliance with § 3.203 (a) of the Commission's rules which defines the 1 mv/m contour of a Class A station as the normally protected contour.

5. To determine whether the proposal of the Falcon Broadcasting Company is designed to render service primarily to Vernon, which is not the principal city of the area, and is in compliance with § 3.203 (a) of the Commission's rules which defines a Class A station as one designed to render service primarily to a community or to a city or town other than the principal city of an area, and the surrounding rural area.

6. To determine whether the proposal of the Falcon Broadcasting Company to locate its transmitter site in the city of Los Angeles is in compliance with § 3.203 (b) of the Commission's rules which prohibits Class A stations in cities where there are more than six Class B stations.

7. To determine whether the proposals of the Falcon Broadcasting Company and the Sierra Madre Broadcasting Company to operate on a channel only 400 kilocycles removed from the channel assigned to Station KBBI are in accordance with § 3.313 (c) of the Commission's rules which states that stations normally will not be authorized to operate in the same city or in nearby cities with a frequency separation of less than 800 kilocycles.

8. To determine whether the proposed operations of either the Falcon Broadcasting Company and the Sierra Madre Broadcasting Company would represent an inefficient use of the frequency.

9. To determine, in the light of the nature of the respective operations proposed and of the areas and populations to be served, together with the other evidence presented under issue 1, whether considerations with respect to section 307 (b) of the Communications Act of 1934, as amended, are applicable to the above-entitled proceeding, and, if so, whether a choice between the applications herein can be reasonable based thereon and if so, whether a grant to one or the other of the applicants would provide the more fair, efficient and equitable distribution of service to the communities involved.

10. To determine, in the event it is concluded that a choice between the two applications cannot be made on considerations relating to section 307 (b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

a. The background and experience of each of the above-named applicants to own and operate its proposed station.

b. The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

c. The programming service proposed in each of the above-mentioned applications.

11. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the Bible Institute of Los Angeles, licensee of Station KBBI, Los Angeles, California, is made a party to the hearing.

It is further ordered, That the request by the Falcon Broadcasting Company for additional time to submit an amendment to its application is denied.

It is further ordered, That the request by the Sierra Madre Broadcasting Company for additional time to review further the situation is denied.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 (c) of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That in the event of a grant of the application of the Falcon Broadcasting Company, the construction permit shall contain a condition requiring the submission of sufficient data in accordance with § 3.250 of the Commission's rules for type acceptance of the transmitter.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58–5869; Filed, July 30, 1958; 8:53 a. m.]

[Docket Nos. 12550, 12551; FCC 58–710]

PACIFICA FOUNDATION AND UNIVERSITY OF JUDAISM

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Pacifica Foundation, Pasadena, California, Docket No. 12550, File No. BPED–353; University of Judaism-West Coast Branch of the Jewish Theological Seminary, Los Angeles, California, Docket No. 12551, File No. BPED–357; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of July 1958;

The Commission having under consideration the above-captioned applications of Pacifica Foundation and the University of Judaism for construction permits for new noncommercial educational FM broadcast stations in Pasadena and Los Angeles, California, respectively, to operate on 90.7 and 90.5 megacycles, respectively;

It appearing that both of the applicants are legally, financially, technically and otherwise qualified to operate their proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that the frequency, 90.5 megacycles, requested by the University of Judaism is 10.6 megacycles

reserved from the frequency (101.1 megacycles) assigned Station KHJ–FM, Los Angeles, which frequency difference is only 0.1 megacycle removed from the standard intermediate frequency of 10.7 megacycles used in FM broadcast receivers, and that, therefore, operation of the University of Judaism may result in interference between the two operations; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated May 7, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that both applicants replied, indicating that they would appear at a hearing on their applications; and

It further appearing that the University of Judaism in a letter dated June 4, 1958, stated that an amendment to its application concerning additional engineering data was being prepared and would be submitted to the Commission when completed, but that such an amendment has not yet been received; and

It further appearing that the Commission is of the opinion that the orderly dispatch of the Commission's business requires that these applications be designated for hearing without further delay inasmuch as any applicant may amend after designation for hearing on a showing of good cause, pursuant to § 1.311 of the Commission's rules; and

It further appearing that the Commission, after consideration of the above is of the opinion that a hearing on these applications is necessary; and

It further appearing that the frequency requested by the University of Judaism (90.5 megacycles) is only 0.2 megacycle removed from the frequency (90.7 megacycles) for which Station KSPC, Claremont, California, Pomona College, licensee, is licensed (KSPC has a construction permit for a change in facilities and to change frequency to 88.9 megacycles), and operation of the University of Judaism's station on 90.5 megacycles would result in mutually destructive interference with KSPC's licensed operation on 90.7 megacycles; and

It further appearing that the frequency requested by Pacifica Foundation (90.7 megacycles) is the same frequency for which Station KSPC, Claremont, California, Pomona College, licensee, is licensed (KSPC has a construction permit for a change in facilities and to change frequency to 88.9 megacycles), and operation of the Pacifica Foundation's station on 90.7 megacycles would result in mutually destructive interference with KSPC's licensed operation on 90.7 megacycles; and

It further appearing that Pacifica Foundation proposes to use a composite transmitter which has not been type accepted by the Commission;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 50 uv/m and 1 mv/m contours of the operations proposed, respectively, by the Pacifica Foundation and the University of Judaism and the availability of other such FM broadcast service to the said areas and populations.

2. To determine whether the proposed operation of the University of Judaism on 90.5 megacycles would result in interference with the operation of Station KHJ–FM on 101.1 megacycles due to the 10.6-megacycle difference between the two frequencies, and if so, the extent of such interference.

3. To determine, in the light of the nature of the respective operations proposed and of the areas and populations to be served, together with the other evidence presented under issue 1, whether considerations with respect to section 307 (b) of the Communications Act of 1934, as amended, are applicable to the above-entitled proceeding, and, if so, whether a choice between the applicants herein can be reasonably based thereon and if so, whether a grant to one or the other of the applicants would provide the more fair, efficient and equitable distribution of service to the communities involved.

4. To determine, in the event it is concluded that a choice between the two applications cannot be made on considerations relating to section 307 (b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

a. The background and experience of each of the above-named applicants to own and operate its proposed station.

b. The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

c. The programming service proposed in each of the above-mentioned applications.

5. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the request by the University of Judaism for additional time to submit an amendment to its application is denied.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 (c) of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That in the event of a grant of the application of the University of Judaism, the construction permit shall contain a condition stating that program tests will not be authorized until Station KSPC begins program tests on another frequency and that a station license will not be granted until Station KSPC is granted a station license for another frequency.

It is further ordered, That in the event of a grant of the application of Pacifica Foundation, the construction permit shall contain a condition stating that program tests will not be authorized until Station KSPC begins program tests on another frequency and that a station license will not be granted until Station KSPC is granted a station license for another frequency.

It is ordered, That in the event of a grant of the application of Pacifica Foundation, the construction permit shall contain a condition requiring the submission of sufficient data in accordance with § 3.350 of the Commission's rules for type acceptance of the transmitter.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58–5870; Filed, July 30, 1958; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–15527]

SKELLY OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 25, 1958.

Skelly Oil Company (Skelly) on June 26, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 24, 1958.

Purchaser: West Lake Natural Gas Company.

Rate schedule designation: Supplement No. 2 to Skelly's FPC Gas Rate Schedule No. 126.

Effective date: July 27, 1958 (the stated effective date is the first day after the expiration of the thirty days notice).

In support of the proposed increase Skelly states: that the price provision of the contract in its entirety, not merely the amount to be paid during any given period, resulted from good faith arm's length bargaining and in complete absence of circumstances under which Skelly could have exacted an unreasonable price, to deny the operation of the increase would be to reduce the originally

agreed price, the arrangement of a lower initial price with step-ups permits initial delivery at a price lower than the contemplated average price over the contract life and is economically desirable to the buyer, the seller and the public, the proposed price is just and reasonable, does not exceed or is lower than the prices of other similar gas in West Texas and Eastern New Mexico.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Skelly's FPC Gas Rate Schedule No. 126 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. 1), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Skelly's FPC Gas Rate Schedule No. 126.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until July 28, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5841; Filed, July 30, 1958; 8:48 a. m.]

[Docket No. G-13246, etc.]

MICHIGAN WISCONSIN PIPE LINE CO. ET AL.

ORDER REVERSING RULING OF THE PRESIDING EXAMINER AND FIXING DATE OF HEARING

JULY 25, 1958.

In the matters of Michigan Wisconsin Pipe Line Company, Docket No. G-13246; Northern Indiana Public Service Company, Docket Nos. G-12871, G-12872; Northern Illinois Gas Company, Docket No. G-13408; Michigan Gas Utilities Company, Docket No. G-13858.

On July 11, 1958, Staff Counsel filed an appeal from a ruling of the presiding examiner made on July 8, 1958, during the course of the hearing in the above-docketed proceedings. The effect of such ruling is to permit Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) to present evidence with respect to a new proposed tariff embodying a two-part demand and commodity rate which counsel for Michigan Wisconsin stated on the record the company contemplated filing but, at the time had not filed with the Commission.[1] The presiding examiner also allowed Michigan Wisconsin and others to present evidence with respect to the requirements of customer companies on the basis of both Michigan Wisconsin's presently effective flat rate tariff and the new proposed two-part demand commodity rate form and rate level.

Upon consideration of Staff Counsel's appeal and the replies thereto, it appears that the allocation of the newly available supplies of gas on the basis of the proposed two-part rate would unduly prevent completion of these allocation proceedings at the earliest possible date as contemplated by the Commission in its order of May 16, 1958. Our action in reversing the ruling of the presiding examiner with respect to the admission of evidence concerning the proposed two-part rate is not necessarily to be construed as disapproval of the proposed rate form or rate level. However, notice of filing of the proposed new two-part rate must be given to all customer companies of Michigan Wisconsin, including those companies which are not parties to the present proceedings, and in the event such filing is accepted by the Commission all customers should be afforded an opportunity to make their views known with respect thereto.

The Commission finds: It is necessary and appropriate in the public interest to reverse the ruling of the presiding examiner made on July 8, 1958, in this proceeding permitting testimony with respect to the proposed two-part rate of Michigan Wisconsin.

The Commission orders:

(A) In accordance with the above finding, the ruling of the examiner made on July 8, 1958, should be and hereby is reversed, and no testimony with respect to Michigan Wisconsin's proposed two-part rate should be admitted into evidence at any further hearing of these proceedings and testimony with respect thereto adduced heretofore should be stricken from the record.

(B) The allocation of the newly available supplies of gas to Michigan Wisconsin should be made and determined by the examiner on the basis of Michigan Wisconsin's existing and presently effective tariff embodying a straight or flat commodity rate.

(C) The hearing in these proceedings heretofore postponed by the Commission's order of July 14, 1958, should be and hereby is ordered to be resumed on July 29, 1958, at 10:00 a. m., e. d. s. t.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5852; Filed, July 30, 1958; 8:50 a. m.]

[1] On July 18, 1958, Michigan Wisconsin did file a proposed new tariff embodying a two-part demand and commodity form of rate. No action, however, has been taken by the Commission with respect to such filing.

[Docket No. G-3318]

SAM E. WILSON, JR.[2]

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 25, 1958.

Take notice that Sam E. Wilson, Jr. (Applicant), an individual with principal place of business in Corpus Christi, Texas, filed on September 27, 1954, in Docket No. G-3318, as amended on December 14, 1956 and February 21, 1957, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application and amendments thereto which are on file with the Commission and open for public inspection.

At the time his application was filed, Applicant was selling natural gas in interstate commerce from production from certain leases, units or acreage located in the areas hereinafter designated to the respective purchasers as indicated for resale.

Source of Gas and Purchaser

Sibley Field, Webster Parish, La.; United Gas Pipe Line Company.

Bayliss Lease, Longwood Field, Caddo Parish, La.; United Gas Pipe Line Company.

Ocker Brothers Lease, Sam E. Wilson Field, Aransas County, Tex.; Western Natural Gas Company (for resale to Transcontinental Pipe Line Company).

Hynes "A" Lease, Refugio Fox Field, Refugio County, Tex.; Panhandle Oil Corporation (for resale to Tennessee Gas Transmission Company).

On December 14, 1956, Applicant filed a letter stating (1) that sales of gas from the Wilson Field in Aransas County, Texas, had been discontinued as of February 1955, because "• • • the well was depleted and the gas zone abandoned • • •", (2) that the last sale of gas from the Refugio Fox Field was made "• • • during the month of July 1955, as the well that was producing gas was practically depleted" and (3) "• • • Sam E. Wilson, Jr., has disposed of all his oil and gas producing properties in connection with the above docket."

On February 21, 1957, Applicant filed an amendment to his application requesting authority to abandon service to United Gas Pipe Line Company (United) from his leases in the Sibley Field for the reason that such leases, and the gas-depleted properties referred to above, had been conveyed to Tennessee Gas Transmission Company (Tennessee) by an instrument dated November 27, 1956, two copies of which were attached to the amendment. Tennessee filed an application in Docket No. G-12054 for a certificate of public convenience and necessity authorizing Tennessee to continue to make the sales to United which Applicant had been making prior to the assignment of his gas-sales contracts and gas-producing properties to Tennessee. The Commission's order issued April 7, 1958, in Docket No. G-12054, granted Tennessee a certificate to sell gas to United from Sibley Field, and dismissed as moot (1) that portion of Applicant's pending application in Docket No. G-3318 which relates to service to United from the Sibley Field and (2) Applicant's request, filed February 21, 1957, for authority to abandon service to United.

The foregoing information indicates that Applicant has disposed of all the gas-producing properties which are subject to consideration in Docket No. G-3318, and that prior to his assignment of such acreage to other parties, all of the wells—except those in the Sibley Field with respect to which Tennessee has already received certificate authorization to continue the sales to United—had become so depleted that no sales were being made therefrom. Under these circumstances, Applicant's letter of December 14, 1956, is being treated as an application to abandon service, pursuant to section 7 (b) of the Natural Gas Act, with reference to all acreage mentioned in the application in Docket No. G-3318 except the acreage identified in that portion of the application which has already been dismissed as moot by the Commission's order in Docket No. G-12054.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 28, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 4401 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 18, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5853; Filed, July 30, 1958; 8:50 a. m.]

[2] On June 7, 1954, Applicant was the operator of the Bayliss Lease in the Longwood Field, Caddo Parish, Louisiana; consequently, with respect to the Bayliss Lease only, Applicant filed for himself and as agent for General American Oil Company and John Costello.

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 348]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO REPRESENT INTERESTS OF GOVERNMENT IN APPLICATION OF SAN DIEGO GAS AND ELECTRIC COMPANY FOR INCREASES IN GAS, ELECTRIC AND STEAM RATES BEFORE CALIFORNIA PUBLIC UTILITIES COMMISSION

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949; 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Applications of San Diego Gas and Electric Company for increases in gas, electric and steam rates, Applications Nos. 39679, 39680 and 39681, before the California Public Utilities Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective March 3, 1958.

FRANKLIN FLOETE, *Administrator.*

JULY 25, 1958.

[F. R. Doc. 58-5854; Filed, July 30, 1958; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3074]

CORNUCOPIA GOLD MINES

ORDER SUMMARILY SUSPENDING TRADING

JULY 25, 1958.

In the matter of trading on the American Stock Exchange in the $0.05 par value common stock of Cornucopia Gold Mines; File No. 1-3074.

The Common Stock, $0.05 par value, of Cornucopia Gold Mines being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that recent events render it impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such exchange and that such action is necessary and appropriate for the protection of investors; and also being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934 that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from July 25, 1958, to August 3, 1958, inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 58-5842; Filed, July 30, 1958; 8:48 a. m.]

[File No. 1-3074]

CORNUCOPIA GOLD MINES

ORDER AND NOTICE OF HEARING

JULY 25, 1958.

I. Cornucopia Gold Mines, a Washington corporation (hereinafter referred to as Cornucopia or the registrant), registered its common stock, $0.05 par value, on the American Stock Exchange, then known as The New York Curb Exchange, on June 10, 1939, pursuant to an application on Form 10 filed under sections 12 (b) and 12 (c) of the Securities Exchange Act of 1934 and the certification of the said Exchange filed under section 12 (d) of the said act, and the rules and regulations of the Commission promulgated thereunder.

II. On May 29, 1958, Cornucopia filed copies of preliminary proxy soliciting material, including financial statements of Cornucopia and six alleged subsidiaries, pursuant to section 14 (a) of the act and rules and regulations promulgated thereunder. The Commission has reason to believe that the information in such preliminary proxy soliciting material is false, misleading and omissive in material respects, more particularly as follows:

1. The information with regard to the terms of the transactions between registrant and "Proctor Associates", as defined on page 3, for the acquisition of controlling interests in Troop Water Heater Company, Deposit Courier, Inc. Carl W. Schutter Corporation, Carl W.

Schutter Realty Corporation and Century Controls Corporation.

2. The information with regard to the terms of the transactions between the registrant and Carl W. Schutter for the acquisition of Carl W. Schutter's interest in Carl W. Schutter Corporation and Carl W. Schutter Realty Corporation.

3. Statements on page 1 of the proxy statement to the effect that the program of the registrant has already resulted in the acquisition of the six alleged subsidiaries.

4. Statements under the caption "History and Business of Cornucopia Gold Mines", particularly with respect to the present status of mining properties and the nature of the work to be performed and the amount to be spent thereon.

5. Statements in the second full paragraph on page 4 regarding the principles followed in determining the number of Cornucopia shares to be issued in pursuance of the plan of acquisition.

6. The accuracy of statements in the last paragraph on page 4, relating to the "sole authority" of the board of directors to authorize the issuance of stock for property, and the reasons for submitting "the new program" to stockholders.

7. The accuracy of the statement in the note on page 4 to the effect that 365,333 shares of Century Controls Corporation is subject to management control of Cornucopia, under an irrevocable proxy agreement effective until September 1, 1959.

8. The accuracy of the statement in the first paragraph on page 8 regarding the fair current market value of the building and land of C. W. Schutter Realty Corporation.

9. The accuracy of information on page 11 with respect to mortgage held by Carl W. Schutter on the plant facilities of C. W. Schutter Realty Corporation.

10. The accuracy of statements on pages 15 and 16 concerning the plan, purpose and effect of increasing the capitalization of Cornucopia.

11. The accuracy of statements on page 17 concerning stock under option to Franco Modigliani.

12. The accuracy of statements under the caption "Election of Independent Auditors."

13. The accuracy of the representation that the nominees named for election are bona fide nominees.

14. The adequacy and accuracy of statements under the caption "Interests of Management and Others in Certain Transactions", and the failure to state information with regard to material interests of (1) directors and officers of the registrant, (2) nominees for election as directors, and (3) associates of the foregoing persons in material transactions to which the registrant or any of its alleged subsidiaries was a party or in any material proposed transactions to which the registrant or any of its alleged subsidiaries were to be a party.

15. The adequacy and accuracy of statements under the caption "Necessity of Stockholders' Approval of the Actions Herein Proposed."

16. The failure to disclose the true financial conditions of the allegedly acquired corporations and to furnish financial statements properly certified and prepared in accordance with the applicable provisions of Regulation S–X.

17. The failure to fully disclose on page 8 the circumstances surrounding the acceptance of the plan of management with the creditors of Century Controls Corporation, a New York corporation by the creditors of the said corporation.

18. The failure to state that Alabama Acceptance Corporation has filed a petition in bankruptcy, has not been discharged, and that questions have been raised in those proceedings regarding the transfer of assets of Alabama Acceptance Corporation to Cornucopia.

III. On May 29, 1958, Cornucopia filed a report on Form 10–K with the Commission pursuant to section 13 (a) of the Securities Exchange Act of 1934. The Commission has reason to believe that the report is false, misleading and omissive in material respects, more particularly as follows:

1. The accuracy of the answer "None" to Item 4 and the failure to state changes in the registrant's business.

2. The failure to state that certain of the named directors have never signified their willingness to serve as directors of the registrant.

3. Statements made in the certificate of Levison and Company regarding the nature and scope of the examination made of the financial accounts and records of Cornucopia, and the failure to furnish financial statements properly certified and prepared in accordance with the applicable provisions of Regulation S–X.

4. The adequacy and accuracy of the answer to Item 3 and the second footnote on page 2 of Form 10–K, and the failure to properly file a report on Form 8–K describing the change in control of Cornucopia.

IV. Registrant has failed to file with the Commission required reports on Form 8–K pursuant to section 13 of the Securities Exchange Act of 1934 and the rules and regulations promulgated thereunder, more particularly as follows:

1. The failure to report an agreement made by Murray A. Talenfeld and Burton H. Talenfeld, two of five voting trustees of a voting trust, which held 25.1 percent of the outstanding stock of registrant, whereby they agreed to vote as directed by Earle Belle, one of the voting trustees of the said trust.

2. The failure to report the acquisition of a significant amount of assets acquired or to be acquired otherwise than in the ordinary course of business, whereby the registrant acquired or proposes to acquire a controlling interest in the Deposit Courier, Inc., a New York corporation, Troop Water Heater Company, a Pennsylvania corporation, Carl W. Schutter Corporation, a New York corporation, Carl W. Schutter Realty Corporation, a New York corporation, and Century Controls Corporation, a Delaware corporation, from Alabama Acceptance Corporation on or about January 27, 1958, and to include the required financial statements, together with copies of the contracts of acquisition as exhibits.

3. The failure to report the acquisition of Steiner Manufacturing Company, a Pennsylvania corporation, which was acquired pursuant to a contractual arrangement entered into in January of 1958, and to include the required financial statements, together with copies of the contract or contracts of acquisition as exhibits.

4. The failure to report an order of the Supreme Judicial Court in Equity of the Commonwealth of Massachusetts, No. 68,686, whereby the voting trustees of approximately 1,000,000 shares of the voting stock of Cornucopia were required to give a proxy irrevocable otherwise than by Court order, to Henry Parkman, Esq., to vote the said stock in accordance with trusts specified in the order, dated February 12, 1958, and the failure to report the substitution of Mr. Howard W. Robbins, Esq., for Mr. Parkman, deceased, per order of the Supreme Judicial Court in Equity of the Commonwealth of Massachusetts.

5. The failure to report proceedings under Chapter 11 of the Bankruptcy Act entered into by registrant's subsidiary, Century Controls Corporation, filed in the United States District Court, Eastern District of New York on or about December 10, 1957, confirmed on or about January 30, 1958.

6. The failure to report that on November 18, 1957, the registrant entered into an agreement whereby a placement fee of 10 percent is to be paid by the registrant on loans obtained or guaranteed by Eastern Investment and Development Corporation for the registrant or any of its subsidiary companies.

V. *It is ordered*, That a public hearing pursuant to section 19 (a) (2) of the act, be held at 10:00 a. m., e. d. s. t. September 2, 1958, in Room 193 at the offices of the Commission, 425 Second Street NW., Washington, D. C., to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the common stock of registrant on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for filing with the Commission proxy material which appears to be false and misleading in material respects and which failed to comply with the disclosure requirements of Regulation 14 adopted pursuant to section 14 (a) of the act, as set forth in paragraphs II through IV above.

It is further ordered, That Robert K. Hislop is hereby designated and assigned as Hearing Officer in this proceeding and is authorized to exercise the powers and perform the duties specified in the rules of practice of the Commission and any other duties which he may be authorized to perform in accordance with law.

Notice of such hearing is hereby given to registrant, the American Stock Exchange and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Any such further persons desiring to be heard in such proceedings should file with the Hearing Officer or the Secretary of the Commission on or before August 18, 1958, his application therefor as provided by the rules of practice of the Commission, setting forth therein any of the above matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 58–5843; Filed, July 30, 1958; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

VINCENZA CASTIGLIA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Vincenza Castiglia; $388.31 in the Treasury of the United States.

Giuseppi Nantista; $388.31 in the Treasury of the United States.

Maria Prestigiovanni; $388.31 in the Treasury of the United States.

All of Castelbuono, Italy. Claim No. 59226. Vesting Order No. 357.

Executed at Washington, D. C., on July 22, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58–5848; Filed, July 30, 1958; 8:49 a. m.]

HELENA SOPHIA COHEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Miss Helena Sophia Cohen, as guardian of Rosy Sophia Bep Kleinkramer and Salome Rubi Irene Kleinkramer, both minors, 22 van Aerssenlaan, Rotterdam, Holland; Claim No. 62408; $105.00 in the Treasury of the United States. Vesting Order No. 18117.

Executed at Washington, D. C., on July 22, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58–5849; Filed, July 30, 1958; 8:50 a. m.]

ZYSA LIPINSKI-FRIDE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Zysa Lipinski-Fride, 17 D. Theronstraat, Amsterdam, The Netherlands; Claim No. 62037; $576.14 in the Treasury of the United States. Vesting Order No. 17893.

Executed at Washington, D. C., on July 23, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58–5850; Filed, July 30, 1958; 8:50 a. m.]

PETRA RODRIGUEZ VICENTE

AMENDED NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Whereas, a Notice of Intention To Return Vested Property was published in the FEDERAL REGISTER on March 10, 1956 (21 F. R. 1545) with respect to the return of the property described below to Otto Orsikowsky;

Whereas, it subsequently appeared that Otto Orsikowsky died on December 15, 1954, in Madrid, Spain, and that his widow Mrs. Petra Rodriguez Vicente, became his proper successor-in-interest by inheritance;

Whereas, Mrs. Petra Rodriguez Vicente has been substituted as claimant in this matter;

Whereas, the cash item of "$1,685.33 in the Treasury of the United States" referred to under "Property and Location" in the aforesaid Notice of Intention has been increased by the sum of $16.25, representing an interest receipt;

Now, therefore, pursuant to section 32 of the Trading With the Enemy Act, as amended, the said Notice of Intention To Return Vested Property is hereby amended by deleting under the heading "Claimant" the name and address of Otto Orsikowsky, and deleting under the heading "Property and Location" the property described thereunder, and substituting in lieu thereof the following:

Claimant, Property, and Location

Mrs. Petra Rodrigues Vicente, Madrid, Spain; $1,701.58 in the Treasury of the United States; One (1) Konversionskasse fur Deutsche Auslandsschulden fractional certificate, 3 percent Series D Bond No. 69597, in the principal amount of $100.00, presently in the custody of the Federal Reserve Bank of New York; Three (3) Konversionskasse fur Deutsche Auslandsschulden fractional certificates, 3 percent Series B Bonds Nos. 283455, 283456 and 283457, in the principal amount of $20.00 each, and one (1) Konversionskasse fur Deutsche Auslandsschulden fractional certificate, 3 percent Series B Bond No. 035217, in the principal amount of $2.50, all of which are presently in the custody of the Federal Reserve Bank of New York.

Claim No. 63104. Vesting Order No. 9068.

All other provisions of said Notice of Intention to Return Vested Property, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on July 22, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58–5851; Filed, July 30, 1958; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 28, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34841: *Substituted service, rail for motor, Pennsylvania Railroad.* Filed by Household Goods Carriers' Bureau, Agent (No. 15), for The Pennsylvania Railroad Company and interested motor carriers. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between trailer-loading points on the Pennsylvania Railroad, on traffic handled in substituted service between central and midwest points, on the one hand, and eastern and southern points, on the other.

Ground for relief: Motor truck competition.

FSA No. 34842: *T. O. F. C. service from and to points in the southwest.* Filed by Southwestern Freight Bureau, Agent (No. B–7329), for interested rail carriers. Rates on various commodities loaded in

or on highway trailers and transported on railroad flat cars between interstate points, on the one hand, and points in the Southwest, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 44 to Southwestern Lines tariff I. C. C. 4274 and others named in the application.

FSA No. 34843: *Pig iron from Keokuk, Iowa, to Detroit, Mich.* Filed by Western Trunk Line Committee, Agent (No. A–1993), for interested rail carriers. Rates on pig iron, carloads, as described in the application, from Keokuk, Iowa, to Detroit, Mich.

Grounds for relief: Market competition.

Tariff: Supplement 30 to Western Trunk Line Committee tariff I. C. C. A–4147.

FSA No. 34844: *Pipe or tubing from Baton Rouge-North Baton Rouge, La.* Filed by O. W. South, Jr., Agent (SFA No. A3704), for interested rail carriers. Rates on wrought iron or steel pipe or tubing, carloads, from Baton Rouge and North Baton Rouge, La., to points in official (including Illinois) territory.

Grounds for relief: Short line distance formula, grouping, and market competition.

FSA No. 34845: *Commodity Rates ... and to Forsythe and Capleville,* ... Rates on all commodities (other ... coal and coke), carload and ... carload, between Forsythe and ... ville, Tenn., on the one hand, and ... in the United States and Canada, on ... other.

Grounds for relief: Establishment ... new station.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–5847; Filed, July 30, ... 8:49 a. m.]

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TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

NONIMMIGRANTS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 206—REVOCATION OF APPROVAL OF PETITIONS

1. The introductory material of § 206.1 *Automatic revocation* is amended by deleting the reference "214h" and inserting in lieu thereof the reference "214".

2. Paragraph (d) is added to § 206.1 *Automatic revocation* to read as follows:

(d) When it shall appear to a district director that the approval of a petition has been automatically revoked, he shall cause a notice of such revocation to be sent promptly to the consular office having jurisdiction over the visa application and a copy of such notice to be mailed to the petitioner's last known address.

3. Section 206.2 *Revocation on notice* is amended by deleting the reference "214h" and inserting in lieu thereof the reference "214".

4. Sections 206.11 *Notice of revocation* and 206.22 *Notice of revocation* are revoked.

5. Section 206.21 *Revocation on notice; procedure* is renumbered and amended to read as follows:

§ 206.3 *Procedure.* Revocation of approval of a petition under § 206.2 shall be made only upon notice to the petitioner who shall be given an opportunity to offer evidence in support of the petition and in opposition to the grounds alleged for revocation of the approval. If, upon reconsideration, the approval previously granted is revoked, the petitioner shall be informed of the decision with the reasons therefor and shall have 10 days from the receipt of notification of the decision within which to appeal as provided in Part 6 of this chapter if the petition initially was approved for classification under section 205 of the act, or as provided in Part 7 of this chapter if the petition initially was approved for classification under section 204 or 214 (c) of the act, and the consular office having jurisdiction over the visa application shall be notified of the revocation.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Subparagraph (5) of paragraph (a) *Visa and passport waivers* of § 212.1 *Documentary requirements for nonimmigrants* is amended by deleting the reference "§ 214c.1" and inserting in lieu thereof the reference "§ 214.2 (c) (1)".

PART 214—NONIMMIGRANT CLASSES

1. The headnote to Part 214—Admission of Nonimmigrants: General is amended to read as set forth above.

2. Part 214 is amended to read as follows:

Sec.
214.1 General requirements for admission, extension, and maintenance of status.
214.2 Special requirements for admission, extension, and maintenance of status.
214.3 Petitions for approval of schools.
214.4 Petitions for temporary workers.

AUTHORITY: §§ 214.1 to 214.4 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 212, 214, 66 Stat. 166, 182, 189; 8 U. S. C. 1101, 1182, 1184.

§ 214.1 *General requirements for admission, extension, and maintenance of status.* Every nonimmigrant alien applicant for admission or extension of stay in the United States shall establish that he is admissible to the United States or that a ground of inadmissibility has been waived under section 212 (d) (3) of the act; present a passport, valid for the period set forth in section 212 (a) (26) of the act, except as otherwise provided in this chapter, and, upon admission, a valid visa, except when either or both documents have been waived; agree that he will abide by all the terms and conditions of his admission or extension, and that he will depart at the expiration of the period of his admis-

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sion or extension or on abandonment of his authorized nonimmigrant status; and post a bond on Form I–317 or I–377 in the sum of not less than $500 if required by the district director, special inquiry officer, or the Board of Immigration Appeals at the time of admission or extension, to insure the maintenance of the alien's nonimmigrant status and his departure from the United States. Nonimmigrants other than of the classes

defined in section 101 (a) (15) (C) or (D) of the act (members of which classes are ineligible for extensions of stay) or Title V of the Agricultural Act of 1949, as amended, who are maintaining nonimmigrant status and whose period of admission has not expired shall apply on Form I–539 and may be granted or denied, without appeal, extensions of their periods of temporary admission, and, in the case of a nonimmigrant alien of the class defined in section 101 (a) (15) (F) of the act, authorization of employment or practical training by an officer in charge of a suboffice or a district director.

§ 214.2 *Special requirements for admission, extension, and maintenance of status.* The general requirements in § 214.1 are modified for the following nonimmigrant classes:

(a) *Foreign government officials.* The determination by a consular officer prior to admission and the recognition by the Secretary of State subsequent to admission shall prima facie establish the classification of a nonimmigrant defined in section 101 (a) (15) (A) of the act.

(b) *Visitors.* The classification of visitors in the act has been subdivided for visa, admission, and extension purposes into visitors for business (B–1) and visitors for pleasure (B–2).

(c) *Transits*—(1) *Without visas.* Any alien, except a citizen and resident of the Union of Soviet Socialist Republics, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Peoples Republic of China, Peoples Democratic Republic of Korea (North Korea Regime), German Democratic Republic, and North Vietnam (Viet Minh), applying for immediate and continuous transit through the United States, must establish that he is admissible; that he has confirmed and onward reservations to at least the next country beyond the United States (except that, if seeking to join a vessel or aircraft in the United States as a crewman, the vessel or aircraft will depart directly foreign, and his departure will be completed within a maximum of 5 calendar days after his arrival), and that he has a document establishing his ability to enter some country other than the United States. Except for transit from one part of foreign contiguous territory to another part of the same territory, application for direct transit without a visa must be made at one of the following ports of entry: Boston, Mass.; New York, N. Y.; Norfolk, Va.; Baltimore, Md.; Philadelphia, Pa.; Miami, Fla.; Tampa, Fla.; New Orleans, La.; San Antonio, Tex.; Dallas, Tex.; Houston, Tex.; Brownsville, Tex.; Los Angeles, Calif.; San Francisco, Calif.; Honolulu, T. H.; Seattle, Wash.; Portland, Oreg.; St. Paul, Minn.; Chicago, Ill.; Detroit, Mich.; Anchorage, Alaska; San Juan, P. R.; Charlotte Amalie, V. I.; Christiansted, V. I.; Agana, Guam. The acceptance of the transit privilege constitutes an agreement by the alien and the carrier that at all times he is not aboard an aircraft which is in flight through the United States he shall be in the custody directed by the district director having administrative jurisdiction over the port of entry and, should he violate any of the terms of such admission, an agreement by the alien immediately to depart voluntarily from the United States without recourse to any type of hearing or proceeding provided for in this chapter.

(2) *United Nations Headquarters District.* An alien of the class defined in section 101 (a) (15) (C) of the act, whose nonimmigrant visa by its own terms is limited to transit to and from the United Nations Headquarters District, shall be admitted, if otherwise admissible, on the additional conditions that he proceeds directly to New York City and remains there continuously, departing therefrom only if required in connection with his departure from the United States, and that he has a document establishing his ability to enter some country other than the United States following his sojourn in the United Nations Headquarters District.

(d) *Crewmen.* The provisions of Parts 252 and 253 of this chapter shall govern the landing of crewmen as nonimmigrants of the class defined in section 101 (a) (15) (D) of the act.

(e) *Traders and investors.* A trader or dependent admitted to the United States under the Immigration Act of 1924 prior to December 24, 1952, shall annually, on the anniversary date of his original admission, submit Form I–126 to the district director having jurisdiction over his residence.

(f) *Students.* A student shall not be eligible for admission to the United States or extension of stay unless he presents Form I–20 properly filled out by the school to which he is destined and personally executes the reverse of the form. Form I–20 presented by a student returning from a temporary absence may be retained by him and used for any number of reentries within six months from date of issuance.

(g) *Representatives to international organizations.* The determination by a consular officer prior to admission and the recognition by the Secretary of State subsequent to admission shall prima facie establish the classification of a nonimmigrant defined in section 101 (a) (15) (G) of the act.

(h) *Temporary employees.* An alien of the classes defined in section 101 (a) (15) (H) of the act must be the beneficiary of an approved visa petition filed in his behalf.

(i) *Representatives of information media.* The admission of an alien of the class defined in section 101 (a) (15) (I) of the act constitutes an agreement by the alien not to change the information medium or his employer until he obtains permission to do so from the district director having jurisdiction over his residence.

(j) *Exchange aliens.* An exchange alien shall not be eligible for admission to the United States or extension of stay unless he presents Form DSP–66 properly filled out by the sponsor of his program and personally executes the reverse of the form. Form DSP–66 presented by an exchange alien returning from a temporary absence may be retained by him and used for any number of reentries within six months from date of issuance.

(k) *Mexican agricultural workers.* An alien, native and citizen of Mexico, bona fide resident of that country for the preceding year, shall, upon fingerprinting, be issued a Form I–100C and admitted for agricultural employment at a port of entry (reception center) provided the immigration officer is satisfied that the alien will, and the alien agrees to, abide by the following conditions: that he will engage only in employment specified in Title V of the Agricultural Act of 1949, as amended, the Migrant Labor Agreement of 1951, as amended, and the contract of employment approved by the Secretary of Labor; that he will depart upon the expiration of the period for which he was admitted; and that he will carry with him at all times during his authorized stay in the United States the Form I–100C issued to him at the time of admission or extension and surrender it at the port of entry through which he departs to Mexico, except that such form may be retained by an agricultural worker, still maintaining status, returning temporarily to Mexico, provided a furlough letter is presented, signed by his employer and endorsed by a representative of the United States Employment Service and Mexican consul when the furlough exceeds 15 days or is during the last 15 or 30 days respectively of a contract less than or exceeding six weeks. Pursuant to the authority contained in section 212 (d) (3) of the act, the bar to admissibility contained in paragraph (16) or (17) of section 212 (a) of the act is hereby waived for an alien who establishes that he is otherwise admissible as an agricultural worker except for his previous removal or deportation because of entry without inspection or lack of required documents.

§ 214.3 *Petitions for approval of schools.* Any institution or place of study seeking approval for the attendance of alien students shall file with the district director having administrative jurisdiction over the place in which it is located a Form I–17. The petitioner shall be notified of the decision, and, if denied, of the reasons therefor and of the right to appeal within 10 days from the receipt of such notification in accordance with the provisions of Part 7 of this chapter. Whenever a district director having administrative jurisdiction over the place in which an approved institution of learning or place of study is located has reason to believe that it is no longer entitled to approval, he shall send it a notice containing the reasons why it is proposed within 30 days of the delivery of the notice to enter a decision withdrawing the approval previously granted. Within such 30-day period, which may be extended, the institution or place of study may submit to the district director written representations, under oath and supported by documentary evidence, setting forth reasons why the approval should not be withdrawn. After consideration of the facts presented, the district director shall notify the institution or place of study in writing of his

decision and, if said decision is to withdraw the approval previously granted, the reasons therefor, and that it has 10 days from receipt of notification of decision in which to appeal in accordance with Part 7 of this chapter. The report on the initial registration and termination of each nonimmigrant student shall be made on Form I–21.

§ 214.4 *Petitions for temporary workers.* The petition to import an alien to perform services, labor, or training under section 214 (c) of the Act shall be filed on Form I–129B. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal within 10 days from the receipt of such notification in accordance with Part 7 of this chapter.

PART 214a—ADMISSION OF NONIMMIGRANTS: FOREIGN GOVERNMENT OFFICIAL

Part 214a is revoked.

PART 214b—ADMISSION OF NONIMMIGRANTS: TEMPORARY VISITOR FOR BUSINESS OR PLEASURE

Part. 214b is revoked.

PART 214c—ADMISSION OF NONIMMIGRANTS: TRANSIT ALIENS

Part 214c is revoked.

PART 214d—ADMISSION OF NONIMMIGRANTS: CREWMEN

Part. 214d is revoked.

PART 214e—ADMISSION OF NONIMMIGRANTS: TREATY TRADER

Part 214e is revoked.

PART 214f—ADMISSION OF NONIMMIGRANTS: STUDENTS

Part 214f is revoked.

PART 214g—ADMISSION OF NONIMMIGRANTS: FOREIGN GOVERNMENT REPRESENTATIVES TO INTERNATIONAL ORGANIZATIONS

Part 214g is revoked.

PART 214h—ADMISSION OF NONIMMIGRANTS: TEMPORARY SERVICES, LABOR OR TRAINING

Part 214h is revoked.

PART 214i—ADMISSION OF NONIMMIGRANTS: REPRESENTATIVES OF INFORMATION MEDIA

Part 214i is revoked.

PART 214j—ADMISSION OF NONIMMIGRANTS: EXCHANGE ALIENS

Part 214j is revoked.

PART 214k—ADMISSION OF AGRICULTURAL WORKERS UNDER SPECIAL LEGISLATION

Part 214k is revoked.

PART 214m—ADMISSION OF NONIMMIGRANTS: NATO ALIENS

Part 214m is revoked.

PART 237—DEPORTATION OF EXCLUDED ALIENS

Part 237 is amended to read as follows:

Sec.
237.1 Stay of deportation of exeluded alien.
237.2 Cost of maintenance not assessed.
237.3 Imposition of penalty.
237.4 Notice to transportation line of alien's exclusion.

AUTHORITY: §§ 237.1 to 237.4 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 233, 237, 243, 280, 66 Stat. 197, 201, 214, 230; 8 U. S. C. 1223, 1227, 1255, 1330.

§ 237.1 *Stay of deportation of excluded alien.* The district director in charge of the port of arrival may stay the immediate deportation of an excluded alien pursuant to sections 237 (a) and (d) of the act under such conditions as he may prescribe.

§ 237.2 *Cost of maintenance not assessed.* A claim pursuant to section 237 (a) (2) (B) of the act shall be established to the satisfaction of the district director in charge of the port of arrival, from whose adverse decision no appeal shall lie. The district director shall afford the line a reasonable time within which to submit affidavits and briefs to support its claim.

§ 237.3 *Imposition of penalty.* Penalties for violation of sections 233 and 237 of the act shall be imposed in accordance with the provisions of Part 280 of this chapter. A bond or undertaking submitted to obtain clearance as provided in section 237 (b) of the act shall be on Form I–310.

§ 237.4 *Notice to transportation line of alien's exclusion.* An excluded alien shall, immediately or as promptly as the circumstances permit, be offered for deportation to the master, commanding officer, purser, person in charge, agent, owner, or consignee of the vessel or aircraft on which the alien is to be deported, as determined by the district director, with a written notice specifying the cause of exclusion, the class of travel in which such alien arrived and is to be deported, and with the return of any documentation which will assist in effecting his deportation. If special care and attention is required, the provisions of § 243.11 of this chapter shall apply.

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

1. The second and fourth sentences of paragraph (b) *Authorized officer* of § 242.2 *Apprehension, custody, and detention* are amended to read as follows: "The alien may appeal to the Board of Immigration Appeals from any such determination. • • • Upon the filing of such a notice of appeal, the district director shall immediately transmit to the Board of Immigration Appeals all records and information pertaining to his action and shall notify the regional commissioner."

2. Paragraph (c) of § 242.2 *Apprehension, custody, and detention* is amended to read as follows:

(c) *Revocation.* When an alien who having been arrested and taken into custody has been released, such release may be revoked at any time in the discretion of the district director, in which event the alien may be taken into physical custody and detained. If detained, unless a breach has occured, any outstanding bond shall be revoked and cancelled.

PART 299—IMMIGRATION FORMS

Section 299.1 *Prescribed forms* is amended in the following respects:

1. The following forms and reference thereto is added to the list of forms and is inserted between forms "Customs 7507 and FS–256a":

Form No., Title and Description	
DSP–66	Certificate of Eligibility for Exchange Visitor Status.

2. The following form and reference thereto is deleted:

Form No., Title and Description	
I–24	Application by Alien Student for Permission to Accept Employment.

PART 310—REQUISITION OF FORMS BY CLERKS OF COURT

Part 310 is revoked.

PART 312—EDUCATIONAL REQUIREMENTS FOR NATURALIZATION

Part 312 is revoked.

PART 316—GOOD MORAL CHARACTER

Part 316 is revoked.

PART 317—TEMPORARY ABSENCE OF PERSONS PERFORMING RELIGIOUS DUTIES

Part 317 is revoked.

PART 322—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN OF CITIZEN PARENT

Part 322 is amended to read as follows:

§ 322.1 *Petition.* An application to file a petition for naturalization under section 322 or 323 of the act in behalf of a child shall be submitted on Form N–402. The petition for naturalization shall be filed on Form N–407, in duplicate. A child under this part is not required to establish any particular period of residence in a State.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 322, 323, 332, 66 Stat. 246, 252; 8 U. S. C. 1433, 1434, 1443)

PART 324—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: WOMEN WHO HAVE LOST UNITED STATES CITIZENSHIP BY MARRIAGE

Sections 324.11 *Former citizen at birth or by naturalization; procedural requirements* and 324.12 *A woman, citizen of the United States at birth, who lost or is believed to have lost citizenship by marriage and whose marriage has terminated; procedural requirements* are amended to read as follows:

§ 324.11 *Former citizen at birth or by naturalization.* A former citizen of the United States of the class described in section 324 (a) of the act shall submit an application to file a petition for naturalization on Form N–400 and supplemental Form N–400A. The petition for naturalization of such person shall be filed on Form N–405, in duplicate. There shall be inserted after averment 10 of Form N–405 at the time of the filing an averment of the petitioner's loss of citizenship, as follows:

I was formerly a citizen of the United States by ----------
(Indicate whether by birth or naturalization)
on ---------- and lost my
(Month, day, year)
citizenship by marriage on ----------
(Month, day, year)
to ---------- a citizen
(Name of husband)
or subject of ----------
(Name of foreign country)
I have not acquired any other nationality by an affirmative act other than by marriage.

§ 324.12 *A woman, citizen of the United States at birth, who lost or is believed to have lost citizenship by marriage and whose marriage has terminated.* A woman, formerly a citizen of the United States at birth, who applies in the United States to regain her citizenship under section 324 (c) of the act, shall submit a preliminary application to take the oath of allegiance on Form N–401. The eligibility of the applicant to take the oath shall be investigated by a member of the Service who shall make an appropriate recommendation to the naturalization court. The application to the court shall be made on Form N–408, in triplicate. The original shall be retained as a part of the court record and numbered consecutively in a separate series, and the duplicate forwarded to the appropriate district director with duplicates of other naturalization papers. After the applicant has taken the oath of allegiance, the clerk of court shall furnish the applicant, upon demand, the triplicate copy of Form N–408, properly certified, for which a fee not exceeding $5.00 may be charged. No charge shall be made by the clerk of court for the filing of Form N–408. If the applicant does not demand the triplicate Form N–408, it shall be transmitted to the appropriate district director with the duplicate thereof. The oath of allegiance may be taken before any diplomatic or consular officer of the United States, abroad, in accordance with such regulations as may be prescribed by the Secretary of State.

PART 325—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: NATIONALS BUT NOT CITIZENS OF THE UNITED STATES

Part 325 is revoked.

PART 327—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS WHO LOST UNITED STATES CITIZENSHIP THROUGH SERVICE IN ARMED FORCES OF FOREIGN COUNTRY DURING WORLD WAR II

Part 327 is amended to read as follows:

§ 327.1 *Petition.* A former citizen of the United States of the class described in section 327 of the act shall submit an application to file a petition for naturalization on Form N–400 and supplemental Form N–400A. The petition for naturalization of such person shall be filed on Form N–405, in duplicate, with supplemental Form N–405A in triplicate, in any naturalization court. The original of Form N–405A shall be retained as part of the court record. After the oath of allegiance has been taken by the petitioner, the duplicate and triplicate copies of Form N–405A, bearing a copy of the oath duly attested and certified by the clerk, shall be forwarded by the clerk to the appropriate district director. The district director shall file the duplicate copy with the Service record and transmit the triplicate copy to the Department of State. The petitioner shall pay to the clerk of the court of the naturalization court at the time of filing the petition a fee of $10, unless exempted therefrom under section 344 (h) of the act.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 327, 332, 344, 66 Stat. 248, 252, 264; 8 U. S. C. 1438, 1443, 1455)

PART 328—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS WITH THREE YEARS SERVICE IN ARMED FORCES OF THE UNITED STATES

Part 328 is amended to read as follows:

Sec.
328.1 Continuous service.
328.2 Service not continuous.
328.3 Petition.

AUTHORITY: §§ 328.1 to 328.3 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 328, 332, 66 Stat. 249, 252; 8 U. S. C. 1439, 1443.

§ 328.1 *Continuous service.* A person of the class described in section 328 (a) of the act, whose service in the armed forces of the United States aggregating three years has been continuous, shall establish that he is in the United States pursuant to a lawful admission for permanent residence, whether or not such admission occurred before or after service in the armed forces, if the petition is filed within six months after termination of such service. Such person shall establish his residence in the United States, good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States, from the date of termination to the date of the filing of his petition, and from the latter date to the date of his admission to citizenship, by affidavits and testimony of at least two United States citizen verifying witnesses.

§ 328.2 *Service not continuous.* A person of the class described in section 328 (c) of the act whose service aggregating three years was not continuous shall establish the qualifications prescribed in that section during the periods when not serving in the armed forces by the affidavits and testimony of at least two United States citizen verifying witnesses.

§ 328.3 *Petition.* A person of the class described in section 328 of the act shall submit an application to file a petition for naturalization on Form N–400. The duly authenticated copies of the records and the certified statements of the executive departments described in section 328 of the act shall be requested by the applicant on Form N–426, in triplicate, and submitted to the Service with Form N–400. A person of the class described in § 328.1 or § 328.2 may file his petition for naturalization in any naturalization court, regardless of his place of residence. The petition for naturalization shall be filed on Form N–405, in duplicate. There shall be inserted after averment 10 of Form N–405, at the time of the filing thereof, a description of the petitioner's service, as follows:

I entered the ---------- on
(Branch of Service)
---------- under Serial No. ------
(Month, day, year)
and am now serving honorably (was honorably discharged on ----------).
(Month, day, year)
The petition shall be verified by at least two United States citizen witnesses, as provided in § 334.21 of this chapter.

PART 329—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VETERANS OF THE UNITED STATES ARMED FORCES WHO SERVED DURING WORLD WAR I OR WORLD WAR II OR ENLISTED UNDER ACT OF JUNE 30, 1950, AS AMENDED

1. The headnote to Part 329 is amended to read as set forth above.

2. Part 329 is amended to read as follows:

Sec.
329.1 World War I.
329.2 Petition.

AUTHORITY: §§ 329.1 and 329.2 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 329, 332, 402 (e), 66 Stat. 250, 252, 276; 8 U. S. C. 1440 and note, 1443.

§ 329.1 *World War I.* For the purpose of section 329 of the act, World War I commenced on April 6, 1917, and ended on November 11, 1918.

§ 329.2 *Petition.* A person of the class described in section 329 or 402 (e) of the act shall submit an application to file a petition for naturalization on Form N–400. The certification required by section 329 (b) (4) of the act to prove service shall be requested by the applicant on Form N–426, in triplicate, and submitted to the Service with Form N–400. The petition for naturalization shall be filed on Form N–405, in duplicate, in any naturalization court, regardless of the residence of the petitioner. There shall be inserted after averment 10 of Form N–405, at the time of filing thereof, an averment as follows:

I served honorably in an active duty status in ----------, under
(Branch of Service)
Service No. ------ from ----------, 19--, to ----------, 19--, and was separated under honorable conditions on ----------, 19--. I entered such service at ----------,
(City)

(State)

PART 330—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: SEAMEN

Part 330 is amended to read as follows:

§ 330.1 *Petition.* A person of the class described in section 330 (a) (1) of the act shall submit an application to file a

petition for naturalization on Form N–400 and supplemental Form N–400B. The petition for naturalization shall be filed on Form N–405, in duplicate, in a naturalization court having jurisdiction over the petitioner's place of residence. There shall be attached to and made a part of the original and duplicate petition for naturalization at the time of filing an affidavit of the petitioner on Form N–421, in duplicate, sworn to before the clerk of court or an officer of the Service fully describing the vessel or vessels on which the petitioner has served and the periods of service. The duly authenticated copies of the records or certificates described in section 330 (a) (1) of the act shall be accepted as proof of good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States for that portion of the service performed within the period of five years immediately preceding the date of the petition.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 330, 332, 66 Stat. 251, 252; 8 U. S. C. 1441, 1443)

PART 334—PETITION FOR NATURALIZATION

1. Section 334.11 is amended to read as follows:

§ 334.11 *Petition for naturalization and preliminary application.* A person who desires to apply for naturalization shall, before filing his petition for naturalization, execute and submit preliminary application Form N–400. The Service shall notify the applicant when and where to appear with his witnesses for preliminary investigation and filing his petition for naturalization.

2. Section 334.12 *Notification to appear for preliminary investigation and to file petition for naturalization* is revoked.

3. Paragraph (a) of § 334.17 *Transfer of petition for naturalization* is amended to read as follows:

(a) *Application for transfer.* An application to transfer a petition for naturalization shall be made on Form N–455, in quadruplicate, to the district director exercising administrative jurisdiction over the place where the court in which the petition is filed is located.

PART 334a—DECLARATION OF INTENTION

Part 334a is amended to read as follows:

§ 334a.1 *Filing and disposition.* Each prospective declarant shall, before making and filing his declaration of intention, submit an application on Form N–300. A clerk of court or his authorized deputy shall not accept a declaration of intention for filing until he has received from the Service the applicant's approved Form N–300 authorizing the issuance of the declaration and showing that the applicant is residing in the United States pursuant to a lawful admission for permanent residence. The declaration of intention shall be executed under oath on Form N–315, in triplicate, before the clerk of any court exercising naturalization jurisdiction or his authorized deputy, regardless of the place of residence of the applicant, and only in the office of said clerk. The applicant may sign the declaration and the photographs affixed thereto in any language or by mark if unable to write and shall pay the clerk of court the statutory fee of $5.00 at the time the declaration of intention is filed. The original declaration of intention shall be retained and filed of record by the clerk of court and the triplicate delivered to the applicant. Declarations of intention shall be numbered consecutively in the order in which they are filed in a series separate from petitions and filed chronologically in separate volumes, indexed, and made a part of the records of the naturalization court.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 332, 334, 66 Stat. 252, 254, 344; 8 U. S. C. 1443, 1445, 1455)

PART 335b—PROOF OF QUALIFICATIONS FOR NATURALIZATION: WITNESSES; DEPOSITIONS

Part 335b is amended to read as follows:

Sec.
335b.1 Proof of residence and other qualifications.
335b.2 Substitution of witnesses.
335b.3 Depositions.

AUTHORITY: §§ 335b.1 to 335b.3 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 332, 335, 66 Stat. 252, 255; 8 U. S. C. 1443, 1446.

§ 335b.1 *Proof of residence and other qualifications.* If oral testimony is taken at the preliminary examination or at the final hearing from witnesses other than the verifying witnesses to cover the petitioner's qualifications during the statutory period, affidavits on Form N–451 shall be executed by them, in duplicate, before the designated examiner or the clerk of the court, one copy of which shall be attached to the original petition and the other to the duplicate petition.

§ 335b.2 *Substitution of witnesses.* When the witnesses who verified the petition have not been excused from appearance at the final hearing and the petitioner is unable to produce them, other witnesses may be presented upon notice given by the petitioner to the district director within a reasonable time in advance of the date set for final hearing. If any of the verifying witnesses appear to be incompetent and the petitioner has acted in good faith in producing them, other witnesses may be substituted upon similar notice. A final hearing shall not be held until after examination of the substitute witnesses by a Service representative and an affidavit on Form N–451 has been executed, in duplicate, by the witnesses before such representative or the clerk of the court in the manner described in § 335b.1.

§ 335b.3 *Depositions*—(a) *In the United States.* Depositions may be used to prove compliance with the requirements for naturalization during any period except the minimum period of State residence. Such depositions shall be taken only upon written interrogatories on Form N–462A. Except as otherwise provided in this section, they shall be made in the United States before an employee of the Service authorized to administer oaths and take depositions under Part 332d of this chapter, unless there is a likelihood of unusual delay or hardship, in which case the district director may authorize such depositions to be taken before a postmaster, without charge, or before a notary public or other person authorized to administer oaths for general purposes. In cases in which the depositions are taken other than before an employee of the Service or a postmaster, the petitioner, independently of the Service, shall arrange with the officer who will take the depositions to defray all costs and expenses incident thereto. The petitioner or his attorney or representative may be present when the depositions are taken. Depositions taken under this section shall be sent to the district director having administrative supervision over the territory in which the petition is pending and by him forwarded to the clerk of the naturalization court prior to the final hearing for filing with the petition.

(b) *Outside the United States.* Petitioners for naturalization who are exempt from the usual requirement of residence and physical presence in the United States, but who are required to establish good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States for the period applicable to their cases, and who were absent from or were not residents of the United States during such period, may establish their qualifications during the periods of absence by depositions taken outside the United States in the manner described in paragraph (a) of this section. Such depositions shall be taken before any employee of the United States designated for that purpose by the Commissioner. The petitioner shall be informed that he will be required to defray all costs and expenses of the person taking the depositions, as may be authorized by law, and that the petitioner shall arrange with the deponents for the payment of such costs and expenses independently of the Service.

PART 336—PROCEEDINGS BEFORE NATURALIZATION COURT

Sections 336.11, 336.12 and 336.17 are amended to read as follows:

§ 336.11 *Notice to Service; personal representation of Government at naturalization proceedings.* At least 30 days prior to the holding of any naturalization proceedings referred to in section 336 (d) of the act, the clerk of the naturalization court shall give written notice to the appropriate district director of the time, date, and place of such proceedings. Such notice may be waived by the district director. Final naturalization hearings or other naturalization proceedings shall, whenever practicable, be attended personally by naturalization examiners or other members of the Service, who shall present to the court the views and recommendations of the designated examiner and the regional commissioner as appropriate. A Service officer shall personally attend every final hearing at which a petition or

formal application for naturalization is to be recommended for denial. If the recommendation of the regional commissioner does not agree with that of the designated examiner, a member of the Service other than the person who conducted the preliminary examination shall, wherever practicable, represent the Service before the court. Such representative may cross-examine the petitioner and his witnesses and may call other witnesses and produce evidence concerning any matter affecting the petitioner's eligibility for naturalization. When necessary, the representative in attendance shall have a stenographic report made of the testimony.

§ 336.12 *Written report in lieu of personal representation.* If a preliminary investigation or preliminary examination has been conducted pursuant to Part 332 or Part 335 of this chapter, and it is impracticable thereafter for a Service representative to be present at the final naturalization hearing, written notice of that fact shall be given by the Service to the court. The petitions set down for hearing shall be listed on the appropriate forms prescribed by § 336.13. If continuance of the petition is desired, the basis therefor shall be set forth. The forms and memoranda shall be transmitted to the clerk of court, who shall submit the appropriate lists and orders to the court in accordance with the procedure described in § 336.13.

§ 336.17 *Substitution of witnesses.* See § 335b.2 of this chapter.

PART 402a—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: ALIENS ENLISTED IN THE UNITED STATES ARMED FORCES UNDER ACT OF JUNE 30, 1950, AS AMENDED BY SECTION 402 (e) OF THE IMMIGRATION AND NATIONALITY ACT

Part 402a is revoked.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order are editorial in nature.

Dated: July 25, 1958.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 58–5906; Filed, July 31, 1958; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21–327]

PART 132—MACARONI AND NOODLE PRODUCTS INDUSTRY

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of August 1, 1958.

Statement by the Commission. Trade practice rules for the macaroni and noodle products industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. Such rules constitute a revision of, and supersede, the trade practice rules for the macaroni, noodles, and related products industry as promulgated by the Commission July 7, 1938.

The industry for which these rules are established is composed of persons, firms, corporations, and organizations engaged in the manufacture, sale or distribution of macaroni, spaghetti, vermicelli or noodles. So-called Chinese noodles are not included.

Proceedings for the establishment of these rules were instituted pursuant to an industry application. Proposed revised rules for the industry were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in Washington, D. C., on June 18, 1958, and all matters there presented, or otherwise received in the proceeding, were duly considered.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules as approved become operative thirty (30) days after the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec.
132.0 Definitions.
132.1 Concurrent jurisdiction of Food and Drug Administration over labeling.
132.2 Deception (General).
132.3 Misrepresentation of protein, caloric and starch content of products.
132.4 Misuse of words "macaroni," "spaghetti," "vermicelli," "egg-macaroni" and "noodles," or "egg noodles," etc.
132.5 Misrepresentation of semolina, durum or farina products.
132.6 Misrepresentation as to the egg content of product.
132.7 Deception as to ingredients of products.
132.8 Defamation of competitors or false disparagment of their products.
132.9 Prohibited sales below cost.
132.10 Imitation of trade-marks, trade names, etc.
132.11 Fictitious prices, etc.
132.12 Deceptive invoicing, etc.
132.13 Prohibited discrimination.
132.14 Commercial bribery.
132.15 Exclusive deals.
132.201 Industry committee.

AUTHORITY: §§ 132.0 to 132.201 issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 132.0 *Definitions.* As used in this part the terms "industry member" and "industry products" shall have the following meanings, respectively:

(a) *Industry member.* Any person, firm, corporation or organization engaged in the manufacture, sale or distribution of industry products as defined in paragraph (b) of this section.

(b) *Industry products.* All kinds and types of macaroni, spaghetti, vermicelli and noodle products. So-called Chinese noodles are not included.

§ 132.1 *Concurrent jurisdiction of Food and Drug Administration over labeling.* (a) Definitions and standards for macaroni and noodles products promulgated under the Federal Food, Drug and Cosmetic Act by the Food and Drug Administration will, when revelant, be taken into consideration in the administration of trade practice rules for the industry.

(b) The Commission has jurisdiction over the advertising of industry products, and both it and the Food and Drug Administration have jurisdiction over the labeling of such products. In order to avoid unnecessary overlapping and possible conflict of effort, the two agencies have adopted a working arrangement under which the Commission regulates the advertising of such products and the Food and Drug Administration regulates the labeling thereof, with recognition that there may be unusual situations in which the Commission will exercise its concurrent jurisdiction over the labeling of such products.

(c) Nothing in this part is to be construed as relieving anyone of the necessity of complying with the provisions of the Federal Food, Drug and Cosmetic Act with respect to the labeling of industry products, and with the definitions and standards for such products as established by the Food and Drug Administration.

§ 132.2 *Deception (general).* It is an unfair trade practice for any industry member to use or cause to be used any advertisement[1] of industry products

[1] The word "advertisement" as here used includes any written or verbal statement, notice, presentation, illustration, or depiction, other than labeling, which is directly or indirectly designed to effect the sale of any industry product, or to create an interest in the purchase of any such product, whether same appears in a newspaper, magazine, or other periodical, in a catalog, letter, or sales promotional literature, in a radio or television broadcast, or in any other media.

which contains any statement, representation, illustration, or depiction which directly, or by implication or through failure to disclose material information, has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the grade, quality, quantity, substance, character, nature, origin, size, material, content, coloring, digestibility, nutritional properties, therapeutic value, effect on body weight, preparation, or manufacture of any industry products, or which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers in any other material respect. [Rule 1]

§ 132.3 *Misrepresentation of protein, caloric and starch content of products.* It is an unfair trade practice for a member of the industry to make any representation in any advertisement[1] which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to:

(a) The protein, caloric or starch content of any industry product, or

(b) The protein, caloric or starch content of any industry product, or portion thereof when prepared for consumption in accordance with the member's directions or recommendations, or

(c) The protein, caloric or starch content of any industry product compared to other industry products or to specific foods or to food generally.

NOTE: Among practices to be considered as subject to the inhibitions of this section, are representations in any advertisement[1] that an industry product is a high protein food, or is a food of low starch or caloric content.

[Rule 2]

§ 132.4 *Misuse of words "macaroni," "spaghetti," "vermicelli," "egg-macaroni" and "noodles," or "egg noodles," etc.* It is an unfair trade practice for an industry member to represent in an advertisement[1] any product as being macaroni, spaghetti, vermicelli, egg-macaroni, noodles or egg noodles when such is not the fact, or to misrepresent the identity of any industry product. [Rule 3]

§ 132.5 *Misrepresentation of semolina, durum, or farina products.* It is an unfair trade practice for an industry member to represent in any advertisement[1] an industry product as being a semolina, durum or farina product when such is not true in fact.

NOTE: Nothing in this section is to be construed as inhibiting a representation that an industry product is:

(a) A semolina product when the wheat content thereof is solely of semolina, or

(b) A durum product or a durum wheat product when the wheat content thereof is solely of durum wheat, or

(c) A farina product when the wheat content thereof is solely of farina.

[Rule 4]

§ 132.6 *Misrepresentation as to the egg content of product.* It is an unfair trade practice for an industry member to misrepresent in any advertisement[1] the egg content of any industry product.

NOTE: It is the consensus of the industry that any representation as to the egg content of an industry product should be on a moisture free basis.

[Rule 5]

§ 132.7 *Deception as to ingredients of products.* It is an unfair trade practice for an industry member to misrepresent in any advertisement[1] the presence, absence, amount or proportion of any ingredient in any industry product. [Rule 6]

§ 132.8 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, services, or conditions of employment, is an unfair trade practice. [Rule 7]

§ 132.9 *Prohibited sales below cost.* (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were (1) of seasonal goods near the conclusion of the season; (2) of perishable goods in respect to which deterioration is imminent; (3) of obsolescent goods; (4) made under judicial process; or (5) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 8]

§ 132.10 *Imitation of trade-marks, trade names, etc.* The imitation or simulation in advertising of the trade-marks, trade names, containers, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 9]

§ 132.11 *Fictitious prices, etc.* The publishing or circulating by any member of the industry of false or misleading price quotations, terms or conditions of sale, or reports as to production or sales, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, or the advertising, sale or offering for sale of industry products at prices purporting to be reduced from what are in fact fictitious prices, or at purported reductions in prices when such purported reductions are in fact fictitious or are otherwise misleading or deceptive, is an unfair trade practice. [Rule 10]

§ 132.12 *Deceptive invoicing, etc.* It is an unfair trade practice for any member of the industry to issue invoices, billings or sales slips, which, by reason of misstatements therein or omissions therefrom, have the capacity and tendency or effect of deceiving purchasers or prospective purchasers in any material respect. [Rule 11]

§ 132.13 *Prohibited discrimination*[2]—(a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such

[1] See footnote on p. 5821.

[2] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use.

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered.

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of this subparagraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade.

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: See subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note following paragraph (g) of this section.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive, or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

NOTE 1: Industry members giving advertising allowances to competing customers must exercise precaution and diligence in seeing that all of such allowances are used in accordance with the terms of their offers.

NOTE 2: When an industry member gives allowances to competing customers for advertising in a newspaper or periodical, the fact that a lower advertising rate for equivalent space is available to one or more, but not all, such customers, is not to be regarded by the industry member as warranting the retention by such customer or customers of any portion of the allowance for his or their personal use or benefit.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: See subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note following paragraph (g) of this section.

(e) *Clarification of requirements for supplying of marketing services, facilities or allowances.* The following is presented for the purpose of clarifying the requirements of paragraphs (c) and (d) of this section with respect to the supplying of marketing services, facilities or allowances by industry members to their customers, but it is not intended to imply by such presentation that other methods which assure of proportional equality of treatment of competing customers may not also be used:

An industry member may simultaneously offer to each of his customers competing in the resale of his products the same kind of promotional service, facility or allowance of a cost value equal to a uniform percentage of the sales (or purchases) of the industry member's products by each customer during a specified and identical period of time: *Provided, however,* That when the service, facility or allowance offered is of a type which under reasonable terms and conditions is not usable or suitable to the facilities and business of all customers, and is offered to any one customer, the member offer each of those customers to whom the service, facility or allowance is not usable or suitable an alternate type of promotional service, facility or allowance which is of equivalent measurable cost, is usable by the customer, and is suitable to his facilities and business, and promptly inform all competing customers of the kind and amount of services, facilities or allowances which he has offered to each and the respective terms and conditions under which such services, facilities or allowances are to be furnished by the industry member: *And provided further,* That when the offer of any service, facility or allowance to any customer is conditioned on such customer supplying some reciprocal service, facility or payment, a reciprocal service, facility or payment be required in the offers to all other customers and there be an equality of ratio among all customers as to the measurable cost of that which is supplied by the industry member and the reciprocal service, facility or payment required of any customer. The industry member must take every reasonable precaution to see that services, facilities or allowances which he furnishes to customers are used in accord with the terms of his offer; and upon failure of the customer to perform any obligation on his part the industry member must cease supplying the customer any further service, facility or allowance.

(f) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

NOTE: This paragraph is a restatement of section 2 (f) of the Clayton Act as amended. In a complaint proceeding under this section, in order to make out a prima facie violation, the Commission must show that the favored buyer induced or received the lower price knowing, or knowing facts from which he should have known, that such price was violative of section 2 (a) of said act and not justified under subparagraph (2), (4), or (5) of paragraph (a) of this section. When, in any such proceeding, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways, including:

(1) By showing that the buyer paying the lower price knew that the methods by, and quantities in, which the goods were sold and delivered to him by the seller were the same as in the case of the competing buyer or buyers paying the higher price or prices; or

(2) By showing, when there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower price or prices knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential.

(g) *Purchases by U. S. Government—applicability of Robinson-Patman Anti-discrimination Act to same.* (1) In an opinion submitted to the Secretary of War under date of December 28, 1936, the U. S. Attorney General advised that the Robinson-Patman Antidiscrimina-

tion Act "is not applicable to Government contracts for supplies." (38 Opinions, Attorney General 539)

NOTE: This section is based on the provisions of section 2 of the Clayton Act as amended by the Robinson-Patman Act.

(2) Subsection (b) of section 2 of the Clayton Act as amended, which reads as follows, is in amplification of the note to subparagraph (5) of paragraph (a) of this section and of the note to paragraph (d) of this section.

Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor.

[Rule 12]

§ 132.14 *Commercial bribery.* It is an unfair trade practice for any industry member, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors, or to effect any other advantage in favor of the industry member making such gift or offer with respect to the sale of industry products to such employers or principals. [Rule 13]

§ 132.15 *Exclusive deals.* It is an unfair trade practice for any member of the industry engaged in commerce,[2] in the course of such commerce, to lease or make a sale or contract for sale of any industry product, for use, consumption, or resale within any place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the goods of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale, or such condition, agreement, or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 14]

§ 132.201 *Industry committee.* The provisions of § 16.1 of this subchapter shall be applicable to an industry committee established under this part.

Issued: July 29, 1958.

Promulgated by the Federal Trade Commission August 1, 1958.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-5890; Filed, July 31, 1958; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 16—BULK MAILINGS

PART 22—SECOND CLASS

PART 23—CONTROLLED CIRCULATION PUBLICATIONS

MISCELLANEOUS AMENDMENTS

The proposed amendments to Parts 16, 22, and 23, published in the FEDERAL REGISTER of June 13, 1958, at page 4316 (23 F. R. 4316) are hereby amended and adopted as regulations of the Post Office Department, as set forth below.

1. In § 16.1 *Second-class publications,* amend subdivision (vi) of paragraph (c) (4) to read as follows:

(vi) *Maximum weight in a sack.* The total weight of publications placed in one sack must not exceed 80 pounds.

NOTE: The corresponding Postal Manual section is 126.134f.

(R. S. 161, 396, as amended; sec. 5, 18 Stat. 232, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 283)

2. a. In § 22.2 *Qualifications for second-class privileges,* make the following changes:

In paragraph (d), amend subparagraphs (7) and (8) to read as follows:

(7) Second-class imprint, reading: Second-class postage paid at _____. When a publication is mailed at two or more offices the imprint must read Second-class postage paid at _____ and at additional mailing offices.

(8) Notice of pending application, when copies are mailed while an application is pending, reading: Application to mail at second-class postage rates is pending at _____.

NOTE: The corresponding Postal Manual section is 132.25g and h.

b. In § 22.3 *Applications for second-class privileges,* amend paragraph (b) to read as follows:

(b) *Acceptance after application is filed.* Publishers or news agents may not mail at the second-class rates until the application for second-class privileges is approved by the Postal Services Division, Bureau of Operations. Postmasters may not accept mailings at the second-class rates until they receive a written authorization from the Postal Services Division. Postage at the applicable third- or fourth-class rates may be paid in money on mailings made while an application is pending. The postmaster will keep a record of such mailings on Form 3503, and if second-class privileges are authorized by the Postal Services Division, he will be instructed to return to the publishers or news agents the difference between the third- or fourth-class rates and the second-class rates. Form 3503 will not be kept and the difference will not be returned when postage is paid by stamps affixed.

NOTE: The corresponding Postal Manual is 132.32.

c. In § 22.5 *Second-class mailing privileges for news agents,* amend paragraph (b) to read as follows:

(b) *Information required from news agents.* News agents must furnish postmasters evidence that copies of publications offered for mailing are entitled to second-class postage rates, and that they are sent to actual subscribers or to other news agents for the purpose of sale. A second-class imprint in the copies is sufficient evidence that a publication is entitled to be mailed at second-class rates. The addresses on bulk packages must show that the packages are sent to other news agents.

NOTE: The corresponding Postal Manual section is 132.52.

d. Section 22.8 is amended to read as follows:

§ 22.8 *Cancellation of second-class privileges.* (a) When any publication has been accorded second-class mail privileges, the same shall not be suspended or annulled until a hearing shall have been granted to the parties interested.

(b) A copy of the procedures governing administrative hearings relative to the denial, suspension or annulment of second-class mail privileges may be obtained from the Bureau of Operations, Postal Services Division.

NOTE: The corresponding Postal Manual section is 132.8.

(R. S. 161, 396, as amended; sec. 5, 18 Stat. 232, as amended, sec. 1, 31 Stat. 1107, sec. 2, 65 Stat. 672; 5 U. S. C. 22, 369, 39 U. S. C. 232, 283, 289a)

3. In § 23.3 *Identification statements,* amend paragraph (f) to read as follows:

(f) Controlled circulation imprint, reading Accepted as controlled circulation publication at _____.

NOTE: The corresponding Postal Manual section is 133.3f.

(R. S. 161, 396, as amended; sec. 203, 62 Stat. 1262; 5 U. S. C. 22, 369, 39 U. S. C. 291b)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58-5898; Filed, July 31, 1958; 8:49 a. m.]

PART 21—FIRST CLASS

BUSINESS REPLY MAIL

In § 21.2 *Classification,* amend paragraph (c) to read as follows:

(c) *Business reply mail*—(1) *Purpose.* Specially printed business reply cards, envelopes, cartons, and labels may be distributed for use by mailers in sending mail to the distributor without prepayment of postage.

[2] See footnote on p. 5822.

(2) *Permit.* (i) A permit to distribute business reply cards, envelopes, cartons and labels is required. An application on Form 3614, Application to Distribute Business Reply Cards, Envelopes, and Labels, must be submitted at the post office where the mail will be returned. There is no charge for the permit. If matter bearing the business reply imprint is distributed from a central office to be returned to branches or dealers in other cities, one permit obtained from the post office where the central office is located may be used to cover all the business reply mail.

(ii) Upon receipt of the application, the postmaster will complete the permit portion of the form and deliver it to the applicant. The application portion of the form will be filed in the post office by the permit number. Permits issued at each post office will be numbered consecutively starting with No. 1 for the first permit. Each post office will keep an alphabetical card record of each permit.

(3) *Postage.* (i) Postage is collected on each piece of business reply mail at the time it is delivered. Postage due stamps for the amount due will be affixed to the mail or to Form 3582-A, Postage Due Bill. The stamps will be canceled and delivered to the addressee with the mail when he pays the amount due. Business reply mail will not be mixed with other mail in direct packages or sacks for individuals or concerns.

(ii) The amount to be collected is computed as follows:

(a) Post cards: The rate for post cards or air post cards, whichever is applicable, plus 2 cents each (see §§ 21.1 and 26.6). Cards which do not conform to the specifications for post cards (see par. (a) (7) of this section) are subject to the postage chargeable under (b) below.

(b) Envelopes and packages:

(1) Weight of piece not over two ounces: First-class or air mail rate of postage, whichever is applicable, plus 2 cents each (see §§ 21.1 and 26.1).

(2) Weight of piece over two ounces: First-class or air mail rate, whichever is applicable, plus 5 cents each (see §§ 21.1 and 26.1).

(4) *Form of imprint and address.* The card, envelope, carton or label must be printed on the address side in one of the forms illustrated. The addition of extraneous matter is not permitted.

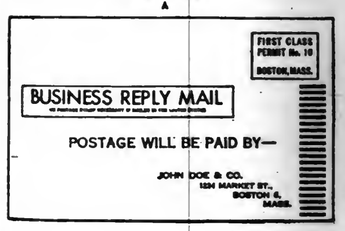

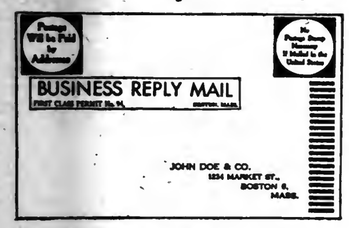

AIR MAIL
C

Use alternating red and blue parallelograms for the border.

(5) *Distribution.* Business reply cards, envelopes, cartons, and labels may be distributed:

(i) In any quantity for return by surface or airmail.

(ii) To any post office in the United States and its Territories and possessions, including military post offices overseas; except in the Canal Zone, where they may not be returned without prepayment of postage. They shall not be sent to any foreign country.

(iii) In any manner except by depositing in receptacles provided by patrons for receipt of mail.

(6) *Responsibility of distributor.* The distributor guarantees payment on delivery of postage on returned business reply mail. Any concern distributing business reply cards, envelopes, cartons or labels under one permit for return to its branches or dealers, guarantees to pay postage on any returns refused by any authorized addressee.

NOTE: The corresponding Postal Manual Section is 131.23.

(R. S. 161, 396, as amended; Sec. 2, 45 Stat. 940, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 303)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58-5904; Filed, July 31, 1958; 8:45 a. m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments are made to this chapter:

PART 111—POSTAL UNION MAIL

a. In § 111.1 *All categories,* make the following changes:

1. In paragraph (c) insert the following as the second sentence of subparagraph (2): "Precanceled stamps may be used under the same conditions as in the domestic mails. Airmail stamps may be used on airmail articles only."

2. Amend paragraph (c) (4) to read as follows:

(4) *Mailings without postage.* The following types of mail are accepted for other countries without postage affixed:

(i) Diplomatic and consular mail addressed to countries of the Postal Union of the Americas and Spain (see § 101.2 of this chapter), subject to the following conditions:

(*a*) *Diplomatic.* Free postage and free registration are granted to all surface correspondence (official and personal) of members of the diplomatic corps of PUAS countries when addressed to the PUAS countries. The weight and size limits specified in § 111.2 apply.

(*b*) *Consular.* Free postage and free registration are granted to the official surface correspondence of consuls or vice consuls of PUAS countries when—

(*1*) Addressed for delivery in the country represented by the mailing official;

(2) Addressed to the Embassy or Legation of the official's country located in any of those countries; or

(3) Addressed to such an official of any of those countries located in those countries.

(*c*) *Marking.* Envelopes, labels, etc., used by members of the PUAS diplomatic corps for postage free mail must show in the upper left corner of the address side the name of the Ambassador or Minister or names of the Embassy or Legation, with post office address. In the upper right corner should be the words "Diplomatic Mail" over the word "Free". In the case of consulates, the name and address of the consul or consulate as well as the name of the country must appear over the words "Official Correspondence" in the upper left corner. The words "Consular Mail" must be written above "Free" in the upper right corner.

(*d*) *Special services.* Diplomatic and consular mail entitled to free postage is also entitled to free registration but without the right to indemnity. If air or special delivery service is desired both the postage and any special fees must be prepaid.

(ii) Federal Government official mail, under the following conditions:

(*a*) *Penalty and franked mail.* Ordinary (unregistered) surface mail prepared in accordance with the provisions of §§ 27.1 and 27.2 of this chapter when addressed to PUAS countries, except Argentina, Brazil, Spain, and Spanish Possessions. This mail must not exceed the domestic weight limit of 4 pounds, except when it is exempt from that limit by regulation (see § 27.2 (e) (1) of this chapter), in which case the weight limits prescribed in § 111.2 apply. The maximum dimensions prescribed in § 111.2 apply in all cases. If registration, air or special delivery service is desired, both the postage and fee must be prepaid.

(b) *Postage and fees paid mail.* All official mail of authorized departments and agencies prepared in accordance with the provisions of § 27.2 (c) (2) of this chapter will be given the postal service indicated on its cover. There is no limitation as to the countries to which this mail may be addressed, provided the service desired is available. The weight and size limits prescribed in §§ 111.2 and 112.1 apply.

(iii) Pan American Union ordinary (unregistered) surface mail bearing the return card of the Union, weighing not more than 4 pounds, and with the indicia Free Under Postal Convention in the upper right corner, when addressed to PUAS countries except Canada. If registration, air or special delivery service is desired, both the postage and fee must be prepaid.

(iv) Pan American Sanitary Bureau ordinary (unregistered) surface mail bearing the return card of the Bureau, weighing not more than 4 pounds, and with the indicia Free Under Postal Convention in the upper right corner, when addressed to PUAS countries except Canada. If registration, air or special delivery service is desired, both the postage and fee must be prepaid.

(v) Postal service official mail (including registered and airmail). Use penalty envelopes or labels for mail addressed to (*a*) postal administrations or post offices in any country, (*b*) the International Bureau of the Universal Postal Union at Berne, Switzerland, and (*c*) to any addressee in the PUAS countries except Argentina, Brazil, Spain, and Spanish Possessions. In all other cases use penalty envelopes or labels with the addition of the endorsement Postage and Fees Paid. Larger post offices having sufficient need may requisition a rubber stamp from the Department on Form 1567.

3. In paragraph (c), redesignate subparagraphs (6) and (7) as subparagraphs (7) and (8), respectively, and insert new subparagraph (6) to read as follows:

(6) *Foreign reply-paid cards.* Reply-paid post cards bearing foreign stamps or imprinted postage and the heading Carte postale réponse (reply post card) are accepted as fully prepaid for surface transmission to the country represented by the foreign postage. The initial half of the card may be left attached to the reply half if the sender so desires. See § 121.3 (c) of this chapter regarding additional United States postage required to transmit such cards by airmail. If these conditions are not met the cards are treated as unprepaid.

4. In paragraph (d) make the following changes in subparagraph (1):

1. Amend subdivision (v) to read as follows:

(v) Live or dead animals and insects, except: (*a*) Live bees, leeches, and silk worms; (*b*) dead insects or reptiles when thoroughly dried; and (*c*) parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized agencies.

2. Redesignate subdivision (viii) as subdivision (x), and insert new subdivision (viii) to read as follows:

(viii) Communications having the character of actual and personal correspondence, except in the form of letters or post cards.

5. In paragraph (e) (1) amend subdivision (ii) to read as follows:

(ii) The form is not, under any circumstances, to be employed on parcel post packages, nor are parcel post forms to be used on postal union mail.

6. In paragraph (e) (1) amend the first sentence of subdivision (iv) to read as follows: "When the revised form is used in its entirety, there is no need to enclose the paper form of customs declaration (see subparagraph (2) of this paragraph) in the package, except in the case of Argentina."

7. In paragraph (e) (2) amend subdivision (iii) to read as follows:

(ii) Form 2976–A is not to be used on parcel post packages, nor are parcel post forms described in § 112.4 to be used on postal union articles.

b. In § 111.2 *specific categories*, amend (o) of paragraph (d) (4) (ii) to read as follows:

(o) Reproductions of handwriting or typewriting obtained by means of the printing press, mimeograph, multigraph, or similar mechanical process are acceptable as printed matter provided a minimum of 20 identical copies are mailed at one time.

NOTE: The corresponding Postal Manual section is 221.244 (b) (15).

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 112—PARCEL POST

In § 112.3 *Prohibitions and restrictions*, amend paragraph (a) (8) to read as follows:

(8) Articles which may in any way damage or destroy the mail or injure the persons handling them. This includes liquids which may cause injury by contact with the skin or give off irritating vapors; also explosives and inflammable liquids having a flash point by the Tagliabue open tester of 80° F. or lower, and inflammable solids which are likely, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, or through spontaneous chemical changes.

NOTE: The corresponding Postal Manual section is 222.31 h.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 113—MAIL SENT VIA DEPARTMENT OF STATE

a. Section 113.1 is amended to read as follows:

§ 113.1 *Who may use.* The facilities of the Department of the State are available for sending personal mail to authorized United States Government personnel stationed in other countries.

NOTE: The corresponding Postal Manual section is 223.1.

b. In § 113.2 *Mailing conditions*, make the following changes:

1. Amend the first sentence of paragraph (d) (2) to read as follows: "Prints and parcel post are acceptable for surface transmission only, except as provided in subparagraph (3) of this paragraph."

2. In paragraph (d), redesignate subparagraphs (3), (4), and (5) as (4), (5), and (6), respectively, and insert new subparagraph (3), to read as follows:

(3) Airmail packages containing only an emergency supply of prescription medicine or other urgently needed health items, such as prescription eyeglasses, hearing aids, orthopedic shoes, or dentures, may exceptionally be transmitted through Department of State facilities. Senders must mark the wrapper to indicate the nature of the contents. For rapid transmission of other personal packages, senders must use the regular international air service, affixing customs declarations and addressing directly to the recipient in the foreign country.

3. Rescind subparagraph (6) of paragraph (d).

NOTE: The corresponding Postal Manual section is 223.24.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 121—AIR SERVICE

a. In § 121.3 *Prepayment*, redesignate paragraphs (a) and (b) as paragraphs (b) and (c), respectively, and insert new paragraph (a) to read as follows:

(a) *How paid.* Prepay airmail postage by means of airmail stamps, ordinary postage stamps, or meter stamps.

NOTE: The corresponding Postal Manual section is 231.3.

b. In § 121.5 *Air letter sheets*, make the following changes:

1. Amend the section caption to read as follows: § 121.5 *Air letters (aerogrammes)*.

2. Amend paragraph (b) to read as follows:

(b) *Private manufacture.* Air letters without imprinted postage may be manufactured, subject to prior approval by the Department, by private individuals or firms, for their own use or for sale to the public. These sheets must average not less than 150 to the pound (approximately 9 per ounce) and be similar in size, color, and border markings to the regular form issued by the Post Office Department. They must bear the same printed endorsements on the address and reverse sides as the regular form. In addition, the words "Authorized for mailing as air letter—P. O. Permit No. ------" (the number to be filled in when issued) must appear in smaller type on the outside of the flap or near one of the edges on the reverse side, so that they will be visible when the sheet is folded for mailing. The quality and strength of the paper must be sufficient to guard against the likelihood of damage in the course of postmarking and handling, and to assure that the writing on the inner side will not interfere with the legibility of the address. Manufacturers must submit 10 samples of proposed air letter sheets to the Director, International Service Division, Bureau of Transportation, Post Office Department, Washington 25, D. C., for approval before engaging in their production. Approved private air letters must be prepaid 10 cents each when mailed, except those addressed to Canada and Mexico, which require 6 cents prepayment, and those for St. Pierre and Miquelon, which require 8 cents.

NOTE: The corresponding Postal Manual section is 231.52.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 269, 372)

PART 122—REGISTRATION

a. In § 122.4 *Fees*, amend paragraph (a) to read as follows:

(a) *Postal union mail.* For postal union mail the fee is 50 cents, except that for Canada the fees are 50 cents for liability up to $10 and 75 cents for liability up to $25. (See § 152.2 of this chapter for indemnity provisions.)

NOTE: The corresponding Postal Manual section is 232.41.

b. In § 122.7 *Restricted delivery*, amend paragraph (b) to read as follows:

(b) *Articles mailed in other countries.* Registered postal union articles which are accompanied with a return receipt and bear the notation "Deliver to addressee only," underlined in red, are delivered only to the addressee. At least two attempts are made to deliver these articles.

NOTE: The corresponding Postal Manual section is 232.72.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 123—INSURANCE

In § 123.4 *Special endorsements*, amend paragraph (b) (2) to read as follows:

(2) To most countries it is required that the insured value of the parcel be shown on the wrapper and on the dispatch note (From 2972). In some instances the insured value must be shown also in gold francs. Conversion of United States currency into gold francs is made on the basis of 33 cents (approximately) equals 1 gold franc. To determine the gold franc equivalent, multiply the amount in United States currency by 3. For example, $5.25 is equal to 15.75 gold francs.

NOTE: The corresponding Postal Manual section is 233.522.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 125—SPECIAL DELIVERY (EXPRESS)

a. Section 125.1 *Availability*, is amended to read as follows:

§ 125.1 *Availability.* For availability of this service, see § 111.1a of this chapter. The service applies to all postal union articles (ordinary and registered, surface and air) unless otherwise indicated. For example, to Canada it applies only to articles paid at the letter rate. Parcel post cannot be sent special delivery but may be prepaid for special handling (see Part 126 of this chapter).

NOTE: The corresponding Postal Manual section is 235.1.

b. In § 125.3 *Payment*, amend paragraph (b) to read as follows:

(b) *How paid.* Prepay the special delivery fee by special-delivery stamps, ordinary postage stamps, or meter stamps. Airmail stamps may be used if the article is to be sent by air. Special-delivery stamps may be used only for payment of the special-delivery fee. The special-delivery fee must be prepaid in addition to the regular postage.

NOTE: The corresponding Postal Manual section is 235.32.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 131—POSTAL CHARGES

Section 131.5 *Letters in parcels* is amended to read as follows:

§ 131.5 *Letters in parcels or in AO mail.* A letter found in a parcel or in an article of AO mail is charged double the postage (surface or air) applicable to a single-rate letter to the country concerned.

NOTE: The corresponding Postal Manual section is 241.5.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 132—NONPOSTAL CHARGES AND IMPORT REGULATIONS

In § 132.1 *Customs treatment and collection of duty*, amend paragraph (c) (3) to read as follows:

(3) *Unaccompanied articles, tourist purchases.* If a package addressed to you contains purchases made while you were traveling abroad and is offered for delivery assessed with duty, you may receive the package without payment of the duty if the value of the articles is within your tourist exemption and if you will present to the delivering postal employee a completed customs Form 3351 or 6059–C executed by yourself. If you cannot produce the above mentioned customs form, but claim the package to be free under a tourist exemption to which you are entitled, the package will be delivered without collection of the duty upon execution by you of the Declaration of Claimant for Free Entry of Mail Parcels Under Tourist Exemptions printed on the reverse side of the duplicate copy of the mail entry accompanying the package.

NOTE: The corresponding Postal Manual section is 242.133.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 141—OUTGOING MAIL (TREATMENT ABROAD AND RETURN TO UNITED STATES

In § 141.2 *Parcel post*, amend paragraph (a) to read as follows:

(a) *Treatment.* Your parcel if undeliverable will be treated in accordance with your instructions on Forms 2966, 2922 and 2972. Returned parcels may be marked with the reason for nondelivery as stated in § 141.1 (b) (2). If you do not want your parcel forwarded to the addressee outside the country of address, you may mark it Do not forward to a third country, preferably in a language known in the country of address. Insured parcels are not forwarded or returned to a third country unless they can be forwarded or returned as insured. Some foreign postal authorities hold undeliverable parcels and request disposal instructions. You will be notified of such a request through your post office.

NOTE: The corresponding Postal Manual section is 251.21.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 142—INCOMING MAIL (TREATMENT IN THE UNITED STATES

a. In § 142.1 *Postal Union mail*, make the following changes:

1. Amend that part of paragraph (b) which precedes subparagraph (1) to read as follows: "The Post Office will hold articles at your disposal for 30 days, except under the following circumstances:".

2. Amend paragraph (c) to read as follows:

(c) *Disposal.* Articles known to be undeliverable are returned to origin, except for printed matter of no apparent value which is discarded unless it bears a request for return and the address of the sender.

NOTE: The corresponding Postal Manual section is 252.12 and .13.

b. In § 142.2 *Parcel post*, make the following changes:

1. Paragraph (a) (2) is amended to read as follows:

(2) *To another country.* A parcel will not be forwarded to you in another country unless the forwarding postage is paid in advance, except by surface transportation to the country of mailing where postage can be collected on delivery. A domestic third-or-fourth-class parcel will not be forwarded to another country but will be returned to the sender or otherwise treated as undeliverable matter.

2. In paragraph (b), amend the first sentence to read as follows: "The Post Office will hold a parcel at your disposal for 30 days unless it bears contrary instructions of the sender."

NOTE: The corresponding Postal Manual section is 252.21 and .22.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 143—FORWARDING DOMESTIC MAIL ABROAD

In § 143.1 *Forwarding domestic mail abroad*, add the following sentence: "See Part 144 of this chapter concerning forwarding to other countries of mail addressed to crew members or passengers on board ships."

NOTE: The corresponding Postal Manual section is 253.1

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 144—FORWARDING MAIL TO SHIP PASSENGERS AND CREW MEMBERS IN OTHER COUNTRIES

a. The part heading of Part 144 is amended to read as set forth above.

b. In § 144.1 *Forwarding mail to ship passengers and crew members*, make the following changes:

1. Amend the section caption to read as follows: § 144.1 *Forwarding mail to ship passengers and crew members in other countries.*

2. Amend that part of the section preceding paragraph (a) to read as follows: "Ordinary (unregistered) articles of correspondence (except those which appear to contain merchandise) addressed to crew members or passengers on board a ship may be forwarded in the international mail, by surface or air, in one envelope addressed to a ship or travel agency under the following conditions:"

NOTE: The corresponding Postal Manual section is 254.1.

3. Add new paragraph (e) to read as follows:

(e) Articles may be redirected and forwarded individually as prescribed in Parts 142 and 143, without the use of the forwarding envelope described in this part of this chapter.

NOTE: The corresponding Postal Manual section is 254.15.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372

PART 152—INDEMNITY CLAIMS AND PAYMENTS

In § 152.2 *Indemnity payments*, make the following changes:

1. Amend paragraph (a) (1) to read as follows:

(1) *Canada.* You may be paid not to exceed $25.00, based on actual value, for loss (contents and wrapper) in either Canada or the United States and for damage or rifling of contents when responsibility rests with the United States.

2. Amend paragraph (b) (3) to read as follows:

(3) *Ecuador and Portugal (including Madeira and the Azores.)* You may be paid up to $50.00, based on actual value, for loss, rifling, or damage (in case of Portugal, only for loss of both contents and wrapper), in accordance with the registry fee paid.

3. In paragraph (b) (4), strike out "Liberia".

NOTE: The corresponding Postal Manual section is 262.21 and .22.

4. In paragraph (d), amend subparagraph (1) to read as follows:

(1) Indemnity in excess of the value of the contents of an insured or registered parcel or greater than that corresponding to the actual amount of loss, rifling or damage referred to in paragraph (a), (b), and (c) of this section, except in the case of loss of registered postal union mail. Allowance must be made for depreciation or for needed repairs and in the absence of purchase receipts or invoices, the contents must be described in sufficient detail.

5. In paragraph (d), strike out the second sentence of subparagraph (11) and insert in lieu thereof the following: "However, in the event of loss, rifling, or damage in this country of mail erroneously accepted for insurance to other countries, limited indemnity may specially be paid as if the parcel had been addressed to a domestic destination, i. e., on the basis of the indemnity limits for domestic insured mail. If erroneously accepted as registered mail limited indemnity may be specially paid under the conditions in paragraph (a) of this section."

6. In paragraph (d) add new subparagraph (19) to read as follows: (19) For loss of articles registered free.

NOTE: The corersponding Postal Manual section is 262.24.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 161—SHIPPER'S EXPORT DECLARATION

In § 161.4 *How obtained*, strike out "55 cents" and insert in lieu thereof "75 cents".

NOTE: The corresponding Postal Manual section is 271.4.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 162—COMMERCE DEPARTMENT REGULATIONS (COMMODITIES AND TECHNICAL DATA)

In § 162.2 *General licenses*, make the following changes:

1. Add the following to paragraph (a): "No marking is required on wrappers of packages containing printed matter and technical data mailed under general licenses G-PUB, GTDP, GTDU and GTDS."

2. In paragraph (b) make the following changes:

a. Delete "Laos (Communist-controlled areas)" and Poland.

b. The parenthetical phrase "(for Hong Kong)" appearing in the second sentence is amended so as to include therein "and Macao".

NOTE: The corresponding Postal Manual section is 272.21 and .22.

3. Add the following to paragraph (e): "No general license symbol is required on the wrapper."

NOTE: The corresponding Postal Manual section is 272.25.

4. In paragraph (f), amend subparagraph (4) to read as follows:

(4) No general license symbol is required on the wrappers of packages mailed under licenses GTDP, GTDU and GTDS.

5. In paragraph (h) add the following to the first sentence: "and Macao".

NOTE: The corresponding Postal Manual section is 272.264 and .28.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372

PART 163—STATE DEPARTMENT REGULATIONS: (ARMS AND TECHNICAL DATA)

In § 163.3 *Technical data exempt from license*, amend the reference "22 CFR 75.140 complied with" to read as follows: "22 CFR 125.41 complied with".

NOTE: The corresponding Postal Manual section is 273.3.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372

[SEAL] LEO G. KNOLL,
Acting General Counsel.

[F. R. Doc. 58-5899; Filed, July 31, 1958; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Fourth Section Order 18900]

PART 143—LONG-AND-SHORT-HAUL AND AGGREGATE-OF-INTERMEDIATES RATES

FOURTH SECTION APPLICATIONS FOR RELIEF

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 15th day of July A. D. 1958.

Upon further consideration of the matters and things involved in fourth-section order no. 18900, entered by Division 2 on April 11, 1958, and upon consideration of a petition dated June 18, 1958, filed by R. E. Boyle, Jr., Chairman, Southern Freight Association, T. H. Maguire, Chairman, Executive Committee-Western Traffic Association, and E. V. Hill, Chairman, Traffic Executive Association-Eastern Railroads, for modification of fourth-section order no. 18900, which order and petition are hereby referred to and made a part hereof, and for good cause shown:

It is ordered, That fourth-section order no. 18900 (23 F. R. 2969), entered as aforestated, be, and it is hereby, modified and amended so as to provide that the order, which by its present terms is to become effective August 1, 1958, shall become effective December 31, 1958, instead.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-5896; Filed, July 31, 1958; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1694]

[Fairbanks 014521]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF BUREAU OF PUBLIC ROADS AS A HIGHWAY MAINTENANCE DEPOT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws and not the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Bureau of Public Roads as a highway maintenance depot:

BLACK RAPIDS AREA

Beginning at a point from which P. I. Sta. "S" 1699+12.1 on the Richardson Highway, approximate latitude 63°25' N., longitude 145°46' W., bears N. 78°19'30" E., 125.44 feet thence,

S. 59°35'00" W., 330.0 feet;
S. 30°25'00" E., 660.0 feet;
N. 59°35'00" E., 518.2 feet to a point on the centerline of the Richardson Highway;
Northerly, 600 feet, approximately; along the centerline of the Richardson Highway to Sta. "S" 1699+50;
S. 59°35'00" W., 150 feet to the point of beginning.

The tract described contains 7.56 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 25, 1958.

[F. R. Doc. 58-5880; Filed, July 31, 1958; 8:45 a. m.]

[Public Land Order 1695]

[958795]

ALASKA

REVOKING EXECUTIVE ORDER NO. 3406 OF FEBRUARY 13, 1921, WHICH ESTABLISHED EAST FORELAND LIGHTHOUSE RESERVATION; WITHDRAWING A PORTION OF RELEASED LANDS FOR USE OF COAST GUARD

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 3406 of February 13, 1921, which withdrew lands in Alaska for the East Foreland Lighthouse Reserve, now described as U. S. Survey No. 1615, is hereby revoked.

2. Subject to valid existing rights, the following-described lands, which are a portion of the lands included in paragraph 1 of this order, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, but not the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the United States Coast Guard for lighthouse purposes:

SEWARD MERIDIAN

T. 7 N., R. 12 W.,
Sec. 4, lots 5, 6, and W½SE¼SW¼;
Sec. 5, lot 1;
Sec. 8, lot 1;
Sec. 9, lots 1 and 2.

The areas described aggregate 151.99 acres.

3. The lands released from Executive Order No. 3406 by this order are described as follows:

SEWARD MERIDIAN

T. 7 N., R. 12 W.,
Sec. 3, lots 1, 2, 3, 8, 9, 10, 11, 12, NW¼NE¼, S½NW¼, and NW¼SW¼;
Sec. 4, lots 1, 2, 3, 4, 7, 8, and E½SE¼SW¼;
Sec. 9, lots 3, 4, 7, 8, NE¼, E½NW¼, E½SW¼, and NW¼SE¼;
Sec. 10, lot 7;
Sec. 16, lots 1, 2, 10, 11, 12, 13, and NE¼NW¼.
T. 8 N., R. 12 W.
Sec. 34, lots 1, 2, 4 and 5;
Sec. 35, lot 31.

The areas described aggregate 1347.89 acres.

4. All the lands are within the exterior boundaries of the Kenai National Moose Range as established by Executive Order No. 8979 of December 16, 1941, but are within a "strip" of land six miles in width which by that order was left subject to settlement location, sale, entry, and to other forms of lease and disposal under the public land laws, with the proviso that the lands in such excepted areas should be classified, and those classified as not suitable for settlement should no longer be available for that purpose.

5. As the lands in section 16 are reserved for the support of the common schools in Alaska pursuant to the act of March 4, 1915 (38 Stat. 1214; 48 U. S. C. 353, 354) as amended, paragraph 8 hereof does not apply to those lands.

6. In accordance with the provisions of the act of July 28, 1956 (70 Stat. 709, 711; 48 U. S. C. 46–3 (b)), the Territory of Alaska shall have, until 10:00 a. m. on October 25, 1958, a preferred right of selection of the lands, subject to prior existing valid rights and to equitable claims subject to allowance and confirmation.

7. No application for the lands may be allowed under the homestead, small tract, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

8. Subject to any existing valid rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Home Site, and Small Tract Laws by qualified veterans of World World II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, presented prior to 10:00 a. m. on October 25, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 24, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on January 24, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws pursuant to the regulations in 43 CFR 192.9. They will be open to location under the United States mining laws beginning at 10:00 a. m. on January 24, 1959.

9. Persons claiming veterans preference rights under paragraph 8a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 25, 1958.

[F. R. Doc. 58-5881; Filed, July 31, 1958; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 2]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

TABLE OF FREQUENCY ALLOCATIONS

In the matter of amendment of § 2.104 of the Commission's Rules and Regulations to effect certain editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in the table of frequency allocations above 25 Mc of its Rules and Regulations to correct certain errors, omissions and inconsistencies which do not involve any substantive change in the table; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1), and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information:

It is ordered, This 28th day of July 1958, that effective August 1, 1958, the table of frequency allocations above 25 Mc in § 2.104 (a) (5) is amended and recapitulated to read as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: July 29, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services of stations
1	2	3	4	5	6	7	8	9	10	11
24.99–25.01 (170)	Standard frequency.			24.99–25.01 (US17)	G					
25.01–25.60	a. Fixed. b. Mobile except aeronautical mobile.			25.01–25.33	NG	25.01–25.33 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	25.02–25.32 (NG45)	INDUSTRIAL.
				25.33–25.85 (US17) (US36)	G					
25.6–26.1	Broadcasting.			25.85–26.48 (US37)	NG	25.85–26.10 (NG1) (NG22) (NG32)	Broadcasting.	International broadcasting.		International broadcasting.
26.1–27.5	a. Fixed. b. Mobile except aeronautical mobile.					26.10–26.48 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	26.11–26.47 (NG45)	Remote pickup broadcast base; remote pickup broadcast mobile.
				26.48–26.95 (US17) (US21)	G				26.62	Civil air patrol land; civil air patrol mobile.
(171) (172)				26.95–27.54	NG	26.95–26.96 (NG1)	Fixed.	Fixed.	26.955	INTERNATIONAL FIXED PUBLIC.
						26.96–27.23 (NG2)	Amateur. (US1)		27.12	Industrial, scientific, and medical equipment.
						27.23–27.28 (NG1) (NG2)	a. Fixed. b. Mobile.	a. Fixed. b. Land. c. Mobile.		
						27.28–27.54 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	27.29–27.53 (NG45)	INDUSTRIAL.
27.5–28.0		27.5–28.0	a. Fixed. b. Mobile.	27.54–28.00 (US17)	G					
28.0–29.7	Amateur.			28.0–29.7	Amateur (US1)	28.0–29.7	Amateur.	Amateur.		AMATEUR.
29.7–88.0		29.7–44.0	a. Fixed. b. Mobile.	29.70–29.89	NG	29.70–29.80 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	29.71–29.79 (NG45)	INDUSTRIAL.
						29.80–29.89 (NG1)	Fixed.	Fixed.	29.81–29.88 (NG44)	AERONAUTICAL FIXED; INTERNATIONAL FIXED PUBLIC.
				29.89–29.91 (US17)	G					
				29.91–30.00	NG	29.91–30.00 (NG1)	Fixed.	Fixed.	29.92–29.99 (NG44)	AERONAUTICAL FIXED; INTERNATIONAL FIXED PUBLIC.
				30.00–30.56 (US17)	G					

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services of stations
1	2	3	4	5	6	7	8	9	10	11
				30.56–32.00	NG	30.56–32.00 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	30.58–30.62	INDUSTRIAL. Do.
									30.66–30.82 (NG46)	INDUSTRIAL; LAND TRANSPORTATION.
									30.86–31.14 (NG46)	LAND TRANSPORTATION; PUBLIC SAFETY.
									31.18–31.98 (NG46)	PUBLIC SAFETY.
				32–33 (US17)	G					
				33–34	NG	33–34 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	33.02–33.06–33.10	PUBLIC SAFETY. Do. Do.
									33.14–33.38 (NG46)	INDUSTRIAL.
									33.42–33.98 (NG45)	PUBLIC SAFETY.
				34–35 (US17)	G					
				35–36	NG	35.00–36.00 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	35.02–35.18 (NG45)	INDUSTRIAL.
									35.22–35.66 (NG46)	DOMESTIC PUBLIC.
									35.70–35.98 (NG45)	INDUSTRIAL.
				36–37 (US17)	G					
				37–38	NG	37–38 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	37.02–37.42 (NG46)	PUBLIC SAFETY.
									37.46–37.86 (NG46)	INDUSTRIAL.
									37.90–37.94–37.98	PUBLIC SAFETY. Do. Do.
				38–39 (US17)	G					
				39–40	NG	39–40 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	39.02–39.98 (NG46)	PUBLIC SAFETY.
(176)				40–42 (US2) (US17) (US29)	G				40.68	Industrial, scientific, and medical equipment.
				42–44	NG	42.00–44.00 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	42.02–42.94 (NG45)	PUBLIC SAFETY.
									42.96–43.18 (NG45)	INDUSTRIAL.
									43.22–43.66 (NG46)	DOMESTIC PUBLIC.
									43.70–44.00 (NG45)	LAND TRANSPORTATION.
		44–50	a. Broadcasting. b. Fixed. c. Mobile.	44.0–46.6	NG	44.00–46.51 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	44.02–44.60 (NG45)	LAND TRANSPORTATION.
									44.62–46.50 (NG45)	PUBLIC SAFETY.
						46.51–46.60 (NG1) (NG51)	Fixed.	Fixed.		AERONAUTICAL FIXED; INTERNATIONAL FIXED PUBLIC.
				46.6–47.0 (US17)	G					

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature {OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
				47.0–49.6	NG	47.00–49.51 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.	47.02–47.42 (NG45)	PUBLIC SAFETY.
									47.44–47.68 (NG45)	PUBLIC SAFETY; INDUSTRIAL.
									47.70–49.50 (NG45)	INDUSTRIAL.
						49.51–49.60 (NG1) (NG51)	Fixed.	Fixed.		AERONAUTICAL FIXED; INTERNATIONAL FIXED PUBLIC.
				49.6–50.0 (US17)	G					
		50–54	Amateur.	50–54	Amateur (US1)	50–54	Amateur.	Amateur.		AMATEUR.
		54–72	a. Broadcasting. b. Fixed. c. Mobile.	54–72 (US34)	NG	54–72 (NG1)	Broadcasting.	Television broadcasting.	55.25 Video 59.75 Sound } Channel 2. 61.25 Video 65.75 Sound } Channel 3. 67.25 Video 71.75 Sound } Channel 4.	
		72–76	a. Fixed. b. Mobile.	72–76 (US32)	NG	72.0–76.0 (NG1)	Fixed (NG3) (NG5)	Operational fixed.	72.02–74.58 (NG46)	Operational fixed.
(184)				(US4)						
									75.42–75.98 (NG46)	Operational fixed.
		76–88	a. Broadcasting. b. Fixed. c. Mobile.	76–88 (US33)	NG	76–88 (NG1) (NG28)	Broadcasting.	Television broadcasting.	77.25 Video 81.75 Sound } Channel 5. 83.25 Video 87.75 Sound } Channel 6.	
88–100	Broadcasting.			88–108 (US33)	NG	88–108 (NG1) (NG28)	Broadcasting.	FM broadcasting. (NG4)	88.1–107.9 (NG50)	FM Channel 201–FM channel 300.
100–108		100–108	Broadcasting.							
108–118	Aeronautical radionavigation.			108–132 (US5)	G, NG	108–118	Aeronautical radionavigation.	Radionavigation land.	108.1	Localizer.
									108.2	Omni-directional radio range.
									108.3	Localizer.
									108.4	Omni-directional radio range.
									108.5	Localizer.
									108.6	Omni-directional radio range.
									108.7	Localizer.
									108.8	Omni-directional radio range.
									108.9	Localizer.
									109.0	Omni-directional radio range.
									109.1	Localizer.
									109.2	Omni-directional radio range.
									109.3	Localizer.
									109.4	Omni-directional radio range.
									109.5	Localizer.
									109.6	Omni-directional radio range.
									109.7	Localizer.
									109.8	Omni-directional radio range.
									109.9	Localizer.
									110.0	Omni-directional radio range.
									110.1	Localizer.
									110.2	Omni-directional radio range.
									110.3	Localizer.
									110.4	Omni-directional radio range.
									110.5	Localizer.
									110.6	Omni-directional radio range.
									110.7	Localizer.
									110.8	Omni-directional radio range.
									110.9	Localizer.
									111.0	Omni-directional radio range.
									111.1	Localizer.
									111.2	Omni-directional radio range.
									111.3	Localizer.
									111.4	Omni-directional radio range.
									111.5	Localizer.
									111.6	Omni-directional radio range.
									111.7	Localizer.
									111.8	Omni-directional radio range.
									111.9	Localizer.
									112.0	Omni-directional radio range.
									112.1–117.9 (NG49)	Omni-directional radio range.

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature {OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
118–132	Aeronautical mobile (R). (149) (256)					118–132 (US6)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.	118.1–121.3 (NG49)	Airdrome control.
(195)									121.5	AERONAUTICAL MOBILE.
									121.7	Aeronautical utility land; Aeronautical utility mobile.
									121.8	Do.
									121.9	Do.
									122.1	Private aircraft.
									122.2	Do.
									122.3	Do.
									122.4	Do.
									122.5	Do.
									122.6	Do.
									122.7	Do.
									122.8	Aeronautical Advisory Station.
									122.9	Private aircraft.
									123.0	Aeronautical Advisory Station.
									123.1	Flight test; Flying school.
									123.15	Flight test.
									123.2	Do.
									123.25	Do.
									123.3	Flight test; Flying school.
									123.35	Flight test.
									123.4	Do.
									123.45	Do.
									123.5	Flight test; Flying school.
									123.7–131.9 (NG49)	AERONAUTICAL MOBILE.
132–144		132–144	a. Fixed. b. Mobile.	132–144 (US17) (US21)	G				143.91	Civil Air Patrol land; Civil Air Patrol mobile.
144–146	Amateur.			144–148	Amateur (US1)	144–148	Amateur.	Amateur.		AMATEUR.
146–235		146–148	Amateur.							
		148–174	a. Fixed. b. Mobile.	148.0–150.8 (US17) (US21)	G					
				150.8–162.0	NG	150.8–150.98 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTATION.
						150.98–151.49 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		PUBLIC SAFETY.
						151.49–152.0 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL.
						152.0–152.24 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		DOMESTIC PUBLIC.
						152.24–152.48 (NG1) (NG22) (NG57)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTATION.
						152.48–152.84 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		DOMESTIC PUBLIC.
						152.84–153.7325 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL (NG6).
						153.7325–154.46 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		PUBLIC SAFETY (NG35).
						154.46–154.6275 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL.
						154.6275–156.25 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		PUBLIC SAFETY.

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature {OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
(198)				(US20)		156.25–157.45 (NG1) (NG7)	Maritime mobile.	a. Coast. b. Ship.	156.3 156.35 156.4 156.45 156.5 156.55 156.6 156.65 156.7 156.8 156.9 156.95 157.0 157.05	MARITIME MOBILE (NG8). MARITIME MOBILE. MARITIME MOBILE (NG31). MARITIME MOBILE. MARITIME MOBILE (NG31). MARITIME MOBILE. MARITIME MOBILE (NG9). MARITIME MOBILE. Do. MARITIME MOBILE (NG10). MARITIME MOBILE. Do. MARITIME MOBILE (NG31). MARITIME MOBILE.
									157.1 157.15 157.2	GOVERNMENT. Do. Do.
									157.25 157.3 157.35 157.4	MARITIME MOBILE. Do. Do. Do.
						157.45–157.74 (NG1) (NG22) (NG57)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTATION.
						157.74–158.1 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		DOMESTIC PUBLIC.
						158.1–158.46 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL.
						158.46–158.7 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		DOMESTIC PUBLIC.
						158.7–159.48 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		PUBLIC SAFETY.
						159.48–161.575 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTATION (NG11) (NG35) (NG40).
						161.575–161.625 (NG1) (NG7)	Maritime mobile.	a. Coast. b. Ship.	161.6 (NG52)	MARITIME MOBILE (NG11) (NG35) (NG53).
						161.625–161.825 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTATION (NG11) (NG35).
				(US24)		161.825–162.0 (NG1) (NG7)	Maritime mobile.	Coast.	161.85 161.9 161.95 162.0	Coast (NG35). Coast. Do. Do.
				162–174 (US17) (US19) (US22) (US25)	G				166.25 170.15	PUBLIC SAFETY; Remote pickup. Do.
									170.425 170.475 170.525 171.425 171.475 171.525 172.225 172.275 172.375	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do.
				(US20)		173.2–173.4 (NG1)	a. Fixed. b. Land mobile.	a. Base. b. Fixed. c. Land mobile.		INDUSTRIAL.

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature {OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
		174–216	a. Broadcasting. b. Fixed. c. Mobile.	174–216	NG	174–216 (NG1)	Broadcasting.	Television broadcasting.	175.25 179.75 181.25 185.75 187.25 191.75 193.25 197.75 199.25 203.75 205.25 209.75 211.25 215.75	Video } Channel 7. Sound } Video } Channel 8. Sound } Video } Channel 9. Sound } Video } Channel 10. Sound } Video } Channel 11. Sound } Video } Channel 12. Sound } Video } Channel 13. Sound }
		216–220	a. Fixed. b. Mobile.	216–220 (US8) (US17)	G				217.425 217.475 217.525 217.580 217.575 217.625 217.675	Telemetering land; Telemetering mobile. Do. Do. Do. Do. Do. Do.
									219.325 219.375 219.425 219.450 219.475 219.525 219.575	Telemetering land; Telemetering mobile. Do. Do. Do. Do. Do. Do.
		220–225	Amateur.	220–225	G, NG (US103)	220–225 (NG20)	Amateur.	Amateur.		AMATEUR.
		225–235	a. Fixed. b. Mobile.	225.0–328.6 (US17)	G	(US30)				
235.0–328.6	a. Fixed. b. Mobile.									
328.6–335.4 (259)	Aeronautical radionavigation.			328.6–335.4	G, NG	328.6–335.4	Aeronautical radionavigation.	Radionavigation land.		Glide path.
335.4–420.0	a. Fixed. b. Mobile. (208)			335.4–400.0 (US17)	G					
				400–406	G, NG	400–406	Meteorological aids.	Radiosonde.		
				406–420 (US17) (US25)	G					
420–450	a. Aeronautical radionavigation. b. Amateur. (210) (211)			420–450	G, NG (US11) (US18) (US104)	420–450	Amateur.	Amateur.		AMATEUR.
450–460		450–460	a. Aeronautical radionavigation. b. Fixed. c. Mobile. (210) (211)	450–890 (US11)	NG	450–451 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile.
						451–452 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL.
						452–453 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTATION.
						453–454 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		PUBLIC SAFETY.
						454–455 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		DOMESTIC PUBLIC.
						455–456 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile.
						456–457 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL.
						457–458 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTATION.
						458–459 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		PUBLIC SAFETY.
						459–460 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		DOMESTIC PUBLIC.

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services
1	2	3	4	5	6	7	8	9	10	11
460–470	a. Fixed. b. Mobile.					460–461 (NG1)	a. Fixed. b. Mobile.	a. Fixed. b. Land. c. Mobile.		CITIZENS.
						461–462.525 (NG1)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL.
						462.525–463.225 (NG1)	a. Fixed. b. Mobile.	a. Fixed. b. Land. c. Mobile.		CITIZENS.
						463.225–464.725 (NG1)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL; CITIZENS.
						464.725–466.475 (NG1)	a. Fixed. b. Mobile.	a. Fixed. b. Land. c. Mobile.		CITIZENS.
						466.475–470 (NG1)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL; CITIZENS. (NG58).
470–585	Broadcasting.					470–500 (NG1)	Broadcasting.	Television broadcasting.		
						500–890 (NG1) (NG42)	Broadcasting.	Television broadcasting.		
585–610		585–610	Broadcasting.							
610–940 (212)	Broadcasting. (214)			890–942	G (US104A)				915	Industrial, scientific, and medical equipment.
940–960		940–960	Fixed.	942–960	NG	942–952 (NG1) (NG13)	Fixed.	FM broadcast STL (NG14).		
						952–960 (NG1) (NG15)	Fixed.	a. International control. b. Operational fixed.		
960–1215	Aeronautical radionavigation.			960–1215 (US12)	G, NG	960–1215	Aeronautical radionavigation.			
1215–1300	Amateur.			1215–1300	G, NG (US105)	1215–1300	Amateur.	Amateur.		AMATEUR.
1300–1700	(216)	1300–1660	Aeronautical radionavigation. (218)	1300–1350	G, NG	1300–1350	Aeronautical radionavigation.	Surveillance radar (Pulsed emission only)		
				1350–1400	G					
				1400–1700	G, NG	1400–1660	Aeronautical radionavigation.	Radionavigation (including altimeter).		
		1660–1700	Meteorological aids (radiosonde).			1660–1700	Meteorological aids (Radiosonde).		1680	Radiosonde.
1700–2300	a. Fixed b. Mobile			1700–1850 (US17)	G					
				1850–2200	NG	1850–1900 (NG1) (NG13)	Fixed.	a. International control. b. Operational fixed.		
						1900–2110 (NG1) (NG16)	a. Fixed. b. Mobile.	a. Television pickup. b. Television STL.		
						2110–2200 (NG1) (NG13)	Fixed.	a. International control. b. Operational fixed.		
				2200–2300 (US17)	G					
2300–2450 (220)	Amateur.			2300–2450	G, NG (US109)	2300–2450	Amateur.	Amateur.		
2450–2700 (220)	a. Fixed. b. Mobile.			2450–2700	NG (US110)	2450–2500 (NG1) (NG17)	a. Fixed. b. Mobile.		2450	Industrial, scientific, and medical equipment.
						2500–2700 (NG1) (NG13)	Fixed.	a. International control. b. Operational fixed.		
2700–2900	Aeronautical radionavigation. (222)			2700–3100	G, NG	2700–2900	a. Aeronautical radionavigation. b. Meteorological aids.			

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services
1	2	3	4	5	6	7	8	9	10	11
2900–3300	Radionavigation. (223) (224)					2900–3100 (NG18) (NG39)	Radionavigation.			
				3100–3500	G (US113B) (US113C)					
3300–3900		3300–3500	Amateur.							
		3500–3900	a. Fixed. b. Mobile.	3500–3700	G, NG (US104)	3500–3700	Amateur.	Amateur.		AMATEUR.
				3700–4200	NG	3700–4200 (NG1)	Fixed.	Common carrier fixed.		
3900–4200	a. Fixed. b. Mobile.									
4200–4400 (260)	Aeronautical radionavigation.			4200–4400	G, NG	4200–4400	Aeronautical radionavigation.	Altimeter.		
4400–5000	a. Fixed. b. Mobile.			4400–5000 (US17)	G					
5000–5250 (261)	Aeronautical radionavigation.			5000–5100	G, NG	5000–5100	Aeronautical radionavigation.			
				5100–5250	G					
5250–5650	Radionavigation. (226) (227)			5250–5650	G, NG	5250–5440 (NG18)	Radionavigation.			
						5440–5460	Radionavigation.	Racon.	5450	Racon.
						5460–5650 (NG18)	Radionavigation.			
5650–5850 (228)	Amateur.			5650–5925	G, NG (US119)	5650–5925	Amateur.	Amateur.	5850	Industrial, scientific, and medical equipment.
5850–5925 (228)		5850–5925	Amateur.							
5925–8500	a. Fixed. b. Mobile.			5925–7125	NG	5925–6425 (NG1)	Fixed.	Common carrier fixed.		
						6425–6575 (NG1)	Mobile.	a. Land (NG12). b. Mobile (except television pickup).		
						6575–6875 (NG1) (NG13)	Fixed.	a. International control. b. Operational fixed.		
						6875–7125 (NG1)	a. Fixed. b. Mobile.	a. Television pickup. b. Television STL. (NG16)		
				7125–8400 (US17)	G					
				8400–8500	NG	8400–8500	a. Fixed. b. Mobile.			
8500–9800	Radionavigation (230) (231)			8500–9000	G (US120)					
				9000–9200	G, NG	9000–9200 (NG18)	Radionavigation.			
				9200–9300	G					
				9300–9500	G, NG	9300–9320	Radionavigation.	Racon.	9310	Racon.
						9320–9500 (NG18)	Radionavigation.			
				9500–9800	G (US126)					
9800–10000	a. Fixed. b. Radionavigation.			9800–10000 (US17)	G					
10000–10500	Amateur.			10000–10500	G, NG (US127)	10000–10500	Amateur.	Amateur.		AMATEUR.

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services
1	2	3	4	5	6	7	8	9	10	11
Above 10500 not allocated.				10500–10550 (US1)	G, NG	10500–10550	Radiolocation.	Radiolocation (CW emission only).		RADIOLOCATION.
				10550–10700	NG	10550–10700 (NG1)	a. Fixed. b. Mobile.			
				10700–13200	NG	10700–11700 (NG1)	Fixed.	Common carrier fixed.		
						11700–12200 (NG1)	Mobile.	a. Land (NG12) b. Mobile (except television pickup).		
						12200–12700 (NG1) (NG13)	Fixed.	a. International control. b. Operational fixed.		
						12700–13200 (NG1)	a. Fixed. b. Mobile.	a. Television pickup. b. Television STL. (NG16)		
				13200–13250	NG	13200–13250 (NG1)	a. Fixed. b. Mobile.			
				13250–16000 (US17)	G					
				16000–18000 (US16)	NG	16000–18000 (NG1)	a. Fixed. b. Mobile.		18000	Industrial, scientific, and medical equipment.
				18000–21000 (US16) (US17)	G					
				21000–22000	Amateur.	21000–22000	Amateur.	Amateur.		AMATEUR.
				22000–26000 (US17)	G					
				26000–30000	NG	26000–30000 (NG1)	a. Fixed. b. Mobile.			
				Above 30000	G, NG			a. Amateur. b. Experimental.		

[F. R. Doc. 58–5876; Filed, July 31, 1958; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Pear Order 10]

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 939.310 *Pear Order 10*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 4, 1958. A reasonable determination as to the composition of the available supplies of such pears, and therefore the extent of grade and size regulation warranted, must await the development of the crop; recommendation as to the need for, and the extent of, regulation of shipments of such pears were made by said committee on July 17, 1958, after consideration of all information then available relative to the supply and demand conditions for such pears, at which time such recommendations and supporting information were submitted to the Department and notice thereof given to handlers and growers; necessary supplemental information was not available to the Department until July 25, 1958; shipments of the current crop of such pears are expected to begin on or about August 11, 1958, and this regulation should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., August 4, 1958, and ending at 12:01 a. m., P. s. t., July 1, 1959, no handler shall ship:

(i) Any Beurre D'Anjou pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 193 size: *Provided,* That, Beurre D'Anjou pears may be shipped when bearing unhealed broken skin punctures measuring not to exceed three-sixteenth (3/16) of one inch in diameter or depth, as the case may be, if they otherwise grade at least U. S. No. 1, and are of a size not smaller than the 135 size: *Provided, further,* That Beurre D'Anjou pears grown in the Medford or Hood River-White Salmon-Underwood Districts which fail to meet the requirement with respect to shape specified in the U. S. No. 2 grade, only because of healed hail marks, may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 193 size.

(ii) Any Beurre Bosc pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 180 size: *Provided,* That, Beurre Bosc pears grown in the Placerville District which fail to meet the requirement with respect to shape specified in the U. S. No. 2 grade, only because of healed hail marks, may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 180 size: *Provided, further,* That, Beurre Bosc pears grown in the Medford District which fail to meet the requirement with respect to shape specified in the U. S. No. 2 grade, only because of healed hail marks, or frost injury, may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 180 size;

(iii) Any Doyenne du Comice pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 180 size: *Provided,* That, Doyenne du Comice pears grown in the Medford District which fail to meet the requirement with respect to shape specified in the U. S. No. 2 grade, only because of healed hail marks, if such pears are not very seriously misshapen or which fail to meet the requirement with respect to russeting specified in the U. S. No. 2 grade, may be shipped if such pears are of a size not smaller than the 180 size;

(iv) Any Winter Nelis pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 225 size: *Provided,* That, Winter Nelis pears grown in the Medford District which fail to meet the requirement with respect to shape specified in the U. S. No. 2 grade, only because of healed hail marks, may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 225 size; and

(v) Any Beurre Easter pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 165 size.

(2) When used herein, "U. S. No. 1," "U. S. No. 2," "hail marks," "russeting," and "frost injury," shall have the same meaning as when used in the United States Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other similar varieties §§ 51.1300 to 51.1321 of this title; "very seriously misshapen," shall have the same meaning as set forth in the Washington State Department of Agriculture Standards for D'Anjou, Bosc, Winter Nelis and Other Varieties of Winter Pears; "135 size," "165 size," "180 size," "193 size," and "225 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in acordance with the sizing and packing specifications of a standard pack, as specified in said United States Standards, 135, 165, 180, 193, or 225 pears, respectively, in a standard western pear box (inside dimensions, 18 inches long by 11½ inches wide by 8½ inches deep), and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 29, 1958.

[SEAL] FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58–5891; Filed, July 31, 1958; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 670, 673, 675, 677]

[Administrative Order 512]

VARIOUS INDUSTRIES IN PUERTO RICO

APPOINTMENT TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES; NOTICE OF HEARING

Pursuant to authority contained in the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 41–A for the Chemical, Petroleum, Rubber, and Related Products Industry in Puerto Rico; Industry Committee No. 41–B for the Food and Related Products Industry in Puerto Rico; Industry Committee No. 41–C for the Paper, Paper Products, Printing, and Publishing Industry in Puerto Rico; and Industry Committee No. 41–D for the Lumber and Wood Products Industry in Puerto Rico.

Industry Committee No. 41–A is composed of the following representatives:

For the public: Maynard E. Pirsig, Chairman, Minneapolis, Minnesota, Walter R. Johnson, Washington, D. C., Luz M. Torruellas, Rio Piedras, Puerto Rico.

For the employees: James E. Dicey, Sr., Portland, Oregon, Frank Grillo, Santurce, Puerto Rico, Herbert D. Dawson, Akron, Ohio.

For the employers: Joseph C. Fagan, Madison, Wisconsin, Arnold H. Toby, Canovanas, Puerto Rico, Manuel Pedreira, Roosevelt, Puerto Rico.

For the purpose of this order, the chemical, petroleum, rubber, and related products industry in Puerto Rico is defined as follows:

(a) The manufacture or packaging of chemicals, drugs, medicines, toilet preparations, cosmetics, and related products; the mining or other extraction or processing of any mineral used in the production of the foregoing; the mining or other extraction of petroleum, coal, or natural gases, and the manufacture of products therefrom; the manufacture of all products made chiefly of natural, synthetic, or reclaimed rubber or latex; and the manufacture of footwear by vulcanizing the entire article or by vulcanizing the sole to the upper: *Provided, however,* That the industry shall not include any activity included in the men's and boys' clothing and related products industry (29 CFR Part 703), the corsets, brassieres, and allied garments industry (29 CFR Part 614), or the alcoholic beverage and industrial alcohol industry (29 CFR Part 619), as defined in the wage orders for those industries in Puerto Rico, or the children's dress and related products industry or the needlework and fabricated textile products industry, as defined in Administrative Order No. 508 (22 F. R. 4036), or the food and related products industry, as defined in this Administrative Order No. 512, or any activity performed in the capacity of a public utility.

(b) The products of this industry include, among others: Primary plastic materials such as sheets, rods, tubes, filaments, granules, powders, and liquids; soap and glycerin; cleaning and polishing preparations; paints, varnishes, colors, dyes, inks, putty, and fillers; wood distillation and naval stores; fertilizers; vegetable and animal oils and fats; candles; glue and gelatin; compressed and liquefied gases; insecticides and fungicides; salt; explosives; fireworks and pyrotechnics; coke and coke-oven byproducts; paving mixtures and blocks containing asphalt, creosote, or tar; fuel briquettes; roofing felts and coatings; asphalt tile, rubber tile, and linoleum; new, rebuilt, and retreaded tires, and inner tubes; reclaimed rubber; industrial and mechanical rubber goods; rubber specialties, and sundries.

Industry Committee No. 41–B is composed of the following representatives:

For the public: Maynard E. Pirsig, Chairman, Minneapolis, Minnesota, Walter R. Johnson, Washington, D. C., Luz M. Torruellas, Rio Piedras, Puerto Rico.

For the employees: James E. Dicey, Sr., Portland, Oregon, Frank Grillo, Santurce, Puerto Rico, Ben J. Man, Washington, D. C.

For the employers: Joseph C. Fagan, Madison, Wisconsin, Harold E. Morgan, Playa de Ponce, Puerto Rico, Jose Unanue, Bayamon, Puerto Rico.

For the purpose of this order, the food and related products industry in Puerto Rico is defined as follows:

The canning, preserving (including freezing, drying, dehydrating, curing, pickling, and similar processes), or other manufacturing or processing, and the packaging in conjunction therewith, of foods, ice, and nonalcoholic beverages, including, but without limitation, meat animals and meat animal products, poultry and poultry products, milk and dairy products, fish and seafood products, fruits and vegetables, and fruit or vegetable products, grains and grain products, bakery products, confectionery and related products, and miscellaneous foods and food products; and the handling, grading, packing, or preparing in their raw or natural state of fresh vegetables, fresh fruits, or nuts, and the gathering of wild plant or animal life: *Provided, however,* That the industry shall not include any product or activity included in the sugar manufacturing industry (29 CFR Part 689), the alcoholic beverage and industrial alcohol industry (29 CFR Part 619), as defined in the wage orders for those industries in Puerto Rico, or the chemical, petroleum, rubber, and related products industry, as defined in this Administrative Order No. 512.

Industry Committee No. 41–C is composed of the following representatives:

For the public: Maynard E. Pirsig, Chairman, Minneapolis, Minnesota, Walter R. Johnson, Washington, D. C., Luz M. Torruellas, Rio Piedras, Puerto Rico.

For the employees: James E. Dicey, Sr., Portland, Oregon, Frank Grillo, Santurce, Puerto Rico, Ben J. Man, Washington, D. C.

For the employers: Joseph C. Fagan, Madison, Wisconsin, James E. Bain, Ponce, Puerto Rico, Frank Romero, San Juan, Puerto Rico.

For the purpose of this order, the paper, paper products, printing, and publishing industry in Puerto Rico is defined as follows:

The manufacture of pulp from wood, rags, bagasse, and other fibers; the conversion of such pulp into paper, paperboard, and building board; the manufactuer of paper, paperboard, and pulp into bags, boxes, containers, tags, cards, envelopes, pressed and molded pulp goods, and all other converted paper products; the printing performed on the foregoing and on allied products; the printing or publishing of newspapers, books, periodicals, maps, and music; and all manufacturing and service operations performed by typesetters, advertising typographers, electrotypers, stereotypers, photoengravers, steel and copper plate engravers, commercial printers, lithographers, gravure printers, private printing plants of concerns engaged in other business, binderies, and news syndicates: *Provided, however,* That the industry shall not include any product or activity included in the leather, leather goods, and related products industry (29 CFR Part 602), as defined in the wage order for that industry in Puerto Rico.

Industry Committee No. 41–D is composed of the following representatives:

For the public: Maynard E. Pirsig, Chairman, Minneapolis, Minnesota; Walter R. Johnson, Washington, D. C.; Luz M. Torruellas, Rio Piedras, Puerto Rico.

For the employees: Jamea E. Dicey, Sr., Portland, Oregon; Frank Grillo, Santurce, Puerto Rico; Ben J. Man, Washington, D. C.

For the employers: Joseph C. Fagan, Madison, Wisconsin, Herman Gaztambide-Arrillaga, Rio Piedras, Puerto Rico; Agustin Rexach, Hato Rey, Puerto Rico.

For the purpose of this order, the lumber and wood products industry in Puerto Rico is defined as follows:

Logging, wood preserving, and the manufacture of all products made from lumber and wood and related materials, including, but without limitation, sawmill products; planing and plywood mill products; furniture; office and store fixtures; boxes and containers; cooperage; window and door screens and blinds; caskets and coffins; matches; trays, bowls, and other woodenware; excelsior, cork, bamboo, rattan, and willowware articles such as hampers, baskets, coasters, and table pads; and charcoal: *Provided, however,* That the industry shall not include any product or activity in the construction, business service, motion picture, and miscellaneous industry (29 CFR Part 672); the metal, machinery, transportation equipment, and allied products industry (29 CFR Part 604); the button, jewelry, and lapidary work industry (29 CFR Part 616), or the straw, hair, and related products industry (29 CFR Part 613), as defined in the wage orders for those industries in Puerto Rico, or in the paper, paper products, printing, and publishing industry, as defined in this Administrative Order No. 512.

I hereby refer to each of the above-named industry committees the question of the minimum wage rate or rates to be fixed under the provisions of section 6 (c) of the act in the particular industries with which they are concerned. Each industry committee shall investigate conditions in its industry, and the committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act.

Industry Committee No. 41–A shall convene at 10:00 a. m. on September 3, 1958, in the office of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico, to conduct its investigation and shall commence its hearing at 2:00 p. m. on the same date at the same place. Following this hearing, Industry Committees Nos. 41–B, 41–C, and 41–D, shall convene consecutively at the same place in that order at hours designated by the committee chairmen to conduct their investigations and to hold their hearings.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not substantially curtail employment in such classifications and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each committee containing such data as he is able to assemble pertinent to the matters herein referred to that committee. Copies of each such report may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Part 511 of Title 29, Code of Federal Regulations. As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested persons in the present matters shall file a prehearing statement containing certain specified data, not later than August 25, 1958.

Signed at Washington, D. C., this 29th day of July 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58–5905; Filed, July 31, 1958; 8:50 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

BYRON C. HEACOCK

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUISNESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Byron C. Heacock on July 1, 1958, in the Department of the Army. Mr. Heacock is serving as Chief of the San Francisco Ordnance District, San Francisco, California.

Mr. Heacock is presently retired.

Mr. Heacock's statement of his personal business interests is set forth below.

Dated: July 30, 1958.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (sub-section 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

a. F. E. Booth Co., San Francisco: Director.
b. Caterpillar Tractor Co., Peoria, Ill.: Director.
c. South Pacific Airlines, Inc., San Francisco, Calif.: Director.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests:

a. F. E. Booth Co., San Francisco, Calif.: Stockholder, noteholder.
b. Caterpillar Tractor Company, Peoria, Ill.: Stockholder.
c. Oakland Bank of Commerce, Oakland, Calif.: Stockholder.
d. Scott Paper Co., Chester, Pa.: Stockholder.
e. South Pacific Airlines, Inc., San Francisco, Calif.: Stockholder.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: June 6, 1958.

BYRON C. HEACOCK.

[F. R. Doc. 58–5967; Filed, July 31, 1958; 9:21 a. m.]

EDWARD F. MCCROSSIN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Edward F. McCrossin on July 1, 1958, in the Department of the Army. Mr. McCrossin is serving as Chief of the New York Ordnance District.

Mr. McCrossin is self-employed. He is the sole owner of McCrossin and Company, New York.

Mr. McCrossin's statement of his personal business interests is set forth below.

Dated: July 30, 1958.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (sub-section 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporations of which I am, or within 60 days preceding this appointment have been, an officer or director:

a. Seaboard Fire & Marine Insurance Company of New York. Director.
b. Yorkshire Insurance Company of New York. Director.
c. Yuba Consolidated Industries. Director.

2. The names of any corporations in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds or other financial interests:

Stockholder (Investments):
Alabama Power Co.;
American Metals, Ltd.;
American Tel. & Tel. Co.;
American Equitable Assurance Co.;
Crown Cotton Mills of Dalton, Ga.;
Cherokee Royalty Co., Beaumont, Tex.;
General Electric Co.;
Irving Trust Co. of N. Y. C.;
Inland Steel Co.;
Kennecott Copper Co.;
Mississippi River Fuel Corp.;
Mountain Fuel Supply Co.;
National Steel Corp.;
Pacific Gas & Electric Co.;
Seaboard Fire & Marine Insurance Co.;
Socony Mobile Oil Co.;
Standard Oil of Calif.;
Standard Oil of Ind.;
Standard Oil of N. J.;
Union Carbide & Carbon Corp.;
F. W. Woolworth Co.;
Yorktown Products Corp.;
Yuba Consolidated Industries.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

McCrossin & Company, Consulting Engineers—sole owner.

Dated: June 30, 1958.

EDWARD F. MCCROSSIN.

[F. R. Doc. 58–5968; Filed, July 31, 1958; 9:21 a. m.]

JOHN S. PFEIL

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950, as amended) notice is hereby given of the appointment of Mr. John S. Pfeil on July 1, 1958, in the Department of the Army. Mr. Pfeil is serving as Chief of the Boston Ordnance District, Boston, Massachusetts.

Mr. Pfeil is presently retired.

Mr. Pfeil's statement of his personal business interests is set forth below.

Dated: July 30, 1958.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (sub-section 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporations of which I am, or within 60 days preceding this appointment have been, an officer or director:

None.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds or other financial interests:

Webber & Knapp, Inc.;
Mass. Investors Trust;
Incorporated Investors;
Eaton & Howard;
National Shawmut Bank;
Westcoast Transmission Co.;
General Motors Corp.;
Newton-Waltham Bank & Trust Co.;
Bank of America;
Norfolk Trust Co.;
Continental Baking Co.;
Eastern Utilities Associates;
Tennessee Gas Transmission.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: July 1, 1958.

JOHN S. PFEIL.

[F. R. Doc. 58–5969; Filed, July 31, 1958; 9:21 a. m.]

KENNETH B. COATES

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Kenneth B. Coates on July 1, 1958, in the Department of the Army. Mr. Coates is serving as Chief of the Detroit Ordnance District, Detroit, Michigan.

Mr. Coates is presently retired.

Mr. Coates' statement of his personal business interests is set forth below.

Dated: July 30, 1958.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

(a) The names of any corporation of which he is an officer or director:

Michigan Plating & Stamping Co., Grand Rapids, Mich.—Director.
Edgar Corp., 1341 Wanda Avenue, Ferndale 20, Mich.—Secretary & Director.
B/W Controller Corp., East Maple Road, Birmingham, Mich.—Secretary & Director.

(b) The names of any corporation in which he owns any stocks, bonds, or other financial interests which amount to 10% or more of the invested capital of the corporation or represent, for any one corporation, an investment of $1,000 or more (approximate current market value) on the part of the proposed appointee:

Michigan Plating & Stamping Co., Grand Rapids, Mich.—Stockholder.
Edgar Corp., 1341 Wanda Avenue, Ferndale 20, Mich.—Stockholder.
B/W Controller Corp., East Maple Road, Birmingham, Mich.—Stockholder.
National Steel Corp., Grant Building, Pittsburgh, Pennsylvania—Stockholder.

(c) The names of any partnerships in which he is a partner, with an indication of the approximate percentage of interest.

None.

(d) The names of any businesses of which he is the sole proprietor.

Real Estate: Livingston County, Brighton, Michigan.
Insurance: Northwestern Mutual; Equitable; Travellers.

Dated: June 11, 1958.

KENNETH B. COATES.

[F. R. Doc. 58-5970; Filed, July 31, 1958; 9:21 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[79890]

MINNESOTA

NOTICE OF FILING OF PLATS OF SURVEY

JULY 28, 1958.

Plats of Survey of the lands described below, accepted May 22, 1958, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C., effective 10:00 a. m., on September 1, 1958.

FOURTH P. M., MINNESOTA

T. 43 N., R. 32 W.,
Sec. 3, Lot 3, containing 1.30 acres.
Sec. 4, Lots 5, 6, containing 5.16 acres.
T. 44 N., R. 32 W.,
Sec. 34, Lot 4, containing 0.77 acre.

FIFTH P. M., MINNESOTA

T. 132 N., R. 29 W.,
Sec. 17, Lots 2, 3, containing 4.85 acres.
Sec. 18, Lot 5, containing 3.38 acres.

These plats represent the survey of five islands in the Mississippi River which were not included in the original surveys of the townships.

All islands in the Mississippi River were withdrawn, by the Secretary of the Interior on April 10, 1891, at the request of the Secretary of War in the interest of navigation.

Anyone having a valid settlement or right to any of the lands described initiated prior to the date of withdrawal of the lands should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public land law setting forth all facts relevant thereto.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Manager.

[F. R. Doc. 58-5882; Filed, July 31, 1958; 8:46 a. m.]

Office of the Secretary

CERTAIN WATERS ADJACENT TO UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE, IOWA, MINNESOTA, AND WISCONSIN

NOTICE OF INTENTION TO DESIGNATE AS CLOSED AREAS UNDER THE MIGRATORY BIRD TREATY ACT

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238, 5 U.S.C. 1003), and the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), as amended, notice is hereby given that the Secretary of the Interior intends to issue a regulation designating as closed areas in which the pursuing, hunting, taking, capture, or killing of migratory birds or attempting to take, capture, or kill migratory birds will not be permitted, all lands and waters below the highwater mark of the Mississippi River, lying within the exterior boundaries of the areas designated as closed to hunting by the Director, Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior, on March 25, 1957 (50 CFR 33.275; 22 F. R. 2129), and including the following-described reaches of the Mississippi River:

Pool 4: Beginning at the extreme southeast limits of the City Limits of Wabasha, Minnesota, and extending downstream to Lock and Dam No. 4 (Alma) and being within the Peterson Lake-Reicks Lake closed area.

Pool 5: Beginning at the south end of Fisher Island in Pool 5 and extending downstream about two and one-half miles to the mouth of the Whitewater River at the village of Minneiska and being between the Lost Island and Whitman closed areas.

Pool 5A: Beginning at the northern end of Island 63 and extending downstream about two and one-half miles to Lock and Dam No. 5A (Winona) and being within the Winona Pool closed area.

Pool 8: Beginning at the north end of Island 120 at the head of Raft Slough and extending downstream to Lock and Dam No. 8 (Genoa) and being within the Wisconsin Island closed area.

Pool 9: Beginning at the north end of Island 153 at the head of Harpers Slough and extending downstream to Lock and Dam No. 9 (Lynxville) and being within the Harpers Slough closed area.

Pools 10 and 11: Swift Slough from its head about one mile upstream from Lock and Dam No. 10 and extending downstream to its mouth about three-fourths mile below Lock and Dam No. 10 and being within the 12-Mile Island closed area.

All interested persons are hereby afforded an opportunity to participate in the formulation of the proposed regulation by submitting their views, data, or arguments in writing to D. H. Janson, Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

JULY 28, 1958.

[F. R. Doc. 58-5883; Filed, July 31, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

REGIONAL FORESTERS AND ACTING REGIONAL FORESTERS

DELEGATION OF AUTHORITY FOR PROCUREMENT OF ENGINEERING SERVICES BY NEGOTIATED CONTRACT

Pursuant to the authority vested in the Chief, Forest Service by the Secretary of Agriculture, under date of June 13, 1958 (23 F. R. 4387), authority is delegated to Regional Foresters and Acting Regional Foresters to negotiate contracts without advertising in accordance with section 302 (c) (4) and (9) of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377, 393; 41 U. S. C. 252), for professional engineering services required for all roads, trails, bridges, dams buildings, cadastral surveys, landscapes, architectural and related professional engineering services such as planning and design of campgrounds, picnic areas, trailer parks, observation points, and playgrounds; together with necessary structures, water, sanitation and other facilities that are involved in programs of the Forest Service. Operating procedures previously approved by the Director, Office of Plant and Operations, shall be applicable to these delegations.

The authority hereby delegated shall be exercised in accordance with the requirements of the above titled act, the delegation of authority of the Administrator, General Services Administration to the Secretary of Agriculture under date of May 26, 1958 (23 F. R. 3844), and the delegation of authority of the Secretary of Agriculture above mentioned, and shall not extend beyond July 1, 1959.

The authority herein delegated may not be redelegated. This delegation supersedes the prior delegation of authority on the same subject to Regional Foresters and Acting Regional Foresters, July 5, 1957 (22 F. R. 5553).

Done at Washington, D. C., this 18th day of July 1958.

[SEAL] RICHARD E. MCARDLE,
Chief,
Forest Service.

[F. R. Doc. 58-5892; Filed, July 31, 1958; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

MAX L. BLUESTONE

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Max L. Bluestone.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: July 8, 1958.
4. Title of position: Consultant.
5. Name of private employer: Bluestone Metal Company, Corliss Station, Pittsburgh 4, Pa.

CARLTON HAYWARD,
Director of Personnel.

JUNE 6, 1958.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bluestone Metal Co.
Federal Alloy Corp.
Washington Steel Co.
General Motors Corp.
Rockwell Standard Co.
Rhodesian Selection Trust
United Engineering & Foundry Co.
U. S. Steel Corp.
Merritt-Chapman & Scott Co.
Commercial Solvent Co.
Erie Railroad Co.
Bank deposits

MAX L. BLUESTONE.

JULY 24, 1958.

[F. R. Doc. 58-5878; Filed, July 31, 1958; 8:45 a. m.]

CHARLES K. BASSETT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of August 15, 1957, 22 F. R. 6577; February 4, 1958, 23 F. R. 727.

A. Deletions: no change.
B. Additions: no change.

This statement is made as of July 22, 1958.

CHARLES K. BASSETT.

JULY 27, 1958.

[F. R. Doc. 58-5879; Filed, July 31, 1958; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-14486]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 28, 1958.

Take notice that on February 14, 1958, Cities Service Gas Company (Applicant) filed in Docket No. G-14486 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers in the general area of its existing transmission system from time to time during the calendar year 1958 at a total cost not in excess of $1,000,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant has agreed to accept a certificate in this docket with a maximum limitation of $150,000 for any single project. The proposed facilities will be financed out of Applicant's treasury funds.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting new supplies of gas in producing areas generally coextensive with its system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 21, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 18, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5893; Filed, July 31, 1958; 8:48 a. m.]

[Docket No. G-14180]

COLORADO-WYOMING GAS CO.

NOTICE OF APPLICATION TO AMEND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 28, 1958.

Take notice that on June 16, 1958, Colorado-Wyoming Gas Company (Applicant) filed an application to amend the Commission's order issued on March 24, 1958, in Docket No. G-14180 granting a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, so as to cancel the authorization contained therein for the construction and operation of approximately 18,500 feet of new 16-inch suction line into Applicant's existing Mesa Compressor Station (Item 4 in the list of facilities outlined in said order of March 24, 1958), and so as to authorize the construction and operation of approximately 4,500 feet of 8-inch pipeline south of the City of Fort Collins, Colorado, and a new town border station for Fort Collins in lieu of the town border station which was part of Item 1 authorized in said order of March 24, 1958, all as more fully set forth in the application for amendment which is on file with the Commission and open to public inspection.

Applicant states that current operation of its facilities makes unnecessary the aforesaid 18,500 feet of new 16-inch suction line, and that a shift in the city limits of Fort Collins and in the building developments therein has caused the distributor customer to request the new location for the town border station

approximately one mile south and ⅞ mile east of the originally proposed location.

Protests or petitions to intervene in this matter may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 18, 1958.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5894; Filed, July 31, 1958; 8:48 a. m.]

[Docket No. G-15538]

TEXAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 25, 1958.

The Texas Company (Texas) on June 27, 1958, tendered for filing proposed changes to its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchaser: Northern Natural Gas Company.
Rate schedule designation: Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 10. Supplement No. 4 to Texas' FPC Gas Rate Schedule No. 11. Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 106. Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 107. Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 108. Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 109. Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 110.
Effective date: July 28, 1958 (effective date is the first day after expiration of required thirty days' notice).

In support of the proposed redetermined rate increases, Texas filed a copy of the instrument in which the seller and buyer agreed to the increased price as a result of the price being arbitrated to 12.0 cents per Mcf between Northern Natural Gas Company and Cities Service Oil Company (another producer).

The rates currently in effect under aforementioned Texas' FPC Gas Rate Schedule Nos. 106, 107, 108, 109, and 110 reflect the effect of Kansas Minimum Price Order [1] and Kansas gas severance tax,[2] both of which have been invalidated by court action.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 10, Supplement No. 4 to Texas' FPC Gas Rate Schedule No. 11, Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 106, Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 107, Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 108, Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 109 and Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 110, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 10, Supplement No. 4 to Texas' FPC Gas Rate Schedule No. 11, Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 106, Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 107, Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 108, Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 109 and Supplement No. 7 to Texas, FPC Gas Rate Schedule No. 110.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until December 28, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act, and such action is taken without prejudice to any action the Commission may take concerning the effectiveness of the invalidated Kansas Minimum Price Order or the Kansas gas severance tax.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rule of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-5903; Filed, July 31, 1958; 8:50 a. m.]

[1] Cities Service Gas Co. v. State Corporation Commission of Kansas et al., 355 U. S. 391.

[2] State of Kansas ex rel Dole v. Kirchner, 322 P. 2d 759.

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-4301]

RESEARCH MUTUAL CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 25, 1958.

I. Research Mutual Corporation, a New York corporation, 50 Broad Street, New York, N. Y., filed with the Commission on May 17, 1956, a notification on Form 1-A and subsequently filed amendments thereto, relating to a proposed public offering of 150,000 shares of its common stock, 50 cents par value, at $1.50 per share of $225,000 in the aggregate, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder, and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that, the issuer has failed to file Form 2-A reports of sales, as required by Rule 224 of Regulation A.

B. On March 20, 1958, L. J. Mack & Company, Incorporated, 50 Broad Street, New York, N. Y., the underwriter, was permanently enjoined by a decree of the Supreme Court of the State of New York from engaging in the purchase and sale of securities in the State of New York as a result of its activities in the sale of Research Mutual Corporation common stock.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing, and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-5885; Filed, July 31, 1958; 8:46 a. m.]

[File No. 24NY-4199]

UNITED DRIVE-IN THEATRES CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 25, 1958.

I. United Drive-In Theatres Corp., a New York corporation, 215 East 149th Street, New York 51, N. Y., filed with the Commission on January 16, 1956, a notification on Form 1-A and an offering circular and subsequently filed amendments thereto, relating to a proposed public offering of 250,000 shares of its common stock, 10 cents par value, at $1.00 per share, or $250,000 in the aggregate, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that written communications were used in connection with the offering of the securities which had not been filed with the Commission as required by Rule 221;

B. Oral representations were made in connection with the sale of the securities which contained untrue statements of material facts and which omitted to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading, particularly, with respect to statements concerning the rise in value of the securities, the payment of dividends, the status of the issuer's business and the reputable nature of the underwriter's activities by reason of being subject to the jurisdiction of the Securities and Exchange Commission.

C. On March 20, 1958, L. J. Mack and Company, Inc. the underwriter of the offering, was permanently enjoined by the Supreme Court of the State of New York from engaging in the offer or sale of securities in that State.

D. The offering of securities would and did operate as fraud and deceit upon the purchasers.

It is ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing, that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing, and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-5886; Filed, July 31, 1958; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 2-1D, Revision 2]

HEAD, PROCUREMENT AND SUPPLY BRANCH

DELEGATION OF AUTHORITY RELATING TO PROCUREMENT AND SUPPLY FUNCTIONS

I. Pursuant to the authority delegated to the Assistant Chief, Administrative Services Division, by the Chief, Administrative Services Division, by Delegation of Authority No. 2-1A (Revision 1) as amended, 23 F. R. 557 and 5530, there is hereby redelegated to the Head, Procurement and Supply Branch, the authority:

A. *Specific.* 1. To approve purchases of Transportation of Things (object class .03), Printing and Binding (object class .06), and Supplies and Materials (object class .08).

2. To approve emergency petty cash purchases not to exceed $10 for each purchase.

3. To issue purchase orders, printing and binding requisitions, and government bills of lading on approved requisitions.

B. *Correspondence.* To sign all routine correspondence to commercial vendors, other government agencies, and administrative officers of SBA field offices relating to requisitions, purchase orders, Dun and Bradstreet requests, and government bills of lading.

II. The specific authority delegated in I, A, 1 and I, A, 2 may not be redelegated.

III. The authority delegated herein may be exercised by any employee designated as Acting Head, Procurement and Supply Branch.

IV. All previous authority delegated to the Head, Procurement and Supply Branch by the Assistant Chief, Administrative Services Division, is hereby rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Dated: July 23, 1958.

STEPHEN H. BEDWELL,
Assistant Chief, Administrative Services Division.

[F. R. Doc. 58-5887; Filed, July 31, 1958; 8:47 a. m.]

[Declaration of Disaster Area 195]

ILLINOIS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of July 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Illinois;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: LaSalle and Livingston (Floods occurring on or about July 13 and 14, 1958).

Office: Small Business Administration Regional Office, 226 West Jackson Boulevard, Room 1402, Chicago 6, Illinois.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1959.

Dated: July 17, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-5888; Filed, July 31, 1958; 8:47 a. m.]

[Declaration of Disaster Area 196]

MISSOURI

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of July 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Missouri;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7 (b) of the Small Business Act, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Jefferson (Flash flood occurring on or about July 20 and 21, 1958).

Offices: Small Business Administration Regional Office, Home Savings Building, Fifth Floor, 1006 Grand Avenue, Kansas City 6, Missouri. Small Business Administration Branch Office, 630 New Federal Building, 1114 Market Street, St. Louis 1, Missouri.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1959.

Dated: July 23, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-5889; Filed, July 31, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 29, 1958.

Protests to the granting of an application must be prepared in accordance

with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34846: *Beverages—Illinois and Wisconsin points to points in the southwest.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7334), for interested rail carriers. Rates on beverages, flavored or phosphated, noibn, and mineral water, noibn, or plain, concentrated or fortified, carbonated or not carbonated, straight or mixed carloads from Chicago, Ill., Milwaukee and Waukesha, Wis., to points in Arkansas, Louisiana (west of the Mississippi River), New Mexico, Oklahoma and Texas.

Grounds for relief: Modified short line distance formula, truck competition.

Tariff: Southwestern Lines, tariff I. C. C. 4297.

FSA No. 34847: *Pig iron—Calvert, Ky., to Detroit and Saginaw, Mich.* Filed by O. W. South, Jr., Agent (SFA No. A3703), for interested rail carriers. Rates on pig iron, carloads from Calvert, Ky., to Detroit and Saginaw, Mich.

Grounds for relief: Market competition with other producing points.

Tariff: Supplement 127 to Southern Freight Association tariff I. C. C. 1420.

FSA No. 34848: *Apples—British Columbia to Kansas points.* Filed by Trans-Continental Freight Bureau, Agent (WTL No. A-1991) for interested rail carriers. Rates on apples, carloads from specified points in British Columbia on the Canadian Pacific Railroad to specified points in Kansas.

Grounds for relief: Grouping at destinations.

Tariff: Supplement 84 to Trans-Continental Freight Bureau tariff I. C. C. 1572.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-5895; Filed, July 31, 1958; 8:48 a. m.]

[Notice 7]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 29, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 35332. By order of July 21, 1958, the Transfer Board approved the lease to Kenneth G. Duncan, William J. Duncan, and Lloyd G. Duncan, a partnership, doing business as Duncan Truck Service, Flandreau, South Dakota; of certificate in No. MC 107957, issued April 19, 1948, to Earl Gageby, Ward, South Dakota, authorizing the transportation of: Livestock, Agricultural implements, Lubricating oils and greases, in containers, and animal and poultry feed, between certain named points in Iowa, South Dakota, Minnesota, and Nebraska. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

No. MC-FC 61297. By order of July 21, 1958, the Transfer Board approved the transfer to Peter Zito, Jr., and Anthony N. Mark, Jr., a partnership, doing business as Z & M Garage, Philadelphia, Pennsylvania, of a permit in No. MC 36966, issued January 13, 1955, to Vincent D'Agata and Joseph Pagano, a partnership, doing business as D & P Transportation Co., Haddon Heights, New Jersey, authorizing the transportation of scales, machinery, and paper products, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, and Delaware within 50 miles of the City Hall in Philadelphia, and those in New Castle County, Del. Jacob Polin, 314 Old Lancaster Road, Merion, Pennsylvania, and P. O. Box 317, Bala-Cynwyd, Pennsylvania, for applicants.

No. MC-FC 61339. By order of July 21, 1958, the Transfer Board approved the transfer to William Hawthorne and Mary H. Wiegand, a partnership, doing business as Hawthorne & Co., Philadelphia, Pa., of Certificate No. MC 20558, issued June 9, 1937, to Reginald H. McKeefrey, doing business as John A. McKeefrey Company, Philadelphia, Pa., authorizing the transportation of boats, bells, monuments, and heavy industrial and commercial machinery, equipment, and material between Philadelphia, Pa., on the one hand, and on the other, points in New Jersey, Delaware, and specified portions of Pennsylvania and Maryland. Winokur & Kahn, 512 Market Street National Bank Building, Juniper and Market Streets, Philadelphia 7, Pennsylvania, for applicants.

No. MC-FC 61340. By order of July 21, 1958, the Transfer Board approved the transfer to R. C. Meyers, doing business as Meyers Transfer and Storage Company, Magnolia, Arkansas, of a portion of certificate in No. MC 7670, issued December 17, 1940, to W. H. Boswell, doing business as Boswell Truck Lines, Waldo, Arkansas, authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between points in Columbia County, Ark., on the one hand, and, on the other, points in Louisiana and Texas. Harry B. Colay, First National Bank Building, Magnolia, Arkansas, for applicants.

No. MC-FC 61362. By order of July 21, 1958, the Transfer Board approved the transfer to Arrow Express, Inc., Chattanooga, Tennessee, of a certificate in No. MC 113963, issued July 31, 1954, to Arrow Express Corporation, Chattanooga, Tennessee, authorizing the transportation of industrial plants, and in connection therewith, machinery, equipment, and bulk stocks, and Class A, B, and C explosives, between specified points in Tennessee, Alabama, Kentucky, Georgia, North Carolina, South Carolina, Virginia, and Mississippi. James W. Wrape, 2111 Sterick Building, Memphis, Tennessee, for applicants.

No. MC-FC 61379. By order of July 21, 1958, the Transfer Board approved the transfer to John Boyd, Inc., Erdenheim (Philadelphia), Pennsylvania, of Permit No. MC 22542, issued June 30, 1937, to Isabel Boyd, Erdenheim (Philadelphia), Pennsylvania, authorizing the transportation of lime and crushed stone, from Plymouth Meeting, Pa., to points in New Jersey. A. E. Enoch, 566 Main Street, Bethlehem, Pa., for applicants.

No. MC-FC 61399. By order of July 21, 1958, the Transfer Board approved the transfer to James C. Werling, doing business as Bowlus Trucking Co., Fremont, Ohio, of Corrected Permit No. MC 2110, issued May 7, 1942, to Harry S. Bowlus, doing business as Bowlus Trucking Co., Fremont, Ohio, authorizing the transportation of castings and scrap casting between Fremont, Ohio, on the one hand, and, on the other, Detroit, Hamtramck, and Monroe, Mich., iron and steel castings from Fremont, Ohio, to four specified towns in Indiana, and points in twenty-three specified counties in Michigan, and scrap-iron and steel and rejected castings, from the above-specified destination points to Fremont. Richard H. Brandon, 810 Hartman Building, Columbus 15, Ohio, for applicants.

No. MC-FC 61403. By order of July 21, 1958, the Transfer Board approved the transfer to Ed Galigher, Bowerston, Ohio, of certificates in Nos. MC 112479 Sub 2 and MC 112479 Sub 6, issued June 2, 1953, and September 10, 1956, respectively, to Chester A. Smith, Cadiz, Ohio, authorizing the transportation of earthenware, over irregular routes, from Scio, Ohio, to Washington, D. C., and specified points in Massachusetts, Illinois, New York, Missouri, Maryland, Pennsylvania, and New Jersey. Richard H. Brandon, Sanborn, Nacey and Brandon, Hartman Building, Columbus 15, Ohio, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-5897; Filed, July 31, 1958; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 23 NUMBER 151 AUG 4 1953

Washington, Saturday, August 2, 1958

THE NATIONAL ARCHIVES 1934 OF THE UNITED STATES LITTERA SCRIPTA MANET

UNIVERSITY OF MICHIGAN

MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 26—EMPLOYMENT WITH PUBLIC INTERNATIONAL ORGANIZATIONS

The title of Part 26 is amended to read as follows: "Employment with Public International Organizations." Sections 26.1 to 26.10 are redesignated as "Subpart A—Public International Organizations Generally" and a new Subpart B—"International Atomic Energy Agency" is added as set out below.

Subpart B—International Atomic Energy Agency

Sec.
26.201 Purpose.
26.202 Coverage.
26.203 Definitions.
26.204 Separation procedure.
26.205 Pay increases.
26.206 Retirement and insurance.
26.207 Entitlement to reemployment.
26.208 Department obligation to reemploy.
26.209 Failure to reemploy.
26.210 Resumption of Federal service.

AUTHORITY: §§ 26.201 to 26.210 issued under sec. 6, 71 Stat. 454; 22 U. S. C. 2025. E. O. 10774, 23 F. R. 5681.

SUBPART B—INTERNATIONAL ATOMIC ENERGY AGENCY

§ 26.201 *Purpose.* The purpose of the regulations in this subpart is to implement section 6 of the International Atomic Energy Agency Participation Act of 1957 (Pub. Law 85-177, approved August 28, 1957), and Executive Order 10774 of July 25, 1958, to protect civil service rights and privileges, whenever appropriate, for Federal employees or officers who are or have been separated from their department and who acept employment with the Agency.

§ 26.202 *Coverage.* The regulations in this subpart apply to all civilian employees and officers in any department in any branch of the Federal Government.

§ 26.203 *Definitions.* As used in this subpart, the term:

(a) "Act" means the International Atomic Energy Agency Participation Act of 1957 (Pub. Law 85-177, approved August 28, 1957).

(b) "Agency" means the International Atomic Energy Agency.

(c) "Commission" means the United States Civil Service Commission.

(d) "Department" means any department, agency, or independent establishment in any branch of the Federal Government, including Government-owned or -controlled corporations.

(e) "Employee" means any civilian Federal employee, other than a Presidential appointee or elected officer, who leaves his Federal position after August 27, 1957, with the consent of his department to enter employment with the Agency.

(f) "Life Insurance Act" means the Federal Employees' Group Life Insurance Act of 1954, as amended.

(g) "Officer" means any Presidential appointee or elected officer who leaves his position after August 27, 1957, and within 90 days enters employment with the Agency.

(h) "Retirement Act" means the Civil Service Retirement Act, approved July 31, 1956, as amended.

(i) "Term of employment" means not more than three consecutive years of employment beginning with entrance on duty in the Agency.

§ 26.204 *Separation procedure*—(a) *Request for employee.* The Agency's request for an employee shall be in writing and submitted to the department in which such employee is serving. The department may consent to the release of any non-temporary employee.

(b) *Letter of consent.* If the head of the losing department or his designated representative is agreeable to the separation of an employee with the benefits provided in this subpart, his consent shall be given in writing to the Agency.

(c) *Effective date.* The effective date of separation is to be established by mutual agreement between the department and the Agency.

(d) *Disapproval.* A refusal by the head of the department to consent to the separation is not reviewable by or appealable to the Commission.

(e) *Recording requirements.* A statement of the leave account of an employee or officer shall be furnished to him upon separation. In addition, the personnel action effecting the employee's separation shall clearly show that he has reemployment rights in the department.

§ 26.205 *Pay increases*—(a) *Employee.* An employee who is reemployed

(Continued on p. 5849)

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FEDERAL REGISTER

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in the Federal service in accordance with his right of reemployment is entitled to the rate of basic compensation to which he would have been entitled had he remained in the Federal service.

(b) *Officer.* An officer who is reemployed in the Federal position which he left or one of like seniority, status, and pay within 90 days of his separation from the Agency following a term of employment not exceeding the first three consecutive years of his entering the Agency is entitled to the rate of basic compensation to which he would have been entitled had he remained in the Federal service.

§ 26.206 *Retirement and insurance*—(a) *Coverage.* (1) To obtain retirement benefits for the term of employment with the Agency, an employee or officer covered by the Retirement Act shall, within ninety (90) days after the date he is separated from the Agency, pay to the Commission all necessary employee deductions and agency contributions for coverage under the Retirement Act for his term of employment with the Agency. Interest shall not be charged an employee or officer on any payment of necessary employee deductions and agency contributions. The amount of the employee deductions so paid shall be added to the employee's or officer's lump-sum credit in the civil service retirement and disability fund.

(2) To retain coverage under the Life Insurance Act during his term of employment with the Agency, an employee or officer covered by the Life Insurance Act shall currently pay employee deductions and agency contributions necessary for coverage under the Life Insurance Act for his term of employment with the Agency. Collections may be made under procedures which shall be determined in accordance with written agreements reached between accounting representatives of the Commission and the Agency.

(3) All retirement and insurance benefits and obligations shall be computed in the same manner as if the rate of basic compensation the employee or officer was receiving on the last day he was in his Federal position prior to employment with the Agency had continued without change.

(4) An employee or officer not covered by either the Retirement Act or Life Insurance Act in the Federal position which he last held or from which he separates to enter employment with the Agency shall not acquire such coverage or benefits based on employment with the Agency.

(b) *Death*—(1) *Coverage*—(i) *Employee.* An employee who dies during his term of employment with the Agency, or within ninety (90) days of separation therefrom, or following timely filing of application for reemployment after separation therefrom and prior to (*a*) reemployment in the Federal service or (*b*) filing of an appeal or the expiration of time limit for filing appeal, shall be deemed to have died in the Federal service.

(ii) *Officer.* An officer who dies during his term of employment or within ninety (90) days of his separation therefrom shall also be deemed to have died in the Federal service.

(2) *Service credit.* All periods of time specified in subparagraph (b) (1) of this section shall be creditable as Federal service, with all such periods of time other than the term of employment being counted as leave without pay. In the event an employee dies following ninety (90) days after separation without having made the retirement payments as required under § 26.206 (a) (1), no service credit shall be given for any of such periods.

§ 26.207 *Entitlement to reemployment.* An employee is entitled to reemployment if he meets the following conditions:

(a) He is separated, either voluntarily or involuntarily, from his term of employment without prejudice such as would reflect upon his suitability for further Federal service; and

(b) He makes application for reemployment to his former department (or its successor) within ninety (90) days from the date he is separated from his term of employment with the Agency.

§ 26.208 *Department obligation to reemploy.* An employee entitled to reemployment under this subpart shall be reemployed by his former department (or its successor) as promptly as possible but not later than thirty (30) days after receipt of his application for reemployment. Such reemployment shall be in the employee's former position, or in a position of like seniority, status, and pay.

§ 26.209 *Failure to reemploy*—(a) *Appeal from failure to reemploy.* (1) Should a department fail to reemploy an employee, it shall notify him in writing of the reasons and of his right to appeal within ten (10) days to the U. S. Civil Service Commission, Washington 25, D. C. The employee may file his appeal with the Commission not later than ten (10) days after receipt of notice denying reemployment.

(2) The Commission's decision on appeal is final and it shall be mandatory for the department to effect the action finally ordered by the Commission. Decisions favorable to the appellant may be made retroactively effective to the expiration of the department's thirty (30)-day time limit for effecting restoration. Adjudication of appeals will not be stopped by the death of the appellant.

§ 26.210 *Resumption of Federal service*—(a) *Service credit for Agency employment*—(1) *Employee.* An employee who is reemployed in the Federal service in accordance with his right of reemployment shall be given credit as Federal service for the period beginning with the term of employment with the Agency to the date of reemployment in the department. However, service credit shall not be given for Retirement Act purposes if the employee fails to comply with the requirements of § 26.206 (a) (1).

(2) *Officer.* An officer who is reemployed in the Federal service within 90 days after completion of his term of employment with the Agency shall be given credit as Federal service for his term of employment with the Agency. However, service credit shall not be given for Retirement Act purposes if the employee fails to comply with the requirements of § 26.206 (a) (1).

(b) *Reestablishment of sick leave account.* An employee who is reemployed through the exercise of his reemployment rights shall have his Federal sick leave account reestablished for credit or charge. Any other employee or officer shall have his sick leave account

reestablished for credit or charge, provided he returns to an appropriate leave system within 52 calendar weeks after the date he is separated from his term of employment with the Agency.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-5965; Filed, Aug. 1, 1958; 8:55 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—General Regulations

[FHA Instruction 402.1]

PART 303—SUPERVISED BANK ACCOUNTS

RECEIPTS FOR GOODS OF SERVICES PURCHASED

Section 303:5 (b) (2), Title 6, Code of Federal Regulations (22 F. R. 3215) is revised to allow notations on checks for goods or services purchased in lieu of a bill of sale, invoice or receipt and to provide for return of bills of sale, invoices and receipts to borrowers. The revised § 303.5 (b) (2) reads as follows:

§ 303.5 *Deposits and withdrawals.* • • •

(b) *Withdrawals.* • • •

(2) Ordinarily, a check will be countersigned before it is delivered to the payee. However, in justifiable circumstances such as when excessive travel on the part of the borrower or the Government would be involved, or the consummation of good purchases would be prevented, and the County Supervisor is assured the borrower can select goods and services in accordance with the plans, a check may be delivered to the payee by the borrower before being countersigned. When a check is delivered to the payee before being countersigned, the County Supervisor must make it clear to the borrower, and, when possible, clear to the payee, that such check will be countersigned only if the quantity and quality of items purchased are in accordance with approved plans. When a check is delivered to the payee before it is countersigned, it will bear the following legend in addition to the legend for countersignature: "Valid only upon countersignature of Farmers Home Administration." In such case, the check must be presented by the payee or his representative to the County Office of the Farmers Home Administration servicing the account for the required countersignature. Such a check must be accompanied by a bill of sale, invoice, or receipt signed by the borrower, clearly showing the goods or services purchased by the borrower and the cost thereof, or similar information must be indicated on the check. For real estate loans, bills of sale, invoices, and receipts will be returned to borrowers after all items of farm development have been completed, and for other types of loans, they will be returned to borrowers after review by a County Office employee authorized to countersign checks. Such a check is not valid unless countersigned and should not be placed in banking channels before the countersignature is affixed.

(R. S. 161, secs. 41, 6, 50 Stat. 528, as amended, 870, sec. 510, 63 Stat. 437; 5 U. S. C. 22, 7 U. S. C. 1015, 16 U. S. C. 590w, 42 U. S. C. 1480)

Dated: July 28, 1958.

[SEAL] DARREL A. DUNN,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 58-5926; Filed, Aug. 1, 1958; 8:49 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP SOYBEAN LOAN AND PURCHASE AGREEMENT PROGRAM

The 1958 C. C. C. Grain Price Support Bulletin 1 (23 F. R. 2663 and 5257) issued by the Commodity Credit Corporation and the Commodity Stabilization Service and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1958 was supplemented by 1958 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Soybeans (23 F. R. 4441) containing specific requirements, applicable to price support operations on the 1958 soybean crop. These regulations are further supplemented by the addition of § 421.3437 as follows:

§ 421.3437 *Support rates.* Basic county support rates for soybeans placed under loan and for soybeans delivered under purchase agreement, and the schedule of premiums and discounts are set forth in this section. Farm-storage and warehouse-storage loans, and purchases under purchase agreements will be made on the basis of the support rate established for the county in which the soybeans were produced.

(a) *Basic county support rates.* (1) Basic county support rates per bushel for soybeans of the classes Green soybeans and Yellow soybeans grading No. 2 or better, and containing from 13.8 to 14.0 percent moisture, are as follows:

County	Rate per bushel
ALABAMA	
All counties	$2.03
ARIZONA	
All counties	$1.95
ARKANSAS	
All counties	$2.06
CALIFORNIA	
All counties	$1.95
DELAWARE	
All counties	$2.04
FLORIDA	
All counties	$2.03
GEORGIA	
All counties	$2.04

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$2.12	Lee	$2.13
Alexander	2.09	Livingston	2.15
Bond	2.14	Logan	2.15
Boone	2.13	McDonough	2.13
Brown	2.12	McHenry	2.14
Bureau	2.12	McLean	2.15
Calhoun	2.12	Macon	2.15
Carroll	2.12	Macoupin	2.14
Cass	2.13	Madison	2.13
Champaign	2.15	Marion	2.13
Christian	2.15	Marshall	2.14
Clark	2.14	Mason	2.13
Clay	2.13	Massac	2.10
Clinton	2.12	Menard	2.13
Coles	2.15	Mercer	2.13
Cook	2.16	Monroe	2.10
Crawford	2.13	Montgomery	2.14
Cumberland	2.15	Morgan	2.14
De Kalb	2.15	Moultrie	2.15
De Witt	2.15	Ogle	2.13
Douglas	2.15	Peoria	2.13
Du Page	2.15	Perry	2.10
Edgar	2.15	Piatt	2.15
Edwards	2.11	Pike	2.13
Effingham	2.15	Pope	2.10
Fayette	2.15	Pulaski	2.09
Ford	2.15	Putnam	2.12
Franklin	2.10	Randolph	2.10
Fulton	2.12	Richland	2.13
Gallatin	2.10	Rock Island	2.12
Greene	2.13	St. Clair	2.11
Grundy	2.15	Saline	2.10
Hamilton	2.11	Sangamon	2.13
Hancock	2.12	Schuyler	2.13
Hardin	2.10	Scott	2.13
Henderson	2.12	Shelby	2.15
Henry	2.12	Stark	2.13
Iroquois	2.15	Stephenson	2.12
Jackson	2.10	Tazewell	2.14
Jasper	2.14	Union	2.09
Jefferson	2.11	Vermillion	2.15
Jersey	2.12	Wabash	2.11
Jo Daviess	2.12	Warren	2.13
Johnson	2.09	Washington	2.11
Kane	2.15	Wayne	2.11
Kankakee	2.15	White	2.10
Kendall	2.15	Whiteside	2.12
Knox	2.13	Will	2.15
Lake	2.15	Williamson	2.10
La Salle	2.15	Winnebago	2.12
Lawrence	2.12	Woodford	2.14

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$2.09	Jackson	$2.08
Allen	2.10	Jasper	2.12
Bartholomew	2.08	Jay	2.08
Benton	2.14	Jefferson	2.07
Blackford	2.08	Jennings	2.07
Boone	2.10	Johnson	2.08
Brown	2.08	Knox	2.10
Carroll	2.10	Kosciusko	2.08
Cass	2.09	Lagrange	2.10
Clark	2.07	Lake	2.14
Clay	2.10	La Porte	2.11
Clinton	2.10	Lawrence	2.09
Crawford	2.07	Madison	2.09
Daviess	2.09	Marion	2.09
Dearborn	2.07	Marshall	2.10
Decatur	2.08	Martin	2.08
De Kalb	2.10	Miami	2.08
Delaware	2.08	Monroe	2.09
Dubois	2.08	Montgomery	2.12
Elkhart	2.09	Morgan	2.09
Fayette	2.08	Newton	2.14
Floyd	2.07	Noble	2.10
Fountain	2.13	Ohio	2.07
Franklin	2.08	Orange	2.08
Fulton	2.09	Owen	2.09
Gibson	2.10	Parke	2.11
Grant	2.08	Perry	2.07
Greene	2.10	Pike	2.08
Hamilton	2.09	Porter	2.13
Hancock	2.08	Posey	2.09
Harrison	2.07	Pulaski	2.11
Hendricks	2.09	Putnam	2.10
Henry	2.08	Randolph	2.08
Howard	2.09	Ripley	2.07
Huntington	2.09	Rush	2.08

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
St. Joseph	$2.10	Vanderburgh	$2.09
Scott	2.07	Vermillion	2.13
Shelby	2.08	Vigo	2.12
Spencer	2.07	Wabash	2.08
Starke	2.11	Warren	2.13
Steuben	2.10	Warrick	2.08
Sullivan	2.11	Washington	2.07
Switzerland	2.07	Wayne	2.08
Tippecanoe	2.12	Wells	2.09
Tipton	2.09	White	2.12
Union	2.08	Whitley	2.10

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$2.05	Jefferson	$2.08
Adams	2.04	Johnson	2.09
Allamakee	2.06	Jones	2.09
Appanoose	2.06	Keokuk	2.08
Audubon	2.05	Kossuth	2.04
Benton	2.09	Lee	2.09
Black Hawk	2.07	Linn	2.09
Boone	2.06	Louisa	2.09
Bremer	2.06	Lucas	2.06
Buchanan	2.08	Lyon	2.02
Buena Vista	2.04	Madison	2.05
Butler	2.06	Mahaska	2.07
Calhoun	2.05	Marion	2.07
Carroll	2.05	Marshall	2.08
Cass	2.04	Mills	2.03
Cedar	2.10	Mitchell	2.04
Cerro Gordo	2.05	Monona	2.03
Cherokee	2.03	Monroe	2.06
Chickasaw	2.05	Montgomery	2.03
Clarke	2.05	Muscatine	2.10
Clay	2.04	O'Brien	2.03
Clayton	2.07	Osceola	2.03
Clinton	2.10	Page	2.03
Crawford	2.04	Palo Alto	2.04
Dallas	2.06	Plymouth	2.02
Davis	2.07	Pocahontas	2.04
Decatur	2.05	Polk	2.07
Delaware	2.08	Pottawattamie	2.03
Des Moines	2.09	Poweshiek	2.08
Dickinson	2.03	Ringgold	2.04
Dubuque	2.08	Sac	2.05
Emmet	2.03	Scott	2.10
Fayette	2.07	Shelby	2.04
Floyd	2.05	Sioux	2.02
Franklin	2.06	Story	2.07
Fremont	2.03	Tama	2.08
Greene	2.05	Taylor	2.04
Grundy	2.07	Union	2.04
Guthrie	2.05	Van Buren	2.08
Hamilton	2.06	Wapello	2.07
Hancock	2.04	Warren	2.06
Hardin	2.07	Washington	2.08
Harrison	2.03	Wayne	2.06
Henry	2.08	Webster	2.06
Howard	2.04	Winnebago	2.03
Humboldt	2.05	Winneshiek	2.05
Ida	2.04	Woodbury	2.03
Iowa	2.09	Worth	2.04
Jackson	2.10	Wright	2.06
Jasper	2.08		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$2.02	Greenwood	$2.01
Anderson	2.03	Harper	1.98
Atchison	2.03	Harvey	1.99
Bourbon	2.02	Jackson	2.02
Brown	2.02	Jefferson	2.03
Butler	2.00	Jewell	1.99
Chase	2.00	Johnson	2.03
Chautauqua	1.99	Kingman	1.98
Cherokee	2.01	Labette	2.00
Clay	2.01	Leavenworth	2.03
Cloud	2.00	Lincoln	1.99
Coffey	2.02	Linn	2.03
Cowley	1.99	Lyon	2.01
Crawford	2.01	McPherson	1.99
Dickinson	2.00	Marion	2.00
Doniphan	2.03	Marshall	2.01
Douglas	2.03	Maimi	2.03
Elk	2.00	Mitchell	1.99
Ellsworth	1.98	Montgomery	1.99
Franklin	2.03	Morris	2.01
Geary	2.01	Nemaha	2.02

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Neosho	$2.01	Sedgwick	$1.99
Osage	2.02	Shawnee	2.03
Osborne	1.98	Smith	1.98
Ottawa	2.00	Sumner	1.98
Pottawatomie	2.01	Wabaunsee	2.02
Reno	1.98	Washington	2.01
Republic	2.00	Wilson	2.00
Rice	1.98	Woodson	2.01
Riley	2.01	Wyandotte	2.03
Russell	1.98	All other counties	1.97
Saline	1.99		

KENTUCKY

All counties $2.08

LOUISIANA

All counties $2.06

MARYLAND

All counties $2.04

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Allegan	$2.04	Lapeer	$2.04
Arenac	2.02	Lenawee	2.08
Barry	2.04	Livingston	2.06
Bay	2.02	Macomb	2.06
Berrien	2.07	Mecosta	2.02
Branch	2.07	Midland	2.02
Calhoun	2.06	Monroe	2.08
Cass	2.06	Montcalm	2.03
Clare	2.02	Muskegon	2.02
Clinton	2.04	Newaygo	2.02
Eaton	2.05	Oakland	2.06
Genesee	2.04	Oceana	2.02
Gladwin	2.02	Ottawa	2.03
Gratiot	2.03	Saginaw	2.03
Hillsdale	2.08	St. Clair	2.05
Huron	2.02	St. Joseph	2.06
Ingham	2.06	Sanilac	2.03
Ionia	2.04	Shiawassee	2.04
Isabella	2.02	Tuscola	2.03
Jackson	2.07	Van Buren	2.05
Kalamazoo	2.05	Washtenaw	2.07
Kent	2.03	Wayne	2.07

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$1.98	Mille Lacs	$2.00
Anoka	2.02	Morrison	1.99
Becker	1.96	Mower	2.04
Benton	2.00	Murray	2.01
Big Stone	1.99	Nicollet	2.02
Blue Earth	2.03	Nobles	2.02
Brown	2.02	Norman	1.96
Carver	2.02	Olmsted	2.04
Cass	1.97	Otter Tail	1.97
Chippewa	2.00	Pennington	1.96
Chisago	2.02	Pine	2.00
Clay	1.96	Pipestone	2.01
Clearwater	1.96	Polk	1.96
Cottonwood	2.02	Pope	1.99
Crow Wing	1.98	Ramsey	2.03
Dakota	2.03	Red Lake	1.96
Dodge	2.04	Redwood	2.01
Douglas	1.98	Renville	2.01
Faribault	2.03	Rice	2.04
Fillmore	2.04	Rock	2.01
Freeborn	2.04	Roseau	1.95
Goodhue	2.04	Scott	2.03
Grant	1.98	Sherburne	2.02
Hennepin	2.03	Sibley	2.02
Houston	2.04	Stearns	2.00
Hubbard	1.96	Steele	2.04
Isanti	2.02	Stevens	1.99
Jackson	2.02	Swift	2.00
Kanabec	2.01	Todd	1.98
Kandiyohi	2.00	Traverse	1.98
Kittson	1.95	Wabasha	2.04
Lac Qui Parle	2.00	Wadena	1.97
Le Sueur	2.03	Waseca	2.03
Lincoln	2.01	Washington	2.03
Lyon	2.01	Watonwan	2.03
McLeod	2.02	Wilkin	1.97
Mahnomen	1.96	Winona	2.04
Marshall	1.95	Wright	2.02
Martin	2.03	Yellow Medicine	2.00
Meeker	2.01		

MISSISSIPPI

County	Rate per bushel
All counties	$2.06

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$2.07	Lincoln	$2.08
Andrew	2.04	Linn	2.06
Atchison	2.04	Livingston	2.05
Audrain	2.06	McDonald	2.02
Barry	2.02	Macon	2.07
Barton	2.02	Madison	2.06
Bates	2.04	Maries	2.05
Benton	2.04	Marion	2.09
Bollinger	2.07	Mercer	2.05
Boone	2.07	Miller	2.05
Buchanan	2.04	Mississippi	2.07
Butler	2.07	Moniteau	2.06
Caldwell	2.04	Monroe	2.08
Callaway	2.07	Montgomery	2.07
Camden	2.05	Morgan	2.05
Cape Girardeau	2.07	New Madrid	2.07
Carroll	2.05	Newton	2.02
Carter	2.06	Nodaway	2.04
Cass	2.04	Oregon	2.05
Cedar	2.03	Osage	2.06
Charlton	2.06	Ozark	2.04
Christian	2.03	Pemiscot	2.07
Clark	2.09	Perry	2.07
Clay	2.04	Pettis	2.05
Clinton	2.04	Phelps	2.05
Cole	2.06	Pike	2.09
Cooper	2.06	Platte	2.04
Crawford	2.06	Polk	2.04
Dade	2.02	Pulaski	2.05
Dallas	2.04	Putnam	2.06
Daviess	2.04	Ralls	2.09
De Kalb	2.04	Randolph	2.07
Dent	2.05	Ray	2.04
Douglas	2.04	Reynolds	2.05
Dunklin	2.07	Ripley	2.06
Franklin	2.07	St. Charles	2.08
Gasconade	2.06	St. Clair	2.04
Gentry	2.04	St. Francois	2.07
Greene	2.03	St. Louis	2.08
Grundy	2.05	St. Genevieve	2.07
Harrison	2.04	Saline	2.05
Henry	2.04	Schuyler	2.07
Hickory	2.04	Scotland	2.08
Holt	2.04	Scott	2.07
Howard	2.06	Shannon	2.05
Howell	2.05	Shelby	2.08
Iron	2.05	Stoddard	2.07
Jackson	2.04	Stone	2.03
Jasper	2.02	Sullivan	2.06
Jefferson	2.07	Taney	2.04
Johnson	2.04	Texas	2.05
Knox	2.08	Vernon	2.03
Laclede	2.04	Warren	2.07
Lafayette	2.04	Washington	2.06
Lawrence	2.02	Wayne	2.06
Lewis	2.09	Webster	2.04
		Worth	2.04
		Wright	2.04

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.98	Merrick	$1.99
Antelope	1.99	Nance	1.99
Boone	1.99	Nemaha	2.02
Boyd	1.98	Nuckolls	1.99
Burt	2.02	Otoe	2.02
Butler	2.02	Pawnee	2.02
Cass	2.02	Pierce	1.99
Cedar	2.00	Platte	2.00
Clay	1.99	Polk	2.00
Colfax	2.01	Richardson	2.02
Cuming	2.01	Saline	2.01
Dakota	2.01	Sarpy	2.02
Dixon	2.01	Saunders	2.02
Dodge	2.02	Seward	2.01
Douglas	2.02	Stanton	2.00
Fillmore	2.00	Thayer	2.00
Gage	2.01	Thurston	2.01
Hall	1.98	Washington	2.02
Hamilton	1.99	Wayne	2.00
Jefferson	2.01	Webster	1.98
Johnson	2.02	York	2.00
Knox	1.99	All other counties	1.97
Lancaster	2.02		
Madison	1.99		

County	New Jersey	Rate per bushel
All counties		$2.05

New Mexico

All counties	$1.95

New York

All counties	$2.04

North Carolina

All counties	$2.04

North Dakota

County	Rate per bushel	County	Rate per bushel
Barnes	$1.95	Sargent	$1.95
Cass	1.96	Steele	1.95
Grand Forks	1.95	Traill	1.96
Ransom	1.95	All other counties	1.94
Richland	1.96		

Ohio

Adams	$2.07	Licking	$2.09
Allen	2.10	Logan	2.09
Ashland	2.09	Lorain	2.10
Ashtabula	2.10	Lucas	2.11
Athens	2.08	Madison	2.08
Auglaize	2.09	Mahoning	2.09
Belmont	2.08	Marion	2.10
Brown	2.07	Medina	2.10
Butler	2.07	Meigs	2.07
Carroll	2.09	Mercer	2.09
Champaign	2.08	Miami	2.08
Clark	2.07	Monroe	2.07
Clermont	2.07	Montgomery	2.07
Clinton	2.07	Morgan	2.08
Columbiana	2.09	Morrow	2.10
Coshocton	2.09	Muskingum	2.09
Crawford	2.10	Noble	2.08
Cuyahoga	2.10	Ottawa	2.11
Darke	2.08	Paulding	2.11
Defiance	2.11	Perry	2.09
Delaware	2.09	Pickaway	2.08
Erie	2.11	Pike	2.07
Fairfield	2.09	Portage	2.10
Fayette	2.07	Preble	2.07
Franklin	2.09	Putnam	2.11
Fulton	2.11	Richland	2.10
Gallia	2.07	Ross	2.07
Geauga	2.10	Sandusky	2.11
Greene	2.07	Scioto	2.07
Guernsey	2.09	Seneca	2.11
Hamilton	2.07	Shelby	2.09
Hancock	2.10	Stark	2.09
Hardin	2.09	Summit	2.10
Harrison	2.09	Trumbull	2.10
Henry	2.11	Tuscarawas	2.09
Highland	2.07	Union	2.09
Hocking	2.08	Van Wert	2.10
Holmes	2.09	Vinton	2.08
Huron	2.10	Warren	2.07
Jackson	2.07	Washington	2.07
Jefferson	2.09	Wayne	2.09
Knox	2.09	Williams	2.11
Lake	2.10	Wood	2.11
Lawrence	2.07	Wyandot	2.10

Oklahoma

All counties	$2.00

Pennsylvania

All counties	$2.04

South Carolina

All counties	$2.04

South Dakota

County	Rate per bushel	County	Rate per bushel
Aurora	$1.96	Jerauld	$1.96
Beadle	1.96	Kingsbury	1.97
Bon Homme	1.98	Lake	1.98
Brookings	1.98	Lincoln	2.00
Brule	1.96	McCook	1.98
Charles Mix	1.97	Miner	1.97
Clay	1.99	Minnehaha	1.99
Codington	1.96	Moody	1.98
Davison	1.97	Roberts	1.96
Dueul	1.97	Sanborn	1.96
Douglas	1.97	Turner	1.99
Grant	1.97	Union	2.00
Hamlin	1.96	Yankton	1.99
Hanson	1.97	All other counties	1.95
Hutchinson	1.98		

County	Tennessee	Rate per bushel
All counties		$2.07

Texas

All counties	$2.00

Virginia

All counties	$2.04

West Virginia

All counties	$2.04

Wisconsin

County	Rate per bushel	County	Rate per bushel
Adams	$2.06	Marquette	$2.07
Barron	2.03	Milwaukee	2.10
Brown	2.05	Monroe	2.05
Buffalo	2.04	Oconto	2.04
Burnett	2.02	Oneida	2.02
Calumet	2.08	Outagamie	2.05
Chippewa	2.03	Ozaukee	2.09
Clark	2.03	Pepin	2.04
Columbia	2.08	Pierce	2.04
Crawford	2.07	Polk	2.03
Dane	2.09	Portage	2.05
Dodge	2.09	Price	2.02
Door	2.04	Racine	2.12
Douglas	2.02	Richland	2.07
Dunn	2.04	Rock	2.11
Eau Claire	2.04	Rusk	2.02
Fond du Lac	2.08	St. Croix	2.03
Grant	2.08	Sauk	2.07
Green	2.10	Sawyer	2.02
Green Lake	2.07	Shawano	2.04
Iowa	2.08	Sheboygan	2.08
Jackson	2.05	Taylor	2.02
Jefferson	2.10	Trempealeau	2.04
Juneau	2.06	Vernon	2.06
Kenosha	2.12	Walworth	2.12
Kewaunee	2.04	Washburn	2.02
La Crosse	2.05	Washington	2.09
Lafayette	2.09	Waukesha	2.10
Langlade	2.03	Waupaca	2.05
Lincoln	2.02	Waushara	2.06
Manitowoc	2.06	Winnebago	2.06
Marathon	2.03	Wood	2.05
Marinette	2.03		

(2) *Applicability of weed control provisions.* Where the State committee determines that State, district or county weed control laws, as administered, affect the soybean crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate for the county in which the soybeans were produced unless the producer obtains a certificate from the appropriate weed control official indicating that the soybeans comply with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the soybeans are stored determines that State, district or county weed control laws, as administered, affect soybeans stored in approved warehouses, the rate shall be 10 cents below the applicable support rate for the county in which the soybeans were produced unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the soybeans comply with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

(Signature)

(Address)

(Date)

(b) *Discounts and premiums*—(1) *Farm-storage.* In the case of eligible soybeans placed under farm-storage loan the applicable cumulative discounts contained in this paragraph shall be applied to the basic rate at the time the loan is completed. Premiums for low moisture content shall not be applied until time of settlement. In the case of eligible soybeans delivered from farm-storage under purchase agreement, the applicable discounts and premiums shall be applied to the basic rate at the time of settlement.

(2) *Warehouse storage.* In the case of warehouse-storage loans, the applicable discounts and premiums for eligible soybeans shall be applied to the basic rate at the time the loan is completed. In the case of eligible soybeans represented by warehouse receipts tendered to C. C. C. under purchase agreements, the applicable discounts and premiums shall be applied to the basic rate at the time of settlement.

(3) *Classification discount.* The support rates for soybeans of the classes Black Soybeans, Brown Soybeans, and Mixed Soybeans shall be 25 cents per bushel less than the support rates for the classes Green Soybeans and Yellow Soybeans.

(4) *Discounts for test weight per bushel, splits, and damaged kernels.* The following discounts are cumulative and apply to all classes of soybeans:

Test weight per bushel	Discount	Splits	Discount	Damaged kernels [1]		Discount
				Heat	Total	
Pounds [1]	*Cents per bushel*	*Percent* [1]	*Cents per bushel*	*Percent* [1]	*Percent* [1]	*Cents per bushel*
53.0–53.9	½	20.1–25.0	½	0.6–0.7	3.1–4.0	½
52.0–52.9	1	25.1–30.0	1	0.8–1.0	4.1–5.0	1
51.0–51.9	1½	30.1–35.0	1½	1.1–1.5	5.1–6.0	1½
50.0–50.9	2	35.1–40.0	2	1.6–2.1	6.1–7.0	2
49.0–49.9	2½			2.2–3.0	7.1–8.0	2½

[1] The figures in these columns are inclusive.
[2] Use column which yields the higher applicable discount.

(5) *Premiums for low moisture content.* The following premiums are applicable to all classes of soybeans.

Moisture (percent)	Premium (cents per bushel)
12.2 or less	4
12.3 to 12.7 inclusive	3
12.8 to 13.2 inclusive	2
13.3 to 13.7 inclusive	1
13.8 to 14.0 inclusive	0

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 29th day of July 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-5907; Filed, Aug. 1, 1958; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.76, as Amended, Supp. 9]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

IDAHO PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877) the Agricultural Stabilization and Conservation Idaho State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 86,965 acres established for Idaho by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 1524 Vista Street, Boise, Idaho, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Idaho. These bases and procedures incorporate the following:

§ 850.85 *Idaho*—(a) *Proportionate share areas.* Idaho shall be divided into five proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: Amalgamated, Nampa-Nyssa; Amalgamated, Twin Falls-Rupert, and Layton; Utah-Idaho; Franklin County; and American Crystal. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage records for each area a weighting of 80 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production" and a weighting of 20 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a floor of 92.588 percent of the 1953–54 average acreage and with pro-rata adjustments to a total of 86,965 acres. For the American Crystal Area, this computation resulted in an allotment of 235 acres. Since no requests for shares were filed in this area, the 235 acres were pro-rated to the other four areas on the basis of their respective allotments. The adjusted allotments were as follows: Amalgamated; Nampa-Nyssa Area—31,575 acres; Amalgamated, Twin Falls-Rupert, and Layton Area—35,293 acres; Utah-Idaho Area—15,076 acres; and Franklin County Area—5,021 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: For new producers—Amalgamated, Nampa-Nyssa Area—400 acres; Amalgamated, Twin Falls-Rupert, and Layton Area—440 acres; Franklin County Area—64 acres; and Utah-Idaho Area—155 acres; for appeals—Amalgamated, Nampa-Nyssa Area—315 acres; Amalgamated, Twin Falls-Rupert, and Layton Area—352 acres; Franklin County Area—50 acres; and Utah-Idaho Area—150 acres. For making adjustments in initial proportionate shares: Amalgamated Nampa-Nyssa Area—107 acres; Amalgamated, Twin Falls-Rupert, and Layton Area—54 acres; Utah-Idaho Area—186.9 acres; and Franklin County Area—78.8 acres.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.76. If a preliminary request for a tentative farm proportionate share is filed, a fully completed form SU–100 shall be filed by March 18, 1958, before a proportionate share may be established for the farm. However, requests for proportionate shares may be accepted after such dates and shares may be established if the county committee determines that in any such case the farm operator was prevented from filing a complete form SU–100 by such dates because of absence, illness or other reasons beyond his control.

(d) *Establishment of individual farm proportionate shares*—(1) *For old producers*—(i) *Farm bases.* For each farm in the Amalgamated, Nampa-Nyssa Area whose opeartor is a tenant having a personal accredited acreage during at least one of the crop years 1955–57, the 1958 base shall be determined by applying a weighting of 80 percent to the 4 year average of the operator's personal accredited acreage record during the base period (1954–57) and a weighting of 20 percent to the highest year in such base period, or by applying the above weightings in the same manner to the accredited acreage record of sugar beets on the farm, whichever gives the higher base. If the operator is the owner of the farm or is a tenant without a personal accredited acreage record in at least one of the crop years 1955–57, and the farm has such a record during at least one of such crop years, the base shall be determined by applying the above weightings to the accredited acreage record of the farm. The 1958 farm base for a farm operated by a tenant having a personal accredited acreage record as a new producer in 1955, 1956, or 1957 shall equal his most recent year's accredited acreage, but not to exceed his most recent established share. For each farm in any of the other proportionate share areas having an accredited acreage record for at least one of the years 1955–57, the 1958 farm base shall be the sum of 80 percent of the 4-year average of the accredited acreage record of sugar beets on the farm during the base period (1954–57) and 20 percent of the highest year in such base period. The 1958 farm base for a farm for which a new producer share was established in 1955, 1956 or 1957 shall equal the most recent years accredited acreage for the farm, but not to exceed the most recent established share.

(2) *Initial proportionate shares.* For each of the Amalgamated, Twin Falls-Rupert and Layton, and the Utah-Idaho areas the total of individual farm bases for old-producer farms, as established pursuant to this paragraph, is more than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established from the farm bases in each proportionate share area by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides. For each of the Amalgamated, Nampa-Nyssa and the Franklin County areas, the total of individual farm bases for old producers, as established pursuant to this paragraph is equal to the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly the initial proportionate share shall coincide with the requested acreages for farms for which the respective requested acreages are equal to or less than farm bases, and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides, and the total of the initial shares established in accordance with the preceding part of this subparagraph.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1958-crop year by new producers (as defined in § 850.76) by taking into consideration the avail-

ability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(f) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.76 applicable to appeals.

(g) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1958-crop season. However, any acreage released by producers prior to March 1, 1958 in the Amalgamated Nampa-Nyssa, and Franklin County areas, and prior to March 15, 1958 in the Amalgamated, Twin Falls-Rupert, and Layton, and Utah-Idaho areas, shall be used to increase shares of small producers (less than 5 acres) to 5 acres, or the acreage requested, whichever is smaller, so as to promote the more efficient operation of farms. In increasing such small producer shares, the State Committee shall take into consideration the size of beet operations for small farms in the area, the type of operations in the area, and other pertinent factors relating to efficient sugar beet production.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1958 Sugar Beet Crop, even if the acreage established is "none". In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted proportionate share on a form SU–103–A or other similar written notice. For each tentative proportionate share which is established, the person filing the request for such share shall be notified on a form SU–103–B specifying that such tentative share does not constitute a farm proportionate share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of share.* If the Agricultural Stabilization and Conservation County Committee determines that the proportionate share for any farm was established with consideration for the personal history of a person who had no interest or did not acquire any interest in such farm as a tenant, or who was not the operator of the farm at the time of planting sugar beets on the farm, the State Committee shall be notified of the circumstances and the actual operator of the farm shall be given an opportunity to file a request for a share for such farm. Pursuant to such a request, the proportionate share for the farm shall be redetermined on the basis of the personal history of such actual operator, the farm history, or new producer procedure, whichever is applicable, even though a downward adjustment to zero acres may be required. The actual farm operator shall be furnished a form SU–103–A setting forth the redetermined share for the farm and he shall also be furnished a statement explaining the reasons for the adjustment. A copy of such statement shall be furnished the person to whom the original Form SU–103 was issued.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Idaho State Committee for determining farm proportionate shares in Idaho in accordance with the determination of proportionate shares for the 1958 crop of sugar beets, as issued by the Secretary of Agriculture.

Idaho is again divided into the same five areas. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are measured by applying formulas to the accredited acreages for the crop years 1954–57.

The procedure for establishing farm shares for new producers meets the related requirements of § 850.76.

The bases and procedures for making adjustments in initial proportionate shares, for adjusting shares subsequently because of unused acreage, and appeals, are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 921; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930 as amended; 7 U. S. C. 1131, 1132)

Dated: July 15, 1958.

[SEAL] GLEN W. HENDERSON,
Chairman, Agricultural Stabilization and Conservation Idaho State Committee.

Approved: July 25, 1958.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58–5959; Filed, Aug. 1, 1958; 8:54 a. m.]

[Sugar Determination 850.76, as Amended, Supp. 11]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

MINNESOTA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877; 23 F. R. 4325) the Agricultural Stabilization and Conservation Minnesota State Committee has issue the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 73,070 acres established for Minnesota by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at Room 1104, Main Post Office Building, St. Paul, Minnesota, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Minnesota. These bases and procedures incorporate the following:

§ 850.87 *Minnesota*—(a) *Proportionate share areas.* Minnesota shall be divided into two proportionate share areas comprising the East Grand Forks-Crookston-Moorhead and the Chaska-Mason City factory districts of the State. These areas shall be designated as the "Northwest Area" and the "Southern Area", respectively. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 90 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 10 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce" with pro rata adjustments to a total of 73,070 acres. Acreage allotments computed as aforestated are established as follows: Northwest Area—59,048 acres and Southern Area—14,022 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Northwest Area—450 acres for new producers, 141 acres for small producers, 591 acres for appeals and 0 acres for adjustments in initial shares; Southern Area—1,222 acres for new producers, 140 acres for appeals, and 2,085 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on Form SU–100, Request for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date for such filing, provided in § 850.76. If a preliminary request for a tentative farm proportionate share is filed, a fully completed Form SU–100 shall be filed by April 1, 1958, before a proportionate share may be established for the farm. However, requests for proportionate shares may be accepted after such dates and shares may be established if the county committee determines that in any such case the farm operator was prevented from filing a completed Form SU–100 by such dates because of absence, illness or other reasons beyond his control.

(d) *Establishment of individual farm proportionate shares for old producers*—(1) *Farm bases.* For each farm in each proportionate share area whose operator is a tenant, having a personal accredited acreage record for any of the crop years 1955–57, the farm base shall equal the most-recently established farm share for the farm which such tenant last operated. For each farm having an accredited acreage record for at least one of the above crop years, which is operated by the owner or by a tenant without a personal production record for at least one of such years, the farm base shall equal the portion of the most-recently established share for the farm representing the landowner's share of the crops covered by such share.

(2) *Initial proportionate shares.* For each proportionate share area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph, is more than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established from the farm bases in each proportionate share area by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1958-crop year by new producers (as defined in § 850.76) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(f) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.76, applicable to appeals.

(g) *Acreages for small producers.* In the Northwest Area, the set-aside for "small producers" of 141 acres shall be distributed to small producers (less than average for the area). Any acreage released in either area prior to May 1, 1958, shall be used to increase the shares of small producers to the extent determined by the State Committee to be necessary to provide for the more efficient operation of such farms. In increasing such small producers shares, the county committee shall take into consideration the size of beet operations for small farms in the area, the type of operations in the area, and other pertinent factors relating to efficient sugar beet production.

(h) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1958-crop season.

(i) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1958 Sugar Beet Crop, even if the acreage established is "none". In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted proportionate share on a Form SU–103–A or other similar written notice. For each tentative proportionate share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm proportionate share for the purpose of payment under the Sugar Act of 1948, as amended.

(j) *Redetermination of share.* If the Agricultural Stabilization and Conservation County Committee determines that the proportionate share for any farm was established with consideration for the personal history of a person who had no interest or did not acquire any interest in such farm as a tenant, or who was not the operator of the farm at the time of planting sugar beets on the farm, the State Committee shall be notified of the circumstances and the actual operator of the farm shall be given an opportunity to file a request for a share for such farm. Pursuant to such a request, the proportionate share for the farm shall be redetermined on the basis of the personal history of such actual operator, the farm history, or new producer procedure whichever is applicable, even though a downward adjustment to zero acres may be required. The actual farm operator shall be furnished a Form SU–103–A setting forth the redetermined share for the farm and he shall also be furnished a statement explaining the reasons for the adjustment. A copy of such statement shall be furnished the person to whom the original Form SU–103 was issued.

(k) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Minnesota State Committee for determining farm proportionate shares in Minnesota in accordance with the determination of proportionate shares for the 1958 crop of sugar beets, as issued by the Secretary of Agriculture.

Minnesota is again divided into the same two areas. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are recognized. The procedure for establishing farm shares for new producers meets the related requirements of § 850.76.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 921; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U. S. C. 1131, 1132)

Dated: July 9, 1958.

[SEAL] FLOYD E. SJOLANDER,
Chairman, Agricultural Stabilization and Conservation Minnesota State Committee.

Approved: July 25, 1958.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58–5920; Filed, Aug. 1, 1958; 8:47 a. m.]

[Sugar Determination 850.76 as amended, Supp. 12]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

MONTANA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877; 23 F. R. 4325) the Agricultural Stabilization and Conservation Montana State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 55,672 acres established for Montana by the determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at 211 North Grand Avenue, Bozeman, Montana, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Montana. These bases and procedures incorporate the following:

§ 850.88 *Montana*—(a) *Proportionate share areas.* Montana shall be divided into three proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: American Crystal, Great Western, and

Holly. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a minimum of 97.4 percent of the 1954–55 average and pro rata adjustments to a total of 55,672 acres. Acreage allotments computed as aforestated are established as follows: American Crystal Area—5,113 acres; Great Western Area—26,513 acres; and Holly Area—24,046 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from each area as follows: American Crystal Area: 51 acres for new producers, 51 acres for appeals, and 133 acres for adjustments in initial shares; Great Western Area: 265 acres for new producers, 265 acres for appeals and 575 acres for adjustments in initial shares; Holly Area: 241 acres for new producers, 241 acres for appeals, and 170 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU–100, Request for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date for such filing, provided in § 850.76. If a preliminary request for a tentative farm proportionate share is filed, a fully-completed Form SU–100 shall be filed by April 1, 1958. However, requests for proportionate shares may be accepted after such dates and shares may be established if the County Committee determines that in any such case the farm operator was prevented from filing a complete Form SU–100 by such dates because of absence, illness or other reasons beyond his control.

(d) *Establishment of individual proportionate shares for old producer farms*—(1) *Farm bases.* In each proportionate share area, the 1958 farm base for each old producer farm shall equal the most recent of the 1957, 1956, or 1955 crop shares established for the farm, including adjustments made under appeals but excluding any other upward adjustment made because the shares of other farms were not fully planted and excluding any downward adjustment made because the acreage planted on the farm was less than the share originally established for the farm.

(2) *Initial proportionate shares.* For each proportionate share area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph, is more than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established from the farm bases in each proportionate share area by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1958-crop year by new producers (as defined in § 850.76) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(f) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.76, applicable to appeals.

(g) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1958–crop season. However, any acreage released by producers prior to April 2, 1958 shall be used to increase small proportionate shares (smaller-than-average for the area) so as to promote the more efficient operation of farms. In increasing such small-producer shares, the State Committee shall take into consideration the size of beet operations for small farms in the area, the type of operations in the area, and other pertinent factors relating to efficient sugar beet production.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1958 Sugar Beet Crop, even if the acreage established is "none". In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted proportionate share on a Form SU–103–A or other similar written notice. For each tentative proportionate share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm proportionate share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Montana State Committee for determining farm proportionate shares in Montana in accordance with the determination of proportionate shares for the 1958 crop of sugar beets, as issued by the Secretary of Agriculture.

Montana is again divided into three areas. Farm proportionate shares of old producers are established so as to recognize "past production" and "ability to produce" sugar beets. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 921; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U. S. C. 1131, 1132)

Dated: July 8, 1958.

[SEAL] ROY M. KING,
Chairman, Agricultural Stabilization and Conservation Montana State Committee.

Approved: July 25, 1958.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58-5921; Filed, Aug. 1, 1958; 8:47 a. m.]

[Sugar Determination 850.76, as Amended, Supp. 14]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

NEVADA FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877; 23 F. R. 4325) the Agriculture Stabilization and Conservation Nevada State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 548 acres established for Nevada by the determination. Copies of these bases and procedures are available for public inspection at the office of the Agricultural Stabilization and Conservation Committee for Churchill County, in the Federal Building, Fallon, Nevada. These bases and procedures incorporate the following:

§ 850.90 *Nevada*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on Form SU–100, Request for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date of such filing, as provided in § 850.76. If a preliminary request for a tentative farm proportionate share is filed, a fully-completed Form SU–100 shall be filed by February 14, 1958. However, requests for proportionate shares may be accepted after such dates and shares may be established if the county committee determines that in any such case the farm operator was prevented from filing a completed Form SU–100 by such dates because of absence, illness or other reasons beyond his control.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from the State acreage allocation as follows: 50 acres for new producers, 10 acres for appeals, and 0 acres for adjustments in initial shares.

(c) *Establishment of individual proportionate shares for old producer farms*—(1) *Farm bases.* The 1958 farm base for each old-producer farm shall equal the most recent of the 1957 or 1956 crop shares established for the farm, including adjustments made under appeals but excluding any other upward adjustment made because the shares of other farms were not fully planted and excluding and downward adjustment made because the acreage planted on the farm was less than the share originally established for the farm.

(2) *Initial proportionate shares.* The total of individual farm bases for old-producer farms, as established pursuant to this paragraph is less than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established from the farm bases as follows: For farms for which respective requested acreage are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the prescribed part of this subparagraph.

(3) *Adjustments in initial shares.* Within the acreage available from initial shares in excess of requested acreage adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area, by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(d) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers, proportionate shares shall be established in an equitable manner for farms to be operated during the 1958-crop year by new producers (as defined in § 850.76) at the minimum level determined by the State Committee under usual circumstances to be economically feasible to plant sugar beets, by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(e) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.76 applicable to appeals.

(f) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1958-crop season. However, any acreage released by producers prior to February 15, 1958, shall be used to increase shares of small producers (less than 8 acres). In increasing such small-producer shares, the State Committee shall take into consideration the size of beet operations for small farms in the area, the type of operations in the area, and other pertinent factors relating to efficient sugar beet production.

(g) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Farm SU–103, Notice of Farm Proportionate Share—1958 Sugar Beet Crop, even if the acreage established is "none". In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals, or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted proportionate share on a Form SU–103–A or other similar written notice. For each tentative proportionate share which is established, the person filing the request for such share shall be notified on a form SU–103–B specifying that such tentative share does not constitute a farm proportionate share for the purpose of payment under the Sugar Act of 1948, as amended.

(h) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Nevada State Committee for determining farm proportionate shares in Nevada in accordance with the determination of proportionate shares for the 1958 crop of sugar beets as issued by the Secretary of Agriculture.

Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are recognized by using the most recently established farm shares as 1958 farm bases. The procedure for establishing farm shares for new producers meets the related requirements of § 850.76.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 921; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U. S. C. 1131, 1132)

Dated: July 17, 1958.

[SEAL] RUDOLPH H. SCHWARTZ,
Chairman, Agricultural Stabilization and Conservation Nevada State Committee.

Approved: July 25, 1958.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58-5923; Filed, Aug. 1, 1958; 8:48 a. m.]

[Sugar Determination 850.76, as Amended, Supp. 15]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

NEW MEXICO FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877; 23 F. R. 4325) the Agricultural Stabilization and Conservation New Mexico State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 744 acres established for New Mexico by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 1015 Tijeras Avenue NW., Albuquerque, New Mexico, and at the office of the Agricultural Stabilization and Conservation Committee in Estancia, Torrance County, New Mexico. These bases and procedures incorporate the following:

§ 850.91 *New Mexico*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on Form SU–100, Request for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.76. If a preliminary request for a tentative farm proportionate share is filed, a fully-completed Form SU–100 shall be filed by April 15, 1958. However, requests for proportionate shares may be accepted after such dates and shares may be established if the county committee de-

termines that in any such case the farm operator was prevented from filing a completed Form SU–100 by such dates because of absence, illness or other reasons beyond his control.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from the State acreage allocation as follows: 50 acres for new producers, 8 acres for appeals, and 59 acres for adjustments in initial shares.

(c) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases.* The 1958 farm base for each old producer farm shall equal the most recent of the 1957, 1956 or 1955 crop shares established for the farm, including adjustments made under appeals but excluding any other upward adjustment made because the shares of other farms were not fully planted and excluding any downward adjustments made because the acreage planted on the farm was less than the share originally established for the farm.

(2) *Initial proportionate shares.* The total of individual farm bases for old-producer farms, as established pursuant to subparagraph (1) of this paragraph is equal to the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established from the farm bases as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by pro-rating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(d) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers, proportionate shares shall be established in an equitable manner for farms to be operated during the 1958-crop year by new producers (as defined in § 850.76) at the minimum level determined by the State Committee under usual circumstances to be economically feasible to plant to sugar beets by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(e) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.76 applicable to appeals.

(f) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1958-crop season. However, any acreage released by producers prior to March 15, 1958, shall be used to increase shares of small producers (less-than-average for the area). In increasing such small-producer shares, the State Committee shall take into consideration the size of beet operations for small farms in the area, the type of operations in the area, and other pertinent factors relating to efficient sugar beet production.

(g) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1958 Sugar Beet Crop, even if the acreage established is "none". In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals, or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted proportionate share on a Form SU–103–A or other similar written notice. For each tentative proportionate share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm proportionate share for the purpose of payment under the Sugar Act of 1948, as amended.

(h) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation New Mexico State Committee for determining farm proportionate shares in New Mexico in accordance with the determination of proportionate shares for the 1958 crop of sugar beets, as issued by the Secretary of Agriculture.

Individual farm proportionate shares are again established directly from the State allocation, without subdividing the State into proportionate share areas. The basis used for establishing individual farm shares for old producers from the State allocation recognizes the factors of "past prodction" and "ability to produce" by the use of accredited acreages for the crop years 1955–57. The procedure for establishing farm shares for new producers meets the related requirements of § 850.76.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 921; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930 as amended; 7 U. S. C. 1131, 1133)

Dated: July 15, 1958.

[SEAL] CLAUDE B. EDMONDS,
Chairman, Agricultural Stabilization and Conservation New Mexico State Committee.

Approved: July 25, 1958.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58–5924; Filed, Aug. 1, 1958; 8:48 a. m.]

[Sugar Determination 850.76, as Amended, Supp. 16]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

NORTH DAKOTA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877; 23 F. R. 4325), the Agricultural Stabilization and Conservation North Dakota State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 38,027 acres established for North Dakota by the determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at 304 de Lendrecie Building, Fargo, North Dakota, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of North Dakota. These bases and procedures incorporate the following:

§ 850.92 *North Dakota*—(a) *Proportionate share areas.* North Dakota shall be divided into two proportionate share areas comprising the separate sugar beet producing regions of the State, one of which is served by the American Crystal Sugar Company and the other by the Holly Sugar Corporation. These areas shall be designated the "Eastern Area" and the "Western Area", respectively. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 85 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 15 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with pro rata adjustments to a total of 38,027 acres. Acreage allotments computed as aforestated are established as follows: Eastern Area—33,736 acres and Western Area—4,291 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Eastern Area—183 acres for new producers, 155 acres for small producers, 338 acres for appeals and 157 acres for adjustments in initial shares; Western Area—22 acres for new producers, 21 acres for small producers, 43 acres for appeals and 0 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU–100, Request for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.76. If a preliminary request for a tentative farm proportionate share is filed, a fully-completed Form SU–100 shall be filed by April 1, 1958. However, requests for proportionate shares may be accepted after such dates and shares may be established if the county committee determines that in any such case the farm operator was prevented from filing a completed Form SU–100 by such dates because of absence, illness or other reasons beyond his control.

(d) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases.* In each proportionate share area, the 1958 farm base for each old-producer farm shall equal the most recent of the 1957, 1956 or 1955 crop shares established for the farm, including adjustments made under appeals but excluding any other upward adjustment made because the shares of other farms were not fully planted or downward adjustment made because the acreage of sugar beets on the farm was less than the share originally established for the farm.

(2) *Initial proportionate shares.* For each proportionate share area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph is more than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established from the farm bases in each proportionate share area by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1958-crop year by new producers (as defined in § 850.76) at levels determined by the State Committee to be economically feasible to plant to sugar beets under usual circumstances, by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(f) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.76, applicable to appeals.

(g) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adustments shall be made in farm proportionate shares during the 1958-crop season. However, any acreage released by producers prior to April 15, 1958, shall be used to increase small proportionate shares (less-than-average for the area) so as to promote the more efficient operation of farms. In increasing such small-producer shares, the State Committee shall take into consideration the size of beet operations for small farms in the area, the type of operations in the area, and other pertinent factors relating to efficient sugar beet production.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1958 Sugar Beet Crop, even if the acreage established is "none". In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted proportionate share on a Form SU–103–A or other similar written notice. For each tentative proportionate share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm proportionate share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of share.* If the Agricultural Stabilization and Conservation County Committee determines that the proportionate share for any farm was established with consideration for the personal history of a person who had no interest or did not acquire any interest in such farm as a tenant, or who was not the operator of the farm at the time of planting sugar beets on the farm, the State Committee shall be notified of the circumstances and the actual operator of the farm shall be given an opportunity to file a request for a share for such farm. Pursuant to such a request, the proportionate share for the farm shall be redetermined on the basis of the personal history of such actual operator, the farm history, or new-producer procedure, whichever is applicable, even though a downward adjustment to zero acres may be required. The actual farm operator shall be furnished a Form SU–103–A setting forth the redetermined share for the farm and he shall also be furnished a statement explaining the reasons for the adjustment. A copy of such statement shall be furnished the person to whom the original Form SU–103 was issued.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation North Dakota State Committee for determining farm proportionate shares in North Dakota in accordance with the determination of proportionate shares for the 1958 crop of sugar beets, as issued by the Secretary of Agriculture.

The bases and procedures specified herein are essentially the same as those which were effective in the State for the 1957 crop. North Dakota is again divided into the same two areas. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are recognized by using the most-recently established farm share as 1958 farm bases.

The procedure for establishing farm shares for new producers meets the related requirements of § 850.76. The acreage set aside for such producers is sufficient to establish shares for farms at the prescribed minimum levels for those having the required qualifications.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals, are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 921; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U. S. C. 1131, 1132)

Dated: July 2, 1958.

[SEAL] RICHARD ASLAKSON,
Chairman, Agricultural Stabilization and Conservation North Dakota State Committee.

Approved: July 25, 1958.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58-5960; Filed, Aug. 1, 1958; 8:54 a. m.]

[Sugar Determination 850.76, as Amended, Supp 17]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

OHIO PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877; 23 F. R. 4325), the Agricultural Stabilization and Conservation Ohio State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 22,125 acres established for Ohio by the determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at Room 211 Old Federal Building, Columbus, Ohio, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Ohio. These bases and procedures incorporate the following:

§ 850.93 *Ohio*—(a) *Proportionate share areas.* Ohio shall be divided into two proportionate share areas or districts comprising beet sugar factory districts as served by two beet sugar companies. These areas shall be designated "Northern Ohio District" and "Buckeye District", respectively. Acreage allotments for these districts shall be computed by applying to the planted sugar beet acreage record for each district a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a ceiling of 125 percent of the 1954 acreage and pro rata adjustments to a total of 22,125 acres. Acreage allotments computed as aforestated are established as follows: Northern Ohio District—15,663 acres; and Buckeye District—6,462 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from district allotments as follows: Buckeye District—430 acres for new producers, 65 acres for appeals, and 1,292 acres for adjustments in initial shares; and Northern Ohio District—875 acres for new producers, 157 acres for appeals, and 3,133 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU–100, Request for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date for such filing, provided in § 850.76. If a preliminary request for a tentative farm proportionate share is filed, a fully-completed Form SU–100 shall be filed by February 28, 1958. However, requests for proportionate shares may be accepted after such dates and shares may be established if the County Committee determines that in any such case the farm operator was prevented from filing a completed form SU–100 by such dates because of absence, illness or other reasons beyond his control.

(d) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases.* In each proportionate share area, the 1958 farm base for each old-producer farm shall equal the most recent of the 1957, 1956 or 1955-crop shares established for the farm, including adjustments made under appeals but excluding any other upward adjustment made because the shares of other farms were not fully planted and excluding any downward adjustment made because the acreage planted on the farm was less than the share originally established for the farm.

(2) *Initial proportionate shares.* For each proportionate share area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph, is more than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established from the farm bases in each proportionate share area by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability of and suitability of land, area of available fields, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1958-crop year by new producers (as defined in § 850.76) by taking into consideration the availability and suitability of land, area of available fields, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(f) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.76 applicable to appeals.

(g) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1958-crop season. However, any acreage released by producers prior to April 29, 1958, shall be used to increase shares of small producers (less-than-average for the area). In increasing such small producers' shares, the State Committee shall take into consideration the size of beet operations for small farms in the area, the type of operations in the area, and other pertinent factors relating to efficient sugar beet production.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1958 Sugar Beet Crop, even if the acreage established is "none". In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted proportionate share on a Form SU–103–A or other similar written notice. For each tentative proportionate share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm proportionate share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Ohio State Committee for determining farm proportionate shares in Ohio in accordance with the determination of proportionate shares for the 1958 crop of sugar beets, as issued by the Secretary of Agriculture.

The bases and procedures specified herein are essentially the same as those which were effective in the State for the 1957 crop. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are measured by using the most recent of the 1957, 1956, or 1955 crop shares established for the farm as the base in prorating the acreage available for such producers. The procedure for establishing farm shares for new producers meets the related requirements of § 850.76.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 921; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U. S. C. 1131, 1132)

Dated: June 30, 1958.

[SEAL] THEODORE H. BREYLEY,
Chairman, Agricultural Stabilization and Conservation Ohio State Committee.

Approved: July 25, 1958.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58-5922; Filed, Aug. 1, 1958; 8:48 a. m.]

[Sugar Determination 850.76, as amended, Supp. 18]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

SOUTH DAKOTA FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877; 23 F. R. 4325), the Agricultural Stabilization and Conservation South Dakota State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 5,952 acres established for South Dakota by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 239 Wisconsin Street SW., Huron, South Dakota, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of South Dakota. These bases and procedures incorporate the following:

§ 850.94 *South Dakota*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share, under the conditions and on or before the closing date of such filing, as provided in § 850.76. If a preliminary request for a tentative farm proportionate share is filed, a fully completed Form SU–100 shall be filed by April 15, 1958. However, requests for proportionate shares may be accepted after such dates and shares may be established if the county committee determines that in any such case the farm operator was prevented from filing a completed Form SU–100 by such dates because of absence, illness or other reasons beyond his control.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from the State acreage allocation as follows: 218 acres for new producers, 63 acres for appeals, and 0 acres for adjustments in initial shares.

(c) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases.* The 1958 farm base for each old-producer farm having accredited acreage for at least one of the crop years 1955–57 shall equal one third of the total of the 1955–57 accredited acreages for the farm: *Provided*, That for a farm for which a new-producer share was established for 1955, 1956, or 1957, the farm base shall equal the most recent year's accredited acreage for the farm, but not to exceed the most-recently established share.

(2) *Initial proportionate shares.* The total of individual farm bases for old-producer farms, as established pursuant to the subparagraph (1) of this paragraph is less than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established from the farm bases as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides, and the total of the initial shares established in accordance with the preceding part of this subparagraph.

(3) *Adjustments in initial shares.* Within the acreage available from initial shares in excess of requested acreages, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area, by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(d) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers, proportionate shares shall be established in an equitable manner for farms to be operated during the 1958-crop year by new producers (as defined in § 850.76) at the minimum level determined by the State Committee under usual circumstances to be economically feasible to plant sugar beets, by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marking facilities and the production experience of the operator.

(e) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.76 applicable to appeals.

(f) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1958-crop season. However, any acreage released by producers prior to April 1, 1958, shall be used to increase shares of small producers (less than 15 acres). In increasing such small-producer shares, the State Committee shall take into consideration the size of beet operations for small farms in the area, the type of operations in the area, and other pertinent factors relating to efficient sugar beet production.

(g) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1958 Sugar Beet Crop, even if the acreage established is "none". In each case of approved adjustment, whether resulting from the release of acreage, appeals, or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted proportionate share on a Form SU–103–A or other similar written notice. For each tentative proportionate share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm proportionate share for the purpose of payment under the Sugar Act of 1948, as amended.

(h) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation South Dakota State Committee for determining farm proportionate shares in South Dakota in accordance with the determination of proportionate shares for the 1958 crop of sugar beets, as issued by the Secretary of Agriculture.

Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are recognized by the use of accredited acreages for the crop years 1955–57. The procedure for establishing farm shares for new producers meets the related requirements of § 850.76.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 921; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930 as amended; 7 U. S. C. 1131, 1132)

Dated: July 1, 1958.

[SEAL] CARL J. SCHAEFER,
Chairman, Agricultural Stabilization and Conservation South Dakota State Committee.

Approved: July 25, 1958.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58-5961; Filed, Aug. 1, 1958; 8:54 a. m.]

[Sugar Determination 850.76, as Amended; Supp. 19]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

TEXAS FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877; 23 F. R. 4325) the Agricultural Stabilization and Conservation Texas State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 1,771 acres established for Texas by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at the U. S. D. A. Building, College Station, Texas, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Texas. These bases and procedures incorporate the following:

§ 850.95 *Texas*—(a) *Set-asides of acreage.* From the State allocation there are set aside 44 acres for use in establishing farm proportionate shares for new producers, 18 acres for adjusting individual farm proportionate shares under appeals, and 56 acres for adjusting initial farm proportionate shares.

(b) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU-100, Request for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.76. If a preliminary request for a tentative farm proportionate share is filed, a fully completed Form SU-100 shall be filed by March 25, 1958. However, requests for proportionate shares may be accepted after such dates and shares may be established if the County Committee determines that in any such case the farm operator was prevented from filing a complete Form SU-100 by such dates because of absence, illness or other reasons beyond his control.

(c) *Establishment of individual farm proportionate shares for old producers*—(1) *Farm bases.* For each farm operated by an old producer having accredited acreage for at least one of the crop years 1955-57, the farm base shall be computed from the accredited sugar beet acreage record of the farm by giving a weighting of 50 percent to the average accredited acreage for the crops of 1952 through 1957, as a measure of "past production", and a weighting of 50 percent to the average acreage of the crops 1955 through 1957 as a measure of "ability to produce", except that the 1958 farm base for any farm operated by a new producer in 1955, 1956 or 1957 shall be the most recent accredited acreage for the farm, but not in excess of the most recent established farm share.

(2) *Initial proportionate shares.* The total of individual farm bases for old-producer farms, as established pursuant to the subparagraph (1) of this paragraph is less than the area allotment minus the set-asides of acreage established under paragraph (a) of this section. Accordingly, initial proportionate shares shall be established from the farm bases as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(d) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers, proportionate shares shall be established in an equitable manner for farms to be operated during the 1958-crop year by new producers (as defined in § 850.76) at the minimum level determined by the State Committee under usual circumstances to be economically feasible to plant to sugar beets, by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(e) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.76 applicable to appeals.

(f) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1958-crop season. However, any acreage released by producers prior to March 4, 1958, shall be used to increase shares of small producers (less-than-average for the area). In increasing such small-producer shares, the State Committee shall take into consideration the size of best operations for small farms in the area, the type of operations in the area, and other pertinent factors relating to efficient sugar beet production.

(g) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU-101, Notice of Farm Proportionate Share—1958 Sugar Beet Crop, even if the acreage established is "none". In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals, or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted proportionate share on a Form SU-103-A or other similar written notice. For each tentative proportionate share which is established, the person filing the request for such share shall be notified on a Form SU-103-B specifying that such tentative share does not constitute a farm proportionate share for the purpose of payment under the Sugar Act of 1948, as amended.

(h) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agriculture Stabilization and Conservation Texas State Committee for determining farm proportionate shares in Texas in accordance with the determination of proportionate shares for the 1958 crop of sugar beets, as issued by the Secretary of Agriculture.

The bases and procedures specified herein are essentially the same as those which were effective in the State for the 1957 crop, although the base period is changed from 1950-56 to 1952-57. A weighting of 50 percent is given to the average accredited acreage on the farm for the period 1952-57, as a measure of "past production", and a weighting of 50 percent is given to the average accredited acreage for the period 1955-57, as a measure of "ability to produce". The procedure for establishing farm shares for new producers meets the related requirements of § 850.76.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 921; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U. S. C. 1131, 1132)

Dated: July 16, 1958.

[SEAL] SEARCY M. FERGUSON,
Chairman, Agricultural Stabilization and Conservation Texas State Committee.

Approved: July 25, 1958.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58-5925; Filed, Aug. 1, 1958; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 147]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.447 *Valencia Orange Regulation 147*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 31, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., August 3, 1958, and ending at 12:01 a. m., P. s. t., August 10, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 531,300 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 1, 1958.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6089; Filed, Aug. 1, 1958; 11:38 a. m.]

[Lemon Reg. 750]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.857 *Lemon Regulation 750*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 30, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 3, 1958, and ending at 12:01 a. m., P. s. t., August 10, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 31, 1958.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6007; Filed, Aug. 1, 1958; 9:11 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

REVISION OF PART

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 29th day of July 1958.

Part 27, adopted December 22, 1939, effective July 15, 1940, as amended, establishes the current requirements for the issuance of aircraft dispatcher certificates. Since that time other airman parts have been revised and are now different from Part 27 in format and terminology. It is, therefore, desirable to revise Part 27 to make it conform more closely to the newer airman parts.

Two Civil Air Regulations Draft Releases were issued entitled "Proposed Revision of Part 27 of the Civil Air Regulations—Aircraft Dispatcher Certificates." The first was Draft Release 55–22, dated October 31, 1955. The second was Draft Release 57–22, dated October 2, 1957, which was published in the FEDERAL REGISTER on October 8, 1957. Both draft releases proposed changes to clarify the section pertaining to skill, to make changes in the experience requirements, and to delete the recent experience requirements.

The more significant changes are as follows:

1. *Experience.* The current aeronautical experience requirements preclude the possibility of a person's securing an aircraft dispatcher certificate when serving in other than scheduled air carrier or scheduled military operations. This revision broadens the base of experience which may be credited toward qualification for a certificate by recognizing the fact that some operators other than scheduled air carriers have established well-organized dispatch organizations through which they exercise dispatch control over the operation of their aircraft, even though not required to do so by the Civil Air Regulations. It is hoped that the recognition of this experience will serve to encourage the voluntary establishment of dispatch organizations in aircraft operations other than scheduled air carrier operations.

2. *Knowledge.* The paragraph in the present aeronautical knowledge section dealing with the characteristics of an aircraft used in air carrier operations has been moved to the section pertaining to skill. This has been done because an applicant's competence in this regard can better be determined from the practical rather than the written examination.

3. *Skill.* This section has been rewritten to present clearly the aircraft characteristics with respect to which the applicant will be required to take a practical examination. The specific reference to the Morse code has been deleted since an applicant in complying with the knowledge requirements would demonstrate sufficiently his familiarity with the code.

4. *Recent experience requirements.* Airman training and recent experience requirements applicable to aircraft dispatchers are contained in certain of the air carrier operating parts of the Civil Air Regulations. It is appropriate that these requirements should continue to be contained in the air carrier operating parts since specialized recent experience with respect to the carrier's authorized routes and the particular types of aircraft used is needed by the dispatcher so that he can perform his assigned duties in a competent manner. On the other hand, the recent experience requirements contained in present Part 27 are general in nature and may not be pertinent to the specific duties to which dispatchers are assigned. Furthermore, they are not considered necessary in view of the more specialized requirements contained in the operating parts of the Civil Air Regulations. Therefore, the current recent experience requirements are deleted from this part. This deletion will in no way affect the training program and recent experience requirements prescribed in the operating parts.

Interested persons have been afforded an opportunity to participate in the revision of this part (22 F. R. 8006), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 27 of the Civil Air Regulations (14 CFR Part 27, as amended) as follows, effective November 1, 1958.

APPLICABILITY AND DEFINITIONS

Sec.
27.1 Applicability of this part.
27.2 Definitions.

CERTIFICATION RULES

27.5 Application for certificate.
27.6 Issuance.
27.7 Duration.
27.8 Change of address.

GENERAL CERTIFICATE REQUIREMENTS

27.21 Citizenship.
27.22 Age.
27.23 Education.
27.24 Examinations and tests.
27.25 Re-examination after failure.
27.26 Substantiation of experience.

QUALIFICATIONS FOR A CERTIFICATE

27.31 Experience.
27.32 Knowledge.
27.33 Skill.

OPERATING RULES

27.41 Certificate required.
27.42 Display.

AUTHORITY: §§ 27.1 to 27.42 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552.

APPLICABILITY AND DEFINITIONS

§ 27.1 *Applicability of this part.* This part establishes certification and general operating rules for aircraft dispatchers.

§ 27.2 *Definitions.* As used in this part, terms are defined as follows:

Administrator. The "Administrator" is the Administrator of Civil Aeronautics.

Air carrier. An "air carrier" is any citizen of the United States who undertakes directly, or by lease or by other arrangement, the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft.

Aircraft dispatcher. An "aircraft dispatcher" is an individual holding a valid aircraft dispatcher certificate issued by the Administrator who exercises responsibility with the pilot in command in the operational control of each flight.

Approved. "Approved," when used alone or as modifying terms such as means, method, action, equipment, etc., means approved by the Administrator.

Authorized representative of the Administrator. An "authorized representative of the Administrator" is any employee of the Civil Aeronautics Administrator or any private person, authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

Flight time. "Flight time" is the time from the moment the aircraft first moves under its own power for the purpose of flight until it comes to rest at the next point of landing (block-to-block time).

Operational control. "Operational control" is the exercise of authority over initiation, continuation, diversion, or termination of a flight.

Pilot in command. The "pilot in command" is the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

CERTIFICATION RULES

§ 27.5 *Application for certificate.* An application for a certificate shall be made on a form and in a manner prescribed by the Administrator.

§ 27.6 *Issuance.* (a) An aircraft dispatcher certificate shall be issued by the Administrator to an applicant who meets the requirements of this part.

(b) Pending a review of an applicant's application and supplementary documents and the issuance of a certificate by the Administrator, an authorized representative of the Administrator may, subject to such conditions and limitations as the Administrator may prescribe, issue a temporary aircraft dispatcher certificate to an applicant who meets the requirements of this part.

§ 27.7 *Duration.* (a) An aircraft dispatcher certificate issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. A certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance; however, it may be reissued without further demonstration of technical competence.

(b) A temporary aircraft dispatcher certificate shall remain in effect for a period no longer than 90 days after the date of issuance.

(c) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

§ 27.8 *Change of address.* Within 30 days after any change in the permanent mailing address of a certificated aircraft dispatcher, he shall notify the Administrator in writing of his new address. This notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

§ 27.21 *Citizenship.* An applicant for an aircraft dispatcher certificate may be a citizen of any country or a person without nationality.

§ 27.22 *Age.* 23 years is the minimum age for the issuance of an aircraft dispatcher certificate.

§ 27.23 *Education.* An applicant shall be able to read, speak, and understand the English language, or an appropriate operation limitation shall be placed on his aircraft dispatcher certificate.

§ 27.24 *Examinations and tests.* Examinations and tests shall be conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate. The passing grade for such examinations and tests shall be at least 70 percent.

§ 27.25 *Re-examination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for re-examination within a 30-day period from the date of such failure unless he presents a statement signed by a certificated aircraft dispatcher, an appropriately rated and certificated ground instructor, or an authorized representative of the Administrator, which attests that the applicant has received an additional 5 hours of instruction in each of the subjects failed and that the applicant is considered competent for re-examination.

§ 27.26 *Substantiation of experience.* An applicant shall present to the Administrator satisfactory documentary evidence to substantiate the experience qualifications for an aircraft dispatcher certificate.

QUALIFICATIONS FOR A CERTIFICATE

§ 27.31 *Experience.* (a) An applicant shall have served for a total of 2 of the 3 years immediately preceding the date of application in scheduled air carrier operations, scheduled military operations, or in other aircraft operations which the Administrator finds provides equivalent experience as:

(1) A pilot member of the crew, or

(2) A flight radio operator or ground radio operator, or

(3) A flight navigator, or

(4) A meteorologist, or

(5) An individual or an assistant performing the functions of an aircraft dispatcher, or

(6) An individual performing other functions which the Administrator finds provides equivalent experience; or

(b) An applicant shall have served for at least 2 of the 3 years immediately preceding the date of application as an air route traffic controller or as a certificated air-traffic control-tower operator; or

(c) An applicant shall have served for at least one of the 2 years immediately preceding the date of application as an assistant in the dispatching of scheduled air carrier aircraft performing all the duties of an aircraft dispatcher under the direct supervision of a certificated aircraft dispatcher; or

(d) An applicant, within 90 days immediately preceding the date of application, shall have completed successfully a course of instruction which the Administrator approves as adequate for the training of an aircraft dispatcher.

(e) An applicant may credit any combination of experience in paragraph (a) or in paragraphs (a) and (b) of this section provided that the aggregate of such experience is at least 2 years.

§ 27.32 *Knowledge.* An applicant shall satisfactorily pass a written examination on the following subjects:

(a) The provisions of the Civil Air Regulations applicable to the duties of an aircraft dispatcher;

(b) The general system of collection and dissemination of weather information;

(c) The interpretation of aviation weather reports, including the abbreviations and symbols employed therein, as prescribed in Department of Commerce Weather Bureau Circular N (Instructions for Airway Meteorological Service), as amended;

(d) The fundamentals of meteorology as applied to aircraft operations, with particular reference to:

(1) Surface and upper air weather maps and the general characteristics of air masses, pressure systems, and frontal systems, including the symbols and nomenclature pertaining thereto,

(2) Cloud forms and their significance,

(3) Icing,

(4) Turbulence,

(5) Thunderstorms,

(6) Fog and low ceilings,

(7) Winds aloft,

(8) Pressure pattern flying,

(9) Influence of terrain on meteorological conditions, and

(10) General principles of forecasting and analysis;

(e) Principles of aircraft navigation with particular respect to instrument operation and procedures;

(f) Communications facilities and procedures;

(g) Air navigation facilities and procedures; and

(h) Air traffic control procedures.

§ 27.33 *Skill.* An applicant shall satisfactorily pass a practical examination on at least the following:

(a) With respect to one type of large aircraft used in air carrier operations:

(1) Weight and balance limitations;

(2) Performance operating limitations;

(3) Use of cruise control charts; and

(4) Fuel and oil capacities and rates of consumption.

(b) The characteristics of air routes and airports with particular reference to:

(1) Landing areas;

(2) Lighting facilities; and

(3) Approach and landing facilities and procedures.

(c) The use and limitations of sensitive type altimeters.

(d) The application of available weather forecasts and reports for purposes of determining whether a flight can be made with safety.

(e) The dispatch and assistance of a flight under adverse weather conditions.

(f) Emergency procedures.

OPERATING RULES

§ 27.41 *Certificate required.* No individual shall serve as an aircraft dispatcher in connection with any civil aircraft used in air commerce without, or in violation of the terms of, a certificate required by the Civil Air Regulations and issued in accordance with the provisions of this part. He shall have his certificate in his personal possession when performing his duties.

§ 27.42 *Display.* An aircraft dispatcher shall, upon request, present his airman certificate for examination by any authorized representative of the Civil Aeronautics Board or the Administrator, or by any State or local law enforcement officer.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58–5966; Filed, Aug. 1, 1958; 8:55 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 14]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Division, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.16 *Green civil airway No. 6 (Alice, Tex., to Norfolk, Va.)* is amended by deleting the words "Bay Minette, Ala., nondirectional radio beacon;" and by adding the following in lieu thereof: "Mobile, Ala., nondirectional radio beacon;".

2. Section 600.210 *Red civil airway No. 10 (Wichita Falls, Tex., to Augusta, Ga.)* is amended by changing all after Atlanta, Ga., radio range station to read: "Atlanta, Ga., radio range station to the Augusta, Ga., radio range station, excluding the portion lying within the geographic limits of, and between the designated altitudes of, the Fort Gordon restricted area (R–124) during the restricted area's time of designation."

3. Section 600.217 *Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.)* is amended by changing the words which read: "intersection of the northeast course of the Arcola, Va., radio range and the west course of the Baltimore, Md., radio range;" to read: "intersection of a line bearing 11° True from the Springfield, Va., nondirectional

radio beacon and the west course of the Baltimore, Md., radio range;".

4. Section 600.218 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.)* is amended by changing all after Front Royal, Va., to read: "Front Royal, Va., radio range station to the Springfield, Va., nondirectional radio beacon."

5. Section 600.219 *Red civil airway No. 19 (Traverse City, Mich., to Norfolk, Va.)* is amended by changing the portion which reads: "From the intersection of the southwest course of the Arcola, Va., radio range and the west course of the Quantico, Va. (Navy), radio range" to read: "From the intersection of the southeast course of the Front Royal, Va., radio range and the west course of the Quantico, Va. (Navy), radio range".

6. Section 600.230 *Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.)* is amended by changing all after New Orleans to read: "From the New Orleans, La., radio range station via the intersection of the east course of the New Orleans radio range and the southwest course of the Keesler AFB, Biloxi, Miss., radio range; Brookley AFB, Ala., nondirectional radio beacon; Saufley Field (Navy), Fla., nondirectional radio beacon; the intersection of a line bearing 057° True from the Saufley Field (Navy) nondirectional radio beacon to its intersection with the west course of the Crestview, Fla., radio range; Crestview, Fla., radio range station; the intersection of the east course of the Crestview radio range and the northwest course of the Tallahassee, Fla., radio range; Tallahassee, Fla., radio range station to the Jacksonville, Fla., radio range station. The portion of this airway below 2,000 feet MSL which lies within the Pensacola caution area C–488 is excluded; the portion which lies within the geographic limits of, and between the designated altitudes of the Valparaiso restricted area (R–383) is excluded during the restricted area's time of designation; the portions above 19,000 feet MSL which lies beneath and, also, the portions which lie within the geographic limits of, and between the designated altitudes of, the Tyndall AFB restricted area (R–336) are excluded during this restricted area's time of designation."

7. Section 600.233 *Red civil airway No. 33 (Norfolk, Va., to Boston, Mass.)* is amended by deleting the portion which reads: "From the Gordonsville, Va., radio range station via the Arcola, Va., radio range station to the intersection of the northeast course of the Arcola, Va., radio range and the southeast course of the Harrisburg, Pa., radio range."

8. Section 600.234 *Red civil airway No. 34 (Charleston, S. C., to Weeksville, N. C.)* is amended by correcting the last portion to read: "From the intersection of a line bearing 11° True from the New Bern, N. C., nondirectional radio beacon and the southwest course of the Norfolk, Va., radio range to the Weeksville, N. C. (Navy), radio range station."

9. Section 600.261 is amended to read:

§ 600.261 *Red civil airway No. 61 (Butler, Pa., to Johnstown, Pa.).* From the intersection of the southeast course of the Akron, Pa., radio range and the northwest course of the Pittsburgh, Pa., radio range via the Butler, Pa., nondirectional radio beacon to the Johnstown, Pa., nondirectional radio beacon.

10. Section 600.274 is amended to read:

§ 600.274 *Red civil airway No. 74 (Biloxi, Miss., to Brookley AFB, Ala.).* From the Keesler AFB radio range station, Biloxi, Miss., via the intersection of the southeast course of the Keesler AFB radio range with the centerline of Red civil airway No. 30; Mobile, Ala., nondirectional radio beacon to the Brookley AFB, Ala., nondirectional radio beacon.

11. Section 600.301 *Red civil airway No. 101 (Biloxi, Miss., to Pensacola, Fla.)* is revoked.

12. Section 600.310 *Red civil airway No. 110 (Mobile, Ala., to Pensacola, Fla.)* is revoked.

13. Section 600.624 is added to read:

§ 600.624 *Blue civil airway No. 24 (Brookley AFB, Ala., to Axis, Ala.).* From the Brookley AFB, Ala., nondirectional radio beacon to the intersection of a line bearing 360° True from the Brookley AFB nondirectional radio beacon with the centerline of Green civil airway No. 6.

14. Section 600.647 is amended to read:

§ 600.647 *Blue civil airway No. 47 (Blackstone, Va., to Philipsburg, Pa.).* From the intersection of the northeast course of the Raleigh, N. C., radio range and the south course of the Blackstone, Va., radio range via the Blackstone, Va., radio range station; Gordonsville, Va., radio range station; the intersection of the west course of the Quantico, Va. (Navy), radio range and the southeast course of the Front Royal, Va., radio range; Front Royal, Va., radio range station; intersection of the north course of the Front Royal, Va., radio range and the southeast course of the Pittsburgh, Pa., radio range; the intersection of the southeast course of the Pittsburgh, Pa., radio range and the south course of the Altoona, Pa., radio range; Altoona, Pa., radio range station to the Philipsburg, Pa., radio range station.

15. Section 600.6002 *VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by changing the portion which reads: "Mullan Pass, Mont., omnirange station, including a north alternate via the intersection of the Spokane omnirange 070° and the Mullan Pass omnirange 291° radials; Missoula, Mont., omnirange station;" to read: "Mullan Pass, Mont., omnirange station, including a north alternate via the intersection of the Spokane omnirange 070° and the Mullan Pass omnirange 291° radials, and also a south alternate from the Ephrata omnirange station to the Mullan Pass omnirange station via the intersection of the Ephrata omnirange 096° and the Mullan Pass omnirange 260° radials; Missoula, Mont., omnirange station;".

16. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* is amended by changing the portion which reads: "Kansas City, Mo., omnirange station, including a north alternate; Columbia, Mo., omnirange station, including a north alternate from the Kansas City omnirange station to the Columbia omnirange station via the intersection of the Kansas City omnirange 077° True and the Columbia omnirange 292° True radials and also a south alternate from the Topeka omnirange station to the Columbia omnirange station via the point of intersection of the Topeka omnirange 099° True and the Blue Springs omnirange 268° True, the Blue Springs omnirange station and the intersection of the Blue Springs omnirange 094° True and the Columbia omnirange 261° True radials; St. Louis, Mo., omnirange station, including a north and a south alternate; Troy, Ill., omnirange station;" to read: "Kansas City, Mo., omnirange station, including a north alternate and also a south alternate via the intersection of the Topeka 099° and the Kansas City omnirange 231° radials; Marshall, Mo., VORTAC; Columbia, Mo., omnirange station, including a north alternate from the Kansas City omnirange station via the intersection of the Kansas City omnirange 076° and the Columbia omnirange 292° radials; St. Louis, Mo., omnirange station, including a north alternate; Troy, Ill., omnirange station;".

17. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by changing the portion between "Battle Mountain, Nev., omnirange station;" and "Lucin, Utah, omnirange station;" to read "Battle Mountain Nev., omnirange station, including a north alternate via the intersection of the Lovelock omnirange 053° and the Battle Mountain omnirange 264° radials; intersection of the Battle Mountain omnirange 062° and the Wells omnirange 256° radials; Wells, Nev., omnirange station; Lucin, Utah, omnirange station;" and by changing the portion which reads: "Iowa City, Iowa, omnirange station including a north alternate via the intersection of the Des Moines omnirange 071° True and the Iowa City omnirange 283° True radials and also a south alternate via the intersection of the Des Moines omnirange 112° True and the Iowa City omnirange 252° True radials;" to read: "Iowa City, Iowa, omnirange station, including a south alternate via the intersection of the Des Moines omnirange 112° and the Iowa City omnirange 252° radials;".

18. Section 600.6011 *VOR civil airway No. 11 (Memphis, Tenn., to Detroit, Mich.)* is amended by changing all after "Indianapolis, Ind., omnirange station, including an east alternate via the intersection of the Scotland omnirange 041° True and the Indianapolis omnirange 185° True radial, and a west alternate via the intersection of the Scotland omnirange 011° True and the Indianapolis omnirange 230° True radials;" to read: "Indianapolis, Ind., omnirange station, including an east alternate via the intersection of the Scotland omnirange 041° and the Indianapolis omnirange 185° radials, and a west alternate via the intersection of the Scotland omnirange 011° and the Indianapolis omnirange 230° radials; intersection of the Indianapolis omnirange 021° and the Fort Wayne VORTAC 232° radials; Fort Wayne, Ind., VORTAC; intersection of the Fort Wayne VORTAC 031° and the Salem omnirange 227° radials; to the Salem, Mich., omnirange station."

19. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing the portion which reads: "Emporia, Kans., omnirange station, including a north alternate via the point of intersection of the Wichita omnirange direct radial to the point of intersection of the Hutchinson omnirange 062° True and the Topeka, Kans., omnirange 236° True radials with the Emporia omnirange direct radials to the Hutchinson, Kans., omnirange station; Kansas City, Mo., omnirange station; Columbia, Mo., omnirange station, including a north alternate via the intersection of the Kansas City omnirange 077° True and the Columbia omnirange 292° True radials; St. Louis, Mo., omnirange station, including a north and a south alternate; Vandalia, Ill., omnirange station; Terre Haute, Ind., omnirange station; Indianapolis, Ind., omnirange station, including a south alternate via the intersection of the Terre Haute omnirange 082° True and the Indianapolis omnirange 230° True radials; point of intersection of the Indianapolis omnirange 084° True and the Dayton omnirange 261° True radials; Dayton, Ohio, omnirange station, including a north alternate from the Indianapolis omnirange station to the Dayton omnirange station via the point of intersection of the Indianapolis omnirange 069° True and the Fort Wayne, Ind., omnirange 182° True radials; Appleton, Ohio, omnirange station, including a south alternate via the point of intersection of the Dayton omnirange 099° True and the Appleton omnirange 244° True radials;" to read: "Emporia, Kans., omnirange station, including a north alternate via the point of intersection of the Wichita omnirange direct radial to the point of intersection of the Hutchinson, Kans., omnirange 062° and the Topeka, Kans., omnirange 236° radials with the Emporia omnirange direct radial to the Hutchinson, Kans., omnirange station; point of intersection of the Topeka, Kans., omnirange 099° radial with the Emporia direct radial to the Kansas City, Mo., omnirange station; point of intersection of the Topeka, Kans., omnirange 099° and the Blue Springs omnirange 268° radials; Blue Springs, Mo., omnirange station; Blackwater, Mo., omnirange station; Readsville, Mo., omnirange station; Maryland Heights, Mo., omnirange station; Troy, Ill., omnirange station; Bible Grove, Ill., omnirange station; Lewis, Ind., omnirange station; Shelbyville, Ind., omnirange station; point of intersection of the Cincinnati, Ohio, omnirange 004° and the Dayton omnirange 209° radials; Dayton, Ohio, omnirange station; Appleton, Ohio, omnirange station, including a south alternate via the intersection of the Dayton omnirange 099° and the Appleton omnirange 244° radials;" and by adding a last sentence to read: "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Lake City restricted area R–307 is excluded during its time of designation."

20. Section 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing all before "Blythe, Calif., omnirange station;" to read: "That airspace over the United States territory from the Los Angeles, Calif., omnirange station via the Ontario, Calif., omnirange station; intersection of the Ontario 091° and the Blythe omnirange 290° radials; Blythe, Calif., omnirange station;".

21. Section 600.6022 *VOR civil airway No. 22 (New Orleans, La., to Jacksonville, Fla.)* is amended by changing all before "Marianna, Fla., omnirange station;" to read "From the St. Rose, La., nondirectional radio beacon via the intersection of a line bearing 078° from the St. Rose radio beacon and the Mobile, Ala., omnirange 230° radial; Brookley AFB, Ala., terminal omnirange station; Pensacola (Saufley Field), Fla., omnirange station; Crestview, Fla., omnirange station; Marianna, Fla., omnirange station;" and by adding a last sentence to read: "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Valparaiso restricted area (R–383) is excluded during its time of designation."

22. Section 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.)* is amended by changing the portion which reads: "Los Angeles, Calif., omnirange station; intersection of the Los Angeles omnirange 355° True and the Bakersfield omnirange 149° True radials; Bakersfield, Calif., omnirange station;" to read: "Los Angeles, Calif., omnirange station; intersection of the Los Angeles, Calif., 355° and the Lake Hughes omnirange 158° radials; Lake Hughes, Calif., omnirange station; intersection of the Lake Hughes omnirange 339° and the Bakersfield omnirange 149° radials; Bakersfield, Calif., omnirange station;".

23. Section 600.6025 *Vor civil airway No. 25 (Los Angeles, Calif., to Ellensburg, Wash.)* is amended by changing the portion which reads: "From the Camarillo, Calif., MF radio range via the Santa Barbara, Calif., omnirange station; Paso Robles, Calif., omnirange station; intersection of the Paso Robles omnirange 335° True and the Agnew omnirange 141° True radials; Agnew, Calif., omnirange station;" to read: "From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 257° and the Oxnard omnirange 155° radials; Oxnard, Calif., omnirange station; Santa Barbara, Calif., omnirange station; Paso Robles, Calif., omnirange station; intersection of the Paso Robles omnirange 336° and the Agnew omnirange 141° radials; Agnew, Calif., omnirange station;" and by changing the portion which reads: "to the Ellensburg, Wash., omnirange station, excluding the portions of this airway which overlap the Yakima restricted area (R–247)." to read: "to the Ellensburg, Wash., omnirange station. The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, the Point Mugu restricted area (R–100) and the Yakima restricted area (R–247) are excluded during their times of designation. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Point Mugu warning area (W–289) is excluded during its time of designation."

24. Section 600.6027 is amended to read:

§ 600.6027 *VOR civil airway No. 27 (Los Angeles, Calif., to Seattle, Wash.).* From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 257° and the Oxnard omnirange 155° radials; Oxnard, Calif., omnirange station; Santa Barbara, Calif., omnirange station; Paso Robles omnirange station, including a west alternate via the intersection of the Santa Barbara omnirange 304° and the Paso Robles omnirange 169° radials; intersection of the Paso Robles omnirange 336° and the Salinas omnirange 134° radials; Salinas, Calif., omnirange station, including a west alternate from the Paso Robles omnirange to the Salinas omnirange via the intersection of the Paso Robles omnirange 314° and the Salinas omnirange 150° radials; intersection of the Salinas omnirange 319° and the Point Reyes omnirange 155° radials; Point Reyes, Calif., omnirange station, including a west alternate from the Salinas omnirange to the Point Reyes omnirange via the intersection of the Salinas omnirange 302° and the Point Reyes omnirange 155° radials; intersection of the Point Reyes omnirange 352° and the Ukiah omnirange 147° radials; Ukiah, Calif., omnirange station; Fortuna, Calif., omnirange station; Crescent City, Calif., omnirange station; North Bend, Oreg., omnirange station; Newport, Oreg., omnirange station; Hoquiam, Wash., omnirange station; to the Seattle, Wash., omnirange station. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Point Mugu warning area (W–289) is excluded during its time of designation. The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, the Point Mugu restricted area (R–100), Fort Ord restricted area (R–284), Camp Roberts restricted area (R–415), Camp Cooke restricted area (R–531) and the Olympic restricted area (R–241) are excluded during these restricted areas times of designation.

25. Section 600.6032 *VOR civil airway No. 32 (Battle Mountain, Nev., to Fort Bridger, Wyo.)* is amended by changing the portion which reads: "From the Battle Mountain, Nev., omnirange station via the Elko, Nev., omnirange station;" to read: "From the Battle mountain; Nev., omnirange station via the Elko, Nev., omnirange station, including a north alternate via the Battle Mountain omnirange 062° and the Elko omnirange 273° radials."

26. Section 600.6034 *VOR civil airway No. 34 (Rochester, N. Y., to Wilton, Conn.)* is amended by changing the portion which reads: "to the point of intersection of the Wilton omnirange 090° True and the Norwich, Conn., omnirange

224° True radials." to read: "to the point of intersection of the Wilton omnirange 090° and the Norwich, Conn., omnirange 227° radials."

27. Section 600.6045 *VOR civil airway No. 45 (New Bern, N. C., to Saginaw, Mich.)* is amended by changing all before "Pulaski, Va., omnirange station;" to read: "From the New Bern, N. C., omnirange station via the intersection of the New Bern omnirange 297° and the Raleigh omnirange 121° radials; Raleigh, N. C., omnirange station; Greensboro, N. C., omnirange station, including an east alternate via the intersection of the Raleigh omnirange 305° and the Greensboro, N. C., 051° radials and also a west alternate via the intersection of the Raleigh omnirange direct radial to the Charlotte, N. C., omnirange station with the Greensboro omnirange 122° radial; Pulaski, Va., omnirange station:".

28. Section 600.6050 is amended to read:

§ 600.6050 *VOR civil airway No. 50 (Kirksville, Mo., to Dayton, Ohio).* From the Kirksville, Mo., omnirange station via the Quincy, Ill., omnirange station, including a south alternate via the intersection of the Kirksville omnirange 121° and the Quincy omnirange 258° radials; Springfield, Ill., omnirange station; Terre Haute, Ind., omnirange station; to the point of intersection of the Terre Haute omnirange 082° radial and the Indianapolis, Ind., Wier Cook Airport ILS localizer 225° course. From the Indianapolis, Ind., omnirange station via the intersection of the Indianapolis omnirange 084° and the Dayton omnirage 261° radials; Dayton, Ohio, omnirange station, including a north alternate from the Indianapolis omnirange station to the Dayton omnirange station via the point of intersection of the Indianapolis, Ind., omnirange 069° and the Fort Wayne, Ind., omnirange 187° radials.

29. Section 600.6055 is amended to read:

§ 600.6055 *VOR civil airway No. 55 (Dayton, Ohio, to Green Bay, Wis.).* From the Dayton, Ohio, omnirange station via the Fort Wayne, Ind., VORTAC, including a west alternate via the intersection of the Dayton omnirange 310° and the Fort Wayne VORTAC 163° radials; Goshen, Ind., omnirange station, including a west alternate via the point of intersection of the Fort Wayne VORTAC direct radial to the Peotone, Ill., omnirange station with the Goshen omnirange 168° radial; South Bend, Ind., omnirange station; Keeler, Mich., omnirange station; Pullman, Mich., omnirange station; Muskegon, Mich., VORTAC; intersection of the Muskegon VORTAC 342° and the Green Bay omnirange 118° radials; to the Green Bay, Wis., omnirange station.

30. Section 600.6058 *VOR civil airway No. 58 (Bergholz, Ohio, to Hartford, Conn.)* is amended by changing the portion which reads: "to the point of intersection of the Hartford omnirange 130° True and the Riverhead, N. Y., omnirange 042° True radials." to read: "to the point of intersection of the Hartford omnirange 130° and the Norwich, Conn., omnirange 227° radials."

31. Section 600.6064 is amended to read:

§ 600.6004 *VOR civil airway No. 64 (Los Angeles, Calif., to Blythe, Calif.).* From the point of intersection of the Long Beach omnirange 287° and the Los Angeles omnirange 149° radials; via the Long Beach, Calif., omnirange station; Thermal, Calif., omnirange station; to the Blythe, Calif., omnirange station.

32. Section 600.6072 is amended to read:

§ 600.6072 *VOR civil airway No. 72 (Troy, Ill., to Albany, N. Y.).* From the Troy, Ill., omnirange station via the Vandalia, Ill., omnirange station; Lafayette, Ind., omnirange station; to the point of intersection of the Lafayette omnirange 089° and the Fort Wayne, Ind., VORTAC 232° radials. From the Findlay, Ohio, omnirange station via the Cleveland, Ohio, omnirange station; Youngstown, Ohio, omnirange station; point of intersection of the Fitzgerald, Pa., omnirange 304° and the Bradford omnirange 260° radials; Bradford, Pa., omnirange station; point of intersection of the Bradford omnirange 078° radial with the Stonyfork, Pa., omnirange direct radial to the Wellsville, N. Y., omnirange station; Elmira, N. Y., omnirange station; Binghamton, N. Y., omnirange station; Rockdale, N. Y., omnirange station; to the Albany, N. Y., omnirange station.

33. Section 600.6074 *VOR civil airway No. 74 (Hugo, Colo., to Pine Bluff, Ark.)* is amended by changing the portion which reads: "From the Hugo, Colo., omnirange station via the intersection of the Hugo omnirange 112° and the Garden City VORTAC 296° radials; Garden City, Kans., VORTAC;" to read: "From the Hugo, Colo., omnirange station via the intersection of the Hugo omnirange 113° and the Garden City VORTAC 296° radials; Garden City, Kans., VORTAC;".

34. Section 600.6081 is amended to read:

§ 600.6081 *VOR civil airway No. 81 (Midland, Tex., to Salt Lake City, Utah).* From the Midland, Tex., omnirange station via the Lubbock, Tex., omnirange station; Amarillo, Tex., omnirange station, including an east alternate; Dalhart, Tex., omnirange station, including an east alternate; Tobe, Colo., VORTAC; to the Pueblo, Colo., omnirange station. From the Grand Junction, Colo., omnirange station via the Myton, Utah, omnirange station; to the Salt Lake City, Utah, omnirange station.

35. Section 600.6095 is amended to read:

§ 600.6095 *VOR civil airway No. 95 (Phoenix, Ariz., to Farmington, N. Mex.).* From the Phoenix, Ariz., omnirange station via the intersection of the Phoenix omnirange 004° and the Winslow omnirange 224° radials; Winslow, Ariz., omnirange station; to the Farmington, N. Mex., omnirange station.

36. Section 600.6096 is amended to read:

§ 600.6096 *VOR civil airway No. 96 (Lafayette, Ind., to Toledo, Ohio).* From the Lafayette, Ind., omnirange station via the intersection of the Lafayette 089° and the Fort Wayne VORTAC 232° radials; Fort Wayne, Ind., VORTAC; to the Waterville, Ohio, omnirange station.

37. Section 600.6107 *VOR civil airway No. 107 (Los Angeles, Calif., to Red Bluff, Calif.)* is amended by changing the portion which reads: "Fillmore, Calif., omnirange station; Coalinga, Calif., omnirange station; Oakland, Calif., omnirange station;" to read: "Fillmore, Calif., omnirange station; intersection of the Fillmore omnirange 318° and the Avenal omnirange 151° radials; Avenal, Calif., omnirange station; Panoche, Calif., omnirange station; Oakland, Calif., omnirange station;".

38. Section 600.6109 *VOR civil airway No. 109 (Paso Robles, Calif., to Fresno, Calif.) is revoked.*

39. Section 600.6109 is added to read:

§ 600.6109 *VOR civil airway No. 109 (Panoche, Calif., to Oakland, Calif.).* From the Panoche, Calif., omnirange station via the intersection of the Panoche omnirange 343° and the Oakland omnirange 078° radials; to the Oakland, Calif., omnirange station. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Vernalis restricted area (R–280) is excluded during its time of designation.

40. Section 600.6111 is amended to read:

§ 600.6111 *VOR civil airway No. 111 (Salinas, Calif., to Los Banos, Calif.).* From the Salinas, Calif., omnirange station to the point of intersection of the Salinas omnirange 041° radial with the Panoche, Calif., omnirange direct radial to the Oakland, Calif., omnirange station.

41. Section 600.6113 is amended to read:

§ 600.6113 *VOR civil airway No. 113 (Paso Robles, Calif., to Reno, Nev.).* From the Paso Robles, Calif., omnirange station via the Panoche, Calif., omnirange station; intersection of the Panoche omnirange 343° and the Modesto omnirange 205° radials; Modesto, Calif., omnirange station; to the Reno, Nev., omnirange station. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Vernalis restricted area (R–280) is excluded during its time of designation.

42. Section 600.6120 is amended to read:

§ 600.6120 *VOR civil airway No. 120 (Mullan Pass, Mont., to Miles City, Mont.).* From the Mullan Pass, Mont., omnirange station via the Great Falls, Mont., omnirange station; Lewiston, Mont., omnirange station; to the Miles City, Mont., omnirange station.

43. Section 600.6135 is amended to read:

§ 600.6135 *VOR civil airway No. 135 (Yuma, Ariz., to Tonopah, Nev.).* From the Yuma, Ariz., omnirange station via the Blythe, Calif., omnirange station; Rice, Calif., omnirange station; Needles, Calif., omnirange station; to the Las Vegas, Nev., omnirange station. From the point of intersection of the Tonopah omnirange 198° radial with the Coaldale, Nev., omnirange direct radial to Beatty, Nev., omnirange to the Tonopah, Nev., omnirange station.

44. Section 600.6137 *VOR civil airway No. 137 (Thermal, Calif., to Ukiah, Calif.)* is amended by changing all before Agnew, Calif., omnirange station to read: "From the Thermal, Calif., omnirange station via the Palmdale, Calif., omnirange station; Gorman, Calif., omnirange station; intersection of the Gorman omnirange 288° and the Avenal omnirange 151° radials; Avenal, Calif., omnirange station; to the Panoche, Calif., omnirange station. From the Salinas, Calif., omnirange station via the Agnew, Calif., omnirange station;".

45. Section 600.6165 is amended by changing the caption to read: "§ 600.6165 *VOR civil airway No. 165 (Long Beach, Calif., to Bakersfield, Calif.)*" and by changing the portion which reads: "Bakersfield, Calif., omnirange station; to the Coalinga, Calif., omnirange station." to read: "Bakersfield, Calif., omnirange station."

46. Section 600.6169 is amended to read:

§ 600.6169 *VOR civil airway No. 169 (Tobe, Colo., to Rapid City, S. Dak.).* From the Tobe, Colo., VORTAC via the Hugo, Colo., omnirange station; Thurman, Colo., omnirange station; to the Akron, Colo., omnirange station. From the Sidney, Nebr., omnirange station via the intersection of the Sidney omnirange 335° and the Chadron omnirange 197° radials; Chadron, Nebr., omnirange station; to the Rapid City, S. Dak., omnirange station, including an east alternate. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Scenic restricted area (R–190) is excluded during its time of designation.

47. Section 600.6177 is amended to read:

§ 600.6177 *VOR civil airway No. 177 (Fort Wayne, Ind., to Janesville, Wis.).* From the Fort Wayne, Ind., VORTAC via the point of intersection of the Chicago Heights omnirange 128° radial with the Peotone omnirange direct radial to the Fort Wayne VORTAC; Chicago Heights, Ill., omnirange station. From the Naperville, Ill., omnirange station to the Janesville, Wis., omnirange station.

48. Section 600.6187 is amended to read:

§ 600.6187 *VOR civil airway No. 187 (Albuquerque, N. Mex., to Billings, Mont.).* From the Albuquerque, N. Mex., omnirange station to the Farmington, N. Mex., omnirange station. From the Grand Junction, Colo., omnirange station to the Rock Springs, Wyo., omnirange station. From the Boysen Reservoir, Wyo., VORTAC to the Billings, Mont., omnirange station.

49. Section 600.6194 *VOR civil airway No. 194 (Lafayette, La., to Norfolk, Va.)* is amended by changing the portion which reads: "Charlotte, N. C., omnirange station; intersection of the Charlotte omnirange 067° and the Raleigh omnirange 240° radials; Raleigh, N. C., omnirange station;" to read: "Charlotte, N. C., omnirange station; Raleigh, N. C., omnirange station;".

50. Section 600.6200 *VOR civil airway No. 200 (Ukiah, Calif., to Kremmling, Colo.)* is amended by changing all after "Myton, Utah, omnirange station;" to read: "Myton, Utah, omnirange station; Meeker, Colo., VORTAC; to the Kremmling, Colo., omnirange station."

51. Section 600.6209 *VOR civil airway No. 209 (Los Angeles, Calif., to Paso Robles, Calif.)* is revoked.

52. Section 600.6210 is amended to read:

§ 600.6210 *VOR civil airway No. 210 (Los Angeles, Calif., to Wheeling, W. Va.).* From the Los Angeles, Calif., omnirange station via the point of intersection of the Los Angeles omnirange 057° and the Daggett omnirange 235° radials; point of intersection of the Daggett omnirange 235° and the Hector omnirange 265° radials; Hector, Calif., omnirange station; Goffs, Calif., omnirange station; Valle, Ariz., omnirange station; Farmington, N. Mex., omnirange station; Alamosa, Colo., omnirange station, including a south alternate via the intersection of the Farmington omnirange 090° and the Alamosa omnirange 232° radials; to the Pueblo, Colo., omnirange station, including a south alternate via the point of intersection of the Alamosa omnirange direct radial to the Lamar, Colo., omnirange station with the Las Vegas, N. Mex., omnirange direct radial to the Pueblo omnirange station. From the Kansas City, Mo., omnirange station via the Marshall, Mo., VORTAC; Columbia, Mo., omnirange station, including a north alternate via the intersection of the Kansas City omnirange 076° and the Columbia omnirange 292° radials; St. Louis, Mo., omnirange station, including a north alternate; Vandalia, Ill., omnirange station; Terre Haute, Ind., omnirange station; Indianapolis, Ind., omnirange station, including a south alternate via the intersection of the Terre Haute omnirange 082° and the Indianapolis omnirange 230° radials; point of intersection of the Indianapolis 069° and the Fort Wayne, Ind., omnirange 187° radials; Sidney, Ohio, omnirange station; Tiverton, Ohio, omnirange station; intersection of the Tiverton omnirange 096° and the Wheeling omnirange 282° radials; to the Wheeling, W. Va., omnirange station.

53. Section 600.6214 is amended to read:

§ 600.6214 *VOR civil airway No. 214 (Columbus, Ohio, to Wheeling, W. Va.).* From the Columbus, Ohio, Port Columbus Airport ILS localizer via the Zanesville, Ohio, omnirange station; point of intersection of the Parkersburg, W. Va., omnirange 006° and the Wheeling omnirange 252° radials; to the Wheeling, W. Va., omnirange station.

54. Section 600.6220 is amended to read:

§ 600.6220 *VOR civil airway No. 220 (Kremmling, Colo., to Wolbach, Nebr.).* From the Kremmling, Colo., omnirange station via the point of intersection of the Kremmling omnirange 081° and the Denver, Colo., omnirange 334° radials; Akron, Colo., omnirange station; Imperial, Nebr., omnirange station; intersection of the Imperial omnirange 078° and the Wolbach omnirange 242° radials; to the Wolbach, Nebr., omnirange station.

55. Section 600.6230 is amended to read:

§ 600.6230 *VOR civil airway No. 230 (Salinas, Calif., to Fresno, Calif.).* From the Salinas, Calif., omnirange station via the Panoche, Calif., omnirange station; to the Fresno, Calif., omnirange station.

56. Section 600.6242 is amended to read:

§ 600.6242 *VOR civil airway No. 242 (Mobile, Ala., to Brookley AFB, Ala.).* From the Mobile, Ala., omnirange station to the Brookley AFB, Ala., terminal omnirange station.

57. Section 600.6248 is amended to read:

§ 600.6248 *VOR civil airway No. 248 (Paso Robles, Calif., to Bakersfield, Calif.).* From the Paso Robles, Calif., omnirange station via the Avenal, Calif., omnirange station; to the Bakersfield, Calif., omnirange station.

58. Section 600.6259 is amended to read:

§ 600.6259 *VOR civil airway No. 259 (Charlotte, N. C., to Tri-City, Tenn.).* From the Charlotte, N. C., omnirange station to the Tri-City, Tenn., omnirange station, including an east alternate from the Charlotte omnirange to the Tri-City omnirange station via the Hickory, N. C., omnirange station and the intersection of the Hickory omnirange 298° and the Tri-City omnirange 146° radials.

59. Section 600.6264 is added to read:

§ 600.6264 *VOR civil airway No. 264 (Los Angeles, Calif., to Prescott, Ariz.).* From the Los Angeles, Calif., omnirange station via the Ontario, Calif., omnirange station intersection of the Ontario omnirange 091° and the Rice omnirange 258° radials; Rice, Calif., omnirange station; to the Prescott, Ariz., omnirange station.

60. Section 600.6267 *VOR civil airway No. 267 (Miami, Fla., to Jacksonville, Fla.)* is amended by changing the last sentence to read: "The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, the Jacksonville restricted area (R–161A) and the Sterling restricted areas (R–169 and R–170) are excluded during the times of designation of these restricted areas."

61. Section 600.6278 is amended to read:

§ 600.6278 *VOR civil airway No. 278 (Guthrie, Tex., to Greenwood, Miss.).* From the Guthrie, Tex., omnirange station to the Fort Worth, Tex., omnirange station. From the Dallas, Tex., omni-

range station via the intersection of the Dallas omnirange 057° and the Texarkana omnirange 271° radials; Texarkana, Ark., omnirange station; to the Greenwood, Miss, omnirange station.

62. Section 600.6298 is added to read:

§ 600.6298 *VOR civil airway No. 298 (Dubois, Idaho, to Casper, Wyo.).* From the Dubois, Idaho, omnirange station via the Boysen Reservoir, Wyo., VORTAC; to the Casper, Wyo, omnirange station.

63. Section 600.6300 is added to read:

§ 600.6300 *VOR civil airway No. 300 (Sault Ste. Marie, Mich., to Toronto, Ontario).* From the Sault Ste. Marie, Mich., omnirange station via the Wiarton, Ontario, omnirange station, including a north alternate; to the Toronto, Ontario, omnirange station.

64. Section 600.6424 is added to read:

§ 600.6424 *VOR civil airway No. 424.* [Unassigned.]

65. Section 600.6425 is added to read:

§ 600.6425 *VOR civil airway No. 425 (Brookley AFB, Ala., to Axis, Ala.).* From the Brookley AFB, Ala., terminal omnirange station to the point of intersection of the Brookley AFB terminal omnirange 360° radial with the Mobile, Ala., omnirange direct radial to the Evergreen, Ala., omnirange station.

66. Section 600.6612 *VOR civil airway No. 1512 (Los Angeles, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "Quincy, Ill., omnirange station; to the Springfield, Ill., omnirange station, including a south alternate from the Kansas City, Mo., omnirange to the Indianapolis, Ind., omnirange station via the Columbia, Mo., omnirange station, the St. Louis, Mo., omnirange station, the Vandalia, Ill., omnirange station and the Terre Haute, Ind., omnirange station." to read: "Quincy, Ill., omnirange station; to the Springfield, Ill., omnirange station, including a south alternate from the Kansas City, Mo., omnirange station to the Indianapolis, Ind., omnirange station via the Marshall, Mo., VORTAC, the Columbia, Mo., omnirange station, the St. Louis, Mo., omnirange station, the Vandalia, Ill., omnirange station and the Terre Haute, Ind., omnirange station."

67. Section 600.6614 *VOR civil airway No. 1514 (San Francisco, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "Quincy, Ill., omnirange station to the Springfield, Ill., omnirange station, including a south alternate from the Kansas City, Mo., omnirange station to the Indianapolis, Ind., omnirange station via the Columbia, Mo., omnirange station, the St. Louis, Mo., omnirange station, the Vandalia, Ill., omnirange station and the Terre Haute, Ind., omnirange station." to read: "Quincy, Ill., omnirange station; to the Springfield, Ill., omnirange station, including a south alternate from the Kansas City, Mo., omnirange station to the Indianapolis, Ind., omnirange station via the Marshall, Mo., VORTAC, the Columbia, Mo., omnirange station, the St. Louis, Mo., omnirange station, the Vandalia, Ill., omnirange station, and the Terre Haute, Ind., omnirange station."

68. Section 600.6622 *VOR civil airway No. 1522 (Los Angeles, Calif., to Washington, D. C.)* is amended by changing all before "Blythe, Calif., omnirange station," to read: "That airspace over the United States territory from the Los Angeles, Calif., omnirange station via the Ontario, Calif., omnirange station; intersection of the Ontario omnirange 091° and the Blythe omnirange 290° radials; Blythe, Calif., omnirange station;".

69. Section 600.6629 is amended to read:

§ 600.6629 *VOR civil airway No. 1529 (Los Angeles, Calif., to United States-Canadian Border).* From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 057° and the Daggett omnirange 235° radials; Daggett, Calif., omnirange station; Las Vegas, Nev., omnirange station; Mormon Mesa, Nev., omnirange station; Milford, Utah, omnirange station; Myton, Utah, omnirange station; Rawlins-Cherokee, Wyo., omnirange station; Casper, Wyo., omnirange station; Dickinson, N. Dak., omnirange station; Pembina, N. Dak., radio range station; to the United States-Canadian Border via a direct line from the Pembina radio range station to the Kenora, Ont., radio range station.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. August 28, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 25, 1958.

[F. R. Doc. 58-5912; Filed, Aug. 1, 1958; 8:45 a. m.]

[Amdt. 15]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Division, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.261 is amended to read:

§ 601.261 *Red civil airway No. 61 control areas (Butler, Pa., to Johnstown, Pa.).* All of Red civil airway No. 61.

2. Section 601.274 is amended by changing the caption to read: *"Red civil airway No. 74 control areas (Biloxi, Miss., to Brookley AFB, Ala.)."*

3. Section 601.301 *Red civil airway No. 101 control areas (Biloxi, Miss., to Pensacola, Fla.)* is revoked.

4. Section 601.310 *Red civil airway No. 110 control areas (Mobile, Ala., to Pensacola, Fla.)* is revoked.

5. Section 601.624 is added to read:

§ 601.624 *Blue civil airway No. 24 control areas (Brookley AFB, Ala., to Axis, Ala.).* All of Blue civil airway No. 24.

6. Section 601.1020 is amended to read:

§ 601.1020 *Control area extension (Macon, Ga.).* The airspace bounded on the south by latitude 32°00'00", on the west by VOR civil airway No. 97, on the north by the Atlanta, Ga., control area extension (601.1052) and VOR civil airway No. 18, and on the east by a line extending from a point at latitude 33°31'00", longitude 82°30'00", to a point at latitude 32°15'00", longitude 82°30'00", to a point at latitude 32°00'00", longitude 82°51'00".

7. Section 601.1050 is amended to read:

§ 601.1050 *Control area extension (Bakersfield, Calif.).* Within 5 miles either side of the southwest course of the Bakersfield radio range extending from the radio range station to a point 25 miles southwest.

8. Section 601.1095 *Control area extension (Fort Wayne, Ind.)* is revoked.

9. Section 601.1095 is added to read:

§ 601.1095 *Control area extension (Mountain Home, Idaho).* The airspace southeast of Mountain Home bounded on the northeast by VOR civil airway No. 253, on the east by VOR civil airway No. 269, on the southwest by a line 5 miles southwest of and parallel to a direct line drawn between the Twin Falls omnirange station and the Mountain Home AFB terminal omnirange station, and on the west by the Mountain Home control area extension (601.1306). The portions of this control area extension which lie within the geographic limits of, and between the designated altitudes of, the Sailor Creek restricted area (R-254) shall not be used by aircraft during the time of designation of this restricted area unless prior approval is obtained from Civil Aeronautics Administration Air Traffic Control.

10. Section 601.1126 is amended to read:

§ 601.1126 *Control area extension (Knoxville, Tenn.).* The airspace within a 40-mile radius of the Knoxville radio range station beginning at a point south of Knoxville on the centerline of VOR civil airway No. 97, extending counterclockwise to a point east of Knoxville on the centerline of VOR civil airway No. 16, thence eastward to and including the airspace within a 50-mile radius of the Knoxville omnirange station beginning at a point east of Knoxville on the centerline of VOR civil airway No. 16 and extending counterclockwise to a point at latitude 36°06'30", longitude 84°45'00", thence bounded on the northwest by a straight line from this point to a point at latitude 36°00'00", longitude 84°56'45", thence bounded on the west by VOR civil airway No. 51, on the southwest by the Chattanooga control area extension (601.1373), on the south by VOR civil airway No. 54, and on the east by the centerline of VOR civil airway No. 97 thence to point of beginning; the airspace northeast of Knoxville bounded on the southeast by VOR civil airway No. 16-N, on the northeast by VOR civil airway No. 58, and on the northwest by VOR civil airway No. 115. The airspace which lies within Prohibited Area P-78 is excluded.

11. Section 601.1396 is amended to read:

§ 601.1396 *Control area extension (Ashville, N. C.).* The airspace east of Ashville bounded on the northwest by VOR civil airway No. 222, on the east by VOR civil airway No. 259, on the southeast by VOR civil airway No. 20, and on the southwest by VOR civil airway No. 296.

12. Section 601.1983 *Three-mile radius zones* is amended by adding the following airport: Torrence, Calif.: Torrence Municipal Airport.

13. Section 601.1984 *Five-mile radius zones* is amended by deleting the following airport: Moses Lake, Wash.: Larson AFB.

14. Section 601.2099 is amended to read:

§ 601.2099 *Fort Wayne, Ind., control zone.* Within a 5-mile radius of Baer Field, Fort Wayne, Ind., within 2 miles either side of the southwest course of the Fort Wayne radio range extending from the radio range station to a point 10 miles southwest, within 2 miles either side of the ILS localizer front course extending from the localizer to a point 12 miles southeast of the ILS outer marker, and within 2 miles either side of the 103°, 232°, 259°, and 325° True radials of the omnirange extending to points 12 miles beyond the omnirange station.

15. Section 601.2264 is amended to read:

§ 601.2264 *Spokane, Wash., control zone.* Within a 5-mile radius of Geiger Field to and including a 5-mile radius of Fairchild AFB, Spokane, Wash.

16. Section 601.2428 is amended by changing the caption *"Butler, Pa., control zone"* to read: *"Butler, Mo., control zone."*

17. Section 601.2435 is added to read:

§ 601.2435 *Moses Lake, Wash., control zone.* Within a 5-mile radius of Larson AFB and within 2 miles west of and 1½ miles east of a line bearing 161° True extending from Larson AFB to the Moses Lake nondirectional radio beacon.

18. Section 601.4016 *Green civil airway No. 6 (Alice, Tex., to Norfolk, Va.)* is amended by deleting the following reporting point: "Bay Minette, Ala., nondirectional radio beacon;" and by substituting the following reporting point in lieu thereof: "Mobile, Ala., nondirectional radio beacon;".

19. Section 601.4217 is amended to read:

§ 601.4217 *Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.).* The Scott AFB, Belleville, Ill., radio range station; the intersection of a line bearing 11° True from the Springfield, Va., nondirectional radio beacon and the west course of the Baltimore, Md., radio range; Baltimore, Md., radio range station.

20. Section 601.4230 *Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.)* is amended by deleting the following reporting point: "the intersection of the west course of the Pensacola, Fla., radio range and the northeast course of the Saufley Field (Navy) radio range;" and by adding the following reporting points in lieu thereof: "Brookley AFB, Ala., nondirectional radio beacon; Saufley Field (Navy), Fla., nondirectional radio beacon;".

21. Section 601.4233 is amended to read:

§ 601.4233 *Red civil airway No. 33 (Norfolk, Va., to Boston, Mass.).* No reporting point designation.

22. Section 601.4261 is amended to read:

§ 601.4261 *Red civil airway No. 61 (Butler, Pa., to Johnstown, Pa.).* Butler, Pa., nondirectional radio beacon.

23. Section 601.4274 is amended by changing the caption to read: *"Red civil airway No. 74 (Biloxi, Miss., to Brookley AFB, Ala.)."*

24. Section 601.4301 *Red civil airway No. 101 (Biloxi, Miss., to Pensacola, Fla.)* is revoked.

25. Section 601.4310 *Red civil airway No. 110 (Mobile, Ala., to Pensacola, Fla.)* is revoked.

26. Section 601.4624 is added to read:

§ 601.4624 *Blue civil airway No. 24 (Brookley AFB, Ala., to Axis, Ala.).* No reporting point designation.

27. Section 601.6004 is amended to read:

§ 601.6004 *VOR civil airway No. 4 control areas (Seattle, Wash., to Washington, D. C.).* All of VOR civil airway No. 4 including north and south alternates, but excluding the airspace between the main airway and its south alternate between the Seattle, Wash., omnirange station and the Yakima, Wash., omnirange station.

28. Section 601.6032 is amended to read:

§ 601.6032 *VOR civil airway No. 32 (Battle Mountain, Nev., to Fort Bridger, Wyo.).* All of VOR civil airway No. 32 including north alternates.

29. Section 601.6050 is amended to read:

§ 601.6050 *VOR civil airway No. 50 control areas (Kirksville, Mo., to Dayton, Ohio).* All of VOR civil airway No. 50 including a north and south alternate.

30. Section 601.6064 is amended to read:

§ 601.6064 *VOR civil airway No. 64 control areas (Los Angeles, Calif., to Blythe, Calif.)* All of VOR civil airway No. 64.

31. Section 601.6095 is amended to read:

§ 601.6095 *VOR civil airway No. 95 control areas (Phoenix, Ariz., to Farmington, N. Mex.)* All of VOR civil airway No. 95.

32. Section 601.6109 *VOR civil airway No. 109 control areas (Paso Robles, Calif., to Fresno, Calif.)* is revoked.

33. Section 601.6109 is added to read:

§ 601.6109 *VOR civil airway No. 109 control areas (Panoche, Calif., to Oakland, Calif.).* All of VOR civil airway No. 109.

34. Section 601.6120 is amended to read:

§ 601.6120 *VOR civil airway No. 120 control areas (Mullan Pass, Mont., to Miles City, Mont.).* All of VOR civil airway No. 120.

35. Section 601.6165 is amended to read:

§ 601.6165 *VOR civil airway No. 165 control areas (Long Beach, Calif., to Bakersfield, Calif.).* All of VOR civil airway No. 165.

36. Section 601.6169 is amended to read:

§ 601.6169 *VOR civil airway No. 169 control areas (Tobe, Colo., to Rapid City, S. Dak.).* All of VOR civil airway No. 169.

37. Section 601.6177 is amended to read:

§ 601.6177 *VOR civil airway No. 177 control areas (Fort Wayne, Ind., to Janesville, Wis.).* All of VOR civil airway No. 177.

38. Section 601.6187 is amended to read:

§ 601.6187 *VOR civil airway No. 187 control areas (Albuquerque, N. Mex., to Billings, Mont.).* All of VOR civil airway No. 187.

39. Section 601.6209 *VOR civil airway No. 209 control areas (Los Angeles, Calif., Paso Robles, Calif.)* is revoked.

40. Section 601.6210 is amended to read:

§ 601.6210 *VOR civil airway No. 210 control areas (Los Angeles, Calif., to Wheeling, W. Va.).* All of VOR civil airway No. 210 including north and south alternates.

41. Section 601.6214 is amended to read:

§ 601.6214 *VOR civil airway No. 214 control areas (Columbus, Ohio to Wheeling, W. Va.).* All of VOR civil airway No. 214.

42. Section 601.6220 is amended to read:

§ 601.6220 *VOR civil airway No. 220 control areas (Kremmling, Colo., to Wolbach, Nebr.).* All of VOR civil airway No. 220.

43. Section 601.6242 is amended to read:

§ 601.6242 *VOR civil airway No. 242 control areas (Mobile, Ala., to Brookley AFB, Ala.).* All of VOR civil airway No. 242.

44. Section 601.6259 is amended to read:

§ 601.6259 *VOR civil airway No. 259 control areas (Charlotte, N. C., to Tri-City, Tenn.).* All of VOR civil airway No. 259 including an east alternate.

45. Section 601.6264 is added to read:

§ 601.6264 *VOR civil airway No. 264 control areas (Los Angeles, Calif., to Prescott, Ariz.).* All of VOR civil airway No. 264.

46. Section 601.6278 is amended to read:

§ 601.6278 *VOR civil airway No. 278 control areas (Guthrie, Tex., to Greenwood, Miss.).* All of VOR civil airway No. 278.

47. Section 601.6298 is added to read:

§ 601.6298 *VOR civil airway No. 298 control areas (Dubois, Idaho, to Casper, Wyo.).* All of VOR civil airway No. 298.

48. Section 601.6300 is added to read:

§ 601.6300 *VOR civil airway No. 300 control areas (Sault Ste. Marie, Mich., to Toronto, Ontario).* All of VOR civil airway No. 300.

49. Section 601.6424 is added to read:

§ 601.6424 *VOR civil airway No. 424 control areas.* [Unassigned.]

50. Section 601.6425 is added to read:

§ 601.6425 *VOR civil airway No. 425 control areas (Brookley, Ala., to Axis, Ala.).* All of VOR civil airway No. 425.

51. Section 601.6629 is amended to read:

§ 601.6629 *VOR civil airway No: 1529 control areas (Los Angeles, Calif., to United States-Canadian Border).* All of VOR civil airway No. 1529.

52. Section 601.7001 *VOR domestic reporting points* is amended by changing the following reporting points to read:

Benito Intersection: The intersection of the Paso Robles, Calif., omnirange 336° T and the Salinas, Calif., omnirange 110° T radials.

Coldwater Intersection: The intersection of the Fort Wayne, Ind., omnirange 148° T and the Findlay, Ohio, omnirange 250° T radials.

Davenport Intersection: The intersection of the Point Reyes, Calif., omnirange 155° T, the Salinas, Calif., omnirange 302° T and the Agnew, Calif., omnirange 206° T radials.

Doby Intersection: The intersection of the Wells, Nev., omnirange station 256° T and the Elko, Nev., omnirange 338° T radials.

Edgerton Intersection: The intersection of the Fort Wayne, Ind., omnirange 030° T and the Goshen, Ind., omnirange 092° T radials.

La Grange Intersection: The intersection of the New Bern, N. C., omnirange 297° T and the Rocky Mount, N. C., omnirange 184° T radials.

Mount Hamilton Intersection: The intersection of the Agnew, Calif., omnirange station 097° T and the Oakland, Calif., omnirange 131° T radials.

Pioneer Intersection: The intersection of the Fort Wayne, Ind., omnirange 031° T and the Waterville, Ohio, omnirange 288° T radials.

Purgatoire Intersection: The intersection of the Tobe, Colo., omnirange 327° T and the Lamar, Colo., omnirange 231° T radials.

Saugus Intersection: The intersection of the Lake Hughes, Calif., omnirange 158° T and the Fillmore, Calif., omnirange 066° T radials.

White Oaks Intersection: The intersection of the Lake Hughes, Calif., omnirange 339° T and the Palmdale, Calif., omnirange 291° T radials.

by adding the following reporting points:

Bible Grove, Ill., omnirange station.
Blackwater, Mo., omnirange station.
Blue Spring, Mo., omnirange station.
Champaigne, Ill., omnirange station.
Kalamazoo, Mich., omnirange station.
Kokomo, Ind., omnirange station.
Lewis, Ind., omnirange station.
Lincoln, Nebr., omnirange station.
Marshall, Mo., omnirange station.
Maryland Heights, Mo., omnirange station.
Readsville, Mo., omnirange station.
Shelbyville, Ind., omnirange station.

and by revoking the following reporting points:

Coalinga, Calif., omnirange station.

Dog Intersection: The intersection of the New Orleans, La., omnirange 078° T and the Mobile, Ala., omnirange 244° T radials.

Farina Intersection: The intersection of the Vandalia, Ill., omnirange 136° T and the Bible Grove, Ill., omnirange 261° T radials.

Geyserville Intersection: The intersection of the Ukiah, Calif., omnirange 147° T and the Point Reyes, Calif., omnirange 352° T radials.

Panoche Intersection: The intersection of the Coalinga, Calif., omnirange 311° T and the Modesto, Calif., omnirange 176° T radials.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. August 28, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 25, 1958.

[F. R. Doc. 58-5913; Filed, Aug. 1, 1958; 8:46 a. m.]

[Amdt. 16]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority delegated to him by the Civil Aeronautics Board (see Special Civil Air Regulation 424, adopted May 28, 1958, effective June 15, 1958, and published in the FEDERAL REGISTER on June 5, 1958), the Administrator designated the airspace between 17,000 and 22,000 feet, within the lateral limits of certain airways, as "positive control route segments" (§ 601.8001, 23 F. R. 3917, June 5, 1958).

It has become apparent since the designation of these positive control route segments that in the near future, and more or less continuously, it will be necessary to realign the airways embracing the positive control route segments due primarily to the installation of new or the relocation of existing air navigation facilities, and for other reasons. It may also become necessary, although much less frequently, to extend these positive control route segments beyond their present terminal points. Heretofore all such changes in the airways embracing these segments have been duly coordinated through the Air Coordinating Committee and, if adopted, were promulgated as amendments to Part 601.

It appears only logical that as these airways may be from time to time realigned or extended, the positive control route segment should be correspondingly changed so as to be placed under positive control at simultaneously effective dates.

The positive control route segments are presently identified in said § 601.8001 by full legal description, i. e., a point-to-point legal description from terminal to terminal. Because of this, it would be necessary to make separate amendments requiring extensive rewriting of these legal descriptions each time these airways were realigned. This ought not to be necessary since it results in inefficiency and serves no useful purpose. It therefore is desirable to amend § 601.8001 by revising these present lengthy point-to-point legal descriptions to show only the existing terminal points of the respective positive control route segments. By so doing, it would, in the future, be necessary to amend § 601.8001 only when a positive control route segment is extended beyond its present terminal points. Changes in these segments between the terminal points would require no amendment of § 601.8001, since the basic description would remain unchanged.

In order to facilitate easy reference, § 601.8001 is also amended by listing the affected airways numerically.

Inasmuch as this amendment does not involve any substantive change, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedures Act is unnecessary and not required. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Therefore §§ 601.1, 601.2, and 601.8001 are amended to read as follows:

SUBPART A—INTRODUCTION

1. Section 601.1 is amended to read as follows:

§ 601.1 *Basis and purpose.* The basis of this part is found in sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and Part 60 of this title. The purpose of this part is to designate the continental control area, control areas, control zones, reporting points, and positive control route segments in order to provide for the safety of aircraft operating in interstate, overseas, and foreign air commerce.

2. Section 601.2 is amended to read as follows:

§ 601.2 *Explanation of terms.* As used in this part:

(a) "Control area" shall mean the airspace within an area designated in Subparts B and C, extending upward from an altitude of 700 feet, above the surface, but not including the airspace within that area designated as the continental control area. Within a control area air traffic control is exercised in accordance with the air traffic rules of Part 60 of this title.

(b) "Continental control area" shall mean the airspace above 24,000 feet, MSL, within the continental United States as designated in § 601.7101, within which air traffic control is exercised in accordance with the air traffic rules of Part 60 of this title.

(c) "Control zone" shall mean the airspace within an area designated in Subpart D of this part, upward from the surface to include one or more airports and within which rules additional to those governing flight in control areas are prescribed in Part 60 of this title, for protection of air traffic.

(d) "Reporting point" shall mean a geographic location in relation to which the position of an aircraft shall be reported in accordance with the requirements of § 60.47 of this title.

(e) "Positive control route segment" shall mean the airspace within the airway portions designated in Subpart I, including all coinciding airways embraced within them, between 17,000 feet and 22,000 feet, MSL, inclusive, within their existing lateral limits. Within a positive control route segment air traffic is regulated in accordance with the provisions of Special Civil Air Regulation 424.

(f) "Mile" means "statute mile" unless otherwise specified in this part.

(g) All bearings shall be true from the point of origin.

3. Subpart I is amended to read:

SUBPART I—DESIGNATED POSITIVE CONTROL ROUTE SEGMENTS

§ 601.8001 *Designation of positive control route segments.* The portions of civil airways described in this subpart are designated as positive control route segments.

VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.) (See § 600.6006 of this chapter.) The portion of VOR civil airway No. 6 from the Rock River, Wyo., omnirange station to the Grand Island, Nebr., omnirange station, excluding north and south alternates.

VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.) (see § 600.6008 of this chapter). The portion of VOR civil airway No. 8 from the Goshen, Ind., omnirange station to the point of intersection of the Martinsburg, W. Va., omnirange direct radial to the Washington, D. C., terminal omnirange station with the Front Royal, Va., omnirange 068° radial, excluding north and south alternates.

VOR civil airway No. 32 (Battle Mountain, Nev., to Fort Bridger, Wyo.) (see § 600.6032 of this chapter). The portion of VOR civil airway No. 32 from the Elko, Nev., omnirange station to the Bonneville, Utah, omnirange station, excluding the north alternate.

VOR civil airway No. 50 (Kirksville, Mo., to Indianapolis, Ind.) (see § 600.6050 of this chapter). The portion of VOR civil airway No. 50 from the Springfield, Ill., omnirange station to the Terre Haute, Ind., omnirange station, excluding the south alternate.

VOR civil airway No. 144 (Chicago, Ill., to Washington, D. C.) (see § 600.6144 of this chapter). The portion of VOR civil airway No. 144 from the point of intersection of the Peotone, Ill., omnirange direct radial to the Fort Wayne, Ind., omnirange station with the Chicago Heights, Ill., omnirange direct radial to the Lafayette, Ind., omnirange station; to the Appleton, Ohio, omnirange station.

VOR civil airway No. 200 (Ukiah, Calif., to Kremmling, Colo.) (see § 600.6200 of this chapter). The portion of VOR civil airway No. 200 from the Williams, Calif., omnirange station to the Reno, Nev., omnirange station.

VOR civil airway No. 1504 (San Francisco, Calif., to Washington, D. C.) (see § 600.6604 of this chapter). The portion of VOR civil airway No. 1504 from the Sacramento, Calif., omnirange station to the Elko, Nev., omnirange station.

VOR civil airway No. 1506 (San Francisco, Calif., to Washington, D. C.) (see § 600.6606 of this chapter). The portion of VOR civil airway No. 1506 from the Bonneville, Utah, omnirange station to the Rock River, Wyo., omnirange station and the portion from the Appleton, Ohio, omnirange station to the point of intersection of the Front Royal, Va., omnirange 112° and the Washington, D. C., terminal omnirange 245° radials.

VOR civil airway No. 1510 (Los Angeles, Calif., to New York, N. Y.) (see § 600.6610 of this chapter). The portion of VOR civil airway No. 1510 from the point of intersection of the Los Angeles, Calif., omnirange 057° and the Long Beach, Calif., omnirange 024° radials to the Colts Neck, N. J., omnirange station, including a south alternate from the Iowa City, Iowa, omnirange station to the Waterville, Ohio, omnirange station.

VOR civil airway No. 1512 (Los Angeles, Calif., to New York, N. Y.) (see § 600.6612 of this chapter). The portion of VOR civil airway No. 1512 from the Ontario, Calif., omnirange station to the Colts Neck, N. J., omnirange station, including a south alternate from the Kansas City, Mo., omnirange station to the Indianapolis, Ind., omnirange station.

VOR civil airway No. 1514 (San Francisco, Calif., to New York, N. Y.) (see § 600.6614 of this chapter). The portion of VOR civil airway No. 1514 from the Pittsburgh, Pa., omnirange station to the Colts Neck, N. J., omnirange station, excluding the south alternate.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment is effective upon publication in the FEDERAL REGISTER.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 25, 1958.

[F. R. Doc. 58-5914; Filed, Aug. 1, 1958; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54650]

PART 16—LIQUIDATION OF DUTIES

COUNTERVAILING DUTIES; CORDAGE FROM CUBA

Reference is made to T. D. 53534 dated July 19, 1954, imposing a contervailing duty of 2.488 cents per pound upon the entry for consumption of dutiable cordage, imported directly or indirectly from Cuba.

The Treasury Department is in receipt of official information that the payment of bounties or grants on exportation of cordage, rope, twine and cord from Cuba has been discontinued by a Cuban Government decree effective March 18, 1958, except for "baler twine" and "binder twine." As these two types of twine are free of ordinary duty under the Tariff Act of 1930, they do not come within the purview of section 303 of the Tariff Act of 1930 (19 U. S. C. 1303). Accordingly, the only foreseeable imposition of countervailing duties would be in the case of cordage which Cuba had considered to be "baler twine" or "binder twine," and therefore allowed to benefit from the grant or bounty, but which the United States (because of differing specifications or otherwise) does not consider to be "baler twine" or "binder twine" and as to which, therefore, an ordinary import duty is charged.

Therefore, as to cordage exported from Cuba on and after March 18, 1958, T. D. 53534 is hereby modified by restricting its application to cordage which has benefited from a grant or bounty bestowed by the Cuban Government on the ground that it is "baler twine" or "binder twine," but which is not classifiable under the Tariff Act of 1930, as amended, as "baler twine" or "binder twine" and is, therefore, subject to ordinary United States import duties.

This decision shall be applicable with respect to all such products exported from Cuba on or after March 18, 1958, which are or will be entered, or withdrawn from warehouse, for consumption, and which have not been liquidated or the liquidation of which has not become final on the date of publication of this Treasury decision in the FEDERAL REGISTER.

The table in § 16.24 (f) of this chapter is amended by inserting the number of this Treasury decision immediately following number 53534 in the column headed "Treasury Decision" and the words "T. D. 53534 modified" in the column headed "Action".

(R. S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U. S. C. 66, 1303, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: July 29, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-5937; Filed, Aug. 1, 1958; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter A—General

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

LABEL DECLARATION OF D-ERYTHROASCORBIC ACID WHEN IT IS AN INGREDIENT OF A FABRICATED FOOD

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701 (a), 52 Stat. 1055, as amended; 21 U. S. C. 371) and delegated

to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), and pursuant to the Administrative Procedure Act (sec. 3, 60 Stat. 237; 5 U. S. C. 1002), the following statement of interpretation is issued:

§ 3.51 *Label declaration of D-erythroascorbic acid when it is an ingredient of a fabricated food.* (a) The article D-erythroascorbic acid (D-araboascorbic acid, D-erythro-3-ketohexonic acid lactone) has sometimes been designated as D-isoascorbic acid. However, this designation is capable of misleading purchasers of food in which it is used as an ingredient because of the similarity of such designation to the chemical name and the common name of vitamin C, which is ascorbic acid. Ascorbic acid (vitamin C) is capable of preventing the deficiency disease scurvy, but D-isoascorbic acid is ineffective for this purpose.

(b) The Joint Committee on Nomenclature of the American Institute of Nutrition and the Society of Biological Chemists has considered this matter, and pursuant to the Committee's recommendation the respective scientific organizations approved a resolution to drop the use of the designation D-isoascorbic acid and to adopt as a common name the name erythorbic acid for D-erythroascorbic acid.

(c) The compound D-erythroascorbic acid is not specified as an ingredient of any food for which a standard has been established. For foods other than those for which standards have been established, section 403 (i) (2) of the Federal Food, Drug, and Cosmetic Act requires that ingredients be listed on labels by their common or usual names. If the label on a food that contains D-erythroascorbic acid designates that ingredient by the name erythorbic acid, the requirement that the label bear the common or usual name of the ingredient will be regarded as having been met.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 403, 52 Stat. 1047, as amended; 21 U. S. C. 343)

Dated: July 28, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-5932; Filed, Aug. 1, 1958; 8:50 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

IMPORTATION OF AND DEALINGS IN CERTAIN MERCHANDISE

The Foreign Assets Control Regulations, 31 CFR 500.101–500.808, are hereby amended as follows:

The following items are added to the list set forth in § 500.204 (a) (4):

Feather manufacturers.
Graphite.
Honey.
Poultry, including pigeons, frozen or otherwise prepared or preserved.

Section 500.322 (a) (5) is hereby amended (1) by deleting the words "the French Establishments in India", and (2) by deleting the words "Laos (except those areas under Communist Control)", and by substituting for them the word "Laos".

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5; E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR 1943 Cum. Supp., E. O. 9989, Aug 20, 1948, 13 F. R. 4891; 3 CFR 1948 Supp.)

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58-5900; Filed, Aug. 1, 1958; 8:45 a. m.]

PART 505—TRANSACTION CONTROL REGULATIONS

DELETION FROM SCHEDULE

The Transaction Control Regulations, 31 CFR 505.01 to 505.60, are hereby amended by deleting from the schedule in § 505.10 the words "Laos (only those areas under Communist control)."

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5; E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR 1943 Cum. Supp., E. O. 9989, Aug. 20, 1948, 13 F. R. 4891; 3 CFR 1948 Supp.)

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58-5901; Filed, Aug. 1, 1958; 8:45 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

DRUGS AND MEDICINE INDUSTRY

This matter is before me for decision on the exceptions which have been filed to my proposed redetermination of the prevailing minimum wage for the drugs and medicine industry as published in the FEDERAL REGISTER (23 F. R. 2863).

The time for exceptions has expired, and only two have been filed. One is on behalf of the American Federation of Labor and Congress of Industrial Organizations, contending that the proposed rate of $1.20 per hour is too low, and the other is on behalf of Philadelphia Ampoule Laboratories, contending that it is too high.

The contention that the proposed rate is too low merely renews the argument in support of a higher rate, first advanced by the party filing the exception at the hearing and in its post-hearing submittal of proposed findings, conclusions, and supporting reasons. This contention and the reasons for its disallowance are presented very fully in the tentative decision. As no new arguments or reasons are advanced, by this exception to the findings and conclusions in the tentative decision, no further discussion of these issues is necessary, and this exception is overruled.

Philadelphia Ampoule Laboratories has not heretofore participated in this proceeding. It suggests that in this industry wage scales are usually higher in the larger firms than they are in the smaller ones. Without further reference to fact or argument, this exception expresses a need to "go on record as opposing the arguments which are used to substantiate the 20 cent rise in minimum wages for our industry where Government contracts are involved."

The proposed decision discusses in considerable detail the differences in minimum wages between establishments of different size in this industry. It finds substantial support for the proposed minimum wage in each of the size categories from the smallest to the largest. The remainder of this exception, quoted above, merely objects to the proposal in general, without pointing to specific error in its formulation.

Each finding and conclusion in the proposal has been re-examined, and they are hereby adopted as my final decision.

Accordingly, upon the findings and conclusions and reasons therefor stated herein and in the Notice of Proposed Decision in this proceeding, pursuant to authority under the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35–45) and in accordance with the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001),

1. The headnote and paragraphs (a) and (b) of § 202.28 of the Code of Federal Regulations are amended to read as follows:

§ 202.28 *Toilet preparations and cosmetics industry*—(a) *Definition.* The toilet preparations and cosmetics industry is defined as that industry which manufactures or furnishes any of the following products: Dentrifices, cosmetics, perfume, shaving creams and shampoos which do not contain soap or soap synthetics, or other preparations designed or intended for external application to the person for the purpose of cleansing, improving the appearance of, or refreshing the person. The foregoing shall not be deemed to include the manufacture or packaging of shaving cream and shampoo containing soap or soap synthetics, essential (volatile) oils, glycerine, and soap.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the toilet preparations and cosmetics industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour arrived at either on a time or piece-rate basis.

2. A new section is added to Part 202 of Title 41 of the Code of Federal Regulations to read as follows:

§ 202.60 *Drugs and medicine industry*—(a) *Definition.* (1) The drugs and medicine industry is defined to include the following: Drugs or medical preparations (other than food) intended for internal or external use in the diagnosis, treatment, or prevention of diseases in, or to affect the structure or any functions of the body of man or other animal.

(i) Typical products of the industry are: Bulk organic and inorganic medicinal chemicals and their derivatives; endocrine products; basic vitamins; active medicinal principles, such as alkaloids from botanical drugs and herbs; drugs and medicines in pharmaceutical preparations, such as ampules, tablets, capsules, ointments, solutions, and suspensions for human and veterinary use, including vitamin preparations and galenicals, such as fluid extracts and tinctures; viruses, serums, toxins, and analogous products, such as allergenic extracts, and normal serums and plasmas for human or veterinary use; and bacteriological media.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the drugs and medicine industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.20 per hour arrived at either on a time or piece-rate basis.

(c) *Effect on other obligations.* Nothing in this section shall affect any obligation for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(d) *Effective date.* This section shall be effective, and the minimum wage herein established shall apply, as to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after September 1, 1958.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38)

Signed at Washington, D. C., this 29th day of July 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-5929; Filed, Aug. 1, 1958; 8:49 a. m.]

PART 202—MINIMUM WAGE DETERMINATIONS

SURGICAL INSTRUMENTS AND APPARATUS INDUSTRY; REDETERMINATION OF PREVAILING MINIMUM WAGES

This matter is before me for decision on exceptions to my proposed decision in the redetermination of prevailing minimum wages for the surgical instruments and apparatus industry as published in the FEDERAL REGISTER (23 F. R. 2227). Such exceptions have been filed on behalf of the Manufacturers Surgical Trade Association and the American Federation of Labor and Congress of Industrial Organizations.

The labor federation supports the proposal to preserve, in these redetermination proceedings, the industry-wide approach which has characterized the former determinations of prevailing minimum wages in this industry, but the management association has renewed its contention, first asserted at the recent hearing, that these proceedings should depart from past practice by making different determinations of prevailing minimum wages for different geographic portions of this industry.

"The management association excepts to the statement in the proposed decision that management's recommendation of geographic wage differentials is based entirely on differing median wage rates in the three geographic regions, asserting that its recommendation is based on the differing wage structures of those regions as revealed by the Bureau of Labor Statistics wage survey. This clarification of the Association's position is, of course, accepted. The distinction makes no difference, however, under the rationale supporting an industry-wide determination as set out in the proposed decision. It is the area of competition, rather than the wages paid, which determines the geographic area for which prevailing minimum wages will be determined.

The management association excepts to the finding that "management and labor representatives at the hearing agreed that competition in this industry was industry-wide, and that none of the regions into which the wage and procurement data were divided could be described as self-contained." The transcript references cited in support of the exception have been re-examined. They include page 82, on which Arthur L. Faubel, appearing on behalf of the management association, testified that in his opinion "there is a great deal of nationwide competition in the industry," and that "I doubt very much that any one of those regions is self-contained." These references also include pages 90 and 91, on which Bert Seidman, appearing on behalf of the labor unions, testified "that with respect to competition for Government contracts, there is no particular regional concentration. In other words, plants manufacturing products for Government purchase in this industry under Government contracts apparently ship them to all parts of the United States rather than just to destination points within the region of manufacture."

As this testimony was not limited or contradicted, this exception is overruled, and the proposed finding in question is adopted.

The final Association criticism of the support for the proposal to make an industry-wide determination objects to the finding that "The undisputed facts of record here make it plain that a procurement officer composing an invitation for bids in this industry will be unable to predict even the broad geographic region in which the successful bidder's plant will be located."

The objection is based on a suggestion that regional segregation of the manufacturers of the many diverse products of the industry, would enable the procurement officer to make such a prediction on the basis of the particular articles to be purchased. But the exceptions frankly confess "that this was not brought out at the hearing." Nor does the Association tender evidence now, tending to support the suggestion, or in any other way overcome the abundant evidence of industry-wide competition in the products of the industry which is in the record here, and is fully discussed in the proposed determination. Section 10 (b) of the Walsh-Healey Act requires this wage determination to be made "on the record after opportunity for a hearing." Under section 4 (b) of the Administrative Procedure Act, this imports the requirement of section 7 (c) of that act requiring findings to be "supported by and in accordance with the reliable, probative, and substantial evidence." These statutory provisions preclude reliance on the unsupported suggestion of the management association contradicted by the evidence of record, as a basis for departure from the soundly based finding in the proposed determination.

The management association seeks to distinguish the decision in Mitchell v. Covington Mills, 229 F. 2d 506, (C. A., D. C.) certiorari denied, 351 U. S. 934, which holds that industry-wide competition requires an industry-wide wage determination to achieve the purposes of the act, even where there are geographical differences in the wage structure. The effort to distinguish this decision is predicated on an assumption that there is "a fairly complete homogeneity of the products of the cotton, silk and synthetic branch of the textile industry," which was involved in the Covington case, whereas the surgical instruments and apparatus industry is one "making a wide and heterogeneous assortment of products." But, in the rationale of that decision and this one, the crucial difference is not responsive to a choice between "homogeneous" and "heterogeneous." In any event, there is no factual basis for the position asserted since the non-competitive range of this industry, "from an operating table to a suture," on which the management association relies for its distinction, is fully duplicated in the non-competitive range of the named branch of the textile industry, from a spool of cotton thread to a bolt of pure silk broad woven fabric (§ 202.43). The proposed finding and decision to determine the prevailing minimum wage on an industry-wide basis is hereby made final.

The labor unions agree with the finding in the proposed determination that $1.25 was the prevailing minimum wage for covered workers in this industry (excluding beginners) on the wage survey date, but the management association takes exception. Aside from repeating its views that prevailing minimum wages should be determined separately for the several different geographic areas, its position is summarized in two excerpts from its brief: "Admittedly, the term 'prevailing minimum wage' is not as precise as is desirable in a mathematical concept, but management takes exception to the Secretary's 'stretching' the concept of a minimum to include 56.7 percent of the workers in an industry. * * * Management contends, as we did at the hearing, that 'prevailing minimum wage' means the base on which the wage structures build up and we believe it is both reasonable and realistic to assume that approximately 10 percent of the workers included in a wage distribution constitute a thoroughly adequate segment for purposes of determining the minimum wage prevailing in an industry."

The "56.7 percent of the workers," to which the management association refers, are all of the covered workers (excluding beginners) who are employed in establishments having plant-wide minimum wages which range from $1.25 to

$2.20, and which, collectively, pay no such worker less than $1.25. Less than 1 percent of the total employment of 5,487 such workers in those plants are paid as little as $1.25 per hour.

The principle expressed by the management association "that 'prevailing minimum wage' means the base on which the wage structures build up" appears to recognize that there is more than one wage structure in this industry and the geographic segments of it for which the Association recommends separate determination. These different wage structures are, of course, the ones in effect in the several factories, plants, and establishments which manufacture or furnish its products. The error in this principle is its assumption that there is but one "base" for all of these wage structures, and that it must necessarily be the wage received by the employee who is 10 percent up from the bottom when the wages of all employees in the group for whom determination is being made are assembled together as though they were one wage structure. Though some such approach might produce a fair estimate of the prevailing minimum wage in the absence of more specifically relevant data, it may often, and does here, miss the mark by yielding a minimum which cannot be said to be prevailing because it is neither a minimum actually in effect in a large portion of the plants, nor one so placed that it may fairly be said to represent the minimum wage practice of the industry as a whole.

The management association objects to any determination which would increase labor costs, on the ground that this would give advantage to foreign manufacturers and offend the President's appeal for restraint in wage-price policies. The President's appeal clearly is not directed to wages paid by an industry, including its prevailing minimum wage, but to future agreements between management and labor for increases in existing wages resulting in price increases to the public. The companion reason for the objection is similarly unavailable. Consideration of actual or potential competition from foreign producers for Government contracts as to the products of this industry is not committed to my discretion, and is neither pertinent nor appropriate to a determination under the Walsh-Healey Act of the prevailing minimum wages in this industry. The Tariff Act of 1930, as amended, commits to the President exclusive authority in this area of the public interest. Finally, the Association's argument is dependent on the contention that the proposed determination is, in fact, found at a level in excess of the minimum wage actually prevailing, but as it does not exceed the level most representative of the minimum wages arrived at by the industry itself without reference to the Walsh-Healey Act, and for the further reasons stated, this objection is denied.

Both management and labor groups express satisfaction with the definition of the industry and the disposition of the beginner issue in the proposed determination.

The union representatives renew their request for an upward adjustment of the $1.25 figure to reflect minimum wage increases which have occurred since the Bureau of Labor Statistics survey. This proposal was carefully considered in the proposed determination and rejected for lack of adequate evidentiary support. The exception filed by the labor representatives offers no new evidence, suggests no new appraisal of the evidence in the record, and fails to deal with the reasons for rejecting this request expressed in the proposed determination. Under these circumstances this exception is overruled.

Accordingly, upon the findings, conclusions and the reasons therefor stated herein and in the Notice of Proposed Decision in the Redetermination of Prevailing Minimum Wages in the Surgical Instruments and Apparatus Industry filed in these proceedings, pursuant to authority under the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35 et seq.) and in accordance with the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), § 202.48 of Title 41 of the Code of Federal Regulations is hereby amended to read as follows:

§ 202.48 *Surgical Instruments and Apparatus Industry*—(a) *Definition.* The surgical instruments and apparatus industry is defined as that industry which manufactures or furnishes instruments, apparatus, and equipment used in, or in connection with, or in the aid of the practice of medicine and surgery, such as surgical and diagnostic instruments, apparatus, and equipment for medical and surgical treatment. This definition shall include the manufacture of sutures and sterilizers for surgical purposes, but shall not include the manufacture of (1) surgical dressings, (2) electro-surgical instruments and apparatus in which electricity is the diagnostic, therapeutic, or functioning element, such as X-ray, fluoroscope, and high frequency apparatus and equipment, ultraviolet and infra-red ray and other therapeutic and heating lamps, apparatus and equipment, and (3) orthopedic appliances, such as trusses, braces, supports, splints, artificial limbs, and elastic belts and stockings.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of the products of the surgical instruments and apparatus industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.25 per hour.

(c) *Tolerance.* Beginners as defined in this paragraph may be employed in the surgical instruments and apparatus industry for a period of not more than 320 hours at a rate not less than $1.15 per hour. A beginner for the purpose of this paragraph is defined as a new plant employee hired at a rate lower than that established for a specific job during the period of time required to receive orientation or initial training for that job, and who has less than 320 hours experience in the plant in which he is employed.

(d) *Effective date.* This section shall be effective and the minimum wages established herein shall apply as to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after September 1, 1958.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38)

Signed at Washington, D. C., this 29th day of July 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-5930; Filed, Aug. 1, 1958; 8:50 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter E—Fellowships, Internships, Training

PART 61—FELLOWSHIPS

APPLICABILITY AND PURPOSE

Notice of proposed rule making, public rule making procedures and delay in effective date have been omitted in the issuance of the following amendment to this subpart which deals with fellowship awards. The amendment will add studies and investigations relating to the causes, control and prevention of water pollution to the purposes for which the Public Health Service fellowships are awarded.

1. Section 61.1 is amended to read:

§ 61.1 *Applicability.* (a) The regulations in this part apply to the establishment and award of all fellowships in the Public Health Service, except those financed under programs of the Department of State. (See 22 CFR Part 65.)

(b) The regulations in this part shall also apply to the establishment and award of fellowships under the Federal Water Pollution Control Act.

(Sec. 10, 70 Stat. 506, 33 U. S. C. 466i. Interprets and applies section 4 (a), 70 Stat. 499, 33 U. S. C. 466c)

2. Section 61.2 is amended to read:

§ 61.2 *Purpose of fellowships.* Fellowships in the Public Health Service are for the purpose of encouraging and promoting studies or investigations relating to the physical and mental diseases and impairments of man and to the causes, prevention, and control of water pollution. Fellowships may be established (a) to provide assistance to individuals for advanced training in research, or for carrying out independent research, or (b) to obtain the assistance and services of individuals for research work of the Public Health Service where the nature of the work or the character of the individual's services render customary employing relationships impracticable or less effective.

(Sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216)

Dated: July 17, 1958.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: July 29, 1958.

E. L. RICHARDSON,
Assistant Secretary of Health, Education, and Welfare.

[F. R. Doc. 58-5933; Filed, Aug. 1, 1958; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1696]

[07340]

IDAHO

MODIFYING EXECUTIVE ORDER NO. 4226 OF MAY 16, 1925

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 4226 of May 16, 1925, which withdrew the following-described public lands in Idaho for classification, is hereby modified to the extent necessary to permit disposal of the lands under applicable public-land laws by a State exchange or State selection:

BOISE MERIDIAN

T. 3 S., R. 18 E.,
Sec. 17, NE¼.

The area described contains 160.57 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 28, 1958.

[F. R. Doc. 58-5916; Filed, Aug. 1, 1958; 8:46 a. m.]

[Public Land Order 1697]

[Fairbanks 013619]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws but not the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Department of the Air Force for military purposes:

FAIRBANKS MERIDIAN

T. 2 N., R. 1 E.
Sec. 2, N½NE¼SW¼NW¼, and
All that part of lot 4 as described by the following aliquot parts: SW¼NW¼NW¼, S½NE¼NW¼NW¼, and E½SW¼NW¼NW¼.

The areas described contain approximately 25 acres.

The Department of the Interior retains jurisdiction over the management of the surface and subsurface resources, including mineral resources of the lands. No disposal of such resources will be made except under applicable public land laws with the concurrence of the Department of the Air Force and, where necessary, only after appropriate modification of the provisions of this order.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 28, 1958.

[F. R. Doc. 58-5963; Filed, Aug. 1, 1958; 8:55 a. m.]

[Public Land Order 1698]

[Fairbanks 010043]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 1173 OF JUNE 24, 1955, WHICH WITHDREW CERTAIN LANDS FOR USE IN MAINTENANCE OF AIR NAVIGATION FACILITIES AS ADDITION TO AIR NAVIGATION SITE WITHDRAWAL NO. 146

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1173 of June 24, 1955, so far as it withdrew the following-described lands under the jurisdiction of the Civil Aeronautics Administration, Department of Commerce, for use in the maintenance of air navigation facilities as an addition to Air Navigation Site Withdrawal No. 146, is hereby revoked:

Beginning at a point on line 11–12 of United States Survey 2639 from which corner No. 12 bears N. 42°54' W., 8,000 feet, thence
S. 47°04' W., 3,700 feet;
S. 42°56' E., 3,350 feet to line of mean high water of the west bank of Napaskiak Slough;
Northeasterly, 3,800 feet along line of mean high tide to a point on line 11–12, U. S. S. 2639;
N. 42°54' W., 2,875 feet along line 11–12 to point of beginning.

The tract described contains approximately 265 acres.

2. Subject to any existing valid rights and the requirements of applicable law, the lands are hereby opened to settlement and to filing of such applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the applications and claims described in paragraph b (1) below, the lands, beginning at 10:00 a. m. on September 2, 1958, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended). Beginning at 10:00 a. m. on December 2, 1958, any remaining lands will be subject to settlement under these laws by other qualified persons.

b. Applications and selections under the nonmineral public-land laws and applications and offers under the mineral-leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on September 2, 1958, will be considered as simultaneously filed at that hour. Rights under such preference-right applications after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral-leasing laws, presented prior to 10:00 a. m. on December 2, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands will be open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws beginning at 10:00 a. m. on December 2, 1958.

3. Persons claiming veteran's preference rights under paragraph b (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

4. The Territory of Alaska has waived the preference right of selection granted it by section 202 (b) of the Alaska Mental Health Enabling Act of July 28, 1956 (70 Stat. 711; 48 U. S. C. 46.3 (b)).

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 28, 1958.

[F. R. Doc. 58-5917; Filed, Aug. 1, 1958; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 11—INDUSTRIAL RADIO SERVICES

ORDER GRANTING EXCEPTION TO RULE

In the matter of requests for exception to § 11.8 (a) of the Commission's rules.

1. By First Report and Order of June 18, 1958, in Docket No. 11991 (FCC 58–602, released June 23, 1958) the Commission amended (effective August 1, 1958) § 11.8 (a) of its Industrial Radio Services Rules in several particulars. As amended, § 11.8 (a) specifies definite and detailed procedures for effecting coordination in the selection of frequencies and also specifies an alternative procedure whereby an applicant may submit an advisory recommendation from a frequency advisory committee so organized as to be representative of all persons eligible in the area purported to be served by such committee. Although § 11.8 (a) has heretofore required applicants and licensees in the Industrial Radio Services to cooperate in the selection and use of frequencies, and although frequency advisory committees of the type contemplated by the amendment have been in existence in many of the Commission's services for a number of years, the above procedures are relatively new to users in the Special Industrial Radio Service.

2. The Commission has received a request from the Special Industrial Radio Service Frequency Advisory System Organizing Committee, among others, seeking exception, for two months, to so much of the amended § 11.8 (a) as requires applications for frequencies in the Special Industrial Radio Service to be accompanied by evidence of frequency coordination in one of the forms set forth in the said section.[1] These requests are based upon the newness—as above described—of the procedures established, and upon the correlative consideration that the additional time is necessary in order for interested persons to acclimate themselves to such procedures. There appears to be considerable warrant for the relief requested, particularly, in light of the heterogeneous nature of the various activities provided for in the Special Industrial service.

3. In view of the foregoing, and pursuant to § 0.291 (b) (7) of the Commission's Rules, *It is ordered*, Effective August 1, 1958, that the above-described requests for exception are granted, and that, until October 1, 1958, applicants in the Special Industrial Radio Service (and applicants in the Business Radio Service for frequencies adjacent to frequencies available to the Special Industrial Radio Service) are excepted from so much of § 11.8 (a) as requires the submission of evidence of frequency coordination in one of the forms set forth therein.

Adopted: July 29, 1958.

Released: July 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5940; Filed, Aug. 1, 1958; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 270]

CIGARS AND CIGARETTES; MANUFACTURERS, IMPORTERS, AND DEALERS

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

In order to require the payment to the collector of customs, on the basis of a return, of any internal revenue tax due and payable on cigars imported in passengers' baggage, in excess of the quantity exempted from tax by law and customs regulations, or by mail where the value does not exceed $250, and such cigars are for the personal consumption of the importer or for disposition as his bona fide gift, regulations 26 CFR Part 270 are amended as follows:

PARAGRAPH 1. Section 270.64 is amended by adding in the third sentence after the words "That a manufacturer or an importer of cigars" the words "except where such cigars are imported in passengers' baggage, or by mail where the value does not exceed $250, for the personal consumption of the importer or for disposition as his bona fide gift,".

PAR. 2. Paragraph (a) of § 270.190 is amended to read as follows:

(a) *General.* All cigars and cigarettes shall, before removal, be put up by the importer in packages which shall bear the stamps, class designation, and mark, as required by this subpart. Such packages shall be of such construction as will securely contain the cigars and cigarettes therein and maintain such stamps, class designation, and mark thereon: *Provided*, That cigars imported in passengers' baggage, or by mail where the value does not exceed $250, where such cigars are for the personal consumption of the importer or for disposition as his bona fide gift, shall be exempt from the provisions of this paragraph.

PAR. 3. The first sentence of § 270.191 is amended to read as follows: "Every package of large cigars subject to tax shall, before removal, have legibly imprinted thereon, or on a label securely affixed thereto, a class designation, for tax purposes, corresponding with the rate of tax imposed by section 5701 (b) (2), I. R. C., on the cigars contained therein: *Provided*, That cigars imported in passengers' baggage, or by mail where the value does not exceed $250, where such cigars are for the personal consumption of the importer or for disposition as his bona fide gift, shall be exempt from the provisions of this section."

PAR. 4. Section 270.191a is amended to read as follows:

§ 270.191a *Mark.* Every package of cigars on which tax is paid by return shall, before removal, have legibly imprinted thereon, or on a label securely affixed thereto, the number of cigars contained in such package: *Provided*, That cigars imported in passengers' baggage, or by mail where the value does not exceed $250, where such cigars are for the personal consumption of the importer or for disposition as his bona fide gift, shall be exempt from the provisions of this section.

PAR. 5. Section 270.230 is amended as follows:

(A) Paragraph (a) is amended to read as follows:

(a) *General.* Where cigars on which tax has not been paid are imported into the United States, the importer may, except as provided in paragraphs (c) and (d) of this section, pay tax thereon by filing a tax return, Form 2135, with remittance, with the district director for each removal of such cigars from customs custody subject to tax. The importer shall secure from the district director a copy of the tax return bearing acknowledgment of receipt of the remittance. Such copy shall be presented by the importer to the appropriate customs officer before such cigars are released from customs custody. When the cigars are so released, the customs officer shall endorse the copy of Form 2135 to show release of the cigars and return this copy to the importer who shall retain such copy of the tax return for two years following the close of the calendar year in which the return was filed and shall make it available for inspection by any revenue officer upon his request.

(B) By adding a new paragraph (c) to read as follows:

(c) *Noncommercial importations in passengers' baggage.* Where cigars on which tax has not been paid are imported into the United States in passengers' baggage, for the personal consumption of the importer or for disposition as his bona fide gift, in excess of the quantity exempted from tax by law and customs regulations, the importer shall, prior to removal, pay tax thereon by return to the collector of customs, in accordance with customs requirements.

(C) By adding a new paragraph (d) to read as follows:

(d) *Noncommercial importations by mail.* Where cigars on which the tax has not been paid are imported into the United States by mail, for the personal consumption of the importer or for disposition as his bona fide gift, and the value does not exceed $250, the importer shall, prior to removal, pay tax thereon by return to the collector of customs, in accordance with customs requirements.

PAR. 6. Section 270.231 is amended by deleting the words "to the district director" from the first sentence.

PAR. 7. A new § 270.232 to read as follows is added:

§ 270.232 *Customs' collection of internal revenue taxes on certain importations of cigars.* Internal revenue taxes payable on cigars imported in passengers' baggage, or by mail where the value does not exceed $250, shall be collected, acounted for, and deposited as internal revenue collections by collectors of customs in accordance with customs requirements.

[F. R. Doc. 58-5938; Filed Aug. 1, 1958; 8:51 a. m.]

[1] Requests have been filed by or on behalf of American Iron Ore Association, American Mining Congress, Associated General Contractors, National Canners Association, National Industrial Sand Association, National Ready Mixed Concrete Association, National Sand and Gravel Association, Petroleum Equipment Suppliers Association, and Special Industrial Radio Service Association.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1003]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF BUDGET OF EXPENSES OF DATE ADMINISTRATIVE COMMITTEE FOR 1958–59 CROP YEAR AND FIXING RATE OF ASSESSMENT FOR SUCH CROP YEAR

Notice is hereby given that the Secretary of Agriculture is considering the approval of a budget of expenses of the Date Administrative Committee for the 1958–59 crop year and the fixing of a rate of assessment for that year, as hereinafter set forth. The amount of the budget and rate of assessment were unanimously recommended by the aforesaid committee in accordance with the provisions of Marketing Agreement No. 127, and Order No. 103 (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the eighth day after publication of this notice in the FEDERAL REGISTER. In the event the said eighth day after publication should fall on a legal holiday, Saturday, or Sunday, such submissions must be received by the Director not later than the close of business on the next following business day.

The proposed budget of expenses and rate of assessment follow:

§ 1003.303 *Budget of expenses of the Date Administrative Committee and rate of assessment for the 1958–59 crop year*—(a) *Budget of expenses.* Expenses in the amount of $38,595 are reasonable and are likely to be incurred by the Date Administrative Committee for its maintenance and functioning for the crop year which begins on August 1, 1958 and ends on July 31, 1959.

(b) *Rate of assessment.* Each handler shall pay to the Date Administrative Committee, in accordance with the provisions of Marketing Agreement No. 127, and Order No. 103, an assessment of 15 cents per hundredweight of dates which he handles or has had certified for handling or for further processing during the crop year which begins on August 1, 1958 and ends on July 31, 1959. Such assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 29, 1958.

[SEAL] FLOYD F. HEDLUND,
Deputy Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-5919; Filed, Aug. 1, 1958; 8:47 a. m.]

Agricultural Research Service

[9 CFR Part 131]

[Docket No. AO 16–A7]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

NOTICE OF HEARING ON PROPOSED AMENDMENT TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement Act, as amended (7 U. S. C. 851 et seq.), and the rules of practice and procedure governing formulation of marketing agreements and marketing orders applicable to anti-hog-cholera serum and hog-cholera virus (9 CFR Part 132), notice is hereby given of a public hearing to be held in Room 209, United States Courthouse, 219 South Clark Street, Chicago, Illinois, beginning at 10:00 a. m., c. d. t., August 6, 1958, for the purpose of receiving evidence on the proposed amendment hereinafter set forth, or appropriate modifications thereof, to the marketing agreement and order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus (9 CFR Part 131).

Amendment to the marketing agreement and order is made necessary due to the recent amendment to the aforesaid act, effective immediately. Said amendment revised section 58 (b) of the act (7 U. S. C. 853 (b)) to read as follows:

(b) Terms and conditions requiring each manufacturer to have in inventory in his own possession on April 1 of each year a reserve supply of completed serum equivalent to not less than 40 per centum of his previous year's sales of all serum, except that any marketing agreement may provide that upon written application by a manufacturer filed before September 1 of the preceding year, the Secretary may fix another date between January 1 and May 1 on which such manufacturer shall have such inventory if the Secretary finds that such action will tend to effectuate the purposes of this Act. The Secretary may impose such terms and conditions upon granting any such application as he finds necessary to effectuate the purposes of this Act. Serum used in computing the required reserve supply of any manufacturer shall not again be used in computing the required reserve supply of any other manufacturer.

The proposed amendment to the marketing agreement and order is as follows:

1. Amend § 131.79 to read as follows:

§ 131.79 *Emergency reserve.* (a) Except as provided in paragraph (b) of this section, each manufacturer shall have in inventory in his own possession on April 1 of each year a reserve supply of completed serum equivalent to not less than 40 per centum of his previous year's sales of all serum. Serum used in computing the required reserve supply of any manufacturer shall not again be used in computing the required reserve supply of any other manufacturer.

(b) Upon the written application by a manufacturer filed before September 1 of the preceding year, the Secretary may fix another date between January 1 and May 1 on which such manufacturer shall have the inventory specified in paragraph (a) of this section for a particular year if the Secretary finds that such action will tend to effectuate the purposes of the act. The Secretary may impose such terms and conditions upon granting any such application as he finds necessary to effectuate the purposes of the act.

2. Add a new § 131.80 to read as follows:

§ 131.80 *Procedure for filing and decision on application filed pursuant to section 131.79 (b) of this subpart*—(a) *Time and place of filing.* Application for a date between January 1 and May 1 on

which a manufacturer shall have the inventory specified in § 131.79 (a) for a particular year shall be filed with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington, D. C., before September 1 of the preceding year. Said application shall be deemed to be filed when received by the Office of the Director.

(b) *Form and content of application.* The application shall be in writing and signed by the applicant. If the applicant is a corporation, the application shall be signed by an officer of such corporation, and if applicant is a partnership, it shall be signed by one of the partners. The application shall contain (1) the name, address, principal place of business and form of business organization of applicant. If it is a corporation, such fact shall be stated together with the state of incorporation, date of incorporation and the names of its officers and directors; if it is a partnership, the name and address of each partner; (2) a request for a definite date between January 1 and May 1 which applicant desires the Secretary to set on which the applicant shall have said inventory specified in § 131.79 (a); and (3) a full statement of the facts upon which applicant relies to support his application which statement shall include information with respect to the area of his distribution of serum, giving the percentage of his total marketings for each State within said area and for export and may include information covering other factors specified in paragraph (d) of this section. The Secretary may, at any time following receipt of the application, request additional information from applicant.

(c) *Notice of filing.* Following the receipt of such applications the Secretary may publish in the FEDERAL REGISTER a notice setting forth the names of the applicants and the date so requested by each of them, and may afford all interested parties the opportunity of filing written data, views and arguments with respect to any or all such applications within a time to be fixed by the Secretary. After publication of the aforesaid notice an application may be withdrawn only upon written request to the Secretary showing good cause therefor, but in no event may an application be withdrawn after final decision thereon by the Secretary.

(d) *Basis of decision.* The setting of a date other than April 1 of each year on which a manufacturer shall have the inventory specified in § 131.79 (a) will be conditioned on whether the setting of such date will tend to effectuate the purposes of the act. In granting or denying such applications consideration will be given, but not limited to, the following factors: (1) the areas of distribution of serum by applicant; (2) the incidence of the disease of hog cholera in the area of distribution of serum of the applicant, the time of its greatest incidence in said marketing area and the time of its greatest incidence nationally; (3) the farrowing season or seasons of the pig crop nationally and in said marketing area; (4) conditions with respect to the available supply of serum nationally and in said area; and (5) the percentage of the national pig crop inoculated. Consideration will be given to all relevant and material matters submitted and all other available information and data relating to the applications, including information and data on file in the Department.

(e) *Final decision.* The Secretary shall issue a decision on all applications and such decisions shall be final: *Provided*, That any decision setting a date other than April 1 may be reviewed and may be vacated if it is subsequently found that any material fact upon which such determination was based was materially erroneous or false. A true copy of the final decision shall be sent to the applicant by registered mail. Upon the granting of an application, or applications, the Secretary may publish in the FEDERAL REGISTER the name of each such applicant and the date set for each such applicant on which he shall have the inventory specified in § 131.79 (a).

3. Delete the second sentence of paragraph (a) of § 131.48 and add a new paragraph (c) to § 131.48 to read as follows:

(c) Except as provided in the last sentence of this paragraph, each manufacturer, on or before May 1 of each year, shall file a sworn report with the Secretary, on a form furnished by and available from the Secretary, setting forth the cubic centimeter volume of completed serum such manufacturer had in inventory in his own possession on April 1 of such year, identifying such serum by serial number, the quantity covered by each serial number and the name and address of the facility where such serum was stored on April 1 of such year. If any such serum was acquired from another handler, the name of the manufacturer and of the seller, the serial numbers and the amount so acquired, together with the delivery date thereof, shall be set forth in the report. The report shall also set forth the cubic centimeter volume of all serum sold by such manufacturer during the preceding calendar year. In the event a date other than April 1 is set for a particular manufacturer by the Secretary pursuant to the provision of § 131.79 (b) of this subpart, the report specified in this paragraph shall be filed by such manufacturer within 30 days after said date set by the Secretary and the information given therein with respect to his serum inventory shall be given as of the date set by the Secretary.

4. Amend § 131.1 and add new §§ 131.17 and 131.18 to read as follows:

§ 131.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 131.17 *Completed serum.* "Completed serum" as used in this subpart means "completed serum" and "finished serum" as defined in § 119.23 (a) (5) and (6), respectively, of the regulations of the Secretary governing the production of anti-hog-cholera serum (Part 119 of this title).

§ 131.18 *Inventory in his own possession.* "Inventory in his own possession" as used in this subpart means completed serum owned by a manufacturer and stored for his own account in premises owned or leased by him.

5. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from the hearing.

In view of the provisions of the amendment to the act with respect to the filing of applications before September 1, evidence also will be received as to whether a recommended decision should be omitted as provided in § 132.12 (d) of the rules of practice and procedure.

Copies of this notice of hearing may be obtained from the Hearing Clerk, Room 112, Building A, United States Department of Agriculture, Washington, D. C., or may there be inspected.

Done at Washington, D. C. this 1st day of August 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-6090; Filed, Aug. 1, 1958; 11:54 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG AND THE NETHERLANDS

AVAILABLE CERTIFICATIONS BY THE GOVERNMENTS OF HONG KONG AND THE NETHERLANDS

Notice is hereby given that:

(1) Certificates of origin issued by the Hong Kong Department of Commerce and Industry under procedures agreed upon between that Government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following commodity:

Graphite.

(2) Certificates of origin issued by the Department of Agriculture, Fisheries and Food of the Government of The Netherlands under procedures agreed upon between that Government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from The Netherlands of the following commodity:

Rhubarb, Chinese type.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 58-5902; Filed, Aug. 1, 1958; 8:45 a. m.]

Office of the Secretary

[1958 Dept. Circular 1013]

1½ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES D-1959; TAX ANTICIPATION SERIES

OFFERING OF CERTIFICATES

JULY 29, 1958.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for Tax Anticipation Certificates of Indebtedness of the United States, designated 1½ percent Treasury Certificates of Indebtedness of Series D-1959. The amount of the offering is $3,500,000,000, or thereabouts. The books will be open only on July 29 for the receipt of subscriptions.

II. *Description of certificates.* 1. The certificates will be dated August 6, 1958, and will bear interest from that date at the rate of 1½ percent per annum, payable on a semiannual basis on March 24, 1959. They will mature March 24, 1959. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other exercise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will be accepted at par plus accrued interest to maturity in payment of income and profits taxes due on March 15, 1959.

4. Bearer certificates with one interest coupon attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit. Subscriptions from all others must be accompanied by payment of 2 percent of the amount of certificates applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of certificates allotted may be released upon the request of the subscribers.

2. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for certificates allotted hereunder must be made or completed on or before August 6, 1958, or on later allotment. In every case where payment is not so completed, the payment with application up to 2 percent of the amount of certificates allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for certificates allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F. R. Doc. 58-5939; Filed, Aug. 1, 1958; 8:51 a. m.]

GENERAL SERVICES ADMINISTRATION

QUININE HELD IN NATIONAL STOCKPILE

PROPOSED DISPOSITION

Pursuant to the provisions of section 3 (e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U. S. C. 98b (e), notice is hereby given of a proposed disposition of approximately 13,860,000 ounces of quinine now held in the national stockpile.

The Office of Defense Mobilization has made a revised determination, pursuant to section 2 (a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling quinine. The revised determination was by reason of obsolescence of quinine for use in time of war and was based upon the finding of the Office of Defense Mobilization that new and better materials, within the meaning of section 3 (e) (2) of the act, have been developed for the uses for which quinine was stockpiled.

It will be necessary for any purchaser of the quinine to reprocess it to meet present standards. There are no longer any facilities for such reprocessing in the United States. The domestic consumption of quinine has been steadily decreasing while the European demand for quinine is still relatively large. General Services Administration therefore proposes to negotiate for the sale of the entire quantity of such quinine to one or more European quinine companies or a group of such companies. If such negotiations are unsuccessful, it is proposed to negotiate sales of the quinine in relatively small quantities over a period of many years.

It is believed that this plan of disposition will protect the United States against avoidable loss on the sale of the quinine and also protect producers, processors, and consumers against avoidable disruption of their usual markets.

It is proposed to make such quinine available for sale six months after publication of this notice in the FEDERAL REGISTER.

Dated: July 29, 1958.

FRANKLIN FLOETE,
Administrator of General Services.

[F. R. Doc. 58-5964; Filed, Aug. 1, 1958; 8:55 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-75]

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

NOTICE OF AMENDMENT TO CONSTRUCTION PERMIT NO. CPCX-11

Please take notice that the Atomic Energy Commission has issued the following amendment (No. 1) to Construction Permit No. CPCX-11. The amendment extends to November 1, 1958, the latest completion date for construction

of the homogeneous zero power research reactor to be located at the NACA Lewis Flight Propulsion Laboratory in Cleveland, Ohio. In accordance with the Commission's rules of practice (10 CFR 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license amendment. For further details see the application for amendment at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 23d day of July 1958.

[Construction Permit No. CPCX-11, Amdt. 1]

Condition A of Construction Permit No. CPCX-11 is hereby amended by changing the second sentence thereof to read as follows:

The latest date for completion of the reactor is November 1, 1958.

Date of issuance: July 23, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-5909; Filed, Aug. 1, 1958; 8:45 a. m.]

[Docket No. F-9]

REGENTS OF THE UNIVERSITY OF CALIFORNIA AND NORTH AMERICAN AVIATION, INC.

NOTICE OF WITHDRAWALS OF FACILITY LICENSE APPLICATIONS

Please take notice that by letters dated June 11, 1958, and June 26, 1958, respectively, the Regents of the University of California and North American Aviation, Inc., have withdrawn their applications, dated June 2, 1955, and March 10, 1955, respectively requesting a facility license pertaining to the proposed construction and operation of a reactor for medical research and therapy and related physical research at the University of California at Los Angeles.

Dated at Germantown, Md., this 23d day of July 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-5910; Filed, Aug. 1, 1958; 8:45 a. m.]

[Docket No. 27-4]

AMERICAN MAIL LINE LTD.

NOTICE OF PROPOSED ISSUANCE OF BYPRODUCT AND SOURCE MATERIAL LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICE

Please take notice that the Atomic Energy Commission proposes to issue a Byproduct and Source Material License to American Mail Line, Ltd., 740 Stuart Building, Seattle 1, Washington, substantially in the form set forth in Annex "A" below unless within fifteen (15) days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by the Commission's rules of practice (10 CFR 2). There is also set forth below as Annex "B" a memorandum submitted by the Division of Licensing and Regulation which sumarizes the principal factors considered in reviewing the application for a license. The license application is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md.; this 25th day of July 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[Docket No. 27-4]

[License No. 46-3623-1 (G60)]

AMERICAN MAIL LINE LTD.

ANNEX "A", BYPRODUCT AND SOURCE MATERIAL LICENSE

Pursuant to the Atomic Energy Act of 1954 and Title 10, Code of Federal Regulations, Chapter 1, Part 30, "Licensing of Byproduct Material" and Title 10, Code of Federal Regulations, Chapter 1, Part 40, "Control of Source Material", and in reliance on statements and representations heretofore made by the applicant, a license is hereby issued to American Mail Line, Ltd., 740 Stuart Building, Seattle 1, Washington, to receive, possess and dispose of waste byproduct and source material packaged under Byproduct Material License No. 46-91-8 (G60) issued to Boeing Airplane Company, Seattle, Washington.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation", and all other applicable rules, regulations, and orders of the Atomic Energy Commission now or hereafter in effect and to the following conditions:

1. The licensee shall not possess or receive more than 10 curies total of byproduct material at any one time.

2. The licensee shall not receive possession of more than 15 pounds of source material.

3. The waste disposal operations shall be under the supervision of H. V. Walker and/or H. A. Greenwood, American Mail Line, Ltd.

4. The waste disposal operation shall be conducted in accordance with the procedures described in the licensee's application dated October 24, 1957, and letters dated September 10, 1957, January 24, 1958, and March 6, 1958, from H. V. Walker, General Traffic Manager, American Mail Line, Ltd.

5. The packaged radioactive waste shall be transported aboard vessels owned by American Mail Line, Ltd.

6. The licensee shall dispose of the radioactive waste in the Pacific Ocean at a location at least 150 miles from the continental shelf and at a minimum sea depth of 1,000 fathoms.

7. At least 10 days prior to each disposal the licensee shall notify the Director, Division of Licensing and Regulation, Atomic Energy Commission of the proposed date for disposal, the proposed disposal location in latitude and longitude, the total number of containers, the total activity in millicuries, and the most hazardous radioisotope in each container.

This license shall be effective on the date issued and shall expire on July 31, 1960.

For the Atomic Energy Commission.

JAMES R. MASON,
Chief, Isotopes Branch, Division of Licensing and Regulation.

ANNEX "B"

MEMORANDUM

American Mail Line, Ltd., 740 Stuart Building, Seattle 1, Washington, filed an application dated October 24, 1957, for a Byproduct and Source Material License as defined in the Code of Federal Regulations, Title 10, Chapter I, Part 30, "Licensing of Byproduct Material", and Part 40, "Control of Source Material", to receive byproduct and source material wastes packaged by the Boeing Airplane Company, Seattle, Washington, and dispose of them in the Pacific Ocean.

The Atomic Energy Commission has found that:

A. The applicant meets the general requirements for the issuance of a specific license as required by § 30.23, 10 CFR 30 and § 40.22, 10 CFR 40.

B. American Mail Line, Ltd., is qualified to provide the proposed sea waste disposal service for packaged byproduct and source materials.

C. American Mail Line, Ltd., has submitted sufficient information to provide reasonable assurance that the licensed material can be handled and disposed of in accordance with AEC regulations.

D. The issuance of a Byproduct and Source Material License to American Mail Line, Ltd., will not be inimical to the health and safety of the public.

The above findings were reached after a consideration of the following information submitted by the applicant:

1. *Experience of Personnel.* The Radiological Safety Officer for the entire disposal operation will be Mr. William E. Morgan who is the radiation hygienist for the Boeing Airplane Company. He completed the Atomic Energy Commission fellowship program in Radiological Physics at the University of Washington. Mr. Morgan's training and experience appear satisfactory to perform the functions of Radiological Safety Officer for this operation. The American Mail Line, Ltd. personnel who will supervise the handling and disposal of the waste packages are: Mr. H. V. Walker, General Traffic Manager; and Mr. H. A. Greenwood, Superintendent of Operations. Neither of these individuals has had experience with radioactivity. However, the American Mail Line, Ltd., personnel will handle the radioactive waste only after complete packaging has been performed by the Boeing Airplane Company. Therefore, the qualifications of these individuals appear adequate for the waste disposal operation.

2. *Facilities, Equipment, and Procedures.* American Mail Line, Ltd., will not package or ground transport the radioactive wastes. It will receive the packaged wastes from Boeing Airplane Company and load them aboard vessels owned and operated by American Mail Line, Ltd. Adequate storage facilities are available at the dock for holding the waste prior to final disposal. Aboard ship the containers will be stored away from living quarters in an area not frequented by personnel. The waste containers will be disposed of at sea during commercial voyages. Based on these operations, the facilities, equipment, and procedures specified by American Mail Line, Ltd., appear adequate for the waste disposal program.

The waste packages will be transported from the Boeing Airplane Company to the American Mail Line dock in trucks owned by Boeing. These shipments will be accompanied by a member of the Boeing Industrial Hygiene Unit who will be responsible for radiation protection during such transit.

3. *Packaging of Waste.* The radioactive waste will be packaged by the Boeing Airplane Company. The package will consist of a primary or inner container, a secondary or outer container and a concrete filler. The primary container will be metal with a tight fitting cover. Dry wastes will be compressed and a filler will be added when necessary to eliminate voids. Liquid waste will be neutralized and mixed with plaster of paris or cement to form a solid homogenous mass within the container. Non-aqueous liquids will be mixed with earth or absorbent clay. The primary container will be sealed with masking tape. The density of the primary container will be sufficient to insure it will not float if it becomes separated from the waste package. Each primary container will be monitored for radioactive contamination and any detectable contamination removed prior to packaging. The outer container will be a standard 55 gallon steel drum. Concrete with a minimum density of 135 lbs./cu. ft. will be used as the filler. The outer container will be capped with a dome of concrete. The completed waste package will have a minimum density of 10 lbs./gal. to insure sinking. Sufficient shielding will be provided so that the radiation level will be less than 10 mr/hr at the surface of the container and less than 1 mr/hr at one meter from the surface. The proposed waste package will meet the recommendations of the National Committee on Radiation Protection as contained in NBS Handbook 58 "Radioactive Waste Disposal in the Ocean" and will meet the labeling requirements of Part 20 of the Code of Federal Regulations "Standards for Protection Against Radiation".

4. *Records.* American Mail Line, Ltd., will maintain records of the time, date, and location of the disposal site to the nearest minute of latitude and longitude. The Boeing Airplane Company will maintain records of the contents of each waste package.

5. *Disposal Site.* The disposal site will be in the Pacific Ocean at least 150 miles from the continental shelf at a minimum depth of 1,000 fathoms. At least 10 days prior to each disposal event the Atomic Energy Commission will be notified of the proposed date of disposal, the proposed disposal location in latitude and longitude, the total number of containers, the total activity in millicuries and the most hazardous radioisotope in each container.

Conclusion: The disposal of the types and levels of radioactive waste specified in the application in the ocean at a depth of 1,000 fathoms when packaged in such a manner as to provide reasonable assurance that the material reaches the bottom is considered to be a safe method of radioactive waste disposal. These amounts of radioactive material, if released into sea water and diluted with the available dilution media at the specified depth are highly unlikely to exceed, and in all probability will be less than, the permissible concentrations for drinking water in unrestricted areas as specified in Part 20 "Standards for Protection Against Radiation".

Dated: July 25, 1958.

For the Division of Licensing and Regulation.

H. L. PRICE,
Director.

[F. R. Doc. 58-5911; Filed, Aug. 1, 1958; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

KENAI NATIONAL MOOSE RANGE, ALASKA

AGREEMENT CLASSIFYING LANDS FOR OIL AND GAS LEASING PURPOSES

Notice is hereby given that, pursuant to the regulation 43 CFR, 192.9 (Circular 1990), agreement, as reflected by the map herein referred to, has been consumated between the Bureau of Land Management and the United States Fish and Wildlife Service of this Department, designating those lands within the Kenai National Moose Range on the Kenai Peninsula, Alaska, which are hereby closed to oil and gas leasing because such activities would be incompatible with management thereof for wildlife purposes. The lands excluded from leasing are specifically delineated on the map of the Kenai National Moose Range, set forth below, which was approved on January 29, 1958, and are identified on said map as follows:

Closed area. The following described lands within the boundaries of the Kenai National Moose Range, Alaska, are not opened to oil and gas leasing:

SEWARD MERIDIAN

Ts. 1, 2, and 3 N., R. 3 W. (Unsurveyed)
Portion in Moose Range.
Ts. 1 and 2 N., R. 4 W. (Unsurveyed)
All.
Ts. 3 and 4 N., R. 4 W. (Unsurveyed)
Portion in Moose Range.
T. 5 N., R. 4 W. (Unsurveyed)
Portion in Moose Range, south of Sterling Highway as relocated.
T. 9 N., R. 4 W. (Unsurveyed)
North tier of secs. in Moose Range.
T. 10 N., R. 4 W. (Unsurveyed)
Portion in Moose Range.
Ts. 1, 2, 3, and 4 N., R. 5 W. (Unsurveyed)
All.
T. 5 N., R. 5 W. (Unsurveyed)
Portion in Moose Range, south of Sterling Highway as relocated.
T. 9 N., R. 5 W. (Unsurveyed)
Secs. 1 to 6.
T. 10 N., R. 5 W. (Unsurveyed)
Portion in Moose Range.
Ts. 1, 2, 3, and 4 N., R. 6 W. (Unsurveyed)
All.
T. 5 N., R. 6 W. (Unsurveyed)
Portion in Moose Range, south of Sterling Highway as relocated.
T. 10 N., R. 6 W. (Unsurveyed)
East range of secs. in Moose Range.
Ts. 1, 2, 3, and 4 N., R. 7 W. (Unsurveyed)
All.
T. 5 N., R 7 W. (Unsurveyed)
Portion in Moose Range, south of Sterling Highway as relocated.
Ts. 1, 2, 3, and 4 N., R. 8 W. (Unsurveyed)
All.
Ts. 1 and 2 N., R. 9 W. (Unsurveyed)
All.
T. 3 N., R. 9 W. (Unsurveyed)
Secs. 31 to 36, Incl.
T. 1 N., R. 10 W. (Unsurveyed)
Secs. 1 to 6; Secs. 8 to 16; Secs. 22 to 27; and Secs. 34 to 36.
T. 2 N., R. 10 W. (Unsurveyed)
All.
T. 3 N., R. 10 W. (Unsurveyed)
Secs. 31 to 36, incl.
T. 1 N., R. 11 W. (Unsurveyed)
Secs. 1, 2, and 3.
T. 2 N., R. 11 W. (Partly unsurveyed)
Portion in Moose Range.
T. 3 N., R. 11 W. (Partly unsurveyed)
Secs. 34, 35, and 36; and E½, E½W½ Sec. 33.
Ts. 1 and 2 S., R. 3 W. (Unsurveyed)
Portion in Moose Range.
T. 1 S., R. 4 W. (Unsurveyed)
All.
T. 2 S., R. 4 W. (Unsurveyed)
Portion in Moose Range.
T. 1 S., R. 5 W. (Unsurveyed)
All.
Ts. 1 and 2 S., R. 6 W. (Unsurveyed)
All.
Ts. 3, 4, and 5 S., R. 6 W. (Unsurveyed)
Portion in Moose Range.
Ts. 1, 2, and 3 S., R. 7 W. (Unsurveyed)
All.
Ts. 4 and 5 S., R. 7 W. (Unsurveyed)
Portion in Moose Range.
Ts. 1, 2, and 3 S., R. 8 W. (Unsurveyed)
All.
T. 4 S., R. 8 W. (Unsurveyed)
Portion in Moose Range.
T. 1 S., R. 9 W. (Unsurveyed)
All.
Ts. 2, 3, and 4 S., R. 9 W. (Unsurveyed)
Portion in Moose Range.
T. 1 S., R. 10 W. (Unsurveyed)
Secs. 1 to 4; Secs. 9 to 15; and Secs. 24, 25, and 36.
T. 2 S., R. 10 W. (Unsurveyed)
Secs. 1, 12, 13, 24, 25, and 36.

The balance of the lands within the Kenai National Moose Range are subject to the filing of oil and gas lease offers in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (41 Stat. 437) and the regulations in 43 CFR, Part 192 and the provisions hereof. Offers to lease covering any of these lands which have been pending and upon which action was suspended in accordance with the regulation 43 CFR 192.9 (d) will now be acted upon and adjudicated in accordance with the regulations.

All offers to lease must be submitted on Form 4–1158 and in accordance with the regulation 43 CFR 192.42, accompanied by a $10 filing fee and the advance first year's rental of 50 cents per acre in accordance with the provisions of Public Law 85–505 enacted July 3, 1958.

In accordance with the regulation 43 CFR 192.9 (Circular 1990), lease offers for lands which have not been excluded from leasing will not be accepted for filing until the tenth day after the agreement and map are noted on the records of the land office of the Bureau of Land Management in Anchorage, Alaska. All lease offers filed in that office on that day and until 10 a. m., on the tenth day thereafter will be treated as having been filed simultaneously. The priorities of all offers which conflict in whole or in part will be determined in accordance with the procedure outlined in the regulation 43 CFR 295.8.

All leases will be subject to the special stipulations (Form 4–1383) approved April 18, 1958 and published in the FEDERAL REGISTER April 22, 1958 (23 F. R. 2636, 2637).

FRED A. SEATON,
Secretary of the Interior.

JULY 24, 1958.

KENAI NATIONAL MOOSE RANGE

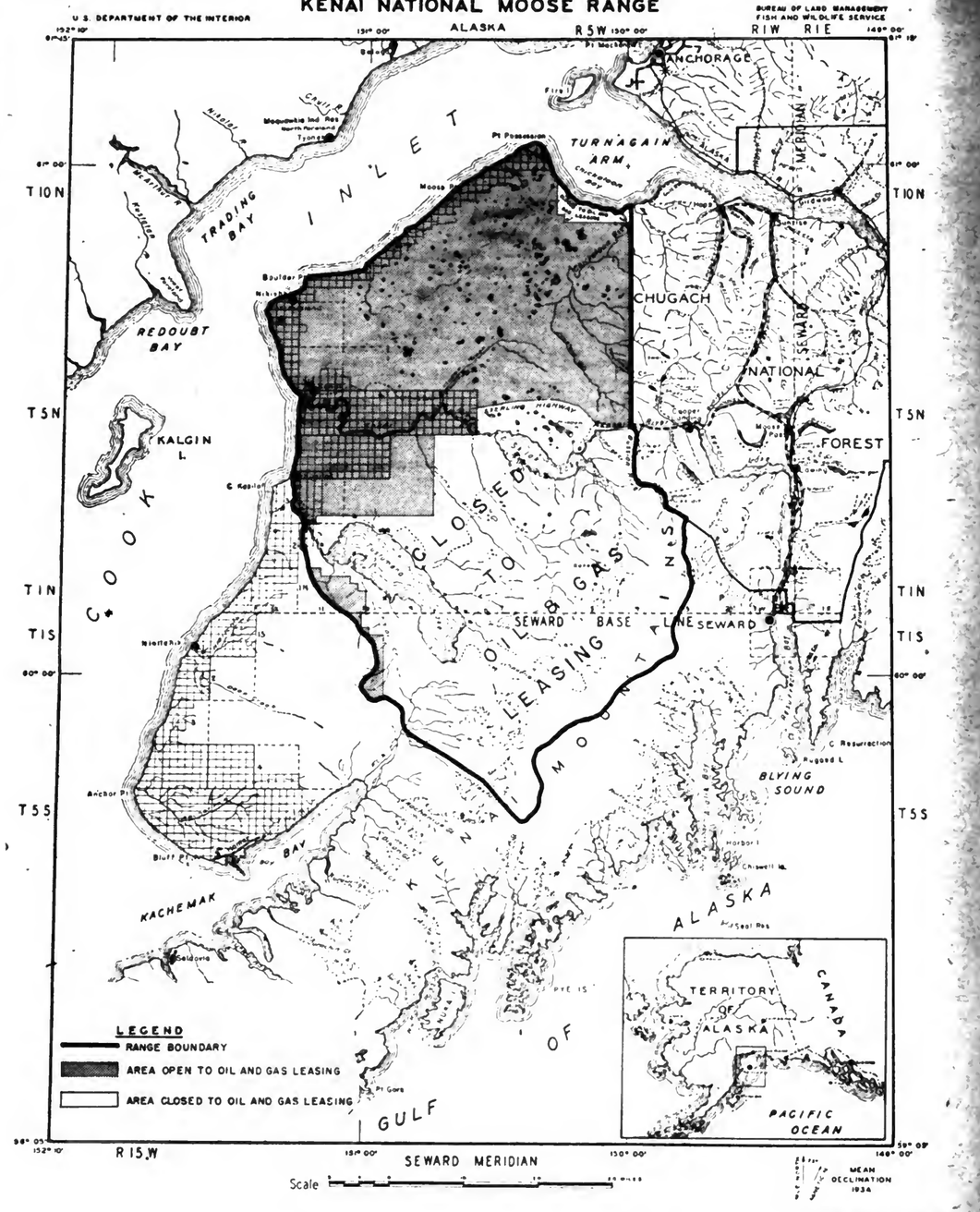

[F. R. Doc. 58-5811; Filed, July 30, 1958; 12:35 p. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RAYMOND E. HEBERT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of January 23, 1957; 22 F. R. 461; July 23, 1957; 22 F. R. 5846; January 25, 1958; 23 F. R. 517.

A. Deletions: Magna Theatres, Inc.
B. Additions: No change.

This statement is made as of July 11, 1958.

RAYMOND E. HEBERT.

JULY 12, 1958.

[F. R. Doc. 58-5962; Filed, Aug. 1, 1958; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11981 etc.; FCC 58M-839]

LATIN-AMERICAN BROADCASTING CORP. ET AL.

ORDER ADVANCING DATE OF HEARING

In re applications of Latin-American Broadcasting Corporation, Monterey Park, California; Docket No. 11981, File No. BP-10811; Radio Orange County, Inc., Anaheim, California; Docket No. 12218, File No. BP-11236; Anaheim-Fullerton Broadcasting Co., Inc., Anaheim-Fullerton, California; Docket No. 12219, File No. BP-11242; for construction permits.

The Hearing Examiner having under sideration a request to advance the date of hearing from September 8 to August 1, 1958;

It appearing that the above request, made by Radio Orange County, Inc., at a hearing conference held this date, was consented to by all parties; and

It further appearing that an advancement of the date would be in the public interest;

It is ordered, This 29th day of July 1958, that the date of hearing is advanced from September 8 to August 1, 1958.

Released: July 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5941; Filed, Aug. 1, 1958; 8:51 a. m.]

[Docket No. 12248; FCC 58M-823]

ST. ANTHONY TELEVISION CORP.

ORDER SCHEDULING HEARING

In re application of St. Anthony Television Corporation, Houma, Louisiana; Docket No. 12248, File No. BPCT-2328; for construction permit for a new television broadcast station (Channel 11).

An evidentiary hearing in the above-entitled proceeding will be held on Thursday, July 31, 1958, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C.

It is so ordered, This the 25th day of July 1958.

Released: July 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5942; Filed, Aug. 1, 1958; 8:51 a. m.]

[Docket No. 12520 etc.; FCC58M-840]

LEAVENWORTH BROADCASTING CO. (KCLO) ET AL.

ORDER FOR PREHEARING CONFERENCE

In re applications of George Basil Anderson and Florence L. Anderson, d/b as Leavenworth Broadcasting Company (KCLO), Leavenworth, Kansas; Docket No. 12520, File No. BP-11195; Wichita Beacon Broadcasting Company, Inc. (KWBB), Wichita, Kansas; Docket No. 12521, File No. BP-11207; Willie Ray Harlowe and Carroll C. Lee, d/b as Bowie-Nacona Broadcasting Company, Bowie, Texas; Docket No. 12522, File No. BP-11241; Bert F. Dimock, Jr., and Elmer Covey, d/b as Montague County Broadcasting Company, Bowie, Texas; Docket No. 12523, File No. BP-11890; for construction permits.

A prehearing conference in the above-entitled proceeding will be held on Friday, September 12, 1958, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 30th day of July 1958.

Released: July 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5943; Filed, Aug. 1, 1958; 8:51 a. m.]

[Docket Nos. 12535, 12536; FCC 58M-829]

ARNOLD J. STONE ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Arnold J. Stone, Alameda, California; Docket No. 12535, File No. BPH-2414; Patrick Henry and David D. Larsen, a Partnership, Alameda, California; Docket No. 12536, File No. BPH-2437; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 28th day of July 1958, that all parties, or their attorneys, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D. C., at 2:00 p. m., September 15, 1958.

Released: July 29, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5944; Filed, Aug. 1, 1958; 8:52 a. m.]

[Docket No. 12537; FCC 58M-834]

DARWIN BROADCASTING CO. (KHCD)

ORDER SCHEDULING HEARING

In the matter of revocation of license of Henry Chester Darwin, tr/as Darwin Broadcasting Company (KHCD), Clifton, Arizona; Docket No. 12537.

It is ordered, This 28th day of July 1958, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 7, 1958, in Washington, D. C.

Released: July 29, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5945; Filed, Aug. 1, 1958; 8:52 a. m.]

[Docket Nos. 12542, 12543; FCC 58-705]

HENDERSON COUNTY BROADCASTING CO. (KBUD) AND UNIVERSITY ADVERTISING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of J. B. McNutt, Jr., tr/as The Henderson County Broadcasting Company (KBUD), Athens, Texas; Docket No. 12542, File No. BP-11301; University Advertising Company, Highland Park, Texas; Docket No. 12543, File No. BP-11850; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of July 1958;

The Commission having under consideration the above-captioned applications of J. B. McNutt, Jr., trading as The Henderson County Broadcasting Company for a construction permit to change the facilities of Station KBUD, Athens, Texas (from operation on 1410 kilocycles with a power of 250 watts, daytime only, to operation on 1150 kilocycles with a power of 500 watts, daytime only; and of the University Advertising Company for a construction permit for a new standard broadcast station to operate on 1150 kilocycles with a power of 500 watts, directional antenna, daytime only, at Highland Park, Texas;

It appearing that, except as indicated by the issues specified below, both applicants are legally, technically, financially and otherwise qualified to operate their

proposed stations but that the operation of the proposals would result in mutually destructive interference; that proposal of KBUD would cause interference to Station WTAW, College Station, Texas (1150 kc, 1 kw, Day); that the proposed operation of KBUD would cause interference to Station KNED, McAlester, Oklahoma (1150 kc, 500 w, 1 kw-LS, DA-N, U); that the interference which would be received by the proposed operation of KBUD from Stations WTAW and KNED may affect more than ten percent of the population within the proposed primary service area in contravention of § 3.28 (c) of the Commission's rules; and that, in the event of a grant of the application of The Henderson County Broadcasting Company, a complete proof of performance would be required to establish that the antenna system meets the minimum radiation efficiency required by the Commission's rules; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either of the applications would be in the public interest; and

It further appearing that both applicants filed timely replies to the Commission's letter; and

It further appearing that, by letters dated June 6, 1958, the licensee of Station KNED requested that both applications be designated for hearing; and

It further appearing that the Commission's study indicates that no interference would be caused to Station KNED by the University Advertising Company proposal; and

It further appearing that, by letter dated June 10, 1958, the licensee of Station WTAW requested that the applications be designated for hearing; and

It further appearing that, on June 11, 1958, The Henderson County Broadcasting Company filed an amendment which includes measurement data purporting to show that less than ten percent of the population within the proposed primary service areas of KBUD would be affected by interference from existing stations, but that the material submitted is insufficient to establish that conductivities in the area are as low as claimed by the applicant, and, therefore, it appears that the proposed operation of Station KBUD may not be in compliance with § 3.28 (c) of the Commission's rules; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in the consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KBUD as proposed and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would receive primary service from the proposed operation of the University Advertising Company and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of Station KBUD would cause objectionable interference to Station KNED, McAlester, Oklahoma, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the proposed operation of KBUD would cause objectionable interference to Station WTAW, College Station, Texas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether, because of interference received, the proposed operation of Station KBUD would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

7. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals herein would better provide a fair, efficient and equitable distribution of radio service.

8. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That WTAW Broadcasting Corp. and the Pittsburg County Broadcasting Co., licensees of Stations WTAW and KNED, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That, in the event of favorable action on the application of The Henderson County Broadcasting Company in the hearing ordered above, a complete proof of performance shall be required to establish that the antenna system meets the minimum radiation efficiency required by the Commission's rules.

Released: July 29, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5946; Filed, Aug. 1, 1958; 8:52 a. m.]

[Docket Nos. 12542, 12543; FCC 58M-831]

HENDERSON COUNTY BROADCASTING CO. (KBUD) AND UNIVERSITY ADVERTISING CO.

ORDER SCHEDULING HEARING

In re applications of J. B. McNutt, Jr., tr/as The Henderson County Broadcasting Company (KBUD), Athens, Texas, Docket No. 12542, File No. BP-11301; University Advertising Company, Highland Park, Texas, Docket No. 12543, File No. BP-11850; for construction permits.

It is ordered, This 25th day of July 1958, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 20, 1958, in Washington, D. C.

Released: July 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5947; Filed, Aug. 1, 1958; 8:52 a. m.]

[Docket Nos. 12544, 12545; FCC 58M-831]

BAY AREA ELECTRONIC ASSOCIATES AND SONOMA COUNTY BROADCASTERS

ORDER SCHEDULING HEARING

In re applications of John F. Egan and Robert Sherman, d/b as Bay Area Electronic Associates, Santa Rosa, California; Docket No. 12544, File No. BP-11319; Alfred M. Pettler, Samuel Elkins, Herbert Stiller, Martin D. Rockey and Sanford Spillman, d/b as Sonoma County Broadcasters, Santa Rosa, California; Docket No. 12545, File No. BP-11800; for construction permits.

It is ordered, This 25th day of July 1958, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 16, 1958, in Washington, D. C.

Released: July 29, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5948; Filed, Aug. 1, 1958; 8:52 a. m.]

[Docket Nos. 12546, 12547; FCC 58M-832]

NEWARK BROADCASTING CORP. AND WMGM BROADCASTING CORP.

ORDER SCHEDULING HEARING

In re applications of Newark Broadcasting Corporation, Newark, New Jersey; Docket No. 12546, File No. BPH-2427; WMGM Broadcasting Corporation, New York City, New York; Docket No. 12547, File No. BPH-2442; for construction permits.

It is ordered, This 25th day of July 1958, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 21, 1958, in Washington, D. C.

Released: July 29, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5949; Filed, Aug. 1, 1958; 8:52 a. m.]

[Docket Nos. 12548, 12549; FCC 58M-833]

FALCON BROADCASTING CO. AND SIERRA MADRE BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of George A. Baron, tr/as Falcon Broadcasting Company, Vernon, California; Docket No. 12548, File No. BPH-2382; Max H. Isoard, tr/as Sierra Madre Broadcasting Company, Sierra Madre, California; Docket No. 12549, File No. BPH-2403; for construction permits.

It is ordered, This 28th day of July 1958, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 16, 1958, in Washington D. C.

Released: July 29, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5950; Filed, Aug. 1, 1958; 8:52 a. m.]

[Docket Nos. 12550, 12551; FCC 58M-830]

PACIFICA FOUNDATION AND UNIVERSITY OF JUDAISM

ORDER SCHEDULING HEARING

In re applications of Pacifica Foundation, Pasadena, California; Docket No. 12550, File No. BPED-353; University of Judaism-West Coast Branch of the Jewish Theological Seminary, Los Angeles, California; Docket No. 12551, File No. BPED-357; for construction permits.

It is ordered, This 25th day of July 1958, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 20, 1958, in Washington, D. C.

Released: July 29, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5951; Filed, Aug. 1, 1958; 8:52 a. m.]

[Docket No. 12263; FCC 58-720]

REVISION OF RADIO REGULATIONS OF INTERNATIONAL TELECOMMUNICATION UNION

SIXTH NOTICE OF INQUIRY

On December 9, 1957, the Commission released its First Notice of Inquiry in this Docket, inviting interested persons to file comments on or before January 23, 1958, setting forth their views with respect to changes in the Atlantic City Radio Regulations.

As indicated in the First Notice, various Government-industry committees under the auspices of the Department of State are in the process of preparing proposed amendments to the Radio Regulations to be submitted for consideration at the Radio Conference of the International Telecommunication Union in 1959. The Commission stated in the First Notice that it intended to make available for comment some of the specific proposals under consideration. Although most of the preparatory committees are still engaged in their work, the Commission considers that some of the proposals, while they do not as yet have any formal status, have reached a stage where it is appropriate to make them available for comments in this Docket. It should be recognized that these proposals are subject to change, but it is the Commission's opinion that they provide a basis for interested persons to make known their views, and that such views will be of value to the Commission in formulating its recommendations to the Department of State which has the overall responsibility for formulating the position of the United States in these matters. It should be noted that the Department of State receives recommendations not only from the Commission but also from other interested agencies of the Government.

The Commission has set forth in the attachment[1] certain proposed changes to Article 37 of the Radio Regulations. This text has been approved by an appropriate Department of State preparatory committee.

New material proposed is underscored while existing material proposed to be deleted has been struck through. The numbers in the left margin refer to the paragraphs of the existing Atlantic City Radio Regulations or are new numbers supplied for editorial reasons. The reasons for the various proposals are set forth following each paragraph, section or article.

[1] Filed as part of the original document. Copies may be obtained from the Federal Communications Commission, Washington 25, D. C.

Any interested person is invited to file comments with the Commission concerning this matter on or before September 2, 1958. In view of the necessity for preparing the United States position at the earliest possible time, the Commission does not expect to be able to grant an extension of time for filing comments. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fourteen (14) copies of all comments shall be furnished to the Commission.

Adopted: July 23, 1958.

Released: July 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5952; Filed, Aug. 1, 1958; 8:53 a. m.]

[Docket No. 12263; FCC 58-721]

REVISION OF RADIO REGULATIONS OF INTERNATIONAL TELECOMMUNICATION UNION

SEVENTH NOTICE OF INQUIRY

On December 9, 1957, the Commission released its First Notice of Inquiry in this Docket, inviting interested persons to file comments on or before January 23, 1958, setting forth their views with respect to changes in the Atlantic City Radio Regulations.

As indicated in the First Notice, various Government-industry committees under the auspices of the Department of State are in the process of preparing proposed amendments to the Radio Regulations to be submitted for consideration at the Radio Conference of the International Telecommunication Union in 1959. The Commission stated in the First Notice that it intended to make available for comment some of the specific proposals under consideration. Although most of the preparatory committees are still engaged in their work, the Commission considers that some of the proposals, while they do not as yet have any formal status, have reached a stage where it is appropriate to make them available for comments in this Docket. It should be recognized that these proposals are subject to change, but it is the Commission's opinion that they provide a basis for interested persons to make known their views, and that such views will be of value to the Commission in formulating its recommendations to the Department of State which has the overall responsibility for formulating the position of the United States in these matters. It should be noted that the Department of State received recommendations not only from the Commission but also from other interested agencies of the Government.

Accordingly, the Commission has set forth in the attachment[1] certain proposed changes to the Radio Regulations. Proposals concerning Articles 28 and 33 and Appendices 10 and 12 bis, and portions of Articles 1 and 9 and Appendix 3 are shown. This material has either

been adopted by certain Department of State preparatory committees or in a few instances is on the agenda for consideration in such committees. It is understood that in some instances dissent was expressed by some members with respect to certain of the paragraphs in the attached texts. It is further emphasized that final action by the Department of State preparatory committees with respect to all these items has not taken place.

New material proposed is underscored while existing material proposed to be deleted has been struck through. The numbers in the left margin refer to the paragraphs of the existing Atlantic City Radio Regulations or are new numbers supplied for editorial reasons. The reasons for the various proposals are set forth following each paragraph, section or article.

It is expected that Notices similar to this one will be released with respect to other Articles in the Radio Regulations as soon as possible.

Any interested person is invited to file comments with the Commission concerning this matter on or before September 2, 1958. In view of the necessity for preparing the United States position at the earliest possible time, the Commission does not expect to be able to grant an extension of time for filing comments. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fourteen (14) copies of all comments shall be furnished to the Commission.

Adopted: July 23, 1958.

Released: July 29, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5953; Filed, Aug. 1, 1958; 8:53 a. m.]

[Docket No. 12263; FCC 58-722]

REVISION OF RADIO REGULATIONS OF INTERNATIONAL TELECOMMUNICATION UNION

EIGHTH NOTICE OF INQUIRY

On December 9, 1957, the Commission released its First Notice of Inquiry in this Docket, inviting interested persons to file comments on or before January 23, 1958, setting forth their views with respect to changes in the Atlantic City Radio Regulations.

As indicated in the First Notice, various Government-industry committees under the auspices of the Department of State are in the process of preparing proposed amendments to the Radio Regulations to be submitted for consideration at the Radio Conference of the International Telecommunication Union in 1959. The Commission stated in the First Notice that it intended to make available for comment some of the specific proposals under consideration. Although most of the preparatory committees are still engaged in their work, the Commission considers that some of the proposals, while they do not as yet have any formal status, have reached a stage where it is appropriate to make them available for comments in this Docket. It should be recognized that these proposals are subject to change, but it is the Commission's opinion that they provide a basis for interested persons to make known their views, and that such views will be of value to the Commission in formulating its recommendations to the Department of State which has the overall responsibility for formulating the position of the United States in these matters. It should be noted that the Department of State receives recommendations not only from the Commission but also from other interested agencies of the Government.

The Commission has set forth in the attachment[1] certain proposed changes to Article 34 of the Radio Regulations. This text is that approved by Department of State Preparatory Committee V with editorial changes to make the format consistent with draft proposals for other articles.

New material proposed is underscored while existing material proposed to be deleted has been struck through. The numbers in the left margin refer to the paragraphs of the existing Atlantic City Radio Regulations or are new numbers supplied for editorial reasons. The reasons for the various proposals are set forth following each paragraph, section or article.

It is expected that Notices similar to this one will be released with respect to other Articles in the Radio Regulations as soon as possible.

Any interested persons is invited to file comments with the Commission concerning this matter on or before September 2, 1958. In view of the necessity for preparing the United States position at the earliest possible time, the Commission does not expect to be able to grant an extension of time for filing comments. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fourteen (14) copies of all comments shall be furnished to the Commission.

Adopted: July 23, 1958.

Released: July 29, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5954; Filed, Aug. 1, 1958; 8:53 a. m.]

[Docket No. 12263; FCC 58-723]

REVISION OF RADIO REGULATIONS OF INTERNATIONAL TELECOMMUNICATION UNION

NINTH NOTICE OF INQUIRY

On December 9, 1957, the Commission released its First Notice of Inquiry in this Docket, inviting interested persons to file comments on or before January 23, 1958, setting forth their view with respect to changes in the Atlantic City Radio Regulations.

As indicated in the First Notice, various Government-industry committees under the auspices of the Department of State are in the process of preparing proposed amendments to the Radio Regulations to be submitted for consideration at the Radio Conference of the International Telecommunication Union in 1959. The Commission stated in the First Notice that it intended to make available for comment some of the specific proposals under consideration. Although most of the preparatory committees are still engaged in their work, the Commission considers that some of the proposals, while they do not as yet have any formal status, have reached a stage where it is appropriate to make them available for comments in this Docket. It should be recognized that these proposals are subject to change, but it is the Commission's opinion that they provide a basis for interested persons to make known their views, and that such views will be of value to the Commission in formulating its recommendations to the Department of State which has the overall responsibility for formulating the position of the United States in these matters. It should be noted that the Department of State receives recommendations not only from the Commission but also from other interested agencies of the Government.

The Commission has set forth in the attachment[1] certain proposed changes to Appendix 4 of the Radio Regulations. This text has been considered in Committee IV where it has met with substantial agreement. It is understood that certain members of the Committee expressed dissent with regard to the term "Occupied Bandwidth" as used in the heading of the table and in Notes 3 and 4 of the Appendix. It is further emphasized that final action by the Department of State preparatory committees with respect to all these items has not taken place.

It is expected that Notices similar to this one will be released with respect to other Articles in the Radio Regulations as soon as possible.

Any interested person is invited to file comments with the Commission concerning this matter on or before September 2, 1958. In view of the necessity for preparing the United States position at the earliest possible time, the Commission does not expect to be able to grant extension of time for filing comments. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fourteen (14) copies of all comments shall be furnished to the Commission.

Adopted: July 23, 1958.

Released: July 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5955; Filed, Aug. 1, 1958; 8:53 a. m.]

[1] Filed as part of the original document. Copies may be obtained from the Federal Communications Commission, Washington 25, D. C.

[Docket No. 12263; FCC 58-725]

REVISION OF RADIO REGULATIONS OF INTERNATIONAL TELECOMMUNICATIONS UNION

ELEVENTH NOTICE OF INQUIRY.

On December 9, 1957, the Commission released its First Notice of Inquiry in this Docket, invited interested persons to file comments on or before January 23, 1958, setting forth their views with respect to changes in the Atlantic City Radio Regulations.

As indicated in the First Notice, various Government-industry committees under the auspices of the Department of State are in the process of preparing proposed amendments to the Radio Regulations to be submitted for consideration at the Radio Conference of the International Telecommunication Union in 1959. The Commission stated in the First Notice that it intended to make available for comment some of the specific proposals under consideration. Although most of the preparatory committees are still engaged in their work, the Commission considers that some of the proposals, while they do not as yet have any formal status, have reached a stage where it is appropriate to make them available for comments in this Docket. It should be recognized that these proposals are subject to change, but it is the Commission's opinion that they provide a basis for interested persons to make known their views, and that such views will be of value to the Commission in formulating its recommendations to the Department of State which has the overall responsibility for formulating the position of the United States in these matters. It should be noted that the Department of State receives recommendations not only from the Commission but also from other interested agencies of the Government.

The Commission has set forth in the attachment[1] certain proposed changes to Article 20 and Appendix 6 of the Radio Regulations. These texts have been approved by two subcommittees of the appropriate Department of State preparatory committees.

Any interested person is invited to file comments with the Commission concerning this matter on or before September 2, 1958. In view of the necessity for preparing the United States position at the earliest possible time, the Commission does not expect to be able to grant an extension of time for filing comments. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fourteen (14) copies of all comments shall be furnished to the Commission.

Adopted: July 23, 1958.

Released: July 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5957; Filed, Aug. 1, 1958; 8:53 a. m.]

[1] Filed as part of the original document. Copies may be obtained from the Federal Communications Commission, Washington 25, D. C.

[Docket No. 12263; FCC 58-724]

REVISION OF RADIO REGULATIONS OF INTERNATIONAL TELECOMMUNICATION UNION

TENTH NOTICE OF INQUIRY

On December 9, 1957, the Commission released its First Notice of Inquiry in this Docket, inviting interested persons to file comments on or before January 23, 1958, setting forth their views with respect to changes in the Atlantic City Radio Regulations.

As indicated in the First Notice, various Government-industry committees under the auspices of the Department of State are in the process of preparing proposed amendments to the Radio Regulations to be submitted for consideration at the Radio Conference of the International Telecommunication Union in 1959. The Commission stated in the First Notice that it intended to make available for comment some of the specific proposals under consideration. Although most of the preparatory committees are still engaged in their work, the Commission considers that some of the proposals, while they do not as yet have any formal status, have reached a stage where it is appropriate to make them available for comments in this Docket. It should be recognized that these proposals are subject to change, but it is the Commission's opinion that they provide a basis for interested persons to make known their views, and that such views will be of value to the Commission in formulating its recommendations to the Department of State which has the overall responsibility for formulating the position of the United States in these matters. It should be noted that the Department of State receives recommendations not only from the Commission but also from other interested agencies of the Government.

The Commission has set forth in the attachment[1] certain proposed changes to Appendices 8, 9, and 16 of the Radio Regulations. The text of Appendix 8 is that adopted in Committee V, and the text of Appendix 9 is the Committee V version with editorial changes to make the format consistent with the draft proposals for other articles. The text for Appendix 16 has not so far been considered by any preparatory committee.

Any interested person is invited to file comments with the Commission concerning this matter on or before September 2, 1958. In view of the necessity for preparing the United States position at the earliest possible time, the Commission does not expect to be able to grant an extension of time for filing comments. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fourteen (14) copies of all comments shall be furnished to the Commission.

Adopted: July 23, 1958.

Released: July 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5956; Filed, Aug. 1, 1958; 8:53 a. m.]

[Docket No. 12263; FCC 58-726]

REVISION OF RADIO REGULATIONS OF INTERNATIONAL TELECOMMUNICATION UNION

TWELFTH NOTICE OF INQUIRY

On December 9, 1957, the Commission released its First Notice of Inquiry in this Docket, inviting interested persons to file comments on or before January 23, 1958, setting forth their views with respect to changes in the Atlantic City Radio Regulations.

As indicated in the First Notice, various Government-industry committees under the auspices of the Department of State are in the process of preparing proposed amendments to the Radio Regulations to be submitted for consideration at the Radio Conference of the International Telecommunication Union in 1959. The Commission stated in the First Notice that it intended to make available for comments some of the specific proposals under consideration. Although most of the preparatory committees are still engaged in their work, the Commission considers that some of the proposals, while they do not as yet have any formal status, have reached a stage where it is appropriate to make them available for comments in this Docket. It should be recognized that these proposals are subject to change, but it is the Commission's opinion that they provide a basis for interested persons to make known their views, and that such views will be of value to the Commission in formulating its recommendations to the Department of State which has the overall responsibility for formulating the position of the United States in these matters. It should be noted that the Department of State receives recommendations not only from the Commission but also from other interested agencies of the Government.

The Commission has set forth in the attachment[1] certain proposed changes to Article 44 of the Radio Regulations. While this version of Article 44 has not been considered in any Department of State preparatory committee, it is edited from the version adopted previously by the appropriate preparatory committee, in order to make the text consistent with the draft proposals for other articles of the Radio Regulations.

Any interested person is invited to file comments with the Commission concerning this matter on or before September 2, 1958. In view of the necessity for preparing the United States position at the earliest possible time, the Commission does not expect to be able to grant an extension of time for filing comments. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fourteen (14) copies of all comments shall be furnished to the Commission.

Adopted: July 23, 1958.

Released: July 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-5958; Filed, Aug. 1, 1958; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–13018, G–13019]

PACIFIC NORTHWEST PIPELINE CORP. AND EL PASO NATURAL GAS CO.

NOTICE OF CONSOLIDATION AND FIXING DATE OF HEARING

JULY 25, 1958.

In the matters of Pacific Northwest Pipeline Corporation, Docket No. G–13018; El Paso Natural Gas Company, Docket No. G–13019.

On August 7, 1957, Pacific Northwest Pipeline Corporation (Pacific), filed in Docket No. G–13018, an application, to which subsequent amendments have been filed, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval for the abandonment of its facilities subject to the jurisdiction of the Federal Power Commission, and the service rendered by means of such facilities, subject to El Paso Natural Gas Company receiving a certificate of public convenience and necessity as applied for in Docket No. G–13019 to acquire by merger these facilities and service rendered by Pacific. Due notice of the filing of this application has been given including publication in the FEDERAL REGISTER on October 1, 1957 (22 F. R. 7776–7).

On August 7, 1957, El Paso Natural Gas Company (El Paso) filed in Docket No. G–13019, an application, to which subsequent amendments have been filed, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act to acquire and operate the above-mentioned pipeline system of Pacific as presently constituted and as it may be enlarged or extended prior to the date of the proposed acquisition, including the right to construct any extensions, additions or other facilities which have been certificated prior to such date. Due notice of the filing of this application has been given including publication in the FEDERAL REGISTER on October 1, 1957 (22 F. R. 7776–7).

Take notice that the above-entitled proceedings are consolidated for hearing and pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held commencing on September 17, 1958, at 10 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above-entitled applications.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–5918; Filed, Aug. 1, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 30, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34849: *Substituted service—Pennsylvania Railroad for motor carrier-Riss & Company.* Filed by Riss & Company, Inc., Agent (No. 2), for itself and The Pennsylvania Railroad Company. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between specified junction points in official territory, on traffic originating at or destined to points on motor carriers described in the application.

Grounds for relief: Motor truck competition.

FSA No. 34850: *Brick from and to points in southern territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on brick and related articles, carloads from specified points in southern territory to specified points in southern territory, including Ohio and Mississippi River crossings border points, points in Virginia and Washington, D. C.

Grounds for relief: Short-line distance formula, grouping, and relief line arbitraries.

Tariff: Supplement 149 to Southern Freight Association tariff I. C. C. 1278.

FSA No. 34851: *Asphalt—Rogerslacy, Miss., to Illinois territory.* Filed by O. W. South, Jr., Agent (SFA No. A3709), for interested rail carriers. Rates on asphalt, carloads from Rogerslacy, Miss., to specified points in Illinois, Iowa, Missouri, and Wisconsin.

Grounds for relief: Market competition with New Orleans, La.

Tariff: Supplement 108 to Southern Freight Association tariff I. C. C. 1561.

FSA No. 34852: *Paper and paper articles from and to points in the Southwest.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B–7314), for interested rail carriers. Rates on paper and paper articles, carloads; also platforms and skids, carloads, returned to point of origin between points in Arkansas, Louisiana (west of the Mississippi River), southern Missouri, New Mexico, Oklahoma, and Texas, and from points in such states or portions thereof to specified points in Kansas, Illinois, western trunk line and southern territories, as more fully described in the application.

Grounds for relief: Short-line distance formulas, and market competition.

Tariffs: Supplement 28 to Southwestern Freight Bureau tariff I. C. C. 4271. Supplement 5 to Southwestern Freight Bureau tariff I. C. C. 4289. Supplement 89 to Southwestern Freight Bureau tariff I. C. C. 4198.

FSA No. 34853: *Soda ash between points in official territory.* Filed by O. E. Schultz, Agent (ER 2452), for interested rail carriers. Rates on soda ash, carloads, as described in the application between points in official territory, including northern Illinois, southern Wisconsin, and extended zone "C" in Wisconsin, as more fully described in the application.

Grounds for relief: Short-line distance formulas, grouping, and special rate treatment for short or weak lines.

Tariff: Supplement 47 to Trunk Line-Central Territory Railroads Tariff Bureau tariff I. C. C. 4772.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58–5927; Filed, Aug. 1, 1958; 8:49 a. m.]

[Notice 8]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 30, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 61095. By order of July 23, 1958, Division 4, approved the transfer to V. C. Trucking Service, Inc., Flushing, Long Island, N. Y., of a portion of certificate No. MC 20915, issued January 13, 1942, to Skyway, Inc., North Bergen, N. J., authorizing the transportation over irregular routes of: *Chemicals, tile,* and *cement,* between New York, N. Y., Lincoln and North Bergen, N. J., on the one hand, and, on the other, New York, N. Y., and points in Rockland, Westchester, and Nassau Counties, N. Y., and those in Union County, N. J., the order of approval being conditioned on revocation of that portion of Certificate No. MC 20915, authorizing the transportation over irregular routes of chemicals, tile, and cement, between New York, N. Y. and points in Bergen County, N. J. William D. Traub, 10 East 40th Street, New York 16, N. Y., for applicants.

No. MC–FC 61173. By order of July 23, 1958, the Transfer Board approved the transfer to Robert L. Browning and Mrs. Irene Browning, a Partnership, doing business as Browning Truck Lines, 401 South Washington Street, Clinton, Mo., of Certificate No. MC 83517, issued June 30, 1952, to Ernest Browning and Robert L. Browning, a Partnership, doing business as Browning Truck Line, 401 South Washington Street, Clinton, Mo., authorizing the transportation of livestock from Clinton to Kansas City and East St. Louis, Mo., general commodities, with certain exceptions, from Kansas City, Kans., to Clinton, Mo., and from Clinton, Mo., to East St. Louis, Ill., and household goods and emigrant movables, between Clinton, Mo., and points within 20 miles thereof, on the one hand, and, on the other, points in Kansas and Iowa.

No. MC–FC 61299. By order of July 28, 1958, the Transfer Board approved

the transfer to Douglas W. Kluever, Bigelow, Minn., of Certificates Nos. MC 93573 and MC 93573 Sub 1, issued May 27, 1941, and May 30, 1942, respectively, to Addison H. Kramer, Bigelow, Minn., authorizing the transportation of livestock, over irregular routes, between Bigelow, Minn., and points within 15 miles thereof, on the one hand, and, on the other, Sioux Falls, S. Dak., and Sioux City, Iowa, and in two Iowa townships, farm machinery, emigrant movables, and feed, between points within 15 miles of Bigelow, and sand and gravel, between points within 20 miles of Bigelow. Raymond E. Mork, P. O. Box 45, Worthington, Minn., for applicants.

No. MC–FC 61321. By order of July 23, 1958, the Transfer Board approved the transfer to Stockberger Transfer & Storage, Inc., Mason City, Iowa, of Certificates Nos. MC 43162 and MC 43162 Sub 5, issued August 1, 1957 and September 27, 1957, respectively, to Dairy Freight Service, Inc., Mason City, Iowa, authorizing the transportation of: Malt beverages, from St. Paul, St. Peter, and Mankato, Minn., LaCrosse and Milwaukee, Wis., and Chicago, Ill., to Mason City, Iowa; and empty malt beverage containers, from Mason City, Iowa, to the above-specified origin points; Carbonated beverages, from Maywood, Ill., to Mason City, Iowa; poultry and eggs, from Mason City, Iowa, to Chicago, Ill.; general commodities, with exceptions, from Chicago, Ill., to Mason City, Cedar Rapids, and Marshalltown, Iowa; hides and pelts, in truckload lots only, from Mason City, Iowa, to Chicago, Ill.; meat and packing-house products, in truckload lots only, between Mason City, Iowa, and Chicago, Ill.; and dairy and creamery products, eggs, and dressed poultry, from points in Kossuth, Winnebago, Hancock, Franklin, Emmet, and Cerro Gordo Counties, Iowa, to Mason City, Iowa. Stephen Robinson, 1020 Savings and Loan Building, Des Moines 9, Iowa, for applicants.

No. MC–FC 61416. By order of July 23, 1958, the Transfer Board approved the transfer to Reliable Transport of Virginia, Incorporated, Portsmouth, Virginia, of a portion of Certificate in No. MC 34837, issued November 12, 1940, to Reliable Transport, Incorporated, Raleigh, North Carolina, authorizing the transportation of *Liquid petroleum products,* in tank trucks, over irregular routes, from Norfolk and Hopewell, Va., and Wilmington, N. C., and points within 10 miles of each, to points in that part of North Carolina on and east of U. S. Highway 21. Vaughan S. Winborne, 209 Security Bank Building, Portsmouth, Va., for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58–5928; Filed, Aug. 1, 1958; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 23 NUMBER 152

Washington, Tuesday, August 5, 1958

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

UNIVERSITY OF MICHIGAN AUG 6 1958 MAIN READING ROOM

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F. R. 3485 and 5317, containing the specific requirements for the 1958-crop wheat price support program are hereby amended as follows:

1. Section 421.3043 (a) (3) (i) is amended to include Baton Rouge, Louisiana, so that the amended subdivision reads as follows:

(i) Notwithstanding the foregoing provisions of this paragraph, the support rate for wheat shipped by rail or water and stored at any of the following terminal markets and for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall be equal to the applicable terminal rate:

Los Angeles, San Francisco, Stockton, and Oakland, Calif.
New Orleans and Baton Rouge, La.
Baltimore, Md.
Duluth, Minn.
Portland and Astoria, Oreg.
Albany and New York, N. Y.
Philadelphia, Pa.
Galveston, Houston, Corpus Christi, and Port Arthur, Tex.
Norfolk, Va.
Seattle, Longview, Tacoma, and Vancouver, Wash.
Superior, Wis.

2. Section 421.3043 (a) (3) (ii) is amended to provide a deduction from the terminal rate for wheat received by truck at Baton Rouge, Louisiana, so that the amended subdivision reads as follows:

(ii) Notwithstanding the foregoing provisions of this paragraph, the support rate for wheat received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph shall be determined by making a deduction from the terminal rate as follows:

Terminal	Amount of deduction (cents per bushel)
Los Angeles, San Francisco, Stockton, and Oakland, Calif.; Duluth, Minn.; Portland and Astoria, Oreg.; Seattle, Longview, Tacoma, and Vancouver, Wash.; Superior, Wis.	4½
New Orleans and Baton Rouge, La.; Baltimore, Md.; Philadelphia, Pa.; Galveston, Houston, Corpus Christi, and Port Arthur, Tex.; Norfolk, Va.; Albany and New York, N. Y.	6

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c; 7 U. S. C. 1441, 1421)

Issued this 30th day of July 1958.

[SEAL] CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-6010; Filed, Aug. 4, 1958; 8:54 a. m.]

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—VIOLATIONS PROCEDURE

The Soil Bank regulations applicable to violations, 22 F. R. 2411, as amended, are hereby further amended as follows:

1. Section 485.285 is amended by inserting immediately after the first sentence the following: "For purposes of this section, if the county committee determines that the producer designated an acreage of land in excess of the number of acres which he agreed to place in the acreage reserve, the harvesting of a crop from such excess acres of land shall not be considered as harvesting a crop from the acreage reserve if the producer planted such crop in good faith and there are eligible acres in the acreage reserve other than those upon which such harvesting took place sufficient to equal the

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FEDERAL REGISTER

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number of acres which the producer agreed to place in the acreage reserve."

2. Section 485.286 (a) is amended by deleting the words "harvesting any crop from" in the last sentence thereof and inserting in lieu thereof the word "grazing".

3. Section 485.287 is amended by adding at the end thereof the following: "For purposes of this section, if the county committee determines that the producer designated an acreage of land in excess of the number of acres which he agreed to place in the acreage reserve, the planting of a crop on such excess acres of land shall not be considered as planting a crop on the acreage reserve if the producer planted such crop in good faith and there are eligible acres in the acreage reserve other than those upon which such planting took place sufficient to equal the number of acres which the producer agreed to place in the acreage reserve."

4. Section 485.290 (d) is amended by deleting the word "shareholder" in the first sentence thereof and inserting in lieu thereof the word "sharecropper".

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C. this 31st day of July 1958.

[SEAL] MARVIN L. MCLAIN, *Acting Secretary.*

[F. R. Doc. 58-6011; Filed, Aug. 4, 1958; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter I—Determination of Prices

PART 871—SUGAR BEETS

1958 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of evidence presented at the public hearings held in November 1957 (for southern Oregon, California, and western Nevada), and during December 1957 (for States other than those regions), the following determination is hereby issued:

§ 871.11 *Fair and reasonable prices for the 1958 crop of sugar beets.* A producer of sugar beets who is also a processor of sugar beets (herein referred to as "processor") shall have paid, or contracted to pay for sugar beets of the 1958 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Purchase agreements.* (1) The price for sugar beets in regions other than Imperial Valley, California, shall be not less than that determined pursuant to the 1958 crop sugar beet purchase contract between the processor and producers; (2) the price for sugar beets in Imperial Valley, California, shall be not less than that determined by an appropriate amendment to this determination.

(b) The requirements of this section are applicable to all sugar beets grown by a producer and processed by the processor for the extraction of sugar or liquid sugar: *Provided,* That such requirements shall not apply with respect to sugar beets grown on acreage in excess of the proportionate share for the farm if such sugar beets are marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed.

(c) *Subterfuge.* The processor shall not reduce returns to producers below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugar beets of the 1958 crop grown by other producers.

(b) *Requirements of the act.* Section 301 (c) (2) of the act provides that the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1958 fair price determination.* The 1958 price determination provides that in regions other than Imperial Valley, California, a processor shall be deemed to have complied with the fair price provisions of the act if he has paid, or contracted to pay, prices for sugar beets not less than those determined pursuant to his 1958 crop purchase contract with producers. The price for 1958 crop sugar beets in Imperial Valley, California will be determined by an amendment to this determination after the holding of a supplemental hearing scheduled for this region on August 5, 1958 in El Centro, California.

At the time the public hearings were held contract negotiations between processors and producers in most regions either had not started or had not been completed. However, since that time copies of all purchase agreements applicable to 1958 crop sugar beets, except in the Imperial Valley, California, have been received. An analysis of these contracts, which have been negotiated by processors and producer representatives, indicates that the payments for sugar beets are essentially the same as those provided in the 1957 contracts. Changes have been made in some contracts which increase the price of processed sugar beet seed; provide for the purchase of monogerm seed at a fixed price; increase charges to producers for freight on beets; specify beet top tare procedures; and modify dates of initial and final payments. However, the effect of these changes on the returns to producers is considered to be nominal.

Consideration has also been given to the testimony presented at the hearings, to the results of an investigation of economic conditions, to anticipated volume of production, and to comparative operating results of processors and producers. The analysis indicates that prices payable for sugar beets as specified in the 1958 crop purchase contracts are fair and reasonable at average prices of sugar which may be expected during the marketing season.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948 as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929 as amended; 7 U. S. C. 1131)

Issued this 31st day of July 1958.

[SEAL] MARVIN L. MCLAIN, *Acting Secretary.*

[F. R. Doc. 58-6012; Filed, Aug. 4, 1958; 8:55 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 937—NECTARINES GROWN IN CALIFORNIA

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR INITIAL FISCAL PERIOD

Notice was published in the July 16, 1958, daily issue of the FEDERAL REGISTER (23 F. R. 5381) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the initial fiscal period ending February 28, 1959, under the marketing agreement and Order No. 37 (7 CFR Part 937; 23 F. R. 4616) regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order) it is hereby found and determined that:

§ 937.201 *Expenses and rate of assessment for the initial fiscal period*—(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the initial fiscal period beginning June 25, 1958, and ending February 28, 1959, will amount to $19,460.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles nectarines shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and

order is hereby fixed at one cent ($0.01) per standard lug box, or equivalent quantity of nectarines in other containers or in bulk so handled by such handler during such initial fiscal period.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipments of nectarines are now being made; (2) the rate of assessment is applicable to all nectarines shipped during the aforesaid initial fiscal period; and (3) it is essential that the specification of assessment rate be issued immediately so as to enable the said Nectarine Administrative Committee to perform its duties and functions in accordance with said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order, and "standard lug box" shall mean the No. 26 standard lug box set forth in section 828.4 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 30, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5991; Filed, Aug. 4, 1958; 8:50 a. m.]

[Nectarine Order 9]

PART 937—NECTARINES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 937.309 *Nectarine Order 9*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937; 23 F. R. 4616) regulating the handling of nectarines grown in the State of California, effective June 25, 1958, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. The Nectarine Administrative Committee at its meeting on July 24, 1958, concluded that misrepresentation of the variety and size of nectarines was contributing to disorderly marketing conditions for such nectarines and adversely affecting returns to growers. Such meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipment of the current crop of such nectarines is already in progress; this section should be applicable, insofar as possible, to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., August 10, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no handler shall handle any package or container of any variety of nectarines unless such package or container bears in plain sight and plain letters on one outside end (i) the name of the variety, if known, and when not known the words "unknown variety"; and (ii) the size description of the nectarines in accordance with applicable requirements of standard pack.

(2) When used herein, "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145–3159 of this title; 23 F. R. 3994); and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 31, 1958.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6008; Filed, Aug. 4, 1958; 8:54 a. m.]

PART 960—MILK IN AKRON-STARK COUNTY, OHIO, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and of the order regulating the handling of milk in the Akron-Stark County, Ohio, marketing area (7 CFR Part 960), it is hereby found and determined that:

(a) The following provisions of the order, do not tend to effectuate the declared policy of the Act for the month of July 1958:

(1) The phrase in § 960.46 (b) which reads ", in series beginning with the lowest-priced utilization";

(2) The phrase in § 960.46 (c) which reads ", in series beginning with the lowest-priced utilization"; and

(3) § 960.72 (b).

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The information on which this action is based did not become available in time sufficient for such compliance, inasmuch as need for the action was precipitated by curtailment of shipments of producer milk by a strike of which there was no advance notice.

(4) This suspension order would remove substantial monetary obligations which would otherwise be incurred by those handlers who found it necessary to purchase other source milk as the only available source of supply.

(5) It is necessary that this suspension action be effective for the entire month of July due to the inability of handlers to make advance preparation for separate records, and the fact that these and other provisions of the order relate to monthly accounting periods.

Therefore, good cause exists for making this order effective July 1, 1958.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective July 1, 1958, for the period July 1, 1958, through July 31, 1958.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 30th day of July 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-5988; Filed, Aug. 4, 1958; 8:49 a. m.]

PART 975—MILK IN CLEVELAND, OHIO, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and of the order regulating the handling of milk in the Cleveland, Ohio, marketing area (7 CFR Part 975), it is hereby found and determined that:

(a) The following provisions of the order, do not tend to effectuate the declared policy of the act for the delivery period of July 1958:

(1) The phrase in § 975.56 (b) which reads ", in series beginning with the lowest-priced utilization";

(2) The phrase in § 975.56 (c) which reads ", in series beginning with the lowest-priced utilization";

(3) § 975.71 (c); and

(4) § 975.72.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The information on which this action is based did not become available in time sufficient for such compliance, inasmuch as need for the action was precipitated by curtailment of shipments of producer milk by a strike of which there was no advance notice.

(4) This suspension order would remove substantial monetary obligations which would otherwise be incurred by those handlers who found it necessary to purchase other source milk as the only available source of supply.

(5) It is necessary that this suspension action be effective for the entire month of July due to the inability of handlers to make advance preparation for separate records, and the fact that these and other provisions of the order relate to monthly accounting periods.

Therefore, good cause exists for making this order effective July 1, 1958.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective July 1, 1958, for the period July 1, 1958, through July 31, 1958.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 30th day of July 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-5989; Filed, Aug. 4, 1958; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 14]

PART 600—DESIGNATION OF CIVIL AIRWAYS

Correction

In Federal Register Document 58-5912, published at page 5865, issue dated Saturday, August 2, 1958, the following change should be made in paragraph 8: The headnote for § 600.234 should read "*Red civil airway No. 34 (Charleston, W. Va., to Weeksville, N. C.)*".

[Amdt. 35]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

Section 610.16 *Green civil airway 6* is amended to read in part:

From Keesler AFB, Miss., LFR; to Mobile, Ala., LF/RBN; MEA 1,200.
From Mobile, Ala., LF/RBN; to Maxwell AFB, Ala., LFR; MEA 1,500.

Section 610.104 *Amber civil airway 4* is amended to read in part:

From Waco, Tex., LFR; to Valley Mills INT, Tex.; MEA 2,000.
From Valley Mills INT, Tex.; to Stadium INT, Tex.; MEA 2,100.

Section 610.218 *Red civil airway 18* is amended to delete:

From Front Royal, Va., LFR; to Ashburn INT, Va.; MEA 4,000.
From Ashburn INT, Va.; to Herndon INT, Va.; MEA 3,000.

Section 610.218 *Red civil airway 18* is amended by adding:

From Front Royal, Va., LFR; to Springfield, Va., LF/RBN; MEA 4,000.

Section 610.230 *Red civil airway 30* is amended to delete:

From New Orleans, La., LFR; to Cat INT, La.; MEA 1,500.
From Cat INT, La.; to Bon Secour INT, Ala.; MEA 1,100.
From Bon Secour INT, Ala.; to Whiting, Fla., LFR; MEA 2,000.
From Whiting, Fla., LFR; to Crestview, Fla., LFR; MEA 1,400.

Section 610.230 *Red civil airway 30* is amended by adding:

From New Orleans La., LFR; to Cat INT, La.; MEA 2,000.
From Cat INT, La.; to Brookley AFB, Ala., LF/RBN; MEA 1,600.
From Brookley AFB, Ala., LF/RBN; to Saufley Fld. (Navy) LF/RBN; MEA 2,000.
From Saufley Fld. (Navy) LF/RBN; to Crestview, Fla., LFR; MEA 2,000.

Section 610.233 *Red civil airway 33* is amended to delete:

From Gordonsville, Va., LFR; to Remington INT, Va.; MEA 3,000.
From Remington INT, Va.; to Arcola, Va., LFR; MEA 2,400.
From Arcola, Va., LFR; to Westminster INT, Md.; MEA 2,500.
From Westminster INT, Md.; to Lancaster INT, Pa.; MEA 2,000.

Section 610.261 *Red civil airway 61* is amended to delete:

From Int. N crs Front Royal, Va., LFR and NW crs Arcola LFR; to Bunker Hill INT, Md.; MEA 4,000.
From Bunker Hill INT, Md.; to Arcola, Va., LFR; MEA 3,000.
From Arcola, Va., LFR; to Mount Vernon INT, Va.; MEA 1,500.

Section 610.274 *Red civil airway 74* is amended to read:

From Keesler AFB, Miss., LFR; to Moss INT, Miss.; MEA 1,300.
From Moss INT, Miss.; to Mobile, Ala., LF/RBN; MEA 1,200.
From Mobile, Ala., LF/RBN; to Brookley AFB, Ala., LF/RBN; MEA 1,600.

Section 610.301 *Red civil airway 101* is deleted.

Section 610.310 *Red civil airway 110* is deleted.

Section 610.624 *Blue civil airway 24* is added to read:

From Brookley AFB, Ala., LF/RBN; to Axis INT, Ala.; MEA 1,600.

Section 610.647 *Blue civil airway 47* is amended to delete:

From Int. SE crs Front Royal, Va., and SE crs Arcola, Va., LFR; to Front Royal, Va., LFR; MEA 5,000.

Section 610.647 *Blue civil airway 47* is amended by adding:

From Gordonsville, Va., LFR; to Remington INT, Va.; MEA 3,000.
From Remington INT, Va.; to Front Royal, Va., LFR; MEA 5,000.

Section 610.670 *Blue civil airway 70* is amended to read in part:

From Valley Mills INT, Tex.; to Lipan INT, Tex.; MEA 2,300.

Section 610.1001 *Direct routes, U. S.* is amended by adding:

From Albany, Ga., VOR; to Valdosta, Ga., VOR; MEA 1,600.
From Ardmore, Okla., VOR; to Int. SPS–VOR 037 and ADM–VOR 283; MEA 2,400.
From College Station, Tex., VOR; to Int. CLL–VOR 293 and ACT–VOR 187; MEA *3,900. *2,100—MOCA.
From Daisetta INT, Tex.; to Int. LCA–VOR 263 and BPT–VOR 052; MEA *5,000. *1,800—MOCA.
From Dallas, Tex., VOR; to McAlester, Okla., VOR; MEA *3,400. *2,500—MOCA.
From Fort Smith, Ark., VOR; to Tulsa, Okla., VOR (TUL–140 and FSM–278); MEA *2,800. *2,400—MOCA.
From Fort Worth, Tex., VOR; to Lawton, Okla., VOR; MEA *3,000. *2,300—MOCA.
From Greensboro, N. C., VOR; to Yadkin INT, N. C.; MEA 2,400.
From Gregg County, Tex., VOR; to Int. GGG–VOR 259 and VIM–VOR 180; MEA 2,000.
From Lake Charles, La., VOR; to Singer INT, La.; MEA *2,900. *1,500—MOCA.
From Lawton, Okla., VOR; to Int. LAW–VOR 076 and SPS–VOR 033; MEA 2,500.
From McAlester, Okla., VOR; to Shawnee INT, Okla.; MEA *5,000. *2,300—MOCA.
From Palacios, Tex., VOR; to Int. CRP–VOR 011 and PSX–VOR 262; MEA *2,300. *1,500—MOCA.
From Int. CSV–VOR 210 and CHA–VOR 292; to Whitwell INT, Tenn.; MEA *4,000. *3,500—MOCA.
From Spartanburg, S. C., VOR; to Int. SPA–VOR 195 and RYN–VOR 095; MEA *3,900. *2,300—MOCA.
From Albany, Ga., LFR; to Valdosta, Ga., LF/RBN; MEA 1,600.
From Beaumont, Tex., LFR; to Galveston, Tex., LF/RBN; MEA 1,400.
From Birmingham, Ala., LFR; to Muscle Shoals, Ala., LFR; MEA 2,500.
From Bowling Green, Ky., LFR; to Nashville Tenn., LFR; MEA 2,300.

From Cardwell INT, Fla.; to West Palm Beach, Fla., LFR; MEA 1,200.
From Charlotte, N. C., LFR; to Raleigh, N. C., LFR; MEA 2,900.
From Cove INT, N. C.; to Winston-Salem, N. C., LFR; MEA 3,000.
From Dallas, Tex., LF/RBN; to McAlester, Okla., VOR; MEA 2,500.
From Dana INT, N. C.; to Greenville, S. C., LFR; MEA 5,000.
From Danville, Ark., LF/RBN; to Greensboro, N. C., LFR; MEA 2,300.
From El Dorado, Ark., LF/RBN; to Pine Bluff, Ark., LF/RBN (ELD–036 and PBF–205); MEA 1,600.
From Key West, Fla., LFR; to Tampa, Fla., VOR (via Control 1228); MEA 1,300.
From Marco INT, Fla.; to Tamiami, Fla., LF/RBN (via Control 1230); MEA 1,200.
From Midland, Tex., LFR; to Wink, Tex., LFR; MEA 4,900.
From Orlando, Fla., LFR; to Tampa, Fla., VOR (ORL–225 and TPA 275); MEA 1,900.
From Pine Bluff, Ark.; to Int. PBF–LF/RBN 360 and LIT–LFR 133; MEA 1,500.
From Ponca City, Okla., LF/RBN; to Tulsa, Okla., LFR; MEA 2,400.
From Tyler, Tex., LF/RBN; to Quitman, Tex., VOR; MEA 1,700.
From Valdosta, Ga., LF/RBN; to Int. VLD–LF/RBN 200 and TLH–LFR 086; MEA 1,400.

Section 610.1001 *Direct routes, U. S.* is amended to delete:

From Big Spring, Tex., LFR; to Wichita Falls, Tex., LFR; MEA 4,000.
From Hobbs, N. Mex., VOR; to Lubbock, Tex., VOR; MEA 5,300.
From Tucumcari, N. Mex., VOR; to Lubbock, Tex., VOR; MEA 7,000.

Section 610.6002 *VOR civil airway 2* is amended to read in part:

From *Seattle, Wash., VOR via N alter.; to **Ephrata, Wash., VOR via N alter.; MEA 12,000. *7,000—MCA Seattle VOR, eastbound. **7,000—MCA Ephrata VOR, westbound.

Section 610.6002 *VOR civil airway 2* is amended by adding:

From Ephrata, Wash., VOR via S alter.; to Pine City, Wash., LF/RBN via S alter.; MEA *8,000. *4,600—MOCA.
From Pine City, Wash., LF/RBN via S alter.; to Mullen Pass, Mont., VOR via S. alter.; MEA 9,000.

Section 610.6003 *VOR civil airway 3* is amended to read in part:

From Hopkins INT, Fla.; to Maytown INT, Fla.; MEA *2,000. *1,300—MOCA.
From Maytown INT, Fla.; to Oakhill INT, Fla.; MEA *1,800. *1,200—MOCA.
From Daytona Beach, Fla., VOR; to *Bunnell INT, Fla.; MEA **1,500. *3,000—MRA. **1,300—MOCA.
From Bunnell INT, Fla.; to Jacksonville, Fla., VOR; MEA *1,500. *1,300—MOCA.
From *Crocker INT, Fla., via E alter; to **Atlantic INT, Fla., via E alter.; MEA ***1,500. *3,500—MRA. **1,400—MRA. ***1,300—MOCA.
From Atlantic INT, Fla., via E alter.; to Jacksonville, Fla., VOR via E alter.; MEA *1,500. *1,300—MOCA.

Section 610.6004 *VOR civil airway 4* is amended to delete:

From Topeka, Kans., VOR via S alter.; to *Shawnee INT, Kans., via S alter.; MEA 2,500. *3,000—MCA Shawnee INT, eastbound.
From Shawnee INT, Kans., via S alter.; to Blue Springs, Mo., VOR via S alter.; MEA 3,000.
From Blue Springs, Mo., VOR via S alter.; to Columbia Mo., VOR via S alter.; MEA *4,000. *2,400—MOCA.
From Columbia, Mo., VOR via S alter.; to St. Louis, Mo., VOR via S alter.; MEA 2,200.

Section 610.6004 *VOR civil airway 4* is amended by adding:

From Topeka, Kans., VOR via S alter.; to Kansas City, Mo., VOR via S alter.; MEA 2,500.

Section 610.6004 *VOR civil airway 4* is amended to read in part:

From Denver, Colo., VOR; to *Thurman, Colo., VOR; MEA 7,000. *7,000—MCA Thurman VOR, westbound.
From Goodland, Kans., VOR; to Hill City, Kans., VOR; MEA 5,500. Via N alter.; MEA 5,500.
From Kansas City, Mo., VOR; to Marshall, Mo., VORTAC; MEA 2,400.
From Marshall, Mo., VORTAC; to Columbia, Mo., VOR; MEA 2,400.
From *Tina INT, Mo., via N alter.; to Dalton INT, Mo., via N alter.; MEA **4,900. *3,000—MRA. **2,400—MOCA.
From Dalton INT, Mo., via N alter.; to Columbia, Mo., VOR via N alter.; MEA 2,400.
From Columbia, Mo., VOR; to Monroe INT, Mo.; MEA 2,100.
From Monroe INT, Mo.; to St. Louis, Mo., VOR; MEA 2,000.

Section 610.6006 *VOR civil airway 6* is amended to delete:

From Battle Mountain, Nev., VOR; to Elko, Nev., VOR; MEA 11,000.
From Elko, Nev., VOR; to Wells, Nev., VOR; MEA 13,000.
From Battle Mountain, Nev., VOR via N alter.; to Wells Nev., VOR via N alter.; MEA 12,000.
From Des Moines, Iowa, VOR via N alter.; to *Monroe INT, Iowa, via N alter.; MEA 2,200. *3,500—MRA.
From Monroe INT, Iowa, via N alter.; to Iowa City, Iowa, VOR via N alter.; MEA 2,200.

Section 610.6006 *VOR civil airway 6* is amended by adding:

From Battle Mountain, Nev., VOR; to Wells, Nev., VOR; MEA 11,000.

Section 610.6006 *VOR civil airway 6* is amended to read in part:

From North Platte, Nebr., VOR via N alter.; to Ansley INT, Nebr., via N alter.; MEA *5,400. *4,300—MOCA.
From Ansley INT, Nebr., via N alter.; to Grand Island, Nebr., VOR via N alter.; MEA *5,400. *4,100—MOCA.

Section 610.6008 *VOR civil airway 8* is amended to read in part:

From Denver, Colo., VOR via S alter.; to Akron, Colo., VOR via S alter.; MEA 7,000.

Section 610.6011 *VOR civil airway 11* is amended to read in part:

From Zionsville INT, Ind.; to Fort Wayne, Ind., VORTAC; MEA 2,200.
From Fort Wayne, Ind., VORTAC; to Edgerton INT, Ind.; MEA 2,800.

Section 610.6012 *VOR civil airway 12* is amended to delete:

From Bonner Springs INT, Kans.; to Kansas City, Mo., VOR; MEA 2,500.
From Kansas City, Mo., VOR; to Columbia, Mo., VOR; MEA *3,400. *2,400—MOCA.
From Kansas City, Mo., VOR via N alter.; to Excelsior INT, Mo., via N alter.; MEA 2,400.
From Excelsior INT, Mo., via N alter.; to *Tina INT, Mo., via N alter.; MEA 3,000. *3,000—MRA.
From Tina INT, Mo., via N alter.; to Columbia, Mo., VOR via N alter.; MEA *4,900. *2,400—MOCA.
From Columbia, Mo., VOR; to *New Florence INT, Mo.; MEA 2,100. *3,000—MRA.
From New Florence INT, Mo.; to *Monroe INT, Mo.; MEA 2,100. *3,000—MRA.
From Monroe INT, Mo.; to St. Louis, Mo., VOR; MEA 2,100.
From Columbia, Mo., VOR; to St. Louis, Mo., VOR via S alter.; MEA 2,200. Via S alter.; MEA 2,100.
From St. Louis, Mo., VOR; to Vandalia, Ill., VOR; MEA 2,000.
From Vandalia, Ill., VOR; to *Union City INT, Mo.; MEA 2,000. *2,400—MRA.
From Union City INT, Mo.; to Terre Haute, Ind., VOR; MEA 2,000.
From Terre Haute, Ind., VOR; to Indianapolis, Ind., VOR; MEA 2,200.
From Terre Haute, Ind., VOR via S alter.; to Cloverdale INT, Ind., via S alter.; MEA 2,300.
From Cloverdale INT, Ind., via S alter.; to Indianapolis, Ind., VOR via S alter.; MEA 2,200.
From Indianapolis, Ind., VOR; to *Maxwell INT, Ind.; MEA 2,400. *4,000—MRA.
From Maxwell INT, Ind.; to Dayton, Ohio, VOR; MEA 2,800.
From Indianapolis, Ind., VOR via N alter.; to *Cowan INT, Ohio, via N alter.; MEA 2,600. *3,000—MRA.
From Cowan INT, Ohio, via N alter.; to Dayton, Ohio, VOR via N alter.; MEA 2,500.

Section 610.6012 *VOR civil airway 12* is amended by adding:

From Bonner Spring INT, Kans.; to *Shawnee INT, Kans.; MEA 2,500. *3,000—MCA Shawnee INT, eastbound.
From Shawnee INT, Kans.; to Blue Springs, Mo., VOR; MEA 3,000.
From Blue Springs, Mo., VOR; to Blackwater, Mo., VOR; MEA 2,400.
From Blackwater, Mo., VOR; to Millersburg INT, Mo.; MEA 2,600.
From Millersburg INT, Mo.; to Readsville, Mo., VOR; MEA 2,200.
From Readsville, Mo., VOR; to Howell INT, Mo.; MEA 2,100.
From Howell INT, Mo.; to Maryland Heights, Mo., VOR; MEA 2,000.
From Maryland Heights, Mo., VOR; to Creve Coeur INT, Mo.; MEA 2,000.
From Creve Coeur INT, Mo.; to Granite City INT, Ill.; MEA 2,100.
From Granite City INT, Ill.; to Troy, Ill., VOR; MEA 2,200.
From Troy, Ill., VOR; to Mound INT, Ill.; MEA 1,900.
From Mound INT, Ill.; to Bible Grove, Ill., VOR; MEA 2,000.
From Bible Grove, Ill., VOR; to Lewis, Ind., VOR; MEA 2,000.
From Lewis, Ind., VOR; to Banta INT, Ind.; MEA 2,200.
From Banta INT, Ind.; to Shelbyville, Ind., VOR; MEA 2,000.
From Shelbyville, Ind., VOR; to *Camden INT, Ohio; MEA 3,700. *3,700—MCA Camden INT, westbound.
From Camden INT, Ohio; to Dayton, Ohio, VOR; MEA 2,500.

Section 610.6012 *VOR civil airway 12* is amended to read in part:

From Santa Barbara, Calif., VOR; to *Ojai INT, Calif.; MEA 8,000. *9,200—MRA.
From Ojai INT, Calif.; to Fillmore, Calif., VOR; MEA 8,000.

Section 610.6016 *VOR civil airway 16* is amended to read in part;

From *Palm Springs INT, Calif.; to Blythe, Calif., VOR; MEA 8,000. *13,000—MCA Palm Springs INT, westbound.

Section 610.6017 *VOR civil airway 17* is amended to read in part:

From Garden City, Kans., VOR; to Goodland, Kans., VOR; MEA 5,500.

From Garden City, Kans., VOR via W alter.; to Goodland, Kans., VOR via W alter.; MEA *6,400. *5,500—MOCA.

Section 610.6019 *VOR civil airway 19* is amended to read in part:

From El Paso, Tex., VOR; to Harrington Ranch INT, Tex.; MEA 8,500.

Section 610.6020 *VOR civil airway 20* is amended to read in part:

From Laredo, Tex., VOR; to *Olton INT, Tex.; MEA 1,900. *2,200—MRA.
From Olton INT, Tex.; to Alice, Tex., VOR; MEA 1,900.
From Greensboro, N. C., VOR; to *Reid INT, N. C.; MEA 2,300. *2,500—MRA.

Section 610.6022 *VOR civil airway 22* is amended to delete:

From New Orleans, La., VOR; to Dog INT, La.; MEA *3,900. *2,000—MOCA.
From Dog INT, La.; to *Bon Secour INT, Fla.; MEA **3,900. *2,000—MRA. **1,100—MOCA.
From Bon Secour INT, Fla.; to Saufley, Fla., VOR; MEA *2,000. *1,300—MOCA.
From Saufley, Fla., VOR; to Gonzales INT, Fla.; MEA *2,000. *1,700—MOCA.
From Gonzales INT, Fla.; to Whiting INT, Fla.; MEA *2,000. *1,300—MOCA.
From Whiting INT, Fla.; to Crestview, Fla., VOR; MEA *2,000. *1,400—MOCA.

Section 610.6022 *VOR civil airway 22* is amended by adding:

From St. Rose, La., LF/RBN; to Cat INT, Ala.; MEA *3,000. *2,000—MOCA.
From Cat INT, Ala.; to Brookley, Ala., TVOR; MEA *3,000. *1,600—MOCA.
From Brookley, Ala., TVOR; to Pensacola (NAS), Fla., VOR; MEA *2,000. *1,700—MOCA.
From Pensacola (NAS), Fla., VOR; to Crestview, Fla., VOR; MEA *2,000. *1,700—MOCA.

Section 610.6023 *VOR civil airway 23* is amended to read in part:

From San Diego, Calif., VOR via E alter.; to Rancho INT, Calif., via E alter.; MEA 2,500.
From Rancho INT, Calif., via E alter.; to Oceanside, Calif., VOR via E alter.; MEA 3,000.
From *Saugus INT, Calif.; to Lake Hughes, Calif., VOR; MEA 9,000. *7,000—MCA Saugus INT, northbound.
From Lake Hughes, Calif., VOR; to *Whitman INT, Calif.; MEA 9,000. *9,000—MCA Whitman INT, southeastbound.
From Whitman INT, Calif.; to Bakersfield, Calif., VOR, northwestbound, MEA 6,000; southeastbound, MEA 9,000.

Section 610.6025 *VOR civil airway 25* is amended to delete:

From Camarillo, Calif., LFR; to *Santa Barbara, Calif., VOR; MEA 6,000. *8,000—MCA Santa Barbara VOR, northwestbound.

Section 610.6025 *VOR civil airway 25* is amended by adding:

From Los Angeles, Calif., VOR; to *Eel INT, Calif.; MEA 2,000. *5,000—MRA.
From Eel INT, Calif.; to Oxnard, Calif., VOR; MEA 5,000.
From Oxnard, Calif., VOR; to *Santa Barbara, Calif., VOR; MEA 6,000. *6,000—MCA Santa Barbara VOR, northwestbound.

Section 610.6027 *VOR civil airway 27* is amended to delete:

From Camarillo, Calif., LFR; to Santa Barbara, Calif., VOR; MEA 6,000.

Section 610.6027 *VOR civil airway 27* is amended by adding:

From Los Angeles, Calif., VOR; to *Eel INT, Calif.; MEA 2,000. *5,000—MRA.
From Eel INT, Calif.; to Oxnard, Calif., VOR; MEA 8,000.
From Oxnard, Calif., VOR; to Santa Barbara, Calif., VOR; MEA 6,000.

Section 610.6032 *VOR civil airway 32* is amended by adding:

From Battle Mountain, Nev., VOR via N alter.; to Elko, Nev., VOR via N alter.; MEA 11,000.

Section 610.6035 *VOR civil airway 35* is amended to read in part:

From Albany, Ga., VOR; to *Fort Valley INT, Ga.; MEA 1,700. *3,000—MRA.
From Fort Valley INT, Ga.; to Macon, Ga., VOR; MEA 1,600.
From Charleston, W. Va., VOR; to Parkersburg, W. Va., VOR; MEA 2,500.

Section 610.6038 *VOR civil airway 38* is amended to read in part:

From Fort Wayne, Ind., VORTAC; to Findlay, Ohio, VOR; MEA 2,200.

Section 610.6044 *VOR civil airway 44* is amended to read in part:

From Baltimore, Md., VOR; to Price INT, Md.; MEA 1,500.

Section 610.6050 *VOR civil airway 50* is amended by adding:

From Indianapolis, Ind., VOR; to *Maxwell INT, Ind.; MEA 2,400. *4,000—MRA.
From Maxwell INT, Ind.; to Dayton, Ohio, VOR; MEA 2,800.
From Indianapolis, Ind., VOR via N alter.; to *Cowan INT, Ohio, via N alter.; MEA 2,600. *3,000—MRA.
From Cowan INT, Ohio, via N alter.; to Dayton, Ohio, VOR via N alter.; MEA 2,500.

Section 610.6051 *VOR civil airway 51* is amended to read in part:

From Hopkins INT, Fla.; to Maytown INT, Fla.; MEA *2,000. *1,300—MOCA.
From Maytown INT, Fla.; to Oakhill INT, Fla.; MEA *1,800. *1,200—MOCA.
From Daytona Beach, Fla.; to *Bunnell INT, Fla.; MEA **1,500. *3,000—MRA. **1,300—MOCA.
From Bunnell INT, Fla.; to Jacksonville, Fla., VOR; MEA *1,500. *1,300—MOCA.
From Chattanooga, Tenn., VOR; to Dayton INT, Tenn.; MEA 3,500.
From Dayton INT, Tenn.; to Crossville, Tenn., VOR; MEA 5,000.

Section 610.6054 *VOR civil airway 54* is amended to read in part:

From Hilleman INT, Ark., via N alter.; to *Caldwell INT, Ark., via N alter.; MEA **2,500. *2,500—MRA. **1,600—MOCA.
From Caldwell INT, Ark., via N alter.; to *Round Pond INT, Ark., via N alter.; MEA **2,500. *2,500—MRA. **1,600—MOCA.
From Round Pond INT, Ark., via N alter.; to Memphis, Tenn., VOR via N alter.; MEA 1,700.

Section 610.6055 *VOR civil airway 55* is amended to read in part:

From Coldwater INT, Ohio; to Fort Wayne, Ind., VORTAC; MEA *2,600. *2,200—MOCA.
From Fort Wayne, Ind., VORTAC; to Goshen, Ind., VOR; MEA 2,300.
From Union City INT, Ind., via W alter.; to Fort Wayne, Ind., VORTAC via W alter.; MEA *2,500. *2,200—MOCA.
From Fort Wayne, Ind., VORTAC via W. alter.; to Goshen, Ind., VOR via W alter.; MEA 2,200.

Section 610.6064 *VOR civil airway 64* is amended by adding:

From Hermosa INT, Calif.; to *Long Beach, Calif.; MEA 2,000. *5,000—MCA Long Beach VOR, eastbound.

Section 610.6066 *VOR civil airway 66* is amended to read in part:

From *San Diego, Calif., VOR; to Jamul INT, Calif.; westbound, MEA 4,500; eastbound, MEA 8,000. *3,000—MCA San Diego VOR, eastbound.
From Jamul INT, Calif.; to Barrett INT, Calif.; westbound, MEA 6,000; eastbound, MEA 8,000.

Section 610.6074 *VOR civil airway 74* is amended to read in part:

From Mazie INT, Okla.; to *Long INT, Ark.; MEA 2,600. *3,000—MRA.
From Long INT, Ark.; to *Short INT, Ark.; MEA 2,600. *3,800—MRA.
From Short INT, Ark.; to Fort Smith, Ark., VOR; MEA 2,600.
From *Okmulgee, Okla., VOR via S alter.; to *Akins INT, Ark., via S alter.; MEA **2,300. *4,200—MRA. **2,200—MOCA.
From Akins INT, Ark., via S alter.; to Fort Smith, Ark., VOR via S alter.; MEA *2,300. *2,200—MOCA.
From Tuttle INT, Kans.; to Garden City, Kans., VORTAC; MEA 5,500.
From Garden City, Kans., VORTAC; to Dodge City, Kans., VOR; MEA 4,000.

Section 610.6081 *VOR civil airway 81* is amended to read in part:

From Dalhart, Tex., VOR; to Tobe, Colo., VORTAC; MEA 8,500.
From Tobe, Colo., VORTAC; to Pueblo, Colo., VOR; MEA 7,500.

Section 610.6089 *VOR civil airway 89* is amended to read in part:

From Cheyenne, Wyo., VOR via E alter.; to Albin INT, Wyo., via E alter.; MEA 7,300.
From Albin INT, Wyo., via E alter.; to Scottsbluff INT, Nebr., via E alter.; MEA 7,900.

Section 610.6095 *VOR civil airway 95* is amended by adding:

From Winslow, Ariz., VOR; to Farmington, N. Mex., VOR; MEA 12,000.

Section 610.6096 *VOR civil airway 96* is amended to read in part:

From Fort Wayne, Ind., VORTAC; to Antwerp INT, Ohio; MEA 2,200.
From Antwerp INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.

Section 610.6097 *VOR civil airway 97* is amended to read in part:

From Lobster INT, Fla.; to *Aucilla INT, Fla.; MEA **2,000. *2,500—MRA. **1,000—MOCA.
From Aucilla INT, Fla.; to St. Marks INT, Fla.; MEA *2,000. *1,000—MOCA.

Section 610.6099 *VOR civil airway 99* is amended to read in part:

From Port Madison INT, Wash.; to *Warm Beach INT, Wash.; MEA 6,300. *6,300—MCA Warm Beach INT, southwestbound.
From Warm Beach INT, Wash.; to Bellingham, Wash., VOR; MEA 4,000.

Section 610.6105 *VOR civil airway 105* is amended to read in part:

From Coaldale, Nev., VOR; to Reno, Nev., VOR; MEA *12,000. *Continuous navigation signal coverage does not exist over the entire route segment below 14,000 feet.

Section 610.6106 *VOR civil airway 106* is amended to read in part:

From Walnut Grove INT, W. Va.; to *Clara INT, W. Va.; MEA **4,000. *4,000—MRA. **3,000—MOCA.

Section 610.6107 *VOR civil airway 107* is amended to delete:

From *Fillmore, Calif., VOR; to Hines INT, Calif.; northbound, MEA 11,000; southbound,

MEA 7,000. *9,000—MCA Fillmore VOR, northbound.

From Hines INT, Calif.; to Pinos INT, Calif.; northbound, MEA 11,000; southbound, MEA 9,500.

From Pinos INT, Calif.; to *Maricopa INT, Calif.; MEA 11,000. *9,500—MCA Maricopa INT, southeastbound.

From Maricopa INT, Calif.; to McKittrick INT, Calif.; northwestbound, MEA 6,000; southeastbound, MEA 9,500.

From McKittrick INT, Calif.; to Coalinga, Calif., VOR; MEA 6,000.

From Coalinga, Calif., VOR; to Mount Hamilton INT, Calif.; MEA 7,000.

From Mount Hamilton INT, Calif.; to Mount Day INT, Calif.; southbound, MEA 7,000; northbound, MEA 6,000.

From Mount Day INT, Calif.; to Mission INT, Calif.; southbound, MEA 7,000; northbound, MEA 5,000.

From Mission INT, Calif.; to Oakland, Calif., VOR; southbound, MEA 7,000; northbound, MEA 3,500.

Section 610.6107 *VOR civil airway 107* is amended by adding:

From *Fillmore, Calif.; to Reyes INT, Calif.; MEA 9,500. *8,000—MCA Fillmore VOR, northwestbound.

From Reyes INT, Calif.; to Cuyama INT, Calif.; MEA *12,500. *9,500—MOCA.

From Cuyama INT, Calif.; to Avenal, Calif., VOR; northbound, MEA *8,000; southbound, MEA *11,000. *6,000—MOCA.

From Avenal, Calif., VOR; to *Panoche, Calif., VOR; MEA 7,000. *5,500—MCA Panoche VOR, southbound.

From Panoche, Calif., VOR; to *Oakland, Calif., VOR; MEA 7,000. *2,500—MCA Oakland VOR, southeastbound.

Section 610.6108 *VOR civil airway 108* is amended to read in part:

From Goodland, Kans., VOR; to Hill City, Kans., VOR; MEA 5,500.

Section 610.6109 *VOR civil airway 109* is amended to delete:

From Paso Robles, Calif., VOR; to *Coalinga, Calif., VOR; MEA 7,000. *5,000—MCA Coalinga VOR, southwestbound.

From Coalinga, Calif., VOR; to Fresno, Calif., VOR; MEA 3,000.

Section 610.6109 *VOR civil airway 109* is amended by adding:

From Panoche, Calif., VOR; to *French Camp INT, Calif.; MEA 4,000. *5,500—MCA French Camp INT, westbound.

From French Camp INT, Calif.; to Altamont INT, Calif.; eastbound, MEA 5,000; westbound, MEA 5,500.

From Altamont INT, Calif.; to Oakland, Calif., VOR; MEA 5,000.

Section 610.6111 *VOR civil airway 111* is amended to read in part:

From Salinas, Calif., VOR; to Int. 024 M Salinas VOR and 295 M rads. Coalinga VOR; MEA *7,000. *5,500—MOCA.

Section 610.6113 *VOR civil airway 113* is amended to read in part:

From Paso Robles, Calif., VOR; to *Panoche, Calif., VOR; MEA 7,000. *5,500—MCA Panoche VOR, southbound.

From Panoche, Calif., VOR; to Modesto, Calif., VOR; MEA 4,000.

Section 610.6114 *VOR civil airway 114* is amended to read in part:

From *Converse INT, La.; to **Boyce INT, La.; MEA ***3,400. *3,000—MRA. **5,000—MRA. ***1,700—MOCA.

From Boyce INT, La.; to Alexandria, La., VOR; MEA *3,400. *1,700—MOCA.

From *Converse INT, La., via N alter.; to **Boyce INT, La., via N alter.; MEA ***3,400. *3,000—MRA. **5,000—MRA. ***1,700—MOCA.

From Boyce INT, La., via N alter.; to Alexandria, La., VOR via N alter.; MEA *3,400. *1,700—MOCA.

Section 610.6120 *VOR civil airway 120* is amended to delete:

From Ephrata, Wash., VOR; to Pine City, Wash., LF/RBN; MEA *8,000. *4,600—MOCA.

From Pine City, Wash., LF/RBN; to Mullen Pass, Mont., VOR; MEA 9,000.

Section 610.6123 *VOR civil airway 123* is amended to read in part:

From Baltimore, Md., LFR; to Essex INT, Md.; MEA 6,000.

Section 610.6128 *VOR civil airway 128* is amended to read in part:

From York, Ky., VOR; to Int. 112 M rad. York VOR and 232 M rad. Henderson VOR; MEA 2,500.

From Int. 112 M rad. York VOR and 232 M rad. Henderson VOR; to Charleston, W. Va., VOR; MEA 3,000.

Section 610.6132 *VOR civil airway 132* is amended to read in part:

From Goodland, Kans., VOR; to Great Bend INT, Kans.; MEA *9,700. *5,500—MOCA.

Section 610.6135 *VOR civil airway 135* is amended to read in part:

From Blythe, Calif., VOR; to Rice, Calif., VOR; MEA 5,000.

From Rice, Calif., VOR; to Needles, Calif., VOR; MEA 6,000.

Section 610.6137 *VOR civil airway 137* is amended to delete:

From *Palmdale, Calif., VOR; to Victory INT, Calif.; northwestbound, MEA 10,000; southeastbound, MEA 6,000. *8,000—MCA Palmdale VOR, northwestbound.

From Victory INT, Calif.; to White Oaks INT, Calif.; MEA 10,000.

From White Oaks INT, Calif; to *Maricopa INT, Calif.; MEA 12,000. *12,000—MCA Maricopa INT, southeastbound.

From *Coalinga, Calif.; to Benito INT, Calif.; MEA **8,500. *5,000—MCA Coalinga VOR, northwestbound. **7,500—MOCA.

From Benito INT, Calif.; to Salinas, Calif., VOR; MEA 6,000.

Section 610.6137 *VOR civil airway 137* is amended by adding:

From Palmdale, Calif., VOR; to *Gorman, Calif., VOR; MEA 8,000. *10,000—MCA Gorman VOR, westbound.

From Gorman, Calif., VOR; to *Cuyama INT, Calif.; MEA 11,000. *10,000—MCA Cuyama INT, eastbound.

From Cuyama INT, Calif.; to Avenal, Calif., VOR; northbound, MEA *8,000; southbound, MEA *11,000. *6,000—MOCA.

From Avenal, Calif., VOR; to *Panoche, Calif., VOR; MEA 7,000. *5,500—MCA Panoche VOR, southbound.

Section 610.6140 *VOR civil airway 140* is amended to read in part:

From Daley INT, Ky.; to *Marie INT, Ky.; MEA **8,000. *8,000—MRA. **6,000—MOCA.

From Marie INT, Ky.; to Gap Mills INT, W. Va.; MEA *8,000. *6,000—MOCA.

Section 610.6144 *VOR civil airway 144* is amended to read in part:

From Fort Wayne, Ind., VORTAC; to Findlay, Ohio, VOR; MEA 2,200.

Section 610.6152 *VOR civil airway 152* is amended to read in part:

From Orlando, Fla., VOR; to Daytona Beach, Fla., VOR; MEA 1,700.

Section 610.6165 *VOR civil airway 165* is amended to delete:

From Bakersfield, Calif., VOR; to Coalinga, Calif., VOR; MEA 3,000.

Section 610.6169 *VOR civil airway 169* is amended by adding:

From Tobe, Colo., VORTAC; to Hugo, Colo., VOR; MEA 7,500.

From Hugo, Colo., VOR; to Thurman, Colo., VOR; MEA 7,000.

From *Thurman, Colo., VOR; to Akron, Colo., VOR; MEA 7,000. *7,000—MCA Thurman VOR, northbound.

Section 610.6172 *VOR civil airway 172* is amended to read in part:

From North Platte, Nebr., VOR; to Wolbach, Nebr., VOR; MEA *5,400. *4,300—MOCA.

Section 610.6177 *VOR civil airway 177* is amended by adding:

From Fort Wayne, Ind., VORTAC; to Claypool INT, Ind.; MEA 2,200.

From Claypool INT, Ind.; to Wheatfield INT, Ind.; MEA *4,000. *2,200—MOCA.

Section 610.6180 *VOR civil airway 180* is amended to read in part:

From Austin, Tex., VOR; to *Bastrop INT, Tex.; MEA 2,000. *3,000—MRA.

From Bastrop INT, Tex.; to *Smithville INT, Tex.; MEA 2,000. *2,300—MRA.

Section 610.6183 *VOR civil airway 183* is amended to read in part:

From *Santa Barbara, Calif., VOR; to Maricopa INT, Calif.; MEA **11,000. *8,000—MCA Santa Barbara VOR, northeastbound. **9,000—MOCA.

Section 610.6187 *VOR civil airway 187* is amended by adding:

From Boysen Reservoir, Wyo., VORTAC; to *Billings, Mont., VOR; MEA 11,000. *8,000—MCA Billings VOR, southbound.

Section 610.6200 *VOR civil airway 200* is amended to read in part:

From Myton, Utah, VOR; to *Meeker, Colo., VORTAC; MEA 10,000. *12,000—MCA Meeker VORTAC, eastbound.

From Meeker, Colo., VORTAC; to Kremmling, Colo.; MEA 14,500.

Section 610.6209 *VOR civil airway 209* is amended to delete:

From Long Beach, Calif., VOR; to Hermosa INT, Calif.; MEA 2,000.

From Hermosa INT, Calif.; to *Pt. Dume INT, Calif.; MEA 3,000. *4,000—MCA Pt. Dume INT, northbound.

From Pt. Dume INT, Calif.; to Fillmore, Calif., VOR; MEA 5,000.

From *Fillmore, Calif., VOR; to Reyes INT, Calif.; southeastbound, MEA 9,000; northwestbound, MEA 12,500. *10,500—MCA Fillmore VOR, northwestbound.

From Reyes INT, Calif.; to Paso Robles, Calif., VOR; MEA *12,500. *9,500—MOCA.

Section 610.6210 *VOR civil airway 210* is amended to read in part:

From Hector, Calif., VOR; to *Goffs, Calif., VOR; MEA 8,500. *7,500—MCA Goffs VOR, westbound.

Section 610.6210 *VOR civil airway 210* is amended by adding:

From Kansas City, Mo., VOR; to Marshall, Mo., VORTAC; MEA 2,400.

From Marshall, Mo., VORTAC; to Columbia, Mo., VOR; MEA 2,400.

From Kansas City, Mo., VOR via N alter.; to Excelsior INT, Mo., via N alter.; MEA 2,400.

From Excelsior INT, Mo., via N alter.; to *Tina INT, Mo., via N alter.; MEA 3,000. *4,000—MRA.

From Tina INT, Mo., via N alter.; to Dalton INT, Mo., via N alter.; MEA *4,900. *2,400—MOCA.

From Dalton INT, Mo., via N alter.; to Columbia, Mo., VOR via N alter.; MEA 2,400.

From Columbia, Mo., VOR; to Monroe INT, Mo.; MEA 2,100.

From Monroe INT, Mo.; to St. Louis, Mo., VOR; MEA 2,000.

From Columbia, Mo., VOR via N alter.; to St. Louis, Mo., VOR via N alter.; MEA 2,100.

From St. Louis, Mo., VOR; to Vandalia, Ill., VOR; MEA 2,000.

From Vandalia Ill., VOR; to *Union Center INT, Mo.; MEA 2,000. *2,400—MRA.

From Union Center INT, Mo.; to Terre Haute, Ind., VOR; MEA 2,000.

From Terre Haute, Ind., VOR; to Indianapolis, Ind., VOR; MEA 2,200.

From Terre Haute, Ind., VOR via S alter.; to Cloverdale INT, Ind., via S alter.; MEA 2,300.

From Cloverdale INT, Ind., via S alter.; to Indianapolis, Ind., VOR via S alter.; MEA 2,300.

From Indianapolis, Ind., VOR; to *Cowan INT, Ohio; MEA 2,800. *3,000—MRA.

Section 610.6214 *VOR civil airway 214* is amended to delete:

From Troy, Ill., VOR; to Mound INT, Ill.; MEA 1,900.

From Mound INT, Ill.; to Bible Grove, Ill., VOR; MEA 2,000.

From Bible Grove, Ill., VOR; to Lewis, Ind., VOR; MEA 2,000.

From Lewis, Ind., VOR; to Banta INT, Ind.; MEA 2,200.

From Banta INT, Ind.; to Shelbyville, Ind., VOR; MEA 2,000.

From Shelbyville, Ind., VOR; to *Camden INT, Ohio; MEA **3,700. *3,700—MCA Camden INT, westbound. **2,300—MOCA.

Section 610.6220 *VOR civil airway 220* is amended to read in part:

From Ward INT, Colo.; to *Longmont INT, Colo.; MEA 16,500. *14,000—MCA Longmont INT, westbound.

From Longmont INT, Colo.; to *Hudson INT, Colo; westbound, MEA 13,000; eastbound, MEA 10,500. *9,000—MRA.

From Hudson INT, Colo.; to Roggen INT, Colo.; MEA 9,000.

Section 610.6220 *VOR civil airway 220* is amended by adding:

From Akron, Colo., VOR; to Imperial, Nebr., VOR; MEA 5,600.

From Imperial, Nebr., VOR; to Lexington INT, Nebr.; MEA *6,000. *4,300—MOCA.

From Lexington INT, Nebr.; to Loup INT, Nebr.; MEA *7,000. *4,100—MOCA.

From Loup INT, Nebr.; to Wolbach, Nebr., VOR; MEA *5,400. *3,500—MOCA.

Section 610.6230 *VOR civil airway 230* is amended to read in part:

From Salinas, Calif., VOR; to Panoche, Calif., VOR; MEA 6,000.

From Panoche, Calif., VOR; to Fresno, Calif., VOR; eastbound, MEA 2,000; westbound, MEA 4,500.

Section 610.6242 *VOR civil airway 242* is amended to read:

From Mobile, Ala., VOR; to Brookley, Ala., TVOR; MEA 1,600.

Section 610.6248 *VOR civil airway 248* is amended to read:

From Paso Robles, Calif., VOR; to *Avenal, Calif., VOR; MEA 4,500. *4,000—MCA Avenal VOR, westbound.

From Avenal, Calif., VOR; to Bakersfield, Calif., VOR; MEA 2,000.

Section 610.6258 *VOR civil airway 258* is amended to read in part:

From Beckley, W. Va., VOR; to *Marie INT, Ky; MEA 6,000. *8,000—MRA.

From Marie INT, Ky.; to Roanoke, Va., TVOR; MEA 6,000.

Section 610.6264 *VOR civil airway 264* is amended to read:

From Los Angeles, Calif., VOR; to Ontario, Calif., VOR; MEA 4,000.

From La Habra, Calif., FM; to Los Angeles, Calif., VOR, westbound only; MEA 3,000.

From *Ontario, Calif., VOR; to Moreno INT, Calif.; westbound, MEA 5,500; eastbound, MEA 13,000.

From Banning, Calif., FM; to Moreno INT, Calif., westbound only; MEA 8,000.

From Moreno INT, Calif.; to *Palm Springs INT, Calif.; MEA 13,000. *13,000—MCA Palm Springs INT, westbound.

From Palm Springs INT, Calif.; to Cones INT, Calif.; MEA 8,000.

From Cones INT, Calif.; to Rice, Calif., VOR; MEA 6,500.

From Rice, Calif., VOR; to Prescott, Ariz., VOR; MEA 10,000.

Section 610.6267 *VOR civil airway 267* is amended to read in part:

From Orlando, Fla., VOR via E alter.; to Daytona Beach, Fla., VOR via E alter.; MEA 1,700.

From Daytona Beach, Fla., VOR via E alter.; to *Roy INT, Fla., via E alter.; MEA **3,000. *3,000—MRA. **1,300—MOCA.

Section 610.6278 *VOR civil airway 278* is amended by adding:

From Texarkana, Ark., VOR; to *Waterloo INT, Ark.; MEA 1,700. *4,000—MRA.

From Waterloo INT, Ark.; to *Hampton INT, Ark.; MEA **8,500. *4,500—MRA. **1,600—MOCA.

From Hampton INT, Ark.; to Jerome INT, Ark.; MEA *8,500. *1,600—MOCA.

From Jerome INT, Ark.; to Greenwood, Miss., VOR; MEA *3,000. *1,600—MOCA.

Section 610.6298 *VOR civil airway 298* is added to read:

From *Dubois, Idaho, VOR; to Boysen Reservoir, Wyo., VORTAC; MEA 15,000. *11,000—MCA Dubois VOR, eastbound.

From Boysen Reservoir, Wyo., VORTAC; to Casper, Wyo., VOR; MEA 10,000.

Section 610.6300 *VOR civil airway 300* is added to read:

From Sault Ste. Marie, Mich., VOR via N alter.; to U. S.-Canadian Border via N alter.; MEA 2,200.

Section 610.6425 *VOR civil airway 425* is added to read:

From Brookley, Ala., TVOR; to Axis INT, Ala.; MEA 1,600.

Section 610.6612 *VOR civil airway 1512* is amended to read in part:

From Kansas City, Mo., VOR via S alter.; to Marshall, Mo., VORTAC via S alter.; MEA 2,400.

From Marshall, Mo., VORTAC via S alter.; to Columbia, Mo., VOR via S alter.; MEA 2,400.

Section 610.6614 *VOR civil airway 1514* is amended to read in part:

From Kansas City, Mo., VOR via S alter.; to Marshall, Mo., VORTAC via S alter.; MEA 2,400.

From Marshall, Mo., VORTAC via S alter.; to Columbia, Mo., VOR via S alter.; MEA 2,400.

Section 610.6622 *VOR civil airway 1522* is amended to read in part:

From *Palm Springs INT, Calif.; to Blythe, Calif., VOR; MEA 8,000. *18,000—MCA Palm Springs INT, westbound.

From *Waterloo INT, Ark.; to **Hampton INT, Ark.; MEA ***4,500. *4,000—MRA. **4,500—MRA. ***1,400—MOCA.

From Hampton INT, Ark.; to Jerome INT, Ark.; MEA *8,500. *1,400—MOCA.

From Greensboro, N. C., VOR; to *Reid INT, N. C.; MEA 2,300. *2,500—MRA.

Section 610.6629 *VOR civil airway 1529* is amended by adding:

From Pembina, N. Dak., LFR; to Kenora, Ontario, LFR; MEA *2,500. *For that airspace over U. S. territory.

Section 610.6631 *VOR civil airway 1531* is amended to read in part:

From Pocatello, Idaho, VOR; to Billings, Mont., VOR; MEA *16,000. *Continuous navigation signal coverage does not exist over the entire route segment below 18,000 feet.

Section 610.6635 *VOR civil airway 1535* is added to read:

From Lovelock, Nev., VOR; to Sod House, Nev., VOR; MEA 12,000.

From Sod House, Nev., VOR; to Rome, Oreg., VOR; MEA 10,500.

From Rome, Oreg., VOR; to *Reynolds INT, Idaho; MEA 10,000. *13,700—MRA.

From Reynolds INT, Idaho; to Boise, Idaho, VOR; northeastbound, MEA 8,000; southwestbound, MEA 10,000.

From Boise, Idaho, VOR; to Missoula, Mont., VOR; MEA 15,000.

From Missoula, Mont., VOR; to Cut Bank, Mont., VOR; MEA 15,000.

From Cut Bank, Mont., VOR; to Swift Current, Saskatchewan, Canada, LFR; MEA *15,000. *For that airspace over U. S. territory.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective August 28, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 25, 1958.

[F. R. Doc. 58-5915; Filed, Aug. 4, 1958; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[9th Gen. Rev. of Export Regs., Amdt. 3 [1]]

PART 374—PROJECT LICENSES

PART 377—TIME LIMIT (TL) LICENSE

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Part 374—Project Licenses is amended in the following particulars:

[1] This amendment was published in Current Export Bulletin 803, dated July 31, 1958.

a. Section 374.2 *Commodities subject to project license* is amended to read as follows:

§ 374.2 *Commodities subject to project license.* The project licensing procedure is applicable to all Positive List commodities for which a validated license is required.

b. Section 374.5 *Action by Bureau of Foreign Commerce on license applications* paragraph (a) *Approved license application* is amended to read as follows:

(a) *Approved license application*—(1) *Issuance of license.* When an application for a project license is approved by the Bureau of Foreign Commerce, an export license is issued on a separate document (Form FC–628) authorizing, subject to provisions of the Export Regulations and to the terms and provisions of the license, the exportation of Positive List commodities during the validity period shown on the license. A project license shall be used for exportations of Positive List commodities only. The project license will be similar to validated license documents described in § 372.11 of this chapter with the following exceptions:

(i) *Validation.* The license will be validated in the license number space with a stamp which includes a facsimile of the Department of Commerce seal and a series of numbers which identifies the date on which the license was validated. The stamp will include the letter "D" and a series of numbers to indicate the year, month, and day on which the license was validated. A validation stamp in this space which reads "D–8–110" indicates that the license was validated in the year 195(8) in the month of January (1) and on the 10th day of the month (10).

(ii) *License number.* Immediately below the validation stamp the license number assigned to the project will be indicated. This license number will be a four-digit number prefixed by the letter DL and suffixed by a one letter code indicating the Bureau of Foreign Commerce product division to which the project was assigned. (See § 374.4 (b) (1).)

(iii) *Entries.* (*a*) Entries will be made on the license document in the appropriate space but there will be no specific description of quantities, kinds, or values of commodities. Instead, there will appear in the commodity description item on the license the following legend:

PROJECT LICENSE STATEMENT

This license authorizes exportation of commodities requiring a validated license subject to the specific limitations set forth in the Export Regulations and on this license.

(*b*) If any special conditions are imposed with respect to the use of a specific project license more restrictive than the general conditions set forth in the Export Regulations, these conditions will be set forth on the license document at the time of issuance, or the licensee will be advised by other means.

(2) *Notification to Collectors of Customs.* The Bureau of Foreign Commerce will notify all Collectors of Customs of the issuance of the project license.

c. Section 374.6 *Exportations of commodities identified on the Positive List by the symbol "B"* is revoked.

d. Section 374.9 *Export clearance,* paragraph (b) *Presentation of license or other approved action* and paragraph (c) *Shipper's Export Declaration* are amended to read as follows:

(b) *Presentation of license or other approval action.* When clearing shipments for export under a project license, the licensee shall, on demand, show to the Collector of Customs either the original or a photostatic copy of the license or amendment. The license or amendment however is not required to be filed with the Collector of Customs.

(c) *Shipper's Export Declaration.* The Shipper's Export Declaration covering an exportation made under a project license shall be prepared in accordance with standard instructions covering the preparation of declarations except as modified by the following special instructions:

(1) *Project license number.* The declaration shall include the project license number.

(2) *Additional copy of declaration.* When clearing shipments under a project license, the licensee shall file with the Collector of Customs an additional copy of the declaration. The licensee shall enter the symbol "DL" on the declaration in the upper right corner.

NOTE: Although the project license and extensions thereto describe the commodities only in broad descriptive categories, the description of the commodity on the declaration shall conform to the Positive List description in sufficient detail to identify precisely the commodity being exported.

2. Part 377—Time Limit (TL) license is amended in the following particulars:

a. Section 377.2 *Commodities subject to TL License* is amended to read as follows:

§ 377.2 *Commodities subject to TL license.* The commodities which may be exported under the Time Limit (TL) license procedure are all RO commodities on the Positive List of Commodities (§ 399.1 of this chapter).

b. Section 377.6 *Issuance of licenses,* paragraph (b) *Validity period* is amended to read as follows:

(b) *Validity period.* A TL license will be valid for a period of one year from date of issuance, and the expiration date will be indicated on the license form.

3. Section 382.51 *Supplement 1; Table of denial and probation orders currently in effect,* paragraph (b) *Table of denial and probation orders* is amended in the following respects:

a. The following entries are added to the list:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Ban-Ling, Chang, 806 Bank of East Asia Bldg., Hong Kong.	7-10-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Oversea Trading Co. (H. K.) Ltd., which see.)	23 F. R. 7-16-58.
Elimex, Apostelnkloster 21 25, Cologne, Germany.	7-9-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Richard Fleschner which see.)	23 F. R. 7-12-58.
Firma Leo Savelsberg, Feldsaaten-Grosshandlung, 21 Durenerstrasse, Julich, Rhineland, Germany.	7-16-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 7-22-58.
Kastenhuber & Lehrfeld, Inc., 21 West 46th St., New York, N. Y.	7-10-58	1-10-59	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 7-16-58.
Kauftmann, Alfred, 806 Bank of East Asia Bldg., Hong Kong.	7-10-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Oversea Trading Co. (H. K.) Ltd., which see.)	23 F. R. 7-16-58.
Lippig, F. O., d. b. a. Elimex, Apostelnkloster 21-25, Cologne, Germany.	7-9-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Richard Fleschner, which see.)	23 F. R. 7-12-58.
Oversea Trading Co., (H. K.) Ltd., 806 Bank of East Asia Bldg., Hong Kong.	7-10-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 7-16-58.
Savelsberg, Leo, d. b. a. Firma Leo Savelsberg, Feldsaaten-Grosshandlung, 21 Durenerstrasse, Julich, Rhineland, Germany.	7-16-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 7-22-58.
Tsong, C. S., 806 Bank of East Asia Bldg., Hong Kong.	7-10-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 7-16-58.
Woodward, John, 21 West 46th St., New York, N. Y.	7-10-58	1-10-59	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 7-16-58.

b. The following entries are amended to read as follows:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Fleschner, Richard, d. b. a., Richard Fleschner Import-Export, Detmolder Str. 46, Berlin-Wilmersdorf, West Germany.	7-9-58	Duration...	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 5310, 7-12-58.
Hanke-Chemie, Hochstrasse 19, Frankfurt, Goldfinkweg 46, Berlin-Dahlem, West Germany, and/or Postplatz 26, Vaduz, Liechtenstein.	4-21-54	Duration..	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 2432, 4-24-54.
Hanke, Franz a/k/a Hanke, Gunther, Goldfinkweg 46, Berlin-Dahlem, West Germany, and/or Hegelgasse 5, Vienna I, Austria.	4-21-54	Duration..	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 2432, 4-24-54.
Hanke, Franz Gunther (Chemika-lien-Grosshandel), Goldfinkweg 46, Berlin-Dahlem, West Germany and/or Hegelgasse 5, Vienna I, Austria.	4-21-54	Duration..	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.)	19 F. R. 2432, 4-24-54.

c. The following entries are deleted from the list:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Soc. Generale d'Entreprises, Maritimes "Sogemar" S. A., 14 Rue du Margrave, Antwerp, Belgium.	5-15-58	Indefinite.	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 3417, 5-20-58.
Sogemar, S. A., 14 Rue du Margrave, Antwerp, Belgium.	5-15-58	Indefinite.	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 3417, 5-20-58.

This amendment shall become effective as of July 31, 1958, unless otherwise indicated.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

NATHANIEL KNOWLES,
Acting Director,
Bureau of Foreign Commerce.

[F. R. Doc. 58–5934; Filed, Aug. 4, 1958; 8:45 a. m.]

[9th Gen. Rev. of Export Regs., Amdt. P. L. 3 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodity is deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
	URANIUM AND THORIUM, ALL FORMS, AND SPECIAL NUCLEAR MATERIAL
62570	Thoriated tungsten wire. (Formerly 664583.)[1]

[1] All outstanding licenses for this commodity issued by the Department of Commerce prior to July 31, 1958 remain valid until they expire or are revoked.

2. The letter symbol "B" in the column headed "Commodity lists" is deleted wherever it appears in that column.

This amendment shall become effective as of July 31, 1958.

[1] This amendment was published in Current Export Bulletin 803, dated July 31, 1958.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

NATHANIEL KNOWLES,
Acting Director,
Bureau of Foreign Commerce.

[F. R. Doc. 58–5935; Filed, Aug. 4, 1958; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7004]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SURPLUS TIRE CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees;* § 13.140 *Old, reclaimed, or reused as new;* § 13.155 *Prices:* Retail or selling as wholesale, jobbing, factory distributors', etc., or discounted; § 13.185 *Refunds, repairs, and replacements.* Subpart—*Delaying or withholding corrections, adjustments or action owed:* § 13.675 *Delaying or withholding corrections, adjustments or action owed.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Surplus Tire Co., Inc., et al., Chicago, Ill., Docket 7004, June 11, 1958]

In the Matter of Surplus Tire Co., Inc., a Corporation, and Jacob (Jack) Roth and Seymour Roth, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers of automotive tires in Chicago, largely by use of post cards offering "Factory surplus", to cease selling cleaned, repainted, and, in some instances, used tires as new ones—frequently not of the brand or size ordered but concealing that fact by wrappings until after delivery by the carrier—and with failing to make guaranteed shipments and refunds to dissatisfied customers and offering instead an unprofitable exchange deal.

After acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Surplus Tire Co., Inc., a corporation, and its officers, and Jacob (Jack) Roth and Seymour Roth, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of tires or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That merchandise which has been used, in any respect, is new.

2. That respondents will ship the brand or size of merchandise ordered, unless such is the fact.

3. That a refund of the purchase price of merchandise will be made in case the merchandise is not as represented, unless refunds are in fact made.

4. That merchandise is guaranteed unless the extent of the guarantee and the manner in which the guarantor will perform are clearly and conspicuously disclosed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 11, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58–5985; Filed, Aug. 4, 1958; 8:48 a. m.]

[Docket 7048]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LA FLORIDANA CIGAR FACTORY, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition;* § 13.1865 *Manufacture or preparation.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, La Floridana Cigar Factory, Inc., et al., Tampa, Fla., Docket 7048, June 11, 1958]

In the Matter of La Floridana Cigar Factory, Inc., a Corporation, and Faustino Casares, William E. Diaz and Violet C. Diaz, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers of cigars in Tampa, Fla., with representing falsely, by using the words "Havana" and "Habana" on boxes and bands of cigars containing large amounts of non-Cuban tobacco, that the cigars were composed entirely of tobacco grown in Cuba; and with failing to disclose to the purchasing public their practice of using a processed paper as the binder for certain of their cigars.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision including order to cease and desist which became on June 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent La Floridana Cigar Factory, Inc., a corporation, and its officers, and respondents Faustino Casares, William E. Diaz and Violet C. Diaz, individually and as officers of said corporation and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of cigars in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the terms "Havana" or "Habana" or any other term or terms indicative of tobacco grown on the island of Cuba, either alone or in conjunction with any other terms, to describe, designate or refer to cigars not made entirely from tobacco grown on the island of Cuba; except that cigars containing a substantial amount of tobacco grown on the island of Cuba may be described, designated or referred to as "blended with Havana" or by any term of similar import or meaning, provided that the qualifying words are clearly and conspicuously set out in immediate connection with the word "Havana" or other term indicative of tobacco grown on the island of Cuba.

2. Failing to disclose in the labeling and advertising that their cigars contain a paper binder, when such is the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 11, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-5986; Filed, Aug. 4, 1958; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54649]

PART 80—IMPORTATION OF ARTICLES IN CONNECTION WITH THE CALIFORNIA INTERNATIONAL TRADE FAIR AND INDUSTRIAL EXPOSITION AT LOS ANGELES, CALIFORNIA

The following regulations under Public Law No. 85-402, 85th Congress,[1] approved May 16, 1958, relate to the entry of articles in connection with the California International Trade Fair and Industrial Exposition to be held at Los Angeles, California, April 1 to April 12, 1959, inclusive.

Sec.
80.1 Invoices; marking; bond.
80.2 Entry; appraisement; procedure.
80.3 Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act.
80.4 Detail of customs officers to protect revenue; expenses.
80.5 Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.

AUTHORITY: §§ 80.1 to 80.5 issued under Pub. Law No. 85-402.

§ 80.1 *Invoices; marking; bond.* (a) Articles intended for exhibition under the provisions of Public Law No. 85-402, 85th Congress, and valued at over $500, are subject to the usual special customs invoice requirements if of a class for which such invoices are required under the Tariff Act of 1930, as amended, and the regulations issued thereunder. The invoices shall be on either customs Form 5515 or on foreign service Form 138 and shall contain the information prescribed under section 481 of the Tariff Act of 1930 (19 U. S. C. 1481).

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder.

(c) The California International Trade Fair and Industrial Exposition shall give to the collector of customs at Los Angeles, California, a bond in an amount to be determined by the collector and containing such conditions for compliance with Public Law No. 85-402, 85th Congress, and the regulations in this part, as shall be approved by the Bureau of Customs.

§ 80.2 *Entry; appraisement; procedure.* (a) All entries under the regulations in this part shall be made at the port of Los Angeles, California, in the name of the California International Trade Fair and Industrial Exposition which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due to the United States on account of such

[1] • • • That any article which is imported from a foreign country for the purpose of exhibition at the California International Trade Fair and Industrial Exposition (hereinafter in this joint resolution referred to as the "exposition") to be held at Los Angeles, California, from April 1, to April 12, 1959, inclusive, by the Sixth Agricultural District, agency of the State of California, or for use in constructing, installing, or maintaining foreign exhibits at the exposition, upon which article there is a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges under such regulations as the Secretary of the Treasury shall prescribe.

SEC. 2. It shall be lawful at any time during or within three months after the close of the exposition to sell within the area of the exposition any articles provided for in this joint resolution, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe. All such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry under this joint resolution for consumption or entry under the general tariff law.

SEC. 3. Imported articles provided for in this joint resolution shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duties shall be assessed because such articles were not sufficiently marked when imported into the United States.

SEC. 4. At any time during or within three months after the close of the exposition, any article entered under this joint resolution may be abandoned to the United States or destroyed under customs supervision, whereupon any duties on such articles shall be remitted.

SEC. 5. Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the exposition, under such regulations as the Secretary of the Treasury shall prescribe.

SEC. 6. The California International Trade Fair and Industrial Exposition shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under this joint resolution. The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for articles imported under this joint resolution, shall be reimbursed by the California International Trade Fair and Industrial Exposition, to the United States under regulations to be prescribed by the Secretary of the Treasury. Receipts from such reimbursement shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930, as amended (19 U. S. C. 1524). (P. L. No. 85-402)

entries; but, in the case of merchandise withdrawn from entry under the regulations in this part, an entry under the general tariff law in the name of any person duly authorized in writing by the California International Trade Fair and Industrial Exposition to make such entry may be accepted by the collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than Los Angeles shall be entered for immediate transportation without appraisement to the latter port in the manner prescribed by the general customs regulations.

(c) Upon the arrival at the port of Los Angeles of articles to be entered under the regulations in this part, they shall be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION

Entry No. ....

Entry at the port of Los Angeles of articles consigned or transferred to the California International Trade Fair and Industrial Exposition under.....

.....

..... I. T. No. ..... ex S. S. .....

from ..... on the ..... day of ..... 19..., for exhibition purposes under Public Law No. 85-402 of the 85th Congress, approved May 16, 1958.

Mark	Number	Package and contents	Quantity	Invoice value

CALIFORNIA INTERNATIONAL TRADE FAIR AND INDUSTRIAL EXPOSITION

By .....

(d) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. The articles shall be tentatively appraised prior to their exhibition or use. All imported exhibits entered under these regulations shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 80.5 (a).

(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided for, or under the general tariff law, or for exportation. If not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any customs law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the fair in the manner prescribed in § 10.49 (c) of this chapter, except that in each case an entry under paragraph (c) of this section shall be filed, which shall supersede any previous entry, and no new bond other than that specified in § 80.1 (c) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the fair in the manner prescribed in § 8.33 of this chapter.

§ 80.3 *Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (7 U. S. C. 151-164a, 167), shall not be permitted except under permits issued therefor by the Plant Quarantine Branch of the Agriculture Research Service, Department of Agriculture, and in accordance with the plant quarantine regulations. The entry of food products shall conform to the requirements of the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 301 et seq.), and regulations issued thereunder.

§ 80.4 *Detail of customs officers to protect revenue; expenses.* (a) The collector of customs at Los Angeles, California, shall detail an officer to act as his representative at the fair and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary to properly protect the revenue.

(b) All actual and necessary charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the fair or transferred thereto for exhibition, shall be reimbursed by the California International Trade Fair and Industrial Exposition to the Government, payment to be made monthly to the collector of customs, Los Angeles, California, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Salaries and Expenses, Bureau of Customs."

§ 80.5 *Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.* (a) Any article entered under the regulations of this part may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the fair or at any time during or within three months after the close of the fair. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the fair in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930, as amended (19 U. S. C. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed form the date of withdrawal from entry under the provisions of Public Law No. 85-402, 85th Congress.

(b) At any time prior to the opening of the fair, or at any time during or within three months after the close of the fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in § 15.4 of this chapter.

(c) Any articles entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the fair, shall be regarded as abandoned to the Government.

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: July 29, 1958.

A. GILMORE FLUES, *Acting Secretary of the Treasury.*

[F. R. Doc. 58-5936; Filed, Aug. 4, 1958; 8:46 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter B—Statements of General Policy or Interpretation Not Directly Related to Regulations

PART 791—JOINT EMPLOYMENT RELATIONSHIP UNDER FAIR LABOR STANDARDS ACT OF 1938

In accordance with section 3 of the Administrative Procedure Act and pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45-A of the Secretary of Labor (15 F. R. 3290), Title 29 of the Code of Federal Regulations is hereby amended by adding a new Part 791 to read as follows:

Sec.
791.1 Introductory statement.
791.2 Joint employment.

AUTHORITY: §§ 791.1 and 791.2 issued under 52 Stat. 1060, as amended; 29 U. S. C. 201-219.

§ 791.1 *Introductory statement.* The purpose of this part is to make available in one place the general interpretations of the Department of Labor pertaining to the joint employment relationship under the Fair Labor Standards Act of

1938.[1] It is intended that the petitions stated will serve as "a practical guide to employers and employees as to how the office representing the public interest in its enforcement will seek to apply it."[2] These interpretations contain the construction of the law which the Administrator believes to be correct and which will guide him in the performance of his duties under the act, unless and until he is otherwise directed by authoritative decisions of the courts or he concludes upon reexamination of an interpretation that it is incorrect. To the extent that prior administrative rulings, interpretations, practices, and enforcement policies relating to sections 3 (d), (e), and (g) of the act, which define the terms "employer", "employee", and "employ", are inconsistent or in conflict with the principles stated in this part, they are hereby rescinded. The interpretations contained herein may be relied upon in accordance with section 10 of the Portal to Portal Act,[3] so long as they remain effective and are not modified, amended, rescinded, or determined by judicial authority to be incorrect.

§ 791.2 *Joint employment.* (a) A single individual may stand in the relation of an employee to two or more employers at the same time under the Fair Labor Standards Act of 1938, since there is nothing in the act which prevents an individual employed by one employer from also entering into an employment relationship with a different employer. A determination of whether the employment by the employers is to be considered joint employment or separate and distinct employment for purposes of the act depends upon all the facts in the particular case. If all the relevant facts establish that two or more employers are acting entirely independently of each other and are completely disassociated with respect to the employment of a particular employee, who during the same workweek performs work for more than one employer, each employer may disregard all work performed by the employee for the other employer (or employers) in determining his own responsibilities under the act.[4] On the other hand, if the facts establish that the employee is employed jointly by two or more employers, i. e., that employment by one employer is not completely disassociated from employment by the other employer(s), all of the employee's work for all of the joint employers during the workweek is considered as one employment for purposes of the act. In this event, all joint employers are responsible, both individually and jointly, for compliance with all of the applicable provisions of the act, including the overtime provisions, with respect to the entire employment for the particular workweek.[5] In discharging the joint obligation each employer may, of course, take credit toward minimum wage and overtime requirements for all payments made to the employee by the other joint employer or employers.

(b) Where the employee performs work which simultaneously benefits two or more employers, or works for two or more employers at different times during the workweek, a joint employment relationship generally will be considered to exist in situations such as:

(1) Where there is an arrangement between the employers to share the employee's services, as, for example, to interchange employees;[6] or,

(2) Where one employer is acting directly or indirectly in the interest of the other employer (or employers) in relation to the employee;[7] or,

(3) Where the employers are not completely disassociated with respect to the employment of a particular employee and may be deemed to share control of the employee, directly or indirectly, by reason of the fact that one employer controls, is controlled by, or is under common control with the other employer.[8]

Signed at Washington, D. C., this 28th day of July 1958.

CLARENCE T. LUNDQUIST,
Administrator.

[F. R. Doc. 58-5931; Filed, Aug. 4, 1958; 8:45 a. m.]

[1] 29 U. S. C. 201-219. Under Reorganization Plan No. 6 of 1950 and pursuant to General Order No. 45-A, issued by the Secretary of Labor on May 24, 1950, interpretations of the provisions (other than the child labor provisions) of the act are issued by the Administrator of the Wage and Hour Division on the advice of the Solicitor of Labor. See 15 F. R. 3290.

[2] Skidmore v. Swift and Company, 323 U. S. 134, 138.

[3] 61 Stat. 84; 29 U. S. C. 251-262.

[4] Walling v. Friend, et al., 156 F. 2d 429 (C. A. 8).

[5] Both the statutory language (section 3 (d) defining "employer" to include anyone acting directly or indirectly in the interest of an employer in relation to an employee) and the Congressional purpose as expressed in section 2 of the act, require that employees generally should be paid overtime for working more than 40 hours a week, irrespective of the number of employers they have. Of course, an employer should not be held responsible for an employee's action in seeking, independently, additional part-time employment. But where two or more employers stand in the position of "joint employers" and permit or require the employee to work more than 40 hours a week, both the letter and the spirit of the statute require payment of overtime.

[6] Mid-Continent Pipeline Co., et al. v. Hargrave, 129 F. 2d 655 (C. A. 10); Slover v. Wathen, 140 F. 2d 258 (C. A. 4); Mitchell v. Bowman, 131 F. Supp., 520 (M. D. Ala. 1954); Mitchell v. Thompson Materials & Construction Co., et al., 27 Labor Cases Para 68, 888; 12 WH Cases 367 (S. D. Calif. 1954).

[7] Sec. 3 (d) of the Act; Greenberg v. Arsenal Building Corp., et al., 144 F. 2d 292 (C. A. 2).

[8] Dolan v. Day & Zimmerman, Inc., et al., 65 F. Supp. 923 (D. Mass. 1946); McComb v. Midwest Rust Proof Co., et al., 16 Labor Cases Para. 64, 927; 8 WH Cases 460 (E. D. Mo. 1948); Durkin v. Waldron, et al., 180 F. Supp., 501 (W. D. La. 1955). See also Wabash Radio Corp v. Walling, 162 F. 2d 391 (C. A. 6).

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter E—Fellowships, Internships, Training

PART 61—FELLOWSHIPS

APPLICABILITY AND PURPOSE

Correction

In Federal Register Document 58-5931, published on page 5876 in the issue for Saturday, August 2, 1958, the title for E. L. Richardson should read *"Acting Secretary of Health, Education, and Welfare"*.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 111—PRINCE WILLIAM SOUND AREA

ADDITIONAL FISHING TIME

Basis and purpose. Field observations reveal that the pink salmon runs continue strong in Prince William Sound with good escapements already achieved, and it has been determined that additional fishing time can be permitted.

Therefore, notwithstanding the table contained in the proviso of § 111.5, fishing will be permitted until 6 a. m. August 6, 1958.

Since immediate action is necessary in order to permit full utilization of the salmon runs, notice and public procedure on this relaxation of the seasonal closing date are impracticable and not in the public interest. This amendment shall become effective immediately upon publication in the FEDERAL REGISTER. (68 Stat. 237; 5 U. S. C. 1001 et seq.)

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

AUGUST 1, 1958.

[F. R. Doc. 58-6114; Filed, Aug. 1, 1958; 2:00 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

INCREASE IN DEATH PENSION RATES TO DEPENDENTS OF DECEASED VETERANS OF MEXICAN, CIVIL, INDIAN, AND SPANISH-AMERICAN WARS

A new § 4.496 is added to read as follows:

§ 4.496 *Increase in death pension rates to dependents of deceased veterans of the Mexican, Civil, Indian, and Spanish-American Wars—(a) Scope.* Section 1 of Public Law 85-425 amends sections 431 through 437 of Public Law 85-56 to increase death pension rates as follows:

(1) *Mexican War.* Subsection (1) amends section 431 to increase the rate payable to widows of Mexican War veterans from $52.50 to $65 per month.

(2) *Civil War; widows.* Subsection (2) amends subsection 432 (a) to increase the monthly rate payable to a Civil War veteran's widow who is 70 years of age or older from $54.18 to $65. If she was the wife of the veteran during his service in the Civil War, the monthly rate payable is increased from $67.73 to $75.

(3) *Civil War; children.* Subsection (4) amends section 433 to increase from $48.77 to $73.13 the monthly rate payable to a child of a Civil War veteran where there is no widow entitled.

(4) *Indian Wars; widows.* Subsection (5) amends subsection 434 (a) to increase the monthly rate payable to an Indian War veteran's widow who is 70 years of age or older from $54.18 to $65. If she was the wife of the veteran during his service in one of the Indian Wars, the monthly rate payable is increased from $67.73 to $75.

(5) *Indian Wars; children.* Subsection (6) amends section 435 to increase from $48.77 to $73.13 the monthly rate payable to a child of an Indian War veteran where there is no widow entitled.

(6) *Spanish-American War; widows.* Subsection (7) amends subsection 436 (a) to increase the monthly rate payable to a Spanish-American War veteran's widow from $54.18 to $65. If she was the wife of the veteran during his service in the Spanish-American War, the monthly rate payable is increased from $67.73 to $75.

(7) *Spanish-American War; children.* Subsection (8) amends section 437 to increase from $62.31 to $73.13 the monthly rate payable to a child of a Spanish-American War veteran where there is no widow entitled.

(b) *Effective date.* Section 2 of Public Law 85–425 makes the increased rates effective July 1, 1958.

(c) *Erroneous finance adjustments.* Where subsequent review of the file discloses that the automatic adjustment to a higher rate was made erroneously, an amended award will be made to show the correct rate payable from the day following date of last payment.

(d) *Prior adjudications.* Previous determinations on which an award was based will be accepted as correct in the absence of clear and unmistakable error, or fraud.

(e) *Widows receiving rate for less than 70 years of age*—(1) *Indian Wars.* Former widows of Indian War veterans are not entitled to the rates provided for unremarried widows who are 70 years of age or older, or who were married to the veterans during their periods of service. If the $40.64 rate is being paid to unremarried widow and evidence of record is sufficient to establish her age, an amended award will be made. Where conflicting evidence as to age is of record, the youngest age will be used. The effective date of an increased award for age 70 will be:

(i) The date of filing claim for increase if it was filed prior to January 1, 1958, and after the widow attained the age of 70 years; or

(ii) January 1, 1958, or the widow's 70th birthday, whichever is later, if no claim for increase has been filed or if such claim is filed on or after January 1, 1958. The amended award will further show the increased rate effective July 1, 1958.

(2) *Civil War.* Where the $40.64 rate is being paid to either a former or unremarried widow of a Civil War veteran and evidence establishes her age but the award does not show an increase for age 70, an amended award will be made. Should conflicting evidence as to age be of record, the youngest age will be used. The effective date of an increased award for age 70 will be the widow's 70th birthdate.

TABLES OF RATES FOR USE IN ADJUSTING SPANISH-AMERICAN, CIVIL, INDIAN, AND MEXICAN WAR DEATH PENSION PAYABLE UNDER PUBLIC LAW 85-56 AS AMENDED BY PUBLIC LAW 85-425 EFFECTIVE JULY 1, 1958

TABLE A—SPANISH-AMERICAN WAR—DEATH PENSION RATES

Beneficiary	Old rate	New rate effective July 1, 1958
Widow	$54.18	$65.00
Widow and 1 child	67.73	75.00
Widow and 2 children	62.31	73.13
Widow and 3 children	75.86	83.13
Widow and 4 children	70.44	81.26
Widow and 5 children	83.99	91.26
Each additional child	78.57	89.39
Child—no widow	92.12	99.39
2 children—no widow	86.70	97.52
3 children—no widow	100.25	107.52
4 children—no widow	94.83	105.65
5 children—no widow	108.38	115.65
Each additional child, total equally divided	8.13	8.13
	62.31	73.13
	each 35.22	each 40.63
	each 26.19	each 29.79
	each 21.67	each 24.38
	each 18.96	each 21.13
	8.13	8.13

Apportioned rates			
Widow	Children	Widow	Children
$37.92		$44.51	
51.48	$24.38	54.51	$28.62
37.92		44.51	
51.48	each 16.25	54.51	each 18.37
37.92		44.51	
51.48	each 13.54	54.51	each 14.96
37.92		44.51	
51.48	each 12.19	54.51	each 13.25
37.92		44.51	
51.48	each 11.38	54.51	each 12.22

TABLE B—CIVIL AND INDIAN WARS—DEATH PENSION RATES

Beneficiary	Old rate	New rate effective July 1, 1958
Widow	$54.18	$65.00
Widow and 1 child	67.73	75.00
Widow and 2 children	62.31	73.13
Widow and 3 children	75.86	83.13
Child—no widow	70.44	81.26
2 children—no widow	83.99	91.26
3 children—no widow	78.57	89.39
Each additional child, total equally divided	92.12	99.39
	48.77	73.13
	each 28.45	each 40.63
	each 21.67	each 29.79
	8.13	8.13

Apportioned rates			
Widow	Children	Widow	Children
$42.00		$49.29	
55.55	$20.31	59.29	$23.84
42.00		49.29	
55.55	each 14.22	59.29	each 15.96
42.00		49.29	
55.55	each 12.19	59.29	each 13.36

TABLE C—MEXICAN WAR—DEATH PENSION RATES

Beneficiary	Old rate	New rate effective July 1, 1958
Widow	$52.50	$65.00

(Instruction 1, Public Law 85-425)
(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210)

This regulation is effective August 5, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58-6002; Filed, Aug. 4, 1958; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1699]

[Fairbanks 011042]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF BUREAU OF LAND MANAGEMENT AS ADMINISTRATIVE SITES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1955, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws but not the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) as amended, and reserved for use of the Bureau of Land Management as administrative sites:

Buffalo Center Administrative Site

U. S. Survey No. 2777.

The tract described contains 4.76 acres.

Chicken Administrative Site

Beginning at a point from which Milepost 67.75 on the centerline of Taylor Highway (Latitude 64°5'15" M., Longitude 141°55' W.), bears south 2.27 chains, thence,
North, 10.38 chains;
West, 10.00 chains;
South, 12.31 chains;
N. 79° E., 10.20 chains to the point of beginning.

The tract described contains 11.35 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 30, 1958.

[F. R. Doc. 58-5971; Filed, Aug. 4, 1958; 8:45 a. m.]

[Public Land Order 1700]

[Fairbanks 016448, 58459]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 731 OF JUNE 25, 1951, WHICH WITHDREW PUBLIC LANDS FOR USE OF DEPARTMENT OF AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 731 of June 25, 1951, as amended by Public Land Order No. 1311 of July 3, 1956, withdrawing public lands for use of the Department of the Air Force for military purposes, is hereby revoked so far as it affects the following-described lands:

Tatalina River-Takotna Area

Parcel 1. Beginning at a point in the valley of the Tatalina River from which the intersection of the centerline of the Kuskokwim Landing-Takotna Highway Bridge and the center of the Tatalina River, approximate latitude 62°53'05" N., longitude 155°56'28" W., bears North, 1,000 feet, thence
North, 2 miles;
East, 1 mile;
South, 2 miles;
West, 1 mile to the point of beginning.
The tract described contains 1,280 acres.

Parcel 2. Beginning at a point which bears West, 1 mile and North, 2 miles from the point of beginning of Parcel 1 above; thence
West, 0.5 mile;
North, 2 miles;
East, 0.5 mile;
South, 2 miles to the point of beginning.
The tract described contains 640 acres.

Parcel 3. Beginning at a point which bears West, 2 miles from the point of beginning of Parcel 1 above; thence
West, 0.5 mile;
North, 1.5 miles;
East, 0.5 mile;
South, 1.5 miles to the point of beginning.
The tract described contains 480 acres.

The three parcels total 2,400 acres.

2. Pursuant to section 202 (b) of the act of July 28, 1956 (70 Stat. 709, 711; 48 U. S. C. 46-3 (b)), and subject to the requirements of that act and the regulations in 43 CFR Part 76, the Territory of Alaska shall be entitled until 10:00 a. m. on October 30, 1958, to a preferred right of selection of the restored lands in connection with its mental health program, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation.

3. Subject to any existing valid rights, the requirements of applicable law, and the selection rights of the Territory of Alaska the lands are hereby opened to settlement and to filing of such applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the applications and claims described in paragraph b (1) below, the lands, beginning 10:00 a. m. on October 30, 1958, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended). Beginning 10:00 a. m. on January 29, 1959, any remaining lands will be subject to settlement under these laws by other qualified persons.

b. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on October 30, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on January 29, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands will be open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws beginning at 10:00 a. m. on January 29, 1959.

4. Persons claiming veterans preference rights under paragraphs 3 (b) (1) and (2) must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 30, 1958.

[F. R. Doc. 58-5972; Filed, Aug. 4, 1958; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1023]

[Docket No. AO-295]

MILK IN DES MOINES, IOWA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Des Moines, Iowa, on June 11-24, 1957, pursuant to notice thereof issued on May 17, 1957 (22 F. R. 3588), upon a proposed marketing agreement and order regulating the handling of milk in the Des Moines, Iowa, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on May 29, 1958 (23 F. R. 3881), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the act; and

3. If an order is issued, what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions—1. *Character of commerce.* The handling of milk in the proposed marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in milk and its products.

The marketing area specified in the proposed order, hereinafter referred to as the Des Moines marketing area, includes all the territory in the counties of Adair, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Guthrie, Jasper, Lucas, Madison, Mahaska, Marion, Monroe, Polk, Story, Union, Warren, Wapello, and Wayne and the city of Grinnell, all in the state of Iowa. Milk handled in the marketing area moves in many forms over state lines. Milk that is processed and packaged in the marketing area is distributed on routes in various communities in the State of Missouri and, conversely, some milk from Missouri plants is distributed in the marketing area. During those months in recent years when producer deliveries were inadequate for the needs of the market, milk for distribution in the marketing area was purchased from plants in Wisconsin.

When the supply of producer milk is in excess of local requirements milk is shipped for fluid use to points in Nebraska and as far distant as Texas. Fluid milk for which a fluid market is not available is usually disposed of through such plants as the Des Moines Cooperative Dairy, which manufacture substantial quantities of butter, cheese, nonfat dry milk powder and condensed milk. These manufactured dairy products are distributed over a wide area in the stream of interstate commerce.

Routes of handlers under the North Central Iowa and Cedar Rapids-Iowa City Federal milk marketing orders extend into the proposed marketing area, where milk is sold in competition with distributors who would be handlers under the Des Moines order. At the plants of these handlers who are regulated by other Federal orders the interstate commerce factor is indicated by the receipts of milk from and distribution to locations outside the State of Iowa.

2. *Need for an order.* Marketing conditions in the Des Moines, Iowa, marketing area justify the issuance of a marketing agreement and order.

There is no overall plan whereby farmers supplying milk to this marketing area are assured of payment for their milk in accordance with its use. In some segments of the area there is no procedure whereby farmers may participate in price determinations necessary for the marketing of their milk which, because of its perishability, must be delivered to the market as it is produced.

A certain amount of reserve milk in excess of the actual trade sales is necessary to assure an adequate supply of milk at all times. Fluctuations brought on by the seasonal nature of milk production, together with a relatively uniform level of consumption, necessitate the disposition of some of the Grade A milk produced for the market into manufacturing channels. This excess milk must be manufactured into butter, cheese, and similar products and sold in competition with products from ungraded milk.

Milk disposed of to manufacturing outlets returns considerably less than that marketed for fluid use. Consequently, a well defined and uniformly applied plan of use classification, with the proper pricing of milk in such uses, is necessary to prevent such excess milk from depressing the market price of all Grade A milk. To be successful, the classification of milk in accordance with its use and the payment to producers on the use basis, require the full participation of all those engaged in marketing milk in this market. Orderly marketing of the milk produced for fluid consumption requires uniformity of pay prices by handlers and a means whereby the lower average returns resulting from surplus milk may be shared equitably among producers.

The problems of unstable marketing encountered by producers in the Des Moines marketing area are not uncommon in fluid milk markets. The problems which have resulted in unrest and instability in this area are similar to those characteristic of the fluid milk industry in the absence of regulation or a well-defined classified pricing plan. A marketing order as herein proposed will promote orderly marketing by assuring producers prices equivalent to those contemplated under the act.

The buying practices of various handlers in the market have caused chaotic conditions and instability in the marketing of milk. Prices paid farmers for milk for fluid use have frequently been below the Class I prices an order would provide. Many producers have no means of ascertaining how their milk is utilized at the plants to which they deliver or whether the basis on which they are paid will be revised, and there is uncertainty among some regarding the accuracy of the weights and butterfat tests on which they are paid for their deliveries. Payment of surplus prices by handlers for milk which producers believe was needed in the market for fluid consumption is one of the causes of instability and uncertainty in the market.

Several handlers in the area have dealt with farmers in such a way as to discourage or completely thwart cooperative action by these farmers. Some handlers refused to make deductions for cooperative dues from payments due member producers even though such deductions had been properly authorized by producers. Failure to make such deductions has limited producers in instituting check weighing and testing programs.

Handlers at various localities throughout the marketing area have refused or failed to recognize or to bargain with the authorized representatives of producer groups as to the price or any other terms with respect to the sale of the milk of the producers. Various means have been used by handlers to discourage or to completely prevent producers from affiliating with cooperative associations. Such handlers have advised producers that they prefer to deal with them individually and in some instances indicated that action of a producer is fostering or abetting cooperative organizations would mean the loss of his market. Several producers who had served as officers or otherwise taken an active part in a cooperative were shut off from their Grade A markets when their activity had been found out by the handlers to whom they shipped. A reason commonly given for cutting off a producer was that his milk did not meet required sanitary standards even though no inspection had been made or other action taken by the

Health Department having jurisdiction in this matter.

The attitude of handlers in being hostile to and in impeding the efforts of producers to organize has apparently been especially purposeful on the part of some handlers. With a strong producer organization, for example, it is not likely that those producers delivering to an Ottumwa handler would have been forced to purchase through the fieldman of the handler the tanks needed on their farms to change to a bulk tank system of operation. Neither would these producers have had unauthorized deductions made from the payments due them by the handler to defray some of the expenses incurred by him in expanding his sales area to include a nearby city.

The stated base and excess prices paid producers are generally at the option of the handler and not meaningful. A producer's base is often changed without his being aware of it and arbitrary methods have been used in some instances in arriving at the percentage of milk to be paid for at the base price. Some of the statements issued by handlers, which accompany the payments to producers, fail to reveal the proportion of a producer's deliveries which is being paid for as surplus milk and no means are available to ascertain the actual utilization of milk by such handlers. Under these conditions, payment to a producer at the excess or surplus price for any of his milk does not indicate that such milk was not used for fluid purposes.

Des Moines is the largest city in the proposed marketing area and Des Moines handlers distribute milk in every county in the area. These handlers obtain their milk supplies, principally by direct delivery, from producer members of the Des Moines Cooperative Dairy. The Cooperative has enjoyed good relations with its buying handlers and, for an extended period of time, has been able to bargain effectively with them. Within the past several years, however, handlers have been exerting increasing pressure on the Des Moines Cooperative to adjust prices downward so that they may meet competition from handlers in that portion of the marketing area outside the city of Des Moines. Although less milk is distributed by Des Moines handlers outside Des Moines than within its boundaries, the disruptive marketing practices which prevail at various localities throughout the proposed marketing area are tending to create chaotic and unstable marketing conditions throughout the entire area.

It is not uncommon for handlers operating in the proposed marketing area to purchase milk from producers for fluid use at prices more comparable to the blend price of the Des Moines Cooperative than to its Class I price. For example, the producer members of the Farmers Cooperative Creamery, who produce approximately 110,000 pounds of Grade A milk monthly for John's Dairy of Corning, Iowa, are paid the Des Moines Cooperative's blend price for their total deliveries. Milk from this plant has displaced milk of Des Moines handlers in a number of the cities in the marketing area. The intense competition throughout the area from John's Dairy and other handlers similarly situated has resulted in price wars with their accompanying disruptive marketing practices.

Producers are generally required to bear the burden of such price wars by reduced returns, and the Des Moines Cooperative Dairy was requested by some of its handlers to make Grade A milk available to them at such prices as would enable them to meet the reduced prices of their competitors. For the Des Moines Cooperative to accede to the continuing requests of its buying handlers for reduced prices might enable the Des Moines handlers to overcome temporarily such advantages as they allege their competitors have, but could seriously threaten the maintenance of an adequate supply of Grade A milk for the Des Moines market.

The Des Moines Cooperative provides many services to its handlers. Each handler is supplied his Class I needs daily at his plant by direct delivery from producer members of the association. On such days as a plant is closed the milk normally delivered to it is received by the Cooperative at its plant. This is an especially valuable service, since some plants in the market receive milk from producers on only 3 days during the week. In periods of short supply, when milk from its producers is not adequate for the needs of its buying handlers, the Cooperative obtains milk from outside sources for the handlers. Cream and skim milk as needed, either for fluid use or for manufacturing purposes, are supplied to handlers by the Cooperative from its plant.

The argument of Des Moines handlers that they are suffering a competitive disadvantage in many parts of the sales area, because of such factors as price wars and of competitors buying on a flat-price basis, has been a significant deterrent to obtaining any increase in the rate of payment by handlers, directly or indirectly, for milk and milk products and for the many services provided the handlers, irrespective of the extent to which such increased prices or changes might be warranted. Producers contend that only a device such as a Federal milk marketing order can halt the continual deterioration in their bargaining position and bring about orderly marketing and stability in the sales area served by its buying handlers.

The conditions complained of by producers and herein cited with regard to the unstable marketing conditions are not peculiar to one or several localities in the marketing area, but apply throughout the area. Moreover, those handlers who would be regulated by the attached order compete with one another throughout the proposed marketing area.

There is a lack of detailed market information relative to the procurement of milk for and disposition of milk throughout the marketing area. Such information is essential to the effectuation of orderly marketing. Some data on receipts and utilization of milk for fluid and manufacturing uses were made available for the hearing by various handlers and cooperative associations. This information is incomplete with regard to the overall receipts and utilization of milk and milk products in the area. The institution of regulation would provide the basis for complete information on receipts and utilization of milk from producers.

It is concluded that the issuance of a marketing agreement and order for the Des Moines marketing area would contribute substantially to the improvement of many of the conditions complained of and would tend to effectuate the declared policy of the act. The adoption of a classified price plan based on the audited utilization of handlers would provide a uniform system of minimum prices to handlers for milk purchased from producers and a fair division among all producers of the proceeds from the sale of their milk. The procedures required by the Agricultural Marketing Agreement Act would afford all interested parties the opportunity to take part in determining, through public hearings, what the various order provisions should be.

3. (a) *Scope of regulation.* It is necessary to designate clearly what milk and what persons would be subject to the various provisions of the order. This can best be done by providing definitions which set forth the categories of persons, plants and milk products for purposes of classification of milk and of application of other provisions of the order.

Marketing area. The marketing area should include all of the territory within the counties of Adair, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Guthrie, Jasper, Lucas, Madison, Mahaska, Marion, Monroe, Polk, Story, Union, Warren, Wapello, Wayne and the city of Grinnell, all in the State of Iowa.

According to the 1950 census, the population in the territory proposed to be regulated is approximately 625,000. Because a significant portion of the sales of fluid milk products by handlers who would be regulated is in rural communities and because of the substantial population immediately surrounding the various cities, the marketing area should be defined, insofar as it is practicable, on the basis of county rather than city boundaries.

Grade A milk products sold for fluid consumption throughout the proposed marketing area must be approved by health authorities who are governed by health ordinances, practices and procedures patterned after the United States Public Health Milk Ordinance and Code. Movements of Grade A milk, both in bulk and packaged form, between various locations in the marketing area take place through reciprocal approval of the responsible health authorities. Ratings by the United States Public Health Service are recognized as a basis for approval of outside sources of milk. The degree of similarity of minimum health standards throughout the area justifies uniform regulation for milk marketed throughout the area.

Des Moines, the largest city in Iowa, is the principal city in the proposed marketing area. Its 1950 population was 178,000 and that of the next largest cities, Ottumwa and Ames, was 34 and 23 thousand, respectively. Other cities which are important in connection with

the distribution of milk throughout the area are Boone, Newton, Oskaloosa, Creston, Centerville, Knoxville, Grinnell, Perry, Chariton, Indianola, Albia, Jefferson, Winterset, Osceola, Lamoni, Greenfield, Guthrie Center, and Corydon.

Des Moines is the principal point at which milk from producers is processed and packaged for distribution throughout the marketing area. The eight handlers whose plants are in Des Moines receive milk from about 1100 of the approximately 1450 producers supplying handlers who would be regulated by the proposed order. From these plants in Des Moines milk is distributed on routes or through stores in most of the cities in the marketing area. All producers shipping to Des Moines handlers are members of the Des Moines Cooperative Dairy.

The three plants in Ottumwa receive milk from 139 producers, 103 of which are members of the Milk Producers Association of Ottumwa. The major portion of the fluid milk distribution from these plants is made in the proposed marketing area in competition with Des Moines handlers and other handlers who would be regulated by the proposed order.

In addition to the Des Moines and Ottumwa handlers there are about 15 other handlers who would be brought under regulation by the proposed order. These handlers, in the aggregate, distribute over a wide area and compete with Des Moines and Ottumwa handlers at numerous locations throughout the marketing area. The quantities of milk distributed by these handlers, who receive milk from a total of about 200 producers, are significantly smaller on the average than are the quantities distributed by Des Moines and Ottumwa handlers.

Although the city of Grinnell is in Poweshiek County it is very near the eastern border of Jasper County. Approximately 60 percent of the fluid milk distribution from the plant of the one handler in Grinnell is within the city of Grinnell. Distribution by this handler in Jasper and Mahaska Counties, both of which are proposed to be part of the marketing area herein recommended, is 20 percent and 6 percent, respectively. If Grinnell were not included in the marketing area, it might reasonably be expected that this handler would be regulated by the order because of his sales in Jasper and Mahaska Counties. However, if Grinnell were excluded from the marketing area the Grinnell handler would be at an economic disadvantage because all milk sold from his plant would be subject to pricing under an order while sales in Grinnell by any unregulated handler would not be subject to order prices.

The aggregate of the marketing area proposals contained in the notice of hearing include, in addition to that provided by this decision, the counties of Marshall, Adams, Ringgold and Taylor. The latter three are rural in character and do not represent important outlets for milk for handlers serving the proposed area. The 1950 population of Adams, Ringgold and Taylor Counties was 9, 10, and 12 thousand, respectively. These counties are on the fringe of the Des Moines marketing area and the milk distributed in them is principally from the plants of handlers who would otherwise not be regulated by the proposed order. These three counties should not be included in the marketing area.

The inclusion of Marshall County in the marketing area was proposed by Des Moines handlers. Although some sales are made in Marshall County by Des Moines handlers and other handlers who would be regulated by the proposed order, the principal distribution in this county is from the plants of handlers in Marshalltown, the major city in the county. On October 1, 1957, Order No. 105, regulating the handling of milk in the North Central Iowa marketing area, became effective (22 F. R. 7455). The city of Marshalltown is included in the marketing area under that order. In view of this, no purpose would now be accomplished by the inclusion of any portion of Marshall County in the proposed Des Moines marketing area, especially since practically all of the milk sold in the county would be subject to pricing under an existing order or the proposed Des Moines order. Accordingly, Marshall County should not be included in the marketing area.

One Ottumwa handler has 40 percent of his Class I sales outside the marketing area herein proposed. He argued that the city of Ottumwa should be included in a separate order that would take in the Iowa cities of Burlington, Fort Madison and Keokuk and other communities to the south and east of Ottumwa. This handler, the majority of whose sales is in 3 counties in the recommended marketing area, distributes milk in at least 7 Missouri counties and 7 Iowa counties outside the marketing area. Sales in these latter counties from his plant are scattered over a large area and are a significantly lesser quantity than his sales in the marketing area. This handler's principal competitors in the marketing area have practically no distribution in the Missouri and Iowa counties outside the marketing area in which he distributes milk. Accordingly, it would be impracticable to exclude Ottumwa from the marketing area under the proposed order or to conclude, on the basis of the record, that it would be more appropriate to include this city in the marketing area under some other order.

Other handlers stated that the marketing area considered at the hearing was inappropriate in that it does not include various places where milk from their plants is distributed. The distribution of milk in localities outside the marketing area from pool plants as defined under the proposed order is not in itself justification for the inclusion of such localities in the marketing area. Neither was it established that marketing conditions in these localities are such that their inclusion would be appropriate or justified at this time.

It is neither administratively feasible nor necessary to include all territory in the marketing area in which handlers to be regulated distribute milk. Furthermore, it would not be possible to designate a marketing area of reasonable size which would include all sales outlets of each and every handler that would be subject to regulation. As additional territory would be added, the problems associated with the extension of regulation to distributors that made a substantial portion of their fluid milk sales outside the marketing area would be increased many fold. By providing for a marketing area as proposed herein, regulation is at a minimum for milk distributors with a large proportion of their sales outside the marketing area and their operations will not be unduly disturbed with respect to the major portion of their sales in communities wherein they compete with other distributors who would not be regulated at all by the proposed order.

In the course of the operation of an order the question may arise whether any territory within the boundaries of the designated marketing area which is occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other establishments shall be considered as within the marketing area. No proposal was made to exempt sales by a handler in any territory or to any agency from the provisions of the order and no evidence was presented at the hearing which would justify such exemption. However, so that there will be no doubt as to the meaning or the intent of the application of the marketing area definition in the proposed order, it should be indicated that the designated counties and city in the recommended Des Moines marketing area shall include territory within such boundaries which is occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other establishments.

Definition of plants. The minimum class prices of the order should apply to that milk eligible for distribution as Grade A milk in the marketing area which is received from dairy farmers at plants primarily engaged in supplying fluid milk products for sale on retail and wholesale routes in the marketing area. Such plants would be defined as "pool plant".

The basis for determining which plants shall be pool plants under the order, and thereby fully subject to regulation, should be clearly set forth in the order and apply uniformly to all plants, wherever located. Pool plant status should not be determined solely on an occasional shipment of milk to the market, or on approval by a specified health authority. Such a method for determining which plants shall be subject to regulation would not provide a workable basis for administering an order for the Des Moines marketing area.

Since the production of high quality milk involves extra expenses, it is important that the amount of milk produced under Grade A inspection be no more than the minimum necessary to provide the market with an adequate and dependable supply of quality milk. To encourage more than enough production of such milk would represent an economic waste, since the expenditures involved in producing Grade A milk not

needed on the market would result in no extra value to consumers.

Essential to the operation of a market-wide pool is the establishment of performance standards to apply uniformly to all plants. Any plant, regardless of its location, should have equal opportunity to comply with the standards and thereby to participate in the marketwide pool and have its producers share in the Class I sales of the market. Any producer who meets the necessary health department requirements should be permitted, under the order, to sell his milk to plants meeting the standards of qualification. Whether or not plants and producers choose to supply the Des Moines order market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs, and alternative outlets.

Performance standards should be such that any plant which has as its major function the supplying of milk to the market would pool its sales and share in the marketwide equalization. On the other hand, plants only casually, or incidentally, associated with the market should not be subject to complete regulation. Neither should they be permitted or required to equalize their sales with all handlers in the market. If a milk plant were to be permitted to share on a pro rata basis the Class I utilization of the entire market without being genuinely associated with the market, then the differentials paid by users of Class I milk would be dissipated without accomplishing their intended purpose. If a plant were to be qualified and fully regulated merely by making a token shipment of milk or cream into the market for sale as Class I milk, then any milk plant which found itself in a position where it was selling a smaller share of its milk in Class I than the average for all regulated handlers might make such shipment and receive equalization payments from the pool. The only qualification such a plant would be required to meet would be compliance with the necessary health department standards.

Since reserve milk is an essential part of any fluid milk business there will always be some excess milk in the plants of handlers supplying other markets. This will be particularly true in the months of flush production. Plants selling primarily to other markets, or plants shipping milk on an opportunity basis to any market where supplies happen to be short, do not represent sources of milk on which the Des Moines marketing area may depend. If such a plant, by selling a token quantity of Class I milk in the marketing area, were allowed to pool its surplus, the operator thereof could gain an unwarranted advantage in paying producers by receiving equalization payments from the Des Moines order pool. Such a distribution of equalization payments would, in fact, reduce the blend price to producers regularly supplying the market, thereby having an adverse effect on the milk supplies upon which the market depends. This could result in the need for higher Class I prices than would otherwise be required to supply the market adequately.

Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards have been provided for them. A "distributing plant" under the order would be defined as a plant in which milk is processed or packaged and from which any fluid milk products (as hereinafter defined) are disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area. "Supply plant" would be defined to mean a plant (except a distributing plant) from which milk, skim milk or cream, acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label, is shipped during the month to a distributing plant which is qualified as a pool plant.

In order to qualify as a pool plant, a distributing plant should be required to distribute at least 15 percent of its milk from producers and other plants during the month as Class I milk on retail or wholesale routes to outlets in the marketing area.

A distributing plant having more than 85 percent of its business outside the marketing area or in other outlets should not be considered as essentially associated with the market. It is not considered advisable to bring such a plant under full regulation because of the minor share of its business which is in the marketing area. Full regulation in such case would not be necessary to accomplish the purposes of the order, and might well place such plant at a competitive disadvantage in relation to its competitors in supplying the unregulated market.

Such a minimum is necessary also to avoid the possibility that a plant otherwise not associated with the market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market, by means of minor sales in the marketing area.

It is contemplated that only plants primarily engaged in route distribution of fluid milk products should be qualified as pool plants under this definition. In order to preserve this distinction, a further condition is placed on distributing plants that their total distribution of Class I milk on routes to wholesale or retail outlets, both inside and outside the marketing area, must amount during the month to at least 35 percent of their receipts of milk from dairy farmers and from other plants. Any plant which does not qualify on this basis should be deemed to be primarily a supply plant and its pool status should be judged by the standards applied to such plants.

A plant from which milk for Class I uses is distributed regularly in the marketing area under normal circumstances may be expected to dispose of its milk in such a way as to exceed by a reasonable margin the minimum performance standards necessary to qualify as a pool plant. There may be from time to time plants supplying milk to the marketing area which would not qualify for pool status. Such plants should be required to file reports, make available their records for audit by the market administrator, and be subject to payments hereinafter discussed if they are not fully subject to regulation.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that currently the quantity of milk produced for the market is adequate on an annual basis for the needs of the market. At times, especially during the months of seasonally high production, distributors in the market may not need all of the milk available from producers in order to keep their Class I outlets fully supplied. In order to assure that all the producer milk which is pooled with the market will be available for Class I, supply plant standards should be set at levels which require that such milk will be available.

In order to qualify for pool plant status a supply plant should ship to distributing plants which are pool plants at least 35 percent of its receipts of milk from dairy farmers in any month in the form of fluid milk products. A supply plant from which a proportionately larger quantity of milk is disposed of in this manner should not, under the present conditions in the market, be considered as primarily associated with the regulated market.

It is recognized that if there is any demand for milk from supply plants it will be greatest during the season of low production. For sustained periods during the months of flush production supplies of milk received at plants located in or near the marketing area may be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the most distant milk in the country for manufacture, and use local supplies for Class I use. The performance provisions should not force milk to be transported to distributing plants in the months of seasonally high production in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant may maintain pool plant status throughout the year if it supplies a substantial portion of its producer milk to distributing plants during the months when milk production tends to be lowest. The proposed standards require that a supply plant provide distributing plants which are pool plants with milk to the extent of 50 percent of its producer milk receipts during the period of September through November to maintain automatic pool status for the months of March through June.

The source of supply for all distributing plants in and near the city of Des Moines is from producer members of the Des Moines Cooperative Dairy. Milk from these producers is moved to such plants directly from their farms. In addition, various of the plants supplement their producer deliveries with purchases of milk, cream, and skim milk, both for fluid use and for manufacturing purposes, from the plant operated by the Cooperative. It is the practice of these plants to accept from producers only such quantities of milk as are needed for

their fluid operations and all milk in excess thereof is moved to the Cooperative's plant.

Most of the handlers supplied by producer members of the Des Moines Cooperative Dairy do not operate their plants on one or more days each week. On such days the producers ship to the Cooperative's plant. Because of the irregular day-to-day requirements of handlers, the Des Moines Cooperative Dairy must maintain extensive plant facilities for the handling of surplus milk.

Approximately 75 percent of the dairy farmers supplying handlers who would be regulated by the proposed order are members of the Des Moines Cooperative Dairy. The plant of the association is unusually well equipped to receive and handle large quantities of milk, most of which, on an annual basis, is used at the plant in the production of butter and skim milk powder. The marketing of milk in the Des Moines area requires the use of this plant to which producer deliveries are moved when not needed by handlers for Class I purposes. The service to the market provided by maintaining a plant such as is operated by the Des Moines producer association is necessary to insure orderly marketing in the proposed area.

In view of the above, it is concluded that the best interest of the market would be served by providing that a plant operated by a cooperative association whose membership represents more than one-half of the total number of producers shipping to the pool plants of other handlers during the month should be a pool plant for such month.

A pool plant or a distributing plant which is not a pool plant should be defined as an "approved plant", thereby including in one designation all plants for which reports are required to be submitted to the market administrator. Such a definition will enable the market administrator to use the same report forms for all distributing plants, both pool and nonpool. In addition, it will facilitate formulating the language in the various order provisions as they apply to such plants, especially with respect to those distributing plants which are not pool plants.

Some handlers in the market receive milk from both Grade A and ungraded producers. Where such an operation takes place, it is generally the practice of the handler to maintain the ungraded operation physically apart from that of his Grade A operation. The handler who operates an ungraded plant which is in the adjoining or same building as his Grade A plant should not be restricted in the operation of his ungraded plant to any greater degree than the operator of any other ungraded plant. However, proper safeguard should be provided in the order to insure that the ungraded and graded portions of a plant operated by the same handler are maintained as separate entities. It is concluded, therefore, that if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it should not be considered a part of a pool plant. However, if the graded and ungraded operations of a plant are not maintained separately, the entire operation of such plant would be considered as that of a pool plant, and all ungraded milk received at such plant would be considered as other source milk received at a pool plant.

Some milk that is distributed in the marketing area is from plants which are fully subject to the classification and pricing provisions of other Federal milk marketing orders. It is not necessary to extend full regulation under this order to such plants which dispose of a major portion of their receipts in another regulated marketing area. To do so would subject such plants to duplicate regulation. However, in order that the market administrator may be fully apprised of the continuing status of such a plant, the operator thereof should, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

Handler. Handler should be defined as any person in his capacity as the operator of one or more approved plants. The definition should also include any cooperative association with respect to producer milk diverted for the account of such association from a pool plant to a nonpool plant.

A handler is the person who receives approved milk and who is responsible for reporting the receipts, utilization and payment thereof. A cooperative association which markets the milk of its members may for short periods of time need to divert such milk from a pool plant to a nonpool plant. If the association is defined as a handler for such milk, even though it has no plant, the producers whose milk is so diverted will continue to receive the uniform price under the order and their production will be available to the market for fluid use when needed.

A handler operating more than one approved plant should be required to report separately for each plant so that its pool plant status can be determined each month by the market administrator. If a handler operates a plant not associated with the regulated market, he would not be a handler with respect to such plant.

Approved dairy farmer. Approved dairy farmer should mean any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is received at an approved plant.

Producer. Producer should mean an approved dairy farmer whose milk is received at a pool plant.

Fluid milk product. Fluid milk product should mean milk, skim milk, buttermilk, milk drinks (plain or flavored) cream or any mixture in fluid form of skim milk and cream (except aerated cream products, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). The items designed as fluid milk products pursuant to this definition are those products which when disposed of by handlers are considered as Class I milk.

Approved milk. Approved milk should be defined as all skim milk and butterfat contained in milk received at an approved plant directly from approved dairy farmers or diverted from an approved plant to a nonpool plant. Milk transferred to an approved plant from the plant of another handler should not be included in the approved milk definition. When receipts at a shipping plant are from approved dairy farmers and from other sources, the milk is intermingled and it cannot always be ascertained whether the milk being moved is that from approved dairy farmers, from other sources or a mixture of the two.

When approved milk is not needed in the market for Class I purposes, the movement of such milk to a nonpool plant for manufacturing purposes should be facilitated. Allowing for unlimited diversion during those months when reserve supplies of milk are heaviest will contribute to this end. Unlimited diversion is neither necessary nor desirable during the other months of the year when approved milk regularly associated with the market is needed to supply the Class I needs of the market. It is necessary, however, to provide for limited diversion during such months to enable handlers to divert approved milk on such occasions as weekends or holidays when the milk is not needed in the market for Class I purposes.

Provision should be made so that the approved milk regularly received at an approved plant may be diverted for the account of a handler to a nonpool plant any day during the flush production months and on not more than the numbers of days that milk was delivered to an approved plant from the farm of the approved dairy farmer during any other months and still retain approved milk status under the order. Diverted milk should be deemed to have been received at the plant from which it was diverted.

Producer milk. Producer milk should be defined as approved milk which is received at a pool plant.

Other source milk. Other source milk should be defined as all skim milk and butterfat contained in or represented by fluid milk products utilized by the handler in his operations except approved milk, fluid milk products received from pool plants, and inventory at the beginning of the month. Thus, other source milk would represent skim milk and butterfat which is not subject to the pricing provisions of this order during the month. It would include all milk products from plants other than pool plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It would include those manufactured products from a plant's own production which are made and are reprocessed or converted into another product during the same or a later month.

Producer-handler. Producer-handler should be defined as any person who operates a dairy farm and a distributing

plant but who, during the month, receives no approved milk or other source milk at such plant. The order is not intended to establish minimum prices for such operators, but they should be required to make reports to the market administrator. Such reports are necessary to make a determination as to whether the operator is a producer-handler and to facilitate accounting with respect to the transfer of milk from other handlers.

It was proposed by producers that the plant of a producer-handler from which an average of more than 1,000 pounds of milk daily is disposed of in the marketing area should be a pool plant. Proponents claimed that under an order such a producer-handler would have the benefit of a share of the Class I market without carrying his fair share of the burden of surplus for the market. This was not substantiated on the record in connection with current or prospective marketing conditions in the proposed marketing area.

No testimony was presented describing the operations of the various producer-handlers now on the market, including such producer-handlers, if any, distributing an average of more than 1,000 pounds of milk daily in the marketing area. However, it was stated by proponents that unless their proposed producer-handler definition is adopted an additional number of producers would come on the market as producer-handlers, bringing about unstable and demoralized marketing conditions. The information contained in the hearing record does not justify this conclusion.

Classification provisions of the proposed order should provide that any milk, skim milk, or cream transferred from an approved plant to the plant of a producer-handler will be Class I milk. Any supplemental supplies of milk which may be obtained from such plants may, by virtue of the type of operation involved, be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from approved plants and still maintain his status as a producer-handler. Pursuant to the proposed order, any milk which a handler receives from a producer-handler would be other source milk and would, therefore, be allocated to the lowest class utilization at the pool plant of a handler after the allocation of shrinkage on approved milk. Milk disposed of to another handler by a producer-handler would normally be surplus to the operation of the producer-handler.

(b) *Classification of milk.* Milk and milk products received by handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which such skim milk and butterfat was used or disposed of as either Class I milk or Class II milk.

Milk is received at approved plants directly from approved dairy farmers, from other handlers, and from other sources. Milk from all of these sources is intermingled in handlers' plants. It is necessary, therefore, to classify all receipts of milk to afford a means to establish the classification of approved milk and to apply the classified price plan.

The products which should be included in Class I milk are those generally required by health authorities in the marketing area to be obtained from milk or milk products from approved "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products somewhat above the ungraded or manufacturing milk price. This higher price should be at such a level as will yield a blend price to farmers that will encourage production of enough milk to meet market needs.

Milk not needed for Class I purposes is utilized in the manufacture of various dairy products which are sold in competition with the same products made from ungraded milk. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

In accordance with these standards, Class I milk should comprise all skim milk (including concentrated and reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, milk drinks, (plain or flavored), cream and any mixture in fluid form of skim milk and cream (except aerated cream products, sour cream, ice cream mixes, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers); and skim milk and butterfat not accounted for as Class II milk.

Class I products which contain concentrated skim milk solids, such as skim milk drinks to which extra solids have been added or concentrated whole milk disposed of for fluid use, would be included under the Class I milk definition. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed cans would not be considered as concentrated milk.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. Included as Class II milk are products such as ice cream, ice cream mix and other frozen desserts and mixes; aerated cream products, sour cream, butter, cheese (including cottage cheese); evaporated and condensed milk (plain or sweetened); nonfat dry milk solids, dry whole milk, condensed or dry buttermilk; and any other products not specified as Class I milk. The health ordinances applicable in the marketing area do not require that these products be made from Grade A milk.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. The accounting procedure would be facilitated by providing that month-end inventories of all fluid milk products be classified in Class II milk. Such inventories would be substracted under the proposed allocation procedure, from any available Class II milk in the following month. The higher use value of any fluid milk products in inventory which are allocated to Class I milk in the following month should be reflected in returns to producers. The mechanics of the attached order provide for the reclassification of inventories on that basis.

Inventories should include all the skim milk and butterfat in fluid milk products, whether in bulk or in packages. Since the disposition of skim milk and butterfat in non-fluid milk products had been accounted for when used to produce a manufactured dairy product (and classified as Class II milk), such skim milk and butterfat should not be included in inventories.

Inventories of fluid milk products on hand at an approved plant at the beginning of any month during which such plant becomes an approved plant for the first time should likewise be allocated to any available Class II utilization of the plant during the month. This will preserve the priority of assignment of current approved milk receipts to current Class I use.

Skim milk which is dumped or disposed of for livestock feed should be classified as Class II milk. The only outlets for surplus skim milk for many handlers are located at considerable distances from their processing plants. Transportation costs are such that it is uneconomical for these handlers to ship relatively small quantities of unneeded skim milk to such outlets.

It would not be practicable to permit in an unlimited manner the dumping of skim milk by pool plant handlers. Neither would it be appropriate to classify such skim milk, for which no better outlet is available, in other than Class II. Accordingly, the order should clearly specify a Class II classification for skim milk dumped, with a proviso that the market administrator be notified in advance and be afforded the opportunity to verify the dumping.

Shrinkage should be determined by subtracting from the total pounds of skim milk and butterfat received by the handler his total established utilization of skim milk and butterfat, respectively. Shrinkage not in excess of 2 percent of the handler's receipts of approved and other source milk should be prorated between approved and other source milk on the basis of the pounds received from each source. None of the shrinkage should be assigned to milk received from other approved plants because shrinkage on such milk would be allowed to the transferring handler. A plant which is operated in a reasonably efficient manner, and for which complete and accurate records of receipts and utilization are maintained, should have total shrinkage of less than 2 percent of total receipts. It is concluded that shrinkage which is not more than 2 percent of total receipts of approved and other source milk should be classified as Class II milk and any shrinkage in excess of this quantity should be classified as Class I milk.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from farmers, and therefore should be classified according to their separate uses. The skim milk and butterfat content of

milk products received and disposed of by a handler can be determined through certain testing procedures. Some products such as ice cream and condensed products present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable, in the case of such products, to provide an acceptable means of ascertaining the amount of skim milk and butterfat contained in, or used to produce, these products. This may be accomplished through the use of appropriate plant records or by means of standard conversion factors of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any concentrated milk product such as condensed milk or nonfat dry milk solids should be based on the pounds of milk or skim milk required to produce such product.

Butterfat and skim milk used to produce Class II products should be considered to be disposed of when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of any product, including products in Class I milk, should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of approved milk to Class I utilization.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from approved dairy farmers should be responsible for establishing the classification of and making payment for such milk. Fixing responsibilities in this manner is necessary to effectively administer the provisions of the order.

Except for such limited quantities of shrinkage, which under certain conditions (as set forth elsewhere in this decision) may be classified in Class II, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that dairy farmers receive payment for their milk on the basis of its use. Accordingly, the burden of proof should be on the handler to establish the utilization of any milk as other than Class I.

Transfers. Classification of butterfat and skim milk used in the production of Class II milk items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, some Class I items may be disposed of to other plants for Class II use. Classification of any product so transferred to another plant should, under certain circumstances, be determined according to its utilization in the plant to which transferred.

Fluid milk products transferred by a handler to a pool plant should be classified as Class I milk unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator. However, sufficient Class II utilization must be available at the transferee-plant for such assignment after prior allocation of shrinkage and other source milk. Moreover, if other source milk had been received at either or both plants during the month, the skim milk or butterfat in fluid milk products involved in such transfer should be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants.

Fluid milk products transferred or diverted to a nonpool plant should be classified as Class I milk unless certain conditions are met. The operator of the nonpool plant, if requested, should make his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to insure proper application to the classification procedures prescribed in the order.

In order to classify such transfers or diversions as Class II milk the fluid milk products disposed of from the receiving nonpool plant should not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers directly supplying such plant. However, if the fluid milk products disposed of from the receiving nonpool plants exceeds the receipts of skim milk and butterfat from dairy farmers regularly supplying such plant, the difference should be assigned to the fluid milk products transferred or diverted from an approved plant and classified as Class I milk. If the transfers and diversions to the nonpool plant during the month are from two or more plants subject to the provisions of this and other orders issued pursuant to the act, the skim milk and butterfat assigned to Class I milk at each such approved plant under the Des Moines order should be not less than that obtained by prorating the assignable Class I milk at the nonpool plant over the receipts from all plants subject to the provisions of this and other orders issued pursuant to the act.

The method herein recommended for classifying transfers and diversions from approved plants to nonpool plants accords equitable treatment to Des Moines order handlers and gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving priority to dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable source of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary functions of the transfer provision of the order by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

The provision for classifying fluid milk products as Class II milk should not be extended to include milk transferred or diverted to nonpool plants located more than 150 miles from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa. The area thus described is adequate to dispose of reserve milk for Class II uses. Fluid milk products moving greater distances are normally for Class I use.

When milk or skim milk in bulk has been transferred or diverted to a nonpool plant located not more than 150 miles from Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, the market administrator is required to verify the utilization claimed by such nonpool plant. It may reasonably be expected that the market administrator will be able to make such verification within such "surplus disposal area" without incurring undue expense. It would not, however, be administratively feasible or otherwise justifiable to have a surplus disposal area of unlimited expanse or to cover a geographical area which is larger than that provided herein. Making such provision might tend to make unreasonable demands on the market administrator in connection with the verification of occasional or irregular shipments to nonpool plants located beyond the area wherein handlers who would be subject to the Des Moines order normally dispose of reserve supplies of milk for Class II purposes.

As stated elsewhere in this decision, any fluid milk product transferred to a producer-handler should be classified in Class I and should not be subject to reclassification.

Allocation. The order provides for determining the value of approved milk at a plant each month on the basis of the classification of such milk. It is necessary, therefore, if a plant has butterfat or skim milk other than that received in milk from approved dairy farmers, to determine the quantities of milk in each class to be assigned to approved milk.

The milk of approved dairy farmers who are primarily engaged in supplying the market should be given priority in the assignment to the Class I utilization at approved plants. This is necessary to insure the stability of the classified pricing program of the order. If the order permitted handlers to obtain other source milk whenever it was advantageous to do so for Class I use while approved milk in the plant was utilized in Class II, the order would not be effective in carrying out the purpose of the act. Also, the market would be deprived of a dependable supply of milk.

Other source milk from ungraded sources should be assigned to Class II milk first. The plants supplying such milk may not have purchased such milk from dairy farmers on a classification and use basis and it is not feasible to determine this or other conditions of sale. There is no assurance that such milk would not be used to displace approved milk in Class I to the advantage of the purchasing handler.

When supplemental supplies are obtained under conditions which assure that such supplies were paid for at Class I prices under another Federal order, a limited priority of assignment to Class I

should be permitted under the order. Accordingly, provision should be made that 5 percent of approved milk may be assigned to Class II before any assignment of Federally regulated other source milk to such class. This will permit a handler whose approved milk supplies run short to bring in milk from other Federal order markets and have it assigned to Class I, even though he has a small amount of reserve milk in his plant. Such other source milk will be assigned to any Class I milk in excess of 5 percent of approved milk. This is necessary to assure approved dairy farmers that no more than the necessary reserve supplies will be allocated to Class II use when supplemental supplies are imported from other regulated markets.

If after making the prescribed assignments of skim milk and butterfat pursuant to the allocation provisions of the order, the total of all Class I and Class II milk assigned to approved milk exceeds the amount of approved milk reported to have been received at a plant, such "overage" should be assigned first to the available Class II utilization and any remainder to Class I. The value of such overage should be computed at the applicable class prices.

(c) *Class prices.* Class I prices should be established at a level which, in conjunction with the Class II prices hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate but not excessive supply of quality milk to meet the requirements of the marketing area. If prices remain too low, insufficient quantities of milk will be produced to assure that the Class I market will be fully supplied. Conversely, if prices are too high, production will be overstimulated and consumption curtailed. This would cause more milk to be produced than is needed to satisfy the demand for Class I milk, resulting in the development of unnecessary and uneconomic surpluses.

When milk produced locally is insufficient to meet the Class I needs of the market, supplemental supplies of Grade A milk are purchased by handlers in the marketing area from plants outside the regular supply area. Other items which influence the prices at which such milk will be available to Des Moines order handlers include the cost of transporting such milk to the marketing area and the alternative outlets for such milk.

Proper recognition must be given the prices at which alternative sources of supply are available, especially since any milk plant wherever located may, by meeting the prescribed qualifications, become a pool plant under the order. It is necessary, therefore, that the Class I prices in the proposed Des Moines milk marketing order should not be set at levels which will bring the cost of such milk above the cost of obtaining regular and dependable Grade A milk supplies from other areas.

Both producers and handlers emphasized in their testimony that the Class I price in the Des Moines order should be appropriately aligned with the Class I prices in nearby markets, especially with those Iowa markets under Federal milk marketing orders. There are six Federal milk orders currently in effect in Iowa: the so-called Missouri Valley Federal order markets of Omaha-Lincoln-Council Bluffs and Sioux City in the extreme western part of the state; the so-called Mississippi Valley Federal order markets of Quad Cities, Dubuque, and Cedar Rapids-Iowa City in the eastern part of the state; and the recently established North Central Iowa order market.

The Cedar Rapids-Iowa City order was amended effective August 1, 1957, to provide for a Class I price 15 cents above the Chicago order Class I price. This is the same as the price contained in the North Central Iowa order which became effective October 1, 1957. Since May 1, 1957, the Quad Cities order Class I price has been computed by adding 20 cents to the Chicago order Class I price and the Dubuque order Class I price is 10 cents below that of the Quad Cities order. For the year ending May 31, 1957, the Chicago Class I price per hundredweight of 3.5 percent milk averaged 4.01.

The average Class I prices per hundredweight of 3.5 percent milk under the Omaha-Lincoln-Council Bluffs and Sioux City orders for the year ending May 31, 1957, were $4.52 and $4.61, respectively.

Des Moines is the principal point from which milk is distributed in the proposed marketing area. Handlers in the city of Des Moines obtain their supplies from producer members of the Des Moines Cooperative Dairy, whose 1100 Grade A producers represent about 75 percent of the dairy farmers who would be producers under the attached order. The price paid to the Des Moines Cooperative by handlers for milk for fluid use received from its members is computed each month by adding 15 cents to the average of the Omaha-Lincoln-Council Bluffs order Class I price and a price patterned after the Quad Cities order Class I price. For the year ending May 31, 1957, the price paid by Des Moines handlers for milk for fluid use averaged $4.50 per hundredweight of 3.5 percent milk.

For the year ending May 31, 1957, the "base price" per hundredweight of 3.5 percent milk paid to the 139 producers supplying Ottumwa handlers—Beatrice Foods, Wapello Dairy, and Williams Dairy—averaged $4.07, $4.10 and $4.15, respectively. In some instances milk paid for as base milk by these handlers was utilized in the manufacture of ice cream and cottage cheese.

Boone Dairy, which receives milk from 31 producers, is the largest handler in Boone. This handler pays a Class I price of $4.40 for 3.5 percent milk. However, only bottled whole milk is considered in the Class I milk category by the handler. Milk used for fluid cream and other products which would be Class I under the proposed order are paid for at a lower price by Boone Dairy.

The three handlers in Ames receive milk from about 65 producers. The price for "base milk" paid to their producers is $4.00 per hundredweight of 3.5 percent milk. In addition to this base price, one Ames handler pays his producers a 20-cent per hundredweight quality premium.

Waterloo, Fort Dodge and Marshalltown are major cities in the North Central Iowa marketing area. Handlers in each of these communities are in competition with various handlers who would be regulated by the proposed Des Moines order. Although Des Moines order handlers sell in competition with Waterloo handlers in a number of places outside the proposed marketing area, Des Moines order handlers are in substantially greater competition with Marshalltown handlers.

Marshalltown, which is 51 miles northeast of Des Moines, is less than 15 miles from the nearest point in the proposed Des Moines marketing area. Waterloo is 52 miles northeast of Marshalltown. Fort Dodge, 88 miles north of Des Moines, is about 25 miles from the nearest point in the proposed Des Moines marketing area.

Marshalltown distributors are in competition with Des Moines order handlers both in and outside the proposed marketing area. In addition, there is an overlapping of the production areas for both markets.

Both Cedar Rapids and Iowa City are 119 miles east of Des Moines. There is some overlapping of the sales areas served from plants in the city of Des Moines and those under the Cedar Rapids-Iowa City order. There is, however, substantially greater competition for sales at various localities between Cedar Rapids-Iowa City handlers and other handlers who would be regulated by the proposed order, especially Ottumwa handlers.

Council Bluffs is 135 miles west of Des Moines and about 70 miles west of the nearest point in the Des Moines marketing area. The territory between Des Moines and Council Bluffs is not heavily populated and there is relatively little overlapping of the sales territories served by Omaha-Lincoln-Council Bluffs handlers and those who would be regulated by the Des Moines order.

Sioux City is 193 miles from Des Moines. No Sioux City handlers compete for sales in any territory served by handlers who would be regulated by the Des Moines order and there is no overlapping of the production areas for these markets.

Producers proposed a Class I price per hundredweight of 3.5 percent milk that would be computed each month by adding $1.40 to a basic formula price, which basic formula price would be the higher of either the average of the prices paid by specified midwestern condenseries or a price based on a butter-powder formula. For the year ending May 31, 1957, a price thus computed would have averaged $4.46. This price, although averaging 4 cents below that received by the Des Moines Cooperative for Class I sales to handlers during the same period, is 30 cents above the average price of $4.16 which would have been obtained by using the Class I pricing formula now contained in the North Central Iowa and Cedar Rapids-Iowa City orders.

In justification of the price level requested, producers stated that it costs more to produce milk in the production area for the Des Moines marketing area than in the milkshed for the North Central Iowa and Cedar Rapids-Iowa City markets. It was also argued that, historically, Class I prices in the proposed marketing area have been higher than in the eastern Iowa markets. It was claimed that the Class I price under the proposed order should be based primarily on local marketing conditions and not on the basis of the prices prevailing in nearby markets. Local conditions, it was argued, would justify a pricing basis and a Class I price level such as is now contained in the Omaha-Lincoln-Council Bluffs order. The average Class I price for 3.5 percent milk under that order for the year ending May 31, 1957, of $4.52 is comparable to the average price which was obtained for Class I milk by the Des Moines Cooperative Dairy in the same period and that which would have been realized by using the Class I formula proposed by the cooperative.

Handlers proposed that the level of the Class I price in the Des Moines order should be similar to that presently provided in the North Central Iowa and Cedar Rapids-Iowa City orders. The Class I price under these orders was proposed as an appropriate price for the Des Moines order by handlers even though it was testified by their representatives that currently and historically the Class I prices applicable to the major portion of producer milk purchased by them are higher than those in the North Central Iowa and Cedar Rapids-Iowa City orders. There were no proposals at the hearing for a Class I price lower than those prescribed in the North Central Iowa and Cedar Rapids-Iowa City orders.

There was no substantial objection from producers or handlers to using the Chicago order Class I price as a basis for computing the Class I price under the Des Moines order if the level of the price thus obtained would be equal to that proposed by them. In this connection, the producers stated that the Class I price under the proposed order should be equal to the Chicago Class I price plus 45 cents and the handlers claimed that a Class I price 15 cents above that in the Chicago order would be adequate.

The Chicago milkshed is one of the principal milk production areas in the United States. At various times throughout the year, especially during the months of low production, milk from this area is shipped great distances throughout the country. The Chicago order Class I price is used extensively as a recognized price quotation both locally and nationally. It is not uncommon to fix Class I prices in a market on the basis of the price in a major milk marketing area, such as Chicago, or on the basis of obtaining alternative sources of supply from such major market.

The Class I price under the Chicago order, which averages $4.01 for the year ending May 31, 1957, is determined on the basis of a "basic formula price" which reflects the value of milk for manufacturing purposes nationally. As such, it may be expected to be a most appropriate basis for use in establishing the Des Moines order Class I price, especially since handlers in this market must compete in various localities with handlers regulated by other orders whose Class I prices are based on the Chicago order Class I price. Unless handlers regulated by the Des Moines order are able to anticipate and project the prices they will be required to pay for Class I milk in relation to recognized and established price quotations used in major markets, they will be at a disadvantage with handlers from other markets in competing for Class I sales beyond the confines of the marketing area. Determining the Des Moines order Class I price on a direct relationship with the Chicago order Class I price will provide an economically sound pricing basis.

In order to insure the maintenance of an adequate supply of milk for the Des Moines market it is necessary that the Class I price for such market be appropriately aligned with the Class I prices in the eastern Iowa order markets. The principal factor used in computing the Class I price in the Eastern Iowa order markets is the Chicago order Class I price.

In the recommended decision it was proposed that the Class I price be at the level of the Chicago Class I price plus 30 cents. This Class I price would be applicable to all plants located in the "base zone", which should be defined to include all the territory within the boundaries of Polk County, Iowa. The Class I price for milk received from approved dairy farmers at plants outside the base zone as proposed in the recommended decision would be 5 cents less.

Polk County, in which is located the city of Des Moines, is the most heavily populated county in Iowa. Although the 8 handlers whose plants are in Polk County distribute about three-quarters of all milk sold in the entire proposed marketing area, approximately 60 percent of the Class I sales from these plants are to retail and wholesale customers in Polk County. Producers shipping to plants in Polk County must pay more for hauling their milk than do their neighbors supplying plants in the more rural communities in the marketing area. Consequently, prices which have been paid for producer deliveries to plants in Polk County have been higher than those paid to producers delivering to plants at other locations in and near the marketing area.

Exceptions to the recommended decision claim that a Class I price in the base zone at the level of the Chicago order Class I price plus 30 cents is inappropriate. It was pointed out that this price is at least 15 cents below that proposed by producers and is an even greater amount below the price that handlers in the city of Des Moines have been paying for Class I milk. It was also stated that, historically, the prices paid by handlers in the base zone have been significantly greater than those paid by other handlers who would be regulated by the proposed order. The exceptions to the recommended decision with respect to the Class I price for milk received at plants outside the base zone indicate that such price should be at least 10 cents lower than in the base zone.

In view of the above stated consideration, it is concluded that the intent of the act will best be effectuated by fixing the Class I price at the level of the Chicago Class I price plus 35 cents at plants in the base zone and at a 10-cent lower rate at other plants.

This pricing gives consideration to the overall historical relationship of prices in the various communities in and near the marketing area. The level of prices thus obtained at the various localities where milk is received from producers should be helpful toward insuring the maintenance of orderly and stable marketing conditions throughout the territory where milk is distributed by Des Moines order handlers.

Class II price. Some milk in excess of Class I requirements is necessary in order to maintain an adequate supply of fluid milk for the market on an annual basis. The Class II price for such excess milk should be maintained at the highest level consistent with facilitating its movement to manufacturing outlets when it is not needed in the market for Class I purposes. The Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

Producers proposed a Class II price, based on a butter-powder formula which would be calculated each month as follows: (1) Multiply the Chicago 92-score butter price quotation for the month by 4.24, (2) multiply by 8.2 the weighted average of carlot prices for non-fat dry milk solids for human consumption, spray process, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, and (3) add the amounts obtained in the above computations and subtract 75.2 cents therefrom. This formula, except for using the 92-score instead of 93-score price quotation, is used in computing the Class IV milk price under the Chicago order. For the year ending May 31, 1957, the monthly prices which would have been obtained by using this formula averaged $3.04. The monthly Class IV milk prices under the Chicago order for the same period also averaged $3.04.

The Class II price in the North Central Iowa, Cedar Rapids-Iowa City, Quad Cities, and Dubuque orders is based on the average of the pay prices at seven specified manufacturing plants, six in Illinois and one in Iowa. Of these, the Carnation Company plant at Waverly, Iowa, about 115 miles from Des Moines, is nearest the proposed marketing area. It was suggested at the hearing that the average of the prices paid by these manufacturing plants would be a suitable basis for determining the Class II price under the Des Moines order. For the year ending May 31, 1957, an average Class II price of $3.07 would have been realized by using these pay prices.

Each handler in the city of Des Moines receives daily only as much producer milk as is needed on that particular day for his fluid operations. Producer milk that handlers do not take is delivered to the plant of the Des Moines Cooperative Dairy. This plant, which has facilities for receiving, holding, and manufacturing large quantities of milk, is by a wide margin the leading user of milk for manufacturing purposes in the area. Although a number of dairy products are manufactured at this plant, the principal disposition of milk received at this plant is in the manufacture of butter and skim milk powder. In addition to receiving the Grade A milk of its members when it is not needed by handlers for Class I purposes, the cooperative receives substantial quantities of milk from ungraded dairy farmers for manufacturing purposes. The prices paid for ungraded milk of 3.5 percent butterfat range from $2.30 to $3.00 per hundredweight, depending on the quality of the milk. The 3.5 percent price paid by this cooperative to its producers for manufacturing purposes was $3.00 at the time of the hearing and averaged $2.94 for the year ending May 31, 1957. The actual returns to Grade A producers for milk for manufacturing purposes is further increased by the "13th check" which is paid annually to Grade A producers by the cooperative.

There is much variation in the handling and marketing of surplus milk by the various handlers in the marketing area outside the City of Des Moines. A significant proportion of the milk utilized for Class I purposes in the market is handled at plants with extremely limited manufacturing facilities. However, a relatively large number of plants which would be pool plants under the order maintain manufacturing operations, especially for such items as ice cream and cottage cheese. Throughout the year, particularly in the spring months of heavy production, producer milk not needed by some handlers is moved to manufacturing plants by the handler who regularly receives the milk or by the cooperative association responsible for marketing such producer milk. Producers are generally paid whatever is realized in the sale of such milk. In a number of instances, payments to producers for "over base" milk utilized for manufacturing purposes or otherwise disposed of follows no consistent pattern.

Throughout the milkshed area there are a number of plants which are primarily manufacturing plants and which would not be subject to the order. These plants, which include Story City Cooperative Creamery at Story City, Farmers Cooperative Creamery at Corning, Brooklyn Cooperative Creamery at Brooklyn, Lytton Cooperative Creamery at Lytton, and Hudson Cooperative Creamery at Hudson, are engaged principally in the manufacture of butter, skim milk powder and ice cream mix. These plants are all potential outlets for surplus milk from plants which would be regulated by the Des Moines order. Complete information was not submitted with respect to the prices paid by the various manufacturing plants in the area.

Prices paid by manufacturing plants may differ because of changes in the relative prices of the product which they manufacture and because of variations in the quantities of milk available for manufacturing purposes. Handlers will dispose of excess milk to those plants which are paying the highest price at the time of such disposal. Because of smaller volume and inefficient means of handling, it is possible that some handlers may at times incur losses in handling their necessary reserve supply of milk. The handling of such reserve milk is incidental, however, to the handling of fluid milk.

Elsewhere in this decision the need for maintaining an alignment of the Des Moines order Class I price with those in the eastern Iowa Federal order markets is emphasized. Providing for such alignment with respect to the Class II price for the Des Moines marketing area is no less necessary. However, the various manufacturing plants whose pay prices are used in computing the Class II price in the eastern Iowa order markets are relatively far from the marketing area and do not have any significant association with the Des Moines order market. Moreover, the disposition of surplus milk under the proposed order would be preponderantly in the manufacture of butter and skim milk powder. Established price quotations for both these products are available and can be used appropriately in computing a Class II price under the Des Moines order. Such a price under the formula proposed by producers, experience has indicated, would result in a price approximating the level of that provided in the eastern Iowa orders. Accordingly, it is concluded that the Class II price under the proposed order should be established by using the quotations for 93-score butter at Chicago and for nonfat dry milk powder on the basis of the formula proposed by producers. Although the price resulting from this formula will in some instance be above that which has been obtained by various handlers for producer milk disposed of for manufacturing purposes, the price here proposed reasonably approximates that which producers in the milkshed have been receiving for such milk and appropriately reflects the value of milk for manufacturing purposes in the area.

Provision is made in the attached order to permit a handler to divert directly to manufacturing plants any milk not needed in his own operations. Handlers who need and desire the entire output of producers during periods of short supply should assume the responsibility of paying producers at least the competitive manufacturing prices for Class II milk throughout the year.

Butterfat differentials. Provision is made elsewhere in this decision that butterfat and skim milk should be accounted for separately for classification purposes. It will be necessary, therefore, to adjust Class I and Class II prices of milk in accordance with the average test of milk in each class by a butterfat differential which will reflect differences in value due to variations in the butterfat content of each product.

The butterfat differential having the greatest application throughout the Des Moines marketing area is 6 cents for each one-tenth of one percent butterfat in a hundredweight of milk. This is the rate used by the Des Moines Cooperative Dairy, the organization representing 1,100 of the approximately 1,450 Grade A dairy farmers on the market. The Farmers Cooperative Creamery at Corning uses the 6-cent differential not only in paying its Grade A farmers but also in making payment for the large quantities of milk received from ungraded farms. A rate of 5.9 cents is used in Ottumwa. Although applicable to a considerably smaller proportion of the total quantity of milk produced for the marketing area, a 7-cent differential is used by handlers in Ames, Boone, and Corydon. The practice followed throughout the area is to pay farmers the same differential for all milk shipped irrespective of its use.

The values, to the nearest one-tenth cent, resulting from multiplying the 92-score Chicago butter price by 0.120 for Class I milk and by 0.110 for Class II milk, will obtain butterfat differentials which will approximate on an overall basis those which have been used in the market and will provide an appropriate basis for adjusting class prices. The use of butter prices in this manner will reflect changes in the central market prices of butterfat and follows standard practices in most fluid milk markets for adjusting for butterfat variations. The basing point from which adjustments are made should be 3.5 percent butterfat. This is the basis having widest acceptance in the Des Moines marketing area.

The lower butterfat differential for Class II milk will facilitate the movement of butterfat in the reserve supply of milk to manufacturing outlets and thereby eliminate the potentialities of unstable marketing conditions which milk without a market tends to create. The butterfat differential value of 110 percent of the Chicago butter price should be high enough so as not to give an unnatural incentive to the movement of butterfat to the manufacture of butter and Cheddar cheese at the expense of preferred outlets such as for condensed milk and frozen desserts. Moreover, at the recommended rate, the cost of butterfat in the market will be competitive with butterfat from alternative sources of supply.

In order that it may be known early each month, the Class I differential would be based on the average price of butter in the preceding month. This will permit announcement of the applicable butterfat differential at the same time that the Class I price is announced.

The Class II price and butterfat differential will not be announced until after the end of the month. Although handlers will not know the exact cost of such milk as it is utilized, they will know that their cost will tend to follow movements in daily or weekly dairy product prices and, in any event, the cost of milk of their principal competitors for manufactured product outlets.

The butterfat differential used in making payments to producers should be calculated at the average of the return actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sale value of their butterfat at the class prices provided in the order. The producer butterfat differential in no way affects the handlers' cost of milk but merely prorates returns among producers whose milk differs in butterfat test.

Location differentials. A schedule of location differentials should be incorporated in the order to provide an appropriate adjustment of order prices at the location of any plant from which milk is moved to the marketing area.

It would be neither practicable nor economically justifiable to require each handler to pay the same minimum class prices for milk regardless of the location of his plant in relation to the marketing area. With the same class prices applicable, milk received at a plant outside the marketing area and moved to the marketing area for processing and packaging may be expected to be more costly to a handler than milk received directly from producers at his processing plant in the marketing area. In the same manner, additional transportation costs would be incurred by the operator of a plant from which packaged milk is moved a relatively long distance to the marketing area. Unless provision is made in the order for the application of location differentials, producers delivering milk to plants located at some distance from the marketing area would be paid the same uniform prices as producers delivering to plants in the marketing area.

It is economically more feasible to meet the needs of the market for fluid purposes from those farms or plants nearest the market before bringing in milk from more distant plants. The value of milk to the market for fluid purposes is greater at the location of a plant in the marketing area which packages it for distribution than at a plant from which milk must be moved to the marketing area for Class I uses. Recognition in the order through the medium of a location differential should be given to this difference in value.

So as to be equitable to all handlers the minimum Class I price to be paid for producer milk should not be dependent upon the type of plant receiving the milk. However, to the extent that milk is received elsewhere from producers and brought to the marketing area by a handler, the handler has assumed a transportation cost which might otherwise be borne by producers. Accordingly, the Class I price should be adjusted downward in the case of a plant which assumes the cost of hauling milk to the marketing area.

It is customary, in both regulated and unregulated markets, for handlers to pay producers delivering milk to plants farther removed from the market a lesser price per hundredweight than is paid producers delivering directly to plants in or near the marketing area. To the extent that this represents a lower price because of the location of the milk, such difference in value should be recognized under the order.

It was suggested that the location differential adjustment provision in this order be patterned after those contained in the Quad Cities and North Central Iowa orders. In the Quad Cities order, prices for Class I milk received from producers at a pool plant located more than 50 miles from the principal city (Rock Island, Illinois) in the marketing area is reduced by 10 cents for the first 65 miles or less and 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the Rock Island City Hall. The applicable rates under the North Central Iowa order are the same as those for the Quad Cities except that the mileages are measured from the nearest of the city halls of the four principal cities from which milk is distributed throughout the marketing area.

Milk from approximately 40 producer members of the Des Moines Cooperative Dairy is received at a plant at Gowrie, Iowa, and transported from that country plant to the Des Moines Cooperative Dairy plant in Des Moines. The charge for this haul of approximately 75 miles is 20 cents per hundredweight. As might be expected, this rate is somewhat greater than that charged by commercial haulers specializing in hauling milk and milk products in tank trucks, since such companies generally carry relatively large and full loads. Such a company, the Dairyland Transport Corporation, charges 15 cents per hundredweight for a 70-mile haul.

It was proposed that a location differential deduction of 20 cents be applied to milk received at the Gowrie, Iowa, plant and that no other location differential be provided for in the order. Another proposal would base location differential adjustments on the distance of a plant from the city of Des Moines. The economic justification for these proposals was not established on the record. Moreover, it was shown that to adopt either of these proposals would unwarrantably create inequities among handlers.

In applying location differentials under the Des Moines order the mileage zone of a plant should be determined by its distance from the nearest of the cities of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa. These cities are so situated with respect to the overall marketing area so that basing location differential mileage zones from the nearest of them would be equitable to all handlers.

The post offices in each of these cities would be appropriate sites from which to measure the mileages used in applying location differential adjustments. Computing the location differential adjustments in this manner will reflect the value of the milk in relation to the nearest potential outlets in the marketing area and it may reasonably be expected that the source of the milk which is moved for regular distribution or as supplementary supplies would be nearer to the city to which the shipments were made than any other city in the marketing area. This method of arriving at location differential adjustments will result in values for milk at plants at different locations in such a manner as to promote the economical allocation of available supplies in accordance with location of such supplies with respect to the major consuming centers in the marketing area.

Because the Des Moines marketing area is spread over a relatively large territory and because milk distributed in the marketing area is moved great distances, it would be inappropriate to have location differential applicable at plants which are less than 60 miles from any of the cities named herein. Accordingly, it is concluded that the Class I price under the Des Moines order should be reduced by 10 cents for the first 75 miles and 1.5 cents for each additional 10 miles or fraction thereof with respect to producer milk received at a plant which is not less than 60 miles from the nearest of the post offices of Corydon, Creston, Des Moines, Grinnell, Jefferson and Ottumwa.

The location differential here recommended is economically sound and will be applicable to all handlers wherever located. The proposed rates are fundamentally the same as those contained in various other orders and are representative of the cost of hauling milk by an efficient means to the market.

Prices paid producers supplying plants to which location differentials apply should be reduced to reflect the lower value of such milk f. o. b. the point to which delivered.

As provided elsewhere in this decision the specified Class I price would be reduced by 10 cents for milk received at plants outside the base zone. It is appropriate, therefore, that the same amount should be deducted from the uniform price for producer milk delivered to these plants. Such deduction, to facilitate the accounting procedures under the order, should be considered as a separate location differential in making payment for producer milk.

No adjustment should be made in the Class II price because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with location of the plant receiving the milk. This is because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices paid for ungraded milk received at various sections of the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk by the most advantageous possible method. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk. To do otherwise would remove part of the incentive for keeping handling costs at a minimum. To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that

any milk transferred be assigned to any Class II use remaining in the transferee plant after a maximum assignment of 5 percent of the direct producer receipts to Class II milk at such plant.

Use of equivalent prices. If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such a provision in the order will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotations which are customarily used and thereby prevent any unnecessary interruption in the operation of the order.

Payments on unpriced milk. The order should provide that payment be made into the producer-settlement fund with respect to unpriced milk which is allocated to Class I milk in a pool plant. There was no opposition at the hearing to the proposal of producers for including such a provision in the order.

Receipt of milk in excess of Class I disposition is necessary to operate a fluid milk business. Because of seasonal fluctuations in production without corresponding changes in demand, this excess or reserve milk must be marketed in manufactured form in competition with products made from ungraded milk. The existence of this reserve Grade A milk, which must be marketed at a lower price, is the primary cause of the instability which may affect fluid milk markets.

Considerable volumes of Grade A milk must be disposed of as surplus by various unregulated plants from which the Des Moines order handlers may obtain milk. When milk is available in substantial volumes from nonpool sources, handlers under the order could obtain such milk at prices reflecting its value as surplus milk, which prices would approximate the Class II price under the order. During the seasonally high production months of April, May and June, the compensation payment on other source milk allocated to Class I milk should be the difference between the minimum price of producer milk used for surplus (Class II) and the Class I price adjusted to the location of the plant from which such other source milk was received from farmers. This rate will reflect generally the difference in the value between unregulated and regulated milk for Class I use at that time.

During the months of July through March, when milk supplies tend to be shorter than in other months, it is not likely that other source fluid milk products will be available to the market at surplus prices. It may reasonably be expected that during such months milk would be available from unregulated sources at prices more nearly at the level of the uniform price under the order. The compensation payment during these months should be the difference between the marketing area uniform price to producers and the Class I price adjusted to the location of the plant from which such fluid milk products are supplied. The relationship between the supply of and demand for milk in the market in the July through March period tends to fluctuate from year to year according to marketing conditions. These conditions will generally prevail also in surrounding markets which are potential sources of supply for unpriced milk. Thus, the rate of compensation payment based on the difference between Class I and uniform prices will adjust itself automatically in these months in accordance with the proportion of Class I milk to the total milk pooled and this will tend to affect also conditions in the area from which unpriced milk is obtained.

The rates which are here found to be appropriate for the Des Moines marketing area give recognition to general competitive conditions in the purchase and sale of fluid milk products. However, such conditions do not prevail uniformly in all instances since all transactions are not made under the same circumstances and it would not be administratively feasible to adjust prices or payments to individual transactions.

It is therefore necessary to have definite and specified rates applicable to all handlers similarly situated. The rates herein proposed are those which will best effectuate the intent of the act under current marketing conditions in the area.

Other source milk used in the form of concentrated milk products should be considered to be from a source at the location of the pool plant where it is used. In some instances there will be no and in all cases insignificant transportation charges per hundredweight experienced by handlers on such other source milk under the skim milk equivalent basis of accounting provided in the order. By following this procedure, the compensation payment on other source milk derived from concentrated products, such as condensed milk or nonfat dry milk solids, will be comparable to that on any other source milk which is allocated to Class I milk.

In the case of a handler whose distributing plant fails to qualify as a pool plant but who has sales of fluid milk products on routes in the marketing area, such handler also should under certain conditions be required to make payments to the producer-settlement fund. The amount of these payments would be the lesser of (1) the amount of Class I milk sold in the marketing area multiplied by the difference between the Class I and Class II price during April, May and June and by the difference between the Class I and uniform price during other months, or (2) the amount by which total payments to dairy farmers are less than the total amount of the plant's obligation to producers if such obligation is computed as if such plant were a pool plant.

If the handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, he will obviously not have any advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area, for his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

Affording this last option to nonpool plants which distribute some Class I milk in the marketing area will adequately protect the regulatory plan in this market. In the areas from which it is expected such nonpool handlers would procure supplies, no great quantities of milk are available. Moreover, the size of handlers who would use this option is relatively small. It is expected also that the difference between the Class I price and uniform price, which will prevail in this market, will be relatively minor. Consequently, the price which these handlers would be required to pay under the option and the uniform price payable by wholly regulated handlers would not differ greatly. Consequently, the exercise of this option could not have a disruptive influence on the handling of milk in this area. For these reasons, it is not necessary, in order to maintain the integrity of the regulatory plan in this market, to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their producers at least the total amount of money which they would be required to pay if they were fully regulated.

No compensation payment should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where Des Moines order handlers might obtain supplemental supplies approximate or exceed the Des Moines order Class I price as adjusted for location of the supplying plants. Since handlers operating plants under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to dispose of their surplus producer milk in the Des Moines marketing area for Class I use at less than Class I prices.

Handlers proposed that no compensatory payment be required on other source milk received at a pool plant during a month when receipts of producer milk are below 120 percent of Class I sales. Some handlers on the market purchase milk from a sufficient number of producers to insure their having an adequate supply of producer milk to meet their Class I needs in the months of lowest production. A number of other handlers limit their purchases of milk from producers and obtain supplemental supplies to meet their Class I requirements from other sources during the months of seasonally low production.

Production from dairy farms in the milkshed for the proposed marketing area is more than adequate to meet the Class I needs of the market throughout the year. In addition to those Grade A dairy farmers now supplying the market, there are in the production area a large

number of farmers now shipping ungraded milk which could, on short notice, meet the qualifications to ship Grade A milk. A number of handlers stated that they had long waiting lists of such producers wanting to ship to them. In effect, the Des Moines marketing area is not a deficit market with regard to the potential availability of producer milk for the Class I needs of the market.

If the provision that no compensatory payment be required on other source milk received at a pool plant during a month when receipts of producer milk are below 120 percent of Class I sales were incorporated in the order, it would not be expected to have any effect in the seasonally high production months of April through June. During the months of July through March the compensatory payment rate herein provided of the difference between the Class I price and uniform price would adjust itself automatically to changes in the relationship between the producer milk supply and the Class I sales of the market. Thus, with producer milk receipts at a ratio of less than 120 percent of Class I sales the compensatory payment rate would be relatively small or completely nonexistent. In view of this, there is no need for providing in the order that the compensatory payment provision shall be inoperative when producer receipts are below 120 percent of Class I sales. Moreover, such a provision would be harmful to the best interests of the market by encouraging handlers to limit their purchases of producer milk and thereby bring about an uneconomic procurement pattern for the market at the expense of nearby dairy farmers.

(d) *Distribution of the proceeds to producers.* A marketwide equalization pool should be included in the order as a means of distributing to producers the proceeds from the sale of their milk. Such a pool will assure each producer supplying the market that he will receive a return based on his pro rata share of the Class I sales of the entire market. The "blend" price that a producer receives will depend on the overall utilization of all producer milk received at the pool plants of all regulated handlers during the month. Although each handler subject to the order will be required to pay uniform prices for producer milk in accordance with the classification of such milk pursuant to the order, the minimum blend prices payable to producers will be the same for all producers in the market irrespective of the use made of such milk by the individual handler.

The uniformity of payments to producers which is provided under a marketwide pool permits a handler either to maintain a manufacturing operation in his plant to handle the seasonal and daily reserve supplies of milk or to limit the operation at his plant to the handling of milk for Class I purposes only, without affecting the blend prices payable to his producers as against other producers in the market. The facilities in the various plants in the area for handling producer milk which is in excess of that needed for Class I purposes vary considerably. While a number of plants in the market are exclusively Class I operations and handle no surplus milk, many plants which would be subject to the order handle substantial quantities of milk for manufacturing purposes. Under these conditions a marketwide pool in the Des Moines marketing area will facilitate the marketing of producer milk. A marketwide pool will make it possible for the producers' associations to assist in diverting seasonal reserve milk and thus keep producers on the market who are needed to fulfill the year-round requirements of the market. It assists in apportioning among all producers the lower returns from reserve milk where otherwise this burden may be placed on individual groups of producers. A marketwide pool will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk.

Although Order No. 105, regulating the handling of milk in the nearby North Central Iowa marketing area provides for individual handler pools, there was no support at the hearing for this type of pooling under the Des Moines order. Marketing conditions in the proposed Des Moines marketing area are significantly different from those in the North Central Iowa market. Most marked in this regard is that the principal cooperative in the Des Moines order market operates a plant and utilizes for manufacturing purposes any milk not needed by its buying handlers for Class I purposes. None of the major producer organizations in the North Central Iowa market operates a plant. Moreover, no handler, under the North Central Iowa order carries an undue proportion of excess milk in order to supply other handlers with supplemental milk. In the Des Moines order market this is not the case, and the sharing by all producers on the market of the Class I sales and the burden of surplus through the medium of a marketwide pool would, in conjunction with the various other provisions contained in the attached proposed order, best effectuate the intent of the act in the area proposed to be regulated.

Producers proposed a "Louisville plan" of fall production incentive payments. Such a plan provides for setting aside a portion of the payments made by handlers for producer deliveries in the spring months of flush production to be paid to producers on the basis of their deliveries during the fall months of low production. Except for the operation of such a plan by the cooperative association supplying the handler in Grinnell, the Louisville plan of distributing returns to producers is not now used in the market.

Handlers did not support the proposal for a Louisville plan but suggested instead the adoption of a base and excess plan for distributing returns to producers. Producers stated that they would have no objection to the order making provision for a base and excess plan if the record failed to support the inclusion of a Louisville plan in the order.

There are a number of base and excess plans in operation throughout the milkshed area. This method of distributing returns to producers is utilized in various forms by a number of handlers in the market. While the principles embodied in the base and excess plans now in operation are fundamentally the same, there are many differences in the practices followed in administering them and in the months used for the base forming and base paying periods.

The Des Moines Cooperative Dairy, the major producer organization in the area, operates neither a base and excess plan nor a Louisville plan in distributing returns to producers. Although the association was a proponent of a Louisville plan provision, a spokesman for the cooperative stated that the association would not be unfavorable to having a base and excess plan in the proposed order.

The seasonal pricing in the proposed Des Moines order follows the same pattern as the Class I pricing provisions in the nearby North Central Iowa and Cedar Rapids-Iowa City Federal orders, neither of which provides for a Louisville plan or a base and excess plan.

The price of Class I milk in the attached proposed order, which is calculated by adding 30 cents to the Chicago order Class I price varies seasonally by significant amounts. For example, the Class I price of $4.50 which would have prevailed for November 1956 is 59 cents above the $3.91 Class I price which would have resulted the following May. In contrast, the prices which have been paid for milk used for Class I purposes by handlers who would be subject to the proposed order have varied relatively little seasonally or have remained at fixed levels for indefinite periods. The seasonal pricing recommended in this decision, by returning to producers a higher price for fall production and a correspondingly lower price in the spring months of high production than have generally prevailed in the market, will provide to a considerable extent the incentive for more even production throughout the year, the purpose for which a Louisville plan is frequently employed. In view of this, no provision should be made at this time for including a Louisville plan in the order.

It would be neither desirable nor administratively practicable to provide for a base and excess plan within the framework of the proposed order at this time. Even though some producer groups in the milkshed have been paid on the basis of various base and excess plans and have, in some degree, adapted their production to the particular schemes under which they operate, producers who represent a major portion of the milk produced for the market have not been paid in accordance with such a plan. Such producers would need some time to adapt their dairy farm operations to an order with a base and excess plan.

While there might be some merit to making provision at this time for a Louisville plan or a base and excess plan that would become operative at a date subsequent to the effective date of the order, it would be more appropriate, if any action is then warranted, to give consideration to such plans at a hearing after the order had been in effect for a reasonable period of time. By then the information gained through operation of the order, which information would then be available to the market, could be used ad-

vantageously in determining whether there is then justification for a Louisville plan or a base and excess plan and what the provisions of such plan should be.

Payments to producers. The order should provide that each handler shall pay each producer for milk received from such producer, and for which payment is not made to a cooperative association, at not less than the applicable uniform price on or before the 15th day after the end of each month. Since it has been the practice in this area for handlers to pay producers semimonthly, provision should be made for partial payments to producers on or before the last day of each month for milk delivered during the first 15 days of such month at not less than the Class II milk price per hundredweight for the preceding month. No adjustment for butterfat content is required on such partial payment.

It was proposed by producers that provision be made for a cooperative association to receive payment for the producer milk which it causes to be delivered to a pool plant. The taking of title to milk of its members and the blending of the proceeds for the sale of such milk will tend to promote the orderly marketing of milk and will assist a cooperative association in discharging its responsibility to its members and to the market. Such functions can be accomplished more expediently if the association is collecting payments for the sales of members' milk.

The contracts with their members authorize the principal cooperative in the market to collect payment for producer milk. The act provides for the payment by handlers to cooperative associations of producers for milk delivered by them and permits the blending of all proceeds from the sale of members' milk. It is concluded, therefore, that each handler shall, if requested by a cooperative association, pay such association an amount equal to the sum of the individual payments otherwise payable to such producers. Handlers should be required to make such payments to the cooperative association on or before the 26th of the month for milk received during the first 15 days of the month and make the final settlement for milk received during the month on or before the 13th day of the following month.

At the time final settlement is made for milk received from producers during the month, the handler should be required to furnish to each producer a supporting statement. Such statement should show the pounds and butterfat tests of milk received from him, the rate of payment for such milk and a description of any deductions claimed by the handler.

Producer-settlement fund. Because all producers will receive payment at the rate of the marketwide uniform price each month and because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers for such milk at the applicable uniform price would pay the difference into the producer-settlement fund, and each handler whose obligation for producer milk is less than the applicable uniform price value would receive payment of the difference from the fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached order is similar to that contained in all other Federal orders with marketwide pools.

Experience has indicated that it is desirable to set aside a reasonable reserve or balance in such fund at the end of each month. Such a reserve is necessary in order to provide for contingencies such as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve which would be operated as a revolving fund and adjusted each month, is established in the attached order at not less than four nor more than five cents per hundredweight of producer milk in the pool for the month. The unobligated balance in the producer-settlement fund remaining from the preceding month would be added to the values used in calculating the uniform prices each month. The amount of the reserve which is provided herein should be adequate to enable the producer-settlement fund to perform its function efficiently.

As indicated elsewhere in this decision compensatory payments received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited into the producer-settlement fund would be included in the uniform price computation and thereby be distributed to all producers on the market.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers would be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount. The remaining amounts due such handlers from the fund would be paid as soon as the balance in the fund becomes adequate to meet such payments, and handlers would then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has failed to make the required payments to the producer-settlement fund for the preceding month would be eliminated in the computation of the uniform price.

(e) *Administrative provisions.* Provisions should be included in the order with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term denotes the same meaning. Such terms as are defined in the attached order are common to many other Federal milk orders.

Market administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

Records and reports. Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make reports necessary to establish classification of approved milk and payments due therefor. Time limits must be prescribed for filing such reports and for making the payments therefor.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of approved milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the order.

As indicated elsewhere in this decision, detailed reports to the market administrator and complete records available for his inspection by all handlers would be used to determine whether the plants of such handlers qualify as pool plants. Reports of handlers operating nonpool plants from which fluid milk products are distributed in the marketing area are needed by the market administrator in order to compute the amounts payable to the producer-settlement fund on such unpriced milk.

In addition to the regular reports required of handlers, provision is made for a handler to notify the market administrator when he intends to divert producer milk or when he intends to import other source milk. This will facilitate the check-testing program of the market administrator. Such information on a marketwide basis also may assist handlers in locating local sources of producer milk and expedite the transfer of such milk among handlers.

It is necessary that handlers retain records to prove the utilization of the milk and that proper payments were made thereto. Since the books and records of all handlers cannot be completed or audited immediately after the milk has been delivered to a plant, it therefore becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain such books and records and on the period of time in which obligations under the order shall terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision, covering the retention of records and limitation of claims, is equally applicable in this situation and is adopted as a part of this decision.

Expense of administration. Each handler should be required to pay the market administrator, as his pro rata share of the cost of administering the order, not more than 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, on (a) producer milk, (b) other source milk at a pool plant which is classified as Class I milk, and (c) approved milk received at a nonpool plant.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. The record indicates that other source milk is received by some handlers to supplement local supplies of approved milk. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to approved milk (which includes a handler's own production) and to other source milk allocated to Class I milk.

If a nonpool handler from whose plant Grade A milk is distributed in the marketing area elects to make payment to the producer-settlement fund at the rate of payment applied to other source milk at a pool plant (instead of making payment for milk received from dairy farmers according to the utilization at such plant at not less than the prices prescribed in the order) the scope of the audit of his records by the market administrator would be significantly lessened. Under such circumstances, it would be necessary to ascertain only the quantities of fluid milk products distributed in the marketing area from such plant during the month and the percentage that such distribution is of the total receipts of such plant. In such instances, only the fluid milk products disposed of in the marketing area from the nonpool plant should be subject to the administrative assessment.

In view of the anticipated volume of milk and the cost of administering orders in markets of comparable circumstances, it is concluded that an initial rate of 4 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 4 cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

Marketing services. Provision should be made in the order for furnishing marketing services to producers, such as verifying tests and weights and furnishing market information. These services should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a cooperative association is performing such services for any member producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own service.

There is a need for a marketing service program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are based on the pricing provisions of the order, and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

An important phase of the marketing service program is to furnish producers with current market information. Detailed information regarding market conditions is not now regularly available either to producers or to cooperative associations. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a marketwide basis to all producers.

To enable the market administrator to furnish such services, provision should be made for a maximum deduction of 5 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the extent of the milkshed and the volume of milk involved with that of several other markets now under Federal regulation indicates that this will reflect the maximum cost of such services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings, and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above.

To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in Des Moines, Iowa, marketing area", and "Order regulating the handling of milk in the Des Moines, Iowa, marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Des Moines, Iowa, marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of May 1958 is hereby determined to be the representative period for the conduct of such referendum.

Hobart E. Crone is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this decision is published in the FEDERAL REGISTER.

Issued at Washington, D. C., this 30th day of July 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order [1] Regulating the Handling of Milk in the Des Moines, Iowa, Marketing Area

Sec.
1023.0 Findings and determinations.

DEFINITIONS

1023.1 Act.
1023.2 Secretary.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

Sec.
1023.3 Department.
1023.4 Person.
1023.5 Cooperative association.
1023.6 Des Moines, Iowa, marketing area.
1023.7 Approved dairy farmer.
1023.8 Producer.
1023.9 Distributing plant.
1023.10 Supply plant.
1023.11 Approved plant.
1023.12 Pool plant.
1023.13 Nonpool plant.
1023.14 Handler.
1023.15 Producer-handler.
1023.16 Approved milk.
1023.17 Producer milk.
1023.18 Fluid milk product.
1023.19 Other source milk.
1023.20 Base zone.
1023.21 Chicago butter price.

MARKET ADMINISTRATOR

1023.25 Designation.
1023.26 Powers.
1023.27 Duties.

REPORTS, RECORDS AND FACILITIES

1023.30 Reports of receipts and utilization.
1023.31 Other reports.
1023.32 Records and facilities.
1023.33 Retention of records.

CLASSIFICATION

1023.40 Skim milk and butterfat to be classified.
1023.41 Classes of utilization.
1023.42 Shrinkage.
1023.43 Responsibility of handlers and reclassification of milk.
1023.44 Transfers.
1023.45 Computation of the skim milk and butterfat in each class.
1023.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1023.50 Class prices.
1023.51 Butterfat differentials to handlers.
1023.52 Location differentials to handlers.
1023.53 Use of equivalent prices.

APPLICATION OF PROVISIONS

1023.60 Producer-handler.
1023.61 Plants subject to other Federal orders.
1023.62 Handlers operating nonpool plants.
1023.63 Rate of payment on unpriced milk.

DETERMINATION OF UNIFORM PRICE

1023.70 Computation of value of milk at each approved plant.
1023.71 Computation of aggregate value used to determine uniform price.
1023.72 Computation of uniform price.

PAYMENT FOR MILK

1023.80 Time and method of payment.
1023.81 Butterfat differentials to producers.
1023.82 Location differentials to producers.
1023.83 Producer-settlement fund.
1023.84 Payments to the producer-settlement fund.
1023.85 Payments out of the producer-settlement fund.
1023.86 Adjustment of accounts.
1023.87 Marketing services.
1023.88 Expense of administration.
1023.89 Termination of obligations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

1023.90 Effective time.
1023.91 Suspension or termination.
1023.92 Continuing power and duty of the market administrator.
1023.93 Liquidation after suspension or termination.

MISCELLANEOUS PROVISIONS

1023.100 Separability of provisions.
1023.101 Agents.

AUTHORITY: §§ 1023.0 to 1023.101 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c.

§ 1023.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Des Moines, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1023.46, and (c) approved milk received at a nonpool plant: *Provided*, That if payment for such milk is not made pursuant to § 1023.80 (b) the expense of administration payable shall be applicable only to the Class I milk disposed of in the marketing area (except to a pool plant) from such plant.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Des Moines, Iowa, marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1023.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1023.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1023.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal Agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 1023.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1023.5 *Cooperative Association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 1023.6 *Des Moines, Iowa, Marketing Area.* "Des Moines, Iowa, marketing area" (hereinafter called the "marketing area"), means all the territory within the boundaries of the city of Grinnell and the counties of Adair, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Guthrie, Jasper, Lucas, Madison, Mahaska, Marion, Monroe, Polk, Story, Union, Warren, Wapello, and Wayne, all in the State of Iowa, including territory within such boundaries which is occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other establishments.

§ 1023.7 *Approved dairy farmer.* "Approved dairy farmer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received at an approved plant.

§ 1023.8 *Producer.* "Producer" means an approved dairy farmer whose milk is received at a pool plant.

§ 1023.9 *Distributing plant.* "Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 1023.10 *Supply plant.* "Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 1023.12.

§ 1023.11 *Approved plant.* "Approved plant" means a pool plant or a distributing plant which is not a pool plant.

§ 1023.12 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) or (c) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year: *And provided further*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(c) A plant operated by a cooperative association whose members are the majority of the total number of producers shipping to pool plants of other handlers during the month: *Provided*, That if a portion of such association's plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

§ 1023.13 *Nonpool plant.* "Nonpool plant" means any plant other than a pool plant which receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 1023.14 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of one or more approved plants, or (b) any cooperative association with respect to the milk from approved dairy farmers diverted by the association for the account of such association from an approved plant to a nonpool plant.

§ 1023.15 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from approved dairy farmers or from sources other than approved plants.

§ 1023.16 *Approved milk.* "Approved milk" means the skim milk and butterfat contained in milk received at an approved plant directly from an approved dairy farmer: *Provided*, That milk diverted from an approved plant to a nonpool plant for the account of either the operator of the approved plant or a cooperative association shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further*, That in any of the months of July through March milk diverted from the farm of an approved dairy farmer on more than the number of days that milk was delivered to an approved plant from such farm during the month shall not be deemed to have been received by the diverting handler at the plant from which diverted on such days.

§ 1023.17 *Producer milk.* "Producer milk" means approved milk which is received at a pool plant.

§ 1023.18 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and cream (except aerated cream products, sour cream, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 1023.19 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) approved milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1023.20 *Base zone.* "Base zone" means all the territory within the boundaries of Polk County, Iowa.

§ 1023.21 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1023.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1023.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1023.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1023.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1023.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1023.30 and 1023.31 or payments pursuant to §§ 1023.62, 1023.80, 1023.84, 1023.86, 1023.87, and 1023.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and disseminate publicly such statistics and informations as he deems advisable and as do not reveal confidential information;

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(j) Publicly announce and notify each handler in writing on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant

to § 1023.50 (a) and the Class I butterfat differential pursuant to § 1023.51 (a), both for the current month; and the minimum price for Class II milk pursuant to § 1023.50 (b) and the Class II butterfat differential pursuant to § 1023.51 (b) both for the preceding month; and

(2) The 10th day after the end of each month, the uniform price pursuant to § 1023.72, and the butterfat differential pursuant to § 1022.81; and

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests, the percentage of the milk caused to be delivered by the cooperative association or by its members to the pool plant of each handler during the month that was utilized in each class. For the purpose of this report the milk so delivered shall be allocated to each class in the same ratio as all producer milk received at such plant during the month.

REPORTS, RECORDS AND FACILITIES

§ 1023.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each of his approved plants, in the detail and on forms prescribed by the market administrator;

(a) The quantities of skim milk and butterfat contained in or represented by receipts of approved milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by approved milk diverted to nonpool plants pursuant to § 1023.16;

(e) Inventories of fluid milk products on hand at the beginning and end of the month; and

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 1023.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the number of days, if less than the entire month, for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at his pool plant, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1023.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to approved dairy farmers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1023.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1023.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 1023.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1023.41 to 1023.46.

§ 1023.41 *Classes of utilization.* Subject to the conditions set forth in § 1023.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2) of this section) and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be (1) skim milk and butterfat used to produce any product other than a fluid milk product; (2) skim milk disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity of verifying such dumping; (3) skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month; and (4) skim milk and butterfat in shrinkage allocated to receipts of approved milk and other source milk (except milk diverted to a nonpool plant pursuant to § 1023.16) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively.

§ 1023.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each approved plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in approved milk and other source milk.

§ 1023.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1023.44 *Transfers.* Skim milk or butterfat disposed of each month from an approved plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator pursuant to § 1023.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 1023.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 1023.46 (a) (2) and the corresponding step in paragraph (b) thereof: *And provided further*, That if other source milk was received at either or both plants the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson and Ottumwa, Iowa; and

(d) As Class I milk if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the Post Office of Corydon, Creston, Des Moines, Grinnell, Jefferson and Ottumwa, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1023.30 for the month within which such transactions occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided,* That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products so transferred or diverted and classified as Class I milk: *And provided further,* That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and other orders issued pursuant to the act is more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at an approved plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the act.

§ 1023.45 *Computation of the skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for each approved plant and shall compute the pounds of butterfat and skim milk in each class at each such plant: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water reasonably associated with such solids in the form of whole milk.

§ 1023.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 1023.45, the market administrator shall determine the classification of approved milk received at each approved plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to approved milk pursuant to § 1023.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in approved milk by 0.05, whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which were received in the form of fluid milk products which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products as determined pursuant to § 1023.44 (a);

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month; and

(9) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in approved milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of approved milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 1023.50 *Class prices.* Subject to the provisions of §§ 1023.51 and 1023.52 the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk established under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, plus 35 cents; *Provided,* That for milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

(b) *Class II milk price.* The Class II milk price shall be computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department, during the delivery period: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices for nonfat dry milk solids for human consumption, spray process, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month;

(3) Add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph; and

(4) Subtract 75.2 cents therefrom.

§ 1023.51 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1023.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II prices.* Multiply the Chicago butter price for the current month by 0.110.

§ 1023.52 *Location differentials to handlers.* For approved milk which is received at an approved plant located 60 miles or more from the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, Iowa, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1023.50 shall be reduced by 10 cents for the first 75 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the Post Offices of Corydon, Creston, Des Moines, Jefferson, Grinnell, and Ottumwa: *Provided,* That for the

purpose of calculating such location differential, fluid milk products which are transferred between approved plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 1023.46 (a) (4), and the comparable steps in § 1023.46 (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1023.53 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1023.60 *Producer-handler.* Sections 1023.40 to 1023.46, 1023.50 to 1023.52, 1023.70 to 1023.72 and 1023.80 to 1023.88 shall not apply to a producer-handler.

§ 1023.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 1023.12 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Des Moines marketing area than in the marketing area regulated pursuant to such other order: *Provided,* That the operator of a distributing plant or a supply plant which is exempt from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1023.30) and allow verification of such reports by the market administrator.

§ 1023.62 *Handlers operating nonpool plants.* Unless payment for approved milk at such plant is made pursuant to § 1023.80 (b), each handler in his capacity as the operator of a nonpool plant shall, on or before the 13th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount obtained by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month by the rate determined pursuant to § 1023.63.

§ 1023.63 *Rate of payment on unpriced milk.* The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk;

(a) During the months of April, May and June, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through March, the uniform price pursuant to § 1023.72 adjusted by the Class I butterfat differential.

DETERMINATION OF UNIFORM PRICE

§ 1023.70 *Computation of value of milk at each approved plant.* The value of approved milk received during each month at each approved plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1023.46 (a) (9) and the corresponding step of (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of (1) the hundredweight of approved milk classified in Class II less shrinkage during the preceding month or (2) the hundredweight of milk subtracted from Class I pursuant to § 1023.46 (a) (8) and the corresponding step of (b);

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1023.46 (a) (2) and (3) and the corresponding step of (b) by the rate of payment on unpriced milk determined pursuant to § 1023.63 at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided,* That if the source of any such fluid milk product received at an approved plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the approved plant where it is classified.

§ 1023.71 *Computation of aggregate value used to determine uniform price.* For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content, f. o. b. plants located within the base zone, as follows:

(a) Combine into one total the values computed pursuant to § 1023.70 for all pool plants for which the reports prescribed in § 1023.30 for such month were made, except those in default of payments required pursuant to § 1023.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the hundredweight of such producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1023.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 1023.72 *Computation of uniform price.* For each month the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content f. o. b. pool plants located within the base zone, as follows:

(a) Divide the aggregate value computed pursuant to § 1023.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The resulting figure shall be the uniform price for producer milk.

PAYMENT FOR MILK

§ 1023.80 *Time and method of payment.* (a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (c) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 15th day after the end of each month, for producer milk received during such month, an amount computed at not less than the uniform price adjusted pursuant to §§ 1023.81, 1023.82 and 1023.87 and less the payment made pursuant to subparagraph (1) of this paragraph.

(b) Unless payment is made to the producer-settlement fund pursuant to § 1023.62, each handler shall make payment on or before the 15th day after the end of each month to each approved dairy farmer for approved milk received from him during the month at an approved plant which is a nonpool plant at not less than the price per hundredweight, adjusted by the butterfat differential pursuant to § 1023.81, obtained by dividing the value of approved milk at such plant computed pursuant to § 1023.70 by the hundredweight of approved milk at such plant: *Provided,* That if the total amount paid to such approved dairy farmers is less than that prescribed by this paragraph, payment of the difference shall be made to the producer-settlement fund.

(c) Each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(d) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1023.81 *Butterfat differentials to producers.* The uniform price for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1023.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1023.82 *Location differentials to producers.* (a) The uniform price for producer milk received at a pool plant located 60 miles or more from the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, Iowa, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced by 10 cents for the first 75 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa; and

(b) The uniform price for producer milk received at a pool plant outside the base zone shall be reduced 10 cents.

§ 1023.83 *Producer-settlement fund.* The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1023.62, 1023.80, 1023.84, 1023.85, and 1023.86; *Provided,* That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1023.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1023.80 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1023.70.

§ 1023.85 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 1023.80, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1023.70: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 1023.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 1023.86 *Adjustment of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund pursuant to §§ 1023.84 and 1023.85, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 15 days of such billing, make payments to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by § 1023.80 the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

§ 1023.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1023.80 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1023.88 *Expense of administration.* As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to butterfat and skim milk contained in (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1023.46, and (c) approved milk received at a nonpool plant: *Provided,* That if payment for such milk is not made pursuant to § 1023.80 (b), the expense of administration payable pursuant to this section shall be applicable only to the Class I milk disposed of in the marketing area (except to a pool plant) from such plant.

§ 1023.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraph (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's utilization report on milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler falls or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a

fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c (15) (a) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1023.90 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1023.91 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. The part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1023.92 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1023.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under this control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1023.100 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1023.101 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

[F. R. Doc. 58-5990; Filed, Aug. 4, 1958; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Ch. I]

[Economic Regs., Draft Release No. 95-A]

OPERATIONS PERMITTED BY FOREIGN AIR CARRIERS

SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING; EXTENSION OF TIME TO SUBMIT COMMENTS

JULY 30, 1958.

The Board gave notice in 23 F. R. 4704 and by circulation of Civil Air Regulations Draft Release No. 95, dated June 20, 1958, that it had under consideration an interpretative rule relating to certain aspects of the authority of holders of foreign air carrier permits issued pursuant to section 402 of the act (Docket No. 9240). In its notice the Board requested that interested parties submit such comments as they may desire not later than August 7, 1958.

The Board has been requested to extend the date for return of comments on the questions outlined in its aforesaid Notice to August 28, 1958.

The undersigned, acting under authority duly delegated to him by the Board, finds that good cause has been shown for the aforestated request and that the request is reasonable and not inconsistent with the public interest. Notice, therefore, is hereby given that the time within which comments on Draft Release No. 95 will be received is extended to August 28, 1958.

(Sec. 205 of the Civil Aeronautics Act, as amended, 52 Stat. 984; 49 U. S. C. 425)

[SEAL] FRANKLIN M. STONE,
General Counsel.

[F. R. Doc. 58-6014; Filed, Aug. 4, 1958; 8:55 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CYPRESS AUCTION YARD ET AL.

PROPOSED POSTING OF STOCKYARDS

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Cypress Auction Yard, Cypress, California.
Owen Brothers Livestock Commission Company, Texarkana, Texas.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication thereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 30th day of July, 1958.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 58-5992; Filed, Aug. 4, 1958; 8:50 a. m.]

JONESBORO STOCKYARDS, INC.

DEPOSTING OF STOCKYARD

It has been ascertained that the Jonesboro Stockyards, Inc., Jonesboro, Arkansas, originally posted on June 20, 1941, as being subject to the Packers

and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it is no longer being conducted or operated as a public market. Accordingly, notice is given to the owner thereof and to the public that such livestock market is no longer subject to the provisions of the Act.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which no longer is within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 30th day of July 1958.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 58-5993; Filed, Aug. 4, 1958; 8:50 a. m.]

CERTAIN OFFICIALS

DELEGATION OF AUTHORITY TO EXECUTE CERTAIN DOCUMENTS AND FUNCTIONS

Pursuant to the assignment of functions and the authority delegated (22 F. R. 1452) to the undersigned, the following delegations of authority and assignment of functions are hereby made:

1. Authority is hereby delegated to the various Market Administrators of Federal Milk Orders, to the various marketing specialists of the Market Orders Branch, Dairy Division, and to the various marketing specialists of the Fruit and Vegetable Division, charged with the responsibility of representing said Director in the respective areas, to perform the functions of the Deputy Administrator prescribed by the general regulations in section 900.4 (b) and (c) as follows:

(a) Except in the case of a new program pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), the various market administrators of Federal Milk orders in respect to a hearing regarding an order administered by him, shall mail a true copy of the notice of hearing to each of the persons known to him to be interested in the hearing, based upon records available to the market administrator in the respective area, as required by the General Regulations in § 900.4 (b) (1) (ii), (23 F. R. 4027), and execute an affidavit or certificate as therein prescribed.

(b) In the case of new programs and programs in operation pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the various marketing specialists of the Market Orders Branch, Dairy Division, charged with the responsibility of representing the Director in connection with hearings regarding proposed milk orders or amendments to existing milk orders with respect to which a notice of hearing has been issued, shall, except as notification has been given pursuant to paragraph 1 (a) hereof, mail a true copy of the notice of hearing to each of the persons known to such representatives to be interested in such hearing as required by the General Regulations in § 900.4 (b) (1) (ii), (23 F. R. 4027), and execute the affidavit or certificate as therein prescribed.

(c) The marketing specialist of the Fruit and Vegetable Division, charged with the responsibility of representing the Director in the respective areas subject to regulation by the order or the proposed order in question concerning other than milk with respect to which a notice of hearing has been issued, shall mail a true copy of the notice of hearing to each of the persons, disclosed by the information available to such representative in the respective areas subject to regulation or proposed to be regulated, to be interested in such hearing as required by the General Regulations in § 900.4 (b) (1) (ii), (23 F. R. 4027), and execute the affidavit or certificate as therein prescribed.

2. Authority is hereby delegated to the Information Specialists, Marketing Information Division, Agricultural Marketing Service, in Washington, D. C., or in the various area offices, to make available a copy of the press release issued by the Department to such newspapers in the area, subject to regulation, or proposed to be subjected to regulation, as will tend to bring the notice to the attention of interested persons as required by § 900.4 (b) (1) (iii) of the general regulations (23 F. R. 4027) and to execute the affidavit or certificate as therein prescribed.

3. Authority is hereby delegated to the Hearing Clerk, United States Department of Agriculture, to notify the Governors of the several states of the United States and the Executive Heads of the Territories and Possessions of the United States as the Deputy Administrator has determined shall be notified, by forwarding copies of the notice of hearing to them, as required by § 900.4 (b) (1) (iv) of the general regulations (23 F. R. 4027). Hereafter, where a determination has been made with respect to an order, the same officials shall be notified with respect to a later hearing on such order until such determination has been amended, and to execute the affidavit or certificate as therein prescribed.

4. If for any reason, any officer or employee of the Department, assigned functions hereunder, finds it impractical or impossible to give the notice involved with respect to any hearing, he shall immediately notify the Director concerned of such facts with the reasons for his so finding in order that a decision may be made as to the need for a determination being filed in the proceeding as prescribed in § 900.4 (c) of said regulations.

Done at Washington, D. C., this 31st day of July 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] H. L. FOREST,
Director, Dairy Division, Agricultural Marketing Service.

FRANKLIN THACKREY,
Director, Marketing Information Division, Agricultural Marketing Service.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6009; Filed, Aug. 4, 1958; 8:54 a. m.]

Office of the Secretary

ADMINISTRATOR, COMMODITY STABILIZATION SERVICE

DELEGATION OF AUTHORITY TO AUTHORIZE SETOFF

The Administrator, Commodity Stabilization Service, is hereby delegated the authority to specifically authorize setoff pursuant to § 13.3 (e) of the setoff regulations published in the FEDERAL REGISTER, dated May 30, 1958 (23 F. R. 3757). The authority delegated hereunder may be redelegated by the said Administrator.

Issued this 31st day of July 1958.

[SEAL] MARVIN L. McLAIN,
Acting Secretary.

[F. R. Doc. 58-6013; Filed, Aug. 4, 1958; 8:55 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-109]

AMERICAN MACHINE & FOUNDRY CO.

NOTICE OF FILING OF APPLICATION FOR FACILITY EXPORT LICENSE

Please take notice that American Machine & Foundry Company, 261 Madison Avenue, New York 16, New York, has submitted an application dated June 11, 1958, for a license to export a 5,000 kilowatt tank-type research reactor to Osterreichische Studiengesellschaft Fur Atomenergie Gesellschaft m. b. h., Austria.

Pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", and upon finding that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with the Government of Austria, the Commission may issue a facility export license au-

thorizing the export of the reactor to Austria.

In its review of applications for licenses sought solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactors.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission within 30 days after the filing of this notice with the Federal Register Division.

Dated at Germantown, Md., this 30th day of June 1958.

For the Atomic Energy Commission.

E. R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F. R. Doc. 58-6091; Filed, Aug. 1, 1958; 4:01 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9746]

AEROVIAS "Q" S. A.

NOTICE OF HEARING

In the matter of the application of Aerovias "Q" S. A. for an amendment of its foreign air carrier permit authorizing foreign air transportation of persons, property and mail between Havana, Cuba, and Palm Beach, Florida, by including Fort Lauderdale, Florida, as a co-terminal point with Palm Beach on said route.

Notice is hereby given that the hearing in the above-entitled proceeding is assigned to be held on August 11, 1958, at 10:00 a. m., e. d. s. t., in Room 1510, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., July 29, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-6015; Filed, Aug. 4, 1958; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15546]

TEXAS CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

The Texas Company (Operator) (Respondent), on June 27, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 2.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until August 2, 1958, and thereafter to permit it to become effective as of that date: *Provided*, That within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 2, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of August 2, 1958: *Provided, however*, That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of _____ to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes.

In conformity with the requirements of the order issued _____, in Docket No. G-_____ hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

_____
By _____

Attest:

_____
(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of

paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5973; Filed, Aug. 4, 1958; 8:45 a. m.]

[Docket No. G-15550]

UNION PRODUCING CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Union Producing Company (Operator) et al. (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 30, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 89. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 76. Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 86. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 88. Supplement No. 12 to Respondent's FPC Gas Rate Schedule No. 207. Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 208.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rates and charges so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until August 2, 1958, and thereafter to permit them to become effective as of that date; provided, that within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rates be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements to Respondent's FPC Gas Rate Schedules.

(B) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rates, charges, and classifications set forth in the above-designated supplements to Respondent's FPC Gas Rate Schedules shall be effective as of August 2, 1958: *Provided, however,* That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of _____ to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes.

In conformity with the requirements of the order issued _____, in Docket No. G-_____, _____ hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order; and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

_____

By _____

Attest:

_____

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc 58-5974; Filed, Aug. 4, 1958; 8:45 a. m.]

[Docket No. G-15551]

SHELL OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Shell Oil Company (Respondent) on July 1, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of Change.

Purchasers: (1) Transcontinental Gas Pipe Line Corporation. (2 and 3) Arkansas Louisiana Gas Company. (4) Tennessee Gas Transmission Company. (5 and 6) United Gas Pipe Line Company.

Rate schedule designation: 1. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 25. 2. Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 30. 3. Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 31. 4. Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 49. 5. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 53. 6. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 54.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rates and charges so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until August 2, 1958, and thereafter to permit them to become effective as of that date; provided, that within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rates be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements to Respondent's FPC Gas Rate Schedules.

(B) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rates, charges, and classifications set forth in the above-designated supplements to Respondent's FPC Gas Rate Schedules shall be effective as of August 2, 1958: *Provided, however*, That within 20 days from the date of this order, Respondent shall execute a file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of _____ To Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes.

In conformity with the requirements of the order issued _____, in Docket No. G-____, _____ hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

By _____

Attest:

_____ (Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R Doc. 58-5975; Filed, Aug. 4, 1958; 8:45 a. m.]

[Docket No. G-15575]

DAVID CROW

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

David Crow, Trustee (Respondent), on July 1, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, June 27, 1958.

Purchaser: Transcontinental Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 2.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until August 2, 1958, and thereafter to permit it to become effective as of that date; provided, that within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 2, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of August 2, 1958: *Provided, however*, That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order become effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of _____ to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes.

In conformity with the requirements of the order issued _____, in Docket No. G-____, _____ hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

By _____

Attest:

_____ (Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If the Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5976; Filed, Aug. 4, 1958; 8:46 a. m.]

[Docket No. G-15584]

E. J. HUDSON ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

E. J. Hudson et al. (Respondent), on July 7, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: Tennessee Gas Transmission Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 6.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act of No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until August 2, 1958, and thereafter to permit it to become effective as of that date: *Provided*, That within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforce-

ment of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 2, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of August 2, 1958: *Provided, however,* That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of ---------- to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes.

In conformity with the requirements of the order issued ----------, in Docket No. G-------, ---------- hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ------ day of ----------.

By ----------

Attest:

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5977; Filed, Aug. 4, 1958; 8:46 a. m.]

[Docket No. G-15585]

MOUND CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

Mound Company et al. (Respondent), on July 10, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: American Louisiana Pipeline Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 14.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until August 2, 1958, and thereafter to permit it to become effective as of that date; provided, that within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 2, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of August 2, 1958: *Provided, however,* That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of ---------- to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes.

In conformity with the requirements of the order issued ----------, in Docket No. G-------, ---------- hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ------ day of ----------.

By ----------

Attest:

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5978; Filed, Aug. 4, 1958; 8:46 a. m.]

[Docket No. G-15120]

COLORADO INTERSTATE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 29, 1958.

Take notice that Colorado Interstate Gas Company (Applicant), a Delaware corporation with a principal place of business in Colorado Springs, Colorado, filed on May 16, 1956, an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a measuring station in the Hugoton Field in Kansas for the sale and delivery of approximately 800,000 Mcf annually to Kansas-Colorado Utilities, Inc., for the period ending December 31, 1959, subject to the jurisdiction of the Commission, all as more fully represented in the application on file with the Commission and open for public inspection.

The application recites Applicant's gas supply is temporarily in excess of its system requirements, due in part to Applicant's acquisition of additional reserves to support the expansion program proposed in Docket No. G-10176, not yet authorized by the Commission.

The estimated capital cost of the proposed facilities is $4,411, which will be defrayed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 4, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 18, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5979; Filed, Aug. 4, 1958; 8:47 a. m.]

[Docket No. G-4904]

PAN AMERICAN PETROLEUM CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 30, 1958.

Take notice that Pan American Petroleum Corporation (Applicant), an independent producer, filed an application on November 16, 1954, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

In its application filed on November 16, 1954, Applicant seeks authority to sell natural gas in interstate commerce to Cities Service Gas Company (Cities), for resale from production in the Hugoton Field, under a basic contract dated June 23, 1950.

On September 26, 1957, and January 9, 1958, Applicant supplemented its original application herein, deleting certain acreages assigned to Graham-Michaelis Drilling Company and Edwin G. Bradley, respectively. In the supplement filed September 26, 1957, Applicant shows that by five assignments, one dated October 30, 1956; two dated November 9, 1956 and two dated January 2, 1957, it assigned approximately 1,760 acres to Graham-Michaelis Drilling Company. In the supplement filed Janu-

ary 9, 1958, Applicant deleted 480 acres assigned to Edwin G. Bradley, by an assignment dated June 26, 1956.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 9, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 20, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5980; Filed, Aug. 4, 1958; 8:47 a. m.]

[Docket No. G-6067]

SUPERIOR OIL CO.

NOTICE OF MOTION TO MODIFY CERTIFICATE

JULY 30, 1958.

Take notice that on June 2, 1958, The Superior Oil Company (Applicant) filed a motion for modification of the certificate of public convenience and necessity issued to it on May 9, 1955, in Docket No. G-6067 to sell gas to American Louisiana Pipe Line Company, so as to substitute one heretofore undedicated tract of about 22,500 acres, known as Block 71 Field, West Cameron Area, Louisiana, for two presently dedicated tracts aggregating about 9,500 acres, known as offshore Blocks 71 and 76, Vermilion Area, Louisiana, all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

The subject tracts are located offshore of southern Louisiana in the Gulf of Mexico. The original certificate authorization included other onshore and offshore producing areas from which natural gas was to be sold to American Louisiana Pipe Line Company (American Louisiana) pursuant to a gas sales contract dated July 17, 1953.

By filing on June 6, 1958, American Louisiana concurred in Applicant's motion for modification, and submitted estimates to the effect that the recoverable dry gas reserve in the acreage proposed to be dedicated is 86,621 MMcf as compared to combined proven recoverable dry gas reserve of 74,230 MMcf in the two tracts proposed to be deleted.

The proposed substitution will eliminate the necessity for Superior to construct about 49.5 miles of pipeline, largely offshore, to the deleted acreage. The tract proposed to be added will be crossed by a proposed 52 mile line, also largely offshore, to another dedicated tract.

Protests or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 18, 1958.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5981; Filed, Aug. 4, 1958; 8:47 a. m.]

[Docket No. G-12372]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 30, 1958.

Take notice that El Paso Natural Gas Company (Applicant) a Delaware corporation with its principal place of business at El Paso, Texas, filed an application on April 10, 1957 (supplemented on October 18, 1957) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of $1\frac{1}{2}$ miles of $3\frac{1}{2}$-inch pipeline and appurtenant facilities thereto for the sale and delivery of an additional 1551 Mcf per day of natural gas to the Apache Powder Company (Apache) an existing direct sale customer, upon an interruptible basis, for consumption by Apache in its industrial plant near Curtis, Cochise County, Arizona. The proposed lateral line will extend from a point on Applicant's existing $10\frac{3}{4}$-inch line at approximately 55 miles north of Station 5 and will loop the present 2-inch line to Apache and will become an integral part of Applicant's natural gas pipeline system.

The estimated cost of the proposed facilities is $22,700 which will be financed from the Applicant's working capital funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission, by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 4, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 18, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5982; Filed, Aug. 4, 1958; 8:47 a. m.]

[Docket No. G-15039]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 30, 1958.

Take notice that Mississippi River Fuel Corporation (Applicant) a Delaware corporation, with its principal place of business in St. Louis, Missouri, filed an application on May 5, 1958, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to make a field sale of natural gas from its interest in State Lease 2792 in the Coquille Bay Field, Plaquemines Parish, Louisiana, to Southern Natural Gas Company (Southern), under a gas sales contract dated February 1, 1958, executed by and between Southern, Applicant, Callery Properties, Inc. and Francis A. Callery.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 9, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 18, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5983; Filed, Aug. 4, 1958; 8:47 a. m.]

[Docket No. G-15261]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 29, 1958.

Take notice that on June 11, 1958, Northern Natural Gas Company (Applicant) filed in Docket No. G-15261 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of a measuring and regulating station on its 8-inch Austin, Minnesota, lateral pipeline for the purpose of rendering firm natural gas service to Interstate Power Company (Interstate) for resale in a housing addition northeast of Albert Lea, Freeborn County, Minnesota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The estimated cost of the proposed facilities will be $3,750. The estimated annual requirement of gas is 3,144 Mcf, with a peak day demand of 35 Mcf, for the estimated 18 homes and one State Highway Department involved. Sales will be made under the existing contract demand obligation of Northern to Interstate.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 2, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 18, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request thereof is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5984; Filed, Aug. 4, 1958; 8:48 a. m.]

[Docket No. G-15573]

DAVID CROW ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

David Crow, Trustee, et al. (Respondent), on July 2, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, June 30, 1958.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 2.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until August 2, 1958, and thereafter to permit it to become effective as of that date; provided, that within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 2, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of August 2, 1958: *Provided, however*, That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed:

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of ---------- to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes.

In conformity with the requirements of the order issued ----------, in Docket No. G--, ---------- hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ------ day of -------.

By ----------

Attest:

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5994; Filed, Aug. 4, 1958; 8:50 a. m.]

[Docket No. G-15574]

DAVID CROW

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

David Crow (Respondent) on July 1, 1958, tendered for filing a proposed change in his presently effective rate schedue for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, June 28, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 6.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until August 2, 1958, and thereafter to permit it to become effective as of that date; provided, that within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 2, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of August 2, 1958: *Provided, however,* That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner may be required by final order of Commission, the difference between presently effective rate and charge the proposed increased rate and charge hereby allowed to become effective in event the additional tax of one cent Mcf levied by the State of Louisiana for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana make refund, with interest, of the tax moneys collected pursuant to the said Act No. of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of ---------- to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes.

In conformity with the requirements of the order issued ----------, in Docket No. G--, ---------- hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ------ day of ----------.

By ----------

Attest:

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5995; Filed, Aug. 4, 1958; 8:51 a. m.]

[Docket No. G-15587]

CONTINENTAL OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

Continental Oil Company (Respondent), on July 7, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Arkansas Louisiana Gas Company.
Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 131.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until August 2, 1958, and thereafter to permit it to become effective as of that date: *Provided,* That within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 2, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of August 2, 1958: *Provided, however,* That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charged allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of _____ to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes.

In conformity with the requirements of the order issued _____, in Docket No. G-____, _____ hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

_____
By _____

Attest:

_____
(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by § § 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH GUTRIDE, *Secretary.*

[F. R. Doc. 58-5996; Filed, Aug 4, 1958; 8:51 a. m.]

[Docket No. G-15547]

TEXAS CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

The Texas Company (Operator) et al. (Respondent), on June 27, 1958, tendered

for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of changes, undated.
Purchaser: United Fuel Gas Company.
Rate schedule designation: (1) Supplement No. 10 to Respondent's FPC Gas Rate Schedule No. 3. (2) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 6.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rates and charges so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until August 2, 1958, and thereafter to permit them to become effective as of that date; provided, that within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rates be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements to Respondent's FPC Gas Rate Schedules.

(B) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rates, charges, and classifications set forth in the above-designated supplements to Respondent's FPC Gas Rate Schedules shall be effective as of August 2, 1958: *Provided, however,* That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of _____ to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes.

In conformity with the requirements of the order issued _____, in Docket No. G-_____, _____ hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____

By _____

Attest:

_____
(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5997; Filed, Aug. 4, 1958; 8:51 a. m.]

[Docket No. G-15556]

ARKANSAS FUEL OIL CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

Arkansas Fuel Oil Corporation (Respondent), on June 27, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated June 23, 1958.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 51.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until August 2, 1958, and thereafter to permit it to become effective as of that date; provided, that within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 2, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of August 2, 1958: *Provided, however,* That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of _____ to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes.

In conformity with the requirements of the order issued _____, in Docket No. G-_____, _____ hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____

By _____

Attest:

_____
(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5998; Filed, Aug. 4, 1958; 8:52 a. m.]

[Docket No. G-15572]

HUNT OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Hunt Oil Company (Respondent), on July 2 and 3, 1958, tendered for filing proposed changes in certain of its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, all undated.
Purchaser: (1) through (5) Arkansas Louisiana Gas Company. (6) United Gas Pipe Line Company.
Rate schedule designations: (1) Supplement No. 11 to Respondent's FPC Gas Rate Schedule No. 2. (2) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 3. (3) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 25. (4) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 29. (5) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 14. (6) Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 5.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rates and charges so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until August 2, 1958, and thereafter to permit them to become effective as of that date: *Provided,* That within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rates be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections

4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements to Respondent's FPC Gas Rate Schedules.

(B) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rates, charges, and classifications set forth in the above-designated supplements to Respondent's FPC Gas Rate Schedules shall be effective as of August 2, 1958: *Provided however*, That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of _____ to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes.

In conformity with the requirements of the order issued _____, in Docket No. G-__, _____ hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

_____

By _____

Attest:

_____

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5999; Filed, Aug. 4, 1958; 8:52 a. m.]

[Project No. 704]

CALIFORNIA OREGON POWER CO.

NOTICE OF MODIFICATION OF LAND WITHDRAWAL—OREGON

JULY 30, 1958.

Conformable to the provision of section 24 of the act of June 10, 1920 (41 Stat. 1063) as amended, this Commission, on July 19, 1926, gave notice of the reservation of approximately 160 acres of United States land pursuant to the filing by the California Oregon Power Company, on June 7, 1926, of an application for License for a transmission line right-of-way from its Copco plant in the State of California to Klamath Falls in the State of Oregon.

On February 4, 1958, the Licensee filed an application for amendment of License, supported by map "Exhibit K-1" (F. P. C. No. 704-13) filed February 5, 1958, which reflects changes in the alignment of the transmission line upon lands of the United States within Sec. 25, T. 40 S., R. 6 E., W. M., Oregon.

Therefore, in accordance with section 24 of the Federal Power Act (June 10, 1920) notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in project No. 704 and are, from the date of filing of completed application, February 5, 1958, reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

WILLAMETTE MERIDIAN

All portions of the following described subdivisions lying within a strip 100 feet wide (50 feet on each side of center line survey) as delimited upon a map designated "Exhibit K-1 sheet 1" (F. P. C. No. 704-13) entitled "Application for Amendment to License, The California Oregon Power Company, Transmission Line from Fall Creek, California, to Klamath Falls, Oregon, Detail Map" and filed in the Office of the Commission February 5, 1958.

T. 40 S., R. 6 E.,
Sec. 26: Lots 6, 7 and 8.

The general determination made by the Commission at its meeting of April 17, 1922, with respect to lands reserved for transmission line purposes only, is applicable to these lands.

This notice modifies that given July 19, 1926, insofar as it refers to the location of the transmission line in parts of the above-noted subdivisions. The area reserved under this notice embraces approximately 7.29 acres all of which have been heretofore reserved for power purposes under prior withdrawal for this project (No. 704), project No. 215, or Power Site Reserve No. 258.

A copy of map Exhibit "K-1" (F. P. C. No. 704-13) has been transmitted to the Bureau of Land Management and Geological Survey.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6000; Filed, Aug. 4, 1958; 8:52 a. m.]

GENERAL SERVICES ADMINISTRATION

GEM QUALITY DIAMONDS HELD IN NATIONAL STOCKPILE

PROPOSED DISPOSITION

Pursuant to the provisions of section 3 (e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U. S. C. 98b (e), notice is hereby given of a proposed disposition of approximately 47,049 carats of rough cuttable gem quality diamonds and approximately 8,412 carats of cut and polished gem quality diamonds now held in the national stockpile.

Such gem quality diamonds were obtained principally through transfer to the stockpile pursuant to section 6 (a) of the Strategic and Critical Materials Stock Piling Act at times when the stockpile objectives for industrial diamond stones had not been reached. Based upon the fact that the stockpile inventory of

industrial diamond stones now meets the stockpile objectives, the Office of Defense Mobilization, prior to July 1, 1958, made a revised determination, pursuant to section 2 (a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling gem quality diamonds.

General Services Administration proposes to sell said gem quality diamonds by competitive bidding, either through public auction or by formal advertising for sealed bids. In order to encourage bidding by all prospective purchasers, the diamonds will be available for sale in lots of varying sizes.

It is believed that this plan of disposition will protect the United States against avoidable loss on the sale of such diamonds and also protect producers, processors and consumers against avoidable disruption of their usual markets.

It is proposed to make the gem quality diamonds covered by this notice available for sale six months after the date of publication of this notice in the FEDERAL REGISTER. Since the revised determination is not by reason of obsolescence of gem quality diamonds for use in time of war, this proposed disposition is being referred to the Congress for its express approval, as required by section 3 (e) of the Strategic and Critical Materials Stock Piling Act.

Dated: July 29, 1958.

FRANKLIN FLOETE,
Administrator of General Services.

[F. R. Doc. 58-5987; Filed, Aug. 4, 1958; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

INDUSTRIA MECCANICA AFFINI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Secondo Campini d/b/a Industria Meccanica Affini, Via Aprica 16, Milan, Italy; Claim No. 44105; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,024,274. Vesting Order No. 201.

Executed at Washington, D. C., on July 28, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-6004; Filed, Aug. 4, 1958; 8:53 a. m.]

R. BOUILLERE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

R. Bouillere, a/k/a Antoine Gaston Bouillere, 8, rue de Presles, Chagny, Saone et Loire, France; Claim No. 64330; $151.00 in the Treasury of the United States. Vesting Order No. 18005.

Executed at Washington, D. C., on July 25, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-6003; Filed, Aug. 4, 1958; 8:53 a. m.]

MARCELLE VIDRIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marcelle Vidrin, Russ No. 10, Bas Rhin, France; Claim No. 66517; $1,587.46 in the Treasury of the United States. Vesting Order No. 9068.

Executed at Washington, D. C., on July 25, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-6005; Filed, Aug. 4, 1958; 8:53 a. m.]

DRZAVNI ZAVOD ZA OSIGURANJE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Drzavni Zavod za Osiguranje, Belgrade, Yugoslavia; Claim No. 61928; $82,723.00 in the Treasury of the United States. Vesting Order 18007.

Executed at Washington, D. C., on July 28, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-6006; Filed, Aug. 4, 1958; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 9]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 31, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61110. By order of July 29, 1958, the Transfer Board approved the transfer to Harold Peterson, Ellsworth, Wis., of Certificate No. MC 22643, issued January 23, 1956, to Roland W. Thom, Ellsworth, Wis., authorizing the transportation of *General commodities*, with exceptions, between points in Hartland, Salem, and Ellsworth Townships, Pierce County, Wis., on the one hand, and, on the other, St. Paul, South St. Paul, Minneapolis, and Red Wing, Minn. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

No. MC-FC 61189. By order of July 28, 1958, the Transfer Board approved the transfer to Clyde O. Dyer, Jr., and Evelyn A. Dyer, a partnership, doing business as Imperial Valley Van & Storage Co., 137 West Main Street, Imperial, California, of Certificate No. MC 111635, issued February 10, 1958 to Irene Taylor, doing business as Imperial Valley Van & Storage Company, 137 West Main Street, Imperial, California, authorizing the transportation of: Household goods, as defined by the Commission, between points in California within 80 miles of El Centro, Calif., including El Centro.

No. MC-FC 61251. By order of July 28, 1958, the Transfer Board approved the transfer to Remo Ciavarella, doing business as Remo Cartage Company, Chicago, Ill., of Corrected Permit in No. MC 116272, issued November 5, 1957, to William F. Ranson, doing business as Remo Cartage Co., Chicago, Ill., authorizing

the transportation of: *Used baking pans*, between Chicago, Ill., on the one hand, and, on the other, all points in Illinois and Indiana and specified points in Iowa, Michigan, Missouri, and Wisconsin. Lewis B. Baron, First National Bank Building, Chicago 3, Illinois, for applicants.

No. MC–FC 61392. By order of July 28, 1958, the Transfer Board approved the transfer to Harry Russell & Sons, Inc., Mount Vernon, Ind., of Certificate No. MC 116311, issued November 14, 1957, to W. Harry Russell and Winifred D. Russell, a partnership, doing business as Russell & Son, Mount Vernon, Ind., authorizing the transportation of *Water* and *crude oil*, in bulk, in tank vehicles, between points in that part of Indiana on and west of U. S. Highway 31 and on and south of U. S. Highway 40 and points in Wabash, Edwards, White, and Gallatin Counties, Ill. Robert W. Loser, Attorney at law, 317 Chamber of Commerce Building, Indianapolis, Ind., for applicants.

No. MC–FC 61396. By order of July 28, 1958, the Transfer Board approved the transfer to Elton E. Babbitt, doing business as New Home Transit, New Brighton, Minn., of a portion of Certificate No. MC 113975, issued March 29, 1956, and Certificate No. MC 113975, issued December 31, 1957, to Move-Way Vans, Inc., Minneapolis, Minn., authorizing the transportation of Prefabricated buildings, complete, knocked down, or in sections, including all component parts, equipment and materials incidental to the erection and completion of such buildings when shipped therewith, from Bloomington, Litchfield, and Golden Valley, Minn., to points in North Dakota and South Dakota, and from Bloomington and Litchfield, Minn., to points in Illinois, Kansas, Michigan, Iowa, Nebraska, Colorado, Wisconsin, Wyoming, Montana, and Missouri. Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis, 2, Minn., for transferee. F. J. Van Osdel, 506 First National Bank Building, Fargo, North Dakota, for transferor.

No. MC–FC 61410. By order of July 28, 1958, the Transfer Board approved the transfer to Arthur Queen and John Queen, a partnership, doing business as Queen Brothers, Glen Burnie, Md., of Certificate No. MC 102129, issued May 18, 1956, to Arthur Queen, Glen Burnie, Md., authorizing the transportation of *Passengers and their baggage*, restricted to traffic originating at the points indicated, in round-trip charter operations, from Camp Parole, Freetown, Robinson, Broadneck, St. Margaret, and Queenstown, Md., to Gettysburg, Pa., and points in that part of Delaware, Virginia and the District of Columbia, within 100 miles of Annapolis, Md., and return; and *Passengers and their baggage*, in round-trip charter operations, beginning and ending at Camp Parole, Freetown, Robinson, Broadneck, St. Margaret, and Queenstown, in Anne Arundel County, Md., and extending to points in Pennsylvania (except Gettysburg), New York, Ohio, New Jersey, North Carolina, West Virginia, and points in Virginia more than 100 miles from Annapolis, Md. Albert R. May, attorney at law, Commonwealth Building, 1625 K Street NW., Washington 6, D. C., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–6001; Filed, Aug. 4, 1958; 8:53 a. m.]

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OLD D. McCOY,
Secretary.

Filed, Aug. 4, 1938
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FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 23 NUMBER 153

Washington, Wednesday, August 6, 1958

TITLE 3—THE PRESIDENT

PROCLAMATION 3252

NATIONAL DAY OF PRAYER, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Our fathers trusted in God, and they were not confounded. Believing that all men are "endowed by their Creator with certain unalienable Rights," they conquered the wilderness, built homes, charted the course of free institutions, and defended their liberties against forces which threatened from within and from without.

In our time, buffeted by unprecedented changes and challenged by an aggressive denial of Divine Providence, we have continuing need of the wisdom and strength that come from God, and we shall always find our highest satisfaction in a steadfast purpose to know and to do His will.

In this spirit, the Congress, by a joint resolution approved April 17, 1952 (66 Stat. 64), has provided "That the President shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation at churches, in groups, and as individuals."

It is a privilege to carry out this resolution, and I accordingly set aside Wednesday, the first day of October 1958, as a National Day of Prayer; and I call upon my fellow Americans and all who may be visitors in our country, each according to his own faith, to join in prayer for our Nation and for all mankind, and especially:

First, that we may be humbly mindful that this Nation, under God, arrived at its present position by the toil and sacrifice of many citizens who subordinated personal interests to the common welfare and passed on to us a heritage with which we are singularly blessed;

Second, that we may have Divine guidance in our efforts to lead our children in the paths of truth and to provide a healthy environment in which they may grow in body, mind, and spirit;

Third, that we may ever exercise a compassionate concern for human suffering, whether at home or in distant lands, and that we may strive to alleviate hunger, eradicate disease, and advance the well-being of our neighbors;

Fourth, that we may be saved from blinding pride and from any act hurtful to the concord of free nations joined in building a just and durable peace under the guiding hand of Almighty God;

And, finally, that we may have courage to move forward in the unconquerable spirit of a free people, strong in faith, having a will to endure the burdens which have been given us to carry in our day, and to work toward goals of human betterment which may be attained only beyond our span of years.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of August in the year of our Lord nineteen hundred and [SEAL] fifty-eight, and of the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-6317; Filed, Aug. 5, 1958; 9:33 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 109—COOK INLET AREA

ADDITIONAL FISHING TIME

AUGUST 4, 1958.

Basis and purpose. Field observations indicate a continuing good run of pink salmon at Port Dick and good escapements have already been realized. It has been determined, therefore, that additional fishing time can be permitted.

Subparagraph (2) of paragraph (d) of § 109.5 is amended by changing the period after August 2 to a colon and adding the following proviso: "*Provided,*

(Continued on p. 5949)

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FEDERAL REGISTER

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That fishing is permitted from 9 a. m. August 4 to 9 a. m., August 6, 1958 and from 9 a. m. August 7 to 9 a. m. August 9, 1958."

In order to permit full utilization of the run, immediate action is necessary on this relaxation, and it shall become effective immediately upon publication in the FEDERAL REGISTER. (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 58-6154; Filed, Aug. 4, 1958; 4:15 p. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR DRY EDIBLE BEAN CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183), the following counties have been designated for dry edible bean crop insurance for the 1959 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

State and county	*Class(es) of beans insured*
Colorado:	
Dolores	Pinto.
Montezuma	Do.
Idaho:	
Cassia	Great Northern, Pinto, Small Red.
Gooding	Do.
Jerome	Do.
Minidoka	Do.
Twin Falls	Do.
Michigan:	
Bay	Pea and Medium White.
Gratiot	Do.
Huron	Do.
Saginaw	Do.
St. Clair	Do.
Sanilac	Do.
Shiawassee	Do.
Nebraska:	
Morrill	Great Northern, Pinto.
Scotts Bluff	Do.
Washington:	
Grant	Great Northern, Pinto, Small Red, Flat Small White.
Wyoming:	
Goshen	Great Northern, Pinto.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 58-6135; Filed, Aug. 5, 1958; 8:50 a. m.]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR CORN CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183), the following counties have been designated for corn crop insurance for the 1959 crop year.

Illinois:
Adams.
Bond.
Carroll.
Cass.
Christian.
Clinton.
Effingham.
Fayette.
Fulton.
Greene.
Jasper.
Jersey.
Livingston.
McDonough.
McLean.
Macoupin.
Madison.
Mason.
Menard.
Monroe.
Montgomery.
Morgan.
Pike.
St. Clair.
Sangamon.
Schuyler.
Scott.
Shelby.
Tazewell.
Vermilion.

Indiana:
Allen.
Blackford.
Boone.
Carroll.
Clinton.
Clay.
Decatur.
DeKalb.
Delaware.
Howard.
Huntington.
Jackson.
Johnson.
Kosciusko.
Madison.
Marshall.
Miami.
Montgomery
Noble.
Pulaski.
Randolph.
Ripley.
Rush.
Shelby.
Sullivan.
Vigo.
Wayne.
Wells.
Whitley.

Iowa:
Adair.
Audubon.
Boone.
Buchanan.
Buena Vista.
Calhoun.
Carroll.
Cass.
Cerro Gordo.
Chickasaw.
Clay.
Clayton.
Crawford.
Delaware.
Emmett.
Fayette.
Floyd.
Franklin.
Fremont.
Guthrie.
Hancock.
Hardin.
Howard.
Humboldt.
Ida.
Jones.
Linn.
Lyon.
Madison.
Mitchell.
O'Brien.
Osceola.
Polk.
Poweshiek.
Shelby.
Sac.
Sioux.
Story.
Tama.
Union.
Warren.
Washington.
Webster.
East Pottawattamie.
West Pottawattamie.
Winnebago.
Winneshiek.
Worth.

Kansas:
Atchison.
Bourbon.
Brown.
Franklin.
Jackson.
Linn.
Marshall.
Nemaha.
Washington.

Maryland:
Kent.

Michigan:
Branch.
Calhoun.
Gratiot.
Hillsdale.
Jackson.
Lenawee.
Monroe.
Saginaw.
St. Clair.
St. Joseph.
Minnesota:
Blue Earth.
Brown.
Chippewa.
Cottonwood.
Dakota.
Dodge.
Faribault.
Goodhue.
Jackson.
Kandiyohi.
Lincoln.
Lyon.
McLeod.
Martin.
Meeker.
Mower.
Murray.
Nicolet.
Nobles.
Pipestone.
Redwood.
Renville.
Rice.
Rock.
Stearns.
Steele.
Stevens.
Swift.
Wabasha.
Watonwan.
Yellow Medicine.
Missouri:
Atchison.
Audrain.
Bates.
Buchanan.
Calloway.
Carroll.
Cass.
Chariton.
Cooper.
Franklin.
Gentry.
Henry.
Howard.
Holt.
Jasper.
Johnson.
Lafayette.
Lawrence.
Marion.
Macon.
Nodaway.
Pettis.
Pike.
Ralls.
St. Charles.
Saline.
Shelby.
Vernon.
Worth.
Nebraska:
Boone.
Butler.
Cass.
Cedar.
Colfax.
Cuming.
Dodge.
Pawnee.
Pierce.
Richardson.
Saunders.
Stanton.
Washington.
Wayne.
Ohio:
Allen.
Ashland.
Auglaize.
Delaware.
Erie.
Fayette.
Franklin.
Greene.
Hancock.
Hardin.
Henry.
Huron.
Knox.
Marion.
Medina.
Mercer.
Montgomery
Morrow.
Paulding.
Pickaway.
Preble.
Putnam.
Sandusky.
Seneca.
Stark.
Tuscarawas.
Union.
Van Wert.
Wayne.
Williams.
Pennsylvania:
Chester.
Lancaster.
South Dakota:
Brookings.
Clay.
Kingsbury.
Lincoln.
Minnehaha.
Moody.
Union.
Yankton.
Tennessee:
Obion.
Wisconsin:
Columbia.
Dane.
Grant.
Green.
Iowa.
Lafayette.
Pierce.
Rock.
Sauk.
Trempealeau.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 58-6136; Filed, Aug. 5, 1958; 8:50 a. m.]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183), the following counties have been designated for cotton crop insurance for the 1959 crop year.

Alabama:
Blount.
Cherokee.
Colbert.
Cullman.
De Kalb.
Etowah.
Franklin.
Jackson.
Lauderdale.
Lawrence.
Limestone.
Madison.
Marshall.
Morgan.
Tuscaloosa.
Arkansas:
Chicot.
Craighead.
Crittenden.
Desha.
Jefferson.
Lee.
Lincoln.
Monroe.
Phillips.
Saint Francis.
California:
Tulare.
Georgia:
Bulloch.
Colquitt.
Laurens.
Worth.
Louisiana:
Avoyelles.
Caddo.
East Carroll.
Franklin.
Morehouse.
Natchitoches
Rapides.
Richland.
Saint Landry.
Mississippi:
Alcorn.
Bolivar.
Coahoma.
De Soto.
Hinds.
Holmes.
Humphreys.
Jefferson Davis.
Lee.
Leflore.
Madison.
Marion.
Marshall
Monroe.
Panola.
Pontotoc.
Prentiss.
Quitman.
Sunflower.
Tallahatchie.
Tunica.
Union.
Washington.
Yazoo.
New Mexico:
Chaves.
Dona Ana.
Eddy.
North Carolina:
Cleveland.
Edgecombe.
Franklin.
Harnett.
Iredell.
Johnston.
Lincoln.
Mecklenburg
Nash.
Robeson.
Rutherford.
Sampson.
Wayne.
Oklahoma:
Beckham.
Tillman.
Washita.
South Carolina:
Anderson.
Chesterfield.
Clarendon.
Darlington.
Dillon.
Florence.
Greenville.
Lee.
Marlboro.
Marion.
Orangeburg.
Spartanburg.
Sumter.
Williamsburg.
York.
Tennessee:
Carroll.
Fayette.
Gibson.
Hardeman.
Haywood.
McNairy.
Madison.
Obion.
Shelby.
Tipton.
Texas:
Bell.
Castro
Collin.
Ellis.
Falls.
Fannin.
Floyd.
Grayson.
Hale.
Hill.
Hockley.
Hunt.
Lamar.
Lamb.
Limestone.
Lubbock.
McLennan.
Milam.
Navarro.
Texas—Continued
Nueces.
San Patricio.
Swisher.
Travis.
Williamson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 58-6137; Filed, Aug. 5, 1958; 8:50 a. m.]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR FLAX CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183), the following counties have been designated for flax crop insurance for the 1959 crop year.

Minnesota:
Becker.
Big Stone.
Brown.
Chippewa.
Clay.
Cottonwood.
Grant.
Jackson.
Kittson.
Lac Qui Parle.
Lincoln.
Lyon.
Mahomen
Marshall.
Martin.
Murray.
Nobles.
Norman.
Pennington.
Pipestone.
Polk, East.
Polk, West.
Pope.
Redwood.
Renville.
Rock.
Roseau.
Stevens.
Swift.
Traverse.
Wilkin.
Yellow Medicine.
North Dakota:
Barnes.
Benson.
Bottineau.
Cass.
North Dakota—Con.
Cavalier.
Dickey.
Eddy.
Emmons.
Foster.
Grand Forks.
La Moure.
Logan.
McIntosh.
McLean.
Nelson.
Pembina.
Pierce.
Ramsey.
Ransom.
Richland.
Rolette.
Sargent.
Steele.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
South Dakota:
Brookings.
Brown.
Clark.
Codington.
Day.
Deuel.
Grant.
Hamlin.
Kingsbury.
Marshall.
Roberts.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

[SEAL] F. N. McCARTNEY,
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Federal Crop Insurance Corporation.

[F. R. Doc. 58-6138; Filed, Aug. 5, 1958; 8:50 a. m.]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTY DESIGNATED FOR ORANGE CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183), the following county has been designated for orange crop insurance for the 1959 crop year.

California:
Tulare.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 58-6139; Filed, Aug. 5, 1958; 8:50 a. m.]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183), the following counties have been designated for soybean crop insurance for the 1959 crop year.

Illinois:
Adams.
Bond.
Cass.
Christian.
Clinton.
Effingham.
Fayette.
Greene.
Jasper.
Jersey.
Livingston.
McDonough.
Macoupin.
Madison.
Mason.
Menard.
Monroe.
Montgomery.
Morgan.
Pike.
St. Clair.
Sangamon.
Schuyler.
Scott.
Shelby.
Tazewell.
Vermilion.
Indiana:
Allen.
Boone.
Clay.
Carroll.
Clinton.
Decatur.
DeKalb.
Delaware.
Howard.
Huntington.
Indiana—Continued
Jackson.
Johnson.
Kosciusko.
Madison.
Marshall.
Miami.
Montgomery.
Noble.
Pulaski.
Randolph.
Ripley.
Rush.
Shelby.
Sullivan.
Vigo.
Wayne.
Wells.
Whitley.
Iowa:
Boone.
Buena Vista.
Buchanan.
Calhoun.
Carroll.
Cerro Gordo.
Chickasaw.
Clay.
Emmett.
Fayette.
Floyd.
Franklin.
Guthrie.
Hancock.
Hardin.
Howard.
Humboldt.
Ida.
Lyon.
Iowa—Continued
Madison.
Mitchell.
Osceola.
Polk.
East Pottawattamie.
West Pottawattamie.
Poweshiek.
Sac.
Sioux.
Story.
Tama.
Union.
Warren.
Washington.
Webster.
Winnebago.
Worth.
Kansas:
Bourbon.
Franklin.
Linn.
Michigan:
Gratiot.
Monroe.
Saginaw.
St. Joseph.
Minnesota:
Big Stone.
Blue Earth.
Brown.
Chippewa.
Cottonwood.
Dakota.
Dodge.
Faribault.
Goodhue.
Lac qui Parle.
Lincoln.
Lyon.
McLeod.
Martin.
Meeker.
Mower.
Nicollet.
Pope.
Redwood.
Renville.
Steele.
Traverse.
Watonwan.
Yellow Medicine.
Missouri:
Audrain.
Bates.
Buchanan.
Callaway.
Carroll.
Cass.
Chariton.
Cooper.
Henry.
Howard.
Johnson.
Lafayette.
Macon.
Marion.
Nodaway.
Pettis.
Pike.
Ralls.
St. Charles.
Saline.
Shelby.
Worth.
Nebraska:
Washington.
Ohio:
Allen.
Auglaize.
Delaware.
Erie.
Fayette.
Franklin.
Hancock.
Hardin.
Henry.
Huron.
Marion.
Medina.
Mercer.
Morrow.
Paulding.
Pickaway.
Putnam.
Sandusky.
Seneca.
Union.
Van Wert.
Williams.
South Dakota:
Clay.
Lincoln.
Union.
Tennessee:
Obion.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

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PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR TOBACCO CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183), the following counties have been designated for tobacco crop insurance for the 1959 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the name of the county.

Connecticut:	
Hartford	51, 52
Florida:	
Alachua	14
Columbia	14
Madison	14
Suwannee	14
Georgia:	
Berrien	14
Brooks	14
Bulloch	14
Candler	14
Coffee	14
Colquitt	14
Cook	14
Lowndes	14
Mitchell	14
Tift	14
Worth	14
Kentucky:	
Adair	31
Allen	31, 35
Anderson	31
Barren	31
Bath	31
Bourbon	31
Bracken	31
Breckenridge	31
Caldwell	22, 31, 35
Calloway	23, 35
Casey	31
Christian	22, 31, 35
Clark	31
Daviess	31, 35
Fleming	31
Franklin	31
Garrard	31
Grant	31
Graves	23, 31, 35
Green	31
Harrison	31
Hart	31
Henry	31
Larue	31
Lincoln	31
Logan	22, 31, 35
Mason	31
Mercer	31
Metcalfe	31
Montgomery	31
Nelson	31
Nicholas	31
Owen	31
Pendleton	31
Pulaski	31
Russell	31
Scott	31
Simpson	31, 35
Todd	22, 31, 35
Warren	31, 35
Washington	31
Wayne	31
Woodford	31
Maryland:	
Charles	32
Calvert	32
St. Marys	32
Massachusetts:	
Hampshire	52
North Carolina:	
Alamance	11a
Beaufort	12
Bladen	13
Brunswick	13
Buncombe	31
Caswell	11a
Columbus	13
Duplin	12
Edgecombe	12
Forsyth	11a
Franklin	11b
Granville	11b
Greene	12
Guilford	11a
Harnett	11b
Iredell	11a
Jones	12
Johnston	12
Lee	11b
Lenoir	12
Moore	11b
Nash	12
Person	11a

North Carolina—Continued	
Pitt	12
Robeson	13
Rockingham	11a
Sampson	12
Stokes	11a
Surry	11a
Vance	11b
Wake	11b
Warren	11b
Wayne	12
Wilson	12
Yadkin	11a
Ohio:	
Adams	31
Brown	31
Highland	31
Pennsylvania:	
Lancaster	41
South Carolina:	
Chesterfield	13
Clarendon	13
Darlington	13
Dillon	13
Florence	13
Horry	13
Lee	13
Marion	13
Marlboro	13
Sumter	13
Williamsburg	13
Tennessee:	
Claiborne	31
DeKalb	31
Dickson	22
Grainger	31
Greene	31
Hamblen	31
Hawkins	31
Johnson	31
Loudon	31
Marshall	31
McMinn	31
Maury	31
Monroe	31
Montgomery	22, 31
Obion	23, 35
Putnam	31
Robertson	22, 31, 35
Sevier	31
Smith	31
Stewart	22, 31
Sullivan	31
Sumner	22, 31, 35
Trousdale	31
Unicoi	31
Washington	31
Williamson	31
Wilson	31
Virginia:	
Appomattox	11a, 21
Brunswick	11a, 21
Campbell	11a, 21
Charlotte	11a, 21
Cumberland	11a, 21, 37
Dinwiddie	11a, 21
Halifax	11a
Lee	31
Lunenburg	11a
Mecklenburg	11a
Pittsylvania	11a
Prince Edward	11a, 21, 37
Russell	31
Scott	31
Washington	31
Wisconsin:	
Dane	54
Vernon	55

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] .F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 58–6141; Filed, Aug. 5, 1958; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54653]

PART 6—AIR COMMERCE REGULATIONS

LANDING RIGHTS OF SCHEDULED AIRLINES

The authority to grant landing rights to scheduled aircraft is being delegated by the Commissioner to the Deputy Commissioner, Management and Controls Division. Consistent with that action the following changes are necessary in the language of §§ 6.2 and 6.3, Customs regulations.

Section 6.2 (a) is amended by substituting "Bureau" for "Commissioner" in the second and third sentences and by substituting "the Bureau" for "he" in the third sentence.

Section 6.3 (b) is amended by deleting the last five words and placing a period after the word "purpose".

(R. S. 161, 251, secs. 624, 644, 46 Stat. 759, 761, sec. 7, 44 Stat. 572, as amended; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 1644; 49 U. S. C. 177)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 30, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58–6130; Filed, Aug. 5, 1958; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.371]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION NATIONALITY ACT

ISSUANCE OF NONIMMIGRANT VISAS

Part 41, Chapter I, Title 22 of the Code of Federal Regulations, is amended in the following respect:

Section 41.11 *Authority to issue nonimmigrant visas in the Department*, is amended to read as follows:

§ 41.11 *Authority to issue nonimmigrant visas in the Department.* The Director of the Visa Office of the Department and such members of his staff as he may designate are authorized, in their discretion, to issue nonimmigrant visas, or to revalidate nonimmigrant visas previously issued, to qualified aliens in the United States (a) who are within a class of nonimmigrants described in section 101 (a) (15) (A), section 101 (a) (15) (G), or section 101 (a) (15) (I) of the Act, or within a class of nonimmigrants classifiable under the visa symbol NATO–1, NATO–2, NATO–3, or NATO–4, (b) who have been duly notified to the Secretary of State in such nonimmigrant status, or who, in cases of aliens classifiable under section 101 (a) (15) (I), are bearers of passports containing a used I visa which was, on a basis of reciprocity, limited in validity to a single application for admission into the United States as an A or G visa, and who have been duly accredited by a foreign information medium, and (c) who, after a temporary absence, desire to reenter the United States in the nonimmigrant status specified in the visa.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulation contained therein involves foreign affairs functions of the United States.

Dated: July 31, 1958.

RODERIC L. O'CONNOR,
Administrator,
Bureau of Security and Consular Affairs.

[F. R. Doc. 58–6213; Filed, Aug. 5, 1958; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Regulation No. ER–234]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

CAPITALIZATION OF INTEREST

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 1st day of August 1958.

A notice of proposed rule-making to amend the Board's revised accounting manual was published in the FEDERAL REGISTER (23 F. R. 1627) and circulated to the industry as Economic Regulations Draft Release No. 90, dated March 3, 1958.

Draft Release No. 90 proposed to remove the existing prohibition against capitalization of interest by air carriers (except as to inclusion in capitalized extension and development costs of interest actually paid by newly certificated carriers before inauguration of service) to the extent of premitting capitalization of interest on funds deposited with aircraft manufacturers or contractors and on funds segregated from working capital prior to their actual use for such purposes, both within stated limitations as to amounts and time. An interest rate representative of the carrier's long term debt is to be used, and there are provisions requiring in substance that earnings realized, or constructive earnings, on deposited or segregated funds must be offset against the amount of interest capitalized.

Written comments were received from interested parties. In substance, the comments generally favor the regulation on its merits except that some of them urge that the cost of equity capital should be a factor in determining the

[illegible] rate of interest.[1] Several of the air carriers contend that there is an issue in the General Passenger Fare Investigation, Docket 8008, of whether or not for rate making purposes funds committed for equipment purchases should be included in the investment base, or whether or not the interest cost thereof should be capitalized. These carriers express apprehension that by adopting this regulation the Board would prejudge the issue in the fare case. They urge, therefore, that the Board defer decision on this rule-making project until conclusion of the fare case and, in the meantime, grant relief to air carriers on an individual basis by waivers of the prohibition against capitalization of interest.

Upon due consideration of all comments, the Board has concluded that the regulation should be adopted in the form as proposed. The merits of the abstract argument in favor of an interest rate which takes into account the air carrier's cost of equity capital are overcome by the practical considerations that the yardstick for ascertaining the interest rate must be sufficiently simple and definite to be applied by the carrier itself without involving the controversial question of the fair cost of equity capital for particular carriers; that the cost of equity financing always is an uncertain and fluctuating item and may not even be susceptible of estimation in the case of some air carriers which have not enjoyed a stable earnings record; that debt-financing is the method chiefly used by air carriers to finance equipment purchases and major construction; and that on the other hand, the difference in amounts capitalized is not likely to be very substantial in light of the relatively short periods of time during which interest is capitalized.

We cannot agree with the contention that adoption of this accounting regulation would involve prejudgment of the issues in the General Passenger Fare Investigation. Since accounting is to reflect the Board's regulatory policies as nearly as may be, and not vice versa, an inference from the adoption of an accounting rule to the future adoption of a rate policy can not be drawn unless it were assumed that the Board had already considered and made up its mind on the policy issue. Of course, no serious contention to this effect can be made. The correct inference from the suggested comparison with ER–230 is not that promulgation of this regulation should be deferred but that the regulation should be adopted, since there as here the regulation accomplished a liberalization of a previously effective prohibition in the accounting rules pending the policy decision in the fare case; and there as here this liberalization relieves the Board from the necessity of passing on requests for waivers and determining issues of fact similar to those pending in the rate case. Depending on the outcome of the General Passenger Fare Investigation, amending these or other accounting regulations at that time may be in order.

Since this regulation does not impose an additional burden on any person but liberalizes existing rules, observance of the statutory 30-day period between promulgation and effective date is not required and the regulation may be made effective immediately.

Interested persons have been afforded opportunity to participate in the making of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations, effective August 1, 1958, by amending § 241.2–10 to read as follows:

§ 241.2–10 *Capitalization of interest.* (a) The cost of operating property and equipment may include, for accounting purposes, a component for capitalized interest properly computed in accordance with the provisions of this section upon funds actually committed as equipment purchase deposits or actually used to finance construction work in progress from the date when such funds are first employed for either of these purposes to the date upon which the unit of equipment or property concerned is ready to be placed in operation: *Provided, however,* That the charging of interest on all funds thus committed or used shall be limited in both time and amount to the air carrier's reasonable requirements therefor.

(b) The cost of operating property and equipment may also include a component for interest upon all funds segregated from working capital and carried in account 1550 Special Funds—Other, in advance of the date when such funds are scheduled under a legally binding contract to be committed as bona fide deposits with an aircraft manufacturer or as sums payable to contractors for construction work: *Provided, however,* That the charging of interest upon such funds shall be limited in amount to the carrier's reasonable requirements therefor, as well as limited to a reasonable period which, in no event, shall exceed six months.

(c) In determining the amount of interest to be capitalized under the provisions of paragraphs (a) and (b) of this section, the air carrier shall utilize an interest rate which is representative of the current rate for long term debt for such air carrier. Any interest or other earnings realized upon equipment purchase funds on deposit with, or for the account of, an aircraft manufacturer or construction contractor shall be offset against the amount of such capitalized interest. The amount of interest capitalized with respect to funds segregated prior to their actual employment as deposits or investments in construction work shall also be reduced by an amount equal to the constructive earnings on such segregated funds, to be calculated as the product of the amount of such segregated funds multiplied by the average rate of earnings on the carrier's investment in interest-bearing securities (if any) but not to exceed the actual amount of such interest earned.

(d) Interest capitalized in accordance with provisions of paragraphs (a), (b), and (c) of this section, shall be charged to balance sheet account 1689, Construction Work in Progress, and cleared to separate sub-accounts of the appropriate property and equipment balance sheet account when each unit of property or equipment is placed in operation and shall be credited to an Interest Charged to Construction-Credit sub-account of profit and loss account 83, Interest Income. The amount of cumulated interest charged to account 1689 shall be identified in each balance sheet by appropriate notations to the Form 41 report. The amount capitalized shall be amortized, together with other capital costs, over the useful life of the asset as a part of depreciation expense: *Provided,* That the air carriers shall reverse all entries capitalizing interest in the event that funds segregated in advance are not ultimately used as equipment purchase deposits or on-account payments to contractors, or in the event that equipment or property for the acquisition or construction of which funds were deposited or paid on account is not actually acquired, or if the amounts on which interest has been capitalized are allowed by the Board as a part of the rate base during all or a part of the period for which interest has been capitalized.

(e) In the case of a newly certificated carrier, interest on funds actually employed prior to inauguration of services, in developmental projects not covered in paragraphs (a) and (b) of this section, may be capitalized as developmental cost in accordance with the provisions of paragraph (c) of this section. Such capitalized interest shall be charged to balance sheet account 1830, Developmental and Preoperating Costs, and credited to an Interest Charged to Development sub-account of profit and loss account 83, Interest Income, and amortized as a part of extension and development cost to profit and loss account 74, Amortization.

(f) Any capitalization of interest permitted under this section shall be entered in the air carrier's accounts on a current basis and may not be recorded retroactively, except that as to funds which are on deposit during the carrier's accounting year in which this section takes effect, interest may be capitalized from the time the funds were first so deposited.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies Sec. 407, 52 Stat. 1000; 49 U. S. C. 487)

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F. R. Doc. 58–6094; Filed, Aug. 5, 1958; 8:46 a. m.]

[1] A statement in one of the comments (Ozark) that the total period for which interest may be capitalized is limited to six months, is erroneous. This limitation applies only to the period during which funds are segregated from working capital but not yet committed as deposits with a manufacturer or contractor.

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 82]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE JULY 3, 1958.

City, Muskegon; State, Mich.; Airport Name, Muskegon County; Elev., 628'; Fac. Class, BVOR; Ident., MKG; Procedure No. 1, Amdt. 2; Eff. Date, Nov. 26, 1955; Sup. Amdt. No. 1; Dated, Mar. 30, 1954

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

S. A. KEMP,
Acting Administrator of Civil Aeronautics.

JULY 31, 1958.

[F. R. Doc. 58-6150; Filed, Aug. 5, 1958; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6942]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

PACIFIC AMERICAN FISHERIES, INC., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Pacific American Fisheries, Inc., et al., Bellingham, Wash., Docket 6942, June 12, 1958]

In the Matter of Pacific American Fisheries, Inc., a Corporation, and Deming & Gould Company, a Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a packer of canned salmon and other sea food products and its corporate sales agent in Bellingham, Washington, with discriminating in price in violation of sec. 2 (c) of the Clayton Act by making direct sales to certain favored customers at prices lower than those paid by buyers purchasing through brokers, the reduced prices reflecting in whole or in part the customary brokerage paid on sales to the non-favored customers.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 12 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Pacific American Fisheries, Inc., a corporation, and Deming & Gould Company, a corporation, and Respondents' officers, directors, agents, representatives or employees, directly or through any corporate or other device, in connection with the sale of their seafood products in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of their seafood products to such buyer for his own account.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Pacific American Fisheries, Inc., a corporation, and Deming & Gould Company, a corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 12, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-6084; Filed, Aug. 5, 1958; 8:46 a. m.]

[Docket 7015]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ACCURATE STYLE MANUFACTURING CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.60 *Earnings and profits;* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Accurate Style Manufacturing Company, Inc., et al., Freeport, Long Island, N. Y., Docket 7015, June 11, 1958]

In the Matter of Accurate Style Manufacturing Company, Inc., a Corporation, and Mrs. D. T. Ruhl and Joseph Soviero, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a concern engaged in Freeport, Long Island, N. Y., in the mail order sale of pre-cut fabrics for making dresses at home, with representing falsely in "Help Wanted" advertisements in newspapers that it was offering to employ persons to sew ready-cut housecoats in their homes and would pay "from $17.40 to $26.16 dozen" for such services.

Following acceptance of an agreement for consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 11 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent, Accurate Style Manufacturing Company, Inc., a corporation, and its officers, and Mrs. D. T. Ruhl, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of pre-cut fabrics, or any other article of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that respondents are offering employment or payment for services to be rendered, when, in fact, the offer is to sell merchandise.

It is further ordered, That the complaint, insofar as it relates to respondent Joseph Soviero, be, and the same hereby is, dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Accurate Style Manufacturing Company, Inc., a corporation, and Mrs. D. T. Ruhl, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 11, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-6085; Filed, Aug. 5, 1958; 8:46 a. m.]

[Docket 7033]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SYLVETTE WATCH CO.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Foreign status, branches, etc.; § 13.70 *Fictitious or misleading guarantees;* § 13.235 *Source or origin:* Place: *Foreign, in general.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Saul Frisch trading as Sylvette Watch Co., New York, N. Y., Docket 7033, June 11, 1958]

In the Matter of Saul Frisch, an Individual trading as Sylvette Watch Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an importer in New York City with selling watches of simulated gold or gold alloy without disclosing that the cases were composed of base metal; and with representing falsely by the words "Sylvette of Switzerland" on the cardboard boxes packaging the watches that he maintained a place of business in Switzerland, and representing falsely on counter display cards widely distributed to jobbers and dealers that the watches were "Guaranteed".

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 11, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Saul Frisch, an individual trading as Sylvette Watch Co., or under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling watches, the cases of which are composed of base metal, manufactured or otherwise processed to simulate or have the appearance of precious metal, without marking such cases so as to disclose clearly the true metal composition thereof;

2. Representing in any manner that respondent maintains an office and place of business in Switzerland;

3. Representing that merchandise is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That Saul Frisch, an individual trading as Sylvette Watch Co., shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: June 11, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-6086; Filed, Aug. 5, 1958; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[C. C. C. Rice Bulletin A, Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958 CROP RICE PRICE SUPPORT PROGRAM

DEFINITION OF "RICE ACREAGE"

The purpose of this amendment is to exclude from the definition of "rice acreage" certain acreages outside field border levees or inside of drainage ditch banks under certain conditions when such acreages cannot be harvested or destroyed by mechanical means.

Section 421.3328 (f) (definition of "rice acreage") is amended by striking out the word "and" immediately preceding the language "(5)", by changing the period at the end thereof to a comma, and by adding the following language: "and (6) any acreage seeded to rice outside of the field border levee where such levee is bounded by a fence or other barrier which would make it impossible to harvest or destroy the rice from such area by mechanical means, and any acreage seeded to rice inside of drainage ditch banks where the topography would make it impossible to harvest or destroy the rice from such acreage by mechanical means: *Provided*, That the seeding operations have been performed with an end gate seeder or by airplane."

(Sec. 4, 62, Stat. 1070 as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 401, 408, 63 Stat. 1054, 68 Stat. 904, sec. 125, 70 Stat. 198; 15 U. S. C. 714c, 7 U. S. C. 1421, 1428, 1374, 1813)

Issued this 1st day of August 1958.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 58-6133; Filed, Aug. 5, 1958; 8:49 a. m.]

Subchapter D—Regulations Under Soil Bank Act

[Amdt. 22]

PART 485—SOIL BANK

SUBPART—CONSERVATION RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations governing the conservation reserve part of the Soil Bank Program, 21 F. R. 6289, as amended, are hereby further amended as follows:

1. Section 485.156 (b) is amended by deleting the period at the end of the fifth sentence and adding the following: "except that the Administrator, CSS, may, in order to prevent undue hardship, authorize the county committee to accept such application or contract after the dates specified in this sentence if, because of misinformation or misunderstanding, the producer was under the

impression that he had filed such application or contract, or did not realize that he had to file such application or contract by the dates specified."

2. Section 485.165 (a) is amended by deleting the period at the end of the last sentence and adding the following: "except that the Administrator, CSS, may authorize payment of cost-shares upon application submitted after such date if, in his judgment, such action is necessary in order to prevent undue hardship."

3. Section 485.165 (b) is amended by deleting the period at the end of the last sentence and adding the following: "except that the Administrator, CSS, may authorize payment of the annual payment upon application after such date if, in his judgment, such action is necessary in order to prevent undue hardship."

4. Section 485.181 is deleted in its entirety.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 1st day of August 1958.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 58-8132; Filed, Aug. 5, 1958; 8:49 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

[Amdt. 3]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

STATEMENT OF POLICY

Effective July 31, 1958, section I B of the Statement of Policy appearing as an Appendix to this part is amended as follows:

1. By deleting the second paragraph under the heading *Other criteria and conditions* and substituting therefor the following new paragraph:

The U. S. company which commits itself to construct a new vessel under this policy, shall be the owner, directly or indirectly through a U. S. parent or U. S. subsidiary or U. S. related company, of the U. S.-flag vessel which is approved for transfer to foreign ownership and registry. Such approval may not be assigned or in any manner transferred to another U. S. citizen without the approval of the Maritime Administrator, who shall be satisfied that the benefits of the transfer are invested in the new ship.

2. By deleting the third paragraph under said heading and substituting therefor the following new paragraphs:

In the event the new vessel is not constructed and documented under United States laws by the applicant or any U. S. subsidiary or affiliate of the applicant within the time limit prescribed, said corporation and the principal U. S. citizen stockholders thereof, jointly and severally, shall pay a stipulated sum to the United States, as liquidated damages and not as a penalty. The liquidated damages for failure to build are not payable unless the U. S. owner has defaulted in its commitment to build a U. S. vessel and has transferred a U. S. vessel to foreign ownership and/or registry.

Where the new construction is to be financed under a plan which includes use of the proceeds from the sale or the net earnings derived from the mortgaging, chartering, operation, or from any source or arrangement whatsoever relating to the transferred vessel, and in order to assure the construction in a United States shipyard of the vessel constituting the replacement of the vessel(s) approved for transfer to foreign ownership and/or registry, the individual or corporation which obligates himself or itself to build the replacement vessel(s) shall agree that such proceeds shall be deposited by the aforesaid obligated individual or corporation in an escrow account in accordance with, and subject to, any and all terms and conditions prescribed by the Maritime Administration. The escrow account to be established, as aforesaid, shall be a controlled account and no withdrawals may be made therefrom without the prior written approval of the Maritime Administration. The terms and conditions governing the escrow account and the proceeds to be deposited therein will be prescribed by the Maritime Administration on a case-to-case basis depending on the nature of the transfer.

(Sec. 19, 41 Stat. 995, as amended, sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 876, 1114)

Dated: July 31, 1958.

[SEAL] CLARENCE G. MORSE,
Maritime Administrator.

[F. R. Doc. 58-6115; Filed, Aug. 5, 1958; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 9-21]

[Docket No. 10690; FCC 58-801]

PART 9—AVIATION SERVICES

POSTING STATION LICENSES AND TRANSMITTER IDENTIFICATION CARDS

In the matter of Amendment of Part 9 of the Commission's rules governing Aviation Services.

1. Notice of Proposed Rule Making in the above-entitled matter was released by the Commission on September 17, 1953 (18 F. R. 5666). That Notice, which proposed amendment of § 9.118 (b) to require that an aircraft radio station license "be prominently displayed in the aircraft," was intended to expedite inspection of aircraft radio stations by removing the alternative of keeping the license "at a convenient easily accessible location in the aircraft." Final action in this proceeding was withheld at the request of Aeronautical Radio, Inc. (ARINC) and various air carriers, pending Commission action on an earlier ARINC petition for rule amendment to provide for fleet licensing of air carrier aircraft radio stations. Fleet licensing in the Aviation Services has since been implemented by Commission action in Docket 10776.

2. Subsequently, ARINC filed a petition (February 4, 1957) for amendment of Part 9 to simplify authorization posting requirements for ground stations. The existing rules require that when a ground station authorization covers transmitters as several locations, such authorization must be posted at one of the transmitter locations and a photographic copy thereof must be posted at all other transmitter locations. The ARINC petition requested that the rules be changed to require the posting of the authorization only at the principal control point of a station, thereby eliminating, at many installations, the necessity of preparing and posting large numbers of photocopies. Inasmuch as the ARINC petition related to station authorization posting requirements, the captioned proceeding was enlarged on September 27, 1957, by Further Notice of Proposed Rule Making (22 F. R. 7801) to encompass the added ground station license posting issue presented by that petition.

3. In response to the Further Notice of Proposed Rule Making, comments were filed by the National Business Aircraft Association, Inc. (NBAA) and by ARINC.

4. Neither respondent opposed the simplification of authorization posting requirements for ground stations in the manner proposed; such simplification was, in fact, fully suported by ARINC as satisfying its petition of February 4, 1957. In this connection, there are now approximately 1900 remotely controlled transmitters licensed to ARINC alone, and the number of license modifications issued annually by the Commission for some gateway stations approaches twenty. Elimination of the present requirement that a photocopy of the station authorization be posted at each transmitter site will, as attested by ARINC, appreciably reduce the burden on ground station licensees arising from frequent license modifications. The Commission finds that this improvement can be accomplished without impeding, in any way, the effectiveness of the field inspection program. Accordingly, the ground station license posting requirements adopted herein are unchanged from the Commission's Further Notice of Proposed Rule Making.

5. The remaining proposal that "the current authorization for an aircraft station shall be prominently displayed within the aircraft * * *" was opposed by both NBAA and ARINC. NBAA argued that cockpit and cabin space limitations make this proposal objectionable when applied to some types of business aircraft. ARINC objected to this proposal on the same grounds. While conceding that air carriers could comply with this requirement if given sufficient lead time to accomplish the necessary cockpit alterations during scheduled overhaul periods, ARINC alleged that private aircraft operators subscribing to its service would suffer particular hardship in view of the previously mentioned space limitations. In support of this contention, the ARINC comment was accompanied by an attachment summarizing the views of its business aircraft subscribers.

6. In passing on the merits of the proposed aircraft license posting requirement, its value to the Commission's field inspection program must be weighed against the undue hardship alleged by the user public. Inasmuch as an aircraft must be entered in order to carry out a satisfactory inspection, the Commission is basically concerned with the amenability of the license to an inspector once entry has been made. In this connection, there have been numerous instances in which the license was neither posted nor found among the aircraft's papers.

7. It is believed that the efficiency of aircraft inspection can be improved, while at the same time meeting the above-described objections by requiring that aircraft radio station licenses either be posted or kept with the aircraft registration certificate. This certificate must, in accordance with CAA regulations, be carried aboard the aircraft at all times (14 CFR 501.8). The language of § 9.118 (b) has been modified accordingly.

8. In view of the foregoing, *It is ordered*, Pursuant to sections 303 (n) and (r) of the Communications Act of 1934, as amended, that, effective September 8, 1958, Part 9 of the Commission's rules be amended as set forth below; and

9. *It is further ordered*, That the proceedings in Docket No. 10690 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: July 31, 1958.

Released: August 1, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] GORDON J. KENT,
Acting Secretary.

Amend Part 9—Aviation Services, as indicated below: Amend paragraphs (a) and (b) of § 9.118 to read as follows:

§ 9.118 *Posting station licenses and transmitter identification cards.* (a) The current authorization for each station at a fixed location shall be prominently displayed at the principal control point of the transmitter or transmitters.

(b) The current authorization for an aircraft radio station shall be posted prominently in the aircraft or shall be kept with the aircraft registration certificate. In the case of air carriers licensed by means of a single authorization for the operation of all fleet aircraft, the original authorization, or photocopy thereof, shall be posted prominently in the aircraft or shall be kept with the aircraft registration certificate.

[F. R. Doc. 58-6123; Filed, Aug. 5, 1958; 8:48 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 609—WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY IN PUERTO RICO

WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U. S. C. 205), the Secretary of Labor by Administrative Order No. 508 (23 F. R. 4036), as amended by Administrative Order No. 511 (23 F. R. 5215), appointed, convened, and gave notice of the hearing of Industry Committee No. 40-B to recommend the minimum wage rate or rates to be paid under section 6 of that Act (52 Stat. 1062, as amended; 29 U. S. C. 206) to employees in the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U. S. C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Order No. 45-A of the Secretary of Labor (15 F. R. 3290), the recommendations of the committee are hereby published in this order amending the Code of Federal Regulations. Effective August 22, 1958, 29 CFR Part 609 is amended to read as follows:

Sec.
609.1 Definition of the industry.
609.2 Wage rates.
609.3 Notices.

AUTHORITY: §§ 609.1 to 609.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 6, 52 Stat. 1062, as amended; 29 U. S. C. 206.

§ 609.1 *Definition of the industry.* The knitting, or manufacture from woven or knit fabric, of women's, misses', girls', boys' size 6x or under, and infants' underwear and nightwear, including, but not by way of limitation, slips, petticoats, nightgowns, negligees, panties, undershirts, briefs, shorts, pajamas, sleepers, and similar articles; and the manufacture of women's and misses' blouses, shirts, waists, neckwear (including collar and cuff sets), and scarves (except square scarves): *Provided, however*, That the industry shall not include any product or activities included in the corsets, brassieres, and allied garments industry in Puerto Rico (29 CFR Part 614); or the outlining, or embroidery of lace by machine or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

§ 609.2 *Wage rates.* (a) Wages at a rate of not less than 48 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the hand-sewing classification, which is defined as the operations of hand-sewing, hand-embroidering, hand-embellishing, ornamental stitching, and similar operations involving decorative effects: *Provided, however*, That mending, repairing, sewing of labels, tacking, and similar operations on articles which are wholly machine-sewn or machine-knit shall not be included.

(b) Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the other operations classification, which is defined as all operations in the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico other than those operations in the hand-sewing classification of this industry.

§ 609.3 *Notices.* Every employer subject to the provisions of § 609.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 609.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 1st day of August 1958.

CLARENCE T. LUNDQUIST,
Administrator.

[F. R. Doc. 58-6142; Filed, Aug. 5, 1958; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 25]

[Bureau of Mines Schedule 16D]

MULTIPLE-SHOT BLASTING UNITS

PROPOSED REVISION OF PROCEDURES FOR TESTING AND APPROVAL

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given that under authority contained in sec. 5, 36 Stat. 370, as amended, 30 U. S. C. 7; and sec. 1, 66 Stat. 709, 30 U. S. C. 482 (a); it is proposed to revise the regulations in Part 25, Title 30, Code of Federal Regulations, as set forth below.

The principal revisions are the inclusion of definitions and specifications to provide for the testing and approval of multiple-shot blasting units that are capable of detonating not more than twenty (20) short-delay electric detonators with a single application of electrical energy. The existing regulations

provide for the testing and approval of multiple-shot blasting units that are capable of detonating not more than ten (10) short-delay electric detonators with a single application of electrical energy. Recent developments in underground mining operations have made it desirable, under certain circumstances, to provide for greater capacity multiple-shot blasting units that may be used safely in gassy coal mines. The proposed revisions are designed to meet the blasting requirements for such operations.

Interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed revisions to the Director, Bureau of Mines, Washington 25, D. C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

MARLING J. ANKENY,
Director,
Bureau of Mines.

Approved: July 30, 1958.

FRED A. SEATON,
Secretary of the Interior.

I. The present text of 30 CFR Part 25 is designated "Subpart A—General Provisions," in which the following revisions are made:

(1) Paragraph (d) of § 25.2 *Definitions* is amended to read as follows:

(d) "Multiple - shot blasting unit" means a blasting unit capable of detonating short-delay electric detonators, as further defined in § 25.20 or § 25.25.

(2) Paragraphs (i) and (j) of § 25.7 *Specifications; all types of units* are amended to read as follows:

(i) The energy applied to the firing circuit by the blasting unit shall be as stated in § 25.21 (a) or § 25.26 (a).

(j) The difference of potential at the terminals of the blasting unit shall be as stated in § 25.21 (b) or § 25.26 (b).

II. Subparts B and C are added.

As so revised, Part 25 reads as follows:

Subpart A—General Provisions

Sec.
25.1 Purpose.
25.2 Definitions.
25.3 Consultation.
25.4 Fees for investigation.
25.5 Tests and investigations.
25.6 Applications.
25.7 Specifications; all types of units.
25.8 Specifications; particular types of units.
25.9 Conduct of investigations and demonstrations.
25.10 Certificate of approval.
25.11 Approval plate.
25.12 Changes after approval.
25.13 Withdrawal of approval.

Subpart B—Blasting Units Capable of Detonating 10 Short-Delay Electric Detonators

25.20 Definition.
25.21 Specifications.

Subpart C—Blasting Units Capable of Detonating 20 Short-Delay Electric Detonators

25.25 Definition.
25.26 Specifications.

AUTHORITY: §§ 25.1 to 25.26 issued under sec. 5, 36 Stat. 370, as amended, sec. 212, 66 Stat. 709; 30 U. S. C. 7, 482. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, secs. 201, 209, 66 Stat. 692, 703; 30 U. S. C. 3, 5, 471, 479.

SUBPART A—GENERAL PROVISIONS

§ 25.1 *Purpose.* The regulations in this part set forth the specifications and requirements for multiple-shot blasting units to procure their approval on certification as permissible for use in coal mines; procedures for applying for such certification; and fees.

§ 25.2 *Definitions.* As used in this part—

(a) "Permissible," as applied to a multiple-shot blasting unit, means that the unit conforms to the specifications and requirements of this part, and that a certificate of approval to that effect has been issued.

(b) "Certificate of approval" means a formal document issued by the Bureau stating that the unit has met the specifications and requirements in this part and authorizing the use and attachment of an official approval plate.

(c) "Blasting unit" means an apparatus for detonating high explosives by applying electric current to electric detonators.

(d) "Multiple-shot blasting unit" means a blasting unit capable of detonating short-delay electric detonators, as further defined in § 25.20 or § 25.25.

(e) "Short-delay electric detonator" means a delay-type detonator (blasting cap) the delay periods of which range in nominal value from 25 to 500 milliseconds, and which will initiate (detonate) multiple charges of high explosives in succession with one application of the firing current.

(f) "Bureau" means the United States Bureau of Mines.

(g) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs, manufactures, or assembles, and that seeks a certificate of approval or preliminary testing of, a multiple-shot blasting unit.

§ 25.3 *Consultation.* By appointment, applicants or their representatives may visit the Bureau's Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, to discuss with qualified Bureau representatives proposed designs of equipment to be submitted in accordance with the requirements of the regulations of this part. No charge is made for such consultation.

§ 25.4 *Fees for investigation.* (a) The fee for a complete investigation of a multiple-shot blasting unit is $250.

(b) The full fee must accompany an application for retesting a unit which has been previously tested and disapproved; but if less work is involved than for a complete investigation, the charge will be in proportion to the work done, and any surplus will be refunded to the applicant.

(c) The fee for tests covering only part of a complete investigation, such as to assist an applicant in developing a unit, will be charged according to the work involved and will be in proportion to that charged for a complete investigation. A fee for such tests shall be determined in advance by the Bureau and the applicant notified accordingly in writing.

(d) Ordinarily a fee is not charged for an application covering an extension of approval that does not require test work. Each case, however, will be considered individually, and if a fee is required, the applicant will be notified accordingly and the fee must be paid in advance before the investigation will be undertaken.

§ 25.5 *Tests and investigations.* Unless the application states otherwise, it will be presumed that a complete investigation for certification is desired. However, the application may be expressly limited to some element or phase less than a complete investigation; and in any case if the tests at any stage indicate that the unit does not conform to the specifications in this part, the Bureau may treat the application as one for a partial investigation up to that point. Complete investigation for certification will not be undertaken unless the unit has been fully developed, is ready to be marketed, and is submitted completely assembled including parts, connectors, and all related materials.

§ 25.6 *Applications.* (a) No investigation or testing will be undertaken by the Bureau except pursuant to a written application, in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover the fees, and all prescribed drawings, specifications, and related material. The application and all related matters and all correspondence concerning it shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Electrical-Mechanical Testing.

(b) The unit to be tested may be shipped (charges prepaid) at the same time the application is submitted, or at the option of the applicant shipment of the unit may be deferred until the Bureau has notified the applicant that the application will be accepted.

(c) Drawings and specifications shall be adequate in number and detail to identify fully the design of the unit and to disclose its materials, detailed dimensions of all parts, and wiring diagram. Drawings must be numbered and dated to insure accurate identification and reference to records, and must show the latest revision. Specifications must be given for materials, components, and subassemblies.

§ 25.7 *Specifications; all types of units.* (a) The Bureau will not test or investigate any unit that in its opinion is not constructed of suitable materials, that evidences faulty workmanship, or that is not designed upon sound engineering principles. In addition to any specifications or requirements imposed by the regulations in this part, the Bureau may impose such further specifications or requirements as in its opinion are necessary or proper to investigate or test the particular device submitted.

(b) Any unit that satisfies all of the requirements of this part may be certified as permissible.

(c) Adequacy of design and construction will be determined in connection with the following factors: Kind and durability of materials, test of active parts, resistance to moisture, drop test, insulation measurements, durability of construction, practicality in operation, suitability for underground service, and performance characteristics during the investigation.

(d) The unit must not ignite explosive gas-air mixtures or cause misfires or premature firing under any condition of use.

(e) The firing operation must be accomplished by a removable key or other acceptable means to prevent accidental or premature firing.

(f) A suitable means, incorporated as an integral part of the blasting unit, shall be provided to indicate, before each round of shots is fired, the ability of the unit to meet the average current and energy requirements, as stated in paragraphs (h) and (i) of this section.

(g) The voltage must be cut off or be reduced within 15 milliseconds (0.015 second) after the firing contact is made to such a value that no incendive spark (an electric spark of sufficient intensity to ignite flammable methane-air mixtures) can result from accidental post-firing contact of wires in the firing circuit.

(h) The average current produced by the unit shall be not less than 1.5 amperes, based on a 5-millisecond application to the bridgewire of the short-delay electric detonator.

(i) The energy applied to the firing circuit of the blasting unit shall be as stated in § 25.21 (a) or § 25.26 (a).

(j) The difference of potential at the terminals of the blasting unit shall be as stated in § 25.21 (b) or § 25.26 (b).

(k) Terminals of the unit for connecting the firing (blasting) cable shall be well insulated, without exposed parts that can become "alive" when energized.

(l) The housing for the unit shall be sealed to prevent tampering with the contents, and mechanically strong for mine service.

§ 25.8 *Specifications; particular types of units.* (a) Generator type: The energy output shall not depend upon the physical effort of an operator of the blasting unit.

(b) Generator or battery, condenser-discharge type:

(1) Condensers must be capable of withstanding 25,000 charge and discharge cycles at the normal rate specified by the applicant.

(2) An automatic means shall be provided to insure that no residual electrical charge will remain in the conderser(s) when the blasting unit is not in use.

(3) Firing shall not occur automatically upon operation of the device provided for charging the condenser(s) but must be accomplished by a separate manual operation.

(4) If battery-powered, the unit shall be so designed and constructed that the battery can be replaced without disturbing or damaging other electrical components.

§ 25.9 *Conduct of investigations and demonstrations.* (a) Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved unit as it sees fit. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers. The Bureau shall hold as confidential and shall not disclose the results of chemical analyses of material or the contents of the application and its accompanying drawings, specifications, and related material.

§ 25.10 *Certificate of approval.* (a) Upon the completion of the investigation the Bureau shall issue to the applicant either a certificate of approval or a written notice of disapproval. If a certificate of approval is issued, no test data or detailed results of the test will accompany it. If the unit is disapproved, the notice of disapproval will be accompanied by details of the defects, with a view to possible correction. The Bureau will hold as confidential the results of tests of units that are disapproved.

(b) Only formal written certificates of approval or notices of disapproval will be given.

(c) A certificate of approval will be accompanied by a list of the drawings and specifications covering the details of design and construction upon which the approval is based, and with the official approval number marked thereon. Applicants shall keep exact duplicates of the drawings and specifications that have been submitted to the Bureau and that relate to any unit which has received a certificate of approval, and these are to be adhered to exactly in production of the approved unit for commercial purposes.

§ 25.11 *Approval plate.* (a) A certificate of approval will be accompanied by a photograph of a design for an approval plate, bearing the seal of the Bureau, space for the approval number, the type, the serial number, the class of unit to which the approval relates, and the name of the applicant. When necessary, an appropriate statement of the precautions to be observed in maintaining the unit in an approved condition shall be added.

(b) The applicant shall reproduce the design either as a separate plate or by stamping or molding it in some suitable place on each unit to which it relates. The size, type, method of attaching and location of approval plates are subject to the approval of the Bureau. The method of affixing the plate shall not impair the explosion-proof features of any enclosure.

(c) The approval plate identifies the unit to which it is attached as permissible, and is the applicant's guarantee that the unit complies with the specifications and requirements in this part. Without an approval plate, no unit has the status of "permissible" under the provisions of this part.

(d) Use of the approval plate obligates the applicant to maintain the quality of each unit bearing it and guarantees that it is manufactured and assembled according to the drawings and specifications upon which a certificate of approval is based. Use of the approval plate is not authorized except on units that conform strictly with the drawings and specifications upon which the certificate of approval is based.

§ 25.12 *Changes after approval.* If an applicant desires to change any feature of an approved unit and still have it covered by an existing certificate of approval, he shall first obtain the Bureau's approval of the change, pursuant to the following procedures:

(a) Application shall be made, as for an original certification, requesting that the existing certificate of approval be extended to cover the proposed change. The application shall be accompanied by drawings and specifications and related material as in the case of an original application.

(b) The application will be examined by the Bureau to determine whether inspection and testing of the modified unit or any part thereof will be required. Generally, inspection and testing will be necessary if there is a possibility that the modification may affect adversely the performance of the unit. The Bureau will inform the applicant whether such inspection and testing is required, the parts or materials to be submitted for that purpose, and the fee required.

(c) If the proposed modification meets the requirements and specifications of this part, a formal "extension of approval" will be issued accompanied by a list of new and corrected drawings and specifications to be added to those already on file as the basis for the certificate of approval.

§ 25.13 *Withdrawal of approval.* The Bureau reserves the right to rescind, for cause, at any time, any approval granted under this part.

SUBPART B—BLASTING UNITS CAPABLE OF DETONATING 10 SHORT-DELAY ELECTRIC DETONATORS

§ 25.20 *Definition.* As used in this subpart: "Multiple-shot blasting unit" means that the unit is capable of consistently detonating not to exceed ten (10) short-delay electric detonators with a single application of electrical energy to the firing circuit, with the detonators connected in series, and with a total firing-circuit resistance of not less than 125 ohms.

§ 25.21 *Specifications.* (a) The electrical energy applied to the firing circuit by the multiple-shot blasting unit shall be not less than 1.4 watt-seconds under any condition of use.

(b) The difference of potential at the terminals of the multiple-shot blasting unit shall not exceed 375 volts.

SUBPART C—BLASTING UNITS CAPABLE OF DETONATING 20 SHORT-DELAY ELECTRIC DETONATORS

§ 25.25 *Definition.* As used in this subpart—(a) "Multiple-shot blasting unit" means that the unit is capable of consistently detonating not to exceed twenty (20) short-delay electric detonators with a single application of electrical

energy to the firing circuit, with the detonators connected in series, and with a total firing-circuit resistance of not less than 150 ohms.

§ 25.26 *Specifications.* (a) The electrical energy applied to the firing circuit by the multiple-shot blasting unit shall be not less than 1.7 watt-seconds under any condition of use.

(b) The difference of potential at the terminals of the multiple-shot blasting unit shall not exceed 400 volts.

[F. R. Doc. 58-6020; Filed, Aug. 5, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 903]

[Docket No. AO-10-A22]

HANDLING OF MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

DECISION TERMINATING PROCEEDING WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at St. Louis, Missouri, on March 12-15, 1957, pursuant to notice thereof issued on March 1, 1957 (22 F. R. 1439). The Deputy Administrator, Agricultural Marketing Service, on September 12, 1957 (22 F. R. 7398) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The Department has now been advised by Sanitary Milk Producers and Producers Creamery Company (representing the majority of producers in the market), which made the original request for a hearing on proposed amendments to the marketing order regulating handling of milk in the St. Louis, Missouri, marketing area, that conditions in the market have changed since the hearing closed and the associations no longer believe that the proposed amendments to the order are necessary at this time.

In view of this substantial change in the material facts to be considered, it is concluded that no action relative to the proposed amendments to the tentative marketing agreement and order should be taken on the basis of the existing public hearing record, and the proceeding is hereby terminated.

This decision filed at Washington, D. C., this 31st day of July 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-6093; Filed, Aug. 5, 1958; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 9]

[Docket No. 12574; FCC 58-800]

AVIATION SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 9.412, Part 9—Aviation Services, to provide for the exemption of Airdrome Control Stations from the maintenance of a listening watch on the frequency 3023.5 kc.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. A recent request for exemption from the 3023.5 kc. listening watch as required by § 9.412 (b) (2) of the Commission's rules has been received from the Hughes Aircraft Co., Culver City, California. The circumstances in this case, together with the general trend toward the use of VHF for air/ground communications, make it appear desirable specifically to provide in the rules for the granting of such exemptions where it can be demonstrated to the Commission's satisfaction that discontinuance of such listening watch will not jeopardize the safety of life and property in the air. Accordingly, the Commission is proposing at this time to amend § 9.412 (b) (2) of the rules as shown below.

3. The proposed amendment is issued under authority of sections 303 (b) and 303 (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 11, 1958, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Rebuttal comments may be filed within 10 days from the last day for filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

5. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 31, 1958.

Released: August 1, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

Amend Part 9—Aviation Services, as indicated below: Amend § 9.412 (b) (2) to read as follows:

(2) *High frequency.* 3023.5 kc. Upon application therefor, the Commission may exempt any station from the requirement to maintain listening watch on this frequency when a showing is made that such service is not required for the preservation of life and property in the air.

[F. R. Doc. 58-6125; Filed, Aug. 5, 1958; 8:48 a. m.]

[47 CFR Parts 31, 34, 35]

[Docket No. 12568; FCC 58-782]

ACCOUNTING FOR CERTAIN OF AMOUNTS CHARGED CUSTOMERS UPON TERMINATION OF SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Parts 31, 34, and 35 of the Commission's rules with respect to the accounting for certain of the amounts charged customers upon the termination of service.

1. American Telephone and Telegraph Company, on behalf of itself and the Bell System companies, by letter dated May 23, 1958, has requested the Commission to amend Part 31 of its rules (Uniform System of Accounts for Class A and Class B Telephone Companies) with respect to the acounting for amounts received at the termination of service when such amounts are designed to cover the loss of investment in the particular case.

2. Paragraph (b) (1) of § 31.5-49, "Purpose of operating revenue accounts," of the Commission's rules provides that the operating revenue accounts shall be credited with all amounts charged for termination of service. American Telephone and Telegraph Company believes that this provision gives a proper result in most situations, but not in all. A. T. & T. gives as an example of a case where it believes the provision does not give a proper result the special situations that arise where the rendering of service requires special construction of facilities for a customer and there is no other expected future use for the facilities so constructed. In such cases, if service is terminated within a specified time, a charge is made to the customer which may be designed to recover the loss of investment suffered in the particular case. A. T. & T. believes that such charges are somewhat comparable to the reimbursements received for losses in connection with plant relocations, as covered in the Commission's case 18-R-1 appended to Part 31 of its rules. Accordingly, A. T. & T. requests that this type of termination charge should be required to be credited to the depreciation reserve rather than to the revenue accounts.

3. A. T. & T. suggests that its requested change in accounting be given effect by adding after paragraph (b) (1) of § 31.5-50 "Note: Amounts which are designed to recover the loss of investment in the particular case at the termination of service shall be credited to Account 171, Depreciation Reserve. See Note under paragraph (b) of Account 171." A. T. & T. also proposes adding a note under paragraph (b) of § 31.171, "Depreciation

Reserve," reading "Note: Account 171 shall be credited with amounts received at the termination of service when such amounts are designed to recover the loss of investment in the particular case."

4. The Note to paragraph (b) of § 31.2-31, "Purpose of telephone plant accounts," provides that amounts received for construction which are ultimately to be repaid wholly or in part shall be credited to the accounts charged with the cost of such construction to the extent that they are not refunded. A. T. & T. makes mention of this Note and states that it does not believe there is a conflict between its proposed changes and the Note since it interprets the latter as being limited in its application to initial nonrecurring charges, and therefore not applicable to termination charges. It is to be observed, however, that the amounts received for construction are credited to the plant accounts while A. T. & T. proposes that termination charges, which are also in reimbursement of construction expenditures, be credited to the depreciation reserve.

5. A. T. & T. requests that in the event of favorable action on its proposal, the Commission's order include permission for the companies to make the change effective as soon after date of the order as is desirable, without waiting for the mandatory date specified in the order.

6. It appears that The Western Union Telegraph Company in its land line operations may be making termination charges in situations practically identical to those envisaged by A. T. & T. in its proposal. Consequently, it appears that it may be desirable to make changes in Part 35 of the Commission's rules (Uniform System of Accounts for Wire-telegraph and Ocean-cable Carriers) comparable to any ordered in the telephone system of accounts. Also, since Part 34 of the Commission's rules (Uniform System of Accounts for Radiotelegraph Carriers) generally runs parallel to Part 35 and thought is being given to their eventual consolidation, it appears that any amendment made in Part 35 should also be made in Part 34. It is not believed necessary that any changes be made in Part 33 of the Commission's rules (Uniform System of Accounts for Class C Telephone Companies) because it is thought that any telephone company making termination charges of the type under consideration would not be using Part 33. As may be inferred from the foregoing, Parts 33, 34, and 35 of the Commission's rules, in common with Part 31, all provide that termination charges shall be credited to the revenue accounts.

7. The Commission believes that its systems of accounts are in need of amendment with respect to the accounting for the type of termination charges described by A. T. & T. The rules as presently written require the crediting to operating revenues of termination charges designed to recover the loss of investment suffered because there is no other use for the facilities released and they were released before the expiration of any reasonable service life that could have been foreseen and provided for through depreciation accruals. This results in "bulges" in revenues with no corresponding nonrecurring increases in expenses because the premature retirements of plant are normally absorbed in the depreciation reserve. The result might be a significant mismatching of revenues and expenses. A. T. & T. would correct this situation by crediting the termination charges to the depreciation reserve rather than to revenues.

8. As a matter of editorial form, the substantive content of the Notes which A. T. & T. suggests adding after §§ 31.5-50 (b) (1) and 31.171 (b) might be incorporated in the sub-paragraph and paragraph, respectively, of the two Sections. If the A. T. & T. approach is finally adopted, the Commission will decide which editorial course is to be followed and will give consideration to any comments submitted in this connection.

9. The Commission is taking no position on the A. T. & T. proposal other than that it agrees with A. T. & T. that accounting revisions are needed. There is, however, another method of accomplishing the A. T. & T. objective which the Commission believes has sufficient merit that interested parties should be invited to comment upon it as well as upon the A. T. & T. proposal. The alternative method is to add a sentence to the text of § 31.609, "Extraordinary retirements," reading "It shall also include the loss of investment recovered through amounts designed to accomplish such recovery received at the termination of service." A sentence should be added to § 31.02-83, "Plant retired for causes not factors in depreciation," reading "Account 609 shall also be charged, and Account 171 concurrently credited, with the loss of investment recovered through amounts designed to accomplish such recovery received at the termination of service." It can be argued that the plant retirements compensated for by these termination charges are closely akin to and in effect merely an extension of the extraordinary retirements contemplated by § 31.609 as now written. There is no escaping the fact that termination charges are charges for utility service from the standpoint of the customer. It would be possible to avoid termination charges through the use of or increasing the amount of initial nonrecurring installation charges and higher regularly recurring service charges. All of the latter are credited to revenues in all our systems of accounts and most of the former are credited to revenues in the telephone system of accounts and all to revenues in the telegraph systems of accounts.

10. Question arises whether or not the general rule should be that all charges for service be credited to revenues. Should differences in rate structure be permitted to result in different accounting to the extent that, if reimbursements for plant losses suffered from early cancellation of service are through initial nonrecurring charges and regularly recurring charges, they find their way into operating revenues but, if such reimbursements are received in lump sums through termination charges, they shall be credited to depreciation reserve? Is an income statement prepared from accounts wherein some charges to customers are excluded from the income accounts more or less useful than an income statement prepared from accounts wherein the maximum number of transactions with customers is reflected in the income accounts? The Commission is taking no position on these questions at this point but would welcome the views of persons who believe that the merits of one course clearly outweigh those of the other.

11. Sections 34.4925 and 35.4925 of our rules, each entitled "Extraordinary Plant Losses," are comparable to § 31.609 of the rules. If the alternative presented for comment were adopted, it is contemplated that these sections would be amended by the addition of the same sentence added to § 31.609. The substance of the sentence added to § 31.02-83 would be added to paragraph (b) of § 34.04-4, "Plant retired for causes not known to be in current operation," and to § 35.04-4, "Extraordinary retirements." Similarly, as noted in paragraph 6 above, if the A. T. & T. proposal is adopted, it is contemplated that like language would be added to, or noted under, paragraph (b) (1) of §§ 34.31-2 and 35.31-2, each of which sections relate to "Basis of credits to operating revenue accounts," and paragraph (a) of §§ 34.1515 and 35.1515, each of which sections is what is popularly known as the depreciation reserve account.

12. The language suggested by A. T. & T. for its "Capital Accounting" handling of termination charges has also been used in the alternative possibility of "Revenue and Expense Accounting" handling of such charges. The Commission is not satisfied that the language proposed by A. T. & T. cannot be improved upon by being made more explicit and desires suggestions to this end. The "significant mismatching of revenues and expenses" mentioned in paragraph 7 above as being the situation sought to be avoided probably results from the larger termination charges, first, because they are large and, second, because they are on large installations of types relatively few in number in the plant so that they do not recur sufficiently frequently and at regular enough intervals so that by the law of averages depreciation expense on the plant as a whole can match the termination charge revenues. It should be added that regular depreciation accrual rates probably do not comprehend the extraordinary retirements in these relatively few large plant installations so that the depreciation reserve deserves some "sweetening" by one accounting device or another when sudden unforeseen cancellations of service occur. This reasoning leads to the thought that special accounting for termination charges might be resorted to only on the large transactions and that a minimum amount might be written into the accounting rules. Thus the A. T. & T. suggested language might be supplemented to read "Account 171 shall be credited with amounts exceeding

$10,000 received at the termination of service when such amounts are designed to recover the loss of investment in the particular case."

13. This Notice of Proposed Rule Making is issued under authority of sections 4 (i) and 220 of the Communications Act of 1934, as amended.

14. Any interested party who is of the opinion that neither of the proposed amendments should be adopted, or should not be adopted in either of the forms proposed herein, may file with the Commission on or before September 15, 1958, a statement or brief setting forth his comments. Comments in support of one of the proposed amendments and those suggesting revised wording may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within 20 days of the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

15. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: July 31, 1958.

Released: August 1, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6124; Filed, Aug. 5, 1958; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54654]

[Customs Delegation Order No. 1, Rev., Amdt.]

OFFICERS OF THE BUREAU OF CUSTOMS

ORDER WITH RESPECT TO CERTAIN DECISIONS AND FUNCTIONS

JULY 30, 1958.

Pursuant to Treasury Department Order No. 165, Revised (T. D. 53654; 19 F. R. 7241), Customs Delegation Order No. 1, Revised (T. D. 53694; 19 F. R. 8756) as amended by T. D. 53914 (20 F. R. 7554) is hereby further amended by adding a new subparagraph (d) to paragraph 1, reading as follows:

(d) Deputy Commissioner, Division of Management and Controls

(1) Decisions on requests for permission for scheduled aircraft to land elsewhere than at an international airport of entry.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 58-6131; Filed, Aug. 5, 1958; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 41]

ANCHORAGE ALASKA LAND DISTRICT

SMALL TRACT CLASSIFICATION, REVOCATION

Effective August 13, 1958, Federal Register Document 51-7935 appearing in the issue for July 10, 1951, is revoked in its entirety including the following described public lands:

SEWARD MERIDIAN

T. 19 N., R. 4 W.,
Section 28: Lots 4, 5, 6, 7.

Containing 115.10 acres.

L. T. MAIN,
Operations Supervisor, Anchorage.

[F. R. Doc. 58-6016; Filed, Aug. 5, 1958; 8:45 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 28, 1958.

The U. S. Forest Service of the Department of Agriculture has filed an application, Serial Colorado 021326, for withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as an administrative site.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 339 New Custom House, P. O. Box 1018, Denver 1, Colo.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

GUNNISON NATIONAL FOREST

Ropers Administrative Site

T. 51 N., R. 1 E.,
Sec. 33, SE¼SE¼NW¼ and NE¼SW¼.

The above area aggregates 50 acres.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F. R. Doc. 58-6017; Filed, Aug. 5, 1958; 8:45 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 28, 1958.

The U. S. Forest Service of the Department of Agriculture has filed an application, Serial Colorado 021589, for withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as a recreation area.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 339 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ARAPAHO NATIONAL FOREST

Mount Goliath Natural Area

T. 5 S., R. 73 W.,
Sec. 5, SW¼SW¼;
Sec. 6, SE¼SE¼;
Sec. 7, NE¼NE¼;
Sec. 8, NW¼NW¼.

The above area aggregates 160 acres.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F. R. Doc. 58-6018; Filed, Aug. 5, 1958; 8:45 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 28, 1958.

The U. S. Forest Service of the Department of Agriculture has filed an application, Serial Colorado 021589, for withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as a Natural area.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 339 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

PIKE NATIONAL FOREST

Happy Meadows Recreation Area

T. 12 S., R. 71 W.,
Sec. 8, W½SE¼NW¼NE¼, SW¼NW¼NE¼, W½SW¼NE¼, W½E½SW¼NE¼, SE¼SW¼NW¼, NE¼SE¼NW¼, S½NE¼NW¼, NE¼NW¼SW¼, S½NW¼SW¼, N½NE¼SW¼, SW¼NE¼SW¼, and SW¼SW¼;
Sec. 17, NE¼NW¼NW¼, W½W½NW¼;
Sec. 18, E½NE¼NE¼, NE¼SE¼NE¼.

The above area aggregates 265 acres.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F. R. Doc. 58-6019; Filed, Aug. 5, 1958; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S-73]

WATERMAN STEAMSHIP CORP.

AMENDED NOTICE OF HEARING

The notices published in the FEDERAL REGISTER on June 4, 1957, August 21, 1957, and June 25, 1958, concerning a public hearing to be held under sections 605 (c) and 805 (a) of the Merchant Marine Act, 1936, as amended, upon an application of Waterman Steamship Corporation for an operating-differential subsidy agreement, are hereby amended to delete the descriptions of the services on which subsidy was shown to have been requested and to substitute in lieu thereof the following service descriptions. In all other respects the notices of June 4, 1957, August 21, 1957, and June 25, 1958, remain unchanged.

1. U. S. Gulf/U. K. and Continent Service: Between U. S. Gulf ports (Key West to Mexican border) and ports in the United Kingdom, Eire and Continental Europe north of Portugal, with the privilege of calling approximately one sailing per month outbound only at North Atlantic ports for cargo destined to Continental Europe north of Portugal (but not including Baltic and Scandinavian ports). (30 to 42 sailings per year.)

2. Gulf-California/Far East Service—*Westbound:* From U. S. Gulf ports (Key West-Mexican border) via Panama Canal, completing at California ports to Far East (Japan, Formosa, the Philippines and the Continent of Asia from Union of Soviet Socialist Republics to Siam, inclusive); and *Eastbound:* From Far East to U. S. Atlantic ports and U. S. Gulf ports. (18 to 30 sailings per year.)

3. Pacific Coast/Far East Service: Between California, Washington and Oregon ports and ports in the Far East with approximately one sailing per month last from California ports and one sailing per month last from Washington and Oregon ports; the third monthly sailing usually calling at both California and Washington and Oregon ports, alternating each month its last call at such areas. (30 to 42 sailings per year.)

4. U. S. North Atlantic/Continent Service: Between U. S. North Atlantic ports (Maine-Virginia inclusive) and ports in Continental Europe north of Portugal (but not including Baltic and Scandinavian ports). (18 to 30 sailings per year.)

The hearing will be before an Examiner, at a time and place to be announced, in acordance with the Federal Maritime Board's Rules of Practice and Procedure and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in the proceeding are requested to notify the Secretary of the Federal Maritime Board by close of business on August 20, 1958, and should promptly file petitions for leave to intervene in accordance with said rules of practice and procedure.

Dated: August 1, 1958.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-6116; Filed, Aug. 5, 1958; 8:48 a. m.]

[Docket No. 842]

ATLANTIC & GULF/HAWAII CONFERENCE; REDUCTION IN RATES ON PLASTERBOARD AND WALLBOARD

NOTICE OF INVESTIGATION AND OF HEARING

On July 23, 1958, the Federal Maritime Board entered the following order:

It appearing that there has been filed with the Federal Maritime Board, by Walter R. Greiner, Agent, Atlantic and Gulf/Hawaii Conference, comprised of the following participating carriers: American President Lines, Ltd., Isthmian Lines, Inc., Lykes Bros. Steamship Company, Inc. (Lykes Orient Line), Matson Navigation Company, United States Lines Company (American Pioneer Line) and Waterman Steamship Corporation, a tariff item setting forth a new reduced rate on Boards, viz: Plasterboard and Wallboard applicable from Atlantic and Gulf ports of the United States to ports in the Hawaiian Islands to become effective July 24, 1958, designated as follows:

Second Revised Page No. 19, Item 205, Cancels First Revised Page No. 19. Walter R. Greiner, Agent, Atlantic & Gulf/Hawaii Conference F. M. B. F—No. 19.

It further appearing that a protest has been filed against said item and upon consideration thereof there is reason to believe that it would, if permitted to become effective, result in rates which would be unjust and unreasonable and in violation of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, as amended; and

It further apearing that an investigation and hearing should be made to determine the lawfulness of the rates contained in said item, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and good cause appearing therefor;

It is ordered, That the Board enter upon an investigation and hearing concerning the reasonableness of the rates in said item;

It is further ordered, That the application of said item be and it is hereby suspended in full and that the use thereof be deferred to and including November 23, 1958 unless otherwise ordered by this Board;

It is further ordered, That the item hereby suspended or altered thereby may not be changed until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired, unless otherwise authorized by the Board;

It is further ordered, That there shall be filed immediately with the Board by Walter R. Greiner, Agent, Atlantic and Gulf/Hawaii Conference, a numbered supplement to tariff F. M. B. F.—No. 19 which shall reproduce the portion of this Order wherein the suspended designated item is described, and shall state that such item is suspended and that the rates therein stated may not be used until the 24th of November, 1958, unless otherwise authorized by the Board; and that the rates or those altered thereby may not be changed during the period of suspension or any extension thereof, unless otherwise authorized by the Board;

It is further ordered, That copies of this order shall be filed with said tariff in the Regulation Office of the Federal Maritime Board; that a copy hereof be forthwith served upon the Atlantic and Gulf/Hawaii Conference, Agent Walter R. Greiner and all participating carriers named in the aforesaid tariff and said agent and carriers be, and they are hereby, made respondents in this proceeding; that said protestants, agent and carriers be duly notified of the time and place of the hearing herein ordered and that this order and notice of such hearing be published in the FEDERAL REGISTER.

Pursuant to the above order, notice is hereby given that a public hearing in this proceeding will be held before an examiner of the Board's Hearing Examiners' Office at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's Rules of Practice and Procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the

Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5 (n) of said Rules.

Dated: August 1, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F. R. Doc. 58-6117; Filed, Aug. 5, 1958; 8:48 a. m.]

Office of the Secretary

JOHN S. VANDER HEIDE

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 20, 1957; 22 F. R. 1045; August 7, 1957; 22 F. R. 6303; February 4, 1958; 23 F. R. 727.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 23, 1958.

JOHN S. VANDER HEIDE.

JULY 24, 1958.

[F. R. Doc. 58-6118; Filed, Aug. 5, 1958; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12223, 12224; FCC 58M-842]

ARMIN H. WITTENBERG, JR., AND PASADENA PRESBYTERIAN CHURCH

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Armin H. Wittenberg, Jr., Los Angeles, California; Docket No. 12223, File No. BPH-2170; Pasadena Presbyterian Church, Pasadena, California; Docket No. 12224, File No. BPH-2179; for construction permits (FM Facilities, Channel 294).

A further prehearing conference in the above-entitled proceeding will be held on Thursday, July 31, 1958, beginning at 2:00 p. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 30th day of July 1958.

Released: July 31, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT, *Acting Secretary.*

[F. R. Doc. 58-6126; Filed, Aug. 5, 1958; 8:48 a. m.]

[Docket No. 12490; FCC 58-762]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of July 1958;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations;

It appearing that Notice of Proposed Rule Making (FCC 58-591) setting forth the above proposal was issued by the Commission on June 23, 1958 and was duly published in the FEDERAL REGISTER (23 F. R. 4709), which notice provided that interested parties might file statements or briefs with respect to the said proposal on or before July 18, 1958; and

It further appearing that no comments were filed, either in favor of or opposing the proposed amendment; and

It further appearing that adoption of the proposed amendment will make Channel 298 available for assignment in Winston-Salem, North Carolina, for which an application, File No. BPH-2429, has been filed by Winsonett, Inc.; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective July 30, 1958, the Revised Tentative Allocation Plan for Class B FM broadcast stations is amended as follows in respect to the city of Winston-Salem, North Carolina:

General area	Channel	
	Delete	Add
Winston-Salem, N. C.	.....	298

Released: August 1, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT, *Acting Secretary.*

[F. R. Doc. 58-6127; Filed, Aug. 5, 1958; 8:48 a. m.]

[Docket No. 12491; FCC 58-763]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of July 1958;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations;

It appearing, that Notice of Proposed Rule Making (FCC 58-592) setting forth the above proposal was issued by the Commission on June 23, 1958, and was duly published in the FEDERAL REGISTER (23 F. R. 4710), which notice provided that interested parties might file statements or briefs with respect to the said proposal on or before July 18, 1958; and

It further appearing that no comments were filed, either in favor of or opposing the proposed amendment; and

It further appearing that adoption of the proposed amendment will make Channel 233 available for assignment in Gainesville, Texas, for which an application, File No. BPH-2445, has been filed by the Gainesville Broadcasting Co., Inc.; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective July 30, 1958, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the cities of Gainesville and Sherman, Texas:

General area	Channel	
	Delete	Add
Gainesville, Tex.	.....	233
Sherman, Tex.	236	293

Released: August 1, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT, *Acting Secretary.*

[F. R. Doc. 58-6128; Filed, Aug. 5, 1958; 8:48 a. m.]

[Docket Nos. 12518, 12519; FCC 58M-845]

CLARION BROADCASTING CO. AND COUNTY BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Victor D. Lindeman, Jr., and Robert Z. Morrison, d/b as Clarion Broadcasting Company, Clarion, Pennsylvania; Docket No. 12518, File No. BP-11332; W. E. Sheridan, Thomas Culbertson, Harriet Hearst, W. C. Hearst, W. J. McKnight III and Punxsutawney Broadcasting Company, d/b as County Broadcasting Company, Clarion, Pennsylvania; Docket No. 12519, File No. BP-11843; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding and agreements reached by the parties at the pre-hearing conference held herein on July 31, 1958;

It is ordered, This 31st day of July 1958, that the hearing session presently scheduled for October 10, 1958, is continued until October 17, 1958, at 10:00 a. m., and that a second hearing session is also scheduled for October 28, 1958, at 10:00 a. m.

Released: August 1, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT, *Acting Secretary.*

[F. R. Doc. 58-6129; Filed, Aug. 5, 1958; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-112]

UNIVERSITY OF OKLAHOMA

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that the University of Oklahoma, Norman, Oklahoma, under section 104c of the Atomic Energy Act of 1954, filed an application dated July 16, 1958, for a license to acquire, possess and operate on the University's campus a fifteen watt research reactor. The reactor is designated by the manufacturer, Aerojet-General Nucleonics, as Model AGN-211, Serial No. 102. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 31st day of July 1958.

For the Atomic Energy Commission.

H. L. PRICE, *Director, Division of Licensing and Regulation.*

[F. R. Doc. 58-6092; Filed, Aug. 5, 1958; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6834]

NORTHERN STATES POWER CO.

NOTICE OF APPLICATION

AUGUST 1, 1958.

Take notice that on July 28, 1958, an application was filed with the Federal Power Commission pursuant to sections 203 and 204 of the Federal Power Act by Northern States Power Company ("NSP Minn") seeking an order authorizing (1) the issuance of 15,304 shares of its $5 par value Common Stock and (2) the acquisition of the remaining minority stock interest of its subsidiary, Northern States Power Company of Wisconsin ("NSP Wis"), consisting of 1,855 shares of $100 par value Common Stock. NSP Minn is a corporation organized under the laws of the State of Minnesota, and does business in Minnesota, North Dakota and South Dakota, with its principal business office in Minneapolis, Minnesota. Its subsidiary, NSP Wis, is incorporated in Wisconsin and does business in Wisconsin and Minnesota. An agreement was executed by NSP Minn the St. Paul Fire and Marine Insurance Company ("St. Paul") on July 10, 1958, for the issuance and delivery by NSP Minn of 15,304 shares of its Common Stock to St. Paul in exchange for 1,855 shares of its NSP Wis Common Stock held by St. Paul. 8.25 shares of NSP Minn Common Stock is being exchanged for one share of NSP Wis Common Stock. The aforementioned transaction has for its purpose the elimination of the remaining minority stock interest in NSP Wis, and NSP Minn states this will also result in further simplification of NSP's system. NSP Minn also states that because holders of NSP Wis have a pre-emptive right to purchase additional shares, the elimination of the minority stock interest will simplify the issuance of additional Common Stock of NSP Wis and will eliminate all of the reporting and accounting required to show the minority stock interest.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 22d day of August 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6134; Filed, Aug. 5, 1958; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 297, Revocation]

FEDERAL CIVIL DEFENSE ADMINISTRATION

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN PURCHASES AND CONTRACTS FOR SUPPLIES AND SERVICES IN CONNECTION WITH ACTIVITIES OF FEDERAL CIVIL DEFENSE ADMINISTRATION

1. Delegation of Authority dated August 7, 1957 (22 F. R. 6540) is hereby revoked.

2. This revocation is effective as of July 1, 1958.

Dated: July 30, 1958.

FRANKLIN FLOETE, *Administrator.*

[F. R. Doc. 58-6088; Filed, Aug. 5, 1958; 8:46 a. m.]

[Delegation of Authority 349]

DIRECTOR, OFFICE OF DEFENSE AND CIVILIAN MOBILIZATION

NEGOTIATION OF CERTAIN CONTRACTS FOR SUPPLIES AND SERVICES IN CONNECTION WITH ACTIVITIES OF OFFICE OF DEFENSE AND CIVILIAN MOBILIZATION

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), hereinafter called "the act"), authority is hereby delegated to the Director of Defense and Civilian Mobilization to negotiate purchases and contracts for supplies and services without advertising under section 302 (c) (4), (5), (9), (10), (11) and (12) of the act.

2. This authority shall be exercised by you with respect to the procurement of those supplies and services which are required in connection with authorized activities, other than administrative programs, conducted by the Office of Defense and Civilian Mobilization.

3. This authority shall be exercised in accordance with applicable limitations and requirements in the act, particularly section 304, 305 and 307, and in accordance with policies, procedures, and controls prescribed by the General Services Administration.

4. Subject to the provisions of 3 above, the authority herein delegated may be redelegated to any official or employee of the Office of Defense and Civilian Mobilization.

5. This delegation shall be effective as of July 1, 1958, and shall not extend beyond December 31, 1959.

Dated: July 30, 1958.

FRANKLIN FLOETE, *Administrator.*

[F. R. Doc. 58-6087; Filed, Aug. 5, 1958; 8:46 a. m.]

INTERNATIONAL COOPERATION ADMINISTRATION

DIRECTORS AND ACTING DIRECTORS OF UNITED STATES OPERATIONS MISSIONS

DELEGATION OF AUTHORITY TO EXECUTE CONTRACTS AND OTHER DOCUMENTS UNDER PROGRAMS ADMINISTERED BY INTERNATIONAL COOPERATION ADMINISTRATION

The Delegation of Authority to Directors and Acting Directors of United States Operations Missions dated November 26, 1954 (19 F. R. 8049), as amended March 9, 1955 (20 F. R. 1593), is hereby further amended by adding the following sentence at the end of the first paragraph: "The foregoing authority is hereby also delegated to the ICA Representative for each Dependent Overseas Territory and the Dependent Overseas Territories Officer for Africa and may be redelegated by such Representative or Officer to his deputy and to one other member of his staff."

J. H. SMITH, JR., *Director, International Cooperation Administration.*

JUNE 26, 1958.

[F. R. Doc. 58-6021; Filed, Aug. 5, 1958; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 10]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 1, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 35331. By order of July 28, 1958, the Transfer Board approved the lease to E. M. Keller & Co., Inc., Pampa, Texas, of Certificate No. MC 31229, issued July 11, 1956, to E. M. Kel-

ler, doing business as E. M. Keller & Company, Pampa, Texas, authorizing the transportation of: Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines; and heavy machinery and heavy or cumbersome commodities, which because of size or weight, require the use of special equipment, and parts thereof; between points in that part of Texas west of a line beginning at the Texas-Oklahoma State line and extending along U. S. Highway 81 to Fort Worth, Tex., and north of a line beginning at Fort Worth and extending along U. S. Highway 30 to El Paso, Tex., including points on the indicated portions of the highways specified; between points in Texas north of a line beginning at the Texas-New Mexico State line and extending along the southern boundaries of Parmer, Castro, Swisher, Briscoe, Hall, and Childress Counties, Tex., to junction of Hardeman County line, thence west of a line extending along the Childress-Hardeman County line to the Texas-Oklahoma State line, on the one hand, and, on the other, points in New Mexico, Oklahoma, and Kansas, with provisions for combining the above described irregular route authorities; Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products; and machinery, equipment, materials, and supplies used in, or in connection with, the construction, of pipelines, including the stringing and picking up thereof except the stringing and picking up of pipe in connection with main or trunk pipelines, between Ulysses, Kans., on the one hand, and, on the other, points in Oklahoma; and Machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in New Mexico. Aaron Sturgeon, Suite 202, Combs-Worley Building, Pampa, Texas, for applicants.

No. MC–FC 61250. By order of July 25, 1958, Division 4, approved the transfer to Matson, Inc., Cedar Rapids, Iowa, of a portion of certificate in No. MC 61592, issued November 13, 1956, to K & A Truck Lines, Inc., Bettendorf, Iowa, authorizing the transportation over irregular routes of: *Structural iron and steel*, from Rock Island, Ill., to points in that part of Iowa on and east of U. S. Highway 69, EXCEPT, that no service may be performed between Davenport and Bettendorf, Iowa, and Rock Island, Moline, East Moline, Silvis, Carbon Cliff, and Milan, Ill.; and *paving and building equipment*, between points in Illinois, on the one hand, and, on the other, points in Iowa, EXCEPT, that no service may be performed between Moline, Ill., and points within 10 miles of Moline, Ill. William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa, for applicants.

No. MC–FC 61332. By order of July 28, 1958, the Transfer Board approved the transfer to Arrow Motor Transit, Inc., Chicago, Illinois, of certificates Nos. MC 35840, MC 35840 Sub 4, and MC 35840 Sub 5, issued December 4, 1941, July 31, 1951, and November 8, 1954, respectively, to August Dinovo, Salvatore Dinovo, and Russell Dinovo, a partnership, doing business as Arrow Motor Transit, Chicago, Illinois, authorizing the transportation of: general commodities, with exceptions, over regular routes, between Chicago, Ill., and Fort Wayne, Ind., with service to and from all intermediate points, and the off-route points in the Chicago, Ill., commercial zone, as defined, and with service to and from points within five miles of Fort Wayne, Ind., including the site of Baer Field (Ferguson, Ind.) as intermediate or off-route points in connection with carrier's presently-authorized regular-route operations to and from Fort Wayne; and between Hammond, Ind., and the junction of U. S. Highways 41 and 6 and Indiana Highway 152. Harold T. Halfpenny, 111 West Washington Street, Chicago 2, Illinois, for applicants.

No. MC–FC 61365. By order of July 29, 1958, the Transfer Board approved the transfer to George Williams, Roy Williams, Warren Littlejohn and Warren Higgenbotham, Partners, doing business as Williams Trucking Service, Gladstone, Oregon, of certificates in Nos. MC 7155 Sub 1, MC 7155 Sub 2, MC 7155 Sub 3, MC 7155 Sub 4, and MC 7155 Sub 5, issued October 19, 1938, April 18, 1941, November 8, 1948, December 5, 1950, and January 2, 1952, respectively, to Roy Williams, Gladstone, Oregon, authorizing the transportation of specific commodities from, to, and between points in Oregon, Washington, Idaho, and Utah. Ralf H. Erlandson, 1935 Washington Street, Milwaukie 22, Oregon, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-6120; Filed, Aug. 5, 1958; 8:48 a. m.]

[Notice 46]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 1, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Special Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and

form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 36151 (Deviation No. 1), HENRY JENKINS TRANSPORTATION CO., INCORPORATED, 32 Rigis Road, Boston, Mass., filed July 25, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Eastern Terminus of the Massachusetts Turnpike at Weston, Mass., and Westfield, Mass., as follows: from the Eastern Terminus of the Massachusetts Turnpike over the Massachusetts Turnpike and access routes to Westfield and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Boston, Mass., and Hartford, Conn., over the following pertinent routes: from Boston over Massachusetts Highway 9 to Ware, Mass., thence over Massachusetts Highway 32 to Palmer, Mass., thence over U. S. Highway 20 to Springfield, Mass., and thence over U. S. Highway 5 to Hartford (also from Springfield, Mass., over Alternate U. S. Highway 5 to Hartford); and from Boston over Massachusetts Highway 9 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction Massachusetts Highway 15, thence over Massachusetts Highway 15 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 15 to East Hartford, Conn., and thence over U. S. Highway 6 to Hartford.

No. MC 69116 (Deviation No. 5), SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill., dated July 21, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between junction Indiana Highways 9 and 67 (about four miles north of Huntsville, Ind.), and junction U. S. Highways 25 and 224 at Findlay, Ohio, as follows: from junction Indiana Highways 9 and 67 over Indiana Highway 67 to the Indiana-Ohio State line, thence over Ohio Highway 29 to junction U. S. Highway 33 at St. Marys, Ohio, thence over U. S. Highway 33 to junction U. S. Highway 25 at Wapakoneta, Ohio, thence over U. S. Highway 25 to junction U. S. Highway 224 at Findlay, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between junction Indiana Highways 9 and 67 (about four miles of Huntsville, Ind.), and Findlay, Ohio, over the following pertinent route: from junction Indiana Highways 9 and 67 over Indiana Highway 9 to junction U. S. Highway 224 at Huntington, Ind., thence over U. S. Highway 224 to Findlay.

No. MC 113427 (Deviation No. 1), ROBERT E. LIVESAY, 4030 Wabash, Kansas City, Mo., filed July 11, 1958. Attorney for said carrier, Floyd D. Strong, 214 Insurance Building, 701 Jackson Street, Topeka, Kans. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Leavenworth, Kans., and St. Joseph, Mo., as follows: from Leavenworth over U. S. Highway 73 (through Atchison) to junction U. S. Highway 36 at Hiawatha, Kans., thence over U. S. Highway 36 to St. Joseph and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Leavenworth, Kans., and St. Joseph, Mo., over the following pertinent route: from Leavenworth over Kansas Highway 92 to the Kansas-Missouri State line, thence over Missouri Highway 92 to junction U. S. Highway 71, thence over U. S. Highway 71 to St. Joseph.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-6121; Filed, Aug. 5, 1958; 8:48 a. m.]

[Notice 228]

MOTOR CARRIER APPLICATIONS

AUGUST 1, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.241)

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub No. 97), filed June 27, 1958. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P. O. Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving The Navajo Dam Site about 10 miles northeast of Blanco, N. Mex., and points within 10 miles thereof as off-route points in connection with applicant's authorized regular route operations between Durango, Colo., and Gallup, N. Mex., over U. S. Highway 550. Applicant is authorized to conduct operations in Washington, Idaho, Montana, California, Nevada, Oregon, Wyoming, Utah, Arizona, New Mexico, and Colorado.

HEARING: October 2, 1958, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 603 (Sub No. 12), filed May 5, 1958. Applicant: T. R. SHUMPERT, doing business as SHUMPERT TRUCK LINE, Highway 278 W. Amory, Miss. Applicant's attorney: Edward G. Grogan, Commerce Title Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Hamilton and Caledonia, Miss., as off-route points in connection with applicant's authorized regular route operations between Memphis, Tenn., and Amory, Miss. Applicant is authorized to conduct operations in Alabama, Mississippi, and Tennessee.

HEARING: September 18, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 97, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 1313 (Sub No. 7), filed June 23, 1958. Applicant: RIDGELY TRANSPORT, doing business as PIONEER-RIDGLEY FREIGHT LINES, 1509 Bent Avenue, Cheyenne, Wyo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points within a 50 mile radius of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to and from Cheyenne. Applicant is authorized to conduct operations in Colorado, Nebraska, and Wyoming.

NOTE: Applicant states that the purpose of this application is solely to serve launching sites of the Inter-Continental Ballistics Missiles, and any authority granted may be so restricted. In Docket No. MC-F 6828, application is pending for authority to merge applicant with Buckingham Transportation, Inc.

HEARING: September 26, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Leo. A. Riegel.

No. MC 4073 (Sub No. 10), filed May 21, 1958. Applicant: CARL EDWIN KELTON, doing business as C. E. KELTON MOTOR TRANSPORTATION, Taft Avenue, White River Junction, Vt. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Sugar* and *sugar products*, from White River Junction, Vt., to points in Vermont. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

HEARING: September 15, 1958, at the Washington County Court House, Montpelier, Vt., before Joint Board No. 116, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 11207 (Sub No. 192), filed May 21, 1958. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue, North, P. O. Box 1271, Birmingham, Ala. Applicant's attorney: John W. Cooper, 818–821 Massey Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel*, from Decatur, Ala., to points in Tennessee, Mississippi, Louisiana, and Arkansas. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

HEARING: September 25, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Harold W. Angle.

No. MC 11207 (Sub No. 194), filed May 21, 1958. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue, North, P. O. Box 1271, Birmingham, Ala. Applicant's attorney: John W. Cooper, 818–821 Massey Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron pipe* and *fiber pipe*, and *connections, fittings, and accessories* therefor, from Holt, Ala., to points in Arkansas; and (2) *Cast iron pipe, structural and reinforcing steel*, and *iron and steel articles*, from Gasden and Anniston, Ala., to points in Arkansas. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

HEARING: September 26, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 408, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 11220 (Sub No. 65), filed July 17, 1958. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except automobiles set up on wheels, those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Forest Products Division of the Olin Mathieson Chemical Corporation plant located approximately six (6) miles southwest of Joliet, Ill., on the Des Plaines River and just off U. S. Highway 6, as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Indiana, Louisiana, Mississippi, Missouri, and Tennessee.

HEARING: September 11, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 22300 (Sub No. 8), filed June 23, 1958. Applicant: SMITH TRADING CO., INC., 1160 Beck Street, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, 721 Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt* and *salt products*, from Lakepoint, Flux, and Saltair, Utah, to points in Harney, Malheur, Grant, Baker, Union, Wallowa, and Umatilla Counties, Oreg., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to transport salt and salt products in Colorado, Idaho, Montana, Oregon, Utah, and Wyoming.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 22300 (Sub No. 7).

HEARING: September 17, 1958, at Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 346, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 30803 (Sub No. 3), filed June 2, 1958. Applicant: THOMAS A. WALSH, doing business as WALSH BROS., 354 Adams Street, Newark 5, N. J. Applicant's attorney: Bernard F. Flynn, Jr., 1060 Broad Street, Newark 2, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Piling*, wooden, and *forest products*, treated, between Port Reading, Carteret, and Port Newark, N. J., on the one hand, and, on the other, points in New York, Connecticut, Rhode Island, Massachusetts, Pennsylvania, Maine, New Hampshire, and Vermont. Applicant is authorized to conduct operations in New Jersey, New York, Connecticut, and Pennsylvania.

HEARING: September 15, 1958, at 346 Broadway, New York, N. Y., before Examiner Allen W. Hagerty.

No. MC 35211 (Sub No. 3), filed June 2, 1958. Applicant: FRANK MURPHY, 730 Richmond Terrace, New Brighton, Staten Island, N. Y. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, between Roseton, Beacon, and New York, N. Y., on the one hand, and, on the other, points in New Jersey, points in Connecticut west of the Connecticut River, and points in Nassau, Suffolk, Kings, Queens, Bronx, New York, Richmond, Westchester, Rockland, Orange, Putnam, Sullivan, Ulster, Dutchess, Rensselaer, Columbia, and Albany Counties, N. Y. Applicant is authorized to conduct operations in New York, Pennsylvania, Connecticut, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont.

HEARING: September 26, 1958, at 346 Broadway, New York, N. Y., before Examiner Allen W. Hagerty.

No. MC 43144 (Sub No. 4), filed May 27, 1958. Applicant: GUILFORD TRUCKING, INC., 338 Copeland Street, Wellaston 70, Mass. Applicant's attorney: Carmine Garofalo, 3814 Alton Place, NW., Washington 16, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, from Everett, Mass., to points in Connecticut, points in Rhode Island (except Providence, R. I.), points in Maine on and south of U. S. Highways 1 and 2, including Dexter, Maine, points in New Hampshire on and south of U. S. Highway 11, and points in Vermont on and south of U. S. Highway 4; *scrap metals* and *salvage materials*, between points in Massachusetts, Connecticut, Rhode Island, that portion of Maine lying on and south of U. S. Highways 1 and 2, including Dexter, Maine, that portion of New Hampshire lying on and south of U. S. Highway 11, and that portion of Vermont lying on and south of U. S. Highway 4. Applicant is authorized to conduct operations from and to specified points in Massachusetts and Rhode Island.

HEARING: September 19, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Donald R. Sutherland.

No. MC 47323 (Sub No. 2), filed July 1, 1958. Applicant: TAJON TRUCKING CO., a Corporation, 818 Frick Building, Pittsburgh 19, Pa. Applicant's attorney: Arthur J. Diskin, 810 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such bulk commodities* as are transported in dump trucks, between points in Butler and Venango Counties, Pa., on the one hand, and, on the other, points in Lake County, Ohio. Applicant is authorized to transport such bulk commodities as are transported in dump trucks between points in Beaver, Lawrence and Mercer Counties, Pa., on the one hand, and on the other, points in Ashtabula, Trumbull, Mahoning, and Columbiana Counties, Ohio.

NOTE: Applicant received the authority it presently holds from this Commission (Certificate No. MC 47323) in a transfer proceeding in No. MC-FC 61077 by order therein dated May 9, 1958.

HEARING: September 12, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner C. Evans Brooks.

No. MC 47323 (Sub No. 3), filed July 8, 1958. Applicant: TAJON TRUCKING CO., a Corporation, 818 Frick Building, Pittsburgh 19, Pa. Applicant's attorney: Arthur J. Diskin, 810 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump trucks, between points in Butler, Mercer, Venango, Lawrence, Clarion, and Armstrong Counties, Pa., on the one hand, and, on the other, points in Chautauqua County, N. Y. Applicant is authorized to transport such bulk commodities as are transported in dump trucks between points in Beaver, Lawrence, and Mercer Counties, Pa., and points in Ashtabula, Trumbull, Mahoning, and Columbiana Counties, Ohio.

HEARING: September 12, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner C. Evans Brooks.

No. MC 52709 (Sub No. 82), filed March 27, 1958. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Explosives*, between Spanish Fork, Utah, and Ely, Nev., from Spanish Fork over U. S. Highway 6 to Ely, and return over the same route, serving no intermediate points, with service at termini only as otherwise authorized or for joinder only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations in the transportation of explosives in Certificate No. MC 52709 (Sub No. 70) dated March 25, 1957.

HEARING: September 17, 1958, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 241, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 55883 (Sub No. 5), filed July 11, 1958. Applicant: TRIANGLE EXPRESS, INC., Route No. 1, Berryville Pike, Berryville, Va. Applicant's attorney: R. Roy Rush, Boxley Building, Roanoke, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned food products*, from Front Royal and Berryville, Va., to Baltimore and Annapolis, Md., New York, N. Y., points on Long Island, N. Y., and those in Alabama, Georgia, Kentucky, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, Florida, Delaware, and the District of Columbia. Applicant is authorized to conduct operations in Virginia, Pennsylvania, Maryland, District of Columbia, West Virginia, New York, Georgia, North Carolina, South Carolina, Kentucky, Alabama, New Jersey, Ohio, and Tennessee.

HEARING: September 17, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 58948 (Sub No. 79), filed May 22, 1958. Applicant: UNION TRANSFER COMPANY, doing business as UNION FREIGHTWAYS, a Corporation, 720 Leavenworth Street, Omaha, Nebr. Applicant's attorney: Loyal G. Kaplan, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Sugar*, in packages and containers, and *empty containers or other such incidental facilities* (not specified) used in transporting sugar, serving the site of the Holly Sugar Corporation plant, at or near South Torrington, Wyo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Iowa Kansas, Minnesota, Missouri, Nebraska, and Wyoming.

HEARING: September 11, 1958, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 197, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 59507 (Sub No. 7), filed June 2, 1958. Applicant: EDGAR H. ALLEN & SON, INC., 825 Fairfield Avenue, Kenilworth, N. J. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products*, treated and untreated, from Port Newark, Port Reading, and Kenilworth, N. J., to points in Ulster, Greene, Albany, and Delaware Counties, N. Y. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

HEARING: September 18, 1958, at 346 Broadway, New York, N. Y., before Examiner Allen W. Hagerty.

No. MC 61628 (Sub No. 23), filed June 2, 1958. Applicant: BENTON RAPID EXPRESS, a Corporation, 216 West Hull Street, P. O. Box 587, Savannah, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Eastman, Ga., and Columbus, Ga., from Eastman over Georgia Highway 27 to junction Georgia Highway 26, at Hawkinsville, Ga., thence over Georgia Highway 26 to junction Georgia Highway 103 at or near Buena Vista, Ga., thence over Georgia Highway 103 to Columbus, and return over the same route, serving no intermediate or off-route points. Applicant is authorized to conduct operations in Florida and Georgia.

HEARING: September 22, 1958, at 680 West Peachtree Street, NW., Atlanta, Ga., before Joint Board No. 101, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 61628 (Sub No. 24), filed June 3, 1958. Applicant: BENTON RAPID EXPRESS, a Corporation, 216 W. Hull Street, P. O. Box 587, Savannah, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Atlanta, Ga., and Macon, Ga., from Atlanta over Georgia Highway 42 to junction Georgia Highway 87 at or near Flovilla, Ga., thence over Georgia Highway 87 to Macon, and return over the same route, serving the intermediate points of the Army Depot at Conley, Ga., and Juliette, Ga., only; (2) Between Macon, Ga., and Milledgeville, Ga., over Georgia Highway 49, serving all intermediate points; (3) Between Newnan, Ga., and the Georgia Power Company plant at or near Banning, Ga., from Newnan over Georgia Highway 16 via Arnco and Sargent, Ga., to junction unnumbered County Highway, thence over unnumbered County Highway to the Georgia Power Company plant at or near Banning, and return over the same route, serving no intermediate points; and (4) Between junction U. S. Highways 84 and 17, approximately ten (10) miles southwest of Brunswick, Ga., and Jekyll State Park, Ga., over Georgia Highway 50, serving all intermediate points. Applicant is authorized to conduct operations in Florida and Georgia.

HEARING: September 23, 1958, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 101, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 64651 (Sub No. 5), filed July 8, 1958. Applicant: CITY EXPRESS, INCORPORATED, 200 North Warwick Avenue, Baltimore 23, Md. Applicant's attorney: Homer S. Carpenter, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Flour*, in bulk, and *sugar*, in bulk or liquid form, between Winchester, Va., and Frostburg, Md., from Winchester over U. S. Highway 50 to Washington, D. C., thence over U. S. Highway 1 to Baltimore, Md., thence over U. S. Highway 40 to Frostburg, and return over the same route, serving all intermediate points, and all off-route points on and within a territory bounded by a line beginning at the West Virginia-Virginia State line and extending along U. S. Highway 50 to Winchester, Va., thence along the above-specified route to Frostburg, Md., thence along U. S. Highway 40 to the Garrett-Allegany County Line, Md., thence in a southerly direction along said county line to the Maryland-West Virginia State line, thence in an easterly direction along the Maryland-West Virginia State line to the Maryland-West Virginia-Virginia State line, thence along the West Virginia-Virginia State line to the point of beginning, including the points specified. Applicant is authorized to conduct operations in Maryland, Virginia, and the District of Columbia.

HEARING: September 12, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 67200 (Sub No. 11), filed June 10, 1958. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., 111 Hallock Avenue, New Haven, Conn. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N. Y. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated, upholstered furniture*, from New Haven, Conn., to Hartford, Conn., and *rejected, returned or refused shipments of furniture* on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

HEARING: September 11, 1958, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 227, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 69492 (Sub No. 18), filed May 26, 1958. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, P. O. Box 97, Clinton, Ky. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* and *poultry feed*, in bags and in bulk; *insecticides;* and *feed ingredients* in bags and in bulk, between Memphis, Tiptonville and Ridgely, Tenn., and Murray, Lynn Grove, and Clinton, Ky. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Kentucky, Missouri, and Tennessee, and irregular route operations in Illinois, Kentucky, Missouri, Ohio, Tennessee, and Wisconsin.

NOTE: Applicant states the proposed authority is to be used in conjunction with his other existing authority.

HEARING: September 19, 1958, at the Peabody Hotel, Memphis, Tenn., before Joint Board No. 51, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 70451 (Sub No. 202), filed May 14, 1958. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1523 Marcy Street, Omaha 8, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, fish, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Alamosa, Colo., and Santa Fe, N. Mex., from Alamosa over U. S. Highway 285 to Santa Fe, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Denver and Durango, Colo., and between Holbrook, Ariz., and Walsenburg, Colo. Applicant is authorized to conduct similar operations in Arizona, California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, and Wyoming.

HEARING: September 30, 1958, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 125, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 77720 (Sub No. 3), Filed June 4, 1958. Applicant: ERIE TRANSFER CO., INC., 44 West 15th Street, New York 11, N. Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Theatrical equipment and effects*, including electrical equipment and effects, props, scenery, musical instruments, trunks and wardrobes for use in stage, radio, television or motion picture productions, between New York, N. Y., and points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Ohio, and the District of Columbia. Applicant is authorized to transport the above-described commodities between points in New York, New Jersey, and Connecticut within 75 miles of New York, N. Y., including New York, N. Y.

NOTE: Any duplication of authority should be eliminated.

HEARING: September 25, 1958, at 346 Broadway, New York, N. Y., before Examiner Allen W. Hagerty.

No. MC 89684 (Sub No. 21), filed April 25, 1958. Applicant: WYCOFF COMPANY, INCORPORATED, 346 West Sixth South, P. O. Box 366, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, 721 Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *Ice cream* and *empty containers therefor*; (1) Between Evanston, Wyo., and junction U. S. Highways 30N and 30S, near Little America, Wyo., from Evanston over Wyoming Highway 89 to the Utah State line, thence over Utah Highway 3 to junction Utah Highway 51, thence over Utah Highway 51 to the Wyoming State line, thence over Wyoming Highway 89 to Sage, Wyo., thence over U. S. Highway 30N to junction U. S. Highway 30S, and return over the same route, serving all intermediate points; (2) Between Garden City, Utah and junction Utah Highways 3 and 51, over Utah Highway 3, serving all intermediate points; (3) Between Diamondville, Wyo., and Evanston Wyo., over U. S. Highway 189, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's proposed regular route operations between Evanston, Wyo., and junction U. S. Highways 30N and 30S, near Little America, Wyo.; (4) Between Ashton, Idaho and West Yellowstone, Mont., over Combined U. S. Highways 20 and 191, serving all intermediate points, and the off-route points of Island Park, Idaho and all off-route points in Yellowstone Park, Wyo., (5) Between Idaho Falls, Idaho and Moran, Wyo., from Idaho Falls over U. S. Highway 26 to junction U. S. Highway 89–187, thence over U. S. Highway 89–187 to Moran, and return over the same route, serving all intermediate points, and the off-route points of Victor, Driggs, and Tetonia, Idaho; (6) Between Boise, Idaho, and Baker, Oreg., from Boise over Idaho Highway 15 to junction U. S. Highway 95, thence over U. S. Highway 95 to Weiser, Idaho, thence over U. S. Highway 30N to junction U. S. Highway 30, thence over U. S. Highway 30 to Baker, and return over the same route, serving all intermediate points; (7) Between junction U. S. Highway 93 and Idaho Highway 79 and junction U. S. Highway 93 and Idaho Highway 79, north of Twin Falls, Idaho, over Idaho Highway 79, serving Jerome, Idaho as an intermediate points; (8) Between junction Idaho Highway 44 and Idaho Highway 16, east of Star, Idaho, and Weiser, Idaho, from junction Idaho Highway 44 and Idaho Highway 16 over Idaho Highway 44 to junction U. S. Highway 30, thence over U. S. Highway 30 to junction U. S. Highway 95, thence over U. S. Highway 95 to Weiser, and return over the same route, serving New Plymouth, Idaho, as an intermediate points; (9) Between Twin Falls, Idaho and Eden, Idaho, over Idaho Highway 50 serving all intermediate points; (10) Between Nephi, Utah, and Mesquite, Nev., over U. S. Highway 91, serving all intermediate points, and the off-route points of Delta, Leamington, Hinckley, Milford, Minersville, Enterprise, Newcastle, Hurricane, and Springdale, Utah, and Bunkerville, Nev.; (11) Between Springville, Utah, and junction Combined U. S. Highways 50 and 6, near Thistle, Utah, over U. S. Highway 89, serving all intermediate points; (12) Between Kanab, Utah, and Fredonia, Ariz., over U. S. Highway 89, serving no intermediate points, but serving the Glen Canyon town and dam sites in Arizona as off-route points; (13) Between Price, Utah, and Emery, Utah, over Utah Highway 10, serving all intermediate points, and the off-route points of Orangeville and Cleveland, Utah; (14) Between Green River, Utah, and Shiprock, N. Mex., from Green River over Combined U. S. Highways 6 and 50 to Crescent Jct., Utah, thence over U. S. Highway 160 to junction U. S. Highway 666 near Cortez, Colo., thence over U. S. Highway 666 to Shiprock, and return over the same route, serving all intermediate points, and the off-route points of Blanding, Bluff, and Mexican Hat, Utah, Durango, Colo., Farmington, N. Mex., and Fort Defiance, Ariz.; (15) Between Ely, Nev., and Caliente, Nev., over U. S. Highway 93, serving all intermediate points; (16) Between Uintah (Weber County), Utah, and Echo Junction, Utah, over U. S. Highway 30S, serving all intermediate points, and the off-route point of Croydon (Morgan County), Utah; (17) Between Salt Lake City, Utah, and Ogden, Utah, over U. S. Highway 89, serving all intermediate points, and the off-route points of Bountiful, Centerville, and Farmington, Utah; (18) Between Salt Lake City, Utah, and junction Alternate U. S. Highway 50 and U. S. Highway 40, west of Salt Lake City, over U. S. Highway 40, serving all intermediate points, and the off-route point of Saltair, Utah; (19) Between Brigham City, Utah, and Logan, Utah, over Utah Highway 69, serving all intermediate points, and the off-route points of Mendon, Clarkston, and Cache Junction (Cache County), Utah; (20) Between junction U. S. Highway 91 and Utah Highway 37 near Roy, Utah, and junction U. S. Highway 91 and Utah Highway 37 near Hot Springs, Utah, over Utah Highway 37, serving all intermediate points; (21) Between Blackfoot, Idaho, and Salmon, Idaho, from Blackfoot over U. S Highway 26 to junction Alternate U. S. Highway 93, thence over Alternate U. S. Highway 93 to junction U. S. Highway 93, thence over U. S. Highway 93 to Salmon, and return over the same route, serving all intermediate points, and the off-route points of Challis and Aberdeen, Idaho; (22) Between Idaho Falls, Idaho, and Salmon, Idaho, from Idaho Falls over U. S. Highway 91 to junction Idaho Highway 28, thence over Idaho Highway 28 to Salmon, and return over the same route, serving all intermediate points; (23) Between Bellevue, Idaho, and Twin Falls, Idaho, from Bellevue over Idaho Highway 23 to Carey, Idaho, thence over Alternate U. S. Highway 93 to Shoshone, Idaho, thence over U. S. Highway 93 to Twin Falls, and return over the same route, serving all intermediate points; (24) Between Ely, Nev., and Fallon, Nev., over U. S. Highway 50, serving all intermediate points, and the off-route point of Lund, Nev.; (25) Serving Morgan, Kamas, Loa, Bicknell, Neola, Altamont (Duchesne County), and Little Valley, Utah, as off-route points in connection with applicant's authorized regular route operations; (26) Between Salt Lake City, Utah, and Butte, Mont., from Salt Lake City over U. S. Highway 91 to Brigham City, Utah, thence over U. S. Highway 191 to junction U. S. Highway 91, thence over U. S. Highway 91 to Butte, and return over the same route, serving all intermediate points; (27) Between Idaho Falls, Idaho, and Ashton, Idaho, over U. S. Highway 191, serving all intermediate points, and the off-route points of Afton and Thayne, Wyo., and Lewiston, Hyde Park, and Hyrum, Utah; (28) Between Dillon, Mont., and Butte, Mont., from Dillon over Montana Highway 41 to junction U. S. Highway 10S, thence over U. S. Highways 10S to Butte, Mont., and return over the same route, serving the intermediate point of Twin Bridges, Mont., and the off-route point of Sheridan, Mont.; (29) Between Downey, Idaho and Brigham City (formerly Brigham), Utah, over U. S. Highway 91, serving all intermediate points, and the off-route points of Oxford, Clifton, and Dayton, Idaho; (30) Between junction U. S. Highways 30N and 91, near McCammon, Idaho, and Preston, Idaho, from junction U. S. Highways 30N and 91 over U. S. Highway 30N to junction Idaho Highway 34, thence over Idaho Highway 34 to Preston, and return over the same route, serving all intermediate points; (31) Between junction U. S. Highway 30N and Idaho Highway 34 (west of Alexander, Idaho), and Logan, Utah, from junction U. S. Highway 30N and Idaho Highway 34 over U. S. Highway 30N to Montpelier, over U. S. Highway 89 to Logan, and return over the same route, serving all intermediate points, and the off-route point of Conda, Idaho; (32) Between junction U. S. Highway 191 and Idaho Highway 26 (northeast of Idaho Falls, Idaho) and Rigby, Idaho, from junction U. S. Highway 191 and Idaho Highway 26 over Idaho Highway 26 to Ririe, Idaho, thence over Idaho Highway 48 to Rigby, and return over the same route, serving the intermediate point of Ririe, Idaho; (33) Between junction U. S. Highways 89 and 91, north of Salt Lake City, Utah, and Ogden, Utah, over U. S. Highway 89, serving no intermediate points; (34) Between junction U. S. Highways 89 and 30S near Uintah, Utah, and junction U. S. Highways 30S and 189 near Echo City, Utah, over U. S. Highway 30S, serving no intermediate points or the terminus near Uintah, as an alternate route for operating convenience only, joined with the route specified immediately above in connection with applicant's authorized regular route operations; (35) Between Salt Lake City, Utah, and Rock Springs, Wyo., from Salt Lake City over U. S. Highway 40 to Kimball Junction, Utah, thence over Utah Highway 42 to Wanship, near Coalville, Utah, thence over U. S. Highway 189 to junction U. S. Highway 30S, thence over U. S. Highway 30S to junction U. S. Highway 30, thence over U. S. Highway 30 to Rock Springs, and return over the same route, serving all intermediate points, and the off-route point of Mountainview, Wyo.; (36) Between Salt Lake City, Utah, and Ely, Nev. over Alternate U. S. Highway 50, serving all intermediate points, and the off-route point of Tooele, Utah; (37) Between junction U. S Highways 191 and 30S near Tremonton, Utah, and Weiser, Idaho, from junction U. S. Highways 191 and 30S over U. S. Highway 30S to Declo, Idaho, thence over Idaho Highway 77 across the Snake River to junction U. S. Highway 30N, thence over U. S. Highway 30N to Rupert, Idaho, thence over Idaho Highway 25 to Paul, Idaho, thence over Idaho Highway 27 across the Snake River to Burley, Idaho, thence over U. S. Highway 30 to junction U. S. Highway 20 just north of Caldwell, Idaho, thence over U. S. Highway 20 to junction U. S. Highway 26 south of Ontario, Oreg., thence over U. S. Highway 26 to junction U. S. Highway 30, thence over U. S. Highway 30 across the Snake River to junction U. S. Highway 95, thence over U. S. Highway 95 to Weiser, and return over the same route, serving all intermediate points in Idaho and Oregon, and the off-route point of Adrian, Oreg.; (38) Between Declo, Idaho, and Burley, Idaho, over U. S. Highway 30S, serving all intermediate points; (39) Between Pocatello, Idaho, and Bliss, Idaho, from Pocatello over U. S. Highway 30N to Rupert, Idaho, thence over Idaho Highway 25 to Bliss, and return over the same route, serving all intermediate points, and the off-route point of Aberdeen, Idaho; (40) Between Bliss, Idaho, and Shoshone, Idaho, over Idaho Highway 24, serving the intermediate point of Gooding, Idaho; (41) Between Gooding, Idaho, and Wendell, Idaho, over Idaho Highway 46, serving no intermediate points; (42) Between junction Idaho Highway 25 and U. S. Highway 93 and Sun Valley, Idaho, from junction Idaho Highway 25 and U. S. Highway 93 over U. S. Highway 93 to junction Idaho Highway 75, thence over Idaho Highway 75 to Sun Valley, and return over the same route, serving all intermediate points; (43) Between Malta, Idaho, and Declo, Idaho, over Idaho Highway 77, serving the intermediate point of Albion, Idaho; (44) Between Payette, Idaho, and Boise, Idaho, from Payette over Idaho Highway 52 to junction Idaho Highway 16, thence over Idaho Highway 16 via Emmett, Idaho, to junction Idaho Highway 44, east of Star, Idaho, thence over Idaho Highway 44 to Boise, and return over the same route, serving the intermediate point of Emmett, Idaho; (45) Between Parma, Idaho, and Caldwell, Idaho, from Parma over U. S. Highway 95 to junction Idaho Highway 20, west of Marsing, Idaho, thence over Idaho Highway 20 to Caldwell, and return over the same route, serving the intermediate points of Homedale and Marsing, Idaho; (46) Between Kimball Junction, Utah, and Vernal, Utah, over U. S. Highway 40, serving all intermediate points, and the off-route points of Park City and Midway, Utah; (47) Between Salt Lake City, Utah, and Kanab, Utah, from Salt Lake City over U. S. Highway 91 to Spanish Fork, Utah, thence over U. S. Highway 6 to Thistle, Utah, thence over U. S. Highway 89 to Kanab, and return over the same route, serving all intermediate points, and the off-route points of Escalante, Tropic, Springdale, Eureka, Fountain Green, Monroni, and Monroe, Utah, and those in Salt Lake County, Utah; (48) Between Spanish Fork, Utah, and Nephi, Utah, over U. S. Highway 91, serving all intermediate points; and (49) Between Thistle, Utah, and Green River, Utah, over U. S. Highway 50, serving all intermediate points, and the off-route points of Kenilworth, Sunnyside, Dragerton, Columbia, Huntington, and Castle Dale, Utah; and (B) *Films and articles associated with the exhibition of motion pictures* as described in Paragraphs A and B of *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 766, 769, *newspapers, magazines, books, periodicals, bull semen* and *empty containers therefor, cut flowers, plants*, and *florists supplies*, between points now authorized to applicant under Certificate No. MC 89684 and Subs thereunder, and those described in Routes 1 to 25, inclusive, above. Applicant is authorized to transport similar commodities in Idaho, Montana, Nevada, Oregon, Utah, and Wyoming.

NOTE: Applicant requests that all duplicating authority be eliminated.

HEARING: September 19, 1958, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Leo A. Riegel.

No. MC 92983 (Sub No. 279), filed February 27, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, in bulk, in tank vehicles, (1) from Memphis, Tenn., to points in Arkansas, Mississippi, and Missouri; and (2) from Greenville, Miss., to points in Arkansas and Louisiana. Applicant is authorized to conduct opera-

tions in Iowa, Illinois, Nebraska, Wisconsin, Missouri, Kansas, Indiana, Minnesota, Ohio, Arkansas, Kentucky, Louisiana, North Carolina, South Carolina, Florida, Tennessee, Michigan, New York, Texas, North Dakota, South Dakota, Pennsylvania, Massachusetts, Connecticut, Georgia, Mississippi, Oklahoma, and Alabama.

HEARING: September 19, 1958, at the Hotel Peabody, Memphis, Tenn., before Examiner Reece Harrison.

No. MC 94265 (Sub No. 64), filed July 17, 1958. Applicant: BONNEY MOTOR EXPRESS, INC., P. O. Box 4057, Broad Creek Station, Norfolk, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as listed in sub-heading "A", Appendix I in Ex Parte No. MC 45, 61 M. C. C. 209, from Nutwood, Ind., to points in Virginia and North Carolina, Washington, D. C., Baltimore, Md., Aberdeen Proving Ground, Aberdeen, Md., Army Chemical Center and Edgewood Arsenal, Edgewood, Md., Fort George G. Meade, Md., U. S. Naval Air Station, Patuxent River, Md., and U. S. Naval Training Center, Bainbridge, Md. Applicant is authorized to conduct operations in North Carolina, New York, Virginia, the District of Columbia, Maryland, New Jersey, Pennsylvania, South Carolina, Georgia, Alabama, Delaware, West Virginia, Michigan, Illinois, Indiana, Iowa, Minnesota, Nebraska, Ohio, Missouri, Kansas, Tennessee, Wisconsin, Connecticut, Florida, Kentucky, Massachusetts, and Rhode Island.

HEARING: September 16, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Isadore Freidson.

No. MC 100858 (Sub No. 15), filed June 3, 1958. Applicant: MASHKIN FREIGHT LINES, INC., 115 Park Avenue, East Hartford, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such businesses, between East Hartford and Bridgeport, Conn., and points in New Jersey; (2) *such frozen foods*, and *frozen merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials* and *supplies* used in the conduct of such businesses, from the Bronx, N. Y. to points in New Jersey, and *refused, rejected, surplus* or *damaged stock* and *empty containers* on return. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New York, New Jersey, Rhode Island, Vermont, and New Hampshire.

HEARING: September 10, 1958, at the U. S. Court Rooms, Hartford, Conn., before Examiner Donald R. Sutherland.

No. MC 103051 (Sub No. 46), filed May 7, 1958. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oil, animal oils*, and *fats* and *blends* of the aforesaid commodities, in bulk, between points in Hamilton County, Tenn., on the one hand, and, on the other, points in Illinois, Indiana, and Ohio; (2) *liquid lard*, in bulk, from points in Jefferson County, Ky., to points in Hamilton County, Tenn. Applicant is authorized to conduct operations in Georgia, Tennessee, Alabama, Delaware, Kentucky, Maryland, North Carolina, Virginia, and Florida.

HEARING: September 12, 1958, at the U. S. Post Office and Court House, Chattanooga, Tenn., before Examiner Reece Harrison.

No. MC 103051 (Sub No. 48), filed June 16, 1958. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from points in Jefferson County, Ala., to points in Escambia County, Fla. Applicant is authorized to conduct operations in Georgia, Tennessee, Alabama, Delaware, Kentucky, Maryland, North Carolina, Virginia, Florida, South Carolina, Louisiana, and Texas.

HEARING: September 24, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 98, or, if the Joint Board waives before Examiner Harold W. Angle.

No. MC 103051 (Sub No. 50), filed July 10, 1958. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Class A and B explosives*, between Kingsport, Tenn., and Lynchburg, Va., from Kingsport over U. S. Highway 11-W to Bristol, Va., thence over U. S. Highway 11 to Dublin, Va. (also from junction U. S. Highway 11 and Virginia Highways 101 and 100 over Virginia Highways 101 and 100 to Dublin, Va.) thence over U. S. Highway 11 to Roanoke, Va., thence over U. S. Highway 460 to junction U. S. Highway 29 at Lynchburg, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Delaware, Georgia, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and the District of Columbia.

NOTE: Applicant states that it presently has general commodities rights over the routes proposed. This application is only for transporting explosive traffic over the routes it now holds for general commodities freight.

HEARING: September 26, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 279, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

value, and except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points within fifty (50) miles of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations, to, from and through Cheyenne. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming.

NOTE: Applicant states that the purpose of the instant application is solely to serve launching sites of the Inter-Continental Ballistics Missiles, and any authority granted may be so restricted.

HEARING: September 26, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 103993 (Sub No. 111), filed May 21, 1958. Applicant: MORGAN DRIVE-AWAY, INC., 509 Equity Building Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Crossville, Tenn., and points within 10 miles thereof to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 25, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Reece Harrison.

No. MC 104004 (Sub No. 139), filed March 13, 1958. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Class A and B explosives*, between Kingsport, Tenn., and Lynchburg, Va., from Kingsport over U. S. Highway 11-W to Bristol, Va., thence over U. S. Highway 11 to Dublin, Va. (also from junction U. S. Highway 11 and Virginia Highways 101 and 100 over Virginia Highways 101 and 100 to Dublin, Va.) thence over U. S. Highway 11 to Roanoke, Va., thence over U. S. Highway 460 to junction U. S. Highway 29 at Lynchburg, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Delaware, Georgia, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and the District of Columbia.

No. MC 106089 (Sub No. 5), filed June 23, 1958. Applicant: JOHN G. LANE LINE, INC., 1017 North McDuff Avenue, Jacksonville 5, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* and *merchandise distributed by baking companies* and, in connection therewith, *bakery advertising matter, crates, racks*, and *containers*, from Jacksonville, Fla., to points in Florida, and *stale and rejected bakery products*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Alabama, Florida, and Georgia.

HEARING: September 15, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 106398 (Sub No. 104), filed May 21, 1958. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, P. O. Box 8096, Dawson Station, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Crossville, Tenn., and points within 10 miles thereof to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 25, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Reece Harrison.

No. MC 107002 (Sub No. 123), filed June 2, 1958. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard (P. O. Box 547), Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils vegetable oils*, and *blends* and *products* thereof, in bulk, in tank vehicles, between Memphis, Tennessee, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Duplication with present authority to be eliminated.

HEARING: September 22, 1958, at the Peabody Hotel, Memphis, Tenn., before Examiner Reece Harrison.

No. MC 107002 (Sub No. 124), filed June 2, 1958. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard (P. O. Box 547), Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, between Evadale, Ark., on the one hand, and, on the other, points in Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Duplication with present authority to be eliminated.

HEARING: September 22, 1958, at the Peabody Hotel, Memphis, Tenn., before Examiner Reece Harrison.

No. MC 107002 (Sub No. 125), filed June 2, 1958. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard (P. O. Box 547), Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal oils* and *vegetable oils*, and *products* and *blends* thereof, in bulk, in tank vehicles, between New Orleans, La., and points in Texas; and (2) *Glycerine*, in bulk, in tank vehicles from Houston, Tex., to New Orleans, La., and Memphis, Tenn. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Duplication with present authority to be eliminated.

HEARING: September 22, 1958, at the Peabody Hotel, Memphis, Tenn., before Examiner Reece Harrison.

No MC 107107 (Sub No. 96), filed March 7, 1958. Applicant: ALTERMAN TRANSPORT LINES, INC., P. O. Box 65 Allapattah Station, 2424 Northwest 46th Street, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products* and *food ingredients*, from points in Massachusetts, Connecticut, and Rhode Island to points in Florida, and Savannah, Ga. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: September 29, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Allen W. Hagerty.

No. MC 107403 (Sub No. 265), filed July 25, 1958. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, isocyanates*, and *liquid plastic materials*, in bulk, in tank vehicles, from New Martinsville, W. Va., to Chicago, Ill., Gary, Hammond, and La Porte, Ind., Keokuk, Iowa, Baltimore, Md., Detroit, Mich., St. Louis, Mo., Franklin, N. J., and Marietta, Ohio. Applicant is authorized to conduct operations in Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Alabama, Connecticut, Georgia, Delaware, Indiana, Illinois, Kentucky, Maine, North Carolina, Ohio, West Virginia, Wisconsin, and the District of Columbia.

HEARING: September 18, 1958 at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Michael B. Driscoll.

No. MC 107515 (Sub No. 283), filed May 21, 1958. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214-216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Florence, Ala., and Gainesville and Atlanta, Ga., to points in Idaho, Nevada, Utah, and West Virginia, and those in Pennsylvania and Virginia on and west of U. S. Highway 15. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: September 18, 1958, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Harold W. Angle.

No. MC 107515 (Sub No. 285), filed May 28, 1958. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214-216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Jackson and Columbus, Ohio to points in Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, South

Carolina, Arkansas, Louisiana, Oklahoma, Texas, New Mexico, Arizona, and California. Applicant is authorized to transport similar commodities in Georgia, Tennessee, Louisiana, Alabama, North Carolina, South Carolina, Florida, Mississippi, Iowa, Arkansas, Minnesota, Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Wisconsin, Oklahoma, and Texas.

HEARING: September 18, 1958, at 680 Peachtree Street NW., Atlanta, Ga., before Examiner Harold W. Angle.

No. MC 107515 (Sub No. 286), filed June 2, 1958. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214–216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, packinghouse products,* and *commodities used by packinghouses*, as defined by the Commission in MC–45, from Grenada, Miss., to points in Alabama, Minnesota, Indiana, Ohio, Kentucky, Florida, Tennessee, Wisconsin, and Georgia. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin.

HEARING: September 19, 1958, at 680 Peachtree Street NW., Atlanta, Ga., before Examiner Harold W. Angle.

No. MC 107515 (Sub No. 289), filed June 19, 1958. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214–216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouse products,* and *commodities used by packinghouses*, as defined by the Commission in 61 M. C. C., Appendix I, from Bristol, Va., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: September 16, 1958, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Harold W. Angle.

No. MC 107839 (Sub No. 25), filed April 28, 1958. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4716 Humboldt Street, Denver, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed gas*, in cylinders, when moving on shipper-owned or Government-owned trailers, and *empty gas cylinders*, when moving on shipper-owned or Government-owned trailers, between the site of the United States Helium Plant near Soncy, Tex., on the one hand, and, on the other, the site of the Glenn L. Martin Plant near Littleton, Colo., and Cheyenne, Wyo., and points within twenty (20) miles of Cheyenne. Applicant is authorized to conduct operations in Colorado, Florida, Louisiana, New Mexico, and Texas.

HEARING: September 24, 1958, at the New Customs House, Denver, Colo., before Examiner Leo A. Riegel.

No. MC 108223 (Sub No. 10), (CLARIFICATION) filed July 7, 1958, published Federal Register issue of July 23, 1958. Applicant: CENTURY-MATTHEWS MOTOR FREIGHT, INC., 202 South 26th Avenue West, Duluth, Minn. Applicant's attorney: Hoyt Crooks, 842 Raymond Avenue, St. Paul 14, Minn. Applicant's attorney advises that the *general commodities* proposed to be transported moving in express service will *exclude Class A and B explosives.* The purpose of this publication is to amend item 2 of the previous publication so that the commodity description therein will read: (2) *general commodities,* moving in express service.

No. MC 109385 (Sub No. 23), filed July 2, 1958. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3510 Leveque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from Jackson, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *Ingredients* (See Note 1), *materials, and supplies* (See Note 2) (not including liquids, in bulk, in tank vehicles), used in the processing, manufacture, packaging or transportation of frozen foods, from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and Wisconsin to Jackson, Ohio. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE 1: Applicant states the word "ingredients" is intended to embrace such commodities as (not limited to) shortening, salt, salt tablets, cornstarch, flour, powdered eggs, frozen pork, beef, and chicken, frozen shrimp, frozen cherries, soya sauce, bamboo shoots, water chestnuts, mushrooms, peanut oil, onions, rice, canned red peppers, carmel coloring powder, mung beans, dehydrated onions, green onions, celery, green peppers, dry milk powder, tomato puree, tomato paste, dehydrated apples, canned pineapples, almonds, vinegar, various powdered seasonings, and sugar.

NOTE 2: Applicant states the words "materials" and "supplies" are intended to embrace such commodities as (not limited to) duck sauce packets, mustard packets, shipping cartons and cases, foil over-wrap, food packages, aluminum foil dinner, aluminum dinner trays, cans and covers, can labels. A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 109385 (Sub No. 16).

HEARING: September 12, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 109689 (Sub No. 64), filed May 9, 1958. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, except liquid petroleum and petroleum products and acids and chemicals, from Garfield and Geneva (Utah County), Utah, and points within 25 miles of each, to points in Arizona, Califorina, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, and Wyoming, and *rejected or contaminated shipments* of the above-described commodities on return. Applicant is authorized to conduct operations in Arizona, Colorado, Idaho, Montana, Nevada, Oregon, Utah, and Wyoming.

HEARING: September 15, 1958, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Leo A. Riegel.

No. MC 110193 (Sub No. 33), filed June 12, 1958. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cocoa, cocoa butter, cocoa grease, candy, confectionery* and *chewing gum*, from points in Massachusetts and Connecticut to points in Illinois, Iowa, Kansas, Missouri, Nebraska, Minnesota, Wisconsin, and Denver, Colo., and *empty containers or other such incidental facilities* (not specified), used in transporting the above commodities on return. Applicant is authorized to conduct operations in Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

HEARING: September 17, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Donald R. Sutherland.

No. MC 110284 (Sub No. 7), filed May 15, 1958. Applicant: H. W. MILLER TRUCKING COMPANY, A Corporation, Hillsboro Road, P. O. Box 605, West Durham Station, Durham, N. C. Applicant's attorney: A. W. Flynn, Jr., 201–204 Jefferson Building, Greensboro, N. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and precut building and houses*, complete, knocked down, or in sections, and *all component parts necessary to the construction, erection or completion of such buildings and houses*, from Durham, N. C., to points in Florida, Tennessee, Vir-

ginia, and Maryland, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Georgia, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: September 3, 1958, at the North Carolina Utilities Commission State Library Building, Morgan Street, Raleigh, N. C., before Examiner Harold W. Angle.

No. MC 111159 (Sub No. 57), filed June 13, 1958. Applicant: MILLER TRANSPORTERS, LTD., a Corporation, Highway 80 West, P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, 900 Milner Building, P. O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama (except that portion on and west and north of a line extending from the Tennessee-Alabama State line along U. S. Highway 31 to Cullman, Ala., thence along Alabama Highway 69 to junction Alabama Highway 18, thence along Alabama Highway 18 to the Alabama-Mississippi State Line), to points in Georgia, points in that portion of Kentucky on and east of U. S. Highway 41, and to points in that portion of Indiana on and south of U. S. Highway 50 and Cincinnati, Ohio, and points in Ohio within 25 miles of Cincinnati. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee.

NOTE: Any duplication with present authority to be eliminated.

HEARING: September 24 1958, at the Peabody Hotel, Memphis, Tenn., before Examiner Reece Harrison.

No. MC 111159 (Sub No. 58), filed June 13, 1958. Applicant: MILLER TRANSPORTERS, LTD., a Corporation, Highway 80 West, P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, 900 Milner Building, P. O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Warren and Washington Counties, Miss., to points in Arkansas, points in Louisiana on and north of U. S. Highway 84, and those in Tennessee west of the Tennessee River. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee.

NOTE: Any duplication with present authority to be eliminated.

HEARING: September 17, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Reece Harrison.

No. MC 111434 (Sub No. 15), filed June 23, 1958. Applicant: DON WARD, INC., 720 Equitable Building, Denver 2, Colo. Applicant's attorney: John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Rico, Colo., and points within 10 miles thereof to points in Grand and San Juan Counties, Utah. Applicant is authorized to conduct operations in Colorado, Utah, and New Mexico.

HEARING: September 18, 1958, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 213, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 111435 (Sub No. 18), filed July 3, 1958. Applicant: C. & E. TRUCKING CORP., R. D. No. 3, Box 4A3, Saugerties, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar* and *corn syrup*, and *blends or mixtures thereof*, and *flavoring syrup*, in bulk, in tank vehicles, from Pittsburgh, Pa., to points in Virginia, West Virginia, and Ohio, and *rejected, damaged* and *returned shipments* of the above commodities, on return. Applicant is authorized to conduct operations in New York, New Jersey, Maryland, Virginia, Vermont, and Michigan.

HEARING: September 12, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 111677 (Sub No. 2), filed May 22, 1958. Applicant: BELLIPANNI BROTHERS, INC., Highway 82, Indianola, Miss. Applicant's attorneys: Arthur B. Clark, Jr., Indianola, Miss., and Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick* and *structural tile*, (1) from Indianola, Miss., and points within 10 miles thereof to points in Alabama, Arkansas, Georgia, Louisiana, and Tennessee; (2) from Birmingham and Phoenix City, Ala., and points within 10 miles of each to points in Mississippi, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Louisiana, Arkansas, and Mississippi.

HEARING: September 15, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Reece Harrison.

No. MC 112173 (Sub No. 16), filed April 14, 1958. Applicant: BOYD E. RICHNER, INC., 404 Third Avenue, Durango, Colo. Applicant's attorney: John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from points in Utah, and from railheads in Colorado located west of the Continental Divide to Slick Rock, Maybell, Uravan, Naturita, Durango, and Gunnison, Colo., and *empty containers or other such incidental facilities* (not specified) used in transporting salt, from the above-specified destination points to the above-described origin points. Applicant is authorized to conduct regular route operations in Colorado and Wyoming, and irregular route operations in Colorado, New Mexico, Utah, and Wyoming.

HEARING: September 18, 1958, at Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 213, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 112330 (Sub No. 3), filed May 26, 1958. Applicant: A. G. OGDEN, P. O. Box 236, Naranja, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides, fungicides, pesticides, herbicides* and *fertilizers*, in containers, from points in New Jersey, Delaware, Maryland, Pennsylvania, and Strang, Texas, to points in Florida.

HEARING: September 10, 1958, at the Angebilt Hotel, Orlando, Fla., before Examiner Harold W. Angle.

No. MC 112497 (Sub No. 110), filed May 10, 1958. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rosin sizing*, in bulk, in tank vehicles, from Hattiesburg, Miss., to points in Louisiana and Texas. Applicant is authorized to conduct operations in Louisiana, Mississippi, Arkansas, Alabama, Georgia, Florida, Tennessee, Texas, New Jersey, Missouri, South Carolina, Kentucky, New York, California, Ohio, Illinois, Indiana, Pennsylvania, Virginia, and North Carolina.

HEARING: September 18, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 246, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 113843 (Sub No. 26), filed June 2, 1958. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston 10, Mass. Applicant's attorney: James M. Walsh, 316 Summer Street, Boston 10, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Dundee, N. Y., to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Nebraska, and Oklahoma. Applicant is authorized to conduct operations in Ohio, Massachusetts, New York, Maryland, the District of Columbia, Virginia, West Virginia, Illinois, Wisconsin, Connecticut, Indiana, Michigan, New Jersey, Pennsylvania, Rhode Island, Kentucky, Maine, New Hampshire, Texas, North Carolina, South Carolina, Tennessee, Delaware, Missouri, Minnesota, Nebraska, Iowa, and Colorado.

HEARING: September 26, 1958, at the Federal Building, Syracuse, N. Y., before Examiner Donald R. Sutherland.

No. MC 114091 (Sub No. 21), filed June 11, 1958. Applicant: DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South Seventh Street Road, Louisville, Ky. Applicant's attorney:

Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, in bulk, in tank vehicles, from points in Butler County, Ohio to points in Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia. Applicant is authorized to conduct similar operations in Arkansas, Illinois, Indiana, Kentucky, Mississippi, North Carolina, Ohio, South Carolina, and Tennessee.

HEARING: September 30, 1958, at the Kentucky Hotel, Louisville, Ky., before Examiner Reece Harrison.

No. MC 114106 (Sub No. 11), filed June 2, 1958. Applicant: MAYBELLE TRANSPORT COMPANY, Box 461, 1820 South Main, Lexington, N. C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, corn syrup*, and *blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from Charlotte and Lexington, N. C., to points in Tennessee on and east of a line extending along U. S. Highway 11W from Bristol, Tenn.-Va., to Knoxville, Tenn., thence along U. S. Highway 11 to Chattanooga, Tenn., those in Virginia on and south of U. S. Highway 60, and those in South Carolina and Georgia. Applicant is authorized to conduct operations in North Carolina, South Carolina, Virginia, Georgia, and Tennessee. Applicant is also authorized to operate as a contract carrier by virtue of Permit No. MC 115176. Duplication of authority should be eliminated.

HEARING: September 5, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner Harold W. Angle.

No. MC 114364 (Sub No. 38), filed April 24, 1958. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Solid carbon dioxide* (Dry Ice), in insulated vehicles, from the site of the Emerald Oil & Carbonia Co. plant, approximately 32 miles south of Las Animas, Colo., to points in Texas; and (2) *Lumber*, from points in Louisiana to points in Colorado, Wyoming, points in Kansas and Nebraska on and west of U. S. Highway 183, points in New Mexico on and north of U. S. Highway 66, and those in San Juan County, Utah, and Moab, Utah. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 23, 1958, at the New Customs House, Denver, Colo., before Examiner Leo A. Riegel.

No. MC 114364 (Sub No. 39), filed July 10, 1958. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Palestine, Tex., to points in Colorado and Wyoming, and those in New Mexico on and north of U. S. Highway 66. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 24, 1958, at the New Customs House, Denver, Colo., before Examiner Leo A. Riegel.

No. MC 114553 (Sub No. 5), filed May 19, 1958. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta 16, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens and Southern National Bank Building., Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from the plant site of Aunt Fanny's Pie Company at Atlanta, Ga., to points in Alabama, Florida, North Carolina, South Carolina, Virginia, and Tennessee, except Chattanooga, and *stale bakery products* and *empty containers or other such incidental facilities* (not specified) used in transporting bakery products on return. Applicant is authorized to transport similar commodities in Georgia, Tennessee, Alabama, Florida, North Carolina, South Carolina, and Virginia.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 114553 (Sub No. 3).

HEARING: September 16, 1958, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Harold W. Angle.

No. MC 114939 (Sub No. 10), filed May 28, 1958. Applicant: BULK CARRIERS LIMITED, Box 368, Sarnia, Ontario, Canada. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt vinegar*, in bulk, in tank vehicles, from ports of entry on the boundary between the United States and Canada at Buffalo, Niagara Falls, and Rockport, N. Y., and Port Huron and Detroit, Mich., to points in Massachusetts, New York, Connecticut, Pennsylvania, New Jersey, Maryland, Ohio, Indiana, Illinois, and Wisconsin. Applicant is authorized to conduct operations from and to specified ports of entry on the United States-Canadian boundary from and to specified points in Michigan, and from specified ports of entry in Michigan to points in Illinois, Indiana, Michigan, and Ohio.

NOTE: Applicant states the proposed operation is to be restricted to traffic originating in Canada.

HEARING: October 1, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Donald R. Sutherland.

No. MC 115001 (Sub No. 2), filed May 19, 1958. Applicant: WESTERN OIL TRANSPORTATION CO., INC., 611 West Texas Street, Midland, Tex. Applicant's attorneys: Thomas E. James and Charles D. Mathews, 1020 Brown Building, P. O. Box 858, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fracturing fluids*, in bulk, in tank vehicles, from Hobbs, N. Mex., to points in Lea, Chaves, Roosevelt, Eddy, and Curry Counties, N. Mex., and to points in Terry, Gaines, Yoakum, Andrews, Pecos, Reeves, Crockett, Upton, Midland, Howard, Martin, Ector, Winkler, Hockley, and Cochran Counties, Tex. Applicant is authorized to transport crude oil in New Mexico and Texas.

NOTE: Applicant states that the proposed service will be conducted from point of supply or storage to actual well locations located in the above-described counties.

HEARING: October 1, 1958, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 33, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 115322 (Sub No. 10), filed May 26, 1958. Applicant: J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, P. O. Box 489, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Florida to points in Connecticut, Rhode Island, Delaware, Massachusetts, New Hampshire, Vermont, and Maine. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Maine, New Hampshire, New York, North Carolina, Pennsylvania, South Carolina, Vermont, and Virginia.

NOTE: Applicant states he will surrender any duplication authority.

HEARING: September 8, 1958, at the Angebilt Hotel, Orlando, Fla., before Examiner Harold W. Angle.

No. MC 115606 (Sub No. 3), filed May 29, 1958. Applicant: NORTH CREEK TRUCKING, INC., North Creek, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, (1) from points in Essex, Warren, Herkimer, Onondaga, Otsego, Lewis, Washington, Delaware, Franklin, Hamilton, Saratoga, Madison, and Clinton Counties, N. Y., and those in Vermont and Massachusetts to points in Maryland, North Carolina, South Carolina, Virginia, Ohio, Rhode Island, Tennessee, Michigan, Indiana, New York, Georgia, and Washington, D. C., (2) from points in Rensselaer, Washington, Saratoga and Clinton Counties, N. Y. to points in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, New Hampshire, Maine, Vermont, and Rhode Island; (3) from the ports of entry at Rouses Point, Champlain, Cornwall, and Niagara Falls, N. Y., on the international boundary line between the United States and Canada to points in New York, New Jersey, Pennsylvania, Rhode Island, Massachusetts, New Hampshire, Vermont, Connecticut, and Maine; (4) from points in Ohio to points in New York, Massachusetts, and New Jersey; (5) from points in Virginia, Georgia, Tennessee, North Carolina, South Carolina, and Maryland to points in New York, Massachusetts, New Hampshire, and New Jersey; *Baled shavings*, from points in Hartimer, Essex, Warren, and Washington Counties, N. Y., to points in New York, New Jersey, Massachusetts, Pennsylvania, New Hampshire, Connecticut, Maine, and Rhode Island. Applicant is authorized to conduct contract carrier operations by virtue of Permit No. MC 114411. A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in MC 114411 (Sub No. 1).

HEARING: September 24, 1958, at the Federal Building, Albany, N. Y., before Examiner Donald R. Sutherland.

No. MC 116038 (Sub No. 5), filed June 10, 1958. Applicant: NORTHERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, N. Y. Applicant's attorney: Harold G. Hernly, 1624 Pye Street NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinders, shale or slate*, in dump trailers, from Cohoes, N. Y., to points in New Jersey, Pennsylvania, Maine, Massachusetts, Vermont, Connecticut, Rhode Island, and New Hampshire. Applicant is authorized to conduct operations in New York, New Jersey, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and Pennsylvania.

HEARING: September 25, 1958, at the Federal Building, Albany, N. Y., before Examiner Donald R. Sutherland.

No. MC 116045 (Sub No. 6), filed May 19, 1958. Applicant: NEUMAN TRANSIT CO., INC., P. O. Box 31, Rawlins, Wyo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Riverton, Wyo., and points within five miles of Riverton, to points in South Dakota, and *contaminated and rejected shipments* of the above-specified commodity on return. Applicant is authorized to operate in Colorado and Wyoming.

HEARING: September 11, 1958, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 183, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 116564 (Sub No. 1), filed July 18, 1958. Applicant: LEWIS W. McCURDY AND MARGARET J. McCURDY, doing business as McCURDY'S TRUCKING CO., 571 Unity Street, Latrobe, Pa. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place, N.W., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Latrobe, Pa., to points in Maryland (except Baltimore, Aberdeen, and Capitol Heights, Md.), Akron and Cleveland, Ohio, Detroit and Monroe, Mich., and Elmira and Olean, N. Y., and *empty containers or other such incidental facilities* (not specified) used in transporting Malt beverages on return. Applicant is authorized to transport similar commodities in Delaware, Maryland, and Pennsylvania.

HEARING: September 16, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James I. Carr.

No. MC 116722 (Sub No. 5), filed June 23, 1958. Applicant: DENVER-CLIMAX TRUCK LINE, INC., 5460 Colorado Boulevard, P. O. Box 6735, Denver 16, Colo. Applicants attorney: John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Class A and B explosives, articles of unusual value*, and *household goods as defined by the Commission*, but excluding commodities in bulk, in tank vehicles, and those requiring special equipment, between Denver, Colo., and Leadville, Colo., from Denver over U. S. Highway 6 to junction Colorado Highway 91, thence over Colorado Highway 91 to Leadville, and return over the same route, serving all intermediate points west of the Continental Divide except Kokomo and Climax, Colo., and serving the off-route points of Breckenridge and Montezuma, Colo., but restricted against traffic moving between the terminal points of Denver and Leadville, Colo. Applicant is authorized to conduct operations in Colorado.

NOTE: Applicant states that the purpose of the instant application is to add all intermediate points west of the Continental Divide, except those points presently authorized to applicant and to add the off-route points of Breckenridge and Montezuma, Colo. Duplication with present authority to be eliminated.

HEARING: September 25, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 126, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 116979 (Sub No. 2), filed May 23, 1958. Applicant: LAICO TERMINAL WAREHOUSE, INC., Industrial Road, Carlstadt, N. J. Applicant's attorney: Jerome L. Kessler, 55 Commerce Street, Newark 2, N. J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail appliance stores*, from Carlstadt, N. J., to New York, N. Y., and points in Nassau, Orange, Rockland, Suffolk, and Westchester Counties, N. Y., and *returned, repossessed and trade-in shipments* of the above-described commodities on return.

NOTE: Applicant states the proposed service is under a continuing contract with Vim Electric Co., Inc.

HEARING: September 22, 1958, at 346 Broadway, New York, N. Y., before Examiner Allen W. Hagerty.

No. MC 117246 (Sub No. 2), filed June 23, 1958. Applicant: MARINE EXPRESS CO., INC., Reidy Place, Greenwood Lake, Hewitt, N. J. Applicant's representative: A. David Milliner, 1060 Broad Street, Newark 2, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, uncrated, (1) from Manistee, Mich., to points in Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; (2) from Peekskill, N. Y., to points in Ohio, Michigan, and Indiana, and those in Pennsylvania on and west of U. S. Highway 15; (3) from Trenton, N. J., to points in Ohio and Michigan.

HEARING: September 16, 1958, at 346 Broadway, New York, N. Y., before Examiner Allen W. Hagerty.

No. MC 117312, filed March 31, 1958. Applicant: DENNIS CARRUTHERS, doing business as TRUCK EQUIPMENT AND SUPPLY, 363 Loma Vista, Torrington, Wyo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer and other malt beverages, malt beverage containers and cartons, advertising matter*, and *brewery products moving incidental to the movement of malt beverages*, from Minneapolis and St. Paul, Minn., Omaha, Nebr., St. Louis, Mo., and Milwaukee, Wis., to points in Wyoming, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities and advertising matter on return; and (2) *Bentonite* and *bentonite products*, from Casper and Upton, Wyo., to Minneapolis and St. Paul, Minn., St. Louis and Kansas City, Mo., Chicago, Ill., Milwaukee, Wis., Tulsa and Oklahoma City, Okla., and Kokomo, Ind.

HEARING: September 12, 1958, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Examiner Leo A. Riegel.

No. MC 117344 (Sub No. 8) (CORRECTION), filed July 7, 1958, published in the FEDERAL REGISTER July 23, 1958, at page 5596. Applicant: THE MAXWELL CO., 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, in tank or hopper-type trucks, from Cincinnati, Ohio to points in Indiana, and Kentucky, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. The purpose of this republication is to include the State of Kentucky as a destination territory which was inadvertently omitted in the July 23, 1958 issue. Applicant is authorized to conduct operations as a contract carrier in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in MC 50404 (Sub No. 55).

HEARING: Remains as assigned September 25, 1958, in the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 117355 (Sub No. 1), filed July 22, 1958. Applicant: JESSE A. KRONINGER, INC., R. D. No. 1, Mertztown, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Northumberland County, Pa., to points in New York, New Jersey, Delaware, and Maryland.

HEARING: September 17, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 117370 (REPUBLICATION AND CLARIFICATION), filed April 28, 1958. Applicant: JACK STAFFORD, doing business as STAFFORD TRUCKING, 1137 North 45th Street, Milwaukee, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. The subject application was previously published in the FEDERAL REGISTER, issue of May 21, 1958, at page 3479, under those applications in which handling without oral hearing is requested. By Order dated July 1, 1958, the proceeding was reopened for oral hearing and transferred to the hearing docket. The application seeks authority to transport, as a *common carrier*, over irregular routes: *Foundry sand*, in bulk, in a non-radial operation, between points in the States of Wisconsin, Michigan, Indiana, Illinois, and Iowa, as follows: (1) all points in Wisconsin, (2) that part of the upper peninsula of Michigan on and west of U. S. Highway 41, from Menominee, Mich., to Marquette, Mich., and in the lower peninsula of Michigan, commencing at Lake Michigan, at or near Grand Haven, Mich., thence on a line due east a distance of a few miles, to the junction of U. S. Highway 31 and Michigan Highway 50, thence along Michigan Highway 50 to Grand Rapids, Mich., thence along U. S. Highway 131 to the Michigan-Indiana State line, at or near Cassopolis, Mich., (3) points in Indiana from the Indiana-Michigan State line at or near Elkhart, Ind., and extending along Indiana Highway 15 to its junction with Indiana Highway 14, thence along Indiana Highway 14 to its junction with Indiana Highway 10, and thence along Indiana Highway 10 to the Illinois State line at or near Lowell, Ind., (4) points in Illinois from the Illinois-Indiana State line at or near Momence, Ill., thence along Illinois Highway 17 to the Iowa-Illinois State line, at or near New Boston, Ill. (erroneously shown as Illinois-Indiana State line in previous publication), (5) points in Iowa from the Illinois-Iowa State line at or near Muscatine, Iowa, over Iowa Highway 22 to its junction with U. S. Highway 218, thence over U. S. Highway 218 to Cedar Rapids, Iowa, thence over U. S. Highway 151 to, and including Dubuque, Iowa, at the tri-state junction of Iowa, Wisconsin, and Illinois.

HEARING: September 9, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Richard H. Roberts.

No. MC 117390 (Sub No. 1), filed May 19, 1958. Applicant: G. L. WHITEHEAD AND SON, INC., 207 New Britain Avenue, Hartford, Conn. Applicant's attorney: Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, and repossessed motor vehicles and trailers*, in driveaway and truckaway service, with transportation of replacement motor vehicle to point of wreck, damage, or disablement, between points in Connecticut, on the one hand, and, on the other, points in Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, New York, New Jersey, and Pennsylvania.

HEARING: September 9, 1958, at the U. S. Court Rooms, Hartford, Conn., before Examiner Donald R. Sutherland.

No. MC 117407, filed may 20, 1958. Applicant: TERRY'S AUTO SALVAGE, INC., 170 Mystic Avenue, Medford, Mass. Applicant's attorney: Jeanne M. Hession, 64 Harvest Street, Dorchester, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, disabled, and junk automobiles and motor vehicles*, between points in Massachusetts, Connecticut, New Hampshire, Vermont, Maine, Rhode Island, New Jersey, New York, and Pennsylvania.

HEARING: September 12, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Donald R. Sutherland.

No. MC 117418, filed May 26, 1958. Applicant: GUS FRASK, EDWARD RZONCA AND WALTER VOYTUS, doing business as G. E. & W. TRUCKING CO., 37–25 58th Street, Woodside 77, N. Y. Applicant's attorney: Irving Abrams, 1776 Broadway, New York 19, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, from New York, N. Y., to points in Fairfield, Litchfield, New Haven, Hartford, and Middlesex Counties, Conn., and points in Bergen, Passaic, Hudson, Union, Essex, Morris, Somerset, Middlesex, Mercer, and Monmouth Counties, N. J., and *returned, refused, rejected and damaged shipments of uncrated new furniture* on return. Applicant holds contract carrier authority in Permit No. MC 101362 to transport the above commodity between New York, N. Y., on the one hand, and, on the other, points in New Jersey within 35 miles of New York, N. Y.

NOTE: Applicant states it consents to the cancellation of its present Permit if the authority requested is granted. A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 101362 (Sub No. 1).

HEARING: September 22, 1958, at 346 Broadway, New York, N. Y., before Examiner Allen W. Hagerty.

No. MC 117434, filed June 2, 1958. Applicant: LEONARD TRUCK RENTING CORP., 607–615 Sackett Street, Brooklyn, N. Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper boxes and products*, and *empty containers or other such incidental facilities* used in transporting the commodities specified, between points in Westchester, Ulster, Rockland, Putnam, Sullivan, Dutchess, Nassau, Suffolk, Orange, Greene, Columbia, Richmond, Kings, Queens, New York, Atlantic, Salem, Ocean, Monmouth, Camden, Warren, Bergen, Hunterdon, Passaic, Gloucester, Sussex, Cape May, Hudson, Burlington, Cumberland, Middlesex, Essex, Morris, Somerset, Union, and Mercer Counties, New Jersey, Hartford, New Haven, Litchfield, Fairfield, and Middlesex Counties, Connecticut, and Montgomery, Northampton, Delaware, Berks, Carbon, Lehigh, Wayne, Pike, Chester, Bucks, Schuylkill, Monroe, and Philadelphia Counties, Pennsylvania.

HEARING: September 23, 1958, at 346 Broadway, New York, N. Y., before Examiner Allen W. Hagerty.

No. MC 117435, filed June 2, 1958. Applicant: EUGENE YORK, doing business as GENE YORK TRUCKING, 4136 Cane Run Road, Louisville, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, building materials*, and *materials* used in the construction of farm buildings, between points in Kentucky, Tennessee, Arkansas, Georgia, Mississippi, Alabama, Indiana, Ohio, Illinois, and Michigan.

HEARING: September 29, 1958, at the Kentucky Hotel, Louisville, Ky., before Examiner Reece Harrison.

No. MC 117437, filed June 4, 1958. Applicant: WHITNEY POINT TRACTOR, INC., Route 11, Whitney Point, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, accessories* and *attachments*, and parts for tractors, in the same vehicle with tractors, *farm implements, lumber, machinery*, and *implements*, between Whitney Point, Buffalo, and Syracuse, N. Y., Churubusco, Ind., Rockford and Rock Island, Ill., Burlington, Iowa, Racine, Wis., points in New York, Pennsylvania, Ohio, Massachusetts, Vermont, New Hampshire, Connecticut, and Rhode Island. Applicant states J. L. Case Co. factories are located in the above-specified points in Indiana, Illinois, Iowa, and Wisconsin. Applicant states it wishes to pick up machinery at these factories and deliver to dealers in the eight States last named above.

HEARING: September 29, 1958, at the Federal Building, Syracuse, N. Y., before Examiner Donald R. Sutherland.

No. MC 117446, filed June 10, 1958. Applicant: VAN D. GRADY, P. O. Box 1349, Hattiesburg, Miss. Applicant's attorney: Rubel L. Phillips, 829 Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, equipment*, and *supplies*, incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas, oil, and petroleum; and *machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, between points in Mississippi and Louisiana.

HEARING: September 16, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 117461, filed June 17, 1958. Applicant: KENNETH RIVERBARK, 307 North Frisco Street, Warsaw, N. C. Applicant's attorney: A. Mitchell Britt, Warsaw, N. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over a regular route, transporting: *Agricultural chemicals*, in drums or cans, and *insecticides*, including insecticide dust, in boxes or cans, and *empty containers* or other such incidental facilities (not specified) used in transporting the above-specified commodities, between Warsaw, N. C., and Charleston, S. C., from Warsaw over U. S. Highway 117 in a southerly direction to Wilmington, N. C., thence over U. S. Highway 17 to Charleston, thence in a northerly direction over U. S. Highway 52 to junction Alternate U. S. Highway 17, at Monks Corner, S. C., thence over Alternate U. S. Highway 17 to junction U. S. Highway 17 at Georgetown, S. C., thence over U. S. Highway 17 to Wilmington, N. C., thence over U. S. Highway 117 to Warsaw, serving no intermediate points.

NOTE: Applicant states that the proposed service will be performed for Carter Insecticide and Chemical Company, located in Wallace, N. C.

HEARING: September 3, 1958, in the North Carolina Utilities Commission State Library Building, Morgan Street, Raleigh, N. C., before Joint Board No. 2, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 117474, filed June 23, 1958. Applicant: R. L. MARTIN AND R. D. STURDIVANT, doing business as M & S TRANSPORT, 528 South Salisbury Street, Raleigh, N. C. Applicant's attorney: Bailey and Dixon, P. O. Box 1773, Seventh floor, Raleigh Building, Raleigh, N. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, except plywood and veneer, from points in North Carolina to points in Virginia, Maryland, New Jersey, New York, Connecticut, and Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

HEARING: September 4, 1958, at the North Carolina Utilities Commission State Library Building, Morgan Street, Raleigh, N. C., before Examiner Harold W. Angle.

No. MC 117504 (Sub No. 1), filed July 10, 1958. Applicant: W. J. LANDES, 115 South Augusta Street, Staunton, Va. Applicant's attorney: Mosby J. Williams, Peoples Federal Building, Roanoke, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden billets*, under refrigeration, from Chelsea, Lincoln, Post Mills, Randolph, Waits River, and Groton, Vt., and the Port of Entry on the boundary between the United States and Canada at or near North Troy, Vt., to Monticello, Ga.

NOTE: The wooden billets are transported in applicant's trailers, equipped with ventilated doors and a mechanism to circulate air, necessary to protect the billets against mildew.

HEARING: September 16, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allan F. Borroughs.

No. MC 117507, filed July 10, 1958. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz and Gerald Phelps, Munsey Building, Washington, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in bags, from Alsen and Howes Cave, N. Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Pennsylvania, New Jersey, and Rhode Island. Applicant is authorized to conduct common carrier operations in Maryland, New Jersey, New York, Pennsylvania, Kentucky, Delaware, Ohio, Michigan, Illinois, Indiana, Virginia, North Carolina, West Virginia, Tennessee, Ohio, Massachusetts, Rhode Island, District of Columbia, Alabama, Georgia, Minnesota, Missouri, Iowa, Kansas, and Wisconsin.

NOTE: Applicant states that this application also seeks authority to engage in dual operations under section 210 of the Interstate Commerce Act.

HEARING: September 24, 1958, at 346 Broadway, New York, N. Y., before Examiner Allen W. Hagerty.

MOTOR CARRIERS OF PASSENGERS

No. MC 2835 (Sub No. 29), filed June 2, 1958. Applicant: ADIRONDACK TRANSIT LINES, INC., 495 Broadway, Kingston, N. Y. Applicant's attorney: Martin J. Kelly, Jr., 70 Pine Street, New York 5, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between junction U. S. Highway 9W and New York Highway 23 and the Catskill Interchange of the New York State Thruway, over New York Highway 23, serving all intermediate points. Applicant is authorized to conduct operations in New York.

NOTE: Applicant states that it seeks authority to remove to the extent necessary the restriction against local transportation to authorize service in the 1.6 miles of authorized operations over New York Highway 23, as provided by the Commission in MC 2835 (Sub No. 9) on that segment of the route west of Catskill between New York Highway 9W and the present Thruway Interchange at New York Highway 23 west of Catskill, N. Y.

HEARING: September 26, 1958, at 346 Broadway, New York, N. Y., before Examiner Allen W. Hagerty.

No. MC 115432 (Sub No. 2), filed May 21, 1958. Applicant: PAWTUXET VALLEY BUS LINES, INC., 75 Roberts Street, West Warwick, R. I. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, (1) Between West Warwick, R. I., and the plant site of the Electric Boat Corporation, Groton, Conn., from West Warwick over Rhode Island Highway 3 to the Rhode Island-Connecticut State line, thence over Connecticut Highway 84 to the plant site of the Electric Boat Corporation at Groton, and return over the same route, serving no intermediate points; and (2) between Coventry, R. I., and the plant site of the Electric Boat Corporation, Groton, Conn., from Coventry over Rhode Island Highway 117, to junction Rhode Island Highway 3, thence as specified above to the plant site of the Electric Boat Corporation at Groton, and return over the same route, serving no intermediate points.

HEARING: September 11, 1958, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 252, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 115521 (Sub No. 2), filed May 14, 1958. Applicant: STAR BUS LINES, INC., 2534 Grand Avenue, Bellmore, L. I., N. Y. Applicant's attorney: Harold J. Cloutman, 124–15 28th Avenue, Flushing 56, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special or charter operations, beginning and ending at New York, N. Y., and points in Nassau and Suffolk Counties, N. Y., and extending to points in Connecticut, New Jersey, Pensylvania, Delaware, the District of Columbia, Maryland, and Virginia. Applicant is authorized to conduct similar operations from New York, N. Y. to points in Connecticut, New Jersey, New York, and Pennsylvania, on return.

HEARING: September 11, 1958, at 346 Broadway, New York, N. Y., before Examiner Allen W. Hagerty.

No. MC 116846 (Sub No. 1), Filed July 7, 1958. Applicant: BENJAMIN KEENE, Box 280, Route 2, Glen Burnie, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at points Anne Arundel County and Baltimore City, Md., and extending to points in New Jersey, New York, Pennsylvania, District of Columbia, Virginia, West Virginia, and Delaware.

HEARING: September 11, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James H. Gaffney.

PETITION

No. MC 65897 (Sub No. 1), (PETITION SEEKING MODIFICATION). Petitioner: RELIANCE TRUCKING CO., INC., EXTENSION - KENTUCKY POINTS, 812 Cawthorn Street, Louisville, Ky. Petitioner's attorney: R. Vincent Goodlett, 702 McClure Building, Frankfort, Ky. Petition seeking modification so as to permit service at intermediate points between Frankfort and

Louisville, Ky., over Kentucky Highways 37 and 22, and U. S. Highway 60, tendered for filing on August 21, 1957, and accepted for filing by order of December 5, 1957.

HEARING: October 1, 1958, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 105, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2633 (Sub No. 44), filed July 8, 1958. Applicant: WILLIAM F. CROSSETT, INC., P. O. Box 626, Warren National Bank Building, Warren, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum poducts*, in bulk, in tank vehicles, from Bakerstown, Pa., to points in Chautauqua, Erie, and Niagara Counties, N. Y. Applicant is authorized to conduct operations in New York and Pennsylvania.

No. MC 19193 (Sub No. 4), filed July 24, 1958. Applicant: FRED B. LAFFERTY, J. D. LAFFERTY AND CHARLES W. ALBRIGHT, JR., doing business as LAFFERTY TRUCKING COMPANY, 3703 Beale Avenue, Altoona, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Store fixtures* and *store equipment*, uncrated, used in the conduct of wholesale, retail and chain grocery and food business houses, between Youngstown, Ohio, and Greensburg, Pa.; (2) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials* and *supplies* used in the conduct of such business, (a) between Greensburg, Pa., on the one hand, and, on the other, points within the territory bounded by a line beginning at Tionesta, Pa., and extending south through Shippenville, Pa., and Oakland, Md., to Thomas, W. Va., thence in a southeasterly direction to Petersburg, W. Va., thence in a northeasterly direction to Moorefield, W. Va., McConnellsburg and Duncannon, Pa., to Millersburg, Pa., thence in a northwesterly direction to Jersey Shore, Pa., and thence west through Renovo, Emporium, St. Marys, and Johnsonburg, Pa., to Tionesta, including the points named; (b) between Greensburg, Pa., and Pittsburgh, Pa. Applicant is authorized to conduct operations in Ohio, Pennsylvania, West Virginia, and Maryland.

No. MC 107002 (Sub No. 127), filed July 17, 1958. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P. O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, ester gum, liquid glue, paint and paint materials, paint oil, paint thinners, resin compound surface coating, synthetic resin, varnish, plastic materials, solvents* and *vegetable oils*, in bulk, in tank vehicles, from Mobile, Ala., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Kentucky, Mississippi, North Carolina, Oklahoma, South Carolina, Texas, and Tennessee (except vegetable oil between Mobile, Ala., and points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Tennessee). Applicant is authorized to conduct operations in Louisiana, Mississippi, Tennessee, Arkansas, Missouri, Alabama, Georgia, Florida, Texas, West Virginia, Wisconsin, Illinois, Kansas, Kentucky, North Carolina, Oklahoma, South Carolina, Maryland, Michigan, Minnesota, New Jersey, New York, Pennsylvania, Ohio, Maine, Connecticut, Massachusetts, Rhode Island, Virginia, and the District of Columbia.

No. MC 115410 (Sub No. 3), filed July 24, 1958. Applicant: HAWKES TRANSPORTATION CO., INC., P. O. Box 852, 1105 La oPint Street, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Class A and B explosives, and those requiring special equipment*, but excluding those of unusual value, household goods as defined by the Commission and commodities in bulk, (1) between points in Idaho south of a line drawn through the points of Lewiston and Orofino, Idaho, on the one hand, and, on the other, points in Idaho north of that line; (2) between points in Oneida, Power, Bingham, Blaine, Custer, and Lemhi Counties, Idaho, and points in Idaho east of those counties on the one hand, and, on the other, points in Idaho north of a line drawn through the points of Lewiston and Orofina, Idaho. Applicant is authorized to conduct operations in Washington, Montana, and Idaho.

No. MC 115691 (Sub No. 5), filed July 22, 1958. Applicant: R. J. COKER, doing business as COKER TRUCKING COMPANY, P. O. Box 398, Demopolis, Ala. Applicant's attorney: H. A. Lloyd, Demopolis, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Marengo, Greene, and Sumter Counties, Ala., to points in Maryland, Michigan, Oklahoma, Pennsylvania, West Virginia, and Missouri. Applicant is authorized to transport Lumber in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Ohio, and Tennessee.

NOTE: Applicant states he proposes to transport all kinds of lumber.

No. MC 117235 (Sub No. 1), filed July 25, 1958. Applicant: EDWARD J. LEWIS, JR., 4133 The Alameda, Baltimore 18, Md. Applicant's representative: Donald E. Freeman, Uniontown Road, Box 24, Westminster, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pickles*, in glass containers, from Baltimore, Md., to Philadelphia and Scranton, Pa., Kearny, N. J., Syracuse, Buffalo, Elmsford, Brooklyn, Bronx, Garden City, and New York, N. Y., Elizabeth City, N. C., and Norfolk and Suffolk, Va., (2) *glass bottles*, in truckload quantities, from Jersey City, Millville, Bridgeton, and Salem, N. J., to Baltimore, Md.

NOTE: The above service will be performed for the account of Jewett & Sherman Co. and C. C. Lang & Son, Inc.

No. MC 117466 (Sub No. 1), filed July 24, 1958. Applicant: HENRY L. STODDARD, 19 Allen Place, New Haven, Conn. Applicant's attorney: Samuel W. Earshaw, The Munsey Building, Washington, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Photo-film* and *photo-film finisher's handling materials*, between New Haven, Conn., and points in Connecticut.

NOTE: Applicant states that the above commodities will be transported under contract with Eastman Kodak Company.

No. MC 117547 (Sub No. 1), filed July 17, 1958. Applicant: BELL TRANSPORTATION CO., INC., Wrightstown, N. J. Applicant's attorney: George H. Ross, 291 Broadway, New York 7, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in driveaway and towaway service, between McGuire Air Force Base, Fort Dix, and Wrightstown, N. J., on the one hand, and, on the other, Brooklyn Army Terminal and Fort Hamilton, Brooklyn, N. Y.

NOTE: Applicant states the proposed movement involves ultimate shipments of these motor vehicles by the United States Government, by water, to points outside the United States, for military and civilian personnel and others, who are being sent or transported abroad by the United States Government, or who are arriving from points outside the United States, for delivery of such motor vehicles to the above-specified points in New Jersey. Applicant states no passengers will be transported, also, it does not propose to use any trucks for transporting such vehicles.

APPLICATIONS UNDER 212 (c) CONVERSION PROCEEDINGS

No. MC 83338 (Sub No. 8), WARREN MAHNENSMITH AND GERALD MAHNENSMITH, Doing business as MAHNENSMITH TRUCKING SERVICE (Ossian, Ind.).

Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On April 23, 1958, the carrier requested dismissal of the application, and an order was entered on July 18, 1958, effective September 2, 1958, dismissing the application and discontinuing the proceeding.

No. MC 112954 (Sub No. 1), DELBERT EDWARDS, DOING BUSINESS AS EDWARDS TRUCKING SERVICE (Mankato, Minn.).

The above-numbered proceeding was instituted under section 212 (c) on the Commission's own initiative, February 17, 1958, to determine the carrier's status pertaining to his contract authority issued on or before August 22, 1957. Such a proceeding was instituted because the carrier failed to file verified statements in response to a Questionnaire mailed September 20, 1957. Such statements have now been filed and the order entered February 17, 1958, instituting a proceeding in No. MC 112954 (Sub No. 1) is hereby vacated and set aside as of September 8, 1958.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-6954. (Second correction) (UNION PACIFIC MOTOR FREIGHT CO.—PURCHASE (PORTION)—MASKELYNE TRANSFER AND STORAGE, INC.) published in the July 16, 1958, issue of the FEDERAL REGISTER on page 5414. First correction published in the July 30, 1958, issue of the FEDERAL REGISTER on Page 5757, reads "The following restrictions were eliminated * * *" and should have read "The following restrictions were inadvertently omitted * * *".

No. MC-F 6966. Authority sought for control by HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga., of HAMBURGER MOTOR EXPRESS, INC., 1618 North Jefferson Street, Albany, Ga., and for acquisition by LOUIS PATZ, also of Elberton, of control of HAMBURGER MOTOR EXPRESS, INC., through the acquisition by HARPER MOTOR LINES, INC. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 8, Ga. Operating rights sought to be controlled: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier* over regular routes, between Savannah, Ga., and Dothan, Ala., between Tifton, Ga., and Cordele, Ga., between Jesup, Ga., and Valdosta, Ga., and between Valdosta, Ga., and Douglas, Ga., serving certain intermediate and off-route points. HARPER MOTOR LINES, INC., is authorized to operate as a *common carrier* in Georgia, New York, New Jersey, Pennsylvania, Maryland, Virginia, South Carolina, Illinois, Ohio, Delaware, Indiana, Kentucky, Michigan, Tennessee, West Virginia, Missouri, North Carolina, Alabama, Florida, Connecticut, Rhode Island, Wisconsin, Massachusetts, Iowa, Minnesota, Mississippi, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6967. Authority sought for purchase by INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn., of a portion of the operating rights and property of HVIDSTEN TRANSPORT, INC., 2326 Hampden Street, St. Paul 13, Minn., and for acquisition by LESTER A. WILSEY, also of St. Paul, of control of such rights and property through the purchase. Applicants' attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank trucks, as a *common carrier*, over irregular routes, from Superior, Wis., to certain points in Minnesota, from Superior, Wis., and Duluth, Minn., to certain points in North Dakota, from certain points in Minnesota to points in North Dakota, and from Fargo and Grand Forks, N. Dak., and points in North Dakota within ten miles of each, to certain points in Minnesota, from Fargo and Grand Forks, N. Dak., to certain points in North Dakota, and from the site of the United States Air Force storage installation near Hastings, Minn., to Fargo Municipal Airport at or near Fargo, N. Dak.; *damaged, defective, rejected or returned shipments* of the above-specified commodities, from the destination point specified above to the United States Air Force storage installation near Hastings, Minn.; *petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, from Wrenshall, Minn., to points in North Dakota, from the port of entry at or near Noyes, Minn., on the United States-Canada Boundary line, to certain points in Minnesota and North Dakota, and from the site of the terminal of Duluth Petroleum Products Terminal (located about eight miles from Duluth, Minn.), and points within two miles thereof, to points in North Dakota, upper peninsula of Michigan, Wisconsin, and certain points in Minnesota; *petroleum*, in bulk, in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, from points in North Dakota on and west of U. S. Highway 83 to Superior, Wis., and Wrenshall, Minn.; *petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, in bulk, in tank vehicles, from Mandan, Williston, and Dickinson, N. Dak., to certain points in Montana and South Dakota, and from Williston, N. Dak., and points within 10 miles thereof, to points in Minnesota; *liquefied petroleum gas*, in bulk, in tank vehicles, from Tioga, N. Dak., to certain points in Montana; *petroleum crude oil*, between Mandan, Jamestown, Williston, Dickinson, and Tioga, N. Dak., on the one hand, and, on the other, points in North Dakota on the United States-Canada Boundary line; *liquefied petroleum gas*, from Tioga, N. Dak., to certain points in Minnesota; *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, 294, in bulk, in tank vehicles, from the plant site of the Richards Oil Company at or near Savage, Minn., to points in Wisconsin and North Dakota (except Wahpeton, Fargo, Grand Forks, and Jamestown, and points within 10 miles of each). Vendee is authorized to operate as a *common carrier* in Wisconsin, Minnesota, Illinois, Michigan, Iowa, South Dakota, North Dakota, Missouri, and Nebraska. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F. R. Doc. 58-6122; Filed, Aug. 5, 1958; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 1, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34854: *Causitic soda—Wichita, Kans., to southern territory.* Filed by Western Trunk Line Committee, Agent (No. A-1997), for interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide), liquid, tank-car loads from Wichita, Kans., to points in southern territory.

Grounds for relief: Short-line distance formula, grouping and operating through higher-rated intermediate territories.

Tariff: Supplement 4 to Western Trunk Lines tariff I. C. C. A-4241.

FSA No. 34855: *Commodities—New York and Pennsylvania points to southern ports.* Filed by O. E. Schultz, Agent (ER No. 2453), for interested rail carriers. Rates on various commodities, carloads, moving on export class and commodity rates from specified points in western New York and western Pennsylvania to South Atlantic and Florida ports, for export.

Grounds for relief: Rates constructed on basis of the so-called Oliphant formula through higher-rated intermediate origins including Virginia gateways.

Tariff: Supplement 172 to Central Territory Railroads Tariff Bureau tariff I. C. C. 4058.

FSA No. 34856: *Coal—Illinois, Indiana, and Kentucky groups to Chicago, Ill.* Filed by Illinois Freight Association, Agent (IFA No. 19), for interested rail carriers. Rates on bituminous fine coal, carloads from mines in Illinois, Indiana, and western Kentucky districts to Chicago, Ill., and points in the Chicago district in Illinois and Indiana.

Grounds for relief: Barge and rail-barge competition.

Tariff: Supplement 8 to Illinois Freight Association tariff I. C. C. 848 and other schedules listed in exhibit I of the application.

FSA No. 34857: *Styrene—Big Spring and Odessa, Tex., to Massachusetts points.* Filed by Southwestern Freight Bureau, Agent (B-7348), for interested rail carriers. Rates on styrene, tank-car loads from Big Spring and Odessa, Tex., to Fitchburg, Holyoke, and Leominster, Mass.

Grounds for relief: Market competition.

Tariff: Supplement 499 to Southwestern Freight Bureau tariff I. C. C. 4139.

FSA No. 34858: *Cast iron pipe—Texas points to Memphis, Tenn., and New Orleans, La.* Filed by Southwestern Freight Bureau, Agent (B-7343), for interested rail carriers. Rates on cast iron pipe, fittings, and related articles, carloads from Swan, Tyler and Lone Star, Tex., to Memphis, Tenn., and New Orleans, La.

Grounds for relief: Market competition with Birmingham, Ala.

Tariff: Supplement 39 to Southwestern Lines Tariff I. C. C. 4044.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-6119; Filed, Aug. 5, 1958; 8:48 p. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Carbon Hill Manufacturing Corp., Carbon Hill, Ala.; effective 7-28-58 to 7-27-59 (boys' slacks).

Gary Co., Inc., Gallatin, Tenn.: effective 7-23-58 to 7-22-59 (men's dress shirts).

Kats Underwear Co., Sixth Street Plant, Sunrise Avenue Plant, Honesdale, Pa.; effective 7-23-58 to 7-22-59 (women's and misses' nightgowns and pajamas).

McMinnville Garment Co., McMinnville, Tenn.; effective 7-24-58 to 7-23-59 (cotton work trousers).

Royal Manufacturing Co., Inc., Washington, Ga.; effective 7-22-58 to 7-21-59; workers engaged in the production of woven sport shirts (sports shirts).

Wood Garment Manufacturing Co., Inc., Crane, Mo.; effective 7-23-58 to 7-22-59 (dress trousers, dungarees).

Wood Garment Manufacturing Co., Inc., Republic, Mo.; effective 7-23-58 to 7-22-59 (men's dress slacks).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Classic City Overall Co., Inc., 112 Foundry Street, Athens, Ga.; effective 7-24-58 to 7-23-59; 10 learners (men's work clothes).

Rhea Manufacturing Co., Watertown Division, Watertown, Wis.; effective 7-25-58 to 7-24-59; 10 learners (junior sportswear, one and two piece dresses, etc.).

Sand Ridge Blouse Co., Inc., Kunkletown, Pa.; effective 7-24-58 to 7-23-59; five learners (ladies' and children's blouses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Indianapolis Glove Co., Inc., Richmond, Ind.; effective 7-30-58 to 7-29-59; 10 learners for normal labor turnover purposes (combination leather and cotton work gloves).

St. Johnsbury Glovers, Inc., St. Johnsbury, Vt.; effective 7-31-58 to 1-30-59; 15 learners for expansion purposes (ladies' knit fabric gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Bear Brand Hosiery Co., Henderson, Ky.; effective 8-1-58 to 1-31-59; 50 high school students only for part time employment in the occupation of looping only for a learning period of 816 hours, at the rates of 80 cents an hour for the first 432 hours of employment, and not less than 87½ cents an hour for the remaining 384 hours of the 816-hour learning period (seamless).

Diamond Mills Corp., Hanover Division, Carolina Beach Road and Marion Drive, Wilmington, N. C.; effective 7-28-58 to 10-28-58; 20 additional learners for plant expansion purposes (supplemental replacement certificate) (seamless).

Diamond Mills Corp., Hanover Division, Carolina Beach Road and Marion Drive, Wilmington, N. C.; effective 7-28-58 to 10-28-58; 60 learners for plant expansion purposes (replacement certificate) (seamless).

Diamond Mills Corp., Hanover Division, Carolina Beach Road and Marion Drive, Wilmington, N. C.; effective 7-28-58 to 10-1-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (replacement certificate) (seamless).

Southland Sox, Inc., 937 Gault Avenue, North, Fort Payne, Ala.; effective 8-1-58 to 7-31-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Wayne Knitting Mills, 641 Knitters Avenue, Fort Wayne, Ind.; effective 7-28-58 to 1-27-59; 40 learners for plant expansion purposes (full-fashioned).

Wayne Knitting Mills, 641 Knitters Avenue, Fort Wayne, Ind.; effective 7-28-58 to 7-27-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

East Tennessee Undergarment Co., Inc., P. O. Box 111, Elizabethton, Tenn.; effective 7-28-58 to 7-27-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's knit rayon underwear).

Ithaca Textiles, Inc., 402-406 East State Street, Ithaca, N. Y.; effective 7-28-58 to 1-27-59; 15 learners for plant expansion purposes (women's sleepwear, acetate and nylon briefs, etc.).

Royal Manufacturing Co., Inc., Washington, Ga.; effective 7-22-58 to 7-21-59; 5 percent of the total number of factory production workers engaged in the production of men's and boys' undershorts for normal labor turnover purposes (men's and boys' woven drawers, cotton shorts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Dust Proof Mattress Cover Co., Ellwood City, Pa.; effective 7-28-58 to 1-27-59; five learners for normal labor turnover purposes in the occupation of sewing machine operator, for a learning period of 320 hours at the rate of 85 cents an hour (mattress covers, pillow covers, bedspreads).

Hi-Jac Corp., 717 Williams Avenue, Fort Payne, Ala.; effective 7-28-58 to 1-27-59; five learners for normal labor turnover purposes in the occupation of machine knitter, for a learning period of 120 hours at the rate of 85 cents an hour (coasters, shoe bags, knit goods).

Lauhala Sportswear Co., 1722 Kalakaua Avenue, Honolulu, Hawaii; effective 8-1-58 to 7-13-59; three learners for normal labor turnover purposes in the occupation of sewing machine operator, for a learning period of 480 hours, at the rates of at least 85 cents an hour for the first 320 hours and not less than 90 cents an hour for the remaining 160 hours (replacement certificate) (dresses).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 30th day of July 1958.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F. R. Doc. 58-6022; Filed, Aug. 5, 1958; 8:46 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200) and Administrative Order No. 507 (23 F. R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bannon mills, Inc., Seventh and Union streets, Lebanon, Pa.; effective 7-18-58 to 7-17-59 (children's knit goods).

Colonial Blouse Co., 112 Line Street, Pottsville, Pa.; effective 7-16-58 to 7-15-59 (women's cotton and nylon blouses).

Greenwood Manufacturing Co., 331 Weller Avenue, Greenwood, S. C.; effective 7-21-58 to 7-20-59; learners may not be employed at special minimum wage rates in production of separate skirts (women's dresses and housecoats).

Rivard Hyman Co., Prentiss, Miss.; effective 7-15-58 to 7-14-59 (men's coats and smocks—doctor, technician, etc.; pants; mess-dress army coats, men's army shirts).

Lanier Manufacturing Co., Easley, S. C.; effective 7-19-58 to 7-18-59 (men's sport shirts).

Linden Manufacturing Co., Linden, Ala.; effective 7-21-58 to 7-20-59 (cotton dresses).

Mahaffey Garment Manufacturing Co., 212 Market Street, Mahaffey, Pa.; effective 7-15-58 to 7-14-59; learners may not be employed at special minimum wage rates in the production of separate skirts (women's sportswear).

C. A. Neuburger Co., Division of H. W. Sherman Corp., 913 South Main Street, Oshkosh, Wis.; effective 7-30-58 to 7-29-59; learners may not be employed at special minimum wage rates in the production of suits, separate skirts and lined jackets (children's misses' and junior cotton and wool dresses; jackets, sportswear, etc.).

Pioneer Manufacturing Co., Inc., 83 Waller Street, Wilkes-Barre, Pa.; effective 7-15-58 to 7-14-59 (children's dresses).

Renovo Shirt Co., Inc., Mena, Ark.; effective 7-27-58 to 7-26-59 (sport shirts).

Levi Strauss and Co., 501 Travis Street, Wichita Falls, Tex.; effective 7-21-58 to 7-20-59 (denim waistband overalls).

Wildwood Clothing Co., Inc., 112 East Schellenger Avenue, Wildwood, N. J.; effective 7-20-58 to 7-19-59 (ladies' shorts, slacks, etc.).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Dee Vee Garment Manufacturing Co., Stanley, Va.; effective 7-21-58 to 7-20-59; 10 learners (men's dress pants).

Fairmont Manufacturing Co., Inc., P. O. Box 149, Fairmont, N. C.; effective 7-26-58 to 7-25-59; 10 learners (ladies' nightgowns, pajamas).

Newport Manufacturing Co., Inc., Newport, Vt.; effective 7-21-58 to 7-20-59; 10 learners (women's dresses).

Violetta Brassiere Co., Inc., Grayville, Ill.; effective 7-21-58 to 7-20-59; two learners (brassieres and ladies' foundation garments).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Clinton Garment Co., 1058 South Fourth Street, Clinton, Ind.; effective 7-21-58 to 1-20-59; 50 learners (playsuits, slacks, pedal pushers, etc.).

Curtis Manufacturing Co., Ocoee, Fla.; effective 7-21-58 to 1-20-59; five learners (men's shirts).

Robville Manufacturing Co., Robersonville, N. C.; effective 7-21-58 to 1-20-59; 25 learners (children's slacks, shirts, sportcoats).

Williamson-Dickie Manufacturing Co., Weslaco, Tex.; effective 7-15-58 to 1-14-59; 50 learners (men's, boys' cotton casual pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Indianapolis Glove Co., Inc., Houlka, Miss.; effective 7-30-58 to 7-29-59; 10 learners for normal labor turnover purposes (canton flannel work gloves).

Indianapolis Glove Co., Inc., Coshocton, Ohio; effective 8-3-58 to 8-2-59; 10 learners for normal labor turnover purposes (canton flannel work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Halifax County Hosiery Mills, Inc., Scotland Neck, N. C.; effective 7-26-58 to 7-25-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Melrose Hosiery Mills, Inc., 1541 English Street, High Point, N. C.; effective 8-1-58 to 7-31-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Alco Canning Co., Inc., Water Street, Lubec, Maine; effective 7-17-58 to 1-16-59; 10 learners for normal labor turnover purposes in the occupation of sardine packer, for a learning period of 160 hours at the rates of at least 85 cents an hour for the first 80 hours, and not less than 90 cents an hour for the remaining 80 hours (sardine canning).

Cricketeer Manufacturing Corp., Harrodsburg, Ky.; effective 7-21-58 to 1-20-59; 50 learners for plant expansion purposes in the occupations of, sewing machine operator, hand sewer, final presser, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours, and not less than 95 cents an hour for the remaining 200 hours (men's sport and suit coats).

Palm Beach Co., Talladega, Ala.; effective 7-24-58 to 1-23-59; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of, sewing machine operator, and final presser, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours, and not less than 95 cents an hour for the remaining 200 hours (men's summer wash pants, wash shorts, wash suit pants).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Consolidated Cigar Corp. of Puerto Rico, P. O. Box 545, Caguas, P. R.; effective 6-25-58 to 6-24-59; authorizing the employment of 117 learners for normal labor turnover purposes in the occupations of, (1) cigar making, and packing, each for a learning period of 320 hours at the rates of 60 cents an hour for the first 160 hours and 68 cents an hour for the remaining 160 hours; (2) sorting, selecting, sizing and tying, each for a learning period of 240 hours at the rate of 60 cents an hour; (3) machine stripping, inspectors, each for a learning period of 160 hours at the rate of 60 cents an hour (cigar manufacturing).

Fairfield Manufacturing Co., Inc., P. O. Box 6367, Loiza Street Station, Santurce, P. R.; effective 6-23-58 to 6-22-59; authorizing the employment of 10 learners for normal labor turnover purposes in the occupations of, assembler, welder, racker, plater, dipper, box maker and inspector, nip maker, and wire former, each for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (drapery pleater hooks).

Fan American Screw Corp., P. O. Box 932, San Juan, P. R.; effective 6-26-58 to 12-25-58; authorizing the employment of 8 learners for plant expansion purposes in the occupations of, header operator, roll threader operator, plating and cleaning, slotter and shaver operator, inspector and shipper, and heat treating, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (screws and bolts).

Precision Products, Inc., P. O. Box 9235, Santurce, P. R.; effective 7-2-58 to 1-1-59; authorizing the employment of 18 learners for plant expansion purposes in the occupations of, (1) grinding, for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours; (2) mounting, and inspecting, each for a learning period of 320 hours at the rates of 68 cents an hour for the first 160 hours and 80 cents an hour for the remaining 160 hours (industrial jewel grinding).

Sangamo Electric Co., Puerto Rico Division, Km. 13.5 Old Caguas Road, P. O. Box 16, Hato Rey, P. R.; effective 7-1-58 to 12-31-58; authorizing the employment of 15 learners for plant expansion purposes in the occupations of, punch press operators, beam gauge operators, and mica inspectors, each for a learning period of 240 hours at the rate of 54 cents an hour (mica).

Testor Adhesive and Paint Co., P. O. Box 841, Bayamon, P. R.; effective 6-23-58 to 12-22-58; authorizing the employment of 12 learners for plant expansion purposes in the occupations of, tube machine operator, and tube machine packer, each for a learning period of 240 hours at the rates of 65 cents an hour for the first 160 hours and 75 cents an hour for the remaining 80 hours (plastic cement).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 24th day of July 1958.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F. R. Doc. 58-6023; Filed, Aug. 5, 1958; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-252]

HUNGARIAN COMMERCIAL BANK OF PEST

In re: Debt owing to the Hungarian Commercial Bank of Pest, also known as Pester Ungarische Commercial Bank; F-34-256.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The New York Trust Company, One Hundred Broadway, New York 15, New York, arising out of an account entitled, "Hungarian Commercial Bank of Pest (new account)," maintained by the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Hungarian Commercial Bank of Pest, also known as Pester Ungarische Commercial Bank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 30, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-6095; Filed, Aug. 5, 1958; 8:47 a. m.]

[Vesting Order SA-253]

HUNGARIAN GENERAL CREDITBANK

In re: Debt owing to Hungarian General Creditbank, also known as Ungarische Allgemeine Creditbank, and as Magyar Altalanos Hitelbank; F-34-228, F-34-1694.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The New York Trust Company, One Broadway, New York 15, New York, in the sum of $682.24, arising out of a blocked account entitled, "Hungarian General Bank & Trading Co. Ltd.," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned directly or indirectly by the Hungarian General Creditbank, also known as Ungarische Allgemeine Creditbank, and as Magyar Altalanos Hitelbank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 30, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-6096; Filed, Aug. 6, 1958; 8:47 a. m.]

[Vesting Order SA-254]

HUNGARIAN GENERAL CREDITBANK

In re: Debt owing to Hungarian General Creditbank, also known as Ungarische Allgemeine Creditbank, and as Magyar Altalanos Hitelbank; F-34-228, F-34-1694.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Manufacturers Trust Company, 55 Broad Street, New York 15, New York, in the sum of $38,385.33 arising out of an account entitled, "Hungarian General Bank & Trading Co., Ltd., Budapest, Blocked Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned directly or indirectly by the Hungarian General Creditbank, also known as Ungarische Allgemeine Creditbank, and as Magyar Altalanos Hitelbank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with

directions and instructions issued by or the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 30, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-6097; Filed, Aug. 5, 1958; 8:47 a. m.]

[Vesting Order SA-255]

MOBILIARE VERKEHRS A. G.

In re: Property owned by Mobiliare Verkehrs A. G.; F-63-10226.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of American Trust Company, 70 Wall Street, New York 5, N. Y., arising out of an account entitled "Mobiliare Verkehrs A. G., Zurich, Switzerland," maintained by said banking institution, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Mobiliare Verkehrs A. G., Zurich, Switzerland, which is a national of Hungary as defined in said Executive Order 8389, as amended, by reason of the ownership, direct or indirect of all, or a substantial part, of its shares by Hungarian Discount and Exchange Bank, also known as Ungarische Escompte & Wechslerbank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 30, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-6098; Filed, Aug. 5, 1958; 8:48 a. m.]

[Vesting Order SA-256]

MOBILIARE VERKEHRS A. G.

In re: Property owned by Mobiliare Verkehrs A. G.; F-63-10226.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Manufacturers Trust Company, 55 Board Street, New York 15, N. Y., arising out of an account entitled, "Mobiliare Verkehrs A. G., Zurich," maintained by said banking institution, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Mobiliare Verkehrs A. G., Zurich, Switzerland, which is a national of Hungary as defined in said Executive Order 8389, as amended, by reason of the ownership, direct or indirect of all, or a substantial part, of its shares by Hungarian Discount and Exchange Bank, also known as Ungarische Escompte & Wechslerbank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 30, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-6099; Filed, Aug. 5, 1958; 8:48 a. m.]

[Vesting Order SA-257]

MOBILIARE VERKEHRS A. G.

In re: Property owned by Mobiliare Verkehrs A. G.; F-63-10226.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Sterling National Bank & Trust Co. of New York, Broadway at 39th

Street, New York 18, New York, arising out of an account entitled, "Mobiliare Verkehrs A. G., Zurich, Switzerland," maintained by said banking institution, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Mobiliare Verkehrs A. G., Zurich, Switzerland, which is a national of Hungary as defined in said Executive Order 8389, as amended, by reason of the ownership, direct or indirect of all, or a substantial part, of its shares by Hungarian Discount and Exchange Bank, also known as Ungarische Escompte & Wechslerbank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 30, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-6100; Filed, Aug. 5, 1958; 8:48 a. m.]

[Vesting Order SA-258]

MOBILIARE VERKEHRS A. G.

In re: Property owned by Mobiliare Verkehrs A. G., F-63-10226.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Bankers Trust Company, 16 Wall Street, New York 15, N. Y., arising out of an account entitled, "Mobiliare Verkehrs A. G., Zurich, Switzerland," maintained by said banking institution, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Mobiliare Verkehrs A. G., Zurich, Switzerland, which is a national of Hungary as defined in said Executive Order 8389 as amended, by reason of the ownership, direct or indirect of all or a substantial part, of its shares by Hungarian Discount and Exchange Bank, also known as Ungarische Escompte & Wechslerbank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 30, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-6101; Filed, Aug. 5, 1958; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 23 NUMBER 154

Washington, Thursday, August 7, 1958

UNIVERSITY OF MICHIGAN
AUG 11 1958
MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 39—TRAINING

Sec.
39.1 Definitions.
39.2 Training expenses.

AUTHORITY: §§ 39.1 and 39.2 issued under sec. 6, 72 Stat. 329. Interpret or apply 72 Stat. 329.

§ 39.1 *Definitions.* For the purpose of this part:

(a) The term "Act" means the Government Employees Training Act, Public Law 85-507 (72 Stat. 327).

(b) The terms "Government," "department," "employee," "Commission," "training," "Government facility," and "non-Government facility" have the meanings given to these terms by section 3 of the Act.

§ 39.2 *Training expenses.* (a) The head of each department or his designated representative (or representatives) shall determine which of the expenses that are directly related to or are a condition precedent to the training of employees of his department constitute necessary expenses of such training under the provisions of section 10 of the Act.

(b) The head of each department or his designated representative (or representatives) may pay all or any part of the salary, pay, or compensation (excluding overtime, holiday, and night-differential pay) of employees of his department receiving training under the Act and pay or reimburse such employees, in whole or in part, for the necessary expenses of such training as determined under paragraph (a) of this section.

(c) The head of each department or his designated representative (or representatives) shall establish such procedures as he deems necessary to insure that interests of the Government are protected when payments of salary, pay, or compensation and payments or reimbursements for necessary expenses of training are made by his department under authority of section 10 of the Act.

(d) This section does not serve to restrict payments of training expenses otherwise appropriate under programs conducted in accordance with section 20 of the Act.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-6175; Filed, Aug. 6, 1958; 8:57 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6999]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MERCANTILE STORES CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.155 *Prices:* Fictitious marking; percentage savings. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1255 *Manufacture or preparation:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product.* Subpart—*Using misleading name*—Goods: § 13.2280 *Composition:* Fur Products Labeling Act; § 13.2310 *Manufacture or preparation.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f)

[Cease and desist order, Mercantile Stores Co., Inc. (Wilmington, Del.), et al., Docket 6999, June 12, 1958]

In the Matter of Mercantile Stores Co., Inc., a Corporation, and The MacDougall & Southwick Company, a Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Seattle, Wash., and its parent corporation with

(Continued on p. 5989)

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FEDERAL REGISTER

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(As of January 1, 1958)

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visiting the advertising, invoicing, and labeling requirements of the Fur Products Labeling Act.

Following acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 12 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Mercantile Stores Co., Inc., a corporation, and The MacDougall & Southwick Company, a corporation, and their officers, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

a. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

2. Misbranding fur products by:

a. Failing to affix labels to fur products showing:

1. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

2. That the fur product contains or is composed of used fur, when such is a fact;

3. That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is a fact;

4. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

5. The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

6. The name of the country of origin of any imported furs used in the fur product;

7. The item number or mark assigned to a fur product.

b. Setting forth on labels attached to fur products:

1. Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

2. The term "blended" to describe the pointing, bleaching, dyeing or tip-dyeing of fur products.

3. Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in an illegible or inconspicuous manner.

4. Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information.

5. Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with pencil or in handwriting.

c. Failing to affix labels to fur products which comply with the minimum size requirements of 1¾ inches by 2¾ inches.

3. Falsely or deceptively invoicing fur products by:

a. Failing to furnish invoices to purchasers of fur products showing:

1. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

2. That the product contains or is composed of used fur, when such is a fact;

3. That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

4. That the fur product is composed in whole or in substantial part of the paws, tails, bellies, or waste fur, when such is the fact;

5. The name and address of the person issuing such invoice;

6. The name of the country of origin of any imported furs contained in a fur product;

7. The item number or mark assigned to a fur product.

b. Using on invoices the name or names of any animal or animals other than the name or names provided for in paragraph 3 (a) (1) above, or furnishing invoices which misrepresent the country of origin of imported furs contained in fur products or which contain any form of misrepresentation or deception directly or by implication with respect to such fur products.

c. Setting forth information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Falsely or deceptively advertising fur products through the use of any advertisement, public announcement or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

a. Fails to disclose:

1. The name or names of the animal or animals which produced the fur or furs contained in the fur products as set forth in the Fur Products Name Guide.

2. That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact.

3. That the fur products are composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

b. Contains the name or names of an animal or animals other than the name or names specified in the Fur Products Name Guide or prescribed under the Rules and Regulations;

c. Contains the term "blended" to describe the pointing, bleaching, dyeing or tip-dyeing of fur products.

d. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business.

e. Represents directly or by implication through percentage savings claims that the regular or usual retail prices charged by respondents for fur products in the recent regular course of their business are reduced in direct proportion to the amounts of savings stated, when contrary to fact.

5. Making price claims or representations of the types referred to in paragraphs 4 (d) and (e) above unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 12, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-6167; Filed, Aug. 6, 1958; 8:55 a. m.]

[Docket 7052]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

OXFORD FILING SUPPLY CO., INC.

Subpart—*Discriminating in prices under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.770 *Quantity rebates or discounts.* Subpart—*Maintaining resale prices:* § 13.1130 *Contracts and agreements.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 45, 13) [Cease and desist order, Oxford Filing Supply Company, Inc., Garden City, N. Y., Docket 7052, June 17, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a leading manufacturer of filing systems and filing supplies with principal place of business in Garden City, N. Y., and with nationwide distribution of its products, with maintaining, in areas not having so-called fair trade laws, uniform resale prices for its well-known "Pendaflex" line of products, and, in making effective such policy, requiring dealers, as a condition prece-

dent to selling such "Pendaflex" line, to execute franchise agreements to cooperate in maintaining its retail list prices and canceling franchises of dealers violating the agreement; and with discriminating in price by selling to some of its dealer customers at 40 plus 10 percent off its published list prices while selling to their competitors at the "Trade Discount" of only 40 percent off list price, and by further requiring some dealer customers to purchase $10,000 of its products in order to qualify for the extra 10 percent discount while requiring others to purchase only $5,000 to so qualify.

After acceptance of an agreement providing for the entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 17 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Oxford Filing Supply Company, Inc., a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's Pendaflex or other products, do forthwith cease and desist from:

1. Entering into, continuing, enforcing or maintaining any agreement or understanding, express or implied, with any wholesaler or retail dealer concerning the price at which such products are to be resold by such wholesaler or retail dealer or any of their customers.

2. Entering into, continuing, enforcing or maintaining any agreement or understanding, express or implied, with any wholesaler or retail dealer which prohibits said wholesaler or retail dealer from selling any said product to purchasers who have not agreed to maintain or who do not maintain resale prices established or suggested by respondent on said product.

Provided, however, that nothing herein shall be interpreted as prohibiting respondent from establishing and maintaining resale prices on its products in any manner exempted from the prohibitions of the Federal Trade Commission Act by the McGuire Act.

It is further ordered, That respondent Oxford Filing Supply Company, Inc., a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of respondent's "general line" of filing systems and supplies or any other products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality: By selling such products to any purchaser thereof at prices lower than the prices charged other purchasers who in fact compete with the favored purchasers in the sale or distribution of such products.

The term "price" as used in this order takes into account discounts, rebates, allowances and other terms or conditions of sale.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 17, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-6168; Filed, Aug. 6, 1958; 8:56 a. m.]

[Docket 6990]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

VOLK BROS. CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; percentage savings. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Volk Bros. Company et al., Dallas, Tex., Docket 6990, June 18, 1958]

In the Matter of Volk Bros. Company, a Corporation, and Harold F. Volk, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Dallas, Tex., with violating the Fur Products Labeling Act by advertising in newspapers which failed to disclose the names of animals producing the fur in certain products, that some furs were artificially colored, and the country of origin of imported furs, and failed to set forth other required information; which falsely represented sale prices as reduced from regular prices which were, in fact, fictitious, and made percentage savings claims while failing to maintain adequate records as a basis therefor.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Volk Bros. Company, a corporation, and its officers and Harold F. Volk, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products, as set forth in the Fur Products Name Guide and as prescribed by the Rules and Regulations;

(b) That the fur product contains or is composed of bleached, dyed, or otherwise artifically colored fur, when such is the fact;

(c) All of the information required under section 5 (a) of the Fur Products Labeling Act and the rules and regulations thereunder in type of equal size and conspicuousness and in close proximity with each other;

(d) The name of the country of origin of any imported furs contained in a fur product.

2. Represents directly or by implication that:

The regular or usual price of any fur product is in an amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business.

3. Represents directly or by implication through percentage savings claims that the regular or usual retail prices charged by respondents for fur products in the recent regular course of their business are reduced in direct proportion to the amounts of savings stated when contrary to the fact.

B. Making price claims and representations of the types referred to in subparagraph A2 and A3 above unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 18, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-6169; Filed, Aug. 6, 1958; 8:56 a. m.]

[Docket 6928]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MUNTZ TV, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Direct dealing advantages; § 13.230 *Size or weight.* Subpart—*Misbranding or mislabeling:* § 13.1323 *Size or weight.*[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Muntz TV, Inc., et al., Evanston, Ill., Docket 6928, June 18, 1958]

In the Matter of Muntz TV, Inc., a Corporation, and Earl W. Muntz, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in Chicago with exaggerating, in newspaper advertising and by markings on sets and otherwise, the size of the picture tubes of its television sets, and with representing falsely that its TV sets were sold directly to the consumer from "factory outlets".

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Muntz TV, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of television receiving sets in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any figure or measurement to designate or describe, directly or by implication, the size of the picture tube with which their television receiving sets are equipped which is greater than the horizontal measurement of the viewable area of the tube on a single plane basis, unless it is conspicuously disclosed in immediate connection therewith that said figure or measurement is the diagonal measurement, when such is the fact; or an accurate specification of the viewable area of the tube, in square inches, is conspicuously disclosed in immediate connection with such figure or measurement;

2. Authorizing or permitting others to represent or placing into the hands of others means and instrumentalities whereby they may represent, directly or by implication, that the retailers selling respondent's television sets are factory outlets or have any relationship to respondent other than that of buyers from respondent.

It is further ordered, That the complaint against Earl W. Muntz in his capacity as an officer of Muntz TV, Inc., be dismissed.

[1] New.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent Muntz TV, Inc., a corporation, shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 18, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-6170; Filed, Aug. 6, 1958; 8:56 a. m.]

[Docket 7024]

PART 13—DIGEST OF CEASE ANE DESIST ORDERS

LE CHARME, ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods;* § 13.130 *Manufacture or preparation;* § 13.155 *Prices;* § 13.205 *Scientific or other relevant facts;* § 13.235 *Source or origin:* Place: *Domestic product as imported;* § 13.285 *Value.* Subpart—*Misbranding or mislabeling:* § 13.1325 *Source or origin:* Place: *Domestic product as imported.* Subpart—*Using misleading name*—Goods: § 13.2345 *Source or origin:* Place: *Domestic product as imported.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Maurice Fabricant trading as Le Charme and French Perfume Agency, New York, N. Y., Docket 7024, June 17, 1958]

In the Matter of Maurice Fabricant, Individually and Trading as Le Charme and French Perfume Agency

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a distributor in New York City with representing falsely in advertising, circulars, price lists, by brand names, etc., that domestically made perfumes were French imports; misrepresenting the retail price or value of perfumes; claiming falsely that the filigree on perfume bottles was jeweled or goldplated, that the perfume in such bottles did not deteriorate but improved with age, and that it had been advertised in the New York Times as a "$10.00 value".

After acceptance of an agreement including consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 17 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Maurice Fabricant, individually and trading as Le Charme or French Perfume Agency, or trading under any other name, his agents, representatives, or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes or any other related product, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said products, which advertisement:

a. Contains or lists prices, amounts, or values when such prices, amounts, or values are in excess of the prices at which said products are usually and customarily sold at retail.

b. Uses the words "French Formula Perfume", "Originally created in France, This Exotic Perfume", or "Paris-New York", or any other French name, word, term, or depiction in connection with any product not manufactured or compounded in France, or otherwise representing, directly or by implication, that such products are manufactured or compounded in France.

c. Uses any French name or word as a corporate, trade, or brand name or as a part thereof in connection with products manufactured or compounded in the United States, unless it is clearly and conspicuously revealed in immediate connection and conjunction therewith that such products are manufactured or compounded in the United States.

d. Represents, directly or by implication that the filigree on his perfume bottles is jeweled or gold plated.

e. Represents, directly or by implication, that his perfume products do not deteriorate or that they improve with age.

f. Represents, directly or by implication, that his perfume products have been advertised in the New York Times or any other advertising medium as being of a certain value, when such is not a fact.

2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in Paragraph 1 of this order.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: June 17, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-6171; Filed, Aug. 6, 1958; 8:57 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

FEES

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 408, 701; 68 Stat. 511, 52 Stat. 1055, as amended; 21 U. S. C. 348, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals (21 CFR Part 120) are amended by changing § 120.33 (a) to (g) inclusive, to read as follows:

§ 120.33 *Fees* (a) Except as noted in paragraphs (b) and (c) of this section, each petition or request for the establishment of a tolerance shall be accompanied by a deposit of $2,500, plus $250 for each raw agricultural commodity more than nine on which the establishment of a tolerance is requested.

(b) Except as noted in paragraph (c) of this section, a petition requesting two or more numerical tolerance levels shall be accompanied by a deposit of $3,750, plus $250 for each raw agricultural commodity more than 14 on which the establishment of a tolerance is requested.

(c) Each petition or request for the establishment of a tolerance at a lower numerical level or levels than a tolerance already established for the same pesticide chemical, or for the establishment of a tolerance on additional raw agricultural commodities at the same numerical level as a tolerance already established for the same pesticide chemical, shall be accompanied by a deposit of $250, plus $250 for each raw agricultural commodity on which a tolerance is requested.

(d) Each petition or request for an exemption or a temporary exemption from the requirement of a tolerance, a temporary tolerance, or the amendment or repeal of a tolerance or exemption shall be accompanied by a deposit of $2,500, unless it meets the requirements of subparagraph (1) or (2) of this paragraph.

(1) Such deposit is not required when, in connection with the change sought under this paragraph, a petition or request is filed for the establishment of new tolerances to take the place of those sought to be amended or repealed and a deposit is made as required by paragraph (a) or (b) of this section.

(2) A request for a temporary tolerance for a pesticide chemical which has a tolerance for other uses at the same numerical level shall be accompanied by a deposit of $250 for clerical handling and initial administrative review, plus $250 for each raw agricultural commodity on which the temporary tolerance is sought.

(e) If a petition or a request proposing the issuance of a regulation is not accepted for filing or processing because it is technically incomplete, the deposit, less a $250 fee for clerical handling and initial administrative review, shall be returned unless the petitioner indicates that he wishes to submit a supplement, in which case the deposit will be held by the Commissioner, and the supplement shall be accompanied by a nonreturnable fee of $250.

(f) When a petition is withdrawn after filing and resubmitted within 6 months, it shall be accompanied by a deposit of $750, or by a deposit equal to the one originally submitted, whichever is smaller. If resubmitted after 6 months, it shall be accompanied by the deposit that would be required if it were being submitted for the first time.

(g) After a petition has been filed, any additional information or data submitted in support of it (i. e., any substantive amendment) shall be accompanied by a deposit of $750 or by a deposit equal to the one originally submitted, whichever is smaller.

Effective date. This order shall become effective 30 days following the date of its publication in the FEDERAL REGISTER.

Notice and public procedure not necessary prerequisites to the promulgation of this order, and I so find, since the fees set forth in this order are necessary in order to provide, equip, and maintain an adequate service, and the collection of such fees is required by law.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies 408, 68 Stat. 511, 21 U. S. C. 346a)

Dated: August 1, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-6152; Filed, Aug. 6, 1958; 8:53 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF SODIUM O-PHENYLPHENATE

A petition was filed with the Food and Drug Administration by the Dow Chemical Company, Midland, Michigan, requesting the establishment of a tolerance for residues of sodium o-phenylphenate, calculated as o-phenylyphenol, in or on cantaloups.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1957 Supp., 120.129) are amended by changing § 120.129 to read as follows:

§ 120.129 *Tolerances for residues of sodium o-phenylphenate.* Tolerances are established as follows for residues from postharvest application of sodium o-phenylphenate, calculated as o-phenylphenol:

(a) 125 parts per million in or on cantaloups, of which not more than 10 parts per million shall be in the edible portion.

(b) 20 parts per million in or on peaches.

(c) 10 parts per million in or on citrus citron, grapefruit, kumquat, lemons, limes, oranges, pineapple, tangelos, tangerines.

(d) 5 parts per million in or on apples, pears.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue, SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: August 1, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-6153; Filed, Aug. 6, 1958; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter C—Claims and Accounts

PART 836—CLAIMS AGAINST THE UNITED STATES

MARITIME CLAIMS

Sections 836.141 to 836.148 supersede §§ 836.141 to 836.148 (17 F. R. 8945, October 7):

Sec.
836.141 Purpose.
836.142 Claims payable.
836.143 Claims certified to Congress.
836.144 Claims not payable.
836.145 Claims under other laws and regulations.
836.146 Subrogation claims.
836.147 Limitation of settlement.
836.148 Delegation of authority.

AUTHORITY: §§ 836.141 to 836.148 issued under sec. 1, 70A Stat. 488; 10 U. S. C. 8012. Interpret or apply secs. 1–6, 65 Stat. 524, 572, 573, sec. 1, 70A Stat. 591–593; 10 U. S. C. 1861–1866, 9801–9806.

DERIVATION: AFR 112–12, April 14, 1958.

§ 836.141 *Purpose.* Sections 836.141 to 836.148 prescribe the procedures for settling or compromising claims against the United States, not the subject of pending litigation, which arise from marine accidents or incidents. It is published under the direction of the Secretary of Defense.

§ 836.142 *Claims payable.* Section 1 of the act of October 20, 1951 (65 Stat. 572; 10 U. S. C. 1861) and section 1, 70A Stat. 592; 10 U. S. C. 9802, provide for the settlement or compromise of claims against the United States for damage to or loss of property, or personal injury or death, caused by vessels of, or in the service of, the Department of the Air Force, and compensation for towage and salvage services, including contract salvage, rendered to such vessels, where the net amount payable by the United States, as settled or compromised, does not exceed $500,000.

§ 836.143 *Claims certified to Congress.* Claims against the United States, settled or compromised at a net amount exceeding $500,000, are not payable under §§ 836.141 to 836.148, but will be investigated and processed under those sections, and, if approved by the Secretary of the Air Force, will be certified by him to the Congress.

§ 836.144 *Claims not payable.* A claim is not allowable under §§ 836.141 to 836.148 if it:

(a) Is for damage to or loss of property, or for personal injury or death, resulting from action by the enemy, or by United States armed forces engaged in combat, or in immediate preparation for impending combat.

(b) Is for personal injury or death of members of the armed forces of the United States incurred incident to their service.

(c) Is for personal injury or death of civilian employees of the United States to whom the Federal Employees' Compensation Act (39 Stat. 742, as amended; 5 U. S. C. 751 et seq.), is applicable.

(d) Is for damage to or loss of property, or for personal injury or death, caused other than by vessels of or in the service of the Department of the Air Force.

(e) Has been made the subject of a suit by or against the United States unless the suit is dismissed when payment is made (sec. 6, 43 Stat. 1113, 46 U. S. C. 786).

§ 836.145 *Claims under other laws and regulations.* (a) Claims of military personnel and civilian employees of the Department of the Air Force, for damage to or loss of personal property, occurring incident to their service, will be processed under the provisions of §§ 836.90 to 836.101.

(b) Claims which are within the scope of §§ 836.141 to 836.148 and also within the scope of §§ 836.61 to 836.77 may be processed under the provisions of §§ 836.61 to 836.77 where specific authority to do so has been obtained from The Judge Advocate General, Department of the Air Force.

§ 836.146 *Subrogation claims.* (a) An insurance carrier will be recognized as a claimant under §§ 836.141 to 836.148 to the extent that it has become subrogated by payment to, or on behalf of its insured, pursuant to a contract of insurance in force at the time of the incident from which the claim arose. An insurance carrier and its insured may file a claim either jointly or separately. Joint claims must be asserted in the names of, and must be signed by, all parties; payment then will be made jointly. If separate claims are filed, payment to each party will be limited to the extent of such party's undisputed interest.

(b) For the purpose of determining authority to settle or compromise a claim, the payable interests of the insurance carrier (or carriers) and the insured represent merely separable interests, which interests in the aggregate must not exceed the amount authorized for administrative settlement or compromise.

(c) The policies set forth in paragraphs (a) and (b) of this section with respect to subrogation arising from insurance contracts are applicable to all other types of subrogation.

§ 836.147 *Limitation of settlement.* (a) The authority of the Secretary of the Air Force to effect settlement of claims under this authorization is subject to the same limitation as the Suits in Admiralty Act (41 Stat. 525, as amended; 46 U. S. C. 741 et seq.), that is, a two-year period from the date of the origin of the cause of action. Settlement must be authorized by the Secretary and accepted by the claimant prior to the expiration of such period; otherwise, thereafter the cause of action ceases to exist and there is no authority to effect settlement administratively. The presentation of a claim or its consideration by the Department of the Air Force neither waives nor extends the two-year limitation period.

(b) When a claim cognizable under §§ 836.141 to 836.148 or notice of intention to file such a claim is received, the claimant or potential claimant will be advised by the receiving claims office of the comprehensive application of this time limit.

§ 836.148 *Delegation of authority.* Claims within the purview of §§ 837.11 to 837.16 may be disapproved if asserted in an amount not exceeding $1,000, or settled or compromised at a net amount not exceeding $1,000, by The Judge Advocate General or such other officers or persons as the Secretary of the Air Force may designate for that purpose.

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U. S. Air Force, Deputy Director of Administrative Services.

[F. R. Doc. 58-6176; Filed, Aug. 6, 1958; 8:57 a. m.]

PART 837—CLAIMS IN FAVOR OF THE UNITED STATES

MARITIME CLAIMS

Sections 837.11 to 837.16 supersede §§ 837.11 to 837.15 (17 F. R. 8946, Oct. 7, 1952).

Sec.
837.11 Purpose.
837.12 Claims included.
837.13 Claims exceeding $500,000.
837.14 Delegation of authority.
837.15 Demands.
837.16 Procedures.

AUTHORITY: §§ 837.11 to 837.16 issued under sec. 1, 70A Stat. 488; 10 U. S. C. 8012. Interpret or apply secs. 1–6, 65 Stat. 524, 572, 573; sec 1, 70A Stat. 591–593; 10 U. S. C. 1861–1866, 9801–9806.

DERIVATION: AFR 112–12, April 14, 1958.

§ 837.11 *Purpose.* Sections 837.11 to 837.16 prescribe the procedures for settling or compromising claims in favor of the United States, not the subject of pending litigation, which arise from marine accidents or incidents. It is published under the direction of the Secretary of Defense.

§ 837.12 *Claims included.* (a) Section 2 of the act of October 20, 1951 (65 Stat. 572; 10 U. S. C. 1862) and sec. 1 of the act of August 10, 1956, (sec. 1, 70A Stat. 592; 10 U. S. C. 9803), provide for the settlement or compromise of claims of a kind that is within the admiralty jurisdiction of a district court of the United States and of claims for damage caused by a vessel or floating object to property under the jurisdiction of the Department of the Air Force or property for which the Department has assumed an obligation to respond for damages, where the net amount payable to the United States does not exceed $500,000.

(b) Section 3 of the act of October 20, 1951 (65 Stat. 573; 10 U. S. C. 1863) and section 1 of the act of August 10, 1956 (section 1, 70A Stat. 592; 10 U. S. C. 9804), provide for the settlement or compromise of claims in any amount for salvage services (including towage) performed by the Department of the Air Force for any vessel.

§ 837.13 *Claims exceeding $500,000.* Claims in favor of the United States, except claims for salvage services, may not be settled or compromised under §§ 837.11 to 837.16 at a net amount exceeding $500,000 payable to the United States. However, all such claims otherwise within the scope of §§ 837.11 to 837.16 will be investigated and reported to The Judge Advocate General, Department of the Air Force.

§ 837.14 *Delegation of authority.* Claims under §§ 837.11 to 837.16, except claims for salvage services, may be settled or compromised at a net amount not exceeding $1,000 by The Judge Advocate General, Department of the Air Force, or such other officers or persons as the Secretary of the Air Force may designate for that purpose.

§ 837.15 *Demands.* Demand for the payment of claims in favor of the United States under §§ 837.11 to 837.16 may be made only by The Judge Advocate General, Department of the Air Force, or

other designees of the Secretary of the Air Force.

§ 837.16 *Procedures.* Claims arising within the purview of §§ 837.11 to 837.16, will be investigated and processed in accordance with the provisions of §§ 836.1 to 836.6 or other applicable regulations. However, in addition, immediate notice of every marine occurrence under §§ 837.11 to 837.16 will be submitted by rapid means directly to the Staff Judge Advocate of the command responsible for claims in that geographical area and to Chief, Claims Division, Office of the Judge Advocate General, Headquarters USAF, Washington 25, D. C., by the command responsible for the investigation. This notice will furnish the names of the vessels, description of other property, the vessel operators, if known, any damage, injury, or death, whether arrangements for a commercial marine survey should be made and a brief description of the facts and circumstances involved.

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U. S. Air Force, Deputy Director of Administrative Services.

[F. R. Doc. 58-6177; Filed, Aug. 6, 1958; 8:57 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments are made to this chapter:

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

In § 15.7 *Airmail*, rescind present paragraph (c) and redesignate paragraph (d) as paragraph (c).

NOTE: The corresponding Postal Manual section is 125.7c.

(R. S. 161, 396, as amended; sec. 1, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716)

PART 17—CONDITIONS APPLICABLE TO PARCELS ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

In § 17.1 *Conditions applicable to parcels addressed to certain military post offices overseas*, make the following changes:

1. Delete the following APO numbers and their accompanying data: 38, 54, 68, 131, 226, 547, 713.

2. Change APO number 72 to 71.

3. Insert in proper order the following APO's with their accompanying data:

100					7	X
281		X	X		7	X

NOTE: The corresponding Postal Manual part is Part 127.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 21—FIRST CLASS

a. In § 21.2 *Classification*, make the following changes:

1. Amend paragraph (a) (9) to read as follows:

(9) Sealed matter includes mail of any class so wrapped as not to be easily examined, except second-, third- or fourth-class matter sealed subject to postal inspection (see §§ 16.1, 24.8, and 25.7 of this chapter).

NOTE: The corresponding Postal Manual section is 131.219.

2. In paragraph (c) (6) make the following changes:

1. In Form A strike out "4¢".
2. In Form C strike out "6¢".

NOTE: The corresponding Postal Manual section is 131.236.

b. Section 21.4 *Payment of postage* is amended to read as follows:

§ 21.4 *Payment of postage.* Postage may be paid by:

(a) Adhesive stamps.
(b) Stamped cards or envelopes.
(c) Meter stamps.
(d) Permit imprints.

NOTE: The corresponding Postal Manual section is 131.4.

(R. S. 161, 396, as amended, 3896, sec. 24, 20 Stat. 361, sec. 5, 41 Stat. 583, as amended, sec. 2, 45 Stat. 940; 5 U. S. C. 22, 369, 39 U. S. C. 250, 271, 273, 303)

PART 27—FEDERAL GOVERNMENT MAIL AND FREE MAIL

In § 27.2 *Executive and judicial officers*, amend paragraph (c) (2) by inserting the following, in proper alphabetical order, in subdivision (ii):

Council of Economic Advisors.
Justice Department.
Public Housing Administration.
Saint Lawrence Seaway Development Corporation.
Treasury Department.
U. S. Information Agency.

NOTE: The corresponding Postal Manual section is 137.2.

(R. S. 161, 396, as amended, secs. 5, 6, 19 Stat. 335, 336, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 321)

PART 36—SPECIAL CANCELLATION

a. In § 36.1 *Postmarking dies for advertising purposes*, make the following changes:

1. Amend the section caption to read as follows: § 36.1 *Description.*

2. Rescind paragraph (b), retaining the illustration thereunder.

NOTE: The corresponding Postal Manual section is 146.12.

b. In § 36.2 *Conditions*, redesignate paragraphs (b), (c), (d), and (e) as paragraphs (c), (d), (e), and (f), respectively, and insert new paragraph (b) to read as follows:

(b) Special cancellations are not authorized for:

(1) Events of limited or purely local interest.

(2) Fraternal, political, religious, commercial, or trade organizations.

(3) Campaigns or events promoting the sale or use of private products or services.

(4) Idea or slogan promotion not directly connected with an event of general public interest and importance.

NOTE: The corresponding Postal Manual section is 146.22.

c. In § 36.3 *Application*, add the following sentence: "Postmasters at first- and second-class post offices will forward applications to the Postal Services Division, Bureau of Operations, Post Office Department, Washington 25, D. C. Postmasters at third- and fourth-class post offices will inform applicants that special cancellations may not be used at their offices."

NOTE: The corresponding Postal Manual section is 146.3.

d. Section 36.5 *Revocation* is redesignated as § 36.6; and new § 36.5 is inserted to read as follows:

§ 36.5 *Use and disposition.* Special die hubs are used at post offices in place of regular hubs for canceling postage stamps on letter mail. In addition to general use on locally mailed letters, special cancellations may be applied to philatelic envelopes submitted by mail. These envelopes must be addressed and must bear postage at the first-class rate. The special hub will be disposed of as directed by the Postal Services Division, Bureau of Operations. No hub will be turned over to a sponsor after use.

NOTE: The corresponding Postal Manual section is 146.5.

(R. S. 161, 396, as amended; secs. 1, 2, 42 Stat. 539, 540, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 368)

PART 46—RURAL SERVICE

a. In § 46.4 *Payment of postage*, delete the last two sentences of paragraph (a) and substitute therefor the following: "When a rural carrier finds unstamped mail in a patron's box and the requisite amount of money for postage, he will normally collect the mail and money and affix the necessary postage. Mail will be expedited throughout the year if patrons keep a supply of stamps on hand and regularly affix stamps to all first- and third-class mail. The carrier has for sale stamps, stamped envelopes, and postal cards. For convenience and safety, patrons who leave mail and money in rural mail boxes to be collected by the carrier should either wrap the money, place it in a coin-holding receptacle, or attach it to the mail by means of a clip or other suitable fastener."

NOTE: The corresponding Postal Manual section is 156.4.

b. Section 46.6 *Postal maps* is hereby rescinded.

NOTE: The corresponding Postal Manual section is 146.6.

(R. S. 161, 396, as amended; sec. 1, 39 Stat. 423; 5 U. S. C. 22, 369, 39 U. S. C. 191, 192)

PART 48—UNDELIVERABLE MAIL

In § 48.4 *Notice to sender on third- and fourth-class mail*, add the following to paragraph (b) (1): "A change in address includes a change from a street address or other address to a post office box."

NOTE: The corresponding Postal Manual section is 158.42a.

(R. S. 161, 396, as amended; secs. 1, 2, 64 Stat. 210; 5 U. S. C. 22, 369, 39 U. S. C. 276a, 276b)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58-6172; Filed, Aug. 6, 1958; 8:57 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1701]

[76094, 1223224]

CALIFORNIA

POWER SITE RESTORATION NO. 525 AND RESERVOIR SITE RESTORATION NOS. 23 AND 27; RESERVOIR SITE MODIFICATION NO. 424; PARTLY REVOKING EXECUTIVE ORDERS CREATING RESERVOIR SITE RESERVE NO. 17 AND POWER SITE RESERVES NOS. 308 AND 322; RESTORING LANDS FORMERLY IN POWER SITE CLASSIFICATIONS NOS. 138, 266, 267, 300, AND 366, AND IN POWER PROJECTS NOS. 120, 175, AND 1925.

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Orders of November 8, 1912, December 11, 1912, and June 8, 1926, creating Power Site Reserves Nos. 308 and 322 and Reservoir Site Reserve No. 17, respectively, are hereby revoked so far as they affect the following-described lands:

a. Power Site Reserves 308 and 322

MOUNT DIABLO MERIDIAN

T. 13 S., R. 24 E.,
Sec. 8, lots 10, 11, 12, SW¼NE¼, SE¼SE¼;
Sec. 9, NE¼SW¼, S½SW¼, SE¼;
Sec. 10, N½SW¼.
T. 12 S., R. 26 E.,
Sec. 17, SE¼SE¼;
Sec. 19, SE¼NE¼;
Sec. 20, NW¼NW¼.

The areas described aggregate 628 acres.

b. Reservoir Site Reserve No. 17

MOUNT DIABLO MERIDIAN

T. 1 S., R. 14 E.,
Sec. 15, S½SW¼;
Sec. 17, NW¼NE¼, SE¼NW¼, SW¼, W½SE¼;
Sec. 20, W½NE¼, NW¼, NE¼SW¼, SE¼;
Sec. 21, N½NE¼, W½SW¼, SE¼SW¼, S½SE¼;
Sec. 22, W½NE¼, SE¼NE¼, NW¼, NE¼SW¼, S½SW¼;
Sec. 23, lots 12 to 16, incl.;
Sec. 26, N½ of lot 1, lots 2, 3, 4, 6, 7, 10, and E½ of lot 11;
Sec. 27, W½NE¼, E½NW¼, W½SE¼;
Sec. 34, NW¼NE¼.
T. 2 S., R. 15 E.,
Sec. 31, lots 5 and 6.
T. 11 S., R. 25 E.,
Sec. 31, S½SE¼SW¼, NE¼SW¼SE¼.
T. 12 S., R. 24 E.,
Sec. 22, NE¼SW¼.
T. 12 S., R. 25 E.,
Sec. 4, W½SE¼;
Sec. 7, lot 1;
Sec. 9, W½NE¼, NW¼SE¼;
Sec. 16, SW¼SW¼;
Sec. 17, SE¼SE¼;
Sec. 27, N½NE¼.
T. 13 S., R. 24 E.,
Sec. 2, NW¼SE¼.

The areas described aggregate 2,840.64 acres.

2. In DA-915-California, issued June 25, 1957, the Federal Power Commission vacated the withdrawal created pursuant to the filing on February 15, 1921, of application for license for Project No. 175, and pursuant to filing of an application for preliminary permit on February 2, 1945, for Project No. 1925, so far as those projects affect the following-described lands:

MOUNT DIABLO MERIDIAN

T. 12 S., R. 24 E.,
Sec. 12, NE¼SE¼;
Sec. 22, NE¼SW¼.
T. 11 S., R. 25 E.,
Sec. 31, S½SE¼SW¼, NE¼SW¼SE¼, N½SE¼SE¼, NE¼SW¼, SE¼SE¼SE¼, N½ of lot 3, SW¼ of lot 3, S½ of lot 4, and NW¼ of lot 4.
T. 12 S., R. 25 E.,
Sec. 4, W½SE¼, SW¼NE¼;
Sec. 6, SW¼NE¼, NE¼ of lot 4, S½ of lot 2, and lot 3;
Sec. 8, NW¼NW¼;
Sec. 9, W½NE¼, NW¼SE¼;
Sec. 16, SW¼SW¼;
Sec. 23, NE¼NW¼, N½NE¼;
Sec. 24, N½SE¼;
Sec. 31, S½NE¼;
Sec. 32, SW¼NW¼.
T. 13 S., R. 25 E.,
Sec. 6, lots 3 and 4.
T. 12 S., R. 26 E.,
Sec. 18, lot 4.

The areas described aggregate approximately 1,060 acres.

3. In an order of March 18, 1957, the Geological Survey (22 F. R. 1993, Power Site Cancellation 118), cancelled Power Site Classification No. 266 of March 8, 1932, so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 1 S., R. 14 E.,
Sec. 15, SE¼SW¼;
Sec. 17, NW¼NE¼, SE¼NW¼, SW¼, W½SE¼;
Sec. 20, W½NE¼, NW¼, NE¼SW¼, SE¼;
Sec. 21, NW¼NE¼, W½SW¼, SE¼SW¼, S½SE¼;
Sec. 22, W½NE¼, E½NW¼, NE¼SW¼, S½SW¼;
Sec. 23, lots 12 to 16, incl.;
Sec. 26, N½ of lot 1, lots 2, 3, 4, 6, 7, 10, and E½ of lot 11;
Sec. 27, W½NE¼, E½NW¼, and W½SE¼;
Sec. 34, NW¼NE¼.

The areas described aggregate 2,150 acres.

4. In an order of July 23, 1957, the Geological Survey (23 F. R. 6023, Power Site Cancellation 113; corrected in 23 F. R. 7545), cancelled Power Site Classifications Nos. 138, 267, 300, and 366, so far as they affect the following-described lands:

MOUNT DIABLO MERIDIAN

T. 12 S., R. 24 E.,
Sec. 22, NE¼SW¼;
Sec. 36, SE¼NE¼.
T. 13 S., R. 24 E.,
Sec. 30, E½SE¼.
T. 11 S., R. 25 E.,
Sec. 27, SW¼SW¼;
Sec. 31, NE¼SW¼, S½SE¼SW¼, N½SE¼, NE¼SW¼SE¼, N½SE¼SE¼, and SE¼SE¼SE¼;
Sec. 32, SW¼SW¼;
Sec. 33, E½;
Sec. 34, lots 8, 9, and NW¼NW¼.
T. 12 S., R. 25 E.,
Sec. 4, lots 1, 2, SW¼NE¼, and W½SE¼;
Sec. 5, lot 3;
Sec. 6, NE¼ of lot 1 and S½ of lot 2;
Sec. 7, lot 1;
Sec. 8, NW¼NW¼;
Sec. 9, W½NE¼ and NW¼SE¼;
Sec. 10, E½W½;
Sec. 15, SE¼NE¼ and NE¼NW¼;
Sec. 16, SW¼SW¼;
Sec. 17, SE¼SE¼;
Sec. 20, NE¼NE¼;
Sec. 24, NW¼SE¼;
Sec. 27, N½NE¼;
Sec. 31, lot 2 and S½NE¼;
Sec. 32, S½NW¼.
T. 12 S., R. 26 E.,
Sec. 15, SW¼SW¼;
Sec. 16, SE¼SE¼;
Sec. 18, lot 4;
Sec. 20, E½NW¼ and SW¼NW¼;
Sec. 21, lots 5, 6, and SE¼SW¼;
Sec. 27, SE¼NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 28, lot 2;
Sec. 36, W½.

The areas described aggregate 2,901 acres.

5. The following lands have been patented:

T. 13 S., R. 24 E.,
Sec. 10, NE¼SW¼;
Sec. 30, E½SE¼.
T. 12 S., R. 25 E.,
Sec. 7, lot 1.

6. Most of the lands are located in eastern Fresno County. Many are within the Sierra and Sequoia National Forests, and some are withdrawn for reclamation purposes. They probably have some value as grazing lands.

7. No application for the lands may be allowed under the homestead, desert land, small tract, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

8. Subject to any valid existing rights, the requirements of applicable law, the State's preference rights provided by paragraph 10, and the provisions of existing withdrawals, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following (the national forest lands being opened to such forms of disposal, to which they have not previously been open, as may be made by law of such lands):

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to al-

lowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on September 6, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 6, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on December 6, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands in power withdrawals have been open to applications and offers under the mineral-leasing laws. They also have been open to location under the United States mining laws pursuant to the provisions of the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621), except those described in paragraph 11, and except such as have been also withdrawn in Reservoir Site Reserve No. 17, which latter have been open to applications and offers under the mineral-leasing laws and to location for metalliferous minerals only. They will be open to location for nonmetalliferous minerals at 10:00 a. m. on December 6, 1958.

9. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

10. The restored lands, other than those which have been withdrawn only in Reservoir Site Reserve No. 17; shall be subject until 10:00 a. m. on November 1, 1958, to application by the State of California, under any statute or regulation applicable thereto, for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

11. Pursuant to DA–915–California, the following-described national forest lands are hereby opened, effective at 10:00 a. m. on September 6, 1958, to such forms of appropriation as may by law be made of such lands, subject to the provisions of section 24 of the Federal Power Act, to the State's preference-right provided by paragraph 10 of this order, and to the prior rights of the licensee for Power Project No. 120 to use the land for transmission line and telephone purposes as provided by the license for Project No. 120 as shown on the map designated Exhibit "K" (FPC No. 120-228, 229):

T. 12 S., R. 24 E.,
Sec. 24, NE¼NE¼.

12. The following lands described in paragraph 1b. of this order were opened on September 30, 1952, subject to section 24 of the Federal Power Act, pursuant to DA–744–California, issued June 6, 1950:

T. 2 S., R. 15 E.,
Sec. 31, lots 5 and 6.

13. Inquiries concerning the lands shall be addressed to the Manager, Land Office, California Fruit Building, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 1, 1958.

[F. R. Doc. 58–6164; Filed, Aug. 6, 1958; 8:55 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

NATIONAL WILDLIFE REFUGES

CROSS REFERENCE: For notice designating certain lands as the Mark Twain National Wildlife Refuge (addition to list in § 17.3), see F. R. Doc. 58–6165 in the Notices section, *infra*.

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Parts 3, 4b, 6, 7]

[Draft Release No. 58–15]

AIRCRAFT EXTERIOR LIGHTING REQUIREMENTS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board amendments to Parts 3, 4b, 6, and 7 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by September 15, 1958. Copies of such communications will be available after September 17, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The requirements applicable to aircraft exterior lights were subject to a comprehensive evaluation by the Board during 1956. As a result, certain changes were made to these provisions, the most important of which were the establishment of detailed specifications for anti-collision lights and the application of uniform exterior lighting requirements to all types of newly certificated aircraft. Since the adoption of these amendments, Government and industry organizations have continued with programs to evaluate existing experimental lights and to develop new lighting systems. The main effort has been focused on anti-collision lights. Based on the information available to the Bureau on these programs, it appears that the currently effective provisions on anti-collision lights are in need of further evaluation.

The trend toward higher airplane speeds and the increase in the number of airplanes occupying the available airspace make it imperative that the Civil Air Regulations permit the use of the most effective lighting systems consistent with the basic standardization requirements. To this end, the Bureau intends to explore all of the issues in this matter and to recommend to the Board necessary regulatory action. On the basis of the information available to the Bureau, certain amendments are being proposed herein. The Bureau solicits interested persons to submit suggestions for changes to the regulations along with necessary substantiating data. Careful consideration will be given to all such suggestions submitted. Should the comments received as a result of this notice indicate the need for further exploration or coordination of the new issues raised, a meeting with interested persons may be arranged.

The changes being proposed herein entail a change of the upper limit of flash frequency for anti-collision lights from 100 to 180 flashes per minute and a change which would permit the use of only the basic three navigation lights (red and green wing lights and the white tail lights) in lieu of an anti-collision light system provided that such lights meet the requirements with respect to intensities, field of coverage, and flashing rates currently applicable to both the

navigation and anti-collision light systems.

The usefulness of an exterior lighting system for effective collision avoidance is dependent on the interpretation given to its signal by those viewing it. The prime functions of the lighting system are to provide conspicuity, direction, and altitude information. A broad standard encompassing many different lighting systems makes interpretation of the light signal more difficult; and confusing, erroneous, or delayed interpretations are more probable. The most effective lighting system, therefore, would be the simplest possible system which affords sufficient conspicuity and provides the other necessary information.

Considering the foregoing and in light of future trends and developments, it appears that complete standardization of aircraft exterior lighting systems cannot be delayed indefinitely without adversely affecting safety. The Bureau is of the view that such standardization should be effected as soon as possible. Any broadening of the standards at this time would tend to defeat this objective and this can be justified only if it will result in exterior lighting systems significantly superior to those permitted by the currently effective regulations. In view of the foregoing, it is requested that interested persons submit comments with respect to currently known developments or those predictable for the foreseeable future which would warrant further broadening of the currently effective standards.

Some of the items which the Bureau has considered in its preparation of the proposed amendments to the regulations are as follows:

1. *Field of coverage.* The present field of coverage requirement for anti-collision lights permits an obstruction only in the aft direction to accommodate the vertical tail. No obstruction is permitted in the forward direction. The objective of this regulation is to provide an unrestricted view of light in virtually all directions from the airplane. The practical effect of this regulation is to require that two anti-collision lights be installed, one on the top and one on the bottom of the airplane. This dual installation is said to present difficulties for small airplanes certificated under Part 3 of the Civil Air Regulations. With respect to Part 3, a proposal was included as Item 7 on the Proposed Agenda for this year's Airworthiness Review (Civil Air Regulations Draft Release No. 58–1A). Comments received on this proposal indicate that there are also problems peculiar to rotorcraft.

It is the Bureau's opinion that the proposed regulations will eliminate most of these associated problems and, therefore, Item 7 has been withdrawn from the 1958 Annual Airworthiness Review procedure. Should comment on these proposed rules indicate that significant problems still exist relative to these aircraft, the Board will consider these problems in its promulgation of the regulation.

For at least one large turbine-powered airplane, it has been indicated that some obstructions to the anti-collision light in the forward direction from such protuberances as masts and drains cannot always be avoided. Currently, the obstruction of this light in the forward direction by such minor objects is not permitted by the regulations. Although no change is being proposed in this regard, the Bureau would be receptive to the submittal of comments with respect to the practicability of the anti-collision light obstruction requirements.

A proposal has been received by the Bureau that the dihedral angles of position lights be changed to permit the use of position light installations dividing the horizontal plane into three equal areas of 120 degrees each. It appears that the present requirement, dividing the horizontal plane into two arcs of 110 degrees and one of 140 degrees is based upon tradition with no specific objective basis. Therefore, it appears that some consideration of this proposal might be warranted.

2. *Flash frequencies.* From tests on representative type flashing lights, it was found some time ago that the optimum flash frequencies from the standpoint of attention attraction were of the order of 60–80 flashes per minute. However, further tests indicated that flash frequencies beyond these limits also were satisfactory. The currently effective regulations for anti-collision lights permit 180 flashes per minute in overlap areas. Experience has shown little or no difficulty in distinguishing individual flashes at such frequencies, and it is believed that the flash rate of anti-collision lights can be raised without undue loss of conspicuity. For these reasons, it is proposed to extend the upper limit of flash frequencies from 100 to 180 flashes per minute. With respect to the lower limit, the Bureau can find no substantiation at this time for lowering it; however, based on previous testing, it appears that a somewhat higher limit is worthy of further consideration.

3. *Light intensities.* The currently effective regulations specify minimum intensities for anti-collision lights. The intensities prescribed were representative of the capability of the lights under development at the time of adoption of these regulations. It should be noted that the currently effective regulations prescribe minimum intensities and do not prohibit the use of higher intensity lights. These regulations have been in effect only since April 1, 1957, and the Bureau is unaware of the achievement of any significant advances relative to lighting intensities at this time. The Bureau considers that there is a continued need for improvement in aircraft conspicuity by providing higher intensity lights and is interested in information as to the practicability of attaining significant increases in the foreseeable future.

4. *Color.* The color presently specified by the regulations for anti-collision lights is aviation red. This color was chosen on the basis of extensive experimentation and judicious evaluation of the best information available to the Board.

Since the development of the condenser-discharge lamp, there has been continued representations made by some segments of the industry that the characteristic white light emitted therefrom is more effective than a red light. The proponents of this light claim that the human eye has greater peripheral vision for white light, hence an airplane incorporating such a light would be detected in a shorter period of time than an airplane with a red light under comparable conditions. In further regard to the increased conspicuity claimed to be provided by a white light, it is stated that a clear glass transmits more light than a colored filter, hence more brilliance is possible with a white light. Relative to the issue of conspicuity against a white background, it is claimed that the high color temperature of the condenser-discharge light renders it quite distinctive against the background of the white incandescent lights of a city. No conclusive objective data determined under controlled conditions have as yet been received by the Bureau relative to this question. Preliminary results of evaluations conducted of the white light have raised some questions with respect to possible pilot confusion in high density areas around airports and with respect to the extent of increased peripheral vision at near threshold distances.

On the other hand, proponents of the red light contend that there are several advantages of the red light in comparison to the white light. Some of the more important ones are: Easier recognition against an urban background, less distraction to the pilot from light scatter in hazy or cloudy atmospheric conditions, less adverse effect on the pilot's visual adaptation to darkness.

The Bureau has not included any specific proposal to change the red color required for anti-collision lights. However, it is realized that color is one of the relatively important issues in this matter and the Bureau's final decision in taking any regulatory action in this respect will depend on the data and information received.

5. *Intelligence from exterior lighting systems.* In addition to the basic purpose of providing conspicuity, the exterior lighting system of an airplane also has the function of indicating direction and attitude of flight. For this purpose, the red, green, and white position lights have gained general acceptance. New concepts in direction and attitude indication have been introduced experimentally. The Bureau has not received any objective evaluation which would indicate that the newly developed systems have shown a degree of superiority to the existing position-light direction indications to warrant a change in this respect at this time.

Some proponents of the white light have advocated the use of an arrangement of exterior lighting consisting of the system currently required by the regulations and of two high intensity white lights located under the wings in the vicinity of the tip area. The advantages claimed for this arrangement are that it lessens the degree of pilot annoyance, increases the effectiveness of attitude information in the critical areas, and provides range information. The Bureau

wishes to obtain data from which this arrangement can be evaluated along with views as to the advisability of broadening the regulations to encompass this system. The Bureau is also particularly interested in information with respect to the effectiveness of range intelligence from the system of lights currently in operation with respect to its relative importance to collision avoidance.

Another lighting system has been proposed which basically expands the function of the position lights to include the intensity and flashing requirements of the anti-collision lights. The Bureau believes that the idea of such a combination is not inconsistent with the requirements that an exterior lighting system provide conspicuity and information relative to the direction, attitude, and possibly range of the airplane, and that this system might well be regarded as having the features that have a reasonable probability of being within the limits dictated by complete standardization. The use of position lights as anti-collision lights does not appear to constitute a major departure from the existing exterior lighting standards. In view of the foregoing, the Bureau proposes to recommend a change to exterior lighting standards to permit the use of such a lighting system.

6. *Daytime lighting.* There have been proposals to use anti-collision lights in the daytime as a means of increasing conspicuity. There is no requirement, at present, for such use nor are there any standards specifically applicable to lighting systems intended for such use. It is possible that some benefit might be realized through the daylight use of lights and that such use of lights should be encouraged. In addition, the use of highly fluorescent paints appears to have promise in this regard. The existing regulations do not offer any deterrent to such use of lights or paints. There appears to be no basis under existing regulations to prohibit the daytime use of any reasonable lighting system that does not in itself have a harmful effect upon the crew or upon the characteristics of the airplane on which it is installed even though such a light system might not be acceptable for night use. The possible benefits of daylight lighting can be determined only after extensive service experience has been realized. Accordingly, the Bureau does not feel that any specific regulatory action is needed relative to this subject at the present time.

7. *Facilitation of experimentation with exterior lights.* To encourage further developments in the field of exterior lighting, the Board adopted Special Civil Air Regulation No. SR–392B as well as its predecessors. The objective was to give an opportunity to install experimental lighting systems on airplanes for purposes of service test, evaluation, and demonstration. Consistent with this objective, the number of installations permitted and the duration of such installations were limited. Representation has been made to the Board that the number of installations should be increased from the 15 units now permitted, and that the 6-month duration of the installations permitted should be increased. It is believed that the limitations expressed in SR–392B are appropriate for the intended purpose of limited evaluation and demonstration that can ordinarily be accomplished readily within such limitations. The degree of control incorporated with the type of operations that have been accomplished to date under SR–392B is such that only qualitative evaluations have been realized and the data have generally been inconclusive. It was anticipated that any experimental system with promising characteristics would, after such demonstrations, be subjected to comparative evaluation under controlled conditions to make a meaningful determination of its relative merits. It is understood that some work toward this end is being performed. In view of the above, the Bureau feels that no change is necessary in the limitations of SR–392B at this time.

In accordance with the foregoing, notice is hereby given that the Bureau proposes to recommend to the Board that Parts 3, 4b, 6, and 7 of the Civil Air Regulations be amended as follows:

1. By amending the introductory paragraph of § 3.705 of Part 3 by adding at the beginning of the first sentence the following clause "Except as provided by paragraph (e) of this section,".

2. By amending § 3.705 (b) by deleting the words "not more than 100 cycles per minute" in the first sentence and inserting in lieu thereof the words "not more than 180 cycles per minute", and by deleting the last sentence.

3. By amending § 3.705 by adding a new paragraph (e) to read as follows:

§ 3.705 *Anti-collision light system.*

* * *

(e) If a position light system is installed which complies with the provisions of §§ 3.700 to 3.703 and this section with the exception of paragraph (c) of this section, it shall be considered that the requirement for the installation of an anti-collision light system is met.

4. By amending the introductory paragraph of § 4b.637 of Part 4b by adding at the beginning of the first sentence the following clause "Except as provided by paragraph (e) of this section,".

5. By amending § 4b.637 (b) by deleting the words "not more than 100 cycles per minute" in the first sentence and inserting in lieu thereof the words "not more than 180 cycles per minute", and by deleting the last sentence.

6. By amending § 4b.637 by adding a new paragraph (e) to read as follows:

§ 4b.637 *Anti-collision light system.*

* * *

(e) If a position light system is installed which complies with the provisions of §§ 4b.632 to 4b.635 and this section with the exception of paragraph (c) of this section, it shall be considered that the requirement for the installation of an anti-collision light system is met.

7. By amending the introductory paragraph of § 6.637 of Part 6 by adding at the beginning of the first sentence the following clause "Except as provided by paragraph (e) of this section,".

8. By amending § 6.637 (b) by deleting the words "not more than 100 cycles per minute" in the first sentence and inserting in lieu thereof the words "not more than 180 cycles per minute", and by deleting the last sentence.

9. By amending § 6.637 by adding a new paragraph (e) to read as follows:

§ 6.637 *Anti-collision light system.*

* * *

(e) If a position light system is installed which complies with the provisions of §§ 6.632 to 6.635 and this section with the exception of paragraph (c) of this section, it shall be considered that the requirement for the installation of an anti-collision light system is met.

10. By amending the introductory paragraph of § 7.637 of Part 7 by adding at the beginning of the first sentence the following clause "Except as provided by paragraph (e) of this section,".

11. By amending § 7.637 (b) by deleting the words "not more than 100 cycles per minute" in the first sentence and inserting in lieu thereof the words "not more than 180 cycles per minute", and by deleting the last sentence.

12. By amending § 7.637 by adding a new paragraph (e) to read as follows:

§ 7.637 *Anti-collision light system.*

* * *

(e) If a position light system is installed which complies with the provisions of §§ 7.632 to 7.635 and this section with the exception of paragraph (c) of this section, it shall be considered that the requirement for the installation of an anti-collision light system is met.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

Dated at Washington, D. C., July 30, 1958.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE, *Director.*

[F. R. Doc. 58-6315; Filed, Aug. 6, 1958; 8:57 a. m.]

[14 CFR Parts 40, 41, 42, 43, 60]

[Draft Release No. 58-14]

VOLUNTARY FLIGHT HAZARD REPORTING PROGRAM

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board a new Special Civil Air Regulation to supersede Special Civil Air Regulation No. SR–416, Voluntary Pilot Report of Near Mid-Air ("Near-Miss") Collision.

Interested persons may participate in the making of the proposed regulation by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by Sept. 30, 1958. Copies of such communications will be available after Oct. 2, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Special Civil Air Regulation No. SR–416, Voluntary Pilot Report of Near Mid-Air ("Near-Miss") Collision, was adopted by the Board, February 23, 1956, for the purpose of securing valid data on the circumstances surrounding the near collision of aircraft in flight.

Under the terms of the regulation, assurance was given that no disciplinary action would be taken as a result of information secured from the report and that no use would be made of the information in any proceeding under the Civil Air Regulations. Also, the identity of any reporting pilot was to be held in strict confidence by the Board.

At the program's inception, questionnaires for pilot use in reporting incidents were distributed, and wide publicity was given in regard to the Board's action in the matter. Up to January 1, 1958, approximately 3,000 reports of near-collision incidents were reported to the Board. These reports were analyzed carefully, and statistical factors concerning them were developed. Reports furnishing the statistical results were prepared and issued to the public on the factors of near collisions reported for the last four months of 1956, and the first two quarters of 1957. In addition, special reports were compiled and released to Members of Congress and the Press.

For some time, it has been apparent that the percentage of each statistical factor on which records were kept was reaching predicability. That is, the record of an environmental factor, such as type of clearance, altitude, aircraft type, etc., will break into percentages varying slightly from percentages derived from reports of previous periods. Since the environmental factors of "near-miss" data on hand exhibit a nearly static quality of predicability which would cause statistical reports issued in the future to be merely repetitions of current statistics, the Bureau does not believe that the continued issuance of reports in their present form will serve a useful purpose and accordingly will discontinue them. However, there would continue to be made available to interested persons those statistics which have already been compiled under the present regulation with respect to "near-misses."

The excellent response of pilots to the present program, and the desirability of collecting broader information bearing upon aviation safety, leads to the belief that the program should be expanded to include more than just the reporting of "near-misses." Such an expanded program would be instituted through a new special regulation to supersede SR–416 which would encourage any airman aware of in-flight, ground, or procedural hazards to report them to the Board. Every aspect of aviation involves safety problems and all airmen will be encouraged to bring these problems to light. Reports would be handled as before; namely, the anonymity of the reporter would be guaranteed, and assurance would be given that the information reported would not be used in any enforcement, remedial, or disciplinary proceeding under the Civil Air Regulations.

The program under consideration would place less emphasis on the statistical aspects of the reports and direct attention primarily to the particular circumstances involved in each report. Persons who are aware of problems or hazards often have given consideration to ways of solving the problem or coping with the hazard. The suggestion of means of eliminating or mitigating hazards would be encouraged and the suggestions should be of value. It is not intended to issue statistical reports on the information received pursuant to this special regulation; however, it will be studied and evaluated to determine the most appropriate action to be taken to eliminate or mitigate reported hazards to air commerce.

The widespread interest and participation which led to the adoption of the present reporting program make it essential that the reasons for the broadening of the information gathering program be fully understood. For this reason, should the comments received concerning this proposal indicate a desire for further discussion, a meeting will be held for that purpose.

In view of the foregoing, the Bureau of Safety hereby gives notice that it proposes to recommend that the Board adopt a Special Civil Air Regulation, to supersede SR–416, as follows:

Contrary provisions of the Civil Air Regulations notwithstanding, information voluntarily submitted to the Civil Aeronautics Board by any pilot of any aircraft, mechanic, air traffic controller, or by any other airman giving the facts, conditions, and circumstances surrounding any potential or existing hazard, unsafe practice or condition, or any other danger to aircraft or air commerce, wherever it might occur, shall not be used to initiate, aid, or abet any enforcement, remedial, or disciplinary proceeding under the Civil Air Regulations promulgated by the Board pursuant to the Civil Aeronautics Act of 1938, as amended. The identity of the pilot or person making such report, if known, and any information which might be used to establish such identity, shall be held in strict confidence by the Civil Aeronautics Board, and the information derived therefrom shall be used by the Board in the development of corrective safety measures only, notwithstanding that a violation of the Civil Air Regulations is disclosed by such report: *Provided,* That where information of such violation of a civil air regulation is obtained by other means, the fact that the violation was voluntarily reported will not preclude enforcement, remedial, or other disciplinary proceedings that are initiated on the basis of such other information.

This special regulation is proposed under the authority of Titles VI and VII of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 702, 52 Stat. 1007–1012, 1013, as amended; 49 U. S. C. 551–560, 582)

Dated at Washington, D. C., July 23, 1958.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE, *Director.*

[F. R. Doc. 58-6316; Filed, Aug. 6, 1958; 8:57 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order 24]

WYOMING

SMALL TRACT CLASSIFICATION

JULY 31, 1958.

1. Pursuant to authority delegated to me by the Wyoming State Supervisor, Bureau of Land Management, under Part II of Order of Delegation filed November 21, 1956 (21 F. R. 9147), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended, the following described public lands in Natrona County, Wyoming, for lease and sale for residence purposes:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 32 N., R. 79 W.,
Sec. 19, Lot 4, Lot 9, SE¼SW¼, SW¼SE¼.

containing 145.39 acres.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to drawing cards

with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to 9:00 a. m., March 3, 1946, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F. R. Doc. 58–6156; Filed, Aug. 6, 1958; 8:54 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 31, 1958.

U. S. Department of the Interior, Bureau of Reclamation has filed an application, Serial No. Idaho 08932, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and general mining laws but not the mineral leasing laws. The applicant desires the land for reclamation purposes as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388).

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 4 S., R. 2 E.,
Sec. 25, NW¼SW¼.
T. 1 S., R. 3 E.,
Sec. 25, SE¼SW¼, S½SE¼.
T. 1 S., R. 4 E.,
Sec. 1, Lot 7, SW¼SE¼;
Sec. 2, S½NW¼, SE¼SW¼;
Sec. 11, NE¼NW¼;
Sec. 12, Lots 1, 2, 3, 4, S½NW¼, N½SW¼, SE¼SW¼, W½E½;
Sec. 13, Lots 1, 2, 3, W½NE¼, NE¼NW¼;
Sec. 31, Lots 3, 4, E½SW¼.
T. 2 S., R. 4 E.,
Sec. 2, S½;
Sec. 3, Lots 2, 3, 4, SW¼NE¼, S½NW¼, E½SW¼;
Sec. 5, Lots 3, 4, S½NW¼, SE¼;
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼;
Sec. 7, Lots 1, 2, E½NW¼, E½SE¼;
Sec. 8, SW¼;
Sec. 17, N½NE¼, SW¼NE¼, N½NW¼, S½SW¼, NW¼SE¼;
Sec. 18, S½SE¼;
Sec. 19, E½E½;
Sec. 20, N½NW¼, SW¼;
Sec. 25, NE¼;
Sec. 29, SW¼NW¼, SW¼, S½SE¼;
Sec. 33, W½NW¼, SW¼.
T. 3 S., R. 4 E.,
Sec. 3, SW¼.
T. 5 S., R. 4 E.,
Sec. 1, Lots 2, 3, 4, SW¼NE¼, S½NW¼;
Sec. 11, N½SW¼.
T. 1 S., R. 5 E.,
Sec. 6, Lot 7, SE¼SW¼;
Sec. 7, Lots 1, 2, 3, 4, E½W½, SE¼;
Sec. 15, E½, N½NW¼, SE¼NW¼;
Sec. 17, W½;
Sec. 18, Lots 1, 2, NE¼, E½NW¼, N½SE¼;
Sec. 21, S½;
Sec. 30, Lot 1, NW¼NE¼, NE¼NW¼.
T. 2 S., R. 5 E.,
Sec. 4, Lot 1, SE¼NE¼;
Sec. 9, SW¼, S½SE¼;
Sec. 17, E½SE¼;
Sec. 21, E½NE¼, S½SW¼, SE¼;
Sec. 22, SW¼, N½SE¼, SE¼SE¼;
Sec. 23, S½NE¼;
Sec. 25, Lots 1, 3, 4, NW¼NE¼, N½NW¼, SW¼, W½SE¼;
Sec. 26, N½N½, SW¼NW¼, S½;
Sec. 29, E½, E½SW¼;
Sec. 30, NW¼NE¼, S½NE¼;
Sec. 32, N½NE¼, NE¼NW¼;
Sec. 35, E½NE¼.
T. 3 S., R. 5 E.,
Sec. 1, Lots 3, 4, S½NW¼, SW¼;
Sec. 2, Lots 1, 2, S½NE¼;
Sec. 5, E½SE¼;
Sec. 11, SE¼;
Sec. 12, W½, S½SE¼;
Sec. 15, All;
Sec. 17, S½.
T. 4 S., R. 5 E.,
Sec. 25, All;
Sec. 26, All;
Sec. 30, Lots 1, 2, 3, 4, 5, 6, 7, 8, E½W½;
Sec. 31, Lots 1, 2, 3, 4, 5, 6, 7, 8, E½W½;
Sec. 35, N½NE¼.
T. 5 S., R. 5 E.,
Sec. 13, S½S½;
Sec. 23, NW¼NE¼;
Sec. 24, N½.
T. 2 S., R. 6 E.,
Sec. 10, SE¼SE¼;
Sec. 11, NE¼, SE¼NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 12, NW¼NW¼;
Sec. 14, W½NW¼, SW¼SW¼;
Sec. 15, E½E½;
Sec. 22, E½E½;
Sec. 23, W¼W¼;
Sec. 26, NW¼, NW¼SW¼;
Sec. 27, E½NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 28, SE¼SE¼;
Sec. 33, E¼NE¼;
Sec. 34, NW¼, N½SW¼, W½SE¼.
T. 3 S., R. 6 E.,
Sec. 17, N½NE¼;
Sec. 21, N½NE¼.
T. 4 S., R. 6 E.,
Sec. 28, SW¼NE¼, NW¼, SE¼;
Sec. 29, E½, SW¼;
Sec. 30, Lots 1, 2, SE¼;
Sec. 32, E½;
Sec. 33, NW¼.
T. 5 S., R. 6 E.,
Sec. 1, Lots 3, 4;
Sec. 7, Lots 3, 4, E½SW¼;
Sec. 17, SE¼SE¼;
Sec. 19, Lots 1, 2, 3, 4, S½NE¼, E½NW¼, SE¼;
Sec. 20, NE¼, S½;
Sec. 21, NE¼SW¼, S½SW¼, SW¼SE¼;
Sec. 28, All;
Sec. 29, N½, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 30, Lot 4, NE¼NE¼;
Sec. 34, NE¼NE¼.
T. 3 S., R. 7 E.,
Sec. 7, NE¼NE¼;
Sec. 18, E½SE¼.
T. 4 S., R. 7 E.,
Sec. 18, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 28, E½SE¼.
T. 5 S., R. 7 E.,
Sec. 3, Lots 1, 2, 4, SW¼NW¼;
Sec. 11, E½NE¼, SE¼;
Sec. 13, W½NW¼;
Sec. 14, NE¼, W½SE¼;
Sec. 30, NE¼SE¼;
Sec. 34, Lot 3, SE¼NE¼;
Sec. 35, SW¼NW¼.
T. 1 S., R. 6 E.,
Sec. 18, NE¼SE¼.
T. 1 S., R. 2 W.,
Sec. 3, Lot 4;
Sec. 4, Lots 3, 4, S½NW¼, NE¼SW¼, NW¼SE¼;
Sec. 5, Lot 1;
Sec. 19, Lot 3, SE¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 20, SW½SW¼;
Sec. 29, N½NW¼, SE¼NW¼.
T. 1 S., R. 3 W.,
Sec. 2, W½;
Sec. 10, NE¼NE¼;
Sec. 11, S½SW¼, SW¼SE¼;
Sec. 13, NW¼NW¼, S½NW¼, N½SW¼;
Sec. 24, NE¼SE¼.
T. 1 N., R. 2 W.,
Sec. 20, N½NE¼, SW¼;
Sec. 21, NW¼NW¼, SE¼NW¼;
Sec. 28, W½NE¼, S½NW¼;
Sec. 29, S½NE¼;
Sec. 32, S½NE¼, SE¼;
Sec. 33, W½SW¼.
T. 2 N., R. 2 W.,
Sec. 31, Lots 1, 3, SW¼NE¼, NE¼SW¼, NW¼SE¼.
T. 1 N., R. 3 W.,
Sec. 4, S½NE¼, S½SW¼, N½SE¼;
Sec. 5, N½, E½SW¼, SE¼;
Sec. 6, Lot 8, SE¼NE¼;
Sec. 8, N½NE¼;
Sec. 9, N½NW¼;
Sec. 10, NE¼, S½SW¼;
Sec. 15, N½NW¼, S½SW¼;
Sec. 18, SE¼NE¼;
Sec. 22, NE¼NW¼;
Sec. 25, SW¼NW¼;
Sec. 26, NW¼NE¼, SE¼NE¼, NE¼NW¼;
Sec. 27, SE¼SW¼, NE¼SE¼;
Sec. 28, E½SE¼;
Sec. 35, NW¼NW¼, NE¼SW¼, SW¼SE¼.
T. 2 N., R. 3 W.,
Sec. 10, NE¼SE¼;
Sec. 11, SW¼NW¼, NW¼SW¼;
Sec. 17, S½NW¼, E½SW¼, N½NW¼SE¼, SW¼NW¼SE¼, NW¼SW¼SE¼, SE¼SE¼;
Sec. 19, Lot 3, NE¼SW¼;
Sec. 20, SW¼SW¼;
Sec. 21, W½NE¼, NW¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 25, NW¼SW¼;
Sec. 27, W½NW¼, SW¼, S½SE¼;
Sec. 28, N½, NE¼SW¼, SE¼;
Sec. 29, N½NE¼, NE¼NW¼;
Sec. 30, N½SW¼, SE¼SW¼;
Sec. 31, SW¼NE¼, SE¼NW¼, SE¼;
Sec. 32, SW¼;
Sec. 33, E½NE¼.
T. 1 N., R. 4 W.,
Sec. 11, NW¼NW¼, S½NW¼, SW¼, N½SE¼, SW¼SE¼.
T. 2 N., R. 4 W.,
Sec. 25, SE¼NE¼;
Sec. 35, N½SE¼.

The NE¼SE¼, Sec. 18, T. 1 S., R. 3 E., is to continue to be administered by the Forest Service until actually required for reclamation purposes. The remaining lands will continue under grazing administration of the Bureau of Land Management until required by the Bureau of Reclamation.

The above area includes 30,250.96 acres located in Ada, Elmore and Canyon Counties.

DONALD I. BAILEY,
Acting State Supervisor.

[F. R. Doc. 58–6157; Filed, Aug. 6, 1958; 8:54 a. m.]

[LA–0152528]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 30, 1958.

The Department of Commerce, Civil Aeronautics Administration has filed an application, Serial No. LA–0152528, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws.

The applicant desires the land for an eight channel UHF/VHF Air Navigation facility. Four sites, separated by approximately 1000 feet, are required for proper operation and stability of the proposed facility.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 215 West Seventh Street, Los Angeles 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Classification Officer on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 9 N., R. 2 W.,
Sec. 23, NW¼SE¼SE¼;
Sec. 24, SW¼NE¼SW¼SW¼, SE¼NW¼SW¼SW¼, NE¼SW¼SW¼SW¼, NW¼SE¼SW¼SW¼, SE¼SE¼SW¼SW¼, SW¼SW¼SE¼SW¼;
Sec. 26, S½NE¼NE¼NE¼, N½SE¼NE¼NE¼.

This area includes 35 acres south of Barstow in San Bernardino County.

ROLLA E. CHANDLER,
Officer in Charge,
Southern Field Group,
Los Angeles.

[F. R. Doc. 58–6159; Filed, Aug. 6, 1958; 8:55 a. m.]

[LA–0135132]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 30, 1958.

The Department of the Navy on behalf of the U. S. Marine Corps has filed an application, Serial No. Los Angeles 0135132, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land in order to complete the perimeter of the Marine Corps Base, Camp Pendleton, California.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 215 West Seventh Street, Los Angeles.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 9 S., R. 5 E.,
Sec. 9, Lots 1, 2, and 3.

The area described contains 80.87 acres of public domain land.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles.

[F. R. Doc. 58–6160; Filed, Aug. 6, 1958; 8:55 a. m.]

[Classification 563]

CALIFORNIA

SMALL TRACT CLASSIFICATION; AMENDMENT

JULY 30, 1958.

Effective July 30, 1958, Small Tract Classification Amendments to California Classification No. 563, in Federal Register Document 57–9626, appearing on pages 9301 and 9302 of the issue for November 21, 1957, Federal Register Document 58–3415, appearing on page 3071 of the issue for May 8, 1958, and Federal Register Document 58–4012, appearing on page 3739 of the issue for May 29, 1958, are hereby revoked.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, California.

[F. R. Doc. 58–6162; Filed, Aug. 6, 1958; 8:55 a. m.]

[No. 59–2]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 29, 1958.

The Corps of Engineers, United States Army, has filed an application, Serial No. Oregon 05952, for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, except that the timber now and hereafter growing on the below-described revested Oregon and California Railroad Grant lands shall remain under the administration of the Bureau of Land Management; and said timber shall be managed, sold, cut, and removed in conformity with the principles of sustained yield as provided in the act of August 28, 1937 (50 Stat. 874).

The applicant desires the land for the Department of the Air Force in connection with the Klamath Falls Air Force Station as a navigational aid facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 809 N. E. Sixth Avenue, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

T. 40 S., R. 7 E.,
Sec. 22: Lot 1 (SE¼SE¼).
Unreserved public land.
Sec. 23: SW¼SW¼, W½SE¼SW¼;
Sec. 27: NE¼NE¼.
Revested Oregon and California Railroad Grant Land.
139.41 acres.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 58–6163; Filed, Aug. 6, 1958; 8:55 a. m.]

ADMINISTRATIVE OFFICER ET AL.; AREA I

NOTICE OF DESIGNATION; AMENDMENT

Effective July 31, 1958, paragraph 2 of the Federal Register Document No. 57–1158, appearing on page 965 of Volume 22, Number 32 published February 15, 1957, is hereby amended to include authorization for the Administrative Officer—California State Office, the Administrative Assistant at Los Angeles, and the Administrative Assistants in the California, Oregon and Washington State and District Offices to enter into procurement contracts with monetary limitations as follows:

Equipment Rental Agreements	$500
Form 4–140 Purchase Orders	500
SF–44 Purchases	500
Imprest Funds	50

LEON R. NADEAU,
Acting Area Administrator,
Area 1.

[F. R. Doc. 58–6158; Filed, Aug. 6, 1958; 8:55 a. m.]

Fish and Wildlife Service

MARK TWAIN NATIONAL WILDLIFE REFUGE, ILLINOIS, IOWA, AND MISSOURI

DESIGNATION OF AREA AND NOTICE OF APPLICABILITY OF REGULATIONS

Pursuant to the Act of August 14, 1946 (60 Stat. 1080), the Department of the Interior has acquired administrative jurisdiction for wildlife management purposes over certain lands in the States of Illinois, Iowa, and Missouri, under the terms of a cooperative agreement with the Department of the Army dated January 21, 1954. Those lands acquired by the Department of the Army in connec-

tion with the Mississippi River Navigation Channel Project lying within the following subdivisions are hereby designated as the Mark Twain National Wildlife Refuge.

STATE OF ILLINOIS

POOL 18 (MERCER COUNTY)

T. 13 W., R. 5 W., 4th P. M.,
Secs. 4 and 5 (parts southeasterly of northwesterly boundary of the Keithsburg Levee Dist.), 8, 9, 10, 15, 16, and 22.

POOL 21 (ADAMS COUNTY)

T. 1 N., R. 9 W., 4th P. M.,
Island No. 419; Shandrew Island, less two exceptions, each 200' x 200', on east side; 6 small islands in Canton Chute (Tracts IIs-30 to 35); Long Island; Flannigans Island, less two exceptions, 200' x 250' and 250' x 435', on east side; 3 small islands (Tracts IIs-16, 19, 20); 6 small islands (Tracts IIs-10A, 10B, 10C, 10D, 11, 12); LaGrange Island, all lying within secs. 7, 17, 18, 19, 20, 29, 30, 31, 32, and 33.
T. 1 S., R. 9 W., 4th P. M.,
Sec. 6, less exception, 190' x 200', on riverbank.
T. 1 N., R. 10 W., 4th P. M.,
2 small islands (Tracts IIs-39, 40); Swan Island (Tract IIs-37) lying in secs. 1 and 12.

POOL 25 (CALHOUN COUNTY)

T. 10 S., R. 2 W., 4th P. M.,
Sec. 30 less exception.
T. 11 S., R. 2 W., 4th P. M.,
Secs. 6, 17, 18, 19, 20, 30, 31, and 32 less exceptions along east boundary, but including Willow-Bar, Maple, and Campbell Islands.
T. 12 S., R. 2 W., 4th P. M.,
That part of Tracts C-225 and C-226 lying in sec. 6 and northeasterly of road. Sarah Ann Island and small island (Tract C-205C) lying in secs. 18 and 19.
T. 10 S., R. 3 W., 4th P. M.,
Island No. 54 and Tracts C-275B and C-275C lying in secs. 2, 11, and 12. Secs. 13, 24, and 25 less exceptions.
T. 11 S., R. 3 W., 4th P. M.,
Secs. 25 and 36.
T. 12 S., R. 3 W., 4th P. M.,
Turner Island and 3 small islands (Tracts C-222B and C-228), lying in sec. 1 and partly in T. 11 S., R. 3 W., sec. 36.

POOL 26 (CALHOUN AND JERSEY COUNTIES)

T. 6 N., R. 13 W., 3rd P. M.,
Secs. 13, 14, 15, and 16 less exception in sec. 16.
T. 12 S., R. 1 W., 4th P. M.,
Secs. 19, 30, 31, and 32, including Six-Mile Island.
T. 13 S., R. 1 W., 4th P. M.,
Secs. 3, 4, 5, 6, 8, 9, 10, 15, and 16 less exception in sec. 5.
T. 13 S., R. 2 W., 4th P. M.,
Secs. 24, 25, and 36 less two exceptions along west boundary.

STATE OF IOWA

POOL 16 (MUSCATINE COUNTY)

T. 77 N., R. 1 W., 5th P. M.,
Tracts IFa-1, 2, 3, 5; Geneva Island, part of Hog Island, 1,400 to 2,000 feet east of centerline of Dam No. 16, Long Island, Island No. 329 less exception, Goose Island; Tracts IaIs-2, 29, 50, 51, 52, 53, all lying in secs. 28, 29, 30, 31, 32, 33, 34, 35, and 36.

POOL 17 (LOUISA COUNTY)

T. 74 N., R. 2 W., 5th P. M.,
Secs. 7 (less Tract IFa-165), 8 (less Tracts IFa-6, 7, 8, 8A, 9, 178), 9 (less Tracts IFa-5, 6), 15, 16, 17, 18, 20 (N½ east of Lake Odessa), 21 (N½), 29 (islands only), and including Tract IaIs-1, Turkey Island, and that part of Otter Island 1,500 feet north of centerline of Dam No. 17.
T. 75 N., R. 2 W., 5th P. M.,
Island No. 343 lying in secs. 9, 10, 15, and 16; secs. 9 (portion of Tract IFa-73), 16 (less 300' strip along Mississippi River), 17, 20, 21, 29 (less exception along west boundary), and 32 (Tract IFa-14), and including Ramsey Island.

POOL 18 (DES MOINES AND LOUISA COUNTIES)

T. 71 N., R. 1 W., 5th P. M.,
Secs. 3 (part of Nigger Island), 10 (S½), 15, 21, 22, 27, 28, 29, 31, and 32, and including Eagle Island, Furnald Island, Long Island, Oquawka Island, and Islands IaIs-3, 9, and 10.
T. 72 N., R. 1 W., 5th P. M.,
In secs. 3, 9, 10, 15, 16, 21, 22, 23, 26, 27, and 34. The following islands: Huron, Garner, Garner No. 2, Big Cody, 359, 360 (part), Little Cody or 361, Penn, 362 (less north end), Johnson, Camp, Nigger (part), Little Nigger, IaIs-17, 18, 19, 21, 23, 26A, 30, and 37.
T. 73 N., R. 1 W., 5th P. M.,
Secs. 5, 6 (part), 8 (part), 16 (part), 21, 28 (part). In secs. 5, 6, 8, 9, 16, 21, 22, 27, 28, and 34 the following islands: Blackhawk, Horseshoe, IaIs-48 to 50, 53 to 55, 57 to 60, 62 to 70, 73, and 74.

POOL 18 (DES MOINES AND LOUISA COUNTIES)

T. 74 N., R. 1 W., 5th P. M.,
Sec. 32 (part). In secs. 31 and 32 the following islands: Brass, IaIs-70, 71.
T. 73 N., R. 2 W., 5th P. M.,
Secs. 1 and 2 including Tract IaIs-73 (less part of Tract IFa-117 and Tract IFa-119), 3 (less Tracts IFa-124 and 125), 11.
T. 74 N., R. 2 W., 5th P. M.,
Sec. 36 less Tract IFa-119.

STATE OF MISSOURI

POOL 26 (ST. CHARLES COUNTY)

T. 48 N., R. 6 E., 5th P. M.,
In secs. 4, 5, 8, and 9: Three islands designated as Tracts S-71A, S-71B, and S-73 (Portage Island).

The above-described lands comprise 20,009 acres, more or less. Notice is hereby given that effective 30 days after publication hereof in the FEDERAL REGISTER entry upon such lands and the use thereof for any purpose will be subject to the provisions of the regulations contained in Parts 18 and 22, Title 50, Code of Federal Regulations, and such other regulations as the Secretary of the Interior may adopt from time to time.

Issued at Washington, D. C., and dated August 1, 1958.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 58-6165; Filed, Aug. 6, 1958; 8:55 a. m.]

Geological Survey

[Power Site Cancellation No. 130]

TUOLUMNE RIVER, CALIFORNIA

POWER SITE CLASSIFICATION NO. 426; CANCELLATION IN PART

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31) and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classification No. 426 dated July 25, 1952 is hereby cancelled in so far as and to the extent that it affects the following described lands:

This cancellation has the approval of the Federal Power Commission, as indicated in its findings issued June 20, 1958, Docket No. DA-949-California.

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 2 S., R. 15 E.,
Sec. 32, lots 1, 2 and 4 and that part of Mineral lot 38-a situated in the NW¼NW¼ (all of which comprise the NW¼NW¼).

The area described aggregates 40 acres.

Dated: August 1, 1958.

ARTHUR A. BAKER,
Acting Director.

[F. R. Doc. 58-6155; Filed, Aug. 6, 1958; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 250]

INDUSTRIE-WARENVERKEHR

ORDER DENYING EXPORT PRIVILEGES

In the matter of George Eigler, doing business under the firm name and style of Industrie-Warenverkehr, Karlsgasse 20, Vienna IV, Austria, respondent; Case No. 250.

George Eigler, doing business under the firm name and style of Industrie-Warenverkehr, the respondent, was charged by the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce, United States Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, he induced the issuance by the Bureau of Foreign Commerce of an export license authorizing the exportation of 200 tons of tetraethyl lead to a named consignee in Austria by representing falsely that the entire 200 tons had been ordered by said consignee and thereafter, in knowing violation of the terms of said license, he diverted 100 tons thereof to an unauthorized consignee. He was duly served with a copy of the charging letter and answered the same, admitting the ultimate charges and pleading that, had he known the consequences, he would not have done what he did.

The respondent has been denied all export privileges since December 17, 1957. (22 F. R. 10310, Dec. 20, 1957; 23 F. R. 1180, Feb. 25, 1958; 23 F. R. 2232, Apr. 4, 1958.)

In accordance with the practice, this case was referred to the Compliance Commissioner, who has reviewed the evidence and submitted to the undersigned his report and recommendation, which, upon the facts as hereinafter found, appears to be fair and just and is therefore adopted.

Now, after considering the entire record, including the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, George Eigler, doing business under the firm name and style of Industrie-Warenverkehr in Vienna, Austria, was an independent contractor engaged in the servicing of accounts in Austria, to which accounts an American corporation from time to time exported various petroleum products, including tetraethyl lead, a strategic commodity.

2. On or about April 2, 1957, an Austrian purchaser, one of the accounts served by Eigler, notified him that during the year 1957 it would purchase 200 tons of tetraethyl lead from the American corporation and that it desired as a first delivery 100 tons thereof.

3. On or about the 11th day of May 1957, with the approval of the Austrian purchaser, Eigler obtained on its behalf an official Austrian government import certificate allowing it to purchase from the American corporation as much as 200 tons of tetraethyl lead for the amount of dollars therein provided.

4. Although Eigler had authorization to request on behalf of the Austrian purchaser only 100 tons of tetraethyl lead as a first delivery, on June 13, 1957, he sent to the American corporation, the supplier thereof, an order requesting July shipment of 200 tons and, in support of said order, at the same time transmitted to the American exporter the said import certificate and thereby represented to and led the American corporation to believe that the Austrian purchaser had requested delivery of the entire 200 tons.

5. In reliance on that representation and believing that the Austrian purchaser had in fact requested 200 tons, the American exporter applied to the Bureau of Foreign Commerce for a validated export license authorizing it to ship to the Austrian purchaser 200 tons of tetraethyl lead and, in and by said application, the American exporter did represent to the Bureau of Foreign Commerce its said belief that the Austrian purchaser was the ultimate consignee of said tetraethyl lead and that the same would be consumed ultimately in Austria and, further in support of said application, the American exporter attached thereto the said import certificate.

6. In due course and in reliance upon said representations and import certificate, the Bureau of Foreign Commerce issued a validated export license authorizing the exportation of said 200 tons of tetraethyl lead by the American corporation to the Austrian purchaser for ultimate consumption in Austria.

7. In accordance with established arrangements, the goods were routed to Austria via Trieste and the license named a forwarding agent there as intermediate consignee.

8. The American corporation exported the tetraethyl lead from the United States on or about the 16th day of July 1957, for delivery to the Austrian corporation by way of the forwarding agent, the designated intermediate consignee, at Trieste.

9. The bill of lading and the commercial invoice issued in connection with said exportation had endorsed thereon destination control notices restricting delivery of the goods to Austria as the ultimate destination and warning that diversion contrary to United States law was prohibited.

10. The originals and a number of copies thereof were sent by the American corporation to Eigler on or about the 6th day of August 1957, for the purpose of enabling him to supervise and arrange for ultimate delivery of the tetraethyl lead to the Austrian purchaser.

11. Although on or about July 25, 1957, the Austrian purchaser notified Eigler that it desired to receive and therefore requested delivery of the remaining 100 tons of its 200 ton commitment to the American corporation and, although at that time Eigler knew that the entire 200 tons of tetraethyl lead had been shipped from the United States by the American exporter, he continued to conceal from the American exporter that of the 200 tons already shipped the Austrian purchaser had originally requested delivery of only 100 tons and, instead, on that day he sent to the American corporation the Austrian purchaser's request which was in fact only for the second 100 tons, and thereby made it appear to the American corporation that the Austrian purchaser was in fact ordering a third 100 tons.

12. Having been informed by the American corporation of the sailing date and of the name of the vessel on which the 200 tons of tetraethyl lead had been exported from the United States, Eigler ascertained that the vessel would discharge its cargo at Trieste at about the middle of August 1957.

13. In anticipation of such discharge, and subsequent to the time when he knew that the Austrian purchaser was ready to take delivery of 200 tons of tetraethyl lead, Eigler, either as the result of an agreement or understanding previously made or as the result of a meeting arranged for him at Zurich during the time between receipt from the Austrian purchaser of the request for the second 100 tons and the arrival of the goods at Trieste, entered into an agreement with a person (whom the Bureau of Foreign Commerce has been unable to locate or identify), which person (under what appears to be an assumed name), upon the stationery of a defunct corporation, agreed to purchase from Eigler 100 tons tetraethyl lead on cars at Rosenbach, Austria, for United States dollars to be paid in cash in Zurich against delivery of documents.

14. Said agreement provided further that Eigler was to place the 100 tons of tetraethyl lead at the disposal of a named Austrian forwarder for shipping to Rosenbach, a border railroad station in Austria.

15. The 200 tons of tetraethyl lead arrived at Trieste on August 14, 1957, and Eigler, having been entrusted with the documents of title, went from Zurich, where he had made the agreement with the phantom person or defunct corporation, to Trieste, obtained physical control of the goods, and arranged for the division of the 200 tons into one lot of 311 drums and two lots of 156 and 155 drums respectively.

16. In acordance with his agreement with the phantom or defunct buyer, and after directing delivery of 100 tons to the Austrian purchaser, both personally and by instructions through his own forwarder in Vienna, Eigler caused the remaining 100 tons, consisting of 311 drums, to be loaded on cars consigned to Rosenbach railroad station for the disposal of the Viennese forwarder designated in the contract between him and said buyer.

17. The said 100 tons or 311 drums were then transported out of Austria into Czechoslovakia without permission from the Bureau of Foreign Commerce.

And from the foregoing, the following are my conclusions:

The respondent, Georg Eigler,

A. Knowingly made and caused to be made false representations to and concealed material facts from the Bureau of Foreign Commerce in violation of § 381.5 of the Export Regulations;

B. Received goods exported from the United States knowing that with respect thereto a violation of the export control law, the regulations, and export license was about to and was intended to occur contrary to § 381.4 of the Export Regulations; and

C. Knowingly diverted and transshipped goods exported from the United States in accordance with export control documents restricting their delivery to the person and destination named therein by diverting, transshipping, and delivering the said goods to another person at a different destination and thereby effected an exportation to a party and destination other than those authorized in the export control documents, all in violation of §§ 381.6, 381.8, and 381.9 of the Export Regulations.

After reviewing all the details of the case and respondent's general conduct, the Compliance Commissioner, in his report, said:

> In summary, therefore, in arranging for, consummating, and then seeking to obfuscate this diversion of 100 tons of strategic tetraethyl lead to a Communist destination, Eigler caused a false certificate to be presented to the Bureau of Foreign Commerce in support of the application for export license; he deceived and later lied to his principal about what had happened to the goods; he lied to his business associate and also to his customer; he slandered his business associate by falsely charging him with the diversion and he slandered his customer by saying it was slow in payment. He is completely untrustworthy and should be denied all export privileges so long as export controls are in effect.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. Henceforth, and for the duration of export controls, the respondent, Georg Eigler, doing business under the firm name and style of Industrie-Warenverkehr, be and he hereby is suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in any past, present, or future exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exporta-

tion is deemed to include and prohibit participation by the respondent, directly or indirectly, in any manner or capacity, (a) as party or as representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the respondent, but also to any person, firm, corporation, or business organization with which he may be related, now or hereafter, by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

III. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, shall, on behalf of or in any association with the respondent or any related party, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in any exportation from the United States. Nor shall any such person, firm, corporation, or other business organization do any of the foregoing acts with respect to any exportation in which the respondent or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: August 4, 1958.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 58-6151; Filed, Aug. 6, 1958; 8:53 a. m.]

Civil Aeronautics Administration

[Amdt. 22]

ORGANIZATION AND FUNCTIONS

CHANGES IN ADDRESSES OF FLIGHT OPERATIONS AND AIRWORTHINESS DISTRICT OFFICES

In accordance with the public information requirements of the Administrative Procedure Act, Section 22 (b) of the Organization and Functions of the Civil Aeronautics Administration, as published on December 24, 1957, 22 F. R. 10499, is amended to include the following changes:

In Region 1, the Air Carrier Safety District Office at the Municipal Airport, P. O. Box 8186, Tulsa, Oklahoma, to 7809 East Admiral Place, Tulsa, Oklahoma; the General Safety District Office at the Echelon Airport, P. O. Box 154, Haddonfield, New Jersey, to Administration Building, North Philadelphia Airport, Philadelphia 36, Pennsylvania; and delete the Air Carrier Safety District Office at Teterboro Air Terminal, Teterboro, New Jersey.

In Region 2, the Air Carrier Safety District Office at 207 Administration Building, Love Field, Dallas, Texas, to Southwest Airmotive Company, 7515 Lemmon Avenue, Dallas, Texas. The General Safety District Office at 241 Terminal Building, Love Field, Dallas, Texas, to Southwest Airmotive Company, 7515 Lemmon Avenue, Dallas, Texas.

In Region 3, the General Safety District Office at the Municipal Airport, Box 96, Huron, South Dakota, to the 1st Floor, Old Administration Building, Joe Foss Airport, P. O. Box 676, Sioux Falls, South Dakota.

S. A. KEMP,
Acting Administrator
of Civil Aeronautics.

AUGUST 1, 1958.

[F. R. Doc. 58-6149; Filed, Aug. 6, 1958; 8:53 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-83]

UNIVERSITY OF FLORIDA

AMENDMENT TO CONSTRUCTION PERMIT NO. CPRR-21

Please take notice that the Atomic Energy Commission has issued the following amendment (No. 1) to Construction Permit No. CPRR-21. The amendment extends to November 15, 1958, and to February 15, 1959, the earliest and latest dates for completion of construction of the 10 kilowatt research reactor to be located on the campus of the University of Florida in Gainesville, Florida. In accordance with the Commission's Rules of Practice (10 CFR 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license amendment. For further details see the application for amendment at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 31st day of July 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[Construction Permit No. CPRR-21, Amdt. 1]

Condition A of Construction Permit No. CPRR-21 is hereby amended by changing the first and second sentences thereof to read as follows:

The earliest completion date of the reactor is November 15, 1958. The latest date for completion of the reactor is February 15, 1959.

Date of issuance:

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-6143; Filed, Aug. 6, 1958; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

JULY 1958 MONTHLY SALES LIST; AMENDMENT

The price listing for the Commodity Credit Corporation Monthly Sales List for July 1958 is amended, effective July 22, 1958, as set forth below, pursuant to the policy of Commodity Credit Corporation issued October 22, 1954 (19 F. R. 6669) as follows:

Commodity	Sales price or method of sale
Broken rice, 250,000 hundredweight.	Domestic (unrestricted use) or export: Competitive bids as announced by Dallas and Portland CSS Commodity Offices.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply Sec. 407, 63 Stat. 1053; 7 U. S. C. 1427, Sec. 208, 63 Stat. 901)

Issued: August 1, 1958.

[SEAL] CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-6148; Filed, Aug. 6, 1958; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9787]

EAGLE AIRWAYS (BERMUDA) LTD.

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on August 7, 1958, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Dated at Washington, D. C., August 4, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-6344; Filed, Aug. 6, 1958; 11:11 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15595]

SAM SKLAR ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Sam Sklar (Operator) et al. (Respondent), on July 10, 1958, tendered for filing proposed changes in certain of its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of change, July 8, 1958.
Purchaser: (1) United Gas Pipe Line Company, (2) Arkansas Louisiana Gas Company.
Rate schedule designation: (1) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 1. (2) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 2.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate(s) and charge(s) so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until August 2, 1958, and thereafter to permit them to become effective as of that date; provided, that within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rates be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements to Respondent's FPC Gas Rate Schedules.

(B) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rate(s), charge(s), and classification(s) set forth in the above-designated supplements to Respondent's FPC Gas Rate Schedules shall be effective as of August 2, 1958: *Provided, however,* That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of _____ to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes.

In conformity with the requirements of the order issued _____, in Docket No. G-__, _____ hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

_____
By _____

Attest:

_____
(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6024; Filed, Aug. 6, 1958; 8:45 a. m.]

[Docket No. G-15600]

GRUBB & HAWKINS ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

Grubb & Hawkins et al. (Respondent), on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 26, 1958.
Purchaser: Trunkline Gas Company.
Rate schedule designation: Supplement No. 12 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: August 1, 1958, (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6024, *supra.*

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6025; Filed, Aug. 6, 1958; 8:45 a. m.]

[Docket No. G–15601]

L. L. ROBINSON

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

L. L. Robinson (Respondent), on June 30, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 28, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6026; Filed, Aug. 6, 1958; 8:45 a. m.]

[Docket No. G–15603]

MURPHY CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Murphy Corporation (Respondent), on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constituted increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 27, 1958.

Purchaser: (1) Arkansas Louisiana Gas Company. (2) Mississippi River Fuel Corporation. (3) United Gas Pipe Line Company. (4) Texas Eastern Transmission Corporation.

Rate schedule designation: (1) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 3. (2) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 7. (3) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 19. (4) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 18.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6027; Filed, Aug. 6, 1958; 8:45 a. m.]

[Docket No. G–15605]

MURPHY CORP. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Murphy Corporation et al. (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sale of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 27, 1958.

Purchaser: (1 and 2) Mississippi River Fuel Corporation. (3) Southern Natural Gas Company. (4) Arkansas Louisiana Gas Company. (5, 6, and 7) Texas Eastern Transmission Corporation.

Rate schedule designation: (1) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 5. (2) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 9. (3) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 10. (4) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 14. (5) Supplement No. 11 to Respondent's FPC Gas Rate Schedule No. 1. (6) Supplement No. 12 to Respondent's FPC Gas Rate Schedule No. 2. (7) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 16.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6028; Filed, Aug. 6, 1958; 8:45 a. m.]

[Docket No. G–15606]

OHIO OIL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Ohio Oil Company (Operator) et al. (Respondent) on July 1 and 2, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated (1) July 2, 1958, (2) July 1, 1958, (3) July 1, 1958, (4) July 2, 1958.

Purchasers: (1) United Gas Pipe Line Company, (2) Arkansas Louisiana Gas Company, (3 and 4) United Gas Pipe Line Company.

Rate schedule designation: (1) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 20. (2) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 14. (3) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 32. (4) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 36.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6029; Filed, Aug. 6, 1958; 8:45 a. m.]

[Docket No. G–15607]

OHIO OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Ohio Oil Company (Respondent) on July 1 and 2, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Designation: Notices of Change, dated (1) undated, (2) July 2, 1958, (3, 4, 5) July 1, 1958.

Purchasers: (1) Arkansas Louisiana Gas Company, (2) United Gas Pipe Line Company, (3 and 4) Texas Eastern Transmission Corporation, (5) United Gas Pipe Line Company.

Rate schedule designation: (1) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 26. (2) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 33. (3) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 29. (4) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 28. (5) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 15.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6030; Filed, Aug. 6, 1958; 8:45 a. m.]

[Docket No. G–15609]

OIL PARTICIPATIONS, INC.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Oil Participations, Inc. (Respondent) on July 3, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of Change, undated.

Purchaser: American Louisiana Pipe Line Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 5.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6031; Filed, Aug. 6, 1958; 8:45 a. m.]

[Docket No. G–15597]

PHILLIPS PETROLEUM CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Phillips Petrolum Company (Operator) *et al.* (Respondent) on July 2, 9, and 10, 1958, tendered for filing proposed changes in certain of its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Notice of Change, June 30, 1958. (2) Notice of Change, July 7, 1958. (3) Notice of Change, July 8, 1958.

Purchaser: (1) Southern Natural Gas Company, (2) United Gas Pipe Line Company, (3) American Louisiana Pipe Line Company.

Rate schedule designation: (1) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 175. (2) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 216. (3) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 278.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6032; Filed, Aug. 6, 1958; 8:45 a. m.]

[Docket No. G–15599]

FOREST OIL CORP. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Forest Oil Corporation (Operator) et al. (Respondent) on July 1, 1958, and June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 30, 1958.

Purchasers: (1) through (3) United Fuel Gas Company, (4) Transcontinental Gas Pipe Line Corporation.

Rate schedule designation: (1) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 3. (2) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 9. (3) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 10. (4) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6033; Filed, Aug. 6, 1958; 8:45 a. m.]

[Docket No. G–15602]

CROWN CENTRAL PETROLEUM CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

Crown Central Petroleum Corporation (Respondent) on July 2, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: United Fuel Gas Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6034; Filed, Aug. 6, 1958; 8:45 a. m.]

[Docket No. G–15604]

MURPHY CORP. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Murphy Corporation (Operator), et al., (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 27, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 4. Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 11.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6035; Filed, Aug. 6, 1958; 8:45 a. m.]

[Docket No. G–15608]

AUSTRAL OIL EXPLORATION CO., INC., ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Austral Oil Exploration Company, Inc. (Operator) et al. (Respondent) on July 3, 1958, tendered for filing proposed changes in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.

Purchaser: (1) Transcontinental Gas Pipe Line Corporation. (2) United Fuel Gas Company.

Rate schedule designation: (1) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 1. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 2.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6036; Filed, Aug. 6, 1958; 8:45 a. m.]

[Docket No. G–15571]

BUFFALO OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Buffalo Oil Company (Respondent), on July 2, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 30, 1958.

Purchasers: (1) Transcontinental Gas Pipe Line Corporation, (2) United Gas Pipe Line Company.

Rate schedule designation: (1) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 1. (2) Supplement No. 4 to

Respondent's FPC Gas Rate Schedule No. 4.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6037; Filed, Aug. 6, 1958; 8:46 a. m.]

[Docket No. G–15578]

CROWN CENTRAL PETROLEUM CORP. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

Crown Central Petroleum Corporation et al. (Respondent) on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge is contained in the following designated filing:

Description: Notice of Change, June 26, 1958.

Purchaser: Transcontinental Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 6.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6038; Filed, Aug. 6, 1958; 8:46 a. m.]

[Docket No. G–15579]

L. E. SMITH ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

L. E. Smith et al. (Respondent) on June 30, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, June 26, 1958.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6039; Filed, Aug. 6, 1958; 8:46 a. m.]

[Docket No. G–15582]

PURE OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

The Pure Oil Company (Respondent), on July 3, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: Transcontinental Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 33.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6040; Filed, Aug. 6, 1958; 8:46 a. m.]

[Docket No. G–15598]

FOREST OIL CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

Forest Oil Corporation (Respondent) on July 1, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, June 30, 1958.

Purchaser: United Fuel Gas Company.

Rate schedule designation: Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 2.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6041; Filed, Aug. 6, 1958; 8:46 a. m.]

[Docket No. G–15548]

TEXAS CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

The Texas Company (Respondent) on June 27, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of changes, undated.

Purchasers: (1 to 3) United Fuel Gas Company, (4) United Gas Pipe Line Company, (5) E. A. Courtney, (6 and 7) Tennessee Gas Transmission Company.

Rate schedule designation: 1. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 4. 2. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 5. 3. Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 102. 4. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 74. 5. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 122. 6. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 145. 7. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 146.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6042; Filed, Aug. 6, 1958; 8:46 a. m.]

[Docket No. G–15549]

UNION PRODUCING CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Union Producing Company (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 30, 1958.

Purchasers: (1 and 5) Arkansas Louisiana Gas Company, (2, 3, 4, 6, 7, 8, 9, and 10) United Gas Pipe Line Company, (11) American Louisiana Pipe Line Company, (12) Southwest Gas Producing Company.

Rate schedule designation: 1. Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 66. 2. Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 68. 3. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 69. 4. Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 197. 5. Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 199. 6. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 75. 7. Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 77. 8. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 83. 9. Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 84. 10. Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 206. 11. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 217. 12. Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 200.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6043; Filed, Aug. 6, 1958; 8:46 a. m.]

[Docket No. G–15580]

H. L. HUNT

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

H. L. Hunt (Respondent) on July 2, 1958, tendered for filing proposed changes in his presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, undated.

Purchasers: (1) Wm. Herbert Hunt Trust Estate, (2) Arkansas Louisiana Gas Company, (3) Southern Natural Gas Company, (4) Texas Eastern Transmission Corporation, (5) Texas Gas Transmission Corporation.

Rate schedule designation: (1) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 11. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 14. (3) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 12. (4) Supplement No. 9 to Respondent's FPC Gas Rate Schedule No. 7. (5) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 18.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6044; Filed, Aug. 6, 1958; 8:46 a. m.]

[Docket No. G–15596]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Phillips Petroleum Company (Respondent) on July 2, 3 and 9, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) and (2) Notice of Change, dated July 1, 1958, (3) through (6) Notice of Change, dated June 30, 1958, (7) and (8) Notice of Change, dated July 7, 1958.

Purchasers: (1) Arkansas Louisiana Gas Company, (2) United Gas Pipe Line Company, (3) through (6) Southern Natural Gas Company, (7) Mississippi River Fuel Corporation, (8) Transcontinental Gas Pipe Line Corporation.

Rate schedule designation: (1) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 62. (2) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 189. (3) Supplement No. 10 to Respondent's FPC Gas Rate Schedule No. 219. (4) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 299. (5) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 300. (6) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 301. (7) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 239. (8) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 149.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6045; Filed, Aug. 6, 1958; 8:46 a. m.]

[Docket No. G–15576]

CROW DRILLING AND PRODUCING CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATES, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

Crow Drilling and Producing Company (Respondent) on July 1, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, June 30, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 2.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6056; Filed, Aug. 6, 1958; 8:47 a. m.]

[Docket No. G–15568]

RIMROCK INTERNATIONAL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

Rimrock International Co. et al. (Respondent) on July 1, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, June 27, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6058; Filed, Aug. 6, 1958; 8:47 a. m.]

[Docket No. G–15554]

SUPERIOR OIL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

The Superior Oil Company (Operator) et al. (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated June 27, 1958.

Purchaser: (1) Trunkline Gas Company, (2) United Gas Pipe Line Company, (3) Transcontinental Gas Pipe Line Corporation.

Rate schedule designations: (1) Supplement No. 15 to Respondent's FPC Gas Rate Schedule No. 3. (2) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 71. (3) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 65.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6059; Filed, Aug. 6, 1958; 8:47 a. m.]

[Docket No. G–15581]

HASSIE HUNT TRUST

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Hassie Hunt Trust (Respondent) on July 2 and July 3, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, undated.
Purchasers: (1) Arkansas Louisiana Gas Company, (2) Texas Gas Transmission Corporation, (3) Arkansas Louisiana Gas Company, (4) Transcontinental Gas Pipe Line Corporation, (5) Arkansas Louisiana Gas Company, (6) Texas Eastern Transmission Corporation, (7) Texas Gas Transmission Corporation.

Rate schedule designation: (1) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 5. (2) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 6. (3) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 7. (4) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 3. (5) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 18. (6) Supplement No. 10 to Respondent's FPC Gas Rate Schedule No. 4. (7) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 20.

Effective date: August 1, 1958 (effective dates are the dates proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6057; Filed, Aug. 6, 1958; 8:47 a. m.]

[Docket No. G–15558]

SOUTHWEST NATURAL PRODUCTION CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Southwest Natural Production Company (Operator) et al. (Respondent) on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated June 27, 1958.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 10 to Respondent's FPC Gas Rate Schedule No. 9.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6060; Filed, Aug. 6, 1958; 8:47 a. m.]

[Docket No. G–15561]

AMERADA PETROLEUM CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Amerada Petroleum Corporation (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of Change, dated June 26, 1958.
Purchasers: (1) Trunkline Gas Company, (2 and 3) Transcontinental Gas Pipe Line Corporation.

Rate schedule designation: 1. Supplement No. 11 to Respondent's FPC Gas Rate Schedule No. 14. 2. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 48. 3. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 63.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6061; Filed, Aug. 6, 1958; 8:47 a. m.]

[Docket No. G–15562]

AMERADA PETROLEUM CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Amerada Petroleum Corporation (Operator), et al. (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 27, 28, and 30, 1958.
Purchasers: Texas Gas Transmission Corporation, United Gas Pipe Line Company.

Rate schedule designation: 1. Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 10. 2. Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 17. 3. Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 64.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6062; Filed, Aug. 6, 1958; 8:47 a. m.]

[Docket No. G–15566]

SKELLY OIL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Skelly Oil Company (Operator) et al. (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 26, 1958.
Purchasers: (1 and 3) Arkansas Louisiana Gas Company, (2) Tennessee Gas Transmission Company.

Rate schedule designation: 1. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 6. 2. Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 5. 3. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 43.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6063; Filed, Aug. 6, 1958; 8:48 a. m.]

[Docket No. G–15552]

SHELL OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

Shell Oil Company (Operator) (Respondent) on July 1, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated June 27, 1958.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 51.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6064; Filed, Aug. 6, 1958; 8:48 a. m.]

[Docket No. G–15553]

SHELL OIL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Shell Oil Company (Operator) et al. (Respondent) tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated June 27, 1958.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: (1) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 59. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 50.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6065; Filed, Aug. 6, 1958; 8:48 a. m.]

[Docket No. G–15557]

SOUTHWEST NATURAL PRODUCTION CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Southwest Natural Production Company (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated June 27, 1958.
Purchasers: (1) Arkansas Louisiana Gas Company, (2) Mississippi River Fuel Corporation, (3) Mississippi River Fuel Corporation, (4) United Gas Pipe Line Company, (5) Texas Eastern Transmission Corporation, (6) Texas Eastern Transmission Corporation.

Rate schedule designations: (1) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 2. (2) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 3. (3) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 4. (4) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 5. (5) Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 6. (6) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 7.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6066; Filed, Aug. 6, 1958; 8:48 a. m.]

[Docket No. G–15563]

CITIES SERVICE PRODUCTION CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Cities Service Production Company (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 25, 1958.
Purchaser: Tennessee Gas Transmission Company.
Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 4. Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 6.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6067; Filed, Aug. 6, 1958; 8:48 a. m.]

[Docket No. G–15565]

ROBERT MOSBACHER ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

Robert Mosbacher (Operator) et al. (Respondent) on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 26, 1958.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 14.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6068; Filed, Aug. 6, 1958; 8:49 a. m.]

[Docket No. G–15577]

KILROY PROPERTIES, INC., ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

Kilroy Properties, Inc., et al. (Respondent), on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, June 26, 1958.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 2.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6069; Filed, Aug. 6, 1958; 8:49 a. m.]

[Docket No. G–15589]

SOHIO PETROLEUM CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

Sohio Petroleum Company (Operator) et al. (Respondent) on July 7, 1958, tendered for filing proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Tennessee Gas Transmission Company.
Rate schedule designation: Supplement No. 31 to Respondent's FPC Gas Rate Schedule No. 20.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6070; Filed, Aug. 6, 1958; 8:49 a. m.]

[Docket No. G–15592]

BEL OIL CORP. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

Bel Oil Corporation (Operator) et al. (Respondent) on July 7, 1958, tendered for filing proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Texas Gas Transmission Corporation.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 5.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6071; Filed, Aug. 6, 1958; 8:49 a. m.]

[Docket No. G–15593]

SUNRAY MID-CONTINENT OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Sunray Mid-Continent Oil Company (Respondent) on July 7, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constutute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 2, 1958.
Purchaser: (1) Arkansas Louisiana Gas Company, (2) United Gas Pipe Line Company, (3) United Gas Pipe Line Company, (4) Transcontinental Gas Pipe Line Corporation, (5) United Gas Pipe Line Company, (6) Texas Eastern Transmission Corporation, (7) Transcontinental Gas Pipe Line Corporation, (8) Arkansas Louisiana Gas Company.
Rate schedule designation: (1) Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 9. (2) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 54. (3) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 56. (4) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 108. (5) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 146. (6) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 122. (7) Supplement No. 10 to Respondent's FPC Gas Rate Schedule No. 13. (8) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 78.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6072; Filed, Aug. 6, 1958; 8:49 a. m.]

[Docket No. G–15594]

SUNRAY MID-CONTINENT OIL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Sunray Mid-Continent Oil Company (Operator) et al. (Respondent) on July 7, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 2, 1958.
Purchaser: (1) United Gas Pipe Line Company, (2) Transcontinental Gas Pipe Line Corporation, (3) Arkansas Louisiana Gas Company.
Rate schedule designation: (1) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 51. (2) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 77. (3) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 47.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6073; Filed, Aug. 6, 1958; 8:50 a. m.]

[Docket No. G–15555]

SUPERIOR OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

The Superior Oil Company (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated June 27, 1958.
Purchasers: (1) American Louisiana Pipe Line Company, (2) United Gas Pipe Line Company, (3) Tennessee Gas Transmission Company, (4) Texas Gas Transmission Corporation, (5) United Gas Pipe Line Company.
Rate schedule designations: (1) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 7. (2) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 16. (3) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 45. (4) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 69. (5) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 76.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6074; Filed, Aug. 6, 1958; 8:50 a. m.]

[Docket No. G–15559]

HAWKINS & KELLY

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

Hawkins & Kelly (Respondent) on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 26, 1958.
Purchaser: Trunkline Gas Company.
Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6075; Filed, Aug. 6, 1958; 8:50 a. m.]

[Docket No. G–15560]

H. L. HAWKINS ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

H. L. Hawkins et al. (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 26, 1958.
Purchaser: Texas Gas Transmission Corporation.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 5. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 6.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6076; Filed, Aug. 6, 1958; 8:50 a. m.]

[Docket No. G–15564]

CITIES SERVICE OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

Cities Service Oil Company (Respondent) on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 25, 1958.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 106.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6077; Filed, Aug. 6, 1958; 8:50 a. m.]

[Docket No. G–15567]

MIDSTATES OIL CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Midstates Oil Corporation (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 27, 1958.
Purchasers: (1, 4, 5, 7, 9, 10, 11, 12, 14, and 15) Arkansas Louisiana Gas Company, (2) Southern Natural Gas Company, (3) Tennessee Gas Transmission Company, (6 and 13) United Gas Pipe Line Company, (8) Texas Gas Gathering Corporation.
Rate schedule designation: 1. Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 5. 2. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 37. 3. Supplement No. 12 to Respondent's FPC Gas Rate Schedule No. 39. 4. Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 45. 5. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 46. 6. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 50. 7. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 56. 8. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 60. 9. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 1. 10. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 3. 11. Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 16. 12. Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 17. 13. Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 29. 14. Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 6. 15. Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 35.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6078; Filed, Aug. 6, 1958; 8:50 a. m.]

[Docket No. G–15570]

ANNIE NORTON ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

Annie Norton et al. (Respondent) on July 2, 1958, tendered for filing a proposed change in her presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, July 1, 1958.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: August 1, 1958 (stated effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6079; Filed, Aug. 6, 1958; 8:50 a. m.]

[Docket No. G–15586]

TIDEWATER OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Tidewater Oil Company (Respondent) on June 30, July 3, July 7 and July 10, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated July 7, June 27, June 30 and July 3, 1958.
Purchaser: (1) Tennessee Gas Transmission Company, (2) Transcontinental Gas Pipe Line Corporation, (3) Tennessee Gas Transmission Company, (4) United Gas Pipe Line Company, (5) American Louisiana Pipe Line Company, (6) Southern Natural Gas Company, (7) Texas Gas Transmission Corporation, (8) United Fuel Gas Company.
Rate schedule designation: (1) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 72. (2) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 54. (3) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 56. (4) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 33. (5) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 61. (6) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 65. (7) Supplement No. 10 to Respondent's FPC Gas Rate Schedule No. 37. (8) Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 24.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6080; Filed, Aug. 6, 1958; 8:50 a. m.]

[Docket No. G–15588]

SECURE TRUSTS

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Secure Trusts (Respondent) on July 3, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchaser: (1) Southern Natural Gas Company, (2) Texas Gas Transmission Corporation.
Rate schedule designation: (1) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 1. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 5.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6081; Filed, Aug. 6, 1958; 8:50 a. m.]

[Docket No. G-15590]

PETROL PRODUCTION CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 30, 1958.

Petrol Production Company (Respondent) on July 3, 1958, tendered for filing proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Tennessee Gas Transmission Company.
Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6082; Filed, Aug. 6, 1958; 8:50 a. m.]

[Docket No. G-15591]

BEL OIL CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Bel Oil Corporation (Respondent) on July 7, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchaser: (1) United Gas Pipe Line Company, (2) Transcontinental Gas Pipe Line Corporation, (3) Trunkline Gas Company.
Rate schedule designation: (1) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 2. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 3. (3) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 4.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6083; Filed, Aug. 6, 1958; 8:50 a. m.]

[Docket No. G-15617]

DRILLING AND EXPLORATION CO., INC., ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Drilling and Exploration Co., Inc., (Operator) et al. (Respondent) on July 3, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Southwest Gas Producing Co., Inc.
Rate schedule designation: Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6103; Filed, Aug. 6, 1958; 8:50 a. m.]

[Docket No. G-15618]

MECOM PETROLEUMS

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

John W. Mecom, d. b. a. Mecom Petroleums (Respondent) on June 30 and July 3, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1 and 2) Notices of Change, dated June 28, 1958, (3) Notice of Change, undated.
Purchasers: (1) Transcontinental Gas Pipe Line Corporation, (2) Tennessee Gas Transmission Company, (3) United Gas Pipe Line Company.
Rate schedule designation: 1. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 3. 2. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 2. 3. Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6104; Filed, Aug. 6, 1958; 8:50 a. m.]

[Docket No. G-15619]

JOHN W. MECOM ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

John W. Mecom (Operator) et al. (Respondent) on July 1, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 28, 1958.
Purchaser: Tennessee Gas Transmission Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 5.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6105; Filed, Aug. 6, 1958; 8:51 a. m.]

[Docket No. G-15620]

CYPRUS OIL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Cyprus Oil Company (Operator) et al. (Respondent) on July 3, 1958 tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Transcontinental Gas Pipe Line Corporation.
Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 2.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6106, Filed, Aug. 6, 1958; 8:51 a. m.]

[Docket No. G-15621]

TIDEWATER OIL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Tidewater Oil Company (Operator) et al. (Respondent) on July 3 and 7, 1958 tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated (1) June 30, 1958, (2) July 1, 1958, (3) July 3, 1958.
Purchasers: (1) Transcontinental Gas Pipe Line Corporation, (2) United Fuel Gas Company, (3) United Fuel Gas Company.
Rate schedule designation: (1) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 62. (2) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 25. (3) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 60.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6107; Filed, Aug. 6, 1958; 8:51 a. m.]

[Docket No. G-15568]

MRS. CORDELIA K. CROW ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Mrs. Cordelia K. Crow et al. (Respondent) on July 2, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 30, 1958.
Purchaser: Arkansas Louisiana Gas Company.
Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6108; Filed, Aug. 6, 1958; 8:51 a. m.]

[Docket No. G-15569]

MURPHY CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Murphy Corporation (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 27, 1958.
Purchasers: (1) Texas Gas Transmission Corporation, (2) Texas Eastern Transmission Corporation.
Rate schedule designation: 1. Supplement No. 1 to Respondent's FPC Rate Rate Schedule No. 20. 2. Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 21.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6109; Filed, Aug. 6, 1958; 8:52 a. m.]

[Docket No. G-15612]

SHELL OIL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Shell Oil Company (Operator) et al. (Respondent) on July 1, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 27, 1958.
Purchasers: United Gas Pipeline Company, Olin Gas Transmission Corporation.
Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 58. Supplement No. 9 to Respondent's FPC Gas Rate Schedule No. 57.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6110; Filed, Aug. 6, 1958; 8:52 a. m.]

[Docket No. G-15614]

RIMROCK TIDELANDS, INC.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Rimrock Tidelands, Inc. (Respondent) on July 1, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 27, 1958.
Purchaser: Arkansas Louisiana Gas Company.
Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 2.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6111; Filed, Aug. 6, 1958; 8:52 a. m.]

[Docket No. G-15615]

STATES OIL CO., INC.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

States Oil Company, Inc. (Respondent) on July 1, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 27, 1958.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6112; Filed, Aug. 6, 1958; 8:52 a. m.]

[Docket No. G-15623]

LAMAR HUNT TRUST ESTATE

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Lamar Hunt Trust Estate (Respondent) on July 3, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Arkansas Louisiana Gas Company.
Rate schedule designation: Supplement No. 9 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6024, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6113; Filed, Aug. 6, 1958; 8:52 a. m.]

[Docket No. G-15774]

LAMAR HUNT TRUST ESTATE

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 30, 1958.

Lamar Hunt Trust Estate (Hunt) on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 27, 1958.
Purchaser: West Lake Natural Gasoline Company.
Rate schedule designation: Supplement No. 1 to Hunt's FPC Gas Rate Schedule No. 7.
Effective date: July 31, 1958 effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Hunt states that the contract was entered into in good faith as the result of arm's length bargaining, the installment sale was designed to protect seller over the long term of the contract, the proposed increased price is an integral part of the original contract and merely fulfills the contractual obligations and to deny same would be a deprivation of property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Hunt's FPC Gas Rate Schedule No. 7 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Hunt's FPC Gas Rate Schedule No. 7.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F R Doc 58-6046, Filed, Aug 6, 1958; 8:46 a m]

[Docket No G-15775]

HERD OIL & GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 30, 1958.

Herd Oil & Gas Company (Herd Oil) on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 26, 1958.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 2 to Herd Oil's FPC Gas Rate Schedule No. 1.
Effective date: July 31, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Herd Oil states that the contract, including the price increase provision, was arrived at by arm's-length bargaining, and that the increased price is in all respects fair, reasonable and just and not above the prevailing price for gas in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Herd Oil's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Herd Oil's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 31, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. Commissioners Kline and Hussey dissenting.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6047; Filed, Aug. 6, 1958; 8:46 a. m.]

[Docket No. G-15776]

REDFERN OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 30, 1958.

Redfern Oil Company (Redfern) on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 30, 1958.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 2 to Redfern's FPC Gas Rate Schedule No. 1.
Effective date: July 31, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Redfern states that the contract, including the price increase provision, was arrived at by arm's-length bargaining; that the increased price is in all respects fair, reasonable and just and not above the prevailing price for gas in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Redfern's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Redfern's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 31, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6048; Filed, Aug. 6, 1958; 8:46 a. m.]

[Docket Nos. G-11742, etc.]

MAGNOLIA PETROLEUM CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 30, 1958.

In the matter of Magnolia Petroleum Company, Docket Nos. G-11742, G-11863, G-11864, G-11866 to G-11869 incl., G-11893, G-11894, G-11918, G-11931 to G-11933 incl., G-11935 to G-11952 incl., G-11954, G-11957 to G-11961 incl., G-11989, G-11995 to G-11997 incl., G-12000 to G-12006 incl., G-12070 to G-12074 incl., G-12079, G-12080, G-12082 to G-12084 incl., G-12086, G-12087, G-12089, G-12090, G-12092, G-12098, G-12103 and G-12431.

Take notice that Magnolia Petroleum Company (Applicant), a Texas corporation with its principal place of business at Dallas, Texas, has filed applications for certificates of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing the continued sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the applications which are on file with the Commission and open to public inspection.

Applicant proposes to continue the sales of natural gas for transportation in interstate commerce for resale as indicated below. These are sales which were being made on June 7, 1954 and have been continued since that date.

Docket No.	Field	Purchaser	Mag. nolia's related rate schedule
G-11742—Delivery made at outlet of Magnolia's Hickok Plant.	Hugoton Field, Grant, Finney, Stevens, Haskell, and Kearney Counties, Kans.	Cities Service Gas Co.	3
G-11863—Delivery made at outlet of Magnolia's Graham Plant.	Fox-Graham Field, Carter County, Okla.	Lone Star Gas Co.	9
G-11864—Production from 2 of the leases limited as to producing zone.	Cruce, Doyle and Katie Fields, Stevens and Garvin Counties, Okla.	Lone Star Gas Co.	8
G-11866—McKey-Henderson Unit. Magnolia, operator and 50 percent owner, lists the following coowners: Ashland Oil & Refining Co. (see G-7663), Joseline Production Co., and Continental Oil Co. Delivery at the wellhead.	(Production from 4th Deese formation) Katie Field, Garvin County, Okla.	Lone Star Gas Co.	12
G-11867—Same as G-11866.	(Production from 3d Deese formation) Katie Field, Garvin County, Okla.	Lone Star Gas Co.	10
G-11868—Ashalintubbi Unit, Magnolia, operator and 75 percent owner. Phillips Petroleum Co., nonsignatory, 25 percent owner. Delivery at outlet of Magnolia's compressor plant.	Doyle Field, Stevens County, Okla.	Lone Star Gas Co.	14
G-11869—C. E. McKey lease. Production from 3d Deese Pennsylvania Zone. Delivery at wellhead.	Katie Field, Garvin County, Okla.	Lone Star Gas Co.	13
G-11893—Magnolia is filing as follows: Nonoperator, Sunray, V. Linham Unit. Owner, 8 nonunitized leases (1,389 acres). Coowner and operator, S. E. Long Unit (Listing W. E. Harper, J. T. Kreuger, Phillips Petroleum as coowners). Coowner and operator, H. Corrigan Unit (Listing Stanolind Oil & Gas Co. as coowner). Delivery is made at the wellheads. Production limited to horizons down to base of Drinkard formation.	Eunice Field, Lea County, N. Mex.	Permian Basin Pipe Line Co.	17
G-11894—Leases set out in contract dated May 19, 1953, as amended, Apr. 27, 1954. Production limited to horizons above sea level. Delivery at wellhead.	Hugoton Field, Finney County, Kans.	Kansas-Nebraska Natural Gas Co., Inc.	15
G-11918—Magnolia, operator and coowner lists the following coowners in respective units: Leger Walker-FY-2 Unit; Howard Corp.; Renwar Oil Corp.; Shell Oil Co.: Denison La Canal Unit FY&FX; Shell Oil Co.; N. O. Denny Unit; Humble Oil & Refining Co.; N. O. Denny "B" F-2 No. 1 Unit, Humble Oil & Refining Co., Shell Oil Co.; Denison Leger Unit, Shell Oil Co.; Walt-Heyd Unit, Shell Oil Co.; Bowman Thurman F. V. Unit, Shell Oil Co.; N. O. Denny FT Unit, Humble Oil & Refining Co. Magnolia is the only signatory party seller to the gas sale contract dated Jan. 13, 1949. Amended sale contract filed as supplement to rate schedule June 11, 1958. Delivery at outlet of separator and dehydration plant.	Iowa Field, Calcasieu and Jefferson Davis Parishes, La.	United Gas Pipe Line Co.	24
G-11931—Delivery at outlet of Kermit Gasoline Plant.	Kermit Field, Winkler County, Tex.	El Paso Natural Gas Co.	26
G-11932—Delivery at buyer's measuring station.	Berclair Field, Goliad County, Tex.	United Gas Pipe Line Co.	25
G-11933—Delivery at central point in field. Leases set out in contract dated Aug. 27, 1951, as amended Mar. 5, 1952.	New Ulm Field, Austin County, Tex.	Tennessee Gas Transmission Co.	30
G-11935—Production limited to formations down to and including Massive Zone of Wilcox Formation. Delivery to be made at separator at each well.	Goebel North Field, Live Oak County, Tex.	Texas Eastern Transmission Corp.	29
G-11936—Magnolia, coowner and operator, lists the following coowners of the Edinburgh Unit: Rio Bravo Oil Co.; Sinclair Oil & Gas Co.; Sun Oil Co.; Sunray Oil Co. Delivery made at central point in field.	Edinburg Field, Hidalgo County, Tex.	Tennessee Gas Transmission Co.	27
G-11937—Production from E. A. Hull No. 1 Well. Sale contract dated Apr. 12, 1948, amended Oct. 1, 1951 to add nonoperating interest in Union Dennard Unit.	Carthage Field, Panola County, Tex.	United Gas Pipe Line Co.	33
G-11938—D. A. Breard Farm. Delivery at well-head.	Monroe Field, Ouachita Parish, La.	United Gas Pipe Line Co.	7

Docket No.	Field	Purchaser	Magnolia's related rate schedule
G-11952—W. W. Boyce No. 1 Well	Boyce Field, Goliad County, Tex.	United Gas Pipe Line Co.	59
G-11954—Llonidas Longoria lease. Delivery at point on buyer's lateral line.	San Ramon Field, Hidalgo County, Tex.	Tennessee Gas Transmission Co.	53
G-11957—Magnolia, operator has working interest in approximately 46,000 acres. In addition Magnolia operates and has production (or owns interest in) the following co-owners: Blackwood & Nichols Co., C. E. McCaughey, Warren Petroleum Corp. Production limited to Clearfork and Sprayberry Formations. Delivery at outlet of lease separator.	Spraberry Trend and Benedum Fields, Glasscock, Howard, Martin and Upton Counties, Tex.	El Paso Natural Gas Co.	20
G-11958—Anna Stuart and Elizabeth Stuart. Production limited down to and including base of Massive Zone of Wilcox Formation.	Henne Field, DeWitt County, Tex.	Texas Eastern Transmission Corp.	61
G-11959—J. M. Burrough and C. R. Cauthorn leases. Delivery at lease separator.	South Oklahoma City Field, Oklahoma County, Okla.	Cities Service Gas Co.	34
G-11960—Working interest in Sun Burns, Inc.-Lake Pierce Unit, Mayer and Phillips-Peters Units. Operator of Fred-Kyle Unit, purchasing nonoperators shares and reselling to T. G. T. Delivery at tailgate of Carthage Processing Plant.	Carthage Field, Panola County, Tex.	Texas Gas Transmission Corp.	36
G-11961—Draper Unit. Delivery at wellhead. Sale made under supplemental agreement to contract dated December 31, 1957.	Guymon-Hugoton Field, Texas County, Okla.	Phillips Petroleum Co. (for resale to Michigan Wisconsin Pipe Line Co.).	35
G-11962—Magnolia filing for working interest in 14 units (8,460 acres) and as operator of block 69, 71, and 85 units, listing 13 nonoperating signatory coowners. Delivery at outlet of central separator in area.	Clayton Field, Live Oak and McMullin Counties, Tex.	Texas Illinois Gas Pipe Line Co.	30
G-11965—Delivery at outlet of Magnolia's stage separator.	Cameron Meadows, Mud Lake, Mud Lake Reef and Holly Beach Fields, Cameron Parish, La.	United Gas Pipe Line Co.	60
G-11966—Salt Dome Hancock Units Nos. 1 an1 2. Delivery by buyer's pipeline on on Schwartz lease.	East Provident City Field, Lavaca County, Tex.	Texas Eastern Transmission Corp.	43
G-11967—Residue gas delivered at tailgate of Old Ocean Gasoline Plant.	Old Ocean Field, Matagorda and Brazoria Counties, Tex.	Texas Illinois Natural Gas Pipeline Co.	62
G-11990—Placid-Miller-Greer Unit. Delivery at wellhead.	Bethany Field, Panola County, Tex.	Arkansas-Louisiana Gas Co.	64
G-12001 John E. Mitchell Unit No. 2. Delivery at wellhead.	North Riston Field, Lincoln Parish, La.	Arkansas-Louisiana Gas Co.	70
G-12072—Delivery made at United's meter station at Cotton Valley Cycling Plant.	Cotton Valley, Webster Parish, La.	United Gas Pipe Line Co.	68
G-12083—Magnolia, operator, filing following coowners in 3 of the units: Ennis Lacey Unit, Ker McGee Oil Ind., Phillips Petroleum Co.; O'Quinn Unit—Shell Oil, Phillips Petroleum Co.; Phillips—Fern Unit, Phillips Petroleum Co. Production limited to depths above sea level. Delivery at wellhead.	Texas Hackberry, Sherman and Hansford Counties, Tex.	Phillips Petroleum Co.	67
G-12084—Delivery made at point on buyer's 6" Jennings Line. Magnolia purchases some gas in field from Pure Oil Co. and Columbian Carbon Co.	West Gueydan Field, Vermilion Parish, La.	Transcontinental Gas Pipe Line Corp.	16
G-12085—Magnolia, operator lists the following signatory nonoperators: Newmont Oil Co. and others. Production from 50 acres offshore Jesses made at Magnolia's Platform Block 45.	Eugene Island Field, Iberia, St. Mary, and Terrebonne Parishes, La. (offshore).	United Gas Pipe Line Co.	66
G-12086—Magnolia, owner and operator of J. M. Bennett lease, lists the following nonoperating coowners of the O. L. Kleiss et al. Unit: Texas Marketing Co., T. M. Fiske, R. B. Mitchell. Delivery made at point on buyer's line.	Kleiss Field, Cochise and Hockley Counties, Tex.	Tennessee Gas Transmission Co.	65
Magnolia has a nonoperating owner's interest in sales of residue gas from Dollarhide Gasoline Plant.	Dollarhide Field, Andrews County, Tex.	El Paso Natural Gas Co.	103

Docket No.	Field	Purchaser	Magnolia's related rate schedule
G-11939—Hilbrich, Sellers Lease. Delivery at outlet of well separator.	South Porter Field, Goliad and Karnes Counties, Tex.	United Gas Pipe Line Co.	31
G-11940—Magnolia 100 percent owner of Hopkins Estate Unit. Coowner and operator of Emma Hopkins Unit, listing Shell Oil Co. as coowner and separator contract. Production limited to depths above sea level. Delivery at wellhead.	Hugoton Field, Haskell and Seward Counties, Kans.	Northern Natural Gas Co	32
G-11941—Delivery made at outlet of Hurricane Plant. Three producers receive 50 percent of proceeds from their gas sold under contract.	Hurricon Creek Field, Beauregard Parish, La.	Trunkline Gas Co.	46
G-11942—C. H. C. Anderson Lease. Delivery at wellhead.	Yarbrough-Allen Field, Kent County, Tex.	El Paso Natural Gas Co	58
G-11943—Magnolia, coowner and operator, lists the following coowners of respective properties: *Jess Adams*: W. H. Hodnett & Co., Inc., San Jacinto Petroleum Corp.; *Clara N. Anderson*: The Texas Co.; *Chesterville*: American Petroleum Co., Continental Oil Co., Hunt Oil Co., Mayer Petroleum Co., Pennzoil United, Inc., Phillips Petroleum Co., Sunray Mid-Continent Oil Co., Texas Pacific Coal & Oil Co., Union Oil Co. of California, Wilshire Oil Co. of Texas; *Chesterville Unit*: Continental Oil Co., Hunt Oil Co., Mayer Petroleum Co., Pennzoil United, Inc., Phillips Petroleum Co., Sunray Mid-Continent Oil Co., Texas Pacific Coal & Oil Co., Union Oil Co. of California, Wilshire Oil Co. of Texas; *Chesterville Unit* (individually and with Geo S. Heyer, Jr. as trustee): Mound Co., San Jacinto Petroleum Corp., Stanolind Oil & Gas Co., Sun Oil Co., Seaboard Oil Co.; *Agnonie Lee*: Phillips Petroleum Co.; *Mirabeau B. Lamar*: Phillips Petroleum Co.; *Mirabeau B. Lamar* (individually and with Geo S. Heyer, Jr. as trustee): Mound Co., San Jacinto Petroleum Corp., Stanolind Oil & Gas Co., Sun Oil Co., Seaboard Oil Co.; *Agnonie Lee*: Phillips Petroleum Co.; *B. D. Anderson*: The Texas Co. All are signatories hereto except Phillips & Texas Pacific. Delivery made at discharge of Tenn. Prod. Co. plant.	Chesterville Field, Colorado, Fort Bend and Wharton Counties, Tex.	Texas Gas Transmission Corp.	49
G-11944—Delivery at outlet of Gobike plant...	Helen Gobike Field, De Witt County, Tex.	Texas Eastern Transmission Corp.	50
G-11945—Harp "A" Lease. Delivery at outlet of separator.	Winnsboro Field, Wood County, Tex.	Lone Star Gas Co	56
G-11946—Magnolia, operator of Sedgeson Unit. Magnolia has working interest in 17 of which are signatories to the sale contract. 25 producers receiving a percentage from the sale of residue gas. Delivery made at outlet of plant.	Sedgeson Field, Jim Wells County, Tex.	Tennessee Gas Transmission Co.	55
G-11947—Magnolia, coowner and operator lists the Texas Co. as coowner of the Duval Ranch Area Unit and lists the following coowners: 20 and 20 limited to depths below top of Wilcox Sands. Delivery made at point on buyer's line in Hagist Ranch Field.	Hagist Ranch and North Government Wells Fields, Duval County, Tex.	Tennessee Gas Transmission Co.	57
G-11948—Delivery at outlet of Shamrock O. & G. Corp.'s McKee Gasoline Plant. Production from 7,500 acres (17 wells) and 50 percent to central 12 wells. Production limited to depths above sea level.	Sour Gas Field, Moore and Hutchinson Counties, Tex.	Panhandle Eastern Pipe Line Co.	54
G-11949—Magnolia, coowner and operator of the Pegasus Gasoline Plant lists 15 other coowners; 21 producers receiving percentage of proceeds from sale of residue gas. Delivery at plant outlet.	Pegasus Field, Midland and Upton Counties, Tex.	El Paso Natural Gas Co.	48
G-11951—Supplemental contract (Apr. 1, 1952) deducting 700 acres has been amended to delete additional production as follows: S. W. Shultz lease (July 21, 1952); H. E. Wilson & M. Weinfield leases (May 4, 1953); Richard King Unit (Apr. 1, 1954); Rio Farms, Inc. lease (July 15, 1955). Further amended S. W. Schultz lease (Mar. 15, 1956). Delivery at facilities on S. W. Schultz lease.	San Salvador Field, Hidalgo County, Tex.	Tennessee Gas Transmission Co.	47
G-11963—Magnolia is filing as coowner and operator and lists the following coowners of: Wendt-Hahl Unit, Sun Oil Company; Hahl-Webb Unit, Highland Oil Company. In addition Magnolia is filing as coowner of the Wendt-Hahl Unit, Sun Oil Co. operator; Hahl-Webb Unit, Highland Oil Company; Hahl & Woodward-Lapice Unit, Sun Oil Co. operator; Hahl & Woodward-Wendt Unit, Sun Oil Co. operator; Hahl Unit, Producing Area, Sun Oil Co. operator. Magnolia has a nonoperating owner's interest in sales of residue gas from Loveland Gasoline Plant.	North Government Field, Duval County, Tex.	Tennessee Gas Transmission Co.	45
Magnolia has a nonoperating owner's interest in sales of residue gas from Dollarhide Gasoline Plant.	Loveland Field, Cochise and Hockley Counties, N. Mex.	El Paso Natural Gas Co.	103

Docket No.	Field	Purchaser	Magnolia's related rate schedule
G-12072—Magnolia, nonoperating signatory owner in the Olsen-Woolworth lease. (R. Olsen, operator, et al., authorized in G-8089). Delivery at wellhead.	Cooper-Jal Field, Lea County, N. Mex.	El Paso Natural Gas Co.	86
G-12073—Magnolia, nonoperating signatory, owner in Woolworth No. 1 lease. (R. Olsen, operator, et al., authorized in G-8090). Delivery at wellhead.	Cooper-Jal Field, Lea County, N. Mex.	El Paso Natural Gas Co.	92
G-12074—Magnolia nonoperating signatory coowner in the Clay-King Unit. (Clay & Cockle, operator, authorized in G-6114).	Langlie Mattix Field, Lea County, N. Mex.	El Paso Natural Gas Co.	90
G-12075—Magnolia filing for nonoperating owner's interest in sales of gas from Slaughter Gasoline Plant.	Slaughter Field, Cochran, Hockley and Terry Counties, Tex.	El Paso Natural Gas Co.	102
G-12076—Magnolia filing for interest in sales of gas from the Denton Gasoline Plant.	Denton Field, Lea County, N. Mex.	El Paso Natural Gas Co.	76
G-12077—Magnolia, nonoperator, has interest in 40 acres of A. Guerra Lease dedicated to contract. Amendment filed May 23, 1958 to delete approximately 640 acres down to depth of 6,620 feet assigned to J. Weed, et al. (see G-14387). Delivery at discharge of Sun Oil Co.'s Processing Plant.	Donna Field, Hidalgo County, Tex.	Tennessee Gas Transmission Co.	81
G-12078—Magnolia has interest in "A" Guerra Unit. Delivery at discharge side of Chicago Corp. Dehydration Plant.	LaReforma Field, Starr and Hidalgo Counties, Tex.	Tennessee Gas Transmission Co.	83
G-12079—Magnolia, nonoperator has interest in O. M. Lander and Lillie Mae Diemer Lease. Delivery at discharge side of Heyser Gasoline Plant.	LaReforma Field, Starr and Hidalgo Counties, Tex.	Tennessee Gas Transmission Co.	84
G-12080—Magnolia, nonoperator, has interest in Superior-Conrad-McKey Unit. Delivery at wellhead (gas well gas).	Heyser Field, Victoria and Calhoun Counties, Tex.	Tennessee Gas Transmission Co.	96
G-12082—Magnolia, nonoperator, has interest in Conrad-McKey No. 1 Well. Delivery at wellhead (casinghead gas).	Katie Field, Garvin County, Okla.	Lone Star Gas Co.	77
G-12083—Magnolia, nonoperator, has interest in McKey-Conrad Unit. Delivery at wellhead (casinghead gas).	Katie Field, Garvin County, Okla.	Lone Star Gas Co.	78
G-12084—Magnolia, nonoperator, has working interest in the Skelly-Joseph Spenser Unit. Continental Oil Co., et al. sale authorized in G-8894.) Production limited down to and including top 300 feet of the Travis Peak Formation. Delivery at tailgate of Carthage Processing Plant.	Katie Field, Garvin County, Okla.	Lone Star Gas Co.	73
G-12085—Magnolia, nonoperator of Delhi Gasoline Plant, has interest in sale of residue gas. 20 producers listed who sell gas to plant which is operated by Sun Oil.	Carthage Field, Panola County, Tex.	Texas Gas Transmission Corp.	95
G-12086—Magnolia has interest in sale of residue gas from Hunton and Trindle Gasoline Plants. Gas produced from West Edmond Hunton Lime Unit.	Delhi Field, Richland Parish, La.	Texas Eastern Transmission Corp.	82
G-12091—Magnolia, nonoperator, has interest in Union Producing Co., et al., Wallace Unit. Production limited to depths below 2,500 feet. Delivery made at lease separator.	West Edmond Field, Logan and Kingfisher Counties, Okla.	Cities Service Gas Co.	75
	Bethany Field, Panola County, Tex.	United Gas Pipe Line Co.	106

Certain of the subject applications as filed and/or as amended, reflect amendments and supplements to basic contracts entered into subsequent to June 7, 1954, which affect the prices of the gas to be paid by the respective purchasers. In addition, certain of the basic sales contracts provide for proposed increases subsequent to June 7, 1964. Such matters are or will b subject to appropriate provisions of Part 154 of the Commission's regulations under the Natural Gas Act and will not be dealt with in these proceedings.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 27, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commisison may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 20, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6050; Filed, Aug. 6, 1958; 8:46 a. m.]

[Docket No. G-15777]

HONOLULU OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 30, 1958.

Honolulu Oil Corporation et al. (Honolulu) on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 26, 1958.
Purchaser: West Lake Natural Gas Company.
Rate schedule designation: Supplement No. 1 to Honolulu's FPC Gas Rate Schedule No. 6.
Effective date: July 31, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Honolulu cites the circumstances under which it is submitted and the pricing provision in the basic contract. In addition, Honolulu submits that the basic contract containing the price increase provision was negotiated at arm's length, the increased price is commensurate with other prices for similar gas in the area and is not unjust, unreasonable, unduly discriminatory or perferential.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Honolulu's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Honolulu's FPC Gas Rate Schedule No. 6.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8

and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6049; Filed, Aug. 6, 1958; 8:46 a. m.]

[Docket No. G-15695]

OLIN GAS TRANSMISSION CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 30, 1958.

Olin Gas Transmission Corporation (Olin), on June 30, 1958, tendered for filing five revised tariff sheets [1] to its FPC Gas Tariff, Original Volumes Nos. 1 and 3, by which Olin proposes to increase its rate for sale of gas in the amount of $104,684 annually to five purchasers [2] supplied with gas produced or gathered by Olin in the State of Louisiana.

The clause in the contracts between Olin and the buyers provide generally that the buyer will reimburse Olin for 75 percent (in the case of Rate Schedules F-1, F-3, and F-4) and 100 percent (in the case of Rate Schedules P-2 and P-3) of any additional taxes over those presently paid by Olin.

The increased rates and charges so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until August 2, 1958, and thereafter to permit them to become effective as of that date; provided, that within 20 days from the date of this order Olin shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated revised tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Olin's proposed increased rates be made effective as hereinafter provided and that Olin be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated revised tariff sheets.

(B) Pending such hearing and decision thereon, said First Revised Sheet No. 3 to Olin's FPC Gas Tariff, Original Volume No. 3 (RS F-1), First Revised Sheet No. 65 to Olin's FPC Gas Tariff, Original Volume No. 3 (RS F-3), First Revised Sheet No. 92 to Olin's FPC Gas Tariff, Original Volume No. 3 (RS F-4), Second Revised Sheet No. 7 to Olin's FPC Gas Tariff, Original Volume No. 1 (RS P-2), and Second Revised Sheet No. 9 to Olin's FPC Gas Tariff, Original Volume No. 1 (RS P-3), are each hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rates, charges, and classifications set forth in the above-designated filings shall be effective as of August 2, 1958: *Provided, however,* That within 20 days from the date of this order, Olin shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Olin shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by Olin herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Olin shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Olin so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the difference in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Olin shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the revised tariff sheets involved, as follows:

Agreement and Undertaking of Olin Gas Transmission Corporation to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ----------, in Docket No. G-15695, Olin Gas Transmission Corporation hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused the agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ---- day of -----.

OLIN GAS TRANSMISSION CORPORATION.

By ----------

Attest:

(Secretary)

Unless Olin is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Olin shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) The revised tariff sheets hereby suspended shall not be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6051; Filed, Aug. 6, 1958; 8:46 a. m.]

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[1] First Revised Sheet No. 3 to FPC Gas Tariff, Original Volume No. 3 (RS F-1); First Revised Sheet No. 65 to FPC Gas Tariff, Original Volume No. 3 (RS F-3); First Revised Sheet No. 92 to FPC Gas Tariff, Original Volume No. 3 (RS F-4); Second Revised Sheet No. 7 to FPC Gas Tariff, Original Volume No. 1 (RS P-2), and Second Revised Sheet No. 9 to FPC Gas Tariff, Original Volume No. 1 (RS P-3).

[2] Southern Natural Gas Company; United Gas Pipe Line Company; United Fuel Gas Company; Texas Gas Transmission Corporation; and Southern Natural Gas Company.

[Docket No. G-15773]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 30, 1958.

Pan American Petroleum Corporation (Pan American) on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 27, 1958.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 19.

Effective date: July 31, 1958 (effective date is the effective date proposed by Pan American).

In support of the proposed two-step periodic rate increase, Pan American submits its usual supporting statements to the effect that the increased price is a matter of contractual obligation under a contract resulting from bona fide, arm's-length negotiations, and denial thereof would be confiscatory. Pan American states further that such pricing provisions are customary in the gas industry and the entirety of the pricing provisions in the contract is the rate thereunder. Pan American also cites increases in the cost of steel, drilling of wells, salaries and wages.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 19 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 19.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 31, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6053; Filed, Aug. 6, 1958; 8:46 a. m.]

[Docket No. G-15772]

PURE OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 30, 1958.

The Pure Oil Company (Pure Oil) on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: West Lake Natural Gasoline Company.

Rate schedule designation: Supplement No. 1 to Pure Oil's FPC Gas Rate Schedule No. 32.

Effective date: July 31, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Pure Oil cites the circumstances under which its filing is made and states that the proposed 5.5-cent price is well below the 10.0-cent ceiling increased price for Permian Basin gas and therefore should not be suspended.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Pure Oil's FPC Gas Rate Schedule No. 32 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Pure Oil's FPC Gas Rate Schedule No. 32.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6052; Filed, Aug. 6, 1958; 8:46 a. m.]

[Docket No. G-14723]

CITIES SERVICE OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

JULY 30, 1958.

The Cities Service Oil Company (Operator) et al. (Cities Service) on June 30, 1958, tendered for filing proposed change in its presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitute increased rate and charge, is contained in the following designated filing:

Description: Supplementary Agreements, dated March 1, 1958.

Purchaser: Northern Natural Gas Company.

Rate schedule designation: Supplement No. 25 to Cities Service's FPC Gas Rate Schedule No. 89.[1]

Effective date: July 31, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Cities Service filed copies of the instrument by which the seller and buyer agree to the increased rate as a result of the price being arbitrated to 12.0 cents per Mcf.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 25 to Cities Service's FPC Gas Rate Schedule No. 89 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regu-

[1] Interests of The Texas Company are not to be construed as controlled by Cities Service's subject filing (Docket No. G. 14723) but by the separate tenders of The Texas Company under its FPC Gas Rate Schedule No. 89.

lations under the Natural Gas Act (18 CFR, Ch. I), public hearing to be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 25 to Cities Service's FPC Gas Rate Schedule No. 89.

(B) Pending such hearing and decision thereon, said supplements be and it is hereby suspended and the use thereof deferred until August 22, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6054; Filed, Aug. 6, 1958; 8:47 a. m.]

[Docket No. G-14724]

CITIES SERVICE OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 30, 1958.

The Cities Service Oil Company (Operator) et al. (Cities Service) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Supplementary Agreements, dated March 1, 1958.

Purchaser: Northern Natural Gas Company.

Rate schedule designation: Supplement Nos. 77, 78, 79, 80, 81 and 82 to Cities Service's FPC Gas Rate Schedule No. 70.[1]

Effective date: July 31, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In suport of the proposed redetermined rate increases, Cities Service filed copies of the instrument by which the seller and buyer agree to the proposed 12.0 cents per Mcf rate.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement Nos. 77, 78, 79, 80, 81 and 82 to Cities Service's FPC Gas Rate Schedule No. 70 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 77, 78, 79, 80, 81 and 82 to Cities Service's FPC Gas Rate Schedule No. 70.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until August 22, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6055; Filed, Aug. 6, 1958; 8:47 a. m.]

[1] Interests of The Texas Company are not to be construed as controlled by Cities Service's subject filings but by the separate tenders of The Texas Company under its FPC Gas Rate Schedule Nos. 11, 106, 107, 108, 109, and 110.

OFFICE OF DEFENSE AND CIVILIAN MOBILIZATION

SAM MANN EWING

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last report.

This amends statement previously published in the FEDERAL REGISTER February 22, 1958 (23 F. R. 1163).

Dated: July 9, 1958.

SAM MANN EWING.

[F. R. Doc. 58-6144; Filed, Aug. 6, 1958; 8:53 a. m.]

OTTO L. NELSON

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Additions

Officer:

Executive Director of Construction, Lincoln Center for the Performing Arts, Inc.

Special Assistant to Secretary of Defense.

Revenue Bonds. Board of Education, Township of East Windsor, Mercer County, New Jersey.

This amends statement previously published in the FEDERAL REGISTER February 4, 1958 (23 F. R. 727).

Dated: July 10, 1958.

OTTO L. NELSON, *Major General, United States Army, (Ret.)*

[F. R. Doc. 58-6145; Filed, Aug. 6, 1958; 8:53 a. m.]

IOWA

NOTICE OF MAJOR DISASTER

Pursuant to the authority vested in me by the President under Executive Order 10427, dated January 16, 1953, Executive Order 10737, dated October 29, 1957, and Executive Order 10773, dated July 1, 1958 (18 F. R. 407; 22 F. R. 8799; 23 F. R. 5061), by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U. S. C. 1855-1855g), as amended, and in furtherance of a declaration by the President in his letter to me, dated July 5, 1958, reading in part as follows:

I hereby determine the damage in the various areas of Iowa adversely affected by recent and current excessive rainfall, floods and tornadic winds to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following counties in the State of Iowa to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 5, 1958: Audubon, Cass, Fremont, Guthrie, Montgomery, Page, Pottawattamie, and Shelby.

Dated: July 28, 1958.

LEO A. HOEGH, *Director, Office of Defense and Civilian Mobilization.*

[F. R. Doc. 58-6146; Filed, Aug. 6, 1958; 8:53 a. m.]

KANSAS

NOTICE OF MAJOR DISASTER

Pursuant to the authority vested in me by the President under Executive Order 10427, dated January 16, 1953, Executive Order 10737, dated October 29, 1957, and Executive Order 10773, dated July 1, 1958 (18 F. R. 407; 22 F. R. 8799; 23 F. R. 5061), by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U. S. C. 1855-1855g), as amended, notice is hereby given of a declaration by the President, dated June 26, 1958, reading in part as follows:

I hereby determine the City of El Dorado, Kansas, and the contiguous area within five miles of it, to be a "major disaster" area under the authority of Public Law 875, 81st Congress, as amended.

This determination is for the specific purpose of making available to persons in the area, whose homes were destroyed or damaged by the tornado of June 10, 1958, the mortgage insurance provided under section 203 (b) of the National Housing Act, as amended; of authorizing the Federal National Mortgage Association to purchase mortgages insured under this section through its special assistance program; and of providing temporary housing or other emergency shelter for those families who, as a result of this disaster, require temporary housing or other emergency shelter within the provisions of section 3 (d), Public Law 875, 81st Congress, as amended by Public Law 107, 82d Congress.

Dated: July 25, 1958.

LEO A. HOEGH, *Director, Office of Defense and Civilian Mobilization.*

[F. R. Doc. 58-6147; Filed, Aug. 6, 1958; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-259]

MOBILIARE VERKEHRS A. G.

In re: Property owned by Mobiliare Verkehrs A. G.; F-63-10226.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The American Express Company, New York Agency, 65 Broadway, New York 6, N. Y., arising out of an account entitled, "Mobiliare Verkehrs A. G.," maintained by said banking institution, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Mobiliare Verkehrs A. G., Zurich, Switzerland, which is a national of Hungary as defined in said Executive Order 8389, as amended, by reason of the ownership, direct or indirect of all, or a substantial part, of its shares by Hungarian Discount and Exchange Bank, also known as Ungarische Escompte & Wechslerbank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 30, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 58-6102; Filed, Aug. 5, 1958; 8:48 a. m.]

[Vesting Order SA-260]

N. BUTCULESCU SOCIETE EN COMMANDITE

In re: Debt owing to N. Butculescu Societe en Commandite; F-57-167.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Caterpillar Tractor Co., Peoria, Illinois, evidenced by an account payable, identified as Blocked Export Dealer Account No. 714, maintained on its books and records, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by N. Butculescu Societe en Commandite, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 24, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 58-6313; Filed, Aug. 6, 1958; 8:57 a. m.]

JACOBUS G. M. BOSCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Jacobus G. M. Bosch, Apollolaan 9, Amsterdam, The Netherlands; Claim No. 60432; $594.55 in the Treasury of the United States. Vesting Order No. 18118.

Executed at Washington, D. C., on July 31, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-6314; Filed, Aug. 6, 1958; 8:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3718]

YANKEE ATOMIC ELECTRIC CO. ET AL.

NOTICE OF FILING REGARDING ISSUANCE AND SALE AND ACQUISITION OF COMMON STOCK AND NOTES OF SUBSIDIARY

JULY 31, 1958.

In the matter of Yankee Atomic Electric Company, New England Power Company, Western Massachusetts Companies, Public Service Company of New Hampshire, Montaup Electric Company, File No. 70-3718.

Notice is hereby given that Yankee Atomic Electric Company ("Yankee"), a public-utility subsidiary of New England Electric System, a registered holding company; New England Power Company ("NEPCO"), a public-utility subsidiary of New England Electric System and an exempt holding company; Western Massachusetts Companies ("Western Massachusetts"), an exempt holding company; Public Service Company of New Hampshire ("New Hampshire"), a public-utility company and an exempt holding company; and Montaup Electric Company ("Montaup"), a public-utility subsidiary of Eastern Utilities Associates, a registered holding company, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6, 7, 9, and 10 of the act and Rules 23, 42 (b) (2), and 50 (a) (1) and (a) (4) promulgated thereunder as applicable to transactions therein proposed, which are summarized below:

Yankee intends to construct and operate a nuclear power plant of approximately 134,000 KW net electrical capacity. The total capital requirements, including construction costs and working capital, are estimated by Yankee at $57,000,000. The plant is presently scheduled for completion in 1960.

Prior to the issuance of any order herein Yankee will have outstanding $4,000,000 par value of common stock and $4,000,000 of non-interest bearing notes held by companies as shown below:

	Number of shares	Aggregate par value	Percent of total	Principal amount of short-term notes
New England Power Co.	12,000	$1,200,000	30.0	$1,200,000
The Connecticut Light and Power Co.	6,000	600,000	15.0	600,000
Boston Edison Co.	3,800	380,000	9.5	380,000
Central Maine Power Co.	3,800	380,000	9.5	380,000
The Hartford Electric Light Co.	3,800	380,000	9.5	380,000
Western Massachusetts Electric Co.	2,800	280,000	7.0	280,000
Public Service Company of New Hampshire	2,800	280,000	7.0	280,000
Montaup Electric Co.	1,800	180,000	4.5	180,000
Central Vermont Public Service Corp.	1,400	140,000	3.5	140,000
New Bedford Gas and Edison Light Co.	1,000	100,000	2.5	100,000
Cambridge Electric Light Co.	800	80,000	2.0	80,000
Total	40,000	4,000,000	100.0	4,000,000

Yankee proposes to issue and sell, 40,000 additional shares of common stock and the proceeds will be used to retire its then $4,000,000 of outstanding short-term notes. The shares will be offered to the stockholder companies for subscription at a price of $100 per share, as fixed by Yankee's board of directors, on the basis of one new share for each share presently held. Yankee also proposes, from time to time prior to December 31, 1958, to issue to its stockholder companies non-interest bearing promissory notes up to a maximum aggregate amount of $5,000,000 at any one time outstanding. Such notes will mature not more than one year from the date of issue. Such stockholder companies as are required to do so under the act and the rules thereunder seek Commission approval of their respective acquisitions of the common stock and notes herein proposed to be issued by Yankee.

The stockholder companies propose to acquire the additional shares of Yankee common stock and the notes in the proportions of their stockholdings indicated in the table above. Treasury funds will be used to effectuate such acquisitions. Upon completion of the proposed stock and note issues Yankee's total capitalization will be $8,000,000 par value of common stock and $5,000,000 of non-interest bearing promissory notes.

It is stated that New England Power Service Company, an affiliated service company, will perform incidental services in connection with the proposed transactions and such services will be performed at the actual cost thereof estimated not to exceed $2,500. Other expenses to be borne by Yankee are the Federal stamp taxes of $4,400 and a State filing fee of $2,000, making total estimated expenses of Yankee $8,900. The expense of the other applicants-declarants in connection with the proposed acquisition of the notes, including legal fees and the preparation of regulatory Commission applications, are estimated not to exceed $300 for NEPCO, $200 for Western Massachusetts, and $100 each for New Hampshire and Montaup.

It is represented that the Massachusetts Department of Public Utilities has jurisdiction over the issue and sale of common stock by Yankee and over the note and stock acquisitions by such stockholder companies as are Massachusetts utility companies. A copy of the State commission order will be supplied by amendment.

Notice is further given that any interested person may, not later than August 14, 1958 at 5:30 p. m., request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective in a manner similar to the procedure provided for in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules promulgated under the act as provided in Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-6173; Filed, Aug. 6, 1958; 8:57 a. m.]

[File No. 1-3074]

CORNUCOPIA GOLD MINES

ORDER SUMMARILY SUSPENDING TRADING

AUGUST 1, 1958.

In the matter of trading on the American Stock Exchange in the $.05 par value common stock of Cornucopia Gold Mines (File No. 1-3074).

I. The common stock, $.05 par value, of Cornucopia Gold Mines being listed and registered on the American Stock Exchange; and

II. The Commission on July 25, 1958, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held on September 2, 1958, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the common stock of Cornucopia Gold Mines (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation 14 adopted pursuant to section 14 (a) of the act.

On July 25, 1958 the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from the date of the aforesaid order.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive,

or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, August 4 to August 13, 1958, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-6174; Filed, Aug. 6, 1958; 8:57 a. m.]

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FEDERAL REGISTER

VOLUME 23 NUMBER 155

Washington, Friday, August 8, 1958

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Subchapter B—Prohibitions of Imported Commodities

[Avocado Regulation No. 5, Amdt. 1]

PART 1067—AVOCADOS

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), paragraph (a) (6) of § 1067.5 (Avocado Regulation No. 5; 23 F. R. 4352) is hereby amended to read as follows:

(6) Avocados of any variety not specified in subparagraphs (2) through (5) of this paragraph shall not be imported during the period beginning at 12:01 a. m., e. s. t., August 10, 1958, and ending at 12:01 a. m., e. s. t., August 25, 1958, unless the individual fruit in each lot of such avocados weigh at least 10 ounces: *Provided*, That any lot of such avocados may be imported without regard to the minimum weight requirements of this subparagraph if the exterior seedcoat of the individual fruit is of a brown color characteristic of a mature avocado, or if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

Findings and determinations. (a) It is hereby determined, on the basis of the further information which is now available, that the requirements set forth in this amendment are comparable to the maturity regulation presently in effect for the same type of avocados grown in south Florida, which regulation was published in the FEDERAL REGISTER (§ 969.316; 23 F. R. 4349, 5476).

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U. S. C. 1001 et seq.) because (1) this amendment of the existing import regulations is necessary to effectuate the purposes of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047); (2) compliance with this amendment to the avocado import restrictions will not require any special preparation which cannot be completed by the effective time; and (3) this amendment relieves restrictions on the importation of avocados into the United States.

Effective time. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., August 10, 1958.

(Sec. 401, 68 Stat. 907, as amended; 7 U. S. C. 608e-1)

Dated: August 4, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6333; Filed, Aug. 7, 1958; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF O,O-DIETHYL O-(2-ISOPROPYL-4-METHYL-6-PYRIMIDINYL) PHOSPHOROTHIOATE

A petition was filed with the Food and Drug Administration by Geigy Chemical Corporation, Ardsley, New York, requesting the establishment of tolerances for residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on certain raw agricultural commodities.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of

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FEDERAL REGISTER

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Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (a) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 CFR 1957 Supp., 120.153 (23 F. R. 2769)) are amended by changing § 120.153 (b) to read as follows:

§ 120.153 *Tolerances for residues of O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate.* • • •

(b) 0.75 part per million in or on apples, apricots, beans (snap), beet roots, beet tops, broccoli, cabbage, cauliflower, celery, cherries, cucumbers, figs, hops, lemons, lettuce, nectarines, onions, oranges, peaches, pears, peppers, plums (fresh prunes), spinach, strawberries, tomatoes.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief

in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: August 1, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-6336; Filed, Aug. 7, 1958; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 CCC Cotton Bulletin 1, Amdt. 1]

PART 427—COTTON

SUBPART—1958 COTTON LOAN PROGRAM

SCHEDULE OF MINIMUM LOAN RATES FOR ELIGIBLE QUALITIES OF 1958-CROP EXTRA LONG STAPLE COTTON

In order to provide for loan rates on 1958 extra long staple cotton which have been determined since the issuance of the 1958 Cotton Bulletin (CCC Cotton Bulletin 1), the 1958 Cotton Bulletin is hereby amended by adding § 427.933 to read as follows:

§ 427.933 *Schedule of minimum loan rates (in cents per pound, net weight) for eligible qualities of 1958-crop extra long staple cotton*[1]—(a) *American-Egyptian cotton.*

Grade	(Staple length—Inches) 1 3/8		1 7/16		1 1/2 and longer	
	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas
1	56.35	56.75	58.00	58.40	58.60	59.00
2	55.55	55.95	57.30	57.70	57.90	58.30
3	53.70	54.10	55.65	56.05	56.20	56.60
4	49.75	50.15	52.30	52.70	52.80	53.20
5	44.60	45.00	47.25	47.65	47.55	48.25
6	38.75	39.15	41.30	41.70	41.90	42.30
7	35.40	35.80	37.70	38.10	38.10	38.50
8	31.65	32.05	33.95	34.35	34.50	34.90
9	28.10	28.50	30.40	30.80	30.80	31.20

(b) *Sea Island and Sealand cotton.*

Grade	(Staple length—Inches) 1 3/8	1 7/16	1 1/2 and longer
1	53.95	55.50	56.05
1 1/2	53.15	54.80	55.40
2	51.40	53.25	53.80
2 1/2	47.60	50.05	50.55
3	42.75	45.25	45.65
3 1/2	37.15	39.60	40.15
4	33.95	36.15	36.55
4 1/2	30.35	32.55	33.05
5	27.00	29.15	29.55

[1] If the legal minimum loan rate based on the parity price for extra long staple cotton as of the beginning of the marketing year requires an increase in these rates, new schedules will be issued.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 403, 406, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421, 1423, 1426)

Issued this 4th day of August 1958.

[SEAL] CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 58-6342; Filed, Aug. 7, 1958; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS

OPEN SEASONS, BAG LIMITS, AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Basis and purpose. Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U. S. C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, to determine when, to what extent, and by what means, such birds or any part, nest or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published on May 14, 1958 (23 F. R. 3275), the public was invited to submit views, data, or arguments in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D. C., on or before June 20, 1958, and thus participate in the preparation of amendments to Part 6, Title 50, Code of Federal Regulations, to be proposed for the purpose, among others, of specifying open seasons, certain closed seasons, means of hunting, shooting hours, and bag limits for migratory game birds.

Subsequently, after due consideration of data obtained through investigations conducted by personnel of the Fish and Wildlife Service, State game departments, and from other sources, the several State game departments were informed concerning the season lengths and daily bag and possession limits proposed to be prescribed for the 1958–59 seasons on rails, gallinules, woodcock, mourning and white-winged doves, and band-tailed pigeons. The State game departments were also invited to submit recommendations for hunting seasons in the respective States on applicable members of these species; such hunting seasons to conform to the season lengths, and to fall within a framework of opening and closing dates, as established by this Department.

Each State game department has furnished information concerning the hunting seasons desired for its State on those species of migratory game birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it has been determined that §§ 6.41, 6.46, and 6.51 should be amended as indicated below.

1. Section 6.41 is amended to read as follows:

§ 6.41 *Seasons and limits on doves and wild pigeons.* Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), and the daily bag and possession limits on the species of doves and wild pigeons designated in this section are prescribed between the dates of September 1, 1958, and January 15, 1959, as follows:

(a) *Mourning doves.*

Daily bag limit	10
Daily possession limit	20
Seasons in:	
Alabama[1 2]	Oct. 1–Oct. 31. Nov. 29–Jan. 1.
Arizona[2]	Sept. 1–Sept. 28. Dec. 13–Jan. 3.
Arkansas[1]	Sept. 1–Oct. 5. Dec. 17–Jan. 15.
California[2]	Sept. 1–Sept. 30.
Colorado	Sept. 1–Oct. 20.
Connecticut	Closed season.
Delaware[1]	Sept. 26–Oct. 31. Nov. 21–Dec. 19.
District of Columbia	Closed season.
Florida[1]	Oct. 4–Nov. 2. Nov. 27–Dec. 31.
Georgia[1]	Sept. 15–Oct. 4. Dec. 2–Jan. 15.
Idaho	Sept. 1–Sept. 15.
Illinois[1]	Sept. 1–Nov. 4.
Indiana	Closed season.
Iowa	Do.
Kansas	Sept. 1–Oct. 20.
Kentucky[1]	Sept. 1–Nov. 4.
Louisiana[1]	Sept. 1–Sept. 15. Nov. 27–Jan. 15.
Maine	Closed season.
Maryland[1]	Sept. 16–Oct. 30. Dec. 17–Jan. 5.
Massachusetts	Closed season.
Michigan	Do.
Minnesota	Do.
Mississippi[1]	Sept. 10–Sept. 29. Nov. 27–Jan. 10.
Missouri	Sept. 1–Oct. 10. Nov. 10–Nov. 19.
Montana	Closed season.
Nebraska	Do.
Nevada	Sept. 1–Oct. 20.
New Hampshire	Closed season.
New Jersey	Do.
New Mexico[2]	Sept. 1–Oct. 20.
New York	Closed season.
North Carolina[1]	Sept. 6–Oct. 4. Dec. 11–Jan. 15.
North Dakota	Closed season.
Ohio	Do.
Oklahoma	Sept. 1–Oct. 20.
Oregon	See footnote 3.
Pennsylvania[1]	Sept. 1–Nov. 4.
Puerto Rico	Closed season.
Rhode Island[1]	Nov. 1–Dec. 31.
South Carolina[1]	Sept. 15–Oct. 9. Dec. 6–Jan. 14.
South Dakota	Closed season.
Tennessee[1]	Sept. 1–Oct. 23. Dec. 20–Dec. 31.
Texas[2 3]	See footnote 4.
Utah	Sept. 1–Sept. 14.
Vermont	Closed season.
Virginia[1]	Sept. 15–Nov. 10. Dec. 27–Jan. 3.
Washington	Sept. 1–Sept. 30.
West Virginia[1]	Oct. 17–Dec. 20.
Wisconsin	Closed season.
Wyoming	Do.

[2] Shooting hours in States indicated, 12 o'clock noon until sunset except on Sept.

14 and 16 in Texas the shooting hours are from 2:00 p. m. until sunset.

[3] In Alabama the daily bag and possession limit is 10 mourning doves. In Arizona the daily bag limit is 10 mourning doves and 25 white-winged doves, and the possession limit is 10 mourning doves and 25 white-winged doves. In California, the daily bag and possession limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds. In New Mexico, the daily bag limit will be 10 mourning doves or 10 white-winged doves or 10 in the aggregate of both kinds with 20 in possession singly or in the aggregate. In Texas the daily bag limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds, and the possession limit is 20 of which not more than 10 may be white-winged doves.

[5] Oregon: Mourning doves in Hood River, Jefferson, Sherman, Wasco, and all counties west of the Cascade Summit except Jackson County, Sept. 1–Sept. 28. In Jackson County and all other counties east of the Cascade Summit except those named above, Sept. 1–Sept. 14.

[4] Texas: Mourning doves in Val Verde, Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all counties north and west thereof, Sept. 1–Oct. 20; in the rest of State (but not including Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy Counties), Oct. 1–Nov. 19; in these latter counties Sept. 14 and Sept. 16 and from Oct. 1–Nov. 17.

(b) *White-winged doves.*

Daily bag and possession limit.	See footnote 1.
Seasons in:	
Arizona	Sept. 1–Sept. 28. Dec. 13–Jan. 3.
California:	
Counties of:	
Imperial	Sept. 1–Sept. 30.
Riverside	Do.
San Bernardino	Do.
Remainder of State	Closed season.
New Mexico	Sept. 1–Oct. 20.
Texas: [1]	
Counties of:	
Brewster, Brooks, Cameron, Culberson, Dimmit, El Paso, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Kenedy, Kinney, La Salle, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, Zapata	Sept. 14 and Sept. 16.
Remainder of State	Closed season.

[1] In Arizona the daily bag limit is 10 mourning doves and 25 white-winged doves, and the possession limit is 10 mourning and 25 white-winged doves. In California, the daily bag and possession limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds. In New Mexico, the daily bag limit will be 10 mourning doves or 10 white-winged doves or 10 in the aggregate of both kinds with 20 in possession singly or in the aggregate. In Texas the daily bag limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds, and the possession limit is 20 of which not more than 10 may be white-winged doves.

(c) *Band-tailed pigeons.*

Daily bag and possession limit	6
Seasons in:	
California:	
Counties of:	
Del Norte, Humboldt, Lassen, Mendocino, Modoc, Shasta, Siskiyou, Tehama, Trinity	Oct. 1–Oct 31.
Remainder of State	Dec. 11–Jan. 10.
Oregon [1]	Sept. 1–Sept. 28.
Washington	Sept. 1–Sept. 30.

[1] In Oregon the seasonal limit is 30.

2. Section 6.46 is amended to read as follows:

§ 6.46 *Seasons and limits on rails, gallinules, and woodcock.* Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1958, and February 12, 1959, as follows:

(a) *Atlantic Flyway States.*

	Rails and Gallinules (except coots)		Woodcock
	Sora	All others (singly or in aggregate)	
Daily bag limits	25	15	4.
Possession limits	25	30	8.
Seasons in:			
Connecticut	Sept. 1–Oct. 20		Oct. 25–Nov. 29.
Delaware	Sept. 1–Nov. 8		Nov. 21–Dec. 30.
District of Columbia	Closed season		Closed season.
Florida	Sept. 13–Nov. 16		Dec. 13–Jan. 11.
Georgia	Sept. 10–Nov. 18		Dec. 12–Jan. 20.
Maine	Sept. 20–Nov. 28		Oct. 1–Nov. 8.
Maryland	Sept. 1–Oct. 20		Nov. 15–Dec. 24.
Massachusetts	Oct. 29–Dec. 28		Oct. 20–Nov. 28.
New Hampshire	Sept. 1–Nov. 9		Oct. 1–Nov. 9.
New Jersey	Sept. 1–Nov. 8		Oct. 18–Nov. 26.
New York: [1]			
Counties of:			
Nassau	Sept. 1–Nov. 9		Nov. 1–Nov. 24.
Suffolk	do		Do.
Remainder of State	do		Oct. 16–Nov. 24.
North Carolina	Sept. 10–Nov. 18		Nov. 27–Jan. 5.
Pennsylvania	Sept. 1–Nov. 8		Oct. 15–Nov. 22.
Puerto Rico	Dec. 15–Feb. 12		Closed season.
Rhode Island	Oct. 1–Dec. 9		Nov. 1–Dec. 10.
South Carolina	Sept. 13–Nov. 21		Dec. 12–Jan. 20.
Vermont	Sept. 1–Nov. 9		Oct. 1–Nov. 9.
Virginia	Sept. 13–Oct. 31		Nov. 17–Dec. 26.
West Virginia	Oct. 17–Dec. 25		Oct. 17–Nov. 25.

[1] New York: The shooting hours during which woodcock may be taken shall be 9 a. m. to 5 p. m. on the first day of the respective seasons and from 7 a. m. to 5 p. m. on each day thereafter.

(b) *Mississippi Flyway States.*

	Rails and Gallinules (except coots)		Woodcock
	Sora	All others (singly or in aggregate)	
Daily bag limits	25	15	4.
Possession limits	25	15	8.
Seasons in:			
Alabama	See footnote 1		Dec. 19–Jan. 31.
Arkansas	Nov. 2–Jan. 10		Dec. 1–Jan. 9.
Illinois	Closed Season		Nov. 15–Dec. 24.
Indiana	Sept. 1–Nov. 9		Oct. 25–Dec. 3.
Iowa	Closed Season		Closed season.
Kentucky	Nov. 20–Jan. 10		Nov. 20–Dec. 28.
Louisiana	Oct. 4–Dec. 12		Dec. 13–Jan. 31.
Michigan: [2]			
Zone 1 and 2	Oct. 1–Dec. 9		Oct. 1–Nov. 8.
Zone 3	do		Oct. 20–Dec. 6.
Minnesota	Sept. 1–Nov. 9		Oct. 1–Nov. 9.
Mississippi	Oct. 1–Dec. 9		Dec. 10–Jan. 31.
Missouri	Sept. 1–Nov. 9		Nov. 10–Dec. 19.
Ohio	Sept. 1–Nov. 8		Oct. 1–Nov. 8.
Tennessee	Nov. 7–Jan. 10		Nov. 27–Jan. 4.
Wisconsin	Oct. 1–Dec. 9		Oct. 1–Nov. 8.

[1] The seasons for hunting rails and gallinules in Alabama will be prescribed at a later date.

[2] Michigan: Zones for hunting woodcock are as defined by State law, order, or regulations of the Michigan Department of Conservation.

(c) *Central Flyway States.*

	Rails and Gallinules (except coots)		Woodcock
	Sora	All others (singly or in aggregate)	
Daily bag limits	25	15	4.
Possession limits	25	15	8.
Seasons in:			
Colorado	Sept. 1–Nov. 9		Closed season.
Kansas	do		Do.
Montana	Closed season		Do.
Nebraska	Oct. 4–Dec. 12		Oct. 4–Nov. 12.
New Mexico	Nov. 2–Jan. 10		Closed season.
North Dakota	Oct. 1–Dec. 9		Oct. 1–Nov. 8.
Oklahoma	do		Nov. 23–Jan. 1.
South Dakota	Closed season		Closed season.
Texas	Sept. 1–Nov. 9		Dec. 8–Jan. 16.
Wyoming	Closed season		Closed season.

3. Section 6.51 is amended to read as follows:

§ 6.51 *Seasons and limits on waterfowl, coots, and Wilson's snipe.* Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), and the daily bag and possession limits on the species of waterfowl and on coots and Wilson's snipe as designated in this section are prescribed between the dates of September 1, 1958, and February 15, 1959, as follows:

(a) *Alaska.*

	Ducks [1]	Geese [2]	Coots	Brant	Wilson's Snipe
Daily bag limits	7	5	15	3	8
Possession limits	14	10	15	6	8
Seasons throughout Alaska	Sept. 1–Dec. 3				Sept. 1–Oct. 15.

[1] *Ducks.* In Wildlife Management Units 8, 9, 10, and 16 through 26, as described in 50 CFR 46.2, the daily bag limit for old-squaw, harlequin, scoter, and eider ducks and American and red-breasted merganser ducks is 10 singly or in the aggregate, and the possession limit is 20 singly or in the aggregate of all kinds of such ducks. These limits may be taken and possessed in addition to the limits prescribed in the above table for other ducks. In Units 7 and 11 to 15, both inclusive, the bag limits on American and red-breasted merganser ducks are 5 daily and 10 in possession, singly or in the aggregate of both kinds, which limits may be in addition to the limits prescribed in the above table for other ducks.

[2] *Geese.* The daily bag limit must include not less than two snow geese and the possession limit must include not less than 4 snow geese.

4. Paragraphs (b), (c), (d), (e), and (f) of § 6.51 are deleted.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interpret or apply E. O. 10250, 16 F. R. 5085, 3 CFR, 1951 Supp.)

The taking of migratory game birds is presently prohibited. The foregoing amendments will serve to permit the taking of designated species of such birds within specified periods of time beginning as early as September 1, as has been the case in prescribing hunting seasons in past years. The hunting public has over the years become accustomed to a September 1 opening date in many areas on certain species of migratory game birds and many hunters make hunting reservations well in advance of such date. Because of this fact and since these amendments will not be published at a date early enough to allow the usual 30-day period of publication afforded by the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), if hunting is to be permitted on September 1 and the public to be properly informed in advance, it is clearly impracticable to authorize such period of publication. Accordingly, since it is not in the public interest to afford the usual period of publication and since these amendments serve to relieve existing restrictions, the provisions of the exceptions provided in section 4 (c) of the Administrative Procedure Act of June 11, 1946, are hereby invoked and the amendments shall become effective upon publication in the FEDERAL REGISTER.

Issued at Washington, D. C., and dated August 4, 1958.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 58-6318; Filed, Aug. 7, 1958; 8:45 a. m.]

Subchapter F—Alaska Commercial Fisheries

PART 105—ALASKA PENINSULA AREA

INCREASE IN FISHING TIME

AUGUST 7, 1958.

Basis and purpose. On the basis of reduced fishing effort and achieved escapements of red salmon in the Bear River section of the Alaska Peninsula Area, increased fishing time is warranted.

Therefore, paragraph (a) of § 105.9 is amended by deleting all after "6 a. m. Thursday" and substituting in lieu thereof the following: "6 p. m. Thursday to 6 a. m. Friday, 6 p. m. Friday to 6 a. m. Saturday, and 6 p. m. Saturday to 6 a. m. Monday, 1958."

This relaxation must be effected immediately if full utilization of the run is to be achieved. Accordingly, notice and public procedure are impracticable and this amendment shall become effective at 6 a. m. August 8, 1958. (60 Stat. 237; 5 U. S. C. 1001 et seq.)

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 58-6424; Filed, Aug. 7, 1958; 10:37 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 608—HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U. S. C. 205), the Secretary of Labor by Administrative Order No. 508 (23 F. R. 4036), as amended by Administrative Order No. 511 (23 F. R. 5215), appointed, convened, and gave notice of the hearing of Industry Committee No. 40–A to recommend the minimum wage rate or rates to be paid under section 6 of that act (52 Stat. 1062, as amended; 29 U. S. C. 206) to employees in the handkerchief, square scarf, and art linen industry in Puerto Rico who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U. S. C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Order No. 45–A of the Secretary of Labor (15 F. R. 3290), the recommendations of the committee are hereby published in this order amending the Code of Federal Regulations. Effective August 24, 1958, 29 CFR Part 608, is amended to read as follows:

Sec.
608.1 Definition of the industry.
608.2 Wage rates.
608.3 Notices.

AUTHORITY: §§ 608.1 to 608.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 6, 52 Stat. 1062, as amended; 29 U. S. C. 206.

§ 608.1 *Definition of the industry.* The handkerchief, square scarf, and art linen industry in Puerto Rico, to which this part shall apply, is defined as follows: The manufacture of plain, scalloped, or ornamented handkerchiefs, and square scarves; the manufacture of art linens, including, but not by way of limitation, table cloths, luncheon cloths, altar cloths, napkins, bridge sets, table covers, sheets, pillow cases, and towels; and the manufacture of needlepoint on canvas or other materials: *Provided, however,* That the industry shall not include the outlining or embroidery of lace by machine or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

§ 608.2 *Wage rates.* (a) Wages at a rate of not less than 27 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the handkerchief, square scarf, and art linen industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the handsewing classification of that industry which is defined as the operations of hand-sewing as well as hand-embroidering, hand-embellishing, ornamental stitching, and similar operations involving decorative effects: *Provided, however,* That mending, repairing, sewing of labels, tacking, and similar operations on articles which are otherwise wholly machine-sewn shall not be included.

(b) Wages at a rate of not less than 53 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees engaged in commerce or in the production of goods for commerce and who is engaged in the other operations classification of that industry which is defined as all operations in the handkerchief, square scarf, and art linen industry in Puerto Rico other than those operations in the hand-sewing classification.

§ 608.3 *Notices.* Every employer subject to the provisions of § 608.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 608.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 4th day of August 1958.

CLARENCE T. LUNDQUIST,
Administrator.

[F. R. Doc. 58-6343; Filed, Aug. 7, 1958; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1702]

[Oregon 04595]

OREGON

WITHDRAWING PUBLIC LANDS FOR USE OF FOREST SERVICE FOR H. J. ANDREWS EXPERIMENTAL FOREST

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Willamette National Forest in Oregon are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service,

Department of Agriculture, for the H. J. Andrews Experimental Forest:

WILLAMETTE MERIDIAN

WILLAMETTE NATIONAL FOREST

T. 15 S., R. 5 E. (unsurveyed),
Secs. 11 to 15, inclusive;
Secs. 20 to 36, inclusive.
T. 15 S., R. 6 E. (unsurveyed),
Secs. 7, 18, 19, 20, 29, 30, 31, and 32.
T. 16 S., R. 5 E. (unsurveyed),
Secs. 1 to 6, inclusive.
T. 16 S., R. 6 E.,
Secs. 5 and 6.

The areas described aggregate approximately 15,000 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 1, 1958.

[F. R. Doc. 58-6320; Filed, Aug. 7, 1958; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 11, 24]

FEE FOR RECORDING COPYRIGHTS, TRADEMARKS, AND TRADE NAMES

NOTICE OF PROPOSED AMENDMENT OF CUSTOMS REGULATIONS RELATING TO FEES

A person or firm having a trademark registered in the United States Patent Office or a copyright registered in the Copyright Office may record such mark or copyright with the Treasury Department and thereafter preclude the importation of articles bearing marks which copy or simulate such mark or which constitute piratical copies of such copyright. This service is believed to be a type described in 5 U. S. C. 140 as intended by Congress to be self-sustaining to the fullest extent possible. The Customs Regulations now require the payment of a fee of $25. A review of the cost of providing this service has indicated that the present fee is not adequate to recover the cost of providing the service. To make it self-sustaining to the fullest extent possible it is proposed to increase the fee for such service from $25 to $75.

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that, under the authority of section 42 of the Act of July 5, 1946 (15 U. S. C. 1124), section 1 of the Act of July 30, 1947 (17 U. S. C. 109) and title V, section 501 of the Act of August 31, 1951 (5 U. S. C. 140), it is proposed to amend §§ 11.15 (a), 11.16, 11.19 (a) (1), 11.19 (a) (2) and 24.12 (a) (1) (i), Customs Regulations, to require the collection of a fee of $75 for the services described above. The amendment in tentative form is as follows:

Section 11.15 (a) is amended by substituting "$75" for "$25" in the last sentence.

Section 11.16 is amended by substituting "$75" for "$25" in the second sentence.

Section 11.19 (a) (1) is amended by substituting "$75" for "$25" in the second sentence.

Section 11.19 (a) (2) is amended by substituting "$75" for "$25" in the third sentence.

Section 24.12 (a) (1) (i) is amended by deleting the semicolon and the word "or" after the word "copyright" and inserting in lieu thereof, "$75;".

Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Cutoms, Bureau of Customs, Washington 25, D. C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: August 4, 1958.

A. GILMORE FLUES
Acting Secretary of the Treasury.

[F. R. Doc. 58-6341; Filed, Aug. 7, 1958; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

[Docket No. AO-297]

HANDLING OF MILK IN THE MISSISSIPPI DELTA MARKETING AREA

NOTICE OF REVISED RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this revised recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Mississippi Delta marketing area. On the basis of exceptions to the previous recommended decision the marketing area has been enlarged as set forth herein. Because the enlargement of the marketing area extends the scope of the regulation this revised recommended decision is being issued to give interested parties opportunity to file exceptions thereto. Interested parties may file written exceptions to this revised recommended decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the fifth day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 16, 1958 (23 F. R. 4415), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, was conducted at Greenwood, Mississippi, on August 6–10, 1957, pursuant to notice thereof which was issued July 16, 1957 (22 F. R. 5800).

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;
(b) The classification and allocation of milk;
(c) The determination and level of class prices;
(d) Distribution of proceeds to producers; and
(e) Administrative provisions.

Findings and conclusions—(1) *Character of the commerce.* All milk to be regulated by the proposed marketing agreement and order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

There is an interrelation of the trade in Grade A milk in the Mississippi Delta marketing area with the trade in surrounding areas in Mississippi and other States. The proposed marketing area lies wholly within the State of Mississippi, but included in the area are two Federal Government installations, namely Air Force Bases located in Washington and Lowndes Counties. Contracts for milk and its products to serve these installations are issued on a competitive bid basis with milk distributors in the region making bids to secure such contracts from time to time.

Four regulated handlers under Order No. 87 distribute milk on retail and wholesale routes in the proposed marketing area. One of these four handlers sells approximately 40 percent of its total sales in the Central Mississippi marketing area. This handler is located in the proposed Mississippi Delta marketing area and would be the only one of the four Central Mississippi marketing area handlers that would become regulated under this proposed marketing agreement and order.

Located within the proposed marketing area are three milk distributors that have been, or currently are partially regulated by Federal Order No. 87. There have been months when these plants were fully regulated by Order No. 87. Route distribution of fluid milk by these plants in the Central Mississippi marketing area varies from 10 to 20 percent of their total receipts from dairy farmers. Milk distributors in the proposed Mississippi Delta area purchase bulk fluid milk from plants located in Illinois, Wisconsin, and Tennessee. Purchased Grade A nonfat dry milk is used to produce buttermilk, a milk product that would be classified as Class I product as provided elsewhere in this decision. Specific figures representing the total volume of such purchases were not given. One handler, however, stated that purchases of bulk fluid milk from Wisconsin and Tennessee would average, on annual basis, nearly a million pounds. Another handler stated that sales of buttermilk represented 12–13 percent of his total fluid milk products sales. A large portion of this buttermilk was made from Grade A nonfat dry milk (three carloads of nonfat powder purchased during the past year) purchased from sources outside the State of Mississippi. It is a general practice of all handlers in the proposed Mississippi Delta area to purchase Grade A nonfat dry milk, from out-of-State markets, for use in making buttermilk for distribution on retail and wholesale routes.

Also, there is evidence that Grade A milk or cream is at times moved in interstate commerce by distributors who would be handlers under a Mississippi Delta area order. During the past year, fluid milk was shipped from the Mississippi Delta area plants to markets in Florida, Arkansas, and Louisiana. The quantity of such sales was not available.

Another movement of milk in interstate commerce by Mississippi Delta area Grade A plants, as herein defined, is their disposal of a portion of receipts, that is in excess of fluid needs, to product manufacturing plants, or, in the manufacture of dairy products with wide regional or country-wide markets. Besides such evidence of interstate commerce in the Mississippi Delta area there is evidence that the marketing of producer milk in this area directly affects interstate commerce in milk and, milk products in Mississippi and surrounding States. Farm supplies of Grade A milk for the proposed area are intermingled with supplies for Tennessee and Alabama fluid markets and for Mississippi dairy products manufacturing plants. Procurement of milk in the northwestern portion of the proposed marketing area is in competition with the Memphis, Tennessee, market as evidenced by the testimony of handlers in this area. The same is true on the eastern edge of the Mississippi Delta area milkshed, where Delta distributors and supply plants compete for producers with Grade A milk plants that regularly supply milk to Alabama markets. The growing Grade A trade in northern Mississippi affects farm supplies for dairy products manufacturing plants at Houston, Starkville, and Kosciusko, Mississippi. Much of the supply for the Mississippi Delta fluid trade comes from farms that formerly were patrons of these dairy manufacturing plants. On the other hand, some of the producer milk for the Mississippi Delta area trade, that is in excess of the daily needs of the fluid milk processing plants, is disposed of to these dairy product manufacturing plants.

It is concluded that a significant portion of the milk trade in the Mississippi Delta marketing area is in the current of interstate commerce, and that the marketing of producer milk in this trade area directly affects interstate commerce in milk and dairy products.

(2) *Need for an order.* The issuance of a marketing agreement or order will tend to effectuate the declared policy of the act.

The two proponent cooperative associations represent approximately one-half of the dairy farmers producing milk for handlers in the proposed marketing area. The Cooperative Creamery Association of Starkville, Mississippi, operates three plants. These plants are located at Starkville and Greenwood, Mississippi. The plants include two distributing plants and a combination supply and manufacturing plant. This latter plant, while under one roof, is so separated as to permit the receiving and handling of Grade A milk in accordance with board of health regulations. In a completely segregated portion of the plant are separate facilities for receiving and manufacturing milk not qualified to be labelled Grade A. This cooperative plant, located at Starkville, Mississippi, supplies its two subsidiary distributing units, A and M Dairies at Greenwood and Starkville. The Cooperative Creamery Association supply plant also contracts with Grenada Farms, Grenada, to furnish monthly specified quantities of milk. In addition, other handlers from time to time purchase supplemental supplies of milk from Cooperative Creamery Association. The Mississippi Milk Producers' Association—the principal cooperative representing producers supplying milk to handlers regulated by Order No. 87 for the Central Mississippi marketing area—is also a proponent of a proposed regulation for the Mississippi Delta marketing area. This bargaining cooperative association represents members who supply handlers that would be regulated by the proposed marketing agreement and order.

Winco Dairy Association, Louisville, Mississippi, and Cooperative Dairies Incorporated, Columbus, Mississippi, together representing approximately 15 percent of all the dairy farmers supplying milk to distributors in the proposed marketing area, operate distributing plants in their respective cities.

The western portion of the marketing area is known as the Delta area and is primarily a cotton producing section. Dairy farming is a minor enterprise. Dairy farmers producing Grade A milk for the proposed marketing area are concentrated in the eastern portion. More than half are located in Lowndes, Oktibbeha, Noxubee, Winston and Attala counties. The remaining producers are scattered over a 20-county area.

Conditions and practices in the trade of this area justify a uniform price plan as authorized under the Act. First, there are procurement practices and policies that, in the absence of a uniform pricing scheme, contribute to market instability and insecurity for producers. Some plants do not afford producers a reliable market or outlet for their supply. In order to keep their costs of supply used in Class I products as low or lower than competitors, and their plant price to producers in line with those paid at other plants, they drop producers in periods of flush production. Then, in periods of low production, or of expanded sales, they reinstate old producers or recruit others. Producers who are dropped when market supplies are seasonally plentiful usually have no alternative outlet better than a distant product manufacturing plant, where returns are much lower than at Grade A milk plants. Such unfortunate producers, in effect, bear a very disproportionate share of the loss or low return on that portion of market supplies which is in excess of daily Class I usage, but which is none the less essential to an adequate market supply. This practice tends to unsettle supply conditions. Other distributing plants limit producers to a number that furnishes an adequate supply only during months of relatively heavy production, and depend upon supplementary supplies from other plants, or other sources, in other periods. While producers who deliver to such plants may be relatively well paid, the use of milk from sources other than producers, when producer milk is available, reduces Class I utilization of producer milk in the market and lowers average plant returns to producers.

In this respect the case is different if plants with short supply of producer milk obtain supplementary supply from supply plants or other plants that receive producer milk in excess of the requirements of their more regular outlets. While this practice displaces no producer milk it has given rise to disparity in prices paid to producers and in the cost, to competing distributors, of milk actually used in fluid milk products. In this marketing area, much of the supplemental milk required by distributing plants is supplied by a cooperative association, that operates two distributing plants and a supply plant. All member milk is received in the supply plant from which it is moved to its processing plants as needed for fluid milk products and to other distributing plants needing supplementary supply for their fluid products. Receipts from producers in this plant usually exceed sales to processors for fluid milk products. Although the extra milk in the plant is clearly essential reserve supply for the market, it may be utilized only in relatively low valued Class II products. The lower valued utilization of this reserve supply tends to make returns to producers at this plant lower than at plants that receive from producers little, if any, supply in ex-

cess of actual utilization in fluid milk products.

Such supply relations and concomitant producer prices signify that producers do not share equally in returns from the plants using their milk for fluid milk products. Unequal sharing by producers in market returns from plant utilization of milk, which they in effect supply in common, causes unsettled and unstable market conditions for producers and handlers alike.

The producer testimony on need for an order stresses the instability and uncertainty as well as the inequality in plant prices to producers. No comprehensive compilation of statistical evidence of such price conditions was presented. But, it was stated that not infrequently producer prices have been lowered on rumors or fear of retail and wholesale reductions in street prices. An instance of this occurred in 1956 when producer prices were generally decreased 15 to 25 cents per hundredweight for a period of 3 months even though retail and wholesale prices were reduced for only two weeks, and such change occurred in only a small segment of the sales area. While this may not be a common occurrence, it signifies what has and what may happen to producer prices in the absence of some comprehensive and orderly method of determining them. Variations in pricing plans and in class utilization prices in this area reflect unequal costs of milk among handlers. Such inequality has tended to unsettle trade relations and to depress producer prices.

In this area producers have little part in the determination of plant prices and payments. Handlers pay producers on base and excess price plans devised by handlers. Producers are unable to determine or check the accuracy of weights and tests. Attempts by proponent cooperatives to work out with handlers a classified price plan have failed. Handlers have not been receptive to bargaining with producers.

The marketing agreement and order as recommended herein will implement the policy declared in the Agricultural Marketing Agreement Act of 1937, as amended, of establishing and maintaining orderly marketing conditions by providing:

(1) A determination of prices to producers under a regular and dependable method at levels consistent with the policy established by the act;

(2) An impartial audit of handler's records of receipts and utilization to insure payment of uniform prices for milk purchased;

(3) The establishment of uniform class prices to handlers based on the utilization of milk;

(4) Uniform returns to producers supplying the market and an equitable sharing by all producers of the lower returns for sale of reserve milk;

(5) Uniform rules for all producers in a seasonal production incentive plan which will encourage all producers to adjust production to a more even pattern;

(6) A system of impartial checking of all producer milk in respect to weight and butterfat content; and

(7) Marketwide information in respect to all receipts, utilization and intermarket movements of milk.

(3) *Order provisions*—(a) *Scope of regulation.* The type of regulation effected by a milk order is essentially a matter of establishing minimum prices to dairy farmers who produce milk for the market. The scope of such regulation is determined by appropriate definitions of the terms: marketing area, pool plant, handler, producer-handler, producer, producer milk and other source milk.

(1) *Marketing area.* The Mississippi Delta marketing area should include all the territory and municipalities and military reservations within the boundaries of: Attala, Bolivar, Carroll, Choctaw, Grenada, Holmes, Humphreys, Leake, Leflore, Lowndes, Montgomery, Noxubee, Oktibbeha, Sharkey, Sunflower, Tallahatchie, Washington, Webster, Winston, and Yazoo counties; Beats 1, 4 and 5 in Calhoun county; Beat 5 in Chickasaw county; Beats 4 and 5 in Coahoma county; Beats 2, 3, 4 and 5 in Quitman county; Beat 3 in Panola county and Beats 1, 4 and 5 in Yalobusha county all within the State of Mississippi.

This definition is different from that of the previous recommended decision with respect to: (1) Leake county which is included herein; (2) Clay county, no portion of which is included herein; and (3) parts of Coahoma, Quitman and Panola counties which are partially included in this decision. These changes are based on exceptions to the recommended decision issued June 16, 1958.

Several proposals were made with respect to the marketing area. Altogether, a total of 45 counties, encompassing all the counties in Mississippi north of the present Central Mississippi marketing area, were proposed to be included as the marketing area. But the problems complained of by proponents centered primarily around the handling of milk in plants which serve a general area known as the Mississippi Delta. The marketing area as defined by proponents comprised a contiguous group of 17 counties. Distributors proposed 28 additional counties.

This definition differs from the proposal of proponent in two respects: Issaquena county and parts of Coahoma and Quitman counties are not included; the counties of Winston, Noxubee, Lowndes, Oktibbeha, Choctaw, Webster and parts of Chickasaw, Calhoun, Panola and Yalobusha counties are added. The remainder of each of these counties and 15 other counties, extending east and west across the state and north to the Tennessee line, proposed by distributors, are not included in the area. One other county, on the southern edge of the area, which was proposed as additional to proponents' group, is not included.

The chief fault found with proponents' area proposal was that it was too limited. Although it was broad enough to include all competing distributors in the main currents of the trade in the region, it failed to include important segments of the sales areas of a few of these distributors. Such operators sought to protect themselves against competition with unregulated distributors, in what would be outside sales territory, by proposing to incorporate such localities in the marketing area. Distributors who might become regulated by such area extension in turn proposed still further extensions. All these proposals for additions to proponents' proposed area will be examined in the light of all the evidence. But, before considering them, it may be well to give reasons for not including in the area all the counties in the group proposed by proponents.

One county and parts of two others of the area proposed by proponents are omitted. Issaquena county is on the very southern edge of the Delta region. It is sparsely populated and is served only by distributors who would be regulated because of business in other localities. But it is not in the sales territory of many Delta distributors and might perhaps be served as well by Central Mississippi distributing plants as by Delta distributors. For these reasons, the evidence generally in support of the proposed area, does not qualify this fringe locality. Leake county also was omitted from the previous recommended decision. But, on the basis of exceptions it is included in the area of this decision. The principal distributor in this county excepted to its omission on the ground that his trade in Leake county is a substantial and integral part of his trade in the recommended area and if this county is not included he at times might not qualify as a pool handler. This distributor also sells in the Central Mississippi area. But his chief competition in Leake county is another Delta area distributor, who also urges the incorporation of Leake county in the Delta area. These circumstances justify including Leake county in the Delta marketing area.

Parts of the other counties in proponents' proposed area that should not be included are Coahoma and Quitman, Beats 1, 2, and 3, in Coahoma county and Beat 1 in Quitman county are located on the northwest edge of the marketing area and are more closely associated with the Memphis marketing area than with the Delta area. There is one milk distributor located in Coahoma county, none in Quitman county. A distributor regulated by Memphis Federal Order No. 18, and a distributor that would be partially regulated under the order recommended herein, distribute fluid milk products on routes in these two counties. The record is incomplete with respect to the exact proportion of total sales in these counties that is now made by distributors who would be handlers under a Delta order. From the exceptions, however, it is evident that the local handler in Coahoma county would be fully regulated only part of the time because of sales in other parts of the marketing area. Regulated handlers have the majority of fluid milk product sales in the parts of these counties added to the area. Procurement of milk for these counties is in competition with both the Memphis and Delta source of supply. Therefore, only Beats 1, 2 and 3 in Coahoma and Beat 1 in Quitman county should not be included in the marketing area.

The remaining 13 counties in proponents' group and 11 additional counties or parts of counties are included in the area. These additional counties—named in the forepart of the discussion of this issue—were proposed by Delta area distributors whose sales territories extended to the north and west beyond the limits of the area proposed by proponents. Such extension seems advisable and is, therefore, provided. In these counties, the business done by principal Delta distributors is substantial. Evidently, they are an important part of the market for producer milk. And milk marketing and distribution in this additional area is closely interrelated with that of the chief centers of the Delta trade. Adding this territory would bring under the order three additional handlers, who would otherwise be unregulated. But, the limits on the north, which would exclude parts of the counties of Coahoma, Chickasaw, Calhoun, Panola, Quitman and Yalobusha would minimize "fringe area" sales by distributors whose business in the main is in other areas. Including only parts of these counties, as indicated above, with the other counties mentioned would still confine the regulation to those mainly engaged in the Delta area trade. There would be only two "fringe" distributors, each with approximately five percent of his sales in the area.

It is necessary thus to limit the area on the north in order to avoid full application of this order to Grade A milk handlers and their producers whose marketing operations are mainly in the trade centering in Tupelo, Mississippi, or are associated with the Memphis trade. Since such interests are not competitive factors in the main currents of trade in the Delta region, there is no justification in bringing them fully under a price plan designed specifically for the trade in the Delta region. The defined area would avoid this. If it were extended further to the north it would involve distribution mainly engaged in other marketing areas. For this reason the other 15 counties to the north which were proposed as additions to the proposed area could not be included in the area. Their exclusion leaves two Delta area handlers with approximately 15 percent of their respective sales outside the area. In this part of their sales territory their competition would be unregulated. But under the circumstances this is unavoidable; for in these northern counties, the Grade A milk trade emanates from local centers that are more closely related to Tennessee and Alabama markets than to the Mississippi Delta market.

Warren and Kemper are the remaining counties that were proposed for the Delta area and that are not included in the defined area. Warren county is presently a part of the Central Mississippi marketing area and is ineligible for the Delta area. And the evidence concerning Kemper affords little grounds for attaching it to the Delta area. It is on the southern edge of the Delta trade region, as conveniently located to Central Mississippi plants as to those in the Delta trade. The only urban population is in small and scattered towns. Other salient facts are: that there is no local distributor in the county; that sales by a Central Mississippi handler presently constitutes about 40 percent of total distribution in the county; and, that the rest of the business is done by distributors who would be handlers under the Delta order.

Finally, it may be said in behalf of the defined marketing area that it would limit the regulation to handlers who are primarily engaged in the trade of the Delta region; that the recommended area is contiguous and has uniform health and sanitation regulations of production and handling of milk; that it would subject only minor fringe area distribution to partial regulation; and that the sales areas of all fully regulated handlers would be mostly within the marketing area. Only two handlers would have as much as 15 percent of sales outside of the area. Only these handlers would have competitive relations with unregulated distributors.

(2) *Milk to be regulated.* The milk to be regulated by the proposed marketing agreement and order should be that which is regularly delivered to plants from which milk is regularly distributed on routes in the marketing area, or which is delivered to plants that are regular sources of supply for such plants. To be eligible for such distribution, milk must be produced, processed, and distributed in conformity with applicable health regulations. Provision should be made to designate clearly what milk will be subject to the pricing and pooling provisions of the recommended marketing agreement and order. For this reason, definitions of handler, producer-handler, plant (various types), producer, producer milk, and other source milk should be provided.

A handler should be defined as:

(1) The operator of a pool plant as hereinafter defined;

(2) The operator of a plant from which Class I milk is processed, packaged, and distributed on routes within the marketing area; and

(3) A cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant by delivery directly from producers' farms to a nonpool plant for the account of such cooperative association.

The handler receives the milk of producers and thus must be held responsible for reporting its receipt and utilization. The handler is the one responsible for the payment for producer milk at not less than specified minimum prices. In case a person operates more than one plant at which milk is to be priced, he should be a handler with respect to the combined operations of such plants. If a handler also operates an unregulated plant(s), this definition is not intended to include such person in his capacity as an operator of such type of plant(s). Producer-handlers and other operators of distributing plants should be handlers in order that such persons shall report to the market administrator to determine their status at any given time.

The definition of a pool plant should be such as to determine which producers, as hereinafter defined, are to be included in the determination of a marketwide uniform price to producers. Some plants have received milk from local dairy farmers and distributed most of such milk as fluid milk products in the proposed marketing area over a period of several years. There are other plants that fall into one of two categories, (a) distributing plants with a primary interest in other fluid markets but distributing milk within the area and (b) plants generally known as supply plants at which milk is received directly from dairy farmers and delivered in bulk to distributing plants. There are two distributing plants not regulated by any Federal milk order located outside the proposed marketing area that currently sell fluid milk products within the area, but have their primary market elsewhere. Milk distributors in this market depend in part upon bulk supplies of milk and thus there needs to be provision for supply plants as pool plants. Specific requirements for pool plants are therefore needed to define the supply which is generally regarded as an integral part of this fluid market. This may be accomplished by first defining a distributing plant and a supply plant.

A distributing plant should be defined as a plant at which fluid milk products, conforming to the Grade A sanitation requirements of any duly constituted health authority having jurisdiction in the marketing area, are processed and packaged and from which fluid milk products are disposed of on route(s) in the marketing area.

A supply plant should be defined as a plant at which milk produced in conformity with Grade A health regulations for the marketing area is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

A pool plant should meet certain performance standards in order to determine its status as a regular and substantial supplier of fluid milk in the marketing area. In order to qualify as a pool plant, a distributing plant should (1) dispose of 20 percent or more of receipts from dairy farmers and supply plants as fluid milk products on routes in the marketing area and (2) have a total disposition of fluid milk products on routes of 50 percent or more of receipts of fluid milk products from dairy farmers and supply plants. In order to qualify as a pool plant a supply plant should move 50 percent or more of receipts from dairy farmers to a distributing plant, as herein defined. If a supply plant qualifies on this basis during each of the months of September through January, it should be able to retain pool plant status the following February through August.

The supply area for the Mississippi Delta marketing area overlaps the supply area of other fluid markets and manufacturing milk production areas. Therefore, the previously stated pool plant requirements are necessary to insure (1) that the producers sharing in the uniform price of the market pool be those delivering to plants from which a substantial portion of the milk received at such a plant is disposed of as fluid milk products in the marketing area and

(2) that the receipts of those plants which primarily serve markets outside the marketing area be excluded from sharing in the pool. Thus, it is provided that those plants that make sales of fluid milk products on routes in the marketing area that represent 20 percent or more of total receipts from dairy farmers should be regarded as pool plants. Such a percentage of sales in the area in most cases would represent a substantial volume and thus dairy farmers shipping to such plants should share in the marketwide pool.

The proponent cooperative associations proposed that not less than 70 percent of the receipts of producer milk and fluid milk products from other pool plants be disposed of on routes as Class I during the months September through January as a necessary requirement for qualifying a distributing plant as a pool plant. Similarly a 60 percent shipment of producer milk by a supply plant to a distributing plant would be necessary for pool plant qualification. But, a percentage requirement higher than 50 percent in either case is not warranted on the basis of this record even though distributing plants normally use a higher proportion of their receipts from dairy farmers as fluid milk products. The purpose of this percentage requirement is to distinguish distributing plants from supply plants for the purpose of pool plant qualification. Not less than 50 percent distribution of fluid milk products on routes in any month would indicate that the plant is primarily a milk distributing plant. Route disposal will serve to distinguish those plants that may qualify as pool plants through route distribution from those which must qualify as supply plants. Route is defined in the order to include all deliveries of fluid milk products other than deliveries to other milk plants.

The 50 percent shipping (to distributing plants) requirement would be reasonable for supply plants as a parallel requirement to that of distributing plants, but it should not apply to supply plants during months of seasonally heavy receipts from producers. Supply plants carry reserve supplies for distributing plants. If they have the milk when needed by processors they may have little or no call for it during flush months. If a supply plant meets the required standards during the short supply season (September–January) status as a pool plant would then be retained during the balance of the year (February–August).

The Mississippi Delta market is currently served by one supply plant. This plant operated by Cooperative Creamery Association and located at Starkville, Mississippi, supplies bulk milk to its distributing plants at Starkville and Greenwood. In addition, other handlers in the proposed marketing area purchase bulk supplies from this plant. These standards will require such supply plants that qualify to have a primary interest in supplying the Mississippi Delta market, and an opportunity to share in marketwide pooling at all times if it establishes its association with the market during the season of normally low supplies.

Producer-handler should be defined as a dairy farmer who operates a distributing plant but receives no milk from other dairy farmers or nonpool plants.

The purpose of this definition is to describe a type of producer-handler operation which would not be required to equalize utilization and prices with the rest of the market. As a practical matter the producer-handler status—outside the producer price pool—must be defined in terms that definitely prescribe the latitude in procurement afforded such an operator.

First, it may be noted that there is no evidence or argument against confining this category to distributors who receive no milk from producers; for, uniform pricing of producer milk as herein recommended requires the equalization of utilization and prices by all handlers who procure milk from producers. Exception for this type of handler would tend to diminish the efficacy of the pricing scheme. For much the same reason a handler who uses other source milk, in addition to his own production, in fluid milk products, must be required to equalize utilization and prices with other distributors. Otherwise, such a handler might be able to acquire relatively low cost milk for an expansion of his business, at the expense of other distributors and their producers. For these reasons it is concluded that these restrictions are entirely appropriate.

But the evidence does not justify further circumscription of this type of handler. The proposed limitation—3300 pounds per month—on sales was insufficiently supported and seems to be unwarranted. The limitations discussed above would remove the likelihood of any cost advantage that the producer-handler might gain over pool handlers. There was no evidence to show that in this area a prescribed quantitative limit, in addition to procurement limitations, would be necessary in order to prevent this type of handler from undermining or limiting the market for producer milk. If sales by such a handler are limited for the most part to what he can economically produce it must be presumed from the evidence that he would enjoy no obvious competitive advantage in the trade. And this would most likely be true even if producer-handlers are permitted to supplement their own production with purchases from pool plants. It was proposed to confine the supply of a producer-handler to his own production. However, procurement from pool plants normally would cost considerably more than direct receipts of producer milk, and in this area probably could not be relied upon by such handlers, except in relatively small and uncertain quantities. Such milk, of course, would be fully priced producer milk at the pool plant and would be a part of the reserve supply for pool distributors. It would not be available to nonpool handlers at any lower cost, certainly, than to pool distributors. Furthermore, it would seem that under such circumstances procurement by producer-handlers from pool plants would tend to increase Class I utilization of producer milk and to increase returns to producers. It is therefore recommended that producer-handler be defined so as to confine the supply of milk for such an operator to his own production and receipts from pool plants.

Producer should be defined as a person, other than a producer-handler, who produces Grade A milk, in conformity with the sanitation requirements issued by a duly constituted health authority, for consumption in the marketing area as a fluid milk product and whose milk is received at a pool plant. Producer milk diverted from a pool plant by a handler, including a cooperative association, to a nonpool plant for its account should be deemed to have been received at the location of the pool plant from which diverted. In order to distinguish between producers whose milk may be temporarily diverted and those whose milk may be more or less permanently diverted from the fluid market, some limitation on the length of time that milk may be diverted and still be considered as producer milk under the order is desirable. Based on the conditions in the market, it is concluded that milk of a dairy farmer which is diverted to a nonpool plant in excess of 10 days production during any month (except during the months of February through August, when receipts of milk from producers are relatively large in relation to Class I sales) should not be considered as producer milk under the order. Milk of a dairy farmer which is moved to a nonpool plant in a quantity that exceeds 10 days production during the months of September through January is not sufficiently associated with this market to be priced and pooled with other producer milk. Free diversion of milk during February through August will facilitate the economical disposal of seasonal reserve supplies. Such provisions will permit milk regularly associated with the market to be diverted to manufacturing plants during periods of seasonal flush production and over weekends and holidays when supply and demand relationships may require some reserve to be manufactured in plants not regulated by the order. This provision will facilitate interplant movements of milk for the purpose of short time adjustments of supply and demand without depriving dairy farmers producing the regular supply for the market of their status as producers.

Other source milk should be defined as all skim milk and butterfat contained in fluid milk products received by a handler at his plant(s), except producer milk and fluid milk products received from pool plants. Any receipts from a producer-handler would be other source milk since such persons are neither a producer nor the operator of a pool plant. This definition would include milk products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed and converted to another product in the plant during the month. Supplemental supplies from nonpool plants are occasionally needed and the amounts needed vary from season to season and between handlers.

(b) *The classification and allocation of milk.* Milk should be classified in two classes reflecting the principal differences in the value of milk used for different purposes. Class I should include all skim milk and butterfat disposed of for consumption as a fluid milk product. Fluid milk product means milk, skim milk, buttermilk, flavored milk and milk drinks, cream and mixtures of milk, skim milk and cream. Plant loss of producer skim milk and butterfat in excess of 2 percent and skim milk and butterfat not accounted for as Class II should also be classified as Class I. Because skim milk and butterfat are not used in most products in the same proportions as received from producers, these components should be classified separately. Class prices, however, will apply per hundredweight of milk, and will be adjusted for the butterfat content of the milk actually used in each class through butterfat differentials.

Representatives of the health authorities having jurisdiction in the proposed marketing area testified that fluid milk products, as defined herein, sold for consumption in the area must be produced and handled in compliance with sanitation standards that are substantially uniform throughout the proposed marketing area. The proponent cooperative associations requested that buttermilk be a Class I product. The health regulations require the same health standards for buttermilk as is required for fluid milk. It is concluded that buttermilk should be a Class I product. Skim milk and butterfat used to produce sweet and sour cream must meet the same health requirements as milk for fluid consumption, hence it is appropriate that cream be classified and priced in the same class as fluid milk.

The products which should be included in Class I are those distributed to consumers in fluid form and required by the health authorities having jurisdiction in the marketing area to be obtained from milk or milk products from Grade A sources. The extra cost of Grade A quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used as Class I somewhat higher than for milk used for manufacturing purposes. It is appropriate that all of the products required to be from Grade A milk be included in a single class so that all milk required to make such products may contribute uniformly to the cost of supplying the market needs for Grade A milk.

Reserve milk not needed seasonally, or at other times such as weekends, for Class I use must be disposed of for use in manufactured products. These products are not required to be made from inspected milk, must be sold in competition with products made from uninspected sources produced over a large area and generally are less perishable than fluid milk products. Milk so used should be classified as Class II and priced in accordance with its value in such outlets.

Class II should therefore include skim milk and butterfat used to produce any product other than a fluid milk product, including but not limited to such products as ice cream, ice cream mix, ice milk, frozen desserts and mixes, frozen cream, aerated cream, dried milk products, whole and nonfat, condensed or evaporated products, butter, cottage and hard cheese. Class II should also include plant loss of other source milk, actual plant loss on producer milk not in excess of 2 percent, all skim milk dumped or accounted for as disposed of for livestock feed, and inventories of fluid milk products on hand at the end of any month. Cream which is frozen and placed in storage should be Class II since such cream is intended primarily for use in ice cream or ice cream mix. Any frozen cream or other Class II products which may be used later in a fluid milk product would be considered as other source milk at the time of such use and assigned to the lowest priced utilization in the plant.

Handlers have inventories of milk and milk products at the beginning and end of each month which must enter into the accounting for current receipts and utilization. The record testimony indicates that an appropriate classification of the inventory of fluid milk products is as Class II. This manner of classifying inventory with correlated steps in the allocation procedure provides a means of charging each handler for his Class I sales each month at the current Class I price. Fluid milk products whether in bulk or packaged form should be inventoried and classified as Class II. Manufactured milk products are not included in inventory accounting because the skim milk and butterfat used for such products are accounted for in the month when such products are manufactured.

Uniformity of costs to handlers and simplicity of accounting are achieved if, so far as possible, Class I utilization each month is assigned to current receipts of producer milk. This can be accomplished by classification of closing inventory as Class II, and allocation of opening inventory to Class I only when current receipts of producer milk (except allowable Class II shrinkage) are less than Class I sales. In such case the handler should pay the difference between the Class II price for such milk in the preceding month and the current Class I price. The volume on which this charge is made should not exceed the volume (in excess of allowable Class II shrinkage) for which producers were paid at the Class II price in the preceding month.

Inventories of products designated as Class I on hand at a pool plant at the beginning of any month during which such a plant becomes qualified for the first time should likewise be subtracted from the Class II utilization of such plant. This will preserve the priority of assignment of current producer receipts to current Class I use for each month.

Unaccounted for milk in excess of a reasonable allowance for plant loss should be Class I so as to require full accounting by handlers for their receipts. Two percent is considered a reasonable maximum allowance for this purpose. No limit need be put on shrinkage of other source milk since such milk is deducted from the lowest use class under the allocation procedures. Since it is not feasible to segregate shrinkage of producer milk from that of other source milk in the same plant, total shrinkage is prorated on the basis of the volume of receipts. Allowance for loss on producer milk diverted to another pool plant should be at the pool plant where actually received. When milk is moved in bulk from a supply plant to a distributing plant the loss on producer milk should be prorated at the rate of 0.5 percent to the supply plant and 1.5 percent to the distributing plant. Each handler must be held responsible for full accounting of all his receipts of skim milk or butterfat in any form. The handler who first receives the milk from producers should be responsible for establishing the classification of and the payment for producer milk. Except for such limited quantities of shrinkage that may be classified in Class II, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use.

Provision should be made for classification of fluid milk products transferred in bulk between pool plants and from plants to nonpool plants. Transfers between pool plants should be permitted in any class agreed upon by the handlers operating such plants so long as the prior claim of producer milk for Class I sales is maintained. Transfers between pool plants at an agreed upon class will not affect the total value of producer milk under a marketwide pool so long as this prior claim is maintained.

Milk, skim milk or cream transferred or diverted from Mississippi Delta pool plants to nonpool plants should be classified as Class I to the extent that the receipts from regulated plants under this order or any other order exceeds the Class II usage in the nonpool plant. In the event fluid milk products are received at a nonpool plant from more than one plant regulated by a Federal order, any skim milk or butterfat classified as Class I at such a nonpool plant should be shared pro rata between pool plants of this and other orders. In order to substantiate a Class II classification the nonpool plant must have and make available records adequate to verify any Class II utilization claimed.

There was no evidence indicating that the Mississippi Delta market carries milk supplies for other markets and therefore producers have no claims of priority to Class I sales in other markets resulting from transfers from pool plants to nonpool plants in such markets. The highest-valued uses should be assigned first to producers regularly supplying the other market. The provisions herein outlined are provided purposely to assure such assignment.

When handlers receive butterfat and skim milk from sources other than from producers, it is necessary to provide a method for allocating such receipts to the classes of utilization in such a man-

ner as to determine the classification of producer milk. Inasmuch as producer milk is the regular available supply for fluid consumption in the marketing area, producer milk should be assigned the Class I utilization in preference to other source milk. This is necessary to insure the effectiveness of the classified pricing program of the proposed order. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in detail in the proposed market agreement and order.

In general this procedure requires that skim milk and butterfat, respectively, remaining in each class be assigned to producer milk by making the following deductions from the gross utilization of each handler starting with Class II milk, except as otherwise noted:

(1) Class II shrinkage of producer milk;

(2) Other source milk;

(3) Receipts from other handlers (according to classification);

(4) Beginning inventory;

(5) Add shrinkage deducted in (1); and

(6) Overage.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described above should be carried out with respect to all milk received during each month.

(c) *Class prices.* Class I prices should be established at a level, which in conjunction with Class II prices, hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate but not excessive supply of milk to meet the requirements of the marketing area.

The maintenance of stable conditions in the market requires that prices be modified whenever the supply of milk in relationship to sales is out of adjustment. If prices remain too low, insufficient milk will be produced to provide for Class I needs, and if a shortage of this kind should continue it would be necessary to supplement supplies from regular producers by importations of milk from distant areas. On the other hand, if prices are too high, excess production is stimulated, consumption is curtailed, and uneconomic surpluses of milk develop. Moreover, an appropriate balance between supplies of approved milk from regular producers and the sales of such milk in Class I will be attained only if Class I prices are in proper relationship to prices of milk from supplemental sources of supply.

Because of changing supply and demand conditions for milk in the market it is necessary, in order to maintain an appropriate relation between supply and sales, to provide a method of flexible Class I pricing. Pricing formulas which cause prices to change automatically with changes in market conditions are in general use for the pricing of milk to farmers in fluid markets. Proponents proposed for this area such a Class I price formula, one which was much the same as that in the Central Mississippi area under Order No. 87. The purpose was to provide appropriate flexibility in Delta area prices and, at the same time, close articulation of Delta prices with Central Mississippi prices. But, it is shown below that the proposed separate formula for the Delta area would not meet these tests; and that price objectives would be better served by basing Delta area Class I prices directly on prices of the Central Mississippi order at certain designated basing points in the Delta area, than by a separate formula provision.

(1) *Class I price.* The Class I prices in this order should be the Class I prices determined pursuant to § 987.51 (a) of Federal Order No. 87 regulating the handling of milk in the Central Mississippi marketing area, less 16 cents per hundredweight.

It was proposed by the cooperative that the Class I prices be $1.65 per hundredweight above a basic formula price for the months of March through July and $2.05 for all other months. The basic formula price suggested was the highest of the average price paid midwestern condenseries, a formula price based on market values of butter and nonfat dry milk, or the average paying price of nearby Mississippi manufacturing plants.

The result of the cooperative's proposal would be a Class I price 20 cents per hundredweight less than the Class I prices determined under Federal Order No. 87 for the Central Mississippi marketing area. This price would apply to all plants that would be pool plants in the marketing area proposed by the two proponent cooperatives. This proposal was supported on grounds of inter-area relations of the trade in the Delta region with that of the Central Mississippi area. This was the dominant consideration in the determination of the level of Class I prices.

It should be noted that the Delta area adjoins the Central Mississippi market on the south while the northern boundary is approximately 100 miles south of the Memphis area. For 1957, Class I prices at Jackson, Mississippi, averaged $5.73 and at Memphis $5.34. Thus the proposed Delta price of 20 cents under the Jackson price, in 1957, would have been about the same amount over the Memphis price. In 1956 average Class I prices in Memphis were 53 cents lower than the Central Mississippi prices at Jackson. In 1955, the difference was 57 cents. A handler proposed that if Delta prices must be definitely aligned with Central Mississippi prices, as proposed by producers, rather than with Memphis prices, they should be no less than 30 cents under the Jackson, Mississippi, price. This proposal, however, seems to assume that the difference in the annual level of Class I prices in Central Mississippi and in the Memphis area is most likely to be nearer to 60 cents than to 40 cents. This assumption was not supported by any examination of the factors associated with the fluctuating relation of prices in these two markets. On the basis of hearing evidence, there is no good basis for predicting much different relationship from that in 1957.

The same Class I price for all pool plants regardless of location in the area is necessary to equalize extensive competitive relations among pool plants in the area. The prices proposed by proponents need to be altered slightly under prevailing price relations between the Central Mississippi and Memphis markets. A Class I price of sixteen cents under the Central Mississippi market will provide a price, 25 to 30 cents over Memphis and in proper alignment to the location of the Delta territory with respect to these areas. The same price for all plants in the marketing area will reflect the competition between Delta plants. The recommended level of the Class I price will reflect the competition some Delta plants have with the Central Mississippi market.

The procurement area is almost wholly within the proposed marketing area. Some distributors within the area have sales outside the area. Two milk distributors located in the southeast portion and two located in the west-central side of the marketing area sell some fluid milk products in the Central Mississippi marketing area. Three Central Mississippi area handlers distribute fluid milk products in the proposed Delta area. Three milk distributors in the Delta area have some sales to the north, outside the marketing area, in competition with Memphis handlers and with milk distributors primarily competitive with the Memphis trade area. Nonpool plants located within the marketing area, in the eastern portion of the area, compete for supplies of milk with milk distributors that would be regulated under this recommended order. These nonpool plants procure supplies for manufacturing purposes and for sale as Grade A fluid milk for markets in the State of Alabama. Because of the competition in the sale of milk and in the procurement of supplies, milk at the various locations in the recommended marketing area should be priced in accordance with the general location of the marketing area to the trade in the Central Mississippi market.

Obviously, it is necessary in order to contribute to orderly marketing and market stability to price milk in the Delta pool at approximately the level it would be if it were in the Central Mississippi pool. A large portion of the supply area is around Starkville. Under the Central Mississippi order the Class I price would be adjusted by 16 cents at this location. The same location adjustment would apply at Greenwood, which is one of the larger sales areas. A Class I price identical with that which the Central Mississippi order provides at Greenwood and Starkville, Mississippi, will then appropriately extend the Central Mississippi Class I prices adjusted by location adjustments to the Delta area.

(2) *Class II price.* The Class II price should reflect the value of milk for general manufacturing uses in the Mississippi Delta milkshed. The average of the prices paid at four Mississippi dairy manufacturing plants provides an appropriate indication of the value of milk for such uses in the area. The four plants selected are in the general area of the Mississippi Delta milkshed, and are not operated or controlled by persons who will be handlers under the order.

To the monthly average of the prices paid at local dairy manufacturing plants 20 cents per hundredweight should be added for the months of September through January and 10 cents all other months. Proponents testified that they are willing to divert for their account milk that handlers do not want to dispose of as Class II. Proponents are able to dispose of Class II milk at this price level. The recommended Class II price will discourage handlers from procuring needless supplies of Grade A fluid milk for Class II use and thus will tend to maximize returns to producers for Grade A milk used for Class II.

(3) *Handler butterfat differential.* Butterfat and skim milk will be accounted for separately for classification purposes since they are not used in most products in the same proportions as received from producers. The basic test for which class prices are determined is 4.0 percent butterfat content, the usual fat test at which prices are quoted in the area, and on which the market has operated for many years. It will then be necessary to adjust Class I and Class II prices of milk to handlers in accordance with the average test of milk used in each class. Butterfat differentials which reflect differences in value due to differences in butterfat content are used for this purpose. Producers proposed that the handler butterfat differentials be .12 times the Chicago price of 92-score butter. In the Mississippi Delta area, fluid cream must be from Grade A milk and is therefore priced as Class I milk. Butterfat in cream from inspected sources sold as fluid cream or cream mixtures has a higher value than that in ungraded milk which will be approximately reflected by a butterfat differential 0.12 times the Chicago butter price. Such a differential should be used to adjust the hundredweight price of Class I milk for each one-tenth percent variation for 4.0 percent butterfat content. The Class II butterfat differential should be 0.11 times the Chicago butter price as proposed. Such a differential reflects an appropriate value of butterfat for Class II uses in this area.

(4) *Location differentials.* It is concluded that an extension of the location differential scheme of the Central Mississippi area woud be appropriate, based on distances from Greenwood and Starkville, Mississippi; provided, however, that no location adjustment shall apply in the state of Mississippi south of U. S. Highway No. 82. In Central Mississippi, location differentials begin 50 miles from basing points with a 10-cent decrease in the price, and from there decline at the rate of one and one-half cents for each full ten miles. But for Delta plants located north of U. S. Highway No. 82, and 30 miles but less than 40 miles from the nearer of the two basing points, the price shoud be 7.5 cents less.

This variation from the Central Mississippi pattern of location differentials and from the previous recommended decision is based in part on exceptions filed by the proponent cooperatives and by handlers located in the northern part of the marketing area. The addition of parts of Coahoma, Quitman and Panola counties to the marketing area and the competitive conditions in sales and procurement with the Memphis market incurred by handlers located in the northern portion of the area justifies a greater location adjustment for such handlers than that of the first recommended decision. Changing the first differential zone from 50 to 30 miles from the basing points provides a greater location adjustment at three plants located north of U. S. Highway No. 82. The Class I price at plants located 40 miles or more from the nearest basing point would be decreased 7.5 cents per hundredweight plus one and one-half cents for each additional 10 miles in excess of 30 miles.

Since the Delta area is directly north of the Central Mississippi area there is no need for location adjustments to the south. Distances would be measured by the shortest highway distance open to commercial truck traffic as determined by the market administrator. This mileage rate, which is the same as that applicable under Order No. 87, is valid for the Delta area, as shown by evidence in the record. The value of manufacturing milk is approximately the same regardless of location. Any differences in price of such milk has little relation to its location to the Mississippi Delta area or to its location nationally. Therefore, location adjustments are unnecessary on Class II milk and should only apply to milk assigned or otherwise classified as Class I.

The uniform prices for producer milk should be subject to location adjustments to reflect the value of such milk in accordance with the location of the pool plant to which such milk is delivered. The rate of adjustment applying to uniform prices should be the same as herein recommended for adjusting Class I prices to handlers. This would be as proposed by producers and as provided in the Central Mississippi area.

(d) *Payments to producers*—(1) *Type of pool.* The marketwide type of pool should be included as a means of distributing to producers the returns from the sale of their milk.

The proponent cooperatives proposed that distribution returns from the sale of producer milk be on a marketwide basis.

Marketing conditions require payment of a uniform price to all producers representing the value of all market utilization to compensate all producers fairly for their contribution to the market supply. Some milk distributors buy as closely as possible to their Class I needs and carry little or no surplus in the high production months. The cooperatives supply their cooperating handlers with as much milk as needed and generally handle the surplus production of their members by diversion to manufacturing outlets. Under present marketing arrangements producers share unequally in the Class I sales of the market. A majority of plants do not have manufacturing facilities, other than for ice cream, and generally purchase supplies from dairy farmers close to their needs. Under an individual handler pool, it could not be expected that reserve supplies for the market would be uniformly distributed among handlers. The burden of carrying the necessary reserve supplies of milk would continue to be shouldered by only a part of the producers.

A market-wide pool will facilitate the movement of milk supplies by the cooperative associations between handlers to meet their individual needs or to those nonpool processing plants that can make the most efficient use of such milk. Such a pool will aid the market in retaining qualified and experienced producers on a year-round basis which will tend to make available enough milk to fill the Class I requirements during the normally short production season. A market-wide pool will permit any handler to bid on such business as that offered by military installations and other public institutions and to obtain the supplies for such sales without upsetting the market whenever the business might shift from one handler to another. These factors, taken in conjunction with the variations in amount of reserve supplies among plants, all support the adoption of a marketwide pool.

(2) *Producer payment plan.* A base and excess plan of distributing returns for milk among producers should be adopted for this market.

The majority of the producers are now receiving payment for milk on a base-excess plan. Each of the two cooperative associations has used this system of distributing payment among its members for many years. The evidence, although it does not represent the total figures for the market, indicates that receipts vary widely relative to Class I sales between the summer and winter months. Handlers and cooperatives have paid producers on base-excess plans with substantially the same rules. Due to lack of complete market information in regard to receipts from all producers and utilization data from all handlers, the effect of these plans on the relationship of supply to total inspected needs of the market cannot be accurately and specifically determined. It is evident, however, that these base-excess plans as operated in the past have encouraged more even production.

Fundamentally the base-excess plan proposed by the cooperative associations and included herein is similar to that now being used. When Class II utilization exceeds the total quantity of excess milk, each producer would receive the manufacturing milk price for milk delivered during the base-operating month in excess of a daily average amount, known as the producer's base. The base forming period is September through January. The producer's base for the base-operating period beginning with the following March is determined by the daily average shipments during the preceding base-forming period. The base price is determined by dividing the total market base deliveries into the remaining returns for all producer milk after subtracting the value of excess milk and the value of milk from producers with no base. The base of each producer delivering milk in the base period is the amount determined by dividing the total pounds of milk received from such producer at all pool plants during the base period by the number of days for which

milk was delivered but not less than 120 days.

Certain rules regulating the transfer of established bases were proposed and are adopted herein subject to some modification. Transfers within these rules should be made only on written request filed with the market administrator. The rules permit reasonable transfer of bases and correspond closely to present practices in the market.

The proposed rules are modified to provide for computing bases for dairy farmers on deliveries during the preceding base-forming period whenever any plant first achieves pool plant status in a base paying period. This provision will permit these producers to share equally with all other producers in the returns for milk.

Handlers should make payments to each producer for his milk at the required prices. If a producer has given a cooperative association written authorization by contract or in any other form to collect payments for him and the association makes a written request for the payments due such producers, payment should be made by the handler to the cooperative. A provision authorizing handlers to make payment directly to such qualified cooperative for milk received from producer-members is necessary to enable the association to carry out its essential functions authorized by the enabling act. A cooperative association, if it is to carry out these essential functions, must have full authority in the collective bargaining and selling of member milk. It is provided that handlers should make payments to producers, or to cooperative associations, at not less than applicable price(s) on or before the 15th day after the end of each month. Since it has been the practice in this area for handlers to pay producers bimonthly, provision has been made for partial payments to producers on or before the last day of each month for milk delivered during the first 15 days of each month at not less than the Class II price. In making payments for producer milk to a cooperative association the handler will pay an amount equal to the sum of the individual payments otherwise payable to member producers, and should at the same time furnish the cooperative association with a statement showing the name of each producer for whom payment is being made to the cooperative association, the volume and average butterfat content of milk delivered by each such producer, and the amounts of and reasons for any deductions which the handler withheld from the amount payable to each producer. This statement is necessary in order that the cooperative association can make proper distribution of money to the producer-members for whom it makes collections.

The order should not include a provision that would provide a pooling differential for "special milk".

A handler proposed a pooling differential on "special milk". He was joined in this proposal by representatives of the Mississippi Guernsey and Jersey breed associations. It was proposed that "special milk" be defined as milk:

(1) Receiving not less than a Class I price premium of 25 cents per hundredweight above the minimum order price,

(2) Processed and handled separately, and

(3) Sold under a registered trademark controlled by a producers' organization.

In support of such a definition of "special milk", it was contended that:

(1) It has superior quality.

(2) Production costs of this "special milk" are higher, and

(3) Consumer demand is greater than in the case of average or "ordinary" milk.

The proposed definition of "special milk", on which a pooling differential for "special milk" would be based, is not a feasible means to distinguish such milk from any other milk in the market for pricing and pooling purposes. In the first place premiums of 25 cents per hundredweight, or more, are frequently paid for reasons not associated with the quality of the milk. There have been numerous situations under Federal milk price regulation where premiums of 25 cents per hundredweight, and more, have been paid generally throughout the market. Consequently, the mere payment of a premium of any amount could not be relied upon to distinguish "special" milk from other milk in the market.

Neither could separate processing and handling be used to identify "special milk". Frequently, all of the milk received in a plant which distributes "special" breed milk handles only milk which is eligible for this designation. Likewise, other distributors sometimes distribute "special milk" and they process in their own plants only milk meeting those specifications. It could be said, consequently, in the latter case as well as the former, that the milk was handled separately. Moreover, milk handlers sometimes set up special quality criteria of their own choosing, and they handle milk meeting these criteria separately.

Finally, the use of a trademark controlled by a producers' organization could not be relied upon to distinguish "special milk" from all other milk in the market. In this market and in other markets, there are producers' associations which distribute milk under their own brand names, which brand names are registered and are controlled by producers' associations. Hence, this criterion also would fail to identify only special milk.

Each of these criteria, and all in combination, would not successfully distinguish special milk from other milk which could be distributed in this and other markets.

In justification for special pricing and pooling it is claimed that the special milk has superior qualities entailing higher production costs that entitle producers to higher prices. But these claims are not supported. The record evidence merely states that "special" breed milk possesses higher or different quality characteristics than other milk in a Grade A standard market but does not offer facts to substantiate such claims. The evidence on cost of production is of the same nature. It is a fact that cost of production studies show marked variation in costs from farm to farm among Grade A milk producers, including producers of "special" breed milk. Production costs or marketability are not in themselves factors to influence minimum milk prices or to justify separate or special pooling of returns to selected groups of producers.

In further justification of their proposal, proponents claimed a greater consumer demand for "special milk." To support this claim, the high Class I utilization of one handler distributing "special" breed milk in the marketing area was cited. This handler purchases other source fluid and powdered milk, from distance sources, to supplement receipts from area producers. At the same time, however, there are producers of special breed milk located in the marketing area that do not have a market with this handler. Extensive advertising, superior selling practices, proximity to the market place are some factors, besides type of milk differentiation, that influence consumer demand and permit some handlers to secure higher than market average Class I utilization. Be that as it may, any handler restricting the amount of milk purchased from producers and supplementing supplies from other sources may achieve equally well a high Class I utilization.

Even if it were possible to define adequately the "special milk" referred to, it would be inappropriate to provide a special pooling differential. The pooling arrangements provided in Federal orders have important market and price stabilizing functions. They make it feasible for milk handlers to accept the offerings of producers at all times. In a market-wide pool handlers may accept the milk of producers without reducing the individual handler's pay price in relation to the rest of the market. This makes it feasible for the handler to accept and market all of the deliveries of producers. In a similar way, under individual-handler pooling, the regulated handler pays his producers a blended price for all of their deliveries. Thus, he does not have to choose among producers who will receive a higher price and who a lower price. The handler can thus receive all of the milk of his producers at an equal price. Through pooling, producers share equally in the higher value of fluid milk products, in the responsibility to provide an adequate and orderly flow of the supply of milk to meet consumer demand and in the lower returns from the market reserve supply. For these reasons the act provides for either individual-handler or marketwide pooling of returns to milk producers to stabilize the pricing and orderly marketing of milk in the interest of producers and consumers.

The proposal for a pool differential, which in effect would mean separate pooling for "special milk", would nullify the effect of pooling. It would hinder the stabilizing influence pooling is intended to have in a regulated market. This is particularly evident when it is recognized that the proposed criteria for "special milk" could result in a multiplicity of separate pooling arrangements. Clearly there is no statutory intent to adopt a proposal which would have the effect of nullifying one of the most essential stabilizing devices provided in the act.

Despite the fact that it is concluded inappropriate to provide special pooling arrangements for "special milk", there is no need to consider such action a penalty to the producers of such "special milk". The prices specified in the Federal orders are minimums only. Producers may negotiate for higher prices for milk of special marketability which under certain circumstances may inhere in "special milk". Such premiums would not be pooled; but would be paid directly to the producers of "special milk".

For these reasons the proposal for special pooling and similar pricing proposals that would provide for a preferential pooling or pricing arrangement for producers of "special milk" is denied.

(3) *Producer butterfat differentials.* The butterfat differential used in making payments to producers should be calculated at the average of the returns actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sales value of their butterfat at the class differentials provided in the order. The producer butterfat differential in no way affects the handlers' costs of milk but merely prorates returns among producers according to the varying butterfat tests of their milk.

(4) *Producer-settlement fund.* Since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperative associations, some method of balancing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations should pay the difference into the producer-settlement fund; and all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal except for minor differences that may result from rounding of uniform prices. In order to permit this rounding of prices, to allow for unavoidable delays in receiving payments from handlers, and to permit payments to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the proposed order should be sufficient for these purposes. This reserve would be accumulated by deducting between 4 and 5 cents each month from the uniform or base price, as applicable, after adding half of the unobligated balance to the pool from which such prices are computed. Since excess milk will rarely share in the higher class uses of the market, and deduction for the reserve from the excess milk price would reduce this price below the level of ungraded manufacturing milk prices, excess milk need not contribute to this revolving reserve fund in months when payments are computed under the base-excess plan.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers.

5. Payments on unpriced milk:

The order should provide compensatory payments with respect to unpriced milk which is allocated to Class I in a pool plant when receipts from producers exceed 110 percent of the Class I utilization.

The proponent cooperatives proposed compensatory payments on all unpriced milk utilized or sold in the marketing area. The rate of payment would be the difference between the Class I and Class II milk prices for the months March through August. During the months of September through February, the rate of payment would be the difference between the Class I milk price and the uniform price to producers.

Receipts of milk from producers during the lowest period of production may not be enough to meet the Class I needs of handlers in the marketing area. Therefore, purchase of other source milk by handlers in bulk fluid form or as skim milk powder or condensed milk is at times necessary. During the flush season, receipts from producers are more than sufficient to meet the Class I needs of the market.

An important function of the order is to insure that the position of handlers paying producers a Class I price for fluid milk will not be undermined by other handlers using the market's excess or surplus milk for Class I use. It is equally important that the Class I market be protected from the use of seasonal excess milk from other markets as well as from its own surplus. If the order failed to provide such protection, a handler could curtail purchases of producer milk to his own advantage and secure low cost reserve supplies from other markets for Class I use.

Seasonal supplies may be obtained easily and cheaply during the months of flush production, when most markets have receipts of milk considerably greater than necessary to supply their current fluid requirements. If adjoining milksheds dispose of their seasonal surplus in each other's Class I markets, the result would be confused and disorderly marketing conditions. Market prices would be demoralized, production of milk would be impaired, and the future supply of milk for both markets would be jeopardized. Such disorderly marketing conditions would be contrary to the purposes of the Agricultural Marketing Agreement Act. Therefore, in order to insure the effectiveness of the classified pricing program and to promote orderly marketing, it is necessary that some method of compensating for, or neutralizing the effect of, the advantage created for unpriced milk should be provided as an essential provision of this order. Since the need for such payments arises because of the availability of unpriced milk (milk not procured at specified prices by class usage), compensatory payments should not apply to milk entering the marketing area from a plant regulated under another order. Its proper classification and pricing is determined pursuant to the other order.

It is not practicable to price all milk which may enter the market. However, it is necessary to make provision to prevent the displacement of producer milk by such unpriced milk for the purpose of cost advantage. The alternative available under the order is to make a charge against unpriced milk used in Class I to the extent necessary to remove any advantage in using such milk in lieu of milk from producers.

In the case of other source milk received in the form of concentrated products such as condensed skim milk or nonfat dry milk, the cost to the handler of such products is approximately the Class II price provided under the Mississippi Delta order. When such products are reconstituted and utilized as Class I milk, the cost to the handler of such product is less than the Class I price by approximately the difference between the Class I price and the Class II price. In order to remove any price advantage, a handler might have through the reconstitution of manufactured dairy products into fluid milk products, the rate of compensatory payment on other source milk received in the form of concentrated products should be the difference between the Class I price and the Class II price, adjusted by the applicable butterfat differential. Since the point of origin of such other source milk is not generally known, it is not administratively feasible to adjust these payments by any location differential.

In addition to the other source milk which enters the market in the form of concentrated products there are at times fluid milk imports from unregulated markets for use as Class I. To remove the price advantage that a handler might achieve by purchasing surplus milk from other markets for use as Class I milk, a compensatory payment should be assessed on such milk equal to the difference between the Class I price and the Class II price. The Class II price provided by the order is a fair index of the value of such milk in manufactured dairy products which is the alternative outlet for such milk. Since the handler must pay the cost of transporting such milk from the plant of origin to the marketing area, the rate of the payment should be reduced by the amount of the location differential which would apply at the plant of origin were it a regulated plant under the Mississippi Delta order.

In order to permit handlers to secure supplementary supplies without making a payment when the market is actually

short of milk, it has been provided that no compensatory payment will apply any month in which receipts of producer milk on the market are less than 110 percent of Class I sales. From the record data on monthly receipts and utilization of producer milk, such utilization percentage would be a practical demarcation of adequate supply and deficit supply conditions.

In computing the applicable location differential, if a handler has received other source milk in the form of fluid milk products from two or more nonpool plants, the amount of skim milk and butterfat allocated to Class I milk should be considered to have been received from the plants in sequence according to the smallest location adjustment applicable.

In the case of a handler whose plant fails to qualify as a distributing plant but who has sales of fluid milk products on routes in the marketing area, such handler also should under certain conditions be required to make payments to the producer-settlement fund. The amount of these payments would be the lesser of (1) the difference between the Class I and Class II price multiplied by the amount of Class I milk sold in the marketing area, or (2) the amount by which total payments to dairy farmers are less than the total amount of the plant's obligation to producers if such obligation is computed as if such plant were a pool plant.

If the handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, he will obviously not have any advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area, for his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

Affording this last option to nonpool plants which distribute some Class I milk in the marketing area will adequately protect the regulatory plan in this market. In the areas from which it is expected such nonpool handlers would procure supplies, no great quantities of milk are available. Moreover, the size of handlers who would use this option is relatively small. It is expected also that the difference between the Class I price and uniform price, which will prevail in this market, will be relatively minor. Consequently, the price which these handlers would be required to pay under the option and the uniform price payable by wholly regulated handlers would not differ greatly. Hence, the exercise of this option could not have a disruptive influence on the handling of milk in this area. For these reasons, it is not necessary, in order to maintain the integrity of the regulatory plan in this market, to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their producers at least the total amount of money which they would be required to pay if they were fully regulated.

The nonpool handler should also pay his pro rata share of the costs of administration of the order. Complete verification of receipts, utilization and payments is required if such a handler is to be given credit for payments as related to the classified use value of skim milk and butterfat received. Accordingly, administrative expense should be determined on the same basis as for fully regulated plants. Should a handler operating a nonpool distributing plant elect when filing his report to make payments to the pool at the difference between the Class I and Class II prices with respect to sales in the marketing area, the expenses of administration will be assessed only with respect to such sales, since need for verification will then be confined to that volume.

6. A provision for the determination of equivalent price quotations should be included in the order.

Such a provision is designed to meet an emergency situation in which a price quotation necessary in the determination of class prices, or for any other purposes, may not be available. In such event, the Secretary would determine a price equivalent to the price quotation normally available. The provision proposed will remove uncertainty as to the procedure to be followed in the absence of any price quotation provided for in the order and thereby will prevent unnecessary interruption in the administration of the order.

(e) *Other administrative provisions.* The remaining provisions are of a general administrative nature, are incidental to the order provisions of the proposed order, and are necessary for proper and efficient administration. They provide for the selection of a market administrator, define his powers and duties, provide for an administrative assessment, prescribe the information to be reported by handlers and set forth the rules to be followed in making the computations required. They also prescribe the length of time that records must be retained and provide a plan for the liquidation of the regulatory program in the event of suspension or termination. They are similar to like provisions of other milk orders, and except as set forth below require no comment.

As his share of the expenses of administering this proposed order each handler should pay not in excess of 5 cents per hundredweight with respect to all producer milk received, all other source milk received at a pool plant which was classified as Class I milk, and as discussed elsewhere with respect to a nonpool plant. The market administrator must verify receipts and utilization of all such milk; therefore, all such milk should be subject to the expenses of administration. Experience in other markets indicates that 5 cents per hundredweight with respect to all such milk should yield sufficient money to cover expenses of administration. If payment of expenses of administration at the rate of 5 cents per hundredweight yields more money than is needed, provision is made for the Secretary to prescribe a lower rate of payment from time to time.

Provision should be made for the dissemination of market information to producers, for the verification of weights and for the sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association. The order should provide that 7 cents per hundredweight, or such lesser amount as the Secretary may determine, be deducted from payments to such producers for use of the market administrator in financing such services. While proponents sought a deduction of 8 cents per hundredweight, the lesser amount recommended, based on the evidence of this record, should provide adequate funds for marketing services. Conditions in this marketing area are not enough different from the Central Mississippi market—where a 7 cent rate is provided—to justify a higher rate in the Delta area. For producers for whom a cooperative association is rendering such services, the handler should pay to the cooperative association such deductions as the producer has authorized the cooperative to collect. Such payments to be in lieu of those to the market administrator.

Reports are required from handlers on receipts and utilization so that the market administrator may make the computations necessary to the marketwide pooling operation and the uniform price to producers. Handlers are also required to submit payroll reports which would show the details of milk receipts from each producer, the value of the milk received from the producer, deductions therefrom, and net amount paid to the producer.

There are limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444) covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as part of the decision.

Dates must be prescribed for announcing prices, filing reports and making payments. The following time schedule should allow all interested persons adequate time to perform each function. (These time limits apply to the indicated day of the month following the month for which computations are being made.)

Day of the month and function:

6th day—Announcement of class prices by market administrator.

5th day—Submission of monthly report of receipts and utilization by handlers.

10th—Announcement of uniform prices by market administrator.

12th—Notification by market administrator to handlers of the value of their producer milk and amounts due to or payable from producer-settlement fund.

12th—Payment by handlers of amounts due to producer-settlement fund and for expenses of administration.

13th—Payments by handlers to cooperative associations and by the market administrator out of the producer-settlement fund.

15th—Payments by handlers to producers.

It is impracticable to regulate a handler under two or more orders with respect to the same milk. He should be regulated where his Class I sales are greatest. Therefore, a handler who operates a plant at which minimum prices to dairy farmers are established under another Federal order issued pursuant to the act and also sells Class I milk in the Mississippi Delta marketing area should be exempt from the provisions of this regulation, except for reporting the volume of Class I sales in the marketing area.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Recommended marketing agreement and order. The following order regulating the handling of milk in the Mississippi Delta marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

DEFINITIONS

Sec.
905.1 Act.
905.2 Secretary.
905.3 Department of Agriculture.
905.4 Person.
905.5 Cooperative association.
905.6 Mississippi Delta marketing area.
905.7 Route.
905.8 Distributing plant.
905.9 Supply plant.
905.10 Pool plant.
905.11 Nonpool plant.
905.12 Handler.
905.13 Producer-handler.
905.14 Producer.
905.15 Producer milk.
905.16 Other source milk.
905.17 Fluid milk product.
905.18 Chicago butter price.

MARKET ADMINISTRATOR

905.20 Designation.
905.21 Powers.
905.22 Duties.

REPORTS, RECORDS AND FACILITIES

905.30 Reports of receipts and utilization.
905.31 Other reports.
905.32 Producer-handler reports.
905.33 Records and facilities.
905.34 Retention of records.

CLASSIFICATION

905.40 Skim milk and butterfat to be classified.
905.41 Classes of utilization.
905.42 Assignment of shrinkage.
905.43 Responsibility of handlers.
905.44 Transfers.
905.45 Computation of skim milk and butterfat in each class.
905.46 Allocation of skim milk classified.
905.47 Allocation of butterfat classified.
905.48 Computation of total producer milk in each class.

MINIMUM PRICES

905.50 Class prices.
905.51 Butterfat differential to handlers.
905.52 Location adjustment to handlers.
905.53 Rate of compensatory payments.
905.54 Use of equivalent prices.

APPLICATION OF PROVISIONS

905.60 Producer-handler exemption.
905.61 Plants subject to other Federal orders.
905.62 Obligations of handler operating a nonpool distributing plant.

DETERMINATION OF PRICES TO PRODUCERS

905.70 Computation of value of producer milk.
905.71 Computation of the 4.0 percent value of all producer milk.
905.72 Uniform price.
905.73 Uniform excess milk price.
905.74 Uniform base milk price.
905.75 Producer butterfat differential.
905.76 Location adjustment to producers.
905.77 Notification.

BASE RATING

905.80 Determination of daily base.
905.81 Computation of base.
905.82 Base rules.
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DEFINITIONS

§ 905.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 905.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States, authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 905.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 905.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 905.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 905.6 *Mississippi Delta marketing area.* Mississippi Delta marketing area, hereinafter called the marketing area, means all the territory, including incorporated municipalities and military reservations within Attala, Bolivar, Carroll, Choctaw, Grenada, Holmes, Humphrey, Leake, Leflore, Lowndes, Montgomery, Noxubee, Oktibbeha, Sharkey, Sunflower, Tallahatchie, Washington, Webster, Winston, and Yazoo counties; Beats 1, 4 and 5 in Calhoun county; Beat 5 in Chickasaw county; Beats 4 and 5 in Coahoma county; Beats 2, 3, 4 and 5 in Quitman county; Beat 3 in Panola county; and Beats 1, 4 and 5 in Yalobusha county, all within the State of Mississippi.

§ 905.7 *Route.* "Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

§ 905.8 *Distributing plant.* "Distributing plant" means any plant at which fluid milk products, eligible for distribution in the marketing area under a Grade A label, are processed and packaged and from which fluid milk products are disposed of on a route(s) in the marketing area.

§ 905.9 *Supply plant.* "Supply plant" means any plant at which milk eligible for distribution in the marketing area under a Grade A label, is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 905.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant, other than that of a producer-handler or one described in § 905.61 (a), from which during the month:

(1) Disposition in the marketing area of fluid milk products on routes is 20 percent or more of receipts from dairy farmers and supply plants; and

(2) Total disposition of fluid milk products on routes is 50 percent or more of receipts from dairy farmers and supply plants; or

(b) A supply plant from which during the month 50 percent or more of receipts from dairy farmers is moved to a plant described in paragraph (a) of this section. Any supply plant that was a pool plant during each of the months of September through January immediately preceding shall continue to be a pool plant each of the following months of February through August unless written notice to the market administrator is received before the first day of the month of its intention to withdraw, in which case such plant shall thereafter be a nonpool plant, unless it again qualifies as a supply plant by shipping 50 percent or more of its receipts from dairy farmers to a plant described in paragraph (a) of this section.

§ 905.11 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 905.12 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of a pool plant(s); or

(b) The operator of any nonpool distributing plant with route distribution in the area; or

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with § 905.14.

§ 905.13 *Producer-handler.* "Producer-handler" means a dairy farmer who operates a distributing plant at which no fluid milk or fluid milk products are received during the month except his own production or transfers from a pool plant(s).

§ 905.14 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted by a handler to a pool plant or a nonpool plant for the account of such handler or by a cooperative association but for not more than 10 days production during any months of September through January. Milk diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted, and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at the location of the pool plant from which it was diverted.

§ 905.15 *Producer milk.* "Producer milk" means all skim milk and butterfat received at a pool plant directly from producers, or diverted pursuant to § 905.14.

§ 905.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, or for which other utilization or disposition is not established pursuant to § 905.33.

§ 905.17 *Fluid milk product.* "Fluid milk product" means all skim milk and butterfat in the form of milk, including concentrated milk, skim milk, including reconstituted skim milk, buttermilk, flavored milk, flavored milk drinks, eggnog, yogurt, cream (other than frozen storage cream) cultured sour cream, and any mixture of cream and milk or skim milk (other than ice cream, ice cream mixes, other frozen desserts and mixes, and sterilized products contained in hermetically sealed containers).

§ 905.18 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 905.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 905.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary, complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 905.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon, satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 905.93, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 905.92, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by examination of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(h) Publicly disclose, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 905.30 and 905.31, or payments pursuant to §§ 905.90 to 905.95;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing;

(1) On or before the 6th day of each month, the minimum price for Class I milk pursuant to § 905.50 (a) adjusted by the applicable location adjustments pursuant to § 905.52 and the Class I butterfat differential computed pursuant to § 905.51 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 905.50 (b) and the Class II butterfat differential computed pursuant to § 905.51 (b) both for the previous month;

(2) On or before the 10th day after the end of each of the months of August through February, the uniform price computed pursuant to § 905.72 and the butterfat differential computed pursuant to § 905.75; and

(3) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk computed pursuant to §§ 905.73 and 905.74 and the butterfat differential computed pursuant to § 905.75;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association, which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by each handler; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this part which do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 905.30 *Reports of receipts and utilization.* On or before the 5th day (exclusive of Sundays and holidays) of each month each handler who operates a pool plant(s), each handler, other than a producer-handler, who operates a nonpool distributing plant, and any cooperative association with respect to milk for which it is a handler pursuant to § 905.12 (c) shall report for the preceding month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Milk received from producers and for the months of March through July the total quantity of base and excess milk. In lieu thereof the operator of a nonpool distributing plant shall report aggregate receipts from dairy farmers who would be producers if such plant were a pool plant;

(2) Fluid milk products received from other pool plants;

(3) Other source milk; and

(4) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements with respect to:

(1) Disposition of fluid milk products on routes within the marketing area from plants described in §§ 905.61 and 905.62, and from other plants for which the market administrator requires such information as a basis for determination of status or obligations; and

(2) Class I milk outside the marketing area;

(c) Such other information with respect to sources and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 905.31 *Other reports.* (a) On or before the 20th day of each month each handler operating a pool plant(s) and each cooperative association which is a handler pursuant to § 905.12 (c) shall report its producer payroll for the preceding month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer and for the base-operating months of March through July the total pounds of base and excess milk;

(3) The number of days on which milk was received from such producer if less than a full calendar month;

(4) The average butterfat content of such milk; and

(5) The net amount of such handler's payment, the price paid and the amount and nature of any deductions;

(b) Each handler who received producer milk for which payment is to be made to a cooperative association pursuant to § 905.90 (e) shall report to such cooperative association with respect to each such producer, as follows:

(1) On or before the 20th day of each month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the 10th day after the end of each month;

(i) The daily and total pounds of milk received during the month with separate totals for base and excess milk for the months of March through July, and the average butterfat test thereof; and

(ii) The amount or rate and nature of any deductions.

(c) Each handler (other than a producer-handler or one described in § 905.61) operating a nonpool distributing plant shall report his payments to dairy farmers qualified to be producers if such plant were a pool plant, showing for each such dairy farmer:

(1) The pounds of milk;

(2) The average butterfat content thereof; and

(3) The date and net amount of payment to such dairy farmer with a statement of the prices, deductions and charges used in computing such payment and the nature of each.

§ 905.32 *Producer-handler reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall prescribe.

§ 905.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 905.34 *Retention of records.* All books and records required under this part to be made available to the market administrator, shall be retained by the handler for a period of three years to begin at the end of the calendar month, to which such books and records pertain: *Provided,* That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act of a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 905.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat required to be reported pursuant to § 905.30 shall be classified (separately as skim milk and butterfat), pursuant to §§ 905.41 to 905.47.

§ 905.41 *Classes of utilization.* Subject to the conditions set forth in §§ 905.42 to 905.47 the classes of utilization shall be as follows:

(a) Class I shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2) of this section; and

(2) Not accounted for as Class II;

(b) Class II shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In skim milk authorized by the market administrator to be dumped or accounted for as disposed of for livestock feed;

(3) In shrinkage, but in an amount not to exceed one-half percent of the total pounds of skim milk and butterfat received directly from producers plus 1½ percent of the total pounds of skim milk and butterfat in bulk milk, skim milk, and cream in fluid form received at a pool plant from all sources less that disposed of in bulk to a pool plant of another handler;

(4) In shrinkage of other source milk; and

(5) In inventories of fluid milk products on hand at the end of the month.

§ 905.42 *Assignment of shrinkage.* The market administrator shall assign shrinkage at the pool plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(b) Assign the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in (1) producer milk and milk received from other pool plants and (2) other source milk.

§ 905.43 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 905.44 *Transfers.* Skim milk and butterfat transferred or diverted during the month as milk, skim milk or cream from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I unless Class II is indicated by the operators of both plants in their reports submitted pursuant to § 905.30 and:

(1) The receiving plant has utilization in such class of equivalent amounts of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I in the two plants;

(b) A plant operated by a producer-handler shall be Class I;

(c) A nonpool plant, except as specified in paragraph (b) of this section, shall be Class I unless:

(1) The transfer is in bulk form and the transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool milk plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received at the nonpool plant during the month from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, used to produce any items of Class II milk (as defined pursuant to § 905.41 (b)) at such nonpool plant during the month;

(ii) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a plant at which milk is priced pursuant to this part or another order issued pursuant to the act and such cream is allocated to other than Class I (under the applicable order definitions and allocation procedures at the transferee plant);

(iii) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of the items of Class II processed in such second nonpool plant plus the bulk fluid cream shipped from such second nonpool plant to other nonpool plants which do not dispose of milk or cream for consumption in fluid forms: *Provided*, That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(iv) Subtract the skim milk and butterfat, respectiyely, received in fluid milk products at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of Grade A fluid milk products.

In the event that the remaining skim milk and butterfat, respectively, computed pursuant to subdivision (iv) of this subparagraph is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the act, the difference shall be assigned pro rata, to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the act), and shall be classified as Class I milk.

§ 905.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler pursuant to § 905.30 and compute the total pounds of skim milk and butterfat respectively, in Class I and Class II at the pool plant(s) of such handler.

§ 905.46 *Allocation of skim milk classified.* The pounds of skim milk remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk shrinkage pursuant to § 905.41 (b) (3);

(b) Subtract from the total pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk, except as specified in paragraph (c) of this section;

(c) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received from plants subject to the pricing and payment provisions of other orders issued pursuant to the Act;

(d) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from other handlers in such class pursuant to §§ 905.41 and 905.44 (a);

(e) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(f) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series, beginning with Class II.

§ 905.47 *Allocation of butterfat classified.* Allocate the pounds of butterfat in each class to producer milk in the same manner as that prescribed for skim milk in § 905.46.

§ 905.48 *Computation of total producer milk in each class.* Combine into one total the amounts computed pursuant to §§ 905.46 and 905.47 for each class and determine the weighted average butterfat content of producer milk.

MINIMUM PRICES

§ 905.50 *Class prices.* Subject to the provisions of §§ 905.51 and 905.52 the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The price per hundredweight for Class I shall be the price for Class I milk established pursuant to § 987.51 (a) of this chapter regulating the handling of milk in the Central Mississippi marketing area, less 10 cents;

(b) *Class II price.* The price per hundredweight for Class II shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture: Kraft Cheese Co., Houston, Mississippi; Borden Co., Starkville, Mississippi; Carnation Co., Tupelo, Mississippi; Pet Milk Co., Kosciusko, Mississippi; plus 20 cents per hundredweight for the months September through January and plus 10 cents per hundredweight for the months February through August.

§ 905.51 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices determined pursuant to § 905.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I.* Multiply the Chicago butter price for the preceding month by 0.12;

(b) *Class II.* Multiply the Chicago butter price for the month by 0.11.

§ 905.52 *Location adjustment to handlers.* For milk received from producers at a pool plant located north of U. S. Highway No. 82, within the State of Mississippi, or at a pool plant located outside the State of Mississippi and 30 miles or more by shortest highway distance open to commercial truck traffic, as determined by the market administrator, from the nearer of the city halls at Greenwood or Starkville, Mississippi and which is classified as Class I, the prices determined pursuant to § 905.50 (a) shall be reduced 7.5 cents, plus an additional 1.5 cents for each 10 miles that such distance exceeds 30 miles.

§ 905.53 *Rate of compensatory payments.* In any month in which total deliveries of producer milk are 110 percent or more of the total amount classified as Class I (excluding duplications) at all pool plants, the rate of compensatory payment per hundredweight shall be calculated as follows:

(a) Subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price adjusted by the Class I butterfat differential and adjust such difference by the location differential rate set forth in § 905.52 for the location of the plant at which the milk was received from farmers.

§ 905.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 905.60 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 905.32, 905.33 and 905.34.

§ 905.61 *Plants subject to other Federal orders.* The provisions of this part, except §§ 905.30 (b) (1), 905.33 and 905.34, shall not apply to:

(a) A distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless a greater volume of Class I is disposed of from such plant during the month on routes in the Mississippi Delta marketing area than in the marketing area defined in such other order;

(b) A supply plant which would be subject to the classification and pricing provision of another order issued pursuant to the act unless such plant qualified as a pool plant during each of the preceding months of September through January.

§ 905.62 *Obligations of handler operating a nonpool distributing plant.* In lieu of payments required pursuant to §§ 905.90 to 905.95, each handler, other than a producer-handler or one exempt pursuant to § 905.61 (a), who operates during the month a nonpool distributing plant, shall pay to the market administrator for deposit in the producer-settlement fund and the administrative assessment fund, as the case may be, as follows:

(a) If such handler so elects in writing at the time of reporting pursuant to § 905.30 the amounts computed as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 13th day after the end of the month, as his pro rata share of expense of administration, the rate specified in § 905.93 with respect to Class I disposed of on routes in the marketing area.

(b) Except as the handler may elect the option pursuant to paragraph (a) of this section, he shall pay the amounts as follows:

(1) On or before the 25th day after the end of the month, for the producer-settlement fund, the amount specified in paragraph (a) (1) of this section, or any plus amount resulting from the following computation, whichever is less:

(i) Determine the value for milk received from dairy farmers at such plant for such month pursuant to § 905.70 as if such plant were a pool plant; and

(ii) Deduct the gross payments made by the handler to dairy farmers for milk received at such plant for such month. Such gross payments shall be limited to cash payments made to the dairy farmer or his assignee on or before the date for filing reports required pursuant to § 905.31 (c), plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, an equal to that which would have been computed pursuant to § 905.93 had such plant been a pool plant.

DETERMINATION OF PRICES TO PRODUCERS

§ 905.70 *Computation of value of producer milk.* The value of producer milk received during the month by each handler at his pool plant(s) shall be computed by the market administrator as follows:

(a) Multiply the producer milk in each class, as computed pursuant to § 905.48, by the applicable class prices (adjusted pursuant to §§ 905.51 and 905.52);

(b) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 905.46 (b) and the corresponding step of § 905.47 and pursuant to § 905.46 (c) and the corresponding step of § 905.47 excluding the skim milk and butterfat determined pursuant to paragraph (d) of this section, by the rate of compensatory payment as determined pursuant to § 905.53 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amount computed by multiplying the skim milk and butterfat in overage deducted from each class pursuant to § 905.46 (a) and the corresponding step of § 905.47 by the applicable class price;

(d) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 905.46 (e) and the corresponding step of § 905.47; or

(2) The hundredweight of producer milk classified as Class II (except as shrinkage) for the preceding month.

§ 905.71 *Computation of the 4.0 percent value of all producer milk.* For each month, the market administrator shall compute the 4.0 percent value of producer milk, as follows:

(a) Combine into one total the individual value of milk computed pursuant to § 905.70 for all handlers, except those who failed to make payments required pursuant to §§ 905.90 and 905.95 for the preceding month;

(b) Add, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 4.0 percent, or substract if the weighted average butterfat test of such milk is more than 4.0 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 4.0 percent by the butterfat differential provided in § 905.75 multiplied by 10.

(c) Add the total of the values of the applicable producer location adjustments pursuant to § 905.76, and

(d) Add not less than one-half of the unobligated balance in the producer settlement fund.

§ 905.72 *Uniform price.* For each of the months of August through February, the uniform price per hundredweight for milk containing 4.0 percent butterfat received from producers at pool plants (before location adjustments) shall be computed as follows:

(a) Divide the amount computed pursuant to § 905.71 by the hundredweight of producer milk; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 905.73 *Uniform excess milk price.* For each of the months of March through July, the price for excess milk of 4.0 percent butterfat content shall be computed as follows:

(a) Multiply the hundredweight of excess milk, not in excess of Class II represented by the values included in § 905.71 (a), by the Class II price for milk of 4.0 percent butterfat content determined pursuant to § 905.50 (b);

(b) Multiply the hundredweight of any excess milk not included in the computation in paragraph (a) of this section by the Class I price for milk of 4.0 percent butterfat content pursuant to § 905.50 (a); and

(c) Combine into one total the values computed pursuant to paragraphs (a) and (b) of this section, divide by the hundredweight of excess milk and round to the nearest cent.

§ 905.74 *Uniform base milk price.* For each of the months of March through July, the price for base milk of 4.0 percent butterfat content received from producers at pool plants (before location adjustment) shall be computed as follows:

(a) Multiply the total pounds of excess milk by the excess price for the month;

(b) From the total 4.0 percent value of producer milk pursuant to § 905.71 subtract the total value determined in paragraph (a) of this section;

(c) Divide the resultant value by the total hundredweight of base milk; and

(d) Subtract not less than 4 cents or more than 5 cents.

§ 905.75 *Producer butterfat differential.* In making payments pursuant to § 905.90, the uniform prices shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 4.0 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials pursuant to § 905.51 weighted by the pounds of butterfat in producer milk in each class, rounded to the nearest tenth cent.

§ 905.76 *Location adjustment to producers.* In making payments to producers and cooperative associations, a handler may deduct from the applicable

uniform prices, with respect to all milk received from producers at a pool plant located north of the marketing area or outside the State of Mississippi, and 30 miles or more by shortest highway distance open to commercial truck traffic as determined by the market administrator, from the city hall at Greenwood or Starkville, Mississippi, whichever is nearer, the amount per hundredweight applicable to the plant as set forth in § 905.52.

§ 905.77 *Notification.* On or before the 12th day after the end of each month the market administrator shall notify each handler of:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(c) The totals of the amounts to be paid by such handler pursuant to §§ 905.92 and 905.93.

BASE RATING

§ 905.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers of pool plants from such producer during the months of September through January by the number of days from the first day milk is received from such producer during said months to the last day of January, inclusive, but not less than 120 days.

§ 905.81 *Computation of base.* The base of each producer to be applied during the months of March through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days for which such producer's milk was received by such handler during the months.

§ 905.82 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a pool plant during the months of September through January and to each person for whose account milk was delivered to a plant that did not qualify as a pool plant during each month of the base forming period, but which qualifies as a pool plant during any of the months of March through July, bases shall be assigned on deliveries at such plant in the same manner as if such plant had been a pool plant during each month of the base forming period.

(b) An entire base shall be transferred by the market administrator to another person upon receipt of an application form, approved by the market administrator, and signed by the base-holder(s), or his heirs, and by the person to whom such base is transferred subject to the following condition:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base forming period and dividing the total by the number of days from the first day of delivery by either the transferee or transferor during the base forming period to the last day of January, inclusive, but not less than 120 days.

PAYMENTS

§ 905.90 *Payments to producers.* Except as provided in paragraph (e) of this section each handler shall make payment for producer milk as follows:

(a) On or before the last day of each month, for milk received during the first 15 days of the month, at not less than the price per hundredweight for Class II milk for the preceding month;

(b) On or before the 15th day after the end of each of the months of August through February for milk received during such month at not less than the uniform price per hundredweight, computed for such handler pursuant to § 905.72, subject to the butterfat differential computed pursuant to § 905.75 and the location differential computed pursuant to § 905.76, less proper deductions authorized in writing by such producer and less payment made pursuant to paragraph (a) of this section, and deductions made pursuant to § 905.92;

(c) On or before the 15th day after the end of each of the months of March through July, after allowance for the amount of payment made pursuant to paragraph (a) of this section for deductions made pursuant to § 905.95 and for other proper deductions authorized in writing by such producer, as follows:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 905.74 for the quantity of base milk received from such producer during the month subject to the butterfat differential computed pursuant to § 905.75 and the location differential computed pursuant to § 905.76; and

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 905.73 for the quantity of excess milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 905.75 and the location differential computed pursuant to § 905.76;

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer;

(e) In lieu of payments pursuant to paragraphs (a), (b) and (c) of this section, each handler shall make payment to a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines that such cooperative association is authorized to collect payment, as follows:

(1) On or before the 26th day of each month, an amount equal to not less than the Class II price for the preceding month, multiplied by the hundredweight of milk received during the first 15 days of the month from such producers; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the applicable uniform price pursuant to §§ 905.72 to 905.74, multiplied by the hundredweight of milk received from such producers to which each such price is applicable, subject to the butterfat differential computed pursuant to § 905.75 and the location differential computed pursuant to § 905.76, less payment made such cooperative association pursuant to subparagraph (1) of this paragraph, and proper deductions authorized in writing by such producers or such cooperative associations; and

(f) On or before the 13th day after the end of the month, each handler shall pay to each cooperative association which is also a handler, for milk received from it not less than the value of such milk as classified pursuant to § 905.44 (a) at the applicable respective class prices including differentials prescribed by this part.

(g) If by such date such handler has not received full payment for such month pursuant to § 937.96 he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 905.91 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth under which such error occurred.

§ 905.92 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 905.90, shall deduct 7 cents per hundredweight, or such amount not exceeding 7 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk received from each such producer. In lieu of such statement, a handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 905.90 (d).

§ 905.93 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month for such months, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe, with respect to:

(a) Receipts of producer milk, including such handler's own production;

(b) Other source milk allocated to Class I milk pursuant to § 905.46 (b) and § 905.47; and

(c) Applicable amounts specified in § 905.62 (a) (2) or (b) (2).

§ 905.94 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 905.62, 905.91 and 905.95, and out of which he shall make all payments pursuant to §§ 905.91 and 905.96: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 905.95 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 905.70, for such month, is greater than the amount owed by him for such milk pursuant to § 905.90.

§ 905.96 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 905.70, for such month is less than the amount owed by him for such milk pursuant to § 905.90. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce such payments uniformly per hundredweight of producer milk and shall complete such payments as soon as the appropriate funds are available.

§ 905.97 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay any handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 905.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 905.101.

§ 905.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 905.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 905.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 905.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 905.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such

provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 5th day of August 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 58-6334; Filed, Aug. 7, 1958; 8:47 a. m.]

[7 CFR Part 927]

[Docket No. AO-71-A34]

HANDLING OF MILK IN NEW YORK-NEW JERSEY MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Utica, New York, Newark, New Jersey, and New York City, during the period February 3-10, 1958, pursuant to notices thereof issued on January 21, 1958, and January 24, 1958 (23 F. R. 481 and 23 F. R. 587).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 6, 1958 (23 F. R. 4076) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Conditions under which milk produced on a handler's own farm should be wholly or partially exempt from regulation.

2. Conditions under which the handling of milk at a plant may be subject to either full or partial regulation at the option of the handler.

3. The assignment of milk to Class I-A at plants not expressly designated as regular pool plants.

4. Uses of skim milk to which the fluid skim differential should apply.

5. The plant at which classification should be determined for fluid cream products, half and half, and cultured or flavored milk drinks.

6. The zone limit for plants at which nearby location differentials are payable.

7. The times specified for filing reports, announcement of the uniform price and payments into and out of the producer-settlement fund.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Issue No. 1. It is concluded that the order should be amended to set forth more specifically than at present the conditions under which milk produced on a handler's own farm is exempt from regulation. Definitions of a "producer-handler" and of "own farm milk" should be added. Provision should be made for (1) complete exemption from the pricing and pooling provisions of the order for own farm milk of any handler designated as a producer-handler, and (2) exemption from pricing and pooling of up to an average of 800 pounds per day of own farm milk of any other handler in any month in which the average daily volume of milk handled which is from sources other than his own farm does not exceed 1,600 pounds.

The definition of a producer-handler should provide specific requirements to be met by a handler to qualify for designation as a producer-handler whose milk is fully exempt from the pricing and pooling provisions of the order. Accordingly, the definition should require that the handler (1) file an application with the market administrator, (2) handle no milk, fluid skim milk or cream (except as hereinafter provided) other than that derived from production facilities over which the handler has and exercises full control, and (3) does not directly or indirectly control or manage the operations of another handler or plant or is controlled or managed directly or indirectly by another handler. The definition also should provide that the designation of a producer-handler be cancelled upon a finding by the market administrator that these requirements are not being met, with termination to be effective on the first day of the month following the month in which the requirements were not met. The designation is to be cancelled if the producer-handler transfers during any month except during June through November, and then only after prior notification to the market administrator, a dairy herd, cattle barn or milking parlor to another person who uses such facilities or resources in producing milk delivered to the plant of another handler. The designation also is to be cancelled if such resources and facilities previously used by another person for the production of milk delivered to another handler is added to the producer-handler's designated milk production facilities and resources during any month except during December through May, after prior notice to the market administrator, or if such resources and facilities added were a part of the designated production resources and facilities during the preceding 12 months.

The exceptions noted with respect to requirement No. (2) are that if the producer-handler handles in any month more than an average of 150 pounds per day of whole milk, fluid skim milk or cream (or of these items in total) other than that derived from his designated unit, the designation be cancelled effective the first of such month, and that the designation be cancelled effective the first of the month following the third month in any six-month period in which a producer-handler handles whole milk, fluid skim milk or cream derived from other than his designated unit but in an aggregate volume not exceeding an average of 150 pounds per day. To avoid making this latter provision unnecessarily restrictive provision is made for allowing the receipt of up to an average of 10 pounds per day of fluid skim milk or cream (either or in total) in packages which is not to be considered as received from sources outside the designated unit if such outside receipts are so confined.

It should be required that the market administrator publicly announce the names, plant and farm locations of designated producer-handlers and those whose designations have been cancelled.

In the event the plant of the handler was operated by a handler whose designation as a producer-handler previously was cancelled, the handler operating the plant should not be eligible for designation as a producer-handler unless he has operated for at least 12 months prior to application in a manner which would not have resulted in cancellation of designation during such 12 month period.

The term "own farm milk" should be defined as milk received at a plant from a dairy farm operated by the person who also is the operator of such plant, and provision should be made for the market administrator to publicly announce the name and plant location of any handler receiving own farm milk. The announcement should not include the name of any person designated as a producer-handler nor any person who handles no milk of other producers and who sells no more than 100 quarts per day of Class I-A milk in the marketing area other than to other plants. Likewise the names of institutions of various types (religious, charitable, educational or governmental) which purchase no bulk milk and are engaged primarily in production and processing of their own milk for use by persons in or directly connected with the institution should not be included in the announcement.

The order now provides complete exemption from pricing and pooling for all milk received at a handler's plant from the handler's own farm if no milk is received at the plant from any other source, and provides an exemption of up to an average of 800 pounds per day of milk received at a handler's plant from the handler's own farm if milk is received at such plant from other plants but not from dairy farmers.

As found in the Department's decision of June 10, 1957 (22 F. R. 4194), the objectives of these provisions were to provide full exemption from regulation for handlers who depend entirely on their own production as a source of supply and who do not burden the pool with any surplus or excess milk and to exempt from regulation a vast majority of handlers with own farm milk who receive some milk from other plants. It was the purpose of these provisions that individuals who are basically dairy farmers and who own, operate and control all facilities and resources of a milk producing, processing and distributing unit should be exempt from regulation.

It was recognized in the June 10, 1957, decision that the exemption thereby accorded own farm milk together with extension of regulation to include considerable urban territory in Upstate New York and Northern New Jersey would provide some competitive advantage to handlers with own farm milk who prior to the effective date of regulation were in competition with handlers buying milk from producers for which no minimum price was established or for which the Class I-C price was paid. Since August 1, 1957, these competing handlers have been fully regulated and required to account for milk used in fluid form at the Class I-A price. While this situation was recognized, it was not the objective that these provisions provide unwarranted incentives for producers to become distributors or for handlers with own farm milk to expand in numbers or in volume by employing numerous practices to qualify for exemption from pricing and pooling at the expense of or to the detriment of producers under the order. It was not intended that the exemption then provided for handlers with own farm milk result in according them a competitive advantage of sufficient magnitude over handlers whose supply is fully regulated to constitute a major competitive factor in the market or to threaten the stability of the market and the effectiveness of the order in achieving its primary objectives.

These unintended and undesirable consequences already have developed to some degree and their further development is in prospect under the prevailing economic conditions and existing order provisions. Considerable incentive is afforded for (1) producers to become distributors, (2) handlers with own farm milk to expand fluid sales at retail and wholesale prices lower than those of competing fully regulated handlers, and (3) handlers with own farm milk to take advantage of opportunities afforded under existing provisions of the order to increase the volume of exempt own farm milk by entering into contractual arrangements or otherwise adjusting their operations in such a way as to qualify more milk either for the limited or unlimited exemptions provided.

The fact that the amended order has been in effect only a few months, and that at the time of the hearing, data on own farm milk were available only through October 1957 results in only a limited statistical measure of change in the number of handlers with exempt own farm milk or in the volume of exempt milk. However, even during this limited period for which data are available (August-October), the total volume of exempt milk utilized in Class I-A in the Upstate New York and the Northern New Jersey portions of the marketing area increased from 5.5 to 6.1 million pounds, an increase of 10 percent, while during the same period the total volume of pool milk utilized for fluid purposes in these areas decreased from 201.0 to 193.8 million pounds, or a decline of 4 percent.

The total volume of exempt milk used in Class I-A expressed as a percent of total pool milk for fluid use in all districts of the marketing area, exclusive of the New York Metropolitan District, increased from 2.7 to 3.1 percent from August to October 1957. The volume of exempt Class I-A milk in relation to Class I-A milk of regulated handlers in some of the districts is a substantial share of the total fluid sales. For example, while the percentage of exempt I-A milk to pool I-A milk varied considerably among districts during October 1957, it was 3.5; 6.4; 4.3; 2.4; 1.8; 13.9; 10.6; and 2.0 percent, respectively, of pool Class I-A milk in the Nearby, Capital, Mohawk Valley, Syracuse, Binghamton, Elmira, South Central and Northern New Jersey Districts. To a varying degree among districts, exempt own farm milk sold in competition with fully regulated handlers is of sufficient volume and a large enough proportion of total sales in the district to have considerable influence on the retail pricing of milk in these areas.

In some districts, exempt handlers have cut retail and wholesale prices below prevailing prices of fully regulated handlers in efforts to increase their fluid sales with the result that fully regulated handlers have lost some fluid sales to handlers with exempt own farm milk. In some districts such practices have tended to detract from the effectiveness of the order in promoting orderly and stable marketing conditions and these practices and resultant undesirable conditions may be expected to expand into other districts and magnify in intensity in the near future unless the order is appropriately amended. These practices have prevailed most extensively in the Capital District and in Northern New Jersey.

In addition to marketwide statistics relative to own farm milk, actual or prospective increases in the volume of exempt own farm milk may be expected. A number of individual handlers who now qualify for either full or partial exemption reported increases in their production and fluid sales ranging from 5 to 20 percent. Some of these handlers also intend to increase their fluid sales areas in the immediate future. One handler who is now partially exempt, and who heretofore has purchased milk from a pool plant to supply an increase in fluid demand during July, August, and September, reported that he plans to increase his own farm production of milk from 60,000 to 130,000 pounds per month to provide a larger volume of milk for fluid distribution.

Instances were cited of steps already taken by producer-distributors to qualify for exemption of own farm milk. At least four producers who prior to August 1, 1957, were having their milk pasteurized and packaged at the plant of another handler have since sought permission from the State of New York to equip their own pasteurizing plants. Sale of milk in gallon jugs, recently authorized by the State of New York, was reported to provide an attractive means by which a producer can become a distributor since a smaller capital investment is required and such type of distribution otherwise lends itself to small operations.

The present order provisions permit, if not encourage, handlers with own farm milk who are fully or partially exempt from regulation to enter into various contractual arrangements to increase the volume of their milk exempt from regulation. In some instances, these practices have resulted in producers under the order carrying the seasonal and day-to-day reserve supplies of milk associated with such handler's fluid sales without sharing in the benefits accruing from such fluid sales.

Sixteen of 106 handlers with exempt own farm milk (63 fully exempt and 43 partially exempt) either leased or owned and leased the farms they claimed to operate. Some leases were made immediately before and some since the effective date of the order on August 1, 1957. It is possible under the present order provisions for a handler to lease any number of cows or farms during periods in which additional milk is needed and terminate the lease when the milk is no longer required to supply fluid sales. This is an attractive means by which a handler with own farm milk can balance out of the pool and permit producers to carry his burden of surplus. After such a lease is terminated the milk from such cows and farms can be delivered to a pool plant by the owner and the blend price received. It is also possible that a handler with some own farm milk may lease the cows, barns and land of any number of dairy farmers who previously delivered milk to his plant as producers and qualify for full exemption as all the milk would be considered as own farm milk. The leasing arrangements may specify that the dairy farmers receive payments of approximately the same amounts as previously paid when the individuals were producers delivering to the handler's plant. Under such circumstances, the handler is basically a handler and not a dairy farmer and should not be given a competitive advantage over competing fully regulated handlers but should be considered the same as any other fully regulated handler who receives milk from producers, who is required to participate in marketwide equalization and who is required to pay producers the minimum uniform prices.

Under the present order language a multiple farm operator can produce exempt milk from one farm while delivering milk to regulated handlers from any number of other farms and receive the uniform price for the milk. Cows can be shifted or the milk may possibly be shifted in a concealed manner from the farm or farms from which milk is delivered to regulated handlers to the farm on which exempt milk is produced. Such practices enable an exempt handler to balance from the pool the day-to-day and seasonal surplus associated with the fluid sales exempt from pricing and pooling while producers under the order receive no benefits from the exempt handler's fluid sales.

Some handlers with own farm milk have taken full advantage of the order provisions to qualify for full exemption of own farm milk. Prior to August 1, 1957, there were 27 handlers in the State of New York who in addition to handling their own milk also purchased milk from other producers and who have since that date discontinued receiving milk from other producers. A number of handlers who are now exempt testified at the hearing that they ceased purchasing milk from other producers after August 1,

1957, so that they could qualify their own farm milk for exemption.

It is recognized that emergency conditions and conditions of an unusual nature may arise in which a designated producer-handler may find it necessary to receive limited quantities of whole milk, fluid skim milk or cream for limited periods of time from sources other than his own production unit. In view of the restrictive requirements to be fulfilled for designation as a producer-handler and the provisions requiring that a producer-handler cannot regain designation for 12 months once it is cancelled, it is reasonable to permit a producer-handler to receive some whole milk, fluid skim milk or cream from other sources under emergency or unusual conditions. It also is reasonable to permit a producer-handler to receive a limited quantity of packaged fluid skim milk or cream on a regular basis to supply retail routes without losing designation as a producer-handler. Accordingly, provision is made that a designated producer-handler will not lose his designation until after the third month in any six-month period in which he receives not more than an average of 150 pounds per day each or in aggregate of whole milk, fluid skim milk or cream derived from sources other than from the production resources and facilities designated as constituting a part of the producer-handler's unit. However, provision is made for cancellation of the designation of a producer-handler as of the first of any month in which he receives more than an average of 150 pounds per day each or in aggregate of whole milk, fluid skim milk or cream other than from his designated unit. Receipt of packaged fluid skim milk or cream up to an average of 10 pounds per day shall not be counted for these purposes. These limited exceptions to the requirement that a producer-handler handles only milk, skim milk or cream from his designated production resources and facilities will provide needed flexibility but at the same time will not permit producer-handlers to balance out of the pool to an extent detrimental to the interests of other producers.

If qualification as a producer-handler depended only on whether he receives milk from sources other than his designated unit, a producer-handler, although receiving no milk, could receive unlimited quantities of skim milk and cream from pool sources at any time and depend on the pool to carry a portion of his surplus burden. As it is intended that full exemption be provided for handlers who handle only whole milk, fluid skim milk or cream from a production, processing and distributing unit, the operation and management of which is under the complete and exclusive control of the handler and who do not depend on producers under the order to carry their burden of surplus, a producer-handler should be precluded from handling not only milk but also fluid skim milk or fluid cream derived from sources other than from his designated unit except in limited amounts and for limited periods of time as herein provided.

The provisions herein provided that a handler operating a plant which was previously operated by a handler whose designation as a producer-handler has been cancelled cannot obtain designation as a producer-handler sooner than 12 months following such cancellation and that a producer-handler cannot relinquish and then later add (except during specified periods) resources and facilities which constitute a part of his designated source of supply will prevent producer-handlers from depending on the pool to carry the seasonal surplus associated with their fluid sales. Without these requirements, a producer-handler could choose to become fully regulated or add production resources and facilities to his designated unit during periods when additional supplies of milk are required and revert to full exemption from pricing and pooling during any months when his own production is adequate to supply the demand for fluid milk, or release production resources and facilities when they are not needed. Such practices would be in direct conflict with the objective of providing full exemption from pricing and pooling for handlers who distribute only milk from their production units and who are not dependent upon the pool in any way except in cases of an emergency nature for which provision is made.

Exempt milk of a producer-handler should not be allowed to displace milk of other producers for fluid use when such other producers do not share in the fluid sales of the exempt producer-handler. Accordingly, as presently provided with respect to own farm milk, any milk received from the production, processing and distribution facilities of a producer-handler at the plant of another handler (except certified milk as hereinafter provided) should be considered as a receipt of nonpool milk at the plant of such other handler and be subject to compensatory payments if assigned to Class I–A or Class II. In order to guard against the delivery of producer-dealer milk to another handler as pooled milk (rather than as nonpooled), provision is made for cancellation of a producer-handler's designation if milk from his designated production resources and facilities is delivered in the name of some other person as pooled milk to another handler.

Instances have occurred in which handlers under the order have received milk at their plants from handlers who were fully exempt from pricing and pooling and have not considered the milk as nonpool milk as they were not aware that the handler delivering the milk was exempt from regulation. In some instances, such milk has been received by handlers for a considerable period of time without their knowing that an obligation for compensatory payments was being incurred. To provide proper notification to regulated handlers of persons who are designated as producer-handlers so that any milk received from such persons will be assigned as nonpool milk, the market administrator should be required to publicly announce the names, plant and farm locations of designated producer-handlers and of those whose designations have been cancelled. The announcements should be controlling with respect to the accounting at regulated handler's plants for milk received from producer-handlers on and after the first of the month following the date of announcement.

Handlers with own farm milk who are not designated as producer-handlers should be allowed an exemption of up to an average of 800 pounds of own farm milk per day in any month in which the volume of milk, other than own farm milk, handled does not exceed an average of 1600 pounds per day. This will permit a handler to supply the equivalent of two medium size routes with milk received from other plants or from dairy farmers without losing limited exemption on his own farm milk. Currently, partially exempt handlers with own farm milk are given an incentive to conceal receipts of milk from neighboring dairy farmers when additional supplies of milk are required in order to preserve their exemption. There appears to be no sound basis for distinguishing, for limited exemption purposes, between handlers with own farm milk who obtain additional limited supplies from other plants and those obtaining such additional supplies from other producers. In either instance the pool will be protected since such additional supplies will be pooled.

Prior to the effective date of the amended order on August 1, 1957, a considerable number of small handlers with own farm milk "custom bottled" milk for one or more other dairy farmers. These handlers were not eligible for partial exemption on their own farm milk if they continued to engage in this practice after August 1, 1957, since milk so received for custom bottling is considered to be received from producers. The change herein provided under which such a handler remains eligible for a limited exemption on his own farm milk so long as other source milk also is limited to not more than an average of 1600 pounds per day will permit him to do "custom bottling" for two or three other producers of average size without loss of his exemption. This change will permit more flexibility of operations without adversely affecting the interests of other producers.

Provision for limited exemption on own farm milk applicable to those receiving no more than an average of 1600 pounds of milk per day from other sources will tend to confine eligibility to those who are engaged primarily in milk production but who also distribute their own milk and other milk on a limited scale. On the other hand, this limited exemption will not be applicable to those handlers engaged primarily in the processing and distribution of relatively large volumes of milk but who incidentally obtain a relatively minor part of their milk from their own farms.

An exemption of up to an average of 800 pounds per day will provide full exemption of own farm milk for 28 of 57 handlers who claimed partial exemption in 1957 and for 31 of 57 handlers with own farm milk who did not claim any exemption in 1957 provided, in each instance, their receipts from other sources do not exceed an average of 1600 pounds per day. Receipts of own farm milk by those handlers averaged less than 800 pounds per day. The remaining 29 handlers claiming partial exemption in 1957 and the remaining 26 claiming no exemption in 1957 would be eligible for an 800-pound daily exemption if their other source receipts are within the specified limit.

Milk received at the plant of a fully regulated handler from a handler with own farm milk to which the limited exemption applies should be allocated to the lowest possible classification at the second handler's plant. No provision for treating any such milk as nonpool milk in instances where it must be assigned to Class I–A or Class II is necessary (as is provided with respect to milk received from a designated producer-handler) since, considering the volume limitation provided, there can be no significant displacement of producer milk in these classes by exempt own farm milk.

The market administrator should be required to publicly announce the names and plant locations of handlers with own farm milk for the purpose of identifying the milk required to be so allocated. Such announcements should not include the names of designated producer-handlers or the names of handlers receiving no milk from other dairy farmers and who sell no more than an average of 100 quarts of Class I–A milk per day directly to consumers in the marketing area or the names of institutions (religious, charitable, educational or governmental) not engaged in the practice of purchasing bulk milk for distribution or in the practice of distributing milk to those not associated with the institution. Those to be so excluded from the list are producers essentially rather than handlers.

The State of New York exempts from milk dealers' license requirements a farmer (individual or partnership but not a corporation) selling only on the farm where produced not more than 100 quarts daily average of milk in any one month to consumers coming to such farm for it. It would not be administratively feasible to attempt to designate such persons as handlers with own farm milk and require that any milk delivered by such persons to a pool plant be assigned to the lowest classification possible. Accordingly, any milk delivered by such persons should be considered as being received from producers.

The present provisions of the order for exempting own farm milk from pricing and pooling apply to milk produced in accordance with methods and standards of the American Association of Medical Milk Commissions for the production of certified milk and permit a producer of such milk to dispose of to other handlers for fluid use in Class I–A that portion of his production in excess of that marketed as certified milk. Such disposition displaces priced producer milk in Class I–A thus adversely affecting the interests of other producers. Accordingly, it is concluded that milk produced in accordance with methods and standards of the American Association of Medical Milk Commissions for the production of certified milk and which is marketed as certified milk should continue to be exempt from pricing and pooling in the same manner as own farm milk of other designated producer-handlers, and that any milk so produced, other than that marketed as certified milk, delivered from the farm where produced to a pool plant of another handler should be considered as having been received from a producer and priced and pooled the same as other producer milk.

It was contended at the hearing by handlers with own farm milk that they were entitled to exemption from pricing and pooling because of alleged higher costs of production than other producers caused by operating conditions normally associated with and peculiar to their type of business enterprise, and that, because of their higher production cost, an exemption would not provide them with a competitive advantage over fully regulated handlers. It was contended that their higher costs of production were due to (1) higher labor costs, (2) maintenance of "show places" from which the industry in general benefits by promoting the sale of more milk for fluid use, (3) use of land with higher value and subject to higher taxation by virtue of being located near urban centers, and (4) maintenance of more even seasonal pattern of production.

These reasons as justification for an exemption are not valid. Cost of production cannot be used as a sound basis for granting an exemption from pricing and pooling any more than it can be used as the sole criterion for establishing minimum order prices. If production costs were used as a criterion for exemption of producer-handlers it logically would follow that comparable exemptions also be provided for milk received by fully regulated handlers from other producers with higher than average production cost. Aside from the administrative difficulties involved in its application, such a criterion for exemption would be in direct conflict with the principles of the classified system of pricing, market-wide pooling and the requirements of the act for establishing minimum order prices.

It was not demonstrated that all or a majority of the producers who also are engaged in distribution have production costs higher than many other producers; that their production is seasonally more even than that of many other producers; that the labor employed is any less productive than that of other producers; that the majority of such producer-handlers maintain production and processing facilities of higher quality than those of other producers and of the handlers to whom they deliver or that when "show places" are maintained that they should not be regarded as a form of advertising the cost thereof being freely incurred as an integral part of the cost of distribution the same as similar costs are incurred by fully regulated handlers in the normal course of business.

No change should be made in the order to provide full or partial exemption for milk delivered by a dairy farmer to a handler's plant for processing and packaging and with packaged fluid milk being returned to the dairy farmer for distribution directly to consumers. As a means of carrying out the purpose of the order, each milk handler operating a plant at which milk is received from farmers is required to account for the utilization of all milk so received and is held responsible for payment for that milk at the minimum prices established. The practice of attempting to impose these obligations upon persons other than those handlers operating plants receiving milk from farmers would provide opportunities and incentives for engaging in practices constituting a threat to market stability and orderly marketing, thus tending to defeat the purposes of the order.

An unwarranted incentive would be provided for producers to have their milk "custom bottled" and become handlers or distributors in an effort to increase their returns by obtaining more than their proportionate share of the fluid sales in the market, to the detriment of other producers, and handlers would be encouraged to engage in the practice of "custom bottling" as a means of escaping the obligation of paying the established minimum prices for the milk so handled and thus obtain undue competitive advantage over other handlers.

Exceptions were taken to the recommended decision for its failure to provide full regulation or a specific volume limitation on exempt milk of producer-handlers. Parties filing such exceptions urged volume limitations ranging from 100 quarts to 2000 pounds per day on the basis that such limitations are essential to prevent undue expansion in the volume of exempt milk. However, the regulation of producer-handlers to a degree beyond that for which provision is made herein is not found to be justified. Accordingly, such exceptions are denied.

Issue No. 2. Provisions of the order relating to temporary pool plants should be amended to provide (1) that a plant from which Class I–A milk is distributed in the marketing area, and which now is a nonpool plant unless the handler operating the plant exercises the option to be a pool plant, would be a pool plant automatically unless the handler exercises the option to be a nonpool plant, and (2) that such provision for full regulation as a pool plant, unless the handler chooses to be a nonpool plant, be applicable to a plant otherwise subject to regulation under another Federal order in which no provision is made for marketwide equalization regardless of the relative volumes of milk distributed from the plant in the two marketing areas involved.

At the present time, the order provides that a plant distributing milk directly to consumers in the marketing area but in a quantity insufficient to make that plant a pool plant automatically may become a pool plant at the option of the operating handler if not less than 55 percent of the milk received from farmers at that plant is classified as Class I–A or Class I–B. This option is not available, however, to plants which otherwise would be regulated under another Federal order

unless the volume of Class I–A milk at the plant is larger than the volume of its Class I–B sales in the other Federal marketing area. At present, if the plant distributing the milk in the marketing area does not exercise its option to be a pool plant, an obligation is incurred to make compensatory payments on any nonpool milk distributed in the marketing area. Thus, a plant which is not regulated under another Federal order and which receives no milk from pool plants would be required to pay to the producer-settlement fund the difference between the Class III price and the Class I–A price for any Class I–A milk distributed in the marketing area. By making such payments the operator avoids pooling his Class I–B milk distributed outside of the marketing area.

A reversal of the present option provision, as proposed at the hearing, to provide that such a plant automatically is a pool plant unless the operator exercises an option to remain a nonpool plant, would not change the economic position of a plant. The change would mean, however, that nonpool status for the plant could be attained only by positive action by the handler rather than merely resulting from inaction on his part. Such a change appears desirable and should be made in order that nonpool status, and the resultant prospective or possible obligation for compensatory payments, will be the result of a choice positively exercised by the handler operating the plant.

All other Federal milk marketing orders in the Northeast provide for excluding from regulation thereunder any plant which is regulated by the New York-New Jersey order. Some of such other orders provide for marketwide equalization and some do not. In contrast to handlers subject to no minimum price regulation or to regulation with no provision for marketwide equalization, a handler subject to regulation under a Federal marketing order with provisions for marketwide equalization is not in a position to increase returns to his producers by increasing the proportion of his milk disposed of for Class I–A use except to the relatively minor extent that such higher Class I utilization increases the returns to all producers in the market through the mechanics of marketwide pooling. This difference in the impact on the handlers under regulation of an order providing for marketwide equalization compared to other handlers not involved in marketwide pooling is recognized under existing provisions of the order providing for compensatory payments on nonpool milk disposed of for fluid use in the marketing area. Thus, under existing provisions of the order a handler subject to regulation under the Philadelphia order (Order No. 61) incurs an obligation for compensatory payments on nonpool milk disposed of in the Order No. 27 marketing area at a rate equal to the difference between the Order No. 27 Class I–A and Class III prices and with his obligation to producers under Order No. 61 reduced by an equivalent amount. The return to producers under the Philadelphia order for such milk is the same as for milk disposed of for manufacturing rather than for fluid purposes.

Since under existing provisions of the order a handler subject to regulation under the Philadelphia order incurs an obligation for compensatory payments on milk disposed of in the Order No. 27 marketing area at the same rate as is applicable to nonpool milk from sources not subject to regulation under another order, such a regulated handler should have the same unrestricted choice as an unregulated handler of either being a pool plant subject to full regulation under the order or of being a nonpool plant subject to compensatory payments. Handlers subject to regulation under another Federal order with provisions for marketwide equalization are in essentially the same position as handlers subject to regulation under Order No. 27 insofar as their ability to influence the returns to their own producers by means of their own utilization is concerned. Handlers subject to this type of regulation incur an obligation for compensatory payments, if any, only in the amount by which the Order No. 27 Class I–A price exceeds the Class I–A price under the other order. Thus, there is no need to afford as much freedom for this type of handler to become subject to full regulation under Order No. 27 as is afforded to other handlers not so regulated. Unrestricted freedom to shift back and forth between orders with provisions for marketwide pooling to take advantage of month-to-month differences in class prices could result in disorderly marketing conditions and adversely affect the interests of producers under both orders.

Accordingly, the present provisions should continue to provide that a handler subject to regulation under another order providing for marketwide equalization be eligible for designation as a temporary pool plant under Order No. 27 only if the volume of Class I–A milk at the plant exceeds the volume of Class I–B milk at the plant disposed of in the marketing area defined under the other order.

Issue No. 3. The order should be changed (by amending § 927.35 (a) (1)) to provide that, if a handler operating a plant which is not an expressly designated pool plant (pursuant to § 927.25 or § 927.28) but from which Class I–A milk is distributed on routes in the marketing area so elects, milk received from pool plants may be assigned to such Class I–A milk prior to the assignment of milk received at the nonpool plant directly from dairy farmers to such Class I–A sales.

The order presently requires that milk received at a nonpool plant directly from dairy farmers first be assigned to Class I–A milk distributed from the plant on routes in the marketing area unless the volume of such Class I–A milk is not sufficient to qualify the plant as a temporary pool plant pursuant to paragraph (a) or (b) of § 927.29. Accordingly, under present provisions of the order, a handler operating a plant from which the volume of Class I–A milk distributed on routes in the marketing area is not large enough to subject the plant to full regulation, may first assign milk received at his plant from pool plants to his Class I–A sales, and thereby avoid compensatory payments on nonpool milk assigned to Class I–A, provided the volume of his receipts from pool plants equals or exceeds his volume of Class I–A sales.

The difficulty encountered by this type of handler as the order presently is written, however, is that when he attempts to reduce the volume of milk received directly from farmers to compensate for the volume received from pool plants, the volume of his Class I–A sales, although remaining constant, becomes a larger percentage of his receipts directly from farmers, thereby making him subject to full regulation as a temporary pool plant pursuant to § 927.28. The change herein provided will eliminate this difficulty and permit more flexibility in the application of the order to the "fringe operator" type of handler. The change will tend to minimize the impact of the order on this type of handler and at the same time avoid either giving him any undue competitive advantage over other handlers or adversely affecting the pool.

Issue No. 4. The fluid skim differential should apply to skim milk disposed of in the form of fluid skim milk if it is for human consumption as fluid skim milk and not to skim milk disposed of as fluid skim milk for other uses including that disposed of to commercial food processing or manufacturing establishments, other than dairy plants, for use in processed or manufactured food products. Provisions of the order setting forth the mechanics of accounting for skim milk in connection with application of the fluid skim differential should be revised for the purpose of clarification.

Practices employed in the disposition of skim milk in the expanded marketing area to which the order has applied since August 1, 1957, are different from those in the marketing area as previously constituted. Thus, the fluid skim differential, under existing provisions of the order, is applicable to skim milk dispositions in circumstances not encountered prior to expansion of the marketing area. In the territory added to the marketing area effective August 1, 1957, fluid skim milk in bulk is disposed of from handlers' plants to such establishments as bakeries and soup, candy and margarine manufacturers; whereas, such dispositions in the former marketing area were extremely limited or nonexistent.

It was found in the decision of June 10, 1957 (22 F. R. 4194) providing for expansion of the marketing area that (1) application of the fluid skim differential is a method of attaching a fluid price to skim milk used in products which essentially are fluid milk products, and (2) the fluid skim differential provisions of the order (existing prior to August 1, 1957) should be applied in the expanded marketing area to the same products and at the same rate as presently applicable to the (former) marketing area. There is no basis in this record for a different conclusion but there is evidence that the conclusion is not properly implemented under existing provisions of the order and that the amendments herein provided are needed for that purpose.

It appears probable that amendment of the order, as herein provided, to make the differential applicable to fluid skim milk disposed of in consumer packages or dispenser units will make it applicable to virtually all skim milk disposed of as fluid skim milk for consumption in fluid form, since no other method of disposing of fluid skim milk for consumption as such is known to be presently permitted under applicable health authority regulations. However, to insure against a possible loophole, provision should be made for application of the differential also to any skim milk disposed of in bulk for human consumption as fluid skim milk.

It was contended at the hearing that even though such application of the fluid skim differential was not heretofore intended, experience under the order since August 1, 1957, indicates that the differential should apply to fluid skim milk disposed of for manufacturing purposes such as in the manufacture of margarine. It was pointed out in this connection that the volume of skim milk subject to the differential had about tripled in the first month after expansion of the marketing area in contrast to a 70 percent increase in population of the area, and had remained at a high level through December, the last month for which statistics are available. These statistics are of extremely doubtful validity, however, in support of a conclusion that margarine and other manufacturers are paying and will continue to pay a fluid price for skim milk. The statistics are based on handlers' reports which, it was indicated, did not include skim milk sales to margarine manufacturers as being a disposition subject to the fluid skim differential. Moreover, a substantial part of the increased volume of skim milk subject to the differential reasonably may be attributed to the abandonment of country classification (coincident with expansion of the marketing area) and the application of the differential to skim milk in milk separated in the New York metropolitan district which formerly was reported as Class I–A milk to which the differential did not apply.

Experience since expansion of the marketing area reveals the need, in the interest of clarity, for revision of order language to indicate more specifically than at present the point at which a determination is to be made as to whether the fluid skim differential is applicable, and the forms in which products may move prior to such determination. Accordingly, provision is made herein for amending § 927.33, relating to the plant at which classification is to be determined, so that it will apply not only to whole milk and cream as at present but also to products containing skim milk to which the fluid skim differential may be applicable in essentially the same manner as at present with respect to the classification of whole milk depending upon disposition of butterfat.

Issue No. 5. Provision of the order relating to the plant at which classification is to be determined (§ 927.33) should be amended to apply to interplant movements of butterfat and skim milk in the form of fluid cream products, half and half, or cultured milk drinks in essentially the same fashion as now provided in the case of movements of butterfat and skim milk in the form of cream.

The order presently provides that milk the butterfat from which leaves a plant in the form of cream is to be classified at the plant or plants to which the cream is shipped (with specified exceptions) rather than at the plant where the cream was separated. Milk shipped in the form of cream from a pool plant where separated to the New York metropolitan district and there disposed of as fluid cream is classified in Class II. However, if such cream is used in the manufacture of ice cream in the New York metropolitan district or is shipped from the plant where received in the New York metropolitan district to a purchaser outside the district, the milk is classified in Class III. On the other hand, in the case of fluid cream products, half and half, or cultured milk drinks containing less than 3 percent or more than 5 percent butterfat shipped to the New York metropolitan district, there is no provision for following such products beyond the plant of receipt in the New York metropolitan district and, consequently, the milk involved is classified in Class II on the basis of such movement even though such products are moved from the plant where received in the New York metropolitan district to a plant or purchaser outside the district or are there manufactured. The amendment herein provided will allow the same degree of flexibility involving movements of fluid cream products, half and half, or cultured milk drinks into and out of the New York metropolitan district as is now the case regarding such movements of cream and will tend to provide a higher degree of equality of treatment between handlers who are involved in such movements and those who are not.

Issue No. 6. It is concluded that the provision of the order (§ 927.71 (b) (5)) specifying the zone limit for plants at which nearby location differentials are payable on milk received from farms located within zones up to 120 miles should be amended by (1) changing the plant zone limit of 131–140 miles to 141–150 miles for plants located in the specified counties and towns, (2) adding Schenectady County, New York, to those counties now specified, and (3) changing the zone limit for other plants from 111–120 miles to 131–140 miles.

These changes should be made primarily to achieve a more logical and orderly pattern of payments to producers eligible to receive the nearby location differential. No change is being made in the provision confining payment of nearby location differentials only to those producers (with specified exceptions) whose farms are located within the 120-mile zone (and no such change was proposed). Moreover, the changes made herein constitute only a relatively minor adjustment in, rather than complete elimination of, the presently prescribed zone limitation for plants at which nearby location differentials are payable. There is no abandonment of the principle set forth in the decision of June 10, 1957 (22 F. R. 4194) that nearby location differentials should be paid only on milk received at plants within a specified territory since "nearby differentials of this type are designed to reflect the fact that under competitive conditions milk produced in this area has a traditional outlet as fluid milk at plants located in the nearby area."

The presently prescribed limitation as to plant location, however, is not fully serving the purpose of distinguishing in the most equitable and logical manner between those producers who are eligible for the differential and those who are not. Most of the peculiar situations relating to eligibility of certain producers result from the employment of a method of determining farm zones which is different from the method of determining zones for plants. Plant zones are based on highway mileage to the plant; whereas, farms are zoned by highway mileage to the nearest point in the township, or other minor civil division, in which the farm (milkhouse) is located.

The result is that there are instances where producers operating farms zoned within 120 miles who deliver their milk to a plant located in the same town as the farm but who are not eligible to receive the differential because the plant is in the 121–130 or perhaps the 131–140 mile zone, while other producers in the same neighborhood are eligible for and do receive the differential because their milk is received at a plant located within the 120-mile zone. This and similar situations where two or more plants are equally accessible to producers, but where some of the plants are inside the 120-mile zone and some outside, have generated a degree of discontent among producers similarly situated. The situation provides an incentive for producers to shift from plants to which they historically have delivered their milk, and a competitive advantage to the handler operating the plant at which the differential is payable.

Extending from 120 miles to 140 miles the zone limit for plants at which the nearby location differential is payable will provide a more gradual and orderly pattern of producer payments without any significant increase in the number of additional producers eligible to receive the differential or in the total amount of money required to pay the differentials. There are 31 plants located in the 121–140 mile zone at which milk is received from approximately 2,500 producers. About 1,760 of these producers are on farms zoned beyond 120 miles and would remain ineligible for the differential irrespective of the plant to which they deliver. The remaining 740 producers whose farms are zoned within 120 miles are the maximum number of additional producers who could qualify for the differential. All of these producers presently are eligible provided they shift to a plant zoned within 120 miles. Over 600 of these 740 producers are on farms zoned in the 111–120 mile zone and thus would become eligible for a differential at the rate of only five cents per hundred-

weight. If the additional producers in each zone made eligible for the differential deliver the same volume of milk as those presently receiving the differential, the total monthly increase in aggregate amount paid will approximate $5,000.00 and a percentage increase of from one to one and one-half percent. The effect on the uniform price would be negligible.

The extension of the zone limit (from 131–140 to 141–150) for plants in the territory now specified along the eastern border of the State of New York northward into the Capital District, and the addition of Schenectady County to those now specified is designed to accomplish substantially the same purposes as the extension generally of the zone limit for other plants to 140 miles as herein provided. A relatively few additional producers in and around the Capital District will become eligible for the differential including a few now delivering to a plant in Schenectady who delivered to a plant of the same handler located in Albany until the Albany plant was closed in November 1956.

Issue No. 7. It is concluded that (1) the provision of the order (§ 927.50) now requiring each handler to report specified information to the market administrator on or before the 10th day of each month should be amended to require that, if such reports are filed by mail, they be postmarked no later than the 8th day of the month, and if not so mailed that they be physically delivered to the office of the market administrator by no later than the close of business on the 10th day of the month, and (2) the day by which the market administrator is required (by § 927.67) to announce the uniform price should be changed from the 14th to the 15th of each month.

Experience in the submission by handlers of monthly reports and in the handling and processing of such reports in the office of the market administrator incident to the computation of the uniform price since expansion of the marketing area effective August 1, 1957, has demonstrated the need for a longer period of time between the date on which handlers' reports are received in the office of the market administrator and the date by which the market administrator is required to announce the uniform price. The job of computation and announcement of the uniform price as presently required by the 14th of each month currently requires a greater amount of overtime work by the personnel involved than can be continued indefinitely.

The need for additional time is directly associated with the expansion of the marketing area by amendment of the order effective August 1, 1957. Several factors are involved, however. The number of reports received each month has more than doubled since August 1957. Beginning with August 1957, the number of reports received each month has ranged from 960 to 990 compared with an average of 420 theretofore. The physical handling of this increased volume of reports requires more time. In addition, the order amendments effective August 1, 1957, require the performance of functions not previously required, including the checking of reports in connection with pooling options, exemption of own farm milk, receipts from plants with exempt milk and nearby location differentials.

The second factor involved is that a substantially larger number, and a larger proportion of the total number, of reports filed originate from points located a greater distance from the market administrator's office than was the case prior to August 1. Nearly one-half (198) of the monthly reports filed prior to August 1957 came from points in or near the metropolitan area. These reports from nearby points usually were received in the office of the market administrator by not later than the 10th of the month. Some were mailed and some were delivered by messenger. The remainder, or those transmitted by mail from the distant points usually were received on the 10th, 11th, or 12th of the month.

Since August 1957, the number of reports from nearby points (about 220) is only slightly larger than heretofore and is a substantially smaller proportion of the total. In general, since August these reports from nearby sources have been received by the 10th of the month and, as previously, some are delivered by messenger and some are mailed. However, a substantially increased number of reports from more distant points, and a larger proportion of the total heretofore, have not been received in the office of the market administrator until after the 10th of the month. Such reports have been received on each day from the 10th through the 14th and in each month since August an average of 50 reports, most of which were claimed to have been mailed by the 10th, were not received until after the 14th of the month. Information contained in these latter reports was obtained by long distance telephone for use in computing the uniform price. Such telephone calls, together with a larger number of calls regarding reports after they have been received, are time consuming.

There is no need for specifying an earlier date by which all handlers' reports are to be filed. Certain handlers, particularly multiple plant operators, and cooperatives which file reports for plants operated by buying dealers, are experiencing considerable difficulty in reporting by not later than the 10th as presently required. The majority of the reports filed by these handlers are prepared in or near the metropolitan area and are not the reports constituting the problem from the standpoint of the market administrator. The major part of the problem is caused by the late receipt of reports transmitted by mail from more distant points.

A later date for announcing the uniform price also was considered. In this connection, announcement of the uniform price more than one day later than at present would leave insufficient time thereafter for handlers to perform the work involved in making payments to producers by not later than the [illegible] of the month as presently required. This proposal was considered for a later date for paying producers. It was not indicated that changing from the 14th to the 15th the day for announcing the uniform price would necessitate any change in the dates presently provided for payments into and out of the producer-settlement fund.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the New York-New Jersey Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the New York-New Jersey Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing

agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the New York-New Jersey milk marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of February 1958, is hereby determined to be the representative period for the conduct of such referendum.

C. J. Blanford is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F.R. 5177), such referendum to be completed on or before August 25, 1958.

As a means of effectuating certain policies jointly adopted by the Secretary and the Commissioner of Agriculture and Markets of the State of New York in a memorandum of cooperation dated August 26, 1938, and by the Secretary and the Director of the New Jersey Office of Milk Industry in a memorandum of agreement dated June 30, 1955, the designated agent of the Secretary shall, at the same time he transmits his report to the Secretary, also transmit a similar report to the Commissioner of Agriculture and Markets of the State of New York, and to the Director of the Office of Milk Industry of the State of New Jersey.

The above designated agent of the Secretary shall not be required to transmit with his report to the Secretary a copy of each statement concerning the referendum as it appeared in each newspaper, but he shall transmit with his report a copy of the release which he presented to newspapers generally distributed in the area along with a summary of the numbers and types of newspapers to which it was presented.

The time within which the complete detailed report of the above designated agent shall be transmitted to the Secretary is hereby extended to five days after the close of the referendum, but a preliminary report based on the information then available shall be transmitted to the Secretary within two days after the close of the referendum.

Issued at Washington, D. C., this 4th day of August 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the New York-New Jersey Milk Marketing Area

§ 927.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agriculture Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the New York-New Jersey milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Add new §§ 927.14 and 927.15 as follows:

§ 927.14 *Own farm milk.* (a) Own farm milk means milk received at a plant from a farm operated by the person who is the operator of such plant.

(b) The market administrator shall publicly announce the name of any handler operating a pool plant receiving own farm milk and the location of the plant operated by such handler. This public announcement shall not include the name of (1) any person meeting the definition of producer-handler as set forth in § 927.15, (2) any person receiving no milk from other dairy farmers and selling no more than 100 quarts per day of Class I–A milk to persons in the marketing area other than to other plants, or (3) an institution specified in § 927.65 (h) (4).

§ 927.15 *Producer-handler.* Producer-handler means a handler who, following the filing of an application pursuant to paragraph (a) of this section, has been so designated by the market administrator upon determination that the requirements of paragraph (b) of this section have been met. Such designation shall be effective on the first of the month after receipt by the market administrator of an application containing complete information on the basis of which the market administrator determines that the requirements of paragraph (b) are being met, except that the effective date of designations shall be the same as the effective date of this provision if applications therefor are filed not later than 15 days after such effective date. The effective date of designation shall be governed by the date of filing new applications in instances where applications previously filed have been denied. All designations shall remain in effect until canceled pursuant to paragraph (c) of this section.

(a) *Application.* Any handler claiming to meet the requirements of paragraph (b) of this section may file with the market administrator, on forms prescribed by the market administrator, an application for designation as a producer-handler. The application shall contain the following information:

(1) A listing and description of all resources and facilities used for the production of milk which are owned or directly or indirectly operated or controlled by the applicant.

(2) A listing and discription of all resources and facilities used for the processing or distribution of milk or milk products which are owned, or directly or indirectly operated or controlled by the applicant.

(3) A description of any other resources and facilities used in the production, handling or processing of milk or milk products in which the applicant in any way has an interest, including any contractual arrangement, and the names of any other persons having or exercising any degree of ownership, management, or control in, or with whom there exists any contractual arrangement with respect to, the applicant's operation either in his capacity as a handler or in his capacity as a dairy farmer.

(4) A listing and description of the resources and facilities used in the production, processing and distribution of milk which the applicant desires to be determined as his milk production, processing

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

and distribution unit in connection with his designation as a producer-handler: *Provided*, That all milk production resources and facilities owned, operated or controlled by the applicant either directly or indirectly shall be considered as constituting a part of the applicant's milk production unit in the absence of proof satisfactory to the market administrator that some portion of such facilities or resources do not constitute an actual or potential source of milk supply for the applicant's operation as a producer-handler.

(5) Such other information as may be required by the market administrator.

(b) *Requirements.* (1) The handler has and exercises (in his capacity as a handler) complete and exclusive control over the operation and management of a plant at which he handles milk received from production facilities and resources (milking herd, buildings housing such herd and the land on which such buildings are located) the operation and management of which also are under the complete and exclusive control of the handler (in his capacity as a dairy farmer), all of which facilities and resources for the production, processing and distribution of milk constitute an integrated operation over which the handler (in his capacity as a producer-handler) has and exercises complete and exclusive control.

(2) The handler, in his capacity as a handler, handles no whole milk, fluid skim milk, or cream other than that derived from the milk production facilities and resources designated as constituting the applicant's operation as a producer-handler.

(3) The handler is not, either directly or indirectly, associated with control or management of the operation of another plant or another handler, nor is another handler so associated with his operation.

(4) The handler sells more than an average of 100 quarts per day of Class I-A milk to persons in the marketing area other than to other plants.

(5) In case the plant of the applicant was operated by a handler whose designation as a producer-handler previously had been cancelled pursuant to paragraph (c) of this section, the quantity of whole milk, fluid skim milk, or cream handled during the twelve months preceding the application which was derived from sources other than the designated milk production facilities and resources constituting the applicant's operation as a producer-handler is less than the volume set forth for cancellation pursuant to subparagraph (3) or (4) of paragraph (c) of this section.

(c) *Cancellation.* The designation as a producer-handler shall be cancelled under conditions set forth in subparagraphs (1) and (2) of this paragraph or, except as specified in subparagraphs (3) and (4) of this paragraph, upon determination by the market administrator that any of the requirements of paragraph (b) of this section are not continuing to be met, such cancellation to be effective on the first day of the month following the month in which the requirements were not met.

(1) Milk from the designated production facilities and resources of the producer-handler is delivered in the name of another person as pooled milk to another handler, or, except in the months of June through November with prior notice to the market administrator, a dairy herd, cattle barn or milking parlor is transferred to another person who uses such facilities or resources for producing milk which is delivered as pooled milk to another handler. This provision, however, shall not be deemed to preclude the occasional sale of individual cows from the herd.

(2) A dairy herd, cattle barn or milking parlor, previously used for the production of milk delivered as pooled milk to another handler, is added to the designated milk production facilities and resources of the producer-handler, except in the months of December through May, with prior notice to the market administrator, or if such facilities and resources were a part of the designated production facilities and resources during any of the preceding 12 months. This provision, however, shall not be deemed to preclude the occasional purchase of individual cows for the herd.

(3) If the producer-handler handles an average of more than 150 product pounds per day each or in aggregate of whole milk, fluid skim milk or cream, which are derived from sources other than the designated milk production facilities and resources, the cancellation of designation shall be effective the first of the month in which he handled such milk, skim milk, or cream.

(4) If the producer-handler handles whole milk, fluid skim milk, or cream derived from sources other than the designated milk production facilities and resources in a volume less than specified in subparagraph (3) of this paragraph, the designation shall be cancelled effective on the first of the month following the third month in any six-month period in which the producer-handler handled such milk, skim milk, or cream: *Provided*, That the receipt of up to an average of 10 pounds per day each or in aggregate of packaged fluid skim milk or cream shall not be counted for purposes of this subparagraph.

(d) *Public announcement.* The market administrator shall publicly announce the name, plant and farm location of persons designated as producer-handlers, and those whose designations have been cancelled. Such announcements shall be controlling with respect to the accounting at plants of other handlers for milk received from such producer-handler on and after the first of the month following the date of such announcement.

(e) *Burden of establishing and maintaining producer-handler status.* The burden rests upon the handler who is designated as a producer-handler (and upon the applicant for such designation) to establish through records required pursuant to § 927.54 that the requirements set forth in paragraph (b) of this section have been and are continuing to be met and that the conditions set forth in paragraph (c) of this section for cancellation of designation do not exist.

2. Amend § 927.29 (d) to read as follows:

(d) Any plant which for any month is not a pool plant because of failure to meet the requirements of paragraph (a), (b), or (c) of this section from which Class I–A milk is distributed in the marketing area other than to another plant shall be a pool plant in any month if at least 55 percent of the milk received from dairy farmers at the plant during such month is classified in Class I–A and Class I–B: *Provided*, That such plant shall not be a pool plant if the handler operating the plant elects at the time of filing the report pursuant to § 927.50 not to have the plant designated a pool plant, and to make payments into the producer-settlement fund at the rate specified in § 927.83 (b) for any nonpool milk or skim milk which, on the basis of products distributed in the marketing area to purchasers other than other plants is classified as Class I–A, Class II or as skim milk subject to the fluid skim differential: *Provided further*, That such plant shall not be a pool plant, if in the absence of this provision, milk received from farmers at the plant would be classified and priced under another order issued pursuant to the Act, with a provision for marketwide equalization, and if the percentage of the milk received from dairy farmers at the plant which is classified as Class I–B and disposed of in the marketing area defined in such other order is greater than the percentage of such milk classified as Class I–A.

3. Amend § 927.33 by:

(a) Changing the proviso therein to read as follows: "*Provided*, That if the butterfat in such milk is shipped in the form of milk, cream, fluid cream products, half and half, or cultured or flavored milk drinks, or if the skim milk in such milk is shipped in the form of milk, fluid skim milk, condensed skim milk, half and half, cream, or cultured milk drinks to another plant or other plants, it shall be classified, subject to the provisions of paragraphs (a) and (b) of this section, at the plant to which shipped, and there shall be no limit on the number of interplant movements in such forms, except as set forth in paragraphs (a) and (b) of this section. For purposes of this section, classification of skim milk shall mean the determination of whether the skim milk is assigned to a product or use to which the fluid skim milk differential may be applicable."

(b) Amending paragraphs (a) and (b) to read as follows:

(a) Except as set forth in paragraph (b) of this section, the classification of milk shipped in the form of milk and of milk the butterfat from which is shipped in the form of cream, fluid cream products, half and half, or cultured or flavored milk drinks, and of skim milk which is shipped in the form of fluid skim milk, condensed skim milk, half and half, cream, or cultured milk drinks to a nonpool plant shall be determined at the nonpool plant (unless such nonpool plant is in the marketing area, receives no milk from dairy farmers and is engaged substantially either in distributing packaged milk, fluid skim milk, or cream in the marketing area or in shipping bulk milk or cream to a pasteurizing and bottling plant in the marketing area), unless the handler operating the pool plant from which such shipments were made to the nonpool plant elects in writing in his monthly reports to have the classification of such milk and skim milk determined at the pool plant from which such shipments were made to the nonpool plant.

(b) The classification of milk shipped in the form of milk more than 65 miles from the plant where received from dairy farmers and of milk the butterfat from which is shipped in the form of cream, fluid cream products, half and half, or cultured milk drinks more than 65 miles from the plant where such product is made to a plant outside Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York State, Ohio, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, or the District of Columbia shall be determined at the plant from which the milk or milk product is so shipped.

4. Amend § 927.35 (a) by changing the last sentence preceding subparagraph (1) and by adding a proviso to read as follows: "Such assignment shall be subject to the additional requirements set forth in subparagraphs (1) through (6) of this paragraph: *Provided*, That if the plant is listed pursuant to § 927.14 or designated as a producer-handler plant pursuant to § 927.15, milk received from other pool plants designated pursuant to § 927.25 or § 927.28 or from other plants which are pool plants pursuant to § 927.29 on the basis of the assignment of such other plants) pursuant to subparagraph (1) of this paragraph, shall be asigned to Class I–A before the application of subparagraph (1) and (2) of this paragraph."

5. Amend § 927.35 (a) (1) by changing the proviso to read as follows: *Provided*, That if such Class I–A milk is not sufficient to qualify such plant as a pool plant pursuant to paragraph (a) or (b) of § 927.29, or if the handler operating the plant so elects at the time of filing a report pursuant to § 927.50, no assignment pursuant to this subparagraph shall be made."

6. Amend § 927.35 (a) (2) (iii) to read as follows: "Milk received from other pool plants designated pursuant to § 927.25 or § 927.28 except as provided in subparagraph (6) of this paragraph.

7. Amend § 927.35 (a) (5) to read as follows:

(5) Notwithstanding other provisions of this paragraph, milk, cream, or fluid skim milk received (except packaged milk, cream, or fluid skim milk produced in accordance with methods and standards of the American Association of Medical Milk Commissions for the production of certified milk and which is received for marketing as certified milk or milk products), from a handler listed by the market administrator as a producer-handler pursuant to § 927.15, shall be considered to be nonpooled with respect to assignments pursuant to this section and payments pursuant to § 927.83: *Provided*, That milk received from a producer-handler who produces milk in accordance with methods and standards of the American Association of Medical Milk Commissions for the production of certified milk and which is not received for marketing as certified milk, shall be treated as milk received from a dairy farmer at the plant and not subject to the provisions of § 927.65 (h).

8. Add a new subparagraph (6) in § 927.35 (a) to read as follows:

(6) Milk received at a handler's plant from a dairy farmer who is also a handler listed by the market administrator pursuant to § 927.14 as receiving own farm milk shall be considered as received first at such dairy farmer's plant and shall be assigned as far as possible to pool milk; classified in Class III. Milk received from a dairy farmer who is also a handler but who is not listed by the market administrator pursuant to either § 927.14 or § 927.15 shall be considered as having been received from a dairy farmer.

9. Amend § 927.35 (e) by deleting the sentence preceding the proviso and substituting the following: "Milk from a handler's own farm which is excluded from the computation of the handler's net pool obligation pursuant to § 927.65 (h) shall be prorated to the classification of all milk received from dairy farmers including the handler's own farm milk:

10. Amend § 927.44 by deleting all the words prior to the word "deduct" and substitute the following: "The handler shall pay a fluid skim differential per hundredweight for skim milk, other than that derived from Class I–A or Class I–B milk subject to the pricing provisions of § 927.40 (a) or (c), which is disposed of to outlets in the markting area, which skim milk leaves or is on hand at the plant, in the form of: milk, fluid skim milk in consumer packages or in dispenser units, half and half, cultured milk drinks containing 3.0 percent or more but not more than 5.0 percent butterfat, and fluid skim milk in bulk delivered to any such outlet which is engaged in the marketing or packaging of bulk fluid skim milk and for all skim milk which is not established to have been otherwise utilized or disposed of. Such fluid skim differential shall be computed as follows: * * *"

11. Amend § 927.50 by changing that portion thereof preceding paragraph (a) to read as follows:

§ 927.50 *Monthly reports.* Each handler (except a handler receiving own farm milk and not required to be listed pursuant either to §§ 927.14 or 927.15) shall report each month to the market administrator for the preceding month in the manner and on the forms prescribed by the market administrator, with respect to milk or milk products received at each of his pool plants, and at each of his plants where milk or milk products subject to payments under §§ 927.83 and 927.84 were handled, the information set forth in paragraphs (a) through (f) of this section. Such report, if transmitted by mail, shall bear a postmark no later than the 8th day of the month, and if not so mailed, shall be delivered physically to the office of the market administrator no later than the close of business on the 10th day of the month.

12. Amend § 927.54 by changing paragraph (e) thereof and by adding new paragraphs (f) and (g) to read as follows:

(e) Make inspection of buildings and their surroundings, facilities, and equipment for verification purposes and to ascertain what constitutes a plant and the production, processing and distribution resources and facilities of a producer-handler's operation.

(f) Verify that the requirements for designation as a producer-handler have been and are being met.

(g) Verify all other information required by this part to be reported.

13. Amend § 927.65 (h) (2) and (3) to read as follows:

(2) Own farm milk not in excess of an average of 800 pounds per day if the handler is not a producer-handler designated pursuant to § 927.15 and if the volume of milk, other than own farm milk, handled does not exceed an average of 1,600 pounds per day.

(3) All milk handled by a producer-handler designated pursuant to § 927.15 which is derived from such producer-handler's production resources and facilities.

14. Amend § 927.65 (h) by inserting a new subparagraph (4) as follows:

(4) Own farm milk of a charitable, religious, educational or governmental institution which is not engaged in the practice of receiving bulk milk from other sources for processing or packaging and is not engaged in the practice of selling packaged milk to persons not associated with such institution.

15. Amend § 927.67 by changing the words "14th day of each month" to "15th day of each month."

16. Amend § 927.71 (b) (5) by (1) adding Schenectady County, New York, to those presently listed therein, (2) changing the phrase "131–140 mile zone" to "141–150 mile zone", and (3) changing the phrase "111–120 mile zone" to "131–140 mile zone."

17. Amend § 927.83 (a) (1) to read as follows: "It was derived from milk received at a nonpool plant from dairy farmers or received from a handler designated as a producer-handler pursuant to § 927.15."

[F. R. Doc. 58-6335; Filed, Aug. 7, 1958; 8:47 a. m.]

[7 CFR Part 980]

[Docket No. AO-301]

MILK IN WESTERN COLORADO MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed marketing agreement and order regulating the handling of milk in the Western Colorado marketing area, which was issued July 18, 1958 (23 F. R. 5568), is hereby extended to August 16, 1958.

Dated: August 5, 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 58-6364; Filed, Aug. 7, 1958; 8:46 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF WITHDRAWAL OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF 2-(1-METHYLHEPTYL)-4,6-DINITROPHENYL CROTONATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued.

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.8), Rohm and Haas Company, 222 West Washington Square, Philadelphia 5, Pennsylvania, has withdrawn its petition for establishment of tolerances for residues of 2-(1-methylheptyl)-4,6-dinitrophenyl crotonate in or on raw agricultural commodities, notice of which was published in the FEDERAL REGISTER of May 7, 1958 (23 F. R. 3039).

The withdrawal with respect to this petition is without prejudice to a future filing.

Dated: August 1, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-6337; Filed, Aug. 7, 1958; 8:47 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-15681]

WHELESS DRILLING CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Wheless Drilling Company (Operator) et al. (Respondent) on July 11, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of Change, dated July 10, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 1. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 2. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate(s) and charge(s) so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until August 2, 1958, and thereafter to permit them to become effective as of that date: *Provided*, That within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rates be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements to Respondent's FPC Gas Rate Schedules.

(B) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rate(s), charge(s), and classification(s) set forth in the above-designated supplements to Respondent's FPC Gas Rate Schedules shall be effective as of August 2, 1958: *Provided, however*, That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of the Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of _____ to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes.

In conformity with the requirements of the order issued _____ in Docket No. G-___, _____ hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

_____
By _____

Attest:

_____
(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6178; Filed, Aug. 7, 1958; 8:45 a. m.]

[Docket No. G-15682]

GENERAL AMERICAN OIL CO. OF TEXAS ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

General American Oil Company of Texas (Operator) et al. (Respondent), on July 14, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 7, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 1A.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6179; Filed, Aug. 7, 1958; 8:45 a. m.]

[Docket No. G-15686]

CUBAN AMERICAN OIL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Cuban American Oil Company (Operator) et al. (Respondent) on July 11, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 8, 1958.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6180; Filed, Aug. 7, 1958; 8:45 a. m.]

[Docket No. G-15726]

J. R. BUTLER AND CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

J. R. Butler and Company et al. (Respondent) on July 15, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6181; Filed, Aug. 7, 1958; 8:45 a. m.]

[Docket No. G-15734]

MCCOLMAN DRILLING CO., INC., ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

McColman Drilling Company, Inc., et al. (Respondent) on July 7, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 28, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6182; Filed, Aug. 7, 1958; 8:45 a. m.]

[Docket No. G-15753]

MARACAIBO OIL EXPLORATION CORP. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Maracaibo Oil Exploration Corporation (Operator) et al. (Respondent) on July 10, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Transcontinental Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 17 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6183; Filed, Aug. 7, 1958; 8:46 a. m.]

[Docket No. G–15757]

HUNTER CO., INC., ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

The Hunter Company, Inc. (Operator) et al. (Respondent) on July 14, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 11, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 6.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6184; Filed, Aug. 7, 1958; 8:46 a. m.]

[Docket No. G–15759]

W. C. FEAZEL ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

W. C. Feazel (Operator) et al. (Respondent) on July 15, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6185; Filed, Aug. 7, 1958; 8:46 a. m.]

[Docket No. G–15768]

SUN OIL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Sun Oil Company (Operator) et al. (Respondent) on July 1, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 24, 1958.

Purchaser: Transcontinental Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 19 to Respondent's FPC Gas Rate Schedule No. 44.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6186; Filed, Aug. 7, 1958; 8:46 a. m.]

[Docket No. G–15769]

LYONS & LOGAN ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Lyons & Logan (Operator) *et al.* (Respondent) on July 21, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description: (1) Notice of Change, July 15, 1958, (2) Notice of Change, July 16, 1958, (3) Notice of Change, July 14, 1958.

Purchasers: (1) Texas Gas Transmission Corporation, (2) Arkansas Louisiana Gas Company, (3) United Gas Pipe Line Company.

Rate schedule designation: (1) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 4. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 5. (3) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 8.

Effective Date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6187; Filed, Aug. 7, 1958; 8:46 a. m.]

[Docket No. G–15770]

TRICE PRODUCTION CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Trice Production Company (Operator) et al. (Respondent), on July 21, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 17, 1958.

Purchaser: American Louisiana Pipe Line Company.

Rate schedule designation: Supplement No. 10 to Respondent's FPC Gas Rate Schedule No. 4.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6188; Filed, Aug. 7, 1958; 8:46 a. m.]

[Docket No. G–15826]

NELSON BUNKER HUNT TRUST ESTATE

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Nelson Bunker Hunt Trust Estate (Respondent) on July 2 and 3, 1958, tendered for filing proposed changes in his presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.

Purchasers: (1) Arkansas Louisiana Gas Company, (2) H. L. Hunt.

Rate schedule designation: (1) Supplement No. 9 to Respondent's FPC Gas Rate Schedule No. 1. (2) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 6.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6189; Filed, Aug. 7, 1958; 8:46 a. m.]

[Docket No. G–15837]

HAROLDSON L. HUNT, JR., TRUST ESTATE

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Haroldson L. Hunt, Jr., Trust Estate (Respondent) on July 3, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 9 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6190; Filed, Aug. 7, 1958; 8:46 a. m.]

[Docket No. G–15846]

ARKANSAS FUEL OIL CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Arkansas Fuel Oil Corporation (Respondent) on June 27, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 23, 1958.

Purchaser: (1) and (2) United Gas Pipe Line Company, (3) United Fuel Gas Company.

Rate schedule designation: (1) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 2. (2) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 13. (3) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 49.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6191; Filed, Aug. 7, 1958; 8:46 a. m.]

[Docket No. G–15640]

FRANK J. HALL ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Frank J. Hall (Operator) et al. (Respondent) on July 7, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 3, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6192; Filed, Aug. 7, 1958; 8:46 a. m.]

[Docket No. G–15677]

GENERAL AMERICAN OIL CO. OF TEXAS

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

General American Oil Company of Texas (Respondent) on July 14, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 7, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6193; Filed, Aug. 7, 1958; 8:46 a. m.]

[Docket No. G–15639]

H. W. PERRITT

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

H. W. Perritt (Respondent) on July 7, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 3, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 6.

Effecetive date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6194; Filed, Aug. 7, 1958; 8:46 a. m.]

[Docket No. G–15661]

UNION PRODUCING CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Union Producing Company (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 30, 1958.

Purchasers: (1) Frank S. Kelly et al., (2, 3, 4, 7 and 8) United Gas Pipe Line Company, (5) Southern Natural Gas Company, (6) Arkansas Louisiana Gas Company.

Rate schedule designation: 1. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 72. 2. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 215. 3. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 216. 4. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 218. 5. Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 90. 6. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 219. 7. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 223. 8. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 225.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6195; Filed, Aug. 7, 1958; 8:46 a. m.]

[Docket No. G-15672]

SAM SKLAR

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Sam Sklar (Respondent) on July 10, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 8, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6196; Filed, Aug. 7, 1958; 8:46 a. m.]

[Docket No. G-15684]

SAM SKLAR, TRUSTEE

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Sam Sklar, Trustee (Respondent) on July 14, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 2.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6197; Filed, Aug. 7, 1958; 8:46 a. m.]

[Docket No. G-15685]

WILLARD E. WALKER

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Willard E. Walker (Respondent) on July 11, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 2, 1958.

Purchaser: Transcontinental Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6198; Filed, Aug. 7, 1958; 8:46 a. m.]

[Docket No. G-15723]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

The Magnolia Petroleum Company (Respondent) on July 1, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.

Purchasers: (1 and 2) United Fuel Gas Company, (3) Texas Eastern Transmission Corporation, (4) Transcontinental Gas Pipe Line Corporation, (5) United Gas Pipe Line Company, (6) Texas Gas Transmission Corporation, (7) United Fuel Gas Company, (8) Tensas Gas Gathering Corporation, (9) Trunkline Gas Company, (10) Arkansas Louisiana Gas Company, (11 and 12) United Gas Pipe Line Company, (13 and 14) Hassle Hunt Trust.

Rate schedule designations: (1) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 1. (2) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 2. (3) Supplement No. 11 to Respondent's FPC Gas Rate Schedule No. 82. (4) Supplement No. 21 to Respondent's FPC Gas Rate Schedule No. 16. (5) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 111. (6) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 127. (7) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 141. (8) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 142. (9) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 159. (10) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 70. (11) Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 112. (12) Supplement Nos. 11 and 12 to Respondent's FPC Gas Rate Schedule No. 69. (13) Supplement Nos. 6 and 7 to Respondent's FPC Gas Rate Schedule No. 130. (14) Supplement Nos. 6 and 7 to Respondent's FPC Gas Rate Schedule No. 152.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6199; Filed, Aug. 7, 1958; 8:46 a. m.]

[Docket No. G-15727]

HUNTER COMPANY, INC.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

The Hunter Company, Inc. (Respondent) on July 14, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 11, 1958.

Purchasers: (1 and 4) Southern Natural Gas Company, (2 and 6) United Gas Pipe Line Company, (3 and 5) Arkansas Louisiana Gas Company.

Rate schedule designation: (1) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 1. (2) Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 7. (3) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 9. (4) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 10. (5) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 12. (6) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 13.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6200; Filed, Aug. 7, 1958; 8:46 a. m.]

[Docket No. G-15729]

TEXAS GULF PRODUCING CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Texas Gulf Producing Company (Respondent) on July 16, 17, and 21, 1958 tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Changes, dated July 14, 15 and 16, 1958.

Purchasers: (1) United Gas Pipe Line Company, (2) Transcontinental Gas Pipe Line Corporation, (3 and 5) United Gas Pipe Line Company, (4) Trunkline Gas Company.

Rate schedule designation: (1) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 25. (2) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 26. (3) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 5. (4) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 28. (5) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 14.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6201; Filed, Aug. 7, 1958; 8:47 a. m.]

[Docket No. G-15731]

ROBERT MOSBACHER

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Robert Mosbacher (Respondent) on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 30, 1958.

Purchaser: United Fuel Gas Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 10.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6202; Filed, Aug. 7, 1958; 8:47 a. m.]

[Docket No. G-15735]

LEE KINNEBREW ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Lee Kinnebrew et al. (Respondent) on July 1, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject of the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 30, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6203; Filed, Aug. 7, 1958; 8:47 a. m.]

[Docket No. G-15650]

PAN AMERICAN PETROLEUM CORP. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Pan American Petroleum Corporation (Operator) et al. (Respondent) on July 1, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 27, 1958.

Purchaser: United Fuel Gas Company.

Rate schedule designation: Supplement No. 9 to Respondent's FPC Gas Rate Schedule No. 174.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6222; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G-15668]

KERR-MCGEE OIL INDUSTRIES, INC., ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Kerr-McGee Oil Industries, Inc. (Operator) et al. (Respondent) on July 7, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 2, 1958.

Purchasers: (1) (3) and (4) Southern Natural Gas Company, (2) Tennessee Gas Transmission Company.

Rate schedule designation: (1) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 52. (2) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 6. (3) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 15. (4) Supplement No. 10 to Respondent's FPC Gas Rate Schedule No. 19.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6223; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G-15673]

SAM SKLAR, TRUSTEE, ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Sam Sklar, Trustee (Operator) et al. (Respondent) on July 10, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which contitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 8, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 11.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6224; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G-15749]

MUNOCO CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

William C. and Theodosia M. Nolan d/b/a Munoco Company (Respondent),

on July 18, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 14, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 4.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6225; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G–15750]

SIDNEY G. MYERS, JR., ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Sidney G. Myers, Jr., et al. (Respondent) on July 24, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 21, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 4.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6226; Filed, Aug. 7, 1958; 8:48 a. m.]

MONSANTO CHEMICAL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Monsanto Chemical Company (Respondent) on July 21, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 10, 1958.

Purchasers: (1) Mississippi River Fuel Company, (2) Mississippi River Fuel Company, (3) Arkansas Louisiana Gas Company, (4) Arkansas Louisiana Gas Company, (5) Southern Natural Gas Company, (6, 7, 8, 9) Arkansas Louisiana Gas Company.

Rate schedule designation: (1) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 4. (2) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 3. (3) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 10. (4) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 11. (5) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 14. (6) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 19. (7) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 24. (8) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 9. (9) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 22.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6227; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G–15744]

C. H. LYONS, SR., ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

C. H. Lyons, Sr., et al. (Respondent) on July 21, 1958, tendered for filing proposed changes in his presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of Change, dated July 17, 1958, Notice of Change, dated July 18, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: (1) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 6. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 9.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6228; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G–15761]

BENEDUM-TREES OIL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Benedum-Trees Oil Company (Operator) et al. (Respondent) of July 16, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 9.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH GUTRIDE, *Secretary.*

[F. R. Doc. 58–6229; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G–15762]

VANSON PRODUCTION CORP. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Vanson Production Corporation (Operator) et al. (Respondent) on July 14, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6230; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G–15766]

FOREST OIL AND GAS CORP. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Forest Oil and Gas Corporation (Operator) et al. (Respondent) on July 1, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 30, 1958.

Purchaser: Tennessee Gas Transmission Company.

Rate schedule designation: Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 7.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6231; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G–15649]

MIDSTATES OIL CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Midstates Oil Corporation (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 27, 1958.

Purchasers: (1) United Fuel Gas Company, (2) and (3) Texas Eastern Transmission Corporation.

Rate schedule designation: (1) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 36. (2) Supplement No. 13 to Respondent's FPC Gas Rate Schedule No. 4. (3) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 52.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6232; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G–15675]

NORMAN V. KINSEY, JR.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Norman V. Kinsey, Jr. (Respondent) on July 14, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 10, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 7.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6233; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G–15676]

M. B. CHASTAIN ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

M. B. Chastain et al. (Respondent) on July 14, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 10, 1958.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6234; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G–15724]

NORTON F. WILSON

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Norton F. Wilson (Respondent) on July 7, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 2, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6235; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G–15725]

J. I. ROBERTS

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

J. I. Roberts (Respondent) on July 21, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 17, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 2.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6236; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G–15730]

CONTINENTAL OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Continental Oil Company (Respondent) on July 7, 15 and 17, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Changes, undated.

Purchasers: (1) United Gas Pipe Line Company, (2 and 4) Southern Natural Gas Company, (3 and 6) Tennessee Gas Transmission Company, (5) Arkansas Louisiana Gas Company.

Rate schedule designation: (1) Supplement No. 7 to Respondent's FPC Gas Rate

Schedule No. 106. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 153. (3) Supplement No. 10 to Respondent's FPC Gas Rate Schedule No. 154. (4) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 152. (5) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 126. (6) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 128.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6237; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G-15732]

M. H. MARR

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

M. H. Marr (Respondent) on July 21, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 18, 1958.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6238; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G-15738]

HENRY I. SCHOBER ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Henry I. Schober et al. (Respondent) on July 21, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6239; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G-15739]

TEXACO SEABOARD INC.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Texaco Seaboard Inc. (Respondent) on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitute an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 12 to Respondent's FPC Gas Rate Schedule No. 21.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6240; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G-15743]

SUN OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Sun Oil Company (Respondent) on July 1, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 24, 1958.

Purchasers: (1) United Fuel Gas Company, (2) United Fuel Gas Company, (3) United Fuel Gas Company, (4) Trunkline Gas Company.

Rate schedule designation: (1) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 38. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 75. (3) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 76. (4) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 89.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6241; Filed; Aug. 7, 1958; 8:48 a. m.]

[Docket No. G-15656]

H. L. HUNT ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

H. L. Hunt (Operator) et al. (Respondent) on July 2, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Trunkline Gas Company.

Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 13.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6242; Filed, Aug. 7, 1958; 8:49 a. m.]

[Docket No. G-15664]

SOUTHWEST GAS PRODUCING CO., INC.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Southwest Gas Producing Company, Inc. (Respondent) on July 1, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of Changes, dated June 30, 1958.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: (1) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 3. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 4.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6243; Filed, Aug. 7, 1958; 8:49 a. m.]

[Docket No. G-15665]

G. H. VAUGHN PRODUCTION CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

G. H. Vaughn Production Company (Operator) et al. (Respondent) on July 11, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 8, 1958.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: (1) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6244; Filed, Aug. 7, 1958; 8:49 a. m.]

[Docket No. G-15666]

SPARTAN DRILLING CO., INC., ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Spartan Drilling Company, Inc., Agent (Operator) et al. (Respondent) on July 11, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 8, 1958.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: Supplement No. 9 to Respondent's FPC Gas Rate Schedule No. 2.

Effective Date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6245; Filed, Aug. 7, 1958; 8:49 a. m.]

[Docket No. G-15667]

KERR-MCGEE OIL INDUSTRIES, INC.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Kerr-McGee Oil Industries, Inc. (Respondent) on July 7, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 2, 1958.

Purchasers: (1) Southern Natural Gas Company, (2) American Louisiana Pipe Line Company.

Rate schedule designation: (1) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 51. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 27.

Effective Date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6246; Filed, Aug. 7, 1958; 8:49 a. m.]

[Docket No. G-15638]

MRS. TOM J. MOFFITT ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Mrs. Tom J. Moffitt et al. (Respondent) on July 7, 1958, tendered for filing a proposed change in her presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 3, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 6.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6247; Filed, Aug. 7, 1958; 8:49 a. m.]

[Docket No. G-15645]

MARACAIBO OIL EXPLORATION CORP. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Maracaibo Oil Exploration Corporation (Operator) et al. (Respondent) on July 3, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subect to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 3, 1958.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6248; Filed, Aug. 7, 1958; 8:49 a. m.]

[Docket No. G-15647]

ARKANSAS FUEL OIL CORP. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Arkansas Fuel Oil Corporation (Operator) et al. (Respondent) on June 27, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 23, 1958.

Purchasers: (1) United Gas Pipe Line Company, (2) Texas Eastern Transmission Corporation.

Rate schedule designation: (1) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 44. (2) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 48.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6249; Filed, Aug. 7, 1958; 8:49 a. m.]

[Docket No. G–15652]

AMERADA PETROLEUM CORP. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Amerada Petroleum Corporation (Operator) et al. (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Notice of Change, dated June 27, 1958, (2) Notice of Change, dated June 26, 1958.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: (1) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 11. (2) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 13.

Effective date: August 1, 1958 (effective date is the date proposed by the Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6250; Filed, Aug. 7, 1958; 8:49 a. m.]

[Docket No. G–15655]

PLACID OIL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Placid Oil Company et al. (Respondent) on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 27, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 7.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6251; Filed, Aug. 7, 1958; 8:49 a. m.]

[Docket No. G–15624]

WILLIAM HERBERT HUNT TRUST ESTATE

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

William Herbert Hunt Trust Estate (Respondent) on July 3, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 11 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent.

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6252; Filed, Aug. 7, 1958; 8:49 a. m.]

[Docket No. G–15625]

WILLIAM HERBERT HUNT TRUST ESTATE D. B. A. PARK PIPE LINE

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

William Herbert Hunt Trust Estate d. b. a. Park Pipe Line (Respondent) on July 2, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Transcontinental Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 5.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6253; Filed, Aug. 7, 1958; 8.50 a. m.]

[Docket No. G–15627]

ESTATE OF WILLIAM G. HELIS

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

The Estate of William G. Helis (Respondent) on July 3, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of Change, dated July 1, 1958.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: (1) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 2. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6254; Filed, Aug. 7, 1958; 8:50 a. m.]

[Docket No. G–15632]

SUN OIL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

The Sun Oil Company (Operator) et al. (Respondent) on July 1 and 9, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, (1, 2, 3) dated June 24, 1958, (4 and 5) undated.

Purchaser: (1) Tennessee Gas Transmission Company, (2 and 3) Transcontinental Gas Pipe Line Corporation, (4 and 5) Texas Eastern Transmission Corporation.

Rate schedule designations: (1) Supplement No. 15 to Respondent's FPC Gas Rate Schedule No. 37. (2) Supplement No. 17 to Respondent's FPC Gas Rate Schedule No. 51. (3) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 71. (4) Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 36. (5) Supplement No. 11 to Respondent's FPC Gas Rate Schedule No. 35.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6255; Filed, Aug. 7, 1958; 8:50 a.m.]

[Docket No. G–15644]

CROW DRILLING & PRODUCING CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Crow Drilling & Producing Company et al. (Respondent) on July 1, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 26, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6256; Filed, Aug. 7, 1958; 8:50 a. m.]

[Docket No. G–15628]

H. L. HAWKINS ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

H. L. Hawkins et al. (Respondent) on June 30, 1958, tendered for filing proposed changes in his presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 26, 1958.

Purchasers: (1) Arkansas Louisiana Gas Company, (2) United Fuel Gas Company, (3) United Gas Pipe Line Company, (4) Texas Gas Transmission Corporation.

Rate schedule designation: (1) Supplement No. 9 to Respondent's FPC Gas Rate Schedule No. 4. (2) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 7. (3) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 8. (4) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6257; Filed, Aug. 7, 1958; 8:50 a. m.]

[Docket No. G–15629]

PLACID OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

The Placid Oil Company (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 27, 1958.

Purchasers: (1) United Gas Pipe Line Company, (2) Texas Gas Transmission Corporation.

Rate schedule designations: (1) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 6. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 8.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6258; Filed, Aug. 7, 1958; 8:50 a. m.]

[Docket No. G–15631]

WILLIAMS PRESSURE SERVICE

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

The Williams Pressure Service (Respondent) on July 1, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: Notice of Change, dated June 28, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6259; Filed, Aug. 7, 1958; 8:51 a. m.]

[Docket No. G–15633]

SUN OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

The Sun Oil Company (Respondent) on July 1, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 24, 1958.

Purchasers: (1) United Gas Pipe Line Company, (2) Tennessee Gas Transmission Company, (3) Texas Gas Transmission Corporation.

Rate schedule designations: (1) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 63. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 72. (3) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 93.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6260; Filed, Aug. 7, 1958; 8:51 a. m.]

[Docket No. G–15634]

JAMES MUSLOW ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

James Muslow et al. (Respondent) on July 7, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 28, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6261; Filed, Aug. 7, 1958; 8:51 a. m.]

[Docket No. G–15651]

AMERADA PETROLEUM CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Amerada Petroleum Corporation (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 26, and 30, 1958.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: (1) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 9. (2) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 12.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6262; Filed, Aug. 7, 1958; 8:51 a. m.]

[Docket No. G–15662]

SINCLAIR OIL & GAS CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Sinclair Oil & Gas Company (Respondent) on July 3 and 11, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 1, 7 and 8, 1958.

Purchasers: (1 and 2) Southern Natural Gas Company, (3 and 5) Transcontinental Gas Pipe Line Corporation, (4 and 8) United Gas Pipe Line Company, (6) Trunkline Gas Company, (7) Texas Gas Transmission Corporation, (9) Arkansas Louisiana Gas Company.

Rate schedule designation: 1. Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 97. 2. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 95. 3. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 78. 4. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 66. 5. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 58. 6. Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 33. 7. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 138. 8. Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 102. 9. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 137.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6263; Filed, Aug. 7, 1958; 8:52 a. m.]

[Docket No. G–15669]

GEORGE PARKER ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

George Parker et al. (Respondent) on July 1, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 27, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6264; Filed, Aug. 7, 1958; 8:52 a. m.]

[Docket No. G–15670]

LEONARD W. PHILLIPS ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Leonard W. Phillips et al. (Respondent) on July 10, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 8, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 5.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6265; Filed, Aug. 7, 1958; 8:52 a. m.]

[Docket No. G–15671]

J. R. BUTLER

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

J. R. Butler (Respondent) on July 10, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 8, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6266; Filed, Aug. 7, 1958; 8:52 a. m.]

[Docket No. G–15635]

GILBERT S. JOHNSON

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Gilbert S. Johnson (Respondent) on July 7, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 28, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6267; Filed, Aug. 7, 1958; 8:52 a. m.]

[Docket No. 15659]

CLAUDE M. LANGTON, TRUSTEE

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Claude M. Langton (Respondent) on July 3, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Trunking Gas Company.

Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6268; Filed, Aug. 7, 1958; 8:52 a. m.]

[Docket No. G–15674]

DELTA CARIBBEAN OIL CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Delta Caribbean Oil Corporation (Respondent) on July 14, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 9, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6269; Filed, Aug. 7, 1958; 8:52 a. m.]

[Docket No. G–15687]

HUMBLE OIL & REFINING CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Humble Oil & Refining Company (Respondent) on July 14, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 9, 1958.

Purchasers: (1) Gas Gathering Corporation, (2, 3, 4, 7, 8 and 9) United Gas Pipe Line Company, (5) American Louisiana Pipe Line Company, (6) Texas Gas Transmission Corporation.

Rate schedule designation: (1) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 120. (2) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 123. (3) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 124. (4) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 115. (5) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 140. (6) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 29. (7) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 30. (8) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 34. (9) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 136.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6270; Filed, Aug. 7, 1958; 8:52 a. m.]

[Docket No. G–15718]

HUMBLE OIL & REFINING CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

The Humble Oil & Refining Company (Respondent) on July 14, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 9, 1958.

Purchasers: (1) Southern Natural Gas Company, (2, 3, 4 and 5) United Fuel Gas Company, (6) Texas Gas Transmission Corporation, (7 and 8) Tennessee Gas Transmission Company.

Rate schedule designations: (1) Supplement No. 12 to Respondent's FPC Gas Rate Schedule No. 39. (2) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 25. (3) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 24. (4) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 23. (5) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 26. (6) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 127. (7) Supplement No. 3 to Respondents' FPC Gas Rate Schedule No. 36. (8) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 37.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6271; Filed, Aug. 7, 1958; 8:53 a. m.]

[Docket No. G–15720]

TIDEWATER OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

The Tidewater Oil Company (Respondent) on July 11 and July 16, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 8 and 14, 1958.

Purchasers: (1) United Gas Pipe Line Company, (2) United Fuel Gas Company.

Rate schedule designations: (1) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 34. (2) Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 26.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6272; Filed, Aug. 7, 1958; 8:53 a. m.]

[Docket No. G–15726]

HARRY W. BASS

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Harry W. Bass (Respondent) on July 22, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 21, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6273; Filed, Aug. 7, 1958; 8:53 a. m.]

[Docket No. G–15740]

D. B. McConnell et al.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

D. B. McConnell et al. (Respondent) on July 17, 1958, tendered for filing proposed changes in his presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 2, 1958.

Purchaser: (1) Texas Gas Transmission Corporation, (2) Texas Gas Transmission Corporation, (3) Texas Gas Transmission Corporation.

Rate schedule designation: (1) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 1. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 2. (3) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6274; Filed, Aug. 7, 1958; 8:53 a. m.]

[Docket No. G–15745]

Union Producing Co.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Union Producing Company (Respondent) on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 30, 1958.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 91.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6275; Filed, Aug. 7, 1958; 8:53 a. m.]

[Docket No. G–15747]

Peterson Petroleum Corp.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Peterson Petroleum Corporation (Respondent) on July 21, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: Supplement No 3 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6276; Filed, Aug. 7, 1958; 8:53 a. m.]

[Docket No. G–15616]

States Oil Co. et al.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

States Oil Company (Operator) et al. (Respondent) on July 1, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 27, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 1. Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6277; Filed, Aug. 7, 1958; 8:53 a. m.]

[Docket No. G–15719]

Atlantic Refining Co.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

The Atlantic Refining Company (Respondent) on July 15 and 16, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 11, 1958.

Purchasers: (1) Olin Gas Transmission Corporation, (2) Texas Gas Transmission Corporation, (3 and 4) United Fuel Gas Company.

Rate schedule designations: (1) Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 56. (2) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 57. (3) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 63. (4) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 166.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6278; Filed, Aug. 7, 1958; 8:53 a. m.]

[Docket No. G–15733]

Hurley Oil and Gas Co. et al.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Hurley Oil and Gas Company et al. (Respondent) on July 17, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 15, 1958.

Purchasers: (1) Arkansas Louisiana Gas Company, (2) Tennessee Gas Transmission Company.

Rate schedule designation: (1) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 6. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6279; Filed, Aug. 7, 1958; 8:53 a. m.]

[Docket No. G–15756]

Tidewater Oil Co. et al.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Tidewater Oil Company (Operator) et al. (Respondent) on July 21, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 17, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 71.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6280; Filed, Aug. 7, 1958; 8:53 a. m.]

[Docket No. G–15771]

Gulf Oil Corp. et al.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Gulf Oil Corporation (Operator) et al. (Respondent) on July 21, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 18, 1958.

Purchasers: (1) Arkansas Louisiana Gas Company, (2) Texas Gas Transmission Corporation, (3) United Fuel Gas Company, (4) United Fuel Gas Company.

Rate schedule designation: (1) Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 86. (2) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 93. (3) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 124. (4) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 125.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6281; Filed, Aug. 7, 1958; 8:53 a. m.]

[Docket No. G–15742]

Norman V. Kinsey, Jr., et al.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Norman V. Kinsey, Jr., et al. (Respondent) on July 14, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 17, 1958.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6282; Filed, Aug. 7, 1958; 8:53 a. m.]

[Docket No. G–15755]

Magnolia Petroleum Co. et al.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Magnolia Petroleum Company (Operator) et al. (Respondent) on July 1, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.

Purchasers: (1) Trunkline Gas Company, (2) American Louisiana Gas Company, (3) Trunkline Gas Company, (4) United Gas Pipe Line Company.

Rate schedule designation: (1) Supplement No. 11 to Respondent's FPC Gas Rate Schedule No. 41. (2) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 18. (3) Supplement No. 9 to Respondent's FPC Gas Rate Schedule No. 46. (4) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 24.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6283; Filed, Aug. 7, 1958; 8:53 a. m.]

[Docket No. G–15758]

General American Oil Co. of Texas et al.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

General American Oil Company of Texas (Operator) et al. (Respondent) on July 14, 1958 tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 7, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6284; Filed, Aug. 7, 1958; 8:53 a. m.]

[Docket No. G–15764]

Hurley Oil and Gas Co. et al.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Hurley Oil and Gas Company (Operator) et al. (Respondent) on July 17, 1958 tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 15, 1958.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 4.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6285; Filed, Aug. 7, 1958; 8:53 a. m.]

[Docket No. G–15765]

MONSANTO CHEMICAL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Monsanto Chemical Company (Operator) et al. (Respondent) on July 21, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 10, 1958.
Purchaser: United Gas Pine Line Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 28.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6286; Filed, Aug. 7, 1958; 8:53 a. m.]

[Docket No. G–15610]

OIL PARTICIPATION, INC., ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Oil Participation, Inc., et al. (Respondent) on July 3, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 6.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6287; Filed, Aug. 7, 1958; 8:54 a. m.]

[Docket No. G–15622]

ESTATE OF LYDA BUNKER HUNT

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Estate of Lyda Bunker Hunt (Respondent) on July 2 and 3, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchasers: (1) Southern Natural Gas Company, (2) Arkansas Louisiana Gas Company, (3) Trunkline Gas Company, (4) Texas Gas Transmission Corporation.
Rate schedule designation: (1) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 1. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 3. (3) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 2. (4) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 7.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6288; Filed, Aug. 7, 1958; 8:54 a. m.]

[Docket No. G–15641]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Pan American Petroleum Corporation (Respondent) on July 1, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 27, 1958.
Purchasers: (1) Tennessee Gas Transmission Company, (2) and (3) United Fuel Gas Company.
Rate schedule designation: (1) Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 14. (2) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 78. (3) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 190.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6289; Filed, Aug. 7, 1958; 8:54 a. m.]

[Docket No. G–15648]

SUPERIOR OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

The Superior Oil Company (Respondent) on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 27, 1958.
Purchaser: Texas Northern Gas Corporation and Texas Gas Transmission Corporation.
Rate schedule designation: Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 13.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6290; Filed, Aug. 7, 1958; 8:54 a. m.]

[Docket No. G–15657]

HUNT OIL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Hunt Oil Company (Operator) et al. (Respondent) on July 2, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 28.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6291; Filed, Aug. 7, 1958; 8:54 a. m.]

[Docket No. G–15722]

SUNRAY-MIDCONTINENT OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Sunray-Midcontinent Oil Company (Respondent) on July 7 and July 11, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 2, 1958.
Purchaser: (1) United Fuel Gas Company, (2 and 3) Texas Eastern Transmission Corporation.
Rate schedule designations: (1) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 132. (2) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 132. (3) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 127.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6292; Filed, Aug. 7, 1958; 8:54 a. m.]

[Docket No. G–15613]

BRITISH AMERICAN OIL PRODUCING CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

The British American Oil Producing Company (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 27, 1958.
Purchasers: American Louisiana Pipe Line Company, United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 17. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 28.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6293; Filed, Aug. 7, 1958; 8:54 a. m.]

[Docket No. G–15663]

SOUTHWEST GAS PRODUCING CO., INC., ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Southwest Gas Producing Company, Inc., et al (Respondent) on July 1, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 30, 1958.
Purchasers: (1) Mississippi River Fuel Corporation, (2) Tennessee Gas Transmission Company, (3) Texas Gas Transmission Corporation, (4) Transcontinental Gas Pipe Line Corporation, (5) and (6) Texas Eastern Transmission Corporation.
Rate schedule designation: (1) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 2. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 7. (3) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 8. (4) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 9. (5) Supplement No. 12 to Respondent's FPC Gas Rate Schedule No. 6. (6) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 5.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6294; Filed, Aug. 7, 1958; 8:54 a. m.]

[Docket No. G–15679]

ATLANTIC REFINING CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

The Atlantic Refining Company (Operator) et al. (Respondent) on July 15, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 11, 1958.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 171.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6295; Filed, Aug. 7, 1958; 8:54 a. m.]

[Docket No. G–15741]

REBSTOCK & REEVES DRILLING CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Rebstock & Reeves Drilling Company (Respondent) on July 18, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 15, 1958.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6296; Filed, Aug. 7, 1958; 8:55 a. m.]

[Docket No. G–15760]

TEXAS GULF PRODUCING CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Texas Gulf Producing Company (Operator) et al. (Respondent) on July 21, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, constitute increased rates and charges, and are contained in the following designated filings:

Description: Notice of Change, dated July 16 and 17, 1958.
Purchasers: (1) United Fuel Gas Company, (2) Trunkline Gas Company.
Rate schedule designation: (1) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 10. (2) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 23.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6297; Filed, Aug. 7, 1958; 8:55 a. m.]

[Docket No. G–15611]

SHELL OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Shell Oil Company (Respondent) on July 1 and 7, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and

charges, are contained in the following designated filings:

Description: Notices of Change, dated June 27, 1958, for 1, 2, 3, 4, 5, and 6; dated July 3, 1958, for 7; dated June 27, 1958, for 8, 9, 10.

Purchasers: (1, 2, 3) United Gas Pipe Line Company, (4) E. A. Courtney, (5 and 6) Tennessee Gas Transmission Company, (7) Southern Natural Gas Company, (8 and 9) United Fuel Gas Company, (10) Texas Gas Transmission Corporation.

Rate schedule designation: 1. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 52. 2. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 55. 3. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 56. 4. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 126. 5. Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 128. 6. Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 130. 7. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 169. 8. Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 26. 9. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 27. 10. Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 153.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6298; Filed, Aug. 7, 1958; 8:55 a. m.]

[Docket No. G-15630]

J. R. FRANKEL ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

J. R. Frankel et al. (Respondent) on July 3, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 30, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6299; Filed, Aug. 7, 1958; 8:55 a. m.]

[Docket No. G-15636]

W. H. HUNT

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

W. H. Hunt (Respondent) on July 3, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6300; Filed, Aug. 7, 1958; 8:55 a. m.]

[Docket No. G-15642]

GULF OIL CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Gulf Oil Corporation (Respondent) on July 3, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 30, 1958.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 139.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6301; Filed, Aug. 7, 1958; 8:55 a. m.]

[Docket No. G-15643]

STATES OIL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

States Oil Company et al. (Respondent) on July 1, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 28, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 2.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6302; Filed, Aug. 7, 1958; 8:56 a. m.]

[Docket No. G-15683]

CARTER OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

The Carter Oil Company (Respondent) on July 14, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 10, 1958.

Purchasers: (1 and 2) Mississippi River Fuel Corporation, (3) Arkansas Louisiana Gas Company, (4) Texas Eastern Transmission Corporation.

Rate schedule designation: (1) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 4. (2) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 10. (3) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 22. (4) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 45.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6303; Filed, Aug. 7, 1958; 8:56 a. m.]

[Docket No. G-15721]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

The Phillips Petroleum Company (Respondent) on June 30, July 9 and July 14, 1958, tendered for filing proposed

changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 27, July 7 and July 10, 1958.

Purchasers: (1 and 6) Arkansas Louisiana Gas Company, (2) Transcontinental Gas Pipe Line Corporation, (3) Texas Gas Transmission Corporation, (4) United Fuel Gas Company, (5) United Gas Pipe Line Company.

Rate schedule designations: (1) Supplement No. 20 to Respondent's FPC Gas Rate Schedule No. 31. (2) Supplement No. 9 to Respondent's FPC Gas Rate Schedule No. 200. (3) Supplement No. 11 to Respondent's FPC Gas Rate Schedule No. 202. (4) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 273. (5) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 117. (6) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 304.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6304; Filed, Aug. 7, 1958; 8:56 a. m.]

[Docket No. G-15736]

MIDSTATES OIL CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Midstates Oil Corporation (Respondent) on June 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 27, 1958.

Purchasers: (1) Texas Eastern Transmission Corporation, (2) United Gas Pipe Line Company.

Rate schedule designation: (1) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 63. (2) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 28.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6305; Filed, Aug. 7, 1958; 8:56 a. m.]

[Docket No. G-15748]

TRICE PRODUCTION CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Trice Production Company (Respondent) on July 21, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 17, 1958.

Purchaser: Transcontinental Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6306; Filed, Aug. 7, 1958; 8:56 a. m.]

[Docket No. G-15751]

GULF OIL CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Gulf Oil Corporation (Respondent) on July 21, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 18, 1958.

Purchasers: (1) Tennessee Gas Transmission Company, (2) Tennessee Gas Transmission Company, (3) Tennessee Gas Transmission Company, (4) American Louisiana Pipe Line Company, (5) United Gas Pipe Line Company.

Rate Schedule designation: (1) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 87. (2) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 88. (3) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 89. (4) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 91. (5) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 136.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6307; Filed, Aug. 7, 1958; 8:56 a. m.]

[Docket No. G-15653]

CITIES SERVICE PRODUCTION CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Cities Service Production Company (Operator) et al. (Respondent) on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 25, 1958.

Purchaser: United Fuel Gas Company.

Rate schedule designation: Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6308; Filed, Aug. 7, 1958; 8:56 a. m.]

[Docket No. G-15746]

WILLIAM G. HELIS ESTATE ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

William G. Helis Estate et al. (Respondent) on July 21, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 15, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6309; Filed, Aug. 7, 1958; 8:56 a. m.]

[Docket No. G-15752]

PHILLIPS PETROLEUM CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Phillips Petroleum Company (Operator) et al. (Respondent) on July 14 and

21, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitutes increased rates and charges, are contained in the following designated filings:

Description: (1, 2, and 3) Notices of Change, dated July 10, 1958, (4 and 5) Notices of Change, undated.

Purchasers: (1 and 3) Arkansas Louisiana Gas Company, (2) United Gas Pipe Line Company, (4) Tennessee Gas Transmission Company, (5) La-Tex Petroleum Products Corporation.

Rate schedule designation: (1) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 48. (2) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 295. (3) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 56. (4) Supplement No. 13 to Respondent's FPC Gas Rate Schedule No. 218. (5) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 246.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6310; Filed, Aug. 7, 1958; 8:56 a. m.]

[Docket No. G–15763]

CONTINENTAL OIL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

Continental Oil Company (Operator) et al. (Respondent) on July 7 and 17, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.

Purchasers: (1) United Gas Pipe Line Company, (2) Tennessee Gas Transmission Company, (3) United Gas Pipe Line Company, (4) United Gas Pipe Line Company.

Rate schedule designation: (1) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 115. (2) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 138. (3) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 80. (4) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 98.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6311; Filed, Aug. 7, 1958; 8:56 a. m.]

[Docket No. G–15767]

M. F. McCAIN ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

M. F. McCain (Operator) et al. (Respondent) on July 21, 1958, tendered for filing proposed changes in his presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 17, 1958.

Purchaser: (1) Texas Eastern Transmission Corporation, (2) Texas Gas Transmission Corporation.

Rate schedule designation: (1) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 3. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 2.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6178, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–6312; Filed, Aug. 7, 1958; 8:56 a. m.]

[Docket No. G–15260]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 31, 1958.

Take notice that Montana-Dakota Utilities Co. (Applicant), a Delaware corporation with its principal place of business in Minneapolis, Minnesota, filed an application on June 10, 1958, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing construction and operation of a tap on its 12¾-inch Worland, Wyoming to Cabin Creek, Montana pipeline, together with 2.65 miles of 2⅜-inch pipeline lateral running south from the tap to a metering station in Custer County, Montana, for the purpose of rendering natural gas service to the United States Air Force Radar Station in Custer County, Montana, near Miles City, all as more fully represented in the application on file with the Commission, and open for public inspection.

The application recites the pipeline is sized to be adequate for the present requirements or expanded requirements of said Station. Annual consumption before expansion would be 12,840 Mcf with a peak day of 160 Mcf; and after expansion 25,960 Mcf annually, and 320 Mcf on a peak day.

The estimated cost of the proposed pipeline and tap is $16,900, and the metering facilities $7,330, a total of $24,230, of which the Air Force will pay as a connection charge $20,000, which will be amortized at a discount of 15 percent applied to actual sales revenue received. The balance of the cost will be supplied from working capital.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 11, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 25, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 85–6205; Filed, Aug. 7, 1958; 8:47 a. m.]

[Docket No. G–12759 etc.]

OKLAHOMA NATURAL GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 31, 1958.

In the matters of Oklahoma Natural Gas Company,[1] Docket No. G–12759; Gas Gathering Company,[2] Docket No. G–12760; Magnolia Petroleum Company, Docket No. G–12770; Gulf Oil Corporation,[3] Docket No. G–12782; Virgil E. Watson et al., Docket No. G–12785; Slick Oil Corporation, Docket No. G–12786; The Atlantic Refining Company,[4] Docket No. G–12787; The Texas Company, (Operator) et al.,[5] Docket No. G–12800; The Atlantic Refining Company, (Operator) et al.,[6] Docket No. G–12803; Cities Service Oil Company,[7] Docket No. G–12807; Ashland Oil & Refining Company,[8] Docket No. G–12808; Ashland Oil & Refining Company,[9] (Operator) et al., Docket No. G–12809; Ashland Oil & Refining Company,[10] (Operator) et al., Docket No. G–12810; Ashland Oil & Refining Company,[11] Docket No. G–12811.

Take notice that each of the above-designated parties, hereinafter referred to as Applicants, has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully presented in the respective applications which are on file with the Commission and open to public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.	Field	County or Parish	State	Purchaser
G–12759	Acreage in	Grant County	Oklahoma	Cities Service Gas Co.
G–12760	Reynolds Ranch Area.	Jim Wells County	Texas	Texas Illinois Natural Gas Pipeline Co.
G–12770	N. W. Sharon	Barber County	Kansas	Cities Service Gas Co.
G–12782	Witcher	Oklahoma County	Oklahoma	Champlin Oil & Refining Co. (for resale to Cities Service Gas Co.).
G–12785	Hugoton	Haskell County	Kansas	Colorado Interstate Gas Co.
G–12786	East Bearhead Creek	Beauregard Parish	Louisiana	Trunkline Gas Co.
G–12787	Camrick Southeast Gas Pool.	Texas and Beaver Counties.	Oklahoma	Natural Gas Pipeline Co. of America.
G–12800	Hostetter	McMullen County	Texas	Texas Eastern Transmission Corp. (assignee of Wilcox Trend Gathering System, Inc.).
G–12803	Camrick Southeast Gas Pool.	Beaver and Texas Counties.	Oklahoma	Natural Gas Pipeline Co. of America.
G–12807	Greenwood	Morton County	Kansas	Colorado Interstate Gas Co.
G–12808	Witcher-Munger	Oklahoma County	Oklahoma	Champlin Oil & Refining Co. (for resale to Cities Service Gas Co.).
G–12809	....do	....do	....do	Do.
G–12810	....do	....do	....do	Do.
G–12811	....do	....do	....do	Do.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 25, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 22, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[1] Oklahoma Natural Gas Company is filing for authorization to sell natural gas from the subject acreage pursuant to a gas sales contract dated May 28, 1957, and amendatory agreement (filed August 26, 1957) adding additional acreage thereto dated July 9, 1957.

[2] Gas Gathering Company is filing for authorization to sell natural gas produced from the G. W. Reynolds Tract (Coastal States No. 1 Well) pursuant to an amendatory agreement dated March 29, 1957, which adds additional acreage to a basic contract dated September 1, 1956. Applicant was authorized in Docket No. G–12281 covering the sale of gas under the basic contract. The subject gas is purchased from L. M. Fisher et al., which producers have filed in pending Docket No. G–12899 for authorization to sell natural gas to Gas Gathering Company.

[3] Application covers the proposed sale of natural gas to Champlin Oil and Refining Company under gas sales contract dated May 8, 1957, which contract is subject to a prior contract between Applicant and Oklahoma Natural Gas Company dated December 6, 1954. Amendment filed August 26, 1957, requests that any certificate issued to Applicant recognize the fact that the subject gas is surplus gas and that as such is subject to prior rights of Oklahoma Natural.

[4] The Atlantic Refining Company, nonoperator, is filing for its 12.422 per cent interest in a 640 acre gas unit, production from which is proposed to be sold under a ratification agreement dated March 4, 1957, of a basic contract dated November 7, 1955, between The Carter Oil Company, Seller, and Natural Gas Pipeline Company of America, Buyer. Both Atlantic and Pipeline Company are signatory parties to the subject ratification agreement. Carter was authorized in Docket No. G–9765 covering the sale of gas under the basic contract.

[5] The Texas Company is filing for its 100 percent interest in production from the H. E. Gouger Fee NCT–4, production from which is proposed to be sold under an amendatory agreement dated May 3, 1957, which adds additional acreage to a basic contract dated June 20, 1953, as amended. Applicant was authorized in Docket No. G–4820 covering the sale of gas under the basic contract.

[6] The Atlantic Refining Company, Operator, is filing for authorization to sell natural gas attributable to its interest in the 320-acre Sheets Gas Unit and lists the owners of working interests as follows: The Atlantic Refining Company, Operator, 50 percent; Edwin L. Cox, 16.6667 percent; Don E. Archer, 8.3334 percent; Carl Archer, Effie Pearl Archer and Phillips Petroleum Company, 8.3333 percent each. In addition, the application covers the proposed sale of natural gas from Atlantic's 100 percent interest in 1,800 nonunitized acres. The subject gas is proposed to be sold pursuant to an amendatory agreement dated April 29, 1957, which adds additional acreage to a basic contract dated January 6, 1956, as amended. Atlantic is the only signatory seller party to the subject amendatory agreement and to the basic contract. The application states that it is Operator's understanding that nonoperators will execute separate contracts to dispose of their shares of the gas produced from the Sheets Unit. Atlantic was authorized in Docket No. G–9980 to sell gas under the basic contract.

Atlantic amended its application on June 26, 1958, deleting from the application the NE/4 of section 8, T2N, R19ECIM released from the contract by agreement of May 1, 1958.

[7] Cities Service Oil Company is filing for an additional 18.75 percent interest in production from the Brown F–1 Well, proposed to be sold under an amendatory agreement dated June 17, 1957, which adds additional acreages to a basic contract dated October 20, 1953, between Terminal Facilities Inc. (Predecessor to Cities Service) and Colorado Interstate. Cities Service was authorized in Docket No. G–4579 covering the sale of gas under the basic contract. Cities Service Oil Company is a signatory seller party to the subject amendatory agreement.

[8] The gas sales contract is subject to a prior contract between Ashland Oil & Refining Company, Seller, and Oklahoma Natural Gas Company, Buyer, dated March 5, 1953.

[9] Ashland Oil & Refining Company, Operator, is filing for itself and on behalf of the following nonoperators: Harper Oil Company and The British-American Oil Producing Company. All are signatory seller parties to the gas sales contract dated February 27, 1956, which contract is subject to a prior contract between Ashland Oil & Refining Company, Seller, and Oklahoma Natural Gas Company, Buyer, dated February 2, 1953. Production is limited to the Cleveland Sand.

[10] Ashland Oil & Refining Company, Operator, is filing for itself and on behalf of the following nonoperators: W. J. Clements and Edward J. McLaughlin. All are signatory seller parties to the gas sales contract dated February 27, 1956, which contract is subject to a prior contract between Ashland Oil & Refining Company, Seller, and Oklahoma Natural Gas Company, Buyer, dated April 10, 1953.

[11] The gas sales contract is subject to a prior contract between Ashland Oil & Refining Company, Seller, and Oklahoma Natural Gas Company, Buyer, dated February 15, 1954. Production is limited to the Cleveland Sand.

[F. R. Doc. 58–6204; Filed, Aug. 7, 1958; 8:47 a. m.]

[Docket No. G–15288]

KENTUCKY GAS TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 31, 1958.

Take notice that Kentucky Gas Transmission Corporation (Applicant), a Delaware corporation and a subsidiary of The Columbia Gas System, Inc., with its principal place of business in Charleston, West Virginia, filed on June 13, 1958, an application pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon its 330 HP Lexington Compressor Station, Fayette County, Kentucky, located at the western end of an 8-inch line of Petroleum Exploration Company, leased by Applicant, all as more fully represented in the application on file with the Commission and open for public inspection.

The application recites that Applicant's Lexington station, a 330 HP station, was acquired by Applicant from its predecessor, Central Kentucky Natural Gas Company, upon acquisition of the latter's entire facilities as au-

thorized in Docket No. G-9689 in Commission order issued September 10, 1956. Prior and subsequent to acquisition, the Lexington station has been used to compress gas in the leased line, originating from local production in the eastern Kentucky area, and some interstate gas received from Tennessee Gas Transmission Company, for delivery to the City of Lexington, Kentucky and environs. This local production has declined both in volume and pressure to the extent that most of the remaining volumes are utilized to supply market requirements between the producing fields and the Lexington station. The small remaining volumes of gas, when available for delivery to Lexington, are introduced, together with the Tennessee gas, into Lexington's low pressure distribution system without compression.

The application further recites that the bulk of Lexington's requirements are now supplied from other gas pipelines which carry larger volumes of gas received from Tennessee and others. The larger volumes are transmitted from line KA and 12-inch line G.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practices and procedure, a hearing will be held on September 24, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 2, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6206; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G-15754]

PLACID OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

JULY 31, 1958.

Placid Oil Company (Operator) et al. (Placid) on June 30, 1958 tendered for filing a proposed change in its presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 27, 1958.
Purchaser: H. L. Hunt.
Rate schedule designation: Supplement No. 7 to Placid's FPC Gas Rate Schedule No. 14.
Effective date: August 1, 1958 (effective date is the effective date proposed by Placid).

The instant Notice of Change reflects in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The use of Supplement No. 6 to Placid's FPC Gas Rate Schedule No. 14 was deferred by Commission order issued July 1, 1958, at Docket No. 15371.

The increased rate and charge proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Placid's FPC Gas Rate Schedule No. 14 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Placid's FPC Gas Rate Schedule No. 14.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until the date on which Supplement No. 6 to Placid's FPC Gas Rate Schedule No. 14 is made effective in the manner prescribed by the Natural Gas Act, or until August 2, 1958, whichever is later.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR, 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6208; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G-15792]

R. L. FOREE

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 31, 1958.

R. L. Foree (Foree) on July 1, 1957, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 27, 1958.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 5 to Foree's FPC Gas Rate Schedule No. 1.
Effective date: August 1, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Foree states that the contract, including the price increase provision, was arrived at by arm's-length bargaining, the increased price is in all respects fair, reasonable and just and not above the prevailing price for gas in the area. In addition, Foree states that price escalator clauses are common in long-term gas sales contracts and afford the buyer a low price during the early period of the contract and increase the compensation to seller as his costs increase. Foree also states that the increased price is necessary to encourage exploration and denial of the proposed price would result in the taking of seller's property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Foree's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Foree's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6207; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G-15781]

AMERADA PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 31, 1958.

Amerada Petroleum Corporation (Amerada) on June 30, 1958, tendered for filing a proposed change in its presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 27, 1958.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 3 to Amerada's FPC Gas Rate Schedule No. 65.
Effective date: August 1, 1958 (effective date is the effective date proposed by Amerada).

The instant Notice of Change reflects in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The use of the aforementioned rate schedule was suspended by orders dated February 10 and March 21, 1958 at Docket No. G-14421.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Amerada's FPC Gas Rate Schedule No. 65 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 3 to Amerada's FPC Gas Rate Schedule No. 65.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until said FPC Gas Rate Schedule No. 65 and Supplements Nos. 1 and 2 thereto, are made effective in the manner prescribed by the Natural Gas Act, or until August 2, 1958, whichever is later.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6209; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G-15784]

WILLIAM HERBERT HUNT TRUST ESTATE

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 31, 1958.

William Herbert Hunt Trust Estate (Estate) on July 2 and 3, 1958, tendered for filing proposed changes in its presently filed rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchaser: H. L. Hunt.
Rate schedule designation: Supplement No. 6 to Estate's FPC Gas Rate Schedule No. 8. Supplement No. 6 to Estate's FPC Gas Rate Schedule No. 9.
Effective date: August 1, 1958 (effective date is the date proposed by Estate).

The instant Notices of Change reflect in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The use of Supplement No. 5 to Estate's FPC Gas Rate Schedule No. 8 and Supplement No. 5 to Estate's FPC Gas Rate Schedule No. 9 was deferred by orders of the Commission dated April 25, 1958, and June 23, 1958, at Docket No. G-14937.

The increased rates and charges here proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes and that Supplement No. 6 to Estate's FPC Gas Rate Schdeule No. 8 and Supplement No. 6 to Estate's FPC Gas Rate Schedule No. 9 be suspended and the use deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 6 to Estate's FPC Gas Rate Schedule No. 8 and Supplement No. 6 to Estate's FPC Gas Rate Schedule No. 9.

(B) Pending such hearing and decision thereon, said supplements be and they are hereby suspended and the use thereof deferred until the dates upon which Supplement No. 5 to Estate's FPC Gas Rate Schedule No. 8 and Supplement No. 5 to Estate's FPC Gas Rate Schedule No. 9 are made effective in the manner prescribed by the Natural Gas Act, or until August 2, 1958, whichever is later.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6210; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G-15785]

NELSON BUNKER HUNT TRUST ESTATE

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

JULY 31, 1958.

Nelson Bunker Hunt Trust Estate (Estate) on July 3, 1958, tendered for filing a proposed change in its presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: H. L. Hunt.
Rate schedule designation: Supplement No. 6 to Estate's FPC Gas Rate Schedule No. 5.
Effective date: August 1, 1958 (effective date is the effective date proposed by Estate).

The instant Notice of Change reflects in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The use of Supplement No. 5 to Estate's FPC Gas Rate Schedule No. 5 was deferred by Commission orders dated April 25 and June 23, 1958 at Docket No. G-14939.

The increased rate and charge here proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules

of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 10 to Pan American's FPC Gas Rate Schedule No. 173.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until the date upon which Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 173 is made effective in the manner prescribed by the Natural Gas Act, or until August 2, 1958, whichever is later.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6211; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. 15787]

MAGNOLIA PETROLEUM CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

JULY 31, 1958.

Magnolia Petroleum Company (Operator) et al. (Magnolia) on July 1, 1958, tendered for filing proposed change in its presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rate and charge, is contained in the following designating filing:

Description: Notice of Change, undated.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 24.
Effective date: August 1, 1958 (effective date is the date proposed by Magnolia).

Instant Notice of Change reflects in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The designated rate schedule is subject to suspension at Docket No. G-15410 until December 10, 1958, or as longer provided by the Natural Gas Act.

The increased rate and charge here proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 24 be suspended and use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 24.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until the suspended rate affected thereby is made effective in the manner prescribed by the Natural Gas Act in Docket No. G-15787 or until August 2, 1958, whichever is later.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6212; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G-15654]

ED GIBBONS

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 31, 1958.

Ed Gibbons (Gibbons) on June 30, 1958, tendered for filing a proposed change in his presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 28, 1958.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 3 to Gibbons' FPC Gas Rate Schedule No. 1.
Effective date: August 1, 1958 (effective date is the effective date proposed by Gibbons).

The instant notice of change reflects in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The use of Supplement No. 2 to the aforementioned rate schedule was deferred by order dated December 14, 1956, at Docket No. G-11591.

The increased rate and charge here proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Gibbons' FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Gibbons' FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until the date upon which Supplement No. 2 to Gibbons' FPC Gas Rate Schedule is made effective in the manner prescribed by the Natural Gas Act, or until August 2, 1958, whichever is later.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6214; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G-15658]

LAMAR HUNT

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

JULY 31, 1958.

Lamar Hunt (Hunt) on July 3, 1958, tendered for filing a proposed change in his presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: H. L. Hunt.
Rate schedule designation: Supplement No. 6 to Hunt's FPC Gas Rate Schedule No. 6.
Effective date: August 1, 1958 (effective date is the date proposed by Hunt).

The instant Notice of Change reflects in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The use of Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 6 was deferred by orders of the Commission dated April 25, and June 23, 1958, at Docket No. G-14036.

The increased rate and charge here proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Hunt's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Hunt's FPC Gas Rate Schedule No. 6.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until the date upon which Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 6 is made effective in the manner prescribed by the Natural Gas Act, or until August 2, 1958, whichever is later.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6215; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G-15660]

J. R. GOFF, TRUSTEE

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

JULY 31, 1958.

J. R. Goff, Trustee (Goff) on July 3, 1958, tendered for filing a proposed change in his presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Trunkline Gas Company.
Rate schedule designation: Supplement No. 3 to Goff's FPS Gas Rate Schedule No. 1.
Effective date: August 1, 1958 (effective date is the date proposed by Goff).

The instant Notice of Change reflects in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The use of Supplement No. 2 to Goff's FPC Gas Rate Schedule No. 1 was deferred by Commission order issued December 24, 1957 at Docket No. G-14053.

The increased rate and charge here proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Goff's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Goff's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until the date upon which Supplement No. 2 to Goff's FPC Gas Rate Schedule is made effective in the manner prescribed by the Natural Gas Act, or until August 2, 1958, whichever is later.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6216; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G-15782]

L. L. ROBINSON

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 31, 1958.

L. L. Robinson (Robinson) on June 30, 1958, tendered for filing a proposed change in his presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 28, 1958.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 3 to Robinson's FPC Gas Rate Schedule No. 2.
Effective date: August 1, 1958 (effective date is that proposed by Respondent).

The instant notice of change reflects in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The use of Supplement No. 2 to the aforementioned rate schedule was deferred by order dated December 14, 1954, at Docket No. G-11592.

The increased rate and charge here proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Robinson's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Robinson's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until the date upon which Supplement No. 2 to Robinson's FPC Gas Rate Schedule No. 2 is made effective in the manner prescribed by the Natural Gas Act, or until August 2, 1958, whichever is later.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6217; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G-15783]

LAMAR HUNT TRUST ESTATE

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 31, 1958.

Lamar Hunt Trust Estate (Estate) on July 2, 1958, tendered for filing proposed

changes in its presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchaser: H. L. Hunt.
Rate schedule designations: Supplement No. 6 to Estate's FPC Gas Rate Schedule No. 5. Supplement No. 6 to Estate's FPC Gas Rate Schedule No. 6.
Effective date: August 1, 1958 (effective date is the date proposed by Estate).

The instant Notices of Change reflect in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The use of Supplement No. 5 to Estate's FPC Gas Rate Schedule No. 5 and Supplement No. 5 to Estate's FPC Gas Rate Schedule No. 6 was deferred by Commission orders dated April 25 and June 23, 1958, at Docket No. G–14938.

The increased rates and charges here proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 6 to Estate's FPC Gas Rate Schedule No. 5 and Supplement No. 6 to Estate's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 6 to Estate's FPC Gas Rate Schedule No. 5 and Supplement No. 6 to Estate's FPC Gas Rate Schedule No. 6.

(B) Pending such hearing and decision thereon, said supplements be and they are hereby suspended and the use thereof deferred until the date upon which Supplement No. 5 to Estate's FPC Gas Rate Schedule and Supplement No. 5 to Estate's FPC Gas Rate Schedule No. 6 are made effective in the manner prescribed by the Natural Gas Act, or until August 2, 1958, whichever is later.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6218; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G–15786]

SECURE TRUSTS

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

JULY 31, 1958.

Secure Trusts (Secure), on July 3, 1958, tendered for filing a proposed change in its presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Trunkline Gas Company.
Rate schedule designation: Supplement No. 3 to Secure's FPC Gas Rate Schedule No. 2.
Effective date: August 1, 1958 (effective date is the effective date proposed by Secure Trusts).

The instant Notice of Change reflects in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The use of Supplement No. 2 to Secure's FPC Gas Rate Schedule No. 2 was deferred by Commission order dated December 5, 1957 at Docket No. G–13839.

The increased rate and charge proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Secure's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Secure's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until the date on which Supplement No. 2 to Secure's FPC Gas Rate Schedule No. 2 is made effective in the manner prescribed by the Natural Gas Act, or until August 2, 1958, whichever is later.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6219; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G–15788]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 31, 1958.

Magnolia Petroleum Company (Magnolia) on July 1, 1958, proposed changes in its presently filed rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchasers: (1) United Gas Pipe Line Company, (2 and 3) Hassie Hunt Trust.
Rate schedule designation: (1) Supplement No. 12 to Magnolia's FPC Gas Rate Schedule No. 69. (2) Supplement No. 7 to Magnolia's FPC Gas Rate Schedule No. 150. (3) Supplement No. 7 to Magnolia's FPC Gas Rate Schedule No. 152.
Effective date: August 1, 1958 (effective date is the date proposed by Magnolia).

Instant Notices of Change reflect in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The designated rate schedules are subject to suspension at Docket Nos. G–15411 and G–15526 until December 10 and 25, 1958, respectively, or until made effective in the manner prescribed by the Natural Gas Act.

The increased rates and charges here proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 12 to Magnolia's FPC Gas Rate Schedule No. 69, Supplement No. 7 to Magnolia's FPC Gas Rate Schedule No. 150 and Supplement No. 7 to Magnolia's FPC Gas Rate Schedule No. 152 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed changes contained in Supplement No. 12 to Magnolia's FPC Gas Rate Schedule No. 69, Supplement No. 7 to Magnolia's FPC Gas Rate Schedule No. 150 and Supplement No. 7 to Magnolia's FPC Gas Rate Schedule No. 152.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until the suspended rates affected thereby are made effective in the manner prescribed by the Natural Gas Act in Docket Nos. G–15411 and G–15526 or until August 2, 1958, whichever is later.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6220; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. G–15803]

HUMBLE OIL & REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

JULY 31, 1958.

Humble Oil & Refining Company (Humble) on July 14, 1958, tendered for filing a proposed change in its presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 9, 1958.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 10 to Humble's FPC Gas Rate Schedule No. 35.
Effective date: August 1, 1958 (effective date is the effective date proposed by Humble).

The instant Notice of Change reflects in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The use of Supplement No. 9 to Humble's FPC Gas Rate Schedule No. 35 was deferred by Commission order issued June 2, 1958, at Docket No. G–15180.

The increased rate and charge here proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 10 to Humble's FPC Gas Rate Schedule No. 35 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 10 to Humble's FPC Gas Rate Schedule No. 35.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until the date on which Supplement No. 9 to Humble's FPC Gas Rate Schedule No. 35 is made effective in the manner prescribed by the Natural Gas Act, or until August 2, 1958, whichever is later.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6221; Filed, Aug. 7, 1958; 8:48 a. m.]

[Docket No. E–6833]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

AUGUST 1, 1958.

Take notice that on July 28, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Gulf States Utilities Company ("Applicant"), a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance of $17,000,000 in principal amount of First Mortgage Bonds __ percent Series due 1988 ("New Bonds"). The proposed New Bonds are to be issued pursuant to Applicant's Indenture of Mortgage, dated September 1, 1926, to Central Hanover Bank and Trust Company, Trustee, as heretofore supplemented and modified by Supplemental Indentures to and including a Sixteenth Supplemental Indenture dated as of May 1, 1958, and as to be further supplemented by a Seventeenth Supplemental Indentures to be dated as of September 1, 1958. The New Bonds are to be issued on or about September 23, 1958; and are to be due September 1, 1988. The interest rate per annum of the aforesaid New Bonds are to be fixed by competitive bidding and the Bonds are to be sold at competitive bidding. Applicant proposes on or about September 3, 1958, to publicly invite sealed written bids for the purchase of the proposed Bonds. Applicant proposes to use the net proceeds from the sale of the New Bonds, together with cash on hand, to redeem $17,000,000 principal amount of presently outstanding First Mortgage Bounds 4⅞ percent Series due 1987, callable at 106.20 percent of the principal amount thereof, plus accrued interest to the redemption date.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 25th day of August 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6322; Filed, Aug. 7, 1958; 8:45 a. m.]

[Docket No. G–14964]

WESTERN KENTUCKY GAS CO.

NOTICE OF APPLICATION

AUGUST 1, 1958.

Take notice that Western Kentucky Gas Company (Applicant), a Delaware corporation with principal place of business at 608 Frederica Street, Owensboro, Kentucky, filed an application for an order in the above-captioned proceeding on April 29, 1958, pursuant to section 7 (a) of the Natural Gas Act (act), directing Texas Gas Transmission Corporation (Texas Gas) to sell and deliver additional 2,023 Mcf of firm gas at 15.025 psia through existing facilities to Applicant for resale in Paducah and Calvert City, Kentucky, as hereinafter described and as more fully described in the application which is on file with the Commission and open for public inspection.

Applicant states, inter alia, that it is a natural gas distribution company operating entirely within the Commonwealth of Kentucky; that it serves 54 communities in said state including Paducah and Calvert City; that it has been exempted from regulation under section 1 (c) of the act by order of the Commission issued on May 17, 1956 in Docket No. G–10265; that, except for a small volume of local production, it purchases its natural gas requirements at wholesale from Texas Gas and Tennessee Gas Transmission Company; that it purchases its entire natural gas requirements for Paducah and Calvert City from Texas Gas in the latter's Sales Zone 2; that Texas Gas is presently authorized to sell and deliver under a service agreement with Applicant, dated September 17, 1957, up to a firm maximum volume of 15,300 Mcf per day at 15,025 psia as authorized in Docket No. G–13024; that it has experienced a rapid and continuing growth in natural gas consumption

and, consequently, in its gas requirements; that its present firm allocation of gas from Texas Gas in Zone 2 is less than its present load in that zone; that on its peak day of the 1957–58 heating season, it purchased 15,300 Mcf of firm gas and 2,458 Mcf of authorized overrun gas from Texas Gas; and that the presently sought 2,023 Mcf of additional firm gas will substantially aid it in meeting its service obligations during the coming winter.

Applicant further states that its estimated firm peak day requirements in Mcf at 15,025 psia for the next 3 winter heating seasons are as follows:

	1958–59	1959–60	1960–61
Estimated firm requirements	18,800	20,300	21,640
Present firm allocation	15,300	15,300	15,300
Estimated deficiency	3,500	5,000	6,340

Texas Gas filed on May 20, 1958, pursuant to § 1.9 (a) of the Commission's rules of practice and procedure, an answer to the aforesaid application wherein it states that it has no objection to rendering the service requested by Applicant provided: (1) that the maximum daily delivery obligation of Texas Gas to Applicant is not increased by more than 2,023 Mcf of natural gas at 15.025 psia in Texas Gas' Sales Zone 2 and (2) that, within 45 days after the issuance of any Commission order authorizing the service, Applicant execute a new service agreement with Texas Gas specifying a contract demand of 17,323 Mcf per day at 15.025 psia (15,300 Mcf plus 2,023 Mcf) for service to Applicant in Texas Gas' Sales Zone 2.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 25, 1958.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6323; Filed, Aug. 7, 1958; 8:45 a. m.]

[Docket No. G–15793]

SHORELINE PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 1, 1958.

Shoreline Petroleum Corporation (Shoreline) on July 2, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 30, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 10 to Shoreline's FPC Gas Rate Schedule No. 1.

Effective date: August 5, 1958 (effective date is the effective date proposed by Shoreline).

In support of the proposed redetermined rate increase, Shoreline states that the costs of producing gas have risen sharply and that the increased rate is consistent with the average paid in the area and results from free and open competitive bargaining. Shoreline also cites higher rates [1] being paid by other pipeline purchasers in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 10 to Shoreline's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 10 to Shoreline's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 5, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6324; Filed, Aug. 7, 1958; 8:45 a. m.]

[Docket No. G–15794]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 1, 1958.

Shell Oil Company (Shell) on July 3, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: (1) Supplemental Agreement, dated August 1, 1958.[1] (2) Notice of Change, dated July 1, 1958.

Purchaser: Phillips Petroleum Company.

Rate schedule designation: (1) Supplement No. 1 to Shell's FPC Gas Rate Schedule No. 100. (2) Supplement No. 2 to Shell's FPC Gas Rate Schedule No. 100.

Effective date: August 3, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed renegotiated rate increase, Shell states that the current price is below the market price paid for similar gas, the deliverable volume of gas is declining while costs are increasing, and the proposed rate was agreed to after arm's-length negotiations.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement Nos. 1 and 2 to Shell's FPC Gas Rate Schedule No. 100 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement Nos. 1 and 2 to Shell's FPC Gas Rate Schedule No. 100.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until January 3, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6325; Filed, Aug. 7, 1958; 8:45 a. m.]

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[1] Initial rates for new services.

[1] Agreement wherein parties renegotiate base rate from 7.5 cents to 11.0 cents per Mcf.

[Docket No. G-15797]

SHORELINE PETROLEUM CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

AUGUST 1, 1958.

Shoreline Petroleum Corporation et al. (Shoreline) on July 2, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 30, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 10 to Shoreline's FPC Gas Rate Schedule No. 4. Supplement No. 8 to Shoreline's FPC Gas Rate Schedule No. 9.

Effective date: August 5, 1958 (effective date is the effective date proposed by Shoreline).

In support of the proposed redetermined rate increases, Shoreline states that the costs of producing gas have risen sharply and that the increased rate is consistent with the average paid in the area and results from free and open competitive bargaining. Shoreline also cites higher rates[1] being paid by other pipeline purchasers in the area.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 10 to Shoreline's FPC Gas Rate Schedule No. 4, and Supplement No. 8 to Shoreline's FPC Gas Rate Schedule No. 9, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 10 to Shoreline's FPC Gas Rate Schedule No. 4, and Supplement No. 8 to Shoreline's FPC Gas Rate Schedule No. 9.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until January 5, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6326; Filed, Aug. 7, 1958; 8:45 a. m.]

[1] Initial rates for new services.

CONTINENTAL OIL CO. ET AL

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 1, 1958.

In the matters of Continental Oil Company, Operator and Agent, Docket No. G-13453; Shell Oil Company, Docket No. G-13698; El Paso Natural Gas Company, Docket No. G-13833; Phillips Petroleum Company, Docket No. G-14202; Humble Oil & Refining Company, Docket No. G-14701.

Take notice that on December 2, 1957, El Paso Natural Gas Company (El Paso), filed in Docket No. G-13833 an application, as supplemented on December 27, 1957, April 24, 1958, and July 14, 1958, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of approximately 6.0 miles of 6-inch and 18.3 miles of 8-inch lateral supply pipeline, together with field lines varying in diameter from 4 to 8 inches, metering, communication and appurtenant facilities, in order to receive, process and transport natural gas produced from the Pennsylvanian and Devonian Formations in the Bell Lake Field Unit in Lea County, New Mexico, by Continental Oil Company (Continental) Operator et al., Shell Oil Company (Shell), Phillips Petroleum Company (Phillips), Allan Hargrave (Hargrave), Humble Oil & Refining Company (Humble) and Signal Oil and Gas Company (Signal),[1] for resale for ultimate public consumption, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

The 6-inch segment of the above-mentioned proposed lateral pipeline will extend from a connection with El Paso's existing 26-inch Eunice-Pecos River Line in Lea County, New Mexico, southeasterly to the terminus of the proposed field line system in the Bell Lake Field Unit. The 8-inch segment will extend from a connection with El Paso's existing Jal No. 4 Purification and Dehydration Plant in Lea County, New Mexico, westward to the terminus of the proposed Devonian field line system in the Bell Lake Unit. The estimated total initial cost of the above proposed facilities is $780,000, which cost is proposed to be financed from current working funds.

The respective applicants listed in the table below filed related applications on the dates shown, for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce to El Paso Natural Gas Company, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Docket	Applicant	Date of filing
G-13453	Continental Oil Co., Operator and Agent.	Oct. 14, 1957, as supplemented Jan. 10 and 31, 1958.
G-13698	Shell Oil Co.	Nov. 12, 1957.
G-14202	Phillips Petroleum Co.	Jan. 6, 1958.
G-14701	Humble Oil & Refining Co.	Mar. 10, 1958.

Continental filed on its own behalf and as Agent for Hargrave who has executed a separate gas sales contract with El Paso dated August 26, 1957, as amended by letter agreements dated September 13, 1957, February 10, 1958, and June 19, 1958. An instrument dated January 20, 1958, authorizes Continental to make such filing. As Operator of the Devonian Bell Lake Unit, Continental has listed the percentage interests of signatory and non-signatory parties to the Bell Lake Unit Agreement, wherein Continental is designated Operator. No such agreement has been executed covering the Pennsylvania Bell Lake Unit.

Exhibit A to each of the contracts involved herein indicates the leases controlled by each producer. Three gas wells are presently located in the Bell Lake Field Unit, of which two are producing from the Devonian Formation and one from the Pennsylvanian.

Producers' facilities consist of customary lease equipment.

Proposed deliveries will be at the wellheads or at the outlet of the separators, if installed, and will commence upon receipt of authorization and completion of the facilities proposed herein by El Paso. The producers' contracts provide for an average daily rate of not less than 20,000 Mcf from the three presently completed wells, plus an additional 6,000 Mcf per day from the Bell Lake Unit.

Two of the producers here involved, Phillips and Humble, have filed their gas sales contracts as initial rate schedules to cover the proposed services.[2]

The contracts provide for an initial rate of 16 cents per Mcf at 15.025 psia. Phillips and Humble estimate that revenues for the first month of service will amount to $5,269 and $14,400, respectively. The rate of 16 cents is to hold until January 1, 1963, with periodic increases of one cent at the beginning of

[1] In the supplement to its certificate application filed on July 14, 1958, El Paso shows that it entered into a gas purchase contract with Signal on April 3, 1958, and El Paso "assumes that Signal will, as an Independent Producer, make all necessary filings required of it with the Commission."

[2] Continental and Shell have not filed their respective sales contracts as rate schedules. Such sales contracts have, however, been included as part of their respective certificate applications.

each of the last three five-year periods of the 20-year term. In addition, the rate schedule contains a "favored nation" clause and a redetermination clause applicable to any one or more, or all (but not part) of each of the last three of the five-year periods. The gas sales contracts of the other producers attached to each of their respective certificate applications provide for the same rate and contain similar provisions as the Phillips and Humble contracts.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 25, 1958, at 10 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 15, 1958.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6327; Filed, Aug. 7, 1958; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Director's Order No. 6]

DESIGNATED OFFICIALS OF BUREAU OF SPORT FISHERIES AND WILDLIFE

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS AND LEASES OF LANDS AND INTERESTS THEREIN

AUGUST 4, 1958.

SECTION 1. *Delegation.* The Regional Directors, Regions 1 to 5, inclusive, are each authorized to exercise the authority of the Director, Bureau of Sport Fisheries and Wildlife, to enter into contracts for the lease and/or acquisition of lands or interests in lands whenever such lands or interests in lands are to be acquired for administration through the Bureau of Sport Fisheries and Wildlife pursuant to any act of Congress.

SEC. 2. *Limitation.* The foregoing authorization shall be exercised in strict conformity with applicable laws and regulations, policies, and administrative procedures.

SEC. 3. *Redelegation.* The authority granted by this order may not be redelegated.

(Secretary's Order No. 2821; Commissioner's Order No. 4)

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 58-6319; Filed, Aug. 7, 1958; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-222, 59-104]

NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF FILING AND ORDER FOR HEARING ON PLAN FILED; NOTICE OF AND ORDER INSTITUTING PROCEEDINGS AND DIRECTING HEARING, AND ORDER CONSOLIDATING SUCH PROCEEDINGS

AUGUST 1, 1958.

I. Notice is hereby given that New England Electric System ("NEES"), a registered holding company, has filed an application for approval of a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"). Briefly, the plan provides for the issue by NEES of its common stock in exchange for the publicly-held common stocks of its subsidiaries, Merrimack-Essex Electric Company ("Merrimack"), Southern Berkshire Power & Electric Company ("Southern Berkshire"), Suburban Electric Company ("Suburban"), Weymouth Light and Power Company ("Weymouth"), and Worcester County Electric Company ("Worcester"), which are the only subsidiaries of NEES engaged solely in the electric business and having minority interests. The plan does not relate to or involve the publicly-held common stock of those subsidiaries of NEES which are engaged in the gas business.

All interested persons are referred to said plan which is on file at the offices of this Commission or available on request at the offices of NEES (441 Stuart Street, Boston 16, Massachusetts) for a full statement of the transactions and terms proposed therein which may be summarized as follows:

NEES will issue 460,761 shares of its common stock in exchange for the publicly-held common stock of Merrimack, Southern Berkshire, Suburban, Weymouth and Worcester at the following exchange ratios:

For each share of common stock held by the public in—	The following common shares of NEES will be exchanged	Resulting in the following number of NEES shares to be issued under the plan
	Shares	
Merrimack	1.5	430,666.5
Southern Berkshire	3.1	520.2
Suburban	5.5	12,199.0
Weymouth	2.8	806.4
Worcester	4.2	16,569.0

No fractional shares will be issued by NEES but, in lieu thereof, fractional scrip, exchangeable for whole shares, will be delivered to the public holders of the common stocks of Merrimack, Southern Berkshire, Suburban, Weymouth, and Worcester. If dividends paid on such respective stocks from January 1, 1958, to the effective date of the plan are in amounts of less than 90 percent of the net increases in earned surpluses before common dividends for such period, amounts in cash equal to such deficiencies will be added to the common stock and scrip of NEES to be delivered to said public stockholders in accordance with the respective exchanges under the plan.

The plan will be consummated on a date (called the "Consummation Date") which will be the earliest practicable date after the entry of an order by the Court approving and enforcing the plan and will be effective as of a date (called the "Effective Date") which will be not more than sixty (60) days prior to the Consummation Date.

On the Consummation Date NEES will become the owner of all of the shares of common stock of the above-named companies and all previously existing rights of the public holders of such common stocks will cease. On and after such date the public holders will be entitled to receive NEES common shares and fractional scrip (and the payment for dividend adjustment, if any) as provided under the plan (and any dividends that may have been paid on said NEES common shares prior to exchange).

At the end of three (3) years from the Consummation Date any common shares, scrip, and dividends held on account of unexchanged shares of common stock of Merrimack, Southern Berkshire, Suburban, Weymouth and Worcester shall irrevocably belong to NEES, and the public holders of such stock will have lost all rights with respect thereto; provided that NEES may from time to time extend or reopen such period under any circumstances in which NEES believes that equity and fairness so require.

The plan further provides that the carrying out of the plan is subject to all necessary approvals by the Commission under the act, and to approval and enforcement of the plan by a court of the United States having jurisdiction, as a fair and equitable plan and as necessary and appropriate to effectuate the provisions of section 11 (b) (2) of the act. The plan also states that all fees and other expenses incidental to the consummation of the plan and proceedings relating thereto will be paid by NEES, subject to any necessary approvals by the Commission and a Court for items subject to their jurisdiction.

II. The Commission having been advised by its Division of Corporate Regulation ("Division") that the Division, pursuant to sections 11 (a), 18 (a) and 18 (b) of the act, has made a preliminary examination of the affairs of NEES, its corporate structure, the corporate structure of its subsidiary companies, the relationships among the companies in the NEES holding company system, the interests of NEES and the public in such subsidiaries and has made a preliminary study of NEES' plan filed pursuant to section 11 (e) of the act; and it appearing to the Division from such examination that:

1. NEES is a voluntary association created in 1926 in Massachusetts by Agreement and Declaration of Trust, is solely a holding company, and is registered as such under section 5 of the act. It maintains its principal offices in the city of Boston, Massachusetts.

2. As of December 31, 1957, NEES had 28 subsidiaries, of which 12 were engaged exclusively in the electric business, two were engaged in the electric and gas business, one was in the process of constructing a nuclear power plant, eight were engaged exclusively in the gas busi-

ness, one was engaged in the business of rendering services for system companies, and four were inactive, having been liquidated and awaiting dissolution.

3. The names of the subsidiary companies embraced in the holding company system of NEES as of December 31, 1957 (exclusive of the four inactive subsidiaries), the nature of their business and the percentage of common stock owned by NEES and by the public, are shown in the following table:

	Total shares common stock outstanding	Shares held by NEES [1]		Shares held publicly	
		Number	Percent	Number	Percent
Electric Subsidiaries					
Merrimack-Essex Electric Co	[2] 1,479,027	1,191,916	80.59	287,111	19.41
Southern Berkshire Power and Electric Co	45,552	45,399	99.66	153	0.34
Suburban Electric Co	184,828	182,610	98.80	2,218	1.20
Weymouth Light and Power Co	97,786	97,498	99.71	288	0.29
Worcester County Electric Co	612,806	609,861	99.36	3,945	0.64
Attleboro Electric Co	77,920	77,920	100.00	----------	----------
Granite State Electric Co	25,400	25,400	100.00	----------	----------
Mystic Power Co., The	15,000	15,000	100.00	----------	----------
New England Power Co	2,621,325	2,621,325	100.00	----------	----------
Northampton Electric Lighting Co	[3] 3,089	3,089	100.00	----------	----------
Northern Berkshire Electric Co	91,580	91,580	100.00	----------	----------
Quincy Electric Co	51,226	51,226	100.00	----------	----------
Electric-Gas Subsidiaries					
Lynn Gas and Electric Co	409,500	383,955	93.76	25,545	6.24
Narragansett Electric Co., The	782,487	782,487	100.00	----------	----------
Gas Subsidiaries					
Central Massachusetts Gas Co	40,299	40,299	100.00	----------	----------
Lawrence Gas Co	188,000	170,002	90.42	17,998	9.58
Mystic Valley Gas Co	379,385	377,165	99.41	2,220	0.59
Northampton Gas Light Co	18,778	18,778	100.00	----------	----------
North Shore Gas Co	238,770	232,727	97.46	6,043	2.54
Norwood Gas Co	4,215	4,189	99.38	26	0.62
Pepsit Gas Co., The	15,000	15,000	100.00	----------	----------
Wakefield Gas Co	10,290	10,290	100.00	----------	----------
Other Subsidiaries					
Yankee Atomic Electric Co	30,000	[4] 9,000	30.00	[5] 21,000	70.00
New England Power Service Co	3	3	100.00	----------	----------

[1] The percentages shown also represent the voting power held by NEES in the respective subsidiaries, except in the case of New England Power Co. which has outstanding 80,140 shares of non-callable 6 percent preferred stock having one vote per share resulting in NEES holding 97.03 percent of the voting power of that subsidiary.
[2] Includes fractional scrip for 203 shares; scrip void unless consolidated by July 30, 1958.
[3] Held by New England Power Co.
[4] Held by ten non-affiliated utility companies.

4. The electric utility operations in the NEES system are conducted by 14 subsidiaries, two of which are also engaged in gas utility operations. Following is a brief description of the subsidiaries with minority interests which are engaged solely in the electric business:

(a) Merrimack owns and operates facilities for the generation, transmission, distribution, and sale of electric energy. In 1957 Merrimack's gross revenues amounted to $29,300,000; its gross plant account amounted to $64,600,000 as at December 31, 1957. Merrimack's energy requirements are supplied almost entirely by purchases from its affiliate, New England Power Co. ("NEPCO"), a subsidiary of NEES engaged in the generation, purchase, transmission, and sale of electric energy to associate and other electric utility companies. Merrimack sells to NEPCO the entire output of Merrimack's steam generating plants.

(b) Southern Berkshire owns and operates facilities for the production, transmission, and distribution of electric energy in southwestern Massachusetts. Southern Berkshire receives the major portion of its electric energy requirements from Western Massachusetts Electric Company, a non-affiliate, at points of interconnection between the two companies, pursuant to an agreement between the latter and NEPCO whereby an equal amount of electric energy is supplied by NEPCO to Western Massachusetts Electric Company at points of interconnection between them. For the electricity thus received by it, Southern Berkshire is billed directly by NEPCO. A minor portion of Southern Berkshire's power requirements is furnished by two small hydro-electric stations owned and operated by it. During 1957 Southern Berkshire's gross operating revenues amounted to $1,221,728 and as at December 31, 1957, its gross plant account amounted to $3,522,708.

(c) Suburban owns and operates facilities for the distribution of electric energy. Suburban purchases substantially all of its electric requirements from NEPCO and sells comparatively minor amounts of electricity to Boston Edison Company, a non-affiliate. For the twelve months ended December 31, 1957, Suburban had gross operating revenues of $11,218,128 and at that date its gross plant account amounted to $21,626,280.

(d) Weymouth owns and operates facilities for the production, transmission, and distribution of electric energy. It purchases substantially all of its energy requirements from Quincy Electric Company, a subsidiary of NEES which, in turn, purchases its entire electric requirements from Boston Edison Company, a non-affiliated company. During the calendar year 1957, the company had gross operating revenues of $3,483,041; its gross plant account as at December 31, 1957, amounted to $6,671,923.

(e) Worcester owns and operates facilities for the generation, transmission, and distribution of electric energy. In 1957 Worcester generated 21 percent of its electric energy requirements and purchased 78 percent from NEPCO; the balance of its requirements was purchased principally from another affiliate, Merrimack. In the same year, Worcester sold to NEPCO approximately 8 percent of the electric energy generated by Worcester. Worcester's gross operating revenues in the 12 months ending December 31, 1957 amounted to $33,496,972; as at that date its gross plant account amounted to $80,942,122.

III. The Division avers that the foregoing allegations, and the facts otherwise disclosed in the course of its examination of the corporate structures of Merrimack, Southern Berkshire, Suburban, Weymouth, and Worcester, establish or tend to establish that such corporate structures unfairly and inequitably distribute voting power among the security holders of the NEES holding company system and among such subsidiaries' security holders.

IV. It being the duty of the Commission pursuant to section 11 (b) (2) of the act, to require by order, after notice and opportunity for hearing that each registered holding company and each subsidiary company thereof take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in a holding company system does not, among other things, unfairly or inequitably distribute voting power among security holders of such holding company systems; and

The Commission being required by the provisions of section 11 (e) of the act to find, after notice and opportunity for hearing and before approving any plan filed thereunder, that such plan, as submitted or as modified, is necessary to effectuate the provisions of section 11 (b), and is fair and equitable to the persons affected thereby; and

The Commission deeming it appropriate that notice be given and a hearing held for the purpose of determining what action should be ordered under section 11 (b) (2) and for the purpose of ascertaining whether the plans should be approved; and

It appearing that common issues of fact and law arise in connection with the plan and in connection with issues involved under section 11 (b) (2), making it appropriate that the hearing on said matters be consolidated and that NEES, Merrimack, Southern Berkshire, Suburban, Weymouth, and Worcester should be made parties to the consolidated proceedings:

It is hereby ordered: (a) That a proceeding be, and the same hereby is, instituted in respect of NEES, Merrimack, Southern Berkshire, Suburban, Weymouth, and Worcester pursuant to section 11 (b) (2) of the act and that said proceeding be, and the same hereby is, consolidated with the proceeding in connection with the plan of NEES; and

(b) That NEES, Merrimack, Southern Berkshire, Suburban, Weymouth, and Worcester be, and the same hereby are, made parties to said proceeding; and

(c) That NEES, Merrimack, Southern Berkshire, Suburban, Weymouth, and

Worcester file an answer or answers with the Secretary of the Commission on or before September 15, 1958, to the allegations contained in Parts II and III hereof, in the form prescribed by Rule 25 of the rules and regulations under the act. Any of such allegations which are not denied or otherwise controverted shall be deemed to be admitted for the purpose of these proceedings.

It is further ordered, That the hearing in the consolidated proceedings be held on the 30th day of September, 1958, at 10:00 a. m., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on such date by the hearing room clerk. Any persons desiring to be heard in connection with these proceedings or proposing to intervene therein shall file with the Secretary of the Commission, on or before September 25, 1958, a written request relative thereto as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That Sidney J. Feiler or any other officer or officers of the Commisison designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

V. The Division having advised the Commission that, upon the basis of its preliminary examination of the affairs of NEES, the corporate structures of its subsidiary companies engaged solely in the electric utility business and having publicly-held common stock, and of a preliminary study of said plan of NEES, the following matters and questions are presented for consideration at such hearing without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the allegations contained in Parts II and III hereof are true and correct.

2. Whether the corporate structures of Merrimack, Southern Berkshire, Suburban, Weymouth, and Worcester unfairly and inequitably distribute voting power among the security holders of such companies or among the security holders of the NEES holding company system.

3. What steps, if any, are necessary and should be required to be taken by NEES, Merrimack, Southern Berkshire, Suburban, Weymouth, and Worcester to ensure that the corporate structures of such companies do not unfairly or inequitably distribute voting power among the security holders of such companies or of the NEES holding company system.

4. Whether the plan, as submitted by NEES or as it may be modified or amended, is necessary to effectuate the provisions of section 11 (b) (2) of the act.

5. Whether the plan is fair and equitable to the persons affected thereby.

6. Whether, in general, the transactions proposed in the plan satisfy the applicable provisions of the act.

7. Whether the accounting entries proposed to be made in connection with the plan are proper and in accord with sound accounting principles.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings, and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of such hearing by mailing a copy of this order by registered mail to NEES, Merrimack, Southern Berkshire, Suburban, Weymouth, and Worcester, to the Federal Power Commission, and to The Department of Public Utilities of Massachusetts, and that said notice of said hearing be given to all other interested persons by a general release of the Commission and by publication of this order in the FEDERAL REGISTER.

It is further ordered, That NEES mail a copy of this notice and order to all stockholders of record of Merrimack, Southern Berkshire, Suburban, Weymouth, and Worcester, at least twenty days prior to the date herein fixed as the date for hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-6329; Filed, Aug. 7, 1958; 8:45 a. m.]

[File No. 1-3340]

KAISER INDUSTRIES CORP.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

AUGUST 4, 1958.

In the matter of Kaiser Industries Corporation, Common Stock, File No. 1-3340.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1(b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Detroit Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

Volumes in the stock were reported for 1957 at 701,900 shares on the American Stock Exchange, 143,594 shares on the Pacific Coast Stock Exchange, and 3,460 shares on the Detroit Stock Exchange. In view of the comparative volumes, the Company wishes to withdraw the Detroit listing and continue the American and Pacific Coast listings.

Upon receipt of a request, on or before August 19, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-6330; Filed, Aug. 7, 1958; 8:46 a. m.]

[File No. 7-1928]

SQUARE D CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

AUGUST 4, 1958.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for Unlisted Trading Privileges in Square D Company, Common Stock, File No. 7-1928.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 19, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-6331; Filed, Aug. 7, 1958; 8:46 a. m.]

[File No. 70-3720]

PENNSYLVANIA POWER CO.

NOTICE OF PROPOSED ISSUANCE AND SALE AT COMPETITIVE BIDDING OF PRINCIPAL AMOUNT OF BONDS

AUGUST 1, 1958.

Notice is hereby given that Pennsylvania Power Company ("Pennsylvania"), a public-utility subsidiary of Ohio Edison Company ("Ohio"), a registered holding company and a public-utility company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 6 (b) of the act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application for a statement of the proposed transactions, which are summarized as follows:

Pennsylvania proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, $8,000,000 principal amount of its First Mortgage Bonds ("new bonds"), __ Percent Series, to be dated as of the first of the month in which the bonds are issued and to mature on the thirtieth anniversary of such date. The interest rate on the new bonds (which shall be expressed in a multiple of ¼ of 1 percent) and the price (exclusive of accrued interest) to be paid to Pennsylvania (which shall not be less than 100 percent nor more than 102¾ percent, of the principal amount) will be determined by the competitive bidding.

The new bonds are proposed to be issued under Pennsylvania's Indenture of Mortgage and Deed of Trust dated as of November 1, 1945 to The First National Bank of the City of New York (now by merger The First National City Bank of New York), as Trustee, as heretofore amended and supplemented and as proposed to be amended and supplemented by a Fifth Supplemental Indenture to be dated as of the first day of the month in which the new bonds are to be issued.

Pennsylvania proposes to apply the proceeds from the sale of the new bonds, together with such treasury funds as may be required, to the redemption of the $8,000,000 principal amount of its presently outstanding First Mortgage Bonds, 5 percent Series due 1987, at the redemption price of 105.78 percent of the principal amount thereof if redeemed prior to October 1, 1958, or at 105.58 percent of the principal amount thereof if redeemed subsequent to September 30, 1958, in either case, plus accrued interest to the date of redemption.

The application states that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale by Pennsylvania of the new bonds and that it and the Federal Power Commission have jurisdiction over the proposed accounting in connection with the redemption of the 5 percent Series bonds due 1987.

Estimates of fees and expenses in connection with the proposed transactions will be filed by amendment.

Notice is further given that any interested person may, not later than August 18, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application as filed or as it may hereafter be amended, may be granted or permitted to become effective, as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-6332; Filed, Aug. 7, 1958; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 5, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34859: *Substituted service—Pennsylvania Railroad for Midwest Haulers, Inc. (No. 7), for interested carriers.* Rates on freight loaded in trailers and transported on railroad flat cars between substitution points in official territory described in the application between which The Pennsylvania Railroad is substituted for the motor carrier.

Grounds for relief: Motor truck competition.

FSA No. 34860: *Fine coal—Alabama mines to Harryat, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3710), for interested rail carriers. Rates on fine coal, carloads, as described in the application from mines in Alabama on the Birmingham Southern Railroad and Central of Georgia Railway to Harryat, Ga.

Grounds for relief: Market competition in connection with natural gas competitor rates.

Tariff: Supplement 46 to Central of Georgia Railway Company tariff I. C. C. 3297.

FSA No. 34861: *Substituted service—Rail for motor—C. R. I. & P. R. R.* Filed by Middlewest Motor Freight Bureau, Agent (No. 112), for interested carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Chicago (Burr Oak), Ill., on the one hand, Kansas City (Armourdale), Kans., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 79 to Middlewest Motor Freight Bureau, Agent, tariff MF-I. C. C. 223.

FSA No. 34862: *Substituted service—Rail for motor—C. & E. I. R. R.* Filed by Middlewest Motor Freight Bureau, Agent (No. 113), for interested carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and East St. Louis and Mitchell, Ill., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 79 to Middlewest Motor Freight Bureau, Agent, tariff MF-I. C. C. 223.

FSA No. 34863: *Newsprint paper—Alabama and Tennessee points to Houston, Tex.* Filed by O. W. South, Jr., Agent (SFA No. A3711), for interested rail carriers. Rates on newsprint paper, carloads from Childersburg and Coosa Pines, Ala., and Calhoun, Tenn., to Houston, Tex.

Grounds for relief: Barge competition from Calhoun, Tenn., and market competition from the Alabama origins.

Tariff: Supplement 13 to Southern Freight Association tariff I. C. C. 1576.

FSA No. 34864: *Substituted service—Rail for motor—C. G. W. Ry.* Filed by Middlewest Motor Freight Bureau, Agent (No. 111), for interested carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Kansas City, Mo., and St. Paul, Minn.

Grounds for relief: Motor truck competition.

Tariff: Supplement 79 to Middlewest Motor Freight Bureau, Agent, tariff MF-I. C. C. 223.

FSA No. 34865: *Gypsumboard paper from Pryor, Okla., to Indiana and Ohio points.* Filed by Southwestern Freight Bureau, Agent (No. B-7345), for interested rail carriers. Rates on gypsumboard paper, carloads from Pryor (includes Oklahoma Ordnance Works), Okla., to East Shoals and Willow Valley, Ind., and Port Clinton, Ohio.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 29 to Southwestern Freight Bureau tariff I. C. C. No. 4215.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58-6161; Filed, Aug. 7, 1958; 8:45 a. m.]

[Notice 11]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 5, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date

of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61258. By order of July 30, 1958, the Transfer Board approved the transfer to Samuel Tischler, Rosenhayn, N. J., of a portion of certificate in No. MC 44117, issued August 31, 1949 to Cohansey Transport, a corporation, Bridgeton, N. J., authorizing the transportation of: *Agricultural* commodities, from Hammonton, Bridgeton, Landisville and Vineland, N. J., to Baltimore, Md., Boston, Mass., Philadelphia, Pa., New York, N. Y., and Washington, D. C., and empty agricultural commodity containers on the return. Matthew Aaron, 70 North Laurel Street, Bridgeton, N. J., for applicants.

No. MC-FC 61337. By order of July 28, 1958, the Transfer Board approved the transfer to Anna Manculich, doing business as Sanitary Transfer, Pittsburgh, Pennsylvania, of permits in Nos. MC 42065 and Subs 1, 2, 4, and 7, issued August 6, 1937, November 18, 1949, April 29, 1953, April 26, 1957, and May 27, 1958, respectively, the record holder of which is transferor, Alex Manculich, Anna Manculich, Executrix, and the substitution of the operating rights in Docket No. MC 42065 Sub 8, published in the FEDERAL REGISTER February 13, 1958, on Page 961, authorizing the transportation of bakery products, empty containers therefor, and materials, equipment and supplies, incidental to the production of bakery products, and potato chips, and empty containers therefor, from to, and between specified points in Pennsylvania, West Virginia, Ohio, and Maryland. John A. Vuono, Delisi and Wick, 1211 Berger Building, Pittsburgh 19, Pennsylvania, for applicants.

No. MC-FC 61341. By order of July 30, 1958 the Transfer Board approved the transfer to Donald Terdina Ross, doing business as Beck's Storage and Moving, West Caldwell, N. J., of Certificate No. MC 65025, issued August 19, 1952, to Frieda E. Beck doing business as Beck's Storage and Moving, West Caldwell, N. J., authorizing the transportation of *household goods*, as defined by the Commission, over irregular routes, between points in Essex, Mercer, Somerset, Passaic, Bergen, Hunterdon, Sussex, Morris, and Hudson Counties, N. J., on the one hand, and, on the other, points in Massachusetts, Connecticut, Pennsylvania, New York, and New Jersey. John J. Grossman, Counsellor at law, 275 Bloomfield Avenue, Caldwell, N. J., for applicants.

No. MC-FC 61359. By order of July 31, 1958, the Transfer Board approved the transfer to Decatur Seaway Motor Express, Inc., Kansas City, Kansas, of Certificates Nos. MC 68909, MC 68909 Sub 25, MC 68909 Sub 27, MC 68909 Sub 28, MC 68909 Sub 29, MC 68909 Sub 30, MC 68909 Sub 31, MC 68909 Sub 32, MC 68909 Sub 33, MC 68909 Sub 37, MC 68909 Sub 39, MC 68909 Sub 40, MC 68909 Sub 41, MC 68909 Sub 43, MC 68909 Sub 44, MC 68909 Sub 45, MC 68909 Sub 46, MC 68909 Sub 47, MC 68909 Sub 49, MC 68909 Sub 50, MC 68909 Sub 53, and MC 68909 Sub 54, issued April 22, 1948, May 20, 1948, November 4, 1948, January 16, 1950, November 4, 1948, May 24, 1948, August 11, 1948, November 10, 1949, January 10, 1950, December 4, 1951, November 2, 1953, January 5, 1953, September 3, 1953, December 17, 1954, April 14, 1955, April 1, 1955, December 4, 1956, March 7, 1957, May 7, 1957, September 16, 1957, June 2, 1958, and May 13, 1958, respectively, to Decatur Cartage Co., Chicago, Illinois, and the substitution of transferee as applicant in application No. MC 68909 Sub 56. The above certificates authorize transportation over regular routes of general commodities, with exceptions, between designated points in the states of Illinois, Indiana, Missouri, and Ohio, including among other points, Chicago, Evanston, Peoria, Decatur, East St. Louis and Joliet, Ill., Gary, Hammond, Indianapolis, Muncie, South Bend, Terre Haute, Ind., St. Louis, Mo., and Akron, Cincinnati, Cleveland, Columbus, Dayton, Lima, Springfield and Toledo, Ohio; general commodities including dangerous explosives, between Terre Haute, Ind., and Prairie Creek or the Vigo Ordnance Depot, Ind.; and, over irregular route, Iron and steel articles as described in Group II and III of appendix V to the report in Descriptions in Motor Carrier Certificates 61 M. C. C. 209, from Aurora, Ind., to points in Indiana, restricted to shipments having an immediately prior movement by water carrier. W. E. Griffin and Lee Reeder, 1012 Baltimore Avenue, Kansas City 5, Mo., for transferee Jack Goodman, 39 South La Salle, Chicago, Ill., for transferor.

No. MC-FC 61391. By order of July 30, 1958, the Transfer Board approved the transfer to Sun Transportation, Inc., Somerville, New Jersey, of a portion of certificate in No. MC 2860, issued to Victory Transportation, Inc., Vineland, New Jersey, authorizing the transportation of general commodities with certain exceptions, including household goods, over irregular routes, between points in Salem County, N. J., on the one hand, and, on the other, points in New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Delaware, Pennsylvania, and Maryland. Irving Abrams, Brodsky and Lieberman, 1776 Broadway, New York 19, N. Y., for applicants.

No. MC-FC 61431. By order of July 30, 1958, the Transfer Board approved the transfer to Elliott Liston and Charles H. Liston, a partnership, doing business as Elliott Liston & Son, Flat Rock, Illinois, of certificate in No. MC 106538 Sub 1, issued October 24, 1948, to William Heath, doing business as Bill Health & Son, Sumner, Illinois, of livestock, agricultural implements, machinery and equipment and parts therefor, between points in Lawrence County, Ill., on the one hand, and, on the other, Indianapolis, Ind., and points in Knox, Gibson, and Vanderburgh Counties, Ind., and coal from points in Gibson, Knox, and Spencer Counties, Ind., to points in Lawrence County, Ill. W. L. Jordon, 201-2 Merchants Savings Building, 1 South Sixth Street, Terre Haute, Indiana, for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58-6328; Filed, Aug. 7, 1958; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 168-58]

DIRECTOR, BUREAU OF PRISONS

DELEGATION OF AUTHORITY RELATING TO ESTABLISHMENT OF FEDERAL PRISON CAMP AT SAFFORD, ARIZONA

By virtue of the authority vested in me by section 4125 of title 18 of the United States Code, I hereby authorize the Director of the Bureau of Prisons to establish, equip, and maintain a Federal Prison Camp at Safford, Arizona, and I hereby designate that camp as a place for confinement of persons convicted of offenses against the laws of the United States, and authorize the commitment and transfer thereto of such United States prisoners as the Director of the Bureau of Prisons may order from time to time. Prisoners committed and transferred to that camp may be employed in such manner as is authorized by section 4125 and may receive so much of the commutation of sentence for good conduct authorized by section 4161 as the Director of the Bureau of Prisons may in his discretion approve.

Dated: July 29, 1958.

WILLIAM P. ROGERS, *Attorney General.*

[F. R. Doc. 58-6340; Filed, Aug. 7, 1958; 8:48 a. m.]

Office of Alien Property

GERARDUS B. A. DOLS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gerardus B. A. Dols, Berg & Dalseweg 102, Nijmegen, The Netherlands; Claim No. 61580; $645.74 in the Treasury of the United States. Vesting Order No. 17837.

Executed at Washington, D. C., on July 31, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-6338; Filed, Aug. 7, 1958; 8:48 a. m.]

B. VAN BAREN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

B. van Baren, Bergweg 17-19, Bergschenhoek, The Netherlands; Claim No. 61277; $134.95 in the Treasury of the United States. Vesting Order No. 17636.

Executed at Washington, D. C., on July 31, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-6339; Filed, Aug. 7, 1958; 8:48 a. m.]

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TITLE 3—THE PRESIDENT

PROCLAMATION 3253

FIRE PREVENTION WEEK, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS fire-prevention practices by the American people can avert much human suffering and save great loss of property; and

WHEREAS each citizen should contribute wholeheartedly to effective fire-prevention work urgently needed in every community of our land:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week beginning October 5, 1958, as Fire Prevention Week.

I call upon the people to promote programs for the prevention and control of fires; and I urge State and local governments, the American National Red Cross, the Chamber of Commerce of the United States, and business, labor, and farm organizations, as well as schools, civic groups, and public-information agencies, to share actively in observing Fire Prevention Week. I also direct the appropriate agencies of the Federal Government to assist in this national effort to reduce the loss of life and property resulting from fires.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of August in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-third.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F. R. Doc. 58-6487; Filed, Aug. 8, 1958; 12:15 p. m.]

EXECUTIVE ORDER 10777

AMENDING EXECUTIVE ORDER NO. 10758[1] TO INCREASE THE MEMBERSHIP OF THE CAREER EXECUTIVE BOARD

By virtue of the authority vested in me by the laws of the United States, including section 1753 of the Revised Statutes (5 U. S. C. 631) and the Civil Service Act of January 16, 1883 (22 Stat. 403), and as President of the United States, it is ordered as follows:

Section 2 of Executive Order No. 10758 of March 4, 1958 (23 F. R. 1589), entitled "Establishing a Career Executive Program within the Civil Service System," is hereby amended to read as follows:

"SEC. 2. *Career Executive Board.* There is hereby established the Career Executive Board, hereinafter referred to as the Board, which shall be composed of seven members. Four of the members shall be appointed by the President from private life and each of three of the members shall be a representative of an executive agency in consonance with section 214 of the Independent Offices Appropriation Act, 1946, approved May 3, 1945 (59 Stat. 134; 31 U. S. C. 691). One of the agencies so represented shall be the Commission and the other two shall be such executive agencies, other than the Commission, as the President may from time to time designate. Not more than four members of the Board shall be adherents of the same political party. The Chairman of the Board shall be designated from time to time by the President from among the members of the Board."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 6, 1958.

[F. R. Doc. 58-6438; Filed, Aug. 7, 1958; 1:49 p. m.]

[1] 23 F. R. 1589.

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.370]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following August 9, 1958, paragraph (b) is amended by the deletion of the following:

Philippines, all posts except Angeles, Baguio City, Cavite (including Sangley Point), Manila, San Miguel (Zambales), and Subic Bay (including Cubi Point).

2. Effective as of 12 o'clock midnight, July 14, 1958, paragraph (c) is amended by the deletion of the following:

Baghdad, Iraq.

3. Effective as of the beginning of the first pay period following August 9, 1958, paragraph (c) is amended by the deletion of the following:

Angeles, Philippines.
Cavite (including Sangley Point), Philippines.
Manila, Philippines.
Okuma, Okinawa Island, Ryukyus.

4. Effective as of the beginning of the first pay period following August 9, 1958, paragraph (d) is amended by the deletion of the following:

Okinawa Island, Ryukyus, all posts except Okuma.

5. Effective as of 12:01 a. m. July 15, 1958, paragraph (a) is amended by the addition of the following:

Baghdad, Iraq.

6. Effective as of the beginning of the first pay period following August 9, 1958, paragraph (b) is amended by the addition of the following:

Philippines, all posts except Angeles, Baguio City, Cavite (including Sangley Point), Camp O'Donnell, Cebu, Manila, San Miguel (Zambales), and Subic Bay (including Cubi Point).

7. Effective as of the beginning of the first pay period following August 9, 1958, paragraph (c) is amended by the addition of the following:

Camp O'Donnell, Philippines.
Cebu, Philippines.

8. Effective as of the beginning of the first pay period following August 9, 1958, paragraph (d) is amended by the addition of the following:

Angeles, Philippines.
Cavite (including Sangley Point), Philippines.
Manila, Philippines.
Okuma, Okinawa Island, Ryukyus.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

Dated: July 31, 1958.

For the Secretary of State.

W. K. SCOTT,
Assistant Secretary.

[F. R. Doc. 58-6373; Filed, Aug. 8, 1958; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In Federal Register Document 58-5761, published at page 5764 in the issue for Thursday, July 31, 1958, the following changes should be made:

1. In the tables under § 421.3043 (d) (2), the rate for St. Clair County, Michigan, should read "1.85".

2. In the 13th line of § 421.3043 (d) (4), the word "Sate" should read "State".

Subchapter C—Export Programs

[Amdt. 2]

PART 484—FEED GRAINS

SUBPART—FEED GRAIN EXPORT PROGRAM PAYMENT IN KIND (GR-368)

TERMS AND CONDITIONS

The Terms and Conditions of the Feed Grain Export Program Payment in Kind (GR-368) (23 F. R. 3226) (23 F. R. 3313) (23 F. R. 4998) are further amended as follows:

Section 484.105 (e) is amended by deleting the first sentence thereof and substituting the following: "Feed grains exported under this program must be exported within one of the three periods as specified in the offer submitted by the exporter."

Section 484.106 (b) (vii) is amended to read as follows:

(vii) The period within which the feed grain will be exported, which shall be one of the three periods described in § 484.105 (e).

Section 484.116 (a) (1) is amended by adding at the end thereof the following sentences: "If export is by water from a Canadian port, the ocean bill of lading, or loading tally sheet, or other acceptable similar document must be further supported by documentary evidence which establishes to the satisfaction of CCC that the grain so represented was grain produced in the United States and that the identity of the grain was maintained from its original shipment from continental United States through its loading aboard the vessel identified in the ocean bill of lading. Such documentary evidence will normally be, (i) a non-negotiable copy of the bill(s) of lading signed by an agent of the carrier and other document(s), including a copy of the official loading weight certificates and grain inspection certificates referred to in subparagraph (3) of this paragraph covering the grain moved from the United States to Canada, and (ii) properly signed or certified true copies of the documents, permits, or other forms that properly evidence the maintenance of the identity of the grain through customs bond, or otherwise, during the storage or loading of the grain in Canada, and on to the vessel identified in the ocean bill of lading.

Section 484.151 is amended to specifically include in the definition of "export and exportation" the shipment or transshipment of United States grain from Canadian elevators so that the complete section will read as follows:

§ 484.151 *Export and exportation.* "Export" and "exportation" means, except as hereinafter provided, a shipment of grain that originated in the continental United States and that is ultimately directed to a destination other than Alaska, Hawaii or Puerto Rico. This definition includes a shipment of grain from a point in the United States with transshipment from a Canadian port to a destination other than the Continental United States, Alaska, Hawaii, or Puerto Rico and with the handling and storage performed in such manner as to preserve the United States identity of the grain. A shipment of feed grain shall be deemed to have been exported on the date which appears on the applicable on board export vessel bill of lading, which in the case of Canadian port transshipment will be the on board ship ocean bill of lading issued at the Canadian port, or if shipment from the continental United States is by truck or rail, the date the shipment clears United States Customs. If feed grain is lost, destroyed, or damaged after loading on board an export ship, exportation shall be deemed to have been made as of the date of the on board ship ocean bill of lading or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction or damage occurs subsequent to loading aboard ship but prior to issuance of on board ship ocean bill of lading: *Provided*, That if the "lost" or "damaged" grain remains in the continental United States it shall be considered as reentered grain and shall be subject to the provisions of § 481.108 (d).

(Sec. 5, 62 Stat. 1072; 15 U. S. C. 714c. Interpret or apply sec. 407, 63 Stat. 1051, as amended, sec. 201, 70 Stat. 1088; 7 U. S. C. 1427, 1851)

Issued this 6th day of August 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 58-5908; Filed, Aug. 7, 1958; 12:30 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 147, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 922.447 (Valencia Orange Regulation 147, 23 F. R. 5863) are hereby amended to read as follows:

(ii) District 2: 577,500 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 6, 1958.

[SEAL] FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6377; Filed, Aug. 8, 1958; 8:47 a. m.]

[Valencia Orange Reg. 148]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.448 *Valencia Orange Regulation 148*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 7, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., August 10, 1958, and ending at 12:01 a. m., P. s. t., August 17, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 554,400 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 8, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6482; Filed, Aug. 8, 1958; 11:59 a. m.]

[Lemon Reg. 750, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.857 (Lemon Regulation 750; 23 F. R. 5863) are hereby amended to read as follows:

(ii) District 2: 325,500 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 6, 1958.

[SEAL] FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6376; Filed, Aug. 8, 1958; 8:47 a. m.]

[Lemon Reg. 751]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.858 *Lemon Regulation 751*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the de-

cared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 6, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 10, 1958, and ending at 12:01 a. m., P. s. t., August 17, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 7, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6462; Filed, Aug. 8, 1958; 9:13 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado was published in the FEDERAL REGISTER, July 4, 1958 (23 F. R. 5122). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the area committee for Area No. 2, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.227 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and this part to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order during the fiscal period ending May 31, 1959, will amount to $3,024.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 97 and this part, shall be one-tenth of one cent ($0.001) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and this part.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 6, 1958, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6378; Filed, Aug. 8, 1958; 8:47 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. T, Supp.]

PART 220—CREDIT BY BROKERS, DEALERS AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

MAXIMUM LOAN VALUE; MARGIN REQUIRED FOR SHORT SALES

1. Effective August 5, 1958, § 220.8 (the Supplement to Regulation T) is hereby amended to read as follows:

§ 220.8 *Supplement*—(a) *Maximum loan value for general accounts.* The maximum loan value of a registered security (other than an exempted security) in a general account, subject to § 220.3, shall be 30 percent of its current market value.

(b) *Margin required for short sales in general accounts.* The amount to be included in the adjusted debit balance of a general account, pursuant to § 220.3 (d) (3), as margin required for short sales of securities (other than exempted securities) shall be 70 percent of the current market value of each such security.

2. (a) This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values and margin requirements in order to carry out the purposes of the act.

(b) The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the thirty day prior publication described in section 4 (c) of such act, are impracticable, unnecessary, and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of this chapter.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w. Interprets or applies secs. 3, 7, 8, 17, 23, 48 Stat. 882, 886, 888, 897, 901, as amended; 15 U. S. C. 78c, 78g, 78h, 78q, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F. R. Doc. 58-6361; Filed, Aug. 8, 1958; 8:45 a. m.]

[Reg. U, Supp.]

PART 221—LOANS BY BANKS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

MAXIMUM LOAN VALUE OF STOCKS

1. Effective August 5, 1958, § 221.4 (the Supplement to Regulation U) is hereby amended to read as follows:

§ 221.4 *Maximum loan value of stocks.* For the purpose of § 221.1, the maximum loan value of any stock, whether or not registered on a national securities exchange, shall be 30 per cent of its current market value, as determined by any reasonable method.

2. (a) This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values in order to carry out the purposes of the act.

(b) The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the thirty day prior publication described in section 4 (c) of such act, are impracticable, unnecessary, and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of this chapter.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w. Interprets or applies secs. 3, 7, 17, 23, 48 Stat. 882, 886, 897, 901, as amended; 15 U. S. C. 78c, 78g, 78q, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F. R. Doc. 58-6362; Filed, Aug. 8, 1958; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

REVISION OF PART

Correction

In Federal Register Document 58-5966, published at page 5864 in the issue for Saturday, August 2, 1958, the following headnote should appear immediately preceding § 27.21: "GENERAL CERTIFICATE REQUIREMENTS".

Subchapter B—Economic Regulations

[Reg. ER-235]

PART 261—FILING OF AGREEMENTS

CONTRACTS OR AGREEMENTS BETWEEN AFFILIATED CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of August 1958.

Section 412 (a) of the Civil Aeronautics Act of 1938, as amended, requires air carriers which are parties to certain contracts or agreements to file with the Board a copy of such contract or agreement. Part 261 of the Board's Economic Regulations contains the requirements governing the filing of the contracts or agreements fileable under section 412 (a). At the present time there is no requirement in Part 261 that air carriers submit specific information (other than that contained in the agreements themselves) either in support of or to facilitate the Board's review of such agreements. Such a requirement is necessary with respect to agreements between affiliated carriers because of the unique nature of such agreements.

A notice of proposed rule making was published in the FEDERAL REGISTER on January 4, 1958 (23 F. R. 89), and circulated to the industry as Economic Regulations Draft Release No. 89, dated December 27, 1957, which proposed to amend Part 261 to require that where an agreement between affiliated carriers is submitted for approval under section 412 of the act there shall be submitted an accompanying statement supporting the reasonableness of the financial provisions of the agreement.

The only comments on Draft Release No. 89 were submitted by Pan American World Airways, Inc. Pan American opposes the proposed regulation as an ineffective procedure and requests that any action thereon be deferred until after the completion of the investigation in Docket No. 8596 (PAA-Affiliates Investigation). After careful consideration of Pan American's comments, the Board finds that the arguments made by Pan American are unconvincing. It is the Board's position that current information submitted at the time of the filing of the agreement will permit the Board to conduct more effectively, and at an earlier date, a definite review of the financial terms of these particular agreements and to make a more timely final determination of the propriety of the agreements. Furthermore, the Board must reject the request that action on the proposed regulation be deferred inasmuch as the proposed regulation was designed, in part, to facilitate the Board's review of the various agreements on a uniform and current basis, without reserving such matters for consideration in rate-making proceedings or other proceedings which might be instituted. Conversely, the investigation in Docket No. 8596 is primarily directed toward agreements which have been entered into in the past, some of which may no longer be effective. The supposition that agreements involved in this investigation may be ultimately found to be in the public interest is no reason for the Board depriving itself of information which would permit a review of subsequent agreements of any carrier as they are filed, including those Pan-American-affiliate agreements which would otherwise not be processed until the pending proceeding has been decided.

Interested persons have been afforded the opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 261 of the Economic Regulations (14 CFR Part 261), effective September 9, 1958, as follows:

1. By adding a new § 261.8 to read as follows:

§ 261.8 *Contracts or agreements between affiliated carriers.* (a) Copies of contracts or agreements between a certificated air carrier and another air carrier, foreign air carrier or other carrier, affiliated therewith shall be accompanied by a detailed statement supporting the reasonableness of the financial provisions of the agreement. This statement shall set forth information covering the following matters:

(1) Why the contract or agreement was entered into between the affiliated carriers in lieu of the provision of the service by the receiving carrier for itself or the receipt of the service from a non-affiliated source.

(2) Whether the service could be obtained from a non-affiliated source, and, if so, at what price. (Provide appropriate data to support the answer, including any invitation or bid proposals.)

(3) The anticipated dollar volume during any fiscal year period.

(4) The basis for the particular charges contained in the contract or agreement.

(5) Supporting data showing the reasonableness of such charges, including data showing charges by other carriers for like services or by this carrier to unaffiliated carriers for like services.

(6) A description of the negotiations leading up to the contract or agreement and the determination of charges thereunder.

(7) The provision for renegotiation of the charges under the contractor agreement and, if present, the basis therefor.

(8) The persons primarily responsible for negotiating the contract or agreement on behalf of each party and the individuals who ultimately authorized it on behalf of each party.

(b) As used in this part, the word "affiliated" shall mean a relationship

(1) Within the meaning of section 5 (8) of the Interstate Commerce Act, as amended, referred to in sections 407 (e) and 408 (b) of the Civil Aeronautics Act of 1938, as amended, or

(2) Where the Board has found that one carrier, directly or indirectly, controls another carrier, or that one person, directly or indirectly, controls an air carrier and another carrier, or where proceedings have been instituted under section 408 to determine whether any such control relationship exists, no final determination having been reached in such proceedings, or

(3) Where one carrier, directly or indirectly, owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of the other carrier, or where a third person, directly or indirectly, owns, controls or holds with power to vote, 10 percent or more of the outstanding voting securities of an air carrier and another carrier.

(Sec. 205 (a), 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 407, 412, 415, 52 Stat. 1000, 1004, 49 U. S. C. 487, 492 and 495)

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[F. R. Doc. 58-6350; Filed, Aug. 8, 1958; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 592—PROCUREMENT BY NEGOTIATION

PART 596—CONTRACT CLAUSES

PART 598—PATENTS, COPYRIGHTS, AND TECHNICAL DATA

PART 599—BONDS AND INSURANCE

PART 600—FEDERAL, STATE AND LOCAL TAXES

PART 601—LABOR

MISCELLANEOUS AMENDMENTS

1. Revise §§ 590.609, 591.203, 591.405-2, 591.405-3 and 592.401 to read as follows:

§ 590.609 *Procurement outside the United States.* See § 1.609 of this title.

§ 591.203 *Office of Permanent Record*—(a) *Preaward transaction file.* (1) Each purchasing office or installation which initiates or effects procurement by formal advertising will maintain a master file for each procurement initiated. This file will contain the original or a certified copy of each paper related to the procurement, beginning with the procurement directive or other paper initiating the procurement. The purpose of the file is to provide a complete resume of the transaction prior to and including the award. This master file shall be

preserved in the office or installation which initiated the procurement unless responsibility for the file is transferred to another office, or retirement or destruction is authorized under the provisions of pertinent Army regulations.

(2) In the event the resulting contract or contracts are transferred to other offices or installations for administration, only those records that are necessary for the administration of the contract are required to be forwarded to the administering office or installation. The cover sheet for the contract administration file maintained by the office or installation administering the contract (paragraph (b) of this section) shall identify the master file and give the name of the installation where the contract was initiated and where all records not transferred are maintained. Original or authenticated copies of correspondence pertinent to the contract and all required determinations and findings with supporting data such as are involved in awards to other than low bidders, mistake in bid cases, preaward surveys, invitations for bids and abstracts of bids, etc., pertaining to a particular contract shall accompany such contract at all times.

(b) *Contract administration file.* Each purchasing office or installation which administers contracts awarded by formal advertising will maintain files which will provide a complete resume of the administration of each contract. These files need not be retained in a central location in the purchasing office or installation when it is administratively advantageous to maintain portions thereof on the site of performance. Unless these files are set up on an individual contract basis they must be so organized that they will provide an accurate and complete identification and cross-reference to related files.

(c) The policy and procedure for the organization and maintenance of all contract files are set forth in § 606.210 of this chapter.

(d) Contract files shall be retired or disposed of in accordance with the provisions of pertinent Army regulations.

§ 591.405–2 *Mistakes disclosed after opening and prior to award other than obvious or apparent mistakes of a clerical nature.* (a) Authority has been granted the delegates enumerated in § 2.405–2 (b) (1) of this title to make the determinations set forth in § 2.405–2 (a) of this title.

(b) Cases not encompassed by the delegation referred to in paragraph (a) of this section and those doubtful cases which the delegates elect to submit to higher authority for determination will be forwarded direct to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Chief, Contracts Branch (with copy to the Head of the Procuring Activity concerned), and shall include, in addition to the supporting data required, the contracting officer's statement of findings and recommendations as called for by § 2.405–2 (e) (5) of this title, in triplicate, as well as a clear statement that an award has not been made.

(c) Where it is known or apparent that resolution of the matter cannot be accomplished prior to expiration of the bid acceptance time, the contracting officer will seek appropriate extensions of bid acceptance periods from the bidder alleging the mistake and any other bidders whose bids are within the zone of consideration.

(d) Where circumstances require such prompt action as to preclude transmittal of the case by mail, contracting officers will use telegraphic, telephonic, or radio means of communicating with the appropriate higher authority, furnishing, so far as possible, the information called for by § 2.405–2 (e) of this title.

(e) Notice to contracting officers of determinations made by higher authority and instructions based thereon will be issued by the head of a technical service when so authorized, or by the Deputy Chief of Staff for Logistics (Chief, Contracts Branch), to the Head of the Procuring Activity, except that in the latter instance contracting officers may be notified direct in cases requiring expeditious action and the Head of the Procuring Activity notified simultaneously.

§ 591.405–3 *Disclosure of mistakes after award.* (a) Where a mistake in bid or proposal is alleged or disclosed after award, the case shall be forwarded through channels to the head of the procuring activity concerned and shall include the following information:

(1) The data listed in § 2.405–2 (e) (1) to (4) of this title;

(2) A copy of the quotation or proposal, submitted by the contractor, where the procurement was negotiated, in lieu of the invitation for bids specified in § 2.405–2 (e) (2) of this title;

(3) A copy of the contract and any change orders or supplemental agreements thereto; and

(4) A signed statement by the contracting officer (i) describing the supplies or services involved, (ii) specifying how and when the mistake was alleged or disclosed, (iii) summarizing the evidence submitted by the contractor and any additional evidence considered pertinent, (iv) stating, in cases where only one bid or proposal was received, the most recent contract price for the supplies or services involved, or in the absence of a recent contract for the item, the contracting officer's estimate of a fair price for the item, (v) setting forth his opinion whether a bona fide mistake was made and whether he was, or should have been, on constructive notice of any error in the bid or proposal prior to the award, together with the reasons for or data in support of such opinion (vi) setting forth his recommendation in the matter and the basis therefor, and (vii) disclosing the status of performance and payments under the contract including contemplated performance and payments, if applicable.

(b) Heads of procuring activities are authorized, without power of redelegation of such authority, to rescind or reform contracts provided that:

(1) In the case of a contract to be rescinded in its entirety, the original contract price does not exceed $500.

(2) In reforming a procurement contract, (i) a resultant deletion of an item from the contract does not reduce the original contract price by more than $500 or (ii) a resultant increase in price does not exceed $500, or the price of the next higher bid or proposal for the item of supplies or services concerned if such a higher bid or proposal was submitted;

(3) In reforming a sales contract, (i) a resultant deletion of an item from the contract does not reduce the contract price by more than $500 or (ii) a resultant increase in price does not exceed $500, or the price of the next higher bid or proposal for the item of supplies or services concerned if such a lower bid or proposal was submitted; and

(4) The Head of the Procuring Activity concerned finds that the evidence is clear and convincing that a mistake in bid or proposal was made by the contractor, that the mistake was mutual or that the contracting officer was or should have been on constructive notice of the error prior to award, and determines that the contract price should be increased in a procurement contract, or decreased in a sales contract, or that the contract or the item of supplies or services involved in the error should be rescinded.

§ 592.401 *Types of contracts.* In accordance with the basic policy set forth in § 3.401 of this title, the fixed price type contracts may be used only when the requirements of Subpart D, Part 3 of this title and this part and § 606.104 of this chapter have been satisfied. All negotiated contracts, other than firm fixed-price contracts, shall contain a provision which prohibits cost-plus-a-percentage-of-cost subcontracts. Appropriate contract clauses are set forth in §§ 7.203–4 and 7.150–7 of this title.

2. A new Subpart H is added to Part 592, as follows:

SUBPART H—PRICE NEGOTIATION POLICIES AND TECHNIQUES

Sec.
592.800 Scope of subpart.
592.808 Pricing techniques.
592.808–50 Recruitment costs.
592.811 Record of price negotiation.

AUTHORITY: §§ 592.800 to 592.811 issued under sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314.

§ 592.800 *Scope of subpart.* See § 3.800 of this title.

§ 592.808 *Pricing techniques.* See §§ 3.808–1 to 3.808–6 of this title.

§ 592.808–50 *Recruitment costs.* Reasonableness of offeror's or contractors' costs of recruiting engineering and scientific personnel shall be determined on a case-by-case basis, taking into consideration all of the conditions bearing on the particular case, including the magnitude of the recruitment problems, the effectiveness of the control and administration exercised with respect to the formulation, direction and cost of recruitment programs and practices, and the effectiveness of the recruitment programs and practices themselves. In determining the reasonableness of recruitment costs, the following factors shall be considered:

(a) Evidence of effective budgetary control of recruitment costs;

(b) Evidence of effective administrative control and direction in the formulation and operation of recruitment programs;

(c) Evidence of other effective controls and reviews to detect and prevent indiscriminate, imprudent, and costly recruitment practices;

(d) Evidence that the size of the engineering and scientific staff recruited and maintained is in keeping with workload requirements;

(e) Evidence of effective anaylsis to determine the cause and effect of the rate of employee turnover;

(f) Evidence that payments of allowances to new and prospective employees are reasonable and governed by established policy;

(g) Evidence that salaries and fringe benefits including educational benefits, offered to new employees are reasonable and governed by established policy; and

(h) Evidence of violations of recruiting ethics in the form of proselyting.

§ 592.811 *Record of price negotiation.* The memorandum record of price negotiation shall be maintained in accordance with the procedures set forth in §§ 592.308 and 606.210 of this chapter.

3. Revise paragraph (c) (1) of § 596.103–12, revoke § 596.103–14, revise §§ 596.104–51 and 596.150–7, and revoke § 596.203–51, as follows:

§ 596.103–12 *Disputes.* • • •

(c) *Major oversea commands.* (1) the following Disputes clause shall be inserted in all contracts entered into by major oversea commands and to be performed outside the United States in lieu of the clause set forth in § 7.103–12 of this title.

DISPUTES

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreements shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. Within 30 days from the date of receipt of such copy, the Contractor may appeal by mailing or otherwise furnishing to the Contracting Officer a written appeal addressed to the Commanding General (----------[1] ----------), and the decision of the Commanding General (----------[1] ----------), or that of his duly authorized representative (other than the Contracting Officer under this contract) for the hearing of such appeals, shall unless determined by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence, be final and conclusive upon the parties thereto when the amount involved in the appeal is $50,000 or less: *Provided,* That if no appeal is taken, within the said 30 days, the decision of the Contracting Officer shall be final and conclusive. When the amount involved is more than $50,000 the decision of the Commanding General (----------[1] ----------) shall be subject to written appeal within 30 days after the receipt thereof by the Contractor to the Secretary of the Army and the decision of the Secretary or his duly authorized representative for the hearing of such appeals shall, unless determined by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence, be final and conclusive: *Provided,* That if no such further appeal is taken, within the said 30 days, the decision of the Commanding General (----------[1] ----------) or that of his duly authorized representative shall be final and conclusive. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of questions of law in connection with decisions provided for in paragraph (a) above: *Provided,* That nothing in this contract shall be construed as making final decision of any administrative official, representative, or board on a question of law.

[1] Specify name of major oversea command concerned.

§ 596.103–14 *Buy American Act.* [Revoked.]

§ 596.104–51 *Marine risk.* The following clause may be used in contracts for chartering vessels for coastal, harbor, inland water or similar services.

MARINE RISKS

The owner shall assume all marine risks of whatever nature or kind, including all risks or liability for breach of law or statutes or for damage caused to other vessels, persons or property, except as otherwise provided herein. When official storm warnings have been issued or weather and water or other conditions render an operation unusually hazardous and the owner or master protests in writing to the Contracting Officer or his authorized representative against undertaking the operation but thereafter the Contracting Officer or his authorized representative orders him to perform the operation and he undertakes to do so and the vessel is damaged or lost as the proximate result of the unusual hazard protested against and not of the negligence of the owner, master or crew, the Government shall, at its discretion, repair the damage to the vessel or reimburse the owner for the cost of such repairs or for the loss of the vessel, to the extent not covered by insurance and within the limits of funds against which indemnification by the Government to the contractor for such loss or damage may lawfully be charged, but in no case in excess of the value of the vessel immediately preceding the incident causing the damage or loss; and shall, for a period not to exceed ---------- days (insert the number of days estimated to repair or replace the vessel), reimburse the owner, within the funds limitation as indicated above, for the actual expenses of stand-by-time, as determined by the Contracting Officer. The Contractor shall file a report of such damage or loss within three working days after the date of the incident or the date of the vessel's return to port, whichever is the later date. Failure to file such a report within the time specified shall constitute a waiver of liability of the Government for the damage to or loss of the vessel. Failure to agree to any findings or determinations made by the Contracting Officer hereunder shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

§ 596.150–7 *Cost-plus-a-percentage-of-cost subcontracting.* Pursuant to § 3.401 of this title and § 592.401 of this chapter, the following clause shall be included in all negotiated contracts, other than firm fixed-price contracts, unless the provisions of this clause are otherwise included in a clause prescribed by Subchapter A, Chapter I of this title:

COST-PLUS-A-PERCENTAGE-OF-COST SUBCONTRACTING

The contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

§ 596.203–51 *Cost-plus-a-percentage-of-cost contracting.* [Revoked.]

4. Sections 598.102–1, 598.102–2, 598.103–1, 598.107–2, 598.107–3, 598.107–4, and 598.107–5 are revised to read as follows:

§ 598.102–1 *Authorization and consent in contracts for supplies.* The use of the Authorization and Consent clause (§ 9.102–1 of this title) is optional in supply contracts of $5,000 and less, including purchase orders, but shall be included in supply contracts over $5,000, including construction work, except as provided in §§ 9.102 (b) and 9.102–2 of this title and § 598.102–2.

§ 598.102–2 *Authorization and consent in contracts for research or development.* The Authorization and Consent Clause (§ 9.102–2 of this title) shall be included in all contracts calling exclusively for research or development work, and may be otherwise included only in those contracts for both supplies and research or development work where the research or development work is the primary purpose of the contract. In all other contracts for both supplies and research or development work, the Authorization and Consent Clause (§ 9.102–1 of this title) shall be used in accordance with the provisions of § 598.102–1.

§ 598.103–1 *Patent indemnification in formally advertised contracts, commercial status predetermined.* (a) In supply contracts of $5,000 or more to be awarded as a result of formal advertising, the contracting officer shall make a determination prior to issuance of the invitation for bids whether the supplies to be procured (or such supplies apart from relatively minor modification to be made thereto) normally are, or have been sold or offered for sale by any supplier to the public in the commercial open market. If it is determined that the supplies are, or have been, sold or offered for sale, except as prohibited by § 9.103 of this title, the contract shall include the clause set forth in § 9.103–1 of this title.

(b) Any items to be excluded in accordance with § 9.103–1 (b) of this title shall be listed in detail rather than in general terms.

§ 598.107–2 *Contracts relating to atomic energy.* (a) Any provision to be incorporated into the Patent Rights clause which authorizes the contractor to retain license rights, or authorizes any deviation from the Patent Rights clause (§ 9.107–2 of this title) shall be forwarded through the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C., Attn: Chief, Contracts Branch, to the Chief, Patents Division, for referral to the U. S. Atomic Energy Commission for determination as

to whether the provision or deviation may be granted.

(b) Disclosures of inventions relating to atomic energy furnished by any contractor shall be forwarded to the Chief, Patents Division, for referral to the United States Atomic Energy Commission.

§ 598.107–3 *Patent license rights under product improvement programs or independent research programs.* See § 9.107–3 of this title.

§ 598.107–4 *Patent rights not to be obtained.* Procuring activities are not prohibited by § 9.107–4 of this title from accepting, on behalf of the Government any gratuitous and voluntary grant of patent license rights.

§ 598.107–5 *Contracts relating to civil defense.* The clause in § 9.107–5 of this title may be used, in lieu of paragraph (b) (1) of the clause set forth in § 9.107–1 of this title, in all contracts for experimental, developmental or research work relating primarily to supplies or services intended for the general public for Civil Defense purposes. This clause is particularly applicable for inclusion in contracts financed in whole or in part by the Federal Civil Defense Administration.

5. Revise §§ 599.450 and 599.501 to read as follows:

§ 599.450 *Work at Government installation.* A fixed-price contractor performing work at a Government installation shall be required to furnish evidence of Comprehensive General Liability and Automobile Liability insurance, in each instance for both bodily injury and property damage. Such evidence of insurance shall be furnished to the contracting officer and shall be in such limits as is deemed reasonable under the circumstances. In no event shall these limits be less than $5,000 per person, $10,000 per accident for bodily injury and $5,000 for property damage. Where the Financial Responsibility or Compulsory Insurance Law of the State in which the installation is located requires higher limits, the Automobile Liability insurance policy should provide for coverage of at least those limits.

§ 599.501 *Policy*—(a) *General.* The Government's interest in the insurance program of a cost-reimbursement type contractor relates primarily to the policies or self-insurance plans which provide coverage for Workmen's Compensation and Employees' Liability, General Liability, Automobile Liability, Aircraft Public and Passenger Liability, Fidelity Bonds, Group Insurance, Accident Insurance and Pensions.

(1) The insurance coverages required by §§ 10.501–1, 10.501–2, 10.501–3 and 10.501–4 (a) of this title and §§ 599.501–1, 599.501–2, 599.501–3, and 599.501–4 (a) are mandatory, unless the contractor is relieved by statute from liability or has a self-insurance program which meets the requirements of § 599.502.

(2) Additional types of insurance may be required by heads of procuring activities.

(3) Insurance coverages other than the types required in subparagraphs (1) and (2) of this paragraph, for which reimbursement of premium charges is sought, must be reasonable in cost and necessary in the performance of the contract.

(4) Where the cost of insurance coverage is included in the overhead rate, the contract schedule shall specifically provide that the insurance cost included therein shall not be an item for separate reimbursement under the contract.

(5) The contracting officer, in establishing insurance costs for overhead rate negotiations, shall ascertain to the extent possible that such costs are net after anticipated dividends or other credits.

(b) *Review of contractor's insurance program.* (1) Prior to the approval of a contractor's insurance program under a cost-reimbursement type contract, the extent of the contractor's cost-reimbursement type contracts with other agencies of the Department of Defense at the proposed location or adjacent thereto shall be determined. This information should be readily available from the contractor and shall be used to determine whether the insurance pertaining to the contract should be combined with the insurance pertaining to the contractor's other Department of Defense contracts, in order to effect savings in reimbursable insurance premium costs.

(2) Where the contract operations are at a location at which the work is exclusively or almost exclusively for the Department of Defense, consideration should be given to establishing a special insurance arrangement for all work performed at this location.

(i) The criteria for application of the National Defense Projects Rating Plan is set forth in § 10.703 of this title. Where a location does not qualify for this Plan and the estimated annual premiums are substantial, a commercial retrospective rating plan may be appropriate. If the estimated annual premiums are small, joint insurance with the contractor's commercial operations or special guaranteed cost policies may be advisable.

(ii) Where special insurance arrangements are made, the exact coverages and limits required by §§ 10.501–1, 10.501–2, 10.501–3, and 10.501–4 (a) of this title and §§ 599.501–1, 599.501–2, 599.501–3 and 599.501–4 (a), shall be provided. The purpose of such an insurance program is not primarily to protect the Government or the contractor against financial loss but is to obtain the experienced services of the insurance industry in such technical areas as claims settlement and safety engineering; therefore, the higher limits of liability insurance normally carried by contractors in their commercial operations are not acceptable. The risk of excessive losses is normally assumed by the Government by the use of the "Insurance Liability to Third Persons" clause (§ 7.203–22 of this title) or a similar clause.

(3) Where the cost cost-reimbursement type contract operations are commingled with the contractor's commercial operations, all operations should normally be insured together.

(4) When the contract operations are jointly insured with the contractor's commercial operations, the proportion of cost-reimbursement type Department of Defense contracts and the amount of premium involved shall be the governing factors in determining the necessity for Government control. Unless both the proportion of contracts and the amount of reimbursable premium involved is substantial, review of the contractor's insurance program should be limited to assuring that the contractor complies with the requirements of §§ 10.501–1, 10.501–2, 10.501–3 and 10.501–4 (a) of this title and §§ 599.501–1, 599.501–2, 599.501–3 and 599.501–4 (a). Higher limits than those prescribed in the referenced paragraphs may be approved where joint insurance coverage exists. Interference with the contractor's established commercial insurance program should be avoided to the extent possible.

(5) Particular attention should be given to the time period and geographical limits of the policies as well as to any provision in the policies which exclude from coverage any phase of contract operations.

(6) The policy endorsements set forth in paragraph (c) of this paragraph should be attached to the policies.

(c) *Required endorsements* — (1) *Waiver of subrogation.* Unless an additional premium is required, an insurance policy covering performance under a Department of the Army contract shall be endorsed waiving the insurer's right of subrogation against the Government for losses under the policy arising out of contract performance.

(2) *Notice of cancellation or change.* Where insurance is required by the contract or approved by the Head of the Procuring Activity, the policies evidencing such insurance shall contain an endorsement to the effect that cancellation of or material change in the policies will be subject to thirty (30) days written notice of cancellation or change to the approving authority.

6. Revise paragraph (a) of § 600.401, revoke § 600.450, and revise §§ 600.452 and 600.452–1, as follows:

§ 600.401 *Fixed-price contracts.* (a) Subject to the exception in paragraph (b) of this section and to such variations as may be prescribed by the Department of Defense or other competent authority (including Standard Forms as prescribed for use):

(1) The clause appearing in § 11.401–1 of this title shall be inserted by contracting officers in all formally advertised contracts, and in negotiated fixed-price contracts when the contracting officer is satisfied that, by virture of competition or otherwise, the contract price excludes contingencies for State and local taxes.

(2) The clause appearing in § 11.401–2 of this title shall be inserted in all other negotiated fixed-price contracts.

(3) Printed forms of the Department of the Army or any of its agencies shall be revised, if necessary to conform with the foregoing.

§ 600.450 *Contract clause relating to Indiana State gross income tax.* [Revoked.]

§ 600.452 *Maryland sales and use tax.* The Maryland statute exempts sales or uses from the taxes if the purpose of the purchaser or user of tangible personal property is to resell the property, or to use or incorporate it, as a material or part, of other tangible personal property to be produced for sale by manufacturing, assembling, processing or refining. However, by a 1957 amendment, sales of tangible personal property to be used as facilities, tools, tooling machinery or equipment (including dies, molds, and patterns) are not exempt from the sales tax, nor is the use exempt from the use tax, even though title thereto passes, or is intended to pass, to the Federal Government either before or after such person uses such facilities, tools, tooling machinery or equipment.

(a) Whenever a Department of the Army contract calls for the transfer to the Government in their original form, without use by the contractor, of facilities, tools, tooling, machinery or equipment purchased by a contractor, the resale exemption from the sales tax is considered applicable to such purchase.

(b) Whenever tangible personal property is purchased by a contractor for incorporation, as a material or part, in the completed supplies to be furnished to the Government under a Department of the Army contract, the resale exemptions from the sales and use taxes are considered applicable to such purchase and use.

(c) No sales tax or use tax exemption applies to facilities, tools, tooling machinery or equipment used by a contractor in the performance of a Department of the Army contract regardless of when title thereto passes, or is intended to pass, to the Government.

(d) Questions arising out of sales or uses which do not fall within one of the above categories should be referred to the Office of the Judge Advocate General, Department of the Army, Washington 25, D. C., Attn: Procurement Law Division, for advice.

§ 600.452–1 *Procedure to be followed pending disposition of litigation.* (a) Where the total amount of the tax applicable to the contractor is $1000 or more, the following procedure shall apply:

(1) If the tax is assessed by the Maryland taxing authorities under one of the exempt situations described in § 600.452 (a) or (b), the contractor should pay the tax and apply for a refund within 30 days of the mailing of the notice of the assessment. Refunds, after assessment, must be applied for within 30 days of assessment or recovery is foreclosed (Md. Code Ann. 1951, Art. 81, Sec. 347). Where assessment has taken place, the contractor should be instructed to retain counsel for the purpose of making application for refund within the appropriate period.

(2) The contractor should be instructed to pay, at the appropriate time, the tax considered to be due, in order to avoid an assessment by the State. When the tax is paid without assessment, the contractor should be instructed not to apply for a refund except as herein directed. Under Maryland law a claim for refund may be filed at any time within three years of payment of the tax if no assessment has been made (Md. Code Ann. 1951, Art. 81, sec. 344). To facilitate the filing of claims, contracting agencies should maintain records of the contracts and amounts of taxes involved.

(3) Whenever 30 months have elapsed from the time of initial payment, The Office of the Judge Advocate General, Department of the Army, Washington 25, D. C., Attn: Procurement Law Division, should be notified of the fact and furnished all information necessary to determine whether the tax should be contested. In this connection the provisions of § 600.050 of this part will be strictly followed.

(4) If any substantial payment of tax was made more than 35 months previous to date of this publication, the contractor is authorized to retain counsel and to file application for refund directly. The Office of the Judge Advocate General, Department of the Army, Washington 25, D. C., Attn: Procurement Law Division should be notified promptly of such action. Every claim for refund should be made in accordance with the provisions of Md. Code Ann. 1951, Art. 81, sec. 344, and should state as grounds: (i) That the sales to the taxpayer were not retail sales within the meaning of Md. Code Ann. 1951, Art. 81, sec. 320 (f) and were not subject to the tax imposed by sec. 321 of that Article; (ii) that the property bought by the taxpayer was not used, stored, or consumed by the taxpayer in Maryland within the meaning of Md. Code Ann. 1951, Art. 81, secs. 368 and 369, and that the taxpayer was not subject to the tax imposed by Sec. 369; and (iii) any additional grounds which counsel for the taxpayer deems applicable.

(b) Contracting Officers shall insure that contractors who are subject to the Maryland sales and use taxes are advised of the provisions of this section.

7. Revise §§ 601.102, 601.102–1, 601.102–2, 601.102–3, 601.102–4, 601.102–5, and 601.102–6 as follows:

§ 601.102 *Overtime, extra-pay shifts, and multi-shift work.*

§ 601.102–1 *Definitions.* See § 12.102–1 of this title.

§ 601.102–2 *Policy.* (a) Designees (§ 601.102–4) shall use the authority to approve overtime premiums and shift premiums judiciously in conformity with the intent of § 12.102 of this title and § 601.102. Designees shall insure that applications of the procedures set forth in § 12.102 of this title and § 601.102 do not delay or otherwise impede high priority or essential programs or projects. Where questions arise in connection with such programs or projects, § 12.102 of this title and § 601.102 shall be given a liberal interpretation.

(b) Approvals for use of overtime, extra-pay shifts or multi-shift operations by contractors heretofore granted shall continue in full force and effect, subject to the review required by § 601.102–3.

§ 601.102–3 *Procedures.* The periodic review required by § 12.103–3 (e) of this title shall be conducted at least once every three months.

§ 601.102–4 *Approvals.* The following individuals are appointed as designees for the purpose of making determinations and approving use of overtime premiums and shift premiums by contractors at Government expense:

(a) The Deputy Chief of Staff for Logistics; and the Director of Procurement, Office of the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army;

(b) Chiefs of technical services and their deputies;

(c) The Commander-in-Chief and the Chief of Staff, U. S. Army, Europe; the Commanding General and the Chief of Staff of: (1) The U. S. Army, Alaska, (2) the U. S. Army, Caribbean; (3) the U. S. Army, Japan; (4) the U. S. Army, Hawaii/25th Infantry Division; and

(d) The Commanding General and the Deputy Commanding General of the U. S. Army Ordnance Guided Missile Command.

§ 601.102–5 *Exceptions.* See § 12.102–5 of this title.

§ 601.102–6 *Construction Contracts.* See § 12.102–6 of this title.

[C6, APP, 18 April 1958, and C7, 15 May 1958]
(Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58–6346; Filed, Aug. 8, 1958; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 58–19]

Subchapter D—Navigation Requirements for Certain Inland Waters

PART 80—PILOT RULES FOR INLAND WATERS

Subchapter F—Navigation Requirements for Western Rivers

PART 95—PILOT RULES FOR WESTERN RIVERS

LIGHTS FOR BARGES TOWED ON GULF INTRACOASTAL WATERWAY OR WESTERN RIVERS

Notices regarding proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTERS dated February 12, 1958 (23 F. R. 905–910), and March 1, 1958 (23 F. R. 1268–1270), as Items I through XVIII of an Agenda to be considered by the Merchant Marine Council. Pursuant to these notices a public hearing was held on March 18, 1958, by the Merchant Marine Council at Washington, D. C.

This document is the sixth of a series covering the regulations and actions considered at this public hearing and annual session of the Merchant Marine Council, and contains the final actions taken with respect to Item II of the Agenda. The first document, identified as CGFR 58–8,

contained miscellaneous amendments to inspection requirements to implement the Act of May 10, 1956, as amended (46 U. S. C. 390–390g), which were based on Item III of the Agenda. The second document, identified as CGFR 58–17, contained the requirements governing private aids to navigation on the outer Continental Shelf and waters under the jurisdiction of the United States, which were based on Item I of the Agenda. The third document, identified as CGFR 58–18, contained new requirements regarding radar observers and miscellaneous changes respecting renewal of merchant mariner's licenses, which were based on Item IV of the Agenda. The fourth document, identified as CGFR 58–9, contained miscellaneous amendments and requirements respecting dangerous cargoes, which were based on Items XIV, XV, and XVI of the Agenda. The fifth document, identified as CGFR 58–10, contained miscellaneous amendments and requirements respecting vessel inspection, which were based on Items V, VI, VII, IX, XI, and XVI of the Agenda.

The Coast Guard acknowledges the assistance given to the Merchant Marine Council by those interested parties who submitted comments, views, and data in connection with the items considered at this public hearing. On the basis of comments received, changes were made in the proposals in Item II—Lights for Barges Towed on the Gulf Intracoastal Waterway or Western Rivers. The amendments in this Item, as revised, are adopted and set forth in this document.

The purpose of these amendments to 33 CFR 80.16a, 95.29 and 95.31 is to provide additional lights for barges being towed in order to define at night the extreme width of the tow. The changes adopted reduced the number of lights while still accomplishing the same objective. Other editorial changes and revisions were made to have uniformity in language or to clarify the regulations and they do not materially alter the requirements. It should be noted these amendments do not alter the requirements for lights on rafts which are provided for in 33 CFR 80.32 and 95.37.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed, and the use of lights described in this document are authorized on and after the date of publication of this document in the FEDERAL REGISTER, and their use shall be mandatory on and after January 1, 1959.

1. Section 80.16a is amended to read as follows:

§ 80.16a *Lights for barges, canal boats, scows and other nondescript vessels on certain inland waters on the Gulf Coast and the Gulf Intracoastal Waterway.* (a) On the Gulf Intracoastal Waterway and on other inland waters connected therewith or with the Gulf of Mexico from the Rio Grande, Texas, to Cape Sable (East Cape), Florida, barges, canal boats, scows, and other vessels of nondescript type not otherwise provided for, when being towed by steam vessels shall carry lights as set forth in this section.

(b) When one or more barges, canal boats, scows, or other vessels of nondescript type not otherwise provided for, are being towed by pushing ahead of a steam vessel, such tow shall be lighted by an amber light at the extreme forward end of the tow, so placed as to be as nearly as practicable on the centerline of the tow, a green light on the starboard side of the tow, so placed as to mark the maximum projection of the tow to starboard, and a red light on the port side of the tow, so placed as to mark the maximum projection of the tow to port.

(c) When one or more barges, canal boats, scows, or other vessels of nondescript type not otherwise provided for, are being towed alongside a steam vessel, there shall be displayed a white light at each outboard corner of the tow. If the deck, deck house, or cargo of such barge, etc., obscures the sidelight of the towing vessel, such barge, etc., shall also carry a green light upon the starboard side when being towed on the starboard side of a steam vessel or shall carry a red light on the port side of the barge, etc., when being towed on the port side of the steam vessel. If there is more than one such barge, etc., being towed abreast, the appropriate colored sidelight shall be displayed from the outer side of the outside barge.

(d) When one barge, canal boat, scow or other vessel of nondescript type not otherwise provided for, is being towed singly behind a steam vessel, such vessel shall carry four white lights, one on each corner or outermost projection of the bow and one on each corner or outermost projection of the stern.

(e) When two or more barges, canal boats, scows, or other vessels of nondescript type not otherwise provided for, are being towed behind a steam vessel in tandem, with an intermediate hawser, such vessels shall carry white lights as follows:

(1) The first vessel in the tow shall carry three white lights, one on each corner or outermost projection of the bow and a white light at the stern amidships.

(2) Each intermediate vessel shall carry two white lights, one at each end amidships.

(3) The last vessel in the tow shall carry three white lights, one on each corner or outermost projection of the stern and a white light at the bow amidships.

(f) When two or more barges, canal boats, scows, or other vessels of nondescript type not otherwise provided for, are being towed behind a steam vessel in tandem, close-up, such vessels shall carry white lights as follows:

(1) The first vessel in the tow shall carry three white lights, one on each corner or outermost projection of the bow and a white light at the stern amidships.

(2) Each intermediate vessel shall carry a white light at the stern amidships.

(3) The last vessel in the tow shall carry two white lights, one on each corner or outermost projection of the stern.

(g) When two or more barges, canal boats, scows, or other vessels of nondescript type not otherwise provided for, are being towed behind a steam vessel two or more abreast, in one or more tiers, each of the outside vessels in each tier shall carry a white light on the outboard corner of the bow, and each of the outside vessels in the last tier shall carry, in addition, a white light on the outboard corner of the stern.

(h) When one or more barges, canal boats, scows, or other vessels of nondescript type not otherwise provided for, are moored to the bank or dock in or near a fairway, such tow shall carry two white lights not less than four feet above the surface of the water, as follows:

(1) On a single moored barge, canal boat, scow, or other vessel of nondescript type not otherwise provided for, a light at each outboard or channelward corner.

(2) On barges, canal boats, scows, or other vessels of nondescript type not otherwise provided for, when moored in a group formation, a light on the upstream outboard or channelward corner of the outer upstream boat and a light on the downstream outboard or channelward corner of the outer downstream boat; and in addition, any boat projecting toward or into the channel from such group formation shall have two white lights similarly placed on its outboard or channelward corners.

(i) The colored side lights shall be so constructed as to show a uniform and unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to show the light from right ahead to 2 points abaft the beam on their respective sides, and of such a character as to be visible at a distance of at least 2 miles, and shall be fitted with inboard screens so as to prevent either light from being seen more than half a point across the centerline of the tow.

(j) The amber light shall be so constructed as to show a uniform and unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to show the light 10 points on each side of the tow, namely, from right ahead to two points abaft the beam on either side, and of such a character as to be visible at a distance of at least 2 miles.

(k) The white lights shall be so constructed and so fixed as to show a clear, uniform, and unbroken light all around the horizon, and of such a character as to be visible at a distance of at least 2 miles.

(l) All the lights shall be carried at approximately the same height above the surface of the water and, except as provided in paragraph (h) of this section, shall be so placed with respect thereto as to be clear of and above all obstructions which might tend to interfere with the prescribed arc or distance of visibility.

(Sec. 2, 30 Stat. 102, as amended, sec. 1, 30 Stat. 98, as amended; 33 U. S. C. 157, 178. Interpret or apply R. S. 4233A, as amended; 33 U. S. C. 353)

2. Section 95.29 is amended to read as follows:

§ 95.29 *Lights for barges towed ahead or alongside.* (a) When one or more barges are being towed by pushing ahead of a steam vessel, such tow shall be lighted by an amber light at the extreme forward end of the tow, so placed as to be as nearly as practicable on the centerline of the tow, a green light on the starboard side of the tow, so placed as to mark the maximum projection of the tow to starboard, and a red light on the port side of the tow, so placed as to mark the maximum protection of the tow to port.

(b) When one or more barges are being towed alongside a steam vessel, there shall be displayed a white light at each outboard corner of the tow. If the deck, deck house, or cargo of such barge obscures the sidelight of the towing steam vessel, such barge shall also carry a green light upon the starboard side when being towed on the starboard side of a steam vessel; or shall carry a red light on the port side of the barge when being towed on the port side of the steam vessel. If there is more than one such barge being towed abreast, the appropriate colored sidelight shall be displayed from the outer side of the outside barge.

(c) The colored side lights shall be so constructed as to show a uniform and unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to show the light from right ahead to 2 points abaft the beam on their respective sides and of such a character as to be visible at a distance of at least 2 miles, and shall be fitted with inboard screens so as to prevent either light from being seen more than half a point across the centerline of the tow.

(d) The amber light shall be so constructed as to show a uniform and unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to show the light 10 points on each side of the tow, namely, from right ahead to 2 points abaft the beam on either side, and of such a character as to be visible at a distance of at least 2 miles.

(e) The white lights shall be so constructed and so fixed as to show a clear, uniform, and unbroken light all around the horizon, and of such a character as to be visible at a distance of at least 2 miles.

(f) All the lights shall be carried at approximately the same height above the surface of the water and shall be so placed with respect thereto as to be clear of and above all obstructions which might tend to interfere with the prescribed arc or distance of visibility.

(R. S. 4233A; 33 U. S. C. 353)

3. Section 95.31 is amended to read as follows:

§ 95.31 *Lights for barges towed astern.* (a) When one barge is being towed singly behind a steam vessel, such vessel shall carry four white lights, one on each corner or outermost projection of the bow and one on each corner or outermost projection of the stern.

(b) When two are more barges are being towed behind a steam vessel in tandem, with an intermediate hawser, such vessels shall carry white lights as follows:

(1) The first vessel in the tow shall carry three white lights, one on each corner or outermost projection of the bow and a white light at the stern amidships.

(2) Each intermediate vessel shall carry two white lights, one at each end amidships.

(3) The last vessel in the tow shall carry three white lights, one on each corner or outermost projection of the stern and a white light at the bow amidships.

(c) When two or more barges are being towed behind a steam vessel in tandem, close-up, such vessels shall carry white lights as follows:

(1) The first vessel in the tow shall carry three white lights, one on each corner or outermost projection of the bow and a white light at the stern amidships.

(2) Each intermediate vessel shall carry a white light at the stern amidships.

(3) The last vessel in the tow shall carry two white lights, one on each corner or outermost projection of the stern.

(d) When two or more barges are being towed behind a steam vessel two or more abreast, in one or more tiers, each of the outside barges in each tier shall carry a white light on the outboard corner of the bow and each of the outside barges in the last tier shall carry, in addition, a white light on the outboard corner of the stern.

(e) The white lights shall be so constructed and so fixed as to show a clear, uniform, and unbroken light all around the horizon and of such a character as to be visible at a distance of at least 2 miles. The lights shall be carried at approximately the same height above the surface of the water and shall be so placed with respect thereto as to be clear of and above all obstructions which might tend to interfere with the prescribed arc or distance of visibility.

(R. S. 4233A; 33 U. S. C. 353)

Dated: July 25, 1958.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 58-6370; Filed, Aug. 8, 1958; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1703]

[Idaho 04790]

IDAHO

RESERVING LANDS FOR USE OF DEPARTMENT OF ARMY, CORPS OF ENGINEERS, FOR FLOOD CONTROL PURPOSES IN CONNECTION WITH THE ALBENI FALLS PROJECT

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, and to the provisions of existing withdrawals, the following-described lands in Idaho are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, but not the disposal of mineral and vegetative materials under the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, nor issuance of grazing leases or permits under the act of June 28, 1934 (48 Stat. 1269; 43 U. S. C. 315b, 315m) as amended, and reserved for use of the Department of the Army, Corps of Engineers, for flood control purposes, in connection with the Albeni Falls Project, as authorized by the act of May 17, 1950 (64 Stat. 163, 178).

BOISE MERIDIAN

T. 55 N., R. 1 E.,
Sec. 1, lot 1, and the Metz Lode Mining Claim (M. S. 2995);
Sec. 7, lots 1, 2, 3, 4, and SE¼SW¼;
Sec. 8, lots 1, 2, 3, and 4;
Sec. 9, lots 1, 2, 3, and 4;
Sec. 10, lots 1, 2, 3, and 4;
Sec. 11, lots 1, 2, 3, and 4;
Sec. 12, lots 2, 3, and 4, and the Metz Lode Mining Claim (M. S. 2995) except the SW 450 feet;
Sec. 18, lot 4.

The areas described aggregate 876.55 acres.

T. 56 N., R. 1 E.,
Sec. 11, East 721.7 feet of lot 1;
Sec. 12, lot 1;
Sec. 19, lot 3, except Sulphide Mining Claim (M. S. 2117);
Sec. 19, lots 4 and 5;
Sec. 20, lot 1, except Sulphide Mining Claim (M. S. 2117);
Sec. 30, lots 1, 2, and 3.

The areas described aggregate 362.30 acres.

T. 55 N., R. 2 E.,
Sec. 6, lots 1, 2, 3, 4, and 5;
Sec. 8, lot 3.

The areas described aggregate 177.81 acres.

T. 56 N., R. 2 E.,
Sec. 29, lots 5, 6, 7, 8, 9, 10, 11, 12, and NE¼NE¼;
Sec. 32, lot 5.

The areas described aggregate 231.90 acres.

T. 53 N., R. 1 W.,
Sec. 3, lot 2;
Sec. 4, lots 1, 2, those portions lying west of the Graham Lime Placer Claim (M. S. 2553), the Wooden Lime Placer Claim (M. S. 2594), and the Blue Peter Lime Placer Claim (M. S. 2488);
Sec. 7, lot 1;
Sec. 8, lots 1, 2, 3, and 4;
Sec. 9, lot 1, that portion lying west of the Blue Peter Lime Placer Claim (M. S. 2488), lots 2, and 3.

The areas described aggregate 323.79 acres.

T. 54 N., R. 1 W.,
Sec. 3, lot 2;
Sec. 10, lots 2, 4, and 5;
Sec. 15, lot 1;
Sec. 27, lots 1 and 2;
Sec. 30, lots 1, 2, and 3;
Sec. 34, lot 4.

The areas described aggregate 335.40 acres.

T. 55 N., R. 1 W.,
Sec. 4, lot 1;
Sec. 5, lot 4;
Sec. 7, lots 1 and 2; Sec. 8, lots 1 and 2, except Crescent (M. S. 2039) and St. Reca (M. S. 2960) Lode Mining Claims, that portion of Exchange Survey No. 820 which involves lot 2 of sec. 8, and except that portion of Mexico Lode Mining Claim (M. S. 2559) lying north from Tract "A" of Exchange Survey No. 821;
Sec. 13, lots 1 and 2;
Sec. 14, lot 1;
Sec. 18, lots 1, 2, 3, and 4, except the overlapping part of the Crescent Lode Mining Claim (M. S. 2039);
Sec. 19, lot 1;
Sec. 23, lots 2, 3, and 4;
Sec. 26, lots 1, 2, 4, and 5, except Park Quartz and Protection Lode Mining Claims (M. S. 2665);
Sec. 34, lots 3 and 5;
Sec. 35, lots 1 and 7.

The areas described aggregate 773.18 acres.

T. 56 N., R. 1 W.,
Sec. 22, lot 4, except the Bay City Mining Claim (M. S. 2354);
Sec. 26, lots 1, 2, 3, and 4;
Sec. 27, lot 3;
Sec. 28, lots 1 and 2, except a portion of Homestead Entry Survey No. 514;
Sec. 33, lots 1, 2, 3, 4, and 5.

The areas described aggregate 576.79 acres.

T. 53 N., R. 2 W.,
Sec. 10, lots 3, 6, 7, and 8;
Sec. 11, (unsurveyed), all lands within ¼ mile of Pend Oreille Lake;
Sec. 12, (unsurveyed), all lands within ¼ mile of Pend Oreille Lake.

The areas described aggregate 500 acres.

T. 54 N., R. 2 W.,
Sec. 2, lots 1, 3, 4, and 5;
Sec. 14, lots 1, 2, 3, and 4;
Sec. 24, lots 1, 2, 3, and 4.

The areas described aggregate 474.35 acres.

T. 55 N., R. 2 W.,
Sec. 24, lots 1, 2, 3, 4, 5, and SW¼SW¼;
Sec. 25, lots 1 and 2;
Sec. 26, lots 1, 2, and 3;
Sec. 35, lots 1, 2, 3, and 4.

The areas described aggregate 456.38 acres.

T. 56 N., R. 4 W.,
Sec. 34, lots 3 and 4.

The areas described aggregate 60 acres.

The areas described aggregate approximately 5,140 acres, of which all except 231.90 acres is located in the Kaniksu National Forest.

2. The jurisdiction of the Department of the Army, Corps of Engineers, over the lands shall be limited to the use thereof for flowage purposes in connection with the Albeni Falls Dam. The lands shall otherwise continue to be managed by the Bureau of Land Management, Department of the Interior, and the Forest Service, Department of Agriculture, as their interests may appear.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 4, 1958.

[F. R. Doc. 58-6352; Filed, Aug. 8, 1958; 8:45 a. m.]

[Public Land Order 1704]

[1773280]

NORTH DAKOTA

REVOKING EXECUTIVE ORDERS NOS. 8123, 8126, 8129, AND 8163, WHICH ESTABLISHED CERTAIN MIGRATORY WATERFOWL REFUGES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Orders No. 8123 of May 10, 1939, No. 8126 of May 10, 1939, No. 8129 of May 10, 1939, and No. 8163 of June 12, 1939, which reserved all lands owned or controlled by the United States within the following-described areas in North Dakota for use of the Department of Agriculture as refuges and breeding grounds for migratory birds and other wildlife, are hereby revoked:

EXECUTIVE ORDER NO. 8123

FIFTH PRINCIPAL MERIDIAN

Lake Moraine

T. 143 N., R. 78 W.,
Sec. 13, N½.

The area described contains 320 acres.

EXECUTIVE ORDER NO. 8126

FIFTH PRINCIPAL MERIDIAN

Little Lake

T. 136 N., R. 76 W.,
Sec. 33, E½;
Sec. 34, SW¼.

The areas described aggregate 480 acres.

EXECUTIVE ORDER NO. 8129

FIFTH PRINCIPAL MERIDIAN

Minnewastena

T. 152 N., R. 65 W.,
Sec. 12, lot 7 and SW¼SE¼;
Sec. 13, lot 1 and NW¼NE¼.

The areas described aggregate 144.30 acres.

EXECUTIVE ORDER NO. 8163

FIFTH PRINCIPAL MERIDIAN

Pioneer Lake

T. 155 N., R. 58 W.,
Sec. 21.

The area described contains 640 acres. The lands are non-public lands.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 5, 1958.

[F. R. Doc. 58-6353; Filed, Aug. 8, 1958; 8:45 a. m.]

[Public Land Order 1705]

[78282]

CALIFORNIA

POWER SITE RESTORATION NO. 540 PARTLY REVOKING POWER SITE RESERVES NOS. 293, 696, AND 701

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive orders of October 13, 1912, October 15, 1918, and December 2, 1918 creating Power Site Reserves Nos. 293, 696, and 701, respectively, are hereby revoked so far as they affect the following-described lands:

MOUNT DIABLO MERIDIAN

T. 10 S., R. 33 E.,
Sec. 1, lots 3 and 4, SE¼NW¼, E½SW¼;
Sec. 12, E½NW¼, NE¼SW¼, W½SE¼;
Sec. 13, W½NE¼, S½NW¼, S½;
Secs. 24 and 25.
T. 10 S., R. 34 E.,
Sec. 18, S½ of lots 1 and 2 of SW¼;
Sec. 19, lots 1 and 2 of NW¼, N½NE¼, SW¼NE¼;
Sec. 20, N½;
Sec. 30, S½ of lots 1 and 2 of NW¼, N½ of lots 1 and 2 of SW¼, NW¼SE¼.

The areas described aggregate 3,125.30 acres.

2. In DA-934-California issued January 27, 1958, the Federal Power Commission vacated the Federal Power Project No. 134 (for transmission line purposes) so far as the project affects the lands described in this order.

3. The public lands in the areas described in this order were withdrawn by the act of April 6, 1931 (46 Stat. 1530), for protection of the water supply of the City of Los Angeles.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 5, 1958.

[F. R. Doc. 58-6354; Filed, Aug. 8, 1958; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 1-5]

[Docket No. 12461; FCC 58-777]

PART 1—PRACTICE AND PROCEDURE

APPLICATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of July 1958;

The Commission having under consideration a proposal to change its policy with respect to the Revised Tentative Allocation Plan for Class B FM Broadcast Stations (to abandon the plan) and to amend §§ 1.356 (f) and 1.309 (a) of the rules;

It appearing that notice of proposed rule making (FCC 58-514) setting forth the above proposal was issued by the Commission on June 2, 1958, and was duly published in the FEDERAL REGISTER (23 F. R. 3937), which notice provided that interested parties might file statements or briefs with respect to the said proposal on or before July 7, 1958; and

It further appearing that comments were filed in this matter by the Charles River Broadcasting Company, Waltham, Massachusetts, licensee of Station WCRB-FM; Everett L. Dillard, trading as The Commercial Radio Equipment Company, Washington, D. C.; and the Interstate Broadcasting Company, Inc., New York City, licensee of Station

WQXR-FM; all of which comments were in favor of the Commission's proposal; that, in addition, The Commercial Radio Equipment Company and the Interstate Broadcasting Company, Inc. suggested the revision of §§ 3.202 and 3.204 to remove the present limitation of the coverage of Class B FM stations located in the heavy populated part of New England, the southeastern portion of New York, New Jersey, Delaware, and the eastern portions of Pennsylvania and Maryland, to not more than the equivalent of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain; but that these suggestions to amend §§ 3.202 and 3.204, more properly, should be the subject of a separate rule making proceeding; and

It further appearing that no comments in reply to the original comments were filed within the 10-day period after July 7, 1958; and

It further appearing that adoption of the proposal can be expected to expedite the processing of applications for FM facilities; and

It further appearing that authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective August 20, 1958, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is abandoned and §§ 1.356 (f) and 1.309 (a) are amended by deleting the present provisions of these two sections and substituting the following:

§ 1.356 *Processing of FM and noncommercial educational FM broadcast applications.* • • •

(f) If, upon examination, the Commission finds that the public interest, convenience and necessity will be served by the granting of an application for FM broadcast facilities (Class A, Class B or noncommercial educational), the same will be granted. If, on the other hand, the Commission is unable to make such a finding and it appears that a hearing may be required, the procedure set forth in § 1.362 will be followed.

§ 1.309 *Repetitious applications.* (a) Where the Commission has denied an application for a new station or for any modification of services or facilities, or dismissed such application with prejudice, no like application involving service of the same kind to substantially the same area by substantially the same applicant, or his successor or assignee, or on behalf or for the benefit of the original parties in interest, may be filed within 12 months from the effective date of the Commission's action: *Provided, however*, That applicants whose applications have been denied in a comparative hearing for a particular television facility allocated in the television allocation table, may immediately reapply for another available television channel.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6382; Filed, Aug. 8, 1958; 8:47 a. m.]

[Docket No. 12404; FCC 58-750]

[Rules Amdt. 2-24, 9-20]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 9—AVIATION SERVICES

MISCELLANEOUS AMENDMENTS

1. On April 16, 1958, the Commission adopted a notice of proposed rule making in the above entitled matter which was released on April 18, 1958, and published in the FEDERAL REGISTER on April 23, 1958 (23 F. R. 2698). An errata correcting certain minor errors and omissions in the notice was released on May 1, 1958, and published in the FEDERAL REGISTER on May 6, 1958 (23 F. R. 3022).

2. The period for filing comments in this matter expired on July 16, 1958. No comments were timely received with respect to the Commission's proposal to reallocate the band 13,250–13,400 Mc for exclusive use of airborne radionavigation devices employing the doppler technique by both Government and non-Government stations.[1] This band is presently allocated for exclusive Government use and no existing non-Government station will be adversely affected by such a reallocation. The Commission has now decided to implement this portion of its proposed rule making in this matter by appropriate amendment to Part 2 of the rules, as shown in the attached Appendix, in order that the non-Government aeronautical radionavigation service may benefit therefrom as soon as possible.

3. Purely as a consequence of this action, Part 9 is also being amended to reflect in this portion of the rules the availability of these frequencies to stations in the aeronautical radionavigation service for airborne doppler radar use. Since the only purpose and effect of this amendment is to achieve consistency in the rules, the Commission finds that notice and public procedure under section 4 of the Administrative Procedure Act are unnecessary.

4. The remaining proposals in Docket 12404 will be dealt with at a later date.

5. In view of the foregoing: *It is ordered*, pursuant to the authority of section 303 (c), (f) and (r) of the Communications Act of 1934, as amended, that effective September 2, 1958, Part 2 of the Commission's rules, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, and Part 9—Aviation Services, are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: July 30, 1958.

Released: July 31, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

1. In the table of frequency allocations in § 2.104 (a) (5), change the entries in the band 13250–16000 Mc in columns 5 through 11 to read as follows:

Band Mc 5	Allocation 6	Band Mc 7	Service 8	Class of station 9	Frequency 10	Nature OF SERVICES of stations 11
13250–13400	G,NG	13250–13400	Aeronautical radionavigation.	Radionavigation mobile.	----------	Airborne doppler radar.
13400–16000	G					

2. Amend Part 9—Aviation Services as indicated below:

Add a new paragraph (q) to § 9.312 to read as follows:

(q) 13250–13400 Mc: This band is available for airborne doppler radar use.

[F. R. Doc. 58-6383; Filed, Aug. 8, 1958; 8:47 a. m.]

[1] Subsequent to the final filing date, comments supporting the action here taken were received from Raytheon Manufacturing Co. and Ryan Aeronautical Co. Reply comments filed on July 28, 1958, by Aeronautical Radio also give qualified support to the action.

[Rules Amdt. 2-25]

[Docket No. 11959; FCC 58-799]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. On April 3, 1957, the Commission adopted a notice of proposed rule making in the above entitled matter which was released on April 9, 1957, and published in the FEDERAL REGISTER of April 16, 1957 (22 F. R. 2583). A correction to the Notice adding footnote designators to certain specified frequency bands was released on April 11, 1957, and pub-

lished in the FEDERAL REGISTER of April 26, 1957 (22 F. R. 2956). The first memorandum report and order in this docket, which applied only to the Land Transportation and Maritime Mobile Services in the 152–162 Mc band, was adopted by the Commission on April 9, 1958, and published in the FEDERAL REGISTER on April 15, 1958 (23 F. R. 2424). A corrected copy of the order was published in the FEDERAL REGISTER on April 19, 1958 (23 F. R. 2601). The second memorandum report and order in this docket, which implemented "split channel" proposals for the Public Safety Radio Service in the 150.8–162 Mc and 450–460 Mc bands and for the remaining services in the 150.8–162 Mc band, was adopted by the Commission on May 8, 1958, and published in the FEDERAL REGISTER on May 17, 1958 (23 F. R. 3351). The third memorandum report and order in this docket, which reallocated certain portions of the 460–470 Mc Citizens Radio band to the Industrial Radio Services and implemented Commission proposals relating to the unavailability of 161.85 Mc to the Maritime Mobile Service in Puerto Rico and the Virgin Islands, a slight shifting of the 160 Mc band available for assignment to remote pickup stations in Puerto Rico and the Virgin Islands on a shared basis with the Railroad Radio Service, and the availability of certain taxicab "splits" to the Industrial Radio Services outside standard metropolitan areas of 50,000 or more population, was adopted by the Commission on June 18, 1958 and published in the FEDERAL REGISTER on June 28, 1958 (23 F. R. 4782).

2. The sole purpose of this order is to implement the Commission's outstanding proposal to reallocate the 11-meter amateur band, 26.96–27.23 Mc, to the Citizens Radio Service. The remaining outstanding proposals in this docket, which involve reallocation of the bands 161.625–161.825 Mc, 455–456 Mc, 460–461 Mc, 462.525–463.225 Mc, and 465.275–466.475 Mc, will be disposed of at a later date when appropriate.

3. The time for filing comments and reply comments relative to the proposals in this matter expired on June 10 and 20, respectively, 1957. The Commission received many comments from radio amateurs, amateur clubs including the American Radio Relay League (ARRL), and model control enthusiasts with respect to the proposal to reallocate the 11-meter amateur band to the Citizens Radio Service. Most of the comments from modelers and combination amateur/modelers enthusiastically endorsed the proposal. However, most of the comments from the amateurs and amateur clubs strongly opposed such a reallocation. Inasmuch as the substance of all comments in this matter is thoroughly discussed in an appropriate companion Report and Order (Second Report and Order in Docket 11994) of the same date, duplicate or further discussion of the issues involved herein appears unnecessary. It was particularly noted that most of the reasons presented for the opposition to the reallocation of the 11-meter band were based upon potential use of this band in the future instead of on actual need or existing use of the band. Monitoring reports indicate that this band is not heavily used by the amateur service, due obviously to the interference hazard presented by the operation of ISM equipment on 27.12 Mc and also due to the proximity of the more desirable 10-meter exclusive amateur band. On the other hand, the Citizens Radio Service, with its low power and inherent short range requirements, would appear to be able to use this band effectively. Some of the comments received by the Commission suggested sharing of the 11-meter band by Citizens Radio and the Amateur services. The Commission has taken into account the fact that insofar as possible, all amateur bands have traditionally been allocated exclusively to the Amateur Service and considers that this allocation principle should be continued.

4. In view of the foregoing, the Commission finds that the public interest, convenience and necessity will be served by the amendments herein ordered and pursuant to authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

5. *It is ordered*, That effective September 11, 1958, Part 2 of the Commission's rules, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, is hereby amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: July 31, 1958.

Released: August 4, 1958.

NOTE: Rules changes herein will appear in Amendment 2–25.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

1. In the table of frequency allocations in § 2.104 (a) (5), change the entries in the band 26.96–27.23 Mc in columns 8 and 9 to read as follows:

Band Mc	Service	Class of station	Frequency	Nature of services (of stations)
7	8	9	10	11
26.96–27.23 (NG2).	Citizens. (US1)	a. Fixed. b. Land. c. Mobile.	27.12	Industrial, scientific, and medical equipment.

[F. R. Doc. 58–6384; Filed, Aug. 8, 1958; 8:47 a. m.]

[Docket No. 12404; FCC 58–792]

[Rules Amdt. 2–26]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

MISCELLANEOUS AMENDMENTS

1. On April 16, 1958, the Commission adopted a notice of proposed rule making in the above-entitled matter which was released on April 18, 1958, and published in the FEDERAL REGISTER of April 23, 1958 (23 F. R. 2698). An errata to the notice was issued on May 1, 1958, and appeared in the FEDERAL REGISTER on May 6, 1958 (23 F. R. 3022).

2. The purpose of this second report and order is to provide for the Part 2 allocation of the frequency 121.6 Mc for the primary use of a new class of station to be known as aeronautical search and rescue mobile station.

3. The period for filing comments in this matter expired on July 16, 1958. No comment was received with respect to the particular proposal implemented by this second report and order. However, a parallel proposal in Docket 12400, which, among other things, would amend Part 9 of the Commission's rules to provide for the assignment of 121.6 Mc to aeronautical search and rescue mobile stations and which is being implemented by concurrent report and order, drew favorable comments from Aeronautical Radio, Inc. and the Civil Air Patrol.

4. The remaining proposals contained in Docket 12404 will be disposed of at a later date when appropriate.

5. In view of the foregoing, the Commission finds that the public interest would be served by adoption of the amendments herein ordered and, pursuant to authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

6. *It is ordered*, That effective September 8, 1958, Part 2 of the Commission's rules, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, is hereby amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: July 31, 1958.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

1. In the table of frequency allocations, § 2.104 (a) (5), add entries in the band 118–132 Mc in columns 10 and 11 to read as follows:

Band Mc	Service	Class of station	Frequency	Nature of services (of stations)
7	8	9	10	11
118–132 (US6).	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		
			121.6	Aeronautical search and rescue mobile.
			121.7	Aeronautical utility land; Aeronautical utility mobile.
			121.8	Do.
			121.9	Do.

2. Insert the following new definition in § 2.1 between the definitions of Aeronautical radionavigation service and Aeronautical station:

Aeronautical search and rescue mobile station. A mobile station used for communication with aircraft engaged in search and rescue operations.

3. Add new footnote US95 to § 2.104 (a) (5) and insert the (US95) designator in column 5 under the band 108–132 Mc and opposite 121.6 Mc in the table of frequency allocations:

US95 The frequency 121.6 Mc is for search and rescue communications. Aeronautical utility land and mobile stations may use this frequency on the condition that no harmful interference is caused to search and rescue communications during any period of search and rescue operations in the locale involved.

[F. R. Doc. 58–6385; Filed, Aug. 8, 1958; 8:47 a. m.]

[Rules Amdt. 3–120]

[Docket No. 12011; FCC 58–774]

PART 3—RADIO BROADCAST SERVICES

1. The Commission has before it for reconsideration its report and order, released in this proceeding on March 25, 1958 (FCC 58–264), amending the Table of Television Assignments in § 3.606 of the Commission's rules to assign Channel 3 to Harrisburg, Illinois, and Channel *8– to Carbondale, Illinois, for noncommercial educational use and to change the offset carrier requirement for Channel 3 at Memphis, Tennessee, from 3 even to 3 minus and the offset carrier requirement for Channel 8 in Indianapolis, Indiana, from 8 minus to 8 plus; in Charleston, West Virginia, from 8 plus to 8 minus; in Grand Rapids, Michigan, from 8 plus to 8 even; and in Cleveland, Ohio, from 8 even to 8 plus. In the same report and order, the Commission also modified the outstanding license of Turner-Farrar Association for Station WSIL–TV on Channel 22 at Harrisburg, Illinois, to provide for temporary operation on Channel 3 at Harrisburg, subject to certain conditions. On April 15, 1958, Turner-Farrar Association notified the Commission that it accepted the modification of its outstanding authorization for Station WSIL–TV to specify temporary operation on Channel 3 at Harrisburg in accordance with the terms and conditions specified in the above-mentioned report and order. At the same time, Turner-Farrar submitted technical information necessary for the preparation of a modified authorization to cover the temporary operation of Station WSIL–TV on Channel 3 and requested authority to continue operation on Channel 22 pending the construction and installation of equipment necessary for temporary operation on Channel 3. On April 23, 1958, the Commission granted special temporary authority, effective April 28, 1958, for Station WSIL–TV to continue operating on Channel 22, subject to the provisions of the Commission's March 25, 1958 report and order herein, for a period ending July 28, 1958. On July 3, 1958, the period authorized for temporary operation was extended to October 28, 1958.

2. On April 24, 1958, WREC Broadcasting Service, licensee of Station WREC–TV on Channel 3 at Memphis, Tennessee, filed a petition for reconsideration or rehearing of the Commission's decision. WREC requests therein that instead of the action taken in our decision that we (a) allocate Channel 8 instead of Channel 3 to Harrisburg; (b) allocate Channel *3 instead of *8 to Carbondale for noncommercial educational use; (c) modify the license of Station WSIL–TV at Harrisburg to provide for temporary operation on Channel 8 instead of Channel 3 with limitations on location of its antenna site; and (b) defer changing the offset carrier requirement for Channel 3 at Memphis from 3 even to 3 minus until an educational station has been constructed and made ready for operation on Channel *3 at Carbondale. If this action is not taken, WREC requests that the Commission either not assign Channel 3 to Carbondale or Harrisburg or, in the alternative, schedule an evidentiary hearing upon the proposal and afford WREC a full opportunity to participate and to oppose it and to show cause why its outstanding license for Station WREC–TV at Memphis should not be modified to specify operation on Channel 3 minus instead of Channel 3 even. On April 28, 1958, WREC also filed a petition requesting that the Commission stay the effective date of its action in the above-mentioned Report and Order for a period of not less than 30 days following the date the Commission acts on its petition for reconsideration or rehearing.[1]

[1] In its petition for a stay order, WREC incorporates by reference its subject petition for reconsideration and claims that a grant of its request for a stay order is warranted on the basis of the showing therein that the Commission has failed to comply with and satisfy statutory requirements and that Station WREC–TV would suffer immediate and irreparable injury by the allocation or use of Channel 3 at either Carbondale or Harrisburg. WREC has made no showing of injury to itself or the public which would result prior to our final action on its petition for reconsideration, and in view of the conclusions which we have reached herein with respect to the matters raised in its petition for reconsideration, we find no persuasive reason for granting its request for a stay order.

On May 5, 1958, Turner-Farrar Association, licensee of Station WSIL–TV on Channel 22 at Harrisburg, filed an opposition to WREC's petitions for reconsideration or rehearing and for stay. On May 26, 1958, Southern Illinois University at Carbondale and Indiana Broadcasting Corporation, licensee of Station WISH–TV on Channel 8 at Indianapolis, Indiana, also filed oppositions to WREC's petition for reconsideration.

3. On April 24, 1958, Storer Broadcasting Company, licensee of Station WJW–TV on Channel 8 at Cleveland, Ohio, and Indiana Broadcasting Corporation, also filed petitions for reconsideration of the Commission's March 25, 1958, report and order insofar as it assigned Channel *8 minus to Carbondale and changed the offset carrier designation for Channel 8 at Indianapolis, Charleston, Grand Rapids and Cleveland. Both parties request that the Commission's decision be revised by the adoption of their alternative offset carrier proposals for accommodating the assignment of Channel *8 at Carbondale. By the method they both propose, Channel *8 even would be assigned to Carbondale and only the Channel 8 assignment at Jonesboro, Arkansas, would be changed from Channel 8 even to Channel 8 minus. On May 2, 1958, WCHS–TV, Inc., licensee of Station WCHS–TV on Channel 8 at Charleston, West Virginia, filed a statement in support of the Storer and Indiana Broadcasting petitions for partial reconsideration in which it requests that the Commission reconsider its decision and revise the offset carrier schedule so as to permit the assignment of Channel *8 at Carbondale in the manner proposed by Storer and Indiana Broadcasting.

4. By our action in the Report and Order in question, Channel 3 was assigned for commercial use at Harrisburg in order to insure the continuation of local service in that community and the establishment of a station in this southern Illinois area capable of providing satisfactory service to surrounding communities, such as Carbondale, Mount Vernon and Cartter, and of competing on an equal basis with the VHF stations in other cities providing service in the area. Channel *8 was assigned to Carbondale for educational use to make feasible the establishment of an educational station for which a need and demand was evidenced in the comments. In the rule making proceeding, WREC opposed the Commission's tentative proposal to assign Channel 3 to Carbondale for commercial use on the ground that it would materially increase interference to Station WREC–TV at Memphis, as well as to other co-channel stations at

Louisville, Kentucky, Shreveport, Louisiana, and Champaign, Illinois, and that a Carbondale station would also receive interference from co-channel stations, and it requested that an evidentiary hearing be held to consider the equities of the areas and stations involved before finalizing the assignment. In our decision, we noted that this same objection of alleged mutual interference between Carbondale and other co-channel stations would apply to the assignment of Channel 3 at Harrisburg since the transmitter location for a Channel 3 station in either community would be limited to the same area. We did not imply by this statement, as WREC assumes in its instant petition for reconsideration, that the alleged mutual interference which it predicted in its comments as resulting from the use of Channel 3 at Carbondale from an assumed site would necessarily be the same for a Harrisburg Channel 3 operation. Our statement was intended to connote only that in the general area where Channel 3 could be employed, an argument could be made that there would be additional mutual interference to co-channel stations, albeit differing in amount and effect depending upon location of sites, facilities used, etc. We held in our decision that this argument provides no justifiable basis for rejecting the assignment of Channel 3 to Harrisburg since it fully complies with all allocation requirements, and § 3.612 of the rules expressly states that the nature and extent of the protection from interference accorded to television stations is limited solely to that resulting from the minimum station separation requirements and the rules relating to maximum powers and antenna heights. We also rejected WREC's request for an evidentiary hearing upon finding that such a hearing would serve no useful purpose.

5. In its instant petition, WREC submits engineering data to show that the assignment of Channel 3 to Harrisburg, and the change adopted in the offset requirement for its co-channel Station WREC–TV at Memphis, would also result in added interference and loss of coverage to its Memphis station and other co-channel stations at Louisville, Champaign and Shreveport. WREC states that it recognizes that the Commission's rules do not contemplate the use of interference studies or coverage comparisons in allocating a channel to a community where the minimum mileage separations are observed, and it restates the position it took in its comments that the time has come when matters of mutual interference should be determined in considering proposals for the allocation or addition of new television facilities. It submits that the engineering data which it submitted to show the overall interference conditions is as realistic a depiction as can be made; that there is authority for its contention that predictions of coverage of stations based upon the Commission's propagation curves should not be rejected as a basis for a showing of interference, and that the engineering data which it has submitted raises a substantial question whether licensee modification would result from the interference which would be imposed upon its Memphis station and other co-channel stations by the allocation of Channel 3 at Carbondale or Harrisburg. It urges that, at the very least, in view of the Court's holding in L. B. Wilson v. Federal Communications Commission, 83 App. D. C. 176, 170 F. (2d) 793, it is entitled to establish the existence of the interference at a public hearing before a decision is reached on the allocation of Channel 3.

6. WREC states, however, that it has made an extensive study in an effort to reconcile its desire to protect its established service area from increased interference and the Commission's desire to provide additional television service in southern Illinois, and it has concluded that, while WREC–TV would be injured by the use of Channel 3 at either Carbondale or Harrisburg because of the increased mutual interference on the channel and the interference resulting from the change in its carrier offset, this injury can be mitigated by allocating Channel *8 instead of Channel 3 to Harrisburg for commercial use and Channel *3 instead of Channel *8 to Carbondale for educational use. WREC argues that a Channel 8 operation at Harrisburg, with a properly selected antenna site, would have no greater impact upon UHF at Evansville than would a Channel 3 station; that since one of the requests of the Harrisburg UHF permittee, Turner-Farrar Association, was for the assignment of Channel 8 at Harrisburg, it may be assumed that a Channel 8 authorization for Station WSIL–TV would be acceptable to it; and that WREC has advised Turner-Farrar Association that it would be willing to defray a portion of the additional costs involved in the acquisition of a site for a Channel 8 Harrisburg operation which would be no closer to Evansville than would a Channel 3 operation at Harrisburg. WREC also maintains that in advancing this proposal it has assigned weight to practical considerations, such as the assumption that an educational station at Carbondale on Channel *3 would not be ready for operation for some time; that the impact of mutual interference attributable to the change in offset of its Memphis station could be postponed by permitting Station WREC–TV at Memphis to continue operating with its present offset until a Carbondale educational station has been constructed and made ready for operation; and that a Channel 3 educational station at Carbondale would not utilize technical facilities capable of radiating as strong a signal nor operate as many hours as would a commercial station.

7. No reasons have been advanced by WREC which persuade us that Channel 3 should not be assigned to Harrisburg. We have found this assignment to be in the public interest and to conform to all applicable rules, and WREC concedes that the assignment meets all allocation requirements of the rules and that the interference which it claims would result from the assignment is not protected against under the rules. In adopting the present television allocation plan, we made a basic determination that the most efficient utilization of the channels and the best service to the public can be achieved by authorizing stations whose service areas are protected from interference solely by the minimum separation and maximum height and power requirements. We have adhered to this policy in considering proposed amendments to the Table of Assignments, and even assuming that the interference depicted by WREC–TV would result from the new assignment, we do not believe that it would be in the public interest to depart from our basic allocation policy in the present case and deprive the Harrisburg area of a needed television assignment meeting all allocation requirements on the basis of a claim of interference to existing co-channel stations which is precluded by the express provisions and purposes of the Commission's rules. Further, since the record discloses no facts which show that Station WREC–TV or any other co-channel station would be deprived of any protection from interference or any other rights to which it is entitled under the rules and their outstanding authorizations as a result of the allocation of Channel 3 to Harrisburg, we are not persuaded that, as a matter of law, any question is raised concerning the modification of the outstanding authorizations of existing co-channel stations by the assignment of Channel 3 to Harrisburg. WREC has cited no case, in our opinion, from which it may be inferred that a station has a right to protection from interference under its license greater than that prescribed by the Commission's rules and standards, and no case which holds that a licensee is entitled, as a matter of right, to a hearing, on the question of modification vel non on the sole basis of a claim of interference over and beyond that protected against under the rules. We do not believe that the Wilson case, supra, to which WREC refers, stands for this latter proposition. In any case, the subsequently decided WJR, The Goodwill Station, Inc. v. Federal Communications Commission case * negates any assumption that a licensee has any legal recourse from interference over and beyond that for which protection is afforded by the rules which result from a new allocation or other change in the Table of Assignments. While we, nevertheless, would not hesitate to schedule an evidentiary or other hearing if we thought it desirable or necessary in the reaching of our ultimate decision, we are still of the view that no useful purpose would be served by a further hearing to examine the effects of interference in excess of that from which co-channel stations are protected under our rules. WREC has had full opportunity both in the rule making proceeding and in its subject petition to present its position and facts and data bearing on the question, and we are convinced that the record in this proceeding—which is wholly adequate for us to reach a decision in this matter—supports our conclusion that no basis exists for rejecting an assignment found to be in

* 84 U. S. App. D. C. 1, 174 F. (2d) 226, 1949 (1948), rev'd 337 U. S. 265, 93 L. Ed. 1353, 69 S. Ct. 1097 (1949), mandate followed, 85 U. S. App. D. C. 392, 178 F. (2d) 720 (1949).

the public interest and satisfying all allocation requirements because of the possibility of interference for which no protection has been prescribed in the rules.

8. We have also considered WREC's arguments in support of its request that we reverse our action by allocating Channel 8 instead of Channel 3 to Harrisburg for commercial use and Channel *3 instead of Channel *8 to Carbondale for education. We are not, however, convinced that the public interest would be as well served by the allocation of Channel 8 instead of Channel 3 to Harrisburg for commercial use. In the rule making proceeding we preferred Channel 3 over Channel 8 for commercial use in this area not only because its use in the area would require a transmitter site further distant from Evansville and the Evansville UHF market but also because a Channel 3 operation would provide Grade B VHF service to a greater area which already receives two Grade B VHF services and thus would provide greater opportunities for improvement in the competitive situation among stations serving the area and of bringing an additional television service to a greater number of people. We still believe that these considerations dictate the use of Channel 3 rather than Channel 8 for commercial use in this area. In addition, we note that Southern Illinois University in its opposition to WREC's petition for reconsideration urges that Channel 8 can be more effectively used to serve the educational needs of the southernmost 31 counties of Illinois, which it has accepted as its responsibility and objective, than could Channel 3, which it claims would not permit the University to fulfill, with maximum effectiveness, its obligation to provide an educational television service to this area. As a basis for this conclusion, it states that a Channel 8 transmitter site could be located in the approximate center of this area, near Sesser, Illinois, in compliance with the rules and provide service to a major portion of this southern Illinois area whereas a Channel 3 transmitter site, located as near the center of this area as possible under the rules, would provide service to a substantially smaller portion of this area. Moreover, the practical considerations which WREC states constitute the basis for its preferring the assignment of Channel 3 to Carbondale for education rather than to Harrisburg for commercial use are based on assumptions which may not obtain if Channel 3 were reserved for education at Carbondale. Southern Illinois University states that it plans to apply for a construction permit for an educational station as soon as the educational reservation at Carbondale is finalized; that it expects to have an educational station on the air within one year from the grant of a construction permit; and that it proposes to operate an educational television station with the maximum power permitted under the rules and with a full programming schedule.

9. WREC also argues that since the Commission's action allocating Channel 3 to Harrisburg and authorizing Station WSIL–TV at Harrisburg to operate temporarily on Channel 3 does not conform to the proposal of the Commission in the notice of proposed rule making, the Commission's action was in violation of the notice and procedure requirements of section 4 of the Administrative Procedure Act and deprived WREC of the notice to which it is entitled prior to Commission action and of an opportunity to demonstrate that the action taken was not in the public interest. Storer and Indiana Broadcasting argue similarly with respect to the offset carrier changes adopted for Channel 8 at Indianapolis, Charleston, Grand Rapids, and Cleveland.

10. We believe that these petitioners take an untenable position in their allegations of inadequacy of notice and lack of opportunity to be heard in this proceeding. Our May 3, 1957, notice of proposed rule making herein, published in the FEDERAL REGISTER on May 8, 1957 (22 F. R. 3230), fully conformed with the notice requirements of the pertinent section of the Administrative Procedure Act which requires no more than "a description of the subjects and issues involved." All parties were advised in the published notice that two proposals for rule making, one seeking the assignment of either Channel 3 or Channel 8 to Harrisburg, and the other, the assignment of Channel 3 to Carbondale, had been received, and that the Commission proposed, since Channel 3 could not be assigned to both communities, that Channel 8 be assigned to Harrisburg and Channel 3 to Carbondale. We noted in the Notice that the allocation of Channel 3 to Carbondale would require a change in the offset carrier of Channel 3 at Memphis (upon which WREC operates Station WREC–TV) and that since the allocation of Channel 8 to Harrisburg might create a nonoffset carrier operation problem, parties filing comments should direct their attention to this matter. We also stated in response to Turner-Farrar's request at the outset of the rule-making proceeding for the institution of show cause proceedings looking toward the modification of its permit for Station WSIL–TV to specify operation on "the newly assigned VHF channel" instead of Channel 22 at Harrisburg that since the assignment of a VHF channel to Harrisburg would not disturb Channel 22, the station's authorization need not be disturbed. It was implicit in the notice that comments were invited not only on the Commission's tentative proposal but also on alternative proposals for the improvement in the television situation in the Carbondale-Harrisburg area by the employment of Channels 3 and 8, and we believe the notice issued was fully adequate to put all parties on notice that the Commission would consider, in addition to its tentative proposal, all other proposals submitted for allocation of Channels 3 and 8 in this area, as well as the offset carrier changes which would be required for the adoption of any proposal for the employment of Channels 3 and 8 in this area. Ample opportunity was afforded all parties to submit comments on the tentative proposal of the Commission and on all alternative proposals submitted. Since Turner-Farrar Association filed comments in response to the notice renewing its requests that Channel 3 be assigned to Harrisburg if its Channel 8 proposal was rejected and that its UHF station be authorized to operate on the VHF channel assigned, and since Southern Illinois University at Carbondale filed comments requesting that a VHF channel be reserved for education at Carbondale to meet the need and demand for educational television, we believe there is even less basis for asserting that consideration of the proposal to allocate Channel 3 to Harrisburg and Channel *8 to Carbondale was foreclosed or that our action was not wholly proper and within the scope of the rule making proceeding. There is no foundation for WREC's contention that the Commission is limited to the action tentatively proposed in a notice of proposed rule making, for it is well established that the Commission may also consider and adopt counterproposals or other proposals falling within the general purview of its published Notice which it finds to be appropriate and in the public interest.

11. WREC further contends that the change adopted in the offset carrier designation for Channel 3 at Memphis modified its license for Station WREC–TV at Memphis without benefit of the applicable statutory procedure required by section 316 of the Communications Act and prejudged the question whether its license for Station WREC–TV should be so modified without first affording WREC the hearing to which it claims it is entitled. Storer and Indiana Broadcasting also argue that the changes adopted in offset requirements for Channel 8 in several cities cannot be finally effectuated without first affording the licensees of stations operating on Channel 8 in these cities with notice and opportunity for an evidentiary hearing pursuant to section 316 of the Act.

12. Upon determining that the public interest would be served by the assignment of Channel 3 to Harrisburg and Channel *8 to Carbondale for education and that both assignments could be made in conformity with mileage separation and all other technical requirements, the Commission also changed the offset carrier requirement for Channel 3 at Memphis and the offset carrier requirement for Channel 8 at Indianapolis, Charleston, Grand Rapids, and Cleveland in order to afford all of the co-channel stations operating on Channels 3 and 8 in these cities the greatest protection and widest coverage possible in light of the new assignments at Carbondale and Harrisburg. While effectuation of the offset carrier changes adopted for Channels 3 and 8 in these cities cannot be effectuated, as Storer and Indiana Broadcasting point out, without modifying the present authorizations of the stations involved, the Commission has never found it necessary to institute show cause proceedings pursuant to section 316 of the Act simply to change the offset carrier frequency upon which a station was operating because of a lack of consent of the licensee thereof in order to facilitate a new co-channel assignment or changes in assignments found to be in the public interest and

in conformity with mileage separation and all other technical requirements of the rules. Such new assignments of changes in assignments can be made in full conformity with the rules without changing the offset carrier frequencies upon which existing co-channel stations are operating, but changes in offset frequencies are frequently desirable in order to obtain a more effective utilization of all the assignments involved.

13. In the case of the offset carrier designations adopted for Channel *8 at Carbondale (minus) and the changes in offset carrier designations ordered for Channel 8 stations at Indianapolis, Charleston, Grand Rapids and Cleveland, the licensees of the affected stations at Cleveland and Indianapolis, Storer and Indiana Broadcasting, urge that their alternative offset carrier proposal for accommodating the assignment of Channel 8 to Carbondale is preferable to that employed by the Commission from the standpoints of simplicity, efficiency, and less disruption in existing services. The method suggested by these petitioners, and also favored by WCHS–TV, licensee of the Channel 8 station at Charleston, would require only a change in the Channel 8 allocation at Jonesboro, Arkansas, from Channel 8 even to Channel 8 minus if Channel 8 even is assigned to Carbondale. No station is operating on Channel 8 at Jonesboro nor are any applications on file for the channel. Upon reconsideration, we believe the offset carrier method which these parties propose would be equally effective and a less complicated method of accommodating the assignment of Channel *8 to Carbondale than the method employed by the Commission. We are, therefore, revising our Report and Order to provide for the assignment of Channel *8 even to Carbondale and for a change only in the offset carrier designation of Channel 8 at Jonesboro from 8 even to 8 minus.

14. WREC does not suggest in its instant petition that there is any better alternative method of facilitating the assignment of Channel 3 to Harrisburg than by the assignment of Channel 3 even to Harrisburg and by changing the offset carrier requirement for operation of Station WREC–TV on Channel 3 at Memphis from Channel 3 even to Channel 3 minus, and we are convinced that the offset change ordered for Channel 3 at Memphis is necessary in the public interest to enable the most efficient use of Channel 3 in both Memphis and Harrisburg. We therefore reaffirm our action changing the offset carrier requirement for Channel 3 in Memphis. Accordingly, WREC Broadcasting Service's application for renewal of license of Station WREC–TV (File No. BRCT–243), which expires August 1, 1958, is this day being granted, but the renewed license specifies operation on Channel 3 minus. If WREC does not accept this renewed license, it may request a hearing thereon pursuant to § 1.64 of the Commission's rules.

15. Authority for the adoption of the amendments herein is contained in sections 1, 4 (i) and (j), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

16. In view of the foregoing: *It is ordered*, That, effective September 5, 1958, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended insofar as the communities named are concerned, as follows:

Change the offset carrier requirements only for Channel 8 in the following cities:

Carbondale, Illinois—from *8 minus to *8 even.
Jonesboro, Arkansa –from 8 even to 8 minus.
Indianapolis, Indiana—from 8 plus to 8 minus.
Grand Rapids, Michigan—from 8 even to 8 plus.
Cleveland, Ohio—from 8 plus to 8 even.
Charleston, W. Va.—from 8 minus to 8 plus.

17. *It is further ordered*, That the above-described petitions for reconsideration of Storer Broadcasting Company and Indiana Broadcasting Corporation are granted; and that the above-described petitions of WREC Broadcasting Service for a stay order and for reconsideration or rehearing are denied.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1033; 47 U. S. C. 301, 303, 307)

Adopted: July 30, 1958.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6386; Filed, Aug. 8, 1958; 8:47 a. m.]

[Docket No. 12325; FCC 58-772]

[Rules Amdt. 3-119]

PART 3—RADIO BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

1. The Commission has before it for consideration its Notice of Proposed Rule Making (FCC 58–152), released on February 14, 1958, in response to: (1) A petition filed by Jefferson Standard Broadcasting Company, licensee of Station WBTW on Channel 8 at Florence, South Carolina, proposing the assignment of Channel 8 to Greensboro, North Carolina, by substituting Channel 13 for Channel 8 at Florence and Channel *8 for the Channel *13 educational reservation at Charleston, South Carolina; (2) a petition filed jointly by Winston-Salem Broadcasting Company, Inc., permittee of Station WTOB–TV on Channel 26 at Winston-Salem, North Carolina, and Sir Walter Television Company, permittee of Station WNAO–TV on Channel 28 at Raleigh, North Carolina, proposing the assignment of Channel 8 to Winston-Salem-High Point-Greensboro as a hyphenated area or, alternatively, to Winston-Salem alone by making the same channel changes proposed by Jefferson Standard for Florence and Charleston; (3) a petition filed by Paul E. Johnson of Granite City Broadcasting Company, Mount Airy, North Carolina, proposing the assignment of Channel 8 to Winston-Salem by making the same channel changes proposed by Jefferson Standard for Florence and Charleston; and (4) a petition filed by Atlantic Broadcasting Company, Inc., licensee of standard Radio Station WJMX at Florence, proposing, in lieu of the above proposals, that Channel 8 be retained at Florence and that Channel 13 be added to Florence by substituting Channel 7 for the Channel *13 educational reservation at Charleston.

2. All of the petitioners except Paul E. Johnson filed comments and reply comments in support of their conflicting proposals. Jefferson Standard suggests in its comments that Channel *7 instead of Channel *8, as it originally proposed, be substituted for Channel *13 at Charleston to permit the shift of Channel 13 to Florence as a substitute for Channel 8 and the reassignment of Channel 8 to Greensboro. High Point Television Company, High Point, North Carolina, submitted a counterproposal to assign Channel 8 to High Point in lieu of Winston-Salem, Greensboro or a tri-city hyphenated allocation by changing the assignments in Florence and Charleston in the way proposed by Jefferson Standard. The Joint Council on Educational Television opposes any change in the Channel *13 educational reservation at Charleston but prefers the substitution of Channel *7 instead of Channel *8 for Channel *13 in the event the educational reservation at Charleston is changed. American Broadcasting Company supports the proposal to allocate Channel 8 to the hyphenated communities of Greensboro-High Point-Winston-Salem by substituting Channel 8 for Channel 13 at Florence and Channel *7 for Channel *13 at Charleston and the modification of Station WTOB–TV's authorization to permit temporary operation on Channel 8 at Winston-Salem. Skywave Broadcasting Company, licensee of Station WLOS–TV on Channel 13 at Asheville, North Carolina, opposes the assignment of Channel 13 to Florence. A copy of a Concurrent Resolution adopted on April 9, 1958, by both Houses of the General Assembly of the State of South Carolina memorializing the Congress to enact legislation directing the Commission not to move or substitute another channel for Channel 8 in Florence was submitted by Congressman John L. McMillan of the 6th District of South Carolina. Telegrams opposing the substitution of Channel 13 for Channel 8 at Florence were also received from the Mayor of Florence and several business, civic and educational organizations in Florence.

3. Since the proposals for the assignment of Channel 8 to the Winston-Salem, High Point, and Greensboro area, if adopted, would require Station WBTW at Florence to operate on Channel 13 instead of 8, the licensee, Jefferson Standard Broadcasting Company, was directed in the February 14, 1958, Notice to Show Cause why its authorization for Station WBTW should not be so modified. In light of the request of Winston-Salem

Broadcasting and Sir Walter Television, Winston-Salem Broadcasting was also directed to Show Cause why its authorization for Station WTOB–TV on Channel 26 at Winston-Salem should not be modified to specify temporary operation on Channel 8 at Winston-Salem.

4. In response to the Show Cause Order, Jefferson Standard contends that the issuance of the Orders respecting its Florence Channel 8 station (WBTW) and the Winston-Salem Channel 26 station (WTOB–TV) was premature and invalid since, until the instant rule making proceeding is concluded, the Commission is not in a position to comply with the requirements of section 316 (a) of the Communications Act, that a licensee or permittee be "notified in writing of the proposed action and the grounds and reasons therefor."[1] Jefferson Standard requests that the Show Cause Orders be vacated or, in the alternative, be severed from the rule making proceeding and that action thereon be withheld until a final determination is made in the rule making proceeding. If the latter request is granted, Jefferson Standard states that in the event the Commission assigns Channel 8 to Greensboro, High Point, Winston-Salem or to Winston-Salem-High Point-Greensboro on a hyphenated basis by making the proposed changes respecting Channels 7 or 8 and 13 at Charleston and Florence, it will consent to the modification of the WBTW license to specify Channel 13 in lieu of Channel 8 at Florence, provided the Commission specifies that this need not be effectuated until a grant is made of an application for Channel 8 in the Winston-Salem-High Point-Greensboro area or for Channel *8 at Charleston (assuming Channel *8 rather than Channel *7 is substituted for Channel *13 at Charleston). Jefferson Standard further states that if the Commission fails to provide that the modification of the WBTW authorization may be delayed until the grant of an application for a facility requiring such modification, respondent requests a hearing and will appear at the hearing and present evidence on the matters specified by the Commission.

5. Winston-Salem Broadcasting Company states in response to the Show Cause Order that the temporary modification of Station WTOB–TV's construction permit to specify Channel 8 instead of Channel 26 at Winston-Salem should be in accordance with the engineering specifications submitted with its joint petition for rule making herein and should be subject to a condition that, in any comparative hearing involving applications for regular operation on Channel 8, no effect whatsoever will be given to any expenditure of funds in connection with the temporary operation, nor will any other preference redound to Station WTOB–TV, or to its successors, by virtue of the temporary operation. On this basis, Winston-Salem Broadcasting Company states that it consents to the temporary modification of its authorization for Station WTOB–TV to specify Channel 8 in lieu of Channel 26 and waives its right to request a hearing in connection therewith.

6. Adoption of two other proposals, conflicting with the above proposals and with each other, is requested in petitions filed on March 24, 1958, by Paul E. Johnson of Mount Airy, North Carolina, and on March 3, 1958, by United Broadcasting Company at Mount Airy. Mr. Johnson requests that Channel 2 be assigned to Mount Airy by substituting Channel 8 for Channel 2 at Greensboro; Channel 13 for Channel 8 at Florence; Channel *8 for the Channel *13 educational reservation at Charleston and Channel *55 for the Channel *2 educational reservation at Sneedville, Tennessee. United requests that Channel 4 be assigned to Rocky Mount, North Carolina, by substituting Channel *8 for the Channel *4 educational reservation at Chapel Hill, North Carolina; Channel 13 for Channel 8 at Florence, and Channel *8 for Channel *13 at Charleston. Greensboro News Company, licensee of Station WFMY–TV on Channel 2 at Greensboro, filed an opposition on April 22, 1958, to the Johnson request. The Consolidated University of North Carolina, licensee of Station WUNC–TV on Channel 4 at Chapel Hill, advises, by letter dated March 29, 1958, that it is opposed to United's proposal. On May 9, 1958, the Association of Maximum Service Telecasters, Inc., filed letters requesting that both the Johnson and United proposals be dismissed because neither comply with the mileage separation requirements of the rules. Neither Johnson nor United submitted any facts, reasons or data in support of their proposals nor any engineering studies to demonstrate their technical feasibility. United's proposal for Rocky Mount must be summarily rejected, since it would require Station WUNC–TV to shift from Channel *4 to *8 at Chapel Hill. Channel 8 cannot be assigned to Chapel Hill since Station WUNC–TV would be less than 150 miles from co-channel Station WXEX–TV at Petersburg, Virginia, while our rules require a 170 mile separation. Mr. Johnson's instant proposal for Mount Airy is being rejected without further consideration for the same reason.[2] If the Channel 2 station at Greensboro (WFMY–TV) were shifted to Channel 8, as proposed, in order to make the assignment of Channel 2 to Mount Airy possible, WFMY–TV would be less than the required 170 miles from co-channel Station WXEX–TV at Petersburg, Virginia. Furthermore, Channel 55 could not be substituted for Channel *2 at Sneedville in conformity with co-channel and adjacent-channel separation requirements since Sneedville is less than the required 175 miles from both Mount Airy and Chattanooga, Tennessee, to both of which Channel 55 is assigned, and it is less than half the required 55 miles from Morristown, Tennessee, to which Channel 54 is assigned.

7. The proponents of the various proposals for the assignment of a third VHF channel in the Winston-Salem-High Point-Greensboro area state that they will apply for Channel 8 if it is assigned to this North Carolina area. They urge that the requirements of section 307 (b) of the Communications Act would be better met by adding a third channel in this North Carolina area so as to provide a second local VHF station in either Winston-Salem or Greensboro or a first local VHF station at High Point than by adopting the mutually exclusive proposal of Atlantic Broadcasting to add a second VHF channel at Florence. Jefferson Standard maintains that, on a statewide basis, the greater need of North Carolina for an additional VHF channel over South Carolina is evidenced by the fact that, based on the 1950 Census, the ratio of VHF television assignments to total population in North Carolina is one VHF commercial channel for every 338,494 people, as compared to one for every 302,432 people in South Carolina, and that the assignment of an additional VHF channel to North Carolina would raise the ratio to but one for every 312,456 people; and that a comparison of the populations of the cities and markets involved—Florence had a population in 1950 of 22,513; Greensboro, 74,389; Winston-Salem, 87,811 and High Point, 39,973; the population of Florence County in 1950 was 79,710; the Greensboro–High Point Standard Metropolitan Area, 191,057, and the Winston-Salem Standard Metropolitan Area, 146,135[3]—and present VHF allocations in the Florence and the tri-city area (Florence, Winston-Salem and Greensboro each have one VHF assignment upon which stations are operating; High Point has no VHF assignment and no local station) further demonstrates the greater need of the tri-city area for an additional VHF channel.

8. Winston-Salem Broadcasting and Sir Walter Television cite statistics from Sales Management (1957), "Survey of Buying Power" which show that Florence had a 1957 estimated population of 25,300, effective buying income of $33,564,000; retail sales of $47,131,000 and 422 retail outlets; while Winston-Salem-Greensboro-High Point had an estimated 1957 population of 246,600, effective buying income of $442,005,000; retail sales of $478,996,000 and 3,794 retail outlets. These parties also state that the Editor & Publisher (1958) "Market Guide" shows that Florence has 116,709 people

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[1] We find no merit in this argument. The reasons for issuance of the orders are implicit in the notice of rule making; i. e., that proposals under consideration would require the modification of the WBTW and WTOB–TV authorizations.

[2] By memorandum opinion and orders, released July 27, 1956, and October 3, 1956 (FCC 56–751 and FCC 56–924); and by letters dated January 2 and 15, 1958, the Commission denied and dismissed four previous petitions filed by Mr. Johnson proposing the assignment of Channel 8 to Mount Airy by making changes in the channel assignments in other communities because they involved substandard spacings.

[3] Jefferson Standard also submitted estimates of populations for these cities based on the Sales Management "1958 Survey of Buying Power" which is to be published in May, 1958. While subject to revision, these estimates, as of January 1, 1958, show as follows: Florence, 27,500 population; Greensboro, 119,700 population; Winston-Salem, 114,600 population; High Point, 45,200; Florence County, 87,500; Greensboro-High Point Standard Metropolitan Area, 224,700 and Winston-Salem Standard Metropolitan Area, 179,400.

within its Retail Trading Zone (ABC) as compared to 317,125 at Winston-Salem; 531,703 at Greensboro and 64,926 at High Point. Jefferson Standard claims that, assuming facilities with 316 kw power and antenna height of 1,000 feet, a Channel 8 station in the Greensboro area would have 591,334 people within its city grade contour, 769,805 people within its Grade A contour and 1,428,816 people within its Grade B contour as compared to a Florence Channel 13 station having 346,031 people within its city grade contour, 489,637 people within its Grade A contour, and 812,458 people within its Grade B contour; and that a Channel 13 station at Florence would have but two cities with populations over 20,000 within its Grade B contour (Florence, 22,513; Sumter, S. C., 20,185); whereas a Greensboro Channel 8 station would have nine cities with populations over 20,000 within its Grade B contour (Burlington, N. C., 24,560; Kannapolis, N. C., 28,448; Durham, N. C., 71,311; Winston-Salem, N. C., 87,811; Greensboro, 74,389; High Point, 39,973; Danville, Va., 35,066; Salisbury, N. C., 20,102 and Raleigh, N. C., 65,679).

9. The tri-city proponents also contend that in view of the limited market potential at Florence and the experience of Station WBTW in that city, there is some question whether a second station would be established in the Florence area within the foreseeable future whereas the profitable television operations in the tri-city area and the interest displayed by the proponents of the various proposals for the assignment of a third VHF channel in the tri-city area give assurance that an additional channel would be promptly utilized there. The tri-city petitioners further urge that the Winston-Salem, High Point and Greensboro proposals should be preferred over Atlantic's proposals for Florence since the former would provide a major market with three competitive television stations and network services. ABC points out that as the third network striving to reach equality with the other two national networks, it has been adversely affected by the shortage of television outlets in the major markets of the country, such as Greensboro-High Point-Winston-Salem; and that with only two VHF stations in operation in that market ABC has been unable to obtain a primary affiliation or to clear satisfactorily its commercial network programs in the market. ABC urges that the need of this area for a third television station is clear and pressing; that a third station would improve opportunities for more effective competition among a greater number of stations in this important television market area; that providing equality of access to each of the national networks would substantially contribute toward improvement of the nationwide competitive television situation; and that a comparative evaluation of section 307 (b) considerations and related criteria—community size, competitive network needs, population served, applicant demand and market support—requires preferring the proposals for a third VHF channel in the tri-city market over the proposal to provide Florence with a second VHF channel.

10. Atlantic Broadcasting Company, Inc., the proponent of the proposal to retain Channel 8 at Florence and to add Channel 13 at Florence by substituting Channel *7 for Channel *13 as the educational reservation at Charleston, states that it will apply for Channel 13 if its proposal is adopted. It urges that the public interest and section 307 (b) of the Communications Act require the adoption of its proposal to afford Florence a second VHF outlet over any of the conflicting proposals for the assignment of a third VHF channel in the Winston-Salem-High Point-Greensboro area; that its proposal would provide Florence, the sixth largest city in South Carolina and an important retail, cultural and commercial center for the entire northeastern area of the State, with a needed second local outlet; and that it would bring an additional television service to some 803,000 persons, of whom 61,163 would receive a second service and 437,897 would receive a third service. Atlantic claims that, in contrast, an additional VHF station in the Greensboro-Winston-Salem-High Point area would provide service to virtually no areas and populations which are not already receiving service from at least three television stations and that a substantial portion of the area which would be served lies within the Grade B contour of five or more television stations. It asserts that adoption of its proposal will improve the competitive situation in Florence, and it maintains that, while the encouragement of competition by providing for several stations in the larger markets may be important, this consideration is not paramount to the needs of populations and areas for additional service. Atlantic also urges that adoption of its proposal would not require the modification of any existing television authorization, as would the conflicting proposals for the assignment of Channel 8 to the Winston-Salem-High Point-Greensboro area; and that since it is probable that there would be time-consuming hearings and other procedures before a final authorization could be issued for a station to operate on Channel 8 in the Winston-Salem area, finalization of its proposal for Florence would be more conducive to the orderly and prompt dispatch of Commission business.

12. Jefferson Standard urges that Greensboro should be preferred to Winston-Salem for the assignment of a second VHF channel, since it is a faster growing city and the center of a faster growing and larger standard metropolitan area. It states that the Greensboro-High Point Standard Metropolitan Area has exceeded the Winston-Salem Standard Metropolitan Area in size in every decennial census since 1920 and that the gap between the two has been steadily widening; that by 1950 the Greensboro-High Point Standard Metropolitan Area had a total population of 191,057 as compared to a population of 146,135 for the Winston-Salem Standard Metropolitan Area; that during the decade 1930–1940 Winston-Salem had a city growth of 6 percent compared to Greensboro's growth of 11 percent and during the decade 1940–1950 the growth of Winston-Salem was 10 percent compared to 31 percent for Greensboro; that while the U. S. Census reported Greensboro's population in 1950 to be 74,389 and Winston-Salem's to be 87,811, the Director of Planning of the City of Greensboro, as of July 1, 1957, estimated that city's population to be 119,584, while the Winston-Salem and Forsyth City-County Planning Board, estimated Winston-Salem's population as of July 1, 1957, to be 108,500.[1] As between assigning Channel 8 to High Point or Greensboro, Jefferson Standard urges that the choice should be Greensboro since, because of their relative size (the 1950 population of High Point was 39,973 as compared to 74,389 for Greensboro) and close proximity (less than 15 miles apart) in the same county and standard metropolitan area, both cities are in reality one integrated urban area and any station in this area would, in fact, be a Greensboro station. Jefferson Standard also claims that Winston-Salem does not have a sufficient community of interest with Greensboro and High Point to warrant the hyphenated assignment of Channel 8 to all three cities; that Winston-Salem and Greensboro are the centers of separate and distinct standard metropolitan areas; that they are located about 30 miles apart in different counties, have entirely different city and county governments and dominant newspapers, and are each the center of commercial and social activities of extensive rural areas; and that, under these circumstances, it would be contrary to precedent for the Commission to hyphenate these three cities for allocation purposes.

13. High Point Television Company, which states that it plans to apply for Channel 8 if it is assigned to the Winston-Salem-High Point-Greensboro area, urges in support of its counterproposal for the assignment of Channel 8 to High Point that it is consistent with the objective of improving the opportunity for effective competition among a greater number of stations in the tri-city area; that a High Point Channel 8 station would provide city-grade service to Greensboro and Winston-Salem as well as to High Point, and that since Winston-Salem and Greensboro each have a VHF channel and station and High Point has none, section 307 (b) of the Communications Act and the Commission's priorities for allocations require that any new VHF assignment in this area be made to High Point. High Point also urges that the proposal to hyphenate the communities of Winston-Salem, High Point and Greensboro for the assignment of Channel 8 is but an attempt to establish an artificial situation whereby individual community considerations would be diluted and the merits of a High Point applicant would be obscured and should therefore be rejected.

[1] Winston-Salem Broadcasting and Sir Walter Television submitted statistics from the 1958 "Editor and Market Guide," which show that local estimates for city zone 1957 populations in Winston-Salem were 140,000 people, Greensboro, 119,000; and High Point, 64,926. Jefferson Standard claims that the population figure for Winston-Salem is obviously an error in view of the Sales Management "1958 Survey of Buying Power" estimate of 114,600 population for Winston-Salem and the 1957 estimate of 108,500 population of the City-County Planning Board of Winston-Salem.

14. In support of their proposal to hyphenate Winston-Salem, High Point and Greensboro for the allocation of Channel 8 and for all other channels now separately allocated to them, Winston-Salem Broadcasting Company and Sir Walter Television urge that the public interest requires that the entire Winston-Salem-Greensboro-High Point metropolitan complex be recognized by the Commission's allocation of Channel 8 and that the allocation be made on as broad a basis as possible so that all in this area can have an opportunity to apply for the channel. They state that the Commission in the past has hyphenated cities socially, economically and geographically closer than Winston-Salem, Greensboro, and High Point but that it has also hyphenated cities farther apart having fewer or no more community connections and that precedents, the facts of the case, and trade usage require hyphenation of these three cities for allocation purposes. They contend that Winston-Salem, High Point and Greensboro are not widely separated geographically, the airline distance from city limit to city limit between Winston-Salem and High Point being only 11.5 miles; between Winston-Salem and Greensboro, 20 miles; and between Greensboro and High Point 8.1 miles; and that the Greensboro and Winston-Salem Chambers of Commerce have requested the Bureau of the Census to consider Forsyth (Winston-Salem) and Guilford (High Point, Greensboro) Counties as one metropolitan area in the published results of the 1960 Census. They urge that hyphenation is logical and consistent with the public interest, since the two VHF stations in Winston-Salem and Greensboro now serve this entire North Carolina area and specifically advertise as Winston-Salem-Greensboro-High Point stations; that the three cities have formed a Three-City Development Committee to promote the economic, cultural, civic and spiritual well-being of all people within their combined trade areas; that station representatives and advertising agencies handle and sell all three cities as one market; that American Research Bureau, Inc., Trend, and other industry survey and reporting organizations conduct their surveys on the basis of a combined community, and that the Commission itself groups (and hyphenates) the three cities for the purpose of its annual Individual TV Market Data Reports. While on a separate city basis, they would recommend that Channel 8 be allocated to Winston-Salem because it is the largest of the three cities and is entitled to a second station before Greensboro and before High Point (less than one-half the size of Winston-Salem) receives its first, they state that while considerations under section 307 (b) of the act may ultimately prove to be a significant factor in the specific assignment of Channel 8, one community cannot be clearly preferred to another on the basis of the record in this proceeding. They urge that the Commission's reasons for hyphenating cities in other allocations cases—trade, industrial or cultural unity between cities and to postpone to an adjudicatory proceeding unresolved questions arising under section 307 (b) of the act—pertain herein with respect to Winston-Salem, High Point and Greensboro and dictate that Channel 8 be assigned to all three on a hyphenated basis.

15. American Broadcasting Company, which supports the proposal to allocate Channel 8 to Greensboro-High Point-Winston-Salem on a hyphenated basis, points out that CBS classifies this area as a single television market and that a similar classification is in use at ABC and, undoubtedly, is widespread in the industry, ABC urges that in view of the consideration and the procedure used in other proceedings of making a hyphenated allocation when faced with conflicting demands by individual communities, the same procedure should be used in assigning Channel 8 to this North Carolina area.

16. Winston-Salem Broadcasting, Sir Walter Television and ABC also urge that if Channel 8 is assigned to the Winston-Salem-High Point-Greensboro area, Station WTOB-TV at Winston-Salem should be permitted to operate temporarily on the channel pending the selection of the most qualified applicant for regular operation on Channel 8. They claim that such action will bring a third competitive television service to this market without delay; that the public should not be deprived of the benefits of Channel 8 service until the conclusion of a competitive proceeding where a satisfactory alternative is available; and that temporary modification of Station WTOB-TV's license in this instance would be consistent with the Commission's recent action in the St. Louis, Missouri (Docket No. 11747), Albany-Schenectady-Troy (Docket No. 11751) and Harrisburg, Illinois (Docket No. 12011) cases and with the suggestions of Congressional committees. Winston-Salem Broadcasting estimates that it could commence operation of Station WTOB-TV on Channel 8 within a week after its present authorization for Station WTOB-TV is modified and Station WBTW at Florence has changed over to an operation on Channel 13; that only basic transmitting equipment (antenna and transmitter) would be needed; that the total cost of the change-over from Channel 26 to Channel 8 would be in the order of $210,000; and that a substantial portion of this investment could be recouped through resale at the expiration of WTOB-TV's interim operation.

17. Jefferson Standard and High Point Television urge that there is no need or special circumstance justifying temporary modification of the permit of Station WTOB-TV; that the Albany-Schenectady-Troy case, where the Commission gave temporary operating authority to two existing, on-the-air UHF stations to operate on VHF assignments primarily to preserve existing services, provides no authority for reactivating Station WTOB-TV, which voluntarily left the air in May of 1957; that the allocation of Channel 8 to this area would not displace any existing service; that any preferential temporary operating authority to Station WTOB-TV pending a comparative hearing on the relative merits of other applicants for Channel 8 would violate the principle of administrative fair play embodied in Ashbacker Radio Corporation v. Federal Communications Commission, 326 U. S. 327, and the Commission's rules for the processing of mutually exclusive television applications; and that no temporary modification could be effectuated without affording Jefferson Standard a hearing pursuant to section 316 of the Communications Act. Jefferson Standard states that before Station WTOB-TV could operate on Channel 8 at Winston-Salem it would have to change its Channel 8 operation at Florence to Channel 13; that the change-over would cost around $75,000 and would result in loss of the benefit of three years' promotion of Channel 8 at Florence at a time when this promotion is beginning to show results; and that, while Jefferson Standard is willing to expend the funds for the change-over to Channel 13 if it need not be effected until an application for regular operation on Channel 8 in the Winston-Salem-Greensboro-High Point area is granted, it does not believe that during the period between such an allocation and a final grant—which could be a substantial period of time—it should be deprived of the fruits of its extensive investment in promoting Channel 8 in the Florence area and the opportunity to depreciate its investment in its Channel 8 equipment.

18. Winston-Salem Broadcasting and Sir Walter Television urge that, regardless of the possibility of immediate use of Channel 8 in the Winston-Salem area on an interim basis, the Commission should proceed promptly with the modification of Jefferson Standard's license for Station WBTW, even if a modification proceeding under section 316 of the Communications Act is necessary. They urge that such a hearing need be only a limited one, involving only the question of whether WBTW's license should be modified immediately or at a later date since section 307 (b) considerations give the Commission a ready-made case with which to support a finding that the modification of the WBTW license would serve the public interest. They further urge that the procedure suggested by Jefferson Standard—voluntarily to shift WBTW's operation to Channel 13 when a Channel 8 station is ready to go on the air in the Winston-Salem-High Point-Greensboro area—would set an undesirable precedent, since licensees in similar situations could delay the advent of a new service by changing their position at a later date and demanding a hearing pursuant to section 316 of the Act.

19. The channel changes proposed by the parties for the assignment of a third VHF channel in the Winston-Salem, High Point, and Greensboro area or the assignment of a second VHF channel to

Florence would meet the technical allocation requirements. Either Channel 7 or Channel 8 can be used at Charleston. Several of the parties contend that the use of Channel 7 would have certain advantages, and we concur. A transmitter for a Channel 7 operation could be located in Charleston whereas a site for a Channel 8 operation would have to be located approximately 11 miles northeast of the city to maintain the required 190 mile separation from the site proposed for a Channel 8 station at Waycross, Georgia, in the application of John H. Phipps (BPCT-2423, filed November 5, 1957). For this reason, The Joint Council on Educational Television urges that Channel 7 rather than Channel 8 should be substituted for Channel *13 if the educational reservation is to be changed. The JCET states that an antenna site outside the city would seriously handicap the establishment of an educational station in Charleston, since higher power and antenna height would be required and additional costs for equipment, operations and personnel would be necessary. Jefferson Standard and John H. Phipps, applicants for Channel 8 at Waycross, urge that the substitution of Channel 7 instead of Channel 8 for Channel *13 would provide greater latitude in the selection of transmitter sites and would simplify the problem of offset carrier designations.[6]

20. By deleting Channel 13 from Charleston, that channel can be assigned to Florence and a Channel 13 transmitter can be located in Florence, as well as at the present transmitter site of Station WBTW 5½ miles to the northeast of the city, which is 189.7 miles from the transmitter site of the Channel 13 station (WLOS-TV) at Asheville, North Carolina. Contingent upon the deletion of Channel 8 from Florence, Channel 8 can be allocated to the Winston-Salem-High Point-Greensboro area and can be assigned to any one of these cities in conformity with spacing and coverage requirements. The frequency can be used at Greensboro in an area as close as 9 miles from the center of Greensboro to the west or southwest; it can be used at High Point in the city and in areas to the north, northeast, northwest and southeast; and it can be used at Winston-Salem in the city and in an area surrounding the city, as well as at the present site of Station WTOB-TV on Channel 26, approximately a mile northeast of Winston-Salem.

21. Skyway Broadcasting Company, licensee of Station WLOS-TV on Channel 13 at Asheville, North Carolina, opposes the assignment of Channel 13 to Florence—which would be required for effectuation of all of the proposals for Florence and the Winston-Salem-High Point-Greensboro area—because of the effect of alleged mutual interference to Station WLOS-TV and a Channel 13 operation at Florence. Skyway urges that an inefficient use of facilities would result from using Channel 13 at Florence; that, as a result of co-channel interference, if Station WBTW at Florence operated on Channel 13 instead of Channel 8, the present service areas of both Stations WBTW and WLOS-TV would be reduced; that substantial areas and populations now receiving service from one or both stations would lose service; that a small area around Olanta and Yauhannah, South Carolina, now served by Station WBTW, would lose its only television service. The parties seeking the substitution of Channel 13 for Channel 8 in Florence in order to add Channel 8 in the Winston-Salem-High Point-Greensboro area contend, in reply, that since the allocation of Channel 13 to Florence meets all allocation requirements, and since the rules (§ 3.612) expressly provide that the nature and extent of the protection from interference accorded to stations is limited solely to that resulting from the minimum station separation requirements and the rules relating to maximum powers and antenna heights, the alleged mutual co-channel interference to Station WLOS-TV at Asheville and the proposed Channel 13 operation at Florence constitutes no justifiable basis for rejecting the proposed allocation.

22. Upon consideration, we are of the view that the objections of Skyway and others to the assignment of Channel 13 to Florence either as a substitute for Channel 8 or as an additional assignment based on the effect of alleged interference should not preclude the shift of the channel to Florence if otherwise found to be in the public interest. Channel 13 in Florence would meet all allocation requirements, and § 3.612 of the rules expressly provides that television stations are not protected from any interference which may be caused by the grant of a new station in accordance with the allocation standards. Further, the Commission has stated on numerous occasions that the computations of areas and populations that might receive or lose service from a particular proposal were made difficult due to the many variables and assumptions which have to be made and the fact that the propagation curves presently available and the known methods of computation do not lend themselves to precise determinations of coverage at a specific location. Upon examining the methods used by Skyway in computing interference resulting from the proposed use of Channel 13 at Florence, we have serious questions as to their accuracy and applicability. While Skyway uses the measured contours of Station WLOS-TV at Asheville, it uses predicted contours of other stations and values of interfering signals of Station WLOS-TV derived from measured median time values extended to greater distances. In deriving this latter data, various assumptions are made, some of which may not be valid or accurate. For example, the adjusted 10 percent values are extended well beyond the measured 50 percent values, with an assumed loss of 1 db for each five miles, but no justification is given for this assumption. Further, in computing the loss of Grade B service to Station WLOS-TV, no account is taken of adjacent channel interference from Station WJBF-TV at Augusta, Georgia, although considerable overlap of the Grade B contours is shown. Likewise, no interference to Station WLOS-TV is shown for a future operation on Channel *13 at Charleston in the event that assignment were to stay in Charleston and be utilized at some time.

23. All of the proposals for adding Channel 8 to the Winston-Salem-High Point-Greensboro area would provide this large and important market with a third television outlet. Atlantic's proposal for Florence would provide that city with a second local outlet, but it would preclude assigning Channel 8 to the Winston-Salem-High Point-Greensboro area since co-channel mileage separation requirements would not permit the allocation of Channel 8 to this North Carolina area if Channel 8 is retained at Florence. While we believe that both the proposal for Flornece and the proposals for the Winston-Salem-High Point-Greensboro area have merit, we are convinced that the latter are more meritorious, even though they would require Station WBTW at Florence to shift from Channel 8 to Channel 13. The use of Channel 8 in this North Carolina area would provide an important and sizeable market with a much needed third television outlet; would provide a first or second local outlet in cities much larger than Florence, which already has one local station; and would provide Grade B or better service to a significantly larger number of persons than would be served by a second VHF station at Florence. The proposals to assign Channel 8 to the Winston-Salem-High Point-Greensboro area, in our judgment, would better serve the public interest and the objectives of section 307 (b) of the act by making more effective use of the spectrum and by advancing our interim objective of improving opportunities for more effective competition among a greater number of stations than would the proposal to retain Channel 8 in Florence and add a second VHF channel in that city. While we have considered Atlantic's claim that Florence should be preferred for an additional VHF assignment since it would enable more persons to receive a second or third service than would an additional VHF channel in the Winston-Salem-High Point-Greensboro area, we believe this consideration is outweighed by those mentioned above.

24. Having concluded that Channel 8 should be assigned to this North Carolina area, we must now decide whether the channel should be assigned to Winston-Salem, High Point, and Greensboro on a hyphenated basis or to one of these cities. We believe that a hyphenated allocation is to be preferred since, from the record, there is little basis to conclude that the purposes of section 307 (b) of the Communications Act and the public interest warrant preferring one of these cities over the other two for employment of the channel in this area. The record evidences a demand for assignment of the frequency in each of these cities, and in view of their proximity to each other, it appears that a Channel 8 station in any one of them would provide city-grade service to the other two. By assigning the channel to all three cities in hyphenation, it is made available upon application for use in each city, and after comparative consideration of specific applications for use of the channel in these communities, we can satisfactorily resolve all questions bearing on the conflicting demands of these cities for the use of the channel. We therefore conclude that the public interest would be served by allocating Channel 8 to Winston-Salem-High Point-Greensboro. We are not, however, reallocating the present assignments in each of these communities to all three communities on a hyphenated basis, as proposed by Winston-Salem Broadcasting and Sir Walter Television, since we believe these assignments to be equitably distributed among these communities.

25. Although we have concluded that the allocation of Channel 8 to Winston-Salem-High Point-Greensboro would serve the public interest, the allocation cannot be finalized without deleting Channel 8 from Florence. Since Jefferson Standard has an outstanding license for operation of Station WBTW on Channel 8 at Florence, its authorization would have to be changed to specify another frequency. In view of the provisions of section 303 (f) and 316 of the Communications Act, the frequency upon which Station WBTW is operating could not be changed without the consent of this licensee or, absent such consent, a public hearing being first held. Jefferson Standard has notified the Commission in response to the Order to Show Cause issued, pursuant to the applicable provisions of the act, that it will consent to the modification of its license for Station WBTW to specify Channel 13 instead of Channel 8, provided it may continue to operate on Channel 8 pending final action of the Commission on any application or applications for regular operation on Channel 8. Continued operation of Station WBTW on Channel 8 at Florence until such time as an application is granted for regular operation on the channel in the Winston-Salem-High Point-Greensboro area would not prejudice any applicant for the channel nor the advent of a new station in the area by the successful applicant. We therefore believe that Station WBTW should be permitted to continue to operate on Channel 8 during this interim period, particularly since it will enable the Commission to finalize the channel changes which we have found to be necessary to promote the public interest and our television objectives at this time without the delay and expense which would result from a show cause proceeding. We recognize, of course, that continued operation of Station WBTW on Channel 8 prior to the time an application is granted for regular operation on Channel 8 in the Winston-Salem-High Point-Greensboro area would preclude a temporary operation on Channel 8 at Winston-Salem, as requested by Winston-Salem Broadcasting and Sir Walter Television. The allocation of Channel 8 to this North Carolina area requires no change in Winston-Salem Broadcasting's authorization for Station WTOB-TV on Channel 26 at Winston-Salem, and we are not convinced that the public interest would be served by permitting Station WTOB-TV to operate on Channel 8 pending the grant of an application for regular operation on the channel. Station WTOB-TV has been off the air since May 11, 1957, and a temporary operation could not be justified on the basis that it would insure a continuing television service to the public. Nor, in view of the position taken by the licensee of the Channel 8 station in Florence, do we believe that it would necessarily expedite additional service to the public in this area.

26. With respect to the offset carrier designation for Channel 8 at Greensboro-High Point-Winston-Salem, Jefferson Standard suggests that the offset carrier designation should be Channel 8 plus in light of the assignment of Channel *8 minus to Carbondale and the change in the offset carrier designation of Station WCHS-TV at Charleston, West Virginia, from Channel 8 plus to 8 minus ordered in our Report and Order released March 25, 1958, in the Carbondale-Harrisburg, Illinois, proceeding in Docket No. 12011. Upon reconsideration of our Report and Order in that proceeding, we have revised the offset carrier schedule originally adopted to provide, inter alia, for the assignment of Channel *8 even to Carbondale and the retaining of Channel 8 plus for Station WCHS-TV at Charleston, West Virginia.[6] We therefore believe Channel 8 minus should be assigned to Greensboro-High Point-Winston-Salem. We believe also that Channel *7 minus, as proposed by Jefferson Standard and Atlantic, should be assigned to Charleston, South Carolina. We believe that Channel 13 plus, as proposed by Jefferson Standard, Winston-Salem Broadcasting and Sir Walter Television and Atlantic, should be assigned at Florence without changing the offset designation of Station WMAZ-TV at Macon from Channel 13 plus to Channel 13 even, as also proposed by these parties, since this is not feasible in view of the fact that Channel 13 even was assigned to Panama City, Florida, by our Report and Order released February 28, 1958, in Docket No. 12251.

27. Authority for the adoption of the amendments herein is contained in sections 1, 4 (i), and (j), 301, 303 (c), (d), (f) and (r), 307 (b) and 316 of the Communications Act of 1934, as amended.

28. In view of the foregoing: *It is ordered*, That, effective September 5, 1958, the Table of Assignments, contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the communities named are concerned, as follows:

(a) Amend the entries under the State of South Carolina as follows:

City	Channel No.
Charleston	2+, 4, 5+, *7—, 17+
Florence	13+, 60

(b) Under the State of North Carolina, add as follows:

City	Channel No.
Greensboro-High Point-Winston-Salem	8—

29. *It is further ordered*, That, effective September 5, 1958, pursuant to sections 303 (f) and 316 of the Communications Act of 1934, as amended, the license of Jefferson Standard Broadcasting Company for operation of Station WBTW on Channel 8 at Florence, South Carolina, is modified to specify operation on Channel 13+ in Florence, subject to the following conditions:

(a) Jefferson-Standard may continue operation temporarily on Channel 8 in accordance with the terms and conditions of the current WBTW authorization until thirty days after final action of the Commission on any application or applications for operation on Channel 8— at Greensboro, High Point, or Winston-Salem, North Carolina;

(b) The submission to the Commission by August 15, 1958, of all information neeessary to comply with applicable technical rules, executed in triplicate, for the preparation of the modified authorization to cover the operation of Station WBTW on Channel 13+ at Florence;

(c) Construction looking to a change to Channel 13+ not to commence until specifically authorized by the Commission after the information requested in (b) above is submitted;

(d) Upon completion of construction of the Channel 13+ facilities in accordance with the terms of the modified authorization, proof of performance measurement data necessary to demonstrate compliance with the applicable technical performance requirements of the Rules of the type normally required to be furnished in an application for a television license shall be submitted, in triplicate, at least ten (10) days prior to the date on which it is desired to begin program operation. Program operation on Channel 13+ shall not be commenced until specifically authorized by the Commission after its evaluation and acceptance of such data;

(e) Jefferson Standard Broadcasting Company should advise the Commission in writing by August 15, 1958, whether it accepts the modification of its license for operation of Station WBTW at Florence, South Carolina, subject to the conditions listed herein or desires a hearing pursuant to section 316 (a).

30. *It is further ordered*, That the above-described petition of Winston-Salem Broadcasting and Sir Walter Television Company is granted insofar as it requests the assignment of Channel 8 to Greensboro-High Point-Winston-Salem and is denied in all other respects; and that the above-described petitions of Atlantic Broadcasting Company, Inc., Jefferson Standard Broadcasting Company, Paul E. Johnson, United Broadcasting Company and the counterpro-

[6] By assigning Channel *7 minus to Charleston; Channel 13 plus to Florence and Channel 8 plus to Greensboro, Jefferson Standard states that only the offset carrier designation of Channel 13 at Macon, Georgia (WMAZ-TV) need be changed from 13 plus to 13 even. Its original proposal contemplated the assignment of Channel *8 minus to Charleston, Channel 13 plus to Florence, and Channel 8 plus to Greensboro and changes in the offset carrier designations for Channel 13 at Macon, Georgit, from 13 plus to 13 even and for Channel 8 at Charleston, West Virginia (WCHS-TV) from 8 plus to 8 minus and at Indianapolis, Indiana (WISH-TV), from 8 minus to 8 even.

[6] Memorandum opinion and order, adopted July 30, 1958, in Docket No. 12011.

posal of High Point Television Company are denied, except to the extent provided hereinabove.[1]

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; and sec. 316, 66 Stat. 711; 47 U. S. C. 301, 303, 307, 153)

Adopted: July 30, 1958.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6387; Filed, Aug. 8, 1958; 8:47 a. m.]

[Rules Amdt. 3-122]

[Docket No. 12385; FCC 58-805]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS (PITTSBURGH, PA., CLARKSBURG, W. VA. AND YOUNGSTOWN, OHIO)

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on August 1, 1958;

The Commission having under consideration a "Petition for Immediate Reconsideration" filed on July 22, 1958, by WKST, Inc., licensee of Station WKST-TV, New Castle, Pennsylvania, requesting reconsideration of the Report and Order (FCC 58-683) released in this proceeding on July 18, 1958, insofar as the Report and Order modifies the construction permit of Station WXTV, Youngstown, Ohio, to specify operation on Channel 33 instead of Channel 73;

It appearing that Sanford A. Schafitz and Guy W. Gully, d/b as Community Telecasting Company, permittee of Station WXTV, have not filed a response to said petition, and that time for filing a response has not expired;

It further appearing that the report and order (FCC 58-683) specified August 25, 1958, as the effective date for the amendments to § 3.606 of the Commission's rules and regulations (paragraph 16) and the modification of the construction permit for Station WXTV (paragraph 17);

It further appearing that it is desirable that the status quo be maintained until the Commission has the benefit of pleadings by all interested parties;

It is ordered, on the Commission's own motion, That the effective date of the report and order released in this proceeding on July 18, 1958, is stayed until further order of the Commission, but only insofar as said report and order (1) amends § 3.606 of the Commission's rules and regulations to delete Channel 73 from Youngstown, Ohio, and assigns it to Pittsburgh, Pennsylvania, and (2) modifies the construction permit for Station WXTV, Youngstown, Ohio, to specify Channel 33 instead of Channel 73.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6388; Filed, Aug. 8, 1958; 8:47 a. m.]

[Rules Amdt. 3-121]

[Docket No. 12483; FCC 58-775]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS (MILWAUKEE, BEAVER DAM, CHILTON, WIS., AND LUDINGTON, MICH.)

1. The Commission has under consideration the proposal set forth in its notice of proposed rule making and orders to show cause (FCC 58-567) released on June 13, 1958, and published in the FEDERAL REGISTER on June 18, 1958 (23 F. R. 4384) to amend the Table of Assignments, contained in § 3.606 of the rules and regulations, as follows:

City	Channel No.	
	Present	Proposed
Ludington, Mich.	18+	33
Beaver Dam, Wis.	37	51−
Chilton, Wis.	*24+	*31+
Milwaukee, Wis.	4, *10+, 12, 19−, 25, 31−	4, *10+, 12, 18+, 24+, 30

Further, since Columbia Broadcasting Company operates Station WXIX on Channel 19, Lou Poller holds a construction permit for Station WCAN-TV on Channel 25, and Business Management, Inc., holds a construction permit for Station WFOX-TV on Channel 31, all at Milwaukee, and the proposal herein would shift these assignments to lower channels, these parties were ordered to Show Cause why their outstanding authorizations should not be modified to specify operation on Channels 18, 24 and 30, respectively.

2. In its notice the Commission pointed out that an interference situation had developed in the Milwaukee area due to the operation of both Channels 12 and 19 in that city. This results from radiation of the second harmonic of local oscillators in VHF receivers, which have the commonly used intermediate frequency of 42 Mc, when these receivers are tuned to Channel 12 (WISN-TV), falling within Channel 19, occupied by WXIX in Milwaukee. The second harmonic of these oscillators is radiated on approximately 502 Mc which is within the 500-506 Mc range of Channel 19. Surveys conducted by CBS in Milwaukee indicate that the interference effects extend several hundred feet from the offending receivers even though the total amount of radiated power is not great and that these radiations are capable of producing harmful interference, and that the cases of interference are increasing since additional new receivers with the standard 40 Mc intermediate frequency are being placed in homes. We also pointed out that the potential interference due to such combinations of assignments may be of sufficient importance to warrant taking it into account in making assignments to communities. Pending studies necessary to determine the extent of the problem and what standards should be employed in order to minimize this effect, we determined that such existing situations, as the instant case, could best be handled on a case-to-case basis. Accordingly, the aforementioned changes were proposed in the communities named in order to eliminate the problem at Milwaukee.

3. No comments were filed in opposition to the proposed changes in assignments. CBS, Lou Poller and Business Management, Inc., support the Commission's proposal and state that they do not object to a modification of their authorizations to specify the assignments proposed.

4. The Commission is of the view that the adoption of the proposed changes in assignments and in the outstanding authorizations would serve the public interest since it would remove an existing interference situation which will get worse as more new television receivers are placed in operation in the area. In view of this, and in view of the fact that a station presently in operation is involved, it is believed that good cause exists for making the rule changes effective within less than the thirty (30) day period usually allowed.

5. Authority for the adoption of the amendments herein is contained in sections 1, 4, (i), 301, 303 (c), (d), (f) and (r), section 307 (b) of the Communications Act of 1934, as amended, and section 4 (c) of the Administrative Procedure Act.

6. In view of the foregoing: *It is ordered,* That effective August 15, 1958, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the communities named are concerned, as follows:

Amend the entries under the States of Michigan and Wisconsin as follows:

City	Channel No.
Ludington, Mich.	33
Beaver Dam, Wis.	51−
Chilton, Wis.	*31+
Milwaukee, Wis.	4, *10+, 12, 18+, 24+, 30

7. *It is further ordered,* That effective August 15, 1958, pursuant to sections 303 (f) and 316 of the Communications Act of 1934, as amended, the outstanding authorization held by Columbia Broadcasting System, Inc., for Station WXIX on Channel 19− at Milwaukee is modified to specify operation on Channel 18+, subject to the condition that operation of Station WXIX shall not commence on Channel 18 until specifically authorized after pertinent equipment performance measurements are submitted and approved by the Commission; That the outstanding authorization held by Lou Poller for Station WCAN-TV on Channel 25 at Milwaukee is modified to specify operation on channel 24+; and That the outstanding authorization held by Business Management, Inc., for Station WFOX-TV on Channel 31− at Milwaukee is modified to specify operation on Channel 30.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: July 30, 1958.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6389; Filed, Aug. 8, 1958; 8:47 a. m.]

[Rules Amdt. 4-11]

[Docket No. 11164; FCC 58-781]

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

TELEVISION AUXILIARY BROADCAST STATIONS

1. The instant proceeding was instituted by a Notice of Proposed Rule Making adopted by the Commission on September 16, 1954, upon consideration of a petition filed on August 5, 1954, by North Dakota Broadcasting Company, Inc., permittee of television Station KCJB-TV, Minot, North Dakota, and Station KXJB-TV, Valley City, North Dakota. The petition requested the Commission to amend §§ 4.631 (c) and 4.632 (b) of the Commission's rules governing television auxiliary broadcast stations, which provides that until such time as adequate common carrier facilities are available, television broadcast licensees may, as an interim measure, provide their own television intercity relay stations.

2. Sections 4.631 (c) and 4.632 (b) now provide as follows:

(c) Television intercity relay stations provide a means of an interim basis whereby television broadcast licensees may provide their own intercity television transmission services in connection with the operation of their television broadcast stations. The provision for this service is a purely temporary measure designed to assist the television industry until such time as adequate common carrier facilities are available, and broadcasters who venture into the business of relaying television programs by means of television intercity relay stations should plan to amortize their investments at the earliest possible date.

(b) An application for construction permit for a new television intercity relay station or for renewal of license of an existing station shall be accompanied by a verified statement containing the following:

(1) A full statement as to why the applicant requires the requested facilities including reasons why common carrier facilities cannot be utilized; and

(2) A showing that the applicant has, at the earliest time reasonably practicable, requested the appropriate common carrier or common carriers serving the general area involved to furnish the inter-city television transmission service required by the applicant, including in such showing a copy of the request or requests and of the reply or replies received from such common carriers.

3. Under § 4.602 of the rules, the broadcasters may operate inter-city relay stations on the same frequencies assigned for television pickup and studio transmitter links, but the use of such frequencies for inter-city relaying must be on secondary basis and is subject to the condition that no harmful interference be caused to stations operating in the primary services.

4. Petitioner's requested amendment is designed to give the Commission discretion to grant applications for private television inter-city relay stations notwithstanding the fact that common carrier facilities may be available to furnish the inter-city relaying of television programs, wherever it can be shown that the cost of providing relay systems, as compared with the cost of obtaining service from the common carrier, justifies the authorization of a private system.[1]

5. Petitioner, noting that the present rules do not permit the Commission to exercise discretion in acting upon applications for private inter-city television relay stations in those cases where it can be demonstrated that the cost of using common carrier facilities would be prohibitive to the broadcaster, urge that the restrictive nature of the Commission's rules in this respect may deprive large areas of the country from receiving live television network programs, and may indirectly result in large areas having no television service whatsoever, since network programs constitute an important element in the successful operation of any television station; petitioner urges further that there are sufficient frequencies allocated for television auxiliary stations (TV pickup and TV STL stations) which may be used for the proposed inter-city relay system in areas where such systems are essential, without depriving television broadcasters of necessary TV pickup and STL service; and that to require a TV station to utilize common carrier service on common carrier channels is wasteful since such channels could be employed for handling other telephone communication services.

6. In its Notice of Proposed Rule Making, the Commission stated that the petition served to focus attention on a problem that has been under study by the Commission since the lifting of the "freeze" on new television station construction in 1952: That the Commission was satisfied that its rules and policies, insofar as they contemplate utilization of common carriers in providing a nationwide television program network are sound and serve the public interest; and that it believed that the existing common carrier network, including main routes and branch lines emanating therefrom, should continue its orderly growth in order to meet the requirements of the broadcasting industry for network transmission facilities. The Commission pointed out, however, that it has become increasingly evident that a problem is presented by the application of the Commission's rules and policies to television stations located in relatively small communities at some distance from program service points on existing common carrier routes; that because of the distance of these communities from such program service points, the monthly common carrier mileage charges for the television transmission facilities which are required to connect the stations to the established networks may not be commensurate with the economic prospects of these stations for profitable operation; that this situation may deter or hinder the development of a nationwide television service; and that the construction of facilities for interconnection by the common carriers in such instances represents a substantial investment, which in some instances may be unrecoverable upon the financial failure of the stations. Accordingly, the Commission stated that it would be appropriate to review its existing rules and policies regarding the licensing of private inter-city relay stations, and that, to this end, it was inviting comments from interested parties on the matters dealt with in the Notice.

7. Interested parties were afforded until November 8, 1954, to file comments. Reply comments were originally scheduled to be filed within 10 days thereafter, but the date for filing replies was extended to December 15, 1954 at the request of American Telephone and Telegraph Company (AT&T). Pursuant to the Notice comments favoring the proposed amendment or its objective were filed by 42 parties, including permittees of television stations, manufacturers of television equipment, educational broadcast groups and the UHF Industry Coordinating Committee. Statements opposing the proposed revision of the rules were filed by AT&T and United States Independent Television Association. Replies to the original comments were filed by the petitioner herein, AT&T, the National Association of Educational Broadcasters, the UHF Industry Coordinating Committee, and Central Broadcasting Company. A complete list of the parties filing comments in the proceeding is contained in the attached appendix.

8. On April 1, 1955, the Commission issued a Further Notice of Proposed Rule Making inviting further comment on a proposal made by AT&T in its reply, and

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[1] Another conflicting proposal to assign Channel 8 to Fayetteville, North Carolina, was submitted in a petition for rule making filed on July 22, 1958, by Fayetteville Broadcasters, Inc., licensee of Station WFLB-TV at Fayetteville. This petition has been considered and denied in a memorandum opinion and order adopted today.

[1] Specifically, petitioner proposed that § 4.632 (b) be deleted and § 4.631 (c) be amended as follows:

"Television inter-city relay stations provide a means of an interim basis whereby television broadcast licensees may provide their own inter-city television transmission services in connection with the operation of their television broadcast stations. Provided, however, that the Commission may grant authority to television broadcast licensees to operate inter-city television transmission facilities where, in the opinion of the Commission, the cost of common carrier facilities compared to the cost of constructing and operating private inter-city relay facilities justifies such action.

"This proviso is designed to permit the Commission, in its discretion to authorize private inter-city relay transmission facilities, to stimulate the development of live television network service in the less densely populated areas of the country."

amplified in a letter to the Commission of February 24, 1955, AT&T stated that it was prepared to offer television stations a lower-cost means of obtaining network programs through an arrangement whereby programs of a network station would be picked up off-the-air and relayed over a common carrier channel to a remote station using lower grade facilities than those employed in the regular nationwide network. The Commission stated in its Further Notice that in the light of AT&T's new proposal, it would be desirable to obtain further comment from interested parties to determine to what extent the proposed new service would alleviate the problems of the broadcasters discussed in the original Notice; and interested parties were given until April 29, 1955, which date was subsequently extended to May 20, 1955, to file comments. Statements were filed by 43 parties, and a reply thereto was filed by AT&T on June 13, 1955.

POSITION OF RESPONDENTS

9. The principal reason advanced in support of a more liberal Commission policy in authorizing the construction and operation of private inter-city television relay facilities by television broadcasters is that many stations cannot afford to avail themselves of common carrier facilities at the rates now in effect, while such stations could build and operate private systems at substantially less cost particularly where the private link consists of an off-the-air pick up and a few microwave relay hops. The financial difficulty of the broadcasters is alleged to arise from a variety of factors, the principal one being the inability of certain stations, notably UHF stations and those which are located in smaller markets, to command advertising revenues sufficient to defray the costs of interconnection by means of common carrier facilities. This, it is stated, prevents these stations from obtaining the live network programs which they feel are essential to build up an audience and, in turn, to attract sponsors and revenues.

10. It is urged, also, that insofar as the existing rules condition the operation of private systems upon the non-availability of common carrier facilities, those broadcasters who build their own private facilities are always faced with the threat of having such facilities displaced by common carrier facilities that may subsequently be constructed in the area. This situation, it is contended, permits the common carrier, rather than the Commission, to decide whether or not a television station may build and retain its own facility, without regard to the financial status of the station and its needs for a less costly means of relaying network programs, and also introduces a large element of uncertainty on the part of the broadcaster in deciding whether or not to construct its own private relay system.

11. In addition to the arguments advanced with respect to the need for private radio links as a means of obtaining live network programs, it was maintained that privately owned and operated systems will provide an economical basis for the formation of regional broadcasting networks and will facilitate the distribution of network programs having a more restricted area of interest; that private systems will permit the interconnection of a few commercial television stations on an occasional basis when the common carrier channels are preempted by nationwide programs; and that such systems will permit the interconnection of educational television stations for the distribution of non-commercial programs.

12. Opposing any change in the existing rules or policy of the Commission, the United States Independent Telephone Association and the American Telephone and Telegraph Company urged that these rules and policies have fostered the orderly development and growth of nationwide network television service without wasteful duplication of facilities and with the utmost in efficiency of frequency usage. They argued that it is doubtful that private television relaying facilities can be provided more economically than common carrier facilities, when all elements of cost are considered. It was contended that the creation of private systems would result in division of responsibility, less quality and continuity in program service, and increases in the over-all common carrier costs of furnishing network channels. While recognizing the economic problems of broadcasters located in sparsely populated areas, AT&T pointed out that the proposed amendments are not the solution since ultimate savings from private intercity relay systems are doubtful, and are not sufficient to solve the problem with which the Commission is here concerned. The telephone company also stated that the construction of private links on lower cost routes will leave the higher cost routes to be served by the common carriers, with resulting increase in the average costs of serving stations which subscribe to common carrier service.

13. In its reply to comments filed by the parties pursuant to the original Notice of Proposed Rule Making, AT&T referred to the statements made in the comments with respect to the cost of private relay systems, principally off-the-air pickups and relays, as compared with common carrier charges for direct connection to the common carrier networks. AT&T questioned the validity of the comparisons in costs, inasmuch as any such comparison must take into account the differences in the character and quality of the service provided. Conceding that off-the-air pickup is inherently less costly than transmissions involving standard network interconnection, AT&T submits that this method involves various disadvantages such as a generally inferior picture quality resulting from an additional broadcast transmitter and receiver in the path of transmission, added interference where the distance between the pickup point and the station whose signal is picked up is too great, and the fact the station which utilizes the off-the-air method is limited to programs broadcast by the station whose program is picked up. And these disadvantages, AT&T asserted, would be compounded if additional off-the-air pickup systems are used in tandem to extend service to additional stations.

14. AT&T indicated, however, that if the off-the-air method would provide a service acceptable to the broadcaster and the public, the common carriers can provide such service at charges substantially less than for direct network connection. By a letter of February 24, 1955, AT&T amplified the details of its proposed offering of off-the-air channels. In this letter, it pointed out that inasmuch as the instances in which such channels may be found advantageous will vary widely due to differences in terrain and other characteristics which affect the physical facilities required, AT&T considered it desirable, at least for the present, to determine the charges separately for each channel and to publish and file with the Commission such charges as a tariff rate on a case-by-case basis.[1]

15. Substantially all of the responses filed pursuant to the Further Notice of Proposed Rule Making, which invited the parties to comment on AT&T's proposal, maintained that the proposed service would not resolve the broadcaster's problems which gave rise to these proceedings, and advocated that the rule proposed by North Dakota Broadcasting Company or some similar rule be adopted. The one favorable comment on the proposed service of AT&T came from a prospective operator of a community antenna system. Many of the responses urged that AT&T's proposed offering of off-the-air channels was a step in the right direction of providing a more economical means of obtaining live network programs, but submitted that the need still existed for a Commission rule under which television broadcasters might be authorized, in the Commission's discretion, to construct and operate private intercity relay stations irrespective of the availability of common carrier facilities. Specifically, it was asserted that the cost of the proposed common carrier service would substantially exceed the cost for comparable service provided by privately owned and operated systems. Certain respondents criticized the proposed service from the standpoint of the inherent operational limitations. They note that the receiving station would necessarily be limited in its choice of programs to those broadcast by the station whose signal is picked up off-the-air and that the off-the-air pickup feature of the proposed service would entail some sacrifice in the quality of the video signal, and that the resulting degradation would be compounded if additional off-the-air pickups are made by television stations beyond the initial receiving station. The Joint Committee on Educational Television commented that the proposed service would not be suitable for regional educational networks because of the need for two-way facilities over all or part of the network. Other respondents urged that because of the operational limitations involved in

[1] Effective September 29, 1957, AT&T filed revised rates and regulations to its tariff FCC No. 223 by which it makes a general offering of channels for off-the-air pickup and relay of television broadcast signals.

the use of off-the-air pickup arrangements, AT&T should offer at reduced rates television transmission channels which may be connected directly to the basic common carrier networks. Many of the respondents also objected to the terms and conditions under which AT&T proposed to provide off-the-air channels.

16. In its reply to the above comments, AT&T disputed the contentions of the broadcasters that they can provide service for themselves at lesser cost than a comparable service from AT&T. AT&T stated that it is making every reasonable effort to provide off-the-air channels at the lowest practicable charge and that its rates will compare favorably with the cost of operation of private systems giving comparable service, if all elements of cost are determined and considered on a comparable basis. The telephone company also defended the propriety of the various features of its proposed offering which were the subject of criticism. It submitted that its offering of off-the-air channels will go far towards alleviating the economic problems of the broadcast stations in the smaller places remote from the established networks; that some sacrifice in the quality of service is unavoidable if cost reductions are to be achieved and will be required whether the links are provided by the broadcasters or common carriers, but that the degree of degradation will be lessened if all intercity relay channels are provided by the common carriers. AT&T reiterated its opposition to any change in the existing rules which would permit indiscriminate construction of private relay systems and the connection of such systems as links in the basic network.

DISCUSSION

17. Sections 4.631 and 4.632 of the rules reflect the policy enunciated in the Commission's Report of February 20, 1948, in Docket No. 6651, in which the Commission concluded that frequency economy required that intercity relaying of television programs should be performed by communication common carriers; but that inasmuch as the common carriers were not yet ready to afford the service required in all areas and that adequate relaying facilities would not be ready for some appreciable interval of time, the Commission was permitting television broadcast licensees, as a temporary measure, to use frequencies in the bands allocated for television auxiliary broadcast use (remote pickups and studio to transmitter links) for intercity relaying of television programs. The Commission reaffirmed this policy in its Decision and Order in Docket No. 8963, 5 R. R. 639, issued December 23, 1949, wherein the Bell System companies were ordered to amend their tariffs to provide for the interconnection of their facilities with the privately owned relay facilities of broadcasters authorized pursuant to such policy.

18. As the Commission indicated in its notice of proposed rule making, the rapid and orderly growth of a network program distribution system has been fostered under the basic principle that the facilities for such a distribution system should be provided by common carriers. None of the respondents in the proceeding disputed the essential soundness of the Commission's policy in the above respects. Their main concern is with the application of this policy to many of the television stations established since the lifting of the "freeze" in 1952 and which serve relatively small audiences. These stations, many of which serve communities at some distance from established service connection points on the basic common carrier network, as well as a number of UHF stations, are apparently not considered by the national networks and the sponsors of network programs to justify, from an economic standpoint, the interconnection of these stations to the basic networks.

19. At the time the Commission promulgated its policy in Docket No. 6651, which favors the use of common carrier facilities for the inter-city transmission of television programs, the television industry in the United States was at a stage of development where it was impossible to anticipate or predict, with any certainty, the various problems that would be encountered as television stations increased in number and new stations became established to serve communities under a variety of conditions. Insufficient experience was available with which to predict or evaluate such factors as the extent to which successful television station operation would be dependent upon the station's access to live network programs. It could not be foreseen that because of the economics of television broadcasting and network operation, as they have thus far developed, many television stations would be unable to obtain network programs through the usual means provided by network affiliation agreements and network interconnection. Nor could it be foreseen that in order to obtain any network programming, such stations would be faced with the alternatives of ordering the interconnecting facilities directly from the common carrier and paying the charges therefor, or of establishing their own relay facilities if common carrier facilities were not available.

20. The responses filed in this proceeding, as well as from other information in the Commission's files, make it clear that television stations which are dependent upon their own resources to obtain access to live network programming regard the establishment of their own relay facilities as the most economical means of achieving such access. Further, the large majority of private relay systems which have been established are not directly connected to the common carrier network facilities; rather, these private systems, mainly for reasons of economy, are employed to pick up off the air and relay for rebroadcast, television signals transmitted by other television stations which are connected to the national networks. However, as previously noted, private relay systems, under the existing policy of the Commission, are subject to being displaced and their operation terminated in the event that the common carrier subsequently constructs facilities in the area.

21. As previously noted, AT&T is now furnishing "off-the-air pickup" channels to such broadcasters as are in a position to utilize this type of service. On the basis of the comments received from the broadcasters in response to the Commission's Further Notice of Proposed Rule Making, it appears that such broadcasters do not feel that the AT&T "off-the-air" service will meet their needs. The principal objection raised was that, although the charges of AT&T for this service are substantially less than the Company's charges for directly connected service, they are still substantially higher than the station operators' estimates of what it will cost them to construct and operate their own systems. In addition, educational broadcasters and others interested in establishing regional networks, point to the impracticability from a service standpoint of operating such multi-station regional networks on an off-the-air basis.

22. The Commission has carefully considered all of the comments filed in this proceeding and has concluded that modification of its present policy with respect to the operation of private television intercity relay facilities by television broadcast stations is necessary and desirable. At the same time we wish to avoid any action which would seriously impair the nation-wide television distribution facilities operated by communication common carriers. Therefore, we are amending § 4.632 of the Commission rules to establish the following policy with respect to the licensing of such private television relay systems:

Television broadcast station licensees will have the option of operating their own private television intercity relay facilities or obtaining intercity television transmission service from communications common carriers in all cases except those in which a direct interconnection is desired with common carrier facilities. Such relay stations are not to be used as intermediate links in common carrier intercity television transmission facilities.

23. The Commission is of the view that the above policy will preserve the integrity of the nationwide television program distribution system operated by the common carriers and at the same time will provide access to national network programs, for television broadcast stations in small markets or with marginal operations. At the same time, it will permit the establishment of modest local or regional networks of educational or commercial television stations, through the use of private intercity relay systems. Stations operating in such local or regional networks may combine their efforts and resources to produce programs of local and regional interest which no one of the stations could afford to produce and lessen the dependence of TV stations on national network program sources. We have carefully considered the arguments advanced by AT&T and USITA that a more liberal policy of licensing private systems would deter the continued orderly growth and development of nationwide television service; would produce a wasteful duplication of facilities and a lesser quality and continuity of television program service; and

could lead to an increase in the costs of servicing stations which subscribe to to common carrier service and, possibly, to increases in the rates for common carrier service. These alleged consequences might be cause for serious concern were we establishing a policy which contemplated the indiscriminate interconnection of private systems with common carrier facilities. We are of the opinion that such consequences will not follow from our policy of authorizing private relay systems which will not be directly interconnected with common carrier facilities.

24. It is also the Commission's view that liberalization of the permissible use of frequencies in the above respect will not create any problem of frequency availability or scarcity, inasmuch as the requirements for the establishment and operation of such systems will normally occur away from the populous centers and in areas where the existing frequency allocation is adequate to accommodate fully the television industry's needs for television pickup stations and studio transmitter links as well as these private intercity relay systems. Further assurance that frequency conflicts and congestion will not occur is provided by the limitation which applies equally to the existing and amended rules, that the use of frequencies for intercity relaying shall be on a secondary basis and subject to the condition that no harmful interference is caused to television pickup and television STL stations.

25. The Commission also desires to emphasize that its decision to liberalize the conditions under which television broadcasters will be authorized to construct private relay systems is not intended to have application as a precedent beyond the particular facts here present. The situation which the present action seeks to remedy is one which is peculiar to the television industry, and such action is being taken in the interest of aiding the fullest possible development of television service in the United States.

26. Authority for the adoption of the amendments herein is contained in sections 4 (i), 301, 303 (c), (f), (g) and (r) of the Communications Act of 1934, as amended.

27. In the light of the foregoing: *It is ordered*, That, effective July 31, 1958, Part 4 of the Commission's rules and regulations is amended as follows:

I. Section 4.631 (a) is amended by amending the second sentence following the proviso and deleting the last sentence. Section 4.631 (a), as amended, reads as follows:

§ 4.631 *Purpose of television auxiliary stations.* (a) The license of a television pickup station authorizes the transmission of program material, orders concerning such program material, and related communications necessary to the accomplishment of such transmissions, from the scenes of events occurring in places other than a television studio, to its associated television broadcast station,[3] to such other stations as are broadcasting the same program material, or to the network or networks with which the television broadcast station is affiliated. Television pickup stations may be operated in conjunction with other television broadcast stations not aforementioned: *Provided*, That the transmissions by the television pickup station are under the control of the licensee of the television pickup station and that such operation shall not exceed a total of 10 days in any 30 day period. Television pickup stations may be used to provide temporary studio-transmitter links or intercity relay circuits consistent with § 4.632, without further authority of the Commission: *Provided, however*, That prior Commission authority shall be obtained if the transmitting antenna to be installed will increase the height of any natural formation or manmade structure by more than 20 feet and will be in existence for a period of more than 2 consecutive days.

II. Delete the text of paragraph (c) of § 4.631 and substitute therefor the following text:

(c) The license of a television intracity relay station authorizes the transmission of program material, orders concerning such program material and related communications necessary to the accomplishment of such transmissions between television broadcast stations for the purpose of simultaneous programming or network broadcasting.

III. Delete the present text of paragraph (b) of § 4.632 and substitute therefor the following text:

(b) A license for a television intercity relay station may be issued in any case where the circuit will operate between television broadcast stations either by means of "off-the-air" pickup and relay or location of the initial relay station at the studio or transmitter of a television broadcast station.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Adopted: July 31, 1958.

Released: August 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6390; Filed, Aug. 8, 1958; 8:48 a. m.]

[Rules Amdt. 4-12]

[Docket No. 11696; FCC 58-779]

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

REMOTE BROADCAST STATIONS

1. The Commission has before it for consideration its Notice of Further Proposed Rule Making (FCC 58-206, Mimeo No. 55539) issued in this proceeding on March 6, 1958. As set forth in that Notice, the Commission proposed to add a new § 4.437 to the remote pickup rules in Part 4 of the rules and regulations which would provide for the licensing of low power broadcast auxiliary stations to be used in a studio for cueing, directing participants, and the transmission of program material by means of wireless microphones.

2. No comments in opposition to the proposed rules were filed. Comments in favor of the proposal were filed by the American Broadcasting Company, Columbia Broadcasting System, Inc., National Broadcasting Company, Inc., Sacramento Telecasters, Inc. (KBET-TV, Sacramento, Calif.) and Tribune Publishing Company (KTNT, Tacoma, Washington). ABC, CBS, and NBC, while favoring the objectives of the proposal, made some suggestions for changes in some of the proposed rules.

3. ABC proposes that "RF" be used instead of the word "wireless" in § 4.437 (a) since the former is in more common usage in this country; that § 4.437 (b) be amended so as not to restrict the use of these stations to the studio or building within which it is to be principally used in view of the fact that to do so would restrict the usage to a particular building, would complicate record keeping, and necessitate the purchase of additional units; that § 4.437 (d) permit 3 days of operation at another location before the Engineer in charge must be notified since often two days are required for rehearsal and production; and that § 4.437 (f) be changed so as not to require the presence of a licensed operator since such attendance is not necessary in view of the fact that maintenance and adjustment work is usually done in the shops by licensed operators. ABC also suggests a change in § 4.432 (f) in response to an earlier notice in this proceeding. However, the instant proposal for a new class of special stations for the purpose of cueing etc. renders the last suggestion moot.

4. CBS also suggests that § 4.437 (a) be amended to permit operation in the principal city served by the broadcast station rather than the studio or building. CBS points out that it has 15 television studios in New York at 12 different locations and that it is not desirable to limit the use of low power auxiliary stations to one studio or a group within the same building. It urges that these stations should not be limited to the bands 26.10–26.48 Mc and 450–451 Mc but should be authorized on any frequency allocated in § 4.402 for remote pickup broadcast stations. It urges that such a modification would permit greater latitude in operating frequencies and would insure against interference. CBS submits that the radiated field from wireless microphone equipment with an output of 100 milliwatts is in the order of 20 to 60 microvolts per meter at 100 feet. With respect to § 4.437 (d) CBS urges that it is often necessary to operate at a remote location for more than one day and suggests that this be changed to 10 days to conform with the requirements of § 4.431 concerning remote pickup stations. Finally, CBS suggests that § 4.437 (g) be amended to include the call sign of the broadcast station to which it is licensed rather than with which it is being used since on occasion in network operations the program may not be broadcast over the local station.

5. NBC submits that § 4.437 (a) is unduly restrictive and that an auxiliary

station could be used at any place within a particular city or metropolitan area without fear of interference. It also urges that § 4.437 (d) be amended to permit the use of low power broadcast auxiliary stations in conjunction with a broadcast station other than the broadcast station with which it is licensed consistent with the provisions of § 4.431 (a) concerning remote pickup stations.

6. We have carefully considered the comments filed in this proceeding and are of the opinion that some of the suggested changes have merit. These changes are incorporated in the rules adopted herein. We find that other suggested changes should not be adopted or should not be adopted entirely as suggested. ABC suggests that the term "RF" be used instead of "wireless" since radio frequency transmissions are no longer described as wireless transmissions in this country. The term "wireless microphone" is commonly applied to a microphone which employs radio frequency transmission instead of a microphone cable and is generally understood. We see no reason to attempt to introduce a new descriptive term in these rules since the present term appears to be adequate. ABC, CBS, and NBC are all of the view that the provision of § 4.437 which would identify these low power devices with a single studio or group of studios within a single building is too restrictive and that greater flexibility is needed to permit the efficient use of these devices. In order to carry out its functions in an orderly and expeditious manner, the Commission must be aware of the general location of all licensed radio transmitting apparatus at all times. Where portable or mobile apparatus is involved, the licensee must share this responsibility and be able to advise any representative of the Commission of the location of such apparatus at any time, and such apparatus shall be available for inspection by Commission representatives upon request. The proposal to identify these low power devices with a particular studio or building is a part of the "home base" concept usually applied to portable or mobile apparatus. However, in applying the "home base" concept to these devices we do not wish it to become so restrictive as to deprive the licensee of needed flexibility. Accordingly, the rules adopted herein will provide the required degree of flexibility and at the same time preserve the "home base" concept by permitting the apparatus to be used in any studio or other leased or owned premises in a given city, but will require that a central record be kept of the location of such devices at all times. Under this provision, notification need be given the Commission's Engineer in Charge only when the devices are to be operated in some other area, in which case such notification shall be given whenever the operation in another area will be for a period of more than one day. CBS has suggested that the use of these low power devices be permitted in all remote pickup bands rather than those proposed by the Commission, i. e., 26.10–26.48 and 450–451 Mc. The above bands were selected by the Commission because they are allocated exclusively for remote broadcast pickup operation. It is not considered desirable to permit these devices to operate without specific frequency assignments in those bands shared with other services. Furthermore, most of the apparatus in use today operates in the 26.10–26.48 Mc band. In the absence of a specific showing that the proposed bands are not adequate to meet the reasonable requirements of the broadcast industry, there appears to be no reason to provide additional frequency space for such operation. As to the suggestion by ABC that we do away with the requirement that a licensed operator of any kind be present at the place where these low power devices are being operated, the Commission is of the opinion that it has gone as far as possible by permitting these devices to be attended by a non-technical licensed operator. The sense of responsibility of the holder of an operator's license is expected to insure against abuses such as leaving these devices turned on when they are not in use or operation outside of the bands allocated for such operation. Should experience show that the non-technical operator is not capable of preventing such abuses, the Commission will consider the advisability of requiring attendance by a technically qualified operator. CBS has suggested that the identification announcement should include the call sign of the broadcast station with which the low-power broadcast auxiliary unit is licensed rather than the call sign of the broadcast station with which it is being used. One of the most important functions of station identification announcements is to facilitate the location of the source of radio signals. This becomes critical when interference develops and it is necessary to secure prompt termination of the offending operation. Whenever one of these units is being used with a broadcast station other than the licensee station either in the same city or in some other city, more rapid identification can be accomplished by knowing the call sign of the station with which the unit is being used and the place at which the unit is being operated. In the special case where a network originates a program which is not broadcast by the local station originating the program, it will be sufficient to identify the location of the unit and the local station responsible for the origination.

7. Authority for the issuance of the amendments adopted herein is contained in sections 4 (i), 303 (a), (b), (c), (e), (f), (g) and (r) of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered*, That effective September 5, 1958, Part 4 of the Commission's rules and regulations is amended as follows:

Add a new § 4.437 to Subpart D—Rules Governing Remote Pickup Broadcast Stations, as follows:

§ 4.437 *Special rules relating to low power broadcast auxiliary stations.* (a) The devices which will be licensed under this section are those which are normally intended to be operated over distances not in excess of a few hundred feet and will fall into two general categories: studio cueing transmitters and wireless microphones. Paragraphs (b) to (j) of this section will govern the licensing of such devices.

(b) A license for a low power broadcast auxiliary station will be issued only to the licensee of a standard, FM, or television broadcast station and for use with a specific station or combination of such broadcast stations within the same city. Such stations may be operated at other locations from time-to-time in accordance with the provisions of parargaph (f) of this section.

(c) The license of a low power broadcast auxiliary station authorizes the transmission of cues and orders to production personnel and participants in broadcast programs and in the preparation thereof, and the transmission of program material by means of a wireless microphone worn by a performer or other participant in a broadcast program during rehearsal and the actual performance. Such transmissions shall be intended for reception at a receiving point within the same studio, building, stadium, or similarly limited indoor or outdoor area.

(d) An application for a new low power broadcast auxiliary station or for a change in an existing authorization shall specify the broadcast station or combination of stations in the same city, as set forth in paragraph (b) of this section, with which it is to be used principally. A single application, filed on FCC Form 313, in duplicate, may be used in applying for authority to construct and operate one or more low power broadcast auxiliary transmitting units provided that such transmitting units are designed for operation in a common frequency band and will be normally operated with the same broadcast station or combination of stations in a single city.

(e) The operation of low power broadcast auxiliary stations will be authorized only in the bands 26.10–26.48 Mc and 450–451 Mc. Transmitting units may be operated on any frequency within the band of frequencies for which the station is licensed, provided that the emissions are confined to the authorized band. Transmitting units are not required to maintain a constancy of frequency beyond that necessary to insure compliance with the above requirement.

(f) A low power broadcast auxiliary station may be used in conjunction with broadcast stations of other licensees located in the same area as the broadcast station or stations with which it is licensed without further authority of the Commission, provided that such operation is conducted by the licensee of the low power broadcast auxiliary station. Low power broadcast auxiliary stations may also be operated in conjunction with broadcast stations of its licensee or other licensees in other locations provided that such operation is conducted by the licensee of the low power broadcast auxiliary station and provided further that if such operation is to be conducted over a consecutive period of more than one day, the Engineer in Charge of the radio district in which the low power broadcast auxiliary station is licensed and the Engineer in Charge of the radio district in which the operation is to be conducted

shall be notified in writing at least two days in advance of such operation and of the expected duration of the proposed operation.

(g) Low power broadcast auxiliary stations will not be licensed for a power input to the plate of the final radio frequency amplifier in excess of 1 watt and all operation thereof is subject to the condition that no harmful interference is caused to remote pickup broadcast base and mobile stations. Unusual transmitting antennas or antenna elevations shall not be used to extend the range of these low power devices beyond the limited areas defined in paragraph (c) of this section.

(h) No operator's license is required of the person actually using a low power broadcast auxiliary transmitting unit, provided that an operator holding any commercial radio operator license or permit, except an aircraft radiotelephone operator authorization or a temporary radiotelegraph second-class operator license, is on duty at the place where the transmitting unit is being operated to take immediate steps to correct any condition of improper operation observed. Any adjustments or repairs that could affect the proper operation of transmitting units shall be made by or under the immediate supervision of an operator holding a valid first or second-class radiotelephone license.

(i) Call signs will not be assigned to low power broadcast auxiliary stations. In lieu thereof, an announcement shall be made at the beginning and end of each period of operation at a single location, over the transmitting unit being operated, identifying the type of transmitting unit, its location, and the call sign of the broadcast station with which it is being used. Transmitting units will normally fall into one of two types: a cueing transmitter or a wireless microphone. A period of operation may consist of a continuous transmission or intermittent transmissions in connection with a single program.

(j) The licensee of each low power broadcast auxiliary station shall maintain adequate records at the main studio or transmitter of the broadcast station with which the auxiliary is principally used, which will accurately show the current location of all transmitting units, the periods of operation at such locations and any other pertinent remarks concerning transmissions.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: July 30, 1958.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6391; Filed, Aug. 8, 1958; 8:48 a. m.]

[Rules Amdt. 9-22]

[Docket No. 12400; FCC 58-791]

PART 9—AVIATION SERVICES

1. Notice of proposed rule making in the above-entitled matter was released by the Commission on April 21, 1958. That notice, which made provision for the filing of comments by May 23, 1958, was duly published in the FEDERAL REGISTER on April 24, 1958 (23 F. R. 2744).

2. Favorable comments in this proceeding were received from Aeronautical Radio, Inc., and the Civil Air Patrol.

3. In addition, the Commission has considered the resolution, adopted by the National Association of State Aviation Officials (NASAO) shortly before the issuance of rule making in this proceeding, recommending that any action by the Commission making the frequency 121.6 Mc available for search and rescue (SAR) communications be limited to an 18-month trial period to be followed by a survey of the effectiveness of that frequency for SAR purposes. In this connection, no specific provision is required in this rule making to permit the NASAO to conduct a survey at the end of an 18-month period, and, as a result of information developed by such survey, to request any change in the rules which may be appropriate.

4. In the light of the demonstrated requirement for communications between ground mobile stations and aircraft stations engaged in SAR operations, the public interest would be served by providing an additional frequency and establishing a new class of mobile station for the conduct of such communications.

5. In view of the foregoing: *It is ordered*, That pursuant to the authority contained in sections 303 (a), (b), (c), (g), and (r) of the Communications Act of 1934, as amended, Part 9 of the Commission's rules be amended, effective September 8, 1958, as set forth below, and

6. *It is further ordered*, That the proceedings in Docket 12400 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: July 31, 1958.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

Amend Part 9—Aviation Services as indicated below:

1. Amend § 9.3 by inserting the following definition in alphabetical order:

Aeronautical search and rescue mobile station. A mobile station used for communication with aircraft engaged in search and rescue operations.

2. Amend paragraph (a) of § 9.151 to read as follows:

§ 9.151 *Information required in station logs.* (a) All stations at fixed locations shall maintain logs showing hours of operation, frequencies used, stations with which communication was held, and hours of duty and signature of the operator(s) on duty.

3. Insert the following text in paragraph (d) of § 9.312:

(d) 8364 kilocycles: Frequency for use by lifeboats, liferafts and other survival craft for search and rescue communications with stations of the maritime mobile service.

4. Delete paragraphs (e), (f), and (g) of § 9.312 and substitute the following:

(e) 121.5 megacycles: This is a universal simplex emergency and distress frequency and will not be assigned to aircraft unless other frequencies are assigned and available for use to accommodate the normal communication needs of the aircraft. This frequency may be used by radio stations aboard aircraft for emergency direction finding purposes; to establish air-ground communications in emergencies; and for search and rescue operations by aircraft not equipped to transmit on 121.6 Mc.

(f) 121.6 megacycles: This frequency may be used by aircraft for air-to-air communications and air-to-ground communications with aeronautical search and rescue mobile stations when engaged in search and rescue operations.

(g) 121.7 and 121.9 megacycles: Airport utility frequencies.

5. Amend paragraph (a) of § 9.432 to read as follows:

§ 9.432 *Frequencies available.* (a) 121.5 megacycles: This is a universal simplex emergency and distress frequency for air-ground communications and will not be assigned unless other frequencies are assigned and available for use to accommodate normal communications needs.

6. Add a new Subpart W to read as follows:

SUBPART W—AERONAUTICAL SEARCH AND RESCUE MOBILE STATIONS

Sec.
9.1301 Frequency available.
9.1302 Scope of service.

AUTHORITY: §§ 9.1301 and 9.1302 issued under sec. 4, 48 Stat. 1068, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

§ 9.1301 *Frequency available.* The frequency 121.6 megacycles is available for use by aeronautical search and rescue mobile stations.

§ 9.1302 *Scope of service.* Aeronautical search and rescue mobile stations shall be used only for communications with aircraft engaged in search and rescue operations.

[F. R. Doc. 58-6392; Filed, Aug. 8, 1958; 8:48 a. m.]

[Rules Amdt. 12-6 & 19 Rev.]

[Docket No. 11994; FCC 58-706]

PART 12—AMATEUR RADIO SERVICE

PART 19—CITIZENS RADIO SERVICE

MISCELLANEOUS AMENDMENTS

1. *Introduction.* The Commission adopted on April 3, 1957, a notice of proposed rule making in the above-entitled matter which was published in the FEDERAL REGISTER on April 16, 1957 (22 F. R. 2606). Ample opportunity was afforded interested persons to submit comments in support of or in opposition to the rule amendments proposed and the time for filing such comments has now expired.

On April 16, 1958, the Commission adopted a first report and order in this proceeding which was published in the FEDERAL REGISTER on April 24, 1958 (23 F. R. 2737). This first report and order adopted certain of the proposed changes which were designed to promote more efficient administration of the service and eligibility therein, and deferred to a later date consideration of those proposed rule changes which might affect frequency availability or technical standards.

Numerous comments, ranging from detailed multi-page documents to single-page letters and postcards, were filed in this proceeding by individual users, by organizations representing large numbers of users, by manufacturers of equipment, and by other interested parties. Due to the large number, it is not feasible to list here all such comments nor to discuss the positions of all interested parties. Nevertheless, all comments have been carefully read, considered, and given appropriate weight by the Commission in the disposition of the issues involved in this proceeding.[1] Some comments contained suggestions and proposals which go beyond the scope of this proceeding; however, those portions of such comments pertinent to the issues involved were fully considered. Parties who wish further consideration of any such suggestion or proposal should file formal petitions for rule making in accordance with the provisions of § 1.202 of the Commission's rules.

It should be noted that the only reallocation of frequencies proposed in this proceeding was the reallocation of frequencies in the range 26.96–27.23 Mc from the Amateur Radio Service to the Citizens Radio Service. The proposal to reallocate 1 Mc of the band 460–470 Mc to the Domestic Public Radio Service will be considered in the proceedings contained in Docket No. 11959.[2] The proposal to reallocate other frequencies in the 460–470 Mc band to the Industrial Radio Services has been considered and decided by the Commission in its First Report and Order in Docket 11991 (FCC 58-802, released June 23, 1958) and that decision and its effects on this proceeding will be further discussed elsewhere in this document.

In brief, this second report and order:

(a) Makes frequencies in the frequency band 26.96–27.23 Mc available to the Citizens Radio Service, and deletes their availability to the Amateur Radio Service;

(b) Limits the maximum permissible plate input DC power of citizens radio stations operating in the band 26.96–27.23 Mc to 5 watts;

(c) Establishes a new Class D citizens radio station, to be operated on specified frequencies in the 26.96–27.23 Mc band with radiotelephony, in lieu of adding those frequencies to those available to Class A stations;

(d) Provides for "type-acceptance" rather than "type-approval" of equipment to be used by Class A citizens radio stations;

(e) Provides for the assignment of specific frequencies to Class A citizens radio stations, in those portions of the frequency band 460–470 Mc remaining available for their use;

(f) Provides for the operation of Class C and Class D citizens radio stations on any of the "available" frequencies in the 26.96–27.28 Mc band in lieu of the assignment of single frequencies in that band to individual stations;

(g) Retains Class B citizens radio stations in substantially their present form, but reduces the maximum authorized power of such stations from ten watts to five watts and applies slightly more strict technical restrictions to such stations operating with over three watts power, while permitting the emissions of such Class B stations to appear on frequencies in the range 462.525–467.475 Mc which is otherwise shared, in part, by stations in the Industrial Radio Services. In addition, provision is made for Class B stations utilizing equipment which meets the technical standards applicable to Class A stations, but with plate input power ratings of five watts or less, to be operated at the discretion of the licensee on certain frequencies which would otherwise be available only to Class A stations.

(h) Completely revises Part 19 of the Commission's rules, governing the Citizens Radio Service, to incorporate proposed procedural and other changes, and to incorporate amendments to those rules previously adopted in this and other proceedings since this revision was proposed.

2. *Reallocation of frequencies in the range 26.96–27.23 Mc.* The notice of proposed rule making in this proceeding recognized a need for additional spectrum space for personal use by any individual, especially those persons now holding authorizations for Class A stations in the Citizens Radio Service who will not be able to establish eligibility in any of the Industrial or Land Transportation Radio Services, as well as a substantial need for additional frequencies in the 27 Mc range for use in the remote control of such objects or devices as model aircraft. Accordingly, it was proposed to reallocate frequencies in the band 26.96–27.23 Mc from the Amateur Radio Service to the Citizens Radio Service for use by Class A stations for general purposes and, in addition, provide certain other frequencies to Class C stations exclusively for the purposes of remote control. The Commission stated that this reallocation appeared appropriate because the frequencies in this band are a part of a larger frequency band within which interference may normally be expected and must be accepted from industrial, scientific and medical (ISM) devices and because, as a result of the foregoing, only limited use of this band has been made by the amateurs. In addition, it was pointed out that amateurs, as individuals, would be able to obtain licenses in the Citizens Radio Service for either radio control or voice communication in this band.

In connection with this proposal, the Commission received a very large number of comments from both individual amateurs and modelers, as well as clubs and organizations representing persons active in each of these hobbies. In general, it may be said that all but a few comments from modelers enthusiastically supported the proposal and most of those from persons who are both amateurs and modelers also supported the reallocation. Most of the comments from other amateurs were in complete opposition to any use by the Citizens Radio Service of frequencies in this band. However, a substantial number suggested that the band be shared by the Amateur and Citizens Radio Services. A few amateurs suggested that other amateur frequencies be substituted in lieu of those proposed, or concurred in the proposed reallocation.

Typical of the reasons set forth by the amateurs opposing deletion of the availability of frequencies in the 26.96–27.23 Mc range to the Amateur Radio Service are:

(a) The adoption of the Commission's proposal would constitute a derogation of the Atlantic City Radio Regulations to which the United States is a signatory nation.

(b) This band is the only one in the lower frequency ranges open to the amateurs where the Commission permits certain types of emissions and operations, and accordingly where the amateurs may engage in experimentation in facsimile, continuous carrier, and duplex operations.

(c) The characteristics which make these frequencies particularly good for long-range and international communications will cause too much interference and "skip", and prevent the widespread use of this band for short-range communications and remote control.

(d) The recent non-use of this band by amateurs is due to cyclical "sun spots."

(e) Other amateur bands are overcrowded, the service is expanding at a rapid rate, and the 26.96–27.23 Mc band is the only area left for expansion.

(f) The fact that an amateur might obtain a Citizens Radio Service authorization is not an adequate substitute because some amateurs could not meet the age requirements of that service, and in addition, amateurs would not be permitted to make their own adjustments to a citizens radio station.

On the other hand, the modelers point out their dire and immediate need for additional frequencies, stating that the situation has been aggravated by recent authorizations of high-powered stations in other radio services on the frequency 27.255 Mc for such purposes as traffic controls and remote radio paging. They further state that the use of frequencies in the 26.96–27.23 Mc band for control of models is feasible and is similiar to al-

[1] Included in those comments considered is that of Wells-Gardner & Co. and, accordingly, its petition for acceptance of late comments filed on February 14, 1958 is granted.

[2] Pending the outcome of the proceedings in Docket No. 11959, the frequencies proposed to be reallocated to Domestic Public Radio Service will continue to be available to the Citizens Radio Service.

location practices found practical by other governments.[3]

The Commission is well aware of the history of the Amateur Radio Service in the development of the radio art and in providing a springboard of interest for future engineers and scientists. However, it must also be remembered that the remote control of models fosters a similar interest in young people and is a hobby in which many young people are able to participate. The Commission is aware of the Amateur's outstanding record of assistance in local and national disasters. The Commission also recognizes that the Amateur Radio Service is a rapidly expanding service, but then, so is the number of persons engaged in the remote control of models expanding at an ever-increasing rate.

While both amateurs and modelers suggest that spot frequencies located in different portions of the spectrum might be more desirable for remote control, such allocations are simply not possible at this time with the present scarcity of spectrum space.

In addition to filling the need for additional frequencies for remote control purposes, the proposed reallocation would also fill an urgent need for additional frequencies for voice communications by persons who will be unable to establish their eligibility in any of the Land Transportation or Industrial Radio Services. Although the Commission may have originally underestimated the use of the 26.96–27.23 Mc band by amateurs, the use of that band is still considerably less than in other bands available to the amateurs, a fact which is admitted by many amateurs and established by monitoring observations of the Commission.

As to whether the proposed reallocation would be in derogation of the Atlantic City Radio Regulations, the Commission considers that no derogation is involved. The primary world-wide allocation of that frequency band is to the Fixed and Mobile Services and the footnote permitting its use by amateurs is merely permissive. Therefore, the reallocation ordered herein and in the companion proceeding in Docket No. 11959 from the Amateur Radio Service to the Citizens Radio Service is not in derogation of the Regulations.

As stated above, the 26.96–27.23 Mc band is a part of a larger band in which interference may normally be expected from ISM devices. Most of the reasons presented in opposition to be proposed reallocation of that band to the Citizens Radio Service were based upon potential use of this band in the future by the Amateur Radio Service instead of actual need or existing use of the band. Monitoring records indicate that this band is not heavily used by the Amateur Radio Service, due obviously to the interference hazard presented by the operation of ISM devices on 27.12 Mc and also due to the proximity of the more desirable 10-meter exclusive amateur band. The Commission feels that substantially greater use can be made of this band by the Citizens Radio Service and that the loss to the Amateur Radio Service is negligible. While it is true that certain operations have been possible in this band which were not permitted on lower frequencies available to the Amateur Radio Service, such operations are still possible on frequencies above 51 Mc and frequencies in those ranges appear to be coming into even greater usage by the amateurs than the band here under consideration. Although the Commission realizes that, in many cases, an authorization in the Citizens Radio Service may not be an adequate substitute for the privileges lost in this band; nevertheless, the Commission finds that public interest, convenience and necessity requires the reallocation of the 26.96–27.23 Mc band to the Citizens Radio Service for the purposes proposed. The recommendation that this band be shared by the two services involved is not adopted, since that action would be inconsistent with the Commission's position in international affairs regarding the shared use of amateur bands.

The Commission had proposed that the frequencies in this band, which would be available for voice communications, be assigned to Class A citizens radio stations, but inasmuch as the frequencies normally assigned to Class A stations are in a different frequency band (460–470 Mc) and different technical standards would be applicable to equipment operating in each of these bands, the Commission has decided to create a new Class D citizens radio station. The new Class D station will embody all of the proposals with respect to the operation of Class A stations in the 26.96–27.23 Mc band for radiotelephony, except that instead of being assigned a single frequency, each Class D station may operate on any of the specific frequencies available to Class D stations in that range.

3. *First report and order in Docket 11991 and its effect on this proceeding.* The notice of proposed rule making in the proceedings contained in Docket 11991 (FCC 57–356, released April 9, 1957) proposed that the 461–464.75 and 465.275–470 Mc segments of the 460–470 Mc band be reallocated from the Citizens Radio Service to the Industrial Radio Services. However, the Commission in its first report and order in that matter (FCC 58–602) released June 23, 1958, in Paragraph 9, stated:

9. Based upon the foregoing considerations, the Commission makes the following disposition of its proposals for the 460–470 Mc band:

a. A total of 6.550 megacycles (as opposed to the proposed 8.450 megacycles) is reallocated for use in the Industrial services. These 6.550 megacycles are comprised of the 461–462.525, 463.225–464.725 and 466.475–470 portions of the band.

b. As proposed, a total of 0.550 megacycles (consisting of the 464.725–465.275 Mc portion) of the band is being retained for use in the Citizens Radio Service.

c. With respect to a total of 1.900 megacycles (consisting of the 462.525–463.225 and 465.275–466.475 portions) of the band, the Commission is withholding a final determination at this time. Pending greater crystallization of the [illegible] pressed and anticipated needs for [illegible] and mobile operations in the frequency range 460–470 Mc, these 1.9 megacycles will continue to be allocated to the Citizens Radio Service for use therein. Until further disposition is made of this spectrum no licensee on the frequencies involved will be required to vacate as a direct result of actions taken herein. With respect to the 1.9 megacycles, it should be noted that there is an approximate 6-megacycle span between the two blocks of frequencies. This spacing will permit the Commission to provide as many as fourteen pairs of frequencies for duplex operation and an additional ten frequencies for simplex-only operation, and will thus allow the Commission considerable flexibility in the eventual disposition of the space involved.

d. In connection with all of the foregoing, Class B citizens stations will be permitted, at least for the time being, to operate within the 462.525–467.475 portion of the band subject to no interference-protection from other Class B stations, from Class A citizens stations operating in any portion of the 460–470 Mc band, or from any station authorized to use a frequency in the 460–470 Mc band in the Industrial Radio Services. To lessen the probability of harmful interference being caused by Class B stations, their permissible power is being reduced to 5 watts input to the final radio frequency stage. This reduction will have only limited practical effect upon existing users and manufacturers since virtually all Class B equipment being sold or used at the present time already conforms to the new requirement. Manufacturers of Class B equipment are cautioned that the range of occupancy provided for by this Report and Order cannot be guaranteed on a permanent basis and that future developments may require a reduction to the limits originally proposed in this proceeding. Meanwhile, it may be possible for such manufacturers to design equipment capable of meeting these limits at prices attractive to the market.

4. *Class A stations.* The proposals specifically concerned with Class A stations are adopted substantially as proposed except, as noted above, the frequencies in the 26.96–27.23 Mc band to be used for voice communications will be available to the newly created Class D stations rather than Class A stations, as proposed. Additional frequencies will be available for the time being for assignment to Class A stations as a result of the Commission's action in Docket No. 11991 discussed in Item 3 of this order. Also, pending the outcome of the proceedings in Docket No. 11959, frequencies within the 1 Mc (460–461 Mc) band proposed to be reallocated to the Domestic Public Radio Service will continue to be available for assignment to Class A stations. Present licensees of Class A stations operating on frequencies which have been reallocated to the Industrial Radio Services may continue to operate on those frequencies (subject to timely renewal applications) until June 15, 1963; however, the actual frequencies will be specified in all renewals issued after the effective date of this action.

The adoption of the proposed technical standards, necessary in order to assign specific frequencies at a 50 kc spacing, will apparently not cause any undue hardship since it appears that the equipment now being manufactured and presently in use, for the most part, already meets the new technical standards. None of the comments received were specifically either in support of or in opposition to the Commission's proposal to provide for "type-acceptance" rather than "type-approval" of equipment for use by Class A stations, and that proposal is herewith adopted.

Comments from both the Electronics Industrial Association (EIA) and the Electronic Protection, Inc. suggested that Class A stations be permitted to employ any desired emission. The rules as proposed and adopted provide specifically only for radiotelephony; however, they do not prohibit other types of emission but merely provide that such other types of emission will be authorized only upon a showing of a need therefor. The only inherent restriction (other than a showing of need) placed on such other types of emission by Class A stations is that the equipment must comply with all other technical standards applicable to Class A stations.

The suggestion of EIA that the deviation of Class A stations be limited to ±10 kc when using frequency modulation and that a "roll-off filter" after the modulator be required is not adopted, because the Commission believes such stringent technical requirements are unnecessary at this time in this service. In fact, in other services utilizing comparable frequencies, only the "roll-off filter" is required; the deviation in these services is only limited to ±15 kc, which same limitation was proposed and is now adopted in this service.

5. *Class B stations.* Because of the action taken in its First Report and Order in Docket No. 11991 (see Item 3, supra), the Commission is not adopting its proposals with respect to Class B stations. Instead, the present rules will remain substantially in effect with respect to Class B stations operating with 3 watts, or less input power on the frequency 465 Mc. The maximum permissible power of any Class B station will be 5 watts, and in the case of Class B stations operating with from 3 to 5 watts input power, the new frequency tolerance will be 0.3 percent. In addition, as a special concession to Class B stations employing equipment which complies with the technical standards applicable to Class A stations, but which are mobile stations with not more than 5 watts input power, they will be permitted to be operated on certain specified frequencies which are otherwise available only to Class A stations and to shift among such frequencies without prior Commission approval.

The detailed comments of the Vocaline Company of America, Inc., were extensively discussed in the First Report and Order in Docket No. 11991 and need not be repeated here. The action taken herein further renders moot the comments or proposals with respect to Class B stations made by the Citizen-Ship Radio Corp., Wells-Gardner & Co., Babcock Models, Inc., Z & W Manufacturing Corp., and Electronic Protection, Inc.

6. *Class C stations.* The rules pertaining to Class C stations, as adopted herewith, provide that the maximum permissible power shall be five watts, except in the case of Class C stations operating on the frequency 27.255 Mc in which case the maximum permissible power shall be 30 watts. The request of the Stromberg-Carlson Company that the frequency 26.995 Mc be made available for Class C stations with 30 watts power must be denied, although it should be noted that the paging systems represented by the Stromberg-Carlson comment can also be operated with that power in other services where four other frequencies are also available in the 27.23–27.28 Mc range. The higher power for Class C stations on the frequency 27.255 Mc is permitted on the basis that other services already have authorized the use of even higher power on that frequency and its use by Class C stations operating with 30 watts will not substantially increase the interference. Conversely, the use of 30 watts power on the frequency 26.995 Mc, even though intermittent, would appear to substantially increase the interference potentialities on that frequency and to materially lessen its value for the purposes of remote control of objects or devices.

The Commission has reconsidered its proposed tolerance requirements and has concluded that some modification thereof is necessary. The proposal was to permit a tolerance of ±.01 percent for Class C stations employing 5 watts, or less, power. However, if this were permitted, the authorized bandwidth plus tolerance would exceed the 10 kc spacing of frequencies available to Class C stations. While this would create no problem with respect to Class C stations employing 3 watts, or less, power for the remote control of objects or devices, the Commission feels that it would create undue interference when used by Class C stations employing over 3 watts power or being used for the remote actuation of devices which are used solely as a means of attracting attention. Accordingly, the rules, as adopted, provide for a tolerance of 0.005 percent for all Class C stations, except that stations of 3 watts or less plate power, which are used for the remote control of objects or devices other than devices used as a means of attracting attention are permitted a tolerance of 0.01 percent.

In order to insure flexibility at model shows or meets, the Commission is not adopting its proposal to assign a specific frequency to Class C stations but, instead, is providing that a Class C station may operate on any of the frequencies available to that class.

The EIA request that F3 emission be permitted in the 26.96–27.23 Mc band and on the frequency 27.255 Mc is denied both with respect to Class C and Class D stations as inconsistent with the 10 kc spacing of frequencies in this range, since no information was submitted which could lead the Commission to believe that satisfactory communications can be accomplished with type F3 emission when limited to a bandwidth less than 10 kc.

The Stromberg-Carlson Company expressed concern that no specific provision is made for Class C base stations, stating that a base station is necessary for the operation of its paging systems. The classification of all Class C stations, as well as all Class B and D stations, as mobile stations is done for convenience and the rules specifically provide that such stations may be operated at fixed locations. However, a permanently installed antenna for use with a Class B, C, or D station shall not exceed 20 feet in height above an existing structure and the distance of the antenna from the transmitter shall not exceed 25 feet. Stromberg-Carlson also suggested that Class C stations used to remotely control devices which are used solely as a means of attracting attention be exempted from the requirements of station identification and that suggestion is herewith adopted. The suggestion of Stromberg-Carlson that a definition of "signaling communication" be added to the rules is not adopted as it is unnecessary.

Several suggestions were received that the age limit be lowered from 18 years of age, inasmuch as many persons below that age are interested in model control but cannot use radio for that purpose except by stations licensed to their parents. The Commission concludes that in order to encourage the youth of the United States to participate in this worthy hobby, the required age for eligibility to hold a Class C citizens radio station license only will be lowered to 12 years.

The Commission proposed, and by its first report and order in this proceeding amended Part 19, to provide that applications for Class A, Class B, and Class C stations employing non-crystal controlled equipment be submitted to its Washington, D. C. offices. Applications for Class C stations using crystal controlled equipment presently may be submitted at one of the Commission's field offices. The Commission upon reconsideration has decided that the orderly administration of the Citizens Radio Service requires all applications for any class of citizens radio station be submitted to its Washington, D. C., office, and the rules as amended hereby so provide.

7. *General.* With respect to the complete revision of Part 19, certain minor editorial modifications from the original proposal have been made for the purposes of clarification. Thus, the section dealing with definitions has been broken down into categories dealing with subject matter to facilitate finding the desired definition. Certain rule amendments adopted by the Commission in its First Report and Order in this proceeding have been renumbered so that the amendments appear in a more appropriate order in the revision.

In order to receive all the information necessary for the administration of the Citizens Radio Service and to issue an authorization therein, it has been necessary to revise the present FCC Form 505, "Application for Citizens Radio Sta-

[3] For example: It is understood that in England six frequencies for the remote control of model aircraft and five frequencies for the remote control of model boats have been allocated within the band 26.96–27.28 Mc.

tion Construction Permit and License." The revised FCC Form 505, "Application for Citizens Radio License" will be used when regularly applying for any citizens radio station authorization, including renewal and modification thereof.

The complete revision of Part 19, as set forth below also incorporates all amendments to Part 19, initiated and adopted subsequent to the issuance of the notice of proposed rule making in this proceeding.

8. *Pending petitions.* Considered herein to the extent they were pertinent to the instant proceeding were the following petitions: Petition of the Academy of Model Aeronautics, filed on January 23, 1957; Petition for the Deletion of the Citizens Radio Service in the 460–470 Mc band of Motorola, Inc., filed on April 30, 1958; Opposition to Petition of Motorola, Inc. to Delete Entire Citizens Radio Service (Docket No. 11994) and Petition for Termination of Proceedings of the Vocaline Company of America, Inc., filed on May 28, 1958; Opposition of American Telephone and Telegraph Company to Petition of Vocaline Company of America, Inc. for Termination of Proceedings, filed on June 16, 1958; and Petition of Electronic Industries Association, filed on July 10, 1958.

9. *Conclusion and order.* Upon consideration of all of the comments filed herein and of all other matters relevant to this proceeding, the Commission concludes that the amendments outlined above and set forth below will materially serve the public interest, convenience and necessity. The authority for such amendments is contained in section 4 (i) and 303 of the Communications Act of 1934, as amended.

In view of the foregoing: *It is ordered*, This 31st day of July 1958, That effective September 11, 1958, Parts 12 and 19 of the Commission's rules are hereby amended, in the manner set forth below. *It is further ordered*, That the petitions identified in Item 8 hereof are granted to the extent that such action is consistent with other actions taken herein, and in all other respects are denied.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: August 4, 1958

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

I. Amend Part 12—Amateur Radio Service as follows:

1. Delete paragraph (f) of § 12.111 and substitute the following:

(f) [Reserved.]

2. Amend § 12.134 to read as follows:

§ 12.134 *Modulation of carrier wave.* Except for brief tests or adjustments, an amateur radiotelephone station shall not emit a carrier wave on frequencies below 51 megacycles unless modulated for the purpose of communication.

II. Revise Part 19—Citizens Radio Service to read as follows:

Subpart A—General

Sec.
19.1 Basis and purpose.
19.2 Definitions.
19.3 Policy governing the assignment of frequencies.
19.4 General citizenship restrictions.

Subpart B—Applications and Licenses

19.11 Station authorization required.
19.12 Eligibility for station license.
19.13 Filing of applications.
19.14 Who may sign applications.
19.15 Standard forms to be used.
19.16 Amendment or dismissal of application.
19.17 Transfer of license prohibited.
19.21 Defective applications.
19.22 Partial grant.
19.23 License period.
19.24 Changes in authorized stations.
19.25 Limitation in antenna structures.

Subpart C—Technical Regulations

19.31 Frequencies available.
19.32 Station power.
19.33 Frequency tolerance.
19.34 Types of emission.
19.35 Emission limitations.
19.36 Modulation limitations.
19.41 Technical measurements.
19.42 Acceptability of transmitters for licensing.
19.43 Type acceptance of equipment.
19.44 Submission of Class B and non-crystal controlled Class C or Class D station equipment for type approval.
19.45 Type approval of receiver-transmitter combinations.
19.51 Minimum equipment specifications.
19.52 Test procedure.
19.53 Certificate of type approval.
19.54 Acceptance of composite equipment.

Subpart D—Station Operating Requirements

19.61 Permissible communications.
19.62 Station identification.
19.63 Remote control.
19.64 Suspension of transmission required.
19.71 Operator requirements.
19.72 Posting of station licenses.
19.73 Inspection of stations.
19.74 Inspection and maintenance of tower marking and associated control equipment.
19.81 Answers to notices of violations.
19.82 Recording of tower light inspections.
19.83 False signals.
19.91 Station locations.
19.92 Control of transmitters.
19.93 Civil defense communications.

Subpart E—CONELRAD

19.101 Scope and objective.
19.102 Alerting.
19.103 Operation during a CONELRAD Radio Alert.
10.104 Special conditions.
19.105 Radio All Clear.
19.106 Tests.
19.107 Record entries.

AUTHORITY: §§ 19.1 to 19.107 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

SUBPART A—GENERAL

§ 19.1 *Basis and purpose.* The rules and regulations set forth in this part are issued pursuant to the provisions of Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations. The rules in this part are designed to provide for private short-distance radiocommunications, radio signaling, and the control of remote objects or devices by means of radio, and to provide procedures whereby manufacturers of radio equipment to be used or operated in the Citizens Radio Service may obtain type acceptance and/or type approval of such equipment as may be appropriate.

§ 19.2 *Definitions.* For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter.

(a) Definitions of services.

Base station. A land station in the land mobile service carrying on a service with land mobile stations.

Citizens Radio Service. A radio communications service of fixed, land, and mobile stations intended for personal or business radiocommunication, radio signalling, control of remote objects or devices by means of radio, and other purposes not specifically prohibited in this part.

Fixed service. A service of radiocommunication between specified fixed points.

Mobile service. A service of radiocommunication between mobile and land stations or between mobile stations.

(b) Definitions of stations.

Class A citizens radio station. A station in the Citizens Radio Service operating on an assigned frequency available to that service in the 460–470 Mc frequency band, with an authorized plate input power of 60 watts or less. (Class A stations are authorized to be operated as mobile stations, as base stations, or as fixed stations.)

Class B citizens radio station. A mobile station in the Citizens Radio Service operating on an authorized frequency available to that service in the 460–470 Mc frequency band, with an authorized plate input power of 5 watts or less. (Class B stations are authorized to be operated as mobile stations only; however, they may be operated at fixed locations in accordance with other provisions of this part.)

Class C citizens radio station. A mobile station in the Citizens Radio Service operating on an authorized frequency in the 26.96–27.23 Mc frequency band, or on the frequency 27.255 Mc, for the remote control of objects or devices by radio, or for the remote actuation of devices which are used solely as a means of attracting attention. (Class C stations are authorized to operate as mobile stations only; however, they may be operated at fixed locations in accordance with other provisions of this part.)

Class D citizens radio station. A mobile station in the Citizens Radio Service operating on an authorized frequency in the 26.96–27.23 Mc frequency band with an authorized plate input power of 5 watts or less for radiotelephony only. (Class D stations are authorized to operate as mobile stations only; however, they may be operated at fixed locations in accordance with other provisions of this part.)

Fixed station. A station in the fixed service.

Land station. A station in the mobile service not intended for operation while in motion. (Of the various types of land stations, only the base station is pertinent to this part.)

Mobile station. A station in the mobile service intended to be used while in motion or during halts at unspecified points. (For the purposes of this part, the term includes hand-carried and neck-carried units.)

(c) Miscellaneous definitions.

Antenna structure. The term "antenna structure" includes the radiating system, its supporting structures, and any surmounting appurtenances.

Assigned frequency. The frequency appearing on a station authorization, from which the carrier frequency may deviate by an amount not to exceed that permitted by the frequency tolerance.

Authorized bandwidth. The maximum width of the band of frequencies, as specified in the authorization, to be occupied by an emission.

Bandwidth occupied by an omission. The band of frequencies comprising 99 percent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25% of the total radiated power.

Harmful interference. Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service, or obstructs or repeatedly interrupts a radio service operating in accordance with applicable laws, treaties, and regulations.

Landing area. A landing area means any locality, either of land or water, including airports and intermediate landing fields, which is used or approved for use for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

Station authorization. Any construction permit, license, or special temporary authorization issued by the Commission.

§ 19.3 *Policy governing the assignment of frequencies.* (a) The frequencies which may be assigned to Class A stations in the Citizens Radio Service, and the frequencies which are available for use by Class B, C, or D stations, are listed in Subpart C. All applicants for, and licensees of, stations in this service shall cooperate in the selection and use of the frequencies assigned or authorized, in order to minimize interference and thereby obtain the most effective use of the authorized facilities. Each frequency available for assignment to, or use by, stations in this service is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant; such use may also be restricted to one or more specified geographical areas.

(b) In no case will more than one frequency be assigned to Class A stations for the use of a single applicant in any given area until it has been demonstrated conclusively to the Commission that the asignment of an additional frequency is essential to the operation proposed.

§ 19.4 *General citizenship restrictions.* A station license may not be granted to or held by:

(a) Any alien or the representative of any alien;

(b) Any foreign government or the representative thereof;

(c) Any corporation organized under the laws of any foreign government;

(d) Any corporation of which any officer or director is an alien;

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representative thereof; or any corporation organized under the laws of a foreign country;

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representatives thereof; or any corporation organized under the laws of a foreign government, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

SUBPART B—APPLICATIONS AND LICENSES

§ 19.11 *Station authorization required.* No radio station shall be operated in the Citizens Radio Service except under and in accordance with an authorization granted by the Federal Communications Commission.

§ 19.12 *Eligibility for station license.* Subject to the general restrictions of § 19.4, any person is eligible to hold authorizations to operate stations in the Citizens Radio Service: *Provided*, That if the applicant for a Class A, Class B, or Class D station authorization is an individual or partnership, such individual or each partner is eighteen or more years of age; or if the applicant for a Class C station authorization is an individual or partnership, such individual or each partner is twelve or more years of age: *And provided further*, That not more than one person shall be eligible as licensee of the same transmitting equipment.

NOTE: While the basis of eligibility in this service includes any state, territorial or local governmental entity or any organization or association operating by the authority of such governmental entity, including any duly authorized state, territorial or local civil defense organization, it should be noted that the frequencies available to stations in this service are shared without distinction between all licensees and that during periods of normal operation no protection can be afforded to the communications of any station in this service, even when involving the protection of life or property, from interference which may be caused by the operation of other authorized stations.

§ 19.13 *Filing of applications.* (a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Citizens Radio Service are discussed in § 19.15 and may be obtained from the Washington 25, D. C., office of the Commission, or from any of its engineering field offices.

(b) An application for any class citizens radio station authorization and all correspondence relating thereto shall be submitted to the Commission's office at Washington 25, D. C., and should be directed to the attention of the Secretary. Applications involving Class C or Class D station equipment which is neither type approved nor crystal controlled, whether of commercial or home construction, shall be accompanied by supplemental data describing in detail the design and construction of the transmitter and the methods employed in testing it to determine compliance with the technical requirements set forth elsewhere in this part.

(c) Unless otherwise specified, an application shall be filed at least sixty days prior to the date on which it is desired that Commission action thereon be completed. In any case where the applicant has made timely and sufficient application for renewal of license, in accordance with the Commission's rules, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(d) Failure on the part of the applicant to provide all the information required by the application form, or to supply the necessary exhibits or supplementary statements may constitute a defect in the application.

§ 19.14 *Who may sign applications.* The application for an authorization shall be signed under oath or affirmation by the applicant if the applicant be an individual, by any one of the partners if an applicant be a partnership, by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association: *Provided, however*, That applications may be signed by the attorney for an applicant in case of physical disability of the applicant or his absence from the continental United States. If it be made by a person other than the applicant, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant.

§ 19.15 *Standard forms to be used—*(a) *FCC Form 505, Application for Citizens Radio License.* This form shall be used when:

(1) Application is made for a new Class A base station or fixed station authorization. Separate applications shall be submitted for each proposed base or fixed station at different fixed locations; however, all equipment intended to be operated at a single fixed location is considered to be one station which may, if necessary, be classed as both a base station and a fixed station.

(2) Application is made for a new Class A, Class B, Class C, or Class D station authorization for any required number of mobile units, including hand-carried and pack-carried units) to be operated as a group in a single radiocommunication system. Separate application shall be submitted for each proposed Class A, Class B, Class C, or Class D mobile station; however, an application for Class A authorization for mobile units may be combined with the application for a single Class A base station authorization when such mobile units are to be operated with that base station only.

(3) Application is made for station license of any Class A base station or fixed station upon completion of construction or installation in accordance with the terms and conditions set forth in any construction permit required to be issued for that station.

(4) Application is made for modification of any existing Class A, Class B, Class C, or Class D station authorization in those cases where prior Commission approval of certain changes is necessary (see § 19.24).

(5) Application is made for renewal of an existing station authorization, or for reinstatement of an expired authorization.

(b) *FCC Form 401–A, Description of Proposed Antenna Structure.* This form shall be submitted in triplicate when specifically requested by the Commission in a particular case. Situations in which FCC Form 401–A may be required include, but are not necessarily limited to, the following:

(1) Where the antenna structure proposed to be erected will exceed an overall height of 170 feet above ground level, or

(2) Where the antenna structure proposed to be erected will exceed an overall height of one foot above the established airport (landing area) elevation for each 200 feet of distance or fraction thereof from the nearest boundary of any such landing area.

§ 19.16 *Amendment or dismissal of application.* (a) Any application may be amended upon request of the applicant as a matter of right prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed, subscribed and submitted in the same manner and with the same number of copies as required for the original application.

(b) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the time the application is granted or designated for hearing.

§ 19.17 *Transfer of license prohibited.* A station authorization in the Citizens Radio Service may not be transferred or assigned. In lieu of such transfer or assignment, an application for new station authorization shall be filed in each case, and the previous authorization shall be forwarded to the Commission for cancellation.

§ 19.21 *Defective applications.* (a) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(b) When an application is considered to be incomplete or defective, such application will be returned to the applicant, unless the Commission may otherwise direct. The reason for return of the applications will be indicated, and if appropriate, necessary additions or corrections will be suggested.

§ 19.22 *Partial grant.* Where the Commission, without a hearing, grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made, or from its effective date if a later date is specified, file with the Commission a written request, rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and, if necessary, set the application for hearing.

§ 19.23 *License period.* Unless otherwise stated in the authorization, licenses for all stations in the Citizens Radio Service will normally be issued for a term of five years from the date of original issuance, renewal or modification.

§ 19.24 *Changes in authorized stations.* Authority for certain changes in authorized stations must be obtained from the Commission before the changes are made, while other changes do not require prior Commission approval. The following paragraphs describe the conditions under which prior Commission approval is or is not necessary.

(a) Proposed changes which will result in operation inconsistent with any of the terms of the current authorization require that an application for modification of license be submitted to the Commission. Application for modification shall be submitted in the same manner as an application for a new station on FCC Form 505, and the licensee shall forward his existing authorization to the Commission for cancellation immediately upon receipt of the superseding authorization. Any of the following changes to the authorized stations may be made only upon approval by the Commission:

(1) Change the permanent address of the station licensee.

(2) Change the presently authorized location of a fixed transmitter or control point.

(3) Move, change the height of, or erect an antenna structure of the type which requires prior approval from the Commission as set forth in § 19.25 of this part.

(4) Increase the overall number of transmitters authorized.

(5) Make changes of any nature which may affect the operational characteristics of the transmitting equipment.

(6) Addition or deletion of control point(s) for presently authorized transmitter.

(7) Change or increase in the area of operation of a Class A station.

(8) Change the operating frequency of a Class A station.

(b) Proposed changes which will not depart from any of the terms of the outstanding authorization for the station involved may be made without prior Commission approval. Included in such changes is the substitution of various makes of transmitting equipment at any station provided that the particular equipment to be installed as included in the Commission's "Radio Equipment List, Part C", or, in the case of a Class C or Class D station using crystal control, the substitute equipment is crystal controlled; and provided the substitute equipment employs the same type of emission and does not exceed the frequency tolerance and power limitations prescribed for the particular class of station involved.

§ 19.25 *Limitation on antenna structures.* (a) No new antenna or antenna structures shall be erected for use by any station licensed or proposed to be licensed in this service, and no change shall be made in any existing antenna or antenna structures for use or intended to be used by any station licensed or proposed to be licensed in this service so as to increase its overall height above ground level, without prior approval from the Commission in any case when either:

(1) The antenna structures proposed to be erected will exceed an overall height of 170 feet above ground level, except where the antenna is mounted on top of an existing man-made structure, other than an antenna structure, and does not increase the overall height of such man-made structure by more than 20 feet; or

(2) The antenna structures proposed to be erected will exceed an overall height of one foot above the established airport (landing area) elevation for each 200 feet of distance or fraction thereof from the nearest boundary of such landing area, except where the antenna does not exceed 20 feet above the ground or where the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet. Application for Commission approval, if required, shall be submitted on FCC Form 505, unless specifically requested by the Commission to be filed on FCC Form 401–A.

(b) In cases where an FCC Form 401–A is required to be filed, further details as to whether an aeronautical study and/or obstruction marking may be required, as well as specifications for obstruction when required, may be obtained from Part 17 of this chapter.

(c) A permanently installed antenna for use with a Class B, Class C or Class D mobile station shall not exceed 20 feet in height above any man-made structure or natural formation (other than an antenna structure) on which it is mounted, and the distance from the transmitter of such station, or from the point from which the transmitter is controlled, to the center of the radiating portion of its antenna shall not exceed 20 feet in any case.

SUBPART C—TECHNICAL REGULATIONS

§ 19.31 *Frequencies available.* (a) The following frequencies are available for assignment to Class A base, mobile, or fixed stations, on a shared basis with other stations in the Citizens Radio Service:

Mc	Mc	Mc	Mc
462.55	463.15	465.30	465.90
462.60	463.20	465.35	465.95
462.65	464.75	465.40	466.00
462.70	464.80	465.45	466.05
462.75	464.85	465.50	466.10
462.80	464.90	465.55	466.15
462.85	464.95	465.60	466.20
462.90	465.05	465.65	466.25
462.95	465.10	465.70	466.30
463.00	465.15	465.75	466.35
463.05	465.20	465.80	466.40
463.10	465.25	465.85	466.45

(b) The frequency 465.00 Mc is available for use by Class B mobile stations under the conditions specified in §§ 19.33 to 19.35 on a shared basis with other stations in the Citizens Radio Service. In addition, a Class B mobile station employing equipment which has been type accepted for use by Class A citizens radio stations, is authorized to be operated on any of the frequencies listed in paragraph (a) of this section.

(c) The following frequencies are available for use by Class C mobile stations when employing amplitude tone modulation or on-off keying of the unmodulated carrier for the remote control of objects or devices by radio, or for the remote actuation of devices which are used solely as a means of attracting attention, on a shared basis with other stations in the Citizens Radio Service, subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 Mc.

Mc	Mc	Mc
26.995	27.095	27.195
27.045	27.145	[1] 27.255

[1] The frequency 27.255 Mc is shared with stations in other services.

(d) The following frequencies are available for use by Class D mobile stations employing radiotelephony only, on a shared basis with other stations in the Citizens Radio Service, and subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 Mc.

Mc	Mc	Mc	Mc
26.965	27.035	27.115	27.185
26.975	27.055	27.125	27.205
26.985	27.065	27.135	27.215
27.005	27.075	27.155	27.255
27.015	27.085	27.165	
27.025	27.105	27.175	

(e) Subject to the proceeding in Docket No. 11959, the following frequencies are available for assignment to Class A fixed, base, or mobile stations, on a shared basis with other stations in the Citizens Radio Service:

Mc	Mc	Mc	Mc
460.05	460.30	460.55	460.80
460.10	460.35	460.60	460.85
460.15	460.40	460.65	460.90
460.20	460.45	460.70	460.95
460.25	460.50	460.75	

(f) Upon specific request accompanying application for renewal of station authorization, a Class A citizens radio station which prior to August 1, 1958 operated on a frequency in the 460–470 Mc band other than one specified in the preceding paragraphs of this section, may be assigned that frequency for continued use until not later than June 15, 1963, subject to all other provisions of this part.

§ 19.32 *Station power.* The maximum plate power input to the anode (plate) circuit of the electron tube or tubes which supply energy to the radiating system of a station in this service shall not exceed the following values:

Class of station	Maximum plate power input
Class A	60 watts.
Class B	5 watts.
Class C	5 watts.[1]
Class D	5 watts.

[1] A maximum plate power input of 30 watts is permitted on the frequency 27.255 Mc only.

§ 19.33 *Frequency tolerance.* The carrier frequency of a station in this service shall be maintained within the following percentage of the authorized frequency:

Class of station	Maximum authorized plate power input	Frequency tolerance: Fixed and base	Frequency tolerance: Mobile
		Percent	Percent
A	3 watts or less	.001	.005
A	over 3 watts	.001	.001
B	3 watts or less		.5
B	over 3 watts		.3
C	5 watts or less [1]		.005
C	over 5 watts (27.255 Mc only)		.005
D	5 watts or less		.005

[1] Class C stations of 3 watts or less plate power input which are used solely for the remote control of objects or devices by radio (other than devices used solely as a means of attracting attention) are permitted a frequency tolerance of .01%.

§ 19.34 *Types of emission.* (a) Except as provided in paragraph (e) of this section, Class A stations in this service will normally be authorized to transmit radiotelephony only. The authorization to use radiotelephony will be construed to include the use of tone signals or signalling devices whose sole function is to establish and maintain voice communication between stations.

(b) Class B citizens radio stations are authorized to use amplitude or frequency modulation, or on-off unmodulated carrier, and may be used for radiotelephony to control remote objects or devices by means of radio, or to remotely actuate devices which are used as a means of attracting attention.

(c) Class C citizens radio stations are authorized to use amplitude tone modulation or on-off unmodulated carrier only, for the remote control of objects or devices by radio or for the remote actuation of devices which are used solely as a means of attracting attention. The authorization of a Class C station shall not be construed to include authority for the transmission of any form of intelligence.

(d) Class D citizens radio stations are authorized to use amplitude voice modulation for radiotelephone communications only. The authorization of Type A3 emission to a Class D station shall not be construed to include authority for the transmission of any form of radiotelegraphy; however, it will be construed to include the use of tone signals or signalling devices whose sole functions is to establish and maintain voice communication between stations.

(e) Other types of emission not described in paragraph (a) of this section may be authorized for Class A citizens radio stations upon a showing of need therefor. An application requesting such authorization shall fully describe the emission desired, shall indicate the bandwidth required for satisfactory communication, and shall state the purpose for which such emission is required. For information regarding the classification of emissions and the calculation of bandwidth, reference should be made to Part 2 of this chapter.

§ 19.35 *Emission limitations.* (a) Each authorization issued to a Class A citizens radio station will show, as a prefix to the classification of the authorized emission, a figure specifying the maximum bandwidth to be occupied by the emission.

(b) All operation of a Class B citizens radio station (including tolerance and bandwidth occupied by the emission) shall be confined to the frequency band 462.525–467.475 Mc.

(c) Except in the case of Class B citizens radio stations operating only on the frequency 465.00 Mc (see § 19.31 (b)), the maximum authorized bandwidth of the emission of any station employing amplitude modulation (Type A2 or A3 emission) shall be 8 kilocycles, and the maximum authorized bandwidth of the emission of any station employing frequency or phase modulation (Type F2 or F3 emission) shall be 40 kilocycles. The use of Type F2 or F3 emission in the frequency band 26.96–27.28 Mc is not authorized.

(d) For the purpose of demonstrating compliance with paragraphs (a), (b) and (c) of this section, the following limits apply:

(1) Any emission appearing on any frequency removed from the carrier frequency by at least 50 percent, but not more than 100 percent, of the maximum authorized bandwidth shall be attenuated not less than 25 db below the unmodulated carrier.

(2) Any harmonic or other spurious emission appearing on any frequency removed from the carrier frequency by at least 100 percent of the maximum authorized bandwidth shall be attenuated below the unmodulated carrier by not less than the amount indicated in the following table:

Maximum authorized plate power input to the final radio frequency stage:	Attenuation (db)
Over 3 watts	50
3 watts or less	[1] 40

[1] In the case of Class B stations having a maximum plate power input to the final radio frequency stage of 3 watts or less, any emission appearing on any frequency that falls within a band allocated to industrial, scientific, and medical equipment under the provisions of Part 2 of this chapter shall be attenuated below the unmodulated carrier by not less than 30 db.

(e) When an unauthorized emission results in harmful interference, the Commission may, in its discretion, require appropriate technical changes in equipment to alleviate the interference.

§ 19.36 *Modulation limitations.* (a) When the radio frequency carrier of a station in this service is amplitude modulated, such modulation shall not exceed 100 percent on positive or negative peaks.

(b) Except in the case of Class B citizens radio stations operating only on the frequency 465.00 Mc (see § 19.31 (b)), the frequency deviation of any frequency modulated transmitter operated in this service shall not exceed ±15 kc and the simultaneous amplitude modulation and frequency or phase modulation of a transmitter is not authorized.

§ 19.41 *Technical measurements.* Where it appears that a station in this service is not being operated in accordance with the technical standards therefor, the Commission may require the licensee to provide for such tests as may be necessary to determine whether the equipment is capable of meeting these standards.

§ 19.42 *Acceptability of transmitters for licensing.* (a) From time to time the Commission will publish a list of equipment entitled "Radio Equipment List, Part C". Copies of this list are available for inspection at the Commission's offices in Washington, D. C., and at each of its field offices. Equipment once placed on that list will continue to be included on the list until it is removed therefrom by Commission action in accordance with the provisions of Part 2 of this chapter.

(b) Except for crystal-controlled transmitters used at Class C and Class D stations, each transmitter utilized by a station authorized for operation under this part must be a type which is included on the Commission's current "Radio Equipment List, Part C" and designated for use in this service. Until June 15, 1963, however, equipment on that list on September 1, 1958 may continue to be used, provided the operation of such equipment does not result in harmful interference due to the failure of that equipment to comply with the current technical standards of this part.

§ 19.43 *Type acceptance of equipment.* (a) Any manufacturer of a transmitter to be built for use at Class A stations in this service may request "type acceptance" for such transmitter following the type acceptance procedures set forth in Part 2 of this chapter.

(b) Type acceptance for an individual transmitter may also be requested by an applicant for a station authorization by following the type acceptance procedures set forth in Part 2 of this chapter. Such transmitters, if accepted, will not normally be included on the Commission's "Radio Equipment List, Part C", but will be individually enumerated on the station authorization.

(c) Additional rules with respect to type acceptance are set forth in Part 2 of this chapter. These rules include information with respect to withdrawal of type acceptance, modification of type-accepted equipment and limitations on the findings upon which type acceptance is based.

§ 19.44 *Submission of Class B and non-crystal controlled Class C or Class D station equipment for type approval.* (a) Manufacturers of equipment capable of being used or operated in this service may submit units of such equipment to the Commission for type approval, upon grant of request therefor made in writing by the manufacturer to the Secretary of the Commission. Such a request normally will not be granted unless at least 100 units of the model to be submitted are scheduled for manufacture. When advised by the Commission, the applicant must send a typical production model or prototype of the particular equipment complete with, tubes and power supply to the Commission's laboratory at Laurel, Maryland, for tests. All instructions which are intended to be supplied to the purchaser of the equipment shall be included. Transportation of the equipment and associated documents to and from the laboratory shall be at no cost to the Government.

(b) Prior to approval or rejection of the equipment, the results of these tests will be made known only to the responsible Government officials and to the Commission. An official report of the tests will be made available only to the manufacturer involved; however, the Commission will publish from time to time lists of approved equipment.

(c) The prescribed tests may be conducted by the Federal Communications Commission or by any other cooperating Government department. In addition, field tests, as deemed necessary or desirable by the Commission, may be carried out by authorized Government personnel to determine the reliability of the equipment under operating conditions comparable to those expected to be encountered in actual service.

(d) Type approval is not required for Class C or Class D station equipment employing crystal control; however, the licensee may be required to certify that the frequency stability of the crystal-controlled transmitter is within the tolerance specified elsewhere in this part.

§ 19.45 *Type approval of receiver-transmitter combinations.* Type approval will not be issued for transmitting equipment for operation under this part when such equipment is enclosed in the same cabinet, is constructed on the same chassis in whole or in part, or is identified with a common type or model number with a radio receiver, unless such receiver has been certificated to the Commission as complying with the requirements of Part 15 of this chapter.

§ 19.51 *Minimum equipment specifications.* Equipment submitted for type approval in this service shall be capable of meeting the technical specifications contained in this part for Class B, Class C or Class D stations, and, in addition, shall comply with the following:

(a) Any basic instructions concerning the proper adjustment, use or operation of the equipment that may be necessary shall be attached to the equipment in a suitable manner and in such positions as to be easily read by the operator.

(b) A durable nameplate shall be mounted on each transmitter showing the name of the manufacturer, the type or model designation, and providing suitable space for permanently displaying the transmitter serial number, FCC type approval number, and the class of station for which approved.

(c) The transmitter shall be designed, constructed, and adjusted by the manufacturer to operate on a frequency or frequencies available to the class of station for which type approval is sought. In designing the equipment, every reasonable precaution shall be taken to protect the user from high voltage shock and radio frequency burns. Connections to batteries (if used) shall be made in such a manner as to permit replacement by the user without causing improper operation of the transmitter. Generally accepted modern engineering principles shall be utilized in the generation of radio frequency currents so as to guard against unnecessary interference to other services. In cases of harmful interference arising from the design, construction, or operation of the equipment, the Commission may require appropriate technical changes in equipment to alleviate interference.

(d) Controls which may effect changes in the carrier frequency of the transmitter shall not be accessible from the exterior of any unit unless such accessibility is specifically approved by the Commission.

§ 19.52 *Test procedure.* Type approval tests to determine whether radio equipment meets the technical specifications contained in this part will be conducted under the following conditions:

(a) Gradual ambient temperature variations from 0° to 125° F.

(b) Relative ambient humidity from 20 to 95 percent. This test will normally consist of subjecting the equipment for at least three consecutive periods of 24 hours each, to a relative ambient humidity of 20, 60, and 95 percent, respectively, at a temperature of approximately 80° F.

(c) Movement of transmitter or objects in the immediate vicinity thereof.

(d) Power supply voltage variations normally to be encountered under actual operating conditions.

(e) Additional tests as may be prescribed, if considered necessary or desirable.

§ 19.53 *Certificate of type approval.* A certificate or notice of type approval, when issued to the manufacturer of equipment intended to be used or operated in the Citizens Radio Service, constitutes a recognition that on the basis of the test made, the particular type of equipment appears to have the capability of functioning in accordance with the technical specifications and regulations contained in this part: *Provided,* That all such additional equipment of the same type is properly constructed, maintained, and operated: *And provided further,* That no change whatsoever is made in the design or construction of such equipment except upon specific approval by the Commission.

§ 19.54 *Acceptance of composite equipment.* (a) Class B and non-crystal controlled Class C or Class D station equipment constructed by a manufacturer in lots of less than 100 units will not, in the usual case, be tested by the Commission for the purpose of granting type approval. Except as provided in paragraph (b) of this section, an applicant in this service who proposes to use or operate composite or other equipment which has not been type approved shall supply complete information showing that the equipment fully complies with appropriate station requirements, using supplementary sheets which shall accompany the standard application form. The Commission may, at its discretion, require that such equipment or a prototype thereof be made available to its laboratory at Laurel, Maryland, for testing in accordance with the procedures described elsewhere in this part, as applicable to equipment to be manufactured in lots of more than 100 units. In addition, field tests as deemed necessary or desirable may be carried out by authorized Government personnel to determine the reliability of the equipment under operating conditions comparable to those encountered in actual service.

(b) In the case of Class C or Class D equipment employing crystal control, supplemental technical information is not required to accompany the standard application form: *Provided, however,* That it is clearly indicated that the equipment employs crystal control: *And provided further,* That the Commission may require the applicant to certify that the frequency stability of the crystal-controlled transmitter is within the tolerance specified elsewhere in this part.

SUBPART D—STATION OPERATING REQUIREMENTS

§ 19.61 *Permissible communications.* (a) Each station in the Citizens Radio Service is authorized to communicate with other stations in the same service. Communications with stations licensed under other parts of this chapter or with any United States Government or foreign station is prohibited, except for communications relating to civil defense in accordance with the provisions of § 19.93.

(b) Any station licensed in this service may be used to provide a radiocommunication service to any person, including the licensee of another station in the same service, on a strictly voluntary and no-charge basis; however, no other form of cooperative or shared use of facilities licensed in this service shall be permitted.

(c) All communications shall be limited to the minimum practicable transmission time.

(d) A citizens radio station may not be used for any purpose contrary to federal, state, or local law; or to carry communications for hire; or to carry program material of any kind either directly or indirectly for use in connection with radio broadcasting; or for direct transmission to the public through public address systems or by any other means.

(e) The licensee of any station in this service may, during a period of emergency in which normal communications facilities are disrupted or inadequate as a result of hurricane, flood, earthquake, enemy action, or similar disaster, utilize such station for emergency communications without regard to the provisions of this section other than the following:

(1) As soon as possible after the beginning of such emergency use, notice shall be sent to the Commission in Washington, D. C., or to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the emergency and the use to which the station is being put;

(2) The emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and the Commission in Washington, D. C., or the Engineer in Charge, shall be notified immediately when such special use of the station is terminated; and

(3) The Commission may at any time order discontinuance of such special use of the authorized facilities.

(f) Except as provided in paragraph (h) of this section, a citizens radio station used to control remote objects or devices by means of radio, or to remotely actuate devices which are used as a means of attracting attention, shall not be operated in a manner which involves the continuous radiation of energy.

(g) Except as provided in paragraph (h) of this section, a citizens radio station which is used for the purpose of communication by radiotelephony shall not emit a carrier wave unless modulated for the purpose of communication, and a citizens radio station which is used for the purpose of communication by radiotelegraphy of any type shall not emit a carrier wave except when telegraph signals are being transmitted.

(h) A citizens radio station may transmit a continuous carrier, without being modulated by any form of communication or signal, under the following conditions only:

(1) When transmitting for brief tests or when adjustments are being made to the transmitter; or

(2) When a station which is being used to control model aircraft by means of interrupted tone modulation is actually controlling such aircraft in flight.

§ 19.62 *Station identification.* The registered serial number appearing on each citizens radio station license shall be the call sign assigned to such station. A citizens radio station shall transmit its call sign at the beginning and at the termination of all communications as well as at least once every ten minutes during every transmission of more than ten minutes' duration: *Provided,* That, in the case of stations conducting an exchange of several transmissions in sequency with each transmission less than three minutes' duration, the call sign of the communicating stations need be transmitted only once every ten minutes of operation. Stations operated solely for the radio control of remote objects or devices, or to remotely actuate devices which are used solely as a means of attracting attention, are not required to identify their transmissions except upon specific instructions of the Commission.

§ 19.63 *Remote control.* A Class A citizens radio base or fixed station may be authorized to be used or operated by remote control from another fixed location or from mobile units: *Provided,* That adequate means are available to enable the person using or operating the station to render the transmitting equipment inoperative from the remote control position or positions should improper operation occur. The authority for such remote control shall be shown on the station authorization.

§ 19.64 *Suspension of transmissions required.* The radiations of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the rules in this part until such deviation is corrected.

§ 19.71 *Operator requirements.* (a) Except for stations using manually operated telegraphy transmitting by any type of the Morse Code, no operator license is required for the operation of a citizens radio station during the course of normal rendition of service.

(b) Stations using manually operated telegraphy transmitting by any type of the Morse Code may, during the course of normal rendition of service, be operated only by the holders of either a Radiotelegraph Third Class Operator Permit or a higher class of radiotelegraph operator license (except the holders of Temporary Limited Radiotelegraph Second Class Operator Licenses).

(c) In any case, however, all transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed, and such person shall be responsible for the proper functioning of the station equipment.

§ 19.72 *Posting of station license.* (a) The current authorization of each citizens radio station operated at a fixed location shall be permanently posted at the principal fixed location from which the station is controlled when being operated, and a photocopy thereof shall be permanently posted at all other fixed locations (if any) from which the station is controlled. In addition, if the transmitter of any such station is not readily accessible for inspection by Commission representatives or is not in view from at least one location at which the station license or a photocopy thereof is required to be posted, an executed Transmitter Identification Card (FCC Form 452–C, Revised) shall be affixed to that transmitter.

(b) The current authorization of each citizens radio station operated as a mobile station or operated at temporary locations may be retained in the permanent records of the station and need not be posted; however, an executed Transmitter Identification Card (FCC Form 452–C, Revised) shall be affixed to each transmitter which is operated as a mobile,

station or is operated at temporary locations, and to the control equipment of each such transmitter in every case where such transmitter is not in view from the location from which the station is controlled.

(c) The following information shall be entered on each Transmitter Identification Card (FCC Form 452–C, Revised) which is used for transmitter or station identification in accordance with the foregoing:

(1) Name of the station licensee;

(2) Station call sign assigned by the Commission (see § 19.62);

(3) Exact location or locations of the permanent station records;

(4) Frequency or frequencies upon which the associated transmitter is adjusted to operate; and

(5) Signature of the licensee.

§ 19.73 *Inspection of stations.* All stations and records of stations in the Citizens Radio Service shall be made available for inspection upon request of an authorized representative of the Commission made to the licensee or to his representative.

§ 19.74 *Inspection and Maintenance of tower marking and associated control equipment.* The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, and/or Part 17 of this chapter, shall operate and maintain the tower marking and associated control equipment in accordance with the following:

(a) The tower lights shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or, alternatively, there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the tower lights and to provide indication of such failure to the licensee.

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure, shall be reported immediately by telephone or telegraph to the nearest Airways Communication Station or Office of the Civil Aeronautics Administration. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) All automatic or mechanical control devices, indicators, and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three months, to insure that such apparatus is functioning properly.

(d) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(e) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(f) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

§ 19.81 *Answers to notices of violations.* (a) Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive Order, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall within 10 days from such receipt send a written answer direct to the office of the Commission originating the official notice. If an answer cannot be sent or acknowledgment made within such three-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices.

(b) If the notice relates to some violation that may be due to the physical or electrical characteristics of the transmitting apparatus, the answer shall state fully what steps, if any, are taken to prevent future violations.

(c) If the notice of violation relates to some lack of attention to, or improper operation of, the station, the name of the person who caused the violation shall be given.

§ 19.82 *Recording of tower light inspections.* When a station in this service has an antenna structure which is required to be illuminated, appropriate entries shall be made in the station records, and retained for a period of at least one year, as follows:

(a) The time the tower lights are turned on and off each day, if manually controlled.

(b) The time the daily check of proper operation of the tower lights was made.

(c) In the event of any observed or otherwise known failure of a tower light:

(1) Nature of such failure.

(2) Date and time the failure was observed or otherwise noted.

(3) Date, time and nature of the adjustments, repairs, or replacements made.

(4) Identification of the Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(5) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(d) Upon completion of the three-month periodic inspection required by § 19.74 (c):

(1) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators, and alarm systems.

(2) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

§ 19.83 *False signals.* No person shall transmit false or deceptive signals or communications by radio, or identify the station he is using or operating by means of a call sign or signal which has not been assigned by proper authority to that station, or refuse to properly identify himself and the radio station he is using or operating when such identification is possible under the conditions of use or operation in effect at the time such identification is requested.

§ 19.91 *Station location.* (a) The specific location of each Class A base station and each Class A fixed station and the specific area of operation of each Class A mobile station shall be indicated in the application for license. Authorization will not be granted for the operation of a base station or a fixed station in this service at unspecified temporary fixed locations.

(b) A Class A mobile station authorized in this service may be used or operated anywhere in the United States subject to the provisions of paragraph (d) of this section: *Provided,* That when the area of operation is changed for a period exceeding seven days, the following procedure shall be observed:

(1) When the change of area of operation occurs inside the same Radio District, the Engineer in Charge of the Radio District involved and the Commission's office, Washington 25, D. C., shall be notified.

(2) When the station is moved from one Radio District to another, the Engineers in Charge of the two Radio Districts involved and the Commission's office, Washington 25, D. C., shall be notified.

(c) A Class B, Class C or Class D mobile station may be used or operated anywhere in the United States subject to the provisions of paragraph (d) of this section.

(d) A mobile station authorized in this service may be used or operated on any craft or vehicle: *Provided,* That when such craft or vehicle is outside the territorial limits of the United States, the station, its operation, and its operator shall be subject to the governing provisions of any treaty concerning telecommunications to which the United States is a party, and when within the territorial limits of any foreign country, the station shall be subject also to such laws and regulations of that country as may be applicable.

§ 19.92 *Control of transmitters.* All transmitters licensed in the Citizens Radio Service must at all times be under the control of the licensee. The licensee shall not transfer, assign, or dispose of, in any manner, directly or indirectly, the operating authority under his station license.

§ 19.93 *Civil defense communications.* A licensee of a station authorized under this part may use the licensed radio facilities for the transmission of messages relating to civil defense activities in connection with official tests or drills conducted by, or actual emergencies proclaimed by, the civil defense agency having jurisdiction over the area in which the station is located: *Provided,* That:

(a) The operation of the radio station shall be on a voluntary basis.

(b) The operation of the station shall not conflict with CONELRAD requirements.

(c) Such communications are conducted under the direction of civil defense authorities.

(d) As soon as possible after the beginning of such use, the licensee shall send notice to the Commission in Washington, D. C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications being transmitted and the duration of the special use of the station. In addition, the Engineer in Charge shall be notified as soon as possible of any change in the nature of or termination of such use.

(e) In the event such use it to be a series of pre-planned tests or drills of the same or similar nature which are scheduled in advance for specific times or at certain intervals of time, the licensee may send a single notice to the Commission in Washington, D. C., and to the Engineer of the Radio District in which the station is located, stating the nature of the communications to be transmitted, the duration of each such test, and the times scheduled for such use. Notice shall likewise be given in the event of any change in the nature of or termination of any such series of tests.

(f) The Commission may, at any time, order the discontinuance of such special use of the authorized facilities.

SUBPART E—CONELRAD

§ 19.101 *Scope and objective.* (a) This subpart applies to all radio stations in the Citizens Radio Service located within the continental United States, and is for the purpose of providing for the alerting and operation of radio stations in this service during periods of enemy air attack or imminent threat thereof.

(b) The objective of these CONELRAD rules is to minimize the navigational aid that an enemy might obtain from the electromagnetic radiations from radio stations in the Citizens Radio Service while simultaneously providing for a continued radio service under controlled conditions when such operation is essential to the public welfare.

§ 19.102 *Alerting.* (a) Licensees of radio stations in the Citizens Radio Service are responsible for making provisions to receive the CONELRAD Radio Alert and the CONELRAD Radio All Clear.

(b) The CONELRAD Radio Alert will be initiated by the Commanding Officer of the Air Division (Defense) or higher military authority.

(c) Citizens Radio Service mobile radio systems, including stations at fixed locations associated therewith, and point-to-point systems where applicable, may, if desired, be alerted at a single point, normally the control point or the control center. The control point thus receiving the CONELRAD Radio Alert will be responsible for the dissemination of the CONELRAD Radio Alert to all stations integrated into the radio system or systems and insuring that all associated stations execute CONELRAD requirements immediately. Relaying of a CONELRAD Radio Alert is considered a transmission of extreme emergency affecting the national safety and may be carried on under the authority of § 19.103 (a) (1).

(d) The CONELRAD Radio Alert for the Citizens Radio Service may be received by one or more of the methods outlined below:

(1) By monitoring any standard, FM, or TV broadcast station by aural or automatic means, to receive the CONELRAD Radio Alert.

(2) By reception of the CONELRAD Radio Alert from a point that has received the CONELRAD Radio Alert from a standard, FM, or TV broadcast station.

(3) Radio station licensees desiring to receive the CONELRAD Radio Alert by a means not covered by subparagraph (1) or (2) of this paragraph may request authority from the Secretary, Federal Communications Commission to receive the Alert in another manner. The request must include reason why methods described in subparagraph (1) or (2) of this paragraph are not suitable and must fully describe the proposed method for receiving the Alert.

NOTE: Every standard, FM, and TV broadcast station will be notified of the CONELRAD Radio Alert by telephone calls or by radio broadcasts. Immediately upon receipt of the Radio Alert each standard, FM, and TV broadcast station will proceed as follows on its normally assigned frequency:

(1) Discontinue the normal program.

(2) Cut the transmitter carrier for approximately five seconds. (Sound carrier only for TV stations.)

(3) Return carrier to the air for approximately 5 seconds.

(4) Cut the transmitter carrier for approximately 5 seconds.

(5) Return carrier to the air.

(6) Broadcast 1000 cycle (approximate) steady state tone for fifteen seconds.

(7) Broadcast the CONELRAD Radio Alert message as follows: "We interrupt our normal program to cooperate in security and Civil Defense measures as requested by the United States Government. This is a CONELRAD Radio Alert. Normal broadcasting will now be discontinued for an indefinite period. Civil Defense information will be broadcast in most areas at 640 and 1240 on your regular radio receiver".

(8) The CONELRAD Radio Alert message will then be repeated.

(1) through (6) above is for the purpose of attracting the listeners' attention, or, if desired, to operate an automatic alert receiver or warning device. (Caution: (1) through (6) is a warning that a Radio Alert may follow; the actual Radio Alert signal is the spoken word in the form of the CONELRAD Radio Alert message.)

The CONELRAD Radio Alert message as set forth in (7) above, is worded in a manner suitable for reception by the public; however, the message is also the CONELRAD Radio Alert. When this CONELRAD Radio Alert message is received, all licensees must immediately comply with the CONELRAD operating procedure. The precise CONELRAD Radio Alert message, above, will be broadcast only in the event of an actual alert. In the event of a CONELRAD test or drill, broadcast stations will make an announcement that a test or drill is taking place.

(e) All radio stations in the Citizens Radio Service not directly receiving the CONELRAD Radio Alert must use caution in returning to the air after an "out of service" period, to insure that a CONELRAD Radio Alert is not in progress before making any transmissions.

§ 19.103 *Operation during a CONELRAD Radio Alert.* (a) Radio stations in the Citizens Radio Service, upon receipt of a CONELRAD Radio Alert, will interrupt any communications in progress, leave the air and maintain radio silence for the duration of the CONELRAD Radio Alert, except for transmissions handled in accordance with the following restrictions unless otherwise ordered by the Federal Communications Commission:

(1) No transmissions shall be made unless they are of extreme emergency nature affecting the national safety or the safety of people and property.

NOTE: Transmission affecting the safety or security of industrial plants, personnel or equipment and materials necessary to the national defense may be made. All transmissions not immediately necessary must be withheld until the CONELRAD Radio All Clear has been issued.

(2) All transmissions shall be as short as possible and the stations' carrier shall be removed from the air during periods of no message transmission.

(3) No station identification shall be given either by announcement of regularly assigned call sign or by announcement of geographical location. If identification is necessary to carry on the service, the use of special identifiers will be authorized.

§ 19.104 *Special conditions.* Licensees of radio stations or systems in the Citizens Radio Service, who for technical or operational reasons believe that compliance with § 19.103 cannot be met, may request a waiver of § 19.103. Such request must be made by letter to the Secretary, Federal Communications Commission, Washington 25, D. C., stating why § 19.103 cannot be complied with. The Commission upon investigation may modify the CONELRAD operating requirements of the station or system if it is found to be essential to the defense of the nation or the public welfare.

§ 19.105 *Radio All Clear.* The CONELRAD Radio All Clear will be initiated only by the Air Division (Defense) Commander or higher military authority and will be disseminated over the same channels as the CONELRAD Radio Alert. Broadcast stations will transmit the CONELRAD Radio All Clear message on normally assigned frequencies as follows:

The CONELRAD operating procedures have been ordered discontinued. All radio stations are authorized to return to normal operation on their regularly assigned frequencies:

I repeat

The CONELRAD operating procedures have been ordered discontinued. All radio stations are authorized to return to normal operation on their regularly assigned frequencies.

Radio stations and systems licensed in the Citizens Radio Service may resume

normal operation when the CONELRAD Radio All Clear message is received unless otherwise restricted by order of the Federal Communications Commission.

§ 19.106 *Tests.* Tests of the CONELRAD alerting and operating systems may be conducted at appropriate intervals. Stations not normally in operation during the period of a test will not be required to take part. Tests of the operating system will not require the station to close down and will be conducted in a manner that will not interfere with the transmission of normal traffic. Reports of the results of such tests may be required in a form to be prescribed by the Commission.

§ 19.107 *Record entries.* Appropriate entries of all CONELRAD tests, drills, and operations shall be made in the station records.

[F. R. Doc. 58-6393; Filed, Aug. 8, 1958; 8:48 a. m.]

[Rules Amdt. 15-3]

[Docket No. 12340; FCC 58-793]

PART 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES

DATE WHEN CERTIFICATION IS REQUIRED

1. As the result of a petition from Vocaline Company of America, Inc., the Commission issued a notice of proposed rule making to amend the receiver radiation rules in Part 15. It was proposed that the present receiver radiation limitations be relaxed to the extent that no limitation will apply in the case of radiation in the 460-470 Mc Citizens Radio band from super-regenerative receivers operating in that band.

2. The notice of proposed rule making concerning the subject docket stated that the Commission believes that Vocaline should not be required at this time to re-design its equipment to comply with the receiver radiation limits applicable to the UHF Citizens band. This view is based on the belief that such action would unduly restrict the availability of equipment to the public for use in the UHF Citizens band. We pointed out in our notice of proposed rule making that the proposed relaxation must be considered to be a temporary measure until such time as the Commission determines its course of action in Docket No. 11994.

3. On June 18, 1958, the Commission adopted an order (Docket No. 11959) providing for operations in the Citizens Radio Service on frequencies from 462.525 to 467.475 Mc. It is expected that Vocaline's equipment will be operated in this band of frequencies.

4. Comments from Vocaline Company of America support the Commission's proposal. Comments opposing the proposal have been received from several public service agencies of the State of California. This group is generally concerned over the possibility of interference outside of the Citizens band where their operations take place. Opinion is also expressed that the Commission's proposed exemption is based on financial considerations purely and that no compromise should be made with any device known to be a potential source of interference to any authorized radio service.

5. The Vocaline petition presents three basic factors for consideration by the Commission. The first is the protection of authorized radio services. The second factor is whether or not the use and availability of super-regenerative receivers operative in the UHF Citizens band (Class B) should be continued for the present time. The third factor is the extent of the relief, if any, it is possible to give Vocaline based upon its petition.

6. Since the amendment promulgated herein does not relax the present radiation limits outside the UHF Citizens band, services operating outside this band are afforded the same protection as heretofore. Secondly, the Commission has stated in its proposal, and is still of the opinion that it should not restrict the present availability of UHF Citizens radio equipment. In order to continue such availability, the Commission concludes that relief should be granted to the extent set forth below.

7. The Commission believes that the public interest will be served by adopting the amendment set forth below to the rules governing incidental and restricted radiation devices. Authority for the adoption of the rules set forth below is contained in section 4 (i), 301 and 303 (f) of the Communications Act of 1934, as amended (47 U. S. C. 154 (i), 301, and 303 (f)).

8. *It is ordered*, That effective September 1, 1958, Part 15 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Adopted: July 31, 1958.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

Amend Part 15 as follows:

1. Change title of § 15.68 to read: § 15.68 *Date when certification is required.*

2. Add a new paragraph (d) to § 15.68 which reads:

(d) Super-regenerative receivers manufactured after October 1, 1956, for use by Class B stations in the Citizens Radio Service shall comply with the certification requirements of this subpart; except that, until November 1, 1963, radiation need not be limited within the band 462.525-467.475 Mc.

[F. R. Doc. 58-6394; Filed, Aug. 8, 1958; 8:48 a. m.]

[Docket No. 12295]

PART 16—LAND TRANSPORTATION RADIO SERVICES

CHANGE IN EFFECTIVE DATE OF CERTAIN TECHNICAL STANDARDS

The Commission's supplemental order No. 1—Part 16 of July 23, 1958 (Mimeo. 61086) in the above-entitled matter is corrected as follows:

Correct the percentage figures contained in the table in § 16.102 (a) as to the frequency stability specified in the frequency range 50-1000 Mc, for all fixed and base stations and all mobile stations over 3 watts is 0.0005 percent rather than 0.005. As corrected, the table in § 16.102 (a) reads as follows:

Frequency range	All fixed and base stations	All mobile stations	
		Over 3 watts	3 watts or less
	Percent	*Percent*	*Percent*
Below 25 Mc	0.01	0.01	0.02
25 to 50 Mc	.002	.002	.01
50 to 1000 Mc	.0005	.0005	.001
Above 1000 Mc	(1)	(1)	(1)

[1] To be specified in the station authorization.

Released: July 24, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6395; Filed, Aug. 8, 1958; 8:48 a. m.]

[Rules Amdt. 16-31]

[Docket No. 11992; FCC 58-802]

PART 16—LAND TRANSPORTATION RADIO SERVICES

MISCELLANEOUS AMENDMENTS

1. On April 3, 1957, the Commission adopted a notice of proposed rule making in the above-entitled matter which was released on April 9, 1957, and published in the FEDERAL REGISTER of April 16, 1957 (22 F. R. 2602). A further notice of proposed rule making, specifying certain changes in the original proposal, was adopted by the Commission on June 28, 1957, released on July 2, 1957, and published in the FEDERAL REGISTER of July 6, 1957 (22 F. R. 4765). The time allowed for the submission of comments in this matter has expired.

2. A first memorandum report and order in this matter was adopted by the Commission on January 22, 1958, released on January 23, 1958, and published in the FEDERAL REGISTER of January 28, 1958 (23 F. R. 535). In that order it was stated that the comments of the American Trucking Associations, Inc., as well as those of the Willett Company, having to do with the proposed inclusion in the Motor Carrier Radio Service of common and contract motor carriers of property operating solely within urban areas, would be separately considered at a later date. It was also stated that the matter of the availability of frequencies in the range 159.495-160.200 Mc to the Motor Carrier Radio Service and the matter of the date by which existing usage of frequencies not in conformity with the revised rules shall be discontinued would be determined at a later date. The Commission hereby proposes to conclude those determinations.

3. The comments of the Willett Company supported, and no comments were

received in opposition to, the proposal that all common and contract carriers of property operating within single urban areas (local pickup and delivery services) be made eligible for station licenses in the Motor Carrier Radio Service. This proposal, therefore, is adopted substantially in the manner proposed; however, the matter of availability of frequencies for use by stations of such persons is reconsidered, as indicated below.

4. The American Trucking Associations, Inc. recommended that all of the frequencies in the 152–162 Mc band proposed to be made available to the Motor Carrier Radio Service should further be made available for assignment to stations of either local or long-haul motor carriers of property, without distinction, and contended that the proposed separation of those frequencies into two groups, with the respective groups available only for assignment to one category of user, would tend to promote inefficient frequency utilization. With this recommendation the Commission concurs; accordingly, all of those frequencies in the range 159.495–160.200 Mc made available to the Motor Carrier Radio Service will further be made available for assignment to base and mobile stations of any common or contract motor carrier of property, regardless of his area of operation.

5. In its original comments in this proceeding, the American Trucking Associations, Inc. recommended that provision be made for the use of the frequencies indicated above on either a simplex (single frequency) or duplex (two frequency) basis, at the option of the respective applicants for facilities. In a letter to the Commission under date of July 9, 1958, however, the Associations indicate that the matter has been reconsidered and suggest that the frequencies be assigned entirely on a basis of the single-frequency method of operation. With this latter view the Commission concurs. The frequencies in this band which are to be made available to stations in this service are not separated sufficiently to permit true duplex operation of base and mobile stations on any two frequencies in the band; hence, mobile relay or other similar simultaneous operation is not feasible. In addition, as discussed in paragraph 6, stations in the Railroad Radio Service presently authorized to operate on the primary frequencies in this band may continue to operate on such frequencies until November 1, 1963 and may therefore initially be afforded protection. For this reason, all of the frequencies in this band will not become immediately available in all areas for assignment to stations in the Motor Carrier Radio Service and the Commission believes that under the above limitations the two-frequency method of operation in the Motor Carrier Radio Service would not be practical. The Commission therefore finds that public interest, convenience and necessity will be best served by the limitation of these frequencies to the single-frequency method of operation, and the rule amendments adopted herewith will so provide.

6. In addition to the foregoing matters, there still remains the matter of the period of time during which stations in the Railroad Radio Service now operating on frequencies which they may no longer be assigned, may be permitted to continue that operation, particularly in view of the Commission's recent decisions in Docket No. 12295 permitting those stations to be moved to other frequencies which are now available for their use without necessarily meeting the new "narrow-band" technical standards. The Commission has considered all available information on this matter and has concluded that compliance with the "narrow-band" technical standards will automatically be necessary on the part of all stations involved to avoid adjacent-channel interference in many cases of 15 and 30 kc frequency separation and, hence, that such stations should not be required to move without an opportunity to amortize the investment in the existing station equipment. Accordingly, the amendments adopted herewith provide that stations in the Railroad Radio Service operating on frequencies which are no longer available for assignment to such stations may continue to be authorized to operate on those frequencies until not later than October 31, 1963, which is the last date on which operation of any equipment not meeting the new "narrow-band" technical standards is permitted, and that the radiocommunication systems comprising those stations may be expanded on those frequencies if necessary. However, it will be provided that no new systems will be permitted to be established on frequencies other than those currently available for assignment to the stations of those systems, and it is strongly urged, in view of the Commission's recent action in Docket No. 12295, that licensees in the Railroad Radio Service move to currently available frequencies as soon as possible.

7. In view of the foregoing, the Commission finds that the public interest, convenience and necessity will be served by the amendments herein ordered, which are issued pursuant to authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended. *Accordingly, it is ordered:* That effective September 15, 1958, Part 16 of the Commission's rules, Land Transportation Radio Services, is amended as set forth below. *And it is further ordered:* That the proceedings in this docket are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: July 31, 1958.

Released: August 1, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

1. Amend subparagraph (4) of § 16.251 (a) to read as follows:

(4) Persons primarily engaged in providing a common or contract motor carrier transportation service for the local distribution or collection of property.

2. Amend paragraph (e) of § 16.252 to read as follows:

(e) The following frequencies are available for assignment to base stations and mobile stations of common or contract motor carriers of property: *Provided,* That only one of these frequencies shall be assigned to the stations of any single licensee operated in any given area unless it has been demonstrated conclusively to the Commission that the assignment of an additional frequency for the single-frequency method of operation is essential to the operation of the transportation system:

Mc	*Mc*	*Mc*	*Mc*
[2] 159.495	[2] 159.675	[2] 159.855	[2] 160.035
159.510	159.690	159.870	160.050
[2] 159.525	[2] 159.705	[2] 159.885	[2] 160.065
[1] 159.540	[1] 159.720	[1] 159.900	[1] 160.080
[2] 159.555	[2] 159.735	[2] 159.915	[2] 160.095
159.570	159.750	159.930	160.110
[2] 159.585	[2] 159.765	[2] 159.945	[2] 160.125
[1] 159.600	[1] 159.780	[1] 159.690	[1] 160.140
[2] 159.615	[2] 159.795	[2] 159.975	[2] 160.155
159.630	159.810	159.990	160.170
[2] 159.645	[2] 159.825	[2] 160.005	[2] 160.185
[1] 159.660	[1] 159.840	[1] 160.020	[1] 160.200

[1] Secondary frequency—see § 16.8 (f).
[2] Tertiary frequency—see § 16.8 (f).

3. Amend § 16.352 by the addition of the following new paragraph:

(e) Base and mobile stations, operationally integrated with existing radiocommunication systems authorized prior to April 1, 1958 to operate on frequencies not currently available for assignment to such stations, may be authorized to operate on frequencies formerly assigned the stations of the respective systems until not later than October 31, 1963. During this period, the licensees of such stations may renew, modify, reinstate or assign their licenses in those cases where such assignment accompanies a change of ownership of the licensee's business to the assignee, and may expand existing systems when using such frequencies; however, they will not be authorized to establish any new systems using frequencies which are not currently available for assignment to such stations.

[F. R. Doc. 58-6396; Filed, Aug. 8, 1958; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 106—ALEUTIAN ISLANDS AREA

PART 108—KODIAK AREA

ADDITIONAL FISHING TIME

AUGUST 8, 1958.

Basis and purpose. An excellent run of pink salmon has developed in the eastern portion of the Aleutian Islands area, and as a result additional fishing time can be permitted there.

Conversely, the late pink salmon runs in the Kodiak area have not developed satisfactorily and it is necessary, therefore, to curtail the season.

1. Section 106.5 is amended by deleting "August 9" and substituting in lieu thereof "August 16, 1958."

2. Section 108.5 is amended in paragraphs (a) to (h) by deleting "August 13"

wherever it appears and substituting in lieu thereof "August 8, 1958."

In order to permit full utilization of pink salmon runs in the Aleutian Islands area and to secure needed escapements of pink salmon in the Kodiak area, notice and public procedure on these amendments is impracticable and, therefore, they shall become effective immediately upon publication in the FEDERAL REGISTER. (60 Stat. 237; 5 U. S. C. 1001 et seq.)

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 58-6464; Filed, Aug. 8, 1958; 10:35 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Parts 270, 275]

CIGARS, CIGARETTES, AND MANUFACTURED TOBACCO; MANUFACTURERS, IMPORTERS, AND DEALERS

MANUFACTURERS' REPORTS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

In order to eliminate the requirements that manufacturers of tobacco, cigars, and cigarettes shall include in their reports the quantities of tobacco materials received, shipped, and lost or destroyed, and to make certain editorial and clarifying changes, regulations in 26 CFR Parts 270 and 275 are amended as follows:

PARAGRAPH 1. 26 CFR Part 270 is amended as follows:

(A) Section 270.143 is amended to read as follows:

§ 270.143 *Reports—(a) General.* Every manufacturer of cigars and cigarettes shall make a report, on Form 2136, to the assistant regional commissioner, of all (1) cigars and cigarettes manufactured, received, removed, furnished for personal consumption by employees, used for experimental purposes, reduced to material, and lost or destroyed, and (2) stamps received, used, and lost or destroyed. Such report shall be made at the times specified in this section and shall be made whether or not any operations or transactions occurred during the period covered by the report. A copy of each report shall be retained by the manufacturer for two years following the close of the calendar year covered in such reports, and made available for inspection by any revenue officer upon his request.

(b) *Opening.* An opening report, covering the period from the date of the opening inventory, or inventory made in connection with a superseding bond, to the end of the month, shall be made on or before the 20th day following the end of the month in which the business was commenced.

(c) *Monthly.* A report for each full month shall be made on or before the 20th day following the end of the month covered in the report.

(d) *Special.* A special report, covering the unreported period to the day preceding the date of any special inventory required by a revenue officer, shall be made with such inventory. Another report, covering the period from the date of such inventory to the end of the month, shall be made on or before the 20th day following the end of the month in which the business was commenced.

(e) *Monthly.* A report for each full month shall be made on or before the 20th day following the end of the month covered in the report.

(d) *Special.* A special report, covering the unreported period to the day preceding the date of any special inventory required by a revenue officer, shall be made with such inventory. Another report, covering the period from the date of such inventory to the end of the month, shall be made on or before the 20th day following the end of the month in which the inventory was made.

(e) *Closing.* A closing report, covering the period from the first of the month to the date of the closing inventory, or the day preceding the date of an inventory made in connection with a superseding bond, shall be made with such inventory.

(68A Stat. 713; 26 U. S. C. 5722)

(B) Section 270.158 is amended by striking from the second sentence "§§ 270.142 and 270.143" and inserting in lieu thereof "§ 270.142".

(C) Section 270.159 is amended by striking "§§ 270.142 and 270.143" and inserting in lieu thereof "§ 270.142".

PAR. 2. 26 CFR Part 275 is amended as follows:

(A) Section 275.133 is amended to read as follows:

§ 275.133 *Reports—(a) General.* Every manufacturer of tobacco shall make a report, on Form 2134, to the assistant regional commissioner, of all (1) manufactured tobacco produced, received, removed, furnished for personal consumption or use by employees, used for experimental purposes, reduced to material, and lost or destroyed, and (2) stamps received, used, and lost or destroyed. Such report shall be made at the times specified in this section and shall be made whether or not any operations or transactions occurred during the period covered by the report. A copy of each report shall be retained by the manufacturer for two years following the close of the calendar year covered in such reports, and made available for inspection by any revenue officer upon his request.

(b) *Opening.* An opening report, covering the period from the date of the opening inventory, or inventory made in connection with a superseding bond, to the end of the month, shall be made on or before the 20th day following the end of the month in which the business was commenced.

(c) *Monthly.* A report for each full month shall be made on or before the 20th day following the end of the month covered in the report.

(d) *Special.* A special report, covering the unreported period to the day preceding the date of any special inventory required by a revenue officer, shall be made with such inventory. Another report, covering the period from the date of such inventory to the end of the month, shall be made on or before the 20th day following the end of the month in which the inventory was made.

(e) *Closing.* A closing report, covering the period from the first of the month to the date of the closing inventory, or the day preceding the date of an inventory made in connection with a superseding bond, shall be made with such inventory.

(68A Stat. 713; 26 U. S. C. 5722)

(B) Section 275.147 is amended by striking from the second sentence "§§ 275.132 and 275.133" and inserting in lieu thereof "§ 275.132".

(C) Section 275.148 is amended by striking "§§ 275.132 and 275.133" and inserting in lieu thereof "§ 275.132".

[F. R. Doc. 58-6372; Filed, Aug. 8, 1958; 8:47 a. m.]

[26 CFR (1954) Parts 270, 275]

CIGARS, CIGARETTES, AND MANUFACTURED TOBACCO; MANUFACTURERS, IMPORTERS, AND DEALERS

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

In order to conform regulations to the provisions of Public Law 85-211 relative to the importation of certain samples of tobacco products without payment of the internal revenue tax imposed on, or by reason of, importation, 26 CFR Parts 270 and 275 are amended as follows:

PARAGRAPH 1. Paragraph (a) of § 270.190 is amended by inserting a colon in place of the period at the end of the second sentence and adding, immediately thereafter, the expression *"Provided,* That cigars and cigarettes removed as samples pursuant to the provisions of § 270.196a shall be exempt from the provisions of this paragraph."

PAR. 2. A new § 270.196a to read as follows is added:

§ 270.196a *Exemption of certain samples from internal revenue taxes.* Samples of cigars and cigarettes, to be used in the United States by persons importing tobacco products in commercial quantities, are, subject to the limitations in this section, exempt from payment of any internal revenue tax imposed on, or by reason of, importation. These exemptions apply only to samples to be used for soliciting orders for products of foreign countries. Only one sample of cigars and cigarettes of the same brand, blend, size, shape, and weight, and having the same kind of wrapper, filter, mouthpiece, etc., shall be so admitted during any calendar quarter for the use of each such person. No such sample shall contain more than 3 cigars or 3 cigarettes.

(71 Stat. 486; 19 U. S. C. 1201)

PAR. 3. Paragraph (a) of § 275.180 is amended by inserting a colon in place of the period at the end of the second sentence and adding, immediately thereafter, the expression *"Provided,* That manufactured tobacco removed as samples pursuant to the provisions of § 275.185a shall be exempt from the provisions of this paragraph."

PAR. 4. A new § 275.185a to read as follows is added:

§ 275.185a *Exemption of certain samples from internal revenue taxes.* Samples of manufactured tobacco, to be used in the United States by persons importing tobacco products in commercial quantities, are, subject to the limitations in this section, exempt from payment of any internal revenue tax imposed on, or by reason of, importation. These exemptions apply only to samples to be used for soliciting orders for products of foreign countries. Only one sample of manufactured tobacco of the same kind, brand, blend, form, flavor, cut, grind, etc., shall be so admitted during any calendar quarter for the use of each such person. No such sample shall contain more than one-eighth of an ounce of manufactured tobacco.

(71 Stat. 486; 19 U. S. C. 1201)

PAR. 5. Since the amendments made by Public Law 85-211 apply to articles entered for consumption or withdrawn from warehouse for consumption on or after October 17, 1957, the date on which the International Convention To Facilitate the Importation of Commercial Samples and Advertising Materials came into force for the United States, these regulations are being made retroactively effective to that date pursuant to section 7805 of the Internal Revenue Code of 1954.

[F. R. Doc. 58-6371; Filed, Aug. 8, 1958; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1003]

DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO ESTABLISHING FREE, RESTRICTED, AND WITHHOLDING PERCENTAGES FOR 1958-59 CROP YEAR

Notice is hereby given that there is being considered a proposal to establish for the 1958-59 crop year beginning August 1, 1958, free, restricted, and withholding percentages for marketable dates of the Deglet Noor, Zahidi, and Khadrawy varieties as hereinafter set forth. The proposed percentages, which are based on the unanimous recommendation of the Date Administrative Committee and other information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 127 and Order No. 103 (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are submitted in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the eighth day after publication of this notice in the FEDERAL REGISTER. In the event the said eighth day should fall on a legal holiday, Saturday, or Sunday, such submissions must be received by the Director not later than the close of business on the next following business day.

The proposed percentages for marketable dates of the Deglet Noor variety and of the Zahidi variety are based on the following estimates of the Date Administrative Committee:

Factors	Deglet Noor	Zahidi
	1,000 pounds	*1,000 pounds*
1. Uncertified handler carryover (July 31, 1958)	5,331	96
2. Production of marketable dates	30,360	1,344
3. Total marketable dates subject to regulation	35,691	1,440
4. Trade demand	24,000	1,200
5. Plus desirable handler carryover (July 31, 1959)	5,000	100
6. Less certified handler carryover (July 31, 1958)	2,889	0
7. Free dates	26,111	1,300
8. Restricted dates (item 3 minus 7)	9,580	140

The indicated free poundage of Deglet Noor dates is 73.16 percent of the estimated total supply of such variety of dates subject to regulation. The committee unanimously recommended that the free percentage be rounded to 74 percent, making the restricted percentage 26 percent and the withholding percentage 35.1 percent.

The indicated free poundage of Zahidi dates is 90.28 percent of the estimated total supply of such variety of dates subject to regulation. The committee unanimously recommended that the free percentage be rounded to 90 percent, making the restricted percentage 10 percent and the withholding percentage 11.1 percent.

The committee's estimate of the production of marketable dates of the Khadrawy variety for the 1958-59 crop year is 539,000 pounds and approximates the committee's estimated trade demand therefor. Hence, no volume restrictions are proposed to be established for this variety.

Average return to California producers for 1958-59 crop dates will not exceed the price level specified in section 2 (1) of the aforesaid act.

On the basis of the committee's estimates and the information presently available on potential trade demand for the 1958-59 crop year, the percentages recommended by the committee appear desirable. Therefore, the proposal is as follows:

§ 1003.206 *Free, restricted, and withholding percentages.* The free percentage, restricted percentage, and withholding percentage of marketable dates for each variety shall be, for the crop year beginning August 1, 1958, and ending July 31, 1959, as follows: (a) Deglet Noor variety dates: Free percentage, 74 percent; restricted percentage, 26 percent; and withholding percentage, 35.1 percent; (b) Zahidi variety dates: Free percentage, 90 percent; restricted percentage, 10 percent; and withholding percentage, 11.1 percent; and (c) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding percentage, 0 percent.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 6, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-6375; Filed, Aug. 8, 1958; 8:47 a. m.]

Agricultural Research Service

[7 CFR Part 319]

FOREIGN QUARANTINE NOTICES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Director of the Plant Quarantine Division, pursuant to the authority contained in amended § 319.37-18 (c) of the regulations supplemental to the quarantine relating to nursery stock, plants, and seeds for im-

portation into the United States (7 CFR 319.37–18 (c), 23 F. R. 1715), under sections 1, 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 154, 159, 160, 162), is considering the issuance of administrative instructions to be designated as 7 CFR 319.37–18a to read as follows:

§ 319.37–18a *Administrative instructions prescribing size limitations for cacti, cycads, yuccas, dracaenas, and plants of similar growth habits; interpretation regarding status of palms.*—(a) *Size limitations.* Plants of cacti, cycads, yuccas, dracaenas, and plants of similar growth habits, not subject to size-age limitations under § 319.37–18 (a) or (b), whose growth habits simulate the woody character of trees and shrubs, may be imported under permit if they are:

(1) Small, young plants no greater than 12 inches in height, exclusive of foliage;

(2) Specimen plants and meet the conditions prescribed for the importation of such plants in § 319.37–18 (a).

(b) *Interpretation.* Palms are considered to be in the same category as woody plants and are subject to the limitations prescribed in § 319.37–18 (a).

The limitations proposed in these administrative instructions would reduce the pest risk incident to the importation of cacti, cycads, yuccas, dracaenas, and plants of similar growth habits, and would allow a more thorough and satisfactory inspection to be made than is possible with larger plants. It is anticipated that any plants that might be imported under the proposed limitations can be successfully transported and reestablished.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 1, 5, 7, and 9, 37 Stat. 315, 316, 317, 318, as amended; 7 U. S. C. 154, 159, 160, 162; 7 CFR 319.37–18 (c), 23 F. R. 1715)

Done at Washington, D. C., this 6th day of August 1958.

[SEAL] H. S. DEAN,
Acting Director,
Plant Quarantine Division.

[F. R. Doc. 58–6379; Filed, Aug. 8, 1958; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 12571; FCC 58–788]

RULES OF PRACTICE AND PROCEDURE

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The Commission has before it for consideration a proposal to amend § 1.47 of the Commission's rules and regulations to provide as follows:

§ 1.47 *Appeals to the Commission from rulings of the Motions Commissioner, Chief Hearing Examiner or Hearing Examiners.* Rulings of the Motions Commissioner, Chief Hearing Examiner or Hearing Examiners may not be appealed to the Commission prior to its consideration of the entire record of the proceeding, except in extraordinary circumstances and with the consent of the officer by whom the rulings are made. An appeal shall be disallowed unless such officer finds, either on the record of the proceeding or by formal order, that the allowance thereof is necessary to prevent substantial detriment to the public interest or undue prejudice to any interested party. Requests for allowance of appeal shall be filed with the ruling officer within five days after such ruling is made or order released. In the event an appeal is allowed, any party to the proceeding may file a brief with the Commission within such period as the ruling officer directs. The rulings involved may be reviewed by the Commission in connection with its final action upon the merits of the proceeding, irrespective of the filing of an appeal or any action taken thereon.

3. The present Commission rule provides as follows: "*Review of adverse ruling.* Any interested party may obtain a review of an adverse ruling made by the Motions Commissioner, Chief Hearing Examiner or Hearing Examiner, (a) by filing, within five days after the order is released or the ruling is made, a petition for review by the Commission or (b) by specifically requesting review of the ruling complained of as part of the exceptions filed to the initial decision in accordance with the provisions of §§ 1.153 through 1.155."

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views.

5. Authority for the adoption of the amendment herein is contained in section 303 (r) of the Communications Act of 1934, as amended.

6. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 30, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 31, 1958.

Released: August 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58–6399; Filed, Aug. 8, 1958; 8:49 a. m.]

[47 CFR Part 2]

[Docket No. 12572; FCC 58–789]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. Part 2 of the Commission's rules now requires that, with certain exceptions, all assignments of frequencies be made in accordance with the table of frequency allocations. Some of the exceptions are contained in § 2.103 while others are contained in footnotes NG1 and US17 applicable to § 2.104 (a).

3. This proposal will consolidate these exceptions into one codified version of § 2.103 so as to delete the numerous references in the table of frequency allocations with respect to the above mentioned footnotes. This intent, with respect to footnote US17, is pointed out in the Commission's notice of proposed rule making in Docket No. 12404, adopted April 16, 1958.

4. There are several significant changes proposed with respect to certain bands of frequencies which may be authorized in the experimental service. Heretofore the Commission, in individual instances, has authorized such operation on a case by case basis utilizing the exceptions presently provided in § 2.103. These proposed changes are as follows:

(a) Specific exception is being made for radio-sounding stations which require the use of the technique of "sweeping" a portion of the spectrum.

(b) Experimental stations engaged in research, other than those in (a) above will be restricted to frequencies in bands allocated to the fixed, broadcasting or land mobile services or to one of these services shared with another service.

(c) The proposed amendment with reference to contract developmental stations represents an editorial change in an amendment previously proposed in a notice of proposed rule making in Docket No. 12404 adopted April 16, 1958, and further rule making action in this matter will take into account those comments received in Docket No. 12404.

(d) The proposed amendment provides for assignment of frequencies in all bands except those allocated to the amateur service, to export developmental stations. This is consistent with the Commission's policy of issuing authorizations for the development of equipment for foreign use where such use is not governed by the Commission's rules and regulations.

(e) The Commission, for purposes of simplifying the Table of Frequency Allocations, is also proposing to delete footnote NG22, transfer its provisions to § 2.103 (g) and apply such provisions to all non-Government bands above 25 Mc which are allocated to the land mobile service.

5. The proposed amendments would retain a general provision in the current rules whereby, in the event a band is reallocated so as to delete its availability for use by a particular service, the Commission may provide for the further interim use of the band by stations in that service for a temporary, specific period of time. In that connection, in the case of experimental stations authorized on frequencies which may subsequently become unavailable for such use as a result of this proceeding, the Commission intends to permit those stations to continue to use such frequencies for the remainder of their license terms.

6. The proposed amendments to the rules are set forth below and are issued pursuant to the authority of sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

7. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 19, 1958, written data, views or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten (10) days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

8. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: July 31, 1958.

Released: August 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

It is proposed to amend Part 2 of the Commission's rules as follows:

1. In § 2.1, delete the definitions of contract developmental station, developmental fixed station, developmental land station, developmental mobile station and export developmental station.

2. In § 2.104 (a) (5), delete Footnotes NG1, NG22 and US17 from the Table of Frequency Allocations.

3. Amend § 2.103 (a), (b) and (g) to read as follows:

§ 2.103 *Assignment of frequencies.* (a) Except as otherwise provided in this section the assignment of frequencies and bands of frequencies to all stations and classes of stations and the licensing and authorizing of the use of all such frequencies between 10 kc and 40,000 Mc and the actual use of such frequencies for radiocommunication or for any other purpose, including the transfer of energy by radio, shall be in accordance with the Table of Frequency Allocations herein.

(b) On the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations, the following exceptions to paragraph (a) of this section may be authorized:

(1) In individual cases the Commission may, without rule-making proceedings, authorize on a temporary basis only, the use of frequencies not in accordance with the Table of Frequency Allocations for projects of short duration or emergencies where the Commission finds that important or exceptional circumstances require such utilization: *Provided,* That such authorizations are not intended to develop a service to be operated on frequencies other than those allocated such service.

(2) A station, for the development of techniques or equipment to be employed by services or classes of stations set forth in columns 8 and 9 of the Table of Frequency Allocations may be authorized the use of frequencies allocated to those services or classes of stations.

(3) Experimental stations, engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, may be authorized the use of any frequency which is in a band allocated to the fixed, land mobile or broadcasting services or to one of these services shared with another service.

(4) Experimental stations, engaged solely in ionospheric sounding by means of the technique of sweeping a band of frequencies, may be authorized the use of any band or bands of frequencies.

(5) Experimental stations to be operated pursuant to a contractual agreement with the United States Government and intended for the sole and express purpose of developing equipment or a technique to be employed by stations belonging to and operated by the United States may be authorized the use of any frequency.

(6) Experimental stations intended for the sole and express purpose of developing equipment or a technique to be employed by stations under the jurisdiction of a foreign government may be authorized the use of any frequency which is not in a band allocated to the amateur service.

(7) In the event a band is reallocated so as to delete its availability for use by a particular service, the Commission may provide for the further interim use of the band by stations in that service for a temporary, specific period of time.

* * * * * *

(g) In the bands above 25 Mc which are allocated to the non-Government land mobile service, fixed stations may be authorized on the following conditions:

(1) That such fixed stations are authorized in the service shown in Column 11 of the Table of Frequency Allocations in the band in question.

(2) That harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

[F. R. Doc. 58–6400; Filed, Aug. 8, 1958; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 12386; FCC 58–776]

TELEVISION BROADCAST STATIONS; WICHITA-HUTCHINSON, KANS.

TABLE OF ASSIGNMENTS

1. On February 4, 1958, Wichita-Hutchinson Company, licensee of Station KTVH on Channel 12 at Hutchinson, Kansas, filed with the Commission a petition requesting rule making to amend § 3.606, *Table of Assignments, Television Broadcast Stations,* to shift channel 12 from Hutchinson to Wichita, Kansas, as follows:

City	Channel No.	
	Present	Proposed
Wichita, Kans.	3–, 10–, 16–, *22+	3–, 10–, 12, 16–, *22+
Hutchinson, Kans.	12, 18	18

2. Consideration of the petition led to the issuance of a notice of proposed rule making (FCC 58–309) on April 3, 1958. Comments and Reply Comments on the proposed amendment were filed through June 2, 1958, by KAKE Television Corporation, Inc., licensee of Station KAKE-TV, Wichita Television Corporation, Inc., licensee of Station KARD-TV; and the petitioner. In addition, a letter in the form of a petition signed by a number of residents of Hutchinson was filed in opposition to the proposed channel shift.

3. In support of the proposed amendment, the petitioner contends that enabling the three stations in the Wichita-Hutchinson area to compete on an equal basis would foster competition. As Wichita is the population center and principal source of programming material in this area, KTVH is obliged to maintain an auxiliary studio in Wichita. KTVH claims that although its coverage is substantially the same as that of the two Wichita stations, KAKE and KARD, its competitive position is weakened by identification as the only station in Hutchinson, a city of approximately 40,000 population, instead of as one of three stations in Wichita, a city of approximately 200,000 population.

4. KTVH further contends that, on the basis of an engineering study included with the comments, it presently has principal city coverage over all of Wichita. Accordingly, KTVH claims that modification of its license to specify operation as a Wichita station would not require change of transmitter site, studios,

or other essential elements of station operation. KTVH states that it would redesignate the Wichita studio as the main studio but would continue to maintain the Hutchinson studio and to serve Hutchinson interests, to the present extent. It is noted that the petitioner also contends that certain of the individuals signing the petition that KTVH remain a Hutchinson station are connected with one of the opponents by social and business ties and that several other individuals whose signatures were included are not residents of Hutchinson.

5. KTVH also contends that the proposed shifting of Channel 12 from Hutchinson to Wichita would be consistent with the Commission's assignment principles as applied in the cases of Tulsa-Muskogee (15 Pike & Fischer RR 1720) and Galveston-Houston (16 Pike & Fischer RR 1605).

6. In opposition to the proposed amendment, Stations KAKE and KARD contend that KTVH has been and presently is competing on an equal or even a preferred basis in Wichita. By utilizing Wichita studios, Wichita program material, and every other available means, KTVH has succeeded in identifying itself with Wichita to the greatest allowable degree. KTVH is the Wichita area Columbia Broadcasting System affiliate with "basic must buy" status and higher network rates than either KAKE or KARD. KTVH has been a financially successful operation since its inception and its present status in this regard is excellent.

7. The opponents also contend that Hutchinson, the fourth largest city in Kansas, has greater need of a first station than Wichita has of a third. Wichita is adequately served by KAKE and KARD, as well as by KTVH, whose present concentration on Wichita could not, in the opponents' opinion, be increased to any appreciable extent without total abandonment of Hutchinson interests. The history of KTVH has established Hutchinson's ability to support a television station. The present infeasibility of UHF operations in this area has been demonstrated by the recent failure of a UHF station in Wichita. Enabling KTVH to become a Wichita station would also enable KTVH to close its Hutchinson studio at any time without so much as notifying the Commission. The opponents contend that effectively depriving Hutchinson of any local outlet in the foreseeable future would not be consistent with the Commission's assignment principles.

8. The opponents of the proposed amendment further contend that on the basis of data (BPCT–2239) filed with the Commission by KTVH on November 29, 1956, and the applicable standards of the Commission's rules, KTVH does not presently have principal city coverage over all of Wichita, and, accordingly, would not qualify for operation as a Wichita station under the Commission's rules. These opponents contend that the engineering study submitted in support of KTVH's contrary claim is not acceptable as a basis for determination.

9. With regard to the engineering study submitted in support of the petitioner's claim that KTVH presently has principal community coverage over all of Wichita, we note that the end results are based upon measurements made along two radials through Wichita and along several short segments within the city, and that these measurements were based on visual transmissions during normal program operation rather than fixed level transmissions. In our opinion, these results are inconclusive.

10. With regard to the petitioner's claim that modification of KTVH's license would not require modification of any essential element of station operation, it appears that KTVH would be unable to effect any appreciable improvement in the technical quality of its service to Wichita in any event. The KTVH transmitter is located approximately 33 miles northwest of Wichita; KTVH is precluded from moving appreciably closer to Wichita by the assignment of Channel 12+ in Joplin, Missouri, to the southeast of Hutchinson and Wichita at a distance approximately equal to the minimum separation of this zone (190 miles). KTVH's present power (316 kilowatts) is maximum for operation on Channel 12. KTVH's present antenna height (approximately 800 feet above average terrain) is of the order of magnitude where air space problems become complex and there is no assurance that it can be increased appreciably. Accordingly, any present deficiencies with respect to qualification for operation as a Wichita station may not lend themselves to remedial action.

11. As contended by the opponents, the coverage data included with the KTVH application for the construction permit for its present facilities (BPCT–2239) indicates that KTVH does not have principal city coverage over all of Wichita. In accordance with Figure 1 of this application, the 77 decibels above one microvolt (dbu) or minimum required field intensity contour passes through a point slightly to the far side of the center of Wichita and does not pass through any point closer to the farthest point within the city limits than approximately two and one-half miles. Approximately one-third of the city lies outside of this contour, as determined by KTVH, on the basis of the procedure set forth in the Commission's rules.

12. We conclude, therefore, that on the basis of the data included with BPCT–2239, KTVH would not qualify for operation as a Wichita station under the Commission's rules. We note the absence of any similar consideration in the cases of Tulsa-Muskogee and Galveston-Houston as cited by the petitioner. Further, as has been noted, in the event that the Table of Assignments were amended to remove Channel 12 from Hutchinson, there is no assurance that KTVH would be able to institute modifications to enable it to qualify for operation on Channel 12 in Wichita. Thus, we are unable to conclude that adoption of the subject proposal would serve the public interest.

13. Accordingly, for the foregoing reasons: *It is ordered*, That the above-described petition of Wichita-Hutchinson Company is denied, and this proceeding is terminated.

Adopted: July 30, 1958.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6397; Filed, Aug. 6, 1958; 8:48 a. m.]

[47 CFR Part 4]

[Docket No. 12567; FCC 58-778]

EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST STATIONS

TRANSMITTER POWER OUTPUT

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. On May 23, 1956, the Commission adopted a report and order in Docket No. 11611 (FCC 56–488) which amended Part 4 of the rules to provide for the licensing of television broadcast translator stations. Under these rules translator stations are limited to a maximum power output from the transmitter of 10 watts. In placing this limitation on power, the Commission stated in its decision, as follows: "Upon carefully considering the foregoing suggestions, we have concluded that the 10 watt maximum power requirement should be retained until data based on actual experience with translators operating under a variety of conditions is obtained. Such data will demonstrate whether the maximum power now authorized is adequate, or whether more power is necessary or desirable. The experience obtained in this initial stage will also assist us in evaluating the possible effects that increased power might have on other translators and other services."

3. In the two years that have elapsed since the inauguration of translator service the Commission has received a number of suggestions, requests and petitions that TV translators be permitted to employ more power. In the same period of time we have received no reports of interference between translators or to other stations or services, even though around 125 TV translators are now on the air. There are many areas in which translators are now operating or in which translator operation is contemplated where an increase in power would improve the service now being provided and bring service to new areas in which there is little or no TV reception at present. We believe, therefore, that consideration should be given to increased power for television broadcast translator stations.

4. Accordingly, it is proposed to amend §§ 4.735 (a) and 4.750 (c) (5) of the rules, as set forth below, to permit TV translators to employ a maximum transmitter power output of 100 watts.

5. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i), 301, and 303 (f), (j) and (r) of the Communications Act of 1934, as amended.

6. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth below, may file with the Commission on or before September 5, 1958, a written statement setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with § 1.54 of the Commission rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished to the Commission.

Adopted: July 30, 1958.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

1. It is proposed to delete § 4.735 (a) and to substitute the following:

§ 4.735 *Power limitations.* (a) A television broadcast translator station will not be authorized to operate with transmitter output power in excess of the rated power output of the transmitter and in no event shall the rated peak visual power output of the transmitter be in excess of 100 watts. No minimum power is specified for television broadcast translator stations.

2. It is proposed to delete § 4.750 (c) (5) and to substitute the following:

§ 4.750 *Equipment and installation.*

• • •

(c) • • •

(5) The tube or tubes employed in the final radio frequency amplifier shall be of the proper rating to supply the rated power output. The rated maximum peak visual output power of the translator shall not be greater than 100 watts. The translator shall be capable of delivering the rated power in continuous service when driven with an input signal modulated by a video waveform corresponding to a black picture and a sound signal power equal to 50 percent of the peak visual power. Translators rated at more than 10 watts maximum peak visual power output shall be equipped with a suitable device for indicating the peak visual power output. Where the composite visual and aural signal powers are measured together, the indicating device shall be calibrated so as to read the true peak visual power when the input television signal is modulated by a waveform corresponding to a black picture and when the sound signal power is equal to 50 percent of the peak visual power.

[F. R. Doc. 58-6398; Filed, Aug. 8, 1958; 8:48 a. m.]

[47 CFR Parts 5, 7–11, 16, 19, 21]

[Docket No. 12573; FCC 58-790]

TRANSMITTER IDENTIFICATION CARD

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of §§ 5.157, 7.102, 8.102, 9.118, 10.157, 11.156, 16.156, 19.72, and 21.202 of the Commission's rules concerning the use of FCC Form 452–C, the Transmitter Identification Card.

1. Notice is given hereby of proposed rule making in the above-entitled matter.

2. Information available to the Commission, including comments filed in response to the Commission's inquiry on the adequacy and suitability of forms used in the Safety and Special Radio Services (Docket No. 11692), indicates that problems have been engendered because of a lack of uniformity in the Commission's rules concerning the use and placement of FCC Form 452–C, the Transmitter Identification Card.

3. The Commission proposes to eliminate such difficulties by amending the relevant sections of its rules so as to permit licensees to use either FCC Form 452–C or a plate of metal or other durable material which shall bear the title "Radio Transmitter Identification" and shall display clearly all the information required to be shown on the present FCC Form 452–C, with the exception of the signature of the licensee. In addition, the Commission proposes to amend the sections of the rules listed above to make it mandatory that such identification cards be affixed to transmitters in a manner so as to be readily accessible for governmental inspection; but in the case of mobile transmitters or fixed transmitters authorized to be operated at temporary locations, if the transmitter is not in view of the transmitter operating position, then the identification card must be attached to the control equipment at the transmitter operating position.

4. The authority for the amendments proposed herein is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendments should not be adopted in the form outlined above, may file with the Commission, on or before September 8, 1958, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendments may be filed also on or before the same date. Comments in reply to original comments may be filed on or before the tenth day following the last day for the filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for filing such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: July 31, 1958.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6401; Filed, Aug. 8, 1958; 8:49 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 7980–4, between the member lines of the North Atlantic Mediterranean Freight Conference, modifies the basic agreement of that conference (No. 7980, as amended), which covers the trade from North Atlantic ports of the United States, in the Hampton Roads/Portland, Maine, range, either by direct call or transshipment, to ports in the Mediterranean and adjacent seas. The purpose of the modification is to provide (1) for a penalty of not more than $15,000 for each violation of the conference agreement; (2) for arbitration of disputes in case of a violation; and (3) for a deposit of $15,000 in cash or other security of like value, by each of the member lines to guarantee the faithful performance and the payment of any penalty or judgment against them.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 6, 1958.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-6380; Filed, Aug. 8, 1958; 8:47 a. m.]

Maritime Administration

TRADE ROUTE No. 13, U. S. SOUTH ATLANTIC AND GULF/MEDITERRANEAN AND BLACK SEA

NOTICE OF TENTATIVE CONCLUSIONS AND DETERMINATIONS REGARDING ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS

Notice is hereby given that on July 31, 1958, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 13 and in accordance with his action of July 27, 1956 ordered that the following tentative conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

1. Trade Route No. 13, as described below, is reaffirmed as an essential foreign trade route of the United States:

Trade Route No. 13—U. S. South Atlantic and Gulf/Mediterranean and Black Sea. Between U. S. South Atlantic and Gulf ports (North Carolina-Texas inclusive) and ports on the Mediterranean Sea, Black Sea and in Portugal, Spain south of Portugal and Morocco (Tangier to southern border of Morocco).

2. Requirements for United States flag operations on Trade Route No. 13 are approximately 7 or 8 sailings per month of freight vessels serving the route exclusively or predominantly.

3. The C-2 and C-3 type freight ships operated on the route are suitable for service to the full range of United States and foreign ports on Trade Route No. 13 and Victory-type ships are suitable for interim operations. Replacement ships required in the near-term future will need to be superior to present C-type ships in speed and also provide adequate deep tank, refrigerated and dry cargo capacity for the needs of this Trade Route.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views or request a hearing thereon, should submit same in writing to the Chief, Office of Government Aid, Maritime Administration, Department of Commerce, Washington 25, D. C., by close of business on August 25, 1958. In the event a hearing is requested, a statement must be included giving the reasons therefor. Any hearing thereby afforded will be before an Examiner on an informal basis only. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: August 6, 1958.

By order of the Maritime Administrator.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-6381; Filed, Aug. 8, 1958; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document No. 185]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Prisons has filed an application, Serial No. AR-019097, for the withdrawal of the lands as described below, from all forms of appropriation including the mining laws.

The applicant desires the land for a prison site.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 148, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 8 S., R. 26 E.,
Sec. 19: W½SE¼, E½SW¼, containing 160 acres.

E. I. ROWLAND,
State Supervisor.

AUGUST 4, 1958.

[F. R. Doc. 58-6351; Filed, Aug. 8, 1958; 8:45 a. m.]

Bureau of Reclamation

GRAND VALLEY PROJECT, COLORADO

ORDER OF REVOCATION

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416), and pursuant to Departmental Order No. 2765 of July 30, 1954, I hereby revoke the Departmental Orders of February 28, 1908, July 25, 1908, February 24, 1941, July 2, 1902, October 11, 1902 and July 27, 1910, insofar as said orders affect the following-described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders, or affect any other order withdrawing or reserving the lands hereinafter described.

SIXTH PRINCIPAL MERIDIAN

T. 10 S., R. 98 W.,
Sec. 13, SE¼SW¼;
Sec. 22, SE¼SE¼;
Sec. 23, SW¼NE¼ and SW¼;
Sec. 26, W½W½;
Sec. 34, N½NE¼, SW¼NE¼, S½NW¼, SW¼ and NW¼SE¼.

T. 11 S., R. 98 W.,
Sec. 2, lots 4, 6, 13, 14, 18 and 20;
Sec. 3, lots 1, 7 to 11, incl., 16 and 17, and NW¼SE¼;
Sec. 10, lots 1 to 4, incl.;
Sec. 11, lots 1 and 2, and SW¼NW¼.

T. 11 S., R. 99 W.,
Sec. 2, lot 9;
Sec. 11, lot 1;
Sec. 12, lots 1 to 4, incl., S½NE¼ and SW¼NW¼.

T. 12 S., R. 100 W.,
Sec. 19, all.

T. 9 S., R. 101 W.,
Sec. 7, lots 1 to 4, incl., E½ and E½W½;
Sec. 18, lots 1 to 3, incl.;
Sec. 34, lots 3 and 4.

T. 10 S., R. 101 W.,
Sec. 2, S½SW¼;
Sec. 3, lots 1 to 4, incl.;
Sec. 10, lots 1, 2, and 4;
Sec. 11, NW¼ and E½SW¼;
Sec. 12, S½S½;
Sec. 13, lots 1 to 4, incl.;
Sec. 14, lots 1 to 3, incl.;
Sec. 15, lot 1.

T. 9 S., R. 102 W.,
Sec. 11, all;
Sec. 12, all;
Sec. 13, lots 1 and 2;
Sec. 14, lots 1 and 2.

T. 9 S., R. 103 W.,
Sec. 2, lots 6, 7, 8, SW¼NE¼, S½NW¼, SW¼, NW¼SE¼ and W½SW¼SE¼;
Sec. 3, S½SW¼NE¼, S½SE¼NW¼, NE¼SW¼, S½NW¼SW¼ and SE¼;
Sec. 4, W½SE¼SE¼;
Sec. 7, lots 1 to 4, incl., SE¼NE¼, E½W½, E½SE¼ and S½SW¼SE¼;
Sec. 8, S½NE¼, SE¼NW¼, E½SW¼, W½W½SW¼, NE¼NW¼SW¼, SE¼SW¼SW¼ and SE¼;
Sec. 9, S½SW¼SW¼NE¼, SW¼NW¼, W½SE¼NW¼, S½SE¼SE¼NW¼, SW¼, NW¼SE¼ and S½SE¼;
Sec. 10, NE¼NE¼NE¼, S½NE¼NE¼, SE¼SW¼NE¼, SE¼NE¼, E½NE¼SW¼, SW¼SW¼ and SE¼;
Sec. 11, SE¼NE¼, W½, W½SE¼, W½SE¼SE¼, N½SE¼SE¼SE¼ and SW¼SE¼SE¼;
Sec. 14, W½ lot 1 and lot 2;
Sec. 15, NW¼ and N½SW¼;
Sec. 16 and 17, all;
Sec. 18, lots 1 to 3, incl., E½ and E½W½;
Sec. 19, lots 1, 2, S½ of 3, and 4, N½NE¼, SW¼NE¼, E½NW¼, NE¼NE¼SW¼, and SE¼SW¼;
Sec. 20, N½ and N½SE¼;
Sec. 21, N½, SW¼, N½SE¼ and SW¼SE¼;
Sec. 22, W½NE¼NW¼, W½NW¼ and NW¼SW¼;
Sec. 27, lots 1 to 4, incl., SE¼NW¼, NE¼SW¼, E½NW¼SW¼, E½SW¼NW¼SW¼ and S½SW¼;
Sec. 28, W½NW¼NE¼, S½SW¼NE¼, SE¼NE¼NW¼, NW¼, N½SW¼, SW¼SW¼, E½SE¼SW¼, N½SE¼ and SW¼SE¼;
Sec. 29, S½NE¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼, SE¼NE¼, SW¼NW¼, NE¼SE¼ and S½SE¼;
Sec. 33, SE¼NE¼, N½NW¼NW¼, W½SW¼NW¼, W½SW¼, W½SE¼SW¼ and E½SE¼;
Sec. 34, lots 2 to 6, incl., and W½.

T. 10 S., R. 103 W.,
Sec. 3, lots 1 to 6, incl., S½NW¼ and SW¼;

T. 9 S., R. 104 W.,
Sec. 2, SW¼SW¼;
Sec. 3, SE¼SE¼;
Sec. 11, W½NE¼, SW¼NE¼, NE¼NW¼ and W½SW¼;
Sec. 12, E½NE¼, S½SW¼, and SE¼;
Sec. 13, NE¼, NE¼NW¼, W½SW¼NW¼ and N½SE¼.

UTE PRINCIPAL MERIDIAN

T. 1 N., R. 1 E.,
Sec. 26, N½NE¼ and S½;
Sec. 27, SW¼ and SW¼SE¼;
Sec. 29, W½;
Sec. 30, lots 1 to 3, incl., NE¼, E½NW¼, NE¼SW¼ and N½SE¼;
Sec. 31, lots 2 to 4, incl., S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Secs. 32, 33 and 34, all;
Sec. 35, N½, E½SW¼ and SE¼.

T. 1 S., R. 1 E.,
Sec. 1, lots 1, 2, 4, S½N½ and S½;
Sec. 2, lot 2, S½NE¼, SE¼NW¼ and S½;
Sec. 3, lots 1 to 4, incl., S½N½ and S½;
Sec. 4, lots 1 to 4, incl., S½N½ and S½;
Sec. 5, lots 1 to 4, incl., S½N½ and S½;
Sec. 6, lots 1 to 7, incl., S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 7, lots 1 to 4, incl., E½ and E½W½;
Sec. 8, all;
Sec. 9, N½NE¼, SW¼NE¼, NW¼ and S½;
Secs. 10 and 11, all;
Sec. 12, lots 1 and 2, N½, SW¼ and N½SE¼;
Sec. 13, lots 1, 2, 3, 4, 6, 7, NW¼ and N½SW¼;
Sec. 14, lot 1, N½, SW¼ and N½SE¼;
Secs. 15, 16, 17, all;
Sec. 18, lots 1 to 4, incl., E½ and E½W½;
Sec. 19, lots 1 to 7, incl., NE¼, E½NW¼ and N½SE¼;
Sec. 20, lots 1 to 4, incl., N½ and NW¼SW¼;
Sec. 21, lots 1 to 7, incl., N½NW¼, SW¼NW¼ and S½SE¼;
Sec. 22, lots 1 to 3, incl., 5 to 9, incl., N½ and S½S½;
Sec. 23, lots 1 to 5, incl., NW¼NW¼, NE¼SW¼, S½SW¼ and SE¼;
Sec. 24, lot 5, NE¼, S½NW¼ and S½;
Sec. 25, N½;
Sec. 26, N½, NE¼SW¼, N½SE¼ and SE¼SE¼;
Secs. 27, 28, all;
Sec. 29, lots 1 to 3, incl., S½N½ and S½;
Sec. 30, lots 1 to 5, incl., NW¼NE¼, S½NE¼, E½W½ and SE¼;
Sec. 31, lots 1 to 5, incl., NE¼, E½W½ and S½SE¼;
Sec. 32, N½, NE¼SW¼, S½SW¼ and SE¼;
Secs. 33, 34;
Sec. 35, NW¼.

T. 1 S., R. 2 E.,
Sec. 2, lots 1 to 6, incl., and SE¼NW¼;
Sec. 3, lots 1 to 12, incl., and S½S½;
Sec. 4, lots 1 to 13, incl., and S½SE¼;
Sec. 5, lots 1 to 4 (North Half), lots 1 to 5 (South Half), S½N½ and NW¼SW¼;
Sec. 6, lots 1 to 7, incl., S½NE¼, SE¼NW¼, E¼SW¼ and SE¼;
Sec. 7, lots 1 to 10, incl., N½NE¼ and NE¼NW¼;
Sec. 8, lots 1 to 6, incl., S½NE¼, NE¼SW¼, S½S½SW¼ and SE¼;
Sec. 9, N½, SW¼, NE¼SE¼ and S½SE¼;
Sec. 10, NW¼NW¼;
Sec. 16, S½SW¼NW¼;
Sec. 17, N½NE¼, S½S½NE¼, NW¼ and N½SW¼;
Sec. 18, lots 1 to 4, incl., NE¼, SE¼NW¼, ESW¼, N½SE¼ and SW¼SE¼;
Sec. 19, lots 2 to 4, incl., N½NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, NE¼NW¼SE¼ and S½NW¼SE¼;
Sec. 20, NW¼;
Sec. 30, lots 1 and 2.

T. 1 N., R. 1 W.,
Sec. 4, lots 3, 4 and S½NW¼;
Sec. 5, lots 1 to 4, incl., SE¼NE¼, SW¼, W½W½SE¼ and E½SE¼;
Sec. 6, lots 1, 4, 5, 6, 7, SE¼NW¼, E½SW¼ and SE¼;
Sec. 7, lots 1 to 4, incl., E½ and E½W½;
Sec. 8, all;
Sec. 9, NW¼NE¼, N½SW¼NE¼, N½NW¼, NE¼SW¼NW¼, S½NW¼SW¼ and SE¼SE¼;
Sec. 10, SE¼;
Sec. 14, SW¼;
Secs. 15, 16, 17, all;
Sec. 18, lots 1 to 4, incl., E½ and E½W½;
Sec. 19, lots 1 to 4, incl., E½ and E½W½;
Secs. 20, 21, 22, all;
Sec. 23, NE¼, N½NW¼ and S½;
Sec. 24 to 29, incl., all;
Sec. 30, lots 1 to 4, incl., E½ and E½W½;
Sec. 31, lots 1 to 4, incl., E½ and E½W½;
Secs. 32 to 36, incl., all.

T. 1 S., R. 1 W.,
Sec. 1, lots 1 to 4, incl., S½N½ and S½;
Sec. 2, lots 1 to 4, incl., S½N½ and S½;
Sec. 3, lots 1 to 4, incl., S½N½ and S½;
Sec. 4, lots 1 to 4, incl., S½N½ and S½;
Sec. 5, lots 1 to 4, incl., S½N½ and S½;
Sec. 6, lots 1 to 9, incl., S½NE¼, SE¼NW¼ and NE¼SE¼;
Sec. 7, lot 6;
Sec. 8, lots 1, 2, 3, 4, and NE¼NE¼;
Sec. 9, lots 1, 2, 3, E½, N½NW¼ and SE¼NW¼;
Secs. 10 to 14, incl., all;
Sec. 15, lots 1 to 5, incl., NE¼, NE¼NW¼, NW¼SW¼ and E½SE¼;
Sec. 16, lot 1;
Sec. 22, lot 1 and W½SE¼;
Sec. 23, lots 1, 2, 3, NE¼, and N½NW¼;
Sec. 24, lots 1 to 4, incl., and N½.

T. 1 N., R. 2 W.,
Sec. 1, lots 2 to 6, incl., S½N½ and S½;
Sec. 2, lots 1 to 4, incl., S½N½ and S½;
Sec. 3, lots 1 to 4, incl., S½N½ and S½;
Sec. 4, lots 1 to 4, incl., S½N½ and S½;
Sec. 5, lots 1 to 4, incl., S½N½ and S½;
Sec. 6, lots 1 to 7, incl., S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 7, lots 1 to 4, incl., E½ and E½W½;
Secs. 8 to 17, incl., all;
Sec. 18, lots 1 to 5, incl., NE¼, NE¼NW¼, N½SE¼ and SE¼SE¼;
Sec. 19, lots 1 to 4, incl.;
Sec. 20, lots 1 to 5, incl., N½, NE¼SW¼ and N½SE¼;
Secs. 21 to 25, incl., all;
Sec. 26, lots 1, 2, N½, N½SW¼ and SE¼;
Sec. 27, lots 1 to 5, incl., N½, NE¼SW¼ and N½SE¼;
Secs. 28 to 33, incl., all;
Sec. 34, lot 1.

T. 2 N., R. 2 W.,
Sec. 3, lots 1 to 4, incl., S½N½ and S½;
Sec. 4, lots 1 to 4, incl., S½N½ and S½;
Sec. 5, lots 1 to 4, incl., S½N½ and S½;
Sec. 6, lots 1 to 7, incl., S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, 4, NE¼, E½NW¼, NE¼SW¼, S½SE¼SW¼, N½SE¼ and N½S½;
Sec. 8, N½, N½S½ and N½S½SW¼;
Secs. 9, 10, all;
Sec. 15, N½, SW¼, N½SE¼, E½SW¼SE¼ and SE¼SE¼;
Sec. 16, NE¼, N½NW¼, SE¼NW¼ and NE¼SE¼;
Sec. 17, NE¼NE¼, NE¼NW¼NE¼, S½NW¼NE¼, NE¼NW¼SW¼, SW¼NW¼SW¼, SW¼SW¼, N½SE¼, SW¼SE¼ and N½SE¼SE¼;
Sec. 18, lots 1, 2, 3, E½SE¼ of lot 4, NE¼, E½W½, N½SE¼, SW¼SE¼, NW¼SE¼ SE¼ and W½SW¼SE¼SE¼;
Sec. 19, lots 3, 4, S½S½NE¼, E½SW¼ and SE¼;
Secs. 20, 21, 22, 23, 24, 25, 26, all;
Sec. 27, NE¼, NE¼NW¼, W½W½, N½SE¼ and SE¼SE¼;
Sec. 28, E½, N½NW¼, SE¼NW¼, NW¼SW¼ and S½SW¼;
Sec. 29, S½;
Sec. 30, lots 1 to 4, incl., W½NE¼, E½W½ and SE¼;
Sec. 31, lots 1 to 4, incl., E½ and E½W½;
Sec. 32, N½NE¼, SE¼NE¼, W½ and NE¼SE¼;
Secs. 33, 34, all;
Sec. 35, N½, E½SW¼ and SE¼;
Sec. 36, W½NE¼, W½, N½SE¼ and SE¼SE¼.

T. 1 N., R. 3 W.,
Sec. 1, lots 1 to 4, incl., S½N½ and S½;
Sec. 2, lots 1, 2, 4, S½N½ and S½;
Sec. 3, lots 1 to 4, incl., S½N½ and S½;
Sec. 4, lots 1 to 4, incl., S½N½ and S½;
Sec. 5, lots 2, 3, 4, SW¼NE¼, S½NW¼ and S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 8, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 10, lots 1 to 6, incl.;
Sec. 11, lots 1 to 4, incl., NE¼, N½NW¼, SE¼NW¼ and N½SE¼;
Sec. 12, all;
Sec. 13, lots 1, 2 and 3.

T. 2 N., R. 3 W.,
Sec. 1, SW¼SW¼;
Sec. 2, SE¼SE¼;
Sec. 3, S½SW¼;
Sec. 4, E½ lot 4, E½SW¼NW¼, SE¼NW¼, NE¼SW¼, NE¼NW¼SW¼, SW¼NW¼SW¼, S½SW¼, N½SE¼, SW¼SE¼ and N½SE¼SE¼;
Sec. 5, NW¼SW¼, S½S½ and S½SE¼NW¼SE¼;
Sec. 6, lots 1, 2, 3, SE¼NW¼ and S½SE¼;
Sec. 7, lots 4, 5, 6, E½ and E½W½;
Sec. 8, E½, N½NW¼, W½SW¼ and E½E½SE¼SW¼;
Sec. 9, all;
Sec. 10, NW¼NW¼, S½N½ and S½;
Sec. 11, S½N½ and S½;
Sec. 12, N½NE¼, NE¼NW¼, W½SW½ SW¼NW¼, W½NW¼SW¼, W½SE¼ NW¾SW¼, S½SW¼ and SE¼;
Secs. 13, 14, 15, 16, 17, all;
Sec. 18, lots 1, 2, 3, E½SE¼ of lot 4, NE¼, E½W½, N½SE¼, SW¼SE¼, NW¼SE¼ SE¼ and W½SW¼SE¼SE¼;
Sec. 19, lots 3, 4, S½S½NE¼, E½SW¼ and SE¼;
Secs. 20, 21, 22, 23, 24, 25, 26, all;
Sec. 27, NE¼, NE¼NW¼, W½W½, N½SE¼ and SE¼SE¼;
Sec. 28, E½, N½NW¼, SE¼NW¼, NW¼SW¼ and S½SW¼;
Sec. 29, S½;
Sec. 30, lots 1 to 4, incl., W½NE¼, E½W½ and SE¼;
Sec. 31, lots 1 to 4, incl., E½ and E½W½;
Sec. 32, N½NE¼, SE¼NE¼, W½ and NE¼SE¼;
Secs. 33, 34, all;
Sec. 35, N½, E½SW¼ and SE¼;
Sec. 36, W½NE¼, W½, N½SE¼ and SE¼SE¼.

The areas described, including both public and nonpublic lands, aggregate 127,915.47 acres.

FLOYD E. DOMINY,
Acting Commissioner.

[Colorado 021020]

AUGUST 4, 1958.

I concur. The records of the Bureau of Land Management will be noted accordingly.

1. The lands released from withdrawal by this order are sub-desert type range lands with heavy clay soils and sparse vegetative cover of desert shrubs, native grasses, and annual weeds, with the latter predominating. Because of poor soil and extremely low annual average precipitation, the lands are not suitable for agricultural crop production. They have a limited value for grazing purposes.

2. A major portion of the released lands are patented. The following described lands are public domain and are opened by this order:

SIXTH PRINCIPAL MERIDIAN

T. 12 S., R. 100 W.,
Sec. 19, lots 1 to 4, incl., E½ and E½W½.
T. 9 S., R. 101 W.,
Sec. 7, lots 1 to 4, incl., E½ and E½W½;
Sec. 18, lots 1, 2 and 3;
Sec. 34, lots 3 and 4.
T. 10 S., R. 101 W.,
Sec. 2, S½SW¼;
Sec. 3, lots 1 to 4, incl.;
Sec. 10, lots 1 and 2;
Sec. 11, NW¼ and E½SW¼;
Sec. 12, S½S½;
Sec. 13, lots 1 to 4, incl.;
Sec. 14, lots 1 to 3, incl.
T. 9 S., R. 102 W.,
Sec. 11, E½NE¼ and SW¼SW¼;
Sec. 12, E½, E½W½ and W½NW¼;
Sec. 13, lots 1 and 2;
Sec. 14, lot 1.
T. 9 S., R. 103 W.,
Sec. 3, S½NW¼SW¼;
Sec. 4, W½SE¼SE¼;
Sec. 7, SE¼NE¼ and N½NE¼NW¼;
Sec. 8, SW¼NE¼, SE¼NW¼, NW¼NE¼ SW¼ and NE¼NW¼SW¼;
Sec. 11, SE¼NE¼;
Sec. 19, S½ lot 3, lot 4, and SE¼SW¼;
Sec. 29, SW¼NW¼, SW¼SE¼ and SW¼ SE¼SE¼;
Sec. 33, W½SW¼NW¼, W½SW¼ and W½ SE¼SW¼.
T. 10 S., R. 103 W.,
Sec. 3, lots 3, 5 and 6, SW¼NW¼ and SW¼.
T. 9 S., R. 104 W.,
Sec. 2, SW¼SW¼;
Sec. 3, SE¼SE¼;
Sec. 11, N½NE¼, SW¼NE¼, NE¼NW¼ and W½SW¼;
Sec. 13, W½SW¼NW¼.

UTE PRINCIPAL MERIDIAN

T. 1 N., R. 1 E.,
Sec. 26, N½NE¼;
Sec. 27, N½SW¼, SE¼SW¼ and SW¼ SE¼;
Sec. 29, NW¼;
Sec. 30, Lot 1, NE¼ and NE¼NW¼;
Sec. 32, E½NE¼ and NE¼SE¼;
Sec. 33, W½NE¼, N½NW¼ and SE¼;
Sec. 34, N½NE¼ and NE¼NW¼;
Sec. 35, E½SW¼.
T. 1 S., R. 1 E.,
Sec. 31, NE¼SW¼.
T. 1 S., R. 2 E.,
Sec. 16, S½SW¼NW¼;
Sec. 17, S½S½NE¼;
Sec. 19, NE¼NW¼SE¼ and S½NW¼SE¼.
T. 1 N., R. 1 W.,
Sec. 4, lots 3 and 4, and S½NW¼;
Sec. 5, lots 1 to 4, incl., SE¼NE¼ and E½SE¼;
Sec. 6, lot 1;
Sec. 9, NW¼NE¼, N½SW¼NE¼, N½NW¼ and SE¼SE¼;
Sec. 10, SE¼;
Sec. 14, W½SW¼;
Sec. 15, NE¼ and N½NW¼;
Sec. 23, N½N½;
Sec. 24, NE¼, N½SE¼ and SE¼SE¼;
Sec. 25, SE¼NW¼.
T. 1 S., R. 1 W.,
Sec. 7, lot 6.
T. 1 N., R. 2 W.,
Sec. 19, lot 4;
Sec. 34, lot 1.
T. 2 N., R. 2 W.,
Sec. 3, lots 1 to 4, incl., S½N½ and S½;
Sec. 4, lots 1 to 4, incl., S½N½ and S½;
Sec. 5, lots 1 to 4, incl., S½N½ and S½;
Sec. 6, lots 1, 6, and 7, SE¼NE¼, E½SW¼ and SE¼;
Sec. 7, lots 1 and 2, NE¼, E½NW¼, NE¼ SW¼, N½SE¼ and N½S½SE¼;
Sec. 8, N½, N½S½ and N½S½SW¼;
Secs. 9 and 10, all;
Sec. 15, N½, N½S½, E½SW¼SE¼ and SE¼SE¼;
Sec. 16, NE¼, E½NE¼NW¼, SE¼NW¼ and NE¼SE¼;
Sec. 22, E½E½, E½W½NE¼, E½NW¼ SE¼ and NE¼SW¼SE¼;
Sec. 23, S½;
Sec. 24, S½;
Sec. 25, E½NE¼ and NW¼SW¼;
Sec. 26, S½NE¼, N½NW¼ and SE¼NW¼;
Sec. 36, S½NE¼.
T. 1 N., R. 3 W.,
Sec. 4, W½SW¼;
Sec. 5, lots 2, 3 and 4, SW¼NE¼, S½NW¼ and S½;
Sec. 6, lots 1 to 6, incl., and 8, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 10, lot 4 (NW¼NW¼).
T. 2 N., R. 3 W.,
Sec. 1, SW¼SW¼;
Sec. 2, SE¼SE¼;
Sec. 3, S½SW¼;
Sec. 4, E½ lot 4, E½SW¼NW¼, SE¼NW¼, NE¼SW¼, NE¼NW¼SW¼, N½SE¼ and N½SE¼SE¼;
Sec. 12, N½NE¼ and NE¼NW¼;
Sec. 30, lots 3 and 4, E½SW¼ and S½SE¼;
Sec. 31, lots 1 to 4, incl., E½ and E½W½;
Sec. 32, NE¼NW¼, W½W½ and SE¼ SW¼.

The areas described aggregate approximately 16,900.00 acres.

3. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on September 9, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 9, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on December 9, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands have been open to applications and offers under the mineral-leasing laws. Those in first form withdrawal will be open to location under the United States mining laws beginning at 10:00 a. m. on December 9, 1958. Those in the second form have been open to such location.

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 58–6355; Filed, Aug. 8, 1958; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

ORGANIZATION AND GENERAL INFORMATION

OFFICE OF HEARING EXAMINER

This amendment indicates establishment of an Office of Hearing Examiner and defines the functions of that office.

The following is effective upon publication in the FEDERAL REGISTER.

SECTION 1.1065 *Office of Hearing Examiner.* The Office of Hearing Examiner has been established by the Commission and is responsible for conducting assigned hearings in accordance with the regulations of the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, including patent licensing under section 153 of the Atomic Energy Act of 1954, as amended, but excluding all other patent matters. Assignment and conduct of specific hearings by the Hearing Examiner is governed by the procedures established by the Administrative Procedure Act (5 U. S. C. 1006, 1007, 1010) and by the rules and regulations of the Commission (10 CFR Ch. I).

Dated at Germantown, Md., this 1st day of August 1958.

For the Atomic Energy Commission.

PAUL F. FOSTER,
General Manager.

[F. R Doc. 58–6345; Filed, Aug. 8, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9339]

STEWART AIR SERVICE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of Stewart Air Service Enforcement Proceeding.

Notice is hereby given that the hearing in the above-entitled proceeding heretofore assigned to be held on August 5, 1958, has been postponed indefinitely at the request of the Office of Compliance.

Dated at Washington, D. C., August 4, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58–6347; Filed, Aug. 8, 1958; 8:45 a. m.]

[Docket No. 9252]

SEABOARD & WESTERN AIRLINES, INC.

NOTICE OF HEARING

In the matter of the application of Seaboard & Western Airlines, Inc. for amendment of its certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, authorizing the carriage of United States and Foreign Transit Mail on a non-subsidy, service-rate basis.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, and applicable regulations thereunder, that a hearing in the above-entitled proceeding is assigned to be held on August 13, 1958, at 10:00 a. m., e. d. s. t., in Room 5132, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues, particular attention will be directed to the question of whether the mail service proposed by Seaboard & Western in this proceeding is required by the public convenience and necessity and whether Seaboard & Western is fit, willing and able to perform the proposed mail transportation properly and to conform to the provisions of the Civil Aeronautics Act of 1938, as amended, and the rules, regulations and requirements of the Board thereunder.

For further details regarding the issues involving this proceeding, interested parties are referred to the Examiner's report of prehearing conference served June 25, 1958, which is on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board, on or before August 13, 1958, a statement setting forth the issues of fact or law which he desires to controvert.

Dated at Washington, D. C., August 1, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58–6349; Filed, Aug. 8, 1958; 8:45 a. m.]

[Docket No. 9555]

SEABOARD & WESTERN AIRLINES, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Seaboard & Western Airlines, Inc., for disclaimer of jurisdiction or approval under section 408 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 29, 1958, at 10:00 a. m., e. d. s. t., in Room E–210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., August 4, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58–6348; Filed, Aug. 8, 1958; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11258; FCC 58–749]

ALFRED NEWELL JOHNSON

ORDER DESIGNATING APPLICATIONS FOR HEARING ON STATED ISSUES

In the matter of Alfred Newell Johnson, 833 Shattuck Avenue, Berkeley, California, Docket No. 11258; application for renewal of first class radiotelephone operator license No. P1–12–122 and second class radiotelegraph license No. T–12–2330 and application for renewal of amateur radio station and operator licenses.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 30th day of July 1958;

The Commission having under consideration the application of Alfred Newell Johnson, 833 Shattuck Avenue, Berkeley, California, for renewal of his amateur radio station and operator licenses; and the Commission's order released on January 24, 1955 in the matter of his application for renewal of his first class radiotelephone operator license No. P1–12–122 and second class radiotelegraph license No. T–12–2330; and

It appearing that the Commission, in pursuance of its authority under subsection 303 (1) of the Communications Act of 1934, as amended, to issue radio operator licenses to such citizens of the United States as it finds qualified and its authority under section 308 (b) to examine the qualifications of applicants for radio station licenses directed Alfred Newell Johnson to supplement his application for renewal of his radio operator license and radio station license by furnishing answers to certain specified questions, under oath; and

It further appearing that Alfred Newell Johnson, by letters dated August 6, 1954, August 9, 1957, and June 17, 1958, refused to answer, under oath, certain questions thus propounded to him and requested a hearing on his applications; and

It further appearing that in the light of his refusal to answer certain questions under oath, the Commission is unable to determine that Alfred Newell Johnson possesses the requisite qualifications to be the holder of a radio operator's license or station license.

It is ordered, That the Commission's order released January 24, 1955, in the matter of the above named applicant's commercial radio operator license application be modified to include his application for amateur operator and station licenses and pursuant to sections 303 (1) and 308 (b) of the Communications Act of 1934, as amended, that the above-entitled applications are hereby designated for hearing in San Francisco at a time, place, and before an Examiner, to be specified by subsequent order, upon the following issues to which such hearing shall be confined:

(1) To determine whether Alfred Newell Johnson failed to answer lawful questions with respect to his qualifications to be a licensee which the Commission had directed him to answer under oath;

(2) To determine in the light of the evidence adduced under Issue 1 whether Alfred Newell Johnson possesses the necessary qualifications to hold commercial radio operator licenses and amateur radio station and operator licenses.

Released: August 6, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58–6402; Filed, Aug. 8, 1958; 8:49 a. m.]

[Docket No. 11314; FCC 58–742]

SPARTAN RADIOCASTING CO. (WSPA–TV)

MEMORANDUM OPINION AND ORDER REMANDING APPLICATION FOR FURTHER HEARING

In re application of the Spartan Radiocasting Company (WSPA–TV), Spartanburg, South Carolina, Docket No. 11314, File No. BMPCT–2042; for modification of construction permit.

1. The Commission has before it for consideration a remand issued by the United States Court of Appeals for the District of Columbia Circuit on May 22, 1958,[1] in the appeal of a Commission Memorandum Opinion and Order of July 22, 1957, wherein the Commission, after reconsideration of the matter on an earlier remand, reaffirmed its grant of the application of the Spartan Radiocasting Company (Spartan) for modification of construction permit.

[1] Wilton E. Hall and Greenville Television Company v. Federal Communications Commission, U. S. App. D. C., Case Nos. 13231, 14018, and 14067. Other documents which will furnish the history of this proceeding are as follows: Decision of the Commission in Docket No. 11314, released March 9, 1956, 13 RR 589; Wilton E. Hall and Greenville Television Company v. Federal Communications Commission, 237 F. 2d 567 (1956); and Memorandum Opinion and Order on Remand in Docket No. 11314, released July 22, 1957, 23 F. C. C. 106, 13 RR 610a.

2. The decision of the Court of Appeals of September 6, 1956, reversing the Commission's decision of March 9, 1956, held that the Commission had committed error in rejecting the propagation curves as evidence and in concluding that Spartan was not guilty of misrepresentation. With the propagation curves in evidence, the Court stated, the record shows the modification is a curtailment of service to the Spartanburg area which, unless outweighed by other factors, is not in the public interest. The Court stated further that it had no way of determining from the record whether the service curtailment may be outweighed by other factors pointing toward, rather than away from, public interest. The Court then stated that "• • • such a question is for the Commission's consideration, as is also the question whether intervenor's [Spartan's] misrepresentation so far deprives it of reliability as to disqualify it as a licensee."

3. In its memorandum opinion and order of July 22, 1957, the Commission, upon consideration of the instant proceeding in light of the Court's remand, concluded that factors existed which outweighed the question of curtailment of proposed service. Thus, the Commission stated that "considering the fact that Spartan's move to Paris Mountain with a network affiliation assured the Spartanburg community that a first local television outlet would be established, we are of the view that the network programing thereby brought to Spartanburg is of sufficient significance to outweigh the question of curtailment of proposed service." [1] Other considerations were also found to exist which compensated for the curtailment of service, as noted in the above-mentioned order. With respect to the question of misrepresentation, we concluded that while Spartan's misrepresentation is not to be condoned, the nature of its misrepresentation and the facts surrounding it do not so far deprive it of reliability as to disqualify it as a licensee.

4. The Court of Appeals reversed and remanded, supra, paragraph 1. It stated, inter alia, that additional findings by the Commision were required. The terms of the remand order permit the reopening of the record herein for receipt of additional evidence.

5. We are of the opinion that the record herein must be reopened to permit inquiry into the several matters to be mentioned hereinafter, the record presently being inadequate for resolution of the matters raised by the Court. In this connection, we have in mind particularly the expressions of the Court made in both its opinions of September 6, 1956, and May 22, 1958, with respect, inter alia, to concomitant factors which might offset the curtailment of service by reason of Spartan's move to the Paris Mountain location. Thus, in its opinion of September 6, 1956, the Court suggested that as concomitant factors the Commission might consider whether the value to the community of a network affiliation outweighed the curtailment of coverage, whether a network other than CBS might be available without a change, and whether a CBS affiliation necessitated lowering both power and antenna height, as well as relocating the transmitter. And in its opinion of May 22, 1958, the Court adverted to an additional concomitant factor in the determination of whether Spartan's modification was in the public interest, i. e., whether other network services, if available, would have less value to the community than CBS because they would be more duplicative of existing services. In connection with the question of misrepresentation, the Court suggested that since Spartan is the licensee of broadcast stations it may have a record of past reliability and candor to be considered by the Commission together with other circumstances. The record as it is now constituted will not permit findings to be made with respect to the above-mentioned matters. Accordingly, it is advisable that the record of this proceeding be reopened, that further issues be designated to be heard before the Examiner who originally presided at the hearing herein, that the proceeding be remanded to said Examiner for the purpose stated, and that after hearing on the further issues a Supplemental Initial Decision be issued.

6. The further hearing herein will be governed by the following issues:

1. To determine whether The Spartan Radiocasting Company would have commenced operation at its Hogback Mountain location without an affiliation with a national television network.

2. To determine whether an affiliation with a national television network, other than Columbia Broadcasting System, would be available to The Spartan Radiocasting Company with its transmitter situated at Hogback Mountain.

3. To determine whether, if Issue "2" is answered in the affirmative, there would be such duplication of network services as to make operation with such an affiliation of doubtful value to the community of Spartanburg, South Carolina.

4. To determine whether as a prerequisite to obtaining its affiliation with Columbia Broadcasting System it was necessary that The Spartan Radiocasting Company decrease its effective radiated power and lower its antenna height, as well as relocate its transmitter.

5. To determine the manner in which The Spartan Radiocasting Company as the former licensee of Stations WORD and WORD-FM, and as the licensee of Stations WSPA and WSPA-FM operated and has operated said stations, with particular regard to its past reliability and candor as a licensee.

6. To determine whether, in the light of the facts adduced upon the foregoing issues, public interest, convenience or necessity would be served by a grant of the application of The Spartan Radiocasting Company for modification of construction permit.

Both the burden of proceeding with the introduction of evidence as to each of the above issues, as well as the burden of proof with respect thereto is placed on the applicant.

7. In view of the foregoing: *It is ordered*, That the record of this proceeding be reopened, that the proceeding be remanded to the Hearing Examiner who originally presided at the hearing herein for the purpose of taking evidence upon the issues herein specified, and, thereafter, that a Supplemental Initial Decision be issued by the Hearing Examiner.

Adopted: July 30, 1958.

Released: August 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6403; Filed, Aug. 8, 1958; 8:49 a. m.]

[1] This situation, not involving a comparison between mutually exclusive applications, is distinguishable from such cases as Hi-Line Broadcasting Company (Wolf Point, Mont.), 13 RR 1017 and Cherokee Broadcasting Company (Murphy, N. C.), 13 RR 725.

[Docket Nos. 12539, 12540; FCC 58M-941]

PRESS WIRELESS, INC.

ORDER FOR PREHEARING CONFERENCE

In the matter of the applications of Press Wireless, Inc., Docket No. 12539, File No. 2579-C4-ML-58; Docket No. 12540, File No. 2580-C4-ML-58; for modification of its Centereach, N. Y., and Belmont, Calif., fixed public press station licenses to permit the handling of traffic specified in proposed Tariff F. C. C. No. 34 (International Telecon Service), and certain other non-press communications.

A prehearing conference in the above-entitled proceeding will be held on Wednesday, September 10, 1958, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 30th day of July 1958.

Released: July 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6404; Filed, Aug. 8, 1958; 8:49 a. m.]

[Docket No. 12553; FCC 58-746]

MORTON BORROW

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of Morton Borrow, 2030 Haverford Road, Ardmore, Pennsylvania; Docket No. 12553; application for renewal of first-class radiotelephone operator license No. P1-3-1121, and first-class radiotelegraph operator license No. T1-3-116.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 30th day of July 1958;

The Commission having under consideration the application of Morton Borrow, for renewal of his first-class radiotelephone operator license No. P1-3-1121 and first-class radiotelegraph license No. T1-3-116; and

It appearing that the Commission, in pursuance of its authority under subsection 303 (1) of the Communications Act of 1934, as amended, to issue radio operator licenses to such citizens of the United States as it finds qualified directed Morton Borrow to supplement his application for renewal of his radiotelephone operator license and radiotelegraph operator license by furnishing answers to certain specified questions, under oath; and

It further appearing that Morton Borrow, by letter dated April 12, 1958, refused to answer any of the questions he had been directed to answer; and

It further appearing that in the light of his refusal to answer the questions, the Commission is unable to determine that Morton Borrow possesses the requisite qualifications to be the holder of a radio operator license;

It is ordered, Pursuant to section 303 (1) of the Communications Act of 1934, as amended, that the above-entitled application is hereby designated for hearing at the Commission offices in Washington, D. C. at a time and before an Examiner to be specified by subsequent order, upon the following issues to which such hearing shall be confined:

(1) To determine whether Morton Borrow failed to answer lawful questions with respect to his qualifications to be a licensee which the Commission had directed him to answer under oath;

(2) To determine in the light of the evidence adduced under Issue 1 whether Morton Borrow possesses the necessary qualifications to hold a radio operator license.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6405; Filed, Aug. 8, 1958; 8:49 a. m.]

[Docket No. 12544; FCC 58-747]

WILLIAM C. CRONAN

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of William C. Cronan, 40 Moffitt Street, San Francisco 12, California; Docket No. 12544; applications for renewal of first-class radiotelephone operator license No. P1-12-837 and first-class radiotelegraph operator license No. T1-12-331.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 30th day of July 1958;

The Commission having under consideration the applications of William C. Cronan, 40 Moffitt Street, San Francisco 12, California, for renewal of his first-class radiotelephone operator license No. P1-12-837 and first-class radiotelegraph operator license No. T1-12-331; and

It appearing that the Commission, in pursuance of its authority under subsection 303 (1) of the Communications Act of 1934, as amended, to issue radio operator licenses to such citizens of the United States as it finds qualified directed William C. Cronan to supplement his applications for renewal of his radiotelephone operator license and radiotelegraph operator license by furnishing answers to certain specified questions, under oath; and

It further appearing that William C. Cronan, by letter dated June 17, 1958, refused to answer any of the questions he had been directed to answer; and

It further appearing that in the light of his refusal to answer the questions, the Commission is unable to determine that William C. Cronan possesses the requisite qualifications to be the holder of a radio operator license;

It is ordered, Pursuant to section 303 (1) of the Communications Act of 1934, as amended, that the above-entitled applications are hereby designated for hearing in San Francisco, Calif., at a time, place, and before an Examiner to be specified by subsequent order upon the following issues to which such hearing shall be confined:

(1) To determine whether William C. Cronan failed to answer lawful questions with respect to his qualifications to be a licensee which the Commission had directed him to answer under oath;

(2) To determine in the light of the evidence adduced under Issue 1 whether William C. Cronan possesses the necessary qualifications to hold a radio operator license.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6406; Filed, Aug. 8, 1958; 8:49 a. m.]

[Docket No. 12555; FCC 58-748]

HOWARD V. TRAUTMAN

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of Howard V. Trautman, 33-47 14th Street, Long Island City 6, New York, Docket No. 12555; Application for renewal of second-class radiotelegraph operator license No. T2-2-999.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of July 1958;

The Commission having under consideration the application of Howard V. Trautman, 33-47 14th Street, Long Island City 6, New York, for renewal of his second-class radiotelegraph operator license No. T2-2-999; and

It appearing that the Commission, in pursuance of its authority under subsection 303 (1) of the Communications Act of 1934, as amended, to issue radio operator licenses to such citizens of the United States as it finds qualified directed Howard V. Trautman to supplement his application for renewal of his radiotelegraph operator license by furnishing answers to certain specified questions, under oath; and

It further appearing that Howard V. Trautman, by letter dated August 7, 1958, refused to answer any of the questions he had been directed to answer; and

It further appearing that in the light of his refusal to answer the questions, the Commission is unable to determine that Howard V. Trautman possesses the requisite qualifications to be the holder of a radio operator license;

It is ordered, Pursuant to section 303 (1) of the Communications Act of 1934, as amended, that the above-entitled application is hereby designated for hearing at the Commission offices in Washington, D. C., at the time and before an Examiner to be specified by subsequent order, upon the following issues to which such hearing shall be confined:

(1) To determine whether Howard V. Trautman failed to answer lawful questions with respect to his qualifications to be a licensee which the Commission had directed him to answer under oath;

(2) To determine in the light of the evidence adduced under Issue 1 whether Howard V. Trautman possesses the necessary qualifications to hold a radio operator license.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6407; Filed, Aug. 8, 1958; 8:49 a. m.]

[Docket Nos. 12556, 12557; FCC 58-756]

BERKSHIRE BROADCASTING CO., INC. (WSBS) AND NAUGATUCK VALLEY SERVICE, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Berkshire Broadcasting Co., Inc. (WSBS), Great Barrington, Massachusetts, Docket No. 12556, File No. BP-11546; Naugatuck Valley Service, Inc., Naugatuck, Connecticut, Docket No. 12557, File No. BP-11962; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of July 1958;

The Commission having under consideration the above-captioned applications of the Berkshire Broadcasting Co., Inc., for a construction permit to increase the power of Station WSBS, Great Barrington, Massachusetts, from 250 watts to one kilowatt, to install a directional antenna system and to continue operation on the presently assigned frequency of 960 kilocycles, daytime only; and of Naugatuck Valley Service, Inc., for a construction permit for a new standard broadcast station to operate on 960 kilocycles with a power of 250 watts, directional antenna, daytime only, at Naugatuck, Connecticut;

It appearing that except as indicated by the issues specified below, both applicants are legally, technically, financially and otherwise qualified to operate the stations as proposed but that the operation of both proposals would result in mutual interference; and that the proposed operation of Station WSBS would cause interference to Station WTEL, Philadelphia (860 kc, 250 w, Day); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated November 5, 1957, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that timely replies to the Commission's letter were filed by both applicants; and

It further appearing that by letter of December 3, 1957, the licensee of Station WTEL opposed a grant of the application of the Berkshire Broadcasting Co., Inc.; and

It further appearing that on January 21, 1958, Naugatuck Valley Service filed measurement data which indicated that no objectionable interference would be caused to the existing operation of Station WSBS; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WSBS and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would receive primary service from the proposed operation of Naugatuck Valley Service, Inc., and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of Station WSBS would cause interference to Station WTEL, Philadelphia, Pennsylvania, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals herein would better provide a fair, efficient and equitable distribution of radio service.

6. To determine in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That the Foulkrod Radio Engineering Company, licensee of Station WTEL, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6408; Filed, Aug. 8, 1958; 8:49 a. m.]

[Docket Nos. 12556, 12557; FCC 58M-849]

BERKSHIRE BROADCASTING CO., INC. (WSBS) AND NAUGATUCK VALLEY SERVICE, INC.

ORDER SCHEDULING HEARING

In re applications of Berkshire Broadcasting Co., Inc. (WSBS), Great Barrington, Massachusetts, Docket No. 12556, File No. BP-11546; Naugatuck Valley Service, Inc., Naugatuck, Connecticut, Docket No. 12557, File No. BP-11962; for construction permits.

It is ordered, This 1st day of August 1958, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 29, 1958, in Washington, D. C.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6409; Filed, Aug. 8, 1958; 8:49 a. m.]

[Docket No. 12558; FCC 58-758]

NORMAN O. PROTSMAN

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Norman O. Protsman, Valdosta, Georgia, Docket No. 12558, File No. BP-11395; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of July 1958;

The Commission having under consideration the above-captioned application of Norman O. Protsman for a construction permit for a new standard broadcast station to operate on 1450 kilocycles with a power of 250 watts during specified hours, 6:00 a. m. to 7:00 p. m. daily, at Valdosta, Georgia;

It appearing that except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to operate the proposed station but that the proposed transmitter site may not satisfy the requirement contained in § 3.188 of the Commission's rules that a transmitter site should be so located in order that a station may provide a minimum field intensity of 5 mv/m over the most distant residential areas of the city to be served; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated June 5, 1958, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that on July 7, 1958, the application was amended to include an exhibit which indicates that neither the 5 mv/m contour nor the nighttime interference-free contour would encompass the entire city of Valdosta; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the proposed transmitter site would be satisfactory in accordance with the provisions of § 3.188 (b) (2) of the Commission's rules.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6410; Filed, Aug. 8, 1958; 8:49 a. m.]

[Docket Nos. 12559-12561; FCC 58-759]

DONNER BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Dr. Nathan Movich tr/as Donner Broadcasting Company, Truckee, California, Docket No. 12559, File No. BP-11377; Edward J. Jansen and Keith Jack Rudd d/b as Lakeside Broadcasters, Sparks, Nevada, Docket No. 12560, File No. BP-11656; Joseph William Rupley and Robert Sherman d/b as Truckee Broadcasting, Truckee, California, Docket No. 12561, File No. BP-11910; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of July 1958;

The Commission having under consideration the above-captioned applications of Dr. Nathan Movich tr/as Donner Broadcasting Company, and Joseph William Rupley and Robert Sherman d/b as Truckee Broadcasting, each for a construction permit for a new standard broadcast station to operate on 1270 kilocycles with a power of 500 watts, daytime only, at Truckee, California; and the application of Edward J. Jansen and Keith Jack Rudd d/b as Lakeside Broadcasters for a construction permit for a new standard broadcast station to operate on 1270 kilocycles with a power of one kilowatt, daytime only, at Sparks, Nevada; and

It appearing that except as indicated by the issues specified below, all three applicants are legally, technically, financially and otherwise qualified to operate their proposed stations, but that the simultaneous operation of all three proposals would result in mutually destructive interference; that the proposed antenna site of Lakeside Broadcasters is located near the site of Reno Radio (254KC RNO) and that data is required concerning the height and type of tower utilized by Reno Radio and whether there is a possibility of reradiation from the Reno Radio tower which would have adverse effects on the proposed nondirectional operation; and that the Donner Broadcasting Company and Truckee Broadcasting propose substantially the same service areas but that the estimates of the population residing within the proposed 0.5 mv/m contours which would receive primary service differ considerably; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicants were advised by letter dated June 4, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interests; and

It further appearing that each applicant filed a timely reply to the Commission's letter; and

It further appearing that by amendment filed July 7, 1958, the Donner Broadcasting Company requested that the population figures presently on file be allowed to remain; but that these figures were not computed in accordance with the provisions of § 3.182 (g) of the Commission's rules; and

It further appearing that by letter dated June 27, 1958, Lakeside Broadcasters advised the Commission that data concerning the antenna of Reno Radio (254KC RNO) and the possibility of reradiation from the Reno Radio tower would be submitted as soon as possible but the data have not yet been received; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether the antenna tower of Reno Radio (254KC RNO) would have adverse effects on the nondirectional operation proposed by Lakeside Broadcasters because of the proximity of the respective antenna towers of Reno Radio and the proposed operation, and, if so, what corrective measures would be taken by Lakeside Broadcasters to correct such adverse effects.

3. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals herein would best provide a fair, efficient and equitable distribution of radio service.

4. To determine on a comparative basis, in the event that, pursuant to the foregoing issue, Truckee, California, is considered to have the greater need for either the operation proposed by the Donner Broadcasting Company or Truckee Broadcasting, which of the said two proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the two applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station,

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming services proposed in each of the said applications.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6411; Filed, Aug. 8, 1958; 8:49 a. m.]

[Docket Nos. 12559-12561; FCC 58M-851]

DONNER BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of Dr. Nathan Movich, tr/as Donner Broadcasting Company, Truckee, California, Docket No. 12559, File No. BP-11377; Edward J. Jansen and Keith Jack Rudd, d/b as Lakeside Broadcasters, Sparks, Nevada, Docket No. 12560, File No. BP-11656; Joseph William Rupley and Robert Sherman, d/b as Truckee Broadcasting, Truckee, California, Docket No. 12561, File No. BP-11910; for construction permits.

It is ordered, This 1st day of August 1958, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 24, 1958, in Washington, D. C.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6412; Filed, Aug. 8, 1958; 8:49 a. m.]

INTERCONTINENTAL BROADCASTING CORP. (KOFY)

MEMORANDUM OPINION AND ORDER ASSIGNING MATTER FOR PUBLIC HEARING

1. The Commission has before it a "Petition For Reconsideration" filed on May 22, 1958, pursuant to section 405 of the Communications Act of 1934, as amended, by Mid-America Broadcasters, Inc. (KOBY, hereinafter), licensee of Station KOBY, San Francisco (1550 kc, 10 kw, U) and directed to the Commission's action of April 22, 1958, in assigning the call letters KOFY [1] to the standard broadcast station at San Mateo, California (1050 kc, 1 kw, daytime only) licensed to the Intercontinental Broad-

[1] Previously, the call letters KVSM had been assigned to this station.

casting Corp. (KOFY, hereinafter); and an opposition thereto filed on June 12, 1958, by KOFY.[2] On July 16, 1958, KOBY tendered a "supplement to its petition."[3]

2. KOBY requests that the Commission set aside the KOFY call letter assignment and "reassign such other call letters as will not result in confusion between the San Mateo station (KOFY) and Station KOBY."

3. KOBY claims that, as a result of the KOFY call letter assignment, KOBY is a "person aggrieved or whose interests are adversely affected thereby", within the meaning of section 405 of the Act, to have standing to file its petition pursuant thereto. In support of this claim, KOBY states that confusion from similarity of the call letters KOBY and KOFY "has resulted and will result in injury to good will, audience rating, and advertising revenue of Station KOBY."

4. KOBY alleges that San Mateo is just south of San Francisco; is part of the San Francisco urbanized area as defined by the U. S. Census, 1950; that the two stations have a large common service area; that the transmitter of KOBY was for many years located in San Mateo; and that many residents of the area "have come to associate Station KOBY with San Mateo as well as San Francisco."

5. KOBY further alleges that it uses a "phonetic pronunciation" of its call letters in connection with many of its program features, such as "Kobee News" (rhymes with Toby), "Kobee Music", and "Kobee Weather"; that KOFY has "embarked upon a similar campaign"; and that the result has been "utter confusion in the area."[4]

6. KOBY also alleges that "potential advertisers seeking to contact KOFY have contacted KOBY" and that "the converse is undoubtedly true"; that this situation "may result in loss of business by Station KOBY"; that KOBY has received many telephone calls intended for KOFY; that the U. S. Postoffice has mistaken the identity of the two stations; that Exhibit A attached to the KOBY petition "presents concrete evidence that such confusion (in the minds of the public) already exists" although KOFY has used its call letters for a period of only 30 days; that "it may be validly assumed that examples set forth in Exhibit A constitute only a minute portion of the instances of confusion which must have already taken place, but which have not as yet been called to the attention of the station"; and that the "situation will undoubtedly grow worse unless corrective action is taken by the Commission."

7. Attached to the KOBY petition as Exhibit A are three sworn letters written on behalf of said station by employees of KOBY and addressed to the station's Washington, D. C. legal counsel. Mr. John McRae, "Station Manager—General Sales Manager", states, in substance, that "the change in call letters" prompted "several" phone calls to the KOBY sales manager which should have been directed to KOFY; that he had just talked with a local columnist who "brought up the similarity of the call letters"; that the KOBY receptionist reports a number of calls from listeners asking for special requests for different popular songs but that KOBY doesn't accept requests; and that KOBY has received mail addressed to KOFY but delivered in error to KOBY. Mr. Jerry Friedman, "Sales Manager", states, in substance, that "the change of call letters • • • has certainly caused a burden on our sales staff"; that "I had no less than five calls last week left for me by the receptionist during my absence, which later proved to have been misdirected"; that the change in call letters "has, I am sure, resulted in utter confusion in the minds of listeners and many of our clients"; that this is "doubly so when • • • consider(ed) that KOFY (KVSM) occupies studios in San Mateo where for many years it was established that our predecessor KEAR now KOBY, had similarly occupied a transmitter site"; that KOFY "is duplicating the phonetic pronunciation technique which KOBY has established in the Bay Area as well as imitating (the) station's format"; and that similarity of the call letters "could well lead to loss of business should a client call (KOFY) for advertising information when his intention was to call KOBY." Grace Anne Carter, "Receptionist", states, in substance, that "my personal reaction is that KOFY has made a deliberate attempt to imitate KOBY by using the new call letters"; that "at first we received only one or two calls which should have been made to KVSM (KOFY) but (that) the number has increased daily"; that "some of the calls apparently were clients of KOFY and they seemed in some cases to be irritated and confused when I told them that they had the wrong station"; that "other calls were from listeners asking for special requests of different popular songs"; and that "since KOBY does not accept requests, this results in an increased burden of phone calls for the receptionist."

8. Exhibit B of the KOBY petition is "a photostatic copy of the address of a communication intended for Station KOFY which was delivered by mistake to Station KOBY."

9. In its opposition to the KOBY petition, KOFY contends that with respect to the call letters KOBY and KOFY, "to the ear B and F could never be mistaken" and "to the eye there is no similarity." "Attachment A" to the KOFY opposition is a sworn statement by Mr. Frank Oxarart, president of Intercontinental Broadcasting Corp., licensee of KOFY. Mr. Oxarart states that KOFY is concentrating virtually all its efforts in the San Mateo area; that the promotion and advertising of KOFY are being directed specifically to the San Mateo area; and that "it is very difficult to see how this kind of effort could possibly be confusing to a well established top rated radio station in San Francisco (KOBY)". Mr. Oxarart further states that "the fact that some time in the past KOBY, then KEAR, happened to be located in San Mateo is, I believe, a small consideration in the complaint"; that there is no similarity in the formats of KOBY and KOFY because KOBY is primarily a rock-and-roll station appealing to teenagers, whereas KOFY has "desperately avoided this type of segregated audience and (its) entire program format is directed to an adult audience and • • • will continue to be programmed in that direction"; that KOFY does not accept telephone requests; that the entire staff was questioned but that "to the best of their knowledge, (they) have never received a call from anyone, be it sponsor or potential sponsor or listener, that was intended for KOBY"; that KOFY has "to have a potential advertiser call KOFY, intentionally or otherwise, to discuss the possible purchase of an advertising schedule of KOFY and • • • never had a call from a potential advertiser pertaining to a proposed schedule on KOBY"; and that KOFY, in its extensive advertising campaign, uses the trade mark of a cup of coffee and identifies KOFY as the "coffee" station, for example, "instant KOFY (coffee) news", "instant KOFY (coffee) sports", "instant KOFY (coffee) disc jockeys"; that it was KOFY's intent to select call letters which were euphonious to say and could be identified with a well established word in the English language; and that, since KOFY advertises itself as the "coffee" station in San Mateo and KOBY advertises itself as the "Kobee" (rhymes with Toby) station in San Francisco, no confusion should arise.

10. Attachments B, C, D, and E to the KOFY "opposition" are sworn statements by Irene M. Turner, John R. Gillingham, Doris E. Williams, and Jack E. Early, respectively. Irene M. Turner, switchboard operator for KOFY, states that in said capacity "I have never received a telephone call that was intended for KOBY, nor have I had inquiries of any kind referring to KOBY." Mr. Gillingham and Mr. Early, San Francisco advertising agency men, state that their respective agencies look to KOBY for teenage audiences and to KOFY for adult audiences and that they find no confusion from said call letters. Doris E. Williams states that "As a Time Buyer, the call letters of a station have never been of primary importance in any purchase."

11. KOFY concludes its opposition by stating that "it would be a very serious blow to us if we are not permitted to continue with these call letters" because "all in all we have gone to a great amount of work and effort in addition to an expenditure of approximately eight to ten thousand dollars in promoting our new station format and our call letters." KOFY points out that, to publicize the call letters, it has completely changed all of its stationery, contract forms, checks, promotional pieces, advertising, and publicity to include the new call letters; is buying advertising space on billboards, posters, and display cards on busses, trains, and taxi cabs in the Redwood City, San Mateo, and Palo Alto area; has contracted for the purchase of five thousand ball point pens; and has made a series of station promotional spots using the "Pied Pipers" and a twelve piece orchestra at a cost of approximately $4,000.

12. On July 16, 1958, KOBY filed a "Supplement" to its instant petition and attached a photostat of three pieces of mail, two of which were addressed to KOFY at "San Francisco", and one of which was for KOFY's General Manager but was addressed to KOBY. KOBY requests the Commission to grant a waiver of its rules and to consider the matters set forth in KOBY's supplemental petition.

13. On July 22, 1958, KOFY filed a motion in which it requests the Commission to "reject" the KOBY "supplement" on the ground that "it is not a supplement but a new petition." KOFY contends that the misaddressed correspondence is not the result of "confusion", as claimed by KOBY, but of error such as KOBY made in mis-addressing a copy of said supplement to counsel for KOFY.

14. Section 1.191 of the Commission rules provides, in pertinent part, that no "supplement" filed after the 30 day period will be considered except upon leave granted by the Commission upon a showing that new material circumstances have occurred or that the matters advanced were not previously available to the petitioner through the exercise of due diligence. KOBY states that since the time of its filing the instant petition for reconsideration "the confusion has substantially increased" and that the "purpose of this supplement is to furnish the Commission with additional and current illustrations of this confusion." Under these circumstances, the "supplement" is given consideration herein.

15. We consider first whether KOBY has standing to file its instant Petition for Reconsideration pursuant to section 405 of the Communications Act of 1934, as amended. KOBY claims that confusion from use of the call letters KOBY in San Francisco and KOFY in San Mateo "has resulted and *will* result in injury to the good will, audience rating, and advertising revenue of Station KOBY" (italics supplied); that KOBY is injured economically and is, therefore, a "person aggrieved or whose interests are adversely affected" by the call letter assignment in question. As we stated In re Matter of Valley Broadcasting Co. (KWOW), 13 Pike and Fischer RR 306a, 306d, "• • • we are prepared to assume for the purposes of the case before us, that the issuance of call letters is a 'decision, order, or requirement' within the meaning of section 405 of the Act and that such action may be the subject of a petition for reconsideration." In light of the facts that KOBY is an existing station and contends that there is overlap of the service areas of Stations KOBY and KOFY and that KOBY has alleged that it will suffer injury to its goodwill, audience ratings, and advertising revenues as a result of the use of the "KOFY" call letters assigned to Intercontinental Broadcasting Corp., we find that KOBY is a "person aggrieved or whose interests are adversely affected" by said call letter assignment, within the meaning of section 405 of the Communications Act of 1934, as amended, to have standing to file its instant petition for reconsideration pursuant thereto. In re Matter of Valley Broadcasting Co. (KWOW), supra.

16. The Commission has given careful consideration to the facts and reasoning advanced in the instant matter by KOBY and KOFY and has concluded that a substantial question obtains as to whether KOFY should change its call letters to avoid confusion and misconception in the minds of listeners as to the identity of said two stations. Accordingly, we believe that the matter should be designated for hearing on the issue specified below. We are adopting the issue, and the burden of proceeding with the introduction of evidence and the burden of proof as to the issue should be on KOFY.

17. In view of the foregoing: *It is ordered*, That, pursuant to Section 405 of the Communications Act of 1934, as amended KOBY's instant petition for reconsideration of the above-referenced assignment of call letters "KOFY" is granted to the extent provided for below and is denied in all other respects; that said assignment of call letters is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., on the following issue:

1. To determine whether use of the call letters KOFY by Intercontinental Broadcasting Corp. for its standard broadcast station at San Mateo, California would result in confusion in the minds of listeners in the service areas of Station KOFY and Station KOBY, San Francisco, California, and, if so, whether the confusion would be such that Intercontinental Broadcasting Corp. should be required to select new call letters.

It is further ordered, That, the burden of proceeding with the introduction of evidence and the burden of proof on the issue shall be on KOFY;

It is further ordered, That KOBY and the Chief of the Broadcast Bureau are hereby made parties to the proceeding herein and that:

1. The appearances by the parties intending to participate in the hearing shall be filed not later than August 20, 1958.

2. The hearing on the above issue is to commence at a time and place and before an examiner to be specified in a subsequent order.

3. The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions.

Adopted: July 30, 1958.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6413; Filed, Aug. 8, 1958; 8:49 a. m.]

[Docket No. 12563; FCC 58-764]

HAROLD LAMPEL

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Harold Lampel, Garden Grove, California, Docket No. 12563, File No. BPH-2430; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of July 1958;

The Commission having under consideration the above-captioned application of Harold Lampel for a construction permit for a new Class A FM broadcast station to operate on 94.3 megacycles (Channel No. 232) in Garden Grove, California; and

It appearing that except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to operate the proposed station but that by letter dated May 29, 1958, the permittee of Class A FM broadcast station KVFM (Channel No. 232), San Fernando, California, opposed a grant of the application on the ground that the proposed operation would cause interference to KVFM and that, by letter dated June 10, 1958, the licensee of Class B FM broadcast station KRHM (Channel No. 234), Los Angeles, California, contended that the proposed operation would suffer destructive interference from KRHM within the proposed normally protected 1 mv/m contour, that the proposal represents an inefficient use of the frequency involved and that a grant of the application would not serve the public interest; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated June 19, 1958, of the foregoing deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that in a reply dated July 14, 1958, and in an attached engineering affidavit the applicant contends that no interference will be caused to KVFM and that the degree of interference which would be received from KRHM is commonly experienced by

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[2] On June 2, 1958, legal counsel for KOFY filed a petition for extension of time to June 12, 1958, to file an opposition to the KOBY petition. KOFY counsel stated that illness prevented his preparation of an opposition prior to said date. KOBY did not oppose the request. We hereby grant KOFY's petition for an extension of time.

[3] The "supplement" and KOFY's motion to dismiss same are treated in paragraphs 12, 13, and 14, infra.

[4] KOBY and KOFY state that the phonetic pronunciation of their respective call letters is used in promotional announcements and in connection with program features. KOBY states that the phonetic pronunciation is not used in station identification announcements. KOFY makes no such statement. While there is nothing in the KOFY opposition to indicate that the station does use such pronunciation in its station identifications, attention is invited to the fact that § 3.117 of the Commission Rules requires that call letters be pronounced individually, together with the location of the station, on station identification announcements at specified times. The Commission, on November 27, 1957, denied a request for waiver of the section and for permission to identify Station KBEE as "K B Double E." In re Matter of McClatchy Broadcasting Co., 16 Pike and Fischer RR 294.

[1] Commissioners Doerfer, Craven and Cross dissenting.

other Class A FM stations and requested a grant of the application without hearing; and

It further appearing that by letter of June 24, 1958, counsel for KRHM expressed an intention of appearing at a hearing on the applications; and

It further appearing that the proposed operation will cause interference to KRHM in a small area around the proposed transmitter site and that the area in which the proposed operation would cause interference to KVFM may be under interference from KRHM and KPOL–FM, both in Los Angeles, California; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the application of Harold Lampel is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the proposed station at Garden Grove, California, would cause interference to Station KVFM, San Fernando, California, and Station KRHM, Los Angeles, California, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed Class A station at Garden Grove, California, would be in compliance with § 3.313 (c) of the Commission's rules with particular reference to the requirement that such channel be utilized only when necessary to provide an equitable and efficient use of the facilities.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-described application of Harold Lampel would serve the public interest, convenience and necessity.

It is further ordered, That Walter Gelb, and Ted Bolnick d/b as Valley FM Broadcasting Co., permittee of Station KVFM, and Harry Maizlish tr/as KRHM Broadcasting Company, licensee of Station KRHM, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: August 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58–6414; Filed, Aug. 8, 1958; 8:50 a. m.]

[Docket No. 12563; FCC 58M–847]

HAROLD LAMPEL

ORDER SCHEDULING HEARING

In re application of Harold Lampel, Garden Grove, California, Docket No. 12563, File No. BPH–2430; for construction permit.

It is ordered, This 1st day of August 1958, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 22, 1958, in Washington, D. C.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58–6415; Filed, Aug. 8, 1958; 8:50 a. m.]

[Docket No. 12564; FCC 58–765]

SANTA MONICA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of J. D. Funk and C. D. Funk d/b as Santa Monica Broadcasting Company, Santa Monica, California, Docket No. 12564, File No. BPH–2401; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of July 1958;

The Commission having under consideration the above-captioned application of J. D. Funk and C. D. Funk d/b as Santa Monica Broadcasting Company for a construction permit for a new Class A FM broadcast station to operate on 103.1 megacycles (Channel No. 276) in Santa Monica, California;

It appearing that except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to operate the proposed station but that the applicant's proposal raises questions as to whether the operation would be an inefficient use of the channel since it would be limited within its normally protected 1 mv/m contour by Station KGLA, Channel 278, Los Angeles, California, and by the proposed operation of the Hall Broadcasting Company, Inc., applicant for a new Class B FM broadcast station on Channel 274 at Los Angeles, File No. BPH–2175, Docket No. 12203; and whether interference which the proposed operation would cause to Station KGLA and to the proposed operation of the Hall Broadcasting Company, Inc., in areas around the Santa Monica Broadcasting Company's proposed transmitter site is objectionable under the Commission's rules; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated April 29, 1958, of the aforementioned questions and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that in a reply dated May 26, 1958, to the Commission's letter, the applicant stated that the requested assignment was felt to be in accordance with the Commission's policy relating to assignments of Class A stations and that the small circle of interference to Class B stations two channels removed is a natural concomitant to such an assignment which the Commission has previously seen fit to consider as not precluding the channel assignment; and

It further appearing that by letter dated May 27, 1958, the Hall Broadcasting Company, Inc., requested that the application be designated for hearing; and

It further appearing that by letter dated May 29, 1958, the licensee of Station KGLA opposed a grant of the application; and

It further appearing that the Commission is unable to make a determination in this matter on the basis of the data before it and is of the opinion that an evidentiary hearing is necessary to obtain complete information relative to the above-captioned application and the grounds advanced in support of a grant thereof;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the application of the Santa Monica Broadcasting Company is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the proposed station at Santa Monica, California, would cause interference to Station KGLA and the proposed station of the Hall Broadcasting Company, Inc., both in Los Angeles, California, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed Class A station at Santa Monica, California, would be in compliance with § 3.313 (c) of the Commission's rules with particular reference to the requirement that such channel be utilized only when necessary to provide an equitable and efficient use of the facilities.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues, whether the above-described application of the Santa Monica Broadcasting Company would serve the public interest, convenience and necessity.

It is further ordered, That The Echo Park Evangelistic Association, licensee of Station KGLA, and the Hall Broadcasting Company, Inc., applicant for a new Class B FM broadcast station in Los Angeles, California, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: August 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58–6416; Filed, Aug. 8, 1958; 8:50 a. m.]

[Docket No. 12564; FCC 58M–850]

SANTA MONICA BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of J. D. Funk and C. D. Funk, d/b as Santa Monica Broadcasting Company, Santa Monica, California, Docket No. 12564, File No. BPH–2401; for construction permit.

It is ordered, this 1st day of August 1958, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 22, 1958, in Washington, D. C.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58–6417; Filed, Aug. 8, 1958; 8:50 a. m.]

[Docket No. 12565; FCC 58–767]

SOUTH BAY BROADCASTING CO. (KAPP)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Sherman Somers and Robert William Crites, d/b as South Bay Broadcasting Company (KAPP), Redondo Beach, California, Docket No. 12565, File No. BPH–2416; for construction permit.

1. The Commission has before it (1) a "Protest Of Grant Without Hearing" filed on July 1, 1958, pursuant to Section 1.193 of the Commission Rules by Coast Radio Broadcasting Corporation (KPOL–FM, hereinafter) licensee of Station KPOL–FM, Los Angeles, California (Class B, 93.9 mc, 4.4 kw, 570 ft., CP for 22 kw); (2) a "Protest And Petition For Reconsideration" filed on July 7, 1958 pursuant to section 309 (c) of the Communications Act of 1934, as amended, by CBS Radio, a Division of Columbia Broadcasting System, Inc. (KNX–FM hereinafter) licensee of Station KNX–FM, Los Angeles, California (Class B, 93.1 mc, 67 kw, 2870 ft.), both of which are directed to the Commission's action of June 4, 1958 in granting without hearing the above-captioned application for a construction permit for a new Class A FM station (KAPP) at Redondo Beach, California, to operate on 93.5 megacycles, power of 1 kw, and antenna height of 82 feet; and (3) an Opposition to the KNX–FM pleading filed on July 17, 1958, by South Bay Broadcasting Company (KAPP, hereinafter).

2. KPOL–FM "requests a hearing" on the KAPP application. KNX–FM requests that the "Commission enter an order" (a) setting the KAPP application for hearing on issues specified by KNX–FM, (b) making KNX–FM a party to the proceeding, and (c) postponing the effective date of the KAPP grant pending the Commission's decision after a hearing.

3. KPOL–FM and KNX–FM both claim standing to file their respective pleadings on the grounds that each would receive objectionable interference from the operation of KAPP. KNX–FM, in an associated engineering affidavit, claims that "signal intensities from Station KNX–FM toward (KAPP) were predicted in accordance with § 3.313 (d)"; that "three radial paths from KNX–FM (180°, 225°, and 270°) taken from the Engineering Exhibit associated with Section V–B, FCC Form 301, Application for Modification of Construction Permit for relocation of the antenna of KNX–FM (File No. BMPH–4834) were used in determining the KNX–FM signal intensities in the vicinity of the (KAPP) site"; that, "using this topographic data it was estimated that the KNX–FM signal at the (KAPP) site is approximately 33 millivolts per meter"; that "on the basis that (KAPP) radiates 1 kw, or 137.6 mv/m at one mile, and assuming inverse distance propagation, its 330 mv/m contour would be at a distance of slightly over 0.4 mile from the transmitting antenna"; that "thus the (KAPP) operation will interfere with the KNX–FM coverage within an area approximately 0.4 mile radius of the (KAPP) site"; and that "based upon census tracts (U. S. Census, 1950) in the Los Angeles County area, the population residing (in said interference area) is computed to be approximately 5,700 persons." In the engineering affidavits attached to both the KPOL–FM and KNX–FM pleadings, it is shown that interference from said stations, predicted in accordance with the provisions of § 3.313 of the Commission rules, would affect 19 percent (by KPOL–FM) and 70.5 percent (by KNX–FM) of the population within the normally protected 1 mv/m contour of the KAPP operation. The area of interference from KPOL–FM falls within the area of interference from KNX–FM. KPOL–FM and KNX–FM state that the Commission erred in granting the KAPP application because such destructive interference received by KAPP constitutes an inefficient and wasteful use of the frequency by KAPP and is in contravention of § 3.313 (c) of the Commission rules which provides that FM stations normally will not be authorized to operate in the same city or in nearby cities with a frequency separation of less than 800 kc, provided that stations may be authorized to operate in nearby cities with a frequency separation of not less than 400 kc where necessary in order to provide an equitable and efficient distribution of facilities.

4. The issues upon which KNX–FM requests an opportunity to present evidence at a hearing on the KAPP application are set forth, with minor changes, in paragraph 9, infra. No issues are specified by KPOL–FM.

5. In its opposition to the KNX–FM pleading, KAPP contends that the Commission, by its rules, has established that Class A FM stations may be assigned in the same metropolitan area as Class B FM stations and that "as a natural concomitant to such assignments", where the Class A station is in the 1 mv/m contour of a second adjacent channel Class B station, there will be some interference to the Class B station, and, in turn, the Class A station will receive interference which causes a high limitation; that, also in the greater Los Angeles area, the Commission has granted two other Class A stations two channels removed from Class B stations therein; that the interference which KAPP would cause to KNX–FM is "negligible" since it affects less than 2,000 persons; that KAPP would provide a needed service in the community and would render a new service to some 300,000 people; that interference received by KAPP is in an area which is not considered part of the South Bay community and marketing district; and that use of "this proposed channel will be optimum for the purpose intended".

6. Our examination of the data submitted with the instant pleadings indicates that the KAPP proposal would cause interference within the normally protected 1 mv/m contours of both KNX–FM and KPOL–FM and would receive from said stations interference within its normally protected 1 mv/m contour.

7. In view of the facts that KPOL–FM and KNX–FM are existing FM stations and have submitted data from which it appears that they would receive interference within their normally protected 1 mv./m. contours from the proposed operation of KAPP; and that KAPP admits interference to KNX–FM and has not denied the KPOL–FM allegations of interference, we find KPOL–FM and KNX–FM, each, a "party in interest" within the meaning of § 1.193 of the Commission rules and section 309 (c) of the Communications Act of 1934, as amended, to have standing to file their instant pleadings pursuant thereto. *In re Application of Eastern Idaho Broadcasting and Television Company* (KIFI) 16 Pike and Fischer RR 717.

8. As stated above, our examination of the data submitted with the instant pleadings indicates that the KAPP proposal would involve objectionable interference to and from Stations KNX–FM and KPOL–FM. Accordingly, we find that the facts relied upon by the protestants herein as showing that the KAPP grant was improperly made have been specified with sufficient particularity within the meaning of section 309 (c) of the Act and § 1.193 of the Commission's rules to necessitate our designating the KAPP application for hearing. We are adopting, with minor changes, the issues specified by KNX–FM, and the burden of proceeding with the introduction of evidence and the burden of proof as to each of the issues will be on KAPP.

9. In view of the foregoing, *It is ordered*, That, pursuant to § 1.193 of the Commission rules and section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the ef-

fective date of the grant of the above-captioned application is postponed pending a final determination by the Commission in the hearing ordered herein; that the instant protests of KPOL–FM and KNX–FM are granted; that the above-captioned KAPP application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To determine whether the proposed station at Redondo Beach, California, would cause interference to Stations KPOL–FM and KNX–FM, Los Angeles, California, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed Class A station at Redondo Beach, California, would be in compliance with § 3.313 (c) of the Commission's rules with particular reference to the requirement that such channel be utilized only when necessary to provide an equitable and efficient use of the facilities.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues, whether the above-described application of the South Bay Broadcasting Company would serve the public interest, convenience and necessity.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the issues shall be on KAPP;

It is further ordered, That the protestants and the Chief of the Broadcast Bureau are made parties to the proceeding herein and that:

1. The appearances by the parties intending to participate in the above hearing shall be filed not later than August 20, 1958.

2. The hearing on the above issues is to commence at a time and place and before an Examiner to be specified in a subsequent order.

3. The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions.

Adopted: July 30, 1958.

Released: August 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58–6418; Filed, Aug. 8, 1958; 8:50 a. m.]

[Docket No. 12565; FCC 58M–848]

SOUTH BAY BROADCASTING CO. (KAPP)

ORDER SCHEDULING HEARING

In re application of Sherman Somers and Robert William Crites, d/b as South Bay Broadcasting Company (KAPP), Redondo Beach, California, Docket No. 12565, File No. BPH–2416; for construction permit.

It is ordered, This 1st day of August 1958, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 23, 1958, in Washington D. C.

Released: August 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58–6419; Filed, Aug. 8, 1958; 8:50 a. m.]

[Docket No. 12566; FCC 58–768]

SANFORD L. HIRSCHBERG AND GERALD R. MCGUIRE

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Sanford L. Hirschberg and Gerald R. McGuire, Cohoes-Watervliet, New York, Docket No. 12566, File No. BP–11261; for construction permit.

As a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of July 1958;

The Commission having under consideration the above-captioned application of Sanford L. Hirschberg and Gerald R. McGuire, for a construction permit for a new standard broadcast station to operate on 1300 kilocycles with a power of one kilowatt, during specified daytime hours at Cohoes-Watervliet, New York; and

It appearing that except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to operate the proposed station but that the proposed operation would cause interference to Station WRSA, Saratoga Springs, New York (1280 kc, 1 kw, Day); that the applicant proposes to avoid the overlap of the proposed 25 mv/m contour with the 25 mv/m contour of Station WHAZ, Troy, New York (1330 kc, 1 kw, S–WPOW, WEVD) by closing operation at 6:00 p. m. on Monday, April through September, when WHAZ commences operation under a share-time agreement with Stations WPOW and WEVD, both in New York City, but that it appears that a grant of the application would affect the flexibility of these share-time stations to operate other hours, if mutually agreed upon, pursuant to the provisions of §§ 3.74 and 3.77 of the Commission's rules; and

It further appearing, that by letter of November 18, 1957, the licensee of Station WRSA opposed a grant of the application for a station at Cohoes-Watervliet as proposed by the applicant; and

It further appearing that by letter of May 20, 1958, counsel for Sanford L. Hirschberg and Gerald R. McGuire contended that any interpretation of the Commission's rules permitting stations to enter into a share-time agreement which would bar the grant of a meritorious application "would render the rules invalid as an illegal abdication by the Commission of its statutory duty and responsibility to determine whether the public interest would be served by the grant of an application * * *" and that there can be no "basis for the claim of any legally valid interest" in the application of Sanford L. Hirschberg and Gerald R. McGuire by the licensees of Stations WPOW and WEVD; and

It further appearing that by letter of May 20, 1958, the licensee of Station WPOW expressed an intention of appearing at a hearing on the application; and

It further appearing that Stations WHAZ, WPOW and WEVD are operating under authorizations issued in accordance with the Commission's rules; that the Commission is of the opinion that the grant of a proposal which affects the ability of share-time stations to operate other hours, pursuant to mutual agreement under the provisions of §§ 3.74 and 3.77 of the Commission rules, is a factor to be considered in determining whether the grant of such application would be in the public interest; and that, therefore, the licensees of Stations WPOW and WEVD, as parties to said share-time agreement, should be heard in the proceeding ordered below; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause interference to Station WRSA, Saratoga Springs, New York, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether a grant of the application would affect the flexibility of Stations WHAZ, Troy, New York, WPOW, New York, New York, and WEVD, New York, New York, to operate other hours than those presently agreed upon in the existing share-time agreement, if mutually agreed upon in accordance with the provisions of §§ 3.74 and 3.77 of the Commission's rules.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Radio Station WRSA, Inc., the Rensselaer Polytechnic Institute, Tele-Broadcasters of N. Y., Inc., and Debs Memorial Radio Fund, Incorporated, licensees of Stations WRSA, WHAZ, WPOW and WEVD, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: August 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58–6420; Filed, Aug. 8, 1958; 8:51 a. m.]

AMERICAN TELEPHONE AND TELEGRAPH CO.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATIONS FOR HEARING ON STATED ISSUES

In the matter of the applications of American Telephone and Telegraph Company, Docket No. 12569, File Nos. 1055–C1–ML–56, 1056–C1–ML–56, 1057–C1–ML–56, 1058–C1–L–56, 1645–C1–L–56, 1646–C1–6–56; for modification of its point-to-point microwave radio station licenses KCB 81, Portland, Maine; KCB 82, Brunswick, Maine; KCB 83, Liberty, Maine; KCC 85, King's Mountain, Maine; KCC 86, Franklin, Maine; and KCC 92, Cooper Hill, Maine, for facilities connecting with the trans-Atlantic telephone cable system, to authorize the furnishing of an alternate voice and digital data transmission service to the United States Air Force.

1. The Commission has before it for consideration (a) a Protest and request for reconsideration timely filed on July 7, 1958, pursuant to section 309 (c) of the Communications Act of 1934, as amended (Act), and §§ 1.191 and 1.193 of the Commission's rules, by The Western Union Telegraph Company (WU) protesting the Commission's action of June 5, 1958, granting without a hearing the above-entitled applications of American Telephone and Telegraph Company (AT&T) for modification of the subject microwave station licenses to permit the subject facilities to be used for the alternate transmission of voice and digital data for the United States Air Force; (b) a "Protest" timely filed on June 30, 1958, purported to be pursuant to section 309 (c) of the Act, by American Cable and Radio Corporation (AC&R) and its operating subsidiaries, All America Cables & Radio, Inc., The Commercial Cable Company and Mackay Radio and Telegraph Company, Inc., also protesting the Commission's action of June 5, 1958, and requesting an informal conference relative to the subject applications; (c) a letter dated July 2, 1958, from RCA Communications, Inc. (RCAC) expressing disagreement with the Commission's action of June 5, 1958; and (d) an Opposition filed on July 17, 1958, by American Telephone and Telegraph Company to the foregoing Protest of WU.

2. *Preliminary statement.* On March 11, 1958, AT&T filed applications requesting modification of licenses for its microwave relay facilities between Portland, Maine, and the Canadian border connecting with the trans-Atlantic telephone cable system (TAT) so as to provide a telephone channel in such cable to be used alternately for voice communication and digital data processing for the United States Air Force between New York, N. Y., and London, England. Informal objections to a grant of the applications without a hearing were received from AC&R, RCAC and WU and a letter from the Office of Defense Mobilization (ODM) was received supporting the applications. The applications were granted without a hearing on June 5, 1958, after considering all relevant information available to the Commission at the time. Basically, the objections of AC&R, RCAC and WU as stated in their above protests and letter under consideration, are the same as set forth in their informal objections prior to the grant of June 5, 1958.

3. *WU protest.* Protestant WU claims standing as a "party in interest" within the meaning of section 309 (c) of the act on the basis of its status as a competitor with other carriers in international communication services, including the furnishing of private wire services to the public as well as to various governmental agencies. It asserts that the rendering of telegraph service by AT&T has grave financial implications for it and the other international telegraph carriers, as well as for the Commission. It refers to past correspondence between the Commission and AT&T beginning in 1953 at the time the TAT cable and associated microwave relay facilities were first proposed, wherein, in reply to a Commission inquiry relative to the possible use of the TAT cable for telegraph service, AT&T stated, among other things, "* * * The American Telephone and Telegraph Company has no thought of entering the field of international telegraph communications and would lease telegraph circuits in the cable for Government department use only, upon express order from a Government department to do so * * *" The protestant alleges that in the instant case there has been neither evidence, nor claim, the subject service was being supplied "upon express Order * * * to do so." The protestant further alleges the Commission, in arriving at its Order of June 5, 1958, did not require the Government department to justify the authorization granted. The protestant also refers to the policy statement of the United States delegation (including representatives of this Commission) at the informal discussions with the United Kingdom representatives in 1956 relative to the use of the TAT cable for telegraph services at which conference the United States delegation adopted the following policy:

> United States policy is against the use of TAT except in case of national emergency or where the Federal Communications Commission determines, in the public interest, that adequate facilities at reasonable rates are not available via telegraph carriers. In the latter instance, telegraph service should be provided by existing telegraph carriers which would lease channels in TAT upon Commission authorization on equitable and non-discriminatory terms.

The protestant alleges that in the instant case there has been no showing (a) that a national emergency exists or (b) that adequate facilities at reasonable rates are not available via telegraph carriers or (c) that any reason exists why the telegraph service in question should not be provided by the existing telegraph carriers leasing channels in the TAT cable. The protestant alleges that in granting the subject applications without a hearing the Commission has not taken all the steps available to it to determine whether the existing telegraph carriers cannot by means of leasing channels in the TAT cable upon Commission authorization, provide services which in certain respects meet more closely what the Air Force requires, by way of telegraph service, than by the means suggested or acquiesced in by AT&T. Thee protestant further alleges that there is no basis for AT&T's conclusion that the furnishing of the proposed service by a single carrier is the most efficient and economical way to meet the Air Force requirements and that there would be additional burdens imposed upon the telegraph using public if a telegraph carrier participated in furnishing the service via the TAT cable. In view of all of the foregoing, WU requests the Commission to (a) reconsider its order of June 5, 1958, and deny the subject applications and (b) amend the order to authorize the rendition of telegraphic service required by the United States Air Force by an international communications carrier other than AT&T and such other relief as in the premises may seem just and proper.

4. *AC&R protest.* AC&R's protest was similar to WU's but not as detailed. It states it is a "party in interest" in that it is in competition with other carriers in the furnishing of international communication services. Like WU, it also alleges the Commission's action of June 5, 1958, is not in the public interest and improperly made because (a) the action ignores the United States Government policy statement in 1956 relative to the use of the TAT cable for telegraph purposes; (b) that there would be no appreciable difference as to the interposition of another carrier in this case as there is in the case in other leased circuit situations where the international carriers lease from Bell System companies; (c) granting the subject applications might be construed as a precedent extremely serious to the international telegraph carriers; and (d) granting the subject applications puts AT&T in the international telegraph business. AC&R states specifically that it does not request a hearing relative to the subject applications but thinks all interested parties should be given the privilege of an informal conference relative thereto.

5. *RCAC letter.* RCAC expressed disagreement with the Commission's action granting the subject applications and enumerated its reasons therefor briefly which are similar to those expressed by WU and AC&R. It referred to previous correspondence relative to the subject applications where it alleged the dangers of irreparable harm to the international telegraph carriers and the public in-

terest which would result from authorizing the entrance of AT&T directly into the international telegraph field. However, RCAC stated that under the circumstances herein and in view of the fact that the authorization is to provide a channel only for the United States Air Force, it was not filing a formal protest, based on the assumption that the instant order will not serve as a pronouncement of Commission policy to justify any future expansion by AT&T into the international telegraph field. It concluded that its statements are without prejudice to its right to participate in any additional formal or informal proceedings the Commission should designate in this matter.

6. *AT&T reply.* On July 17, 1958, AT&T filed an opposition to the WU protest. In brief, it urges that the relief requested by WU should be denied because, among other things, the protest states no material facts and makes no points that were not before the Commission when its order of June 5, 1958, was issued. It states the same is true of the AC&R protest, and that the Commission has given full consideration to these arguments and to the material facts and that no further consideration is called for. It emphasizes that the subject telephone channel is for both clear-text and encrypted speech, as well as for data transmission with voice co-ordination thereof. The opposition further states that AT&T is presently furnishing the service to the Air Force; that such service was begun upon representations that it was required in order to serve urgent national defense needs; that AT&T knows of no changed circumstances in the needs of national defense that would permit the termination of the service; that the needs of national defense today would seem to make it even more imperative that the service be continued; and finally that the Commission's authorization to use the radio stations is necssary to the maintenance of the subject service and the public interest requires that the authorization remain in effect.

7. *Disposition of protests.* In considering a protest pursuant to the provisions of section 309 (c) of our act, attention must be given, among other things, to two primary factors: (a) The allegations of fact which show the protestant to be a party in interest, and (b) the facts specified with particularity which are relied upon by protestant to show that a grant was (i) improperly made or (ii) would otherwise not be in the public interest.

8. In view of the fact that Protestant WU is engaged in the furnishing of international telegraph services, competing with other international telegraph carriers for international communication services, including the furnishing of private wire services to the public as well as to various governmental agencies, we find it to be a "party in interest" within the meaning of section 309 (c) of the act. We further find that the protestant, in alleging, among other things, that the grant to AT&T may pose a threat to the economic security of the international telegraph industry, has presented allegations which suffice, in a case involving communications common carriers, as a basis for hearing under the provisions of section 309 (c) of the act. The protestant suggested no issues. However, in the light of our above-stated conclusions, and in order to carry out the intent of Congress with respect to section 309 (c) of our act, as interpreted by the U. S. Court of Appeals, District of Columbia Circuit in Clarksburg Publishing Co. *v.* FCC, Case No. 12441 (12 RR 2024), we shall designate this matter for hearing upon issues presented in the pleadings under consideration which we deem appropriate and which are set forth later herein.

9. Standing on their own merits, both the AC&R protest and the RCAC statement relative to the Commission's action of June 5, 1958, could be dismissed on the basis that neither fully meets the requirements of section 309 (c) of the act. The RCAC letter indicates that it is not a formal protest. The AC&R Protest, although purported to be pursuant to section 309 (c), does not request the hearing provided by such Section but, instead, an informal conference with respect thereto is requested, which procedure is not provided for in such section. Thus, both the AC&R and RCAC pleadings are deficient in that they do not meet the statutory requirements of section 309 (c). However, in view of the fact that both AC&R and its operating subsidiaries and RCAC are in fact parties in interest within the meaning of such Section, and further, since the bases of their objections to a grant of the subject applications are similar to those of the WU Protest, which we have allowed, we believe that in order for the Commission to have all the relavant facts before it in considering this matter, that both AC&R and its operating subsidiaries and RCAC should be named as parties to the proceedings provided for herein. In view of these conclusions, it will not be necessary to discuss the merits of the allegations in the AC&R protest and the RCAC letter.

10. We now turn to the question of whether we should stay the effective date of our grant of the subject applications until a decision in this matter after hearing. Section 309 (c) of the act, insofar as is relevant hereto, provides that "* * * the effective date of the Commission's action to which protest is made shall be postponed * * * unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing." As previously indicated in paragraph 6 above, AT&T states the subject service is already being furnished the U. S. Air Force. AT&T also stated the subject service was instituted upon representations that it was required in order to meet urgent national defense needs and the needs of national defense today would seem to make it more imperative that the service be continued. In view of AT&T's allegations in this respect, and of ODM's concurrence in supporting the applications, as well as the current situation, we find that, for the limited purposes of determining whether or not to terminate AT&T's grant at this time (and subject to final determination upon the hearing record herein), that the public interest requires that the grant herein remain in effect pending our decision after hearing, and we authorize the applicant to continue the rendition of the subject combination voice and digital data transmission service to the United States Air Force pending final determination herein.

11. *Accordingly, it is ordered,* This 31st day of July 1958, That the applicant may furnish the subject alternate voice and digital data transmission service to the United States Air Force via the subject microwave facilities connecting with the TAT cable authorized by the Commission's action of June 5, 1958, pending the Commission's decision after the evidentiary hearing hereinafter provided; and

12. *It is further ordered,* That the above-entitled applications for modification of licenses are designated for hearing at the Commission's Office at Washington, D. C., at a time to be specified by subsequent order, upon the issues set forth below. Because the protestant did not set forth specific issues in this matter with particularity, the Commission has drafted these issues which appear to cover the protestant's objections to the grant of the subject applications:

(a) To determine insofar as consistent with the security of the United States, the nature and extent of the service required by the United States Air Force;

(b) To determine whether the proposed data transmission service can be provided over facilities of any international telegraph carrier with the required quality, speed and reliability of transmission;

(c) To determine, in the light of the evidence adduced, whether the public interest, convenience and necessity would better be served by (1) the grant of the subject applications of AT&T or (2) whether the proposed combination voice and data transmission service should be furnished in some other manner.

13. *It is further ordered,* That American Telephone and Telegraph Company, The Western Union Telegraph Company, RCA Communications, Inc., The American Cable and Radio Corporation and its operating subsidiaries, All America Cables and Radio, Inc., The Commercial Cable Company and Mackay Radio and Telegraph Company, Inc., and the Chief, Common Carrier Bureau are made parties to the proceedings herein;

14. *It is further ordered,* That the burden of proof in the proceedings herein provided shall be upon the protestant Western Union Telegraph Company, and any other party or parties supporting the contentions of the protestant;

15. *It is further ordered,* That the Department of Defense and the Office of Civil and Defense Mobilization may intervene and participate fully herein.

Released: August 6, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6421; Filed, Aug. 8, 1958; 8:51 a. m.]

[Docket No. 12570; FCC 58-787]

CENTRAL FREIGHT LINES, INC.

ORDER DESIGNATING APPLICATIONS FOR HEARING ON STATED ISSUES

In re applications of Central Freight Lines, Inc., Dallas, Texas, Docket No. 12570, File No. 5133/34-C6-J; for authorizations in the Motor Carrier Radio Service at Dallas and Fort Worth, Texas.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of July 1958;

The Commission having under consideration the above-captioned applications of Central Freight Lines, Inc., for authorizations in the Motor Carrier Radio Service; and

It appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicant was advised by letters dated June 20, 1955, and June 3, 1958, that in view of the considerations set forth therein, including a question of consistency with § 16.253 (a) of the Commission's rules, it could not be determined that a grant of said applications would serve the public interest, convenience and necessity; and

It further appearing that upon due consideration of the applicant's replies to such letters, dated, respectively, July 20, 1955, and June 30, 1958, the Commission is still unable to make such a determination; and

It further appearing that applicant has requested, in the alternative, if it is determined that its applications do not meet the requirements of § 16.253 (a) of the rules, a waiver of the requirements of said § 16.253 (a) to permit a grant of its applications on a developmental basis; and that the Commission is unable to determine, at this time, that the public interest, convenience and necessity would be served by a grant of the said request for waiver; and

It further appearing that by communications filed March 1 and April 14, 1955, respectively, Southwestern Bell Telephone Company and The Western Union Telegraph Company stated their concern regarding the effect of a grant of the instant applications upon common carrier communications service furnished by them in view of the alleged adequacy of such facilities to meet the communications requirements of the applicant herein;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, said applications are designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the purpose of the proposed radio system and the manner in which it would be operated.

2. To determine whether a grant of the above-entitled applications would be consistent with § 16.253 (a) of the Commission's rules.

3. To determine (if a grant of the above-entitled applications would not be consistent) whether the public interest would be served by a waiver of said § 16.253 (a).

4. To determine whether the public interest would be served by a grant of the above-entitled applications in view of the Commission proceeding in Docket No. 11866.

5. To determine whether, in light of the evidence adduced on the foregoing issues, the public interest, convenience, and necessity would be served by the grant of the Central Freight Lines applications.

It is further ordered, That Southwestern Bell Telephone Company and The Western Union Telegraph Company are hereby made parties to the above-hearing;

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and the parties named herein, pursuant to § 1.140 (c) and (e) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: August 6, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6422; Filed, Aug. 8, 1958; 8:51 a. m.]

[Docket No. 12575; FCC 58-780]

INTERLAKE BROADCASTING CORP. AND MESABI WESTERN CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Interlake Broadcasting Corporation, (Assignor), and Mesabi Western Corporation, (Assignee), Docket No. 12575, File No. BAL-3039; for consent to assignment of license of Station KLAN, Renton, Washington.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 30th day of July 1958;

The Commission having under consideration (1) the above-entitled application; (2) the Commission's letter of July 23, 1958, sent to the above-named applicants pursuant to section 309 (b) of the Communications Act of 1934, as amended; and (3) the reply to said letter filed on July 29, 1958 by the applicants; and

It appearing that 80 percent of the stock of Mesabi Western Corporation is held in trust by the Pacific National Bank of Seattle (Pacific) for beneficiaries under a deed of trust; that one of the directors and minority stockholders of Pacific is the controlling stockholder and president of the licensee of standard broadcast station KING in Seattle, Washington, while another director of Pacific holds a minority stockholder's interest in standard broadcast station KIRO in Seattle; that said stations KLAN, KING and KIRO serve the cities of Renton and Seattle; and that said stations also compete for advertising in the Renton-Seattle area; and

It further appearing that in its letter of July 23, 1958, to the above-named applicants, the Commission notified them that their application raised the question whether a grant thereof would violate the long-standing policy of the Commission promulgated under § 3.35 (a) of the Commission's rules against permitting any degree of cross-interest, direct or indirect, in two or more stations in the same broadcast service serving substantially the same area; that said policy was adopted for the purpose of insuring open, arms-length competition among broadcast stations serving substantially the same area; that the Commission found no justification for a waiver of or deviation from such well-established policy; that accordingly, the Commission was unable to determine that a grant of said application would serve the public interest; that, therefore, a hearing on the application was required; and that the applicants were being afforded 30 days in which to file a reply; and

It further appearing that on July 29, 1958, the above applicants filed a reply to the Commission's letter of July 23, 1958; and that in said reply, the applicants requested reconsideration of the Commission's action of July 23, 1958, and a grant of the above-entitled application; and

It further appearing that upon due consideration of the above-entitled application, the Commission's letter of July 23, 1958, and the applicants' reply thereto of July 29, 1958, no facts or arguments have been submitted which warrant the reconsideration requested by the applicants herein; that the Commission finds that it is unable to determine at this time that a grant of the above-entitled application would be in the public interest; that a hearing thereon is required; and that no questions of qualifications exist with respect to the above applicants except as to the matters raised by the issues set forth below:

It is ordered, That, the applicants' request for reconsideration by the Commission of its action of July 23, 1958, is denied;

It is further ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine, in light of the interests of the Pacific National Bank of Seattle and its directors in Mesabi Western Corporation and in Station KING and KIRO, Seattle, whether a grant of the above-entitled application would be consistent with the provisions of § 3.35

of the Commission's rules and its policies promulgated thereunder, particularly with respect to its policy of requiring open, arms-length competition among broadcast stations in the same broadcast service serving substantially the same area; and

(2) To determine, in light of the evidence adduced with respect to the foregoing issue, whether a grant of the above-entitled application would serve the public interest, convenience or necessity.

Released: August 6, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT,
Acting Secretary.

[F. R. Doc. 58-6423; Filed, Aug. 8, 1958; 8:51 a. m.]

FEDERAL RESERVE SYSTEM

FIRST BANK STOCK CORP.

ORDER DENYING APPLICATION FOR ACQUISITION OF VOTING SHARES OF FIRST EASTERN HEIGHTS STATE BANK OF SAINT PAUL

In the matter of the application of First Bank Stock Corporation for approval of acquisition of voting shares of First Eastern Heights State Bank of Saint Paul, St. Paul, Minnesota.

The above matter having come before the Board on the application of First Bank Stock Corporation, Minneapolis, Minnesota, dated December 30, 1957, filed pursuant to the provisions of section 3 (a) (2) of the Bank Holding Company Act of 1956, for prior approval of the acquisition of 1,190 of the 1,250 voting shares proposed to be issued by a proposed new bank, First Eastern Heights State Bank of Saint Paul, St. Paul, Minnesota, and it appearing after due consideration thereof pursuant to the requirements of the Bank Holding Company Act of 1956 that such application should be denied.

It is ordered, That the said application of First Bank Stock Corporation under section 3 (a) (2) of the Bank Holding Company Act of 1956 for the Board's prior approval of the acquisition by First Bank Stock Corporation of 1,190 of the 1,250 shares of First Eastern Heights State Bank of Saint Paul, is hereby denied.

This 5th day of August 1958.

By order of the Board of Governors.[1]

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F. R. Doc. 58-6363; Filed, Aug. 8, 1958; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 350]

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS FOR PROFESSIONAL SERVICES

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the act, authority is hereby delegated for the period ending August 31, 1959, to the Secretary of the Interior to negotiate, without advertising, under section 302 (c) (4) of the act, contracts for the services of architectural and engineering firms in connection with the construction activities under the Alaska Public Works Program authorized by the act of August 24, 1949 (63 Stat. 627), as amended by the act of July 15, 1954 (68 Stat. 483).

2. This delegation of authority shall be subject to all provisions of Title III of the act with respect to negotiated contracts, and to all other provisions of law.

3. The authority herein delegated may be redelegated to any officer or official of the Department of the Interior.

4. This delegation shall be effective as of September 1, 1958.

Dated: August 5, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-6374; Filed, Aug. 8, 1958; 8:47 a. m.]

TARIFF COMMISSION

[Investigation 35]

IRON ORE

INSTITUTION OF INVESTIGATION

Pursuant to a resolution adopted July 29, 1958, by the Committee on Finance, United States Senate, the United States Tariff Commission, on the 4th day of August 1958, instituted an investigation under the provisions of section 332 of the Tariff Act of 1930, as amended, of the conditions of competition in the United States between iron ore produced in the United States and in foreign countries.

The Committee resolution provides that in its report to the Committee of the results of the investigation "the Commission shall set forth a summary of the facts obtained in the investigation, including a description of the domestic industry, domestic production, foreign production, imports (including sources of imports), consumption, channels of distribution, United States exports, prices of domestic and imported ore, and the United States customs treatment (including trade-agreement obligations with respect to such treatment) since 1930."

The Committee resolution authorizes the Tariff Commission to hold such hearing or hearings in connection with the investigation as it deems necessary or desirable. Announcement regarding any hearing that may be scheduled in connection with this investigation will be made at a future date.

Issued August 5, 1958.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58-6367; Filed, Aug. 8, 1958; 8:46 a. m.]

[Investigation 36]

SPRING CLOTHESPINS

INSTITUTION OF INVESTIGATION

Pursuant to a resolution adopted July 30, 1958, by the Committee on Finance, United States Senate, the United States Tariff Commission, on the 4th day of August 1958, instituted an investigation under the provisions of section 332 of the Tariff Act of 1930, as amended, of the conditions of competition in the United States between spring clothespins produced in the United States and in foreign countries.

The Tariff Commission, on September 10, 1957, made a report to the President of the results of an "escape clause" investigation under section 7 of the Trade Agreements Extension Act of 1951, as amended, which resulted in a Presidential proclamation, effective December 10, 1957, increasing the duty on spring clothespins from 10 cents to 20 cents per gross. The instant investigation is not a new "escape clause" investigation, and the Commission's report to the Finance Committee, which is required to be made on or before November 1, 1958, will not include any recommendations for changes in existing import restrictions on spring clothespins; the report will be limited to a summary of the facts regarding developments in conditions of competition in the United States between imported and domestic spring clothespins since the increase in duty on December 10, 1957.

Issued August 5, 1958.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58-6368; Filed, Aug. 8, 1958; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-12792, G-12887]

PACIFIC NORTHWEST PIPELINE CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 4, 1958.

In the matters of Pacific Northwest Pipeline Corporation, Docket No. G-12792; Beehive Uranium Corporation and Standard Uranium Corporation, Operator, Docket No. G-12887.

Take notice that on June 25, 1957, Pacific Northwest Pipeline Corporation (Pacific Northwest) filed in Docket No. G-12792 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of a main line tap to be installed at a point on Pacific Northwest's existing 26-inch main transmission pipeline in Garfield County, Colorado, in order to purchase and receive natural gas produced in the Gar Mesa Area in Garfield County by Beehive Uranium Corporation and Standard Uranium Corporation, Operator (Beehive and Standard), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

On July 15, 1957, Beehive and Standard filed in Docket No. G-12887 a joint application for a certificate of public convenience and necessity authorizing the above sale of gas to Pacific Northwest to be made pursuant to a 20-year gas sales contract dated March 12, 1957, executed by and between Pacific Northwest and Beehive and Standard. Each producer has a 50 per cent interest in the sale of gas covered by said contract.

The estimated total cost of Pacific Northwest's proposed tap is $1,000, to be financed from current funds. The facilities of Beehive and Standard consist of customary lease equipment.

Acreage controlled totals approximately 1,488 acres in the area, upon which two gas wells to be operated by Standard have been completed.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 10, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 22, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6356; Filed, Aug. 8, 1958; 8:45 a. m.]

[Docket No. E-6836]

ALABAMA POWER CO. ET AL.

ORDER QUESTIONING ACCOUNT ENTRIES, PROVIDING FOR HEARING, AND DIRECTING HOLDING OF PREHEARING CONFERENCE

AUGUST 1, 1958.

In the matters of Alabama Power Company, Arizona Public Service Company, Arkansas Missouri Power Company, Arkansas Power & Light Company, Blackstone Valley Gas & Electric Company, Boston Edison Company, Carolina Power & Light Company, Central Hudson Gas & Electric Corporation, Central Illinois Public Service Company, Central Louisiana Electric Company, Inc., Delaware Power & Light Company, Duquesne Light Company, El Paso Electric Company, Empire District Electric Company, Fitchburg Gas & Electric Light Company, Georgia Power Company, Gulf Power Company, Gulf States Utilities Company, The Hartford Electric Light Company, Holyoke Water Power Company, Idaho Power Company, Interstate Power Company, Iowa Public Service Company, Jersey Central Power & Light Company, Kansas Gas & Electric Company, Lake Superior District Power Company, Louisiana Power & Light Company, The Marietta Electric Company, Merrimack-Essex Electric Company, Metropolitan Edison Company, Minnesota Power & Light Company, Mississippi Power Company, Mississippi Power & Light Company, Mississippi Valley Public Service Company, Missouri Edison Company, Missouri Power & Light Company, Monongahela Power Company, The Montana Power Company, Monterey Utilities Corporation, The Narragansett Electric Company, New Jersey Power & Light Company, New Orleans Public Service, Inc., New York State Electric & Gas Corporation, Northern States Power Company of Minnesota, Northern States Power Company of Wisconsin, Northern Virginia Power Company, Ohio Edison Company, Oklahoma Gas & Electric Company, Orange and Rockland Utilities, Inc., Pacific Gas & Electric Company, Pacific Power & Light Company, Pennsylvania Electric Company, Pennsylvania Power Company, Pennsylvania Power & Light Company, Philadelphia Electric Company, The Potomac Edison Company, Potomac Electric Power Company, Potomac Light & Power Company, Public Service Company of Indiana, Inc., Puget Sound Power & Light Company, Rockland Electric Company, South Carolina Electric & Gas Company, South Penn Power Company, Southwestern Gas & Electric Company, Southwestern Public Service Company, Suburban Electric Company, Superior Water, Light and Power Company, Union Electric Company, Utah Power & Light Company, Virginia Electric & Power Company, The Washington Water Power Company, The West Maryland Power Company, West Penn Power Company, West Texas Utilities Company, Western Massachusetts Electric Company, Worcester County Electric Company; Docket No. E-6836.

The question herein before the Commission relates to the propriety, under the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees, of the accounting treatment accorded by the above named Companies with respect to certain expenditures which each Company incurred during the calendar year 1957 as a participant in the "Electric Companies Advertising Program"[1] under the sponsorship of "America's Independent Electric Light and Power Companies."

[1] That program is hereinafter referred to as the "1957 E. C. A. P. Program".

The specific accounting entries herein questioned are as shown by individual Companies in Columns (1), (2), and (3) of Table A set forth below. They are questioned insofar as they include the dollar amounts shown in Column (5) of that Table. Available data indicate that the amounts in Column (5) represent the proportionate cost to each of the Companies for certain of the copy placed in numerous national publications under the 1957 E. C. A. P. Program.

The particular copy referred to is captioned as follows:

POWER COMPANIES BUILD FOR YOUR NEW ELECTRIC LIVING

Are you aware of this strange use of your tax money?
Where do your taxes go?
Why do customers of this power dam have to help pay electric bills for customers of this one?
This trick's on you!
The case of the Missing Millions
Would you call this fair play? (hurdlers)
Can you answer these questions about taxes?
Would you call this fair play?[2] (basketball players)

The reported total cost of the above-listed copy is $863,130.15 or 43.25 percent of the reported cost of all copy placed under the 1957 E. C. A. P. Program totalling $1,995,661.14. The total amount contributed by each of the Table A-named Companies to the 1957 E. C. A. P. Program appear in Column (4) of Table A. In the aggregate, those amounts total $1,286,083.15. To ascertain the proportion of each Company's contribution attributable to the cost of the above-listed copy, the staff applied the aforementioned percentage of 43.25 to the individual contribution of each Company. The resulting amounts are as shown in Column (5) of Table A.

In accounting for their respective contributions totalling $1,286,083.15, 53 of the Table A-named Companies charged an aggregate of $731,070.72 to F. P. C. Account No. 787, Demonstration, Advertising and Other Sales Expenses and 29 charged an aggregate of $555,012.43 to Account No. 801, Miscellaneous General Expenses. With the exception of three of the Table A-named Companies which split their respective charges between the above operating expense accounts, each Company reported its accounting for this transaction involved the use of only one of those accounts.

The Commission staff proposes that these charges be reclassified, in part, for the reason that the expenditures involved are, in part, of a type and character not within the scope of Account Nos. 787 and 801. The instructions set forth in the Uniform System of Accounts regarding the use of those accounts are as follows:

(1) 787. Demonstration, Advertising, and Other Sales Expenses.

A 787.1 Demonstration. This account shall include the cost of labor and materials used and expenses incurred in

[2] Reproductions of this copy appear in Table B marked as to the places of publication and the dates of publication. Table B is filed as part of the original document.

[1] Voting against this action: Vice Chairman Balderston and Governors Vardaman and Mills.

demonstrating the use of appliances or other equipment.

NOTE: Do not include in this account demonstration expense incurred in connection with merchandise or appliance sales.

Items:

1. Employees: (a) Demonstrators, (b) Instructors, (c) Typists and Clerks.

2. Expenses: (a) Building service (not including rent), (b) Communication service, (c) Demonstration supplies, (d) Electric service, (e) Transportation.

A 787.2 Advertising. This account shall include the cost of labor and materials used and expenses incurred in connection with advertising for the purpose of promoting the sales of electricity.

NOTE. Do not include in this account advertising in connection with merchandise or appliance sales.

Items:

1. Advertising in newspapers, periodicals, etc.

2. Advertising manager and assistants.

3. Clerks.

4. Materials and expenses in preparing: (a) Advertisements, (b) Booklets, (c) Bulletins, (d) Dodgers, (e) Posters.

5. Stenographers and typists.

A 787.3 Miscellaneous sales expenses. This account shall include the cost of labor and materials used and expenses incurred in soliciting new business, except amounts chargeable to the foregoing accounts.

NOTE. Do not include in this account expenses incurred in connection with merchandise or appliance sales.

(2) 801. *Miscellaneous general expenses.* This account shall include such items of expense applicable to the electric department as the cost of publishing and distributing annual reports to stockholders; advertising notice of stockholders' meetings; dividend and other corporate and financial notices of a general character; association dues; contributions for conventions and meetings of the industry; cost of research and experimental work conducted for the benefit of the electric department or the industry or for the improvement of electric service (except such amounts as may be properly chargeable to other accounts); fees of transfer agents, registrars of stock, and fiscal agents; director's fees; and any other miscellaneous expenses connected with the general management and not otherwise provided for.

The staff recommends the reclassification of the amounts shown in Column (5) of the attached Table A to Account No. 538, Miscellaneous Income Deductions, for the reason that the expenditures involved relate to the matter of private versus public ownership of electric facilities, a subject of political controversy, and the above-listed copy is of an argumentative character or nature in that controversy. The instructions set forth in the Uniform System of Accounts regarding the use of Account 538 are as follows:

538. Miscellaneous income deductions. This account shall include miscellaneous debits to income, not provided for elsewhere.

Items:

1. Decline in value of investments. (See Balance sheet instruction 4.)

2. Donations.

3. Expenditures for associated companies for which the utility will not be reimbursed.

By separate letters of the Commission dated February 27, 1958, each of the above Companies was advised that in the opinion of this Commission expenditures involving the presentation of argument in matters of political controversy are not properly includible in any of the 700 or 800 Series of Accounts of the Commission's Uniform System of Accounts but rather should be classified in Account No. 538.

Available data indicate that each above-entitled Company is a licensee and/or public utility under the Federal Power Act and therefore subject, as such, to the requirements of the Commission's Uniform System of Accounts. The respective principal places of business of the above-entitled Companies and the States in which those Companies operate are as follows:

Name of Company; Operating in State(s); Principal Place of Business

Alabama Power Co.; Alabama; Birmingham, Ala.

Arizona Public Service Co.; Arizona; Phoenix, Ariz.

Arkansas Missouri Power Co.; Arkansas, Missouri; Blytheville, Ark.

Arkansas Power & Light Co.; Arkansas; Pine Bluff, Ark.

Blackstone Valley Gas & Electric Co.; Rhode Island; Pawtucket, R. I.

Boston Edison Co.; Massachusetts; Boston, Mass.

Carolina Power & Light Co.; North Carolina, South Carolina; Raleigh, N. C.

Central Hudson Gas & Electric Corp.; New York; Poughkeepsie, N. Y.

Central Illinois Public Service Co.; Illinois; Springfield, Ill.

Central Louisiana Electric Co., Inc.; Louisiana; Lafayette, La.

Delaware Power & Light Co.; Delaware; Wilmington, Del.

Duquesne Light Co.; Pennsylvania; Pittsburgh, Pa.

El Paso Electric Co.; New Mexico, Texas; El Paso, Tex.

Empire District Electric Co.; Kansas, Missouri, Arkansas, Oklahoma; Joplin, Mo.

Fitchburg Gas & Electric Light Co.; Massachusetts; Fitchburg, Mass.

Georgia Power Co.; Georgia; Atlanta, Ga.

Gulf Power Co.; Florida; Pensacola, Fla.

Gulf States Utilities Co.; Louisiana, Texas; Beaumont, Tex.

Hartford Electric Light Co., The; Connecticut; Hartford, Conn.

Holyoke Water Power Co.; Massachusetts; Holyoke, Mass.

Idaho Power Co.; Idaho, Nevada, Oregon; Boise, Idaho.

Interstate Power Co.; Illinois, Iowa, Minnesota, South Dakota, Dubuque, Iowa.

Iowa Public Service Co.; Iowa, South Dakota, Nebraska; Sioux City, Iowa.

Jersey Central Power & Light Co.; New Jersey; Asbury Park, N. J.

Kansas Gas & Electric Co.; Kansas; Wichita, Kans.

Lake Superior District Power Co.; Michigan, Wisconsin; Ashland, Wis.

Louisiana Power & Light Co.; Louisiana; New Orleans, La.

Marietta Electric Co., The; Ohio; Fairmont, W. Va.

Merrimack-Essex Electric Co.; Massachusetts; Salem, Mass.

Metropolitan Edison Co.; Pennsylvania; Muhlenberg Township, Berks County, Pa.

Minnesota Power & Light Co.; Minnesota; Duluth, Minn.

Mississippi Power Co.; Mississippi; Gulfport, Miss.

Mississippi Power & Light Co.; Mississippi; Jackson, Miss.

Mississippi Valley Public Service Co.; Minnesota, Wisconsin; Winona, Minn.

Missouri Edison Co.; Missouri; Louisiana, Mo.

Missouri Power & Light Co.; Missouri; Jefferson City, Mo.

Monongahela Power Co.; West Virginia; Fairmont, W. Va.

Montana Power Co., The; Montana, Idaho; Butte, Mont.

Monterey Utilities Corp.; Virginia; Fairmont, W. Va.

Narragansett Electric Co., The; Rhode Island; Providence, R. I.

New Jersey Power & Light Co.; New Jersey; Denville, N. J.

New Orleans Public Service, Inc.; Louisiana; New Orleans, La.

New York State Electric & Gas Corp.; New York; Ithaca, N. Y.

Northern States Power Co. of Minnesota; Minnesota, North Dakota, South Dakota; Minneapolis, Minn.

Northern States Power Co. of Wisconsin; Wisconsin, Minnesota; Eau Claire, Wis.

Northern Virgina Power Co.; Virginia; Winchester, Va.

Ohio Edison Co.; Ohio; Akron, Ohio.

Oklahoma Gas & Electric Co.; Oklahoma, Arkansas; Oklahoma City, Okla.

Orange and Rockland Utilities, Inc.; New York; Nyack, N. Y.

Pacific Gas & Electric Co.; California; San Francisco, Calif.

Pacific Power & Light Co.; Oregon, Washington, Idaho, Montana, Wyoming; Portland, Oreg.

Pennsylvania Electric Co.; Pennsylvania, New York; Johnstown, Pa.

Pennsylvania Power Co.; Pennsylvania; New Castle, Pa.

Pennsylvania Power & Light Co.; Pennsylvania; Allentown, Pa.

Philadelphia Electric Co.; Pennsylvania; Philadelphia, Pa.

Potomac Edison Co., The; Maryland, Frederick, Md.

Potomac Electric Power Co.; District of Columbia, Maryland, Virginia; Washington, D. C.

Potomac Light & Power Co.; West Virginia; Martinsburg, W. Va.

Public Service Co. of Indiana, Inc.; Indiana; Plainfield, Ind.

Puget Sound Power & Light Co.; Washington; Seattle, Wash.

Rockland Electric Co.; New Jersey; Nyack, N. Y.

South Carolina Electric & Gas Co.; South Carolina; Columbia, S. C.

South Penn Power Co.; Pennsylvania; Waynesboro, Pa.

Southwestern Gas & Electric Co.; Louisiana, Texas, Arkansas, Oklahoma; Shreveport, La.

Southwestern Public Service Co.; Texas, Oklahoma, New Mexico, Kansas; Dallas, Tex.

Suburban Electric Co.; Massachusetts; Malden, Mass.

Superior Water, Light and Power Co.; Wisconsin; Superior, Wis.

Union Electric Co.; Missouri, Illinois, Iowa; St. Louis, Mo.

Utah Power & Light Co.; Utah, Idaho, Wyoming; Salt Lake City, Utah.

Virginia Electric & Power Co.; Virginia, North Carolina, West Virginia; Richmond, Va.

Washington Water Power Co., The; Washington, Idaho, Montana; Spokane, Wash.

West Maryland Power Co., The; Maryland; Fairmont, W. Va.

West Penn Power Co.; Pennsylvania; Greensburg, Pa.

West Texas Utilities Co.; Texas; Abilene, Tex.

Western Massachusetts Electric Co.; Massachusetts; Greenfield, Mass.

Worcester County Electric Co.; Massachusetts; Worcester, Mass.

In view of the foregoing it appears that the accounting treatment accorded by each of the Table A-named companies with respect to the dollar amounts shown in Column (5) of the Table A may, in each instance, involve a violation of the Commission's Uniform System of Accounts and each of the accounting entries there involved should be questioned. Accordingly, it appears necessary and appropriate for the purposes of the Federal Power Act (particularly sections 3, 4, 301, 302, 304, 307, 308 and 309), and the Uniform System of Accounts and Regulations prescribed thereunder, that those entries be questioned and that a hearing be held with respect thereto all as hereinafter provided.

The Commission orders:

(A) The accounting entry or entries of each of the Table A-named companies shown in Columns (2) and (3) of the Table A are hereby questioned to the extent of the inclusion therein of the dollar amounts shown in Column (5) of that table.

(B) A public hearing be held in the Commission's Hearing Rooms, 441 G Street NW., Washington 25, D. C., commencing at 10:00 a. m., e. d. s. t., October 7, 1958, with respect to the compliance of the accounting entries questioned in Paragraph (A) above, with the requirements of the Commission's Uniform System of Accounts.

(C) A prehearing conference, pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure (18 CFR 1.18) be held in this case at the Commission's offices, 441 G Street NW., Washington 25, D. C., commencing at 10:00 a. m., e. d. s. t., September 9, 1958; such conference to be presided over by the presiding examiner assigned to this case.

(D) At the hearing ordered herein each of the above-entitled Companies shall present any justification there may be for its (or indicated predecessor), respective accounting entry or entries herein questioned; and shall show cause, if any there be, why it should not, by an appropriate memorandum accounting entry reclassify to Account 538, the respective dollar amount shown in Column (5) of Table A opposite its (or indicated predecessor) corporate name.

(E) Interested State Commissions may participate in this proceeding as provided in §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

TABLE A

Company	Column (2) FPC Account No. Debited Account 787, Demonstration, Advertising and Other Sales Expenses	Column (3) FPC Account No. Debited Account 801, Miscellaneous General Expenses	Column (4) Total contribution to E. C. A. P. for 1957	Column (5) Portion of total contribution classified by Staff to Income Account 536, Miscellaneous Income Deductions (43.25 percent)
Column (1)				
Alabama Power Co.	$40,956.25		$40,956.25	$17,718.58
Arizona Public Service Co.	13,181.31		13,181.31	5,701.35
Arkansas Missouri Power Co.	3,890.60		3,890.60	1,682.66
Arkansas Power & Light Co.		$23,477.07	23,477.07	10,153.53
Blackstone Valley Gas & Electric Co.	6,699.50		6,699.50	2,897.53
Boston Edison Co.	35,713.27		35,713.27	15,445.99
Carolina Power & Light Co.	10,791.80	20,041.92	30,833.72	13,335.58
Central Hudson Gas & Electric Corp.		11,366.38	11,366.38	4,915.96
Central Illinois Public Service Co.	20,289.97		20,289.97	8,775.41
Central Louisiana Electric Co., Inc.	8,210.50		8,210.50	3,551.04
Delaware Power & Light Co.		9,990.70	9,990.70	4,147.98
Duquesne Light Co.		34,085.44	34,085.44	14,605.76
El Paso Electric Co.	7,378.20		7,378.20	3,190.27
Empire District Electric Co.	6,378.80		6,378.80	2,758.83
Fitchburg Gas & Electric Light Co.		1,829.70	1,829.70	791.35
Georgia Power Co.	41,676.97		41,676.97	18,025.29
Gulf Power Co.	7,837.90		7,837.90	3,390.14
Gulf States Utilities Co.	22,162.33		22,162.33	9,585.21
Hartford Electric Light Co., The; Connecticut Power Co., The [1]		10,398.56 10,096.90	10,398.56 10,096.90	4,497.36 4,366.91
Holyoke Water Power Co.	2,500.00		2,500.00	1,081.25
Idaho Power Co.		11,984.77	11,984.77	5,181.79
Interstate Power Co.	9,538.90		9,538.90	4,125.67
Iowa Public Service Co.		11,816.02	11,816.02	5,110.43
Jersey Central Power & Light Co.		19,683.28	19,683.28	8,513.02
Kansas Gas & Electric Co.		14,619.84	14,619.84	6,323.66
Lake Superior District Power Co.		2,836.20	2,836.20	1,226.66
Louisiana Power & Light Co.	18,306.63		18,306.63	7,917.62
Marietta Electric Co., The	1,451.60		1,451.60	627.82
Merrimack-Essex Electric Co.:				
Lawrence Electric Co.[1]	4,170.40		4,170.40	1,803.70
Lowell Electric Light Corp., The [1]	4,627.20		4,627.20	2,001.28
Metropolitan Edison Co.	20,994.10		20,994.10	9,079.96
Minnesota Power & Light Co.		7,396.10	7,396.10	3,198.91
Mississippi Power Co.	9,569.80		9,569.80	4,138.94
Mississippi Power & Light Co.		15,420.92	15,420.92	6,669.55
Mississippi Valley Public Service Co.		1,636.30	1,636.30	707.70
Missouri Edison Co.	1,402.50		1,402.50	606.58
Missouri Power & Light Co.	6,313.80		6,313.80	2,730.72
Monongahela Power Co.	17,582.94		17,582.94	7,604.42
Montana Power Co., The		12,977.64	12,977.64	5,612.23
Monterey Utilities Corp.	64.00		64.00	28.07
Narragansett Electric Co., The	17,893.02		17,893.02	7,736.73
New Jersey Power & Light Co.		9,593.30	9,593.30	4,149.16
New Orleans Public Service, Inc.	[2] 15,917.78		15,917.78	6,884.44
New York State Electric & Gas Corp.		33,410.80	33,410.80	14,450.17
Northern States Power Co. of Wisconsin	5,963.68		[3] 5,963.68	2,579.29
Northern States Power Co. of Minnesota	37,457.40		37,457.40	16,200.23
Northern Virginia Power Co.	2,616.60		2,616.60	1,131.68
Ohio Edison Co.	22,308.47	16,154.41	38,462.88	16,635.20
Oklahoma Gas & Electric Co.	26,228.99		26,228.99	11,344.03
Orange and Rockland Utilities, Inc.:				
Orange and Rockland Electric Co., The [1]	1,789.00		1,789.00	773.74
Rockland Light & Power Co.[1]	5,059.70		5,059.70	2,188.32
Pacific Gas & Electric Co.		55,000.00	55,000.00	23,787.50
Pacific Power & Light Co.	25,265.99		25,265.99	10,927.54
Pennsylvania Electric Co.	31,135.00		31,135.00	13,465.99
Pennsylvania Power Co.	4,591.10	3,324.60	7,915.70	3,423.54
Pennsylvania Power & Light Co.		46,544.84	46,544.84	20,130.64
Philadelphia Electric Co.		55,000.00	55,000.00	23,787.50
Potomac Edison Co., The	7,348.30		7,348.30	3,178.14
Potomac Electric Power Co.	26,731.86		26,731.86	11,561.53
Potomac Light & Power Co.	3,281.50		3,281.50	1,419.25
Public Service Co. of Indiana, Inc.		28,953.59	28,953.59	12,522.48
Puget Sound Power & Light Co.		17,126.01	17,126.01	7,407.00
Rockland Electric Co.	1,887.70		1,887.70	816.43
South Carolina Electric & Gas Co.	15,269.32		15,269.32	6,603.98
South Penn Power Co.	1,637.90		1,637.90	708.39
Southwestern Gas & Electric Co.		16,847.01	16,847.01	7,286.33
Southwestern Public Service Co.	15,676.05		15,676.05	6,779.69
Suburban Electric Co.	7,913.40		7,913.40	3,422.56
Superior Water, Light and Power Co.	1,093.70		1,093.70	473.09
Union Electric Co.		40,471.15	40,471.15	17,503.77
Utah Power & Light Co.	16,993.55		16,993.55	7,349.71
Virginia Electric & Power Co.	45,187.44		45,187.44	19,543.87
Washington Water Power Co., The		12,768.98	12,768.98	5,522.58
West Maryland Power Co., The	329.60		329.60	142.55
West Penn Power Co.	29,243.81		29,243.81	12,647.95
West Texas Utilities Co.	10,126.40		10,126.40	4,379.67
Western Massachusetts Electric Co.	12,588.00		12,588.00	5,444.31
Worcester County Electric Co.	18,145.38		18,145.38	7,847.88
	731,070.72	555,012.43	1,286,083.15	557,645.83

[1] Predecessor merged corporation.
[2] Reported by non-FPC Account as Account 176-1, General Publicity Advertising.
[3] Contribution made through parent company, Northern States Power Company of Minnesota.

[F. R. Doc. 58-6321; Filed, Aug. 8, 1958; 8:45 a. m.]

[Docket No. G-13862 etc.]

EL PASO NATURAL GAS CO. ET AL.

NOTICE OF HEARING

AUGUST 4, 1958.

In the matters of El Paso Natural Gas Company, Docket No. G-13862; Shell Oil Company, Docket No. G-13876; Aztec Oil & Gas Company, Docket No. G-13946; Phillips Petroleum Company, Docket No. G-13963; Western Natural Gas Company, Docket No. G-13964; The Pure Oil Company, Docket No. G-14156; General Petroleum Corporation, Docket No. G-14245; Davis Oil Company, Docket No. G-14361; The Carter Oil Company, Docket No. G-14369; Continental Oil Company, Docket No. G-14396; Sun Oil Company, Docket No. G-14403; The Ohio Oil Company, Docket No. G-14441; Pan American Petroleum Corporation, Docket No. G-14640; Three States Natural Gas Company, Docket No. G-14800; Reynolds Mining Corporation, Docket No. G-14834; Petro-Atlas Corporation, Docket No. G-15081; The Texas Company, Docket No. G-15153.

The hearing heretofore scheduled to commence on July 25, 1958, was postponed by a notice of the Secretary of the Commission issued on July 22, 1958, to a date to be fixed by further notice of the Secretary of the Commission.

Take notice that the hearing in these proceedings, heretofore scheduled for July 25, 1958, will be convened on September 10, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6357; Filed, Aug. 8, 1958; 8:45 a. m.]

[Docket No. G-15795]

GENERAL AMERICAN OIL COMPANY OF TEXAS

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 4, 1958.

General American Oil Company of Texas (General American) on July 7, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 18, 1958.

Purchaser: West Lake Natural Gas Company.

Rate schedule designation: Supplement No. 1 to General American's FPC Gas Rate Schedule No. 27.

Effective date: August 7, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, General American cites the circumstances under which the increased rate is submitted and the pricing provision in the basic contract. In addition, General American states that the schedule of periodic price escalations is common in long-term gas sales contracts and enables buyer to receive assured reserves for long periods and to receive initial deliveries at a low price when his unamortized capital investment is high, and affords seller progressively higher returns contemporaneously with increases in production, development, operating and maintenance costs.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to General American's FPC Gas Rate Schedule No. 27, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 therof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to General American's FPC Gas Rate Schedule No. 27.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 8, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6358; Filed, Aug. 8, 1958; 8:45 a. m.]

[Docket No. G-15796]

LE CUNO OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 4, 1958.

Le Cuno Oil Corporation (Operator) et al. (Le Cuno) on July 7, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 26, 1958.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 7 to Le Cuno's FPC Gas Rate Schedule No. 2.

Effective date: August 7, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Le Cuno states that the contract containing the price increase provisions resulted from arm's length negotiations, the increase provisions were a material inducement to seller to enter into the long-term contract and denial of the increase would be unjust, unwise and confiscatory. Le Cuno states further that the proposed price does not constitute an increase in rate but is an integral part of the price schedule in the original contract and is beneficial to both buyer and seller in providing a low rate while purchaser's costs are high, such price increasing as buyer's costs are recovered and seller's volumes and pressures decline. Le Cuno also states the increased price is necessary to encourage further development and exploration and provide seller a fair and reasonable return.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Le Cuno's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Le Cuno's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 7, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6359; Filed, Aug. 8, 1958; 8:45 a. m.]

[Docket No. G-15796]

PURE OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 4, 1958.

The Pure Oil Company et al. (Pure Oil) on July 7, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: West Lake Natural Gas Company.

Rate schedule designation: Supplement No. 5 to Pure Oil's FPC Gas Rate Schedule No. 41.

Effective date: August 7, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Pure Oil cites the circumstances under which the increased rate is submitted and the pricing provision in the basic contract. In addition, Pure Oil cites the level of the proposed rate in relation to the informally established 10.0 cents per Mcf ceiling increased rate for Permian Basin gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Pure Oil's FPC Gas Rate Schedule No. 41 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Pure Oil's FPC Gas Rate Schedule No. 41.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 8, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6360; Filed, Aug. 8, 1958; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 32463]

MISSOURI INTRASTATE FREIGHT RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 28th day of July A. D. 1958.

It appearing that by petition dated June 20, 1958, and filed on June 23, 1958, on behalf of the Atchison, Topeka and Santa Fe Railway Company and other common carriers by railroad operating to, from, and between points in the State of Missouri, it is averred that in Ex Parte No. 206, Increased Freight Rates and Charges, Eastern, Western and Southern Territories, 1956, 229 I. C. C. 429, 299 I. C. C. 557, and 300 I. C. C. 622, this Commission authorized certain increases in interstate rates and charges throughout the United States, and that the Missouri Public Service Commission has refused to authorize or permit said petitioners to apply to the transportation of sand and gravel (Commodity Group 327), broken, ground, and crushed stone and rock (Commodity Group 329), and cinders, in carloads, in open-top cars not protected by tarpaulin or other protective coverings; clay and bentonite (Commodity Group 323), in carloads; fertilizer compounds, N. O. I. B. N., dry (manufactured fertilizer), in carloads; and bituminous coal, line-haul rates, in carloads, moving intrastate by railroad in Missouri, increases in freight rates and charges corresponding to those approved for interstate application in Ex Parte No. 206, supra;

It further appearing that said petitioners allege that the intrastate rates and charges which they are required to maintain for the transportation of property as aforesaid, moving intrastate by railroad in Missouri, as a result of such refusal by the Missouri Public Service Commission, cause undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate and foreign commerce, on the other hand, and undue, unreasonable, and unjust discrimination against interstate commerce in violation of section 13 of the Interstate Commerce Act, and request that an investigation of the lawfulness of such rates be instituted;

And it further appearing that the said petition brings in issue freight rates and charges made or imposed by authority of the State of Missouri;

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other interested parties to determine whether the aforesaid rates and charges of the common carriers by railroad, or any of them, operating in the State of Missouri, for the intrastate transportation of property, made or imposed by authority of the State of Missouri, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in Ex Parte No. 206, supra, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce in violation of section 13 of the Interstate Commerce Act, and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum, rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Missouri, which are subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents, and that the State of Missouri be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State, and to the Missouri Public Service Commission at Jefferson City, Mo.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58-6365; Filed, Aug. 8, 1958; 8:46 a. m.]

[Notice 12]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 6, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Com-

merce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 61310. By order of July 31, 1958, the Transfer Board approved the transfer to Benson Transit Company, Inc., Benson, North Carolina, of Permit No. MC 114700 Sub 1, issued February 16, 1956, to A. W. Johnson and Z. V. Stephenson, Jr., a Partnership, doing business as A. W. Johnson & Company, authorizing the transportation of fertilizer and fertilizer products, from Armour & Company, at Navassa, North Carolina, to points in nine specified counties in South Carolina.

No. MC–FC 61314. By order of July 31, 1958, the Transfer Board approved the transfer to Peter J. Petrizzo & Son, Inc., of Certificates Nos. MC 16827 and MC 16827 Sub 1, issued June 5, 1941, and May 15, 1942, respectively, to Theodore Diebold, authorizing the transportation of specified commodities between points in Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, New Jersey, New York, and Pennsylvania, within 200 miles of Newark, N. J. John M. Zachara, P. O. Box 2860, Paterson 28, N. J., for applicants.

No. MC–FC 61315. By order of July 31, 1958, the Transfer Board approved the transfer to Harold E. Christensen and Terry Dean Jorgensen, a partnership, doing business as Christensen and Jorgensen, Brayton, Iowa, of Certificate No. MC 9327, issued January 31, 1958, to Harold E. Christensen, Brayton, Iowa, authorizing the transportation of *Livestock*, over irregular routes, from points within 15 miles of Brayton, Iowa, to Omaha, Nebr.: and *Feed, seed, tankage,* and *hay*, over irregular routes, from Omaha, Nebr., to points within 15 miles of Brayton, Iowa.

No. MC–FC 61389. By order of July 31, 1958, the Transfer Board approved the transfer to Mollie E. Berman, Clarence O. Berman, and Richard O. Berman, a Partnership, doing business as Berman & Sons Moving and Storage, of Certificate No. MC 78075, issued April 10, 1943, to O. Berman, Mollie E. Berman, Clarence O. Berman, and Richard C. Berman, a Partnership, doing business as Berman & Sons Moving and Storage, authorizing the transportation of household goods, between points in Cuyahoga County, Ohio, on the one hand, and on the other, points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia. Edwin C. Reminger, Standard Building, Cleveland 13, Ohio, for applicants.

No. MC–FC 61390. By order of July 31, 1958, the Transfer Board approved the transfer to Clarence O. Berman and Richard C. Berman, a Partnership, doing business as Berman & Sons Moving and Storage, of Certificate No. MC 78075, issued April 10, 1943, to O. Berman, Mollie E. Berman, Clarence O. Berman, and Richard C. Berman, a Partnership, doing business as Berman & Sons Moving and Storage, authorizing the transportation of household goods, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia. Edwin C. Reminger, Standard Building, Cleveland 13, Ohio, for applicants.

No. MC–FC 61419. By order of July 31, 1958, the Transfer Board approved the transfer to John M. Kocak, doing business as Kocak Trucking Company, Binghamton, N. Y., of a portion of Certificate No. MC 87852, issued April 24, 1953, to Gerald K. Potter, doing business as Brown's Transfer, Binghamton, N. Y., authorizing the transportation of *household goods* as defined by the Commission, over irregular routes, between points in Broome County, N. Y., on the one hand, and, on the other, points in Pennsylvania and New Jersey. Carl R. Gitlitz, 38 Hawley Street, Binghamton, N. Y., for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-6366; Filed, Aug. 8, 1958; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-261]

NATIONAL OF BULGARIA

In re property owned indirectly by a national of Bulgaria; F–11–234, F–27–6440.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Hanover Bank, New York 15, New York, arising out of an account entitled, "Banque de Paris et des Pays-Bas, Amsterdam, Holland, Blocked Account," maintained at the aforesaid bank, more fully identified in a letter from The Hanover Bank to the Office of Alien Property dated June 24, 1958, with enclosure, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by a national of Bulgaria as defined in Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 30, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-6369; Filed, Aug. 8, 1958; 8:46 a. m.]

OF MICHIGAN
AUG 13 1953
MAIN
READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 23 NUMBER 157

Washington, Tuesday, August 12, 1958

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[957.317, Amdt. 1]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of § 957.317 (b) (2) (23 F. R. 5157) are hereby amended to read as follows:

(2) Except as otherwise provided in this section, during the period from August 13, 1958, through June 30, 1959, no handler shall ship (i) any lot of potatoes of the Kennebec variety if more than 25 percent of the potatoes in such lot have more than one-half of the skin missing or "feathered," as such terms are used in the said United States Standards for Potatoes; (ii) any lot of potatoes of the Russet and Early Gem varieties if such potatoes are more than "slightly skinned," as such terms is defined in the said United States Standards for Potatoes, which means that not more than 10 percent of the potatoes in any lot have more than one-fourth of the skin missing or "feathered"; or (iii) any lot of potatoes of any other variety, including the White Rose variety, if such potatoes are more than "moderately skinned," as such term is defined in the said United States Standards for Potatoes, which means that not more than 10 percent of such potatoes have more than one-half of the skin missing or "feathered": *Provided,* That during such period, not to exceed a total of 50 hundredweight of each variety of such potatoes may be handled for any producer without regard to the aforesaid skinning requirements: *Provided further,* That in addition to such 50 hundredweight of potatoes of any variety that may be handled without regard to said skinning requirements, any lot of potatoes may be handled for any producer without regard to such requirements if (*a*) such lot of potatoes previously failed, upon inspection by a Federal-State inspector, to meet grade and size requirements but met the aforesaid skinning requirements applicable to such lot of potatoes, (*b*) such lot of potatoes has been regraded, and such lot of potatoes otherwise meets, as indicated by a Federal-State inspection certificate, the grade and size requirement applicable to such potatoes, and (c) the potatoes failing to meet the aforesaid skinning requirements are not in excess of 100 hundredweight in any such lot. Prior to each shipment of potatoes exempt from the above skinning require-

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FEDERAL REGISTER

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ments, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 7, 1958, to become effective August 13, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6481; Filed, Aug. 11, 1958; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

TERRITORIAL SUBDIVISIONS IN PUERTO RICO

Section 331.16 of Title 6, Code of Federal Regulations (21 F. R. 10441, 10446, 22 F. R. 1269, 4436, 6549), is amended with respect to areas designated as subdivisions in Puerto Rico by (1) revoking the designations of the subdivisions named Aguadilla, Bayamon, Camuy, Ciales, Corozal, Juncos, Manati, Mayaguez, San Lorenzo, and Vega Baja, and (2) designating the following identified subdivisions:

PUERTO RICO

Name of Subdivision	Municipalities Comprising Subdivision
Aguadilla	Aguada, Aguadilla, Isabela, Moca, Rincon.
Bayamon	Bayamon, Catano, Dorado, Guaynabo, San Juan, Toa Alta, Toa Baja.
Camuy	Arecibo, Camuy, Hatillo, Quebradillas.
Ciales	Ciales.
Corozal	Corozal, Morovis, Naranjito.
Juncos	Juncos, Las Piedras, San Lorenzo.
Manati	Barceloneta, Manati, Vega Alta, Vega Baja.
Mayaguez	Anasco, Hormigueros, Las Marias, Mayaguez.

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015. Interprets or applies sec. 54, 60 Stat. 1071, as amended; 7 U. S. C. 1028)

Dated: August 6, 1958.

[SEAL] K. H. HANSEN,
Administrator, Farmers Home Administration.

[F. R. Doc. 58-6437; Filed, Aug. 11, 1958; 8:46 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP WHEAT LOAN AND PURCHASE AGREEMENT

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F. R. 3485 and 5317, containing specific requirements for the 1958-crop wheat price support program are hereby amended as follows:

Section 421.3046 is amended to provide for making a payment to the producer because of reduced rail freights in certain states and counties by redesignating paragraph (h) *Method of payment under purchase agreement settlements* as paragraph (i) *Method of payment under purchase agreement settlements* and substituting a new paragraph (h) *Payment because of reduced rail freight* in lieu thereof as follows:

§ 421.3046 *Settlement.* * * *

(h) *Payment because of reduced rail freight.* A payment per bushel, as provided below, which represents the county average reduction in rail freight subsequent to the calculation of the support rates shall be made to the producer by the county office for wheat acquired under loans and purchase agreements by the Commodity Credit Corporation at the county support rate in the following states and counties:

IDAHO

County	Amount per bushel[1] (cents)	County	Amount per bushel[1] (cents)
Benewah	6	Kootenai	5
Bonner	2	Latah	6
Clearwater	6	Lewis	7
Idaho	6	Nez Perce	7

OREGON

Baker	10	Sherman	3
Crook	3	Umatilla	7
Deschutes	3	Union	11
Gilliam	2	Wallowa	11
Grant	2	Wasco	1
Jefferson	4	Wheeler	2
Morrow	2		

WASHINGTON

Adams	10	Kittitas	11
Asotin	7	Klickitat	3
Benton	8	Lincoln	9
Chelan	9	Okanogan	9
Columbia	4	Spokane	6
Douglas	13	Stevens	5
Franklin	9	Walla Walla	7
Garfield	4	Whitman	7
Grant	12	Yakima	8

[1] No payment will be made where purchases of wheat under loan have been made by producers with Soil Bank Certificates.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c; 7 U. S. C. 1441, 1421)

Issued this 7th day of August, 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 58-6457; Filed, Aug. 11, 1958; 8:51 a. m.]

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F. R. 4401, containing the specific requirements for the 1958-crop grain sorghums price support program are hereby amended as follows:

1. Section 421.3233 (a) (1) is amended by adding the following to the list of terminal markets and basic support rates per hundredweight:

Baton Rouge, Louisiana $2.35

2. Section 421.3233 (a) (6) (i) is amended to include Baton Rouge, Louisiana, so that the amended subparagraph reads as follows:

(6) (i) Notwithstanding the foregoing provisions of this paragraph the support rate for grain sorghums shipped by rail or water and stored at any of the following terminal markets for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate shall be equal to the applicable terminal rate:

Corpus Christi, Tex.; Galveston, Tex.; Houston, Tex.; Port Arthur, Tex.; Baton Rouge, La.; and New Orleans, La.

3. Section 421.3233 (a) (6) (ii) is amended to provide a deduction from the terminal rate for grain sorghums received by truck at Baton Rouge, Louisiana, so that the amended subdivision reads as follows:

(ii) Notwithstanding the foregoing provisions of this paragraph, the support rate for grain sorghums received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph shall be determined by making a deduction from the terminal rate as follows:

Terminal market:	Amount of deduction (cents per 100 pounds)
Corpus Christi, Tex.; Houston, Tex.; Galveston, Tex.; Port Arthur, Tex.; Baton Rouge, La.; New Orleans, La.	11

4. Section 421.3233 (c) is amended by changing the basic county support rates as follows:

ARIZONA

Cochise County increased from $1.94 to $1.97 per hundredweight.
Maricopa County increased from $2.16 to $2.20 per hundredweight.
Pinal County increased from $2.16 to $2.19 per hundredweight.
Yuma County increased from $2.21 to $2.24 per hundredweight.

CALIFORNIA

Imperial County increased from $2.17 to $2.24 per hundredweight.
Kern County increased from $2.21 to $2.23 per hundredweight.
Riverside County increased from $2.25 to $2.27 per hundredweight.
San Diego County increased from $2.22 to $2.26 per hundredweight.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended; sec. 308, 70 Stat. 206; 15 U. S. C. 714c; 7 U. S. C. 1447, 1421)

Issued this 7th day of August 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 58-6458; Filed, Aug. 11, 1958; 8:51 a. m.]

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F. R. 3492 and 5317 containing the specific requirements for the 1958-crop barley price suport program are hereby amended as follows:

1. Section 421.3083 (a) (1) is amended by adding the following to the list of terminal markets and basic support rates per bushel:

Baton Rouge, Louisiana	$1.24

2. Section 421.3083 (a) (6) (i) is amended to include Baton Rouge, Louisiana, so that the amended subparagraph reads as follows:

(6) (i) Notwithstanding the foregoing provisions of this paragraph barley shipped by rail or water and stored at any of the following terminal markets and for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the applicable terminal rate:

Los Angeles, San Francisco, Stockton, and Oakland, Calif.
New Orleans and Baton Rouge, Louisiana.
Baltimore, Md.
Duluth, Minn.
Portland and Astoria, Oreg.
Albany and New York, N. Y.
Philadelphia, Pa.
Galveston, Houston, and Port Arthur, Tex.
Norfolk, Va.
Seattle, Longview, Tacoma, and Vancouver, Wash.
Superior, Wis.

3. Section 421.3083 (a) (6) (ii) is amended to provide a deduction from the terminal rate for barley received by truck at Baton Rouge, Louisiana, so that the amended subdivision reads as follows:

(ii) Notwithstanding the foregoing provisions of this paragraph for barley received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph, the support rate shall be determined by making a deduction of 3½ cents per bushel from the terminal rate.

4. Section 421.3083 (c) is amended to show the correct basic county support rates for all counties in Idaho as follows:

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$0.81	Boundary	$0.85
Adams	.79	Butte	.78
Bannock	.81	Camas	.78
Bear Lake	.81	Canyon	.82
Benewah	.90	Caribou	.81
Bingham	.80	Cassia	.78
Blaine	.78	Clark	.78
Boise	.81	Clearwater	.90
Bonner	.87	Custer	.78
Bonneville	.79	Elmore	.79

IDAHO—Continued

County	Rate per bushel	County	Rate per bushel
Franklin	$0.81	Madison	$0.78
Fremont	.78	Minidoka	.78
Gem	.82	Nez Perce	.90
Gooding	.78	Oneida	.81
Idaho	.88	Owyhee	.81
Jefferson	.78	Payette	.83
Jerome	.78	Power	.81
Kootenai	.89	Shoshone	.87
Latah	.90	Teton	.78
Lemhi	.78	Twin Falls	.78
Lewis	.88	Valley	.80
Lincoln	.78	Washington	.83

5. Section 421.3086 is amended to provide for making a payment to the producer because of reduced rail freights in certain States and counties by redesignating paragraph (h) *Method of payment under purchase agreement settlements* as paragraph (i) *Method of payment under purchase agreement settlements* and substituting a new paragraph (h) *Payment because of reduced rail freight* in lieu thereof as follows:

§ 421.3086 *Settlement.* • • •

(h) *Payment because of reduced rail freight.* A payment per bushel, as provided below, which represents the county average reduction in rail freight subsequent to the calculation of the support rates, shall be made to the producer by the county office for barley acquired under loans and purchase agreements by the Commodity Credit Corporation at the county support rate in the following States and counties:

IDAHO

County	Amount per bushel[1] (cents)	County	Amount per bushel[1] (cents)
Benewah	5	Kootenai	5
Bonner	1	Latah	5
Clearwater	4	Lewis	6
Idaho	5	Nez Perce	6

OREGON

Baker	7	Sherman	2
Crook	2	Umatilla	6
Deschutes	2	Union	9
Gilliam	2	Wallowa	9
Grant	1	Wasco	2
Jefferson	3	Wheeler	2
Morrow	1		

WASHINGTON

Adams	8	Kittitas	9
Asotin	6	Klickitat	2
Benton	8	Lincoln	7
Chelan	8	Okanogan	7
Columbia	4	Spokane	5
Douglas	10	Stevens	4
Franklin	8	Walla Walla	5
Garfield	4	Whitman	6
Grant	9	Yakima	6

[1] No payment will be made where purchases of barley under loan have been made by producers with Soil Bank Certificates.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 401, 63 Stat. 1054, sec. 308, 70 Stat. 206; 15 U. S. C. 714c; 7 U. S. C. 1421, 1447)

Issued this 7th day of August, 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-6460; Filed, Aug. 11, 1958; 8:51 a. m.]

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F. R. 3485, 5317, and 5764 containing the specific requirements for the 1958-crop wheat price support program are hereby amended as follows:

Section 421.3043 (d) (1) is amended by adding the following to the list of terminal markets and basic support rates per bushel:

Terminal market	Rate per bushel	
	Wheat produced in commercial area	Wheat produced in noncommercial area
Baton Rouge, La.	$2.34	$1.71
Port Arthur, Tex.	2.34	1.71

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, 15 U. S. C. 714c; 7 U. S. C. 1441, 1421)

Issued this 7th day of August 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-6459; Filed, Aug. 11, 1958; 8:51 a. m.]

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

SUPPLEMENT IV

The regulations governing the 1958 acreage reserve part of the Soil Bank Program, 21 F. R. 4379, as amended and supplemented, is hereby further supplemented as follows:

Pursuant to the provisions of Pub. Law 85-413, 85th Cong., the Administrator may, if he deems it desirable in order to provide fair and equitable treatment to a producer, authorize compensation for certain losses suffered by such producer under the 1956 acreage reserve program as a result of the circumstances set forth below:

(1) Incorrect or incomplete information was furnished to the producer by a representative of the Secretary authorized to furnish information under the program;

(2) The producer relied, in good faith, on such information and entered into a 1956 acreage reserve agreement or took action with the intention of entering into such an agreement; and

(3) The producer is not entitled to receive under the provisions of the regulations the payment which was stipulated in the agreement or which would have been stipulated if an agreement had been entered into on the basis of the incorrect or incomplete information.

Compensation shall be paid to the producer under this supplement in an amount which the Administrator determines will reimburse the producer for the net loss suffered by the producer as a direct result of his destruction of a crop or his refraining from harvesting or grazing in an attempt to qualify for compensation under the 1956 acreage reserve program, except that compensation for such loss plus any compensation already received with respect to the tract or tracts treated as acreage reserve shall not exceed the compensation stipulated in the 1956 acreage reserve agreement or which would have been stipulated if an agreement had been entered into on the basis of the incorrect or incomplete information.

Compensation shall be made under this supplement by the issuance to the producer of a negotiable certificate, redeemable by Commodity Credit Corporation. Such certificate shall be redeemable only in cash in accordance with the provisions governing redemption of certificates in cash in § 485.120 of these regulations.

(Sec. 124, 70 Stat. 198, 7 U. S. C. 1812)

Issued at Washington, D. C., this 7th day of August 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-6463; Filed, Aug. 11, 1958; 8:52 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 203—CONDUCT OF MEMBERS AND EMPLOYEES AND FORMER MEMBERS AND EMPLOYEES OF THE COMMISSION

CANONS OF ETHICS

§ 203.10 *Canons of ethics.*

Preamble. Members of the Securities and Exchange Commission are entrusted by various enactments of the Congress with powers and duties of great social and economic significance to the American people. It is their task to regulate varied aspects of the American economy, within the limits prescribed by Congress, to insure that our private enterprise system serves the welfare of all citizens. Their success in this endeavor is a bulwark against possible abuses and injustice which, if left unchecked, might jeopardize the strength of our economic institutions.

It is imperative that the members of this Commission continue to conduct themselves in their official and personal relationships in a manner which commands the respect and confidence of their fellow citizens. Members of this Commission should continue to be mindful of, and strictly abide by, the standards of personal conduct set forth in its Regulation regarding Conduct of Members and Employees and Former Members and Employees of the Commission, most of which has been in effect for many years and which was codified in substantially its present form in 1953. Rule 1 of said Regulation enunciates a General Statement of Policy as follows:

"It is deemed contrary to Commission policy for a member or employee of the Commission to—

"(a) Engage, directly or indirectly, in any personal business transaction or private arrangement for personal profit which accrues from or is based upon his official position or authority or upon confidential information which he gains by reason of such position or authority;

"(b) Accept, directly or indirectly, any valuable gift, favor, or service from any person with whom he transacts business on behalf of the United States;

"(c) Discuss or entertain proposals for future employment by any person outside the Government with whom he is transacting business on behalf of the United States;

"(d) Divulge confidential commercial or economic information to any unauthorized person, or release any such information in advance of authorization for its release;

"(e) Become unduly involved, through frequent or expensive social engagements or otherwise, with any person outside the Government with whom he transacts business on behalf of the United States; or

"(f) Act in any official matter with respect to which there exists a personal interest incompatible with an unbiased exercise of official judgment.

"(g) Fail reasonably to restrict his personal business affairs so as to avoid conflicts of interest with his official duties."

In addition to the continued observance of these foregoing principles of personal conduct, it is fitting and proper for the members of this Commission to restate and resubscribe to the standards of conduct applicable to its executive, legislative and judicial responsibilities.

1. *Constitutional obligations.* The members of this Commission have undertaken in their oaths of office to support the Federal Constitution. Insofar as the enactments of the Congress impose executive duties upon the members, they must faithfully execute the laws which they are charged with administering. Members shall also carefully guard against any infringement of the constitutional rights, privileges or immunities of those who are subject to regulation by this Commission.

2. *Statutory obligations.* In administering the law, members of this Commission should vigorously enforce compliance with the law by all persons affected thereby. In the exercise of the rule-making powers delegated this Commission by the Congress, members should always be concerned that the rule-making power be confined to the proper limits of the law and be consistent with the statutory purpose expressed by the Congress. In the exercise of their judicial functions, members shall honestly, fairly and impartially determine the rights of all persons under the law.

3. *Personal conduct.* Appointment to the office of member of this Commission is a high honor and requires that the conduct of a member, not only in the performance of the duties of his office but also in his everyday life, should be beyond reproach.

4. *Relationship with other members.* Each member should recognize that his conscience and those of other members are distinct entities and that differing shades of opinion should be anticipated. The free expression of opinion is a safeguard against the domination of this Commission by less than a majority, and is a keystone of the commission type of administration. However, a member should never permit his personal opinion so to conflict with the opinion of another member as to develop animosity or unfriendliness in the Commission, and every effort should be made to promote solidarity of conclusion.

5. *Maintenance of independence.* This Commission has been established to administer laws enacted by the Congress. Its members are appointed by the President by and with the advice and consent of the Senate to serve terms as provided by law. However, under the law, this is an independent Agency, and in performing their duties, members should exhibit a spirit of firm independence and reject any effort by representatives of the executive or legislative branches of the government to affect their independent determination of any matter being considered by this Commission. A member should not be swayed by partisan demands, public clamor or considerations of personal popularity or notoriety; so also he should be above fear of unjust criticism by anyone.

6. *Relationship with persons subject to regulation.* In all matters before him, a member should administer the law without regard to any personality involved, and with regard only to the issues. Members should not become indebted in any way to persons who are or may become subject to their jurisdiction. No member should accept loans, presents or favors of undue value from persons who are regulated or who represent those who are regulated. In performing their judicial functions, members should avoid discussion of a matter with any person outside this Commission and its staff while that matter is pending. In the performance of his rule-making and administrative functions, a member has a duty to solicit the views of interested persons. Care must be taken by a member in his relationship with persons within or outside of the Commission to separate the judicial and the rule-making functions and to observe the liberties of discussion respectively appropriate. Insofar as it is consistent with the dignity of his official position, he should maintain contact with the persons outside the agency who may be affected by his rule-making functions, but he should not accept unreasonable or lavish hospitality in so doing.

7. *Qualification to participate in particular matters.* The question of qualification of an individual member to vote or participate in a particular matter rests with that individual member. Each member should weigh carefully the question of his qualification with respect to any matter wherein he or any relatives or former business associates or clients are involved. He should disqualify himself in the event he obtained knowledge prior to becoming a member of the facts at issue before him in a quasi-judicial proceeding, or in other types of proceeding in any matter involving parties in whom he has any interest or relationship directly or indirectly. If an interested person suggests that a member should disqualify himself in a particular matter because of bias or prejudice, the member shall be the judge of his own qualification.

8. *Impressions of influence.* A member should not, by his conduct, permit the impression to prevail that any person can improperly influence him, that any person unduly enjoys his favor or that he is affected in any way by the rank, position, prestige or affluence of any person.

9. *Ex parte communications.* Matters of a quasi-judicial nature should be determined by a member solely upon the record made in the proceeding and the arguments of the parties or their counsel properly made in the regular course of such proceeding. All communications by parties or their counsel to a member in a quasi-judicial proceeding which are intended or calculated to influence action by the member should at once be made known by him to all parties concerned. A member should not at any time permit ex parte interviews, arguments or communications designed to influence his action in such a matter.

10. *Commission opinions.* The opinions of the Commission should state the reasons for the action taken and contain a clear showing that no serious argument of counsel has been disregarded or overlooked. In such manner, a member shows a full understanding of the matter before him, avoids the suspicion of arbitrary conclusion, promotes confidence in his intellectual integrity and may contribute some useful precedent to the growth of the law. A member should be guided in his decisions by a deep regard for the integrity of the system of law which he administers. He should recall that he is not a repository of arbitrary powers, but is acting on behalf of the public under the sanction of the law.

11. *Judicial review.* The Congress has provided for review by the courts of the decisions and orders by this Commission. Member should recognize that their obligation to preserve the sanctity of the laws administered by them requires that they pursue and prosecute, vigorously and diligently but at the same time fairly and impartially and with dignity, all matters which they or others take to the courts for judicial review.

12. *Legislative proposals.* Members must recognize that the changing conditions in a volatile economy may require that they bring to the attention of the Congress proposals to amend, modify or repeal the laws administered by them. They should urge the Congress, whenever necessary, to effect such amendment, modification or repeal of particular parts of the statutes which they administer. In any such action a member's motivation should be the common weal and not the particular interests of any particular group.

13. *Investigations.* The power to investigate carries with it the power to defame and destroy. In determining to exercise their investigatory power, members should concern themselves only with the facts known to them and the reasonable inferences from those facts. A member should never suggest, vote for or participate in an investigation aimed at a particular individual for reasons of animus, prejudice or vindictiveness. The requirements of the particular case alone should induce the exercise of the investigatory power, and no public pronouncement of the pendency of such an investigation should be made in the absence of reasonable evidence that the law has been violated and that the public welfare demands it.

14. *The power to adopt rules.* In exercising its rule-making power, this Commission performs a legislative function. The delegation of this power by the Congress imposes the obligation upon the members to adopt rules necessary to effectuate the stated policies of the statute in the interest of all of the people. Care should be taken to avoid the adoption of rules which seek to extend the power of the Commission beyond proper statutory limits. Its rules should never tend to stifle or discourage legitimate business enterprise or activities, nor should they be interpreted so as unduly and unnecessarily to burden those regulated with onerous obligations. On the other hand, the very statutory enactments evidence the need for regulation, and the necessary rules should be adopted or modifications made or rules should be repealed as changing requirements demand without fear or favor.

15. *Promptness.* Each member should promptly perform the duties with which he is charged by the statutes. The Commission should evaluate continuously its practices and procedures to assure that it promptly disposes of all matters affecting the rights of those regulated. This is particularly desirable in quasi-judicial proceedings. While avoiding arbitrary action in unreasonably or unjustly forcing matters to trial, members should endeavor to hold counsel to a proper appreciation of their duties to the public, their clients and others who are interested. Requests for continuances of matters should be determined in a manner consistent with this policy.

16. *Conduct toward parties and their counsel.* Members should be temperate, attentive, patient and impartial when hearing the arguments of parties or their counsel. Members should not condone unprofessional conduct by attorneys in their representation of parties. The Commission should continuously assure that its staff follows the same principles in their relationships with parties and counsel.

17. *Business promotions.* A member must not engage in any other business, employment or vocation while in office, nor may he ever use the power of his office or the influence of his name to promote the business interests of others.

18. *Fiduciary relationships.* A member should avoid serving as a fiduciary if it would interfere or seem to interfere with the proper performance of his duties, or if the interests of those represented require investments in enterprises which are involved in questions to be determined by him. Such relationships would include trustees, executors, corporate directors and the like.

19. *Organization.* Members and particularly the Chairman of the Commission should scrutinize continuously its internal organization in order to assure that such organization handles all matters before it efficiently and expeditiously, while recognizing that changing times bring changing emphasis in the administration of the laws.

(Secs. 19, 23, 48 Stat. 85, as amended, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U. S. C. 77s, 77sss, 78w, 79t, 80a–37, 80b–11)

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 22, 1958.

[F. R. Doc. 58–6453; Filed, Aug. 11, 1958; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

CAPSULES TETRACYCLINE HYDROCHLORIDE-TRIACETYLOLEANDOMYCIN-NYSTATIN

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141c, 146c) are amended by adding thereto the following new sections:

§ 141c.243 *Capsules tetracycline hydrochloride - triacetyloleandomycin - nystatin*—(a) *Potency*—(1) *Tetracycline hydrochloride content.* Proceed as directed in § 141c.231 (a) (1). Its tetracycline hydrochloride content is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Triacetyloleandomycin content.* Proceed as directed in § 141c.231 (a) (2) (ii). Its content of triacetyloleandomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Nystatin content.* Proceed as directed in § 141c.224 (a) (1) (ii). Its content of nystatin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 146c.243 *Capsules tetracycline hydrochloride - triacetyloleandomycin-nystatin.* Capsules tetracycline hydrochloride-triacetyloleandomycin-nystatin conform to all requirements and procedures prescribed by § 146c.231 for tetracycline hydrochloride and triacetyloleandomycin capsules, except that:

(a) Each capsule contains not less than 125,000 units of nystatin. The nystatin used conforms to the standards prescribed by § 146c.224 (a).

(b) In addition to the labeling prescribed for tetracycline hydrochloride and triacetyloleandomycin capsules, each package shall bear on its label and labeling the number of units of nystatin in each capsule of the batch. The expiration date of the drug shall be 18 months.

(c) In addition to complying with the requirements of § 146c.231 (a) (4), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the nystatin used in making the batch for potency, toxicity, pH, moisture, and specific rotation. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the nystatin used in making the batch.

(d) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of paragraph (c) of this section shall be:

(1) $1.25 for each capsule.

(2) $4.00 for each immediate container of nystatin.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for these amendments.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: August 5, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58–6440; Filed, Aug. 11, 1958; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regulations, Amdt. 60–11]

PART 60—AIR TRAFFIC RULES

VFR WEATHER MINIMUMS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 7th day of August 1958.

Minimum weather conditions for operation under the visual flight rules are contained in Part 60 of the Civil Air Regulations.

Civil Air Regulations Draft Release No. 57-27, dated December 10, 1957, contained several proposed amendments, one of which advocated certain increases in the minimum VFR weather criteria. This amendment introduces the terms "basic" and "special" VFR flight but leaves unchanged the existing VFR weather minimums with the exception of the one-half-mile rule for VFR flights which is eliminated. Of the other proposals in this draft release, final rules on cruising altitudes were adopted by the Board on June 6, 1958, final rules on the height of the control floor are imminent, and further action on the instrument take-off and landing minimums has been deferred pending additional study. All of these proposals were based on the comments received in response to Civil Air Regulations Draft Release No. 57–11, dated May 23, 1957, and the discussions at the Air Traffic Rules Conference held in Washington, D. C., in June 1957.

The proposal concerning minimum weather conditions for VFR flight contained essentially four elements: (1) An increase in the ceiling and visibility minimums to 1,500 feet and 5 miles for uncontrolled flight in the control zone of a designated high density airport; (2) the prescription of one mile as the irreducible visibility minimum for all VFR flight; (3) the introduction and use of the terms "basic" and "special" VFR weather minimums; and (4) the increase to 5 miles of the visibility minimums for acrobatic flight.

Fundamentally, the objective in the proposal on VFR minimums was to determine if the chances of collision between aircraft operating under the see and be seen concept would be reduced if these minimums were raised.

In substance, the proposals and the supporting explanation were as follows: It was contended on the one hand that the currently prescribed minimums do not account for the considerable increase in the speeds of aircraft. Increasing the VFR minimums, it was maintained, would insure greater visibility during VFR operations which would enhance the pilot's ability to avoid a collision. This would have the collateral effect of requiring more aircraft to be operated under instrument flight rules which would result in separation being provided by air traffic control in a greater number of operations and, accordingly, would reduce the collision potential.

On the other hand, the view was expressed, particularly by the general aviation segment, that an over-all increase of the minimum VFR weather criteria would unnecessarily and unduly restrict a vast amount of flight activity. It was contended that the absence of an IFR capability on the part of a large number of pilots and/or airplanes coupled with the number of times that the weather conditions would be below the proposed minimums for VFR flight would seriously limit the utility of the airplane.

The principle of "see and be seen" in the air traffic rules of Part 60 dealt principally with the meteorological conditions which affect a pilot's ability to observe and avoid other aircraft. These conditions are expressed in terms of visibility and distance from clouds minimums. For some time, however, it had become increasingly apparent that speed and terminal traffic congestion conditions directly affect a pilot's ability to observe and avoid other aircraft and, accordingly, had to be considered in addition to weather conditions in the continued development of the air traffic rules.

Accordingly, it was proposed that the ceiling and visibility minimums for uncontrolled flight in the control zone of a designated high density airport be increased to 1,500 feet ceiling and 5 miles visibility.

It was also proposed to amend §§ 60.30 and 60.31 to provide for certain "basic VFR" weather minimums in the former and "special VFR" weather minimums in the latter section. It was expected that this arrangement, coupled with the chart set forth therein, would make clear which rules apply in a given operational circumstance. The term "basic VFR" weather conditions refers to those minimum weather conditions required for VFR flight below which all airplanes must be operated in accordance with the instrument flight rules. There is one exception to these basic minimums and it concerns VFR flight operations in control zones. While control zones ordinarily have basic minimums of 1,000 feet ceiling and 3 miles visibility, these minimums can be reduced provided a special clearance is obtained from air traffic control. This special exception is designed to permit VFR aircraft to transit to or from uncontrolled airspace where the minimum visibility is one mile. This one exception to the basic VFR minimums is referred to as "special VFR." The minimum weather conditions for "special VFR" flight currently require that the flight remain clear of clouds and that the visibility be at least one mile, except that the visibility may be one-half mile if the restriction to visibility is due to a local surface restriction such as smoke, dust, or blowing snow or sand, and if all turns after takeoff and prior to landing and all flights beyond one mile from the airport boundary can be accomplished above or outside the area so restricted.

It was proposed to delete the one-half-mile provision since any flight operation conducted in visibility conditions of less than one mile was considered to be unsafe unless the pilot is able to maintain the altitude and direction of the aircraft by reference to instruments.

Finally, it was proposed to increase the flight visibility value from 3 miles to 5 miles for acrobatic flight in § 60.16 (c) to provide pilots with additional opportunity to see and avoid other aircraft.

It was clear from the comment received on the draft release that the lines were drawn sharply on this highly controversial issue of appropriate VFR weather minimums. Briefly stated, the airmen from the professional segments of aviation concurred with the proposal, although some thought that it did not go far enough, while the non-professional segments vigorously opposed any increases in the VFR minimums. Reasons given in support of the respective positions were essentially as received in earlier considerations of the problem, and which are detailed above. Persuasive arguments were advanced by the general aviation segment that no case could be made for the proposition that accidents would be reduced materially if VFR weather minimums were increased since accident statistics clearly showed that mid-air collisions were occurring in relatively clear weather. The Board has confirmed this through an extensive analysis of its civil accident and near collision statistics. One finding is particularly telling: 98 percent of all mid-air collisions in the past 10 years have occurred in weather conditions exceeding 3 miles in visibility—the other 2 percent have occurred in visibility conditions of about 3 miles.

The position of the proponents of increased minimums, and the one pursued in the draft release, is, of course, valid. It is indisputable that some safety advantage would accrue were the minimums to be raised since fewer aircraft would be authorized to operate in given airspace and, accordingly, collision potential would be reduced.

The question which the Board must decide is how much safety will be increased by raising the VFR weather minimums and at what price to the users of the airspace. Based on the evidence available, the Board concludes and the Administrator agrees that the advantages to be gained by adopting the VRF weather minimums rules as proposed are not sufficient to justify the impairment of the public right of freedom of transit in air commerce through the navigable airspace of the United States. Accordingly, with the exception of the one-half-mile rule discussed below, established VFR weather minimums will not be changed. This conclusion should be construed only as a finding that under existing conditions raising the VFR minimums for acrobatic flight and in high density areas will not materially

assist in the separation of traffic in VFR conditions under the see and be seen principle. It does not mean that other measures should not be taken to give greater effect to this principle.

It is considered that other rules in being or under consideration will materially reduce the chances of mid-air collision. Among these are the limitations on air speed and communication requirements in the high density airport regulations; the inauguration of all-weather positive control routes at higher altitudes where high speeds reduce the time to see and avoid other aircraft; the simplification of the cruising altitude rules which give greater assurance of separation between cruising IFR and VFR traffic; the increased conspicuity of aircraft by use of high intensity lights and highly luminescent paints; the use of standard pressure altimeter settings at the higher altitudes; the establishment of uniform traffic patterns for all airports; and the extension of speed control to require all aircraft operating in excess of certain speeds to be flown in positive control airspace or in other airspace suitable for such operation.

One other point bears emphasis in explaining the Board's position on VFR minimums. As mentioned, the accident and near-miss records available to the Board indicate clearly that decreased visibility has not been a significant factor in mid-air collisions. For this reason, the Board is compelled to reject a proposal which would increase minimum visibilities in such a manner as to affect all aircraft equally. However, the Board is cognizant of the logical relationship between air speed and minimum visibility. It is no accident that the proponents for increased minimum visibility are typically those who operate faster aircraft, whereas persons who have expressed strong disagreement with such proposals are typically operators of slower aircraft. Rather than pursue an arbitrary increase in visibility minimums on the basis proposed in the draft release, the Board has under consideration an amendment of the air traffic rules which would relate visibility minimums to the air speed of the aircraft. Such a proposal gives promise of avoiding the principal adverse effects of high-speed aircraft operations under conditions of low visibility without imposing onerous restrictions on operations in which justification for such restriction has not been found to exist.

In reconsidering the provision which allows VFR flight in one-half-mile visibility, the Board has carefully evaluated the original purpose of the provision. It was intended that the one-half-mile exception would provide flexibility to VFR flight operations so that when the weather conditions were generally good, but the visibility was restricted because of some local conditions, aircraft could depart and arrive at an airport VFR. It was generally contemplated, however, that in local weather conditions of such reduced visibility only pilots having the ability to fly on basic instruments would attempt such operations.

The Board has deleted this one-half-mile exception because this provision is an air traffic rule of Part 60, which is applicable to all pilots, and the flexibility inherent in the rule can be exercised by each and every pilot. While there are many pilots who could utilize this flexibility safely because they have the ability to conduct flight without reference to the ground, there is a much greater number of pilots who might be induced to attempt such flight who do not have the ability to fly on instruments. Therefore, the flexibility provided by the rule might unwittingly induce operations by pilots not capable of safe flight in such reduced visibility. In addition, the Civil Aeronautics Board has already established by regulation the principle that in uncontrolled airspace, a minimum of one-mile visibility is necessary in order that a VFR pilot may properly control the attitude and flight path of his aircraft by visual reference to the ground, and that he may be able to avoid collision with terrain or other surface obstacles. The fact that a VFR pilot may be operating in a control zone, rather than in uncontrolled airspace, does not justify a departure from the basic principle that one-mile visibility is needed to operate an aircraft safely without reference to instruments.

Comment on the revision in format in §§ 60.30 and 60.31 to provide for certain "basic VFR" in the former and "special VFR" in the latter was almost universally favorable and the Board considers it advisable to amend the sections as proposed in order to give a clear presentation of the specific rules which apply in a given operational circumstance. This particular format has been used successfully by the Department of Transport in prescribing the Canadian air traffic rules and in part by the military services in promulgating military air regulations. It is also utilized in the ANC air traffic control manual of the Civil Aeronautics Administration.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F. R. 9868), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) effective September 11, 1958.

1. By amending § 60.30 to read as follows:

§ 60.30 *Basic VFR minimum weather conditions.* Except as provided in § 60.31 aircraft shall not be flown VFR in weather conditions below those specified herein.

(a) *Clearance from clouds*—(1) *In controlled airspace.* Aircraft shall not be flown VFR less than 500 feet vertically under, 1,000 feet vertically over, and 2,000 feet horizontally from any cloud formation, except that in the continental control area, aircraft shall not be flown VFR less than 1,000 feet vertically and one mile horizontally from any cloud formation. Aircraft shall not be flown VFR within a control zone when the ceiling is less than 1,000 feet.

(2) *Outside controlled airspace.* When at an altitude of more than 700 feet above the surface, aircraft shall not be flown VFR less than 500 feet vertically under, 1,000 feet vertically over, and 2,000 feet horizontally from any cloud formation. When at an altitude of 700 feet or less above the surface, aircraft flown VFR shall be flown clear of clouds.

(b) *Visibility within controlled airspace*—(1) *Control zones.* When the flight visibility is less than 3 miles, no person shall operate an aircraft VFR in flight within a control zone. When the ground visibility is less than 3 miles, no person shall take off or land an aircraft or enter the traffic pattern of an airport within a control zone.

(2) *Control area.* When the flight visibility is less than 3 miles, no person shall operate an aircraft VFR in flight within a control area.

(3) *Continental control area.* When the flight visibility is less than 5 miles, no person shall operate an aircraft VFR in flight within the continental control area.

(c) *Flight visibility outside controlled airspace.* No person shall operate an aircraft VFR in flight when the flight visibility is less than one mile. However, helicopters may be flown at or below 700 feet above the surface when the flight visibility is less than one mile, if operated at such reduced speed as to give the pilot of such helicopter adequate opportunity to see other air traffic or any other obstruction in time to avoid collision.

NOTE: The minimum weather conditions prescribed in this section for flight in controlled airspace are those within which a pilot is expected to be able to observe and avoid other air traffic. When operating in weather conditions equal to or above those specified herein, irrespective of the type of flight plan an aircraft may be operated under, i. e., IFR or VFR, the primary responsibility for the avoidance of collision rests with the pilot. It should be recognized that the criteria contained herein prescribe the "minimums" required for VFR flight. Good operating practice requires that regular or continued flight in near minimum weather conditions be avoided.

2. By amending § 60.31 as follows:

§ 60.31 *Special VFR minimum weather conditions in control zones.* When a clearance is obtained from air traffic control, aircraft may be flown VFR within a control zone when the weather conditions are below the basic minimums specified in § 60.30 subject, however, to special weather minimums as follows:

(a) *Visibility.* When the flight visibility is less than one mile, no person shall operate an aircraft VFR, other than a helicopter, in flight within a control zone. When the ground visibility is less than one mile, no person shall take off or land an aircraft VFR, other than a helicopter, at an airport within a control zone.

(b) *Clearance from clouds.* No person shall operate an aircraft VFR in flight within a control zone unless clear of clouds.

NOTE: With respect to this section, an air traffic clearance obtained under these provisions does not constitute authority for the pilot to deviate from § 60.17 or any other applicable provision of the Civil Air Regulations.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR, *Acting Secretary.*

BASIC VFR MINIMUMS

	Visibility	Distance from clouds	
Control zone	3 miles [1]	500 feet under [1] 1,000 feet over [1] 2,000 feet horizontally [1] and 1,000-foot ceiling	
Control area	3 miles	500 feet under 1,000 feet over 2,000 feet horizontally	
Continental control area	5 miles	1,000 feet under 1,000 feet over 1 mile horizontally	
		700 feet or below	Above 700 feet
Outside controlled airspace	1 mile [2]	Clear of clouds	500 feet under 1,000 feet over 2,000 feet horizontally

[1] If traffic conditions permit, air traffic control will issue an air traffic clearance for flight within a control zone when the weather conditions are less than the above. However, no person shall operate an aircraft VFR, irrespective of any clearance, unless the visibility is 1 mile and the flight can remain clear of clouds.
[2] Helicopters are excepted from the 1-mile requirement when operated at or below 700 feet and at reduced airspeed (see § 60.30).

[F. R. Doc. 58-6454; Filed, Aug. 11, 1958; 8:50 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 231]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Division, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.17, the Milford, Delaware, area (R-12) amended on May 4, 1956 in 21 F. R. 2977 is further amended by changing the "Controlling Agency" column to read: "COMNAB, 4th Naval District, Lakehurst NAS, New Jersey".

2. In § 608.18, the Pensacola, Florida, area (R-153) amended on June 13, 1958 in 23 F. R. 4312, is further amended by changing the "Time of Designation" column to read: "Daylight hours" and the "Controlling Agency" column to read: "Chief of Naval Air Basic Training, Pensacola, Florida".

3. In § 608.18, the Pensacola, Florida, area (R-154) amended on October 20, 1955 in 20 F. R. 7902, is further amended by changing the "Time of Designation" column to read: "Daylight hours" and the "Controlling Agency" column to read: "Chief of Naval Air Basic Training, Pensacola, Florida".

4. In § 608.32, the Pearl River, Mississippi, area (R-138) amended on February 5, 1958 in 23 F. R. 747, is further amended by changing the "Time of Designation" column to read: "0800-1800".

5. In § 608.36, the Tonopah, Nevada, area (R-271) amended on September 10, 1955 in 20 F. R. 6677, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at latitude 37°53'00", longitude 116°11'00"; thence to latitude 37°-42'00", longitude 116°11'00"; thence to latitude 37°42'00", longitude 115°53'00"; thence to latitude 37°33'00", longitude 115°53'00"; thence to latitude 37°-33'00", longitude 115°48'00"; thence to latitude 37°17'00", longitude 115°48'00"; thence to latitude 37°17'00", longitude 115°18'00"; thence to latitude 36°-26'00", longitude 115°18'00"; thence to latitude 36°26'00", longitude 115°23'00"; thence to latitude 36°35'00", longitude 115°37'00"; thence to latitude 36°35'00", longitude 115°42'00"; thence to latitude 36°41'00", longitude 115°42'00"; thence to latitude 36°41'00", longitude 116°26'-30"; thence to latitude 36°51'00", longitude 116°26'30"; thence to latitude 36°51'00", longitude 116°33'30"; thence to latitude 37°33'00", longitude 117°02'-00"; thence to latitude 37°53'00", longitude 117°01'00"; thence to latitude 37°-53'00", longitude 116°11'00"; the point of beginning, excluding the Las Vegas Airspace Reservation (Prohibited Area P-275)."

6. In § 608.38, the Warren Grove, New Jersey, area (R-26) amended on May 5, 1956 in 21 F. R. 2977 is further amended by changing the "Controlling Agency" column to read: "COMNAB, 4th Naval District, Lakehurst NAS, New Jersey".

7. In § 608.38, the Brigantine, New Jersey, area (R-28) amended on May 4, 1956, in 21 F. R. 2977 is further amended by changing the "Controlling Agency" column to read: "COMNAB, 4th Naval District, Lakehurst NAS, New Jersey".

8. In § 608.41, the Cherry Point, North Carolina, Number One area (R-123) amended on June 9, 1955, in 20 F. R. 4002 is further amended by changing the "Designated Altitudes" column to read: "55,000 feet".

9. In § 608.41, the Cherry Point, North Carolina, Number Two area (R-125) amended on August 29, 1956, in 21 F. R. 6508 is further amended by changing the "Designated Altitudes" column to read: "6,000 feet to 55,000 feet".

10. In § 608.63, the Monita Island, Puerto Rico, area (R-365) amended on October 31, 1951 in 16 F. R. 11066 is further amended by changing the "Designated Altitudes" column to read: "Surface to 60,000 feet MSL" and the "Time of Designation" column to read: "Daylight hours only".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on August 25, 1958.

[SEAL] JAMES T. PYLE, *Administrator of Civil Aeronautics.*

AUGUST 5, 1958.

[F. R. Doc. 58-6425; Filed, Aug. 11, 1958; 8:45 a. m.]

[Amdt. 232]

PART 608—RESTRICTED AREAS

PROHIBITION

This amendment amends § 608.3 of this part by substituting the phrase "Controlling agency" in lieu of the phrase "Using agency" contained therein.

Inasmuch as this amendment is an editorial correction, compliance with the notice, procedures, and effective date provisions of the Administrative Procedure Act is unnecessary and not required. Therefore, this amendment shall become effective upon publication in the FEDERAL REGISTER.

1. Section 608.3 is amended to read as follows:

§ 608.3 *Prohibition.* No person shall operate an aircraft within any area named, located (by chart), and described (by geographical coordinates) in this part, between the "Designated altitudes", during the "Time of designation", unless prior permission for such operation has been issued by the "Controlling agency".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] JAMES T. PYLE, *Administrator of Civil Aeronautics.*

AUGUST 5, 1958.

[F. R. Doc. 58-6426; Filed, Aug. 11, 1958; 8:45 a. m.]

[Amdt. 83]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Friendswood Int.*	HOU-LFR (Final)	Direct	700	T-dn	300–1	300–1	200–½
Arcola Int	HOU-LFR	Direct	1500	C-dn	400–1	500–1	400–1½
Houston VOR	HOU-VOR	Direct	1200	S-dn-30°	400–1	400–1	400–1
Houston FM	HOU-LFR	Direct	1300	A-dn	800–2	800–2	800–2
Radar Vectoring Position	HOU-LFR (Final)	310—5.0	700				

*Friendswood Int: Int 220° brg to PER RBn.
*300′ per minute descent required at 120 MPH.
Radar Terminal transition altitude 2300′ within 20 miles. Radar may be used to position aircraft for a final approach, within 5 miles of LFR, with elimination of a procedure turn.
Procedure turn E side SE crs, 130 Outbnd 310 Inbnd, 1700′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 310—1.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 mi climb to 1800′ on NW crs within 20 mi. or, when directed by ATC, turn right, climb to 1600′ on NE crs within 20 mi.

City, Houston; State, Tex.; Airport Name, International; Elev., 50′; Fac. Class, SBRAZ; Ident., HOU; Procedure No. 1, Amdt. 18; Eff. Date, 6 Sep. 58; Sup. Amdt. No. 17; Dated, 20 Apr. 58

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Ontario VOR	LOM	Direct	4000	T-dn	300–1	300–1	200–½
Fontana FM/Int	LOM	Direct	5000	C-dn	500–1	500–1	500–1½
RIV LFR	Colton RBn	Direct	5000	S-dn-25	400–1	400–1	400–1
Colton RBn	LOM (Final)	Direct	2700	A-dn	800–2	800–2	800–2
Int 075° crs to LOM and SE crs BUR LFR	LOM	Direct	4000				

Radar transitions and vectoring utilizing March Radar are authorized in accordance with approved Radar patterns.
Procedure turn*S side of crs, 075 Outbnd, 255 Inbnd, 3200′ within 8 mi. NA beyond NW crs RIV-LFR.
*Nonstandard due to terrain.
Minimum altitude over facility on final approach crs, 2700′.
Crs and distance, facility to airport, 255°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi after passing LOM, climb to 3000′ on crs of 255° within 8 mi.

City, Ontario; State, Calif.; Airport Name, International; Elev., 952′; Fac. Class, LOM; Ident., ON; Procedure No. 1, Amdt. 9; Eff. Date, 6 Sep. 58; Sup. Amdt No. 8; Dated, 8 Feb. 58

SAT-VOR	LOM	Direct	2200	T-dn	300–1	300–1	200–½
SAT-LFR	LOM	Direct	2200	C-dn	400–1	500–1	400–1½
Wetmore Int	LOM	Direct	2200	S-dn-3	400–1	400–1	400–1
Medina Int	LOM	Direct	2700	A-dn	800–2	800–2	800–2
Losoya Int	LOM	Direct	2200				
Collins Int	LOM (Final)	Direct	2000				

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site:
045 to 230 0–20 mi 2200′.
230 to 045 0–10 mi 2200′.
230 to 045 10–15 mi 2500′.
230 to 045 15–20 mi 3000′.
Radar control must provide 1000′ clearance within 3 mi or 500′ clearance within 3–5 miles of radio tower 2049′ MSL 19 mi SE of airport.
Procedure turn W side of crs, 211 Outbnd, 031 Inbnd, 2200′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 031°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi turn left, proceed direct SAT-LFR, climb to 2500′ on N crs within 20 miles of SAT-LFR or, when directed by ATC, climb to 2500′ on crs of 031° within 20 miles of SAT LOM.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 800′; Fac. Class, LOM; Ident., SA; Procedure No. 1, Amdt. 14; Eff. Date, 6 Sep. 58; Sup. Amdt. No. 13; Dated, 1 Mar. 58

3. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 11 JUNE 1958.

City, Fort Smith; State, Ark.; Airport Name, Municipal; Elev., 468′; Fac. Class, ILS-IFSM; Ident., LOM-FS; Procedure No. ILS-25, Comb. ILS and ADF, Amdt. 6; Eff. Date, 2 Nov. 57; Sup. Amdt. No. 5; Dated, 17 Mar. 57

Ontario VOR	LOM	Direct	4000	T-dn	300–1	300–1	200–½
Fontana FM/Int	LOM	Direct	5000	C-dn	500–1	500–1	500–1½
Riverside LFR	Colton RBn	Direct	5000	S-dn-25	200–½	200–½	200–½
Colton RBn	LOM (Final)	Direct	*2700	A-dn	800–2	800–2	800–2
Int W crs ILS and SE crs BUR LFR	LOM	Direct	4000				

*After intercepting glide slope, descent to cross LOM at 2120′ is authorized.
Radar transitions and vectoring utilizing March Radar are authorized in accordance with approved Radar patterns.
Procedure turn #S side of crs, 075 Outbnd, 255 Inbnd, 3200′ within 8 mi of LOM. NA beyond NW crs RIV LFR.
#Nonstandard due to terrain.
Minimum altitude at glide slope int, 2700′.
Altitude of glide slope and distance to approach end of runway at LOM, 2120—3.7; at MM, 1140—0.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi of LOM, climb to 3000′ on W crs within 8 miles.

City, Ontario; State, Calif; Airport Name, International; Elev., 952′; Fac. Class, ILS; Ident., I-ONT; Procedure No. ILS-25, Amdt. 9; Eff. Date, 6 Sep. 58; Sup Amdt. No. 8; Dated, 8 Feb. 58

San Antonio VOR	LOM	Direct	2200	T-dn	300–1	300–1	200–½
SAT LFR	ILS SW crs	174—3.3	2200	C-dn	400–1	500–1	400–1½
Wetmore Int	LOM	Direct	2200	S-dn-38	200–½	200–½	200–½
San Antonio LFR	LOM	Direct	2200	A-dn	600–2	600–2	600–2
Medina Int	LOM	Direct	2700				
Losoya Int	LOM	Direct	2200				
Collins Int	LOM (Final)	Direct	2100				
Kelly LFR	ILS SW crs (Final)	060—2.2	2100				

#600–½ required when glide slope not utilized.
Radar terminal area maneuvering altitudes measured clockwise around radar antenna site:
045° to 230° 0–20 mi 2200′.
230° to 045° 0–10 mi 2200′.
230° to 045° 10–15 mi 2500′.
230° to 045° 15–20 mi 3000′.
Radar control must provide 1000′ clearance within 3 miles or 500′ clearance within 3–5 miles of radio tower 19 miles SE of airport.
Procedure turn W side SW crs, 211 Outbnd, 031 Inbnd, 2200′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at G. S. int Inbnd, 2100′.
Altitude of G. S. and distance to approach end of rny at OM 2050—3.8, at MM 1000—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, proceed direct to SAT VOR climbing to 2500′ on R-358 within 20 miles of SAT VOR or, when directed by ATC, turn right and climb to 3000′ on R-158 within 20 miles of SAT VOR; or climb to 2500′ on NE crs of SAT ILS within 20 miles of SA LOM.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 800′; Fac. Class, ILS; Ident., ISAT; Procedure No. 1LS-3, Amdt. 14; Eff. Date, 6 Sep. 58; Sup. Amdt. No. 13; Dated, 1 Mar. 58.

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

S. A. KEMP,
Acting Administrator of Civil Aeronautics.

JULY 31, 1958.

[F. R. Doc. 58-6166; Filed, Aug. 11, 1958; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1706]

[76055]

CALIFORNIA

POWER SITE RESTORATION NO. 533. PARTLY REVOKING EXECUTIVE ORDER OF JANUARY 14, 1915, WHICH CREATED POWER SITE RESERVE NO. 471 OPENING CERTAIN LANDS UNDER SECTION 24 OF FEDERAL POWER ACT

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of January 14, 1915, creating Power Site Reserve No. 471, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 17 S., R. 28 E.,
Sec. 1, lots 3 and 4, S½NW¼, and SW¼;
Sec. 12, NW¼NE¼, N½NW¼, and NE¼SW¼.

The areas described aggregate 476.40 acres.

2. The lands are located in northern Tulare County, about two miles north of the town of Three Rivers. Access is restricted to foot travel over privately owned land.

3. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and re-

spective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m., on September 11, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on December 11, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on December 11, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands have been open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 682; 30 U. S. C. 621–625).

6. Pursuant to determination of the Federal Power Commission in DA–923, California, issued June 21, 1957, the following-described lands in Power Site Reserve No. 471 are included in the opening made by this order, subject, however, to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended:

MOUNT DIABLO MERIDIAN

T. 17 S., R. 28 E.,
Sec. 2, lots 1 and 2, S½NE¼, and SE¼.

The areas described aggregate 313.97 acres.

7. The lands described in paragraphs 1 and 6 of this order shall be subject until 10:00 a. m., on November 6, 1958, to application by the State of California under any statute or regulation applicable thereto for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act of June 10, 1920, *supra*.

8. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose property corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 6, 1958.

[F. R. Doc. 58–6427; Filed, Aug. 11, 1958; 8:45 a. m.]

[Public Land Order 1707]

[1874269]

ALASKA

TRANSFERRING LANDS RESERVED BY EXECUTIVE ORDER NO. 8854 OF AUGUST 16, 1941, FROM UNITED STATES COAST AND GEODETIC SURVEY, TO FOREST SERVICE

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described public lands, which are a portion of the lands reserved by Executive Order No. 8854 of August 16, 1941, for use of the United States Coast and Geodetic Survey, Department of Commerce, as a magnetic and seismological observatory site, are hereby transferred from the jurisdiction of the United States Coast and Geodetic Survey, Department of Commerce to the Forest Service, Department of Agriculture, for use as an administrative site in connection with the administration of the Tongass National Forest:

Beginning at corner No. 5, United States Survey No. 2545, also being corner No. 2, United States Survey No. 1558, thence
S. 15°45' E., 242.6 feet along line 1–2, U. S. S. 1558,
S. 70°30' W., 233.0 feet,
N. 30°00' W., 100.0 feet,
N. 37°00' W., 100.0 feet,
N. 43°00' W., 11.2 feet,
N. 63°18' E., 304.0 feet to point of beginning.

The area described contains 1.37 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 6, 1958.

[F. R. Doc. 58–6447; Filed, Aug. 11, 1958; 8:48 a. m.]

[Public Land Order 1708]

[Anchorage 031908]

ALASKA

WITHDRAWING PUBLIC LANDS FOR RAILROAD PURPOSES IN CONNECTION WITH OPERATION AND MAINTENANCE OF ALASKA RAILROAD

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws but not the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved under the jurisdiction of the Secretary of the Interior for railroad purposes in connection with the operation and maintenance of the Alaska Railroad:

GOLD CREEK AREA

Beginning at the most northerly corner of the homestead entry of J. A. Johnson, Anchorage 031030, at approximate station 11875/53 on the easterly 100-foot right-of-way line of the Alaska Railroad; thence N. 26°07'30" E. approximately 2,127 feet along the easterly right-of-way line to the most westerly corner of the homestead entry of N. P. Bandy, Anchorage 025383; thence S. 63°52'30" E. 500 feet; thence S. 26°07'30" W. approximately 2,127 feet; thence N. 63°52'30" W. 500 feet to the point of beginning.

The tract described contains approximately 24.41 acres.

The lands shall be administered by the Bureau of Land Management until such time as they are actually needed for railroad purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 6, 1958.

[F. R. Doc. 58–6448; Filed, Aug. 11, 1958; 8:48 a. m.]

[Public Land Order 1709]

[Sacramento 051521, 1886808]

CALIFORNIA

AMENDING PUBLIC LAND ORDER NO. 26 OF AUGUST 12, 1942, WHICH WITHDREW LANDS FOR USE OF WAR DEPARTMENT AS CAMP SITE (BEALE AIR FORCE BASE)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 26 of August 12, 1942, which withdrew the public lands in the following-described areas:

MOUNT DIABLO MERIDIAN

T. 14 N., R. 6 E.,
Secs. 6, 8 and 23.
T. 15 N., R. 6 E.,
Secs. 1, 12, 13, 18 and 24.
T. 14 N., R. 7 E.,
Secs. 8 and 18.

for use of the War Department for military purposes is hereby amended by deleting therefrom the following paragraph added to such order by Executive Order No. 9526 of February 28, 1945:

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

2. Public Land Order No. 26 is further amended by substituting the words "Department of the Air Force" for the words "War Department" wherever they appear.

3. The Department of the Interior retains jurisdiction over the management of the surface and subsurface resources, including mineral resources, of the lands. No disposal of such resources will be made except under applicable public-land laws with the concurrence of the Department of the Air Force and, where necessary, only after appropriate modification of the provisions of this order.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 6, 1958.

[F. R. Doc. 58–6449; Filed, Aug. 11, 1958; 8:48 a. m.]

[Public Land Order 1710]

[Washington 01220]

WASHINGTON

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF FOREST SERVICE, AS ADMINISTRATIVE AND PUBLIC SERVICE SITES, RECREATION AREAS, OR FOR OTHER PUBLIC PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests designated, are hereby withdrawn from all forms of appropriation under the public-land laws including the mining but not the mineral-leasing laws nor disposals under the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as administrative and public service sites, recreation areas, or for other public purposes, as indicated:

WILLAMETTE MERIDIAN

OLYMPIC NATIONAL FOREST

Giant Tree Recreational Area

(520 acres)

T. 23 N., R. 8 W.,
Sec. 14, NW¼ (unsurveyed);
Sec. 15, S½NE¼, SE¼NW¼, E½SW¼, and SE¼ (unsurveyed).

West Fork Humptulips Recreation Area

(160 acres)

T. 22 N., R. 9 W.,
Sec. 23, NE¼.

Grisdale Forest Camp

(80 acres)

T. 22 N., R. 7 W.,
Sec. 17, E½SE¼.

Wynoochee River Falls Forest Camp

(160 acres)

T. 23 N., R. 7 W.,
Sec. 23, E½NE¼ (unsurveyed);
Sec. 24, W½NW¼ (unsurveyed).

Klone Lake Forest Camp

(160 acres)

T. 28 N., R. 7 W.,
Sec. 22, NE¼ (unsurveyed).

SNOQUALMIE NATIONAL FOREST

Snoqualmie Pass—Denny Creek Recreation Area

(1322.12 acres)

T. 22 N., R. 11 E.,
Sec. 4, lots 1, 2, 3, 4, SE¼NE¼, N½SW¼NE¼, SE¼SW¼NE¼, SW¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼, W½SW¼, W½NE¼SW¼, SE¼SW¼, E½SE¼, E½NW¼SE¼, and SW¼SE¼;
Sec. 5, lots 1, 4, 11, 12, 13, 14, and 15;
Sec. 8, NE¼NE¼, NW¼, and W½SW¼.
T. 23 N., R. 11 E.,
Sec. 34, lots 1, 2, NW¼, and N½SW¼.

Goblin Creek Recreation Area

(40 acres)

T. 28 N., R. 12 E.,
Sec. 18, NE¼NE¼.

West Cady Creek Recreation Area

(80 acres)

T. 26 N., R. 12 E.,
Sec. 19, W½W½NE¼, and E½E½NW¼.

WENATCHEE NATIONAL FOREST

Lake Wenatchee Recreation Area

(340.30 acres)

T. 27 N., R. 16 E.,
Sec. 23, lots 2, 3, 4, and 5;
Sec. 24, lots 2, 3, 4, and SE¼SW¼.

CHELAN NATIONAL FOREST

Bonoparte Recreation Area

(319.11 acres)

T. 38 N., R. 30 E.,
Sec. 8, lot 1;
Sec. 9, lots 1, 2, 3, 4, and 8;
Sec. 17, lots 1, 6, and 7.

UMATILLA NATIONAL FOREST

Upper Tucannon Forest Camp

(117.54 acres)

T. 8 N., R. 41 E.,
Sec. 5, lot 2, SW¼NE¼, and SE¼NW¼.

The total area described in this order aggregates 3,299.07 acres.

This order shall be subject to existing withdrawals for power purposes so far as they affect any of the lands described, and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 6, 1958.

[F. R. Doc. 58–6450; Filed, Aug. 11, 1958; 8:49 a. m.]

[Public Land Order 1711]

[73655]

TEXAS

TRANSFERRING JURISDICTION OVER OIL AND GAS DEPOSITS IN CERTAIN LANDS COMPRISING PORTION OF NAVAL AUXILIARY AIR STATION, CHASE FIELD, OWNED BY UNITED STATES

Whereas, the hereafter described lands, title to which has been acquired by the United States, comprising a portion of the Naval Auxiliary Air Station, Chase Field, Beeville, Texas, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas, it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said lands; and

Whereas, in order to facilitate such action, it is considered advisable that jurisdiction over the oil and gas deposits in such lands be transferred from the Department of the Navy to the Department of the Interior; and

Whereas, such transfer has the concurrence of the Department of the Navy;

Now, therefore, by virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The jurisdiction over the oil and gas deposits owned by the United States in the following-described lands located in the Naval Auxiliary Air Station, at Beeville, Texas Project, Bee County, Texas, is hereby transferred from the Department of the Navy to the Department of the Interior:

PARCEL 1

All that certain tract or parcel of land situated in Bee County, Texas, described as follows, to-wit:

502.6 acres of land out of the Edward Ryan survey, Abstract No. 62, the Puerta Tierra Irrigation Company survey, Abstract No. 431, and the James Brown survey, Abstract No. 6, said 502.6 acres having metes and bounds as follows:

Beginning at a concrete monument in the southern boundary line of State Highway No. 202, for the Northwest corner of this survey which said beginning point is the Northwest corner of a tract of 177.34 acres conveyed to the City of Beeville by Fritz Hartzendorf and Marie Hartzendorf, by deed dated March 31, 1943, recorded in Volume 142, page 374, of the Deed Records of Bee County, Texas.

Thence South following the western boundary line of said 177.34 acres, 3,439.39 feet to a concrete monument for the Southwest corner of this survey, and which said point is the Southwest corner of said 177.34 acres, and the Northwest corner of a tract of 600 acres of land conveyed to the City of Beeville by Webb Hearn by deed dated October 28, 1941, recorded in Volume 134, pages 312 and 313 of the Deed Records of Bee County, Texas.

Thence North 82°15' East following the South boundary line of said 177.34 acres and the North boundary line of said 600 acres 2,127.22 ft. to a concrete monument for an inner corner of this survey.

Thence South 44°31' East 1,714.27 ft. to a concrete monument for the most Southerly corner of this survey.

Thence North 39°30' East 2,023.06 ft. to a concrete monument in the Northern boundary of said 600 acres tract, and which point is also in the Southern boundary of a tract of 108.57 acres, described in a deed from Roxanna Dorsey, et al to the City of Beeville, dated March 29, 1943, recorded in Volume 142, page 372, of the Deed of Records of Bee County, Texas.

Thence North 82°15' East 884.42 ft. to a point being the Southwest corner of said 108.57 acres and an outer corner of said 600 acre tract for an inner corner of this survey.

Thence South 76°51' East 333.4 ft. to a point for the Southeast corner of this survey, said point being the Northeast corner of said 600 acre tract and the Southeast

corner of a tract of 6.71 acres of land described in a deed from Annie Dorsey and husband, J. M. Dorsey, to the City of Beeville, dated April 10, 1943, recorded in the Deed Records of Bee County, Texas.

Thence North following the eastern boundary line of said 6.71 acres at 943.94 ft. past the Northeast corner of said 6.71 acres and the Southeast corner of a tract of 22.13 acres, deeded to the City of Beeville by Wm. Juenger, et al by deed dated April 9, 1943, recorded in the Deed Records of Bee County, Texas, at 3,361.6 ft. a concrete monument situated on the Southern boundary line of State Highway No. 202 for the Northeast corner of this survey.

Thence in a Westerly direction along said South boundary line of State Highway No. 202, 5,862.76 ft. to a concrete monument, the place of beginning.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of the drainage or threatened drainage of oil and gas from such lands.

3. The jurisdiction of the Department of the Interior over such lands shall be subject to the primary jurisdiction of the Department of the Navy over the lands for Naval purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 6, 1958.

[F. R. Doc. 58-6451; Filed, Aug. 11, 1958; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

[Amdt. 8]

REG. 8—BERYL REGULATION: PURCHASE PROGRAM FOR DOMESTICALLY PRODUCED BERYL ORE

PARTICIPATION IN THE PROGRAM

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), as amended, General Services Administration Regulation 8 entitled "Beryl Regulations: Purchase Program for Domestically Produced Beryl Ore," as heretofore amended, is further amended as follows:

In section 2, delete the date "June 30, 1958" and in lieu thereof substitute the date "December 31, 1961."

(Sec 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interprets or applies sec. 303, 64 Stat. 801, as amended; 50 U. S. C. App. 2093)

This amendment shall be effective upon publication in the FEDERAL REGISTER.

Dated: August 7, 1958.

FRANKLIN FLOETE,
Administrator of General Services.

[F. R. Doc. 58-6503; Filed, Aug. 11, 1958; 11:21 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 114—YAKUTAT AREA

AKWE RIVER; LOCATION OF MARKERS

Basis and purpose: The recent intensive earthquake in the Yakutat area has radically altered the Akwe River in relationship to the present marker limits and it will be necessary to amend the location of the markers.

Paragraph (g) of § 114.34 is amended to read as follows:

(g) Akwe River. Above the markers at approximately 6½ miles upstream.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Immediate action on this amendment is necessary if the customary fall season is to be permitted and, therefore, notice and public procedure on this amendment are impracticable. It shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.).

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 58-6521; Filed, Aug. 11, 1958; 11:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 20]

YOSEMITE NATIONAL PARK

ENTRANCE ROADS; TRUCKING; BICYCLES

Basis and purpose. Notice is hereby given that pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238; 5 U. S. C., 1952 ed., sec. 1003), authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U. S. C., 1952 ed., sec. 3), National Park Service Order No. 14, 19 F. R. 8824; Regional Director, Region Four, Order No. 3, 21 F. R. 1495, it is proposed to amend 36 CFR 20.16 as set forth below. The purpose of this amendment is to rescind obsolete regulations pertaining to Park Entrance Station hours, to establish fees for emergency trucking, to change the word "motor" to "commercial" for accuracy in definition in subparagraph (3) of paragraph (c) and to redesignate said subparagraph for more logical and orderly arrangement, and to prohibit bicycles on certain sidewalks.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U. S. C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Yosemite National Park, Box 577, Yosemite National Park, California, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

JOHN C. PRESTON,
Superintendent,
Yosemite National Park.

JUNE 18, 1958.

Paragraph (b) *Entrance roads* is deleted, paragraph (c) *Closed roads* is redesignated as paragraph (b) *Closed roads*, subparagraph (3) of said paragraph on *Closed roads* is revised by substituting the word "commercial" for the word "motor," and is redesignated as subparagraph (3) of added new paragraph (c) *Trucking*, and two new paragraphs are added, in § 20.16 to read as follows:

(c) *Trucking.* (1) The fees for special trucking permits issued by the Superintendent in emergencies pursuant to § 1.37 (a) of this chapter shall be based on the licensed capacity of trucks, trailers, or semi-trailers, as follows:

Trucks, less than 1 ton—Appropriate automobile permit fee.

Trucks, of 1 ton and over, but not to exceed 10 tons—$5 for each ton or fraction thereof.

(i) The fee charged is for one round trip between any two park entrances, provided such trip is made within one 24 hour period, otherwise the fee is for a one-way trip.

(ii) Trucks carrying bona fide park visitors and/or their luggage or camping equipment may enter the park upon payment of the regular automobile fee.

(2) The fee provided in subparagraph (1) of this paragraph also shall apply to permits which the park Superintendent may issue for trucking through one park entrance to and from privately owned lands contiguous to the park boundaries, except that such fee shall be considered an annual vehicle fee covering the use of park roads between the point of access to such property and the nearest park exit connecting with a state or county road.

(3) No commercial trucks will be permitted on the Tioga Road except those used in connection with the activities of the United States Government, the State of California, or agencies operating under contract or agreement with the United States Government to render service to the public in the park, or trucks delivering supplies, materials, etc. to the United States Government, the State of California, or contractors or permittees in the park.

• • • • •

(g) *Bicycles.* Bicycles are prohibited on all business sidewalks serving concession operations and public facilities.

[F. R. Doc. 58-6433; Filed, Aug. 11, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

[Docket No. AO-71-A37]

HANDLING OF MILK IN NEW YORK-NEW JERSEY MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Carlton, Newark, New Jersey beginning at 10:00 a. m. on August 19, 1958; at the Woodruff Hotel, Watertown, New York beginning at 10:00 a. m. on August 25, 1958, and in Hearing Room No. 1 at the State Office Building, Albany, New York beginning at 10:00 a. m. on August 27, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the New York-New Jersey marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Milk Dealers Association of Metropolitan New York, Inc. and Sealtest Sheffield Farms Division of National Dairy Products Corporation:

Proposal No. 1. Eliminate paragraph (c) in § 927.71.

Proposal No. 2. Amend the schedule in § 927.42 entitled "Transportation Differentials", column C, to provide that the differential on Class II and Class III from the 121-mile zone to the 225-mile zone be 0 cents per hundredweight.

Proposed by the Upstate Milk Dealers:

Proposal No. 3. Delete paragraph (c) of § 927.71.

Proposed by the Amsterdam Milk Producers Cooperative, Inc. and Nadler Brothers, Inc.:

Proposal No. 4. Eliminate the city and township of Amsterdam and the county of Montgomery from paragraph (c) of § 927.71.

Proposed by Delaware County Farmers Cooperative, Inc.; White House Milk and Cream Company, Inc. and Ferndale Farms, Inc.:

Proposal No. 5. Amend column C of § 927.42 so that the transportation differentials on Class II and Class III milk vary plus and minus from the 201–210 mile zone by two-tenths of a cent per 10 mile zone.

Proposed by Dairymen's League Cooperative Association, Inc.; Metropolitan Cooperative Milk Producers Bargaining Agency, Inc., and Mutual Federation of Independent Cooperatives, Inc.:

Proposal No. 6. Amend § 927.42 by reducing the differentials in column B thereof (applicable to Class I prices and to the uniform price) from the present rate of 1.4 cents to 1.2 cents for each 10-mile zone beyond the 201–210 mile zone, and by increasing the differentials in column C thereof (applicable to Class II and Class III prices) from the present rate of 1 cent to 2 cents for each 25-mile zone inside the 101–110 mile zone.

Proposed by Eastern Milk Producers Cooperative Association, Inc.:

Proposal No. 7. Amend column B, § 927.42 by decreasing the minus values (applicable to Class I prices and to the uniform price) for zones beyond the 201–210 mile zone, and amend column C, § 927.42 (applicable to Class II and Class III prices) by increasing the plus values applicable within the 201–210 mile zone and by decreasing the minus values applicable at and beyond the 301–310 mile zone.

Proposal No. 8. Maintain § 927.71 (c) in its present form except that consideration be given to amendment with respect to direct delivery rates at plants beyond the 71–80 mile zone.

Proposed by the New York State Guernsey Breeders Cooperative, Inc.:

Proposal No. 9. Amend §§ 927.71 (c) and 927.42 as necessary to provide as follows:

(1) For the payment to producers out of the pool of direct delivery differentials at rates of 5, 10, 15, 20 and 25 cents by zones 41–50, 31–40, 21–30, 11–20 and 1–10 respectively, with such zones based on distance from the farm to the pasteurizing and bottling plant where the milk is received.

(2) As an alternative to item No. 1, for the payment by handlers of direct delivery differentials at the rates and by zones as provided in item No. 1, with all such money separately pooled and paid out to all direct delivery producers at a uniform rate.

(3) That transportation differentials not be applicable to milk subject to direct delivery differentials.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 10. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 205 East 42nd Street, New York 17, New York, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 7th day of August 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 58-6456; Filed, Aug. 11, 1958; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 4, 1958.

The U. S. Forest Service of the Department of Agriculture has filed an application, Serial Colorado 022298, for withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as a recreation area, picnic ground and roadside zones.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 339 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROOSEVELT NATIONAL FOREST

Kelly Flats Recreation Area

T. 8 N., R. 72 W.,
Sec. 5, SW¼SW¼NE¼, SE¼SE¼NW¼, E½NE¼SW¼, NW¼SE¼ and SW¼SE¼SE¼;
Sec. 8, W½NE¼NE¼, SE¼NE¼NE¼, NE¼SW¼NE¼, SE¼NE¼ and E½NE¼SE¼;
Sec. 9, NW¼SW¼.

Glen Haven Picnic Ground

T. 6 N., R. 72 W.,
Sec. 26, W½NE¼SW¼.

Road No. 1631 (Buckhorn Road), Roadside Zone

A strip of land 200 feet on each side of the center line of Forest Development Road No. 1631 and beginning at the center line of Colorado State Highway 14, at the junction of Highway 14 and the Buckhorn Road (Forest Development Road No. 1631) and extending through the following legal subdivisions, until the road reaches patented land that occupies S½SW¼ of Section 13 and S½SE¼ of Section 14, T. 8 N., R. 73 W.:

T. 8 N., R. 72 W.,
Sec. 5, SE¼NW¼, NE¼SW¼, NW¼SW¼, SW¼NW¼, SW¼SW¼ and SE¼SW¼;
Sec. 8, NE¼NW¼, NW¼NW¼, SW¼NW¼ and NW¼SW¼;
Sec. 7, NE¼SE¼ and SW¼SE¼;
Sec. 18, NW¼NE¼, NE¼NW¼, SE¼NW¼, SW¼NW¼ and NW¼SW¼.
T. 8 N., R. 73 W.,
Sec. 13, NE¼SE¼, SE¼SE¼ and SW¼SE¼.

Road No. 1639 (Crown Point Road)
Roadside Zone

A strip of land 200 feet on each side of the center line of the Crown Point Road beginning on the north boundary of patented land which lies in the S½SE¼ of section 14, T. 8 N., R. 73 W.:

T. 8 N., R. 73 W.,
Sec. 14, NE¼SE¼, NW¼SE¼, NE¼SW¼, SE¼NW¼, and SW¼NW¼;
Sec. 15, NE¼SE¼.

Here the Crown Point Road enters patented land that occupies NW¼SE¼ of Section 15, T. 8 N., R. 73 W.

Beginning again on the north boundary of patented land which occupies NE¼SW¼ of Section 15, T. 8 N., R. 73 W., thence in

T. 8 N., R. 73 W.,
Sec. 15, SE¼NW¼ and SW¼NW¼;
Sec. 16, SE¼NE¼, NW¼NE¼ and NE¼NW¼;
Sec. 9, SE¼SW¼ and SW¼SW¼;
Sec. 8, SE¼SE¼;
Sec. 17, NE¼NW¼, NW¼NW¼ and SW¼NW¼;
Sec. 18, SE¼NE¼, SW¼NE¼, NW¼SE¼, NE¼SW¼ and SE¼SW¼;
Sec. 19, NW¼NW¼.
T. 8 N., R. 74 W.,
Sec. 24, NE¼NE¼, SE¼NE¼, SW¼SE¼, SE¼NW¼ and SW¼NW¼;
Sec. 23, SE¼NE¼, SW¼NE¼, NW¼NE¼, SE¼NW¼, NE¼SW¼ and NW¼SW¼;
Sec. 22, NE¼SE¼, SE¼SE¼, SW¼SE¼, SE¼SW¼, SW¼SW¼ and NW¼SW¼;
Sec. 21, NE¼SE¼, NW¼SE¼, SW¼NE¼ and SE¼NW¼.

The above areas aggregate approximately 978.6 acres.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F. R. Doc. 58-6428; Filed, Aug. 11, 1958; 8:45 a. m.]

[Serial No. Idaho 09370]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 4, 1958.

In accordance with the authority vested in me by Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954, 19 F. R. 2476, it is ordered as follows:

The lands hereinafter described, so far as they are withdrawn and reserved for stock driveway purposes, are hereby restored to disposition under the public land laws.

BOISE MERIDIAN, IDAHO

T. 6 S., R. 14 E.,
Sec. 8, NW¼NE¼, N½NW¼.

Within the above-described areas are 120 acres of public lands.

The land is typical of dry grazing land in southern Idaho, and is underlain by gravel with numerous lava outcrops and scab rock. The land lies southwest of Gooding, Idaho.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 2 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m., on September 9, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on December 9, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on December 9, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

DONALD I. BAILEY,
Acting State Supervisor.

[F. R. Doc. 58-6429; Filed, Aug. 11, 1958; 8:45 a. m.]

COLORADO

NOTICE OF FILING OF PLAT OF SURVEY

1. Plat of survey of the lands described below will be officially filed in the Land Office, Denver, Colorado, effective at 10:00 a. m. on September 10, 1958:

NEW MEXICO PRINCIPAL MERIDIAN

T. 33 N., R. 19 W.,

The exterior boundaries representing a resurvey of the Eighth Standard Parallel North through R. 19 W., designed to restore the corners in their original locations according to the best available evidence, and a survey of the East, West and North boundaries of the township.

2. The lands are within the exterior boundaries of the Ute Mountain Indian Reservation, ceded to the United States by Treaty with the Ute Indians on March 2, 1868, as amended, accepted and ratified by the act of June 15, 1880 (21 Stat. 199).

3. The area is under the jurisdiction of the Bureau of Indian Affairs, Department of the Interior, and is not available for disposal under the Public Land Laws, General Mining Regulations, the Mineral Leasing Act of February 25, 1920, or other acts administered by the Bureau of Land Management.

4. All inquiries concerning the exterior boundaries described in this notice should be addressed to the Manager, Colorado Land Office, Bureau of Land Management, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado.

LOWELL M. PUCKETT,
State Supervisor.

AUGUST 5, 1958.

[F. R. Doc. 58-6430; Filed, Aug. 11, 1958; 8:45 a. m.]

COLORADO

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

1. Plats of resurvey and survey of the lands described below will be officially filed in the Land Office, Denver, Colorado, effective at 10:00 a. m. on September 10, 1958:

NEW MEXICO PRINCIPAL MERIDIAN

T. 33½ N., R. 19 W.,
Sections 1 through 36.

The area described aggregates 20,000.70 acres of public lands.

2. The lands are within the exterior boundaries of the Ute Mountain Indian Reservation, ceded to the United States by treaty with the Ute Indians on March 2, 1968, as amended, accepted and ratified by the act of June 15, 1880 (21 Stat. 199).

3. The area is under the jurisdiction of the Bureau of Indian Affairs, Department of the Interior, and is not available for disposal under the Public Land Laws, General Mining Regulations, the Mineral Leasing Act of February 25, 1920, or other acts administered by the Bureau of Land Management.

4. All inquiries concerning the land described in this notice should be addressed to the Manager, Colorado Land Office, Bureau of Land Management, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado.

LOWELL M. PUCKETT,
State Supervisor.

AUGUST 5, 1958.

[F. R. Doc. 58-6431; Filed, Aug. 11, 1958; 8:45 a. m.]

Office of the Secretary

[Order 2771, Amdt. 1]

SOUTHWESTERN POWER ADMINISTRATION

MARKETING OF ELECTRIC POWER AND ENERGY

This amendment supersedes Order No. 2771 (19 F. R. 6664) and is issued for the primary purpose of adding to the sources listed in section 1 the following: Dardanelle, Bufaula, Greers Ferry, and McGee Bend. The order as amended reads as follows:

SECTION 1. *Designation as marketing agency.* The Southwestern Power Administration is designated as the agency to market available surplus electric power and energy generated at the following sources pursuant to the act of December 22, 1944 (58 Stat. 887):

Blakeley Mountain.	McGee Bend.
Bull Shoals.	Narrows.
Dardanelle.	Norfolk.
Denison.	Table Rock.
Eufaula.	Tenkiller Ferry.
Fort Gibson.	Whitney.
Greers Ferry.	

SEC. 2. *Contracts.* The Administrator, Southwestern Power Administration may, subject to the applicable provisions of the act of December 22, 1944, enter into contracts for the sale or interchange of electric power and energy in the performance of the functions assigned by section 1 of this order. The Administrator may, in writing, redelegate to officers and employees of the Administration the authority granted in this section.

(Sec. 2, Reorganization Plan No. 3 of 1950; 5 U. S. C. sec. 133z-15, note)

FRED A. SEATON,
Secretary of the Interior.

AUGUST 6, 1958.

[F. R. Doc. 58-6452; Filed, Aug. 11, 1958; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

AUGUST 1958 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list.

CCC reserves the right to refuse any or all offers placed with it for the purchase of commodities pursuant to such announcements. If CCC does not have adequate information as to the financial responsibility of prospective purchaser to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such purchaser's financial responsibility to be inadequate, CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the purchaser of a certified or cashier's check, bond, letter of credit, or other security, acceptable to CCC, assuring that the purchaser will discharge his responsibility under the contract, or (iii) to accept the offer upon condition that the purchaser promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective purchaser is in doubt as to whether CCC is acquainted with his financial responsibility, he should communicate with the CCC or CSS Commodity Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter and entered into.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered promptly upon appearance by public notice issued by the appropriate CSS Commodity Office and therefore generally they do not appear in the Monthly Sales List.

Notice to export buyers. Available interest rates on sales made in August under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 1⅞ percent per annum.
For periods over 6 months up to and including 18 months, 2½ percent per annum.
For periods over 18 months up to and including 36 months, 2⅞ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and, for this purpose, shall maintain a bona fide business office in the United States, its territories, or possessions and therein have a person, principal or resident agent, upon whom service of judicial process may be had.

AUGUST 1958 MONTHLY SALES LIST

Commodity	Sales price or method of sale
Dairy products	All sales are under LD-26 and amendments. All sales are in carlots only. As many as 3 buyers may participate in purchasing a single carlot.
	Domestic price: For unrestricted use price is "in store"; at storage locations of products. For restricted use price is on the basis of delivery f. o. b. cars at point of use named in offer. CCC will convert to "in store" price as provided in LD-26 and amendments.
	Export prices are on the basis of delivery f. a. s. vessel or at buyer's option f. o. b. cars point of export. If delivery is to be "in store" CCC will convert to "in store" price as provided in LD-26, and amendments.
	Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Butter	Domestic, unrestricted use: 68 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 67½ cents per pound, Washington, Oregon, and California. All other States 67 cents per pound.
	Domestic, restricted use: For use as an extender for cocoa butter in the manufacture of chocolate and in such a manner as will not displace other dairy products from use in the manufacture of chocolate or in the manufacture of other products made from chocolate, 39 cents per pound.
	Export, unrestricted use: 39 cents per pound.
Nonfat dry milk (spray, roller) as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade; in barrels and drums, 16.25 cents per pound; in bags, 15.40 cents per pound. Roller process, U. S. Extra Grade; in barrels and drums, 14.25 cents per pound; in bags, 13.40 cents per pound.
	Domestic, restricted use (animal and poultry feed): In barrels, drums or bags 10.65 cents per pound.
	Export, unrestricted use: Spray or roller process, U. S. Extra Grade; in barrels and drums, 9.9 cents per pound; in bags, 9.05 cents per pound.
Cheddar cheese. Cheddars, flats, twins, and rindless blocks (standard moisture basis).	Domestic: 39.5 cents per pound for New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic and Pacific and Gulf of Mexico. All other States 38.5 cents per pound.
	Export: 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton, Upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO–C–6, (Revision 1), as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC.
	Export: Competitive bid and under the terms and conditions of Announcement CN–EX–5 and NO–C–11.
Cotton, Extra Long Staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO–C–6, as amended, and NO–C–10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC.
	Export: Competitive bid and under the terms and conditions of Announcement NO–C–6, as amended, and NO–C–10, as amended. Catalogs for Upland and Extra Long Staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.

See footnote at end of table.

AUGUST 1958 MONTHLY SALES LIST—Continued

Commodity	Sales price or method of sale
Peanuts	Domestic (for crushing) or Export: Competitive bid basis for limited quantities announced by Peanut Cooperative Associations under CCC Peanut Announcement (as amended).
Oats, bulk	Domestic (unrestricted use): Shelled (1958 crop in sold storage): Market price but not less than the 1958 applicable loan rate for type and grade basis in store point of origin, plus 5 percent, adjusted for milling, storage, and other charges. Example of minimum price at point of storage: Virginia, U. S. Grade, extra large kernels: 27.10 cents per pound; S. E. Runner, U. S. Grade, No. 1, 24.60 cents per pound. Available Dallas CSS Commodity Office, stored at any designated terminal. Export: Under announcement GR-212 revised, amended, for application to barter contracts and approved credit sales and under announcement GR-366 for Feed Grain Payment-in-Kind program. Domestic: Commercial wheat-producing area: Support Price Support Bulletin Supplement and transit billing wheat: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 17 cents per bu. if received by truck or (2) 12 cents per bushel if received by rail or barge. B. For wheat not included under A above: Market price but not less than the 1958 applicable rate plus (1) 17 cents per bushel if received by truck or 12 cents if received by rail, plus (2) any reductions in freight rates in effect at time of sale from those in effect on May 1, 1958, from the point of storage to the area of consumption. Example of the foregoing minimum price per bushel (ex-rail or barge): Minneapolis, No. 1 DNS, $2.32; Kansas City, No. 1 HW, $2.27; Portland, No. 1 SW, $2.17. Noncommercial wheat-producing area: Same basis as in commercial area except 133 percent of applicable support rate. If delivery is outside the area of production, applicable freight will be added to the above. Export: Under announcement GR-212 revised, as amended for barter contracts and approved credit sales, and under announcement GR-366 for Feed Grain Payment-in-Kind program. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.
Barley, bulk	Domestic: A. For barley stored as a designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing barley: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 11 cents per bu. if received by truck or (2) 8 cents per bushel if received by rail or barge. B. For barley not included under A above: Market price but not less than the 1958 applicable rate plus (1) 11 cents per bushel if received by truck or 8 cents per bushel if received by rail, plus (2) any reductions in freight rates in effect at time of sale from those in effect on May 1, 1958, from the point of storage to the area of consumption. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex-rail or barge): Minneapolis, No. 2 barley, $1.26. Export: Under announcement GR-212 revised, amended, for application to barter contracts and approved credit sales, and under announcement GR-366 for Feed Grain Payment-in-Kind program. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.
Rye, bulk	Domestic: A. For rye stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing rye: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 14 cents per bushel if received by truck or (2) 9 cents per bushel if received by rail or barge. B. For rye not included under A above: Market price but not less than the 1958 applicable rate plus (1) 14 cents per bushel if received by truck or 9 cents per bushel if received by rail, plus (2) any reductions in freight rates in effect at time of sale from those in effect on May 1, 1958, from the point of storage to the designated terminal. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex-rail or barge): Minneapolis, No. 2 or better, $1.45. Export: Under announcement GR-212 revised, amended, for application to barter contracts and approved credit sales, and under announcement GR-366 for Feed Grain Payment-in-Kind program.
Grain sorghums, bulk	Domestic: A. For grain sorghums originating in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and designated Texas counties: Support Bulletin Supplement and transit billing grain sorghums: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 23 cents per cwt. if received by truck or (2) 14 cents per cwt. If received by rail or barge. B. For grain sorghums not included under A above: Market price but not less than the 1958 applicable rate plus (1) 23 cents per cwt. If received by truck or 14 cents per cwt. If received by rail, plus (2) any reductions in freight rates in effect at time of sale from those in effect on May 1, 1958, from the point of storage to the designated terminal. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (ex-rail or barge): Kansas City, No. 2 or better, $2.45. Available Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Under announcement GR-212 revised, amended, for application to barter contracts and approved credit sales, and under announcement GR-366 for Feed Grain Payment-in-Kind program.
Oats, bulk	Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Nonreturnable corn, unrestricted use (as available): At other than bin sites, through the above offices. At bin sites, through ASC County Offices. Export: Under announcement GR-212 revised, amended, for application to barter contracts and approved credit sales, and under announcement GR-366, for Feed Grain Payment-in-Kind program: Domestic: Market price but not less than the 1958 applicable loan rate for type and grade basis in store point of origin, plus 7 cents per bushel for oats in storage at point of production, (2) a markup of 9 cents per bushel and the rail freight from point of storage to present point of storage for oats in storage at other than the point of production. Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively, Chicago, No. 3 oats or better, $0.79½. Minneapolis, No. 2 white oats, or better, $0.724. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Under announcement GR-212 revised, amended, for application to barter contracts and approved credit sales and under announcement GR-366 for Feed Grain Payment-in-Kind program.
Barley, bulk	Domestic: A. For barley stored as a designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing barley: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 11 cents per bu. if received by truck or (2) 8 cents per bushel if received by rail or barge. B. For barley not included under A above: Market price but not less than the 1958 applicable rate plus (1) 11 cents per bushel if received by truck or 8 cents per bushel if received by rail, plus (2) any reductions in freight rates in effect at time of sale from those in effect on May 1, 1958, from the point of storage to the area of consumption. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex-rail or barge): Minneapolis, No. 2 barley, $1.26. Export: Under announcement GR-212 revised, amended, for application to barter contracts and approved credit sales, and under announcement GR-366 for Feed Grain Payment-in-Kind program. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.
Rye, bulk	Domestic: A. For rye stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing rye: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 14 cents per bushel if received by truck or (2) 9 cents per bushel if received by rail or barge. B. For rye not included under A above: Market price but not less than the 1958 applicable rate plus (1) 14 cents per bushel if received by truck or 9 cents per bushel if received by rail, plus (2) any reductions in freight rates in effect at time of sale from those in effect on May 1, 1958, from the point of storage to the designated terminal. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex-rail or barge): Minneapolis, No. 2 or better, $1.45. Export: Under announcement GR-212 revised, amended, for application to barter contracts and approved credit sales, and under announcement GR-366, for Feed Grain Payment-in-Kind program.
Grain sorghums, bulk	Domestic: A. For grain sorghums originating in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and designated Texas counties: Support Bulletin Supplement and transit billing grain sorghums: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 23 cents per cwt. if received by truck or (2) 14 cents per cwt. If received by rail or barge. B. For grain sorghums not included under A above: Market price but not less than the 1958 applicable rate plus (1) 23 cents per cwt. If received by truck or 14 cents per cwt. If received by rail, plus (2) any reductions in freight rates in effect at time of sale from those in effect on May 1, 1958, from the point of storage to the designated terminal. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (ex-rail or barge): Kansas City, No. 2 or better, $2.45. Available Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Under announcement GR-212 revised, amended, for application to barter contracts and approved credit sales, and under announcement GR-366, for Feed Grain Payment-in-Kind program.

Commodity	Sales price or method of sale			
	U. S. No. 3	U. S. No. 4	U. S. No. 5	
Wheat, bulk	$11.26	$10.41	$9.48	
Rice, milled (as available)	10.43	9.56	8.75	

(Applicable until final 1958 support rate determined at which time prices will be not less than 1957 loan equivalent 1958 loan rate for rough rice by varieties plus 5 percent, adjusted for milling, plus 11 cents per hundredweight. Domestic (unrestricted use) or export: Limited quantity of broken rice. Competitive bids as announced by Dallas and Portland CSS Commodity Offices. Export: Competitive bid under DL-MR-400/57 (Revised) and GR-PD-99 for export only under Title 1, P. L. 480 P. A. 9, as announced by Dallas and Portland CSS Commodity Offices. "as 15" basis, under DL-MR/53, as announced by Dallas CSS Commodity Office.

Commodity	Sales price or method of sale
Rice, rough	Domestic: Market price but not less than the 1957 loan rate plus 5 percent, plus 61 cents per hundredweight, basis in store. Prices and quantities available by varieties may be obtained from Dallas CSS Commodity Office, or from Portland CSS Commodity Office for Pearl and Calrose. (Applicable until final 1958 support rate determined at which time prices will be market price but not less than 1957 loan equivalent 1958 loan rate by varieties plus 5 percent, adjusted for milling, plus 83 cents per hundredweight.) Export: For export as milled rice. Competitive bid as announced by Dallas and Portland CSS Commodity Offices.
Corn, bulk	Domestic: Commercial corn-producing area: Market price, basis in store,[1] but not less than the 1957 applicable loan rate for corn produced in compliance with 1957 acreage allotments plus: (1) a markup of 23 cents per bushel for corn in storage at point of production, (2) a markup of 25 cents per bushel and the rail freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively, Chicago, No. 3 yellow or better, $1.79½. Minneapolis, No. 2 yellow or better, $1.79½. Noncommercial corn-producing area: Same basis as in commercial area except 133 percent of applicable support rate. If delivery is outside the area of production, applicable freight will be added to the above. Export: Under announcement GR-212 revised, amended, for application to barter contracts and approved credit sales, and under announcement GR-366 for Feed Grain Payment-in-Kind program. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.

See footnotes at end of table.

AUGUST 1958 MONTHLY SALES LIST—Continued

Commodity	Sales price or method of sale
Soybeans, bulk (as available)	Domestic: Market price basis in store but not less than the 1957 basic loan rate for No. 2 grade, basis point of production plus 9½ cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-elevation charges at country loading point and in-elevation charges at subterminal or terminal storage point will be added to the above prices. Available Evanston, Kansas City, and Minneapolis CSS Commodity Offices.
Flaxseed, bulk (as available)	Domestic (for crushing) or export: Competitive bids as announced by Minneapolis CSS Commodity Office.
Dry edible beans (bagged) (as available).	Domestic or export: Domestic market price but not less than the following minimum price per cwt. for U. S. No. 1 f. o. b. indicated points of production, amount of paid-in freight to be added as applicable. For other grades, adjust by market differentials. In other areas, adjust by the 1957 price support differential.

Class	Price per hundredweight	Area of production	CSS Commodity Office
Red Kidney	$9.22	California	Portland.
Large Lima	10.93	California	Portland.
Pinto	6.94	Colorado	Kansas City-Dallas.
Pink	7.73	California	Portland.

Commodity	Sales price or method of sale
Burley tobacco (as available)	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of announcement to be issued. This announcement will cover a limited quantity (about 16 million pounds). Copies of such announcement, when issued may be obtained from the Tobacco Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C.
Gum rosin	Domestic or Export: Offer and acceptance basis "as is" in galvanized metal drums (averaging 517 pounds net) in the stated quantities and on the designated storage yards, subject to the terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through the American Turpentine Farmers Ass'n. Coop., Valdosta, Ga.
Gum turpentine	Domestic or Export: Offer and acceptance basis, "as is", bulk in tanks in the stated quantities and in the designated storage tanks subject to the prices, terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through ATFA, Valdosta, Ga.

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

[2] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehouse for storage documents.

[3] The minimum-pricing revision has been made necessary by a recent change in the price support program for wheat, barley, rye, and (in some areas) grain sorghums. This change gives producers who store their grain locally the price support benefit at time of settlement of any reductions in rail freight rates to their designated terminals occurring after the price support loan rates were set and before the maturity dates of the loans. To insure continuation of CCC sales at terminal locations during August (and later months) in their normal ratio to sales at non-terminal locations, the minimum sales prices of these grains at affected locations will be increased by an amount corresponding to any decrease since May 1, 1958 in the freight rates from the point of storage to a designated terminal. CSS commodity Offices will furnish freight rate information upon request.

USDA COMMODITY STABILIZATION SERVICE OFFICES

Cincinnati: Cincinnati CSS Commodity Office, 222 East Central Parkway, Cincinnati 2, Ohio. Telephone: Dunbar 1-2200.

Dallas: Dallas CSS Commodity Office, 500 South Ervay Street, Dallas 1, Tex. Telephone: Riverside 8-5611.

Evanston: Evanston CSS Commodity Office, 2201 Howard Street, Evanston, Ill. Telephone: Long Distance—University 9-0600 (Evanston Exchange)—Local—Rogers Park 1-8000 (Chicago Exchange).

Kansas City: Kansas City CSS Commodity Office, 560 Westport Road, Kansas City 41, Mo. Telephone: Valentine 1-7104.

Minneapolis: Minneapolis CSS Commodity Office, 1006 West Lake Street, Minneapolis 8, Minn. Telephone: Federal 9-3612.

New Orleans: New Orleans CSS Commodity Office, Wirth Building, 120 Marais Street, New Orleans 16, La. Telephone: Express 2411.

Portland: Portland CSS Commodity Office, 1218 SW. Washington Street, Portland 5, Oreg. Telephone: Capitol 6-3361.

Cotton Products Export Office, New York City: 80 Lafayette Street, New York 13, N. Y. Telephone: Rector 2-8000.

Representative of General Sales Manager New York Area: Joseph Reidinger, 80 Lafayette Street, New York 13, N. Y. Telephone: Rector 2-8000, Extension 715-716.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Balboa Building, 593 Market Street, San Francisco 4, Calif. Telephone: Sutter 1-3179.

Representative of General Sales Manager, European Area: Hayden J. Bennett, c/o The American Embassy, The Hague, Netherlands.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: August 7, 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 58-6455; Filed, Aug. 11, 1958; 8:51 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-103]

AEROJET-GENERAL NUCLEONICS

ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on July 21, 1958, the Atomic Energy Commission has issued Construction Permit No. CPRR-27 authorizing Aerojet-General Nucleonics to construct at the location in San Ramon, California described in the application in Docket No. 50-103, ten research reactors each designed to operate at a maximum power of fifteen watts (thermal). Notice of the proposed action was published in the FEDERAL REGISTER on July 22, 1958, 23 F. R. 5551.

Dated at Germantown, Md., this 6th day of August 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-6446; Filed, Aug. 11, 1958; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTE NO. 2—U. S. ATLANTIC/WEST COAST SOUTH AMERICA

NOTICE OF ADOPTION OF CONCLUSIONS AND DETERMINATIONS REGARDING ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS

Notice is hereby given that the Acting Maritime Administrator has adopted as final the tentative conclusions and determinations of the Maritime Administrator regarding the essentiality and United States flag service requirements of Trade Route No. 2, as published in the FEDERAL REGISTER issue of July 12, 1958 (23 F. R. 5311).

Dated: August 7, 1958.

By order of the Acting Maritime Administrator.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-6445; Filed, Aug. 11, 1958; 8:47 a. m.]

Office of the Secretary

HAROLD L. GRAHAM, JR.

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last 6 months.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 1, 1958.

Dated: July 21, 1958.

HAROLD L. GRAHAM, JR.

[F. R. Doc. 58-6442; Filed, Aug. 11, 1958; 8:47 a. m.]

PAUL BUTLER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last six months.

A. Deletions: None.
B. Additions: Rex Paper Co.—Kalamazoo, Mich.

This statement is made as of August 1, 1958.

Dated: August 25, 1958.

PAUL BUTLER.

[F. R. Doc. 58-6443; Filed, Aug. 11, 1958; 8:47 a. m.]

ROBERT L. TURNER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last 6 months.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 1, 1958.

Dated: July 29, 1958.

ROBERT L. TURNER.

[F. R. Doc. 58-6444; Filed, Aug. 11, 1958; 8:47 a. m.]

COMMITTEE FOR RECIPROCITY INFORMATION

CERTAIN CONTRACTING PARTIES TO GENERAL AGREEMENT ON TARIFFS AND TRADES

CONSULTATIONS REGARDING APPLICATION OF QUANTITATIVE RESTRICTIONS IMPOSED FOR BALANCE-OF-PAYMENTS REASONS

AUGUST 12, 1958.

Consultations with certain contracting parties to the General Agreement on Tariffs and Trade regarding the application of quantitative restrictions imposed for balance-of-payments reasons, under Article XIV of the General Agreement.

Submission of information to the Committee for Reciprocity Information regarding these consultations.

Closing date for submission of written statements, September 15, 1958.

It is the intention of the Contracting Parties to the General Agreement on Tariffs and Trade to enter into consultations with certain of the parties regarding their application of quantitative import restrictions imposed for balance-of-payments reasons, under Article XIV of said Agreement. Article XIV of the GATT, including also Annex J, allows the application in certain instances of discriminatory import restrictions for balance-of-payments reasons, provided the restrictions satisfy the criteria of rules laid down in the article and Annex respectively. Paragraph 1 (g) of Article XIV requires countries maintaining discrimination under Annex J to consult with the Contracting Parties annually regarding these restrictions.

The consultations with countries utilizing Annex J will be conducted separately for each consulting country, in Geneva, Switzerland, during the Thirteenth Session of the Contracting Parties, to be convened on October 16, 1958. The consulting countries are expected to be:

Australia.
Ceylon.
Ghana.
Malaya.
Federation of Rhodesia and Nyasaland.
United Kingdom.

During each consultation, the Contracting Parties will (1) review the country's financial and economic situation and, (2) in this context, discuss the opportunities for further relaxation of the level of its import restrictions, including a lessening of the discriminatory application of these restrictions, as well as explore the possibilities for moderating particular policies and practices which are especially burdensome to exporters.

American traders, business firms, labor organizations and other individuals or associations, which have an interest in exporting to one or more of the consulting countries may, as a result of their own experience, have information relating to (2) above which will be useful to the United States Government during the course of the consultations.

The following list includes examples of the type of information that interested persons may wish to submit in response to this invitation:

1. Information indicating that discrimination in the treatment of goods available from the United States has resulted in unnecessary damage to the commercial or economic interest of the United States, its citizens or organizations;

2. Information indicating that not even minimum commercial quantities of imports of specific commodities from the United States are permitted, to the impairment of regular channels of trade;

3. Information indicating that trade is being restrained by complex or arbitrary licensing procedures, or lack of adequate information available to traders regarding import regulations;

4. Information indicating that reasonable access to a traditional foreign market has not been restored for a particular commodity, even though the country concerned has substantially relaxed its restrictions on imports in general;

5. Information indicating that the long-standing application of import restrictions by a country on a particular product has been accompanied by the growth of uneconomic output of that product within the country;

6. Information indicating discrimination in the treatment of goods available from the United States as compared with the treatment afforded similar goods from other countries with convertible currencies.

In order to permit adequate consideration of views and information, it is requested that all responses be submitted to the Committee for Reciprocity Information by September 15, 1958. Information coming to the attention of interested parties after this date also may be submitted to the Committee, however, and it will be considered to the extent time permits.

All communications on this matter (fifteen copies, should be addressed in written statement to: The Secretary, Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C. Views may be submitted in confidence, if desired.

By direction of the Committee for Reciprocity Information this 12th day of August 1958.

EDWARD YARDLEY,
Secretary,
Committe for Reciprocity Information.

[F. R. Doc. 58-6493; Filed, Aug. 11, 1958; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15678]

ATLANTIC REFINING CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

JULY 31, 1958.

The Atlantic Refining Company (Respondent), on July 15, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 11, 1958.

Purchasers: (1) Mississippi River Fuel Corporation, (2), (6), (8), Texas Gas Transmission Corporation, (3), (4), (5), Transcontinental Gas Pipe Line Corporation, (7) Tennessee Gas Transmission Corporation, (9) Tensas Gas Gathering Corporation.

Rate schedule designation: (1) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 2. (2) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 6. (3) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 118. (4) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 147. (5) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 150. (6) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 155. (7) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 158. (8) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 178. (9) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 182.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rates and charges as proposed are intended to reflect (in whole or in part) the additional "excise, license or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 333), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until August 2, 1958, and thereafter to permit them to become effective as of that date: *Provided,* That

within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rates be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements to Respondent's FPC Gas Rate Schedules.

(B) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rates, charges, and classifications set forth in the above-designated supplements to Respondent's FPC Gas Rate Schedules shall be effective as of August 2, 1958: *Provided, however*, That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of _____ to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes.

In conformity with the requirements of the order issued _____, in Docket No. G-__, _____ hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____

_____

By _____

Attest: _____

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6434; Filed, Aug. 11, 1958; 8:45 a. m.]

[Docket No. G-13227]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 6, 1958.

Take notice that The Manufacturers Light and Heat Company, a Pennsylvania corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on September 5, 1957, an application, pursuant to section 7 of the Natural Gas Act, for a disclaimer of jurisdiction or, in the alternative, for authority to sell and deliver natural gas to United Gas Improvement Company (U. G. I.) at a new location or delivery point on the 24-inch gas transmission line of Texas Eastern Penn-Jersey Transmission Corporation (Penn-Jersey) in or adjacent to Marion Township, Berks County, Pennsylvania, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant alleges that it has been informed by U. G. I. that it requires a new connection in order to serve the requirements of the community of Womelsdorf and its vicinity in Berks County. The natural gas requirements of this community are estimated as follows:

Year of service	Requirements in Mcf	
	Annual	Peak day
1958	646,800	2,800
1959	678,000	3,000
1960	702,000	3,100
1961	726,000	3,200

Applicant alleges that U. G. I. is presently serving Womelsdorf as part of its Reading Gas Division, but states that its distribution feeder system between Reading and Womelsdorf is inadequate to serve the increased requirements of the latter community. Applicant alleges further that U. G. I. has considered the possibility of laying a 15-mile loop line in this vicinity, but it would be very expensive; that U. G. I.'s present system in the vicinity of Womelsdorf is within 9,000 feet of the Penn-Jersey line and that the most economical means of securing additional gas supplies in the Womelsdorf area would be to lay a short pipeline to the Penn-Jersey line and to secure a connection at that point. The Penn-Jersey facilities are leased and operated by Texas Eastern, which now sells and delivers gas to Applicant at several delivery points. It is proposed here that Texas Eastern deliver the gas sold to Applicant at the proposed new delivery point on the Penn-Jersey line into the facilities of U. G. I. for the account of Applicant.

No new facilities will be required to be constructed by Applicant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject

to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 3, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C. in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 28, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6435; Filed, Aug. 11, 1958; 8:45 a. m.]

[Docket No. G-15112]

PAWNEE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 6, 1958.

Take notice that The Pawnee Corporation (Applicant), an independent producer, and a West Virginia corporation with a principal place of business in Charleston, West Virginia, filed an application in Docket No. G-15112 on May 15, 1958, for permission and approval to abandon service to Hope Natural Gas Company (Hope) from acreage in Grant District, Ritchie County, West Virginia, which was being rendered under a gas sales contract dated May 24, 1949, subject to the jurisdiction of the Commission, and as more fully described in the application which is on file with the Commission and open to public inspection.

The application recites that Applicant filed a petition on October 15, 1957, to amend the certificate issued to it in Docket No. G-8502 on July 13, 1955, In the Matters of Penova Interests, et al., Docket Nos. G-4091, et al., so as to have deleted therefrom approximately 167 acres assigned to Howard Bartlett (Barlett) on January 7, 1957. The application filed in Docket No. G-15112 seeks authorization to abandon service being rendered Hope from six acres and one well, said acreage being the acreage remaining after the said assignment to Bartlett, described hereinbefore. Applicant represents that the well is depleted and is no longer capable of producing gas.

This matter should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 17, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 2, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6436; Filed, Aug. 11, 1958; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

FRITZ KARL THEODOR TROMMERSHAUSEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Fritz Karl Theodor Trommershausen, also known as Friedrich and Fred Trommershausen, his wife, Hertha Goecke Trommershausen, and their children, Gisela, Helga, Renate Trommershausen, Ingeborg Trommershausen Stauber, and Ursula and Walter Trommershausen (by their guardian, Fritz Karl Theodor Trommershausen), and the issue of such children, including but not limited to Ursula and Gertrudis Stauber (by their guardian, Ingeborg Trommershausen Stauber); Yoffre, Province Corrientes, District Mercedes, and Buenos Aires, Argentina; all right, title, interest and claim of any kind or character whatsoever of Friedrich (Fritz) Karl Theodor Trommershausen, Herta Goecke Trommershausen, Gisela Trommershausen, Ingeborg Trommershausen, Helga Trommershausen, Renate Marie Trommershausen, Ursula Trommershausen, and Walter Trommershausen, and the issue of Gisela, Ingeborg, Helga, Renate, Ursula and Walter Trommershausen, in, to and under or arising out of a trust agreement dated May 17, 1922, by and between Charles (W) Lagemann, grantor, and the Farmers' Loan and Trust Company, trustee, and amendments thereto, at present being administered by City Bank Farmers' Trust Company, 22 William Street, New York, New York, Eric Lagemann and Walter Lagemann, both of 100 Wall Street, New York, New York, as trustees.

Vesting Order Nos. 16963 and 17712; Claim No. 61453.

All right, title, interest and claim of any kind or character whatsoever of Fritz Trommershausen and of the claimants as heirs, next of kin, legatees, distributees or issue of Marie Trommershausen, in and to and arising out of or under that certain Trust Agreement dated April 16, 1924, by and between Charles W. Lagemann, Donor, and The Farmers' Loan and Trust Company, Frederick Lagemann, Alfred Lagemann, Walter Lagemann and Eric Lagemann, Trustees, and amendments thereto dated May 23, 1926 and April 14, 1931, and that certain Agreement dated April 16, 1924, by and between Walter Lagemann, Eric Lagemann, and Anna Lagemann, parties of the first part, Charles W. Lagemann, party of the second part, and The Farmers' Loan and Trust Company, Frederick Lagemann, Alfred Lagemann, Walter Lagemann and Eric Lagemann, trustees as aforesaid, parties of the third part, at present being administered by City Bank Farmers Trust Company, Eric Lagemann, Walter Lagemann, and C. H. A. Mott, New York, New York, as trustees.

Executed at Washington, D. C., on July 2, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 58-6441; Filed, Aug. 11, 1958; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 13]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 7, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 170), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61430. By order of August 5, 1958, the Transfer Board approved the transfer to Economy Transport Co., A Corporation, Wahoo, Nebr., of Certificates Nos. MC 89418 and MC 89418 Sub

2, issued September 12, 1939 and February 14, 1950, respectively, to Everett F. Barry doing business as Everett F. Barry Transfer, Wahoo, Nebr., authorizing the transportation of *Coal*, from Clarinda, Iowa, to Wahoo, Nebr.; *Grain*, from points in Iowa south of U. S. Highway 20 and west of U. S. Highway 71, to Wahoo, Nebr., and points within 10 miles of Wahoo; *Livestock*, from points in Iowa south of Iowa Highway 7 and west of U. S. Highway 71, to Wahoo, and points within 10 miles of Wahoo; *Portable frame buildings*, knocked down, from Wahoo, Nebr., to points in Kansas, Iowa, Wyoming, South Dakota, North Dakota, Colorado, Illinois, Indiana, and Oklahoma. Einar Viren, 904 City National Bank Building, Omaha 2, Nebr.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-6439; Filed, Aug. 11, 1958; 8:46 a. m.]

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VOLUME 23 NUMBER 158

Washington, Wednesday, August 13, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.372]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective as of the beginning of the first pay period following August 9, 1958:

1. Paragraph (d) is amended by the deletion of the following:

Beirut, Lebanon.
Tall Amara, Lebanon.
Tarbol, Lebanon.

2. Paragraph (b) is amended by the addition of the following:

Beirut, Lebanon.
Tall Amara, Lebanon.
Tarbol, Lebanon.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

Dated: August 1, 1958.

For the Secretary of State.

W. K. SCOTT,
Assistant Secretary.

[F. R. Doc. 58-6471; Filed, Aug. 12, 1958; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter E—Production Credit System

PART 50—PRODUCTION CREDIT ASSOCIATIONS

TERRITORIAL LIMITATIONS; INVESTMENTS; DIVIDENDS

Pursuant to the authority vested in the Governor of the Farm Credit Administration by section 20 of the Farm Credit Act of 1933, as amended (12 U. S. C. 1131d), and as prescribed by the Farm Credit board of each district with the approval of the Farm Credit Administration pursuant to section 23 of said act as amended (12 U. S. C. 1131g), Part 50 of Title 6 of the Code of Federal Regulations is hereby amended as follows:

1. Renumber present paragraph (c) of § 50.106 as paragraph (b).

2. Renumber present paragraph (b) of § 50.106 as paragraph (c) and amend § 50.106 (c) to read as follows:

(c) Unless otherwise provided in policies established by the board of directors of the bank and approved by the Farm Credit Administration, a loan to finance operations wholly outside the territory of the association shall not be made, except that an association may continue to extend credit to a member who is indebted to it and who moves or otherwise establishes his operations wholly within the territory of another association so long as the bank determines that such member is unable to obtain suitable credit from the other association and that such extension of credit would be in the best interest of the member and the association.

3. Amend §§ 50.201, 50.202, 50.211, and 50.212 to read as follows:

§ 50.201 *Amount of investment and approved securities.* Each production credit association shall maintain investments in securities approved for that purpose by the Farm Credit Administration in an aggregate amount not less than 70 percent of its paid-in capital, represented by class A, class B, and class C stock outstanding, exclusive of any stock held by the Governor. The following classes of obligations are approved for such investment:

(a) Bonds and other direct obligations of the United States.

(b) Consolidated Federal farm loan bonds and consolidated debentures of the banks for cooperatives.

(c) Soil and water conservation loans and farm ownership loans made under programs administered by the Farmers Home Administration, when payment thereof is guaranteed by the United States.

§ 50.202 *Commodity Credit Corporation loans.* An association is authorized to invest in loans to farmers made pursuant to commodity loan programs of the Commodity Credit Corporation, when

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payment thereof is assured by agreements of that Corporation.

§ 50.211 *Class A and class B stock.* An association may pay dividends on its outstanding class A and class B stock without preference, or on class A stock alone, at a rate not to exceed 7 percent per annum when (a) it has met all dividend requirements prescribed by the board of directors of the bank, and the bank has approved such payment, (b) the association has retired all of its class A stock owned by the Governor, and (c) its surplus account (after payment of dividends) is in an amount at least equal to the minimum amount prescribed by the bank: *Provided, however,* That, except with the approval of the Farm Credit Administration, no dividend may be paid by an association if its surplus account (after payment of dividends) is in an amount less than 7½ percent of the maximum amount of its outstanding loans during the most recent 3-year period.

§ 50.212 *Class C stock.* An association may pay dividends on its outstanding class C stock in accordance with the

terms and conditions of each issue of such stock, when such payment is approved by the bank.

(Secs. 20, 23, 48 Stats. 259, 261 as amended; 12 U. S. C. 1131d, 1131g)

[SEAL] R. B. TOOTELL, *Governor, Farm Credit Administration.*

[F. R. Doc. 58-6496; Filed, Aug. 12, 1958; 8:52 a. m.]

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 426.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; SOUTH DAKOTA

On July 23, 1958, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

SOUTH DAKOTA

County	Average value	County	Average value
Aurora	$38,000	Hyde	$38,000
Beadle	38,000	Jackson	40,000
Bennett	40,000	Jerauld	38,000
Bon Homme	40,000	Jones	40,000
Brookings	40,000	Kingsbury	38,000
Brown	38,000	Lake	40,000
Brule	38,000	Lawrence	40,000
Buffalo	38,000	Lincoln	40,000
Butte	40,000	Lyman	38,000
Campbell	38,000	McCook	40,000
Charles Mix	38,000	McPherson	38,000
Clark	38,000	Marshall	38,000
Clay	40,000	Meade	40,000
Codington	38,000	Mellette	40,000
Corson	40,000	Miner	38,000
Custer	40,000	Minnehaha	40,000
Davison	38,000	Moody	40,000
Day	38,000	Pennington	40,000
Deuel	38,000	Perkins	40,000
Dewey	40,000	Potter	38,000
Douglas	38,000	Roberts	38,000
Edmunds	38,000	Sanborn	38,000
Fall River	40,000	Shannon	40,000
Faulk	38,000	Spink	38,000
Grant	38,000	Stanley	40,000
Gregory	38,000	Sully	38,000
Haakon	40,000	Todd	40,000
Hamlin	38,000	Tripp	38,000
Hand	38,000	Turner	40,000
Hanson	38,000	Union	40,000
Harding	40,000	Walworth	38,000
Hughes	38,000	Washabaugh	40,000
Hutchinson	40,000	Yankton	40,000
		Ziebach	40,000

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: August 7, 1958.

[SEAL] K. H. HANSEN, *Administrator, Farmers Home Administration.*

[F. R. Doc. 58-6501; Filed, Aug. 12, 1958; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1712]

[1326681]

ALASKA

REVOKING EXECUTIVE ORDER OF DECEMBER 8, 1900; REVOKING EXECUTIVE ORDERS NO. 3574 OF NOVEMBER 4, 1921, NO. 4227 OF MAY 16, 1925, NO. 4449 OF MAY 29, 1926, NO. 4546 OF NOVEMBER 29, 1926, AND NO. 5219 OF NOVEMBER 5, 1929, ENTIRELY, AND NO. 7049 OF MAY 21, 1935, IN PART

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of December 8, 1900, withdrawing the following-described public lands in Alaska for use of the War Department for military purposes, is hereby revoked:

(a) A tract near the mouth of the Snake River, included in the patent to the patented townsite of Nome.

(b) (Fort Davis). Beginning at a stake at point of "spit" mouth of Nome River, and running thence south of east along the coast of Bering Sea one mile; thence north to center of channel of Nome River, thence down said channel to mouth of river opposite stake first mentioned.

The area described contains approximately 148.68 acres.

2. Executive Orders No. 4227 of May 16, 1925, reserving lands for the Fort Davis Cemetery; No. 4449 of May 29, 1926, reserving lands for the Alaska Road Commission; No. 4546 of November 29, 1926, reserving additional lands for the Alaska Road Commission, and No. 5219 of November 5, 1929, reserving lands for the Alaska Reindeer Service, are hereby revoked. The lands are included in the area described in paragraph 1 (b) of this order.

3. Executive Order No. 3574 of November 4, 1921, placing the lands described in paragraph 1 (b) of this order under control of the Secretary of the Interior for disposal under the act of July 5, 1884 (23 Stat. L. 103) or as might otherwise be provided by law, and Executive Order No. 7049 of May 21, 1935, so far as it placed lands comprising the Post Cemetery at Fort Davis, under control of the Secretary of the Interior for disposition under said act or as might be otherwise provided by law, are hereby revoked.

4. In accordance with section 202 (b) of the act of July 28, 1956 (70 Stat. 709, 711) and subject to the requirements of that act, the Territory of Alaska shall be entitled until 10:00 a. m. on November 7, 1958, to a preferred right of selection of the lands described in paragraph 1 (b) of this order in connection with its mental health program, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation.

5. The lands shall not be subject to any other form of use or disposal under the public land laws, unless and until a further order is issued by an authorized officer of the Bureau of Land Management.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROGER ERNST, *Assistant Secretary of the Interior.*

AUGUST 7, 1958.

[F. R. Doc. 58-6466; Filed, Aug. 12, 1958; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 13—ADMISSION, GUIDE, ELEVATOR, AND AUTOMOBILE FEES

AUTOMOBILE, MOTORCYCLE, AND HOUSE TRAILER PERMITS

Paragraphs (a), (b), and (c) of § 13.15 entitled *Fees for automobile, motorcycle, and house trailer permits* are amended to eliminate fees in the Blue Ridge Parkway and to make an editorial change, including the addition of paragraph (d). The amended paragraphs read as follows:

§ 13.15 *Fees for automobile, motorcycle, and house trailer permits.* (a) Fees for automobile permits are as follows:

	Yearly permit	15-day permit unless otherwise stated
Bryce Canyon National Park	$2.00	$1.00
Crater Lake National Park	2.00	1.00
Glacier National Park	4.00	2.00
Grand Canyon National Park	2.00	1.00
Grand Teton National Park	2.00	1.00
Lassen Volcanic National Park	2.00	1.00
Mesa Verde National Park	2.00	1.00
Mount Rainier National Park	2.00	1.00
Rocky Mountain National Park	2.00	1.00
Sequoia-Kings Canyon National Parks	4.00	2.00
Shenandoah National Park and the section of the Blue Ridge Parkway between Jarman Gap and Rockfish Gap	1.00	[1] .50
Yellowstone National Park	6.00	3.00
Yosemite National Park	6.00	3.00
Zion National Park	2.00	1.00
Bandelier National Monument	1.00	.50
Colorado National Monument	1.00	.50
Craters of the Moon National Monument	1.00	.50
Devils Tower National Monument	1.00	.50
Lava Beds National Monument	1.00	.50
Petrified Forest National Monument	1.00	.50
Pinnacles National Monument	1.00	.50
Scotts Bluff National Monument	.50	.25
White Sands National Monument	1.00	.50
Kennesaw Mountain National Battlefield Park	1.00	[1] .50

[1] Per trip.

(b) Fees for motorcycle permits are as follows:

	Yearly permit	15-day permit unless otherwise stated
Bryce Canyon National Park	$2.00	$1.00
Crater Lake National Park	2.00	1.00
Glacier National Park	2.00	1.00
Grand Canyon National Park	2.00	1.00
Grand Teton National Park	2.00	1.00
Lassen Volcanic National Park	2.00	1.00
Mesa Verde National Park	2.00	1.00
Mount Rainier National Park	2.00	1.00
Rocky Mountain National Park	2.00	1.00
Sequoia-Kings Canyon National Parks	2.00	1.00
Shenandoah National Park and the section of Blue Ridge Parkway between Jarman Gap and Rockfish Gap	1.00	[1] .50
Yellowstone National Park	2.00	1.00
Yosemite National Park	2.00	1.00
Zion National Park	2.00	1.00
Bandelier National Monument	1.00	.50
Colorado National Monument	1.00	.50
Craters of the Moon National Monument	1.00	.50
Devils Tower National Monument	1.00	.50
Lava Beds National Monument	1.00	.50
Petrified Forest National Monument	1.00	.50
Pinnacles National Monument	1.00	.50
Scotts Bluff National Monument	.50	.25
White Sands National Monument	1.00	.50
Kennesaw Mountain National Battlefield Park	1.00	[1] .50

[1] Per trip.

(c) Fees for house trailer permits are as follows:

	Yearly permit	15-day permit unless otherwise stated
Bryce Canyon National Park	$2.00	$1.00
Crater Lake National Park	2.00	1.00
Glacier National Park	4.00	2.00
Grand Canyon National Park	2.00	1.00
Grand Teton National Park	2.00	1.00
Lassen Volcanic National Park	2.00	1.00
Mesa Verde National Park	2.00	1.00
Mount Rainier National Park	2.00	1.00
Rocky Mountain National Park	2.00	1.00
Sequoia-Kings Canyon National Parks	4.00	2.00
Shenandoah National Park and the section of Blue Ridge Parkway between Jarman Gap and Rockfish Gap	1.00	[1] .50
Yellowstone National Park	6.00	3.00
Yosemite National Park	6.00	3.00
Zion National Park	2.00	1.00
Bandelier National Monument	1.00	.50
Colorado National Monument	1.00	.50
Craters of the Moon National Monument	1.00	.50
Devils Tower National Monument	1.00	.50
Pinnacles National Monument	1.00	.50
White Sands National Monument	1.00	.50

[1] Per trip.

(d) Any 15-day permit may be exchanged for an annual permit for the same vehicle at any time prior to the expiration date of the 15-day permit, and the purchase price of the 15-day permit will be allowed in the exchange.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Since the effect of these amendments is merely to correct and clarify the regulations, notice and public procedure thereon are considered to be unnecessary and the amendments shall become effective upon publication in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 7, 1958.

[F. R. Doc. 58-6489; Filed, Aug. 12, 1958; 8:50 a. m.]

PART 20—SPECIAL REGULATIONS

OLYMPIC NATIONAL PARK; SPEED

Basis and purpose. The purpose of this amendment is to add the Heart O' the Hills Road, now under construction, to Park roads on which a maximum speed limit of 35 miles per hour has been imposed. This is a mountain road with sharp curves and will be heavily traveled.

Subparagraph (3) (i) of paragraph (h) *Speed*, of § 20.28 *Olympic National Park*, is amended to read as follows:

(3) Maximum speed 35 miles per hour:

(i) When upon the following roads:

East Beach Road—Lake Crescent.
East Fork Quinault Road.
Elwha to Olympic Hot Springs Road.
Hoh Road.
North Fork Quinault Road west of Finley Creek.
North Shore Road—Lake Crescent.
Queets Road.
Rialto Beach Road.
Soleduck Road.
Heart O' the Hills Road to Hurricane Ridge.

For reasons of safety it is essential that this amendment be made effective prior to the official opening of the Heart O' the Hills Road which is expected to be sometime in August 1958. Therefore, notice and public procedure on this amendment are impracticable and contrary to the public interest and this amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 3, 39 Stat. 535, as amended; sec. 209, 48 Stat. 205; 16 U. S. C. 3, 40 U. S. C. 409)

Issued this third day of July 1958.

DANIEL B. BEARD,
Superintendent,
Olympic National Park.

[F. R. Doc. 58-6470; Filed, Aug. 12, 1958; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 910—VEGETABLES GROWN IN CERTAIN DESIGNATED COUNTIES IN COLORADO

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR Part 910) regulating the handling of vegetables grown in certain designated counties in Colorado, was published in the FEDERAL REGISTER July 16, 1958 (23 F. R. 5380). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the San Luis Valley Vegetable Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 910.212 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the San Luis Valley Vegetable Committee, established pursuant to Marketing Agreement No. 67, as amended, and this part, to enable such committee to perform its functions pursuant to the provisions of aforesaid amended marketing agreement and order, during the fiscal period ending May 31, 1959, will amount to $900.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 67, as amended, and this part, shall be six-tenths of one cent ($0.006) per bushel of peas or crate of cauliflower or respective equivalent quantities thereof, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 67, as amended, and this part.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 7, 1958, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-6486; Filed, Aug. 12, 1958; 8:49 a. m.]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992) regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER July 1, 1958 (23 F. R. 5017). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 992.210 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and this part, to enable such committee to perform its functions pursuant to the provisions of the marketing agreement and order, during the fiscal year ending May 31, 1959, will amount to $23,839.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 113 and this part, shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during the fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and this part.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 7, 1958, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6485; Filed, Aug. 12, 1958; 8:49 a. m.]

[992.313 Amdt. 1]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment; (iii) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date; (iv) a reasonable time is permitted under the circumstances, for such preparation; and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of § 992.313 (b) (1) (FEDERAL REGISTER July 1, 1958, 23 F. R. 5004) are hereby amended to read as follows:

(b) *Order.* (1) Except as otherwise provided in this section, during the period from August 18, 1958, through May 31, 1959, no handler shall ship potatoes of any variety unless such potatoes are "fairly clean" and (i) if they are of the round varieties (including, but not limited to, Kennebec, Irish Cobbler, Bliss Triumph, and Pontiac varieties), such potatoes meet the requirements of the U. S. No. 2, or better grade, 1⅞ inches minimum diameter, and (ii) if they are of the long varieties (including, but not limited to, White Rose, Russet Burbank, and Early Gem varieties), such potatoes meet the requirements of the U. S. No. 2 or better, grade, and are of a weight not less than 8 ounces: *Provided*, That potatoes of the U. S. Commercial, or better, grade, may be shipped if they are 2 inches minimum diameter or 4 ounces minimum weight, as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 8, 1958, to become effective August 18, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-6502; Filed, Aug. 12, 1958; 8:53 a. m.]

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

ADVERTISING

The following amendment is made, to take effect on January 1, 1959. The text of this amendment was published in the FEDERAL REGISTER for August 27, 1957 (22 F. R. 6898), and all persons who desired were invited to submit written data, views, arguments or suggestions in connection with the proposed rule, and a hearing was also held on November 19 and 20, 1957. The amendment is made after consideration of all the material submitted and statements made.

Section 1.345 is amended to read as follows:

§ 1.345 *Advertising.* (a) The use of advertising, circulars, letters, cards, and similar material to solicit patent business, directly or indirectly, is forbidden as unprofessional conduct, and any person engaging in such solicitation, or associated with or employed by others who so solicit, shall be refused recognition to practice before the Patent Office or may be suspended, excluded or disbarred from further practice.

(b) The use of simple professional letterheads, calling cards, or office signs, simple announcements necessitated by opening an office, change of association, or change of address, distributed to clients and friends, and insertion of listings in common form (not display) in a classified telephone or city directory, and listings and professional cards with biographical data in standard professional directories shall not be considered a violation of this rule.

(c) No agent shall, in any material specified in paragraph (b) of this section or in papers filed in the Patent Office, represent himself to be an attorney, solicitor or lawyer.

(Sec. 6, 66 Stat. 793; 35 U. S. C. 6. Interprets or applies secs. 31, 32, 66 Stat. 795, 796; 35 U. S. C. 31, 32)

[SEAL] ROBERT C. WATSON,
Commissioner of Patents.

Approved: August 5, 1958.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-6495; Filed, Aug. 12, 1958; 8:51 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter D—Grants

PART 53—GRANTS FOR SURVEY, PLANNING AND CONSTRUCTION OF HOSPITALS AND MEDICAL FACILITIES

DEFINITIONS (AREA, BASE AREA, INTERMEDIATE AREA, COORDINATED HOSPITAL SYSTEM); DISTRIBUTION OF BEDS; REVISION OF CONSTRUCTION PROGRAM

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following amendments of this part, which relate solely to grants to States, political subdivisions and public or other nonprofit agencies for the construction of public and other nonprofit hospitals and medical facilities.

1. Paragraphs (a), (b), (c), and (e) of § 53.1 are amended as follows:

(a) *Area.* The geographic territory from which patients come or are expected to come to existing or proposed hospital or medical facilities, the delineation of which is based on such factors as population distribution, natural geographic boundaries, and transportation and trade patterns, and all parts of which are reasonably accessible to existing or proposed

hospital or medical facilities. Nothing in the regulations in this part shall preclude the formation of an interstate area with the mutual agreement of the States concerned.

(b) *Base area.* Any area which is so designated by the State Agency and has or will have, in accordance with the State Plan, as a minimum, (1) a teaching hospital of a medical school, or (2) one general hospital with a capacity of 200 or more beds and which provides internships and residencies in two or more specialties. Such hospitals must be suitable for use as a base hospital in a coordinated hospital system within the State.

(c) *Intermediate area.* Any area so designated by the State Agency which has or will have, in accordance with the State Plan, as a minimum, one general hospital which has a capacity of 100 or more beds.

(e) *Coordinated hospital system.* An interrelated network of general hospitals throughout a State in which the larger hospitals work with the smaller hospitals through an interchange of medical knowledge and personnel in order that rural and other small hospitals may have diagnostic, treatment, medical research and teaching services which cannot be provided by such hospitals individually.

2. Subpart B is revised as follows:

SUBPART B—DISTRIBUTION OF BEDS FOR ACUTE AND LONG-TERM ILLNESS (EXCLUDING MENTAL AND TUBERCULOSIS)

§ 53.11 *State allowance.* (a) The number of beds for acute and long-term illness required to provide adequate service to the people residing in any State shall be:

(1) For general hospitals,

(i) In States having 12 or more persons per square mile, 4.5 beds per thousand population;

(ii) In States having less than 12 and more than 6 persons per square mile, 5 beds per thousand population; and

(iii) In States having 6 persons or less per square mile, 5.5 beds per thousand population.

(2) For chronic disease hospitals, 2 beds per thousand population except as provided in subparagraph (3) of this paragraph.

(3) For nursing homes, 3 beds per thousand population except that the State agency may plan in excess of 3 beds per thousand population but not to exceed 4 beds per thousand population in which case the State's allowance for chronic disease hospital beds shall be reduced so that the total number of nursing home beds and chronic disease beds shall not exceed 5 beds per thousand population.

(b) If, in any area there are, as of the date of initial approval of the State plan, more general hospital beds than required by these standards, such excess (but no increase in such excess after such date) may be eliminated in calculating the maximum allowance for the State as a whole.

§ 53.12 *Distribution.* (a) The construction program under the State plan shall provide for the distribution of beds, within the allowances set forth in § 53.11, by one of the following methods:

(1) General hospital beds shall be distributed to the different areas of the State in such numbers as will meet the needs of each area, except that the number of beds allocated to any area shall not be less than 2.5 beds (existing and proposed) per thousand population. Nursing home beds and chronic disease hospital beds shall be distributed to the different areas of the State in such numbers as will meet the needs of each area for such beds, except that the total number of nursing home and chronic disease beds so allocated shall not be less than 1 bed (existing and proposed) per thousand population. If the State agency does not allocate all beds required under § 53.11 to specific areas, such unallocated beds shall be held in reserve for future distribution; or

(2) General hospital, chronic disease hospital, and nursing home beds shall be distributed to the different areas of the State in such numbers and combinations as will meet the general hospital, chronic disease hospital, and nursing home bed needs of each area except that the combination of such beds allocated to any area shall not be less than 3.5 beds (existing and proposed) per thousand population. If the State agency does not allocate all beds required under § 53.11 to specific areas, such unallocated beds shall be held in reserve for future allocation.

(b) The State agency shall set forth, in the State plan, the criteria utilized in allocating beds to areas.

§ 53.13 *Beds classified as general hospital beds, chronic disease hospital beds, and nursing home beds.* (a) The count of existing general hospital beds shall include the beds in the hospitals of this category as defined in this subpart, which are not included in the count of beds for any other category under this part, and beds in any tuberculosis, mental, or chronic disease hospital which are specifically assigned for the care of general patients, except where the beds so assigned in any institution number less than ten.

(b) The count of existing chronic disease hospital beds and nursing home beds shall include the beds in facilities of those respective categories as defined in this subpart, which are not included in the count of beds for any other category under this part, and also beds in any general hospital which are in chronic disease and nursing home units, respectively, of a general hospital, except where the beds in such units number less than 10 in each category.

(c) Beds in existing nursing homes which the State agency determines to be unsuitable in accordance with the objective criteria, relating to the physical structure, contained in the State plan shall be excluded from the count of beds for this category. In any event, beds in existing general hospitals, chronic disease hospitals, or nursing homes which the State agency has determined to be a public hazard shall be excluded from the count of beds of these respective categories.

3. Subpart C is revised as follows:

SUBPART C—DISTRIBUTION OF TUBERCULOSIS AND MENTAL HOSPITAL BEDS

§ 53.21 *State allowance.* (a) The number of beds required to provide adequate hospital services for tuberculosis patients and mental patients in any State shall be:

(1) For tuberculosis patients, 1.5 times the average number of active and probably active new cases of tuberculosis found annually during the latest two-year period for which data are available, as certified by the State Health Department: *Provided*, That the total number of beds so determined shall not exceed 2.5 times the annual deaths from tuberculosis in the State over the five-year period from 1940 to 1944. As used in this paragraph, the term "probably active" means the probable clinical status of the disease when activity has not been determined from adequate roentgenologic and laboratory examinations.

(2) For mental patients, 5 per thousand population.

(b) The count of existing tuberculosis and mental hospital beds shall include the beds in the hospitals of those respective categories, as defined in paragraph (a) of this section, which are not included in the count of beds for any other category under this part, and also beds in any general hospital which are specifically assigned for the care of tuberculosis and mental patients respectively, except where the beds so assigned in any institution number less than 10 in any category.

§ 53.22 *Distribution.* (a) Whenever practicable, tuberculosis hospitals receiving grants under the Federal Act shall be built in centers of population and in proximity to general hospitals.

(b) Whenever practicable, mental hospitals receiving grants under the Federal act shall be located in centers of population and in proximity to general hospitals.

4. Subpart G is hereby deleted.

5. Paragraphs (c) and (d) of § 53.122 are amended as follows:

(c) After having determined hospital, public health center, diagnostic or treatment center, rehabilitation facility, and nursing home needs, the State agency shall establish an over-all construction program. This program shall set forth all such needs in accordance with the standards specified in §§ 53.11, 53.21, 53.31, 53.41 and 53.51 and shall show the relative need for each project included, irrespective of the availability of funds for construction and for maintenance and operation.

(d) The State agency shall from time to time as necessary review the over-all hospital, public health center, diagnostic or treatment center, rehabilitation facility, and nursing home construction program. Annually the State agency shall submit to the Surgeon General a report which contains such revisions of the construction program as the State agency considers necessary to administer the annual allotment for each category of facilities. At least biennially the report shall contain, as a minimum, a complete construction program, revised as necessary.

6. Section 53.126 is amended as follows:

§ 53.126 *Publicizing the State plan.* At least 30 days prior to the submission of the report required in § 53.122 (d) to the Surgeon General, the State agency shall publish in newspapers having general circulation throughout the State a general description of the proposed revision of the construction program, and the State plan shall be available for examination and comment by interested persons prior to submission to the Surgeon General.

(Sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply sec. 622, 60 Stat. 1042, sec. 653, 68 Stat. 463; 42 U. S. C. 291e, 291u)

These amendments were approved by the Federal Hospital Council at a meeting held June 17, 1958, and shall become effective immediately on the date of publication in the FEDERAL REGISTER.

Dated: July 22, 1958.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved:

L. E. BURNEY,
Chairman,
Federal Hospital Council.

Approved: August 7, 1958.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 58-6465; Filed, Aug. 12, 1958; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter J—Fisheries Loan Fund

PART 160—LOAN PROCEDURES

Notice was published in the FEDERAL REGISTER on June 26, 1958 (23 F. R. 4700) that pursuant to the authority vested in the Secretary of the Interior by section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1119, 1121; 16 U. S. C. sec 742c), it was proposed to adopt the regulations set forth below as a revision of Part 160—Loan Procedures. Interested persons were invited to submit in writing any comments, suggestions or objections relating to the proposed regulations within thirty days of the date of publication of the notice in the FEDERAL REGISTER. No comments, suggestions or objections were submitted within the thirty day period.

The purpose of this revision is to clarify the meaning of several sections of the regulations, to include fishery marketing cooperatives as qualified loan applicants, to delete the provision allowing a person using a fishing vessel or fishing gear under his control on a lease or share basis to be a qualified applicant for financial assistance, and to specify additional purposes for which applications for financial assistance cannot be considered.

The revised regulations are hereby adopted without change and are set forth below.

Dated: August 7, 1958.

FRED A. SEATON,
Secretary of the Interior.

Sec.
160.1 Definition of terms.
160.2 Purposes of loan fund.
160.3 Interpretation of loan authorization.
160.4 Qualified loan applicants.
160.5 Basic limitations.
160.6 Applications.
160.7 Processing of loan applications.
160.8 Approval of loans.
160.9 Interest.
160.10 Maturity.
160.11 Security.
160.12 Books, records, and reports.
160.13 Penalties on default.

AUTHORITY: §§ 160.1 to 160.13 issued under sec. 4, 70 Stat. 1121; 16 U. S. C. 742c.

§ 160.1 *Definitions of terms.* For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Administrator.* Administrator of the Small Business Administration or his authorized representative.

(c) *Person.* Individual, association, partnership or corporation, any one or all as the context requires.

(d) *State.* Any State, the Territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

§ 160.2 *Purposes of loan fund.* The broad objective of the fisheries loan fund created by the Fish and Wildlife Act of 1956 is to provide financial assistance which will aid the commercial fishing industry to bring about a general upgrading of the condition of both fishing vessels and fishing gear thereby contributing to more efficient and profitable fishing operations.

(a) Under section 4 of the act, the Secretary is authorized, among other things:

(1) To make loans for financing and refinancing of operations, maintenance, replacement, repair and equipment of fishing gear and vessels, and for research into the basic problems of fisheries.

(2) Subject to the specific limitations in the section, to consent to the modification, with respect to the rate of interest, time of payment of any installment of principal, or security, of any loan contract to which he is a party.

(b) All financial assistance granted by the Secretary must be for one or more of the purposes set forth in paragraph (a) of this section.

§ 160.3 *Interpretation of loan authorization.* The terms used in the act to describe the purposes for which loans may be granted are construed to be limited to the meanings ascribed in this section.

(a) *Operation of fishing gear and vessels.* The words "operation of fishing gear and vessels" mean and include all phases of activity directly associated with the catching of fish and shellfish for commercial purposes.

(b) *Maintenance of fishing gear and vessels.* The words "maintenance of fishing gear and vessels" mean the normal and routine upkeep of all parts of fishing gear and fishing vessels, including machinery and equipment.

(c) *Replacement of fishing gear and vessels.* The words "replacement of fishing gear and vessels" contemplate the purchase of fishing gear or equipment, parts, machinery, or other items incident to outfitting for fishing to replace lost, damaged, worn, obsolete, inefficient, or discarded items of a similar nature, or the purchase or construction of a fishing vessel to operate the same type of fishing gear as a comparable vessel which has been lost, destroyed or abandoned or has become obsolete or inefficient. Any vessel lost, destroyed or abandoned more than two years prior to the date of receipt of the application shall not be considered eligible for replacement.

(d) *Repair of fishing gear and vessels.* The words "repair of fishing gear and vessels" mean the restoration of any worn or damaged part of fishing gear or fishing vessels to an efficient operating condition.

(e) *Equipment of fishing gear and vessels.* The words "equipment of fishing gear and vessels" mean the parts, machinery, or other items incident to outfitting for fishing which are purchased for use in fishing operations.

(f) *Research into the basic problems of fisheries.* The words "research into the basic problems of fisheries" mean investigation or experimentation designed to lead to fundamental improvements in the capture or landing of fish conducted as an integral part of vessel or gear operations.

§ 160.4 *Qualified loan applicants.* (a) Any person residing or conducting business in any State shall be deemed to be a qualified applicant for financial assistance if such person;

(1) Owns a commercial fishing vessel of United States registry (if registration is required) used directly in the conduct of fishing operations, irrespective of the type, size, power, or other characteristics of such vessel;

(2) Owns any type of commercial fishing gear used directly in the catching of fish or shellfish;

(3) Owns any property, equipment, or facilities useful in conducting research into the basic problems of fisheries or possesses scientific, technological or other skills useful in conducting such research.

(4) Is a fishery marketing cooperative engaged in marketing all catches of fish or shellfish by its members pursuant to contractual or other enforceable arrangements which empower the cooperative to exercise full control over the conditions of sale of all such catches and disburse the proceeds from all such sales.

(b) Applications for financial assistance cannot be considered if the loan is to be used for:

(1) Any phase of a shore operation.

(2) Refinancing existing preferred mortgages or secured loans on fishing gear and vessels, except in those instances where the Secretary deems such

refinancing to be desirable in carrying out the purpose of the Act.

(3) Paying creditors for debts previously incurred, except for marshalling and liquidating the indebtedness of the applicant to existing lien holders in those instances where the Secretary deems such action to be desirable in carrying out the purpose of the Act.

(4) (i) Effecting any change in ownership of a fishing vessel (except for replacement of a vessel or purchase of the interest of a deceased partner), (ii) replenishing working capital used for such purpose or (iii) liquidating a mortgage given for such purpose less than two years prior to the date of receipt of the application.

(5) Replacement of fishing gear or vessels where the applicant or applicants owned less than a 20 percent interest in said fishing gear or vessel to be replaced or owned less than 20 percent interest in a corporation owning said fishing gear or vessel: *Provided*, That applications for a replacement loan by an eligible applicant cannot be considered unless and until the remaining owners or shareholders shall agree in writing that they will not apply for a replacement loan on the same fishing gear or vessel.

(6) Repair of fishing gear or vessels where such fishing gear or vessels are not offered as collateral for the loan by the applicant.

(7) Financing new business ventures involving fishing operations.

§ 160.5 *Basic limitations.* Applications for financial assistance may be considered only where there is evidence that the credit applied for is not otherwise available on reasonable terms (a) from applicant's bank of account; (b) from the disposal at a fair price of assets not required by the applicant in the conduct of his business or not reasonably necessary to its potential growth, (c) through use of the personal credit and/or resources of the owner, partners, management, affiliates or principal stockholders of the applicant, or (d) from other known sources of credit. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms unless it is satisfactorily demonstrated that proof of refusal of the desired credit has been obtained from the applicant's bank of account: *Provided*, That if the amount of the loan applied for is in excess of the legal lending limit of the applicant's bank or in excess of the amount that the bank normally lends to any one borrower, then proof of refusal should be obtained from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the loan applied for. Proof of refusal of the credit applied for must contain the date, amount, and terms requested. Bank refusals to advance credit will not be considered the full test of unavailability of credit and, where there is knowledge or reason to believe that credit is otherwise available on reasonable terms from sources other than such banks, the credit applied for cannot be granted notwithstanding the receipt of written refusals from such banks.

§ 160.6 *Application.* Any person desiring financial assistance from the fisheries loan fund shall make application to the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., on a loan application form furnished by that Service except that, in the discretion of the Secretary, an application made other than by use of the prescribed form may be considered if the application contains information deemed to be sufficient. Such application shall indicate the purposes for which the loan is to be used, the period of the loan, and the security to be offered.

§ 167.7 *Processing of loan applications.* If it is determined, on the basis of a preliminary review, that the application is complete and appears to be in conformity with established rules and procedures, a field examination shall be made. Following completion of the field investigation the application will be forwarded with an appropriate report to the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C.

§ 160.8 *Approval of loans.* Loan agreements shall be executed on a form approved by the Secretary. The Secretary will evidence his approval of the loan by issuing a loan authorization covering the terms and conditions for making the loan. Such loan authorization shall be referred to the Administrator who will direct the closing of the loan with the applicant in the field and render services involving the collection of repayments and such other loan servicing functions as may be required. Any modification of the terms of a loan agreement following its execution must be agreed to in writing by the borrower and the Secretary.

§ 160.9 *Interest.* The rate of interest on all loans which may be granted is fixed at five per cent per annum.

§ 160.10 *Maturity.* The period of maturity of any loan which may be granted shall be determined and fixed according to the circumstances but in no event shall the date of maturity so fixed exceed a period of ten years.

§ 160.11 *Security.* Loans shall be approved only upon the furnishing of such security or other reasonable assurance of repayment as the Secretary may require. The proposed collateral for a loan must be of such a nature that, when considered with the integrity and ability of the management, and the applicant's past and prospective earnings, repayment of the loan will be reasonably assured.

§ 160.12 *Books, records, and reports.* The Secretary shall have the right to inspect such books and records of the applicant as the Secretary may deem necessary. Disbursements on a loan made under this part shall be made only upon the agreement of the loan applicant to maintain proper books of account and to submit such periodic reports as may be required by the Secretary during the period of the loan. During such period, the books and records of the loan applicant shall be made available at all reasonable times for inspection by the Secretary.

§ 160.13 *Penalties on default.* Unless otherwise provided in the loan agreement, failure on the part of a borrower to conform to the terms of the loan agreement will be deemed grounds upon which the Secretary may cause any one or all of the following steps to be taken:

(a) Discontinue any further advances of funds contemplated by the loan agreement.

(b) Take possession of any or all collateral given as security and the property purchased with borrowed funds.

(c) Prosecute legal action against the borrower.

(d) Declare the entire amount advanced immediately due and payable.

(e) Prevent further disbursement of and withdraw any funds advanced to the borrower and remaining under his control.

These regulations shall become effective thirty days after date of publication in the FEDERAL REGISTER.

Issued at Washington, D. C., and dated August 7, 1958.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 58-6488; Filed, Aug. 12, 1958; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 940]

PEACHES GROWN IN THE COUNTY OF MESA IN THE STATE OF COLORADO

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1958-59 FISCAL YEAR

Consideration is being given to the following proposals which were submitted by the Administrative Committee, established under the marketing agreement, as amended, and Order No. 40, as amended (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $12,300.00 are likely to be incurred by said committee during the fiscal year beginning March 1, 1958, and ending February 28, 1959, both dates inclusive, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler who first handles peaches shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order, the rate of assessment at one cent ($0.01) per bushel basket of peaches, or its equivalent of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposals may do so by mailing the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 7, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6484; Filed, Aug. 12, 1958; 8:49 a. m.]

[7 CFR Part 960]

[Docket No. AO-253-A3]

HANDLING OF MILK IN AKRON-STARK COUNTY, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Canton, Ohio, on April 15-16, 1958, pursuant to notice thereof issued on March 24, 1958 (23 F. R. 2039).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 24, 1958 (23 F. R. 4740) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues of record related to:

1. Pool plant qualifications;
2. Location adjustments;
3. The price for Class I milk;
4. Classification of low fat fluid products and of inventories;
5. Diversion, allocation, and compensatory payment provisions applicable should producers fail or refuse to deliver milk to handlers;
6. Advance payments; and
7. Use of equivalent prices.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pool plant requirements.* Provision should be made for pricing and pooling receipts of milk at supply plants from which a significant portion of such receipts are delivered to distributing plants serving the marketing area.

The Akron-Stark County order now prices and pools only the farm milk supply of plants from which fluid milk of approved quality is distributed on routes in the marketing area; receipts of plants located outside the marketing area with limited distribution in the area are exempted. No provision is included to price or pool receipts of supply plants. Handlers proposed that receipts of such plants be pooled on a basis similar to that in the order for the nearby Cleveland market and, with certain exceptions, be priced at any given location at the same level as under the Cleveland order.

There is very substantial competition for procurement of milk between the Akron-Stark County and Cleveland markets. Producer milk is shipped to Cleveland plants from farms in 16 of the 17 Ohio counties from which producers supply Akron-Stark County plants. This area represents a substantial part of the area from which milk is delivered directly from producers' farms to plants bottling milk for the Cleveland market. Only part of the Cleveland supply, however, is delivered to such plants, the remainder being received at 16 supply plants. Four of these are located within the Akron-Stark County procurement area, the others are further west in Ohio, Indiana and Michigan. Prior to July 1957 when a plant with substantial receipts of direct shipped milk formerly priced under the Akron-Stark County order became a Cleveland pool plant slightly more than half of the Cleveland supply was received at supply plants; the proportion of direct shipped milk is now approximately 57 percent. The total Cleveland milk supply is now approximately three times that of the Akron-Stark County market, so that direct shipped receipts at Cleveland are approximately 1.75 times the volume of the Akron-Stark County supply.

In view of this competition for procurement and similar substantial competition for sales between Akron-Stark County handlers and Cleveland handlers, Class I prices of the two orders are in fixed alignment, and combined receipts and sales of the two markets are used in adjusting the Class I price for supply-demand relationships.

Under these circumstances, other order provisions should not serve to distort the relationship recognized in the Class I price alignment. Lack of order provisions for pooling receipts of supply plants confines the Akron-Stark County milkshed to the area from which producers can deliver their milk directly to the market. Akron-Stark County handlers cannot compete with Cleveland handlers for milk supplies from other areas which could supply either market. The supply received at distribution plants may not reflect production responses to the Class I price of the market in the same way that such responses are reflected in the Cleveland milk supply. It is concluded that should a supply plant serve the Akron-Stark County market on essentially the same basis as required for pool qualification in the Cleveland order, the farm milk supply of such plant should be priced and pooled.

Under these provisions a supply plant achieves pool status any month in which 30 percent or more of its dairy farm supply of milk is moved to distribution plants, and retains such status for such consecutive succeeding months that the volume shipped averages 30 percent. Shipments in excess of the minimum in one month may thus serve to qualify the plant in a succeeding month. Plants which deliver 10 percent or more of their supply each month of the normally short supply period of August through January, and 30 percent or more for the entire 6-month period, may continue pool status without shipments in the ensuing February-July period. Upon shipment of 10 percent each successive month of August through January, the next qualifying period for continuing status, such a previously qualified plant will continue in the pool, but must have again shipped 30 percent or more for the six-month period to retain continuing status. A provision of the Cleveland order for aggregate performance of multiple plants owned by the same handler need not be included in the Akron-Stark County order. No specific need for it was shown. In view of the date at which order amendments can now become effective, provision is made that shipments at the specified rate for the period from the effective date of such amendment through January 1958 will qualify a plant for continued status in 1959.

It was also proposed that in order for distribution plants to qualify for pool status, such plants should distribute 50 percent or more of their receipts from dairy farmers and supply plants on routes, either within or without the area. The record, however, does not show need for such a provision in this market. There is no indication that any presently regulated plants have distributed less than half their receipts on routes even though plants have heretofore been fully regulated without regard to the percentage of their farm milk supply disposed of on routes.

2. *Location adjustments.* Location adjustments to handlers and producers identical in amount with those provided under the Cleveland order should be provided with respect to milk received at pool plants located more than 40 miles from the nearest of Akron, Canton or Cleveland.

For the supply plant provisions adopted elsewhere in this decision to have any effect in expansion of the milkshed area, provision must be included for location differentials which recognize costs of transportation of milk from distant plants. It was proposed that such differentials be identical in amount with those provided in the Cleveland order at any given point, so that, in combination

with proposed equalization of the Class I price, class prices of the two orders at any given point would be identical.

The Cleveland order, however, provides location adjustments at all points 40 miles or more from the Public Square in Cleveland. Much of the Akron-Stark County marketing area is more than 40 miles distant from Cleveland. It was proposed that no location adjustment apply in the marketing area or within 10 miles of any point in the area. It is concluded that no location adjustment should apply at any plant within 40 miles of the nearest of Cleveland, Akron or Canton. Akron and Canton are the two largest population centers of the marketing area. Four Cleveland supply plants are located within 40 miles of the nearer of these cities, but more than 40 miles from Cleveland. Such plants or others similarly situated should not receive a location adjustment under the Akron-Stark County order should they qualify for pool status under that order.

Outside the 40-mile limit, application of adjustments on the basis of mileage from Cleveland and use of Cleveland rates will give appropriate adjustments under the Akron-Stark County order in the areas from which supplies are most likely to be attracted to the market. Handlers will receive credit with respect to milk classified as Class I or Class II (under the revised classification provided herein Class II milk will be that used to produce cottage cheese and will be priced at 30 cents per hundredweight above milk for other manufacturing uses). Since interhandler movements of milk may be classified under the order by agreement between the handlers involved, credit on such milk should be limited to 105 percent of the volume required for Class I or II use by the transferee plant in excess of the direct receipts at such plant. In addition where there are movements from more than one plant, location adjustment should be first assigned to the plant with lowest rates of adjustment so that producers do not pay transportation costs on unnecessary movements of milk. Such provisions recognize that movements cannot be limited to the exact volume required for Class I and Class II use, but do not provide opportunity for credit on movement intended for Class III use.

The location adjustments to producers should apply to all deliveries of milk by the producer except for the months when payments are made on the quota plan of the order, when adjustments should be deducted with respect to eligible (within quota) milk only. These are the volumes for which such producers will share in marketwide utilization of milk in the higher classes.

3. *Class I price.* The Akron-Stark County Class I price should be the same as the Cleveland Class I price.

The Akron-Stark County price for Class I milk is presently 5 cents less than that of the Cleveland order. Handlers proposed deletion of this 5 cent differential as one of a group of interdependent proposals to bring closer alignment of the two orders. Producers proposed that the annual level of the Class I price be increased 37.5 cents and that the present seasonal changes in price be eliminated.

Fixed alignment of the Akron-Stark County Class I price with that of Cleveland was based upon the extensive competition in procurement and sales between dealers regulated under the two orders. Such competition continues and has intensified. Changes in the seasonality of the Akron-Stark County price cannot be made on the basis of this record without destroying price alignment with the Cleveland market. Neither can a change in the annual level of the amount proposed by producers who recognize the necessity for maintenance of alignment by suggesting that these proposals become effective upon adoption of similar prices in Cleveland. The provisions of the orders are such that Akron-Stark County producers and handlers participate in Cleveland hearings with respect to the Class I prices to be effective under both orders. Decision with respect to seasonality and the general level of prices should not be made on the basis of a hearing at which prices for the entire area were not open for consideration. Consideration of the Class I price should therefore be restricted to the relationship of the Akron-Stark County price to the Cleveland price.

Within the past year the volume of milk priced under the Cleveland order that is distributed in the Akron-Stark County area has increased substantially. Through increased distribution in the Cleveland area, a handler with a large volume of distribution in both areas became subject to the Cleveland order. The full Cleveland price, without location adjustment, applies at this handler's plant adjoining the city of Akron. Other Cleveland handlers have substantial sales of milk in the Akron-Stark County area.

In view of the increased volume of Cleveland milk distributed in the area and the opportunity provided through supply plants for closer alignment of competition in procurement it is concluded that the 5 cent differential in Class I prices should now be eliminated and that the Akron-Stark County Class I price should be the same as the Class I price of the Cleveland order.

4. *Classification.* No change should be made in the products named as Class I utilization. Specific provision should be made for classification and accounting for inventories of fluid milk products. Three classes of milk should be established to conform to the pricing provisions which now price separately that Class II milk used to produce cottage cheese.

The Akron-Stark County order now classifies as Class I milk disposition for consumption in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk, cream and cream mixtures. It was proposed that skim milk, buttermilk, flavored milk drinks and concentrated milk be deleted from the list. The sole basis advanced for this proposal was the extent to which dry milk solids are available to the public without price regulation of the order. Such products may to some extent compete for consumer acceptance with the low fat fluid products now priced as Class I milk. Health authorities, however, require the fluid products to conform to the same standards of sanitation as fluid milk. Producers should not be expected to furnish inspected milk for such products at manufacturing milk prices. The proposal to delete them from Class I milk should be denied.

No specific classification is presently provided for inventories of fluid milk products. Testimony was offered at the hearing that specific provisions should be made for classifying such inventories in the lowest class of use, subject to a further charge if required for Class I use in the following month. Such inventories must enter into the accounting for current receipts and utilization. Uniformity of costs to handlers and simplicity of accounting are achieved if so far as possible Class I utilization each month is assigned to current receipts of producer milk. Classification of month-end inventories of fluid products at the lowest class of use with correlated allocation of opening inventories in series beginning with the lowest class provides a means of achieving this. Should the opening inventory be allocated to Class I use, provisions are included to equalize prices with that which would apply to current receipts of producer or other source milk as applicable. In order that Class I utilization may first be assigned to current receipts of producer milk, provisions for reclassification of nonfluid milk products are deleted and the other source milk definition is broadened to include any such products reprocessed or reconverted.

The order presently prices that Class II milk used to produce cottage cheese at a price 30 cents higher than other Class II milk. Location adjustments will apply to such milk, but not other Class II milk (new Class III). The application of location adjustments and allocation provisions will be clarified if a separate Class (Class II) is provided for the milk used to produce cottage cheese. Other uses now in Class II will be classified as Class III milk. This is provided as a conforming change.

5. *Diversion, allocation and compensatory payment provisions.* Certain handlers proposed that the sections of the order which (1) allocate producer milk and other source milk to the classes of use in a handler's plant, and (2) impose compensatory payments, become inoperative for any period in which producers or their cooperative fail or refuse to deliver milk to a handler in the market. These handlers also advocated that dairy farmers whose milk is withheld from the market by a cooperative association because of a demand for higher prices than those specified in the order should not retain producer status through diversion to nonpool plants for the account of the cooperative association.

When a handler has both producer milk and other source milk in his plant the order presently assigns the Class I sales for the month first to receipts from producers and other pool plants. The order requires a compensatory payment at the difference between the Class I and Class II (new Class III) prices with respect to other source milk not priced under any other order that is allocated to Class I when total producer receipts are 110 percent or more Class I sales for the market. Milk diverted from a pool plant to a nonpool plant for the account of a handler or cooperative association retains its pool status as producer milk.

The principal testimony with respect to these proposals related to circumstances prevailing in January 1958, when, as a consequence of failure of handlers and the principal cooperative association in the Akron portion of the marketing area to agree on terms of delivery, no milk of member producers of this association was received by most Akron handlers for approximately the first 20 days of the month. Handlers claim that under such circumstances the allocation and compensatory payment provisions exact monetary penalties from them.

During January a total of 7.5 million pounds of other source milk was imported by Akron-Stark County handlers, of which 6.6 million pounds (88 percent) was from federally regulated sources. Approximately 58 percent of the total other source milk (4.4 million pounds) was allocated to Class I milk, 25 percent to cottage cheese manufacture and 17 percent to other Class II uses.

It is clear from the record evidence that of the imports from federally regulated sources no more than the 4.4 million pounds allocated to Class I milk under the Akron-Stark County order could have been priced as Class I milk under the originating orders. Handlers fail to cite specific data with respect to compensatory payments on milk from unregulated sources. Official notice is hereby taken that data released monthly by the market administrator show that for January 1958 the total charge for compensatory payments was less than for either September 1957 or November 1957, but somewhat in excess of other recent months. Under the circumstances prevailing in the Akron-Stark County area in January 1958 it is evident that no substantial monetary penalties accrued to handlers through order provisions. Any extraordinary procurement costs must have resulted from transportation costs on milk classified in a lower class in the market of origin and allocated to Class II milk under this order or in handling charges with respect to imported milk.

The proposed suspension of the effectiveness of the allocation provisions of the order would leave no provision for determining the classification of producer receipts for pricing purposes. The function of the allocation provisions is to determine the quantities of milk in each class to be charged the handler for current receipts of producer milk when he has receipts of both producer milk and other source milk. No evidence was offered with respect to the basis to be used for this determination should circumstances arise under which the proposal, if adopted, would become effective. In recognition of this problem proponents attempted to offer as a modification a substitute proposal beyond the scope of the hearing notice.

The proposal that failure or refusal of producers or cooperatives to deliver milk to a handler in the market be the determinative factor as to whether order provisions are applicable would require difficult administrative decisions. Producers term the interruption of deliveries in January a lockout, handlers term it a strike. The facts supporting these diverse positions illustrate the difficulty of establishing in the order properly limited conditions under which these provisions would become inoperative. This difficulty is inherent with respect to all three proposals.

The supply plant provisions included elsewhere in this decision will provide opportunity to qualify additional volumes of producer milk from a supply plant on the basis of current-month shipment of 30 percent or more of such plant's farm milk supply. There is thus opportunity for supplies brought in during periods of interrupted deliveries of direct shipped milk to be exempt from the provisions applicable to other source milk.

The proposal to deny pool status to milk delivered for the account of a cooperative because of a demand for prices above the minimums specified in the order would have its principal effect upon distribution of returns among producers. No producer support was offered for this proposal.

There is, however, one aspect of diverted milk which it appears administratively feasible to recognize in the order. In computation of the level of market supply that determines whether compensatory payments apply, milk diverted to nonpool plants for the account of a cooperative association should be included only if the association furnishes evidence that such milk was offered to handlers at order prices. Under normal circumstances such diversion does not take place unless market supplies are in excess of the 110 percent level specified in the order. Inclusion of such milk in the computation upon a showing that it was available to handlers at order prices will prevent handlers from refusing milk as a means of avoiding compensatory payments. Such payments are designed to remove the competitive advantage there is in using other source milk supplies instead of pool milk. The provision included will prevent the use of unnecessary diversion as a means of extending the function of compensatory payments beyond their intended purpose. Other than this change it is concluded that no action should be taken on the basis of this record with respect to order modification in periods of interrupted deliveries.

6. *Advance payments.* Provision should be made to require minimum advance payment on written request of a producer or a cooperative association which collects payment for milk of its members. The minimum advance required should be the value of milk delivered during the first fifteen days of the month at the 3.5 percent Class III price of the preceding month. Such advance payments should be made on or before the last day of the month to a producer, or on or before the 27th day of the month to a cooperative association.

Monthly payments, on or before the 18th day of the month following delivery, are now required under the order. It has been the custom of handlers to advance reasonable sums to producers upon request. A cooperative association which now collects under the terms of the order payments for milk delivered by its members, also makes advances upon request of such members and has so far received from handlers upon request monies required for this purpose. This association proposed that the order require minimum advance payments if requested as insurance against the contingency that a handler might refuse to continue the present voluntary basis. No opposition was offered to the proposal provided proper safeguard were included to prevent advance payments exceeding the total payment for the month.

The provisions adopted limit the producers entitled to advance payments on request to those who have not discontinued delivery to the handler by date of payment. This, together with the rate of payment, provides ample insurance against requiring excess payments. Payments required to a cooperative association are limited to associations which collect payment for members, and to the volume of milk delivered by members specified in the request for advance. The limitation of continued delivery need not apply in this case as the total payment to be collected will in all cases exceed the required advance. It is concluded that the order should include these provisions.

7. *Use of equivalent prices.* An "equivalent prices" provision should be included in this order. Various price quotations are used in the provisions of this order, such as, the prices reported paid by the twelve midwest condenseries, the price of butter on the Chicago market and the price of nonfat dry milk in the Chicago area. These prices are an integral part of the order and are necessary for the order to function properly. Plants formerly included in the midwestern condenseries series have ceased operations. Other price quotations have become unavailable with little, if any, advance notice. Provisions have been incorporated into orders to meet emergency conditions when price quotations may not be available to the market administrator. In the event price quotations are not available, the Secretary would determine a price equivalent to the price quotation specified in the order. Some provision of this type is necessary to meet emergency conditions when the time available would not be sufficient to permit the procedure required for order amendments.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are

inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, and are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Akron-Stark County, Ohio, marketing area", and "Order amending the order regulating the handling of milk in the Akron-Stark County, Ohio, marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Akron-Stark County, Ohio, marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of June 1958 is hereby determined to be the representative period for the conduct of such referendum.

W. W. Hurwitz is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 15th day from the date this decision is issued.

Issued at Washington, D. C., this 7th day of August 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Akron-Stark County, Ohio, Marketing Area

Sec.
960.0 Findings and determinations.

DEFINITIONS

960.1 Act.
960.2 Secretary.
960.3 Marketing area.
960.4 Handler.
960.5 Pool plant.
960.6 Nonpool plant.
960.7 Producer.
960.8 Producer milk.
960.9 Other source milk.
960.10 Producer-handler.
960.11 Route.
960.12 Person.
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§ 960.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Akron-Stark County, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Akron-Stark County, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 960.1 *Act.* "Act" means Public Act No. 10 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 960.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 960.3 *Marketing area.* "Akron-Stark County, Ohio, marketing area", hereinafter referred to as the "marketing area" means all territory, including but not limited to all municipal corporations within the boundaries of: Summit County; Stark County, except Paris and Sugar Creek Townships; Franklin, Ravenna, Brimfield and Suffield Townships and Lots 5 to 10, 15 to 20, 25 to 30, and 35 to 40, inclusive, of Randolph Township in Portage County; Smith Township in Mahoning County, except Great Lot 35 thereof; Knox Township in Columbiana County; and Sections 1, 2, 3, 10, 11 and 12 of Sugar Creek Township in Wayne County; all in the State of Ohio.

§ 960.4 *Handler.* "Handler" means any person (a) in his capacity as the operator of a pool plant, (b) in his capacity as the operator of a nonpool plant where milk is processed and packaged for distribution on a route(s) in the marketing area, and (c) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from producers' farms to a plant for the account of such cooperative association.

§ 960.5 *Pool plant.* "Pool plant" means (a) any plant at which milk is packaged and distributed as Class I milk on a route in the marketing area except:

(1) A plant specified in § 960.80 (a), (b) or (c); and

(2) A plant operated by a producer-handler.

(b) Any plant having the approval of the appropriate health authority of the marketing area:

(1) During the month in which it delivers to pool plant(s) described in paragraph (a) of this section an amount equal to 30 percent of its dairy farm supply of milk and, unless written notice to the contrary is received by the market administrator before the first day of the month, for such consecutive succeeding months as the 30 percent average is maintained.

(2) Following a period of August through January (the period from the effective date of this subparagraph through January 1959 shall be used instead of August 1958 through January 1959 for all requirements of this subparagraph) during which such plant has delivered to pool plant(s) described in paragraph (a) of this section, 10 percent or more of its total dairy farm supply during each month and 30 percent or more of such supply during the entire August–January period, unless written notice of intention to withdraw is received by the market administrator on or before the first day of the month, in which case such plant shall be a nonpool plant until it again qualifies pursuant to subparagraph (1) of this paragraph:

(i) During the months of February through July, regardless of shipments; and

(ii) During each successive month of August through January for which it delivers 10 percent or more of its total dairy farm supply to pool plant(s) described in paragraph (a) of this section.

§ 960.6 *Nonpool plant.* "Nonpool plant" means a plant other than a plant operated by a producer-handler, during such months as it is not a pool plant.

§ 960.7 *Producer.* "Producer" means any person other than a producer-handler who produces milk which has approval of the health authorities of any community in the marketing area for consumption as fluid milk in such community and is received at a pool plant. This definition shall include any such person who is regularly designated as a producer but whose milk is caused to be diverted to a plant, other than a pool plant, by a handler for his account. Milk so diverted shall be deemed to have been received at the pool plant from which diverted by a handler or at an identical location if diverted by a cooperative association.

§ 960.8 *Producer milk.* "Producer milk" means skim milk and butterfat contained in milk received from producers.

§ 960.9 *Other source milk.* "Other source milk" means all skim milk or butterfat contained in or represented by (a) receipts during the month of products named in § 960.41 (a) except (1) producer milk, and (2) receipts from other pool plants; and (b) other milk products from any source, including those produced at the plant, which are reprocessed, repackaged or converted to another product in the plant during the month.

§ 960.10 *Producer-handler.* "Producer-handler" means any person who (a) produces milk; (b) receives no milk from producers or from other sources; and (c) operates a plant from which a route(s) is operated wholly or partially within the marketing area.

§ 960.11 *Route.* "Route" means a sale or delivery (including a sale from a plant or store) of Class I milk to a wholesale or retail stop(s).

§ 960.12 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 960.13 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture.

§ 960.14 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association: (a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

§ 960.15 *Eligible milk.* "Eligible milk" means the amount of milk received by a handler from a producer during each of the months specified in § 960.63 which is not in excess of such producer's daily average quota computed pursuant to § 960.56 multiplied by the number of days in such month on which such producer delivered milk to such handler: *Provided,* That with respect to any producer on "every-other-day" delivery to a pool plant, the days of nondelivery shall be considered as days of delivery for purposes of this section and of § 960.56.

§ 960.16 *Ineligible milk.* "Ineligible milk" means the amount of milk received by a handler from a producer during each of the months specified in § 960.63 which is in excess of eligible milk received from such producer during such month, and shall include all milk received from a producer for whom no daily average quota can be computed pursuant to § 960.56.

MARKET ADMINISTRATOR

§ 960.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 960.21 *Powers.* The market administrator shall have the power to:

(a) Administer all of the terms and provisions of this subpart;

(b) Make rules and regulations to effectuate the terms and provisions of this subpart;

(c) Receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) Recommend to the Secretary amendments of this subpart.

§ 960.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 960.74, (1) the costs of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses (except those incurred under § 960.75) necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart and upon request by the Secretary surrender the same to his successor or to such other person as the Secretary may designate;

(f) Publicly announce unless otherwise directed by the Secretary by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who, within 8 days after the day upon which he is required to perform such acts, has not made reports pursuant to § 960.30 or § 960.31 or payments pursuant to § 960.70, § 960.72, § 960.74, § 960.75 or § 960.76;

(g) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(h) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate;

(1) On or before the 5th day of each month the minimum class prices for the preceding month for milk of 3.5 percent butterfat content, as computed pursuant to §§ 960.50, 960.51 and 960.52, and the butterfat differentials, computed pursuant to § 960.53.

(2) On or before the 13th day of each month the uniform price(s) for the preceding month, computed pursuant to § 960.61, or §§ 960.62 and 960.63 as applicable, and the butterfat differential for the preceding month computed pursuant to § 960.64.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such information concerning the operation of this subpart as does not reveal confidential information.

(k) On or before the 13th day of each month, report to each cooperative association that so requests the class utilization of milk received during the preceding month by each handler from producers who are members of such association, prorating to such receipts the class utilization of all producers receipts of such handler.

(l) Provide notice, for each producer for whom a daily average quota is computed pursuant to § 960.56, on or before the first day of the month first stated in § 960.63 to: (1) Such producers, (2) cooperative associations for such producers who are its members, and (3) handlers for such producers from whom they received milk.

REPORTS, RECORDS AND FACILITIES

§ 960.30 *Monthly reports of receipts and utilization.* On or before the 8th day of each month, each handler who operates a pool plant(s), and any cooperative association with respect to milk for which it is a handler pursuant to § 960.4 (c), shall, with respect to milk or milk products which were received at a pool plant by such handler during the preceding month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The quantities of butterfat and skim milk contained in milk received from producers, and, for the months specified in § 960.63 the aggregate quantities of eligible milk;

(b) The quantities of butterfat and skim milk contained in or used to produce receipts of milk products specified in § 960.41 (a) from other pool plants;

(c) The quantities of butterfat and skim milk contained in or used to produce receipts of other source milk;

(d) The utilization of all butterfat and skim milk the receipt of which is required to be reported pursuant to this section;

(e) The pounds of butterfat and skim milk contained in all milk, skim milk, and cream and other Class I products on hand at the beginning and at the end of the month;

(f) Such other information with respect to the use of milk as the market administrator may request.

§ 960.31 *Other reports.* Other reports shall be submitted to the market administrator as follows:

(a) Each producer-handler, and each handler who does not operate a pool plant, shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who operated a pool plant(s) at which producer milk was received in the preceding month shall submit such handler's producer payroll for the preceding month which shall show (1) the total pounds and the butterfat content of milk received from each producer, and for the months specified in § 960.63, the pounds of eligible milk and of ineligible milk received from each producer, (2) the amount and date of payment to each producer or cooperative association pursuant to § 960.70, (3) the nature and amount of each deduction or charge made by the handler, and (4) the number of days, if less than the entire month, for which milk was received from such producers.

§ 960.32 *Records and facilities.* Each handler and producer-handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of any of his operations and such facilities as in the opinion of the market administrator are necessary to verify or to establish the correct data with respect to: (a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) all payments required to be made by such handler pursuant to §§ 960.70, 960.72, 960.74, 960.75, and 960.76.

§ 960.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler or producer-handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three-year period the market administrator notifies the handler or producer-handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler or producer-handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler or producer-handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 960.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received by a handler which is required to be reported pursuant to § 960.30 shall be classified pursuant to §§ 960.41 to 960.44.

§ 960.41 *Classes of utilization.* Subject to the conditions set forth in §§ 960.43 and 960.44, the classes of utilization shall be:

(a) Class I utilization shall be all skim milk (including the skim milk equivalent of concentrated products) and butterfat (1) disposed of for consumption in fluid form as milk, skim

milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk not in hermetically sealed cans, and cream, including sour cream or any mixture of cream and milk or skim milk, or (2) not accounted for as Class II or Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat used to produce cottage cheese.

(c) Class III utilization shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) or (b) of this section; (2) disposed of for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; (3) in cream frozen; (4) in shrinkage of producer milk up to 2 percent of receipts from producers; (5) in shrinkage of other source milk; and (6) in inventories of products specified in paragraph (a) (1) of this section on hand at the end of the month.

§ 960.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred or diverted by a handler from his pool plant to another pool plant without first having been received for purposes of weighing in the transferring or diverting handler's pool plant shall be included in the receipts at the pool plant to which such milk was transferred or diverted for the purpose of computing shrinkage and shall be excluded from the receipts at the transferring or diverting handler's pool plant for such purpose.

§ 960.43 *Responsibility of handlers.* All skim milk and butterfat contained in producer milk and in other source milk received by a handler shall be classified as Class I utilization unless the handler proves to the market administrator that such skim milk and butterfat or a portion thereof should be classified otherwise.

§ 960.44 *Transfers.* (a) Skim milk and butterfat disposed of from a pool plant to the pool plant of another handler in the form of milk, skim milk or cream shall be Class I utilization unless utilization in another class is indicated by the operators of both plants in their reports submitted pursuant to § 960.30: *Provided*, That in no event shall the amount so classified in such class be greater than the amount of producer milk used in such class in the pool plant(s) of the transferee handler after allocating other source milk in such plant(s) in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk, skim milk or cream from a pool plant to a handler described in § 960.80 or to a nonpool plant shall be Class I utilization unless all of the following conditions are met:

(1) Utilization in another class is indicated by the operator of the pool plant in his report submitted pursuant to § 960.30.

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for the verification of the utilization claimed.

(3) If the above conditions are met, the market administrator shall classify all skim milk and butterfat received at the nonpool plant and the skim milk and butterfat so transferred shall be allocated in series beginning with any skim milk and butterfat, respectively, remaining in Class I utilization after allocating skim milk and butterfat in milk received from dairy farmers whom the market administrator determines constitute the regular source of milk for Class I uses at such plant, in series beginning with Class I utilization.

(c) Skim milk and butterfat transferred in the form of milk, skim milk, or cream to a producer-handler shall be classified as Class I utilization.

§ 960.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler pursuant to § 960.30 and shall compute separately the pounds of skim milk and butterfat in each class.

§ 960.46 *Allocation of butterfat.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class III utilization the pounds of butterfat shrinkage allowed pursuant to § 960.41 (c) (4);

(b) Subtract from the total pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk other than that received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received in a form other than that specified in paragraph (d) of this section from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(d) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat contained in milk or milk products received in packaged form which were classified and priced under another Federal order and disposed of in the same form as received;

(e) Subtract from the pounds of butterfat remaining in Class III milk, Class II milk and Class I milk, in series beginning with Class III, the pounds of butterfat contained in inventory of products specified in § 960.41 (a) (1) on hand at the beginning of the month;

(f) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers in such classes pursuant to § 960.44 (a); and

(g) Add to the remaining pounds of butterfat in Class III utilization the pounds subtracted pursuant to paragraph (a) of this section.

(h) If the remaining pounds of butterfat in both classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 960.47 *Allocation of skim milk.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 960.46.

MINIMUM PRICES

§ 960.50 *Class I milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. a pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month, which is classified as Class I milk shall be the Class I price as determined pursuant to § 975.61 of this chapter.

§ 960.51 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. a pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month which is classified as Class II milk shall be the higher of the prices computed by the market administrator pursuant to § 960.52 (a) or (b) plus 20 cents.

§ 960.52 *Class III milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. a pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month which is classified as Class III milk shall be the higher of the prices computed by the market administrator pursuant to paragraph (a) or (b) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department of Agriculture by the companies indicated below:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A 92-score) bulk cream-

ery butter per pound at Chicago as reported by the Department of Agriculture during the month, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5.

(2) From the simple average, as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the month for which prices are being computed by the Department of Agriculture, deduct 5.5 cents, and multiply by 8.2.

§ 960.53 *Handler butterfat differentials.* If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to §§ 960.50, 960.51 and 960.52 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, multiplied by the following factors:

(a) *Class I milk.* Multiply by 1.3, and divide the result by 10.

(b) *Class II and Class III milk.* Multiply by 1.15, and divide the result by 10.

§ 960.54 *Location adjustment to handlers.* In computing the value of such quantities of milk as are received at a pool plant located 40 miles or more, by the shortest highway distance from the nearest of the Public Square in Cleveland, Ohio, the City Hall in Akron, Ohio, or the City Hall in Canton, Ohio, as determined by the market administrator, and classified as Class I or Class II milk, there shall be deducted:

(a) 13 cents per hundredweight, if such distance from the Public Square in Cleveland, Ohio, is more than 40 miles but not more than 60 miles; and

(b) 20 cents per hundredweight, if such distance from the Public Square in Cleveland, Ohio, is more than 60 miles but not more than 74 miles, and 2 cents per hundredweight additional for each 14 miles or fraction thereof in excess of 74 miles.

(c) For the purpose of determining the respective quantities of Class I and Class II milk subject to the location adjustment, transfers between pool plants shall be assigned to Class I and Class II milk in a volume not in excess of that by which 105 percent of Class I and Class II milk at the transferee plant exceeds receipts of producer milk at such plant, such assignment to transferor pool plants to be made in such sequence as will result in computation of the least total location adjustment.

§ 960.55 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

DETERMINATION OF ELIGIBLE MILK QUOTA

§ 960.56 *Determination of eligible milk quota for each producer.* Subject to the rules set forth in § 960.57 the market administrator shall determine quotas for producers as follows: During each of the months specified in § 960.63 the daily quota of each producer whose milk was received by a handler(s) on not less than thirty (30) days during the immediately preceding months of October through December, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in the 3-month period by the number of days from the date of the first delivery to the end of such 3-month period.

§ 960.57 *Quota rules.* (a) Except as provided in paragraph (b) of this section, an eligible milk quota shall apply to deliveries of milk by the producer for whose account that milk was delivered to a handler(s) during the quota forming period.

(b) A daily quota may be transferred during the period of April through June by notifying the market administrator in writing before the first day of any delivery period that such quota is to be transferred to the person named in such notice, but under the following conditions only:

(1) In the event of the death of a producer, the entire daily quota may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a quota is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders, the entire daily quota may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy farm operations.

DETERMINATION OF UNIFORM PRICE

§ 960.60 *Value of producer milk for each handler.* The value of producer milk received during the month by each handler who operates a pool plant(s), and by any cooperative association with respect to milk for which it is a handler pursuant to § 960.4 (c), shall be a sum of money computed by the market administrator as follows:

(a) Multiply by the applicable class prices, adjusted pursuant to §§ 960.53 and 960.54, the total combined hundredweight of skim milk and butterfat received from producers and allocated to each class pursuant to §§ 960.46 and 960.47;

(b) Add an amount computed by multiplying any excess utilization classified pursuant to § 960.46 (h) and the corresponding step of § 960.47 by the applicable class prices; and

(c) Add any amount obtained through multiplying by the difference between the Class III price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 960.46 (e) and the corresponding step of § 960.47, or

(2) The hundredweight of producer milk classified as Class III utilization (except as shrinkage) for the preceding month.

§ 960.61 *Computation of uniform price.* For each month (except those specified in § 960.63) the market administrator shall compute a uniform price per hundredweight of milk containing 3.5 percent of butterfat to be paid to producers delivering milk to pool plants at which no location adjustments are applicable as follows:

(a) Combine into one total the value of producer milk for each handler as computed pursuant to § 960.60 for all handlers who reported pursuant to § 960.30 for such month, except those in default in payments required pursuant to § 960.72 for the preceding month;

(b) Add the total amount of all payments made pursuant to § 960.72 (b);

(c) Add any amounts paid into the producer-settlement fund and subtract any amounts paid out of the producer-settlement fund pursuant to § 960.76;

(d) Add an amount representing not less than one-half of the unobligated balance in the producer-settlement fund exclusive of the amounts added or subtracted pursuant to paragraphs (b) and (c) of this section;

(e) Subtract, if the weighted average butterfat test of all producer milk represented by the amounts included under paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 960.64 multiplied by 10;

(f) Add the aggregate value of all allowable producer location adjustments pursuant to § 960.65;

(g) Divide the resulting amount by the total hundredweight of producer milk received by all handlers during the month for which uniform prices are being computed;

(h) Subtract not less than 4 cents nor more than 5 cents, and the result shall be the uniform price to be paid per hundredweight of milk containing 3.5 percent of butterfat to producers who delivered milk during the month for which uniform prices are being computed.

§ 960.62 *Computation of ineligible milk price.* For the months specified in § 960.63, the market administrator shall compute the uniform price per hundredweight for ineligible milk of 3.5 percent butterfat content by:

(a) Multiplying the hundredweight of such milk not in excess of the total quantity of Class II and Class III milk by the price for Class III milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II and Class III milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts; and

(b) Dividing the total value of ineligible milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjusting to the nearest cent.

§ 960.63 *Computation of eligible milk price.* For each of the months of April through June the market administrator shall compute the uniform price per hundredweight for eligible milk of 3.5 percent butterfat content received from producers at a pool plant by:

(a) Subtracting the value of ineligible milk obtained in § 960.62 (a) from the aggregate value of milk computed pursuant to § 960.61 (a) to (f) and adjusting by an amount involved in adjusting the uniform price of ineligible milk to the nearest cent;

(b) Dividing the amount obtained in paragraph (a) of this section by the total hundredweight of eligible milk included in these computations; and

(c) Subtracting not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (b) of this section.

§ 960.64 *Producer butterfat differential.* In making payments pursuant to § 960.70, the uniform prices shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 960.53, weighted by the pounds of butterfat in producer milk in each class and rounded to the nearest tenth of a cent.

§ 960.65 *Location adjustments to producers.* In making payments pursuant to paragraphs (a) and (b) of § 960.70, a handler may deduct with respect to eligible milk received from producers during the months specified in § 960.63 and with respect to all milk received from producers during the other months, at a pool plant located 40 miles or more, by the shortest highway distance from the nearest of the Public Square in Cleveland, Ohio, the City Hall in Akron, Ohio, or the City Hall in Canton, Ohio, as determined by the market administrator:

(a) More than 40 miles but not more than 60 miles from the Public Square in Cleveland, Ohio, an amount not to exceed 13 cents per hundredweight; and

(b) More than 60 miles but not more than 74 miles from the Public Square in Cleveland, Ohio, an amount not to exceed 20 cents per hundredweight, and 2 cents per hundredweight additional for each additional 14 miles or fraction thereof.

§ 960.66 *Notification.* On or before the 13th day of each month the market administrator shall notify each handler who submitted a report for the preceding month pursuant to § 960.30 of:

(a) The classification pursuant to §§ 960.46 and 960.47 of skim milk and butterfat contained in producer milk received by such handler during the preceding month and the value of such milk computed pursuant to § 960.60;

(b) The uniform prices for the month computed pursuant to § 960.61 or §§ 960.62 and 960.63, as applicable; and

(c) The amount due such handler pursuant to § 960.73 and the amount to be paid by such handler pursuant to §§ 960.72, 960.74 and 960.75.

PAYMENTS

§ 960.70 *Time and method of payment.* (a) Except as provided by paragraph (b) of this section, on or before the 18th day of each month, each handler (except a cooperative association) shall pay each producer for milk received from him during the preceding month, not less than an amount of money computed by multiplying the total pounds of such milk by the applicable uniform price(s) pursuant to § 960.61 or §§ 960.62 and 960.63 adjusted by the butterfat and location differentials pursuant to §§ 960.64 and 960.65, and less any proper deductions authorized by the producer, including advance payments made pursuant to paragraph (c) of this section: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 960.73 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the 16th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association written information which shows for each such member-producer (i) the total pounds of milk received from him during the preceding month, (ii) the total pounds of butterfat contained in such milk, (iii) the number of days on which milk was received, and (iv) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination.

(c) Upon written request filed with him on or before the 15th day of the month by a producer, or by a cooperative association which collects payments pursuant to paragraph (b) of this section, each handler shall make advance payment as follows:

(1) On or before the last day of the month, to each such producer who has not discontinued delivery of milk to such handler, an amount not less than the value of milk received from such producer during the first 15 days of such month computed at the Class III price for 3.5 percent milk for the preceding month, without deduction for hauling;

(2) On or before the 27th day of the month, to the cooperative association, with respect to milk received during the first 15 days of the month from certified members specified in the request for advance payment, an amount not less than the aggregate value of such milk at the Class III price for 3.5 percent milk for the preceding month, without deduction for hauling.

§ 960.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made pursuant to §§ 960.72 and 960.76 and out of which he shall make all payments pursuant to §§ 960.73 and 960.76.

§ 960.72 *Payments to the producer-settlement fund.* On or before the 14th day of each month handlers shall make payments to the market administrator as follows:

(a) If the value of producer milk received by a handler in the preceding month as computed pursuant to § 960.60 exceeds the amount which such handler is required to pay all producers pursuant to § 960.70 such handler shall pay the difference between the two amounts.

(b) If during the preceding month total receipts of producer milk (exclusive of milk diverted from the pool plant of another handler to a nonpool plant for the account of a cooperative association unless written evidence is furnished the market administrator that such milk was offered for delivery to a pool plant at class prices of the order) was 110 percent or more of the total Class I milk at pool plants, an amount equal to the difference between the values (at test and location) at the Class I price and Class III price with respect to:

(1) Other source milk subtracted from Class I pursuant to § 960.46 (b) and the corresponding step of § 960.47; and

(2) Milk in inventory subtracted from Class I pursuant to § 960.46 (e) and the corresponding step of § 960.47 which is in excess of the sum of:

(i) The quantity for which a payment is computed pursuant to § 960.60 (c), and

(ii) The quantity subtracted from Class III pursuant to § 960.46 (e) and the corresponding step of § 960.47 in the month preceding.

§ 960.73 *Payments out of the producer-settlement fund.* On or before the 16th day of each month, the market administrator shall pay to each handler any amount by which the sum required to be paid by such handler for the preceding month pursuant to § 960.70 is greater than the total value of the milk of such handler computed pursuant to § 960.60 for such preceding month less any unpaid obligations of the handler to the market administrator pursuant to §§ 960.72, 960.74, 960.75 (a), and 960.76 (a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make payments to all handlers pursuant to this section, the market administrator shall reduce such payments by a uniform amount per hundredweight of milk and shall complete such payments as soon as the necessary funds become available.

§ 960.74 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 960.22 (d), each handler shall pay the market administrator on or before the 16th day of each month 3 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to (a) all receipts within the preceding month of producer milk (including such handler's own production), and (b) all other source milk allocated to Class I pursuant to § 960.46 (b) and the corresponding step of § 960.47.

§ 960.75 *Marketing services.* In making payments to producers or cooperative associations pursuant to § 960.70 a handler shall make deductions and dispose of amounts so deducted as follows:

(a) Except as set forth in paragraph (b) of this section a handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to all producer milk for which payment is being made pursuant to § 960.70 and shall pay the total amount of such deductions to the market administrator on or before the 16th day after the end of the month in which such producer milk was received. Such amount shall be expended by the market administrator to verify weights and tests of milk of producers and to provide producers with market information, such service to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) Each association of producers which is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler for the amount of any loss sustained by him because of any improper claim on the part of the association, and a certification that the association has an unterminated membership contract with each producer, which contract authorizes the claimed deduction. In making payments to producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted within 16 days after the end of the month.

§ 960.76 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors resulting in monies due (a) the market administrator from such handler or such handler from the market administrator or (b) any producer or cooperative association from such handler pursuant to § 960.70 the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice. In computing amounts due pursuant to this section the class prices, the appropriate uniform price, the butterfat differential, the rate of administrative assessment pursuant to § 960.74, and the rate of marketing service deduction pursuant to § 960.75 which were applicable in the month for which the original calculation of amounts due were made shall be used.

§ 960.77 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notified the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which milk involved in the claim was received if any underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within that applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 960.80 *Handler exemption.* A handler operating any plant specified below shall be exempted with respect to the milk received of such plant during the month from all provisions of this subpart except §§ 960.31, 960.32 and 960.33:

(a) A plant located outside the marketing area from which an average of less than 300 points (one point being defined as one-half pint of cream or one quart of any other Class I product) of Class I milk per day is disposed of during the month on a route(s) operated wholly or partly within the marketing area;

(b) A plant at which the Secretary finds is subject during the month to another Federal order; or

(c) A plant at which no milk approved by the health authorities of any community of the marketing area for consumption as fluid milk is received from dairy farmers and from which disposition of Class I milk in the marketing area is permitted only in portions of the marketing area for which no health authority exercises jurisdiction with respect to approval of milk for fluid consumption.

§ 960.81 *Producer-handler.* A producer-handler shall be exempt from all provisions of this subpart except that he shall make reports to the market administrator at such time and in such manner as the market administrator may request.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 960.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated. The provisions of this section shall apply to any obligation under this subpart for the payment of money.

§ 960.91 *Suspension or termination.* Whenever the Secretary finds the subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this order or any such provision of this subpart.

§ 960.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 960.93 *Liquidation.* Upon the suspension of the provisions of the subpart, except this section, the market administrator, or such other liquidation agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instrument necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidation agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 960.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 960.101 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 58-6483; Filed, Aug. 12, 1958; 8:49 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

DICYCLOMINE HYDROCHLORIDE PREPARATIONS; LABELING REQUIREMENTS

The second paragraph of F. R. Doc. 58-5629, published on July 23, 1958 (23 F. R. 5582) is corrected to read as follows:

Pursuant to § 130.101 (b) (21 CFR, 1957 Supp.) a petition has been submitted to delete the above-referenced warning from the regulation. Evidence now available through investigation and marketing experience shows that the warning proposed to be deleted is no longer necessary for the protection of the public health.

Dated: August 6, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-6494; Filed, Aug. 12, 1958; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Nos. Idaho 09452, 09474]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 5, 1958.

In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 as amended, the following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

Parcel No. 1—T. 3 S., R. 20 E.,
Sec. 1, N½SE¼, SW¼SE¼;
Sec. 12, NW¼NE¼.
Parcel No. 2—T. 3 S., R. 21 E.,
Sec. 7, Lots 4, 5, 6, NE¼SW¼.
Parcel No. 3—T. 4 N., R. 26 E.,
Sec. 6, SE¼SW¼.
Parcel No. 4—T. 12 S., R. 28 E.,
Sec. 7, NE¼.

Within the above-described areas are 539.61 acres of public lands.

Parcels No. 1 and No. 2 above are located about 25 miles northeast of Shoshone in Lincoln County, Idaho. Parcel No. 3 is located near Arco in Butte County, Idaho. Parcel No. 4 is located 8 miles northeast of Malta in Cassia County, Idaho.

All of the land described above is typical of dry grazing land in the Snake River plains of southern Idaho. The elevations vary from 4,300 feet to 5,400 feet. The topography is rolling, and the soil is alluvial clay and silt loam, commingled with gravel. The present use is for the grazing of livestock.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 2 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on September 10, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 10, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on December 10, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m. on December 10, 1958.

Persons claiming veteran's preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. De-

tailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

DONALD I. BAILEY,
Acting State Supervisor.

[F. R. Doc. 58-6467; Filed, Aug 12, 1958; 8:45 a. m.]

[LA-0159515]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 5, 1958.

Department of Defense, Corps of Engineers, U. S. Army, has filed an application, Serial No. LA-0159515, for the withdrawal of the lands described below, from all forms of appropriation under the Public Land Laws, including the mining and mineral leasing laws, subject to valid existing rights. The applicant desires the land for the exclusive use of the California National Guard as a training site for national defense purposes.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 215 West Seventh Street, Los Angeles 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 5 S., R. 8 E.,
Sec. 6.

The area includes 640 acres three miles north of Indio in Riverside County.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles.

[F. R. Doc. 58-6468; Filed, Aug. 12, 1958; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 5, 1958.

Bureau of Sport Fisheries and Wildlife has filed an application, Serial No. Idaho 09356, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws. The applicant desires the land for addition to the Boise River Deer and Elk winter range.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN

T. 2 N., R. 4 E.,
Sec. 4: Lots 1, 2, S½NE¼.
T. 3 N., R. 4 E.,
Sec. 20: NW¼NE¼;
Sec. 32: SE¼SE¼;
Sec. 33: SW¼NW¼, S½SE¼.

The area described aggregates 370.05 acres. The NW¼NE¼ Section 20; T. 3 N., R. 4 E., is presently under First Form Reclamation Withdrawal. The lands are near Lucky Peak Reservoir in Ada County, Idaho.

DONALD I. BAILEY,
Acting State Supervisor.

[F. R. Doc. 58-6469; Filed, Aug. 12, 1958; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

CONTINENTAL FAST FREIGHT CO. ET AL.

NOTICE TO SHOW CAUSE WHY CERTAIN FREIGHT FORWARDER REGISTRATIONS SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., the 4th day of August, 1958, the Board entered the following order:

Whereas, the following persons, firms, and corporations are registered as ocean freight forwarders pursuant to General Order 72 (46 CFR Part 244):

Name and address	Reg. No.	Date issued
Continental East Freight Co., 611 Queen and Crescent Bldg., New Orleans, La	1483	4-18-52
Giles Shipping Company (John F. Giles, dba), 30 Rockefeller Plaza, Rm. 3431, New York, N. Y	2034	8-17-56
Diane Morrow, 65-210 Alderton St., Rego Park 74, Queens, New York, N. Y	2002	4-4-56
Transatlantic Shipping Co., Inc., 50 Broad St., New York, N. Y	1148	10-18-50
George Woo Associates, Inc., 444 East 52nd St., New York, N. Y	1963	12-14-55
Frank S. Gonzales, P. O. Box 750, Pensacola, Fla	2037	8-20-56
Adolph J. Radusta, Jr., 633 Bayello Ave., Coral Gables, Fla	2046	9-12-56
Rebecca Shipping Co. (Manual Olivero, dba) 914 Florida National Bank Bldg., Pensacola, Fla	1955	12-5-55
Valley Foreign Trade Co. (Robert J. Peot, dba), P. O. Box 911, 604 Northern Bldg., Green Bay, Wis	2013	5-5-56

Whereas, the Regulation Office of the Federal Maritime Board has, by registered letters, requested the above-named registrants to furnish certain information in connection with their forwarding operations pursuant to § 244.3 of General Order 72; and

Whereas, the first five registrants named above have failed to respond to the aforesaid requests for information; and

Whereas, registered letters sent to the other four registrants have been returned by the post office as undeliverable, and the Board is unable to exercise regulatory authority over such registrants because their present whereabouts is unknown; now, therefore,

It is ordered, That the above-named registrants show cause, in writing or at a public hearing to be hereafter set if requested by registrant, within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER, why their registrations should not be cancelled for the reasons above stated, and

It is further ordered, That failure of any registrant named above to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration without further action by the Board; and the Secretary shall notify the registrant by letter to be sent by registered mail to the last known address of the registrant; and

It is further ordered, That a copy of this order be sent by registered mail to each of the above-named registrants at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: August 8, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-6500; Filed, Aug. 12, 1958; 8:53 a. m.]

Office of the Secretary

JOHN G. KAIN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. John G. Kain.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: July 25, 1958.

4. Title of position: Assistant Director, Containers and Packaging.

5. Name of private employer: Star Box and Printing Company, Chattanooga, Tennessee.

CARLTON HAYWARD,
Director of Personnel.

MAY 8, 1958.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Signal Knitting Mills.
Dena Mills.
Kain Murphey Corp.
Dri Set, Inc.
Paper Specialty Corp.
Frio Peanut Co.
John G. Kain Co.
Mead Corp.
Holiday Inn, Inc.
First Trust Co.
Jones & Kain Co.
Jay Kay Ranch.
Valley Fiber Box Co.
Lone Star Cone Co.
Coca Cola Co. (of Del.).
Star Box & Printing Co.
Bank Deposits.

JOHN G. KAIN.

JULY 29, 1958.

[F. R. Doc. 58-6476; Filed, Aug. 12, 1958; 8:48 a. m.]

MORRIS E. NEELEY, JR.

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 11, 1958, 23 F. R. 881.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 30, 1958.

MORRIS E. NEELEY, JR.

JULY 30, 1958.

[F. R. Doc. 58-6477; Filed, Aug. 12, 1958; 8:48 a. m.]

ARTHUR W. WINSTON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 7, 1957, 22 F. R. 772; August 14, 1957, 22 F. R. 6530; February 13, 1958, 23 F. R. 963.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 29, 1958.

ARTHUR W. WINSTON.

JULY 29, 1958.

[F. R. Doc. 58-6478; Filed, Aug. 12, 1958; 8:48 a. m.]

FRANK R. BAILEY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, 20 F. R. 8937; March 15, 1956, 21 F. R. 1665; August 15, 1956, 21 F. R. 6098; February 7, 1957, 22 F. R. 772; August 14, 1957, 22 F. R. 6529-30; February 11, 1958, 23 F. R. 881.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 1, 1958.

FRANK R. BAILEY.

AUGUST 1, 1958.

[F. R. Doc. 58-6479; Filed, Aug. 12, 1958; 8:48 a. m.]

LOUIS A. SCHLUETER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, 20 F. R. 8941; March 20, 1956, 21 F. R. 1736; August 15, 1956, 21 F. R. 6098; February 14, 1957, 22 F. R. 937; August 14, 1957, 22 F. R. 6530; February 26, 1958, 23 F. R. 1200.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 1, 1958.

LOUIS A. SCHLUETER.

AUGUST 1, 1958.

[F. R. Doc. 58-6480; Filed, Aug. 12, 1958; 8:48 a. m.]

ROBERT JOSEPH WILLIAMS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 19, 1958, 23 F. R. 1099-1100.

A. Deletions: None.
B. Additions: One Williams Street Fund.

This statement is made as of July 30, 1958.

ROBERT JOSEPH WILLIAMS.

JULY 30, 1958.

[F. R. Doc. 58-6481; Filed, Aug. 12, 1958; 8:48 a. m.]

POST OFFICE DEPARTMENT

[Orders 162, 163]

DENVER, COLORADO, POST OFFICE ANNEX

SPACE PROCUREMENT

Following are the texts of orders of the Assistant Postmaster General, Bureau of Facilities dated July 28, 1958:

1. In connection with the procurement of space for the United States Post Office Annex, Denver, Colorado, pursuant to the Post Office Department Property Act of 1954, Pub. Law 519, 68 Stat. 521, the Director of the Division of Real Estate is hereby authorized as Contract Administrator to administer the building phase of said postal facility on behalf of the Post Office Department.

2. In connection with the procurement of space for the United States Post Office Annex, Denver, Colorado, pursuant to the Post Office Department Property Act of 1954, Pub. Law 519, 68 Stat. 521, Floyd L. Schooley, Regional Engineer, Denver, Colorado, is hereby designated a representative of the Contract Administrator to superintend the building phase of said postal facility on behalf of the Post Office Department.

(R. S. 161, as amended; sec 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58-6473; Filed, Aug. 12, 1958; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-14190]

SKELLY OIL CO.

ORDER ACCEPTING SUPERSEDING RATE SCHEDULE AND SUPPLEMENT, PROVIDING FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 7, 1958.

On December 16, 1957, Skelly Oil Company (Skelly) filed a proposed favored-nation rate increase for sales of natural gas in the Sholem Alechem Field, Carter County, Oklahoma, to Lone Star Gas Company (Lone Star), which was designated as Supplement No. 1 to Skelly's FPC Gas Rate Schedule No. 54. By order issued January 14, 1958, in this proceeding, the Commission ordered that a public hearing be held concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Skelly's FPC Gas Rate Schedule No. 54, and suspended and deferred the use of said supplement until June 16, 1958, and until such further time thereafter as it might be made effective in the manner prescribed by the Natural Gas Act. No motion to place the suspended rate in effect subject to refund as provided by section 4 (e) of the Act has been filed by Skelly.

On July 10, 1958, Skelly tendered for filing a periodic rate increase of 1.0 cent from 10.0 cents to 11.0 cents per Mcf, amounting to $265 yearly, for gas sold to Lone Star from the aforementioned gas field, which has been designated as Supplement No. 1 to Skelly's FPC Gas Rate Schedule No. 128, and which Skelly proposes to substitute for the above-

mentioned favored-nation rate increase to the same price for the same gas under Supplement No. 1 to its FPC Gas Rate Schedule No. 54 suspended in this proceeding until June 16, 1958. Concurrently, Skelly submitted the basic contract for this increase as a June 7, 1954, rate schedule in substitution for the basic rate schedule previously filed. Skelly explains that it was not realized that the present contract superseded the contract now on file.

In support of the proposed periodic rate increase, Skelly states that the price is equal to and not greater than the price for intrastate sales in the area and is the same price as applicable to other interstate commerce sales to Lone Star under similar contracts for a like period in the area. Skelly also states that the increased price is consonant with the increased costs of doing business and is just and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown that Skelly's contract dated January 1, 1953, designated as Skelly's FPC Gas Rate Schedule No. 128, be accepted for filing and permitted to supersede Skelly's FPC Gas Rate Schedule No. 54, and that Supplement No. 1 to Skelly's FPC Gas Rate Schedule No. 128 be accepted for filing and permitted to supersede the suspended Supplement No. 1 to Skelly's FPC Gas Rate Schedule No. 54 in this proceeding.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Skelly's FPC Gas Rate Schedule No. 128 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Skelly's FPC Gas Rate Schedule No. 128, and Supplement No. 1 thereto, are each hereby accepted for filing and allowed to supersede Skelly's FPC Gas Rate Schedule No. 54 and suspended Supplement No. 1 thereto, respectively.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Skelly's FPC Gas Rate Schedule No. 128.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 11, 1958, or until such time as the rate previously suspended in this proceeding is placed in effect subject to refund, whichever is later, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6497; Filed, Aug. 12, 1958; 8:52 a. m.]

[Docket No. G-15878]

ANDERSON-PRICHARD OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 7, 1958.

Anderson-Prichard Oil Corporation (Anderson-Prichard) on July 11, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 10, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 10 to Anderson-Prichard's FPC Gas Rate Schedule No. 22.

Effective date: August 15, 1958 (effective date is the effective date proposed by Anderson-Prichard).

In support of the proposed favored-nation rate increase, Anderson-Prichard states that it was advised by El Paso Natural Gas Company of a 1¢ per Mcf favored-nation increase for Permian Basin Area gas effective January 1, 1958, subject to the Commission's approval. Anderson-Prichard further states that the increase would accomplish little more than compensate for the increased cost of production, and that the proposed price is just and reasonable and is not excessive.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 10 to Anderson-Prichard's FPC Gas Rate Schedule No. 22 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 10 to Anderson-Prichard's FPC Gas Rate Schedule No. 22.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 15, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6498; Filed, Aug. 12, 1958; 8:52 a. m.]

[Docket No. G-15879]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

AUGUST 7, 1958.

Magnolia Petroleum Company (Magnolia) on July 9, 1958, tendered for filing proposed changes in its presently effective rate schedules[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 8 to Magnolia's FPC Gas Rate Schedule No. 42. Supplement No. 8 to Magnolia's FPC Gas Rate Schedule No. 43.

Effective date: August 9, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increases, Magnolia states that the sales are installment sales and are of a commodity rather than a service such as rendered by a pipe line, that the prices were determined under a supply and demand formula and that costs have increased. In addition, Magnolia submits copies of letters from Texas Eastern Transmission Corporation (Texas Eastern), signed by both parties, in which Texas Eastern agrees to pay the increased price contingent upon Commission approval.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplements No. 8 to Magnolia's FPC Gas Rate Schedules Nos. 42 and 43, respectively, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplements No. 8 to Magnolia's FPC Gas Rate Schedules Nos. 42 and 43, respectively.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until January 9, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6499; Filed, Aug. 12, 1958; 8:52 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 351]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

DELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CONTRACTS FOR PROFESSIONAL SERVICES

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the Act, authority is hereby delegated to the Secretary of Health, Education, and Welfare to negotiate, without advertising, under section 302 (c) (4) of the act, contracts for architectural and engineering services in connection with the administration of construction programs of the Department of Health, Education, and Welfare.

2. This delegation of authority shall be subject to all applicable provisions of Title III of the act with respect to negotiated contracts, and to all other provisions of law, and shall be limited to projects not exceeding an estimated construction cost of $200,000.

3. The authority herein delegated may be redelegated to any officer or official of the Department of Health, Education, and Welfare.

4. This delegation shall be effective as of July 1, 1958, and shall not extend beyond June 30, 1959.

FRANKLIN FLOETE, *Administrator.*

Dated: August 6, 1958.

[F. R. Doc. 58-6472; Filed, Aug. 12, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

PETITIONS TO REDEFINE COMMERCIAL ZONE LIMITS

AUGUST 8, 1958.

The following petitions relative to the limits of the zone adjacent to and commercially a part of a municipality within the meaning of section 203 (b) (8) of the Interstate Commerce Act have been received and will be processed in the manner hereinafter indicated.

In Ex Parte No. MC-7, Washington, D. C., Commercial Zone, the petitions of the Rockville Chamber of Commerce, Inc., et al., the Industrial Development Committee of Fairfax County and the Bethesda-Chevy Chase Chamber of Commerce have been assigned for hearing on September 9, 1958, at Washington, D. C., before Examiner Thomas F. Kilroy. In addition, petitions have been received by the County Council for Montgomery County, Md., and by the Board of County Commissioners of Prince Georges County, Md., and the Industrial Development Committee of said county, on July 18, 1958, seeking redefinition of the limits of the commercial zone of Washington, D. C., in a manner to further expand said zone to include an area in Maryland to the north and east of the present zone.

Attorney for the Montgomery County Council is Alfred H. Carter, Acting County Attorney, County Office Building, Rockville, Md. Attorney for the Prince Georges County Board and Industrial Development Committee is Albert E. May, Esq., 1625 K Street NW., Washington 6, D. C.

The limits of the commercial zone of Washington, D. C., as heretofore determined are specifically set forth in Ex Parte No. MC-7, Washington, D. C., Commercial Zone, 54 M. C. C. 797, 798 (Prior Reports: 3 M. C. C. 243, 48 M. C. C. 460) (49 CFR 170.4).

The Montgomery Council supports the petitions of the Rockville Chamber of Commerce, Inc., et al., and the Bethesda-Chevy Chase Chamber of Commerce, published herein on January 15, 1958, and June 11, 1958, respectively, and seeks further extension of the zone to include areas embracing Brookeville, Germantown, and Colesville, Md. The Prince Georges County petitioners seek an extension of the zone to include areas embracing Fort Washington, Upper Marlboro, and Laurel, Md.

Oral hearing will be held on these petitions and on the pending petitions of the Bethesda-Chevy Chase Chamber of Commerce, the Rockville Chamber of Commerce, Inc., et al., and the Economic and Industrial Development Committee of Fairfax County, notice of latter being published January 15, 1958, on a consolidated record, on September 9, 1958, at 8:30 o'clock a. m., United States standard time (9:30 o'clock a. m., District of Columbia daylight saving time) at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Thomas F. Kilroy. Persons supporting or opposing the changes in the present zone limits proposed by these petitions and who desire to participate in future proceedings on these petitions or be notified of any action thereon, should notify the Commission and petitioners or their representatives of their desire on or before 20 days from the date of this publication.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58-6490; Filed, Aug. 12, 1958; 8:50 a. m.]

[Notice 47]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 8, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Special Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 4963 (Deviation No. 1), JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa., filed August 4, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Easton, Pa., and Harrisburg, Pa., as follows: From Easton over U. S. Highway 22 to Harrisburg and return

[1] Commissioners Kline and Hussey dissenting as to suspension of Supplement No. 1 to Skelly's FPC Gas Rate Schedule No. 128.

[1] Present rates previously suspended are in effect subject to refund in Docket Nos. G-13493 and G-13676.

over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between York, Pa., and Newark, N. J., over the following pertinent route: From York over U. S. Highway 111 to Harrisburg, Pa., thence over U. S. Highway 322 to junction U. S. Highway 422, thence over U. S. Highway 422 to Reading, Pa., thence over U. S. Highway 222 to Allentown, Pa., thence over unnumbered highway (formerly U. S. Highway 22) via Butztown, Dryland, and Wilson, Pa., to junction U. S. Highway 22, and thence over U. S. Highway 22 to Newark.

No. MC 30605 (Deviation No. 1), THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman, Broadway and English, Wichita 1, Kans., filed August 1, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Dallas, Tex., and Fort Worth, Tex., as follows: From Dallas over the Dallas-Fort Worth Turnpike to Fort Worth and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas, Tex., and Lubbock, Tex., over the following pertinent route: From Dallas over U. S. Highway 80 to Fort Worth, Tex., thence over U. S. Highway 377 to Stephenville, Tex., thence over U. S. Highway 67 to Coleman, Tex., thence over U. S. Highway 84 via Abilene, Tex., to Lubbock.

No. MC 108937 (Deviation No. 1), MURPHY MOTOR FREIGHT LINES, INC., 965 Eustis Street, St. Paul 14, Minn., filed August 4, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between St. Paul, Minn., and Clara City, Minn., as follows: From St. Paul over city streets to Minneapolis, Minn., thence over Minnesota Highway 7 to Clara City and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: From St. Paul over city streets to Minneapolis, thence over U. S. Highway 212 via Glencoe and Olivia, to Montevideo, Minn.; from junction U. S. Highway 212 and Minnesota Highway 23, over Minnesota Highway 23 to junction Minnesota Highway 7, and thence over Minnesota Highway 7 to Clara City; and from St. Paul over city streets to Minneapolis, thence from Minneapolis over U. S. Highway 212 to junction Minnesota Highway 23, thence over Minnesota Highway 23 to junction Minnesota Highway 7, and thence over Minnesota Highway 7 to Clara City; and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-6491; Filed, Aug. 12, 1958; 8:51 a. m.]

[Notice 229]

MOTOR CARRIER APPLICATIONS

AUGUST 8, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 623 (Sub No. 20), filed June 6, 1958. Applicant: H. MESSICK, INC., MPO Box 214 Duquesne and Newman Road, Joplin, Mo. Applicant's attorneys: Chinn and White, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dangerous explosives, including Class A and B explosives*, and *blasting supplies, agents and materials*, and *materials used in the manufacture of explosives*, between points in Jasper County, Mo., Florida, Indiana, Kentucky, New Mexico, Ohio, and West Virginia. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, New Mexico, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 623 (Sub No. 19).

HEARING: September 24, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Leo W. Cunningham.

No. MC 8989 (Sub No. 172), filed July 25, 1958. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, P. O. Box 1228, Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, 15th and K Streets NW., Washington 5, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, in initial movements, in truckaway service, over irregular routes, transporting: (1) *Motor vehicles and bodies*, from the site of the Divco-Wayne Corporation plant, City of Warren, Warren Township, Macomb County, Mich., to points in Connecticut, Rhode Island, Massachusetts, and New Jersey; and (2) *Damaged, rejected, or returned shipments* of the above-named commodities, from points in Connecticut, Rhode Island, Massachusetts, and New Jersey, to the site of the Divco-Wayne Corporation plant, City of Warren, Warren Township, Macomb County, Mich. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 19, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner C. Evans Brooks.

No. MC 27368 (Sub No. 4), filed June 2, 1958. Applicant: BOB FILLIPI AND RAYMOND FILLIPI, Doing business as FILLIPI BROTHERS, Warren, Minn. Applicant's attorney: Lee F. Brooks, 408 First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fibre insulation board*, from the International Boundary line between the United States and Canada at Noyes, Minn., to points in Minnesota, and *damaged and rejected shipments* of the above-specified commodity and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return.

HEARING: October 7, 1958, at Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Joint Board No. 248, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 30980 (Sub No. 5), filed April 28, 1958. Applicant: CHARLES A. TALANTOLA, doing business as SOUTHAMPTON HAULING CO., 4999 Fyler Avenue, St. Louis, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which, because of their size and weight, require special equipment or special handling; and *radioactive materials, semi-processed feed* in granular form, in shipper-owned hopper-type containers, to, from and between the plant sites of the U. S. Atomic Energy Commission located at or near Weldon Spring, Mo., Kevil, Ky., Sargents and Ross, Ohio, and Oak Ridge, Tenn. Applicant is authorized to transport heavy machinery between points in Cole County, Mo., and points in Arkansas, Kansas, Iowa, and Illinois.

HEARING: September 29, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Examiner Leo W. Cunningham.

No. MC 35890 (Sub No. 12), filed July 23, 1958. Applicant: BLODGETT UNCRATED FURNITURE SERVICE, INC., 845 Chestnut Street SW., Grand Rapids 2, Mich. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: By this application, applicant seeks elimination of certain gateways in connection with its authorized operations in Certificate No. MC 35890 and Sub Nos. 6, 7, and 9 thereunder, as follows: (1) *New furniture*, uncrated, between Grand Rapids, Lowell, Otsego, and Holland, Mich., and points in New Jersey (applicant states it is authorized to conduct these operations by tacking at Chicago, Ill. in MC 35890); (2) *New furniture*, from Grand Rapids, Lowell, Otsego, and Holland, Mich., to Hartford, Middletown, New Haven, Waterbury, and South Norwalk, Conn. (applicant states it is authorized to conduct these operations by tacking certificate MC 35890 with its Sub-6 at Jamestown, N. Y.); (3) *New furniture*, from Grand Rapids, Lowell, Otsego, and Holland, Mich., to Boston, Mass., Bridgeport, Conn., and Providence, R. I. (applicant states it is authorized to conduct these operations in MC 35890 with its Sub-6 by tacking at Jamestown, N. Y.); (4) *New furniture*, uncrated, from Grand Rapids, Lowell, Otsego, and Holland, Mich., to points in Connecticut, Massachusetts, and Rhode Island (applicant states it is authorized to conduct these operations in MC 35890 and Sub-6 by tacking at Jamestown or Falconer, N. Y., also by tacking at Medina, N. Y.); (5) *New furniture*, uncrated, from Chicago, Ill., to points in Connecticut, Massachusetts, and Rhode Island (applicant states it is authorized to conduct these operations in MC 35890 with its Sub-6 by tacking at Jamestown or Falconer, N. Y., and also by tacking at Medina, N. Y.); (6) *New furniture*, between Chicago, Ill., and points in Maryland and the District of Columbia (applicant states it is authorized to conduct these operations in MC 35890 by tacking at Grand Rapids, Mich.); and (7) *New furniture*, uncrated, from points in Connecticut, Massachusetts, and Rhode Island, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin (applicant states it is authorized to conduct these operations by tacking Certificate MC 35890 with its Sub-6 or tacking its Sub-6 with Sub-9 at either Chicago, Grand Rapids, or one of the New York State counties named in Sub-9, namely, Chautauqua, Cattaraugus, Erie, Monroe, and Onondaga Counties, N. Y.).

HEARING: September 18, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James C. Cheseldine.

No. MC 52657 (Sub No. 523), filed July 30, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Trailers*, other than those designed to be drawn by passenger automobiles, in initial truckaway and driveaway service, from Washington, D. C., and Beltsville, Md., to points in the United States and Alaska; (b) *Tractors*, in secondary driveaway service, only when drawing trailers moving in initial driveaway service, as described above, from Washington, D. C. and Beltsville, Md., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, Washington, D. C., and Alaska; and (c) *Truck and trailer bodies*, from Washington, D. C., and Beltsville, Md., to points in the United States, including such bodies when loaded in or on shipper's trailer moving in truckaway or driveaway service, as named in (a) above. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 52657 (Sub No. 524), filed July 30, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Communication shelters*, equipped or unequipped, from Washington, D. C., and Beltsville, Md., to points in the United States and Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 22, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 55811 (Sub No. 43) filed June 23, 1958 (CORRECTION and AMENDMENT), published in the FEDERAL REGISTER at page 5593, issue of July 23, 1958. Applicant: CRAIG TRUCKING, INC. Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete mix*, consisting of cement and fine aggregate, or cement and fine and coarse aggregate, dry, in paper sacks, *paving or paving joint compounds, asphalt, reclaimed rubber, rosin*, and *chemicals*, with or without limestone, *sand or vermiculite*, in bags, and *paper bags*, from Cincinnati, Ohio, to Lafayette, Ind., and Louisville, Ky., and *pallets*, from Muncie, Ind., and points in Indiana within sixty (60) miles of Muncie and Lafayette, Ind., and Louisville, Ky., to Cincinnati, Ohio. Applicant is authorized to conduct operations in Indiana, Michigan, Kentucky, Missouri, Pennsylvania, Illinois, Ohio, Iowa, Wisconsin, and West Virginia.

HEARING: Remains as assigned September 18, 1958, in the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 60.

No. MC 61401 (Sub No. 1), filed February 26, 1958. Applicant: ROBERT L. MARX, WALLACE A. MARX and DON T. MARX, a Partnership, doing business as MARX TRUCK LINE, 2400 South Royce Street, Sioux City, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer* and *malt beverages*, from Milwaukee, Wis., and Peoria, Ill., to Sioux City, Iowa, and *empty containers or other such incidental facilities* used in transporting beer and malt beverages, on return. Applicant is authorized to transport packing-house products and cheese between specified points in Iowa, Illinois, and Nebraska.

HEARING: September 16, 1958, at the Warrior Hotel, Sioux City, Iowa, before Examiner Leo W. Cunningham.

No. MC 78118 (Sub No. 9), filed July 25, 1958. Applicant: WILBUR H. JOHNS, 327 North Reservoir Street, Lancaster, Pa. Applicant's attorney: William S. Livengood, Jr., 227 State Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, in rolls, and *fibreboard*, in rolls, from Clifton, Dundee, Whippany and Riegelsville, N. J., to Knox, Pa., Warwood, W. Va., and Buffalo, N. Y., and from Hopewell and Lynchburg, Va., Roanoke Rapids and Sylvia, N. C., Rome and Macon, Ga., and Panama City, Fla., to Knox, Pa., and Warwood, W. Va. Applicant is authorized to conduct common carrier operations from and to specified points in Pennsylvania, Maryland, New York, Virginia, North Carolina, South Carolina, Georgia, and Florida.

NOTE: Applicant is authorized to conduct operations as a contract carrier in Permit No. MC 15583 and Sub No. 12 thereunder; therefore, dual operations under section 210 may be involved. A proceeding has been instituted under section 212 (c) in No. MC 15583 Sub No. 14, to determine whether applicant's status is that of a contract or common carrier.

HEARING: September 18, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Frank R. Saltzman.

No. MC 82063 (Sub No. 3), filed June 2, 1958. Applicant: WILLIAM KLIPSCH, JR., doing business as KLIPSCH HAULING COMPANY, 1543 South Third Street, St. Louis 4, Mo. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, except corn syrup, gasoline and petroleum products requiring stainless tank trailers, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Missouri, and Arkansas, and those in Illinois south of U. S. Highway 136, and Nashville and Memphis, Tenn. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: October 1, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Leo W. Cunningham.

No. MC 92983 (Sub No. 287), filed April 30, 1958. Applicant: ELDON MILLER, INC, 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Trenton, Mo., and points within ten miles thereof, to points in Iowa. Applicant is authorized to conduct operations in Wisconsin, Missouri, Illinois, Nebraska, Iowa, North Carolina, Kentucky, Ohio, Arkansas, Minnesota, Kansas, Indiana, New York, Michigan, Tennessee, Louisiana, Florida, South Carolina, Massachusetts, Pennsylvania, South Dakota, North Dakota, Texas, Georgia, Connecticut, Mississippi, Oklahoma, and Alabama.

HEARING: September 29, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 137, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 95717 (Sub No. 1), filed May 28, 1958. Applicant: CLARENCE ZWEIFEL, doing business as SCOTLAND TRANSFER, Scotland, S. Dak. Applicant's attorney: Don A. Bierle, 218½ West Third Street, Yankton, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, from the site of the Crystal Chemical Company, Inc., plant, located near South Sioux City, Nebr., on U. S. Highway 77, to Scotland, S. Dak., and to points in South Dakota within twenty (20) miles of Scotland, excepting therefrom any other municipality; (2) *Farm machinery repair parts, peat moss, fencing wire, furnace fittings, eaves troughs, chicken netting, tankage, nails, spikes, staples*, and *tacks; building materials*, such as lumber, brick, tile, cement blocks, cement, plywood, plasterboard, and peg-board; *structural steel commodities*, not requiring special equipment, such as steel beams, steel sheeting, and steel tanks; and *burial vaults* and *caskets*, from Sioux City, Iowa, to Scotland, S. Dak., and points in South Dakota within twenty (20) miles of Scotland, excepting therefrom any other municipality; (3) *Petroleum products*, such as lubricating oils and lubricating greases, in bulk containers, not requiring special equipment, from Omaha, Nebr., to Scotland, S. Dak., and points in South Dakota within twenty (20) miles of Scotland, excepting therefrom any other municipality; and (4) *Household goods as defined by the Commission* and *emigrant movables*, between Scotland, S. Dak., on the one hand, and, on the other, points in Iowa, Nebraska, and Minnesota. Applicant is authorized to conduct operations in Iowa and South Dakota.

HEARING: September 15, 1958, at the Warrior Hotel, Sioux City, Iowa, before Examiner Leo W. Cunningham.

No. MC 104340 (Sub No. 134), filed July 22, 1958. Applicant: LEAMAN TRANSPORTATION COMPANY, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Gerald L. Phelps and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between points in New York, New Jersey, Delaware, Maryland, Pennsylvania, and Ohio, on the one hand, and, on the other, at ports of entry on the boundary between the United States and Canada on the Niagara and St. Lawrence Rivers. Applicant is authorized to conduct operations in Maryland, Vermont, Virginia, Connecticut, New Hampshire, New York, Massachusetts, West Virginia, Ohio, and Pennsylvania.

NOTE: Applicant requests the above-described operations be restricted to traffic destined to or originating in Ontario, Canada.

HEARING: October 2, 1958, at Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Donald R. Sutherland.

No. MC 104654 (Sub No. 111), filed April 16, 1958. Applicant: COMMERCIAL TRANSPORT, INC., P. O. Box 297, Belleville, Ill. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from East St. Louis, Ill., and points within five miles thereof, to points in Missouri. Applicant is authorized to transport similar commodities in Arkansas, Illinois, Indiana, Iowa, Missouri, and Tennessee.

HEARING: September 30, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, Examiner Leo W. Cunningham.

No. MC 105159 (Sub No. 9), filed June 2, 1958. Applicant: Alton S. Lawrence, 1427 West Main Street, Red Wing, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool* (rock, slag or glass wool), plain or saturated, in batts, with or without paper backing in boxes, bags or packages, or in other than batts, in cloth or paper bags, from Red Wing, Minn., and points in Minnesota within 5 miles thereof to points in North Dakota and South Dakota. Applicant is authorized to conduct operations in Minnesota, Wisconsin, North Dakota, and South Dakota.

HEARING: October 6, 1958, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 143, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 106977 (Sub. No. 19), (CLARIFICATION) filed March 24, 1958, published page 3953, issue of FEDERAL REGISTER June 5, 1958. Applicant: T. S. C. MOTOR FREIGHT LINES, INC., 400 Pinckney Street, P. O. Box 2625, Houston, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between junction U. S. Highways 190 and 71 at Krotz Springs, La., and Shreveport, La., over U. S. Highway 71, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (2) Between Shreveport, La., and LeBeau, La., over U. S. Highway 71, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations, but, providing on both routes a physical joinder of routes at the junctions of U. S. Highways 71 and 165 with existing routes. Applicant is authorized to conduct operations in Alabama, Louisiana, Mississippi, and Texas.

NOTE: Duplication with present authority to be eliminated.

HEARING: Remains as reassigned, October 6, 1958, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 164, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 110686 (Sub No. 12), filed August 1, 1958. Applicant: McCORMICK DRAY LINE, INC., Avis, Pa. Applicant's attorney: Robert H. Sharts, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin*, and *iron and steel articles*, between Muncy Valley, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, the District of Columbia, Virginia, West Virginia, Ohio, Massachusetts, and Rhode Island.

HEARING: September 19, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Thomas F. Kilroy.

No. MC 111177 (Sub No. 3) filed June 2, 1958. Applicant: ROBERT G. JONES, P. O. Box 1283, 721 Cloverdale Drive, Hutchinson, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Cereal malt beverages* and *advertising matter* pertaining to cereal malt beverages, from Golden, Colo., to points in Kansas, and *empty containers or other such incidental facilities* used in transporting cereal malt beverages, on return. Applicant is authorized to conduct similar operations from Golden, Colo., to Wichita, Hutchinson, and Salina, Kans., as a contract carrier under Permit No. MC 111177 and (Sub No. 1) thereunder.

NOTE: A proceeding has been instituted under section 212 (c), No. MC 111177 (Sub No. 2), to determine whether applicant's status is that of a contract or common carrier.

HEARING: September 26, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 43, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 111940 (Sub No. 20), filed August 1, 1958. Applicant: SMITH'S TRUCK LINES, a Corporation, P. O. Box 88, Muncy, Pa. Applicant's attorney: John M. Musselman, State Street Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in McKean County, Pa., and from Emlenton (Venango County), Pa., to Philadelphia, Pa., Wilmington, Del., and Norfolk and Richmond, Va., and *empty containers or other such incidental facilities* used in transporting petroleum products, on return. Applicant is

authorized to conduct operations in Pennsylvania, the District of Columbia, Maryland, New Jersey, New York, Delaware, Virginia, Ohio, West Virginia, Connecticut, Indiana, Massachusetts, and Rhode Island.

HEARING: September 25, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John P. McCarthy.

No. MC 111940 (Sub No. 21), filed August 1, 1958. Applicant: SMITH'S TRUCK LINES, a Corporation, P. O. Box 88, Muncy, Pa. Applicant's attorney: John M. Musselman, State Street Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone* and *limestone products*, from points in Lycoming and Montour Counties, Pa., to points in Allegany, Broome, Chemung, Livingston, Schuyler, Steuben, Tioga, Tompkins, Wyoming, and Yates Counties, N. Y., and *empty containers or other such incidental facilities* used in transporting limestone and limestone products, on return. Applicant is authorized to conduct operations in Pennsylvania, the District of Columbia, Maryland, New Jersey, New York, Delaware, Virginia, Ohio, West Virginia, Connecticut, Indiana, Massachusetts, and Rhode Island.

HEARING: September 26, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 113843 (Sub No. 29), filed June 26, 1958. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston 10, Mass. Applicant's attorney: James Michael Walsh, 316 Summer Street, Boston 10, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags, yarn* and *burlap*, from Pepperell and East Pepperell, Mass., to points in New York on and west of U. S. Highway 11. Applicant is authorized to conduct operations in Ohio, Massachusetts, Maryland, District of Columbia, Virginia, West Virginia, Illinois, Wisconsin, Connecticut, Indiana, Michigan, New Jersey, Pennsylvania, Rhode Island, Kentucky, New Hampshire, Tennessee, North Carolina, South Carolina, Delaware, and Maine.

HEARING: September 19, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Donald R. Sutherland.

No. MC 114019 (Sub No. 20), filed July 31, 1958. Applicant: THE EMERY TRANSPORTATION COMPANY, a Corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *commodities used by packing houses*, as defined by the Commission, from Albert Lea and Faribault, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, and Washington, D. C. Applicant is authorized to conduct operations as a contract carrier in No. MC 9685 and Subs Numbers thereunder, in Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier, assigned—Docket No. MC 9685 (Sub No. 58).

HEARING: September 19, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William R. Tyers.

No. MC 114939 (Sub No. 12), filed July 22, 1958. Applicant: BULK CARRIERS LIMITED, Box 368, Sarnia, Ontario, Canada. Applicant's attorney: Walter N. Bieneman, 2150 Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between points in New Jersey, New York, Delaware, Maryland, Pennsylvania, and Ohio, on the one hand, and, on the other, at ports of entry on the boundary between the United States and Canada on the Niagara and St. Lawrence Rivers. Applicant is authorized to conduct operations in Michigan, Illinois, Indiana, and Ohio.

NOTE: Applicant requests the above-described operations be restricted to traffic moving in foreign commerce only to or from points in Ontario, Canada.

HEARING: October 2, 1958, at Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Donald R. Sutherland.

No. MC 115991 (Sub No. 3), filed April 21, 1958. Applicant: L. S. CHERRY, 2202 North Glenstone, Springfield, Mo. Applicant's attorney: Turner White, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen whole eggs, frozen egg yolks* and *frozen egg albumen*, from Springfield, Mo., to points in Texas, Tennessee, North Carolina, South Carolina and Cleveland, Toledo, and Youngstown, Ohio, Albany, N. Y., Boston, Mass., Hartford, Conn., and Philadelphia, Pa. Applicant is authorized to conduct operations in Missouri, Ohio, New York, Connecticut, Massachusetts, Pennsylvania, and Illinois.

NOTE: Applicant states that it now holds authority in Permit No. MC 115991 for the transportation of the above commodities to the specific cities referred to in this application, limited to one contract with Producers Produce Company of Springfield, Mo. It is the purpose of this application to add one additional contract, with Anheuser-Busch, Inc., to the cities for which applicant holds authority, and, secondly, to extend the operation into the additional states mentioned above. Applicant has also filed with this application a Motion to Dismiss on the grounds that the above commodities are exempt under section 203 (b) (6) of the Interstate Commerce Act.

HEARING: October 3, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Leo W. Cunningham.

No. MC 117119 (Sub. No. 1), filed May 20, 1958. Applicant: WILLIS SHAW AND ELLIS BOGAN, doing business as WILLIS SHAW PRODUCE COMPANY, Elm Springs, Ark. Applicant's attorneys: A. Alvis Layne, Jr., Pennsylvania Building, Washington 4, D. C., and John H. Joyce, Esquire, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (1) from points in California, Oregon, Washington, Idaho, Arizona, and Utah, to points in Kansas, Oklahoma, New Mexico, Missouri, Iowa, Nebraska, and Arkansas, (2) from points in Minnesota, Iowa, and Nebraska to points in Kansas, Oklahoma, Missouri, and Arkansas, and *empty containers or other such incidental facilities* (not specified) used in transporting frozen foods on return. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Idaho, Nevada, New Mexico, Oregon, and Washington.

NOTE: Applicant states it proposes to tack the authority covered by this application to that presently held to the extent practicable. Applicant states the term "Frozen foods" includes such articles as Frozen cooked TV dinners, Frozen meat, vegetable and fruit pies, Frozen fruits and berries, Frozen vegetables, Frozen soup, Frozen poultry, and Frozen cooked poultry.

HEARING: September 22, 1958, at the New Hotel, Pickwick, Kansas City, Mo., before Examiner Leo W. Cunningham.

No. MC 117467, filed June 20, 1958. Applicant: FLETCHER H. KORTE, doing business as KORTE TRUCK LINE, 526 Vine, Boonville, Mo. Applicant's attorney: W. C. Whitlow, Fulton, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* and *commercial fertilizer* in bags, from East St. Louis, Ill., and Kansas City, Kans., to Boonville, Mo., and points within 25 miles of Boonville.

HEARING: September 30, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 195, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 117471, filed June 23, 1958. Applicant: VIRGIL D. MILLER, GORDON L. GUDMUNDSON AND SIEBERT GUDMUNDSON, doing business as GUDMUNDSON BROS., Chatfield, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from points in Dodge, Fillmore, Goodhue, Houston, Mower, Olmsted, Wabasha, and Winona Counties, Minn., to Rochester, Minn.

HEARING: October 7, 1958, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 117481, filed June 27, 1958. Applicant: MARVIN DONAT, Webster,

S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *implements, livestock and poultry feeds, fencing* and *egg cases*, from Duluth, Minn., and from points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, to Holmquist, and Webster, S. Dak.

NOTE: Applicant states he will transport livestock on return movements.

HEARING: October 6, 1958, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 26, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 117561, filed August 1, 1958. Applicant: NORTHERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, N. Y. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in hopper tank trailers, and in bags, from the plant site of the Glens Falls Portland Cement Co., Glens Falls, N. Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, *empty pallets*, on return.

NOTE: Applicant is authorized to conduct operations as a common carrier in Certificate MC 116038 Sub No. 1, transporting prefabricated houses from Hudson Falls, N. Y., to points in Connecticut, Maine, Massachusetts, New Jersey, New Hampshire, Rhode Island, Vermont, and specified points in Pennsylvania. Dual operations under section 210 will be involved the filing of the instant application for contract carrier authority.

HEARING: September 18, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Thomas F. Kilroy.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 239), filed July 25, 1958. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney Richard Fryling, Law Department, Public Service Coordinated Transport (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Hoboken, N. J., and Weehawken, N. J., from junction 14th Street and Park Avenue (also called Boulevard East), Hoboken, over Park Avenue (Boulevard East) to junction 19th Street, Weehawken, thence over 19th Street to junction of Willow Avenue, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

HEARING: September 15, 1958, at the New Jersey Board of Public Utility Commissioners State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

No. MC 3647 (Sub No. 240), filed July 30, 1958. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) between Cinnaminson Township, N. J., and Burlington Township, N. J., from junction Cinnaminson Avenue and U. S. Highway 130 (Five Points), Cinnaminson Township, over U. S. Highway 130 to junction Beverly Road, Burlington Township, and return over the same route, serving all intermediate points; (2) between Riverside Township, N. J., and Bridgeboro (Delron Township), N. J., from Riverside Township over Highway 537 Spur to Bridgeboro (Delron Township), and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

HEARING: September 19, 1958, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 67.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub No. 166), filed July 24, 1958. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, P. O. Box 471, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction newly relocated U. S. Highway 25 and unnumbered highway, approximately one (1) mile northeast of Beaverdam, Ohio, and Cridersville, Ohio, over said newly relocated U. S. Highway 25, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Akron, Ohio, and San Antonio, Tex. Applicant is authorized to conduct operations in Alabama, Connecticut, Georgia, Illinois, Indiana, Kansas, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states that it is desirous of using this new section of Relocated U. S. Highway 25 because it by-passes Beaverdam and Lima, Ohio, and the heavy traffic between these two towns; that the new section is wider, safer, and far more suitable for motor carrier operations than the old highway. Applicant further states that no new or different service could possibly result from the use of the relocated section, which is a mile longer, but will result in a slight savings in time because of by-passing city traffic conditions. Applicant will continue to give reasonable adequate service at all points on the old section and will maintain its complete terminal facilities at Lima, Ohio.

No. MC 2392 (Sub No. 15), filed May 20, 1958. Applicant: WHEELER TRANSPORT SERVICE, INC., Genoa, Nebr. Applicant's attorney: Einar Viren, 906 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer solutions* and *fertilizer mixtures*, in bulk, in tank vehicles, between points in Nebraska. Applicant is authorized to conduct operations in Kansas, Nebraska, and Iowa.

No. MC 66562 (Sub No. 1440), filed July 23, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Minneapolis, Minn., and Aberdeen, S. Dak., from Minneapolis west over U. S. Highway 12 for approximately 4 miles to junction of Minnesota Highway 100, thence south on Minnesota Highway 100 for approximately 3 miles to junction of U. S. Highway 169 and 212, thence south and west on U. S. Highways 169 and 212 for approximately 14 miles to the point at Shakopee, Minn., where U. S. Highways 169 and 212 separate, thence west on U. S. Highway 212 for approximately 116 miles to Montevideo, Minn., thence north and west on U. S. Highway 59 and Minnesota Highway 7 for approximately 23 miles to Appleton, Minn., thence north and west on Minnesota Highway 7 for approximately 15 miles to the junction with U. S. Highway 75, thence north and west on U. S. Highway 75 for approximately 5 miles to junction with Minnesota Highway 103, thence west on Minnesota Highway 103 for approximately 1 mile to junction with U. S. Highway 12 at Ortonville, Minn., thence west on U. S. Highway 12 for approximately 116 miles to Aberdeen, and return over the same route, serving the intermediate or off-route points of Cologne, Norwood, Plato, Glencoe, Brownton, Stewart, Buffalo Lake, Hector, Bird Island, Olivia, Danube, Renville, Sacred Heart, Granite Falls, Montevideo, Milan, Appleton, Correll, Odessa, and Ortonville, Minn., and Big Stone City, Milbank, Summit, Ortley, Waubay, Webster, Bristol, Andover, and Groton, S. Dak. Applicant is authorized to conduct operations throughout the United States.

No. MC 73675 (Sub No. 22), filed July 30, 1958. Applicant: GALLAGHER FREIGHT LINES, INC., 2424 Arapahoe, Denver, Colo. Applicant's attorney: Donald L. Stern, Suite 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, serving the site of the Lucky Mc Uranium Corporation mill 52 miles southeast of Riverton, Wyo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Colorado, Utah, Wyoming, Montana, Nebraska, New Mexico, Kansas, and Illinois.

No. MC 76177 (Sub No. 265), filed July 30, 1958. Applicant: BAGGETT TRANSPORTATION COMPANY, INC., 2 South 32d Street, Birmingham, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nylon salt solution*, in bulk, in insulated, temperature mechanically-controlled tank vehicles, from Gonzales, Fla., to Decatur, Ala. Applicant is authorized to conduct regular route operations in Alabama and Georgia, and irregular route operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

NOTE: Applicant holds contract carrier authority in Permit No. MC 89778 and subs thereunder. Common control, and section 210, dual operations, may be involved.

No. MC 96881 (Sub No. 2), filed July 31, 1958. Applicant: ORVILLE M. FINE, doing business as FINE TRUCK LINE, 4631 Park Avenue, Fort Smith, Ark. Applicant's attorney: Thomas Harper, Kelley Building, P. O. Box 297, Fort Smith, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Fort Smith, Ark., and Lockesburg, Ark., over U. S. Highway 71; (2) between De Queen, Ark., and Horatio, Ark., over Arkansas Highway 41, serving all intermediate points on the above specified routes, except Waldron, Ark.

NOTE: Applicant is authorized to conduct operations under the second proviso of section 206 (a) (1) of the Interstate Commerce Act, in the name of O. M. Fine, doing business as Mena Freight Line, which operations have been assigned Docket Nos. MC 96881 and MC 96881 Sub 1. Applicant has filed a transfer application to purchase the operating rights of Kelly Davis, doing business as Robert Davis Truck Line, MC 2924 and sub numbers thereunder. Applicant states that he will continue to operate under the second proviso until such time as the above applications are approved. Applicant further states that the approval of each of said applications be contingent upon approval of the other, and upon approval of both, that applicant's authority to operate in interstate commerce under the proviso in Arkansas be canceled.

No. MC 107496 (Sub No. 114), filed August 1, 1958. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt emulsion*, in bulk, in tank vehicles, from Michigan City, Ind., to points in Oceana, Newaygo, Mecosta, Isabella, Midland, Saginaw, Gratiot, Montcalm, Kent, Muskegon, Ottawa, Ionia, Clinton, Shiawassee, Livingston, Ingham, Eaton, Barry, Allegan, Van Buren, Kalamazoo, Calhoun, Jackson, Washtenaw, Lenawee, Hillsdale, Branch, St. Joseph, Cass, and Berrien Counties, Mich. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin.

No. MC 114004 (Sub No. 24), filed August 1, 1958. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, P. O. Box 1715, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movement, by haulaway methods (except utility rental trailers), from points in Kansas to points in the United States, except Augusta, Wichita, Newton, Coffeyville and points within 10 miles of Coffeyville, Kans., and *damaged or refused trailers* on return. Applicant is authorized to conduct operations throughout the United States.

No. MC 114194 (Sub No. 12) (Amendment), published in the July 23, 1958, issue of the FEDERAL REGISTER at page 5599. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. By letter dated August 1, 1958, applicant has restricted the application to read: *Corn syrup* and *blends thereof*, in bulk, in tank vehicles. The previous publication did not show in bulk, in tank vehicles.

No. MC 116628 (Sub No. 2), filed August 1, 1958. Applicant: SUBURBAN TRANSFER SERVICE, INC., P. O. Box 11, 383 Washington Avenue, Belleville, N. J. Applicant's representative: Jacob Polin, 314 Old Lancaster Road, Merion, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, between New York, N. Y., Bala-Cynwood, Pa., and Washington, D. C. RESTRICTION: The above-described operations are proposed to be limited to a transportation service to be performed, under a continuing contract, with Lord and Taylor, of New York, N. Y. Applicant is authorized to transport similar commodities in Delaware, New Jersey, New York, and Pennsylvania.

NOTE: Duplication with present authority to be eliminated.

No. MC 116987 (Sub No. 4), filed July 25, 1958. Applicant: ROBERT H. CARR AND SONS, INC., R. F. D. No. 2, Malvern, Pa. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar* and *cider stock*, in bulk, in tank vehicles, fom Glassboro, N. J., to Rochelle and Chicago, Ill., and Frankfort, Ind. Applicant is authorized to transport liquid sugar in bulk in tank vehicles from Yonkers, N. Y., to Detroit, Battle Creek, and Grand Rapids, Mich., and from New York, N. Y. (including Yonkers) to Akron, Canton, Carrollton, Cincinnati, Cleveland, Columbus, Toledo, and Youngstown, Ohio.

No. MC 117564, filed August 1, 1958. Applicant: DONALD L. HOWARD, 2376 McKinville Avenue, Arcata, Calif. Applicant's attorney: Frank Loughran, Suite 1620 Russ Building, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products, including plywood*, from points in Humboldt County, Calif., to points in Arizona.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 38154 (Sub No. 13), filed August 1, 1958. Applicant: C. S. HENRY TRANSFER, INC., U. S. Highway 301 A North, Rocky Mount, N. C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Rocky Mount, N. C., on the one hand, and, on the other, points in Chatham, Wake, Franklin, Nash, Wilson, Edgecombe, Halifax, Warren, Vance, Granville, Hertford, Martin, Pitt, Hyde, Lenoir, Onslow, Robeson, Cumberland, Bladen, Sampson, Harnett, Johnston, Northampton, Bertie, Washington, Beaufort, Carven, Duplin, Carteret, Greene, and Wayne Counties, N. C. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and the District of Columbia.

NOTE: This application is directly related to MC-F 6972 published in this issue.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 6955 (correction) (SULLIVAN LINES, INC.—PURCHASE—ROBERT E. SULLIVAN), published in the July 23, 1958, issue of the FEDERAL REGISTER on page 5599. The first *general*

commodities description should be corrected to read as follows: "*General commodities* (with certain exceptions including household goods and commodities in bulk), which are at the time moving on bills of lading of freight forwarders."

No. MC–F 6962 (BRUCE JOHNSON TRUCKING CO., INC.—PURCHASE—GRIFFIN AND GRIST TRUCKING CO.), published in the July 30, 1958, issue of the FEDERAL REGISTER on page 5757. Supplement filed August 1, 1958, to show joinder of BRUCE E. JOHNSON, 3041 Forest Road, Charlotte, N. C., HARRY R. JOHNSON, 1339 Iris Drive, Charlotte, N. C., and JAMES T. JOHNSON, 3426 Central Avenue, Charlotte, N. C., as the persons in control of vendee.

No. MC–F–6969. Authority sought for purchase by MOON FREIGHT LINES, INC., 120 West Grimes Lane, Bloomington, Ind., of a portion of the operating rights of JOHN GERALD GUNTHER, doing business as JOHN GUNTHER, 26 Prospect Street, Fair Haven, Vt., and for acquisition by KENNETH BOWEN, also of Bloomington, of control of such rights through the purchase. Applicants' attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *Slate and slate products*, as a *common carrier* over irregular routes, from Fair Haven, Vt., and points in Vermont and New York within 25 miles of Fair Haven, to points in New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, and Pennsylvania; *slate and slate products*, loose, uncrated, from Fair Haven, Vt., and points within 25 miles thereof, to points in Ohio and Virginia; *fruit*, from Fair Haven, Vt., and points in Vermont and New York within 30 miles of Fair Haven, to Albany and Red Hook, N. Y.; *road-building materials and supplies*, from Glens Falls, N. Y., to Fair Haven, Vt., and points in Vermont and New York within 20 miles of Fair Haven; *ice*, between points in Vermont and New York within 10 miles of Fair Haven, Vt., including Fair Haven; *insecticides and spray machinery*, from Middleport, N. Y., to points in Vermont, and from Fair Haven, Vt., to points in Clinton, Essex, Franklin, Warren and Washington Counties, N. Y. Vendee is authorized to operate as a *common carrier* in Indiana, Missouri, Illinois, Ohio, Kentucky, Delaware, Iowa, Kansas, Maryland, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, Connectieut, Massachusetts, Rhode Island, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, North Dakota, South Dakota, Louisiana, Oklahoma, Nebraska, Texas, Minnesota, Michigan, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6970. Authority sought for purchase by MYERS TRANSFER & STORAGE CO., 418 Third Avenue, Huntington, W. Va., of a portion of the operating rights of THE PIONEER STORAGE COMPANY, 145 East Fifth Street, Mansfield, Ohio, and for acquisition by J. M. MYERS, also of Huntington, of control of such rights through the purchase. Applicants' attorney: Herbert Baker, 50 West Broad Street, Columbus, Ohio. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes from Mansfield, Ohio, and points in Ohio within 125 miles of Mansfield, to points in Pennsylvania, West Virginia, Massachusetts, Illinois, Michigan, Connecticut, Indiana, Kentucky, New Jersey, New York, Iowa, Wisconsin, and Maryland, from points in the destination territory specified above to points in Ohio and certain points in New York, Pennsylvania, and Michigan. Vendee is authorized to operate as a *common carrier* in West Virginia, Kentucky, Ohio, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, Virginia, Georgia, South Carolina, Florida, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6971. Authority sought for continuance in control by JOHN V. ROBERTSON, P. O. Box 609, Jeannette, Pa., of ROBERTSON MOTOR FREIGHT, INC., P. O. Box 609, Jeannette, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. Operations sought to be controlled: Proposed operations to be conducted under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act corresponding to rights granted by the Pennsylvania Public Utility Commission in Pennsylvania Certificate No. A.84711 Folder 1, authorizing operations as a *common carrier* over irregular routes in the transportation of: (1) *Property*, between points in the City of Jeannette, Westmoreland County, and within five miles by the usually traveled highways of the limits of said city; (2) *property*, from points in the City of Jeannette, Westmoreland County, and within five miles by the usually traveled highways of the limits of said city to points within fifteen miles by the usually traveled highways of the limits of said city; (3) *household goods*, in use, from points in the City of Jeannette, Westmoreland County, and within fifteen miles by the usually traveled highways of the limits of said city to points in Pennsylvania, and vice versa; (4) *beer*, for the Fort Pitt Brewing Company (previously operated as the Victory Brewing Company) from the City of Jeannette, Westmoreland County, to points in Pennsylvania within one hundred miles by the usually traveled highways of the limits of said city, and the return of empty containers to the said city; (5) *rubber products, tires, glass, glass products, kitchen utensils, power accessories, electric shades, toys, brewing supplies*, and *raw materials* used in the manufacture of said commodities, from points in the City of Jeannette, Westmoreland County, to points in the City of Pittsburgh, Allegheny County, and vice versa, and the interchange of shipments of these commodities with Class A and Class D certificated carriers operating over regular routes at the applicant's terminals in the Cities of Pittsburgh, Allegheny County, and Jeannette, Westmoreland County, subject to Rule 202 of General Order No. 29 governing Class A carriers; (6) *property*, from the City of Jeannette, Westmoreland County, and points within fifteen miles by the usually traveled highways of the limits of the said city, and from the Boroughs of Latrobe, Derry, Ligonier, Mount Pleasant, and Youngwood, Westmoreland County, to points in the County of Allegheny, and vice versa, with the right to interchange shipments with Class A carriers and with Class D carriers operating over regular routes at the applicant's terminals in the Cities of Pittsburgh, Allegheny County, and Jeannette, Westmoreland County, subject to the provisions of Rule 202 of General Order No. 29 governing Class A carriers. No right, power or privilege is granted to transport property between points both of which are located in the County of Allegheny, except as authorized in (1) through (5) above. No right, power or privilege is granted to transport beer except during such time as the certificate holder holds a permit from the Liquor Control Board or other governmental authority from which such permits will be required. JOHN V. ROBERTSON is authorized to operate as a common carrier in Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6972. Authority sought for purchase by C. S. HENRY TRANSFER, INC., U. S. Highway 301A North, Rocky Mount, N. C., of the operating rights of S. B. SMITH, Route No. 3, Rocky Mount, N. C., and for acquisition by CLAUDE S. HENRY, VIDA B. HENRY and M. WEBSTER HENRY, all of Rocky Mount, of control of such rights through the purchase. Applicants' attorneys: James E. Wilson and Edward G. Villalon, both of 716 Perpetual Building, Washington 4, D. C. Operating rights sought to be transferred: Operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act in the transportation, in the State of North Carolina, of *general commodities*, except those requiring special equipment and except unmanufactured tobacco and accessories, as a *common carrier* over irregular routes, between all points in the counties of Chatham, Wake, Franklin, Nash, Wilson, Edgecombe, Halifax, Warren, Vance, Granville, Hertford, Martin, Pitt, Hyde, Lenoir, Onslow, Robeson, Cumberland, Bladen, Sampson, Harnett, Johnston, Northampton, Bertie, Washington, Beaufort, Craven, Duplin, and Carteret; *unmanufactured tobacco and accessories*, between points within the counties of Chatham, Wake, Franklin, Nash, Wilson, Edgecombe, Halifax, Warren, Vance, and Granville; *general commodities*, except those requiring special equipment, from Rocky Mount to points in Greene and Wayne Counties; *cotton in bales*, from points in Nash and Edgecombe Counties to all points in the counties of Cabarrus, Gaston, and Guilford; *Lumber*, from all points in Nash and Edgecombe Counties to points in Beaufort County. Vendee is authorized to operate as a *common carrier* in North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New York, Georgia, South Carolina, New Jersey, Florida, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

Note: MC 38154 Sub 13 is a matter directly related.

No. MC–F 6973. Authority sought for purchase by EXLEY EXPRESS, INC., 2204 Southeast Eighth Avenue, Portland 14, Oreg., of the operating rights and property of RUDOLPH OLSEN, Sherwood, Oreg., and for acquisition by JOSEPH M. EXLEY, also of Portland, of control of such rights and property through the purchase. Applicants' attorneys: Joseph P. Ruble and James T. Johnson, both of 507 Weatherly Building, Portland, Oreg. Operating rights sought to be transferred: *Farm products, farm implements, canned goods, sacks, paper cartons*, and *sugar*, as a *common carrier* over irregular routes, between Sherwood, Oreg., on the one hand, and, on the other, points in Clark County, Wash., and certain points in Oregon. Vendee is authorized to operate as a *common carrier* in Washington, California, and Oregon. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6974. Authority sought for purchase by HERMAN SHEIN, HOWARD M. SHEIN, JULES Y. SHEIN, PHILIP SHEIN, AND SAMUEL SHEIN, doing business as SHEIN'S EXPRESS, 1225 Calhoun Street, Trenton, N. J., of the operating rights of LEO SMITH FORWARDING CO., INC., 112 Plum Street, Syracuse, N. Y. Applicants' attorney: Homer S. Carpenter, 618 Perpetual Building, Washington 4, D. C. Operating rights sought to be transferred: *General commodities*, except livestock, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, as a *common carrier* over regular routes, between Buffalo, N. Y., and New York, N. Y., serving all intermediate points; four alternate routes for operating convenience only; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Syracuse, N. Y., and Oswego, N. Y., serving all intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between certain points in New Jersey, on the one hand, and, on the other, Newark, N. J.; *paper, chemicals, fruit, vegetables, canned and preserved foodstuffs, paint and paint materials, putty, brushes, stains, varnishes, lacquers, paint and varnish remover, petroleum products* in containers, *spot remover, insecticides*, and *such merchandise* as is dealt in by retail food stores, from, to or between points and areas, varying with the commodity transported, in New York, Maryland, Pennsylvania, and New Jersey. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, New Jersey, and Delaware. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–6492; Filed, Aug. 12, 1958; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59–40, 31–626]

CENTRAL PUBLIC UTILITY CORP. ET AL.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION FROM ACT AND FOR MODIFICATION OF ORDER; NOTICE OF AND ORDER FOR HEARING

AUGUST 5, 1958.

In the matter of Central Public Utility Corporation, et al., File No. 59–40; Central Public Utility Corporation, File No. 31–626.

Notice is hereby given that Central Public Utility Corporation ("Cenpuc"), a registered holding company, has filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") designating sections 11 (b) and 3 (a) (5) of the act as applicable and seeking an order of this Commission whereby:

(1) The Commission's order dated June 13, 1952, pursuant to section 11 (b) (2) of the act (File No. 59–40), will be modified to eliminate therefrom the requirement that Cenpuc take appropriate steps to terminate the existence of its subsidiary The Islands Gas and Electric Company ("Islands");

Company	Place of operation	Type of business
Central Public Utility Corp.		Holding company.
Porto Rico Gas & Coke Co.	Puerto Rico	Manufactured gas.
Southern Cities Ice Co.	South Carolina	Ice, coal and farm fertilizer.
Southern Cities Oil Co.	South Carolina	Oil, gasoline, kerosene, etc.
Union Electrica de Canaries, S. A. (Cenpuc owns approximately 52.3 percent of outstanding stock and Islands owns approximately 40.6 percent).	Canary Islands, Spain	Electric and manufactured gas.
Carolina Coach Co.	North Carolina, Virginia, Maryland, Delaware, and Pennsylvania.	Transportation and holding company.
Norfolk Union Bus Terminal, Inc.	Virginia	Bus terminal operator.
Central Servicing and Repair Company, Inc.	Virginia	Garage owner and operator.
Charlotte Union Bus Terminal, Inc. (Carolina owns not more than 50 percent of outstanding stock).	North Carolina	Bus terminal operator.
Trailways Bus Terminal, Inc. (Carolina owns not more than 50 percent of outstanding stock).	Virginia	Bus terminal operator.
Service Coach Line, Inc. (Carolina owns not more than 50 percent of outstanding stock).	Georgia and Florida	Transportation.
Service Bus Lines, Inc. (Carolina owns not more than 50 percent of outstanding stock).	Georgia	Transportation.
The Islands Gas and Electric Co.		Holding company.
Compagnie D'Eclairage Electrique Des Villes De Port-Au-Prince Et Du Cap Haitien.	Haiti	Electric.
Manila Gas Corporation (Islands owns approximately 40 percent of outstanding stock).	Philippine Islands	Manufactured gas.

(2) Cenpuc and each of its subsidiary companies, as such, will be exempt from the provisions of the act under section 3 (a) (5) thereof (File No. 31–626); and

(3) The proceedings instituted under sections 11 (b) (1) and 11 (b) (2) of the act by order of the Commission dated December 27, 1941 (File No. 59–40) will be terminated.

All interested persons are referred to said application, as amended, which is on file in the office of the Commission.

The proceedings under sections 11 (b) (1) and 11 (b) (2) of the act were instituted to accomplish, among other things, the simplification of Cenpuc's corporate structure. Thereafter, various plans were submitted for this purpose. See 15 S. E. C. 467; 18 S. E. C. 420; 26 S. E. C. 548; 33 S. E. C. 555; and 35 S. E. C. 467.

The application, as amended, states that as presently constituted Cenpuc has 14 subsidiaries. All of these subsidiaries are exclusively operating companies, except Carolina Coach Company ("Carolina") and Islands, both of which have subsidiaries. The Cenpuc system is as follows (relationship of subsidiary companies to Cenpuc and to each other indicated by indentation—unless otherwise indicated, all the outstanding stock is owned by the direct parent):

Cenpuc's outstanding securities consist of a single class of capital stock of 1,000,100 shares with a par value of $6 per share, all having identical voting rights.

The applicant states, upon information and belief, that on February 14, 1957, N. V. Amsterdamsche Bankierskantoor V/H Mendes Gans Co. ("Mendes Gans") through Burnham and Company ("Burnham"), as agent, purchased 259,492 shares of Cenpuc's capital stock; that, subsequently, Burnham became the holder of record of 431,924 shares including 29,750 shares purchased by Altay Corporation ("Altay"), 56,210 shares purchased by Melosine Corporation ("Melosine") and 85,472 shares purchased by Schuyler Corporation ("Schuyler"); that

Burnham is not the beneficial owner of any shares of Cenpuc's capital stock but rather holds the 431,924 shares recorded in its name subject to any voting instructions that may be given to it by the beneficial owners thereof; that all of said 431,924 shares, excepting 1,000 shares, are now subject to commitments of sale in blocks varying in size between 2,500 and 40,000 shares to approximately thirty-three Dutch and Belgian investors; that

Mendes Gans is a corporation existing under the laws of The Netherlands and is engaged in the banking business; that it does not have and never has had an office or place of business in any State of the United States or in the District of Columbia and it is not now and never has been qualified to do business therein; that Altay is a Delaware corporation in which Mendes Gans has a beneficial interest; that Melosine is a Delaware corporation, all of the outstanding common stock of which is owned by Altay; that Schuyler is a Delaware corporation all of the outstanding stock of which is owned by the trustees of an "old age" and benevolent fund created for the benefit of employees of N. V. Philips Gloeilampenfabrieken, a Netherlands corporation; and that it has been and

UNIVERSITY OF

is Mendes Gans' intention to list Cenpuc's capital stock on the Amsterdam (Holland) Exchange and later to issue certificates of deposit but such listing has not yet been made because of Cenpuc's unsettled status under the Act.

The application further states that an agreement providing for the merger of Cenpuc and two or more other corporations (unnamed) is in the course of negotiation. If a merger is effectuated, it will be governed by the laws of Delaware which require, among other things, that a merger can be consummated only if the votes of stockholders of each of the constituent corporations representing two-thirds of the total number of shares of its capital stock shall be voted for the adoption of the merger agreement. None of the corporations, in the contemplated merger, other than Cenpuc, is subject to the act, and the merger agreement will not be signed by the directors of the other corporations unless prior thereto Cenpuc has been granted an exemption from the provisions of the act.

Cenpuc in the application agrees that, among other things, if the Commission grants the exemption:

(a) Cenpuc will not submit to its stockholders any merger agreement unless it shall contain provisions which shall (i) obligate the corporation resulting from or surviving the merger (Merged Corporation) not to contend for a value of less than $25 per share at the hearing on any petition of an objecting stockholder, pursuant to section 262 of the General Corporation Law of Delaware, demanding a determination of the value of Cenpuc's stock; and (ii) give to each of Cenpuc's stockholders who has not objected to the merger under Delaware law the alternative of receiving for all or any part of the Cenpuc shares owned by him securities of the Merged Corporation or cash in the amount of $25 per share;

(b) Cenpuc's exemption, unless it shall be continued by a subsequent order of the Commission, shall terminate at the end of six months if within such period a merger shall not have been consummated;

(c) The submission of any merger agreement by Cenpuc to its stockholders and the solicitation of proxies with respect thereto, shall be in accordance with the Commission's rules and regulations with respect to proxy solicitations as though such stock were registered on a National Securities Exchange.

By an order dated June 13, 1952 (Holding Company Act Release No. 11311) the Commission directed, among other things, that Cenpuc, under section 11 (b) (2) of the act, take appropriate steps to terminate the existence of Islands which was found to serve no useful purpose. Cenpuc has requested that this order be modified so as to permit the continued existence of Islands. The application states that the continued existence of Islands will not be detrimental to the public interest or to the interest of investors or consumers if it remains a subsidiary of Cenpuc and none of its outstanding securities are sold or distributed to the public and it is not otherwise used as a vehicle for public financing. Cenpuc agrees that, with the exception of short-term bank loans payable within 9 months, Islands will not engage in any public financing without prior Commission approval. The application further states that Islands, if it is not extinguished, may serve a useful purpose as direct owner of all of Cenpuc's presently owned subsidiaries. This is based on the assumption that the prospective merger will be consummated and that Cenpuc would then be part of what is predominently an industrial corporation. Cenpuc believes that in any event the continuance of Islands will be in the best interest of Cenpuc's stockholders.

It appearing to the Commission that the application raises issues which should not be resolved prior to affording notice and opportunity for hearing with respect thereto:

It is hereby ordered, Pursuant to the applicable provisions of the Act, that a hearing be held at the offices of the Securities and Exchange Commission, Washington, D. C. on September 10, 1958, at 10:00 a. m. On such day the hearing room clerk in Room 193 will advise as to the room where such hearing will be held.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a hearing officer under the rules of practice of the Commission.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(a) Whether the requested exemption meets all the applicable standards of the Act;

(b) Whether the terms and conditions set forth by Cenpuc, including the price of $25 per share to be offered to stockholders in connection with the merger, are detrimental to the interests of [illegible] stockholders;

(c) Whether it is necessary or appropriate in the public interest or for the protection of investors and consumers for the Commission to impose any [illegible] and conditions in regard to the requested exemption, and, if so, what such [illegible] and conditions should be;

(d) Whether there exists such evidence as should cause the Commission to modify its previous order requiring that Cenpuc terminate the existence of Islands;

It is further ordered, That at the aforesaid hearing, attention be given to the foregoing matters and questions.

It is further ordered, That any person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, not later than five days prior to the date hereinbefore fixed as the date for said hearing, his request or application therefore, as provided by Rule XVII of the rules of practice of the Commission. Such request shall set forth the nature of the applicant's interest in the proceedings, his reasons for requesting to be heard or to intervene, which of the allegations, as hereinbefore set forth, applicant proposes to controvert, together with a statement of any issues which the applicant proposes to raise with respect to the proceedings herein.

It is further ordered, That Cenpuc shall give notice of this hearing to all of its security holders (insofar as the identity of such security holders is known and available to it) by mailing to each of such persons a copy of this notice and order at least twenty days prior to the date set for such hearing.

It is further ordered, That notice of this hearing be given by registered mail to Cenpuc and to each of its subsidiary companies, the Interstate Commerce Commission, The Public Service Commission of Delaware, the Florida Railroad and Public Utilities Commission, the Georgia Public Service Commission, the Public Service Commission of Maryland, the Utilities Commission of North Carolina, and the State Corporation Commission of Virginia, and that notice be given to all other interested persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the act; and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-6474; Filed, Aug. 13, 1958; 8:47 a. m.]

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PRESIDENT'S COMMITTEE ON FUND-RAISING WITHIN THE FEDERAL SERVICE

1. Effective October 13, 1958, paragraph (a) (4) of § 6.104 is revoked.

2. Effective upon publication in the FEDERAL REGISTER, § 6.161 (a) is added as set forth below.

§ 6.161 *President's Committee on Fund-Raising Within the Federal Service.* (a) All positions on the staff of the Committee.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-6526; Filed, Aug. 13, 1958; 8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF DEFENSE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (11) of § 6.304 is amended as set out below.

§ 6.304 *Department of Defense*—(a) *Office of the Secretary.* • • •

(11) One Confidential Assistant to the Assistant Secretary of Defense for Properties and Installation and two Confidential Assistants to the Assistant Secretary of Defense for International Security Affairs.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-6527; Filed, Aug. 13, 1958; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

[Amdt. 12]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

SET-OFFS

The regulations governing the 1958 acreage reserve program, 22 F. R. 6397, as amended and supplemented, are hereby further amended by changing § 485.321 to read as follows:

§ 485.321 *Set-offs*—(a) *General.* Set-offs shall be handled in accordance with the regulations issued by the Secretary governing "Setoffs" (23 F. R. 3757) and any amendments thereto. In the case of an assignment received in the ASC county office prior to September 1, 1958, the provisions of this section in effect prior to this amendment shall continue to apply to payments made under such assignments.

(b) *Holders of liens.* Holders of liens or encumbrances, designated as payees, shall be notified of the amount of any indebtedness owed by a producer on the date the agreement is filed. Set-off of such indebtedness shall be made prior to payment to the lienholder, and the lienholder shall be entitled to any amount remaining. The holder of the lien or encumbrance shall be entitled to payment prior to set-off with respect to any amount not specified in the notice of indebtedness owed by the producer.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 8th day of August 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 58-6542; Filed, Aug. 13, 1958; 8:54 a. m.]

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TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, 14th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR and 1957 Supp., 301.76–2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76–2a *Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.* Infestations of the khapra beetle have been determined to exist in the premises listed in paragraphs (a) and (b) of this section. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

(a)

ARIZONA

Denny Pasqual Chicken Yard, Box 262, Peoria.

Rhodes-Mercer 111 Farm, Mammoth.

Shady Acres Nursery & Bird Farm, 3640 East Washington Street, Phoenix.

CALIFORNIA

Joe's Poultry Ranch, Road 47 and East A, Brawley.

C. A. Nielson property, located across the street from Bard Grocery and Post Office, Bard.

Fred Smith Turkey Ranch, 4638 South Temperance, Fresno.

(b) The portion of each of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

ARIZONA

LaSalvia Dairy, Box 116, Laveen Stage, Phoenix.

CALIFORNIA

P. Calio property, located 2 miles west of the intersection of Roads 90 and West C on the south side of Road 90, P. O. Box 44, Niland.

Floyd B. Carrion property, located on the south side of Avenue 70, 0.8 mile west of Lincoln Street, P. O. Box 564, Mecca.

Tom Mejia property, located at the southwest corner of the intersection of Roads 90 and West C, P. O. Box 662, Niland.

Martin Valdez property, located at the intersection of Roads 90 and West E, P. O. Box 403, Niland.

NEW MEXICO

M. M. Martin Farm, located 11 miles south of Tolar.

Subsequent to the thirteenth revision, effective July 9, 1958, an infestation of the khapra beetle was discovered in the Entomology Building, Citrus Experiment Station, Riverside, California. Movement of regulated articles from this property was immediately stopped. Within a few days the entire building had been fumigated and declared free of khapra beetle infestation. Accordingly, this property is not being included in this revision.

This revision has the effect of revoking the designation as regulated areas of certain premises in Arizona and California, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds certain premises in Arizona to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

As an informative item, the revision also segregates certain regulated premises in Arizona, California, and New Mexico where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

These administrative instructions shall become effective August 14, 1958, when they shall supersede P. P. C. 612, Thirteenth Revision, effective July 9, 1958 (23 F. R. 5181).

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 11th day of August 1958.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 58–6541; Filed, Aug. 13, 1958; 8:54 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 863.11]

PART 863—SUGARCANE: FLORIDA

WAGE RATES

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearing held in Clewiston, Florida, on May 8, 1958, the following determination is hereby issued:

§ 863.11 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1958 through June 30, 1959.*—(a) *Requirements.* A producer of sugarcane in Florida shall be deemed to have complied with the wage provisions of the act during the period July 1, 1958 through June 30, 1959 if all persons employed on the farm in production, cultivation, or harvesting work shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, and after the date of publication of this section in the FEDERAL REGISTER, not less than the following:

(i) *For work performed on a time basis.*

	Cents per hour
(*a*) Tractor drivers and operators of mechanical harvesting or loading equipment	80.0
(*b*) All other workers	70.0

(ii) *For work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker:

Provided, That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate prescribed in subdivision (i) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals or any other class of worker to report to a place other than the field, such as an assembly point, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, a charge may be made for equipment furnished any worker for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Applicability.* The requirements of this determination are applicable to all persons employed on the farm, except as provided in paragraph (c) of this section, in the production, cultivation, or harvesting of sugarcane grown on the farm for the extraction of sugar or liquid sugar: *Provided*, That such requirements shall not apply to any person engaged in such work with respect to sugarcane grown on acreage in excess of the proportionate share for the farm, which is marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the producer furnishes to the appropriate County Agricultural Stabilization and Conservation Committee acceptable and adequate proof which satisfies the Committee that the work performed was related solely to such sugarcane.

(c) *Workers not covered.* The requirements of this determination are not applicable to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including, but not limited to mechanics, welders, and other maintenance workers and repairmen.

(d) *Proof of compliance.* The producer shall furnish, upon request, to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that all workers have been paid in accordance with the requirements of this determination.

(e) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements in this section through any subterfuge or device whatsoever.

(f) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Agricultural Stabilization and Conservation Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the local County ASC office. Upon receipt of a wage claim the County office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Committee, Cheops Building, Gainesville, Florida, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlements will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Florida during the period from July 1, 1958 through June 30, 1959, as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301 (c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i. e., cost of living) prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

(c) *1958–59 wage determination.* This determination continues the provisions of the 1957–58 determination except that the basic time wage rates are increased by 5 cents per hour. The rate for tractor drivers and operators of mechanical loading or harvesting equipment is 80 cents per hour and for all other workers the rate is 70 cents per hour.

A public hearing was held in Clewiston, Florida, on May 8, 1958, at which interested persons were afforded the opportunity to present testimony with respect to fair and reasonable wage rates during the period July 1, 1958 to June 30, 1959. Representatives of producers recommended that wage rates not be increased over those provided by the 1957–58 determination. They stated that wage rates had increased more than either sugar prices or individual worker efficiency in the cutting of sugar cane. It was again pointed out that producers were able to obtain very few domestic workers and the majority of workers were imported from the British West Indies. They submitted data showing that the average hourly earnings of the majority of field workers are above the minimum hourly rates specified in the determination. No testimony was presented by representatives of labor.

Consideration has been given to the recommendations made at the hearing, to the results of studies and investigations of the sugarcane industry and to other pertinent factors. Data for several recent crops covering the costs, returns, and profits of sugarcane production have been recast to reflect prospective price and production conditions for the 1958–59 crop. Analysis of all factors indicates that the wage rates of this determination are within producers' ability to pay.

The economic position of producers has improved in recent years because of increased yields of sugarcane and higher sugar recoveries. These improvements, as well as changes in production practices, have resulted in important gains in labor productivity.

Most of the unskilled field work on sugarcane farms in Florida is done on a piecework basis. Skilled and semi-skilled workers such as tractor drivers and operators of mechanical equipment, generally are paid on an hourly basis. The average earnings of workers employed on the piecework basis during recent crops have substantially exceeded the minimum wage rates of the determinations. The hourly wages paid to time-rated workers also have exceeded the determination rates.

On the basis of an analysis and consideration of the pertinent factors involved the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 929, as amended; 7 U. S. C. 1132)

Issued this 8th day of August 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-6507; Filed, Aug. 13, 1958; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 98 and Order No. 57; as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER July 22, 1958 (23 F. R. 5548). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, it is hereby found and determined that:

§ 957.211 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (§§ 957.1 to 957.92), to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, as amended, during the fiscal period ending May 31, 1959, will amount to $30,000.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (§§ 957.1 to 957.92), shall be sixty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended (§§ 957.1 to 957.92).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 11, 1958, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6540; Filed, Aug. 13, 1958; 8:53 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1104—AGRICULTURAL CONSERVATION; ALASKA

SUBPART—1959

The protection and conservation of the soil and water resources of farmlands is essential in order that these lands will continue to produce sufficient food and other raw materials to meet future needs. All people, not farmers alone, have a stake in, and a part of the responsibility for, protecting and conserving our farmlands. Recognizing this, the Congress appropriates funds to share with farmers the cost of carrying out needed soil and water conservation measures. The Agricultural Conservation Program is a means of making this Federal cost-sharing available to farmers.

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AUTHORITY: §§ 1104.800 to 1104.852 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 72 Stat. 192; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1104.800 *Introduction.* (a) Through the 1959 Agricultural Conservation Program (referred to in this subpart as the "1959 program") administered by the Department of Agriculture, the Federal Government will share with Alaskan farmers the cost of carrying out approved conservation practices in accordance with the provisions contained in this subpart and such modifications thereof as may be made.

(b) The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1959.

(c) Information about the practices and the exact specifications and rates of cost-sharing may be obtained from the county committees.

(d) The State Committee will allocate the funds available for conservation practices among the counties consistent with the needs for enduring conservation in the various counties and will give particular consideration to the furtherance of watershed programs sponsored by local people and organizations. A total of $59,000 will be available for program purposes exclusive of the amount set aside for administrative expenses and the increase in small Federal cost-shares in § 1104.830.

(e) A person may not receive more than $2,500 in Federal cost-shares under the 1959 program for approved practices not under pooling agreements. He may not receive more than $10,000 for all approved practices including those under pooling agreements. This includes all farms, ranching units, and turpentine places owned or operated by him in Alaska, the continental United States, Hawaii, Puerto Rico, and the Virgin Islands.

GENERAL PROGRAM PRINCIPLES

§ 1104.801 *General program principles.* The 1959 Agricultural Conservation Program for Alaska has been developed and is to be carried out on the basis of the following general principles:

(a) The program contains broad authorities to help meet the varied soil and water conservation problems. County committees and participating agencies shall design a program for each county. Such programs should include any additional limitations and restrictions necessary for the maximum conservation accomplishment in the area. The programs should be confined to the soil and water conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit in the county.

(b) The county programs should be designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1959 on the lands where they are to be applied.

(c) Costs will be shared with a farmer only on satisfactorily performed soil and water conservation practices for which Federal cost-sharing was requested by the farmer before the conservation work was begun.

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices except those which are over and above those farmers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing in a county are to be the minimum required to result in substantially increased performance of needed soil and water conservation practices within the limits prescribed in the State program.

(f) The purpose of the program is to help achieve additional conservation on the land. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers otherwise would not perform but which are essential to sound soil and water conservation, the farmers should assume responsibility for the upkeep and maintenance of those practices through their life spans. Cost-shares are not applicable, after they are initially utilized, to undertake a practice during its normal life span unless the practice has failed to serve for its normal life span due to conditions beyond the control of the farm operator.

COUNTY AGRICULTURAL CONSERVATION PROGRAMS

§ 1104.802 *Developing the county program.* (a) County programs are to be developed in accordance with the provisions of the Alaska program and such modifications thereof as may be made. The county program should include any additional limitations and restrictions necessary for the maximum conservation accomplishment in the area. It should be designed to encourage those conservation practices which provide the most enduring conservation benefits practicably attainable in 1959 on the lands where they are to be applied.

(b) The County ACP Development Group (County ASC Committee including Extension Agent, SCS technician, and FS representative if available) will meet with the governing bodies of the local Soil Conservation Subdistricts, the local Farmers Home Administration Supervisor, and others with conservation interests to develop recommendations for the county program.

(c) The County ACP Development Group will then formulate the county program keeping in mind the overall conservation problems in the county and the work plans of the Subdistricts and other agencies. Notwithstanding other provisions of the 1959 Alaska program, no change shall be made in the 1959 county program which will have the effect of restricting eligibility requirements or cost-sharing on practices included in either the 1957 or 1958 program for the county, unless such change shall have been recommended by the county committee and approved by the State Committee.

§ 1104.803 *Selection of practices.* Practices to be included in the county program shall be only those practices set forth in this subpart for which cost-sharing is essential to permit the performance of needed conservation work. Costs should be shared only on practices which it is believed farmers would not carry out without program assistance. Generally, practices that have become part of regular farming operations in a particular county should not be eligible for cost-sharing.

§ 1104.804 *Adaptation of practices.* The practices in the county program must meet all conditions and requirements of the State program. Additional conditions and requirements may be included where necessary for effective use in meeting the conservation problems in the county. The rates of cost-sharing in a county are to be the minimum required to result in substantially increased performance of needed practices within the limits prescribed in the State program. The rates of cost-sharing for practices included in the county program may be lower than the rates of cost-sharing in this subpart.

§ 1104.805 *County program approval.* The County ACP Development Group will recommend its county program for approval to the State ACP Development Group (Alaska ASC Committee including the Director of Extension, Soil Conservation Service Territorial Conservationist, and Forest Service Representative). The program recommendation must state that the program was developed in consultation with the local subdistrict governing bodies and be signed by the ASC county chairman, SCS technician, and representative of the Forest Service when present in the county.

§ 1104.806 *Responsibility for technical phases of practices.* (a) The Soil Conservation Service is responsible for the technical phases of practices 1, 2, 3, 5, 6, 9, 10, 11, and 12 (§§ 1104.841 to 1104.843, 1104.845, 1104.846, and 1104.849 to 1104.852). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance. In addition, upon agreement of the State Committee and the Soil Conservation Service State Conservationist, responsibility for all or part of the technical phases of other practices may be assigned to the Soil Conservation Service for any or all counties. The Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

(b) The Forest Service is responsible for the technical phases of practice 4 (§ 1104.848). This responsibility shall include (1) providing necessary specialized technical assistance, (2) developing specifications for the practice, and (3) working through State and county committees, determining performance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

SPECIAL PROVISIONS

§ 1104.807 *Pooling agreements.* Farmers in any local area may agree in writing, with the approval of the county committee, to work together to perform practices which, by conserving or improving the agricultural resources of the community, will solve a mutual conservation problem on the farms of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms of the persons who performed the practices. Additional information about pooling agreements is available in Instruction ACP–5 (Alaska).

§ 1104.808 *Purchase orders—(a) Availability.* Part or all of the Federal cost-share for an approved practice may be in the form of a purchase order for materials or services furnished through the program for use in carrying out the practice. Materials or services may not be furnished to persons who are indebted to the Federal Government, as indicated by the register of indebtedness maintained in the office of the county committee, except in those cases where the agency to which the debt is owed waives its rights to setoff in order to permit the furnishing of materials or services. Title to any material furnished through the program shall vest in the Federal Government until the material is applied or planted, or all charges for the material are satisfied.

(b) *Cost to farmer.* The farmer will pay that part of the cost of the material or service which is in excess of the Federal cost-share attributable to the use of the material or service, except that for practice 5 (§ 1104.845) the county committee may advance to the farmer the total cost-share he will earn at the time the heavy clearing is accomplished. However, the farmer must complete the practice by breaking the land to earn the payment. If the farmer fails to complete the practice, the money advanced becomes a debt to the Government.

(c) *Discharge of responsibility for materials and services.* The person to whom a material or service is furnished by purchase order under the 1959 program will be relieved of responsibility for the material or service when the county committee determines that (1) the material or service was used for the purpose for which it was furnished, and (2) the practice is completed so that it is eligible for payment. If a person uses any material or service for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares otherwise due him under the program. Any person to whom materials are furnished shall be responsible for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may be transferred to another person or otherwise disposed of at the expense of the person who abandoned or failed to use the material, or be retained by the person for use in a subsequent program year.

APPLICATIONS AND APPROVALS

§ 1104.811 *Eligibility.* (a) The program is applicable to (1) privately owned lands; (2) lands owned by Alaska or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States; (4) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons. These persons must maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

(b) The program is not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to (i) grazing lands administered by the Forest Service of the United States Department of Agriculture, (ii) grazing lands administered by the Bureau of Land Management of the United States Department of the Interior, and (iii) lands administered by the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (a) (6) of this section; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

§ 1104.812 *Applications.* Each farmer shall be given an opportunity to request Federal cost-sharing for those practices on which he considers he needs such assistance to perform them on his farm. Individual farmers should be encouraged to utilize cost-sharing for only those practices which have not become a part of regular farming operations on their farms. Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested before performance is started. A request for cost-sharing under the 1958 program may be regarded as meeting this requirement of the 1959 program if (a) approval was given under the 1958 program, (b) performance was started but not completed during the 1958 program year, and (c) the county committee believes the extension of the approval to the 1959 program is justified under the 1959 program regulations and provisions.

§ 1104.813 *Approvals.* Each request for cost-sharing will be considered by the county committee in the light of (a) the program principles in § 1104.801, (b) the conservation problems in the county, the conservation work most needed in 1959, and the county allocation of program funds, and (c) the conservation problems of the individual farm and any conservation plan developed by the farmer and any State or Federal agency. The county committee will issue notices of approval showing, for each practice, the units approved and the cost-share for performing those units. Notices of practices approved should be issued before the farmer begins the practice. No practice may be approved for cost-sharing except as authorized by the State or county program, or in accordance with procedures incorporated therein. Available funds for cost-sharing shall not be allocated on a farm or acreage-quota basis, but shall be directed to the accomplishment of the most enduring conservation benefits obtainable.

§ 1104.814 *Limitations of the program—(a) Initial establishment or installation of practices.* Cost-sharing may be authorized under the 1959 program only for the initial establishment or installation of the practices contained in this subpart. The initial establishment or installation of a practice, for the purposes of the 1959 program, shall be deemed to include the replacement, enlargement, or restoration of practices for which cost-sharing was allowed under a previous program, if all of the following conditions exist:

(1) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(2) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(3) The county committee believes the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with similar practices for which cost-sharing for initial establishment is requested.

(b) *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

PRACTICE COMPLETION REQUIREMENTS

§ 1104.817 *Completion of practices.* The farmer must complete each practice in accordance with all applicable specifications and program provisions to earn payment. Purchase orders represent an advance to the farmer before he completes the practice, but he must complete the practice to earn the money advanced. Except as provided in §§ 1104.818 to 1104.820, the farmer must complete the practice during the program year in order to be eligible for a payment.

§ 1104.818 *Practices substantially completed during the program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1959 program year if the county committee determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions, except as provided in § 1104.819.

§ 1104.819 *Practices requiring more than one program year for completion.* Cost-shares approved under the 1959 program will not be considered as earned until all components of the approved practices are completed in accordance with all applicable specifications and program provisions. Cost-shares for

completed components of a practice may be paid only after the practice is substantially completed, and only on the condition that the farmer will complete the remaining components of the practice within a reasonable time prescribed by the county committee, unless prevented from doing so for reasons beyond his control and regardless of whether cost-sharing therefor is offered, or refund the cost-shares paid him. If an approved practice is not substantially completed by the end of the 1959 program year, the practice may be considered for reapproval under the 1960 program. For practice 5 (§ 1104.845) the completion of the bulldozing or other heavy clearing operation will be considered as substantial completion of the practice.

§ 1104.820 *Practices involving the establishment or improvement of vegetative cover.* Costs for practices involving the establishment or improvement of vegetative cover, including trees, may be shared even though a good stand is not established, if the county committee determines, in accordance with standards approved by the State Committee, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm operator. The county committee may require as a condition of cost-sharing in such cases that the area be reseeded or replanted or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional elegible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

PAYMENTS

§ 1104.823 *Availability of funds.* The provisions of the 1959 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact. Paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose. The amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation. The funds provided for the 1959 program will not be available for paying Federal cost-shares for which applications are filed in the county office after December 31, 1960.

§ 1104.824 *Eligibility for payment.* Any person who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1104.825 *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1104.826 *Practices carried out with State or Federal aid.* Where a Federal or Territorial agency contributed toward the cost of a practice, the county committee, when computing the cost-shares, will reduce the total cost of the practice by the percentage of the total cost of the items of performance on which costs are shared which was furnished by the Federal or Territorial agency. Materials or services furnished by purchase order through this program shall not be regarded as State or Federal aid for the purposes of this section.

§ 1104.827 *Division of payments.* Cost-share attributable to the use of conservation materials or services shall be credited to the person to whom the materials or services are furnished. Cost-shares shall be credited to the person who carried out the practices by which they were earned. If more than one person contributed, the cost-share shall be divided among such persons in the proportion that the county committee determines they contributed to carrying out the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each person toward carrying out the practice and shall assume that each contributed equally unless it is established to its satisfaction that the contributions were not in equal proportion. Furnishing land or the right to use water is not a contribution to carrying out any practice.

§ 1104.828 *Filing applications for payment.* (a) Each person participating in the program is responsible for submitting the forms and information needed to establish the extent of performance of approved practices and compliance with applicable program provisions.

(b) The county committee will establish time limits for submission of performance reports and allied information for efficient administration of the program. The county committee will notify each farmer, in his notice of approval, of the time by which he must report performance. Exceptions to time limits may be made in cases where failure to submit the required forms and information within the applicable time limit is due to reasons beyond the control of the farmer.

(c) Payment of Federal cost-shares will be made only upon application submitted on Form ACP–245 by December 31, 1960, or such earlier date as may be prescribed. Any application may be rejected if any form or information required of the applicant is not submitted to the county office within the applicable time limit.

§ 1104.829 *Appeals.* Any person may request the county committee to reconsider its recommendation or determination in any matter affecting the right to or amount of his Federal cost-shares. This appeal must be in writing and must be made within 15 days after the notice of the action he wishes to appeal is forwarded to or made available to him. The county committee shall notify him of its decision in writing within 15 days after the receipt of the written request for reconsideration. If the person is dissatisfied with the decision of the county committee, he may appeal to the State Committee. Again, the appeal must be in writing and within 15 days after the decision is forwarded to or made available to him. The State Committee shall notify him of its decision within 30 days after the submission of the appeal. Written notice of any decision rendered under this section by the county or State committee shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision. If he is dissatisfied with the decision of the State Committee, he may request the Administrator, ACPS, to review the decision of the State Committee. Again, he must make this request in writing within 15 days after the State Committee decision is forwarded to or made available to him. The decision of the Administrator, ACPS, shall be final.

§ 1104.830 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1 shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed	Increase in cost-share
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	$11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.
[2] No increase.

GENERAL PROVISIONS RELATING TO PAYMENTS

§ 1104.831 *Compliance with regulatory measures.* Persons who carry out conservation practices under the 1959 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws or regulations.

§ 1104.832 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1959 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life span in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1104.833 *Forbidden actions or practices*—(a) *Practices defeating purposes of programs.* If the county committee finds, with the concurrence of the State Committee, that any person has adopted or participated in any practice during the 1959 program year which tends to defeat the purposes of the 1959 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1959 program.

(b) *Depriving others of Federal cost-shares.* If the State Committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1959 program.

(c) *Filing of false claims.* If the State Committee finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1959 program and shall refund all amounts that may have been paid to him under the 1959 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

(d) *Misuse of purchase orders.* If the State Committee finds that any person has knowingly used a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible for any Federal cost-share under the 1959 program and shall refund all amounts that may have been paid to him under the 1959 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

(e) *Evasion of maximum cost-share limitation.* All or any part of any Federal cost-share which otherwise would be due any person under the 1959 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of § 1104.800 (e).

§ 1104.834 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed (a) without regard to questions of title under State law; (b) without deduction of claims for advances (except as provided in § 1104.835, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 13, Subtitle A, of this title)); and (c) without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1104.835 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1959 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1959, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

DEFINITIONS

§ 1104.838 *Definitions.* For the purposes of the 1959 program:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means Alaska.

(d) "State Committee" means the persons designated by the Secretary as the Agricultural Stabilization and Conservation State Committee under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(e) "State ACP Development Group" means the State ASC Committee, including the Director of Extension, the SCS Territorial Conservationist, and the Forest Service Representative.

(f) "County" refers to any of the three areas designated as "counties" by the State Committee. Fairbanks County is the Second and Fourth Judicial Districts, Homer County is the Kenai Peninsula and Kodiak Island. Palmer County is the First and Third Judicial Districts exclusive of Homer County.

(g) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(h) "County ACP Development Group" means the County ASC Committee, including the District Extension Agent, the SCS technician, and the Forest Service representative when available.

(i) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(j) "Farm" means (1) all adjoining or nearby and easily accessible farm, wood, or range land under the same ownership which is operated by one person, and (2) all additional farm, wood, or range land under different ownership operated by such person which the county committee determines (i) is nearby and easily accessible, (ii) is approximately equally productive, and (iii) for the past two years has been operated by such person and will be so operated during the current year, or has been operated by such person for one year with proof satisfactory to the county committee that it will be operated by such person for at least two more years. Notwithstanding the conditions set forth in subparagraphs (1) and (2) of this paragraph, fields and subdivisions of fields which are part of a farm shall remain

a part of such farm when operated under a short-term agreement by another operator, unless and until such fields or subdivisions of fields may be properly constituted as a separate farm or part of another farm under this definition. Land which is properly constituted as a farm shall not be reconstituted when a change of farm operators is the only basis for such action.

(k) "Cropland" means land which the county committee determines (1) was tilled in at least one of the five calendar years immediately preceding the crop year for which the determination is being made; or (2) was established in permanent vegetative cover within the five calendar years immediately preceding the crop year for which the determination is being made and was classified as cropland at the time of establishment; or (3) has been tilled but at the time of determination is in an established crop rotation pattern recognized in the community. Land planted to vineyards, orchards, or other trees which was classified as cropland at the time of planting shall retain the cropland classification only for the year of planting, except that portions of the land area within an orchard or vineyard not devoted to trees or vines shall be classified as cropland if such land area meets the requirements of the first sentence of this definition.

(l) "Program year" means the period during which conservation practices, or components thereof, must be carried out to be eligible for cost-sharing. The program year begins on September 1, 1958, and continues through December 31, 1959.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1104.840 *Concurrent operation of 1958 and 1959 programs.* The specifications and rates of cost-sharing in this subpart are applicable to practices carried out on or after January 1, 1959. The specifications and rates of cost-sharing in the 1958 Alaska program are applicable to practices carried out under the 1959 program prior to January 1, 1959, except that any provision of the 1958 Alaska program which has the effect of restricting eligibility requirements or cost-sharing on practices included in the 1957 program for a county shall apply to the 1959 program for that county only if recommended by the county committee and approved by the State Committee.

§ 1104.840a *ACP practice guide sheets.* ACP practice guide sheets referred to in this subpart are available in State and county offices.

§ 1104.841 *Practice 1: Diversion ditches to divert excess water to protected outlets*—(a) *Purpose.* These ditches are for the purpose of removing excess water from snow melting in the spring, or from seeps, springs, or other ground water, to protect cropland or potential cropland below.

(b) *Requirements.* In all cases the ditches must be staked by a qualified technician. Capacities will depend on the area draining to each ditch. Diversion ditches must be provided with a proper outlet such as a sodded waterway (see practice 2 (§ 1104.842)).

(c) *Additional recommendations.* Diversion ditches should be constructed on a grade ranging from 0 at the upper end to not in excess of 1 percent at the lower end. Grades should be either uniform or gradually increasing from the upper end. Side slopes normally should not be steeper than 1 foot vertical to 3 feet horizontal.

(d) *Technical responsibility.* Soil Conservation Service.

(e) *Reference.* ACP Practice Guide Sheet for Diversion Ditches.

Maximum Federal cost-share. 50 percent of the cost.

§ 1104.842 *Practice 2: Establishing permanent sod waterways to dispose of excess water without causing erosion*—(a) *Purpose.* Sod waterways are essential to adequate water disposal on steep land. The waterway may be either an excavated ditch or a natural drainageway. In either case more than natural runoff is carried in the outlet channel; therefore, protection is needed to avoid the formation of gullies.

(b) *Requirements.* In all cases the outlet channels will be selected by a qualified technician. New channels must be staked and constructed according to lines and grades. Sod must be established. Sod waterways must be seeded long enough in advance to develop a protective cover in the channel before water is diverted into them. Seedings in established permanent sod waterways shall be at a rate of at least 15 pounds per acre and will contain not less than 50 percent of adapted sod-forming perennial grasses with the balance in other grasses. The seeding must be properly fertilized. The minimum application of commercial fertilizer on which cost-sharing is authorized shall, in each case, be determined on the basis of a current soil test or experiment station recommendations. Weeds must be controlled to the extent that they will not cause serious damage to the stand.

(c) *Additional recommendations.* A cereal nurse crop in conjunction with grass seeding should be used where desirable. Sod stripping may be used.

(d) *Technical responsibility.* Soil Conservation Service.

(e) *Reference.* ACP Practice Guide Sheet for Permanent Sod Waterways.

Maximum Federal cost-share. (1) 50 percent of the cost of earth moving; and

(2) 50 percent of the cost of grass seed, or sodding, and the minimum required application of commercial fertilizer.

§ 1104.843 *Practice 3: Constructing permanent open drainage systems to dispose of excess water*—(a) *Purpose.* Drainage systems are one or more drainage ditches for the purpose of removing excess water from agricultural land.

(b) *Requirements.* In all cases the system must be staked by a qualified technician. Cost-sharing is limited to construction or enlargement of permanent ditches and the structural work necessary to the proper functioning of the ditches. No cost-sharing will be allowed for cleaning or maintaining a ditch or for structures installed for crossings or the convenience of the operator. Due consideration shall be given to the maintenance of wildlife habitat.

(c) *Additional recommendations.* Cost-sharing may be authorized for clearing the necessary minimum width of right-of-way and, where necessary for the effective operation of the drainage system, for the spreading of spoil banks. Ditching with dynamite is a satisfactory method in very wet areas.

(d) *Technical responsibility.* Soil Conservation Service.

(e) *Reference.* ACP Practice Guide Sheet for Open Drainage Systems.

Maximum Federal cost-share. (1) 50 percent of the cost of necessary land clearing;

(2) 50 percent of the cost of earth moving;

(3) 50 percent of the cost of materials used in the permanent structure, excluding forms.

§ 1104.844 *Practice 4: Initial establishment of permanent grass or grass-legume cover for soil or watershed protection*—(a) *Purpose.* This practice is for the initial establishment of a protective vegetative cover by seeding adapted varieties of perennial grasses and legumes on areas, including steep slopes, which will remain in such cover.

(b) *Requirements.* The seed must be adapted to local conditions and must be properly distributed over the area sown. A sufficient amount must be used to insure a good stand at maturity. Seeding on steep slopes must be at a rate of one and one half times that for normal land conditions. Each county committee will establish seeding rates, mixtures, and varieties in line with experiment station recommendations for that area. Not over 90 pounds pure live seed per acre of small grains may be used as a nurse crop. Peas or vetch may not be used as a nurse crop. Adequate fertilizer must be applied. The minimum application of commercial fertilizer on which cost-sharing is authorized shall, in each case, be determined on the basis of a current soil test or experiment station recommendations. Weeds must be controlled to the extent that they will not cause serious damage to the stand.

(c) *Additional recommendations.* None.

(d) *Technical responsibility.* County ASC Committee.

(e) *Reference.* Practice Guide Sheet for Permanent Grass Cover.

Maximum Federal cost-share. 50 percent of the cost of seed and the minimum required application of commercial fertilizer.

§ 1104.845 *Practice 5: Clearing and breaking, or breaking land to permit land-use adjustments needed in establishing soil conserving cropping systems*—(a) *Purpose.* The conservation value of this practice is in getting sufficient cleared land on the farm so that good land management can be carried out on all parts of the farm. Farmers who own 100 acres or more of cleared cultivable land are considered to have adequate cleared land for good land management and are not eligible for this practice.

(b) *Requirements.* Homesteaders must have completed their homestead land-clearing requirements, except in Homer County and in remote areas (areas more than 50 miles from the Alaska rail or highway net). Homesteaders in remote areas must have made a bona fide filing, have built a cabin on the homestead, and have met their first-year residence requirements. Persons who have filed on an allotment under the act of May 17, 1906, are eligible if they have a bona fide filing, have constructed a cabin on the allotment, and resided on the allotment during at least 4 months of the 12 months preceding the application. In all cases the land to be cleared must be approved by a qualified technician. Methods of clearing which result in destruction of needed organic materials disqualify the clearing for cost-sharing. Removal of mineral soil will be considered evidence of excessive removal of organic material. Needed conservation practices must be applied to land cleared under previous programs in order to qualify an application for cost-sharing for additional land clearing under this program. Clearing areas which will result in increased erosion will not qualify. Windbreaks and uncleared land along streams must be left when, in the opinion of the county committee and SCS technician, such protective cover is necessary to control present or potential erosion. Land cleared under the 1959 program must be broken not later than the end of the following program year.

(c) *Additional recommendations.* The Government will advance the full 50 percent up to $40 per acre at the time the bulldozing or other heavy clearing operation is completed. The practice is considered substantially completed at this time. The farmer actually earns this payment when he also completes the breaking operation and the land is ready for tillage. Farmers should contact the Bureau of Land Management Fire Control people before they burn. They should leave adequate firebreaks when clearing and generally clear with the ultimate burning in mind.

(d) *Technical responsibility.* Soil Conservation Service.

(e) *Reference.* ACP Practice Guide Sheet for Land Clearing.

Maximum Federal cost-share. 50 percent of the cost, but not in excess of $40 per acre.

§ 1104.846 *Practice 6: Installation of facilities for sprinkler irrigation to provide vegetative cover for soil protection on rolling land*—(a) *Purpose.* This practice is applicable where primary use is for permanent grassland on rolling land.

(b) *Requirements.* The installation must be in accordance with written plans approved by the Soil Conservation Service technician and the county committee. The power unit must be of capacity adequate to supply uniform distribution. Nozzle openings shall be of a size to hold application rate within intake capacity of soils to be irrigated.

(c) *Additional recommendations.* None.

(d) *Technical responsibility.* Soil Conservation Service.

(e) *Reference.* ACP Practice Guide Sheet for Sprinkler Irrigation.

Maximum Federal cost-share. 50 percent of the cost of pipe and fittings.

§ 1104.847 *Practice 7: Constructing or deepening wells for livestock water*—(a) *Purpose.* This practice is to help provide soil protection through the adoption or maintenance of livestock farming systems and increased acreages of permanent vegetative cover.

(b) *Requirements.* Homesteaders are eligible only after they have completed their homestead cultivation requirements. The farmer must show that the well will lead to the establishment or continuance of livestock on the farm. Standards and requirements shall be established by the county committee. Even though the well may be constructed at the headquarters to prevent freezing during the winter months, it is not to be used primarily for household utility. The well and pumping equipment must be large enough to provide the minimum amount of water for the particular livestock enterprise. Adequate storage facilities must be provided and pumping equipment installed except for artesian wells.

(c) *Additional recommendations.* None.

(d) *Technical responsibility.* County ASC Committee.

(e) *Reference.* None.

Maximum Federal cost-share. 50 percent of the cost of drilling or deepening the well, and casing, including installation of the casing.

§ 1104.848 *Practice 8: Seeding, planting, or interplanting forest trees or shrubs or improvement of a stand of forest trees on farmland for purposes other than the prevention of wind or water erosion*—(a) *Purpose.* This practice includes (1) thinning, (2) pruning crop trees, (3) removing or killing competing or undesirable vegetation, and (4) seeding, planting, or interplanting desirable trees or shrubs.

(b) *Requirements.* Technical assistance shall be utilized as available. The area must be protected from fire. Seedlings must be protected from grazing and should be protected from browsing.

(c) *Technical responsibility.* Forest Service.

(d) *Additional recommendations.* None.

Maximum Federal cost-share. 50 percent of the cost, including land preparation.

§ 1104.849 *Practice 9: Planting or interplanting forest trees or shrubs on farmland to prevent wind or water erosion*—(a) *Purpose.* This practice includes the planting or interplanting of desirable trees or shrubs for the prevention of wind or water erosion (1) in windbreaks, (2) in shelterbelts, (3) along gullies, and (4) along streambanks.

(b) *Requirements.* Technical assistance shall be utilized as available. The area must be protected from fire. Seedlings must be protected from grazing and should be protected from browsing.

(c) *Technical responsibility.* Soil Conservation Service.

(d) *Additional recommendations.* None.

Maximum Federal cost-share. 50 percent of the cost, including land preparation.

§ 1104.850 *Practice 10: Developing springs or seeps for livestock and/or grassland irrigation water to encourage better grassland management*—(a) *Purpose.* This practice is to encourage better grassland management through providing water supplies for livestock and/or grassland irrigation.

(b) *Requirements.* Site selection must be approved by a qualified technician and plans must be approved by the Soil Conservation Service. The spring or developed seep must be protected from livestock. Cutoff walls must be of impervious material. Water developed must be piped to a suitable utilization or storage structure. Appreciable use of this water for other than livestock and/or grassland irrigation shall be considered as defeating the purpose of this practice.

(c) *Additional recommendations.* None.

(d) *Technical responsibility.* Soil Conservation Service.

(e) *Reference.* ACP Practice Guide Sheet for Developing Springs and Seeps.

Maximum Federal cost-share. (1) 50 percent of the cost of excavating earth, rock, and gravel.

(2) 50 percent of the cost of materials used in the permanent structure, excluding forms.

§ 1104.851 *Practice 11: Constructing or sealing dams, pits, or ponds for livestock and/or grassland irrigation water*—(a) *Purpose.* These dams, pits, or ponds are to store water to encourage better grassland management by (1) providing water for livestock, and/or (2) providing water for grassland irrigation (see practice 6 (§ 1104.846)).

(b) *Requirements.* Design and construction must conform to Soil Conservation Service specifications and be supervised by a qualified technician. Earth fills must be thoroughly compacted and core walls extended to nearly impervious material. Downstream slopes shall be not less than 3 feet horizontal to 1 foot vertical. Upstream slopes shall not be less than 4 feet horizontal to 1 foot vertical. Necessary fencing and seeding or sodding to protect the dam and pond must be accomplished. Dams shall have a spillway capacity adequate to carry off surplus water. The spillway must be designed by a qualified engineer. If used for livestock water, a suitable water trough must be installed with pipe from pond to trough. Appreciable use of this water source for other than livestock or grassland irrigation shall be considered as defeating the purpose of this practice.

(c) *Additional recommendations.* None.

(d) *Technical responsibility.* Soil Conservation Service.

(e) *Reference.* ACP Practice Guide Sheet for Dams and Ponds.

Maximum Federal cost-share. (1) 50 percent of the cost of earth moving.

(2) 50 percent of the cost of materials in the permanent structure, excluding forms.

§ 1104.852 *Practice 12: Streambank protection, channel clearance, enlargement or realinement, or construction of levees or dikes, to prevent erosion or flood damage to farmland*—(a) *Purpose.* This practice is to prevent streambank erosion and flood damage to farmland.

(b) *Requirements.* Plans for each installation must be designed by a qualified technician and approved by the Soil Con-

servation Service and county committee. The Soil Conservation Service is responsible for laying out and supervising the installation. This practice shall not be approved in cases where there is a likelihood that it will create an erosion or flood hazard to other adjacent land.

(c) *Additional recommendations.* None.

(d) *Technical responsibility.* Soil Conservation Service.

(e) *Reference.* ACP Practice Guide Sheet for Streambank Protection.

Maximum Federal cost-share. 50 percent of the cost.

Done at Washington, D. C., this 8th day of August 1958.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 58-6539; Filed, Aug. 13, 1958; 8:53 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

Subchapter D—Approved Forms, Federal Power Act

[Docket No. R-164; Order 207]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

ANNUAL REPORT FOR ELECTRIC UTILITIES AND LICENSEES

AUGUST 7, 1958.

In the matter of amendment of rules prescribing the form and filing of Annual Report, FPC Form No. 1 for Electric Utilities and Licensees, Classes A and B.

The Commission has under consideration herein the amendment of § 141.1 of the Commission's regulations under the Federal Power Act, "Annual Report, Form No. 1, Electric Utilities and Licensees (Classes A and B)" (set forth in Part 141—Statements and Reports, Subchapter D—Approved Forms, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations) so as (1) to prescribe as a part of that section three new subsections and (2) to prescribe a number of new and revised schedules as a part of that Annual Report as presently constituted.

The schedules affected are as follows:

FPC Form No. 1, Schedule Heading	*FPC Form No. 1, Page No.*
General Instructions.[1]	
Notes to Statement of Income	20 (New)
Electric Plant in Service	60, 62
Construction Work in Progress—Electric	64
Reserve for Depreciation of Electric Plant	68
Miscellaneous Electric Revenues	76 (New)
Interchange Power	86
Electric Energy Account	91
Steam Generating Stations	96-97
Transmission Lines Added During Year	104

[1] The proposed revision in the General Instructions was published inadvertently as a part of the forms attached to the notice of proposed rule making in Docket No. R-163 which was published in the FEDERAL REGISTER on February 8, 1958 (23 F. R. 854-5). See footnote 1 appearing in Order No. 199 issued on March 17, 1958, in Docket No. R-163 (23 F. R. 1888 at 1889, 19 FPC 341 at 343).

General public notice of this proposed rulemaking was given by the publication of notice in the FEDERAL REGISTER on February 12, 1958 (23 F. R. 912), and the mailing of notices to interested parties including State and Federal regulatory agencies.

New paragraphs (a), (b), and (c) to § 141.1, hereinafter adopted, would specifically prescribe, in textual form, FPC Form No. 1 as the Annual Report for Classes A and B electric utilities and licensees, and others, and the requirement for filing that report; thereby codifying and restating the reporting and filing requirements presently promulgated and making that section of the Regulations parallel in form to §§ 141.2, 141.3, and 141.4 of the regulations covering other classes of respondents.

The exact nature of each of the revisions to the general instructions and the schedules hereinafter adopted is fully set forth on the accompanying forms. Generally, however, they will result in the reporting of data not heretofore reported. This action of the Commission complements the action taken in Order No. 199, issued March 17, 1958, in Docket No. R-163 (23 F. R. 1888) wherein certain other schedules of the same Form No. 1 were revised so as to reduce existing reporting requirements.

In response to the notice above referred to comments or suggestions have been received from nine utility companies. The limited comments received indicate a general acceptance of the proposed changes. One expressed satisfaction with the proposed changes without further comment. Five utilities protested the proposed changes in the schedule, Transmission Line Statistics, pp. 102-3.[2] The objections are based on cited difficulties to compliance. Accordingly, the revision proposed in the notice has not been adopted. Others made suggestions for clarifying changes which, for the most part, have been adopted.

The proposed revisions as originally set forth in the notice of proposed rulemaking, herein, were coordinated with the industry representatives of the Advisory Council on Federal Reports and with the Committee on Accounts and Statistics of the National Association of Railroad and Utility Commissioners. Since the revisions herein adopted do not involve any significant modifications of those originally proposed, no further coordination with those groups appears necessary.

The Commission has given careful consideration to all of the data, views, comments, and suggestions submitted with respect to the proposed amendment of § 141.1, and the revisions to Annual Report Form No. 1, and to the extent provided in the order has reflected such suggestions, and to the extent not reflected in the order the suggestions and comments are rejected.

[2] Transferred from Docket No. R-163 for consideration herein. See ordering clause (B) of Order No. 199 cited, supra fn. 1.

The Commission finds: Upon consideration of the proposed amendments, comments, and suggestions, adoption and promulgation of the proposed amendments, modified as hereinafter ordered, are necessary and appropriate for the purposes of administration of the Federal Power Act.

The Commission, acting pursuant to the authority granted by the Federal Power Act, particularly sections 3 (15), 4 (a) through (c), 301 (a), 302 (a), (b), 304, 309, and 311 thereof (49 Stat. 838, 839, 854, 855, 858, 859; 16 U. S. C. 796 (13), 797 (a) through (c), 825a, 825c, 825h, and 825j), orders:

(A) Section 141.1 *Annual report, Form No. 1, electric utilities and licensees (Classes A and B)* of Part 141—Statements and Reports (Schedules), Subchapter D—Approved Forms, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations, is amended by deleting the words "List of schedules in report form" and inserting in lieu thereof the following paragraphs:

§ 141.1 *Annual report, Form No. 1, electric utilities and licensees (Classes A and B).* (a) The form of Annual Report for Classes A and B, electric utilities and licensees and others, designated as FPC Form No. 1 in the Commission's Regulations under the Federal Power Act is prescribed for the calendar year 1958 and thereafter.

(b) Each Class A utility and licensee (as defined in the Uniform System of Accounts) and each private, municipal, or public corporation engaged in the generation, transmission, distribution, or sale of electric energy, however produced, throughout the United States and its possessions, having annual electric operating revenues of $750,000 or more, or electric plant the original cost of which is in the amount of $4,000,000 or more, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission annually for each year beginning January 1, 1958, or subsequently during the calendar year 1958 if its established fiscal year is other than a calendar year, on or before the last day of the third month following the close of the calendar or other established fiscal year, an original and such number of conformed copies of the above-designated FPC Form No. 1 as are indicated in the General Instructions set out in that form, all properly filled out and verified: *Provided,* That with the exception of the following schedules, viz, Important Changes During the Year, Comparative Balance Sheet, Notes to Balance Sheet, Summary of Utility Plant and Reserves, Statement of Income for the Year, Notes to Statement of Income, Statement of Earned Surplus, and Electric Operating Revenues, the filing of the complete report, which shall include the above excepted schedules originally filed, may be postponed for 30 days beyond the established filing date without further authorization from the Commission. One copy of said report should be retained by the correspondent in its files. The conformed copies may be carbon copies, if legible.

(c) Each Class B utility and licensee (as defined in the Uniform System of Accounts) and each private, municipal, or public corporation engaged in the generation, transmission, distribution, or sale of electric energy, however produced, throughout the United States and its possessions, having annual electric operating revenues of more than $250,000, but less than $750,000, and electric plant the original cost of which is in an amount less than $4,000,000, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission annually for each year beginning January 1, 1958, or subsequently during the calendar year 1958 if the established fiscal year is other than a calendar year, on or before the last day of the third month following the close of the calendar or other established fiscal year, an original and such number of conformed copies of the above-designated FPC Form No. 1 as are indicated in the General Instructions set out in that form, all properly filled out and verified: *Provided,* That with the exception of the following schedules, viz, Important Changes During the Year, Comparative Balance Sheet, Notes to Balance Sheet, Summary of Utility Plant and Reserves, Statement of Income for the Year, Notes to Statement of Income, Statement of Earned Surplus, and Electric Operating Revenues, the filing of the complete report, which shall include the above excepted schedules originally filed, may be postponed for 30 days beyond the established filing date without further authorization from the Commission. One copy of said report should be retained by the correspondent in its files. The conformed copies may be carbon copies, if legible.

(d) This annual report contains the following list of schedules:

* * * * *

(B) The revisions (including the new schedules) of the Annual Report, FPC Form No. 1, for Classes A and B electric utilities and licensees, for the schedules listed above, and as shown by the typewritten or hand-script changes on the accompanying pages of the presently effective form,[1] are approved and adopted and new or revised schedules reflecting those revisions are hereby prescribed and promulgated as a part of the Annual Report, Form No. 1, to be prepared and filed annually with the Commission, effective with the reporting for the calendar year beginning January 1, 1958, or subsequently during the calendar year 1958 if the established fiscal year is other than the calendar year.

(C) This order shall become effective upon the issuance thereof.

(D) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(Sec. 309, 49 Stat. 858; 16 U. S. C. 825h)

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6530; Filed, Aug. 13, 1958; 8:51 a. m.]

[1] Filed as part of the original document.

Subchapter G—Approved Forms, Natural Gas Act

[Docket No. R-166; Order No. 208]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

ANNUAL REPORTS FOR NATURAL GAS COMPANIES, CLASSES A AND B

AUGUST 7, 1958.

In the matter of amendment of rules prescribing the form and filing of Annual Reports, FPC Form No. 2, for Natural Gas Companies Classes A and B.

The Commission has under consideration herein the amendment of § 260.1 of the Commission's Regulations under the Natural Gas Act, for "Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B)" (set forth in Part 260—Statements and Reports, Subchapter G—Approved Forms, Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations) so as to prescribe a number of new and revised schedules as a part of that Annual Report as presently constituted.

The schedules affected are as follows:

FPC Form No. 2 Schedule Heading	*FPC Form No. 2 Page No.*
General Instructions.	
Notes to Statement of Income	20 (New)
Gas Plant in Service	60
Gas Plant in Service	63
Construction Work in Progress—Gas	65
Reserve for Depreciation of Gas Plant	69
Sales to Other Gas Utilities—Natural Gas	79
Natural Gas Exchanges—Summary of Transactions	82
Natural Gas Exchanges (Continued)—Explanations and Accounting Adjustments	82a (New)
Gas Purchased[1]	94
Contracted Natural Gas Supply	107
Underground Gas Storage	116
Transmission System Peak Deliveries	119
System Map	123

[1] Transferred from Docket No. R-165 for consideration herein. See ordering clause (C) of Order No. 200, issued March 17, 1958 (19 FPC 345 at 349, 23 F. R. 1890 at 1891).

General public notice of this proposed rule making was given by the publication of notice in the FEDERAL REGISTER on February 12, 1958 (23 F. R. 913), and the mailing of notices to interested parties including State and Federal regulatory agencies.

The exact nature of each of the revisions to the general instructions and the schedules hereinafter adopted is fully set forth on the accompanying forms. Generally, however, they will result in the reporting of data not heretofore reported. This action of the Commission complements the action taken in Order No. 200, issued March 17, 1958, in Docket No. R-165 (19 FPC 345, 23 F. R. 1890) wherein certain other schedules of the same Form No. 2 were revised so as to reduce existing reporting requirements.

A total of 12 letters from 8 companies were received in response to the above-mentioned notice. Of these, 6 are responses relating to the schedule, Gas Purchased, page 94, deferred from consideration in Docket No. R-165 because of objections to certain aspects of the proposed revisions in that schedule. The limited number of comments received indicate a general acceptance of the proposed changes. Although several protests were strongly urged, we find them to be without substantial merit. Most of the comments suggested only clarifying modifications and the staff of the Commission, in addition, has suggested some modifications made in response to suggestions submitted in the proceeding (R-164) to revise the reporting requirements with respect to Annual Report, Form No. 1, submitted by the members of the electric industry.

The proposed revisions as originally set forth in the notice of proposed rule making, herein, were coordinated with the industry representatives of the Advisory Council on Federal Reports and with the Accounting and Engineering Committee of the National Association of Railroad and Utility Commissioners. Since the revisions herein adopted do not involve any significant modifications of those originally proposed, no further coordination with those groups appears necessary.

The Commission has given careful consideration to all of the data, views, comments, and suggestions submitted with respect to the proposed revisions to Annual Report Form No. 2 and to the extent provided in the order has reflected such suggestions, and to the extent not reflected in the order the suggestions and comments are rejected.

The Commission finds:

Upon consideration of the proposed amendments, comments, and suggestions, adoption and promulgation of the proposed amendments, modified as hereinafter ordered, are necessary and appropriate for the purposes of administration of the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, particularly sections 8, 9 (b), 10, and 16 of that Act (52 Stat. 821, 825, 826, and 830; 15 U. S. C. 717g, 717h (b), 717i, and 717o), orders:

(A) The revisions (including new schedules) of the Annual Report, FPC Form No. 2, for Classes A and B Natural Gas Companies, for the schedules listed above, and as shown by the typewritten or handscript changes on the accompanying pages of the presently effective form,[1] are approved and adopted and new or revised schedules reflecting those revisions are hereby prescribed and promulgated as a part of the Annual Report, FPC Form No. 2, to be prepared and filed annually with the Commission, effective with the reporting for the calendar year beginning January 1, 1958, or subsequently during the calendar year 1958 if the established fiscal year is other than the calendar year.

(B) This order shall become effective upon the issuance thereof.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(Sec. 16, 52 Stat. 830; 15 U. S. C. 717o)

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6531; Filed, Aug. 13, 1958; 8:51 a. m.]

[1] Filed as part of the original document.

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—CHILD LABOR REGULATIONS, ORDERS, AND STATEMENTS OF INTERPRETATION

SUBPART E—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

SUBPART G—GENERAL STATEMENTS OF INTERPRETATION OF THE CHILD LABOR PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED

MISCELLANEOUS AMENDMENTS

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, 29 U. S. C. 201 et seq.), and Reorganization Plan No. 2 of 1946 (3 CFR, 1943–1948 Comp., p. 1064), and in accordance with the requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003), §§ 4.56 (d), 4.57, 4.64, and 4.111, are hereby amended in the manner indicated below.

1. Section 4.56 (d) is amended by inserting the word "Chambersburg" in lieu of the word "Philadelphia" in the last sentence thereof.

This amendment reflects a recent change in the location of the regional office of the Wage and Hour and Public Contracts Divisions for Region III.

2. Section 4.57 is amended by inserting an additional paragraph (c) which will read as follows:

(c) *Higher standards.* This section shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established in this section.

The amendment incorporates into this section a restatement of the child labor provisions contained in section 18 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1069, 29 U. S. C. 218).

3. The blanket citation immediately preceding §§ 4.51 to 4.64 is amended by adding thereto the following: "Interpret or apply sec. 18, 52 Stat. 1069, 29 U. S. C. 218."

This change notes the interpretation and application of section 18 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1069, 29 U. S. C. 218), in each of the Hazardous Occupations Orders published in Subpart E of Part 4.

4. Section 4.64 is amended by adding in parentheses to the section headnote "Occupations involved in the manufacture of brick, tile, and kindred products," the words "Order 13".

The amendment will further identify this Hazardous Occupations Order by indicating its numerical designation in the list of Hazardous Occupations Orders heretofore promulgated by this Department.

5. Section 4.111 is amended by deleting the reference to § 4.125 in the last sentence of the first paragraph in Footnote 21 and substituting therefor a reference to § 4.128.

The purpose of the amendment is to provide the proper reference for the matters discussed in Footnote 21.

The changes made in §§ 4.56 (d), 4.64, and 4.111, are matters of agency organization, practice, or interpretative rules, and are not substantive in nature. Therefore, the notice and effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) do not apply to them.

In addition, the notice requirement of section 4 of that Act is not applicable to the change in § 4.57 for good cause. Such notice is hereby found unnecessary. The amendment to this section, as indicated above, merely adds to the regulation a restatement of the child labor provisions of section 18 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1069, 29 U. S. C. 218).

Also, no delay in the effective date of the amendment to § 4.57 is made for good cause. Since the substance of the change is already in effect by force of statute, it is hereby found that no time lag is necessary to afford interested persons an opportunity to comply with its provisions.

All amendments herein made will become effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 3, 52 Stat. 1060, as amended; 29 U. S. C. 203. Interpret or apply sec. 18, 52 Stat. 1069; 29 U. S. C. 218)

Signed at Washington, D. C., this 11th day of August 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-6536; Filed, Aug. 13, 1958; 8:52 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF SCHRADAN

A petition was filed by Pennsalt Chemicals Corporation, 2901 Taylor Way, Tacoma 2, Washington, requesting the establishment of a tolerance for residues of schradan (octamethylpyrophosphoramide) in or on walnuts.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 CFR, 1957 Supp., 120.3 (23 F. R. 3595)) are amended as indicated below:

1. In § 120.3 *Tolerances for related pesticide chemicals*, paragraph (e) (3) is amended by inserting after the item "Parathion" the item "Schradan (octamethylpyrophosphoramide)."

2. Part 120 is amended by adding the following new section:

§ 120.166 *Tolerance for residues of schradan.* A tolerance of 0.75 part per million is established for residues of schradan (octamethylpyrophosphoramide) in or on English walnuts.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: August 7, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-6510; Filed, Aug. 13, 1958; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1697]

[Fairbanks 013619]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF AIR FORCE FOR MILITARY PURPOSES

Correction

In Federal Register Document 58-5903, published on page 5877 in the issue for Saturday, August 2, 1958, the land description should read as follows:

FAIRBANKS MERIDIAN

T. 2 N., R. 1 E.,
Sec. 2, N½NE¼SW¼NW¼, and
All that part of lot 4 as described by the following aliquot parts: SE¼NW¼NW¼, S½NE¼NW¼NW¼, and E½SW¼NW¼NW¼.

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter H—Training

[Gen. Order 24, Rev. (WSA Function Series) Supp. 2, Amdt. 3]

PART 310—MERCHANT MARINE TRAINING

SUBPART C—APPOINTMENT AND TRAINING OF CADETS IN THE UNITED STATES MERCHANT MARINE CADET CORPS

PAY

Effective August 1, 1958, § 310.61 *Pay* is hereby revised to read as follows:

§ 310.61 *Pay.* (a) Cadets will receive pay, while attached to merchant vessels, at the rate of $111.15 per month from their steamship company employers. In addition the steamship company employers shall pay the Cadets such subsistence and room allowances in port, transportation allowances, and other bonuses or allowances as are paid to the licensed officers of the vessels to which the Cadets are attached.

(b) Cadets shall not be given overtime work or granted overtime pay.

(Sec. 4, 55 Stat. 607; 34 U. S. C. App. 1123d. Interprets or applies sec. 216, 52 Stat. 965, as amended; 46 U. S. C. 1126)

Dated: August 8, 1958.

[SEAL] CLARENCE G. MORSE,
Maritime Administrator.

[F. R. Doc. 58-6528; Filed, Aug. 13, 1958; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS

MISCELLANEOUS AMENDMENTS

Basis and purpose. By notice of proposed rule making published on May 14, 1958 (23 F. R. 3275), the public was notified that the Director, Bureau of Sport Fisheries and Wildlife, proposed to recommend the adoption by the Secretary of the Interior certain changes in Part 6, Title 50, Code of Federal Regulations, which would specify open seasons, certain closed seasons, hunting methods, hunting hours, and bag limits for migratory game birds. In this connection the public was notified of certain specific changes to Part 6 that were under immediate consideration. The sections of Part 6 to be changed and the reasons for such changes were set forth in detail. After due consideration, it is now determined that of the sections enumerated in the notice only the following shall be recommended for change: Sections 6.3 (b) (9), 6.7 (b), 6.9, and 6.11.

Interested persons were invited to submit their views, data, or arguments in writing with respect to the proposed changes to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., on or before June 20, 1958. Consideration having been given to all relevant matters presented, it has been determined that the proposed changes to the sections enumerated above shall be adopted. Accordingly, Part 6 of the regulations is amended in pertinent part as follows:

1. Subparagraph (9) of § 6.3 (b) is amended to read as follows:

(9) By the aid of baiting, or on or over any baited area. As used in this subparagraph, "baiting" shall mean the placing, exposing, depositing, distributing or scattering of shelled, shucked, or unshucked corn, wheat or other grain, salt or other feed so as to constitute for such birds a lure, attraction or enticement to, on or over any area where hunters are attempting to take them; and "baited area" means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt or any other feed whatsoever capable of attracting such birds is directly or indirectly placed, exposed, deposited, distributed or scattered. Nothing in this subparagraph shall prohibit the taking of such birds over standing crops, flooded standing crops (including aquatics), flooded harvested crop lands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural harvesting.

2. Paragraph (b) of § 6.7 is amended to read as follows:

(b) Migratory game birds may be imported from Canada with or without heads and feet attached, but shipments of such birds must be accompanied by tags or permits if required by Dominion or Provincial law.

3. Section 6.9 is amended to read as follows:

§ 6.9 *Possession for purposes of processing, transportation, or storage.* No person, other than the person who has lawfully taken such birds, shall receive, possess, or have in custody migratory game birds for picking, cleaning, processing, shipment, transportation, or storage (including temporary storage at hunting clubs) unless such birds have a tag attached signed by the hunter stating his address, the total number and kinds of birds and the date killed. Any commercial picking establishment, cold-storage or locker plant receiving, possessing, or having in custody migratory game birds shall maintain accurate records showing the numbers and kinds of such birds, the dates received and disposed of, and the names and addresses of the persons from whom such birds are received, and to whom such birds are delivered. Such records shall be produced at any reasonable time for inspection by any officer authorized to enforce this part. The records so required to be maintained shall be retained by the person or persons responsible for their preparation and maintenance for a period of one year following the close of the open season on migratory game birds prescribed for the State in which such picking establishment, cold-storage or locker plant is located.

4. Section 6.11 is amended to read as follows:

§ 6.11 *Possession of live migratory waterfowl.* No person, without a permit, shall possess or transport any live migratory game birds acquired after October 1, 1958.

5. Paragraph (h) of § 6.15 is amended to read as follows:

(h) *Applications for permits.* Applications for permits on forms prescribed for such purposes shall be addressed to the Regional Director of the Bureau of Sport Fisheries and Wildlife in whose region the applicant resides, as follows:

Region 1—P. O. Box 3737, Portland 8, Oreg. (California, Idaho, Montana, Nevada, Oregon, Washington);

Region 2—P. O. Box 1306, Albuquerque, N. Mex. (Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, Utah, Wyoming);

Region 3—1006 West Lake Street, Minneapolis 8, Minn. (Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin);

Region 4—Peachtree-Seventh Building, Atlanta 23, Ga. (Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland);

Region 5—1105 Blake Building, Boston 11, Mass. (Connecticut, Delaware, Maine, Massachusetts, Vermont, Pennsylvania, New Hampshire, New Jersey, New York, Rhode Island, West Virginia); and

Region 6—P. O. Box 2021, Juneau, Alaska (Alaska).

In accordance with the provisions of section 4 (c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U. S. C. 1003 (c), the foregoing amendments shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704)

Issued at Washington, D. C., and dated August 8, 1958.

HATFIELD CHILSON,
Acting Secretary of the Interior.

[F. R. Doc. 58-6511; Filed, Aug. 13, 1958; 8:47 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71–78]

[Docket No. 3666; Notice 36]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

JULY 25, 1958.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth in Appendix A hereto and the reasons therefor are listed in Appendix B.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached. In view thereof no oral hearing is contemplated at this time.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before August 27, 1958. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Federal Register Division.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, *Secretary.*

APPENDIX A

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 Commodity List (15 F. R. 8264, 8267, 8270, 8271, 8272, Dec. 2, 1950) (17 F. R. 7279, Aug. 9, 1952) (21 F. R. 7597, Oct. 4, 1956) (22 F. R. 11030, Dec. 31, 1957) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in outside container by rail express
(Change)				
Boron trifluoride	Nonf. G	73.302, 73.307	Green	300 pounds.
Grenades, hand or rifle, with gas, smoke or incendiary material but without bursting charges.	See §§ 73.88(d), 73.108, 73.330, 73.350.			
Igniters, jet thrust (*jato*), class B explosives	Expl. B	No exemption, 73.92	Red[1]	550 pounds.
Jet thrust unit (*jato*), class B explosives	Expl. B	No exemption, 73.92	Red[1]	550 pounds.
Peroxides, organic, liquids or solutions, n. o. s.	F. L.	No exemption, 73.119 (m).	Red	1 quart.
Rifle powder. See Propellant explosives, class A, Propellant explosives, class B, or Black powder.				
Starter cartridges, jet engine, class B explosives.	Expl. B	No exemption, 73.92	Red[1]	200 pounds.
(Add)				
Bombs, practice, with electric primers or electric squibs.	See § 73.55			
Explosive power device	Expl. C	No exemption, 73.102		100 pounds.
Rocket bodies, with electric primers or electric squibs.	See § 73.55			
Smoke grenades	Expl. C	No exemption, 73.108		200 pounds.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. In § 73.28 amend paragraph (h) (15 F. R. 8277, Dec. 2, 1950) to read as follows:

§ 73.28 *Reused containers.* • • •

(h) Single-trip containers made under specifications prescribed in Part 78 of this chapter from which contents have once been removed following use for shipment of any article, must not be again used as shipping containers for explosives, flammable liquids, flammable solids, oxidizing materials, corrosive liquids, or poisons, class B or C, as defined in this part: *Provided*, That during the present emergency and until further order of the Commission, single-trip containers may be reused if retested before each refilling and approved for service by the Bureau of Explosives. Applications for permission for reuse should be made to the Bureau of Explosives, 30 Vesey Street, New York 7, N. Y.

• • • • • •

2. In § 73.31 amend paragraph (g) (9) Table 1; amend paragraph (g) (10) (22 F. R. 4789, July 9, 1957) (23 F. R. 2322, April 10, 1958) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* • • •

(g) • • •

(9) • • •

TABLE 1—RETEST PERIODS AND PRESSURES

Classification	See footnote	Tank retests				Safety valve retest years	Interior heater systems retest				Tank test psi	Safety valve psi[2]	Safety valve vapor tight psi minimum	Retest holding time—minutes	Test time when lagging is not removed—minutes
		Up to 10 years	10–22 years	Over 10 years	Over 22 years		Up to 10 years	10–22 years	Over 10 years	Over 22 years					
(Change)															
ICC–109A100–A L–W		10		10		5					100	75	60	10	20
(Add)															
ICC–111A100–W–8	(6)	None	None		None	None	5	3		1	100				

• • • • • • • • • • • •

(10) All I. C. C. tanks built to one specification and authorized to be stenciled to another specification must be retested in accordance with the higher specification and the test pressure stenciled accordingly on the tank or jacket.

• • • • • •

3. In § 73.34 amend only the table in paragraph (k) Exception 12 (23 F. R. 2323, April 10, 1958) to read as follows:

§ 73.34 *Qualification, maintenance, and use of cylinders.* • • •

(k) • • •

(12) • • •

Cylinders made in compliance with—	Used exclusively for—
ICC–3AA480, ICC–3AA480, ICC–3AA480X, ICC–4B, ICC–4BA, ICC–26–240,[1] or ICC–26–300.[1]	Liquefied petroleum gas which is commercially free from corroding components.
ICC–4, ICC–3AA480, ICC–3AA480, ICC–3A480X, ICC–4A480, or ICC–4AA480.	Anhydrous ammonia of at least 99.95% purity.

[1] Use of existing cylinders authorized, but new construction not authorized.

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. In § 73.51 amend paragraph (q) (18 F. R. 6777, Oct. 27, 1953) to read as follows:

§ 73.51 *Forbidden explosives.* • • •

(q) New explosives except samples for laboratory examination (see § 73.86) and military explosives approved by the Chief of Ordnance, Department of the Army; Chief, Bureau of Ordnance, Department of the Navy; or Air Material Command, Wright-Patterson Air Force Base, Ohio. All other new explosives must be approved for transportation by the Bureau of Explosives.

• • • • • •

In § 73.53 amend paragraph (l) (15 F. R. 8286, Dec. 2, 1950) to read as follows:

§ 73.53 *Definition of class A explosives.* • • •

(l) *Grenades.* Grenades, hand or rifle, are small metal or other containers designed to be thrown by hand or projected from a rifle. They are filled with an explosive or a liquid, gas, or solid material such as a toxic or tear gas or an incendiary or smoke producing material and a bursting charge. When shipped without explosives or bursting charges, see §§ 73.100 (y), 73.330, 73.350, and 73.385.

2. In § 73.55 amend paragraph (a) (19 F. R. 1277, Mar. 6, 1954) to read as follows:

§ 73.55 *Ammunition, nonexplosive.* (a) Nonexplosive ammunition is devices containing no explosives, or other dangerous article, such as cartridge cases, dummy or drill cartridges; empty, sand-loaded or solid projectiles with or without tracers (containing not in excess of 1 ounce or tracer composition); empty mines, empty bombs, solid projectiles, empty torpedoes, or practice bombs or rocket bodies equipped with electric primers or electric squibs. Such ammunition is exempt from Parts 71–78 of this chapter. Rotating bands should be protected against deformation by method of packing or loading.

3. In § 73.65 amend the introductory text of paragraph (f) (15 F. R. 8289, Dec. 2, 1950) to read as follows:

§ 73.65 *High explosives with no liquid explosive ingredient nor any chlorate.* • • •

(f) Amatol when cast or compressed in a block or column, in addition to the containers prescribed in paragraphs (a) (1) to (5) of this section, may be shipped in specification containers as follows:

4. In § 73.88 amend paragraph (d) (20 F. R. 8100, Oct. 28, 1955) to read as follows:

§ 73.88 *Definition of class B explosives.* • • •

(d) Special fireworks are manufactured articles designed primarily for the purpose or producing visible or audible pyrotechnic effects by combustion or explosion. (See § 73.100 (r) for common fireworks). Examples are toy torpedoes, railway torpedoes, some firecrackers and salutes, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles, incendiary bombs or incendiary grenades and smoke projectiles or smoke bombs fuzed or unfuzed and containing expelling charges but without bursting charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not over 72 grains of flash powder each (see § 73.60 for shipments made as low explosives) and flash cartridges consisting of a paper cartridge shell, small-arms primer, and flash composition, not exceeding 180 grains all assembled in one piece. Fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation.

• • • • • •

5. In § 73.92 add paragraph (d) (22 F. R. 11030, Dec. 31, 1957) to read as follows:

§ 73.92 *Jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B.* • • •

(d) *Label.* Each outside container of igniters, jet thrust (jato), class B explosives, jet thrust units (jato), class B explosives, or starter cartridges, jet engine, class B explosives, when offered for transportation by rail express, must have securely and conspicuously attached to it a square red label as described in § 73.412.

6. In § 73.100 amend paragraphs (r) (7), (y), and (z); add paragraphs (aa) and (bb) (18 F. R. 3134, June 2, 1953) (21 F. R. 7599, Oct. 4, 1956) (21 F. R. 9355, Nov. 30, 1956) (15 F. R. 8296, Dec. 2, 1950) to read as follows:

§ 73.100 *Definitions of class C explosives.* • • •

(r) • • •

(7) Illuminating torches and colored fire in any form; total pyrotechnic composition not to exceed one hundred grams each in weight.

• • • • • •

(y) Smoke candles, smoke pots, smoke grenades, and smoke signals containing not more than 200 grams of pyrotechnic composition each, without bursting charges, hand signal devices, very signal cartridges, and highway or railway fusees are devices designed to produce visible effects for signal purposes.

(z) Explosive release devices consist of a rod or link fitted with means for mechanical attachment to other apparatus or equipment and containing a small electrically initiated explosive

charge which will break the rod or link upon functioning. These devices must be so designed that they will not function other explosive devices in the package sympathetically.

(aa) Explosive power devices are devices designed to drive generators or mechanical apparatus by means of propellant explosives, class B. The devices consist of a housing with a contained propellant charge and an electric igniter or squib and shall contain not more than 400 grams of explosive composition. The devices must be of a design approved by the Bureau of Explosives.

(bb) Detonating fuzes, class C explosives, are used in the military service to detonate high explosive bursting charges of projectiles, mines, bombs, torpedoes, and grenades. They contain a detonator and a quantity of high explosive. Detonating fuzes, class C explosives, must be made and packed so that they will not cause functioning of other fuzes, explosives or explosive devices if one of the fuzes detonates in a shipping container or in adjacent containers.

7. Amend entire § 73.102 (21 F. R. 9355, Nov. 30, 1956) to read as follows:

§ 73.102 *Explosive cable cutters, explosive power devices, or explosive release devices.* (a) Explosive cable cutters, explosive power devices, or explosive release devices must be packed in strong wooden or metal boxes.

(b) Each outside container must be plainly marked "Explosive Cable Cutters," "Explosive Power Devices," or "Explosive Release Devices" and "Handle Carefully—Keep Fire Away."

8. In § 73.108 amend the heading and introductory text of paragraph (a); amend paragraph (d) (22 F. R. 2225, April 4, 1957) (21 F. R. 7599, Oct. 4, 1956) to read as follows:

§ 73.108 *Common fireworks, signal flares, hand signal devices, railway or highway fusees, smoke signals, smoke candles, smoke grenades, smoke pots, and very signal cartridges.* (a) Common fireworks, signal flares, hand signal devices, railway or highway fusees, smoke signals, smoke candles, smoke grenades, smoke pots, and very signal cartridges, unless otherwise specifically provided for, must be securely packed in containers complying with the following specifications:

• • • • • •

(d) Each outside package must be plainly marked in letters not less than 7/16 inch in height "Common Fireworks", "Signal Flares", "Hand Signal Devices", "Railway Fusees", "Highway Fusees", "Smoke Signals", "Smoke Candles", "Smoke Pots", "Smoke Grenades", or "Very Signal Cartridges", as the case may be, and with the additional words "Handle Carefully—Keep Fire Away".

9. Amend entire § 73.113 (20 F. R. 4414, June 23, 1955) (22 F. R. 2225, April 4, 1957) to read as follows:

§ 73.113 *Detonating fuzes, class C explosives.* (a) Detonating fuzes, class C explosives, must be packed and well secured in strong tight outside wooden or metal boxes. The gross weight of the outside wooden or metal box containing detonating fuzes, class C explosives, must not exceed 190 pounds.

(b) Each outside package must be plainly marked "Detonating fuzes, Class C Explosives—Handle Carefully".

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.118 amend paragraph (c) (33) (21 F. R. 3009, May 5, 1956), to read as follows:

§ 73.118 *Exemptions for flammable liquids.* • • •

(c) • • •

(33) Peroxides, organic, liquids or solutions, n. o. s.

• • • • • •

2. In § 73.119 add paragraph (a) (24); amend paragraph (k) (2) (15 F. R. 8299, Dec. 2, 1950) (21 F. R. 671, Jan. 31, 1956) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for.* (a) • • •

(24) Spec. 6J (§ 78.100 of this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drum. Gross weight restriction indicated by the gross weight embossment on the steel barrel or drum shall be waived.

• • • • • •

(k) • • •

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

• • • • • •

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. In § 73.162 add paragraph (a) (10) (15 F. R. 8304, Dec. 2, 1950) to read as follows:

§ 73.162 *Charcoal.* (a) • • •

(10) Charcoal screenings or ground, crushed, granulated, or pulverized charcoal, from pit or kiln burned charcoal, provided the screenings or the material from which the ground charcoal is made has been exposed to the air for not less than 5 days prior to shipment or grinding (see paragraphs (j) and (k) of this section).

• • • • • •

2. In § 73.182 amend paragraph (a) (1) (21 F. R. 364, Jan. 19, 1956) to read as follows:

§ 73.182 *Nitrates.* (a) • • •

(1) Wooden or fiberboard boxes with glass, metal, or other strong inside containers; in metal or fiber drums; in kegs or barrels; or in strong metal cans. When so packed, they are exempt from specification packaging, marking other than name of contents, and labeling requirements when for transportation by rail or highway. Ammonium nitrate-carbonate mixtures, nitrocarbonitrate, and ammonium nitrate mixed fertilizers so packed are exempt from labeling requirements when for transportation by water carrier. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

• • • • • •

3. In § 73.190 amend paragraph (b) (3) (22 F. R. 4790, July 9, 1957) to read as follows:

§ 73.190 *Phosphorus, white or yellow.* • • •

(b) • • •

(3) Spec. 103, 103–W, or 111A100–W–1 (§§ 78.265, 78.280, or 78.303 of this chapter). Tank cars without bottom outlet for discharge of lading and with approved dome fittings, external heater systems, and with insulation at least 4 inches in thickness, except that thickness of insulation may be reduced to 2 inches over external heater coils. Bottom washout nozzle of approved design may be supplied. The material must be immersed in water or be blanketed with an inert gas and be loaded at a temperature not exceeding 140° F. The water must be loaded in the dome to not more than 90 percent of the capacity of the dome. After unloading, the tank must be filled to its entire capacity with an inert gas or to its entire capacity and the dome to not more than 50 percent of its capacity with water having a temperature not exceeding 140° F. and placarded with the caution placard prescribed in § 74.555 of this chapter before the car is offered for return movement.

[No change in Note 1.]

• • • • • •

4. In § 73.225 amend paragraph (a) (1) (15 F. R. 8312, Dec. 2, 1950) to read as follows:

§ 73.225 *Phosphorus sesquisulfide.* (a) • • •

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with metal inside containers hermetically sealed (soldered) or water-tight metal cans with screw-top closures. Other closures if approved by the Bureau of Explosives will be permitted.

• • • • • •

5. In § 73.232 amend paragraph (a) (17 F. R. 4294, May 10, 1952) to read as follows:

§ 73.232 *Tank cars containing residual phosphorus.* (a) Tank cars from which phosphorus has been unloaded and from which all residual phosphorus has not been removed by thorough cleaning must be shipped filled with water or an inert gas and must be placarded by the shipper with placards prescribed in § 74.555 of this chapter.

6. In § 73.234 amend paragraph (a) (2) (23 F. R. 4029, June 10, 1958) to read as follows:

§ 73.234 *Sodium nitrite.* (a) • • •

(2) Spec. 44C (§ 78.237 of this chapter). Multiwall paper bags constructed of at least 5 thicknesses of heavy duty shipping sack Kraft paper, or equivalent, with a minimum total basis weight of 310 pounds including a polyethylene or other suitable pliable plastic material inner sheet having a minimum basis weight of 10 pounds. All closures must be of such design as to provide a moisture-resistant package when closed for shipment. Net weight not over 100 pounds each. Authorized for carload or truckload shipments only.

• • • • • •

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.245 amend paragraph (a) (18); add paragraph (a) (20) (22 F. R. 7834, Oct. 3, 1957) (15 F. R. 8313, Dec. 2, 1950) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) • • •

(18) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 1 gallon capacity each. Not more than 4 inside containers exceeding 5 pints capacity each shall be packed in the outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

• • • • • •

(20) Spec. 16A (§ 78.185 of this chapter). Upright, wrap-around style, wire-bound wooden boxes, with inside spec. 27 (§ 78.21 of this chapter), polyethylene containers. (See § 78.185-21 of this chapter).

2. In § 73.249 amend paragraph (a) (5) (22 F. R. 4790, July 9, 1957) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., alkaline battery fluids, and sodium aluminate, liquid.* (a) • • •

(5) Spec. 103, 103–W, 103A, 103A–W, 103B, 103B–W, 104, 104–W, 105A100, 105A100–W, 111A100–W–1, 111A100–W–2, 111A100–W–3, 111A100–W–4, or 111A100–W–5 (§§ 78.265, 78.280, 78.266, 78.281, 78.267, 78.282, 78.269, 78.284, 78.270, 78.285, 78.303, 78.304, 78.305, 78.306, or 78.309 of this chapter). Tank cars.

• • • • • •

3. In § 73.257 amend paragraphs (a) (6) and (11) (23 F. R. 2325, 2326, April 16, 1958) (22 F. R. 7836, Oct. 3, 1957) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) • • •

(6) Spec. 12B or 12C (§§ 78.205 or 78.206 of this chapter). Fiberboard boxes with inside containers of polyethylene or other electrolyte acid resistant nonfragile materials having secure closures capable of withstanding conditions incident to transportation without leakage and unless containers are rigid or semi-rigid in nature they must be contained in other strong inside containers; minimum thickness of polyethylene or other materials shall be not less than 0.003 inch for any film sheet for multiwall containers or not less than 0.006 inch for single-wall containers; not more than 12 such inside containers shall be packed in one outside box and the marking prescribed in § 73.401 (c) shall not be required. Inside containers shall be packed to prevent movement within the box (see § 78.205–34 of this chapter). Dry storage batteries or battery charger device may be packed in the same outside box when adequately separated from other inside containers (see § 78.205–33 of this chapter); gross weight of completed package shall not exceed 85 pounds. Complete package, closed as for shipment, with inside containers filled with liquid of same specific gravity as commodity to be shipped, must be capable of withstanding at least 2 drops from a height of 4 feet onto solid concrete without leakage from or rupture of inside containers.

• • • • • •

(11) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 1 gallon capacity each. Not more than 4 inside containers exceeding 5 pints capacity each shall be packed in the outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

• • • • • •

4. In § 73.258 amend paragraph (a) (2) (22 F. R. 7836, Oct. 3, 1957) to read as follows:

§ 73.258 *Electrolyte, acid, or alkalin corrosive battery fluid, packed with storage batteries.* (a) • • •

(2) Electrolyte, acid, or alkaline corrosive battery fluid included with storage batteries and filling kits may be packed in strong plywood or wooden boxes when shipments are made by, for, or to the Departments of the Army, Navy, or Air Force of the United States Government in outside containers of their specifications provided the electrolyte, acid, or alkaline corrosive battery fluid is packed in polyethylene bottles not over 32-ounce capacity each and not more than 24 bottles securely separated from storage batteries and kits may be shipped in one outside package.

• • • • • •

5. In § 73.262 amend paragraphs (a) (6) and (7) (16 F. R. 9375, Sept. 15, 1951) (22 F. R. 7836, Oct. 3, 1957) to read as follows:

§ 73.262 *Hydrobromic acid.* (a) • • •

(6) Spec. 103B, 103B–W, or 111A100–W–5 (§§ 78.267, 78.282, or 78.309 of this chapter). Tank cars.

(7) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

• • • • • •

6. In § 73.263 amend paragraphs (a) (9), (16) and (d) (2) (21 F. R. 4565, June 26, 1956) (22 F. R. 7837, Oct. 3, 1957) (23 F. R. 4029, June 10, 1958) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.* (a) • • •

(9) Spec. 103B, 103B–W, or 111A100–W–5 (§§ 78.267, 78.282, or 78.309 of this chapter). Tank cars. Authorized for acid not over 38 percent strength by weight. Except for hydrochloric (muriatic acid) of 22° Baume strength, and other fuming acids, safety vent of approved design equipped with frangible disc having 1/8 inch breather hole in the center thereof or a safety vent of approved design equipped with carbon discs permitting continuous venting may be used.

[No change in Note 1.]

• • • • • •

(16) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

• • • • • •

(d) • • •

(2) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 1 gallon capacity each. Not more than 4 inside containers exceeding 5 pints capacity each shall be in the outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

7. In § 73.264 amend paragraph (a) (11) (16 F. R. 9375, Sept. 15, 1951) to read as follows:

§ 73.264 *Hydrofluoric acid.* (a) • • •

(11) Spec. 103B, 103B–W, or 111A100–W–5 (§§ 78.267, 78.282, or 78.309 of this chapter). Tank cars, rubber-lined tanks. Authorized only for acid not over 40 percent strength.

• • • • • •

8. In § 73.265 amend paragraph (b) (3) (16 F. R. 9375, Sept. 15, 1951) to read as follows:

§ 73.265 *Hydrofluosilicic acid.* • • •

(b) • • •

(3) Spec. 103B, 103B–W or 111A100–W–5 (§§ 78.267, 78,282, or 78.309 of this chapter). Tank cars, rubber-lined tanks.

• • • • • •

9. In § 73.268 add paragraph (f) (5) (15 F. R. 8320, Dec. 2, 1950) to read as follows:

§ 73.268 *Nitric acid.* • • •

(f) • • •

(5) Spec. 60 (§ 78.255 of this chapter). Portable tanks, glass-lined.

• • • • • •

10. In § 73.271 add paragraph (a) (11) (15 F. R. 8321, Dec. 2, 1950) to read as follows:

§ 73.271 *Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* (a) • • •

(11) Spec. 103A or 103A–W (§§ 78.266 or 78.281 of this chapter). Tank cars. Authorized for phosphorus trichloride only.

• • • • • •

11. In § 73.272 amend paragraphs (c) (6) and (i) (4) (22 F. R. 7837, Oct. 3, 1957) (15 F. R. 8321, Dec. 2, 1950) to read as follows:

§ 73.272 *Sulfuric acid.* • • •

(c) • • •

(6) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles

may be packed in one outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

• • • • • •

(i) • • •

(4) Spec. 103B, 103B–W, or 111A100–W–5 (§§ 78.267, 78.282, or 78.309 of this chapter). Tank cars.

• • • • • •

12. In § 73.276 add paragraph (a) (4) (15 F. R. 8322, Dec. 2, 1950) to read as follows:

§ 73.276 *Anhydrous hydrazine and hydrazine solution.* (a) • • •

(4) Spec. 103C–W (§ 78.283 of this chapter). Tank cars having tanks of Type 304 or 347 ELC (extra low carbon) stainless steel with molybdenum content not exceeding one-half of one percent. Vapor space in tank must be filled with nitrogen gas at atmospheric pressure.

13. In § 73.286 amend paragraph (c) (1) (23 F. R. 4030, June 10, 1958) to read as follows:

§ 73.286 *Chemical kits.* • • •

(c) • • •

(1) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 32 ounces capacity each, securely cushioned and separated from other inside containers. The contents of the kit must be of such nature and so packed that there will be no possibility of the mixture of contents causing dangerous evolution of heat or gas. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

14. In § 73.287 add paragraph (a) (5) (15 F. R. 8323, Dec. 2, 1950) to read as follows:

§ 73.287 *Chromic acid solution.* (a) • • •

(5) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene containers having minimum wall thickness of not less than 0.007 inch and so designed as to maintain their configuration when standing empty and open (see § 78.205–34 of this chapter).

15. In § 73.289 amend paragraph (a) (12) (22 F. R. 7837, Oct. 3, 1957) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) • • •

(12) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

16. In § 73.291 amend paragraph (a) (8) (21 F. R. 4565, June 26, 1956) to read as follows:

§ 73.291 *Flame retardant compound, liquid.* (a) • • •

(8) Spec. 103B, 103B–W, or 111A100–W–5 (§§ 78.267, 78.282, or 78.309 of this chapter). Tank cars.

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

In § 73.307 add Note 1 to paragraph (a) (1) (16 F. R. 9376, Sept. 15, 1951) to read as follows:

§ 73.307 *Nonliquefied gases, except gas in solution or poisonous gas.* (a) • • •

(1) • • •

NOTE 1: Authorized cylinders containing oxygen which is continuously fed to tanks containing live fish may be shipped irrespective of the provisions of § 73.24.

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. In § 73.331 add paragraph (c) (15 F. R. 8333, Dec. 2, 1950) to read as follows:

§ 73.331 *Gas identification sets.* • • •

(c) Gas identification training sets containing poisonous liquids, class A, and poisonous articles, class C, when offered for transportation by carriers by rail freight, rail express, highway, or water must be packed for shipment as follows:

(1) The poisonous liquid, class A, and poisonous article, class C, in amounts not exceeding 5 cubic centimeters, if a liquid, or 20 grams, if a solid, when mixed with or absorbed in activated charcoal, silica gel, crepe rubber, or other absorbent medium, must be packed in strong glass bottles of not less than 2 fluid ounces capacity, equipped with a polyethylene liner; each bottle as herein specified must have a metal screw cap closure, equipped with a built-in compression type spring and an insert in the opening of the bottle to match so that when tightened an airtight seal is obtained. Twelve bottles, containing articles as described in this paragraph and not exceeding 100 cubic centimeters or grams, or a combination of both, shall be placed in a modified stryrene plastic carrying case, in three rows of four bottles each and fitted with a fiberboard cell or separator. The void space around the individual bottles, and around all interior sides of the carrying case, shall be filled with dry, fine sawdust or vermiculite. A sheet of sponge rubber shall be fitted to the inside of the top and bottom of the carrying case to provide additional cushioning and insure a snug fit of the bottles when the top is secured. The carrying case shall be fitted into a snug fitting fiberboard box, domestic type. The case shall then be packed in a nailed wooden box, spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter), which shall be fitted with a waterproof case liner.

2. § 73.366 add paragraph (a) (3) (20 F. R. 4418, June 23, 1955) to read as follows:

§ 73.366 *Arsenic (arsenic trioxide) or arsenic acid (solid).* (a) • • •

(3) In addition to specification containers prescribed in this section, arsenic (arsenic trioxide) or arsenic acid (solid) may be shipped when packed in portable, collapsible, rubber containers, not over 70 cubic feet capacity, of a type approved by the Bureau of Explosives. Authorized for carload or truckload shipments only.

• • • • •

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

1. In § 73.400 amend paragraph (f) (17 F. R. 1562, Feb. 20, 1952) to read as follows:

§ 73.400 *Explosives.* • • •

(f) Each shipment of igniters, jet thrust (jato), class B explosives, jet thrust units (jato), class B explosives, propellant explosives, class B, or starter cartridges, jet engine, class B explosives, when offered for transportation by carriers by rail express, must bear the label prescribed by § 73.412.

• • • • • •

2. In § 73.412 amend the heading and entire paragraph (a) (17 F. R. 1563, Feb. 20, 1952) to read as follows:

§ 73.412 *Explosives, class B, label for express shipment.* (a) Label for class B explosives, except special fireworks (see § 73.410), must be square measuring 4 inches on each side and bright red in color. Printing must be in black letters inside of a black-line border measuring 3½ inches on each side and as shown in this section.

(1) Red label for Class B explosives for express shipment.

(Reduced size)
(Black printing on red)

4 inches

EXPLOSIVES
CLASS B

HANDLE CAREFULLY
KEEP FIRE AWAY
DO NOT DROP OR THROW

This package must not be loaded or stored near steam pipes or other source of heat

This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission.

(Shipper's name)

4 inches

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART C—PLACARDS ON CARS

1. Amend entire § 74.555 (16 F. R. 11781, Nov. 21, 1951) to read as follows:

§ 74.555 *"Caution—Residual phosphorus" placard.* (a) Tank cars previously loaded with phosphorus, when shipped filled with water or inert gas, must bear a placard reading "Caution—This car contains residual phosphorus and must be kept filled with (water) or (inert gas)". The placard must be of diamond shape measuring 10¾ inches on each side, and must bear the wording in black letters as shown in the following cut:

CAUTION PLACARD FOR RESIDUAL PHOSPHORUS
(Reduced size)

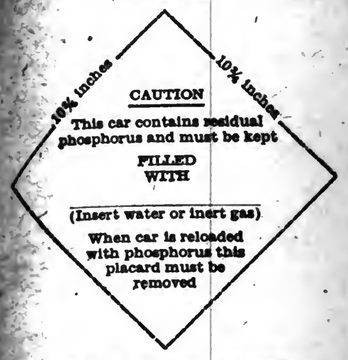

2. In § 74.594 amend paragraph (j) (15 F. R. 8357, Dec. 2, 1950) to read as follows:

§ 74.594 *Leaking tank cars.* • • •

(j) Whenever the leaking condition of a tank car requires transfer of lading or renders the tank unfit for reloading, the car must be stenciled on both sides in letters three inches in size, adjacent to the car number, "Leaky Tank. Do Not Load Until Repaired", and indicate and mark at the location of the leak with the symbol "X", and the owner must be immediately notified by wire, such notification to indicate definitely location of leak. Stenciling must not be removed until the tank is repaired.

• • • • • •

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART A—SPECIFICATIONS FOR CARBOYS, JUGS IN TUBS, AND RUBBER DRUMS

1. In § 78.10–3 paragraph (a) amend only the table; amend paragraph (c) (17 F. R. 7283, Aug. 9, 1952) to read as follows:

§ 78.10 *Specification 1F; polyethylene carboys in plywood drums.*

§ 78.10–3 *Polyethylene carboys.* (a) • • •

Marked capacity (not over)	Minimum wall thickness	Minimum weight of bottles
Gallons:	*Inch*	*Pounds*
5	1/16	3
6½	1/16	4
15	1/16	8

• • • • • •

(c) Polyethylene carboys, as manufactured and filled to marked capacity with a material which remains in a liquid form, shall be capable of withstanding a 4-foot drop without leakage, after prior conditioning so that contents will be 0° Fahr. or colder, onto solid concrete on any portion of carboy.

2. In § 78.11–3 paragraph (a) amend only the table (18 F. R. 805, Feb. 7, 1953) to read as follows:

§ 78.11 *Specification 1G; polyethylene carboys in wooden or glued plywood boxes.*

§ 78.11–3 *Polyethylene carboys.* (a) • • •

Marked capacity (not over)	Minimum wall thickness	Minimum weight of polyethylene carboy
Gallons:	*Inch*	*Pounds*
5	0.0625	3
8	0.125	8
15	0.125	11½

• • • • • •

3. In § 78.13–3 amend paragraph (c) (21 F. R. 675, Jan. 31, 1956) to read as follows:

§ 78.13 *Specification 1H; polyethylene carboys in low carbon steel or other equally efficient metal crates.*

§ 78.13–3 *Polyethylene carboys.* • • •

(c) Polyethylene carboys, as manufactured and filled to marked capacity with a material which remains in a liquid form, shall be capable of withstanding a 4-foot drop without leakage, after prior conditioning so that contents will be 0° Fahr. or colder, onto solid concrete on any portion of the carboy.

SUBPART B—SPECIFICATIONS FOR INSIDE CONTAINERS, AND LININGS

1. In § 78.21–3 amend paragraph (c) (23 F. R. 2329, April 10, 1958) to read as follows:

§ 78.21 *Specification 2T; polyethylene containers.*

§ 78.21–3 *Polyethylene containers.* • • •

(c) Polyethylene containers, as manufactured and filled to marked capacity with a material which remains in a liquid form, shall be capable of withstanding a 4-foot drop without leakage, after prior conditioning so that contents will be 0° Fahr. or colder, onto solid concrete on any portion of the container.

• • • • • •

2. In § 78.35–5 add paragraph (a) (2) (21 F. R. 675, Jan. 31, 1956) to read as follows:

§ 78.35 *Specification 2S; polyethylene drums.*

§ 78.35–5 *Test.* (a) • • •

(2) Polyethylene drums, as manufactured and filled to marked capacity with a material which remains in a liquid form, shall be capable of withstanding a 4-foot drop without leakage, after prior conditioning so that contents will be 0° Fahr. or colder, onto solid concrete on any portion of the drum.

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. In § 78.80–9 amend paragraph (b) (15 F. R. 8432, Dec. 2, 1950) to read as follows:

§ 78.80 *Specification 5; steel barrels or drums.*

§ 78.80–9 *Closures.* • • •

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.7 inches in diameter. If unthreaded cap is used it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

[No change in Note 1.]

• • • • • •

2. In § 78.82–9 amend paragraph (b) (15 F. R. 8434, Dec. 2, 1950) to read as follows:

§ 78.82 *Specification 5B; steel barrels or drums.*

§ 78.82–9 *Closures.* • • •

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.7 inches in diameter. If unthreaded cap is used it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

[No change in Note 1.]

• • • • • •

3. In § 78.115–8 amend paragraph (b) (15 F. R. 8448, Dec. 2, 1950) to read as follows:

§ 78.115 *Specification 17C; steel drums.*

§ 78.115–8 *Closures.* • • •

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.7 inches in diameter. If unthreaded cap is used it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

[No change in Note 1.]

• • • • • •

4. In § 78.116–8 amend paragraph (b) (20 F. R. 955, Feb. 15, 1955) to read as follows:

§ 78.116 *Specification 17E; steel drums.*

§ 78.116–8 *Closures.* • • •

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container: *Provided,* That thinner metal closures or closures of other material are authorized for containers of 12 gallons capacity or less when opening to be closed is not over 2.7 inches in diameter and closures, except threaded metal closures, are fitted with outside sealing devices which cannot be removed without destroying the closure or sealing device (see paragraph (d) of this section).

[No change in Note 1.]

• • • • • •

5. In § 78.133–5 amend the table in paragraph (a); in § 78.133–9 amend the introductory text of paragraph (a) (23 F. R. 2330, April 10, 1958) to read as follows:

§ 78.133 *Specification 37P; steel drums with polyethylene liner.*

§ 78.133–5 *Parts and dimensions.* • • •

Marked capacity not over (gallons)	Type of container [1]	Body sheet	Bottom head sheet	Removable head sheet	Type of removable head closure
5	Straight side, single bead	26	26	24	Ring seal, bolted ring, lug cover.
6½	Straight side, single bead	24	24	24	Ring seal, bolted ring, lug cover.
15	Straight side, single bead [3]	22	22	19	Ring seal, bolted ring, lug cover.

[No change in footnotes]

• • • • • •

§ 78.133–9 *Marking.* (a) Marking on the permanent head of each container by embossing with raised marks as follows:

• • • • • •

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

In § 78.185–21 cancel Note 2 to paragraph (a) table; add paragraph (c) (23 F. R. 2331, April 10, 1958) to read as follows:

§ 78.185 *Specification 16A; plywood or wooden boxes, wirebound.*

§ 78.185–21 *Special box authorized only when used in conjunction with inside specification 2T (§ 78.21 of this chapter) polyethylene container.* (a) • • •

[Note 2 canceled.]

• • • • • •

(c) Marking authorized:

(1) Marking on each box with letters and figures at least ½" high in rectangle as follows:

ICC–16A

(2) This mark shall be understood to certify that outer container complies with all construction requirements of the specification.

(3) Name of maker shall be located just above, below, or following the mark specified in paragraph (c) (1) of this section; symbol (letters) authorized if registered with the Bureau of Explosives.

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. Add § 78.205–34 (15 F. R. 8476, Dec. 2, 1950) to read as follows:

§ 78.205 *Specification 12B; fiberboard boxes.*

§ 78.205–34 *Special box: authorized only for polyethylene, or other suitable plastic, tight-fitting inside containers so designed as to maintain their configuration when standing empty and open.* (a) Box shall comply with this specification except that top of box shall be closed by means of slotted flaps so arranged as to provide protection for the neck of the inside container and be fitted with fill-in pieces as necessary. (See §§ 73.257 (a) (6) and 73.287 (a) (5) of this chapter.)

2. In § 78.210 amend the heading; in § 78.210–6 amend only the table in paragraph (a); in § 78.210–10 add paragraph (b); in § 78.210–12 amend paragraph (a) (1) (22 F. R. 7842, 7843, Oct. 3, 1957) to read as follows:

§ 78.210 *Specification 12A; fiberboard boxes.* Nonreuseable containers.

§ 78.210–6 *Boxes authorized.* (a) • • •

Gross weight not over (pounds)	Corrugated fiberboard strength (Mullen or Cady test) minimum	
	Double-faced	Double-wall
20	200	200
50	275	200
75	----------	275

§ 78.210–10 *Test for completed package.* • • •

(b) Tests prescribed by paragraph (a) of this section must be conducted prior to initial use of the package and shall be repeated on the change of any components of the package.

§ 78.210–12 *Marking.* (a) • • •

(1) Stars to be replaced by authorized gross weight (for example, ICC–12A75). The letters NRC, located just above or below the ICC mark, to indicate a nonreusable container. These marks shall be understood to certify that the outer container complies with all the construction requirements of the specification.

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SUBPART F—SPECIFICATIONS FOR BAGS, CLOTH, BURLAP OR PAPER

1. Amend entire § 78.236 (15 F. R. 8482, Dec. 2, 1950) to read as follows:

§ 78.236 *Specification 44B; multiwall paper bags.*

§ 78.236–1 *Compliance.* (a) Required in all details.

§ 78.236–2 *Paper.* (a) Shipping sack kraft paper, plain,[1] shall conform to the following average requirements:

Nominal basis weight (500 sheets, 24" x 36") [2]	Minimum average dry tearing strength		Minimum average dry tensile strength per inch width	
	M. D.[3]	Total M. D. plus C. D.[3]	C. D.[3]	Total C. D. plus M. D.[3]
Pounds:	*Grams*	*Grams*	*Pounds*	*Pounds*
40	88	188	14	41
50	110	235	19	53
60	132	282	23	64
70	154	329	27	74

[1] A tolerance of minus 10 percent of the basis weight of individual plies of plain shipping sack kraft paper will be permitted; an average tolerance of minus 5 percent will be permitted in the sum total basis weight of all plies in multiwall constructions. Variations in excess of specified basis weights will not be considered a defect or deviation. The basis weight of paper means the basis weight as produced by the paper machine, not including finish subsequently applied, such as coating or printing.

[3] M. D. means machine direction. C. D. means cross direction.

(b) Asphalt laminated or polyethylene coated shipping sack kraft paper when used shall comply with the following requirements:

Type paper	Minimum average dry tearing strength		Minimum average dry tensile strength per inch width		Heat resistance hours at 150° F. without impairing function of sack	Maximum average water-vapor permeability from both sides at 80 percent R. H. and 75° F. g/m, 2/24 hours	
	M. D.	Total M. D. plus C. D.	C. D.	Total C. D. plus M. D.		Uncreased	Creased [1]
	Grams	*Grams*	*Pounds*	*Pounds*			
Asphalt laminated [2]	110	235	19	53	5	9.0	15.0
10PE–50 1/50–10PE [4]	110	235	19	53	5	7.0	12.0
15PE–50 1/50–15PE [4]	110	235	19	53	5	4.5	7.5

[1] Creasing at 40° F.

[2] Asphalt laminated kraft paper when used as a wall in fabricated sacks, shall conform to the requirements of paragraph (b) of this section and shall consist of two sheets of kraft paper, the total basis weight of the two paper plies not less than 50 pounds per ream (500 sheets, 24" x 36"), continuously and uniformly laminated together with an average of not less than 25 pounds of asphalt per ream (500 sheets, 24" x 36"). Tolerance of minus 5 percent will be allowed on individual components. The total basis weight of the finished combination shall not exceed 100 pounds per ream (500 sheets, 24" x 36"). An asphalt laminated kraft wall meeting these requirements may be substituted for a plain kraft wall of 50 pounds basis or less, provided it meets the specification.

[4] Polyethylene-coated shipping sack kraft paper. The polyethylene-coated kraft paper when used as walls in fabricated sacks shall meet the heat resistance and water-vapor permeability requirements as specified in the table. A tolerance of minus 10 percent will be allowed for the lot sample average coating weight of polyethylene on shipping sack kraft paper. Minimum samples for testing shall comprise not less than 3 specimens 16 square inches each selected representatively from each polyethylene-coated wall of each sack in the lot sample.

(c) Laminating materials: Any laminant other than asphalt or other water-vapor barrier walls may be used provided they meet the requirements in paragraph (b) of this section.

(d) All values in paragraphs (a) and (b) of this section are for paper having a moisture content in equilibrium with an atmosphere having a relative humidity of 50 percent plus or minus 2 percent at a temperature of 73° F. plus or minus 2.5° F. following preconditioning of the test specimens to a moisture content between 2 and 5.5 percent by exposure to relatively dry air having a temperature no greater than 140° F.

(e) Conformance of sacks with paper strength requirements shall be established by comparing the sums of the test values for all the walls of the new and unused sack with the sums of the respective strength values specified in paragraphs (a) and (b) of this section for the respective papers specified for the different walls of the sack by a method acceptable to the Bureau of Explosives.

(1) Variation in cross direction dry tensile strength of not more than 2 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall of the sack, provided the variation is compensated for by a machine direction tearing strength test value in excess of the minimum requirement obtained from the tables, in the ratio of 5 units of tearing strength for each unit of dry tensile strength test below the minimum requirement; and variation in combined dry tensile strength of not more than 4 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall and provided the variation is compensated for by a combined tearing strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of combined tearing strength for each unit of dry tensile strength test below the minimum requirement. Similarly, variation in machine direction tearing strength of not more than 10 units below the minimum requirement will be permitted for each wall, provided the variation is compensated for by a cross direction dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 1 unit of dry tensile strength for each 5 units of tearing strength test below the minimum requirement; and variation in combined tearing strength of not more than 20 units below the minimum requirement obtained from the tables will be permitted for each wall provided the variation is compensated for by a combined dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of tearing strength for each unit of dry tensile strength below the minimum requirement.

§ 78.236–3 *Construction.* (a) Bags must be at least 4 thicknesses of paper; this must be heavy duty shipping sack kraft paper, conforming to the requirements of § 78.236–2 paragraphs (a) and (b) or equivalent, with a minimum total basis weight of 200 pounds of paper (500 sheets, 24" x 36"). Outer sheet must be of water-resistant stock and at least 60 pounds basis weight, inner sheets not less than 40 pounds basis weight. Bags to be of "satchel bottom" construction; bottoms to be reinforced with a kraft paper patch at least 30 pounds basis weight. Other bottoms of equal efficiency are authorized.

[1] Shipping sack kraft paper plain is paper that consists of all sulphate pulp and no other fibre, and which has not been treated by coloring, bleaching, creping, coating, spraying, laminating or impregnating for special qualities. Paper shall have a degree of water resistance as secured by normal rosin sizing and shall comply with the requirements in paragraph (a) of this section.

(b) Or, bags must be at least 2 thicknesses of paper; this must be heavy duty shipping sack kraft paper, or equivalent with a minimum total basis weight of 110 pounds (500 sheets, 24" x 36"), fastened together with waterproof composition reinforced with jute, sisal, cotton, or other yarn or cord imbedded in the composition and criss-crossed at intervals of not over ½", approximately, so as to give approximately the same tensile strength for both width and length. Bags to be of "satchel bottom" construction. Other bottoms of equal efficiency are authorized.

(c) Moistureproof barrier sheets of paper, if used, must meet the requirements of § 78.236–2 (b) and shall be considered as one thickness of paper and shall be counted as 50 pounds basis weight (500 sheets, 24" x 36").

§ 78.236–4 *Adhesive.* (a) Moisture resistant adhesive must be used on all seams, joints, and bottom patch, if any.

§ 78.236–5 *Closure.* (a) For 4-ply bags: Inner (fourth) ply to be diamond folded loose; the third ply to be diamond folded and silicated across all its overlapping folds; the two outer plies to be diamond folded, and cross sealed, front to back and side to side, with gummed tape extending at least 2 inches down sides of bag; sealing tape must be 4" wide, of No. 1 Kraft paper, 90 pounds basis weight (500 sheets, 24" x 36"), or equivalent, and having a Mullen or Cady test, of not less than 90 percent of basis weight. Other closures of equal efficiency are authorized.

(b) For all bags: Any closure for the top which is equal in efficiency to that of the bottom, is authorized.

§ 78.236–6 *Tests for shipment.* (a) Bags as prepared for shipment must be able to withstand four 4-foot drops, one on each end and one each on opposite sides, without sifting or rupture.

§ 78.236–7 *Marking.* (a) Marking on each bag with letters and figures at least ½ inch high in rectangle as follows:

ICC–44B

(1) This mark shall be understood to certify that bag complies with all specification requirements.

(2) Name and address of maker located just above or below the mark specified in paragraph (a) of this section; symbol (letters) authorized if registered with the Bureau of Explosives.

2. Amend entire § 78.237 (23 F. R. 2332, April 10, 1958) (15 F. R. 8482, 8483, Dec. 2, 1950) to read as follows:

§ 78.237 *Specification 44C; multiwall paper bags.*

§ 78.237–1 *Compliance.* (a) Required in all details.

§ 78.237–2 *Paper.* (a) Shipping sack kraft paper, plain,[1] shall conform to the following average requirements:

Nominal basis weight (500 sheets, 24" x 36") [2]	Minimum average dry tearing strength		Minimum average dry tensile strength per inch width	
	M. D.[3]	Total M. D. plus C. D.[3]	C. D.[3]	Total C. D. plus M. D.[3]
Pounds:	*Grams*	*Grams*	*Pounds*	*Pounds*
40	88	188	14	41
50	110	235	19	53
60	132	282	23	64
70	154	329	27	74

[1] A tolerance of minus 10 percent of the basis weight of individual plies of plain shipping sack kraft paper will be permitted; an average tolerance of minus 5 percent will be permitted in the sum total basis weight of all plies in multiwall constructions. Variations in excess of specified basis weights will not be considered a defect or deviation. The basis weight of paper means the basis weight as produced by the paper machine, not including finish subsequently applied, such as coating or printing.

[3] M. D. means machine direction. C. D. means cross direction.

(b) Asphalt laminated or polyethylene coated shipping sack kraft paper when used shall comply with the following requirements:

Type paper	Minimum average dry tearing strength		Minimum average dry tensile strength per inch width		Heat resistance hours at 150° F. without impairing function of sack	Maximum average water-vapor permeability from both sides at 80 percent R. H. and 75° F. g/m 2/24 hours	
	M. D.	Total M. D. plus C. D.	C. D.	Total C. D. plus M. D.		Uncreased	Creased [1]
	Grams	*Grams*	*Pounds*	*Pounds*			
Asphalt laminated [2]	110	235	19	53	5	9.0	15.0
10PE–50 1/50–10PE [4]	110	235	19	53	5	7.0	12.0
15PE–50 1/50–15PE [4]	110	235	19	53	5	4.5	7.5

[1] Creasing at 40° F.

[2] Asphalt laminated kraft paper when used as a wall in fabricated sacks, shall conform to the requirements of paragraph (b) of this section and shall consist of two sheets of kraft paper, the total basis weight of the two paper plies not less than 50 pounds per ream (500 sheets, 24" x 36"), continuously and uniformly laminated together with an average of not less than 25 pounds of asphalt per ream (500 sheets, 24" x 36"). Tolerance of minus 5 percent will be allowed on individual components. The total basis weight of the finished combination shall not exceed 100 pounds per ream (500 sheets, 24" x 36"). An asphalt laminated kraft wall meeting these requirements may be substituted for a plain kraft wall of 50 pounds basis or less, provided it meets the specification.

[4] Polyethylene-coated shipping sack kraft paper. The polyethylene-coated kraft paper when used as walls in fabricated sacks shall meet the heat resistance and water-vapor permeability requirements as specified in the table. A tolerance of minus 10 percent will be allowed for the lot sample average coating weight of polyethylene on shipping sack kraft paper. Minimum samples for testing shall comprise not less than 3 specimens 16 square inches each selected representatively from each polyethylene-coated wall of each sack in the lot sample.

[1] Shipping sack kraft paper plain is paper that consists of all sulphate pulp and no other fiber, and which has not been treated by coloring, bleaching, creping, coating, spraying, laminating, or impregnating for special qualities. Paper shall have a degree of water resistance as secured by normal rosin sizing and shall comply with the requirements in paragraph (a) of this section.

(c) **Laminating materials:** Any laminant other than asphalt or other water-vapor barrier walls may be used provided they meet the requirements in paragraph (b) of this section.

(d) All values in paragraphs (a) and (b) of this section are for paper having a moisture content in equilibrium with an atmosphere having a relative humidity of 50 percent plus or minus 2 percent at a temperature of 73° F. plus or minus 3.5° F. following preconditioning of the test specimens to a moisture content between 3 and 5.5 percent by exposure to relatively dry air having a temperature no greater than 140° F.

(e) Conformance of sacks with paper strength requirements shall be established by comparing the sums of the test values for all the walls of the new and unused sack with the sums of the respective strength values specified in paragraphs (a) and (b) of this section for the respective papers specified for the different walls of the sack by a method acceptable to the Bureau of Explosives.

(1) Variation in cross direction dry tensile strength of not more than 2 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall of the sack, provided the variation is compensated for by a machine direction tearing strength test value in excess of the minimum requirement obtained from the tables, in the ratio of 5 units of tearing strength for each unit of dry tensile strength test below the minimum requirement; and variation in combined dry tensile strength of not more than 4 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall used provided the variation is compensated for by a combined tearing strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of combined tearing strength for each unit of dry tensile strength test below the minimum requirement. Similarly, variation in machine direction tearing strength of not more than 10 units below the minimum requirement will be permitted for each wall, provided the variation is compensated for by a cross direction dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 1 unit of dry tensile strength for each 5 units of tearing strength test below the minimum requirement; and variation in combined tearing strength of not more than 20 units below the minimum requirement obtained from the tables will be permitted for each wall provided the variation is compensated for by a combined dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of tearing strength for each unit of dry tensile strength below the minimum requirement.

§ 78.237–3 *Construction.* (a) Bags must be at least 4 thicknesses of paper; this must be heavy duty shipping sack kraft paper conforming to the requirements of § 78.237–2 paragraphs (a) and (b), or equivalent, with a minimum total basis weight of 250 pounds of paper (500 sheets, 24" x 36"). Outer sheet must be of water resistant stock and at least 60 pounds basis weight, inner sheets not less than 40 pounds basis weight. Bags to be of sewn, sift-proof bottom construction. Other bottoms of equal efficiency authorized.

(b) Moistureproof barrier sheets of paper, if used, must meet the requirements of § 78.237–2 (b) and shall be considered as one thickness of paper and shall be counted as 50 pounds basis weight (500 sheets, 24" x 36").

§ 78.237–4 *Adhesive.* (a) Moisture resistant adhesive must be used on all seams, joints, and bottom patch, if any.

§ 78.237–5 *Closure.* (a) For all bags: Any closure for the top which is equal in efficiency to that of the bottom, is authorized.

§ 78.237–6 *Tests for shipment.* (a) Bags as prepared for shipment must be able to withstand four 4-foot drops, one on each end and one each on opposite sides, without sifting or rupture.

§ 78.237–7 *Marking.* (a) On each bag with letters and figures at least ½ inch high in rectangle as follows:

ICC–44C

(1) This mark shall be understood to certify that bag complies with all specification requirements.

(2) Name and address of maker located just above or below the mark specified in paragraph (a) of this section; symbol (letters) authorized if registered with the Bureau of Explosives.

3. Amend entire § 78.238 (15 F. R. 8483, Dec. 2, 1950) to read as follows:

§ 78.238 *Specification 44D; multiwall paper bags.*

§ 78.238–1 *Compliance.* (a) Required in all details.

§ 78.238–2 *Paper.* (a) Shipping sack kraft paper, plain,[1] shall conform to the following average requirements:

Nominal basis weight (500 sheets, 24" x 36") [2]	Minimum average dry tearing strength		Minimum average dry tensile strength per inch width	
	M. D.[3]	Total M. D. plus C. D.[3]	C. D.[3]	Total C. D. plus M. D.[3]
Pounds:	*Grams*	*Grams*	*Pounds*	*Pounds*
40	88	188	14	41
50	110	235	19	53
60	132	282	23	64
70	154	329	27	74

[1] A tolerance of minus 10 percent of the basis weight of individual plies of plain shipping sack kraft paper will be permitted; an average tolerance of minus 5 percent will be permitted in the sum total basis weight of all plies in multiwall constructions. Variations in excess of specified basis weights will not be considered a defect or deviation. The basis weight of paper means the basis weight as produced by the paper machine, not including finish subsequently applied, such as coating or printing.

[2] M. D. means machine direction. C. D. means cross direction.

(b) Asphalt laminated or polyethylene coated shipping sack kraft paper when used shall comply with the following requirements:

Type paper	Minimum average dry tearing strength		Minimum average dry tensile strength per inch width		Heat resistance hours at 150° F. without impairing function of sack	Maximum average water-vapor permeability from both sides at 50 percent R. H. and 73° F. g/m, 2/24 hours	
	M. D.	Total M. D. plus C. D.	C. D.	Total C. D. plus M. D.		Uncreased	Creased [1]
	Grams	*Grams*	*Pounds*	*Pounds*			
Asphalt laminated [2]	110	235	19	53	5	9.0	15.0
10PE–50 1/50–10PE [3]	110	235	19	53	5	7.0	12.0
15PE–50 1/50–15PE [3]	110	235	19	53	5	4.5	7.5

[1] Creasing at 40° F.

[2] Asphalt laminated kraft paper when used as a wall in fabricated sacks, shall conform to the requirements of paragraph (b) of this section and shall consist of two sheets of kraft paper, the total basis weight of the two paper plies not less than 50 pounds per ream (500 sheets, 24" x 36"), continuously and uniformly laminated together with an average of not less than 25 pounds of asphalt per ream (500 sheets, 24" x 36"). Tolerance of minus 5 percent will be allowed on individual components. The total basis weight of the finished combination shall not exceed 100 pounds per ream (500 sheets, 24" x 36"). An asphalt laminated kraft wall meeting these requirements may be substituted for a plain kraft wall of 50 pounds basis or less, provided it meets the specification.

[3] Polyethylene-coated shipping sack kraft paper. The polyethylene-coated kraft paper when used as walls in fabricated sacks shall meet the heat resistance and water-vapor permeability requirements as specified in the table. A tolerance of minus 10 percent will be allowed for the lot sample average coating weight of polyethylene on shipping sack kraft paper. Minimum samples for testing shall comprise not less than 3 specimens 16 square inches each selected representatively from each polyethylene-coated wall of each sack in the lot sample.

(c) Laminating materials: Any laminant other than asphalt or other water-vapor barrier walls may be used provided they meet the requirements in paragraph (b) of this section.

(d) All values in paragraphs (a) and (b) of this section are for paper having a moisture content in equilibrium with an atmosphere having a relative humidity of 50 percent plus or minus 2 percent at a temperature of 73° F. plus or minus 3.5° F. following preconditioning of the test specimens to a moisture content between 3 and 5.5 percent by exposure to relatively dry air having a temperature no greater than 140° F.

(e) Conformance of sacks with paper strength requirements shall be established by comparing the sums of the test

[1] Shipping sack kraft paper plain is paper that consists of all sulphate pulp and no other fibre, and which has not been treated by coloring, bleaching, creping, coating, spraying, laminating or impregnating for special qualities. Paper shall have a degree of water resistance as secured by normal rosin sizing and shall comply with the requirements in paragraph (a) of this section.

values for all the walls of the new and unused sack with the sums of the respective strength values specified in paragraphs (a) and (b) of this section for the respective papers specified for the different walls of the sack by a method acceptable to the Bureau of Explosives.

(1) Variation in cross direction dry tensile strength of not more than 2 units below the minimum requirements based on paragraphs (a) and (b) of this section will be permitted for each wall of the sack, provided the variation is compensated for by a machine direction tearing strength test value in excess of the minimum requirement obtained from the tables, in the ratio of 5 units of tearing strength for each unit of dry tensile strength test below the minimum requirement; and variation in combined dry tensile strength of not more than 4 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall used provided the variation is compensated for by a combined tearing strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of combined tearing strength for each unit of dry tensile strength test below the minimum requirement. Similarly, variation in machine direction tearing strength of not more than 10 units below the minimum requirement will be permitted for each wall, provided the variation is compensated for by a cross direction dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 1 unit of dry tensile strength for each 5 units of tearing strength test below the minimum requirement; and variation in combined tearing strength of not more than 20 units below the minimum requirement obtained from the tables will be permitted for each wall provided the variation is compensated for by a combined dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of tearing strength for each unit of dry tensile strength below the minimum requirement.

§ 78.238–3 *Construction.* (a) Bags must be at least 5 thicknesses of paper; this must be heavy duty shipping sack kraft paper, conforming to the requirements of § 78.238–2 paragraphs (a) and (b), or equivalent, with a minimum total basis weight of 320 pounds of paper (500 sheets, 24" x 36"). Outer sheet must be of water resistant stock and at least 70 pounds basis weight, inner sheets not less than 50 pounds basis weight. Bags to be of sewn, sift-proof bottom construction. Other bottoms of equal efficiency authorized.

(b) Moistureproof barrier sheets of paper, if used, must meet the requirements of § 78.238–2 (b) and shall be considered as one thickness of paper and shall be counted as 50 pounds basis weight (500 sheets, 24" x 36").

§ 78.238–4 *Adhesive.* (a) Moisture resistant adhesive must be used on all seams, joints, and bottom patch, if any.

§ 78.238–5 *Closure.* (a) For all bags: Any closure for the top which is equal in efficiency to that of the bottom, is authorized.

§ 78.238–6 *Tests for shipment.* (a) Bags as prepared for shipment must be able to withstand four 4-foot drops, one on each end and one each on opposite sides, without sifting or rupture.

§ 78.238–7 *Marking.* (a) On each bag with letters and figures at least ½ inch high in rectangle as follows:

ICC–44D

(1) This mark shall be understood to certify bag complies with all specification requirements.

(2) Name and address of maker located just above or below the mark specified in paragraph (a) of this section; symbol (letters) authorized if registered with the Bureau of Explosives.

4. Amend entire § 78.239 (23 F. R. 2332, April 10, 1958) (19 F. R. 1286, Mar. 6, 1954) to reads as follows:

§ 78.239 *Specification 44E; multiwall paper bags.*

§ 78.239–1 *Compliance.* (a) Required in all details.

§ 78.239–2 *Paper.* (a) Shipping sack kraft paper, plain,[1] shall conform to the following average requirements:

Nominal basis weight (500 sheets, 24" x 36") [2]	Minimum average dry tearing strength		Minimum average dry tensile strength per inch width	
	M. D.[3]	Total M. D. plus C. D.[3]	C. D.[3]	Total C. D. plus M. D.[3]
Pounds:	*Grams*	*Grams*	*Pounds*	*Pounds*
40	88	188	14	41
50	110	235	19	53
60	132	282	23	64
70	154	329	27	74

[1] A tolerance of minus 10 percent of the basis weight of individual plies of plain shipping sack kraft paper will be permitted; an average tolerance of minus 5 percent will be permitted in the sum total basis weight of all plies in multiwall constructions. Variations in excess of specified basis weights will not be considered a defect or deviation. The basis weight of paper means the basis weight as produced by the paper machine, not including finish subsequently applied, such as coating or printing.

[2] M. D. means machine direction. C. D. means cross direction.

(b) Asphalt laminated or polyethylene coated shipping sack kraft paper when used shall comply with the following requirements:

Type paper	Minimum average dry tearing strength		Minimum average dry tensile strength per inch width		Heat resistance hours at 150° F. without impairing function of sack	Maximum average water-vapor permeability from both sides at 50 percent R. H. and 73° F. g/m, 2/24 hours	
	M. D.	Total M. D. plus C. D.	C. D.	Total C. D. plus M. D.		Uncreased	Creased [1]
	Grams	*Grams*	*Pounds*	*Pounds*			
Asphalt laminated [2]	110	235	19	53	5	9.0	15.0
10PE–50 1/50–10PE [3]	110	235	19	53	5	7.0	12.0
15PE–50 1/50–15PE [3]	110	235	19	53	5	4.5	7.5

[1] Creasing at 40° F.

[2] Asphalt laminated kraft paper when used as a wall in fabricated sacks, shall conform to the requirements of paragraph (b) of this section and shall consist of two sheets of kraft paper, the total basis weight of the two paper plies not less than 50 pounds per ream (500 sheets, 24" x 36"), continuously and uniformly laminated together with an average of not less than 25 pounds of asphalt per ream (500 sheets, 24" x 36"). Tolerance of minus 5 percent will be allowed on individual components. The total basis weight of the finished combination shall not exceed 100 pounds per ream (500 sheets, 24" x 36"). An asphalt laminated kraft wall meeting these requirements may be substituted for a plain kraft wall of 50 pounds basis or less, provided it meets the specification.

[3] Polyethylene-coated shipping sack kraft paper. The polyethylene-coated kraft paper when used as walls in fabricated sacks shall meet the heat resistance and water-vapor permeability requirements as specified in the table. A tolerance of minus 10 percent will be allowed for the lot sample average coating weight of polyethylene on shipping sack kraft paper. Minimum samples for testing shall comprise not less than 3 specimens 16 square inches each selected representatively from each polyethylene-coated wall of each sack in the lot sample.

(c) Laminating materials: Any laminant other than asphalt or other water-vapor barrier walls may be used provided they meet the requirements in paragraph (b) of this section.

(d) All values in paragraphs (a) and (b) of this section are for paper having a moisture content in equilibrium with an atmosphere having a relative humidity of 50 percent plus or minus 2 percent at a temperature of 73° F. plus or minus 3.5° F. following preconditioning of the test specimens to a moisture content between 3 and 5.5 percent by exposure to relatively dry air having a temperature no greater than 140° F.

(e) Conformance of sacks with paper strength requirements shall be established by comparing the sums of the test values for all the walls of the new and unused sack with the sums of the respective strength values specified in paragraphs (a) and (b) of this section for the respective papers specified for the different walls of the sack by a method acceptable to the Bureau of Explosives.

(1) Variation in cross direction dry tensile strength of not more than 2 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall of the sack, provided the variation is compensated for by a machine direction tearing strength test value in excess of the minimum requirement obtained from the tables, in the ratio of 5 units of tearing strength for each unit of dry tensile strength test below the minimum requirement; and variation in combined

[1] Shipping sack kraft paper plain is paper that consists of all sulphate pulp and no other fibre, and which has not been treated by coloring, bleaching, creping, coating, spraying, laminating or impregnating for special qualities. Paper shall have a degree of water resistance as secured by normal rosin sizing and shall comply with the requirements in paragraph (a) of this section.

dry tensile strength of not more than 4 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall used provided the variation is compensated for by a combined tearing strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of combined tearing strength for each unit of dry tensile strength test below the minimum requirement. Similarly, variation in machine direction tearing strength of not more than 10 units below the minimum requirement will be permitted for each wall, provided the variation is compensated for by a cross direction dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 1 unit of dry tensile strength for each 5 units of tearing strength test below the minimum requirement; and variation in combined tearing strength of not more than 20 units below the minimum requirement obtained from the tables will be permitted for each wall provided the variation is compensated for by a combined dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of tearing strength for each unit of dry tensile strength below the minimum requirement.

§ 78.239–3 *Construction and capacity.* (a) Bags must be at least 3 thicknesses of paper; this must be heavy duty shipping sack kraft paper conforming to the requirements of § 78.239–2 paragraphs (a) and (b), or equivalent, with a minimum total basis weight of 130 pounds of paper (500 sheets, 24" x 36"). Outer sheet must be of water-resistant stock and at least 50 pounds basis weight, inner sheets not less than 40 pounds basis weight. Bags to be of sewn and taped, cemented, taped, satchel bottom or other construction of equal efficiency to form a sift-proof and reasonably air-tight container. Authorized for not over 50 pounds net weight, except that bags having a minimum total basis weight of 160 pounds of paper (500 sheets, 24" x 36") with outer sheet of water-resistant stock and at least 60 pounds basis weight inner sheets not less than 50 pounds basis weight, are authorized for not to exceed 100 pounds net weight of contents.

(b) Moistureproof barrier sheets of paper, if used, must meet the requirements of § 78.239–2 (b) and shall be considered as one thickness of paper and shall be counted as 50 pounds basis weight (500 sheets, 24" x 36").

§ 78.239–4 *Adhesive.* (a) Moisture resistant adhesive must be used on all seams, joints, and bottom patch, if any.

§ 78.239–5 *Closure.* (a) For all bags: Any closure for the top which is equal in efficiency to that of the bottom, is authorized.

§ 78.239–6 *Tests for shipment.* (a) Bags as prepared for shipment must be able to withstand four 4-foot drops, one on each end and one each on opposite sides, without sifting or rupture.

§ 78.239–7 *Marking.* (a) On each bag with letters and figures at least ½ inch high in rectangle as follows:

ICC–44E

(1) This mark shall be understood to certify bag complies with all specification requirements.

(2) Name and address of maker located just above or below the mark specified in paragraph (a) of this section; symbol (letters) authorized if registered with the Bureau of Explosives.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. In § 78.261 amend paragraph (a) (1) (21 F. R. 4566, June 26, 1956) to read as follows:

§ 78.261 *Specification for interior heater systems.*—(a) *Heater pipes and fittings.* (1) When threaded joints are used, pipes shall not be less than two inch "extra strong" lap-welded steel, seamless steel, electric-resistance-welded steel, or wrought iron to current A. A. R. Specifications, or to ASTM Specification A–83 titled Seamless Steel Boiler Tubes, Grade A, or to ASTM Specification A–178 titled Electric-Resistance-Welded Steel and Open-Hearth Iron Boiler Tubes, Grade A. When the joints are welded, instead of threaded, to give them the same bending strength as the body of the pipes, the thickness of wall may be reduced 20 percent. Joints shall be made by threaded wrought couplings, forged unions, bolted flanges, or welding. A minimum number of connections shall be used.

* * * * *

2. In § 78.265–12 amend the heading and paragraph (a) and add paragraph (b); in § 78.265–14 amend paragraph (c) and add paragraph (d) (21 F. R. 4568, June 26, 1956) (22 F. R. 4793, July 9, 1957) to read as follows:

§ 78.265 *Specification ICC–103; riveted steel tanks to be mounted on or forming part of a car.*

§ 78.265–12 *Gauging, bottom outlet valve operating rod, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading and unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.265–14 *Safety vents.* * * *

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.265–12 (a), made of a material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(d) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.265–12 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing the pipe connections of valves.

3. In § 78.266–12 amend the heading and paragraphs (a) and (b); in § 78.266–14 amend paragraph (b) and add paragraph (c) (21 F. R. 4570, 4571, June 26, 1956) to read as follows:

§ 78.266 *Specification ICC–103A; riveted steel tanks to be mounted on or forming part of a car.*

§ 78.266–12 *Gauging, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading or unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.266–14 *Safety vents.* * * *

(b) Each tank or compartment thereof must be equipped with one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.266–12 (a), made of metal not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding the disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(c) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.266–12 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing the pipe connections of valves.

4. Amend entire § 78.267–12; in § 78.267–14 amend paragraph (b) and add paragraph (c) (21 F. R. 4573, June 26, 1956) (22 F. R. 7843, Oct. 3, 1957) to read as follows:

§ 78.267 *Specification ICC–103B; rubber lined riveted steel tanks to be mounted on or forming part of a car.*

§ 78.267–12 *Gauging, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading or unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

(c) When gauging, loading and unloading devices and their closures are made of a material affected by the lading, they must have all surfaces protected with an acid resistant approved material at least ⅛ inch in thickness.

§ 78.267–14 *Safety vents.* * * *

(b) Each tank or compartment thereof must be equipped with one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.267–12 (a), made of an approved material not subject to rapid deterioration by the lading. If made of metal, must be lined with an acid resistant approved material at least ⅛ inch in thickness, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding the disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(c) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.267–12 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

5. Amend entire § 78.269–12; in § 78.269–14 amend paragraph (c) and add paragraph (d) (21 F. R. 4575, June 26, 1956) (22 F. R. 4793, July 9, 1957) to read as follows:

§ 78.269 *Specification ICC–104; lagged riveted steel tanks to be mounted on or forming part of a car.*

§ 78.269–12 *Gauging, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading or unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

* * * * *

§ 78.269–14 *Safety valves.* * * *

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.269–12 (a), made of material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(d) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.269–12 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

6. In § 78.280–14 amend the heading and paragraph (a) and add paragraph (b); in § 78.280–16 amend paragraphs (c), (d) and add paragraph (e) (21 F. R. 4587, June 26, 1956) (22 F. R. 4794, July 9, 1957) to read as follows:

§ 78.280 *Specification ICC–103–W; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.280–14 *Gauging, bottom outlet valve operating rod, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading and unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.280–16 *Safety valves.* * * *

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.280–14 (a), made of a material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to tank, must be case, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(e) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.280–14 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

7. In § 78.281–14 amend the heading and paragraphs (a) and (b); in § 78.281–16 amend paragraphs (b) and (c) and add paragraph (d) (21 F. R. 4589, 4590, June 26, 1956) to read as follows:

§ 78.281 *Specification ICC–103A–W; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.281–14 *Gauging, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading or unloading of the contents, these devices, including valves, must be of an approved design, made of material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.281–16 *Safety vents.* • • •

(b) Each tank or compartment thereof must be equipped with one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.281–14 (a), made of metal not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding the disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(c) Safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(d) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.281–14 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing the pipe connections of valves.

8. Amend entire § 78.282–13; in § 78.282–15 amend paragraphs (b) and (c) and add paragraph (d) (21 F. R. 4592, June 26, 1956) (22 F. R. 7844, Oct. 3, 1957) to read as follows:

§ 78.282 *Specification ICC–103B–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.282–13 *Gauging, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading or unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

(c) When gauging, loading and unloading devices, and their closures are made of a material affected by the lading, they must have all surfaces protected with an acid resistant approved material at least ⅛ inch in thickness.

§ 78.282–15 *Safety vents.* • • •

(b) Each tank or compartment thereof must be equipped with one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.282–13 (a), made of an approved material not subject to rapid deterioration by the lading. If made of metal, must be lined with an acid resistant approved material at least ⅛ inch in thickness, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding the disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(c) Safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(d) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.282–13 (a) made of an approved material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of material not subject to rapid deterioration by the lading, and be provided with a protective housing. If these devices and their valves are made of metal, they must be lined with an acid resistant approved material at least ⅛ inch in thickness. Provision must be made for closing the pipe connections of valves.

9. In § 78.283–2 amend paragraph (b) (21 F. R. 4593, June 26, 1956) to read as follows:

§ 78.283 *Specification ICC–103C–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.283–2 *Lagging.* • • •

(b) Before lagging is applied, the inside surface of the metal jacket shall be given a protective coating.

10. In § 78.284–14 amend the heading and paragraphs (a) and (b); in § 78.284–16 amend paragraphs (c) and (d) and add paragraph (e) (21 F. R. 4596, June 26, 1956) (22 F. R. 4795, July 9, 1957) to read as follows:

§ 78.284 *Specification ICC–104–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.284–14 *Gauging, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading or unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

• • • • • •

§ 78.284–16 *Safety valves.* • • •

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.284–14 (a), made of material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(e) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.284–14 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

11. In § 78.285–4 amend paragraph (b); in § 78.285–12 add paragraph (e) (22 F. R. 7844, Oct. 3, 1957) (21 F. R. 4597, 4599, June 26, 1956) to read as follows:

§ 78.285 *Specification ICC–105A100–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.285–4 *Thickness of plates.* • • •

(b) The minimum thickness of plates must be to the following design dimensions:

Inside diameter of tanks	Bottom sheets	Shell sheets	Tank heads
	Inch	Inch	Inch
87 inches or under	7/16	7/16	7/16
Over 87 to 107 inches	9/16	9/16	9/16

• • • • • •

§ 78.285–12 *Venting, loading and unloading, gauging and sampling devices and thermometer well.* • • •

(e) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

12. In § 78.286–12 add paragraph (f); in § 78.286–13 amend paragraph (b) and add paragraphs (c) and (d); in § 78.286–17 amend paragraph (a) (21 F. R. 4600, June 26, 1956) (22 F. R. 4796, July 9, 1957) to read as follows:

§ 78.286 *Specification ICC–105A300–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.286–12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* • • •

(f) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

§ 78.286–13 *Safety valves.* • • •

(b) The safety valve must be set for a start-to-discharge pressure of 225 pounds per square inch except as provided in § 78.286–13 (c).

(c) When a safety valve is used in combination with a breaking pin device, the breaking pin device must be designed to fail at a pressure of 225 pounds per square inch. The safety valve must be set for a start-to-discharge pressure of 213 pounds per square inch.

(d) When a safety valve is used in combination with a frangible disc, the frangible disc must be designed to fail at a pressure not in excess of 225 pounds per square inch. The safety valve must be set for a start-to-discharge pressure of 225 pounds per square inch. Provision must be made to prevent any accumulation of pressure between frangible disc and safety valve.

§ 78.286–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start-to-discharge at the pressure prescribed in § 78.286–13 (b), (c), or (d), with a tolerance of plus or minus 3 percent, and be vapor tight at 180 pounds per square inch.

13. In § 78.287–12 add paragraph (f); in § 78.287–13 amend paragraph (b) and add paragraphs (c) and (d); in § 78.287–17 amend paragraph (a) (21 F. R. 4601, June 26, 1956) (22 F. R. 4796, July 9, 1957) to read as follows:

§ 78.287 *Specification ICC–105A400–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.287–12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* • • •

(f) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

§ 78.287–13 *Safety valves.* • • •

(b) The safety valve must be set for a start-to-discharge pressure of 300 pounds per square inch except as provided in § 78.287–13 (c).

(c) When a safety valve is used in combination with a breaking pin device, the breaking pin device must be designed to fail at a pressure of 300 pounds per square inch. The safety valve must be set for a start-to-discharge pressure of 287 pounds per square inch.

(d) When a safety valve is used in combination with a frangible disc, the frangible disc must be designed to fail at a pressure not in excess of 300 pounds per square inch. The safety valve must be set for a start-to-discharge pressure of 300 pounds per square inch. Provision must be made to prevent any accumulation of pressure between frangible disc and safety valve.

§ 78.287–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start-to-discharge at the pressure prescribed in § 78.287–13 (b), (c), or (d) with a tolerance of plus or minus 3 percent, and be vapor tight at 240 pounds per square inch.

14. In § 78.288–12 add paragraph (f); in § 78.288–13 amend paragraphs (b) and (c) and add paragraphs (d) and (e); in § 78.288–17 amend paragraph (a) (21 F. R. 4603, June 26, 1956) (22 F. R. 4796, July 9, 1957) to read as follows:

§ 78.288 *Specification ICC–105A500–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.288–12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* • • •

(f) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

§ 78.288–13 *Safety valves.* • • •

(b) The safety valve must be set for a start-to-discharge pressure of 375 pounds per square inch except as provided in § 78.288–13 (c).

(c) When a safety valve is used in combination with a breaking pin device, the breaking pin device must be designed to fail at a pressure of 375 pounds per square inch. The safety valve must be set for a start-to-discharge pressure of 360 pounds per square inch.

(d) When a safety valve is used in combination with a frangible disc, the frangible disc must be designed to fail at a pressure not in excess of 375 pounds per square inch. The safety valve must be set for a start-to-discharge pressure of 375 pounds per square inch. Provision must be made to prevent any accumulation of pressure between frangible disc and safety valve.

(e) Tanks for use in the transportation of liquefied carbon dioxide must be equipped with one safety valve of approved design set for a start-to-discharge pressure of 375 pounds per square inch, and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety devices must be sufficient to prevent building up pressure in tank in excess of 412.5 pounds per square inch. Tanks must also be equipped with two pressure regulating valves of approved design set for a start-to-discharge pressure of not to exceed 350 pounds per square inch. Each pressure regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

§ 78.288–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start-to-discharge at the pressure prescribed in § 78.288–13 (b), (c), or (d) with a tolerance of plus or minus 3 percent, and be vapor tight at 300 pounds per square inch.

15. In § 78.289–12 add paragraph (f); in § 78.289–13 amend paragraphs (b) and (c) and add paragraphs (d) and (e); in § 78.289–17 amend paragraph (a) (21 F. R. 4605, June 26, 1956) (22 F. R. 4797, July 9, 1957) to read as follows:

§ 78.289 *Specification ICC–105A600–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.289–12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* • • •

(f) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

§ 78.289–13 *Safety valves.* • • •

(b) The safety valve must be set for a start-to-discharge pressure of 450

pounds per square inch except as provided in § 78.289–13 (c).

(c) When a safety valve is used in combination with a breaking pin device, the breaking pin device must be designed to fail at a pressure of 450 pounds per square inch. The safety valve must be set for a start-to-discharge pressure of 423 pounds per square inch.

(d) When a safety valve is used in combination with a frangible disc, the frangible disc must be designed to fail at a pressure of not in excess of 450 pounds per square inch. The safety valve must be set for a start-to-discharge pressure of 450 pounds per square inch. Provision must be made to prevent any accumulation of pressure between frangible disc and safety valve.

(e) Tanks for use in the transportation of liquefied carbon dioxide must be equipped with one safety valve of approved design set for a start-to-discharge pressure of 450 pounds per square inch, and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge pressure of each of these safety devices must be sufficient to prevent building up pressure in tank in excess of 495 pounds per square inch. Tank must also be equipped with two pressure regulating valves of approved design set for a start-to-discharge pressure of not to exceed 400 pounds per square inch. Each pressure regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

§ 78.289–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start-to-discharge at the pressure prescribed in § 78.289–13 (b), (c), or (d) with a tolerance of plus or minus 3 percent, and be vapor tight at 360 pounds per square inch.

16. In § 78.291–4 amend paragraph (a); amend entire § 78.291–13; in § 78.291–15 amend paragraphs (c) and (d) and add paragraph (e) (22 F. R. 4797, July 9, 1957) (21 F. R. 4607, June 26, 1956) to read as follows:

§ 78.291 *Specification ICC–103AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.291–4 *Thickness of plates.* (a) The plate thickness shall not be less than that obtained by calculation using the following formula; and in no case be less than ½ inch:

$$t = \frac{Pd}{2SE}$$

where
t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy 996A—1060 = 9,500 psi.
ASTM B–209 Alloy 990A—1100 = 11,000 psi.
ASTM B–209 Alloy M1A—3003 = 14,000 psi.
ASTM B–209 Alloy GR20A—5052 = 25,000 psi.
ASTM B–209 Alloy GS11A—6061 = 24,000 psi.
ASTM B–209 Alloy GR40A—5154 = 30,000 psi.
ASTM B–209 Alloy GM40A—5086 = 35,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

• • • • • •

§ 78.291–13 *Gauging, bottom outlet valve operating rod, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading or unloading of the contents, these devices, including valves, must be of an approved design, made of material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.291–15 *Safety valves.* • • •

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves; but if not so equipped, must have one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.291–13 (a), made of a material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with metal of the tank.

(e) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.291–13 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

17. In § 78.292–4 amend paragraph (a); amend entire § 78.292–13; in § 78.292–15 amend paragraphs (d) and (e) and add paragraph (f) (22 F. R. 4798, July 9, 1957) (21 F. R. 4609, 4610, June 26, 1956) to read as follows:

§ 78.292 *Specification ICC–103A–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.292–4 *Thickness of plates.* (a) The plate thickness shall not be less than that obtained by calculation using the following formula; and in no case be less than ½ inch:

$$t = \frac{Pd}{2SE}$$

where
t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy 996A—1060 = 9,500 psi.
ASTM B–209 Alloy 990A—1100 = 11,000 psi.
ASTM B–209 Alloy M1A—3003 = 14,000 psi.
ASTM B–209 Alloy GR20A—5052 = 25,000 psi.
ASTM B–209 Alloy GS11A—6061 = 24,000 psi.
ASTM B–209 Alloy GR40A—5154 = 30,000 psi.
ASTM B–209 Alloy GM40A—5086 = 35,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

• • • • • •

§ 78.292–13 *Gauging, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading or unloading of the contents, these devices, including valves, must be of an approved design, made of material not subject to rapid deterioration by the lading and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.292–15 *Safety devices.* • • •

(d) If tank is equipped with a safety vent it must be at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.292–13 (a), made of material not subject to rapid deterioration by the lading and be closed with a frangible disc of suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with metal of the tank.

(e) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.292–13 (a) or § 78.292–15 (d), made of material not subject to rapid deterioration by the lading and be tightly closed and chained to prevent misplacement. Valves, if applied, must be of approved design, made of material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing the pipe connections of valves.

18. In § 78.294–4 amend paragraph (a); in § 78.294–12 add paragraph (e) (21 F. R. 4613, 4614, June 26, 1956) to read as follows:

§ 78.294 *Specification ICC–105A100–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.294–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where
t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy 996A—1060 = 9,500 psi.
ASTM B–209 Alloy 990A—1100 = 11,000 psi.
ASTM B–209 Alloy M1A—3003 = 14,000 psi.
ASTM B–209 Alloy GR20A—5052 = 25,000 psi.
ASTM B–209 Alloy GS11A—6061 = 24,000 psi.
ASTM B–209 Alloy GR40A—5154 = 30,000 psi.
ASTM B–209 Alloy GM40A—5086 = 35,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

• • • • • •

§ 78.294–12 *Venting, loading and unloading, gauging and sampling devices.* • • •

(e) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

19. In § 78.297–13 amend the heading and paragraph (a) and add paragraph (b); in § 78.297–15 amend paragraphs (c) and (d) and add paragraph (e) (21 F. R. 4619, 4620, June 26, 1956) (22 F. R. 4799, July 9, 1957) to read as follows:

§ 78.297 *Specification ICC–103D–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.297–13 *Gauging, bottom outlet valve operating rod, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading and unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.297–15 *Safety valves.* • • •

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.297–13 (a), made of a material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(e) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.297–13 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

20. Amend entire § 78.298–13; in § 78.298–15 amend paragraphs (c) and (d) and add paragraph (e) (21 F. R. 4622, June 26, 1956) (22 F. R. 4799, July 9, 1957) to read as follows:

§ 78.298 *Specification ICC–103E–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.298–13 *Gauging, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading and unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.298–15 *Safety valves.* • • •

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.298–13 (a), made of a material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(e) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.298–13 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

21. In § 78.299–8 amend the heading and paragraph (a); amend entire § 78.299–13; in § 78.299–15 amend paragraphs (b) and (c) and add paragraph (d) (22 F. R. 11033, Dec. 31, 1957) (21 F. R. 4623, June 26, 1956) to read as follows:

§ 78.299 *Specification ICC–103A–N–W; fusion-welded nickel or nickel alloy tanks to be mounted on or forming part of a car.*

§ 78.299–8 *Manway rings, safety vent flange and bottom washout nozzle flange or other attachments.* (a) These attachments, except as provided in § 78.299–8 (b), must be fusion-welded. Fusion welding for securing these attachments in place must be of the double-welded butt joint type or double-full-fillet lap joint type.

• • • • • •

§ 78.299–13 *Gauging, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading and unloading of the contents, these devices, including valves, must be of an approved design, made of material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.299–15 *Safety vents.* • • •

(b) Each tank or compartment thereof must be equipped with one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.299–13 (a), made of metal not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding the disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(c) Safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(d) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.299–13 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing the pipe connections of valves.

22. In § 78.300–4 amend paragraph (a); in § 78.300–12 add paragraph (e) (22 F. R. 4799, July 9, 1957) (21 F. R. 4626, June 26, 1956) to read as follows:

§ 78.300 *Specification ICC–105A300–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.300–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank shall be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where
t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy GR20A—5052 = 25,000 psi.
ASTM B–209 Alloy GS11A—6061 = 24,000 psi.
ASTM B–209 Alloy GR40A—5154 = 30,000 psi.
ASTM B–209 Alloy GM40A—5086 = 35,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

• • • • •

§ 78.300–12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* • • •

(e) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

23. In § 78.301–12 add paragraph (d) (21 F. R. 4627, June 26, 1956) to read as follows:

§ 78.301 *Specification ICC–109A300–W; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.301–12 *Venting, loading and unloading valves, gauging and sampling device, and thermometer well.* • • •

(d) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

24. In § 78.302–4 amend paragraph (a); in § 78.302–12 add paragraph (d) (22 F. R. 2236, Apr. 4, 1957) to read as follows:

§ 78.302 *Specification ICC–109A100–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.302–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where
t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy 996A—1060 = 9,500 psi.
ASTM B–209 Alloy 990A—1100 = 11,000 psi.
ASTM B–209 Alloy M1A—3003 = 14,000 psi.
ASTM B–209 Alloy GR20A—5052 = 25,000 psi.
ASTM B–209 Alloy GS11A—6061 = 24,000 psi.
ASTM B–209 Alloy GR40A—5154 = 30,000 psi.
ASTM B–209 Alloy GM40A—5086 = 35,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

• • • • •

§ 78.302–12 *Venting, loading and unloading, gauging and sampling devices.* • • •

(d) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

25. Amend entire § 78.303–17; in § 78.303–20 amend paragraph (c) and add paragraphs (d) and (e) (22 F. R. 4801, 4802, July 9, 1957) to read as follows:

§ 78.303 *Specification ICC–111A100–W–1; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.303–17 *Loading and unloading devices.* (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading and unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

(c) The venting device shall be an opening to permit application of pressure to tank. The loading and unloading device shall be a pipe extending down to the bottom of the tank so that, by application of pressure, the contents of the tank can be completely removed. The pipe shall be securely anchored at its lower end to prevent damage from surge of liquid.

§ 78.303–20 *Safety valves.* • • •

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.303–17 (a), made of a material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 75 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damaged to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(e) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.303–17 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

26. In § 78.304–17 amend the heading and paragraph (a); in § 78.304–20 amend paragraphs (a) and (b) and add paragraph (d) (22 F. R. 4803, July 9, 1957) to read as follows:

§ 78.304 *Specification ICC–111A100–W–2; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.304–17 *Loading and unloading devices.* (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture in the tank, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) Each tank or compartment thereof must be equipped with one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.304–17 (a), made of metal not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 75 pounds per square inch. Means for holding the disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

• • • • •

(d) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.304–17 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing the pipe connections of valves.

27. In § 78.305–17 amend the heading and paragraph (a); in § 78.305–20 amend paragraph (c) and add paragraphs (d) and (e) (22 F. R. 4805, July 9, 1957) to read as follows:

§ 78.305 *Specification ICC–111A100–W–3; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.305–17 *Loading and unloading devices.* (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

• • • • •

§ 78.305–20 *Safety valves.* • • •

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.305–17 (a), made of a material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 75 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(e) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.305–17 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

28. In § 78.306–18 add paragraph (b) (22 F. R. 4807, July 9, 1957) to read as follows:

§ 78.306 *Specification ICC–111A100–W–4; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.306–18 *Gauging device.* • • •

(b) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

29. In § 78.307–4 amend paragraph (b); in § 78.307–12 add paragraph (e) (22 F. R. 7847, Oct. 3, 1957) (22 F. R. 4807, 4808, July 9, 1957) to read as follows:

§ 78.307 *Specification ICC–105A200–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.307–4 *Thickness of plates.* • • •

(b) The minimum thickness of plates must be to the following design dimensions:

Inside diameter of tanks	Bottom sheets	Shell sheets	Tank heads
	Inch	*Inch*	*Inch*
87 inches or under	1/4	1/4	1/4
Over 87 to 107 inches	9/16	9/16	9/16

• • • • •

§ 78.307–12 *Venting, loading and unloading, gauging, and sampling devices and thermometer well.* • • •

(e) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

30. In § 78.308–4 amend paragraph (a); in § 78.308–12 add paragraph (e) (22 F. R. 4809, 4810, July 9, 1957) to read as follows:

§ 78.308 *Specification ICC–105A200–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.308–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where
t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy 996A—1060 = 9,500 psi.
ASTM B–209 Alloy 990A—1100 = 11,000 psi.
ASTM B–209 Alloy M1A—3003 = 14,000 psi.
ASTM B–209 Alloy GR20A—5052 = 25,000 psi.
ASTM B–209 Alloy GS11A—6061 = 24,000 psi.
ASTM B–209 Alloy GR40A—5154 = 30,000 psi.
ASTM B–209 Alloy GM40A—5086 = 35,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

• • • • •

§ 78.308–12 *Venting, loading and unloading, gauging and sampling devices.* • • •

(e) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

31. Add § 78.309 (21 F. R. 4628, June 26, 1956) to read as follows:

§ 78.309 *Specification ICC–111A100–W–5; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 Application for Approval, (a), (b), (c) and (d).

§ 78.309–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. When the interior of the tank is divided into compartments, each compartment must have two heads designed convex outward. The tank shell, or each compartment, must be provided with manway and such other external projections as are prescribed herein.

§ 78.309–2 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be not less than 500 pounds per square inch.

§ 78.309–3 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than 7/16 inch:

$$t=\frac{Pd}{2SE}$$

where
t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch;
E = efficiency of longitudinal welded joint = 90 percent.

(1) For tanks without an underframe, the cylindrical portion of the tank must have a thickness that will result in stress not exceeding 16,000 pounds per square inch as a result of 800,000 pounds impact and the end load ratio must not exceed 0.05.

(b) The thickness of an ellipsoidal head in which the ellipsoid of revolution has the major axis equal to the inside diameter of the shell and the minor axis is one-half the major axis, shall be determined by the following formula:

$$t=\frac{Pd}{2SE}$$

where
t = thickness of plate in inches;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch;
E = efficiency of welded joint, if any = 90 percent; if head is made in one piece, E = 100 percent.

(c) Tank must be lined with rubber at least 5/32 inch thick. The lining must overlap at least 1½ inches at all edges, which must be straight and be beveled to an angle of approximately 45 degrees. A rubber reinforcing pad at least 4½ feet square and at least ½ inch thick must be applied by vulcanizing to the lining on bottom of tank directly under the manway opening. The edges of pad must be beveled to an angle of approximately 45 degrees. An opening in this pad for sump is permitted. No rubber shall be under tension when applied. Interior of tank must be free from scale, oxidation, moisture and all foreign matter during the lining operation.

§ 78.309–4 *Openings in the tank.* (a) Openings for manway nozzle or other fittings must be reinforced in an approved manner.

§ 78.309–5 *Material.* (a) All plates for tank must be made of open-hearth boilerplate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. Use of cast iron is prohibited.

(c) All external projections must be made of materials specified herein.

(d) Each tank or compartment thereof must be lined with acid resisting rubber vulcanized or bonded directly or otherwise attached to the metal tank to provide a non-porous laminated lining.

§ 78.309–6 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

§ 78.309–7 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of the A. A. R. Welding Code, Appendix W.

§ 78.309–8 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.309–9 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.309–10 *Tests of tanks.* (a) Each tank must be tested before rubber lining is applied by completely filling tank and nozzles with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 100 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All closures except safety vents, must be in place while test is made. After tank is rubber-lined, no further tests are required.

(b) If tanks are lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.309–7 (a).

§ 78.309–11 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification, as follows:

(1) ICC–111A100–W in letters and figures at least 3/8 inch high, stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If the tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least 3/8 inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–111A100–W–5 must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of the tank builder and date of original test of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in § 78.309–11 (a) (1).

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in § 78.309–11 (a) (2) by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high, immediately below the stenciled mark specified in § 78.309–11 (a) (1) by the party assembling the completed car.

(4) "Rubber-Lined Tank — Pressure Test Not Required", stenciled on tank, or jacket if lagged, instead of record of test of tank.

(5) Date on which interior heater systems were last tested, pressure to which tested, place where test was made and by whom, stenciled on the tank, or jacket if lagged.

(6) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in § 78.309–11 (a) (1).

§ 78.309–12 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to the car owner, Bureau of Explosives, and Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

(b) Before a tank car tank not originally built under this specification is lined with rubber, a report certifying that the tank and its equipment have been brought into compliance with the tank requirements of specification ICC–111A100–W–5 must be furnished by car owner to the party who is to apply the rubber lining. A copy of this report in approved form certifying that tank has been lined in compliance with all requirements of this specification, must be furnished by party lining the tank to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads.

§ 78.309–13 *Outage.* (a) Tanks built to this specification will require a minimum outage of 1 percent. This outage must be provided in the tank shell.

§ 78.309–14 *Lagging.* (a) Not a specification requirement. If applied, the tank shell must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than 1/8 inch in thickness and efficiently flashed around all openings so as to be weather-tight.

(b) Before lagging is applied, the exterior tank surface and the interior surface of the metal jacket shall be given a protective coating.

§ 78.309–15 *Manway and closures.* (a) The opening for manway, before lining, must be at least 18 inches in diameter. All surfaces exposed to the lading must be rubber-covered.

(b) The manway cover must be of an approved type and designed to provide a secure closure of the manway.

(c) Manway cover must be made of a suitable metal. The top, bottom and edge of manway cover must be rubber-covered as prescribed in § 78.309–3 (c) and § 78.309–5 (d). Through bolt holes must be lined with rubber at least 3/8 inch in thickness. Cover made of metal not affected by the lading, need not be rubber-covered. All rubber surfaces on outside of tank or fitting must be protected with age resisting coating. Manway nozzle must be made of cast, forged or fabricated steel and be of good weldable quality in conjunction with the metal of the tank.

(d) All covers not hinged must be attached to outside of tank by at least a 3/8 inch chain or its equivalent.

(e) All joints between manway cover and manway and between manway cover and any appurtenances mounted thereon, must be made tight against leakage.

§ 78.309–16 *Bottom outlets.* (a) Bottom outlet is prohibited. Bottom sump is permissible. If used and welded to tank it must be of cast, fabricated or forged metal of good weldable quality in conjunction with metal of tank.

§ 78.309–17 *Venting, loading and unloading devices.* (a) Tank must be provided with a venting device and a loading and unloading device of approved design, and must be tightly closed. Protective housing not required except when the characteristics of the commodity for which car is authorized are such that the devices must be equipped with valves to provide for the loading and unloading of the contents. These devices, including the valves, must be of an approved design and provided with a protective housing. Unloading pipes must be securely anchored within the tank.

(b) When venting, loading and unloading and air inlet devices and their closures are made of material affected by the lading, they must have all surfaces covered as prescribed in § 78.309–3 (c) and § 78.309–5 (d).

(c) The venting device shall be an opening to permit application of pressure to tank. The loading and unloading device shall be a pipe extending down to the bottom of the tank so that, by application of pressure, the contents of tank can be completely removed.

§ 78.309–18 *Gauging device.* (a) Outage for these tanks must be provided in the tank shell; therefore, an outage scale visible from manway when cover is open must be provided. All surfaces of attachments exposed to the lading must be covered with rubber as prescribed in § 78.309–3 (c) and § 78.309–5 (d). Attachments made of metal not affected by the lading need not be rubber-covered.

§ 78.309–19 *Vacuum breaker.* (a) Not a specification requirement.

§ 78.309–20 *Safety vents.* (a) Safety valves are prohibited. Safety vent must be applied.

(b) Each tank, or compartment thereof, must be equipped with one safety vent of approved material and if of metal, must be lined with rubber at least 1/8 inch in thickness, having an inside diameter of at least 1¾ inches after lining, closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(c) Safety vent conection, if welded to tank, must be of cast, forged or fabricated metal and be of good weldable quality in conjunction with metal of tank.

§ 78.309–21 *Interior heater systems.* (a) Not a specification requirement. When installed, see § 78.260 and § 78.261, heater systems. If applied, the design must be approved.

32. In § 78.312–12 add paragraph (e) (22 F. R. 4811, July 9, 1957) to read as follows:

§ 78.312 *Specification ICC–112A400–W; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.312–12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* • • •

(e) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

33. In § 78.313–4 amend paragraph (a); in § 78.313–12 add paragraph (d) (23 F. R. 2333, 2334, Apr. 10, 1958) to read as follows:

§ 78.313 *Specification ICC–109A200 AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.313–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where
t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy 996A—1060	= 9,500 psi.
ASTM B–209 Alloy 990A—1100	= 11,000 psi.
ASTM B–209 Alloy M1A—3003	= 14,000 psi.
ASTM B–209 Alloy GR20A—5052	= 25,000 psi.
ASTM B–209 Alloy GS11A—6061	= 24,000 psi.
ASTM B–209 Alloy GR40A—5154	= 30,000 psi.
ASTM B–209 Alloy GM40A—5086	= 35,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

• • • • •

§ 78.313–12 *Venting, loading and unloading, gauging and sampling devices.* • • •

(d) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

34. In § 78.314–4 amend paragraph (a); in § 78.314–12 add paragraph (d) (22 F. R. 4812, 4813, July 9, 1957) to read as follows:

§ 78.314 *Specification ICC–109A300–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.314–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where
t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy GR20A—5052 = 25,000 psi.
ASTM B–209 Alloy GS11A—6061 = 24,000 psi.
ASTM B–209 Alloy GR40A—5154 = 30,000 psi.
ASTM B–209 Alloy GM40A—5086 = 35,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

• • • • •

§ 78.314–12 *Venting, loading and unloading, gauging and sampling devices.* • • •

(d) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

35. In § 78.323 amend the heading; in § 78.323–11 amend paragraph (a) (20 F. R. 4420, June 23, 1955) to read as follows:

§ 78.323 *Specification MC 302; cargo tanks constructed of welded aluminum alloy (ASTM B209–57T).* To be mounted on and to form part of tank motor vehicles for transportation of flammable liquids, and poisonous liquids, class B.

§ 78.323–11 *Material.* (a) All sheets for such cargo tanks shall be of aluminum alloys GR20A (5052 commercial designation), GR40A (5154 commercial designation), GM40A (5086 commercial designation), or GM31A (5454 commercial designation) conforming to American Society for Testing Materials Specification B209–57T (as revised to include 5454), and have the following minimum requirements:

Yield strength	26,000 lbs. per sq. in.
Ultimate strength	34,000 lbs. per sq. in.
Elongation, 2-inch sample.	12 percent.

NOTE: Yield strength is the stress which produces a permanent set of 0.2 percent of the initial gauge length (ASTM E8–36).

36. In § 78.326–10 amend paragraph (a) (22 F. R. 11036, Dec. 31, 1957) to read as follows:

§ 78.326 *Specification MC 305; cargo tanks constructed of aluminum alloys for high-strength welded construction.*

§ 78.326–10 *Material.* (a) All sheets for shell, heads, bulkheads, and baffles of such cargo tanks shall be of aluminum alloys GR20A (5052 commercial designation), GR40A (5154 commercial designation), GM40A (5086 commercial designation), or GM31A (5454 commercial designation) conforming to American Society for Testing Materials Specification B209–57T (as revised to include 5454).

APPENDIX B

Section, Paragraph, and Reason for Amendment

72.5 (a) Commodity List—Provides additions and changes to keep commodity list on a current basis.

73.28 (h)—Clarifies that single-trip containers must be retested before each refilling when authorized for reuse.

73.31 (g) (9) table 1—Eliminates the retest of heater systems of spec. 109A100–AL–W tank car tanks; provides retesting requirements for new spec. 111A100–W–5 tank car.

73.31 (g) (10)—Clarifies that the retest requirements of this paragraph pertain to ICC specification tank cars only.

73.34 (k) (12)—Provides for visual inspection of spec. 3A480, 3AA480, and 3A480X cylinders used exclusively in liquefied petroleum gas service.

73.51 (q)—To authorize transportation of military explosives approved as safe by the services.

73.53 (l)—Includes reference to section 73.100 (y) which defines smoke grenades.

73.55 (a)—To classify practice bombs or rocket bodies equipped with electric primers or electric squibs as nonexplosive ammunition and exempt same from the regulations.

73.65 (*f*)—The forming of amatol in a block or column by compression is included for clarification.

73.88 (d)—Removes hand or rifle grenades with ignition elements but not containing bursting charges from class B explosives category; to classify incendiary grenades as special fireworks.

73.92 (d)—Requires the labeling of certain class B explosives when offered for transportation by rail express.

73.100 (r) (7)—Eliminates reference to a subparagraph that was canceled in a previous order.

73.100 (y)—Defines smoke grenades without bursting charges.

73.100 (z)—Requires explosive release devices to be so designed that they will not function other devices in the package.

73.100 (aa)—Defines explosive power devices.

73.100 (bb)—To relocate the definition of detonating fuzes, class C explosives for consistency.

73.102 (a), (b)—Provides packaging and marking requirements for explosive power devices.

73.108 (a), (d)—Provides packaging and marking requirements for smoke grenades.

73.113 (a), (b)—Section amended account definition of detonating fuzes, class C explosives is now provided for in section 73.100 (bb).

73.118 (c) (33)—To include peroxides, organic, liquids or solutions, n. o. s. in the list of flammable liquids that are not exempt from the regulations.

73.119 (a) (24)—Provides for the use of spec. 6J steel barrel or drum having inside spec. 2S polyethylene liner for certain flammable liquids.

73.119 (k) (2)—Deletes extraneous reference to spec. 42F which is provided for in paragraph (k) (4).

73.162 (a) (10)—Clarifies the provisions exempting certain grades of charcoal from specification packaging, marking, and labeling requirements.

73.182 (a) (1)—Exempts nitrocarbonitrate from labeling requirements when offered for transportation by water carrier.

73.190 (b) (3)—Provides for the use of an inert gas in lieu of water in tank cars used for white or yellow phosphorus.

73.225 (a) (1)—To permit approved closures of different types for inside containers used for phosphorus sesquisulfide.

73.232 (a)—Provides for the use of an inert gas in lieu of water in tank cars containing residual phosphorus.

73.234 (a) (2)—Reduces the minimum total basis weight of kraft paper in spec. 44C multiwall paper bag to 310 pounds to be consistent with reduction in basis weight of polyethylene sheet.

73.245 (a) (18)—Places upon shipper responsibility of establishing suitability of completed package of spec. 12A fiberboard box with inside containers of certain acids or other corrosive liquids.

73.245 (a) (20)—Provides for the use of spec. 16A wooden box with inside spec. 2T polyethylene container for acids or other corrosive liquids, n. o. s.

73.249 (a) (5)—Provides for the use of spec. 103B, 103B–W, and 111A100–W–5 tank cars for certain alkaline corrosive liquids.

73.257 (a) (6)—Provides reference to a special box of spec. 12B type used for electrolyte (acid) or corrosive battery fluids.

73.257 (a) (11)—Reason for section 73.245 (a) (18) applies also to shipments of electrolyte (acid) or corrosive battery fluid.

73.258 (a) (2)—Authorizes an increased number of inside bottles containing electrolyte acid or alkaline corrosive battery fluid to be packed with storage batteries in one outside package.

73.262 (a) (6)—Provides for the use of spec. 111A100–W–5 tank car for hydrobromic acid.

73.262 (a) (7)—Reason for section 73.245 (a) (18) applies also to shipments of hydrobromic acid.

73.263 (a) (9)—Provides for the use of spec. 111A100–W–5 tank car for hydrochloric acid or mixtures thereof.

73.263 (a) (16), (d) (2)—Reason for section 73.245 (a) (18) applies also to shipments of hydrochloric acid and mixtures thereof.

73.264 (a) (11)—Provides for the use of spec. 111A100–W–5 tank car for hydrofluoric acid.

73.265 (b) (3)—Provides for the use of spec. 111A100–W–5 tank car for hydrofluosilicic acid.

73.268 (f) (5)—Provides for the use of spec. 60 portable tank, glasslined, for nitric acid.

73.271 (a) (11)—Provides for the use of spec. 103A or 103A–W tank cars for phosphorus trichloride.

73.272 (c) (6)—Reason for section 73.245 (a) (18) applies also to shipments of sulfuric acid.

73.272 (i) (4)—Provides for the use of spec. 111A100–W–5 tank car for sulfuric acid.

73.276 (a) (4)—Provides for the use of spec. 103C–W tank car for anhydrous hydrazine and hydrazine solution.

73.286 (c) (1)—Reason for section 73.245 (a) (18) applies also to shipments of chemical kits.

73.287 (a) (5)—Provides for the use of spec. 12B fiberboard box with inside polyethylene containers for chromic acid solution.

73.289 (a) (12)—Reason for section 73.245 (a) (18) applies also to shipments of formic acid or formic acid solutions.

73.291 (a) (8)—Provides for the use of spec. 111A100–W–5 tank car for flame retardant compound, liquid.

73.307 (a) (1) Note 1—Exempts compressed tanks containing live fish from section 73.24 which prohibits leakage of contents from containers.

73.331 (c)—Provides for the packaging of new gas identification training sets in outside spec. 15A or 15B wooden box.

73.366 (a) (3)—Provides for the use of approved portable, collapsible rubber containers for arsenic (arsenic trioxide) or arsenic acid (solid) in carload or truckload lots only.

73.400 (f)—Provides labeling requirements for igniters, jet thrust, jet thrust units, or starter cartridges, jet engine, class B explosives when offered for transportation by rail express.

73.412 (a)—Prescribes a specific label for class B explosives in rail express shipment.

74.555 (a)—Provides for the placarding of tank cars containing residual phosphorus and filled with an inert gas.

74.594 (j)—Clarifies the requirements necessitating the stenciling of tank cars lacking contents.

78.10–3 (a) table—Provides minimum weight requirement for spec. 1F polyethylene carboy not over 5 gallons capacity.

78.10–3 (c)——To provide specific tests for spec. 1F polyethylene carboys.

78.11–3 (a) table—Provides minimum weight requirement for spec. 1G polyethylene carboy not over 5 gallons capacity.

78.13–3 (c)—To provide specific test for spec. 1H polyethylene carboys.

78.21–3 (c)—To provide specific tests for spec. 2T polyethylene containers.

78.35–5 (a) (2)—To provide specific tests for spec. 2S polyethylene drums.

78.80–9 (b)—Permits larger opening in spec. 5 steel barrel or drum for attachment of clinch-on type closure.

78.82–9 (b)—Premits larger opening in spec. 5B steel barrel or drum for attachment of clinch-on type closure.

78.115–8 (b)—Permits larger opening in spec. 17C steel drum for attachment of clinch-on type closure.

78.116–8 (b)—Permits larger opening in spec. 17E steel drum for attachment of clinch-on type closure.

78.133–5 (a) table—Provides for the construction of a 6½ gallon spec. 37P steel drum.

78.133–9 (a)—Requires markings on spec. 37P steel drum to be made by embossment.

78.185–21 (a) Note 2—Exemption from gross weight marking is now contained in paragraph (c) of this section.

78.185–21 (c)—Marking requirements clarify that box manufacturer is responsible for outer container, spec. 15A plywood or wooden box, only.

78.205–34 (a)—Provides alternate method of closure for special spec. 12B fiberboard box.

78.210 Heading—To indicate that spec. 12A fiberboard box is of the nonreuseable type.

78.210–6 (a)—Provides for the construction of 200 pound test double-wall spec. 12A fiberboard box.

78.210–10 (b)—Specifies retest requirements for spec. 12A fiberboard box.

78.210–12 (a) (1)—Clarifies the gross weight marking requirement and requires marking to indicate spec. 12A fiberboard box is nonreuseable.

78.236 Entire section—To revise the requirements of spec. 44B multiwall paper bag to conform with accepted standards.

78.237 Entire section—To revise the requirements of spec. 44C multiwall paper bag to conform with accepted standards.

78.238 Entire section—To revise the requirements of spec 44D multiwall paper bag to conform with accepted standards.

78.239 Entire section—To revise the requirements of spec. 44E multiwall paper bag to conform with accepted standards.

78.261 (a) (1)—Provides for the use of additional materials for interior heater systems in tank cars.

78.265–12 (a), (b); 78.265–14 (c), (d)—To prevent the interchange of appurtenances on spec. 103 tank car.

78.266–12 (a), (b); 78.266–14 (b), (c)—To prevent the interchange of appurtenances on spec. 103A tank car.

78.267–12 (a), (b), (c); 78.267–14 (b), (c)—To prevent the interchange of appurtenances on spec. 103B tank car.

78.269–12 Entire section; 78.269–14 (c), (d)—To prevent the interchange of appurtenances on spec. 104 tank car.

78.280–14 (a), (b); 78.280–16 (c), (d), (e)—To prevent the interchange of appurtenances on spec. 103–W tank car.

78.281–14 (a), (b); 78.281–16 (b), (c), (d)—To prevent the interchange of appurtenances on spec. 103A–W tank car.

78.282–13 (a), (b), (c); 78.282–15 (b), (c), (d)—To prevent the interchange of appurtenances on spec. 103B–W tank car.

78.283–2 (b)—The requirement to coat the tank surface of spec. 103C–W tank car, before lagging is applied, is considered unnecessary.

78.284–14 (a), (b); 78.284–16 (c), (d), (e)—To prevent the interchange of appurtenances on spec. 104–W tank car.

78.285–4 (b) table—To provide for minimum plate thickness for spec. 105A100–W tank car having over 96 inches inside diameter.

78.285–12 (e)—To provide a definition for excess flow valve on spec. 105A100–W tank cars.

78.286–12 (f)—To provide a definition for excess flow valve on spec. 105A300–W tank car.

78.286–13 (b), (c), (d); 78.286–17 (a)—To provide for the use and test of safety valves used in combination with a breaking pin or frangible discs on spec. 105A300–W tank car.

78.287–12 (f)—To provide a definition for excess flow valve on spec. 105A400–W tank car.

78.287–13 (b), (c), (d); 78.287–17 (a)—Reason for sections 78.286–13–17 apply also to spec. 105A400–W tank car.

78.288–12 (f)—To provide a definition for excess flow valve on spec. 105A500–W tank car.

78.288–13 (b), (c), (d); 78.288–17 (a)—Reason for sections 78.286–13–17 apply also to spec. 105A500–W tank car.

78.289–12 (f)—To provide a definition for excess flow valve on spec. 105A600–W tank car.

78.289–13 (b), (c), (d), (e); 78.289–17 (a)—Reason for sections 78.286–13–17 apply also to spec. 105A600–W tank car.

78.291–4 (a)—To make reference to current ASTM aluminum alloy designations and provide for the use of alloy GM40A in the construction of spec. 103–AL–W tank car.

78.291–13 (a), (b); 78.291–15 (c), (d), (e)—To prevent interchange of appurtenances on spec. 103–AL–W tank car.

78.292–4 (a)—Reason for section 78.291–4 applies also to spec. 103A–AL–W tank car.

78.292–13 (a), (b); 78.292–15 (d), (e), (f)—To prevent interchange of appurtenances on spec. 103A–AL–W tank car.

78.294–4 (a)—Reason for section 78.291–4 applies also to spec. 105A100–AL–W tank car.

78.294–12 (e)—To provide a definition for excess flow valve on spec. 105A100–AL–W tank car.

78.297–13 (a), (b); 78.297–15 (c), (d), (e)—To prevent interchange of appurtenances on spec. 103D–W tank car.

78.298–13 Entire section; 78.298–15 (c), (d), (e)—To prevent interchange of appurtenances on spec. 103E–W tank car.

78.299–8 (a)—To make specific reference to bottom washout nozzle flange and provisions therefor in spec. 103A–N–W tank car.

78.299–13 Entire section; 78.299–15 (b), (c), (d)—To prevent interchange of appurtenances on spec. 103A–N–W tank car.

78.300–4 (a)—Reason for section 78.291–4 applies also to spec. 105A300–AL–W tank car.

78.300–12 (e)—To provide a definition for excess flow valve on spec. 105A300–AL–W tank car.

78.301–12 (d)—To provide a definition for excess flow valve on spec. 109A300–W tank car.

78.302–4 (a)—Reason for section 78.291–4 applies also to spec. 109A100–AL–W tank car.

78.302–12 (d)—To provide a definition for excess flow valve on spec. 109A100–AL–W tank car.

78.303–17 Entire section; 78.303–20 (c), (d), (e)—To prevent interchange of appurtenances on spec. 111A100–W–1 tank car.

78.304–17 (a); 78.304–20 (a), (b), (d)—To prevent interchange of appurtenances on spec. 111A100–W–2 tank car.

78.305–17 (a); 78.305–20 (c), (d), (e)—To prevent interchange of appurtenances on spec. 111A100–W–3 tank car.

78.306–18 (b)—To provide a definition for excess flow valve on spec. 111A100–W–4 tank car.

78.307–4 (b) table—To provide for minimum plate thickness for spec. 105A200–W tank car having over 96 inches inside diameter.

78.307–12 (e)—To provide a definition for excess flow valve on spec. 105A200–W tank car.

78.308–4 (a)—Reason for section 78.291–4 applies also to spec. 105A200–AL–W tank car.

78.308–12 (e)—To provide a definition for excess flow valve on spec. 105A200–AL–W tank car.

78.309 Entire section—To provide for the construction of new spec. 111A100–W–5 rubber lined fusion-welded steel tank car.

78.312–12 (e)—To provide a definition for excess flow valve on spec. 112A400–W tank car.

78.313–4 (a)—Reason for section 78.291–4 applies also to spec. 109A200–AL–W tank car.

78.313–12 (d)—To provide a definition for excess flow valve on spec. 109A200–AL–W tank car.

78.314–4 (a)—Reason for section 78.291–4 applies also to spec. 109A300–AL–W tank car.

78.314–12 (d)—To provide a definition for excess flow valve on spec. 109A300–AL–W tank car.

78.323 Heading; 78.323–11 (a)—To make reference to current ASTM aluminum alloy designations and provide for the use of alloy GM31A in the construction of spec. MC302 cargo tank.

78.326–10 (a)—Reason for § 78.323 applies also to spec. MC305 cargo tank.

[F. R. Doc. 58–6432; Filed, Aug. 13, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 916]

[Docket No. AO–247–A5]

HANDLING OF MILK IN UPSTATE MICHIGAN MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Traverse City, Michigan, on May 20, 1958, pursuant to notice thereof issued on April 25, 1958 (23 F. R. 2932).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on July 21, 1958 (23 F. R. 5608) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. The price for Class I milk;
2. Individual-handler pools and pool plant qualification requirements of distributing plants and supply plants;
3. Producer definition;
4. Allocation of producer milk and other source milk in Class II and Class III utilization;
5. Transfers to nonpool plants; and
6. Administrative assessment.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The price for Class I milk.* The Class I price differentials for each month should be retained with the present seasonal variations and at the same annual level.

Under the provisions of the order Class I price provisions would have expired on June 30, 1956. On the basis of the record of this hearing the terminating provision has been suspended for July and August, 1958, pending further consideration of continuing pricing provisions and other issues of the hearing. Class I price differentials added to a basic formula price under the order are $1.05 during the months of February through June and $1.45 during the months of July through January. These seasonal changes and the level of the Class I price differentials were made effective in October 1956, following the introduction of seasonal pricing in the Detroit market, which became effective in the Detroit order, September 1956. Seasonal changes in the Class I price differentials in the Muskegon order, following the same seasonal pattern as this order, have been made as of July 1, 1958. These revisions have been made in recognition of the need for alignment of prices among the Upstate Michigan, Muskegon and Detroit federal order markets. Regular supplemental supplies of milk priced under the Detroit order are received by a handler under the Upstate Michigan order. Other supplemental supplies of milk are received from handlers under the Muskegon order. The need for alignment of prices among these markets has been established on previous records. No evidence was introduced on this record which diminishes this need for maintaining the alignment of prices now established for these markets.

The percentage of producer receipts utilized as Class I milk has increased approximately 2 percent, on a monthly average basis, from 1956 to 1957. Producer receipts classified as Class I milk during the period October 1956 through January 1957 averaged 83 percent. For a similar period beginning in October

1957 this average was 85 percent. These four of the seven months when the higher rate of Class I price differentials applies in computing the Class I price are those for which there are comparable data. Producer receipts classified as Class I milk for February, March, and April, 1956, averaged 76 percent. During the same months of 1957, the average was 77 percent. Since July 1956 premium prices have been paid in this market for every month except July and August, 1957. These prices have exceeded Class I prices under the order by amounts that have been as much as 64 cents. This balance of producer receipts and Class I milk has been maintained with these prices somewhat above order prices.

The introduction of a supply-demand adjustment factor in the Class I price formula should be delayed until the market has had further experience under the present provisions of the order. Marketwide pooling provisions have been in effect less than a year under this order. Seasonal pricing in this market is of recent origin having been effective since October 1956. It can be expected that these factors will change the balance of the supply and demand in this market. At a future date, when more experience has been gained under these provisions, consideration may be given to the inclusion of a supply-demand adjustor. In view of these factors, it is concluded that the present level of Class I price should be continued without inclusion of automatic adjustment features other than the seasonal changes in the basic formula price.

Certain handlers recommended that the Class I price differential of $1.45 over the basic formula price for the month of January be reduced to $1.05. These handlers claim to have received increasing supplies of producer milk in excess of their Class I requirements during January 1957 and 1958. The total producer milk classified as Class I milk has increased from 76 percent in January 1956 to 82 percent in January 1958. These percentages are in each case almost identical with those for the preceding December. Similarly, producer milk classified as Class I milk has increased from 72 percent in February 1956 to 81 percent in February 1958. Although individual handlers may experience surplus supplies of milk in January, the market experience at this time does not warrant reduction of the Class I price differential for January.

Therefore, it is concluded that the current order Class I price differentials of $1.05 for the months of February through June, and $1.45 for the months of July through January should be continued.

2. The present marketwide type of pool and pool plant provisions should be retained.

This order was amended, effective August 1, 1957, to provide that returns to producers be distributed on the basis of a marketwide pool. The cooperative association representing a majority of producers, under the previous individual-handler pooling arrangement, was required to handle virtually all of the surplus milk of the market. Handlers with agreements with this association received only the volumes of milk necessary for their fluid milk requirement. These handlers depended on this association to provide supplemental supplies of milk and to handle their surplus milk. This situation has continued to the present time.

Another cooperative association with a fluid milk plant regulated under the Upstate Michigan order and a supply plant regulated under the Detroit order proposed returning to an individual-handler pool basis. It was pointed out that no plant under this order provides facilities for manufacture of surplus milk from the cooperative's fluid milk plant. They contend that individual-handler pools would permit greater returns to their producers who have reduced the seasonality in their production to a greater extent than the average of the remaining producers on the market. Producer members of this cooperative have farms located in an area in which competition for supplies from Detroit and unregulated markets exceeds that of the Upstate Michigan market. A handler also joined in the proposal for individual-handler pooling.

Handlers have continued to depend on the bargaining cooperative association, which does not have a fluid milk plant, to handle practically all of the excess milk and to provide supplemental supplies of milk. It was not demonstrated that handlers had changed their methods of operations significantly during the 10 month period that this market has been on a marketwide pool basis. The cooperative association which operates a distributing plant assumes the responsibility of procuring supplies of milk for its own bottling requirements and handling any excess production of its members. However, most handlers depend on the bargaining cooperative to perform these functions. In view of these marketing conditions, the marketwide pool should be continued.

The cooperative association with a fluid milk operation proposed that if individual-handler pools were not adopted, then distributing plant requirements should be revised to exclude plants distributing less than 30 percent of producer receipts as fluid milk products during the month in the marketing area. Under this proposal this association's plant would be fully regulated during the months of July and August and only partially regulated during other months.

A distributing plant becomes regulated when distribution of either 150,000 pounds or more, or 20 percent or more of producer receipts as fluid milk products is made in the marketing area during the month. The proposed elimination of the volume standard and increase in the percentage requirement to 30 percent for pool status would provide opportunity for plants with considerable volumes of milk to enter this small market under partial regulation. The major volume of sales in the market has continued to be by numerous small handlers with plants located throughout the area. The proponent, however, disposes of approximately 12 percent of the total in-area sales of the market, in addition to more extensive out-of-area sales. This proposal to permit the shift from full regulation to partial regulation during all months except July and August could cause instability in the market and wide fluctuations in sales and producer receipts. Other nearby unregulated plants with large volumes of milk would have the same opportunity as this plant. A situation could then result whereby a major portion of the sales in the marketing area would not be included in the pool. For these reasons it is concluded that the proposed revision of distributing plant standards should be denied.

A third cooperative association proposed that the shipment to a distributing plant of 30 percent of producer receipts at a supply plant should be sufficient to qualify the supply plant for pool status. It was also proposed that continued shipment of 30 percent of producer receipts by a supply plant to a distributing plant during each of the months of July through November would qualify a supply plant regardless of shipments through the following November. This plant at times has provided supplemental supplies of milk to handlers in the market, but for an extended period of time furnished no milk to regulated handlers. On the basis of experience since adoption of marketwide pooling, the present requirements provide reasonable standards for qualification in a market of this type. There was no showing that the present shipping standards for supply plants do not reflect the degree of association with the market on which pool plant status should depend. The proposed reduction in supply plant standards is therefore denied.

3. *Producer definition.* The order should specify more definitely the past association with the market required of producers whose milk is to be included in the marketwide pool when diverted for the account of a handler or cooperative association.

The cooperative association representing a substantial majority of the producers whose milk is delivered to pool plants of proprietary handlers in the Upstate Michigan market accepts the responsibility for marketing producer milk in excess of the needs of many of these handlers by diversion from farms to nonpool plants. Such diversions may represent either seasonal surpluses or those resulting from daily sales fluctuations of pool plants with limited storage and manufacturing facilities.

This cooperative association requested that the order specify a standard of association with the market so that they would know the producers eligible for pooling through diversion. Prior to adoption of the marketwide pooling provisions (August 1, 1957) a limited standard of such association defined the "associated producers" eligible to share in a handler's utilization on milk which the handler neither received nor diverted. Receipt at a handler's plant during the preceding November was required.

A more realistic standard of association with the market for purposes of identifying qualified dairy farmers eligible for producer status on diverted milk would be delivery to a pool plant on half or more of the delivery days of any three of the preceding twelve months or on any three days of the current or immediately preceding month. The Upstate Michigan market has two periods in which it may be expected that milk of all producers will be needed regularly in the market, the July–August tourist season of increased sales, and the October–December period of lowest production. Delivery to a pool plant on half of the delivery days (recognizing thereby the alternate day delivery of bulk tank producers) in any three of the preceding twelve months is a reasonable minimum qualification for pooling of diverted milk. Provision should also be made for those producers currently delivering milk to a pool plant whose milk may be diverted. Accordingly delivery in the preceding month or prior delivery in the current month should also qualify diverted milk for pooling. It is concluded that these standards should be included in the order.

4. *Allocation.* Provision should be included to allocate producer milk to Class II use in a handler's plant in July and August in a volume commensurate with his uses in other months if other source milk thereby allocated to Class I use is priced under another order or is received in the form of whole milk.

Class I sales in the Upstate Michigan marketing area are substantially higher during the vacation season of July and August than at other periods of the year. For 1957 daily average sales in July and August were 50 and 57 percent respectively above the averages for other months. For some handlers the increase is even greater; in some cases July and August sales are from two to three times those of other months.

It is uneconomical for the market to develop local production of milk adequate for the July and August business. To do so would require carrying substantial surpluses throughout other months of the year. July and August are months in which milk supplies are available from other markets which have seasonal surpluses at that time.

Under the present provisions of the order in July and August all producer receipts of many handlers are, except for allowable plant loss, priced as Class I milk. Handlers must import, for these months, either in finished form or as raw materials, the Class II items such as cream, cottage cheese and ice cream mix with which a number of such handlers complement their fluid milk sales. As a consequence, many handlers have discontinued manufacture of these products entirely, and Class II usage in the market represents only 2 to 3 percent of producer receipts, while a cooperative association must divert milk for manufacturing use as Class III milk at a lower return.

Handlers and producers agree that provisions which would retain in Class II a reasonable amount of producer milk in July and August for the handler who has regularly used milk for Class II use in other months would contribute to orderly marketing in the Upstate Michigan area. It is concluded that, up to the lesser of the weighted average percentage that Class II utilization was of producer receipts in the preceding 10-month period of September through June, or 8 percent, producer receipts should be allocated to Class II milk in preference to milk priced under another order or other receipts in whole milk form. This will provide a reasonable minimum basis upon which to observe effectiveness of the provision in encouraging Class II use in other months of milk now used in Class III. Producer milk should not yield priority of allocation to unpriced other source milk except in the form of whole milk, as it is normal practice for some unpriced cream and solids in concentrated form to be used in certain of the Class II products involved.

5. *Transfers to nonpool plants.* The rules for classification of milk transferred to a nonpool plant should not be changed to require that such milk have prior claim on the highest class utilization at the nonpool plant. The rule should be modified, however, to provide Class I classification to the extent that such utilization at the nonpool plant exceeds receipts at such plant from inspected dairy farmers plus milk classified as Class I milk under the Detroit order.

The Upstate Michigan order presently permits classification of milk transferred to a nonpool plant to be at any classification claimed if use of an equivalent volume of milk in such class can be verified. It was proposed that milk so transferred should be allocated to the highest available use at the nonpool plant, except for April, May or June, when the milk so transferred would be allocated to the lowest available use.

The proposed provision would be identical with that of the order for the Detroit marketing area. That provision was adopted in the Detroit order to discourage the practice of nonpool handlers with Class I disposition from depending upon the Detroit pool to carry their daily and seasonal reserves. There is no evidence, however, that operators of nonpool plants have depended upon Upstate Michigan supplies for such reserves. No handler operating an Upstate Michigan pool plant operates a nonpool bottling plant. This is in contrast to the situation where a number of Detroit handlers operate distributing plants serving other areas.

This order assigns prior claim to the Class I sales of pool plants to Upstate Michigan producers. Similarly, under the circumstances prevailing in this market, transfers to nonpool plants should not claim priority over the receipts at such plants from the inspected producers regularly supplying such plant. There is the probability that both Upstate Michigan and Detroit pool milk may be transferred to the same nonpool plant. In view of the Detroit provisions, priority should also be yielded to the milk required to be classified as Class I under that order. Any higher class utilization in excess of such receipts should be allocated to the pool milk transferred to the nonpool plant. As is currently provided, the same rules should apply in determining the utilization of any milk that may be transferred from the nonpool plant to a second plant.

6. *Administrative assessment.* The administrative assessment of 5 cents per hundredweight of milk should continue to apply to all producer receipts, and other source milk which is allocated to Class I milk in pool plants. Such other source milk should, however, be limited to that not priced under another order.

The cooperative association representing a majority of producers proposed that the administrative assessments be revised to apply only to milk classified as Class I milk. This association handles the major portion of the diverted milk from handlers in this market and thus pays administrative assessment on such diverted milk which is used for manufacturing purposes. This group claims that this assessment increases the costs to the association's members in providing outlets for surplus milk to handlers.

Verification of receipts, utilization and payments is required of all handlers regardless of the utilization of milk by a particular handler. Equity in sharing the cost of administration of the order among handlers is achieved under the present provisions.

The cooperative association with no Class I utilization of its own may act as the handler for a substantial portion of the surplus milk of the market. This situation, however, is not unique and does not provide a basis for exception to the universal practice in all Federal orders of applying assessment for administrative expense to producer receipts used in all classes. In the event the normal operating balance of the administrative assessment fund is reached, it is possible to reduce the rate of administrative assessment as it applies to producer receipts under the provisions of the order. Therefore, the proposed limitation of the administrative assessment to Class I milk is denied. In view, however, of the increased volumes of milk priced under other orders that may be allocated to Class I utilization under the amended allocation rules discussed elsewhere in this decision, it is considered appropriate to limit the other source milk for which administrative assessment is computed to that not priced under another order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the upstate Michigan marketing area", and "Order amending the order regulating the handling of milk in the upstate Michigan marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Upstate Michigan marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of May, 1958, is hereby determined to be the representative period for the conduct of such referendum.

C. T. McCleery is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 15th day from the date this decision is issued.

Issued at Washington, D. C., this 8th day of August 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Upstate Michigan Marketing Area

§ 916.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upstate Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Upstate Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 916.11 to read as follows:

§ 916.11 *Producer.* "Producer" means any qualified dairy farmer whose milk is received directly from the farm at a pool plant. "Producer" shall also include a qualified dairy farmer with respect to milk diverted from a pool plant to a nonpool plant for the account of a handler or cooperative association, if milk of such qualified dairy farmer was previously received at a pool plant (a) on any three days of the current or immediately preceding month or (b) on half or more of the delivery days of any three of the immediately preceding twelve months. Milk so diverted shall be deemed to have been received at the pool plant from which diverted if for the account of the operator of such pool plant, and at a pool plant at the location of the plant from which diverted, if diverted for the account of a cooperative association from the pool plant of another handler.

2. Amend § 916.43 (b) to read as follows:

(b) Skim milk and butterfat disposed of by a handler from a pool plant to a nonpool plant in the form of milk or skim milk shall be Class I utilization if so reported by the handler, or unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest use remaining after allocating, in series beginning with Class I, receipts from dairy farmers who are the regular source of supply of inspected milk for such plant, and receipts from plants regulated under Part 924 of this chapter (Order No. 24) for the Detroit, Michigan, marketing area. If any milk is transferred from such plant to a second nonpool plant, the same conditions of audit, classification and allocation shall apply in determining classification.

3. Amend § 916.46 to read as follows:

§ 916.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § 916.41 (b) (3);

(b) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat contained in milk or milk products received in packaged form which were classified and priced under another marketing agreement or order issued pursuant to the act and disposed of in the same form as received;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat remaining in other source milk not subject to the Class I pricing provisions of an order issued pursuant to the act received in a form other than whole milk;

(d) For the months of July and August only, subtract from the pounds of butterfat remaining in Class II the least of:

(1) Such remainder,

(2) A percentage of butterfat in receipts of producer milk equal to the weighted average percentage that Class II utilization (exclusive of shrinkage and inventory) was of producer receipts during the preceding months of September through June, or

(3) 8 percent of receipts of butterfat in producer milk;

(e) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat remaining in other source milk received in the form of whole milk and not subject to the Class I pricing provisions of another order issued pursuant to the act;

(f) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat remaining in other source milk subject to the Class I pricing provisions of another order issued pursuant to the act;

(g) Subtract from the remaining pounds of butterfat in Class II and Class I, in series beginning with Class II, the pounds of butterfat in inventory of fluid milk products and cream on hand at the beginning of the month;

(h) Subtract from the remaining pounds of butterfat in each class, the pounds of butterfat received from other handlers in such classes pursuant to § 916.43 (a);

(i) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraphs (a) and (d) of this section; and

(j) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class, in series beginning with the lowest priced utilization.

4. Amend § 916.51 (a) to read as follows:

(a) *Class I milk.* The Class I milk price shall be the basic formula price plus $1.05 during the months of February through June and plus $1.45 during the months of July through January.

5. In § 916.60 (b) delete "§ 916.46 (g)" and substitute therefor "§ 916.46 (j)".

6. In § 916.60 (c) (1) delete "§ 916.46 (d)" and substitute therefor "§ 916.46 (g)".

7. In § 916.60 (c) (2) change the parenthetical statement "(except as shrinkage)" to "(except as shrinkage and pursuant to § 916.46 (d))".

8. In § 916.74 change "§§ 916.46 and 916.47" to "§ 916.46 (c) and (e) and the corresponding steps of § 916.47".

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[F. R. Doc. 58-6506; Filed, Aug. 13, 1958; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

APPAREL INDUSTRY

EMPLOYMENT OF LEARNERS

Pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U. S. C. 214), the Administrator has heretofore issued regulations for the employment of learners in the apparel industry under special certificates at wages lower than the minimum wage applicable under section 6 of the act (52 Stat. 1062, as amended; 29 U. S. C. 206) which are codified in § 522.24.

The minimum learner rates authorized for the employment of learners in the women's apparel division of the apparel industry were increased effective August 1, 1958 (23 F. R. 5038). These regulations, as they apply to all of the other divisions of the apparel industry, have been re-examined in the light of changes in wage levels and administrative experience in the operation of the regulations since the effective date of the $1.00 statutory minimum wage, and after consultation with interested parties in the industry. All relevant information presently available indicates that it is necessary to increase the special minimum learner rates presently authorized in these other divisions of the apparel industry from 75 cents and 80 cents an hour to 80 cents and 85 cents respectively.

Accordingly, notice is hereby given that pursuant to authority under section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U. S. C. 214), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Order No. 45-A (15 F. R. 3290) of the Secretary of Labor, and in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003), I propose to amend § 522.24, as indicated below:

1. Amend subparagraph (2) of paragraph (a) to read as follows:

(2) Not less than 80 cents per hour for the first 320 hours, and not less than 85 cents per hour for the next 160 hours, if employed in any of the other divisions of the Apparel Industry, as defined in § 522.21 (b), (c), (d), (e), and (f).

2. Amend subparagraph (3) of paragraph (a) to read as follows:

(3) An experienced worker in any one of the occupations shown in § 522.23 (a) for which a 480-hour learning period is authorized, who is being retrained in any other occupation shown in that paragraph, having such a 480-hour maximum period, shall be paid at wage rates not less than 85 cents per hour for the first 160 hours and not less than 90 cents per hour for the next 160 hours, if employed in the Women's Apparel Division of the Apparel Industry, as defined in § 522.21 (a); and at wage rates not less than 80 cents per hour for the first 160 hours and not less than 85 cents per hour for the next 160 hours, if employed in any of the other divisions of the Apparel Industry, as defined in § 522.21 (b), (c), (d), (e), and (f).

3. Amend subparagraph (2) of paragraph (b) to read as follows:

(2) Not less than 85 cents per hour, if employed in any of the other divisions of the Apparel Industry, as defined in § 522.21 (b), (c), (d), (e), and (f).

4. Amend paragraph (c) to read as follows:

(c) A learner employed in any occupation for which a 160-hour learning period is authorized in § 522.23 (a) shall be paid not less than 85 cents per hour if employed in the Women's Apparel Division, as defined in § 522.21 (a), and not less than 80 cents per hour if employed in any of the divisions of the Apparel Industry, as defined in § 522.21 (b), (c), (d), (e), and (f).

Prior to final adoption of the proposed amendments, consideration will be given to any data, views, or arguments by interested parties which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within fifteen days of the publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 7th day of August 1958.

CLARENCE T. LUNDQUIST,
Administrator.

[F. R. Doc. 58-6537; Filed, Aug. 13, 1958; 8:53 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Air Force

R. E. CROSS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

A. Deletions:
Peerless Cement Corp.:
National Capital Housing Authority.
B. Additions:
Muskegon, Mich. Public Schools;
Rome, N. Y. Street Improvements;
State of Michigan Veteran bonds;
American Cement Corp.

This statement is made of R. E. Cross. Reference: FEDERAL REGISTER dated February 11, 1958, 23 F. R. 879.

Dated: July 30, 1958.

R. E. CROSS.

[F. R. Doc. 58-6508; Filed, Aug. 13, 1958; 8:46 a. m.]

ROBERT M. TRUEBLOOD

STATEMENT OF FINANCIAL INTERESTS

Names of any corporations of which the appointee is, or within 60 days preceding his appointment has been, an officer or director, or in which the appointee owns, or within 60 days preceding his appointment has owned, any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner, and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

A partner in the firm of Touche, Niven, Bailey & Smart.

Reference: FEDERAL REGISTER dated February 11, 1958, 23 F. R. 879.

Dated: July 9, 1958.

ROBERT M. TRUEBLOOD.

[F. R. Doc. 58-6509; Filed, Aug. 13, 1958; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

ALASKA PUBLIC SALE ACT CLASSIFICATION NO. J-1

Pursuant to the authority delegated to me under section 2.5 of Order No. 541 of April 21, 1954, Bureau of Land Management, the following described land is classified for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C. 364a-364e) for commercial, and/or industrial purposes:

Parcel 1

A small parcel of unsurveyed land located about 8 miles North of Sitka, Alaska, between the North Sitka Highway and the waters of Starrigavan Bay and to the Northeast of the tract sold under Alaska Public Sale Classification No. 25 on April 24, 1957, and further described as follows: Starting with a point common with corner No. 4 of a parcel of land sold under the Alaska Public Sale Act (Classification No. 25) and at approximately station 359+50 on the centerline of the North Sitka Highway as corner No. 1; thence N. 41°47' W. along the Northeastern boundary of the aforementioned tract to corner No. 2 which is common to corner No. 3 of that tract; and the point of intersection with the mean high tide line; thence meandering along said mean high tide line in an Easterly direction approximately 650 feet to a point where the mean high tide line intersects the right-of-way of the North Sitka Highway which is corner No. 3; thence 50 feet to corner No. 4 which is a point on the North Sitka Highway; thence along the centerline of the North Sitka Highway in a westerly direction approximately 470 feet to the point of beginning, containing approximately 2 acres more or less, and subject to minor change at time of approved survey.

Parcel 2

A parcel of unsurveyed land located adjacent to and across the North Sitka Highway from the tract sold under A. P. S. Classification No. 25 and the tract described as Parcel 1 in this Classification and further described as follows: Beginning at a point on the centerline of the North Sitka Highway at approximately station 357 as corner No. 1; thence in a Northeasterly direction along the centerline of the North Sitka Highway a distance of 410 feet to corner No. 2; thence approximately S. 41°47' E. for an approximate distance of 280 feet to corner No. 3; thence S. 48°13' W. a distance of 370 feet to corner No. 4; thence in a Northwesterly direction to the point of beginning a distance of approximately 310 feet and containing approximately 2.7 acres, and subject to minor changes upon approval of survey.

The above land will be offered for sale in accordance with regulations contained in 43 CFR 75.23 to 75.40. If no bid at the minimum acceptable price or above is made, the land may be held for future offering or the Classification may be rescinded.

WARNER T. MAY,
Operations Supervisor.

[F. R. Doc. 58-6512; Filed, Aug. 13, 1958; 8:47 a. m.]

[Serial Wyoming-047652]

WYOMING

ORDER PROVIDING FOR RESTORATION OF PUBLIC LANDS

AUGUST 7, 1958.

Pursuant to Determination DA-124-Wyoming, of the Federal Power Commission and in accordance with authority delegated to me by the Wyoming State Supervisor, Bureau of Land Management, under Part II of Order of Delegation filed November 21, 1956 (21 F. R. 9147), it is ordered as follows:

The lands hereinafter described, so far as they are withdrawn and reserved for power purposes by Power Site Classification No. 253 and Power Site Reserve No. 563, are hereby restored, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 53 N., R. 101 W.,
Sec. 12, Lots 7, 8, 9, 11, 12, 13;
Sec. 14, Lots 1, 2, 3, 6, 7, SE¼NW¼, NW¼SW¼;
Sec. 21, Lots 1, 2, NW¼SE¼, SE¼SW¼;
Sec. 22, Lots 1, 3, 6, 7, SW¼NW¼;
Sec. 28, Lots 1, 2;
Sec. 29, Lots 1, 3, 4, 5, NW¼NE¼, S½NW¼;
Sec. 30, Lots 12, 13.
T. 53 N., R. 102.,
Sec. 35, Lots 5, 6, W½SW¼;
Sec. 36, Lots 5, 7, 8;
Tract 57.

Within the above described areas are 1201.03 acres of public lands.

The above described lands were withdrawn under First Form Reclamation withdrawal by orders dated February 19, 1916, and April 28, 1928, in accordance with the provisions of section 3 of the act of June 17, 1902 (32 Stat. 388), as amended, and are not subject to entry except under the provisions of said act.

The lands described shall be subject to application by the State of Wyoming for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for construction and maintenance of such highways.

Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 929, Cheyenne, Wyoming.

EUGENE L. SCHEIDT,
Lands and Minerals Officer.

[F. R. Doc. 58-6513; Filed, Aug. 13, 1958; 8:47 a. m.]

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 7, 1958.

The Civil Aeronautics Administration has filed an application, Serial No. New Mexico O32449, for the withdrawal of the lands described below, from all forms of appropriation, including the general mining laws, but not the mineral leasing laws, subject to existing valid claims. The applicant desires the land for the purpose of controlling and directing air navigation through the construction and utilization of a high altitude peripheral radio station.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 30 N., R. 13 W.,
Sec. 27, SE¼SE¼.

The area described contains 40 acres.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 58-6514; Filed, Aug. 13, 1958; 8:47 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 5, 1958.

Department of the Interior, Bureau of Reclamation, has filed an application, Serial No. Idaho 09451, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws. The applicant desires the land for use with Anderson Ranch Dam and Reservoir.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN

T. 1 N., R. 9 E.,
Sec. 20; SW¼NW¼;
Sec. 29; N½NE¼.
T. 1 N., R. 10 E.,
Sec. 19; Lots 1, 2, N½NE¼.

The above area includes 267.75 acres and is located near Anderson Ranch Reservoir in Elmore County, Idaho.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 58-6515; Filed, Aug. 13, 1958; 8:48 a. m.]

UTAH (I-12)

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; AMENDED

AUGUST 8, 1958.

A Notice of Proposed Withdrawal and Reservation of Lands, Utah 028949, by the U. S. Fish and Wildlife Service, dated June 24, 1958, published in the FEDERAL REGISTER July 3, 1958, Volume 23, No. 130, Page 5100, is hereby amended to exclude the provision that the withdrawal, if made, would withdraw the land from application under provisions of the Mineral Leasing Laws.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 58-6516; Filed, Aug. 13, 1958; 8:48 a. m.]

OREGON

SMALL TRACT CLASSIFICATION NO. 56-2; AMENDED

AUGUST 4, 1958.

For the purpose of correcting some inequities, vacating portions of rights-of-way, and designating additional rights-of-way agreed upon in signed agreements for roads and public utilities, that portion of paragraph No. 4, Classification No. 56-2, Oregon, Small Tract Opening, dated June 8, 1956, and published in the FEDERAL REGISTER of June 15, 1956, at page 4233, relating to Sandy River and Road Right-of-Way for access and utilities, is hereby vacated and the following is substituted therefor:

No.	Tract description	Acres	Access roads right-of-way, width—location
1	E½NE¼NE¼NW¼SW¼	1.25	16½' along S. boundary.
2	W½NE¼NE¼NW¼SW¼	1.25	16½' along S. boundary.
3	E½NW¼NE¼NW¼SW¼	1.25	33' along N. boundary, 16½' along S. boundary.
4	W½NW¼NE¼NW¼SW¼	1.25	33' along N. boundary, 16½' along S. boundary.
5	E½NE¼NW¼NW¼SW¼	1.25	33' along N. boundary.
6	W½NE¼NW¼NW¼SW¼	1.25	33' along N. boundary.
7	E½NW¼NW¼NW¼SW¼	1.25	16½' along N. boundary, 16½' N. and E. from S. W. corner.
8	NW¼NW¼NW¼NW¼SW¼	0.625	None.
9	SW¼NW¼NW¼NW¼SW¼	0.625	16½' along S. boundary.
10	W½SW¼NW¼NW¼SW¼	1.25	16½' along N. boundary, 16½' along E. boundary.
11	E½SW¼NW¼NW¼SW¼	1.25	16½' along W. boundary, 8¼' along S. boundary.
12	W½SE¼NW¼NW¼SW¼	1.25	8¼' along S. boundary.
13	E½SE¼NW¼NW¼SW¼	1.25	8¼' along S. boundary.
14	NW¼SW¼NE¼NW¼SW¼	0.625	16½' along N. boundary.
15	SW¼SW¼NE¼NW¼SW¼	0.625	None.
16	E½SW¼NE¼NW¼SW¼	1.25	16½' along N., S., & E. boundaries.
17	W½SE¼NE¼NW¼SW¼	1.25	16½' along N. & W. boundaries.
18	E½SE¼NE¼NW¼SW¼	1.25	16½' along N. boundary.
19	N½NE¼SE¼NW¼SW¼	1.25	16½' along W. boundary.
20	N½NW¼SE¼NW¼SW¼	1.25	16½' along E. boundary.
21	E½NE¼SW¼NW¼SW¼	1.25	8¼' along N. boundary, 16½' along W. boundary.
22	W½NE¼SW¼NW¼SW¼	1.25	8¼' along N. boundary, 16½' along E. boundary.
23	E½NW¼SW¼NW¼SW¼	1.25	8¼' along N. boundary, 16½' along W. boundary.
24	W½NW¼SW¼NW¼SW¼	1.25	16½' along E. boundary.
25	W½SW¼SW¼NW¼SW¼	1.25	33' along S. boundary, 16½' along E. boundary.
26	E½SW¼SW¼NW¼SW¼	1.25	33' along S. boundary, 16½' along W. boundary.
27	W½SE¼SW¼NW¼SW¼	1.25	16½' along E. boundary, 33' along S. boundary.
28	E½SE¼SW¼NW¼SW¼	1.25	16½' along W. boundary, 33' along S. boundary.
29	S½NW¼SE¼NW¼SW¼	1.25	16½' along E. boundary.
30	S½NE¼SE¼NW¼SW¼	1.25	16½' along W. boundary.
31	N½SE¼SE¼NW¼SW¼	1.25	16½' along W. boundary, 8¼' along W. 165' of S. boundary.
32	N½SW¼SE¼NW¼SW¼	1.25	16½' along E. boundary.
33	S½SW¼SE¼NW¼SW¼	1.25	16½' along W. boundary, 33' along W. 120' of S. boundary; 8¼' along E. 16½' of N. boundary;
34	SW¼SE¼SE¼NW¼SW¼	0.625	8¼' along N. boundary.
35	SE¼SE¼SE¼NW¼SW¼	0.625	None.

A right-of-access for fishing in the Sandy River is also reserved to the public along its shores in the following numbered tracts: 5, 6, 7, 8, 9, 11, 12, 13, 15, 21, 29, 32, and 33, while the tracts remain in a lease status.

A revised plat showing the location of the river, rights-of-way for road and utilities, and other pertinent features has been made of record and is on file in the Land Office, Bureau of Land Management, 809 N. E. Sixth Avenue, Portland 12, Oregon.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 58-6517; Filed, Aug. 13, 1958; 8:48 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 8, 1958.

The Department of Agriculture has filed an application, Serial No. Idaho 09526, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, subject to existing valid claims. The applicant desires the land for recreation areas and a landing field.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

Jim Moore Administrative Site—Landing Field

T. 25 N., R. 9 E. (Unsurveyed, but when surveyed probably will be),
Sec. 22, NE¼SE¼SW¼, S½SE¼SW¼, SE¼SW¼SW¼;
Sec. 27, N½NE¼NW¼, NE¼NW¼NW¼, SW¼SW¼;

Seven Devils Recreation Area

T. 23 N., R. 1 W.,
Sec. 7, Lot 2.
T. 23 N., R. 2 W. (Unsurveyed, but when surveyed probably will be),
Sec. 12, S½SE¼NE¼, NE¼SE¼.

Allison Creek Recreation Area

T. 24 N., R. 2 E.,
Sec. 13, Lot 6.

Spring Bar Creek Recreation Area

T. 24 N., R. 2 E.,
Sec. 12, SE¼SW¼SE¼;
Sec. 13, Lot 2.

Van Creek Recreation Area

T. 24 N., R. 3 E.,
Sec. 7, S½S½SE¼SW¼;
Sec. 18, Lot 2.

Kelly Creek Recreation Area

T. 24 N., R. 3 E.,
Sec. 18, Lot 1.

Robbins Creek Recreation Area

T. 24 N., R. 3 E.,
Sec. 13, Lot 1.

Pilot Rock Recreation Area

T. 24 N., R. 4 E.,
Sec. 7, S½S½SW¼SE¼, S½S½SE¼SE¼;
Sec. 18, Lots 1 and 8.

The above areas include 312.94 acres located throughout Nez Perce National Forest.

DONALD I. BAILEY,
Acting State Supervisor.

[F. R. Doc. 58-6518; Filed, Aug. 13, 1958; 8:48 a. m.]

[LA-0157600]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 8, 1958.

The Department of Commerce, Civil Aeronautics Administration has filed an application, Serial No. Los Angeles 0157600, for the withdrawal of the lands described below, from all forms of appropriation under the Public Land Laws, including mining and mineral leasing, subject to valid existing rights.

The applicant desires the land for a combined VHF Omni Range and TACAN Air Navigational Facility. The full 160 acres is necessary to insure against erection of other types of structures which

would adversely affect the operation and stability of the proposed facility.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 215 West Seventh Street, Los Angeles 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Classification Officer on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 S., R. 12 E.,
Sec. 6. S½S½NW¼, N½SW¼, N½S½SW¼.

The area includes 160 acres, more or less, twenty miles east of Twentynine Palms, in San Bernardino County.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles.

[F. R. Doc. 58-6525; Filed, Aug. 13, 1958; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 308]

MARKET AGENCIES AT SIOUX CITY STOCK YARDS, SIOUX CITY, IOWA

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Correction

In F. R. Doc. 58-5441, appearing at page 5402 of the issue for Wednesday, July 16, 1958, the following change should be made:

In Section A of the table, under Calves, the proposed rate for first 5 head should read ".90".

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[File 23-530]

WILLI FARNER ET AL.

ORDER TEMPORARILY REVOKING AND DENYING EXPORT PRIVILEGES

In the matter of Willi Farner, also known as Willi Farner Moser, Grenchen, Switzerland, and Sagrera 44-58, Barcelona, Spain; Farner Werke A. G., Grenchen, Switzerland; Alexander Botez, also known as A. B. Gamboa, and as Alexander Botez Gamboa, and as Allessandro Donici Boetz, 11 Rue Emile Yung, and 22 Ave. Pierre Odier, Geneva, Switzerland; S. A. De Transports Internationaux Tramarsa, 17 Rue Du Mont Blanc, Geneva, Switzerland; Respondents; File 23-530.

The Director, Investigation Staff, Bureau of Foreign Commerce, U. S. Department of Commerce, applied to the Compliance Commissioner, pursuant to the provisions of § 382.11 of the Bureau of Foreign Commerce Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), for an order temporarily denying to Willi Farner also known as Willi Farner Moser, the firm of Farner Werke A. G., Alexander Botez also known as A. B. Gamboa and as Alexander Botez Gamboa and as Allessandro Donici Botez, and the firm S. A. De Transports Internationaux Tramarsa, the respondents herein, all United States export privileges pending completion of the administrative proceeding heretofore brought for the purpose of obtaining a determination of violation and consequent order revoking all export privileges.

The Compliance Commissioner, having considered the evidence submitted in support of said application, has reported the facts upon which the application is based on has recommended that the application be granted to the extent hereinafter provided. After careful consideration of the report and the evidence submitted together therewith and finding that the said evidence reasonably supports a conclusion that the respondents have been engaged in a scheme or series of schemes whereby (a) they have acquired, by means of false representations as to destination and end-use, electronic materials of various kinds and descriptions from vendors in the United States or from vendors abroad who have in turn acquired such materials from the United States and (b) they have thereafter delivered such materials to a person or persons acting on behalf of the Communist Chinese purchasers, thus causing the diversion and transshipment thereof to Communist China in violation of the Export Control Act of 1949, as amended; and finding further, on the basis of the evidence submitted, that the said respondents, in furtherance of said scheme or schemes, have obtained and may continue to obtain such materials from the United States by resorting to prohibited practices in violation of the regulations provided for the administration of General Licenses established by the Bureau of Foreign Commerce; and having concluded therefrom that the protection of the public interest requires and that it is necessary to achieve effective enforcement of the law that respondents be denied all export privileges at least for the period hereinafter provided during which they may have an opportunity to contest the findings herein: It is ordered as follows:

(1) All outstanding validated export licenses in which respondents, Willi Farner, also known as Willi Farner Moser, Farner Werke A. G., Alexander Botez, also known as A. B. Gamboa, and as Alexander Botez Gamboa, and as Allessandro Donici Botez, and S. A. De Transports Internationaux Tramarsa, appear or participate as purchaser, intermediate consignee, ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

(2) The said respondents, their agents, servants, and employees, and all persons and firms associated with them, are hereby denied all privileges of participating directly or indirectly in any manner or form, or capacity in any exportation of any commodity from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondents' participation (a) as parties or as representatives of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering, or disposing of any commodities in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(3) Such denial of export privileges shall apply not only to the said respondents, but also to any other person, firm, corporation, or business organization with which the respondents may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade which may involve exports from the United States or services connected therewith.

(4) This order shall take effect forthwith and shall remain in effect for a period of thirty days from the date hereof unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the Export Regulations.

(5) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall, without prior disclosure of the facts to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (2) and (3) hereinabove receive any benefit or have any interest or participation of any kind or nature, direct or indirect.

(6) A certified copy of this order shall be served upon the said respondents.

(7) In accordance with the provisions of § 382.11 (c) of the Export Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Com-

...ance Commissioner at Washington, D. C., at the earliest convenient date.

Dated: August 11, 1958.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 58-6524; Filed, Aug. 13, 1958; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-88]

AEROJET-GENERAL NUCLEONICS

NOTICE OF ISSUANCE OF FACILITY LICENSE AMENDMENT

Please take notice that the Atomic Energy Commission has issued the following amendment (No. 1) to License R-35 authorizing certain minor modifications of control rods and the use of a critical mass of approximately 780 grams of contained uranium-235 rather than the originally estimated one kilogram in Aerojet-General Nucleonics' nuclear reactor Model AGN-211, Serial No. 100. The Commission has found that operation of the facility in accordance with the terms and conditions of the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the modified reactor does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license amendment. For further details, see (1) the application for license amendment submitted by Aerojet-General Nucleonics and (2) a hazards analysis of the proposed operation of the modified reactor prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 7th day of August 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[License No. R-35, Amdt. No. 1]

Paragraph "A" of the licensing provisions in License No. R-35, issued to Aerojet-General Nucleonics, San Ramon, California for the Model AGN-211, Serial No. 100 reactor is hereby amended to read as follows: Pursuant to section 104c of the act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate as a utilization facility the nuclear reactor (hereinafter referred to as "the facility") designated above as modified in accordance with the design changes described in the amendment to the application dated April 5, 1958, and to transfer possession of or title to, or both, to said facility to any person licensed to acquire it;

The amendment is effective as of the date of issuance.

Date of issuance: August 7, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-6504; Filed, Aug. 13, 1958; 8:45 a. m.]

[Docket No. 50-103]

AEROJET-GENERAL NUCLEONICS

NOTICE OF ISSUANCE OF UTILIZATION FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on July 21, 1958, the Atomic Energy Commission has issued Facility License No. R-45 authorizing Aerojet-General Nucleonics to possess and operate the fifteen watt nuclear reactor designated by the applicant as Model AGN-211, Serial No. 101, at the site in San Ramon, California, described in the application. Notice of the proposed action was published in the FEDERAL REGISTER on July 22, 1958, 23 F. R. 5551.

Dated at Germantown, Md., this 7th day of August 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-6505; Filed, Aug. 13, 1958; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15737]

MONSANTO CHEMICAL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

Correction

In Federal Register Document 58-6227, published on page 6066 in the issue for Friday, August 8, 1958, the docket number should read as set forth above.

[Docket Nos. G-13453 etc.]

CONTINENTAL OIL CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Correction

In Federal Register Document 58-6327, published at page 6089 in the issue for Friday, August 8, 1958, the docket number should read as set forth above.

[Docket No. G-13258]

SOUTHERN NATURAL GAS CO.

NOTICE FIXING DATE OF LIMITED HEARING

AUGUST 11, 1958.

This proceeding involves the increased rates and charges tendered for filing by Southern Natural Gas Company (Southern) on March 31, 1958, contained in its FPC Gas Tariff, Fifth Revised Volume No. 1, as accepted for filing by order issued herein on April 18, 1958, subject to refund of excess charges only as to one customer, South Georgia Natural Gas Company. The Commission, however, expressed reservations concerning the rates and charges so proposed although it expressly accepted the cost of service as presented. It, therefore, provided for a limited hearing concerning the issues set forth below.

Take notice that pursuant to the prior orders of the Commission in this proceeding and the Natural Gas Act, a public hearing will be held commencing September 23, 1958, at 10:00 a. m., e. s. t., in a Hearing Room of the Commission, 441 G Street NW., Washington, D. C., concerning only (1) the level of the demand and commodity components of the rates contained in Southern's FPC Gas Tariff, Fifth Revised Volume No. 1, and (2) the "Conditions Relating to Refunds and Future Rate Reductions."

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6532; Filed, Aug. 13, 1958; 8:52 a. m.]

[Docket No. G-14561]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 11, 1958.

Take notice that on February 24, 1958, Pacific Northwest Pipeline Corporation (Applicant) filed in Docket No. G-14561 an application, as supplemented on May 28, June 26, and July 3, 1958, for a certificate of public convenience and necessity authorizing the construction and operation of 51.3 miles of 30-inch lateral pipeline looping completely its existing 16-inch Big Piney lateral line in Lincoln and Sublette Counties, Wyoming, to enable Applicant to transport increased volumes of natural gas purchased in the Big Piney and nearby Tip Top and Hogsback areas of Sublette County to its 22-inch main line in Lincoln County, Wyoming, for service to existing customers in the Pacific Northwest, all as more fully set forth in the application and supplements which are on file with the Commission and open to public inspection.

The proposed facilities, together with other minor additions to Applicant's system which have already been authorized, would increase Applicant's certificated system delivery capacity by approximately 200,000 Mcf per day, to a total of about 922,000 Mcf per day.

The estimated investment in the facilities proposed herein is $5,542,000, which will be financed initially by a short-term bank loan, to be replaced eventually by the proceeds from the sale of securities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 11, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 of 1.10) on or before August 29, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6533; Filed, Aug. 13, 1958; 8:52 a. m.]

[Docket No. G-15220]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 11, 1958.

Take notice that on June 2, 1958, Arkansas Louisiana Gas Company (Applicant) filed in Docket No. G-15220 an application, pursuant to section 7 (b) of the Natural Gas Act, for authority to abandon service of natural gas to Southwest Gas Producing Company, Inc. (Southwest) from Applicant's share of production from the L. M. Martin No. 1 James Lime Unit well in the Ruston Field, Lincoln Parish, Louisiana, all as more fully set forth in the application and appended exhibit, which are on file with the Commission and open to public inspection.

Applicant states that production from the said well has declined in pressure to the point that the gas is no longer able to enter Southwest's supply system, and Applicant proposes to receive its share of the production from this well into its own system which is operated at a lower pressure.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 3, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 29, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58 6534; Filed, Aug. 13, 1958; 8:52 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 301, Supp. 1]

SECRETARY OF COMMERCE

DELEGATION OF AUTHORITY CONCERNING NEGOTIATION OF CONTRACTS FOR APPRAISAL SERVICES IN CONNECTION WITH ACCELERATED HIGHWAY PROGRAM

AUGUST 7, 1958.

Delegation of Authority No. 301, published in the FEDERAL REGISTER of August 30, 1957, at page 7003, is hereby amended to extend the authority delegated therein by changing the date in paragraph 1 thereof from June 30, 1958 to June 30, 1959.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-6535; Filed, Aug. 13, 1958; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-648]

NATIONAL PROPANE CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

AUGUST 8, 1958.

Notice is hereby given that National Propane Corporation ("National"), a Delaware corporation, has filed an application and an amendment thereto pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935 ("act"), requesting an order exempting it from all the provisions of the act, on the grounds that it is only incidentally a holding company, being primarily engaged or interested in one or more businesses other than the business of a public-utility company and not deriving, directly or indirectly, any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public-utility company.

The application which is on file in the offices of the Commission may be summarized as follows:

National is engaged in the distribution and sale of liquefied petroleum gas in portable containers and in bulk in four eastern states and nine middle western states. National has a small subsidiary company, Ware Gas Company, which distributes liquefied petroleum gas through underground mains at Ware, Massachusetts, such gas being supplied to it by National. As at November 30, 1957, the end of its fiscal year, National's total assets were $21,815,121, and for this fiscal year National's total sales and other revenues were $12,433,094. Ware Gas Company, as at December 31, 1957, had total assets of $73,926, and for the year 1957 its sales and other revenues totaled $93,446.

Notice is further given that any interested person may not later than August 29, 1958 at 5:30 p. m. request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application, as amended, may be granted, or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-6519; Filed, Aug. 13, 1958; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-IV-1, (Revision 1)]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957 (22 F. R. 8197, 23 F. R. 557, 1768), there is hereby delegated to the Chief, Financial Assistance Division, the following authority:

A. *Specific.* To take the following actions in accordance with the limitations

of such delegations as set forth in SBA-300, Financial Assistance Manual:

1. To approve the following types of loans:

a. Direct business loans in an amount not exceeding $20,000;

b. Participation business loans in an amount not exceeding $100,000; and

c. Disaster loans in an amount not exceeding $50,000.

2. To decline original applications but not reconsideration of disaster loans.

3. To approve or decline Limited Loan Participation loans.

4. To enter into Disaster Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.

By ----------,
Chief,
Financial Assistance Division.

6. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To reinstate any loan authorization cancelled prior to the first disbursement within six months from the date of the original authorization providing that no adverse change has occurred since the loan application was approved.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans; approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

14. To take the following actions in the administration of fisheries' loans:

a. Amend loan authorizations.

b. Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months.

c. Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of $10,000 or less.

d. Cancel loan authorizations prior to disbursement upon the written request of the applicant.

e. Disburse fisheries' loans in the same manner as SBA business loans.

f. Administer fisheries' loans within the same authority exercised with respect to SBA loans.

15. To take the following actions in all loans except those loans classified as "problem loans" or "in liquidation":

a. Extend to the maturity of a loan or to a date prior to the maturity, one monthly principal payment in any calendar year, and not more than a total of four such payments during the term of the loan, or one quarterly principal installment payment during the term of the loan, for loans with principal balances not exceeding $100,000.

b. Carry loans which are delinquent or past-due not more than three months in such status for an additional period of not more than six months when the principal balances of such loans do not exceed $100,000.

c. Extend the maturity of loans (within the statutory limitations) when the principal balances of such loans do not exceed $100,000.

d. Approve or decline requests for changes in the repayment terms of notes for loans with principal balances not exceeding $100,000.

e. Waive amounts due under net earnings clause.

f. Approve requests to exceed fixed assets limitations and waive violations of this limitation.

g. Approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel, and waivers of violation of salary and bonus limitations, provided the Regional Director considers the bonuses and/or salary to be paid reasonable and that consent will not be given to any such payment if the payment will impair the borrower's cash position and if the loan is not current in all respects at the time the payment is made.

h. Approve changes in use of loan proceeds in connection with partially disbursed loans.

i. Waive violations of agreements to maintain working capital of a specified amount.

16. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

17. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

18. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

19. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured

thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

20. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

21. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

22. To take peaceable custody of collateral, as mortgages in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

23. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

24. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

25. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

26. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind of nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or otherwise, and to exercise any rights or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

B. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the financial assistance functions as specified in the above delegated authorities.

II. The authority delegated in IA may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: May 23, 1958.

CLARENCE P. MOORE,
Regional Director,
Richmond Regional Office.

[F. R. Doc. 58-6475; Filed, Aug. 12, 1958; 8:47 a. m.]

[Delegation of Authority 30-VI-5 (Revision 1)]

BRANCH MANAGER, LOUISVILLE, KENTUCKY

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957 (22 F. R. 5811, 8197, 23 F. R. 557, 1768), there is hereby delegated to the Branch Manager, Louisville, Kentucky Branch Office, Small Business Administration, the authority:

A. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000 and

b. Participation loans in an amount not exceeding $100,000.

2. To approve or decline Limited Loan Participation loans.

3. To approve or decline disaster loans not in excess of $50,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA Procurement Agency Policy Manual, and SBA Procurement and Technical Assistance Manual:

4. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

5. To administer oaths of office.

6. To approve annual and sick leave for employees under his supervision.

B. *Correspondence.* To sign all nonpolicy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I.A and B may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Louisville, Kentucky, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 7, 1958.

JAMES G. GARWICK,
Regional Director,
Cleveland Regional Office.

[F. R. Doc. 58-6520; Filed, Aug. 13, 1958; 8:49 a. m.]

TARIFF COMMISSION

UMBRELLA FRAMES

SUPPLEMENTAL REPORT

AUGUST 11, 1958.

The United States Tariff Commission today submitted to the President a supplement to its report of January 14, 1958, on the "escape clause" investigation of umbrella frames, made under section 7 of the Trade Agreements Extension Act of 1951, as amended. In that report a majority of the Commission recommended an increase in the rate of duty on imported umbrella frames valued at $4.00 or less per dozen. The supplemental report was prepared in response to a letter of March 12, 1958, from the President requesting additional information.

The supplemental report gives for umbrella frames, data on the production, imports, exports, employment, and the profit or loss experience of domestic producers through March 31, 1958.

Copies of the report are available upon request as long as the limited supply lasts. Address requests to the United States Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58-6529; Filed, Aug. 13, 1958; 8:50 a. m.]

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FEDERAL REGISTER

VOLUME 23 NUMBER 160

Washington, Friday, August 15, 1958

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA, AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF WHITE WATER, CALIFORNIA

ORDER AMENDING AMENDED ORDER REGULATING HANDLING

§ 955.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Coachella, California, on October 31, 1957, upon a proposed amendment of the marketing agreement, as amended, and to Order No. 55, as amended (7 CFR Part 955) regulating the handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California, in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act; and

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the grapefruit covered thereunder.

(b) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Grapefruit Grown in Arizona; in Imperial County, California, and in that part of Riverside County, California, Situated South and East of White Water, California," upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the grapefruit covered by this order) who, during the period August 1, 1956, through July 31, 1957, handled not less than 80 percent of the volume of grapefruit covered by the said amended order, as hereby further amended, and produced in the State of California, and not less than 50 percent of the volume of grapefruit covered by the said amended order, as hereby further amended, and produced in the State of Arizona; and

(2) The issuance of this order, amending the aforesaid amended order, is favored or approved by at least three-fourths of the producers who participated in a referendum on the question of its approval and who, during the de-

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FEDERAL REGISTER

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of grapefruit represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California, shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Delete the provisions of §§ 955.1 through 955.4 and substitute in lieu thereof the following:

§ 955.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 955.2 *Act.* "Act" means Public Law No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047).

§ 955.3 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 955.4 *Grapefruit.* "Grapefruit" means grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California.

2. Amend the provisions of paragraph (b) of § 955.5 by deleting therefrom the words "the San Gorgonio Pass" and inserting in lieu thereof the words "White Water, California."

3. Delete the provisions of §§ 955.6 through 955.9 and substitute in lieu thereof the following:

§ 955.6 *Producer.* "Producer" means any person engaged in a proprietary capacity in the commercial production of grapefruit.

§ 955.7 *Handler.* "Handler" means any person (except a common or contract carrier of grapefruit owned by another person) who handles grapefruit in fresh form.

§ 955.8 *Handle.* "Handle" means to transport, ship, sell, or in any other way to place grapefruit in the current of commerce between the State of California and any point outside thereof, or between the State of Arizona and any point outside thereof.

§ 955.9 *Carton.* "Carton" means either standard container No. 58 or standard container No. 59 as described in section 828.23 of the Agricultural Code of California, as amended, having a capacity of approximately 32 pounds of grapefruit, or such other container and capacity as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

4. Delete the provisions of § 955.11 and substitute in lieu thereof the following:

§ 955.11 *Variety.* "Variety" or "varieties" means either or both of the following classifications or groupings of grapefruit: (a) White seeded grapefruit, and white seedless grapefruit, and (b) pink or red seeded grapefruit, and pink or red seedless grapefruit.

5. Delete the provisions of §§ 955.20 through 955.22 and substitute in lieu thereof the following:

§ 955.20 *Establishment and membership.* (a) An Administrative Committee, consisting of the number of members prescribed in paragraph (c) of this section, is hereby established for the 1958–59 fiscal period and for each fiscal period thereafter. There shall be an alternate member for each member of the committee, who shall have the same qualifications as the member. Each such member and alternate member shall be a producer.

(b) The members and alternate members shall hold office for a period of one year commencing on the first day of August and continuing for one year, or until their successors are selected and have qualified. The members, alternate members, and their respective successors shall be nominated by producers and shall be selected by the Secretary, as provided in §§ 955.21 and 955.22.

(c) Each district shall be represented on the committee by one member for each million cartons, or fraction thereof, of production of grapefruit in such district during the fiscal period preceding the date on which the nomination meetings for members and alternate members are held: *Provided*, That no district shall be represented by more than three members, regardless of the production of grapefruit in such district. If production in any district during such fiscal period is less than for the preceding fiscal period by 25 percent or more, the average production during the three fiscal periods preceding such nomination meetings shall be used to determine the representation from such district.

§ 955.21 *Nomination.* (a) The Secretary shall cause to be held each year a meeting or meetings of the producers in each of the several districts for the purpose of making nominations for members and alternate members of the Administrative Committee.

(b) In those districts entitled to two members on the Administrative Committee, one nominee for member and one nominee for alternate member shall be affiliated with a cooperative marketing organization, and one nominee for member and one nominee for alternate member shall not be affiliated with a cooperative marketing organization.

(c) In those districts entitled to one member on the Administrative Committee, the nominees for member and alternate member shall, in odd numbered years, be affiliated with a cooperative marketing organization, and the nominees for member and alternate member shall, in even numbered years, not be affiliated with a cooperative marketing organization.

(d) In those districts entitled to three members on the Administrative Committee, two nominees for members and two nominees for alternate members shall, in even numbered years, be affiliated with a cooperative marketing organization, and two nominees for members and two nominees for alternate members shall, in odd numbered years, not be affiliated with a cooperative marketing organization.

(e) Not more than one nominee for member and not more than one nominee for alternate member of the Administrative Committee from each district may be affiliated with the same packing house.

(f) Only producers affiliated with cooperative marketing organizations may elect the nominees affiliated with such organizations; and only producers not affiliated with cooperative marketing organizations may elect the nominees not so affiliated. At least one nominee shall be elected for each member and alternate member position to be filled. If nominations are not made by a particular group of producers in a district, as provided in this section, the producers of the other group may make nominations for all the positions to be filled in such district and, in such event, any limitations as to the affiliation of the nominees shall not apply.

(g) The committee may, with the approval of the Secretary, change the representation on the committee with respect to the number of nominees affiliated with cooperative marketing organizations and those not affiliated with cooperative marketing organizations in the event there is a substantial change in the number of producers affiliated with cooperative marketing organizations in any district.

(h) In voting for nominees each producer shall be entitled to vote in only one district, regardless of the number of districts in which he is producing grapefruit. Each vote shall be cast on behalf of himself, his agents, partners, subsidiaries, affiliates, and representatives. Producers who are affiliated with cooperative marketing organizations may cast one vote for each of the nominees from the district in which the producers are producing grapefruit, who are affiliated with cooperative marketing organizations. Producers who are not affiliated with cooperative marketing organizations may cast one vote for each of the nominees, from the district in which the producers are producing grapefruit who are not affiliated with cooperative marketing organizations.

(i) Nominations shall be submitted to the Secretary on or before July 1 each year.

§ 955.22 *Selection.* From the nominations made pursuant to § 955.21, or from other qualified producers, the Secretary shall select the members and alternate members from each district. If a district is represented by two members, the Secretary shall select one member and one alternate member who are affiliated with cooperative marketing organizations and one member and one alternate member who are not affiliated with cooperative marketing organizations. If a district is represented by one member, the Secretary shall, in odd numbered years, select a member and an

termined representative period (August 1, 1956, through July 31, 1957), were engaged, within the State of California, in the production of grapefruit for market, and by at least two-thirds of the producers who participated in such referendum and who, during such determined representative period, were engaged, within the State of Arizona, in the production of grapefruit for market, such producers having also produced for market at least two-thirds of the volume

alternate member who are affiliated with cooperative marketing organizations, and, in even numbered years, select a member and an alternate member who are not affiliated with cooperative marketing organizations. If a district is represented by three members, the Secretary shall, in even numbered years, select two members and two alternate members who are affiliated with cooperative marketing organizations, and, in odd numbered years, select two members and two alternate members who are not affiliated with cooperative marketing organizations. In the event nominations are not made in accordance with the provisions of paragraphs (b), (c), and (d) of § 955.21, the Secretary may select the members and alternate members without regard to their affiliation.

6. Delete from § 955.23 the reference to "§ 955.21 (e)" and substitute in lieu thereof "§ 955.21 (i)."

7. Delete the provisions of paragraphs (h) and (i) of § 955.28 and substitute in lieu thereof the following:

(h) To determine as near as practicable the total crop of grapefruit, and to make such determinations, including determinations by grade and size as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this part; and

(i) To investigate the growing, handling and marketing conditions with respect to grapefruit and to assemble data in connection therewith.

8. Delete the provisions of paragraphs (a), (b), and (d) of § 955.31 and substitute in lieu thereof the following:

§ 955.31 *Procedure.* (a) Three-fourths of the members of the Administrative Committee shall be necessary to constitute a quorum of the committee.

(b) For any decision of the Administrative Committee to be valid, three-fourths of the members of the Administrative Committee must cast a concurring vote. At all assembled meetings each vote must be cast in person.

• • • • •

(d) Except at an assembled meeting, the Administrative Committee may vote by telephone, telegraph, or other means, and any such vote so cast shall be confirmed promptly in writing.

9. Delete the provisions of § 955.41 and substitute in lieu thereof the following:

§ 955.41 *Assessments.* (a) Each handler who first handles grapefruit shall, with respect to the grapefruit so handled by him, pay to the Administrative Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the said committee for its maintenance and functioning during each fiscal period. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of grapefruit handled by him as the first handler thereof, during the applicable fiscal period, and the total quantity of grapefruit so handled by all handlers during the same fiscal period.

(b) The Secretary shall fix the rate of assessment to be paid by handlers. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the Administrative Committee. Any such increase shall be applied to all grapefruit handled during the given fiscal period. In order to provide funds to carry out the functions of the Administrative Committee, handlers may make advance payment of assessments.

(c) The payment of assessments for the maintenance and functioning of the Administrative Committee may be required under this part throughout the period it is in effect, irrespective of whether regulations are established by the Secretary, or whether particular provisions thereof are suspended or become inoperative.

10. Re-letter paragraph (b) of § 955.42 as paragraph (c) and insert a new paragraph (b) as follows:

(b) Notwithstanding the provisions of paragraph (a) of this section, the Administrative Committee may, with the approval of the Secretary, establish an operating reserve from funds remaining at the end of a fiscal period, which are in excess of expenses incurred during such period. Such operating reserve shall be accumulated over such period of time as the committee determines is fair and equitable to all handlers and shall not exceed an amount in excess of the preceding year's budget. The reserve shall be managed as a revolving fund and the credits and refunds provided in paragraph (a) of this section deferred until such time as the reserve reaches the amount prescribed by the committee.

11. Delete the provisions of paragraph (a) of § 955.51 and substitute in lieu thereof the following:

(a) It shall be the duty of the Administrative Committee to investigate the supply and demand conditions for grades and sizes of the varieties of grapefruit. Whenever the committee finds that such conditions make it advisable to regulate the handling of particular grades or sizes of any variety of grapefruit during any period, it shall recommend the particular grades or sizes thereof deemed advisable by it to be handled during such period, and any such recommendation may include a proposal that the handling of such variety in export, including Canada, shall be limited to sizes different from the proposed size limitation applicable to the handling of the same variety in interstate commerce. Thereafter, the committee shall promptly report such findings and recommendations, together with supporting information, to the Secretary.

12. Delete the words "shipment" and "fruit" wherever they appear in §§ 955.50 and 955.52 and in paragraph (b) of §§ 955.51 and 955.53 and substitute in lieu thereof the words "handling" and "grapefruit," respectively.

13. Delete the provisions of paragraph (a) of § 955.53 and substitute in lieu thereof the following:

§ 955.53 *Issuance of regulations.* Whenever the Secretary shall find, from the recommendation and information submitted by the Administrative Committee or from other available information, that to limit the handling of any variety or varieties of grapefruit to particular grades and sizes thereof would tend to effectuate the declared policy of the act, he shall so limit the handling of such variety or varieties during a specified period; and any such regulation may provide that shipments of any such variety or varieties in export, including Canada, shall be limited to sizes different from the limitation applicable to the handling of the same variety or varieties in interstate commerce. The Administrative Committee shall be informed immediately of any such regulation issued by the Secretary, and the said committee shall promptly give adequate notice thereof to handlers.

14. Delete the provisions of § 955.55 and substitute in lieu thereof the following:

§ 955.55 *Inspection and certification.* (a) During any period in which the Secretary has regulated the handling of any variety or varieties of grapefruit pursuant to § 955.53, each handler shall, prior to the handling of any lot of such variety or varieties, cause such lot to be inspected by an authorized representative of the Federal or Federal-State Inspection Service. Promptly thereafter, such handler shall submit to the Administrative Committee a copy of the inspection certificate issued thereon. The provisions of this section shall not be applicable to a handler who handles any lot which has been so inspected and a copy of such inspection certificate has been submitted to the Administrative Committee.

(b) The Administrative Committee may enter into an agreement with the Federal and Federal-State Inspection Services with respect to the costs of the inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata shares of such costs.

15. Delete from § 955.60 the words "standard box" and substitute in lieu thereof the word "carton".

16. Delete the words "fruit" and "shipped" wherever they appear in §§ 955.61 and 955.74 and substitute in lieu thereof the words "grapefruit" and "handled," respectively.

17. Delete the provisions of § 955.70 and substitute in lieu thereof the following:

§ 955.70 *Grapefruit not subject to regulation.* Nothing contained in this subpart shall be construed to authorize any limitation of the right of any person to handle grapefruit (a) by express, parcel post, or common or contract carrier in units of five cartons or less; (b) for consumption by charitable institutions or distribution by relief agencies; (c) for conversion into by-products; or (d) directly to a destination in Mexico. No assessment shall be levied on grapefruit handled under the exemptions provided in this section. The committee may prescribe adequate safeguards to prevent grapefruit handled for the purposes described in this section from entering commercial fresh fruit channels of trade contrary to the provisions of this subpart. The term "by-products" as used in this section includes all processed and manufactured products of grapefruit, including canned or bottled grapefruit or grapefruit juices.

18. Delete the provisions of § 955.71 and substitute in lieu thereof the following:

§ 955.71 *Compliance.* Except as provided in this subpart, no handler shall handle any variety of grapefruit, the handling of which has been prohibited by the Secretary in accordance with the provisions of this subpart; and no handler shall handle any variety of grapefruit except in conformity with the provisions of this subpart.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated August 12, 1958, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-6567; Filed, Aug. 14, 1958; 8:51 a. m.]

PART 964—DRIED FIGS PRODUCED IN CALIFORNIA

APPROVAL OF EXPENSES OF DRIED FIG ADMINISTRATIVE COMMITTEE FOR 1958–59 CROP YEAR AND FIXING RATE OF ASSESSMENT FOR SUCH CROP YEAR

Notice was published in the July 23, 1958, issue of the FEDERAL REGISTER (23 F.R. 5568) that consideration was being given to the approval of proposed expenses of the Dried Fig Administrative Committee for the 1958–59 crop year and the fixing of a rate of assessment for such crop year, in accordance with the recommendations of the committee and pursuant to the provisions of Marketing Agreement No. 123, as amended, and Order No. 64, as amended (7 CFR Part 964), regulating the handling of dried figs produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, interested persons were afforded the opportunity to file written data, views, or arguments with respect to the proposals. No such comment was filed within the prescribed time.

After consideration of all relevant matters pertaining to the proposals including the recommendations of the committee, it is hereby found, and determined, and, therefore, it is hereby ordered, that the expenses of the committee and the rate of assessment for the crop year beginning August 1, 1958 shall be as follows:

§ 964.303 *Expenses of the Dried Fig Administrative Committee and rate of assessment for the 1958–59 crop year—(a) Expenses.* Expenses in the amount of $26,460 are reasonable and likely to be incurred by the Dried Fig Administrative Committee for its maintenance and functioning during the crop year beginning August 1, 1958.

(b) *Rate of assessment.* Each handler shall pay to the Dried Fig Administrative Committee, in accordance with the provisions of Marketing Agreement No. 123, as amended, and this part, an assessment of $1.35 for each ton of salable tonnage dried figs handled by him as the first handler thereof during the crop year beginning August 1, 1958, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

(c) *Salable tonnage dried figs.* The term "salable tonnage dried figs," as used in paragraph (b) of this section, means and includes all natural condition dried figs acquired by a handler during the crop year beginning August 1, 1958, pursuant to the applicable provisions of the aforesaid marketing agreement, as amended, and this part.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that: (1) Under said marketing agreement, as amended, and order, as amended, assessments apply to all dried figs handled during the 1958–59 crop year, and such dried figs are already being handled; (2) the committee must be enabled to obtain adequate funds currently from 1958–59 crop year assessments in order to defray expenses of administering the program; (3) while the committee has on hand some assessment funds from the 1957–58 crop year that were not expended in connection with the operation of such crop year, such funds are not sufficient to pay the expenses of the committee, as authorized by §§ 964.71 and 964.72; (4) compliance herewith will not require any advance preparation on the part of handlers; and (5) it is imperative that this action be made effective as soon as possible and not later than the date on which this order is published in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated August 11, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-6558; Filed, Aug. 14, 1958; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F. R. 3500 and 5319 containing the specific requirements for the 1958-crop rye price support program are hereby amended as follows:

1. Section 421.3378 (c) (1) is amended to also make rye grading No. 4 on test weight eligible for price support so that the amended paragraph reads as follows:

§ 421.3378 *Eligible rye.* • • •

(c) • • •

(1) The rye must be rye grading No. 2 or better, or rye grading No. 3 or No. 4 on the factor of "test weight" only, but otherwise grading No. 2 or better.

2. Section 421.3380 (c) is amended by extending the schedule therein to apply to rye testing as low as 49 pounds per bushel so that the amended paragraph reads as follows:

§ 421.3380 *Determination of quantity.* • • •

(c) When the quantity of rye is determined by measurement, a bushel shall be 1.25 cubic feet of rye testing 56 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 56-pound rye:

For rye testing:	*Percent*
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	92
51 pounds or over, but less than 52 pounds	91
50 pounds or over, but less than 51 pounds	89
49 pounds or over, but less than 50 pounds	87

3. Section 421.3383 (c) is amended by adding the following list of counties and basic support rates per bushel:

TEXAS	*Rate per bushel*
County:	
Fisher	$1.09
Howard	1.09
King	1.09
Mitchell	1.09
Scurry	1.09

4. Section 421.3383 is amended to provide a discount for rye having a test weight below 52 pounds per bushel by redesignating § 421.3383 (e) as § 421.3383 (f) and substituting a new § 421.3383 (e) as follows:

§ 421.3383 *Support rates.* • • •

(e) *Discount for test weight.* For rye grading No. 4 on the factor of test weight only, but otherwise grading No. 2 or better, the discounts from the support rate for No. 2 rye, in addition to any other applicable discounts, shall be as follows:

Test weight per bushel (pounds):	*Discount per bushel (cents)*
51 or over, but less than 52	5
50 or over, but less than 51	10
49 or over, but less than 50	15

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072,

secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 11th day of August, 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-6571; Filed, Aug. 14, 1958; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6497]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JOHNSON HAIR & SCALP CLINIC ET AL.

Subpart—*Advertising falsely or misleadingly:* Qualifications and abilities; reputation, success, or standing; § 13.170 *Qualities or properties of product or service.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1895 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Leo O. Johnson doing business as Johnson Hair & Scalp Clinic (New Orleans, La.) et al., Docket 6497, June 10, 1958]

In the Matter of Leo O. Johnson, an Individual Doing Business as Johnson Hair & Scalp Clinic, and William G. Thompson, Harry B. Hause, and Charles L. Anderson, Individually

This proceeding was heard by a hearing examiner on the complaint of the Commission charging individuals with main office in New Orleans, La., and operating hair and scalp clinics also in several other States, with representing falsely in advertising that use of their hair and scalp preparations would prevent or overcome baldness or excessive hair loss or induce the hair to grow or become thicker, without clearly revealing that the great majority of cases of excessive hair fall and baldness are stages of male pattern baldness, and that in such cases the preparations would be of no value; that respondent Johnson was America's foremost professional authority on hair and scalp disorders; and that respondents and their agents were trichologists.

At the termination of the usual hearings, the hearing examiner made his initial decision and order to cease and desist. From this respondent Johnson appealed, and insofar as it related to the other respondents, the case was placed on the Commission's own docket for review as to the sufficiency of the showing of the jurisdictional requirement of commerce under section 12.

Upon review, the Commission denied respondent's appeal, modified the initial decision, substituted its own order for that of the initial decision, and on June 10 adopted the initial decision as modified as the decision of the Commission.

Said order to cease and desist, substituted by the Commission, is as follows:

It is ordered, That Leo O. Johnson, an individual doing business as Johnson Hair & Scalp Clinic, and respondents Charles L. Anderson and William G. Thompson, individually, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the various cosmetic or other preparations, as set out in the findings herein, for use in the treatment of conditions of the hair and scalp, or any preparation of substantially similar composition, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mail, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that the use of said preparations, alone or in conjunction with any method or treatment, will:

(a) Prevent or overcome baldness or excessive hair loss, unless any such representation be expressly limited to cases other than those known as male pattern baldness, and unless the advertisement clearly and conspicuously reveals the fact that the great majority of cases of excessive hair fall and baldness are the beginning and more fully developed stages of said male pattern baldness and that in such cases respondents' preparations will be of no value in preventing or overcoming baldness or excessive hair loss;

(b) Induce new hair to grow, cause the hair to become thicker or otherwise grow hair, unless any such representation be expressly limited to cases other than those arising by reason of male pattern baldness, and unless the advertisement clearly and conspicuously reveals the fact that the great majority of cases of excessive hair fall and baldness are the beginning and more fully developed stages of said male pattern baldness and that in such cases respondents' preparations will not induce the growth of hair or thicker hair;

(c) Permanently eliminate dandruff, itching or irritation of the scalp; and

2. Disseminating or causing to be disseminated by means of the United States mail, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondents' preparations, which advertisement represents, directly or by implication, that respondent Johnson is America's foremost professional authority, or one of America's foremost professional authorities, on hair and scalp disorders, or that respondents, their agents, representatives or employees are trichologists or have had professional or competent training in dermatology or other branches of medicine having to do with the diagnosis and treatment of scalp disorders affecting the hair.

It is further ordered, That the complaint be, and it hereby is, dismissed without prejudice as to respondent Harry B. Hause.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 10, 1958.

By the Commission.

[SEAL] ROBERT M. PARRIEN,
Secretary.

[F. R. Doc. 58-6550; Filed, Aug. 14, 1958; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 580—WOMEN'S ARMY CORPS

Part 580 is revised to read as follows:

Sec.
580.1 Purpose.
580.2 Statutory basis.
580.3 Mission.
580.4 Composition.
580.5 Organization.

AUTHORITY: §§ 580.1 to 580.5 issued under sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply sec. 3071, 70A Stat. 160; 10 U. S. C. 3071.

SOURCE: AR 600-110, July 8, 1958.

§ 580.1 *Purpose.* Sections 580.1 to 580.5 define the mission, composition, and organizatoin of the Women's Army Corps (WAC) and provide general information concerning operational factors involved in administering the Women's Army Corps.

§ 580.2 *Statutory basis.* Title 10, United States Code, section 3071 (a), establishes the Women's Army Corps in the Regular Army. Appointment as officers and enlistment of women in the Army Reserve is authorized respectively by Title 10, United States Code, sections 591 (c) and 510 (c).

§ 580.3 *Mission.* The mission of the Women's Army Corps is to provide for the assimilation and appropriate utilization within the United States Army of the volunteer womanpower of the nation, with the exception of those women officers appointed in the Army Medical Service, and to constitute a nucleus of trained military women upon which the expansion of the Corps would be based in time of national emergency.

§ 580.4 *Composition.* (a) The Women's Army Corps consists of a Director and such other commissioned officers, warrant officers, and enlisted women as are authorized by the Secretary of the Army.

(b) The authorized strength of Women's Army Corps commissioned and warrant officers on the active list is that prescribed by the Secretary of the Army. The strength so prescribed may not be more than 2 percent of the authorized strength of the Regular Army in commissioned and warrant officers on the respective active lists. (10 U. S. C. 3209 (a) and 3215 (a).) The authorized strength of the Women's Army Corps in enlisted members on active duty is as prescribed by the Secretary of the Army. It may not be more than 2 percent of the Regular Army authorized strength prescribed by Title 10, United States Code, section 3214 (10 U. S. C. 3215 (b)). The authorized strength of WAC personnel in the Army Reserve is that prescribed by the Secretary of the Army.

(c) Officers shall be commissioned permanently in the Women's Army Corps of the Regular Army in grades from second lieutenant to lieutenant colonel inclusive. Initial appointments will be made in the grade of second lieutenant in the Regular Army except that when the appointee has accrued more than 3 years of creditable service as authorized by statute, the appointment will be made in a higher grade. The authorized number of officers in the permanent grade of lieutenant colonel shall be such as the Secretary of the Army shall determine but shall not exceed 10 percent of the total authorized commissioned strength of the Corps. Warrant officers shall be appointed with permanent warrant in each of the warrant officer grades of the Regular Army. Commissioned officers shall also be appointed in the U. S. Army Reserve, Women's Army Corps and warrant officers in the U. S. Army Reserve.

§ 580.5 *Organization.* The Womens Army Corps consists of the Office of the Director, U. S. Women's Army Corps; the U. S. WAC Center; and detachments and individuals assigned for duty within the continental and oversea commands. This organization will be expanded in event of mobilization to include additional training centers, schools, and detachments as required.

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-6543; Filed, Aug. 14, 1958; 8:45 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

LOAD AND TRIM

Pursuant to the authority vested in the Governor by 35 CFR 4.11 as adopted by Canal Zone Order 30, January 14, 1953 (18 F. R. 280), 35 CFR 4.3 is hereby amended to read as follows:

§ 4.3 *Load and trim.* All vessels shall be properly trimmed before transiting the Canal. No vessel shall be permitted to transit while having a list of more than 10 degrees or while she is so loaded or is so trimmed as to dangerously affect her maneuverability. Any vessel having a list between 3 degrees and 10 degrees, or which is so loaded or so trimmed as to affect her maneuverability, will be denied transit unless the master, in the presence of the pilot, signs an undertaking releasing the Panama Canal Company from, and indemnifying it against, any loss, damage, or liability which may result from injury to the vessel or its cargo, to other vessels or their cargo, or to Canal structures or equipment, or from injury to or death of any person, where any such injury or death is caused in whole or in part by any such condition of the vessel. Nothing shall be done, or permitted to be done, by the Master or any member of the crew, which would materially alter the trim and/or draft of a vessel while it is transiting, without the prior, express approval of the pilot.

(Sec. 5, 37 Stat. 562, as amended; 2 CZ Code 9, 48 U. S. C. 1318. E. O. 4314, Sept. 25, 1925, E. O. 9746, 11 F. R. 7329, 3 CFR, 1946 Supp., E. O. 10101, 15 F. R. 595, 3 CFR, 1950 Supp.)

Issued at Balboa Heights, Canal Zone, July 22, 1958.

W. E. POTTER,
Governor.

[F. R. Doc. 58-6557; Filed, Aug. 14, 1958; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

ADJUDICATION OF CLAIMS BASED ON CONFEDERATE SERVICE

A new § 4.497 is added to read as follows:

§ 4.497 *Adjudication of claims based on Confederate service*—(a) *Scope of law.* Public Law 85-425 provides for payment of pension to veterans and widows and children of veterans who served in the military or naval forces of the Confederate States of America during the Civil War. The same basic conditions of eligibility and the same monthly rates that were applicable to Union veterans on December 31, 1957, and those currently applicable to widows and children of Union veterans are for application. A remarried widow is not included unless the purported remarriage is void.

(b) *Existing regulations and procedures.* Current Veterans Administration regulations, instructions, and procedures for the adjudication of claims and preparation of awards and disallowances in Civil War cases will be followed wherever applicable.

(c) *Applications and informal claims.* VA Form 21-534 will be used as an application for death pension. Section 3.27 of this chapter is for application to informal claims received in the Veterans Administration on or after May 23, 1958.

(d) *Service requirements.* The service requirements of section 432 (c) and the provisions relating to character of discharge in sections 101 (2) and 1003 of Public Law 85-56 are for application. Since many Confederate veterans were not formally discharged, however, separation will be accepted as being under other than dishonorable conditions unless there is a record of dishonorable discharge or desertion. Likewise, separation at any time by reason of being paroled by Union Forces upon taking an oath of allegiance to the United States will be accepted as under other than dishonorable conditions. The fact that the Confederate States may have considered the veteran a deserter for taking such oath is immaterial.

(e) *Evidence requirements*—(1) *General.* Requests for evidence to establish marriage, age or death (also divorce when considered necessary) will be made on the claimant.

(2) *Marriage.* Where satisfactory evidence is furnished showing a ceremonial marriage between the claimant and the veteran many years ago, such marriage may be accepted as a lawful marriage. Actual proof of dissolution of an alleged former marriage of either party will not be required in such cases.

(3) *Age.* Proof of age will not be requested where other evidence (such as a marriage record) establishes the widow's age to be that shown on her claim or on other evidence in file. Where there is a conflict as to the date of the widow's birth, the latest date will be accepted to establish her age.

(f) *State pensions.* The fact that a claimant may be receiving a State pension based on the Confederate service of her deceased husband will not preclude an award of pension under Public Law 85-425.

(g) *Effective date.* The effective dates of awards will be in accordance with controlling Veterans Administration regulations: *Provided*, That in no event will benefits be awarded for any period prior to July 1, 1958. Where claim was filed on or after May 23, 1958, and prior to July 1, 1958, the effective date of an award will be July 1, 1958. If claim is filed on or after July 1, 1958, the award will be made to commence from date of filing claim. (Instruction 2, Public Law 85-425)

(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210)

This regulation is effective August 15, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58-6563; Filed, Aug. 14, 1958; 8:50 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952

COMMENCEMENT; TIME LIMITATION

In § 21.2012, paragraphs (a) and (b) are amended to read as follows:

§ 21.2012 *Commencement; time limitations*—(a) *Initiation of program.* The veteran must actually commence the active pursuit of the approved program of education or training not later than his delimiting date, i. e., enroll in and begin the course.

(1) A program to be pursued exclusively by correspondence or which consists of correspondence study followed by residence study will be held to have been initiated (commenced) when the first correspondence lesson has been transmitted to the veteran by the institution.

(b) *Continuous pursuit.* There are no requirements as to continuous pursuit of a program of education or training as to

any period prior to the veteran's delimiting date. However, on and after his delimiting date a veteran who, prior to the delimiting date, has commenced pursuit of his approved program must pursue his program continuously to completion, except that he may suspend the pursuit of his program for a period or for periods of not more than 12 consecutive months in length without Veterans Administration approval, and without limitation as to the number of such suspensions. If a veteran does suspend the pursuit of his program at any time for a period in excess of 12 consecutive months, he may resume the pursuit of his program only upon Veterans Administration approval based upon a finding by the Veterans Administration that the suspension for the portion of such period in excess of 12 consecutive months was occasioned by conditions beyond the veteran's control. The burden of proof in this matter shall be upon the veteran, and he will be required to establish that the suspension for such period was necessitated by conditions over which he had no control.

(i) In determining whether a suspension of training in excess of 12 months was due to conditions beyond the veteran's control, the following circumstances may be considered as constituting such conditions:

(i) A veteran in active pursuit of a program of education or training is appointed by the responsible governing body of an established church, officially charged with the selection and designation of missionary representatives, in keeping with its traditional practice, to serve the church in an official missionary capacity and is thereby prevented from the continuous pursuit of his program of studies.

(ii) Immediate family or financial obligations beyond the control of the veteran require him to suspend the pursuit of his program of training to obtain employment, which employment precludes continuous pursuit of training.

(iii) Continuous pursuit of his program of training is precluded because of the veteran's own illness or illness or death in his immediate family.

(iv) The first 12 months of his suspension of training ends during the vacation, recess, or other period during which it is not possible to enter the school at which he desires to resume pursuit of his program of training, and more than 12 months will have elapsed when the next term begins.

(v) Unavoidable conditions arising in connection with the veteran's employment which preclude continuous pursuit of his program.

(2) In each case where the veteran suspends his program for a period in excess of 12 months and such suspension is found to be for reasons beyond his control, he will, upon cessation of the condition causing the suspension, be required to resume active pursuit of his program not later than the date as of which training under his program first becomes available to him at the enrolling institution or training establishment of his choice.

(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210. Interprets or applies secs. 201–274, 66 Stat. 663–682, as amended; 38 U. S. C. 911-984)

This regulation is effective August 15, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58-6562; Filed, Aug. 14, 1958; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1713]

[53591]

[Fairbanks 016450]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 843 OF JUNE 24, 1952, WHICH WITHDREW CERTAIN LANDS FOR USE OF DEPARTMENT OF AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 843 of June 24, 1952, which withdrew public lands for use of the Department of the Air Force for military purposes, is hereby revoked so far as it affects the following-described lands:

GALENA AREA

Beginning at a point on line of longitude 156°42' W., which bears N. 85°30' E., 4,370 feet more or less; S. 31°30' E., 4,000 feet; S. 66°30' E., 4,500 feet; and N. 23°25' E., 1,440.6 feet from W. C. M. C. No. 8 of U. S. S. 2627; thence

N. 85°30' E., 13,730 feet;
S. 4°30' E., 11,700 feet;
S. 85°30' W., 22,300 feet to line of mean high water of Yukon River;
Northerly, 2,000 feet, approximately, along line of mean high water to line of latitude 64°41'20" N.;
East, 10,100 feet;
North, 4,000 feet;
West, 2,600 feet to line of longitude 156°42' W.;
North, 6,400 feet to point of beginning.

The tract described contains approximately 3,467 acres.

2. Pursuant to section 202 (b) of the act of July 28, 1956 (70 Stat. 709, 711; 48 U. S. C. 46–3 (b)), and subject to the requirements of that act and the regulations in 43 CFR Part 76, the Territory of Alaska shall be entitled until 10:00 a. m. on November 8, 1958, to a preferred right of selection of the restored lands in connection with its mental health program, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation.

3. Subject to any existing valid rights, the requirements of applicable law, and the selection rights of the Territory of Alaska, the restored lands are hereby opened to settlement and to filing of such applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the applications and claims described in paragraph b (1) below, the lands, beginning at 10:00 a. m. on November 8, 1958, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended). Beginning at 10:00 a. m. on February 7, 1959, any remaining lands will be subject to settlement under these laws by other qualified persons.

b. Applications and selections under the nonmineral public-land laws and applications and offers under the mineral-leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on February 7, 1959, will be considered as simultaneously filed at that hour. Rights under such preference-right applications after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral-leasing laws, presented prior to 10:00 a. m. on February 7, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands will be open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws beginning at 10:00 a. m. on February 7, 1959.

4. Persons claiming veteran's preference rights under paragraph b (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 8, 1958.

[F. R. Doc. 58-6545; Filed, Aug. 14, 1958; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[Gen. Order 22, Rev., Amdt. 3]

PART 282—UNIFORM SYSTEM OF ACCOUNTS FOR OPERATING DIFFERENTIAL SUBSIDY CONTRACTORS

MISCELLANEOUS AMENDMENTS

Part 282 is amended as follows:

1. Three new sections as set forth below are added following § 282.189; the heading of § 282.199 is changed to read "All other current assets."

§ 282.190 *Other current assets.* This account is provided for balance sheet purposes and shall be subdivided as set forth in §§ 282.191, 282.192 and 282.199.

§ 282.191 *Prepaid current insurance.* This account shall include the unexpired amount of insurance premiums prepaid, or recorded as a liability in advance of payment, but only to the extent that such premiums apply to the period within one year of the date of the balance sheet and are properly chargeable within that period to account 200 "Unterminated voyage expense," or to other accounts appropriate for insurance expense. This account shall be subdivided to show separately prepayments on the several classes of insurance.

§ 282.192 *Other prepaid current expenses.* This account shall include the amount of prepaid current expenses, such as interest, taxes, rentals, advertising, charter hire, and similar expense not otherwise specifically provided for, but only to the extent that such prepayments apply to the period within one year from the date of the balance sheet and are properly chargeable within that period to account 200, "Unterminated voyage expense," or to other accounts appropriate for such expenses. Minor items may be charged directly to the appropriate expense accounts.

2. Supplement 1 and all reference thereto appearing at the end of § 282.00 (a) are hereby deleted and a new section is added following § 282.369:

§ 282.370 *Maritime Administration allowance for obsolete vessels.* This account shall include the gross amounts allowed by the Administration for obsolete vessels traded in, except where the obsolete vessel is retained under a Use Agreement, in which case this account is debited with the net trade-in allowance. Credit this account and debit account 359, "Construction work in progress," with the amount of progress payments on new construction made by the Administration for the account of the purchaser (operator).

3. Sections 282.376 and 282.389 are amended to read as follows:

§ 282.376 *Unexpired long-term insurance.* This account shall include the amount of unexpired insurance premiums prepaid or recorded as a liability in advance of payment, but only to the extent that such premiums apply to a period more than one year following the date of the balance sheet. The proportions of the same premium payments properly chargeable to expenses prior to such period are provided for in account 191, "Prepaid current insurance." This account shall be subdivided to show separately prepayments on the several classes of insurance.

§ 282.389 *Deferred prepayments and other deferred charges.* This account shall include the amount of prepaid expenses such as interest, taxes, rentals, advertising, charter hire, and similar expenses not otherwise specifically provided for in accounts 380, 384, 385 and 386, but only to the extent that such prepayments apply to a period more than one year following the date of the balance sheet. The proportions of the prepayments and other deferred charges in this account, properly chargeable to expenses prior to such period are provided for in account 192, "Other prepaid current expenses." Minor items and nominal payments covering such expenses may be charged directly to the appropriate expense accounts, even though they relate to periods in excess of one year.

4. Section 282.0–20 *Balance sheet statement* is amended by changing account 199, "Other current assets" to read account 199, "All other current assets," and by changing account 495, "Advance ticket sales and deposits," to follow, in proper numerical sequence, account 489.

Effective date: The foregoing shall be effective October 1, 1958.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

By order of the Maritime Administrator.

Dated: August 12, 1958.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-6561; Filed, Aug. 14, 1958; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter C—Carriers by Water

[No. 32451]

PART 323—UNIFORM SYSTEM OF ACCOUNTS FOR MARITIME CARRIERS

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 6th day of August A. D. 1958.

Having under consideration the matter of accounting regulations prescribed for maritime carriers pursuant to provisions of section 313 of the Interstate Commerce Act, as amended; and,

It appearing, that a notice of proposed rule making was issued June 16, 1958 and published in the FEDERAL REGISTER on June 27, 1958 (23 F. R. 4762) by the terms of which any interested person could, on or before July 25, 1958, submit written views or arguments about certain modifications of the Uniform System of Accounts for Maritime Carriers, Issue of 1950, then under consideration, details of which modifications were attached to the notice, and consideration having been given to all responses to that notice which were timely filed, in the formulation of modifications hereinafter prescribed:

It is ordered, That effective October 1, 1958, each carrier by water which also operates vessels in foreign service, and every lessor thereof, shall comply with the modifications which are attached hereto and are by this reference made a part of this order; and,

It is further ordered, That this order shall be served on each carrier by water which is subject to its provisions and each lessor thereof, and on every trustee, receiver, executor, administrator, or assignee of such carrier or lessor, and notice of this order and the modifications shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing the order with the Director, Federal Register Division.

(Sec. 12, 24 Stat. 383, as amended, 316, 54 Stat. 946; 49 U. S. C. 12, 916. Interpret or apply sec. 313, 54 Stat. 944, as amended; 49 U. S. C. 913)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

(1) In § 323.199 *Other current assets,* cancel the number, title, and text of this account and substitute the following provisions in lieu thereof:

§ 323.190 *Other current assets.* This account is provided for balance sheet purposes and shall be subdivided as set forth in accounts 191, 192, and 199.

§ 323.191 *Prepaid current insurance.* This account shall include the unexpired amount of insurance premiums prepaid, or recorded as a liability in advance of payment, but only to the extent that such premiums apply to the period within one year of the date of the balance sheet and are properly chargeable within that period to account 200, "Unterminated voyage expense," or to other accounts appropriate for insurance expense. This account shall be subdivided to show separately prepayments on the several classes of insurance.

§ 323.192 *Other prepaid current expenses.* This account shall include the amount of prepaid current expenses, such as interest, taxes, rentals, advertising, charter hire, and similar expense not otherwise specifically provided for, but only to the extent that such prepayments apply to the period within one year from the date of the balance sheet

and are properly chargeable within that period to account 200, "Unterminated voyage expense," or to other accounts appropriate for such expenses. Minor items may be charged directly to the appropriate expense accounts.

§ 323.199 *All other current assets.* This account shall include the amount of assets of a current nature not includible in any of the foregoing current asset accounts. Subsidiary accounts shall be maintained so as to show separately each class of such other current assets.

(2) Insert in its proper numerical order the following new and additional "other assets" account:

§ 323.370 *Maritime Administration allowance for obsolete vessels.* This account shall include the gross amounts allowed by the Administration for obsolete vessels traded in, except where the obsolete vessel is retained under a Use Agreement, in which case this account is debited with the net trade-in allowance. Credit this account and debit account 359, "Construction work in progress," with the amount of progress payments on new construction made by the Administration for the account of the purchaser (operator).

(3) In § 323.376 *Unexpired insurance*, cancel the title and text of this account and substitute the following in lieu thereof:

§ 323.376 *Unexpired long-term insurance.* This account shall include the amount of unexpired insurance premiums prepaid or recorded as a liability in advance of payment, but only to the extent that such premiums apply to a period more than one year following the date of the balance sheet. The proportions of the same premium payments properly chargeable to expenses prior to such period are provided for in account 191, "Prepaid current insurance." This account shall be subdivided to show separately prepayments on the several classes of insurance.

(4) In § 323.389 *Other deferred charges and prepaid expenses*, cancel the title and text of this account and substitute the following in lieu thereof:

§ 323.389 *Deferred prepayments and other deferred charges.* This account shall include the amount of prepaid expenses such as interest, taxes, rentals, advertising, charter hire, and similar expenses not otherwise specifically provided for in accounts 380, 384, 385, and 386, but only to the extent that such prepayments apply to a period more than one year following the date of the balance sheet. The proportions of the prepayments and other deferred charges in this account, properly chargeable to expenses prior to such period, are provided for in account 192, "Other prepaid current expenses." Minor items and nominal payments covering such expenses may be charged directly to the appropriate expense accounts even though they relate to periods in excess of one year.

(5) In § 323.0–20 *Balance sheet statement*, (1) change the reference to Account 109, "Other current assets," where it appears under the caption, "Current assets," to read Account 190, "Other current assets"; and (2) transfer the reference to Account 495 "Advance ticket sales and deposits," from where it appears following the caption, "Total current liabilities," to its proper numerical order immediately following Account 489, "Miscellaneous reserves for unrecorded liabilities."

[F. R. Doc. 58–6554; Filed, Aug. 14, 1958; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

[Docket No. AO–297]

MILK IN MISSISSIPPI DELTA MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO REVISED RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the revised recommended decision, with respect to the proposed marketing agreement and order, regulating the handling of milk in the Mississippi Delta marketing area which was issued August 5, 1958 (23 F. R. 6032; F. R. Doc. 58–6334) is hereby extended to August 24, 1958.

Dated: August 12, 1958.

ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58–6570; Filed, Aug. 14, 1958; 8:52 a. m.]

[7 CFR Parts 982, 986]

[Docket Nos. AO–298; AO–238–A8]

MILK IN RED RIVER VALLEY AND CENTRAL WEST TEXAS MARKETING AREAS

REVISED RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this revised recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order, regulating the handling of milk in the Red River Valley marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on May 19, 1958 (23 F. R. 3530), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

On the basis of the exceptions to the recommended decision, certain changes have been made in the regulations proposed, particularly with respect to the pooling provisions. In view of these changes, interested parties are being given further opportunity to file exceptions. Interested parties may file written exceptions to the revised decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order hereinafter set forth were formulated, was conducted at Wichita Falls, Texas, on August 6–9, 1957, pursuant to notice thereof which was issued on July 10, 1957 (22 F. R. 5705) upon a proposed marketing agreement and order regulating the handling of milk in the Red River Valley and Central West Texas marketing areas.

The material issues of record related to:

(1) Whether the handling of milk produced for sale in the Red River Valley marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk and its products;

(2) Whether marketing conditions justify regulation of the handling of such milk and, if so, whether by the issuance of a separate order to regulate the handling of milk in the Red River Valley marketing area, or by the expansion of the Central West Texas marketing area to include portions of such area;

(3) If a separate order is issued, what its provisions should be with respect to:

(a) The scope of regulation,

(b) The classification and allocation of milk,

(c) The determination of and the level of class prices,

(d) The distribution of proceeds to producers, and

(e) The necessary administrative provisions; and

(4) Whether Palo Pinto County, Texas, should be added to the Central West Texas marketing area, and whether

or not other proposed amendments to the Central West Texas marketing area should be adopted.

Findings and conclusions. Issue No. 4, relating to the Central West Texas marketing order, required separate consideration from the remaining issues before the hearing, and it was disposed of through amendment of the Central West Texas order (No. 82) effective February 1, 1958 (23 F. R. 638).

With respect to the remaining issues, it is hereby found and concluded upon the evidence adduced at the hearing and the record thereof that:

(1) *Character of commerce.* All milk produced for sale in the Red River Valley marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk and its products.

Handlers located in the Texas portion of the proposed area regularly dispose of milk to wholesale and retail accounts in the Oklahoma portion of the area. Likewise, milk from Oklahoma plants is distributed to wholesale and retail customers in Texas. In the distribution of this milk, handlers in the Red River Valley marketing area are in direct competition with handlers who are regulated under the Oklahoma Metropolitan, Texas Panhandle, North Texas, and Central West Texas marketing orders. It has been determined by the Secretary that the handling of milk in the marketing areas regulated by the aforesaid orders is in the current of interstate commerce.

Milk from producers whose farms are in Oklahoma is regularly received in plants in the Texas portion of the proposed area for processing where it is intermingled with milk of Texas producers and is distributed in both Oklahoma and Texas. In addition to the milk which moves across state lines from farm to plant, there is a considerable degree of competition with interstate markets in the procurement of supplies. The production area of the Red River Valley marketing area is overlapped to a considerable extent in both Oklahoma and Texas by the milksheds of the Oklahoma Metropolitan, North Texas, and Texas Panhandle marketing areas and to a lesser extent by that of the Central West Texas marketing area.

The Red River Valley marketing area has been relatively short of milk and it has been necessary for handlers to secure supplemental supplies to meet their Class I requirements. In addition to milk which is brought in from other markets in Oklahoma and Texas, milk has been imported in substantial quantities within the past year from several points in Iowa, as well as from Kansas, Missouri, Minnesota, and Wisconsin.

(2) *Need for regulation.* The marketing and pricing conditions in the Red River Valley marketing area are such that regulation is necessary to establish and maintain orderly marketing and to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended. This can best be accomplished by the issuance of a separate marketing agreement and order program for the area. There is no basis for annexing any of the proposed area to the Central West Texas marketing area.

The problems encountered by producers in the Red River Valley marketing area are typical of those occurring in unregulated fluid milk markets where producers' cooperative associations have been unsuccessful in establishing effective bargaining relationships with handlers.

The Federal milk marketing program proposed for the Red River Valley will implement the declared congressional policy of establishing and maintaining orderly marketing conditions by:

(a) Providing a regular and dependable method for determining minimum prices to producers at level comparable to those contemplated under the Act;

(b) Establishing uniform prices to handlers for milk received from producers according to a classification plan based on the use made of such milk by the handler;

(c) Providing an impartial audit of handlers' records of receipts and utilization to further insure uniform prices for milk purchased;

(d) Providing all producers with a means whereby the weighing and testing of their milk can be checked to insure accuracy;

(e) Establishing uniform returns to producers, supplying milk to the area, and insuring that the lower returns from the sale of reserve supplies will be equitably shared by all producers;

(f) Establishing uniform rules for the operation of a market-wide base and excess plan that will (i) acquaint producers with the rules for establishing bases and determining base and excess prices, and (ii) encourage producers to deliver their milk on a more even pattern; and

(g) Providing market-wide information on receipts, sales, and other factors relating to milk marketing supplies in the area.

The lack of uniformity in prices paid producers for their milk, the wide variety of classification and pricing plans used by the several handlers in the area, and the ineffectiveness of producers in protecting themselves against sharp declines in prices brought on by price cutting among handlers, have created unstable marketing conditions.

At the present time, no two handlers pay producers on exactly the same basis. Prices paid producers vary greatly among handlers. These factors of lack of uniformity, and the uncertainty of prices paid to producers, foster market instability and permit inequities to occur among handlers in the prices paid for producers' milk. The classification and pricing plan of the attached order is a means of establishing uniform prices for milk received from producers according to its use by each handler. The use-classification plan is equitable and will apply similarly to all handlers. To insure its effectiveness it must be supplemented by an impartial audit of handlers' records of receipts and utilization. The pooling provisions of the proposed order will provide a means of insuring uniform returns to all producers supplying each handler and an equal sharing of the lower returns associated with seasonal and other excesses of producer milk.

Many producers supplying handlers in the Red River Valley marketing area have had no effective means of insuring the accuracy of the weights and tests of their regular deliveries of milk. They have not been permitted to audit the records of the handlers to establish the accuracy of the percentage of milk paid for as base and as excess under the several base and excess plans operated by the handlers.

These plans are operated by the individual handlers and there has been no uniformity in the methods of determining the proportion of excess milk. There are some indications that the plans have operated to the benefit of a few producers and to the disadvantage of others. There is need for a Federal order to correct these inequities.

Producers have had no method for participating in the price determining decisions that govern the sales of their milk. Handlers and their representatives have discouraged producers from joining the proponent producers' cooperative associations. In at least some instances, they have refused to make deductions for association dues, even though the producer members have authorized such deductions. These actions have kept producers from exercising an effective part in determining the prices they receive for their milk or the percentage of their deliveries which will be paid for as base milk and excess milk. An order will give producers a voice in the deliberations as to what prices they should receive for their milk and will provide a means whereby the producers' associations can carry out an effective marketing service program applicable to all handlers who receive milk from their members. The classified price plan of the attached order, together with the pricing formulas contained therein, will insure sufficient quantities of pure and wholesome milk for the marketing area and will protect the interests of producers, handlers, consumers, and the general public.

(3) *Order provisions*—(a) *The scope of regulation.* A Federal milk order achieves marketing and pricing stability by requiring that regulated handlers pay at least specified minimum prices to producers in accordance with a classified-use plan established in the order, and that these payments be distributed to each producer on a uniform basis through either an individual-handler pool or a market-wide pool. It is necessary therefore, to establish clearly which plants and which milk will be subject to all or a part of the pricing provisions of an order, and which producers will participate in the distribution of returns through the type of pool specified. To identify such persons in referring to them throughout this decision and in the proposed order, such terms as "marketing area", "producer", "pool plant", "handler", "producer milk", and "other source milk" are defined and used herein.

Marketing area. The Red River Valley marketing area should be defined to include all the territory within Caddo, Carter, Comanche, Grady, Jackson, Kiowa, Stephens, and Tillman counties in Oklahoma, and Hardeman, Wichita, and Wilbarger counties in Texas, includ-

ing all Federal, state, and municipal institutions or bases located therein.

Fluid milk products sold for consumption in the principal communities in the area must be approved by health authorities who administer health ordinances, practices, and procedures generally patterned after the U. S. Public Health Service Milk Ordinance and Code. Within this area, the health standards are substantially identical and are under the jurisdiction of operating health authorities.

Marketing areas as defined in the Federal milk orders are designed to cover, as nearly as is practicable, areas in which milk is sold to consumers rather than the area in which the milk is produced. The proposed order would regulate distributing plants that are in substantial competition with one another, within the defined marketing area.

The proposed marketing area as defined herein includes much less territory than was proposed by the handlers who would be subject to regulation, or than was proposed by one of the producer cooperative associations which requested the hearing. Some of the territory originally proposed in the notice of hearing was abandoned by the proponents at the hearing, and no evidence was presented in support of its inclusion in the proposed marketing area. In addition, a considerable area concerning which evidence was submitted has been eliminated in the proposed order. In defining the marketing area there has been eliminated that portion of the proposed area in which insignificant volumes of milk are disposed of by regulated handlers. At the present time, it is not feasible in defining the marketing area to include all the area in which any handler, who would be regulated by the proposed order, disposes of any milk. To do so would expand the limits of the marketing area almost indefinitely.

The recommended area encompasses all the territory within which any regulated handler sells a significant volume of milk. Further expansion of the marketing area would not enhance the effectiveness of the regulation; it might have a contrary effect by bringing under regulation plants which have only minor connection with the area proposed to be regulated.

The handlers who would be regulated sell by far the greater volume of their milk in the area which has been defined and only a very small proportion of their milk outside these counties. Individual handlers will not be disadvantaged significantly in making sales outside the proposed marketing area because:

(1) The principal competitors for out of area markets will be either handlers also regulated under the Red River Valley marketing order, or handlers regulated under the other Federal order markets; and

(2) The economies inherent in the large-scale processing and distribution of milk will tend to offset any advantage that might accrue to the occasional unregulated handler with whom they might be in competition;

Accordingly, the marketing area which is defined herein includes the territory necessary to minimize problems of competition with unregulated distributors and, at the same time, restore marketing stability to the Red River Valley marketing area.

A cooperative association with producer members supplying Wichita Falls, Texas, handlers in its filed exceptions contended that the Texas portion of the marketing area should be regulated under a separate order. As shown above, the marketing area recommended herein is an integrated area which should include the designated counties in both Texas and Oklahoma.

Plants and milk to be regulated. Most of the plants which will be regulated under the proposed order are primarily fluid milk plants; they are engaged in manufacturing operations only to a limited degree. These plants are required to dispose of milk products in conformity with similar Grade A ordinances, either municipal or state. Any plant which is under the supervision of a municipal or state health authority and which disposes of any appreciable volume of Grade A milk as fluid milk products to wholesale or retail accounts in the marketing area, should be defined as a pool plant, and should be subject to full regulation under the proposed order.

At the hearing, it was proposed to exempt from full regulation plants disposing of only a small quantity of milk in the marketing area. The proposed exemptions ranged from an average of 100 to 300 pounds of milk per day. It has been concluded that plants which dispose of less than an average of 600 pounds per day as Class I milk to wholesale and retail outlets in the marketing area should not be considered pool plants and should be subject to only partial regulation. The limit of 600 pounds per day approximates an average-sized retail route or a small to medium-sized combination wholesale and retail route. Such volume of milk would not constitute a significant factor in the market, and it is, therefore, not necessary that such a plant be subject to a full regulation under the order. Such a plant, however, should be required to furnish such reports as the market administrator may deem necessary and should be required to fulfill certain obligations under the order, including the payment of administrative assessment on the volume of milk actually disposed of as Class I in the marketing area.

The order should also provide standards for plants from which pool plants making sales to wholesale and retail outlets in the marketing area may draw their supplies. Plants shipping supplemental milk to a market ("supply plants") generally fall into two categories. One category includes plants which regularly supply milk to distributing plants, and must be considered to be closely associated with the market. At the present time, there are no plants in this category which regularly serve the plants distributing fluid milk product in the marketing area. Some provision, however, should be made to regulate plants of this type, in the event that one or more might become associated with the market. Plants of this type are a normal part of the milk procurement facilities in any market, and there is nothing in this order which would preclude any plant, wherever located, from serving the market in the future should a need for its milk arise. This objective can be best accomplished by including in the definition of pool plant a supply plant that ships to pool distributing plants, at least 50 percent of its producer receipts during the current month. Because of the seasonal fluctuation in milk production, supply plants which may be a necessary part of the market during the season of short supply, may not be required to ship a large volume of milk during the months of flush production. Nevertheless, these plants are closely associated with the market and should be subject to regulation. Accordingly, any supply plant which qualifies as a pool plant by shipping to distributing plants at least 50 percent of its receipts during each of the months of September through December should be permitted to continue as a pool plant until September 1 of the year following, even though its shipments to the market during the January through August period are less than 50 percent of its receipts. Supply plants which fail to ship 50 percent of their receipts, during the months of September through December, cannot be considered as closely associated with the market, and should not be considered pool plants except during those months in which they actually ship 50 percent of their receipts to distributing plants.

A handler should be defined as any person who operates a pool plant or any other plant from which milk is disposed of as Class I milk on wholesale or retail routes in the area. The term, "handler", should also include a cooperative association with respect to the milk of member producers, which may be diverted for the account of such cooperative association from a pool plant to a nonpool plant. This provision is necessary to assure that producers whose milk is needed on the market may have all of their deliveries included in the computation of bases even though their milk may be temporarily diverted to a manufacturing plant during the base-forming period.

The term, "handler", is not intended to include the operation of a nonpool plant by persons who may operate both pool plants and nonpool plants. The definition should also include producer-handlers, in order that they may be required to report to the market administrator whenever the market administrator deems it necessary to determine their continued status as producer-handlers.

The term, "producer", should be defined to include any person who produces milk that meets the requirements of the Grade A ordinances of any state or municipal health authority, and which is received at a pool plant or which is caused to be diverted to a nonpool plant by a cooperative association in its capacity as a handler. The definition should be broad enough to include any person producing milk which meets the standards fixed by the several agencies of the Federal Government for milk for

fluid consumption on its bases and installations, when the milk produced by such a person is received at a plant supplying milk to such Federal establishment, even though his milk may not be under inspection of a state or municipal authority.

There are within the proposed marketing area several Federal establishments. At the present time, all are purchasing milk which is approved by local health authorities. It is possible, however, that in the future milk may be disposed of to one of these establishments from a source which has been approved by the health officer of the Federal base, but which is not under inspection of any local municipal, or state, health authority. Should this happen, the persons who produce such milk should be considered producers the same as other producers who furnish milk to the marketing area.

Only a few pool plants have manufacturing facilities, and in order to facilitate the movement of milk of producers among the various pool plants, provision should be made so that milk of a producer may be diverted by a handler, other than a cooperative association, from his pool plant to the pool plant of another handler. Such diversion should be permitted for any period during the months of February through July, in the season of flush production, and for not more than 10 days' production of a producer during any month, August through January. Such diverted milk should be considered received by the diverting handler at the pool plant from which such milk was diverted; but for purposes of determining shrinkage, such diverted milk should be considered as producer milk at the pool plant to which it was diverted. Milk so diverted for more than 10 days during any month August through January should be deemed received at the plant to which it was diverted for the entire period of diversion.

Provision should also be made so that milk of producers which is regularly received at a pool plant may be diverted for the account of a handler to nonpool plants without such producers losing their status under the order. This will permit milk regularly associated with the market to be diverted to manufacturing plants during periods of flush production or over week-ends and holidays, when supply and demand relationships may require that some reserve milk be manufactured in plants not regulated by the order. However, to insure that a producer's milk is needed by the market and is associated with it, some limitation on diversion should be provided in the order. Such limitation should be made in the fall months when production is seasonally low and the market needs the milk most. Thus, provision is made to limit diversion to a nonpool plant to ten days' production of milk of a producer during any month during the period, September through December. If such diversion exceeds ten days' production of any producer, the diverted milk should not be considered producer milk for the entire period of such diversion. Subject to the foregoing qualifications, producers whose milk is diverted should continue to receive the uniform price under the order and their milk should continue to be available for fluid use when needed on the market. Diverted milk should be considered to have been received at the plant from which it was diverted. In the case of milk diverted by a proprietary handler, the handler would continue to be responsible for such milk, just as though the milk had been received in his pool plant. In the case of milk diverted by a cooperative association which does not operate a pool plant, the milk should be considered to have been received by the cooperative association at a pool plant at the same location as the pool plant from which it was diverted. The cooperative association would be the handler for such milk and would be required to account for it according to its classification and to make payment to the producer for such milk.

Some cooperative associations have members which are associated with and supply milk to different Federal order markets. Such cooperative associations may divert milk of their producer members from one market to another market. To establish under which order such diverted milk should be pooled, the producer definition should exclude any person whose milk is diverted to a pool plant by a cooperative association if such person retains his status as a producer as defined in another Federal order and his milk is classified and priced under such other order.

The term, "producer-handler", should include a person who operates a distributing plant in which he handles only milk of his own production, and such milk from other handlers as is priced under the order at such other handler's plant. A producer-handler should be subject to the order only to the extent that he must submit reports to the market administrator as required, and maintain and make available to the market administrator the accounts, records, and facilities that are necessary for the market administrator to verify such person's status as a producer-handler. It is unnecessary to require under the order that a producer-handler pay any particular price to himself for milk produced on his own farm.

The classification provisions of the proposed order should provide that any milk, skim milk, or cream transferred by a handler to a producer-handler should be Class I milk. Supplemental purchases which may be obtained by a producer-handler from other handlers may be presumed to be needed by the producer-handler for fluid use, and should be classified in the plant of the supplying handler as Class I milk. Purchases of milk from other handlers should not jeopardize a producer-handler's status as such. Producer-handlers, however, should not be permitted to maintain their status as producer-handlers if they dispose of other source milk as Class I. To permit a producer-handler to dispose of other source milk for Class I use, could result in serious disruption of orderly marketing, since it would enable such a person to purchase distress milk from nonpool plants during the period of flush production, thereby gaining a competitive advantage over regulated handlers.

Any milk which a handler receives from a producer-handler should be considered as other source milk, and it should be allocated to the lowest class utilization at the pool plant of the handler. This method of allocating receipts from a producer-handler recognizes that sales by a producer-handler to another handler is the means by which the producer-handler disposes of his surplus milk. It would be inappropriate under these circumstances to provide for the equal sharing by the producer-handler in the Class I market of another handler with respect to the producer-handler's surplus milk.

In their exceptions handlers suggested that the market administrator be required to publish each month a list of producer-handlers and that any milk purchased by a handler from a producer-handler not on the list be considered producer milk. In a market of this size there is little likelihood that a handler would purchase the milk of a producer-handler without knowing his status. The requirement to publish such a list would be unduly cumbersome in relation to the problem to be dealt with. Accordingly, no change should be made with respect to the treatment of milk received from a producer-handler.

"Other source milk" should be defined to include all skim milk and butterfat utilized by a handler in his operations, except fluid milk products received by such handler from producers. This would include any nonfluid milk products from any source, including those produced at the handler's plant during the same or an earlier month, which are reprocessed during the current month at the plant. The other source milk would represent all butterfat and skim milk from any source not subject to the pricing provisions of the attached order. Defining other source milk in this manner will insure uniformity among all handlers under the allocation and pricing provisions of the order.

(b) *Classification of milk.* Milk received by regulated handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, it is used as either Class I milk or Class II milk.

A classified-use plan of this type will insure that minimum prices for milk will be uniform among handlers according to use, that a price may be fixed for the milk disposed of as Class I milk at a level that will bring forth an adequate supply of pure and wholesome milk, and that a necessary reserve supply of quality milk may be maintained without disrupting marketing and pricing conditions within and around the established marketing area.

The products which should be included in Class I milk are those which are required by the health authorities, exercising jurisdiction in the marketing area, to be produced from Grade A milk. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required, makes

it necessary to provide for Class I milk a price somewhat higher than that received for non-Grade A milk produced for use in manufactured dairy products. This higher price should be at such a level that it will yield a return to producers that will encourage the production of enough milk to meet the requirements of the market.

The reserve milk which is not needed seasonally, or at other times during the year for Class I use, must be disposed of for use in manufactured dairy products. These products are not required to be made from Grade A milk, and must be sold in competition with similar products produced through the entire United States. Milk so used should be classified as Class II milk and should be priced in accordance with its value in manufactured dairy products.

In accordance with these standards, Class I milk should include all those products which are disposed of in the form of milk, skim milk (including reconstituted and concentrated nonfat milk solids), buttermilk, flavored milk, flavored milk drinks, cream and any mixtures in fluid form of milk, skim milk and cream, which are disposed of for fluid use, such as half and half, and all milk which cannot be accounted for as having been used to produce a Class II product.

Fluid milk products which contain concentrated skim milk solids such as skim milk drinks, fortified skim milk, and buttermilk to which extra solids have been added, or concentrated whole milk disposed of for fluid use, should be included within the definition of Class I milk, and all the nonfat solids contained therein should be priced equally. For brevity and convenience in referring to Class I milk items, they are included in a definition of "fluid milk product". Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed containers will not be considered Class I milk, since they need not be handled as fluid milk products, and are not required to be made from Grade A milk.

Skim milk and butterfat are not used in many products in the same proportions as in the milk received from producers and, therefore, should be classified separately according to their respective uses. The skim milk serum and butterfat content of milk products received and disposed of by a handler may be determined through certain recognized testing procedures. Some of these products, such as ice cream and condensed products, present a difficult problem of testing and accounting, in that some of the water contained in the milk originally has been removed. It is necessary in the case of such products to provide a special means of ascertaining the amount of skim milk and butterfat contained in or used to produce these products. This may be accomplished through the use of adequate plant records made available to the market administrator in the case of products manufactured by the handler, or by means of standard conversion factors of skim milk and butterfat used to produce such products in the case of items purchased by a handler, or where adequate plant records are not available.

The accounting procedures to be used in the case of any condensed milk product disposed of as Class I milk should be based on the pounds of milk or skim milk required in its production. Concentrated skim milk solids which are reconstituted for distribution as Class I products, or are used to fortify other Class I products are included in this category. The value of each pound of nonfat solids utilized in Class I products has a value to the handler the same as every other pound contained therein. Neither the form in which, nor the source from which, such solids are obtained change their value to the handler for this purpose. Solids contained in producer skim milk are in fluid form and are paid for on the basis of all the water that was originally associated with such solids. In order to account for skim milk solids in powder or condensed form on a basis comparable to that used in accounting for regular skim milk, it is necessary to account for such solids on the basis of the quantity of skim milk necessarily used in the production of such solids. Therefore, the accounting procedures to be used in the case of this and any other condensed product should be based on the pounds of milk or skim milk required in its production.

Each handler must be held responsible for a full accounting of all his receipts of skim milk and butterfat in any form. A handler who first receives milk from producers should be responsible for establishing the classification of, and making payment to producers for, such milk. Fixing responsibility in this manner is a practice which is followed consistently in both regulated and nonregulated markets. It is necessary, for effective administration of the provisions of the order, that equality of minimum prices among handlers be maintained. The operator of the plant at which the milk is first received from producers is the person with whom contractual relationships have been made by producers or their representatives. Except for the limited quantities of skim milk which may be classified as Class II under circumstances set forth elsewhere, all skim milk and butterfat which is received, and for which the handler cannot establish utilization, should be classified as Class I milk. This is necessary to remove any advantage to handlers who fail to keep complete and accurate records of their operations, and to assure that producers will receive full value for their milk on the basis of its use by the handler.

All skim milk and butterfat used to produce products, other than those which are classified as Class I milk, should be Class II milk. Included as Class II milk are such products as ice cream, ice cream mixes, frozen desserts and mixes, eggnog, yogurt, aerated cream, butter, cheese (including cottage cheese), evaporated and condensed milk (both plain and sweetened), nonfat dry milk solids, dry whole milk, sour cream, and any other product not specified as Class I. Class II milk should also include skim milk and butterfat disposed of to commercial food manufacturing plants such as wholesale bakeries, soup companies, candy manufacturers, etc., which do not dispose of fluid milk products for fluid consumption. The health ordinances do not require that the milk utilized in these products be of Grade A quality.

Cream placed in storage and from should be classified as Class II milk. Such cream is intended primarily for use in ice cream and ice cream mixes. Should any frozen cream or other Class II product later be utilized in the manufacture of another product, it would be considered a receipt of other source milk in the plant of the handler and would be assigned to the lowest class price utilization in the plant.

Producers proposed that sour cream be included in Class I. The record, however, fails to establish that any of the health departments having jurisdiction in the marketing area require that it be made from Grade A milk. The facts established are that most of the sour cream disposed of by handlers in the marketing area is purchased from outside sources already processed and is not generally produced from producer milk.

Classification as Class II milk should be provided for skim milk which is disposed of for livestock feed and for skim milk which is dumped by the handler after prior notification to the market administrator of his intention to do so. In some sections of the proposed marketing area, manufacturing facilities are rather limited. Many of the handlers who would be subject to the order also have rather small operations. As a consequence, there will be times when a plant will have small quantities of milk, which are in excess of its bottling requirements and which it would be uneconomical to transport to a manufacturing plant. In such instances, the handler should be permitted to dump the skim milk contained in such milk without having it classified as Class I milk. To prevent abuse of this privilege, however, the handler should be required to notify the market administrator of his intention to dump such skim milk so that the market administrator may have the opportunity to physically verify both the quantity of skim milk to be dumped, and its actual dumping, if he desires to do so. Failure to notify the market administrator in advance would result in such milk's being considered unaccounted for, and subject to classification in Class I milk as excess shrinkage.

While it is reasonable to permit skim milk for which a handler has no use to be disposed of to farmers for livestock feed or to be dumped, there is no justification for permitting fat to be so utilized. While excess skim milk may be of no value to a handler, except in condensed form, the fat can be disposed of in ice cream and possibly in butter at any point in the marketing area. The only appreciable quantities of fat which cannot be salvaged are those contained in returns of creamed cottage cheese and flavored milk. Any loss involved in such returns is a part of the normal risk associated with doing business, and should be compensated for by the 2 percent shrinkage permitted to be classified as Class II milk.

Shrinkage up to 2 percent of the handler's receipts from producers should be permitted to be classified as Class II milk, as should all shrinkage incurred in the handling of other source milk. Shrinkage should be determined by subtracting, from the total pounds of skim milk and butterfat received by the handler, his total utilization of skim milk and butterfat respectively, in the various products handled. The resulting figure should be prorated between the handler's receipts of milk from producers and from other sources. The shrinkage associated with the other source milk and that which is allocated to producer milk, in an amount not in excess of 2 percent of the handler's receipts of skim milk and butterfat from producers, should be classified as Class II. Any shrinkage allocated to producer milk in excess of 2 percent of the handler's receipts from producers, should be classified as Class I milk.

Handlers have inventories of fluid milk products at the beginning and end of each month, which enter into the problem of accounting for current receipts and utilization. Inventory is intended to include stocks on hand of bulk milk, skim milk, cream, and bottled milk, and other fluid milk products designated as Class I milk. Manufactured products on hand are not included in the inventory to be accounted for, because either they were in processed form or the milk used to produce such products will already have been accounted for as Class II milk. As noted above, handlers will be required to keep records of such products, but they will not be included in the inventory for the purpose of accounting for current receipts. Inventory should be accounted for as Class II milk. If fluid milk products in inventory are accounted for as Class II milk at the end of the month, it will be necessary to provide a method for dealing with the producer milk in inventory which is used in the current month for Class I purposes, but which the handler accounted for to producers as Class II at the end of the preceding month. Handlers at times will also have other source milk in inventory. Producer milk from inventory should have prior claim on Class I sales over current receipts of other source milk. This can be accomplished by considering the ending inventory in one month as a receipt by the handler in the following month, and substracting such receipt in series, starting with the Class II milk remaining after the subtraction of other source receipts during the month. To the extent that opening inventory is allocated to Class I Milk and there was an equivalent amount of producer milk classified in Class II in the preceding month, a reclassification charge should be made at the difference between the Class I price in the current month and the Class II price in the preceding month. This will ensure equality in the application of the minimum prices among handlers, and in returns to producers, whether such producer milk is from current receipts or from the preceding month's inventory.

Transfers. The classification of butterfat and skim milk used in the production of Class II items is established when the product is made. The classification of Class I milk should be established when butterfat or skim milk is disposed of by the handler. However, since some Class I items may be disposed of to other pool plants for processing, specified classification procedures must be prescribed for milk transferred to other pool plants.

Milk, skim milk, and cream, or other products designated as Class I milk, transferred by a handler to the plant of another handler, except a producer-handler, should be classified as Class I milk, unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II milk. The plant to which the milk is transferred, however, must have sufficient Class II utilization available for such assignment after the prior allocation of shrinkage and other source milk. Furthermore, the assignment of classification must be such that it will result in the maximum amount of producer milk at both plants being assigned to Class I milk. This is in accordance with the principle that the higher valued usage should be assigned to those producers who regularly supply the market.

In order to reduce the administrative expenses of verifying the use of milk or skim milk transferred great distances, milk or skim milk which is moved to plants located more than 350 miles from Wichita Falls, Texas, should be Class I in all cases. There are ample manufacturing facilities within 350 miles of Wichita Falls to handle all of the excess supplies that may be produced seasonally for the market. It is a very costly procedure to verify the utilization of small lots of milk or skim milk moved great distances. In the interest of maintaining administrative costs as low as possible, any milk or skim milk moved more than 350 miles from Wichita Falls should be classified as Class I.

It is as uneconomical for the market administrator to travel several hundred miles to verify the utilization of a few cans of cream, as it is to travel the same distance to verify the utilization of a tank of milk. In the case of shipments of cream, however, the shipment is frequently labeled as being for use as manufacturing grade cream only. When this occurs and the market administrator has knowledge of the fact, cream moved more than 350 miles from Wichita Falls may be classified as Class II milk if all the following conditions are met:

(1) The transferring handler requests such a classification;

(2) It is clearly labeled as manufacturing grade cream, and is so invoiced; and

(3) The market administrator is notified, prior to the shipment, so that he may have an opportunity to verify the labeling.

The most common form of transfer to a nonpool plant is the movement of excess milk to nearby plants which have manufacturing facilities. It is provided that if milk, skim milk, or cream is transferred from a pool plant to a nonpool plant located less than 350 miles from Wichita Falls, Texas, it shall be Class I unless Class II use is established. If the transferee plant distributes milk on routes the market administrator shall first allocate to the Class I utilization in such plant, the receipts from dairy farmers who constitute its regular source of Grade A supply. If the Class I disposition of such plant exceeds its receipts from such dairy farmers the milk, skim milk, or cream transferred to such plant shall be assigned to Class I up to the amount that Class I disposition exceeds receipts from dairy farmers. Any additional amount shall be classified as Class II.

If the transferee plant does not distribute milk on routes, the milk, skim milk, or cream shall be classified as Class II milk except that: (1) if the nonpool plant transfers milk, skim milk, or cream to a pool plant, an amount equal to skim milk and butterfat transferred to the nonpool plant from other pool plants shall be classified as though it had been transferred directly between the pool plants; and (2) if skim milk and butterfat is transferred from the nonpool plant to another nonpool plant which does distribute fluid milk on routes, the skim milk and butterfat transferred from the pool plant to the first nonpool plant shall be Class I in an amount equal to that transferred to the second nonpool plant unless it is established that such skim milk or butterfat was transferred to the second nonpool plant without Grade A certification with each container labeled to show that the contents were for manufacturing use only and that the shipment was so invoiced. If, however, the transferee plant is a pool plant under another order issued pursuant to the Act, the milk received at such plant from dairy farmers who are producers under such order should receive prior claim to the Class I utilization over the fluid milk products diverted or transferred to such plant.

Allocation. Because the order prices apply only to producer milk, it is necessary, if a pool plant has butterfat or skim milk other than that received from producers, to determine the quantities of milk in each class to be assigned to current receipts from producers. The milk of producers who are regularly engaged in supplying the market should be assigned to Class I before any other milk is so assigned. This is necessary to insure the effectiveness of the classified pricing program of the order. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in detail in the order.

In general, this procedure requires that skim milk and butterfat, respectively, remaining in each class be assigned to producer milk by making the following deductions from the gross utilization of each handler, starting with Class II milk, except as otherwise noted:

(1) Class II shrinkage of producer milk;

(2) Other source milk;

(3) Opening inventory;

(4) Receipts from other pool plants according to its classification; and

(5) Overage.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described above should be carried out with respect to all milk received during each month. To apply a shorter accounting period would place a burden upon handlers and would increase substantially the cost of administering the order.

(c) *Class prices.* In order to restore and maintain orderly marketing conditions in the Red River Valley marketing area, Class I and Class II prices for producer milk must be established at levels that will reflect economic conditions affecting the market supply and demand for milk or its products, and assure the maintenance of a supply of quality milk adequate for the needs of the market. The act requires that minimum prices established by Federal milk orders meet this standard. An important point is that prices be at a level that, over a reasonable period of time, will result in a supply of milk meeting the quality standards of the market about equal to the needs of the market, considering the necessity for a reserve supply of milk and a seasonal fluctuation in production. This means that the minimum prices provided in the order can be related to general economic conditions, but they cannot be maintained out of line with such conditions or with prices in surrounding markets. If producers' prices are too low, not enough milk of acceptable quality will be produced and delivered to plants to supply the Class I needs of the market, and there will be a tendency for producers to shift to other markets where the prices are more nearly adequate. Likewise, if prices are too high, milk production will be overstimulated, consumption will tend to fall off, and there will be a tendency for producers to shift from other markets to the Red River Valley marketing area. These actions would result in a supply of milk greater than needed to supply the demands of the market, and would eventually result in the shifting of agricultural resources toward the production of unnecessary and uneconomical surplus which would reduce the uniform prices received by producers.

The Red River Valley marketing area is situated near to several other Federally regulated milk markets. As noted above, the production area for the Red River Valley overlaps the milksheds of the North Texas, Central West Texas, and Texas Panhandle marketing areas and to an even greater degree that of the Oklahoma Metropolitan milk marketing area. For this reason, it is particularly important that prices in the Red River Valley be established at a level which will not disrupt the supply and demand relations of the several surrounding marketing areas.

The prices in the Oklahoma Metropolitan marketing area are the lowest of any of the above-mentioned marketing areas. As one progresses south or west from the Oklahoma Metropolitan marketing area, prices are increased to compensate for the additional costs of transporting supplemental milk from the area of surplus production, and to compensate for the additional costs of getting milk produced in Western Oklahoma and Texas. Accordingly, the price for Class I milk in the Red River Valley marketing area must be higher than that established in the Oklahoma Metropolitan milk marketing order, and lower than those provided in the Texas marketing orders.

The price for milk received at pool plants located in Texas should be 15 cents higher than the Class I price established under the Oklahoma Metropolitan milk marketing order. At all other pool plants located within 100 miles of the City Hall in Wichita Falls, Texas, it should be 10 cents higher than the price established under the Oklahoma Metropolitan marketing order. At all other plants a location differential should apply based on the distance such plants are from the City Hall in Wichita Falls, Texas. This level of prices will maintain a proper alignment between the Red River Valley marketing area and the Federal marketing areas mentioned above. A greater difference in prices between the Oklahoma Metropolitan marketing area and the Red River Valley marketing area would place handlers in the Red River Valley at a competitive disadvantage with plants regulated under the Oklahoma Metropolitan marketing order, which dispose of milk in the Red River Valley marketing area and in the area lying between the Oklahoma Metropolitan and the Red River Valley marketing areas. At the same time, a price less than that provided would afford handlers regulated under the Red River Valley marketing area, especially those located south of the Red River, a competitive advantage over handlers whose milk is priced under the North Texas or Central West Texas marketing orders.

If the Class I pricing as proposed herein had been operative, the Class I price at Wichita Falls, Texas, in 1956 would have ranged from about $5.15 to $5.75, and averaged $5.48 per hundredweight. For the first six months of 1957, an average Class I price of $5.19 per hundredweight would have resulted.

Comparable Class I prices actually paid by handlers in the Red River Valley marketing area are not available, but prices reported to have been paid producers for base milk in 1956 ranged from about $4.75 to $5.65 per hundredweight; and for the first six months of 1957, they ranged from about $4.50 to $5.45 per hundredweight.

Exceptions to the Class I pricing provisions of the order were filed by several handlers who are subject to regulation under the Central West Texas order and by the cooperative association which supplies them with milk. It was their contention that the proposed price is too low and would place them at a competitive disadvantage. Their opposition is based largely on a comparison of the prices that would have prevailed under the proposed order with the prices that were actually effective in Central West Texas during the past four years. During a substantial portion of that period, however, the latter price was not based on the formula provided, but was fixed at a somewhat higher level because of the extreme drought which prevailed.

Were the proposed order in effect in July 1958, the Class I price would be 20 cents below the Central West Texas price at Abilene. This figure is very close to that which the exceptions allege should prevail.

On an annual average the difference in price between Wichita Falls and Abilene will exceed the above figure by a few cents. To increase the price at Wichita Falls, however, to bring it nearer to the Abilene price would cause a misalignment in price between Wichita Falls, and the Oklahoma Metropolitan, North Texas, and Texas Panhandle marketing areas.

Class II milk. Every fluid milk market needs a reserve supply of Grade A milk to meet day-to-day fluctuations in receipts from producers and in Class I sales. While sales of milk vary considerably on a day-to-day basis, they are rather uniform from season to season. Milk supplies, however, because of the seasonal variations in production, are greater during the late winter and spring months than they are in late summer and fall. As a result, handlers must process on a year-round basis the daily and seasonal surplus into various manufactured products. Since milk going into these products must be paid for at the Class II price, this price must be fixed at a level which will encourage handlers to accept whatever quantities of such milk may be offered from time to time by the producers who supply the market. It is of equal importance that the price be at a level which will return to producers the full value for their milk.

All products which are included in Class II may be made from milk which does not meet the requirements of the Grade A ordinances. Grade A milk which may be used in these products by regulated handlers, must be priced at a level which is competitive with the cost of alternative supplies of milk that would otherwise be used in the manufacture of such products. Ice cream, cottage cheese, and condensed milk are the most important outlets for reserve and surplus supplies on the market.

In the past, the Red River Valley has been relatively short of milk during the late summer and fall months, and it has been necessary for handlers to rely on receipts of ungraded milk to process the Class II products which they manufacture during the season of short supply. When milk is not available locally, these products have been purchased, for the most part, in the form of powder, condensed skim, and cream. It seems appropriate, therefore, that the formula for pricing Class II milk, at least during the season of short supply, should be one which would reflect the cost of obtaining supplies from alternative sources. Such a formula would be one which is based on the market value of butter and nonfat dry milk solids. One of the alternative formulas used for determining the Class I price under the Oklahoma Metropolitan milk marketing order is a formula based on the Chicago market prices of butter and nonfat dry milk solids. Since, as has been noted above, the prices in the Red River Valley marketing order must be aligned to those in the Oklahoma Metropolitan Order, the price for Class II milk under the Red River Valley marketing order during the season of short supply should be identical to the butter-powder formula in the Oklahoma Metropolitan milk marketing order. This formula arrives at a price for the butterfat by subtracting 3 cents from the price of 92-score butter at Chicago, adding 20 percent thereto, and multiplying by 4. The value of the skim milk is determined by subtracting from the average prices of nonfat dry milk solids both spray and roller process, f. o. b. manufacturing plants in the Chicago area, 5.5 cents, multiplying by 8.5, and then multiplying by 0.96. This is the price which should be effective for the months of August through January, inclusive.

During the months of heavier production, it will be necessary for many of the handlers in the Red River Valley marketing area to move excess supplies to nearby manufacturing plants for processing into Class II products, since the facilities of handlers for processing whole milk into manufactured dairy products are limited, particularly in the Texas portion of the proposed marketing area. During this period of the year, the Class II price should be one which will enable handlers to dispose of excess supplies to manufacturing plants without incurring a substantial loss on the transaction. The best reflector of the value of milk for Class II products during the months of flush production is the price paid by manufacturing plants for ungraded milk for use in these products. The Class II price during the months of February through July, therefore, should be the average of the prices paid for ungraded milk by the following plants: American Foods Company, Miami, Oklahoma; Gilt Edge Dairy, Norman, Oklahoma; the Muskogee Dairy Products Company, Muskogee, Oklahoma; the Page Milk Company, Coffeyville, Kansas; the Pet Milk Company, Siloam Springs, Arkansas; and the Real Test Foods Company, Tulsa, Oklahoma. These are the same plants whose pay prices are used in determining the Class II prices under the Oklahoma Metropolitan marketing order.

Prices determined in this manner will insure that handlers will make every effort during the months of short production to see that available supplies of producer milk are used in Class I to the greatest extent possible. It will also insure that handlers will be able to move surplus milk into manufacturing channels when it cannot be utilized in Class I on the market.

Producers proposed that for certain products, such as cottage cheese, ice cream, and similar products a Class II price be established somewhat higher than the price fixed for milk going into butter, cheese, nonfat dry milk solids, and other commodities which are less perishable and less bulky. At this time, it is not feasible to establish a separate classification for such products. Such products may be disposed of freely in the marketing area, regardless of whether they have been made from Grade A milk. Large quantities of cottage cheese and ice cream are distributed over the entire marketing area by plants which are subject to regulation under other Federal marketing orders, as well as by manufacturing plants which are completely free of regulation. Pricing milk going into these products at a somewhat higher level than the Class II price in surrounding markets, or than the price paid by unregulated manufacturing plants, would place regulated handlers at a competitive disadvantage and might result in their refusing to accept from producers more milk than was needed for their Class I use. Refusal by handlers to accept milk for use in ice cream, cottage cheese, and similar products would create disorderly marketing and would pose a severe problem for the cooperative association in disposing of the seasonal surplus in the market.

Location differentials. Class I milk products, because of their bulky, perishable nature, incur relatively high transportation costs, if such products or the milk used to produce them are moved a considerable distance. Milk delivered by farmers directly to plants in or near the centers of population is therefore, worth more to a handler than milk which is received from farmers at a plant located many miles from the point at which the milk is distributed. On such milk the handler must incur the additional cost of moving the milk to a central market. The producer, in turn, receives less for milk delivered to points distant from the central market in lieu of incurring the additional cost of hauling his milk directly to the central market. Under these conditions, the value of milk delivered by producers to plants located some distance from the central market is reduced by approximately the cost of transporting such milk from the point of receipt to the central market.

At the present time, there are no supply plants regularly furnishing milk to the Red River Valley marketing area. With the rapidly changing pattern that is developing in the milk industry, it is possible, however, that in the near future supply plants may begin to furnish milk to the market on a regular basis. In order to allow for the cost of moving Class I milk from distant plants that might become regular sources of supply for the market, it is necessary to establish the Class I price for milk delivered to plants at a point in the marketing area and then provide a schedule of deductions from the Class I price as location differentials or adjustments. The city of Wichita Falls, Texas, is the largest population center in the proposed marketing area. It is also the most distant from alternative sources of supply and, therefore, the cost of milk from surplus producing areas delivered to Wichita Falls would be greater than at other population centers in the marketing area. Accordingly, the Class I price should be established at Wichita Falls. Because of the extensive nature of the marketing area and its peculiar location in relation to sources of supply and to other marketing areas, the prices at all points in Texas should be the same as that at Wichita Falls. At plants located in Oklahoma and within 100 miles of Wichita Falls, the price should be 5 cents less than the price at Wichita Falls. At all other plants, the price should be reduced 1.5 cents per hundredweight for each 10 miles or fraction thereof that such plant is more than 100 miles distant from the City Hall at Wichita Falls, Texas. Although, normally, location differentials are uniform at the same distance from the central market regardless of the direction in which the plant is located, in the present instance, it is desirable to permit the deduction of a location differential only at those plants which are located north and east of Wichita Falls. Because the areas to the south and west are generally a deficit production area and the costs of alternative supplies in that area are higher than they are further north, prices at plants in other West Texas marketing areas are higher than those proposed for the Red River Valley marketing area by approximately the amount of the additional cost of transporting supplemental supplies from the surplus production areas in the north central states. If the prices at plants south of the Red River Valley were reduced because of their distance from the marketing area, it is possible that plants presently regulated under the Central West Texas marketing order might attempt to become regulated under the Red River Valley marketing order. If this were to happen, the prices such plants were required to pay would be substantially less than the prices paid by other plants regulated under the Central West Texas marketing order. The resulting competitive advantage enjoyed by such a handler would disrupt the orderly marketing in the Central West Texas marketing area.

One of the exceptions proposed that the location differential be revised so as to provide a Class I price at Ardmore, Oklahoma, four and one-half cents less than the price at Lawton, Oklahoma. This exception is denied since Ardmore is at least as far from the Oklahoma Metropolitan marketing area as Lawton is and is closer to the North Texas marketing area than any other point at which a plant is located in the Oklahoma portion of the proposed marketing area.

The proposed rate of 1.5 cents for each 10 miles or fraction thereof that a plant is more than 100 miles from the City Hall in Wichita Falls, Texas, reflects the actual cost of transporting milk in tank trucks. This rate is comparable to that which is generally contained in other Federal milk marketing orders.

A method is provided for determining, if necessary, the priority of milk from various plants and allocating milk to Class I use by computing the aggregate value of the location adjustments to be allowed, such adjustments to be made in sequence in the order that such plants are distant from the City Hall in Wichita Falls, Texas.

The value of milk used in manufactured dairy products is affected very little, if at all, by the location of the plant receiving and processing such milk. This occurs because of the differences in the cost of moving the two types of product.

Fluid milk products are bulky, easily contaminated, and highly perishable, whereas, such products as butter, cheese,

and nonfat dry milk solids are easily transported and may be stored for long periods of time, and have a high value relative to the cost of transporting them. The cost of such products is virtually the same at the plant of origin as it would be delivered to Wichita Falls. For this reason, the price for Class II products varies little, regardless of the location of the plant. Accordingly, no adjustment should be made in the Class II price by reason of the location of the plant at which the milk is received from producers.

In line with the economic considerations which affect the value of milk for fluid uses when it is delivered by farmers to plants located some distance from the consuming market, it is necessary and appropriate that the prices paid producers for milk delivered to plants at which a location differential applies should also be reduced at the same rate to reflect the lower value of such milk, f. o. b. the point of actual delivery, in contrast to its value when delivered to Wichita Falls.

Butterfat differentials. As noted above, it has been concluded that butterfat and skim milk should be accounted for and classified separately. It will be necessary, therefore, to adjust the Class I and Class II prices in accordance with the average butterfat content of the milk in each class by a butterfat differential that will reflect differences of value due to variations in the butterfat content of such products. In order to maintain prices on the same basis as those in surrounding markets, prices for the Red River Valley marketing area should be computed and announced in terms of milk of 4.0 percent butterfat content.

The butterfat differentials for Class I milk and Class II milk should be appropriate to the level of class prices provided for herein for Class I milk and Class II milk. To achieve this end, the Class I price should be increased or decreased, for each one-tenth of 1 percent of butterfat content above or below 4.0 percent, by the value obtained by multiplying the Chicago butter price for the preceding month by 0.125. The Class II differential would be determined by multiplying the Chicago butter price for the current month by 0.115.

The use of butterfat differentials in this manner is practiced in most fluid milk markets for adjusting for butterfat variations. At these levels they reflect the situation in the market and will maintain the prices in this market in proper alignment with prices in surrounding markets, regardless of the butterfat content of the milk. Identical butterfat differentials are provided in the Oklahoma Metropolitan marketing order.

In order that the Class I butterfat differential may be announced early each month, at the same time that the Class I price is announced, the Class I butterfat differential should be based on the average price of butter during the preceding month. Since Class II prices will not be announced until after the end of the month, and will be based on market prices of commodities during the month in which the milk is manufactured, the Class II butterfat differential should be based on the value of butter during the month in which the milk is utilized. Accordingly, the Class II butterfat differential should be based on the price of butter during the current month, and should be announced at the end of the month at the same time as the Class II price is announced. Although handlers will not know the cost of such milk until after it is utilized, they will know that in any sales competition with other processors of manufactured dairy products, whether regulated or not, they will be paying for milk on the basis of current market prices the same as their competitors.

The butterfat differentials used in making payments to producers should be calculated at the average of the returns actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of the butterfat in producer milk which is classified in each class. Thus, producer returns for butterfat will reflect the actual sales value of the butterfat in their milk at the class prices provided in the order. The producer butterfat differentials in no way affect the amount of a handler's obligations which are computed at the class prices. It is merely a means of prorating returns among producers in accordance with the variations in the butterfat test of the milk which they deliver.

Equivalent prices. A provision should also be written in the order directing the market administrator to use a price determined by the Secretary to be comparable, in the event that any of the prices used in making the various computations provided in the order is not published and available to the market administrator. This would prevent the lack of a price quotation from affecting the operation of the order. Such a provision is incorporated in most milk marketing orders.

Compensatory payments. A compensatory payment should be assessed on other source milk disposed of as Class I milk.

Some handlers in the proposed marketing area have made a practice of keeping their purchases of milk from producers at the lowest possible level even during the months of flush production and have relied on purchases of milk from other plants to fulfill their Class I requirements. These handlers have purchased distress milk, particularly during the season of flush supplies, from other markets or from other plants in the market, at prices equal to or slightly in excess of its manufacturing value, and have used such milk for Class I purposes. Such practices have had a demoralizing effect on the market and contributed greatly to the chaotic conditions which led producers to request a marketing order for the Red River Valley.

An important function of an order is to insure that handlers paying producers the Class I price for fluid milk will not be placed at a disadvantage by other handlers using the market's excess or surplus milk for Class I use. It is equally important that the Class I market be protected from the use of seasonal excess milk from other markets, as well as from its own surplus. If the order fails to provide such protection, handlers could continue to curtail purchases of milk from producers to their own advantage and secure low cost surplus supplies from other markets for Class I use.

Seasonal supplies may be obtained easily and cheaply during the months of flush production when most markets have receipts of milk considerably greater than necessary to supply their regular fluid requirements. If adjoining milksheds were to dispose of seasonal surpluses in each other's Class I markets, the result would be confused and disorderly marketing conditions. Class I prices would be demoralized, production of milk would be impaired, and the future permanent supply of milk of both markets would be in jeopardy. Such disorderly marketing conditions would be contrary to the purposes of the act. Therefore, in order to insure the effectiveness of the classified pricing program, and to promote orderly marketing, it is necessary that some method of compensating for or neutralizing the effect of the advantage created for unpriced milk should be provided as an essential provision of this order.

It is concluded therefore that the inclusion of compensation payment provisions in the order is necessary to insure against the displacement of producer milk for the purpose of cost advantage. This is essential to preserve the integrity of the classified pricing program of the order. Since minimum class prices may not be set under the order for plants which do not participate in the market-wide equalization the only alternative is to levy a charge against unpriced milk for the removal of any advantage there may be in using unregulated milk in Class I instead of producer milk.

The rate of the compensatory payment on other source milk should be the difference between the Class I and Class II prices during the months of February through July, and the difference between the Class I price and the uniform price during the remainder of the year.

Surplus fluid milk would be available to Red River Valley handlers from unregulated markets during the months of February through July. The alternative outlet for such milk is in manufactured dairy products. A fair index of the value of such milk when used in manufactured dairy products is the Class II price proposed herein. This represents the actual value of such other source milk during these months.

During the remainder of the year when milk is in much shorter supply, and there is a much greater demand for fluid milk for bottled use, handlers in the Red River Valley will not be able to purchase milk at its value for manufacturing. During these months, it is likely that the minimum price at which handlers would be able to purchase fluid milk from unregulated sources would be one equivalent to the uniform price computed under the Red River Valley order. During the months of August through January, therefore, the rate of the compensatory payment on other source milk should be equal to the difference between the uniform price and the Class I price. The purpose of this provision is to remove any price advantage the handler may have in using unregulated milk, and hence, in making the adjustment for butterfat content, both the Class I price and the uniform price should be adjusted by the Class I butterfat differential, and not by the producer differential which is otherwise used in adjusting the uniform prices.

In addition to the other source milk which may enter the market in the form of fluid milk products, there are times when other source milk will be imported from unregulated sources in concentrated form for use as Class I milk. In order to remove the price advantage a handler might have through the reconstitution of such products into fluid milk products, the rate of compensatory payment on other source milk received in concentrated form should be the same as on that received in the form of fluid milk products.

Since the handler must pay the cost of transporting other source milk from the plant of origin to the marketing area, the rate of the compensatory payment on other source milk should be reduced by the amount of the location differential which would apply at the plant of origin were it a regulated plant under the proposed order. No location differential should be deducted, however, in the case of condensed skim milk or nonfat dry milk which at times may be allocated to Class I use. In the case of these products it would be extremely difficult and at times impossible to determine the plant of origin. They may pass through several hands between the manufacturer and the ultimate user and the output of many plants in many different localities may be commingled by the broker or jobber from whom such products are acquired. The administrative difficulties which would be involved make it impractical to apply location differentials to the payment associated with condensed skim milk and nonfat dry milk. Moreover, since the cost of transporting milk solids in concentrated form is slight in terms of its milk equivalent, the difference in cost to handlers would be negligible.

In computing the applicable location differential, if a handler has received other source milk from two or more nonpool plants, the amount of skim milk and butterfat allocated to Class I milk should be considered to have been received from the plants in sequence, according to the smallest location adjustment applicable.

In addition to the other source milk which may enter the market through pool plants, other source milk may also be distributed within the marketing area directly from nonpool plants. There is no evidence of distribution within the marketing area at the present time by plants which would not meet the requirements of pool plants. There are plants, however, in the vicinity which could extend their distribution routes into the marketing area and by preserving their unregulated status could operate with a substantial price advantage over regulated handlers unless provision is made to assure that all competing plants pay the minimum class prices.

The compensatory payment applicable to other source milk disposed of from nonpool plants on routes in the marketing area should be the same as that applicable to other source milk disposed of through pool plants. This is the only method of dealing with such problems which was considered. It will remove the advantage that might accrue to a nonpool plant should it begin the distribution of other source milk in the marketing area.

No compensatory payment should apply to other source milk which is classified and priced under another Federal milk order whether such milk is disposed of in the market directly from such plant or through a pool plant. In either case its proper classification and price would have been determined by the other order.

Payments to producers—(a) *Type of pool.* The order should provide for a market-wide pool, rather than for an individual-handler pool as proposed in the recommended decision.

The market-wide pool was proposed by producers. Under the market-wide pool, all producers delivering milk to all pool plants would receive uniform prices for all milk so delivered regardless of the use made of such milk by the handler to whom it is delivered. Under the individual-handler pool the producers supplying each of the regulated handlers would be paid a blend price based upon the proportion of the receipts of producer milk classified as Class I milk and Class II milk at the plant(s) of the particular handler receiving the milk. Under either type of pool, the uniform or blend prices are subject to adjustment for location and the butterfat content of the milk. Producers may also be charged different rates for hauling their milk from the farm to the plant. These rates, however, are not established by the order.

Three cooperative associations whose members supply milk to the market, in their exceptions, requested a market-wide type of pool. One of them, as noted above, requested that the Texas portion of the area be established as a separate marketing area with a market-wide pool, at least for that portion of the area; the others urged a market-wide pool be adopted for the entire area. Under the conditions prevailing in the market it is concluded that a market-wide type of equalization pool would be most effective in establishing and maintaining orderly marketing and pricing conditions.

Only two of the pool plants in the marketing area are equipped to process any appreciable quantity of the reserve and surplus milk.

One of these plants manufactures all of the cottage cheese for several other handlers in the market. For this reason, and those already pointed out in the discussion of the necessity for an appropriate Class II price, the type of pool established should provide for an equitable sharing, particularly during the flush production season, of the lower returns that will inevitably accompany an adequate and necessary reserve of milk.

A market-wide pool will permit any handler to bid on such business as that offered by the many military installations and other public institutions located in and adjacent to the marketing area, and obtain the necessary milk to supply such sales without upsetting the market stability whenever the contracts for supplying such installations might shift from one handler to another.

There are two cooperative associations which are in a position to assume the responsibility for removing the reserve and surplus milk of their member-producers. A market-wide pool will facilitate the movement of milk by these associations between handlers to meet their individual needs or to move milk which is not needed on the market, to manufacturing plants. A market-wide pool will aid the market in retaining qualified producers during periods of seasonal surplus by permitting them to receive the market-wide uniform price regardless of the utilization of their milk. This is necessary if their milk is to be available to fill the Class I requirements of the market at other seasons of the year. These factors and the variation in the amount of reserve supplies among the several plants all support the adoption of a market-wide pool.

Base and excess plan. A base and excess plan of distributing returns for milk among producers should be employed in connection with the "market-wide" pool established herein. Receipts of milk from producers vary between spring and fall months in a much greater degree than do Class I sales. In addition, some handlers have difficulty in using, during the periods of seasonally high production, all of the milk delivered to them by producers. Consequently, there is a need for an incentive to maintain production in the late summer and fall months, relative to that of the winter and spring months.

Handlers and producers on the market are now relying on various forms of base-excess plans to provide the incentive needed to induce local dairymen to strive for a more nearly level milk production throughout the year. The presently operated plans have served a function in the market, even though their operation has been deficient from the standpoint of equality between handlers and fairness to producers. These conditions can arise because the distributors themselves establish the rules of the base-excess plan and control the adjustment and transfers of bases. Producers have no say whatever in the operations of the several base plans now in use.

Base and excess plans have proved an effective means of improving the seasonal pattern of milk deliveries, because they relate producers' returns directly to the deliveries of milk in the late summer and fall months when production conditions are more difficult and milk is less plentiful. Such a plan will help to achieve a production which is more nearly fitted to the sales pattern of fluid milk products in this area. Were some version of this plan not included in the attached order, the most likely results would be increased seasonality in production with

the attendant problems of surplus disposal in the months of flush production and the need for additional imports of supplemental milk in the short production months. The base and excess plan uniformly applied to all producers, by being incorporated in the attached order, will play an essential part in stabilizing market conditions by encouraging the trend to a more nearly even production seasonally.

The base and excess plan proposed herein would establish for each producer a base equal to his average daily deliveries during the four months of September through December. If a producer did not deliver milk to the market during the entire period, the days of actual delivery from the first day of delivery, but not less than 90, would be used.

During the months of March through June, separate uniform prices will be computed for base milk and excess milk for the purpose of allocating Class I sales to base milk. Base milk would be that quantity of milk delivered by each producer up to his average daily base multiplied by the number of days in the month during which he delivers milk to any pool plant. The excess price would be the Class II price, except in those months when total Class I sales exceed the total quantity of base milk. During such months, the excess price would be a blend of the actual Class I and Class II utilization of excess milk.

Provision is made for producers who may enter the market after the start of the base-forming period to establish a full base by delivering a minimum of 90 days during the specified period. Producers delivering milk for less than 90 days will have their bases calculated by dividing their total deliveries during the base-forming period by 90.

Provision also is made for a person who becomes a producer after the base-forming period, and who has established a base under another Federal order, to be assigned a base equal to that which he would have received if he had been a producer during the base-forming period. This provision should facilitate the movement of milk of producers between the Red River Valley marketing area and adjacent Federal order marketing areas, where their milksheds overlap.

A producer should be permitted to transfer his base only to another member of his family and then only in the case of retirement of the producer or his entrance into the military service. In the event of death of a producer, the base should be transferable to a surviving member of the family who carries on the producing functions. In the case of a partnership composed of members of the same family, the base may be transferred in whole or in part to either member of the partnership upon its dissolution. For a base to be so divided, both parties must file application with the market administrator requesting division of the base, and the application must set forth the portion of the base which is to be transferred to each of the parties.

(b) *Payments to individual producers and to members of cooperative associations.* Handlers should make payment to each producer for milk delivered by such producer at the appropriate uniform prices. Payments due any producer for milk should be paid by the handler to a cooperative association that makes a written request for such payment, if the producer has given the cooperative association written authorization in the form of a contract or in any other form to collect such payments. The association's request should also agree to indemnify the handler for any loss incurred because of improper claim. In making such payments for producers' milk to a cooperative association, the handler should, at the same time, furnish the cooperative association with a statement showing the name of each producer for whom payment is being made to the cooperative association, the volume and butterfat content of the milk delivered by each such producer, and the amount of, and the reason for, any deduction which the handler withheld in the amount payable to each producer. This statement is necessary for the cooperative association in making proper distribution of the money it collects to the producer members for whom collection is made.

Qualified cooperative associations of dairymen should be permitted to receive a payment from handlers for their producer members as a group. In order to enable the association to carry out its essential functions as authorized in the Agricultural Marketing Agreement Act, a cooperative association, if it is to carry out these functions, must have full authority in the collective bargaining and sale of members' milk.

The proponent cooperative associations, in other markets, have assumed the responsibility for moving producers' milk during months of flush production. They are expected to assume the same responsibility with respect to the Red River Valley marketing area. Sales of surplus milk outside the marketing area may result in financial losses or gains to the cooperative associations. They must be in a position to spread such losses or gains over the entire membership, if they are to handle such milk effectively and efficiently. The Agricultural Marketing Agreement Act authorizes a qualified cooperative association to collect payment on behalf of all its members for milk caused to be moved by it to all types of outlets, and to reblend the proceeds from all sales over its entire membership. The order should provide that payment to such a cooperative association is proper satisfaction of the payments required by the order to be made to individual producer-members.

Producer settlement fund. Since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperatives associations, it is necessary to provide for some method of balancing these amounts. The producer-settlement fund is established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization, than they are required to pay to producers or cooperative associations, must pay the difference into the producer-settlement fund, and those handlers who are required to pay to producers or cooperative associations more than the utilization value of their milk must be reimbursed for the difference from the producer-settlement fund. The amounts paid into and out of the producer-settlement fund, except for minor differences that may result from the rounding-off of uniform prices will be equal. In order to permit this rounding-off of prices and to allow for unavoidable delays in receiving payments from handlers, and to permit payments to be made to any handler, which audit reveals is due to such handler a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the proposed order should be sufficient for these purposes. This reserve should be adjusted each month by the market administrator adding in the computation of the uniform price, not less than one-half of the balance in the producer-settlement fund at that time.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due handlers from such fund, the payments to such handlers should be reduced at a uniform rate per hundredweight of milk. The handlers may then reduce payments to producers and cooperative associations by an equivalent amount per hundredweight. The amount remaining due such handlers from the producer-settlement fund, should be paid as soon as the balance in the fund is sufficient and handlers should then complete payments to producers and cooperative associations. In order to reduce the possibility of this occurring, milk received by any handler who has not made the payments required of him in the preceding month should not be considered in the computation of the uniform price.

(c) *Other administrative provisions.* Certain other provisions are needed in the order to carry out the administrative steps necessary to accomplish the purpose of the proposed regulation.

Terms and definitions. In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term implies the same meaning. Definitions for "base" and "excess" milk are included. The other terms defined in the proposed order are common to most other Federal milk marketing orders.

Market administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the terms and provisions of the order, and the powers and duties essential to the proper functioning of his office should be specified.

Records and reports. Provisions should be included in the order to advise handlers that they are required to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of producers' milk and the payments due producers for such milk. Time limits must be prescribed for filing such reports and for making payments to producers. Dates must be established for the announcement of prices by the market administrator.

It should be provided that the market administrator report to a cooperative association, which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For purposes of this report the utilization of members' milk in each handler's plant will be prorated to each class in the same proportion that total receipts of producer milk were used by such handler.

In addition to the regular reports of handlers, provision is made for the handler, prior to the diversion of milk, to notify the market administrator and the cooperative association, if the producer is a member, of his intention to divert such milk, setting forth the dates of the proposed diversion and the plant to which it is to be diverted. This report is necessary if the weight of the milk delivered to a nonpool plant is to be verified and a sample taken for determining its butterfat content.

Handlers should maintain and make available to the market administrator all records and accounts of their operation and such facilities as are necessary to determine the accuracy of the information reported to the market administrator and any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of the weights and tests of milk and milk products received and handled, and to verify all payments required to be made under the order.

It is necessary that handlers retain records to prove the utilization of the milk received from producers and that proper payment was made therefor. Since the books of all handlers associated with the market cannot be audited immediately after the milk has been delivered to a plant, it is necessary that such records be retained for a reasonable period of time.

The order should provide for specific limitations on the time that handlers are required to retain books and records and on the period of time within which obligations under the order should terminate. The provision made in this regard is identical in principle with the general amendment made to all milk orders in operation, July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitations of claims is equally applicable in this situation and is adopted as part of this decision. Without a provision for termination of obligation after a reasonable period of time has elapsed, handlers may file claims which, because the period involved might extend back over many years, could be in substantial amounts. This creates uncertainties which could endanger the stability of the market and lead to serious inequities. The order should provide that any obligation to pay a handler shall terminate two years after the month in which the milk was received if an overpayment is claimed, or within two years after payment was made if a refund is claimed, unless within the time specified the handler filed a petition, pursuant to section 8c (15) (A) of the act claiming such money. Handlers also need the protection of provisions terminating their obligations to make payments.

Since handlers cannot be forewarned always as to their contingent liabilities, it is extremely difficult and burdensome to make adequate provision by setting up reserves, or by taking other precautionary measures. The obligation of any handler to pay money should, except under certain extraordinary circumstances such as litigation, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. It is concluded that a period of two years is a reasonable time within which the market administrator should complete his auditing and inspection work and render his billing for money due under the order. Provisions are necessary as contained in the order included herewith to meet such contingencies, as failure of the handler to submit required books and records and to deal with situations where fraud or willful concealment of information may be involved.

It was proposed that if a handler fails to make the required reports or payments, his name should be publicly announced at the discretion of the market administrator. Such announcement is provided for by the act and it is concluded that its adoption will facilitate the enforcement of the details of the order.

Expense of administration. Each handler who operates a pool plant should be required to pay to the market administrator as his pro rata share of the cost of administering the order, not more than 5 cents per hundredweight or such lesser amount as the Secretary may from time to time see fit with respect to:

(a) Producer milk (including a handler's own production); and

(b) Other source milk which is allocated to Class I milk.

Each handler who operates a nonpool plant, not subject to the classification and pricing provisions of another Federal order, should be required, as his pro rata share of the cost of administering the order, to make such payment with respect to the volume of milk which is disposed of within the marketing area as Class I milk from such plant.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that the cost of administration shall be financed through an assessment on handlers.

One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. Other source milk is received by handlers to supplement local producer supplies of milk. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (including a handler's own production) and all other source milk allocated to Class I. Since the market administrator must also verify reports submitted by handlers who operate nonpool plants, it is necessary that a charge for administrative assessment be levied against the milk disposed of by such handlers in the marketing area.

In view of the anticipated volume of milk, and the cost of administering orders in markets of comparable size and circumstances, it is concluded that an initial rate of 5 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 5 cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time that experience in the market reveals that a lesser rate will provide sufficient revenue to administer the order properly.

Marketing services. A provision should be included in the order for furnishing marketing services to producers, such as the verification of the tests and weights of producer milk and the furnishing of market information to producers. These services should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a cooperative association is performing such services for member-producers, the market administrator may accept this in lieu of his own service. There is need for a marketing service program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring individual producers that the payments received for their milk will be in accordance with the classified pricing and pooling provisions of the order and reflect accurately the weights and tests of such milk. To accomplish this fully it is necessary that the butterfat tests and weights of individual producer's deliveries of milk, as reported by the handler, be verified for accuracy. In the case of producers who are members of a cooperative association, which the Secretary has determined is under the complete control of such producers and is actually marketing the milk of its member-producers such services may be rendered by the cooperative association rather than by the market administrator. The two cooperative associations in the area have been performing check-weighing and check-testing services for their members who are producers under other milk marketing orders. At the time of the hearing they had not been successful in securing permission from handlers to perform such services for their member-producers in the Red River Valley marketing area. It is assumed, however, that such services will be performed for their members if an order is issued and made effective. In order that such services be performed on a market-wide basis, the market administrator should provide them for producers not otherwise receiving such services through a cooperative association.

An important phase of the marketing service program order is to furnish pro-

ducers with correct market information. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a market-wide basis to all producers.

To enable the market administrator to furnish these services, provisions should be made for a maximum deduction of 5 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. If later experience indicates that marketing services can be performed at a lesser rate provision is made for the Secretary to adjust the rate downward without the necessity of a hearing. In the event a qualified cooperative association has been determined to be performing such services for its members, handlers would be required to pay to the cooperative association such dues as are authorized by its members.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order regulating the handling of milk in the Red River Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

§ 986.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 986.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 986.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture, or such other Federal agency as may be authorized to perform the price reporting functions specified in this part.

§ 986.4 *Red River Valley marketing area.* "Red River Valley marketing area", hereinafter called "marketing area" means all territory within the following counties, including all municipal corporations; Federal reservations, facilities, and installations; and state institutions located therein: Caddo, Carter, Comanche, Grady, Jackson, Kiowa, Stephens, and Tillman in Oklahoma, and Hardeman, Wichita, and Wilbarger in Texas.

§ 986.5 *Person.* "Person" means any individual, partnership, corporation, association or other business unit.

§ 986.6 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with the requirements specified in paragraph (a) or in paragraph (b) of this section, which milk is received directly from the farm at a pool plant or is caused to be diverted by a handler within the limits prescribed in § 986.63:

(a) Produces milk on a dairy farm subject to regular inspection by a duly constituted state or municipal health authority, under a dairy farm rating or permit issued by such authority for the production of milk to be disposed of for fluid consumption;

(b) Produces milk which is acceptable to an agency of the Federal Government for fluid consumption in its reservation, facility, or installation.

The term producer shall not include any person with respect to milk received by a handler who is partially exempt from the provisions of this part pursuant to § 986.61; nor shall it include a person whose milk is diverted to a pool plant by a cooperative association if such person retains his status as a producer as defined in another order issued pursuant to the act and his milk is classified and priced under such other order.

§ 986.7 *Distributing plant.* "Distributing plant" means all the buildings, premises, and facilities of a plant: (a) which is subject to regular inspection by a duly constituted state or municipal health authority, or by an agency of the Federal Government located in the marketing area, (b) in which milk or skim milk is processed or packaged and (c) from which Class I milk is disposed of during the month on routes (including routes operated by venders or through plant stores) to wholesale or retail outlets located in the marketing area (except deliveries in bulk to other pool plants) in an amount greater than an average of 600 pounds per day.

§ 986.8 *Supply plant.* "Supply plant" means all the buildings, premises, and facilities of a plant from which fluid milk products equal to not less than 50 percent of its receipts of milk from dairy farmers, who would be producers if this plant qualified as a pool plant, are shipped to a distributing plant during such month: *Provided*, That any plant which qualifies as a supply plant for each of the months of September through December shall, upon written application to the market administrator before January 31 of the following year, be designated as a supply plant for the months of January through August.

§ 986.9 *Pool plant.* "Pool plant" means a distributing plant (other than that of a producer-handler or one which is exempt pursuant to § 986.61) or a supply plant.

§ 986.10 *Nonpool plant.* "Nonpool plant" means any milk processing or manufacturing plant other than a pool plant.

§ 986.11 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a nonpool plant from which Class I milk is disposed of in the marketing area; or

(c) A cooperative association with respect to the milk of producers diverted for the account of such association from a pool plant to a nonpool plant within the limits prescribed in § 986.63.

§ 986.12 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) Has and is exercising full authority in the sale of milk of its members.

§ 986.13 *Producer-handler.* "Producer-handler" means any person who produces milk and who operates a plant from which there is distributed as Class I milk on routes in the marketing area only milk of such person's own production or milk which has been received from a pool plant.

§ 986.14 *Producer milk.* "Producer milk" means all skim milk or butterfat contained in milk of a producer which is received at a pool plant or which is diverted within the limits prescribed in § 968.63.

§ 986.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream or any mixture in fluid form of cream and milk or skim milk (except cultured sour cream, frozen storage cream, aerated cream products, ice cream and frozen dessert mix, evaporated or condensed milk, and sterilized products in hermetically sealed containers).

§ 986.16 *Other source milk.* "Other source milk" means all skim milk and butterfat, other than that contained in producer milk or in receipts of fluid milk products from other pool plants, including products designated as Class II milk pursuant to § 986.41 (b) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month and any disappearance of nonfluid milk products not otherwise accounted for.

§ 986.17 *Base milk.* "Base milk" means milk received at a pool plant(s) from a producer during any of the months of March through June which is not in excess of such producer's daily average base computed pursuant to § 986.65 multiplied by the number of days in such month.

§ 986.18 *Excess milk.* "Excess milk" means milk received at a pool plant(s) from a producer during any of the months of March through June which is in excess of the base milk of such producer for such months, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 986.65.

MARKET ADMINISTRATOR

§ 986.25 *Designation.* The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 986.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 986.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 986.86: (1) The cost of his bond and the bonds of his employees, (2) his own compensation, and (3) all other expenses (except those incurred under § 986.85) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose, at his discretion, unless otherwise directed by the Secretary, the name of any handler who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 986.30 and 986.31 or payments pursuant to §§ 986.80 to 986.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk and the percentage relationship of such receipts to the total pounds of Class I milk available to assign to such receipts exclusive of the Class I milk disposed of by such handler to the pool plant(s) of other handlers and to nonpool plants. For the purpose of these reports the milk so received from members of such association shall be prorated to each class in accordance with the same percentage as the total receipts of producer milk bear to such utilization of milk by such handler;

(i) Verify all reports and payments of each handler by audit of the records of such handler or any other handler or person to whom skim milk and butterfat are transferred, or by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers and handlers, general statistics and information concerning the operation of this part which do not reveal confidential information; and

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 12th day of each month, the Class I price and the Class I butterfat differential, both for the current month;

(2) On or before the 5th day of each month, the Class II price, and the Class II butterfat differential, both for the preceding month; and

(3) On or before the 12th day of each month, the uniform price(s) computed pursuant to § 986.71 or § 986.72, whichever is applicable, and the butterfat differential computed pursuant to § 986.73, both for the preceding month.

REPORTS, RECORDS, AND FACILITIES

§ 986.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers and, for the months of March through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts of fluid milk products from other handlers;

(c) The quantities of skim milk and butterfat contained in (or used in the production of) other source milk (except Class II products disposed of in the same form in which received without further processing or packaging by the handler) and any disappearance of other source milk held in inventory;

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area;

(f) The quantities of fluid milk products on hand at the beginning and end of the month; and

(g) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 986.31 *Reports of payments to producers.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month showing:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days' production represented by the milk received from such producer(s), including for the months of March through June each producer's deliveries of base and excess milk;

(b) The amount of payment to each producer or cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 986.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to another pool plant or to a nonpool plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which it is to be diverted.

§ 986.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk prod-

ucts on hand at the beginning and end of each month.

§ 986.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 986.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received by a handler during the month, which is required to be reported pursuant to § 986.30, shall be classified by the market administrator pursuant to the provisions of §§ 986.41 to 986.46, inclusive.

§ 986.41 *Classes of utilization.* Subject to the conditions set forth in §§ 986.43 and 986.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk and concentrated nonfat milk solids) and butterfat (1) disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (4) of this section, and (2) not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of to commercial food manufacturing establishments which do not dispose of fluid milk products for fluid consumption;

(3) Contained in inventories of fluid milk products on hand at the end of the month;

(4) Skim milk disposed of for livestock feed, or dumped after prior notification to and opportunity for verification by the market administrator;

(5) In shrinkage not to exceed 2 percent of the skim milk and butterfat contained in producer milk, except that diverted pursuant to § 986.63; and

(6) In shrinkage of other source milk.

§ 986.42 *Shrinkage.* The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of skim milk and butterfat in each pool plant; and

(b) Assign the shrinkage of skim milk and butterfat pro rata between producer milk and other source milk received in the form of a fluid milk product.

§ 986.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk and butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk, if later disposed of by such handler or another handler (whether in original or other form) as any fluid milk product, shall be reclassified as Class I milk. Any skim milk or butterfat classified as Class II milk in the previous month pursuant to § 986.41 (b) (3) shall be reclassified as Class I milk if it is substracted from Class I during the current month pursuant to § 986.46 (a) (6) or the corresponding step of § 986.46 (b).

§ 986.44 *Transfers.* Skim milk and butterfat if disposed of by a handler by transfer or diversion from a pool plant shall be classified as follows:

(a) If transferred or diverted to a pool plant of another handler (except a producer-handler) in the form of fluid milk products it shall be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 986.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after subtraction of other source milk pursuant to § 986.46;

(b) As Class I milk, if transferred to the plant of a producer-handler in the form of fluid milk products;

(c) As Class I milk, if diverted or transferred in bulk in the form of milk or skim milk to a nonpool plant located more than 350 miles from the City Hall in Wichita Falls, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator;

(d) As Class I milk, if transferred in the form of cream to a nonpool plant, located more than 350 miles from the City Hall in Wichita Falls, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator, unless the handler claims classification as Class II milk, establishes the fact that such cream was transferred without Grade A certification, each container was tagged or labeled to show that the contents were only for manufacturing use, the shipment was invoiced accordingly, and the market administrator was given sufficient notice to allow him to verify the shipment;

(e) (1) As Class I milk, if transferred or diverted in bulk form as milk, skim milk, or cream to a nonpool plant located not more than 350 miles by the shortest hard-surfaced highway distance from the City Hall in Wichita Falls, Texas, from which fluid milk is disposed of on wholesale or retail routes or to other milk plants, unless the handler claims classification of Class II milk pursuant to § 986.30 and all of the following conditions are met:

(i) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to audit such books and records for purposes of verification; and

(ii) Such nonpool plant received milk from dairy farmers who constitute a regular source of supply for Class I use as determined by the market administrator;

(2) If the above conditions are fulfilled, the market administrator shall classify such milk, subject to verification, in the following manner: (i) Determine the use of all skim milk and butterfat at such nonpool plant, and (ii) allocate the skim milk and butterfat so transferred to the highest use classification remaining after allowing first priority to that received at the nonpool plant directly from dairy farmers whom the market administrator determines constitute its regular source of Grade A milk for Class I use;

(f) As Class II milk, if transferred or diverted in bulk form as milk, skim milk, or cream to a nonpool plant which is not a pool plant as defined in any other order issued pursuant to the Act and which is located not over 350 miles from the City Hall, Wichita Falls, Texas, and from which no fluid milk is disposed of on wholesale or retail routes, except:

(1) If milk, skim milk, or cream is transferred from such nonpool plant to a pool plant, an amount equal to the skim milk and butterfat transferred to such nonpool plant from the pool plants of other handlers shall be deemed to have been transferred directly to the second pool plant and shall be classified in accordance with paragraph (a) of this section; and

(2) If milk, skim milk, or cream is transferred from such nonpool plant to a second nonpool plant from which fluid milk is distributed on wholesale or retail routes, the skim milk or butterfat transferred from the pool plant to the first nonpool plant shall be Class I milk in an amount equal to that transferred to such second nonpool plant, unless it is established that such milk or skim milk was transferred to the second nonpool plant without Grade A certification with each container labeled to show that the contents were for manufacturing use only, and that the shipment was invoiced accordingly.

(g) As Class II milk if transferred or diverted in bulk form as milk, skim milk or cream to a nonpool plant which is a pool plant as defined in another order issued pursuant to the Act and which is located not over 350 miles from the City Hall in Wichita Falls, Texas, and from which no fluid milk is distributed on wholesale or retail routes, except that if such transferee plant disposes of to other nonpool plants, which do distribute fluid milk products on wholesale or retail routes, more milk than the milk received at such transferee plant which is classified and priced under such other order, an amount equal to the difference shall be classified as Class I milk, except that if such transferee plant has received milk, skim milk or cream from other plants regulated under this or other Federal orders, the amount of such transferred milk allocated to Class I shall be determined by prorating the amount of milk available for Class I allocation in accordance with the receipts from all such plants at the transferee plant.

§ 986.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical or other obvious errors the monthly report submitted by each handler pursuant to § 986.30, and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk. Skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 986.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 986.45, the market administrator shall determine the classification of milk received from producers for each handler in the following manner:

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds of skim milk in Class II milk, the pounds of shrinkage of skim milk in producer milk determined pursuant to § 986.41 (b) (5);

(2) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of nonfluid milk products other than condensed skim milk or nonfat dry milk;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of condensed skim milk or nonfat dry milk;

(4) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing and payment provisions of another order issued pursuant to the act;

(5) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in other source milk received in fluid milk products which were subject to the Class I pricing and payment provisions of another order issued pursuant to the act;

(6) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in inventory at the beginning of the month in the form of fluid milk products;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of fluid milk products pursuant to § 986.44;

(8) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, subtract such excess from the pounds of skim milk remaining in the classes in series beginning with Class II milk. Any amount so subtracted shall be called "overage";

(b) Butterfat shall be allocated in the same manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class computed pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in producer milk allocated to each class.

MINIMUM PRICES

§ 986.50 *Class prices.* Subject to the provisions of §§ 986.51 and 986.52 the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The Class I price shall be the price for Class I milk established under Federal Order No. 6 regulating the handling of milk in the Oklahoma Metropolitan marketing area at Oklahoma City, plus 15 cents.

(b) *Class II milk.* (1) For the months of February through July the Class II price per hundredweight shall be the average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture.

Present Operator and Location

American Foods Company, Miami, Okla.
Gilt Edge Dairy, Norman, Okla.
Muskogee Dairy Products Company, Muskogee, Okla.
Page Milk Company, Coffeyville, Kans.
Pet Milk Company, Siloam Springs, Ark.
Real Test Foods Company, Tulsa, Okla.

(2) For the months of August through January, the Class II price per hundredweight shall be computed by adding the plus values pursuant to subdivisions (i) and (ii) of this subparagraph as follows:

(i) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the mid-point of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department of Agriculture during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0; and

(ii) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published by the Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the current month, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 986.51 *Butterfat differentials to handlers.* If the average butterfat content of the producer milk of any handler allocated to any class pursuant to § 986.46 is more or less than 4.0 percent there shall be added to the respective class price, computed pursuant to § 986.50 for each one-tenth of one percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department of Agriculture during the month specified below by the applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25; and

(b) *Class II milk.* Multiply such price for the current month by 1.15.

§ 986.52 *Location adjustment credit to handlers.* For that milk which (a) is received from producers at a pool plant located outside the State of Texas and which is classified as Class I, the prices specified in § 986.50 shall be reduced 5 cents per hundredweight, plus an additional 1.5 cents per hundredweight for each 10 miles or fraction thereof that such plant is more than 100 miles distant from the City Hall in Wichita Falls, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator: *Provided,* That in calculating such adjustment, transfers to a pool plant at which a location adjustment credit is not applicable or at which it is less than at the transferor plant, shall be assigned to Class I milk only to the extent that Class I disposition at the transferee plant exceeds 95 percent of the receipts from producers at such plant. Such assignment to transferor plants should be made first to plants at which no location adjustment credit is applicable and then in sequence to plants at which the lowest rate of such adjustment credit would apply.

§ 986.53 *Rate of compensatory payments.* The rate of compensatory payment per hundredweight applicable to other source milk assigned to Class I use at pool plants, or disposed of as Class I milk on routes in the marketing area from nonpool plants, shall be calculated as follows:

(a) For the months of February through July, subtract the Class II milk price, adjusted by the Class II butterfat differential from the Class I price, adjusted by the Class I butterfat differential, and, except in the case of condensed skim milk and nonfat dry milk, by the location adjustment pursuant to § 986.52 which would apply if the nonpool plant were a pool plant; and

(b) For the months of August through January, subtract the uniform price, adjusted by the Class I butterfat differential, from the Class I price, adjusted by the Class I butterfat differential, and, except in the case of condensed skim milk and nonfat dry milk, by the location adjustment pursuant to § 986.52 which would apply if the nonpool plant were a pool plant.

§ 986.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 986.60 *Producer-handlers.* Sections 986.40 to 986.46, 986.50 to 986.54, 986.65 to 986.67, 986.70 to 986.74, and 986.80 to 986.86, shall not apply to a producer-handler.

§ 986.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing order issued pursuant to the Act and whose milk is classified and priced under such other order, the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and utilization or disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 986.62 *Handlers operating nonpool plants.* Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall report as required pursuant to §§ 986.30 and 986.31, reporting receipts from and payments to dairy farmers in lieu of such information with respect to producers, and shall allow verification of such reports, and, on or before the 12th day of each month, he shall pay to the market administrator an amount computed by multiplying the total volume of Class I milk disposed of on routes in the marketing area from such nonpool plant during the preceding month by the rate of compensatory payment computed pursuant to § 986.53.

§ 986.63 *Diverted milk.* (a) Milk of a producer diverted by a handler, other than a cooperative association, from a pool plant to the pool plant of another handler for any day during the months of February through July and for not more than 10 days' production of a producer during any month for the period of August through January, shall be deemed to have been received by the diverting handler at the pool plant from which such milk was diverted, except that for the purpose of determining shrinkage pursuant to § 986.41 (b) (5), such milk shall be considered as producer milk at the pool plant to which it was diverted. Milk so diverted for more than 10 days during any of the months of August through January, shall be considered as received at the plant to which it was diverted for the entire period of diversion.

(b) Milk diverted by a cooperative association, which does not operate a pool plant, for the account of such association from the pool plant of another handler to a nonpool plant, shall be deemed to have been received by such association at a pool plant at the same location as that from which the milk was diverted.

(c) Milk diverted from a pool plant by the handler operating such pool plant to a nonpool plant shall be considered to have been received at the plant from which diverted.

(d) Milk diverted by a handler, including a cooperative association, to a nonpool plant for more than 10 days' production of a producer during any month during the months of September through December, shall not be considered producer milk for the entire period of such diversion during the month.

DETERMINATION OF BASE

§ 986.65 *Computation of daily average base for each producer.* Subject to the rules set forth in § 986.66, the daily average base of each producer for the months of March through June of each year shall be computed by the market administrator by dividing the total pounds of milk received by a handler(s) at a pool plant(s) from such producer during the months of September through December immediately preceding by the number of days' production delivered by such producer during the period, or by 90, whichever is more: *Provided,* (a) That any person who becomes a producer after the base-forming period and who has established a base under another order issued pursuant to the act shall be assigned a base equal to that which he would have received if he had been a producer during the base-forming period if his milk is received at a pool plant during an entire month, and (b) That for any person who becomes a producer after the 3d day of October of any year by virtue of the plant to which such person delivers his milk having become a pool plant, the market administrator shall compute a base equal to that which such producer would have established had the plant to which he ships his milk been a pool plant during the entire base-forming period.

§ 986.66 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base-forming period;

(b) Base may be transferred during the months of March through June only in the following manner:

(1) In the event of death, retirement or entry into military service of a producer, the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy enterprise, such transfer to be effective the first of the month following notification of the market administrator in writing of the person to whom such base is to be transferred;

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to either of the joint holders, or it may be divided, but only if the joint holders are members of the same family, and only upon application to the market administrator prior to the month in which the division is to become effective: *Provided,* That such application sets forth the percentage of the jointly held base which is to be assigned to each of the joint holders or his heirs and is signed by each joint holder or his heirs.

(c) A producer who ceases to deliver milk to a pool plant for more than 45 consecutive days during the six months prior to March 1, shall forfeit his base for the following base-utilization period.

§ 986.67 *Announcement of established bases.* On or before February 25 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer, of the daily average base established by the producer.

DETERMINATION OF UNIFORM PRICES

§ 986.70 *Computation of value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 986.46 by the applicable class price (adjusted pursuant to §§ 986.51 and 986.52) and add together the resulting amounts;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 986.46 (a) (2) (3) and (4) and the corresponding step of § 986.46 (b) by the rate of compensatory payment as determined pursuant to § 986.53;

(c) Add an amount computed by multiplying the pounds of any overage deducted from either class pursuant to § 986.46 (a) (9) and the corresponding step of § 986.46 (b) by the applicable class price(s); and

(d) Add any charges computed as follows: For any skim milk or butterfat in inventory reclassified pursuant to § 986.43 (b), which is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant(s) for the preceding month, a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price for the preceding month;

§ 986.71 *Computation of the uniform price.* For each of the months of July through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 4.0 percent butterfat content, at Wichita Falls, Texas, as follows:

(a) Combine into one total the values computed pursuant to § 986.70 for the producer milk of all handlers who submitted reports prescribed in § 986.30 and who have made the payments pursuant to §§ 986.80 and 986.82 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 986.73, and multiply the resulting figure by the total hundredweight of such milk;

(c) Add an amount equal to the total value of all allowable location adjustments to producers pursuant to § 986.74;

(d) Add an amount equal to not less than one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 986.72 *Computation of uniform prices for base and excess milk.* For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base and for excess milk, each of 4.0 percent butterfat content, at Wichita Falls, Texas, as follows:

(a) Compute the total value of excess milk for all handlers who submitted reports pursuant to § 986.30, and who have made the payments pursuant to §§ 986.80 and 986.82 as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply any additional hundredweight of excess milk not included in subparagraph (1) of this paragraph by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 per cent butterfat received from producers;

(c) Subtract the total value of excess milk obtained in paragraph (a) of this section from the total value of milk computed pursuant to § 986.71 (a) to (d) and adjust by any amount involved in the adjustment of the uniform price of excess milk to the nearest cent;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat received from producers.

§ 986.73 *Butterfat differential to producers.* The applicable uniform price(s) to be paid each producer shall be increased or decreased for each one-tenth of one percent that the average butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 986.51, dividing by the total pounds of butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 986.74 *Location adjustment to producers.* In making payments to producers pursuant to § 986.80, for the months of July through February, each handler may deduct, for each hundredweight of milk, and for the months of March through June for each hundredweight of base milk received from producers at a pool plant which is located outside the State of Texas, 5 cents per hundredweight plus an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 100 miles from the City Hall in Wichita Falls, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator.

PAYMENTS

§ 986.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month, to each producer who did not discontinue shipping milk to such handler during the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month;

(2) On or before the 15th day of the following month, an amount equal to not less than the applicable uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 986.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided,* That if by such date such handler has not received full payment pursuant to § 986.83, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler for the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall:

(i) Pay to the cooperative association on or before the 27th and 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section, an amount equal to the gross sum due for all milk received from certified members, less amounts owed by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer;

(ii) Submit to the cooperative association on or before the 10th day of each month written information which shows for each member-producer (a) the total pounds of milk received during the preceding month, (b) the total pounds of butterfat contained in such milk, (c) the number of days of production included in such receipts, (d) for the months of March through June, the amount of base and excess milk received, and (e) the amounts withheld by the handler in payment for supplies sold; and

(iii) Submit to the cooperative association on or before the 25th day of each month written information which shows for each such member-producer the total pounds of milk received during the first 15 days of the current month.

The foregoing payment and submission of information shall be made with respect to the milk, of each producer who the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association; and

(2) A copy of each such request, promise to reimburse, and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audits of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

§ 986.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 986.62, 986.82, and 986.84, and out of which he shall make all payments to handlers pursuant to §§ 986.83 and 986.84: *Provided,* That any payments due to any handler may be offset by any payments due from such handler.

§ 986.82 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of producer milk as computed pursuant to § 986.70 for such month is greater than the amount required to be paid by him for such milk pursuant to § 986.80.

§ 986.83 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 986.70, for such month is less than the amount required to be paid producers by such handler pursuant to § 986.80: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 986.84 *Adjustments of accounts.* Whenever audit by the market administrator or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such errors occurred.

§ 986.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 986.80 shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section) make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of such deductions and the amount of milk for which such deduction was computed for each producer.

§ 986.86 *Expense of administration.* On or before the 15th day after the end of each month, each handler who operates a pool plant shall pay to the market administrator, as his pro rata share of the expense of the administration of this part, 5 cents or such lesser amount as the Secretary may prescribe for each hundredweight of butterfat and skim milk contained in (a) producer milk, including such handler's own production, and (b) other source milk classified as Class I milk; and each handler who operates a nonpool plant, not subject to the classification and pricing provisions of another Federal order, shall make such payment only with respect to Class I milk disposed of within the marketing area on routes.

§ 986.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund of such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 986.90 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 986.91 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 986.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 986.93 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 986.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 986.101 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 12th day of August 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-6569; Filed, Aug. 14, 1958; 8:52 a. m.]

[7 CFR Part 1003]

[Docket No. AO-269-A1]

DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

DECISION WITH RESPECT TO PROPOSED AMENDMENT OF MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 23 F. R. 4027, 4779), a public hearing was held April 10 and 11, 1958, at Coachella, California, on proposals to amend Marketing Agreement No. 127 and Order No. 103 (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California. Notice of the hearing was published in the FEDERAL REGISTER (23 F. R. 1960) on March 25, 1958. The marketing agreement and order are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and any amendment which may result from this proceeding also will be effective pursuant to said act.

On the basis of the evidence introduced at the hearing, and the record thereof, the Acting Deputy Administrator, Marketing Services, Agricultural Marketing Service, on July 14, 1958, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 58-5446; 23 F. R. 5454).

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 58-5446; 23 F. R. 5454) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein, except as may otherwise be stated in this decision.

Clarifying change. The proposed revision of § 1003.45 (c), set forth in the second column on page 5464 (23 F. R. 5464), and the fourth paragraph in the third column on page 5458 (23 F. R. 5458) of the discussion thereof, should be clarified to express the intended meaning of such revised § 1003.45 (c). In the proposed revision of § 1003.45 (c), it is provided that a handler who has had more dates certified for handling or further processing than he subsequently shipped or otherwise handled may, upon request to the committee and with its approval, have any of such excess quantity of the certified dates "removed" from certification and his withholding and assessment obligations adjusted accordingly. Some of such dates for which removal from certification was proposed would be handled at a later date and it was not intended that a subsequent inspection and certification of these dates would be required. Moreover, it would be difficult to remove the evidence of certification from the containers of such dates. For order purposes, it would be sufficient that "removal" of certification on these dates be accomplished simply by an adjustment in the records of the committee, and the committee would hold the recording of such dates in suspension from other dates certified for handling or further processing. Therefore, the fourth paragraph (23 F. R. 5458) of the discussion under material issue (12) is revised to read as follows:

Handlers generally do not go to the expense of preparing dates and having them certified for handling or for further processing unless they have good reason for expecting to ship them. However, it is possible certified dates may become damaged or be diverted to outlets other than for free dates, or a handler may have dates certified in excess of the quantity for which he has markets. Also, a handler may desire to have certifications on dates he has not shipped suspended from recording, and hence a postponement of his assessment and withholding obligations until the succeeding crop year so the obligations of the new crop year, rather than of the then current crop year, will apply. To take care of such eventualities, present § 1003.45 (c) should be amended to provide that a handler who has dates which have been certified for handling or for further processing may, upon request to the committee and with its approval, have such dates suspended from certifications of record or, if damaged or the outlet changed, removed from certification, and his withholding and assessment obligation adjusted accordingly. Upon handling any such dates, or having the suspension removed, the handler should, of course, be required to meet the applicable withholding and assessment obligations effective at that time. This is consistent with the requirements that handlers meet the assessment and withholding obligations on dates actually handled.

A corresponding change is made in the provisions of proposed § 1003.45 (c).

Ruling on exceptions. Within the period reserved therefor, a set of two exceptions to the recommended decision was filed by Venus Foods, Los Angeles, California, a handler of dates. Each of the exceptions was carefully and fully considered in conjunction with the evidence in the record and the relevant discussions in the recommended decision in arriving at the findings, conclusions, and regulatory provisions set forth in this decision. To the extend that the exceptions are at variance with the findings, conclusions, and actions decided upon herein, such exceptions are overruled.

One exception relates to the proposed addition of new § 1003.48. The provisions of this section would authorize the Secretary to establish a container regulation for dates if he should find upon the basis of a recommendation by the committee or other available information that such regulation would tend to effectuate the declared policy of the act. The exceptor, although favoring standardization of date containers, states that such regulation would unfairly restrict the operations of each handler and hence tend to reduce industry sales of dates. The proposed authorization was justified on the basis of the evidence in the record, as stated in the discussion of material issue (14) (23 F. R. 5460) of the recommended decision. In addition, the evidence indicates that the committee should, of course, obtain adequate information and data on the relationship of date containers to sales and pricing of dates prior to the committee recommending any container regulation. Consideration of such information and data by the committee would serve to assure that any container regulation recommended by it would be designed to enhance the market position of dates. In any event, container regulations recommended by the committee may not be established under the proposed order unless the Secretary finds that such regulation would tend to effectuate the declared policy of the act. It should be noted that proposed § 1003.48 authorizes, but does not require, the establishment of container regulations. Accordingly, such exception is denied.

The other exception relates to the proposed revision of § 1003.56 which would eliminate, under certain conditions, macerated dates as an outlet for substandard dates. The exceptor states that a handler should have the right to decide whether to macerate substandard dates for use in products for human consumption or to divert such dates to nonhuman food products. The proposed revision of § 1003.56, as discussed in the recommended decision, was based on evidence of record to the effect that the use of substandard dates in products for human consumption should not be permitten when the quantity of restricted dates is expected to be in excess of the demand for dates in the available outlets for such products; and, by additional grade or size regulation for restricted dates, supply is being adjusted to demand by causing a greater proportion of the crop to be designated as substandard dates. If any dates so designated as substandard dates were permitted to supply one of the larger outlets for restricted dates (e. g., macerated dates), no useful purpose would be served by the additional grade or size regulation. However, it could happen, during a crop year after the quantity of marketable dates (including restricted dates) available for products for human consumption has been reduced by additional grade or size regulation, that the committee may find, due to changes in its prior estimates of supply or demand, that returns to producers would tend to be increased, and users better supplied, if substandard dates were also permitted to be used in certain products for human consumption. Therefore, recognition is given to the foregoing exception, insofar as it indicates the need for more flexibility in the provisions of proposed § 1003.56, by authorizing the committee, with the Secretary's approval, to permit substandard dates to be used in such products for human consumption as may be so approved. Hence the exception is denied insofar as it pertains to a handler's election to use substandard dates in any such

products in the absence of prior Secretarial approval of such use.

To the extent that the discussion of issue (16) (23 F. R. 5461) in the recommended decision is inconsistent with the foregoing, the discussion is hereby modified to accord therewith.

On the basis of the foregoing, the proviso appearing in proposed § 1003.56 (23 F. R. 5465) is revised so as to permit the use of substandard dates of any variety in specified products for human consumption whenever the committee concludes and the Secretary finds that the use of such dates in these products would tend to effectuate the declared policy of the act.

Amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of California" and "Order Amending the Order Regulating the Handling of Domestic Dates Produced or Packed in Los Angeles and Riverside Counties of California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the said rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

It is hereby ordered, That all of this decision, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the annexed order which will be published with this decision.

Dated: August 12, 1958.

TRUE D. MORSE,
Acting Secretary.

Order[1] *Amending the Order Regulating the Handling of Domestic Dates Produced or Packed in Los Angeles and Riverside Counties of California*

§ 1003.0 *Findings and determinations*—(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900; 23 F. R. 4027, 4779), a public hearing was held at Coachella, California, on April 10–11, 1958, on a proposed amendment of Marketing Agreement No. 127, and Order No. 103 (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as hereby amended, regulates the handling of domestic dates produced or packed in Riverside, Orange, and Los Angeles Counties and that portion of San Bernardino County lying west of 116 degrees W. longitude, located within the State of California in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as hereby amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of dates in the area of production covered by the order, as hereby amended, which would require different terms applicable to different parts of such area; and

(5) All handling of dates produced or packed in the area of production, as hereby amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

It is therefore, ordered, That, on and after the effective date hereof, all handling of dates produced or packed in the area of production shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as hereby amended as follows:

1. Revise the provisions of § 1003.4 to read as follows:

§ 1003.4 *Area of production.* "Area of production" means the Counties of Riverside, Orange and Los Angeles, and that portion of San Bernardino County lying west of 116 degrees W. longitude, located within the State of California.

2. Insert in § 1003.9, between the words "production" and "shall", the phrase "or the movement of dates by a handler to storage for his account within the area of production".

3. Delete from § 1003.11 the words "the quantity of marketable" and insert, in lieu thereof, the words "the aggregate quantity of whole dates and pitted".

4. Delete from § 1003.12 the phrase, "minimum grade permitted to be handled by the regulations imposed by this part", and insert, in lieu thereof, the phrase, "applicable minimum grade then in effect pursuant to § 1003.39 and any additional, applicable requirements pursuant to § 1003.40, which may then be in effect for restricted dates."

5. Add a new § 1003.15 as follows:

§ 1003.15 *Substandard dates.* "Substandard dates" means those dates which fail to meet the requirements for marketable dates but are not cull dates.

6. Add a new § 1003.16 as follows:

§ 1003.16 *Cull dates.* "Cull dates" means dates which fail to meet the requirements (with respect to freedom from defects) prescribed in section 709 of the Agricultural Code of California for dates for use in products or by-products other than alcohol, brandy, and products not intended for human consumption.

7. Add a new § 1003.17 as follows:

§ 1003.17 *Graded dates.* "Graded dates" means those dates which are eligible for certification as marketable dates.

8. Renumber present § 1003.15 as § 1003.18.

9. Renumber present § 1003.16 as § 1003.19 and revise its provisions to read as follows:

§ 1003.19 *Cooperative marketing association.* "Cooperative marketing association" means a cooperative marketing association of date growers organized under the laws of the State of California.

10. Renumber § 1003.17 as § 1003.20 and amend said section by deleting "and Riverside Counties of California", and inserting in lieu thereof, ", Riverside and Orange Counties, and that portion of San Bernardino County lying west of 116 degrees W. longitude located within the State of California".

11. Delete §§ 1003.21, 1003.22, 1003.23 and 1003.24, and insert, in lieu thereof, the following:

§ 1003.21 *Establishment of Date Administrative Committee.* A Date Administrative Committee, composed of seven members with an alternate member for each such member, is hereby established to administer the terms and conditions of this part: *Provided*, That the number of members and alternates may be changed consistent with findings made pursuant to § 1003.22 (b).

§ 1003.22 *Membership representation.* (a) Members and alternate members shall, until such time as a realignment of the committee membership is effected pursuant to paragraph (b) of this section, be selected by the Secretary from each of the following groups and on the following basis:

(1) One member from handlers, each of whom produced during the then current crop year to February 28 at least 51 percent of all of the dates handled by him during such period, and producers, each of whom delivered to such handlers during the then current crop year to February 28 at least 50 percent of his deliveries to all handlers during such period;

(2) Three members from cooperative marketing associations of whom one shall be an employee and serve as a handler member of the committee, and two shall be from among the producer members of such associations;

(3) Three members from all other handlers and producers of whom two shall be handler members selected from among such other handlers, and one shall be a producer member selected from among such other producers.

The foregoing representation is based on each member representing approximately 14.28 percent of date tonnage handled.

(b) Whenever the Secretary finds that any change in tonnage handled in any group is equivalent to more than one-half of the basic 14.28 percent for a member, he shall so notify the committee and thereafter nominations and selections of members and alternates in that group shall be in such numbers and follow such alignment as the Secretary may determine: *Provided*, That each group shall be entitled to at least one member and alternate. Any such realignment shall be based on the tonnage of dates acquired from producers and certified for handling or further processing during the then current crop year to February 28. Any increase or decrease in the number of members representing a particular group shall not be dependent upon a change in membership representation of any other group nor shall any increase or decrease in the total number of members on the committee change the basic percentage herein established for tonnage representation for members. Except for the group specified in paragraph (a) (1) of this section, any change in the nomination and selection of members for any group shall be made so as to keep producer members and handler members in balance insofar as possible.

§ 1003.23 *Term of office.* The term of office for members and alternate members shall be one year ending on May 14 but each such member and alternate member shall continue to serve until his successor has been selected and has qualified.

§ 1003.24 *Nominations.* (a) Each group specified in § 1003.22 (a) may nominate, at a nomination meeting or meetings held on or before April 15 of each year, members and alternates to represent the group. With respect to the group specified in § 1003.22 (a) (3), separate meetings of handlers and of producers shall be held to nominate the handler representatives and producer representatives, respectively.

(b) At any meeting of the group specified in § 1003.22 (a) (1), each producer and each producer-handler shall be entitled to one vote for each position to be filled. At the respective meetings of the cooperative marketing associations in the group specified in § 1003.22 (a) (2), and of the handlers in the group specified in § 1003.22 (a) (3), each such association and each such handler shall be entitled to vote for each position to be filled as a representative for the particular group; and each such vote shall be weighted by the tonnage of dates acquired from producers and certified, for handling or for further processing, through February 28 of the then current crop year. At any meeting of the producers in the group specified in § 1003.22 (a) (3), each such producer shall be entitled to one vote for each position to be filled. The individual receiving the highest number of votes for a position shall be the nominee. Immediately after the completion of the meetings covered by this section, the committee shall report to the Secretary the nominees for each position together with a certificate of all necessary tonnage data and other information deemed by the committee to be pertinent or which is requested by the Secretary. The Secretary shall select, in his discretion, members and alternates from such nominees or from other qualified persons; but any such selection shall be from the groups, and on the basis, prescribed in § 1003.22. However, the Secretary shall allow a reasonable time for nominations to be received before proceeding with any selection without regard to nominations.

12. Delete from § 1003.31 the second and third sentences and insert, in lieu thereof, the following two sentences: "All decisions of the committee shall be by an affirmative vote of at least two-thirds (in case of fractional numbers, rounded to the nearest whole number) of the members of the committee. The presence of two-thirds, determined in the same way, of the members of the committee shall be required to constitute a quorum."

13. Amend § 1003.34 (a) to read as follows:

(a) Its estimate of the total date production separated as to marketable dates and dates of other grades and, when applicable, sizes, which will be produced in such crop year;

14. Amend § 1003.34 (e) by inserting the words "and size" after the word "grade".

15. Delete from § 1003.39 the first sentence and insert, in lieu thereof, the following sentence: "In order to effectuate the declared policy of the act all whole dates and pitted dates handled under this subpart shall meet the requirements of U. S. Grade C, or, if for further processing, U. S. Grade C (Dry), of the effective United States Standards for Grades of Dates: *Provided*, That the Secretary may, upon recommendation of the committee, prescribe other minimum standards of quality."

16. Delete from § 1003.39 the last sentence and insert, in lieu thereof, the following two sentences: "Notice of the minimum standard regulation shall be sent by the committee to all handlers of record. On and after the effective date of such regulations no handler shall handle dates except in accordance with such minimum standard."

17. Delete § 1003.40 and insert, in lieu thereof, the following:

§ 1003.40 *Additional grade or size regulations.* Whenever the committee deems it advisable to establish grade or size requirements for any variety of dates, in addition to the minimum standard provided pursuant to § 1003.39, to govern dates of such variety to be handled or to be withheld to meet restricted obligation, or both, it shall recommend to the Secretary requirements as to grade based on the effective United States Standards for Grades of Dates or any modification thereof, and such size requirements as it may deem appropriate. If the Secretary finds, upon the basis of such recommendation or other information available to him, that such additional grade or size regulation, or both such regulations, will tend to effectuate the declared policy of the act, he shall establish such regulations. Notice thereof, showing the effective date, shall be sent by the committee to all handlers of record. On and after the effective date no handler shall handle dates of such variety or withhold such dates to meet withholding obligation except in accordance with such regulations.

18. Amend § 1003.41 in the following respects: (1) Revise § 1003.41 (a) and (b) to read as follows:

§ 1003.41 *Inspection*—(a) *Packed dates.* Prior to handling any dates packed for handling each handler shall, at his own expense, cause: (1) An inspection to be made of such dates in order to ascertain if such dates meet the applicable grade and size regulations prescribed or provided for in this part; and (2) a certification for handling to be made of all such dates as meet such grade and size regulations.

(b) *Dates for further processing.* Prior to handling any dates for further processing each handler shall, at his own expense, cause: (1) An inspection to be made to ascertain if such dates meet the applicable grade and size requirements effective pursuant to § 1003.39 or § 1003.40, except for character associated with moisture; and (2) a certification for further processing to be made of all such dates as meet such grade and size requirements: *Provided*, That such inspection and certification requirements shall not apply to interhandler transfers within the area of production of field-run dates or graded dates.

(2) Change in the first sentence of § 1003.41 (a), the word "shipped" to the word "handled".

19. Change in § 1003.44 (b) the word "shipped" to "handled".

20. Delete § 1003.45 (a) and insert, in lieu thereof, the following:

(a) Whenever free and restricted percentages for any variety of dates have been established for a crop year by the Secretary in accordance with § 1003.44, each handler shall, at the time of having dates of such variety certified for handling or for further processing, withhold from handling a quantity of marketable dates of such variety having a weight equal to the restricted percentage for such variety referable to the dates so certified. The weight required to be withheld shall be determined by dividing the restricted percentage by the free percentage and applying the resultant withholding percentage, rounded to the

[1] This order shall not be come effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met. When this order becomes effective, the heading thereof that will appear in Title 7 of the Code of Federal Regulations will be "Part 1003—Domestic Dates Produced or Packed in a Designated Area of California".

nearest one-tenth of one percent, to the weight of dates so certified. The withholding percentage, computed as aforesaid, shall be established by the Secretary. When pitted dates are certified, the weight to be withheld shall be determined by dividing the weight of the pitted dates certified for handling or further processing by 0.90 and applying the withholding percentage.

21. Delete § 1003.45 (c) and insert, in lieu thereof, the following:

(c) At any time during the crop year dates may be inspected and certified for handling or for further processing as provided in § 1003.41. Dates so certified shall, at the time of certification, be identified by appropriate seals, stamps, or tags to be furnished by the committee and to be affixed to the containers by the handler under the direction and supervision of the committee or its designated inspectors. The assessment requirements in § 1003.72 as well as the withholding obligation prescribed in paragraph (a) of this section shall be met at the time of certification. However, a handler who has had more dates certified for handling or further processing than he subsequently shipped or otherwise handled may, upon request to the committee and with its approval, have any of such excess quantity of the certified dates suspended from certification of record or, if damaged or the outlet changed, removed from certification, and his withholding and assessment obligations adjusted accordingly. A handler, who has had dates certified for handling or further processing and has not had them so suspended from certification of record or removed from certification, may carry such certified dates over into the new crop year and need not pay the assessment nor meet the requirements of any withholding percentages established for such year.

22. Insert after § 1003.45 (d) new paragraphs (e) and (f) as follows:

(e) On request to the committee and with its approval, a handler may, in accordance with the provision of this paragraph and any applicable rules and regulations which the committee may prescribe with the approval of the Secretary, defer until any date not later than July 31 of the crop year the meeting of any portion of his obligation to withhold restricted dates by setting aside such amount of graded dates as will assure a quantity of marketable dates equal at least to the quantity needed to be withheld from handling to meet his withholding obligation. With respect to any such dates the handler may set aside in connection with such a deferment, the committee may require, if it deems it necessary, the handler to have made, at his own expense, such inspection as may be necessary for a determination as to whether such dates conform to the applicable requirements for dates that may be set aside under this paragraph. As a condition to the committee approving the deferment, the handler shall agree in writing that: (1) He will adequately mark and identify the set-aside graded dates as such and hold them separate and apart from other dates; (2) the graded dates will not be removed from the stacks in which so set aside without the prior written permission of the committee; (3) inspection of the dates by the committee will be permitted at any reasonable time; and (4) if the quantity, quality, or size of the set-aside dates is found by the committee at any time to be deficient, the handler will promptly set aside such additional or substitute quantity of graded dates as is necessary to correct the deficiency.

(f) Upon the committee prescribing, with the approval of the Secretary, minimum standards for inspection of field-run dates and appropriate administrative rules and regulations, a handler may, in accordance therewith and the provisions of this paragraph, satisfy all or any part of his obligation to withhold restricted dates by setting aside field-run dates or by disposing of field-run dates in outlets prescribed in, or pursuant to, § 1003.56. The field-run dates shall be of such quality or size as shall be prescribed in such rules and regulations. The setting aside, direct disposal, and disposal of any field-run dates set aside shall occur prior to July 31 of the crop year in which the withholding obligation occurs. Prior to the disposal or setting aside of the field-run dates, the handler shall have had them inspected to determine the weight of dates eligible to satisfy withholding obligation. Upon such disposal or setting aside of the field-run dates, the handler shall be credited with satisfaction of his restricted obligation to the extent of the eligible weight of dates. In permitting the handler to so satisfy his withholding obligation the committee shall require the handler to agree in writing that: (1) Any field-run dates set aside will be held separate and apart from other dates and appropriately marked; (2) such dates will not be removed from the stacks in which so set aside for substitution of other dates, disposition, or for any other reason without prior written permission of the committee; and (3) inspection of said dates by the committee will be permitted at any reasonable time. In order to satisfy a withholding obligation by direct disposal of field-run dates into cull outlets, the disposal shall be under the supervision of the committee and through persons on a committee approved list of feeders and manufacturers. The handler may, upon giving prior notice to the committee of any of the following proposed actions with respect to field-run dates withheld and obtaining its approval, (i) dispose of any such set-aside, field-run dates in the same manner as provided for direct disposal (ii) grade such dates and have the graded dates certified as marketable dates and withhold or dispose of such marketable dates as restricted dates, or (iii) substitute for the set-aside, field-run dates an equivalent quantity of marketable dates which he shall withhold or dispose of as restricted dates.

23. Add a new § 1003.48 as follows:

§ 1003.48 *Container regulation.* Whenever the committee deems it advisable to establish a container regulation for any variety of dates, it shall recommend to the Secretary the size, capacity, weight, or pack of the container, or containers, which may be used in the handling or packaging of dates, or both. If the Secretary finds upon the basis of such recommendation or other information available to him that such container regulation would tend to effectuate the declared policy of the act, he shall establish such regulation and notice thereof showing the effective date shall be sent by the committee to all handlers of record. After the effective date of such regulation, no handler shall handle dates of such variety except in accordance with such regulation and all other applicable requirements in effect pursuant to this part.

24. Delete from § 1003.51 the first sentence and insert, in lieu thereof, the following: "Transfers of dates may be made from one handler to another, and each handler who so transfers any such dates shall immediately upon the completion of the particular transfer notify the committee of the transfer, specifying the date of the transfer, the quantity and variety of dates involved, and the name of the receiving handler."

25. Add a new § 1003.54 as follows:

§ 1003.54 *Disposition of other than free dates.* Dates other than free dates shall not be used or otherwise disposed of except as provided in §§ 1003.55 and 1003.56.

26. Delete §§ 1003.55, 1003.56, and 1003.57 and insert, in lieu thereof, the following:

§ 1003.55 *Outlets for restricted and other marketable dates.* Restricted dates may be disposed of only through exportation to such countries as the committee may approve or by diversion in such form as rings, chunks, pieces, butter, macerated, or paste, or any other products which the committee concludes to be appropriate and which will result in the dates moving into consumption in a form other than that of whole dates or pitted dates. Dates other than restricted dates may also be so disposed of if they are inspected and certified as meeting the requirements for marketable dates. However, the provisions of this section shall not preclude any such dates from being disposed of in the outlets for substandard dates and cull dates prescribed in § 1003.56.

§ 1003.56 *Outlets for substandard and cull dates.* Substandard dates and cull dates may be disposed of without inspection, but only in feed, non-table syrup, alcohol, or brandy outlets, or in such other outlets for non-human food products as the committee concludes are non-competitive with the outlets for free and restricted dates: *Provided*, That whenever the committee concludes and the Secretary finds that the use of substandard dates of any variety in certain products for human consumption would tend to effectuate the declared policy of the act, the Secretary shall specify such products, and dates of such variety that are inspected and certified as substandard dates may be disposed of for use, or used, in such products.

§ 1003.57 *Approved manufacturers or feeders for diversion of restricted, other marketable, substandard, and cull dates.* (a) Diversion, pursuant to § 1003.55 or § 1003.56, of restricted dates, other marketable dates, substandard dates, or cull dates shall be accomplished only by such persons (which may include handlers) as are approved manufacturers or feeders. Any person may become an approved manufacturer or feeder if he (1) submits an application to the committee in which he agrees, as a condition to approval of his application, to furnish to the committee such information as it may require and to comply with the requirements and restrictions relative to the use and disposition of such dates, as set forth in this part, and (2) receives from the committee written approval of his application. The application and approval shall be in accordance with such rules, regulations and safeguards as may be prescribed pursuant to § 1003.59.

§ 1003.58 *Terminal dates.* Dates covered by §§ 1003.55 and 1003.56 shall, by September 30 of the subsequent crop year (a) in accordance with the applicable requirements of such sections, be disposed of, or be converted from their whole or pitted form; or (b) be set aside and marked for disposition pursuant to the applicable requirements of such sections. The committee may prescribe, with the approval of the Secretary, such rules, regulations and safeguards, pursuant to § 1003.59, as may be necessary to prevent dates covered by §§ 1003.55 and 1003.56 from interfering with the objectives of this part.

27. Renumber existing § 1003.58 as § 1003.59.

28. Amend § 1003.61 to read as follows:

§ 1003.61 *Reports of handler carry-over.* Each handler shall file each year with the committee written reports of his carry-over of dates as of January 1, June 1, and August 1, and at such other times as the committee may prescribe. Such reports shall be filed within 15 days of the respective dates.

29. Amend § 1003.64 to read as follows:

§ 1003.64 *Reports on disposition of restricted, other marketable, substandard and cull dates.* Each handler disposing of any quantity of restricted dates or other marketable dates, substandard dates, or cull dates for which disposition is prescribed in §§ 1003.55 and 1003.56 shall promptly thereafter report such disposition to the committee in such form as the committee may prescribe.

30. Delete from § 1003.72 the fourth sentence.

31. Amend § 1003.74 to read as follows:

§ 1003.74 *Refunds.* Excess funds held by the committee at the conclusion of a crop year may be used to defray expenses for no more than the ensuing four months and thereafter, within a reasonable time, the committee shall credit or, upon demand, refund the aforesaid excess to handlers who contributed to such excess. A handler's share of the excess funds shall be the amount of assessments he paid in excess of his actual pro rata share of the expenses of the committee.

32. Add a new § 1003.76 as follows:

§ 1003.76 *Compliance.* No handler shall handle any dates (including dates for further processing) except in conformity with, and as authorized by or pursuant to, the applicable provisions of this part, including but not being limited to the regulations relating to grade, size, and volume; and no handler shall use or otherwise dispose of restricted dates or any other dates which have not been certified for handling or for further processing except in conformity with, and as authorized by or pursuant to, the applicable provisions of this part.

33. Insert "or for further processing" immediately after the words "handled or certified for handling" wherever such words appear in §§ 1003.46, 1003.50, 1003.72 and 1003.73.

Order Directing That Referendum Be Conducted; Designation of Agents To Conduct Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1957, through July 31, 1958 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the production of dates for market to ascertain whether such producers favor the issuance of an order amending the marketing order regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California. Such amendatory order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. Producers eligible to participate in the referendum are those who were so engaged in the production of Deglet Noor, Zahidi, or Khadrawy varities of dates produced or packed in Riverside, Orange and Los Angeles Counties, and that portion of San Bernardino County lying west of 116 degrees W. longitude, located within the State of California.

W. C. Noland, Edmund J. Blaine, M. G. Young, and E. C. Holly, of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176), except that paragraph (a) (3) thereof is hereby modified for the purpose of this referendum to read as follows:

(3) Any individual casting a ballot in such referendum on behalf of a producer shall submit, with the ballot, evidence of his authority to cast such ballot, which evidence in the case of a corporation or a cooperative association shall be in the form of a certified copy of a resolution of the Board of Directors: *Provided*, That, corporations, other than cooperative associations, casting a ballot in such referendum, need not furnish the aforesaid resolution in the event the person signing said ballot on behalf of the corporation executes the following certification: "I hereby certify that I am an officer or employee of the corporate producer for whom this ballot is cast, and that I have authority to take such action on behalf of such corporation."

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D. C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from Warren C. Noland, Western Marketing Field Office, 1031 So. Broadway, Room 1005, Los Angeles 15, California.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

[F. R. Doc. 58-6568; Filed, Aug. 14, 1958; 8:51 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 202]

[File No. 21-363]

SUN GLASS INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

In the matter of proposed amended trade practice rules for the Sun Glass Industry (16 CFR Part 202).

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, affected by or having an interest in the proposed amended trade practice rules for the Sun Glass Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. Industry members may also present their views regarding the desirability of an industry trade practice committee provision in the form appended to the proposed amended rules for the industry. For this purpose copies of the proposed amended rules may be obtained upon request to the Commission. Such views, suggestions, or objections may be submitted by letter, memorandum, brief or other communication, to be filed with the Commission not later than September 9, 1958. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., e. d. t., Tuesday, September 9, 1958, in the Yacht Lounge of the Barbizon-Plaza Hotel, 106 Central Park South, New York, N. Y., to

any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented orally or in writing, the Commission will proceed to final action on the proposed amended rules.

The industry for which amended trade practice rules are under consideration in these proceedings consists of persons, firms, corporations, and organizations engaged in the manufacture, assembly, sale, or distribution in commerce of sun glasses and sun glass lenses and other glasses and lenses which are used to provide protection for the eyes from sun glare, strong light, or other similar conditions, and frames and other parts for such glasses. The glasses and lenses covered are eye-protective, not eye-corrective, devices.

These proceedings were instituted upon application by an industry group for amendment of the existing rules for the industry which were promulgated by the Commission on October 31, 1951. The announced hearing constitutes the first step in the proceedings.

Issued: August 12, 1958.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-6559; Filed, Aug. 14, 1958; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 324]

[No. 32464]

UNIFORM SYSTEM OF ACCOUNTS FOR CARRIERS BY INLAND AND COASTAL WATERWAYS

EXTENSION OF TIME TO FILE WRITTEN VIEWS OR SUGGESTIONS

AUGUST 6, 1958.

This rule making proceeding was instituted pursuant to a notice dated July 18, 1958, which was published in the FEDERAL REGISTER on July 29, 1958 (23 F. R. 5696), according to the terms of which notice written views or suggestions could be filed with the Commission's Secretary on or before August 31, 1958.

Requests have been made for additional time to consider and file such responses and, good cause appearing, the time within which any interested person may file written views or suggestions to be considered in this connection has been extended to and including September 30, 1958.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58-6555; Filed, Aug. 14, 1958; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order No. 115]

ALASKA

ANCHORAGE LAND DISTRICT

JULY 29, 1958.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954, (19 F. R. 2473), I hereby classify the following described public lands totalling 93.39 acres in the Anchorage Land District, Alaska, as suitable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609, U. S. C. 682a), as amended, as follows:

ANCHORAGE AREA

NORTH NANCY LAKE UNIT

For Lease and Sale for Recreation or Business Sites

T. 19 N., R. 4 W., Seward Meridian,
Section 28: Lots 25, 33, 34 N½NW¼SE¼, W½SE¼NW¼SE¼.

Comprising 7 tracts totalling 37.22 acres.

For Lease and Sale for Recreation Sites

T. 19 N., R. 4 W., Seward Meridian,
Section 28: Lots 22–24, inc., 27, 29–32, inc., 35, 36, S½SE¼NW¼.

Comprising 10 tracts totalling 56.17 acres.

Aggregating 17 tracts containing 93.39 acres.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The North Nancy Lake Unit is located approximately 90 road miles north and west of Anchorage, Alaska. It lies largely on the shores of the northernmost portion of Nancy Lake and to some extent along the southerly shore of a small lake known locally as "Kelly Lake".

The lands lie in an area of one-time glacial activity, which is evidenced by rolling terrain with shallow soils overlying unconsolidated deposits of sand and gravel. Vegetative cover is varied. A few of the lots contain only scattered mature trees and a dense cover of second growth birch, aspen and willow, the apparent result of fire some years ago. However, the majority of the lots contain a park-like growth of mature birch and white spruce.

The area is presently accessible via the Alaska railroad and ten of the tracts are traversed by a rough, dry weather, dirt road. The area will soon be made readily accessible by the Houston-Willow Road, for which plans have been finalized and bids are about to be asked by the Bureau of Public Roads. Lots not traversed by the road do not have access at this time, but easements are provided herein to facilitate eventual access to each lot.

The area is primarily recreational and there are no public services available such as power, telephone, mail service, and schools. The nearest stores and other commercial facilities are located at Wasilla, some twenty miles to the southeast.

4. The individual tracts vary in size from 3.88 acres to 7.07 acres but most of them contain between 4 and 5 acres. A plat of survey showing the location of each tract can be secured for $1.00 from the Cadastral Engineering Office, Bureau of Land Management, Hawver Building, Anchorage, Alaska, or by mail through Post Office Box 480. Brochures which describe the area and contain sketch maps of the platting can be obtained free of charge from the Manager, Anchorage Land Office, Anchorage, Alaska. The appraised value of the tracts varies from $200 to $700 per tract as shown below. Rights-of-way, 50 feet in width, for street and road purposes and for public utilities, and 200 feet for the Alaska Railroad easement will be reserved as shown below. All minerals in the lands will be reserved to the United States.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above providing that during the period of their lease they either (a) construct the improvements specified in paragraph 7 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract in this opening unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. Improvements referred to in paragraph 5 above must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following minimum standards. The house or business structures must be of sound construction, be built of attractive materials, contain at least one door and one window, be firmly attached to a permanent foundation, and be finished suitable for occupancy or use. Adequate sanitary facilities must be provided and consist of either indoor plumbing, chemical toilet, or outhouse. Provision must be made for the disposal of garbage. If classified as a Recreation Site the house must be suitable for reasonable residence, contain a minimum of 120 square feet, outside dimensions, and insulation is not required. If classified and leased as a business site, the lessee must construct permanent building or buildings upon the tract that are suitable for the business engaged in.

The lease will be issued for a period of three years, at the appropriate annual rental listed above, which for a Recreation Site is calculated as being a sum equal to 1/20th of the appraised value for each of the three lease years. However, $10.00 will be the minimum annual rental charged. Rental on land classified for a Business Site is based on a percentage of the gross income as specified on Lease Form 4–776, provided, however, the minimum rental will be $20.00 per tract per year or 1/20th of the appraised price, whichever is higher. The payment of three years rental in advance is required. In the case of a Business Site, this advance rental will be the minimum rental for each of three years as explained above, subject to upward adjustment as determined by the volume of gross income derived.

3. Beginning at 10:00 a. m. on August 28, 1958 the lands will be open for filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans through a legally authorized representative, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Anchorage Land Office, 131 5th Avenue, Anchorage, Alaska.

Drawing-entry cards will be accepted if filed out in compliance with the instructions on the form and submitted to the above-named official prior to 10:00 a. m. on September 10, 1958. A drawing will be held on that date to select the successful entrants who will be sent copies of the lease form, Form 4–776, with instructions as to their execution and return and as to payment of fees and rentals. All entrants will be notified of the results of the drawing.

For a period of 91 days or until the close of business on December 10, 1958, any tracts remaining unappropriated will be subject to filing in the order received by qualified veteran applicants. Such filings will be executed upon the lease form, Form 4–776.

During the 21 day period extending between 10:00 a. m. on November 19, 1958 and December 10, 1958, drawing-entry cards will be accepted from the general public on any unappropriated parcels of the subject land, however, during this 21 day period veteran priority rights still prevail. A drawing will be held at 10:00 a. m. on December 10, 1958 to select successful entrants, after which the unappropriated portions of the subject land will be open to application under this classification in order of filing. All entrants will be notified of the results of the drawing and successful entrants will be sent copies of the lease forms with instructions as to their execution. Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge.

The filing of the lease Form 4–776, must be accompanied by a filing fee of $10.00 plus the advance rental specified above. The advance rental for any unexpired full lease year, if any, subsequent to the filing of the application to purchase, will be subtracted from the sale price of the land as shown above. Failure to transmit the filing fee and the advance rental with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

L. T. MAIN,
Operations Supervisor, Anchorage.

NORTH NANCY LAKE UNIT

APPRAISAL SCHEDULE

Recreation or Business Sites

T. 19 N., R. 4 W., S. M.,
Section 28:

Lot No.	Acreage	50-foot road easement	Advance rental 3 years	Appraised price
25	5.46	Hwy, W	$69	$460
W½NW¼NW¼SE¼	5.00	Hwy. S, W	45-60	300
E½NW¼NW¼SE¼	5.00	Hwy. S, E	30-60	200
W½NE¼NW¼SE¼	5.00	Hwy. S, W	36-60	240
E½NE¼NW¼SE¼	5.00	Hwy., ARR & S	30-60	200
33 and NW¼SE¼NW¼SE¼	6.91	N, E	69-69	460
34 and SW¼SE¼NW¼SE¼	4.85	S, E	57-60	380

Recreation Sites

T. 19 N., R. 4 W., S. M.,
Section 28:

22 and NE¼SE¼SE¼NW¼	7.07	N, E	$63	$420
23	4.04	W	51	340
24	3.88	Hwy, E	54	360
27	6.57	W, S	54	360
29 and W½SW¼SE¼NW¼	5.82	Hwy, W	72	480
30 and E½SW¼SE¼NW¼	5.86	Hwy, E	96	640
31 and W½SE¼SE¼NW¼	7.06	Hwy, W	105	700
32 and SE¼SE¼SE¼NW¼	6.03	Hwy, E	99	660
35	4.18	N	45	300
36	5.66	S	57	380

[F. R. Doc. 58–6546; Filed, Aug. 14, 1958; 8:45 a. m.]

[California No. 548]

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER

AUGUST 7, 1958.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling approximately 90 acres in Shasta County, California, as suitable for disposition for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; U. S. C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 5 W.,
Sec. 10, Lots 1, 2, 12; SW¼NW¼.

Containing 90 acres, subdivided into 40 small tracts, of which 2 are covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to August 7, 1958, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,
Officer in Charge,
Northern Field Group,
Sacramento 14, California.

[F. R. Doc. 58–6547; Filed, Aug. 14, 1958; 8:45 a. m.]

Office of the Secretary

CERTAIN LANDS AND WATERS ADJACENT TO HOLLA BEND NATIONAL WILDLIFE REFUGE, ARKANSAS

NOTICE OF INTENTION TO DESIGNATE AS CLOSED AREA UNDER MIGRATORY BIRD TREATY ACT

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238, 5 U. S. C. 1003), and the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), as amended, notice is hereby given that the Secretary of the

Interior intends to issue a regulation designating as a closed area in which the pursuing, hunting, taking, capture or killing of migratory birds or attempting to take, capture, or kill migratory birds will not be permitted, those lands and waters adjoining the Holla Bend National Wildlife Refuge in Pope County, Arkansas, and comprising the bed of the Arkansas River approximately from river mile 242 to 250, including the waters thereof and those lands acquired by the Corps of Engineers for the Holla Bend Cutoff Project, together with the bed of the cutoff channel and the waters thereof.

All interested persons are hereby afforded an opportunity to participate in the formulation of the proposed regulation by submitting their views, data, or arguments in writing to D. H. Janzen, Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ROSS LEFFLER,
Assistant Secretary of the Interior.

AUGUST 11, 1958.

[F. R. Doc. 58-6548; Filed, Aug. 14, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

ORGANIZATION AND FUNCTIONS

INTERNAL AUDIT DIVISION

In Federal Register Document 58-5178 published at page 5171 in the issue for Tuesday, July 8, 1958, paragraph III A 3 should read as follows:

3. *Internal Audit Division.* The Internal Audit Division advises the Administrator in the formulation of plans and policies to insure sound and progressive audit practices and procedures; and formulates and administers a comprehensive audit program covering all operations of CSS, CCC, ASC State and County Offices, their agents and contractors. The Washington Field Office, Fiscal Division, Commodity Stabilization Service, Washington, D. C. and the ASC State and County Offices in the following States are served by the Internal Audit Division, Commodity Stabilization Service, Washington, D. C.: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and Virginia (except agents and contractors under peanut and cotton programs).

Done at Washington, D. C., this 30th day of July 1958.

[SEAL] CLARENCE D. PALMBY,
Acting Administrator, Commodity Stabilization Service.

Approved: August 6, 1958.

TRUE D. MORSE,
Under Secretary of Agriculture and President, Commodity Credit Corporation.

[F. R. Doc. 58-6573; Filed, Aug. 14, 1958; 8:53 a. m.]

Commodity Stabilization Service and Agricultural Marketing Service

H. C. ROBINSON ET AL.

NOTICE OF PUBLIC HEARINGS

Application of H. C. Robinson, Secretary, Lexington Tobacco Board of Trade, Lexington, Kentucky, for Tobacco Inspection and Price Support Services for Additional Sales on the Lexington Tobacco Market.

Application of Herbert Moore, Harrison Tobacco Warehouse, et al., Cynthiana, Kentucky, for Tobacco Inspection and Price Support Services for Additional Sales on the Cynthiana Tobacco Market.

Application of John M. Walton, President, The Maysville Tobacco Board of Trade, Inc., Maysville, Kentucky, for Tobacco Inspection and Price Support Services for Additional Sales on the Maysville Tobacco Market.

Application of Robert R. Broyles, President, Greeneville Tobacco Board of Trade, Inc., Greeneville, Tennessee, for Tobacco Inspection and Price Support Services for Additional Sales on the Greeneville Tobacco Market.

Notice is hereby given of public hearings to be held upon applications for tobacco inspection and price support services for additional sales on applicant tobacco markets. The date, time, and place of hearing for each application is as follows:

The hearing upon the application of H. C. Robinson, Secretary, Lexington Tobacco Board of Trade, 620 South Broadway, Lexington, Kentucky, will be held in Courtroom No. 2, U. S. Post Office, Courthouse and Customhouse Building, Sixth and Broadway, Louisville, Kentucky, beginning at 10:00 a. m., c. d. t., on August 25, 1958.

The hearing upon the applications of Herbert Moore, Harrison Tobacco Warehouse, Cynthiana, Kentucky; J. R. Peak, Pepper-Peak Florence Tobacco Warehouse Company, Cynthiana, Kentucky; W. G. Wiglesworth, Jr., Wiglesworth Tobacco Warehouse Company, Cynthiana, Kentucky; Douglas McLoney, Independent Tobacco Warehouse, Cynthiana, Kentucky; Sterling P. Owen, New Dixie Tobacco Warehouse, Cynthiana, Kentucky, will be held in Courtroom No. 2, U. S. Post Office, Courthouse and Customhouse Building, Sixth and Broadway, Louisville, Kentucky, beginning at 10:00 a. m., c. d. t., on August 26, 1958.

The hearing upon the application of John M. Walton, President, Maysville Tobacco Board of Trade, Inc., 300 East Second Street, Maysville, Kentucky, will be held in Courtroom No. 2, U. S. Post Office, Courthouse and Customhouse Building, Sixth and Broadway, Louisville, Kentucky, beginning at 10:00 a. m., c. d. t., on August 27, 1958.

The hearing upon the application of Robert R. Broyles, President, Greeneville Tobacco Board of Trade, Inc., Greeneville, Tennessee, will be held in Room 104, U. S. Post Office Building, 500 Main Street, Knoxville, Tennessee, beginning at 10:00 a. m., e. s. t., on August 29, 1958.

The aforesaid public hearings will be conducted and evidence received pursuant to the concurrent and identical policy statements and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets (23 F. R. 5109, 6113).

Done at Washington, D. C., this 12th day of August 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-6572; Filed, Aug. 14, 1958; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15680]

TEXACO SEABOARD, INC.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

JULY 31, 1958.

Texaco Seaboard, Inc. (Respondent) on June 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Transcontinental Gas Pipe Line Corporation.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 16.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until August 2, 1958, and thereafter to permit it to become effective as of that date: *Provided*, That within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 2, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of August 2, 1958: *Provided, however*, That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of _____ to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes.

In conformity with the requirements of the order issued _____, in Docket No. G-_____, _____ hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

_____
By _____

Attest:

_____
(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6549; Filed, Aug. 14, 1958; 8:46 a. m.]

[Project No. 2248]

ARIZONA POWER AUTHORITY

NOTICE OF APPLICATION FOR LICENSE

AUGUST 11, 1958.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Arizona Power Authority, an agency of the State of Arizona (Applicant), for license for a proposed hydroelectric project to be known as the Colorado River Project, designated Project No. 2248, consisting of the proposed Bridge Canyon and Marble Canyon developments on the Colorado River in Coconino and Mohave Counties, Arizona, affecting lands of the United States in the Lake Mead National Recreation Area, Hualpai Indian Reservation, Kaibab National Forest, Navajo Indian Reservation, and other lands of the United States.

The Bridge Canyon Development would consist of: A concrete dam comprised of an arch section about 600 feet long including a spillway section, gravity section 200 feet long and an intake structure 650 feet long; a reservoir with normal water surface at elevation 1,579, an area of 5,300 acres and storage of 640,000 acre-feet extending 47.4 miles upstream; vertical steel-lined penstocks leading to an underground powerhouse containing four 152,000-horsepower turbines each directly connected to 110,000-kilowatt generators; a switchyard and step-up transformers; a 345-kv transmission line to Round Valley substation, two 345-kv lines from Round Valley to Cave Creek, one 230-kv line from Cave Creek to Mesa, and one 230-kv line from Cave Creek to Phoenix; and appurtenant mechanical and electrical facilities. The Marble Canyon Development would consist of: a concrete arch dam about 700 feet long; including a submerged spillway at each end and an intake section; a reservoir with normal water surface at elevation 3,130, an area of 5,300 acres, and storage of 480,000 acre-feet extending about 55 miles upstream to the Glen Canyon dam; steel penstocks; a powerhouse containing four 117,500-horsepower turbines each directly connected to 85,000-kilowatt generators installed initially with provision for two additional units; step-up transformers; a switchyard; one 345-kv transmission line to Glen Canyon station and one 345-kv line to Flagstaff; and appurtenant electrical and mechanical facilities. The energy generated at the proposed Colorado River project woud be distributed throughout the State of Arizona by the applicant or sold or exchanged with other power distributors in adjacent states over an interconnected transmission system.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 30, 1958. The application is on file with the Commission for public inspection.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6560; Filed, Aug. 14, 1958; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

OSMIUM, RHODIUM AND RUTHENIUM HELD IN NATIONAL STOCKPILE

PROPOSED DISPOSITION

Pursuant to the provisions of section 3 (e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U. S. C. 98b (e), notice is hereby given of a proposed disposition of approximately 27 troy ounces of osmium, 2,515 troy ounces of rhodium, and 51 troy

ounces of ruthenium now held in the national stockpile.

The Office of Defense Mobilization, prior to July 1, 1958, made a revised determination, pursuant to section 2 (a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling osmium, rhodium and ruthenium. The revised determination was made for the reason that the estimated supply of osmium, rhodium and ruthenium is adequate to meet any foreseeable emergency needs for such materials.

General Services Administration proposes to sell said materials by competitive bidding. It is proposed that the sale of rhodium will be spaced over a period of at least nine months with an offering of not more than approximately 280 ounces each month. In view of the small amounts of osmium and ruthenium, it is proposed to offer the entire quantities for sale at one time. These materials will also be available for transfer to any Federal agency having a need therefor.

It is believed that this plan of disposition will protect the United States against avoidable loss on the sale or transfer of such materials and will also protect producers, processors and consumers against avoidable disruption of their usual markets.

It is proposed to make the osmium, rhodium and ruthenium covered by this notice available for sale or transfer beginning six months after the date of publication of this notice in the FEDERAL REGISTER. Since the revised determination is not by reason of obsolescence of osmium, rhodium and ruthenium for use in time of war, this proposed disposition is being referred to the Congress for its express approval, as required by section 3 (e) of the Strategic and Critical Materials Stock Piling Act.

Dated: August 8, 1958.

FRANKLIN FLOETE,
Administrator of General Services.

[F. R. Doc. 58-6551; Filed, Aug. 14, 1958; 8:47 a. m.]

[Delegation of Authority 352]

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CONTRACTS WITH PRIVATE INDUSTRY FOR ON-THE-JOB TRAINING OF ADULT INDIANS

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, (63 Stat. 377), as amended, herein called "the act", authority is hereby delegated to the Secretary of the Interior to negotiate, without advertising, under section 302 (c) (9) of the act, contracts with private industry for on-the-job training of adult Indians required to carry out the vocational program responsibilities of the Bureau of Indian Affairs under the act of August 6, 1956 (70 Stat. 986, 25 U. S. C. 309).

2. This authority shall be exercised in accordance with applicable limitations and requirements in the act, particularly sections 304 and 307 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

3. The authority herein delegated may be redelegated to any official or employee of the Department of the Interior.

4. This delegation of authority shall be effective as of the date hereof.

Dated: August 8, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-6552; Filed, Aug. 14, 1958; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200) and Administrative Order No. 507 (23 F. R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Benton Industries, Inc., Colley Street, Benton, Pa.; effective 7-30-58 to 7-29-59 (men's sport shirts).

Bestform Foundations of Pa., Inc., Baumer and Cherry Streets, Johnstown, Pa.; effective 8-3-58 to 8-2-59 (girdles, brassieres).

Clayburne Manfacturing Co., Inc., Clayton, Ga.; effective 8-5-58 to 8-4-59 (sport shirts).

Dickson Manufacturing Co., Dickson, Tenn.; effective 8-8-58 to 8-7-59 (work shirts, work jackets).

Hamurnat Manufacturing Corp., 212 Hull Avenue, Olyphant, Pa.; effective 8-1-58 to 7-31-58 (children's outerwear).

Kenrose Manufacturing Co., Inc., Buchanan, Va.; effective 8-10-58 to 8-9-59 (apparel—cotton wash dresses).

Martin Shirt Co., 27 East Poplar Street, Shenandoah, Pa.; effective 8-1-58 to 7-31-59 (boys' shirts, ladies' tailored blouses).

Mylcraft Manufacturing Co., Inc., North Main Plant, Rich Square, N. C.; effective 7-31-58 to 7-30-59 (ladies' pajamas).

Shawnee Garment Manufacturing Co., 115½ North Bell Street, Shawnee, Okla.; effective 8-19-58 to 8-18-59 (overalls, denim pants, khaki, etc.).

Henry I. Siegel Co., Inc., Hohenwald, Tenn.; effective 8-1-58 to 7-31-59 (work pants, shirts, and sport shirts).

Sylvania Garment Co., Inc., Sylvania, Ga.; effective 8-1-58 to 7-31-59 (blouses).

Todd Manufacturing Co., Elkton, Ky.; effective 8-19-58 to 8-18-59 (work shirts and work jackets for men).

Weatherbee Coats, Inc., 461 East Federal Street, Youngstown, Ohio; effective 7-30-58 to 7-29-59 (ladies' rainwear).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Baroness, Inc., 24 High Street, Womelsdorf, Pa.; effective 8-7-58 to 8-6-59; 10 learners (ladies' and girls' blouses).

Iolani Sportswear, Ltd., 1596 Makiki Street, Honolulu, Hawaii; effective 8-4-58 to 8-5-59; 10 learners (men's shirts—sportswear).

Linden Manufacturing Co., Birdsboro, Pa.; effective 8-7-58 to 8-6-59; 10 learners (ladies' and girls' blouses).

Linden Manufacturing Co., Newmanstown, Pa.; effective 8-7-58 to 8-6-59; 6 learners (ladies' and girls' blouses).

Linden Manufacturing Co., 848 North Ninth Street, Reading, Pa.; effective 8-7-58 to 8-6-59; 6 learners (ladies' and girls' blouses).

Linden Manufacturing Co., Inc., 24 High Street, Womelsdorf, Pa.; effective 8-7-58 to 8-6-59; 10 learners (ladies' and girls' blouses).

Marine Garment Co., Marine, Ill.; effective 8-5-58 to 8-4-59; 10 learners; learners may not be engaged at special minimum wage rates in the production of separate skirts (women's sportswear).

Pajama-Craft Manufacturing Co., Inc., Littlestown, Pa.; effective 7-3-58 to 7-2-59; 10 learners (corrected certificate) (men's and boys' pajamas).

Pickenbrock Co., Dyersville, Iowa; effective 8-4-58 to 8-3-59; five learners (women's cotton pajamas and cotton uniforms).

Rose Marie, Inc., 117½ South Waco Street, Hillsboro, Texas; effective 8-4-58 to 8-3-59; five learners; learners may not be employed at special minimum wage rates in the production of separate skirts (women's and children's apparel, sportswear).

Sunbeam Sportswear, Inc., Valley View, Pa.; effective 8-1-58 to 7-31-59; 10 learners (women's and children's apparel).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Carbon Hill Manufacturing Corp., Carbon Hill, Ala.; effective 7-29-58 to 1-28-59; 50 learners (boys' dress slacks).

Curtis Manufacturing Co., Ocoee, Fla.; effective 8-1-58 to 1-20-59; 20 learners (supplemental certificate) (men's shirts).

So-Rite Lingerie, Bright Building, Keyser, W. Va.; effective 8-1-58 to 1-31-59; 35 learners (ladies' pajamas and dusters).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

St. Johnsbury Glovers, Inc., St. Johnsbury, Vt.; effective 8-11-58 to 8-10-59; 10 percent of the total number of workers engaged in machine stitching operations for normal labor turnover purposes (knit fabric).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Hollar Hosiery Mills, Inc., Hickory, N. C.; effective 8-5-58 to 8-4-59; five learners for normal labor turnover purposes (men's seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Movie Star of Ellisville, Ellisville, Miss.; effective 7-30-58 to 7-29-59; five percent of the total number of factory production workers for normal labor turnover purposes (slips, petticoats, nightgrowns, bouffant petticoats).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50, as amended).

Osceola Shoe Co., Inc., Osceola, Ark.; effective 8-4-58 to 2-3-59; 50 learners for plant expansion purposes (shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Darwood Manufacturing Co., Inc., 18 Pocasset Street, Fall River, Mass.; effective 8-4-58 to 2-3-59; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator, for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours, and not less than 95 cents an hour for the remaining 200 hours (boys' clothing, outerwear).

Gem, Inc., One Gem Blvd., Byhalia, Miss.; effective 8-4-58 to 2-3-59; 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator, for a learning period of 320 hours at the rate of 85 cents an hour (closet accessories, ironing table pads and covers, household mops).

Lambert Manufacturing Co., Inc., Ogden and Main Streets, Gallatin, Mo.; effective 8-4-58 to 2-3-59; five learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 90 cents an hour (sport and work caps).

Stanberry Manufacturing Co., Stanberry, Mo.; effective 8-1-58 to 1-31-59; five percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator, for a learning period of 240 hours at the rate of 90 cents an hour (headwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Angus Manufacturing Co., P. O. Box 417, Aguadilla, P. R.; effective 7-17-58 to 7-16-59; authorizing the employment of 10 learners for normal labor turnover purposes in the occupation of sewing machine operators, for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (men's work clothes).

Boricua Shoe Co., P. O. Box 381, Aguada, P. R.; effective 7-21-58 to 1-20-59; authorizing the employment of 22 learners for plant expansion purposes in the occupations of flanger sewing machine operators, lacers, each for a learning period of 480 hours at the rates of 46 cents an hour for the first 240 hours and 51 cents an hour for the remaining 240 hours (felt slippers, ladies' and men's leather slippers).

Cole Industries, Inc., Industrial Sub-Division Calle "E", Hato Rey, P. R.; effective 1-10-58 to 1-9-59; authorizing the employment of eight learners for plant expansion purposes in the occupations of machine operators, assemblers and inspectors, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (key duplicating machines).

Columbia Manufacturing Co., P. O. Box 333, San Lorenzo, P. R.; effective 7-21-58 to 7-20-59; authorizing the employment of five learners for normal labor turnover purposes in the occupations of, straightening, inspection, sandblast washing, degrease and color, induction brazing, slot milling, and thread rolling, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (metal cutting tools).

Gordonshire Knitting Mills, Inc., P. O. Box 1127, Cayey, P. R.; effective 7-1-58 to 12-31-58; authorizing the employment of 210 learners for plant expansion purposes in the occupations of, sweater looping, seaming, and knitting, each for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours (sweater manufacturing).

Newport Brassiere Co., Inc., P. O. Box 10,008, Caparra Heights, P. R.; effective 7-7-58 to 7-6-59; authorizing the employment of 11 learners for normal labor turnover purposes in the occupations of: (1) sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garment for a learning period of 160 hours at the rate of 60 cents an hour (brassieres and accessories).

Puerto Rico Industrial Manufacturing Corp., P. O. Box 505, Manati, P. R.; effective 7-8-58 to 1-7-59; authorizing the employment of 60 learners for plant expansion purposes in the occupations of: (1) sewing machine operators, and final pressing, each for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours; (2) machine operations other than sewing (cleaning), final inspection of fully assembled garments, each for a learning period of 160 hours at the rate of 54 cents an hour (men's work pants and shirts).

Sunscreen Corp., Igualdad St., P. O. Box 117, Fajardo, P. R.; effective 7-16-58 to 1-15-59; authorizing the employment of five learners for plant expansion purposes in the occupations of, weaving machine operator, electrostatic coating machine operator, each for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (koolshade sunscreens).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 6th day of August 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-6538; Filed, Aug. 13, 1958; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 14]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 11, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61344. By order of August 6, 1958, the Transfer Board approved the transfer to Wiley's Auto Express, Inc., Glenolden, Pennsylvania, of Permits Nos. MC 13471 and MC 13471 Sub 1, issued October 3, 1941, and September 7, 1956, respectively, to Fred E. Wiley, doing business as Wiley's Chester Auto Express, Glenolden, Pennsylvania, authorizing the transportation of petroleum products and related commodities, and paper and paper products and wood pulp from specified points in Pennsylvania to specified points in Delaware, Virginia, New Jersey, New York, Massachusetts, Connecticut, Pennsylvania, and the District of Columbia. Robert B. Greer, 17 South Avenue, Media, Pennsylvania, for applicants.

No. MC-FC 61437. By order of August 7, 1958, the Transfer Board approved the transfer to Esfeld Trucking, Inc., Great Bend, Kans., of Certificate No. MC 94928 Sub 2, issued July 6, 1953, to William E. Esfeld and Frances A. Esfeld, a partnership, doing business as Esfeld Dirt Construction, Great Bend, Kans., authorizing the transportation of *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *Machinery, materials, equipment* and *supplies* used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, over irregular routes, between points in Kansas and Oklahoma; and *Commodities,* the transportation of which, because of their size or weight, require the use of special equipment, and parts thereof when moving in connection with such commodities, over irregular routes, between Wichita, Kans., on the one hand, and, on the other, points in Oklahoma. Floyd D. Strong, 214 Insurance Building, Topeka, Kansas, for applicants.

No. MC-FC 61439. By order of August 7, 1958, the Transfer Board approved the transfer to William R. Toupin, doing business as Toupin Rigging, Lowell, Mass., of Certificate No. MC 59892, issued

February 27, 1941, to Joseph M. Lassonde, Fall River, Mass., authorizing the transportation of *Used textile machinery and textile mill equipment*, over irregular routes, between points in Rhode Island, those in Massachusetts and Connecticut on and east of U. S. Highway 5, and those in that part of New Hampshire south of a line extending from the Connecticut River along U. S. Highway 4 to East Northwood, N. H., thence along U. S. Highway 202 to the New Hampshire-Maine State line; and between Fall River and New Bedford, Mass., and Pawtucket and Woonsocket, R. I., on the one hand, and, on the other, New Britain, Conn., Newark and Paterson, N. J., and New York and Long Island City, N. Y. Russell B. Curnett, 49 Weybosset Street, Providence 3, R. I., for applicants.

No. MC-FC 61447. By order of August 7, 1958, the Transfer Board approved the transfer to A. G. Williams and Robert J. Williams, a partnership, doing business as Williams Bros. Truck Service, Gridley, Kans., of Certificate No. MC 52960, issued December 21, 1956, to Reta Fay Heffron doing business as Heffron Truck Service, Burlington, Kans., authorizing the transportation of *General Commodities*, excluding household goods and other specified commodities, over regular routes, between points in Missouri and Kansas; various specified commodities between points in Kansas and Missouri; and *Livestock*, and *emigrant movables*, over irregular routes, between Virgil, Kans., and points within 17 miles thereof, Westphalia, Kans., and points within 15 miles thereof, and Burlington, Kans., and points within 25 miles thereof, on the one hand, and, on the other, points in Arkansas, Colorado, Missouri, Nebraska, Oklahoma, and Texas. Lawrence Traffic Bureau, Inc., 625 Live Stock Exchange Building, Kansas City 2, Missouri.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-6523; Filed, Aug. 13, 1958; 8:49 a. m.]

[Notice 15]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 12, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61134. By order of August 8, 1958, the Transfer Board approved the transfer to Cassville Truck Line, Inc., Cassville, Missouri, of Certificates Nos. MC 52713, MC 52713 Sub 4, MC 52713 Sub 5, and MC 52713 Sub 7, issued January 14, 1953, April 1, 1955, March 9, 1956, and August 20, 1956, respectively, to Maxine Hutchens, and B. F. Babb, a Partnership, doing business as Cassville Truck Line, Cassville, Missouri, authorizing the transportation of general commodities, excluding household goods and other specified commodities, between Springfield, Mo., and Seligman, Mo., between Cassville, Mo., and Joplin, Mo., between Joplin, Mo., and Powell, Mo., and between Monett, Mo., and Powell, Mo. Joseph R. Nacy, 117 West High Street, Jefferson City, Mo., for applicants.

No. MC-FC 61271. By order of August 11, 1958, the Transfer Board approved the transfer to Stone Transport, Inc., Baltimore, Md., of certificate in No. MC 106524 Sub 4, issued March 11, 1957, to Eastern Contractors, Inc., Baltimore, Md., authorizing the transportation of: Crushed stone and stone dust, in dump vehicles, from Quarryville, Pa., and points within five miles of Quarryville, and those points in Pennsylvania within 5 miles of junction U. S. Highway 222 and the Maryland-Pennsylvania State line, to points in Baltimore, Harford, Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Somerset, and Worcester Counties, Md., William J. Little, Fidelity Building, Baltimore 1, Md., for applicants.

No. MC-FC 61421. By order of August 8, 1958, the Transfer Board, approved the transfer to Barlage Brothers, Inc., Philadelphia, Pennsylvania, of certificate in No. MC 376, issued September 27, 1943, to William B. Barlage and Gilbert S. Barlage, a partnership, doing business as Barlage Brothers, Philadelphia, Pennsylvania, the record holder of which is William B. Barlage, doing business as Barlage Brothers, Philadelphia, Pennsylvania, authorizing the transportation of specified commodities, over irregular routes, from, to, and between, specified points in Pennsylvania, New York, Delaware, and New Jersey. Wm. Buchanan Gold, Jr., Snyder & Bent, 1544 Fidelity-Philadelphia Trust Building, Broad and Walnut Streets, Philadelphia, Pennsylvania, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-6556; Filed, Aug. 14, 1958; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

INDUSTRIE CINEMATOGRAFICHE ITALIANE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Industrie Cinematografiche Italiane, 17 Giuseppe Politi, Trustee in Bankruptcy, Rome, Italy; Claim No. 63304; $369.80 in the Treasury of the United States. Vesting Order Nos. 1417 and 1759.

Executed at Washington, D. C., on August 7, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-6565; Filed, Aug. 14, 1958; 8:50 a. m.]

LABOUCHERE & CO., N. V.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Labouchere & Co., N. V., Tesselschadestraat 8-12, Amsterdam, The Netherlands; Claim No. 64433; $134.95 in the Treasury of the United States. Vesting Order No. 17836.

Executed at Washington, D. C., on August 7, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-6565; Filed, Aug. 14, 1958; 8:50 a. m.]

MARIE ODENHEIMER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marie Odenheimer, Kummelbacher Hof Neckargemund bei Heidelberg, Germany; Claim No. 59059; $1,286.72 in the Treasury of the United States. Vesting Order No. 6981.

Executed at Washington, D. C., on August 7, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-6566; Filed, Aug. 14, 1958; 8:51 a. m.]

UNIVERSITY OF MICHIGAN
AUG 19 1958
MAIN READING ROOM

THE NATIONAL ARCHIVES 1934 OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 23 NUMBER 161

Washington, Saturday, August 16, 1958

TITLE 7—AGRICULTURE

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 601—GREAT PLAINS CONSERVATION PROGRAM

SUBPART—GENERAL PROGRAM PROVISIONS

WAIVERS

The regulations governing the Great Plains Conservation Program, 22 F. R. 6951, as amended, are hereby further amended as provided herein.

Section 601.34 is deleted and § 601.35 is renumbered as § 601.34.

(Sec. 4, 49 Stat. 164, as amended: 16 U. S. C. 590d)

Done at Washington, D. C., this 12th day of August 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 58-6591; Filed, Aug. 15, 1958; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 149]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.449 *Valencia Orange Regulation 149*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date

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FEDERAL REGISTER

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harvest. Such committee meeting was held on August 14, 1958.

(ii) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., August 17, 1958, and ending at 12:01 a. m., P. s. t., August 24, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 600,600 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 15, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6679; Filed, Aug. 15, 1958; 11:47 a. m.]

[Tokay Grape Order 1]

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 951.321 *Tokay Grape Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951) regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 17, 1958. A reasonable determination as to the supply of, and the demand for, Tokay grapes must await the development of the crop and adequate information thereon was not available to the Industry Committee until August 5, 1958; recommendation as to the need for, and the extent of, limitation of shipments was made at the meeting of said committee on August 5, 1958, after consideration of all available information relative to the supply and demand conditions for such grapes, at which time the recommendations and information were transmitted to the Department; shipments of the current crop of such grapes are expected to begin on or about August 20, 1958, and this section should be applicable to all shipments of such grapes in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., August 17, 1958, and ending at 12:01 a. m. P. s. t., January 1, 1959, no shipper shall ship:

(i) Any Tokay grapes, grown in the production area, unless such grapes are mature and, when tested in accordance with the applicable provisions of section 802 of the Agricultural Code of California, the juice thereof contains soluble solids equal to or in excess of twenty-seven (27) parts to one (1) part of acid.

(2) As used in this section "handler," "shipper," "ship," and "production area," shall have the same meaning as when used in the amended marketing agreement and order, and "mature," shall have the same meaning as when used in the United States Standards for Table Grapes (§§ 51.880 to 51.911 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 13, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6610; Filed, Aug. 15, 1958; 8:52 a. m.]

[Lemon Reg. 751, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.858 (Lemon Regulation 751, 23 F. R. 6101) are hereby amended to read as follows:

(ii) District 2: 372,000 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 13, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6590; Filed, Aug. 15, 1958; 8:49 a. m.]

[Lemon Reg. 752]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.859 *Lemon Regulation 752*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for

such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 13, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 17, 1958, and ending at 12:01 a. m., P. s. t., August 24, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 255,750 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 14, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6661; Filed, Aug. 15, 1958; 8:59 a. m.]

[Avocado Order 16, Amdt. 2]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969) regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until August 12, 1958; a determination as to the time of maturity of the varieties of avocados covered by this amendment was made at the meeting of said committee on August 12, 1958, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this regulation are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

It is, therefore, ordered, That the provisions of paragraph (b) of § 969.316, as amended (23 F. R. 4349, 5476), are hereby further amended as follows:

1. Revise that portion of Table I applicable to the Trapp, Pinelli, Tonnage, Fairchild, Booth 8, and Nirody varieties to read as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Trapp	8-11-58	11 oz 3 9/16 in.	9- 1-58	12 oz 3 7/16 in.	9-14-58	10 oz. 3 3/16 in.	10- 6-58
Pinelli	8-25-58	18 oz.	9- 1-58	16 oz.	9- 8-58	12 oz.	9-29-58
Tonnage	9- 8-58	15 oz 3 5/16 in	9-15-58	14 oz. 3 3/16 in.	9-22-58	11 oz. 3 in.	9-29-58
Fairchild	9- 8-58	16 oz. 3 9/16 in.	9-22-58	14 oz. 3 7/16 in.	10- 6-58	12 oz. 3 3/16 in.	10-20-58
Booth 8	9-22-58	16 oz. 3 7/16 in	10- 6-58	14 oz. 3 5/16 in.	10-20-58	12 oz. 3 3/16 in.	11-17-58
Nirody	9-22-58	18 oz 3 15/16 in.	10- 6-58	15 oz 3 11/16 in.	10-20-58	12 oz. 3 5/16 in.	11- 4-58

2. Revise subparagraph (7) to read as follows:

(7) After the effective time of this section, no handler shall handle any avocados not covered by subparagraphs (2) through (6) of this paragraph except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to 12:01 a. m., e. s. t., September 22, 1958.

(ii) During the period beginning at 12:01 a. m., e. s. t., September 22, 1958, and ending at 12:01 a. m., e. s. t., October 20, 1958, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) During the period beginning at 12:01 a. m., e. s. t., October 20, 1958, and ending at 12:01 a. m., e. s. t., December 22, 1958, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(iv) Any lot of such avocados may be handled without regard to the minimum weight requirements of this subparagraph (7) if the exterior seed-coat of the individual fruit is of a brown color characteristic of a mature avocado, or if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., August 19, 1958.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 14, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6660; Filed, Aug. 15, 1958; 8:59 a. m.]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

ORDER ESTABLISHING REVISION IN ADMINISTRATIVE RULES AND REGULATIONS

Notice was published in the FEDERAL REGISTER of July 30, 1958 (23 F. R. 5736) that the Secretary was considering the revision of § 984.463 and the addition of a new section, § 984.479, in the administrative rules and regulations (7 CFR 984.401 to 984.488) pertaining to operating procedures of the Walnut Control Board applicable to walnut handlers pursuant to Marketing Agreement No. 105, as amended, and Order No. 84, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

The notice afforded interested persons an opportunity to file data, views, or arguments concerning the proposals. The prescribed time has expired and one exception has been filed.

The Walnut Control Board has advised that certain walnut handlers in the Northwest wish to dispose of substandard walnuts to livestock feed manufacturers and has requested that the proposed revision of § 984.463 be further amended to accommodate such substandard walnut disposition. Accordingly, § 984.463 herein has been modified to include livestock feed manufacturers as outlets for substandard walnut disposition.

Subsequent to the publication of the aforesaid notice, the Walnut Control Board has also specified WCB Form 20 for use in submitting the reports required by § 984.463 (c). Accordingly, § 984.463 (c) herein has been revised to specify this form for such reports.

After consideration of all available information, it is hereby found that the revision of § 984.463 and the addition of § 984.479 as hereinafter set forth will implement the objectives of the marketing agreement and order, as amended, and, thereby, tend to effectuate the declared policy of the act. It is, therefore, ordered that present § 984.463 be amended and § 984.479 be added to read as follows:

§ 984.463 *Disposition of substandard walnuts.* (a) (1) No handler may dispose of substandard walnuts which he holds except:

(i) By crushing them into oil, feeding them to livestock or otherwise rendering them unfit for use as walnuts; or

(ii) To an approved crusher, livestock feed manufacturer, or livestock feeder at an approved location where the crushing, feed manufacture, or feeding is to take place.

(2) During each marketing year the Control Board shall maintain an approved list of crushers, livestock feed manufacturers, and livestock feeders and of the locations within the area of production to which substandard walnuts may be shipped. The Board may deny approval to any applicant or remove any crusher, feed manufacturer, or feeder from the approved list when such denial or removal is deemed necessary to insure control of substandard walnut disposition.

(3) Applications for approval to crush, manufacture feed, or feed substandard walnuts should be submitted to the Board annually on a form prescribed by the Board and which includes the location and a description of the disposal facilities to be used and a certification to the Control Board and the Secretary of Agriculture that the applicant will:

(i) Crush, manufacture feed, or feed such walnuts at the approved location.

(ii) Use such walnuts for no other purpose than for crushing into oil, manufacturing livestock feed, or livestock feeding.

(iii) Permit such inspection of his premises and of walnuts received and held by him, and such examination of his books and records covering walnut transactions as the Control Board may require.

(iv) Keep a record of his receipts, holdings and use of substandard walnuts available for examination by authorized representatives of the Control Board and the U. S. Department of Agriculture for a period of two years after the end of the marketing year in which the recorded transactions are completed.

(b) Each handler who uses substandard walnuts for oil production or livestock feeding or otherwise renders them unfit for use as walnuts shall report the quantity and use of such substandard walnuts on WCB Form No. 20a not later than the 10th day of each month with respect to the substandard walnuts rendered unfit for use as walnuts during the preceding month.

(c) Each handler who disposes of substandard walnuts to a crusher, livestock feed manufacturer, or livestock feeder approved by the Control Board shall upon shipment furnish to the Control Board on WCB Form 20 "Report of Substandard Walnuts Delivered for Livestock Feed or Oil Manufacture" a report giving the date, name and address of the handler and of the buyer, the quantity of substandard walnuts shipped, the intended use, the location to which shipped, and such other information as the Control Board may require.

§ 984.479 *Books and other records.* (a) Pursuant to § 984.79, each handler shall maintain true and complete records of all shelled and unshelled walnuts or walnut material, by categories, received, held, or disposed of by him. Such records shall include the following:

(1) The names and addresses of the persons from whom received, and the quantities received from each such person.

(2) The names and addresses of the persons to whom disposal is made, and the quantities disposed of to each such person.

(3) The quantities used by the handler in manufacturing; production of oil, livestock feeding, or other outlets.

(4) The quantities held on August 1, and January 1 of each marketing year.

(b) The records shall be maintained in such form as to permit verification of all transactions involved and shall be made available during normal business hours to authorized representatives of the Walnut Control Board or the Secretary of Agriculture.

It is hereby found that good cause exists for not postponing the effective date hereof later than the date of publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the 1958–59 marketing year for walnuts has already begun and considerable quantities of substandard walnuts are or soon will be available for disposition, and (2) the effectiveness of the minimum standard regulations for shelled walnuts requires control of substandard walnut disposition.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated August 13, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 58-6611; Filed, Aug. 15, 1958; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR-401C]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; SMOKE AND FIRE DETECTORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of August 1958.

Special Civil Air Regulation No. SR-401B waived until April 1, 1958, those provisions of the Civil Air Regulations which required the installation of smoke or fire detectors in aircraft cargo compartments of types "B" and "C." Furthermore, that special regulation authorized the Administrator to permit an air carrier, upon application, to operate aircraft without full compliance with the currently effective cargo compartment fire detector requirements if the Administrator found that the air carrier had made a diligent effort to comply with such requirements by April 1, 1958, and that the air carrier had shown that it would comply by a date certain. Since the termination date of SR-401B is April 1, 1959, the Administrator, in an extreme case, could have granted extensions up to that date.

At the present time there are a number of operators requesting extensions beyond those which were granted by the Administrator. It is anticipated that more and more of these requests will be received as the extensions granted by the Administrator terminate and some operators find themselves not in full compliance with the smoke or fire detector requirements.

The Board has been seriously concerned with the delays which have been encountered in the installation of this equipment, and has authorized further extensions only in unusual circumstances.

The justification given in the increasing number of requests for extensions has been that the required parts have not been delivered by the supplier, or the systems installed have not been approved by the Administrator in the time authorized. Such circumstances indi-

cate that the air carriers have made the necessary effort to comply with the smoke or fire detector requirements, and that compliance may be achieved by the operators if the extensions which recently terminated, or will terminate in the near future, were to be reinstated and/or continued in effect for a reasonable period of time.

In view of the foregoing, the Board is making those individual extensions of the smoke or fire detector requirements which were in effect on July 31, 1958, effective until 90 days beyond their present expiration date, subject to the condition that such extensions shall not, in any event, continue beyond April 1, 1959. This regulation will provide for any circumstance which may prevent the installation of approved equipment within the period of the extensions previously granted, and will not be further extended beyond the period granted by this regulation.

The provisions of this special regulation are applicable to all airplanes certificated in the transport category in accordance with Part 4b, effective November 1, 1946, regardless whether these airplanes are used in cargo or passenger service, as well as to all other airplanes having engines rated at more than 600 horsepower each when used in passenger operations in accordance with Part 40, 41, or 42 of the Civil Air Regulations.

Since this superseding Special Civil Air Regulation is substantively the same as SR–401A and SR–401B, which interested persons have had an opportunity to comment on, and since this regulation imposes no additional burden on any person, the Board finds that notice and public procedure are unnecessary and that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective August 13, 1958.

Contrary provisions of Parts 4b, 40, 41, and 42 of the Civil Air Regulations notwithstanding, any extension of the date for compliance with the smoke or fire detector requirements of those parts which was in effect on July 31, 1958, shall be effective for 90 days beyond its present expiration date: *Provided*, That such authorization shall not continue beyond April 1, 1959.

This regulation supersedes Special Civil Air Regulation No. SR–401B and shall terminate on April 1, 1959, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 554)

Effective: August 13, 1958.

Adopted: August 13, 1958.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR, *Acting Secretary.*

[F. R. Doc. 58–6614; Filed, Aug 15, 1958; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6820]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

AUTOMATIC CANTEEN CO. OF AMERICA

Subpart—*Acquiring stock, or assets, etc., of competitor:* § 13.5 *Acquiring stock, or assets, etc., of competitor.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 7, 38 Stat. 731; 15 U. S. C. 18) [Cease and desist order, Automatic Canteen Company of America, Chicago, Ill., Docket 6820, June 24, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the nation's largest operator of vending machines, with main office in Chicago, with acquiring in 1955 the vending machine subsidiaries of a major competitor in New York City, at that time the largest operator of cigarette vending machines in the United States, thereby violating section 7 of the Clayton Act.

Following acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 24 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Automatic Canteen Company of America shall divest itself absolutely, in good faith, of the following vending machine operating branches, subsidiaries, or affiliates, including machine locations, and vending machines owned by each and the contracts relating thereto, which branches, subsidiaries, or affiliates were formerly operated by The Rowe Corporation prior to the merger:

Rowe Service Co., Inc.—Downtown Los Angeles Operations, Los Angeles, Calif.; California Cigarette Concessions, Inc., Los Angeles, Calif.; Rowe Cigarette Service Corp., San Diego, Calif.; San Jose Cigarette Service, Inc., (Campbell) San Jose, Calif.; Cigarette Service Co., Inc., Denver, Colo.; Wagg Cigarette Service Co., Louisville, Ky.; Syracuse Cigarette Service Co., Inc., Syracuse, N. Y.; Allegheny Cigarette Service Co., (Wilkinsburg) Pittsburgh, Pa.; Ace Cigarette Service Co., Inc., Brackenridge, Pa.; Ace Wheeling Cigarette Service Co., Wheeling, West Va.; Acme Cigarette Service Co., Greensburg, Pa.; Acorn Cigarette Service Co., Aliquippa, Pa.; Uniontown Cigarette Service Co., Uniontown, Pa.

The Downtown Los Angeles Operations of Rowe Service Co., Inc., as used hereinabove, is defined as that part of the operating branch known as the downtown section of Rowe Service Co., Inc., Los Angeles, California, which is located in the City of Los Angeles, California, and is bounded on the West by Alvarado Street, on the South by Washington Boulevard, on the North by a straight line running East from the intersection of Alvarado and Avalon Streets approximately four miles to Valley Boulevard, and on the East by a straight line from Valley Boulevard to Washington Boulevard, containing nineteen square miles, more or less.

Such divestiture shall be completed within one year from the date of this order and shall consist of the sale of all stock and assets, real and personal, of said branches, subsidiaries, or affiliates which stock and assets are owned by respondent, or its subsidiaries. Respondent shall not sell any such stock or such assets, directly or indirectly, to any officer, director, employee, distributor, agent or subsidiary of, or anyone otherwise directly or indirectly under the control or influence of, respondent or any of its officers or directors.

It is further ordered, That since the Syracuse Cigarette Service Co., Inc., Syracuse, New York, has been dissolved, all assets formerly belonging thereto shall be divested in like manner as other divestitures required by this order, except that vending machines, not exceeding forty in number, located in industrial plants, may be retained.

It is further ordered, That for a period of ten years from the date of the issuance of this order by the Federal Trade Commission, respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, by merger, consolidation, purchase of physical assets, or acquisition of stock or other share capital, any interest in any corporation engaged in the business of manufacturing vending machines whose product has competed or competes to any extent with any vending machine manufactured or assembled by respondent, its subsidiaries or affiliates.

It is further ordered, That for a period of ten years from the date of the issuance of this order by the Federal Trade Commission, respondent shall cease and desist from taking for its own use, or selling, to respondent's subsidiaries, franchised distributors or the former merchandising companies of The Rowe Corporation, more than fifty percent of the total annual production of each type vending machine from the facilities now operated as the Rowe Manufacturing Company, Inc., unless said machines in excess of that percentage have been made available in good faith to all other prospective purchasers at respondent's regular prices and terms and conditions of sale.

It is further ordered, That after the date of the issuance of this order by the Federal Trade Commission, respondent shall cease and desist from acquiring, directly or indirectly, the whole or any part of the stock or other share capital, or the whole or any part of the assets of another corporation engaged in commerce, where in any line of commerce in any section of the country, the effect of such acquisition may be substantially to lessen competition, or to tend to create a monopoly.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent, Automatic Canteen Company of America, a corporation, shall, within one year after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order contained in said initial decision.

Issued: June 23, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc 58–6583; Filed, Aug. 15, 1958; 8:47 a. m.]

[Docket 6515]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CHICAGO SCHOOL OF NURSING, DIVISION OF CAREER INSTITUTE

Subpart—*Advertising falsely or misleadingly:* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, W. Lane Schulze et al. trading as Chicago School of Nursing, Division of Career Institute, Chicago, Ill., Docket 6515, June 10, 1958]

In the Matter of W. Lane Schulze and W. C. Schulze II, Copartners Trading Under the Name of Chicago School of Nursing, Division of Career Institute

This case was heard by a hearing examiner on the complaint of the Commission charging operators in Chicago of a mail order course in auxiliary nursing with misrepresenting the completeness of the course, the benefits and opportunities available to graduates, etc.

After the usual proceedings, the hearing examiner made his initial decision, finding most of the charges unproven, and including order to cease and desist. Cross-appeals filed by the respective counsel were denied, and the Commission on June 10 adopted the initial decision as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, W. Lane Schulze and W. C. Schulze II, individually and as copartners, trading under the name of Chicago School of Nursing, Division of Career Institute, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a course of instruction in auxiliary nursing, including practical nursing and nurse's aide, or any similar or related course of instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that persons completing respondents' course of instruction are eligible for employment or will be employed as practical nurses by hospitals or institutions unless it is clearly revealed that such persons will not be eligible for employment and will not be employed as practical nurses in the States of Arkansas, Idaho, Louisiana, Nevada or New York, or in hospitals in the State of Rhode Island, or in any other State that may now have, or may hereafter enact, a law making it mandatory for practical nurses to be licensed.

By "Decision of the Commission", report of compliance was required as follows:

It is further ordered, That the respondents, W. Lane Schulze and W. C. Schulze II, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

Issued: June 10, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58–6584; Filed, Aug. 15, 1958; 8:47 a. m.]

[Docket 6919]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DAN DEE PRETZEL & POTATO CHIP CO. ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.715 *Charges and price differentials; (Discriminating in price under section 2, Clayton Act, as amended)*—Payment for services or facilities for processing or sale under 2 (d): § 13.824 *Advertising expenses; (Discriminating in price under section 2, Clayton Act, as amended)*—Furnishing services or facilities for processing, handling, etc., under 2 (e): § 13.835 *"Demonstrators".*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Dan Dee Pretzel & Potato Chip Company (Cleveland, Ohio), et al., Docket 6919, June 25, 1958]

In the Matter of Dan Dee Pretzel & Potato Chip Company, a Corporation, Dan Dee Northern Ohio Corporation, a Corporation, and Dan Dee West Virginia Corporation, a Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer and its sales corporation with discriminating in price in the sale of their pretzels, potato chips, and corn chips, specifically with violating section 2 (a) of the Clayton Act by giving certain large retail customers a five per cent or five per cent plus two per cent discount from the published wholesale prices charged other customers, and by granting certain jobbers a 25 per cent discount from such wholesale prices while their nonfavored competitors received only 20 per cent; violating section 2 (d) of the same Act by granting to some customers but not to their competitors special advertising allowances amounting to three per cent of purchases; and violating section 2 (e) by furnishing some stores, but not their competitors, with demonstrators who gave coupons to customers entitling them to a 10 percent price reduction for which they reimbursed the stores.

Following acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist. Respondents filed a motion requesting a stay of the effective date thereof pending adoption by the industry of trade practice rules, which was denied, and on June 25 the initial decision became the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Dan Dee Pretzel & Potato Chip Company, a corporation, and Dan Dee West Virginia Corporation, a corporation, their officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of pretzels, potato chips, corn chips, or related products in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Discriminating in the price of such products of like grade and quality by selling to any one purchaser at net prices higher than the net prices charged to any other purchaser who in fact competes with the purchaser paying the higher price in the resale and distribution of respondents' products.

2. Paying or contracting for the payment of anything of value to or for the benefit of any of respondents' customers as compensation or in consideration of any service or facility furnished by or through such customer in connection with the processing, handling, sale or offering for sale of any of respondents' products unless such payment or consideration is made available on proportionally equal terms to all of respondents' other customers competing in the distribution of such products.

3. Discriminating in favor of any of respondents' purchasers against any of their other purchasers of said products bought for resale by contracting to furnish or furnishing, or by contributing to the furnishing of any services or facilities connected with the processing, handling, sale, or offering for sale of such products unless such services or facilities are accorded to all of respondents' purchasers on proportionally equal terms.

It is further ordered, That the complaint be, and it hereby is, dismissed without prejudice as to respondent Dan Dee Northern Ohio Corporation.

By "Order Denying Motion for Stay of Effective Date of Initial Decision, and Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondents, Dan Dee Pretzel & Potato Chip Company and Dan Dee West Virginia Corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in

which they have complied with the order to cease and desist.

Issued: June 27, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-6585; Filed, Aug. 15, 1958; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54662]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

EXAMINATION OF MERCHANDISE BEFORE ENTRY FOR CONSUMPTION OR WAREHOUSE AND REIMBURSABLE SERVICES

In the case of shipments in transit under bond, applications are sometimes made by consignees or their agents in this country for permission to examine, sample, weigh, or perform other operations on the merchandise. Such examination, sampling, weighing, and so forth are usually not necessary to satisfy any United States Government requirement but are desired solely to enable the United States consignee or forwarder to check the shipment for his own purposes before it is forwarded to its destination.

In the past, the Bureau, in denying such applications pointed out that the granting thereof, with the consequent necessity of having a customs officer or officers in attendance during the performance of the operation or operations, would neither serve any purpose for the collection or protection of the revenue of the United States nor further any purpose expressly authorized by law.

However, consignees or forwarders of in-transit shipments have continued from time to time to make such applications for various legitimate business reasons, such as for the purpose of verifying that the merchandise meets the specifications of foreign buyers under contracts of sale to them. A special study of the problem was made, therefore, to see whether a more satisfactory solution could be reached for both the Government and the applicants.

The examination, sampling, weighing, or other processing of merchandise in transit under bond would appear to be for the principal benefit and to serve the business interests of the consignee or forwarder of such merchandise. To a much lesser extent it would be of incidental benefit to the Government in its revenue protection function, particularly where loss or diversion occurs during the transportation requiring the collection of duty or liquidated damages, but such incidental benefit would not of itself warrant examination, sampling, or other related operation on the Government's own initiative.

Since the Government is authorized to permit the above-described operations on merchandise in customs custody even though the performance of the operations would not be warranted solely for governmental purposes, the services of customs officers or employees required in connection with the supervision of any such operation with respect to merchandise in customs custody in transit should properly be charged to the consignee or forwarder making application to perform such operation.

Such applications may, therefore, be granted provided the costs to the Government including the salary and expenses of customs officers or employees assigned to supervise are paid by the applicant. This conforms with the sense of the Congress as expressed in section 501 of the Independent Offices Appropriation Act, 1952 (5 U. S. C. 140).

Notice of the proposed amendment of §§ 8.5 and 24.17 of the Customs Regulations to permit such examination, etc. of merchandise was published in the FEDERAL REGISTER on July 24, 1956 (21 F. R. 5536) and a revised notice was published in the FEDERAL REGISTER on December 8, 1956 (21 F. R. 9746), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003).

Consideration of the data, views, and inquiries received relating to the proposed amendments indicate a necessity for clarification of the types of operations which collectors of customs may permit under the amended § 8.5.

It is the purpose of this regulation to authorize collectors of customs to permit only such operations in addition to examining, sampling and weighing as are made necessary by reason of an emergency, provided the operation does not constitute a manufacture and to limit its application to merchandise entered or withdrawn for transportation in bond or for exportation. The Bureau of Customs may permit any other operations not constituting a manufacture under the changed regulation on merchandise so entered or withdrawn when neither the protection of the revenue nor the proper conduct of customs business requires that such operation be done in a customs bonded warehouse.

Accordingly, the Customs Regulations are hereby amended as follows:

1. Section 8.5 is amended as follows:

The headnote and paragraphs (a) and (b) are amended to read as follows:

§ 8.5 *Examination of merchandise before entry for consumption or warehouse.* (a) Except as provided for in § 14.5 (a) of this chapter or unless an examination is required for the exclusive benefit of the United States or is permitted in accordance with paragraph (b) of this section, no imported merchandise shall be opened, examined, or inspected until it has been entered under some form of an entry for consumption or warehouse.

(b) As a bona fide incident to exportation or further transportation, merchandise entered or withdrawn for transportation in bond to another port or place in the United States or for exportation may, upon written application by the consignee or his agent be permitted by the collector to be examined, sampled, weighed, or subjected to an operation not constituting a manufacture required by reason of an emergency, under conditions set forth in subparagraphs (2) to (5) of this paragraph. Merchandise entered or withdrawn as prescribed in the preceding sentence may be subjected to any other operation not constituting a manufacture if neither the protection of the revenue nor the proper conduct of customs business requires it to be done in a customs bonded warehouse and the following conditions are met:

(1) A special application by the consignee or his agent is submitted to the Bureau of Customs with the recommendation of the collector concerned and is approved by the Bureau;

(2) The operation permitted is executed under customs supervision;

(3) The application is supported by a legitimate business reason for the request;

(4) If the merchandise is in possession or joint possession of a carrier, the concurrence of the carrier is obtained; and

(5) The Government is reimbursed for the compensation, computed in accordance with § 19.5 (b) of this chapter, and other expenses of the customs officer or employee supervising the action permitted.

2. Footnote 4 to § 8.5 (b) is amended by inserting "of perishable merchandise" after the word "inspection" where it first appears.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

3. Section 24.17 (a) is amended by adding a new subparagraph designated (11) reading as follows:

(11) When a customs officer or employee is assigned to supervise examination, sampling, weighing, or other operation on merchandise in accordance with § 8.5 (b) of this chapter, the compensation and other expenses of such officer or employee shall be reimbursed to the Government by the party in interest except when a warehouse proprietor is liable therefor.

(R. S. 161, 251, secs. 524, 624, 46 Stat. 741, as amended, 759; 5 U. S. C. 22, 19 U. S. C. 66, 1524, 1624)

The amendments set forth above shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: August 11, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-6597; Filed, Aug. 15, 1958; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1714]

[Idaho 08506]

IDAHO

WITHDRAWING PUBLIC LANDS IN BITTERROOT NATIONAL FOREST FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES AND PUBLIC CAMPGROUNDS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 43 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Bitterroot National Forest in Idaho are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, nor disposals under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, for administrative sites and public campgrounds:

BOISE MERIDIAN

BITTERROOT NATIONAL FOREST

Lolo Bar Guard Station Administrative Site

T. 24 N., R. 13 E.,
Sec. 16, E½SW¼ and E½W½SW¼, (unsurveyed), those parts lying north of the Salmon River.

The areas described aggregate approximately 65 acres.

Magruder Ranger Station Administrative Site

T. 27 N., R. 14 E.,
Sec. 3, W½E½SW¼, E½W½SW¼, W½SE¼NW¼, and E½SW¼NW¼ (unsurveyed).

The areas described aggregate approximately 120 acres.

Deep Creek Public Campground

T. 27 N., R. 14 E.,
Sec. 3, N½NW¼NE¼ and E½NE¼NW¼ (unsurveyed).
T. 28 N., R. 14 E.,
Sec. 34, S½SW¼SE¼ (unsurveyed).

The areas described aggregate approximately 60 acres.

Magruder Public Campground.

T. 28 N., R. 14 E.,
Sec. 29, SW¼NW¼ and E½NW¼NW¼ (unsurveyed).

The areas described aggregate approximately 60 acres.

Paradise Guard Station Administrative Site

T. 29 N., R. 14 E.,
Sec. 9, W½SW¼NE¼, SE¼NW¼, NE¼SW¼, E½NW¼SW¼, E½SW¼SW¼, and W½SE¼SW¼ (unsurveyed).

The areas described aggregate approximately 160 acres.

The areas withdrawn by this order total approximately 465 acres.

This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 11, 1958.

[F. R. Doc. 58-6574; Filed, Aug. 15, 1958; 8:45 a. m.]

[Public Land Order 1715]

UTAH

WITHDRAWING PUBLIC LANDS FOR USE OF FOREST SERVICE FOR ADMINISTRATIVE SITE AND ARCHEOLOGICAL AND SCENIC AREA

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 43 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Manti LaSal National Forest in Utah are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for the use of the Forest Service, Department of Agriculture, for an administrative site and an archeological and scenic area:

[Utah 026841]

SALT LAKE MERIDIAN

MANTI LASAL NATIONAL FOREST

Mesa Administrative Site

Beginning at a point from which Corner 4 of HES 132 in section 30, T. 26 S., R. 24 E., bears west 3.4 chains thence
East, 6.6 chains;
S. 5°00' W., 5.2 chains;
S. 53°00' E., 35.4 chains;
S. 36°00' W., 13.0 chains;
N. 57°00' W., 35.0 chains;
N. 7°00' E., 18.3 chains to point of beginning.

The tract described contains approximately 58 acres.

[Utah 028260]

SALT LAKE MERIDIAN

MANTI LASAL NATIONAL FOREST

Hammond Canyon Archeological and Scenic Area

T. 35 S., R. 20 E.,
Sec. 28, S½SW¼;
Sec. 29, S½S½;
Sec. 30, lot 4, SE¼SW¼, and S½SE¼;
Sec. 31, lot 1, N½NE¼, and NE¼NW¼;
Sec. 32, N½N½;
Sec. 33, N½NW¼.

The areas described aggregate 800.19 acres.

The areas withdrawn by this order total 858.19 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 11, 1958.

[F. R. Doc. 58-6575; Filed, Aug. 15, 1958; 8:45 a. m.]

Chapter II—Bureau of Reclamation, Department of the Interior

PART 411—SALE AND EXCHANGE OF LAND IN FARM UNITS OWNED BY THE UNITED STATES, COLUMBIA BASIN PROJECT, WASHINGTON

SALES AND EXCHANGES OF PORTIONS OF FARM UNITS

Section 411.4 is amended to read as follows:

§ 411.4 *Sales and exchanges of portions of farm units.* If the owner or contract purchaser holds a farm unit or units together with portions of one or more farm units, or holds only portions of more than one farm unit or has heretofore purchased a farm unit from the United States, the cumulative total acreage transferred to a common ownership at any time by the sale or exchange of a portion of a farm unit or units owned by the United States shall not exceed one-half of the irrigable acreage of the largest farm unit conformed by such sales or exchanges, except that if the owner or contract purchaser holds only portions of one or more farm units and has not heretofore purchased a farm unit from the United States, and desires to conform only a single farm unit the portion owned by the United States of one of the farm units may be sold to or exchanged with the owner or contract purchaser even though such sale or exchange may exceed one-half of the irrigable acreage of the unit. In no case may a portion of a farm unit owned by the United States be sold to or exchanged with the owner or contract purchaser of the remaining portion where the sale or exchange is not in the interest of sound project development or where it will not place the entire farm unit in a single ownership to which water may be delivered under the regulations in Part 404 of this chapter.

(Sec. 8, 57 Stat. 20; 16 U. S. C. 835c-4)

The purpose of the foregoing amendment is to permit the sale of a portion of a farm unit by the United States to the owner of the remaining portion where the portion owned by the United States is more than one half of the unit and only where the owner of the remaining portion does not own a farm unit or portions of farm units other than the one for which the sale is to be completed. Also, the amendment is to make clear that sales of portions of units by the United States are to be cumulative as to the owner for the purpose of this section. The restrictions applicable to an owner of a conformed unit are also made appli-

cable to a person who has heretofore acquired a farm unit from the United States but has disposed of the unit. The amendment also includes all matters covered by this section as originally promulgated and published.

This amendment is to become effective immediately upon its publication in the FEDERAL REGISTER inasmuch as the original section of this part was effective May 29, 1958.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 7, 1958.

[F. R. Doc. 58-6576; Filed, Aug. 15, 1958; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 101]

COTTON WAREHOUSES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that the Department of Agriculture is considering amending the regulations relating to cotton warehouses (7 CFR Part 101, as amended) under the United States Warehouse Act (7 U. S. C. 241 et seq.) in the following respects:

It is proposed to:

1. Amend § 101.2 by adding the following new definition:

(w) *Board of Cotton Examiners.* A board of cotton examiners properly qualified and designated as such under the regulations (Part 28 of this chapter) under the United States Cotton Standards Act.

2. Amend § 101.16 (a) by changing subparagraphs (6) and (8) and adding a new subparagraph (9) therein, to read, respectively:

(6) A statement, conspicuously placed, whether or not the cotton is insured, and, if insured, to what extent, by the warehouseman, against loss or damage by fire, lightning and other risks;

(8) A blank space designated for the purpose in which the grade and/or other classification may be stated; and

(9) A statement to the effect that the weight was determined by a weigher licensed under the United States Warehouse Act.

3. Amend § 101.16 (c) and (d) to read, respectively:

(c) Every negotiable receipt issued for cotton stored in a licensed warehouse shall, in addition to complying with paragraphs (a) and (b) of this section, embody within its written or printed terms the following: (1) If the cotton covered by such receipt was classified by a licensed classifier or a board of cotton examiners, a statement to that effect, and (2) a form of indorsement which may be used by the depositor, or his authorized agent, for showing the ownership of, and liens, mortgages, or other encumbrances on, the cotton covered by the receipt.

(d) Whenever the grade or other class of the cotton is stated in a receipt issued for cotton stored in a licensed warehouse, such grade or other class shall be determined by a licensed classifier of a board of cotton examiners upon the basis of a sample drawn in accordance with § 101.71, and shall be stated in the receipt in accordance with §§ 101.68 to 101.74.

4. Amend § 101.23 (a) and (b) by substituting for the phrase "and/or flood" the phrase "and other risks."

5. Amend § 101.38 by changing the first sentence to read: "All cotton, before being stored in a licensed warehouse, shall be weighed at the warehouse by a licensed weigher, and the weight so determined shall be stated on the warehouse receipt."

6. Amend § 101.47 by adding at the end thereof the following: "The licensed warehouseman shall also keep a copy of each Form A memorandum and Form C certificate issued by a board of cotton examiners which forms a basis of any receipt issued by the warehouseman. All certificates and memorandums within this section shall be retained in the records of the licensed warehouseman for a period of one year from the date of their issuance and thereafter until the receipts based on such certificates have been surrendered and cancelled."

7. Amend § 101.48 by inserting in the first sentence the phrase "or to be stored" before the phrase "in the licensed warehouse" and by deleting the word "sole" from the third sentence.

8. Amend the first and second sentences in § 101.49 to read, respectively: "All samples drawn from cotton in the custody of a licensed warehouseman for storage in a licensed warehouse shall be drawn by licensed samplers in the employ of the licensed warehouseman and at his direction and under his supervision, except when they are drawn as provided in § 101.79 or are drawn by or under the direction of a cotton exchange inspection agency in accordance with the regulations in Part 27 of this chapter under the cotton futures legislation (26 U. S. C. 4851 et seq.) or are drawn under the supervision of a Cotton Division employee in accordance with the regulations in Part 28 of this chapter under the United States Cotton Standards Act (7 U. S. C. 51 et seq.). Each sample shall be appropriately marked to show the tag number of the bale of cotton from which it was drawn and the date of sampling."

9. Amend § 101.57 to read:

§ 101.57 *Duties of sampler, classifier and weigher.* Each licensed classifier or weigher whose license remains in effect shall, without discrimination, as soon as practicable, and upon reasonable terms, classify or weigh and certificate the class or weight, respectively, of cotton stored or to be stored in a licensed warehouse to which his license applies, if such cotton is offered to him under such conditions as permit the proper performance of such functions; except that no class or weight certificate need be issued when the class or weight so determined is entered on a receipt by the licensed classifier or weigher making the determination thereof. Each licensed sampler shall sample cotton stored or to be stored in a licensed warehouse for which he holds a license, in accordance with § 101.48. Each licensed sampler, classifier, and weigher shall give preference to persons who request his services as such over persons who request his services in any other capacity. No class or weight certificate shall be issued under the act for cotton not in the custody of a licensed warehouseman for purposes of storage in a licensed warehouse, nor shall cotton not in the custody of such a warehouseman for such purpose be sampled by a licensed sampler acting as such.

10. Amend § 101.58 (b) to read:

(b) Form A memorandums and Form C certificates issued by a board of cotton examiners and class certificates issued by licensed classers under the United States Cotton Standards Act (7 U. S. C. 51 et seq.) shall be deemed sufficient for the purposes of the United States Warehouse Act and the regulations in this part, if the samples on which they are based were drawn in accordance with applicable requirements of § 101.71, and, in case of a class certificate issued by such a licensed classer, if the classer holds an unsuspended and unrevoked license under each of said acts.

11. Amend § 101.70 (b), (c) (5) and (7) to read, respectively:

(b) If cotton be reduced in value, by reason of the presence of extraneous matter of any character or irregularities or defects below its grade or below its apparent length of staple according to the official cotton standards of the United States, the grade or length of staple from which it is so reduced, and the grade or length of staple to which it is so reduced, and the quality or condition which so reduces its value shall be determined and stated.

(c) • • •

(5) *Repacked cotton.* Cotton that is composed of factors', brokers', or other samples, or of loose or miscellaneous lots collected and rebaled, or cotton in a bale which is composed of cotton from two or more smaller bales or parts of bales.

• • • • • •

(7) *Mixed packed cotton.* Cotton in a bale which, in the samples drawn therefrom, shows (i) a difference of three or more grades, or (ii) a difference of three or more color gradations, or (iii) a difference of two or more grades and two or more color gradations, or (iv) a difference in length of staple of one-eighth inch or more.

12. Amend § 101.71 by inserting, after the word "classifier," the phrase "or board of cotton examiners," and by adding the following sentence at the end of the section: "Samples submitted to a board of cotton examiners for issuance of Form A memorandums and samples upon which classification is to be determined by licensed classifiers for purposes of the Act and the regulations in this part shall be drawn by samplers licensed under the Act and said regulations and in accordance with § 101.72."

13. Amend § 101.72 to read:

§ 101.72 *Samples.* Each sample shall be approximately 6 ounces in weight, not less than 3 ounces of which are to be drawn from each side of the bale. Each sample must be representative of the bale from which drawn. Samples shall not be dressed or trimmed and shall be carefully handled in such manner as not to cause loss of leaf, sand, or other material, or otherwise change their representative character. Any sample which does not meet these requirements may be rejected.

14. Amend § 101.73 to read:

§ 101.73 *Lower grade (of two samples) to determine classification.* If a sample drawn from one portion of a bale is lower in grade or shorter in length than one drawn from another portion of such bale, the classification of the bale shall be that of the sample showing the lower grade or shorter length.

15. Amend § 101.79 (b) by changing the second sentence to read: "Such samples shall be drawn in accordance with § 101.72."

Present regulations for cotton warehouses under the United States Warehouse Act do not require that the weight, grade or other class stated on a licensed warehouse receipt be established by a weigher or classifier licensed under the Act. Custom with respect to weighing and classification of cotton has changed. Weights in practically all instances are determined by weighers licensed under the Act, and where grade or other class of cotton is stated on a warehouse receipt such grade or class is customarily established by a classifier licensed under the Act or a U. S. Department of Agriculture board of cotton examiners. The primary purpose of the proposals stated above is to establish better control over the weighing and classification of cotton stored in licensed warehouses in view of this change in trade practices. Other minor changes are also proposed as indicated above.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Special Services Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 8th day of July 1958.

[SEAL] GEORGE A. DICE,
Director,
Special Services Division,
Agricultural Marketing Service.

[F. R. Doc. 58-6612; Filed, Aug. 15, 1958; 8:52 a. m.]

Agricultural Research Service

[9 CFR Part 131]

[Docket No. AO16-A7]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to Public Law 320, 74th Congress, approved August 24, 1935 (49 Stat. 781; 7 U. S. C. 851 et seq.) as amended by Public Law 85-574, approved July 31, 1958 (72 Stat. 454), hereinafter referred to as the "act," and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders applicable to anti-hog-cholera serum and hog-cholera virus (9 CFR Part 132), a public hearing was held at Chicago, Illinois on August 6, 1958, pursuant to notice thereof published in the FEDERAL REGISTER (23 F. R. 5879) upon proposed amendment to the Marketing Agreement, as amended, hereinafter referred to as the "Marketing Agreement," and to the order, as amended (9 CFR Part 131), hereinafter referred to as the "order," regulating the handling of anti-hog-cholera serum and hog-cholera virus.

The material issues presented on the record are (1) the date upon which manufacturers shall have the emergency reserve supply of completed serum specified in section 58 (b) of the act, as amended; (2) the procedure for the fixing of a date between January 1 and May 1 by the Secretary for such serum reserve; (3) the requirements for reporting such serum reserve by each manufacturer; (4) definition of the terms "Secretary," "completed serum," and "inventory in his own possession;" and (5) the need for immediate action by the Secretary with respect to issuance of a decision.

Findings and conclusions. Upon the basis of evidence adduced at the hearing and on the record thereof, it is hereby found and concluded that:

1. The marketing agreement and order should be amended to provide that each manufacturer shall have in inventory in his own possession on April 1 of each year a reserve supply of completed serum equivalent to not less than 40 per centum of his previous year's sales of all serum, except that upon written application by a manufacturer filed before September 1 of the preceding year, the Secretary may fix another date between January 1 and May 1 on which such manufacturer shall have such inventory for a particular year if the Secretary finds that such action tends to effectuate the purposes of the act. Provision should also be made that serum used in computing the reserve supply of any manufacturer should not again be used in computing the reserve supply of any other manufacturer.

The present provisions of the marketing agreement and the order require each manufacturer to have on hand on May 1 of each year a reserve supply of completed serum equivalent to not less than 40 per centum of his previous year's sales, which requirement was issued pursuant to the original provisions of section 58 (b) of the act. The amendment to section 58 (b) of the act, approved July 31, 1958, provides that a marketing agreement may contain terms and conditions requiring each manufacturer to have in inventory in his own possession on April 1 of each year a reserve supply of completed serum equivalent to not less than 40 per centum of his previous year's sales of all serum, except that it may provide that upon written application by a manufacturer filed before September 1 of the preceding year, the Secretary may fix another date between January 1 and May 1 on which such manufacturer shall have such inventory if the Secretary finds that such action will tend to effectuate the purposes of the act. The Secretary may impose such terms and conditions upon granting any such application as he finds necessary to effectuate the purposes of the act. It further provides that serum used in computing the required reserve supply of any manufacturer shall not again be used in computing the reserve supply of any other manufacturer.

This amendment to the act makes necessary the amendment of the marketing agreement and the order to specify April 1 as the compliance date for the serum reserve to bring them into conformity with the provisions of the act, as amended, with respect to the time that each manufacturer shall have the required reserve supply of completed serum. Unusual circumstances with respect to the incidence of hog cholera nationally and in a particular area; the adequacy and availability of serum nationally and in a particular area; a difference in the farrowing season in a particular area from the national pattern; and fluctuations in the national pig crop and the percentage of inoculation of such pig crop may warrant the fixing of a date other than April 1 on which a manufacturer shall have the required serum reserve. Therefore, the marketing agreement and the order should provide authority for the Secretary to fix a different date between January 1 and May 1 on which a manufacturer shall have his required serum reserve. In order that there be no uncertainty in the supply of serum on a national basis, it is necessary that the Secretary's decision on an application for a date other than April 1 be final.

2. The marketing agreement should be amended to provide specific procedures to follow in the filing of and rendering a decision on an application by a manufacturer for a date other than April 1 on which a manufacturer shall have the required reserve supply of completed serum. It should set forth the time and place of filing, the form and content of such application and the basis for and issuance of a decision thereon. Provision should also be made that the Secretary may publish in the FEDERAL REGISTER a notice of such filing, affording interested persons opportunity to file written data, views and arguments with respect to any or all of such applications, and, upon the granting of an application, or applications, publish the name of each such applicant and the date set on which he shall have the required reserve supply of serum.

The setting of a date other than April 1 of each year on which a manufacturer shall have the required reserve supply of completed serum will be conditioned on whether the setting of such date will tend to effectuate the purposes of the act. The reserve supply of serum is for the purpose of having an adequate supply of serum immediately available at all times when the disease of hog cholera is most prevalent in order to guard against a widespread epizootic. Serious outbreaks generally occur in the late spring and summer months and unless checked spread very rapidly. The greater the percentage of the pig crop inoculated the easier it is to check the disease and consequently there is less danger of an uncontrolled outbreak, and, conversely, the less the percentage of the pig crop inoculated the greater the danger of a serious outbreak. Among the factors that should be considered in granting or denying an application, therefore, are the area of distribution of serum by applicant, the incidence of the disease of hog cholera in his area of distribution and its incidence nationally; the farrowing seasons of the pig crop nationally and in said area of distribution; the percentage of the national pig crop inoculated; and conditions with respect to the available supply of serum nationally and in said area of distribution. Consideration should be given to all relevant and material facts submitted by applicant and all other available information, including information and data on file in the Department. Consideration should also be given to any written data, views and arguments submitted by interested persons.

Because of the numerous factors, data and information to be considered in rendering a decision on an application; the possibility of having to obtain additional information from applicant and the fact that some period must necessarily elapse between the filing of an application and a decision thereon, it is believed that the marketing agreement and order should not specify a particular time in which a decision should be rendered. A time limit could result in denial of an application because of insufficient data submitted by the applicant which could be produced upon request therefor except for the lapsing of the specified period of time. A decision on an application should be rendered as expeditiously as possible under the circumstances in each particular case. The time required for an applicant to manufacture his serum reserve should be given consideration in expediting the decision on such application.

It is recognized that if the provisions with respect to the fixing of a date other than April 1 on which a manufacturer shall have his serum reserve is to have any force and effect for the year 1959, it will be necessary to receive applications for the fixing of such date before September 1, 1958, and to engage in collecting data and information with respect thereto during the period necessary for the signing of the marketing agreement herein by the required number of handlers and the issuance of the final order pursuant thereto. Therefore, it is contemplated that a decision on such applications will be issued immediately following the effective date of such order.

3. The marketing agreement and the order, should be amended to require each manufacturer to file with the Secretary a sworn report, on a form furnished by and available from the Secretary, setting forth the cubic centimeter volume of completed serum such manufacturer had in inventory in his own possession on April 1 of such year, identifying such serum by serial number, quantity in each serial and the name and address of the facility where stored on April 1 of such year. If any of such serum was acquired from another handler, the name of the manufacturer and the seller, the serial numbers and amount so acquired with the delivery date thereof should be set forth. The report should also set forth the volume of all serum sold by such manufacturer the preceding calendar year. If a date other than April 1 is set for a particular manufacturer by the Secretary, such manufacturer should file a report within 30 days after said date set by the Secretary, which report should contain the aforesaid information as of the date set by the Secretary.

The foregoing information is necessary in order to determine that the serum reported is "completed serum"; that it is in inventory in the possession of the reporting manufacturer; and that it has not been, nor will be, computed in the serum reserve of another manufacturer, all of which are requirements of the act. By means of the specified information the Department will be able to check the accuracy of such reports with the plant production records of manufacturers and other information on file in the Department and thereby determine compliance with the provisions of the Act and order.

4. The terms "Secretary" "completed serum" and "inventory in his own possession" should be defined so that all handlers under the marketing agreement and the order will know their specific meaning when used in said agreement and order.

The term "Secretary" should be redefined to show that it also includes officers and employees to whom authority has been delegated. The term "completed serum" should be defined to include "completed serum" and "finished serum" as those terms are defined in the regulations of the Secretary governing the production of anti-hog-cholera serum (9 CFR Part 119). These two classes of serum have been used in the past in computing the required serum reserve of manufacturers. The term "inventory in his own possession" should be defined to mean completed serum owned by a manufacturer and stored for his own account in premises owned and leased by him. Only "completed serum" that is owned by and in the actual physical possession of a manufacturer should be used in computing such manufacturer's required serum reserve.

5. The due and timely execution of the Secretary's functions under the act imperatively and unavoidably require the omission of a recommended decision by the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, and the opportunity for filing exceptions thereto, for the following reasons:

The amendment of section 58 (b) of the act, approved July 31, 1958, provides that upon written application by a manufacturer filed before September 1 of the preceding year, the Secretary may fix another date between January 1 and May 1 on which such manufacturer shall have his required serum reserve specified by the act. Any manufacturer desiring a date between January 1 and May 1, 1959, is therefore required to file his application before September 1, 1958. The issuance of a recommended decision, and time for filing exceptions thereto, is time consuming and would not permit the issuance of a final decision, setting forth the Secretary's action with respect to the terms and conditions for the filing of applications, in sufficient time to allow for the filing of such applications before September 1, 1958. Inability to file an application for the year 1959 may result in a hardship on one or more of such manufacturers, thus defeating the purpose of the amendment for the year 1959. It is, therefore, found on the basis of the hearing record that good cause exists for the omission of a recommended decision.

Rulings on proposed findings and conclusions. Although time for filing was allowed therefor no proposed findings and conclusions were filed.

General findings. Upon the basis of the evidence adduced at the hearing, and the record thereof, it is hereby found that:

(a) The said agreement, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The said order, as amended and as hereby proposed to be further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in the said marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as amended, Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus" and "Order Amending the Order, as amended, Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus", which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid amendments shall not become effective unless and until the requirements of § 132.14 (b) of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement amending the marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order which will be published with this decision.

Done at Washington, D. C., this 14th day of August, 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

Order[1] Amending the Order, as Amended, Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus

1. Amend § 131.1 and add new §§ 131.17 and 131.18 to read as follows:

§ 131.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 131.17 *Completed serum.* "Completed serum" as used in this subpart means "completed serum" and "finished serum" as defined in § 119.23 (a) (5) and (6), respectively, of this chapter (regulations of the Secretary governing the production of anti-hog-cholera serum).

§ 131.18 *Inventory in his own possession.* "Inventory in his own possession" as used in this subpart means completed serum owned by a manufacturer and stored for his own account in premises owned or leased by him.

2. Delete the second sentence of paragraph (a) of § 131.48 and add a new paragraph (c) to § 131.48 to read as follows:

(c) Except as provided in the last sentence of this paragraph, each manufacturer, on or before May 1 of each year, shall file a sworn report with the Secretary, on a form furnished by and available from the Secretary, setting forth the cubic centimeter volume of completed serum such manufacturer had in inventory in his own possession on April 1 of such year, identifying such serum by serial number, the quantity covered by each serial number and the name and address of the facility where such serum was stored on April 1 of such year. If any such serum was acquired from another handler, the name of the manufacturer and of the seller, the serial numbers and the amount so acquired, together with the delivery date thereof, shall be set forth in the report. The report shall also set forth the cubic centimeter volume of all serum sold by such manufacturer during the preceding calendar year. In the event a date other than April 1 is set for a particular manufacturer by the Secretary pursuant to the provision of § 131.79 (b), the report specified in this paragraph shall be filed by such manufacturer within 30 days after said date set by the Secretary and the information given therein with respect to his serum inventory shall be given as of the date set by the Secretary.

3. Amend § 131.79 to read as follows:

§ 131.79 *Emergency reserve.* (a) Except as provided in paragraph (b) of this section, each manufacturer shall have in inventory in his own possession on April 1 of each year a reserve supply of completed serum equivalent to not less than 40 per centum of his previous year's sales of all serum. Serum used in computing the required reserve supply of any manufacturer shall not again be used in compting the required reserve supply of any other manufacturer.

(b) Upon the written application by a manufacturer filed before September 1 of the preceding year, the Secretary may fix another date between January 1 and May 1 on which such manufacturer shall have the inventory specified in paragraph (a) of this section for a particular year if the Secretary finds that such action will tend to effectuate the purposes of the act. The Secretary may impose such terms and conditions upon granting any such application as he finds necessary to effectuate the purposes of the act.

4. Add a new § 131.80 to read as follows:

§ 131.80 *Procedure for filing and decision on application filed pursuant to § 131.79 (b) of this subpart*—(a) *Time and place of filing.* Application for a date between January 1 and May 1 on which a manufacturer shall have the inventory specified in § 131.79 (a) for a particular year shall be filed with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington, D. C., before September 1 of the preceding year. Said application shall be deemed to be filed when received by the Office of the Director.

(b) *Form and content of application.* The application shall be in writing and signed by the applicant. If the applicant is a corporation, the application shall be signed by an officer of such corporation, and if applicant is a partnership, it shall be signed by one of the partners. The application shall contain (1) the name, address, principal place of business and form of business organization of applicant. If it is a corporation, such fact shall be stated together with the State of incorporation, date of incorporation and the names of its officers and directors; if it is a partnership, the name and address of each partner; (2) a request for a definite date between January 1 and May 1 which applicant desires the Secretary to set on which the applicant shall have said inventory specified in § 131.79 (a); and (3) a full statement of the facts upon which applicant relies to support his application which statement shall include information with respect to the area of his distribution of serum, giving the percentage of his total marketings for each State within said area and for export and may include information covering other factors specified in paragraph (d) of this section. The Secretary may, at any time following receipt of the application, request additional information from applicant.

(c) *Notice of filing.* Following the receipt of such applications, the Secretary may publish in the FEDERAL REGISTER a notice setting forth the names of the applicants and the date so requested by each of them, and may afford all interested parties the opportunity of filing written data, views and arguments with respect to any or all such applications within a time to be fixed by the Secretary. After publication of the aforesaid notice, an application may be withdrawn only upon written request to the Secretary showing good cause therefor, but in no event may an application be withdrawn after final decision thereon by the Secretary.

(d) *Basis of decision.* The setting of a date other than April 1 of each year on which a manufacturer shall have the inventory specified in § 131.79 (a) will be conditioned on whether the setting of such date will tend to effectuate the purposes of the act. In granting or denying such applications, consideration will be given, but not limited to the following factors: (1) The areas of distribution of serum by applicant; (2) the incidence of the disease of hog cholera in the area of distribution of serum of the applicant, the time of its greatest incidence in said marketing area and the time of its greatest incidence nationally; (3) the farrowing season or seasons of the pig crop nationally and in said marketing area; (4) conditions with respect to the available supply of serum nationally and in said area; and (5) the percentage of the national pig crop inoculated. Consideration will be given to all relevant and material matters submitted and all other available information and data relating to the applications, including information and data on file in the Department.

(e) *Final decision.* The Secretary shall issue a decision on all applications and such decision shall be final: *Provided*, That any decision setting a date other than April 1 may be reviewed and may be vacated if it is subsequently found that any material fact upon which such determination was based was materially erroneous or false. A true copy of the final decision shall be sent to the applicant by registered mail. Upon the granting of an application, or applications, the Secretary may publish in the FEDERAL REGISTER the name of each such applicant and the date set for each such applicant on which he shall have the inventory specified in § 131.79 (a).

[F. R. Doc. 58-6666; Filed, Aug. 15, 1958; 8:59 a. m.]

[1] This order shall not become effective unless and until the requirements of § 132.14 (b) of the rules of practice governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR INCREASED TOLERANCES FOR RESIDUES OF SODIUM O-PHENYLPHENATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Vis-Ko, Inc., 925 Kincaid Avenue, Sumner, Washington, proposing an increase in

the tolerance to 25 parts per million for residues of sodium o-phenylphenate, calculated as o-phenylphenol, in or on apples and pears.

The analytical method proposed in the petition for determining residues of sodium o-phenylphenate involves the conversion of the sodium salt into the free phenol, which is then steam-distilled. The free phenol is reacted with 4-aminoantipyrine in the presence of potassium ferricyanide to give a red color, which is measured spectrophotometrically.

Dated: August 13, 1958.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 58-6599; Filed, Aug. 15, 1958; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

EXEMPTION OF CERTAIN SECURITIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt § 240.15a-3 (Rule 15a-3) under the Securities Exchange Act of 1934. This rule would exempt from section 15 (a) of the act a specialist's block purchases and sales off the floor of the exchange when the transaction is approved by the exchange and is effected under its rules to help the specialist to maintain a fair and orderly market. The exemption would make it unnecessary for a specialist who effects no other over-the-counter transactions in non-exempt securities to become registered as a broker-dealer.

Section 15 (a) of the act provides that no broker or dealer shall use the mails or any federal instrumentality to effect any transaction in a security (other than an exempted security) otherwise than on a national securities exchange unless he is registered as a broker-dealer with this Commission or his business is exclusively intrastate. Section 3 (a) (12) of the act defines the term "exempted security" to include a security which the Commission, by rules and regulations deemed necessary or appropriate in the public interest or for the protection of investors, exempts from the operation of any one or more provisions of the act which by their terms do not apply to an "exempted security".

The rules of some national securities exchanges provide that a member registered as a specialist in a particular security may buy or sell blocks of such security off the floor of the exchange when it appears that such transactions will help the specialist to perform his function of maintaining a fair and orderly market in such security on the exchange and they are approved by the exchange. It has been suggested that since such transactions are regulated by the exchange, a specialist who effects no other securities transactions off the floor of the exchange should not be required to be registered as a broker-dealer with the Commission.

The above action would be taken under the provisions of the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 15 (a) and 23 (a) thereof.

The proposed rule would read substantially as follows:

§ 240.15a-3 *Exemption for specialists' block purchases and sales.* Securities registered or exempt from registration on a national securities exchange are hereby exempted from the operation of section 15 (a) of the act when they are bought or sold off the floor of such exchange in a block by a specialist registered in such security and the transaction involving such securities has been approved by such exchange pursuant to its rules to assist the specialist to maintain a fair and orderly market in such security on such exchange.

All interested persons are invited to submit their views and comments on the proposed rule in writing to the Securities and Exchange Commission, Washington 25, D. C. on or before September 11, 1958. Unless a person submitting any such views or comments requests in writing that they be held confidential they will become public records available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 11, 1958.

[F. R. Doc. 58-6587; Filed, Aug. 15, 1958; 8:48 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

MISCELLANEOUS AMENDMENTS

Pursuant to authority (19 F. R. 74), as amended, delegated to the Administrator, Agricultural Marketing Service, the Organization, Functions, and Delegations of Authority of the Agricultural Marketing Service (22 F. R. 1452), as amended, is further amended as follows:

1. In section 1 delete the word "school" between the words "special" and "milk".

2. In section 2 (c) (2) delete the word "school" between the words "special" and "milk".

3. In section 2 (d) (2) insert the words "management analysis," between the word "personnel," and the words "and administrative services"; also insert the words "Management Analysis," between the words "Budget and Finance," and the words "and Personnel Divisions".

4. In section 3 delete paragraph (c) in its entirety and add a new paragraph (c) to read as follows:

(c) *Statistical Standards Division.* The Statistical Standards Division under the direction and supervision of the Administrator is responsible for:

(1) Reviewing all statistical forms, survey plans, and reporting and record keeping requirements originating in the Department and requiring approval by the Bureau of the Budget;

(2) Providing liaison for coordination of statistics within the Department and with other statistical agencies,

(3) General improvement of statistical methods and techniques in AMS and throughout the Department through counseling, investigation of alternative methods and techniques, and development of new methods and techniques, and

(4) Systems analysis, programming, and processing of data by electronic and electro-mechanical equipment to meet the requirements of the over-all programs and activities of AMS.

5. In section 3 (e) first and second line change the words "Program Appraisal and" to "Internal".

6. In section 4 (a) (1) change the words "agricultural labor" between the word "population" and the word "levels" to "farm manpower"; delete the words "and standards" between the word "levels" and the words "of living"; and change the word "organization" between the words "rural" and "and other rural problems" to "development".

7. In section 5 (f) (1) insert the words "Poultry Products Inspection Act (71 Stat. 441)," between the words "authorized by" and "Section 32".

8. In section 5 (f) delete paragraph (4).

9. In section 5 (h) (1) delete the word "school" between the words "special" and "milk".

10. In section 6 add "Management Analysis" between the words "Budget and Finance," and "and Personnel".

11. In section 6 (a) (1) delete "procedure, forms," between the word "communications," and the words "and related management".

12. In section 6 renumber paragraphs (c) and (d) to (d) and (e) respectively, and add a new paragraph (c) to read as follows:

(c) *Management Analysis Division.* The Management Analysis Division is responsible for:

(1) Planning and administering the procedures, forms, reports, paperwork, and related management programs and activities necessary to meet requirements of the over-all programs and activities of AMS, and

(2) Providing staff assistance to the Assistant Administrator for Management in the coordination of management improvement including the preparation of management improvement reports; coordination of administrative management activities cutting across administrative division lines; maintaining follow-up and coordination on administrative actions necessary as a result of audits; committee management activities of AMS; and defense planning administrative activities of AMS.

13. In section 6 (e) add "management analysis," between the word "fiscal," and the words "and personnel".

14. In section 8 add "management analysis," between the words "fiscal," and "personnel,".

15. In section 9 delete the letter "s" in the word "officers" and "offices"; delete "and the Statistical Clearance and Standards"; add "the Statistical Standards," between the words "Marketing Information" and "and the"; delete "Program Appraisal and" and insert "Internal" before the words "Audit Divisions".

16. In section 12 add "Management Analysis Division," between the words "Budget and Finance Division," and "Personnel Division,".

Issued at Washington, D. C., this 13th day of August 1958 to become effective August 13, 1958.

[SEAL] ORIS V. WELLS,
Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-6613; Filed, Aug. 15, 1958; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

FLOTA MERCANTE GRANCOLOMBIANA, S. A., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

(1) Agreement No. 8326, between Flota Mercante Grancolombiana, S. A., and Waterman Steamship Corporation of Puerto Rico, covers the transportation of general cargo under through bills of lading from Ecuador, Colombia, Honduras, Costa Rica, and Guatemala to Puerto Rico, with transhipment at Mobile, Alabama, or New Orleans, Louisiana.

(2) Agreement No. 8327, between Rederiet Ocean A/S and West Coast Line., Inc., (the carriers comprising the West Coast Line joint service), and Waterman Steamship Corporation of Puerto Rico, covers the transportation of general cargo under through bills of lading from Chile, Ecuador, Peru and Colombian Pacific Coast ports to Puerto Rico, with transhipment at Mobile, Alabama, or New Orleans, Louisiana.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 13, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-6598; Filed, Aug. 15, 1958; 8:50 a. m.]

Office of the Secretary

DIRECTOR, BUREAU OF CENSUS

AMENDED DELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CERTAIN CONTRACTS FOR SUPPLIES AND SERVICES IN CONNECTION WITH BUREAU OF CENSUS PROGRAMS

This material supersedes the material on the same subject dated July 3, 1957, 22 F. R. 4873-4874 of July 10, 1957.

1. Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950 and in accordance with delegations from the Administrator, General Services Administration to the Secretary of Commerce, on the above subject, the Director of the Bureau of the Census is hereby authorized to negotiate, without advertising, under sections 302 (c), (4), (5) and (10) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, contracts for the procurement of those supplies and services which are directly connected with the Bureau of the Census programs pertaining to the collection, collation, testing and analysis of statistical data and developments of new methods and equipment pertaining thereto.

2. In connection with the procurement of supplies hereunder, this authority shall be exercised for procurement only of those supplies of a highly technical, experimental or developmental nature.

3. This authority shall be exercised in accordance with applicable limitations and requirements in the Act, particularly sections 304, 305, and 307 thereto, and in accordance with policies, procedures, and controls prescribed by the General Services Administration.

4. Subject to the provisions of paragraph 3 above, the authority herein delegated may be redelegated to any officer or employee of the Census Bureau. Attention is invited to that part of section 307 of the act which provides that the power to make the determinations or decisions specified in section 302 (c) (10) shall be delegable only to a chief officer responsible for procurement and only with respect to contracts which will not require the expenditure of more than $25,000 and that each determination or decision required by section 302 (c) (10) shall be based upon written findings a copy of which shall be furnished the General Accounting Office with the contract.

5. The authority delegated herein shall remain in effect until December 31, 1959.

Dated: August 8, 1958.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-6598; Filed, Aug. 15, 1958; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-70]

GENERAL ELECTRIC CO.

NOTICE OF HEARING

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Part 2, 10 CFR, "Rules of Practice," notice is hereby given that a hearing will be held to consider the issuance of a facility license for a testing facility to the above-named applicant under sections 104c and 185 of the Atomic Energy Act of 1954, as amended. The hearing will commence at 10:30 a. m., e. d. t., on Wednesday, September 17, 1958, in the Auditorium at the AEC Headquarters, Germantown, Maryland. The application is available for public inspection at the AEC's Public Document Room, 1717 H Street NW., Washington, D. C.

The issues to be considered at the hearing will be the following:

1. Whether the utilization facility authorized for construction by Construction Permit No. CPTR-2 dated March 11, 1958, and issued to the General Electric Company, has been constructed in compliance with the terms and conditions of the construction permit and will operate in conformity with the application as amended, the construction permit, the act and rules and regulations of the Commission;

2. Whether there is reasonable assurance that the facility can be operated without endangering the health and safety of the public;

3. Whether the General Electric Company is technically and financially qualified to operate the facility;

4. Whether the General Electric Company has furnished to the Commission proof of financial protection in accordance with 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements."

5. Whether issuance of a license to operate the facility will be inimical to the common defense and security or to the health and safety of the public.

Petitions for leave to intervene must be received in the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or in the AEC Public Document Room, 1717 H Street NW., Washington, D. C., not later than the day preceding the day of the hearing specified above or in the event of a postponement at such time as the Presiding Officer may provide upon application of the petitioner.

Answers to this notice shall be filed by General Electric Company pursuant to § 2.736 of the rules of practice on or be-

fore Monday, September 8, 1958. In the absence of good cause shown to the contrary, the AEC staff proposes to recommend at the hearing that the AEC issue a facility license to the applicant substantially in the form annexed as Annex "A".

Papers required to be filed with the AEC in this proceeding shall be filed by mailing to the Secretary, Atomic Energy Commission, Washington 25, D. C., or may be filed in person at the office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or at the AEC Public Document Room, 1717 H Street NW., Washington, D. C. Pending further order of the Presiding Officer, parties shall file twenty copies of each such paper with the AEC and where service of papers is required on other parties shall serve five copies of each.

Pursuant to section 182b of the Atomic Energy Act of 1954, as amended, notice is hereby given that the report of the Advisory Committee on Reactor Safeguards in this matter is available for public inspection at the Commission's Public Document Room. A hazards analysis by the AEC Staff on this matter is also available at the Public Document Room.

The Commission designates Samuel W. Jensch, Esq., as the presiding officer to conduct the hearing and to render a decision pursuant to § 2.751 (a) of the Commission's rules of practice.

Dated at Germantown, Md., this 13th day of August 1958.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

ANNEX "A"

PROPOSED LICENSE

1. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses General Electric Company:

a. Pursuant to section 104 (c) of the Atomic Energy Act of 1954, as amended, and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate as a utilization facility the nuclear testing reactor designated below.

b. Pursuant to the act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use 154 kilograms of contained uranium 235 for use as fuel for operation of the facility.

2. This license applies to the pressurized light water-cooled and -moderated 33 megawatt (heat) testing reactor which is owned by General Electric Company and located in Alameda County, California, and described in General Electric Company's application dated June 14, 1957, and amendments to the application dated July 18, 1957, December 12, 1957, March 4, 1958, May 15, 1958, and June 15, 1958, and for which construction permit No. CPTR–2 was issued by the Commission on March 11, 1958 (hereinafter referred to as "the application").

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below:

a. *Operating restrictions.* Unless further authorized by the Commission:

(1) GE shall operate the facility in accordance with the procedures and limitations described in the application except as modified by the following: If, after review by the GE Laboratory Safeguards Group, the Company determines that a proposed change involves a substantial alteration of facility design or operating procedures, or a decrease in safety (i. e. an increase in the possible frequency of accidents, large and small, or an increase in consequences of major accidents), a description and safety evaluation of the proposed change shall be furnished to the Commission prior to making the change. Within fifteen days after acknowledgment of receipt by the Commission of the description and safety evaluation the change may be made by GE without specific authorization, in the absence of notice to the contrary from the Commission.

(2) Operation of the reactor with the five experimental loops other than the preasurized water and boiling water loops described in the application may be undertaken without amendment of this license if GE demonstrates in writing to the satisfaction of the Commission that operation with such other loops will not increase the probability or magnitude of accidents beyond those analyzed and evaluated for the pressurized water and boiling water loops in the application.

(3) GE shall not operate the reactor at thermal power levels in excses of 33,000 kilowatts.

(4) GE shall operate the reactor in a manner such that the temperature and void coefficients are restricted to negative values that do not eliminate the reactor's inherent ability to withstand without melting of fuel element cladding a 1 4 percent step increase in reactivity.

b. *Records.* In addition to those otherwise required under this license and applicable regulation, GE shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of GE as measured at the point of such release or discharge.

(3) Records of emergency scrams, including reasons for emergency shutdowns.

c. *Reports.* (1) GE shall make a prompt report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

(2) GE shall submit to the Commission a report of the results of operation of the reactor pertinent to the safety of the facility during (a) critical assembly tests (power levels up to 100 watts); (b) low power tests (power levels up to 50 kilowatts); (c) full power testing (without experiments); (d) low power tests with experiments; and (e) full power tests with experiments. These reports should also include any changes made in the reactor design or operating procedures, and a listing of those changes referred to and authorized by the Laboratory Safeguards Group. Each such report shall be submitted to the Commission immediately following the conclusion of each stage except that the report of full power testing (with initial experiments) shall be submitted after three months of such operations.

(3) An annual report of operating experience and changes in reactor design and operating procedure shall be submitted to the Commission, the first such report to be due one year following issuance of this license.

4. This license is effective as of the date of issuance and shall expire at midnight March 10, 1968.

Date of issuance:

For the Atomic Energy Commission.

Director,
Division of Licensing and Regulation.

[F. R. Doc. 58–6618; Filed, Aug. 15, 1958; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–15903]

UNION OIL COMPANY OF CALIFORNIA

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 12, 1958.

Union Oil Company of California (Union Oil) on July 16, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: West Lake Natural Gas Company.
Rate schedule designation: Supplement No. 2 to Union Oil's FPC Gas Rate Schedule No. 32.
Effective date: August 16, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Union Oil cites the contract provision therefor and states that the contract was negotiated at arm's length; that the price increase resulted from a contractual division of the entire contract price, is fixed and determined and its effect is readily calculable and is not spiral or inflationary or dependent upon extraneous occurrences. Union Oil further states that such pricing provisions are common in long-term casinghead gas contracts and results in a low initial price during the time the buyer's unamortized capital costs are high, and that the increased price is not in excess of the range of prices for like gas in west Texas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Union Oil's FPC Gas Rate Schedule No. 32 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Union Oil's FPC Gas Rate Schedule No. 32.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 17, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–6577; Filed, Aug. 15, 1958; 8:45 a. m.]

[Docket No. G–15904]

HUMBLE OIL & REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 12, 1958.

Humble Oil & Refining Company (Humble) on July 18, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 8, 1958.
Purchaser: West Lake Natural Gas Company.
Rate schedule designation: Supplement No. 1 to Humble's FPC Gas Rate Schedule No. 141.
Effective date: August 18, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Humble cites the contract provision therefor and states that the contract was negotiated at arm's length. Humble also states that suspension of its increase would abrogate the contract, unjustly enrich West Lake Natural Gas Company at Humble's expense, would be unjust and unreasonable and would deprive Humble of contractual rights without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Humble's FPC Gas Rate Schedule No. 141 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Humble's FPC Gas Rate Schedule No. 141.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 19, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–6578; Filed, Aug. 15, 1958; 8:46 a. m.]

[Docket No. G–15905]

EL PASO NATURAL GAS PRODUCTS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 12, 1958.

El Paso Natural Gas Products Company (El Paso) on July 18, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 16, 1958.
Purchaser: West Lake Natural Gas Company.
Rate schedule designation: Supplement No. 3 to El Paso's FPC Gas Rate Schedule No. 3.
Effective date: August 18, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, El Paso cites the contract provision therefor and states that the contract was negotiated at arm's length. El Paso also states that it bargained away its gas in reliance upon the schedule of periodic price increases and that the increased price is in all respects just and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 8 to El Paso's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to El Paso's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 19, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–6579; Filed, Aug. 15, 1958; 8:46 a. m.]

[Docket No. G–15906]

EL PASO NATURAL PRODUCTS CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 12, 1958.

El Paso Natural Products Company (Operator) et al. (El Paso), on July 18, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 16, 1958.
Purchaser: West Lake Natural Gas Company.
Rate schedule designation: Supplement No. 18 to El Paso's FPC Gas Rate Schedule No. 2.
Effective date: August 18, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, El Paso cites the contract provision therefor and states that the contract was negotiated at arm's length. El Paso states additionally that it bargained away its gas in reliance upon the schedule of periodic price increases and that the increased price is in all respects just and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 18 to El Paso's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 18 to El Paso's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 19, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6580; Filed, Aug. 15, 1958; 8:46 a. m.]

[Docket No. G-15907]

SUNRAY MID-CONTINENT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 12, 1958.

Sunray Mid-Continent Oil Company (Sunray) on July 14, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 10, 1958.

Purchaser: West Lake Natural Gas Company.

Rate schedule designation: Supplement No. 1 to Sunray's FPC Gas Rate Schedule No. 158.

Effective date: August 14, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Sunray cites the contract provisions therefor and states that the contract was negotiated at arm's length. Sunray further states that without such pricing provisions which are common in long-term contracts, it would not have committed the gas for such a long term, that the increased price is just and reasonable and in line with other gas prices in the area and to suspend such increased price would be unjust and unduly discriminatory.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Sunray's FPC Gas Rate Schedule No. 158 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Sunray's FPC Gas Rate Schedule No. 158.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 15, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6581; Filed, Aug. 15, 1958; 8:46 a. m.]

[Docket No. G-15880]

MISSISSIPPI RIVER FUEL CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 12, 1958.

Mississippi River Fuel Corporation (Mississippi), on July 9, 11, and 14, 1958, tendered for filing four tariff sheets[1] to its FPC Gas Tariff, Volume No. 2, by which Mississippi proposes to increase its rates for the sale of gas so as to increase revenues by $58,779 for gas produced or gathered in the State of Louisiana and supplied to Southern Natural Gas Company under Mississippi's FPC Gas Rate Schedule No. 10 and to Tennessee Gas Transmission Company under Mississippi's FPC Gas Rate Schedule Nos. 8 and 9.

The increased rates and charges so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one-cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable that the Commission waive the requirements of § 154.63 of its regulations and suspend the said proposed increased rates and charges until August 2, 1958, and thereafter to permit them to become effective as of that date; provided, that within 20 days from the date of this order Mississippi shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated revised tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Mississippi's proposed increased rates be made effective as hereinafter provided and that Mississippi be required to file an undertaking as hereinafter ordered and conditioned.

[1] First Revised Sheet No. 39A to FPC Gas Tariff, Original Volume 2 (Rate Schedule 8), tendered July 9, 1958; buyer, Tennessee Gas Transmission Company. (On July 11, 1958, a substitute First Revised Sheet No. 39A was filed to correct a typographical error contained in the July 9 submittal).

First Revised Sheet No. 76 and Original Sheet No. 76A to FPC Gas Tariff, Original Volume 2 (Rate Schedule No. 10), tendered July 11, 1958; buyer, Southern Natural Gas Company.

First Revised Sheet No. 56A to FPC Gas Tariff, Original Volume 2 (Rate Schedule No. 9), tendered July 14, 1958; buyer, Tennessee Gas Transmission Company.

First Revised Sheet No. 76 and Original Sheet No. 76A were withdrawn on July 28, 1956, and a new First Revised Sheet No. 76 was submitted the same date in substitution for First Revised Sheet No. 76 and Original Sheet No. 76A as originally submitted.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated revised tariff sheets.

(B) Pending such hearing and decision thereon, said First Revised Sheet No. 39A, as filed July 11, 1958; First Revised Sheet No. 76, as filed July 28, 1958, and First Revised Sheet No. 56A, as filed July 14, 1958, to Mississippi's FPC Gas Tariff, Original Volume 2, are each hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rates, charges, and classifications set forth in the above-designated filings shall be effective as of August 2, 1958: *Provided, however,* That within 20 days from the date of this order, Mississippi shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Mississippi shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one-cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax moneys collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by Mississippi herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Mississippi shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Mississippi so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order to become effective, and under the rates allowed by this order to become effective together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Mississippi shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the revised tariff sheets involved, as follows:

Agreement and Undertaking of Mississippi River Fuel Corporation to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ------, 1958, in Docket No. G-15880, Mississippi River Fuel Corporation hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused the agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ------ day of -------

MISSISSIPPI RIVER FUEL CORPORATION
By ----------
Attest:

(Secretary)

Unless Mississippi is advised to the contrary within 15 days from the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Mississippi shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) The revised tariff sheets hereby suspended shall not be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6582; Filed, Aug. 15, 1958; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8851]

TOLEDO ADEQUACY OF SERVICE INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on September 11, 1958, at 10:00 a. m., e. d. s. t., in Room 2051, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., August 6, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-6616; Filed, Aug. 15, 1958; 8:53 a. m.]

[Docket No. 9315]

AMERICAN EXPRESS CO. ET AL.

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on September 9, 1958, at 10:00 a. m., e. d. s. t., in Room 2051, Temorary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., August 6, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-6615; Filed, Aug. 15, 1958; 8:53 a. m.]

[Docket No. SA-334]

ACCIDENT OCCURRING NEAR LITTLE ROCK, ARK.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States registry N 819B, which occurred near Little Rock, Arkansas, July 22, 1958.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, August 26, 1958, at 9:00 a. m. (local time), in the Lafayette Hotel, Little Rock, Arkansas.

Dated at Washington, D. C., August 11, 1958.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 58-6617; Filed, Aug. 15, 1958; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12451, 12452; FCC 58M-861]

UNICOI BROADCASTING CO. (WEMB) AND MACE, GROVES AND MACE

ORDER CONTINUING HEARING

In re applications of Max M. Blakemore, tr/as Unicoi Broadcasting Company (WEMB), Erwin, Tennessee, Docket No. 12451, File No. BP-11216; Earl O. Mace, A. Clay Groves and Glen F. Mace, d/b as Mace, Groves and Mace, South Gastonia, North Carolina, Docket No. 12452, File No. BP-11653; for construction permits.

It is ordered, This 6th day of August 1958, that, pursuant to the provisions of § 1.111 of the rules of the Commission, and in accordance with the agreement of counsel, all parties to the above-entitled proceeding or their legal counsel are directed to appear for a prehearing conference at the offices of the Commission in Washington, D. C. at 10:00 a. m., September 22, 1958;

It is further ordered, That the hearing in this proceeding now scheduled for September 2, 1958 be and the same is hereby continued to a date to be deter-

mined at the prehearing conference and fixed in a subsequent order.

Released: August 7, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-6600; Filed, Aug. 15, 1958; 8:51 a. m.]

[Docket Nos. 12453—12457; FCC 58M-871]

ALFRED RAY FUCHS (KTJS) ET AL.

ORDER SCHEDULING ORAL ARGUMENT

In re applications of Alfred Ray Fuchs (KTJS), Hobart, Oklahoma, Docket No. 12453, File No. BP-11045; KGFL, Incorporated (KGFL), Roswell, New Mexico, Docket No. 12454, File No. BP-11273; Bob Garrison and H. H. Huntley d/b as Garrison-Huntley Enterprises, Lubbock, Texas, Docket No. 12455, File No. BP-11538; Joseph S. Lodato, Santa Rosa, New Mexico, Docket No. 12456, File No. BP-11721; Clarence E. Wilson, Hobbs, New Mexico, Docket No. 12457, File No. BP-11817; for construction permits.

It is ordered, This 12th day of August 1958, on the Acting Chief Hearing Examiner's own motion, that oral argument on the "Petition To Dismiss Application With Prejudice" filed on behalf of Joseph S. Lodato and "Petition Requesting Dismissal of Application of Garrison-Huntley Enterprises" filed on behalf of Concho Broadcasting Company, both filed on July 30, 1958, will be held in the offices of the Commission, Washington, D. C., on Friday, September 5, 1958, commencing at 9:00 o'clock a. m.

Released: August 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-6601; Filed, Aug. 15, 1958; 8:51 a. m.]

[Docket Nos. 12481, 12482; FCC 58M-860]

FARMINGTON BROADCASTING CO. AND FOUR CORNERS BROADCASTING CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Farmington Broadcasting Company, Farmington, New Mexico, Docket No. 12481, File No. BPCT-2369; Four Corners Broadcasting Company, Farmington, New Mexico, Docket No. 12482, File No. BPCT-2417; for construction permits for new television broadcast stations.

It is ordered, This 6th day of August 1958, that, pursuant to the provisions of § 1.111 of the rules of the Commission, and in accordance with the agreement of counsel, all parties to the above-entitled proceeding or their legal counsel are directed to appear for a prehearing conference at the offices of the Commission in Washington, D. C. at 10:00 a. m., September 15, 1958.

Released: August 7, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-6602; Filed, Aug. 15, 1958; 8:51 a. m.]

[Docket Nos. 12546, 12547; FCC 58M-866]

NEWARK BROADCASTING CORP. AND WMGM BROADCASTING CORP.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Newark Broadcasting Corporation, Newark, New Jersey, Docket No. 12546, File No. BPH-2427; WMGM Broadcasting Corporation, New York City, N. Y., Docket No. 12547, File No. BPH-2442; for construction permits.

It is ordered, This 11th day of August 1958, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 a. m., September 16, 1958 in the Commission's offices in Washington D. C.

Released: August 12, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-6603; Filed, Aug. 15, 1958; 8:51 a. m.]

[Docket No. 12558; FCC 58M-854]

NORMAN O. PROTSMAN

ORDER CONTINUING HEARING

In re application of Norman O. Protsman, Valdosta, Georgia, Docket No. 12558, File No. BP-11395; for construction permit.

It is ordered, This 1st day of August 1958, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 29, 1958, in Washington, D. C.

Released: August 6, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT, *Acting Secretary.*

[F. R. Doc. 58-6604; Filed, Aug. 15, 1958; 8:51 a. m.]

[Docket No. 12562; FCC 58M-855]

INTERCONTINENTAL BROADCASTING CORP.

ORDER SCHEDULING HEARING

In the matter of assignment of call letters KOFY to Intercontinental Broadcasting Corp. for its standard broadcast station at San Mateo, California; Docket No. 12562.

It is ordered, This 1st day of August 1958, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 8, 1958, in Washington, D. C.

Released: August 6, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT, *Acting Secretary.*

[F. R. Doc. 58-6605; Filed, Aug. 15, 1958; 8:51 a. m.]

[Docket No. 12566; FCC 58M-856]

SANFORD L. HIRSCHBERG AND GERALD R. MCGUIRE

ORDER SCHEDULING HEARING

In re application of Sanford L. Hirschberg and Gerald R. McGuire, Cohoes-Watervliet, New York, Docket No. 12566, File No. BP-11261; for construction permit.

It is ordered, This 1st day of August 1958, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 31, 1958, in Washington, D. C.

Released: August 6, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT, *Acting Secretary.*

[F. R. Doc. 58-6606; Filed, Aug. 15, 1958; 8:51 a. m.]

[Docket No. 12566; FCC 58M-868]

SANFORD L. HIRSCHBERG AND GERALD R. MCGUIRE

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Sanford L. Hirschberg and Gerald R. McGuire, Cohoes-Watervliet, New York, Docket No. 12566, File No. BP-11261; for construction permit.

It is ordered, This 12th day of August 1958 that a prehearing conference, in accordance with § 1.111 of the Rules, will be held in the above-entitled matter at 10:00 a. m., September 23, 1958, in the Commission's offices in Washington, D.C.

Released: August 12, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-6607; Filed, Aug. 15, 1958; 8:52 a. m.]

[Docket No. 12569; FCC 58M-858]

AMERICAN TELEPHONE AND TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of the applications of American Telephone and Telegraph Company, for modification of its point-to-point microwave radio station licenses KCB 81, Portland, Maine; KCB 82, Brunswick, Maine; KCB 83, Liberty, Maine; KCC 85, King's Mountain, Maine; KCC 86, Franklin, Maine; and KCC 92, Cooper Hill, Maine, for facilities connecting with the trans-Atlantic telephone cable system, to authorize the furnishing of an alternate voice and digital data transmission service to the United States Air Force; Docket No. 12569.

It is ordered, This 1st day of August 1958, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 22, 1958, in Washington, D. C.

Released: August 7, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT, *Acting Secretary.*

[F. R. Doc. 58-6608; Filed, Aug. 15, 1958; 8:52 a. m.]

[Docket No. 12570; FCC 58M-859]

CENTRAL FREIGHT LINES, INC.

ORDER SCHEDULING HEARING

In re applications of Central Freight Lines, Inc., Dallas, Texas, Docket No. 12570, File No. 5133/34-C6-J; for authorizations in the Motor Carrier Radio Service at Dallas and Fort Worth, Texas.

It is ordered, This 1st day of August 1958, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 24, 1958, in Washington, D. C.

Released: August 7, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GORDON J. KENT, *Acting Secretary.*

[F. R. Doc. 58-6609; Filed, Aug. 15, 1958; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24 FW-1143]

MISSILE OIL CORP.

NOTICE OF AND ORDER FOR HEARING

AUGUST 12, 1958.

I. Missile Oil Corporation ("Issuer") a Nevada corporation with its principal office at 1435 South La Cienega Boulevard, Los Angeles, California, filed with the Commission on June 26, 1958, a notification on Form 1-A and an offering circular relating to an offering of 300,000 shares of its 10 cents par value nonassessable common stock at $1.00 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of sections 3 (b) and Regulation A thereunder.

II. The Commission on July 17, 1958, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A, and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission, deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption.

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held in the San Francisco Regional Office, Room 339, 821 Market Street, San Francisco, California, at 10:00 a. m., September 4, 1958, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the conditional exemption provided by Regulation A is not available for the securities purported to be offered in that:

1. The offering circular and other material contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

a. The statement on page 2 of the offering circular that "Officers, Directors and present Stockholders will own 63 percent of the outstanding stock * * * in exchange for leases costing in excess of $207,000, services rendered and an actual cash expenditure of $37,000", in that the directors, officers, and stockholders have not paid said $207,000 for the subject leases and are not obligated to make such payments, but such amount is to be paid from the proceeds of the offering.

b. The failure to disclose in the offering circular that the public investors, if the offering is completely sold, will have invested approximately 88½ percent of the cash in the enterprise for their 37 percent interest, while the officers, directors, and present stockholders will have contributed approximately only 11½ percent of the cash investment for their 63 percent interest.

c. The inclusion in the financial statements as an asset the sum of $210,000, described as "Oil Leases at Cost", when, in fact, there is only an agreement to purchase oil leases, and the only cost incurred was a $3,000 earnest money deposit.

d. The statement on page 3 of the offering circular setting forth the conclusion of the Conkling Brothers, geologists, that the leases are a "safe and profitable investment", in that said conclusion, taken from the geological report, referred to the proposed purchase price of $210,000 and not to the interests of the public in the leases which would amount to only 37 percent of the total outstanding interests.

e. The failure to disclose in the offering circular that the royalties to be paid on the Texas and California properties are materially higher than customary, and are particularly burdensome on the Texas properties.

f. The statement on page 5 of the offering circular that in connection with the California properties the issuer plans "an extensive exploratory and drilling program there" in that there is a failure to disclose that even if the entire offering were sold and the proceeds distributed in the manner set forth in the offering circular there would be little if any funds available for such exploration and drilling.

g. The failure to include in the offering circular adequate maps showing the location of the leases and the present status and depth of all wells drilled for oil and gas on or in the immediate vicinity of such leases in both Texas and California and the geological structural contours in the area where the California leases are located.

h. The statement on page 6 of the offering circular that, in connection with the Texas properties, "oil production on two of the four well can be increased, possibly up to the allowable (212 barrels per allowable day)" and "* * * by so recompleting these wells the oil production from this property should be doubled and have a sizable increase in the gas production", in that the productivity of the wells in the area referred to does not indicate such statements would be reasonable for any substantial period of time.

i. The failure to include in the offering circular the actual oil and gas production by months from the date of completion of each of the Texas wells to the present time; the total allowable production for each well during each month; and the net production of oil and of gas for each month which would have accrued to the Issuer's interest.

j. The statement on page 6 of the offering circular implying that the increase of gas production from the Texas wells offset the decline in oil production, in that such increase does not offset the loss from decline in oil production.

k. The statement on page 7 of the offering circular that there are estimated gross future recoverable reserves from the Texas wells in the amount of 194,971 barrels as of January 1, 1958, in that the productivity of such wells indicates such estimation is excessive and without adequate foundation.

l. The statement on page 7 relating to reserves estimated to be recoverable through secondary methods in that there is no past experience from such methods of operation on or in the general vicinity of issuer's leases to justify the inclusion of reserves based on recovery from secondary methods.

m. The statement on page 7 that the value of the Texas property net to the working interest is $2,143,857 in that past experience, and future unknown and indeterminable factors make such an estimation of value unreasonable and without adequate basis.

n. The statement on page 8 relating to the 1957 earnings from the four wells on the Texas properties in that such figure, $201,243, apparently represents gross income.

o. The statement on page 8 of the offering circular implying that reduced allowable production accounted solely for the decline in production in that other material factors were involved which accounted for the production decline.

p. The statement on page 9 relating to the value of the California properties in the amount of $403,340 in that the assigned value of $20 per acre is of such a speculative, arbitrary and fluctuating nature as to preclude the inclusion of such amount as a representation.

q. The failure to disclose in the offering circular the use of proceeds in the event the amount sold is insufficient to purchase the Texas properties.

2. The terms and conditions of Regulation A have not been complied with in that:

a. Copies of the underwriting agreement and signed consents of underwriters have not been filed as required by Items 11 (b) and 11 (c) of Form 1–A.

B. Whether the order dated July 17, 1958 temporarily suspending the exemption under Regulation A should be vacated or made permanent.

III. *It is further ordered*, That William Swift, Sr. or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Missile Oil Corporation, that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before August 28, 1958, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58–6588; Filed, Aug. 15, 1958; 8:48 a. m.]

[File No. 24SF–1838]

GOLD CROWN MINING CORP.

NOTICE OF AND ORDER FOR HEARING

AUGUST 12, 1958.

I. Gold Crown Mining Corporation, a Nevada corporation, filed with the Commission on November 12, 1953, a notification and offering circular relating to a proposed offering of 40,000 shares of its $1 par value common stock at $5.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission on June 18, 1958, issued an order pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A, and affording to any person having an interest therein an opportuntiy to request a hearing pursuant to Rule 223. A written request for hearing was received by the Commission.

The Commission, deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held in the San Francisco Regional Office of the Commission, Room 339, 821 Market Street, San Francisco, California at 10:00 a. m., September 3, 1958, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the conditional exemption provided by Regulation A is not available for the securities purported to be offered in that:

1. The underwriter and the secretary-treasurer of the issuer have been convicted of violating the California Corporate Securities Law.

2. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in light of the circumstances under which they are made not misleading, particularly with respect to the failure to disclose that the issuer offered and sold its securities to certain persons including its officers and directors at prices below the price set forth in the offering circular.

3. The offering would operate as a fraud and deceit upon purchasers.

B. Whether the order dated June 18, 1958 temporarily suspending the exemption under Regulation A should be vacated or made permanent.

III. *It is further ordered*, That James Ewell or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Gold Crown Mining Corporation, that notice of the entering of this order shall be given to all other persons by General release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before August 27, 1958, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58–6589; Filed, Aug. 15, 1958; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 11, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34866: *Sand—Attica, Ind., to Morrisonville and Harvel, Ill.* Filed by Illinois Freight Association, Agent (No. 22), for and on behalf of the Wabash Railroad Company. Rates on sand, carloads, as described in the application from Attica, Ind., to Morrisonville and Harvel, Ill.

Grounds for relief: Motor truck competition from wayside points to jobsites.

Tariff: Supplement 22 to Wabash Railroad Company's tariff I. C. C. 7844.

FSA No. 34867: *Gravel—Dickason Pit, Ind., to Craigs, Ill.* Filed by Illinois Freight Association, Agent (No. 21), for the Chicago & Eastern Illinois Railroad Company. Rates on road surfacing gravel, carloads, as described in the application from Dickason Pit, Ind., to Craigs, Ill.

Grounds for relief: Motor truck competition from wayside points to jobsites.

Tariff: Supplement 103 to Chicago & Eastern Illinois Railroad Company's tariff I. C. C. 144.

FSA No. 34868: *Substituted service—Rail for motor—Pennsylvania Railroad.* Filed by The Eastern Central Motor Carriers Association, Ind., Agent (No. 90), for interested carriers. Rates on property, loaded in highway trailers and transported on railroad flat cars in substituted rail service by the Pennsylvania Railroad between Kearny, N. J., Harrisburg and Philadelphia, Pa., on the one hand, and Chicago, East St. Louis, Ill., Cincinnati, Cleveland, Toledo, Ohio, Detroit, Mich., Indianapolis, Ind., and Louisville, Ky., on the other, on traffic originating at or destined to points on motor carriers in the territories described in the application.

Grounds for relief: Motor truck competition.

FSA No. 34869: *Ethylene glycol—Plaquemine, La., to Graingers, N. C.* Filed by Southwestern Freight Bureau, Agent (No. B–7351), for interested rail carriers. Rates on ethylene glycol, tank-car loads from Plaquemine, La., to Graingers, N. C.

Grounds for relief: Market competition.

Tariff: Supplement 58 to Southwestern Freight Bureau tariff I. C. C. 4094.

FSA No. 34870: *Substituted Service—Rail for motor—Pennsylvania Railroad.* Filed by Central States Motor Freight Bureau, Agent (No. 20), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars in substituted service between Chicago, East St. Louis, Ill., or Indianapolis, Ind., on the one hand, and Cleveland, Ohio, Indianapolis, Ind., or Pittsburgh, Pa., on the other, as substitution interchange points on traffic originating at or destined to points on motor carriers beyond the named points, as described in the application.

Grounds for relief: Motor truck competition.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58–6522; Filed, Aug. 13, 1958; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 12, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34871: *Caustic Soda—Plaquemine, La., to Florida points.* Filed by Southwestern Freight Bureau, Agent (B–7344), for interested rail carriers. Rates on caustic soda, in solution, tank-car loads from Plaquemine, La., to Cantonment, Foley, Gonzales, North Pensacola, and Pensacola, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 328 to Southwestern Freight Bureau tariff I. C. C. 4087.

FSA No. 34872: *Cottonseed and soybean products from Victoria, Ark.* Filed by Southwestern Freight Bureau, Agent (No. B–7347), for interested rail carriers. Rates on cottonseed and soybean products, and related articles, carloads from Victoria, Ark., to points in official (including Illinois) territory.

Grounds for relief: Market competition with the producing points in Arkansas and Missouri.

Tariff: Supplement 52 to Southwestern Freight Bureau tariff I. C. C. 4054.

FSA No. 34873: *Synthetic plastics—Louisiana and Texas points to Denver, Colo.* Filed by Southwestern Freight Bureau, Agent (No. B–7349), for interested rail carriers. Rates on plastics, synthetic, liquid or other than liquid, noibn, carloads, as further described in the application from specified points in Louisiana and Texas to Denver, Colo.

Grounds for relief: Market competition with producers at Marshall and Tuscola, Ill., and other eastern producing points.

Tariffs: Supplement 155 to Southwestern Freight Bureau tariff I. C. C. 4136. Supplement 94 to Western Trunk Line Committee I. C. C. A–3861.

FSA No. 34874: *Soda ash from Westvaco, Wyo., to Ottawa, Ill.* Filed by Western Trunk Line Committee, Agent (No. A–1995), for interested rail carriers. Rates on soda ash, in bulk, carloads from Westvaco, Wyo., to Ottawa, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 85 to Western Trunk Line Committee tariff I. C. C. A–4123.

FSA No. 34875: *Limestone from Cherokee and Margerum, Ala.* Filed by O. W. South, Jr., Agent (SFA No. A3718), for interested rail carriers. Rates on asphaltic limestone, carloads from Cherokee and Margerum, Ala., to points in southern territory.

Grounds for relief: Short-line distance formula and motor truck competition.

Tariff: Supplement 76 to Southern Freight Association tariff I. C. C. 1183.

FSA No. 34876: *Road building material in southern territory.* Filed by O. W. South, Jr., Agent (SFA No. A3713), for interested rail carriers. Rates on road building material, carloads, as described in the application between points in southern territory, including specified points in Arkansas, Illinois, Indiana, and Ohio.

Grounds for relief: Short-line distance formula and motor truck competition.

Tariff: Supplement 9 to Southern Freight Association tariff I. C. C. 1622.

FSA No. 34877: *Sand from Attica, Ind., to Gibson City, Ill.* Filed by Illinois Freight Association, Agent (No. 23), for interested rail carriers. Rates on sand, carloads, as described in the application from Attica, Ind., to Gibson City, Ill.

Grounds for relief: Motor truck and wayside pit competition. Supplement 23 to Wabash Railroad Company tariff I. C. C. 7844.

FSA No. 34878: *Barytes from Arkansas and Missouri to Louisiana.* Filed by Southwestern Freight Bureau, Agent (No. B–7350), for interested rail carriers. Rates on barite (barytes), ground, carloads from points in Arkansas and Missouri to points in Louisiana.

Grounds for relief: Market competition.

Tariff: Supplement 103 to Southwestern Freight Bureau tariff I. C. C. No. 4092.

FSA No. 34879: *Vegetables to points in western trunk line territory.* Filed by Western Trunk Line Committee, Agent (No. A–1994), for interested rail carriers. Rates on vegetables, carloads, as described in the application from points in Colorado, Idaho, New Mexico, Utah, and Wyoming to points in western trunk line territory.

Grounds for relief: Motor truck competition.

Tariff: Supplement 148 to Western Trunk Line Committee tariff I. C. C. A–3511.

FSA No. 34880: *Pallets, platforms, on skids from southwest to Illinois.* Filed by Southwestern Freight Bureau, Agent (No. B–7354), for interested rail carriers. Rates on pallets, platforms, or skids, for lift trucks, wooden, carloads from points in southwestern territory to points in Illinois on the Chicago Burlington and Quincy Railroad.

Grounds for relief: Operation through higher-rated territory.

Tariff: Supplement 27 to Southwestern Freight Bureau tariff I. C. C. 4262.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58–6553; Filed, Aug. 14, 1958; 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 13, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34881: *Sand, gravel, and crushed stone in the south.* Filed by O. W. South, Jr., Agent (SFA No. A3714), for interested rail carriers. Rates on road building materials, carloads, as described in the application between points in southern territory, including specified points in Arkansas, Illinois, Indiana, and Ohio.

Grounds for relief: Short-line distance formula and market competition.

Tariff: Supplement 15 to Southern Freight Association tariff I. C. C. 1469.

FSA No. 34882: *Aluminum tile between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 329), for interested rail carriers. Rates on aluminum tile, plain or coated, in boxes, less-than-carload between points in Texas.

Grounds for relief: Intrastate rail competition.

Tariff: Supplement 63 to Texas-Louisiana Freight Bureau tariff I. C. C. 865.

AGGREGATE-OF-INTERMEDIATES

FSA No. 34883: *Various commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 330), for interested rail carriers. Rates on motor fuel and antiknock compound, carloads, from Dowling to Odessa, Tex.; silica gel catalyst, carloads, from Fort Worth to El Paso, Tex., and aluminum tile, plain or coated, in boxes, less-than-carload, between points in Texas.

Grounds for relief: Intrastate rail competition.

Tariff: Supplement 63 to Texas-Louisiana Freight Bureau tariff I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58–6586; Filed, Aug. 15, 1958; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MRS. R. A. R. ROTHE-LAUSIER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. R. A. R. Rothe-Lausier, Pierre Rothe, Claude R. Rothe; Marseille Road, La Ciotat (Bouches-du-Rhone), France; Claim No. 61735; $2,000 Saxon Public Works, Inc., Guaranteed Gold Notes (Certificates Nos. M-3571 and M-3572) extended to July 15, 1942, 6 percent reduced to 2 percent, with January 15, 1940 and July 15, 1942 coupons attached, presently in the custody of the Deposit and Clearance Unit, Office of Alien Property, Washington, D. C. Vesting Order No. 17128.

Executed at Washington, D. C., on August 8, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-6594; Filed, Aug. 15, 1958; 8:50 a. m.]

KAREN ARSTEIN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Karen Arstein, Askvoll i Sunnfjord, Norway; $14.81 in the Treasury of the United States.

Oline Arstein, Askvoll i Sunnfjord, Norway; $14.81 in the Treasury of the United States.

Sigvald Stokkevaag, Stavenger, Norway; $14.82 in the Treasury of the United States.

Hilda Eliassen, Bergen, Norway; $4.94 in the Treasury of the United States.

Katrina Eikeset, Ryland, Norway; $4.94 in the Treasury of the United States.

Gudrun Pedersen, Kalvaag, Norway; $4.94 in the Treasury of the United States.

Claim No. 1622.

Executed at Washington, D. C., on August 8, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-6692; Filed, Aug. 15, 1958; 8:49 a. m.]

ELISABETH WILHELMINA GERARDA COSTERUS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elisabeth Wilhelmina Gerarda Costerus, Oosterbeek (Gelderland), The Netherlands; $229.70 in the Treasury of the United States.

Gerarda Mathilde Costerus (van Schurmbeek), Ermelo (Gelderland), The Netherlands; $229.70 in the Treasury of the United States.

Mathilde Jacoba Costerus, Montevideo, Uruguay; $229.69 in the Treasury of the United States.

Margaretha Wilhelmina Costerus (van Eupen), Zandvoort, The Netherlands; $229.69 in the Treasury of the United States.

Vesting Order No. 17950. Claim No. 61747.

Executed at Washington, D. C., on August 8, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-6593; Filed, Aug. 15, 1958; 8:49 a. m.]

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FEDERAL REGISTER

VOLUME 23 NUMBER 162

Washington, Tuesday, August 19, 1958

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

REDESIGNATION OF SUBCHAPTERS

EDITORIAL NOTE: Subchapter D, Warehouse Regulations, and Subchapter E, Naval Stores, of this chapter, are redesignated Subchapters E and F, respectively.

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 148, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 922.448 (Valencia Orange Regulation 148, 23 F. R. 6101) are hereby amended to read as follows:

(ii) District 2: 600,600 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 14, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6662; Filed, Aug. 18, 1958; 8:54 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

ORDER FINDING THAT ESTIMATED SEASON AVERAGE PRICE OF PRUNES FOR 1958-59 CROP YEAR WILL BE IN EXCESS OF PARITY AND PROVIDING FOR SPECIAL REGULATION

Notice was published in the July 30, 1958, issue of the FEDERAL REGISTER (23 F. R. 5737) that consideration was being given to the making of a finding and determination that the estimated season average price for prunes for the crop year beginning August 1, 1958, would be in excess of the price level contemplated by the provisions of section 2 (1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.),

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FEDERAL REGISTER

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1958)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146–149, 1958 Supplement 1 ($1.00)

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If the below-parity regulatory provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the act, hereinafter called the "order," were made operative for the 1958–59 crop year. In conjunction therewith it was contemplated that the Secretary would order that the provisions of paragraphs (b), (c), (d), (e) and (f) of § 993.50 of the order apply to all handling of prunes, and would suspend the current pack regulations (§§ 993.501 to 993.518; 23 F. R. 3373) for the remainder of the 1958–59 crop year. Opportunity was afforded all interested persons to file written data, views, or arguments with respect thereto; and none was filed.

After consideration of all relevant matters, including the proposals contained in the notice and other available information, it is hereby found that the estimated season average price for prunes for the crop year which began on August 1, 1958, will be in excess of the price level contemplated by the provisions of section 2 (1) of the act, irrespective of whether the provisions (other than those that may be made effective pursuant to § 993.50) of the order, are operative for the remainder of the said crop year. It is hereby further found that the handling of prunes during such period in accordance with the provisions of paragraphs (b), (c), (d), (e) and (f) of § 993.50 will tend to effectuate the declared policy of the act by establishing and maintaining such minimum standards of quality and maturity and such grading and inspection requirements for prunes in interstate commerce as will effectuate such orderly marketing of prunes as will be in the public interest, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish thereunder.

Since the provisions of § 993.50 are being made effective in lieu of the requirements of §§ 993.48 and 993.49 for the remaining portion of the 1958–59 crop year beginning at the effective time of this order, the minimum standards as to grade for natural condition prunes or processed prunes, as the case may be, shall be those set forth in § 993.97 (Exhibit A). Therefore, the combined tolerance allowance of 20 percent as provided in § 993.97 (Exhibit A) for defects included therein would be in effect during the remaining portion of the 1958–59 crop year instead of the modified combined tolerance allowances of 15 percent, which was made effective August 20, 1957 (22 F. R. 6645) pursuant to the provisions of §§ 993.48 (c) and 993.49 (c) of the order. Moreover, the pack regulations, which became effective June 20, 1958 (§§ 993.501 to 993.518; 23 F. R. 3373) pursuant to § 993.49 (b) (3) of the order, would be inoperative for the same period. Since the current crop year has just begun and handlers generally do not receive prunes this early in the crop year, the aggregate quantity, if any, of unsold surplus tonnage prunes received by handlers after August 1, 1958 and prior to the effective time of this order, and then on hand, would not be substantial. Under the circumstances, it is hereby determined that it would be appropriate to provide for the orderly disposition of such prunes by ordering the releases of any such unsold surplus tonnage prunes to the handlers entitled thereto for disposition in accordance with § 993.50.

It is, therefore, ordered, That:

1. The provisions of paragraphs (b), (c), (d), (e) and (f) of § 993.50 shall apply to all handling of prunes during the remaining portion of the 1958–59 crop year beginning at the effective time of this order.

2. The modified (22 F. R. 6645) combined tolerance allowance of 15 percent for the defects contained in § 993.97 (Exhibit A), effective August 20, 1957, shall not be applicable for the remaining portion of the 1958–59 crop year beginning at the effective time of this order.

3. The pack regulations, effective June 20, 1958 (§§ 993.501 to 993.518; 23 F. R. 3373), shall not be applicable during the said remaining portion of said crop year.

4. The applicability of the salable and surplus percentages of 90 percent and 10 percent, respectively, established (22 F. R. 6645) for the 1957–58 crop year is hereby terminated with respect to said remaining portion of said crop year.

5. To the extent that there may be on hand any unsold surplus tonnage (standard and substandard) prunes received by handlers on or after August 1, 1958, but not later than the effective time of this order, such prunes shall, as soon as practicable after the effective time of this order, be released to the respective handlers for disposition in accordance with the provisions of § 993.50.

It is further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) and for making the provisions hereof effective upon publication in that: (1) The 1958–59 crop year has already begun and handlers will soon begin receiving 1958 crop prunes and are now handling 1957 crop prunes; (2) handlers will need to know as soon as possible the regulations which will apply to the handling of prunes during the 1958–59 crop year; (3) this order will require no advance preparation by prune handlers in order to comply therewith; and (4) this order relieves restrictions on the handling of prunes, and should be made effective upon publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 758, as amended; 7 U. S. C. 608c)

Dated August 13, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-6665; Filed, Aug. 18, 1958; 8:55 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

APPROVAL OF EXPENSES OF PRUNE ADMINISTRATIVE COMMITTEE FOR 1958–59 CROP YEAR AND FIXING RATE OF ASSESSMENT FOR SUCH CROP YEAR

Notice was published in the July 30, 1958, issue of the FEDERAL REGISTER (23 F. R. 5736) that consideration was being given to the approval of proposed expenses of the Prune Administrative Committee for the 1958–59 crop year and the fixing of a rate of assessment for such crop year, in accordance with the recommendations of the committee and pursuant to the provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, interested persons were afforded the opportunity to file written data, views, or arguments with respect to the proposals. No such comment was filed within the prescribed time.

After consideration of all relevant matters pertaining to the proposals, including the recommendations of the committee, it is hereby found, and determined, and, therefore, it is hereby ordered, that the expenses of the committee and the rate of assessment for the crop year beginning August 1, 1958 shall be as follows:

§ 993.309 *Expenses of the Prune Administrative Committee and rate of assessment for the 1958–59 crop year.*—(a) *Expenses.* Expenses in the amount of $88,660 are reasonable and likely to be incurred by the Prune Administrative Committee for its maintenance and functioning during the crop year beginning August 1, 1958.

(b) *Rate of assessment.* Each handler shall pay to the Prune Administrative Committee, in accordance with the provisions of § 993.50 (e), an assessment of 65 cents for each ton of prunes received by him as the first handler thereof

during the crop year beginning August 1, 1958, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that: (1) Under said marketing agreement, as amended, and order, as amended, assessments apply to all prunes handled during the 1958–59 crop year, and handling of such prunes will begin soon; (2) the committee must be enabled to obtain adequate funds currently from 1958–59 crop year assessments in order to defray expenses of administering the program; (3) while the committee has on hand some assessment funds from the 1957–58 crop year that were not expended in connection with the operation of such crop year, such funds are not sufficient to pay the expenses of the committee, as authorized by §§ 993.81 and 993.82; (4) compliance herewith will not require any advance preparation on the part of the handlers; and (5) it is imperative that this action be made effective as soon as possible and not later than the date on which this order is published in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated August 13, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-6664; Filed, Aug. 18, 1958; 8:55 a. m.]

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

APPROVAL OF EXPENSES OF DATE ADMINISTRATIVE COMMITTEE FOR 1958–59 CROP YEAR AND FIXING RATE OF ASSESSMENT FOR SUCH CROP YEAR

Notice was published in the August 2, 1958, issue of the FEDERAL REGISTER (23 F. R. 5879) that consideration was being given to the approval of proposed expenses of the Date Administrative Committee for the 1958–59 crop year and the fixing of a rate of assessment for such crop year, in accordance with the recommendations of the committee and pursuant to the provisions of Marketing Agreement No. 127, and Order No. 103 (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, interested persons were afforded the opportunity to file written data, views, or arguments with respect to the proposals. No such comment was filed within the prescribed time.

After consideration of all relevant matters pertaining to the proposals, including the recommendations of the committee, it is hereby found, and determined, and, therefore, it is hereby ordered, that the expenses of the committee and the rate of assessment for the crop year beginning August 1, 1958, shall be as follows:

§ 1003.303 *Expenses of the Date Administrative Committee and rate of assessment for the 1958–59 crop year*—(a) *Expenses.* Expenses in the amount of $38,595 are reasonable and likely to be incurred by the Date Administrative Committee for its maintenance and functioning during the crop year beginning August 1, 1958.

(b) *Rate of assessment.* Each handler shall pay to the Date Administrative Committee, in accordance with the provisions of Marketing Agreement No. 127, and this part, an assessment of 15 cents per hundredweight of dates which he handles or has had certified for handling or for further processing during the crop year beginning August 1, 1958, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that: (1) Under said marketing agreement and order assessments apply to all Daglet Noor, Zahidi and Khadrawy dates handled or certified for handling or for further processing during the 1958–59 crop year, and handling of such dates is already occurring; (2) there are already assessable dates to which the aforesaid rate of assessment will apply retroactively, and these should be assessed as soon as possible for efficient administration of the program; (3) compliance herewith will not require any advance preparation on the part of handlers; and (4) it is imperative that this action be made effective as soon as possible and not later than the date on which this order is published in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated August 14, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-6663; Filed, Aug. 18, 1958; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 60–12]

PART 60—AIR TRAFFIC RULES

CRUISING ALTITUDES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 14th day of August 1958.

On June 6, 1958, the Civil Aeronautics Board adopted Amendment 60–10 to Part 60 of the Civil Air Regulations which established a simplified system of cruising altitude rules. The rules in this amendment are to become effective August 15, 1958.

One of the provisions which was intended to be included in this amendment was the specification that all aircraft being operated under the instrument flight rules and cleared "on top" would be operated at altitudes prescribed for VFR flight.

While such a provision was included in the amendment, it was inadvertently placed in § 60.44 (a) which is entitled "Within controlled airspace." This arrangement technically limits the applicability of this provision to flights within controlled airspace. Contrary to the intent this would require a flight operating "on top" on an IFR flight plan to change altitude as it transited from or to uncontrolled airspace.

In order to make this provision consistent with the intent and to make it clear that all flights being operated "on top" should comply with the cruising altitude rules prescribed for VFR flight whether in or outside of controlled airspace, it is considered appropriate to amend § 60.44.

This amendment replaces the provision dealing with "on top" flights in the introductory paragraph of § 60.44 which makes it applicable to all IFR flights being conducted in or outside of controlled airspace.

Since this amendment is of a clarifying nature and does not impose additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) effective August 15, 1958:

1. By amending the introductory paragraph of § 60.44 to read as follows:

§ 60.44 *IFR cruising altitudes.* When an aircraft is operated in level cruising flight, it shall be operated in accordance with the following cruising altitudes except that, in the absence of a specific altitude authorized by air traffic control, aircraft operating "on top" shall be flown at altitudes specified in § 60.32.

2. By amending § 60.44 (a) to read as follows:

§ 60.44 *IFR cruising altitudes.* • • •

(a) *Within controlled airspace.* At altitudes authorized by air traffic control.

(Sec. 205 a, 52 Stat. 984; 49 U. S. C. 425 a. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58-6668; Filed, Aug. 18, 1958; 8:55 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 10]

PART 507—AIRWORTHINESS DIRECTIVES

MISCELLANEOUS AMENDMENTS

This amendment to Part 507 contains the Airworthiness Directives amended or issued during July 1958. Individual notice of the Airworthiness Directives contained herein has been given to operators and other interested persons who are subscribers to a Civil Aeronautics Administration mailing service.

In the interest of safety, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and therefore, is not required.

Section 507.10 (a) is amended as follows:

1. 58–12–1 applying to all aircraft with sea level engines equipped with pressure type carburetors as it appeared in 23 F.R. 5561 is canceled.

2. 58–8–1 Bendix 756–62C or D and 756–64C or D starters installed on Lycoming engines as it appeared in 23 F. R. 3587 is revised by changing the compliance date to October 1, 1958.

3. 58–7–2 Lockheed 18 as it appeared in 23 F. R. 3585 is amended by adding the following statement: "For the purpose of compliance with this airworthiness directive, X-ray inspection is not considered an equivalent of dye penetrant or magnetic particle inspection."

4. The following new airworthiness directives are added:

58–14–1 SUD AVIATION. Applies to All Alouette II SE 3130 Helicopters.

Compliance required prior to next flight and each 5 hours of operation thereafter.

Two cases of defective bonding at the outboard end of the root end side plates of the tail rotor blades have been found. In order to preclude any possible fatigue failures of the blade, Sud Aviation has issued the following corrective measures which the French SGACC considers mandatory:

Inspection.

A. Blades with rigid flapping restrainer.

(Aircraft Numbers 1137 and above or aircraft incorporating modification V.14.)

(1) Saturate with turbine oil (Spec. AIR 3512 or DED 2479/6, Shell turbine oil No. 9 or Esso aviation oil No. 57) the edge of the side plate and the bead of adhesive at the outboard end of the side plate.

(2) Move blade to and fro by pushing and pulling blade tip alternately four or five times respectively, applying a load of approximately 13 pounds (check with spring balance).

(3) In the case of a defective blade, the oil will flow in and out and, at the same time, air bubbles may be produced.

(4) If in doubt, wipe the side plate and repeat the above loading procedure.

B. Blades with earlier type flapping restrainer.

(Aircraft Numbers 1136 and below which do not incorporate modification V.14.)

The previously described inspection procedure cannot be applied without risking distortion of the flapping restrainers.

The procedure may, however, be applied if the blades are removed and are clamped in a vise over the two inboard blade-cuff retaining bolts (bolts nearest root end of blade.)

To avoid blade removal and inspection in a vise, the tools may be fabricated in order to rigidly support the blade root on the helicopter.

The tools can simply consist of a wood block cut to proper length so as to rest at one end against the two tail gearbox nuts and at the other end against the blade-cuff bolts.

To hold the blade in the other direction, strap the blade and the tail gearbox housing as shown in the sketch in the referenced Service Bulletin, using a cable cut to the proper length or, alternatively, a non-elastic strap.

The inspection procedure is the same as previously described.

C. Defective blades shall be retired from service immediately. Others may be left in service as long as the bonding is satisfactory up to a maximum of 300 hours.

The CAA concurs with this action and considers compliance therewith mandatory.

(Sud-Aviation Helicopter Service Bulletin No. AL 34.11.131/A covers the same subject.)

This supersedes AD 58–13–4.

58–15–1 DOUGLAS. Applies to DC–6 and DC–7 Series Aircraft.

Compliance required by September 1, 1958.

Hook assemblies, P/N CSS1000–D, installed in safety belt assemblies, P/N 5610175, have been found to be understength due to improper heat treat by the vendor.

All DC–6 and DC–7 series aircraft equipped with these safety belt assemblies that were manufactured during the months of December 1957, January 1958, and February 1958, are affected. These belts can be identified by the manufacturing date (month and year) stamped on the part number tag sewn on the belt (i. e., date manufactured, December 1957, etc.). Belt assemblies manufactured prior to these dates are satisfactory and all future DC–6 and DC–7 aircraft will have safety belts with proper hook assemblies installed.

All hook assemblies that give a Rockwell reading of 36 or above on the "C" scale are satisfactory. Those that show a Rockwell reading below 36 are unsatisfactory and the belt must be replaced.

(Douglas Alert Service Bulletin A–779 for the DC–6 series and A–321 for the DC–7 series cover the above subject and describe acceptable inspection and replacement procedures.)

58–15–2 MARVEL-SCHEBLER. Applies to All Marvel-Schebler MA4–5 and MA4–5AA Carburetors With Serial Numbers 3999574 and Under. These Carburetors Are Used With Various Continental, Franklin, and Lycoming Engine Models.

Compliance required at next carburetor overhaul, but not later than at next engine overhaul.

Repetitive reports of retention failure of the float and lever assembly used with early type MA4–5 and MA4–5AA carburetors necessitate compliance with the following to correct this difficulty, and maintain engine airworthiness:

(1) Remove float assembly P/N 30–629. (In this assembly the float is soldered to the lever for retention.)

(2) Install revised float assembly P/N A30–629. (In this assembly a rigid reinforcing brace is added at the junction of the float and lever.) This revised assembly is incorporated in serial numbers 3999575 and up. (Marvel-Schebler Products Division, Borg-Warner Corporation, Decatur, Illinois, Service Bulletin No. 5–57, Continental Service Bulletin 57–3, and Lycoming Service Bulletin No. 237, cover this same subject.)

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 608, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

AUGUST 12, 1958.

[F. R. Doc. 58–6621; Filed, Aug. 18, 1958; 8:45 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Rev., Amdt. 104]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—SWINE DISEASES SPREAD THROUGH RAW GARBAGE

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (9 CFR, 1957 Supp., 76.27; 23 F. R. 794, 1855, 2589, 3850, 5271), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. Subparagraph (3) of paragraph (d), relating to Camden County in New Jersey, is deleted.

2. A new subdivision (lxxxix) is added to subparagraph (5) of paragraph (d), relating to Gloucester County in New Jersey, to read:

(lxxxix) Block 4, Lot 8, Plot 2, in Deptford Township, owned by Vincent Koropha, and operated by Charles Messner.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment releases areas in New Jersey, heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1957 Supp., Part 76, Subpart B as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with

respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 14th day of August 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-6667; Filed Aug. 18, 1958; 8:55 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141a, 146a, 146b; 21 CFR, 1957 Supp., 146a.104) are amended as indicated below:

1. Section 141a.82 is amended by changing the headnote to read as follows: "§ 141a.82 *Penicillin V for oral suspension (phenoxymethyl penicillin V for oral suspension); potassium penicillin V for oral solution.*"

2. Section 146a.104 is amended as follows:

a. The section headnote and paragraph (a) are amended to read:

§ 146a.104 *Penicillin V for oral suspension (phenoxymethyl penicillin for oral suspension); potassium penicillin V for oral solution*—(a) *Standards of identity, strength, quality, and purity.* Penicillin V for oral suspension or potassium penicillin V for oral solution is a mixture of penicillin V or potassium penicillin V, with or without one or more suitable and harmless suspending agents, colorings, flavorings, buffer substances, and preservatives, and with or without one or more suitable sulfonamides. Its moisture content is not more than 1 per cent. The penicillin V used conforms to the requirements of § 146a.103 (a). The potassium penicillin V used conforms to the requirements of § 146a.61 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. In paragraph (c) *Labeling*, subparagraph (1) (iv) is changed to read:

(iv) The statement "Expiration date _____," the blank being filled in with the date that is 24 months after the month during which the batch was certified, if it is penicillin V, or 18 months if it is potassium penicillin V, except that if it contains sulfonamides the blank shall be filled in with the date that is 12 months after the month during which the batch was certified.

c. Paragraph (c) (3) is changed to read:

(3) On the label and labeling, if it contains sulfonamides, after the name "penicillin V for oral suspension" or "potassium penicillin V for oral solution," wherever such name appears, the words "with sulfonamides," in juxtaposition with such name.

d. In paragraph (d) *Request for certification* * * *, subparagraph (2) (ii) is changed to read:

(ii) The penicillin V or potassium penicillin V used in making the batch: Potency, toxicity, moisture, pH, crystallinity, and penicillin V content.

3. In § 146b.126 *Streptomycin-neomycin powder* * * *, subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the colon after the word "certified" to a comma and adding the following new clause: ", except that the blank may be filled in with the date that is 24 months or 36 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section:".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments contained in this order.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: August 12, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-6638; Filed, Aug. 18, 1958; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6303]

PART 270—CIGARS AND CIGARETTES; MANUFACTURERS, IMPORTERS, AND DEALERS

TIMELY FILING OF CIGAR TAX RETURNS

In order that the period for filing cigar tax returns will be extended if the last day for filing falls on a legal holiday in the District of Columbia, regardless of whether the return is required to be filed in the District of Columbia (consistent with the provisions in 26 CFR 301.7503-1, Procedure and Administration Regulations), regulations in 26 CFR Part 270 are amended as follows:

PARAGRAPH 1. Section 270.220, relating to returns, is amended by striking the expression "(of the particular State or of the District of Columbia wherein the return is required to be filed)" and inserting, in lieu thereof, the expression "of the District of Columbia, or on a Statewide legal holiday of the particular State where the return is required to be filed".

Because the amendment made by this Treasury decision is liberalizing in character, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective upon publication in the FEDERAL REGISTER.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: August 14, 1958.

DAN THROOP SMITH,
Deputy to the Secretary.

[F. R. Doc. 58-6651; Filed, Aug. 18, 1958; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1690]

[1271673]

OREGON

REVOKING EXECUTIVE ORDER NO. 4708 OF AUGUST 5, 1927, WHICH WITHDREW LANDS FOR USE OF FOREST SERVICE AS A LOOKOUT STATION

Correction

In Federal Register Document 58-5716, published on page 5672 of the issue for Saturday, July 26, 1958, the land description should read as follows:

WILLAMETTE MERIDIAN

T. 4 S., R. 7 W.,
Sec. 11, NE¼SW¼ and NW¼SE¼.

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter A—Armed Services Procurement Regulations

[Amdt. 33]

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments are made to this subchapter:

PART 1—GENERAL PROVISIONS

SUBPART C—GENERAL POLICIES

1. Section 1.301 relating to methods of procurement has been revised to prescribe maximum utilization of competition. Section 1.301, as revised, reads as follows:

§ 1.301 *Methods of procurement.* It shall be the objective to use that method of procurement which will be most advantageous to the Government—price, quality, and other factors considered. Such procurement shall be made on a competitive basis, whether by formal advertising or by negotiation, to the maximum practicable extent, in accordance with the policies and procedures set forth in this subchapter. Procurement shall be effected by advertising for bids and thereafter awarding a contract to the lowest responsible bidder, in accordance with the detailed requirements and procedures set forth in Part 2 of this subchapter; except that procurement may be effected by negotiation when authorized by and conducted in accordance with the detailed requirements and procedures set forth in Part 3 of this subchapter. Procurement may also be effected, as provided in Parts 4 and 5 of this subchapter, by such means as coordinated procurement or interdepartmental procurement.

2. Section 1.305 has been revised to prescribe the extent Federal specifications are mandatory for use by the Department of Defense. Section 1.305–1 has been added listing exemptions from the requirement for Federal and military specifications. Section 1.305, as revised, reads as follows:

§ 1.305 *Specifications.* The following specifications are mandatory for use by the Department of Defense in the procurement of supplies and services covered by such specifications:

(a) Federal specifications, unless determined by the Department of Defense to be inapplicable for its use; and

(b) Coordinated Military specifications, approved by the Department of Defense for its use.

However, if it be determined in accordance with the procedures established under the Defense Standardization Program by the Assistant Secretary of Defense (Supply and Logistics) that such specifications do not meet the particular or essential needs of a bureau, service, or command, then applicable interim Federal specifications or limited coordination Military specifications should be used. Where no applicable specification exists, a purchase description may be used, subject to the restriction indicated in § 1.305–1 (g) below.

§ 1.305–1 *Exemptions.* Federal and Military specifications need not be used for the following:

(a) Purchase incident to research and development;

(b) Purchase of items for test or evaluation;

(c) Purchase of laboratory test equipment for use by Government laboratories;

(d) Purchase of items for authorized resale except military clothing;

(e) Purchase of items in an amount not to exceed $2,500 (multiple small purchases of less than $2,500 of the same item shall not be made for the purpose of avoiding the intent of this exception);

(f) Purchase of one-time procurement items; or

(g) Purchase of items for which it is impracticable or uneconomical to prepare a specification (repetitive use of a purchase description containing the essential characteristics of a specification will be construed as evidence of improper use of this exception).

§ 1.305–2 *Inadequate specifications.* Whenever a specification is found to be inadequate, immediate action shall be taken to effect the issuance of an amendment or a revision in accordance with established procedures to obviate the necessity for repeated departures from the specification.

§ 1.305–3 *Packaging, specifications, and requirements.* Appropriate provisions shall be included in contracts to insure that contractors will package the supplies in accordance with applicable specifications and requirements.

3. Sections 1.307 and 1.604–2 have been revised to provide a firmer approach to eliminating discrimination in the performance of Government contracts, to be adopted in cases where education, conciliation, mediation and persuasion do not achieve the desired results. This action is responsive to recommendations set forth by the President's Committee on Government Contracts. A new § 1.312 has been added to state Department of Defense policy regarding the issuance of solicitations for informational or planning purposes. Sections 1.307, 1.312 and 1.604–2 read as follows:

§ 1.307 *Responsible prospective contractor.* * * *

(f) Appears to be able to conform to the requirements of the standard nondiscrimination clause; and

(g) Is otherwise qualified and eligible to receive an award under applicable laws and regulations.

Where it is considered necessary by the contracting officer to prevent practices prejudicial to fair and open competition or for other reasons, prospective contractors may be required to submit affidavits concerning any of the requirements enumerated in (a) through (g) of this section and company ownership and control (but see § 2.201 (c) (17) of this subchapter).

§ 1.312 *Solicitations for informational or planning purposes.* It is the general policy of the Department of Defense to solicit bids, proposals or quotations only where there is a definite intention to award a contract or a purchase order. However, in some cases solicitation for informational or planning purposes may be justified. In such cases the invitation or request shall clearly state its purpose, explaining that the Government does not intend to award a contract on the basis of the invitation or request, or otherwise pay for the information solicited.

SUBPART F—DEBARRED, INELIGIBLE, AND SUSPENDED BIDDERS

§ 1.604 *Causes and conditions under which Department may debar contractors.* * * *

§ 1.604–2 *Period of debarment.* All debarments shall be for a reasonable, definitely stated period of time, commensurate with the seriousness of the cause therefor. As a general rule, a period of debarment should not exceed 5 years following the date of conviction for fraud or other criminal offense, or 3 years following the date of debarment for any other cause. However, with respect to debarment for violation of the nondiscrimination clause, the debarment shall be removed prior to the expiration of the debarment period by the Secretary who imposed the debarment upon receipt of satisfactory evidence that corrective action has been taken. In the event debarment is preceded by suspension, consideration shall be given to such period of suspension in determining the period of debarment.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 2—PROCUREMENT BY FORMAL ADVERTISING

SUBPART A—USE OF FORMAL ADVERTISING

A new § 2.105 has been added, cross-referencing § 1.312. Section 2.105 reads as follows:

§ 2.105 *Solicitations for informational or planning purposes.* See § 1.312 of this subchapter.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 3—PROCUREMENT BY NEGOTIATION

SUBPART A—USE OF NEGOTIATION

A new § 3.110 has been added, cross-referencing § 1.312. Section 3.110 reads as follows:

§ 3.110 *Solicitations for informational or planning purposes.* See § 1.312 of this subchapter.

SUBPART D—TYPES OF CONTRACTS

1. Section 3.403–4 has been revised to describe an alternate form of incentive contract to be used on a limited basis in lieu of the delayed firm target type formerly included in this subchapter. The successive targets type is designed for use when a firm target cannot be established at the time of contract negotiation and it provides an incentive to reduce costs prior to the establishment of a firm target. Section 3.403–4, as revised, reads as follows:

§ 3.403 *Fixed-price type contracts.* * * *

§ 3.403–4 *Fixed-price incentive contracts*—(a) *Description*—(1) *General.* The fixed-price incentive contract is a

fixed-price type contract with provision for adjustment of total target profit and establishment of the final contract price by a formula based on the relationship which final negotiated total cost bears to total target cost.

(2) *Initial target.* Under this type of incentive contract there is negotiated at the outset a target cost, a target profit, a price ceiling and a final profit and price adjustment formula. The formula may also provide, within the price ceiling, for a ceiling, a floor, or both on final profit. The formula should reflect the risks involved. After performance of the contract, the final cost is negotiated and the final contract price is then established in accordance with the formula. Where the final cost is less than the target cost, the formula provides for a final profit above the target profit; conversely, where the final cost is more than the target cost, the formula provides for a final profit below the target profit. Thus, the formula provides for sharing cost savings or, within the price ceiling, excesses, as revealed by a comparison of final cost with target cost. The increase or decrease in the actual profit included in the final price is thus designed to provide in advance a calculable incentive to the contractor for efficiency in performance.

(3) *Successive targets.* Under this type of incentive contract there is negotiated at the outset an initial target cost, an initial target profit, a price ceiling, a formula for fixing the firm target profit, and a production point at which the formula will be applied. Generally, the production point will be prior to delivery or shop completion of the first item. This formula does not apply to the life of the contract but simply fixes the firm target profit for the contract. The formula for fixing the firm target profit may also provide for a ceiling and floor on the firm target profit, but not one without the other. When the production point for applying the formula is reached, the firm target cost is then negotiated, giving consideration to experienced cost and all other pertinent factors, and the firm target profit is automatically determined in accordance with the formula which then passes out of existence. At this point, two alternatives are possible. First, if the remaining performance of the contract provides opportunity for application of an incentive arrangement for additional and substantial reductions in cost, a final profit and price adjustment formula may be negotiated, using the firm target profit and the firm target cost. As in the initial target type of contract described in (a) (2) above, the final cost is negotiated at the completion of the contract and the final contract price is then established in accordance with the final profit and price adjustment formula. Second, if the firm target cost plus the firm target profit present a price which is reasonable and provides normal business risks to the contractor for the performance of the contract, the price may be established as a firm fixed price.

(4) *Billing price.* In either of the above types of contract, a billing price will be established as an interim basis for payment. This billing price may be adjusted within the ceiling limits, upon request of either party to the contract, when it becomes apparent that final negotiated costs will be substantially different from the target cost.

(b) *Applicability.* (1) The initial target type of incentive contract, described in paragraph (a) (2) of this section, is appropriate for use where targets which are reasonably free of contingencies and which provide a fair and reasonable incentive can be established at the outset.

(2) The successive targets type of incentive contract, described in paragraph (a) (3) of this section, is appropriate for use where the contractor's and the Government's knowledge of probable cost of performance, though substantial, is so indefinite that fair, firm targets cannot be established at the outset, but will become sufficiently definite at an early point in the performance of the contract to permit negotiation of targets which are reasonably free of contingencies and which provide a fair and reasonable incentive.

(3) Neither type of incentive contract should be used unless there is a sufficiently long period of performance to permit achievement of substantial cost reductions.

(c) *Limitations.* Fixed-price incentive contracts shall not be used unless the contractor's accounting system is adequate for price revision purposes and permits satisfactory application of the profit and price adjustment formulas. In no case should such contracts be used where (i) reliable cost estimates are not available at the time of initial contract negotiation or at a very early point in performance, or (ii) the sole or principal purpose is to shift substantially all of the risk of performance to the Government. In no case shall the firm target profit or the final profit and price adjustment formula be established prior to the establishment of the firm target cost. Neither type of incentive contract shall be used unless a determination has been made, in accordance with the requirements of Subpart C of this part, that—

(1) Such method of contracting is likely to be less costly than other methods, or

(2) It is impractical to secure supplies or services of the kind or quality required without the use of such type of contract.

The successive targets type of contract, described in paragraph (a) (3) of this section, shall be used only after written approval by (i) Office of the Deputy Chief of Staff for Logistics or Offices of Heads of the Technical Services, for the Army, (ii) Office of Naval Material, for the Navy, and (iii) Headquarters, Air Material Command, for the Air Force.

2. Sections 3.404–3 and 3.404–4 have been revised to reflect the codification of DoD Directive 7800.3, November 1, 1957, in § 7.203–4. Sections 3.404–3 and 3.404–4, as revised, read as follows:

§ 3.404 *Cost-reimbursement type contracts.* • • •

§ 3.404–3 *Cost-plus-a-fixed-fee contract.* • • •

(d) *Contractors' investment in work-in-process.* (1) It is the policy of the Department of Defense that contractors having cost-reimbursement type contracts should maintain a reasonable investment in the supplies and facilities acquired and in the services rendered in the performance of such contracts. This investment provides a strong incentive for the contractor to strive for greater efficiency and economy and better management, with resultant lower costs to the Government.

(2) In keeping with this policy, cost-reimbursement type contracts other than those set forth below shall provide for interim payment of not to exceed 80% of the costs incurred by the contractor in the performance of the contract:

(i) Contracts under which the contractors receive no fee or profit;

(ii) Contracts with educational institutions or nonprofit organizations;

(iii) Contracts solely for the operation of Government-owned plants or vessels;

(iv) Contracts with small business concerns;

(v) Contracts for research and development which do not provide for quantity production;

(vi) Contracts for performance outside the United States, its Territories, its possessions, and Puerto Rico;

(vii) Contracts having an estimated cost not in excess of $250,000;

(viii) Contracts for construction and architect-engineer services; or

(ix) As determined by the Secretary concerned, contracts in which the application of the policy set forth in (1) above would impose undue hardship on the contractor or adversely affect the interests of the Government.

The appropriate one of the clauses set forth in § 7.203–4 of this subchapter shall be inserted in all cost-reimbursement type supply contracts. In all other cost-reimbursement type contracts to which the policy set forth in this paragraph § 3.404–3 (d) applies, insert the clause set forth in § 7.203–4 (a) or (b) of this subchapter, appropriately modified.

(3) Application of this policy need not affect the method of payment of the fee, but the extent of the contractor's capital investment in the performance of the contract will be taken into consideration in fixing the amount of fee or profit.

§ 3.404–4 *Cost-plus-incentive-fee contract.* • • •

(d) *Contractors' investment in work-in-process.* See § 3.404–3 (d).

SUBPART H—PRICE NEGOTIATION POLICIES AND TECHNIQUES

1. A new sentence has been added to § 3.804 to provide for additional emphasis on oral discussions or written communications during the course of negotiations. § 3.804, as revised, reads as follows:

§ 3.804 *Conduct of negotiations.* Evaluation of offerors' or contractors' proposals, including price revision proposals, by all personnel concerned with the procurement, as well as subsequent negotiations with the offeror or contractor, shall be completed expeditiously. Complete agreement of the parties on all basic issues shall be the objective of the contract negotiations. Oral discussions or written communications shall be conducted with offerors to the extent necessary to resolve uncertainties relating to the purchase or the price to be paid. Basic questions should not be left for later agreement during price revision or other supplemental proceedings. Cost and profit figures of one offeror or contractor shall not be revealed to other offerors or contractors.

2. Section 3.808–4 (c) is amended to read as follows:

§ 3.808–4 *Profit.* • • •

(c) *Extent of Government assistance.* The Department of Defense encourages its contractors to perform their contracts with the minimum of financial, facility, or other assistance from the Government. Where extraordinary financial, facility, or other assistance must be furnished to a contractor by the Government, such extraordinary assistance should have a modifying effect in determining what constitutes a fair and reasonable profit. (See also § 3.404–3 (d).)

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 7—CONTRACT CLAUSES

SUBPART A—CLAUSES FOR FIXED PRICE SUPPLY CONTRACTS

1. Paragraph (a) of § 7.103–5 has been revised as follows:

§ 7.103–5 *Inspection.*

INSPECTION

(a) All supplies (which term throughout this clause includes without limitation raw materials, components, intermediate assemblies, and end products) shall be subject to inspection and test by the Government, to the extent practicable at all times and places including the period of manufacture, and in any event prior to acceptance.

2. Section 7.104–2 is revised as follows:

§ 7.104 *Clauses to be used when applicable.* • • •

§ 7.104–2 *Copeland Act.* In accordance with the requirements of Subpart D of Part 12 of this subchapter, insert the applicable contract clauses set forth in §§ 12.403–1 or 12.403–4, as the case may be.

3. The clause set forth in § 7.104–20 is in furtherance of Department of Defense policy to provide all possible assistance to small business and to concerns located in labor surplus areas. The clause informs contractors of the order of preference in subcontracting with small business concerns in labor surplus areas. It is made applicable to cost-reimbursement type supply contracts by § 7.203–26.

§ 7.104–20 *Utilization of concerns in labor surplus areas.* Insert the clause set forth below in all fixed-price supply contracts, in amounts exceeding $5,000, except those contracts entered into with foreign contractors which are to be performed outside of the United States, its Territories, its possessions, and Puerto Rico.

UTILIZATION OF CONCERNS IN LABOR SURPLUS AREAS

It is the policy of the Government to place supply contracts with suppliers who will perform such contracts substantially in areas of current labor surplus where this can be done, consistent with the efficient performance of the contract, at prices no higher than are obtainable elsewhere. The Contractor agrees to use its best efforts to place its subcontracts in accordance with this policy. In complying with the foregoing and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business Concerns", the Contractor in placing its subcontracts shall observe the following order of preference: (i) small business concerns in labor surplus areas; (ii) other concerns in labor surplus areas; (iii) small business concerns not in labor surplus areas.

SUBPART B—CLAUSES FOR COST-REIMBURSEMENT TYPE SUPPLY CONTRACTS

1. Section 7.203–4 has been revised to codify DoD Directive 7800.6, November 1, 1957, which prescribes that certain categories of cost-reimbursement contracts will provide for payment of not to exceed 80% of the costs incurred with payment of the balance at a subsequent time. The existing clause has been revised and an alternate clause provided for use in cost-plus-incentive-fee contracts. Section 7.203–4, as revised, reads as follows:

§ 7.203–4 *Allowable cost, fee, and payment.* (a) Except as provided in paragraphs (b) and (c) (5) of this section, the following clause shall be inserted in all cost-reimbursement type supply contracts. Additional instructions for use are in paragraph (c) of this section.

ALLOWABLE COST, FIXED FEE, AND PAYMENT

(a) For the performance of this contract, the Government shall pay to the Contractor:

(i) The cost thereof (hereinafter referred to as "allowable cost") determined by ------* to be allowable in accordance with—

(A) Subpart B of Part 15 of this Subchapter as in effect on the date of this contract; and

(B) the terms of this contract; and

(ii) such fixed fee, if any, as may be provided for in the Schedule.

(b) Once each month (or at more frequent intervals, if approved by ------*) the Contractor may submit to an authorized representative of ------*, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost. Each statement of cost shall be certified by an officer or other responsible official of the Contractor authorized by it to certify such statements.

(c) (1) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, and subject to the provisions of paragraph (d) below, make payment thereon, to the extent of 80% thereof, as approved by ------*. The cumulative amount of such invoices or vouchers from time to time approved but not paid pursuant to the foregoing provisions (regardless of whether they are paid under the next sentence hereof) shall constitute a gross withheld payments amount. Upon acceptance and delivery of articles called for by item ------** of this contract, the Government shall pay to the Contractor an amount which, when added to any amounts previously paid under this sentence, shall be the same percentage of the gross withheld payments amount as the cumulative number of articles accepted and delivered under item ------** of this contract is of the total number of articles called for by such item.

(2) Payment of the fixed fee, if any, shall be made to the Contractor as specified in the Schedule; *provided*, however, that after payment of eighty-five percent (85%) of the fixed fee set forth in the Schedule, further payment on account of the fixed fee shall be withheld until a reserve of either fifteen percent (15%) of the total fixed fee, or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside.

(d) At any time or times prior to final payment under this contract ------* may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by ------*, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall promptly pay to the Contractor any balance of allowable cost, and any part of the fixed fee, which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(i) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided*, That such claims are not known to the Contractor on the date of the execution of the release; and *provided further* that the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(C) Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at its expense or without cost to the Government.

(b) When, pursuant to § 3.404–4, incentive revision of the fee in a cost-reimbursement type supply contract is to be provided, the clause set forth below shall, except as provided in paragraph (c) (5) of this section, be included in the contract. Additional instructions for use of the clause are in paragraph (c) of this section.

ALLOWABLE COST, INCENTIVE FEE, AND PAYMENT

(a) (1) For the performance of this contract, the Government shall pay to the Contractor:

(i) The cost thereof (hereinafter referred to as "allowable cost") determined by -----* to be allowable in accordance with—

(A) Subpart B of Part 15 of this subchapter as in effect on the date of this contract; and

(B) The terms of this contract; and

(ii) A fee determined as provided in this contract.

(2) The target cost and target fee of this contract are set forth in the Schedule and shall be subject to adjustment in accordance with (h) and (i) below. As used throughout this contract the term:

(i) "Target cost" means the estimated cost of this contract initially negotiated, adjusted in accordance with (h) below; and

(ii) "Target fee" means the fee which was initially negotiated on the assumption that this contract would be performed for a cost equal to the estimated cost of this contract initially negotiated, adjusted in accordance with (h) below.

(b) Once each month (or at more frequent intervals, if approved by ------*) the Contractor may submit to an authorized representative of ------*, in such form and reasonable detail as such representative may require an invoice or voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost. Each statement of cost shall be certified by an officer or other responsible official of the Contractor authorized by it to certify such statements.

(c) (1) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, and subject to the provisions of paragraph (d) below, make payment thereon, to the extent of 80% thereof, as approved by ------*. The cumulative amount of such invoices or vouchers from time to time approved but not paid pursuant to the foregoing provisions (regardless of whether they are paid under the next sentence hereof) shall constitute a gross withheld payments amount. Upon acceptance and delivery of articles called for by item ------** of this contract, the Government shall pay to the contractor an amount which, when added to any amounts previously paid under this sentence, shall be the same percentage of the gross withheld payments amount as the cumulative number of articles accepted and delivered under item ------** of this contract is of the total number of articles called for by such item.

(2) Payment of fee shall be made to the Contractor as specified in the Schedule: *Provided, however,* That after payment of ninety-five percent (95%) of the minimum fee provided for in (i) below, further payment on account of the fee shall be withheld until a reserve of either fifteen percent (15%) of the target fee, or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside.

(d) At any time or times prior to final payment under this contract, ------* may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by ------*, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall promptly pay to the Contractor any balance of allowable cost, and any part of the fee, which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(i) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided,* That such claims are not known to the Contractor on the date of the execution of the release; *And provided further,* That the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(C) Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

Payments under the assignment and the claims excepted from the release shall be subject to adjustment by reason of the adjustment of fee in accordance with (i) below.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at its expense or without cost to the Government.

(h) When the work under this contract (including any supplies or services which are ordered separately under, or otherwise added to, this contract) is increased or decreased by contract modification, appropriate adjustments in the target cost and target fee shall be set forth in an amendment or supplemental agreement to this contract.

(i) The fee payable hereunder shall be the target fee increased by (insert contractor's participation) cents for every dollar by which the total allowable cost is less than the target cost or decreased by (insert contractor's participation) cents for every dollar by which the total allowable cost exceeds the target cost. In no event shall the fee be greater than ------ percent, nor less than ------ percent, of the target cost; and within these limits such fee shall be subject to adjustment, by reason of increase or decrease of total allowable cost, on account of payments under the assignment required by (f) (i) above, and claims excepted from the release required by (f) (ii) above.

In the event the contract calls for spare parts or other supplies and services which are to be ordered under a provisioning document or Government option, the following provision (j) shall be included:

(j) Compensation for supplies (including spare parts) and services which are to be furnished under this contract pursuant to a provisioning document or Government option shall be determined in accordance with the provisions of this clause notwithstanding any inconsistent provision in such provisioning document or Government option.

(c) (1) In the foregoing clauses, insert, in contracts of the Department of the Army and the Department of the Air Force, the words, "the Contracting Officer," and insert, in contracts of the Department of the Navy the words "the Comptroller of the Navy (Contract Audit Division)" in the spaces designated by an asterisk (------*).

(2) In subparagraph (c) (1) of the foregoing clauses, insert the item number of the principal end item being procured under the contract in the space designated by a double asterisk (------**).

(3) In accordance with Departmental procedures, the following sentence may be substituted for the third sentence of subparagraph (c) (1) of the foregoing clauses:

Upon the completion of increments of work as specified in the Schedule, the Government shall pay to the Contractor an amount which, when added to any amounts previously paid under this sentence, shall be the same percentage of the gross withheld payments amount as the total of the completed increments is of the total increments of the work called for by this contract.

increments of work specified in the Schedule pursuant to the above provision may be stated in units, percentages of completion, stages of work, or in any other appropriate manner.

(4) In paragraph (f) (ii) (B) of the foregoing clauses, the period of years may be increased to correspond with any statutory period of limitation applicable to claims of third parties against the contractor: *Provided,* That a corresponding increase is made in the period for retention of records required in paragraph (a) (4) of the clause set forth in § 7.203–7.

(5) In all cost-reimbursement type supply contracts covered by any one of the exceptions listed in § 3.404–3 (d) (2), insert the appropriate one of the foregoing clauses modified as follows:

(i) If the clause set forth in paragraph (a) of this section is used, delete paragraph (c) thereof and substitute the following:

(c) Promptly after receipt of each invoice or voucher the Government shall, subject to the provisions of (d) below, make payment thereon as approved by ------*. Payment of the fixed fee, if any, shall be made to the Contractor as specified in the Schedule: *Provided, however,* That after payment of eighty-five percent (85%) of the fixed fee set forth in the Schedule, further payment on account of the fixed fee shall be withheld until a reserve of either fifteen percent (15%) of the total fixed fee, or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside.

(ii) If the clause set forth in paragraph (b) of this section is used, delete paragraph (c) thereof and substitute the following:

(c) Promptly after receipt of each invoice or voucher, the Government shall, subject to the provisions of (d) below, make payment thereon as approved by ------*. Payment of fee shall be made to the Contractor as specified in the Schedule: *Provided, however,* That after payment of ninety-five percent (95%) of the minimum fee provided for in (i) below, further payment on account of the fee shall be withheld until a reserve of either fifteen percent (15%) of the target fee, or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside.

(6) In subparagraph (c) (2) of the clauses set forth in paragraphs (a) and (b) of this section and in the (c) paragraphs set forth in subparagraph (5) of this paragraph, the percentages and amounts set forth therein may be varied in accordance with Departmental procedures, except that the percentage of minimum fee in the incentive fee clause shall not exceed 95 percent.

(7) The measure of the increase and the decrease in the fee, representing "the contractor's participation" as set forth in paragraph (i) of the incentive fee clause, shall normally be the same. Under some circumstances the use of a sliding scale may be appropriate (for example, $0.01 for the first $100, $0.02 for the next $100, etc.) in which case necessary changes in the wording of paragraph (i) of the incentive fee clause are authorized. The maximum and minimum fee shall normally be equidistant from the target fee.

(8) In the case of cost-reimbursement type supply contracts without fee:

(i) Insert the following sentence in lieu of the second sentence of paragraph (c) of the clause set forth in subparagraph (5) (i) of this paragraph—

After payment of an amount equal to eighty percent (80%) of the total estimated cost of performance of this contract set forth in the Schedule, further payment on account of allowable cost shall be withheld until a reserve of either one percent (1%) of such total estimated cost, or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside.

and

(ii) Delete the words "and any part of the fixed fee" from paragraph (e) of the clauses set forth in paragraph (a) of this section.

2. A cross-reference to § 7.104–20 has been inserted in this new § 7.203–26.

§ 7.203–26 *Utilization of concerns in labor surplus areas.* Insert the contract clause set forth in § 7.104–20, except in those contracts entered into with foreign contractors which are to be performed outside of the United States, its Territories, its possessions, and Puerto Rico.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 9—PATENTS, DATA, AND COPYRIGHTS

SUBPART B—DATA AND COPYRIGHTS

Section 9.204–1 has been revised to permit the provision which gives the contractor an exclusive copyright to specified data under certain conditions, to also be used in basic agreements with educational institutions and others. Section 9.204–1, as revised, reads as follows:

§ 9.204 *Contract clauses—special.*

§ 9.204–1 *Limitation on Government's right of publication for sale to the general public.* The paragraph set forth below may be added to the clause of § 9.203–1 when, in contracts for research, the contracting officer determines in accordance with Departmental procedures that public dissemination of the work or certain designated parts of the work specified to be delivered under contract is in the best interest of the Government and would be facilitated by the Government relinquishing its right to publish for sale or to have others publish for sale for it. This paragraph shall not be used otherwise.

(h) If, after final settlement of this contract, and within the period designated in the Schedule* for the purpose of this paragraph (h) or otherwise approved by the Contracting Officer, but in any event within a period no greater than 24 months, the Contractor publishes for sale any Subject Data which are (i) designated in the Schedule* as being subject to this paragraph (h) and (ii) delivered under this contract, the Government agrees not to publish such Data for sale or authorize others so to do. This limitation on the Government's right to publish for sale any such Data so published by the Contractor shall continue as long as the Data are protected by copyright. As to all such Data not so published by the Contractor, this paragraph shall be of no force or effect.

(Sec. 201, 55 Stat. 839, as amended, sec 2202, 70A Stat. 120; 50 U. S. C. App. 611, 10 U. S. C. 2202)

PART 12—LABOR

SUBPART H—NONDISCRIMINATION IN EMPLOYMENT

Sections 12.801 and 12.806 have been revised to provide a firmer approach in eliminating discrimination in the performance of Government contracts, to be adopted in cases where education, conciliation, mediation and persuasion do not achieve the desired results. This action is responsive to recommendations set forth by the President's Committee on Government Contracts.

§ 12.801 *Policy.* The President has stated that the policy of the Government is to promote equal employment opportunity for all qualified persons employed or seeking employment on Government contracts because such persons are entitled to fair and equitable treatment in all aspects of employment on work paid for from public funds, and that contracting agencies and Government contractors are obligated to insure compliance with, and successful execution of, the equal employment opportunity program of the Government. In stating this policy, the President has directed that the head of each contracting agency shall be primarily responsible for obtaining compliance by any contractor or subcontractor and shall take the appropriate measures to bring about compliance. The President's Committee on Government Contracts provides guidance to contracting agencies concerning the program. The Committee has announced that the objectives of the program can best be achieved through the processes of education, persuasion, mediation, and conciliation. (Executive Orders 8802 of June 25, 1941, 9346 of May 27, 1943, 10479 of August 13, 1953, and 10557 of September 3, 1954.) However, when those methods do not bring the proper results, a firmer approach should be adopted. Additional measures should include consideration, prior to an award, of whether a prospective contractor appears to be able to conform to the requirements of the standard nondiscrimination clause. (See §§ 1.307 (d) and 1.604–2 of this subchapter.)

§ 12.806 *Administration.*

§ 12.806–1 *General.* The President's Committee on Government Contracts has published "A Manual for the Guidance of Personnel Engaged in Obtaining Compliance with the National Equal Job Opportunity Program" which contains information for all who are engaged in obtaining compliance with the Federal nondiscrimination clause. This publication is to be employed as additional guidance in the overall administration of the nondiscrimination program.

§ 12.806–2 *Educational responsibility.* (a) Contracting officers and other personnel concerned with procurement shall, in accordance with Departmental procedures, be apprised of their respon-

*The word "Schedule" may be replaced by the words "Task Order," or other appropriate reference, in accordance with Departmental procedures.

sibility in obtaining compliance with the nondiscrimination clause.

(b) The Departments shall publicize the nondiscrimination policy to prospective contractors and shall make available to contractors information concerning their responsibilities under the nondiscrimination clause.

§ 12.806–3 *Posting of notices.* In all instances, except where the nondiscrimination clause may have been modified as authorized by § 12.803 (a) (2), contracting officers shall furnish to contractors copies of the notice entitled "Equal Economic Opportunity" (U. S. Government Printing Office: 1954 O–300378 or 1955 O–364036), which shall be obtained by contracting officers in accordance with Departmental procedures. Contractors shall obtain from the contracting officer copies for first-tier subcontractors.

§ 12.806–4 *Compliance reviews.* (a) Both routine and special compliance reviews shall be conducted in accordance with Departmental procedures to ascertain the extent to which contractors are complying with the provisions of the nondiscrimination clause and to furnish educational data in connection with the program.

(b) A routine compliance review consists of a brief review of the practices of the contractor to ascertain compliance with the requirements of the clause. This type of review shall include a verification that the notice is appropriately posted and that the clause is included in subcontracts where required. A routine compliance review shall be considered a normal part of contract administration.

(c) A special compliance review consists of a comprehensive review of the employment practices of the contractor with respect to the requirements of the nondiscrimination clause. In addition to discussions with management, personnel conducting special compliance reviews should, when appropriate, discuss the contractor's employment practices with employment sources, minority groups, and interested civic groups. Special compliance reviews shall be conducted (1) from time to time, (2) when special circumstances warrant, and (3) when requested by proper authority.

§ 12.806–5 *Complaints.* The Departments will promptly investigate complaints based upon alleged noncompliance with the provisions of the nondiscrimination clause, provided such complaints contain the following identifying information:

(a) The name and address of the contractor or subcontractor alleged to have violated the provisions of the nondiscrimination clause;

(b) A description of the acts believed to be in violation of the nondiscrimination clause, including, where known, names of contractor's personnel involved, and dates of alleged incidents;

(c) The name and address of each person who believes himself aggrieved by the alleged violation of the clause; and

(d) Other pertinent information which will assist investigation and resolution of the complaint.

§ 12.806–6 *Incomplete complaints.* To avoid unwarranted investigation of allegations which do not provide the essential information set forth in § 12.806–5, Departments may return such allegations to the originating source, specifying the additional information required.

§ 12.806–7 *Processing of complaints.* Complaints may be submitted to the President's Committee on Government Contracts, the Secretary of Defense, or the Military Departments. Complaints submitted to the Military Departments in accordance with § 12.806–5, and determined to involve a Government contract or subcontract, shall be processed in accordance with Departmental procedure which will assure:

(a) Prompt investigation of statements and allegations contained in the complaint. Such investigations should include, where necessary, (1) a review of the pertinent personnel practice of the contractor or subcontractor concerned, (2) the circumstance under which the discriminatory action is alleged to have taken place, and (3) such other factors which may determine whether the contractor or subcontractor in the particular case complied with the provisions of the nondiscrimination clause set forth in the contract concerned.

(b) Resolution of complaints by conciliatory means whenever possible.

(c) The preparation and submission, through prescribed channels, of a report to the President's Committee on Government Contracts setting forth (1) a copy of the complaint together with a summary of the investigative action performed by the Department concerned, (2) corrective action taken or recommended by the Department where investigation discloses a need for such action, (3) recommendations or comments in connection with the complaints which investigation disclosed as unfounded, and (4) information that the Department considers should be brought to the attention of the President's Committee.

§ 12.806–8 *Reporting channels.* Reports in connection with complaints shall be forwarded, in duplicate, through Departmental channels to the Assistant Secretary of Defense (Supply and Logistics) for transmittal to the President's Committee on Government Contracts.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 13—GOVERNMENT PROPERTY

SUBPART E—CONTRACT CLAUSES

Paragraph (c) of the contract clause in § 13.502, and paragraph (c) of the contract clause in § 13.503 have been revised to provide that all applicable provisions of § 30.2 of this Subchapter A are incorporated in contracts by reference and not just the record-keeping provision. Paragraph (b) of the contract clause in § 13.503 has also been revised to reflect the codification of DoD Directive 7800.6, November 1, 1957. Sections 13.502 and 13.503, as revised, read as follows:

§ 13.502 *Government-furnished property clause for fixed-price contracts.* • • •

(c) Title to the Government-furnished Property shall remain in the Government. Title to Government-furnished Property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government-furnished Property, or any part thereof, be or become a fixture or lose its identity or personality by reason of affixation to any realty. The Contractor shall comply with the provisions of the "Manual for Control of Government Property in Possession of Contractors" (§ 30.2, Armed Services Procurement Regulation) as in effect on the date of the contract, which Manual is hereby incorporated by reference and made a part of this contract.

• • • • • •

§ 13.503 *Government property clause for cost-reimbursement type contracts.* • • •

(b) Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under the contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government, in whole or in the percentage prevailing by reason of the clause of the contract entitled "Allowable Cost, Fixed Fee and Payment," whichever first occurs. All Government-furnished Property, together with all property acquired by the Contractor, title to which vests in the Government under this paragraph, are subject to the provisions of this clause and are hereinafter collectively referred to as "Government Property."

(c) Title to the Government Property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government Property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty. The Contractor shall comply with the provisions of the "Manual for Control of Government Property in Possession of Contractors" (Part 30.2, Armed Services Procurement Regulation), as in effect on the date of the contract, which Manual is hereby incorporated by reference and made a part of this contract.

SUBPART F—USE OF GOVERNMENT-OWNED INDUSTRIAL FACILITIES ON WORK OTHER THAN FOR A MILITARY DEPARTMENT

Section 13.601–2 has been revised to include an example clarifying the age of equipment for the purpose of applying monthly rental rates. Section 13.601–3, as revised, reads as follows:

§ 13.601–2 *Minimum rent.* Except as provided in § 13.601–3, rental charged under § 13.601 for personal property and equipment constituting industrial facilities shall conform to the following rates, which rates have been determined to be fair and reasonable:

(a) As to metalworking equipment of the types referred to in § 31.2 of this subchapter, paragraph 401.2, or § 31.3, paragraph 401.2, or § 31.3 of this subchapter, paragraph 307.2, rent shall be at the appropriate rate set forth below regardless of the extent and value of any obligations undertaken by the user to provide maintenance or other services.

Age of equipment:	*Monthly rental rate (percent of acquisition cost)*
0 to 2 years	1¾
Over 2 to 6 years	1½
Over 6 to 10 years	1
Over 10 years	¾

The acquisition cost to be used in determining rental shall be the purchase price of the equipment charged the Government plus costs of transportation to, and installation in, the place where the equipment will be used under the contract or agreement, if such costs are borne by the Government. Transportation and installation costs may be estimated by the contracting officer where the actual costs are not known. When special tooling or accessories are rented with the equipment, equipment acquisition cost shall be increased to include the price charged the Government for such tooling or accessories. If the purchase price is not available or cannot be obtained from the manufacturer of the equipment, the Military Departments shall obtain an estimated purchase price from the Office of the Assistant Secretary of Defense (Supply and Logistics). On January 1 following the date of manufacture of each item of equipment, such item shall be considered one year old, and on each succeeding January 1 it shall become one year older; and contracts or agreements shall so provide. For example, if an item of equipment is manufactured on 15 July 1958, it will be considered to be one year old on 1 January 1959, two years old on 1 January 1960, three years old on 1 January 1961, etc. The item of equipment will be considered "over two years" old on and after 1 January 1960, "over six years" old on and after 1 January 1964, and "over ten years" old on and after 1 January 1968.

(b) As to personal property and equipment constituting industrial facilities other than metalworking equipment covered in paragraph (a) of this section, and with respect to which there are not prevailing commercial rates, a rent at the rate of not less than 1 percent per month of the original acquisition cost of such property or equipment shall be charged.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 15—CONTRACT COST PRINCIPLES

Sections 15.201, 15.301 and 15.502 have been revised to include a definition of "incurred cost" for use in connection with cost-reimbursement type contracts. Sections 15.201, 15.301 and 15.502, as revised, read as follows:

SUBPART B—SUPPLY AND RESEARCH CONTRACTS WITH COMMERCIAL ORGANIZATIONS

§ 15.201 *General basis for determination of costs.* (a) The total cost of a cost-reimbursement type contract is the sum of the allowable direct costs incident to the performance of the contract, plus the properly allocable portion of allowable indirect costs, less applicable income and other credits. The tests used in determining the allowability of costs also include (1) reasonableness, (2) application of generally accepted accounting principles and practices, and (3) any limitations as to types or amounts of cost items set forth in this subpart B of this Part 15 or otherwise included in the contract. Failure to mention any item of cost in this subpart is not intended to imply that it is either allowable or not allowable. The use of normal or standard costs (with appropriate adjustments for variances, unallowable costs and the other provisions of this subpart) is acceptable in determining amounts of provisional or interim payments, but final allowable costs must represent actual costs. Income and other credits arising out of operations under the contract, where the related cost was reimbursed or accepted as an allowable cost, will be credited to the Government.

(b) If a cost is to be reimbursed, it must—in addition to meeting the tests stated in paragraph (a) of this section—be incurred by the contractor. Generally, costs will be considered as incurred when (1) the property or services represented by such costs have been received and accepted by or performed for the contractor, and (2) the costs have been properly recorded on the contractor's books. However, proof of prior payment by the contractor will not ordinarily be regarded as a prerequisite to approval for payment of such costs if the contractor, as a normal business practice, liquidates its liabilities promptly when due.

SUBPART C—RESEARCH CONTRACTS WITH NONPROFIT INSTITUTIONS

§ 15.301 *General basis for determination of costs.* (a) The total cost of a cost or cost-sharing contract for research and development with nonprofit institutions is the sum of the allowable direct costs incident to the performance of the contract, plus the properly allocable portion of allowable indirect costs. The tests used in determining the allowability of costs include (1) reasonableness, (2) application of generally accepted institutional accounting principles and practices, and (3) any limitations as to types or amounts of cost items set forth in this subpart or otherwise included in the contract. Failure to mention any item of cost in this subpart is not intended to imply that it is either allowable or not allowable.

(b) If a cost is to be reimbursed, it must—in addition to meeting the tests stated in paragraph (a) of this section—be incurred by the contractor. Generally, costs will be considered as incurred when (1) the property or services represented by such costs have been received and accepted by or performed for the contractor, and (2) the costs have been properly recorded on the contractor's books. However, proof of prior payment by the contractor will not ordinarily be regarded as a prerequisite to approval for payment of such costs if the contractor, as a normal business practice, liquidates its liabilities promptly when due.

§ 15.301–1 *Cost-sharing methods.* Cost-sharing may be accomplished by one of the following methods:

(a) By providing in the contract for the percentage of the total allowable cost of the project which will be borne by the Government;

(b) By agreeing that, for the purpose of the particular project, reimbursement for indirect expense of the institution will be limited to some rate or dollar amount less than the indirect expense otherwise applicable and computed in accordance with the principles set forth in this subpart;

(c) By providing in the contract that certain items of cost will not be considered reimbursable; or,

(d) By such other method as may be agreed upon.

SUBPART E—SUBJECTS AFFECTING COST WHICH MAY REQUIRE SPECIAL CONSIDERATION

§ 15.501 *Consideration required.* (a) It is important that contracting officers and their negotiators consider the subjects enumerated in § 15.502, and any other subjects not precluded by the provisions of subparts 2, 3 or 4 of this part (whichever subpart is applicable), for the purpose of (1) determining which subjects if any should be expressly provided for in a particular cost-reimbursement type contract, and (2) incorporating appropriate clauses in the contract. Action taken with respect to any such subjects shall be reflected either in the contract or in the record of contract negotiations.

(b) If a cost is to be reimbursed, it must—in addition to meeting the tests stated in (a) above—be incurred by the contractor. Generally, costs will be considered as incurred when (1) the property or services represented by such costs have been received and accepted by or performed for the contractor, and (2) the costs have been properly recorded on the contractor's books. However, proof of prior payment by the contractor will not ordinarily be regarded as a prerequisite to approval for payment of such costs if the contractor, as a normal business practice, liquidates its liabilities promptly when due.

(Sec. 201, 55 Stat. 839, as amended, sec. 2202, 70A Stat. 120; 50 U. S. C. App. 611, 10 U. S. C. 2202)

PART 16—PROCUREMENT FORMS

SUBPART B—FORMS FOR NEGOTIATED PROCUREMENT

Section 16.201, as revised, clarifies legal effect of quotations submitted on DD Form 747 (Request for Quotation) consistent with Comptroller General Decision B–131228, October 18, 1957. Issuance of purchase orders based upon such quotations does not result in binding contracts. Section 16.201, as revised, reads as follows:

§ 16.201 *Request for quotation (DD Form 747).*

§ 16.201–1 *General.* DD Form 747 is designed to obtain price, cost, delivery, or other information from suppliers.

§ 16.201–2 *Conditions for use.* DD Form 747 is authorized for use when it appears reasonably certain that the procurement will be consummated by (i) a fixed-price type contract involving extensive negotiation or, (ii) a cost-reimbursement type contract. Standard Form 36 (Continuation Sheet), DD Forms 351–1 (Schedule) or 1155c (Continuation Sheet) may be used as required. The form is intended primarily for negotiated procurements in excess of $2,500; however, it may be used for negotiated procurements of $2,500 or less (including purchase orders) when written solicitations of quotations are used (see § 3.603 of this subchapter). A quotation submitted on this form is not to be construed as an offer which can be accepted by the Government to form a binding contract. Therefore, issuance by the Government of a purchase order pursuant to a supplier's quotation does not constitute a contract, but the purchase order is an offer by the Government to the supplier to buy certain goods or services upon specified terms and conditions.

SUBPART H—MISCELLANEOUS FORMS

Section 16.812 has been revised to reflect the codification of DoD Directive 7800.6, November 1, 1957. Section 16.812, as revised, reads as follows:

§ 16.812 *Release and assignment forms.*

(a) The forms set forth below are approved for use in complying with the assignment and release provisions of paragraph (f) of the compensation clauses for cost-plus-fixed-fee and cost-plus-incentive-fee contracts set forth in § 7.203–4 (a) and (b) of this subchapter. Forms differing from the approved forms may be used if the contracting officer determines that such forms meet the applicable requirements of the clause. Checks received by Army and Air Force contracting officers pursuant to paragraph 2 of the assignments in paragraphs (d) and (e) of this section shall be forwarded to the finance officer named in the contract.

(b) Set forth below is an approved form for the contractor's release required by paragraph (f) of the clauses in § 7.203–4 (a) and (b) of this subchapter.

CONTRACTOR'S RELEASE

Contract No. ------

Pursuant to the terms of Contract No. ------ and in consideration of the sum of -------- Dollars ($------) which has been or is to be paid under the said contract to ------ ---------- (hereinafter called the Contractor) or its assignees, if any, the Contractor, upon payment of the said sum by the United States of America (hereinafter called the Government), does remise, release, and discharge the Government, its officers, agents, and employees, of and from all liabilities, obligations, claims, and demands whatsoever under or arising from the said contract, except:

1. Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor, as follows:

---

2. Claims, together with reasonable expenses incidental thereto, based upon the liabilities of the Contractor to third parties arising out of the performance of the said contract, which are not known to the Contractor on the date of the execution of this release and of which the Contractor gives notice in writing to the Contracting Officer within the period specified in the said contract.

3. Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of the said contract relating to patents.

The Contractor agrees, in connection with patent matters and with claims which are not released as set forth above, that it will comply with all of the provisions of the said contract, including without limitation those provisions relating to notification to the Contracting Officer and relating to the defense or prosecution of litigation.

In witness whereof, this release has been executed this ------ day of ---------- 19 ---

---
(Contractor)

By ----------
Title ----------

Witnesses:

NOTE: In the case of a corporation, witnesses are not required, but the certificate below must be completed.

CERTIFICATE

I, ----------, certify that I am the ------ ----------
(Official title)

of the corporation named as Contractor in the foregoing release; that ---------- who signed said release on behalf of the Contractor was then ---------- of said corporation; that said release was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

[CORPORATE SEAL]

The following sentence shall be added to the final paragraph of the above release form when the related contract provides for reimbursement on a cost-plus-incentive-fee basis:

The Contractor further agrees that payments on account of claims not released as set forth above shall be subject to adjustment in accordance with paragraph (i) of the clause of the contract entitled "Allowable Cost, Incentive Fee, and Payment."

(c) Set forth below is an approved form for the assignee's release required by paragraph (f) of the clauses in § 7.203–4 (a) and (b) of this subchapter.

ASSIGNEE'S RELEASE

Contract No. ------

Pursuant to the terms of Contract No. ------ and in consideration of the sum of ------ Dollars ($------) which has been or is to be paid under the said contract by the United States of America (hereinafter called the Government) to the Contractor or its assignees, the ----------
(Assignee's name and address)

(i) A corporation organized and existing under the laws of the State of ----------,

(ii) A partnership consisting of ----------,

(iii) An individual trading as ---------- (hereinafter called the Assignee), upon receipt of that part of the said sum due under its assignment, does remise, release and discharge the Government, its officers, agents, and employees, of and from all liabilities, obligations, claims, and demands whatsoever under or arising from the said contract and assignment, except:

1. Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor, as follows:

2. Claims, together with reasonable expenses incidental thereto, based upon the liabilities of the Contractor to third parties arising out of the performance of the said contract, which are not known to the Contractor or Assignee on the date of the execution of this release and of which the Contractor or Assignee gives notice in writing to the Contracting Officer within the period specified in the said contract.

3. Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of the said contract relating to patents.

The Assignee agrees, in connection with claims which are not released as set forth above, that final payment under the said contract does not modify the requirements and limitations imposed on the Contractor or Assignee by the contract or the assignment, including without limitation those provisions relating to notification to the Contracting Officer and relating to the defense or prosecution of litigation.

In witness whereof, this release has been executed this ------ day of ---------- 19---

---
(Assignee)

By ----------
Title ----------

Witnesses:

NOTE: In the case of a corporation, witnesses are not required, but the certificate below must be completed.

CERTIFICATE

I, ----------, certify that I am the ----- ---------- of the corporation named (Official title)

as Assignee in the foregoing release; that ---------- who signed said release on behalf of the Assignee was then ----------
(Official title)

of said corporation; that said release was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

[CORPORATE SEAL]

The following sentence shall be added to the final paragraph of the above release form when the related contract provides for reimbursement on a cost-plus-incentive-fee basis:

The Assignee further agrees that payments on account of claims not released as set forth above shall be subject to adjustment in accordance with paragraph (i) of the clause of the contract entitled "Allowable Cost, Incentive Fee and Payment."

(d) Set forth below is an approved form for the contractor's assignment of refunds, rebates, credits, and other amounts, required by paragraph (f) of the clauses in § 7.203–4 (a) and (b) of this subchapter.

CONTRACTOR'S ASSIGNMENT OF REFUNDS, REBATES, CREDITS, AND OTHER AMOUNTS

Contract No. ------

Pursuant to the terms of Contract No. ------ and in consideration of the reimbursement of costs and payment of fee, as provided in the said contract and any assignment thereunder, the ----------

---

(Contractor's name and address)

(hereinafter called the Contractor) does hereby:

1. Assign, transfer, set over and release to the United States of America (hereinafter called the Government), all right, title and interest to all refunds, rebates, credits, and other amounts (including any interest thereon) arising out of the performance of the said contract, together with all the rights of action accrued or which may hereafter accrue thereunder.

2. Agree to take whatever action may be necessary to effect prompt collection of all refunds, rebates, credits, and other amounts (including any interest thereon) due or which may become due, and to promptly forward to the (------*) checks (made payable to the Treasurer of the United States) for any proceeds so collected. The reasonable costs of any such action to effect collection shall constitute allowable costs when approved by the Contracting Officer as stated in the said contract and may be applied to reduce any amounts otherwise payable to the Government under the terms hereof.

3. Agree to cooperate fully with the Government as to any claim or suit in connection with refunds, rebates, credits, or other amounts due (including any interest thereon); to execute any protest, pleading, application, power of attorney, or other papers in connection therewith; and to permit the Government to represent it at any hearing, trial, or other proceeding, arising out of such claim or suit.

In witness whereof, this assignment has been executed this ------ day of ---------- 19---

---
(Contractor)

By ----------
Title ----------

Witnesses:

NOTE: In the case of a corporation, witnesses are not required, but the following certificate must be completed.

CERTIFICATE

I, ----------, certify that
(Official title)

I am the ---------- of the corporation named as Contractor in the foregoing assignment; ---------- who signed said assignment on behalf of the Contractor was then ---------- of said corporation;
(Official title)

that said assignment was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

[CORPORATE SEAL]

In the blank space designated by an asterisk (------*) in the foregoing form, insert in contracts of the Departments of the Army and Air Force the words "Contracting Officer"; in contracts of the Department of the Navy, insert "Navy Department, U. S. Navy Regional Accounts Office, Washington 25, D. C."; in contracts of the Marine Corps, insert "Disbursing Officer, Special Accounts Section (Code CDG) Hqs. Marine Corps, Washington 25, D. C."

(e) Set forth below is an approved form for the assignee's assignment of refunds, rebates, credits, and other amounts required by paragraph (f) of the clauses in § 7.203–4 (a) and (b) of this subchapter.

ASSIGNEE'S ASSIGNMENT OF REFUNDS, REBATES, CREDITS, AND OTHER AMOUNTS

Contract No. ------

Pursuant to the terms of Contract No. ------ and in consideration of the reimbursement of costs and payment of fee, as provided in the said contract and assignment thereunder, the ----------

---

(Assignee's name and address)

(i) A corporation organized and existing under the laws of the State of ----------,

(ii) A partnership consisting of ----------,

(iii) An individual trading as ----------, (hereinafter called the Assignee), does hereby assign, transfer, set over, and release to the United States of America, all right, title, and interest to all refunds, rebates, credits, and other amounts (including any interest thereon) arising out of the performance of the said contract, together with all the rights of action accrued or which may hereafter accrue thereunder.

In witness whereof, this assignment has been executed this ------ day of ---------- 19---

---
(Assignee)

By ----------
Title ----------

Witnesses:

NOTE: In the case of a corporation, witnesses are not required, but the following certificate must be completed.

CERTIFICATE

I, ----------, certify that I am
(Official title)

the ---------- of the corporation named as Assignee in the foregoing assignment; that ---------- who signed said assignment on behalf of the Assignee was then ----------
(Official title)

of said corporation; that said assignment was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

[CORPORATE SEAL]

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

G. C. BANNERMAN,
Director for Procurement Policy, Office of the Assistant Secretary of Defense (Supply and Logistics).

AUGUST 12, 1958.

[F. R. Doc. 58–6655; Filed, Aug. 18, 1958; 8:53 a. m.]

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

ENLISTED MEN ABSENT WITHOUT LEAVE, DESERTERS AND ESCAPED MILITARY PRISONERS

Sections 536.30 and 536.40 are revised to read as follows:

§ 536.30 *Apprehension*—(a) *Military personnel.* Military personnel authorized by Manual for Courts Martial, 1951 (E. O. 10214, February 8, 1951, 16 F. R. 1303, February 10, 1951) may apprehend absentees and deserters.

(b) *Civilian personnel.* Any civil officer described in 10 U. S. C. 808 (Uniform Code of Military Justice, art. 8), and private citizens when authorized by a military officer may apprehend an absentee or deserter from the Army and deliver him into the custody of the Armed Forces. See paragraph 23, Manual for Courts Martial, 1951.

(c) *Absentees and deserters to be apprehended.* Except as indicated in paragraph (d) of this section, all absentees and deserters will be apprehended including those who absented themselves without leave or deserted during the periods December 7, 1941 to July 24, 1947 and June 25, 1950 to July 27, 1953, all dates inclusive.

(d) *Classes of absentees not to be apprehended or returned to military control.* Individuals who deserted from the Regular Army during the Spanish American War, those who deserted the Army during World War I, and peacetime deserters in whose cases trial by courts-martial on a charge of desertion is barred by the statute of limitations, 10 U. S. C. 843 (Uniform Code of Military Justice, art. 43) will not be apprehended or returned to military control.

(e) *Cooperation of State and local authorities.* (1) ZI army commanders and the Commanding General, Military District of Washington, U. S. Army, will take steps to secure the active cooperation of all local police authorities and of such other officials and organizations, except the Selective Service System or any of the branches thereof, as they deem useful to insure that wanted absentees and deserters are returned to military control. Agencies should be informed that action will not be taken to apprehend absentees and deserters unless the agency concerned is in receipt of DD Form 553, or has received notice from military officials or Federal law enforcement officials that the person is absent without leave and his return to military control is desired.

(2) All commanding officers will assure prompt, complete, and accurate replies to all inquiries received from civil law enforcement agents or agencies regarding absentees and deserters.

§ 536.40 *Property and personal effects*—(a) *Disposal.* (1) If the owner or his legal representative, or heir, or next of kin has been determined, the property will not be sold or otherwise disposed of prior to the expiration of a period of 120 days after written notice by registered mail, return receipt requested, has been sent to his last known address, giving time and place of intended sale or other disposition thereof. If the owner or his representative, his heir, or next of kin is not located, or fails to acknowledge such notice, the property may be disposed or by public or private sale, by donation, destruction, or otherwise, after the expiration of 1 year after date of receipt of the property at an Army installation; such property received by the Army Effects Office, Chicago Quartermaster Depot, Chicago, Illinois, may be disposed of upon the expiration of 1 year

for domestic mica, eliminates the requirement that participants under the hand cobbed program elect in advance the method of final settlement and payment for lots of hand cobbed mica; establishes an alternate method of final settlement and payment for hand cobbed mica; for hand cobbed mica meeting requirements under both payment methods, provides that the Government will pay participants by the method of final settlement which reflects maximum net return to the participants; and makes other miscellaneous changes.

Sec.
1. Basis and purpose.
2. Definitions.
3. Duration of Programs A and B.
4. Program A.
5. Program B.
6. Access to books and records.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interprets or applies sec. 303, 64 Stat. 801, as amended; 50 U. S. C. App. 2093, E. O. 10480, 18 F. R. 4939, 3 CFR, 1953 Supp.

SECTION 1. *Basis and purpose.* This regulation interprets and implements the authority of the Administrator of General Services, pursuant to Executive Order 10480, dated August 14, 1953 (18 F. R. 4939, 3 CFR, 1953 Supp.), to purchase hand cobbed muscovite ruby and nonruby crude mica and processed muscovite ruby and nonruby block and film mica, all of domestic origin. General Services Administration will buy domestically produced mica conforming to the requirements, at the prices and under the other terms and conditions of this regulation applicable to Programs "A" and "B" respectively.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Government depot" means the Government purchase depots maintained

Region No.	Address	Government depot over which jurisdiction is exercised
1	Regional Commissioner, General Services Administration, 620 Post Office and Courthouse, Boston 9, Mass.	Franklin, N. H.
3	Regional Commissioner, General Services Administration, Regional Office Building, 7th and D Streets SW., Washington 25, D.C.	Spruce Pine, N. C.
8	Regional Commissioner, General Services Administration, 41 Denver Federal Center, Denver 2, Colo.	Custer, S. Dak.

SEC. 3. *Duration of Programs A and B.* Programs A and B shall terminate on, and be of no further force or effect, and deliveries thereunder will not be accepted after, the close of business June 30, 1962, or when the total block, film and hand cobbed mica delivered to and accepted by the Government under said programs reaches the equivalent of 25,000 short tons of hand cobbed mica, whichever first occurs. For the purpose of computing said 25,000 short tons of hand cobbed mica, 90 pounds of block or film mica shall be deemed to be the equivalent of one (1) short ton of hand cobbed mica.

SEC. 4. *Program A*—(a) *Participation in program.* Any person or firm wishing to participate in Program A shall give notice to a Regional Commissioner having jurisdiction over a Government depot. Such notice shall be in the form of a letter, postcard or telegram stating that participation in Program A is desired. The notice must be signed and a return address given. Upon receipt of such notice a certificate of participation will be issued to the applicant authorizing him to deliver block or film mica which conforms to the requirements set forth in paragraph (b) of this section as of the date of acceptance of such lot of nonruby block or film mica by the Government. The qualities for all block and film mica which will be accepted are Good Stained and Better, Stained and Heavy Stained.

(2) The following grades will be accepted:

Grades	Area of minimum rectangle	Minimum dimension of 1 side
	Square inches	*Inches*
No. 6	1	¾
No. 5½	2¼	1½
No. 5	3	1
No. 4	6	1½
No. 3 and larger	10	2

(3) All Good Stained and Better block and film mica must be full-trimmed; Stained and Heavy Stained will be accepted in half-trimmed or full-trimmed form.

(c) *Deliveries.* Block and film mica offered to the Government under Program A shall be delivered f. o. b. Government depot. Each lot must contain exclusively either ruby or nonruby mica; mixed lots will be rejected. Prior to delivery a participant must give the Superintendent of the Government depot to which he is shipping, reasonable advance notice with respect to the quantity to be delivered and the proposed delivery date. The Superintendent of the Government depot will then establish a delivery schedule with each participant. The Government reserves the right to reject any deliveries that have not been so scheduled.

(d) *Inspection and acceptance.* Each delivery will be inspected by the Government at the Government depot. Deliveries not conforming to the minimum requirements set forth in paragraph (b) of this section will be rejected, and all

from date of receipt at an Army installation, the property may be disposed of as provided in subparagraph (1) of this paragraph.

(4) Property which the board has determined to be unidentifiable as to ownership will be turned over to the property disposal officer on a consolidated inventory. The property disposal officer will dispose of this property by sale, donation, or by destruction in accordance with pertinent Army regulations.

(b) *Claims prior to disposal.* Any property identifiable as to ownership, in the hands of the property disposal officer, may be claimed at any time prior to disposition. If subject property is claimed by anyone other than the legal owner, the letter of transmittal will contain the following statement:

> The action of this office (headquarters) in transmitting the property does not vest title in the recipient. Such property is forwarded to you to be retained or disposed of as custodian, in accordance with the laws of the State of the owner's legal residence.

(c) *Disposition of funds.* Funds received by the property disposal officer from the sale of property will be turned over to a finance officer to be accounted for as prescribed in pertinent Army regulations.

(d) *Filing of claims.* Claims for the net proceeds, if any, of such property so disposed of may be filed with the Finance Center, U. S. Army, Indianapolis, Indiana, by the rightful owner, his heir, or next of kin, or his legal representative at any time prior to the expiration of 1 year after disposition of property. After 1 year and before 5 years from date of the disposal of the property, the claim should be filed with the General Accounting Office. If claims are not filed prior to the expiration of 5 years from the date of the disposal of the property, they shall be barred from being acted on by the courts or the General Accounting Office.

(e) *Deposits.* Money left by an absentee will be deposited with a finance and accounting officer whose receipt will

Scope. This section provides within the limitations indicated in paragraph (c) of this section, the procedures and method for the determination, assertion, and collection of claims for damage caused to Army property.

(b) *Definitions.* See § 536.1 of this chapter. The following terms as used in this section will have the meanings here indicated:

(1) *Claim.* The Government's right to compensation for damage caused to Army property.

(2) *Defendant.* An individual, partnership, association, corporation, or governmental body, foreign or domestic, other than an instrumentality of the United States, against whom the United States has a claim.

(3) *Damage.* A comprehensive term, including not only damage to but also loss or destruction of Army property.

(4) *Army property.* Real or personal property of the United States in the possession or under the control of the Army or any of its instrumentalities.

(5) *Judge advocate.* The staff judge advocate of any command or the legal officer of a division engineer.

(c) *Application.* Included within this section are claims in excess of $50 and in lesser amounts when the assertion thereof is deemed in the interest of the Government, except that:

(1) Claims cognizable under contracts or other regulations will be processed and disposed of under the pertinent provisions of such contracts and other regulations. In such cases, this section will be utilized only to the extent required for the enforcement of pecuniary liability upon a defendant and only after all administrative procedures authorized by pertinent regulations have been exhausted. Admiralty claims will be processed in accordance with § 537.7.

(2) Claims against individuals, who are serving as members of the Armed Forces or as civilian employees of the United States, and arising out of acts or omissions within the scope of their employment as such members or employees

cer appointing a claims officer, his superior commander, the judge advocate of any command, or any officer designated by them for that purpose, may, on request, execute and deliver to any defendant making payment in full or a payment as an offer of compromise settlement subject to the approval of the proper authority, a receipt on DA Form 2139 (Receipt for Payment for Damage to or Loss of Government Property).

(f) *Release.* Where a defendant, or his insurer, tenders payment in full and demands an executed standard form release, which may or may not form a part of the check or draft by which such tender is made, a judge advocate, or a designee of The Judge Advocate General of the Army, is authorized to accept the payment and execute such release; or upon tender of payment in full accompanied by a general request for a release, to execute a release on DA Form 2139 (General Release).

§ 537.3 *Definitions.* [Revoked]

§ 537.4 *Scope.* [Revoked]

§ 537.5 *Action by reviewing authority.* [Revoked]

[AR 25–105, June 20, 1958] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58–6620; Filed, Aug. 18, 1958; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

[Rev. 5]

REG. 7—MICA REGULATION; PURCHASE PROGRAMS FOR DOMESTIC MICA

This revision of General Services Administration Regulation 7, which established open market purchase programs

Order 10480, dated August 14, 1953 (18 F. R. 4939, 3 CFR, 1953 Supp.), to purchase hand cobbed muscovite ruby and nonruby crude mica and processed muscovite ruby and nonruby block and film mica, all of domestic origin. General Services Administration will buy domestically produced mica conforming to the requirements, at the prices and under the other terms and conditions of this regulation applicable to Programs "A" and "B" respectively.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Government depot" means the Government purchase depots maintained by General Services Administration at Franklin, New Hampshire, Spruce Pine, North Carolina, Custer, South Dakota, or any other such depots established hereafter.

(b) "Domestic origin" means mined within the United States (the forty-eight States and the District of Columbia).

(c) "Block mica" means processed muscovite ruby and nonruby block mica which conforms to the requirements of section 4 (b) of this regulation.

(d) "Film mica" means processed muscovite ruby and nonruby film mica which conforms to the requirements of section 4 (b) of this regulation.

(e) "Hand cobbed mica" means muscovite ruby and nonruby mica crystal which is free from dirt, rock and mine run scrap and which conforms to the requirements of section 5 (b) of this regulation.

(f) "Program A" means the program for purchase by the Government of processed block and film mica of domestic origin.

(g) "Program B" means the program for purchase by the Government of hand cobbed mica of domestic origin.

(h) "Regional Commissioner" means the Commissioner of any one of the following General Services Administration regional offices having jurisdiction as indicated below:

or film mica shall be deemed to be the equivalent of one (1) short ton of hand cobbed mica.

SEC. 4. *Program A*—(a) *Participation in program.* Any person or firm wishing to participate in Program A shall give notice to a Regional Commissioner having jurisdiction over a Government depot. Such notice shall be in the form of a letter, postcard or telegram stating that participation in Program A is desired. The notice must be signed and a return address given. Upon receipt of such notice a certificate of participation will be issued to the applicant authorizing him to deliver block or film mica which conforms to the requirements set forth in paragraph (b) of this section.

(b) *Requirements.* (1) Each lot of block and film mica purchased under Program A shall in every respect conform to the requirements of American Society for Testing Materials Specification D–351, latest revision as of the date of acceptance of such lot of block or film mica by the Government. Each lot of Good Stained and Better nonruby block and film mica purchased under Program A shall in addition conform in every respect to the requirements for Class C–1–BB of American Society for Testing Materials Specification D–748, latest re-

livery a participant must give the Superintendent of the Government depot to which he is shipping, reasonable advance notice with respect to the quantity to be delivered and the proposed delivery date. The Superintendent of the Government depot will then establish a delivery schedule with each participant. The Government reserves the right to reject any deliveries that have not been so scheduled.

(d) *Inspection and acceptance.* Each delivery will be inspected by the Government at the Government depot. Deliveries not conforming to the minimum requirements set forth in paragraph (b) of this section will be rejected, and all costs to the Government except inspection costs in connection therewith will be borne by the owner of the mica. The decision of the Government with regard to acceptance or rejection (including quality, grade and other requirements) will be final.

(e) *Price and payment.* (1) Payment for each lot of processed ruby and nonruby block and film mica containing at least eighteen percent (18%) Good Stained and Better quality, delivered f. o. b. Government depot, and accepted by the Government, shall be made on the basis of the following Price Schedule:

[Per pound]

Grades	RUBY				
	Qualities (full-trimmed)			Qualities (half-trimmed)	
	Good stained and better	Stained	Heavy stained	Stained	Heavy stained
No. 3 and larger	$70.00	$31.90	$14.80	$12.00	$8.00
No. 4 and No. 5	40.00	18.25	6.85	5.00	4.00
No. 6½ and No. 6	17.70	7.55	4.00	3.00	2.00
	NONRUBY				
No. 3 and larger	$70.00	$25.55	$11.85	$8.00	$6.40
No. 4 and No. 5	40.00	14.60	5.45	4.00	3.20
No. 6½ and No. 6	17.70	6.55	4.00	2.40	1.60

(2) Payment for each lot of processed ruby and nonruby block and film mica containing less than eighteen percent (18%) Good Stained or Better quality, delivered f. o. b. Government depot, and accepted by the Government, shall be made in an amount which shall be computed on the basis of the Price Schedule in subparagraph (1) of this paragraph, but reduced by one-eighteenth (1/18th) for each percent by which the portion of Good Stained or Better quality mica in the lot is less than eighteen percent (18%), fractions prorata.

(3) At the time of the Government's acceptance, as provided for in paragraph (d) of this section, the Government will make a preliminary payment. When the actual value of such mica has been determined, the amount of such actual value less the amount of the preliminary payment shall be paid to the participant. If the actual value is less than the preliminary payment, the excess of the preliminary payment over the actual value shall be repaid by the participant to the Government.

SEC. 5. *Program B—(a) Participation in program.* Any person or firm wishing to participate in Program B shall give notice to a Regional Commissioner having jurisdiction over a Government depot. Such notice shall be in the form of a letter, postcard or telegram stating that participation in Program B is desired. The notice must be signed and a return address given. Upon receipt of such notice a certificate of participation will be issued to the applicant authorizing him to deliver hand cobbed mica which conforms to the requirements set forth in paragraph (b) of this section.

(b) *Requirements.* (1) Each lot of block and film mica to be processed from hand cobbed mica shall conform in every respect to the requirements of American Society for Testing Materials Specification D–351, latest revision as of the date of acceptance of such lot of hand cobbed mica by the Government.

(2) Each lot of Good Stained and Better nonruby block and film mica to be processed from nonruby hand cobbed mica shall, in addition, conform in every respect to the requirements for Class C–1–BB of American Society for Testing Materials Specification D–748, latest revision as of the date of acceptance of such lot of nonruby hand cobbed mica by the Government.

(c) *Inspection and acceptance.* The participant shall give reasonable advance notice to the Superintendent of the Government depot to which he will ship the hand cobbed mica, stating the quantity he proposes to offer for sale to the Government under Program B. Upon such notification, the Government shall arrange for inspection of the hand cobbed mica offered at the point of production or at such other points as may be mutually agreed upon between the participant and the Government: *Provided, however,* That such inspection shall not be made beyond a three hundred (300) mile radius of the Government depot to which the participant will ship. After inspection by the Government the hand cobbed mica will be accepted by the Government if, in the judgment of the Government, the offered hand cobbed mica meets the definition of hand cobbed mica in section 2 (e) and if in its judgment it is of a quality sufficient to justify processing by the Government, or otherwise will be rejected by the Government. Such acceptance or rejection by the Government shall be final. The Government reserves the right to refuse to consider or accept further offerings of hand cobbed mica from participants whose previous lot or lots, after processing, revealed that the quality of the hand cobbed mica was not sufficient to warant processing.

(d) *Deliveries.* Hand cobbed mica accepted by the Government under Program B is to be delivered as follows: (1) If shipped by rail, f. o. b. common carrier's conveyance at a railroad delivery point designated by the Government which will be as close as possible to the Government depot; or (2) if shipped by motor truck, f. o. b. Government depot. Each lot must contain exclusively either ruby or nonruby mica; mixed lots will be rejected. Hand cobbed mica accepted by the Government under paragraph (c) of this section shall not be delivered in shipments of less than one thousand (1,000) pounds. Prior to shipment the shipper must give the Superintendent of the Government depot to which he is shipping reasonable advance notice with respect to the quantity to be shipped and the proposed shipping date. The Superintendent of the Government depot will then establish a shipping schedule with each shipper and will instruct the shipper how to prepare the hand cobbed mica for shipment. The Government reserves the right to reject any hand cobbed mica which has not been so scheduled and prepared.

(e) *Preliminary payment.* As to each lot of ruby and nonruby hand cobbed mica delivered to and accepted by the Government under Program B, the Government shall estimate the yield of Good Stained or Better block or film mica of a grade equal to or larger than No. 6. The Government shall thereupon make a preliminary payment to the participant based on such estimated yield at a rate of $37.037 per pound of block or film mica in the case of ruby mica, or of $33.333 per pound of block or film mica in the case of nonruby mica. In no event shall the preliminary payment to the participant exceed $600 per short ton of hand cobbed ruby mica, or $540 per short ton of hand cobbed nonruby mica.

(f) *Processing and classifying.* Each lot of ruby and nonruby hand cobbed mica delivered to and accepted by the Government under Program B shall be rifted and fully trimmed by the Government and the actual yield of block or film mica determined as herein provided. The determination of actual yield shall be with respect to the following qualities: Good Stained and Better; Stained; and Heavy Stained; and, for each such quality, with respect to the following grades: No. 3 and larger; No. 4 and No. 5; and No. 5½ and No. 6. The Government shall also determine its average cost per pound of rifting and trimming such lot of hand cobbed mica by dividing the total cost thereof by the number of pounds of actual yield of block or film mica.

(g) *Final payment.* (1) The Government shall make final payment to participants for each lot of hand cobbed mica delivered to and accepted by the Government under Program B in an amount which, when added to the preliminary payment for such lot, equals the value determined in accordance with subparagraph (2) of this paragraph or, if the actual yield of such lot as determined under paragraph (f) of this section contains forty and five-tenths (40.5) pounds or more of Stained or Better mica for each short ton of hand cobbed mica, an amount which, when so added to the preliminary payment, equals the higher of: (a) the value determined in accordance with subparagraph (2) of this paragraph, or (b) the applicable alternative value determined in accordance with subparagraph (3) of this paragraph. If such value or applicable alternative value, as so determined, is less than the amount of the preliminary payment with respect to such lot, the participant shall repay to the Government an amount equal to the difference between the preliminary payment and such value or applicable alternative value. Regardless of the amount of the payments to the participant or the method of valuing a lot of mica, all of the mica derived from the lot shall remain the property of the Government.

(2) Each lot of hand cobbed mica delivered to and accepted by the Government under Program B shall be valued in the following manner: For each pound of actual yield of Good Stained or Better quality mica of a grade specified in paragraph (f) of this section there shall be assigned a value of $37.037 in the case of ruby mica and a value of $33.333 in the case of nonruby mica. For each pound of actual yield of Stained quality mica of a grade specified in paragraph (f) of this section in excess of one and one-half (1½) times the actual yield by weight of such Good Stained or Better quality mica, there shall be assigned a value equal to the average value per pound of the entire actual yield of such Stained quality mica computed on the basis of the Price Schedule appearing in section 4 (e) (1) of this regulation but with a deduction for the average cost per pound to the Government of rifting and trimming such lot of mica, as determined pursuant to paragraph (f) of this section. For the purpose of this subparagraph, no value shall be assigned to any of the Heavy Stained mica or to an amount of Stained quality mica which is equal to one and one-half (1½) times the actual yield by weight of such Good Stained or Better quality mica. In no event shall the sum of the payment under this subparagraph and the preliminary payment under paragraph (e) of this section exceed $600 per short ton of hand cobbed ruby mica, or $540 per short ton of hand cobbed nonruby mica.

(3) If the actual yield of a lot of mica as determined under paragraph (f) of this section contains forty and five-tenths (40.5) pounds or more of Stained or Better mica for each short ton of hand cobbed mica, an alternate value shall be assigned under the applicable one of the following methods:

(i) If eighteen percent (18%) or more of such actual yield of mica is Good Stained or Better mica, such actual yield of mica of the qualities and grades specified in paragraph (f) of this section shall be valued on the basis of the Price Schedule appearing in section 4 (e) (1) of this regulation less a deduction of $4 a pound as representing the cost of rifting and trimming; or

(ii) If less than eighteen percent (18%) of such actual yield of mica is Good Stained or Better mica, such actual yield of mica of the qualities and grades specified in paragraph (f) of this section shall be valued on the basis of the Price Schedule appearing in section 4 (e) (1) of this regulation less a deduction of $4 a pound as representing the cost of rifting and trimming, except that to the extent that the Heavy Stained mica exceeds thirty percent (30%) of such actual yield of Heavy Stained or Better quality mica the least valuable quantities of Heavy Stained mica shall be disregarded for purposes of valuation and for purposes of deducting for the cost of rifting and trimming.

SEC. 6. *Access to books and records.* During the duration of the programs, and for a period of three (3) years thereafter, authorized representatives of the United States Government shall have access to and the right to examine any pertinent books, documents, papers and records of any seller involving transactions related to either program.

SEC. 7. *Effective date.* This revision shall become effective upon its publication in the FEDERAL REGISTER and shall apply to all lots of mica for which final payment shall not then have been made, as well as to all lots offered thereafter.

Dated: August 14, 1958.

FRANKLIN FLOETE,
Administrator of General Services.

[F. R. Doc. 58–6678; Filed, Aug. 18, 1958; 8:57 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter III—Coast and Geodetic Survey, Department of Commerce

PART 303—CHARGES FOR CERTIFYING, SEARCHING, AND COPYING SERVICES

REPRODUCTION OF GEOPHYSICAL RECORDS

Insofar as the Administrative Procedure Act may be applicable: Because of the nature of this notice, I find, for good cause shown, that it would be impracticable and unnecessary, and no good reason would be served to give preliminary notice, engage in public rule-making procedure or postpone the effective date hereof.

Part 303 of Chapter III, Title 33, is amended by adding the following § 303.4 *Reproductions of geophysical records.*

SINCLAIR WEEKS,
Secretary of Commerce.

Dated: August 12, 1958.

§ 303.4 *Reproductions of geophysical records.* Charges for reproductions of geophysical records:

Form of record	Copies available	Unit cost	Group cost	Minimum charge
Film:				
35 mm	35-mm film [1]	$0.10/ft		[4] $2.50
	Continuous paper [2]	$0.08/ft		12.50
	Paper prints of individual frames:			
	7 x 9 inches	$0.35 ea		2.00
	8 x 10 inches	$0.40 ea		2.00
	11 x 14 inches	$0.50 ea		2.00
	17 x 21 inches	$1.25 ea		2.00
16 mm	35-mm film [1]	$0.10/ft		[4] 2.50
	Continuous paper [2]	$0.08/ft		12.50
	Paper prints of individual frames:			
	7 x 9 inches	$0.35 ea		2.00
	8 x 10 inches	$0.40 ea		2.00
	11 x 14 inches	$0.50 ea		2.00
	17 x 21 inches	$1.25 ea		2.00
Paper:				
Rapid-run magnetograms [4]	Photostats:			
	Full size	$1.00 ea	$30.00/mo	1.00
	Half size	$1.00/6	$5.00/mo	1.00
	Positive photostats, full size	$1.75 ea	$52.50/mo	1.75
	35-mm film	$0.10/ft		[4] 2.50
	Continuous paper [2]	$0.08/ft		12.50
	Paper prints of individual frames:			
	7 x 9 inches	$0.35 ea		2.00
	8 x 10 inches	$0.40 ea		2.00
	11 x 14 inches	$0.50 ea		2.00
	17 x 21 inches	$1.25 ea		2.00
Standard magnetograms	Photostats:			
	Full size	$1.00/2	$15.00/mo	1.00
	Half size	$1.00/8	$4.00/mo	1.00
	Positive photostats, full size	$4.75/2	$26.25/mo	1.75
	35 mm film	$0.10/ft		[4] 2.50
	Continuous paper [2]	$0.08/ft		12.50
	Paper prints of individual frames:			
	7 x 9 inches	$0.35		2.00
	8 x 10 inches	$0.40		2.00
	11 x 14 inches	$0.50		2.00
	17 x 21 inches	$1.25		2.00
Millimeter hourly scalings [5]	Photostats:			
	Full size	$1.00/4	$3.00/mo	1.00
	Half size	$1.00/mo	$1.00/mo	1.00
	Positive photostats	$1.75/4	$5.25/mo	1.75
	35 mm film	$0.10/ft		[4] 2.50
	Continuous paper [2]	$0.08/ft		12.50
	Paper prints of individual frames:			
	7 x 9 inches	$0.35		2.00
	8 x 10 inches	$0.40		2.00
	11 x 14 inches	$0.50		2.00
	17 x 21 inches	$1.25		2.00
Variograms [6]	Photostats:			
	Full size	$1.00/3	$10.00/mo	1.00
	Half size	$1.00/14	$3.00/mo	1.00

[1] Contact prints.
[2] For each roll.
[3] Positive photos in strip form. 7X to 15X available. 13X will give original record size.
[4] One element, one day on each gram; 30 x 50 cm.
[5] Each sheet (8 x 10½ inches) contains scalings for 3 days, 3 elements.
[6] Askania. 12 cm wide.

The effective date of these prices is the date of their publication in the FEDERAL REGISTER.

(Sec. 501, 65 Stat. 290; 5 U. S. C. 140)

[F. R. Doc. 58–6595; Filed, Aug. 18, 1958; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

MISCELLANEOUS AMENDMENTS

1. Section 21.203a is revised to read as follows:

§ 21.203a *Training establishment not operating full time.* (a) When full-time training on the job becomes unavailable for a Part VII trainee because the training establishment where he is pursuing training is operating on a part-time basis, or is shut down temporarily, it will be determined immediately whether full-time training in the establishment will be available within a period of time not to exceed leave approvable under § 21.262a. If it is determined that full-time training in the same establishment will be available within a period of time not to exceed leave approvable under § 21.262a, the veteran may be continued in training status in that establishment. When it is determined that full-time training will not be available within a period of time covered by leave approvable under § 21.262a, but it is reasonably certain the establishment will continue to operate on a part-time basis, action will be taken as follows:

(1) If it is determined that the particular establishment is operating less than the amount of time that similar establishments are operating in the general area, the veteran's training will be interrupted and every effort will be made to place him in a training facility which is operating the amount of time which is approximately the standard in the general area.

(2) If it is determined that the particular establishment is operating approximately the same number of days per month as other similar establishments in the general area and there would be no advantage in changing the veteran to another training facility, the veteran may be continued in the establishment.

part-time operation or temporary shutdown during the 4-year period the veteran was in training status.

2. In § 21.204a, the introductory paragraph preceding paragraph (a) is amended to read as follows:

§ 21.204a *Maximum duration of the course for a seriously handicapped veteran.* A course of training longer than is ordinarily required to qualify for employment in a particular occupation or training to a higher level than is usually required may be prescribed for a seriously handicapped veteran when the following conditions exist:

3. In § 21.212, paragraph (a) is amended to read as follows:

§ 21.212 *Preparation and content.* (a) Prior to or immediately upon the induction of the veteran into training the training officer, in collaboration with the training institution will prepare for the veteran a detailed course of training—the individual training program—which is designed to qualify the veteran for the selected occupation. It will be an individual training program written in such definite terms and consisting of elements so clearly appropriate to the chosen employment objective that its successful completion will establish the fact of satisfactory employability in the chosen objective. Where the requirements for amount of training necessary to qualify for employment in a specific objective vary from area to area within a State, the disabled veteran will be provided that amount of training which will render him satisfactorily employable in all areas of the State. For example, where the State requires training to a bachelor's degree for certification to be eligible to teach in high school, but some local school systems of that State require training to a master's degree in order to be employed as a high school teacher, it will be proper to train the disabled veteran to the master's degree.

4. Section 21.232 *Authority* is revoked.

5. Section 21.234 is revised to read as follows:

§ 21.234 *General limitations.* (a) All the supplies necessary for pursuit of a particular course of training will not be furnished at the beginning of the course. Rather the supplies will be furnished as their need becomes clearly evident and imminent. On the other hand, arrangements must be made whereby supplies will be available to the trainee when they are needed.

(b) The Veterans Administration will not replace at Government expense articles which have been issued to a trainee and which are lost, stolen, misplaced, or damaged beyond repair, when it is determined by the Manager that such loss or damage occurred through fault on the part of the trainee, including lack of due to effect the replacement, an advancement for this purpose may be made from the vocational rehabilitation revolving fund subject to the provisions of § 21.135. Where a trainee refuses to effect replacement of articles indispensable to further training after the Manager has determined that the loss was due to fault on the part of the trainee, it will be necessary to discontinue training for lack of cooperation.

(c) The Veterans Administration will not reimburse a trainee who personally buys supplies. Payment for supplies is made to the training institution or to the vendor from whom they are purchased by the Veterans Administration. If supplies were furnished by an institution and the institution chooses to return to the veteran the amounts charged him and paid by him so that the charges by the training institution stand as an unpaid obligation of the Veterans Administration to the institution, payment may be made if otherwise in order.

(d) When a particular article is furnished for use in more than one subject and the same article is required for use in other subjects or in another quarter or semester or school year, the article furnished will be made to serve for all such requirements and will not be duplicated for such purpose at Government expense. Also, the supplies which have been furnished for one part of a combination course will not be duplicated for the other part of the course.

6. In § 21.235, paragraph (a) is amended to read as follows;

§ 21.235 *Authority to furnish supplies to trainees in school training.* (a) Subject to the limitations contained in §§ 21.230 to 21.242, the Manager is authorized to furnish a veteran pursuing a course of vocational rehabilitation in a school with supplies required by the school to be personally owned by every other student pursuing the same course.

7. Section 21.236 is revised to read as follows:

§ 21.236 *Authority to furnish supplies to trainees in training on the job.* (a) Subject to the limitations contained in §§ 21.230 to 21.242, the Manager is authorized to furnish a veteran pursuing a course of vocational rehabilitation on the job with necessary supplies as required of all similarly circumstanced trainees in the establishment, but not to exceed in quality or amount such items as are ordinarily required to be in the personal possession of trainees pursuing training for the particular objective in establishments in the same general locality.

(b) The Manager may furnish a veteran pursuing a course of vocational rehabilitation training on the job with minimum necessary textbooks and other veteran's individual training program; and

(3) The use of the textbooks or other text material definitely is arranged for on the basis of study assignments, the completion of which by the trainee is checked and evaluated by the trainer and reported by the trainee on his monthly report of training.

8. Section 21.236a *Furnishing supplies to trainees in combination courses* is revoked.

9. Section 21.236b is revised to read as follows:

§ 21.236b *Furnishing supplies to trainees in institutional on-farm training.* Before a veteran may be induced into institutional on-farm training under Part VII, Veterans Regulation 1 (a), as amended, the farm on which he is to pursue the on-farm part of his course must be equipped with the kinds and amounts of supplies and equipment which are necessary to enable the trainee to pursue successfully that portion of the course. Accordingly, under no circumstances will the Veterans Administration furnish any equipment or supplies which may be required to operate the farm. Where organized group instruction in a school is a part of the veteran's course as provided in § 21.201a (a) (1), the Veterans Administration will furnish only those books and incidental consumable supplies required by the school to be personally owned by all students in the school portion of the course. Where all instruction is given on the veteran's farm by an individual instructor as provided in § 21.201a (a) (2), the Veterans Administration will furnish only those textbooks and incidental consumable supplies required by the instructor to be owned by the veteran as a part of his individual training program with the use of such textbooks definitely arranged for on the basis of study assignments, the completion of which is checked and evaluated by the instructor and reported by the veteran on his monthly report of training: *Provided*, That such special equipment as may be authorized under § 21.241 incident to the character of the veteran's disability may be furnished.

10. Section 21.237 *Furnishing supplies to veterans pursuing residency courses in hospitals* is revoked.

11. Section 21.237a is revised to read as follows:

§ 21.237a *Furnishing supplies to veterans pursuing training in the home.* (a) Subject to the limitations contained in §§ 21.230 to 21.242, the Manager is authorized to furnish a veteran pursuing vocational rehabilitation training in the home necessary supplies in quality and amount not to exceed supplies which are generally required to be in the personal possession of all students or trainees by schools or training establishments in the course of training because the veteran is pursuing it in his home. Equipment in this category consists of items which are ordinarily provided by the place of training, for example, shop equipment, which would be available to the veteran but for the limitations imposed by his disability which render him unable to travel to a place of training where such equipment is available. (Special equipment needed to compensate for the handicapping effects of his disability will be furnished the veteran training in his home under § 21.241.)

(c) The Manager may furnish a veteran pursuing a course of vocational rehabilitation training in the home with minimum necessary textbooks and other text material when the following conditions are met:

(1) When the instructor or the institution furnishing the training in the home certifies that the textbooks or other text material are required to be owned and used by the veteran as a part of his course; and

(2) The use of the textbooks or other text material is made a part of the veteran's individual training program; and

(3) The use of the textbooks or other text material definitely is arranged for on the basis of study assignment, the completion of which by the veteran is checked and evaluated by the instructor and reported by the veteran on his monthly report of training.

12. The following sections are revoked:

§ 21.237b *Furnishing supplies to veterans pursuing training on the job for combination objectives.* [Revoked]

§ 21.238 *Furnishing supplies for training on the job following school training.* [Revoked]

§ 21.239 *Furnishing tools.* [Revoked]

13. Section 21.241 is revised to read as follows:

§ 21.241 *Furnishing special equipment.* (a) In accordance with vocational rehabilitation and education procedures the Manager may authorize the furnishing of special equipment made up of items which, because of the nature of the veteran's handicap, are necessary to enable him to undertake and pursue successfully the prescribed course of training. That is, the equipment will enable the veteran to do and accomplish those things which persons not disabled are able to do without special equipment but which the particular veteran, because of his disability, cannot do and therefore cannot pursue the prescribed course satisfactorily. Equipment in this category ordinarily will be items not necessary to persons not disabled but may include such items modified in design and construction as, for example, a workbench with workseat especially designed and constructed to compensate 78th Congress, as amended.

(c) Managers are authorized to furnish Part VII trainees consumable supplies as needed for training purposes in the operation of special equipment, such as sound recorders and braille writers, authorized under paragraph (a) of this section or which would have been authorized except for the fact the equipment had already been issued under the provisions of Public Law 309, 78th Congress or under section 514 of Public Law 85–56. The amount, grade, quality, and cost of such consumable supplies that may be furnished to any trainee will be limited to those commensurate with the veteran's actual need for the supplies in his training. Managers are also authorized to arrange for the reconditioning of sound recording discs furnished to Part VII trainees when such reconditioning is to the economic advantage of the Government, and to reissue such reconditioned discs.

14. In § 21.243, paragraphs (g) and (h) are amended to read as follows:

§ 21.243 *Release of and repayment for training supplies.* * * *

(g) Where it is determined that the veteran is at fault and repayment for supplies is not excused under paragraphs (d) and (f) of this section, the veteran will be required to repay the Veterans Administration for the nonconsumable supplies furnished him at Veterans Administration expense. The amount to be repaid will be the value at which the supplies were issued to the veteran less a percentage equivalent to the percentage of the prescribed course (or term, where applicable in the case of school training) completed. For example, a veteran who has completed one-third of the prescribed course or term for which supplies were furnished will be required to repay two-thirds of the value at which the supplies were issued to the veteran. Under no circumstances will supplies be accepted in lieu of repayment, except as provided in § 21.252 (d) and paragraphs (d) and (h) of this section.

(h) If for any reason the veteran fails to complete the prescribed course of training in the home for which equipment has been furnished under § 21.237a (b), the veteran will be deemed to be at fault under this section with respect to such equipment only, and he will be required to return such equipment to the Veterans Administration or to pay the reasonable value thereof: *Provided, however*, That if the veteran has completed such part of the prescribed course of training that he is found to be employable and has been declared rehabilitated under § 21.281, he will not be deemed to be at fault and he will not be required to return such equipment to the Veterans Administration or to pay the reasonable value thereof. The veteran will be advised accordingly. With eran frequently requires the concurrent rendering of several types of professional and technical services throughout all or a major portion of his program of rehabilitation. Providing or arranging for and coordinating the professional and technical assistance needed by the veteran in connection with entering and pursuing vocational rehabilitation training and adjusting in employment is the responsibility of the training officer. The performance of these functions constitutes his supervision of the veteran's vocational rehabilitation. This supervision includes arranging for services and assistance such as needed medical and dental attention, assistance of the social worker, personal adjustment counseling, employment placement assistance by the State employment service and, in fact, everything possible to assure vocational rehabilitation in a complete and real sense. The immediate role of the training officer is to render technical and professional collaboration in the selection of a specific employment objective and, following counseling, to develop a suitable program of rehabilitation services, including planning of the veteran's training program, and arranging for an appropriate place of training for the particular employment objective. His ultimate role is the provision of technical and professional assistance to the trainee to insure his successful completion of the course of vocational rehabilitation, his vocational adjustment in suitable employment and the continuous coordination of all other services designed to effect his satisfactory vocational rehabilitation.

§ 21.246 *Purpose of supervision.* Through continuous, timely and accurate knowledge of the veteran's status and progress in his rehabilitation adjustment, his current problems or difficulties, and his motivation toward and qualifications for suitable employment, the purpose of supervision of a veteran trainee is to provide him with the professional and technical services needed to help him accomplish his vocational rehabilitation.

16. Section 21.247 *Records of supervision* is revoked.

17. Section 21.248 is revised to read as follows:

§ 21.248 *Activities of the training officer in supervision.* In carrying out the purpose of supervision, the training officer will provide or arrange for such professional and technical services as may be available and needed by the veteran to help him in accomplishing his vocational rehabilitation. These activities include:

(a) Understand the individual veteran as a person. This involves the ability to develop and maintain a sympathetic and helpful relationship through which the veteran can voice his problems and

think about them as objectively as possible.

(b) Utilize the resources available through the other members of the rehabilitation team and the community to provide services needed by the veteran.

(c) Be continuously aware of available established training opportunities and develop others in the locality as required to meet the needs of the disabled veteran.

(d) Explain to school, trainer, or employer the residual abilities of the disabled veteran and promote such change of the training or employment situation as may be necessary to render it suitable and effective for the particular veteran.

(e) Keep continuous check on compatibility of current demands and stresses of training program and practical requirements of prospective employment, and capabilities, abilities, and tolerances of the veteran.

(f) Determine whether the handicapping effects of the veteran's disability are such as to require the use of special rehabilitation procedures, e. g., assistance from Vocational Rehabilitation Board; reduced-time training; training in a special facility such as sheltered workshop, rehabilitation center, or agency for the blind; training in addition to usual amount; reader service; special equipment; assistance in obtaining employment.

(g) Give special care and attention in the case of the homebound veteran, to motivate him to undertake and accomplish his vocational rehabilitation, arrange for a well qualified instructor, plan a program of vocational rehabilitation, arrange for adequate space and suitable equipment for his training, and assist him in planning and developing a substantially remunerative outlet for his goods or services to the end that he may continue to be motivated to follow his selected occupation.

(h) Be sensitive to and understanding of the physical, mental, and emotional demands as well as the rewards and satisfaction to be derived from employment in individual occupations. Continue to discuss with the veteran throughout his training the realistic and practical aspects of his prospective employment in order that he may be soundly oriented and properly motivated toward his ultimate vocational adjustment and rehabilitation.

(i) Recognize the need for corrective action when all reasonable efforts, including referral for personal adjustment counseling when needed, fail to obtain cooperation from the veteran. Under these circumstances the training officer will warn the veteran that if his failure to cooperate continues he may forfeit his subsistence allowance for a period not to exceed 3 months, or his training may be discontinued. If the veteran fails to make the necessary improvements, the training officer will take action leading to forfeiture of subsistence allowance for not to exceed 3 months or to discontinuance of training.

(j) Maintain continuous liaison with representatives of the State employment service to the end that, through effective mutual cooperation, the veteran may be assisted in finding suitable employment and in accomplishing satisfactory vocational adjustment.

(k) Provide followup assistance, after the veteran obtains employment, until there is reasonable assurance that the veteran has made a satisfactory employment adjustment.

18. In § 21.261, paragraph (b) is amended to read as follows:

§ 21.261 *Ordinary leave.* • • •

(b) *Charging of ordinary leave.* Approved absences covering a period less than the standard school or workweek of the training institution or establishment will be charged at the rate of 1 day for each school or working day of absence from the institution. Approved absences covering a period of 1 calendar week or more will be charged at the rate of 5 days for each 7 consecutive days of absence. No charge against leave will be made for absences on those days within a period of training on which the school or training establishment grants total exemption from attendance to all students or trainees similarly circumstanced. For veterans enrolled in educational institutions, this will include school holidays and short intermissions between successive terms or periods of instruction within the ordinary school year: *Provided*, That the veteran was enrolled for the two successive terms. ("Ordinary school year" means a period of approximately 9 months which begins in the fall and ends in the spring.) For veterans pursuing on-the-job training no charge will be made for holidays established by Federal or State law but a charge will be made for periods during which vacations are granted to all employees at the same time; or periods during which the plant is shut down to undergo repairs or because of such things as fuel shortages, strikes, inclement weather, etc. (See §§ 21.254 and 21.262a.)

19. A new § 21.262a is added to read as follows:

§ 21.262a *Leave where training establishment not operating full time.* Ordinary leave approvable under § 21.261 (not in excess of the amount of leave accumulated to the credit of the trainee) and personal hardship leave approvable under § 21.262 (b) (1) may be granted for any period of time during which full-time training on the job is not available because the training establishment is operated on a part-time basis or is shut down temporarily: *Provided*, (a) It is determined that full-time training will be available within a period of time not to exceed leave approvable under §§ 21.261 and 21.262 (b) (1), or (b) it is determined that the training establishment is operating for approximately the same number of days per month as similar establishments in the general area. For the purpose of this section a 5-day week will be considered full time except that full-time training shall be not more than the number of days per week established as the standard workweek for the particular establishment through bona fide collective bargaining between the employers and employees. Also for purpose of this section leave will be charged for each day or fraction thereof on which the establishment is shut down during the standard workweek except that no leave will be charged for legal holidays. When leave under this section is exhausted, subsistence allowance will be deducted for those nonholidays on which the establishment is not operating during the standard workweek. Days for which subsistence allowance is deducted will not be charged against the veteran's time in training under Part VII.

20. In § 21.283, paragraph (a) (5) is amended to read as follows:

§ 21.283 *Status "discontinued."* (a) • • •

(5) When the trainee fails to avail himself properly of the training provided; or when his misconduct prevents progress toward his employment objective or ultimate placement in employment; or when he willfully violates the regulations of the institution or establishment in which placed for training or his conduct is insubordinate or disorderly at any place of training; or when he voluntarily withdraws from training for reasons other than physical condition or excused interruptions; or when he leaves the area and has his records transferred to another regional office without having made prior arrangements with the Veterans Administration for the continuation of his vocational rehabilitation training in the new area of jurisdiction.

21. In § 21.290, new paragraphs (c), (d), (e), and (f) are added to read as follows:

§ 21.290 *Veterans Administration responsibility under the law.* • • •

(c) The education and training activity will maintain liaison with the appropriate State employment agency and will utilize the services of that agency to the fullest extent possible in assisting rehabilitated veterans to obtain suitable employment upon completion of their prescribed courses. Not less than 60 days prior to the anticipated date of rehabilitation it will be ascertained whether the trainee needs and desires employment assistance. If he does need and desire such assistance, he will be referred to the appropriate employment agency. If the trainee does not desire assistance in obtaining employment, he will not be referred to the employment agency and his records will be documented accordingly.

(d) In addition to those veterans included under § 21.293, direct employment placement assistance will be provided personally by the training officer, in cooperation with the State employment agency, for those veterans who may be expected to encounter serious difficulty in finding and obtaining suitable employment because of the attitude of employers generally with respect to employing persons with the particular type of disability involved. If by the date of rehabilitation the veteran has not been employed or assured of employment, the training officer will make every reasonable effort to effect placement until the veteran is suitably placed or until it is determined by the chief, education and training activity, that all resources available to the regional office have been fully explored and developed and that there is little likelihood that continued efforts would result in placement.

(e) In order to assure that the vocational rehabilitation benefits afforded the disabled veteran are as effective as possible in assisting him in making a satisfactory employment adjustment, the training officer will provide followup assistance after the veteran obtains employment in each case where on the basis of knowledge of the veteran and understanding of his needs and problems he determines that such assistance is required. Such followup assistance will include the observing of the veteran's performance in competitive employment and will be continued for a period of time necessary to determine that there is reasonable assurance that the veteran has made a satisfactory employment adjustment.

(f) When the veteran has entered into suitable employment and has made a satisfactory employment adjustment, the purpose of vocational rehabilitation has been satisfied. Except as provided in § 21.293 (e), the Veterans Administration thereafter has no further responsibility in respect to the veteran's employment.

22. Section 21.291 *Referral of trainees for employment assistance* is revoked.

23. In § 21.293, paragraph (e) is amended to read as follows:

§ 21.293 *Assisting seriously handicapped veterans in obtaining employment.* • • •

(e) Where the seriously handicapped veteran who has been rehabilitated and suitably employed loses his employment through no fault on his part and requests further employment placement assistance, the training officer in cooperation with the State employment service will provide the assistance contemplated in paragraph (d) of this section, and § 21.290 (e).

24. Section 21.310 is revised to read as follows:

§ 21.310 *Definition.* As referred to in §§ 21.310 to 21.314, inclusive, the term "supplies" will include books, tools, supplies, equipment, etc.

25. Section 21.312 is revised to read as follows:

§ 21.312 *Authority.* Subject to the limitations set forth in § 21.314 and in accord with principles that apply in furnishing supplies under Part VII as set forth in §§ 21.230 to 21.240a, Managers are authorized to furnish, through the school or training establishment or through direct purchase in accordance with current regulations governing the procurement of and accounting for trainee's property, supplies of such kind and in such minimum amounts as are necessary to the satisfactory pursuit of a course of education or training in a particular institution.

26. Section 21.313 *Prevention of abuse* is revoked.

27. Section 21.314 is revised to read as follows:

§ 21.314 *General.* (a) The Veterans Administration will not replace at Government expense articles which have been issued to a trainee and which are lost, stolen, misplaced, or damaged beyond repair.

(b) The Veterans Administration will not reimburse a trainee who personally buys supplies except trainees in training under Part VIII in foreign countries as provided in § 21.150.

(c) Where a veteran at the time of enrolling in a course of training on the job does not have entitlement sufficient to pursue the course to completion, the Veterans Administration will not furnish supplies costing in excess of that amount which bears the same ratio to the cost of the supplies which the veteran is required by the establishment to own for the, total course as the veteran's remaining entitlement bears to the total length of the course.

(d) The Veterans Administration may furnish to an enrollee pursuing a noncredit course those supplies required by the school to be owned personally by all students in the same course when the enrollee is required to perform all of the work which all students enrolled for credit must perform in the course except taking credit examinations. Supplies may not be furnished to enrollees in "noncredit" courses which require only attendance and listening at class.

28. The following sections are revoked:

§ 21.315 *Authority to furnish supplies to trainees in school training.* [Revoked]

§ 21.316 *Authority to furnish supplies to trainees in training on the job.* [Revoked]

§ 21.316a *Furnishing supplies to trainees in combination courses.* [Revoked]

§ 21.317 *Furnishing supplies to veterans pursuing residency courses in hospitals.* [Revoked]

§ 21.318 *Furnishing supplies for training on the job following school training.* [Revoked]

§ 21.319 *Furnishing supplies in noncredit courses.* [Revoked]

§ 21.320 *Furnishing tools.* [Revoked]

§ 21.321 *Furnishing clothing.* [Revoked]

§ 21.322 *Furnishing special items.* [Revoked]

§ 21.323 *Furnishing supplies after completion of education or training.* [Revoked]

§ 21.323a *Furnishing supplies after expiration of entitlement.* [Revoked]

§ 21.324 *Furnishing books, supplies, and equipment to trainees in institutional on-farm training.* [Revoked]

§ 21.324a *Furnishing magazines and other periodicals.* [Revoked]

(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210. Interpret or apply 57 Stat 43, as amended, secs. 400, 1501, 1502, 1503, 58 Stat. 287, as amended, 300, 301, as amended, sec. 10, 59 Stat. 631, 632, sec. 1003, 71 Stat. 123; 38 U. S. C. 697a, 697b, 697c, 697f, 697g, 3003, ch. 12A)

This regulation is effective August 19, 1958.

[SEAL] ROBERT J. LAMBERIE,
Acting Deputy Administrator.

[F. R. Doc. 58-6639; Filed, Aug. 18, 1958; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[21 CFR Ch. II]

ETHYL 1-(3-CYANO-3,3-DIPHENYLPROPYL)-4-PHENYL-4-PIPERIDINECARBOXYLATE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the provisions of the act of March 8, 1946 (60 Stat. 38; 26 U. S. C. 4731), section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1103), and by virtue of the authority vested in me by the Secretary of the Treasury (12 F. R. 1480), that a determination is proposed to be made that the following-named new drug has an addiction-forming or addiction-sustaining liability similar to morphine and is an opiate:

Ethyl 1-(3-cyano-3,3-diphenylpropyl)-4-phenyl-4-piperidinecarboxylate.

Consideration will be given to any written data, views or arguments, pertaining to the addiction-forming or addiction-sustaining liability of the above-named drug, which are received by the Commissioner of Narcotics prior to September 19, 1958. Any person desiring to be heard on the addiction-forming or addiction-sustaining liability of the above-named drug will be accorded the opportunity at a hearing in the office of the Commissioner of Narcotics, 1300 E Street NW., Washington 25, D. C., at 10:00 o'clock a. m., September 19, 1958, provided that such person furnishes written notice of his desire to be heard, to the Commissioner of Narcotics, Washington 25, D. C., not later than 20 days from the publication of this notice in the FEDERAL REGISTER. If no written notice of a desire to be heard shall be received within 20 days from the date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held, but the Commissioner of Narcotics shall proceed to make a recommendation to the Secre-

tary of the Treasury for a finding under section 1 of the act of March 8, 1946.

(60 Stat. 36; 26 U. S. C. 4731)

[SEAL] G. W. CUNNINGHAM,
Acting Commissioner of Narcotics.

[F. R. Doc. 58-6652; Filed, Aug. 18, 1958; 8:53 a. m.]

Internal Revenue Service

[26 CFR (1954) Parts 252, 253]

DRAWBACK ON LIQUORS EXPORTED; REMOVALS OF ALCOHOLIC LIQUORS, TOBACCO PRODUCTS, AND OTHER DOMESTIC ARTICLES TO FOREIGN-TRADE ZONES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Treasury Department Order No. 165-9, effective January 1, 1959, transferred from the Commissioner of Internal Revenue and delegated to the Commissioner of Customs the function, authorized by section 313 (d) of the Tariff Act of 1930, as amended (19 U. S. C. 1313 (d)), of allowing the drawback of an amount equal to the internal revenue tax found to have been paid on domestic alcohol used in the manufacture or production in the United States of flavoring extracts and medicinal or toilet preparations (including perfumery) that have been exported.

In order to conform regulations in 26 CFR Parts 252 and 253 to the Treasury Department Order, such regulations are amended as follows:

PARAGRAPH 1. 26 CFR Part 252 is amended as follows:

(A) Section 252.1 is amended to read as follows:

§ 252.1 *Drawback on distilled spirits, wines, and beer.* The regulations in this part relate to the allowance of drawback of internal revenue tax on (a) distilled spirits and wines packaged or bottled especially for export and beer brewed and manufactured in the United States when exported or used as supplies on vessels or aircraft, and (b) distilled spirits exported in distiller's original packages containing not less than 20 wine gallons each. Regulations relating to drawback of tax on such articles deposited in foreign-trade zones are contained in Part 253 of this chapter.

(B) Subpart F, containing §§ 252.180 to 252.184, is revoked.

PAR. 2. 26 CFR Part 253 is amended as follows:

(A) Section 253.20 is amended by deleting "flavoring extracts, and medicinal or toilet preparations made with taxpaid alcohol;" from the definition of the word "articles".

(B) Sections 253.200 and 253.201 and the undesignated centerhead preceding the two sections are revoked.

[F. R. Doc. 58-6650; Filed, Aug. 18, 1958; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54660]

[Customs Delegation Order 13]

COLLECTORS OF CUSTOMS

DELEGATION OF AUTHORITY TO SETTLE CERTAIN CLAIMS

AUGUST 13, 1958.

By virtue of the authority vested in me by Treasury Department Order No. 145, Revision 1 (19 F. R. 775), I hereby delegate to the collectors of customs the authority to consider, ascertain, adjust, determine, settle and pay claims not in excess of $100 arising under 28 U. S. C. 2672 for injury, loss, or death caused by the negligent or wrongful act or omission of any employee of the Bureau of Customs.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 58-6649; Filed, Aug. 18, 1958; 8:52 a. m.]

Office of the Secretary

[Treasury Dept. Order 165-9]

COMMISSIONER OF CUSTOMS

TRANSFER AND DELEGATION OF AUTHORITY TO ALLOW DRAWBACK OF INTERNAL REVENUE TAX ON DOMESTIC ALCOHOL

AUGUST 13, 1958.

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 (3 CFR, 1950 Supp., Ch. III) there is hereby transferred from the Commissioner of Internal Revenue and delegated to the Commissioner of Customs the function, authorized by section 313 (d) of the Tariff Act of 1930, as amended (19 U. S. C. 1313 (d)), of allowing the drawback of an amount equal to the internal revenue tax found to have been paid on domestic alcohol used in the manufacture or production in the United States of flavoring extracts and medicinal or toilet preparations (including perfumery) that have been exported.

The function herein transferred and delegated may be delegated by the Commissioner of Customs to other officers or employees of the Customs Service in such manner as the Commissioner shall direct.

This order shall be effective January 1, 1959.

[SEAL] FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-6653; Filed, Aug. 18, 1958; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[79890]

MINNESOTA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 13, 1958.

Plat of Survey of the land described below, accepted March 19, 1958, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C., effective 10:00 a. m., on September 23, 1958.

FOURTH PRINCIPAL MERIDIAN, MINNESOTA

T. 46 N., R. 26 W.,
Sec. 5, Lot 13 (Island).
Containing 0.37 acre.

This plat represents the survey of an island in Nord Lake which was not included in the original survey as shown by plat approved July 7, 1871.

This island is of sandy loam formation with some stone. A ridge in the form of a horseshoe lies along the East, South, and West sides and reaches approximately 10 feet above water level. Timber consists of birch, poplar, ash, elm, and spruce ranging in size from 4 to 18 inches diameter. There is a rim of alder around the island. The island is upland in character.

No application may be allowed under the homestead or small tract or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merit. The lands will not be subject to occupancy or disposition until they have been classified.

Applications and selections under nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date

of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications, under the Homestead and Small Tract Laws, by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 274-284 as amended), presented prior to 10:00 a. m., on September 23, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on December 23, 1958, will be governed by the time of filing.

3. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on December 23, 1958, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Manager.

[F. R. Doc. 58-6622; Filed, Aug. 18, 1958; 8:45 a. m.]

EAST ADDITION, TOWNSITE OF KODIAK, ALASKA

NOTICE OF SALE

AUGUST 1, 1958.

1. *Statutory authority.* The lots in the East Addition, Kodiak Townsite will be disposed of under section 2381, United States Revised Statutes (43 U. S. C. sec. 712). The townsite plat of the Dependent Resurvey of a Portion of U. S. Survey No. 2538A and Extension of U. S. Survey No. 2538B East Addition of Townsite of Kodiak, Alaska, was accepted on February 20, 1958 and officially filed on April 17, 1958.

2. *Lots and minimum prices.* The lots which will be offered for sale and minimum prices thereof are shown below.

3. *Public sale.* The lots will be offered for sale by the Operations Supervisor, Anchorage or his representative at public outcry to the highest bidder at the Elks Lodge, Kodiak, Alaska on August 26, 1958, beginning at 10:00 a. m. The sale will be continued from day to day as long as may be necessary until all the lots have been offered.

4. *Payments.* No lot shall be sold for less than the minimum price. Full payment may be made in cash on the date of the sale, or one-fourth of the purchasing price may be paid in cash at that time and the balance in not to exceed three equal annual installments, with interest at the rate of four per cent per annum to the date of payment. Payment on the date of that sale must be made to the officer conducting the sale. The deferred installments, with the interest, must be made to the Manager, Anchorage Land Office, 131 Fifth Avenue, Anchorage, Alaska.

5. *Citizenship requirements.* Every individual purchasing a lot will be required to furnish evidence that he is a citizen of the United States, or that he has declared his intention to become such a citizen, and every corporation purchasing a lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States or of some State, Territory, or possession thereof, and that it is authorized to acquire and hold real estate in Alaska.

6. *Manner of sale.* Bids and payments may be made in person or by agent, but may not be made by mail nor at any time or place other than that fixed by these regulations. Any person may purchase any number of lots for which he is the successful bidder. No bids will be made in increments of less than $5.00.

7. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot, and to suspend, adjourn, or postpone the sale of any lot or lots. After all the lots have been offered, the sale will be adjourned or closed, as the officer in charge may deem proper.

8. *Forfeitures for nonpayment.* If any person who has made partial payment on a lot fails to make any succeeding payment required under these regulations, at the date such payment becomes due, the money theretofore paid and his right to the lot will be forfeited.

9. *Removal of improvements.* Owners of buildings who do not purchase the lots on which the buildings are located will be allowed three months from the date of the sale in which to remove their improvements.

10. *Disposal of unsold lots after sale has been adjourned.* Lots remaining unsold upon adjournment of this sale will be held for future disposition at public sale at such time as a demand for the lots exists.

11. *Reservations.* Patents for the lots, when issued, will contain the reservations of rights-of-way for ditches and canals in accordance with the act of August 30, 1890 (26 Stat. 391), and for the construction of railroads and telegraph and telephone lines as provided by the act of March 12, 1914 (38 Stat. 305).

12. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will, in any way, hinder or embarrass the sale. Any person so offending will be prosecuted under section 59 of the Criminal Code of the United States (18 U. S. C. 113).

BLOCK 40

Lot:		Lot:	
1	$250	7	$250
2	250	8	250
3	250	9	150
4	250	10	150
5	250	11	150
6	250	12	150

BLOCK 41

Municipal Reserve.

BLOCK 42

Lot:		Lot:	
1	$150	10	$150
2	150	11	100
3	120	12	50
4	120	13	250
5	150	14	250
6	150	15	250
7	150	16	250
8	150	17	250
9	130		

BLOCK 43

Lot:		Lot:	
1	$150	9	$75
2	150	10	75
3	150	11	100
4	150	12	150
5	150	13	150
6	150	14	150
7	150	15	150
8	150	16	150

BLOCK 44

Lot:		Lot:	
1	$150	9	$130
2	150	10	150
3	150	11	150
4	150	12	150
5	150	13	150
6	150	14	150
7	150	15	150
8	150	16	150

BLOCK 45

Lot:		Lot:	
1	$130	9	$150
2	130	10	150
3	140	11	150
4	140	12	150
5	140	13	150
6	140	14	120
7	140	15	120
8	140	16	100

BLOCK 46

Lot:		Lot:	
1	$70	9	$150
2	80	10	150
3	90	11	150
4	150	12	150
5	150	13	150
6	130	14	150
7	130	15	150
8	130	16	150

BLOCK 47

Lot:		Lot:	
1	$95	13	$80
2	95	14	80
3	105	15	80
4	115	16	80

BLOCK 48

Lot:		Lot:	
1	$150	5	$125
2	150	6	150
3	125	7	150
4	125	8	150

BLOCK 49

Lot:		Lot:	
1	$200	7	$150
2	195	8	150
3	200	9	150
4	190	10	140
5	185	11	190
6	185		

BLOCK 50

Lot:		Lot:	
1	$60	12	$100
2	100	13	65
3	100	14	80
4	100	15	100
5	100	16	100
6	100	17	100
7	100	18	100
8	100	19	100
9	100	20	100
10	100	21	85
11	100	22	85

BLOCK 51

Lot:		Lot:	
1	$115	11	$85
2	120	12	85
3	120	13	85
4	120	14	85
5	120	15	100
6	120	16	100
7	120	17	100
8	130	18	100
9	135	19	100
10	100	20	70

BLOCK 52

Lot:		Lot:	
1	$120	4	$190
2	145	5	170
3	190	8	(1)

BLOCK 53

Lot 1 (1)

BLOCK 54

Lot:		Lot:	
1	$180	9	$180
2	180	10	180
3	120	11	165
4	120	12	165
5	120	13	180
6	120	14	180
7	100	15	180
8	130		

BLOCK 55

Lot:		Lot:	
1	$200	8	$200
2	200	9	200
3	200	10	200
4	200	11	200
5	135	12	90
6	120	13	(1)
7	200		

BLOCK 56

Lot:		Lot:	
1	$180	6	$180
2	180	7	180
3	180	8	180
4	180	9	180
5	180	10	180

BLOCK 57

Lot:		Lot:	
1	$150	6	$150
2	150	7	150
3	150	8	150
4	150	9	150
5	150	10	150

[1] Municipal Reserve.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 58-6657; Filed, Aug. 18, 1958; 8:54 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Alaska Railroad has filed an application, Serial Number 020500, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but excluding the mineral leasing laws and provisions of the Materials Act. The applicant desires the land for relocation of the main line of the Alaska Railroad, station grounds, and for gravel pits in construction and maintenance of the new rail line.

For a period of sixty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P. O. Box 1050, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 8 S., R. 8 W., F. M.,
Sections 5 and 6.
T. 6 S., R. 9 W., F. M.,
Section 1 and that portion of Section 2 lying east of the Nenana River.

Containing approximately 2,140 acres.

RICHARD L. QUINTUS,
Operations Supervisor,
Fairbanks.

[F. R. Doc. 58-6658; Filed, Aug. 18, 1958; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

NIPPON YUSEN KAISHA (N. Y. K. LINE) AND ALCOA STEAMSHIP CO., INC.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

(1) Agreement No. 7936-1, between Nippon Yusen Kaisha (N. Y. K. Line) and Alcoa Steamship Company, Inc., modifies approved transhipment Agreement No. 7936, covering the transportation of general cargo under through bills of lading from the Philippines and Japan to the Virgin Islands, with transhipment at New York; and

(2) Agreement No. 7937-1, between Nippon Yusen Kaisha (N. Y. K. Line) and Alcoa Steamship Company, Inc., modifies approved transhipment Agreement No. 7937, covering the transportation of general cargo under through bills of lading from the Philippines and Japan to Puerto Rico, with transhipment at New York.

Each of these modifications provides for the inclusion of Hong Kong as a port of loading, and Baltimore as a port of transhipment, in the respective agreements.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 14, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-6648; Filed, Aug. 18, 1958; 8:52 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-2]

UNIVERSITY OF MICHIGAN

NOTICE OF ISSUANCE OF FACILITY LICENSE AMENDMENT

Please take notice that the Atomic Energy Commission has issued the following amendment (No. 2) to facility license No. R-28 authorizing the University of Michigan, as requested in its application for license amendment dated June 24, 1958, to increase the maximum power level from 100 kw to 1,000 kw and to observe new operating restrictions when operating the Ford Nuclear Reactor. The Commission has found that operation of the facility in accordance with the terms and conditions of the license as amended will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the proposed operation of the reactor at the increased power level within the limits of the new operating restrictions does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the Ford Nuclear Reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty (30) days after the issuance of the license amendment. For further details, see (1) the application for license amendment submitted by the University of Michigan and (2) a hazards analysis of the proposed operations prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 11th day of August 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[License No. R-28, Amdt. No. 2]

Subparagraph 4a. *Operating Restrictions* of License No. R-28 is hereby amended to read as follows:

a. *Operating Restrictions.*

(1) The University shall operate the facility in accordance with the procedures described in the application.

(2) The University shall not operate the facility at thermal power levels in excess of 1,000 kilowatts.

(3) The fast-acting electronic period safety channel shall be set to scram the reactor at a period no less than 5 seconds.

(4) The level safety channels shall be set to scram the reactor at 150 percent of the full power rating of 1,000 kilowatts.

(5) The sum of the absolute magnitude of the reactivity of all experiments shall not exceed 0.5 percent.

(6) The total excess reactivity above cold, clean critical shall not be greater than 2.68 percent.

(7) The University shall not by-pass any control mechanism during the operation of the facility; except that certain interlocks may be bypassed temporarily during the performance of safety rod calibration, provided the calibration is performed in accordance with the procedures set out in the University's license amendment request dated December 17, 1957.

This amendment is effective as of the date of issuance.

Date of issuance: August 11, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-6619; Filed, Aug. 18, 1958; 8:45 a. m.]

[Docket No. 50-113]

UNIVERSITY OF ARIZONA

NOTICE OF APPLICATION FOR CONSTRUCTION PERMIT AND UTILIZATION FACILITY LICENSE

Please take notice that The University of Arizona, Tucson, Arizona, under section 104c of the Atomic Energy Act of 1954, filed an application dated July 2, 1958 for a construction permit and utilization facility license for an isotope production reactor (TRIGA) to be located on the University's campus. The reactor is designed to operate continuously at a power level of 10,000 watts and will be purchased from the General Atomic Division of General Dynamics Corporation. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 12th day of August 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-6654; Filed, Aug. 18, 1958; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15830]

GULF OIL CORP. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 12, 1958.

Gulf Oil Corporation (Operator) et al. (Respondent) on July 21, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, July 18, 1958.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 79.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate(s) and charge(s) so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until August 2, 1958, and thereafter to permit it to become effective as of that date: *Provided,* That within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 2, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate(s), charge(s), and classification(s) set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of August 2, 1958: *Provided, however,* That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement

and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of ----------
To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ----------, in Docket No. G-..., ---------- hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ------ day of ----------

---

By ----------

Attest:

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6623; Filed, Aug. 18, 1958; 8:46 a. m.]

[Docket No. G-15831]

GULF OIL CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 12, 1958.

Gulf Oil Corporation (Respondent) on July 21, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 18, 1958.

Purchasers: (1) Hassie Hunt Trust, (2) Southern Natural Gas Company, (3 and 10) United Gas Pipe Line Company, (4, 5, 7, and 8) Arkansas Louisiana Gas Company, (6) Tennessee Gas Transmission Company, (9) Texas Gas Transmission Corporation.

Rate schedule designation: (1) Supplement No. 9 to Respondent's FPC Gas Rate Schedule No. 83. (2) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 69. (3) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 75. (4) Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 76. (5) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 78. (6) Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 80. (7) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 81. (8) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 82. (9) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 84. (10) Supplement No. 11 to Respondent's FPC Gas Rate Schedule No. 85.

Effective date: August 1, 1958 effective date is the date proposed by Respondent.

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6623, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6624; Filed, Aug. 18, 1958; 8:46 a. m.]

[Docket No. G-15832]

DELTA DRILLING CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 12, 1958.

Delta Drilling Company (Respondent) on July 22, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 18, 1958.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 7.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6623, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6625; Filed, Aug. 18, 1958; 8:46 a. m.]

[Docket No. G-15833]

UNION OIL & GAS CORPORATION OF LOUISIANA

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 12, 1958.

Union Oil & Gas Corporation of Louisiana (Respondent) on July 22, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 22, 1958.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 2.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6623, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6626; Filed, Aug. 18, 1958; 8:46 a. m.]

[Docket No. G-15834]

R. H. GOODRICH

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 12, 1958.

R. H. Goodrich (Respondent) on July 18, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 17, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6623, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6627; Filed, Aug. 18, 1958; 8:46 a. m.]

[Docket No. G-15835]

SOHIO PETROLEUM CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 12, 1958.

Sohio Petroleum Company (Respondent) on July 24, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description: Notices of Change, dated July 18, 1958.

Purchasers: (1, 2, 3, 4 and 5) Texas Gas Transmission Corporation, (6 and 7) United Gas Pipe Line Company, (8) Mississippi River Fuel Corporation, (9) Arkansas Louisiana Gas Company.

Rate schedule designation: (1) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 14. (2) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 16. (3) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 24. (4) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 21. (5) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 41. (6) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 42. (7) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 12. (8) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 13. (9) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 44.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6623, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6628; Filed, Aug. 18, 1958; 8:47 a. m.]

[Docket No. G-15836]

CALIFORNIA CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 12, 1958.

The California Company (Operator) et al. (Respondent) on July 25, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 25, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 21 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6623, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6629; Filed, Aug. 18, 1958; 8:47 a. m.]

[Docket No. G-15837]

CALIFORNIA CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 12, 1958.

The California Company (Respondent) on July 25, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description: Notices of Change, dated July 25, 1958.

Purchasers: (1) United Gas Pipe Line Company, (2) Southern Natural Gas Company, (3) and (4) Tennessee Gas Transmission Company, (5) Mississippi River Fuel Corporation.

Rate schedule designation: (1) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 3. (2) Supplement No. 14 to Respondent's FPC Gas Rate Schedule No. 2. (3) Supplement No. 11 to Respondent's FPC Gas Rate Schedule No. 4. (4) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 5. (5) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 6.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6623, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6630; Filed, Aug. 18, 1958; 8:47 a. m.]

[Docket No. G-15838]

HIAWATHA OIL & GAS CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 12, 1958.

Hiawatha Oil & Gas Company (Respondent) on July 25, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 6.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6623, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6631; Filed, Aug. 18, 1958; 8:48 a. m.]

[Docket No. G-15840]

PLYMOUTH OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 12, 1958.

Plymouth Oil Company (Respondent) on July 25, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 10.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6623, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6632; Filed, Aug. 18, 1958; 8:48 a. m.]

[Docket No. G-15839]

TEXAS GULF PRODUCING CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 13, 1958.

Texas Gulf Producing Company (Respondent) on July 21, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 15, 1958.

Purchaser: Trunkline Gas Company.

Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 22.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6623, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6640; Filed, Aug. 18, 1958; 8:50 a. m.]

[Docket No. G-15841]

MIDWEST OIL CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 13, 1958.

Midwest Oil Corporation (Respondent) on July 23, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 21, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 9.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6623, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6641; Filed, Aug. 18, 1958; 8:50 a. m.]

[Docket No. G–15842]

MIDWEST OIL CORP. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 13, 1958.

Midwest Oil Corporation (Operator) et al. (Respondent) on July 21, 1958, tendered for filing a proposed change in its presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 17, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 11.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6623, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6642; Filed, Aug. 18, 1958; 8:51 a. m.]

[Docket No. G–15843]

WARREN PETROLEUM CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 13, 1958.

Warren Petroleum Corporation (Respondent) on July 21, 1958, tendered for filing a proposed change in its presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 18, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 13 to Respondent's FPC Gas Rate Schedule No. 46.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6623, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6643; Filed, Aug. 18, 1958; 8:51 a. m.]

[Docket No. G–15844]

MONSANTO CHEMICAL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 13, 1958.

Monsanto Chemical Company (Respondent) on July 21, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 10, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 1. Supplement No. 12 to Respondent's FPC Gas Rate Schedule No. 2.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6623, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6644; Filed, Aug. 18, 1958; 8:51 a. m.]

[Docket No. G–15845]

BERT FIELDS ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 13, 1958.

Bert Fields et al. (Respondent) on July 24, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 23, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 8.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6623, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6645; Filed, Aug. 18, 1958; 8:51 a. m.]

[Docket No. G–6809]

PHILLIPS CHEMICAL CO.

NOTICE OF APPLICATION TO ABANDON SERVICE AND DATE OF HEARING

AUGUST 13, 1958.

Take notice that Phillips Chemical Company (Applicant), a Delaware corporation having its principal place of business at Bartlesville, Oklahoma, filed on May 21, 1958, an amendment to its certificate application (filed in this docket on December 20, 1954) pursuant to section 7 of the Natural Gas Act for authorization to abandon the service hereinafter described, subject to the jurisdiction of the Commission, all as more fully presented in the application which is on file with the Commission and open for public inspection.

Applicant seeks authorization to abandon a sale to La-Tex Petroleum Products Corporation (for resale to Tennessee Gas Transmission Company) of gas produced from the Chem-Thomson Lease, South Crowley Field, Acadia Parish, Louisiana. Applicant filed on December 20, 1954, an application for a certificate of public convenience and necessity authorizing this sale. A public hearing was set for September 13, 1956, but was postponed without date at Applicant's request. The Chem-Thomson "D" No. 1 Well, the only producing well on the property, had been plugged and abandoned prior to the date set for hearing. Applicant now states that there has been no further production and indicates none is anticipated and requests authorization to abandon the service.

This matter should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 17, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 12, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58–6646; Filed, Aug. 18, 1958; 8:52 a. m.]

[Project No. 2230]

CITY OF SITKA, ALASKA

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

AUGUST 13, 1958.

Public notice is hereby given that applicaton has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by City of Sitka, Alaska, licensee for Project No. 2230 on Blue Lake and Medvetcha River on Baranof Island, Alaska, approximately five miles east of Sitka, affecting lands of the United States within Tongass National Forest, for amendment of its license for the project. Licensee requests that the license be amended to reflect the following changes in the project works: (a) A relocation of the proposed powerhouse to a location downstream on the Medvetcha River near tidewater; (b) addition of a lined and unlined tunnel of approximately 5518 feet and relocation of 337 feet of penstock; (c) installation of an 18-inch Howell-Bunger valve, in the 84-inch diameter pipeline crossing the Medvetcha River to permit the release of 50 cfs of water for the purpose of sustaining the downstream fisheries; (d) the initial construction of the single arch concrete dam to elevation 345 feet instead of 365 feet; (e) the addition of a water supply valve; (f) change in the turbine characteristics; and (g) addition of a surge tank.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 30, 1958. The application is on file with the Commission for public inspection.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58–6647; Filed, Aug. 18, 1958; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3074]

CORNUCOPIA GOLD MINES

ORDER SUMMARILY SUSPENDING TRADING

AUGUST 13, 1958.

I. The Common Stock, $0.05 par value, of Cornucopia Gold Mines being listed and registered on the American Stock Exchange; and

II. The Commission on July 25, 1958, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held September 2, 1958, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the common stock of Cornucopia Gold Mines (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation 14 adopted pursuant to section 14 (a) of the act.

On August 1, 1958, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from the date of the aforesaid order.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X–15C2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, August 14 to August 23, 1958, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58–6633; Filed, Aug. 18, 1958; 8:48 a. m.]

[File No. 812–1170]

GAS INDUSTRIES FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

AUGUST 13, 1958.

Notice is hereby given that Gas Industries Fund, Inc. ("Gas Industries"), registered under the Investment Company Act of 1940 ("act") as an open-end diversified management investment company, has filed an application, pursuant to section 10 (f) of the act for an order exempting from the provisions thereof the proposed purchase by Gas Industries of not to exceed 2,000 Units of securities of The Houston Corporation each Unit consisting of $100 principal amount of Subordinated Debentures, due August 1, 1968, of The Houston Corporation and five shares of common stock of The Houston Corporation or an aggregate of not to exceed $200,000 principal amount of such Subordinated Debentures and 10,000 shares of such common stock.

The Houston Corporation has filed a registration statement pursuant to the provisions of the Securities Act of 1933 with respect to the public offering of $36,188,000 of its Subordinated Debentures and 1,809,400 shares of its common stock. The offering is expected to be underwritten by a group which will include The First Boston Corporation and Kidder, Peabody & Co. James H. Orr, a director of Gas Industries, is also a director of The First Boston Corporation; Jean B. Webster, a limited partner of Gas Industries' investment adviser, is also a limited partner of Kidder, Peabody & Co.

Gas Industries states that the proposed purchase has been recommended by its investment adviser, Colonial Management Associates, has been authorized by its directors, and is consistent with its investment policy. The purchase is to be made from the underwriters or members of the selling group other than The First Boston Corporation or Kidder, Peabody & Co. If Gas Industries were to purchase the maximum amount of securities proposed, such acquisition would represent 0.6 percent of the total offering, and, assuming a price of $150 a Unit, the purchase would represent an investment of $300,000 or approximately 0.5 percent of the total assets of Gas Industries at June 30, 1958.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such a company is the issuer) a principal underwriter of which is a person of which a director or investment adviser of such registered investment company is an affiliated person, unless the Commission by order grants an exemption therefrom as consistent with the protection of investors. Since Orr and Webster are affiliated persons of investment banking firms which may be part of the group underwriting the securities offering referred to above, the purchase of securities of The Houston Corporation by Gas Industries is subject to the provisions of section 10 (f) of the act.

Notice is further given that any interested person may, not later than August 22, 1958, at 3:30 p. m. submit to the Commission in writing any facts bearing upon the desirability of a hearing in such matter and may request that a hearing be held, such request stating the nature

OF MICHIGAN

of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing as to such matter. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date such application may be granted as provided in Rule N–5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58–6634; Filed, Aug. 18, 1958; 8:48 a. m.]

[File No. 7–1929]

FIRSTAMERICA CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

AUGUST 13, 1958.

In the matter of application by the Midwest Stock Exchange for unlisted trading privileges in Firstamerica Corporation, Capital Stock, File No. 7–1929.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X–12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Pacific Coast Stock Exchanges.

Upon receipt of a request, on or before August 29, 1958 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58–6635; Filed, Aug. 18, 1958; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30–IV–5 (Revision 3)]

BRANCH MANAGER, BALTIMORE OFFICE

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4) as amended (22 F. R. 5811, 8197, 23 F. R. 557, 1768), there is hereby delegated to the Branch Manager, Baltimore Branch Office, Small Business Administration, the authority:

A. *Specific—Financial assistance.* To take the following actions in accordance with the limitations of such delegations set forth in SBA–500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

(a) Direct Business Loans in an amount not exceeding $20,000; and

(b) Participation Business Loans in an amount not exceeding $100,000.

2. To approve or decline Disaster Loans not exceeding $50,000.00.

3. To approve or decline Limited Loan Participation Loans.

4. To enter into Disaster Participation Agreements with Banks.

Procurement and technical assistance. To take the following actions in accordance with the limitations of such delegations as set forth in SBA–400, Agency Policy Manual, and SBA–600, Procurement and Technical Assistance Manual:

5. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining set-asides and representation at procurement centers.

Administrative. 6. To administer oaths of office.

7. To approve annual and sick leave for employees under his supervision.

B. *Correspondence.* To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority in I.A.1, 2, 3, 4, 6, and 7 and I.B may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Baltimore, Maryland, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: August 5, 1958.

CLARENCE P. MOORE, *Regional Director.*

[F. R. Doc. 58–6636; Filed, Aug. 18, 1958; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 14, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40), and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34884: *Paint and related articles in official territory.* Filed by O. K. Schultz, Agent (ER No. 2455), for interested rail carriers. Rates on paint and related articles, carloads, as described in the application between points in official (including Illinois) territory, Iowa, northern Illinois, southern Wisconsin, and extended zone "C" in Wisconsin.

Grounds for relief: Short line distance formula, grouping, and short or weak line arbitraries.

Tariff: Traffic Executive Association-Eastern Railroads (Hinsch's series) tariff I. C. C. C–32.

FSA No. 34885: *Trailer-on-flat-car service to and from Texas points.* Filed by Southwestern Freight Bureau, Agent (No. B–7352), for interested rail carriers. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between interstate points, on the one hand, and points in West Texas, on the other, as specified in the application.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 1 to Southwestern Lines Tariff I. C. C. 4298 and three other tariffs.

FSA No. 34886: *Brick and related articles to Iowa points.* Filed by Western Trunk Line Committee, Agent (No. A–1998), for interested rail carriers. Rates on brick and related articles, carloads, returned to original shipping point from points in western trunk-line territory to producing points in Iowa.

Grounds for relief: Short-line distance formula.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58–6637; Filed, Aug. 18, 1958; 8:49 a. m.]

OF MICHIGAN
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FEDERAL REGISTER

VOLUME 23 NUMBER 163

Washington, Wednesday, August 20, 1958

TITLE 3—THE PRESIDENT

PROCLAMATION 3254

ENLARGING THE FORT PULASKI NATIONAL MONUMENT, GEORGIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Fort Pulaski National Monument on Cockspur Island at the mouth of the Savannah River, Georgia, was established by Proclamation No. 1713 of October 15, 1924, upon the site of the old fortifications on that island, and, as enlarged by the act of June 26, 1936, 49 Stat. 1979, includes certain adjacent areas on the island formerly under the jurisdiction of the Secretary of War; and

WHEREAS the Cockspur Island Lighthouse Reservation, situated on a small island near the southeasterly shore of Cockspur Island, contains an old abandoned lighthouse which is contemporary with Fort Pulaski and should be preserved because of its historic interest; and

WHEREAS such reservation has been declared excess to the needs of the Department of the Treasury, and has been reported to the General Services Administration for disposition; and

WHEREAS the General Services Administration is agreeable to the transfer of such reservation to the Department of the Interior for inclusion in the Fort Pulaski National Monument; and

WHEREAS a small Federally owned island, known as Daymark Island, containing approximately 1.5 acres of land at high tide, situated close to the northeastern shore of Cockspur Island and gradually becoming an accretion thereto, is required for the proper care, protection, and management of the objects of historic interest situated within the area of the Fort Pulaski National Monument; and

WHEREAS it appears that it would be in the public interest to reserve the Cockspur Island Lighthouse Reservation and Daymark Island, as hereinafter described, as parts of the Fort Pulaski National Monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U. S. C. 431), do proclaim that, subject to valid existing rights, the following-described lands are hereby added to, and reserved as parts of, the Fort Pulaski National Monument, and shall be subject to all laws, rules, and regulations applicable to that monument:

(1) That certain tract of land, about 1 acre in area, known as the Cockspur Island Lighthouse Reservation, situate near the south end of Cockspur Island at Latitude 32°01′ N., and Longitude 80°53′ W., and

(2) That certain tract of land, about 1.5 acres in area, known as Daymark Island and depicted on U. S. Coast and Geodetic Survey Chart C. & G. S. 440, Savannah River-Wassaw Sound, Revised 12/23/57, being an undesignated island in shoal water at Latitude 32°02′ N., and Longitude 80°53′ W. on the right bank of the Savannah River.

This proclamation shall become effective upon the effective date of the transfer of the Cockspur Island Lighthouse Reservation, as described herein, to the Department of the Interior.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of these lands and not to locate or settle upon any part thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourteenth day of August in the year of our Lord nineteen hundred [SEAL] and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER, *Acting Secretary of State.*

[F. R. Doc. 58–6737; Filed, Aug. 18, 1958; 1:37 p. m.]

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FEDERAL REGISTER

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PROCLAMATION 3255

RESTORATION OF TRADE AGREEMENT CONCESSION AND REDUCED RATE OF DUTY WITH RESPECT TO HATTERS' FUR—TERMINATION OF PROCLAMATION NO. 2960 [1]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 (a) of the Tariff Act of 1930, as amended (19 U. S. C. 1351), the President, on October 30, 1947, entered into a trade agreement with certain foreign countries, which consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment (61 Stat. (Parts 5 and 6) A 7, A 11, and A 2050), and by Proclamation No. 2761A of December 16, 1947 (3 CFR, 1943–1958 Comp., p. 139), proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out such trade agreement on and after January 1, 1948;

2. WHEREAS item 1520 in Part I of Schedule XX (Geneva-1947) of the General Agreement on Tariffs and Trade read as follows:

Tariff Act of 1930, par. par.	Description of product	Rate of duty
1520	Hatters' furs, or furs not on the skin, prepared for hatters' use, including fur skins carroted.	15% ad val.

3. WHEREAS, after investigation and report to the President by the United States Tariff Commission pursuant to section 7 of the Trade Agreements Extension Act of 1951 (19 U. S. C. 1364), the President by Proclamation No. 2960 of January 5, 1952 (3 CFR, 1952 Supp., p. 18), invoked Article XIX of the General Agreement and modified the tariff concession therein with respect to the products described in the said item 1520 by substituting for the rate "15% ad val." the rate "47½¢ per lb., but not less than 15% nor more than 35% ad val.", effective February 9, 1952;

4. WHEREAS, pursuant to Proclamation No. 2960, since February 9, 1952, the products described in item 1520 have been subject to the rate of duty of 47½ cents per pound, but not less than 15 per cent nor more than 35 per cent ad valorem; and

5. WHEREAS, after investigation, including a hearing, pursuant to paragraph 2 of Executive Order No. 10401 of October 14, 1952 (3 CFR, 1952 Supp., p. 105), the United States Tariff Commission has reported to me its finding that the modification of the concession as set forth in the third recital of this proclamation by Proclamation No. 2960 no longer remains necessary in order to prevent or remedy serious injury or the threat thereof to the domestic industry producing products like or directly competitive with the products described in item 1520 and has recommended that the original concession, as set forth in the second recital of this proclamation, be restored in full:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under the authority vested in me by section 350 of the Tariff Act of 1930, as amended, and in accordance with the provisions of section 7 of the Trade Agreements Extension Act of 1951, as amended, and of Article XIX of the General Agreement on Tariffs and Trade, do hereby terminate the said Proclamation No. 2960, effective at the close of business September 13, 1958, to the end that item 1520 as originally set forth in Part I of Schedule XX (Geneva-1947) of the General Agreement on Tariffs and Trade shall thereafter be applied in accordance with the provisions of the said Proclamation No. 2761A of December 16, 1947.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourteenth day of August in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-third.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F. R. Doc. 58-6738; Filed, Aug. 18, 1958; 1:37 p. m.]

[1] 17 F. R. 187, 265; 3 CFR, 1952 Supp., p. 18.

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 751, Amdt. 2]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.858 (Lemon Regulation 751, 23 F. R. 6101, 6317) are hereby amended to read as follows:

(ii) District 2: 441,750 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 15, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6680; Filed, Aug. 19, 1958; 8:47 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER July 26, 1958 (23 F. R. 5672). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the area committee for Area No. 3 established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.228 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3 established pursuant to Marketing Agreement No. 97 and Order No. 58 (§§ 958.1 to 958.88), to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending May 31, 1959, will amount to $2,375.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 97 and Order No. 58, shall be $0.00095 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 15, 1958, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6705; Filed, Aug 19, 1958; 8:54 a. m.]

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

MODIFICATION OF MINIMUM GRADE AND CONDITION STANDARDS FOR NATURAL CONDITION LAYER MUSCAT RAISINS AND MINIMUM GRADE STANDARDS FOR PACKED LAYER MUSCAT RAISINS

Pursuant to Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California, hereinafter referred to as the "order," effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of information supplied by the Raisin Administrative Committee, and other available information, it is hereby found that to modify the minimum grade and condition standards for natural condition raisins and the minimum grade standards for packed raisins as hereinafter provided will tend to effectuate the declared policy of the aforesaid act.

The requirements pertaining to the maximum permissible moisture content of 18 percent for natural condition Layer Muscat raisins and of 23 percent for packed Layer Muscat raisins, as prescribed in the aforesaid order, were eliminated for most of the 1955–56 crop year and for the 1956–57 and 1957–58 crop years because available data indicated that such requirements would unnecessarily restrict the marketing of such raisins. Inconclusive results have been obtained from a study of Layer Muscat moisture problems, and further study is necessary to determine whether or not there are appropriate moisture requirements which should be established for these raisins. In these circumstances, the relaxation of the moisture requirements for natural condition and packed Layer Muscat raisins should be continued in accordance with the unanimous recommendation of the Raisin Administrative Committee.

Therefore, it is hereby ordered, That, effective September 1, 1958:

1. Section 989.97B3 is, pursuant to the authority contained in § 989.58 (b) of the order, hereby modified so as to change the parenthetical phrase therein reading "(except Layer Muscats shall not exceed 18 percent)" to read "(except that there shall be no maximum permissible percentage for moisture content of Layer Muscats)" and by changing paragraph (d) of said section to read as follows:

(d) Of such quality and condition that, when processed in accordance with good commercial practice, will, except with respect to moisture content, meet "U. S. Grade B" or better grade as defined in the effective United States Standards for Grades of Processed Raisins.

2. The requirement set forth in § 989.59 (a) (2) (iii) that Layer Muscat raisins in packed form at least meet the minimum grade standards prescribed in "U. S. Grade B" as contained in effective United States Standards for Grades of Processed Raisins is, pursuant to the authority contained in § 989.59 (b) of the order, modified, insofar as operation under the order is concerned, to eliminate therefrom the moisture content restriction set forth in § 52.1847a (b) of this title.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this modification later than September 1, 1958 (5 U. S. C. 1001 et seq.), in that: (1) The maximum permissible moisture content restrictions for Layer Muscat raisins, as set forth in the effective standards, would unnecessarily restrict the marketing of such raisins; (2) the current freedom from restrictions as to the maximum permissible moisture content for Layer Muscat raisins will continue in effect only until September 1, 1958 (22 F. R. 6409), and it is necessary that such freedom from restrictions be continued beyond that date so that normal marketing of such raisins may proceed without change; and (3) handlers require no advance notice for preparation to comply with this modification and it relieves restrictions on the handling of raisins. In these circumstances, this modification should be made effective September 1, 1958.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 14, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 58-6681; Filed, Aug. 19, 1958; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 20-6]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

ISSUANCE OF U. S. PILOT CERTIFICATES TO HOLDERS OF FOREIGN PILOT CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 14th day of August 1958.

Part 20 of the Civil Air Regulations establishes, among other things, the requirements for the issuance of student, private, and commercial pilot certificates. Section 20.112 (a) provides that an applicant for a U. S. pilot certificate who holds a currently effective pilot certificate issued by a foreign government, may receive credit for his flight experience and for those examinations and tests completed in securing his foreign pilot certificate which the Administrator finds to be at least the equivalent of those required in the Civil Air Regulations for the issuance of a comparable United States pilot certificate.

The Administrator has advised that he has been unable to establish practical procedures for the recognition of the written and flight tests of those countries for which credit has been requested under § 20.112 (a). As a result of the difficulties already experienced with this section, the Administrator foresees that an evaluation of the various tests of the many countries for which requests can reasonably be expected would be an administrative impracticability. An example of the difficulties connected with administering this section is the fact that the pilot requirements in most countries are subject to change so that the Administrator would be required to make continued evaluations. In addition, the Administrator would have to determine that each applicant had in fact taken such a test and passed it.

Inasmuch as § 20.112 (a) imposes an undue administrative burden on the Administrator and its deletion would not adversely affect safety, the Board is of the opinion that this section should be rescinded. It should be noted, however, that any person may qualify for a U. S. pilot certificate under normal certification procedures.

In addition to the foregoing, § 20.112 (b) of Part 20 of the Civil Air Regulations provides that a pilot certificate for a specific purpose may be issued for not more than 90 days to a citizen of a foreign country who holds a currently effective pilot certificate issued by his government, upon submitting to the Administrator reliable evidence of his aeronautical experience and by passing an examination on the air traffic rules contained in Part 60 of the Civil Air Regulations. The Administrator's experience with the operation of this provision indicates that holders of certificates thereunder have not caused any difficulty and that such limited certificates have served a useful purpose. However, where the maximum period for which the Administrator may issue such a certificate does not meet the applicant's needs, the latter must requalify at least every 90 days. Thus, the qualifying procedures must be repeated, although not necessarily dictated by safety factors. It is the Board's view that, inasmuch as the 90-day limitation, in such instances, is burdensome on the CAA and since the CAA's experience in the administration of this section indicates that an extension of the maximum duration to 12 months would not adversely affect safety, § 20.112 (b) should be so amended.

Interested persons have been afforded an opportunity to participate in the making of this amendment (23 F. R. 1764), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR Part 20, as amended) effective September 18, 1958.

By amending § 20.112 by deleting paragraph (a) and by amending the last sentence of paragraph (b) by deleting the phrase "90 days" and inserting in lieu thereof the phrase "12 months".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sections 601, 602, and 610, 52 Stat. 1007, 1008, 1012; 49 U. S. C. 551, 552, 560)

Effective: September 18, 1958.

Adopted: August 14, 1958.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58-6707; Filed, Aug. 19, 1958; 8:55 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7082]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JOSEPH BROWN WOOL CO., ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-6, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68 (c)) [Cease and desist order, Joseph A. Brown trading as Joseph Brown Wool Company, etc., Woonsocket, R. I., and Samuel Pearlman and Yale Goldberg trading as Yale Wool Waste Company, Boston, Mass., Docket 7082, July 2, 1958]

In the matter of Joseph A. Brown, an Individual Trading as the Joseph Brown Wool Company and the Joseph A. Brown Company, and Samuel Pearlman and Yale Goldberg, Individually and as Partners Trading as the Yale Wool Waste Company.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Woonsocket, R. I., with violating the Wool Products Labeling Act by labeling as "cashmere 70 percent wool 30 percent" and invoicing as "70 percent cashmere waste 30 percent wool" bales of stock which contained only reprocessed cashmere and reprocessed cashmere waste, respectively, and with failing in other respects to comply with the labeling requirements of the act.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 2 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent, Joseph, A. Brown, individually, and doing business as the Joseph Brown Wool Company, and the Joseph A. Brown Company, or under any other name, and Samuel Pearlman and Yale Goldberg, individually, and as partners doing business as the Yale Wool Waste Company, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939, of wool products, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool products, of any nonfibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That respondent, Joseph A. Brown, individually, and doing business as the Joseph Brown Wool Company, and the Joseph A. Brown Company, or under any other name, and Samuel Pearlman and Yale Goldberg, individually, and as partners doing business as the Yale Wool Waste Company, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the sale of wool products, or any other textile fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting on invoices, or through other means, the character of the constituent fibers of said wool products, or other textile products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 2, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-6674; Filed, Aug. 19, 1958; 8:46 a. m.]

[Docket 7055]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

E. L. BROWNHILL, INC. AND LEWIS ROSENBERG

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; percentage savings; sales below cost. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1255 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1280 *Price.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act. Subpart—*Using misleading name*—Goods: § 13.2280 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, E. L. Brownhill, Inc. (Greensboro, N. C.), et al., Docket 7055, June 27, 1958]

In the Matter of E. L. Brownhill, Inc., a Corporation and Lewis Rosenberg, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Greensboro, N. C., with violating the Fur Products Labeling Act by affixing to fur products labels carrying fictitious prices and misrepresenting regular prices; by misuse of the term "blended" in labeling, invoicing, and advertising; by advertising which failed to disclose the names of animals producing the fur in certain products or that certain furs were artificially colored, used the name of one animal to describe the fur of another, and represented prices as reduced from regular prices which were in fact fictitious, or as "below wholesale cost", or misrepresented percentage savings; and by failing to maintain adequate records disclosing the facts on which such pricing claims were based.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent E. L. Brownhill, Inc., a corporation, and its officers, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale; advertising, offering for sale, transportation or distribution of fur products, in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing on labels attached to fur products, or in any other manner, that certain amounts are the regular and usual prices of fur products when such amounts are in excess of the prices at which such products are usually and customarily sold by respondent in the recent regular course of its business.

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed by the rules and regulations.

(b) That the fur product contains or is composed of used fur, when such is the fact.

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact.

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact.

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported it in commerce.

(f) The name of the country of origin of any imported furs used in the fur product.

3. Setting forth on labels affixed to fur products the term "blended" as part of the information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder to describe the pointing, bleaching, dyeing, or tip-dyeing of furs.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

(b) That the fur product contains or is composed of used fur, when such is the fact.

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact.

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact.

(e) The name and address of the person issuing such invoice.

(f) The name of the country of origin of any imported furs contained in the fur product.

2. Setting forth on invoices pertaining to fur products the term "Blended" as part of the information required under section 5 (b) of the Fur Products Labeling Act and the rules and regulations thereunder to describe the pointing, bleaching, dyeing or tip-dyeing of furs.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

(b) That the fur products contain or are composed of bleached, dyed or otherwise artificially colored fur, when such is the fact.

2. Contains the name of an animal or animals other than the name or names of the animal or animals that produced the fur.

3. Contains the term "blended" as part of the information required under section 5 (a) of the Fur Products Labeling Act and the rules and regulations thereunder to describe the pointing, bleaching, dyeing or tip-dyeing of furs.

4. Represents directly or by implication that respondent's regular price of any fur product is any amount which is in excess of the price at which respondent has regularly or customarily sold such products in the recent regular course of its business.

5. Represents directly or by implication that the prices of fur products are "below wholesale cost", or words of similar import, when such is not the fact.

6. Represents directly or by implication through percentage savings claims that the regular or usual retail prices charged by respondent for fur products in the recent regular course of its business were reduced in direct proportion to the amount of savings stated, when contrary to the fact.

D. Makes claims and representations in advertisements respecting comparative prices, percentage savings claims or claims that prices are below wholesale cost or claims that prices are reduced from regular or usual prices, unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondent Lewis Rosenberg, deceased.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent E. L. Brownhill, Inc., a corporation, shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 27, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-6675; Filed, Aug. 19, 1958; 8:46 a. m.]

[Docket 7073]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

PRESENT TRADING CORPORATION ET AL.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* §13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721. 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Present Trading Corporation et al., New York, N. Y., Docket 7073, June 27, 1958]

In the Matter of Present Trading Corporation, a Corporation, and Ignatz Present, and David Mermelstein, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a concern in New York City, engaged in distributing imported stainless steel table flatware to retail stores, house-to-house installment companies, and houseware jobbers for resale to the public, with misrepresenting regular retail prices by placing fictitious and exaggerated prices on packages of such products and on empty boxes and carbons which it sold to its customers for said flatware sets.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Present Trading Corporation, a corporation, and its officers, and Ignatz Present and David Mermelstein, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of stainless steel table flatware, or any other merchandise, in commerce, as "commerce" is defined in the Federal

Trade Commission Act, do forthwith cease and desist from:

1. Setting forth prices on the boxes or cartons in which their merchandise is packed for sale, or on boxes or cartons furnished in connection with their said merchandise, which are in excess of the prices at which said merchandise is usually and customarily sold at retail, or representing in any other manner that any price is the usual or regular retail price which is in excess of the price at which said merchandise is usually and customarily sold at retail.

2. Putting any plan in operation whereby retailers or others may misrepresent the usual and customary retail prices of merchandise.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 27, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-6676; Filed, Aug. 19, 1958; 8:47 a. m.]

[Docket 6988]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ASSOCIATED MAIL MERCHANDISERS

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Individual or private business as association or guild; personnel or staff; service; § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits* § 13.105 *Individual's special selection or situation.* Subpart—*Using misleading name*—Vendor: § 13.2395 *Individual or private business as association or guild.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Bernard W. Coates doing business as Associated Mail Merchandisers, Dorchester, Mass., Docket 6988, June 28, 1958]

In the Matter of Bernard W. Coates, Doing Business as Associated Mail Merchandisers

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an individual in Dorchester, Mass., engaged in the sale and distribution of merchandise and supplies for use in a mail order business, with representing falsely through the use of various trade names and advertising material mailed to prospective purchasers that they offered limited and exclusive membership in a cooperative association operated for the profit of its members, that members were carefully selected and were assisted in the operation of their mail order enterprises by a large and experienced staff, that merchandise available for mail order sale by them had been selected after extensive research and trial tested for salability, and that members would earn large incomes.

Following acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 28 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Bernard W. Coates, an individual formerly trading as Associated Mail Merchandisers, now trading as National Mail Merchandisers, or under any other name, and respondent's agents, representatives and employees, directly or through any corporate or other device, in the offering for sale, sale or distribution of various articles of merchandise and various kinds of catalogs, order blanks, and other supplies and equipment used in the operation of a mail order merchandising business, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or indirectly that:

1. Purchasers of respondent's aforesaid products are offered, sold or provided with a membership or other kind of association in or with a cooperative or mutually beneficial mail order buying and selling association or group operated in whole or in part for the profit or gain of its members or in any other kind of association or group.

2. Purchasers of respondent's aforesaid products are offered, sold or provided with a limited or exclusive membership or association in or with a cooperative or mutually beneficial mail order buying and selling association or group operated in whole or in part for the profit or gain of its members or in any other kind of association or group.

3. Purchasers of respondent's aforesaid products are carefully or otherwise selected to be members or associates of a cooperative or mutually beneficial mail order buying and selling association or group operated in whole or in part for the benefit of its members or of any other kind of association or group.

4. Purchasers of respondent's aforesaid products will be assisted and served in the operation of their respective mail order merchandising enterprises by a staff of persons or ogamizations who are competent, specialized and experienced in the operation of a mail order business and who are employed by respondent or are under his personal direction or control.

5. Merchandise made available for mail order offerings and sales by purchasers of respondent's aforesaid products has been selected on the basis of extensive research and study, has been trial tested for acceptance and salability on the general public or has proved that it will sell and be purchased by members of the buying public, unless such is in fact true.

6. Purchasers of respondent's aforesaid products will receive any amount of profits from the operation of a mail order merchandising business distributing the products offered by the respondent in excess of those which such purchasers may reasonably expect to receive.

B. Using the words "Association" or "Associated" as a part of his trade name or in any other manner representing that his business is other than a private commercial enterprise operated for profit.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, with in sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: June 27, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-6677; Filed, Aug. 19, 1958; 8:47 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—RULES AND REGULATIONS GOVERNING PUBLIC USE OF CERTAIN RESERVOIR AREAS

TABLE ROCK RESERVOIR AREA, WHITE RIVER, MISSOURI AND ARKANSAS

The Secretary of the Army having determined that the use of the Table Rock Reservoir Area, White River, Missouri and Arkansas, by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoir for its primary purposes, hereby prescribes rules and regulations for its public use, pursuant to the provisions of section 209 of the Flood Control Act of 1954 (68 Stat. 1266) as follows:

1. Add new paragraph (ooo) to § 311.1:

§ 311.1 *Areas covered.* • • •

(ooo) Table Rock Reservoir Area, White River, Missouri and Arkansas.

2. Add new subparagraph (17) to § 311.6 (b):

§ 311.6 *Hunting and fishing.* • • •

(b) • • •

(17) Table Rock Reservoir Area, White River, Missouri and Arkansas.

[Regs., July 30, 1958, ENGWO] (Sec. 209, 68 Stat. 1266; 16 U. S. C. 460d)

HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-6670; Filed, Aug. 19, 1958; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 43—DISCONTINUANCE OR CHANGE OF OPERATION OR SERVICE

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 14th day of August A. D. 1958.

There being under consideration the matter of rules and regulations with respect to the proposed discontinuance or change of the operation or service of any train or ferry pursuant to the provisions of section 13a of the Interstate Commerce Act, as amended, by carriers subject to part I of said act; and it appearing that, as the provisions of said section 13a became effective immediately upon approval by the President of the Transportation Act of 1958, and there is an immediate and urgent need for rules and regulations in respect of the matters which are the subject hereof, notice of proposed rule making and public procedure thereon are impracticable and would be contrary to the public interest:

It is ordered, That the following rules and regulations governing notices and petitions filed pursuant to the provisions of said section 13a be, and they are hereby, approved and prescribed, and that on and after August 29, 1958, carriers filing notices and petitions under the said provisions observe and comply with these rules and regulations:

Sec.
43.1 Scope of rules in this part.
43.2 Definitions.
43.3 Form and style of notice.
43.4 Contents of notice.
43.5 Information required with notice.
43.6 Petition.
43.7 Execution.
43.8 Filing; copies.

AUTHORITY: §§ 43.1 to 43.8 issued under sec. 12, 24 Stat. 383, as amended, Pub. Law 85–625; 49 U. S. C. 12.

§ 43.1 *Scope of rules in this part.* The rules in this part govern the procedure to be followed by carriers subject to part I of the Interstate Commerce Act which, under and pursuant to the provisions of section 13a of said act, file with the Commission a notice under paragraph (1) of said section or a petition under paragraph (2) thereof with respect to a proposed discontinuance or change, in whole or in part, of the operation or service of any train or ferry.

§ 43.2 *Definitions.* As used in this part:

(a) The term "act" means the Interstate Commerce Act, as amended.

(b) The term "notice" means a notice as provided for in paragraph (1) of seetion 13a.

(c) The term "petition" means a petition filed with the Commission under the provisions of paragraph (2) of section 13a for authority to effect a discontinuance or change.

§ 43.3 *Form and style of notice.* The notice shall be printed on paper not less than 8½ x 11 inches, with the words "Notice of proposed change (or discontinuance, if appropriate) of service" printed in large bold-face type near the top. The remaining contents of the notice shall be printed in not less than 12 point type.

§ 43.4 *Contents of notice.* A separate notice shall be given in respect of each train or ferry concerning which a discontinuance or change of operation or service is proposed. The notice shall set forth the following information:

(a) Exact corporate name and general office address of the carrier.

(b) The number and name or other description of the train or ferry with respect to which a discontinuance or change of operation or service is proposed, the name of each station, depot, or facility affected thereby, and the termini between which the train or ferry operates.

(c) The date on which the discontinuance or change of operation or service is proposed to become effective.

(d) Advice to the public that persons desiring to object to the proposed discontinuance or change should promptly notify the Interstate Commerce Commission, at Washington, D. C., of such objection and the reasons therefor.

§ 43.5 *Information required with notice.* With each notice of a proposed discontinuance or change of operation or service, there shall be filed with the Commission a "Statement in Relation to Proposed Discontinuance or Change of Train or Ferry Service" which, in the body thereof or in exhibits attached thereto and referred to therein, shall contain the following:

(a) Exact corporate name and general office address of the carrier proposing the discontinuance or change.

(b) Name, title, and post office address of counsel or officer to whom correspondence in regard to the notice should be addressed.

(c) Complete description of the present service of the train or ferry involved and of the discontinuance or change of operation or service proposed.

(d) Complete statement of the reasons for the proposed discontinuance or change of operation or service.

(e) The names of all railroads interchanging passengers or freight with the subject train or ferry, and the points of such interchange.

(f) Description of other common carrier service, if any, between or at the points described in the notice, and other common carrier service available in the immediate territory.

(g) The kind and amount (passenger and ton miles) of traffic transported on the train or ferry involved for each of the last 2 calendar years and for the part of the current year for which such information is available. If the proposed discontinuance or change involves less than all of the stations served by the train or ferry, segregation should be made of the traffic transported to and from the stations which will be affected.

(h) Financial results of operating the train or ferry involved for each of the last 2 calendar years and for the part of the current year for which such information is available, supported by basic data and a full explanation as to the methods used in computing such results.

(i) A certificate that a copy of the notice has been mailed to the Governor of each State in which the subject train or ferry is operated and has been posted in a conspicuous place in each station, depot, or other facility involved, including each ferry and each passenger car on trains affected, which certificate shall include information of the date or dates on which the notice was mailed and posted as aforesaid.

(j) Map showing the geographic situation of the line over which the train operates, or, if a ferry, the route traversed. The map should show the line or route clearly, by color or otherwise, and the stations thereon, on a sheet not smaller than 8½ x 11 inches. Three copies of the map should be submitted unbound for use of the Commission, in addition to those attached to the statement.

§ 43.6 *Petition.* Petitions for authority to effect a discontinuance or change of the operation or service of a train or ferry shall contain in the body thereof or in exhibits attached thereto and referred to therein, the information required by paragraph (b) of § 43.4, that required by § 43.5 excepting paragraph (i) thereof, and in addition the following:

(a) The date on which the petition or application for discontinuance or change in the operation or service of the train or ferry was filed with the appropriate State authority.

(b) Identification of the State authority with which such petition or application was filed.

(c) Description of the action, if any, taken by such State authority on the petition or application filed with it.

(d) To be filed only with the original of the petition to the Commission, copy of the record made before the State authority, including copies of the application or petition to it, transcript of any oral hearing, and decision and order, if any.

§ 43.7 *Execution.* The original copy of the statement required by § 43.5 and of a petition as described in § 43.6 shall be signed in ink by an executive officer of the carrier having knowledge of the matters and things therein set forth. Persons signing the statement or petition shall also sign a certificate in form as follows:

---------- hereby certifies that he is the
(Name)
---------- of the ----------
(Title)
---------- petitioner
(Corporate name of petitioner)

herein; that he has been authorized by proper corporate action on the part of said petitioner, or by the proper court, to execute and file with the Interstate Commerce Commission the foregoing statement (or petition); that he has carefully examined all of the statements referred to in said statement (or petition) and the exhibits attached thereto and made a part thereof; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth therein are true and correct to the best of his knowledge, information, and belief.

(Signature)

Dated this ------ day of ----------, 19---

NOTE: A false statement is punishable by law.

§ 43.8 *Filing; copies.* As applicable, 4 copies of the notice and an original and 5 copies of the accompanying statement, or an original and 5 copies of a petition for the use of the Commission shall be filed with the Secretary of the Commission, Washington, D. C. Each copy of the statement or petition shall bear the dates and signatures that appear in the original and shall be complete in itself; but the signatures in the copies may be stamped or typed.

It is further ordered, That the center heading preceding Parts 41–42 of Title 49 of the Code of Federal Regulations be, and it is hereby, changed to read: "Parts 41–43 Public Convenience and Necessity, Railroad Operations."

And it is further ordered, That notice of these regulations be given to the general public by posting copies in the office of the Secretary, Interstate Commerce Commission, Washington, D. C., and by filing with the Director, Federal Register Division, Washington, D. C.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–6703; Filed, Aug. 19, 1958; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 929]

[Docket No. AO–260–A3]

HANDLING OF MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern South Dakota marketing area, which was issued July 25, 1958 (23 F. R. 5778) is hereby extended to August 25, 1958.

Dated: August 15, 1958.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 58–6704; Filed, Aug. 19, 1958; 8:54 a. m.]

Agricultural Research Service

[9 CFR Part 131]

[Docket No. AO16–A6]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

NOTICE OF RECONVENING OF HEARING ON PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement Act (7 U. S. C. 851 et seq.) and § 132.6 of the rules of practice and procedure governing formulation of Marketing Agreements and Marketing Orders applicable to anti-hog-cholera serum and hog-cholera virus (9 CFR Part 132), notice is hereby given that the hearing held in Chicago, Illinois, on July 21, 1958, on proposed amendments to the marketing agreement and to the order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus, pursuant to notice duly published in the FEDERAL REGISTER (23 F. R. 4432) and recessed on July 22, 1958, to be resumed at a time published in the FEDERAL REGISTER, will reconvene in Room 600, United States Courthouse, 219 South Clark Street, Chicago, Illinois, on Monday, October 6, 1958, beginning at 10 a. m., c. s. t., for the purpose of receiving further evidence on the said proposed amendments to the marketing agreement and to the order, as amended.

Done at Washington, D. C., this 14th day of August 1958.

[SEAL] JOHN CURRY, *Hearing Examiner.*

[F. R. Doc. 58–6706; Filed, Aug. 19, 1958; 8:55 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[TC 424.41]

CAST IRON WING NUTS

NOTICE OF PROSPECTIVE CLASSIFICATION

AUGUST 13, 1958.

It appears probable that cast iron wing nuts made of nonmalleable iron are probably classifiable as castings wholly of cast iron, including all castings of iron which have been machined, but not made up into articles, or parts thereof, or finished machine parts, under paragraph 327, Tariff Act of 1930, and dutiable at the rate of 5 per centum ad valorem under that paragraph, as modified, and that cast iron wing nuts made of malleable iron are properly classifiable as nuts, of which metal is the component material of chief value, not specially provided for, not plated with platinum, gold, or silver, and not colored with gold lacquer, under paragraph 397, Tariff Act of 1930, as modified, and dutiable at the rate of 20 per centum ad valorem if having holes or threads over $^{24}/_{100}$ inch in diameter or at the rate of 22½ per centum ad valorem if having holes or threads not over $^{24}/_{100}$ inch in diameter.

Pursuant to § 16.10a (d) of the Customs Regulations, notice is hereby given that the existing uniform practice of classifying such merchandise as nuts of wrought iron or steel under paragraph 330, Tariff Act of 1930, and dutiable at the rate of 0.3 cents per pound under that paragraph, as modified, is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D. C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] RALPH KELLY, *Commissioner of Customs.*

[F. R. Doc. 58–6692; Filed, Aug. 19, 1958; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 11, 1958.

The Department of Agriculture has filed an application, Serial No. Idaho 09518, for the withdrawal of the lands

described below, from all forms of appropriation under the General Mining Laws subject to valid existing claims. The applicant desires the land for Ranger Station Sites.

For period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

KANIKSU NATIONAL FOREST

Clark Fork Ranger Station

T. 55 N., R. 2 E.
Sec. 1; Lot 3 (NE¼NW¼), exclusive of patented claims in mineral surveys Nos. 2561A, 2561B.

Total area 33.75 acres.

Shiloh Ranger Station

T. 60 N., R. 1 E.,
Sec. 19, Lots 1 and 2.

Total area 79.53 acres.

Priest Lake Ranger Station

T. 61 N., R. 5 W.,
Sec. 14; S½SW¼;
Sec. 15; S½SE¼SE¼;
Sec. 22; NE¼NE¼;
Sec. 23; N½NW¼, N½N½SE¼NW¼, NW¼SW¼NE¼, S½NW¼NE¼.

Total area 260 acres.

The above aggregates a total of 373.28 acres in Bonner and Boundary Counties, Idaho.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 58-6671; Filed, Aug. 19, 1958; 8:45 a. m.]

[Fairbanks Classification No. 1]

ALASKA

ALASKA PUBLIC SALE ACT

AUGUST 13, 1958.

Pursuant to the authority delegated to me under section 2.5 of Order No. 541 of April 21, 1954, Bureau of Land Management, as amended, the following described land is classified for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C. 364a-364e) for commercial, and/or industrial purposes:

TOK JUNCTION AREA

T. 18 N., R. 13 E., C. R. M.,
Sec. 19: Lot 6 and that portion of Lot 2 lying between Lot 6 and the center line of the Alaska Highway.

Containing approximately 4.42 acres.

The above land will be offered for sale in accordance with regulations contained in 43 CFR §§ 75.23 to 75.40. If no bid at the minimum acceptable price or above is made, the land may be held for future offering or the classification may be rescinded.

RICHARD L. QUINTUS,
Operations Supervisor.

[F. R. Doc. 58-6690; Filed, Aug. 19, 1958; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMERICAN PRESIDENT LINES, LTD., ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8319, between American President Lines, Ltd., The Oceanic Steamship Company, Matson Navigation Company, and Railway Express Agency, Incorporated, covers an arrangement whereby the ocean carriers agree to transport express shipments for the Railway Express Agency in the trade between Pacific Coast ports and Hawaii at rates specified in the agreement. Agreement No. 8319, upon approval, will supersede and cancel the present agreement (No. 8091) between the same parties.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 15, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-6682; Filed, Aug. 19, 1958; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-99]

BABCOCK & WILCOX CO.

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT AND FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue to the Babcock & Wilcox Company a construction permit substantially as set forth below unless within fifteen (15) days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). For further details see (1) the application submitted by the Babcock & Wilcox Company and amendments thereto, and (2) a memorandum by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Notice is also hereby given that if the Commission issues the construction permit, the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the reactor by the Babcock & Wilcox Company at the company's facilities at Lynchburg, Virginia, if it is found that the reactor has been constructed in accordance with the specifications contained in the application, and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission that the granting of such license would not be in accordance with the provisions of the act.

Dated at Germantown, Md., this 13th day of August 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

By application dated March 27, 1958, and amendments thereto dated April 22, 1958, May 5, 1958, May 26, 1958, June 26, 1958, and July 16, 1958, the Babcock & Wilcox Company requested a Class 104 license defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, authorizing construction and operation of a swimming pool type nuclear reactor (hereinafter referred to as "the reactor") designed to operate at a steady thermal power of 10 kilowatts and at power levels up to 200 kilowatts for short periods. Reference to the application herein will be to the original application as amended.

The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The reactor will be useful in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the act").

C. The Babcock & Wilcox Company is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR.

D. The Babcock & Wilcox Company is technically qualified to design and construct the reactor.

E. The Babcock & Wilcox Company has submitted sufficient information to provide reasonable assurance that the reactor can be constructed at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to the Babcock & Wilcox Company will not be inimical to the common defense and security or to the health and safety of the public.

G. The Babcock & Wilcox Company has filed with the Commission as proof of financial protection, pursuant to 10 CFR 140, a showing that it has adequate resources in the form specified to provide the financial protection required.

Pursuant to the act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to the Babcock & Wilcox Company to construct the reactor in accordance with the specifications contained in the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is August 30, 1958. The latest completion date of the reactor is September 30, 1958. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the location in Lynchburg, Virginia, specified in the application.

Upon completion of the construction of the reactor in accordance with the terms and conditions of this permit, and upon finding that the reactor authorized has been constructed in conformity with the application and in conformity with the provisions of the act and of the rules and regulations of the Commission, the Commission will issue a Class 104 license to the Babcock & Wilcox Company pursuant to section 104c of the act, which license shall expire 20 years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-6669; Filed Aug. 19, 1958; 8:45 a. m.]

[Docket No. 50-107]

S. A. INNOCENTE MANGILI ADRIATICA, INC.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that no request for formal hearing having been filed following filing of notice of proposed action with the Federal Register Division, the Atomic Energy Commission has this date issued License No. XR-22 to S. A. Innocente Mangili Adriatica, Incorporated, authorizing the export of a 50 kilowatt solution-type research reactor to Politecnico Di Milano, Milano, Italy. A notice of proposed issuance of this license was published in the FEDERAL REGISTER on June 24, 1958, 23 F. R. 4606.

Dated at Germantown, Md., this 13th day of August 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-6689; Filed, Aug. 19, 1958; 8:50 a. m.]

[Docket No. 50-110]

AMERICAN INTERCONTINENTAL TRADE AND SERVICE CO. (AMITAS) INC.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the American Intercontinental Trade and Service Company (Amitas) Inc., 50 Broadway, New York 4, New York, has submitted an application dated July 1, 1958, for a license to export a 43,000 kilowatt (thermal) pressurized light water power reactor to Centre d'Etudes de l'Energie Nucleaire (CEN), Brussels, Belgium.

Pursuant to section 104 of the Atomic Energy Act of 1954 and 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", and upon finding that (a) the reactor proposed to be exported is a utilization facility as defined by the act and regulations and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with the Kingdom of Belgium, the Commission may issue a facility export license authorizing the export of the reactor to Belgium.

In its review of applications for licenses sought solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactors.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission within 30 days after the filing of this notice with the Federal Register Division.

Dated at Germantown, Md., this 13th day of August 1958.

For the Atomic Energy, Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-6688; Filed, Aug. 19, 1958; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[SR-2243]

ALEXIS KLOTZ

NOTICE OF ORAL ARGUMENT

In the matter of James T. Pyle Administrator of Civil Aeronautics, complainant v. Alexis Klotz, respondent; SR-2243.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 10, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board. The respondent has been allotted 30 minutes and the Administrator 30 minutes to be presented in that order. The respondent may reserve one-quarter of his allotted time for rebuttal.

Dated at Washington, D. C., August 12, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-6708; Filed, Aug. 19, 1958; 8:55 a. m.]

[Docket No. 8569 et al.]

NEW YORK AIRWAYS CERTIFICATE RENEWAL CASE

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 15, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., August 13, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-6709; Filed, Aug. 19, 1958; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15846]

UNION OIL COMPANY OF CALIFORNIA

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 14, 1958.

Union Oil Company of California (Respondent), on July 25, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 25, 1958.

Purchasers: (1, 2, 3 and 8) Transcontinental Gas Pipe Line Corporation, (4) United Fuel Gas Company, (5) Tennessee Gas Transmission Company, (6 and 9) United Gas Pipe Line Company, (7) Texas Gas Transmission Corporation, (10) Arkansas Louisiana Gas Company.

Rate schedule designation: (1) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 2. (2) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 3. (3) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 4. (4) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 12. (5) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 7. (6) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 8. (7) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 13. (8) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 17. (9) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 21. (10) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 22.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate(s) and charge(s) so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of

this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until August 2, 1958, and thereafter to permit them to become effective as of that date: *Provided*, That within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rates be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements to Respondent's FPC Gas Rate Schedules.

(B) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rate(s), charge(s), and classification(s) set forth in the above-designated supplements to Respondent's FPC Gas Rate Schedules shall be effective as of August 2, 1958: *Provided, however*, That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of ----------
To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ----------, in Docket No. G-__, ---------- hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ------ day of ---------.

By ----------

Attest:

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6693; Filed, Aug. 19, 1958; 8:51 a. m.]

[Docket No. G-15847]

UNION OIL COMPANY OF CALIFORNIA ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 14, 1958.

Union Oil Company of California et al. (Respondent) on July 25, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 25, 1958.

Purchaser: Transcontinental Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 5. Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 6.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6693, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6694; Filed, Aug. 19, 1958; 8:51 a. m.]

[Docket No. G-15848]

JEFFERSON LAKE SULPHUR CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 14, 1958.

Jefferson Lake Sulphur Company (Respondent) on July 22, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 21, 1958.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 6 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6693, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6695; Filed, Aug. 19, 1958; 8:51 a. m.]

[Docket No. G-15849]

MORRIS RAUCH ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 14, 1958.

Morris Rauch et al. (Respondent) on July 25, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 23, 1958.

Purchaser: Transcontinental Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6693, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6696; Filed, Aug. 19, 1958; 8:52 a. m.]

[Docket No. G-15850]

JEFFERSON LAKE SULPHUR CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 14, 1958.

Jefferson Lake Sulphur Company (Operator) et al. (Respondent) on July 22, 1958, tendered for filing proposed changes in its presently effective rate schedules for the sale of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 21, 1958.

Purchasers: (1) Transcontinental Gas Pipe Line Corporation, (2) United Fuel Gas Company.

Rate schedule designation: 1. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 2. 2. Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6693, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6697; Filed, Aug. 19, 1958; 8:52 a. m.]

[Docket No. G-15851]

MONSANTO CHEMICAL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 14, 1958.

Monsanto Chemical Company (Operator) et al. (Respondent) tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 10, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 7.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6693, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6698; Filed, Aug. 19, 1958; 8:52 a. m.]

[Docket No. G-15852]

J. P. OWEN ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 14, 1958.

J. P. Owen (Operator) et al. (Respondent) on July 24, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 9, 1958.

Purchaser: Transcontinental Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 2.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6693, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6699; Filed, Aug. 19, 1958; 8:53 a. m.]

[Docket No. G-15853]

SELLWOOD AND MYERS

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 14, 1958.

Sellwood and Myers (Respondents) on July 24, 1958, tendered for filing a proposed change in their presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 21, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 2.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6693, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6700; Filed, Aug. 19, 1958; 8:53 a. m.]

[Docket No. G-15855]

HOPE PRODUCING CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 15, 1958.

Hope Producing Company (Operator) et al. (Respondent) on July 24, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 23, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6693, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6702; Filed, Aug. 19, 1958; 8:54 a. m.]

[Docket Nos. G-14841, G-15068]

PHILLIPS PETROLEUM CO. AND EL PASO NATURAL GAS CO.

NOTICE OF APPLICATIONS

AUGUST 13, 1958.

In the matters of El Paso Natural Gas Company, Docket No. G-15068; Phillips Petroleum Company, Docket No. G-14841.

Take notice that on May 7, 1958, El Paso Natural Gas Company (El Paso) filed in Docket No. G-15068 an application pursuant to sections 7 (b) and (c) of the Natural Gas Act for permission to remove, salvage and abandon, and for a certificate of public convenience and necessity to construct, acquire, modify, and operate certain natural gas facilities in order to purchase, acquire, compress, transport and treat natural gas from the East Maljamar and Kemnitz Areas in Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

El Paso proposes to abandon the present line between Phillips' Lee Plant and Applicant's Monument Plant and to replace it with larger pipe to handle the additional amounts of gas proposed to be transported. Part of the pipe salvaged from the Lee-Monument line will be used to complete the looping of the Monument-Hobbs line.

The proposed facilities and their estimated costs are as follows:

(1) Acquisition of 3,520 horsepower compressor station, with appurtenances, from Tennessee Gas Transmission Company, to be known as Kemnitz Field Compressor Station	$1,207,000
(2) Installation of turbo-charging equipment to increase capacity of above Kemnitz Station to 4,480 horsepower	211,000
(3) Construction of new 1,650 horsepower East Maljamar Compressor Station	690,000
(4) Construction of new 3,000 horsepower Lee Compressor Station	933,000
(5) 5.6 miles of 4½-inch O. D. fuel pipeline from Lee Station	82,000
(6) 4.4 miles of 3½-inch O. D. fuel pipeline from terminus of (5) above to Kemnitz Station	56,000
(7) 6.7 miles of 2⅜-inch O. D. fuel pipeline from terminus of (5) above to East Maljamar Station	66,000
(8) 10.0 miles of 12¾-inch O. D. field pipeline from Kemnitz Station to Phillips' Lee Plant	$337,000
(9) 6.7 miles of 6⅝-inch O. D. pipeline from East Maljamar Station to junction with (8) above	122,000
(10) 17.2 miles of 10¾-inch O. D. pipeline from Lee Plant to Applicant's Monument Plant	499,000
(11) 5.4 miles of 8⅝-inch O. D. loop pipeline on line from Applicant's Hobbs Compressor Station to Monument Plant	117,000
(12) Metering facilities	13,000
(13) Miscellaneous overheads	479,000
Total estimated cost	4,812,000

The total estimated cost of the proposed facilities will be financed from current working funds and/or short term bank loans.

On April 7, 1958, Phillips Petroleum Company filed an application, pursuant to section 7 (c) of the Natural Gas Act, in Docket No. G-14841 for a certificate of public convenience and necessity authorizing the sale of natural gas from leases in the Kemnitz and East Maljamar Areas (the latter includes the Roberts and two other fields), Lea County, New Mexico, to El Paso under an amendatory agreement dated February 4, 1958 (Supplement No. 8 to Phillips FPC gas Rate Schedule No. 243). The gas is to be delivered to El Paso at central points in each area. Facilities involved will be ordinary well appurtenances and field lines. The amendatory agreement is to run for the same period as the basic contract dated September 20, 1949, i. e., for 30 years from the date of the first deliveries under the basic contract.

Phillips produces gas from its own leases or buys it from other producers in these areas under contracts of the percentage of proceeds type. Phillips lists the producers from which it purchases gas as: The Ohio Oil Company, Cities Service Oil Company, The Pure Oil Company, Sinclair Oil and Gas Company, Tennessee Gas Transmission Company, Skelly Oil Company, Neville G. Penrose Incorporated and W. D. Anderson & Sons, and Shell Oil Company.

Protests or petitions to intervene in these proceedings may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 5, 1958.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6673; Filed, Aug. 19, 1958; 8:46 a. m.]

[Docket No. G-11981]

TENNESSEE NATURAL GAS LINES, INC.

ORDER APPROVING PROPOSED SETTLEMENT, ALLOWING TARIFF REVISIONS TO TAKE EFFECT, AND PRESCRIBING REFUNDS

AUGUST 12, 1958.

This is a rate proceeding arising under the Natural Gas Act. It involves an increased rate and charge tendered by Tennessee Natural Gas Lines, Inc. (Tennessee Natural). The matter is before us now for consideration of a proposed settlement between Tennessee Natural and its sole interstate wholesale customer, Nashville Gas Company (Nashville Gas), a wholly-owned subsidiary, and of accompanying tariff revisions submitted on July 11, 1958. Upon consideration of the proposed settlement, and the data filed in support thereof, we approve the terms of the proposed settlement, will allow the tariff revisions to become effective, and will prescribe refunds, subject to the terms and conditions agreed to by the parties, as hereinafter set forth.

Tennessee Natural, on January 15, 1957, tendered certain revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1.[1] By such revisions Tennessee Natural proposed an annual rate increase of $490,500, based on sales for the year 1956 to Nashville Gas under Tennessee Natural's Rate Schedule G-1. The proposed increase was in addition to increased rates then in effect, subject to refund, in Tennessee Natural Gas Lines, Inc., Docket No. G-5472, a proceeding recently terminated.[2] Tennessee Natural states that its increase was occasioned by an increase filed by its sole natural gas supplier, Tennessee Gas Transmission Company (Tennessee), which increase became effective July 14, 1957, subject to an undertaking to assure the refund of excess charges. Tennessee's increased rates and charges are the subject of the proceeding in Tennessee Gas Transmission Company, Docket No. G-11980, which is pending.

On February 13, 1957, pending a hearing and decision upon the question of the lawfulness of the rates and charges tendered by Tennessee Natural, we issued an order herein suspending the revised tariff sheets and deferring their use until July 14, 1957, and until such further time thereafter as such sheets might be made effective in the manner prescribed by the Natural Gas Act. No hearing has been held herein. Subsequently, upon the filing of Tennessee Natural of the statutory motion, the revised tariff sheets were permitted to become effective July 14, 1957, subject to an undertaking to assure the refund of such portion of the increased rates and charges found by the Commission to be not justified.

Still later, on November 21, 1957, Tennessee Natural filed other tariff sheets[3] to its gas tariff, comprising its Rate Schedule PS-G. This schedule provided for a peaking service rate of 90 cents per Mcf to be available for the period November 1, 1957 through April 30, 1958.[4] Tennessee Natural states that the 90 cents PS-G rate is identical to the price it pays to Tennessee for such peaking service under the latter's Rate Schedule PS-G, which was also permitted to become effective.[5]

[1] The sheets were designated Ninth Revised Sheet No. 4 and Fifth Revised Sheets Nos. 6 and 7.

[2] See order issued August 6, 1958, in Docket No. G-5472.

[3] The sheets were designated Second Revised Sheets Nos. 7-C, 7-D, 7-E and 22-A. We permitted these tariff sheets to go into effect, subject to the rate proceeding herein by order issued January 13, 1958 (unreported).

[4] On January 2, 1958, Tennessee Natural filed Third Revised Sheet No. 7-D to revise the minimum bill provision of the rate schedule. This sheet was allowed to take effect as of January 2, 1958. Order issued February 12, 1958 (unreported), in this proceeding.

[5] Order issued December 16, 1957 (unreported).

On June 16, 1958, at the request of Tennessee Natural, a conference was held between representatives of the company and of our staff for the purpose of exploring the possibilities of developing and agreeing upon a settlement of the matters presented and issues involved by Tennessee Natural's increased rate proposal. Nashville Gas, the City of Nashville, and the Tennessee Public Service Commission were invited to participate in the conference. At the conference a cost of service of Tennessee Natural's operations for the year 1957, adjusted, was developed.

Following such conference, Tennessee Natural, on July 11, 1958, submitted the proposed settlement agreement with Nashville Gas, which agreement is set forth below as Appendix A. Additionally, Tennessee Natural tendered three revised tariff sheets providing a lower rate under its Rate Schedule G-1, and proposing such rate to be effective as of July 14, 1957. The revised tariff sheets so tendered are designated as follows: Tenth Revised Sheet No. 4 (superseding Ninth Revised Sheet No. 4) and Sixth Revised Sheets Nos. 6 and 7 (superseding Fifth Revised Sheets Nos. 6 and 7) to Tennessee Natural's effective gas tariff. The substitute rates and charges would increase Tennessee Natural's revenues by $428,471 annually, based on sales for the year 1957, as adjusted, or $54,000 less than the estimated $482,471[6] annual increase based on the rates presently and contingently effective subject to refund herein.

Such revised tariff sheets provide for a monthly demand charge of $2.35 per Mcf for the first 50,000 Mcf of billing demand and $2.00 per Mcf for all additional billing demand, and a commodity charge of 19.48 cents per Mcf under Tennessee Natural's Rate Schedule G-1, in lieu of the current contingently effective rates, all as more fully shown in Appendix B, set forth below.

In support of the substitute rates and charges, Tennessee Natural submitted a total adjusted cost of service, including a 6 percent rate of return, of $5,161,395, the details of which are shown on page 1 of Appendix B. Of this amount, $4,040,438 has been allocated to jurisdictional sales. The costs are actual for the year 1957, adjusted for known changes. A comparison of the costs claimed in support of the increased rates and charges tendered in 1957 with the settlement costs agreed to shows, in capsule, the following:

	Claimed costs	Settlement costs	Reduction by settlement
Gas purchased	$4,872,073	$4,872,073	----------
Other operating expenses	76,640	70,941	$5,699
Taxes other than income	32,695	27,080	5,615
Depreciation	49,541	49,541	----------
Federal income tax	56,537	54,218	2,319
Return at 6 percent	90,142	90,142	----------
Effect of plant adjustment	----------	(2,870)	2,870
Total cost of service	5,177,898	5,161,395	16,503

Return was computed on the basis of average net gas plant of $1,506,868.

Total settlement costs were allocated to jurisdictional and non-jurisdictional sales on the basis of deliveries during (1) the 3-day system peak, winter 1957-1958 (February 16-18, 1958) for demand costs, and (2) annual sales in 1957 for commodity costs. The percentage of jurisdictional sale of the peak period was 100 percent; of annual sales, 67.02 percent. While the settlement reduction in total cost of service is but $16,503, the reduction in Tennessee Natural's charges to its one interstate wholesale customer will amount to $54,000 annually compared to the rates originally tendered.

The proposed settlement agreement provides that (1) Tennessee Natural will refund to Nashville Gas the difference between the charges actually collected by it under the rates contingently effective herein for service rendered on and after July 14, 1957, and the charges which would have been payable for such service under the settlement rates, together with simple interest at 6 percent per annum from the date of payment of such excess charges to Tennessee Natural to the date of refund; (2) in the event Tennessee is required, by any final order of the Commission in Docket Nos. G-11107[7] and G-11980, to reduce the demand charge, commodity charge, or minimum bill in its Rate Schedule G-1 and PS-G applicable to Tennessee Natural below the charges collected by Tennessee commencing July 14, 1957, then Tennessee Natural will revise the demand charge, commodity charge, and minimum bill in its corresponding rate schedules by the identical amount by which the charges under Tennessee's schedule are reduced; and (3) in the event Tennessee Natural receives any refunds from Tennessee as a result of proceedings in Docket Nos. G-5259,[8] G-11107, and G-11980 under Tennessee's Rate Schedules G-1 and PS-G during part or all of the period from and after December 15, 1954, Tennessee Natural agrees to refund to Nashville Gas an amount equal exactly to the same amount per Mcf of billing demand in the demand charge and the same amount per Mcf delivered in the commodity charge, as made by Tennessee, multiplied by the billing demands incurred and volumes of gas delivered to Nashville Gas under Tennessee Natural's corresponding rate schedules during the same period, together with simple interest at 6 percent per annum from the date of payment of the excess charges by Nashville Gas to the date the refund is received by Tennessee Natural from Tennessee, all as more fully described in Appendix A set forth below. Also, the settlement provides that no change shall be made in the charges for peaking service under Tennessee Natural's Rate Schedule PS-G, unless and until the Commission determines that Tennessee's Rate Schedule PS-G shall be revised.

The cost of service upon which the settlement is based agrees substantially with the cost of service computed by our staff on the basis of its investigation of the books and records of Tennessee Natural for the period, as adjusted. Also, by letter filed July 9, 1958, the Tennessee Public Service Commission expressed its agreement to the settlement.

The Commission finds:

(1) The settlement of this proceeding on the basis as proposed and as agreed to by the parties and submitted for our consideration on July 11, 1958, subject to the terms and conditions hereinafter ordered, is just and reasonable and in the public interest in carrying out the provisions of the Natural Gas Act, and such settlement should be approved and made effective, as hereinafter provided and ordered.

(2) The 30-day notice period provided in section 4 (d) of the Natural Gas Act and § 154.22 of our regulations thereunder (18 CFR 154.22) may be waived without prejudice to the interests of those who might be affected under the provisions of the act, and good cause exists that such notice period be waived with respect to the revised tariff sheets tendered by Tennessee Natural on July 11, 1958, and such sheets should be allowed to take effect as of July 14, 1957, as proposed.

(3) The increased rates and charges contained in Tennessee Natural's FPC Gas Tariff, Original Volume No. 1, as amended by Ninth Revised Sheet No. 4 and Fifth Revised Sheets Nos. 6 and 7 tendered on January 15, 1957, are not just and reasonable, or in the public interest, or otherwise lawful under the terms and provisions of the Natural Gas Act and they should be disallowed and denied as hereinafter provided and ordered.

The Commission orders:

(A) The settlement of this proceeding on the basis and terms proposed and agreed to between Tennessee Natural and its sole interstate utility customer, as set out in Appendix A below, is approved and made effective, subject to the terms and conditions hereinafter ordered.

[6] Or an increase of $490,500 based on sales for the year ending December 31, 1956, the test period used in Tennessee Natural's original filing herein.

[7] A proceeding upon an application of Tennessee for a certificate of public convenience and necessity for the construction and operation of natural-gas transmission facilities in which hearings have been held and a presiding examiner decision issued on June 9, 1958.

[8] A rate suspension proceeding involving Tennessee in which we adopted, as modified, a presiding examiner's decision, and prescribed rates for the period December 15, 1954, through July 13, 1957. Tennessee Gas Transmission Co., 18 FPC 428, 439.

(B) The increased rates and charges contained in Tennessee Natural's filings listed in paragraph (3) hereof are disallowed and denied.

(C) The 30-day notice period provided in section 4 (d) of the Natural Gas Act and our regulations thereunder is hereby waived with respect to Tenth Revised Sheet No. 4 and Sixth Revised Sheets Nos. 6 and 7 to Tennessee Natural's FPC Gas Tariff, Original Volume No. 1, submitted on July 11, 1958; each of such sheets is accepted for filing; and each is allowed to become effective as of July 14, 1957, as proposed, subject to the terms and conditions of this order and of the settlement agreement.

(D) Tennessee Natural shall refund, within 10 days from the date of issuance of this order, to Nashville Gas the difference between (a) the charges actually collected under the increased rates and charges filed herein on January 15, 1957, for service rendered on and after July 14, 1957, and (b) the charges which would have been payable for such service under the aforesaid revised tariff sheets tendered July 11, 1958, together with simple interest at the rate of 6 percent per annum thereon, computed from date of actual payment of such excess charges to Tennessee Natural to date of refund, all as provided in Article II of the settlement hereby approved. Within 10 days from the date of payment of such refund, Tennessee Natural shall report to the Commission, in writing and under oath, the amount of refund made to Nashville Gas, showing separately the amount of principal and interest so paid, and the billing determinants used for such determination, shall serve a copy of such report upon Nashville Gas, and file with the Commission a copy of a release from Nashville Gas with respect to such refund.

(E) Tennessee Natural shall file reduced rates and charges and shall make further refunds as, and if, required upon final disposition of the certificate and rate proceedings in Tennessee Gas Transmission Company, Docket Nos. G–5259, G–11107, and G–11980, all as provided in Articles III and IV of the settlement hereby approved and as described above.

(F) This order is without prejudice to any findings or orders which have been or may hereafter be issued by the Commission in any proceeding now pending or hereafter instituted by or against Tennessee Natural and its issuance shall not be construed that any party to this proceeding or to the settlement is to be considered as necessarily agreeing with any principles or methods of cost of service determination or allocation which have been used in arriving at the rates hereby allowed to be made effective.

(G) The proceeding herein is terminated, subject to the terms and conditions contained in this order and in the settlement agreement (Appendix A) set forth below.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

APPENDIX A

AGREEMENT OF SETTLEMENT AS TO RATES OF TENNESSEE NATURAL GAS LINES, INC. IN FPC DOCKET NO. G–11981

On January 15, 1957, Tennessee Natural Gas Lines, Inc. (Tennessee Natural) filed with the Federal Power Commission (Commission) Ninth Revised Sheet No. 4 and Fifth Revised Sheets Nos. 6 and 7 to its FPC Gas Tariff, Original Volume No. 1, to increase the rate charged under its Rate Schedule G–1 for firm service to the following amount:

Monthly Demand Charge:	
First 50,000 Mcf of billing demand	$2.44 per Mcf
All additional billing demand	$2.00 per Mcf
Commodity Charge—per Mcf delivered	19.48 cents.

By order issued February 13, 1957, the Commission ordered a hearing in Docket No. G–11981 concerning the lawfulness of the increased rates filed by Tennessee Natural and suspended the use thereof until July 14, 1957, and until such further time thereafter as they may be made effective in the manner prescribed by the Natural Gas Act. Subsequently, pursuant to a motion filed by Tennessee Natural, the Commission, by order issued July 18, 1957, permitted the increased rates to become effective on July 14, 1957, subject to the condition that Tennessee Natural will refund the portion of the increased rates and charges as might be found by the Commission in this proceeding to be not justified, together with interest at 6 percent per annum from date of payment to Tennessee Natural until refunded.

The aforesaid increase in Tennessee Natural's Rate Schedule G–1 was occasioned by an increase filed on January 15, 1957 by Tennessee Natural's sole gas supplier, Tennessee Gas Transmission Company (Tennessee Gas), in its Rate Schedule G–1 which latter increase became effective after suspension in Docket No. G–11980 on July 14, 1957, subject to the condition that Tennessee Gas will refund the portion of the increased rate and charges as might be found by the Commission in that proceeding to be not justified, together with interest at 6 percent per annum from date of payment to Tennessee Gas until refunded.

On November 21, 1957, Tennessee Natural filed Second Revised Sheets Nos. 7–C, 7–D, 7–E and 22–A to its FPC Gas Tariff, Original Volume No.1, comprising the Company's Rate Schedule PS–G, providing for a peaking service rate of 90¢ per Mcf to be available for the period November 1, 1957 through April 30, 1958.[1] By Commission order issued January 13, 1958, these tariff sheets were allowed to go into effect, subject to the rate proceedings in Docket No. G–11981.

The rate of 90¢ per Mcf charged by Tennessee Natural under Rate Schedule PS–G is identical to the price it pays for such peaking service to Tennessee Gas Transmission Company (Tennessee Gas) under the latter's Rate Schedule PS–G. The minimum bill charged by Tennessee Gas is, however, subject to reduction and refund as set forth in the Commission's order issued December 16, 1957 allowing such rate schedule to take effect.

[1] On January 2, 1958, Tennessee Natural filed Third Revised Sheet No. 7–D to revise the minimum bill provision of Rate Schedule PS–G and such revised tariff sheet was allowed by the Commission to go into effect, subject to the proceeding in Docket No. G–11981.

For the purpose of settling the issues involved and terminating the proceedings in Docket No. G–11981, the parties hereto agree as follows:

ARTICLE I

IMMEDIATE REDUCTION IN RATES

Tennessee Natural shall file Tenth Revised Sheet No. 4 and Sixth Revised Sheets Nos. 6 and 7 to its FPC Gas Tariff, Original Volume No. 1 (a copy of each of which is attached hereto), providing for the following charges for firm service under its Rate Schedule G–1, to be effective July 14, 1957:

Monthly Demand Charge:	
First 50,000 Mcf of billing demand	$2.35 per Mcf.
All additional billing demand	$2.00 per Mcf.
Commodity Charge—per Mcf delivered	19.48 cents.

Such charges in Rate Schedule G–1 are justified by a cost of service for the year 1957, including a 6 per cent return on the rate base, and adjusted to reflect known changes in cost, and an allocation of such cost of service, all in accordance with principles followed by the Federal Power Commission in determination of rates. A copy of such cost of service is attached hereto as Exhibit A.

No change shall be made in the now effective charges for peaking service under Tennessee Natural's Rate Schedule PS–G, unless and until the Commission determines that Tennessee Gas' Rate Schedule PS–G shall be revised.

ARTICLE II

IMMEDIATE REFUND

Within ten days of the issuance by the Commission of an order allowing revised Rate Schedule G–1 specified in Article I to become effective on July 14, 1957, Tennessee Natural shall refund to Nashville Gas Company the difference between the charges actually collected under Rate Schedule G–1 (Ninth Revised Sheet No. 4 and Fifth Revised Sheets Nos. 6 and 7) for service rendered on and after July 14, 1957 and the charges which would have been payable for such service under the rates specified for Rate Schedule G–1 in Article I (Tenth Revised Sheet No. 4 and Sixth Revised Sheets Nos. 6 and 7), together with simple interest at 6 percent per annum from the date of payment of such excess charges to Tennessee Natural to the date of refund.

Within ten days after payment of the refund, Tennessee Natural shall submit to the Commission the details of its calculation of the refund and a copy of a release from Nashville Gas Company with respect to such refund.

ARTICLE III

FUTURE RATE REDUCTION DEPENDING UPON RESULT OF PENDING PROCEEDINGS CONCERNING RATES OF TENNESSEE GAS IN DOCKET NOS. G–11107 AND G–11980

If Tennessee Gas is required, by any order or orders of the Commission in Docket Nos. G–11107 and G–11980 which are accepted by Tennessee Gas or become final after court review or otherwise, to reduce the demand charge, commodity charge, or minimum bill in its Rate Schedules G–1 and PS–G applicable to Tennessee Natural below the charges collected by Tennessee Gas beginning July 14, 1957, then Tennessee Natural shall revise the demand charge, commodity charge, and minimum bill in its Rate Schedules G–1 and PS–G by the identical amount by which the charges under the corresponding rate schedules of Tennessee Gas are reduced, so that Tennessee Natural does not gain or

lose as a result of the reduction in the rates of Tennessee Gas. Such reduced rates shall be filed by Tennessee Natural within ten days after the reduced rates of Tennessee Gas become effective and the reduced rates of Tennessee Natural shall be effective on the same date as the reduced rates of Tennessee Gas.

ARTICLE IV

FUTURE REFUNDS DEPENDING UPON RESULT OF PROCEEDINGS CONCERNING RATES OF TENNESSEE GAS

If, as a result of any court order, or as a final result of the proceedings in Docket Nos. G–5259, G–11107 and G–11980, Tennessee Gas makes refunds to Tennessee Natural for deliveries made under Tennessee Gas' Rate Schedules G–1 and PS–G during part or all of the period from and after December 15, 1954, Tennessee Natural will make refunds to Nashville Gas Company equal to exactly the same amount per Mcf of billing demand in the demand charge and the same amount per Mcf delivered in the commodity charge, as made by Tennessee Gas, multiplied by the billing demands incurred and volumes of gas delivered to Nashville Gas Company under Tennessee Natural's corresponding rate schedules during the same period, together with simple interest at 6 per cent per annum from date of payment of the excess charges by Nashville Gas Company to the date the refund is received by Tennessee Natural from Tennessee Gas.

Such refunds by Tennessee Natural shall be made within ten days of the receipt of the refund from Tennessee Gas. Within ten days thereafter, Tennessee Natural shall submit to the Commission the details of its calculations of the refund and a copy of a release from Nashville Gas Company with respect to such refund.

ARTICLE V

CONDITION

The agreement reached by the parties and set forth in this proposed settlement is expressly conditioned upon the Commission's acceptance of all the terms and conditions of this proposed settlement and the termination of the proceeding in Docket No. G–11981, subject to such terms and conditions.

ARTICLE VI

RESERVATION

By making this agreement neither party is to be considered as necessarily agreeing with any principles or methods of cost of service determination or allocation which have been used in arriving at the rates agreed to herein.

ARTICLE VII

The parties hereto, in agreeing that the attached revised tariff sheets shall be effective July 14, 1957, request that the Commission waive compliance with the requirements of its general rules and regulations, particularly Part 154 thereof, to the extent necessary to permit such revised sheets to become effective on such date.

Agreed to and executed by the parties hereto on July 7, 1958.

TENNESSEE NATURAL GAS LINES, INC.,
THOMAS W. GOODLOE,
President.

J. C. SCHUTT,
Secretary.

NASHVILLE GAS COMPANY,
W. H. LIGON,
President.

WM. C. TERRY,
Secretary.

COST OF SERVICE AND ALLOCATION TO JURISDICTIONAL SALES YEAR 1957—ADJUSTED

Cost of service	Company's claimed cost of service	Adjustments made in conference of June 16, 1958	Adjusted cost of service	Classification of costs: Demand	Classification of costs: Commodity
Operating expenses:					
Gas purchased	$4,872,073		$4,872,073	$1,617,834	$3,254,239
Transmission	18,796		18,796	9,398	9,398
Cust. acctg. and collect	3,410		3,410	1,705	1,705
Administrative and general	54,434	($5,699)	48,735	24,367	24,368
Total operating exp	4,948,713	(5,699)	4,943,014	1,653,304	3,289,710
Taxes other than income:					
Ad valorem	20,677		20,677		
Payroll	248		248		
Filing fee	100		100		
Franchise and excise	6,192	($137)	6,055		
Regulating fee	5,478	(5,478)	0		
Total other taxes	32,695	(5,615)	27,080	13,540	13,540
Depreciation	49,541		49,541	24,771	24,770
Federal income tax	56,537	(2,319)	54,218	27,109	27,109
Return at 6%	90,412		90,412	45,206	45,206
Effect of plant adjustment		(2,870)	(2,870)	(1,435)	(1,435)
Total cost of service	5,177,898	(16,503)	5,161,395	1,762,495	3,398,900

Cost of jurisdictional sales	Total	Demand	Commodity
Percentage of total cost of service		100.00	67.02
Cost of jurisdictional sales	$4,040,438	$1,762,495	$2,277,943

Derivation of allocation percentages	Jurisdictional	Nonjurisdictional	Total
Demand:			
Average daily deliveries during 3-day peak period (February 16–18, 1958)	84,020	0	84,020
Percentages	100.00	0	100.00
Commodity:			
Annual sales in 1957	$11,363,189	$5,592,734	$16,955,923
Percentages	67.02	32.98	100.00

JURISDICTIONAL REVENUES UNDER PRESENT RATE AND PROPOSED RATE BASED ON YEAR 1957

	Present rate effective July 14, 1957	Proposed rate to be effective July 14, 1957	Reduction
Rate G–1			
Monthly demand charge:			
First 50,000 Mcf of billing demand	$2.44	$2.35	$0.09
All additional billing demand	$2.00	$2.00	
Commodity charge—per Mcf delivered	19.48¢	19.48¢	
Revenue for 1957 based on present rate and proposed rate:			
Demand charges:			
First 600,000 Mcf of billing demand	$1,464,000	$1,410,000	$54,000
Additional billing demand (207,733 Mcf)	415,466	415,466	
Commodity charges (11,363,189 Mcf)	2,213,549	2,213,549	
Total revenues	4,093,015	4,039,015	54,000
Comparison of cost and revenue			
Cost of jurisdictional sales		4,040,438	
Revenue at proposed rate		4,039,015	
Difference		1,423	

[F. R. Doc. 58–6672; Filed, Aug. 19, 1958; 8:46 a. m.]

[Docket No. G–15882]

SOUTHERN NATURAL GAS CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 13, 1958.

Southern Natural Gas Company (Southern) on July 14 and 21, 1958, tendered for filing two tariff sheets[1] to its FPC Gas Tariff, Volume No. 3, by which Southern proposes to increase its rates for the sale of natural gas so as to increase revenues by $1,140 for gas produced or gathered in the state of Louisiana and supplied to Mississippi River Fuel Corporation under Southern's

[1] Fourth Revised Sheet No. 48 to FPC Gas Tariff, Original Volume 3, (Rate Schedule F–2), tendered July 14, 1958; buyer Mississippi River Fuel Corporation.

First Revised Sheet No. 75A to FPC Gas Tariff, Original Volume 3, (Rate Schedule F–3), tendered July 21, 1958; buyer Texas Gas Gathering Corporation.

FPC Gas Rate Schedule F–2 and to Tensas Gas Gathering Corporation under Southern's FPC Gas Rate Schedule F–3. Southern proposes that the aforementioned tariff sheets become effective on August 1, 1958.

The increased rates and charges so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), approved on June 16, 1958, amended Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act, No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable that the Commission waive the requirements of § 154.63 of its regulations and suspend the said proposed increased rates and charges until August 2, 1958, and thereafter to permit them to become effective as of that date; provided, that within 20 days from the date of this order Southern shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated revised tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Southern's proposed increased rates be made effective as hereinafter provided and that Southern be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated revised tariff sheets.

(B) Pending such hearing and decision thereon, said Fourth Revised Sheet No. 48 and First Revised Sheet No. 75A, all to Southern's FPC Gas Tariff, Original Volume 3 are each hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rates, charges, and classifications set forth in the above-designated filings shall be effective as of August 2, 1958: *Provided, however,* That within 20 days from the date of this order, Southern shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Southern shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refunds, with interest, of the tax moneys collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by Southern herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Southern shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Southern so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Southern shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the revised tariff sheets involved, as follows:

> Agreement and Undertaking of Southern Natural Gas Company To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Charges
>
> In conformity with the requirements of the order issued ----------, in Docket No. G–15882, Southern Natural Gas Company hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused the agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ------ day of ----------
>
> SOUTHERN NATURAL GAS COMPANY
> By ----------
> Attest:
> ----------
> (Secretary)

Unless Southern is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Southern shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) The revised tariff sheets hereby suspended shall not be charged until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–6701; Filed, Aug. 19, 1958; 8:53 a. m.]

TARIFF COMMISSION

[Investigations 9, 10]

CERTAIN TISSUE PAPER

NOTICE OF INVESTIGATIONS AND HEARING

Investigations No. 9 (tissue paper from Finland) and No. 10 (tissue paper from Norway) under section 201 (a), Antidumping Act, 1921, as amended.

Having received advices from the Treasury Department on August 13, 1958, that tissue paper, sulphite, machine glazed, bleached and unbleached, weighing less than 10 pounds per ream of 288,000 square inches, imported from Finland and Norway, respectively, is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted investigations under section 201 (a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

The investigations are being consolidated for the purposes of a public hearing to be held by the Commission in connection therewith beginning at 10:00 a. m., e. d. s. t., on September 23, 1958. Testimony will be taken first regarding the effect on domestic industry of imports from Finland, following which testimony will be taken with respect to imports from Norway. Interested parties desiring to appear and to be heard at such hearing shall notify the Secretary, United States Tariff Commission, Washington 25, D. C., at least three days before the date set for the hearing, indicating whether their testimony will relate to imports from Finland or Norway, or both.

Issued: August 15, 1958.

By order of the United States Tariff Commission this 14th day of August 1957.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58–6691; Filed, Aug. 19, 1958; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 230]

MOTOR CARRIER APPLICATIONS

AUGUST 15, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 17012 (Sub No. 5), filed May 19, 1958. Applicant: STELZER TRANSPORTATION SERVICE, INC., 125 West Elm Street, Lima, Ohio. Applicant's attorney: Walter Shaeffer, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Allen County, Ohio, on the one hand, and, on the other, points in Ohio, Indiana, Michigan, Illinois, Kentucky, West Virginia, Pennsylvania, New Jersey, and New York. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE: Applicant requests that all duplicating authority be eliminated.

HEARING: September 30, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 17226 (Sub No. 15), filed July 30, 1958. Applicant: FRUIT BELT MOTOR SERVICE, INC., 3909 West Harrison Street, Chicago 24, Ill. Applicant's attorneys: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill., and Beverley S. Simms, 1624 Eye Street, NW., Washington, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery parts, materials, and supplies*, used in the manufacture, shipping or operation of refrigerators, freezers, refrigerator-freezers, ice cube makers, air conditioners, and dehumidifiers, (a) from Chicago, Danville, East Alton, and Rockford, Ill., Cynthiana, Henderson, and Louisville, Ky., Detroit, Tecumseh, Adrian, Grand Rapids, Grandville, Albion, Benton Harbor, St. Joseph, Middleville, Mich., Clinton and Waterloo, Iowa, St. Louis, Mo., Cleveland, Dayton, Cincinnati, Columbus, Toledo, Circleville, Sidney, Franklin, Middlefield, St. Marys, Middletown, Portsmouth, Sandusky, Fremont, and Warren, Ohio, to plant sites of The Whirlpool Corporation at Evansville, Ind., and those within 2 miles of Evansville. (b) between the plant sites of The Whirlpool Corporation at Evansville, Ind., on the one hand, and, on the other, the plant sites of The Whirlpool Corporation at Rock Island, Ill., Benton Harbor and St. Joseph, Mich., Clyde, Hamilton, and Marion, Ohio, and St. Paul, Minn. (2) *Skids, pallets and packing containers*, used in transporting the above-named commodities, from the plant sites of The Whirlpool Corporation at Evansville, Ind., and those within 2 miles of Evansville to the origin points specified in paragraph 1 (a) above. (3) *Refrigerators, freezers, refrigerator-freezers, ice cube makers, air conditioners and dehumidifiers, and parts and accessories thereof*, when transported with and intended for installation thereon, from the plant sites of The Whirlpool Corporation at Evansville, Ind., and those within 2 miles of Evansville, to Chicago, Peoria, Rockford, and Waukegan, Ill., Davenport, Iowa, Louisville, Ky., Detroit, Grand Rapids, Lansing, Flint, Benton Harbor, St. Joseph, and Saginaw, Mich., St. Louis, Mo., Cleveland, Cincinnati, Dayton, Akron, Columbus, Toledo, and Youngstown, Ohio, and Milwaukee, Wis. Applicant is authorized to conduct operations in Michigan, Indiana, Illinois, Ohio, Wisconsin, Iowa, Kentucky, and Missouri.

NOTE: Applicant states that the above described operations are limited to a transportation service to be performed under a continuing contract or contracts with Sears, Roebuck & Co. and/or The Whirlpool Corporation.

HEARING: October 17, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold P. Boss.

No. MC 25789 (Sub No. 2), filed July 28, 1958. Applicant: KENNETH HARVEY, Clarence, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed* and *fertilizer*, in bulk and in sacks, from East St. Louis, Ill., to Brookfield and Clarence, Mo., and points within 30 miles of Clarence. Applicant is authorized to conduct operations in Illinois, Iowa, and Missouri.

NOTE: Applicant states that it will transport ordinary livestock, exempt from regulation under section 203 (b) (6), Interstate Commerce Act, on return.

HEARING: September 30, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 30697 (Sub No. 37), filed July 28, 1958. Applicant: DIECKBRADER EXPRESS, INC., 5391 Eastern Avenue, Cincinnati, Ohio. Applicant's attorneys: Charles W. Singer and Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ammonia, cleansing, scouring and washing compounds; liquid bluing; sodium hypoclorite solution;* and *liquid cleansing compounds, Chemicals, supplies* and *machinery* used in the manufacture, sales and distribution of liquid ammonia, cleansing, scouring and washing compounds; liquid bluing; sodium hypochlorite solutions; and liquid cleansing compounds. Between Alliance, Ohio, on the one hand, and, on the other, points in the lower peninsula of Michigan on, east, and south of the following described highways, and Saginaw Bay: From the Michigan-Ohio State line over U. S. Highway 127 to Lansing, Mich., thence over U. S. Highway 27 to Mt. Pleasant, Mich., thence over Michigan Highway 20 to Bay City, Mich., and thence over Michigan Highway 47 to Saginaw Bay; those in New York, on and west of the following described highways: From Lake Ontario over New York Highway 78 to junction New York Highway 187, thence over New York Highway 187 to junction New York Highway 240, thence over New York Highway 240 to junction U. S. Highway 219 and thence over U. S. Highway 219 to the New York-Pennsylvania State line; those in Pennsylvania on and west of U. S. Highway 219; and those in West Virginia on and north of U. S. Highway 50. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 30697 (Sub No. 35).

HEARING: October 3, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 50069 (Sub No. 202), filed July 31, 1958. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Akron, Ohio, to Chicago, Ill. Applicant is authorized to conduct operations in Ohio, Michigan, Indiana, West Virginia, Kentucky, Pennsylvania, Wisconsin, New York, Iowa, Minnesota, Missouri, Connecticut, Delaware, Kansas, Nebraska, Oklahoma, Tennessee, North Dakota, South Dakota, Florida, Georgia, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, and Virginia.

HEARING: October 10, 1958, at the New Post Office Building, Columbus,

Ohio, before Joint Board No. 58, or, if the Joint Board waives its right to participate, before Examiner, Herbert L. Hanback.

No. MC 59856 (Sub No. 13), filed July 24, 1958. Applicant: SALT CREEK FREIGHTWAYS, a Corporation, 408 Industrial Avenue, Casper, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, serving missile launching base sites located within 20 miles of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Montana, Colorado, and Wyoming.

NOTE: Applicant states that the above sites are located in Laramie or Albany County, Wyo., and Weld or Larimer County, Colo.

HEARING: September 26, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 50, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 73675 (Sub No. 23), filed August 11, 1958. Applicant: GALLAGHER FREIGHT LINES, INC., 2424 Arapahoe Street, Denver, Colo. Applicant's attorney: Ward A. White, P. O. Box 332, 410 Bell Building, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the missile launching sites (now and to be) located near Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to and from Cheyenne and Fort Francis E. Warren, Wyo. Applicant is authorized to conduct operations in Colorado, Utah, and Wyoming.

HEARING: September 26, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 194, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 78062 (Sub No. 34), filed July 28, 1958. Applicant: BEATTY MOTOR EXPRESS, INC., Jefferson Avenue, Extension, Washington, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, prepared or preserved, from Medina, Ohio, to points in Kentucky on and east of U. S. Highway 25 commencing at the Tennessee-Kentucky State line, and continuing along U. S. Highway 25 to the Kentucky-Ohio State line, and points in West Virginia on, north and west of U. S. Highway 219 commencing at the Virginia-West Virginia State line and continuing along U. S. Highway 219 to the West Virginia-Maryland State line; and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Pennsylvania, West Virginia, Ohio, Maryland, Kentucky, Indiana, New Jersey, Delaware, Illinois, New York, the District of Columbia, and Virginia.

NOTE: A proceeding has been instituted under section 212 (c), No. MC 78062 (Sub No. 30), to determine whether applicant's status is that of a contract or common carrier.

HEARING: October 13, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 62, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 85934 (Sub No. 6), filed July 21, 1958. Applicant: MICHIGAN TRANSPORTATION COMPANY, a Corporation, 1650 Waterman, Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, in flat bed equipment only, from L'Anse, Mich., to points in Ohio, Indiana, Pennsylvania, and New York, and *mill supplies and equipment*, on return; *building materials*, in flat bed equipment only, from Port Clinton, Ohio, to points in the upper Peninsula of Michigan, and points in Erie, Crawford, and Mercer Counties, Pa., and *paper* used in the manufacture of building materials, in flat bed equipment only, from Kalamazoo, Mich., to Port Clinton, Ohio; *building materials*, in flat bed equipment only, from Harding, Pa., to points in Ohio and Michigan, and *mill supplies*, on return; *roofing materials*, in flat bed equipment only, from Cleveland, Ohio, to points in Michigan north of Michigan Highway 21, and *mill supplies and equipment* on return; and *scrap paper*, in flat bed equipment only, from points in Michigan, to Avery, Ohio. Applicant is authorized to transport fly ash from specified points in Michigan to points in Illinois, Indiana, Wisconsin, Ohio, Pennsylvania, Kentucky, Missouri, Alabama, Mississippi, and Tennessee, in Certificate No. MC 85934 Sub No. 1; it is also authorized to conduct operations as a contract carrier in Permit No. MC 52978 and sub numbers thereunder; therefore, dual operations under section 210 may be involved.

NOTE: A proceeding has been instituted under section 212 (c) in No. MC 52978 Sub No. 15, to determine whether applicant's status is that of a contract or common carrier.

HEARING: October 7, 1958, at the Federal Building, Detroit, Mich., before Examiner Harold P. Boss.

No. MC 92983 (Sub No. 302), filed July 2, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Box 232, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, in bulk, in tank vehicles, from Tyler, Tex., and points within ten (10) miles thereof, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, and Wisconsin. Applicant is authorized to conduct operations throughout the United States, except Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington.

HEARING: October 10, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold P. Boss.

No. MC 95540 (Sub No. 291), filed July 1, 1958. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainsville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products*, and *articles distributed by meat-packing houses*, as defined by the Commission, from Evansville, Ind., to points in Alabama, Florida, Georgia, and South Carolina. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 13, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold P. Boss.

No. MC 101075 (Sub No. 54), filed August 11, 1958. Applicant: TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Mandan, N. Dak., to points in South Dakota, on, south and east of a line extending from the Wyoming-South Dakota line at U. S. Highway 14, along U. S. Highway 14, through Rapid City, Pierre and Wessington to junction U. S. Highway 281, and thence northerly along U. S. Highway 281 through Redfield and Aberdeen to the South Dakota-North Dakota State line. Applicant is authorized to conduct operations in Nebraska, Iowa, North Dakota, Minnesota, South Dakota, Wisconsin, Wyoming, and Montana.

NOTE: Any duplicating authority should be eliminated.

HEARING: September 25, 1958, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 158, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 101126 (Sub No. 110), filed June 20, 1958. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk in tank vehicles, from St. Bernard and Cincinnati, Ohio, to points in Michigan and Wisconsin, and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c), No. MC 101126 Sub No. 86, to determine whether applicant's status is that of a contract or common carrier.

HEARING: October 14, 1958, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Herbert L. Hanback.

No. MC 101126 (Sub No. 111), filed July 24, 1958. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from St. Bernard and Cincinnati, Ohio, to points in Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act, to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 101126 (Sub No. 86).

HEARING: October 14, 1958, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Herbert L. Hanback.

No. MC 102616 (Sub No. 658), filed August 4, 1958. Applicant: COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, between points in Marshall, Pleasants, and Wetzel Counties, W. Va., on the one hand, and, on the other, points in Delaware, Indiana, Illinois, Iowa, Maryland, Michigan, Missouri, New Jersey, New York, Ohio (except points in Cuyahoga, Hamilton, Mahoning, Stark, Summit, and Trumbull Counties), Pennsylvania (except points in Allegheny, Beaver, Butler, Cambria, Fayette, and McKean Counties), and Virginia. Applicant is authorized to conduct operations in Maryland, District of Columbia, West Virginia, Virginia, Delaware, New Jersey, Pennsylvania, New York, Illinois, Tennessee, Wisconsin, and Rhode Island.

HEARING: September 25, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William R. Tyers.

No. MC 103880 (Sub No. 189), filed July 14, 1958. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Warren and Butler Counties, Ohio, to points in Illinois, Indiana, Michigan, Pennsylvania, New York, West Virginia, and Kentucky. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: October 16, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold P. Boss.

No. MC 103880 (Sub No. 190), filed July 14, 1958. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oils*, in bulk, in tank vehicles, from Mishawaka, Ind., to points in Minnesota, Iowa, Wisconsin, Illinois, Michigan, and Ohio. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Duplication with present authority to be eliminated.

HEARING: October 16, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold P. Boss.

No. MC 105813 (Sub No. 32), filed July 7, 1958. Applicant: BELFORD TRUCKING CO., INC., 1299 North West 23d Street, Miami 42, Fla. Applicant's attorney: Sol H. Procter, Suite 713–17 Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products, dairy products* and *articles distributed by meat packinghouses*, as defined by the Commission in Appendix I to Ex Parte MC–45, Descriptions in Motor Carrier Certificates, 61 M. C. C. 209 (272), from Terre Haute, Ind., to points in Florida. Applicant is authorized to conduct operations in Delaware, Florida, Illinois, Indiana, Kansas, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, Wisconsin, and the District of Columbia.

HEARING: October 10, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold P. Boss.

No. MC 106760 (Sub No. 37), filed July 16, 1958. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Wayne Street, Toledo 9, Ohio. Applicant's attorney: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, including component parts of such buildings, when shipped therewith, from points in Illinois, Indiana, Kentucky, Massachusetts, Michigan, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin to points in Maine, New Hampshire, Connecticut, Vermont, and Rhode Island. Applicant is authorized to transport similar commodities in Connecticut, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin.

NOTE: Applicant states that the sole purpose of this application is to eliminate New Windsor, N. Y., as a gateway point, so that the most expeditious and economical route may be followed. Applicant further states that no duplications are intended, and upon granting of the applied for authority, Certificate No. MC 106760 (Sub No. 32) may be cancelled, and Certificate No. MC 106760 (Sub No. 26) may be modified so as to eliminate duplications.

HEARING: October 2, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 107403 (Sub No. 264), filed July 25, 1958. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, between points in Licking County, Ohio, on the one hand, and, on the other, points in Michigan. Applicant is authorized to conduct operations in Maryland, Massachusetts, Minnesota, Michigan, Missouri, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Alabama, Connecticut, Georgia, Delaware, Indiana, Illinois, Kentucky, Maine, North Carolina, Ohio, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 10, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 107403 (Sub No. 266), filed July 25, 1958. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (1) from Middlebranch, Ohio, to points in that part of Pennsylvania on and west of a line commencing at the New York-Pennsylvania State line at U. S. Highway 219, and continuing along U. S. Highway 219 to Du Bois, Pa., and thence along U. S. Highway 119 to

the Pennsylvania-West Virginia State line; and (2) from Middlebranch, Ohio, to points in that part of West Virginia on and west of a line commencing at the West Virginia-Pennsylvania State line at U. S. Highway 19, and continuing along U. S. Highway 19 to Weston, W. Va., and thence on, west and north of U. S. Highway 33 from Weston to the West Virginia-Ohio State line; and *empty containers or other such incidental facilities* used in transporting cement, on return. Applicant is authorized to conduct operations in Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Alabama, Connecticut, Georgia, Delaware, Indiana, Illinois, Kentucky, Maine, North Carolina, Ohio, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 13, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 107403 (Sub No. 267), filed August 6, 1958. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum residuum*, in bulk, in tank vehicles, from Lima, Ohio to Toledo, Ohio. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: September 24, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 109385 (Sub No. 22), filed June 12, 1958. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3510 Le Veque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass, glassware* and *glass containers*, from Clarksburg and Grafton, W. Va., to points in Wisconsin. Applicant is authorized to conduct operations in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 109385 (Sub No. 16).

HEARING: September 29, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 110325 (Sub No. 19), filed July 3, 1958. Applicant: TRANSCON LINES, a Corporation, 1206 South Maple Avenue, Los Angeles 15, Calif. Applicant's attorney: Lee Reeder, 10th Floor, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, transporting: (1) *Oil-well equipment and supplies*, (2) *Government-owned compressed gas trailers* loaded with compressed gas (other than liquefied petroleum gas) or empty, and (3) *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Lordsburg, N. Mex., and Mesa, Ariz., over U. S. Highway 70, serving no intermediate points, and serving Lordsburg, N. Mex., and Mesa, Ariz., as points of joinder only, as an alternate route for operating convenience only, in connection with regular route operations between Oklahoma City, Okla., and Los Angeles, Calif., authorized to applicant in Certificate No. MC 110325 (Sub No. 6) and leased by applicant in Certificate No. MC 111122 from Cain's Truck Lines pursuant to MC–FC 31319–A. Applicant indicates, the proposed certificate may be limited in point of time to a period ending with the termination of applicant's presently held lease with Cain's Truck Lines pursuant to No. MC–FC 31319–A (the expiration date of which is April 1, 1961) for any reason other than the exercise by applicant of its option to purchase the rights now leased from said lessor. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Illinois, Indiana, Kansas, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

HEARING: September 17, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 129, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 110388 (Sub No. 11), filed August 11, 1958. Applicant: UNION PACIFIC MOTOR FREIGHT COMPANY, 1416 Dodge Street, Omaha 2, Nebr. Applicant's attorney: W. R. Rouse, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value and household goods as defined by the Commission, between Cheyenne, Wyo., and Inter-Continental Ballistics Missile launching sites near Cheyenne, Wyo., over the following routes: (1) from Cheyenne over U. S. Highways 85–87 to junction U. S. Highways 85–87, thence over U. S. Highway 87 to junction unnumbered highway, thence over unnumbered highway to launching site located in Sections 2 and 11, Township 16 North, Range 68, West 6th P. M., in Laramie County, Wyo.; (2) from Cheyenne over U. S. Highways 85–87 to junction U. S. Highways 85–87, thence over U. S. Highway 85 to junction unnumbered highway, thence over unnumbered highway to launching site to be located approximately in the area of Section 34, Township 17 North, Range 65 West, and Section 3, Township 16 North, Range 66 West 6th P. M., in Laramie County, Wyo.; (3) from Cheyenne over U. S. Highway 30 to junction with unnumbered highway, thence over unnumbered highway to launching site to be located approximately in the area of Sections 1, 6, 7 and 12, Township 14 North, Range 69 West 6th P. M., in Laramie County, Wyo.; (4) from Cheyenne over U. S. Highways 85–87 to junction with unnumbered highway, thence over unnumbered highway to launching site to be located in approximate area of Sections 22, 23, 26 and 27, Township 13 North, Range 66 West 6th P. M., in Laramie County, Wyo., and return over the above routes, serving no intermediate points. Applicant is authorized to conduct operations in Wyoming, Idaho, Utah, Missouri, Colorado, Oregon, Nevada, Washington, and California.

NOTE: Applicant states that the authority sought is for the purpose of serving the above-mentioned sites near Cheyenne, Wyo., and any authority may be so restricted and be made subject to the following conditions: (1) Shipments transported shall be limited to those which are received from or delivered to a railroad under a through bill of lading covering, in addition to its movement by applicant, a prior or subsequent movement by rail; (2) All contractual arrangements between applicant and Union Pacific Railroad Company shall be reported to the Commission and shall be subject to revision by it if and as it may be found necessary in order that such arrangements shall be fair and equitable to the parties.

HEARING: September 26, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 197, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 110420 (Sub No. 192), filed July 1, 1958. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paints, varnishes*, and *synthetic resins*, and *ingredients thereof*, between Kansas City, Mo., on the one hand, and, on the other, points in Iowa, Kansas, Michigan, Minnesota, Nebraska, Wisconsin, Tennessee, Illinois, Indiana, Kentucky, and Ohio; (2) *liquid chocolate* and *chocolate coating*, from Milwaukee, Wis., to points in Alabama, Georgia, Illinois, Indiana, North Carolina, Ohio, Pennsylvania, and South Carolina; and to Denver, Colo., Burlington, Iowa, Boston and North Abington, Mass., Fargo, N. Dak., New York, N. Y., and Rochester, N. Y.; (3) *latex emulsion*, from Ringwood, Ill., to Indianapolis, Ind., and St. Louis, Mo., (4) *ammonium thiosulphate*, from Ringwood, Ill., to St. Louis, Mo., (5) *blended oils*, from Mishawaka, Ind., to Cleveland, Ohio, Muskegon and Saginaw, Mich., and Duluth, Minn., (6) *wine*, from Harbert, Mich., to St. Louis, Mo. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin.

HEARING: October 8, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold P. Boss.

No. MC 110478 (Sub No. 10), filed July 23, 1958. Applicant: WATKINS TRUCKING, INC., 207 Trenton Avenue, Uhrichsville, Ohio. Applicant's attorney: Ralph W. Sanborn, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* and *fire clay*, from points in Tuscarawas County, Jefferson County, Springfield Township, Summit County, Palmyra Township, Portage County, and Brown Township, Carroll County, Ohio, to points in Iowa, the Northern Peninsula of Michigan, Minnesota and Missouri, and *empty containers, pallets, cardboard and lumber* used in the manufacture, packing or shipping of clay products and fire clay on return. Applicant is authorized to conduct operations in Ohio, New York, Kentucky, Missouri, Illinois, Indiana, Pennsylvania, West Virginia, Maryland, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 110478 (Sub No. 6). Applicant states that if such application to convert is not granted applicant requests an extension of its authority as a contract carrier, but if such application to convert is granted applicant requests an extension of its common carrier authority.

HEARING: October 7, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 110525 (Sub No. 363), filed July 28, 1958. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz and Gerald L. Phelps, Munsey Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between Cleveland, Ohio, on the one hand, and, on the other, points in Indiana and Michigan. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 10, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 9, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 111717 (Sub No. 16), filed July 7, 1958. Applicant: TRACTOR TRANSPORT, INC., 535 South 84th Street, Milwaukee, Wis. Applicant's attorney: Frank M. Coyne, Bank of Madison Building, 1 West Main Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm and industrial tractors* and *farm and industrial machinery*, from Milwaukee and West Allis, Wis., to points in Minnesota, Iowa, Illinois, Michigan, Indiana, Ohio, Pennsylvania, New York, West Virginia, Kentucky, Tennessee, Georgia, Alabama, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, New Mexico, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, and Missouri, and *damaged, rejected, or returned shipments* of the above-described commodities on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, West Virginia, Wisconsin, and Wyoming.

NOTE: Duplication with present authority to be eliminated.

HEARING: October 15, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold P. Boss.

No. MC 113089 (Sub No. 1), filed July 17, 1958. Applicant: ED GALIGHER, Box 163, Bowerston, Ohio. Applicant's attorney: Richard H. Grandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay drain tile*, from Bowerston, Ohio, to points in Michigan, New York, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting clay drain tile on return. Applicant is authorized to conduct operations in Maryland, New York, Ohio, Pennsylvania, and West Virginia.

HEARING: October 7, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 113908 (Sub No. 38), (CORRECTION) filed June 25, 1958, published issue of FEDERAL REGISTER July 30, 1958 at page 5752. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, Springfield, Mo. Applicant's attorney: Turner White III, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Grimes, Iowa, to points in Illinois, Kansas, Nebraska, Minnesota, Missouri, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Ohio, Kentucky, South Dakota, Iowa, Missouri, Kansas, Minnesota, Nebraska, Texas, and Michigan.

NOTE: Applicant's attorney advises that the origin point of Des Moines, Iowa, for the proposed operation was in error, the proper origin point is Grimes, Iowa.

HEARING: Remains as assigned September 18, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 114969 (Sub No. 11), filed May 21, 1958. Applicant: PROPANE TRANSPORT, INC., 27 Water Street, Milford, Ohio. Applicant's attorney: Leonard D. Slutz, 900 Tri-State Building, Cincinnati 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, 294, in bulk, in tank vehicles, from points in Butler and Warren Counties, Ohio, to points in Indiana, Michigan, Kentucky, and West Virginia. Applicant is authorized to transport liquid petroleum gas in Illinois, Indiana, Kentucky, Michigan, Ohio, and Pennsylvania.

HEARING: September 29, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 115904 (Sub No. 2), (REPUBLICATION) filed April 14, 1958. Applicant: LOUIS GROVER, Route 5, West Broadway, Idaho Falls, Idaho. By application filed April 14, 1958, Louis Grover, an individual, of Idaho Falls, Idaho, seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) *of asphalt, roofing materials* or *tar* in containers, from the plant site of the Husky Refining Co., located approximately 4 miles north of Cody, Wyo., to points in Idaho south and east of the Salmon River, and (2) *of pumice, cinder* or *cement building blocks* from points in Bonneville County, Idaho, to points in Montana and Wyoming, except points in Teton County, Wyo. The record indicates that instant application is for permanent authority corresponding to the temporary authority presently held by applicant. With that in view, it appears that through inadvertence applicant has erroneously described that destination territory with respect to the authority sought in (1) above. With the wish to avoid further proceedings in the matter, the findings herein, with respect to (1) above, describes the entire destination territory set forth in applicant's temporary authority. However, it is possible that other parties, who have relied upon the notice of the application as published in the FEDERAL REGISTER, may have an interest in and would be prejudiced by the lack of proper notice of the authority actually sought herein. In the circumstances, this corrected notice of the authority actually sought is republished and issuance of a certificate herein will be withheld for a period of 30 days from the date of such republication, during which period any interested proper party may file an appropriate protest or other pleading. Authority to transport roofing materials includes the authority to transport tar. Accordingly, the application is duplicative to the extent that it seeks authority to transport tar. The joint board finds that the present and future public convenience and necessity require operation by applicant, over irregular routes, as a common carrier by motor vehicle, in interstate or foreign

commerce, (1) *of asphalt* and *roofing materials*, from the plant site of the Husky Refining Co., located approximately 4 miles north of Cody, Wyo., to points in Idaho south and west of a line beginning at the Oregon-Idaho State line and extending along the Salmon River to U. S. Highway 93, and thence along U. S. Highway 93 to the Montana-Idaho State line, including points on the indicated highway, and (2) *of pumice, cinder* or *cement building blocks*, from points in Bonneville County, Idaho to points in Montana and Wyoming, except points in Teton County, Wyo. The joint board further finds that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate certificate authorizing such operation should be granted, subject to prior republication of a corrected notice in the FEDERAL REGISTER, as hereinbefore described; and that in all other respects the application should be denied.

No. MC 117344 (Sub No. 4) filed May 21, 1958. Applicant: THE MAXWELL CO., a Corporation, 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fatty acids*, in bulk, in tank vehicles, from Dayton, Ohio, to points in Indiana and Kentucky, and *empty containers or other such incidental facilities* used in transporting fatty acids, on return. Applicant is authorized to conduct operations as a contract carrier in Permit No. MC 50404 and sub-numbers thereunder.

NOTE: A proceeding has been instituted under section 212 (c) in No. MC 50404 Sub 55 to determine whether applicant's status is that of a contract or common carrier.

HEARING: October 1, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 117344 (Sub No. 5), filed May 21, 1958. Applicant: THE MAXWELL CO., a Corporation, 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Core compound*, in bulk, in tank vehicles, from Dayton, Ohio, to points in Illinois, Indiana, Kentucky, the Lower Peninsula of Michigan, New York, Pennsylvania, Tennessee, Virginia, and West Virginia, and *empty containers or other such incidental facilities* used in transporting core compound, on return. Applicant is authorized to conduct operations as a contract carrier in Permit No. MC 50404 and sub-numbers thereunder.

NOTE: A proceeding has been instituted under section 212 (c) in No. MC 50404 Sub No. 55, to determine whether applicant's status is that of a contract or common carrier.

HEARING: October 1, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 117344 (Sub No. 9), filed July 7, 1958. Applicant: THE MAXWELL CO., 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Butler County, Ohio, to points in Indiana, Kentucky, Pennsylvania, West Virginia, and the lower peninsula of Michigan, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations as a contract carrier in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in MC 50404 (Sub 55).

HEARING: October 3, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 117374, filed May 1, 1958. Applicant: P & A REFRIGERATED EXPRESS, INC., 1011 S. E. Salmon Street, Portland, Oreg. Applicant's attorney: Stephen Parker, 705 Yeon Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh, frozen prepared food stuffs, fruits* and *vegetables, poultry (including turkeys)*, eviscerated or prepared, *fish (including shell fish)*, *beverages, beverage preparations, fruit and vegetable juices and concentrates, meats, meat and packinghouse products, meat by-products*, and *dairy products*, and all other *food products* requiring refrigeration or temperature-control in transit, between points in Oregon, Washington, Idaho, and Utah, on the one hand, and, on the other, points in Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, Maryland, the District of Columbia, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

NOTE: The directors of applicant and the directors of Coast Transport, Inc., an Oregon corporation conducting contract carrier operations under Permit No. MC 114655 Sub 1, are the same, and are commonly owned; said Permit authorizes transportation of peat moss from United States-Canadian ports of entry at or near Blaine and Sumas, Wash., to points in California. Dual operations or common control under section 210 may be involved.

HEARING: October 20, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold P. Boss.

No. MC 117399 (Sub No. 1), filed August 4, 1958. Applicant: LEE E. CHAMP, 809 West 10th Street, Junction City, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers, and *advertising matter*, from Omaha, Nebr., to points in Kansas on and west of Kansas Highway 99, and on and north of U. S. Highway 40, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

HEARING: September 26, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 19, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 117399 (Sub No. 2), filed August 4, 1958. Applicant: LEE E. CHAMP, 809 West 10th Street, Junction City, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising matter*, from Pueblo, Colo., to points in Kansas on and north of U. S. Highway 40 and on and west of U. S. Highway 75, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

HEARING: September 26, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 19, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 117399 (Sub No. 3), filed August 4, 1958. Applicant: LEE E. CHAMP, 809 West 10th Street, Junction City, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising matter*, from Golden and Denver, Colo., to points in Kansas on and north of U. S. Highway 40 and on and west of U. S. Highway 75, and *empty containers or other such incidental facilities* (not specified) used on transporting the above-specified commodities on return.

HEARING: September 26, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 43, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 117527, filed July 17, 1958. Applicant: COMSTOCK STEEL COMPANY, a Corporation, 405 South Seventh Street, Phoenix, Ariz. Applicant's attorney: Earl H. Carroll, Eighth Floor, Title & Trust Building, Phoenix, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *lumber products*, from Flagstaff and McNary, Ariz., to points in Imperial, Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Diego, and Ventura Counties, Calif.

HEARING: September 18, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 117526, filed July 17, 1958. Applicant: CLARENCE GEIL AND MARIAN GEIL, doing business as GEIL TRUCKING, 9441 West 135th Street, Orland Park, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Fresh meat, frozen meat, smoked meat, salted meat, sausages* and *smoked sausages;* (b) *frozen produce* and *fresh produce;* (c) *fruit juices, citrus fruits, grapefruits* and *grapefruit juices, fresh grapes* and *frozen grape juices;* and (d) *fresh fish, frozen fish, live lobsters, frozen lobsters, fresh shrimps* and *frozen shrimps*, between Chicago, Ill., and points in Florida.

HEARING: October 17, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold P. Boss.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 29654 (Sub No. 35), filed August 7, 1958. Applicant: FURNITURE EXPRESS, INC., Fluvanna Road, R. D. No. 1, P. O. Box 585, Jamestown, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Driver training* devices and accessories therefor, between Jamestown, N. Y., on the one hand, and, on the other, points in New York, Pennsylvania, New Jersey, Ohio, Maryland, Illinois, Indiana, Wisconsin, Michigan, Delaware, Virginia, West Virginia, Tennessee, New Hampshire, Vermont, South Carolina, North Carolina, Missouri, Kansas, Kentucky, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 60580 (Sub No. 23), filed August 8, 1958. Applicant: HIGHWAY EXPRESS LINES, INC., 236 North 23d Street, Philadelphia 3, Pa. Applicant's attorney: Raymond A. Thistle, Jr., 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between State Road, Del., and Little Creek, Va., from State Road over U. S. Highway 13 to Cape Charles, Va., thence over Virginia Highway 186 to Kiptopeke, Va., thence via Ferry to Little Creek, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (2) Between Allentown, Pa., and Hazleton, Pa., over U. S. Highway 309, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

No. MC 66562 (Sub No. 1441), filed August 4, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: James E. Thomas, 1220 The Citizens & Southern Nat'l. Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Raleigh, N. C., and Charlotte, N. C.; from Raleigh over U. S. Highway 1 to junction U. S. Highways 15 and 501, thence over U. S. Highways 15 and 501 to Carthage, N. C., thence over North Carolina Highway 27 to junction North Carolina Highway 705, thence over North Carolina Highway 705 to Robbins, N. C., returning same route to junction North Carolina Highway 27 (also over North Carolina Highway 27 from junction North Carolina Highways 27 and 705 to junction North Carolina Highway 27 and U. S. Highway 220); thence over North Carolina Highway 705 to junction North Carolina Highway 211, thence over North Carolina Highway 211 to West End, N. C., returning same route to junction North Carolina Highway 705; thence over North Carolina Highway 211 to Candor, N. C., thence over U. S. Highway 220 to Biscoe, N. C., thence over U. S. Highway 220 to Star, N. C., returning same route to junction North Carolina Highway 27, thence over North Carolina Highway 27 to Troy, N. C., thence over North Carolina Highway 27 to junction North Carolina Highway 109 to Mt. Gilead, N. C. (also over North Carolina Highway 27 from junction North Carolina Highways 27 and 109 to junction North Carolina Highways 27 and 73); thence over North Carolina Highway 73 to junction North Carolina Highway 27, thence over North Carolina Highway 27 to junction North Carolina Highway 205, thence over North Carolina Highway 205 to Oakboro, N. C., returning same route to junction North Carolina Highway 27, thence over North Carolina Highway 27 to junction North Carolina Highway 200, thence over North Carolina Highway 200 to Stanfield, N. C., returning over same route to junction North Carolina Highway 27, thence over North Carolina Highway 27 to junction U. S. Highway 601, thence over U. S. Highway 601 to Midland, N. C., returning same route to junction North Carolina Highway 27, and thence over North Carolina Highway 27 to Charlotte, returning over the same route to Raleigh, serving the intermediate points of Carthage, Robbins, West End, Candor, Biscoe, Star, Troy, Mount Gilead, Oakboro, Stanfield, and Midland, N. C. RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering, in addition to a movement by said carrier, an immediately prior or immediately subsequent movement by rail or air. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to or supplemental of express service, Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states traffic will be interchanged between the proposed truck service and its other service at Raleigh and Charlotte, N. C.

No. MC 99574 (Sub No. 1), filed August 6, 1958. Applicant: ERVIN H. PEDERSON AND GORDON TWEDT, doing business as T-P TRUCK LINE, Maddock, N. Dak. Applicant's attorney: John S. Whittlesey, Suite 321, Gate City Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, between points in a territory described as follows: Starting at the junction of North Dakota Highway 3 in the Northern line of Township 154, Range 74, thence East along the North Boundary of Township 154 to the junction of U. S. Highway 281, thence South on U. S. Highway 281 to the junction of the Northern Boundary of Eddy County, thence west along said Boundary to the junction of the West Boundary of Eddy County South on the West Boundary of Eddy County to the junction of a county road leading West to Bremen, thence westward through Bremen and Hamberg to Harvey and the junction of North Dakota Highway 3, thence North along North Dakota Highway 3 to the junction of said highway in the North Boundary of Township 154, Range 74, on the one hand, and, on the other, points in Minnesota.

NOTE: Applicant is authorized to conduct interstate operations in North Dakota, under the second proviso of section 206 (a) (1), of the act.

No. MC 113779 (Sub No. 72), filed July 21, 1958. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 Laporte Expressway, P. O. Box 12385, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Formaldehyde*, in bulk, in tank vehicles, from Sterlington, La., to points in Texas. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Mississippi, Oklahoma, New Mexico, Colorado, South Dakota, Nebraska, Kansas, Iowa, Arizona, Minnesota, Wisconsin, Kentucky, Illinois, Tennessee, Missouri, Wyoming, Alabama, North Carolina, Virginia, Georgia, California, Indiana, Utah, Montana, and Idaho.

No. MC 115273 (Sub No. 5), filed August 11, 1958. Applicant: ACME CARRIERS, INC., Route No. 1, South Kearny, N. J. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Butter, eggs,* and *dressed poultry,* from Omaha, Nebr., and points within 100 miles of Omaha, to New York, N. Y., Philadelphia, Pa., and Boston, Mass. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Massachusetts, Nebraska, New Jersey, New York, and Pennsylvania.

NOTE: Applicant holds authority to transport the above-described commodities within the same territory subject to a restriction of minimum 16,000 pounds each from any consignor. Applicant states the purpose of the instant application is to remove the restriction on shipments less than 16,000 pounds and thereby enable applicant to furnish shippers with a complete service on both less-than-truckload and truckload shipments.

PETITIONS

No. MC 2482, PETITION DATED July 28, 1958, FOR REOPENING "GRANDFATHER" PROCEEDINGS AND/OR FOR CLARIFICATION OR MODIFICATION OF CERTIFICATE, THEODORE O. KUNTZ AND ALBERT C. JOYCE, a Partnership, doing business as KUNTZ & JOYCE, 206 Eleventh Street, Lorain, Ohio. Petitioner's representative: J. J. Kuhner, 145 Public Square, 735 Society For Savings Building, Cleveland 14, Ohio. Kuntz & Joyce, the above-captioned partnership, and petitioner herein, are holders of Certificate No. MC 2482 dated November 25, 1949, which authorizes, in part, the transportation of "heavy machinery and parts thereof" between Lorain, Ohio, on the one hand, and, on the other, points in New York, Pennsylvania, West Virginia, and the lower peninsula of Michigan. Petitioner states that it and its predecessors, since prior to June 1 1935 have been engaged in the independent transportation of both "heavy machinery" and "machinery parts" *each as separate shipments;* in other words the machinery parts were not necessarily parts of machinery accompanying a machine in connection with which they were to be utilized. Petitioner contends that the term "heavy machinery and parts thereof" as set forth in its certificate was clear to the parties, and contemplated the independent transportation of heavy machinery, as well as the independent movement of machinery parts. Wherefore, petitioner prays that the original "grandfather" application be reopened; that a determination be made by the Commission to clarify or modify petitioner's certificate to specifically authorize the transportation of "machinery parts" in addition to the transportation of "heavy machinery and parts thereof", between Lorain, Ohio, on the one hand, and, on the other, points in New York, Pennsylvania, West Virginia, and the lower peninsula of Michigan.

No. MC 59570, PETITIONS dated July 31, 1958 (1) TO WAIVE RULE 101 (e) AND ACCEPT FOR FILING AND CONSIDERATION (2) PETITION TO REOPEN AND REINSTATE A PORTION OF "GRANDFATHER" AUTHORITY, HECHT BROTHERS, INC., Toms River, N. J. Petitioner's attorney: Isadore H. Schwartz, 200 Penn Square Building, Juniper and Filbert Streets, Philadelphia 7, Pa. Hecht Brothers, Inc., petitioner, was issued a Certificate in No. MC 59570 on December 2, 1941 authorizing the transportation of general commodities, with exceptions between (1) Pinewald, N. J. and New York, N. Y., (2) Trenton, N. J. and New York, N. Y., and (3) Lakewood, N. J., and Philadelphia, Pa., over specified regular routes, serving all intermediate points, and over irregular routes between specified points in New York and Pennsylvania, and household goods between specified points in New Jersey, New York, and Pennsylvania. Pursuant to proceedings in No. MC-F-3932, *William Howard Bair—Purchase (portion)—Hecht Brothers, Inc.,* approved December 23, 1948, petitioner sold the following portion of its above-described regular route authority: "between Trenton, N. J., and New York, N. Y., over U. S. Highway 1, serving all intermediate points". By so doing, petitioner states that it was neither transferring nor selling, nor would it forfeit or be deprived of any portion of its certificate other than that sold in the purchase agreement; that by such agreement petitioner never intended to divest itself and maintains it never did divest itself of its regular route "grandfather" right to operate between Pinewald and New York and between all intermediate points on said route except service between any two points on the regular route segment on U. S. Highway 1 between New Bruswick, N. J., and New York, N. Y., this said excepted service being the only feasible duplication in the involved purchase transaction; and that subsequent to approval by the Commission of the said purchase transaction petitioner has continued to engage in the aforesaid remaining "grandfather" operations. Wherefore, petitioner prays that its petition be accepted, and that there be reinstated and restored to it a portion of its "grandfather" rights allegedly omitted from Certificate No. MC 59570 dated April 1, 1949, and to issue operating authority in lieu thereof as follows: "General commodities with identical exceptions, over same specified routes, between Pinewald, N. J., and New York, N. Y.; and between all intermediate points on said specified routes—and provided that no service shall be performed between any two intermediate points on the common segment on U. S. Highway 1 (i. e. between New York, N. Y., and junction of U. S. Highway 1 with New Jersey Highway S28)".

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 6946 (WELLS CARGO, INC.—CONTROL AND MERGER—S & S TRUCKING CO., INC.), published in the July 9, 1958, issue of the FEDERAL REGISTER on page 5228. Application filed August 7, 1958, for temporary authority under section 210a (b).

No. MC-F 6952 (C. I. WHITTEN TRANSFER CO.—PURCHASE—THOMAS L. LEISHMAN), published in the July 16, 1958, issue of the FEDERAL REGISTER on page 5413. Supplement filed July 25, 1958, to show joinder of OLIVIER COMPANY, INC., Birmingham, Ala., as the party controlling vendee.

No. MC-F 6975. Authority sought for purchase by JOHN VOGEL, INC., 69 Broadway, Albany 7, N. Y., of a portion of the operating rights of FRANCIS J. McGOVERN, doing business as TUNNEL CITY TRANSPORT, 32 Blackinton Street, North Adams, Mass., and for acquisition by JOHN VOGEL, JR., JAMES VOGEL and WILLIAM VOGEL, all of Albany, of control of such rights through the purchase. Applicants' attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Operating rights sought to be transferred: *General commodities,* except those of unusual value, those requiring special State License, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes, between North Adams, Mass., and Manchester, Vt., and between North Adams, Mass., and South Shaftsbury, Vt., serving all intermediate points and the off-route points of Berlin and Petersburg, N. Y. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Massachusetts, and Connecticut. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6976. Authority sought for purchase by W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N. Y., of the operating rights of FRED S. GEORGE & SON, INC., Atlantic Avenue, Stottsville, N. Y., and for acquisition by LAWRENCE E. SMITH, also of Watertown, of control of such rights through the purchase. Applicants' attorneys: Francis E. Barrett, Jr., 7 Water Street, Boston 9, Mass., and John J. Brady, Jr., 75 State Street, Albany, N. Y. Operating rights sought to be transferred: *Paper,* as a *common carrier* over regular routes, from Fort Edward, N. Y., to New York, N. Y., and from Mechanicville, N. Y., to Philadelphia, Pa., Boston, Mass., and New Haven, Conn., serving certain intermediate and off-route points; *papermill supplies* and *paper stock,* from New York, N. Y., to Fort Edward, N. Y., serving certain intermediate and off-route points; *cores* on which such paper is rolled, from New York, N. Y., to Mechanicville, N. Y., serving no intermediate points; *wallpaper,* from Glens Falls, N. Y., to New York, N. Y.; *materials used in the manufacture of wallpaper,* from New York, N. Y., to Glens Falls, N. Y., serving certain intermediate and off-route points; *paperboard,* from Thomson, N. Y., to New York, N. Y.; *papermill supplies and materials used in the manufacture of paperboard,* from New York, N. Y., to Thomson, N. Y., serving certain intermediate and off-route points; *soap products, lard substitutes, cooking oils, glycerine, and toilet preparations,* from Port Ivory, N. Y., to Stillwater and Amsterdam, N. Y., serving certain intermediate and off-route points; *general commodities,* with certain exceptions including household goods and commodities in bulk, over irregular routes, between New York, N. Y., and certain points in New Jersey, on the one hand, and, on the other, certain points in New York; *paper, paper products, paperboard, boxboard, equipment materials and supplies* used in the manufacture of paper, paper products, paperboard and boxboard, *waste paper, empty paper skids, scrap or waste paper, liner paper, paper mill machinery, cores, spools,* made of wood, iron or steel, loose or in packages, *wood pulp, petroleum products,* in containers, *empty oil containers,* and *contractors' equipment, machinery, and supplies,* from, to or between points and areas, varying with the commodity transported, in New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Maine, New Hampshire, and Vermont. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Maryland, Illinois, Michigan, Ohio, and Delaware. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6977. Authority sought for purchase by WITTE TRANSPORTATION COMPANY, 2334 University Avenue, St. Paul 14, Minn., of the operating rights of EUGENE JEROME GALLEA, doing business as GALLEA TRANSFER, Highway 65 North, Owatonna, Minn., and for acquisition by H. G. McNEELY, also of St. Paul, of control of such rights through the purchase. Applicants' attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Operating rights sought to be transferred: *General commodities,* with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between Owatonna, Minn., on the one hand, and, on the other, points in Minnesota within 35 miles of Owatonna, Minn.; *household goods,* between points in Olmsted County, Minn., on the one hand, and, on the other, points in Iowa and Illinois. Vendee is authorized to operate as a *common carrier* in Wisconsin and Minnesota. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6979. Authority sought for control by DON WARD and BOYD E. RICHNER, both of Post Office Box 902, Durango, Colo., of DON WARD, INC., Post Office Box 902, Durango, Colo., and BOYD E. RICHNER, INC., 404 Third Avenue, Durango, Colo. Applicants' attorney: Stockton, Linville & Lewis, The 1650 Grant Street Building, Denver 3, Colo. Operating rights sought to be controlled: (DON WARD, INC.) *Sulphuric acid,* in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Garfield, Utah, to Naturita and Durango, Colo., from Garfield, Utah, to Uravan, Colo., from Garfield, Utah, to points in San Juan County, N. Mex., from Thompson, Utah, to Durango, Naturita, and Uravan, Colo., and Shiprock, N. Mex., and from Rico, Colo., to Shiprock, N. Mex.; (BOYD E. RICHNER, INC.) *Soda ash,* as a *common carrier* over regular routes, from the site of the Westvaco plant near Green River, Wyo., to the plant site of the Vanadium Corporation of America at Durango, Colo., and from the site of the Westvaco plant near Green River, Wyo., to the plant site of the Vanadium Corporation of America at Naturita, Colo., serving no intermediate points; *uranium* and *vanadium ores,* in bulk, over irregular routes, from points within 175 miles of Monticello, Utah, to Naturita and Durango, Colo.; *mining supplies and equipment,* excluding Class A and B explosives, between points within 175 miles of Monticello, Utah, on the one hand, and, on the other, Durango and Naturita, Colo.; *soda ash,* from the site of the Westvaco plant near Green River, Wyo., to Shiprock, N. Mex., and Moab and Monticello, Utah, and points within five miles of each; *ore concentrates,* in containers, from points in McKinley and Valencia Counties, N. Mex., within 30 miles of Grants, N. Mex., to the site of the plant of the Atomic Energy Commission located approximately four miles from Grand Junction, Colo. DON WARD and BOYD E. RICHNER hold no authority from this Commission; however, they are the controlling stockholders of DON WARD, INC., and BOYD E. RICHNER, INC. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-6684; Filed, Aug. 19, 1958; 8:48 a. m.]

[Notice 16]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 15, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 60654. By order of August 8, 1958, Division 4, approved the transfer to Canton Bus Lines, Inc., Williamsport, Pennsylvania, of certificate No. MC 63662, issued March 27, 1942, to Harold L. Wells doing business as Elmira Troy Canton Bus Line, Horseheads, New York, authorizing the transportation of: *Passengers and their baggage,* and express, newspapers, and mail, in the same vehicle with passengers, over a regular route, between Elmira, N. Y., and Canton, Pa. Christian V. Graf, 11 North Front Street, Harrisburg, Pa., for applicants.

No. MC-FC 61034. By order of August 8, 1958, the Interstate Commerce Commission, Division 4 acting as an Appellate Division, approved the transfer to Crispell Charter Service, Inc., Ithaca, N. Y., of the operating rights in Certificate No. MC 107493, issued May 5, 1947, to Leslie I. Crispell and Harry T. Crispell, a Partnership, doing business as Crispell Brothers, authorizing the transportation of passengers, over regular routes, between Ithaca, N. Y., and Brooktondale, N. Y., Norman M. Pinsky, Fifth Floor Weller Building, 407 South Warren Street, Syracuse 2, N. Y., for applicants.

No. MC-FC 61035. By order of August 8, 1958, the Interstate Commerce Commission, Division 4 acting as an Appellate Division, approved the transfer to Crispell Brothers, Inc., Ithaca, N. Y., of the operating rights in Certificate Nos. MC 52360 and MC 52360 Sub 1, issued December 8, 1948, and September 30, 1946, respectively, to Leslie I. Crispell and Harry T. Crispell, a Partnership, doing business as Crispell Brothers, authorizing the transportation of household goods, as defined by the Commission, Between Ithaca, N. Y., and points within 50 miles of Ithaca, on the one hand, and, on the other, points in New Jersey, Virginia, Michigan, Connecticut, Pennsylvania, Ohio, New York, Maryland, Delaware, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, West Virginia, and the District of Columbia. Norman M. Pinsky, Fifth Floor Weller Building, 407 South Warren Street, Syracuse 2, N. Y., for applicants.

No. MC-FC 61286. By order of August 8, 1958, Division 4, approved the transfer to Edmund J. Beery, Jr., and Leonard O. Norris, a partnership, doing business as Capitol City Coach Company, Washington, D. C., of Certificate No. MC 115933, issued July 26, 1957, to Royale Gallagher, doing business as County Transit Company, Mount Rainer, Md., authorizing the transportation of Passengers and their baggage, and newspapers in the same vehicle with passengers, between Washington, D. C., and East Pines, Md. Francis J. Ortman, 1366 National Press Building, Washington 4, D. C., for applicants.

No. MC-FC 61355. By order of August 11, 1958, the Transfer Board approved the transfer to Lillian Platt, doing business as Amstadter Moving Service, Chicago, Ill., of Certificate No. MC 30041, issued December 13, 1940, to Amstadter Storage & Van Co., Inc., Chicago, Ill., authorizing the transportation of: Household goods, between Chicago, Ill., and points within 50 miles thereof, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, West Virginia, Kentucky, Tennessee, Ohio, Michigan, Indiana, Illinois, Missouri, Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas,

Louisiana, Arkansas, Mississippi, Alabama, Georgia, and Florida, traversing Maryland and Virginia for operating convenience only. Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill., for applicants.

No. MC-FC 61442. By order of August 11, 1958, the Transfer Board approved the transfer to Keith Fulton & Sons, Inc., Cambridge, Mass., of Certificate No. MC 11917, issued May 20, 1941, to C. Bowen, Inc., Boston, Mass., authorizing the transportation of *General commodities*, excluding household goods and other specified commodities, between Boston, Mass., and Providence, R. I.; between Boston, Mass., and Lynn, Mass.; and between Boston, Mass., and points within 10 miles thereof on the one hand, and, on the other, specified points in Mass.; and, Such commodities as heavy machinery and machine parts and articles requiring specialized handling or rigging because of size or weight, over irregular routes, between Boston, Mass., points in Massachusetts within 25 miles of Boston, Providence, R. I., and points in Rhode Island and Massachusetts within 10 miles of Providence on the one hand, and, on the other, points in Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, Connecticut, and New York. Kenneth B. Williams, 11 State Street, Boston, Mass., for transferee, and Francis E. Barrett, Jr., 7 Water Street, Boston 9, Mass., for transferor.

No. MC-FC 61450. By order of August 11, 1958, the Transfer Board approved the transfer to West Haven Trucking Company, Incorporated, New Haven, Conn., of Certificate No. MC 44210, issued September 18, 1940, to Paul A. Dahlgard, doing business as West Haven Trucking Co., New Haven, Conn., authorizing the transportation of *Household goods*, over irregular routes, between points in Connecticut, Vermont, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. Harry Sohcot, 42 Church Street, New Haven, Connecticut, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-6685; Filed, Aug. 19, 1958; 8:49 a. m.]

[Notice 48]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 15, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Special Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 52629 (Deviation No. 2), HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville, Ky., filed August 11, 1958. Carrier proposes to operate as a *comon carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Louisville, Ky., and Dalton, Ga., as follows: From Louisville over U. S. Highway 31-W to Nashville, Tenn., thence over U. S. Highway 41 to Dalton and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Louisville, Ky., and Dalton, Ga., over the following pertinent route: from Louisville over U. S. Highway 60 to junction Kentucky Highway 151, thence over Kentucky Highway 151 to junction Kentucky Highway 35, thence over Kentucky Highway 35 to junction Kentucky Highway 150, thence over Kentucky Highway 150 to junction U. S. Highway 25, thence over U. S. Highway 25 to junction U. S. Highway 25-W, thence over U. S. Highway 25-W to Knoxville, Tenn., thence over U. S. Highway 11 to junction Tennessee Highway 60, thence over Tennessee Highway 60 to the Tennessee-Georgia State line, thence over Georgia Highway 71 to Dalton.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-6686; Filed, Aug. 19, 1958; 8:49 a. m.]

PETITION TO REDEFINE COMMERCIAL ZONE LIMITS

AUGUST 15, 1958.

The following petition relative to the limits of the zone adjacent to and commercially a part of a municipality within the meaning of section 203 (6) (8) of the Interstate Commerce Act has been received and will be processed in the manner hereinafter indicated.

In Ex Parte No. MC-7, Washington, D. C., Commercial Zone, the petitions of the Rockville Chamber of Commerce, Inc., the Mayor and Council of Rockville, Md., the Economic and Industrial Development Committee of Fairfax County, the Bethesda-Chevy Chase Chamber of Commerce, the County Council for Montgomery County, Md., the Board of County Commissioners of Prince Georges County, Md., and the Industrial Development Committee of said county have been assigned for hearing on September 9, 1958, at Washington, D. C., before Examiner Thomas F. Kilroy. The above-named petitioners and the Washington Board of Trade filed, on August 7, 1958, a consolidated joint petition seeking redefinition of the limits of the commercial zone of Washington, D. C., in a manner to further expand said zone to include all of the areas involved in the various separate petitions previously filed, notices of which were published January 15, June 11, and August 13, 1958.

Attorney for petitioners is Albert E. May, Esq., 1625 K Street NW., Washington 6, D. C.

The limits of the commercial zone of Washington, D. C., as heretofore determined are specifically set forth in Ex Parte No. MC-7, *Washington, D. C., Commercial Zone*, 54 M. C. C. 797, 798 (Prior Reports: 3 M. C. C. 243, 48 M. C. C. 460) (49 CFR 1704).

The purpose of this petition is to consolidate in a single pleading all of the presently pending petitions so as to simplify the issues and the presentation of evidence at the hearing. The joint petition does not enlarge the issues or the territorial scope of the various separate petitions.

Oral hearing will be held on this petition and the other pending petitions, in a consolidated record, on September 9, 1958, at 8:30 o'clock a. m., United States standard time (9:30 o'clock a. m., District of Columbia daylight saving time) at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Thomas F. Kilroy. Persons supporting or opposing the changes in the present zone limits proposed by these petitions and who desire to participate in future proceedings on these petitions or be notified of any action thereon, should notify the Commission and petitioners or their representative of their desire on or before 20 days from the date of the publication.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-6687; Filed, Aug. 19, 1958; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 15, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34887: *Grain and grain products in western trunk line territory.* Filed by Western Trunk Line Committee, Agent, for interested rail carriers. Rates on corn, oats, and sorghum grains as described in the application, also soybeans, carloads from points in western trunk line territory to points in western trunk line territory.

Grounds for relief: Short-line distance formula and truck competition.

Tariffs: Supplement 35 to Western Trunk Line Committee tariff I. C. C. A-4179 and other tariffs listed in exhibit A of the application.

FSA No. 34888: *Crude rubber from St. Francis, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-7357), for interested rail carriers. Rates on rubber, crude, viz.: artificial, synthetic or neoprene, carloads from St. Francis, Tex., to points in official, southern, southwestern, and western trunk line territories.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplement 166 to Southwestern Lines tariff I. C. C. 4161 and three other tariffs.

FSA No. 34889: *Substituted service, rail for motor—Pennsylvania Railroad.* Filed by Middle Atlantic Conference Agent (No. 14), for interested carriers. Rates on various commodities loaded in or on highway trailers and transported on railroad flat cars between Pittsburgh, Pa., and Kearny, N. J.

Ground for relief: Motor truck competition.

FSA No. 34890: *Cement between points in official territory.* Filed by O. E. Schultz, Agent (ER No. 2454), for interested rail carriers. Rates on cement and cement clinker, carloads, as described in the application from points in trunk line territory to points in New England territory.

Grounds for relief: Short-line distance formula, grouping, and trunk competition.

Tariff: Supplement 70 to Central Railroad of New Jersey tariff I. C. C. B-41 and other tariffs listed in exhibit 1 of the application.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-6683; Filed, Aug. 19, 1958; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200) and Administrative Order No. 507 (23 F. R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

B. F. Davis Garment Co., Inc., 3000-2 Royal Street, New Orleans, La.; effective 8-11-58 to 8-10-59 (work pants and dungarees).

Jasper Brassiere Co., P. O. Box 852, Jasper, Ala.; effective 8-11-58 to 8-10-59 (brassieres).

Leitchfield Manufacturing Co., Leitchfield, Ky.; effective 8-8-58 to 8-7-59 (slacks and jackets).

McAlisterville Cutting and Pressing Plant, Fayette Township, Juniata County, McAlisterville, Pa., East Salem Sewing Plant, Delaware Township, Juniata County, Mifflintown, Pa., effective 8-6-58 to 12-27-58 (Replacement Certificate) (ladies' pajamas).

Somerset Shirt & Pajama Co., 221 South Pleasant Street, Somerset, Pa.; effective 8-18-58 to 8-17-59 (men's and boys' nightwear).

Stapleton Garment Co., Inc., Stapleton, Ga.; effective 8-20-58 to 8-19-59 (men's and boys' trousers).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Badger Outerwear Manufacturing Co., 209-211 Franklin Street, Port Washington, Wis.; effective 8-7-58 to 8-6-59; three learners (men's jackets).

Florida Garments, Inc., 3108 Jefferson Street, Tampa, Fla.; effective 8-8-58 to 8-7-59; 10 learners (trousers, dungarees, shorts).

Green Bay Specialty Co., 129 South Washington Street, Green Bay Wis.; effective 8-11-58 to 8-10-59; five learners (men's, women's, children's jeans, overalls, jackets, etc.).

Lehigh Garment Co., Inc., 201 Bridge Street, Jessup, Pa.; effective 8-7-58 to 8-6-59; 10 learners (children's outerwear).

Mortensen Apron Co., 40 West Main, Saint Anthony, Idaho; effective 8-8-58 to 8-7-59; three learners (women's aprons).

Rita's Sportswear, 242 North Main Street, Moscow, Pa.; effective 8-11-58 to 8-10-59; 10 learners (ladies' blouses and children's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Walter E. Allen Co., 812 East Broadway, Okemah, Oklahoma; effective 8-11-58 to 11-10-58; 25 learners (men's trousers and jackets).

Gary Co., Inc., Gallatin, Tenn.; effective 8-8-58 to 2-7-59; 15 learners (men's dress shirts).

McNeer Dillon Co., Statesville, N. C.; effective 8-6-58 to 2-5-59; 100 learners (shirts).

Southern Garment Co., Hillsboro, N. C., effective 8-6-58 to 2-5-59; 20 learners (women's cotton wash dresses).

Sunbright Manufacturing Co., Inc., Sunbright, Tenn.; effective 8-6-58 to 2-5-59; 10 learners (ladies' dresses and blouses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Haynesville Manufacturing Co., Inc., Haynesville, La.; effective 8-6-58 to 8-5-59; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Ellis Hosiery Mills, Inc., P. O. Drawer 498-A, Hickory, N. C.; effective 8-5-58 to 8-4-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless hosiery).

Stanly Knitting Mills, Inc., Oakboro, N. C.; effective 8-6-58 to 8-5-59; five learners for normal labor turnover purposes (ladies' full-fashioned and seamless hosiery).

Webb Manufacturing Co., Inc., P. O. Box 87, Dandridge, Tenn.; effective 8-6-58 to 8-5-59; five learners for normal labor turnover purposes (seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Iredell Knitting Mills, Inc., 400 Park Drive, Statesville, N. C.; effective 8-7-58 to 8-6-59; five learners for normal labor turnover purposes (knitted and woven garments for men, women and children).

G. C. Lingerie Corp., of Alabama, Town Creek, Ala.; effective 8-8-58 to 8-7-59; five learners for normal labor turnover purposes (knit underwear).

Marion Rohr Corp., 18 North Main Street, Hornell, New York; effective 8-16-58 to 8-15-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Selinsgrove Manufacturing Co., Inc., East Sherman Street, Selinsgrove, Pa.; effective 8-11-58 to 8-10-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' sleepwear).

Selinsgrove Manufacturing Co., Inc., East Sherman Street, Selinsgrove, Pa.; effective 8-11-58 to 2-10-59; 30 learners for plant expansion purposes (ladies' sleepwear).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55).

Maisak-Handler Shoe Co., Senath, Mo.; effective 8-6-58 to 8-5-59; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's and children's shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Amboy Handkerchief Works, 235 New Brunswick Avenue, Perth Amboy, N. J.; effective 8-11-58 to 2-10-59; five learners for normal labor turnover purposes in the occupations of (1) sewing machine operator for a learning period of 320 hours, and (2) presser for a learning period of 240 hours, at the rates of at least 90 cents an hour for the first 160 hours, and not less than 95 cents an hour for the remaining 160 hours for sewing machine operator, and the remaining 80 hours for presser (men's handkerchiefs).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Abco Inc., P. O. Box 73, Hormigueros, P. R.; effective 7-23-58 to 1-22-59; authorizing the employment of 7 learners for plant expansion purposes in the occupations of, router operator, saws, drill press operator, jointers, drill press, sanding machine operator, hand sanding and polishing operators, and checkers, each for a learning period of 480 hours at the rates of 70 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours (drafting instruments).

Barca Knit Corp., P. O. Box 2945, Rio Piedras, P. R.; effective 7-22-58 to 1-21-59; authorizing the employment of 15 learners for plant expansion purposes in the occupations of, (1) power and hand knitting ma-

chine operators each for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours; (2) hand and machine sewing, and finishing each for a learning period of 320 hours at the rates of 68 cents an hour for the first 160 hours and 80 cents an hour for the remaining 160 hours (knitted outerwear (sweaters)).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 12th day of August 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-6659; Filed, Aug. 18, 1958; 8:54 a. m.]

Part II begins on page 6465

UNIVERSITY OF MICHIGAN
AUG 22 1958
MAIN READING ROOM

PART I

FEDERAL REGISTER

VOLUME 23 NUMBER 164

Washington, Thursday, August 21, 1958

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Federal Home Loan Bank Board

Subchapter B—Federal Home Loan Bank System

[No. 11847]

PART 125—ADVANCES

UNSECURED ADVANCES FOR NOT MORE THAN THIRTY DAYS OR FOR NOT MORE THAN SIX MONTHS

AUGUST 15, 1958.

Resolved that, pursuant to Part 108 of the General Regulations of the Federal Home Loan Bank Board (24 CFR Part 108), the Federal Home Loan Bank Board, on the basis of consideration by it of the feasibility of increase in the maximum term of advances under § 125.32 of the Regulations for the Federal Home Loan Bank System (24 CFR 125.32) and for the purpose of liberalizing such maximum term, hereby amends said § 125.32 as follows, effective immediately:

Section 125.32 of the Regulations for the Federal Home Loan Bank System is hereby amended by amending the headnote of said section to read *"Advances for not more than thirty days or for not more than six months"* and by adding to said section, at the end thereof, the following two new sentences: "Advances under the foregoing provisions of this section may also be made with maturity of more than thirty days but not more than six months, provided the resulting aggregate of advances made under this sentence, together with the unpaid principal of any other advances having an unexpired maturity of more than thirty days, except advances made in accordance with or secured as provided in § 125.10, § 125.25, or § 125.26, does not exceed 5 per centum of the member's withdrawable accounts. The provisions of the second sentence of this section shall also apply to advances so made."

Resolved further that, as this amendment only relieves restriction, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 108.12 of the General Regulations of the Federal Home Loan Bank Board (24 CFR 108.12) or section 4 (a) of the Administrative Procedure Act and, as such amendment relieves restriction, deferment of the effective date thereof is not required under section 4 (c) of said act.

(Secs. 11, 17, 47 Stat. 733, 736, as amended; 12 U. S. C. 1431, 1437)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F. R. Doc. 58-6740; Filed, Aug. 20, 1958; 8:53 a. m.]

This issue includes two parts bound together. Part II contains the recommended decision relating to handling of milk in the Southeastern New England Marketing Area, 7 CFR Part 990, issued by Agricultural Marketing Service, Department of Agriculture.

Subchapter C—Federal Savings and Loan System

[No. 11848]

PART 145—OPERATIONS

LOANS ON PROPERTY FOR MORE THAN TWELVE FAMILIES

AUGUST 15, 1958.

Resolved that, pursuant to Part 108 of the General Regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the Rules and Regulations for the Federal Savings and Loan System (24 CFR 142.1), the Federal Home Loan Bank Board, on the basis of consideration by it of the feasibility of increase in the maximum percentage of value and in the maximum term of loans by Federal savings and loan associations on the security of property designed or used primarily for residential purposes for more than twelve families, and for the purpose of liberalizing such maximum percentage and maximum term, hereby amends § 145.6–1 of the Rules and Regulations for the Federal Savings and

(Continued on next page)

CONTENTS

Agricultural Marketing Service Page
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FEDERAL REGISTER

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1958)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146–149, 1958 Supplement 1 ($1.00)

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Loan System (24 CFR 145.6–1) as follows, effective August 21, 1958:

Section 145.6–1 of the Rules and Regulations for the Federal Savings and Loan System is hereby amended by inserting in said section, immediately after the semicolon following the first proviso of subdivision (iv) of subparagraph (1) of paragraph (b) of said section, the following language: "*Provided further*, That the foregoing limitations of 66⅔ percent and 15 years in this subdivision shall be 70 percent and 20 years in the case of such a loan on property designed or used primarily for residential purposes for more than twelve families;".

Resolved further that, as this amendment only relieves restriction, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 108.12 of the General Regulations of the Federal Home Loan Bank Board (24 CFR 108.12) or section 4 (a) of the Administrative Procedure Act and, as such amendment relieves restriction, deferment of the effective date thereof is not required under section 4 (c) of said act.

(Sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F. R. Doc. 58–6741; Filed, Aug. 20, 1958; 8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

REPUBLICATION OF CERTAIN REGULATIONS

Because of numerous amendments certain regulations of Title 21, Chapter I, are republished for convenient reference as set forth below. This republication is made solely for editorial and codification purposes, and no change is made in the text of the regulations. This republication includes amendments and additions to and including August 8, 1958.

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- 120.2 Pesticide chemicals considered safe.
- 120.3 Tolerances for related pesticide chemicals.
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- 120.162 Tolerance for residues of tetraiodoethylene.
- 120.163 Tolerances for residues of 1,1-bis (*p*-chlorophenyl) -2,2,2-trichloroethanol.
- 120.164 Tolerances for residues of *O,O*-diethyl *S*-2-diethylaminoethyl phosphorothioate hydrogen oxalate.
- 120.165 Tolerance for residues of sodium 2,4-dichlorophenoxyacetate.

AUTHORITY: §§ 120.1 to 120.165 issued under sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 511; 21 U. S. C. 346a.

DEFINITIONS, INTERPRETATIONS, AND EXEMPTIONS

§ 120.1 *Definitions and interpretations.* (a) Secretary, without qualification, means the Secretary of Health, Education, and Welfare.

(b) Department, without qualification, means the Department of Health, Education, and Welfare.

(c) Commissioner means the Commissioner of Food and Drugs.

(d) Pesticide Branch means the unit established within the Food and Drug Administration charged with administration of the Pesticide Residue amendment to the Federal Food, Drug, and Cosmetic Act (section 408).

(e) Raw agricultural commodities include, among other things, fresh fruits, whether or not they have been washed and colored or otherwise treated in their unpeeled natural form; vegetables in their raw or natural state, whether or not they have been stripped of their

outer leaves, waxed, prepared into fresh green salads, etc.; grains, nuts, eggs, raw milk, meats, and similar agricultural produce. It does not include foods that have been processed, fabricated, or manufactured by cooking, freezing, dehydrating, or milling.

(f) Where raw agricultural commodities bearing residues that have been exempted from the requirement of a tolerance, or which are within a tolerance permitted under section 408 are used, the processed foods will not be considered unsafe within the meaning of section 406 if:

(1) The poisonous or deleterious pesticide residues have been removed to the extent possible in good manufacturing practice; and

(2) The concentration of the pesticide in the preserved or processed food when ready to eat is not greater than the tolerance permitted on the raw agricultural commodity.

(g) For the purpose of computing fees as required by § 120.33, each group of crops listed in § 120.34 (e) is counted as a single raw agricultural commodity in a petition or request for tolerances or exemption from the requirement of a tolerance for a nonsystemic pesticide. As a general rule, when considering a petition or request with respect to a systemic pesticide (see § 120.34 (c)) crops shall not be grouped.

§ 120.2 *Pesticide chemicals considered safe.* (a) As a general rule, pesticide chemicals other than sulfur, lime, lime-sulfur, potassium polysulfide, sodium carbonate, and sodium polysulfide are not, for the purposes of section 408 (a) of the act, generally recognized as safe for use.

(b) Upon written request, the Pesticide Branch will advise interested persons whether a pesticide chemical should be considered as poisonous or deleterious, or one not generally recognized by qualified experts as safe.

(c) The training and experience necessary to qualify experts to evaluate the safety of pesticide chemicals for the purposes of section 408 (a) are essentially the same as training and experience necessary to qualify experts to serve on advisory committees prescribed by section 408 (g). (See § 120.11.)

§ 120.3 *Tolerances for related pesticide chemicals.* (a) Pesticide chemicals that cause related pharmacological effects will be regarded, in the absence of evidence to the contrary, as having an additive deleterious action. (For example, pesticide chemicals within each of the following groups have related pharmacological effects: Many chlorinated hydrocarbons, arsenic-containing chemicals, metallic dithiocarbamates, many organic phosphates.)

(b) Tolerances established for such related pesticide chemicals may limit the amount of a common component (such as As_2O_3) that may be present, or may limit the amount of biological activity (such as cholinesterase inhibition) that may be present, or may limit the total amount of related pesticide chemicals (such as chlorinated hydrocarbons) that may be present.

(c) Where tolerances for inorganic bromide in or on the same raw agricultural commodity are set in two or more sections in this part, the over-all quantity of inorganic bromide to be tolerated from use of two or more pesticide chemicals for which tolerances are established is the highest of the separate applicable tolerances. For example, where the bromide tolerance on lima beans from ethylene dibromide soil treatment is 5 parts per million and on lima beans from methyl bromide fumigation is 50 parts per million, the over-all inorganic bromide tolerance for lima beans grown on ethylene dibromide treated soil and also fumigated with methyl bromide after harvest is 50 parts per million.

(d) Where tolerances are established for both calcium cyanide and hydrogen cyanide on the same raw agricultural commodity, the total amount of such pesticides shall not yield more than 25 parts per million, calculated as hydrogen cyanide.

(e) Except as noted in subparagraphs (1) and (2) of this paragraph, where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity the tolerance for the total of such residues shall be the same as that for the chemical having the lowest numerical tolerance in this class.

(1) Where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity and there are available methods that permit quantitative determination of each residue, the quantity of combined residues that are within the tolerance may be determined as follows:

(i) Determine the quantity of each residue present.

(ii) Divide the quantity of each residue by the tolerance that would apply if it occurred alone, and multiply by 100 to determine the percentage of the permitted amount of residue present.

(iii) Add the percentages so obtained for all residues present.

(iv) The sum of the percentages shall not exceed 100 percent.

(2) Where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity and there are available methods that permit quantitative determinations of one or more, but not all of the residues, the amounts of such residues as may be determinable shall be deducted from the total amount of residues present, and the remainder shall have the same tolerance as that for the chemical having the lowest numerical tolerance in that class. The quantity of combined residues that are within the tolerance may be determined as follows:

(i) Determine the quantity of each determinable residue present.

(ii) Deduct the amounts of such residues from the total amount of residues present and consider the remainder to have the same tolerance as that for the chemical having the lowest numerical tolerance in that class.

(iii) Divide the quantity of each determinable residue by the tolerance that would apply if it occurred alone and the quantity of the remaining residue by the tolerance for the chemical having the lowest numerical tolerance in that class and multiply by 100 to determine the percentage of the permitted amount of residue present.

(iv) Add the percentages so obtained for all residues present.

(v) The sum of the percentages shall not exceed 100 percent.

(3) The following compounds are members of the class of dithiocarbamates.

Ferbam.
Maneb.
Manganous dimethyldithiocarbamate.
Sodium dimethyldithiocarbamate.
Thiram.
Zineb.
Ziram.

(4) The following compounds are members of the class of chlorinated hydrocarbons:

Aldrin.
Benzene hexachloride.
1,1-bis(*p*-Chlorophenyl)-2,2,2-trichloroethanol.
Chlordane.
Chlorinated camphene (toxaphene).
Chlorobenzilate (ethyl 4,4'-dichlorobenzilate).
p-Chlorophenyl *p*-chlorobenzenesulfonate.
DDD (TDE).
DDT.
1,1-Dichloro-2,2-bis(*p*-ethylphenyl) ethane.
2,4-Dichlorophenoxyacetic acid.
Dieldrin.
Heptachlor.
Lindane.
Methoxychlor.
Sesone (sodium 2,4-dichlorophenoxyethyl sulfate, SES).
Sodium 2,4-dichlorophenoxyacetate.
Sulphenone (*p*-chlorophenyl phenyl sulfone).

(5) The following compounds are members of the class of organic phosphates:

S-(*p*-Chlorophenylthio) methyl *O,O*-diethyl phosphorodithioate.
O,O-Diethyl *S*-2-diethylaminoethyl phosphorothioate hydrogen oxalate.
O,O-Diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate.
O,O-Dimethyl *S*-(4-oxo-1,2,3-benzotriazin-3-yl-methyl) phosphorodithioate.
EPN.
Malathion.
1-Methoxycarbonyl-1-propen-2-yl-dimethyl phosphate and its beta isomer.
Methyl parathion.
Parathion.
Systox (*O,O*-diethyl (2-ethylmercaptoethyl) thiophosphate, a mixture of the thiono and thiol isomers).

(6) The following compounds are members of the class of dinitro compounds:

Dinitro-*o*-cyclohexylphenol.
Dicyclohexylamine salt of dinitro-*o*-cyclohexylphenol.

§ 120.4 *Certification of usefulness and residue estimate.* The time period for the Department's consideration of a petition will not begin to run until the Secretary of Agriculture certifies that the pesticide chemical involved is useful and gives an opinion whether the tolerance proposed by the petitioner reasonably reflects the amount of residue likely to result when the pesticide chemical is used in the manner proposed. The tolerance thereafter established ordinarily will not exceed that figure which the Secretary of Agriculture states, in his opinion, reasonably reflects the amounts of residue likely to result.

§ 120.5 *Zero tolerances.* A zero tolerance means that no amount of the pesticide chemical may remain on the raw agricultural commodity when it is offered for shipment. A zero tolerance for a pesticide chemical in or on a raw agricultural commodity may be established because, among other reasons:

(a) A safe level of the pesticide chemical in the diet of two different species of warm-blooded animals has not been reliably determined.

(b) The chemical is carcinogenic to or has other alarming physiological effects upon one or more of the species of the test animals used, when fed in the diet of such animals.

(c) The pesticide chemical is toxic, but is normally used at times when, or in such manner that, fruit, vegetables, or other raw agricultural commodities will not bear or contain it.

(d) All residue of the pesticide chemical is normally removed through good agricultural practice such as washing or brushing or through weathering or other changes in the chemical itself, prior to introduction of the raw agricultural commodity into interstate commerce.

§ 120.6 *Exemptions from the requirement of a tolerance.* (a) An exemption from a tolerance shall be granted when it appears that the total quantity of the pesticide chemical in or on all raw agricultural commodities for which it is useful under conditions of use currently prevailing or proposed will involve no hazard to the public health.

(b) When applied to growing crops, in accordance with good agricultural practice, the following pesticide chemicals are exempt from the requirement of a tolerance:

(1) The following copper compounds: Bordeaux mixture, copper acetate, basic copper carbonate (malachite), copper-lime mixtures, copper oxychloride, copper silicate, copper sulfate basic, copper-zinc chromate, cuprous oxide, tetra copper calcium oxychloride.

(2) *N*-Octylbicyclo-(2,2,1)-5-heptene-2,3-dicarboximide).

(3) Petroleum oils.

(4) Piperonyl butoxide.

(5) Piperonyl cyclonene.

(6) *N*-Propyl isome.

(7) Pyrethrum and pyrethrins.

(8) Rotenone or derris or cube roots.

(9) Ryania.

(10) Sabadilla.

These pesticides are not exempted from the requirement of a tolerance when applied to a crop at the time of or after harvest.

PROCEDURE FOR FILING PETITIONS

§ 120.7 *Petitions proposing tolerances or exemptions for pesticide residues in or on raw agricultural commodities.* (a) Petitions to be filed with the Department under the provisions of section 408 (d) shall be submitted in duplicate to the Pesticide Branch. If any part of the material submitted is in a foreign language, it shall be accompanied by an accurate and complete English translation. The petition shall be accompanied by an advance deposit for fees described in § 120.33. The petition shall state petitioner's mail address to which notice of objection under section 408 (d) (5) may be sent.

(b) Petitions shall include the following data and be submitted in the following form:

_____
(Date)

Pesticide Branch,
Food and Drug Administration,
Department of Health, Education, and Welfare,
Washington 25, D. C.

Dear Sirs:

The undersigned, _____, submits this petition pursuant to section 408 (d) (1) of the Federal Food, Drug, and Cosmetic Act with respect to the pesticide chemical _____

Attached hereto, in duplicate and constituting a part of this petition, are the following:

A. The name, chemical identity, and composition of the pesticide chemical. (If the pesticide chemical is an ingredient of an economic poison, the complete quantitative formula of the resulting economic poison should be submitted. The submission of this information does not restrict the application of any tolerance or exemption granted to the specific formula(s) submitted.)

B. The amount, frequency, and time of application of the pesticide chemical.

C. Full reports of investigations made with respect to the safety of the pesticide chemical. (These reports should include, where necessary, detailed data derived from appropriate animal or other biological experiments in which the methods used and the results obtained are clearly set forth.)

D. The results of tests on the amount of residue remaining, including a description of the analytical method used. (See § 120.34 for further information about residue tests.)

E. Practicable methods for removing residue that exceeds any proposed tolerance.

F. Proposed tolerances for the pesticide chemical if tolerances are proposed.

G. Reasonable grounds in support of the petition.

Enclosed is (money order, bank draft, or certified check) for $_____, payable to the Food and Drug Administration to cover clerical operations, initial administrative review, and the cost incurred in considering the petition after it has been filed.

Very truly yours,

_____
(Petitioner)
Per _____
_____
(Indicate authority)
Mail address _____

This petition must be signed by the petitioner or by his attorney or agent, or (if a corporation) by an authorized official.

The data specified under the several lettered headings should be on separate sheets or sets of sheets, suitably identified. If such data have already been submitted with an earlier application, the present petition may incorporate it by reference to the earlier one.

The petition shall be submitted in duplicate. The petitioner shall show that he has registered or has submitted an application for the registration of an economic poison containing the pesticide chemical under the Federal Insecticide, Fungicide, and Rodenticide Act.

(c) Except as noted in paragraph (d) of this section, a petition shall not be accepted for filing if any of the data prescribed by section 408 (d) are lacking or are not set forth so as to be readily understood. Data in a petition entitled to protection as a trade secret will be held confidential and not revealed unless it is necessary to do so in administrative or judicial proceedings under section 408.

(d) The Pesticide Branch shall notify the petitioner within 15 days after its receipt of acceptance or nonacceptance of a petition, and if not accepted the reasons therefor. Copy of the notice shall be sent to the Plant Pest Control Branch, Agricultural Research Service, Department of Agriculture. If accepted, the date of notification becomes the date of filing for the purposes of section 408 (d) (1). If petitioner desires, he may supplement a deficient petition after notification as to deficiencies. Each supplement shall be accompanied by a deposit of fees as specified in § 120.33 (e). If the supplementary material or explanation of petition is deemed acceptable, petitioner shall be notified, and date of such notification becomes the date of filing. If the petitioner does not wish to supplement or explain the petition and requests in writing that it be filed as submitted, the petition shall be filed and the petitioner so notified. The date of such notification becomes the date of filing. The Commissioner shall publish in the FEDERAL REGISTER within 30 days a notice of filing, name of petitioner, and a brief outline of the petition, including description of analytical method or reference to a publication in which it appears, if such publication is generally available.

(e) The Pesticide Branch may request a sample of the pesticide chemical at any time while a petition is under consideration. The Pesticide Branch shall specify in its request for a sample of the pesticide chemical, a quantity which it deems adequate to permit tests of analytical methods used to determine residues of the pesticide chemical and of methods proposed by the petitioner for removing any residues of the chemical that exceed the tolerance proposed. The date used for computing the 90-day limit for the purposes of section 408 (d) (2) shall be moved forward 1 day for each day in excess of 15 from the mailing date of the request taken by the petitioner to submit the sample. If the sample is not submitted within 180 days after mailing date of the request, the petition will be considered withdrawn without prejudice.

(f) The date of receipt from the Secretary of Agriculture of certification as to usefulness shall be the date used for computing the 90-day limit for the purposes of section 408 (d) (2).

(g) Unless the petition is referred to an advisory committee, the Commissioner shall publish in the FEDERAL REGISTER within 90 days after receipt of the certification of usefulness, a regulation establishing a tolerance for residues of of the pesticide chemical or exempting such residues from the necessity of a tolerance, as provided in section 408 (d) (2) of the act.

§ 120.8 *Withdrawal of petitions without prejudice.* In some cases the Pesticide Branch or an advisory committee to which the petition has been referred will

notify the petitioner that the petition, while technically complete, is inadequate to justify the establishment of a tolerance or the tolerance requested by petitioner. This may be due to the fact that the data are not sufficiently clear or complete. In such cases, the petitioner may withdraw the petition pending its clarification or the obtaining of additional data. This withdrawal may be without prejudice to a future filing. Upon refiling, the time limitation will begin to run anew from the date of refiling or the date of receipt of certification from the Secretary of Agriculture, whichever is later. A deposit for fees as specified in § 120.33 (f) shall accompany the resubmission of the petition.

§ 120.9 *Substantive amendments to petitions.* After a petition has been filed or referred to an advisory committee, the petitioner may submit additional information or data in support thereof, but in such cases the petition will be given a new filing date or a new initial date of consideration by the advisory committee, and the time limitation will begin to run anew. The additional data shall be accompanied by a deposit of fees as specified in § 120.33 (g).

ADVISORY COMMITTEES

§ 120.10 *Referral of petition to advisory committee.* (a) If within the prescribed period a person filing a petition requests that the petition be referred to an advisory committee, he shall make such request in writing to the Commissioner and forward with such request an advance deposit for fees prescribed by § 120.33 (i) (3).

(b) If further advance deposits are not made upon request of the Commissioner, as provided for in § 120.33 (i) (3), the request for referral of the petition to an advisory committee shall be considered withdrawn, and a tolerance shall be established within 90 days of the date on which the Commissioner requested the further advance deposit.

(c) In case the Commissioner on his own initiative deems it necessary to refer a petition to an advisory committee, he shall, in writing, so inform the person filing the petition.

§ 120.11 *Appointment of advisory committee.* (a) Whenever the referral of a petition or proposal to an advisory committee is requested or the Commissioner otherwise deems such referral necessary, the Commissioner will request the National Academy of Sciences to select qualified experts, including at least one representative from land-grant colleges, willing to serve on the advisory committee. All such experts shall have had sufficient training and experience in biology, medicine, physiology, toxicology, pharmacology, veterinary medicine, or other appropriate science to evaluate the safety of pesticide chemicals. The Commissioner will request the National Academy of Sciences, when it furnishes the names of such experts, to supply a biographical sketch showing the background of their experience and their connection, if any, with academic and commercial institutions.

(b) Each advisory committee shall consist of not less than three experts, at least one of whom is a representative from a land-grant college. The Commissioner may specify a larger number to serve. He shall appoint one member of the committee as chairman, and the chairman shall be the spokesman of the committee for receiving and forwarding reports, and other functions of the committee.

(c) The Commissioner shall appoint the experts so selected and fix their compensation at not to exceed $50.00 per day for each day or part thereof spent in committee meetings and in traveling to and from committee meetings held outside the city of their residence, plus necessary traveling and subsistence expenses while the experts are serving away from their places of residence. Subsistence expenses shall not exceed $25.00 per day.

§ 120.12 *Procedure for advisory committee.* (a) The Commissioner shall submit to the chairman of the committee the petition for tolerances, together with certification by the Secretary of Agriculture and such other relevant, reliable information as may be available. When the Commissioner submits a proposal to an advisory committee, he shall inform the petitioner and furnish him with copies of material other than the petition and certification that is furnished the committee. The chairman of the committee shall acknowledge receipt of the information and readiness of the committee to act. The date of receipt of such information shall be considered the beginning of the period allowed for consideration by the committee. Copy of this acknowledgment shall be forwarded to the petitioner by the chairman of the committee.

(b) A secretariat to advisory committees will be established by the Commissioner. The secretariat shall furnish members of the committee with copies of the proposal or petition, certification from the Secretary of Agriculture, and any data received by the chairman. If the chairman of the committee believes that a meeting of the committee is necessary before making a recommendation, he shall so advise the Commissioner. Such meetings shall be held in Washington, D. C., or such other place as the Commissioner may designate. The Commissioner shall furnish a suitable meeting place for the committee. If a meeting is held, the secretariat shall keep the minutes and provide clerical assistance.

(c) As soon as practicable, but not later than 60 days after receipt of proposal or petition (unless the time has been extended as provided in paragraph (d) of this section), the chairman shall certify to the Commissioner the report of the committee, including any minority report, and shall return the petition for tolerances and the certification by the Secretary of Agriculture. The report will include copies of all relevant material considered by the committee, except that in the case of scientific literature readily available in scientific libraries proper reference may be made to it instead of furnishing actual copies. The report of the advisory committee shall be available for inspection by any interested person after a tolerance or exemption resulting from the petition is published.

(d) If at any time within 60 days, the chairman believes that the advisory committee needs more time, he shall so inform the Commissioner in writing, in which case he shall make the certification contemplated by section 408 (d) (3) of the act within the additional 30 days.

(e) The date of receipt of the committee report will be the date for computing time for the Commissioner to act for the purposes of both sections 408 (d) (3) and (e).

(f) The chairman of the committee, after consultation with the committee members, will inform the National Academy of Sciences of the committee's opinion as to the member who may best represent the committee at a hearing, if one occurs.

(g) More than one petition or proposal may be handled by a committee concurrently.

(h) Persons authorized under section 408 (h) to discuss proposals or petitions with the committee shall notify the chairman and if practicable make appointments through him. The report of the committee shall show the names of persons other than committee members discussing proposals or petitions with the committee. Except for discussions with authorized persons the committee shall not disclose data originating with a petitioner prior to publication of a regulation.

PROCEDURE FOR FILING OBJECTIONS AND HOLDING A PUBLIC HEARING

§ 120.13 *Objections to regulations and requests for hearings.* (a) Objections under section 408 (d) (5) shall be submitted in quintuplicate to the hearing clerk of the Department and shall be accompanied by a filing fee as specified in § 120.33 (h). Each objection to a provision of the regulation shall be separately numbered.

(b) A statement of objections shall not be accepted for filing if:

(1) It fails to establish that the objector is adversely affected by the regulation; or

(2) It does not specify with particularity the provisions of the regulation to which objection is taken; or

(3) It does not state reasonable grounds for each objection raised. Grounds which it is reasonable to conclude are capable of being established by reliable evidence at the hearing and which if proved would call for changing the provisions specified in the objections will be deemed reasonable grounds.

(c) If the statement of objections may not be filed, the Commissioner shall inform the objector of the reasons.

(d) If objections to a regulation issued pursuant to a petition are filed by a person other than the petitioner, the Food and Drug Administration shall send a copy of the objections by registered mail, return receipt requested, to the petitioner at the address given in the petition. Petitioner shall have 2 weeks from the date of receipt of the objections to make written reply.

§ 120.14 *Public hearing; notice.* If the objections and statements filed by any person, when they are considered with the record in the proceeding (including any reply to the objections that the petitioner may have filed) show that the person filing the objections is adversely affected and that the grounds stated in support of the objections are reasonable, the Commissioner shall cause to be published in the FEDERAL REGISTER a notice reciting the objections and announcing a public hearing to receive evidence on them. The notice shall designate the place where the hearing will be held, specify the time within which appearances must be filed, and specify the time (not earlier than 30 days after the date of the notice) when the hearing will start. The hearing shall convene at the place and time announced in the notice but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without other notice than announcement thereof by the presiding officer at the hearing.

§ 120.15 *Presiding officer.* The hearing shall be conducted by a presiding officer, who shall be a hearing examiner appointed as provided in the Administrative Procedure Act and designated by the Commissioner for conducting the hearing. Any such designation may be made or revoked by the Commissioner at any time. Hearings shall be conducted in an informal but orderly manner in accordance with these regulations and the requirements of the Administrative Procedure Act. The presiding officer shall have the power to administer oaths and affirmations; to request the member of an advisory committee designated as provided by section 408 (d) (5) to testify with respect to the report and recommendations of the committee; to rule upon offers of proof and admissibility of evidence; to receive relevant evidence; to examine witnesses; to regulate the course of the hearing; to hold conferences for the simplification of the issues, and to dispose of procedural requests; but he shall not have power to decide any motion that involves final determination of the merits of the proceeding.

§ 120.16 *Parties; burden of proof; appearances.* At the hearing, the person whose objections raised the issues to be determined shall be, within the meaning of section 7 (c) of the Administrative Procedure Act, the proponent of the order sought, and accordingly shall have the burden of proof. Any interested person shall be given an opportunity to appear at the hearing, either in person or by his authorized representative, and to be heard with respect to matters relevant to the issues raised by the objections. Any interested person who desires to be heard at the hearing in person or through a representative shall, within the time specified in the notice of hearing, file with the presiding officer a written notice of appearance setting forth his name, address, and employment. If such person desires to be heard through a representative, such person or such representative shall file with the presiding officer a written appearance setting forth the name, address, and employment of such person. Any person or representative shall state with particularity in the appearance his interest in the proceedings and shall set forth the specific provisions of the regulations concerning which objections have been made on which such person desires to be heard. The appearance shall also set forth with particularity the position to be taken concerning the objections on which he wishes to be heard. No person shall be heard if he failed to file his appearance within the time prescribed in the absence of a clear showing of good cause why the appearance was not filed. All present at the hearing shall conform to all reasonable standards of orderly and ethical conduct.

§ 120.17 *Prehearing and other conferences.* (a) The presiding officer, on his own motion, or on the motion of any party or his representative, may direct all parties or their representatives to appear at a specified time and place for a conference to consider:

(1) The simplification of the issues.

(2) The possibility of obtaining stipulations, admissions of facts and documents.

(3) The limitation of the number of expert witnesses.

(4) The scheduling of witnesses to be called.

(5) The advance submission of all documentary evidence.

(6) Such other matters as may aid in the disposition of the proceeding.

The presiding officer shall make an order which recites the action taken at the conference, the agreements made by the parties or their representatives, and the schedule of witnesses, and which limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(b) The presiding officer may also direct all parties and their representatives to appear at conferences at any time during the hearing with a view to simplification, clarification, or shortening of the hearing.

§ 120.18 *Submission of documentary evidence in advance.* (a) All documentary evidence to be offered at the hearing shall be submitted to the presiding officer and to the parties sufficiently in advance of the offer of such documentary evidence for introduction into the record to permit study and preparation of cross-examination and rebuttal evidence.

(b) The presiding officer, after consultation with the parties at a conference called in accordance with § 120.17, shall make an order specifying the time at which documentary evidence shall be submitted. He shall also specify in his order the time within which objection to the authenticity of such documents must be made to comply with paragraph (d) of this section.

(c) Documentary evidence not submitted in advance in accordance with the requirements of paragraphs (a) and (b) of this section shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner.

(d) The authenticity of all documents submitted in advance shall be deemed admitted unless written objection thereto is filed with the presiding officer upon notice to the other parties within the time specified by the presiding officer in accordance with paragraph (b) of this section, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

§ 120.19 *Excerpts from documentary evidence.* When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the presiding officer and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document should be made available for examination and for use by opposing counsel for purposes of cross-examination.

§ 120.20 *Submission and receipt of evidence.* (a) Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) When necessary to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify, the repetitious examination and cross-examination of witnesses, or the amount of corroborative or cumulative evidence.

(c) The presiding officer shall admit only evidence which is relevant, material, and not unduly repetitious.

(d) Opinion evidence shall be admitted when the presiding officer is satisfied that the witness is properly qualified.

(e) The presiding officer shall file as exhibits the FEDERAL REGISTER promulgating the regulation to which objections were taken and any report, recommendations, underlying data, and reasons that were certified to the Secretary by an advisory committee pursuant to section 408 (d) (3). The report, recommendations, underlying data, and reasons shall be subject to section 7 (c) of the Administrative Procedure Act. All documents constituting the record accumulated up to the start of the hearing shall be open for inspection by interested persons during office hours in the office of the hearing clerk of the Department.

(f) The member of an advisory committee, if any, designated to testify, or any member requested to testify by the petitioner, the Department, or the presiding officer, or who upon his own initiative requests to be heard, shall appear and testify with respect to the report, recommendations, underlying data, and reasons of the committee. The designated member shall receive per diem and travel and subsistence expenses when incurred, as though he were attending a meeting of the advisory committee.

(g) If any person objects to the admission or rejection of any evidence or to other limitation of the scope of any

examination or cross-examination, he shall state briefly the grounds for such objection, and the transcript shall not include extended argument or debate thereon except as ordered by the presiding officer. A ruling of the presiding officer on any such objection shall be a part of the transcript, together with such offer of proof as has been made.

§ 120.21 *Transcript of the testimony.* Testimony given at a hearing shall be reported verbatim. All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall be marked for identification and, upon a showing satisfactory to the presiding officer of their authenticity, relevancy, and materiality, shall be received in evidence subject to the Administrative Procedure Act (sec. 7 (c), 60 Stat. 238; 5 U. S. C. 1006 (c)). Exhibits shall, if practicable, be submitted in quintuplicate. In case the required number of copies are not made available, the presiding officer shall exercise his discretion as to whether said exhibit shall be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. Where the testimony of a witness refers to a statute or to a report or document, the presiding officer shall, after inquiry relating to the identification of such statute, report, or document, determine whether the same shall be produced at the hearing and physically be made a part of the evidence by reference. Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial and irrelevant matter, such immaterial and irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

§ 120.22 *Oral and written arguments.* (a) Unless the presiding officer issues an announcement at the hearing authorizing oral argument before him, it shall not be permitted.

(b) The presiding officer shall announce at the hearing a reasonable period within which interested persons may file written arguments based solely upon the evidence received at the hearing, citing the pages of the transcript of the testimony or properly identified exhibits where such evidence occurs.

§ 120.23 *Indexing of record.* (a) Whenever it appears to the presiding officer that the record of hearing will be of such length that an index to the record will permit a more orderly presentation of the evidence and reduce delay, the presiding officer shall require counsel for the parties to prepare a daily topical index which will be available to the presiding officer and all parties. Preparation of such an index shall be apportioned among all counsel present in such manner as appears just and proper in the circumstances.

(b) The index should include each topic of testimony upon which evidence is taken, the name of each witness testifying upon the topic, the page of the record at which each portion of his testimony appeared, and the number of each exhibit relating to the topic. The index should also contain the name of each witness, followed by the topics upon which he testified and the page of the record at which such testimony appears.

§ 120.24 *Certification of record.* At the close of the hearing, the presiding officer shall afford interested persons a short time (not longer than 1 week, except in unusual cases) in which to point out errors that may have been made in transcribing the testimony. The presiding officer shall promptly thereafter order such corrections made as in his judgment are required to make the transcript conform to the testimony, and he shall certify the transcript of testimony and the exhibits to the Commissioner.

§ 120.25 *Filing the record of the hearing.* As soon as practicable after the close of the hearing, the complete record of the hearing shall be filed in the office of the Hearing Clerk. The record shall include the transcript of the testimony, and exhibits, and any written arguments that may have been filed.

§ 120.26 *Copies of the record of the hearing.* The Department will make provisions for a stenographic record of the testimony and for such copies of the transcript thereof as it requires for its own purposes. Any person desiring a copy of the record of the hearing or of any part thereof shall be entitled to the same upon payment of the costs thereof.

§ 120.27 *Proposed order.* As soon as practicable after the time for filing written arguments has ended the Commissioner shall prepare and cause to be published in the FEDERAL REGISTER a proposed order which shall incorporate findings of fact, recommend decisions on the objections which were the subject of the hearing and tentative regulations. The proposed order shall specify a reasonable time, ordinarily not to exceed 30 days, within which any interested person may file exceptions. The exceptions shall point out with particularity the alleged errors in said proposed order and shall contain a specific reference to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied by a memorandum brief.

§ 120.28 *Final order.* As soon as practicable after the time for filing exceptions has passed, the record and the exceptions shall be presented to the Secretary and he shall cause to be published in the FEDERAL REGISTER his final order promulgating the regulation.

ADOPTION OF TOLERANCE ON INITIATIVE OF SECRETARY OR ON REQUEST OF INTERESTED PERSONS; JUDICIAL REVIEW; TEMPORARY TOLERANCES; AMENDMENT AND REPEAL OF TOLERANCES; FEES

§ 120.29 *Adoption of tolerance on initiative of Secretary or on request of an interested person.* (a) Upon the request of an interested person (other than a person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. 135)) furnishing reasonable grounds therefor, and upon advance deposit to cover fees as prescribed in § 120.33, the Commissioner may propose the issuance of a regulation establishing a tolerance for a pesticide chemical or exempting it from the necessity of a tolerance. Reasonable grounds shall include an explanation showing wherein the person has a substantial interest in such a tolerance or exemption from tolerance; information, if available, as to why registrant of the pesticide chemical under the Federal Insecticide, Fungicide, and Rodenticide Act has not petitioned for a tolerance or exemption from a tolerance; and adequate data on subjects outlined in clauses (A), (B), (C), (D), (E), and (F) of section 408 (d) (1) of the Federal Food, Drug, and Cosmetic Act. If the Commissioner concludes upon studying the request that it does not warrant a proposal for the issuance of a regulation, he shall so inform the person making the request and state the reasons for his decision.

(b) The notice of the proposal shall show whether it is made on the initiative of the Commissioner or at the request of an interested person, naming such person.

(c) If within 30 days after publication of the proposal a person who has registered, or who has submitted an application for registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the pesticide chemical named in the proposal, requests in writing that the proposal be referred to an advisory committee and makes advance deposit as provided by § 120.33 (i) (3), the Commissioner shall appoint a committee as provided in § 120.11 and refer the proposal and relevant data to such committee. The Department and the committee shall proceed as prescribed in section 408 and this part.

(d) If further advance deposits are not made upon request of the Commissioner, as provided in § 120.33 (i) (3), the request for referral of the petition to an advisory committee shall be considered withdrawn, and a tolerance shall be established within 90 days from the date on which the Commissioner requested the further advance deposit.

§ 120.30 *Judicial review.* (a) The Secretary of Health, Education, and Welfare hereby designates the Assistant General Counsel for Food and Drugs of the Department of Health, Education, and Welfare as the officer upon whom copy of petition for judicial review shall be served. Such officer shall be responsible for filing in the court a transcript of proceedings and the record on which the order of the Secretary of Health, Education, and Welfare is based. The transcript and record shall be certified by the Secretary.

(b) Before forwarding the transcript and record to the court the Department shall advise the petitioner of costs of preparing it and as soon as payment to cover fees is made shall forward the transcript of proceeding and record to the court.

§ 120.31 *Temporary tolerances.* (a) A temporary tolerance (or exemption from a tolerance) established under authority of section 408 (j) of the act shall

be deemed to be a tolerance (or exemption from the requirement of a tolerance) for the purposes of section 408 (a) (1), or (2) of the act.

(b) (1) A request for a temporary tolerance or a temporary exemption from a tolerance by a person who has obtained an experimental permit for a pesticide chemical under the Federal Insecticide, Fungicide, and Rodenticide Act shall be accompanied by a copy of such experimental permit, such data as are available on subjects outlined in clauses (A), (B), (C), (D), (E), (F) and (G) of section 408 (d) (1), and an advance deposit to cover fees as provided in § 120.33 (d).

(2) Before an experimental permit has been obtained, the Pesticide Branch upon request of the Department of Agriculture or a person who proposes to apply for an experimental permit will consider available data and discuss its adequacy for the purpose of justifying a tolerance or exemption from a tolerance.

(c) A notice of the issuance of a temporary tolerance outlining any restrictions as to use of the chemical imposed under the experimental permit under the Federal Insecticide, Fungicide, and Rodenticide Act may be published in the FEDERAL REGISTER if the Commissioner deems such publication desirable.

(d) A temporary tolerance or exemption from a tolerance may be issued for a period designed to allow the orderly marketing of the raw agricultural commodities produced while testing a pesticide chemical under an experimental permit issued under authority of the Federal Insecticide, Fungicide, and Rodenticide Act when the Commissioner concludes that the public health can be adequately protected during such marketing. A temporary tolerance or exemption from a tolerance may be revoked if the experimental permit is revoked, or may be revoked at any time if it develops that the application for a temporary tolerance contains a misstatement of a material fact or that new scientific data or experience with the pesticide chemical indicates that it may be hazardous to the public health.

§ 120.32 *Procedure for amending and repealing tolerances or exemptions from tolerances.* (a) The Commissioner on his own initiative or on request from an interested person furnishing reasonable grounds therefor, may propose the issuance of a regulation amending or repealing a tolerance for a pesticide chemical on raw agricultural commodities or granting or repealing an exemption from tolerance for such chemical. Requests for such amendment or repeal shall be made in writing and accompanied by an advance deposit to cover fees as provided in § 120.33 (d).

(b) Reasonable grounds shall include an explanation showing wherein the person has a substantial interest in such tolerance or exemption from tolerance and an assertion of facts (supported by data if available) showing that new uses for the pesticide chemical have been developed or old uses abandoned, that new data are available as to toxicity of the chemical, or that experience with the application of the tolerance or exemption from tolerance may justify its amendment or repeal. Evidence that a person has registered or has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act will be regarded as evidence that he has a substantial interest in a tolerance or exemption from the requirement of a tolerance for a pesticide chemical that consists in whole or in part of the economic poison. New data should be furnished in the form specified in § 120.7 (b) for submitting petitions.

(c) The notice announcing the proposal to amend or repeal a regulation shall show whether the proposal was made on the initiative of the Commissioner or at the request of an interested person, naming such person. From this point the proceedings shall be the same as prescribed by section 408 (e), beginning with the second sentence of that paragraph, and the regulations applicable to section 408 (d), (e), (f), and (g).

§ 120.33 *Fees.* (a) Except as noted in paragraphs (b) and (c) of this section, each petition or request for the establishment of a tolerance shall be accompanied by a deposit of $2,500, plus $250 for each raw agricultural commodity more than nine on which the establishment of a tolerance is requested.

(b) Except as noted in paragraph (c) of this section, a petition requesting two or more numerical tolerance levels shall be accompanied by a deposit of $3,750, plus $250 for each raw agricultural commodity more than 14 on which the establishment of a tolerance is requested.

(c) Each petition or request for the establishment of a tolerance at a lower numerical level or levels than a tolerance already established for the same pesticide chemical, or for the establishment of a tolerance on additional raw agricultural commodities at the same numerical level as a tolerance already established for the same pesticide chemical, shall be accompanied by a deposit of $250, plus $250 for each raw agricultural commodity on which a tolerance is requested.

(d) Each petition or request for an exemption or a temporary exemption from the requirement of a tolerance, a temporary tolerance, or the amendment or repeal of a tolerance or exemption shall be accompanied by a deposit of $2,500, unless it meets the requirements of subparagraph (1) or (2) of this paragraph.

(1) Such deposit is not required when, in connection with the change sought under this paragraph, a petition or request is filed for the establishment of new tolerances to take the place of those sought to be amended or repealed and a deposit is made as required by paragraph (a) or (b) of this section.

(2) A request for a temporary tolerance for a pesticide chemical which has a tolerance for other uses at the same numerical level shall be accompanied by a deposit of $250 for clerical handling and initial administrative review, plus $250 for each raw agricultural commodity on which the temporary tolerance is sought.

(e) If a petition or a request proposing the issuance of a regulation is not accepted for filing or processing because it is technically incomplete, the deposit, less a $250 fee for clerical handling and initial administrative review, shall be returned unless the petitioner indicates that he wishes to submit a supplement, in which case the deposit will be held by the Commissioner, and the supplement shall be accompanied by a nonreturnable fee of $250.

(f) When a petition is withdrawn after filing and resubmitted within 6 months, it shall be accompanied by a deposit of $750, or by a deposit equal to the one originally submitted, whichever is smaller. If resubmitted after 6 months, it shall be accompanied by the deposit that would be required if it were being submitted for the first time.

(g) After a petition has been filed, any additional information or data submitted in support of it (i. e., any substantive amendment) shall be accompanied by a deposit of $750 or by a deposit equal to the one originally submitted, whichever is smaller.

(h) Objections under section 408 (d) (5) of the act shall be accompanied by a filing fee of $250.00.

(i) (1) In the event of a referral of a petition or proposal under this section to an advisory committee, the costs shall be borne by the person who requests the referral of the data to the advisory committee.

(2) Cost of the advisory committee, including expenses of the secretariat, will not exceed $75.00 per member per day plus cost of duplicating documents referred to the committee, plus necessary traveling and subsistence expenses of the members while they are serving away from their places of residence.

(3) An advance deposit shall be made in the amount of $2,500 to cover the costs. Further advance deposits of $2,500 each shall be made upon request of the Commissioner when necessary to prevent arrears in the payment of such costs. Any deposits in excess of actual expenses will be refunded to the depositor.

(j) The person who files a petition for judicial review of an order under section 408 (d) (5) or (e) of the act shall pay the costs of preparing a transcript of the proceedings and the record on which the order is based.

(k) All deposits and fees required by the regulations in this part shall be paid by money order, bank draft, or certified check drawn to the order of the Food and Drug Administration, collectible at par at Washington, D. C. All deposits and fees shall be forwarded to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington 25, D. C., whereupon after making appropriate record thereof they will be transmitted to the Treasurer of the United States, for deposit to the special account "Certification and Inspection Services, Food and Drug Administration."

(l) The Commissioner may waive or refund such fees in whole or in part when in his judgment such action will promote the public interest.

(m) Any person who believes that payment of these fees will work a hardship on him may petition the Commissioner to waive or refund the fees.

§ 120.34 *Tests on the amount of residue remaining.* (a) Data in a petition on the amount of residue remaining in or on a raw agricultural commodity should establish the residue that may remain when the pesticide chemcial is applied according to directions registered under the Federal Insecticide, Fungicide, and Rodenticide Act, or according to directions contained in an application for registration. These data should establish the residues that may remain under conditions most likely to result in high residues on the commodity.

(b) The petition should establish the reliability of the residue data reported in it. Sufficient information should be submitted about the analytical method to permit competent analysts to apply it successfully.

(c) If the pesticide chemical is absorbed into a living plant or animal when applied (is systemic), residue data may be needed on each plant or animal on which a tolerance or exemption is requested.

(d) If the pesticide chemical is not absorbed into the living plant or animal when applied (is not systemic), it may be possible to make a reliable estimate of the residues to be expected on each commodity in a group of related commodities on the basis of less data than would be required for each commodity in the group, considered separately.

(e) Each of the following groups of crops lists raw agricultural commodities that are considered to be related for the purpose of paragraph (d) of this section. Commodities not listed in this paragraph are not considered as related for the purpose of paragraph (d) of this section. This grouping of crops does not affect the certification of usefulness by the Secretary of Agriculture as contemplated by section 408 (l) of the act.

(1) Apples, crabapples, pears, quinces.
(2) Avocados, papayas.
(3) Blackberries, boysenberries, dewberries, loganberries, raspberries.
(4) Blueberries, currants, gooseberries, huckleberries.
(5) Cherries, plums, prunes.
(6) Oranges, citrus citron, grapefruit, kumquats, lemons, limes, tangelos, tangerines.
(7) Mangoes, persimmons.
(8) Peaches, apricots, nectarines.
(9) Beans, peas, soybeans (each in dry form).
(10) Beans, peas, soybeans (each in succulent form).
(11) Broccoli, brussels sprouts, cauliflower, kohlrabi.
(12) Cantaloups, honeydew melons, muskmelons, pumpkins, watermelons, winter squash.
(13) Carrots, garden beets, sugar beets, horseradish, parsnips, radishes, rutabagas, salsify roots, turnips.
(14) Celery, fennel.
(15) Cucumbers, summer squash.
(16) Lettuce, endive (escarole), Chinese cabbage, salsify tops.
(17) Onions, garlic, leeks, shallots (green, or in dry bulb form).
(18) Potatoes, Jerusalem-artichokes, sweetpotatoes, yams.
(19) Spinach, beet tops, collards, dandelion, kale, mustard greens, parsley, Swiss chard, turnip tops, watercress.
(20) Tomatoes, eggplants, peppers, pimentos.
(21) Pecans, almonds, brazil nuts, bush nuts, butternuts, chestnuts, filberts, hazelnuts, hickory nuts, walnuts.
(22) Field corn, popcorn, sweet corn (each in grain form).
(23) Milo, sorghum (each in grain form).
(24) Wheat, barley, oats, rice, rye (each in grain form).
(25) Clovers, alfalfa, cowpea hay, lespedeza, lupines, peanut hay, pea-vine hay, soybean hay, vetch.
(26) Corn forage, sorghum forage.
(27) Sugarcane, cane sorghum.

Name	*Refers to—*
Aldrin	A product consisting of 95 percent of the compound 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-dimethanonaphthalene and 5 percent chlorinated hydrocarbons.
Chlordane	1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-4,7-methanoindene.
DDT	A product consisting of a complex mixture of 1,1,1-trichloro-2,2-bis(parachlorophenyl) ethane and 1,1,1,-trichloro-2-(orthochlorophenyl)-2-(parachlorophenyl) ethane.
Dieldrin	1,2,3,4,10,10-hexachloro-6,7-epoxy 1,4,4a,5,6,7,8,8a-octahydro-1,4,5,8-dimethanonaphthalene.
EPN	*O*-ethyl *O*-paranitrophenyl benzene thiophosphonate.
Ferbam	Ferric dimethyl dithiocarbamate.
Fluorine compounds	Cryolite, synthetic cryolite (sodium aluminum fluoride).
Heptachlor	1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene.
Lindane	The gamma isomer of benzene hexachloride.
Methoxychlor	2,2-bis(paramethoxyphenyl)-1,1,1-trichloroethane.
Nicotine compounds	Nicotine sulfate and other salts of nicotine; nicotine as the alkaloid.
Parathion	*O,O*-diethyl-*O*-paranitrophenyl thiophosphate.
TDE	1,1-dichloro-2,2-bis(parachlorophenyl) ethane.
TEPP	Tetraethyl pyrophosphate.
Toxaphene	Chlorinated camphene.
Zineb	Zinc ethylenebisdithiocarbamate.
Ziram	Zinc dimethyldithiocarbamate.

TOLERANCES FOR RESIDUES

§ 120.101 *Specific tolerances for pesticide residues in or on fresh fruits and vegetables.* (a) The tolerances established for poisonous or deleterious substances in this section apply only to residues resulting from their application prior to harvest. A tolerance in terms of parts by weight for the poisonous or deleterious substance, or poisonous or deleterious residue resulting from its addition, to 1 million parts by weight of the fruit or vegetable is set forth after the name of each of the substances.

(b) The poisonous and deleterious substances for which tolerances are established by this section are named by their common names wherever practicable, otherwise by their chemical names or by names assigned to them by the United States Department of Agriculture. For the purposes of this section, the substances for which common, group, or Department of Agriculture names are used are as follows:

(c) (1) Where a tolerance is established by this section for parathion, the methyl homolog of parathion may replace all or part of the parathion permitted by such tolerance.

(2) For the purposes of this section, where a tolerance of 5 parts per million for benzene hexachloride is set, it shall be deemed applicable to commercial benzene hexachloride, which is a mixture of several isomers. If the gamma isomer, known as lindane, is used exclusively of other isomers, the tolerance shall be 10 parts per million.

(3) For the purposes of this section, where a tolerance is established for more than one pesticide containing arsenic, found on a fruit or vegetable, the total amount of such pesticides shall not yield more than 3.5 parts per million of As_2O_3 on the fruit or vegetable to which added.

(d) Residues of the following poisonous or deleterious substances should not remain on fruits or vegetables as prepared for market:

Calcium cyanide.
Dinitro-o-sec butylphenol.
Dinitro-o-sec cresol.
Hexaethyl tetraphosphate.
Tetraethyl pyrophosphate.
Hydrocyanic acid.
Mercury-containing compounds.
Selenium and selenium compounds.

(e) Each subparagraph of this paragraph lists, under the names of the fresh fruits and vegetables specified, the substances found to be required in their production and the tolerances for the residues of these substances remaining in or on such fresh fruits or vegetables. The abbreviation "p. p. m." means parts per million.

FRUITS

(1) *Apples, pears, and quinces.*

Pesticide	*Tolerance*
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
2,4-Dichlorophenoxy acetic acid	5 p. p. m.
Dicyclohexylamine salt of dinitro-o-cyclohexylphenol.	1 p. p. m.

FRUITS—Continued

(6) *Cherries.*

Pesticide	*Tolerance*
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-o-cyclohexylphenol.	1 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	5 p. p. m.
2-Heptadecyl glyoxalidine	7 p. p. m. of combined lead.
Lead arsenate	14 p. p. m.
Methoxychlor	2 p. p. m. of nicotine.
Nicotine-containing compounds	1 p. p. m.
Parathion	7 p. p. m.
TDE	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(7) *Citrus fruits (grapefruit, lemons, limes, oranges, tangerines).*

Pesticide	*Tolerance*
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
2,4-Dichlorophenoxy acetic acid	5 p. p. m.
Dicyclohexylamine salt of dinitro-o-cyclohexylphenol.	1 p. p. m.
Dinitro-o-cyclohexylphenol	1 p. p. m.
EPN	3 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	1 p. p. m. of combined lead.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Tartar emetic	3.5 p. p. m. of combined antimony trioxide.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.

(8) *Cranberries.*

Pesticide	*Tolerance*
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(9) *Currants.*

Pesticide	*Tolerance*
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(10) *Dates.*

Pesticide	*Tolerance*
Ferbam	7 p. p. m.
Parathion	1 p. p. m.

FRUITS—Continued

(1) *Apples, pears, and quinces*—Continued

Pesticide	*Tolerance*
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
2-Heptadecyl glyoxalidine	5 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Naphthalene acetic acid	1 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Phenothiazine	7 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(2) *Apricots.*

Pesticide	*Tolerance*
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-o-cyclohexylphenol.	1 p. p. m.
Dieldrin	0.1 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(3) *Avocados.*

Pesticide	*Tolerance*
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.

(4) *Blackberries.* For tolerances established for pesticide residues on blackberries, see subparagraph (27) of this paragraph.

(5) *Blueberries (huckleberries).*

Pesticide	*Tolerance*
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Ziram	7 p. p. m.

FRUITS—continued

(11) *Figs.*

Pesticide	Tolerance
Parathion	1 p. p. m.

(12) *Gooseberries.*

Pesticide	Tolerance
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(13) *Grapefruit.* For tolerances established for pesticide residues on grapefruit, see subparagraph (7) of this paragraph.

(14) *Grapes.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-o-cyclohexylphenol.	1 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Sodium arsenate	3.5 p. p. m. of combined As_2O_3.
Tartar emetic	3.5 p. p. m. of combined antimony trioxide.
TDE	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(15) *Guavas.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Parathion	1 p. p. m.
Zineb	7 p. p. m.

(16) *Lemons.* For tolerances established for pesticide residues on lemons, see subparagraph (7) of this paragraph.

(17) *Loganberries.* For tolerances established for pesticide residues on loganberries, see subparagraph (27) of this paragraph.

(18) *Mangoes.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Parathion	1 p. p. m.

(19) *Nectarines.* For tolerances established for pesticide residues on nectarines, see subparagraph (22) of this paragraph.

(20) *Oranges.* For tolerances established for pesticide residues on oranges, see subparagraph (7) of this paragraph.

(21) *Papayas.*

Pesticide	Tolerance
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.

FRUITS—continued

(22) *Peaches and nectarines.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-o-cyclohexylphenol.	1 p. p. m.
Dieldrin	0.1 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(23) *Pears.* For tolerances established for pesticide residues on pears, see subparagraph (1) of this paragraph.

(24) *Pineapples.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
EPN	3 p. p. m.
Methoxychlor	14 p. p. m.
Parathion	1 p. p. m.

(25) *Plums (fresh prunes).*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-o-cyclohexylphenol.	1 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Zineb	7 p. p. m.

(26) *Quinces.* For tolerances established for pesticide residues on quinces, see subparagraph (1) of this paragraph.

(27) *Raspberries, blackberries, loganberries, and related berries.*

Pesticide	Tolerance
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-o-cyclohexylphenol.	1 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.

FRUITS—continued

(27) *Raspberries, blackberries, loganberries, and related berries*—Continued

Pesticide	Tolerance
2-Heptadecyl glyoxalidine	5 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(28) *Rhubarb.*

Pesticide	Tolerance
DDT	7 p. p. m.

(29) *Strawberries.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-o-cyclohexylphenol.	1 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.

(30) *Tangerines.* For tolerances established for pesticide residues on tangerines, see subparagraph (7) of this paragraph.

VEGETABLES

(31) *Artichokes.*

Pesticide	Tolerance
DDT	7 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.

(32) *Asparagus.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.

(33) *Beans, green beans, snap beans, lima beans, and black-eyed peas.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.

VEGETABLES—continued

(33) *Beans, green beans, snap beans, lima beans, and black-eyed peas*—Continued

Pesticide	Tolerance
Dicyclohexylamine salt of dinitro-o-cyclohexylphenol.	1 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Magnesium arsenate	3.5 p. p. m. of combined As_2O_3.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(34) *Beets (with or without tops) or beet greens alone.*

Pesticide	Tolerance
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Ziram	7 p. p. m.

(35) *Black-eyed peas.* For tolerances established for pesticide residues on black-eyed peas, see subparagraph (33) of this paragraph.

(36) *Broccoli.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(37) *Brussels sprouts.* For tolerances established for pesticide residues on brussels sprouts, see subparagraph (38) of this paragraph.

(38) *Cabbage, brussels sprouts, kohlrabi, cauliflower.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
Copper arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

VEGETABLES—continued

(39) *Carrots (with or without tops) or carrot tops.*

Pesticide	Tolerance
Calcium arsenate	3.5 p. p. m. of combined As_2O_5.
Chlordane	0.3 p. p. m.
Copper arsenate	3.5 p. p. m. of combined As_2O_5.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(40) *Cauliflower.* For tolerances established for pesticide residues on cauliflower, see subparagraph (38) of this paragraph.

(41) *Celery.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_5.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Dicyclohexylamine salt of dinitro-o-cyclohexylphenol.	1 p. p. m.
Ferbam	7 p. p. m.
Lead arsenate	7 p. p. m. of combined lead.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(42) *Collards.* For tolerances established for pesticide residues on collards, see subparagraph (47) of this paragraph.

(43) *Corn.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_5.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.

(44) *Cucumbers.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_5.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.

VEGETABLES—continued

(44) *Cucumbers*—Continued

Pesticide	Tolerance
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(45) *Eggplants.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_5.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(46) *Endive and escarole.*

Pesticide	Tolerance
DDT	7 p. p. m.
Parathion	1 p. p. m.

(47) *Kale and collards.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_5.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Ziram	7 p. p. m.

(48) *Kohlrabi.* For tolerances established for pesticide residues on kohlrabi, see subparagraph (38) of this paragraph.

(49) *Lettuce.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Ziram	7 p. p. m.

(50) *Lima beans.* For tolerances established for pesticide residues on lima beans, see subparagraph (33) of this paragraph.

(51) *Melons, including cantaloups, muskmelons, watermelons, and other melons.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_5.

VEGETABLES—continued

(51) *Melons, including cantaloups, muskmelons, watermelons, and other melons*—Continued

Pesticide	Tolerance
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(52) *Mushrooms.*

Pesticide	Tolerance
DDT	7 p. p. m.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.

(53) *Mustard greens.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.

(54) *Okra.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Toxaphene	7 p. p. m.

(55) *Onions.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
Dieldrin	0.1 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
Tartar emetic	3.5 p. p. m. of combined antimony trioxide.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(56) *Parsley.*

Pesticide	Tolerance
Nicotine-containing compounds	2 p. p. m. of nicotine.
Zineb	7 p. p. m.

(57) *Parsnips (with or without tops) or parsnip greens alone.*

Pesticide	Tolerance
DDT	7 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.

VEGETABLES—continued

(58) *Peanuts.*

Pesticide	Tolerance
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Parathion	1 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(59) *Peas.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(60) *Peppers.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_5.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Lead arsenate	7 p. p. m. of combined lead.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(61) *Potatoes.* Tolerances are not needed for those pesticides applied only to the foliage of potatoes and that are not translocated to the tubers.

Pesticide	Tolerance
Aldrin	0.1 p. p. m.
Chlordane	0.3 p. p. m.
Heptachlor	0.1 p. p. m.

(62) *Pumpkins.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_5.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

VEGETABLES—continued

(70) *Tomatoes.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
Copper arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m. of combined fluorine.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(71) *Turnips or rutabagas (with or without tops) or turnip greens or rutabaga tops.*

Pesticide	Tolerance
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Ziram	7 p. p. m.

(f) In accordance with section 408 (k) of the Federal Food, Drug, and Cosmetic Act, these tolerances shall be deemed also tolerances under section 408.

§ 120.102 *Tolerances for residues of sesone.* The following tolerances are established for residues of sesone (sodium 2,4-dichlorophenoxyethyl sulfate) in or on the raw agricultural commodities indicated:

(a) 6 parts per million in or on potatoes, peanuts, peanut hulls, peanut hay.

(b) 2 parts per million in or on asparagus, strawberries.

§ 120.103 *Tolerances for residues of captan.* Tolerances of 100 parts per million are established for residues of captan (*N*-trichloromethyl mercapto-4-cyclohexene-1,2-dicarboximide) in or on the following raw agricultural commodities from preharvest or postharvest uses or combinations of such uses: Almonds, almond hulls, apples, apricots, avocados, beans (dry and succulent forms), beets (garden) roots, beets (sugar) roots, beets (sugar) tops, blackberries, blueberries (huckleberries), boysenberries, broccoli, brussels sprouts, cabbage, cantaloup, carrots (roots), cauliflower, celery, cherries, Chinese cabbage, citrus citron, collards, cottonseed, crabapples, cranberries, cucumbers, dandelion, dewberries, eggplants, endive (escarole), fennel, garlic, grapefruit, grapes, horseradish (roots), kale, kohlrabi, kumquats, leeks, lemons, lettuce, limes, loganberries, mangoes, honeydew melons, muskmelons, mustard greens, nectarines, onions (dry bulb), onions (green), oranges, parsley, parsnips (roots), peaches, pears, peas (dry and succulent forms), peppers, pimentos, pineapple, plums (fresh prunes), popcorn (grain form), potatoes, pumpkins, quinces, radishes (roots), raspberries, rhubarb, romaine, rutabagas (roots), salsify (roots) salsify (tops), shallots, soybeans (dry and succulent forms), spinach, strawberries, summer squash, sweet corn (kernels plus cob with husk removed), Swiss chard, tangelos, tangerines, tomatoes, turnips (roots), turnips (tops), watercress, watermelon, winter squash.

§ 120.104 *Tolerances for residues of heptachlor.* The tolerance of 0.1 part per million for residues of heptachlor (see § 120.101 (e) (61)) is extended to include the following raw agricultural commodities: Alfalfa, apples, barley, beets (including sugar beets), black-eyed peas, brussels sprouts, cabbage, carrots, cauliflower, cherries; clover, sweet clover; corn, cotton, cowpeas, grain sorghum (milo), grapes, kholrabi, oats, onions, pasture and range grass, peaches, peanuts, peas, pineapple, radishes, rye, sugarcane, sweetpotatoes, tomatoes, turnips with tops and rutabagas (yellow turnips) without tops, wheat.

§ 120.105 *Tolerances for residues of Systox (O,O-diethyl (2-ethylmercaptoethyl) thiophosphate, a mixture of thiono and thiol isomers).* Tolerances for residues of Systox (*O,O*-diethyl-(2-ethylmercaptoethyl) thiophosphate, a mixture of thiono and thiol isomers) and derived anticholinesterase products as determined by in vitro cholinesterase inhibition of pooled human plasma, using technical Systox as a standard (this standard effects 50-percent inhibition of pooled human plasma cholinesterase at a concentration of 0.3 ± 0.025 part per million in water as a medium) are established as follows:

(a) 12 parts per million in or on alfalfa hay, clover hay.

(b) 5 parts per million in or on almond hulls, fresh alfalfa, fresh clover.

(c) 1.25 parts per million in or on grapes, hops.

(d) 0.75 part per million in or on almonds, apples, broccoli, brussels sprouts, cabbage, cauliflower, grapefruit, lemons, lettuce, muskmelons, oranges, pears, pecans, potatoes, strawberries, walnuts.

(e) 0.3 part per million in or on beans.

§ 120.106 *Tolerances for residues of diuron.* Tolerances for residues of diuron (3-(3,4-dichlorophenyl)-1,1-dimethylurea) in or on raw agricultural commodities are established as follows:

(a) 1 part per million in or on cottonseed, grapes, pineapple, potatoes, and sugarcane.

(b) 2 parts per million in or on alfalfa, bird's-foot trefoil (hay, forage), and grass crops (grass hay).

§ 120.107 *Tolerances for residues of Aramite.* (a) A tolerance of 1 part per million is established for residues of Aramite (2-(*p-tert*-butylphenoxy)-isopropyl-2-chloroethyl sulfite) in or on the raw agricultural commodities: Apples, blueberries, cantaloups, celery, cucumbers, grapefruit, grapes, green beans, lemons, muskmelons, oranges, peaches, pears, plums, raspberries, strawberries, sweet corn (kernels) but not forage thereof, tomatoes, watermelons.

(b) A tolerance of zero is established for residues of Aramite in or on the raw agricultural commodities alfalfa and soybeans (whole plant).

VEGETABLES—continued

(72) *Radishes (with or without tops) or radish tops.*

Pesticide	Tolerance
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Toxaphene	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(73) *Rutabagas (with or without tops) or rutabaga tops.* For tolerances established for pesticide residues on rutabagas, see subparagraph (71) of this paragraph.

(74) *Salsify.*

Pesticide	Tolerance
Zineb	7 p. p. m.

(75) *Spinach.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
DDT	7 p. p. m.
EPN	3 p. p. m.
Ferbam	7 p. p. m.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Ziram	7 p. p. m.

(76) *Squash, summer squash.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
Calcium arsenate	3.5 p. p. m. of combined As_2O_3.
Chlordane	0.3 p. p. m.
DDT	7 p. p. m.
Ferbam	7 p. p. m.
Fluorine compounds	7 p. p. m. of combined fluorine.
Methoxychlor	14 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.
Zineb	7 p. p. m.
Ziram	7 p. p. m.

(77) *Sweetpotatoes.* Tolerances are not needed for those pesticides applied only to foliage of sweetpotatoes and which are not translocated to the tubers.

Pesticide	Tolerance
Aldrin	0.1 p. p. m.

(78) *Swiss chard.*

Pesticide	Tolerance
Benzene hexachloride	5 p. p. m.
DDT	7 p. p. m.
Nicotine-containing compounds	2 p. p. m. of nicotine.
Parathion	1 p. p. m.
TDE	7 p. p. m.

§ 120.108 *Tolerances for residues of monuron (3-(p-chlorophenyl)-1,1-dimethylurea).* Tolerances for residues of monuron (3-(p-chlorophenyl)-1,1-dimethylurea) are established in or on raw agricultural commodities as follows:

(a) 7 parts per million in or on asparagus.

(b) 1 part per million in or on avocados, citrus citron, cottonseed, grapefruit, grapes, kumquats, lemons, limes, onions (dry bulbs only), oranges, pineapple, spinach, sugarcane, tangelos, tangerines.

§ 120.109 *Tolerances for residues of Chlorobenzilate (ethyl 4,4'-dichlorobenzilate).* A tolerance of 5 parts per million is established for residues of Chlorobenzilate (ethyl 4,4'-dichlorobenzilate) in or on each of the following raw agricultural commodities: Apples, cantaloups, lemons, oranges, and pears.

§ 120.110 *Tolerances for residues of maneb.* Tolerances for residues of maneb (manganous ethylenebisdithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, are established in or on raw agricultural commodities, as follows:

(a) 10 parts per million in or on apricots, beans (succulent form), cabbage, celery, Chinese cabbage, collards, endive (escarole), kale, lettuce, mustard greens, nectarines, peaches, spinach, turnip tops.

(b) 7 parts per million in or on apples, beans (dry form), carrots (roots), carrots (tops), cranberries, cucumbers, eggplants, figs, grapes, melons, onions, peppers, summer squash, sweet corn (kernels plus cob with husk removed), tomatoes, turnip roots, winter squash.

(c) 0.1 part per million in or on almonds, potatoes.

§ 120.111 *Tolerances for residues of malathion.* Tolerances are established for residues of malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) in or on raw agricultural commodities as follows:

(a) (1) From preharvest application: 8 parts per million in or on alfalfa, apples, apricots, asparagus, avocados, barley, beans, beets (including tops), blackberries, blueberries, boysenberries, broccoli, brussels sprouts, cabbage, carrots, cauliflower, celery, cherries, clover, collards, corn forage, cranberries, cucumbers, currants, dandelions, dates, dewberries, eggplants, endive (escarole), garlic, gooseberries, grapefruit, grapes, guavas, horseradish, kale, kohlrabi, kumquats, leeks, lemons, lettuce, limes, loganberries, mangoes, melons, mushrooms, mustard greens, nectarines, oats, onions (including green onions), oranges, parsley, parsnips, passion fruit, peaches, pears, peas, pecans, peppermint, peppers, pineapples, plums, potatoes, prunes, pumpkins, quinces, radishes, raspberries, rice, rutabagas, rye, salsify (including tops), shallots, spearmint, spinach, squash (both summer and winter squash), strawberries, Swiss chard, tangelos, tangerines, tomatoes, turnips (including tops), walnuts, watercress, wheat.

(2) From postharvest application: 8 parts per million in or on peanuts and the following grains: Barley, corn, oats, rice, rye, sorghum, wheat.

(b) From preslaughter application: 4 parts per million in or on meat and meat byproducts from cattle, hogs, poultry. The tolerance level shall not be exceeded in any cut of meat or in any meat byproduct from cattle, hogs, or poultry.

(c) From preharvest application: 2 parts per million in or on corn (kernels plus cob with husk removed), cottonseed.

(d) Zero in eggs, milk.

§ 120.112 *Tolerances for residues of Sulphenone (p-chlorophenyl phenyl sulfone).* A tolerance of 8 parts per million for residues of Sulphenone (p-chlorophenyl phenyl sulfone) is established in or on each of the following raw agricultural commodities: Apples, peaches, pears.

§ 120.113 *Tolerances and exemptions from the requirement of a tolerance for residues of allethrin (allyl homolog of cinerin I).* (a) Allethrin is exempted from the requirement of a tolerance for residues when used before harvest in the production of beans, broccoli, brussels sprouts, cabbage, cauliflower, collards, horseradish, kale, kohlrabi, lettuce, mushrooms, mustard greens, radishes, rutabagas, turnips.

(b) Tolerances of 4 parts per million for residues of allethrin from postharvest use of such pesticide chemical are established in or on the following raw agricultural commodities: Apples, blackberries, blueberries (huckleberries), boysenberries, cherries, crabapples, currants, dewberries, figs, gooseberries, grapes, guavas, loganberries, mangoes, muskmelons, oranges, peaches, pears, pineapples, plums (fresh prunes), raspberries, tomatoes.

(c) Tolerances of 2 parts per million for residues of allethrin from postharvest use of such pesticide chemical are established in or on the following grains: Barley, corn, grain sorghum, milo, oats, rye, wheat.

§ 120.114 *Tolerance for residues of ferbam.* A tolerance of 0.1 part per million is established for residues of ferbam (ferric dimethyldithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, in or on almonds.

§ 120.115 *Tolerances for residues of zineb.* Tolerances for residues of zineb (zinc ethylenebisdithiocarbamate) are established as follows:

(a) 60 parts per million in or on hops.

(b) 25 parts per million in or on beet tops, Chinese cabbage, collards, endive, kale, lettuce, mustard greens, romaine, spinach, Swiss chard.

(c) 7 parts per million in or on beets (garden), roots only; mushrooms.

(d) 1 part per million in or on wheat.

§ 120.116 *Tolerances for residues of ziram.* (a) A tolerance of 7 parts per million is established for residues of ziram (zinc dimethyldithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, in or on strawberries.

(b) A tolerance of 0.1 part per million is established for residues of ziram (zinc dimethyldithiocarbamate), calculated as

zinc ethylenebisdithiocarbamate, in or on almonds and pecans.

§ 120.117 *Tolerance for residues of chlortetracycline.* A tolerance of 7 parts per million is established for residues of chlortetracycline in or on uncooked poultry. This tolerance level shall not be exceeded in any part of the poultry.

§ 120.118 *Tolerances for residues of dichlone.* A tolerance of 3 parts per million is established for residues of dichlone (2,3,-dichloro-1,4,-naphthoquinone) in or on each of the following raw agricultural commodities: Apples, celery, peaches, tomatoes.

§ 120.119 *Tolerances for residues of EPN (O-ethyl-O-p-nitrophenyl benzene thiophosphonate).* Tolerances for residues of EPN (*O*-ethyl-*O*-*p*-nitrophenyl benzene thiophosphonate) are established as follows:

(1) 3 parts per million in or on grapes, olives, sugar beets (but not sugar beet tops), tomatoes.

(2) 0.5 part per million in or on almonds, cottonseed, pecans, walnuts.

§ 120.120 *Tolerances for residues of methoxychlor.* Tolerances for residues of methoxychlor (2,2-bis-(*p*-methoxyphenyl)-1,1,1-trichloroethane) are established as follows:

(a) 100 parts per million in or on alfalfa, clover, cowpeas, grass for forage, peanut forage, soybean forage.

(b) 14 parts per million in or on carrots (with or without tops) or carrot tops, currants, gooseberries, peanuts.

(c) 3 parts per million in the fat of meat from cattle, sheep, or hogs.

(d) 2 parts per million in or on the following grains: Barley, corn, oats, rice, rye, sorghum grain, wheat.

(e) Zero part per million in milk.

§ 120.121 *Tolerances for residues of parathion.* A tolerance of 1 part per million is established for residues of parathion (*O,O*-diethyl *O*-*p*-nitrophenyl thiophosphate) in or on the following raw agricultural commodities: Alfalfa, barley, clover, corn forage, grass for forage, hops, oats, olives, pea forage, vetch, wheat.

§ 120.122 *Tolerance for residues of chlordane.* A tolerance of 0.3 part per million is established for residues of chlordane (1,2,4,5,6,7,8,8-octachloro-2,3,-3a,4,7,7a - hexahydro - 4,7 - methanoindene) in or on sweetpotatoes.

§ 120.123 *Tolerances for residues of inorganic bromides resulting from fumigation with methyl bromide.* Tolerances for residues of inorganic bromides (calculated as Br) in or on raw agricultural commodities that have been fumigated with methyl bromide are established as follows:

(a) 200 parts per million in or on almonds, brazil nuts, bush nuts, butternuts, cashew nuts, chestnuts, cottonseed, filberts (hazelnuts), hickory nuts, peanuts, pecans, pistachio nuts, walnuts.

(b) 100 parts per million in or on copra.

(c) 75 parts per million in or on potatoes, sweetpotatoes.

(d) 50 parts per million in or on alfalfa hay, barley, beans, beans (green), beans (lima), beans (snap), black-eyed peas, cipollini bulbs, cocoa beans, corn, garlic, grain sorghum (milo), oats, peas (with pods), rice, rye, sweet corn (determined on kernels plus cob with husk removed), wheat.

(e) 30 parts per million in or on beets, garden (roots), carrots (roots), citrus citron, cucumbers, grapefruit, horseradish, Jerusalem-artichokes, kumquats, lemons, limes, okra, oranges, parsnips (roots), peppers, pimentos, radishes, rutabagas, salsify roots, strawberries, sugar beets (roots), summer squash, tangelos, tangerines, turnips (roots), yams.

(f) 20 parts per million in or on apricots, cantaloups, cherries, eggplants, grapes, honeydew melons, mangoes, muskmelons, nectarines, onions, papayas, peaches, pineapples, plums (fresh prunes), pumpkins, tomatoes, watermelons, winter squash, zucchini squash.

(g) 5 parts per million in or on apples, pears, quinces.

§ 120.124 *Tolerance for residues of glyodin.* The tolerance for residues of glyodin (2-heptadecyl glyoxalidine acetate) in or on peaches is 5 parts per million.

§ 120.125 *Tolerances for residues of calcium cyanide.* A tolerance of 25 parts per million is established for residues of calcium cyanide, calculated as hydrogen cyanide, in or on each of the following grains: Barley, buckwheat, corn, oat, rice, rye, sorghum, wheat.

§ 120.126 *Tolerances for residues of inorganic bromides resulting from soil treatment with ethylene dibromide.* Tolerances for residues of inorganic bromides (calculated as Br) in or on raw agricultural commodities grown in soil treated with ethylene dibromide are established as follows:

(a) 75 parts per million in or on broccoli, carrots (with or without tops), melons, parsnips,

(b) 50 parts per million in or on eggplant, okra, summer squash, sweet corn, sweet corn forage, sweetpotatoes, tomatoes.

(c) 40 parts per million in or on pineapple.

(d) 30 parts per million in or on cucumbers, lettuce, peppers.

(e) 25 parts per million in or on cottonseed.

(f) 10 parts per million in or on asparagus, cauliflower.

(g) 5 parts per million in or on lima beans, strawberries.

§ 120.127 *Tolerances for residues of piperonyl butoxide.* Tolerances for residues of piperonyl butoxide ((butyl carbityl) (6-propyl piperonyl) ether) from postharvest use of such pesticide chemical are established in or on raw agricultural commodities, as follows:

(a) 20 parts per million in or on barley, buckwheat, corn (including popcorn), rice, rye, wheat.

(b) 8 parts per million in or on almonds, apples, beans, blackberries, blueberries (huckleberries), boysenberries, cherries, cocoa beans, copra, cottonseed, crabapples, currants, dewberries, figs, flaxseed, gooseberries, grain sorghum, grapes, guavas, loganberries, mangoes, muskmelons, oats, oranges, peaches, peanuts (determined on the nuts with shell removed), pears, peas, pineapples, plums (fresh prunes), raspberries, tomatoes, walnuts.

§ 120.128 *Tolerances for residues of pyrethrins.* Tolerances for residues of pyrethrins (insecticidally active principles of Chrysanthemum cinerariaefolium) from postharvest use of such pesticide chemical are established in or on raw agricultural commodities, as follows:

(a) 3 parts per million in or on barley, buckwheat, corn (including popcorn), rice, rye, wheat.

(b) 1 part per million in or on almonds, apples, beans, blackberries, blueberries (huckleberries), boysenberries, cherries, cocoa beans, copra, cottonseed, crabapples, currants, dewberries, figs, flaxseed, gooseberries, grain sorghum, grapes, guavas, loganberries, mangoes, muskmelons, oats, oranges, peaches, peanuts (determined on the nuts with shell removed), pears, peas, pineapples, plums (fresh prunes), raspberries, tomatoes, walnuts.

§ 120.129 *Tolerances for residues of sodium o-phenylphenate.* Tolerances are established as follows for residues from postharvest application of sodium o-phenylphenate, calculated as o-phenylphenol;

(a) 125 parts per million in or on cantaloups, of which not more than 10 parts per million shall be in the edible portion.

(b) 20 parts per million in or on peaches.

(c) 10 parts per million in or on citrus citron, grapefruit, kumquat, lemons, limes, oranges, pineapple, tangelos, tangerines.

(d) 5 parts per million in or on apples, pears.

§ 120.130 *Tolerances for residues of hydrogen cyanide.* Tolerances for residues of hydrogen cyanide from postharvest fumigation are established as follows:

(a) 250 parts per million in or on the following spices: Allspice, anise, basil, bay, black pepper, caraway, cassia, celery seed, chili, cinnamon, cloves, coriander, cumin, dill, ginger, mace, marjoram, nutmeg, oregano, paprika, poppy, red pepper, rosemary, sage, savory, thyme, turmeric, white pepper.

(b) 25 parts per million in or on almonds, barley, beans (dried), buckwheat, cashews, cocoa beans, corn, oats, peanuts, peas (dried), pecans, popcorn, rice, rye, sesame, sorghum, walnuts, wheat.

§ 120.131 *Tolerances for residues of endrin.* A tolerance of zero is established for endrin residues in or on each of the following raw agricultural commodities: Cabbage, cottonseed, cucumbers, eggplant, peppers, potatoes, sugar beets, sugar beet tops, summer squash, and tomatoes.

§ 120.132 *Tolerances for residues of thiram.* A tolerance of 7 parts per million is established for residues of thiram (tetramethyl thiuram disulfide) in or on apples and tomatoes.

§ 120.133 *Tolerance for residues of lindane.* A tolerance of 10 parts per million is established for residues of lindane (gamma isomer of benzene hexachloride) in or on mushrooms.

§ 120.134 *Tolerances for residues of p-chlorophenyl - p - chlorobenzenesulfonate.* Tolerances for residues of p-chlorophenyl-*p*-chlorobenzenesulfonate are established as follows:

(a) 5 parts per million in or on grapefruit, lemons, oranges, tangerines.

(b) 3 parts per million in or on apples, peaches, pears, plums (prunes).

§ 120.135 *Tolerances for residues of aldrin.* Tolerances for residues of aldrin in or on raw agricultural commodities are established, as follows:

(a) 0.75 part per million in or on barley straw, oat straw, rice straw, rye straw, wheat straw.

(b) 0.25 part per million in or on apples, apricots, beets (garden), garden beet tops, broccoli, brussels sprouts, cabbage, carrots, cauliflower, collards, cucumbers, endive (escarole), garlic, grapefruit, horseradish, kale, kohlrabi, leeks, lemons, lettuce, limes, mustard greens, onions, oranges, parsnips, peanuts, pears, quinces, radishes, rutabagas, salsify tops, salsify root, shallots, spinach, summer squash, Swiss chard, tangerines, turnips, turnip tops.

(c) 0.1 part per million in or on asparagus, barley grain, beets (sugar), sugar beet tops, cantaloup, celery, cherries, cranberries, eggplant, grapes, mangoes, muskmelons, nectarines, oat grain, peaches, peppers, pimentos, pineapple, plums and prunes, pumpkins, rice grain, rye grain, strawberries, tomatoes, watermelon, wheat grain, winter squash.

(d) Zero in or on alfalfa, beans, black-eyed peas, clover, corn grain, corn forage, cowpeas, cowpea hay, grain sorghum, grain sorghum forage, lespedeza, peas, pea hay, peanut hay, popcorn, soybeans, soybean hay.

§ 120.136 *Tolerance for residues of basic copper carbonate.* The tolerance for residues of basic copper carbonate in or on pears from post-harvest use of the chemical is 3 parts per million of combined copper.

§ 120.137 *Tolerances for residues of dieldrin.* Tolerances for residues of dieldrin in or on raw agricultural commodities are established, as follows:

(a) 0.75 part per million in or on barley straw, oat straw, rice straw, rye straw, wheat straw.

(b) 0.25 part per million in or on apples, beets (garden), garden beet tops, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, collards, cucumbers, endive (escarole), grapefruit, kale, kohlrabi, lemons, lettuce, limes, mustard greens, oranges, pears, pineapple, quinces, rutabagas, salsify tops, spinach, summer squash, Swiss chard, tangerines, turnips, turnip tops.

(c) 0.1 part per million in or on asparagus, barley grain, carrots, cranberries, eggplant, grapes, horseradish, mangoes, oat grain, parsnips, peppers, pimentos, potatoes, plums and prunes, radishes, radish tops, rice grain, rye grain, salsify root, strawberries, sweetpotatoes, tomatoes, wheat grain.

(d) Zero in or on alfalfa, beans, black-eyed peas, cantaloups, clover, corn grain, corn forage, cowpeas, cowpea hay, grain sorghum, grain sorghum forage, lespedeza, muskmelons, peas, pea hay, popcorn, pumpkins, soybeans, soybean hay, watermelons, winter squash.

§ 120.138 *Tolerances for residues of toxaphene.* Tolerances are established for residues of toxaphene (chlorinated camphene containing 67 percent–69 percent chlorine) in or on raw agricultural commodities from preharvest or preslaughter application as follows:

(a) 7 parts per million in or on cranberries; fat of meat from cattle, goats, and sheep; hazelnuts; hickory nuts; horseradish; parsnips; pecans; peppers; pimentos; rutabagas; walnuts.

(b) 5 parts per million in or on barley, oats, rice, rye, wheat.

§ 120.139 *Tolerances for residues of 1,1 - dichloro - 2,2 - bis (p-ethylphenyl) ethane.* A tolerance of 15 parts per million is established for residues of 1,1-dichloro-2,2-bis(*p*-ethylphenyl) ethane in or on each of the following raw agricultural commodities: Broccoli, brussels sprouts, cabbage, cauliflower, cherries, kohlrabi, lettuce, spinach.

§ 120.140 *Exemption from the requirement of a tolerance for residues of ammonia.* Ammonia is exempted from the requirement of a tolerance when used after harvest on the raw agricultural commodities grapefruit, lemons, and oranges.

§ 120.141 *Tolerances for residues of diphenyl.* A tolerance of 110 parts per million for residues of diphenyl is established in or on each of the following raw agricultural commodities grapefruit, lemons, and oranges.

§ 120.142 *Exemption from the requirement of a tolerance for residues of carbon disulfide.* Carbon disulfide is exempted from the requirement of a tolerance for residues, when used as a fumigant for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

§ 120.143 *Exemption from the requirement of a tolerance for residues of carbon tetrachloride.* Carbon tetrachloride is exempted from the requirement of a tolerance for residues, when used as a fumigant for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

§ 120.144 *Exemption from the requirement of a tolerance for the organic bromide residues from ethylene dibromide.* The organic bromide residues are exempted from the requirement of a tolerance for residues when ethylene dibromide is used as a fumigant for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

§ 120.145 *Exemption from the requirement of a tolerance for residues of ethylene dichloride.* Ethylene dichloride is exempted from the requirement of a tolerance for residues, when used as a fumigant for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

§ 120.146 *Tolerances for residues of inorganic bromides resulting from fumigation with ethylene dibromide.* (a) Tolerances of 50 parts per million are established for residues of inorganic bromides (calculated as Br) in or on the following grains that have been fumigated with ethylene dibromide: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

(b) Tolerances are established for residues of inorganic bromides (calculated as Br) in or on the following raw agricultural commodities that have been fumigated with ethylene dibromide in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U. S. Department of Agriculture.

(1) 10 parts per million in or on: Beans (string), bitter melon (Mormodica charantia), cantaloups, Cavendish bananas, citrus fruits, cucumbers, guavas, litchi fruit, litchi nuts, mangoes, papayas, peppers (bell), pineapples, zucchini squash.

(2) 20 parts per million in or on plums.

§ 120.147 *Tolerances for residues of DDT.* Tolerances of 7 parts per million for residues of DDT (a mixture of 1,1,1-trichloro-2,2-bis (*p*-chlorophenyl) ethane and 1,1,1-trichloro-2-(*o*-chlorophenyl)-2-(*p*-chlorophenyl) ethane are established in or on the following raw agricultural commodities: The fat of meat from cattle, hogs, and sheep; sweetpotatoes (from postharvest use).

§ 120.148 *Tolerance for residues of oxytetracycline.* A tolerance of 7 parts per million is established for residues of oxytetracycline in or on uncooked poultry. This tolerance level shall not be exceeded in any part of the poultry.

§ 120.149 *Tolerances for residues of mineral oil.* (a) For the purposes of this section, mineral oil is defined as the refined petroleum fraction having the following characteristics:

(1) Minimum flashpoint of 300° F.

(2) Gravity of 27 to 34 by the American Petroleum Institute standard method.

(3) Pour point of 30° F. maximum.

(4) Color 2 maximum by standards of the American Society for Testing Materials.

(5) Boiling point between 480° F. and 960° F.

(6) Viscosity at 100° F. of 100 to 200 seconds Saybolt.

(7) Unsulfonated residue of 90-percent minimum.

(8) No sulfur compounds according to the United States Pharmacopeia test under Liquid Petrolatum.

(b) Tolerances of 200 parts per million for residues of mineral oil as specified in paragraph (a) of this section are established in or on the following grains from postharvest application: Shelled corn, grain sorghum.

§ 120.150 *Tolerances for residues of sodium 2,2-dichloropropionate.* Tolerances for residues of sodium 2,2-dichloropropionate, as 2,2-dichloropropionic acid, in or on raw agricultural commodities, are established as follows:

(a) 75 parts per million in or on flaxseed.

(b) 35 parts per million in or on cottonseed.

(c) 30 parts per million in or on asparagus.
(d) 10 parts per million in or on potatoes.
(e) 5 parts per million in or on sugar beets (roots) and sugar beets (tops).
(f) 3 parts per million in or on apples, grapes, pears, pineapples.
(g) 1 part per million in or on apricots, peaches, plums.

§ 120.151 *Tolerances for residues of ethylene oxide.* A tolerance of 50 parts per million is established for residues of ethylene oxide in or on each of the following raw agricultural commodities: Copra, whole spices.

§ 120.152 *Tolerance for residues of sodium dimethyldithiocarbamate.* A tolerance of 25 parts per million is established for residues of sodium dimethyldithiocarbamate, calculated as zinc ethylenebisdithiocarbamate, in or on melons.

§ 120.153 *Tolerances for residues of O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate.* Tolerances for residues of O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on raw agricultural commodities are established as follows:
(a) 1.0 part per million in or on olives.
(b) 0.75 part per million in or on apples, apricots, beans (snap), beet roots, beet tops, broccoli, cabbage, cauliflower, celery, cherries, cucumbers, figs, hops, lemons, lettuce, nectarines, onions, oranges, peaches, pears, peppers, plums (fresh prunes), spinach, strawberries, tomatoes.

§ 120.154 *Tolerances for residues of O,O-dimethyl S-(4-oxo-1,2,3-benzotriazinyl-3-methyl) phosphorodithioate.* Tolerances for residues of O,O-dimethyl S-(4-oxo-1,2,3-benzotriazinyl-3-methyl) phosphorodithioate in or on raw agricultural commodities are established as follows:
(a) 2 parts per million on apples, apricots, crabapples, nectarines, peaches, pears, quinces.
(b) 0.5 part per million in or on cottonseed.

§ 120.155 *Exemption from the requirement of a tolerance for residues of chloropicrin.* Chloropicrin is exempted from the requirement of a tolerance for residues when used as a fumigant for the following grains: Barley, buckwheat, corn, oats, rice, rye, grain sorghum, wheat.

§ 120.156 *Tolerances for residues of S-(p-chlorophenylthio) methyl O,O-diethyl phosphorodithioate.* Tolerances for residues of S-(p-chlorophenylthio) methyl O,O-diethyl phosphorodithioate in or on raw agricultural products are established as follows:
(a) 5 parts per million in or on sugar beets (roots), sugar beets (tops).
(b) 2 parts per million in or on almond hulls, grapefruit, lemons, limes, oranges, tangelos, tangerines.
(c) 0.8 part per million in or on apples, apricots, beans, snap (succulent form); beans, lima (succulent form); beets, garden (roots); beets, garden (tops); cantaloups, cherries, crabapples, eggplants, grapes, nectarines, olives, peaches, pears, peas (succulent form), peppers, pimentos, plums (fresh prunes), quinces, soybeans (succulent form), spinach, strawberries, tomatoes, watermelons.

§ 120.157 *Tolerances for residues of 1-methoxycarbonyl-1-propen-2-yl-dimethylphosphate and its beta isomer.* Tolerances for residues of 1-methoxycarbonyl-1-propen-2-yl-dimethylphosphate and its beta isomer are established in or on raw agricultural commodities, as follows:
(a) 1.0 part per million in or on alfalfa, broccoli, brussels sprouts, cabbage, cauliflower, clover, collards, corn forage, kale, mustard greens, peaches, pea vines, plums, sorghum forage, sorghum grain, spinach, strawberries, turnip tops.
(b) 0.5 part per million in or on apples, lettuce, pears.
(c) 0.25 part per million in or on beans, corn grain (including field corn, popcorn, sweet corn), cucumbers, onions, (green), peas, potatoes, tomatoes, turnips.

§ 120.158 *Tolerances for residues of 2,4-dichloro-6-(o-chloroanilino) triazine.* Tolerances for residues of 2,4-dichloro-6-(o-chloroanilino) triazine in or on raw agricultural products are established as follows:
(a) 10 parts per million in or on tomatoes.
(b) 1 part per million in or on potatoes.

§ 120.159 *Tolerance for residues of sodium dehydroacetate.* A tolerance of 65 parts per million is established for residues of sodium dehydroacetate, as dehydroacetic acid, in or on strawberries from postharvest application.

§ 120.160 *Tolerance for residues of mercaptobenzothiazole.* A tolerance of 0.1 part per million is established for residues of mercaptobenzothiazole, calculated as 2,2'-dithiobisbenzothiazole, in or on apples.

§ 120.161 *Tolerance for residues of manganous dimethyldithiocarbamate.* A tolerance of 7 parts per million is established for residues of manganous dimethyldithiocarbamate, calculated as zinc ethylenebisdithiocarbamate, in or on apples.

§ 120.162 *Tolerance for residues of tetraiodoethylene.* A tolerance of 15 parts per million is established for residues of tetraiodoethylene on cantaloup from postharvest application.

§ 120.163 *Tolerances for residues of 1,1-bis(p-chlorophenyl)-2,2,2-trichloroethanol.* Tolerances for residues of 1,1-bis(p-chlorophenyl)-2,2,2-trichloroethanol are established as follows:
(a) 30 parts per million in or on hops.
(b) 10 parts per million in or on apricots, grapefruit, kumquats, lemons, limes, nectarines, oranges, peaches, tangelos, tangerines.
(c) 5 parts per million in or on apples, beans (dry form); beans, snap (succulent form); beans, lima (succulent form); blackberries, boysenberries, bushnuts, butternuts, cantaloups, cherries, chestnuts, crabapples, cucumbers, dewberries, eggplants, figs, filberts, grapes, hazelnuts, hickory nuts, loganberries, melons, muskmelons, pears, pecans, peppers, pimentos, plums (fresh prunes), pumpkins, quinces, raspberries, summer squash, strawberries, tomatoes, walnuts, watermelons, winter squash.
(d) 0.1 part per million in or on cottonseed.

§ 120.164 *Tolerances for residues of O,O-diethyl S-2-diethylaminoethyl phosphorothioate hydrogen oxalate.* A tolerance of 0.1 part per million is established for residues of O,O-diethyl S-2-diethylaminoethyl phosphorothioate hydrogen oxalate in or on undelinted cottonseed.

§ 120.165 *Tolerance for residues of sodium 2,4-dichlorophenoxyacetate.* A tolerance of 5 parts per million is established for residues of sodium 2,4-dichlorophenoxyacetate, calculated as 2,4-dichlorophenoxyacetic acid, in or on asparagus.

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

§ 141a.86 *Procaine penicillin-streptomycin-polymyxin in oil; procaine penicillin - dihydrostreptomycin - polymyxin in oil; procaine penicillin-streptomycin-polymyxin ointment; procaine penicillin-dihydrostreptomycin - polymyxin ointment*—(a) *Potency.* (1) *Penicillin content.* Proceed as directed in § 141a.8 (a). Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units per milliliter or per gram that it is represented to contain.
(2) *Streptomycin content.* Proceed as directed in § 141b.129 (a) (1) of this chapter, except inactivate the penicillin in the combined extractives with sufficient penicillinase at 37° C. for 30 minutes. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter or per gram that it is represented to contain.
(3) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (2) of this paragraph, using the dihydrostreptomycin working standard as a standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter or per gram that it is represented to contain.
(4) *Polymyxin content.* Proceed as directed in § 141b.112 (b) (1) of this chapter, with the following exceptions:
(i) In lieu of the directions for the preparation of the sample described in § 141b.112 (b) (1) (vii) of this chapter, prepare the sample by one of the following techniques:
(a) *Extraction.* Place a convenient-sized representative quantity of the sample in a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 25 milliliters of 10-percent potassium phosphate buffer (pH 6.0) and shake. Remove the buffer layer and repeat the extraction with 25-milliliter portions of buffer at least three times and any additional times that may be necessary to insure complete extraction of the antibiotic. Combine the extractives. Inactivate the penicillin with

sufficient penicillinase at 37° C. for 30 minutes. Make the proper estimated dilutions in 10-percent potassium phosphate buffer (pH 6.0) to give a concentration of 10 units per milliliter (estimated).
(b) *Blending.* Place a convenient-sized representative quantity of the sample in a blending jar containing 1.0 milliliter of a 10-percent aqueous solution of polysorbate 80 and sufficient 1-percent phosphate buffer (pH 6.0) to give a final volume of 200 milliliters. If the sample consists of substantially more than 1 gram, use sufficient buffer to give a final volume of 500 milliliters. If the concentration of polymyxin in the blend is less than 200 units per milliliter, 10-percent phosphate buffer (pH 6.0) should be used in lieu of 1-percent phosphate buffer (pH 6.0). Using a high-speed blender, blend the mixture for 2 minutes. Inactivate the penicillin with sufficient penicillinase at 37° C. for 30 minutes and make the proper estimated dilutions in 10-percent phosphate buffer (pH 6.0) to give a concentration of 10 units per milliliter (estimated).
(ii) The standard curve is prepared in the following concentrations: 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 units per milliliter in 10-percent potassium phosphate buffer, pH 6.0. The 10 units per milliliter concentration is used as the reference point. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units per milliliter or per gram that it is represented to contain.
(b) *Moisture.* Proceed as directed in § 141a.8 (b).

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTICS AND ANTIBIOTIC-CONTAINING DRUGS

§ 146.26 *Animal feed containing penicillin; animal feed containing streptomycin; animal feed containing dihydrostreptomycin; animal feed containing chlortetracycline; animal feed containing tetracycline; animal feed containing chloramphenicol; animal feed containing bacitracin; animal feed containing feed grade zinc bacitracin; animal feed containing bacitracin methylene disalicylate.* Animal feed containing penicillin, streptomycin, dihydrostreptomycin, chlortetracycline, tetracycline, chloramphenicol, bacitracin, feed grade zinc bacitracin, or bacitracin methylene disalicylate, or any combination of two or more of these, with or without added suitable vitamin substances, shall be exempt from the requirements of sections 502 (l) and 507 of the act under the conditions set forth in any one of the following paragraphs of this section:
(a) It is intended for use solely as an animal feeding supplement, it is conspicuously so labeled, and it is manufactured with or without one, but only one, of the following ingredients in a quantity, by weight of feed, as hereinafter indicated:
(1) Arsanilic acid: Not less than 0.005 percent and not more than 0.01 percent.
(2) Sodium arsanilate: Not less than 0.005 percent and not more than 0.01 percent.
(3) 3-Nitro-4-hydroxyphenol arsonic acid: Not less than 0.0025 percent and not more than 0.0075 percent.
(4) Furazolidone: 0.00083 percent.
(5) Furazolidone 0.00083 percent, 3-nitro-4-hydroxyphenol arsonic acid not less than 0.0025 percent and not more than 0.0075 percent, with or without nitrofurazone 0.0056 percent.
(b) It is intended for use in the conditions set forth in any one of the following subparagraphs of this paragraph:
(1) It is intended for use solely in the prevention of coccidiosis outbreaks in poultry flocks, its labeling bears adequate directions and warnings for such use, and it contains one, but only one, of the following ingredients in a quantity, by weight of feed, as hereinafter indicated:
(i) Sulfaquinoxaline: Not less than 0.0125 percent (or if it is intended solely for the prevention of the intestinal coccidia *E. acervalina* in poultry laying flocks, not less than 0.005 percent) and not more than 0.025 percent.
(ii) Nitrophenide: Not less than 0.0125 percent and not more than 0.025 percent.
(iii) Nitrofurazone: 0.0056 percent.
(iv) N'-acetyl-N'-(4-nitrophenyl) sulfanilamide 0.03 percent and 3-nitro-4-hydroxyphenylarsonic acid 0.009 percent.
(v) Furazolidone 0.00083 percent, 3-nitro-4-hydroxyphenol arsonic acid not less than 0.0025 percent and not more than 0.0075 percent, and nitrofurazone 0.0056 percent.
(2) It is intended for use solely in the control of coccidiosis outbreaks in poultry flocks, its labeling bears adequate directions and warnings for such use, and it contains one, but only one, of the following ingredients in a quantity, by weight of feed, as hereinafter indicated:
(i) Sulfaquinoxaline: Not less than 0.033 percent and not more than 0.10 percent.
(ii) Nitrophenide: 0.05 percent.
(iii) Nitrofurazone: 0.0112 percent.
(3) It is intended for use solely in the prevention of outbreaks of histomoniasis ("blackhead") in turkey flocks, its labeling bears adequate directions and warnings for such use, and it contains one, but only one, of the following ingredients in a quantity, by weight of feed, as hereinafter indicated:
(i) 2-Amino-5-nitrothiazole: 0.05 percent.
(ii) 4-Nitrophenylarsonic acid: 0.025 percent.
(4) It is intended for use solely in the control of outbreaks of histomoniasis ("blackhead") in turkey flocks, its labeling bears adequate directions and warnings for such use, and it contains 2-amino-5-nitrothiazole in a quantity, by weight of feed, of 0.10 percent.
(5) It is intended for use solely as an anthelmintic for poultry or swine, its labeling bears adequate directions and warnings for such use, and it contains one, but only one, of the following ingredients in a quantity, by weight of feed, as hereinafter indicated:
(i) di-*N*-Butyl tin dilaurate 0.07 percent, nicotine 0.03 percent, and phenothiazine 0.29 percent.
(ii) Nicotine 0.067 percent, phenothiazine 0.60 percent, and 2,2'dihydroxy-5,5'dichlorodiphenylmethane 0.28 percent.
(iii) Phenothiazine, not less than 0.3 percent and not more than 1.0 percent, and nicotine, not less than 0.03 percent and not more than 0.07 percent.
(iv) Phenothiazine, not less than 0.3 percent and not more than 1.0 percent.
(v) Nicotine, not less than 0.03 percent and not more than 0.07 percent.
(vi) Sodium fluoride 0.3 percent and sodium sulfate 2.0 percent.
(vii) Cadmium anthranilate, 0.044 percent.
(viii) Cadmium oxide, 0.015 percent.
(ix) Sodium fluoride, not less than 0.5 percent and not more than 1.0 percent.
(x) Piperazine dihydrochloride, not less than 0.18 percent and not more than 0.72 percent (piperazine base 0.1 percent to 0.4 percent).
(xi) Piperazine phosphate monohydrate, not less than 0.23 percent and not more than 0.92 percent (piperazine base 0.1 percent to 0.4 percent).
(xii) Piperazine sulfate, not less than 0.21 percent and not more than 0.85 percent (piperazine base 0.1 percent to 0.4 percent).
(xiii) Piperazine monohydrochloride, not less than 0.13 percent and not more than 0.52 percent (piperazine base 0.1 percent to 0.4 percent).
(xiv) di-*N*-Butyl tin dilaurate 0.07 percent, piperazine sulfate 0.12 percent, and phenothiazine 0.29 percent.
(6) It is intended for use solely in the prevention of chronic respiratory disease (air-sac infection) and hexamitiasis in poultry, bacterial swine enteritis, and/or bacterial calf diarrhea; its labeling bears adequate directions and warnings for such use, and it contains, per ton of feed, not less than 50 grams of chlortetracycline or oxytetracycline or a combination of such drugs; or, if it is intended for use solely as an aid in the prevention of bacterial swine enteritis, it contains a combination of 37.5 grams of streptomycin and 7.5 grams of penicillin per ton of feed. If it contains not less than 100 grams of chlortetracycline or oxytetracycline or a combination of such drugs per ton of feed, it may also be represented for use as an aid in the prevention of synovitis in poultry. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section.
(7) It is intended for use solely as a treatment for chronic respiratory disease (air-sac infection), infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever), and hexamitiasis in poultry, and/or bacterial swine enteritis; its labeling bears adequate directions and warnings for such use; and it contains, per ton of feed, not less than 100 grams of chlortetracycline or oxytetracycline or a combination of such drugs or not less than 75 grams of streptomycin and 15 grams of penicillin. If it contains not less than 200 grams of chlortetracycline or oxytetracycline or a combination of such drugs per ton of feed, it may also be represented for use as an aid in the control of synovitis in poultry. When intended for the uses specified in this subparagraph, it may also contain, in the

amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it is intended for use solely in poultry, it may contain 0.1 percent of para-aminobenzoic acid or the sodium or potassium salt of para-aminobenzoic acid; or if it is intended for continuation of coccidiosis prevention it shall contain, in the amount specified, one of the ingredients prescribed by subparagraph (1) of this paragraph.

(8) It is intended for use solely in the prevention of coccidiosis and hexamitiasis outbreaks in turkey flocks, its labeling bears adequate directions and warnings for such use, and it contains di-*N*-butyl tin dilaurate in a quantity, by weight of feed, of 0.0375 percent.

(9) It is intended for use solely in the prevention of chronic respiratory disease (air-sac infection), infectious sinusitis, and blue comb (nonspecific infectious enteritis) in poultry and/or bacterial swine enteritis; its labeling bears adequate directions and warnings for such use, and it contains, per ton of feed, the equivalent of not less than 50 grams of bacitracin or 50 grams of penicillin (unless it is intended for bacterial swine enteritis) or 50 grams of a combination of the two drugs, except that if it contains the combination drug and it is intended for the prevention of bacterial swine enteritis it shall contain the equivalent of not less than 25 grams of bacitracin. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section.

(10) It is intended for use solely in the treatment of chronic respiratory disease (air-sac infection), infectious sinusitis, and blue comb (nonspecific infectious enteritis) in poultry and/or bacterial swine enteritis; its labeling bears adequate directions and warnings for such use, and it contains, per ton of feed, the equivalent of not less than 100 grams of bacitracin or 100 grams of penicillin (unless it is intended for bacterial swine enteritis) or 100 grams of a combination of the two drugs, except that if it contains the combination drug and it is intended for the treatment of bacterial swine enteritis it shall contain the equivalent of not less than 50 grams of bacitracin. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section.

(11) It is intended for use solely as a treatment for bacterial swine enteritis caused by Salmonella choleraesuis, its labeling bears adequate directions and warnings for such use, and it contains nitrofurazone in a quantity, by weight of feed, of 0.056 percent.

(12) It is intended for use solely in the prevention of coccidiosis, chronic respiratory disease (air-sac infection) and hexamitiasis in poultry; its labeling bears adequate directions and warnings for such use; and it contains, in the amount specified, one of the ingredients prescribed by subparagraph (1) of this paragraph and not less than 50 grams of chlortetracycline per ton of feed. When intended for such uses it may also contain oxytetracycline in a quantity not less than 50 grams per ton of feed.

(13) It is intended for use solely in the prevention or treatment of chronic respiratory disease (air-sac infection) and infectious sinusitis in poultry; its labeling bears adequate directions and warnings for such use; and it contains not less than 0.1 percent para-aminobenzoic acid or the sodium or potassium salt of para-aminobenzoic acid.

(14) It is intended solely as an aid in the prevention and control of losses due to low-grade bacterial enteritis in mink; its labeling bears adequate directions and warnings for such use; and it contains not less than 5.7 grams of chlortetracycline, 1.0 gram of bacitracin, and 0.75 gram of penicillin (with or without oxytetracycline) per ton of feed.

(15) It is intended for use solely as an aid in the prevention or treatment or to lessen the morbidity in poultry in outbreaks of fowl typhoid, pullorum, the paratyphoids, infectious arthritis due to a filterable agent, histomoniasis (blackhead), hexamitiasis, and quail disease (ulcerative enteritis), its labeling bears adequate directions and warnings for such use; and it contains the following quantities of furazolidone, by weight of feed, for the conditions indicated:

(i) For the prevention of fowl typhoid, pullorum, and the paratyphoids in birds older than 2 weeks: 0.0055 percent.

(ii) For the prevention of the diseases listed in subdivision (i) of this subparagraph in birds younger than 2 weeks, and for the treatment of these same conditions in birds regardless of age: 0.011 percent.

(iii) For the prevention of histomoniasis (blackhead) and infectious arthritis due to a filterable agent, and for the prevention and treatment of hexamitiasis, and quail disease (ulcerative enteritis): 0.011 percent.

(iv) For the treatment of histomoniasis (blackhead), and to lessen the morbidity in outbreaks of infectious arthritis due to a filterable agent: 0.022 percent.

(16) (i) It is intended for use solely in the prevention of chronic respiratory disease (air-sac infection); its labeling bears adequate directions and warnings for such use; and it contains not less than 50 grams of chlortetracycline or oxytetracycline or a combination of these two drugs per ton of feed. When intended for such use, it may also contain the equivalent of not less than 50 grams of bacitracin per ton of feed.

(ii) It is also intended for the prevention or treatment of the diseases of poultry specified in subparagraphs (6) and (7) and/or (9) and (10) or (16) and (17) of this paragraph, it contains one of the ingredients in the amount and under the conditions set forth in subdivision (i) of this subparagraph, and it contains the ingredients in the amounts specified in subparagraphs (6) and (7) and/or (9) and (10) or (16) and (17) of this paragraph, except that the coccidiostat shall be only one of those specified in subdivision (i) of this subparagraph.

(iii) It is intended for use in the diseases specified in subdivisions (i) and (ii) of this subparagraph, it contains ingredients in the amounts and under the conditions specified in those subdivisions, and it contains one, but only one, of the ingredients prescribed by paragraph (a) of this section and in the amounts specified in that paragraph.

(17) (i) It is intended for use solely as an aid in the treatment of chronic respiratory disease (air-sac infection), infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever) in poultry; its labeling bears adequate directions and warnings for such use; and it contains not less than 100 grams of chlortetracycline or oxytetracycline or a combination of these two drugs per ton of feed. When intended for such use, it may also contain the equivalent of not less than 100 grams of bacitracin per ton of feed.

(ii) It is also intended for the prevention or treatment of the diseases of poultry specified in subparagraph (16) of this paragraph; it contains one of the ingredients in the amount and under the conditions set forth in subdivision (i) of this subparagraph; and it contains furazolidone in the amount specified in subparagraph (15) of this paragraph.

(18) (i) It is intended for use solely in the prevention of outbreaks of coccidiosis in poultry flocks, and it contains nicarbazin (4,4'-dinitrocarbanilide complex with 2-hydroxy-4-6-dimethylpyrimidine) in a quantity, by weight of feed, of not less than 0.01 percent and not more than 0.02 percent, or arsenobenzene in a quantity, by weight of feed, of 0.002 percent, or 2,4-diamino-5-(*p*-chlorophenyl)-6-ethylpyrimidine in a quantity, by weight of feed, of 0.00075 percent and sulfaquinoxaline in a quantity, by weight of feed, of 0.0075 percent, or 2,2'dihydroxy-3,3',5,5'-tetrachlorodiphenyl sulfide (bithionol) 0.05 percent and 4,6-diamino-1-(4-methylmercaptophenyl)-1,2-dihydro-2,2-dimethyl-1,3,5-triazine hydrochloride (methiotriasmine) 0.01 percent; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in its manufacturing, processing, or packaging or the facilities and controls used for such manufacturing, processing, or packaging, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner.

(ii) It is also intended for the prevention or treatment of the diseases of poultry specified in subparagraphs (6) and (7) and/or (9) and (10) or (16) and (17) of this paragraph, it contains one of the ingredients in the amount and under the conditions set forth in subdivision (i) of this subparagraph, and it contains the ingredients in the amounts specified in subparagraphs (6) and (7) and/or (9) and (10) or (16) and (17) of this paragraph, except that the coccidiostat shall be only one of those specified in subdivision (i) of this subparagraph.

(iii) It is intended for use in the diseases specified in subdivisions (i) and (ii) of this subparagraph, it contains ingredients in the amounts and under the conditions specified in those subdivisions, and it contains one, but only one, of the ingredients prescribed by paragraph (a) of this section and in the amounts specified in that paragraph.

(19) (i) It is intended for use solely in the prevention or control of outbreaks of histomoniasis ("blackhead") in turkey flocks, and it contains 2-acetylamino-5-nitrothiasole in a quantity, by weight of feed, of 0.015 percent if intended for the prevention of the disease, or 0.05 percent if intended for the control of the disease, and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition of such drug, or the methods used in, and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

(ii) It is intended for use in the disease specified in subdivision (i) of this subparagraph; it contains the ingredient in the amount and under the conditions specified in that subdivision; and it contains one, but only one, of the ingredients prescribed by paragraph (a) of this section and in the amounts specified in that paragraph.

(20) It is intended as an aid in stimulating growth, the prevention of coccidiosis, large roundworms and tapeworms in chickens and turkeys and the prevention of hexamitiasis in turkeys, and it contains in a quantity, by weight of feed, acetyl (*p*-nitrophenyl) sulfanilamide 0.03 percent, dibutyl tin dilaurate 0.02 percent, dinitrodiphenylsulfonylethylenediamine 0.02 percent, and 3-nitro-4-hydroxyphenylarsonic acid 0.0075 percent.

(21) (i) It is intended for promoting distribution of fat in chickens and turkeys, it contains dienestrol diacetate in a quantity, by weight of feed, of 0.007 percent, and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7, to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug, or the methods used in its manufacturing, processing, or packaging, or the facilities and controls used for such manufacturing, processing, or packaging, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner.

(ii) It is also intended for the prevention or treatment of the diseases of poultry specified in subparagraphs (6) and (7) of this paragraph, it contains dienestrol diacetate in the amounts and under the conditions set forth in subdivision (i) of this subparagraph, and it contains the antibiotics in the amounts specified in subparagraphs (6) and (7) of this paragraph.

(iii) It is also intended for continuation of coccidiosis prevention in poultry, it contains dienestrol diacetate in the amounts and under the conditions set forth in subdivision (i) of this subparagraph, and it contains one, but only one, of the ingredients prescribed by subparagraph (1) of this paragraph and in the amounts specified in that subparagraph, or it contains one, but only one, of the coccidiostats prescribed by subparagraph (18) of this paragraph, and in the amounts specified in that subparagraph.

(iv) It is also intended for use in the prevention of outbreaks of histomoniasis (blackhead) in turkey flocks, it contains dienestrol diacetate in the amounts and under the conditions set forth in subdivision (i) of this paragraph, and it contains one, but only one, of the ingredients prescribed by subparagraph (3) of this paragraph and in the amounts specified in that subparagraph.

(v) It is also intended for the prevention or treatment of the diseases of poultry specified in subparagraph (15) of this paragraph, it contains dienestrol diacetate in the amounts and under the conditions set forth in subdivision (i) of this subparagraph, and it contains furazolidone in the amounts specified in subparagraph (15) of this paragraph.

(vi) It is intended for use in the diseases specified in subdivisions (i), (ii), (iii), (iv) and (v), of this subparagraph, it contains ingredients in the amounts and under the conditions specified in those subdivisions, and it contains one, but only one, of the ingredients prescribed by paragraph (a) of this section, and in the amounts specified in that paragraph.

(22) (i) It is intended for use solely in the control of outbreaks of coccidiosis in poultry flocks and it contains in a quantity, by weight of feed, not less than 0.003 percent and not more than 0.006 percent of 2,4-diamino-5-(*p*-chlorophenyl)-6-ethylpyrimidine and not less than 0.01 percent and not more than 0.02 percent of sulfaquinoxaline, and there has been submitted to the Commissioner, in triplicate, the information referred to in § 146.7, as well as any additional information necessary to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in its manufacturing, processing, or repackaging, or the facilities and controls used for such manufacturing, processing, or repackaging, unless the person who obtains the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes and such amendment has been accepted by the Commissioner.

(ii) It is intended for use in the disease specified in subdivision (i) of this subparagraph, it contains the ingredients in the amounts and under the conditions specified in that subdivision, and it contains one, but only one, of the ingredients prescribed by paragraph (a) of this section and in the amounts specified in that paragraph.

(23) It is intended for use solely as an aid in the reduction of losses due to enterotoxemia in sheep; its labeling bears adequate directions and warnings for such use; and it contains not less than 20 grams of chlortetracycline per ton of feed.

(24) It is intended for use in the maintenance of weight gains of swine in the presence of atrophic rhinitis or as an aid in reducing the incidence of cervical abscesses in swine; its labeling bears adequate directions and warnings for such use; and it contains not less than 50 grams of chlortetracycline per ton of feed.

(25) It is intended for use as an aid in the reduction of bacterial diarrhea in beef cattle or as an aid in the prevention or treatment of bacterial pneumonia and shipping fever (hemorrhagic septicemia) or as an aid in reduction of losses due to respiratory infection (infectious rhinotracheitis-shipping fever complex) or as an aid in the prevention or treatment of foot rot in cattle or as an aid in the prevention of anaplasmosis in cattle or as an aid in the prevention of liver abscesses in feed-lot beef cattle; its labeling bears adequate directions and warnings for such uses; and it contains the following quantities of chlortetracycline, by weight of feed, for the conditions indicated:

(i) For the prevention of anaplasmosis: 0.5 milligram per pound of body weight per day.

(ii) For the prevention or treatment of foot rot in cattle: 0.1 milligram per pound of body weight per day.

(iii) As an aid in the reduction of bacterial diarrhea in beef cattle: 0.1 milligram per pound of body weight per day.

(iv) As an aid in the prevention or treatment of bacterial pneumonia and shipping fever (hemorrhagic septicemia) or as an aid in reduction of losses due to respiratory infection (infectious rhinotracheitis-shipping fever complex) in cattle: 350 milligrams per head per day, except that if it is intended for use for more than 30 days it may contain chlortetracycline, in a quantity by weight of feed to provide 70 milligrams per head per day.

(v) As an aid in the prevention of liver abscesses in feed-lot beef cattle: 70 milligrams per head per day.

(26) (i) It is intended for use solely for accelerating weight gains in beef cattle, and it contains a quantity of diethylstilbestrol adequate to provide not more than 10 milligrams per head per day when fed in accordance with the directions for use that accompany the feed, and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in its manufacturing, processing, packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner.

(ii) It is also intended for the prevention or treatment of the diseases specified in subparagraph (25) of this

paragraph, it contains diethylstilbestrol in the amount and under the conditions set forth in subdivision (i) of this subparagraph, and it contains the antibiotic in the amount specified in subparagraph (25) of this paragraph.

(27) It is intended for use as an aid in maintaining or increasing egg production, hatchability of eggs, prevention of early mortality of chicks when due to organisms that are sensitive to chlortetracycline, and for improving feed efficiency as related to egg production; its labeling bears adequate directions and warnings for such use; and it contains not less than 50 grams of chlortetracycline per ton of feed, except that if it is intended for use in the presence of disease outbreaks it shall contain not less than 100 grams of chlortetracycline per ton of feed.

(28) It is intended for use solely as an aid in the prevention or control of outbreaks of histomoniasis ("blackhead") in poultry flocks, and it contains carbasone in a quantity, by weight of feed, of not less than 0.05 percent and not more than 0.1 percent (except that if it is intended for prevention of histomoniasis in turkey flocks it contains not less than 0.0375 percent) and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition of such drug, or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

(29) It is intended for use solely as an aid in reducing the incidence of bacterial diarrhea in laboratory mice; its labeling bears adequate directions and warnings for such use; and it contains not less than 100 grams of chlortetracycline per ton of feed.

(30) It is intended for use as an aid in maintaining or increasing egg production of chickens, hatchability of eggs, prevention of early mortality of chicks when due to organisms that are sensitive to streptomycin and penicillin, and for improving feed efficiency of chickens or turkeys; its labeling bears adequate directions and warnings for such use; and it contains, per ton of feed, 18.75 grams of streptomycin and 3.75 grams of penicillin; except that if it is intended for use in the presence of disease, as an aid in maintaining or increasing hatchability of eggs, or for the prevention of early mortality of chicks, it contains 75 grams of streptomycin and 15 grams of penicillin per ton of feed.

(31) It is intended for use in nursing sows to stimulate milk flow; it contains 100 milligrams of iodinated casein per pound; and its labeling bears information that it is to be administered as the complete ration for 3 days before farrowing and for the first week of lactation. It may also be intended for use in the prevention or treatment of bacterial swine enteritis if it contains the antibiotics in the amounts prescribed by this section for that disease.

(32) It is intended for use as an aid in the control of infestation of large roundworms (Ascaris suis), nodular worm (Oesophagostemum dentatum), and whipworm (Trichuris suis) in swine; its labeling bears adequate directions and warnings for such use, including a warning that its use must be discontinued 48 hours before the treated swine are slaughtered for human consumption. If it is a complete feed it contains 6,000 units (6 milligrams) of hygromycin B (produced by the growth of Streptomyces hygrosoopicus) per pound, or if it is a hygromycin B feed supplement or premix it contains not more than 42,000 units (42 milligrams) of hygromycin B per pound. It contains less than 50 grams of antibiotics per ton of finished feed. If it is a hygromycin B feed supplement or premix and it contains more than 42,000 units of hygromycin B per pound, it shall be exempt from certification only if there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. Such exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in its manufacturing, processing, or packaging, or the facilities and controls used for such manufacturing, processing, or packaging, unless the person who obtained the exemption has submitted to the Commissioner (in triplicate) amended information describing such proposed changes, and such amendment has been accepted by the Commissioner. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in such paragraph, its labeling must bear a warning that it must be discontinued 5 days (in lieu of 48 hours as required in this subparagraph) before the treated swine are slaughtered for human consumption.

(33) It is intended for use as an aid in reducing the incidence and severity of bloat in cattle on legume pastures; it contains a quantity of procaine penicillin that, when used as directed in the labeling, is sufficient to furnish each treated bovine animal not less than 75,000 units as a single daily dose; and, if the drug supplement used to prepare the medicated feed contains more than 2 percent moisture, its manufacturer has submitted to the Commissioner information adequate to prove its stability for 6 months under customary conditions of purchase and use.

(34) It is intended for use as an aid in the reduction of bacterial diarrhea in dairy cattle or as an aid in reduction of losses due to respiratory infection (infectious rhinotracheitis—shipping fever complex) or as an aid in the prevention or treatment of foot rot in cattle; its labeling bears adequate directions and warnings for such uses; and it contains the following quantities of chlortetracycline, by weight of feed, for the conditions indicated:

(i) For the prevention or treatment of foot rot and as an aid in the reduction of bacterial diarrhea in dairy cattle: 0.1 milligram per pound of body weight per day.

(ii) As an aid in reduction of losses due to respiratory infection (infectious rhinotracheitis—shipping fever complex) in dairy cattle: 0.1 milligram per pound of body weight per day, except that if it is intended for use for more than 30 days it may contain chlortetracycline, in a quantity by weight of feed to provide 70 milligrams per head per day.

(35) It is intended for use solely as an aid in the prevention of coccidiosis and as an aid in stimulating growth in chicken flocks; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 5 days before the treated chickens are slaughtered for human consumption; and it contains in a quantity, by weight of feed, 0.03 percent acetyl (paranitrophenyl) sulfanilamide, 0.025 percent 3,5-dinitrobenzamide, and 0.005 percent 3-nitro-4-hydroxyphenylarsonic acid; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition of such drug, or the methods used in, and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in such paragraph, its labeling must bear a warning that it must be discontinued 5 days (in lieu of 48 hours as required in this subparagraph) before the treated swine are slaughtered for human consumption.

(36) It is intended for use solely as an aid in stimulating growth in chickens and turkeys and as an aid in the prevention of outbreaks of histomoniasis (blackhead) in chickens and turkeys and hexamitiasis in turkeys; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 24 hours before the treated chickens or turkeys are slaughtered for human consumption; and it contains nithiazide (1-ethyl-3-(5-nitro-2-thiazolyl) urea) in a quantity, by weight of feed, of not less than 0.0125 percent and not more than 0.025 percent; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in and the facilities and controls used for its manufacturing, processing, or packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in such paragraph, its labeling shall bear a warning that it must be discontinued 5 days (in lieu of 4 days as required in this subparagraph) before the treated chickens are slaughtered for human consumption.

(37) It is intended for use solely in the prevention of outbreaks of coccidiosis and as an aid in stimulating growth in chicken flocks; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 4 days before the treated chickens are slaughtered for human consumption; and it contains glycarbylamide (4,5-imidazole-dicarboxamide) in a quantity, by weight of feed, of not less than 0.002 percent and not more than 0.006 percent; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition of such drug, or the methods used in, and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in such paragraph, its labeling shall bear a warning that it must be discontinued 5 days (in lieu of 48 hours as required in this subparagraph) before the treated chickens or turkeys are slaughtered for human consumption.

(38) It is intended for use solely for accelerating weight gains in sheep; its labeling bears adequate directions and warnings for such use, including a warning that its use must be discontinued 48 hours before the treated animals are slaughtered for human consumption; it contains a quantity of diethylstilbestrol adequate to provide not more than 2 milligrams per head per day when fed in accordance with the directions for use that accompany the feed; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug, or the methods used in its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in paragraph (a) of this section, its labeling must bear a warning that it must be discontinued 5 days (in lieu of 48 hours as required in this subparagraph) before the treated chickens or turkeys are slaughtered for human consumption.

(39) It is intended for use solely as an aid in the prevention or treatment of fowl typhoid, paratyphoid, and pullorum disease and as an aid in stimulating growth in poultry flocks; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 48 hours before the treated animals are slaughtered for human consumption; and it contains 3,5-dinitrobenzamide in a quantity, by weight of feed, of not less than 0.075 percent and not more than 0.15 percent; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug, or the methods used in its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in paragraph (a) of this section, its labeling must bear a warning that it must be discontinued 5 days (in lieu of 48 hours as required in this subparagraph) before the treated chickens or turkeys are slaughtered for human consumption.

(40) It is intended for use as an aid in maintaining or increasing egg production, hatchability of eggs, reduction of the effects of stress, prevention of early mortality of chicks, and reduction of the effects of diseases when due to organisms that are sensitive to bacitracin, for the stimulation of appetite, and for improving feed efficiency as related to egg production; its labeling bears adequate directions and warnings for such use; and it contains, per ton of feed, the equivalent of 50 grams of bacitracin when fed during the first 4 to 6 weeks of egg production, and not less than the equivalent of 10 grams of bacitracin when fed during the remainder of the laying period; except that if it is intended for use to increase egg hatchability or prevention of early mortality of chicks or for use in the presence of disease outbreaks or during periods of stress it shall contain the equivalent of 100 grams of bacitracin per ton of feed, and its labeling shall include a statement that at this level it shall be fed for not more than 15 days.

(c) [Reserved.]

(d) Fees: The fees for the services rendered with respect to each application for an exemption from certification under the regulations in paragraph (b) of this section, and for each amendment thereto, shall be:

(1) $5.00 for each medicated feed formula containing one or more new-drug substances described in an initial application.

(2) $5.00 for changes in one or more new-drug substances contained in a medicated feed formula described in an amendment to such application.

The fee prescribed by this paragraph shall accompany each application and each amendment to such application unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

§ 146a.27 *Penicillin tablets.*—(a) *Standards of identity, strength, quality, and purity.* Penicillin tablets are tablets composed of sodium penicillin, calcium penicillin, potassium penicillin, crystalline penicillin O, crystalline penicillin V, crystalline potassium penicillin V, benzathine penicillin G, or procaine penicillin, with or without one or more suitable sympathomimetic agents, analgesic substances, antihistaminics, and caffeine and with or without one or more suitable and harmless vitamin substances, buffer substances, diluents, binders, lubricants, colorings, and flavorings. They may also contain probenecid or one or more suitable sulfonamides. The potency of each tablet is not less than 50,000 units, and if it is less than 100,000 units it is unscored. Its moisture content is not more than 1.0 percent if it contains sodium penicillin, calcium penicillin, potassium penicillin, or crystalline penicillin O; not more than 2.0 percent if it contains procaine penicillin; not more than 3.0 percent if it contains crystalline penicillin V; and not more than 8.0 percent if it contains benzathine penicillin G. If it contains crystalline potassium penicillin V, its moisture content is not more than 1.5 percent unless the person who requests certification has submitted to the Commissioner information adequate to prove that his drug is stable when it has a moisture content not exceeding 3 percent. The penicillin used conforms to the standards prescribed for such drug by the regulations in this chapter, except the standards for sterility and pyrogens. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each penicillin tablet is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of

tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. If the penicillin tablets are freely soluble, each immediate container may be packaged in combination with one immediate container of a suitable and harmless aqueous vehicle with or without one or more suitable sulfonamides.

(c) *Labeling.* Each package of penicillin tablets shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each tablet of the batch;

(iii) If the batch contains, in addition to penicillin, one or more of the other active ingredients specified in paragraph (a) of this section, the name and quantity of each such other ingredient in each tablet.

(iv) If the batch contains buffer substances, the name of each such substance used in making the batch;

(v) If it is a packaged combination of penicillin tablets and a vehicle with or without sulfonamides, a statement giving the method of dissolving the penicillin; and

(vi) The statement "Expiration date ----------," the blank being filled in with one of the following dates after the month during which the batch was certified:

(*a*) If a crystalline penicillin is not used, 12 months.

(*b*) If a crystalline penicillin is used and it contains a vitamin substance, 18 months.

(*c*) If a penicillin V or potassium penicillin V is used, and it does not contain a vitamin substance, 24 months.

(*d*) If a crystalline penicillin other than a penicillin V is used and it does not contain a vitamin substance, 36 months.

(*e*) In lieu of the expiration date prescribed above for a drug, if the person who requests certification has submitted to the Commissioner results of tests and assays that show such drug as prepared by him is stable for 24 months, 36 months, 48 months, or 60 months, such date may be used for such drug:

Provided, however, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, if it contains, in addition to penicillin, one or more of the other active ingredients specified in paragraph (a) of this section, after the name "penicillin tablets," wherever it appears, the words "with ------ (the blank being filled in with the common or usual name of each such other ingredient)" in juxtaposition with such name.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of penicillin tablets shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the number of units in each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per tablet and average moisture.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G, crystalline penicillin O, crystalline penicillin V, or crystalline potassium penicillin V), crystallinity if it is crystalline penicillin; heat stability if it is crystalline sodium penicillin, potassium penicillin, or crystalline penicillin O; the penicillin G content if it is a penicillin G or crystalline penicillin O; the penicillin V content if it is a penicillin V; and the penicillin O content if it is crystalline penicillin O.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets or more than 100 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

(ii) The penicillin used in making the batch; 6 packages, or in the case of crystalline penicillin 10 packages, each containing approximately equal portions of not less than 60 milligrams, except that if it is procaine penicillin, benzathine penicillin G, penicillin V, or potassium penicillin V each package shall contain not less than 300 milligrams, packaged in accordance with the requirements of § 146a.24 (b), 146a.44 (b), 146a.68 (b), or 146a.103 (b).

(iii) In case of an initial request, each other substance used in making the batch; one package of each, containing approximately 5 grams, and if the batch or any part thereof is to be packaged in combination with an aqueous vehicle, or when any change is made in the composition of such vehicle, five packages of the vehicle included in the combination.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the service rendered with respect to each batch of penicillin tablets under the regulations in this part shall be:

(1) $0.75 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such tablets and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.3 (d) of this chapter.

(f) *Exemption of penicillin tablets from certification.* Penicillin tablets, with or without added vitamin substances and residues from streptomyces fermentation, shall be exempt from the requirements of sections 502 (l) and 507 of the act, if they comply with the following conditions:

(1) They contain not more than 1,000 units per tablet.

(2) The outside wrapper or container and the immediate container bear an expiration date that is not more than

24 months after the month during which the batch was last assayed and released by the manufacturer.

(3) They are intended to be administered only in the drinking water of poultry for use solely as a feed supplement and are conspicuously so labeled; they are not represented for the prevention or treatment of disease; and their labeling bears adequate directions for use by laymen.

§ 146a.47 *Procaine penicillin for aqueous injection—*(a) *Standards of identity, strength, quality, and purity.* Procaine penicillin for aqueous injection is a dry mixture of procaine penicillin and one or more suitable and harmless suspending or dispersing agents, with or without one or more suitable and harmless preservatives and buffer substances, or it is an aqueous suspension of procaine penicillin and one or more suitable and harmless suspending or dispersing agents, buffer substances, and preservatives, except that preservatives are not required if the immediate container is packaged to contain a single dose and is conspicuously so labeled. If it is an aqueous suspension of the drug, it may contain procaine hydrochloride in a concentration not exceeding 2.0 percent, one or more suitable and harmless stabilizing agents, and, if it is intended solely for veterinary use, it may contain cortisone or a suitable derivative of cortisone. It is so purified that:

(1) If it is an aqueous suspension of the drug, each container or each milliliter shall contain not less than 300,000 units;

(2) It is sterile;

(3) If it is the dry mixture of the drug, its moisture content is not more than 4.2 percent;

(4) It is nonpyrogenic;

(5) It is nontoxic; and

(6) Its pH in saturated aqueous solution is not less than 5.0 and not more than 7.5.

The procaine penicillin used conforms to the requirements of § 146a.44 (a). Each other substance, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless, transpareht glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness, unless it is the aqueous suspension of the drug and it is packaged to contain a single dose. If it is the dry mixture of the drug, each such container shall contain 300,000 units, 600,000 units, 900,000 units, 1,200,000 units, 1,500,000 units, or 3,000,000 units, unless it is intended solely for veterinary use and it is conspicuously so labeled. Each such container may be packaged in combination with a container of a suitable aqueous diluent. If it is the aqueous suspension of the drug, each such container shall contain not less than 1 milliliter (unless it is packaged to contain a single dose) and not more than 12 milliliters (unless it is intended solely for veterinary use and is conspicuously so labeled), and each shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in either single or multiple doses.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in the immediate container;

(iii) The statement "Expiration date ------," the blank being filled in, if it is a dry mixture of the drug, with the date which is 36 months, or if it is the aqueous suspension of the drug, with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 48 months or 60 months, if it is the dry mixture of the drug, and 18 months or 24 months, if it is the aqueous suspension of the drug, after the month during which the batch was certified, if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) The statement "For intramuscular use only"; and

(v) If the drug contains preservatives or added procaine hydrochloride or cortisone or a derivative of cortisone, the name and quantity of each such added ingredient.

(2) On the immediate container, if it is a dry mixture of the drug, the conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week, or in a refrigerator for 3 weeks, without significant loss of potency," unless this information is contained in a circular or other labeling within or attached to the package.

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(iii) If it is intended solely for veterinary use and it contains cortisone or a derivative of cortisone, the statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian."

(iv) If it is the aqueous suspension of the drug, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)," unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity, unless it contains cortisone or a derivative of cortisone. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(5) On the circular or other labeling within or attached to the package, if it is intended solely for veterinary use and it contains cortisone or a derivative of cortisone, adequate directions and warnings for the veterinary use of such drug by a veterinarian licensed by law to administer it.

(6) On the label and labeling, if it contains cortisone or a derivative of cortisone, after the name "procaine penicillin for aqueous injection," wherever it appears, the words "with ------" in juxtaposition with such name, the blank being filled in with the common or usual name of each such ingredient.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of procaine penicillin for aqueous injection shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the procaine penicillin used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section. If such batch, or any part thereof, is to

be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, moisture, pyrogens, toxicity, pH.

(ii) The procaine penicillin used in making the batch; potency, crystallinity, penicillin K content (unless it is procaine penicillin G), and the penicillin G content if it is procaine penicillin G.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 or more than 17 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The procaine penicillin used in making the batch; 3 packages containing approximately equal portions of not less than 500 milligrams each, packaged in accordance with the requirements of § 146a.44 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(iv) In case of an initial request for the certification of a batch of procaine penicillin for aqueous injection which is to be packaged in combination with an aqueous diluent which is not recognized by the U. S. P., or when any change is made in the composition of such diluent, five packages of the diluent included in the combination.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility; 10 packages.

(ii) For sterility testing; 10 packages.

Each such package shall contain not less than approximately 300 milligrams taken from different parts of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section.

(2) $10.00 for all containers submitted in accordance with paragraph (d) (3) (i) (*b*) and (4) (ii) of this section.

(3) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.54 *Penicillin-streptomycin ointment (penicillin-streptomycin mineral oil suspension); penicillin-dihydrostreptomycin ointment (penicillin-dihydrostreptomycin mineral oil suspension.)* (a) Penicillin-streptomycin ointment and penicillin-dihydrostreptomycin ointment conform to all requirements prescribed by § 146a.26 for penicillin ointment, except paragraph (c) (2) (i) of that section, and are subject to all procedures prescribed by § 146a.26 for penicillin ointment, except that:

(1) It contains not less than 2,000 units of one or more kinds of penicillin salt per gram.

(2) It contains not less than 10 milligrams of streptomycin or dihydrostreptomycin per gram, unless it is intended solely for veterinary use and is conspicuously so labeled. If the ointment is intended for human use, the streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.101 (a) or § 146b.103 of this chapter, except the standards for sterility, toxicity, pyrogens, and histamine. If the ointment is intended solely for veterinary use, the streptomycin or dihydrostreptomycin used may conform to the standards prescribed by § 146b.114 (a) of this chapter.

(3) If it is intended solely for veterinary use and is conspicuously so labeled, it may contain cortisone or a suitable derivative of cortisone, a suitable and harmless salt of cobalt, one or more sulfonamides, and one or more suitable and harmless preservatives; and if it is packaged and labeled solely for udder instillations of cattle it may contain papain.

(b) In lieu of the labeling prescribed for penicillin ointment by § 146a.26 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of each salt of penicillin per gram and the number of milligrams of streptomycin or dihydrostreptomycin per gram, and if it contains cobalt, preservatives, sulfonamides or papain, the quantity of each.

(c) In addition to complying with the requirements of § 146a.26 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and date of the latest tests and assays of the streptomycin or dihydrostreptomycin used in making the batch for potency, moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate. He shall also submit in connection with his request a sample consisting of not less than six packages, or if it contains two or more kinds of penicillin salt, seven packages, of such ointment and (unless it was previously submitted) a sample consisting of six packages containing approximately equal portions of not less than 0.5 gram each of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(d) The fees for the services rendered with respect to the samples submitted in accordance with paragraph (c) of this section shall be:

(1) $5.00 for each immediate container of the ointment.

(2) $4.00 for each immediate container of streptomycin or dihydrostreptomycin.

§ 146a.57 *Procaine penicillin and streptomycin in oil; procaine penicillin and dihydrostreptomycin in oil.* (a) Procaine penicillin and streptomycin in oil and procaine penicillin and dihydrostreptomycin in oil conform to all requirements and to all procedures prescribed in § 146a.45 for procaine penicillin in oil for udder instillations of cattle or subcutaneous injection in fowl, except that:

(1) It contains not less than 2.0 milligrams of streptomycin or dihydrostreptomycin per milliliter. The streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.101 (a) or § 146b.103 of this chapter, except the standards for sterility, pyrogens, and histamine, or by § 146b.114 (a) of this chapter, except that if it is intended for udder instillations of cattle the streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.101 (a) or § 146b.106 of this chapter, except the standards for sterility, toxicity, pyrogens, and histamine, or by § 146b.114 (a) of this chapter, except the standard for toxicity.

(2) It may contain cortisone or a suitable derivative of cortisone, a suitable and harmless salt of cobalt and/or one or more suitable sulfonamides and papain, if it is intended solely for udder instillations of cattle, each of which, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(3) In lieu of the labeling prescribed for procaine penicillin in oil by § 146a.45 (c) (1) (ii) and (iv), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin per milliliter or prescribed dose; if it contains one or more of the active ingredients specified in subparagraph (2) of this paragraph, the name and quantity of each; the statement "For udder instillations of cattle only" or the statement "For subcutaneous injection in fowl only"; and if it is a multiple-dose container, the statement "Shake well." Each package shall also bear on its label and labeling, if it contains one or more of the other active ingredients specified in subparagraph (2) of this paragraph, after the name "Procaine penicillin and streptomycin in oil" or "Procaine penicillin and dihydrostreptomycin in oil," wherever it appears, the words "with ---------- (the blank being filled in with the common or usual name of each such other ingredient)," in juxtaposition with such name.

(4) In addition to complying with the requirements of § 146a.45 (d), a person who requests certification of a batch of procaine penicillin and streptomycin in oil or procaine penicillin and dihydrostreptomycin in oil shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the streptomycin or dihydrostreptomycin used in making the batch for potency, toxicity, (if it is intended for subcutaneous injection in fowl), moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin; the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each milliliter of the batch or in each prescribed dose. He shall also submit in connection with his request a sample consisting of not less than six immediate containers of the batch and (unless it was previously submitted) a sample consisting of six packages containing approximately equal portions of not less than 0.5 gram each of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(b) The fees for the services rendered in accordance with the requirements of paragraph (a) (4) of this section shall be:

(1) $5.00 for each immediate container of the procaine penicillin and streptomycin or dihydrostreptomycin in oil submitted.

(2) $4.00 for each immediate container of streptomycin or dihydrostreptomycin used in making the batch.

§ 146a.58 *Penicillin-streptomycin; penicillin - dihydrostreptomycin* — (a) *Standards of identity, strength, quality, and purity.* Penicillin-streptomycin and penicillin-dihydrostreptomycin are procaine penicillin, crystalline sodium penicillin, potassium penicillin, *l*-ephenamine penicillin G, or diethylaminoethyl ester penicillin G hydriodide (if intended solely for veterinary use and conspicuously so labeled) or a mixture of two or more such salts and streptomycin sulfate or dihydrostreptomycin sulfate, with or without suitable and harmless buffer substances and suspending or dispersing agents. Each drug is sterile, nontoxic, and nonpyrogenic. Its moisture content is not more than 3.5 percent, except if it contains procaine penicillin its moisture content is not more than 4.2 percent. When prepared for injection as directed in its labeling, its pH is not less than 5.0 and not more than 7.5. The penicillin used conforms to the requirements of § 146a.24 (a), § 146a.44 (a), § 146a.64 (a), or § 146a.74 (a). The streptomycin sulfate used conforms to the requirements prescribed for streptomycin sulfate by § 146b.101 (a) of this chapter. The dihydrostreptomycin sulfate used conforms to the requirements prescribed for dihydrostreptomycin sulfate by § 146b.103 of this chapter. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing it shall be in immediate containers of colorless (unless it is intended solely for veterinary use), transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Unless it is intended solely for veterinary use and is conspicuously so labeled or it is a single-dose container that contains not less than 300,000 units, each such container shall contain 300,000 units, 600,000 units, 900,000 units, 1,500,000 units, or 3,000,000 units of procaine penicillin, crystalline sodium penicillin, potassium penicillin, or *l*-ephenamine penicillin G and not less than 0.25 gram of streptomycin or dihydrostreptomycin for each 300,000 units of penicillin, except that if it is a mixture of two salts of penicillin it shall contain not less than 100,000 units of crystalline sodium penicillin or potassium penicillin for each 300,000 units of procaine penicillin. Each such container may be packaged in combination with a container of a solvent consisting of water for injection U. S. P., dextrose injection U. S. P., or sodium chloride injection U. S. P.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units of each salt of penicillin in the immediate container;

(iii) The number of grams of streptomycin or dihydrostreptomycin in the immediate container;

(iv) The statement "Expiration date ------," the blank being filled in with the date that is 48 months after the month in which the batch was certified, except that the blank may be filled in with the date that is 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section, and except that in no case shall the blank be filled in with the date that is more than 24 months after the month in which the batch was certified if it contains diethylaminoethyl ester penicillin G hydriodide: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(v) The statement "For intramuscular use only"; if it contains diethylaminoethyl penicillin G hydriodide, the statement "For veterinary use only"; and

(vi) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be.

(2) On the outside wrapper or container the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of penicillin and streptomycin or penicillin and dihydrostreptomycin shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the number of units of each salt of penicillin, and the number of grams of streptomycin or dihydrostreptomycin in each package, the batch marks, and (unless they were previously submitted) the dates on which the latest assays of the penicillin and streptomycin or dihydrostreptomycin used in making such batch were completed, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch and a statement that each such ingredient conforms to the requirements prescribed therefor by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, toxicity, pyrogens, moisture, pH.

(ii) The procaine penicillin used in making the batch; potency, crystallinity, penicillin K content (unless it is procaine penicillin G), and the penicillin G content if it is procaine penicillin G.

(iii) The crystalline sodium or potassium penicillin used in making the batch; potency, crystallinity, heat stability, penicillin K content (unless it is crystalline penicillin G), and the penicillin G content if it is crystalline penicillin G.

(iv) The *l*-ephenamine penicillin G used in making the batch; potency, crystallinity, heat stability, penicillin G content, and specific rotation.

(v) The diethylaminoethyl ester penicillin G hydriodide used in making the batch; potency, crystallinity, and penicillin G content.

(vi) The streptomycin or dihydrostreptomycin used in making the batch; potency, histamine content, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request in the quantities hereinafter indicated accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 12 or more than 19 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The procaine penicillin used in making the batch; 3 packages containing approximately equal portions of not less than 0.5 gram each packaged in accordance with the requirements of § 146a.44 (b).

(iii) The crystalline penicillin used in making the batch; 3 packages containing approximately equal portions of not less than 250 milligrams each packaged in accordance with the requirements of § 146a.24 (b).

(iv) The *l*-ephenamine penicillin G used in making the batch; 3 packages containing approximately equal portions of not less than 0.5 gram each packaged in accordance with the requirements of § 146a.64 (b).

(v) The diethylaminoethyl ester penicillin G hydriodide used in making the batch; 3 packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with § 146a.74 (b).

(vi) The streptomycin or dihydrostreptomycin used in making the batch; 6 packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(vii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility; 12 approximately equal portions of at least 2 grams.

(ii) For sterility testing; 10 approximately equal portions of at least 0.5 gram.

Each such portion shall be taken from a different part of such batch, and each shall be packaged in a separate container and in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii), (iii), (iv), (v), and (vi) of this paragraph and no samples referred to in subparagraph (3) (ii), (iii), (iv), (v), and (vii) of this paragraph are required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), (v), (vi), and (vii) of this section; $5.00 for each immediate container submitted in accordance with paragraph (d) (3) (i) (*a*) and (4) (i) of this section; $10.00 for all immediate containers submitted in accordance with paragraph (d) (3) (i) (*b*) and (d) (4) (ii) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.70 *Penicillin-streptomycin bacitracin ointment; penicillin-dihydrostreptomycin-bacitracin ointment; penicillin-streptomycin-bacitracin methylene disalicylate ointment; penicillin-dihydrostreptomycin-bacitracin methylene disalicylate ointment*—(a) *Penicillin-streptomycin-bacitracin ointment, penicillin-dihydrostreptomycin-bacitracin ointment, penicillin-streptomycin-bacitracin methylene disalicylate ointment, and penicillin-dihydrostreptomycin-bacitracin methylene disalicylate ointment conform to all requirements prescribed by § 146a.54 for penicillin-streptomycin ointment and penicillin-dihydrostreptomycin ointment, except that:*

(1) It contains the equivalent of not less than 500 units of bacitracin per gram, except if it is intended for paste instillation in cattle each dose, as recommended in its labeling, shall contain not less than the equivalent of 5,000 units of bacitracin. The bacitracin used conforms to the standards prescribed therefor by § 146e.401 (a) of this chapter except paragraph (a) (2), (3), (4), and (8) of that section. The bacitracin methylene disalicylate used conforms to the requirements of § 146e.416 (a) of this chapter.

(2) In addition to the labeling prescribed by § 146a.54 (b), each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin or bacitracin methylene disalicylate per gram of ointment.

(3) In addition to complying with requirements of § 146a.54 (c), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless previously submitted) the results and the date of the latest tests and assays of the bacitracin or bacitracin methylene disalicylate used in making the batch for potency, moisture, pH, and ash content. He shall also submit in connection with his request a sample consisting of not less than 7 packages of such ointment and (unless it was previously submitted) a sample consisting of 6 packages containing approximately equal portions of not less than 0.5 gram each of the bacitracin or bacitracin methylene disalicylate used in making the batch, packaged in accordance with the requirements of § 146e.401 (b) of this chapter.

(b) The fees for the services rendered with respect to the samples submitted in accordance with paragraph (a) (3) of this section shall be:

(1) $6.00 for each immediate container of ointment submitted.

(2) $4.00 for each immediate container of bacitracin or bacitracin methylene disalicylate submitted.

§ 146a.84 *Penicillin and dihydrostreptomycin-streptomycin sulfates, procaine penicillin in dihydrostreptomycin-streptomycin sulfates solution*—(a) *Standards of identity, strength, quality, and purity.* Penicillin and dihydrostreptomycin-streptomycin sulfates and procaine penicillin in dihydrostreptomycin-streptomycin sulfates solution conform to the standards prescribed by § 146b.113 (a) of this chapter for dihydrostreptomycin - streptomycin sulfates, except that:

(1) It contains dry procaine penicillin, benzathine penicillin G, crystalline penicillin O, chloroprocaine penicillin O, crystalline sodium penicillin or potassium penicillin, or a mixture of any combination of such salts, or it contains procaine penicillin suspended in an aqueous solution of dihydrostreptomycin-streptomycin sulfates. The procaine penicillin used conforms to the requirements prescribed by § 146a.44 (a). The crystalline penicillin used conforms to the requirements prescribed for crystalline penicillin by § 146a.24 (a). The benzathine penicillin G used conforms to the requirement prescribed by § 146a.68 (a).

The crystalline penicillin O used conforms to the requirements prescribed by § 146a.24 (a). The chloroprocaine penicillin O used conforms to the requirements prescribed by § 146a.79 (a).

(2) It may contain suitable and harmless buffer substances, preservatives, suspending, dispersing, and stabilizing agents. Each such substance, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(3) The moisture content of the dry mixture is not more than 3.5 percent, except if it contains procaine penicillin or chloroprocaine penicillin O, its moisture content is not more than 4.2 percent, and if it contains benzathine penicillin G its moisture content is not more than 4 percent.

(4) The pH of a solution or a suspension prepared as directed in its labeling is not less than 5.0 and not more than 7.5.

(b) *Packaging.* It shall be packaged in accordance with the requirements prescribed by § 146b.113 (b) of this chapter, except that each immediate container or each milliliter shall contain not less than 300,000 units of penicillin, 0.15 gram dihydrostreptomycin, and 0.15 gram streptomycin.

(c) *Labeling.* If it is the dry mixture, it shall be labeled in accordance with the requirements prescribed by § 146a.58 (c), except that each package shall bear on the outside wrapper or container and the immediate container the number of units of each salt of penicillin, the number of grams of dihydrostreptomycin, and the number of grams of streptomycin in the immediate container. If it is the suspension of the drug, it shall be labeled in accordance with the requirements prescribed by § 146a.67 (c), except that each package shall bear on the outside wrapper or container and the immediate container the number of units of procaine penicillin, the number of grams of dihydrostreptomycin, and the number of grams of streptomycin in each milliliter in the immediate container.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146b.113 (d) (1) of this chapter, a person who requests certification of a batch shall submit a statement showing the dates on which the latest assays of the penicillin used in making the batch were completed (unless they were previously submitted), the batch marks, and the content of each salt of penicillin in each container.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request, results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(i) The batch; content of each salt of penicillin, content of dihydrostreptomycin and streptomycin, sterility, toxicity, pyrogens, moisture (if it is the dry mixture), and pH.

(ii) The procaine penicillin used in making the batch; potency, crystallinity, penicillin K content (unless it is penicillin G) and the penicillin G content if it is procaine penicillin G.

(iii) The crystalline sodium or potassium penicillin used in making the batch; potency, crystallinity, heat stability, penicillin K content (unless it is crystalline penicillin G), and the penicillin G content if it is crystalline penicillin G.

(iv) The benzathine penicillin G used in making the batch; potency, crystallinity, and penicillin G content.

(v) The crystalline penicillin O used in making the batch; potency, crystallinity, heat stability, penicillin O content, and penicillin G content.

(vi) The chloroprocaine penicillin O used in making the batch; potency, crystallinity, chloroprocaine penicillin O content, and chloroprocaine penicillin G content.

(vii) The dihydrostreptomycin and streptomycin used in making the batch; potency, histamine content, and crystallinity if it is crystalline dihydrostreptomycin.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 13 (14, if it contains benzathine penicillin G) or more than 19 immediate containers.

(*b*) For sterility testing: 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The procaine penicillin used in making the batch; 3 packages containing approximately equal portions of not less than 0.5 gram, each packaged in accordance with the requirements of § 146a.44 (b).

(iii) The crystalline penicillin used in making the batch; 3 packages containing approximately equal portions of not less than 250 milligrams, each packaged in accordance with the requirements of § 146a.24 (b).

(iv) The benzathine penicillin G used in making the batch; 3 packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146a.68 (b).

(v) The crystalline penicillin O and the chloroprocaine penicillin O used in making the batch; 3 packages of each, containing approximately equal portions of not less than 300 milligrams each, packaged in accordance with the requirements of § 146a.24 (b) and § 146a.79 (b).

(vi) The dihydrostreptomycin and streptomycin used in making the batch; 6 packages of each salt containing approximately equal portions of not less than 0.5 gram, each packaged in accordance with the requirements of § 146b.101 (b) of this chapter.

(vii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5.0 grams.

(4) If such batch is packaged for repacking such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility; 13 (14, if it contains benzathine penicillin G) approximately equal portions of at least 2.0 grams.

(ii) For sterility testing; 10 approximately equal portions of at least 0.5 gram.

Each such portion shall be taken from a different part of such batch and each shall be packaged in a separate container and in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii), (iii), (iv), (v), (vi), and (vii) of this paragraph, and no sample referred to in subparagraph (3) (ii), (iii), (iv), (v), and (vi) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), (v), (vi), and (vii) of this section; $6.00 for each immediate container submitted in accordance with paragraph (d) (3) (i) (*a*) and (4) (i) of this section; $10.00 for all containers submitted in accordance with paragraph (d) (3) (i) (*b*) of this section; $10.00 for all containers submitted in accordance with paragraph (d) (4) (ii) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigation.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.108 *Procaine penicillin-streptomycin-polymyxin in oil; procaine penicillin -dihydrostreptomycin - polymyxin in oil; procaine penicillin-streptomycin-polymyxin ointment; procaine penicillin-dihydrostreptomycin-polymyxin ointment.* Procaine penicillin-streptomycin-polymyxin in oil, procaine penicillin-dihydrostreptomycin-polymyxin in oil, procaine penicillin-streptomycin-polymyxin ointment, and procaine penicillin - dihydrostreptomycin - polymyxin ointment conform to all requirements and are subject to all procedures prescribed by § 146a.54 for procaine penicillin-streptomycin ointment or procaine penicillin-dihydrostreptomycin ointment or by § 146a.57 for procaine penicillin and streptomycin in oil or procaine penicillin and dihydrostreptomycin in oil, except that:

(a) They contain not less than 50,000 units of polymyxin B per single-dose container. The polymyxin B used con-

forms to the requirements prescribed for polymyxin B by § 146b.107 (a) of this chapter, except the standard prescribed for toxicity (unless it is intended for subcutaneous injection in fowl).

(b) In lieu of the labeling prescribed by § 146a.54 (b) or § 146a.57 (a) (3), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin, the number of milligrams of streptomycin or dihydrostreptomycin, and the number of units of polymyxin B per milliliter or per gram or per prescribed dose; if it contains one or more of the active ingredients specified in § 146a.54 (a) (3) or § 146a.57 (a) (2), the name and quantity of each; the statement "For udder instillation of cattle only"; and the statement "Expiration date _____," the blank being filled in with the date that is 12 months after the month during which the batch was certified. Each package shall also bear on its label and labeling, if it contains one or more of the active ingredients specified in § 146a.54 (a) (3) or § 146a.57 (a) (2), after the name "procaine penicillin-streptomycin-polymyxin in oil," "procaine penicillin-dihydrostreptomycin-polymyxin in oil," "procaine penicillin-streptomycin-polymyxin ointment," or "procaine penicillin-dihydrostreptomycin-polymyxin ointment," wherever it appears, the words "with _____ (the blank being filled in with the common or usual name of each such ingredient)," in juxtaposition with such name.

(c) In addition to complying with the requirements of § 146a.54 (c) or § 146a.57 (a) (4), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and date of the latest tests and assays of the polymyxin used in making the batch for potency and toxicity. He shall also submit in connection with his request a sample consisting of not less than 7 immediate containers of the batch and (unless it was previously submitted) a sample consisting of 5 packages containing equal portions of not less than 0.5 gram each of the polymyxin used in making the batch.

(d) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of paragraph (c) of this section shall be:

(1) $6.00 for each immediate container of the batch.

(2) $4.00 for each immediate container of the polymyxin used in making the batch.

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

§ 146b.112 *Streptomycin for inhalation therapy; dihydrostreptomycin for inhalation therapy*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin for inhalation therapy and dihydrostreptomycin for inhalation therapy are streptomycin or dihydrostreptomycin, with or without one or more suitable and harmless diluents. If it is intended for human use, the streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.101 (a) or § 146b.103, except the standards for sterility and pyrogens, and except that if it is packaged with inert gases its moisture content is not more than 0.5 percent. If it is intended solely for veterinary use, the streptomycin or dihydrostreptomycin used may conform to the standards prescribed by § 146b.114 (a), except that if it is packaged with inert gases its moisture content is not more than 0.5 percent. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate container of streptomycin for inhalation therapy and dihydrostreptomycin for inhalation therapy shall be a tight container as defined by the U. S. P.; its closure shall be one through which a hypodermic needle cannot be introduced; and the container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not less than 50 milligrams, and may contain one or more suitable and harmless inert gases or each may be packaged in combination with a container of a suitable and harmless solvent.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams in the immediate container, or (if it is packaged with one or more inert gases), the number of grams that shall be ejected when used as directed in the labeling.

(iii) The statement "Expiration date _____," the blank being filled in with the date which is 24 months if it is packaged with inert gases, or 48 months after the month during which the batch was certified; except that if it is packaged with inert gases the blank may be filled in with the date that is 36 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(iv) The statement "Warning—Not for injection."

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing, and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of streptomycin for inhalation therapy or dihydrostreptomycin for inhalation therapy shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of milligrams in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency and moisture if the streptomycin or dihydrostreptomycin has been previously submitted, or for potency, toxicity, moisture, pH, histamine content (unless it is intended solely for veterinary use), streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin, if the streptomycin or dihydrostreptomycin has not been previously submitted. If such batch, or any part thereof, is to be packaged in combination with a container of a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Such person shall submit with his request accurately representative samples of the following:

(i) The batch:

(a) If the streptomycin or dihydrostreptomycin used has been previously submitted; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers (or if it is packaged with inert gases, not less than 7 immediate containers and not more than 12 immediate containers), or more than 12 immediate containers.

(b) If the streptomycin or dihydrostreptomycin used has not been previously submitted; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 12 immediate containers or more than 25 immediate containers.

Such sample shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) If it is packaged with inert gases and the streptomycin or dihydrostreptomycin used has not been previously submitted; 5 packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146b.101 (b).

(iii) In case of an initial request for the certification of a batch which is to be packaged in combination with a solvent which is not recognized by the U. S. P., or when any change is made in the composition of such solvent, five packages of the solvent included in the combination.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (ii) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

(f) *Exemption of streptomycin for inhalation therapy and dihydrostreptomycin for inhalation therapy for veterinary use from certification.* Streptomycin for inhalation therapy and dihydrostreptomycin for inhalation therapy that conform to the requirements of paragraphs (a), (b), and (c) of this section shall be exempt from the requirements of section 502 (l) and 507 of the act, if they comply with all the following conditions:

(1) They are intended solely for veterinary use and are conspicuously so labeled.

(2) The labels bear an expiration date that is not more than 48 months after the month during which the batch was last assayed and released by the manufacturer, except that such date is not more than 36 months if it is packaged with inert gases.

(3) The circular or other labeling within or attached to the package bears information that the antibiotics are for use only in the prevention or treatment of chronic respiratory disease (air-sac infection) in chickens and bears directions and warnings adequate for such use.

§ 146b.115 *Streptomycin sulfate powder oral veterinary; streptomycin sulfate granules oral veterinary; dihydrostreptomycin sulfate powder oral veterinary; dihydrostreptomycin sulfate granules oral veterinary; dihydrostreptomycin hydrochloride powder oral veterinary; dihydrostreptomycin hydrochloride granules oral veterinary*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin sulfate powder oral veterinary, streptomycin sulfate granules oral veterinary, dihydrostreptomycin sulfate powder oral veterinary, dihydrostreptomycin sulfate granules oral veterinary, dihydrostreptomycin hydrochloride powder oral veterinary, and dihydrostreptomycin hydrochloride granules oral veterinary are streptomycin sulfate veterinary, dihydrostreptomycin sulfate veterinary, or dihydrostreptomycin hydrochloride veterinary, with or without one or more suitable and harmless diluents and stabilizing agents and with or without one or more suitable sulfonamides. Its potency is not less than 3.75 grams per pound. Its moisture content is not more than 7.0 percent. The streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.114 (a). Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P. The composition of the immediate containers shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of streptomycin or dihydrostreptomycin per gram and the number of grams in the immediate container.

(iii) If it contains one or more sulfonamides, the name and quantity of each such ingredient.

(iv) The statement "Expiration date _____," the blank being filled in with the date which is 36 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section and except that if the potency of the batch is less than 150 grams per pound the blank is filled in with the date that is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(v) The statement "For oral veterinary use only."

(vi) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be.

(2) On the label and labeling, if it contains one or more sulfonamides, after the name "streptomycin sulfate powder oral veterinary," "streptomycin sulfate granules oral veterinary," "dihydrostreptomycin sulfate powder oral veterinary," "dihydrostreptomycin sulfate granules oral veterinary," "dihydrostreptomycin hydrochloride powder oral veterinary," or "dihydrostreptomycin hydrochloride granules oral veterinary," wherever such name appears, the words "with sulfonamide(s)," in juxtaposition with such name.

(3) On the circular or other labeling within or attached to the package, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a bronchure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the streptomycin or dihydrostreptomycin used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each other ingredient used conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and moisture.

(ii) The streptomycin or dihydrostreptomycin used in making the batch; potency, toxicity, moisture, pH, and streptomycin content if it is dihydrostreptomycin.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate con-

tainers in the batch, but in no case less than 5 immediate containers or more than 12 immediate containers, unless each such container is packaged to contain more than 15 grams, in which case the sample shall consist of 15 grams for each 5,000 immediate containers in the batch, but in no case less than five 15-gram portions or more than twelve 15-gram portions. Such samples shall be collected by taking single immediate containers or 15-gram portions at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The streptomycin or dihydrostreptomycin used in making the batch; 6 packages containing approximately equal portions of not less than 1.0 gram each, packaged in accordance with the requirements of § 146b.114 (b).

(iii) In case of an initial request for certification, the other ingredients used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section; and

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

(f) *Exemption of streptomycin sulfate powder oral veterinary, streptomycin sulfate granules oral veterinary; dihydrostreptomycin sulfate powder oral veterinary, dihydrostreptomycin sulfate granules oral veterinary, dihydrostreptomycin hydrochloride powder oral veterinary, and dihydrostreptomycin hydrochloride granules oral veterinary from certification.* Streptomycin sulfate powder oral veterinary, streptomycin sulfate granules oral veterinary, dihydrostreptomycin sulfate powder oral veterinary, dihydrostreptomycin sulfate granules oral veterinary, dihydrostreptomycin hydrochloride powder oral veterinary, and dihydrostreptomycin hydrochloride granules oral veterinary that conform to the requirements of paragraphs (a) (except that they may contain one or more essential vitamin and mineral substances for nutritive purposes), (b), and (c) of this section shall be exempt from the requirements of sections 502 (l) and 507 of the act, if they comply with all the following conditions:

(1) The labels bear an expiration date that is not more than 48 months after the month during which the batch was last assayed and released by the manufacturer.

(2) If they contain added vitamins or minerals, the labels bear the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The labels bear a statement that solutions prepared with the drugs are stable for not more than 24 hours.

(4) The circular or other labeling within or attached to the package bears information that only the antibiotics are intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Bacterial enteritis in swine.

(ii) Bacterial calf scours.

(iii) Chronic respiratory disease (air-sac infection) in chickens.

(iv) Blue comb (mud fever, nonspecific infectious enteritis) in poultry.

§ 146b.124 *Streptomycin-polymyxin-neomycin ointment; dihydrostreptomycin-polymyxin-neomycin ointment*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin-polymyxin-neomycin ointment and dihydrostreptomycin-polymyxin-neomycin ointment are streptomycin or dihydrostreptomycin, polymyxin, and neomycin in a suitable and harmless ointment base, with or without one or more suitable sulfonamides, and with or without suitable and harmless dispersing and suspending agents. Their moisture content is not more than 1 percent. Their potency is such that when used as directed in their labeling each dose shall contain not less than 250 milligrams of streptomycin or dihydrostreptomycin, 100,000 units of polymyxin B, and 150 milligrams of neomycin. The streptomycin used conforms to the requirements of § 146b.101 (a), except § 146b.101 (a) (2), (3), (4), and (5). The dihydrostreptomycin used conforms to the requirements of § 146b.103, except the standards for sterility, toxicity, pyrogens, and histamine. The polymyxin B used conforms to the requirements prescribed for polymyxin B by § 146b.107 (a), except the standard for toxicity. The neomycin used conforms to the requirements prescribed for neomycin by § 146e.410 (a) (2) of this chapter, except the standard for toxicity. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Each batch of ointment shall be packaged in collapsible tubes which shall be well-closed containers as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of streptomycin or dihydrostreptomycin, the number of milligrams of neomycin, and the number of units of polymyxin B in each gram of the batch.

(iii) If the batch contains one or more sulfonamides, the name and quantity of each such ingredient per gram of the batch.

(iv) The statement "For veterinary use only."

(v) The statement "Expiration date _____," the blank being filled in with the date that is 18 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the dates on which the latest assays of the streptomycin or dihydrostreptomycin, polymyxin B, and neomycin used in making such batch were completed; the quantity of each such ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(i) The batch: Potency and moisture.

(ii) The streptomycin or dihydrostreptomycin used in making the batch: Potency, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate.

(iii) The polymyxin B used in making the batch: Potency.

(iv) The neomycin used in making the batch: Potency, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 7 immediate containers or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The streptomycin or dihydrostreptomycin used in making the batch: 6 packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146b.101 (b).

(iii) The polymyxin B used in making the batch: 5 packages containing approximately equal portions of not less than 0.5 gram each.

(iv) In case of an initial request for certification, the ingredients used in making the batch: 1 package of each ointment-base ingredient, containing approximately 200 grams; 1 package of each suspending or dispersing agent used, containing approximately 5 grams; 1 package of each sulfonamide used, containing approximately 5 grams.

(4) The results referred to in subparagraph (2) (ii), (iii), and (iv) of this paragraph and the samples referred to in subparagraph (3) (ii), (iii), and (iv) of this paragraph are not required if such results or samples have been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), and (v) of this section; $6.00 for each immediate container submitted in accordance with paragraph (d) (3) (i) of this section.

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigation. The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-CONTAINING DRUGS

§ 146c.202 *Chlortetracycline hydrochloride ointment; chlortetracycline calcium ointment; chlortetracycline calcium cream; tetracycline hydrochloride ointment (tetracycline hydrochloride in oil suspension); tetracycline ointment (tetracycline cream)*—(a) *Standards of identity, strength, quality and purity.* Chlortetracycline hydrochloride ointment, tetracycline hydrochloride ointment, and tetracycline ointment are crystalline chlortetracycline hydrochloride, chlortetracycline calcium, tetracycline hydrochloride, or tetracycline, in a suitable and harmless ointment base. It may contain a suitable local anesthetic, cortisone, hydrocortisone, or a suitable ester of cortisone or hydrocortisone, and one or more suitable and harmless preservatives and stabilizing agents. Its moisture content is not more than 1 percent if it is chlortetracycline hydrochloride or tetracycline hydrochloride ointment. Its potency is not less than 1 milligram per gram. The chlortetracycline hydrochloride used in making the chlortetracycline hydrochloride ointment and in preparing the chlortetracycline calcium used in making the chlortetracycline calcium ointment conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (1), (2), (3), (4), and (5), but its potency is not less than 750 μg. per milligram. The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except § 146c.218 (a) (2), (3), (4), and (5). The tetracycline used conforms to the requirements of § 146c.220 (a). Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The ointment shall be packaged in collapsible tubes which are well-closed containers as defined by the U. S. P., or in containers of glass or plastic that are tight containers as defined by the U. S. P. Unless it is labeled solely for hospital use, each such container shall contain not more than 2 ounces, except if it is intended for ophthalmic use each such container shall contain not more than ⅛-ounce, if it is a collapsible tube, or more than ½-ounce if it is a tight container. Each such container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practices shall be disregarded.

(c) *Labeling.* Each package of ointment shall bear on its label or labeling as hereinafter indicated:

(1) On the outside wrapper or container and the immediate container of the package:

(i) The batch mark;

(ii) The potency per gram, expressed in terms of its equivalency of chlortetracycline hydrochloride or as tetracycline hydrochloride;

(iii) If it contains preservatives, cortisone, hydrocortisone, or an ester of cortisone or hydrocortisone, or a local anesthetic, the name and quantity of each such substance;

(iv) The statement "Expiration date _____," the blank being filled in with the date that is 48 months if it is chlortetracycline hydrochloride ointment, or if it is chlortetracycline calcium ointment or tetracycline hydrochloride ointment the blank is filled in with the date that is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 36 months or 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container, if it is packaged for ophthalmic use by man or if it contains cortisone, hydrocortisone, or an ester of cortisone or hydrocortisone, the statement "Caution: Federal law prohibits dispensing without prescription," and a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such ointment by practitioners licensed by law to administer such drug; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, if it contains one or more of the active ingredients specified in paragraph (a) of this section, after the name "chlortetracycline ointment," "chlortetracycline calcium ointment," "chlortetracycline calcium cream," "tetracycline hydrochloride ointment," or "tetracycline ointment" wherever it appears, the words "with _____," in juxtaposition with such name, the blank being filled in with the common or usual name of each such ingredient used.

(4) If it is not packaged for ophthalmic use by man or it does not contain cortisone, hydrocortisone, or an ester of cortisone or hydrocortisone, a circular or other labeling within or attached to the package bearing adequate directions and warnings for prophylactic use by man, or for the veterinary use of such ointment. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other uses of such ointment by practitioners licensed by law to administer such drug will be sent on request to such a practitioner.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of ointment shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline, tetracycline hydrochloride or tetracycline used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each component of the ointment base used conforms to the

requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and moisture.

(ii) The chlortetracycline hydrochloride or tetracycline hydrochloride or tetracycline used in making the batch; potency, moisture, pH, crystallinity, and extinction coefficient, if it is tetracycline hydrochloride or tetracycline.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 5,000 packages in the batch, but in no case less than five packages or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chlortetracycline, tetracycline hydrochloride or tetracycline used in making the batch; ten packages, containing approximately equal portions of not less than 60 milligrams each, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch: 1 package of each component of the ointment base, each containing approximately 200 grams; 1 package of each preservative used, each containing approximately 5 grams; and if cortisone, hydrocortisone, or an ester of cortisone or hydrocortisone is used, 1 package of such ingredient, containing approximately 100 milligrams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of ointment under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations. The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.204 *Chlortetracycline hydrochloride capsules; tetracycline hydrochloride capsules; tetracycline capsules; tetracycline phosphate complex capsules*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline hydrochloride capsules, tetracycline hydrochloride capsules, tetracycline capsules and tetracycline phosphate complex capsules are capsules composed of crystalline chlortetracycline hydrochloride, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex, with or without one or more suitable sulfonamides, analgesic substances, antihistaminics, and with or without one or more suitable and harmless vitamin substances, buffer substances, vegetable oils, preservatives, diluents, binders, lubricants, colorings, and flavorings and glucosamine hydrochloride, enclosed in a gelatin capsule. Each capsule shall contain not less than 50 milligrams of chlortetracycline hydrochloride, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex, unless it is intended solely for veterinary use and is conspicuously so labeled. Its moisture content is not more than 2 percent if it contains chlortetracycline hydrochloride, not more than 3 percent if it contains tetracycline (not more than 9 percent if it contains sodium metaphosphate as a buffer substance), not more than 4 percent if it contains tetracycline hydrochloride, and not more than 9 percent if it contains tetracycline phosphate complex, except that in no case shall it be more than 3 percent if it contains vitamins. The chlortetracycline hydrochloride used conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (2), (4), and (5). The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except § 146c.218 (a) (2), (4), and (5). The tetracycline used conforms to the requirements of § 146c.220 (a). The tetracycline phosphate complex used conforms to the requirements of § 146c.232. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each capsule is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the capsules by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams in each capsule of the batch;

(iii) If the batch contains, in addition to chlortetracycline hydrochloride, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex, one or more of the other active ingredients specified in paragraph (a) of this section, the name and quantity of each such ingredient in each capsule;

(iv) The statement "Expiration date _____," the blank being filled in with one of the following dates after the month during which the batch was certified:

(*a*) If chlortetracycline hydrochloride is used, 60 months;

(*b*) If tetracycline hydrochloride is used, 48 months;

(*c*) If tetracycline is used, 36 months;

(*d*) If tetracycline phosphate complex is used, or if it contains one or more vitamin substances, analgesic substances, antihistaminics, or caffeine, and it does not contain sodium metaphosphate, 24 months;

(*e*) If it contains sodium metaphosphate, 18 months.

Provided, however, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement: "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, if it contains, in addition to chlortetracycline hydrochloride, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex, one or more of the active ingredients specified in paragraph (a) of this section, after the name "chlortetracycline hydrochloride capsules" or "tetracycline hydrochloride capsules" or "tetracycline capsules" or "tetracycline phosphate complex capsules," wherever it appears, the words "with _____ (the blank being filled in with the common or usual name of each other ingredient)," in juxtaposition with such name.

(4) On a circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline, tetracycline hydrochloride, tetracycline or tetracycline phosphate complex used in making such batch was completed, the number of milligrams in each capsule, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per capsule and average moisture.

(ii) The chlortetracycline, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch; potency, toxicity, moisture, pH, crystallinity and extinction coefficient if it is chlortetracycline hydrochloride, tetracycline, or tetracycline phosphate complex, and solubility if it is tetracycline phosphate complex.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one capsule for each 5,000 capsules in the batch, but in no case less than 30 capsules or more than 100 capsules, collected by taking single capsules at such intervals throughout the entire time of preparation that the quantities encapsulated during the intervals are approximately equal.

(ii) The chlortetracycline, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $0.75 for each capsule in the sample submitted in accordance with paragraph (d) (3) (i) of this section, $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii), and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such capsules and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.205 *Chlortetracycline powder (chlortetracycline hydrochloride powder); tetracycline hydrochloride powder; tetracycline powder*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline powder, tetracycline hydrochloride powder, and tetracycline powder are crystalline chlortetracycline hydrochloride, tetracycline hydrochloride, or tetracycline, with or without glucosamine hydrochloride and one or more suitable and harmless vitamin substances, and with or without suitable and harmless buffer substances, preservatives, diluents, colorings, and flavorings. The content of chlortetracycline or tetracycline hydrochloride or tetracycline is not less than 15 milligrams per gram of powder. The moisture content of chlortetracycline powder or tetracycline hydrochloride powder is not more than 2 percent. The moisture content of tetracycline powder is not more than 7.5 percent. The chlortetracycline used conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (2), (4), and (5). The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except subparagraphs (2), (4), and (5) of that paragraph. The tetracycline used conforms to the requirements of § 146c.220 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams of chlortetracycline or tetracycline hydrochloride or tetracycline (expressed in terms of equivalency of tetracycline hydrochloride) per gram; or, if it is intended for use solely as an ingredient in the drinking water of animals and is conspicuously so labeled, the number of grams of drug per pound in the immediate container;

(iii) The statement "Expiration date _____," the blank being filled in with the date that is 60 months after the month during which the batch was certified if it is chlortetracycline hydrochloride powder, or if it is tetracycline hydrochloride powder or tetracycline powder the blank is filled in with the date that is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 36 months or 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section, except if it contains one or more vitamin substances the blank is filled in with the date that is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) If it contains a preservative or vitamin substance, the name and quantity of each such ingredient, and if it contains glucosamine hydrochloride, the name of that ingredient.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, if it contains one or more vitamin substances, after the name "chlortetracycline powder," "tetracycline hydrochloride powder," or "tetracycline powder," wherever such name appears, the words "with vitamin _____" (the blank being filled in with the name of the vitamin ingredient used), or "with vitamins" (if it contains more than one vitamin ingredient), in juxtaposition with such name.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also

bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline, tetracycline hydrochloride or tetracycline used in making such batch was completed, the number of milligrams in each immediate container, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and moisture.

(ii) The chlortetracycline, tetracycline hydrochloride, or tetracycline used in making the batch; potency, toxicity, moisture, pH, crystallinity, and extinction coefficient if it is tetracycline hydrochloride or tetracycline.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 containers in the batch, but in no case less than 5 or more than 12 immediate containers, unless each such container is packaged to contain more than 1.0 gram, in which case the sample shall consist of 1.0 gram for each 5,000 immediate containers in the batch, but in no case less than five 1.0-gram portions or more than twelve 1.0-gram portions, except if it is intended for use as an ingredient in the drinking water of animals, each portion in the sample submitted shall consist of 1 ounce in lieu of 1.0 gram. Such sample shall be collected by taking single immediate containers, 1.0-gram portions, or 1-ounce portions at such intervals throughout the entire time the containers are being filled that the quantities filled during the intervals are approximately equal.

(ii) The chlortetracycline, tetracycline hydrochloride, or tetracycline used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

(f) *Exemption of chlortetracycline powder for veterinary use, tetracycline hydrochloride powder for veterinary use, and tetracycline powder for veterinary use from certification.* Chlortetracycline powder, tetracycline hydrochloride powder, and tetracycline powder that conform to the requirements of paragraphs (a) (except that if they contain one or more added vitamin substances such substances are essential for nutritive purposes, and except that they may contain one or more added mineral substances essential for nutritive purposes), (b), and (c) of this section shall be exempt from the requirements of sections 502 (l) and 507 of the act, if they comply with all the following conditions:

(1) They are intended solely for veterinary use and are conspicuously so labeled.

(2) If they contain added vitamins or minerals, the labels bear the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The labels bear an expiration date that is not more than 48 months, or 24 months if it contains a vitamin substance or it is tetracycline hydrochloride powder or tetracycline powder, after the month during which the batch was last assayed and released by the manufacturer.

(4) The labels bear a statement that solutions prepared with the drugs are stable for not more than 24 hours.

(5) The circular or other labeling within or attached to the package bears information that only the antibiotics are intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Pinkeye and superficial cuts and abrasions.

(ii) Bacterial enteritis in swine.

(iii) Bacterial pneumonia in swine.

(iv) Chronic respiratory disease (airsac infection), hexamitiasis, blue comb (mud fever, nonspecific infectious enteritis) in poultry.

(v) Infectious sinusitis in poultry.

(vi) Synovitis in poultry.

(vii) Bacterial pneumonia in calves.

(viii) Shipping fever (hemorrhagic septicemia) in calves.

§ 146c.217 *Chlortetracycline calcium syrup (chlortetracycline calcium oral drops); tetracycline syrup (tetracycline oral drops); tetracycline magnesium syrup (tetracycline magnesium oral drops)*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline calcium syrup, tetracycline syrup, and tetracycline magnesium syrup are syrups that contain chlortetracycline calcium prepared from crystalline chlortetracycline hydrochloride, tetracycline, or tetracycline magnesium prepared from tetracycline, with or without one or more suitable sulfonamides, analgesic substances, antihistaminics, caffeine, glucosamine hydrochloride, and one or more suitable and harmless buffer substances, suspending and stabilizing agents, and preservatives, suspended in a suitable and harmless vehicle. Each milliliter shall contain a quantity of chlortetracycline calcium or tetracycline or tetracycline magnesium equivalent to not less than 25 milligrams of chlortetracycline hydrochloride or tetracycline hydrochloride. The pH is not less than 6.5 nor more than 9.0, except if it is tetracycline syrup the pH is not less than 3.5 nor more than 6.0. The crystalline chlortetracycline hydrochloride used conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (2), (4), and (5). The crystalline tetracycline used conforms to the requirements of § 146c.220. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The potency per milliliter expressed in terms of its equivalency of chlortetracycline hydrochloride or tetracycline hydrochloride.

(iii) If the batch contains, in addition to chlortetracycline calcium, tetracycline, or tetracycline magnesium, one or more of the other active ingredients specified in paragraph (a) of this section, the name and quantity of each such ingredient used in making the batch.

(iv) The statements "Warning—Not for injection" and "Shake well."

(v) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months, 24 months, 36 months, or 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container, if it is intended for use by humans, the statement "Caution: Federal law prohibits dispensing without prescription" and a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer such drug; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, if it contains, in addition to chlortetracycline calcium, tetracycline, or tetracycline magnesium, one or more of the active ingredients specified in paragraph (a) of this section, after the name "chlortetracycline calcium syrup" or "tetracycline syrup" or "tetracycline magnesium syrup," wherever it appears, the words "with ---------- (the blank being filled in with the common or usual name of each such other ingredient)," in juxtaposition with such name.

(4) On a circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline hydrochloride or tetracycline used in making such batch was completed, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per milliliter, toxicity, pH.

(ii) The chlortetracycline hydrochloride or tetracycline used in making the batch; potency, toxicity, moisture, pH, crystallinity, and extinction coefficient if it is tetracycline.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 5,000 packages in the batch, but in no case less than 5 or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chlortetracycline hydrochloride or tetracycline used in making the batch; 10 packages each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.218 *Tetracycline hydrochloride*—(a) *Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride is the crystalline hydrochloride salt of the deschloro derivative of a kind of chlortetracycline or a mixture of two or more such salts, with or without one or more suitable and harmless stabilizing agents. It is so purified and dried that:

(1) Its potency, and the potency of the tetracycline hydrochloride used in the manufacture of tetracycline hydrochloride intended for use by injection, is not less than 900 micrograms per milligram.

(2) It is sterile.

(3) It is nontoxic.

(4) It is nonpyrogenic.

(5) It contains no histamine nor histamine-like substance.

(6) Its moisture content is not more than 2 percent.

(7) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 1.8 and not more than 2.8, except if it it intended for use by injection its pH is not less than 2.0 and not more than 3.0.

(8) Its extinction coefficient $E^{1\%}_{1cm}$, and the extinction coefficient of the tetracycline hydrochloride used in the manufacture of tetracycline hydrochloride intended for use by injection, is 372±15 at 380 millimicrons.

(b) *Packaging; labeling; request for certification, check tests and assays, samples; fees.* Tetracycline hydrochloride conforms to all requirements and procedures prescribed for chlortetracycline hydrochloride by § 146c.201 (b), (c), (d), and (e), except that:

(1) It shall be labeled with an expiration date that is 36 months after the month during which the batch was certified, except that it may be labeled with the date that is 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

(2) The person who requests certification of a batch of tetracycline hydrochloride that contains stabilizing agents and is intended for use by injection shall submit with his request (unless they were previously submitted) the results of the latest tests and assays made on the batch of the tetracycline hydrochloride used in making such batch for potency and extinction coefficient and a sample consisting of two packages each containing approximately 500 milligrams of the tetracycline hydrochloride used in making such batch for potency and extinction coefficient.

(3) The fee for the services rendered with respect to each immediate container of the tetracycline hydrochloride used in the manufacture of a batch of tetracycline hydrochloride intended for use by injection submitted in accordance with the requirements prescribed therefor by subparagraph (2) of this paragraph shall be $4.00.

§ 146c.221 *Tetracycline hydrochloride for intramuscular use; tetracycline phosphate complex for intramuscular use*—(a) *Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride or tetracycline phosphate complex for intramuscular use is a dry mixture of tetracycline hydrochloride or tetracycline phosphate complex, magnesium chloride, and one or more suitable buffer substances, with or without one or more suitable preservatives and anesthetic agents, and with or without one or more suitable and harmless vita-

min substances. It is sterile. It is nonpyrogenic. Its moisture content is not more than 5 percent. Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.0 and not more than 3.0. The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a). The tetracycline phosphate complex used conforms to the requirements of § 146c.232 (a) and it contains no histamine or histamine-like substance. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The immediate containers shall be of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each such container shall contain not less than the equivalent of 100 milligrams of tetracycline hydrochloride, and each may be packaged in combination with a container of a suitable and harmless diluent.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams in the immediate container expressed in terms of its equivalency of tetracycline hydrochloride.

(iii) The name and quantity of each other ingredient in the immediate container.

(iv) The statement "Expiration date ------," the blank being filled in with the date that is 36 months after the month during which the batch was certified, except that if it contains tetracycline phosphate complex or one or more vitamin substances the blank is filled in with the date that is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(v) The statement "For intramuscular use only."

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the label and labeling, if it contains one or more vitamin substances, after the name "tetracycline hydrochloride for intramuscular use" or "tetracycline phosphate complex for intramuscular use", the words "with vitamin ---" (the blank being filled in with the name of the vitamin ingredient used), or "with vitamins" (if it contains more than one vitamin ingredient), in juxtaposition with such name.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iii) A statement of the conditions under which solutions prepared from the drug should be stored and the statement "Sterile solutions may be stored at room temperature for 24 hours without significant loss of potency," except that if it contains one or more vitamin substances it shall bear the statement "Inject immediately after the solution is prepared from the drug."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the tetracycline hydrochloride or tetracycline phosphate complex used in making such batch was completed, the equivalent number of milligrams of tetracycline hydrochloride in each package, the date on which the latest assay of the drug comprising the batch was completed, the quantity of each other ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section. If such batch or any part thereof is to be packaged with a diluent, such request shall also be accompanied by a statement that such diluent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request the results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Potency, sterility, pyrogens, moisture, pH.

(ii) The tetracycline hydrochloride or tetracycline phosphate complex used in making the batch: Potency, toxicity, histamine, extinction coefficient, crystallinity, and solubility if it is tetracycline phosphate complex.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch;

(a) For all tests except sterility: 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 10 or more than 17 immediate containers.

(b) For sterility testing: 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The tetracycline hydrochloride or tetracycline phosphate complex used in making the batch: 10 packages containing approximately equal portions of not less than 250 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch: 1 package of each, containing approximately 5 grams.

(iv) In case of an initial request for the certification of a batch which is to be packaged in combination with a diluent that is not recognized by the U. S. P. or when any change is made in the composition of such diluent: 5 packages of the diluent included in the combination.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility: 10 packages, each containing approximately 0.25 gram.

(ii) For sterility testing: 10 packages, each containing approximately 40 milligrams of tetracycline hydrochloride or tetracycline phosphate complex.

Each such package shall be packaged in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section; $10.00 for all containers submitted in accordance with paragraph (d) (3) (i) (*b*) and (4) (ii) of this section.

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.2 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.222 *Tetracycline hydrochloride oral suspension (tetracycline hydrochloride homogenized mixture); tetracycline phosphate complex oral suspension (tetracycline phosphate complex oral drops); tetracycline hydrochloride oral solution; tetracycline calcium oral suspension; tetracycline oral suspension—*(a) *Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride oral suspension, tetracycline hydrochloride oral solution, and tetracycline calcium oral suspension are tetracycline hydrochloride or tetracycline calcium prepared from tetracycline hydrochloride. Tetracycline oral suspension and tetracycline phosphate complex oral suspension are prepared from tetracycline or tetracycline phosphate complex. Each drug contains one or more suitable and harmless suspending and dispersing agents (unless it is tetracycline hydrochloride oral solution), with or without one or more suitable sulfonamides, and with or without one or more suitable and harmless colorings, flavorings, buffer substances, and preservatives, suspended or dissolved in a suitable and harmless vehicle. If it is tetracycline hydrochloride oral suspension, tetracycline oral suspension, or tetracycline phosphate complex oral suspension, it may contain one or more suitable and harmless vitamin substances. Each milliliter shall contain not less than the equivalent of 25 milligrams of tetracycline hydrochloride. Its moisture content is not more than 2 percent if it is tetracycline hydrochloride oral suspension, tetracycline phosphate complex oral suspension, or tetracycline oral suspension and not more than 7 percent if it is tetracycline hydrochloride oral solution. Its pH is not less than 2.0 and not more than 3.5 if it is tetracycline hydrochloride oral solution and not less than 7.0 and not more than 8.0 if it is tetracycline calcium oral suspension. The tetracycline hydrochloride used conforms to the standards prescribed by § 146c.218 (a), except § 146c.218 (a) (2), (4), and (5). The tetracycline phosphate complex used conforms to the standards prescribed by § 146c.232 (a). The tetracycline used conforms to the standards prescribed by § 146c.220 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate container shall be a tight container as defined by the U. S. P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The potency per milliliter expressed in milligrams of tetracycline hydrochloride or its equivalency of tetracycline hydrochloride.

(iii) The statement "Shake well."

(iv) The name and quantity of each sulfonamide, preservative, and vitamin substance used in making the batch.

(v) The statement "Expiration date ------," the blank being filled in with the date that is 18 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section, except that if it contains tetracycline phosphate complex or one or more vitamin substances the blank is filled in with the date that is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling:

(i) If it is tetracycline hydrochloride oral suspension or tetracycline oral suspension or tetracycline phosphate complex oral suspension, and it contains one or more vitamin substances or sulfonamides, after the name "tetracycline hydrochloride oral suspension," "tetracycline oral suspension," or "tetracycline phosphate complex oral suspension," wherever it appears, the words "with sulfonamide(s)" or "with vitamin ----," the blank being filled with the name of the vitamin ingredient used, or "with vitamins," if it contains more than one vitamin ingredient, in juxtaposition with such name.

(ii) If it is tetracycline hydrochloride oral solution or tetracycline calcium oral suspension and it contains one or more sulfonamides, after the name "tetracycline hydrochloride oral solution" or "tetracycline calcium oral suspension," wherever it appears, the words "with sulfonamide(s)," in juxtaposition with such name.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making such batch was completed, the potency per milliliter of the batch, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, each person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Average potency per milliliter, average moisture if it is tetracycline hydrochloride oral suspension, tetracycline oral suspension, tetracycline phosphate complex oral suspension, or tetracycline hydrochloride oral solution, and pH if it is tetracycline hydrochloride oral solution or tetracycline calcium oral suspension.

(ii) The tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch: Potency, toxicity, moisture, pH, crystallinity, and extinction coefficient; and if it is tetracycline phosphate complex, solubility.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch: 10

packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In the case of an initial request for certification, each other ingredient used in making the batch: 1 package of each containing approximately 5.0 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations other than the examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.224 *Tetracycline hydrochloride-nystatin capsules; tetracycline phosphate complex-nystatin capsules.* Tetracycline hydrochloride-nystatin capsules and tetracycline phosphate complex-nystatin capsules are capsules that conform to all the requirements and procedures prescribed by § 146c.204 for tetracycline hydrochloride capsules and tetracycline phosphate complex capsules, except that:

(a) Each capsule contains not less than 100,000 units of nystatin. The nystatin used is produced by the growth of Streptomyces noursei. It is a white to yellow to light-tan powder. It is very slightly soluble in water, moderately soluble in methanol, butanol, or propanol. Its potency is not less than 2,000 units per milligram. It is nontoxic. Its pH in a 3-percent aqueous suspension is not less than 6.5 and not more than 8.0. Its moisture content is not more than 5 percent. It exhibits absorption maxima at 291, 305, and 319 mμ when dissolved in methanol, and its specific rotation in dimethyl formamide at 20° C. is not more than ±25°.

(b) In addition to the labeling prescribed for tetracycline hydrochloride capsules or tetracycline phosphate complex capsules, each package shall bear on its label or labeling the number of units of nystatin in each capsule of the batch. Its expiration date shall be the date that is 18 months after the month during which the batch was certified if it is tetracycline phosphate complex-nystatin capsules.

(c) In addition to complying with the requirements of § 146c.204 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the nystatin used in making the batch for potency, toxicity, pH, moisture, and specific rotation. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the nystatin used in making the batch.

(d) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of paragraph (c) of this section shall be:

(1) $1.00 for each capsule.

(2) $4.00 for each immediate container of nystatin.

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

§ 146e.403 *Bacitracin tablets; zinc bacitracin tablets; bacitracin methylene disalicylate tablets; bacitracin suppositories; zinc bacitracin suppositories (if they are represented for vaginal use); bacitracin implantation pellets; zinc bacitracin implantation pellets (if they are represented for use by implanting under the skin of animals).*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin tablets, zinc bacitracin tablets, and bacitracin methylene disalicylate tablets are tablets composed of bacitracin, zinc bacitracin, or bacitracin methylene disalicylate, with or without kaolin and pectin and with or without one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is not less than 1,000 units nor more than 10,000 units. Its moisture content is not more than 5 percent. The bacitracin used conforms to the standards prescribed therefor by § 146e.401 (a), except § 146e.401 (a) (2), (4), and (8). The zinc bacitracin used conforms to the requirements of § 146e.418 (a). The bacitracin methylene disalicylate used conforms to the requirements of § 146e.416 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each tablet is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each tablet of the batch;

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 months or 24 months or 36 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;

(iv) If it is implantation pellets or bacitracin methylene disalicylate tablets, the statement "For veterinary use only."

(v) If the batch contains, in addition to bacitracin, zinc bacitracin, or bacitracin methylene disalicylate, one or more of the other active ingredients specified in paragraph (a) of this section, the name and quantity of each such other ingredient in each tablet.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, if it contains kaolin or pectin, after the name "bacitracin tablets," "zinc bacitracin tablets," or "bacitracin methylene disalicylate tablets," wherever it appears, the words "with ---------- (the blank being filled in with the word "kaolin" or "pectin" or the words "kaolin and pectin," in juxtaposition with such name)."

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure of other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the bacitracin, zinc bacitracin, or bacitracin methylene disalicylate used in making such batch was completed, the number of units in each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per tablet and average moisture.

(ii) The bacitracin, zinc bacitracin, or bacitracin methylene disalicylate used in making the batch; potency, toxicity, moisture, pH, ash content if it is bacitracin, and zinc content if it is zinc bacitracin.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets or more than 100 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

(ii) The bacitracin used in making the batch; six packages, each containing approximately equal portions of not less than 500 milligrams each, packaged in accordance with the requirements of § 146e.401 (b).

(iii) The zinc bacitracin used in making the batch; 6 packages, each containing approximately equal portions of not less than 1.0 gram, packaged in accordance with the requirements of § 146e.418 (b).

(iv) The bacitracin methylene disalicylate used in making the batch; 5 packages containing approximately equal portions of not less than 5 grams each, packaged in accordance with the requirements of § 146e.416 (b).

(v) In case of an initial request for certification, each other substance used in making the batch; 1 package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii), (iii), or (iv) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $0.75 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), and (v) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such tablets and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146e.409 *Bacitracin-polymyxin ointment; zinc bacitracin-polymyxin ointment.* (a) Bacitracin-polymyxin ointment and zinc bacitracin-polymyxin ointment conform to all requirements and are subject to all procedures prescribed by § 146e.402 for bacitracin ointment and zinc bacitracin ointment, except paragraph (f) of that section, and except that:

(1) Its content of bacitracin or zinc bacitracin is not less than 200 units per gram.

(2) It contains not less than 4,000 units of polymyxin B per gram. The polymyxin B used conforms to the requirements prescribed for polymyxin B by § 146b.107 (a) of this chapter, except the standard for toxicity.

(3) Its moisture content is not more than 0.5 percent.

(4) If it is in liquid form, it shall be packaged in immediate containers of transparent glass which meet the test for tight containers as defined by the U. S. P.

(5) In lieu of the labeling prescribed by § 146e.402 (c) (1) (ii) and (iv), each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin or zinc bacitracin and the number of units of polymyxin B in each gram of the batch and the statement "Expiration date ------," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for 18 months or 24 months or 36 months at room temperature such drug as prepared by him complies with the standards of identity, strength, quality, and purity prescribed for the drug, the blank shall be filled in with the date which is 18 months or 24 months or 36 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(6) In addition to complying with the requirements of § 146e.402 (c), if it is in liquid form, each package shall bear on the outside wrapper or container and the immediate container, the statements "Shake well" and "Not for injection."

(7) In addition to complying with the requirements of § 146e.402 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and date of the latest tests and assays of the polymyxin used in making the batch for potency. He shall also submit in connection with his request a sample consisting of not less than 6 packages of ointment and (unless it was previously submitted) a sample consisting of 5 packages containing equal portions of not less than 0.5 gram each of the polymyxin used in making the batch.

(b) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of paragraph (a) (7) of this section shall be:

(1) $5.00 for each tube of ointment.

(2) $4.00 for each immediate container of the polymyxin used in making the batch.

§ 146e.410 *Bacitracin-neomycin tablets; zinc bacitracin-neomycin tablets; bacitracin methylene disalicylate-neomycin tablets.* (a) Bacitracin-neomycin tablets, zinc bacitracin-neomycin tablets, and bacitracin methylene disalicylate-neomycin tablets conform to all requirements and are subject to all procedures prescribed for bacitracin tablets, zinc bacitracin tablets, and bacitracin methylene disalicylate tablets, except that:

(1) Each tablet contains not less than 2,500 units of bacitracin, zinc bacitracin, or bacitracin methylene disalicylate.

(2) Each tablet contains not less than 25 milligrams of neomycin. The neomycin used is produced by the growth of Streptomyces fradiae, has a potency of not less than 330 micrograms (one Waksman unit is equivalent to 3.3 micrograms of the base) per milligram, is nontoxic, has a moisture content of not more than 8 percent, and its pH in an aqueous solution 33 milligrams per milliliter is not less than 5.0 and not more than 7.5.

(3) In lieu of the labeling prescribed by § 146e.403 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin, zinc bacitracin, or bacitracin methylene disalicylate and the number of milligrams of neomycin in each tablet of the batch.

(4) In addition to complying with the requirements of § 146e.403 (d), a person who requests certification of a batch shall submit with his request a statement showing the number of units of bacitracin, zinc bacitracin, or bacitracin methylene disalicylate and the number of milligrams of neomycin in each tablet of the batch, the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 5

packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch.

(b) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of this section shall be:

(1) $1.00 for each tablet.

(2) $4.00 for each immediate container in the sample of neomycin submitted.

(Sec. 701, 52 Stat. 1055, as amended; 2 U. S. C. 371)

Dated: August 14, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-6736; Filed, Aug. 20, 1958; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

ORDER FIXING SALABLE AND SURPLUS PERCENTAGES FOR ALMONDS DURING CROP YEAR BEGINNING JULY 1, 1958

Pursuant to the provisions of Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Almond Control Board, on July 30, 1958, adopted estimates and recommendations relative to the establishment of the salable and surplus percentages applicable to almonds grown in California during the 1958–59 crop year. The percentages hereinafter set forth are based on the Board's estimates and recommendations, and other information.

It is estimated that 1958 production of California almonds will approximate 27 million pounds kernel weight, and nearly 11 million pounds of 1957 crop almonds were carried over for use during the 1958 crop year. Allowing for a June 30, 1959 carryover of approximately 6 million pounds, which is now considered desirable, there will be approximately 32 million pounds of California almonds available for disposition during the 1958 crop year. Total domestic trade acquisitions of almonds are estimated to approximate 39 million pounds, of which about 7 million will probably be imported. Consequently, no surplus is indicated.

Further, it is estimated that prices of almonds received by growers during the 1958–59 crop year are likely to exceed their season average parity without use of the volume regulation provisions of the aforesaid amended agreement and order.

After consideration of all relevant information available, it is hereby found that to establish the salable and surplus percentages hereinafter set forth, applicable to California almonds during the 1958–59 crop year, will tend to effectuate the declared policy of the act.

Therefore, it is ordered, That the salable and surplus percentages for almonds received by handlers for their own accounts during the 1958–59 crop year shall be as follows:

§ 909.208 *Salable and surplus percentages for almonds during the crop year beginning July 1, 1958.* The salable and surplus percentages during the crop year beginning July 1, 1958, applicable to the total kernel weight of almonds received by handlers for their own accounts shall be 100 percent and 0 percent, respectively.

It is hereby determined that good cause exists for making this Order effective upon publication in the FEDERAL REGISTER rather than 30 days or any lesser period thereafter for the reasons that (1) the 1958–59 crop year has already begun, and establishment of these percentages provides a basis for trading between growers and handlers, and (2) compliance with the percentages herein established will require no special preparation on the part of handlers since the effect of this action is to relieve restrictions on handlers.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. 608c)

Dated: August 15, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-6754; Filed, Aug. 20, 1958; 8:55 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6546]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FRANKLIN INSTITUTE

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Concealed subsidiary or interest; Government connection; § 13.85 *Government approval, action, connection or standards:* Civil Service Commission connections or recognition; § 13.115 *Jobs and employment service:* Government; § 13.205 *Scientific or other relevant facts.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1425 *Government connections; [Misrepresenting oneself and goods]*—Goods: § 13.1670 *Jobs and employment;* § 13.1725 Refunds; § 13.1740 *Scientific or other relevant facts;* § 13.1760 *Terms and conditions.* Subpart—*Using misleading name*—Vendor: § 13.2365 *Concealed subsidiary or "alter ego":* Fictitious collection agency.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Intrepret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S C. 45) [Cease and desist order, Edward J. Keenan et al. trading as Franklin Institute, Rochester, N. Y., Docket 6546, July 3, 1958]

In the Matter of Edward J. Keenan, Jo L. Keenan, Jr., Richard M. Keen and Edward J. Keenan, and John Keenan, Jr., as Trustees of Thomas Keenan; Copartners Trading Franklin Institute

This proceeding was heard by a he ing examiner on the complaint of t Commission charging sellers in Roch ter, N. Y., of correspondence courses signed to prepare purchasers for U. Civil Service positions, with represent falsely by advertisements in newspap and magazines, booklets, circulars, e that they were connected with the U. Government, that specific vacancies e isted in the federal Civil Service in s cified areas based on official Gove ment estimates for which examinatio would be held, and that their adverti ments of "U. S. Govt. Jobs" were fficial Government announcements; w making such false representations, alo with a variety of others, through sale men calling on prospects who answe aforesaid advertisements; and with us a fictitious trade name for the purpo of collecting delinquent accounts.

After acceptance of an agreement co taining a consent order, the hearing e aminer made his initial decision a order to cease and desist which beca on July 3 the decision of the Co mission.

The order to cease and desist is follows:

It is ordered, That respondents, E ward J. Keenan and John L. Keenan, J formerly copartners trading as Frankl Institute, or trading under any oth name; their agents, representatives, a employees, directly or through any co porate or other device, in connection wi the offering for sale, sale, or distributi of courses of instruction, in commerce, "commerce" is defined in the Feder Trade Commission Act, to forthwi cease and desist from representing d rectly or by implication:

1. That specific vacancies in the Fe eral Civil Service exist, or will exist the immediate future, or that said v cancies exist or will exist in designat areas, or that Federal Civil Service e aminations will be held for said vaca cies, unless such are the facts.

2. That a specified number or type Federal Civil Service vacancies which e ist or will exist in a specified metropol tan or any other geographical area a based upon official United States Go ernment estimates.

3. That advertisements utilized to s licit business or inquiries are an offici announcement of, are sponsored by, are inserted by the Federal Governmen

4. That respondents have an offici relationship with, or are connected wit or are endorsed by the United State Civil Service Commission.

5. That persons purchasing courses instruction will receive a position in th Federal Civil Service.

6. That persons purchasing courses instruction may cancel their contracts any time or that said purchasers will re ceive a refund of the money they hav paid, unless such is the fact.

7. That purchasers of respondent courses of instruction will not have

pay for said courses unless or until they obtain positions in the Federal Civil Service.

8. That the persons being solicited will have no other opportunity to purchase respondents' courses of instruction.

9. That persons being solicited satisfy the physical requirements of the Federal Civil Service position they are seeking, unless such is the fact.

10. That a position in the Federal Civil Service cannot be obtained unless one of respondents' courses of instruction is purchased.

11. That any corporation, firm, or agency owned or controlled by respondents, or either of them, and used by them, or either of them, to collect past due accounts, is a separate or independent collection agency or an independent organization engaged in the business of collecting past due accounts.

It is further ordered, That the aforesaid respondents, in connection with the offering for sale, sale, or distribution of courses of instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from distributing, mailing, or otherwise disseminating reproductions of official forms, notices, or any other official documents of the United States Civil Service Commission.

It is further ordered, That the amended complaint, in so far as it relates to respondents Richard M. Keenan and Thomas A. Keenan be, and the same hereby is, dismissed without prejudice and that the allegations set out in subparagraphs 5, 8, and 10 of Paragraph Nine of the amended complaint and the allegations concerning the use of the word "age" in subparagraph 9 of Paragraph Nine of the amended complaint be, and the same hereby are, dismissed without prejudice.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Edward J. Keenan and John L. Keenan, Jr., formerly copartners trading as Franklin Institute, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 3, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-6732; Filed, Aug. 20, 1958; 8:51 a. m.]

[Docket 7021]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WARD'S COVE PACKING CO., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 13.820 *Direct buyers;* § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Ward's Cove Packing Company et al., Seattle, Wash., Docket 7021, July 3, 1958]

In the Matter of Ward's Cove Packing Company, a Corporation, Frank B. Peterson Company, a Partnership, and A. Winn Brindle and Harold A. Brindle, Individually and as Officers of Said Corporation, and as Copartners in the Frank B. Peterson Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a sea food packer and its affiliated selling agent at the same address in Seattle, Wash., with violating section 2 (c) of the Clayton Act by such practices as reducing the prices on direct sales to favored customers by the 2½ percent which would ordinarily be paid as brokerage fees, and on transactions handled through field brokers, allowing favored customers discounts under the guise of advertising allowances, accomplished by cutting the brokers' normal commission.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 3 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Ward's Cove Packing Company, a corporation, and its officers and directors, and A. Winn Brindle, and Harold A. Brindle, individually and as officers of said corporation, and respondents' agents, representatives or employees, directly or through any corporate, partnership, or other device in connection with the sale of seafood products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Paying, granting or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of their seafood products to such buyer for his own account.

It is further ordered, That Frank B. Peterson Company, a partnership, and A. Winn Brindle and Harold A. Brindle, individually and as copartners in the said Frank B. Peterson Company and their agents, representatives, or employees, directly or through any corporate, partnership, or other device in connection with the sale of seafood products in commerce, as "commerce" is defined in the aforesaid Clayton Act do forthwith cease and desist from: Paying, granting or passing on, either directly or indirectly to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, brokerage earned or received by respondents on sales made for their packer-principals, by allowing to buyers lower prices which reflect all or any part of such brokerage, or by granting them allowances or rebates which are in lieu of brokerage, or by any other method or means.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 3, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-6733; Filed, Aug. 20, 1958; 8:51 a. m.]

[Docket 6945]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WORLD WIDE BROKERAGE CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Service; § 13.143 *Opportunities;* § 13.185 *Refunds, repairs, and replacements;* § 13.205 *Scientific or other relevant facts;* § 13.225 *Services.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1697 *Opportunities in product or service;* § 13.1740 *Scientific or other relevant facts;* [*Misrepresenting oneself and goods*]—Services: § 13.1838 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, World Wide Brokerage Corporation (Chicago, Ill.) et al., Docket 6945, July 7, 1958]

In the Matter of World Wide Brokerage Corporation, a Corporation, and Thomas E. Joyce, Burton Sherre, Mrs. Thomas E. Joyce, Also Known as Nancy Lee Buell, and E. J. O'Malley, Individually and as Officers of Said Corporation, and Frank Don. Livingston, Individually

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Chicago real estate firm with representing falsely through post cards, circulars, etc., and statements made by its salesmen to persons who had property for sale, that they had available prospective buyers interested in the specific properties and that the property would be sold in a short time as a result of their efforts; that the property was underpriced and the asking price should be raised; that their sales representatives were bonded or insured; that they would finance the purchase of listed properties through their financial department; that the listing fee was an advance on the selling commission and would be refunded if the property was not sold in a short time; that the listed property would be nationally advertised through newspapers and associated real estate brokers; and that they would furnish experienced appraisers to evaluate it.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, World Wide Brokerage Corporation, and its officers, and Thomas E. Joyce, Burton Sherre, Mrs. Thomas E. Joyce, also known as Nancy Lee Buell, and E. J. O'Malley, individually and as officers of said corporation, and Frank Don. Livingston, individually, and each of respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, or sale, of advertising in newspapers or in other advertising media, or of other services or facilities in connection with the offering or listing for sale, selling, buying or exchanging, of business or any other kind of property, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That respondents have available prospective buyers who are interested in the purchase of specific property;

(b) That property will be sold through the efforts of respondents;

(c) That property sought to be listed is under priced or that the asking price should be increased, or that respondents can or will sell the property at the increased price;

(d) That respondents' sales representatives are bonded or insured;

(e) That respondents maintain a financial department, or that they possess the finances and ability to finance the purchase of listed property;

(f) That the listing fee is an advance on the selling commission or will be refunded to the property owner;

(g) That respondents will advertise the property of a prospective seller by any means that is not in accordance with the facts;

(h) That respondents furnish qualified, experienced or expert appraisers to evaluate property sought to be listed with them.

2. Using the corporate name World Wide Brokerage Corporation, or such statements as "a world wide organization", or representing in any manner or by any means that respondents operate on an international basis.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondent World Wide Brokerage Corporation, a corporation, and respondents Thomas E. Joyce, Burton Sherre, Mrs. Thomas E. Joyce, also known as Nancy Lee Buell, E. J. O'Malley, and Frank Don. Livingston shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in said initial decision.

Issued: July 7, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-6734; Filed, Aug. 20, 1958; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 505—SAFEGUARDING DEFENSE INFORMATION

MISCELLANEOUS AMENDMENTS

Sections 505.1 to 505.16 are revised to read as follows:

§ 505.1 *Objective.* The regulations of this part prescribe the policy and establish standard basic procedures within the Department of the Army for safeguarding of defense information in the interest of national defense.

§ 505.2 *Basis.* The regulations of this part implement, within the Department of the Army, Executive Order 10501, subject: Safeguarding Official Information in the Interests of the Defense of the United States, dated November 5, 1953 (18 F. R. 7049), and incorporates changes in security policy and emphasis prescribed by the Department of Defense.

§ 505.3 *Statutory requirements.* Nothing in the regulations of this part will be construed to authorize the dissemination, handling or transmission of defense information contrary to the provisions of any statute.

§ 505.4 *Application.* (a) The application of the regulations of this part shall be based upon the following fundamental principles:

(1) It is essential that certain official information receive a high degree of protection in order that the ability of the United States to protect itself against all hostile or destructive action be preserved.

(2) It is also essential that the citizens of the United States be informed to the greatest extent consistent with subparagraph (1) of this paragraph concerning the activities of their Government.

(3) Nothing in the regulations of this part shall be deemed to authorize the withholding of information, otherwise releasable, because its release might tend to reveal administrative error or inefficiency, or might be embarrassing.

(b) All personnel must be made aware of the foregoing principles as the basic factors governing military security and be so thoroughly indoctrinated that this awareness is inherent in the routine discharge of their duties. The attainment of the desired objective requires sound direction by those in responsible positions and alert performance of duty by all personnel.

(c) In situations not specifically anticipated by this part or other regulations, basic security principles, common sense, and a logical interpretation of existing regulations should be applied.

§ 505.5 *Scope.* The regulations of this part prescribe requirements concerning:

(a) Rules for determining the proper classification of defense information.

(b) Declassification and downgrading.

(c) Dissemination on a need-to-know basis.

(d) Safekeeping and control.

§ 505.6 *Classification categories.* Official information which requires protection in the interests of national defense shall be limited to three categories of classification, which in descending order of importance, shall carry one of the following designations: Top Secret, Secret or Confidential (including Confidential—Modified Handling Authorized). No other designation shall be used to classify defense information.

§ 505.7 *Definitions.* Certain significant terms in the regulations of this part are defined as follows:

(a) *Defense information.* Defense information is that official information which requires protection in the interests of national defense which is not common knowledge, and which would be of intelligence value to an enemy or potential enemy in planning or waging war against the United States or its Allies.

(b) *Classified material.* Official information which has been classified and marked with one of the categories indicated in § 505.6.

(c) *Combat or combat-related operations.* Activities, actual or simulated, which relate to military planning, operations, training, communications, intelligence, and logistics.

(d) *Compartmentalization.* Granting access to defense information only to properly cleared persons who require such information in the performance of their official duties and restricting defense information to specific physical confines when feasible.

(e) *Custodian.* An individual who has possession or is otherwise charged with the responsibility for safeguarding and accounting for classified material.

(f) *Inventory.* Procedure employed to verify accountability of Classified material by comparing entries on the register against the document or entry on the record of destruction or a signed receipt.

(g) *Document.* As used herein means any recorded information regardless of its physical form or characteristics, and includes but is not limited to the following:

(1) Written material whether handwritten, printed, or typed;

(2) All painted, drawn or engraved material;

(3) All sound or voice recordings;

(4) All printed photographs and exposed or printed film, still or moving; and

(5) All reproductions of the foregoing by whatever process.

(h) *Derivative classification authority.* For the purpose of this part, derivative classification authority is that authority

to classify material as result of, in connection with, or in response to other material dealing with the same subject which already bears a classification.

(i) *Restricted Data.* All data concerning:

(1) Design, manufacture, or utilization of atomic weapons;

(2) The production of special nuclear material; or

(3) The use of special nuclear material in production of energy, but not to include data declassified or removed from the Restricted Data category which the Atomic Energy Commission determines from time to time, may be published without undue risk to the common defense.

(j) *Formerly Restricted Data.* Atomic Energy information that has been removed from the Restricted Data category for military use but which cannot be released to any nation or regional defense organizations except as provided under section 142d, Atomic Energy Act of 1954 (68 Stat. 941) as amended (42 U. S. C. 2162(d)) as amended.

(k) *Material.* As used herein means any document, product, or substance on or in which information may be recorded or embodied.

(l) *Original classification authority.* That authority required to classify independently any type of material.

(m) *Properly cleared person.* A person who has been granted a security clearance under pertinent Army regulations.

§ 505.8 *Top Secret Information*—(a) *Definition.* The use of the classification Top Secret will be limited to defense information or material which requires the highest degree of protection. The Top Secret classification will be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave danger to the nation, such as:

(1) Leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or

(2) The compromise of military or defense plans or intelligence operations, or scientific or technological developments vital to the national defense.

(b) *Reproduction.* Top Secret material may be copied, extracted from, or reproduced only when the classifying authority has authorized such actions. At the time of issuance of any document which qualifies for assignment to the Top Secret category, the classifying authority will insure that each copy of the document contains a notation substantially in one of the following forms:

(1) Reproduction of this document in whole or in part is prohibited except with permission of the issuing office or higher authority.

(2) Reproduction of paragraph(s) ------ of this document is prohibited except with the permission of the issuing office, or higher authority; other paragraphs may be reproduced.

§ 505.9 *Definition of Secret Information.* The use of the classification Secret will be limited to defense information or material the unauthorized disclosure of which Could Result in Serious Damage to the Nation, such as:

(a) Jeopardizing the international relations of the United States.

(b) Endangering the effectiveness of a program or a policy of vital importance to the National Defense.

(c) Compromising important military or defense plans, or scientific or technological developments important to National Defense.

(d) Revealing important intelligence operations.

§ 505.10 *Confidential Information Including Confidential-Modified Handling Authorized*—(a) *Definition of Confidential.* The use of the classification Confidential will be limited to defense information and material the unauthorized disclosure of which could be prejudicial to the defense interests of the Nation.

(b) *Definition of Confidential-Modified Handling Authorized.* Confidential-Modified Handling Authorized is Confidential information pertaining to combat or combat related operations, actual or simulated, wherein the originator considers that, for effective mission accomplishment, lesser security safeguards for storage and transmission are acceptable and afford adequate protection to such information. Examples are:

(1) Training, field, and technical manuals and related material.

(2) Photographs, negatives, photostats, diagrams, or models of material.

(3) Defense procurement plans, including procurement contracts and related matters.

(4) Communications material and messages.

(5) Certain documents regarding engineering plans and design details, computation, method of processing or assembling which are essential to the functioning or use of an article of material.

(6) Military maps and aerial photographs and related material which require wide dissemination for military purposes.

(7) Information received from international organizations, such as NATO, SEATO, and the Baghdad Pact, or from foreign nations under existing international exchange of information agreements and policies, and classified "Restricted" by them.

§ 505.11 *Responsibility.* (a) Commanders and supervisory officials are responsible, within their areas of jurisdiction, for insuring that the effective control of defense information is maintained at all times. This control includes the initiation of classified material, its dissemination and its safekeeping. Responsibility for safeguarding information classified in the interests of national defense rests both upon the commander and upon the individual who is in a physical position to exercise direct security control.

(b) Private records, diaries, or papers containing statements of fact or opinion, either official or personal, concerning matters which relate to or affect the national security, represent a constant threat to the security of defense information. Military personnel and civilian employees of the Army are prohibited from keeping private records, diaries, or papers which contain such statements. Also prohibited are the collecting of souvenirs, or the obtaining for any personal use whatsoever of any matter classified in the interest of national defense.

§ 505.12 *Dissemination*—(a) The dissemination of defense information will be limited strictly to those properly cleared persons whose official duties require knowledge or possession thereof. No person is entitled to knowledge or possession of defense information solely by virtue of his grade, office, or security clearance. Responsibility for the determination of "need-to-know" rests upon each individual who has possession, knowledge, or command control of the information involved and not upon the prospective recipient. However, this responsibility does not relieve a requester or recipient from the obligation to make an individual determination that he has a "need-to-know" before requesting or receiving classified information. These principles are equally applicable if the prospective recipient is an individual or an organizational entity, including commands, other federal agencies, or a foreign government.

(b) The application of "need-to-know" in disseminating defense information must be positive and realistic in order to further military operations rather than hamper them. In view of the increased probability of compromise, "need-to-know" must receive consideration prior to the transmission of sensitive information to addresses located in hazardous or unfriendly areas. However, every effort will be made to keep responsible officials informed. Security carried to such an extreme that vital information is withheld unnecessarily defeats the purpose for which the classified matter was originated.

§ 505.13 *Discussion involving defense information.* Discussions of defense information or any defense information which is generated during a classified operation are prohibited within the hearing of unauthorized persons. In imparting defense information orally, the recipient will be told the classification of the defense information. When a lecture, address, or informal talk to a group includes defense information, the speaker will announce the classification at the beginning and at the end of the period. Defense information will not be discussed in telephone conversations except as may be authorized over approved circuits.

§ 505.14 *Debriefing of personnel to be retired or separated from service.* (a) The debriefing of military personnel retiring and separating from the service, and of civilians leaving Department of the Army employment or leaving the employment of Department of Defense contractors having classified contracts, will incorporate positive instructions that no defense information will be released or made available for release to the public or any persons not properly entitled to receive such information.

(b) Such personnel will be specifically informed that they are prohibited under penalties as prescribed in the Uniform Code of Military Justice or appropriate Federal statutes from divulging defense information to unauthorized persons.

§ 505.15 *Release of defense information pertaining to industrial mobilization activities.* (a) Requests from outside the Department of Defense for access to defense information originated by or at the request of the Department of the Army, for its use in connection with industrial mobilization activities, will be referred to the Secretary of the Army for disposition.

(b) The serving of any process or subpoena requiring production of such defense information will be reported immediately by the recipient to the judge advocate of the appropriate major continental or oversea command. Pending instructions from the Secretary of the Army, no action will be taken toward furnishing the requested defense information.

§ 505.16 *Release of defense information outside the Department of Defense.* Defense information may be made available to persons or agencies outside the Department of Defense provided that such defense information is necessary for their performance of a function from which the Government will derive a direct benefit and a net advantage. The following are designated as responsible for release of defense information under this section: Commanding General, United States Continental Army Command; Commanding General, United States Army Air Defense Command; Commanding Generals of ZI armies and the Military District of Washington, U. S. Army; major overseas commanders and heads of technical services for information of primary interest to each; the Assistant Chief of Staff, Intelligence, Department of the Army, for information of primary interest to the General Staff and any other Department of the Army agency not listed in this section. Prior to release of defense information under provisions of this section, commanders concerned will assure themselves of the trustworthiness of the recipients.

[AR 380–5, July 17, 1958] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012)

[SEAL] HERBERT M. JONES,
Major General, USA,
The Adjutant General.

[F. R. Doc. 58-6711; Filed, Aug. 20, 1958; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 84]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Dillon VOR	DLN-LFR	Direct	7300	T-d T-n C-dn A-dn	1000-1 2000-3 2000-3 2000-3		

Procedure turn W side NE crs, 006 Outbnd, 186 Inbnd, 9700′ within 10 mi.
Minimum altitude over facility on final approach crs, 7200′.
Crs and distance, facility to airport, 175°—1.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles, turn right, climb to 10,500′ in a standard pattern on the NE crs of the Dillon LFR before proceeding on course.
NOTE: ADF approach not authorized.

City, Dillon; State, Mont.; Airport Name, Dillon; Elev., 5239′; Fac. Class, BMRLZ; Ident., DLN; Procedure No. 1, Amdt. 4; Eff. Date, 13 Sept. 58; Sup. Amdt. No. 3; Dated 12 Mar. 55

North Platte VOR	LBF-LFR	Direct	4200	T-dn C-dn S-dn-35 A-dn	*300-1 400-1 400-1 800-2	*300-1 500-1 500-1 800-2	*200-½ 500-1½ 500-1½ 800-2

AIR CARRIER NOTE: *On runways 26 and 30, 300-1 required.
Procedure turn E side S crs, 167 Outbnd, 347 Inbnd, 4200′ within 10 miles.
Minimum altitude over facility on final approach crs, 3700′.
Crs and distance, facility to airport, 352—1.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles, climb to 4600′ on N crs within 20 miles.
CAUTION: 2983′ MSL tower 1.7 miles NW of airport; 3270′ MSL tower 3.9 miles NW of airport; 3630′ MSL tower 4.5 miles NW of airport.

City, North Platte; State, Neb.; Airport Name, Lee Bird Field; Elev., 2779′; Fac. Class, SBBAZ; Ident., LBF; Procedure No. 1, Amdt. 8; Eff. Date, 13 Sept. 58; Sup. Amdt. No. 7; Dated, 9 Nov. 57

Texarkana VOR	TXK-LFR	Direct	1700	T-dn C-dn S-dn-13 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Procedure turn W side of N crs, 343 Outbnd, 163 Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 115—1.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 mi, climb to 1700′ on S crs within 20 mi.
NOTE: Radio tower 566′ MSL 2 mi NE of airport.

City, Texarkana; State, Ark.; Airport Name, Municipal; Elev., 389′; Fac Class, SBRAZ; Ident., TXK; Procedure No. 1, Amdt. 8; Eff. Date, 13 Sept. 58; Sup. Amdt. No. 7; Dated, 1 Jan. 55

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Mt. Pleasant LF Int	McKeesport RBn	Direct	3000	T-dn	300-1	300-1	300-1½
Scottdale Int	McKeesport RBn	Direct	3000	C-dn	500-1	500-1	500-1½
Butler RBn	McKeesport RBn	Direct	3000	S-dn-27	400-1	500-1	500-1
River RBn	McKeesport RBn	Direct	3000	A-dn	800-2	800-2	800-2
Radar transition altitudes (using Gtr. Pittsburgh radar).	Radar Site	Within 35 mi. of Gtr. Pittsburgh Airport.	3000				

Procedure turn* S side of crs, 095° Outbnd, 275° Inbnd, 3000′ within 10 miles.
*Nonstandard due to traffic.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 275°—5.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing McKeesport RBn, climb to 3000′ proceeding to Cecil RBn.

City, Pittsburgh; State, Pa.; Airport Name, Allegheny County; Elev., 1252′; Fac. Class, RBn; Ident., MKP; Procedure No. 1, Amdt. 8; Eff. Date, 13 Sept. 58; Sup. Amdt. No. 7, Comb. ILS-ADF; Dated, 4 Feb. 56

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	300-1½
				C-dn	500-1	500-1	500-1½
				S-dn-10	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 278 Outbnd, 098 Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 098—2.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 mi, climb to 1500′ on R-115 within 20 mi of VOR.

City, College Station; State, Tex.; Airport Name, Easterwood; Elev., 319′; Fac. Class BVOR; Ident., CLL; Procedure No. 1, Amdt. 2; Eff. Date, 13 Sept. 58; Sup. Amdt. No. 1; Dated, 25 May 57

PROCEDURE CANCELLED, EFFECTIVE 2 JULY 1958.

City, Daggett; State, Calif.; Airport Name, Daggett; Elev., 1927′; Fac. Class, BVOR; Ident., DAG; Procedure No. 1, Amdt. 5; Eff. Date, 17 Nov. 56; Sup. Amdt. No. 4; Dated 12 Feb 55

				T-dn	600-2	600-2	600-2
				C-dn	1200-2	1200-2	1200-2
				A-dn	1200-2	1200-2	1200-2

Procedure turn S side crs, 090 Outbnd, 270 Inbnd, 7500′ within 10 mi.
Minimum altitude over facility on final approach crs, 5700′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, make left climbing turn, climb to 10,000′ on R-050 within 20 mi.
NOTE: All turns to be made on South side of course. high terrain to North.

City, Hanksville; State, Utah; Airport Name, CAA Site 54; Elev., 4480′; Fac. Class, BVOR; Ident., HVE; Procedure No. 1, Amdt., 3; Eff. Date, 13 Sept. 58; Sup. Amdt. No. 2; Dated, 5 Jan. 57

North Platte LFR	LBF-VOR	Direct	4200	T-dn	*300-1	*300-1	*200-1¼
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

AIR CARRIER NOTE: *On runways 26 and 30, 300–1 required.
Procedure turn E side crs, 196 Outbnd, 016 Inbnd, 4300′ within 10 miles.
Minimum altitude over facility on final approach crs, 3800′.
Crs and distance, facility to airport, 016—4.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, climb to 4600′ on R-016 within 20 miles of VOR.
CAUTION: 2983′ tower (MSL) 2 mi NW of airport; 3270′ MSL tower 3.9 mi NW of airport; 3630′ MSL tower 4.5 mi NW of airport.

City, North Platte; State, Neb.; Airport Name, Lee Bird Field; Elev., 2779′; Fac. Class, BVOR; Ident., LBF; Procedure No. 1, Amdt. 7; Eff. Date, 13 Sept. 58; Sup. Amdt. No. 6; Dated, 9 Nov. 57

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Texarkana LFR	TXK-VOR	Direct	1700	T-dn	300-1	300-1	300-1
				C-dn	400-1	500-1	500-1
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 301 Outbnd, 121 Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 121—5.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles, climb to 1600′ on R-121 within 20 miles.
NOTE: Radio Tower 565′ MSL 2¼ mi NE of airport.

City, Texarkana; State, Ark.; Airport Name, Municipal; Elev., 389′; Fac. Class, BVOR; Ident., TXK; Procedure No. 1, Amdt. 4; Eff. Date, 13 Sept. 58; Sup. Amdt. No. 3; Dated, 19 Jan. 57

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Dillon LFR	Dillon VOR	Direct	7300	T-d	1000-1		
				T-n	2000-3		
				C-dn	2000-3		
				A-dn	2000-3		

Procedure turn W side crs, 007° Outbnd, 187° Inbnd, 9700′ within 10 mi.
Minimum altitude over facility on final approach crs, 7200′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, turn right, climb to 10,500′ in a standard pattern 007° Outbnd, 187° Inbnd on the Dillon VOR before proceeding on course.

City, Dillon; State, Montana; Airport Name, Dillon; Elev., 5238′; Fac. Class, BVOR; Ident., DLN; Procedure No. TerVOR (R-007), Amdt. Orig.; Eff. Date, 13 Sept. 58

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 20 MAY 1958.

City, Madison; State, Wis.; Airport Name, Truax Field; Elev., 859′; Fac. Class, ILS MSN; Ident., MHW TAX; Procedure No. 2, Amdt. 1, Back crs ILS approach utilizing ADF fix; Eff. Date, 17 Aug. 57; Sup. Amdt. No. Orig.; Dated, 29 Dec. 56

Mt. Pleasant LF Int	McKeesport RBn	Direct	3000	T-dn	300-1	300-1	300-1
Scottdale Int	McKeesport RBn	Direct	3000	C-dn	500-1	500-1	500-1
Butler RBn	McKeesport RBn	Direct	3000	S-dn-27	300-1	300-1	300-1
River RBn	McKeesport RBn	Direct	3000	*A-dn	600-2	600-2	600-2
McKeesport RBn	ILS OM (Final)	Direct	2800				
Radar Transition Altitudes (using Greater Pittsburgh radar).	Radar Site	Within 35 mi of Greater Pittsburgh Airport.	3000				

*All installed components of the ILS must be operating, otherwise alternate minimums of 800-2 will apply.
Procedure turn #S side of crs, 095° Outbnd, 275° Inbnd, 3000′ within 10 miles.
#Nonstandard due to traffic.
Minimum altitude at G. S. int. inbnd, **2600′.
**Intercept glide slope at 3000′ over MKP-RBn or 2600′ between MKP-RBn and the ILS-OM.
Altitude of G. S. and distance to appr end of rny at OM, 2510—4.2; at MM, 1460—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing McKeesport RBn, climb to 2500′ proceeding to Cecil RBn.

City, Pittsburgh; State, Pa.; Airport Name, Allegheny County; Elev., 1252′; Fac. Class, ILS-AGC; Ident., MHW-MKP; Procedure No. 1, Amdt. 8; Eff. Date, 13 Sept. 58; Sup. Amdt. No. 7, Comb. ILS-ADF, Dated, 4 Feb. 56

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Surveillance Approach			
000-090	Radar site	Within 20 mi	3800				
090-180	Radar site	Within 20 mi	2700				
180-270	Radar site	Within 20 mi	2800	T-dn	300-1	300-1	200-½
270-360	Radar site	Within 20 mi	2800	C-dn	400-1	500-1	500-1½
				S-dn-17, 35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished.
Runway 17—climb to 2500' on 170 crs from Tulakes RBN or S crs ILS within 20 mi.
Runway 35—climb to 3100' on crs of 350° from LOM or N crs ILS within 20 mi or when directed by ATC.
Runway 17, 35—proceed to VOR climbing to 2500' or climb to 2700' on E crs LFR within 20 mi.
MAJOR CHANGE: Deleted note reference takeoff restriction Rny 8-26.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers Field; Elev. 1283'; Fac. Class, Oklahoma City; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 13 Sept. 58; Sup. Amdt. No., Orig.; Dated, 14 Jul. 58

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

S. A. KEMP,
Acting Administrator of Civil Aeronautics.

AUGUST 8, 1958.

[F. R. Doc. 58-6544; Filed, Aug. 20, 1958; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1716]

[Fairbanks 012949]

ALASKA

REVOKING PUBLIC LAND ORDER NO. 1321 OF AUGUST 17, 1956, WHICH WITHDREW PUBLIC LANDS FOR USE OF COAST AND GEODETIC SURVEY

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1321 of August 17, 1956, which withdrew the following-described public lands for use of the Coast and Geodetic Survey, Department of Commerce, in connection with the installation of a geomagnetic observatory, is hereby revoked.

FAIRBANKS MERIDIAN

T. 1 N., R. 2 W.,
Sec. 20, SW¼SW¼ (unsurveyed).

The area described contains 40 acres.

2. The land is located about 1½ miles northeast of Ester Dome and in the vicinity of Sheep Creek.

3. Subject to any existing valid rights and the requirements of applicable law, the restored lands are hereby opened to settlement and to filing of such applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the applications and claims described in paragraph b (1) below, the lands beginning at 10:00 a. m. on September 19, 1958, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended. Beginning at 10:00 a. m. on December 19, 1958, any remaining lands will be subject to settlement under these laws by other qualified persons.

b. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on September 19, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications after that hour and before 10:00 a. m. on December 19, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on December 19, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The lands will be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws, at 10:00 a. m. on December 19, 1958.

5. Persons claiming veteran's preference rights under paragraph b (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this no-

tice can be found in Title 43 of the Code of Federal Regulations.

6. The Territory of Alaska has elected not to exercise the preference right of selection granted it by section 202 (b) of the Alaska Mental Health Enabling Act of July 28, 1956 (70 Stat. 711; 48 U. S. C. 46.5 (b)).

7. Inquiries concerning the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 14, 1958.

[F. R. Doc. 58-6714; Filed, Aug. 20, 1958; 8:46 a. m.]

[Public Land Order 1717]

[69640]

OREGON

PARTLY REVOKING PUBLIC LAND ORDER NO. 604 OF SEPTEMBER 3, 1949

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows.

Public Land Order No. 604 of September 3, 1949, so far as it reserved the following-described lands for use in the construction of the Detroit Dam and Reservoir on the North Santiam River, under supervision of the Department of the Army, is hereby revoked:

WILLAMETTE MERIDIAN

T. 10 S., R. 5 E.,
Sec. 2, NE¼SW¼, that part lying northerly of a line parallel to and distant 200 feet northwesterly from the center line of the North Santiam Highway;
Sec. 3, SE¼, that part lying northerly of a line parallel to and distant 200 feet northwesterly from the center line of the North Santiam Highway, and the E½SW¼;
Sec. 10, that part lying northerly of a line parallel to and distant 200 feet northwesterly from the center line of the North Santiam Highway;
Sec. 17, SW¼NW¼ and NW¼SW¼, those parts lying easterly of a line parallel to and distant 200 feet easterly from the center line of the North Santiam Highway.

T. 10 S., R. 6 E.,
Sec. 7, lots 2 and 3, those parts lying northerly and easterly of a line parallel to and distant 200 feet northeasterly from the center line of the North Santiam Highway.

The areas described aggregate 405.6 acres.

The lands are a part of the Willamette National Forest, and are for the most part within various withdrawals for power purposes. They will be open to such forms of appropriation under the public land laws, as may be made of national forest lands, at 10:00 a. m. on September 20, 1958, subject, where applicable, to the provisions of the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621–625).

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 15, 1958.

[F. R. Doc. 58-6715; Filed, Aug. 20, 1958; 8:46 a. m.]

[Public Land Order 1718]

MONTANA AND NEVADA

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES, RECREATION AREAS, FOREST CAMPS, AND ROADSIDE ZONES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands, within the national forests designated, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws nor disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites, recreation areas, forest camps, and roadside zones, as indicated:

MONTANA

[Montana 020355]

MONTANA PRINCIPAL MERIDIAN

BEAVERHEAD NATIONAL FOREST

Foolhen Administrative Site
(40 acres)

T. 1 S., R. 13 W., unsurveyed,
Sec. 11, E½SW¼SW¼, and W½SE¼SW¼.

Argenta Administrative Site
(40 acres)

T. 6 S., R. 11 W.,
Sec. 21, SE¼NE¼SW¼, NE¼SE¼SW¼, SW¼NW¼SE¼, and NW¼SW¼SE¼.

Steel Creek Recreation Area
(40 acres)

T. 3 S., R. 14 W.,
Sec. 4, S½NE¼SW¼, S½N½NE¼SW¼, and N½N½SE¼SW¼.

Mussigbrod Recreation Area
(91.22 acres)

T. 1 N., R. 16 W.,
Sec. 32, lots 1, 4, 5, and 6.

Pintlar Recreation Area
(99.05 acres)

T. 1 N., R. 15 W.,
Sec. 14, W½W½ lot 1, and lot 2;
Sec. 15, lots 1 and 2.

Miner Lake Recreation Area
(221.11 acres)

T. 6 S., R. 16 W.,
Sec. 9, lots 1, 2, 3, 4, and 5;
Sec. 16, lots 1 and 2.

Van Houten Lake Recreation Area
(123.50 acres)

T. 7 S., R. 15 W.,
Sec. 7, lot 5, and NE¼NE¼;
Sec. 8, lot 4.

Canyon Recreation Area
(15 acres)

T. 9 S., R. 3 W.,
Sec. 18, NE¼NW¼SE¼, and E½NW¼NW¼SE¼.

Balanced Rock Recreation Area
(40 acres)

T. 4 S., R. 3 W.,
Sec. 18, E½NE¼SW¼, and W½NW¼SE¼.

Mill Creek Recreation Area
(120 acres)

T. 4 S., R. 4 W.,
Sec. 23, N½NW¼, and N½S½NW¼.

East Creek Recreation Area
(100 acres)

T. 14 S., R. 9 W.,
Sec. 35, S½SE¼SW¼, and S½SW¼SE¼;
T. 15 S., R. 9 W.,
Sec. 2, NW¼NE¼, and N½NE¼NW¼.

West Fork Recreation Area
(21.16 acres)

T. 11 S., R. 1 E.,
Sec. 10, lot 6.

Lodgepole Recreation Area
(10 acres)

T. 2 S., R. 12 W.,
Sec. 22, SE¼SW¼SW¼NE¼, N½NW¼NW¼SE¼, and N½S½NW¼NW¼SE¼.

Willow Recreation Area
(20 acres)

T. 2 S., R. 12 W.,
Sec. 27, SE¼NE¼SW¼NW¼, NE¼SE¼SW¼NW¼, NW¼SE¼NW¼, and W½NE¼SE¼NW¼.

Twin Lakes Recreation Area
(126.25 acres)

T. 5 S., R. 17 W., unsurveyed,
Sec. 8, 9, 16 and 17, a tract of land described as follows.

Beginning at a granite boulder 72 feet north of the Twin Lake road, 8' x 4½' x 2' above ground marked X/FSM/R1 near the top, from which Spotted Fawn Mountain bears S. 86° W. and Squaw Mountain bears S. 28° W., thence

S. 15° W., 13.52 chains;
N. 78° W., 45.45 chains;
N. 12° E., 30.08 chains;
S. 78° E., 18.76 chains;
S. 12° W., 4.55 chains;
S. 78° E., 28.03 chains;
S. 15° W., 12.04 chains more or less to the place of beginning.

HELENA NATIONAL FOREST

MacDonald Pass (U. S. Highway 10N) Roadside Zone
(260 acres)

A strip of land 400 feet in width being 200 feet on each side of the center line of U. S. Highway No. 10N as now constructed, and situated within the following-described subdivisions or so much of said 400 foot strip as may be situated within said subdivisions:

T. 10 N., R. 5 W.,
Sec. 29, lots 6, 7, 8, 9, and SW¼SE¼;
Sec. 31, lots 2, 3, 4, NE¼NE¼, SW¼NE¼, and NW¼SE¼.
T. 9 N., R. 6 W.,
Sec. 1, lot 4;
Sec. 2, lots 3, 6, 7, 8, NE¼SW¼, NW¼SW¼, SW¼SW¼, and SE¼SW¼.
T. 10 N., R. 6 W.,
Sec. 36, SW¼NE¼, SE¼NE¼, NE¼SW¼, NW¼SW¼, SW¼SW¼, SE¼SW¼, NE¼SE¼, and NW¼SE¼.

Porcupine Campground
(25 acres)

T. 10 N., R. 5 W.,
Sec. 29, all those portions of lots 6, 7, 8, and 9 lying to the south of U. S. Highway No. 10 within the loop or switch back which said highway forms in crossing Spring Creek and not included within the said heretofore described MacDonald Pass Roadside Zone.

MacDonald Pass Campground
(37.75 acres)

T. 9 N., R. 6 W.,
Sec. 1, SW¼SW¼NW¼, and NW¼NW¼SW¼;
Sec. 2, SE¼SE¼ lot 6, and NE¼ lot 7.

Cromwell Dixon Campground
(40 acres)

T. 9 N., R. 6 W.,
Sec. 2, SW¼SE¼.

Beaver Creek Campground
(30 acres)

T. 8 N., R. 1 W.,
Sec. 21, E½SW¼SW¼, and E½W½SW¼SW¼.

Gile Reservoir Campground
(115.34 acres)

T. 9 N., R. 4 E.,
An irregular tract of land situated in lot 4 and HES No. 145 in section 27 and in lots 2, 3, 4, 5 HES No. 145 and SE¼NW¼ and SW¼NE¼ section 34, more particularly described by metes and bounds as follows:
Beginning at a point on the north line of section 34, 12.00 chains East of the northwest corner thereof, thence
N. 70° 00' E., 22.50 chains;
East, 11.50 chains;
South, 37.50 chains;
West, 33.00 chains;
North, 30.00 chains, more or less to the place of beginning.

Lincoln Gulch Campground
(20 acres)

T. 13 N., R. 9 W.,
Sec. 20, SE¼SE¼SE¼;
Sec. 29, NE¼NE¼NE¼.

Lone Point Campground
(80 acres)

T. 14 N., R. 10 W.,
Sec. 24, SE¼SW¼, and SW¼SE¼.

Arrastra Creek Campground
(20 acres)

T. 14 N., R. 10 W.,
Sec. 30, N½SW¼NE¼.

Granite Butte Lookout Site
(10 acres)

T. 13 N., R. 7 W.,
Sec. 26, NW¼NW¼NW¼.

Silver King Lookout Site
(40 acres)

T. 16 N., R. 7 W., unsurveyed,
Sec. 29, SW¼SW¼NW¼, and NW¼NW¼SW¼;
Sec. 30, SE¼SE¼NE¼, and NE¼NE¼SE¼.

The total areas described aggregate 1,785.38 acres.

NEVADA

[Nevada 043897]

MOUNT DIABLO MERIDIAN

TOIYABE NATIONAL FOREST

Hunts Canyon Administrative Site
(80 acres)

T. 7 N., R. 46 E.,
Sec. 15, SE¼SE¼;
Sec. 22, NE¼NE¼.

Indian Valley Administrative Site
(160 acres)

T. 10 N., R. 40 E.,
Sec. 4, SE¼.

Kingston Administrative Site
(160 acres)

T. 16 N., R. 43 E.,
Sec. 17, NE¼.

Meadow Canyon Administrative Site
(160 acres)

T. 10 N., R. 45 E. (unsurveyed),
Sec. 33, NW¼.

San Juan Administrative Site
(160 acres)

T. 15 N., R. 42 E.,
Sec. 32, NE¼ (unsurveyed).

South Twin River Administrative Site
(160 acres)

T. 12 N., R. 41 E.,
Sec. 32, E½SE¼ (unsurveyed);
Sec. 33, W½SW¼ (unsurveyed).

Upper Corral Administrative Site
(160 acres)

T. 11 N., R. 41 E. (unsurveyed),
Sec. 26, W½SW¼;
Sec. 29, E½SE¼.

Big Creek Forest Camp
(160 acres)

T. 17 N., R. 43 E.,
Sec. 15, NW¼.

Kingston Forest Camp
(200 acres)

T. 16 N., R. 43 E.,
Sec. 21, SW¼SE¼ (unsurveyed);
Sec. 28, NE¼, excepting the area included in Mineral Survey No. 1811 and Mineral Survey No. 3422.

Peavine Forest Camp
(80 acres)

T. 9 N., R. 42 E. (unsurveyed),
Sec. 19, W½SE¼.

Pine Creek Forest Camp
(119.41 acres)

T. 11 N., R. 46 E.,
Sec. 18, lot 3.
T. 11 N., R. 45 E. (unsurveyed),
Sec. 13, NE¼SE¼, and SE¼NE¼.

San Juan Recreation Area
(160 acres)

T. 15 N., R. 42 E.,
Sec. 32, SE¼ (unsurveyed).

The total areas described aggregate 1,759.41 acres.

The total area withdrawn by this order is 3,544.79 acres.

This order shall be subject to existing withdrawal for power purposes so far as they affect any of the lands described, and shall take preeedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 15, 1958.

[F. R. Doc. 58-6716; Filed, Aug. 20, 1958; 8:46 a. m.]

[Public Land Order 1719]

[79588]

ARIZONA AND NEW MEXICO

TRANSFER OF LANDS FROM GILA NATIONAL FOREST TO APACHE NATIONAL FOREST, ARIZONA, FROM APACHE NATIONAL FOREST TO GILA NATIONAL FOREST, AND FROM LINCOLN NATIONAL FOREST TO CIBOLA NATIONAL FOREST, NEW MEXICO, ELIMINATING CERTAIN LANDS FROM LINCOLN AND CIBOLA NATIONAL FORESTS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The following-described lands within the exterior boundaries of the Gila National Forest are hereby transferred to the Apache National Forest, Arizona, effective July 1, 1958:

GILA AND SALT RIVER MERIDIAN

Tps. 1 and 2 N., R. 28 E., (partly unsurveyed).
T. 3 N., R. 28 E., (unsurveyed) that part lying south of the Mogollon Rim.
Tps. 1 and 2 N., R. 29 E., (unsurveyed).
T. 3 N., R. 29 E., (unsurveyed) that part lying south of the Mogollon Rim.
T. 1 N., R. 30 E., (partly unsurveyed).
Tps. 2 and 3 N., R. 30 E., (partly unsurveyed) those parts lying south of the Mogollon Rim.
T. 1 N., R. 31 E. (partly unsurveyed).
T. 2 N., R. 31 E. (partly unsurveyed). that part lying south of the Mogollon Rim.
T. 1 N., R. 32 E. (unsurveyed).
T. 2 N., R. 32 E. (unsurveyed), that part lying south of the Mogollon Rim.
Tps. 1, 2 and 3 S., R. 28 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 1 S., R. 29 E. (partly unsurveyed).
T. 2 S., R. 29 E.
T. 3 S., R. 29 E.,
Secs. 1 to 12, inclusive;
Sec. 16, W½;
Secs. 17 to 19, inclusive;
Sec. 30;
Sec. 31, W½.
Tps. 1 and 2 S., R. 30 E. (partly unsurveyed).
T. 3 S., R. 30 E. (partly unsurveyed),
Secs. 1 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 4 S., R. 30 E. (partly unsurveyed),
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 24, inclusive.
Tps. 1 and 2 S., R. 31 E. (partly unsurveyed).
T. 3 S., R. 31 E.
T. 4 S., R. 31 E.,
Secs. 1 to 25, inclusive;
Sec. 36.
T. 5 S., R. 31 E.,
Secs. 1 and 12.
Tps. 1, 2, 3, and 4 S., R. 32 E. (unsurveyed).
T. 5 S., R. 32 E. (fractional).
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive.

2. The following-described lands within the exterior boundaries of the Apache National Forest are hereby transferred to the Gila National Forest, New Mexico, effective July 1, 1958:

NEW MEXICO PRINCIPAL MERIDIAN

T. 5 S., R. 14 W.,
Secs. 30 and 31.
T. 5 S., R. 15 W.,
Secs. 18 to 36, inclusive.
T. 6 S., R. 15 W.,
Secs. 2 to 11, inclusive;
Secs. 14 to 19, inclusive;
Sec. 20, that portion lying northwest of the main NE–SW divide;
Secs. 21 and 22, those portions lying north of the main E–W divide;
Sec. 30, that portion lying west of the main N–S divide;
Sec. 31, that portion lying northwest of the main NE–SW divide.
T. 4 S., R. 16 W.,
Secs. 33 to 36, inclusive.
T. 5 S., R. 16 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 36, inclusive.
T. 6 S., R. 16 W. (unsurveyed),
Secs. 1 to 33, inclusive;
Sec. 34, that portion lying northwest of the main NE–SW divide;
Sec. 35, that portion lying north of the main E–W divide;
Sec. 36, that portion lying northeast of the main NW–SE divide.
T. 7 S., R. 16 W. (unsurveyed),
Sec. 3, that portion lying west of the main N–S divide;
Secs. 4 to 8, inclusive;

Secs. 9 and 17, those portions lying northwest of the main NE–SW divide;
Sec. 18;
Secs. 19 and 20, those portions lying northwest of the main NE–SW divide.
T. 5 S., R. 17 W.,
Secs. 13 and 14;
Secs. 17 to 36, inclusive.
T. 6 S., R. 17 W.
T. 7 S., R. 17 W. (unsurveyed),
Secs. 1 to 18, inclusive;
Secs. 19 to 22, inclusive, those portions lying north of the main E–W divide;
Sec. 23;
Sec. 24, that portion lying northwest of the main NE–SW divide.
T. 4 S., R. 18 W.,
Secs. 19 to 22, inclusive;
Secs. 26 to 35, inclusive.
T. 5 S., R. 18 W.,
Secs. 2 to 11, inclusive;
Secs. 13 to 36, inclusive.
T. 6 S., R. 18 W.
T. 7 S., R. 18 W.,
Secs. 1 to 23, inclusive;
Secs. 24 and 26, those portions lying north of the main E–W divide;
Secs. 27 to 34, inclusive.
T. 8 S., R. 18 W.,
Sec. 3, that portion lying northwest of the main NE–SW divide;
Secs. 4 to 9, inclusive;
Sec. 10, that portion lying west of the main N–S divide;
Sec. 16, that portion lying northwest of the main NE–SW divide;
Secs. 17, 18 and 19;
Sec. 20, that portion lying northwest of the main NE–SW divide;
Sec. 30, that portion lying west of the main N–S divide;
Sec. 31, that portion lying northwest of the main NE–SW divide.
T. 9 S., R. 18 W. (unsurveyed),
Secs. 6 and 7, those portions lying west of the main N–S divide;
Secs. 18 and 19, those portions lying west of the main N–S divide.
T. 5 S., R. 19 W.,
Sec. 1;
Secs. 12 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 6 S., R. 19 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 17, inclusive;
Secs. 20 to 36, inclusive.
T. 7 S., R. 19 W.
T. 8 S., R. 19 W.,
Secs. 1 to 35, inclusive;
Sec. 36, that portion lying west of the main N–S divide.
T. 9 S., R. 19 W. (unsurveyed),
Secs. 1 to 23, inclusive;
Secs. 24 and 25, those portions lying northwest of the main NE–SW divide;
Secs. 26 to 28, inclusive, those portions lying north of the main E–W divide;
Sec. 29, that portion lying northwest of the main NE–SW divide;
Sec. 30;
Sec. 31, that portion lying north of the main E–W divide;
Sec. 32, that portion lying northwest of the main NE–SW divide.
T. 6 S., R. 20 W.,
Secs. 31 to 36, inclusive.
T. 7 S., R. 20 W.,
Secs. 1 to 30, inclusive;
Secs. 35 and 36.
T. 8 S., R. 20 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 21 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 9 S., R. 20 W.,
Secs. 1 to 18, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36 inclusive.
T. 7 S., R. 21 W. (unsurveyed),
Secs. 12 and 13;
Secs. 24 and 25.

3. The following-described lands within the exterior boundaries of the Lincoln National Forest are hereby transferred to the Cibola National Forest, New Mexico, effective July 1, 1958:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 N., R. 9 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive.
T. 2 N., R. 9 E.,
Secs. 1 to 3, inclusive;
Secs. 11 to 13, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 3 N., R. 9 E.,
Sec. 24;
Sec. 25, E½, E½NW¼;
Secs. 34 to 36, inclusive.
T. 1 N., R. 10 E.,
Secs. 1 to 18, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 2 N., R. 10 E.,
Secs. 5 to 9, inclusive;
Secs. 14 to 36, inclusive.
T. 3 N., R. 10 E.,
Sec. 19, W½;
Sec. 30, W½;
Sec. 31, W½ and SE¼.
T. 1 N., R. 11 E.,
Secs. 5 to 8, inclusive;
Sec. 9, W½;
Sec. 15, W½;
Secs. 16 to 22, inclusive;
Secs. 25 to 36, inclusive.
T. 2 N., R. 11 E.,
Secs. 30 and 31.
T. 1 N., R. 12 E.,
Sec. 21, S½;
Secs. 22 to 29, inclusive;
Sec. 30, S½;
Secs. 31 to 36, inclusive.
T. 1 N., R. 13 E.,
Secs. 19 and 20;
Secs. 29 to 31, inclusive.
T. 1 S., R. 10 E.,
Secs. 1 and 2;
Sec. 12, N½ and NE¼SE¼.
T. 1 S., R. 11 E.,
Secs. 1 to 17, inclusive;
Sec. 18, NE¼, E½SE¼, and NW¼SE¼;
Sec. 19, E½NE¼;
Secs. 20 to 28, inclusive;
Sec. 29, E½;
Sec. 32, E½;
Secs. 33 to 36, inclusive.
T. 2 S., R. 11 E.,
Secs. 1 to 4, inclusive;
Sec. 5, E½;
Sec. 8, E½;
Secs. 9 to 12, inclusive;
Sec. 24, E½E½.
T. 1 S., R. 12 E.,
Secs. 1 to 11, inclusive;
Sec. 12, N½;
Secs. 14 to 22, inclusive;
Sec. 23, W½;
Sec. 26, W½;
Secs. 27 to 34, inclusive.
T. 2 S., R. 12 E.,
Secs. 3 to 9, inclusive;
Sec. 17;
Sec. 18, E½ and E½W½;
Secs. 19 and 20.

4. The following-described lands are hereby excluded from the areas now within the boundaries of the national forests designated:

NEW MEXICO PRINCIPAL MERIDIAN
CIBOLA NATIONAL FOREST

T. 1 N., R. 5 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 16, inclusive;
Secs. 19 to 36, inclusive.
T. 2 N., R. 5 E.,
Secs. 13 and 14;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 1 N., R. 6 E.
T. 2 N., R. 6 E.,
Secs. 1 and 2;
Secs. 11 to 36, inclusive.
T. 3 N., R. 6 E.,
Secs. 25 and 36.
T. 1 N., R. 7 E.
T. 2 N., R. 7 E.,
Secs. 3 to 10, inclusive;
Secs. 17 to 20, inclusive;
Secs. 28 to 33, inclusive;
Sec. 34, W½.
T. 3 N., R. 7 E.,
Sec. 28, SW¼;
Secs. 29 to 33, inclusive;
Sec. 34, SW¼.
T. 1 N., R. 8 E.,
Secs. 18 and 19;
Secs. 29 to 32, inclusive.
T. 1 S., R. 5 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 24, 25 and 36.
T. 2 S., R. 5 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
Tps. 1 and 2 S., R. 6 E. (partly unsurveyed).

LINCOLN NATIONAL FOREST

T. 3 N., R. 9 E.,
Sec. 7;
Sec. 8, W½ and SE¼;
Sec. 9, S½;
Sec. 10, S½;
Sec. 11;
Secs. 14 to 18, inclusive;
Secs. 21 to 23, inclusive;
Sec. 25, W½NW¼ and SW¼;
Sec. 26 to 28, inclusive.
T. 1 N., R. 10 E.,
Sec. 20, E½;
Sec. 21;
Secs. 28 to 30, inclusive;
Secs. 32 and 33.
T. 1 S., R. 10 E.,
Secs. 3 to 11, inclusive;
Sec. 12, SW¼, W½SE¼ and SE¼SE¼;
Secs. 13 to 18, inclusive;
Secs. 22 to 27, inclusive.
T. 1 S., R. 11 E.,
Sec. 18, W½, and SW¼SE¼;
Sec. 19, W½NE¼, W½ and SE¼;
Sec. 29, W½;
Secs. 30 and 31;
Sec. 32, W¼.
T. 2 S., R. 11 E.,
Sec. 5, W½;
Secs. 6 and 7;
Sec. 8, W½;
Secs. 13 to 23, inclusive;
Sec. 24, W½E½, and W½.
T. 2 S., R. 12 E.,
Sec. 18, W½W½.
T. 3 S., R. 6 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 14, inclusive.
Tps. 1, 2 and 3 S., R 7 E. (partly unsurveyed).
T. 4 S., R. 7 E.,
Secs. 1 to 24, inclusive.
T. 1 S., R. 8 E.,
Secs. 5 to 8, inclusive;
Secs. 18, 19, 30 and 31.
T. 2 S., R. 8 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 3 S., R. 8 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 4 S., R. 8 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive.

The lands described in this paragraph, totalling approximately 312,640 acres, have been patented.

5. The exterior boundaries of the forests involved are hereby adjusted in accordance with the transfers and eliminations made by this order, and any transferred lands now having a national forest status shall become a part of the forest to which it is transferred.

6. This order shall not be construed as giving a national forest status to any lands which do not now have such status, or as changing the status of any lands which now have a national forest status.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 15, 1958.

[F. R. Doc. 58-6717; Filed, Aug. 20, 1958; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdts. 16-32]

[Docket No. 12169]

PART 16—LAND TRANSPORTATION RADIO SERVICES

FREQUENCIES AVAILABLE FOR BASE AND MOBILE STATIONS

In the matter of amendment of Parts 2, 6, 7, 8, 9, 10, 11 and 16 of the Commission's rules to reduce separation between assignable frequencies in the 42–50 Mc band, to effect changes in the 25–50 Mc and 150.8–152 Mc bands, and to effect other changes relating to the use of frequencies in the 25–50 Mc band.

The Commission having under consideration the first report and order in the above-entitled matter (FCC 57-1393) adopted December 18, 1957; and

It appearing that under the terms of the subject report and order, Part 2 of the Commission's rules was amended as set forth therein, and that Parts 6, 7, 8, 9, 10, 11, and 16 of such rules were amended to conform to the frequency-availability changes indicated therein, the formal codification of such latter changes to be accomplished by subsequent orders of the Commission; and

It further appearing that the formal codification of the changes herein ordered in Part 16 of the Commission's rules is in addition to those contained in the Commission's Supplemental Order Number One—Part 16 (Mimeo No. 54489) released January 27, 1958, and Supplemental Order Number Five—Part 16 (Mimeo No. 59563) released June 13, 1958, and conforms without any substantive change to the frequency-availability changes already ordered in the text and tabulations of the first report and order above-described, and are, therefore, editorial in nature, requiring no further public notice of rule making thereon; and

It further appearing that the amendments to Part 16 ordered herein should be made effective immediately; and

It further appearing that authority for the amendment herein ordered is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Delegation of Authority;

It is ordered, This 15th day of August, 1958, that effective August 15, 1958, Part 16 of the Commission's rules, Land Transportation Radio Services, is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: August 15, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend § 16.252 by the addition of a new paragraph (h) to read as follows:

(h) A common or contract carrier of passengers operating between urban areas, authorized in the Motor Carrier Radio Service prior to April 1, 1958, to use any one of the frequencies 43.86, 43.90, 43.94, 43.98, 44.02, or 44.06 Mc, may be authorized to operate on such frequency until March 31, 1963. During this period such licensees may modify, renew, reinstate, or assign their licenses in those cases where such assignment accompanies a change of ownership of the licensee's business to the assignee; however, they will not be authorized to expand their facilities by the addition of new base or fixed stations.

[F. R. Doc. 58-6749; Filed, Aug. 20, 1958; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 717]

HOLDING OF REFERENDA ON MARKETING QUOTAS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended, 7 U. S. C., 1281 et seq., is considering amending the regulations governing the holding of the referenda on marketing quotas as published in the May 21, 1958 daily issue of the FEDERAL REGISTER (23 F. R. 3432) in the following respect:

By changing the hour for closing the polls on the date fixed for holding a referendum on marketing quotas from 7 o'clock p. m., local time to 6 o'clock p. m., local time. The last sentence of § 717.5 would be amended to read as follows: "The polls shall be closed at 6 o'clock p. m., local time, or such later hour as is fixed by the State committee in order to afford a full and fair opportunity to producers to vote, on the date for holding the referendum."

All persons who desire to submit written data, views, and recommendations in connection with this proposal should file the same with the Deputy Administrator, Production Adjustment, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. within 10 days after the date of the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 15th day of August 1958.

[SEAL] CLARENCE L. MILLER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 58-6756; Filed, Aug. 20, 1958; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

APPOINTMENT OF TOWNSITE TRUSTEES

Pursuant to section 1.9 (a) of Bureau of Land Management Order No. 541, as amended by Amendment No. 15, dated May 16, 1958, I hereby appoint the Operations Supervisors of the Anchorage Land District, the Fairbanks Land District, and the Juneau Land District, as Townsite Trustees and Superintendents of Sales for the Alaska Railroad Townsites for their respective Land District. These appointments are to become effective September 1, 1958.

The Operations Supervisors are authorized to take all actions as provided under section 11 of the act of March 3, 1891 (26 Stat. 1095, 1099; 48 U. S. C. 355), the act of May 25, 1926 (44 Stat. 629; 48 U. S. C. 355a–355d), the act of

February 26, 1948 (62 Stat. 35; 48 U. S. C. 355e) and the act of March 12, 1914 (38 Stat. 305; 48 U. S. C. 301, 302, 303–308).

J. M. HONEYWELL,
Area Administrator,
Area 4, Alaska.

[F. R. Doc. 58–6713; Filed, Aug. 20, 1958; 8.45 a. m.]

[79313]

MICHIGAN

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 15, 1958.

Plats of Survey of the lands (Islands) described below, accepted March 26, 1958, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C., effective 10:00 a. m., on September 24, 1958.

MICHIGAN MERIDIAN, MICHIGAN

T. 8 N., R. 5 E.,
Sec. 3, Lot 7, 0.11 acre;
Sec. 10, Lot 6, 0.53 acre;
Sec. 15, Lot 15, 5.51 acres;
Lot 16, 1.57 acres;
Lot 17, 0.16 acre;
Lot 18, 0.04 acre;
Sec. 22, Lot 9, 0.54 acre;
Sec. 26, Lot 6, 1.63 acres;
Sec. 34, Lot 3, 1.36 acres;
Sec. 35, Lot 5, 1.36 acres.

These plats represent the survey of islands in the Flint River which was not included in the original survey as shown by plat approved in 1822.

The islands in T. 8 N., R. 5 E. are upland in character, reaching approximately 3 to 10 feet above normal water level but subject to overflow during extreme high water. Timber species consist principally of box elder, elm, maple, and willow. Further detail as to timber and characteristics of these islands is given in the field notes of this survey. The islands designated as lots 17 and 18, sec. 15, and lot 7, sec. 3, are not high enough to prevent frequent overflowing and are considered overflow in character. The others are high enough to be considered upland in character. Soil is sandy black loam.

No application may be allowed under the homestead or small tract or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merit. The lands will not be subject to occupancy or disposition until they have been classified.

Applications and selections under nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications, under the Homestead and Small Tract Laws, by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 274–284 as amended), presented prior to 10:00 a. m., on September 24, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on December 24, 1958, will be governed by the time of filing.

3. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraph (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on December 24, 1958, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Manager.

[F. R. Doc. 58–6718; Filed, Aug. 20, 1958; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial Number A 044493 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for classified military purposes, however, a public road from Knik Bridge to Lake George crossing the area will be permitted any time after three years.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing Address: 131 5th Avenue; Location 744 4th Avenue, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PIONEER PEAK AREA

Commencing at a point which bears N. 16° W., 4,000 feet, more or less, from U. S. C. & G. S. "Ledge" near the south bank of the Knik River (Lat. 61°28'26.875" N., Long. 148°52'32.486" W.), said Point of Beginning being at the mean high water line on the south side of said Knik River; thence S. 45°00' W., 5,000 feet more or less; thence N. 45°00' W., 6,000 feet more or less; thence N. 45°00' E., 4,500 feet more or less; to a point on the mean high water line on south side of said river; thence following said m. h. w. line 6,926 feet, more or less, in a southeasterly direction to the point of beginning.

Containing 749 acres, more or less.

L. T. MAIN,
Operations Supervisor, Anchorage.

[F. R. Doc. 58–6719; Filed, Aug. 20, 1958; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

LYKES BROS. STEAMSHIP CO., INC.

NOTICE OF APPLICATION AND HEARING

Notice is hereby given that Lykes Bros. Steamship Co., Inc. has filed application for increase in the maximum number of subsidized sailings under its Operating-Differential Subsidy Agreement from 52 subsidized sailings per year to 56 subsidized sailings, for the calendar year 1958 only, in its Line C Service on Trade Route No. 13 between U. S. Gulf and South Atlantic ports and ports in the Mediterranean and Black Seas; with the proviso that in no event shall total subsidized sailings exceed the aggregate contract maximum for all of its subsidized services.

A public hearing will be held under section 605 (c) of the Merchant Marine Act, 1936, as amended, upon the aforementioned application, should any person, firm, or corporation having a material interest in said application file with the Secretary, Federal Maritime Board, by close of business on September 5, 1958, any protest, in writing in triplicate with a full and complete statement of the reasons for his objections, and request for hearing under section 605 (c).

The purpose of the hearing, should one be held, will be to receive evidence relevant to the following: (1) Whether the application with respect to the operations hereinabove described is one with respect to a vessel or vessels to be operated on a service, route, or line, served by citizens of the United States which would be in addition to the existing service or services, and, if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and in the accomplishment of the purposes and policy of the act, additional vessels should be operated thereon; (2) whether the application covering the aforesaid operation is one with respect to a vessel operated or to be operated in a service, route or line served by two or more citizens of the United States with vessels of United States registry, and if so, whether the effect of such an agreement would be to give undue advantage or be unduly

prejudicial as between citizens of the United States in the operation of vessels in competitive services, routes, or lines; and (3) whether it is necessary to enter into an agreement covering these operations in order to provide adequate service by vessels of United States registry.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Federal Maritime Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Federal Maritime Board will take such action as may be deemed appropriate.

Dated: August 18, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58–6742; Filed, Aug. 20, 1958; 8:53 a. m.]

Office of the Secretary

HOWARD C. HOLMES

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 20, 1957, 22 F. R. 1045; August 7, 1957, 22 F. R. 6303; February 11, 1958, 23 F. R. 881:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 29, 1958.

Dated: July 31, 1958.

HOWARD C. HOLMES.

[F. R. Doc. 58–6743; Filed, Aug. 20, 1958; 8:53 a. m.]

WALLACE H. ADAMSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 20, 1957, 22 F. R. 1044; August 7, 1957, 22 F. R. 6303; February 19, 1958, 23 F. R. 1100:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 30, 1958.

Dated: August 4, 1958.

WALLACE H. ADAMSON.

[F. R. Doc. 58–6744; Filed, Aug. 20, 1958; 8:53 a. m.]

CARL O. FRIEND

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 20, 1957, 22 F. R. 1044; August 14, 1957, 22 F. R. 6530; February 11, 1958, 23 F. R. 881:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 1, 1958.

Dated: August 1, 1958.

CARL O. FRIEND.

[F. R. Doc. 58–6745; Filed, Aug. 20, 1958; 8:54 a. m.]

JOHN J. STAHL

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of August 21, 1957, 22 F. R. 6723–24; February 26, 1958, 23 F. R. 1201:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 1, 1958.

Dated: August 6, 1958.

JOHN J. STAHL.

[F. R. Doc. 58–6746; Filed, Aug. 20, 1958; 8:54 a. m.]

DONALD E. STEWART

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 26, 1958, 23 F. R. 1201.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 12, 1958.

Dated: August 12, 1958.

DONALD E. STEWART.

[F. R. Doc. 58–6747; Filed, Aug. 20, 1958; 8:54 a. m.]

HENRY G. KINGHAM

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 5, 1958, 23 F. R. 1577:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 12, 1958.

Dated: August 12, 1958.

HENRY G. KINGHAM.

[F. R. Doc. 58–6748; Filed, Aug. 20, 1958; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12617]

FM BROADCAST STATIONS

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of inquiry into amendment of Parts 2, 3, and 4 of the Commission's rules and regulations and the Standards of Good Engineering Practice concerning FM broadcast stations to permit FM broadcast stations to engage in specified non-broadcast activities on a multiplex basis.

1. The Commission has before it for consideration two requests, filed on August 7, 1958, by the Institute of High Fidelity Manufacturers, Inc., New York City, and on August 14, 1958, by General Electronic Laboratories, Inc., Cambridge, Massachusetts, for an extension of time to file comments in response to the Notice of Inquiry released by the Commission on July 8, 1958, in the above-entitled proceeding. The Institute of High Fidelity Manufacturers requests that the time for comments be extended from September 2, 1958, to January 5, 1959, and General Electronic Laboratories requests that it be extended to October 2, 1958.

2. The Institute of High Fidelity Manufacturers states that the additional time requested is needed to permit compilation and preparation of material which it wishes to submit. General Electronic Laboratories states that, because of vacation schedules, it is unable to complete its field measurement studies on multiplex operation and to file engineering data by September 2, 1958, when comments are due.

3. In view of the representations of the petitioners, the Commission believes that the public interest would be served by extending the time for filing comments on its Notice of Inquiry in the above-entitled proceeding. However, the Commission believes that a 30-day extension will afford all interested parties sufficient time for preparing and filing such comments.

4. In view of the foregoing: *It is ordered,* That the aforesaid request of the General Electronic Laboratories, Inc., is granted; that the aforesaid request of the Institute of High Fidelity Manufacturers, Inc., is granted, in part; and that

the time for filing comments on the Notice of Inquiry in the above-entitled proceeding is extended from September 2, 1958, to October 2, 1958.

Adopted: August 15, 1958.

Released: August 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-6750; Filed, Aug. 20, 1958; 8:55 a. m.]

[Change List No. 1/58 (Rev.)]

DOMINICAN REPUBLIC BROADCASTING STATIONS

NOTIFICATION OF NEW STATIONS, CHANGES OR DELETIONS OF EXISTING STATIONS

JULY 15, 1958.

Notification of new Dominican Republic Broadcasting Stations, and of changes in or deletions of existing stations, made in conformity with Part III, section II, of the North American Regional Broadcasting Agreement, Washington, D. C.

DOMINICAN REPUBLIC BROADCASTING STATIONS

Call letters	Location	Power, kw	Antenna	Schedule	Class	Expected date of commencement of operation
		1310 kilocycles				
HIF	Puerto Plata 70°40′ W., 19°27′ N. (New).	1	ND	U	III	Mar. 1, 1958.
		1440 kilocycles				
H19T	Monsenor Nouel 70°25′ W., 18°36′ N. (New).	0.25	ND	U	III	Do.
		1450 kilocycles				
H12K	Santiago 70°42′ W., 19°27′ N. (Previously 1310 kilocycles.)	0.25	ND	U	IV	In use.

FCC NOTE: The information in this list, according to the Inter-American Radio Office letter of transmittal, cancels that shown in Dominican Republic Change List No. 1/58, dated February 2, 1958.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-6752; Filed, Aug. 20, 1958; 8:55 a. m.]

[Change List No. 2/58]

DOMINICAN REPUBLIC BROADCASTING STATIONS

NOTIFICATION OF NEW STATIONS, CHANGES OR DELETION OF EXISTING STATIONS

JULY 23, 1958.

Notification of new Dominican Republic broadcasting stations, and of changes in or deletions of existing stations, made in conformity with Part III, section II, of the North American Regional Broadcasting Agreement, Washington, D. C.

DOMINICAN REPUBLIC BROADCASTING STATIONS

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		910 kilocycles				
HIN	C. Trujillo 69°18′ W. 18°28′ N. (New).	1	ND	U	III	Sept. 1, 1958.
		980 kilocycles				
HI8A	Santiago 70°42′ W. 19°27′ N. (New).	0.75	ND	U	III	Do.
		1220 kilocycles				
HIN	C. Trujillo 69°18′ W. 18°28′ N. (delete).	0.5	ND	U	II	
HI1N	Santiago 70°42′ W. 19°27′ N. (delete).	0.75	ND	U	II	
		1250 kilocycles				
HI3A	C. Trujillo 69°18′ W. 18°28′ N. (change in location from Barahona).	0.25	ND	U	IV	Do.
		1340 kilocycles				
HIQ	S. P. Macoris 69°18′ W. 18°27′ N. (new).	0.25	ND	U	IV	Aug. 1, 1958.
		1360 kilocycles				
HIT	C. Trujillo 69°18′ W. 18°28′ N. (previously 1400 kilocycles).	0.25	ND	U	IV	Do.
		1600 kilocycles				
HID	Santiago 70°42′ W. 19°27′ N. (new)	0.05	ND	U	IV	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-6753; Filed, Aug. 20, 1958; 8:55 a. m.]

[Docket No. 12552]

CHARLES A. BAILEY, JR.

ORDER DESIGNATING MATTER FOR HEARING ON STATED ISSUES

In the matter of Charles A. Bailey, Jr., Los Angeles, California, Docket No. 12552; suspension of amateur radio operator license (W6BXL).

The Commission having under consideration the request of Charles A. Bailey, Jr., Los Angeles, California, for a hearing in the above-entitled matter;

It appearing that the said Charles A. Bailey, Jr., acting in accordance with the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, filed with the Commission within the time specified therefor, an application requesting a hearing on the Commission's order of June 16, 1958, which suspended his Advanced Class Amateur Radio Operator License for a period of six months;

It appearing that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, the said licensee is entitled to a hearing in the matter and that, upon his filing a timely written application therefor, the Commission's Suspension Order is held in abeyance until the conclusion of proceedings in the hearing;

It is ordered, This 14th day of August 1958, under authority contained in section 303 (m) (2) of the Communications Act of 1934, as amended, and § 0.202 (f) of the Commission's rules, that the matter of the suspension of the Advanced Class Amateur Radio Operator License of Charles A. Bailey, Jr., be designated for hearing before a Commission Examiner, at a time and place later to be specified, upon the following issues:

1. To determine whether the licensee committed the violations of the Commission's rules as set forth in the Commission's Order of Suspension;

2. If the licensee committed such violations, to determine whether the facts or circumstances in connection therewith would warrant any change in the Commission's Order of Suspension.

It is further ordered, That a copy of this order be transmitted by Certified Mail, Return Receipt Requested, to Mr. Charles A. Bailey, Jr., 4566 Firebrand Street, Los Angeles 45, California.

Released: August 15, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-6751; Filed, Aug. 20, 1958; 8:55 a. m.]

OFFICE OF DEFENSE AND CIVILIAN MOBILIZATION

ARKANSAS

AMENDMENT TO NOTICE OF MAJOR DISASTER

Notice of Major Disaster, published June 26, 1958, for the State or Arkansas (23 F. R. 4706) is hereby amended to include the following among those counties determined to have been adversely affected by the catastrophe declared a

major disaster by the President in his declaration of May 15, 1958:

Clark.	Mississippi.
Dallas.	Montgomery.
Faulkner.	Pike.
Grant.	Pope.
Jackson.	Pulaski.
Lafayette.	Sharp.
Lawrence.	Van Buren.
Little River.	White.
Lonoke.	

Dated: August 8, 1958.

LEO A. HOEGH,
Director.

[F. R. Doc. 58-6710; Filed, Aug. 20, 1958; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15858]

REPUBLIC NATURAL GAS CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 15, 1958.

Republic Natural Gas Company (Respondent) on July 23, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: (1) Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 20. (2) Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 22.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate(s) and charge(s) so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until August 2, 1958, and thereafter to permit them to become effective as of that date: *Provided*, That within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rates be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements to Respondent's FPC Gas Rate Schedules.

(B) Pending such hearing and decision thereon, said supplements are each hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rate(s), charge(s), and classification(s) set forth in the above-designated supplements to Respondent's FPC Gas Rate Schedules shall be effective as of August 2, 1958: *Provided, however*, That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing, and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of _____ To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____, in Docket No. G-__, _____ hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

_____

By _____

Attest:

_____

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6724; Filed, Aug. 20, 1958; 8:49 a. m.]

[Docket No. G-15857]

CRESCENT OIL & GAS CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 15, 1958.

Crescent Oil & Gas Corporation (Respondent) on July 23, 1958, tendered for filing a proposed change in its presently

effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Transcontinental Gas Pipe Line Corporation.
Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 3.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6724, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6725; Filed, Aug. 20, 1958; 8:49 a. m.]

[Docket No. G-15854]

CHARLES B. WRIGHTSMAN

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 15, 1958.

Charles B. Wrightsman (Respondent) on July 24 and 28, 1958, tendered for filing proposed changes in his presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: (1) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 3. (2) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6724, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6726; Filed, Aug. 20, 1958; 8:49 a. m.]

[Docket No. G-15856]

MCINTYRE OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 15, 1958.

McIntyre Oil Company (Respondent) on July 25, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 22, 1958.
Purchaser: Texas Gas Transmission Corporation.
Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6724, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6727; Filed, Aug. 20, 1958; 8:50 a. m.]

[Docket Nos. G-9554, G-11123, G-11906, G-13472, G-13529]

HASSIE HUNT TRUST

ORDER DENYING PETITION FOR ASSIGNMENT OF DOCKET NUMBERS TO CERTAIN SALES AND DENYING MOTION TO CONSOLIDATE

AUGUST 15, 1958.

These proceedings, involving the increased rates and charges proposed by Hassie Hunt Trust (Hassie Hunt) in various dockets, were consolidated for hearing by order issued April 28, 1958. Pursuant to that order the Commission entered upon a public hearing on June 30, 1958, which was recessed until September 30, 1958.

On June 19, 1958, Hassie Hunt filed a petition requesting that the Commission assign docket numbers to certain sales of natural gas produced from its leaseholds under sales contracts, to which it is not a signatory party.[1] Hassie Hunt's petition also moves that the Commission consolidate such suggested new dockets for hearing with these proceedings.

In support of its petition and motion Hassie Hunt states that it desires to consolidate all of its interests into one proceeding and to present its evidence in one record in order to save the time and expense of intervention in other dockets involving the operators of its non-signatory interests. It is unable to do so because Hassie Hunt has not filed rate schedules with the Commission to cover the aforementioned two so-called non-signatory sales. The filing of rate schedules relating to non-signatory interests are prohibited by the Commission's Order No. 190, set forth in § 154.91 of the Commission's regulations under the Natural Gas Act.

The granting of Hassie Hunt's petition and motion, although accomplishing a consolidation of all its interests into one record, would, on the other hand, result in a severance of interests and of the record relating to the respective sales of the operators of the various unitized tracts. The respective pipeline buyers, would, in each case, be subjected to appearance in multiple proceedings to suit the desires of the various non-signatory sellers. The petition, if granted, would tend to splinter into a heterogeneous mass of proceedings that which the various parties had negotiated into an economic and functional unit and which the Commission has classified as a single jurisdictional sale. Sun Oil Co. v. F. P. C., — F. 2d —, (CA5, No. 16062, et al., decided May 9, 1958; slip sheet pp. 11-12). Midstates Oil Corp., et al., Dockets Nos. G-4932, et al., Op. 314, issued July 23, 1958 (mimeo. pp. 3-5).

The Commission finds: The aforesaid petition and motion filed by Hassie Hunt should be denied as requesting a procedural order contrary to the purpose and intent expressed by § 154.91 of the Commission's regulations under the Natural Gas Act.

The Commission orders: The aforesaid petition and motion of Hassie Hunt Trust, filed herein on June 19, 1958, is hereby denied.

By the Commission (Commissioner Hussey not participating).

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-6720; Filed, Aug. 20, 1958; 8:48 a. m.]

[Docket No. G-13874]

SLICK OIL CORP. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 14, 1958.

On December 6, 1957, Slick Oil Corporation (Slick), a Delaware corporation with a principal office in Houston, Texas, Operator, et al.,[1] and Slick-Moorman Oil Company (Slick-Moorman), et al.,[2] through the latter's agent, Leon V. Manry, Jr., filed a joint application in Docket No. G-13874, pursuant to section 7 of the Natural Gas Act, for authorization to abandon the sale of natural gas and to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application which is on file with the Commission and open to public inspection.

The joint application applies for:

(1) Permission and approval of Slick-Moorman, et al., to abandon service to Tennessee Gas Transmission Company (Tennessee) from the Tomball Southeast Field, Harris County, Texas, covered by a sales contract dated March 6, 1954, between Slick-Moorman, et al., and Tennessee, previously accepted for filing as Geotek Oil Company, et al., FPC Gas Rate Schedule No. 1.

(2) A certificate of public convenience and necessity authorizing Slick, Operator, et al., to continue the service under the aforementioned contract proposed to be abandoned by Slick-Moorman, et al.

Applicants state that Slick-Moorman, et al., with the exception of Newman Brothers, conveyed their interests in the above-mentioned contract and the leases still in force thereunder to Slick.

Applicants recite further that Slick, through the assignment, now owns 75 percent of the working interest in said leases and Newman Brothers 25 percent, with the exception of one lease, the Edward Eisen Lease, in which Slick owns 37½ percent and Newman Brothers 12½ percent, with the remaining 50 percent owned by a third party and not subject to the contract involved herein.

By the Commission's order issued October 7, 1955, in the Matters of Slick-Moorman Oil Company et al., Docket Nos. 3188, et al., Slick-Moorman, et al., were granted a certificate of public convenience and necessity in Docket No. G-3188 authorizing the sale now proposed to be abandoned.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 25, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 10, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrent in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-6721; Filed, Aug. 20, 1958; 8:48 a. m.]

[Docket No. G-14721]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 14, 1958.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation having its principal place of business in Oklahoma City, Oklahoma, filed on March 21, 1958, an application, and supplements thereto on April 23, 1958, pursuant to section 7 of the Natural Gas Act, for (1) permission and approval to abondon the natural gas service it now provides to Eastern Kansas Gas Company for resale to the towns of Neodesha, Humboldt and Chanute, Kansas, and (2) for a certificate of public convenience and necessity authorizing the Applicant to acquire and operate certain facilities of Eastern Kansas used in connection with such service. Cities Service proposes to sell gas to the towns of Neodesha, Humboldt and Chanute (in lieu of Eastern Kansas) for resale in those towns and their environs, all as more fully represented in the application on file with the Commission and open for public inspection.

The application recites that the Kansas Corporation Commission on April 9, 1958, approved the proposal. Since its inception, Eastern Kansas has been gathering natural gas from local producing fields and transporting it through its pipeline system to the towns of Neodesha, Chanute and Humboldt. As the town border stations of the above communities, Eastern Kansas sold the gas to the respective municipalities, which then distributed and retailed it to the inhabitants therein. Eastern Kansas supplemented the local supply with gas purchased from Cities Service when local production became depleted to the extent that it could not fully meet the requirements of the three towns.

Facilities to be acquired and operated:

(1) To serve Neodesha: approximately 3.08 miles of 2 to 8-inch lateral pipeline, extending from a connection with Cities Service's 8-inch lateral at the northern edge of Neodesha in Wilson County, Kansas, west and south around the city limits of Neodesha, to town border stations for that community.

(2) To serve Chanute: approximately 20.16 miles of 2 to 8-inch lateral pipeline, extending from a connection with Cities Service's 8-inch Ft. Scott line in Allen County, Kansas, south to Chanute and thence southwest to Eastern's Sutcliffe Storage Field and a further connection with Cities Service's main 30-inch Grabhan-Welda line to Neosho County, Kansas. The Sutcliffe Storage Field will also be purchased by Applicant from Eastern Kansas as discussed herein.

(3) To serve Humboldt: approximately 2.75 miles of 4 to 6-inch pipeline, extending from a connection with Cities Service's 8-inch lateral at the south edge of Humboldt, in Allen County, Kansas, north and south to serve various customers within the city limits of Humboldt and nearby areas.

(4) Metering and regulating facilites at the town border stations for Chanute, Humboldt and Neodesha.

(5) The Sutcliffe Storage Field in Neosho County, Kansas, consisting of approximately 1,000 acres and 5 storage wells.

Applicant proposed to render direct interruptible industrial service to a number of customers now served directly by Eastern Kansas in the vicinity of the three towns. These customers, together with estimated sales by Cities Service and revenues to Cities Service therefrom, are as follows:

Customers	Sales in Mcf	Revenues
Archer-Daniels-Midland Co., alfalfa dehydrator, Neodesha	21,135	$5,917.50
Archer-Daniels-Midland Co., machine shop, Neodesha	5,172	2,007.50
Humboldt Brick & Tile Co.	121,099	30,404.00
Humboldt	73,598	20,500.00
Service Pipe Line Co	62,658	17,640.00
Neosho Fertilizer Co	1,591	748.25
Bellair Oil Corp	1,492	705.00
Keas Drilling Co	244	175.15
City of Chanute Power Plant	471,426	101,100.00
City of Neodesha Light Plant	69,620	15,200.00
Neosho County Hospital	6,902	2,780.00
Southeast Kansas Tuberculosis Hospital	5,769	2,388.50
	840,706	202,665.90

Applicant proposes to purchase Eastern Kansas' facilities for the sum of $102,000, which will be paid for out of treasury cash.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regualtions and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 24, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 411 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 5, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-6722; Filed, Aug. 20, 1958; 8:48 a. m.]

[Docket No. G-14693, etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 15, 1958.

In the matters of Pan American Petroleum Corporation,[1] Docket No. G-14693;

See footnotes at end of document.

[1] The cited contracts are Humble Oil and Refining Company's FPC Gas Rate Schedule No. 41 and Pan American Petroleum Corporation's FPC Gas Rate Schedule No. 32.

[1] Slick files for itself and as operator for Newman Brothers Drilling Company.

[2] "Et al." parties are Geotek Oil Company (a joint venture composed of Lewis J. Moorman, Trustee; Frank Gravis; Tom Slick; O. B. Mitchell; H. N. Mallon; William H. Danforth; Herbert Grindal; and Bernard E. Smith) and Newman Brothers. All are signatory parties to the contract involved.

Tidewater Oil Company,[1] Docket No. G–14778; United Carbon Company, Inc. (Maryland),[2] Docket No. G–14785; Unit Gas Company, Inc.,[3] Docket No. G–14786; The Carter Oil Company,[4] Docket No. G–14793; Continental Oil Company,[5] Docket No. G–14875; Sinclair Oil & Gas Company,[6] Docket No. G–14888; Sinclair Oil & Gas Company,[7] Docket No. G–14889.

Take notice that each of the above-designated parties, hereinafter referred to as Applicants, has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.	Field	County or Parish	State	Purchaser
G–14693	Blanco (Mesa Verde)	San Juan County	New Mexico	El Paso Natural Gas Co.
G–14778	Erath-Shallow	Vermilion Parish	Louisiana	United Fuel Gas Co.
G–14785	Kismet	Seward County	Kansas	Panhandle Eastern Pipe Line Co.
G–14786	Palo Blanco Area	Brooks County	Texas	Texas Eastern Transmission Corp.
G–14793	Acreage in	Morton County	Kansas	Panhandle Eastern Pipe Line Co.
G–14875	Slick-Wilcox	Goliad and Dewitt Counties.	Texas	United Gas Pipe Line Co.
G–14888	Eumont	Lea County	New Mexico	Permian Basin Pipeline Co.
G–14889	Eunice	do	do	El Paso Natural Gas Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 25, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 12, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[1] Application covers a proposed sale of natural gas pursuant to an amendatory agreement dated January 22, 1958, which adds additional acreage to a basic contract dated April 7, 1950, as amended; Applicant received authorization in Docket No. G–7526 covering the sale of gas under said basic contract, to which contract Stanolind Oil and Gas Company (now Pan American Petroleum Corporation) is the only signatory seller party. Production is limited to horizons below base of the Pictured Cliffs Formation down to and including the Point Lookout Formation of the Mesa Verde Group.

[2] Tidewater Oil Company is filing for authorization to sell gas produced from its working interest in the following leases:

Lease name	Acreage	Applicant's working interest
		Percent
Duclas Landry	40.27	100
Mrs. Ella B. Landry, et al	80.08	100
E. P. Sandoz	34.39	5.6175
Jill Landry	6.7	(1)
Mamas Sellers	13.39	10.622
Clemille Tribodeaux	40.29	10.622
Alida H. Broussard	40.28	10.622
Alida H. Broussard, et al	3.0	10.622
N. Robichaux, et al	0.86	10.622

[1] Not stated.

Production from subject leases is proposed to be sold pursuant to an amendatory agreement dated February 20, 1958, which adds additional acreage to a basic gas sales contract dated September 11, 1952, as amended, to which contract Tidewater Associated Oil Company (now Tidewater Oil Company) is the only signatory seller party. Applicant received authorization in Docket No. G–2801 covering the sale of gas under said basic contract. Production is limited to horizons above depth of 8,000 feet below surface.

[3] Gulf Interstate will transport the subject gas for the account of United Fuel commingled with its other gas supplies for redelivery into United Fuel's facilities at points in Kentucky. Gulf Interstate has received authorization in Docket No. G–2058 to construct and operate the facilities necessary to enable it to take gas from the subject area.

[4] United Carbon Company, Inc. (Maryland) is filing for its 21.5 percent working interest in the Rinehart Unit, production from which is proposed to be sold pursuant to an amendatory agreement (undated division order) filed January 23, 1958, which adds additional acreage to a basic gas sales contract dated November 19, 1953, as amended. Applicant received authorization in Docket No. G–4316 covering the sale of gas under said basic contract.

[5] Unit Gas Company, Inc., is filing for authorization to sell natural gas purchased from N. B. Hunt to Texas Eastern pursuant to an amendatory agreement dated January 22, 1958, which adds additional acreage to a basic gas sales contract dated October 16, 1956, to which contract Applicant has attained signatory status by assignment. Applicant received authorization in Docket No. G–12555 covering the sale of gas under said basic contract. N. B. Hunt filed in pending Docket No. G–14295 for authorization to sell subject gas to Applicant.

[6] Application covers proposed sale of natural gas pursuant to an amendatory agreement dated February 1, 1958, which adds additional acreage to a basic contract dated January 7, 1957. Applicant received authorization in Docket No. G–11922 covering the sale of gas under said basic contract.

[7] Continental Oil Company, nonoperator, is filing for its 50 percent working interest in the W. H. Riedel "C" Lease, production from which is proposed to be sold pursuant to an amendatory agreement dated September 21, 1957, which adds said lease to a basic gas sales contract dated July 12, 1949, as amended. Applicant received authorization in Docket No. G–6349 covering the sale of gas under said basic contract.

[8] Sinclair Oil & Gas Company, nonoperator, is filing for its 25 percent working interest in the F. W. Kutter (NCT) "B" Unit, production from which is proposed to be sold pursuant to an amendatory agreement dated February 1, 1957, which adds additional acreage to a basic gas sales contract dated March 10, 1955, as amended. Applicant received authorization in Docket No. G–6733 covering the sale of gas under said basic contract. Application states that Gulf Oil Corporation, Operator, commenced delivery of Sinclair's share of gas on February 1, 1957 pursuant to an operating agreement; Gulf received authorization in Docket No. G–7160 covering the sale of its share of gas.

[9] Application covers a proposed sale of natural gas pursuant to an amendatory agreement dated December 10, 1957, which adds additional acreage to a basic gas sales contract dated March 31, 1953, as amended. Applicant received authorization in Docket No. G–2894 covering the sale of gas under said basic contract.

[F. R. Doc. 58–6723; Filed, Aug. 20, 1958; 8:48 a. m.]

[Docket Nos. G–9554, G–11123, G–11906, G–13472, G–13529]

HASSIE HUNT TRUST

ORDER CANCELLING, REJECTING RATE FILINGS, ORDERING REFUND, DENYING MOTION FOR SEVERANCE AND TERMINATING PROCEEDINGS

AUGUST 15, 1958.

These proceedings, involving the increased rates and charges proposed by Hassie Hunt Trust (Hassie Hunt) in various dockets, were consolidated for hearing by order issued April 28, 1958. Pursuant to that order the Commission entered upon a public hearing on June 30, 1958, which was recessed until September 30, 1958.

On June 10, 1958, Louisiana Nevada Transit Company (Louisiana Nevada) filed a motion for severance of Docket No. G–13472 from these consolidated proceedings and for consolidation of that docket with the proceedings in the matter of *Midstates Oil Corporation, et al.*, Docket No. G–4932, et al. The latter consolidated proceedings involve the sales of gas to Louisiana Nevada from Cotton Valley Field, and include, among numerous other dockets, the proceedings in Docket No. G–8618 involving Hassie Hunt Trust's FPC Gas Rate Schedule No. 14. The proceeding in Docket No. G–13472, involves a proposed change in rate contained in the said Rate Schedule No. 14.

One of the issues in the "Cotton Valley" case was whether Hassie Hunt and others similarly situated, are authorized to file rate schedules, being non-operators co-owners who were not signatory parties to the basic sales contract entered into by the Cotton Valley Operators' Committee, as seller. By Opinion No. 314, and accompanying order issued on July 23, 1958, in Docket No. G–4932, et al., it was determined that the Committee should be required to file the said basic gas sales contract. In finding paragraph (8) of said opinion it was also determined that Hassie Hunt, among other non-signatory co-owners of lease interests in that unitized field, "may not file rate schedules or rate changes under the provisions of § 154.91 or any other section of the Commission's regulations under the Natural Gas Act, applicable to the sale of natural gas to Louisiana Nevada referred to in paragraph (1); and the rate schedules and rate changes filed by any and all of the above parties in these proceedings should be cancelled and rejected." (Paragraph (1) refers to the Committee's basic sales contract executed October 24, 1940, as later amended, covering sales to Louisiana Nevada from the Cotton Valley Field.)

In view of the pendency of the said issue in the Cotton Valley matter, the Commission's order issued on October 25, 1957, in Docket No. G–13472, directed that a hearing be held and suspended Supplement No. 4 to Hassie Hunt's FPC Gas Rate Schedule No. 14. Furthermore, the said rate filing was by paragraph (A) of that order "• • • accepted conditionally, pending final determination" of the aforementioned issue involved in the Cotton Valley matter, which includes the said Docket No. G–9086 and Hassie Hunt's Rate Schedule, No. 14 sought to be changed. Since the said proposed increased rate in Docket No. G–13472, which was permitted to take effect subject to refund as of March 27, 1958, by order issued May 23, 1958, is based upon the same basic sales contract to which Hassie Hunt has been determined to be a non-signatory party in Docket No. G–9086, it is, therefore, subject to the same invalidity under our regulations, as aforesaid.

The Commission finds:

(1) The conditional acceptance for filing of Supplement No. 4 to Hassie Hunt's FPC Gas Rate Schedule No. 14 should be vacated and said Supplement No. 4 should be canceled and rejected.

(2) The excess revenues collected in accordance with the said Supplement No. 4 should be refunded.

(3) Louisiana Nevada's aforementioned motion for severance of Docket No. G–13472 should be denied as moot.

(4) The proceeding in Docket No. G–13472 should be terminated.

The Commission orders:

(A) The conditional acceptance for filing of the aforementioned Supplement No. 4 to Hassie Hunt's FPC Gas Rate Schedule No. 14 is hereby vacated and said Supplement No. 4 is hereby canceled and rejected.

(B) Within 70 days of the date of issuance of this order, Hassie Hunt shall refund to Louisiana Nevada Transit Company, with interest at the rate of 6 percent per annum, the sums of money represented by the difference between the rate and charge permitted to become effective by the aforesaid order of May 23, 1958, and collected thereunder, and the rate and charge which was effective prior to March 27, 1958; and Hassie Hunt shall bear the costs of making such refunds.

(C) Within 80 days of the date of issuance of this order Hassie Hunt shall report to the Commission in writing and under oath, the details of the calculations resulting in the refunds ordered in paragraph (B) herein, together with proof of payment thereof under oath.

(D) The motion of Louisiana Nevada for severance is hereby denied.

(E) The proceeding in Docket No. G–13472 is hereby terminated.

By the Commission (Commissioner Hussey not participating).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–6728; Filed, Aug. 20, 1958; 8:50 a. m.]

[Docket Nos. G–9554, G–11123, G–11906, G–13472, G–13529]

HASSIE HUNT TRUST

ORDER DENYING MOTION FOR CONSOLIDATION FOR HEARING OF CERTAIN ADDITIONAL PROCEEDINGS

AUGUST 15, 1958.

These proceedings, involving the increased rates and charges proposed by Hassie Hunt Trust (Hassie Hunt) in various dockets, were consolidated for hearing by order issued herein on April 28, 1958. Pursuant to that order the Commission entered upon a public hearing on June 30, 1958, which on July 1, 1958, was recessed until September 30, 1958.

On July 1, 1958, during the course of the hearing, Hassie Hunt's counsel orally moved that the Commission consolidate with these proceedings certain other proceedings in Dockets Nos. G–4421 and G–14303. The subject of the former docket is the application filed for a certificate of public convenience and necessity filed by Hassie Hunt, seeking authority to sell natural gas produced from Maxie Field, Acadia Parish, Louisiana, to Texas Gas Transmission Corporation (Texas Gas) (formerly Louisiana Natural Gas Corporation) under the provisions of a contract, dated December 17, 1950, designated as Hassie Hunt's FPC Gas Rate Schedule No. 8. Hassie Hunt's proposed changes to that rate schedule are the subject of one of these consolidated proceedings, in Docket No. G–11906.

The subject of the latter certificate docket, No. G–14303, is a certificate application covering the sale of gas produced from the same field, including some additional acreage, to the same buyer, Texas Gas, under the provisions of a contract, dated October 31, 1957. The 1957 contract was negotiated by the parties after a dispute arose over certain "favored-nation" provisions contained in the aforementioned 1950 contract, and contains a higher schedule of prices but contains no "favored-nation" or redetermination provisions.

By order issued in Docket No. G–11906 on February 27, 1958, the Commission permitted Hassie Hunt to substitute the 1957 contract, designated as its FPC Gas Rate Schedule No. 20 and Supplement No. 1 thereto, for Supplement No. 5 to the aforementioned FPC Gas Rate Schedule No. 8, effective as of January 21, 1958, subject to refund, as provided in prior orders issued in that docket. In permitting the 1957 contract and supplement to be substituted, as aforesaid, the Commission found that the superseding filings did not constitute filings for a new service, as claimed by Hassie Hunt, but were changes in rates subject to section 4 (e) of the Natural Gas Act. They were, therefore, treated as subject to hearing and refund of excess charges.

The certificate application, in Docket No. G–14303, accompanying the 1957 contract filings nevertheless, was not rejected, as in other analogous supersessions,[1] because there appear to be changes in the acreages dedicated to the new contract for which authorization is sought, requiring hearing in accordance with section 7 (e) of the act. The subject of such certificate hearings and the issues involved therein, other than the question of whether the 1957 contract constitutes an initial service, provide no basis for consolidation with these proceedings. As for the question of initial service, there is no apparent reason why the facts cannot be adduced in these proceedings without the requested consolidation of the certificate dockets with these proceedings. In subsequent certificate hearings, if the question remains undetermined, the presiding examiner may find it appropriate to permit an incorporation by reference of the evidence on the issue presented in these proceedings. On the other hand, if the question of initial service is determined herein, there will be no need for such procedure. In order to provide Hassie Hunt with ample opportunity to make such presentation herein, and to avoid any element of entrapment, we will permit it to reopen and resume its direct case upon resumption of hearings herein, for the sole and limited purpose of making a competent showing of any facts relevant to the initial service issue, as aforementioned.

The Commission finds: The aforementioned motion, made orally by Hassie Hunt on July 1, 1958, requesting the consolidation with these proceedings of the proceedings in Dockets Nos. G–4421 and G–14303, has not shown such consolidation to be necessary nor appropriate to the performance of the functions of the Commission pursuant to the provisions of the Natural Gas Act, and should be denied.

The Commission orders:

(1) The aforementioned motion made orally by Hassie Hunt on July 1, 1958, is hereby denied.

(2) Hassie Hunt is hereby permitted to re-open and to resume its direct case upon resumption of hearings herein, for the sole and limited purpose of making a competent showing of any facts relevant to the initial service issue.

[1] S. W. Richardson, Docket No. G–13272, order denying motion for reconsideration, issued November 27, 1957.

By the Commission (Commissioner Hussey not participating).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6729; Filed, Aug. 20, 1958; 8:50 a. m.]

[Docket No. G-15977]

DORCHESTER CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

AUGUST 15, 1958.

Dorchester Corporation (Dorchester) on July 16, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 15, 1958.

Purchaser: Panhandle Eastern Pipe Line Company.

Rate schedule designation: Supplement No. 2 to Dorchester's FPC Gas Rate Schedule No. 3. Supplement No. 2 to Dorchester's FPC Gas Rate Schedule No. 4.

Effective date: August 16, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increases, Dorchester makes reference to Panhandle Eastern Pipe Line Company's (Panhandle) rate redetermination letter of June 20, 1956, submits copies thereof, and states that Panhandle has questioned the validity of the 11.0 cent per Mcf rate established by Order of the Kansas Corporation Commission. Dorchester states further that it is evident that the proposed rates are not dependent upon the Kansas order but are contractually due pursuant to the basic contracts and Panhandle's letter.

By letter dated July 29, 1958, Panhandle states that it is in receipt of copies of Dorchester's subject increases and that it is apparent that the basis for such filings is Panhandle's letter dated June 20, 1956. Panhandle refers to the invalidation of the Kansas Minimum Price Order and states that conditions have changed considerably since the date of its rate redetermination letter of June 20, 1956. Panhandle requests that in view of such changed conditions the Commission not accept Dorchester's filings and reject same as not being in accordance with the contracts.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplements No. 2 to Dorchester's FPC Gas Rate Schedules Nos. 3 and 4, respectively, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplements No. 2 to Dorchester's FPC Gas Rate Schedules Nos. 3 and 4, respectively.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until August 17, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6730; Filed, Aug. 20, 1958; 8:50 a. m.]

TARIFF COMMISSION

BICYCLES

REPORTS TO THE PRESIDENT

AUGUST 18, 1958.

The United States Tariff Commission today submitted to the President its second periodic report on the developments in the trade in bicycles since the "escape clause" action of August 19, 1955, modifying the concession granted in the General Agreement on Tariffs and Trade on such bicycles classifiable under paragraph 371 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952 (3 CFR, 1952 Supp., p. 105), which order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its second report to the President under Executive Order 10401 with respect to bicycles, the Commission advised the President that the conditions of competition between imported and domestic bicycles had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in bicycles do not warrant a formal inquiry into the question of whether a reduction in the duty on such bicycles could be made without resulting in serious injury to the domestic industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U. S. Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58-6739; Filed, Aug. 20, 1958; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 18, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34891: *Fine coal to North Carolina and Virginia.* Filed by The Southern Railway Company (No. 136-A), for interested rail carriers. Rates on fine coal, carloads, as described in the application from Mines in east Tennessee, southeast Kentucky, and southwest Virginia to points in southern Virginia and Atlantic & Danville Railway stations in North Carolina.

Grounds for relief: Competition with natural gas and other fuels.

Tariff: Supplement 51 to Southern Railway Tariff I. C. C. A-11352.

FSA No. 34892: *Magnesium from Velasco, Tex., to official territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7353), for interested rail carriers. Rates on magnesium metal or magnesium metal alloy, carloads from Velasco, Tex., to points in official and Illinois Freight Association territories.

Grounds for relief: Short line distance formula and market competition.

Tariff: Southwestern Lines tariff I. C. C. 4303.

FSA No. 34893: *Crude rubber from Louisiana and Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-7356), for interested rail carriers. Rates on rubber, crude, artificial, synthetic or neoprene, carloads from points in Louisiana and Texas to points in western trunk line, Illinois, official and southern territories.

Grounds for relief: Short line distance formula and market competition.

Tariffs: Supplement 502 to Southwestern Lines tariff I. C. C. 4139. Supplement 327 to Southwestern Lines tariff I. C. C. 4087.

FSA No. 34894: *Coke from Ernest, Pa., to Millville, W. Va.* Filed by the Baltimore and Ohio Railroad Company (No. 116). Rates on coke, carloads from Ernest, Pa., to Millville, W. Va.

Grounds for relief: Grouping.

Tariff: Supplement 27 to Baltimore and Ohio Railroad tariff I. C. C. 3037.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-6735; Filed, Aug. 20, 1958; 8:52 a. m.]

PART II

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 23 NUMBER 164

Washington, Thursday, August 21, 1958

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 990]

[Docket No. AO-302]

HANDLING OF MILK IN SOUTHEASTERN NEW ENGLAND MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Southeastern New England marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, was conducted at Providence, Rhode Island, on February 11 through March 14, 1958, pursuant to notice thereof which was issued on January 22, 1958 (23 F. R. 499).

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued, what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

While the initial proposal which resulted in the call of this hearing would have resulted in a considerable extension of the Fall River order and revision of its terms and provisions, it is apparent for reasons later set forth that a much broader area of regulation, as set forth in supplemental proposals is necessary and it is concluded that consideration should be directed to an entirley new regulation rather than revision of the present order.

Findings and conclusions—1. *Character of commerce.* The handling of milk in the Southeastern New England marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects the handling of milk and its products.

The Southeastern New England market is an interstate market encompassing all of the State of Rhode Island and a substantial area in Southeastern Massachusetts. Within this market there is a substantial and continuing interstate commerce, both in the procurement of milk and in the sale of fluid milk and its products.

Milk produced on dairy farms in the States of Connecticut and Massachusetts moves daily in interstate commerce to processing and bottling plants within the State of Rhode Island where it is commingled with milk received from local Rhode Island dairy farmers and from dairy farmers and/or plants located in the States of New York, New Hampshire, Maine and Vermont. Such milk is distributed daily on wholesale and retail routes in Rhode Island and Massachusetts in competition with milk from Boston pool plants which milk is produced in the States of New York, New Hampshire, Vermont, Maine and Massachusetts and in competition with milk from Fall River and New Bedford, Massachusetts, which originates from dairy farms in Rhode Island, Massachusetts, New York and Vermont.

During the marketing year ending June 30, 1957, Rhode Island dealers received only 31.4 percent of their total milk requirements from producers within the State; 14.2 percent was supplied by producers in the State of Massachusetts and 29.2 percent by producers in the State of Connecticut. The remaining 25.2 percent was supplied by dairy farmers and/or plants in other New England States and the State of New York.

Of the 202 Rhode Island licensed dealers, 66 distribute in both Rhode Island and Massachusetts. Approximately one-fourth of the total reported Class I sales of Rhode Island licensed dealers during the 1957 marketing year moved from Rhode Island across State lines for distribution in other States.

One substantial dealer who would be a regulated handler under the proposed order has processing and distributing plants which are located in Providence, Rhode Island, East Bridgewater and Fall River, Masssachusetts. This same dealer has a large number of upcountry receiving plants in the States of New York, Vermont, New Hampshire and Maine and a number of distributing plants dispersed throughout the New England area. Distribution from the three local plants is interchangeable on routes covering the entire area herein under consideration. These plants are supplied by local dairy farmers in Rhode Island, Connecticut and Massachusetts and by various receiving and/or distributing plants, many of which are regulated under the other New England Federal orders.

Another handler with distribution operations extending over a major part of the proposed area in Rhode Island and Massachusetts, also has a substantial business in the several federally regulated markets in Massachusetts as well as in other unregulated markets in New England. Milk processed in his Providence plant is received interchangeably from local dairy farmers, dairy farmers in upcountry areas and from his Boston plant regulated under Order No. 4.

Official statistics of the Fall River market administrator show that during representative months of 1957 approximately 40 percent of the total receipts

of regulated handlers originated within the State of Massachusetts, 30 percent within the State of Rhode Island and 30 percent within the States of Vermont, New Hampshire, and New York. Of the 25 handlers subject to the Fall River order in December 1957, 16 were licensed Rhode Island dealers, 8 of whom distributed in the Newport, Rhode Island area and in the local Massachusetts cities and towns. At least two of the larger Fall River handlers receive only limited quantities of local milk and secure the greater portion of their supply from Vermont.

In at least two instances Fall River handlers serve the Fall River market and the New Bedford market from their Fall River plants. Approximately one-third of the total Class I disposition in the New Bedford area is by Fall River handlers. A number of local New Bedford handlers supplement their local milk supply with out-of-State milk, and these New Bedford handlers distribute milk not only locally, but also in Rhode Island and in Plymouth and Barnstable Counties, Massachusetts.

The Cape Cod area (Barnstable County) and parts of Plymouth and Bristol Counties in Massachusetts are served by Boston and Fall River handlers and by local, New Bedford and Rhode Island dealers. A large part of the milk disposed of in this area originates in the States of New York, Vermont and New Hampshire.

More than one-third of the fluid requirements for the Southeastern New England area originates from sources outside the States of Massachusetts, Connecticut and Rhode Island. Much of the upcountry milk is assembled and received at country plants in Vermont and New Hampshire and is then transported to the Southeastern market for processing and distribution. Additional quantities are handled by bulk farm tank pick-up and moved directly from farms in northern New England to plants in the local market.

Milk in excess of fluid needs is separated into the cream and skim components and manufactured into products which compete directly with manufactured products on the national market. Since the market is an open cream market, cream from distant States moves into and out of the area freely in competition with cream from local sources.

From the foregoing it is concluded that all of the milk in the Southeastern New England market does move in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk and its products.

2. *Need for an order.* Market conditions in the State of Rhode Island and the Southeastern Massachusetts Counties of Bristol, Plymouth and Barnstable justify the issuance of a marketing agreement and order.

In earlier years, the area herein under consideration was comprised of a number of relatively independent and segregated local milk markets. The handling of milk in the City of Fall River and the adjacent towns of Somerset, Massachusetts and Tiverton, Rhode Island has been regulated under Federal Order No. 47 since May 1, 1936.

The particular relationship which existed between the Fall River and New Bedford markets at the time of the original promulgation of this order required a provision which permitted handlers serving both markets from the same plant to carry their New Bedford supply outside of the scope of regulation. For many years the order operated successfully and effectively in maintaining orderly marketing. However, in recent years fundamental changes in methods of handling and distributing milk, together with substantial population growth and increased milk supplies have resulted in a substantial extension of the distribution area to the point that the present marketing area represents only a small segment of the actual market of regulated handlers. The provisions originally intended to accommodate a specialized situation between Fall River and New Bedford have impeded to a degree the regulation under the Fall River order.

The New Bedford market, which in earlier years operated as a highly preferential and self contained market under State regulation was disrupted in early 1957 when a Rhode Island handler opened several stores in the New Bedford market specializing in gallon jug operations at lower than prevailing prices. Following the introduction of the gallon jug operation the two Fall River-New Bedford handlers, who for many years had operated single plants with separate producer lists designated for the two markets, elected to subject their entire operations to regulation under the Fall River order to circumvent the higher pricing under the State regulation in New Bedford. All other New Bedford handlers immediately subjected themselves to regulation under the Fall River order. This situation prevailed through the month of June after which the price under the State order was aligned with the Fall River price.

The situation in both Fall River and New Bedford has continued to deteriorate as handlers, seeking to avail themselves of milk supplies at the most advantageous price, have tended to look to upcountry unregulated supplies which are generally available at a price comparable with the Boston blended price, which on a year-round basis reflects approximately 55 percent utilization in Class I. As a result local producers have had difficulties in maintaining regular outlets for their production. This condition is most serious in the Fall River market where the several associations of producers whose members are the predominant suppliers of the market have a substantial volume of milk which is not accepted by handlers. Much of this milk is sold at manufacturing milk prices even though the local milk supply is inadequate to meet market demands.

Producers who are members of New Bedford Milk Producers Association, the principal supplier of local handlers in the New Bedford area, are in the same situation as that of regular Fall River producers. The same pressures which have led to a loss of market for many local Fall River producers are applicable to the New Bedford area. Pending consideration of Federal regulation has no doubt forestalled substantial supply changes by local handlers than [illegible]. However, it is likely that if no action is taken handlers will seek lower priced unregulated milk supplies.

The situation in the Rhode Island part of the market is substantially similar to that in the Fall River-New Bedford area. Early in 1951 the association representing a large segment of the registered Rhode Island producers requested a hearing to consider a Federal order for that market because of the then existing market disorder. On the basis of the facts presented at that hearing it was recommended that an order be issued. However, following that decision the association negotiated a settlement with local handlers which minimized the effect of the disorder and accordingly the association asked that the order not be issued.

The increase in available milk supplies generally and the fact that milk is readily available from upcountry sources at prices approximating the Boston blend has provided a strong incentive for handlers to drop local producers in favor of cheaper sources of supply.

Less than one-third of the fluid requirements of Rhode Island dealers are supplied by Rhode Island dairy farmers. An additional forty-five percent is supplied by dairy farmers located in nearby Massachusetts and Connecticut and the remainder is secured from other sources, primarily from the States of Vermont and New York. Several of the larger handlers in the market customarily have secured a lesser proportion of their necessary supplies from local producers than have other handlers. The buying advantage that these handlers have had on their purchases of outside milk has prompted other handlers to drop local producers in favor of sources of supply at upcountry points also.

While the record does not reveal the specific prices at which all of such milk has been purchased it does show that one of the larger handlers in the market secured milk in the month of December 1957 from his unregulated plants at Boston and Whiting, Vermont at a cost of $5.384 which compares with the local city plant Class I price at Providence of $7.00. Even when handling and transportation are considered it is evident that the buying advantage in using unregulated milk deters the use of local milk.

Relatively large quantities of local producer milk were dropped during the latter months of 1957 and early 1958; in some cases entire pickup routes were dropped at one time. The burden of handling the homeless milk in the market has rested with the local producer cooperatives whose members are involved.

The Rhode Island Milk Control Board in the latter part of 1957 initiated an allocation program which was intended to assure a market for local producers and to equalize the percentage utilization of local and outside milk as among handlers. Because of the interstate character of the market handler participation was necessarily voluntary and, while the program has resulted in some redistribution of producers among participating handlers, it has not been effective in restoring market stability. Unregulated, lower-priced milk continues to move into the market in even greater quantities than before the allocation scheme was initiated.

Registered Rhode Island producers have enjoyed a preferential market over an extended period of years. The allocation program and the procedure employed by the responsible officials of the State in issuing permits for importation of nonregistered milk have tended to maintain such preferential market to the detriment of other dairy farmers whose production is an essential part of the market supply.

Proponents presented an analysis of the annual statistics of the Rhode Island Milk Control Board which purported to show that returns to registered producers reflected all the Class II utilization for the market. While the form of the annual statistics does not permit the precise analysis made by proponents, such statistics support this general position. Local producers, however, do not carry an unreasonable volume of the necessary market surplus. The overall Class II utilization for the market is only 5.8 percent of total market utilization and less than 10 percent of receipts from registered producers which, from experience in other federally regulated fluid markets, is substantially less than the necessary reserve which a market such as Rhode Island must carry to assure a continuing adequate supply to meet daily and seasonal fluctuations in supply and demand. Hence, the market relies primarily on upcountry unregulated supplies and surrounding Federal order markets to provide the necessary reserves. Since, as previously stated, nonregistered milk is purchased at prices closely related to the Boston blended price, which reflects an average Class I utilization of about 55 percent, the crediting of registered producers with the total Class II utilization tends to enhance the overall buying advantage of importing handlers.

A market structure which grants a preferential price to registered Rhode Island producers cannot provide a stable market for such producers over any extended period while handlers have the opportunity to gain a procurement advantage through the use of lower priced milk from upcountry sources. The State, as a practical matter, cannot effectively regulate milk which moves across State lines, and while local dealers may voluntarily reduce imports of outside milk temporarily to gain support from local producers, it is inevitable that the incentives for using unregulated milk will result in a loss of market for local producers.

The Southeastern New England market is a deficit market and must rely on sources of supply in northern New England and New York to supplement the local supply. Recent developments in bulk tank cooling and transportation facilities have contributed to efficiencies which permit greater flexibility of handler operations at greater distances from the consumption center in Southeastern New England. Handlers serving this market, because of the high demand for fluid milk locally and the existing opportunity to procure fluid milk at prices related to the Boston blend price in the country for fluid use in the marketing area, have a material competitive advantage over those handlers buying on a classified use plan in this and other Federal order markets in the region due to the difference in their product cost and the Class I price. Premiums over the blend price which may be offered by local handlers making "upcountry" purchases have a detrimental effect upon adjacent markets by inducing producers to leave cooperative associations and markets with which they have maintained association for a number of years to deliver to handlers for this market. This situation has resulted in uneconomic short-time shifts in producers between markets and has had an adverse effect upon not only the Southeastern New England market but also the adjacent markets in New England.

The marketing situation as it now exists constitutes a serious and continuing threat to the stable and orderly marketing of milk and to the maintenance of an adequate supply of pure and wholesome milk for the Southeastern New England marketing area.

The issuance of a marketing agreement and order for the Southeastern New England marketing area will contribute to greater stability of the fluid milk market and will tend to effectuate the declared policy of the act. The adoption of a classified pricing plan based on audited utilization of handlers will provide a uniform system of pricing throughout the area and assure a fair and equitable return to all producers.

Public hearing procedure as required by the Agricultural Marketing Agreement Act will assure full opportunity for representation of all interested parties in presenting evidence relating to marketing conditions and allow participation in the determination of prices for milk in the Southeastern New England marketing area.

3. *Order provisions*—(a) *Scope of regulation.* The purpose of Federal regulation is to assure an adequate supply of pure and wholesome milk for the fluid market by promoting and maintaining orderly marketing of milk. This purpose is achieved through regulation of those handlers who engage primarily in the handling of milk for sale as fluid milk in the local market. Such regulation requires handlers to account for their milk receipts on a classified use basis, establishes minimum class prices which handlers must pay for such milk and provides a mechanism for the equitable distribution of those proceeds among all producers. The scope of such regulation may be specified by providing appropriate definitions of various terms including "marketing area", "pool plant", "dairy farmer for other markets", "producer", "handler", "producer-handler", "buyer-handler", "other source milk" and "exempt milk".

Marketing area. The marketing area as herein proposed includes all of the State of Rhode Island, (excepting Block Island) and all of the Massachusetts Counties of Bristol, Barnstable and Plymouth (excepting the towns of Hingham and Hull) together with all piers, docks and wharves connected therewith and including all territory within such boundaries which is occupied by Government (municipal, State or Federal) installations, institutions or other establishments.

The area as herein proposed is slightly in excess of 2500 square miles in size and according to the 1950 census has a total population of nearly 1,400,000 persons of which nearly 800,000 are in the State of Rhode Island and 600,000 in Massachusetts. Population estimates introduced in the record of the hearing indicate an overall population growth in this area from 1950 until 1956 of approximately 7 percent. These figures do not include the summer tourist population in the Cape Cod and other shore areas in the marketing area which during the peak months of July and August is substantial.

The proposed marketing area includes four standard metropolitan areas as recognized by the Bureau of Census. Three of these areas, Providence, Fall River and New Bedford, constitute one contiguous area of relatively high density of population in which there is a very substantial overlapping of handlers' routes. The fourth area, the city of Brockton lies some 30 miles to the northeast in Bristol County.

The entire area as herein proposed is generally served by handlers who would be fully regulated under the terms and provisions of the proposed order. The largest handler involved operates in virtually every town in the area. While his distribution in Rhode Island is primarily from his Providence plant and his distribution in Fall River and New Bedford primarily from his Fall River plant, the remainder of the area is served interchangeably from his Providence, Fall River and East Bridgewater plants. Another substantial handler serves much of the area, including Barnstable County, from his Providence plant. Other handlers serve substantially the entire area on direct distribution routes, through stores, or as suppliers of other handlers.

The State of Rhode Island is an area of high population concentration generally served by handlers located in and around the City of Providence and by local handlers. While the western tier of towns in Providence, Kent and Washington Counties are more rural in character than the remainder of the State, this area, nevertheless, is extensively served either directly, or through subdealers, by handlers who would be fully regulated by virtue of their business in the Providence area. The town of Westerly, in Washington County is a specific exception in that it has a relatively high population concentration more typical of the eastern part of the State.

One handler whose business in the marketing area is largely confined to Westerly proposed that this town be excluded from the area, on the grounds that it is more closely associated with the State of Connecticut and should be included under any order promulgated for the State of Connecticut rather than under this proposed order. The record fails to provide a basis for appraising the relative proportions of the total busi-

ness done in Westerly by that handler and by other handlers who would be regulated by virtue of their business in other parts of the proposed area. Unless Westerly is included, handlers now serving this town, who would be fully regulated under the order, might well find themselves at a substantial disadvantage in competing with unregulated handlers operating in Westerly.

The handler in question contended that the volume of his business in Westerly was insufficient to bring him under regulation. Under such circumstances, he would be accorded the same treatment as other handlers operating under similar circumstances. If an order should be promulgated for Connecticut and this handler became a fully regulated handler under that order, the terms and provisions of this order are such that he would not be adversely affected by the inclusion of Westerly in this marketing area.

Much of Newport County, Rhode Island is presently served by both Rhode Island handlers and Massachusetts handlers primarily from the Fall River market. The town of Tiverton, Rhode Island, is now a part of the Fall River marketing area under Order No. 47 which area is included in this proposed marketing area.

Included in the Rhode Island portion of the marketing area are the Naval base in Newport County, the Naval Air Station at Quonset Point and the Seabee Station at Davisville, the latter two being in Kent County. Milk is supplied to these installations on a contract bid basis and in recent years the bid prices of successful bidders have been closely related to surplus milk values. The disposition of milk delivered under these contracts has tended to be a serious disruptive factor to orderly marketing in the surrounding area.

The Fall River-New Bedford area represents an extensive contiguous area in which there is general overlapping of route sales by handlers in the two markets. Two of the larger handlers serve both of these markets from their Fall River plants and until early 1957 they maintained separate producer lists under the Fall River order. At that time the New Bedford market was seriously disrupted and for a short time, in an effort to preserve their market, New Bedford handlers placed themselves under regulation by the Fall River order. Subsequently additional Fall River handlers entered the New Bedford market. Now the maintenance of separate producer lists is not observed and the two markets are indistinguishable.

The area of Bristol County, Massachusetts, to the north of Fall River is served by Rhode Island, Fall River, New Bedford, Brockton (Plymouth County) and local dealers. This portion of the proposed marketing area represents the greatest area of overlapping sales by all handlers who would be regulated under the proposed order.

Many of the handlers who serve this area and/or the Fall River-New Bedford area also have substantial sales in Plymouth and Barnstable Counties. Already mentioned are the two handlers who serve virtually throughout the proposed area. In addition one handler located in Seekonk (Bristol County) operates three retail stores in Brockton (Plymouth County), one in Wareham (Plymouth County) and one in Hyannis (Barnstable County). Another handler with a plant at Woonsocket, Rhode Island, operates a number of dairy stores in Fall River, New Bedford, Seekonk, Attleboro, Somerset, and Brockton and still another Fall River handler has wide distribution, either directly on routes or through plant stores or as a supplier of other handlers, over much of the proposed marketing area. At least two New Bedford handlers have extensive distribution into the southern portion of Plymouth County and in Barnstable County.

Much of the Plymouth-Barnstable County area and particularly Barnstable County is a resort area and is served not only by Rhode Island and Fall River-New Bedford handlers but also by local handlers and by Boston handlers regulated under Order No. 4. It is not possible on the basis of the record to ascertain whether, in fact, Rhode Island and Bristol County handlers or Boston handlers are the primary distributors in this area. However, unless this area is included as a part of the marketing area both handlers who would be regulated by virtue of their business in other parts of the area and regulated Boston handlers would be seriously disadvantaged by competition from unregulated milk in this area. Moreover, regular producers, who represent the most economical source of supply for the area, would lose their market in favor of unregulated supplies. The inclusion of the area in the marketing area was supported by the Boston handlers now distributing there.

Otis Air Force Base located in Barnstable County, represents a substantial outlet for fluid milk which is served on a bid contract basis. While handlers who would be regulated under the proposed order have generally held the contract for this installation the disposition of milk delivered under this contract has been a serious disruptive factor to orderly marketing in the surrounding area substantially in the same manner as the Naval base and other installations in the Rhode Island area.

The towns of Hingham and Hull in Plymouth County are specifically excluded from the proposed area. These two towns are adjacent to the Boston marketing area and are virtually exclusively served by Boston handlers and by local handlers who would be regulated by virtue of their business elsewhere. Their location is such that it is extremely unlikely that unregulated milk would become a serious competitive factor. However, if regulation later appears desirable these towns probably should more logically be considered for addition to the Boston marketing area.

The marketing area as herein proposed is one in which the health requirements as they apply to the production, processing and handling of milk for fluid consumption are generally similar and milk freely moves in distribution channels from all parts of the area. While there are technical differences in the application of health regulation, particularly as they apply to the State of Rhode Island, such regulation applies only to local dairy farmers who qualify as Rhode Island registered producers. Rhode Island dealers with insufficient milk from such producers freely import milk from surrounding areas to meet their total requirements and such milk is commingled with receipts from registered producers and disposed of both within and outside the State.

It is intended that the sales of fluid milk from piers, docks and wharves and to crafts moored thereat be included as sales in the marketing area. It is also intended that the area include all of the territory occupied by Government reservations, institutions or other such establishments whether municipal, State or Federal, if they lie within the limits of the area as defined. The quality requirements for milk for such outlets are similar to those for milk sold in other parts of the marketing area. These installations, by location, represent logical areas of distribution for handlers who would become regulated under the proposed order or for regulated handlers under adjacent Federal orders. Unless they are included, regulated handlers will be placed at a serious disadvantage in competing with unregulated handlers for such sales. The inclusion of these areas will assure as between handlers uniform minimum cost of milk received from producers.

The marketing area as herein defined comprises a contiguous, and for the most part a heavily populated territory served by the same handlers. Such area is in reality a single milk market which constitutes a practical unit for the proposed regulation.

A representative from an association of producers operating in Dukes County appeared at the hearing and suggested that this county be included in the marketing area, primarily because of his concern over the effect of regulation on the disposition of surplus milk in the county. The hearing notice was not sufficiently broad to permit consideration of the inclusion of this county. However, the association has no direct fluid disposition outside the county and in the past it has been able to realize no more than the surplus price for milk in excess of its fluid requirements. The application of the order provisions would not appear to alter this situation. If after experience with the operation of the order it becomes desirable to consider the addition of Dukes County to the marketing area this could be done through an amendment hearing.

One handler whose plant is located in Franklin, Massachusetts, (Norfolk County), and who has substantial distribution in Norfolk County, outside the limits of the Boston marketing area, but who would become a fully regulated handler under this order, argued that he would be forced to compete with unregulated handlers in his Norfolk County disposition. Handlers presently regulated under the Boston order have a substantial business in Norfolk County and most of the remaining competition presently comes from small local dealers who under the existing local market structure would likely have no cost advantage in the procurement of their milk. The inclusion of any part of Norfolk County was not noticed in the call of the hearing. If later developments indicate the need of Federal regulation in this area consideration of this can be given in an amendment hearing on this order or on the Boston order.

Milk to be priced. The plants from which milk is distributed into the Southeastern New England marketing area dispose of the major portion of their milk receipts in the form of fluid milk products for fluid consumption. Milk intended for fluid consumption in the area is required to be produced in compliance with inspection requirements of the duly constituted health authorities having jurisdiction in the area. The minimum class prices of the order should apply to that milk which is received regularly from dairy farmers at plants at which milk is pasteurized and packaged for fluid distribution on retail or wholesale routes (including routes of vendors) or through plant stores in the marketing area, or which is received at plants which are regular and substantial suppliers of milk to such pasteurizing, packaging or distributing plants.

Under the terms of the order as herein proposed, milk may be disposed of for fluid consumption in the marketing area from plants not meeting the criteria of regular and normal supply sources for the market. It is necessary therefore to establish definitive standards of performance for use in determining which plants and what milk constitute the regular and normal sources of supply and thereby become fully subject to regulation. Such standards appear in the order and apply uniformly to all plants wherever located. Any plant regardless of location may be brought under regulation by the order or it may remain outside the scope of regulation dependent on the mode of operation elected by the operator of each plant. The determination and decision as to how a plant shall be operated remains vested in the plant operator.

As indicated elsewhere in this decision, marketwide pooling of producer returns is considered essential to the orderly functioning of this market. Since a marketwide pool results in payments to producers which reflect the average utilization for the market, individual handlers whose proportion of Class I utilization is less than the average for the market receive payments from the producer-settlement fund while handlers who have higher than average utilization in Class I make payments into the fund. The rate of payment to producers will be uniform among all handlers.

Under certain circumstances, operators of plants engaged primarily in manufacture or in supplying other fluid markets on a spot basis have an incentive to come under regulation for the purpose of receiving equalization payments from the producer-settlement fund in order that prices paid to their farmers will be comparable with the prices received by regular producers. Such plant operators normally would elect to join the pool when they would draw equalization payments from the fund and would withdraw from the pool when their plant utilization was above the market average and they were required to make payment to the fund. The distribution of equalization payments to such a plant would reduce the blended price with subsequent adverse effect upon the regular milk supply of the market. The maintenance of an adequate supply of pure and wholesome milk for the market necessitates formation of specific rules on pooling qualification and the distribution of returns under the order to prevent circumvention of the purpose of the order.

The extra value or differential by which the Class I price exceeds the price of milk for manufacturing uses is intended to provide the necessary incentive to producers to attain an adequate supply of pure and wholesome milk for the market. Milk in excess of Class I needs cannot be expected to return more than a manufacturing milk value since this is the only outlet remaining after fluid needs are satisfied.

Performance standards should be drawn under a marketwide pool so that the Class I sales of the Southeastern New England market will be shared among those producers who are an essential and regular part of the supply for the area. To confine regulation, the performance standards should be sufficiently flexible to permit intermittent shipments of milk by plants whose primary business may be in other markets without requiring full regulation of such plants. Under the provisions of this order supplies which are a regular and essential part of the Southeastern New England market as well as intermittent supplies will be accommodated.

The several plant definitions included in the order provide the basis for determining those plants which will be accorded pooling status and the dairy farmers regularly delivering thereto will be entitled to receive the minimum blended price as determined in the distribution of proceeds resulting from the pool.

A "receiving plant" is defined as a plant at which milk is received directly from dairy farmers as distinguished from other kinds of specialized plants which do not receive milk directly from the farm and would not be participating in the pool. It is intended that the operator of the receiving plant shall be the responsible handler for accounting purposes and for making payments to dairy farmers. In order that the market administrator may have ready access to the necessary records and assurance that the milk of individual dairy farmers is positively identified and properly accounted for, a condition of qualification for receiving plant status is that such plant shall contain facilities for receiving, and handling the milk, washing and sterilizing cans, tanks, and equipment. The plant shall also have facilities for determining the weight and butterfat test of milk received and shall maintain the necessary records of the individual farmer's deliveries.

Only receiving plants which meet specified performance standards designed to establish a substantial association with the market, should be accorded pool plant status. Such association may be established either by direct distribution of Class I milk in the marketing area (i. e. a distributing plant) or by supplying such a distributing plant (i. e. a supply plant).

Any receiving plant which distributes at least 10 percent of its total receipts of milk from dairy farmers as Class I milk on routes within the marketing area and disposes of not less than 50 percent of such receipts as Class I milk may qualify as a pool distributing plant.

A plant with less than 50 percent of its producer receipts in Class I sales should not be considered as primarily in the business of fluid distribution. A plant with less than 10 percent of its business in the marketing area cannot be considered as essentially associated with the Southeastern New England fluid market since it does only a minor part of its business in this market. Full regulation would not be necessary in such situation and might place the plant at a competitive disadvantage in supplying the market with which it is normally associated.

While the Southeastern New England market is in a large measure supplied by local dairy farmers whose milk is regularly received at distributing plants serving the area such receipts are not sufficient to meet market demands. A substantial quantity of milk is regularly received by certain distributing handlers from upcountry supply plants. Because of the recreational opportunities existing in the area the greatest demand for fluid milk occurs during the period July through September. These months, together with the months of October and November—normally the months of shortest production in the area—should constitute the qualifying months for continuous pooling. A plant shipping at least 30 percent of its total receipts of milk delivered directly from dairy farmers during any of these months to a distribution plant which disposes of at least 10 percent of its total receipts of fluid milk products as Class I milk in the marketing area and not less than 50 percent of such receipts as Class I milk both inside and outside the marketing area should be a pool supply plant during such month.

It cannot be ascertained on the basis of the hearing record what supply plants and how many such plants might eventually associate with the Southeastern New England pool. It is concluded, however, that a 30 percent shipping requirement constitutes a reasonable requirement and is consistent with such requirements under the other New England orders.

Proponents proposed a 50 percent minimum shipping requirement for supply plants, contending that a lesser shipping requirement might attract more milk to the market than is needed and unduly dilute returns to local producers. While it is not intended that shipping requirements be so low as to attract milk primarily associated with manufacturing outlets, too high a shipping requirement will tend to deter an adequate market supply. It is intended that the market shall carry a sufficient reserve supply throughout the year rather than depend on the adjacent Federal order markets

for such reserve. Because of the substantial percentage of market needs which now comes from local producers it is likely that a 50 percent shipping requirement would result in uneconomic movements of milk, solely for the purpose of meeting such requirements. Milk not needed for fluid uses is disposed of in manufacturing outlets. Since most of the manufacturing facilities in the New England States are in the upcountry area, milk in excess of fluid requirements would normally not move to the marketing area.

During the months of December through June supplies of milk received at plants located in or near the marketing area may be sufficient to supply the greater part of the requirements for Class I milk, in which case it would be more economical to leave the more distant milk in the country for manufacturing and absorb the nearby supplies first in Class I use. Performance standards should not force milk to be transported to distributing plants in the months of high seasonal production merely for the purpose of maintaining eligibility for pooling. It is provided therefore that any supply plant which meets the pooling requirements during each of the months of July through November shall be a pool plant in each of the succeeding months of December through June unless the handlers' written request for nonpool status for the entire seven-month period is received by the market administrator prior to the first day of such period.

Because of the limited manufacturing facilities available in the marketing area it is likely that much of the burden of handling local milk in excess of fluid needs will fall upon the several cooperatives with membership among the local producers. The intent of regulation will not be accomplished unless such milk is permitted continuing pool status. To implement this requirement, pool plant status is accorded any plant located in the marketing area and operated by a cooperative association.

Any plant which was not a pool plant in each of the months of July through November should not be permitted pool status in the succeeding months of December through June regardless of its function during such latter period unless such failure to attain pool plant status in the months of July through November was due to the fact that the plant was operated as the plant of a producer-handler or was a pool plant under another order.

The months of July through November, as previously stated, are the months when milk is most needed in the market, and in large measure in surrounding Federal order markets. Unless some restrictions are provided it is likely that plants which have no association with specific markets, but market milk on an opportunity basis, may seek to join the Southeastern pool, either as distributing or supply plants, during those months when alternative outlets are at a minimum, for the purpose of sharing in the Class I utilization of this market. The plant of a producer-handler, however, would have established its association with the market, and if the operator thereof should elect to change its status and share its Class I utilization, the pool undoubtedly would not be disadvantaged from such a change of status.

It would be improper to deny pool status to any plant which met all of the requirements for pool status under this order during the qualifying months of July through November but was not a pool plant during such period solely because it was a pool plant under another order.

A "dairy farmer" is defined as any person who delivers bulk milk of his own production to a plant. Milk, however, may be received at a pool plant from dairy farmers who are not part of the regular supply of such plant. In order to distinguish such milk a "dairy farmer for other markets" definition is provided. Such milk may enter the market in any one of several ways. Milk of individual dairy farmers may be purchased directly by a broker, trucker, or similar individual who in turn disposes of it on a spot basis in the most attractive available outlet in this market or in other markets. Again, the milk may be purchased by a dealer, who operates both regulated and unregulated plants and received during the month at the pool plant only when a favorable outside market is not available. The same plant operator might dispose of milk through his nonpool plant during all or part of the months of July through November in favorable outside markets and seek to dispose of such milk through his pool plant during the flush production months when available outside markets are limited.

Any of the above mentioned circumstances would tend to place on the Southeastern pool the burden of carrying the surplus of outside Class I markets for which it would not share in the Class I sales. It would be improper to accord producer status to dairy farmers whose milk is handled under such arrangements. Recognition, however, must be given to the interlocking aspects of the several Federal order markets in the area. A dairy farmer should not be denied producer status during the flush production months if the plant to which he delivered his milk is then associated with this market and such plant had met all of the pooling requirements during each of the months of July through December but had nonpool status because it was a pool plant under another Federal order. Likewise a producer-handler who regularly had been associated with the market during the months of July through November, but who elected to change his status and become a regular handler buying from producers should not be denied status as a producer on his own farm production. Such a change in status would under normal circumstances be an asset to the pool since producer-handlers are usually high Class I utilization handlers.

The term "producer" defines those dairy farmers who constitute the regular supply for the market and to whom the minimum prices specified under the order must be paid. Under usual circumstances the respective health authorities having jurisdiction in the marketing area make regular inspections of individual farms and require the holding of valid farm permits or certificates of registration on milk permitted to be received at plants serving the market. However, under certain circumstances milk from dairy farmers not holding such permits or certificates is permitted to be received, commingled with other milk in the plant and distributed in the form of fluid milk products in the marketing area. It must be presumed, therefore, that if the milk is permitted to be received at a pool plant it meets the quality standards of the health authorities. Unless milk so received falls in the category of milk received from "dairy farmers for other markets", producer-handlers or producers under another Federal order issued pursuant to the Act it is intended that it be accorded status as producer milk. For reasons stated in the decision relating to "dairy farmers for other markets" it would be inappropriate to permit milk from such source to share in the equalization pool of this market. Similarly, a producer-handler does not share his Class I sales with the pool and accordingly should not be permitted to dispose of his excess milk through the pool.

The nearby Federal order markets have diversion provisions which permit a dairy farmer to retain producer status under those orders under specified conditions even though the milk was received at a nonpool plant. If the first receiver of the milk reports it as producer milk under another Federal order, such milk received as diverted milk from such other Federal order market will be excluded from the pricing and payment provisions of this order.

Since the day-to-day and month-to-month market requirements may vary, some accommodation must be provided to permit the efficient hauling of any necessary surplus. It is expedient therefore to permit certain diversions if the handler who normally receives such milk chooses to divert it and accepts the responsibility of accounting for it. It is not necessary to limit in any way the extent of diversion to the plant of a buyer-handler or to other pool handlers. Buyer-handlers have almost exclusively Class I utilization and depend on other handlers as a source of milk supply. The privilege of unlimited diversions to such operators will facilitate milk movements in the most efficient manner. Milk diverted between pool plants would be pooled under any circumstances. The order provisions assure full accounting and pricing of the milk regardless of which plant is designated the receiving plant. If the handler to whom the milk is normally delivered desires to retain control thereof and chooses to report the milk as diverted there is no reason why the situation should not be accommodated.

The order provisions should not be so drawn as to encourage an excess volume of milk to associate with the pool. During the months of July through September when demand is greatest and the months of October through March when supply is lowest it is unnecessary to accommodate diversions to nonpool plants except insofar as may be necessary to assure orderly handling of the weekend surplus which accrues as a result of the fact that a plant operates only

six days a week. Diversion privileges on 6 days (4 days in the case of every-other-day delivery) during the months of July through September and 12 days (6 days in the case of every-other-day) during the months of October through March will accommodate the situation.

The months of April through June are the months of highest production and it is desirable that handlers be permitted liberal diversion privileges to nonpool plants to expedite the orderly disposition of the necessary seasonal surplus. Accordingly, unlimited diversion to nonpool plants is permitted during this period.

The term "producer-handler" should be defined in somewhat more limited terms than is presently the case under the other New England Federal orders.

A producer-handler is intended to include only a person who is both a dairy farmer and a handler who processes milk from his own farm production and who distributes all or a portion of such milk as Class I milk on routes in the marketing area and, except under specified circumstances, receives no milk from any source other than his own farm production.

Typically, a producer-handler conducts a small family-type operation, processing, bottling, and distributing only own farm production. Full regulation of such individuals would provide considerable administrative difficulties.

The New England area, and more specifically the Rhode Island, Southeastern Massachusetts area herein under consideration, is unusual in that there is a large number of individuals who operate in varying capacities closely related to the ordinary conception of a producer-handler. There are some individuals who contract to have their own farm milk processed and bottled in the plant of another operator and returned for distribtuion. Others operate processing plants, at which their own farm production as well as receipts from other dairy farmers and/or plants are processed and distributed. If full exemption from regulation were provided for all of the various categories of individuals who distribute own farm production, the effectiveness of regulation in the Southeastern area would be impaired.

Producer-handler type operations in this market differ from other New England order markets in numbers of individuals so engaged and in proportionate volume of the total sales. Development of direct distribtuion operations is relatively easy for many dairy farmers located in close proximity to the population centers in this market.

The record shows that about 25 percent of the licensed Rhode Island dealers distribute fluid milk through producer-handler type operations and over one-third of the dealers in the three Massachusetts counties of the marketing area have similar operations. The local New Bedford market has as much as 15 percent of its total milk supply distributed by producer-handler type operators with an additional 4 percent attributable to own farm production of dealers. The volumes of milk distributed by such individuals in the marketing area are sufficient in their total effect to hamper effective regulation of milk marketing in the market unless adequate provision is made in the order to regulate such milk. Many local dairymen, not presently engaged in distributing their own milk, are giving consideration to this type of operation as a means of enhancing their overall returns and evading equalization pooling.

Normally, exemption from regulated status is made in a Federal order for producer-handlers on the grounds that such businesses are small, family-type operations which have little effect upon the pool as long as they do not rely on the pool to carry their supplemental supplies and necessary surplus. This principle is preserved in the definition as herein proposed. Except in the case of small operators who produce not more than 1075 pounds (500 quarts) per day on a daily average during the month, producer-handler status may be preserved only so long as the individual involved receives no milk except own farm production. Under existing marketing conditions it is unlikely that a small operator could provide facilities to handle the wide range of packages in which milk is normally distributed. Permitting the small operator to maintain his status as a producer-handler and still receive packaged milk from pool handlers will accommodate this situation and at the same time facilitate the administration of the order.

In order to maintain producer-handler status it is provided that the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk shall be the personal enterprise of and the personal risk of the person involved. This is intended to distinguish the family type operation, normally involved, and to bring under full regulation operations which attempt to masquerade as producer-handlers in their normal conception through hidden leases, rental arrangements and other corporate devices designed solely to circumvent regulation by the order.

Large operations which receive no milk directly from dairy farms other than own farm production but which rely on other plants for supplemental supplies either in bulk or packaged form, are not significantly different from the operation of regular handlers. In addition, such individuals do not assume the risks nor cost of providing a full supply. If they are accorded producer-handler status the pool does not receive the benefit of their Class I sales but acts as a supply balance and carries their necessary surplus. Such operators who do not qualify under the producer-handler definition would, provided they sold a sufficient proportion of their milk in the marketing area, attain regular pool handler status and would participate in the equilization fund.

Producer-handlers are required to make reports as the market administrator deems necessary in order that he may determine and verify the continuing status of such individual and to facilitate accounting and verification of transactions involving other handlers.

The term "producer milk" is intended to include all skim milk and butterfat contained in milk produced by producers and received at pool plants directly from such producers. As previously stated limited diversions are permitted and such diverted milk is considered as a receipt at the plant from which it is diverted.

The term "other source milk" should be defined as all skim milk and butterfat utilized by a handler in his operations except fluid milk products received from pool plants, inventory of fluid milk products and current receipts of producer milk. The term should include all skim milk and butterfat in products other than fluid milk products from any source, including those produced at the handler's plant during the same or an earlier month, which are reprocessed or converted to other products during the month. Other source milk is intended to represent all skim milk and butterfat from sources not subject to the classification and pricing provisions of the attached order. If other source milk is disposed of in Class I products, partial pricing and regulation is provided under compensatory payment provisions. Defining other source milk in this manner will insure uniformity of treatment to all handlers under the allocation and pricing provisions of the order.

Two criteria of "exempt milk" are set up with grants exemption from classification and pricing provisions of the order to certain quantities of milk which moves into the market during the month. The first concerns movement of milk from an unregulated plant to a regulated plant for processing and packaging and return to the unregulated plant during an interval in which the facilities of the unregulated plant are temporarily not available for use because of extraordinarily disastrous circumstances beyond the dealer's control. This procedure will in no way affect returns to regular producers and will accommodate the handling of milk in surrounding markets during disaster conditions. In the second case, exempt milk moves from a regulated plant to an unregulated plant for processing and packaging and is returned to the regulated plant after being packaged. This procedure will permit regulated handlers to have producer milk bottled at unregulated plants while at the same time preserving for regular producer milk the full Class I use value of the milk moved to the unregulated plant.

Similar provisions are contained in the other New England Federal orders. They permit flexibility in handler operations and accommodate the handling of milk during emergency period without adverse effect on the pool.

Exempt milk status should not be given to milk which is produced by a dairy farmer-distributor who has no processing or packaging facilities but relies on other handlers to custom bottle his milk which he then peddles on routes in the marketing area.

A dairy farmer-distributor should not be permitted to maintain a preferential Class I market outside the scope of regulation. The production resources which he maintains are the same as those of any other producer and be has no ad-

ditional investment in processing facilities which entitles him to a preferential return over other producers. Exempt status should not be permitted for milk subject to handling in the foregoing described manner but it should be priced and pooled with other producer milk at the pool plant where first received.

The terms "milk", "cream", "half and half", "concentrated milk" and "fluid milk product" are defined to facilitate the classification scheme hereinafter set forth.

(b) *Classification of milk.* A classified use plan should be established to insure that all milk and milk products are fully accounted for by the handler who is responsible for accounting and reporting to the market administrator and for making payments to producers on receipt of producer milk. Accounting for milk and milk products on a skim milk and butterfat accounting basis and pricing in accordance with the form in which, or the purpose for which such skim milk and butterfat is used or disposed of as either Class I milk or Class II milk is the most appropriate means of securing complete accounting on all milk involved in market transactions.

Milk is disposed of in the market in a wide variety of forms, representing different proportions of butterfat and skim components of milk which may be greatly changed from the proportions of such butterfat and skim in milk as it is first received. Measured in terms of volume the products disposed of in the market may represent one quantity of milk and measured in terms of butterfat content only they may represent a different quantity.

There are obvious difficulties in reconciling the quantities of product to be priced, particularly when consideration is given to the increasing intermarket transfers of milk involved in the area, where accounting in one area is in terms of product weight and in another area is in terms of milk equivalent of butterfat. Uniformity of prices between markets depends upon a complete measure of the milk quantities involved and this must be accomplished in terms of both butterfat and the skim equivalent of solids.

Essentially, market administrators use a skim milk and butterfat accounting approach in their verification procedure regardless of whether or not such a system is spelled out in the order. The skim milk and butterfat accounting system provided for in the order recognizes the procedure generally used in Federal order markets for verification of the receipts and utilization of milk and milk products and will provide for uniformity in application of the accounting system to all handlers involved. The skim milk and butterfat accounting system should be adopted in the Southeastern New England market.

Only producer milk is intended to be priced under Federal orders; however, milk may be received at pool plants not only from producers but also from other handlers and other sources. Milk from all sources is commingled in the handler's plant(s). It is necessary to classify all receipts of milk and milk products in a plant to properly establish the classification of producer milk and to apply the provisions of a classified pricing plan to such milk.

The fluid milk products which are classified in Class I are required by the appropriate health authorities in the marketing area to be made from milk or milk products procured from approved sources. The extra cost incurred by producers in producing quality milk and in getting it delivered to the market in the condition and in the quantities needed by the market necessitates a price for milk used in Class I products somewhat above the price of milk used in manufactured products. This higher price must be at a level which will provide sufficient incentive to producers through the blended price returns to encourage the production of those quantities of milk needed for the Class I products plus the necessary reserve needed for fluctuations in the market demand.

Milk which is excess to Class I use at any time must be disposed of for use in manufactured products. These products are less perishable than fluid milk products and they compete with similar products made from unapproved milk on the national market. Milk so used must be classified as Class II milk and priced according to its value in such outlets.

Class I milk under the proposed classification scheme, shall be all skim milk (including that used to produce concentrated milk and reconstituted skim or fortified skim milk) and butterfat disposed of in fluid or frozen form as milk, flavored milk, skim milk, flavored or cultured skim milk, buttermilk, concentrated milk and 50 percent by weight of the product known as "half and half" which has a butterfat content of at least 10 percent but less than 16 percent. Skim milk and butterfat not specifically accounted for in Class II shall be classified in Class I.

All skim milk and butterfat used to produce products other than fluid milk products as set forth above shall be Class II. This classification would include all of those products which are generally considered as manufactured milk products not required by the health authorities to be made from milk from approved local sources.

Fluid cream would be classified in Class II although it is generally considered in its physical form to be a fluid milk product. The area herein under consideration is an open cream market. Substantial quantities of fluid cream from outside sources are available in the Southeastern New England market and compete with cream derived from local producer milk. The inclusion of fluid cream as a Class I product would price cream derived from local milk supplies at a level above that applicable to fluid cream imported from other sources.

"Half and half" is a mixture of milk and cream or skim milk and cream with a butterfat content adjusted to between 10 percent and 16 percent. Classification of this entire product as Class I might seriously deter the use of local producer butterfat in such product since hotels and restaurants could combine bulk skim milk priced in Class I with cream priced in Class II and sell a combined product at a price reflecting the lower cost resulting from such mixture. Accordingly, it is concluded that 50 percent by weight of the quantity of skim milk and butterfat in "half and half" should be classified in Class I and the remaining 50 percent should be classified as Class II.

Handlers have inventories of milk and milk products at the end of and beginning of each month which must enter into the accounting of receipts. The accounting procedure will be facilitated by providing that end-of-month inventories of all fluid milk products on hand be classified as Class II milk, regardless of whether such fluid milk products are held in bulk or packaged form. Inventories of such products will be subtracted from any available Class II disposition in the following month under the proposed allocation procedure. The higher tax values of any Class I product in inventory assigned to current producer receipts during the month and which is allocated to Class I milk in the following month should be reflected in returns to producers. Inventories of Class I products on hand at a pool plant at the beginning of the month in which a plant first becomes pooled should be allocated to Class II utilization at the plant during the month. Priority of assignment of current producer milk to current Class I use will be preserved by this procedure.

Small and unavoidable losses of both skim milk and butterfat are experienced under usual circumstances during plant operations. Since handlers are required to make a full accounting for all plant receipts on a classified use basis, it is necessary to provide for the classification of these losses commonly known to the trade as "shrinkage". A plant which is operated in a reasonably efficient manner and for which complete and accurate records of receipts and utilization are maintained should have total shrinkage of not more than two percent of total receipts. Accordingly, it is concluded that shrinkage of skim milk and butterfat, respectively, not in excess of two percent of total receipts shall be classified as Class II and any amount in excess of two percent shall be classified as Class I.

The skim milk and butterfat content of milk products received and disposed of by a handler can be determined through recognized testing procedures. Some of the products such as ice cream mixes and condensed milk present a more difficult problem in accounting in that some of the water present in the milk as received from producers is removed in processing. The respective volumes of skim milk and butterfat in such products can be ascertained through use of adequate plant records made available to the market administrator or by the use of standard conversion factors for skim milk and butterfat used to make such products. The basis of accounting for such products as condensed milk and nonfat dry milk should be the pounds of skim milk and butterfat required to produce the product.

Butterfat and skim milk in the form of Class I products may at times, because of deterioration of product or as a result of the handler's inability to dispose of route returns, be disposed of for

livestock feed. Such disposition shall be classified as Class II if verifiable evidence of such disposition is available to the market administrator. Skim milk which a handler may find necessary to dump at times should also be classified in Class II. Such disposition, however, can be verified only by actual witnessing of the action. It is provided therefore, that such classification in Class II shall be allowed only when the handler has given prior notice to the market administrator of his intention to dump so that the market administrator, if he so desires, may have the dumping witnessed.

Except for that shrinkage previously described herein which is assigned limited classification in Class II, all skim milk and butterfat which is received and for which a handler is unable to establish utilization shall be classified as Class I. This procedure will assure producers of full value in accordance with actual use made of their milk and is designed to remove any advantage a handler might gain from failure to maintain complete and accurate records of utilization.

Each handler must be held responsible for a complete accounting on all of his receipts of skim milk and butterfat in any form. The handler who first receives milk from producers should be held responsible for establishing the classification thereof, and for making payments to producers. This principle is fundamental to effective administration of the order and is consistent with the practice followed in federally-regulated markets.

Skim milk and butterfat in the form of any fluid milk products transferred from a pool plant to another plant, under usual circumstances, should be classified on the basis of their utilization in the transferee-plant.

In the case of transfers between pool plants the allocation provisions as hereinafter set forth provide for priority of assignment of pool milk in Class I. Classification in accordance with use in the transferee-plant will provide adequate assurance to producers of the proper classification of their milk.

All butterfat and skim milk in fluid milk products transferred to the plant of a producer-handler should be classified as Class I and should not be subject to reclassification. A producer-handler, to maintain status as previously described herein, is limited in his purchases of fluid milk products to packaged fluid milk products for disposition as Class I. Since such purchases from pool plants are distributed as Class I products they should have automatic Class I classification.

Transfers of skim milk and butterfat in the form of fluid milk products in either packaged or bulk form from a pool plant under this order to a fully regulated plant under another Federal order should be classified in the class in which assigned under the other Federal order. The surrounding Federal order markets to which such transfers would likely be made are specific relative to the classification of receipts from nonpool plants under such orders. Accordingly, it is necessary that classification be determined under the provisions of such other orders. The other New England orders presently give recognition to packaged fluid milk products moving between such markets and credit Class I utilization to the originating market. If it were feasible to do so similar recognition should be given to milk transferred from Southeastern New England order plants. However, such recognition would require amendments to the other orders which cannot be accomplished on the basis of this record. The transfer provisions as herein proposed will accommodate any amendment to the other orders in this regard.

Skim milk and butterfat in the form of fluid milk products transferred from a pool plant to a nonpool plant, except a producer-handler plant or a plant fully regulated under another Federal order, shall be classified in Class I unless Class II utilization is established. In any event, the skim milk and butterfat assigned to Class I shall not be less than the disposition of skim milk and butterfat from the transferee-plant in the form of fluid milk products (Class I) on routes in the marketing area. Further, the amount of skim milk and butterfat so transferred and assigned to Class II shall not be greater than the amount of skim milk and butterfat, respectively, received in the form of fluid milk products from plants fully regulated under the several Federal orders which is in excess of the Class I utilization at the transferee-plant. Facilities are available under this order or in the surrounding Federal order markets to process any milk not needed in Class I and virtually all the available manufacturing facilities are attached to this pool or to one of the other Federal order markets. Hence any milk disposed of to a nonpool plant other than a pool plant under another Federal order, or to the plant of a producer-handler, would normally be for Class I use. The other New England Federal order markets provide that such transfers shall be Class I. The provision as herein proposed will provide assurance of classification in Class I to the extent Class I utilization is available in the transferee-plant.

The volumes of skim milk and butterfat which move in the form of fluid milk products from a pool plant to a nonpool plant and thence to another plant should be classified in accordance with the use of such products at the final transferee-plant and by following the applicable procedure outlined previously herein for movements from a pool plant to the other various plants.

If transfer is made to a nonpool plant located outside New England or New York, classification of the skim milk and butterfat involved should be in Class I. Ample facilities exist within New England and New York State for manufacturing all milk not needed for Class I uses. Normally, all skim milk and butterfat shipped in the form of fluid milk products to outside areas would be for use as Class I. It would be uneconomical to make shipments of fluid milk products to distant locations for manufacturing uses, particularly since adequate facilities are available for processing surplus milk nearer the market. It is appropriate therefore, for administrative convenience and conservation of market administrator funds, and in view of adequate nearby manufacturing facilities, to provide for automatic classification in Class I of skim milk and butterfat in fluid milk products moved to plants outside New England and New York State.

The class prices established by the order apply only to producer milk. Since a plant may receive skim milk or butterfat from sources other than producer milk, a procedure must be established whereby it may be determined what quantities of milk in each class should be assigned to producer milk. The milk from producers who are regular suppliers of milk for the Southeastern New England market should be given priority in the assignment of Class I utilization at pool plants. Milk which is received from other sources should be assigned to the lowest available use classification. Unless this procedure is followed there can be no assurance that other source milk would not be used to displace producer milk in Class I when it is advantageous to the purchasing handler. If the order permitted handlers to obtain other source milk for Class I uses whenever it was advantageous to do so while producer milk in the plant was utilized in Class II the order would not be effective in carrying out the purpose of the act and the market would be deprived of a dependable supply of milk.

In making the assignments of skim milk and butterfat pursuant to the allocation provisions of the order, any milk received from sources not regulated by an order issued pursuant to the Act should be assigned first to Class II milk. The plant(s) supplying such milk may not have purchased it from dairy farmers on a classified use basis and it is not feasible to determine this or other conditions of sale. Following the assignment of such unregulated other source receipts, bulk other source milk in the form of fluid milk products from plants regulated by other orders issued under the Act should be assigned to the lowest available use classification.

During the months of July through September following the assignment of other source milk from non-Federal order sources, the lesser of 15 percent of producer receipts, or the remaining pounds of available use in Class II, should be deducted from Class II. These are the months of greatest demand for fluid milk in the market and hence the months in which supplemental supplies would most likely be needed. It is possible that a handler may have an overall supply of producer milk during any of such months and yet because of variation in day-to-day receipts or demand find it necessary to purchase supplemental supplies. While it is not intended that milk from other Federal order markets should replace local producer milk in Class I, handlers should not be penalized by having such necessary supplemental purchases classified as Class II. This procedure may result in some producer milk being classified in Class II while other Federal order milk is assigned to Class I. However, if producer milk is not available at the time when needed, local producers should not expect to receive a Class I credit for milk produced at other times

when only a Class II use is available. Under this procedure a handler has assurance that if his producer receipts are inadequate to meet his Class I needs and he purchases milk regulated under another Federal order such milk will be assigned to Class I.

Since it is not intended that there be any compensatory payment on other source milk which is fully regulated under another order and which is disposed of for Class I use in this market (except skim milk so disposed of from Order No. 27 plants) this sequence of assignment of other source milk will tend to minimize the application of the compensatory payment provisions.

The exempt milk provisions of the order as herinbefore set forth accommodate the processing and packaging of milk both for this market and for outside markets under specified circumstances. Such milk is always a Class I disposition but does not enter into the final accounting of pool handlers. It is necessary therefore, that exempt milk be deducted from Class I prior to the assignment of producer milk to remove any influence it might have in subsequent computations of the pricing and payment provisions.

The several New England orders now in effect provide that movements of packaged fluid milk products from one order plant to a different order plant shall be credited as a Class I disposition from the originating plant. It is intended that this order shall recognize this principle of free movement of packaged milk between markets. The pricing among the several orders is such that no pricing advantage can be gained by movements of packaged milk among markets. However, efficiencies in scale of operation derived from concentration of specialized packaging operations in a single plant may prove advantageous to multiple plant operators. This practice is being followed to a considerable extent in the case of several handlers under the other New England orders. This unrestricted competition for sales among all handlers whose milk is priced and regulated on a uniform basis will provide greater flexibility in daily operations of handlers and a better balance of milk supplies between markets will be gained by permitting the free movement of such packaged fluid milk products.

Inventory of fluid milk products on hand at the beginning of the month is subtracted from the lowest available use classification after the allocation of other source milk but prior to the allocation of producer milk.

Following the assignment of packaged fluid milk products from plants regulated under other Federal orders an amount equal to the producer receipts deducted from Class II prior to the allocation of bulk receipts from other Federal order markets is added to Class II during the months of July through September.

The only remaining receipts not yet allocated are producer receipts and receipts from other pool plants. These are deducted in a sequence which assigns receipts not subject to a location differential first to Class I and the remaining receipts are then deducted from the highest remaining class utilization in sequence according to the nearness of the plants to Providence in accordance with their zone location. This sequence of assignment will assure the assignment of producer receipts of each handler to the highest available use classification and will minimize the transportation allowance which producers are required to bear by assigning the milk nearest the market to Class I and the most distant milk to Class II. One exception to this principle is the assignment of out-of-area Class I sales directly from a plant subject to a zone location differential to producer receipts at such plant. The assignment of such sales to receipts at such plant maintains the relationship of milk price between plants as established by the order since the difference in price between plants with no location differential and those subject to a location differential reflects the cost of moving the milk to the marketing area.

If after making the assignments of skim milk and butterfat pursuant to the allocation provisions of the order, the total of all Class I and Class II milk assigned to producer milk exceeds the amount of producer milk reported to have been received by the handler for whose pool plants the computation is being made, such "overage" should be assigned to the available utilization in each class. When utilization records indicate a disposition greater than receipts it must be presumed that the handler underreported his receipts of producer milk. This "overage" is thus charged to him at the applicable class price in the lowest available class usage.

(c) *Determination and level of class prices.* The fundamental consideration in pricing milk in this market is to establish minimum Class I and Class II prices to producers which will result in adequate but not excessive milk supplies to meet the fluid milk requirements of the market plus a necessary reserve. Moreover, it is essential, to restore and maintain orderly marketing of milk in the area, that these minimum prices be in appropriate relationship with prices in other markets in the region.

It is not possible to predict the precise level of the uniform price which will result in this market from any prescribed level of class prices. However, it is desirable to strive for a close alignment of class prices between markets and depend upon differences in utilization and blend prices in the markets to distribute the milk supply among handlers and markets according to need at particular times. Normally, this balancing effect is accomplished by the operations of handlers who are established in the several markets who will either shift plants or producers between markets, or secure a balancing of blends and utilization by varying the shipments of packaged fluid milk products between markets.

Class I price. The New England basic Class I pricing formula should be incorporated in this order as the basis for determination of the Class I price. The Class I price is related by the formula to general economic conditions exerting influences upon milk prices in the area. The formula provides for adjustments in fluid milk prices to reflect changes in general economic conditions and in supply-demand relationships for milk in the New England markets on a prompt and timely basis as the need appears. Recognition of seasonal fluctuations in production is included in the formula and it has been and continues to be an important basic factor for pricing milk in other Federal order markets in New England.

Prices in this market cannot be significantly different from prices in the other major New England markets or uneconomical shifts of producers between markets will occur with detrimental effect upon the stability and adequacy of supplies. The use of the same basic pricing formula for Class I milk which is incorporated in the other Federal orders in New England will contribute toward a sound price relationship and an integrated system of pricing fluid milk between markets. The basic Class I pricing formula incorporated herein was first made a part of the Boston order on April 1, 1948 and with subsequent modifications has been successful in maintaining appropriate levels of price in Boston and other Federal order markets in New England up to the present time.

The Class I price should be established at a level 7 cents above the Boston city plant Class I price. Boston handlers dispose of substantial quantities of milk in the proposed marketing area both by direct route distribution and through bulk shipments to plants in the area. It is appropriate therefore that the level of price in the marketing area reflect transportation costs from Boston to Providence, a distance of 43 miles (5 zones). The 1.2-cent differential which is used in zoning plant locations within the 21st zone represents an averaging of rail and truck transportation rates. However, since milk movements from Boston city plants to plants in the Southeastern marketing area are exclusively by truck it is appropriate to use truck transportation rates, which approximate 1.4 cents per 10-mile zone, in establishing a price relationship between Boston and Providence. Five zones at 1.4 cents per zone would result in a 7-cent higher Class I price level.

Since the Southeastern New England market is a deficit market a Class I price level 7 cents over the Boston city plant price will tend to implement the purposes of regulation of encouraging the association of additional milk supplies with this market, and at the same time, will assure general alignment of prices as between markets.

The New England basic Class I pricing formula contains a supply-demand adjustment factor based upon combined receipts and utilization under the Greater Boston, Merrimack Valley, Springfield and Worcester orders. Since all of these markets and the Southeastern New England market draw generally from a common supply area, it is desirable that the supply-demand adjustment factor reflect the total experience in all of these markets. However, since this cannot be accomplished on the basis of this record, it is proposed that the present factor be adopted for this market at this time. The language included in the proposed order will permit revision of the supply-demand adjustment factor without further amendment of this order.

The New England basic Class I pricing formula presently contains a contra-seasonal provision which prevents any downward price movement during the months of November and December. Experience in operation of the formula in the other New England markets has indicated that this mechanism has at times provided a substantially higher price during these months than the formula would otherwise have provided and as a result the market has experienced very abrupt price declines on January 1. In the interest of maintaining pricing alignment as between markets, no change is being recommended at this time in the formula as it would apply to this market. However, it appears appropriate that a review of this provision be made when the supply-demand adjuster is reviewed.

The price resulting from the application of the various formula components to the base period price is adjusted through a bracketing system to provide for price changes at 22 cents per hundredweight intervals which normally reflect resale price changes of one-half cent per quart. This procedure is followed under the other New England orders and by local unregulated and State regulated markets in the area and provides an appropriate basis for price movements in this proposed marketing area.

Class II price. The Class II price under the Southeastern New England order should be established on the same basis as that presently used in the pricing of Class II milk in the adjacent New England Federal order markets and at the level presently provided under the Springfield, Worcester and Merrimack Valley orders.

Some reserve milk in excess of that needed to meet Class I requirements is necessary to maintain an adequate supply of fluid milk for the market on an annual basis. The price for such milk, excess to Class I needs, should be maintained at the highest level consistent with facilitating its movement to manufacturing outlets when it is not needed in the market for Class I purposes. The Class II price should not be established at a level low enough to encourage procurement of milk supplies by handlers for the sole purpose of converting such milk into Class II products.

Most handlers who would be regulated under the proposed order have very limited facilities for handling any milk above that needed for day to day operation of their fluid business. Some facilities for manufacturing soft cheeses and ice cream or ice cream mixes exist in the market.

The formula as herein proposed would base the butterfat value of Class II milk on the Boston market quotations per 40-quart can of 40 percent bottling quality cream as reported for the month by the United States Department of Agriculture. The value of the skim component of the Class II formula is derived from the price of roller process and spray process nonfat dry milk, f. o. b. the Chicago area as reported by the United States Department of Agriculture for the month.

The fat and nonfat prices resulting from the formula computations are combined and an amount which varies the price seasonally is subtracted from such price to arrive at the Class II price applicable at those plants not subject to a location differential. The resulting price is adjusted by location differentials reflecting transportation cost to the city from plants located in excess of 100 miles from Providence.

In recent years New England has experienced a trend toward adequate supplies of cream from local producer milk sources and imports of cream into the market have at times been so small or so sporadic that no cream price average could be established for use as a guide to cream value. During the period from January 1956 to the present time a Boston cream price has been reported for only three months. It is necessary because of the decline in open market cream transactions to establish an alternative formula to reflect the value of butterfat in Class II milk. It is provided that in the absence of a cream price an alternative Class II value which is related to the average price of milk for manufacturing purposes, f. o. b. plants in the United States as reported by the United States Department of Agriculture shall be used. If the value is higher in any month than the cream formula price such higher value shall be used. The Class II price formula herein proposed is similar to the price formula used in adjacent Federal order markets in New England and hence it will provide for compatibility between markets in the pricing of Class II milk.

The pricing provisions herein proposed utilize a number of reported prices and indices from specified sources. From time to time it is possible that an individual price or index may not be reported or published. Under such circumstances it is necessary to provide that the market administrator shall use a price or index determined by the Secretary to be equivalent to or comparable with the unreported or unpublished factor or price.

Location differentials. Location differentials should be established for milk received at plants located substantial distances from the market. Such differentials recognize the principle that milk similarly used and located should be similarly priced. Milk originating nearest the market should command a higher price than milk located at greater distances by at least an amount which reflects the difference in the cost of transporting it to the marketing area.

The ascertainment of the zone location of plants should be made on the same basis as presently provided in the other New England Federal order markets, i. e. the shortest mileage distance over paved, first-class, all-weather roads as determined by the market administrator by use of the State maps contained in Mileage Guide No. 6, issued by the Household Goods Carriers' Bureau. Some latitude, however, must be provided to facilitate the zoning of plants which are not located on such roads. The precise procedure for the determination of mileage distance is set forth in the proposed order language.

Ideally the zone differentials should reflect actual differences in transportation cost between zones. While precise information on transportation costs was not presented at this hearing, the present differentials contained in the other New England order and herein proposed for inclusion in this order were established on the basis of evidence presented at a hearing conducted at Boston, Massachusetts on February 28–29, 1956, after extensive study by a market committee organized for that purpose. The adoption of the same schedule of differential is concluded to be appropriate at this time and will provide generally similar class prices as between orders at competing points.

The city of Providence, Rhode Island, the largest population center in the area, by location, appears to be the most appropriate point from which to determine mileage distance for zoning purposes. Plants therefore should be zoned on the basis of their distance from the intersection of U. S. Highway Route 1 and 6 in downtown Providence.

Payments on other source milk. The minimum class prices established under the order apply only to producer milk received at plants subject to pooling under the order. However, milk may also be received as nonpool milk directly from dairy farmers and from nonpool plants. Moreover, nonpool plants may have direct Class I disposition in the marketing area.

The role of the minimum classified pricing system as an integral part of a Federal milk order is to insure that price competition from reserve or excess milk will not break the market price for Class I milk, thereby destroying the incentive necessary to encourage adequate production of quality milk for fluid use. Because the classified pricing structure of the order is applicable only to pool plants, it is necessary in order to provide continued stable and orderly marketing, to remove any advantage unregulated plants may attain with respect to sales in the regulated market.

Virtually all of the plants in New England, except those with a preferential Class I market in an unregulated area, are presently attached to the Boston, New York or secondary New England Federal order markets and with the promulgation of this order will continue to be so attached. Others will come under regulation of this order. Accordingly, any unregulated other source milk entering this market can be presumed to be milk which is surplus to its normal unregulated Class I market and which would otherwise have to be disposed of for manufacturing uses.

Operators of unregulated plants have a real financial incentive to sell their excess milk below the Class I price established by the order since any value in excess of the value of such milk for manufacturing purposes would represent a financial gain. The order, therefore, must contain a provision to neutralize any price advantage such unregulated plant operators might have on Class I sales made in the marketing area.

As previously stated, it is not intended that compensatory payments shall be applicable to other source milk which is fully regulated under another Federal order and which is disposed of as Class I milk in this market except in the case of skim milk disposed of from Order No. 27 pool plants.

The classified pricing structure under the order cannot be successful in the long run in assuring returns to producers at the rates contemplated by the Act if it is possible for some handlers to purchase other source milk for Class I use at less than the Class I price. One handler with a price advantage in procurement precipitates a breakdown of a classified pricing system by compelling other handlers to resort to sources of milk supply other than regular producer milk. Unstable marketing conditions are thus created. This is precisely the situation which led to the request for regulation in this proposed marketing area.

Since payment of minimum class prices does not apply to handlers not participating in the marketwide equalization, the integrity of the classified pricing system of the order must be maintained by levying a charge against other source milk to remove any cost advantage accruing to handlers using unregulated milk in Class I instead of regular producer milk.

The rate of compensatory payments applicable to other source milk disposed of in the marketing area from unregulated plants should be the same as those applicable to other source milk distributed from pool plants. Handlers who operate pool plants have the same opportunity as handlers who operate unregulated plants to buy other source milk at the opportunity cost level. The operator of an unregulated plant, however, probably has surplus milk in his own plant resulting from his individual operations which he is willing to dispose of on any basis which yields a higher return than the value in manufacturing use. Without a compensatory payment provision this could be accomplished by sales to regulated handlers or by direct route sales including sales to Government installations and institutions. The number of institutions, establishments and installations in the marketing area purchasing Class I on contractual arrangements makes it particularly easy for a handler to dispose of other source milk for fluid uses by bidding for such contracts. Since surplus or manufacturing outlets are the only alternative for this excess milk, considerable incentive exists to underbid the fully regulated handler by using unregulated and unpriced milk for such sales.

It is concluded that the rate of compensatory payment on other source milk utilized in Class I should be the difference between the Class I price and the value of milk for manufacturing uses at the zone location of the originating plant.

Class I milk under the order is priced at the plant where the milk is received from producers, hence, the compensatory payment on other source milk, should be computed at the same stage of the marketing process to be directly comparable. No allowances are made in the order for costs or profits of handlers in moving producer milk to subsequent stages of marketing, neither should they be made for other source milk.

The Class II price established by the order is considered a fair and economic measure of the value of milk in manufacturing uses in New England and hence represents an appropriate value for other source milk except under the special circumstance discussed below.

Because of the limited manufacturing facilities available in the State of Maine and its isolated position relative to terminal markets, manufacturing milk values are generally below values which would result from the application of the Class II location differential schedule to the marketing area Class II price. Since milk excess to local fluid needs has a very limited market in the State of Maine, such milk is generally available to Southeastern New England handlers at its local manufacturing milk value plus transportation to the marketing area. Under normal circumstances, the surplus price established by the Maine Milk Control Commission reflects the value of milk for manufacturing purposes in this area and it is therefore appropriate that such price be used as a basis for computing the amount of compensatory payment of any milk originating within the State. However, should such price be higher than the Class II price established under this order, it could not be presumed to represent the value of milk for manufacturing use. Under such circumstance it is appropriate that the amount of any compensatory payment be computed at the difference between the order Class I and Class II price at the zone location of the originating plant.

A unique situation exists in the opportunity available to handlers to move skim milk from the New York-New Jersey market (Order No. 27) into this market at considerable cost advantage over skim milk priced under this order. A butterfat-skim accounting system will be used in this market. The system under Order No. 27 is one of butterfat accounting and it is possible that skim milk received in producer milk under that order may not carry a Class I price. This situation provides an opportunity for handlers in this market to purchase skim milk from Order No. 27 plants at its value for manufacturing purposes for disposition in Class I uses in this market. A compensatory payment is necessary therefore in the case of skim milk, as such, entering this market for Class I use from Order No. 27 pool plants to remove any cost advantage in the use of such skim milk. Such payment should be the difference between the Class I price and the Class II price under this order for the zone location of the originating plant.

All funds collected from compensatory payments should be added to the producer-settlement fund. The handler regulated by the order should be obligated to make compensatory payments to the producer-settlement fund. There will be no difference in actual price paid for milk whether the payment is made by the regulated handler or by the operator of the unregulated plant from which the other source milk was obtained. Because the regulated handler makes the actual distribution of the milk in the marketing area and because he reports the utilization to the market administrator, he is, from an administrative view, the logical person to make the payment.

(d) *Distribution of proceeds to producers.* The order should provide for the distribution of returns to producers through a marketwide equalization pool. This type of pooling results in a uniform price to all producers which varies only to reflect differences in butterfat content of producer milk and the location of plants at which the milk is received from individual producers.

Dairy farmers in the New England states produce milk for fluid consumption. As previously indicated, virtually all of the plants in the milkshed are either presently regulated under one of the existing orders in the area or have a preferential Class I outlet in an unregulated market. Under the production conditions existing in the area it is not practical to produce milk for manufacturing uses. However, because of day to day fluctuation in receipts and sales and the normal seasonality in the production pattern, it is inevitable that some milk must be disposed of for other than fluid uses. Under normal circumstances a reserve supply approximating 20 percent of the volume of Class I sales is considered necessary during the months of lowest production in order to provide an adequate supply throughout the month. Under such circumstances the volume of milk excess to Class I needs during the peak months of production is substantially greater.

Unless provision is made for the equitable sharing of the necessary market reserve among all producers through marketwide pooling the burden of handling the reserve will fall upon the surrounding Federal order markets. Under an individual handler pooling arrangement there would be strong incentive for handlers in this market to maintain high producer returns and rely on other markets for supplemental supplies. Such arrangement would result in serious disparity between blended prices in the upcountry supply area and would encourage exorbitant transportation charges and lead to unstable marketing conditions in the supply area.

Very limited surplus handling facilities are available in the marketing area and the burden of carrying the market surplus has for the most part been left to the several associations of producers whose members are suppliers of the market. A marketwide pooling arrangement will facilitate the activities of these cooperatives in carrying the necessary surplus and promote orderly marketing throughout the New England area. It will provide for equitable sharing by all producers of the lower returns realized from milk excess to Class I needs and will permit the processing of this reserve supply at those plants where it can be handled most efficiently.

The marketwide pool method of paying producers will require a producer-settlement fund for making adjustment in payments required of handlers so that the total sums paid by each handler will equal the value of milk received by him at the prices established by the order.

Under this pooling arrangement handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations will pay the difference to the producer-settlement fund. Handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of its utilization will receive the difference from the producer-settlement fund. The market administrator in making payment to any handler from the fund should offset such payments by any amount of payments due to the market administrator from such handler. This is a recognized sound business practice and insures against the possibility of the market administrator being required to make payments to a handler who is already indebted to the market administrator and financially unable to discharge his obligations thereto, or to a handler who seeks to obtain or has obtained money from the fund through the filing of incorrect reports.

If at any time the balance remaining in the producer-settlement fund is insufficient to discharge all obligations due handlers from the fund, payments to handlers should be reduced uniformly per hundredweight of milk. Each handler may then reduce payment to producers by an equivalent amount per hundredweight. The remaining amounts due to handlers from the fund should be paid as soon as the balance is sufficient at which time the handlers shall complete payments to producers. To reduce the likelihood of insufficient balance in the producer-settlement fund, milk received by any handler who has not made the required payments to the fund for the preceding month should not be included in the current month uniform price computation.

The order should provide that a cooperative association of producers which is determined by the market administrator to be authorized to collect payments otherwise due its members, and which has requested such payments in writing from the responsible handler, shall be paid by the handler in the amount due to its producer-members. The proposed order recognizes a cooperative association of producers by definition "to be engaged in making collective sales or marketing of milk or its products for the producers thereof". As the authorized agent of its producer-members an association has the authority as recognized by the act to collect payments due its members from the sale of milk produced by its members and this procedure is presently being followed by cooperative associations in the market.

As hereinbefore stated, the area proposed is generally an open cream market and butterfat from local producer milk must compete with cream imported from outside areas. It is considered essential, therefore, that the price established for butterfat in producer milk be closely correlated with open market butterfat values.

It is concluded that handlers should be charged the same value for differential butterfat above or below the basic test at which milk is priced whether used in Class I or Class II. Under these circumstances, it is unnecessary to clear the differential butterfat through the equalization pool and no handler butterfat differential has been provided. In order that returns to each producer reflects the value of his milk at the butterfat test at which such milk is received it is provided that each handler in paying producers shall adjust the uniform price by the application of a producer-settlement differential.

The basic butterfat test of milk upon which uniform prices to producers should be computed is 3.7 percent. For that milk which a handler receives from producers which varies in butterfat content from this basic test of 3.7 percent it is provided that an addition or subtraction, as the case may be, of a butterfat differential shall be made for each one-tenth of one percent that such average butterfat content of the individual producer's milk varies from this basic test. The producer butterfat differential is directly related to the butterfat value computed in the Class II price formula which is based upon the market value of butterfat in fluid cream on the Boston market. An alternative value based on the New York butter price is provided for if no cream price is reported for the month. The butterfat differential adjustment assures producers of payment for their milk on the basis of its use value according to the competitive value of butterfat on the open market in fluid cream or manufactured products. Milk in this market has generally been priced at a basic test of 3.7 percent and this is also the basic test in surrounding New England Federal order markets.

In making payments to producers for milk received at plants located in excess of 100 miles from Providence the uniform price should be reduced 42 cents plus 1.2 cents for each additional ten miles distance or fraction thereof which such plant is located from Providence up to the 201–210 mile zone when the differential is reduced to 1.0 cent for each additional zone thereafter. These are the same location differentials applicable to handlers under the Class I pricing provisions. Since the milk is produced for a fluid market and it must be moved to the marketing area to have a Class I outlet it is appropriate that the returns to more distant producers reflect the cost of transportation to the market.

Provision should be made for the payment of farm location differentials to producers in the nearby supply area. The amount of these differentials will be obtained by an appropriate deduction from the total value of all milk before completing the computation of the marketwide uniform price.

Producers located in the States of Connecticut and Rhode Island and in the Massachusetts Counties of Barnstable, Bristol, Dukes, Nantucket, Plymouth, Norfolk and Suffolk and that part of Worcester and Middlesex south of the Massachusetts turnpike should receive a farm location differential over the basic blended price of 46 cents per hundredweight. Producers located in the Massachusetts counties of Essex and that part of Worcester and Middlesex north of the Massachusetts turnpike and in the New Hampshire towns of New Ipswich and Greenville should receive a farm location differential of 23 cents per hundredweight. However, in no event should the amount of such differential result in a price higher than the applicable Class I price at the plant where the milk is received.

Historically, dairy farmers in the States of Massachusetts, Rhode Island and Connecticut, because of their location with reference to the large population concentrations of New England have disposed of a substantially larger percentage of their production for fluid uses than have dairy farmers in the upcountry area. Hence nearby producers have been able to realize a price higher in relation to more distant producers than can be accounted for by the advantage in the cost of transportation to market. Under the marketwide pooling herein proposed and without some adjustment mechanism the nearby producer, notwithstanding, would be paid on the basis of the average utilization of all milk on the milkshed rather than according to the utilization of his milk. Under a regulated market, however, he obtains the benefit of an established Class I price which may be higher than in the absence of regulation, and has assurance that his milk will not be displaced by cheap, unregulated milk from more distant sources. The distant producer also benefits from an established Class I price, and by the fact that he gains a larger share of the fluid market than is likely without marketwide equalization.

The use of a nearby differential which will return to nearby producers a somewhat greater share of the Class I price than they would otherwise obtain through marketwide pooling. Moreover such a differential will tend to provide returns to both nearby and upcountry producers more nearly in line with their prospective returns without marketwide equalization.

The scheme of nearby farm location differentials and the amount thereof is identical with that employed in adjacent Federal order markets. The differential as herein proposed will provide for equitable distribution of pool proceeds among all producers and will promote orderly and stable marketing in the entire New England area. The adoption of nearby farm location differentials was proposed and generally supported by interested parties at the hearing.

Several proponents advocated that nearby differentials be related to the supply-demand balance of the market and varied inversely with this relationship. When the Class I utilization percentage for the market as a whole was 91 percent or more no differential would apply. As the Class I utilization percentage decreased the differential would increase with a maximum differential of

87 cents being applicable when the utilization percentage dropped to 71 percent or less. While various hypothetical pool computations were offered to show the application of this scheme of differential it is not possible on the basis of this record to appraise what the actual market situation will be.

The order should provide that each handler pay each producer not later than the 5th day after the end of the month for milk received from such producer during the first 15 days of the month an amount per hundredweight not less than the Class II price applicable for the month. Final payment should be made on or before the 20th day after the end of the month. These dates correspond closely to the dates on which payment is customarily made to producers in the area. All payments made to a cooperative association for distribution to producer-members should be made two days prior to the date payment to individual producers is required and should be accompanied by written statements sufficient to identify the individual producers entitled to receive such payment by name, address or number and should show the volume of milk delivered, the butterfat content of such milk and other necessary information (including amount of and reason for handler deductions), required for proper distribution of monies to the association producer-members for whom it makes collections.

The responsible handler shall make only proper deductions for goods and services furnished to and for payments made on behalf of the producer upon proper authorization in writing given him by the producer.

Several proponents of the order proposed that a base and excess quota plan be established in the market to encourage a balance in the seasonality of production. Such proposal was not supported by the majority of producer interests, however. The seasonality of pricing established in the proposed order is intended to encourage a pattern of production compatible with the fluid needs of the market and has worked successfully in adjacent Federal order markets. Under the circumstances, the proposal is not adopted.

(e) *Administrative provisions.* The marketing agreement and order should provide for other general administrative provisions which are common to all orders and which are necessary for proper and efficient administration of the order.

In addition to the definitions set forth earlier in this decision definition of certain other terms is necessary for brevity and to assure that each usage of such terms denotes the same meaning. These include the terms "Act", "Secretary", "Person".

Provision should be made for the appointment by the Secretary for a market administrator to administer the terms and provisions of the order, and the order should define his powers and duties, prescribe the information to be reported by handlers each month, set forth the rules to be followed by the market administrator in making computations required by the order, and provide for the liquidation of the order in the event of its suspension or termination.

The powers of the market administrator as set forth in the order are specifically provided in section 8c (7) (C) of the Agricultural Marketing Agreement Act of 1937, as amended, and the proposed language is essentially that of the statute.

The duties of the market administrator as set forth are those which are found in all Federal milk marketing orders and are necessary to define specifically the responsibilities of the market administrator.

Handlers should be required to maintain adequate records of their operations and to make the reports necessary to establish classification of producer milk and payments due for such milk. Time limits must be prescribed for filing such reports and for making payments to producers.

Handlers should maintain and make available to the market administrator all records and accounts of their operations and such facilities as are necessary to determine the accuracy of the information reported to the market administrator as he may deem necessary together with any other information upon which the classification of producer milk or payments to producers depends. The market administrator must be permitted to check the accuracy of weights and tests of milk and milk products received and handled and to verify all payments required under the order.

It is necessary that handlers maintain records to prove the utilization of producer milk and that proper payments were made. Books and records should be retained by handlers for a reasonable period of time to allow for complete auditing of all handlers associated with the market.

There are limitations on the period of time handlers shall retain those records which are required to be made available to the market administrator, and on the period of time in which obligations under the order should terminate. The provision made for such limitations is identical in principle with the general amendment made to all orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444) which covered retention of records and limitations of claims and is equally applicable herein and is adopted as a part of this decision.

A provision should be made in the order for performance of marketing services for producers, such as verifying the tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator and the cost should be borne by producers receiving the service. If a cooperative association is performing such services for its member producers, the market administrator will accept this in lieu of his own service.

Orderly marketing will be promoted through a marketing service program by assuring individual producers that payments received by them for their milk are in accordance with the pricing provisions of the order and accurately reflect the weights and tests of milk delivered. Complete verification requires that butterfat tests and weights of individual producer deliveries as reported by the handler are proved to be accurate.

Dissemination of current market information to all producers will promote efficiency in production, utilization and marketing of milk and should be included in the order as an additional phase of the marketing service program.

A maximum deduction of 5 cents per hundredweight should be provided to enable the market administrator to perform the marketing services to producers. This deduction will apply to all receipts of milk from producers for whom he renders marketing services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

Any cooperative association of producers performing marketing services for its producer-members shall receive such deductions as the producer-members authorize for providing such services in lieu of the 5-cent maximum rate deducted from payments made to nonmember producers.

Each pool handler shall be required to pay the market administrator as his pro rata share of the cost of administering the order not more than 5 cents per hundredweight or such lesser amounts as the Secretary may prescribe on (1) producer milk (including such handler's own production), (2) exempt milk, and (3) other source milk which is classified as Class I except that the rate of assessment applicable to other source milk received in the form of fluid milk products from a fully regulated plant under another Federal order shall be the amount by which the rate of assessment under this order exceeds the rate of assessment under the other Federal order. Nonpool handlers will be assessed on the quantities of other source milk disposed of as Class I milk on routes in the marketing area and buyer handlers shall pay on the quantities of other source milk classified as Class I.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that cost of administration shall be financed through assessment of handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved by applying the administrative assessment to all producer milk (including handler's own production) and other source milk assigned to Class I. Class I milk sold in the marketing area by nonpool handlers should bear its proportionate share of the administrative expense.

In view of the number of small handlers who do business in the market, the large volumes of milk anticipated, the distances involved and the cost of administering orders in comparable markets, an assessment rate of 5 cents per hundredweight is concluded necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 5-cent maximum rate without necessitating an amendment to the order. This should be done at such

time that experience might reveal that a lesser rate will provide adequate revenue to administer the order properly.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of several interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order regulating the handling of milk in the Southeastern New England marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

DEFINITIONS

§ 990.1 *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended, and re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Southeastern New England marketing area", hereinafter referred to as the "marketing area" means all of the territory included within the boundary lines of the State of Rhode Island (excluding Block Island) and the Massachusetts counties of Bristol, Plymouth (excluding the towns of Hingham and Hull) and Barnstable, together with all piers, docks and wharves connected therewith and including all territory within such boundaries which is occupied by Government (municipal, State or Federal) installations, institutions or other establishments.

(c) "Route" means any delivery to retail or wholesale outlets (including any delivery by a vendor or at a plant store) of fluid milk products classified as Class I milk pursuant to § 990.21 (a) other than in bulk to a plant.

§ 990.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any person described in subparagraphs (1), (2), and (3) of this paragraph:

(1) Any dairy farmer with respect to milk which is purchased from him by a dealer who does not operate a pool plant during the month and which milk is moved to another dealer's pool plant directly from the dairy farmer's farm;

(2) Any dairy farmer with respect to milk which is purchased from him by a dealer who during the month operated both pool and nonpool plant(s) and which milk is moved to a pool plant, if such dealer caused milk from the same farm to be moved as nonpool milk to his nonpool plant(s) during the same month;

(3) Any dairy farmer whose milk is received by a handler at a pool plant during the months of December through June from a farm from which the handler received nonpool milk during any of the preceding months of July through November: *Provided,* That the term shall not include any person who was a producer-handler during any of the preceding months of July through November or any dairy farmer from whom the handler received milk during such months of July through November at only a plant which was a pool plant under another order but which met all of the applicable requirements for pool plant status under this part during such months;

(4) As used in this paragraph, the terms "handler" and "dealer" include affiliates of and persons who control or are controlled by, the handler or dealer.

(e) "Producer" means any dairy farmer (except a dairy farmer for other markets, a producer-handler or a dairy farmer who is a producer under another Federal order with respect to milk diverted from a plant subject to such other order) whose milk is delivered from his farm to a pool plant or is diverted in accordance with subparagraphs 1 through 4 of this paragraph to the plant of another handler if the handler, in filing his monthly report pursuant to § 990.30 reports the milk as receipts from a producer at such plant and as moved to the other plant:

(1) To the pool plant of another handler or to the plant of a buyer-handler;

(2) To a nonpool plant (except the plant of a buyer-handler) during any month from July through September on not more than 8 days (four days in the case of every-other-day delivery) during such month;

(3) To a nonpool plant (except the plant of a buyer-handler) during any month from October through March on not more than 12 days (six days in the case of every-other-day delivery) during such month; or

(4) To a nonpool plant during the months of April through June.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who during the month operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler in his capacity as the operator of a pool plant.

(i) "Producer-handler" means any person who is both a dairy farmer and a handler who processes milk from his own farm production, distributing all or a portion of such milk as Class I milk on routes in the marketing area and (1) whose own farm production does not exceed 1,075 pounds on a daily average during the month and whose only source of supply for fluid milk products, is milk of his own farm production and packaged fluid milk products from pool plants, or (2) whose sole source of supply for fluid milk products is milk of his own farm production: *Provided,* That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which at least 10 percent of his total receipts of fluid milk products is disposed of by him as Class I milk on routes in the marketing area during the month and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who operates a plant at which he engages in the business of receiving fluid milk products for resale or manufacture into milk products, whether or not he disposes of any fluid milk products in the marketing area.

§ 990.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently

maintained weight sheets or other records of the individual farmers' deliveries.

(c) "Pool plant": Subject to the conditions of subparagraphs (1), (2) and (3) of this paragraph "pool plant" means (i) any receiving plant from which at least 10 percent of its total receipts of milk directly from dairy farmers is disposed of in the marketing area on routes during the month as Class I milk and not less than 50 percent of such receipts are disposed of during the month as Class I milk either inside or outside the marketing area; (ii) any receiving plant other than a plant specified in (i) of this paragraph, from which not less than 30 percent of its receipts of milk from dairy farmers is shipped during the month as bulk milk to a plant from which at least 10 percent of its total receipts of fluid milk products, other than exempt milk, is disposed of in the marketing area as Class I milk on routes and not less than 50 percent of such receipts is disposed of as Class I milk either inside or outside the marketing area; or (iii) any receiving plant located in the marketing area and operated by an association of producers.

(1) The plant is operated neither as the plant of a producer-handler nor as a pool plant pursuant to the provisions of another Federal marketing agreement or order.

(2) Any plant which qualified as a pool plant pursuant to subdivision (ii) of this paragraph during each of the preceding months of July through November shall be a pool plant during the entire period of December through June unless the handler's written request for nonpool status for such seven-month period is received by the market administrator prior to the first day of December.

(3) Any plant which was a nonpool plant during any of the months of July through November shall not be a pool plant in any of the following months of December through June in which it was operated by the same handler, an affiliate of the handler or any person who controls or is controlled by the handler unless its operation during the July–November period was in the handler's capacity as a producer-handler: *Provided*, That this subparagraph shall not apply to any plant which met all of the applicable requirements for pool plant status under this order during each of such months of July through November, but had nonpool status because it was a pool plant under another Federal order.

§ 990.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of one percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity, by weight of "half and half".

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half".

(c) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(d) "Concentrated milk" means the concentrated, unsterilized milk product resembling plain condensed milk which is disposed of in fluid form for human consumption.

(e) "Fluid milk products" means milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk in fluid form or any mixture in fluid form of milk, skim milk and cream containing less than 10 percent of butterfat (except eggnog, yogurt, ice cream mix, evaporated or condensed milk and sterilized products in hermetically sealed containers).

(f) "Producer milk" means only that skim milk and butterfat contained in milk (1) received at a pool plant directly from producers, or (2) diverted from a pool plant in accordance with the conditions set forth in § 990.2 (e).

(g) "Exempt milk" means all skim milk and butterfat: (1) Received at a pool plant as milk, in bulk, from a nonpool plant to be processed and packaged and for which an equivalent quantity of skim milk and butterfat in the form of packaged fluid milk products is returned to the operator of the nonpool plant during the same month, if such receipt and return occurs during an interval in which the facilities of the nonpool plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the dealer's control; or (2) received at a pool plant in the form of packaged fluid milk products from a nonpool plant in return for which an equivalent quantity of skim milk and butterfat in the form of bulk milk is moved from a pool plant for processing and packaging during the same month.

(h) "Other source milk" means all skim milk and butterfat contained in (1) receipts in a form other than as fluid milk products from any source which are reprocessed or converted to another product during the month, and (2) receipts (other than exempt milk) in the form of fluid milk products from any source other than producers and pool plants.

MARKET ADMINISTRATOR

§ 990.10 *Designation of market administrator.* The agency for the administration of this order shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 990.11 *Powers of market administrator.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 990.12 *Duties of market administrator.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 990.70: (1) The cost of his bond and the bonds of his employees, (2) his own compensation and (3) all other expenses, except those incurred under § 990.69, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 990.30 and 990.31 (b) (3), or payments pursuant to §§ 990.60 through 990.70;

(g) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(h) Verify all reports and payments of each handler, by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Prepare and disseminate for the benefit of producers, consumers, and handlers, such general statistics and information concerning the operation of this order as do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 26th day of each month, the Class I price computed pursuant to § 990.40 (a) for the following month;

(2) The 5th day of each month the Class II price computed pursuant to § 990.40 (b) and the butterfat differential computed pursuant to § 990.61 both for the preceding month;

(3) The 12th day of each month, the basic blended price computed pursuant to § 990.51 and the zone blended prices resulting from the adjustment of the basic blended price by the zone location differentials pursuant to § 990.42, both for the preceding month.

(k) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 990.20 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month at pool plants and which is required to be reported pursuant to § 990.30 shall be classified by the market administrator pursuant to the provisions of §§ 990.21 through 990.24.

§ 990.21 *Classes of utilization.* Subject to the conditions set forth in §§ 990.22, 990.23, and 990.24 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce concentrated milk and reconstituted or fortified skim milk) and butterfat: (1) Sold, distributed or disposed of in the form of fluid milk products (except as provided in paragraph (b) (2) of this section) and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product except a fluid milk product; (2) disposed of for livestock feed or to bakeries, soup factories and similar establishments; (3) contained in skim milk dumped if the market administrator has been notified in advance and afforded opportunity of verifying such dumping; (4) contained in inventory of fluid milk products on hand at the end of the month; and (5) in plant shrinkage not in excess of two percent of receipts of skim milk and butterfat, respectively.

§ 990.22 *Transfers of fluid milk products.* Skim milk and butterfat disposed of in the form of any fluid milk product from a pool plant to another plant shall be classified:

(a) In the class in which assigned at the transferee-plant pursuant to § 990.24 if moved to another pool plant.

(b) As Class I milk if moved to the plant of a producer-handler.

(c) In the class in which assigned under the other order if moved to a fully regulated plant under another Federal order.

(d) As Class I milk if moved to a nonpool plant, except the plant of a producer-handler or a fully regulated plant under another Federal order, unless Class II utilization is established: *Provided*, That (1) the amount of such skim milk and butterfat assigned to Class I shall not be less than the Class I disposition from the transferee-plant of skim milk and butterfat, respectively, in the form of fluid milk products on routes in the marketing area, and (2) the amount of such skim milk and butterfat assigned to Class II shall in no event be greater than that volume of skim milk and butterfat, respectively, received in the form of fluid milk products from fully regulated plants under any Federal order, which is in excess of the Class I utilization at such transferee-plant.

(e) By applying the provisions of paragraphs (a) through (d) of this section, whichever is applicable if moved to a nonpool plant, except the plant of a producer-handler or a fully regulated plant under another Federal order, and thence to another plant: *Provided*, That if the other plant to which such movement is made is located outside the New England States and New York State, classification shall be as Class I milk.

§ 990.23 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk and butterfat should be classified as Class II milk.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses the original classification was incorrect.

§ 990.24 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler:

(1) Subtract from the total pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk, received during the month in a form other than fluid milk products;

(2) Subtract from the remaining pounds of skim milk in each class in series beginning with Class II milk, the pounds of skim milk received during the month in other source milk in the form of fluid milk products from plants other than fully regulated plants under the provisions of another order issued pursuant to the act;

(3) During the months of July through September, subtract from the pounds of skim milk in Class II milk an amount equal to the remaining volume of skim milk in Class II milk or the product obtained by multiplying by 0.15 the pounds of skim milk in receipts of milk from producers, whichever is less;

(4) Subtract from the remaining pounds of skim milk in each class in series beginning with Class II milk the pounds of skim milk in bulk receipts of fluid milk products from fully regulated plants under the provisions of another order issued pursuant to the act;

(5) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk received during the month as exempt milk;

(6) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in packaged fluid milk products received from fully regulated plants under the provisions of another order issued pursuant to the Act;

(7) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (3) of this paragraph;

(8) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceeds the remaining pounds of skim milk in Class II the balance shall be subtracted from the pounds of skim milk in Class I milk;

(9) Subtract from the remaining pounds of skim milk in each class in sequence beginning with Class I milk, the pounds of skim milk in: (i) Receipts of fluid milk products from the pool plants of other handlers not subject to a zone location differential, (ii) receipts of producer milk at the handler's pool plant(s) not subject to a zone location differential, (iii) receipts of producer milk at the handler's pool plant(s) to which a zone location is applicable, equal to the volume of skim milk in fluid milk products disposed of directly from such plant(s) as Class I milk outside the marketing area, (iv) receipts of fluid milk products from the pool plant of other handlers not previously assigned pursuant to subdivision (i) of this subparagraph, in the order of the nearness of the plants to Providence according to their zone locations, and (v) receipts of producer milk at the handler's pool plants not previously assigned pursuant to subdivision (iii) of this subparagraph in the order of the nearness of the plant to Providence according to their zone locations.

(10) Any remaining pounds of skim milk in each class not assigned shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section.

REPORTS, RECORDS AND FACILITIES

§ 990.30 *Reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) The receipts of producer milk (including such handler's own farm production);

(2) The receipts of fluid milk products from other pool plants;

(3) The receipts of exempt milk;

(4) The receipts of other source milk;

(5) Inventories of fluid milk products on hand at the beginning and end of the month; and

(6) The utilization of all skim milk and butterfat required to be reported

pursuant to paragraph (a) of this section.

§ 990.31 *Other reports.* (a) Each nonpool handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each pool handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) Promptly after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries;

(2) Promptly after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries;

(3) Subsequent to the 20th day after the end of the month, and within 5 days after the market administrator's request, his producer payroll for such month, which shall show for each producer:

(i) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(ii) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

(c) Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk as follows:

(1) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received;

(2) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

§ 990.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The information contained in reports submitted in accordance with this order, and

(b) The weights and tests for butterfat and other content of all milk and milk products handled.

§ 990.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

MINIMUM PRICES

§ 990.40 *Class prices.* Subject to the provisions of § 990.42 each pool handler shall pay, at the time and in the manner set forth in § 990.60 for each hundredweight of milk received at his pool plant(s) during the month from producers or an association of producers not less than the following price per hundredweight for the respective quantities of milk in each class computed pursuant to § 990.24:

(a) *Class I price.* The Class I price shall be the New England basic Class I price per hundredweight determined pursuant to § 990.41 plus 61 cents.

(b) *Class II price.* The Class II price per hundredweight shall be determined for each month as follows:

(1) Subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream f. o. b. Boston, as reported by the United States Department of Agriculture for the month, divide the remainder by 33, multiply by 0.98, and multiply the result by 3.7

(2) Multiply by 7.85 the simple average of the prices per pound of roller process and spray process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is delivered;

(3) Add the results obtained in subparagraphs (1) and (2) of this paragraph, and from the sum subtract the amount shown below for the applicable month. Subject to subparagraph (4) of this paragraph, the result is the Class II price per hundredweight for producer milk received at plants located not more than 100 miles from Providence.

Month:	*Amount*
January and February	$0.612
March and April	0.732
May and June	0.792
July	0.732
August and September	0.672
October, November, and December	0.612

(4) For each month in which the cream price, as described in subparagraph (1) of this paragraph, is reported, and for each month in which the amount determined pursuant to this subparagraph is greater than the amount computed pursuant to subparagraph (3) of this paragraph the amount determined pursuant to this subparagraph shall be the Class II price per hundredweight of milk received from producers:

(i) Divide the average price for milk for manufacturing purposes, f. o. b. plants United States as reported on a preliminary basis by the United States Department of Agriculture for the month, by the average butterfat test of such milk and multiply by 3.7;

(ii) Adjust the result obtained in subdivision (i) of this subparagraph by the amount shown below for the applicable month:

Month:	*Amount*
January	+$0.168
February	+0.178
March	+0.008
April	−0.062
May	−0.062
June	−0.062
July	+0.138
August	+0.228
September	+0.198
October	+0.318
November	+0.228
December	+0.228

§ 990.41 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period;

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.34 to determine an index of per capita disposable personal income in New England;

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by 0.884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board or room, 4.33; rate per week without board and room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index; and

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England, and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) The seasonal adjustment factor shall be the factor listed below for the month for which price is being computed.

Month:	*Seasonal adjustment factor*
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November and December	1.08

(c) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the applicable seasonal adjustment factor pursuant to paragraph (b) of this section and multiplying the result by the supply-demand adjustment factor determined by the market administrator of Order No. 4 regulating the handling of milk in the Greater Boston marketing area pursuant to § 904.48 (b) of that order.

(d) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index × $0.05592		New England basic Class I price
At least—	But less than—	
[1] $4.20	$4.42	$4.31
4.42	4.64	4.53
4.64	4.86	4.75
4.86	5.08	4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	[1] 6.40	6.29

[1] If the New England basic Class I price index times $0.05592 is less than $4.20 or is $6.40 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(e) Notwithstanding the provisions of paragraphs (a) through (d) of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

§ 990.42 *Location differentials to handlers.* In the case of receipts at plants located in excess of 100 miles from the intersection of U. S. highway routes 1 and 6 in Providence, Rhode Island, the class prices determined pursuant to § 990.40 shall be subject to zone price differential based upon the zone location of the plant at which the milk is received from producers.

(a) The zone location of each plant shall be determined by the market administrator and shall be based upon highway mileage distance as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D. C. The distance shall be the lowest highway mileage between Providence and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Providence, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The zone price differentials for each plant shall be those applicable to its zone location as shown in the following table.

PLANT ZONE PRICE DIFFERENTIALS

A Distance to Providence (miles)	B Zone	C Class I and blended price differentials (cents per hundredweight)	D Class II price differentials (cents per hundredweight)
101 to 110	11	−42.0	−4.5
111 to 120	12	−43.2	−4.5
121 to 130	13	−44.4	−4.5
131 to 140	14	−45.6	−4.5
141 to 150	15	−46.8	−4.5
151 to 160	16	−48.0	−6.0
161 to 170	17	−49.2	−6.0
171 to 180	18	−50.4	−6.0
181 to 190	19	−51.6	−6.0
191 to 200	20	−52.8	−6.0
201 to 210	21	−54.0	−7.0
211 to 220	22	−55.0	−7.0
221 to 230	23	−56.0	−7.0
231 to 240	24	−57.0	−7.0
241 to 250	25	−58.0	−7.0
251 to 260	26	−59.0	−8.0
261 to 270	27	−60.0	−8.0
271 to 280	28	−61.0	−8.0
281 to 290	29	−62.0	−8.0
291 to 300	30	−63.0	−8.0
301 and over	31 and over [1]		−8.0

[1] Class I and blended price differentials applicable to plants located more than 300 miles from Providence shall be obtained by extending the table at the rate of 1 cent for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

§ 990.43 *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

APPLICATION OF PROVISIONS

§ 990.45 *Producer-handlers.* Sections 990.20 through 990.24, 990.40 through 990.43, 990.50 and 990.51, and 990.60 through 990.70 shall not apply to a producer-handler.

§ 990.46 *Payments on other source milk.* Within 16 days after the end of each month handlers shall make payments to producers through the producer-settlement fund as follows:

(a) Each pool handler who received other source milk which is allocated to Class I pursuant to § 990.24 (a) (1) shall make payment on the quantity so allocated at the difference between the Class I price and the Class II price applicable at Providence as computed pursuant to § 990.40.

(b) Each pool handler who received other source milk which is allocated to Class I pursuant to § 990.24 (a) (2) shall make payment on the quantity so allocated as follows:

(1) On other source milk received at a pool plant from a nonpool plant located in Maine, the payment shall be at the difference between the Class I price pursuant to § 990.40 (a) applicable at the zone of the nonpool plant and the lesser of either the simple average for the month of the lowest minimum semimonthly prices for Class II milk containing 3.7 percent butterfat which are established by the Main Milk Commission for the market in which such nonpool plant is located or the Class II price determined pursuant to § 990.40 (b) applicable at the zone of such plant;

(2) Except as provided in subparagraph (1) of this paragraph, the payment on other source milk received at a pool plant from a nonpool plant shall be at the difference between the Class I and Class II price computed pursuant to § 990.40 applicable at the zone of the nonpool plant;

(3) For the purposes of this paragraph, other source milk received from dairy farmers for other markets shall be considered as received from the nonpool plant to which they ordinarily delivered.

(c) Each pool handler who receives other source milk in the form of bulk skim milk from a New York order pool plant which milk was classified and priced as other than Class I pursuant to such order and is allocated to Class I pursuant to § 990.24 (a) (4) shall make payment at the difference between the Class I price pursuant to § 990.40 (a) and the Class II price pursuant to § 990.40 (b) applicable at the zone location of the plant from which such skim milk was received on the volume of such milk so allocated.

(d) Each nonpool handler (except a buyer-handler) who disposes of fluid milk products on routes in the market-

ing area shall make payment at the difference between the Class I price and the Class II price applicable at the zone location of his plant on the amount of such disposition which is in excess of his receipts of pool milk and receipts of other source milk subject to the Class I pricing provisions of another order issued pursuant to the Act.

(e) Each buyer-handler shall make payment at the difference between the Class I price and the Class II price applicable at the zone location of his plant on the amount of his Class I utilization which is in excess of his receipts of pool milk and receipts of other source milk subject to the Class I pricing provisions of another order issued pursuant to the Act.

DETERMINATION OF BLENDED PRICE TO PRODUCERS

§ 990.50 *Computation of the obligation of each pool handler.* For each month, the market administrator shall compute the value of producer milk for each pool handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 990.24 by the applicable class price, and total the resulting amounts.

(b) Add the amount of any payments due from such handler pursuant to § 990.46 (a), (b), or (c).

(c) Add an amount computed by multiplying the amount of overage in each class computed pursuant to § 990.24 (a) (10) and (b) by the applicable class price adjusted by the butterfat differential computed pursuant to § 990.61 to reflect the butterfat content of the overage in such class.

(d) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 990.24 (a) (8) and (b) for the current month, whichever is less.

(e) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim and butterfat for previous months.

§ 990.51 *Computation of the basic blended price.* For each month the market administrator shall compute the basic blended price per hundredweight applicable at plants subject to no zone location differential as follows:

(a) Combine into one total the net obligation computed pursuant to § 990.50 for all handlers who made reports prescribed in § 990.30 for the month and who were not in default of payments pursuant to §§ 990.60 and 990.65 for the preceding month.

(b) Deduct the amount of the plus differentials applicable pursuant to § 990.63 and add the amount of the minus differentials which are applicable pursuant to § 990.62.

(c) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund.

(d) Add the total amount of payments due pursuant to § 990.46 (d) and (e).

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section.

(f) Subtract not less than 4 cents nor more than 5 cents. The result is the minimum blended price applicable for producer milk containing 3.7 percent butterfat received at plants to which no location differentials are applicable and such price shall be known as the basic blended price.

PAYMENTS

§ 990.60 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the 5th day after the end of each month, an amount equal to not less than the Class II price for the previous month multiplied by the hundredweight of milk received from such producer during the first 15 days of such month: *Provided*, That for the first month of operation of this part, the price applicable under this subparagraph shall be the Boston Class II price for the previous month;

(2) On or before the 20th day after the end of each month, for the quantity of milk received during the month at not less than the basic blended price per hundredweight computed pursuant to § 990.51 subject to the differentials provided in §§ 990.61, 990.62, and 990.63 less payments made to such producer pursuant to subparagraph (1) of this paragraph and deductions authorized in writing by the producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 990.66 for such milk, he may reduce pro rata his payment to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payment pursuant to this paragraph next following after receipt of the balance due from the market administrator.

(b) In the case of an association of producers which the market administrator determines is authorized by its producer members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2nd day prior to the date on which payments are due individual producers, pay the association for milk received during the month from the producer-members of such association so determined by the market administrator, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section.

(c) In the case of a handler who purchases fluid milk products from an association of producers in its capacity as a handler, such handler shall on or before the 2nd day prior to the date on which payments are due individual producers pay such association for such milk products so received during the month from such association, not less than the value of skim milk and butterfat in such milk and milk products as classified pursuant to § 990.24 at the applicable class prices pursuant to § 990.40 and the butterfat differential pursuant to § 990.71.

§ 990.61 *Butterfat differential.* Each handler shall, in making payments to each producer or association of producers for milk received during the month, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: Subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, and divide the remainder by 330. If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture and dividing the result by 10.

§ 990.62 *Location differentials.* In making payments to producers pursuant to § 990.60 the blended price to be paid for producer milk received at the handler's pool plant(s) shall be subject to the differential set forth in column C of the table in § 990.42 (b).

§ 990.63 *Farm location differentials.* (a) In making payments for milk delivered by a producer whose farm is located in Connecticut or Rhode Island, or in any of the Massachusetts counties of Barnstable, Bristol, Dukes Nantucket, Plymouth, Norfolk, Suffolk or that part of Worcester or Middlesex south of the Massachusetts turnpike, there shall be added 46 cents per hundredweight unless such addition gives a result greater than the Class I price pursuant to §§ 990.40 (a) and 990.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(b) In making payments for milk delivered by a producer whose farm is located in the Massachusetts counties of Essex or in that part of Worcester or Middlesex north of the Massachusetts turnpike or in the New Hampshire towns of New Ipswich or Greenville, there shall be added 23 cents per hundredweight unless such addition gives a result greater than the Class I price pursuant to §§ 990.40 (a) and 990.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 990.64 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 990.46 (d) and (e), 990.65, 990.67, and 990.68 and out of which he shall make all payments pursuant to §§ 990.66, 990.67, and 990.68: *Provided*, That the market administrator shall offset any such payment due to any handler against payment due from such handler.

§ 990.65 *Payments to the producer-settlement fund.* On or before the 16th day after the end of each month, each handler, including an association of producers which is a handler, shall pay to the market administrator for payment to producers through the producer-settlement fund the amount by which the net pool obligation of such handler computed pursuant to § 990.50 is greater than the sum required to be paid his producers as determined by the application of the basic blended price computed pursuant to § 990.51 adjusted by the differentials applicable pursuant to §§ 990.62 and 990.63.

§ 990.66 *Payments out of the producer-settlement fund.* On or before the 18th day after the end of the month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid his producers as determined by the application of the basic blended price computed pursuant to § 990.51 adjusted by the differentials applicable pursuant to §§ 990.62 and 990.63 is greater than the net pool obligation of such handler computed pursuant to § 990.50: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 990.67 *Errors in payment.* Whenever audit by the market administrator of a handler's reports, books, records or accounts discloses adjustments to be made, for any reason which result in moneys due:

(a) The market administrator from such handler.

(b) Such handler from the market administrator, or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount due and explain the basis of such adjustment and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred.

§ 990.68 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 990.46 and 990.64 through 990.70 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 990.69 *Marketing service*—(a) *Marketing service deduction—nonmembers of an association of producers.* In making payments to producers pursuant to § 990.60 (b), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in paragraph (b) of this section, deduct 5 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 20th day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

(b) *Marketing service deduction—members of an association of producers.* In the case of producers who are members of an association of producers which is actually performing the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a), make such deductions from payments made pursuant to § 990.60 (b) as may be authorized by such producers and pay, on or before the 20th day after the end of each month, such deductions to such associations, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

§ 990.70 *Payment of administrative expense.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 20th day after the end of the month, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, as follows:

(a) Each pool handler shall make such payment with respect to all: (1) Receipts of producer milk, including such handler's own production; (2) receipts of exempt milk; and (3) except as provided in paragraph (c) of this section, other source milk in his plant which is classified as Class I.

(b) Except as provided in paragraph (c) of this section each buyer-handler shall make such payment with respect to other source milk in his plant which is classified as Class I and each nonpool handler, except a buyer-handler, shall make such payment with respect to other source milk which is disposed of as Class I milk on routes in the marketing area.

(c) In the case of other source milk received in the form of fluid milk products from a fully regulated plant under another Federal order the rate of payment applicable pursuant to paragraphs (a) and (b) of this section shall be the amount by which the rate of assessment under this order exceeds the rate of assessment applicable under the other Federal order.

§ 990.71 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service on such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 990.80 *Effective time.* The provisions of this part, or any amendments to its provisions, shall become effective at

such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 990.71.

§ 990.81 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 990.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 990.83 *Liquidation.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 990.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 990.85 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., the 15th day of August 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-6755; Filed, Aug. 20, 1958; 8:56 a. m.]

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10778

AUTHORIZING THE APPOINTMENT OF WILLIAM K. HARRIS TO A COMPETITIVE POSITION WITHOUT COMPLIANCE WITH THE CIVIL SERVICE ACT AND RULES

By virtue of the authority vested in me by section 2 of the Civil Service Act of January 16, 1883 (22 Stat. 403, 404), I hereby authorize the career-conditional appointment of William K. Harris to a competitive position in the Department of the Navy without compliance with the competitive provisions of the Civil Service Act and Rules.

This order is recommended by the Secretary of the Navy.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 20, 1958.

[F. R. Doc. 58-6844; Filed, Aug. 21, 1958; 11:17 a. m.]

EXECUTIVE ORDER 10779

DIRECTING FEDERAL AGENCIES TO COOPERATE WITH STATE AND LOCAL AUTHORITIES IN PREVENTING POLLUTION OF THE ATMOSPHERE

By virtue of the authority vested in me as President of the United States, and in furtherance of the policy expressed in section 1 of the act of July 14, 1955, 69 Stat. 322, of preserving and protecting the primary responsibilities and rights of the States and local governments in controlling air pollution, it is ordered as follows:

The heads of the departments, agencies, and independent establishments of the executive branch of the Government shall take such action as may be practicable and consistent with law, in cooperation with State and local authorities concerned with the control of air pollution, to insure the prevention or abatement of atmospheric pollution caused by or resulting from Federal activities, including industrial and manufacturing processes operated or controlled by the Federal Government and the destruction of foodstuffs or other materials by order, or under the supervision, of Federal regulatory authorities, in a manner consistent, so far as feasible, with programs authorized under State or local law pertaining to the preservation of the cleanliness of the atmosphere and applicable to the agencies of governmental bodies creating such law and to the public generally.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 20, 1958.

[F. R. Doc. 58-6843; Filed, Aug. 21, 1958; 11:17 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.76, as Amended, Supp. 10]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

KANSAS FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877; 23 F. R. 4325), the Agricultural Stabilization and Conservation Kansas State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 7,934 acres established for Kansas by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at the Wareham Building, 417 Humboldt Street, Manhattan, Kansas, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Kansas.

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These bases and procedures incorporate the following:

§ 850.86 *Kansas*—(a) *Set-asides of acreage.* From the State allocation there are set aside 159 acres for use in establishing farm proportionate shares for new producers, 79 acres for adjusting individual farm proportionate shares under appeals, and 87 acres for adjusting initial farm proportionate shares.

(b) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU–100, Request for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date for such filing, provided in § 850.76. If a preliminary request for a tentative farm proportionate share is filed, a fully-completed Form SU–100 shall be filed by April 1, 1958. However, requests for proportionate shares may be accepted after such dates and shares may be established if the county committee determines that in any such case the farm operator was prevented from filing a completed Form SU–100 by such dates because of absence, illness or other reasons beyond his control.

(c) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases.* For each farm whose operator is a tenant with a personal accredited acreage record during at least one of the crop years 1955–57, the 1958 base shall be determined by applying to his personal accredited acreage record, or to the accredited acreage record of the land he will operate in 1958, whichever is more favorable, a weighting of 25 percent to the average accredited acreage for the crop years 1953–57, as a measure of past production, and a weighting of 75 percent to the average accredited acreage for the crop years 1955–57 as a measure of ability to produce: *Provided*, That the base for a farm operated by a tenant having a personal accredited acreage record for any of the 1955, 1956 or 1957 crop years, under a new-producer share shall equal the most recent accredited acreage for the farm most recently operated by him during such years, but not in excess of the most-recently established share for such farm. If the operator is the owner of the farm, or is a tenant without a personal accredited acreage record in at least one of the years 1955–57, and the farm has an accredited acreage record during at least one of such years, the 1958 base for such farm shall be determined by applying the above-specified weightings to the accredited acreage record of the farm, except that, in cases where the accredited acreage record for the farm is used as the personal history for a tenant in determining the base for another farm in 1958, the weightings will be applied only to that part of the accredited acreage record corresponding to the farm owner's share of the sugar beet crops produced on such farm in the base period.

(2) *Initial proportionate shares.* The total of individual farm bases for old-producer farms, as established pursuant to paragraph (d) of this section, is less than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the are allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(d) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers, proportionate shares shall be established in an equitable manner for farms to be operated during the 1958-crop year by new producers (as defined in § 850.76) at the minimum level determined by the State Committee under usual circumstances to be economically feasible to plant to sugar beets (30 acres) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(e) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.76 applicable to appeals.

(f) *Adjustments because of unused acreage.* To the extent of the acreage available within the allotment from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1958-crop season. In addition any acreage released prior to March 15, 1958, shall be used to increase the shares of small producers (less-than-average for the area) to the extent determined by the State Committee to be necessary to provide for the more efficient operation of such farms. In increasing such small-producer shares, the County Committee shall take into consideration the size of beet operations for small farms in the area, the type of operation in the area, and other pertinent factors relating to efficient sugar beet production.

(g) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1958 Sugar Beet Crop, even if the acreage established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals,

or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted proportionate share on a Form SU–103–A or other similar written notice. For each tentative proportionate share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm proportionate share for the purpose of payment under the Sugar Act of 1948, as amended.

(h) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Kansas State Committee for determining farm proportionate shares in Kansas in accordance with the determination of proportionate shares for the 1958 crop of sugar beets, as issued by the Secretary of Agriculture.

Kansas constitutes one proportionate share area. An advisory committee, including grower and processor representatives, is utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are recognized. The procedure for establishing farm shares for new producers meets the related requirements of § 850.76.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 921; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U. S. C. 1131, 1132)

Dated: July 17, 1958.

[SEAL] RODNEY K. MCCAMMON,
Chairman, Agricultural Stabilization and Conservation Kansas State Committee.

Approved: August 14, 1958.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58–6805; Filed, Aug. 21, 1958; 8:58 a. m.]

[Sugar Determination 850.76, as Amended, Supp. 21]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

UTAH PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR THE 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877; 23 F. R. 4325), the Agricultural Stabilization and Conservation Utah State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 33,257 acres established for Utah by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 222 Southwest Temple Street, Salt Lake City, Utah, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Utah. These bases and procedures incorporate the following:

§ 850.97 *Utah*—(a) *Proportionate share areas.* Utah shall be divided into six proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: Garland, West Jordan-Gunnison, Cache, Ogden, Layton and Holly. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with pro rata adjustments to a total of 33,257 acres. Acreage allotments computed as aforestated are established as follows: Garland Area, 7,691 acres; West Jordan-Gunnison Area, 15,316 acres; Cache Area, 4,115 acres; Ogden Area, 2,223 acres; Layton Area, 3,094 acres; and Holly Area, 818 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows:

(1) *For new producers.* Garland Area, 105 acres; West Jordan-Gunnison Area, 436 acres; Cache Area, 128 acres; Ogden Area, 52 acres; Layton Area, 82 acres; and Holly Area, 10 acres;

(2) *For appeals.* Garland Area, 77 acres; West Jordan-Gunnison Area, 155 acres; Cache Area, 65 acres; Ogden Area, 23 acres; Layton Area, 31 acres; and Holly Area, 9 acres;

(3) *For making adjustments in initial shares.* Garland Area, 155 acres; West Jordan-Gunnison Area, 0 acre; Cache Area, 290 acres; Ogden Area, 41 acres; Layton Area, 40 acres; and Holly Area, 30 acres.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU–100, Request for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.76. If a preliminary request for a tentative farm proportionate share is filed, a fully-completed Form SU–100 shall be filed by April 1, 1958. However, requests for proportionate shares may be accepted after such dates and shares may be established if the county committee determines that in any such case the farm operator was prevented from filing a completed Form SU–100 by such dates because of absence, illness or other reasons beyond his control.

(d) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases.* In each proportionate share area, the 1958 farm base for each old-producer shall equal the average accredited acreage of sugar beets for the period 1954–57, provided the farm has an accredited acreage record for at least one of the crop years 1955–57. The farm base for a farm for which a new-producer share was established in any of the years 1955–57 shall equal the most recent accredited acreage but shall not exceed the most-recently established share.

(2) *Initial proportionate shares.* For each proportionate share area, except the Garland Area, the total of individual farm bases for old-producer farms, as established pursuant to the preceding subparagraph is less than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established from the farm bases in each proportionate share area as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph. For the Garland Area, the total of individual farm bases for old-producer farms, as established pursuant to the preceding subparagraph, is more than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established from the farm bases by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments (in all areas except the West Jordan-Gunnison Area) and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1958-crop year by new producers (as defined in § 850.76) at levels determined by the State Committee to be economically feasible to plant to sugar beets under usual circumstances (5 acres), by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(f) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.76, applicable to appeals.

(g) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares, during the 1958-crop season. However, any acreage released by producers prior to April 20, 1958, shall be used to increase small proportionate shares (four acres in the Ogden area and five acres in all other areas, or the requested share, whichever is smaller) so as to promote the more efficient operation of farms. In increasing such small-producer shares, the State Committee shall take into consideration the size of beet operations for small farms in the area, the type of operations in the area, and other pertinent factors relating to efficient sugar beet production.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1958 Sugar Beet Crop, even if the acreage established is "non". In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted proportionate share on a Form SU–103–A or other similar written notice. For each tentative proportionate share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm proportionate share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Utah State Committee for determining farm proportionate shares in Utah in accordance with the determination of proportionate shares for the 1958 crop of sugar beets, as issued by the Secretary of Agriculture.

The bases and procedures specified herein are essentially the same as those which were effective in the State for the 1957 crop. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are measured by applying formulas to the accredited acreages for the crop years 1954–57. The procedure for establishing farm shares for new producers meets the related requirements of § 850.76.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 921; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930 as amended; 7 U. S. C. 1131, 1132)

Dated: July 17, 1958.

[SEAL] S. J. POSTMA,
Chairman, Agricultural Stabilization and Conservation Utah State Committee.

Approved: August 14, 1958.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58–6803; Filed, Aug. 21, 1958; 8:57 a. m.]

[Sugar Determination 850.76, as Amended, Supp. 22]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

WYOMING PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877; 23 F. R. 4325), the Agricultural Stabilization and Conservation Wyoming State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 37,745 acres established for Wyoming by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 345 East Second Street, Casper, Wyoming, and at the offices of the Agricultural Stabilization and Conservation Committees in the Sugar beet producing counties of Wyoming. These bases and procedures incorporate the following:

§ 850.98 *Wyoming*—(a) *Proportionate share areas.* Wyoming shall be divided into two proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: Great Western and Holly. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area, a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with pro rata adjustments to a total of 37,745 acres. Acreage allotments computed as aforestated are established as follows: Holly Area, 27,346 acres; and Great Western Area, 10,399 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Great Western Area, 104 acres for new producers, 104 acres for appeals, and 561 acres for making adjustments in initial proportionate shares; Holly Area, 274 acres for new producers, 274 acres for appeals, and 52 acres for making adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU–100, Request for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.76. If a preliminary request for a tentative farm proportionate share is filed, a fully-completed Form SU–100 shall be filed by April 1, 1958, before a proportionate share may be established for the farm. However, requests for proportionate shares may be accepted after such dates and shares may be established if the County Committee determines that in any such case the farm operator was prevented from filing a completed Form SU–100 by such dates because of absence, illness or other reasons beyond his control.

(d) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases.* The 1958 farm base for each old-producer farm having an accredited acreage for at least one of the crop years 1955–57, shall equal the most recent of the 1957, 1956 or 1955 crop shares established for the farm, including adjustments made under appeals but excluding any other upward adjustment made because the shares of other farms were not fully planted and excluding any downward adjustment made because the acreage planted on the farm was less than the share originally established for the farm.

(2) *Initial proportionate shares.* For each proportionate share area, the total of individual farm bases for old-producer farms, as established pursuant to subparagraph (1) of this paragraph, is more than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established by prorating to such farms in accordance with their respective bases, the area allotment less the prescibed set-asides.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for

old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares (minimum of 10 acres) shall be established in an equitable manner for farms to be operated during the 1958-crop year by new producers (as defined in § 850.76), by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(f) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.76 applicable to appeals.

(g) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1958-crop season. However, any acreage released by producers prior to March 20, 1958, shall be used to increase small proportionate shares (smaller-than-average for the area) so as to promote the more efficient operation of farms. In increasing such small-producer shares, the State Committee shall take into consideration the size of beet operations for small farms in the area, the type of operations in the area, and other pertinent factors relating to efficient sugar beet production.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1958 Sugar Beet Crop, even if the acreage established is "none". In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted proportionate share on a Form SU–103–A or other similar written notice. For each tentative proportionate share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm proportionate share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Wyoming State Committee for determining farm proportionate shares in Wyoming in accordance with the determination of proportionate shares for the 1958 crop of sugar beets, as issued by the Secretary of Agriculture.

The bases and procedures specified herein are essentially the same as those which were effective in the State for the 1957 crop. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are recognized by using the most recent of 1955–57 shares as the base. The procedure for establishing farm shares for new producers meets the related requirements of § 850.76.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 930, 930 as amended; 7 U. S. C. 1131, 1132)

Dated: July 14, 1958.

[SEAL] H. L. JOLLEY,
Chairman, Agricultural Stabilization and Conservation Wyoming State Committee.

Approved:

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58-6804; Filed, Aug. 21, 1958; 8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 233]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area and the restricted areas alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Division, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.19, the Dawsonville, Georgia, area (R–534) is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Dawsonville, Ga. Restricted area (R 534) (Chattanooga).	A circle of 2.5 mile radius of a point at latitude 34°22'00", longitude 84°10'00".	Surface to 5,000 feet MSL.	Continuous.....	Headquarters, Air Research & Development Command, Andrews Air Force Base, Maryland.

2. In § 608.27, the Presque Isle, Maine, area (R–80) amended on March 31, 1954 in 19 F. R. 1760, is further amended by changing the "Designated Altitudes" column to read: "3,500 feet MSL to 45,000 feet MSL".

3. In § 608.29, the Cotuit, Massachusetts, area (R–79) amended on January 25, 1952 in F. R. 715 is further amended by changing the "Designated Altitudes" column to read: "Surface to 2,000 feet MSL".

4. In § 608.29, the Nashawena, Massachusetts, area (R–62) amended on October 31, 1951 in 16 F. R. 11066 is further amended by changing the "Designated Altitudes" column to read: "Surface to 12,000 feet MSL".

5. In § 608.29, the No Man's Land Island, Massachusetts, area (R–18) amended on May 4, 1956 in 21 F. R. 2977 is further amended by changing the "Designated Altitudes" column to read: "Surface to 24,000 feet MSL".

6. In § 608.37, the Isle of Shoals, New Hampshire, area (R–96) amended on February 14, 1958 in 23 F. R. 973 is further amended by changing the "Designated Altitudes" column to read: "Surface to 3,000 feet MSL" and the "Controlling Agency" column to read: "COMFAIRDETBRUNS, NAS, Brunswick, Maine".

7. In § 608.54, the Great Machipongo Inlet, Virginia, area (R–85) amended on April 26, 1952 in 17 F. R. 3724 is further amended by changing the "Designated Altitudes" column to read: "Surface to 40,000 feet MSL".

8. In § 608.54, the Ship Shoal Island, Virginia, area (R–47) amended on October 31, 1951 in 16 F. R. 11066 is further amended by changing the "Designated Altitudes" column to read: "Surface to 50,000 feet MSL".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

The amendment shall become effective on September 25, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

AUGUST 15, 1958.

[F. R. Doc. 58-6759; Filed, Aug. 21, 1958; 8:45 a. m.]

[Amdt. 4]

PART 620—SECURITY CONTROL OF AIR TRAFFIC

ALASKAN COASTAL ADIZ AND WESTERN DEFENSE AREA

Acting upon a request submitted by the Department of the Air Force, and concurred thereto by the United States Navy, the Administrator hereby revises the outer boundaries of the Alaskan Coastal ADIZ to encompass the Aleutian Islands Area. Additionally, the portion of the original Northern ADIZ which was deleted by Amendment 3, 21 F. R. 10310, December 22, 1956, is hereby redesignated as a part of the Western Defense Area.

Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Therefore, Part 620 is amended as follows:

1. Section 620.22 (e) is amended to read as follows:

(e) *Alaskan (Coastal) ADIZ.* The area bounded by a line 73°00' N., 141°00' W.; 69°50' N., 141°00' W.; 71°18' N., 156°44' W.; 68°53' N., 166°16' W.; 63°17' N., 168°42' W.; 58°39' N., 162°03' W.; 56°34' N., 154°10' W.; 59°28' N., 146°18' W.; 59°30' N., 139°30' W.; 57°00' N., 139°30' W.; 52°00' N., 153°00' W.; 50°00' N., 174°00' W.; 60°00' N., 174°10' W.; 61°45' N., 177°00' W.; 65°00' N., 169°00' W.; 73°00' N., 169°00' W.; 73°00' N., 141°00' W. (point of beginning).

2. Section 620.23 (b) is amended to read as follows:

(b) *Western Defense Area.* The area bounded by a line 48°29'38" N., 124°43'35" W.; eastward along the U. S.-Canadian Border to 121°00' W.; 48°00' N., 121°00' W.; 48°00' N., 117°00' W.; 45°20' N., 118°15' W.; 44°15' N., 121°00' W.; 39°15' N., 121°00' W.; 36°00' N., 118°48' W.; 36°00' N., 117°05' W.; 35°31' N., 116°22' W.; 34°30' N., 116°00 W.; 33°30' N., 115°15' W.; 33°08' N., 114°55' W.; 32°43' N., 114°45' W.; westward along U. S.-Mexican Border to 32°32'03" N., 117°07'25" W.; 32°30' N., 117°20' W.; 32°16' N., 117°08' W.; 32°16' N., 118°25' W.; 34°00' N., 120°30' W.; 34°50' N., 121°10' W.; 38°50' N., 124°00' W.; 40°00' N., 124°35' W.; 43°00' N., 124°40' W.; 46°15' N., 124°30' W.; 48°00' N., 125°15' W.; 48°29'38" N., 124°43'35" W. (point of beginning).

(Sec. 1203, 64 Stat. 825; 49 U. S. C. 703. Interpret or apply secs. 1201–1204, 64 Stat. 825; U. S. C. 701–704)

This amendment shall become effective September 1, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

AUGUST 15, 1958.

[F. R. Doc. 58-6760; Filed, Aug. 21, 1958; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket Nos. 6977–6982]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DEHN & CO., INC., ET AL.

In the matter of Dehn & Co., Inc., et al., Docket 6977; Gavin Bros., Inc., et al., Docket 6978; Walter P. Shiel & Co. et al., Docket 6979; McGovern and McGovern, Docket 6980; The Salmon and Tuna Sales Company et al., Docket 6981; and Ivar Wendt, Docket 6982.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 13.820 *Direct buyers;* § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist orders: Dehn & Co., Inc., et al., Docket 6977; Gavin Bros., Inc., et al., Docket 6978; Walter P. Shiel & Co. et al., Docket 6979; McGovern and McGovern, Docket 6980; The Salmon and Tuna Sales Company et al., Docket 6981; and Ivar Wendt, Docket 6982; all of Seattle, Wash., July 3, 1958]

These cases were heard by a hearing examiner on the complaints of the Commission charging six brokers of canned salmon and other food products in Seattle, Wash., with discriminating in price in violation of section 2 (c) of the Clayton Act by such practices as the following: (1) Selling at net prices lower than those accounted for to the packers; (2) granting price deductions—including freight payments, "trade discounts", and "promotional allowances"—a part or all of which were not charged back to the packers but were taken from the brokerage commissions; (3) taking reduced brokerage on sales involving price concessions; and (4) accepting brokerage on direct purchases, and making allowances in lieu thereof to field brokers purchasing for their own accounts for resale.

Following acceptance of agreements containing consent orders, the hearing examiner made his initial decisions and orders to cease and desist, which became on July 3 the decisions of the Commission.

By said orders, all six respondents were ordered to cease and desist from paying, granting, or passing on, either directly or indirectly, to any buyer or to anyone acting for or in behalf of or subject to the direct or indirect control of such buyer, brokerage earned or received by respondents on sales made for their packer-principals, by allowing to buyers lower prices which reflect all or any part of such brokerage, or by granting them allowances or rebates which are in lieu of such brokerage, or by any other method or means.

McGovern and McGovern, Docket 6980, and Ivar Wendt, Docket 6982, were ordered also to cease and desist from receiving or accepting, directly or indirectly from any seller anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of seafood products by respondent for his own account.

The Salmon and Tuna Sales Company, Docket 6981, and Ivar Wendt, Docket 6982, were additionally ordered to cease and desist from paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of their seafood products to such buyer for his own account.

By "Decision of the Commission", etc., in each case, all six respondents were ordered as follows:

It is ordered that the respondents herein shall within sixty (60) days after service upon them of these orders, file with the Commission reports in writing setting forth in detail the manner and form in which they have complied with the orders to cease and desist.

Issued: July 3, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-6777; Filed, Aug. 21, 1958; 8:50 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter K—Patents, Allotments and Sales

PART 121—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, SALE OF CERTAIN INDIAN LANDS, AND REINVESTMENT OF PROCEEDS

MISCELLANEOUS AMENDMENTS

On pages 1699 and 1700 of the FEDERAL REGISTER of March 12, 1958, there was published a notice of intention to amend Part 121 of 25 CFR. The purpose of this amendment is to cover the issuance of orders removing restrictions to adult Indians of the Five Civilized Tribes pursuant to the provisions of section 2 (b) of the act of August 11, 1955 (69 Stat. 666) and to redesignate the present § 121.52 as § 121.61.

Interested persons were given an opportunity to submit their views, data, or arguments in writing on the proposed amendment of the regulations to the Commissioner, Bureau of Indian Affairs, Washington 25, D. C., within 30 days from the date of publication of the notice in the FEDERAL REGISTER.

Several objections to the proposed amendment were received. They dealt mainly with that part of § 121.52 which provides for the termination of the Indian's eligibility for all special services performed for him by the United States because of his status as an Indian upon the issuance of an order removing restrictions.

The objections were thoroughly considered and discussed during the 30-day period. As a result of such consideration and discussion, a change has been made in § 121.52 by substituting the following wording for the provision regarding termination of eligibility for such services: "The effect of such order also shall be to terminate the Indian's eligibility for all special services provided for him by the Department of the Interior because of his status as an Indian, except in cases (a) where it is determined by the Secretary, or his authorized representative, that the termination of eligibility because of such order will result in substantial hardship for the Indian, and (b) where the Secretary, or his authorized representative, is directed by law to provide such special services for the Indian, * * *."

The proposed amendment to the regulation, as changed, is hereby adopted as set forth below. This amendment is effective upon publication in the FEDERAL REGISTER.

HATFIELD CHILSON,
Acting Secretary of the Interior.

AUGUST 15, 1958.

1. A new center head and seven new sections, designated §§ 121.51 to 121.57, thereunder, to read as set forth below are added after § 121.49 *Procedure for removing restrictions.*

2. The present § 121.52 is redesignated § 121.61 under the present center head Mortgages and Deeds of Trust to Secure Loans to Indians and reads as indicated below.

REMOVAL OF RESTRICTIONS, FIVE CIVILIZED TRIBES

Sec.
121.51 Removal of restrictions.
121.52 Effect of order.
121.53 Factors to be considered.
121.54 Notice of intent to issue order.
121.55 Issuance of order.
121.56 Appeals from decision to issue order.
121.57 Judicial review.

AUTHORITY: §§ 121.51 to 121.57 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 2, 40 Stat. 606, as amended; 25 U. S. C. 355.

§ 121.51 *Removal of restrictions.* Upon a determination by the Secretary of the Interior that an adult Indian of the Five Civilized Tribes owning trust or restricted property possesses sufficient ability, knowledge, experience, and judgment to enable him to manage his business affairs, including the administration, use, investment, and disposition of any property turned over to such person and the income or proceeds therefrom, with such reasonable degree of prudence and wisdom as will be apt to prevent him from losing such property or the benefits thereof, the Secretary or his authorized representative shall issue, without application therefor by the Indian affected, an order removing restrictions.

§ 121.52 *Effect of order.* When an order becomes effective, the Secretary shall cause to be turned over to the Indian full ownership and control of any money and property that is held in trust for him or that is held subject to a restriction against alienation imposed by the United States, issuing, in the case of land, such title document as may be appropriate; provided, that the Secretary may make such provisions as he deems necessary to insure payment of money loaned to any such Indian by the Federal Government or by an Indian tribe, and provided further, that the interest of any lessee or permittee in any lease, contract, or permit that is outstanding when an order removing restrictions become effective shall be preserved as provided in section 2 (d) of the act of August 11, 1955. The effect of such order also shall be to terminate the Indian's eligibility for all special services provided for him by the Department of the Interior because of his status as an Indian, except in cases (a) where it is determined by the Secretary, or his authorized representative, that the termination of eligibility because of such order will result in substantial hardship for the Indian, and (b) where the Secretary, or his authorized representative, is directed by law to provide such special services for the Indian, and if he inherits or there is devised to him interests in trust or restricted property, subsequent to the effective date of the order, the property will be acquired without restrictions. Any existing exemption from taxation that constitutes a vested property right shall continue in force and effect until it terminates by virtue of its own limitations.

§ 121.53 *Factors to be considered.* Prior to the issuance of an order removing restrictions, all or part of the following factors, as appropriate, shall be considered in arriving at a decision, and any other factors that may be pertinent:

(a) The extent of the Indian's education and the nature of his training and experience, including business experience, and the manner in which he has demonstrated his ability to manage his own affairs without assistance or supervision.

(b) The extent to which he has made an adequate living for himself and family; the extent to which he has required assistance from the Government, tribe, or other agency or organization in the matter of loans, relief, old-age assistance, aid to dependent children, unemployment compensation, old-age and survivors insurance, etc.; and the extent, if any, his family has been dependent on the income from trust or restricted property.

(c) The assets, including land and improvements, farm equipment, livestock, etc., he, or his family has; the property, real or personal, he has acquired through his own efforts.

(d) The manner in which he has used assets and funds coming into his possession, whether through earnings, inheritance or otherwise.

(e) The state of his health and physical capacities, insofar as they affect his ability to manage his own affairs.

(f) The value of his property in relation to his demonstrated degree of ability to manage his own affairs.

§ 121.54 *Notice of intent to issue order.* Prior to the issuance of an order removing restrictions the Indian will be notified in writing that:

(a) Section 2 (b) of the act of August 11, 1955 (69 Stat. 666), directs the Secretary of the Interior to issue an order removing restrictions to any Indian of the Five Civilized Tribes who; in the judgment of the Secretary, has sufficient ability, knowledge, experience, and judgment to enable him to manage his business affairs, including the administration, use, investment, and disposition of any property turned over to such person and the income or proceeds therefrom, with such reasonable degree of prudence and wisdom as will be apt to prevent him from losing such property or the benefits thereof.

(b) He has been determined tentatively to be in the category defined by the statute, and an order removing restrictions will be issued 60 days after the date of the notice, unless he or someone acting in his behalf, presents persuasive reasons for not issuing the order. Such reasons should be in writing and received in the office issuing the notice before the end of the 60-day period.

§ 121.55 *Issuance of order.* (a) If no objection is filed, as permitted by § 121.54 (b), the order shall be issued at the end of the 60-day period, and the Indian and the Board of County Commissioners for the county in which the Indian resides shall be so notified. The order shall become effective six months after the date of such notice, unless set aside by order of a county court. The timely initiation of proceedings before a county court shall stay the effective date of an order until the proceedings are concluded.

(b) If an Indian, or someone acting in his behalf, submits within the 60-day period allowed for that purpose, reasons for not issuing the order, and it is determined the reasons are not persuasive, the Indian and any person acting in his behalf shall be notified in writing that the order will be issued, notwithstanding the objections, 30 days after the date of such notification. The notification shall allow a right of appeal to the Secretary of the Interior within the 30-day period.

§ 121.56 *Appeals from decision to issue order.* An appeal to the Secretary, together with supporting data, must be transmitted to the officer issuing the notice of the proposed removal of restrictions, and must be received by such officer before the expiration of the 30-day period mentioned in § 121.55 (b). Issuance of the order removing restrictions shall be withheld until the appeal is decided. If no appeal is received by the end of the 30-day period allowed for appeals, or if an appeal is dismissed, the order removing restrictions shall be issued, and the Indian and the Board of County Commissioners for the county in which the Indian resides shall be so notified. The order shall become effective six months after the date of such notice, unless set aside by order of a county court. The timely initiation of proceedings before a county court shall stay the effective date of an order until the proceedings are concluded.

§ 121.57 *Judicial review.* When an order removing restrictions is issued, copies thereof shall be delivered to the Indian, and to any person acting in his behalf, and to the Board of County Commissioners for the county in which the Indian resides, with the notification that, under the terms of the act of August 11, 1955 (69 Stat. 666), the Indian or the Board of County Commissioners has the right, within six months from the date of the notice of the order, to apply to the county court for the county in which the Indian resides for an order setting aside the order removing restrictions. The timely initiation of such proceedings shall stay the effective date of the order until the proceedings are concluded.

MORTGAGES AND DEEDS OF TRUST TO SECURE LOANS TO INDIANS

§ 121.61 *Approval of mortgages and deeds of trust.* The Commissioner of Indian Affairs or his authorized representative may approve mortgages or deeds of trust on any individually owned trust or restricted land whenever such lands under any law or treaty may be sold with the approval of the Secretary of the Interior or his duly authorized representative. The approval of such a mortgage or deed of trust terminates the trust or restricted status of the land only with respect to such mortgage or deed of trust and only for the purpose of permitting foreclosure or sale pursuant to the terms of the mortgage or deed of trust in accordance with the laws of the State or Territory in which the land is situated.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 7, 32 Stat. 275, 34 Stat. 1018, sec. 1, 35 Stat. 444, secs. 1, 2, 36 Stat. 855, as amended, 856, as amended, sec. 17, 40 Stat. 579, 62 Stat. 236; 25 U. S. C. 379, 405, 404, 372, 373, 483)

[F. R. Doc. 58-6764; Filed, Aug. 21, 1958; 8:46 a. m.]

Subchapter O—Rights of Way—Roads

PART 163—ESTABLISHMENT OF ROADLESS AND WILD AREAS ON INDIAN RESERVATIONS

ELIMINATION OF AREA FROM PART OF WARM SPRINGS RESERVATION

On page 3601 of the FEDERAL REGISTER of May 24, 1958, there was published a notice of intention to amend Part 163, Roadless and Wild Areas on Indian Reservations, Title 25 of the Code of Federal Regulations. The purpose of the amendment is to eliminate the roadless area from a part of the Warm Springs Reservation at the request of the Confederated Tribes of the Warm Springs Reservation.

Interested persons were given an opportunity to submit their views, data and arguments concerning the proposed amendment within 30 days from the date of publication of the notice. More than 30 days have elapsed since this publication and no objections to the proposed amendment have been raised with this Department.

The proposed amendment to the regulations is hereby adopted as set forth below. This amendment is effective upon publication in the FEDERAL REGISTER.

HATFIELD CHILSON,
Acting Secretary of the Interior.

AUGUST 18, 1958.

Section 163.1 of Part 163 is amended to read as follows:

§ 163.1 *Roadless areas.* A roadless area for the purpose of this part is one which contains no provision for the passage of motorized transportation and which is at least 100,000 acres in forested country or at least 500,000 acres in nonforested country. The following are established as roadless areas on Indian reservations:

Name of area	Reservation	Approximate acreage
Rainbow Bridge	Navajo	1,590,000
Black Mesa	Navajo	820,000
Grand Canyon	Hualapai	530,000
Painted Desert	Navajo	525,000
Black River	San Carlos-Ft. Apache.	325,000
Wind River Mountains	Shoshone	220,000
Columbia-San Poil Divide.	Colville	155,000
Mt. Thomas	Ft. Apache	130,000
Mission Range	Flathead	125,000
Mesa Verde	Consolidated Ute	115,000
Goat Rocks	Yakima	105,000

The boundaries of these areas are described in the appendix to this part.[1]

(R. S. 161; 5 U. S. C. 22)

[F. R. Doc. 58-6797; Filed, Aug. 21, 1958; 8:56 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1720]

[Oregon 06315]

OREGON

POWER SITE MODIFICATION NO. 426, MODIFYING EXECUTIVE ORDERS OF JULY 2, 1910, JULY 10, 1912, AND DECEMBER 12, 1917, CREATING POWER SITE RESERVES NOS. 95, 285, AND 661 RESPECTIVELY, AND THE DEPARTMENTAL ORDER OF DECEMBER 12, 1917, CREATING WATER POWER DESIGNATION NO. 14

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and sections 2 and 3 of the act of June 9, 1916 (39 Stat. 218), it is ordered as follows:

The Executive orders of July 2, 1910, July 10, 1912, and December 12, 1917, creating Power Site Reserves Nos. 95, 285, and 661 respectively, and the departmental order of December 12, 1917, classifying certain lands as Water Power Designation No. 14, are hereby modified to the extent necessary to permit the granting of a right-of-way under section 2477, United States Revised Statutes (43 U. S. C. 932), to Lane County, Oregon, for the construction of a highway over and across those portions of the following-described lands needed for road improvements, as delineated on the map submitted with the County's application (Oregon 06315), and designated "right-of-way for highway for Lane County, State of Oregon," based on the road survey completed June 16, 1958, and certified by H. O. Walberg, Civil Engineer:

WILLAMETTE MERIDIAN

T. 17 S., R. 2 E.,
Sec. 1, lot 4.
T. 16 S., R. 3 E.,
Sec. 31, lots 7, 8, 9, 10.
T. 17 S., R. 3 E.,
Sec. 4, lots 6 and 7;
Sec. 5, lot 4 and NE¼SE¼;
Sec. 9, lots 3 and 4.

This modification is subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended, and to the condition that in the event the lands are required for purposes of power development by the United States, its licensees or permittees, said Lane County, Oregon, its transferee or assignee shall relocate at its own expense so much of the highway on the right-of-way granted by the United States as may be found by the appropriate agency of the United States to be necessary to avoid interference with such power development.

The lands are also withdrawn pursuant to filing of application for preliminary permit for proposed water power Project No. 852, with respect to which the Federal Power Commission in its determination DA-446-Oregon issued August 12, 1958, took necessary action, and to which reference is made for the terms and conditions under which the right-of-way grant may be made effective.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 15, 1958.

[F. R. Doc. 58-6765; Filed, Aug. 21, 1958; 8:47 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[Dept. Circ. 530, 8th Rev., 1958 1st Amdt.]

PART 315—UNITED STATES SAVINGS BONDS

COMPUTATION OF AMOUNT

AUGUST 15, 1958.

Section 315.11 (c) of Department Circular No. 530, Eighth Revision, (31 CFR,

[1] The appendix to this part appears at 3 F. R. 709-711, Mar. 22, 1938.

1957 Supp., 315) dated December 26, 1957, is hereby amended and revised to read as follows:

(c) *Bonds that may be excluded from computation.* There need not be taken into account:

(1) Bonds on which that person is named beneficiary;

(2) Bonds in which his interest is only that of a beneficiary under a trust;

(3) Bonds to which he has become entitled under § 315.66 as surviving beneficiary upon the death of the registered owner, as an heir or legatee of the deceased owner, or by virtue of the termination of a trust or the happening of any other event;

(4) Bonds of Series E purchased with the proceeds of matured bonds of Series A, Series C–1938, and Series D, where such matured bonds were presented for that purpose;

(5) Bonds of Series E bearing issue dates from May 1, 1941, to December 1, 1945, inclusive, held by individuals in their own right which are not more than $5,000 (maturity value) in excess of the prescribed limit;

(6) Bonds of Series E or Series H reissued under § 315.60 (b) (1);

(7) Bonds of Series E or Series H reissued in the name of a trustee of a personal trust estate which did not represent excess holdings prior to such reissue;

(8) Bonds of Series E or Series H purchased with the proceeds of bonds of Series F or Series G, maturing on and after September 1, 1958, where such matured bonds are presented for that purpose by individuals, legal guardians, committees (and similar representatives of the estates of minors and incompetents) and trustees of personal trust estates, subject to the terms of § 316.1a of this chapter (Department Circular No. 653, Fourth Revision, as amended), offering bonds of Series E, and § 332.1a of this chapter (Department Circular No. 905, Revised, as amended), offering bonds of Series H.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (P. L. 404, 79th Cong.; 60 Stat. 237) is found to be unnecessary with respect to this amendment.

(Sec. 22, 49 Stat. 21, as amended; 31 U. S. C. 757c)

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F. R. Doc. 58–6788; Filed, Aug. 21, 1958; 8:54 a. m.]

[Dept. Circ. 653, 4th Rev., 1958, 2d Amdt.]

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

SPECIAL OFFERING TO OWNERS OF MATURING SAVINGS BONDS OF SERIES F AND G

AUGUST 15, 1958.

Department Circular No. 653, Fourth Revision, dated April 22, 1957, as amended (31 CFR, 1957 Supp., 316) is hereby supplemented and further amended by the addition of the following new section:

§ 316.1a *Special offering to owners of maturing savings bonds of Series F and G*—(a) *General.* The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended (31 U. S. C. 757c) hereby offers owners of bonds of Series F and Series G maturing on and after September 1, 1958, the privilege of applying the proceeds of their matured bonds to the purchase of bonds of Series E without regard to the limitation on holdings prescribed in § 316.8.

(b) *Restrictions and conditions.* This offering is subject to the following restrictions and conditions:

(1) It extends only to individuals, that is, natural persons in their own right, legal guardians, committees, and similar representatives of estates of minors and incompetents, and to "personal trust estates". For this purpose the term "personal trust estates" means trusts established by natural persons in their own right, for the benefit of themselves or other such natural persons, in whole or in part, and common trust funds comprised in whole or in part of such trust estates.

(2) It is subject to the restrictions prescribed in § 315.6 of this chapter (savings bond regulations, Department Circular No. 530).

(3) The matured bonds must be presented to a Federal Reserve Bank or Branch for the specified purpose of taking advantage of this offering.

(4) Bonds of Series E may be purchased with the proceeds of the matured bonds only up to the denominational amounts that such proceeds will fully cover; any difference between the redemption value of the matured bonds and the purchase price of bonds of Series E will be paid to the owner.

(5) The bonds of Series E will be registered in the name of the owner in any authorized form of registration.

(6) They will be dated as of the first day of the month in which the matured bonds are presented to a Federal Reserve Bank or Branch.

(c) *Termination of offering.* This offering will continue until terminated by the Secretary of the Treasury.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (P. L. 404, 79th Cong.; 60 Stat. 237) is found to be unnecessary with respect to this amendment.

(Sec. 22, 49 Stat. 21, as amended; 31 U. S. C. 757c)

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F. R. Doc. 58–6789; Filed, Aug. 21, 1958; 8:54 a. m.]

[Dept. Circ. 905, Rev., 1958 2d Amdt.]

PART 332—OFFERING OF UNITED STATES SAVINGS BONDS SERIES H

SPECIAL OFFERING TO OWNERS OF MATURING SAVINGS BONDS OF SERIES F AND G

AUGUST 15, 1958.

Department Circular No. 905, Revised, dated April 22, 1957, as amended (31 CFR, 1957 Supp., 332) is hereby supplemented and further amended by the addition of the following new section:

§ 332.1a *Special offering to owners of maturing savings bonds of Series F and G*—(a) *General.* The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended (31 U. S. C. 757c) hereby offers owners of bonds of Series F and Series G maturing on and after September 1, 1958, the privilege of applying the proceeds of their matured bonds to the purchase of bonds of Series H without regard to the limitation on holdings prescribed in § 332.9.

(b) *Restrictions and conditions.* This offering is subject to the following restrictions and conditions:

(1) It extends only to individuals, that is, natural persons in their own right, legal guardians, committees, and similar representatives of estates of minors and incompetents, and to "personal trust estates." For this purpose the term "personal trust estates" means trusts established by natural persons in their own right, for the benefit of themselves or other such natural persons, in whole or in part, and common trusts comprised in whole or in part of such trust estates.

(2) It is subject to the restrictions prescribed in § 315.6 of this chapter (savings bond regulations, Department Circular No. 530).

(3) The matured bonds must be presented to a Federal Reserve Bank or Branch for the specified purpose of taking advantage of this offering.

(4) Bonds of Series H may be purchased with the proceeds of the matured bonds only up to the denominational amounts that such proceeds will fully cover; any difference between the redemption value of the matured bonds and the purchase price of bonds of Series H will be paid to the owner.

(5) The bonds of Series H will be registered in the name of the owner in any authorized form of registration.

(6) They will be dated as of the first day of the month in which the matured bonds are presented to a Federal Reserve Bank or Branch.

(c) *Termination of offering.* This offering will continue until terminated by the Secretary of the Treasury.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (P. L. 404, 79th Cong.; 60 Stat. 237) is found to be unnecessary with respect to this amendment.

(Sec. 22, 49 Stat. 21, as amended; 31 U. S. C. 757c)

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F. R. Doc. 58–6790; Filed, Aug. 21, 1958; 8:54 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter B—Standard Samples and Reference Standards

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY NATIONAL BUREAU OF STANDARDS

SUBPART B—STANDARD SAMPLES AND REFERENCE STANDARDS WITH SCHEDULE OF WEIGHTS AND FEES

DESCRIPTIVE LIST

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These schedules are effective from August 4, 1958.

Section 230.11 *Descriptive list* is amended as follows:

1. Paragraph (r) *Radioactive standards* is amended to read as follows:

(r) *Radioactive standards.*

ALPHA-BETA-GAMMA STANDARDS [1]

Sample No.	Radiation	Nuclide	Nominal (a) activity	Volume	Price per sample
4900	α	Polonium-210 [b]	200 dps	(c)	$27.00
4901	α	Polonium-210 [b]	500 dps	(c)	27.00
4902	α	Polonium-210 [b]	1000 dps	(c)	27.00
4903	α	U_3O_8 [d]	15 dps	(e)	27.00
4911	β (α)	RaD E [f]	500 dps	(e)	27.00
4912	β (α)	RaD E [f]	1000 dps	(e)	27.00
4913	β (γ)	Cobalt–60	10^4 dps/ml [g]	(h)	27.00
4914	γ (β)	Cobalt–60	10^6 dps [g]	5.0 ml	27.00
4915	γ (β)	Cobalt–60	10^6 dps [c]	5.0 ml	27.00
4916	(β)	Phosphorus–32 [i]			
4917	β (γ)	Iodine–131 [i]			
4918	β (γ)	Gold–198 [i]			
4919	β	Strontium–90, Yttrium–90	10^4 dps/ml [g]	(h)	27.00
4920	β	Thallium–204	10^4 dps/ml [g]	(h)	27.00
4921	β (γ)	Sodium–22	10^4 dps/ml [g]	(h)	27.00
4922	γ (β)	Sodium–22	10^6 dps [c]	5.0 ml	27.00
4923	β (γ)	Sodium–24 [i]	10^6 dps/ml [g]	25.0 ml	27.00
4924	β	Carbon–14	10^4 dps/ml [g]	(j)	27.00
4925	β	Carbon–14	10^4 dps/ml [g]	25.0 ml	27.00
4926	β	Hydrogen–3	10^6 dps/ml [g]	(h)	27.00
4927	β	Hydrogen–3	10^6 dps/ml [g]	(h)	27.00
4928	β	Sulphur–35	10^4 dps/ml [g]	(h)	27.00
4929	K	Iron–55	10^4 dps/ml [g]	(h)	27.00
4930	K (γ)	Zinc–65	10^5 dps/ml [g]	(h)	27.00
4931	γ (β)	Cesium–137, Barium–137	10^6 dps [c]	5.0 ml	27.00
4932	γ (β)	Mercury–203	10^6 dps [c]	5.0 ml	27.00
4933	β (γ)	Potassium–42 [i]	10^4 dps/ml [g]	(h)	27.00
4934	β (γ)	Tantalum–182	10^7 dps/ml [g]	(h)	27.00
4935	β	Krypton–85	10^8 dps/ml [k]	(k)	27.00
4936	γ (β)	Iron–59	10^6 dps/ml [c]	5.0 ml	27.00

[1] Radioactivity standards are shipped express collect only to destinations in Canada and the United States. In the case of shipments to other countries consignee should appoint an agent to handle shipment abroad, apply to the National Bureau of Standards for pro forma invoices, and establish a credit for the cost of the standards at any bank in the United States.

[a] The disintegration rate as of the reference date is given on a certificate accompanying the standard.

[b] Samples consist of a practically weightless deposit of polonium-210 on a silver disk 1 inch in diameter, 1/16-inch thick and faced with 0.002 inch of palladium. Please note that standard samples Nos. 4900, 4901, and 4902 are now polonium-210. This change makes possible the preparation of small diameter weightless source with little self-absorption and no beta emission. Corrections for decay may be made accurately. If uncalibrated strong alpha sources with a longer half-life are desired and the above characteristics are not required, the beta sources Nos. 4911 and 4912 may be used. Two years after plating, the alpha emission rate in the forward direction is approximately one-half the given disintegration rate and decays with approximately the half-life of radium D.

[c] Deposited source.

[d] Samples consist of U_3O_8 deposited on a 0.1-mm platinum foil and mounted on an aluminum disk, 1¼ inch in diameter and 1/32-inch thick. The alpha-ray disintegration rate as of the date of calibration is indicated on the certificate accompanying the standard.

[e] Standards consist of Pb–210—Bi–210 in equilibrium, deposited on a silver disk 1 inch in diameter, 1/16-inch thick and faced with 0.002 inch of palladium.

[f] Total activity of these standards is such that they may be ordered singly under the general licensing provisions of the Atomic Energy Act of 1954 (please refer to Federal Register, Volume 21, page 213, January 11, 1956).

[g] These standards can be issued only under the special licensing provisions of the Atomic Energy Act of 1954, and it is therefore required that a copy of the purchaser's current AEC By-Product Material License be on file at the National Bureau of Standards.

[h] Approximately 3 ml of low-solids carrier solution containing the active nuclide in a flame-sealed ampoule.

[i] Primary standards of these nuclides are maintained at the National Bureau of Standards, secondary standards being now available commercially as noted in the following press release dated May 1, 1957:

Distribution of Certain Short-Lived Radioisotope Standards.

Effective May 6, 1957, the National Bureau of Standards discontinued the distribution of the following radioactivity standard samples of short-lived radioisotopes which are now commercially available:

NBS Standard Sample No. 4916 Phosphorus–32
NBS Standard Sample No. 4917 Iodine–131
NBS Standard Sample No. 4918 Gold–198
NBS Standard Sample No. 4923 Sodium–24
NBS Standard Sample No. 4933 Potassium–42

Standardized samples of these nuclides may be obtained from the Nuclear-Chicago Corporation, 223 West Erie Street, Chicago 10, Illinois. The standards to be issued by this firm will be derived from comparisons made with the primary standards of the National Bureau of Standards. The firm, however, has accepted full responsibility for the standardization of the samples that it distributes.

Discontinuance of this activity will permit the Bureau to devote more of its resources toward meeting the demands of science and industry for new and more accurate standards. The Bureau's action also conforms with the Federal Government's general policy of withdrawing from activities that can be carried on by private business. The Bureau will, however, continue to maintain the primary disintegration-rate standards of these nuclides, with which commercially available secondary standards may be compared. It is anticipated that there will be no interruption in the distribution schedules of the above standards.

[j] Benzoic acid (7C–14) in about 3 ml of toluene in a flame-sealed glass ampoule.

[k] Approximately 10 ml of Kr^{85} in inert krypton at a pressure of approximately one atmosphere in a break-seal glass ampoule.

RADIUM STANDARDS (FOR RADON ANALYSIS)

Sample No.	Radium content (in grams)	Volume (ml.) (a)	Price per sample
4950	10^{-8}	100	$27.00
4951	10^{-11}	100	27.00
4952	Blank solution	100	5.00

[a] Samples are sealed in flame-sealed glass ampoules.

RADIUM GAMMA-RAY STANDARDS

Sample No.	Radium content (in micrograms)	Volume (ml.) (a)	Price per sample
4955	0.1	5	$27.00
4956	0.2	5	27.00
4957	0.5	5	27.00
4958	1.0	5	27.00
4959	2.0	5	27.00
4960	5.0	5	27.00
4961	10	5	27.00
4962	20	5	27.00
4963	50	5	27.00
4964	100	5	27.00

[a] Samples are contained in flame-sealed glass ampoules.

ROCK STANDARDS

RADIUM ROCK SAMPLES [p]

Sample No.	Rock	Average radium content micrograms of radium per gram of rock	Price per sample
4975	Dunite	0.009±0.004	$3.00
4976	Carthage limestone	0.15 ±0.03	3.00
4977	Berea sandstone	0.24 ±0.02	3.00
4978	Columbia River basalt	0.33 ±0.03	3.00
4979	Cheshnford granite	2.95 ±0.08	3.00
4980	Quartzite	0.06 ±0.01	3.00
4981	Graniteville granite	3.5 ±0.2	3.00
4982	Gabbro-diorite	0.18 ±0.02	3.00
4983	Milford granite	0.23 ±0.03	3.00
4984	Triassic diabase	0.18 ±0.02	3.00
4985	Deccan trap	0.31 ±0.04	3.00
4986	Kimberlite	0.59 ±0.04	3.00

[p] Each sample consists of 100 g of pulverized rock taken from bulk material analyzed for radium content. Petrographic data of each standard and approximate chemical analysis of a representative sample of all standards except 4976, 4977 and 4980 is also given in a certificate accompanying each sample.

CARBON-14 DATING STANDARD

Sample No.	Description	Price per sample
4990	Contemporary standard for Carbon-14 dating laboratories (sample consists of 5 lb of oxalic acid)	$5.00

2. Paragraph (t) *Limestone slabs for caulking compound tests* is amended to read as follows:

(t) *Limestone slabs for caulking compound tests.*

Sample No.	Description	Unit of issue	Price per sample
1005	Limestone slabs, as required by Federal Specification TT–C–598, "Compound, Caulking, Plastic."	Set of 12 slabs.	$25.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

A. V. ASTIN,
Director,
National Bureau of Standards.

Approved: August 12, 1958.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58–6712; Filed, Aug. 21, 1958; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

MISCELLANEOUS AMENDMENTS

1. The centerhead "Appointments" immediately preceding § 17.30 is deleted and a new centerhead "Definitions" is added.

2. Former § 17.30 is redesignated as new § 17.61 (see paragraph 13 of this document for new § 17.61) and a new § 17.30 is added to read as follows:

§ 17.30 *Definitions.* Wherever used in Veterans Administration medical regulations, the terms defined in this section shall have the meaning herein stated, namely:

(a) *Veteran.* The term "veteran" means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

(b) *Military, naval, or air service.* The term "military, naval, or air service" means service in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, including the Reserve components thereof.

(c) *Veteran of any war.* The term "veteran of any war" means any veteran who served in the active military, naval, or air service during a period of war.

(d) *Period of war.* The term "period of war" means each of the Indian Wars, the Spanish-American War, World War I, World War II, the Korean conflict, and the period beginning on the date of any future declaration of war by the Congress and ending on a date prescribed by Presidential proclamation or concurrent resolution of the Congress.

(e) *Indian Wars.* The term "Indian Wars" means the campaigns, engagements, and expeditions of the United States military forces against Indian tribes or nations, service in which has been recognized heretofore as pensionable service.

(f) *Spanish-American War.* The term "Spanish-American War" (1) means the period beginning on April 21, 1898, and ending on July 4, 1902, (2) includes the Philippine Insurrection and the Boxer Rebellion, and (3) in the case of a veteran who served with the United States military forces engaged in hostilities in the Moro Province, means the period beginning on April 21, 1898, and ending on July 15, 1903.

(g) *World War I.* The term "World War I" (1) means the period beginning on April 6, 1917, and ending on November 11, 1918, and (2) in the case of a veteran who served with the United States military forces in Russia, means the period beginning on April 6, 1917, and ending on April 1, 1920.

(h) *World War II.* The term "World War II" means the period beginning on December 7, 1941, and ending on December 31, 1946.

(i) *Korean conflict.* The term "Korean conflict" means the period beginning on June 27, 1950, and ending on January 31, 1955.

(j) *Retirement.* "Retirement" of an individual from the military, naval, or air service shall be considered to be a discharge or release from such service.

(k) *Hospital care.* "Hospital care" includes medical services rendered in the course of hospitalization and transportation and incidental expenses for veterans who are in need of treatment for a service-connected disability or are unable to defray the expense of transportation.

(l) *Medical services.* "Medical services" includes, in addition to medical examination and treatment, dental and surgical services, and dental appliances, wheelchairs, artificial limbs, trusses, and similar appliances, special clothing made necessary by the wearing of prosthetic appliances, and such other supplies as the Administrator determines to be reasonable and necessary.

(m) *Domiciliary care.* "Domiciliary care" includes transportation and incidental expenses for veterans who are unable to defray the expense of transportation.

(n) *Service-connected disability.* The term "service-connected disability" means a disability incurred or aggravated in line of duty in the active military, naval, or air service. For purposes of out-patient treatment and on submission of an appropriate application therefor, all disabilities of Spanish-American War veterans may be considered war service connected.

(o) *Chief medical officer.* The term "chief medical officer" means the medical officer in charge of the parent outpatient clinic of the regional office territory in which the clinic is located (i. e., the chief medical officer of the Medical Division of a regional office (including the Veterans Benefits Office, D. C.); the director of a separate Veterans Administration outpatient clinic; or Chief, Outpatient Service, at a hospital with which a regional office Medical Division has been merged.)

3. The centerhead "Definitions" immediately preceding § 17.31 is deleted.

4. Section 17.31 *Chief medical officer* is revoked.

5. In § 17.35, the headnote and paragraph (a) are amended to read as follows:

§ 17.35 *General authority for emergency hospital care.* (a) All potential beneficiaries having prima facie entitlement therefor, who are in need of emergency hospital care, may be provided therewith, and such emergency hospital care may, if necessary, be continued until a definite decision is reached as to the eligibility of the applicant for medical treatment. This authority for emergency hospitalization carries authority to supply Government transportation and necessary meals and lodging en route to the facility designated for the emergency admission.

6. The centerhead "Medical Treatment in Foreign Countries" immediately preceding § 17.36 is amended to read "Hospital Care and Medical Services in Foreign Countries".

7. Section 17.36 is revised to read as follows:

§ 17.36 *Eligibility for hospital care and medical services in foreign countries.* No person shall be entitled to receive hospital or domiciliary care or medical services, who resides outside of the continental limits of the United States or a territory, commonwealth, or possession of the United States except that the Chief Medical Director or Chief Medical Officer, Veterans Benefits Office, D. C., may authorize services as provided in paragraphs (a) and (b) of this section, provided the applicants are temporarily sojourning or temporarily residing in a foreign country and are citizens of the United States (sec. 524, Pub. Law 85–56).

(a) Hospital care for persons eligible under § 17.47 (a) who are in need of treatment for that disease or injury adjudicated by the Veterans Administration as incurred in or aggravated in line of duty in the active military, naval, or air service during a period of war.

(b) Medical services for persons eligible under § 17.60 (a) (1), (2), (5), and (6) who are in need of treatment for that disease or injury adjudicated by the Veterans Administration as incurred in or aggravated in line of duty in the active military, naval, or air service during a period of war.

8. Sections 17.46, 17.47, and 17.48 are revised to read as follows:

§ 17.46 *Persons entitled to hospital or domiciliary care.* Hospital or domiciliary care may be provided:

(a) Subject to the eligibility provisions of §§ 17.47 and 17.48, for:

(1) Persons discharged, released, or retired from active military, naval, or air service under other than dishonorable conditions (sec. 106, Pub. Law 85–56).

(2) Members or former members of the uniformed services (Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service) temporarily or permanently retired for physical disability or receiving disability retirement pay who require hospitalization for chronic diseases, and who have no eligibility to hospitalization under laws governing the Veterans Administration or who having eligibility do not elect hospitalization as Veterans Administration beneficiaries (Pub. Law 351, 81st Cong., and Executive Order 10122 as amended by Executive Order 10400).

(3) Persons included in section 311 and section 332, Title III, Public Law 85–56, January 1, 1958.

(b) Not subject to the eligibility provisions of §§ 17.47 and 17.48, for:

(1) Persons in active service with the United States Army (Pub. Law 177 and Pub. Law 852, 76th Cong.), or United States Navy or Marine Corps (Pub. Law 675, 70th Cong.), when duly referred with authorization therefor, may be supplied hospital care. Emergency treatment may be rendered such persons upon their own application, when absent from their commands, provided that covering formal authorization be procured as promptly as possible after the emergency treatment is begun.

(2) Hospital care may be provided, upon authorization, for beneficiaries of the Public Health Service, Bureau of Employees' Compensation, and other Federal agencies.

(3) Pensioners of nations allied with the United States in World War I and World War II may be supplied hospital care when duly authorized.

(c) Emergency hospital care may be provided for:

(1) Persons having no prima facie eligibility therefor, as a humanitarian service.

(2) Persons admitted because of presumed discharge or retirement from the Armed Forces, but subsequently found to be ineligible as such.

(3) Employees (not potentially eligible as ex-members of the Armed Forces) and members of their families, when residing on reservations of field stations of the Veterans Administration, and when they cannot feasibly obtain emergency treatment from private facilities.

(d) Persons comprehended under the provisions of paragraphs (b) and (c) of this section may be supplied hospitalization after the needs of emergency applicants under paragraph (a) of this section are fully met. Charges at prescribed rates will be made for the services rendered.

(45 Stat. 1090, secs. 1, 2, 70A Stat. 100, 215, 606, secs. 106, 311, 332, 71 Stat. 91, 96, 100; 10 U. S. C. 1216, 3723, 24 U. S. C. 31, 32 U. S. C. 320, 38 U. S. C. 2106, 2311, 2332, E. O. 10122, Apr. 14, 1950, 15 F. R. 2173, 3 CFR, 1950 Supp., E. O. 10400, Sept. 27, 1952, 17 F. R. 8648, 3 CFR, 1952 Supp.)

§ 17.47 *Eligibility for hospital or domiciliary care of persons discharged, released, or retired from active military, naval, or air service.* Within the limits of Veterans Administration facilities, hospital or domiciliary care may be furnished the following applicants in the specified order of preference. Notwithstanding the numerical group listing in paragraphs (a) to (d), inclusive, of this section, all persons comprehended in each group are on a parity with all other persons in the same paragraph in determining questions of priority for admissions:

(a) Hospital care for:

(1) Persons who served in the active military, naval, or air service during a period of war as defined in § 17.30, including those who have had active duty as members of the Women's Army Auxiliary Corps, Women's Reserve of the Navy and Marine Corps, and the Women's Reserve of the Coast Guard, when discharged, released, or retired (including members of the Fleet Reserve or Fleet Marine Reserve on retainer pay) under other than dishonorable conditions from a period of war service, and when suffering from an injury or disease incurred or aggravated in line of duty in that period of active military, naval, or air service, and for which they are medically determined to be in need of hospital care (sec. 106, Pub. Law. 85–56, January 1, 1958).

(2) Persons included in section 311 and section 332 of Title III, Public Law 85–56, who are suffering from injuries or diseases incurred in line of duty, during a period of war for which they are receiving disability compensation, and for which they are in need of hospital care.

(3) Persons who served in the active military, naval, or air forces on or after December 7, 1941, and before January 1, 1947, or on or after June 27, 1950, and prior to February 1, 1955, who are in need of treatment for an active psychosis adjudicated by the Veterans Administration as service connected under the provisions of section 502, Title V, Public Law 85–56, January 1, 1958.

(4) Cadets and midshipmen suffering from disabilities incurred in line of duty while assigned to duties constituting war service during the Spanish-American War and World War I and Korean conflict (which includes practice cruises at sea but excludes practice maneuvers at the Academies) and those pursuing a prescribed course of instruction at the Academies during World War II, requiring treatment for disabilities incurred in line of duty during such periods.

(5) Persons defined in subparagraphs (1) through (4) of this paragraph when suffering from a nonservice-connected condition which is associated with and held to be aggravating disability from a disease or injury incurred or aggravated in line of duty and for which they are medically determined to be in need of hospital care.

(b) Hospital care for:

(1) Persons who were discharged, released, or retired under other than dishonorable conditions from active military, naval, or air service for disability incurred or aggravated in line of duty or who are in receipt of compensation for service-connected or service-aggravated disability, when suffering from injuries or diseases incurred or aggravated in line of duty in such active service, and for which they are medically determined to be in need of hospital care. Cadets and midshipmen who meet these requirements as to character of discharge or receipt of compensation are eligible under this paragraph, regardless of the requirement as to active military, naval, or air service.

(i) For applicants not in receipt of compensation for service-connected or service-aggravated disability, the official records of the Armed Forces relative to findings of line of duty for its purposes will be accepted in determining eligibility for hospital care under this paragraph; except that where such official records show a finding of disability not incurred or aggravated in line of duty and evidence is submitted to the Veterans Administration which permits of a different finding, the decision of the Armed Forces will not be binding upon the Veterans Administration, which will be free to make its own determination of line of duty incurrence or aggravation upon the evidence so submitted. It will be incumbent upon the applicant to present such controverting evidence and, until he so acts and a determination favorable to him is made by the Veterans Administration, the finding of the Armed Forces will control and hospitalization will not be authorized. Such controverting evidence, when received from an applicant, will be referred to the adjudicating agency which would have jurisdiction if the applicant were filing claim for pension or disability compensation, and the determination of such agency as to line of duty, which is promptly to be communicated to the Manager of the field station receiving the application for hospitalization, will govern his disapproval or approval of admission, other eligibility requirements having been met. Where the official records of the Armed Forces show that the disability on account of which a veteran was discharged from service under other than dishonorable conditions was incurred or aggravated in line of duty, such showing will be accepted for the purpose of determining his eligibility for hospitalization, notwithstanding the fact that the Veterans Administration has made a determination in connection with a claim for monetary benefits that the disability was incurred or aggravated not in line of duty. See also section 105, Public Law 85–56, defining line of duty, whether on active duty or authorized leave, relative to applicants whose only military or naval service was in a period other than wartime.

(ii) When the applicant is in receipt of compensation for a service-connected or service-aggravated disability, inquiry will not be made as to the character of discharge from service.

(iii) In those exceptional cases where the official records of the Armed Forces show discharge or release under other than dishonorable conditions because of expiration of period of enlistment or any other reason save disability, but also show a disability incurred or aggravated in line of duty during the said enlistment; and the disability so recorded is considered in medical judgment to be or to have been of such character, duration, and degree as to have justified a discharge for disability had the period of enlistment not expired or other reason for discharge or release been given, the Chief Medical Director, upon consideration of a clear, full statement of the circumstances submitted to him, is authorized to approve admission of the applicant for hospital treatment, provided other eligibility requirements are met. A typical case of this kind would be one where the applicant was under treatment for the said disability recorded during his service at the time discharge was given for the reason other than disability.

(2) Persons defined in § 17.46 (a) (2) who require hospitalization for chronic diseases incurred in line of duty in active military, naval, or air service when beds are available and they agree to pay the subsistence rate set by the Administrator of Veterans Affairs, except that no subsistence charge will be made for those persons who are members or former members of the Public Health Service, Coast Guard, Coast and Geodetic Survey, and enlisted personnel of the Army, Navy, Marine Corps, and Air Force.

(3) Persons included in section 332 of Title III, Public Law 85–56, who on or after August 27, 1940, and prior to December 7, 1941, suffered an injury or disease in line of duty for which they are receiving disability compensation and for which they are in need of hospital treatment.

(4) Persons defined in subparagraphs (1) to (3) of this paragraph when suffer-

ing from a nonservice-connected condition which is associated with and held to be aggravating disability from a disease or injury incurred or aggravated in line of duty, and for which they are medically determined to be in need of hospital care (effective January 1, 1958).

(c) *Hospital or domiciliary care.* (1) Hospital care for persons who were discharged, released, or retired from active military, naval, or air service under other than dishonorable conditions for disability incurred or aggravated in line of duty, or who are in receipt of compensation for service-connected or service-aggravated disability, when suffering from nonservice-connected diseases or injuries requiring hospitalization. See also paragraph (b) (1) (i), (ii), and (iii) of this section which applies here, and to subparagraph (2) of this paragraph.

(Sec. 106, Pub. Law 85–56)

(2) Domiciliary care for persons who were discharged, released, or retired from active military, naval, or air service under other than dishonorable conditions for disability incurred or aggravated in line of duty, or who are in receipt of compensation for service-connected or service-aggravated disability when suffering from a permanent disability or tuberculous or neuropsychiatric ailment and who are incapacitated from earning a living and who have no adequate means of support. An additional requirement for eligibility for domiciliary care is the ability of the veteran to perform all the following:

(i) Perform without assistance daily ablutions, such as brushing teeth; bathing; combing hair; body eliminations.

(ii) Dress himself, with a minimum of assistance.

(iii) Proceed to and return from the dining hall without aid.

(iv) Feed himself.

(v) Secure medical attention on an ambulatory basis or by use of personally propelled wheelchair.

(vi) Have voluntary control over body eliminations or control by use of an appropriate prosthesis.

(vii) Share, by his personal efforts, in some measure, however slight, in the maintenance and operation of the station.

(viii) Make rational and competent decisions as to his desires to remain or leave the station.

(Sec. 510, Pub. Law 85–56)

(d) *Hospital or domiciliary care.* (1) Hospital or domiciliary care for persons who served in the active military, naval, or air service, including those who had active duty as a member of the Women's Army Auxiliary Corps, during a period of war as defined in § 17.30, who were discharged, released, or retired (including members of the Fleet Reserve or Fleet Marine Corps Reserve on retainer pay) from active duty under other than dishonorable conditions; who swear that they are unable to defray the expense of hospitalization or domiciliary care (including the expense of transportation to and from a Veterans Administration facility); and who are suffering from a disability, disease, or defect which, being susceptible to cure or decided improvement, indicates need for hospital care, or which, being essentially chronic in type is producing disablement of such degree and of such probable persistency as will incapacitate from earning a living for a prospective period, and thereby indicates need for domiciliary care. An additional requirement for eligibility for domiciliary care is the ability of the veteran to perform all of the following:

(i) Perform without assistance daily ablutions, such as brushing teeth; bathing; combing hair; body eliminations.

(ii) Dress himself with a minimum of assistance.

(iii) Proceed to and return from the dining hall without aid.

(iv) Feed himself.

(v) Secure medical attention on an ambulatory basis or by use of personally propelled wheelchair.

(vi) Have voluntary control over body eliminations or control by use of an appropriate prosthesis.

(vii) Share, by his personal efforts, in some measure, however slight, in the maintenance and operation of the station.

(viii) Make rational and competent decisions as to his desires to remain or leave the station.

Except for applicants presenting emergent conditions, consideration in admissions under this subparagraph may be given to the length or character of service.

(Sec. 106, Pub. Law 85–56)

(2) Hospital care for persons defined in § 17.46 (a) (2) who require hospitalization for chronic diseases not incurred in line of duty in active military, naval, or air service when beds are available and they agree to pay the subsistence rate set by the Administrator of Veterans Affairs, except that no subsistence charge will be made for those persons who are members or former members of the Public Health Service, Coast Guard, Coast and Geodetic Survey, and enlisted personnel of the Army, Navy, Marine Corps, or Air Force.

(3) Hospital or domiciliary care for cadets and midshipmen assigned to duties constituting war service during the Spanish-American War and World War I and Korean conflict (which includes practice cruises at sea but excludes practice maneuvers at the Academies) and those pursuing a prescribed course of instruction at the Academies during World War II who meet the other eligibility requirements of subparagraph (1) of this paragraph.

(Secs. 105, 106, 311, 332, 71 Stat. 90, 91, 100; 38 U. S. C. 2105, 2106, 2311, 2332)

§ 17.48 *Considerations applicable in determining eligibility for hospital or domiciliary care.* (a) Under § 17.47 (b) (2) and (d) (2), the term "chronic diseases" shall include chronic arthritis, malignancy, psychiatric or neuropsychiatric disorder, neurological disabilities, poliomyelitis with disability residuals and degenerative diseases of the nervous system, severe injuries to the nervous system including quadriplegics, hemiplegics, and paraplegics, tuberculosis, blindness and deafness requiring definitive rehabilitation, major amputees, and such other diseases as may be agreed from time to time jointly by the Chief Medical Director of the Veterans Administration, the Chairman of the Armed Forces Medical Policy Council, Office of the Department of Defense, and the Surgeon General of the U. S. Public Health Service, Office of the Department of Health, Education and Welfare. Blindness, as used in this paragraph, is defined as central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of the visual field subtends an angular distance no greater than 20 degrees in the better eye.

(b) Under § 17.47 (c) (2):

(1) "No adequate means of support": When an applicant is receiving an income of $125 or more per month from any source for his own use, this fact will be considered prima facie evidence that he has adequate means of support. This is subject to rebuttal by a showing that his income is not adequate to provide the care required by reason of his disability or that the income is not available for his use because of other obligations such as contributions in whole or in part to the support of a spouse, child, mother, or father. In all such cases of alleged inadequate means of support, the circumstances will be submitted to the Manager for decision.

(c) Under § 17.47 (d):

(1) "Any disability, disease, or defect" will comprehend any acute, subacute, or chronic disease (of a general medical, tuberculous, or neuropsychiatric type) or any acute, subacute, or chronic surgical condition susceptible of cure or decided improvement by hospital care; or any condition which does not require hospital care for an acute or chronic condition but requires domiciliary care. Domiciliary care, as the term implies, is the provision of a home, with such ambulant medical care as is needed. To be entitled to domiciliary care, the applicant must consistently have a disability, disease, or injury which is essentially chronic in type and is producing disablement of such degree and probable persistency as will incapacitate from earning a living for a prospective period.

(2) "Unable to defray expenses of hospitalization or domiciliary care (including transportation to and from a Veterans Administration facility)": The affidavit of the applicant on VA Form 10–P–10 that he is unable to defray the expenses of hospitalization or domiciliary care (including transportation to and from a Veterans Administration facility) will constitute sufficient warrant to furnish hospitalization or domiciliary care (including Government transportation to cover transportation to the facility).

(d) Persons hospitalized pursuant to § 17.47 (c) (1) or (d) (1) and (3), who it is believed may be entitled to hospital care or medical or surgical treatment or to reimbursement for all or part of the cost thereof, by reason of statutory, contractual, or other relationships with third parties, including those liable for damages by reason of negligence or other legal wrong, will not be furnished hospital care without charge therefor to the extent of the amount for which third parties are or will become liable, and such patients will be requested to execute appropriate assignment or other instrument which will entitle the Administrator of Veterans Affairs, on behalf of the United States, to receive and to collect, directly or as assignee, from the third party or parties, to the extent of the amounts for which such third party is liable, the cost of such care and treatment as determined under the applicable rules and regulations, including medical fee schedules, of the Veterans Administration. The words "by reason of statutory or contractual relationship" as used in this paragraph include, but are not limited to, (1) membership in a union, fraternal or other organization, (2) rights under a group hospitalization plan, or under any insurance contract or plan which provides for payment or reimbursement for the cost of medical or hospital care, and conditions the obligation of the insurer to pay upon payment or incurrence of liability by the person covered, (3) "workmen's compensation" or "employers' liability" statutes, State or Federal, (4) right to "maintenance and cure" in admiralty. Notice of the assignment will be mailed promptly to the party or parties believed to be liable. When the amount of charges is ascertained, bill therefor will be mailed such party or parties. If payment is not received in due course the matter will be referred to the proper Chief Attorney.

(e) Women veterans will not be entitled to hospital care for pregnancy and parturition unless it is complicated by a pathological condition.

9. In § 17.50, paragraph (d) is amended, paragraph (f) is deleted, and former paragraphs (g), (h), (i), and (j) are redesignated paragraphs (f), (g), (h), and (i), respectively, to read as follows:

§ 17.50 *Utilization of facilities other than those under direct and exclusive jurisdiction of the Veterans Administration.* • • •

(d) The general principles to be observed in utilization of facilities other than those over which the Veterans Administration has direct and exclusive jurisdiction will be as follows: Other Government facilities under agreements or private facilities under contracts will be used for the hospitalization of beneficiaries requiring hospital treatment in accordance with the foregoing instructions only when facilities under direct and exclusive jurisdiction of the Veterans Administration are not feasibly available, or when the urgency of the applicant's medical condition, the relative distance of the travel involved, or the nature of the treatment required in the individual case makes it necessary or economically advisable to utilize such other institutions instead of a facility under direct and exclusive jurisdiction of the Veterans Administration. Under the provisions of this section, admissions to other Government, private, State, or municipal hospitals may be authorized by Managers of regional offices (including Veterans Benefits Office, D. C.), centers, hospitals, and separate Veterans Administration Outpatient Clinics, through chief medical officers (as currently defined in § 17.30 (o).

• • • • •

(f) The prior approval of the Chief Medical Director or the Assistant Chief Medical Director for Operations must be secured for the use of private, State, or municipal facilities covered by contracts and located either within the continental limits of the United States or in the insular possessions or territories, for the hospitalization in such facilities of beneficiaries in excess of the number of beds contracted for, except where immediate hospitalization is indicated for treatment of a medically emergent service-connected disease or injury. The number of beds set apart by agreements with other Government facilities, for treatment of Veterans Administration beneficiaries, may be exceeded during any month as necessitated with the consent of the commanding officer of the hospital concerned: *Provided*, That the utilization thereof be correspondingly reduced in other months, so that the average monthly use of such beds, at the end of the fiscal year, will not have exceeded the total allocation.

(g) An applicant, whose eligibility for hospitalization (whether for observation or treatment or whether for a service-connected or nonservice-connected condition) had been determined, whose admission to a Veterans Administration facility had been authorized, and who had been supplied transportation therefor but who, while enroute to the designated facility (or enroute from it after completion of service and regular discharge, with transportation furnished to a designated point), develops an unavoidable and unforeseen medical emergency that forbids continuance of such travel and requires admission to a private hospital or treatment by a private physician, will be entitled to such necessary services at the expense of the Government, including any extra transportation costs (ambulance or otherwise) that were actually necessitated in the circumstances.

(1) If the chief medical officer of the territory concerned is informed of such emergency hospital admission or such physician's treatment before or shortly after the beginning of the services, authorization for the services, followed by payment of bills therefor, may be made in accordance with the terms of paragraph (b) (2) of this section.

(2) If the chief medical officer had not authorized such hospitalization or such physician's services, he may nevertheless certify for payment bills from the hospital superintendent or the attending physician, provided determination is made of the actual necessity for the items of service rendered and payment is at fees considered reasonable and not in excess of those customarily charged the general public for similar services in the hospital where rendered.

(3) Subject to the same controlling conditions as in subparagraph (2) of this paragraph, the chief medical officer may authorize reimbursement of the beneficiary or his representative, if either had paid bills submitted by the superintendent of the hospital or by the physician who had attended the beneficiary and had submitted those receipted bills.

(h) Payment or reimbursement for emergency medical treatment and hospitalization through facilities other than governmental as provided in paragraph (g) of this section may be authorized where a veteran granted vocational rehabilitation pursuant to the provisions of Public Law 16, 78th Congress as amended, or Public Law 894, 81st Congress, as amended, is furnished transportation and ordered to report to a designated school, proceeds in accordance with said orders, and becomes ill while en route, if there is no intervening factor for which he is responsible which would affect or change his status.

(i) The qualifying term "service-connected" as used in paragraphs (b) (1), (c), (f), and (g) of this section is applicable to an active psychosis adjudicated by the Veterans Administration as service connected under the provisions of Public Law 239, 82d Congress.

10. Section 17.51 *Travel for hospitalization in medical emergencies* is revoked.

11. Section 17.60 is revised to read as follows:

§ 17.60 *Outpatient treatment and examination.* (a) Medical services may be furnished to the following applicants under the conditions stated, except that applicants for dental treatment, as defined in subparagraphs (1) to (5), inclusive, of this paragraph, must also meet the applicable provisions of § 17.123.

(1) Persons discharged, released, or retired from active military, naval, or air service, including those who had active duty as members of the Women's Army Auxiliary Corps who served during a period of war as defined in § 17.30 and who are in need of treatment for a disease or injury adjudicated by the Veterans Administration as incurred or aggravated in such war service (Pub. Law 85–56, January 1, 1958).

(2) Persons included in section 311 and section 332 of Title III, Public Law 85–56, who are in need of treatment for an injury or disease incurred in line of duty and for which they are receiving disability compensation (Pub. Law 85–56).

(3) Persons who were discharged, released, or retired under other than dishonorable conditions from active military, naval, or air service for disability incurred or aggravated in line of duty in active service, or who are in receipt of compensation for a service-incurred or service-aggravated disability and who are in need of treatment for that condition which resulted in discharge, release, or retirement for disability or for a service-incurred or service-aggravated disability. A formal claim for disability compensation will not be required of an applicant eligible for outpatient treatment by reason of discharge, release, or retirement for disability incurred or aggravated in line of duty; and a denial of a claim for disability compensation will not debar outpatient treatment for such disability.

(See determination of line of duty, § 17.47 (b) (1) (i) and (iii); Pub. Law 85–56, January 1, 1958.)

(4) Persons pursuing a course of vocational training authorized under Public Law 16, 78th Congress, as amended, or Public Law 894, 81st Congress, as amended, who are in need of treatment to avoid interruption of such training.

(5) Persons who served in the active military, or naval service during the Spanish-American War, when discharged from such service under other than dishonorable conditions who are in need of outpatient treatment. Such outpatient treatment will not include medical care and treatment necessary to and part of hospital care furnished a patient while in a hospital.

(6) Persons who served in the active military, naval, or air service on or after December 7, 1941, and before January 1, 1947, or on or after June 27, 1950, and prior to February 1, 1955, who are in need of treatment for an active psychosis adjudicated by the Veterans Administration as service connected under the provisions of section 502, Public Law 85–56, January 1, 1958.

(7) Physical examinations may be furnished to applicants having prima facie entitlement to hospital or domiciliary care to determine their need for such care and to claimants or beneficiaries of the Veterans Administration for purposes of disability compensation, pension, emergency officers' retirement pay, medical feasibility for vocational training under Public Law 16, 78th Congress, as amended, or Public Law 894, 81st Congress, as amended, or War Orphans' Educational Assistance Act of 1956, Public Law 634, 84th Congress, and Government insurance.

(8) Persons properly referred by authorized officials of other Federal agencies for which the Administrator of Veterans Affairs may agree to render such service under conditions stipulated by him and pensioners of nations allied with the United States in World War I and World War II when duly authorized. Charges for services furnished to such patients will be at prescribed rates.

(9) Employees of the Veterans Administration, their families, and the general public in emergencies, subject to conditions stipulated by the Administrator of Veterans Affairs. Charges for treatment of patients specified herein will be at prescribed rates.

(b) While outpatient treatment is primarily authorized only for service-connected or service-aggravated conditions, adjunct outpatient treatment for a nonservice-connected condition which is associated with and held to be aggravating disability from a disease or injury service-connected or service-aggravated may be also authorized in accordance with prescribed principles for persons defined in paragraph (a) (1) to (3) and (6) of this section. The opinion of the Chief Medical Director may be requested in any individual case where advice as to the propriety of furnishing adjunct treatment is desired.

(Sec. 2, 57 Stat. 43, as amended, 64 Stat. 1121, as amended, 70 Stat. 411, as amended, secs. 311, 332, 71 Stat. 96, 100; 38 U. S. C. 701a, 1031–1084, 2311, 2332, ch. 12A)

12. Immediately following § 17.60, a new centerhead "Appointments" is added.

13. A new § 17.61 is added to read as follows:

§ 17.61 *Refusal of treatment by unnecessarily breaking appointments.* A patient under outpatient medical treatment who breaks an appointment without a reasonable excuse for such action will be informed that a repetition of the offense will be deemed to be a refusal of Government treatment. If such patient breaks a second appointment, without at least 24 hours' notice or a reasonable excuse, it will be deemed that he has refused Government treatment. Thereafter no further treatment will be furnished until he has made a specific formal application therefor and has satisfactorily evinced a willingness to accept Government treatment and to cooperate with the Government agency providing the treatment, by keeping his appointments or by giving at least 24 hours' notice where an appointment must necessarily be broken. Where an appointment is broken without notice and satisfactory reasons are shown for the breaking of the appointment and it is also satisfactorily shown that circumstances attending the breaking of the appointment were such that notice could not be given, the patient will not be deemed to have refused treatment. Nothing in this section will be construed to prevent a patient from receiving the benefit of treatment for an emergency condition that may arise during the time when he has been determined to be "Not entitled to treatment" as a result of refusal.

14. The centerhead immediately preceding § 17.66 is amended to read as follows: "Disciplinary Control of Beneficiaries Receiving Hospital or Domiciliary Care."

15. In § 17.100, paragraph (b) is amended, a new paragraph (d) is added, and former paragraphs (d), (e), (f), (g), (h), (i), (j), and (k) are amended and redesignated paragraphs (e), (f), (g), (h), (i), (j), (k), and (l), respectively, to read as follows:

§ 17.100 *Transportation of claimants and beneficiaries.* • • •

(b) *Readmissions.* (1) Hospital readmissions, when medically determined necessary to observe progress, modify treatment or diet, etc.

(2) No transportation will be furnished a person whose period of exclusion from hospital care for infraction of discipline has not expired, except when emergent hospital care is required, and the applicant executes affidavit that he is unable to defray the expense of transportation to accomplish travel for readmission for such emergent hospital care.

• • • • •

(d) *Passes, leaves of absence for administrative reasons, and furloughs.* Transportation will not be furnished beneficiaries who are permitted passes, leaves of absence for administrative reasons, or who are on furloughs, to depart from or return to Veterans Administration stations, except that if a patient or member in such status develops an emergent condition and the patient or member (or the guardian, if there be one) is without funds to return such patient or member to a Veterans Administration facility, travel may be approved by the Manager of the Veterans Administration facility to which the patient or member is to be returned. In such exception, the applicant (or his representative) will be required to execute the affidavit that he is unable to defray the expense of transportation.

(e) *Interstation transfers for treatment, diagnosis, or domiciliary care.* Prior consent of the area medical director will be had for transfers of patients or members en bloc within the area, and of both area medical directors if interarea transfers are involved.

(f) *Discharge.* (1) Upon completion of hospitalization for treatment, or for observation and examination, and regular discharge, return transportation to the point from which the beneficiary had proceeded; or to another point if no additional expense be thereby caused the Government.

(2) A patient in a terminal condition may be discharged to his home or transferred to a hospital suitable and nearest his home, regardless whether travel so required exceeds that covered in proceeding to the hospital of original admission.

(3) Transportation may be furnished to a point other than that from which a patient had proceeded to a hospital upon a showing of bona fide change of address of the patient's residence during the period of hospital care.

(4) The furnishing of transportation to effect discharge of a member from domiciliary care will require prior consent of the Manager.

(5) No return transportation will be supplied a patient who receives an irregular discharge from hospital care, unless he executes an affidavit of inability to defray the expense of return transportation.

(g) *Outpatient physical examination.* (1) Outpatient physical examination, subject to exception defined in paragraph (h) of this section.

(2) Outpatient treatment for service-connected conditions, including adjunct treatment thereof, and for nonservice-connected conditions to prevent interruption of training authorized under Public Law 16, 78th Congress, as amended, or Public Law 894, 81st Congress, as amended, subject to exceptions defined in paragraph (h) of this section.

(h) *Limitations.* (1) Transportation for outpatient treatment will not be supplied an applicant whose period of exclusion from hospital or domiciliary care for a disciplinary offense has not expired.

(2) No return transportation will be supplied a claimant or beneficiary who has not completed an outpatient service, unless he executes an affidavit that he is unable to defray the expense of such travel.

(i) *Advance authority required.* All travel for the foregoing purposes, paragraphs (a) to (g) of this section, must be authorized in advance. In emergent hospital admissions or emergent outpatient treatment, such prior authority may be given by telephone or telegraph, subject to confirmation in writing by the authorizing employee.

(j) *Accessories of transportation.* The accessories of transportation, meals and lodging en route, pullman accommodations, and accompaniment by an attendant or attendants, may be authorized when determined necessary for the travel.

(k) *Furnishing transportation and other expenses incident thereto.* In furnishing transportation and other expenses incident thereto, as defined, the Veterans Administration may (1) issue requests for transportation, meals, and lodging; or (2) reimburse the claimant, beneficiary or representative, for payment made for such purpose, upon due certification of vouchers submitted therefor; or (3) make mileage allowance.

(l) *Transportation of other than Veterans Administration beneficiaries.* Transportation of beneficiaries of other Federal agencies, incident to medical services rendered upon requests of those agencies, will not be furnished by the Veterans Administration, except that station vehicles may be used subject to reimbursement. Transportation incident to medical services rendered allied beneficiaries under agreement will be subject to reimbursement by the governments concerned.

16. In § 17.115, paragraphs (c) and (d) (5) are amended and paragraph (d) (6) is revoked to read as follows:

§ 17.115 *Types, fitting and training, and eligibility to appliances and repairs thereto.* • • •

(c) Beneficiaries supplied prosthetic appliances will be additionally entitled to fitting and training in the use of the appliances; and such service may be obtained under contract, if determined necessary (sec. 513, Public Law 85–56).

(d) • • •

(5) Persons defined in § 17.60 (a) (5).

(6) [Revoked]

17. In § 17.118, paragraph (a) is amended to read as follows:

§ 17.118 *Guide dogs or mechanical and electronic equipment for blind beneficiaries.* (a) Pursuant to the provisions of section 514, Public Law 85–56, blind ex-members of the Armed Forces entitled to disability compensation for a service-connected disability may be furnished a trained seeing-eye or guide dog. In addition, they may be supplied the necessary travel expenses to and from their places of residence to the point where adjustment to the seeing-eye or guide dog is available and meals and lodging during the period of adjustment, provided they are required to be away from their usual places of residence during the period of adjustment.

18. In § 17.120, paragraphs (d) and (h) are amended and paragraph (i) is revoked to read as follows:

§ 17.120 *Authorization of dental examinations.* • • •

(d) Those requiring dental examination during hospital or domiciliary care.

• • • • •

(h) Persons defined in § 17.60 (a) (5).

(i) [Revoked]

19. In § 17.123, the introductory paragraph preceding paragraph (a) is amended to read as follows:

§ 17.123 *Authorization of outpatient dental treatment.* Outpatient dental treatment may be authorized by the Chief, Dental Service, for beneficiaries defined in § 17.60 (a) (1) to (5), inclusive, and (b), to the extent prescribed and in accordance with the applicable classification and provisions set forth in this section:

(Secs. 210, 521, 71 Stat. 91, 113; 38 U. S. C. 2210, 2521. Interpret or apply secs. 101, 501, 502, 510–514, 522–524, 526, 527, 71 Stat. 88, 110–114; 38 U. S. C. 2101, 2501, 2502, 2510–2514, 2522–2524, 2526, 2527)

This regulation is effective August 22, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58–6786; Filed, Aug. 21, 1958; 8:53 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 54—GUARANTY OF LOANS TO CARRIERS BY RAILROAD

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 14th day of August A. D. 1958.

There being under consideration the matter of rules and regulations governing applications requesting the guaranty by the Commission under part V of the Interstate Commerce Act, as amended, against loss of principal or interest on any loan, discount, or advance or on any commitment in connection therewith which may be made for the purposes set forth in said part, and good cause appearing therefor:

It is ordered, That the following rules and regulations be, and they are hereby, approved and prescribed, and that on and after August 29, 1958, persons making application for a guaranty under the provisions of said part V observe and comply with these rules and regulations:

Sec.
54.1 Form and content of application.
54.2 Required exhibits.
54.3 Fees.
54.4 Execution and filing of application.
54.5 General instructions.

AUTHORITY: §§ 54.1 to 54.5 issued under sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply sec. 2, Pub. Law 85–625.

§ 54.1 *Form and content of application.* The application and supporting exhibits shall conform to § 1.15 of this chapter and shall show in the order indicated and by section numbers and letters corresponding to those used in this part the following:

(a) As to the carrier applicant and the transaction:

(1) Full and correct name and principal business address.

(2) Date of incorporation, or organization if not a corporation, and government, state, or territory under the laws of which it was incorporated or organized. If carrier applicant is a trustee, receiver, assignee, or other fiduciary, the name and address of the court, if any, under the direction of which the carrier applicant is acting, and the nature of the proceeding, if any, in which applicant was appointed. If carrier applicant is a partnership, an association, or other form of organization other than a corporation, a full description of the organization should be furnished.

(3) Name, title, and address of the person to whom correspondence regarding the application should be addressed.

(4) Brief description of the loan and its purpose or purposes, including statements of (i) the total amount of the loan, (ii) the purpose or purposes for which the loan proceeds will be used, (iii) the maturity date or dates, (iv) description of the security, if any, for the loan, including applicants' opinion of the value of any collateral and the basis for such opinion, (v) the date or dates on which carrier applicant desires the funds to be made available, (vi) the rate of interest, (vii) estimated total expenses in connection with the loan, including detail as to expenses estimated for legal, accounting, and engineering services, printing and engraving, trustees, fees, state and federal taxes, and commissions and discounts; and (viii) the portion of the loan concerning which guaranty by the Commission is sought.

(5) Concerning the necessity for the guaranty sought:

(i) Statement on behalf of the applicant carrier that it has endeavored to obtain a loan or loans for the purpose or purposes proposed without a guaranty by the Commission in connection therewith, but has not been able to obtain a loan therefor upon reasonable terms.

(ii) Information as to the applicant carrier's efforts to obtain the needed financing without a guaranty thereof by the Commission, and as to the results of such efforts. (See § 54.2 (b) (8) as to exhibits on this subject.)

(6) Statement, in summary form, showing the carrier applicant's financial obligations to, or claims against, the United States, if any, as of date of application, or latest available date, listed as to (i) balance on any direct loans, (ii) balance on any loans under which the United States is guarantor, (iii) status of any claims under litigation, and (iv) any other debits or credits existing between the carrier applicant and the United States, showing the department or agency involved in such loans, claims and other debts.

(b) As to the lender or lenders:

(1) Full and correct name and principal business address.

(2) Names and addresses of principal executive officers and directors, or partners.

(3) Reference to applicable provisions of law and the charter or other governing instruments conferring authority to the lender to make the loan and to ac-

cept the mortgage or other obligation evidencing the loan.

(4) Brief statement of the circumstances and negotiations leading to the agreement by the lender to make the proposed loan, including the name and address of any person or persons, other than directors, officers, partners, or employees of the carrier applicant, representing or purporting to represent the carrier applicant in connection with such negotiations.

(5) Brief statement of the nature and extent of any affiliation or business relationship between the lender and any of its directors, partners, or principal executive officers, on the one hand, and, on the other, the carrier applicant and any of its directors, partners, or principal executive officers, or any person or persons whose name is required to be furnished under subparagraph (4) of this paragraph.

(6) Full and complete statement of all sums paid or to be paid and of any other consideration given or to be given by lender in connection with the proposed loan, including with respect thereto: (i) Name and address of each person to whom the payment is made or to be made, (ii) the amount of the cash payment, or the nature and value of other consideration, (iii) the exact nature of the services rendered or to be rendered, (iv) any condition upon the obligation of the lender to make such payment, and (v) the nature of any affiliation, association, or prior business relationship between any person named in answer to subdivision (i) of this subparagraph and the lender or any of its directors, partners, or officers.

§ 54.2 *Required exhibits.* There shall be filed with and made a part of each application, and with each copy thereof, the exhibits required in this section, except that exhibits filed with and made a part of any related application filed with the Commission under section 20a of the Act for authority to issue securities in connection with the proposed loan may be incorporated in and made part of the loan application by reference.

(a) The following exhibits are required concerning the carrier applicant:

(1) As Exhibit 1, with the original application but not with copies thereof, copy of charter or articles of incorporation, with amendments to date, duly certified by the appropriate public officer; and copy of by-laws, with amendments to date. If carrier applicant is not a corporation, copy of articles of agreement, or association, or trust agreement, evidencing organization, or if carrier applicant is a trustee, receiver, assignee, or other fiduciary, copy of duly certified order of the court, or instrument of appointment.

(2) As Exhibit 2, the following: (i) Copies of all resolutions of directors authorizing the proposed loan; (ii) if the charter or by-laws require approval by stockholders, copies of resolutions of stockholders authorizing such loan, all such resolutions of stockholders to be accompanied by sufficient transcripts of the minutes of their meetings to show the number of shares voted for and against the resolutions, and the number of share-votes required to adopt the resolution; (iii) copies of resolutions of stockholders or directors, or duly authorized committee thereof, authenticated by a proper officer of carrier applicant, designating by name and for that purpose the executive officer by whom the application is signed, verified, and filed on behalf of the carrier applicant; (iv) if carrier applicant is an association or other organization except a corporation, documentary evidence showing authorization of the proposed loan and designation of the individual signing, verifying, and filing the application on behalf of the carrier applicant; and (v) if carrier applicant is a trustee, receiver, assignee, or other fiduciary, a certified copy of the order, if any, of the court having jurisdiction, authorizing the proposed loan, and the filing of the application.

(3) As Exhibit 3, preliminary opinion of counsel that he is familiar with the corporate or other organizational powers of the carrier applicant, that the carrier applicant is authorized to make the application, and that when proper corporate or other organizational action has been taken and the obligations executed, and security delivered as contemplated by the application, such obligations will constitute the valid and subsisting obligations of the carrier applicant. Such opinion should also cover the validity and lien of each item of any collateral offered.

(4) As Exhibit 4, a map of carrier applicant's existing railroad, and a map and profile of the line or lines to be constructed, if any.

(5) As Exhibit 5, statement showing miles of line owned; miles operated; number of units of locomotives, freight cars, and passenger cars owned and leased; principal commodities carried; and identification of the 10 most important industries served.

(6) As Exhibit 6, statement as to whether any railroad affiliated with the carrier applicant has applied for or received a loan guaranty under this part. If such an affiliate has applied for or received such a guaranty, full particulars should be given.

(7) As Exhibit 7, statement showing total dividends declared and total dividends paid for each of the last 10 calendar years and for each month of the current year to latest available date.

(8) As Exhibit 8, a copy of general balance sheet as of latest available date, but as of a date not earlier than the end of the second month preceding date of filing of the application, in form and detail as required in schedules 200A and 200L of the Commission's annual report Forms A or C, together with the following supporting schedules:

(i) Particulars of loans and notes receivable in form and detail as required in schedule 203 of annual report Form A for the Class I railroads; and for the Class II similar detail for every item in excess of $25,000.

(ii) Particulars of investments in other companies in form and detail as required in schedules 205 and 206 of annual report Form A, or schedules 1001 and 1002 of Form C, as appropriate.

(iii) Particulars of balance in account 743, Other Deferred Charges, in form and detail as required in annual report Form A, schedule 217, or schedule 1703 of Form C, as appropriate,

(iv) Particulars of loans and notes payable in form and detail required in schedule 223 of annual report Form A, or schedule 1701 of Form C, as appropriate, as well as information as to bank loans including the name of the bank, date and amount of the original loan, current balance, maturities, rate of interest, and security, if any, therefor,

(v) Particulars of long-term debt in form and detail required in schedules 218 and 219 of annual report Form A, or schedules 670, 695, 901, 902 and 1702 of Form C, as appropriate, together with a list of mortgages, pledges, and other liens, including a brief statement concerning each, indicating the property or securities encumbered, the mortgage limit per mile, if any, particulars as to priority, as well as to whether "open", "closed", or "open end",

(vi) Particulars of balance in account 784, Other Deferred Credits, in form and detail as required in schedule 226 of annual report Form A, or schedule 1704 of Form C, as appropriate,

(vii) Particulars as to contingent assets and liabilities in form and detail as required in schedule 233 of annual report Form A for the Class I railroads, and similar information for the Class II in the same form and detail,

(viii) Particulars as to guaranties and suretyships in form and detail as required in schedule 110 of annual report Form A for the Class I railroads, and similar information for the Class II in the same form and detail,

(ix) Particulars as to capital stock in form and detail as required in schedules 228, 229 and 230 of annual report Form A or schedule 690 in Form C, as appropriate.

NOTE: The information required as Exhibit 8 shall give effect to any modification of the Commission's Uniform System of Accounts for Railroad Companies in effect on the date of filing the loan application.

(9) As Exhibit 9, statement showing comparative balance sheets as of December 31 for each of the last 10 years preceding the year in which the application is filed in form and detail as required in annual report Forms A and C, schedules 200A and 200L, and if carrier applicant's reports to its stockholders include a consolidated balance sheet for two or more railroads which differs from the returns in the balance sheet schedules of its annual reports to the Commission, reference should be made here to the sections of the stockholders' reports which include said consolidated balance sheets.

(10) As Exhibit 10, to be filed only with the original copy of the application, a copy of carrier applicant's report to its stockholders for each of the 3 years preceding the year in which the application is filed.

(11) As Exhibit 11, comparative income statement for each month of the year in which the loan application is filed, including cumulative data to latest month shown, which shall not be earlier than the second month preceding date of filing the application, compared with the same month of each of the two preceding years, in account form similar to that required in column (a) of schedule 300 of annual report Form A, or columns (a) and (c) of schedule 1801 of Form C, as appropriate, and modified to include any revision of the Commission's Uniform System of Accounts for Railroad Companies in effect on the date of filing the loan application.

(12) As Exhibit 12, comparative income statement showing data for each of the last 10 years in account form and detail similar to that required in subparagraph (11) of this paragraph.

(13) As Exhibit 13, pro forma income statement showing estimated income account for each of the remaining months in the current year and for each month of the year subsequent thereto, in account form and detail similar to that required in subparagraphs (11) and (12) of this paragraph, together with a statement setting forth the basis for such estimates.

(14) As Exhibit 14, comparative statement of total expenditures for maintenance of (i) way and structures and (ii) equipment for each of the past 10 years and for each month of the current year, together with estimated expenditures for the remaining months of the current year and the year subsequent thereto, and including a statement showing the basis for such estimates.

(15) As Exhibit 15, a statement showing for the current calendar year and each 5 years thereafter estimated total operating revenues, total operating expenses, operating ratio, income available for fixed charges, and net income after fixed charges and contingent interest.

(16) As Exhibit 16, a statement showing actual cash balance at the beginning of each month and the actual cash receipts and disbursements during each month of the current year to the date of the latest balance sheet furnished as Exhibit 8, together with a monthly forecast (both before and after giving effect to use of proceeds from the proposed loan) for the balance of the current year and the year subsequent thereto.

(17) As Exhibit 17, a statement showing for each month to latest available month of the current year, compared with the same month of each of the 2 preceding years (i) number of tons of revenue freight carried, (ii) number of revenue ton-miles, (iii) freight revenue (account 101), (iv) number of passengers carried, (v) number of passenger miles, and (vi) passenger revenue (account 102), as well as similar information, on an estimated basis, for each of the remaining months in the current year and the year subsequent thereto.

(18) As Exhibit 18, statement showing comparatively for each year in the 8-year period preceding the year in which the application is filed, and on an estimated basis for the current and succeeding 4 years, the following: (i) Total charges to operating expenses for depreciation of way and structures, and equipment, (ii) deductions for accelerated tax amortization under section 168 of the Internal Revenue Code in excess of such depreciation charged to operating expenses, (iii) net income reported in annual reports to the Commission, and (iv) pro forma net income which would have resulted without the benefit of such deductions for accelerated tax amortization.

(19) As Exhibit 19, a general statement setting forth the facts as to estimated prospective earnings and other funds upon which applicant relies to repay the loan.

(b) The following exhibits are required as to the transaction:

(1) As Exhibit 20, specimens, or forms where specimens are not available, of all securities to be pledged or otherwise issued in connection with the proposed loan; and in case of an issue of bonds copy of the mortgage or indenture by which secured or proposed to be secured.

(2) As Exhibit 21, if the application is with respect to the acquisition of property other than equipment, a statement showing: (i) The name and business address of the owner or vender of the property to be acquired, (ii) a general description as to the character and size of the property and its location, accompanied by a general map and profile or by a general plan, as may be appropriate, (iii) the agreed or estimated purchase price, and the full terms of the contract, if any has been made, for such acquisition, (iv) such other information or data as may aid in a determination of the reasonableness of the agreed or estimated purchase price, and (v) the account or accounts of the Commission's effective classification of accounts in which the cost of such property would be properly classified.

(3) As Exhibit 22, if the application is with respect to equipment acquired after January 1, 1957, or to be acquired, a statement showing: (i) For locomotives, full particulars as to kind, unit cost, size, power, number of units coupled, and name of builder, (ii) for freight cars, full particulars as to service type (box, gondola, flat, etc.), capacity, unit cost, and name of builder, (iii) for passenger cars, full particulars as to service type (coach, baggage, postal, etc.), capacity, unit cost, and name of builder, (iv) for floating equipment, full particulars as to service type (tug, float, ferry, lighter, etc.), displacement tonnage, length, cargo capacity, unit cost, and name of builder, and (v) whether the equipment was purchased through competitive bidding, and, if the unit prices, free on board builders plant, shown are not the lowest bids received, the reason for accepting a higher bid.

(4) As Exhibit 23, if the application is with respect to the construction, completion, extension or improvement of facilities, or additions and betterments thereto, made after January 1, 1957, or not yet made, a statement showing (i) location and description of project, (ii) quantities and prices (actual or estimated) attested by a competent engineer, and (iii) distribution of total cost by primary accounts of the Commission's classification of investment in road and equipment property, together with one copy of each A. F. E. (authority for expenditure) or of each completion report, as may be appropriate.

(5) As Exhibit 24, if the application is with respect to maintenance of property, a statement showing (i) description of project or projects, (ii) date or dates initial work is proposed to be commenced, (iii) additional employees (not now employed by carrier applicant) to be hired or recalled, (iv) why the maintenance is required at this time, (v) breakdown of total cost as between material and labor, and (vi) distribution of total cost by primary accounts of the Commission's classification for operating expenses.

(6) As Exhibit 25, if the application is with respect to refinancing of existing obligations, a statement containing a full description of the transaction, including the terms and conditions of the disposition of such existing obligations.

(7) As Exhibit 26, copies of the loan agreement entered into, or to be entered into, between the carrier and lender, and of any agreements or instruments executed or to be executed in connection with the proposed loan.

(8) As Exhibit 27, copies of correspondence from all, and not less than 3, lending institutions or security underwriters to which application for the financing has been made, evidencing that they have declined the financing unless guaranteed by the Commission or specifying the terms upon which they will undertake the financing without such guaranty.

(c) The following exhibits are required as to the lender:

(1) As Exhibit 28, to be filed only with the original copy of the application, copies of the charter or other organizational papers and of by-laws or other governing instruments, including all amendments.

(2) As Exhibit 29, balance sheet statement as of the latest available date, but within 3 months of the date of filing the application.

(3) As Exhibit 30, income statement for the 3 calendar or fiscal years immediately preceding the year in which the application is filed and similar statement for the latest available period in the current year but within 3 months of the date of filing the application.

§ 54.3 *Fees.* On or before the date of closing of any loan guaranteed by the Commission pursuant to an application filed under this part, the applicant carrier shall pay, or cause to be paid, to the Commission as a guaranty fee such amount as the Commission hereafter may determine and prescribe as necessary to cover the administrative costs of carrying out the provisions of part V of the Interstate Commerce Act, as amended. Checks or money orders in payment of such fees shall be made payable to the order of the Treasurer of the United States.

§ 54.4 *Execution and filing of application.* The following procedure shall govern the execution and filing of the application:

(a) The original application shall bear the date of execution and be signed with ink by or on behalf of the carrier applicant and the lender. Execution shall be by the applicant if an individual, by all partners if a partnership, unless satisfactory evidence is furnished of the authority of a partner to bind the partnership, and, if a corporation, an association or other similar form of organization, by its president or other

executive officer having knowledge of the matters therein set forth. Persons signing the application on behalf of the carrier and lender, respectively, shall also sign a certificate in form as follows:

---------- certifies that
(Name of official)
he is the ----------
(Title of official)
of the ----------;
(Name of carrier or lender)
that he is authorized on the part of said applicant to sign and file with the Interstate Commerce Commission this application and exhibits attached thereto; that he has carefully examined all of the statements contained in such application and the exhibits attached thereto and made a part thereof relating to the aforesaid ----------;
(Name of carrier or lender)
that he has knowledge of the matters set forth therein and that all such statements made and matters set forth therein are true and correct to the best of his knowledge, information, and belief.

(Date)

(b) There shall be made a part of the original application the following certificate by the Chief Accounting Officer of the carrier applicant:

---------- certifies that he
(Name of officer)
is ---------- of
(Title of officer)
----------; that he
(Name of carrier applicant)
has supervision over the books of account and other financial records of the carrier applicant and has control over the manner in which they are kept; that such accounts are maintained in good faith in accordance with the effective accounting and other orders of the Interstate Commerce Commission; that he has examined the financial statements and supporting schedules included in this application and to the best of his knowledge and belief said statements accurately reflect the accounts as stated in the books of account; and that, other than the matters set forth in the exceptions attached to such statements, said financial statements and supporting schedules represent a true and complete statement of the financial position of the carrier applicant and that there are no undisclosed assets, liabilities, commitments to purchase property or securities, other commitments, litigation in the courts, contingent rental agreements, or other contingent transactions which might materially affect the financial position of the carrier applicant.

(Date)

(c) The original application and supporting papers, and 6 copies thereof for the use of the Commission, shall be filed with the Secretary of the Interstate Commerce Commission, Washington, D. C. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself, but the signatures in the copies may be stamped or typed. If unusual difficulties arise in the furnishing of any of the exhibits required in § 54.2, the carrier applicant or the lender, upon appropriate showing and with the consent of the Commission, may file a lesser number.

(d) In event the application is for a loan not exceeding $500,000, and the furnishing of exhibits in the detail required by § 54.2 is shown by the applicant or applicants to be unduly burdensome in relation to the nature and amount of the loan, the Commission may modify the requirements of said section.

§ 54.5 *General instructions.* (a) If the application is approved by the Commission, the following documents will be required for deposit with the Commission before the transaction is closed:

(1) Resolutions of the board of directors or executive committee of the carrier applicant, and where necessary, of meetings of the stockholders, authorizing the execution and delivery of such obligations, instruments, and security as are incident to the loan and guaranty thereof, in conformity with such terms as may be prescribed by the Commission, and authorizing the designated officers to receive and receipt for the proceeds of the loan.

(2) Final opinion by counsel for the carrier applicant to the effect that he is familiar with the corporate powers of the carrier applicant; that the carrier applicant is authorized to execute and deliver the notes or other obligations evidencing the same, and to pledge and hypothecate any securities pledged as collateral; that the notes or other obligations so executed and so delivered constitute the valid and binding obligations of the carrier applicant, secured by the said collateral, and that the lender will obtain a lien on any security involved of the rank and priority represented by the applicant carrier. Such opinion shall also cover the priority and lien of each item of the collateral offered.

(3) In respect of loans to receivers or trustees, the receiver or trustee will be required to deposit with the Commission certified copies of the court orders and decrees authorizing him to execute and deliver the obligations and to give the security under and according to the terms of the loan and guaranty as prescribed by the Commission.

(b) The guaranty by the Commission of a loan pursuant to an application filed as provided in this part should not be construed as relieving a carrier from complying with applicable provisions of section 20a of the Interstate Commerce Act (49 U. S. C. 20a) in relation to the issuance of securities or the assumption of obligation with respect to securities of others. Any related application filed under said section should be complete in itself. To avoid duplication in filing required information, exhibits included in an application filed with the Commission for authority under said section 20a incident to the proposed loan may be incorporated in and made a part of the related loan application by reference. (See also § 54.2.)

It is further ordered, That notice of these regulations be given to the general public by posting copies in the office of the Secretary, Interstate Commerce Commission, Washington, D. C., and by filing with the Director, Federal Register Division, Washington, D. C.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-6784; Filed, Aug. 21, 1958; 8:52 a. m.]

PART 56—ISSUANCE OF SECURITIES, ASSUMPTION OF OBLIGATIONS, AND FILING OF CERTIFICATES AND REPORTS

INSTRUCTIONS GOVERNING SPECIAL APPLICATIONS FOR EXEMPTION FROM REQUIREMENT THAT CERTAIN RAILROAD SECURITIES BE OFFERED FOR SALE AT COMPETITIVE BIDDING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 14th day of August A. D. 1958.

The conclusions and findings of the Commission stated in its supplemental report of even date herewith, in Ex Parte 158, "In the Matter of Competitive Bidding in the Sale of Securities under Section 20a of the Interstate Commerce Act", being under consideration, and good cause therefor appearing:

It is ordered, That the appendix to the order of the Commission, Division 4, entered July 23, 1952, governing applications for authority to sell securities without competitive bidding (49 CFR 56.25) be, and it is hereby, amended by adding at the end thereof the following:

The foregoing requirements were further modified by the Commission's supplemental report of August 14, 1958, in Ex Parte 158, (1) to except securities sold or otherwise issued in connection with a loan guaranteed under the provisions of part V of the Interstate Commerce Act from the general requirement set forth in the prior report therein of May 8, 1944, that railroad securities be offered for sale at competitive bidding or upon invitation of bids for the purchase thereof, and (2) to make the policy expressed in Finance Docket No. 17748, Atlantic Coast Line R. Co. Competitive Bidding Exemption, supra, inapplicable to applications for exemption from the Commission's competitive bidding requirements by an applicant which in good faith, and under the belief that a guaranty may or will be required by the Commission in order for it to obtain the needed financing upon reasonable terms, has entered upon discussions or negotiations with respect to the terms of sale with a prospective purchaser of its securities.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies 41 Stat. 494, as amended; 49 U. S. C. 20a)

It is further ordered, That notice of the foregoing amendment be given to the general public by posting copies in the Office of the Secretary, Interstate Commerce Commission, Washington, D. C., and by filing with the Director, Federal Register Division, Washington, D. C.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-6783; Filed, Aug. 21, 1958; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 31]

DESERT GAME RANGE, NEVADA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to add §§ 31.116 and 31.117 to Chapter I, Title 50, Code of Federal Regulations, Subpart Desert Game Range, Nevada, as set forth in tentative form below. The purpose of the proposed regulation is to permit the hunting of bighorn sheep and elk on certain lands of the Desert Game Range under certain limitations and subject to compliance with the laws and regulations of the State of Nevada.

The proposed regulation relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U. S. C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 18, 1958.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

§ 31.116 *Hunting of bighorn sheep permitted.* Subject to the provisions of Parts 18 and 20 of this chapter and of §§ 31.113, 31.114, and 31.115, bighorn sheep may be taken by hunting at the times and on the parts of the Desert Game Range as follows:

(a) During the period from November 29 to December 14, 1958, both dates inclusive, the hunting of bighorn sheep is permitted on that part of the Desert Game Range lying north and east of U. S. Highway 95 and east of Alamo Road.

(b) During the period from December 19 to December 22, 1958, both dates inclusive, the hunting of bighorn sheep is permitted on that part of the Desert Game Range lying north of U. S. Highway 95, west of the Three Lakes Valley Road, and east of the Indian Springs—Groom Road.

§ 31.117 *Hunting of elk permitted.* Subject to the provisions of Parts 18 and 20 of this chapter and of §§ 31.113, 31.114, and 31.115, elk may be taken by hunting during the period January 10 to January 25, 1959, both dates inclusive, on that part of the Desert Game Range lying south and west of U. S. Highway 95.

[F. R. Doc. 58-6785; Filed, Aug. 21, 1958; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 53]

OFFICIAL UNITED STATES STANDARDS FOR GRADES OF SLAUGHTER LAMBS, YEARLINGS, AND SHEEP

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that the Department of Agriculture, under the provisions of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U. S. C. 1622 and 1624), is considering the revision of the official U. S. standards for grades of slaughter lambs, yearlings, and sheep (7 CFR 53.130–53.134) to conform with the revised standards for grades of lamb, yearling mutton, and mutton carcasses (7 CFR, 1957 Supp. 53.114–53.118). It is proposed to amend said regulations to read as follows:

SLAUGHTER LAMBS, YEARLINGS, AND SHEEP

§ 53.130 *Market sheep.* The official standards for market sheep, developed by the United States Department of Agriculture, provide for segregation according to (a) use as slaughter animals or feeders; (b) class or sex conditions; (c) age group; and (d) grade, which is determined by the apparent relative excellence and desirability of the individual animal for a particular use.

§ 53.131 *Slaughter classes and market groups.* The classes of slaughter sheep are ram, ewe, and wether; the age groups are lambs, yearlings, and sheep. Definitions of the respective classes and age groups are as follows:

(a) *Ram.* A ram is an uncastrated male ovine.

(b) *Ewe.* A ewe is a female ovine.

(c) *Wether.* A male ovine castrated when young and prior to developing the secondary physical characteristics of a ram.

(d) *Lamb.* A lamb is an immature ovine, usually under 14 months of age, that has not cut its first pair of permanent incisor teeth.

(e) *Yearling.* A yearling is an ovine usually between one and two years of age, that has cut its first pair of permanent incisor teeth but has not cut the second pair.

(f) *Sheep.* A sheep is an ovine, usually over 24 months of age, that has cut its second paid of permanent incisor teeth.

§ 53.132 *Slaughter lamb and sheep grades—(a) Grade factors.* The specific grade of a slaughter lamb or sheep is determined by a composite evaluation of two general considerations which influence carcass excellence, (1) conformation and (2) fatness, maturity, and other factors responsible for differences in quality of the lean flesh.

(1) Conformation refers to the general body proportions of the animal and to the ratio of meat to bone. Although primarily determined by the inherent muscular and skeletal systems, it is also influenced by the degree of fatness. Excellent conformation in slaughter lambs and sheep is denoted by a compact, wide-topped, straight-lined, thick-fleshed individual that is deep and full in the twist. Fullness and thickness should be especially evident in the portions of the body producing the more desirable cuts of meat—loin, rack, and legs.

(2) In grading slaughter lambs and sheep, quality of the lean flesh must necessarily be evaluated indirectly from consideration, primarily, of the quantity, distribution, and type of fat or finish in relation to the maturity of the animal being graded. Limited consideration is also given to such factors as character of bone and smoothness and symmetry of body. Finish is evaluated by noting variations in the fullness and apparent thickness of the fat covering over the back, loin, ribs, and legs. A high degree of desirable finish is evidenced by a thick, firm, smooth layer of fat which is uniformly distributed over the body.

(b) *General principles.* (1) The determination of the carcass grade that the slaughter animal will produce requires the exercising of well-regulated judgment. Each animal presents a different combination of the grade-determining factors. Animals frequently have characteristics associated with two or more grades. Therefore, a composite evaluation of all the inherent physical characteristics is essential for accuracy in determining grade.

(2) The accurate determination of the grade of a slaughter lamb or sheep requires handling in addition to visual observation. The length and density of the fleece varies greatly with individuals and the thickness and firmness of the flesh covering of wooled lambs and sheep can only be roughly estimated without handling. The technique used in handling usually varies with the degree of precision in mind as well as the experience of the grader. Experienced graders may find one quick handling satisfactory. This usually consists of placing one open hand over the back and ribs in simultaneous motion. The thumb extends just over the backbone, while the fingers, which are held close together, cover the rib section and pressure is applied very lightly with a slight lateral and forward and backward motion. The generally accepted technique of handling sheep where time permits, and especially when noting slight differences between individuals, is to handle forward from the dock to neck with the open hand, fingers together, laid flat and with a slight lateral motion. Both hands may then be used on each side in a similar

manner to determine the fleshing over the shoulders, ribs, and hips. Regardless of the method, considerable experience is necessary in handling lambs or sheep to accurately determine the grade.

(3) Although the market designation of slaughter lambs and sheep is usually made by classes, the standards are intended to apply to all classes without regard to sex condition. However, animals which have thick heavy necks and shoulders typical of uncastrated males are discounted in grade in accord with the extent to which these characteristics are developed. Such discounts may vary from less than half a grade in young lambs in which such characteristics are barely noticeable to as much as two full grades in mature rams in which such characteristics are very pronounced.

(4) The standards for each of the various grades of slaughter lambs and sheep describe only animals with a relatively similar development of conformation and quality factors and which also represent the lower limits of each grade. No attempt is made to describe the numerous combinations of grade factors which may meet the minimum requirements for a particular grade. However, examples of the extent to which superiority in quality may compensate for deficiencies in conformation, and vice versa, are indicated for each grade.

§ 53.133 *Specifications for official United States standards for grades of slaughter lambs*—(a) *Prime.* (1) Lambs possessing the minimum requirements for Prime grade tend to be lowset, compact, thickly fleshed, and short of neck. They tend to be wide over the back, loin, and rump. Shoulders and hips are moderately neat and smoothly laid in. The twist is deep and full, and the legs are large and plump. There is a slight fullness or plumpness evident over the crops, loin, and rump which contributes to a well-rounded appearance. Relatively young lambs, under seven months of age, have slightly more than a slightly thin fat covering over the back, ribs, loin, and rump. In handling, the backbone and ribs are slightly discernible. Older, more mature lambs have slightly more than a slightly thick fat covering over the back, loin, and rump. In handling, the backbone and ribs are not readily discernible. Prime lambs exhibit evidences of high quality. The bones tend to be proportionately small, joints smooth, the finish evenly distributed, and the body trim, smooth, and symmetrical.

(2) To qualify for the Prime grade a lamb must possess the minimum qualifications for finish regardless of the extent that its conformation may exceed the minimum requirements for Prime. However, a development of finish which is superior to that specified as minimum for the Prime grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Prime as indicated in the following example: A lamb which has evidences of finish equivalent to the mid-point of the Prime grade may have conformation equivalent to the mid-point of the Choice grade and remain eligible for Prime.

(b) *Choice.* (1) Lambs possessing the minimum requirements for Choice grade are slightly compact, slightly thick-fleshed, and slightly short of neck. They are slightly wide over the back, loin, and rump. The shoulders and hips are usually moderately neat and smoothly laid in but may exhibit a slight tendency toward prominence. The twist is slightly deep and full, and the legs slightly thick and plump. Relatively young lambs, under seven months of age, have a moderately thin fat covering over the back, ribs, loin, and rump. In handling, the backbone and ribs are slightly prominent. Older, more mature lambs have a slightly thin fat covering over the back, ribs, loin, and rump. In handling, the backbone and ribs are slightly discernible. Choice lambs usually present a moderately refined appearance.

(2) A lamb which has conformation equivalent to at least the mid-point of the Choice grade may have a development of finish equivalent to the minimum for the upper third of the Good grade and remain eligible for Choice. Also, a development of finish which is superior to that specified as minimum for the Choice grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Choice as indicated in the following example: A lamb which has a development of finish equivalent to the mid-point of the Choice grade may have conformation equivalent to the mid-point of the Good grade and remain eligible for Choice.

(c) *Good.* (1) Lambs possessing the minimum requirements for Good grade are moderately rangy, upstanding, long and thin of neck, and moderately thin-fleshed. They are slightly narrow over the back, loin, and rump. Hips and shoulders are moderately prominent. The twist is slightly shallow and legs slightly small and thin. Relatively young lambs, under seven months of age, have slightly more than a very thin, uneven fat covering over the back, loin, and upper ribs. In handling, the shoulders, backbone, hips, and ribs are prominent. Older, more mature lambs have slightly more than a thin fat covering over the back, ribs, and loin. In handling, the bones of the shoulders, backbone, hips, and ribs are rather prominent. Lambs of this grade may present evidences of slightly low quality. The bones and joints are usually moderately large, and the body somewhat lacking in symmetry and smoothness.

(2) A lamb which has conformation equivalent to at least the mid-point of the Good grade may have a development of finish equivalent to the minimum for the upper third of the Utility grade and remain eligible for Good. Also, a development of finish which is superior to that specified as minimum for the Good grade may compensate, without limit, for a development of conformation which is inferior to that specified for Good on the basis of a half grade of superior finish for a third of a grade of deficient conformation as indicated in the following example: A lamb which has a development of finish equivalent to the mid-point of the Good grade may have conformation equivalent to the minimum for the upper third of the Utility grade and remain eligible for Good.

(d) *Utility.* (1) Lambs meeting the minimum requirements for Utility grade are very rangy, angular, and long and thin of neck. They are very thinly fleshed, narrow over the back, loin, and rump, and shallow in the twist. The hips are very prominent and the shoulders are usually open, rough, and prominent. The legs are very small, thin, and present a slightly concave appearance. Regardless of age, Utility lambs show no visible evidence of fat covering. In handling, bones of the shoulders, backbone, hips, and ribs are very prominent. Utility grade lambs are of rather low quality. The bones and joints are proportionately large and the body is very rough and unsymmetrical.

(2) A lamb which has conformation equivalent to at least the mid-point of the Utility grade may have a development of finish equivalent to the minimum for the upper third of the Cull grade and remain eligible for Utility. Also, a development of finish which is superior to that specified as minimum for the Utility grade may compensate, without limit, for a development of conformation which is inferior to that specified for Utility on the basis of a half grade of superior finish for a third of a grade of deficient conformation as indicated in the following example: A lamb which has a development of finish equivalent to the mid-point of the Utility grade may have conformation equivalent to the minimum for the upper third of the Cull grade and remain eligible for Utility.

(e) *Cull.* (1) Typical Cull grade lambs are extremely rangy, angular, long and thin of neck, thin-fleshed, and extremely narrow and shallow bodied. Shoulders and hips are very prominent. The legs are extremely small, thin, and present a very concave appearance. In handling, the bones of the shoulders, backbone, hips, and ribs are extremely prominent and the entire bony framework is very evident. The general appearance is that of low quality. The relative proportion of meat to bone is quite low, joints appear large, and the body is very unsymmetrical.

§ 53.134 *Specifications for official United States standards for grades of slaughter yearlings and sheep*—(a) *Prime.* (1) Slaughter sheep older than yearlings are not eligible for the Prime grade.

(2) Yearling sheep possessing the minimum requirements for Prime grade are lowset, thickly fleshed, and short of neck. They are wide over the back, loin, and rump. Shoulders and hips are moderately neat and smoothly laid in. The twist is deep and full, and the legs are large and plump. There is a distinct fullness or plumpness evident over the crops, loins, and rump which contributes to a well-rounded appearance. There is a thick fat covering over the back, ribs, loin, and rump, and, in handling the backbone and ribs are not discernible. Prime slaughter yearling sheep exhibit evidences of high quality. The bones tend to be proportionately small, joints smooth, the finish evenly distributed, and the body trim, smooth, and symmetrical.

(3) To qualify for the Prime grade a yearling must possess the minimum qualifications for finish regardless of the extent that its conformation may exceed the minimum requirements for Prime. However, a development of finish which is superior to that specified as minimum for the Prime grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Prime as indicated in the following example: A yearling which has a development of finish equivalent to the mid-point of the Prime grade may have conformation equivalent to the mid-point of the Choice grade and remain eligible for Prime. Yearlings which are otherwise eligible for Prime grade but which have excessive, bunchy, or irregular distribution of external fat are not eligible for Prime.

(b) *Choice.* (1) Slaughter sheep possessing the minimum requirements for Choice grade are moderately compact, thickly fleshed, and short of neck. They are moderately wide over the back, loin, and rump. The shoulders and hips are usually moderately neat and smoothly laid in but may show a slight tendency toward prominence. The twist is moderately deep and full and the legs rather thick and plump. Yearling sheep have a slightly thick fat covering over the back, ribs, loin, and rump, and, in handling, the backbone and ribs are only slightly discernible. Mature sheep have a moderately thick fat covering over the back, ribs, loin, and rump, and, in handling, the backbone and ribs are hardly discernible. Choice slaughter sheep usually present a moderately refined appearance.

(2) A sheep which has conformation equivalent to at least the mid-point of the Choice grade may have a development of finish equivalent to the minimum for the upper third of the Good grade and remain eligible for Choice. Also, a development of finish which is superior to that specified as minimum for the Choice grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Choice as indicated in the following example: A sheep which has a development of finish equivalent to the mid-point of the Choice grade may have conformation equivalent to the mid-point of the Good grade and remain eligible for Choice.

(3) Yearlings which are otherwise eligible for Prime grade but which have excessive, bunchy, or irregular distribution of external fat are included in the Choice grade. Sheep which are otherwise eligible for the Choice grade but which have excessive, bunchy, or irregular distribution of external fat are not eligible for Choice.

(c) *Good.* (1) Slaughter sheep possessing the minimum requirements for Good grade are slightly rangy, upstanding, long and thin of neck, and slightly thin-fleshed. They are slightly narrow over the back, loin, and rump. Hips and shoulders are moderately prominent. The twist is slightly shallow and the legs slightly small and thin. Yearling sheep have slightly more than a moderately thin fat covering over the back, loin, and upper ribs. In handling, the shoulders, backbone, hips, and ribs are rather prominent. Mature sheep have a slightly thin fat covering over the back, ribs, and loin. In handling, the bones of the shoulders, backbone, hips, and ribs are slight prominent. Sheep of this grade may present evidences of slightly low quality. The body is somewhat lacking in symmetry and smoothness.

(2) A sheep which has conformation equivalent to at least the mid-point of the Good grade may have a development of finish equivalent to the minimum for the upper third of the Utility grade and remain eligible for Good. Also, a development of finish which is superior to that specified as minimum for the Good grade may compensate without limit, for a development of conformation which is inferior to that specified for Good on the basis of a half grade of superior finish for a third of a grade of deficient conformation as indicated in the following example: A sheep which has evidences of finish equivalent to the mid-point of the Good grade may have conformation equivalent to the minimum for the upper third of the Utility grade and remain eligible for Good.

(3) Sheep which are otherwise eligible for Choice grade but which have excessive, bunchy, or irregular distribution of external fat are included in the Good grade.

(d) *Utility.* (1) Slaughter sheep meeting the minimum requirements for Utility grade are very rangy, angular, and long and thin of neck. They are very thinly fleshed, narrow over the back, loin, and rump, and shallow in the twist. The hips are very prominent and the shoulders are usually open, rough, and prominent. The legs are very small, thin, and present a slightly concave appearance. Regardless of age, Utility grade slaughter sheep show no visible evidences of fat covering. In handling, the bones of the shoulders, backbone, hips, and ribs are so thinly covered that they are very prominent. Utility grade slaughter sheep are of rather low quality. The bones and joints are proportionately large and the body is very rough and unsymmetrical.

(2) A sheep which has conformation equivalent to at least the mid-point of the Utility grade may have a development of finish equivalent to the minimum for the upper third of the Cull grade and remain eligible for Utility. Also, a development of finish which is superior to that specified as minimum for the Utility grade may compensate, without limit, for a development of conformation which is inferior to that specified for Utility on the basis of a half grade of superior finish for a third of a grade of deficient conformation as indicated in the following example: A sheep which has a development of finish equivalent to the mid-point of the Utility grade may have conformation equivalent to the minimum for the upper third of the Cull grade and remain eligible for Utility.

(e) *Cull.* (1) Typical Cull grade sheep are extremely rangy, angular, long and thin of neck, thin-fleshed, and extremely narrow and shallow bodied. Shoulders and hips are very prominent. The legs are extremely small, thin, and present a very concave appearance. In handling, the bones of the shoulders, backbone, hips, and ribs are extremely prominent and the entire bony framework is very evident. The general appearance is that of low quality. The relative proportion of meat to bone is quite low, joints appear large, and the body is very unsymmetrical.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed revision may do so by filing them with the Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 19th day of August 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-6801; Filed, Aug. 21, 1958; 8:57 a. m.]

[7 CFR Part 928]

[Docket No. AO-227-A9]

HANDLING OF MILK IN NEOSHO VALLEY MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Besse Hotel, Pittsburg, Kansas, beginning at 10:00 a. m., local time, on August 26, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Neosho Valley marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Neosho Valley Cooperative Creamery Association:

Proposal No. 1. Add to the order a definition of a supply plant. This proposed definition will involve consideration of qualification standards for a supply plant to qualify as a pool plant.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order

conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 523½ North Broadway, Pittsburg, Kansas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 19th day of August 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-6802; Filed, Aug. 21, 1958; 8:57 a. m.]

[7 CFR Part 961]

[Docket No. AO-160-A20]

HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in U. S. District Court Room No. 5, United States Court House, Ninth and Market Streets, Philadelphia, Pennsylvania, beginning at 9:30 a. m., e. d. t., on August 28, 1958, with respect to a proposed amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendment hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendment, set forth below, has not received the approval of the Secretary of Agriculture.

Proposed by the Inter-State Milk Producers Cooperative, Inc., and by the Milk Distributors' Association of the Philadelphia Area, Inc.:

1. Add the following language at the end of § 961.10: ": *Provided*, That milk which is diverted for the account of a handler (a) to the producer milk plant of another handler, or (b) to a nonproducer milk plant during the period February through September or on less than 10 days per month during the period October through January, shall be presumed to have been received at a producer milk plant of the diverting handler: *And provided further*, That milk which is delivered to a producer milk plant from a farm bulk tank pickup route by or for the account of a nonproducer milk plant shall be presumed not to have been received by the producer milk plant and shall be allocated as other source milk pursuant to § 961.47."

Proposed by the Dairy Division, Agricultural Marketing Service:

2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendment thereto resulting from this hearing.

Copies of this notice of hearing and the order, may be obtained from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or the Market Administrator, Fox Building, 12th Floor, 1612 Market Street, Philadelphia 3, Pennsylvania, or may be there inspected.

Issued at Washington, D. C., this 19th day of August 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-6782; Filed, Aug. 21, 1958; 8:51 a. m.]

[7 CFR Parts 1011, 1016]

[Docket No. AO-299]

HANDLING OF MILK IN MICHIGAN UPPER PENINSULA AND NORTHEASTERN WISCONSIN MARKETING AREAS

NOTICE OF REVISED RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of the filing with the Hearing Clerk of this revised recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed marketing agreements and orders regulating the handling of milk in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 28, 1958 (23 F. R. 3818), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto. On the basis of exceptions to the previous recommended decision certain changes have been made in the regulation proposed, particularly with respect to the pooling provisions of the order for the Northeastern Wisconsin marketing area and pricing zones of the order for the Michigan Upper Peninsula marketing area. In view of these changes interested parties are being given further opportunity to file exceptions. Interested parties may file written exceptions to this revised decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which each of the proposed marketing agreements and orders, as hereinafter set forth, were formulated, was conducted at Escanaba, Michigan, on October 8–15, 1957, pursuant to notice thereof which was issued September 13, 1957 (22 F. R. 7429) and at Green Bay, Wisconsin, on November 20, 1957, pursuant to notice to reconvene which was issued October 30, 1957 (22 F. R. 8852).

The material issues of record relate to:

1. Whether the handling of milk produced for sale in each of the proposed marketing areas is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of milk marketing agreements or orders which will tend to effectuate the policy of the act; and

3. If orders are issued what their provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

1. *Character of commerce.* The handling of milk in each of the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk and milk products.

The Michigan Upper Peninsula marketing area defined in the order proposed for that area includes fourteen counties in Michigan and portions of three counties in Wisconsin. Within this area there is a continuous and substantial interstate commerce in the procurement of milk from producers and the sale of fluid milk and its products to consumers. Distributing plants in Iron Mountain, Ironwood and Bessemer, Michigan, distribute fluid milk products in Saxon, Hurley, Florence, Aurora, Niagara and Wausaukee, Wisconsin. Distributing plants in Rhinelander and Green Bay, Wisconsin, distribute fluid milk products throughout various portions of the area in Michigan. Distributing plants in the Sault St. Marie portion of the marketing area distribute fluid milk products to ore boats passing through the locks at Sault St. Marie proceeding to ports in Ohio, Indiana, Illinois and Minnesota.

Producers supplying milk to plants in the Michigan portion of the marketing area are on farms located in several counties in Wisconsin and all the Upper Peninsula counties of Michigan. Milk produced on farms in the states of Wisconsin and Michigan is inextricably commingled at processing plants in Ironwood, Iron Mountain, Crystal Falls and Bessemer, Michigan; and in Green Bay, Wisconsin. Supplemental supplies of milk come primarily from plants procuring supplies of milk from Wisconsin dairy farmers.

The marketing area proposed for the Northeastern Wisconsin area includes the city of Menominee, Michigan. Milk dealers in Menominee distribute milk in Marinette and other nearby Wisconsin areas. Wisconsin dealers likewise distribute milk in Menominee.

One of the major distributors serving the proposed Northeastern Wisconsin marketing area processes milk at a plant in Green Bay, Wisconsin, and distributes approximately 25 percent of his total fluid milk sales in the Michigan upper Peninsula marketing area as proposed herein. Milk used in these products is procured from producers with farms located in Michigan and Wisconsin. Other distributors at Rhinelander and Sheboygan, Wisconsin, in the proposed Northeastern Wisconsin marketing area distribute fluid milk products in Michigan. The distributor at Rhinelander distributes milk in Ironwood, Watersmeet and Iron River, Michigan. The distributor at Sheboygan distributes fluid milk products in Menominee, Michigan. Fluid milk products are distributed throughout the Wisconsin area from plants of handlers regulated by the Milwaukee, Wisconsin, order.

Farm milk supplies for each of the proposed marketing areas are intermingled with farm supplies of numerous manufacturing plants. Such products as nonfat dry milk, cheese, butter, evaporated milk and other related products are processed by national dairy concerns for distribution in the current of interstate commerce. Within the Northeastern Wisconsin marketing and supply areas are more than four thousand farms supplying milk to the Chicago, Illinois, market.

2. *Need for regulation.* Milk marketing and pricing conditions in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas justify the issuance of milk marketing orders to establish and maintain orderly marketing conditions. Orders for each of these areas will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act.

Northeastern Wisconsin is in general an area of intensive milk production. Of the 21 counties proposed for inclusion in the marketing area milk cow population in 13 counties exceeded 50 per square mile of land in farms, and was less than 25 in only three counties. In this area are located 17 supply plants for the Chicago market which receive milk from more than 4,000 producers qualified for Chicago. The total volume of Chicago pool milk has varied from 63 to 93 million pounds per month in a recent 12 month period. Extensive manufacturing of dairy products such as cheese, butter, nonfat dry milk and other products is conducted in the area.

Approximately 1,250 producers of Grade A milk supply the needs of plants engaging in the fluid milk trade of this area. None of this milk is purchased from producers on the basis of use made of it by the dealer. Most producers receive a flat price for their milk without being in position to negotiate with respect to prices, terms or conditions of sale. In a few instances base and excess prices are paid as a means of encouraging level production, but without regard to utilization of the milk.

For the most part the prices paid producers approximate the producer prices of the Chicago order applicable in the immediate vicinity. This does not mean, however, that local milk dealers are paying the applicable Chicago order prices for the milk they sell in fluid form. Handler testimony for a group of dealers claimed to be representative showed that in May 1957 they used 73.6 percent of receipts from producers as Class I milk and in September 1957 their Class I utilization was 82 percent. Chicago Class I and II utilization was 56.9 percent in May and 76.5 percent in September. The Chicago utilization percentages include in Class II ice cream use and for Class II volumes are computed on a milk equivalent basis; had the computation for Chicago been identical with that for the Northeastern Wisconsin dealers a somewhat greater difference in utilization would have been shown. No Chicago plants regularly distribute milk in Northeastern Wisconsin that is priced under the Chicago order. Three cooperative associations and one proprietary concern operating Chicago supply plants also operate separate facilities for the Northeastern Wisconsin trade.

The flat price system prevalent in the Northeastern Wisconsin area by its very nature promotes instability in the marketing of milk for the fluid trade of the area. The milk dealer who can restrict his purchases to the volume of his trade sales will have a Class I cost equal to the flat price paid. A certain amount of reserve milk is necessary for the market, however, to assure an adequate supply at all times. Fluctuation brought about by the seasonal nature of production and day to day variations in milk sales require the disposition of some Grade A milk produced for the market into manufacturing channels at a value lower than that for fluid sales. To the extent that a dealer can avoid or minimize the cost of handling such reserve milk he can achieve a competitive advantage over the dealer who carries the reserve milk associated with his share of the market. As a result producers have no assurance of a continuing market for their milk. Instances were shown on the record of producers being "cut off" with little or no notice.

While the supply competition from Chicago determines the general level of prices in the area, the flat prices paid are by no means uniform. In some cases different prices are paid to producers delivering to the same dealer. These price differences accentuate disparities in costs of milk for fluid use.

A cooperative association representing a substantial number of producers has been unsuccessful in attempts to negotiate uniform prices based upon use of milk. With most dealers they have been unable to negotiate prices on any basis. Dealer resistance has prevented this association from fully serving its members through check testing and weighing services.

Classified prices are negotiated separately by areas between the principal milk dealers with plants located in or near the Michigan Upper Peninsula cities of Ironwood, Marquette, and Sault St. Marie and local units of a cooperative association representing producers supplying each of these cities. Other cooperative associations own and operate plants at which milk produced by members of such associations is received, processed, and packaged, and from which such milk is distributed to wholesale and retail outlets. A considerable volume of milk in the Upper Peninsula is, however, purchased at flat prices without regard to the use made of the milk.

Substantial quantities, estimated at 10 to 14 million pounds annually, of milk packaged in Northeastern Wisconsin plants is distributed in the Michigan Upper Peninsula. The principal distribution is from a plant at Green Bay, Wisconsin. Milk from this plant is now sold throughout most of the Upper Peninsula. A plant at Rhinelander, Wisconsin also distributes substantial volumes of milk in the Peninsula, principally in the western portion. Distribution from other Wisconsin plants is of a more localized nature. This regular distribution of milk packaged in Wisconsin is a relatively recent development associated with improved roads, paper packages, and growth of the Upper Peninsula tourist trade. Classified price negotiations between producers and dealers in the Upper Peninsula are of comparatively recent origin, such negotiations having been carried on only since January 1954 at Marquette, December 1954 at Ironwood, and June 1956 at Sault Ste. Marie. While income from dairying represents a substantial proportion of the cash farm income of the Upper Peninsula, climate, topography and soil conditions are such that only 10–15 percent of the total area is in farmland. Twenty to twenty-five percent of the milk produced is for fluid use, the large majority of the remainder being made into cheese.

Negotiation of classified prices for milk delivered to Upper Peninsula dealers has been severely affected by the sales competition from milk bought on the flat price basis. The complex problem of proper price relationship between the production area of the Upper Peninsula and that of the intensive Wisconsin production area cannot properly be solved by negotiation when prices do not apply equally on the basis of classified use.

Stability of marketing conditions can be assured for these areas only (1) when all milk handlers in each area have substantially equal prices of milk according to use, (2) such use is verified by impartial audit, when all producers supplying each handler in each market receive the same price for milk of the same quality, with the quality and quantity of such milk verified by an adequate check weighing and testing program, and (3) when accurate marketwide information relative to receipts and sales of milk in these areas is provided to all (giving in each case due consideration to the point of receipt). The milk marketing orders herein proposed will provide the only practical means for accomplishing these ends.

3. *Order provision*—(a) *The scope of regulation*—(1) *Marketing areas.* The three cooperative associations of producers that initiated the request for an order proposed in the notice of hearing an order with a marketing area of all territory in the Michigan Upper Peninsula, exclusive of Menominee township in Menominee County, plus five towns and the city of Hurley in Iron County, Wisconsin. A handler who distributes in the Upper Peninsula about one-fourth of the milk processed at his plant in Green Bay, Wisconsin, proposed in the notice of hearing that the area also include 25 counties in Northeastern Wisconsin and Menominee township, Menominee County, Michigan. Handlers with local distribution proposed minor additions, all of which were within the area proposed by the Green Bay handler.

In the course of the hearing the proponent cooperative associations supported the need for regulation in much of the additional Wisconsin territory proposed, but advocated that this be accomplished by means of a separate order. Consideration was given to issuance of a single regulation for the Michigan Upper Peninsula and Northeastern Wisconsin areas. While substantial volumes of milk are distributed in Michigan by plants located in Wisconsin, the number of dealers making such distribution is relatively few. Additional plant and farm supply inspections are required, since Michigan statutes do not provide for reciprocal approvals. Prior to July 1, 1957, milk could not practicably be labeled Grade A in Michigan so that milk meeting Grade A standards could not be sold in Michigan under the label used for the Wisconsin trade. A large majority of the dealers in Northeastern Wisconsin limit their distribution to Wisconsin points. Wisconsin distribution from Michigan plants is localized to nearby points for which appropriate consideration can be given in defining separate marketing areas.

In view of these considerations and differences in supply conditions in the two areas, it is concluded that issuance of separate orders for the Michigan Upper Peninsula and Northeastern Wisconsin areas with prices properly aligned is the most appropriate means of providing regulation adapted to the needs of each area.

The Michigan Upper Peninsula marketing area should be defined to include all area within 14 of the 15 Upper Peninsula counties (omitting Menominee County) and the following territory in Wisconsin: five towns and the cities of Hurley and Montreal in Iron County; two towns in Florence County and one town and the village of Niagara in Marinette County. For the purposes of the pricing provisions this area is divided into two zones which are discussed in detail under pricing.

The total population of this area is approximately 290,000. The principal cities with population over 10,000 are Sault St. Marie, Escanaba, Ironwood and Marquette. There are, in addition, six other cities of more than 5,000 population.

While no one dealer distributes milk throughout the Upper Peninsula, a dealer whose plant is located in Marquette distributes throughout the greater portion. Milk bottled at this plant is sold at Sault St. Marie, and St. Ignace, each approximately 165 miles east of Marquette, at Manistique and Escanaba to the southeast, at Houghon 100 miles to the northwest, and to the south at Crystal Falls, near the Wisconsin border. Milk bottled at Bessemer and Ironwood is likewise sold in the Copper Country near Houghton, and a cooperative association with bottling facilities in Houghton County sells milk in and near Marquette. Ironwood and Bessemer dealers serve the adjoining cities of Hurley and Montreal and other nearby territory in Iron County, Wisconsin. Iron Mountain dealers serve the nearby areas in Florence and Marinette counties, Wisconsin, and Wisconsin dealers in Florence County compete in Iron Mountain.

The health regulations of the State of Michigan provide a uniform minimum standard with respect to all milk marketed within the State of Michigan. While Grade A milk regulations similar to United States Public Health standards have only recently become effective in Michigan on a permissive basis, practically all plants in the Upper Peninsula either have complied or will comply with Grade A standards. Grade A labeling under United States Public Health standards is widespread in Wisconsin and will become compulsory July 1, 1959.

While resident population in many areas of the Upper Peninsula is sparse the distribution of tourist and vacation trade is widespread. It is therefore concluded that the marketing area in Michigan should be defined by county boundries. The southernmost county, Menominee, is largly devoted to farming with its principal population center, the City of Menominee, at the southern extremity of the county, which adjoins the City of Marinette, Wisconsin. Inclusion of these cities in the Northeastern Wisconsin marketing area appears appropriate. There is little, if any, distribution of milk in other portions of Menominee County that would not be regulated under either of the orders.

The Northeastern Wisconsin marketing area should include the Wisconsin counties of Brown, Calumet, Kewaunee, Langlade, Lincoln, Manitowoc, Oneida, Outagamie, Portage, Sheboygan, Vilas, Waupaca and Winnebago. In addition there should be included, as more precisely defined in the order, the northern portion of Fond du Lac County, the eastern portion of Marathon County, all of Shawano County not a part of the Menominee Indian Reservation, the southeastern portion of Wood County, the City of Sturgeon Bay in Door County, the cities of Marinette and Peshtigo and the town of Peshtigo in Marinette County, the cities of Gillett, Ocorto and Oconto Falls in Oconto County, all in Wisconsin, and the City of Menominee, Menominee County, Michigan.

The total population of this area is approximately 900,000. The principal cities, ranging in population from 25,000 to more than 50,000, are Green Bay, Sheboygan, Oshkosh, Appleton, Wausau, Fond du Lac, and Manitowoc, and the companion cities of Marinette and Menominee the combined population of which is approximately 25,000. There are, in addition, some sixteen other cities of more than 5,000 population.

Milk from one Green Bay plant is distributed throughout this entire area. A cooperative association operates a bottling plant at West DePere in Brown County from which milk is distributed throughout the major portion of the area. Another plant of the same cooperative furnishes the entire milk supply of a dealer in Rhinelander whose distribution covers the remainder of the area. Milk bottled at Sheboygan and Manitowoc is distributed extensively throughout a number of the more densely populated counties in the southern and eastern portions of the area. A number of other plants extend their distribution throughout two or more counties. There is also a substantial distribution of milk throughout much of the area from at least three plants regulated under the order for the Milwaukee market.

Wausau dealers offered testimony to show that the volume of milk from other areas sold in that city is not sufficient to justify its inclusion in the marketing areas. Approximately 7–8 percent of the sales in Wausau are by dealers with extensive distribution throughout the area. The same general need for regulation was shown with respect to marketing conditions in Wausau as for the remainder of the area. Producers supplying Wausau dealers belong to the same cooperative association as do the producers supplying numerous dealers throughout the area. Wausau dealers extend their distribution into other parts of the proposed area. It is concluded that Wausau should be included in the area.

Almost all milk distributed in the area meets the Grade A labeling standards of Wisconsin. Most of the cities have Grade A ordinances and milk inspected under one authority moves freely into other jurisdictions within the area.

In the counties of Marinette and Oconto on the western shore of Green Bay it is necessary to include in the marketing area only the cities which are the principal centers of population. It is not necessary to regulate distribution in the remainder of these counties, in Forest County, or in that part of Florence County not included in the Michigan Upper Peninsula order. Population in these areas is predominantly rural, and there is little opportunity for substantial distribution of milk by dealers who will not otherwise be regulated. Likewise in Door County, lying between the shores of Green Bay and those of Lake Michigan, it is necessary to include only the City of Sturgeon Bay to provide effective regulation. Inclusion of all of Fond du Lac County would result in the marketing area boundary passing through the city of Waupun, which lies partly in Fond du Lac County and partly in Dodge County. For this reason the southern portion of Fond du Lac County is not included in the area.

(2) *Milk to be regulated.* The milk to be regulated by each of the proposed marketing agreements and orders should be that which represents the primary sources of supply of milk distributed on routes in the respective proposed marketing areas. To be eligible for such distribution milk must be produced, processed and distributed in conformity with applicable health regulations. Provision should be made to designate clearly what milk will be subject to the pricing and the respective pooling provisions of each of the recommended marketing agreements and orders. For this reason, definitions of fluid milk plant or pool plant, handler, producer, producer milk, producer-handler, route, fluid milk product and other source milk are provided in the orders.

The definition of a fluid milk plant, or pool plant, should be such as to determine which producers, as hereinafter defined, are to be included in the determination of the uniform prices to be paid by handlers under the Michigan Upper Peninsula and Northeastern Wisconsin orders. The two broad categories of milk plants to be regulated by these orders are distributing plants and supply plants. There are distributing plants at which milk received from local dairy farmers or other plants is processed and packaged and from which such milk is distributed as fluid milk products in one or both of these extensive marketing areas. At other plants milk is received directly from dairy farmers and delivered in bulk to distributing plants. This category of plant is generally known as a supply plant.

Elsewhere in this decision it is concluded that under the Michigan Upper Peninsula order distribution of returns to producers should be through individual-handler pools, and that under the Northeastern Wisconsin order such distribution should be through a marketwide pool. Under handler pooling the incentive for a handler to engage in the fluid milk trade of the area is based strictly upon the fluid milk business he can develop. In a marketwide pool, however, there is incentive for plants to be placed under regulation as a means of sharing in the utilization of the market without becoming an integral part of the supply for the market. The marketwide pooling system provides opportunity for partial regulation with respect to milk not priced and pooled under the order. Similar provisions would encounter practical difficulties in a handler pool order. For these reasons the standards of market participation used to determine full regulation of distributing plants and supply plants vary somewhat under the two pooling systems. In conformity with the nomenclature included in other orders, fully regulated plants are defined as "fluid milk plants" under the Michigan Upper Peninsula order and as "pool plants" under the Northeastern Wisconsin order.

To be eligible for distribution in fluid form in the State of Michigan milk must conform to the requirements of Public Law No. 169. Permissive standards for Grade A milk have recently become effective and it is probable that milk labeled Grade A will shortly constitute the principal distribution in the Upper Peninsula. Distributing plants to be defined as fluid milk plants under the Michigan Upper Peninsula order should include those plants at which fluid milk products either labeled Grade A or conforming to the requirements of Michigan Public Law No. 169 are processed or packaged for distribution in the marketing area.

Under this order provision should be made to exempt from regulation distributing plants located outside the marketing area from which only a minor volume of milk is distributed in the marketing area. Regulation of such plants might place them in an uneconomic and unfavorable position with respect to the major portion of their sales in nonregulated areas. As long as the volume of sales an exempt plant may make in the proposed marketing area is left relatively low, such distribution would not present a disruptive force. An average of 600 pounds per day on routes in the marketing area is considered to be an appropriate limit for such exemption.

The fluid milk plant definition of the Michigan Upper Peninsula order should include provision for supply plants at which milk produced in conformity with health regulations of the area is received from dairy farmers and from which fluid milk products are moved to distributing plants. Supply plants from which regular shipments of milk are delivered to the market should be fully regulated. Regular shipments of milk from sources where no minimum price regulations are in effect would be a threat to the stability of this market were there no provisions for pricing receipts of supply plants. As a result of handlers' receiving milk from outside the order in unlimited shipments, a situation could arise in which a significant portion of the market supply of milk would not be subject to the pricing and payment provisions of the order. These plants would be a constant threat to the classified pricing plan of the order.

Handlers in the Michigan Upper Peninsular area receive both regular and incidental supplemental supplies of milk when demand for fluid milk products exceeds the production of milk in this area. Further, there are supply plants which are integral parts of a certain handler's sources of supply. One of the proponent cooperatives, with a plant located at Crystal Falls, receives producer milk to supply various handlers with supplemental supplies of milk. A dealer performing functions somewhat similar to those of a supply plant plans to construct a receiving station at Carney, Michigan. Supply plants which constitute regular sources of supply should be fully regulated. Provision should be made, however, for receipt of some supplemental unpriced supplies during the vacation and short production seasons. Thus, it is concluded that the fluid milk plant definition in the Michigan Upper Peninsula order should provide that a supply plant be one from which milk or skim milk is delivered to a distributing plant on 10 or more days in any of the months of July through December or on 3 or more days in the months of January through June.

In the Northeastern Wisconsin marketing area, uniform minimum standards of the State of Wisconsin presently apply only to milk labeled Grade A. Grade labeling will become compulsory in 1959. Grade A milk represents the dominant distribution in the Northeastern Wisconsin marketing area. Distributing plants to be regulated under the Northeastern Wisconsin order should be those at which fluid milk products labeled Grade A are processed or packaged for distribution in the marketing area and from which disposition of fluid milk products on routes in the marketing area represents 20 percent or more of receipts of Grade A milk from dairy farmers. Such plants should also be limited to those having a total route disposition of 50 percent or more of receipts from dairy farmers and supply plants. To qualify for pool status a supply plant should move 50 percent or more of its receipts of Grade A milk from dairy farmers to a qualified distributing plant. If a supply plant qualifies on this basis during each of the months of August through November, it should be able to retain pool plant status the following December through July.

The extent to which other markets draw supplies from the same area as the Northeastern Wisconsin market and the substantial manufacturing milk production in the area necessitate these pool plant requirements in order to insure that the producers sharing in the uniform price of the market pool be those delivering to plants from which a substantial portion of the receipts is disposed of as fluid milk products in the marketing area, and that the receipts of plants primarily associated with other markets or uses be excluded from sharing in the pool.

The proponent of marketwide pooling at the hearing proposed that disposition of 30 percent of receipts from producers as Class I milk in the marketing area be required each month for both distributing and supply plants. This proponent, a cooperative association, operates a supply plant at Wittenberg, Wisconsin, that supplies the entire needs of a distributing plant at Rhinelander. Other than this regular full-supply arrangement handlers provided little evidence of need for supply plants. This is a concentrated milk production area where there are abundant supplies of milk available for direct delivery. Supply plants most commonly are called upon for heaviest shipments in periods of low supply. Accordingly, provision is made for a supply plant to retain pool status if it has made substantial shipments in the August–November period for which milk production is normally seasonally low. The requirement that 20 percent of its farm milk supply be disposed of on routes in the marketing area will limit pool participation of distribution plants to those with a substantial interest in the fluid trade of the area. The requirement that a distribution plant have 50 percent or more of its total Grade A receipts disposed of on routes, either in or out of the area, serves to distinguish those plants

that must qualify as supply plants from those that may qualify as distributing plants. In view of its inclusion in the recommended decision, provision is retained to exempt from regulation distributing plants located outside the marketing area from which Class I disposition on routes in the marketing area averages less than 600 pounds per day.

There are at least three distributing plants, which would be regulated by the proposed Northeastern Wisconsin order that currently sell fluid milk products within the proposed Michigan Upper Peninsula marketing area. There are at least three milk plants regulated under the Milwaukee, Wisconsin, order that currently sells fluid milk products within the proposed Northeastern Wisconsin marketing area. Since handlers distribute fluid milk products in various regulated markets in this area, provisions must be adopted to avoid possible dual regulation. In this connection, it is concluded that a plant should be regulated under the order where such plant's monthly sales of fluid milk products are greatest. However, operators of plants subject to regulation under another order should be required to file reports and submit to audits by the market administrator in order that he may verify the status of such plant.

"Handler" should be defined under the respective orders as any person who operates one or more fluid milk or pool plants, in his capacity as such, or who operates a plant that does not qualify as a fluid milk or pool plant but from which any fluid milk product is distributed on routes in the marketing area. The handler receives the milk of producers and must be held responsible for reporting its receipts and utilization, and for making payment for it at not less than specified minimum prices. Producer-handlers and operators of plants (including those that fail to qualify for pool status under the Northeastern Wisconsin order) distributing minimum volumes in the marketing areas should be defined as handlers so that they may be required to report to the market administrator the information necessary to determine their status and relationship to the market at any given time. In certain cases, obligations imposed by the order must also be ascertained.

It was proposed that a cooperative association be defined as a handler with respect to milk of member producers diverted for the account of the cooperative to nonfluid milk plants even though the association operated no plant. In another portion of this decision it is concluded that proceeds of the sale of producer milk under the Michigan Upper Peninsula order be by means of individual-handler pools. The pool of the cooperative handler, with respect to milk delivered to unregulated plants, would reflect only the value of the diverted milk which presumably would be in manufacturing milk classes. For the producers diverted for the account of the cooperative to receive any share of the value of Class I milk of the market, it would be necessary for the cooperative to collect the proceeds for milk of other member producers and reblend them with those from the diverted milk. This may be done without defining the cooperative association as a handler or the farmers whose milk is diverted by the cooperative as producers. The proposal would serve no useful purpose under this order. Under the Northeastern Wisconsin order, a cooperative association may be a handler with respect to milk so diverted. This provision will enable milk so diverted for short periods of time to continue to receive the uniform price under the order and be available for fluid use when needed.

"Producer" should be defined under the Michigan Upper Peninsula order as any person, other than a producer-handler, who produces milk in compliance with Grade A requirements or Michigan Public Law No. 169, which milk is received at a fluid milk plant. Provision should be made that the milk of producers regularly received at a fluid milk plant may be diverted for the account of the handler operating such plant to a nonfluid milk plant without such producers losing their status as producers under the proposed order. This will permit milk regularly associated with this market to be diverted to manufacturing plants during periods of flush production, holidays and weekends when deliveries exceed sales, should there be need for this milk to be manufactured in nonregulated plants. Producers whose milk is so diverted will continue to receive the diverting handler's uniform price under the order and their milk should be available for fluid use when needed. Diverted milk shall be deemed to have been received at the fluid milk plant from which it was diverted. Under the Northeastern Wisconsin order, "producer" should be defined as any person, other than a producer-handler, who produces milk in compliance with Grade A requirements of any duly constituted health authority, which milk is received at a pool plant or is diverted from a pool plant to a nonpool plant for the account of a handler or cooperative association. An exception should be made, however, to exclude from the definition of "producer" during the months of March through June those farmers with bases established under the Chicago and Milwaukee orders by delivery to plants, subject to such orders, operated under common control with the Northeastern Wisconsin pool plant to which the farmer may deliver during these months. A number of handlers operate both Chicago or Milwaukee and Northeastern Wisconsin plants. Payments under a base plan are made in these months under the Chicago order and in all but March under the Milwaukee order, but no base plan is provided herein. Without the exception provided in the producer definition a handler with plants in other pools could transfer producers with wider seasonal production to the Northeastern Wisconsin pool for these months of seasonally high production.

"Producer milk" should include all skim milk and butterfat contained in milk produced by producers and received at the fluid milk plant or pool plant directly from producers or diverted by a handler from such a plant. All provisions concerning the classification of producer milk should apply also to the milk received from handlers' own farm.

"Producer-handler" should be defined as a dairy farmer who operates a plant from which fluid milk products are distributed on a route in the marketing area but who receives no milk from other dairy farmers or nonfluid or nonpool milk plants. Reports to the market administrator at such time and in such manner as may be requested, with examinations of accounts, records and facilities should provide ample means to determine the status of a producer-handler.

A producer-handler may receive milk from other fluid milk or pool plants and still maintain status as a producer-handler. However, the classification provisions of each of the proposed orders should provide that any milk, skim milk or cream in bulk form transferred or diverted from a fluid milk or pool plant to a producer-handler will be Class I milk. Supplemental supplies of milk which may be obtained from other fluid milk or pool plants, by virtue of the type of operation involved, may be presumed to be needed by the producer-handler for fluid milk use and should be classified in the supplying handler's plant as Class I milk. Any milk which is received at a fluid milk or pool plant from a producer-handler would be "other source milk" and would, therefore, be allocated to the lowest class utilization at the plant(s) of such handler after the allocation of allowable shrinkage on producer milk. This method of allocating milk received from producer-handlers at regulated plants will insure producers priority on Class I sales made by the handler operating the plant where the producer-handler's milk is received. The producer-handler who by being exempt enjoys the full advantage of his fluid milk sales, should not also share in the Class I sales of other producers.

The definition of a route is included in each of the orders to clarify other definitions or provisions and avoid lengthy repetition in order language. The term route should be defined as a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product other than a delivery to any milk processing plant.

A definition of "fluid milk product" is included to mean milk, flavored milk, flavored milk drinks, skim milk, buttermilk, half and half and cream. This definition of "fluid milk product" will clarify other order provisions and definitions.

"Other source milk" should be defined as all skim milk and butterfat contained in fluid milk products received by a handler at his fluid milk or pool plant(s), except producer milk and fluid milk products received from other regulated plants. This definition would include milk products, other than fluid milk products, from any source (including those produced at the fluid milk or pool plant) which are reprocessed and converted to another product in the plant during the month. The amount of supplemental supplies received from unregulated milk plants, varies from

season to season and between handlers. This definition of other source milk will insure uniformity among all handlers under the allocation and pricing provisions of each of the proposed orders.

(b) *The classification and allocation of milk.* Milk under each order would be classified in three classes reflecting the principal differences in the value and in the quality of milk required for different uses.

Because skim milk and butterfat are not used in most products in the same proportion as received from producers, these components should be classified separately. Class prices, however, will apply per hundredweight of milk and will be adjusted for the butterfat content of the milk actually used in each class through butterfat differentials.

Class I utilization under each order should include all skim milk and butterfat disposed of for consumption as fluid milk products, namely milk, skim milk, flavored milk, flavored milk drinks, buttermilk, half and half, and cream. Plant loss of producer milk in excess of 2 percent of receipts and skim milk and butterfat not accounted for as Class II or Class III utilization should also be Class I.

The products to be included in Class I are those required by health authorities in each marketing area to be from inspected sources. The extra cost of producing and delivering to the market milk of approved quality in the quantities required for fluid distribution justifies a price for Class I milk somewhat higher than that for manufacturing quality milk. It is appropriate that the products requiring approval be included in a single class so that all milk required for their use may contribute uniformly to the cost of supplying the market needs for inspected milk.

Reserve milk in excess of market needs for fluid consumption must usually be manufactured into various dairy products for which approved inspected sources of milk are not required. Such products must be sold in competition with like products from uninspected sources produced over a wide area. Most such products are less perishable than fluid milk products. Milk used to produce these products should be classified in lower classes and priced in accordance with its value in such outlets.

It was proposed that all such uses be included in Class II milk. It is desirable, however, that separate classification and pricing be provided for milk used to produce butter, cheese, and nonfat dry milk. Substantial volumes of milk priced under the Chicago order are made into these products at plants located in the Northeastern Wisconsin area. A separate class (Class IV) is provided under that order for the milk equivalent of butterfat made into butter and cheese. A separate classification for these products (including also nonfat dry milk, the manufacture of which frequently complements the manufacture of butter) will permit pricing milk used for these products under the Northeastern Wisconsin order in close alignment with the Chicago order. In the Michigan Upper Peninsula some excess milk must be disposed of to cheese factories, and prices that can be realized in this area for milk disposed of to such outlets differ considerably from the value of such milk in other nonfluid products. In addition to these products, skim milk dumped or disposed of for livestock feed after notification to the market administrator and opportunity for verification of volumes should also be included in Class III milk, as should shrinkage within allowable limits.

Class II milk should then include all skim milk and butterfat used to produce products not specified as Class I or Class III and in inventories of fluid milk products on hand at the end of the month.

Unaccounted for milk in excess of a reasonable allowance for plant loss should be Class I so as to require full accounting by handlers for their receipts. Two percent is considered a reasonable maximum allowance for plant loss. No limit need be put on shrinkage of other source milk (assigned to Class III) since such milk is deducted from the lowest use class under the allocation procedures.

Since it is not feasible to segregate shrinkage of producer milk from that of other source milk in the same plant, total shrinkage is prorated on the basis of the volume of receipts. Allowance for loss on producer milk diverted to another plant regulated by the same order should be at the plant where actually received. Each handler must be held responsible for full accounting of all his receipts of skim milk or butterfat in any form. The handler who first receives the milk from producers should be responsible for establishing the classification of and the payment for producer milk. Except for such limited quantities of shrinkage as may be classified in Class III, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use.

Uniformity of minimum prices to handlers and simplicity of accounting are achieved if, so far as possible, Class I utilization each month is assigned to current receipts of producer milk. This can be accomplished by classification of closing inventory as Class II, and allocation of opening inventory to Class I only when current receipts of producer milk (except allowable Class III shrinkage) are less than Class I sales. In such case the handler should pay the difference between the Class II price for such milk in the preceding month and the current Class I price. The volume on which this charge is made should not exceed the volume for which producers were paid at the Class II price in the preceding month.

Provisions should be made for classification of fluid milk products transferred in bulk between regulated plants and from regulated plants to unregulated plants. Transfers between fluid milk plants, or between pool plants, should be permitted in any class agreed upon by the handlers operating such plants so long as the prior claim of producer milk for Class I sales is maintained.

Transfers to unregulated plants may be at Class II or Class III if such plant does not engage in the fluid milk business, or has receipts from inspected farmers equal to any Class I sales. If Class I sales exceed such receipts, the milk transferred should be Class I to the extent of the excess. In any event, in order to substantiate a classification other than Class I the unregulated plant must have and make available records adequate to verify any such utilization claimed.

When handlers receive butterfat and skim milk from sources other than from producers, it is necessary to provide a method for allocating such receipts to the classes of utilization in such a manner as to determine the classification of producer milk. Inasmuch as producer milk is the regular available supply for fluid consumption in the marketing area, producer milk should be assigned the Class I utilization in preference to other source milk. This is necessary to assure the effectiveness of a classified pricing program. The system of assigning utilization of milk to receipts from different sources is set forth in detail in the proposed order. A monthly accounting period is provided for this assignment in order that uniform prices to producers may be computed for each month's delivery of milk.

(c) *Class prices.* The price of milk for fluid use in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas should be closely related to the prices of milk used in the production of manufactured dairy products. In both of these areas substantial volumes of milk are produced, relative to fluid milk production, for use in the production of manufactured milk products. Producers' farms where milk is produced for the Chicago and Northeastern Wisconsin markets are intermingled in the Northeastern Wisconsin milkshed. Surplus and reserve supplies of milk from the Chicago market are manufactured in plants located in the Northeastern Wisconsin area. Dealers in the Northeastern Wisconsin and Michigan Upper Peninsula areas have based their fluid milk prices on the prices paid by manufacturing plants in the areas and on prices paid by plants regulated under the Chicago order. Class I prices in the nearby Federal order markets of Chicago, Milwaukee, Duluth-Superior, Minneapolis-St. Paul and Upstate Michigan are based on similar manufacturing values. Use of a basic formula price to which a Class I differential is added will, for each order, reflect manufacturing values.

(1) *Basic formula price.* The basic formula price used to determine the Class I price should be the higher of the average price paid by 12 Wisconsin and Michigan condenseries or a formula price based on market values of butter and nonfat dry milk. These prices measure the value of milk used in each of these major manufactured dairy products which are marketed nationally. These same factors are used in the Chicago and Milwaukee Federal order markets.

Several of the 12 condenseries whose prices are included are located in the

Northeastern Wisconsin area. A butter-powder formula price using slightly different factors from that included in the attached orders was proposed in the notice of hearing. In view of the desirability of maintaining alignment with prices of the orders for the Chicago and Milwaukee markets the formula price used in those orders is included as the alternative basic formula price. Use of the basic formula price of the preceding month in the determination of Class I prices will permit these prices to be announced early in the month to which they apply, and will assist in maintenance of alignment with Chicago and Milwaukee prices.

(2) *Class I price.* The Class I price differential to be added to the basic formula price should be at a level which will reflect the additional costs of providing an adequate but not excessive year-round supply of milk meeting the inspection requirements of each of these areas. For the initial 18 months of operation of the Northeastern Wisconsin order this differential should be established at an annual level of $0.74, varied seasonally to be $0.94 for the months of August, September, October, and November; $0.74 for the months of January, February, July, and December; and $0.54 for the months of March, April, May, and June; and at those plants located in the Wisconsin counties of Florence, Forest, Marinette, Oneida, and Vilas, or in the State of Michigan, the Class I price under the Northeastern Wisconsin order should be increased ten cents. For the initial 18 months of operation of the Michigan Upper Peninsula order this differential should be established for those plants located in (1) Zone 1 at an annual level of $0.97, varied seasonally to be $1.15 for the months of July through November, and $0.95 for the months of January, February, and December, and $0.75 for all other months; and (2) Zone 2 at an annual level of $1.17, varied seasonally to be $1.35 for the months of July through November, $1.15 for the months of January, February, and December, and $0.95 for all other months.

It was proposed at the hearing that the Class I differential of the Northeastern Wisconsin order be $1.00 in all months of the year and that of the Michigan Upper Peninsula order be $1.35 for all months. While zone price differences for the Upper Peninsula were proposed in the notice of hearing, proponents at the hearing supported the application of a single Class I differential applicable at all locations.

Prices of the Chicago and Milwaukee markets are a dominating influence on the price structure of the Northeastern Wisconsin area. The volume of milk priced under the Chicago order delivered to Chicago pool plants located in the Northeastern Wisconsin area averaged approximately 78 million pounds per month over a recent 12 month period. This is substantially more milk than that to be regulated under the Northeastern Wisconsin order. Chicago prices at these points are clearly the dominant competitive factor in procurement of milk. Milwaukee handlers also compete for sales in the Northeastern Wisconsin marketing area. Producer prices under the Milwaukee order are directly related to those of the Chicago order.

Under the Chicago order the Class I prices at plants located more than 70 miles from the Chicago City Hall are decreased 2 cents for each 15 miles or fraction thereof in excess of 70 miles. An annual average Class I differential, of 90 cents is provided at the 55–70 mile zone. Chicago pool plants are located in the Northeastern Wisconsin area in zones 7–14 so that the annual average Class I price differentials applicable at these plants range from 64 to 78 cents. Under the Milwaukee order an average annual differential of 86 cents, which represents the Chicago zone prices at Milwaukee, applies at all plants.

Approximately two-thirds of the milk to be regulated by the Northeastern Wisconsin order is received at points which would lie in zones 7–10 of the Chicago order, for which the applicable Class I differential of that order ranges from 72 to 78 cents on the annual average. Furthermore, it is from plants located in this area that route distribution is most extensive throughout other parts of the area.

This area also represents the primary concentration of receipts under the Chicago order. Thirteen of the 17 Chicago pool plants are located in zones 7–10. While the record does not show the volume of receipts for plants in this particular group of zones, at 10 plants in zones 7–9 receipts were more than 61 percent of the Chicago milk received in the entire area. The six Chicago plants in zone 9 received approximately 35 percent of the total volume for the area.

It is concluded that a Class I differential with an annual average of 74 cents, which is that applicable under the Chicago order at plants in zone 9, is appropriate for all parts of the Northeastern Wisconsin marketing area except for the northern portion of the area discussed elsewhere in this decision. Throughout the remainder of the area the extensive competition between handlers makes it desirable that the Class I price be uniform to handlers rather than be varied by the zone differentials of the Chicago order. The concentration of receipts under both Chicago and the proposed Northeastern Wisconsin order at or near zone 9 makes this the most appropriate price for the area.

In conformity with the seasonal price patterns of the Chicago order the Northeastern Wisconsin Class I differential should be 20 cents above the annual average level for the months of August through November, 20 cents less for the months of March through June, and at the annual average level for other months.

The Chicago and Milwaukee orders provide for the adjustment of Class I and II prices on the basis of supply and demand in the Chicago market. In view of the lack of data with respect to producer receipts and utilization in the Wisconsin area there is no basis for providing similar provisions for the Northeastern Wisconsin order at this time. While consideration was given to providing precise price alignment by use of the amount of adjustment each month under the Chicago order such precise alignment is not required for an initial 18 month period of operation of the order necessary to provide data with respect to the market. The differences in classification and accounting provisions of the orders make it impossible to provide precise alignment on a comparable basis. The inclusion of ice cream and fluid cream as Class II uses under the Chicago order accounted for on the milk equivalent of butterfat used results in a higher cost to handlers and consequently a higher average producer price for identical utilization than will result from the classification and accounting procedure of the order recommended herein. Experience during the initial period will provide data upon which proper allowance may be made for these factors.

In Oneida and Vilas counties milk production is much less intensive than in the remaining portions of the Northeastern Wisconsin area. The principal handler located in this area, whose plant is at Rhinelander in Oneida County, receives his entire supply from a plant at Wittenberg, 74 miles to the south in the area to which the 74 cent differential would apply. This area, and the companion cities of Marinette-Menominee are the portions of the Northeastern Wisconsin area nearest to the Michigan Upper Peninsula area from which local distribution in adjacent portions of that area may be expected. A Class I price 10 cents higher than that applicable in other portions of the area should apply under the Northeastern Wisconsin order at plants in these areas and the territory intervening between the two marketing areas. This will reflect differences in supply conditions in that portion of the area.

Other than this zone price differential, there is no need to provide any reductions in the Class I price for plants at distant locations. This is an area where substantial volumes of milk in excess of local requirements are produced and as a consequence producer prices approach the minimum. To the east in Lake Michigan, to the south Chicago order prices increase at locations nearer Chicago, while Milwaukee prices are maintained at the Chicago level applicable at Milwaukee, and to the north this decision establishes Michigan Upper Peninsula prices higher than those here provided. To the west the nearest regulated markets, Minneapolis-St. Paul and Duluth-Superior, are also at higher levels.

It was proposed by proponent cooperatives that the Michigan Upper Peninsula marketing area be zoned as three areas for the purpose of establishing Class I price differentials, for each zone. However, at the hearing producers recommended at the Class I price be the basic formula price plus $1.35 in all months, and for all portions of the marketing area. Negotiated prices in the two markets of Marquette and Ironwood have been established by one of the proponent cooperatives for several years. In 1956, the average monthly price differential for fluid milk, above manufacturing prices, using the recommended basic formula

price, was $1.30 in the Marquette market and $1.05 in the Ironwood market. Negotiated prices for the Sault Ste. Marie market have not been in effect for a sufficient period to permit a reasonable determination of the average differential. The prices negotiated at this point have, however, been substantially higher at all times than those for Marquette. The classification to which these prices apply is not similar in all respects to that recommended herein inasmuch as the negotiated Class I price does not apply to cream and half and half.

The influence of the Northeastern Wisconsin market should be reflected in the level of the Class I price under the Michigan Upper Peninsula order. The Wisconsin area is not only a source of alternative supplies of milk but provides considerable direct competition for sales from Wisconsin plants. The Michigan Upper Peninsula area is, however, quite extensive geographically, and some portions are much farther from the Wisconsin production area than others. As a consequence transportation costs from Wisconsin points are substantially higher in certain parts of the area.

For Zone 1, representing the area lying nearest to the Wisconsin production, a Class I price 23 cents higher than that of the principal portion of the Northeastern Wisconsin area is provided. This price is 13 cents more than that for the nearby northern portions of the Wisconsin area. Such difference approximates the costs of movement of supplemental supplies in this area. The Class I pride is increased an additional 20 cents for the remainder of the area, which is at a greater distance from Northeastern Wisconsin. This difference between zones approximates that which has been established through negotiations at Ironwood in Zone 1 and Marquette in Zone 2. The relationship between prices in the principal cities in each of these zones and that provided in the concentrated Wisconsin production area continues to approximate reasonable allowances for transportation for movements of supplemental supplies of milk.

In the previous recommended decision it was proposed that a third zone, consisting of the counties of Chippewa, Luce and Mackinac be provided, with an additional increase of 20 cents in the minimum Class I price. This would have included the city of Sault Ste. Marie. As a result of exceptions received, the record with respect to the pricing history of this proposed zone has been reviewed. It is hereby concluded that the data available with respect to price relationships between this area and the area proposed in Zone 2 in the recommended decision covers too short a period to justify establishment at this time of a fixed differential in the minimum Class I prices applicable in these areas. Accordingly, only two pricing zones are provided in the order attached hereto, with the same minimum Class I price applicable at all points in the area outside Zone 1.

The price relationships between the Michigan Upper Peninsula and Northeastern Wisconsin orders have also been reviewed and it is concluded that the prices of the Michigan order should be increased 3 cents in order to more appropriately reflect past relationships and cost of trahsportation.

The demand for fluid milk during the vacation season in the Michigan Upper Peninsula makes appropriate the inclusion of July with the months of highest Class I prices. With this exception the seasonal pattern of the Class I price in the Michigan Upper Peninsula order should follow that of the Northeastern Wisconsin order. The price differences cited apply to the annual average levels provided.

In contrast to the situation in Northeastern Wisconsin the possibility that distant plants are or might become regulated under the Michigan Upper Peninsula order requires that provision be made to allow for the cost of moving Class I milk from such plants. While the distant plants presently distributing milk in the area would be regulated under the Northeastern Wisconsin order, plants not subject to any other order may become regulated as either supply plants or distributing plants. If such plants are west of Lake Michigan, presumably in Wisconsin or Minnesota the nearest portion of the marketing area will be Zone 1, in which the cities of Ironwood and Iron Mountain provide appropriate points from which distances may be determined. If such plants are east of Lake Michigan, presumably in the lower peninsula of Michigan, the portion of the marketing area accessible to them will be Zone 2, via the newly constructed bridge over the Straits of Mackinac. St. Ignace, located at the straits, provides a convenient point for measurement of distances from Zone 2. Accordingly, location adjustments from the Zone 1 price are provided for plants located west of Lake Michigan and more than 50 miles from the nearer of Ironwood or Iron Mountain, and from the Zone 2 price for plants located east of Lake Michigan and more than 50 miles from St. Ignace. The rate of adjustment should be 10 cents per hundred-weight for distances of 50–70 miles, plus 2 cents for each additional 20 miles or fraction thereof. The application of these rates to the Northeastern Wisconsin plants with substantial distribution in the marketing area will approximate the prices established for such plants under the Wisconsin order.

Under the handler pooling provisions included in the Michigan Upper Peninsula order the producer prices computed reflect the location value of milk if the handler does not operate two or more plants at which different Class I values are applicable. If such is the case the uniform price applicable to milk received at the plant to which the higher Class I price applies is computed and a location differential equal to the difference in Class I values is used in determining minimum producer prices at other plants of such handler. The uniform price of the Northeastern Wisconsin order is computed as that applicable at plants in the major portion of the area with a 10 cent plus differential for milk delivered to plants in the higher priced zone.

(3) *Class II prices.* The Class II price should reflect a value for milk used in cottage cheese, ice cream and related products under each of these orders. Reserve supplies of milk that are needed because handlers' sales fluctuate on a daily basis are converted to such products as cottage cheese, ice cream and related products. Ungraded milk for these purposes commands higher prices than that for butter, cheese, or nonfat dry milk. The level of Class II milk price should not be below that paid for ungraded milk for the same use, since such "pay" prices represent the prevailing value for milk for such uses. It is to be expected that such supplies of milk will be used in the highest valued manufactured products. It is concluded that the Class II price under each of these orders should be the basic formula price of the current month which represents the higher of the prices established for milk for manufacturing purposes.

(4) *Class III price.* The Class III price should reflect the value of milk for manufacture into butter, nonfat dry milk, and cheese (other than cottage cheese) in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas. The plants which manufacture butter, nonfat dry milk and cheese are not comparable in these two areas. In the Northeastern Wisconsin area there are centered some of the largest manufacturing plants in the country. Plants manufacture into these products milk from the Chicago market for which the price is established on the basis of the butter-powder formula price. Thus, it is appropriate that the butter-powder formula portion of the basic formula price should be used to price milk used to produce butter and cheese under the Northeastern Wisconsin order. That computed from the current month quotations should apply.

Producer proponents of the Michigan Upper Peninsula order proposed that the pay prices at local cheese plants and creameries should be the price for "distressed" milk during the flush months. Products, principally cheese, made at these plants must be assembled and shipped considerable distances to the central markets. As a consequence the prices paid by these plants are less than prices paid by cheese factories and creameries in Northeastern Wisconsin. Many of these plants are operated by producer cooperatives so that their current pay prices may not reflect accurately returns to the farmers supplying milk to such plants. It is concluded that the butter-powder formula price less ten cents will approximate the level of prices paid by manufacturing plants in the area and should determine the Class III milk price.

(5) *Handler butterfat differentials.* Butterfat and skim milk will be accounted for separately for classification purposes since they are not used in most products in the same proportions as received from producers. The basic test for which class prices are determined is 3.5 percent butterfat content, the usual fat test at which prices are quoted in these areas, and on which the two markets have operated for some time. It will

then be necessary to adjust Class I, Class II and Class III prices of milk to each handler in accordance with the average test of milk used in each class by such handler. Butterfat differentials which reflect differences in value due to differences in butterfat content are used for this purpose.

Producers proposed that a single butterfat differential apply to all classes of milk. They proposed that this differential be 0.122 times the average price of 92-score butter at Chicago. Producers contend there is a shortage of butterfat for fluid milk uses which has resulted in part from the requirements of recently enacted Michigan statutes.

Butterfat in fluid milk products (which include cream) from inspected sources has a higher value than that in ungraded milk, which will be approximately reflected by a butterfat differential 0.125 times the Chicago butter price. Such a differential should be used to adjust the hundredweight price of Class I milk for each one-tenth percent variation from 3.5 percent butterfat content. The Class II and Class III butterfat differential should be 0.115 times the Chicago butter price. This differential reflects an appropriate value of butterfat for Class II and Class III uses in these areas.

In order that the Class I butterfat differential may be announced early each month for the current month, it is provided that the Class I differential be based on the average price of butter in the preceding month. This will permit the announcement of the Class I butterfat differential at the same time that the Class I price is announced.

The Class II and Class III butterfat differential will not be announced until after the end of the current month. Although handlers will not know precisely the cost of such milk as it is utilized, they will know that their cost will follow that of their principal competitors for manufactured outlets. Trends in butter and nonfat dry milk prices may be observed from daily and weekly reports issued by the Department.

(d) *Distribution of proceeds to producers*—(1) *Types of pool.* The act specifies that an order must provide for (1) the payment to all producers delivering milk to the same handler of uniform prices for all milk delivered by them, or (2) the payment to all producers delivering milk to all handlers of uniform prices for all milk so delivered; without regard to the uses made of such milk by the handler to whom it was delivered. The former method of payment is by individual-handler pools, the latter by a marketwide pool. Under either method all handlers pay the class prices for producer milk, except for differences in the location at which received and for butterfat content.

Under the individual-handler pool, the minimum prices to be paid producers will be uniform to all producers delivering their milk to the same handler. The uniform price will depend upon the proportion of producer receipts used in each class by the handler. Although each handler will be required to pay minimum uniform prices to all the producers who deliver milk to him during each month, the prices paid by different handlers may differ because the proportion of milk used in each class may vary.

(i) Michigan Upper Peninsula: The individual-handler type of pool should be included in the Michigan Upper Peninsula order as a means of distributing to producers the returns from the sale of their milk.

In the Michigan Upper Peninsula area the Michigan Milk Producers Association has operated separate association pools at Marquette, Ironwood and Sault Ste. Marie with respect to milk of those members delivered to handlers at each of these points. Handler pooling will permit continuation of this practice should the association so desire. At least three other cooperative associations operate plants in other points in this marketing area. The area is very extensive, with substantial differences in production conditions surrounding various centers of population. While Class I price differences are provided in recognition of this situation, it is also desirable that differences in the supply and sales relationships throughout the area be reflected in producer prices. Individual handler pooling was supported by all producer organizations with members supplying the Michigan Upper Peninsula market.

It was proposed that, in addition to the milk each handler received from producers or diverted for his account to nonfluid milk plants, there should be included in the computation of his pool price, milk of dairy farmers who had supplied such handler any time during the preceding months of July-December and certified their willingness and ability to deliver inspected milk currently, but whose milk was not received at a fluid milk plant. It was proposed that such dairy farmers be designated "associated producers" and receive payments from the handler through the market administrator equal to the difference between the uniform price of the handler and the manufacturing milk price of the order. The source of such payments would be a reduction in the uniform price otherwise payable to producers by the handler. It was claimed that such provisions would prevent producers from loss of their market through arbitrary action of the handler.

A number of things in addition to conformity with health requirements are influential in farmers' acquiring and retaining a fluid milk market. A number of plants in this area receive milk only in bulk tanks and other plants are in the course of changing to this type of delivery. Only dairy farmers equipped with farm storage tanks can continue to market milk at such plants. Seasonality of production is another factor which may affect the ability of a dairy farmer to retain his market with any specific handler. It is difficult from this record to find a basis on which failure of a farmer to meet market practice requirements could be distinguished from arbitrary action of a handler in determining the producer who should share in the Class I business of a handler without current delivery of milk. It is concluded that such provision should not be included without more definite evidence of actual need to provide stable market conditions.

(ii) Northeastern Wisconsin: The marketwide type of pool should be used in the Northeastern Wisconsin order to distribute returns to producers.

In the recommended decision it was recommended that handler pools also be included in the Northeastern Wisconsin order, principally upon the basis that it was not shown that any particular group of plants serve to balance supplies among other plants. As a result of numerous exceptions received to the proposed pooling provisions for this area it is concluded that handler pooling in this area might operate to prevent adequate reserve supplies of milk from being carried by many Northeastern Wisconsin plants. Such reserve supplies for this market would thus accumulate either in the Chicago pool or in the hands of cooperative handlers under the Northeastern Wisconsin order. In view of these considerations it is concluded that returns under the Northeastern Wisconsin order should be by means of a marketwide type of pool. Appropriate modification of the definitions of "plant", "producer" and "handler", and provision for payments on unpriced milk are included on the basis of findings contained elsewhere in this decision.

(2) *Payments on unpriced milk.* Northeastern Wisconsin order: The order should provide compensatory payments with respect to unpriced milk which is allocated to Class I in a pool plant when receipts from producers exceed 110 percent of the Class I utilization.

An important function of the order is to insure that the position of handlers paying producers a Class I price for fluid milk will not be undermined by other handlers using the market's excess or surplus milk for Class I use. It is equally important that the Class I market be protected from the use of seasonal excess milk from other markets as well as from its own surplus. If the order failed to provide such protection, a handler could curtail purchases of producer milk to his own advantage and secure low cost reserve supplies from other markets for Class I use.

Seasonal supplies may be obtained easily and cheaply during the months of flush production, when most markets have receipts of milk considerably greater than necessary to supply their current fluid requirements. If adjoining milksheds dispose of their seasonal surplus in each other's Class I markets, the result would be confused and disorderly marketing conditions. Market prices would be demoralized, production of milk would be impaired, and the future supply of milk for both markets would be jeopardized. Such disorderly marketing conditions would be contrary to the purposes of the Agricultural Marketing Agreement Act. Therefore, in order to insure the effectiveness of the classified pricing program and to promote orderly marketing, it is necessary that some method of compensating for, or neutralizing the effect of, the advantage created for unpriced milk should be provided as an essential provision of this order. Since the need for such payments arises because of the availability of unpriced milk (milk not procured at specified prices by class usage), compensatory payments should not apply to milk entering the marketing area from a plant regulated under another order. Its proper classification and pricing is determined pursuant to the other order.

It is not practicable to price all milk which may enter the market. However, it is necessary to make provision to prevent the displacement of producer milk by such unpriced milk for the purpose of cost advantage. The alternative available under the order is to make a charge against unpriced milk used in Class I to the extent necessary to remove any advantage in using such milk in lieu of milk from producers.

To remove the price advantage that a handler might achieve by purchasing surplus milk from other markets for use as Class I milk, a compensatory payment should be assessed on such milk equal to the difference between the Class I price and the Class III price. The Class III price provided by the order is a fair index of the value of such milk in manufactured dairy products which is the alternative outlet for such milk. As indicated elsewhere in this decision manufacture of such dairy products is highly concentrated in this and adjoining areas.

It was proposed that the rate of payment be the difference between the Class I price of the order and the uniform price. It is likely that the uniform price of the Chicago order rather than that of the Northeastern Wisconsin order will be the dominant competitive procurement factor in the area. Further, as demonstrated clearly by present procurement practices in the area, it cannot be assumed that payment of a uniform price determines the cost of Class I milk to a handler.

In order to permit handlers to secure supplementary supplies without making a payment when the market is actually short of milk, it has been provided that no compensatory payment will apply any month in which receipts of producer milk on the market are less than 110 percent of Class I sales. Such utilization percentage would be a more practical demarcation of adequate supply and deficit supply conditions than the 125 percent mentioned at the hearing.

In the case of a handler whose plant fails to qualify as a distributing plant but who has sales of fluid milk products on routes in the marketing area, such handler also should under certain conditions be required to make payments to the producer-settlement fund. The amount of these payments would be the lesser of (1) the difference between the Class I and Class III price multiplied by the amount of Class I milk sold in the marketing area, or (2) the amount by which total payments to dairy farmers are less than the total amount of the plant's obligation to producers if such obligation is computed as if such plant were a pool plant.

If the handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, he will obviously not have any advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area, for his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

Affording this latter option to nonpool plants from which some Class I milk is distributed in the marketing area will adequately protect the regulatory plan in this market. Under the standards adopted herein for pooling the only such nonpool plants would be those with less than half their receipts disposed of on routes or with only a minor share of their route business in the marketing area, being primarily associated with other fluid markets. Distributing plants primarily associated with other unregulated markets do not procure their milk supplies in the milkshed of the Northeastern Wisconsin area, which is practically coextensive with the marketing area. It is expected that Class I utilization of pool milk in this market will substantially exceed 50 percent. Under these circumstances no advantage in the procurement of milk could accrue to handlers operating such nonpool plants. The volumes of milk that might be involved would be relatively small in comparison to the volume of milk in the pool. There is no necessity in this market to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their Grade A dairy farmers at least the total amount of money which they would be required to pay if they were fully regulated.

The nonpool handler should also pay his pro rata share of the costs of administration of the order. Complete verification of receipts, utilization and payments is required if such a handler is to be given credit for payments as related to the classified use value of skim milk and butterfat received. Accordingly, administrative expense should be determined on the same basis as for fully regulated plants. Should a handler operating a nonpool distributing plant elect when filing his report to make payments to the pool at the difference between the Class I and Class III prices with respect to sales in the marketing area, the expenses of administration will be assessed only with respect to such sales, since need for verification will then be confined to that volume.

(3) *Producer-settlement fund.* Since the amount which the Northeastern Wisconsin order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperative associations, some method of balancing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations should pay the difference into the producer-settlement fund; and all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal except for minor differences that may result from rounding of uniform prices. In order to permit this rounding of prices, to allow for unavoidable delays in receiving payments from handlers, and to permit payments to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the proposed Northeastern Wisconsin order should be sufficient for these purposes. This reserve would be accumulated by deducting between 4 and 5 cents each month from the uniform price after adding half of the unobligated balance to the pool from which such prices are computed.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers.

4. *Producer butterfat differentials.* The butterfat differential used in making payments to producers should be calculated at the average of the returns actually received from the sale of butterfat in producer milk by each handler. The rate to be used for this purpose would be the average of the Class I, Class II, and Class III differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sale value of their butterfat at the class differentials provided in the order. The producer butterfat differential in no way affects the handlers' costs of milk but merely prorates returns among producers according to the varying butterfat tests of their milk.

(e) *Other administrative provisions.* Certain other provisions are needed in each of the orders to carry out the administrative steps necessary to accomplish the purpose of the proposed regulations.

(1) *Terms and definitions.* In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest

of brevity and to assure that each usage of the term implies the same meaning. Other terms defined in each of the proposed orders are common to many other Federal milk orders.

(2) *Market Administrator.* Provisions are made for the appointment by the Secretary of market administrators to administer each of the orders and to set forth the powers and duties of the market administrators.

(3) *Records and reports.* Provision should be included in each of the orders to inform handlers that they are required to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of milk and payments due producers for milk. Time limits must be prescribed for filing such reports and for making payments to producers. Dates must be established for the announcement of prices by the market administrators.

In view of the adoption of marketwide pooling under the Northeastern Wisconsin order, it is necessary to provide additional time for computation of the marketwide uniform price based upon receipt of reports from all handlers, and for handlers to make payments to producers. Under this type of pooling sufficient time must be provided for receiving monies due the producer-settlement fund and payments to handlers which are required to balance the pool. The dates of these payments will follow, in general, those under the Chicago order. The following time schedules should allow all interested persons adequate time to perform each function. These time limits apply to the indicated day of the month following the month for which computations are being made except Class I price announcements which are for the current month. (1) Day of the month and function under the Michigan Upper Peninsula order are as follows:

5th working day—Announcement of class prices by market administrator.

10th day—Payment by handlers to cooperative associations operating fluid milk plants.

12th day—Announcement of uniform price for each handler by market administrator.

12th day—Notification by market administrator to each handler of the value of his producer milk in each class, and payments due for expenses of administration.

13th day—Payments by handlers to cooperative associations.

15th day—Payments by handlers to producers.

20th day—Submission of producer payrolls by each handler to the market administrator.

(2) Day of the month and function under the Northeastern Wisconsin order are as follows:

5th day—Announcement of class prices by market administrator.

5th working day—Submission of monthly reports of receipts and utilization by handlers.

10th day—Payment by handlers at class prices for milk received from pool plants of cooperative associations.

14th day—Announcement by market administrator of uniform price, notification to each handler of the value of producer milk in each class and payments due for expense of administration by market administrator.

16th day—Payments by handler to cooperative associations collecting on behalf of members.

16th day—Payments by handler to market administrator for producer-settlement fund.

17th day—Payment by market administrator due to handlers out of producer-settlement fund.

18th day—Payments by handlers to producers.

25th day—Submission of producer payroll by each handler to the market administrator.

It is necessary that handlers retain records to prove the utilization of the milk received and that proper payments were made therefor. Since the books of all handlers associated with the market cannot be audited immediately it is necessary that such records be kept for a reasonable period of time.

Each of the orders should provide for specific limitations of the time that handlers should be required to retain their books and records and of the period of time in which obligations under the order should terminate. The provisions made in this regard are identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444) covering the retention of records and limitation of claim is equally applicable in this situation and is adopted as a part of this decision.

(4) *Expense of administration.* As his share of the expenses of administering the respective order under which he is regulated each handler should pay not in excess of 5 cents per hundredweight with respect to all receipts of producer milk and such other source milk, not priced under another order, as is classified Class I milk. The expense of administration for handlers paritally regulated under the Northeastern Wisconsin order is discussed elsewhere in this decision.

Market administrators must verify receipts and utilization of all such milk, therefore, all such milk should be subject to the expenses of adminstration. Experience in other markets indicates that 5 cents per hundredweight with respect to all such milk should yield sufficient money to cover expenses of administration. If payment of expenses of administration at the rate of 5 cents per hundredweight yields more money than is needed, under either order, provision is made for the Secretary to prescribe a lesser rate of payment from time to time.

(5) *Marketing services.* A provision should be included in each of the orders for furnishing marketing services to producers, such as verifying tests and weights of producer milk and furnishing market information. These should be provided by the market administrators and the cost should be borne by the producers receiving the service. If a qualified cooperative association is found to be performing such services for any member producers in a similar manner, this will be accepted by the market administrators in lieu of their own service. These orders should provide that 6 cents per hundredweight, or such lesser amount as the Secretary may determine, be deducted from payments to such producers for use of the market administrators in financing such services.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied.

General findings. (a) The proposed marketing agreements and orders and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in each of the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in public interest; and

(c) The proposed marketing agreements and orders will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled.

Recommended marketing agreements and orders. The following orders regulating the handling of milk in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed orders.

Recommended Order for Michigan Upper Peninsula Marketing Area

DEFINITIONS

§ 1011.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1011.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1011.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 1011.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1011.5 *Michigan Upper Peninsula marketing area.* (a) "Michigan Upper Peninsula marketing area" (hereinafter referred to as the "marketing area") means all the territory including all municipal corporations within the zones described below in this section.

(b) "Zone 1": Counties of Delta, Dickinson, Gogebic, Iron, Ontonagon, all in the State of Michigan; the town of Niagara and the village of Niagara, in Marinette County; the towns of Aurora and Florence, in Florence County, and the towns of Carey, Kimball, Oma, Pence, Saxon and the cities of Hurley and Montreal in Iron County, all in the State of Wisconsin.

(c) "Zone 2": Counties of Alger, Baraga, Chippewa, Houghton, Keweenaw, Luce, Mackinac, Marquette and Schoolcraft, all in the State of Michigan.

§ 1011.6 *Fluid milk product.* "Fluid milk product" means milk, skim milk, flavored milk, flavored milk drinks, buttermilk, half and half and cream (sweet or sour).

§ 1011.7 *Route.* "Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

§ 1011.8 *Fluid milk plant.* "Fluid milk plant" means the premises, buildings and facilities of any milk receiving, processing or packaging plant handling milk eligible for distribution in the marketing area as Grade A milk or conforming to the requirements of Michigan Public Law No. 169:

(a) From which fluid milk products are disposed of during the month on routes in the marketing area except as provided in § 1011.81; or

(b) From which milk or skim milk is delivered to a plant(s) described in paragraph (a) of this section on 10 or more days in any of the months of July through December or on three or more days in any of the months of January through June.

§ 1011.9 *Handler.* "Handler" means a person who operates one or more fluid milk plants or any other plant from which fluid milk products are disposed of during the month on routes in the marketing area.

§ 1011.10 *Producer.* "Producer" means a person, other than a producer-handler, who produces milk in conformity with the sanitation requirements for Grade A milk of any duly constituted health authority, or in conformity with the requirements of Michigan Public Law No. 169, which milk is:

(a) Received at a fluid milk plant; or

(b) Diverted from such plant for the account of a handler (milk so diverted shall be deemed to have been received by the diverting handler at the fluid milk plant from which it was diverted).

§ 1011.11 *Producer-handler.* "Producer-handler" means a dairy farmer who distributes fluid milk products on a route in the marketing area but receives no fluid milk products during the month except his own production or from fluid milk plants.

§ 1011.12 *Producer milk.* "Producer milk" means milk received at a fluid milk plant directly from producers, or diverted to a nonfluid milk plant pursuant to § 1011.10.

§ 1011.13 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in (or represented by):

(a) Receipts during the month of fluid milk products except: (1) Receipts from other fluid milk plants or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the fluid milk plant) which are reprocessed or converted to another product in the fluid milk plant during the month.

§ 1011.14 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, as defined in § 1011.10, which the Secretary determines after application by the association is qualified under provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

MARKET ADMINISTRATOR

§ 1011.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 1011.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1011.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(c) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(d) Pay out of the funds provided by § 1011.71:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 1011.72, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1011.30 through 1011.33, or (2) payments pursuant to §§ 1011.70, 1011.71, and 1011.72;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers or persons upon whose utilization the classification of skim milk and butterfat for each handler depends, to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1011.51 and Class I butterfat differential pursuant to § 1011.54 (a), both for the current month; the minimum price for Class II milk pursuant to § 1011.52 and the Class II butterfat differential pursuant to § 1011.54 (b), both for the preceding month; and the minimum price for Class III milk pursuant to § 1011.53 and the Class III butterfat differential pursuant to § 1011.54 (b), both for the preceding month;

(2) On or before the 12th day of each month the uniform price for each handler for the preceding month, computed pursuant to § 1011.61 and the producer butterfat differential computed pursuant to § 1011.62.

REPORTS, RECORDS AND FACILITIES

§ 1011.30 *Monthly reports of receipts and utilization.* On or before the 5th day (exclusive of Sundays and holidays) of each month, each handler who operates fluid milk plant(s) shall report to the market administrator for the preceding month for each fluid milk plant, in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of butterfat and skim milk contained in or represented by:

(1) Producer milk,

(2) Fluid milk products received from other fluid milk plants,

(3) Other source milk, and

(4) Inventories of fluid milk products on hand at the end of each month;

(b) The utilization of all skim milk and butterfat required to be reported

pursuant to paragraph (a) of this section; and

(c) Such other information with respect to sources and disposition as the market administrator may prescribe.

§ 1011.31 *Payroll reports.* On or before the 20th day of each month each handler operating fluid milk plant(s) shall report his producer payroll for each fluid milk plant for the preceding month which shall show:

(a) The pounds of milks received from each producer and the percentage of butterfat contained therein;

(b) The date and net amount of payment to such producer, or to a cooperative association for such producer's milk, with the price, deductions and charges involved and the nature of each.

§ 1011.32 *Producer-handler reports.* Each producer-handler shall make reports at such time and in such manner as the market administrator may request.

§ 1011.33 *Exempt handler reports.* Each handler exempt pursuant to §§ 1011.81 and 1011.82 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

§ 1011.34 *Records and facilities.* Each handler shall maintain and make available to the market administrator, during the usual hours of business such accounts and records of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form;

(b) The weights and tests for butterfat, skim milk and other content of all milk and milk products handled;

(c) Inventories of all dairy products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

§ 1011.35 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1011.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat required to be reported pursuant to § 1011.30 shall be classified (separately as skim milk and butterfat), pursuant to §§ 1011.41 to 1011.45.

§ 1011.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1011.42 and 1011.43, the classes of utilization shall be:

(a) Class I utilization shall be skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (c) (2) of this section; and

(2) Not accounted for as Class II or Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) or (c) of this section; and

(2) In inventories of fluid milk products on hand at the end of the month.

(c) Class III utilization shall be all skim milk and butterfat:

(1) Used to produce butter, nonfat dry milk or cheese in any form except cottage cheese;

(2) In skim milk disposed of for livestock feed or dumped subject to prior notification to and verification (at his discretion) by the market administrator;

(3) In shrinkage of skim milk and butterfat allocated to milk received from producers, but not to exceed 2 percent of such receipts; and

(4) In shrinkage of other source milk.

§ 1011.42 *Shrinkage.* (a) When producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received for the purpose of weighing and testing in the transferor handler's plant shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferor handler in computing his shrinkage.

§ 1011.43 *Transfers.* Skim milk and butterfat transferred or diverted as milk, skim milk or cream in bulk form from a fluid milk plant to:

(a) The fluid milk plant of another handler shall be classified at the utilization indicated by the operators of both plants in their reports submitted pursuant to § 1011.30, otherwise as Class I utilization, subject in either event to the following conditions:

(1) The receiving plant has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants.

(b) A plant operated by a producer-handler or a handler exempt pursuant to § 1011.81, shall be Class I utilization; and

(c) A nonfluid milk plant (except as specified in paragraph (b) of this section) shall be Class I utilization unless the following conditions apply:

(1) Utilization in another class is claimed by the transferring handler in his report submitted pursuant to § 1011.30 for the month:

(2) Class I utilization in the nonfluid milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines are the regular source of supply for fluid disposition of such plant. If Class I utilization exceeds such receipts, the skim milk and butterfat transferred shall be Class I to the extent of such excess; and

(3) The operator of the nonfluid milk plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such utilization.

§ 1011.44 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1011.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat respectively, in Class I, Class II and Class III utilization for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

§ 1011.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class III utilization, the pounds of butterfat shrinkage allowed pursuant to § 1011.41 (c) (3);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk received from a plant(s) other than those subject to another marketing agreement or order issued pursuant to the act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk received from a plant subject to another marketing agreement or order issued pursuant to the act;

(d) Subtract from the pounds of butterfat remaining in Class II milk and Class I milk, in series beginning with Class II, the pounds of butterfat contained in inventory of fluid milk products on hand at the beginning of the month;

(e) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from fluid milk plants of other handlers according to the classification established pursuant to §§ 1011.41 and 1011.43 (a);

(f) Add to the remaining pounds of butterfat in Class III utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such overage from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 1011.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in the same manner as that prescribed for butterfat in § 1011.46.

§ 1011.48 *Computation of total producer milk in each class.* The amounts computed pursuant to §§ 1011.46 and 1011.47 will be combined into one total for each class and the weighted average butterfat content of producer milk in each class will be determined.

MINIMUM PRICES

§ 1011.50 *Basic formula price.* The basic formula price shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the U. S. D. A.:

Present Operator and Location
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the U. S. D. A., during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the U. S. D. A.; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents and adjust to the nearest full cent.

§ 1011.51 *Class I milk price.* Subject to the provisions of § 1011.54 the minimum price to be paid by each handler for milk received at his fluid milk plant from producers or the fluid milk plant of a cooperative association during the month and utilized as Class I milk during the 18 month period following the effective date of this part should be the basic formula price for the preceding month, plus the applicable amounts specified below for the marketing area zone in which such plant is located. For plants located outside the marketing area and west of Lake Michigan the price (subject to § 1011.55) should be that specified for Zone 1. For plants located outside the marketing area and east of Lake Michigan the price (subject to § 1011.55) shall be that specified for Zone 2.

Zone	Months of March through June	Months of January February and December	Months of July through November
1	$0.75	$0.95	$1.15
2	.95	1.15	1.35

§ 1011.52 *Class II milk price.* Subject to the provisions of § 1011.54, the minimum price to be paid by each handler for milk received at his fluid milk plant from producers or from the fluid milk plant of a cooperative association, during the month and utilized as Class II milk shall be the basic formula price.

§ 1011.53 *Class III milk price.* Subject to the provisions of § 1011.54 the minimum price per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers or the fluid milk plant of a cooperative association during the month and utilized as Class III milk shall be the price computed pursuant to § 1011.50 (b) less ten cents.

§ 1011.54 *Handler butterfat differential.* If the average butterfat test of Class I milk, Class II milk or Class III milk as computed pursuant to § 1011.48 is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the U. S. D. A. during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) For Class I milk, multiply such price for the preceding month by 0.125;

(b) For Class II and Class III milk, multiply such price for the current month by 0.115.

§ 1011.55 *Handler location adjustment.* (a) For milk received at a fluid milk plant located outside the marketing area, west of Lake Michigan and more than 50 miles from the nearer of the City Hall in Ironwood, Michigan, or the City Hall in Iron Mountain, Michigan, the applicable Zone 1 price for Class I milk shall be reduced 10 cents, plus 2 cents for each 20 miles or fraction thereof in excess of 70 miles.

(b) For milk received at a fluid milk plant located outside the marketing area, east of Lake Michigan, and more than 50 miles from the City Hall in St. Ignace, Michigan the applicable Zone 3 price for Class I milk shall be reduced 10 cents, plus 2 cents for each 20 miles or fraction thereof in excess of 70 miles.

(c) Any distance used to determine location adjustments shall be the shortest hard surfaced highway distance as determined by the market administrator.

§ 1011.56 *Equivalent price provision.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with, the price specified.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 1011.60 *Value of producer milk.* The value of producer milk received by each handler at fluid milk plant(s) shall be computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1011.48, by the applicable respective class prices (adjusted pursuant to §§ 1011.54 and 1011.55), and add together the resulting amounts;

(b) Add the amounts computed by multiplying the quantity of overage assigned to each class pursuant to § 1011.46 (g) and the corresponding step of § 1011.47 by the applicable class price;

(c) Add the amount obtained in multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 1011.46 (d) and the corresponding step of § 1011.47; or

(2) The hundredweight of producer milk classified as Class II, during the preceding month; and

(d) Add or subtract, as the case may be, the amount necessary to correct errors in receipts or utilization for previous months as disclosed by audit by the market administrator.

§ 1011.61 *Computation of uniform price* For each month the market administrator shall compute for each handler a "uniform price" per hundredweight of producer milk of 3.5 percent butterfat content delivered to fluid milk plants of such handler as follows:

(a) From the value of milk computed for such handler pursuant to § 1011.60, subtract if the weighted average butter-

fat test of all milk represented by such value is greater than 3.5 percent or add, if the weighted average butterfat test of such milk is less than 3.5 percent an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 1011.62 multiplied by 10;

(b) Adjust the resulting amount by the sum of money used in adjusting the uniform price, pursuant to paragraph (c) of this section for the previous month to the nearest cent;

(c) Except as provided in paragraph (d) of this section, divide the result by the total hundredweight of producer milk represented by the amount computed pursuant to § 1011.60 (a) and adjust the resulting figure to the nearest cent. The "uniform price" so computed shall be that applicable to milk delivered to the fluid milk plant(s) of a handler at whose plant or plants a single Class I price is applicable pursuant to §§ 1011.51 and 1011.55;

(d) For each handler operating two or more fluid milk plants at which different Class I prices are applicable pursuant to §§ 1011.51 and 1011.55, the value of milk used in the computation provided in paragraph (c) of this section shall first be further adjusted by adding the value of all applicable producer location adjustments pursuant to § 1011.63. The uniform price as computed shall be that applicable at the plant or plants of such handler at which the highest Class I price is applicable.

§ 1011.62 *Producer butterfat differential.* The applicable uniform prices to be paid pursuant to § 1011.70 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1011.54, weighted by the pounds of butterfat in producer milk used by such handler in each class and the result rounded to the nearest tenth of a cent.

§ 1011.63 *Producer location adjustments.* In making payments pursuant to § 1011.70 to producers or a cooperative association for milk for which a uniform price was computed pursuant to § 1011.61 (d) such uniform price for milk received at a plant at which a lesser Class I price is applicable than at the plant for which the uniform price is computed shall be reduced by an amount equal to the difference between the applicable Class I prices.

§ 1011.64 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price applicable at each fluid milk plant of such handler pursuant to §§ 1011.61 and 1011.63 and the butterfat differential computed pursuant to § 1011.62; and

(c) The amounts to be paid by such handler pursuant to §§ 1011.71 or 1011.72.

PAYMENT FOR MILK

§ 1011.70 *Time and method of payment.* (a) Except as provided in paragraph (b) or (c) of this section, on or before the 15th day after the end of each month each handler who received milk from producers shall pay for milk received during such month to each producer for milk received from him the uniform price as provided in § 1011.61 adjusted by the butterfat differential pursuant to § 1011.62 and the location adjustment pursuant to § 1011.63.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler shall pay to the cooperative association on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amount owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association on or before the 13th day of each month, written information which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month,

(ii) The total pounds of butterfat contained in such milk,

(iii) The number of days on which milk was received, and

(iv) The amounts withheld by the handler in payment for supplies sold.

The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator, and shall be subject to his determination.

(c) Each handler shall make payment to a cooperative association for milk received from the fluid milk plant of such cooperative association on or before the 10th day after the end of the month in which it was received, at not less than the applicable class prices.

§ 1011.71 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 13th day after the end of each month 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production; and

(b) Any other source milk allocated to Class I pursuant to § 1011.46 (b) and the corresponding step of § 1011.47.

§ 1011.72 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1011.70 for milk received from each producer (excluding milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as the Secretary may prescribe, and on or before the 13th day after the end of each month shall pay such deductions to the market administrator. Such monies shall be used by the market administrator to verify weights, samples and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a fluid milk plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1011.70 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ 1011.73 *Errors in payment.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 1011.74 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1011.71, 1011.72 and 1011.73 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1011.75 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or association or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the Act a petition claiming such money.

APPLICATION OF PROVISIONS

§ 1011.80 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 1011.32, 1011.34 and 1011.35.

§ 1011.81 *Exempt handler.* A handler who operates a fluid milk plant located outside the marketing area from which an average of less than 600 pounds of fluid milk products per day are disposed of during the month in the marketing area on route(s), shall be exempt from all provisions of this part except §§ 1011.33 to 1011.35.

§ 1011.82 *Handlers subject to other Federal orders.* The provisions of this part shall not apply to a handler with respect to the operation of a fluid milk plant during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and the disposition of fluid milk products in the other Federal marketing area exceeds that in the Michigan Upper Peninsula marketing area: *Provided*, That the operator of a fluid milk plant which is exempted from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1011.90 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1011.91 *Suspension or termination.* The Secretary shall, whenever he finds that this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision of this part.

§ 1011.92 *Continuing obligation.* If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1011.93 *Liquidation.* Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1011.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1011.101 *Separability of provisions.* If any provision of this part, or the application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Revised Recommended Order for Northeastern Wisconsin Marketing Area

DEFINITIONS

§ 1016.1 *Act.* "Act" means Public Act No. 10, 73d Congress as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 1016.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1016.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 1016.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1016.5 *Northeastern Wisconsin marketing area.* The Northeastern Wisconsin marketing area, hereinafter referred to as the "marketing area", means all territory within (a) the counties of Brown, Calumet, Kewaunee, Langlade, Lincoln, Manitowoc, Oneida, Outagamie, Portage, Shawano (exclusive of the Menominee Indian Reservation), Sheboygan, Vilas, Waupaca and Winnebago, all in Wisconsin, including all towns, villages, and cities; (b) the county of Fond du Lac, Wisconsin, exclusive of the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola and Waupun, the villages of Campbellsport, Eden and Oakfield, and the city of Waupun; (c) the city of Sturgeon Bay in Door County, Wisconsin; (d) the towns of Bergen, Berlin, Bevent, Easton, Elderon, Fransen, Guenther, Harrison, Hewitt, Knowlton, Kronenwetter, Maine, Marathon, Mosinee, Norrie, Plover, Reid, Rib Mountain, Ringle, Stettin, Texas, Wausau, and Weston, the villages of Brokaw, Elderon, Hatley, Marathon and Schofield, and the cities of Mosinee and Wausau, all in Marathon County, Wisconsin; (e) the town of Peshtigo and the cities of Marinette and Peshtigo in Marinette County, Wisconsin; (f) the cities of Gillett, Oconto and Oconto Falls in Oconto County, Wisconsin; (g) the towns of Cranmoor, Grand Rapids, Port Edwards,

Rudolph, Saratoga and Seneca, the villages of Biron and Port Edwards, and the cities of Nekoosa and Wisconsin Rapids in Wood County, Wisconsin; and (h) the city of Menominee in Menominee County, Michigan.

§ 1016.6 *Fluid milk product.* "Fluid milk product" means milk, skim milk, flavored milk, flavored milk drinks, buttermilk, half and half and cream (sweet or sour).

§ 1016.7 *Route.* "Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

§ 1016.8 *Pool plant.* "Pool Plant" means any milk plant approved by a duly constituted authority for the handling of milk to be labeled Grade A, except as provided in §§ 1016.80, 1016.81 and 1016.82:

(a) At which milk is processed or packaged and from which during the month:

(1) Disposition on routes in the marketing area of fluid milk products labeled Grade A is 20 percent or more of receipts of Grade A milk from dairy farmers; and

(2) Total disposition on routes of fluid milk products labeled Grade A is 50 percent or more of receipts of Grade A milk from dairy farmers and other milk plants, or

(b) At which milk eligible for distribution as Grade A milk is received from dairy farmers and from which during the month 50 percent or more of such receipts is moved to a plant described in paragraph (a) of this section. Any such receiving plant that was a pool plant during each of the months of August through November immediately preceding shall continue to be a pool plant for each of the succeeding months of December through July unless written request to the contrary is filed with the market administrator on or before the first day of any such month.

§ 1016.9 *Handler.* "Handler" means (a) the operator of a pool plant in his capacity as such; (b) the operator of any other plant from which fluid milk products labeled Grade A are disposed of during the month on routes in the marketing area; or (c) a cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant.

§ 1016.10 *Producer.* (a) "Producer" means a person, other than a producer-handler, who produces Grade A milk in conformity with the sanitation requirements of any duly constituted Federal, state, county, or municipal authority, whose milk is received at a pool plant. "Producer" shall also include any such person with respect to milk diverted from a pool plant to a nonpool plant for the account of a handler or cooperative association. Milk so diverted shall be deemed to have been received at the pool plant from which diverted, if for the account of the operator of such plant, or at an identical location if for the account of a cooperative association through diversion from the pool plant of another handler.

(b) During the months of March, April, May, and June "producer" shall not include any such person whose milk is received or diverted from a farm from which a base applicable for the current year was earned under the provisions of either Federal Order No. 41 or Federal Order No. 7 by delivery to a plant subject to such order operated by the handler, an affiliate of such handler or any person who controls or is controlled by such handler.

§ 1016.11 *Producer-handler.* "Producer-handler" means a dairy farmer who distributes fluid milk products on a route in the marketing area, but receives no fluid milk products during the month except his own production or by transfer from pool plants.

§ 1016.12 *Producer milk.* "Producer milk" means milk received at a pool plant directly from producers, or diverted to a nonpool plant pursuant to § 1016.10.

§ 1016.13 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in (or represented by):

(a) Receipts during the month of fluid milk products except

(1) Receipts from other pool plants or

(2) Producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

§ 1016.14 *Cooperative Association.* "Cooperative Association" means any cooperative marketing association of producers, as defined in § 1016.10, which the Secretary determines after application by the association is qualified under provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act."

MARKET ADMINISTRATOR

§ 1016.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 1016.21 *Powers.* The market administrator shall have the following powers with respect to this part.

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1016.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(c) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(d) Pay out of the funds provided by § 1016.74;

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 1016.75, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1016.30 through 1016.33, or (2) payments pursuant to §§ 1016.70 through 1016.76;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers or persons upon whose utilization the classification of skim milk and butterfat for each handler depends, to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1016.51 and the Class I butterfat differential pursuant to § 1016.54 (a), both for the current month; the minimum price for Class II milk pursuant to § 1016.52 and the Class II butterfat differential pursuant to § 1016.54 (b), both for the preceding month; and the minimum price for Class III milk pursuant to § 1016.53 and the Class III butterfat differential pursuant to § 1016.54 (b), both for the preceding month;

(2) On or before the 14th day of each month the uniform price for each handler for the preceding month, computed pursuant to § 1016.61 and the producer butterfat differential computed pursuant to § 1016.62.

Reports, Records and Facilities

§ 1016.30 *Monthly reports of receipts and utilization.* On or before the 5th day (exclusive of Sundays and holidays) of each month, each handler who operates pool plants, each cooperative association that is a handler pursuant to § 1016.9 (c) and each handler whose obligation is computed pursuant to § 1016.82 shall report to the market administrator

for the preceding month for each pool plant, in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of butterfat and skim milk contained in or represented by:

(1) Producer milk, or receipts from dairy farmers producing Grade A milk,

(2) Fluid milk products received from other pool plants,

(3) Other source milk, and

(4) Inventories of fluid milk products on hand at the end of each month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information with respect to sources and disposition as the market administrator may prescribe.

§ 1016.31 *Payroll reports.* On or before the 25th day of each month each handler operating a pool plant or receiving Grade A milk from dairy farmers shall report his producer payroll for each pool plant for the preceding month which shall show:

(a) The pounds of milk received from each producer or dairy farmer producing Grade A milk and the percentage of butterfat contained therein;

(b) The date and net amount of payment to such producer or dairy farmer, or to a cooperative association for such producer's milk, with the price, deductions and charges involved and the nature of each.

§ 1016.32 *Producer-handler reports.* Each producer-handler shall make reports at such time and in such manner as the market administrator may request.

§ 1016.33 *Exempt handler reports.* Each handler exempt pursuant to §§ 1016.81 and 1016.82 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

§ 1016.34 *Records and facilities.* Each handler shall maintain and make available to the market administrator, during the usual hours of business such accounts and records of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form;

(b) The weights and tests for butterfat, skim milk and other content of all milk and milk products handled;

(c) Inventories of all dairy products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

§ 1016.35 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if within such three year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1016.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat required to be reported pursuant to § 1016.30 shall be classified (separately as skim milk and butterfat), pursuant to §§ 1016.41 through 1016.45.

§ 1016.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1016.42 and 1016.43, the classes of utilization shall be:

(a) Class I utilization shall be skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (c) (2) of this section; and

(2) Not accounted for as Class II and Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) or (c) of this section; and

(2) In inventories of fluid milk products on hand at the end of the month.

(c) Class III utilization shall be all skim milk and butterfat:

(1) Used to produce butter, nonfat dry milk or cheese in any form except cottage cheese;

(2) In skim milk disposed of for livestock feed or dumped subject to prior notification to and verification (at his discretion) by the market administrator;

(3) In shrinkage of skim milk and butterfat allocated to milk received from producers, but not to exceed 2 percent of such receipts; and

(4) In shrinkage of other source milk.

§ 1016.42 *Shrinkage.* (a) When producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received for the purpose of weighing and testing in the transferor handler's plants shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferor handler in computing his shrinkage.

§ 1016.43 *Transfers.* Skim milk and butterfat transferred or diverted as milk, skim milk or cream in bulk form from a pool plant to:

(a) The pool plant of another handler shall be classified at the utilization indicated by the operators of both plants in their reports submitted pursuant to § 1016.30, otherwise as Class I utilization, subject in either event to the following conditions:

(1) The receiving plant has utilization in such class of an equivalent amount of skim milk and butterfat, respectively, and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants;

(b) A plant operated by a producer-handler or a handler exempt pursuant to § 1016.81, shall be Class I utilization;

(c) A nonpool plant (except as specified in paragraph (b) of this section) shall be Class I utilization unless the following conditions apply:

(1) Utilization in another class is claimed by the transferring handler in his report submitted pursuant to § 1016.30 for the month,

(2) Class I utilization in the nonpool milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines are the regular source of supply of Grade A milk for such plant. If Class I utilization exceeds such receipts, the skim milk and butterfat transferred shall be Class I to the extent of such excess; and

(3) The operator of the nonpool milk plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such utilization.

§ 1016.44 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1016.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat respectively, in Class I, Class II and Class III utilization for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

§ 1016.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class III utilization, the pounds of butterfat shrinkage allowed pursuant to § 1016.41 (c) (3);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk received from a plant(s) other than those subject to another marketing agreement or order issued pursuant to the act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk received from a plant subject to another marketing agreement or order issued pursuant to the act;

(d) Subtract from the pounds of butterfat remaining in Class II milk and Class I milk, in series beginning with Class II, the pounds of butterfat contained in inventory of fluid milk products on hand at the beginning of the month;

(e) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received as fluid milk products from pool plants of other handlers according to the classification established pursuant to §§ 1016.41 and 1016.43 (a);

(f) Add to the remaining pounds of butterfat in Class III utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such coverage from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 1016.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in the same manner as that prescribed for butterfat in § 1016.46.

§ 1016.48 *Computation of total producer milk in each class.* The amounts computed pursuant to §§ 1016.46 and 1016.47 will be combined into one total for each class and the weighted average butterfat content of producer milk in each class will be determined.

MINIMUM PRICES

§ 1016.50 *Basic formula price.* The basic formula price shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the U. S. D. A.

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richmond Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the U. S. D. A., during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the U. S. D. A.; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents and adjust to the nearest full cent.

§ 1016.51 *Class I milk price.* Subject to the provisions of § 1016.54 the minimum price to be paid by each handler for milk received at his pool plant from producers or the pool plant of a cooperative association during the month and utilized as Class I milk during the 18 month period following the effective date of this part shall be:

(a) Except as provided in paragraph (b) of this section, the basic formula price for the preceding month plus $0.54 for the months of March, April, May and June; $0.74 for the months of January, February, July and December; and $0.94 for all other months.

(b) For plants located in the Wisconsin counties of Florence, Forest, Marinette, Oneida and Vilas or in the State of Michigan, the price computed in paragraph (a) of this section shall be increased ten cents.

§ 1016.52 *Class II milk price.* Subject to the provisions of § 1016.54 the minimum price to be paid by each handler for milk received at his pool plant from producers or the pool plant of a cooperative association, during the month and utilized as Class II milk shall be the basic formula price.

§ 1016.53 *Class III milk price.* Subject to the provision of § 1016.54 the minimum price per hundredweight to be paid by each handler for milk received at his pool plant from producers or the pool plant of a cooperative association during the month and utilized as Class III milk shall be the price computed pursuant to § 1016.50 (b).

§ 1016.54 *Handler butterfat differential.* If the average butterfat test of Class I milk, Class II milk or Class III milk as computed pursuant to § 1016.48 is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the U. S. D. A. during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) For Class I milk, multiply such price for the preceding month by 0.126;

(b) For Class II and Class III milk, multiply such price for the current month by 0.115.

§ 1016.55 *Equivalent price provision.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with, the price specified.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 1016.60 *Value of producer milk.* The value of producer milk received by each handler at pool plant(s) and by any cooperative association with respect to milk for which it is a handler pursuant to § 1016.9 (c) shall be computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1016.48, by the applicable respective class prices (adjusted pursuant to § 1016.54);

(b) Add the amounts computed by multiplying the quantity of overage assigned to each class pursuant to § 1016.46 (g) and the corresponding step of § 1016.47 by the applicable class price;

(c) Add the amount obtained in multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 1016.46 (d) and the corresponding step of § 1016.47; or

(2) The hundredweight of producer milk classified as Class II, during the preceding month; and

(d) If during the month total receipts of producer milk were 110 percent or more of the total Class I milk at pool plants, add an amount equal to the difference between the values (at test and location) at the Class I price and Class III price with respect to (1) Other source milk subtracted from Class I pursuant to § 1016.46 (b) and the corresponding step of § 1016.47; and

(2) Milk in inventory subtracted from Class I pursuant to § 1016.46 (d) and the corresponding step of § 1016.47 which is in excess of the sum of:

(i) The quantity for which payment is computed pursuant to paragraph (c) of this section; and

(ii) The quantity subtracted from Class II pursuant to § 1016.46 (c) and the corresponding step of § 1016.47 in the month preceding.

§ 1016.61 *Computation of uniform price.* For each month, the market administrator shall compute the uniform price per hundredweight for producer milk of 3.5 percent butterfat content delivered to pool plants other than those specified in § 1016.63, as follows:

(a) Combine into one total the individual values of milk of all handlers computed pursuant to § 1016.60;

(b) And, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtract, if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 1016.62 multiplied by 10;

(c) Subtract the aggregate of the values of the applicable producer location adjustments pursuant to § 1016.63;

(d) Add not less than one half of the unobligated balance in the producer-equalization fund;

(e) Divide the resulting amount by the hundredweight of milk received from producers; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 1016.62 *Producer butterfat differential.* The applicable uniform prices to be paid pursuant to § 1016.70 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1016.54, weighted by the pounds of butterfat in producer milk used by such handler in each class and the result rounded to the nearest tenth of a cent.

§ 1016.63 *Producer location adjustments.* In making payments pursuant to § 1016.70 to producers or a cooperative association for milk received at a plant located in the Wisconsin counties of Florence, Forest, Marinette, Oneida or Vilas or in the State of Michigan, the uniform price computed pursuant to § 1016.61 shall be increased 10 cents.

§ 1016.64 *Notification.* On or before the 14th day after the end of each month, the market administrator shall mail to each handler, at his last known address a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price for the month pursuant to §§ 1016.61 and 1016.63 and the butterfat differential computed pursuant to § 1016.62; and

(c) The amount due such handler pursuant to § 1016.73 and the amounts to be paid by such handler pursuant to §§ 1016.72, 1016.74 and 1016.75.

PAYMENT FOR MILK

§ 1016.70 *Time and method of payment.* (a) Except as provided in paragraphs (b) and (c) of this section, on or before the 18th day after the end of each month each handler who received milk from producers shall pay for milk received during such month to each producer for milk received from him the uniform price as provided in § 1016.61 adjusted by the butterfat differential pursuant to § 1016.62 and the location adjustment pursuant to § 1016.63.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler shall pay to the cooperative association on or before the 16th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amount owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association on or before the 16th day of each month, written information which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month,

(ii) The total pounds of butterfat contained in such milk,

(iii) The number of days on which milk was received, and

(iv) The amounts withheld by the handler in payment for supplies sold.

The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator and shall be subject to his determination.

(c) Each handler shall make payment to a cooperative association for milk received from the pool plant of such cooperative association on or before the 10th day after the end of each month in which it was received, at not less than the applicable class prices.

§ 1016.71 *Producer-equalization fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to §§ 1016.72 and 1016.83 (a) (1) or (b) (1) (including any adjustments thereto pursuant to § 1016.76) and out of which he shall make all payments pursuant to § 1016.73 (including any adjustments thereto pursuant to § 1016.76).

§ 1016.72 *Payments to the producer-equalization fund.* On or before the 16th day after the end of each month, each handler whose value of milk is required to be computed pursuant to § 1016.60 shall pay to the market administrator any amount by which such value for such month is greater than the minimum amount required to be paid by him pursuant to § 1016.70.

§ 1016.73 *Payments out of the producer-equalization fund.* On or before the 17th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 1016.60 is less than the total minimum amount required to be paid by him pursuant to § 1016.70, less any unpaid obligations of such handler to the market administrator pursuant to § 1016.72: *Provided*, That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1016.74 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 16th day after the end of each month 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production;

(b) Any other source milk allocated to Class I pursuant to § 1016.46 (b) and the corresponding step of § 1016.47; and

(c) The applicable amount specified in § 1016.83 (a) (2) or (b) (2).

§ 1016.75 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1016.70 for milk received from each producer (excluding milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as the Secretary may prescribe, and on or before the 13th day after the end of each month shall pay such deduction to the market administrator. Such monies shall be used by the market administrator to verify weights, samples and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a fluid milk plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1016.70 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering

such services of which such producers are members.

§ 1016.76 *Errors in payment.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 1016.77 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1016.72 through 1016.76 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1016.78 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or associations or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 1016.80 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 1016.32, 1016.34 and 1016.35.

§ 1016.81 *Exempt handler.* A handler who operates a fluid milk plant located outside the marketing area from which an average of less than 600 pounds of fluid milk products per day are disposed of during the month in the marketing area on route(s), shall be exempt from all provisions of this part except §§ 1016.33 through 1016.35.

§ 1016.82 *Handlers subject to other Federal orders.* The provisions of this part shall not apply to a handler with respect to the operation of a pool plant during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the act and the disposition of fluid milk products in the other Federal marketing area exceed that in the Northeastern Wisconsin marketing area: *Provided*, That the operator of a pool plant which is exempted from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 1016.83 *Handler operating a nonpool distributing plant.* Each handler, other than a producer-handler or one exempt pursuant to §§ 1016.81 or 1016.82, who during the month operates a Grade A milk plant from which fluid milk products are distributed on a route in the marketing area, shall, in lieu of the payments required pursuant to §§ 1016.70 through 1016.74, pay to the market administrator as follows:

(a) If such handler so elects at the time of reporting pursuant to § 1016.30, his obligations shall be as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, the rate specified in § 1016.74 with respect to Class I milk disposed of on routes in the marketing area.

(b) Unless such handler elects to have his obligations computed pursuant to paragraph (a) of this section, his obligations shall be as follows:

(1) On or before the 25th day after the end of the month, for the producer-settlement fund, the lesser of the amount computed pursuant to paragraph (a) (1) of this section, or any plus amount resulting from the following computation:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 1016.60 for Grade A milk received from dairy farmers at such plant for such month if such plant had been a pool plant;

(ii) Deduct the gross payments made by the handler to dairy farmers for Grade A milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report required pursuant to § 1016.31, plus the value of any supplies on service furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1016.74 had such plant been a pool plant.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1016.90 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1016.91 *Suspension or termination.* The Secretary shall, whenever he finds that this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision of this part.

§ 1016.92 *Continuing obligation.* If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1016.93 *Liquidation.* (a) Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent.

(b) If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1016.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1016.101 *Separability of provisions.* If any provision of this part, or the application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 20th day of August 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-6816; Filed, Aug. 21, 1958; 8:59 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 43]

[File No. 21-580]

OUTLET AND SWITCH BOX MANUFACTURING INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties affected by or having an interest in the proposed trade practice rules for the Outlet and Switch Box Manufacturing Industry, to present to the Commission their views concerning said rules including such pertinent information, suggestions or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than September 10, 1958. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., e. d. t., Wednesday, September 10, 1958, in Room 532, Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street NW., Washington, D. C., to any such persons, firms, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through this proceeding consists of persons, firms, corporations and organizations engaged in the manufacture and sale of industry products which are formed metal switch boxes, outlet boxes, gang boxes, utility boxes, concrete boxes, extension rings, box covers, bar hanger sets, and combination and parts of such products, exclusive of (1) boxes and cabinets which have interior preassembled wiring, (2) hinged cover and pre-assembled screw cover metal cabinets, (3) under floor-duct junction boxes, and combination and parts of such products.

A general trade practice conference for the industry was held in Washington, D. C., at which proposed rules suggested by the Outlet and Switch Box Association, Inc., were considered and discussed. The announced hearing constitutes a further step in the proceedings.

Issued: August 19, 1958.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-6778; Filed, Aug. 21, 1958; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order 66; Chief Counsel's Order 1958-11]

AUTHORITIES OF REGIONAL APPELLATE DIVISION AND OF REGIONAL COUNSEL IN PROTESTED CASES AND IN TAX COURT CASES

DELEGATION ORDER

Pursuant to the authority vested in the undersigned: *It is ordered*, That:

1. (a) In each case in which a taxpayer has protested the determination of liability made by the office of a District Director of Internal Revenue or by the office of the Director of International Operations, the Regional Commissioner is authorized exclusively to represent the Commissioner (1) in the determination of liability for income, profits, estate, and gift tax in cases not docketed in the Tax Court of the United States, whether before or after issuance of a statutory notice; and (2) in the determination of liability for the excise and employment taxes designated in paragraph 5 of this order. In each region the Assistant Regional Commissioner (Appellate), as Chief of the Appellate Division of the region, is authorized and each Associate Chief of the Appellate Division is authorized to represent the Regional Commissioner in the determination of tax liability in any such case; and each Assistant Chief is authorized and each Special Assistant to the Chief is authorized to represent the Regional Commissioner in the determination of tax liability in any such case in which the net deficiency or the net overassessment determined by the District Director or by the Director of International Operations does not exceed $50,000 and the determination of the Appellate Division does not involve a net overassessment in excess of $50,000.

(b) The authorities delegated in subparagraph (a) of this paragraph are subject to the exceptions set forth in paragraph 3 of this order and, except as provided in paragraph 4, they may not be redelegated.

2. (a) In each income, profits, estate, and gift tax case docketed in the Tax Court, in conformity with the provisions of Delegation Order No. 60—Chief Counsel's Order No. 1958-5, dated April 17, 1958, the Regional Commissioner is authorized exclusively to represent the Commissioner in the functions delegated to the Regional Appellate Division in that joint Order. In each region the Assistant Regional Commissioner (Appellate), as Chief of the Appellate Division of the region, is authorized and each Associate Chief of the Appellate Division is authorized to represent the Regional Commissioner in the performance of those functions; and each Assistant Chief is authorized and each Special Assistant to the Chief is authorized to represent the Regional Commissioner in the performance of those functions in any such case in which the net deficiency or net overassessment determined in the statutory notice does not exceed $50,000 and the basis of disposition does not involve a net overassessment in excess of $50,000.

(b) The authorities delegated in subparagraph (a) of this paragraph are subject to the exceptions set forth in paragraph 3 of this order and they may not be redelegated.

3. The authorities delegated by this order to the Regional Commissioners do not include authority to:

(a) Eliminate the ad valorem fraud penalty in any case not docketed in the Tax Court, except with the concurrence of Regional Counsel;

(b) Act in any case in which a recommendation for criminal prosecution is

pending, except with the concurrence of Regional Counsel; nor

(c) Modify any decision of the Excess Profits Tax Council with respect to any issue arising under section 722 of the Internal Revenue Code of 1939, except with the concurrence of the Director of the Appellate Division or his delegate.

4. In any case not docketed in the Tax Court in which a statutory notice was issued by the office of a District Director, the Assistant Regional Commissioner (Appellate) may relinquish the jurisdiction of the Appellate Division by waiver to the office of that District Director. Similarly, the Assistant Regional Commissioner (Appellate) for the region which includes Washington, D. C., may relinquish the jurisdiction of the Appellate Division by waiver to the office of the Director of International Operations in any case in which the office of that Director issued the statutory notice. No such waiver shall be made in any case in which criminal prosecution has been recommended and not finally disposed of; nor in any case in which the determination in the statutory notice includes the ad valorem fraud penalty. Notwithstanding any such waiver, upon filing of a petition with the Tax Court, jurisdiction shall revest in the Appellate Division.

5. The excise and employment taxes subject to the provisions of this Order include any Federal excise or employment tax:

(a) Under the Internal Revenue Code of 1939, except any tax imposed by:

(1) Chapter 8, 15, 23, 26, or 27A;

(2) Subchapter B of Chapter 25;

(3) Part V, VI, VII, or VIII of Subchapter A of Chapter 27;

(4) Subchapter B of Chapter 28, insofar as it relates to liquor and tobacco; or

(5) Chapter 9A, insofar as it relates to distilled spirits, wines, cordials, or fermented malt liquors.

(b) Under the Internal Revenue Code of 1954, except any tax imposed by:

(1) Chapter 35 of Subtitle D;

(2) Subchapter A, Chapter 39 of Subtitle D;

(3) Subtitle E; or

(4) Subchapter D, Chapter 78 of Subtitle F, insofar as it relates to liquor and tobacco.

6. (a) In the performance of his functions under this order, each Regional Counsel shall be subject to the general supervision and control of the Chief Counsel. With the approval of the Chief Counsel, Regional Counsel may redelegate any function by this order vested in Regional Counsel. The Chief Counsel may delegate any function vested in him by this order.

(b) The Regional Counsel will consider all memoranda prepared in the Regional Appellate Division recommending the issuance of statutory notices, prior to the issuance of such statutory notices by the Regional Appellate Division.

7. The instructions contained in this order are intended to supplement the instructions contained in Delegation Order No. 60—Chief Counsel's Order No. 1958–5, dated April 17, 1958, and supersede other prior instructions to the extent that such other prior instructions are inconsistent herewith.

Issued: August 6, 1958.

Effective: August 6, 1958.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner.

ARCH M. CANTRALL,
Chief Counsel.

[F. R. Doc. 58–6791; Filed, Aug. 21, 1958; 8:55 a. m.]

[Delegation Order 65; Chief Counsel's Order 1958–10]

REGIONAL COMMISSIONERS AND REGIONAL COUNSEL

REVOCATION OF DELEGATION OF AUTHORITY

Commissioner's Reorganization Order No. 2, dated May 15, 1952, as revised and amended, relating to delegation of certain functions to Regional Commissioners and Regional Counsel, issued pursuant to the authority of Treasury Department Order No. 150–2, is hereby revoked.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner.

ARCH M. CANTRALL,
Chief Counsel.

Approved: August 5, 1958.

JOHN K. CARLOCK,
Acting General Counsel for the Treasury Department.

Approved: August 6, 1958.

NELSON P. ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 58–6792; Filed, Aug. 21, 1958; 8:55 a. m.]

[Order 64]

DIRECTOR, APPELLATE DIVISION

AUTHORITY IN ISSUES ARISING UNDER SECTION 722

Pursuant to the authority vested in me as Commissioner of Internal Revenue:
It is hereby ordered:

1. The Director of the Appellate Division is authorized exclusively to exercise final authority within the Internal Revenue Service with respect to all issues arising under section 722 of the Internal Revenue Code of 1939 in cases not docketed in the Tax Court of the United States, whether before or after issuance of a statutory notice.

2. With respect to all issues arising under section 722 of the Internal Revenue Code of 1939 in cases docketed in the Tax Court of the United States, in conformity with the provisions of Delegation Order No. 60—Chief Counsel's Order No. 1958–5, dated April 17, 1958, the Director of the Appellate Division is authorized exclusively to represent the Commissioner in the functions comparable to those delegated in standard-issue cases to the Regional Appellate Division in that joint order.

3. The functions herein delegated may be redelegated by the Director of the Appellate Division only.

4. The instructions contained in this order are intended to supplement the instructions contained in Delegation Order No. 60—Chief Counsel's Order No. 1958–5, dated April 17, 1958; and to supersede IR–Mim. 19, dated August 15, 1952, and other prior instructions to the extent that such instructions are inconsistent herewith.

Issued: August 4, 1958.

Effective: August 4, 1958.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner.

[F. R. Doc. 58–6793; Filed, Aug. 21, 1958; 8:55 a. m.]

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1958 Supp. No. 189]

MICHIGAN SURETY CO.

TERMINATION OF AUTHORITY TO QUALIFY AS ACCEPTABLE SURETY ON FEDERAL BONDS

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the Michigan Surety Company, Lansing, Michigan, under the provisions of the act of Congress approved July 30, 1947 (6 U. S. C. 6–13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, terminated as of July 31, 1958.

The Michigan Surety Company received its initial authority from the Secretary of the Treasury to do business with the United States on September 28, 1956, and remained continuously so qualified until July 31, 1958.

The company requested permission from the Treasury to retire voluntarily from the execution of any new business in favor of the United States.

In order that there may be a coordinated record showing the status of outstanding bonds of this company as of this date in favor of the United States, bond-approving officers are requested, upon the receipt of this circular, to examine carefully the records of their offices and report promptly to the Surety Bonds Branch, Bureau of Accounts, Treasury Department, all outstanding bonds accepted by them and executed by the Michigan Surety Company as surety or co-surety on which the liability of the company has not terminated.

It is also requested that the Surety Bonds Branch be advised as expeditiously as possible as to all facts, in detail, relating any existing claim, or with respect to the occurrence of any event or the existence of any circumstance which may hereafter result in a claim against the Michigan Surety Company.

In furnishing the above information bond-approving officers will please give the name of the principal on the bond, the date and penalty of the bond, and with respect to claims, the nature of the claim, the circumstances out of which it arose, and its status at the time of the report.

Bond-approving officers and other officials of the Government charged with the duty of taking bonds, recognizances, stipulations or undertakings should proceed immediately to secure new bonds, where necessary, with acceptable sureties, in lieu of bonds executed by the Michigan Surety Company.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

AUGUST 19, 1958.

[F. R. Doc. 58–6787; Filed, Aug. 21, 1958; 8:54 a. m.]

DEPARTMENT OF DEFENSE

Department of the Army

RALPH M. BESSE

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Ralph M. Besse on July 29, 1958, in the Department of the Army. Mr. Besse is serving as Chief of the Cleveland Ordnance District, Cleveland, Ohio.

Mr. Besse is presently employed by the Cleveland Electric Illuminating Company, Cleveland, Ohio.

Mr. Besse's statement of his personal business interests is set forth below.

Dated: August 14, 1958.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (subsection 710 (b) (6)) of the Defense Production Act of 1950, as amended.

1. The names of any corporation in which I am, or within 60 days preceding this appointment have been, an officer or director:

The Cleveland Electric Illuminating Co.—Executive Vice Pres. & Director.
The CEICO Company—President.
The Cleveland Trust Company—Director.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests:

Stockholder: American Vitrified Products, Cleveland Electric Illuminating Co., Cleveland Trust Company, Controls Co. of America, Diamond Portland Cement, Dow Chemical Co., Gerber Products Co., Great American Life Underwriters, Middle South Utilities, National Screw & Mfg. Co., Ohio Oil Company, One William Street, Prince Marine Drilling (also holder of debentures), Producing Properties, Inc., Socony Mobil Oil Co., Standard Oil of New Jersey, Television Electronic Fund, Inc., Travelers Insurance Co., U. S. Life Insurance Co.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: July 21, 1958.

RALPH M. BESSE.

[F. R. Doc. 58–6758; Filed, Aug. 21, 1958; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

UNITED STATES LINES CO.

NOTICE OF APPLICATION

Notice is hereby given that United States Lines Company seeks the privilege to (1) carry westbound cargoes from English and French Channel ports and German North Sea ports on Trade Route Nos. 5, 7, and 9, to United States North Atlantic ports by freight vessels operating on Trade Route No. 8, and (2) to carry eastbound cargoes from United States North Atlantic ports to Southampton, England by freight vessels operating on Trade Route No. 5.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605 (c) of the Merchant Marine Act, 1936, as amended, 46 U. S. C. 1175, should by the close of business on September 5, 1958, notify the Secretary, Federal Maritime Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Federal Maritime Board.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Federal Maritime Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the application will be processed without a hearing.

Dated: August 19, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58–6763; Filed, Aug. 21, 1958; 8:46 a. m.]

Maritime Administration

CERTAIN TRADE ROUTES

NOTICE OF TENTATIVE CONCLUSIONS AND DETERMINATIONS REGARDING MODIFICATION OF ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS

Notice is hereby given that on August 18, 1958, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, tentatively found and determined that the privilege to carry westbound cargoes from English and French Channel ports and German North Sea ports on Trade Routes Nos. 5, 7, and 9 to United States North Atlantic ports by freight vessels operating on Trade Route No. 8, is essential to the promotion, development, expansion and maintenance of the foreign commerce of the United States.

Any person, firm or corporation having an interest in the foregoing who desires to offer comments and views or request a hearing thereon should submit same in writing in triplicate to the Chief, Office of Government Aid, Maritime Administration, Department of Commerce, Washington 25, D. C., by the close of business on September 5, 1958. In the event a hearing is requested, a statement must be included giving the reasons therefor. Any hearing thereby afforded will be before an Examiner on an informal basis only. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: August 19, 1958.

By order of the Maritime Administrator.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58–6762; Filed, Aug. 21, 1958; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–73]

GENERAL ELECTRIC CO.

SUBMISSION OF COMPREHENSIVE REPORT REGARDING PROPOSED CHANGES IN DESIGN AND OPERATION OF NTR

Upon the basis of a preliminary investigation and a letter dated June 17, 1958, from the Manager, Vallecitos Atomic Laboratory, General Electric Company (hereinafter referred to as the "licensee"), it appears that the Nuclear Test Reactor (NTR) at the Vallecitos Atomic Laboratory has been shut down since mid-March 1958, for repair and modification and that all fuel for the reactor has been placed in the storage vault.

In its letter of June 17, 1958, the General Electric Company advised, among other things, that: "As you are probably aware, the NTR has been shut down to permit us to make certain modifications to the facility. The modifications will be the subject of an amendment to our NTR license application. Operation of the NTR will remain suspended until after amendment of license number R–33."

Pursuant to the Atomic Energy Act of 1954, as amended, and §§ 2.202 (b) and 50.100 of the Commission's regulations in 10 CFR Parts 2 and 50: *It is ordered*, That: Special nuclear material shall not be loaded into the NTR until the licensee has submitted to the Commission a comprehensive report describing and evaluating proposed changes in the design of the NTR and proposed changes in procedures for its future operation and until the Commission has authorized such loading.

Signed and dated at Germantown, Md., August 13, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

Issuance of the foregoing order is consented to by the licensee.

Dated: August 7, 1958.

GEO. WHITE,
General Electric Company.

[F. R. Doc. 58-6757; Filed, Aug. 21, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9205]

EMPRESA GUATEMALTECA DE AVIACION, S. A. (AVIATECA)

NOTICE OF CHANGE OF PLACE OF HEARING

In the matter of the application of Empresa Guatemalteca de Aviacion, S. A., (Aviateca) for extension or renewal of its foreign air carrier permit.

Notice is hereby given that the hearing in the above-entitled proceeding heretofore assigned to be held on September 9, 1958, at 10:00 a. m., e. d. s. t., in Room 1509, Temporary Building No. 4, is reassigned to be held on that date in Room 5132, Commerce Building, Constitution Avenue between 14th and 15th Streets NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., August 18, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-6806; Filed, Aug. 21, 1958; 8:58 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15881]

TENNESSEE GAS TRANSMISSION CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 15, 1958.

Tennessee Gas Transmission Company (Tennessee), on July 22, 1958, tendered for filing six revised sheets[1] to its FPC Gas Tariff, Original Volume No. 3, by which Tennessee proposed to increase its rates for the sale of gas so as to increase revenues by $1,270 per billing period for gas produced or gathered in the State of Louisiana and supplied to American Louisiana Pipe Line Company under Rate Schedule F-4 and to United Gas Pipe Line Company under Rate Schedules F-16 and F-38. Tennessee requests that the aforementioned revised tariff sheets become effective as of August 1, 1958.

The increased rates and charges so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of said Act No. 8 of 1958. In consideration of this fact, and in order to assure a proper refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable that the Commission waive the requirements of § 154.63 of its regulations and suspend the said proposed increased rates and charges until August 2, 1958, and thereafter to permit them to become effective as of that date: *Provided*, That within 20 days from the date of this order Tennessee shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that the above-designated revised tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in carrying out the provisions of the Natural Gas Act that Tennessee's proposed increased rates be made effective as hereinafter provided and that Tennessee be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated revised tariff sheets.

(B) Pending such hearing and decision thereon, said First Revised Sheet Nos. 66, 83, 652 and 669 and Second Revised Sheet Nos. 268 and 279, are each hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rates, charges and classifications set forth in the above-designated filings shall be effective as of August 2, 1958: *Provided, however*, That within 20 days from the date of this order, Tennessee shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Tennessee shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the diffemce between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax moneys collected pursuant to said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by Tennessee herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Tennessee shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Tennessee so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to bcome effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Tennessee shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the revised tariff sheets involved, as follows:

Agreement and Undertaking of Tennessee Gas Transmission Company To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ----------, in Docket No. G-15881, Tennessee Gas Transmission Company hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused the agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ------ day of ----------.

TENNESSEE GAS TRANSMISSION COMPANY

By ----------

Attest:

(Secretary)

Unless Tennessee is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Tennessee shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise it shall remain in full force and effect.

(G) The revised tariff sheets hereby suspended shall not be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6731; Filed, Aug. 20, 1958; 8:51 a. m.]

[1] First Revised Sheet No. 66, 83, 652, and 669 and Second Revised Sheet Nos. 268 and 279 to FPC Gas Tariff, Original Volume 3.

[Docket No. G-15861]

TEXAS GAS EXPLORATION CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 18, 1958.

Texas Gas Exploration Corporation (Respondent) on July 25, 1958, tendered for filing proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 24, 1958.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 1 to Respondents FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate(s) and charge(s) so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until August 2, 1958, and thereafter to permit it to become effective as of that date: *Provided*, That within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 2, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate(s), charge(s), and classification(s) set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of August 2, 1958: *Provided, however*, That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of ----------
To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ----------, in Docket No. G--, ---------- hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ------ day of ------.

By ----------

Attest:

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6770; Filed, Aug. 21, 1958; 8:47 a. m.]

[Docket No. G-15860]

LYONS AND LOGAN ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 18, 1958.

Lyons and Logan et al. (Respondent), on July 25, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas

subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 21, 1958.
Purchaser: Arkansas Louisiana Gas Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 7.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6770, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6771; Filed, Aug. 21, 1958; 8:48 a. m.]

[Docket No. G–15862]

PAUL M. RAIGORODSKY

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 18, 1958.

Paul M. Raigorodsky (Respondent) on July 25, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 24, 1958.
Purchaser: Mississippi River Fuel Corporation.
Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6770, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6772; Filed, Aug. 21, 1958; 8:48 a. m.]

[Docket No. G–15865]

J. R. BUTLER

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 18, 1958.

J. R. Butler (Respondent) on July 29, 1958, tendered for filing proposed changes in his presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 28, 1958.
Purchaser: Texas Gas Transmission Corporation.
Rate schedule designation: (1) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No, 2. (2) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 3.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6770, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6773; Filed, Aug. 21, 1958; 8:48 a. m.]

[Docket No. G–15864]

M. ANISMAN

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 18, 1958.

M. Anisman, Trustee (Respondent) on July 28, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Arkansas Louisiana Gas Company.
Rate schedule designation: Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 1.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6770, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6774; Filed, Aug. 21, 1958; 8:49 a. m.]

[Docket No. G–15863]

PLYMOUTH OIL CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 18, 1958.

Plymouth Oil Company (Operator) et al. (Respondent) on July 25, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Arkansas Louisiana Gas Company.
Rate schedule designation: Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 3.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6770, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6775; Filed, Aug. 21, 1958; 8:49 a. m.]

[Docket No. G–15859]

NEWMONT OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 18, 1958.

Newmont Oil Company (Respondent) on July 23, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 2.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58–6770, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–6776; Filed, Aug. 21, 1958; 8:49 a. m.]

[Docket Nos. G–10956, G–2374]

CITIES SERVICE GAS CO. AND PANHANDLE EASTERN PIPE LINE CO.

ORDER SETTING DATES FOR HEARINGS, PERMITTING INTERVENTIONS AND SEVERING ISSUES

AUGUST 18, 1958.

In the matters of Cities Service Gas Company, Docket No. G–10956; Panhandle Eastern Pipe Line Company, Docket No. G–2374.

Notice of the application in Docket No. G–10956 was given on March 4, 1957 and published in the FEDERAL REGISTER on March 8, 1957 (22 F. R. 1533–34).

Thereafter, and on March 25, 1957, Panhandle Eastern Pipe Line Company filed a petition for leave to intervene in Docket No. G–10956, in which Panhandle stated that the application proposes, among other things "to construct additional facilities; viz, replacing twelve miles of 10" line with 20" line to expand the 'Ottawa-Sedalia System'." Panhandle further alleges that Applicant (Cities Service) relies upon the receipt of 12,970 Mcf per day of gas from Panhandle. The petitioner further alleges that there is pending before the Commission Docket No. G–2374, an application in which Panhandle is seeking authority from this Commission to abandon said service being rendered to Cities Service.

However, counsel for Panhandle advised the Commission by letter dated April 1, 1957, that Panhandle is interested in the Ottawa-Sedalia System only, and that it has no interest in the other facilities covered by the application.

It appears to the Commission that the participation of Panhandle Eastern Pipe Line Company in Docket No. G–10956 to the extent that it relates to the Ottawa-Sedalia System may be in the public interest.

Notice of the application in Docket No. G–2374 was given on March 5, 1954 and published in the FEDERAL REGISTER on March 11, 1954 (19 F. R. 1375).

On March 24, 1954 Cities Service filed a protest and petition for leave to intervene in Docket No. G–2374 stating that Panhandle seeks to abandon service to Cities Service under an Exchange Agreement between the parties dated February 18, 1947, as amended by letter agreement dated November 21, 1949, and appearing in Cities Service FPC Gas Tariff, Original Volume No. 2, Original Sheets Nos. 15–20, as Rate Schedule X–4. Cities Service alleges, among other things, that termination of service under said rate schedule would result in a reduction or abandonment of service by Panhandle to the following towns and communities in Missouri; Liberty, Excelsior Springs, Blue Springs, Smithville, Lees Summit, Hickman Mills, Grandview, Belton, Raytown, Windsor, and other small communities. The petitioner also states that such termination would cause a reduction or abandonment of service by Cities Service to the following towns and communities in Missouri: Concordia, Sweet Springs, Lexington, Richmond, Henrietta, Higginsville, Marshall, Carrollton, Blackburn, Waverly and Norborne.

On March 25, 1954, Kansas City, Missouri and The Gas Service Company (Gas Service), each filed a petition for leave to intervene. Gas Service alleges that under said exchange agreement the deliveries made at the Bannister connection are important to Panhandle with respect to its ability to render adequate service to Gas Service from the Louisburg lateral, which lateral serves a large number of communities in Missouri. Kansas City alleges that termination of deliveries of natural gas by Panhandle into the Cities Service system will adversely affect the supply to Kansas City; that it will necessitate expenditure of substantial sums of money by Cities Service in order to adjust its system to meet the load requirements thereon and such expenditures will adversely affect the rates paid for gas service by Kansas City consumers.

It appears to the Commission that the participation of Cities Service Gas Company, Gas Service Company and Kansas City, Missouri in Docket No. G–2374 may be in the public interest.

Since no protests, petitions for leave to intervene or notices of intervention other than that of Panhandle have been filed in Docket No. G–10956, and since Panhandle is interested only in the Ottawa-Sedalia System, it is in the public interest that that part of the application relating to said Ottawa-Sedalia System be severed from the rest of the application and consolidated for hearing with the application in Docket No. G–2374. The Commission finds further that it is in the public interest that all other parts of the application in Docket No. G–10956 be disposed of under the shortened procedure provided by 18 CFR 1.32 (b) as requested in the prayer of said application.

The Commission orders:

(A) Panhandle Eastern Pipe Line Company is hereby permitted to become an intervener in Docket No. G–10956, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of said intervener shall be limited to matters relating to the Ottawa-Sedalia System: *And Provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Cities Service Gas Company, Kansas City, Missouri and The Gas Service Company are hereby permitted to intervene in Docket No. G–2374, subject to the rules and regulations of the Commission: *Provided, however,* That their participation shall be limited to matters affecting rights and interests specifically asserted in their petitions to intervene: *And provided, further,* That the permission to intervene shall not be construed as recognition by the Commission that any party has been or might be aggrieved by any order in these proceedings.

(C) That part of the application in Docket No. G–10956 relating to the Ottawa-Sedalia System of Cities Service Gas Company and the issues involved therein is hereby severed from the rest of the application in said docket and is consolidated for hearing with the application in Docket No. G–2374.

Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules and regulations thereunder, it is hereby ordered that a hearing will be held on September 30, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by that part of the application in Docket No. G–10956 which relates to the Ottawa-Sedalia System and the application in Docket No. G–2374, and a hearing will be held on September 10, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by all other parts of the application in Docket No. G–10956: *Provided, however,* That the Commission may, after a non-contested hearing in Docket No. G–10956 (excluding the issues relating to the Ottawa-Sedalia System), dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing. Failure of any party to appear at and participate in the hearing in Docket No. G–10956 set for September 10, 1958 shall be construed as waiver of and concurrence in omission of the intermediate decision procedure in cases where a request therefor is made.

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58–6798; Filed, Aug. 21, 1958; 8:56 a. m.]

[Docket No. G–15066 etc.]

TENNESSEE GAS TRANSMISSION AND AUSTRAL OIL EXPLORATION CO., INC.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 18, 1958.

In the matters of Tennessee Gas Transmission Company, Docket Nos. G–15066 and G–15067; Austral Oil Exploration Company, Inc., Operator and Agent, Docket No. G–15082.

Tennessee Gas Transmission Company (Tennessee), a Delaware corporation with a principal place of business in Houston, Texas, filed on May 7, 1958, in Docket Nos. G–15066 and G–15067, applications for certificates of public convenience and necessity, purusant to section 7 of the Natural Gas Act, authorizing sales of natural gas produced from fields in Oklahoma and Louisiana, in interstate commerce for resale, as follows:

(1) Docket No. G–15066: To Lone Star Gas Company (Lone Star) from the Johnson A. Butler and Singer leases, Katie Field, Garvin County, Oklahoma, to be made pursuant to a gas sales contract dated March 11, 1958, between Lone Star and Tennessee.

(2) Docket No. G–15067: To American Louisiana Pipe Line Company (American) from the H. J. Lutcher Stark lease, North Holly Beach Field, Cameron Parish, Louisiana, to be made pursuant to a basic gas sales contract dated July 10, 1956, as amended April 14, 1958. On January 17, 1958, Tennessee was authorized, in Docket No. G–11227, to make sales to American from acreage dedicated by the July 10, 1956, contract in the North Holly Beach Field. Tennessee is herein requesting authorization to sell gas from additional acreage dedicated by the amendment of April 14, 1958, to the basic contract. The acreage is owned 25 percent by Tennessee, 25 percent by Tidewater Oil Company and 50 percent by Austral Oil Exploration Company, Inc.

On May 9, 1958, Austral Oil Exploration Company, Incorporated (Austral), a Delaware corporation with a principal place of business in Houston, Texas, filed an application in Docket No. G–15082, pursuant to section 7 of the Natural Gas Act, as Operator and as Agent for Oil Participations, Incorporated, a signatory co-owner party to a basic gas sales contract with American dated July 10, 1956,

as amended April 14, 1958, and requests authorization to sell gas from additional acreage dedicated by the amendment of April 14, 1958.

The application recites Austral was authorized in Docket No. G–11253 to sell to American natural gas produced in the North Holly Beach Field pursuant to the basic gas sales contract of July 10, 1956.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 30, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 15, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–6799; Filed, Aug. 21, 1958; 8:56 a. m.]

[Docket No. G–14691]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 18, 1958.

Take notice that The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on March 17, 1958, an application and on June 9, 1958, a supplement thereto, pursuant to section 7 of the Natural Gas Act, for an order authorizing it to abandon by sale certain of its gas transmission facilities in the State of Ohio to The Ohio Valley Gas Company (Ohio Valley), 99 North Front Street, Columbus, Ohio, and for a certificate of public convenience and necessity authorizing it to sell and deliver natural gas at wholesale to Ohio Valley for resale, all as more fully represented in the application which is on file with the Commission and open for public inspection.

This proposal is a part of The Columbia Gas System plan for realignment of properties so that each operating subsidiary will be subject to regulation by only one regulatory agency. It is proposed that Applicant's retail distribution facilities in Ohio, including the transmission facilities to be abandoned by Applicant, be transferred to Ohio Valley and operated by Ohio Valley subject only to the jurisdiction of the Public Utilities Commission of Ohio and that its remaining interstate transmission facilities will be retained by Applicant and operated subject only to the jurisdiction of this Commission.

The transmission facilities (which are presently operated by Applicant under authorizations from this Commission) proposed to be transferred are described as follows, in the order of their geographic location from north to south along the Ohio River, beginning at the point where it crosses the Pennsylvania-Ohio line:

1. Approximately 3.16 miles of 8", 6" and 4" gas transmission pipeline (Line No. 981) extending from its interconnection with Line 5 at the river crossing in the center of the City of East Liverpool, Ohio, eastwardly to a point in Liverpool Township, Columbiana County, Ohio, near the Pennsylvania-Ohio border, together with the following short laterals connecting the aforesaid Line 981 with district regulators:

Line 93—8' of 8" and 392' of 10" transmission line.
Line 978—1,513' of 8" transmission line.
Line 982—26' of 2" transmission line.
Line 983—11' of 2" transmission line.
Line 984—16' of 1½" transmission line.
Line 986—996' of 4" transmission line.
Line 987—18' of 2" transmission line.
Line 1553—811' of 2" transmission line.
Line 1388—151' of 4" transmission line.

2. Approximately 3.09 miles of 8" and 2,358' of 10" gas transmission pipeline (Line No. 5) extending from the interconnection of Line 5 and Line 94 in Wellsville, Ohio, eastwardly to the river crossing in the center of East Liverpool, Ohio, together with the following short laterals connecting the aforesaid portion of Line 5 with district regulators:

Line 1373—342' of 4" transmission line.
Line 1003—661' of 6" transmission line.
Line 1004—241' of 4" transmission line.
Line 1401—32' of 6" transmission line.
Line 980—242' of 4" transmission line.

3. Approximately 4.49 miles of 6" and 4" gas transmission line (Line No. 1665) extending from its interconnection with Line 94 in Madison Township, Columbiana County, Ohio, eastwardly to the Town of Calcutta in St. Clair Township, Columbiana County, Ohio, together with the following short laterals connecting the aforesaid Line 1665 with district regulators:

Line 1703—497' of 4" transmission line.
Line 1770— 23' of 4" transmission line.

4. Approximately 2.04 miles of 8" and 6" gas transmission pipeline (Line No. 6012) extending from its interconnection with production lines in Madison Township, Columbiana County, Ohio, eastwardly and southerly to its interconnection with Line 94 and Line 1608 in the same Township, County and State, together with transmission Line No. 6161 (1,352' of 2" pipeline) connecting with Line 6012. These lines were purchased by Applicant from Natural Gas Company of West Virginia pursuant to authorization granted at Docket G–9694, together with the McFarland Production Field. Portions of this area have become residential, so that Line 6012 and Line 6161, together with the field lines are used as a medium pressure distribution system. Such field lines to be transferred to Ohio Valley are described in the footnote.[1] Applicant will retain the gas wells.

5. Approximately 1.56 miles of 4" and 6" gas transmission pipeline (Line No. 1608) extending from its interconnection with Line 94 in Yellow Creek Township, Columbiana County, Ohio, southwardly to the City of Wellsville in the same Township, County and State.

6. Approximately 1.70 miles of 6⅝", 4" and 3" gas transmission pipeline (Line No. 28) extending from its interconnection with the remaining portion of Line 28 in Wayne Township, Jefferson County, Ohio, westwardly to the Village of Hopedale, Green Township, Harrison County, Ohio.

7. Approximately 2.25 miles of 6" gas transmission pipeline (Line No. 29) extending from the southern border of the City of Toronto, Jefferson County, Ohio, in a northerly direction through said City to its interconnection with Line 1031 in the said City; together with the following short laterals connecting the aforesaid portion of Line 29 with district regulators:

Line 1425—213' of 4" transmission line.
Line 1426—220' of 4" transmission line.

8. Approximately 4.52 miles of 6" gas transmission pipeline (Line No. 1573) extending from its interconnection with Line 5 north of Steubenville, Jefferson County, Ohio, westwardly to the Town of Wintersville, in the same County and State; together with the following short laterals connecting the aforesaid Line 1573 with district regulators:

Line 1602—35' of 2" transmission line.
Line 1427—18' of 2" transmission line.
Line 1607—20' of 6" transmission line.

9. Approximately 3.48 miles of 4" gas transmission pipeline (Line No. 1045) extending from its interconnection with Line 1039 in Steubenville Township, Jefferson County, Ohio, westwardly to the Village of New Alexandria in the same County and State; together with the following short laterals connecting the aforesaid Line 1045 with district regulators:

Line 1044—135' of 2" and 29' of 4" transmission line.
Line 1449—255' of 4" transmission line.

[1] Line 6472—1,599' of 6" and 1,704' of 6⅝" production line; Line 6475—1,726' of 6" production line; Line 6572—7,051' of 2" production line; Line 6573—55' of 2" production line; Line 6574—1,150' of 2" production line; Line 6593—5,809' of 2" production line; Line 6605—10,592' of 4" production line; Line 6611—6,189' of 2" production line; Line 6960—3,708' of 2" production line.

10. Approximately 375 feet of 2" gas transmission pipeline (Line No. 1106) connecting Line 20 with district regulators, in Warren Township, Jefferson County, Ohio, supplying part of the Village of Tiltonsville in the same Township, County and State.

11. Approximately 2.14 miles of 6⅝", 6", 4" and 3" gas transmission pipeline (Line No. 1113) extending from its interconnection with Line 20 in the City of Bridgeport, Pease Township, Belmont County, Ohio, westwardly to the Village of Lansing; together with the following short lateral connecting the aforesaid Line 1113 with a district regulator:

Line 1115—1,297' of 2" transmission line.

12. Approximately 2.20 miles of 8" gas transmission pipeline (Line No. 6159) extending from the Rock Hill Station in Pultney Township, Belmont County, Ohio, eastwardly to the end of the line.[2]

13. Approximately 0.72 miles of 4", 6" and 8" gas transmission pipeline (Line No. 1736) connecting Line 20 with district regulators in Pultney Township, Belmont County, Ohio, supplying part of the City of Bellaire in the same Township, County and State.

14. Approximately 250 feet of 3" gas transmission pipeline (Line No. 1129) connecting Line 20 with district regulators, in Mead Township, Belmont County, Ohio, supplying part of the Village of Shadyside in the same Township, County and State.

15. Approximately 0.35 miles of 6", 3" and 2" gas transmission pipeline (Line No. 1144) extending from its interconnection with the remainder of Line 1144 in Salem Township, Monroe County, Ohio, north to the Village of Clarington in the same Township, County and State.

16. Approximately 0.78 miles of 4", 3" and 2" gas transmission pipeline (Line No. 1151) extending north and south from its interconnection with the new 6" Line 1151 in Ohio Township, Monroe County, Ohio, to the following short laterals connecting the old Line 1151 with district regulators supplying the Village of Hannibal in the same Township, County and State:

Line 1775—187' of 2" transmission line.
Line 1152—39' of 2" and 6' of 6" transmission line.
Line 1885—150' of 2" transmission line.

17. Approximately 3.12 miles of 2" gas transmission pipeline (Line No. 1149) extending from its interconnection with Line 1151 in Lee Township, Monroe County, Ohio, southwest to the Village of Sardis in the same Township, County and State, and north to the following short lateral connecting the aforesaid Line 1149 with a district regulator supplying the Village of Duffy:

Line 1142—45' of 2" transmission line.

[2] As was explained in the application at Docket G–9694, it was intended to use Line 6159 as a transmission line supplying gas to The Ohio Fuel Gas Company at Rock Hill Station. A landslip having occurred, however, Line 6157 is now used for that purpose, and the portion of Line 6159 described above will be used only to serve rural customers. Only the portion needed to supply said customers will be transferred and the remainder of the line will be sold for salvage.

Applicant alleges that its "proposed realignment of properties requires that two of its distribution lines in Ohio be retained by it so that, in the first case, gas delivered into the present distribution system in Ohio should not flow across the border into Pennsylvania; and in the second case, because the line is one of the principal feeds into the high pressure distribution belt system around Steubenville". It is proposed that these lines be reclassified as transmission lines so that Applicant will not own any distribution lines in Ohio. These lines are described as follows:

(1) Approximately 1.8 miles of 4" high pressure distribution line extending from its interconnection with Line 93 at the eastern edge of the City of East Liverpool, Columbiana County, Ohio, eastwardly to a meter at the state line.

(2) Approximately 1.76 miles of 8" high pressure distribution line extending from its interconnection with Line 1039 in the City of Mingo Junction, Steubenville Township, Jefferson County, Ohio, northwestwardly to its connection with the high pressure distribution belt system around the City of Steubenville, Ohio, and with district regulators supplying the Mingo Junction, Ohio, distribution plant.

Applicant also requests an order issuing to it a certificate of public convenience and necessity authorizing the sale and delivery of natural gas at wholesale to Ohio Valley for resale.

No new facilities are proposed to be constructed. Existing measuring stations, distribution check measuring stations and production check measuring stations will be used to meter the gas to be sold by Applicant to Ohio Valley.

Applicant estimates the natural gas requirements for its Ohio retail distribution area as follows:

Year	Annual (Mcf)	Peak day (Mcf)
1957	10,746,632	[1] 60,377
1958	13,012,800	78,600
1959	13,366,200	81,000
1960	13,639,500	83,000
1961	13,818,700	84,800

[1] Actual.

Following the receipt of all necessary regulatory authorizations, Applicant will enter into a service agreement pursuant to its effective FPC Gas Tariff providing for the sale and delivery of natural gas to Ohio Valley for resale.

Applicant, Ohio Valley and The Columbia Gas System, Inc., entered into an agreement dated December 1, 1957, providing that in consideration of the transfer by Applicant to Ohio Valley of Applicant's Ohio properties used in connection with Applicant's Ohio distribution operations, Ohio Valley will pay Applicant a cash sum equal to the aggregate book value less liabilities and obligations, as of the closing date. This value is represented to be $4,669,287 as of October 31, 1957, less than 7 percent of which is the value of the transmission plant covered by this application. Ohio Valley will issue and sell to Columbia Gas System, Inc., an installment promissory note and common stock, $90 par value, in such amounts as will equal the purchase price plus $300,000 for initial operations.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 7, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before September 24, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–6800; Filed, Aug. 21, 1958; 8:56 a. m.]

[Docket No. G–12793]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF PETITION TO AMEND CERTIFICATE ORDER

AUGUST 18, 1958.

Take notice that on July 23, 1958, Pacific Northwest Pipeline Corporation (Applicant) filed in Docket No. G–12793 a petition requesting the Commission to amend the certificate of public convenience and necessity issued to Applicant on September 10, 1957, by increasing the maximum daily volumes of natural gas which Applicant was authorized to sell to San Francisco Chemical Company (Chemical Company) from a maximum of 300 Mcf per day of interruptible gas to a maximum of 100 Mcf of firm gas and 1,400 Mcf of interruptible gas per day, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The proposed additional volumes reflect the provisions of a new gas sales contract between Applicant and Chemical Company dated May 16, 1958, intended to supersede the original contract of May 14, 1957.

No additional facilities will be required to make the additional deliveries.

Protests or petitions to intervene in this proceeding may be filed with the

Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 5, 1958.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6767; Filed, Aug. 21, 1958; 8:47 a. m.]

[Docket No. G-1063]

OHIO FUEL GAS CO.

NOTICE OF PETITION TO AMEND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 18, 1958.

Take notice that on July 17, 1958, The Ohio Fuel Gas Company (Ohio Fuel) filed in Docket No. G-1063 a petition to amend the certificate of public convenience and necessity issued to it on August 13, 1948, and the second order of the Commission issued in this docket on November 13, 1950, so as to authorize Ohio Fuel to make regular deliveries of natural gas to The Cincinnati Gas and Electric Company (Cincinnati) at Ohio Fuel's existing Dicks Creek Measuring Station in Lemon Township, Butler County, Ohio, which station is presently maintained for emergency use only, all as more fully set forth in the aforesaid petition to amend, which is on file with the Commission and open to public inspection.

The original order of the Commission issued August 13, 1948, provided that the record in this proceeding be held open with respect to the facilities at Dicks Creek Measuring Station pending further action as may be necessary on request of the parties. The second order, issued on November 13, 1950, provided as follows: "That part of the application in this proceeding in which applicant makes request to discontinue the use of Dicks Creek Measuring Station be and the same is hereby dismissed without prejudice to such further action as the Commission may deem proper upon the filing of an appropriate application by any of the parties hereto." This second order resulted from an agreement by the parties to use the Dicks Creek Station only for emergencies.

The instant petition states that Ohio Fuel has now been requested by Cincinnati to provide regular service to the latter through the Dicks Creek Station in order to take natural gas for mixing with propane-air gas from a plant which Cincinnati proposes to construct at this point. The total quantity of gas being delivered by Ohio Fuel to Cincinnati under their existing contract is not to be changed by the subject proposal.

Protests or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 10, 1958.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58. 6768; Filed, Aug. 21, 1958; 8:47 a. m.]

[Docket No. G-15006]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 18, 1958.

Take notice that on April 30, 1958, as supplemented and amended on July 9, 1958, United Gas Pipe Line Company (Applicant) filed in Docket No. G-15006 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain unspecified facilities to enable Applicant to make direct industrial sales of natural gas from its main pipeline system in the general area of its system from time to time during the calendar year 1959, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant states that the proposed facilities would have a total cost not to exceed $1,500,000, with a maximum limitation of $400,000 for any single connection, and that the total annual deliveries to direct industrial customers to be attached under the present application will not exceed 25,794,000 Mcf.

The purpose of this "budget-type" application is to enable Applicant to save time and money in constructing the taps, meters and branch lines necessary to connect industrial customers during the calendar year 1959, subject to the limitations set forth above.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 23, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 12, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6769; Filed, Aug. 21, 1958; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 317, Revocation]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF CERTAIN ADDITIONS AND ALTERATIONS TO FACILITIES OF NEWPORT NEWS SHIPBUILDING & DRY DOCK COMPANY YARD, NEWPORT NEWS, VA.

1. Pursuant to the authority vested in the Administrator of General Services by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, the delegation of authority dated January 31, 1951, to the Secretary of Defense to dispose of the real and related personal property comprising the scrambled facilities at the Newport Shipbuilding & Dry Dock Company Shipyard, Newport News, Virginia, constructed under Contracts NOd-1149 (now NObs-2714) and NObs-3377, between the United States of America, represented by the Secretary of the Navy, and the Newport Shipbuilding & Dry Dock Company is hereby revoked.

2. The revocation of this delegation of authority shall be effective as of the date hereof.

Dated: August 14, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-6779; Filed, Aug. 21, 1958; 8:50 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-VII-5 (Revision 1)]

BRANCH MANAGER, INDIANAPOLIS, INDIANA

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), as amended (22 F. R. 5811, 8197 23 F. R. 557, 1768) there is hereby delegated to the Branch Manager, Indianapolis Branch Office, Small Business Administration, the authority:

A. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000.00; and

b. Participation loans in an amount not exceeding $100,000.00.

2. To approve or decline Limited Loan Participation Loans.

3. To approve or decline Disaster Loans not exceeding $50,000.00. Declination of a disaster loan is extended only to an original application and not to reconsideration of such application.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

4. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

5. To administer oaths of office.

6. To approve annual and sick leave for employees under his supervision.

B. *Correspondence.* To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The authority delegated in I.A.1, 2, 3, 5 and 6 may not be redelegated. The authority delegated in I.B. (with the exception of congressional correspondence) may be redelegated, limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Indianapolis, Indiana, is hereby rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Dated: July 23, 1958.

GEORGE E. HALE,
Acting Regional Director
Chicago Regional Office.

[F. R. Doc. 58-6780; Filed, Aug. 21, 1958; 8:50 a. m.]

[Declaration of Disaster Area 197]

WEST VIRGINIA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of August, 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of West Virginia;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7 (b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Kanawha (Flood occurring on or about August 8, 1958).

Offices: Small Business Administration Regional Office, 900 North Lombardy Street, Richmond 20, Va. Small Business Administration Branch Office, Davidson Building, 910 Quarrier Street, Charleston, W. Va.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to February 28, 1959.

Dated: August 11, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-6781; Filed, Aug. 21, 1958; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

APRILIA FILM S. p. A.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended (50 U. S. C. App. 32 (f)), notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Aprilia Film S. p. A., Rome, Italy; $680.48 in the Treasury of the United States and

All right, title, and interest of the Attorney General of the United States, acquired by Vesting Order Nos. 1417 and 1759, in and to the Italian-language motion picture entitled "Regina Della Scala," together with negative and positive prints, if any, of this Italian-language motion picture held by the said Attorney General.

Vesting Order Nos. 1417 and 1759; Claim No. 64101.

Executed at Washington, D. C., on August 15, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-6794; Filed, Aug. 21, 1958; 8:55 a. m.]

JUAN J. HOLSTE & COMPANIA, S. R. L.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Juan J. Holste & Compania, S. R. L., Buenos Aires, Argentina; $508.23 in the Treasury of the United States.

Vesting Order No. 15962; Claim No. 61169.

Executed at Washington, D. C., on August 15, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-6795; Filed, Aug. 21, 1958; 8:55 a. m.]

FREDERICK B. LORCH AND RUTH M. DE WOHL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Frederick B. Lorch, Mutual Building, Johannesburg, South Africa; Ruth M. de Wohl, c/o Curtis Brown, 347 Madison Avenue, New York 17, New York; One-half to each claimant of the following property:

$844.82 in the Treasury of the United States. The following securities in Safekeeping Department, Federal Reserve Bank of New York: $9,700.00 or £2000 Republic of Mexico La Duda External Loan 4% Bonds dated 1910, due 1/1/45 with 1/1/28 and later coupons attached and Warrant No. 9, 100 Bonds each with face value of £20, Certificate Nos: 298197/200, 247034/9, 194640/9, 381596, 355826, 383233/4, 301485/6, 319887, 319889/91, 139047/53, 18655/6, 121266, 217883/4, 354192, 379728, 88060, 179284, 88061, 325635/6, 241488, 331135, 241489, 241485, 170402/3, 248840/1, 248844/5, 248847, 266644/6, 139054/6, 224566, 224992, 201529/30, 202682, 205002/3, 208627, 218539/40, 153216/18, 155517, 182463, 194444, 200969/70, 210368, 422707, 422709, 318205/8, 208643/4, 391039, 401359, 319309/11, £20 each.

$5,000.00 Republic of Mexico Vera Cruz and Pacific Railroad Company 1st Mortgage 4½% Bonds, extended to 1/1/75, Certificate Nos. 3756 to 3760 inclusive.

Vesting Orders Nos. 8614 and 17670; Claim No. 66511.

Executed at Washington, D. C., on August 15, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-6796; Filed, Aug. 21, 1958; 8:55 a. m.]

FEDERAL REGISTER

VOLUME 23 NUMBER 166

Washington, Saturday, August 23, 1958

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

UNIVERSITY OF MICHIGAN

AUG 25 1958

MAIN READING ROOM

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 235a—PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

Part 235a is amended to read as follows:

Sec.
235a.1 Application.
235a.2 Disposition.

AUTHORITY: §§ 235a.1 and 235a.2 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103.

§ 235a.1 *Application.* Preexamination may be authorized for any alien, except a citizen of Canada, Mexico, or islands adjacent to the United States, who applied for preexamination on Form I–63 prior to August 21, 1958, intending to apply to a consular officer of the United States in Canada for an immigrant visa and who believes that he will be admissible to the United States under all the provisions of the immigration laws if in possession of an immigrant visa, or that he is prima facie eligible for a waiver of excludability under section 5 or 7 of the act of September 11, 1957; that he will be able to obtain the prompt issuance of an immigrant visa, and that he is a person of good moral character. Any alien who filed Form I–63 shall be deemed to have thereby abandoned his nonimmigrant status in the United States. Form I–63 shall have been submitted to the office of the Immigration and Naturalization Service having jurisdiction over the applicant's place of residence, and may have been filed separately or in conjunction with a petition for nonquota or preference quota status under Part 204 or 205 of this chapter. If the applicant was under deportation proceedings, the application had to be made to the special inquiry officer during the hearing pursuant to Part 242 of this chapter. The applicant shall be notified of the decision, and, if the application is denied, of the reasons therefor and of his right to appeal under Part 6 or 7 of this chapter.

§ 235a.2 *Disposition.* When preexamination is authorized, the applicant shall not be preexamined until he has presented written assurance from the consular officer of the United States in Canada that a visa will be promptly available if upon personal examination he is found eligible for a visa, and a report from a medical officer of the United States Public Health Service setting forth findings of the applicant's mental and physical condition. Preexamination to determine the applicant's admissibility to the United States shall be conducted in the manner and under the procedures prescribed in sections 235 and 236 of the act and Parts 235 and 236 of this chapter. If the applicant is found admissible, he shall, not later than June 30, 1959, be given a sealed letter, addressed to the Canadian immigration officer at the port through which he will enter Canada, showing the purpose of his visit to Canada and guaranteeing that if admitted to Canada he will be readmitted to the United States or, if found inadmissible when seeking reentry to the United States he will be paroled into the United States.

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES; APPREHENSION, CUSTODY, HEARING, AND APPEAL

The first sentence of paragraph (e) *Application for discretionary relief* of § 242.16 *Hearing* is amended by deleting the words "preexamination on Form I–63 under Part 235a of this chapter,".

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

Section 245.1 is amended to read as follows:

§ 245.1 *Application.* An alien whose deportability has not been established in proceedings under Part 242 of this chapter subsequent to August 21, 1958, may if he believes he meets the eligibility requirement of section 245 of the act, file an application Form I–507 with the district director in whose district he re-

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Agriculture Department

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FEDERAL REGISTER

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sides. A visa shall not be held to be available for a person claiming a preference quota or a nonquota status under section 101 (a) (27) (A) or (F) unless a petition to accord such status has been approved in accordance with section 204 or 205 of the act. A special nonquota visa shall not be held to be available under section 15 of the act of September 11, 1957, unless the alien, having been admitted as a nonimmigrant visitor or student prior to April 18, 1958, has been allocated such a visa by the Director, Office of Refugee and Migration Affairs, Department of State. Except as provided in Part 235a of this chapter, an application under this section shall be the sole method of requesting the exercise of discretion under section 5, 6, or 7 of the act of September 11, 1957, insofar as they relate to excludability by an alien in the United States. Applications for the benefits of section 9 or 13 of the act of September 11, 1957, shall be filed in like manner as an application under section 245 of the Act. An alien who has a nonimmigrant status under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a) of the Immigration and Nationality Act, or has an occupational status which would, if he were seeking admission to the United States, entitle him to a nonimmigrant status under any of such paragraphs of section 101 (a) of the Immigration and Nationality Act, shall not be eligible to apply for adjustment of status without first executing and submitting with his application the written waiver required by section 247 (b) of the Immigration and Nationality Act and Part 247 of this chapter. In all cases the applicant shall be notified of the decision and if denied of the reasons therefor and his right to appeal within 10 days of the receipt of such notification in accordance with Part 7 of this chapter.

PART 249—CREATION OF RECORD OF LAWFUL ADMISSION FOR PERMANENT RESIDENCE

Part 249 is amended to read as follows:

§ 249.1 *Application.* Any alien who believes that he meets the eligibility requirements enumerated in section 249 of the act shall apply on Form N–105 to the district director having jurisdiction over his place of residence. The applicant shall be notified of the decision and if the application is denied of the reasons therefor and of his right to appeal within 10 days from the receipt of such notification in accordance with Part 7 of this chapter. If the application is granted, a Form I–151, showing that the applicant has acquired the status of an alien lawfully admitted for permanent residence, shall not be issued until the applicant surrenders any other document in his possession evidencing compliance with the alien registration requirements of former or existing law.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the persons affected by the regulations prescribed will not require additional time to prepare for the effective date of the regulations.

Dated: August 21, 1958.

J. M. SWING,
Commisioner of Immigration and Naturalization.

[F. R. Doc. 58-6898; Filed, Aug. 22, 1958; 10:23 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 729—PEANUTS

ALLOTMENT AND MARKETING QUOTA REGULATIONS FOR PEANUTS OF THE 1957 AND SUBSEQUENT CROPS, AMENDMENT 4

Basis and purpose. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281 et seq.), for the purpose of revising the Allotment and Marketing Quota Regulations for Peanuts of the 1957 and Subsequent Crops (21 F. R. 9370, 9760; 22 F. R. 6741, 6987, 8475; 23 F. R. 1567) to announce the basic rate of marketing quota penalty applicable to the marketing of excess peanuts of the 1958 crop. As the marketing of 1958 crop peanuts is beginning in some peanut-producing States and as this amendment announces the basic rate of marketing quota penalty applicable to 1958 crop peanuts produced on acreage in excess of farm allotments, this amendment should be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1001–1011) is impracticable and contrary to the public interest and the amendments specified below shall become effective upon the filing of this document with the Director, Division of the Federal Register.

The Allotment and Marketing Quota Regulations for Peanuts of the 1957 and Subsequent Crops (21 F. R. 9370, 9760; 22 F. R. 6741, 6987, 8475; 23 F. R. 1567) are hereby amended as follows:

Section 729.851 (a) is amended by adding a sentence thereto reading: "The basic support price for peanuts for the marketing year beginning August 1, 1958, and ending July 31, 1959, is $213.20 per ton or 10.66 cents per pound and, therefore, the basic penalty rate for the 1958 crop of peanuts is 8.0 cents per pound."

(Sec. 375, 52 Stat. 38, 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 373, 52 Stat. 38, 65, as amended; secs. 358, 359, 55 Stat. 88, 90, as amended; 7 U. S. C. 1373, 1358, 1359)

Done at Washington, D. C., this 20th day of August 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-6842; Filed, Aug. 22, 1958; 8:58 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

ORDER FIXING SALABLE AND SURPLUS PERCENTAGES FOR ALMONDS DURING CROP YEAR BEGINNING JULY 1, 1958

Correction

In Federal Register Document 58–6754, published on page 6444 in the issue for Thursday, August 21, 1958, the next to last paragraph should read as follows:

It is hereby further found that good cause exists for not giving prior notice, engaging in public rulemaking procedure, or postponing the effective date of this action later than the date of its publication in the FEDERAL REGISTER for the reasons that (1) the 1958–59 crop year has already begun, and establishment of these percentages provides a basis for trading between growers and handlers, (2) compliance with the percentages herein established will require no special preparation on the part of handlers, and (3) this action relieves restrictions

on the handling of almonds during the 1958–59 crop year.

[Valencia Orange Reg. 150]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.450 *Valencia Orange Regulation 150*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 21, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., August 24, 1958, and ending at 12:01 a. m., P. s. t., August 31, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 646,800 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 22, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6922; Filed, Aug. 22, 1958; 11:31 a. m.]

[Lemon Reg. 753]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.860 *Lemon Regulation 753*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 20, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 24, 1958, and ending at 12:01 a. m., P. s. t., August 31, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 255,750 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 21, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6890; Filed, Aug. 22, 1958; 9:33 a. m.]

[Lemon Regulation 752, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.859 (Lemon Regulation 752, 23 F. R. 6317) are hereby amended to read as follows:

(ii) District 2: 372,000 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 20, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6813; Filed, Aug. 22, 1958; 8:46 a. m.]

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

ESTABLISHMENT OF FREE, RESTRICTED, AND WITHHOLDING PERCENTAGES FOR 1958–59 CROP YEAR

Notice was published in the August 9, 1958 issue of the FEDERAL REGISTER (23 F. R. 6143) that consideration was being given to a proposal to establish for the 1958–59 crop year beginning August 1, 1958, free, restricted, and withholding percentages for marketable dates of the Deglet Noor, Zahidi, and Khadrawy varieties. These percentages were proposed after consideration of the unanimous recommendation of the Date Administrative Committee and other available information, in accordance with the applicable provisions of Marketing Agreement No. 127 and Order No. 103 (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, interested persons were afforded the opportunity to file written data, views, or arguments with respect to the proposal. No such comment was filed within the prescribed time.

After consideration of all relevant matters pertaining to the proposal, including the recommendation of the committee, it is hereby found that to establish free percentages, restricted percentages, and withholding percentages as hereinafter set forth (which percentages are the same as those in the aforesaid notice) will tend to effectuate the declared policy of the aforesaid act.

Therefore, is is hereby ordered, That the said percentages for the 1958–59 crop year shall be as follows:

§ 1003.206 *Free, restricted, and withholding percentages.* The free percentage, restricted percentage, and withholding percentage of marketable dates for each variety shall be, for the crop year beginning August 1, 1958, and ending July 31, 1959, as follows: (a) Deglet Noor variety dates: Free percentage, 74 percent; restricted percentage, 26 percent; and withholding percentage, 35.1 percent; (b) Zahidi variety dates: Free percentage, 90 percent; restricted percentage, 10 percent; and withholding percentage, 11.1 percent; and (c) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding percentage, 0 percent.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that: (1) The 1958–59 crop year began on August 1, 1958, and the aforesaid percentages will apply to all dates subject to volume regulation on and after that date; (2) since the free, restricted, and withholding percentages established for the 1957–58 crop year for the Deglet Noor and Zahidi varieties of dates will continue to apply until the percentages for the 1958–59 crop year became effective, it is necessary that the percentages for the 1958–59 crop year become effective as soon as possible so as to minimize adjustments; and (3) handlers are aware that the percentages set forth herein were proposed for the 1958–59 crop year and they need no additional advance notice for compliance with this regulation. In these circumstances, this regulation should be made effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated August 20, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 58-6841; Filed, Aug. 22, 1958; 8:52 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

PARTICIPATIONS BETWEEN BANKS

§ 222.105 *Participations between banks under section 6 (a) of the Bank Holding Company Act.* (a) The Board's Statement in the matter of General Contract Corporation, which appears in the Federal Reserve Bulletin for March 1958, at p. 260, expressed the view, among other things, that the nonrecourse purchase of installment paper constitutes a "discount" within the meaning of section 6 (a) (4) of the Bank Holding Company Act of 1956, which forbids a bank "to make any loan, discount or extension of credit to a bank holding company of which it is a subsidiary or to any other subsidiary of such bank holding company." In the course of that Statement the Board also said (p. 269):

> It may be noted, however, that when one bank seeks participation by another bank to aid in meeting the credit needs of a borrower, there would seem to be no conflict with section 6 if the second bank joined at the outset in making its portion of the loan, since this would not involve the second bank in either a direct loan to the first bank or a purchase of paper from it. This would seem to permit at least a partial solution of the problems involved in participations.

(b) The Board has been asked further questions as to when a bank may be considered to have "joined at the outset in making its portion of the loan" within the meaning of the principle quoted above.

(c) This principle must be read in the light of a specific exemption appearing in the last sentence of section 6 (a) of the Bank Holding Company Act which provides that:

> Non-interest-bearing deposits to the credit of a bank shall not be deemed to be a loan or advance to the bank of deposit, nor shall the giving of immediate credit to a bank upon uncollected items received in the ordinary course of business be deemed to be a loan or advance to the depositing bank.

(d) This specific exemption must, in turn, be considered against the background of the following statement by the Committee on Banking and Currency of the House of Representatives appearing in a report on the Bank Holding Company Act (H. R. Rep. No. 609, 84th Cong., 1st sess., 25 (1955)):

> Routine banking transactions between subsidiary banks are not treated as extensions of credit and do not fall within the prohibitions of this section.

(e) It is clear from both the exemption and this statement in the House Committee Report, that the exemption refers only to interbank transactions and does not encompass transactions between bank and nonbank affiliates of the same bank holding company. The unique ability of banks to maintain deposit accounts, coupled with the section 6 (a) exemption relating to such accounts, distinguishes bank subsidiaries from nonbank subsidiaries, and makes it possible, at least in some circumstances, for both an originating bank and a participating bank to "join at the outset" in making a loan, even though, the originating bank may handle all the arrangements with, and disbursements to, the borrower.

(f) Four different factual situations have been considered by the Board from the point of view of whether they constitute a "joining at the outset" in the light of the above quotation from the General Contract Corporation case and the exemption set forth in the last para-

graph of section 6 (a) of the Act. In each of the four factual situations, there was in existence prior to or concurrent with the laying out of funds to the borrower a participation loan agreement between the originating bank and the participating bank; the agreement covered a specific loan or line of credit and a specific borrower, and it did not relate to a mere block of unidentified paper.

(1) The first of the four factual situations was the clearest and simplest case. In this situation, in addition to the existence of the participation loan agreement as mentioned above, the participating bank had on deposit with the bank originating the loan a sum sufficient to cover the participating bank's portion of the loan, and had instructed the originating bank to debit the account of the participating bank to the extent of the latter's participation in the loan. The Board expressed the view that in this situation in which the participating bank has the funds on deposit at the originating bank, the transaction is exempted as a "joining at the outset" even though there may be an interval of time during the day, in accordance with usual banking practices, between the advancing of the funds to the borrower and the actual debiting of the participating bank's account.

(2) The second factual situation was similar to the first one but differed from it in that funds sufficient to cover the participating bank's portion of the loan were not physically on hand at the originating bank at the time of the laying out of funds to the borrower, but, instead, prior to that time were wire transferred by the participating bank to the credit of the originating bank at a Federal Reserve Bank or some other correspondent of the originating bank. This situation was considered by the Board to be exempt as a "joining at the outset" in view of the similarity between funds actually on deposit with the originating bank and funds transferred to its credit at a correspondent.

(3) In the third factual situation, while there was a specific participation loan agreement as in the other situations, the participating bank did not have a deposit with the originating bank and also did not transfer funds to the account of the originating bank at the latter's correspondent. Instead, the originating bank had a deposit with the participating bank. The originating bank also had instructions from the participating bank that when the former made funds available to the borrower, the originating bank would: (i) Concurrently or immediately thereafter make an appropriate entry, in the amount of the participating bank's portion of the loan, to the originating bank's record of its deposit account with the participating bank; (ii) promptly forward to the participating bank, in the manner usually followed in the ordinary course of business, evidence of that bookkeeping entry together with a certificate of participation in the loan; and (iii) advise the participating bank by telephone or telegraph of the two preceding steps. The participating bank, upon receipt of that advice, would credit the account of the originating bank with the amount of the participating bank's participation. In view of the fact that this establishment by the participating bank of a credit to the account of the originating bank would be similar to the transfer of funds to the originating bank's account at a correspondent bank in the second situation, the Board reached the conclusion that this third factual situation similarly qualified for exemption as a "joining at the outset".

(4) The fourth factual situation was the same as the third except that step (iii) mentioned above, namely, advice by telephone or telegraph from the originating bank to the participating bank, was omitted. As much as a day or so could, therefore, elapse before the participating bank would receive the documents referred to in step (ii) and actually make the entry on its own books to show the credit to the account of the originating bank. This fourth situation presented a closer and more doubtful question than the other three. However, considering all the circumstances, including the purposes and legislative history of the last paragraph of section 6 (a), the Board expressed the opinion that this fourth situation should also be considered to be exempt as a "joining at the outset".

(g) In connection with each of the four factual situations described above, questions have also been raised as to whether the originating bank may handle the receipt of repayments by the borrower and may transfer the participating bank's portion of such repayments to the participating bank by crediting a deposit account of the latter at the originating bank. The Board expressed the opinion that these activities are clearly permitted by the exemption in the last paragraph of section 6 (a).

(h) Questions involving participation loans between affiliates of the same bank holding company necessarily depend on the particular circumstances involved, and the views outlined above were based on the Board's understanding of the factual information in the respective situations. If in actual practice there are material variations from the factual situations summarized above, the matter would, of course, need to be considered in the light of those circumstances.

(Sec. 5, 70 Stat. 137; 12 U. S. C. 1844)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F. R. Doc. 58-6810; Filed, Aug. 22, 1958; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 35—FLIGHT ENGINEER CERTIFICATES

REVISION OF PART

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of August 1958.

Part 35 originally became effective on March 15, 1947, and established requirements for the issuance of flight engineer certificates. Since that time other airman parts have been revised and now differ from present Part 35 in format and terminology. It is, therefore, desirable to revise Part 35 to make it conform more closely to the newer airman parts.

Four Civil Air Regulations draft releases were issued proposing the revision of Part 35. These were Draft Release 48-6 dated October 25, 1948; 49-5 dated October 5, 1949; 56-5 dated February 20, 1956; and 57-23 dated November 4, 1957.

All of the above-mentioned draft releases proposed that an additional requirement of 5 hours of flight training in the duties of a flight engineer be added to certain of the experience requirements. Current provisions of § 35.6 (a) and (b) of Part 35 permit an applicant with certain diversified practical experience or specialized aeronautical training in the maintenance and repair of aircraft and aircraft engines to meet the experience requirements for a flight engineer certificate even though such an applicant has had no flight experience in the duties of a flight engineer. The principal function of the flight engineer is to assist the pilot members of the crew in the mechanical operation of aircraft during flight. In view of this fact, it is the Board's opinion that an applicant having only practical experience or aeronautical training in the maintenance and repair of aircraft or aircraft engines should also have a minimum of 5 hours of training in flight in the duties of a flight engineer on multiengine aircraft having engines rated at least at 800 h. p. each. This revision contains such a requirement for inflight training. However, this flight experience is not a condition which need be met prior to the applicant's taking the written examination prescribed in § 35.32. Accordingly, a note to this effect is included in § 35.32. In addition, the experience requirements have been changed to permit experience gained on turbine-powered aircraft having thrust equivalent to at least 800 h. p. to be credited toward qualifying for a certificate.

Part 35 was amended on May 1, 1948, by amendment 35-1 which eliminated the requirement that an applicant hold an engineering degree plus one year of practical experience, and required in lieu thereof only that an applicant be a graduate of at least a 2-year specialized aeronautical training course of which at least 6 months shall have been in the maintenance and repair of multiengine aircraft having engines rated at least at 800 h. p. In that amendment the Board did not contemplate that persons holding certain engineering degrees would be precluded from qualifying for a flight engineer certificate. Therefore, because there has been some confusion as to whether such persons would be eligible, a new section is included which contains the provision that an applicant holding a degree in aeronautical, electrical, or mechanical engineering from a recognized college, university, or engineering school and having 6 months practical experience in the maintenance and repair of aircraft having engines rated at least at 800 h. p. each, may qualify for a flight engineer certificate. An applicant qualifying under this requirement is also required to have 5 hours of training in flight in the duties of a flight engineer as discussed above.

In the last draft release (57-23), a change was proposed in the experience requirements which would have permitted an applicant with 400 hours of copilot time on aircraft having 4 or more engines rated at least at 800 h. p. each, or the equivalent in the case of turbine-powered aircraft, to meet the experience requirements for a flight engineer certificate. After further study it is considered that the 400 hours of copilot time would not be the equivalent of the experience requirement of the 200 hours of pilot-in-command time presently required in Part 35. Therefore, no change is being made in the present requirements. In arriving at this decision, the Board has taken into consideration the fact that a copilot who does not meet the 200 hours of pilot-in-command time requirement can continue to qualify for a flight engineer certificate by completing an approved course for the training of a flight engineer.

Current provisions with respect to reexamination after failure require that an applicant produce evidence that he has received an additional 5 hours of instruction in each of the subjects failed where he does not elect to wait 30 days for re-examination. In certain situations, such as where an applicant has failed because of lack of proficiency in unfeathering an engine, it might be unnecessary and even detrimental to the equipment to require 5 hours of additional training. Hence, for the practical examination, this section is amended so that the Administrator may set the required number of hours of additional training required in lieu of the mandatory 5-hour additional instruction period now in effect.

During the past several years, industry has developed synthetic trainers which simulate flight characteristics and performance of corresponding aircraft through virtually all ranges of normal and emergency operations. In addition to the obvious economic advantages of the use of such aircraft simulators in lieu of aircraft, it is apparent that the practical examination of the applicant in certain emergency procedures can be more safely and perhaps more completely accomplished in the aircraft simulator rather than in the aircraft. Therefore, in recognition of the advanced state of design of the aircraft simulator for training purposes, demonstration of the emergency skill requirements in § 35.33 is permitted either by demonstration of proficiency in an aircraft simulator or in the corresponding aircraft. The use of the aircraft simulator for this purpose will, however, be limited to demonstraion of competence with respect to emergency duties and procedures where malfunction in the aircraft is simulated. It is the Board's opinion that an applicant's capabilities cannot fully be determined without an actual demonstration of proficiency in flight. Therefore an applicant is still required to demonstrate competence with respect to his normal duties and procedures aboard an aircraft in flight. It was proposed in Draft Release 56-5 that the examination, in flight, with respect to normal duties, might be accomplished in air transportation, provided that the applicant is under the direct supervision of a fully qualified flight engineer assigned to the flight crew. No provision is made for this herein, as the Board considers that in the interest of safety it should not permit original airman certification in aircraft engaged in air transportation in view of the possible hazardous conditions which could be created or magnified because of the inexperience of the applicant.

Interested persons have been afforded an opportunity to participate in the making of this revison (22 F. R. 8958), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 35 of the Civil Air Regulations (14 CFR Part 35, as amended) as follows, effective November 15, 1958:

APPLICABILITY AND DEFINITIONS

Sec.
35.1 Applicability of this part.
35.2 Definitions.

CERTIFICATION RULES

35.5 Application for certificate.
35.6 Issuance.
35.7 Duration.
35.8 Change of address.

GENERAL CERTIFICATE REQUIREMENTS

35.21 Citizenship.
35.22 Age.
35.23 Education.
35.24 Examinations and tests.
35.25 Re-examination after failure.
35.26 Substantiation of experience.
35.27 Physical standards.

QUALIFICATIONS FOR A CERTIFICATE

35.31 Experience.
35.32 Knowledge.
35.33 Skill.
35.34 Limited certificate.

OPERATING RULES

35.41 Certificate required.
35.42 Display.
35.43 Medical certificate.
35.44 Operation during physical deficiency.

AUTHORITY: §§ 35.1 to 35.44 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552.

APPLICABILITY AND DEFINITIONS

§ 35.1 *Applicability of this part.* This part establishes certification and general operating rules for flight engineers.

§ 35.2 *Definitions.* As used in this part, terms are defined as follows:

Administrator. The Administrator is the Administrator of Civil Aeronautics.

Approved. Approved, when used alone or as modifying terms such as means, method, action, equipment, etc., means approved by the Administrator.

Authorized representative of the Administrator. An authorized representative of the Administrator is any employee of the Civil Aeronautics Administrator or any private person, authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

Flight engineer. A flight engineer is an individual holding a valid flight engineer certificate issued by the Administrator and whose primary assigned duty during flight is to assist the pilots in the mechanical operation of an aircraft.

Flight time. Flight time is the time from the moment the aircraft first moves under its own power for the purpose of flight until it comes to rest at the next point of landing (block-to-block time).

Month. A month is that period of time extending from the first day of any month as delineated by the calendar through the last day thereof.

Pilot in command. The pilot in command is the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

CERTIFICATION RULES

§ 35.5 *Application for certificate.* An application for a certificate shall be made on a form and in a manner prescribed by the Administrator.

§ 35.6 *Issuance.* (a) A flight engineer certificate shall be issued by the Administrator to an applicant who meets the requirements of this part.

(b) Pending a review of the applicant's application and supplementary documents and the issuance of a certificate by the Administrator, an authorized representative of the Administrator may, subject to such conditions and limitations as the Administrator may prescribe, issue a temporary flight engineer certificate to an applicant who meets the requirements of this part.

§ 35.7 *Duration.* (a) A flight engineer certificate issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. A certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance; however, it may be reissued without further demonstration of technical competence.

(b) A temporary flight engineer certificate shall remain in effect for a period no longer than 90 days after the date of issuance.

(c) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

§ 35.8 *Change of address.* Within 30 days after any change in the permanent mailing address of a certificated flight engineer, he shall notify the Administrator in writing of his new address. This notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

GENERAL CERTIFICATE REQUIREMENTS

§ 35.21 *Citizenship.* An applicant for a flight engineer certificate may be a citizen of any country or a person without nationality.

§ 35.22 *Age.* 21 years is the minimum age for the issuance of a flight engineer certificate.

§ 35.23 *Education.* An applicant shall be able to read, speak, and understand the English language, or an appropriate limitation shall be placed upon his flight engineer certificate.

§ 35.24 *Examinations and tests.* Examinations and tests shall be conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate. The passing grade for such examinations and tests shall be at least 70 percent.

§ 35.25 *Re-examination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for re-examination within a 30-day period from the date of such failure unless he presents a statement signed by a certificated flight engineer, an appropriately rated and certificated ground instructor, or an authorized representative of the Administrator, which attests that the applicant is considered competent for re-examination, and

(a) In the case of the written examination, that the applicant has received an additional 5 hours of instruction in each of the subjects failed; or

(b) In the case of the practical examination, that the applicant has received such additional instruction as may be required by the Administrator in each of the subjects failed.

§ 35.26 *Substantiation of experience.* An applicant shall present to the Administrator satisfactory documentary evidence to substantiate the experience qualifications for a flight engineer certificate.

§ 35.27 *Physical standards.* An applicant shall present evidence that he has, within the 12 months immediately preceding the date of application, met the physical standards of the second class prescribed in Part 29 of this chapter: *Provided*, That an applicant who is unable to distinguish aviation signal red, aviation signal green, and white shall be issued an airman certificate appropriately endorsed to prohibit the holder thereof from exercising the privileges of such certificate except under such conditions, or with the use of such equipment, which would not require the ability to distinguish such aviation signal colors.

QUALIFICATIONS FOR A CERTIFICATE

§ 35.31 *Experience.* An applicant shall:

(a) Have had at least 3 years of diversified practical experience in the maintenance and repair of aircraft and aircraft engines, of which one year shall have been in the maintenance and repair of multi-engine aircraft having engines rated at least at 800 h. p. each or the equivalent thereof in the case of turbine-powered aircraft, and have had at least 5 hours of training in flight in the duties of a flight engineer on multiengine aircraft having 4 or more engines rated at least at 800 h. p. each or the equivalent thereof in the case of turbine-powered aircraft; or

(b) Be a graduate of at least a 2-year specialized aeronautical training course in the maintenance, repair, and overhaul of aircraft and aircraft engines, of which at least 6 months shall have been in the maintenance and repair of multiengine aircraft having engines rated at least at 800 h. p. each or the equivalent thereof in the case of turbine-powered aircraft, and have had at least 5 hours of training in flight in the duties of a flight engineer on multiengine aircraft having 4 or more engines rated at least at 800 h. p. each or the equivalent thereof in the case of turbine-powered aircraft; or

(c) Hold a degree in aeronautical, electrical, or mechanical, engineering from a recognized college, university, or engineering school and have had 6 months practical experience in the maintenance and repair of multiengine aircraft having engines rated at least at 800 h. p. each or the equivalent thereof in the case of turbine-powered aircraft, and have had at least 5 hours of training in flight in the duties of a flight engineer on multiengine aircraft having 4 or more engines rated at least at 800 h. p. each or the equivalent thereof in the case of turbine-powered aircraft; or

(d) Have had at least 200 hours of flight time as pilot in command of aircraft having 4 or more engines rated at least at 800 h. p. each or the equivalent thereof in the case of turbine-powered aircraft; or

(e) Have had at least 100 hours of flight experience in the duties of a flight engineer; or

(f) Within 90 days immediately preceding the date of application, have completed successfully a course of instruction which the Administrator approves as adequate for the training of a flight engineer.

§ 35.32 *Knowledge.* An applicant shall satisfactorily pass a written examination on the following subjects with respect to aircraft having 4 or more engines and certificated in the transport category or an aircraft having 4 or more engines and incorporating a flight engineer station:

(a) The provisions of the Civil Air Regulations applicable to the duties of a flight engineer;

(b) Theory of flight and elementary aerodynamics;

(c) Aircraft performance and aircraft engine operation with respect to limitations;

(d) Mathematical computations of engine operation and fuel consumption;

(e) Basic meteorology with respect to engine operations;

(f) Aircraft loading and center of gravity computations;

(g) General aircraft maintenance and operating procedures; and

(h) Emergency procedures.

NOTE: The applicant need not have the 5 hours of training in flight in the duties of a flight engineer specified in § 35.31 (a), (b), and (c) prior to taking the written examination required by § 35.32.

§ 35.33 *Skill.* An applicant shall pass a practical examination in the duties of a flight engineer on an aircraft having 4 or more engines and certificated in the transport category or on an aircraft having 4 or more engines and incorporating a flight engineer station, with respect to pre-flight inspection of aircraft, servicing, starting, and pre-take-off run-up, and

(a) In flight, demonstrate competence with respect to normal duties and procedures relating to the aircraft, aircraft engines, propellers, and appliances; and

(b) In flight, or in an approved synthetic trainer which accurately simulates the flight characteristics and performance of the aircraft, demonstrate competence with respect to emergency duties, procedures, and recognition of and the taking of appropriate action with respect to the malfunctioning of aircraft, aircraft engines, propellers, and appliances.

§ 35.34 *Limited certificate.* (a) An applicant may be certificated as a flight engineer for an aircraft having less than 4 engines: *provided:* That

(1) The design of the aircraft incorporates a flight engineer station satisfactory to the Administrator,

(2) The applicant meets the requirements of §§ 35.21 through 35.32, except that experience need not include flight time in aircraft having more than 2 engines, and

(3) The applicant passes a practical examination as required in § 35.33 in aircraft having less than 4 engines.

(b) A certificate issued under the provisions of this section shall contain an appropriate limitation which may be removed at such time as the holder of the certificate passes the practical test prescribed in § 35.33 for an aircraft having 4 or more engines.

OPERATING RULES

§ 35.41 *Certificate required.* No individual shall serve as a flight engineer in air commerce on an aircraft of United States registry without, or in violation of the terms of, a certificate isued in accordance with the provisions of this part. He shall have his certificate in his personal possession when performing his duties.

§ 35.42 *Display.* A flight engineer shall, upon request, present his airman and medical certificates for examination by any authorized representative of the Civil Aeronautics Board or the Administrator, or by any State or local law enforcement officer.

§ 35.43 *Medical certificate.* No individual shall exercise the privileges accorded by a flight engineer certificate unless he has in his personal possession while so serving a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate thereto within the preceding 12 months.

§ 35.44 *Operation during physical deficiency.* No individual shall exercise the privileges accorded by a flight engi-

neer certificate during any period of known physical deficiency or increase in physical deficiency which would render him unable to meet the physical requirements prescribed for the issuance of his currently effective medical certificate.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58-6838; Filed, Aug. 22, 1958; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

DETERMINATION OF SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F. R. 3485, 5317 and 5764 containing the specific requirements for the 1958-crop wheat price support program are hereby amended to also provide discounts for eligible wheat which grades No. 4, No. 5 or "Sample" because of damaged kernels and "Sample" because of test weight but having a test weight not less than 40 pounds per bushel.

Section 421.3043 *Determination of support rates* • • •, paragraph (d) *Support rates* • • •, subparagraph (3) *Premiums and discounts for class, grade, variety and protein content* is amended as follows:

1. Subdivision (i) (*a*) is amended by changing the footnote 1 to read as follows:

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule or to Hard Amber Durum or Amber Durum grading No. 4, 5 or "Sample" because of damaged kernels.

2. Subdivision (iv) is amended by changing the footnote 1 to read as follows:

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule or to wheat grading No. 4, 5 or "Sample" because of damaged kernels.

3. Section 421.3043 (d) (3) is further amended by the addition of a new subdivision (v) as follows:

(v) Special discounts for wheat grading "Sample" on factor of test weight only: [1]

Test weight (pounds)	Discount for Hard Red Spring Wheat	Discount for wheat of all other classes
	Cents per bushel	*Cents per bushel*
50	0	4
49	4	8
48	8	12
47	12	16
46	16	20
45	20	24
44	26	30
43	32	36
42	38	42
41	44	48
40	50	54

4. Section 421.3043 (d) (3) is further amended by the addition of a new subdivision (vi) as follows:

(vi) Special discounts for wheat grading No. 4, 5 or "Sample" on factor of total damaged kernels (other than heat damaged).

Total damaged kernels: [2]	*Cents per bushel*
7.1–8 percent	−1
8.1–9 percent	−2
9.1–10 percent	−3
10.1–11 percent	−4
11.1–12 percent	−5
12.1–13 percent	−6
13.1–14 percent	−7
14.1–15 percent	−8
15.1–16 percent	−10
16.1–17 percent	−12
17.1–18 percent	−14
18.1–19 percent	−16
19.1–20 percent	−18
20.1–21 percent	−20
21.1–22 percent	−22
22.1–23 percent	−24
23.1–24 percent	−26
24.1–25 percent	−28
25.1–26 percent	−30
26.1–27 percent	−32
27.1–28 percent	−34
28.1–29 percent	−36
29.1–30 percent	−38

[2] The discount for total damaged kernels (not in excess of 30 percent damage) shall be in addition to any applicable classification, grade and variety discounts and in addition to the special discounts for test weight provided in subdivision (v) of this subparagraph. If the wheat grades No. 4, 5 or "Sample" because of the factor total damaged kernels (not in excess of 30 percent damage), contains not more than 14 percent moisture, is not musty, sour, heating or hot, but otherwise grades No. 3 or better, the discount for total damaged kernels shall be in addition to the applicable discount for grade No. 3.

Wheat of any class which grades "Sample" because it contains in excess of 30 percent damaged kernels (other than heat damaged), which contains not more than 14 percent moisture, which is not musty, sour, heating or hot, and which meets all other eligibility requirements shall be discounted 60 cents per bushel from the applicable basic terminal or county support rate. The discounts set forth in subdivisions (iii) and (v) of this subparagraph shall be applicable to wheat of this quality. The discounts set forth in subdivisions (i) (*b*) and (ii) (*b*) of this subparagraph, shall not be applicable to wheat of this quality.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1053, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1447, 1421)

Issued this 19th day of August 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-6817; Filed, Aug. 22, 1958; 8:47 a. m.]

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 4, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

ELIGIBLE WHEAT

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F. R. 3485, 5317, and 5764, containing specific requirements for the 1958-crop wheat price support program are hereby amended as follows:

1. Section 421.3038 (c) (1) is amended to also make wheat grading No. 4, 5 or "Sample" because of damaged kernels (other than heat damage) and wheat grading "Sample" because of test weight but having a test weight of not less than 40 pounds per bushel eligible for price support so that the amended subparagraph reads as follows:

§ 421.3083 *Eligible wheat.* • • •

(c) • • •

(1) The wheat must be (i) wheat of any class grading No. 3 or better; (ii) wheat of any class grading No. 4 or 5 because of containing "Durum" and/or "Red Durum," but otherwise grading No. 3 or better; (iii) wheat of any class which grades No. 4, 5 or "Sample" on the factor of test weight, provided the test weight is not less than 40 pounds per bushel and which otherwise meets the requirements of subdivision (i), (ii) or (iv) of this subparagraph; (iv) wheat of any class which grades No. 4, 5 or "Sample" on the factor of damaged kernels (other than heat damage), provided such wheat with damaged kernels contains not more than 14 percent moisture, is not musty, sour, heating or hot, and which except for such damaged kernel factor would meet the requirements stated in subdivision (i), (ii) or (iii) of this subparagraph; or (v) wheat of the class Mixed Wheat, consisting of mixtures of grades of eligible wheat as stated in subdivision (i), (ii) (iii) or (iv) of this subparagraph, provided such mixtures are the natural products of the field.

2. Section 421.3040 (c) is amended by extending the schedule therein to apply to wheat testing as low as 40 pounds per bushel so that the amended paragraph reads as follows:

§ 421.3040 *Determination of quantity.* • • •

(c) When the quantity of wheat is determined by measurement, a bushel shall be 1.25 cubic feet of wheat testing 60

[1] These discounts are in addition to the discount of 9 cents per bushel for wheat grading No. 5 on the basis of test weight only and in addition to any other applicable discounts.

pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 60-pound wheat:

For wheat testing:	Percent
65 pounds or over	108
64 pounds or over, but less than 65 pounds	107
63 pounds or over, but less than 64 pounds	105
62 pounds or over, but less than 63 pounds	103
61 pounds or over, but less than 62 pounds	102
60 pounds or over, but less than 61 pounds	100
59 pounds or over, but less than 60 pounds	98
58 pounds or over, but less than 59 pounds	97
57 pounds or over, but less than 58 pounds	95
56 pounds or over, but less than 57 pounds	93
55 pounds or over, but less than 56 pounds	92
54 pounds or over, but less than 55 pounds	90
53 pounds or over, but less than 54 pounds	88
52 pounds or over, but less than 53 pounds	87
51 pounds or over, but less than 52 pounds	85
50 pounds or over, but less than 51 pounds	83
49 pounds or over, but less than 50 pounds	82
48 pounds or over, but less than 49 pounds	80
47 pounds or over, but less than 48 pounds	78
46 pounds or over, but less than 47 pounds	77
45 pounds or over, but less than 46 pounds	75
44 pounds or over, but less than 45 pounds	73
43 pounds or over, but less than 44 pounds	72
42 pounds or over, but less than 43 pounds	70
41 pounds or over, but less than 42 pounds	68
40 pounds or over, but less than 41 pounds	67

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 19th day of August 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-6818; Filed, Aug. 22, 1958; 8:48 a. m.]

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Rice]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service (23 F. R. 3987) with respect to rice produced in 1958 which contain specific requirements for the 1958-Crop Rice Price Support Program are hereby amended as follows:

Section 421.3344 (a) is amended to include the final value factors for head and broken rice so that the amended paragraph reads as follows:

§ 421.3344 *Support rates.* • • •

(a) *Basic rates.* The basic support rate per 100 pounds of rough rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety). Similarly, multiply the difference between the total yield and head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rough rice and express such rate in dollars and cents, rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE

Group	Rough rice class or variety	Head rice	Broken rice
I	Patna (except the variety Century Patna), and Rexoro (except the variety Rexark)	$0.0902	$0.04
II	Blue Bonnet, Nira and Rexark	.0852	.04
III	Century Patna, Toro, Fortuna, R. N. and Edith	.0752	.04
IV	Blue Rose (including the varieties Improved Blue Rose, Greater Blue Rose, Kamrose and Arkrose), Magnolia, Zenith, Prelude, Lady Wright and Nato	.0727	.04
V	Pearl, Calrose, Early Prolific, Calady, and other varieties	.0637	.04

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c; 7 U. S. C. 1421, 1441)

Issued at Washington, D. C., this 19th day of August 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-6819; Filed, Aug. 22, 1958; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter A—General

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

LABELING OF OLEOMARGARINE OR MARGARINE

Subsequent to publication in 1950 of the regulation in Part 3—Statements of Policy and Interpretation, captioned § 3.17 *Labeling of oleomargarine* (21 CFR 3.17), the definition and standard of identity for oleomargarine (21 CFR 45.1) was amended in 1952 to include the name "margarine" as a synonym for the name "oleomargarine" and to list additional optional ingredients. Now, therefore, pursuant to the provisions of the Federal Register Act (44 U. S. C. 311) and the regulations thereunder (1 CFR 1.34), the statement of policy and interpretation contained in § 3.17 *Labeling of oleomargarine* is revoked and is republished as set forth below. This action is taken under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055; 21 U. S. C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045).

§ 3.17 *Labeling of oleomargarine or margarine.* The Federal Food, Drug, and Cosmetic Act was amended by Public Law 459, 81st Congress (64 Stat. 20) on colored oleomargarine or margarine by adding thereto a new section numbered 407. Among other things, this section requires that there appear on the label of the package the word "oleomargarine" or "margarine" in type or lettering at least as large as any other type or lettering on the label, and a full and accurate statement of all the ingredients contained in such oleomargarine or margarine. It provides that these requirements "shall be in addition to and not in lieu of any of the other requirements of this Act."

(a) Under section 403 (g) of the Federal Food, Drug, and Cosmetic Act, any article that is represented as or purports to be oleomargarine or margarine must conform to the definition and standard of identity for oleomargarine or margarine promulgated under section 401 of the act (21 CFR 45.1), and its label must bear the name 'oleomargarine" or "margarine."

(b) The identity standard for oleomargarine or margarine applies to both the uncolored and the colored article. Although this standard does not require that all permitted optional ingredients be declared on the label, the amendment to the Federal Food, Drug, and Cosmetic Act made by Public Law 459, 81st Congress, requires the labels on packages of colored oleomargarine or margarine to bear "a full and accurate statement of all the ingredients contained in such oleomargarine or margarine." The optional ingredients permitted by the identity standard for oleomargarine or margarine and the names by which we believe such ingredients, when present, should be declared in order to constitute "a full and accurate statement" are set forth below:

(1) The rendered fat or oil, or stearin derived therefrom (any or all of which may be hydrogenated), of cattle, sheep, swine, or goats, or any combination of two or more such articles—to be declared by the name of the specific animal fat, oil, or stearin, for example, "beef fat." If the animal fat or oil is hydrogenated the name should include the word "hydrogenated" or "hardened." Where combinations are used, the names are to be arranged in order of predominance, with the animal fat, oil, or stearin present in greatest proportion named first.

(2) Any vegetable food fat or oil, or oil or stearin derived therefrom (any or all of which may be hydrogenated), or any combination of two or more such articles—to be declared by the name of the specific vegetable food fat, oil, or stearin, for example "cottonseed oil" or "soybean oil." If the vegetable fats or oils present are hydrogenated, the declaration should include the word "hydrogenated" or "hardened," for example, "hydrogenated cottonseed oil" or "hardened cotonseed oil." If two or more vegetable food fats or oils are used they are to be named in order of predominance with the one present in greatest proportion named first in the series, as, for example, "cottonseed oil, soybean oil, and corn oil."

(3) The optional ingredients cream, milk, skim milk, nonfat dry milk and water, ground soybeans and water, butter, and salt should be declared by those terms.

(4) Artificial color and artificial flavor should be declared as such by the terms prescribed in the identity standard for oleomargarine or margarine (Part 45 of this chapter). They need not be declared additionally by the names of the specific colors or flavors.

(5) The presence of sodium benzoate or benzoic acid should be declared as prescribed by the identity standard for oleomargarine or margarine.

(6) The optional ingredient vitamin A added in an essential carrier should be declared as "vitamin A added" or "with added vitamin A."

(7) The optional ingredient vitamin D should be declared as "vitamin D added" or "with added vitamin D."

(8) The optional emulsifying ingredients lecithin, mono- or diglycerides and sodium sulfo-acetate derivatives of mono- or diglycerides should be declared by those terms.

(9) The presence of citric acid, isopropyl citrate, and stearyl citrate should be declared as prescribed by the identity standard for oleomargarine or margarine.

(10) The statement of all the ingredients contained in colored oleomargarine or colored margarine is subject to the requirements pertaining to conspicuousness in section 403 (f) of the act.

(c) In considering the requirement that the word "oleomargarine" or "margarine" be in type or lettering at least as large as any other type or lettering on the label, it must be borne in mind that at least three factors are involved—the height of each letter, the area occupied by each letter as measured by a closely fitting rectangle drawn around it, and the boldness of letters or breadth of the lines forming the letters. The type or lettering used should meet the following tests:

(1) The height of each letter in the word "oleomargarine" or "margarine" should equal or exceed the height of any other letter elsewhere on the label.

(2) The area of the closely fitting rectangle with respect to any of the letters in the word "oleomargarine" or "margarine" should equal or exceed the area of such rectangle applied to the same or a corresponding letter elsewhere on the label.

(3) The letters in the word "oleomargarine" or "margarine" should be equal to or exceed in prominence and boldness, such as breadth of lines forming the letters, the same or corresponding letters elsewhere on the label.

(d) All oleomargarine or margarine containing the optional ingredients vitamin A, vitamin D, or both is subject to the regulations labeling requirements pertaining to foods for special dietary use, as promulgated under the provisions of section 403 (j) of the act (21 CFR Part 125, as amended).

(e) The word "oleomargarine" or "margarine" (and thus the other information called for by the statute) should appear on each panel of the package label that might reasonably be selected by the grocer for display purposes at the point of sale.

(f) The amendment covering colored oleomargarine or colored margarine states that, "for the purposes of • • • section 407 of the Federal Food, Drug, and Cosmetic Act, as amended, the term 'oleomargarine' or 'margarine' includes: (1) All substances, mixtures, and compounds known as oleomargarine or margarine; (2) all substances, mixtures, and compounds which have a consistence similar to that of butter and which contain any edible oils or fats other than milk fat if made in imitation or semblance of butter." Notwithstanding the difference between this definition and the definition and standard of identity for oleomargarine or margarine promulgated under section 401 of the act, it was the clear intent of Congress that any article which is represented as or purports to be oleomargarine or margarine is misbranded if it fails to comply with the definition and standard of identity for oleomargarine or margarine even though it may meet the statutory definition.

(g) Section 407 (a) states that "Colored oleomargarine or colored margarine which is sold in the same State or Territory in which it is produced shall be subject in the same manner and to the same extent to the provisions of this act as if it had been introduced in interstate commerce."

(h) Section 407 (b) (4) requires that each part of the contents of the package be "contained in a wrapper which bears the word 'oleomargarine' or 'margarine' in type or lettering not smaller than 20-point type." The Food and Drug Administration interprets this to mean that the height of the actual letters is no less than 20 points, or 20/72 of 1 inch.

(i) The wrappers on the subdivisions of oleomargarine or margarine contained within the packages sold at retail are labels within the meaning of section 201 (k) and should contain all of the label information required by sections 403 and 407 of the Federal Food, Drug, and Cosmetic Act, just as in the case of 1-pound cartons.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 407, 64 Stat. 20; 21 U. S. C. 347)

Dated: August 18, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-6831; Filed, Aug. 22, 1958; 8:49 a. m.]

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF TOTAL COMBINED BROMINE IN OR ON CHERRIES AND PLUMS AFTER FUMIGATION WITH ETHYLENE DIBROMIDE

No objections having been filed to the proposal published in the FEDERAL REGISTER of May 20, 1958 (23 F. R. 3408) in re the establishment of tolerances of 25 parts per million for residues of total combined bromine in or on cherries and plums after fumigation with ethylene dibromide, and on request having been received for referral of the proposal to an advisory committee: *It is ordered,* That the regulations for tolerances for residues of pesticide chemicals in or on raw agricultural commodities (21 CFR, 1957 Supp., 120.146 (23 F. R. 2966)) be amended by changing § 120.146 to read as follows:

§ 120.146 *Tolerances for residues of inorganic bromides or total combined bromine resulting from fumigation with ethylene dibromide*—(a) *Tolerances for inorganic bromide residues.* (1) Tolerances of 50 parts per million are established for residues of inorganic bromides (calculated as Br) in or on the following grains that have been fumigated with ethylene dibromide: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

(2) Tolerances of 10 parts per million are established for residues of inorganic bromides (calculated as Br) in or on the following raw agricultural commodities that have been fumigated with ethylene dibromide in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U. S. Department of Agriculture: Beans (string), bitter melons (Momordica charantia), cantaloups, Cavendish bananas; citrus fruits, cucumbers, guavas, litchi fruit, litchi nuts, mangoes, papayas, peppers (bell), pineapples, zucchini squash.

(b) *Tolerances for total combined bromine residues.* Tolerances of 25 parts per million are established for residues of total combined bromine (which include bromine from both inorganic and organic compounds, resulting from fumigation with ethylene dibromide in accordance with the Mediterranean Fruit Fly Control Program, the Quarantine Program of the U. S. Department of Agriculture, or to meet State quarantine requirements) in or on cherries, plums (fresh prunes).

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 511, 514; 21 U. S. C. 346a (b), (e)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.29).

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health,

Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: August 18, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-6832; Filed, Aug. 22, 1958; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6304]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

MEASUREMENT OF SUPPORT IN DEPENDENCY CASES

On May 20, 1958, a notice of proposed rule making regarding an amendment to those provisions of the Income Tax Regulations under section 152 of the Internal Revenue Code of 1954 relating to the measurement of support in dependency cases was published in the FEDERAL REGISTER (23 F. R. 3403). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, such rules are hereby adopted as set forth below.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: August 19, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

The Income Tax Regulations (26 CFR (1954) Part 1) are amended by deleting the last two sentences of paragraph (a) (2) (i) of § 1.152-1 (adopted by Treasury Decision 6231, 22 F. R. 2940, April 26, 1957) and by inserting in lieu thereof, the following: "Generally, the amount of an item of support will be the amount of expense incurred by the one furnishing such item. If the item of support furnished an individual is in the form of property or lodging, it will be necessary to measure the amount of such item of support in terms of its fair market value."

[F. R. Doc. 58-6837; Filed, Aug. 22, 1958; 8:51 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—CHILD LABOR REGULATIONS, ORDERS, AND STATEMENTS OF INTERPRETATION

OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

EXEMPTIONS

Finding and order. On May 8, 1958, notice was published in the FEDERAL REGISTER (23 F. R. 3069) that the Secretary of Labor proposed to amend Hazardous Occupations Orders Nos. 5, 8, and 12 (29 CFR 4.55, 4.59, and 4.63, respectively), for the purpose of providing uniform exemptions for student-learners enrolled in cooperative vocational training programs conducted by recognized state or local authority or in substantially similar programs conducted by private schools in the three orders. The proposals included the modification of the exemption in Order No. 12 to make it applicable to the employment of student-learners in cooperative vocational programs in all of the occupations covered by that order, and the provision of new exemptions in Orders Nos. 5 and 8 similar to the one thus provided for such student-learners in Order No. 12.

In addition, uniform exemptions for apprentices under these three orders were proposed. This uniformity was accomplished by modifying the language of the apprentice exemption included in Order No. 5 to make it conformable with that set forth in the exemptions for apprentices contained in Orders Nos. 8 and 12.

The notice provided for a public hearing on the matters set forth therein to be held in Washington, D. C., on June 17, 1958. Interested persons were invited to participate in the hearing and to submit data, views, or arguments with respect to the proposed amendments. Interested persons unable to attend were afforded an opportunity to submit such data, views, or arguments in writing.

All relevant matter so presented and submitted has been carefully considered, and upon the basis of this evidence and information, it is hereby found appropriate to amend Hazardous Occupations Orders Nos. 5, 8, and 12, as proposed.

Now, therefore, pursuant to authority contained in section 3 (l) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 203 (l)) and Reorganization Plan No. 2 (3 CFR, 1943–1948 Comp., p. 1064), and in accordance with the Procedure Governing Determinations of Hazardous Occupations (29 CFR Part 4, Subpart D), I hereby order the adoption of the said proposals and amend Hazardous Occupations Orders Nos. 5, 8, and 12 (29 CFR Part 4, Subpart E, §§ 4.55 (c), 4.59 (c) (2), and 4.63 (c) (2), respectively), to read as follows:

§ 4.55 *Occupations involved in the operation of power-driven woodworking machines (Order 5).* • • •

(c) *Exemptions.* (1) This section shall not apply to the employment of apprentices in the occupations herein declared particularly hazardous: *Provided*, That (i) the apprentice is employed in a craft recognized as an apprenticeable trade, (ii) the work of the apprentice in the occupations herein declared hazardous is incidental to the apprentice training, is intermittent and for short periods of time, and is under the direct and close supervision of a journeyman as a necessary part of such apprentice training, and (iii) the apprentice is registered by the Bureau of Apprenticeship and Training of the United States Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a State agency as employed in accordance with the standards of the State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement under conditions which substantially conform to such Federal or State standards as determined by the Secretary of Labor.

(2) This section shall not apply to the employment of a student-learner in occupations herein declared particularly hazardous: *Provided, however*, That such a student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school: *Provided, further*, That such student-learner be employed under a written agreement which shall provide: (i) That the work of the student-learner in the occupations herein declared hazardous shall be incidental to his training, shall be intermittent and for short periods of time, and shall be under the direct and close supervision of a qualified and experienced person; (ii) that safety instruction shall be given by the school and correlated by the employer with on-the-job training; and (iii) that a schedule of organized and progressive work processes to be performed on the job shall have been prepared. Such a written agreement shall carry the name of the student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of the agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation wherein it is found that reasonable precautions have not been observed for the safety of minors employed thereunder.

§ 4.59 *Occupations involving the operation of power-driven metal forming, punching, and shearing machines (Order 8).* • • •

(c) *Exemptions.* • • •

(2) This section shall not apply to the employment of a student-learner in occupations herein declared particularly hazardous: *Provided, however*, That such a student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school: *Provided, further*, That such student-learner be employed under a written agreement which shall provide: (i) That the work of the student-learner in the occupations herein declared hazardous shall be incidental to his training, shall be intermittent and for short periods of time, and shall be under the direct and close supervision of a qualified and experienced person; (ii) that safety instruction shall be given by the school and correlated by the employer with on-the-job training; and (iii) that a schedule of organized and progressive work processes to be performed on the job shall have been prepared. Such a written agreement shall carry the name of the student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of the agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation wherein it is found that reasonable precautions have not been observed for the safety of minors employed thereunder.

§ 4.63 *Occupations involving the operation of paper-products machines (Order 12).* • • •

(c) *Exemptions.* • • •

(2) This section shall not apply to the employment of a student-learner in occupations herein declared particularly hazardous: *Provided, however*, That such a student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school: *Provided, further*, That such student-learner be employed under a written agreement which shall provide: (i) That the work of the student-learner in the occupations herein declared hazardous shall be incidental to his training, shall be intermittent and for short periods of time, and shall be under the direct and close supervision of a qualified and experienced person; (ii) that safety instruction shall be given by the school and correlated by the employer with on-the-job training; and (iii) that a schedule of organized and progressive work processes to be performed on the job shall have been prepared. Such a written agreement shall carry the name of the student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of the agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation wherein it is found that reasonable precautions have not been observed for the safety of minors employed thereunder.

These amendments shall become effective September 23, 1958.

(Sec. 3, 52 Stat. 1060, as amended; 29 U. S. C. 203)

Signed at Washington, D. C., this 18th day of August 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-6836; Filed, Aug. 22, 1958; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.113 establishing and governing the use and navigation of a restricted area in the Gulf of Mexico and Apalachicola Bay south of Apalachicola, Florida, is hereby amended, redesignating the eastern boundary of the area, amending paragraph (a) as follows:

§ 204.113 *Gulf of Mexico and Apalachicola Bay south of Apalachicola, Florida, Drone Recovery Area, Tyndall Air Force Base, Florida*—(a) *The restricted area.* A rectangular area excluding St. George Island with the eastern boundary of the area west of the channel through St. George Island within the following co-ordinates: Beginning at a point designated as the northeast corner latitude 29°38'20" N, longitude 84°58'30" W; thence southeast to latitude 29°35'23" N, longitude 84°56'54" W; thence southwest to latitude 29°34'15" N, longitude 85°00'35" W; thence northwest to latitude 29°37'-10" N, longitude 85°02'00" W; thence northeast to point of beginning.

[Regs., Aug. 7, 1958, 800.211—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.140 establishing and governing the use and navigation of a danger zone used as a naval firing range in the Gulf of Mexico south of Pensacola, Florida, is hereby amended with respect to paragraph (b) (1) revising the periods of firing, as follows:

§ 204.140 *Gulf of Mexico, south of Pensacola Bay; firing range, U. S. Naval Station, Pensacola, Fla.* • • •

(b) *The regulations.* (1) Scheduled firing will take place on Tuesday of each week between the hours of 8:00 a. m. and 3:30 p. m. Unscheduled firing may take place other week days between these hours except Saturdays, Sundays and holidays, on which days the Rifle Range will be closed to all firing.

[Regs., Aug. 7, 1958, 800.211—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

3. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; U. S. C. 1), § 204.210 establishing and governing the use and navigation of a danger zone in the Pacific Ocean adjacent to San Francisco, California is hereby revoked, as follows:

§ 204.210 *Pacific Ocean adjacent to San Francisco, Calif.; firing ranges, U. S. Military Reservations, Harbor Defense of San Francisco.* [Revoked]

[Regs., Aug. 7, 1958, 800.211—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

4. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), paragraph (h) of § 207.640 establishing and governing the use and navigation of a restricted area in San Francisco Bay, California is hereby revoked, as follows:

§ 207.640 *San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.* • • •

(h) [Revoked]

[Regs., Aug. 7, 1958, 800.211—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-6807; Filed, Aug. 22, 1958; 8:45 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 21—PUBLIC LANDS; MILITARY AND NAVAL RESERVATIONS

EDITORIAL NOTE: Section 21.2, issued pursuant to 35 Stat. 658; 2 C. Z. Code 303, is hereby deleted from the Code of Federal Regulations. The amendment of section 303 of Title 2 of the Canal Zone Code at 63 Stat. 594 has rendered § 21.2 obsolete.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

PART 26—AIRMAIL

SHIPMENTS UNDER FEDERAL REGULATIONS; WEIGHT AND SIZE LIMITS

1. In § 15.4 *Shipments under Federal regulations* amend paragraph (b) to read as follows:

(b) *Meats and meat products.* Meats and meat products may be sent through the mail only if they conform with regulations of the U. S. Department of Agriculture under Federal statutes. Each shipment must be accompanied with a certificate submitted by the mailer on Form 3583. This form is designed for use by all shippers of meat or meat-food products subject to the inspection regulations of the U. S. Department of Agriculture. Three types of certificates are included in the form. The shipper must complete both sides of the form and submit it to the postmaster with each shipment. The original copies of all certificates must be kept in the post office for 1 year. Certificates one and two must be completed in duplicate and the duplicates sent to the address of the U. S. Department of Agriculture printed on the form.

NOTE: The corresponding Postal Manual section is 125.36.

(R. S. 161, 396, as amended; sec. 1, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716)

2. Section 26.3 *Weight and size limits* is amended to read as follows:

§ 26.3 *Weight and size limits*—(a) *Weight.* Airmail may weigh up to 70 pounds. See Part 17 of this chapter for the exception to this limit for articles addressed to certain APO's and NPO's.

(b) *Size.* Airmail is limited to 100 inches in combined length and girth. See Part 17 of this chapter for the exception to this limit for articles addressed to certain APO's and NPO's and § 25.3 (b) of this chapter for instructions on how to measure parcels.

NOTE: The corresponding Postal Manual section is 136.3.

(R. S. 161, 396, as amended; sec. 1, 62 Stat. 1097; 5 U. S. C. 22, 369, 39 U. S. C. 475)

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

[F. R. Doc. 58-6811; Filed, Aug. 22, 1958; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1721]

[1917038]

[Sacramento 047486]

CALIFORNIA

WITHDRAWING LAND FOR USE OF DEPARTMENT OF ARMY IN CONNECTION WITH SIERRA ORDNANCE DEPOT

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in California are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws and the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved for use of the Department of the Army in connection with the Sierra Ordnance Depot, and as an addition to those withdrawn by Public Land Orders No. 813 of March 18, 1952, and No. 1614 of April 9, 1958.

MOUNT DIABLO MERIDIAN

T. 28 N., R. 17 E.,
Sec. 29, N½SW¼.

The area described aggregates 80 acres.

It is the intent of this order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under the applicable United States mining and mineral leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

FRED G. AANDAHL, *Assistant Secretary of the Interior.*

AUGUST 19, 1958.

[F. R. Doc. 58-6808; Filed, Aug. 22, 1958; 8:45 a. m.]

[Public Land Order 1722]

[Anchorage 033229 et al.]

ALASKA

WITHDRAWING PUBLIC LANDS FOR RECREATIONAL PURPOSES

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, including native rights, if any, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining, but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved under the jurisdiction of the Secretary of the Interior, for administration and maintenance as public recreation areas pending their conveyance or other disposal as authorized by the act of May 4, 1956 (70 Stat. 130), as amended by the act of August 30, 1957 (71 Stat. 510):

[Anchorage 033229]

TRACT A

Beginning at a point on the north shore of Tyone Lake, marked by a Bureau of Land Management public service site sign, latitude 62°31'44" N., longitude 146°47'06" W., thence

Northeasterly, 1,320 feet along shore line of Tyone Lake;
Northwesterly, 330 feet;
Southwesterly, 1,320 feet to the bank of a stream;
Southerly, 330 feet along said bank to point of beginning.
The tract described contains 10 acres.

TRACT B

Beginning at a point on the east shore of the channel connecting Tyone and Susitna Lakes, latitude 62°28'28" N., longitude 146°40'10" W., from which a BLM public service site sign bears northerly 160 feet, thence

East, 330 feet;
North, 330 feet;
West, 330 feet to shore line;
South, 330 feet along shore line to point of beginning.
The tract described contains 2.5 acres.

TRACT C

Beginning at a point on the mouth of a stream on the northeast shore of Susitna Lake marked by a BLM public service site sign, latitude 62°27'56" N., longitude 146°37'47" W., thence

Northerly, 330 feet along the stream;
Southwesterly, 330 feet to the shore of Susitna Lake;
Southeasterly, 330 feet along the shore of Susitna Lake to point of beginning.
The tract described contains 1.5 acres.

TRACT D

Beginning at a point at the mouth of a stream on the east shore of Susitna Lake marked by a BLM public service site sign, latitude 62°26'45" N., longitude 146°36'41" W., thence

Easterly, 330 feet along shore of Susitna Lake;
North, 330 feet;
Westerly, 660 feet;
South, 330 feet to a point on the shore of Susitna Lake;
Easterly, 330 feet along shore line to point of beginning.
The tract described contains 5 acres.

TRACT E

Beginning at a point on the east shore of Lake Louise, latitude 62°20'18" N., longitude 146°28'16" W., thence

Northeasterly, 330 feet;
Northwesterly, 330 feet;
Southwesterly, 330 feet to a point on the shore of the lake;
Southeasterly, 330 feet along shore line to point of beginning.
The tract described contains 2.5 acres.

TRACT F

Beginning at a point on the northwest shore of Lake Louise marked by a BLM public service site sign, latitude 62°20'42" N., longitude 146°37'32" W., thence

Northerly, 330 feet along the shore line;
West, 330 feet;
South, 330 feet;
East, 330 feet to point of beginning.
The tract described contains 2.5 acres.

TRACT G

Beginning at a point on the west shore of Little Lake Louise marked by a BLM public service site sign, latitude 62°18'47" N., longitude 146°40'47" W., thence

Northwesterly, 330 feet;
Southwesterly, 330 feet;
Southeasterly, 330 feet to a point on the shore of the lake;
Northeasterly, 330 feet along shore of lake to point of beginning.
The tract described contains 2.5 acres.

TRACT H

Beginning at the tip of a peninsula on the east shore of Little Lake Louise marked by a BLM sign, latitude 62°18'13" N., longitude 146°38'38" W., thence

Northeasterly, 1320 feet along the north shore line of the peninsula to a point marked by a BLM sign;
South, 660 feet to a point on the south shore of the peninsula marked by a BLM sign;
Westerly, 990 feet along south shore to point of beginning.
The tract described contains approximately 10 acres.

[Anchorage 033810]

RAVINE LAKE AREA

SEWARD MERIDIAN

T. 20 N., R. 6 E.;
Sec. 24, SE¼SW¼SW¼.
The area described contains 10 acres.

HATFIELD CHILSON, *Under Secretary of the Interior.*

AUGUST 19, 1958.

[F. R. Doc. 58-6809; Filed, Aug. 22, 1958; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

EMERGENCY EQUIPMENT ON ALL POWER UNITS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 13th day of August A. D. 1958.

The matter of parts and accessories necessary for safe operation under the Motor Carrier Safety Regulations prescribed by order dated April 14, 1952, as amended, being under consideration; and

It appearing that a notice of proposed rule making was issued February 20, 1958 (23 F. R. 1575), in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003), in which interested persons were invited to present written statements containing data, views, or arguments on the proposal therein to vacate and set aside § 193.95 (b), (c), and (e) of Motor Carrier Safety Regulations relating to spare bulbs, spare fuses, and hand tools on or before March 31, 1958, which time was extended to April 15, 1958, by order dated March 17, 1958 (23 F. R. 1963), and that certain representations have been received in response thereto;

And it further appearing that after full investigation of the matters and things, within the scope of our notice of February 20, 1958, and after full consideration of all the data, views, and arguments received from interested persons with respect thereto, some of the considered requirements are no longer necessary;

It is ordered, That effective September 1, 1958, paragraphs (b) and (e) of § 193.95 of the Motor Carrier Safety Regulations be, and they are hereby, vacated and set aside;

And it is further ordered, That § 193.95, *Emergency equipment on all power units* be, and it is hereby amended by deleting therefrom paragraphs (b) and (e) in their entirety, without altering or changing designations of remaining paragraphs.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Federal Register Division.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58-6824; Filed, Aug. 22, 1958; 8:49 a. m.]

PROPOSED RULE MAKING

POST OFFICE DEPARTMENT

[39 CFR Part 15]

MATTER EXCLUDABLE FROM AIRMAIL

NOTICE OF PROPOSED RULE MAKING

The Department proposes to amend its airmail regulations so as to prohibit airmail transmission of matter specifically excluded from air shipment in lawfully filed or published tariffs of air carriers.

The amendment to Title 39, Chapter 1, Code of Federal Regulations, set forth below will achieve the desired purpose.

The proposed regulation relates to a proprietary function of government and is therefore exempt from the rulemaking requirements of 5 U. S. C. 1003. However, the Postmaster General desires to voluntarily observe the requirements in this case, so that postal patrons may have an opportunity to present written views concerning the proposed regulation. Consideration will be given the proposed regulation in the light of such written views as may be submitted. Comments may be submitted to Mr. Edwin A. Riley, Director, Postal Services Division, Bureau of Operations, Washington 25, D. C., at any time prior to September 22, 1958.

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

In § 15.7 *Airmail,* add new paragraph (d) to read as follows:

(d) Matter specifically excluded from air shipment in lawfully filed or published tariffs of air carriers.

NOTE: The corresponding Postal Manual section is 125.7d.

(R. S. 161, 396, as amended; sec. 405, 52 Stat. 994, as amended, sec. 1, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716, 39 U. S. C. 485)

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

[F. R. Doc. 58-6897; Filed, Aug. 22, 1958; 9:33 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 922]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED; DESIGNATION OF REFERENDUM AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of Marketing Agreement No. 131 and Order No. 22, as amended (7 CFR Part 922), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the growers who, during the period February 1, 1957, through January 31, 1958 (which period is hereby determined to be a representative period for the purposes of such referendum), were engaged, in the State of Arizona and that part of the State of California, south of the 37th Parallel, in the production of Valencia oranges for market to determine whether such growers favor continuation of the said marketing agreement and order. Warren C. Noland and Edmund J. Blaine of the Fruit and Vegetable Division; Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to perform, jointly, or severally, the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed:

(1) By giving opportunity for each of the aforesaid growers to cast his ballot, in the manner herein authorized, relative to the aforesaid continuance of the marketing agreement and amended order, on a copy of the appropriate ballot form. A cooperative association of such growers, bona fide engaged in marketing Valencia oranges grown in the aforesaid production area or in rendering services for or advancing the interests of the growers of such Valencia oranges, may vote for the growers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such growers.

(2) By determining the time of commencement and termination of the period of the referendum and by giving public notice, as prescribed in (a) (3) hereof, (i) of the time during which the referendum will be conducted, (ii) that any ballot may be cast by mail, and (iii) that all ballots so cast must be addressed to Warren C. Noland, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California, and the time such ballots must be received.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in the State of Arizona and designated part of California; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each grower whose name and address are known; and (iii) by such other means as said referendum agents or any of them may deem advisable.

(4) By conducting meetings of growers and arranging for balloting at the meeting places, if said referendum agents or any of them determine that voting shall be at meetings. At each such meeting, balloting shall continue until all of the growers who are present, and who desire to do so, have had an opportunity to vote. Any grower may cast his ballot at any such meeting in lieu of voting by mail.

(5) By giving ballots to growers at the meetings, and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and in-

quiring into the eligibility of such person to vote in the referendum.

(7) By giving public notice of the time and place of each meeting authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

(8) By appointing such person or persons as are deemed necessary or desirable to assist said agents in performing their functions hereunder. Each person so appointed shall serve without compensation and may be authorized, by said referendum agents or any of them, to perform any or all of the functions set forth in paragraphs (a) (5), (6), (7), and (8) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance with the requirements set forth; and shall forward to Warren C. Noland, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each grower to whom a ballot form was given;

(ii) A register containing the name and address of each grower from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of the referendum posted by said agent was posted and, if the notice was mailed to growers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(b) Upon receipt by Warren C. Noland of all ballots cast in accordance with the provisions hereof, he shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results; and shall forward such report, together with the ballots and other information and data, to the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential. The Director of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby authorized to prescribed additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the text of the aforesaid marketing agreement and amended order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Washington, D. C., and at the Western Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

Dated: August 19, 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-6814; Filed, Aug. 22, 1958; 8:46 a. m.]

[7 CFR Part 927]

[Docket No. AO-71-A36]

HANDLING OF MILK IN NEW YORK-NEW JERSEY MILK MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at New York City on July 22-25, 1958, pursuant to notice thereof issued on July 9, 1958 (23 F. R. 5308).

The material issues on the record of the hearing related to:

1. The seasonal pricing of Class III milk.

2. The need for immediate action by the Secretary with respect to issue No. 1.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Issue No. 1: The seasonal pricing of Class III milk. Consideration was given at this hearing to proposals for (1) increasing the seasonal adjustments in the Class III price in amounts ranging from 5 to 15 cents during July through November (2) eliminating the present seasonal adjustment in the Class III pricing formula (3) increasing the butter-cheese adjustment applicable in all months (4) eliminating the butter-cheese adjustment during any of the months of July through February in which specified conditions of a "tight" market prevail and (5) eliminating the butter-cheese adjustment during August through November.

It is concluded that (1) the order should be amended to eliminate for the months of August through November the butter-cheese adjustment of 3 cents per pound of butterfat presently applicable to milk received from producers (and utilized in butter or cheese) during the months of July through February and (2) no other change should be made at this time in present provisions of the order for the pricing of Class III milk.

Elimination of the butter-cheese adjustment as indicated is justified on evidence of (1) relatively high spot milk margins in the months of August-November of recent years (2) relatively high handling charges currently obtained for milk under annual contracts (3) the reflection of these handling charges in payments to producers in excess of minimum order prices and (4) lack of need for such adjustment in the months of August-November to insure acceptance of all necessary reserve supplies of producer milk. Evidence supporting the conclusion (herein set forth) that there should be no increase at this time in the price of milk for Class III uses other than butter and cheese also tends to justify elimination of the butter-cheese adjustment as indicated.

During the periods August-November of the years 1955, 1956, and 1957 spot milk margins averaged 61, 67, 61 cents respectively compared with annual averages of 42, 45, and 43 cents respectively, for the same years. The month when the spot milk margin was highest in each of the last three years was a month in the August-November period, these margins being $1.07 in August 1957, 84 cents in November 1956, and 80 cents in September 1957.

From September 1957 through July 1958, however, spot milk margins have been lower in each month than in the same month a year earlier. During the first seven months of 1958 spot milk margins averaged 21 cents compared with 34 cents during the same period in 1957. This development in spot milk margins occurred during a period (October 1957-June 1958) when volumes of Class III milk exceeded those in the same period a year earlier. The simultaneous occurrence of these developments indicates a relationship between the two with the supply and price of Class III milk constituting a factor affecting the level of spot milk margins. These developments, however, are considered to be of greater significance in connection with the general level of the Class III price than specifically with the butter-cheese adjustment which, as such, merely fixes the amount of the difference between the price established for milk used for butter and cheese and the price established for other Class III uses.

While the volume of milk sold on the spot market for fluid use is relatively small, estimated not to exceed three percent of total Class I-A sales, a very substantial proportion of the total volume of Class I-A milk is purchased from country plant operaters by distributors on terms specified in annual contracts negotiated between the parties. Some of such annual contracts are for specified quantities of milk and some cover the entire output of specified country plants.

These annual contracts provide for payment of a per hundredweight handling charge to the country plant operator. Handling charges under contracts involving specified quantities of milk ordinarily are somewhat higher than under contracts for the entire output of plants. Handling charges currently paid under existing annual contracts for the entire output of plants was reported to be about 10 cents per hundredweight higher than under similar contracts in 1955 and 2 or 3 cents higher than in 1957. Such handling charges under contracts currently in effect range from 30 to 40 cents per hundredweight with a median of around 37 cents. Although specific amounts were not reported, there is evidence that premiums paid to producers over the order minimum uniform prices are rather general and widespread at country plants throughout the milkshed. This is indication of the existence of relatively favorable outlets for milk for manufacturing purposes.

One of the proposals considered at the hearing was that the butter-cheese adjustment at the rate of 3 cents per pound of butterfat presently applicable in the months of July through February be eliminated in any of such months when the volume of milk in Class III is less than 200 million pounds and less than 25 percent of the total volume of pool milk. The month of September 1957, is the only month in the past five years in which this proposed provision would have operated to eliminate the butter-cheese adjustment. Elimination of the butter-cheese adjustment only in months when the volume of Class III milk is less than 200 million pounds was proposed on the basis that this appeared to be the maximum volume of milk which could be disposed of in these months for Class III uses other than butter and cheese, and that historically, there appeared to be an increase in the volume of milk going into butter and cheese in months when the total volume of Class III milk exceeded 200 million pounds.

There is found to be merit in this principle of eliminating the butter-cheese adjustment under conditions generally related to the volume of Class III milk. The degree of refinement proposed for determining when the butter-cheese adjustment should not apply is found not to be necessary, however, if the months involved are limited to August through November. During the 20 months in August through November periods of the past five years there were only 7 months in which the volume of Class III milk exceeded 200 million pounds, and in 2 of these 7 months the volume of milk going into butter and cheese did not exceed 20 million pounds. Also in 2 of these 7 months the volume of milk utilized in Class III products other than butter and cheese exceeded 200 million pounds. These latter 2 months are August of 1956 and 1957.

A conclusion that outlets other than butter and cheese are unavailable for more than 200 million pounds of Class III milk during the months of August through November is of questionable validity also in view of the fact that substantially more than this volume was used in Class III, exclusive of butter and cheese, in all except 2 out of 25 months in the March-July portions of the last 5 years. In the months of March through June 1958, the volume of milk in Class III, exclusive of that used for butter and cheese and also not including the volume used for storage cream (since cream normally is not stored in the August-November period), ranged from 227 million pounds (in March) to 292 million pounds (in June). No accurate measure is found in the record of the maximum volume of milk for which Class III outlets, other than butter and cheese, are available in the months of August-November. However, elimination of the butter-cheese adjustment for these months should provide additional incentive for moving the maximum proportion of Class III milk into the higher valued products. Although there is no evidence of any past unsatisfied demand for milk for fluid use in the marketing area, this action also may be expected to be reflected in the price at which milk is made available for fluid use without at the same time resulting in homeless milk or the inability to dispose of milk on reasonable terms.

Elimination of the butter-cheese adjustment in specified months is preferred (to the proposed plan under which it's elimination would depend on a specified Class III volume) because it is definite and provides a better and more reliable basis for the necessary operating decisions of handlers. Under the alternative proposal, there would be uncertainty and speculation as to whether the butter-cheese adjustment would be applicable in in a particular month until after announcement of the uniform price on the 15th of the following month.

The above conclusion that, except for elimination of the butter-cheese adjustment in the August-November period, there should be no change at this time in present provisions of the order for pricing Class III milk, of course, constitutes a denial of all other proposals considered at the hearing. Proposed increases in existing Class III price seasonal adjustment factors are found not to be justified primarily on the basis that to do so would seriously jeopardize the maintenance and expansion of outlets for Class III milk in the higher valued uses and which must be sold for such uses at a price competitive with alternative sources of butterfat and nonfat solids. Detail findings in this connection are setforth herein.

Proposed reduction in the Class III price, either by elimination of existing seasonal factors or increasing the butter-cheese adjustment, likewise is found not to be justified primarily on the basis that a reduction in the level of the price is not necessary to retain adequate outlets for Class III milk or to reasonably insure its acceptance and orderly disposition.

The present level of the Class III price appears to be reasonably in line with the average of prices paid at selected midwestern condenseries and with the United States average of prices paid for milk for manufacturing. Historically, the Class III price has been lower than the prices paid at midwestern condenseries and has generally been higher than the United States average of prices paid for manufacturing milk. Since the order was amended in 1956, the margin between the Class III price and midwestern condensery prices has narrowed. The simple average of monthly Class III prices was lower than the midwestern condensery price by 14 cents in 1955, 13 cents in 1956, and 6 cents in 1957. During the 12 months ending in May 1958, the Class III price averaged 3 cents lower than the midwestern condensery price. The weighted average price for all Class III milk including that utilized in butter and cheese ranged from 1 to 4 cents less than the simple average Class III price during these comparative periods.

The margin between the Class III price and the United States average of prices paid for milk for manufacturing has increased since 1955. The simple average of monthly Class III prices exceeded the United States average price for milk for manufacture by 2 cents in 1955, 5 cents in 1956, and 9 cents in 1957. During the 12 months ending in May 1958, the Class III price was 10 cents higher than the United States average at all manufacturing plants and during July through November 1957, the Class III price ranged from 11 to 23 cents higher than the United States average manufacturing price.

The United States average of prices paid dairy farmers for milk used in the manufacture of butter and American cheese historically has been higher than the Order 27 price for milk used in such products. Since 1955 the margin between the Order 27 price for milk so utilized and the United States average price has declined approximately one-half. In 1955 the United States average price was 15 cents per hundredweight higher than the Order 27 price and was 7 cents higher in 1957. During the 12 months ending in May 1958, the United States average price for milk used in butter exceeded the Order 27 price by 8 cents per hundredweight. Also, since 1955, the margin between the United States average of prices paid dairy farmers for milk used in the manufacture of American cheese and the Order 27 price for milk used in butter and cheese has declined. In 1955 the difference between the two prices was 9 cents, while in 1957 and in the 12 months ending in May 1958, they were the same.

During the past two years there has been relatively close alignment on an annual average basis between the Order 27 Class III price and the Boston Class II price. During the last six months of 1956 the Order 27 Class III price was $3.11 per hundredweight compared with

the Boston Class II price of $3.12. In 1957 the Order 27 Class III price was $3.06 and the Boston Class II price was $3.05. During the first six months of 1958 the Order 27 Class III price was $2.94 while the Boston Class II price was $2.90. The Order 27 Class III price has been somewhat higher than the Boston Class II price during the months of highest production and has been lower during the months of shortest supply. During 1957 the Order 27 Class III price was higher than the Boston Class II price by 10 cents in March, 15 cents in April, 13 cents in May and 13 cents in June. During 1958 the Order 27 Class III price was 7 cents, 14 cents and 8 cents higher than the Boston Class II price in March, April and May, respectively. The Order 27 Class III price was higher than the Boston Class II price in seven months in 1957 in amounts ranging up to 10 cents. The Order 27 Class III price has generally been lower monthly and annually than the Philadelphia Class II price. However, during the first six months of 1958 the average Order 27 Class III price was 6 cents higher than the Philadelphia Class II price.

From 1955 to 1957 the total Class III volume of milk declined from 3,708 to 3,352 million pounds, a decline of 10 percent. During this same period the total volume of milk utilized in products at the full Class III price increased from 2,660 to 2,812 million pounds, an increase of 6 percent, and the volume of milk used in the manufacture of butter and cheese declined from 1,048 to 540 million pounds, a decline of 49 percent. Recently, as the total volume of milk in the pool has increased, the total volume of Class III milk also has increased. Compared with 1957, the total volume of Class III milk in the 12 months ending May 1958 increased from 3,352 to 3,673 million pounds, an increase of 10 percent. The volume of milk used in Class III products other than butter and cheese declined 1 percent from 2,812 to 2,795 million pounds and the volume of milk used in butter and cheese increased 63 percent from 540 to 878 million, an increase about equal to the increase in total volume of milk in Class III.

Changes also have taken place in the utilization of milk in individual Class III products. Approximately one-fourth of the total volume of Class III milk has been used in ice cream during the past several years. After reaching a peak of 907 million pounds in 1956 the total volume of milk used in ice cream declined to 881 million pounds in 1957. In the 12 months ending with May 1958 the volume of milk used in ice cream was approximately the same as in 1957. Milk used in ice cream outside New York City has increased each year since 1952, both in absolute volume and as a percent of total volume of Class III milk. During the 12 months ending in May 1958 the absolute volume of such milk also increased compared with 1957, but declined as a percentage of all Class III. The volume of milk used in ice cream in New York City has declined in total volume and as a percent of total Class III milk since 1955. The volume so utilized was 489 million pounds in 1955, 451 million pounds in 1956, 418 million pounds in 1957 and 405 million pounds in the 12 months ending with May 1958. Milk used in ice cream in New York City as a percent of total Class III milk was 13.2 in 1955, 12.3 in 1956, 12.5 in 1957 and 11.0 during the 12 months ending with May 1958. Total production of ice cream in nine northeastern states increased from 1956 to 1957 and has been approximately the same as in 1957 during the 12 months ending in May 1958 with the result that the volume of pool milk used in ice cream in relation to ice cream production declined slightly in 1957 and through May 1958 compared with 1956.

Changes also have taken place in sources of butterfat used in the manufacture of ice cream. Cream was the source of 62 percent of the butterfat in ice cream manufactured in wholesale frozen dessert plant in New York State in 1956. The percentage from this source declined to 57 in 1957 while at the same time the percentage of butterfat obtained from butter increased from 12 to 18. Most of this shift was in the manufacture of ice cream in New York City with little change in the sources of butterfat for ice cream in Upstate New York. In New York City, cream as a source of butterfat in ice cream declined from 51 percent in 1956 to 41 percent in 1957 and the use of butter as a source of butterfat increased from 15 percent to 28 percent.

The volume of milk used in the manufacture of cheese other than cheddar has increased during the past several years, particularly since 1956. This use accounted for 250 million pounds of milk in 1956, 292 million pounds in 1957 and 336 million pounds in the last 12 months ending with May 1958. As a percent of total Class III milk the quantity of milk used in cheese other than cheddar has also increased. During the 12 months ending in May 1958, 9 percent of total Class III milk was so utilized. About 20 percent of the total Class III volume of milk is used in fluid cream outside New York City and during the past 5 years has shown little change.

Storage cream increased in total volume and as a percent of Class III milk from 1956 to 1957, but declined during the last 12 months ending in May 1958. The volume of storage cream was 338 million pounds in 1956, 371 million pounds in 1957 and 277 million pounds in the 12 months ending with May 1958. Storage cream accounted for 9 percent of the total Class III milk in 1956, 11 percent in 1957 and 7.5 percent during the 12 months ending May 1958. More of the recent increase in the total volume of Class III milk has gone into butter than into cheese. The percentage of the total Class III milk used in butter in 1956 was 16 percent, in 1957, 9 percent, and during the 12 months ending in May 1958, 16 percent. American cheese accounted for 8 percent of the total Class III milk in 1956, 7 percent in 1957 and 8 percent in the 12 months ending in May 1958. The volume of milk used in candy, evaporated milk, condensed milk and other Class III products has increased during the past few years and during the past two years accounted for about 15 percent of the Class III milk.

In addition to market statistics relating the volumes and proportions of Class III milk used in various products, this decision also reflects considerations of instances reported at the hearing in which handlers recently have turned to nonpool sources on the basis that needed supplies of butterfat and nonfat solids are available at lower cost than from pool sources. Products involved in such instances are cream cheese, Italian cheese, and ice cream.

Issue No. 2: The need for immediate action by the Secretary with respect to Issue No. 1. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto, on the above issue.

It is urgent that remedial action as provided in this decision be made effective as soon as possible. The primary purpose of this decision is to insure that milk is made readily available for fluid use and is utilized in manufactured products which return producers the highest possible price during the months of shortest supply. Unless this decision is made effective September 1, 1958, two of the four months in which the supply of milk is shortest will have elapsed. It is therefore found that good cause exists for omission of the recommended decision in order to inform interested parties of the conclusions reached. Uncertainty on the part of interested parties might lead to instability in the market. Knowledge of the action decided upon by the Secretary will permit those affected to adjust their operations promptly in accordance with such decision.

Delay beyond September 1, 1958, will defeat the purpose of the amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereof, would make such relief substantially ineffective and therefore should be eliminated in this instance.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the prices of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order amending the order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the New York-New Jersey Milk Marketing Area" and "Order Amending the Order, Regulating the Handling of Milk in the New York-New Jersey Milk Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of February 1958 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order, regulating the handling of milk in the New York-New Jersey milk marketing area, is approved or favored by producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 20th day of August 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the New York-New Jersey Milk Marketing Area

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the New York-New Jersey milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

Amend § 927.43 by deleting "in the months of July through February" appearing therein immediately preceding the first proviso and by substituting therefor the following: "in the month of July and in the months of December through February".

[F. R. Doc. 58-6840; Filed, Aug. 22, 1958; 8:52 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 963]

[Docket No. AO-306]

HANDLING OF APPLES GROWN IN DESIGNATED PART OF WASHINGTON

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Chelan, Washington, on May 6, 1958, and continued at Yakima, Washington, on May 12, 1958, after notice thereof published in the FEDERAL REGISTER (23 F. R. 2201), on a proposed marketing agreement and order regulating the handling of apples grown in designated part of Washington, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

On the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Marketing Services, Agricultural Marketing Service, on July 11, 1958, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 58-5442; 23 F. R. 5381).

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 58-5442; 23 F. R. 5381) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Exceptions to the recommended decision were filed within the prescribed time by (1) Bernard A. Schons, Tonasket, a handler, Alfred Robinson, Oroville, a grower, and Roy A. Visser, Tonasket, a grower, by (2) Halverson, Applegate, and McDonald, and Donald H. Brazier, Jr., by C. W. Halverson, Yakima, Attorney, on behalf of 44 growers and handlers, and by (3) Melvin R. Brown, Wells and Wade Fruit Company, Wenatchee, a grower-shipper.

Exceptions to the findings and conclusions of the recommended decision included a contention that the decision was based only on proponent evidence and that it did not give consideration to opposition testimony. It was contended approximately an equal number, if not more, interested parties testified in opposition to the proposed order.

The hearing consisted of two sessions—namely, one session at Chelan and another at Yakima. Even though the entire subject matter open for consideration at the hearing was not covered fully and completely at each session, the testimony given at both sessions covers all the subject matter and constitutes the complete record of the hearing upon which the aforementioned findings and conclusions are based.

The proponents and opponents testifying at the hearing were about equal in number and volume of testimony. The proponents and many of the opponents stated that the apple industry in Washington faced a problem, especially in the marketing of off condition apples. Most of these witnesses also stated that some form of regulation should be formulated, because voluntary effort on the part of each member of the industry would prob-

ably not be effective. The proponents favored the proposed program because of its flexibility and the rapidity with which such a program could be made effective. Most of the opponent witnesses were of the opinion that any regulations should be at the State rather than at the Federal level. A few of these witnesses believed nothing should be done at this time on an industry wide basis. These witnesses were of the opinion that such problems should be solved by the individual on the basis most suitable to his situation. Some of these opponent witnesses contended that the proposed program would not solve many of the industry problems, and that the program would be an added expense on an overburdened industry. Many of the modifications to the proposed program adopted in the recommended decision were suggested by opposition witnesses. The proponents, readily admitting that the proposed program should not be considered the answer to all the industry's problems, contended that the program would be another tool which, with other tools available, would materially contribute to the establishment of orderly marketing conditions for Washington apples, and that the proposed maximum assessment of ¼ cent per bushel to cover cost of the local administration of the proposed order would not be burdensome but rather such expense would insure more equitable returns for other expenses normally incurred. The evidence of record clearly shows that some of the harvesting, storage, and marketing practices of the industry have resulted in the marketing of apples of a maturity, grade, and condition which have adversely affected the demand for Washington apples and tended to lower grower returns for the better quality apples. While there was controversy at the hearing over the method that should be used in an endeavor to correct this situation, it was shown that the proposed order was designed for this purpose and should be of assistance to the industry.

Exception was taken to the conclusion that all handling of apples grown in the production area should be subject to the act and the order. The record of the hearing clearly indicates that the handling of all apples grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce. There are ample precedents for varying degrees of grade and maturity standards on Agricultural commodities in the various States including Washington, either under State law, or State or Federal marketing agreements. The general objectives of such regulations for any particular State or area is to improve the competitive position of the commodity, expand consumption, and improve grower returns. Such is the intent of the proposed order as indicated by the testimony of the proponents. The demoralizing effect that shipments of low grade apples, namely culls, has upon the price of apples has long been recognized by the apple industry in Washington. The shipment of cull apples for fresh market use is prohibited under State law, unless such apples are packed in one bushel wooden baskets, ring faced, baskets lidded, and designated as "culls." The evidence introduced at the hearing sets forth that at times the shipment of apples meeting the requirements of one of the lower grades or off-condition apples have a similar depressing effect on the price of apples. The proposed program would provide authority for the committee, with the approval of the Secretary, to take such action as necessary in the interest of the industry to prevent the shipment of such apples.

Exception was taken to the finding that "the trend of apple production in the State of Washington is sharply upward." It was contended that this was the basis for the conclusion that "regulations for marketing should be imposed." The annual production in bushels for the past seven seasons was listed in the recommended decision. Such production ranged from 17,700,000 bushels to 32,600,000 bushels. In addition, the evidence shows that because of the large number of young trees that will soon be coming into production, the 32,600,000 bushel crop of 1957 will likely be considered normal or perhaps a small crop. Testimony given at the hearing shows that since 1949, plantings in the production area have been considerably over and above the amount of plantings needed to maintain normal production. The 1954 census lists 1,134,114 trees of non-bearing age and 2,436,108 trees of bearing age within the State of Washington. A large proportion of these trees of non-bearing age are of the red sport strains, principally of the Delicious variety. Some of the Red Strains develop red color at an earlier stage of maturity than the regular or standard strains of the same variety. This might result in an industry problem resulting from the shipment of immature fruit. The prospective increase in production, and the varietal composition of such production, is a factor in the determination in the recommended decision that the proposed marketing order would be of benefit to the industry. But this was not the sole basis for the conclusion that a marketing order for Washington apples would tend to effectuate the declared policy of the act.

The conclusions, based upon the findings that in 1957 many shipments of apples were made which did not return to the grower the cost of picking, packing, storing and transportation to market was objected to because the objectors contend that most of these costs had already been incurred by the grower prior to shipment. The additional cost necessarily incurred during the selling and delivery process, it is contended, results in the grower salvaging a portion of the aforementioned costs. Even though apples may not generally develop characteristics until later in the season which may make it obvious to a casual observer that the apples possess a short storage life because of condition factors, experienced apple men know prior to harvest that such apples, if handled in the normal way, will encounter problems relative to condition. Testimony adduced at the hearing shows that such experienced apple men are able accurately to predict the date apples should be picked, the type and extent of condition problems likely to be encountered, and the keeping or shelf life expectancy of such apples. The record of the hearing further shows that many growers and handlers were aware that certain lots of apples of the 1957 crop would not return the aforementioned costs and consequently many of such apples were left on the trees. Others, however, endeavored to store and market apples which it was known did not possess the necessary keeping qualities. The sale of such apples not only failed to return the costs of marketing but also depressed the prices received for the better quality apples. Regulations such as provided for in the proposed order would tend to prevent such occurrences. Opponents to the proposed program contended that the proposed program, while regulating condition factors of apples grown in the production area, would not prevent off condition apples from other States from entering the channels of trade and thus adversely affect the buyer's habits of purchasing apples, including Washington apples. However, if wholesalers and retailers of apples know that they are more likely to get off condition apples from some other apple producing area, such should favorably rather than adversely affect their attitude towards the purchase of Washington apples, which in turn should reflect increased consumption of Washington apples by their customers.

Exception was taken to the proposed program in that, it was contended, the rules and regulations established thereunder would probably eliminate or restrict the sale of lower grades of apples produced within the production area without imposing like restriction on similar grades of apples produced elsewhere. It was pointed out at the hearing that the Washington apple industry, under State law, now restricts the sale of the poorer grades of apples, namely culls, even though there is no restriction against the shipment of culls into the State of Washington. The proposed marketing order would merely provide authority to adjust such minimum requirements when the committee, with the approval of the Secretary, determined such action to be in the best interest of the industry.

Exception was taken to the provision set forth in § 963.54 of the recommended marketing agreement and order which exempts, except as otherwise provided, the handling of apples for commercial processing into products. A modification of this section as set forth in the notice of hearing, was offered at Chelan to regulate the handling of apples for processing to the full extent permitted under the act. The act specifically exempts apples for canning and freezing. This modification would require the grading of all apples sold to dehydrators and juicers and would vest in the Apple Quality Control Committee the authority to recommend to the Secretary prohibiting the sale of apples below a designated grade to such processing outlets. This modification, as the record shows, encountered strong opposition at Yakima. The evidence of record shows that canners, freezers, juicers, and dehydrators compete with each other in the purchase of the raw product. The record shows that packers do not attempt to separate the cull apples into grades for processing. Likewise, the processors do not attempt to purchase the raw stock on a graded basis. Testimony shows that a better job can be done in the handling of culls and other low grade apples that are destined for processing. Such improved handling should result in greater returns from the sale of apples for processing. Some of the evidence supporting this modification was persuasive, however, the record of the hearing does not show sufficient evidence to substantiate this modification.

All of the exceptions to the recommended decision were carefully and fully considered, in conjunction with the evidence in the record, in arriving at the findings and conclusions set forth herein. To the extent that the findings and conclusions set forth in this decision are at variance with any exception pertaining thereto, such exceptions are denied on the basis of the findings and conclusions to which such exceptions refer.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Apples Grown in Designated Part of Washington," and "Order Regulating the Handling of Apples Grown in Designated Part of Washington," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

It is hereby ordered, That all of this decision, except the annexed agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: August 19, 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] *Regulating the Handling of Apples Grown in Designated Part of Washington*

Sec.
963.0 Findings and determinations.

DEFINITIONS

963.1 Secretary.
963.2 Act.
963.3 Person.
963.4 Production area.
963.5 Apples.
963.6 Varieties.
963.7 Fiscal period.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

Sec.
963.8 Committee.
963.9 Grade.
963.10 Condition.
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ADMINISTRATIVE BODY

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AUTHORITY: §§ 963.0 to 963.71 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047.

§ 937.0 *Findings and determinations—*(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Chelan, Washington, on May 6, 1958, and continued at Yakima, Washington, on May 12, 1958, upon a proposed marketing agreement and a proposed marketing order regulating the handling of apples grown in designated part of Washington. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of apples grown in the production area in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of apples grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of apples grown in the production area as defined in the order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of apples grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 963.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 963.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 963.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 963.4 *Production area.* "Production area" shall include in the State of Washington the counties of Okanogan, Chelan, Kittitas, Yakima, and Skamania and all the counties east thereof.

§ 963.5 *Apples.* "Apples" means all varieties of apples grown in the production area, classified botanically as Malus sylvestris.

§ 963.6 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Malus sylvestris.

§ 963.7 *Fiscal period.* "Fiscal period" is synonymous with fiscal year and means the 12-month period ending on July 31 of each year or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

§ 963.8 *Committee.* "Committee" means the Apple Quality Control Committee established pursuant to § 963.20.

§ 963.9 *Grade.* "Grade" means any one of the officially established grades of apples as defined and set forth in:

(a) Sections 51.300 to 51.327 of this title (21 F. R. 5084), or amendments thereto, or modifications thereof, or variations based thereon;

(b) Standards for Apples issued by the State of Washington or amendments thereto, or modifications thereof, or variations based thereon.

§ 963.10 *Condition.* "Condition" means any of the officially established standards relative to condition factors of apples as defined and set forth in:

(a) Section 51.317 of this title (21 F. R. 5084), or amendments thereto, or modifications thereof, or variations based thereon;

(b) Condition Standards for Apples issued by the State of Washington or amendments thereto, or modifications thereof, or variations based thereon.

§ 963.11 *Grower.* "Grower" is synonymous with producer and means any person who produces apples for market and who has a proprietary interest therein: *Provided*, That, the term grower, as used in §§ 963.20, 963.22, and 963.23, shall not include any person who is a handler unless such person produced at least 51 percent of the apples he handled during the previous fiscal period.

§ 963.12 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting apples owned by another person) who handles apples.

§ 963.13 *Handle.* "Handle" and "ship" are synonymous and mean to sell, consign, deliver, or transport apples or cause the sale, consignment, delivery, or transportation of apples within the production area or from any point within the production area to any point outside thereof: *Provided*, That the term "Handle" shall not include the transportation within the production area of apples from the orchard where grown to a packing facility located within such area for preparation for market, or the delivery or sale of such apples to such packing facility for such preparation.

§ 963.14 *District.* "District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 963.31 (m):

(a) "District 1" shall include the County of Okanogan and that part of Douglas County included within Horticultural District No. 11, Washington State Department of Agriculture.

(b) "District 2" shall include the counties of Chelan, Grant, and that part of Douglas County included within Horticultural District No. 4, Washington State Department of Agriculture.

(c) "District 3" shall include the Counties of Yakima, Kittitas, Skamania, Klickitat, and Benton.

(d) "District 4" shall include all other counties in the production area not included in Districts 1, 2, or 3.

ADMINISTRATIVE BODY

§ 963.20 *Establishment and membership.* There is hereby established an Apple Quality Control Committee consisting of 17 members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Twelve of the members and their respective alternates shall be growers or officers or employees of corporate growers. Five of the members and their respective alternates shall be handlers, or officers or employees of handlers. Two of the grower members and their respective alternates shall be producers of apples in District 1, four of the grower members and their respective alternates shall be producers of apples in District 2, five of the grower members and their respective alternates shall be producers of apples in District 3, and one of the grower members and his respective alternate shall be a producer of apples in District 4. One of the handler members and his respective alternate shall be a handler of apples in District 1, two of the handler members and their respective alternates shall be handlers of apples in District 2, and two of the handler members and their respective alternates shall be handlers of apples in District 3.

§ 963.21 *Term of office.* The term of office of each member and alternate member of the committee shall be for two years, beginning August 1 and ending July 31; or such other dates that may be approved by the Secretary pursuant to recommendations by the committee: *Provided*, That the term of office of six of the initial grower members and alternates and two of the initial handler members and alternates shall end on July 31, 1959. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 963.22 *Nomination*—(a) *Initial members.* Nominations for each of the twelve initial grower members and five initial handler members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 963.20.

(b) *Successor members.* (1) The names of nominees for successor members and alternates of the committee shall be submitted to the Secretary by the committee no later than June 1 of each year, or by such other date as may be established by the committee and approved by the Secretary. The committee shall conduct elections for the purpose of designating nominees. Such elections may be either by meetings of the growers and handlers or by mail balloting or a combination of both. The committee may establish rules and regulations as necessary to govern the conduct of nomination meetings and mail balloting. The committee shall determine and announce the method of election to be followed in each district.

(2) In the designation of nominees only growers, including duly authorized officers or employees of corporate growers, may participate in the election of nominees for grower member and grower alternate positions. Only handlers, including duly authorized officers or employees of handlers, may participate in the election of nominees for handler member and handler alternate positions. Each grower shall be entitled to cast but one vote for each grower nominee and one vote for each grower alternate nominee to be designated from the district in which he is a producer. Each handler shall be entitled to cast but one vote for each handler nominee and one vote for each handler alternate nominee to be designated from the district in which he is a handler. No grower or handler, as the case may be, may vote in more than one district in any one fiscal year. If a person is qualified both as grower and as a handler, he may vote as either a grower or as a handler but not as both.

(3) If nomination meetings are held, the committee shall publicly announce the time and place of each such meeting. At each such meeting a chairman and a secretary shall be selected by the growers or handlers eligible to participate therein. Only growers and handlers present at such meetings shall be eligible to participate in the election of the nominees to be designated at such meeting. The chairman shall announce at the meeting the number of votes cast for each person for member or alternate and shall promptly submit to the committee a complete report concerning such meeting.

(4) If nominees are designated by mail balloting, the committee shall publicly announce the period within which the names of candidates shall be filed with the committee and the number of endorsements necessary for the name of a candidate to be placed on the ballot. At the option of the committee, candidates may be also designated at meetings of growers and handlers. The committee shall publicly announce the period of balloting. Ballots shall be made available to growers and handlers either by mail or at designated places within the district. The ballot shall include, in addition to the names of the candidates, explicit directions for marking and mailing.

(5) At the conclusion of the voting, whether at a meeting or meetings or by mail balloting, the committee shall promptly submit a report thereof to the Secretary.

§ 963.23 *Selection.* From the nominations made pursuant to § 963.22, or from other qualified persons, the Secretary shall select the twelve grower members of the committee, the five handler members of the committee, and an alternate for each such member.

§ 963.24 *Failure to nominate.* If nominations are not made within the time and in the manner prescribed in § 963.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 963.20.

§ 963.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 963.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 963.22 and 963.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 963.20.

§ 963.27 *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member from the same district and group (handler or grower) to serve in such member's place and stead.

§ 963.30 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 963.31 *Duties.* The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to apples;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee; *Provided:* That any such changes shall reflect, insofar as practicable, shifts in apple production within the districts and the production area;

(n) To select such persons as may be necessary to serve as advisers or counselors to the committee, including, but not limited to, representatives from the Washington State Department of Agriculture, Washington State College Extension Service, and the Washington State Apple Commission.

§ 963.32 *Procedure.* (a) Fourteen members of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require the concurring votes of at least eleven members. At any assembled meeting, all votes shall be cast in person.

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided*, That such meetings shall be subject to the establishment of communication between all such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place. Any such meeting shall be considered as an assembled meeting.

(c) The committee may vote by telephone, telegraph, or other means of communication, and any votes so cast shall be confirmed promptly in writing.

§ 963.33 *Expenses and compensation.* The members of the committee, and alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and may also receive compensation, as determined by the committee, which shall not exceed $10.00 per day or portion thereof spent in performing such duties: *Provided*, That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

§ 963.34 *Annual report.* The committee shall, as soon as practicable after the close of each fiscal period, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal period; and (b) any recommendations for changes in the program.

EXPENSES AND ASSESSMENT

§ 963.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee to enable it to exercise its powers and perform its duties in accordance with the provisions of this part. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 963.41.

§ 963.41 *Assessments.* (a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal period, each person who first handles apples during such period shall pay to the committee, upon demand, assessments on all apples so handled. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person during the fiscal period in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period and to accumulate and maintain a reserve fund equal to approximately one fiscal period's expense. Such rate of assessment shall not exceed one-fourth cent ($0.0025) per bushel in any fiscal year. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all apples handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance and may also borrow money for such purpose.

§ 963.42 *Accounting.* (a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted

for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this section, it shall be refunded proportionately to the persons from whom it was collected: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not equal approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray expenses, during any fiscal period, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal year when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

REGULATIONS

§ 963.50 *Marketing policy.* (a) Each season prior to making any recommendations pursuant to § 963.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of apples within the production area;

(2) The expected general quality and size of apples in the production area and in other areas;

(3) The expected demand conditions for apples in different market outlets;

(4) The expected shipments of apples produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of apples; and

(8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for apples, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 963.51 *Recommendations for regulation.* (a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of apples in the manner provided in § 963.52, the committee shall recommend such regulations to the Secretary. To the extent practicable, such recommendations shall be made on or before September 1 of each year.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for apples during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 963.52 *Issuance of regulations.* (a) The Secretary shall regulate, in the manner specified in this section, the handling of apples whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Establish standards of condition, maturity, and grade for any or all varieties of apples during any period or periods and may prohibit shipment of such lots of apples which fail to meet such standards: *Provided*, That nothing in this section shall be construed to authorize the establishment of shipping quotas, embargoes, or any other limitation on the shipment of any lots of apples meeting such condition, maturity, or grade standards;

(2) Regulate the shipment of apples by establishing minimum standards of condition, maturity, and grade for any or all varieties of apples during any period or periods when season average prices are expected to exceed the parity level.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

§ 963.53 *Modification, suspension, or termination of regulations.* (a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 963.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of apples in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such suspension.

§ 963.54 *Special purpose shipments.* (a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 963.41, 963.52, 963.53, and 963.55, and the regulations issued thereunder, handle apples (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) (1) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to §§ 963.41, 963.52, 963.53, or 963.55, the handling of apples in such minimum quantities, or types of shipments (including individual gift packages), or for such specified purposes as may be prescribed.

(2) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent apples handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle apples pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the apples will not be used for any purpose not authorized by this section.

(d) The committee may, with the approval of the Secretary, designate storage warehouses within the production area, and exempt, from any or all restrictions under this part, the handling of apples to such storages: *Provided*, That the committee, with the approval of the Secretary, shall adopt such rules and regulations as may be necessary to prevent any apples so stored from being handled, upon removal from storage, except in conformity with the provisions of this part.

§ 963.55 *Inspection and certification.* (a) Whenever the handling of any variety of apples is regulated pursuant to § 963.52 or § 963.53, each handler who handles apples shall, prior thereto, cause such apples to be inspected by the Federal-State Inspection Service and certified by it as meeting the applicable requirements of such regulation: *Provided*, That, except as otherwise provided in this section, this requirement shall not be applicable to apples that have previously been inspected and certified.

(b) Inspection and certification shall be required for apples which previously have been so inspected and certified if such apples have been regraded, resorted, repackaged, or in any other way further prepared for market.

(c) The commitee may, with the approval of the Secretary, establish a period prior to shipment during which the inspection required by this section must be performed.

(d) Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such apples.

REPORTS

§ 963.60 *Reports.* (a) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties and functions under this part. Such reports may include, but are not necessarily limited to, the following: (1) The quantities of each variety of apples received by such handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such apples; and (4) the destination of each shipment of such apples.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the apples received, and of apples disposed of, by such handler as may be necessary to verify reports pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 963.61 *Compliance.* Except as provided in this part, no person shall handle apples, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle apples except in conformity with the provisions of this part.

§ 963.62 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 963.63 *Effective time.* The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 963.64.

§ 963.64 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production of apples for market: *Provided*, That such majority has produced for market during such period more than 50 percent of the volume of apples produced for market.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 963.65 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this section shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 963.66 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) effect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any right or remedies of the Secretary or of any other person with respect to any such violation.

§ 963.67 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

§ 963.68 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 963.69 *Derogation.* Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 963.70 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other act, either of commission, or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 963.71 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or things shall not be affected thereby.

Order Directing That Referendum Be Conducted; Designation of Agents To Conduct Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as Amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby directed that a referendum be conducted among producers who, during the period August 1, 1957, through July 31, 1958 (which is

hereby determined to be a representative period for the purpose of such referendum), were engaged, in the counties of Okanogan, Chelan, Kittitas, Yakima, and Skamania in the State of Washington, and all the counties of that State situated east of such counties, in the production of apples for market to ascertain whether such producers favor the issuance of an order regulating the handling of apples grown in the aforesaid production area, which order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. Robert H. Eaton and Allan Henry, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176; 19 F. R. 35).

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D. C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

[F. R. Doc. 58-6815; Filed, Aug. 22, 1958; 8:47 a. m.]

[7 CFR Part 1016]

HANDLING OF MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

NOTICE OF REVISED RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 58-6816, published at page 6510 in the issue for Friday, August 22, 1958, paragraph (a) of § 1016.70 should read as follows:

§ 1016.70 *Time and method of payment.* (a) (1) Except as provided in paragraphs (b) and (c) of this section, on or before the 18th day after the end of each month each handler who received milk from producers shall pay for milk received during such month to each producer for milk received from him the uniform price as provided in § 1016.61 adjusted by the butterfat differential pursuant to § 1016.62 and the location adjustment pursuant to § 1016.63.

(2) If by such date a handler has not received full payment pursuant to § 1016.73, he may reduce his total payments to all producers and cooperative associations uniformly by not more than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments following receipt of the balance from the market administrator.

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

CITY OF OAKLAND, CALIF., AND ENCINAL TERMINALS

NOTICE OF AGREEMENTS FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

(1) Agreement No. 8335, between the City of Oakland, California, and Encinal Terminals, covers the lease to Encinal of certain terminal property in the Outer Harbor Terminal Area and the Ninth Avenue Terminal Area, more particularly described in the agreement, on terms and conditions set forth therein, for a period of ten (10) years beginning on the first day of the month next succeeding thirty (30) days following approval by the Board of this agreement. This agreement, upon approval, will replace Agreements Nos. 8095 and 8155, both as amended.

(2) Agreement No. 8095-C, between the City of Oakland, California, and Encinal Terminals, provides for the cancellation of approved Agreement No. 8095, as amended and extended by Agreements Nos. 8095-1 and 8095-2, covering the lease to Encinal of the City of Oakland's Ninth Avenue Terminal Area, to become effective the date of commencement of lease under Agreement No. 8335, described above.

(3) Agreement No. 8155-C, between the City of Oakland, California, and Encinal Terminals, provides for the cancellation of approved Agreement No. 8155, as amended and extended by Agreements Nos. 8155-1, 8155-2, and 8155-3, covering the lease to Encinal by the City of Oakland of certain marine terminal facilities in the Outer Harbor Terminal Area, to become effective the date of commencement of lease under Agreement No. 8335, described above.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 20, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F. R. Doc. 58-6830; Filed, Aug. 22, 1958; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SR-2276]

C. G. CHAMBERS

NOTICE OF ORAL ARGUMENT

In the matter of James T. Pyle, Administrator of Civil Aeronautics, complainant v. C. G. Chambers, respondent, Docket No. SR-2276.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 17, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board. The respondent has been allotted 30 minutes and the Administrator 30 minutes to be presented in that order. The respondent may reserve one-quarter of his allotted time for rebuttal.

Dated at Washington, D. C., August 20, 1958.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 58-6839; Filed, Aug. 22, 1958; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6837]

CENTRAL MAINE POWER CO.

NOTICE OF APPLICATION

AUGUST 19, 1958.

Take notice that on August 11, 1958, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Central Maine Power Company (Applicant), a corporation organized under the laws of the State of Maine and doing business in the State of Maine only with its principal business office at Augusta, Maine, seeking an order authorizing the purchase of the properties, assets and franchises of Rumford Light Company ("Rumford"), a corporation organized under the laws of the State of Maine and doing business only in said State with its principal business office at Rumford, Maine. Applicant generates purchases, transmits, distributes and sells electric energy in all sixteen counties of Maine except Aroostook and Washington Counties. Applicant also has an arrangement with Public Service Company of New Hampshire for the interchange of secondary electric energy at the metering point in North Berwick, Maine. Rumford purchases, distributes and sells electric energy in or part of twelve towns in Oxford County, Maine. The consideration for the aforesaid purchase is to be in cash with the amount to be determined as follows: (1) Original cost of Rumford's operating properties less accrued depreciation, customer contributions and advances; (2) the cost of the operating materials and supplies and other inventory owned by Rumford at the time of the sale; (3) the amount of accounts receivable of Rumford less customer deposits and accrued interest thereon; (4) the amount of accrued utility revenues adjusted as of the date of sale. The date of the aforesaid sale is to be fixed as the last day of the month in which regulatory bodies grant Applicant permission to effect the purchase from Rumford. Applicant proposes to furnish electric service to the public in those towns now being served by Rumford. Applicant states that its arrangements with Rumford for the purchase of Rumford's property will be the most economical and will benefit the public now being served.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the ninth day of September 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-6825; Filed, Aug. 22, 1958; 8:49 a. m.]

[Docket Nos. G-15925—15975]

KERR-MCGEE OIL INDUSTRIES, INC., ET AL.

ORDER FOR HEARINGS, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

In the matters of

	Docket Nos.
Kerr-McGee Oil Industries, Inc.	G-15925
Joe W. Brown	G-15926
M. H. Marr	G-15927
Oil Participations Inc	G-15928
Petroleum Leaseholds, Inc., et al	G-15929
Jack W. Grigsby	G-15930
Crescent Production Co., Inc., et al	G-15931
Crescent Production Co., Inc	G-15932
General Crude Oil Co	G-15933
A. J. Hodges Industries Inc. (Operator) et al	G-15934
M. L. Mayfield et al	G-15935
C. H. Lyons, Sr., et al	G-15936
J. I. Roberts and C. H. Murphy d/b/a Roberts and Murphy	G-15937
P. R. Rutherford	G-15938
Francis W. Scott	G-15939
Sinclair Oil & Gas Co	G-15940
Harway Producers, Inc	G-15941
John Franks (Operator) et al	G-15942
Hope Producing Co. (Operator) et al	G-15943
C. H. Lyons, Sr. (Operator) et al	G-15944
Monsanto Chemical Co. (Operator) et al	G-15945
Warren Petroleum Co	G-15946
Union Oil and Gas Corp. of Louisiana (Operator) et al	G-15947
D. B. McConnell (Operator) et al	G-15948
United Carbon Company	G-15949
F. A. Callery Inc. (Agent) et al	G-15950
J. F. Pritchard	G-15951
Wilber J. Holleman	G-15952
W. E. Walker and J. R. Meeker	G-15953
C. A. Hilburn et al	G-15954
Hurley Oil and Gas Co	G-15955
F. A. Callery Inc., et al	G-15956
F. A. Callery Inc. (Operator) et al	G-15957
Sohio Petroleum Co	G-15958
J. I. Roberts	G-15959
Pioneer Oil & Gas Co. Inc., et al	G-15960
N. L. Adams, Sr., et al	G-15961
Bateman Drilling Co. (Operator) et al	G-15962
M. L. Mayfield	G-15963
Mid-Gulf Exploration Co	G-15964
Jay Simmons et al	G-15965
J. C. Trahan, Drilling Contractor, Inc	G-15966
J. C. Trahan, Drilling Contractor, Inc. (Operator) et al	G-15967
J. C. Trahan (Operator) et al	G-15968
The Atlantic Refining Co	G-15969
The British-American Oil Producing Co	G-15970
Herman Brown	G-15971
Columbian Carbon Co	G-15972
James M. Cunningham (Operator) et al	G-15973
Vernon Elledge & W. E. Hall, Jr	G-15974
Slick Oil Corp	G-15975

The proposed changes hereinafter designated, which constitute increases of the rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the persons named above (Respondents). Respondents, in each instance, proposed August 1, 1958, as the effective date of the changes.

Respondent	Notice of change dated	Date tendered	Purchaser	Supplement No.	Respondent's FPC gas rate schedule
1. Kerr-McGee Oil Industries, Inc.	July 28, 1958	July 30, 1958	Tennessee Gas Transmission Co.	6	55
2. Joe W. Brown	July 29, 1958	do	United Gas Pipe Line Co	4	1
3. M. H. Marr	July 18, 1958	July 21, 1958	Arkansas Louisiana Gas Co.	1	5
4. Oil Participations Inc	July 30, 1958	July 31, 1958	American Louisiana Pipe Line Co.	3	7
5. Petroleum Leaseholds, Inc., et al	(1)	July 29, 1958	do	5	4
6. Jack W. Grigsby	July 28, 1958	July 31, 1958	Texas Eastern Transmission Corp.	2	4
7. Crescent Production Co., Inc., et al	(1)	July 30, 1958	Arkansas Louisiana Gas Co.	3	1
8. Crescent Production Co., Inc., et al	(1)	do	do	3	3
9. Crescent Production Co., Inc., et al	(1)	do	do	3	4
10. Crescent Production Co., Inc., et al	(1)	do	do	4	5
11. Crescent Production Co., Inc., et al	(1)	do	do	3	7
12. Crescent Production Co., Inc., et al	(1)	do	Mississippi River Fuel Corp.	2	10
13. Crescent Production Co., Inc., et al	(1)	do	do	3	11
14. Crescent Production Co., Inc., et al	(1)	do	Olin Gas Transmission Co.	1	12
15. Crescent Production Co., Inc.	(1)	do	Arkansas Louisiana Gas Co.	2	3
16. Crescent Production Co., Inc.	(1)	do	do	2	8
17. Crescent Production Co., Inc.	(1)	do	do	2	15
18. General Crude Oil Co	(1)	July 29, 1958	Tennessee Gas Transmission Co.	6	1
19. A. J. Hodges Industries Inc. (Operator), et al.	(1)	do	Arkansas Louisiana Gas Co.	7	10
20. M. L. Mayfield, et al	July 23, 1958	July 28, 1958	Tennessee Gas Transmission Co.	2	2
21. C. H. Lyons, Sr., et al	July 12, 1958	July 30, 1958	Southern Natural Gas Co.	4	7
22. J. I. Roberts & C. H. Murphy (d/b/a Roberts and Murphy).	July 25, 1958	July 28, 1958	Mississippi River Fuel Corp.	5	3
23. P. R. Rutherford	(1)	July 30, 1958	Transcontinental Gas Pipe Line Corp.	1	3
24. Francis W. Scott	July 28, 1958	July 29, 1958	Southern Natural Gas Co.	5	1
25. Sinclair Oil & Gas Co	(1)	do	Arkansas Louisiana Gas Co.	1/	126
26. Harway Producers, Inc	(1)	July 30, 1958	Mississippi River Fuel Corp.	2	1
27. Harway Producers, Inc	(1)	July 31, 1958	Arkansas Louisiana Gas Co.	2	2
28. Harway Producers, Inc	(1)	do	do	3	4
29. Harway Producers, Inc	(1)	do	do	3	6
30. Harway Producers, Inc	(1)	do	do	3	7
31. Harway Producers, Inc	(1)	do	do	2	8
32. John Franks (Operator), et al	July 28, 1958	do	do	2	1
33. Hope Producing Co. (Operator), et al.	July 22, 1958	July 24, 1958	do	6	2
34. C. H. Lyons, Sr. (Operator), et al.	July 19, 1958	July 25, 1958	Southern Natural Gas Co.	3	5
35. Monsanto Chemical Co. (Operator), et al.	July 10, 1958	July 21, 1958	Texas Eastern Transmission Corp.	3	20
36. Warren Petroleum Corp	July 18, 1958	do	do	8	18
37. Union Oil & Gas Corporation of Louisiana (Operator), et al.	July 22, 1958	July 22, 1958	United Gas Pipe Line Co.	2	5
38. D. B. McConnell (Operator), et al.	do	July 25, 1958	Arkansas Louisiana Gas Co.	4	4
39. D. B. McConnell (Operator), et al.	July 3, 1958	July 17, 1958	Texas Gas Transmission Corp.	1	6
40. United Carbon Co	July 25, 1958	July 28, 1958	Mississippi River Fuel Corp.	5	27
41. United Carbon Co	do	do	Arkansas Louisiana Gas Co.	4	38
42. F. A. Callery, Inc. (Agent), et al.	July 28, 1958	July 29, 1958	Southern Natural Gas Co.	2	11
43. J. F. Pritchard	do	July 30, 1958	Mississippi River Fuel Corp.	3	1
44. Wilbur J. Holleman	July 25, 1958	July 28, 1958	do	3	1
45. W. E. Walker and J. R. Meeker.	July 10, 1958	do	Texas Gas Transmission Corp.	3	1
46. C. A. Hilburn, et al	July 22, 1958	do	Southern Natural Gas Co.	1	1
47. Hurley Oil & Gas Co	July 23, 1958	do	Texas Eastern Transmission Corp.	3	5

1 Undated.

Respondent	Notice of change dated	Date tendered	Purchaser	Supplement No.	Respondent's FPC gas rate schedule
48. F. A. Callery, Inc., et al	July 29, 1958	July 31, 1958	United Gas Pipe Line Co	6	3
49. F. A. Callery, Inc., et al	do	July 30, 1958	do	1	7
50. F. A. Callery, Inc., et al	do	do	Southern Natural Gas Co	1	14
51. F. A. Callery, Inc. (Operator), et al.	do	do	United Gas Pipe Line Co	2	10
52. Sohio Petroleum Co	July 23, 1958	July 24, 1958	Texas Eastern Transmission Corp.	3	35
53. J. I. Roberts	July 31, 1958	Aug. 1, 1958	Arkansas Louisiana Gas Co	6	3
54. Pioneer Oil & Gas Co., Inc., et al.	July 28, 1958	July 31, 1958	United Gas Pipe Line Co	1	2
55. N. L. Adams, Sr., et al	do	July 30, 1958	Arkansas Louisiana Gas Co	2	3
56. Bateman Drilling Co. (Operator), et al.	July 25, 1958	July 28, 1958	United Fuel Gas Co	2	1
57. M. L. Mayfield	July 23, 1958	do	do	2	1
58. Mid-Gulf Exploration Co	July 15, 1958	July 23, 1958	do	3	1
59. Jay Simmons, et al	July 21, 1958	July 28, 1958	do	4	7
60. J. C. Trahan, Drilling Contractor, Inc.	(1)	July 31, 1958	United Gas Pipe Line Co	2	1
61. J. C. Trahan, Drilling Contractor, Inc. (Operator), et al.	(1)	do	Texas Eastern Transmission Corp.	2	4
62. J. C. Trahan (Operator), et al	(1)	do	Arkansas Louisiana Gas Co	3	8
63. The Atlantic Refining Co	July 11, 1958	do	Trunkline Gas Co	7	113
64. The Atlantic Refining Co	do	do	Arkansas Louisiana Gas Co	2	167
65. The British-American Oil Producing Company.	July 16, 1958	do	Texas Gas Transmission Corp.	5	1
66. Herman Brown	(1)	Aug. 1, 1958	Arkansas Louisiana Gas Co	7	2
67. Columbian Carbon Co	July 30, 1958	do	United Fuel Gas Co	2	29
68. James M. Cunningham (Operator), et al.	July 29, 1958	do	Texas Gas Transmission Corp.	1	1
69. Vernon Elledge & W. E. Hall, Jr.	July 21, 1958	do	do	3	1
70. Slick Oil Corp	(1)	do	Trunkline Gas Co	2	5

[1] Undated.

The increased rates and charges proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refunds in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until August 2, 1958, and thereafter to permit them to become effective as of that date: *Provided*, That within 20 days from the date of this order, each Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of each of the said proposed changes, and that the supplements herein designated be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondents' proposed increased rates be made effective as hereinafter provided and that each Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in each of the supplements to Respondents' FPC Gas Rate Schedules as herein designated.

(B) Pending such hearings and decisions thereon, each of said supplements be and each is hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in each of the aforementioned supplements to Respondents' FPC Gas Rate Schedules shall be effective as of August 2, 1958: *Provided, however*, That within 20 days from the date of this order, each Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Each Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondents herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondents shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondents so elect, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the dates upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, each Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of _____ To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____, in Docket No. G-_____, _____ hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

_____

By _____

Attest:

_____

(Secretary)

Unless a Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, his agreement and undertaking shall be deemed to have been accepted.

(F) Each Respondent who, in conformity with the terms and conditions of paragraph (D) of this order, makes such refunds as may be required by order of the Commission, shall be discharged of his undertaking; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the periods of suspension have expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: August 15, 1958.

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-6766; Filed, Aug. 22, 1958; 8:45 a. m.]

[Docket No. G-15549]

UNION PRODUCING CO.

ERRATA NOTICE

AUGUST 8, 1958.

In the Order For Hearing, Suspending Proposed Changes In Rates, and Allowing Increased Rates To Become Effective, issued on July 30, 1958, and published in the FEDERAL REGISTER on August 7, 1958 (23 F. R. 6008), under "Rate Schedule Designations" the words "Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 75" should be corrected to read "Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 75."

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-6827; Filed, Aug. 22, 1958; 8:49 a. m.]

[Docket No. G-15723]

MAGNOLIA PETROLEUM CO.

ERRATA NOTICE

AUGUST 8, 1958.

In the Order For Hearing, Suspending Proposed Changes In Rates, And Allowing Increased Rates To Become Effective, issued on July 31, 1958, and Published in the FEDERAL REGISTER on August 8, 1958 (23 F. R. 6064), under "Rate Schedule Designations" delete the following Supplements:

Line (12) Supplement No. 12 to Respondent's FPC Gas Rate Schedule No. 69.
Line (13) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 150.
Line (14) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 152.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-6826; Filed, Aug. 22, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2323]

UNIVERSAL SECURITIES, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

AUGUST 19, 1958.

I. Universal Securities, Inc., (Universal), a North Dakota corporation, 405 North Third Street, Bismarck, North Dakota, filed with the Commission on July 22, 1958, a notification on Form 1-A and an offering circular relating to a proposed offering of 20,000 shares of Class A common stock, 50¢ par value, at $7.50 per share, and 1,500 shares of its preferred stock, $100 par value, at $100 per share, or an aggregate of both classes of stock of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof, and Regulation A, promulgated thereunder. Sam Parker Pandolfo (Pandolfo) was named as principal underwriter.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The notification on Form 1-A is deficient in that:

a. A written certification signed by the underwriter of the securities proposed to be offered has not been filed as an exhibit to the notification as required by Item 11 (c);

b. The response to Item 2 fails to disclose the required information with respect to affiliates of Universal;

c. The response to Item 9 fails to disclose the required information with respect to sales of unregistered securities of the issuer or any of its predecessors or affiliated issuers, which were sold within one year prior to the filing of this notification by or for the account of any person who at the time was director, officer, promoter, or principal security holder of the issuer.

d. The response to Item 10 fails to disclose the required information with respect to contemplated offerings of securities in addition to those covered by this notification.

2. The offering circular fails to set forth:

a. Certain of the rights of the preferred shareholders in regard to liquidation, as required by paragraph 7 (a) of Schedule I;

b. The location and general character of the physical properties now held or presently intended to be acquired and the nature of the title under which such properties are held or proposed to be held, as required by paragraph 8C (b) of Schedule I;

c. The names and complete residence addresses of all promoters of Universal as required by paragraph 9 (a) of Schedule I; and

d. All direct and indirect interests of directors, officers, and promoters in Universal or its affiliates, and in any material transactions within the past two years, as required by paragraph 9 (c) of Schedule I.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to adequately disclose in the offering circular the background and past experience of Sam Parker Pandolfo.

2. The failure to disclose in the offering circular the book value of Universal's Class A common stock, its relationship to the price of the securities to be offered, and the basis for the determination of the offering price.

3. The failure to adequately disclose in the offering circular the person in whom voting control will rest upon completion of the offering.

4. The failure to disclose in the offering circular the reasons, purposes and circumstances explaining the choice of Sam Parker Pandolfo as underwriter.

5. The failure to disclose in the offering circular the extent, nature and scope of all of Universal's past and prospective business operations.

6. The failure to disclose in the offering circular the fact that neither Universal or Pandolfo are registered broker-dealers with the Commission.

7. The failure to adequately disclose in the offering circular the interests of Pandolfo and Great Northern Investment Company in the Union Reserve Life Insurance Company.

8. The failure to adequately disclose in the offering circular the terms, conditions and scope of Universal Securities exclusive insurance agency agreement with Union Reserve Life Insurance Company.

9. The failure to disclose in the offering circular the background and experience of Universal's promoters and officers.

10. The failure to disclose in the offering circular the contingent liabilities incurred by Universal as a result of stock purchases and sales.

C. The offering, if made by means of the offering circular filed on July 22, 1958, would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Universal and to any person having any interest in the matter that this order has been entered; that the Commission upon receipt of a written request within thirty days after entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect, unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-6812; Filed, Aug. 22, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GEORGIA, IDAHO, OREGON, WASHINGTON

SALE OF MINERAL INTERESTS, AREA DESIGNATIONS

Schedule A, entitled Fair Market Value Areas, accompanying the Secretary's Order dated June 29, 1957 (16 F. R. 6318), is amended to add four counties in four different states as fair market value areas as follows:

State	County
Georgia	Walker.
Idaho	Washington.
Oregon	Curry.
Washington	Pierce.

Done at Washington, D. C., this 19th day of August 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 58-6822; Filed, Aug. 22, 1958; 8:48 a. m.]

TARIFF COMMISSION

[Investigations 9 and 10]

CERTAIN TISSUE PAPER

POSTPONEMENT OF PUBLIC HEARING

Investigations Nos. 9 (tissue paper from Finland) and 10 (tissue paper from Norway) under section 201 (a), Antidumping Act, 1921, as amended.

The United States Tariff Commission ordered that the public hearing in connection with the above inevstigations heretofore scheduled for September 23, 1958 (23 F. R. 6388), be postponed to 10 a. m., e. d. s. t., September 30, 1958.

Issued: August 20, 1958.

By order of the Commission.

DONN N. BENT, *Secretary.*

[F. R. Doc. 58-6834; Filed, Aug. 22, 1958; 8:50 a. m.]

[List No. 23-7]

CERTAIN PUSH-BUTTON PUPPETS

COMPLAINT RECEIVED

AUGUST 19, 1958.

The United States Tariff Commission hereby gives notice of the receipt, on August 7, 1958, of a complaint under section 337 of the Tariff Act of 1930 (19 U. S. C. 1337, 1337 (a)) filed by Kohner Brothers, a partnership, 155 Wooster Street, New York, N. Y., alleging unfair methods of competition and unfair acts in the importation and sale of certain foreign push-button puppets.

In accordance with the provisions of § 203.3 of the rules of practice and procedure of the Commission (19 CFR 203.3) the Commission has initiated a preliminary inquiry into the allegations of this complaint for the purpose of determining (a) whether the institution of an investigation under section 337, above, is warranted, and (b) whether the issuance of a temporary order of exclusion from entry under section 337 (f) of the Tariff Act of 1930 (19 U. S. C. 1337 (f)) is warranted.

A copy of the complaint is available for public inspection at the offices of the United States Tariff Commission located at Eighth and E Streets NW., Washington, D. C., and also in the New York Office of the Tariff Commission, located in Room 437 of the Custom House.

Persons desiring to submit information pertinent to the aforementioned purposes of the preliminary inquiry may do so by submitting their views in writing to the Secretary, United States Tariff Commission, Washington 25, D. C. Fifteen copies of any such submission are required.

Issued: August 20, 1958.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 58-6835; Filed, Aug. 22, 1958; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 17]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 20, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61150. By order of August 14, 1958, the Commission, Division 4, approved the transfer to Petroleum Transit Corporation of Virginia, Lumberton, North Carolina, of certificate in No. MC 113336 Sub 10, and a portion of certificate in No. MC 113336, issued February 12, 1958, and August 2, 1955, respectively, to Petroleum Transit Company, Inc., Lumberton, North Carolina, authorizing the transportation of petroleum and petroleum products, in bulk, in tank vehicles, from points in York County, Va., to points in Delaware, Maryland, North Carolina, West Virginia, and the District of Columbia, and petroleum products, in containers, in shipments of not less than 10,000 pounds, from Baltimore, Md., to points in North Carolina, and empty drums on the return trip. James E. Wilson, Wilson, Woods & Villalon, Perpetual Building, 1111 E Street NW., Washington, D. C.

No. MC-FC 61188. By order of August 13, 1958, the Transfer Board approved the transfer to Daily Express, Inc., Carlisle, Pa., of Certificates Nos. MC 28439 Sub 19, MC 28439 Sub 22, MC 28439 Sub 23, MC 28439 Sub 25, MC 28439 Sub 26, MC 28439 Sub 28, MC 28439 Sub 31, MC 28439 Sub 32, MC 28439 Sub 42, MC 28439 Sub MC 28439 Sub 47, MC 28439 Sub 51, MC 28439 Sub 53, MC 28439 Sub 54, MC 28439 Sub 55, MC 28439 Sub 57, MC 28439 Sub 63, MC 28439 Sub 64, MC 28439 Sub 65, MC 28439 Sub 66, MC 28439 Sub 73, MC 28439 Sub 75, and MC 28439 Sub 76, issued January 10, 1951, May 26, 1950, May 26, 1950, November 2, 1950, May 22, 1951, June 11, 1951, November 18, 1952, September 17, 1952, November 18, 1952, January 4, 1954, December 2, 1952, May 8, 1956, November 4, 1955, July 12, 1954, June 28, 1954, July 8, 1955, October 9, 1956, July 12, 1957, July 26, 1957, April 29, 1957, September 12, 1957, June 9, 1958, and May 19, 1958, respectively, to Daily Motor Express, Inc., Carlisle, Pa., authorizing the transportation of designated specific commodities within the states of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin; Truck bodies and trailers, in initial movements, in truckaway service, from Camp Hill, Pa., to points in the United States, and damaged or returned trailers, from points in the United States to Camp Hill, Pa.; Crawler-Type Tractors equipped with Hydraulic elevator and fork lift attachments, and two-wheel trailers other than those designed to be drawn by passenger automobiles, in initial movements, by the truckaway method from Churubusco, Ind., and points within five miles thereof, to points in the United States (except those in Minnesota, North Dakota, Montana, Idaho, Washington, and Oregon; and Stone crushing equipment and automatic loading equipment, between Galion, Ohio, on the one hand, and, on the other, points in the United States (except points in Georgia, Florida, Alabama, South Carolina, Kentucky, West Virginia, Virginia, and that part of Pennsylvania west of U. S. Highway 15). Transferee is also substituted as applicant in pending dockets Nos. MC 28439 Sub 71, MC 28439 Sub 77, MC 28439 Sub 79, MC 28439 Sub 80, MC 28439 Sub 81, MC 28439 Sub. 82, MC 28439 Sub 83, and MC 28439 Sub 84. James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C., for applicants.

No. MC-FC 61193. By order of August 12, 1958, the Transfer Board approved the transfer to Tomlin Transportation Company, A Corporation, Casper, Wyoming, of certificate in No. MC 29677 Sub 1, issued April 19, 1957, to Max Dawson, doing business as Dawson Trucking Company, Casper, Wyoming, authorizing the transportation of telephone, telegraph and power line equipment, heavy machinery and parts, machinery, equipment, materials, and supplies, as specified, between specified points in Wyoming, Colorado, Montana, North Dakota, South Dakota, and Utah.

Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyoming.

No. MC-FC 61264. By order of August 14, 1958, the Transfer Board approved the transfer to M. J. Whalen Co., Inc., Portsmouth, N. H., of Certificate No. MC 74451, issued January 6, 1950, to M. J. Whalen, Portsmouth, N. H., authorizing the transportation of household goods between points in Rockingham County, N. H., and York County, Maine, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maryland, and Pennsylvania. Francis J. Riordan, 244 State Street, Portsmouth, N. H., for applicants.

No. MC-FC 61326. By order of August 14, 1958, the Transfer Board approved the transfer to Bernard Edward Tunink, Glidden, Iowa, of Certificate No. MC 8360, issued August 5, 1957, to B. R. Hay, Glidden, Iowa, authorizing the transportation of: Livestock, feed, tankage, hay, lumber, agricultural implements, cement blocks, tile, flour, tires, oil, paint, and hardware, over regular routes, between Glidden, Iowa, and Omaha, Nebr.

No. MC-FC 61349. By order of August 12, 1958, the Transfer Board approved the transfer to Cono Brigandi, Hicksville, New York, of certificate No. MC 16093 Sub 1, issued May 15, 1957, to Kosta Trucking and Leasing Corp., doing business as Kosta Trucking Co., New York, New York authorizing the transportation of: Brewers' and refrigeration supplies and machinery, between New York, N. Y., on the one hand, and, on the other, Harrison, Newark, Orange, Paterson, and Passaic, N. J.; and passenger and freight elevator machinery and parts thereof, steel wire cable, marine fittings, and cargo nets, between New York, N. Y., on the one hand, and, on the other, Harrison, Newark, Orange, Paterson, and Passaic, N. J. Charles H. Trayford, 155 East 40th Street, New York, New York, for applicants.

No. MC-FC 61350. By order of August 13, 1958, the Transfer Board approved the transfer to H. Pom-Arleau, doing business as Pom-Arleau Transfer, Wenatchee, Washington, of Certificates Nos. MC 94068, MC 94068 Sub 1, and MC 94068 Sub 2, issued March 18, 1941, September 1, 1942, and January 4, 1944, respectively, to H. Pom-Arleau, authorizing the transportation of *Household goods*, as defined by the Commission, over irregular routes, between Wenatchee, Wash., on the one hand, and, on the other, points in Oregon, Idaho, and Montana; *various specified commodities*, from Wenatchee, Wash., to points in Idaho, Montana, and Oregon; and, *Fruit wrapping paper*, over irregular routes, from Portland, Oreg., and points in Oregon within 15 miles of Portland, to points in Douglas, Chelan, and Okanogan Counties, Wash. Robert F. Murray, Doneen Building, Wenatchee, Wash., for applicants.

No. MC-FC 61358. By order of August 13, 1958, the Transfer Board approved the transfer to Louis Mark Squiccimara, doing business as D & L Delivery Service, Philadelphia, Pa., of Certificate No. MC 108813, issued October 31, 1956, to Dominic Mark and Louis Mark Squiccimara, a Partnership, doing business as D & L Delivery Service, Philadelphia, Pa., authorizing the transportation of printed materials and graphic arts materials, between Philadelphia, Pa., and New York, N. Y. Morris J. Winokur, Market Street National Bank Building, Juniper and Market Streets, Philadelphia 7, Pennsylvania, for applicants.

No. MC-FC 61409. By order of August 14, 1958, the Transfer Board approved the transfer to Santry Trucking Company, Portland, Oregon, of Permits Nos. MC 95920, MC 95920 Sub 10, and MC 95920 Sub 11, issued November 15, 1956, July 31, 1957, and June 30, 1958 respectively, to D. D. Santry, doing business as Santry Trucking Company, Portland, Oregon, authorizing the transportation of malt beverages, from Olympia, Wash., to Marshfield, Oreg., Albany, Oreg., New Port, Oreg., and Tillamock, Oreg., malt beverages, malt beverage containers and cartons, bottle openers, advertising matter, and brewery products, moving incidentally to the movement of malt beverages, from Olympia, Wash., to points in Idaho and Oregon. William P. Adams, 331 Pacific Building, Portland 4, Oregon.

No. MC-FC 61424. By order of August 14, 1958, the Transfer Board approved the transfer to Duncan Petroleum Transport, Inc., Bellmore, N. Y., of certificate No. MC 104820 Sub 12, issued April 9, 1958, to Trans-Isle Carriers, Inc., Franklin Square, N. Y., authorizing the transportation of liquid asphalt and other tar products and petroleum products, in tank trucks, between points in seven New Jersey counties and portions of two other New Jersey counties, on the one hand, and, on the other, points in Suffolk and Nassau Counties, N. Y., and between Staten Island, N. Y., on the one hand, and, on the other, points in Nassau County, N. Y. (except the New York, N. Y., Commercial Zone) and points in Suffolk County, N. Y. Charles H. Trayford, 155 East 40th Street, New York 16, N. Y., for applicants.

No. MC-FC 61428. By order of August 19, 1958, the Transfer Board approved the transfer to Don Swart, doing business as Don Swart Trucking, West Alexander, Pennsylvania, of Certificate No. MC 94134, issued May 13, 1952, to Lilburn P. Jack, doing business as L. P. Jack Transfer, Elm Grove, West Virginia, authorizing the transportation of coal and road building materials, between points in Ohio, Pennsylvania, and West Virginia, within 50 miles of Elm Grove, W. Va., and household goods, between Elm Grove, W. Va., on the one hand, and, on the other, points in Ohio and Pennsylvania.

No. MC-FC 61441. By order of August 12, 1958, the Transfer Board approved the transfer to The Winfield Bus Service, Inc., Winfield, Kans., of certificate No. MC 529, issued April 30, 1954, to Elmer Z. Reeve, doing business as Winfield Bus Service, Winfield, Kans., authorizing the transportation of passengers, in charter service, beginning and ending at a point in Kay or Grant Counties, Okla., to Kansas City, Mo., and points in Colorado, Wyoming, Nebraska, Kansas, Oklahoma, and Iowa, and beginning at points in Kansas and extending to all points in the United States. Lawrence E. Christenson, P. O. Box 765, Winfield, Kans., for applicants.

No. MC-FC 61446. By order of August 12, 1958, the Transfer Board approved the application to Donna Ione Jacobs, doing business as Jacobs Trucking Service, Baker, Montana, of certificate No. MC 98971 Sub 1, issued June 28, 1957, to Earl E. Jacobs, doing business as Jacobs Trucking Service, Baker, Montana, authorizing the transportation of general commodities, excluding household goods and other specified commodities, between Miles City, Mont., and Marmarth, N. Dak. Gene Huntley, Attorney at Law, Baker, Montana, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-6823; Filed, Aug. 22, 1958; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATEMENT OF ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

MISCELLANEOUS AMENDMENTS

The Statement of Organization and Delegations of Final Authority of the Office of Alien Property (21 F. R. 1241), as amended, are hereby amended as follows and not otherwise:

1. Subparagraph 5 (c) is amended to read:

(c) *Litigation Section.* Under the supervision of the Chief, Litigation Section, this Section conducts all litigation concerning the Office, matters which may be referred to the Section for enforcement or possible litigation and such title claim proceedings under the Trading With the Enemy Act, as amended, as may be referred by the Director.

(1) The Chief, Litigation Section, is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions.

(2) In the exercise of his authority with respect to title claims under the Trading With the Enemy Act, as amended, insofar as it relates to a position taken by the Litigation Section prior to allowance or final disallowance of a claim, the Chief, Litigation Section, shall sign in his own name and title.

(3) The Chief, Litigation Section, is authorized to execute receipts, surrenders, releases or other instruments to evidence action which may be consummated in cases referred to or handled by the Section.

2. The first sentence of subparagraph 5 (d) is amended as follows:

(d) *Claims Section.* Under the supervision of the Chief, Claims Section, this Section processes all claims under the Trading With the Enemy Act, as amended, or under Title II of the International Claims Settlement Act of 1949 for the return of property or the payment of debts of former owners of vested property, except such title claims under the

Trading With the Enemy Act, as amended, as may be referred by the Director to the Litigation Section of the Office.

• • • • •

3. Subparagraph 5 (e) is amended as follows:

(e) *Liquidation Section.* Under the supervision of the Chief, Liquidation Section, this Section is responsible for matters relating to the operation or liquidation of business enterprises which have been supervised or vested, for the management and liquidation of vested real and personal property, for collection, custody and administration with respect to vested interests in estates and trusts and vested rights under contracts of life insurance and annuity and for all matters relating to the administration of trade-marks and copyrights and rights or interests therein or related thereto vested under the Trading With the Enemy Act, as amended, or controlled thereunder by 8 CFR, Part 507. This Section also performs certain functions in connection with effectuating returns of vested property.

• • • • •

(3) The Chief, Liquidation Section, and within this Section, the Chief, Collection and Custody Unit and the Assistant Chief, Collection and Custody Unit, are severally authorized:

• • • • •

(ii) To take custody of any property or interest therein which is vested in, or is transferable or deliverable to, the Attorney General under the Trading With the Enemy Act, as amended, or Title II of the International Claims Settlement Act of 1949; to accept payment, assignment, transfer, assignment or delivery made to or for the account of the Attorney General pursuant to said Act or Title; to exercise any right of election to surrender or release any vested life insurance policy contract rights or interests therein against payment of said surrender value; and to execute receipts, surrenders, releases or other instruments to evidence such action;

• • • • •

Executed at Washington, D. C., on August 19, 1958.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-6829; Filed, Aug. 22, 1958; 8:49 a. m.]

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FEDERAL REGISTER

VOLUME 23 NUMBER 167

Washington, Tuesday, August 26, 1958

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President subsequent to adjournment will appear in the daily FEDERAL REGISTER under *Title 2, The Congress.*

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 CCC Cotton Bulletin 1, Amdt. 2]

PART 427—COTTON

SUBPART—1958 COTTON LOAN PROGRAM REGULATIONS

SCHEDULE OF BASE LOAN RATES FOR WAREHOUSE-STORED UPLAND COTTON

The 1958 Cotton Bulletin (1958 CCC Cotton Bulletin 1) is hereby amended by adding § 427.934 to read as follows:

§ 427.934 *Basic loan rates by warehouse locations.* The base loan rates, in cents per pound, gross weight, applicable to Middling white 1-inch upland cotton, under Commodity Credit Corporation's 1958 Cotton Loan Program, are as follows:

ALABAMA *City and county*	*Basis Middling White 1-inch loan rate*
Abbeville, Henry	35.59
Akron, Hale	35.49
Albertville, Marshall	35.69
Alexander City, Tallapoosa	35.79
Aliceville, Pickens	35.39
Altoona, Etowah	35.79
Andalusia, Covington	35.49
Anniston, Calhoun	35.79
Arab, Marshall	35.69
Ardmore, Limestone	35.49
Ashford, Houston	35.59
Ashland, Clay	35.79
Athens, Limestone	35.49
Atmore, Escambia	35.39
Attalla, Etowah	35.79
Auburn, Lee	35.79
ALABAMA—Continued	
Banks, Pike	35.59
Bankston, Fayette	35.49
Belk, Fayette	35.49
Berry, Fayette	35.49
Bessemer, Jefferson	35.59
Birmingham, Jefferson	35.59
Blountsville, Blount	35.69
Boaz, Marshall	35.69
Boligee, Greene	35.39
Brantley, Crenshaw	35.49
Brantley, Dallas	35.49
Brent, Bibb	35.59
Brewton, Escambia	35.39
Bridgeport, Jackson	35.59
Browntown, Jackson	35.59
Brundidge, Pike	35.59
Butler, Choctaw	35.39
Camden, Wilcox	35.39
Camp Hill, Tallapoosa	35.79
Carbon Hill, Walker	35.49
Carrollton, Pickens	35.39
Centre, Cherokee	35.79
Centreville, Bibb	35.59
Chavies, De Kalb	35.69
Childersburg, Talladega	35.79
Clanton, Chilton	35.59
Clayton, Barbour	35.69
Clio, Barbour	35.69
Collinsville, De Kalb	35.69
Columbia, Houston	35.59
Columbiana, Shelby	35.69
Cooper, Chilton	35.59
Cordova, Walker	35.49
Courtland, Lawrence	35.49
Crossville, De Kalb	35.69
Cullman, Cullman	35.59
Dadeville, Tallapoosa	35.79
Dancy, Pickens	35.39
Deatsville, Elmore	35.69
Decatur, Morgan	35.59
Demopolis, Marengo	35.39
Detroit, Lamar	35.39
Dothan, Houston	35.59
Dozier, Crenshaw	35.49
Dutton, Jackson	35.59
Eclectic, Elmore	35.69
Elba, Coffee	35.59
Elkmont, Limestone	35.49
Enterprise, Coffee	35.59
Ethelsville, Pickens	35.39
Eufaula, Barbour	35.69
Eutaw, Greene	35.39
Evergreen, Conecuh	35.39
Fackler, Jackson	35.59
Fadette, Geneva	35.59
Faunsdale, Marengo	35.39
Fayette, Fayette	35.49
Flat Rock, Jackson	35.59

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FEDERAL REGISTER

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(As of July 1, 1958)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146–149, 1958 Supplement 1 ($1.00)

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Florala, Covington	35.49
Florence, Lauderdale	35.39
Fort Deposit, Lowndes	35.49
Fort Payne, De Kalb	35.69
Fyffe, De Kalb	35.79
Gadsden, Etowah	35.39
Gantt, Covington	35.49
Geneva, Geneva	35.59
Georgiana, Butler	35.49
Glen Allen, Fayette	35.69
Good Water, Coosa	35.49
Gordo, Pickens	35.39
Goshen, Pike	35.59
Greensboro, Hale	35.49
Greenville, Butler	35.49
Grove Hill, Clarke	35.39
Guin, Marion	35.39
Guntersville, Marshall	35.69
Hackleburg, Marion	35.39
Haleyville, Winston	35.49
Hamilton, Marion	35.39
Hanceville, Cullman	35.59
Hartford, Geneva	35.59
Hartselle, Morgan	35.59
Havana Junction, Hale	35.49
Headland, Henry	35.59
Heflin, Cleburne	35.79
Henagar, De Kalb	35.69
Hodges, Franklin	35.39
Hollywood, Jackson	35.59
Huntsville, Madison	35.59
Hurtsboro, Russell	35.79
Ider, De Kalb	35.69
Jacksonville, Calhoun	35.79
Jasper, Walker	35.49
Jemison, Chilton	35.59
Kennedy, Lamar	35.39
Lafayette, Chambers	35.79
Larkinsville, Jackson	35.59
Leighton, Colbert	35.39
Lester, Limestone	35.49
Linden, Marengo	35.39
Lineville, Clay	35.79
Livingston, Sumter	35.39
Lockhart, Covington	35.49
Louisville, Barbour	35.69
Luverne, Crenshaw	35.49
McCullough, Escambia	35.39
McKenzie, Butler	35.49
Madison, Madison	35.59
Malvern, Geneva	35.59
Maplesville, Chilton	35.59
Marion, Perry	35.49
Millport, Lamar	35.39
Mobile, Mobile	35.31
Monroeville, Monroe	35.39
Montevallo, Shelby	35.69
Montgomery, Montgomery	35.59
Moores Bridge, Tuscaloosa	35.49
Moores Valley, Wilcox	35.39
Moulton, Lawrence	35.49
Moundville, Hale	35.49
Newbern, Hale	35.49
New Brockton, Coffee	35.59
New Hope, Madison	35.59
Newville, Henry	35.59
Northport, Tuscaloosa	35.49
Notasulga, Macon	35.69
Oakman, Walker	35.49
Oneonta, Blount	35.69
Opelika, Lee	35.79
Opp, Covington	35.49
Ozark, Dale	35.59
Panola, Sumter	35.39
Pell City, St. Clair	35.69
Peterman, Monroe	35.39
Phil Campbell, Franklin	35.39
Pickensville, Pickens	35.39
Pine Hill, Wilcox	35.39
Pisgah, Jackson	35.59
Pollard, Escambia	35.39
Prattville, Autauga	35.59
Ralph, Tuscaloosa	35.49
Red Bay, Franklin	35.39
Red Level, Covington	35.49
Reform, Pickens	35.39
Repton, Conecuh	39.39

ALABAMA—Continued

City and county	Basis Middling White 1-inch loan rate
Roanoke, Randolph	35.79
Rogersville, Lauderdale	35.39
Russellville, Franklin	35.39
Samantha, Tuscaloosa	35.49
Samson, Geneva	35.59
Scottsboro, Jackson	35.59
Section, Jackson	35.59
Selma, Dallas	35.49
Sheffield, Colbert	35.39
Slocomb, Geneva	35.59
Stevenson, Jackson	35.59
Stewart, Hale	35.49
Sulligent, Lamar	35.39
Sweet Water, Marengo	35.39
Sylacauga, Talladega	35.79
Sylvania, De Kalb	35.69
Talladega, Talladega	35.79
Tallassee, Elmore	35.69
Thomasville, Clarke	35.39
Thorsby, Chilton	35.59
Troy, Pike	35.59
Tuscaloosa, Tuscaloosa	35.49
Tuscumbia, Colbert	35.39
Tuskegee, Macon	35.69
Union Springs, Bullock	35.69
Uniontown, Perry	35.49
Vernon, Lamar	35.39
Vina, Franklin	35.39
Wadley, Randolph	35.79
Warrior, Jefferson	35.59
Webb, Houston	35.59
Wetumpka, Elmore	35.69
Wilsonville, Shelby	35.69
Winfield, Marion	35.39
Woodville, Jackson	35.59
York, Sumter	35.39

ARIZONA

City and county	Basis Middling White 1-inch loan rate
Amado, Santa Cruz	34.27
Buckeye, Maricopa	34.27
Casa Grande, Pinal	34.27
Chandler, Maricopa	34.27
Coolidge, Pinal	34.27
Eloy, Pinal	34.27
Gilbert, Maricopa	34.27
Litchfield Park, Maricopa	34.27
McMicken, Maricopa	34.27
Marana, Pima	34.27
Phoenix, Maricopa	34.27
Picacho, Pinal	34.27
Safford, Graham	34.46
Sahuarita, Pima	34.27
Willcox, Cochise	34.46
Yuma, Yuma	34.27

ARKANSAS

City and county	Basis Middling White 1-inch loan rate
Arkadelphia, Clark	35.20
Ashdown, Little River	35.12
Batesville, Independence	35.20
Blytheville, Mississippi	35.25
Boughton, Nevada	35.04
Bradley, Lafayette	35.04
Brinkley, Monroe	35.25
Camden, Ouachita	35.12
Clarendon, Monroe	35.25
Conway, Faulkner	35.20
Cotton Plant, Woodruff	35.25
Dardanelle, Yell	35.20
Dell, Mississippi	35.25
Dumas, Desha	35.23
Earle, Crittenden	35.25
England, Lonoke	35.23
Eudora, Chicot	35.22
Evadale, Mississippi	35.25
Fordyce, Dallas	35.20
Forrest City, St. Francis	35.25
Fort Smith, Sebastian	35.12
Gurdon, Clark	35.20
Harrisburg, Poinsett	35.25
Helena, Phillips	35.25
Hope, Hempstead	35.12
Hughes, St. Francis	35.25
Hulbert, Crittenden	35.28
Jacksonville, Pulaski	35.23
Jonesboro, Craighead	35.25
Junction City, Union	35.12
Leachville, Mississippi	35.25

ARKANSAS—Continued

City and county	Basis Middling White 1-inch loan rate
Lepanto, Poinsett	35.25
Little Rock, Pulaski	35.23
Lonoke, Lonoke	35.23
McCrory, Woodruff	35.25
McGehee, Desha	35.23
Magnolia, Columbia	35.04
Malvern, Hot Springs	35.20
Marianna, Lee	35.25
Marked Tree, Poinsett	35.25
Marvell, Phillips	35.25
Morrilton, Conway	35.20
Nashville, Howard	35.04
Newport, Jackson	35.23
North Little Rock, Pulaski	35.23
Osceola, Mississippi	35.25
Paragould, Greene	35.25
Pine Bluff, Jefferson	35.23
Portland, Ashley	35.20
Prescott, Nevada	35.04
Russellville, Pope	35.20
Searcy, White	35.23
Sparkman, Dallas	35.12
Trumann, Poinsett	35.25
Waldo, Columbia	35.04
Walnut Ridge, Lawrence	35.23
Warren, Bradley	35.20
West Helena, Phillips	35.25
West Memphis, Crittenden	35.28
Wilson, Mississippi	35.25
Wynne, Cross	35.25

CALIFORNIA

City and county	Basis Middling White 1-inch loan rate
Arvin, Kern	34.27
Bakersfield, Kern	34.27
Buttonwillow, Kern	34.27
Calico, Kern	34.27
Caruthers, Fresno	34.27
Chowchilla, Madera	34.27
Coalinga, Fresno	34.27
Corcoran, Kings	34.27
El Centro, Imperial	34.27
Firebaugh, Fresno	34.27
Five Points, Fresno	34.27
Fresno, Fresno	34.27
Hanford, Kings	34.27
Helm, Fresno	34.27
Huron, Fresno	34.27
Kerman, Fresno	34.27
Kingsburg, Fresno	34.27
Locke, Sacramento	34.27
Los Angeles, Los Angeles	34.27
McFarland, Kern	34.27
Madera, Madera	34.27
Oakland, Alameda	34.27
Pinedale, Fresno	34.27
Pond, Kern	34.27
Reedley, Fresno	34.27
Richmond, Contra Costa	34.27
San Diego, San Diego	34.27
San Francisco, San Francisco	34.27
San Joaquin, Fresno	34.27
San Jose, Santa Clara	34.27
San Pedro, Los Angeles	34.27
Selma, Fresno	34.27
Stockton, San Joaquin	34.27
Stratford, Kings	34.27
Tipton, Tulare	34.27
Tranquility, Fresno	34.27
Tulare, Tulare	34.27
Visalia, Tulare	34.27

FLORIDA

City and county	Basis Middling White 1-inch loan rate
Jay, Santa Rosa	35.31
Pensacola, Escambia	35.31

GEORGIA

City and county	Basis Middling White 1-inch loan rate
Abbeville, Wilcox	35.79
Adairsville, Bartow	35.69
Adrian, Emanuel	35.79
Alamo, Wheeler	35.79
Albany, Dougherty	35.79
Allentown, Wilkinson	35.69
Alma, Bacon	35.79
Alvaton, Meriwether	35.69
Ambrose, Coffee	35.79
Americus, Sumter	35.79
Arabi, Crisp	35.79
Arlington, Calhoun	35.69

GEORGIA—Continued

City and county	Basis Middling White 1-inch loan rate
Ashburn, Turner	35.79
Athens, Clarke	35.99
Atlanta, Fulton	35.89
Augusta, Richmond	35.99
Bainbridge, Decatur	35.69
Barnesville, Lamar	35.89
Bartow, Jefferson	35.89
Baxley, Appling	35.79
Bishop, Oconee	35.99
Blacksheer, Pierce	35.69
Blakely, Early	35.69
Braselton, Jackson	35.99
Bronwood, Terrell	35.79
Brooklet, Bulloch	35.89
Brunswick, Glynn	35.69
Buchanan, Haralson	35.89
Buena Vista, Marion	35.89
Buford, Gwinnett	35.89
Butler, Taylor	35.89
Byromville, Dooly	35.79
Cadwell, Laurens	35.89
Cairo, Grady	35.69
Calhoun, Gordon	35.89
Camilla, Mitchell	35.69
Canon, Franklin	35.99
Carnegie, Randolph	35.69
Carrollton, Carroll	35.89
Cartersville, Bartow	35.89
Cedartown, Polk	35.89
Chamblee, De Kalb	35.89
Chauncey, Dodge	35.89
Chester, Dodge	35.89
Claxton, Evans	35.79
Cochran, Bleckley	35.89
Coleman, Randolph	35.69
Colquitt, Miller	35.69
Columbus, Muscogee	35.89
Comer, Madison	35.99
Commerce, Jackson	35.99
Concord, Pike	35.89
Conyers, Rockdale	35.89
Cordele, Crisp	35.79
Covington, Newton	35.89
Culloden, Monroe	35.89
Cuthbert, Randolph	35.69
Dallas, Paulding	35.89
Dalton, Whitfield	35.89
Davisboro, Washington	35.89
Dawson, Terrell	35.79
Dexter, Laurens	35.89
Doerun, Colquitt	35.69
Donalsonville, Seminole	35.69
Douglas, Coffee	35.79
Douglasville, Douglas	35.89
Dublin, Laurens	35.89
Dudley, Laurens	35.89
Eastman, Dodge	35.89
East Point, Fulton	35.89
Eatonton, Putnam	35.89
Edison, Calhoun	35.69
Elberton, Elbert	35.99
Ellaville, Schley	35.89
Fairburn, Fulton	35.89
Farrar, Jasper	35.89
Fayetteville, Fayette	35.89
Findlay, Dooly	35.79
Fitzgerald, Ben Hill	35.79
Forsyth, Monroe	35.89
Fort Gaines, Clay	35.69
Fort Valley, Peach	35.89
Franklinton, Bibb	35.89
Gainesville, Hall	35.99
Garfield, Emanuel	35.89
Gay, Meriwether	35.89
Glennville, Tattnall	35.79
Grantville, Coweta	35.89
Graymont, Emanuel	35.89
Greensboro, Greene	35.99
Greenville, Meriwether	35.89
Gresston, Dodge	35.89
Griffin, Spalding	35.89
Haralson, Coweta	35.89
Harrison, Washington	35.89
Hartsfield, Colquitt	35.69
Hartwell, Hart	35.99
Hawkinsville, Pulaski	35.89
Hogansville, Troup	35.89

GEORGIA—Continued

City and county	Basis Middling White 1-inch loan rate
Hollonville, Pike	35.89
Ideal, Macon	35.89
Jackson, Butts	35.89
Jefferson, Jackson	35.99
Jeffersonville, Twiggs	35.89
Jesup, Wayne	35.79
Jonesboro, Clayton	35.89
Kelly, Jasper	35.89
Kingston, Bartow	35.89
Kite, Johnson	35.89
Lafayette, Walker	35.89
La Grange, Troup	35.89
Lavonia, Franklin	35.99
Lawrenceville, Gwinnett	35.89
Leary, Calhoun	35.69
Leesburg, Lee	35.79
Leslie, Sumter	35.79
Lilly, Dooly	35.79
Lincolnton, Lincoln	35.99
Locust Grove, Henry	35.89
Loganville, Walton	35.89
Louisville, Jefferson	35.89
Lumpkin, Stewart	35.79
Luthersville, Meriwether	35.89
Lyerly, Chattooga	35.89
Lyons, Toombs	35.79
McDonough, Henry	35.89
McRae, Telfair	35.79
Macon, Bibb	35.89
Madison, Morgan	35.89
Manchester, Meriwether	35.89
Mansfield, Newton	35.89
Marietta, Cobb	35.89
Marshallville, Macon	35.89
Meansville, Pike	35.89
Meigs, Thomas	35.69
Metter, Candler	35.89
Midville, Burke	35.89
Milan, Telfair	35.79
Milledgeville, Baldwin	35.89
Millen, Jenkins	35.89
Monroe, Walton	35.89
Montezuma, Macon	35.89
Monticello, Jasper	35.89
Montrose, Laurens	35.89
Moreland, Coweta	35.89
Morven, Brooks	35.69
Moultrie, Colquitt	35.69
Newborn, Newton	35.89
Newnan, Coweta	35.89
Ochlochnee, Thomas	35.69
Ocilla, Irwin	35.79
Oglethorpe, Macon	35.89
Omega, Tift	35.79
Orchard Hill, Spalding	35.89
Palmetto, Fulton	35.89
Parrott, Terrell	35.79
Pelham, Mitchell	35.69
Perry, Houston	35.89
Pine Mountain, Harris	35.89
Pinehurst, Dooly	35.79
Pinelog, Bartow	35.89
Pineview, Wilcox	35.79
Pitts, Wilcox	35.79
Plains, Sumter	35.79
Portal, Bulloch	35.89
Pulaski, Candler	35.89
Quitman, Brooks	35.69
Rebecca, Turner	35.79
Red Oak, Fulton	35.89
Rentz, Laurens	35.89
Reynolds, Taylor	35.89
Rhine, Dodge	35.89
Richland, Stewart	35.79
Roberta, Crawford	35.89
Rochelle, Wilcox	35.79
Rockmart, Polk	35.89
Rocky Ford, Screven	35.89
Rome, Floyd	35.89
Royston, Franklin	35.99
Rutledge, Morgan	35.89
Sandersville, Washington	35.89
Sasser, Terrell	35.79
Savannah, Chatham	35.89
Scotland, Telfair	35.79
Senoia, Coweta	35.89
Shady Dale, Jasper	35.89

GEORGIA—Continued

City and county	Basis Middling White 1-inch loan rate
Sharpsburg, Coweta	35.89
Shellman, Randolph	35.69
Shingler, Worth	35.79
Social Circle, Walton	35.89
Soperton, Treutlen	35.89
Sparta, Hancock	35.89
Statesboro, Bulloch	35.89
Summit, Emanuel	35.89
Swainsboro, Emanuel	35.89
Sycamore, Turner	35.79
Sylvania, Screven	35.89
Sylvester, Worth	35.79
Tallapoosa, Haralson	35.89
Taylorsville, Bartow	35.89
Temple, Carroll	35.89
Tennille, Washington	35.89
Thomaston, Upson	35.89
Thomson, McDuffie	35.89
Tifton, Tift	35.79
Tignall, Wilkes	35.89
Toccoa, Stephens	35.89
Turin, Coweta	35.89
Twin City, Emanuel	35.89
Tyrone, Fayette	35.89
Unadilla, Dooly	35.79
Valdosta, Lowndes	35.69
Vidalia, Toombs	35.79
Vienna, Dooly	35.79
Villa Rica, Carroll	35.89
Wadley, Jefferson	35.89
Warrenton, Warren	35.89
Warwick, Worth	35.79
Washington, Wilkes	35.89
Watkinsville, Oconee	35.89
Waynesboro, Burke	35.89
West Point, Troup	35.69
Williamson, Pike	35.89
Winder, Barrow	35.89
Woodbury, Meriwether	35.89
Woodland, Talbot	35.89
Wrens, Jefferson	35.89
Wrightsville, Johnson	35.89
Yatesville, Upson	35.89
Zebulon, Pike	35.89

ILLINOIS

Cairo, Alexander	35.99

LOUISIANA

Alexandria, Rapides	35.13
Arcadia, Bienville	35.13
Bernice, Union	35.13
Bryceland, Bienville	35.04
Bunkie, Avoyelles	35.04
Chatham, Jackson	35.04
Choudrant, Lincoln	35.79
Coushatta, Red River	35.13
Delhi, Richland	35.21
Dubach, Lincoln	35.13
Eunice, St. Landry	35.13
Farmerville, Union	35.79
Ferriday, Concordia	35.13
Franklinton, Washington	35.99
Gibsland, Bienville	35.13
Gretna, Jefferson	35.99
Haynesville, Claiborne	35.04
Homer, Claiborne	35.04
Jonesboro, Jackson	35.13
Lake Charles, Calcasieu	35.13
Lake Providence, East Carroll	35.21
Leesville, Vernon	35.13
Logansport, De Soto	35.04
Mansfield, De Soto	35.13
Marion, Union	35.79
Minden, Webster	35.13
Monroe, Ouachita	35.79
Natchitoches, Natchitoches	35.04
Newellton, Tensas	35.21
New Orleans, Orleans	35.21
Oak Grove, West Carroll	35.21
Plain Dealing, Bossier	35.04
Rayville, Richland	35.21
Ringgold, Bienville	35.13
Ruston, Lincoln	35.79
Shreveport, Caddo	35.13
Springhill, Webster	35.13
Tallulah, Madison	35.21

LOUISIANA—Continued

City and county	Basis Middling White 1-inch loan rate
Westwego, Jefferson	35.28
Winnsboro, Franklin	35.20

MISSISSIPPI

Aberdeen, Monroe	35.31
Amory, Monroe	35.31
Batesville, Panola	35.31
Belmont, Tishomingo	35.31
Belzoni, Humphreys	35.26
Booneville, Prentiss	35.31
Brookhaven, Lincoln	35.26
Canton, Madison	35.31
Carthage, Leake	35.31
Clarksdale, Coahoma	35.26
Cleveland, Bolivar	35.26
Coffeeville, Yalobusha	35.31
Columbia, Marion	35.26
Columbus, Lowndes	35.31
Como, Panola	35.31
Corinth, Alcorn	35.31
Crystal Springs, Copiah	35.28
Drew, Sunflower	35.26
Durant, Holmes	35.31
Flora, Madison	35.26
Forest, Scott	35.28
Gloster, Amite	35.26
Goodman, Holmes	35.31
Greenville, Washington	35.26
Greenwood, Leflore	35.26
Grenada, Grenada	35.31
Gulfport, Harrison	35.26
Hattiesburg, Forrest	35.28
Hollandale, Washington	35.26
Holly Springs, Marshall	35.31
Houston, Chickasaw	35.31
Indianola, Sunflower	35.26
Inverness, Sunflower	35.26
Itta Bena, Leflore	35.26
Jackson, Hinds	35.28
Kosciusko, Attala	35.31
Laurel, Jones	35.28
Leland, Washington	35.26
Lexington, Holmes	35.26
Liberty, Amite	35.26
Louisville, Winston	35.31
McComb, Pike	35.28
Macon, Noxubee	35.31
Magee, Simpson	35.28
Magnolia, Pike	35.28
Marks, Quitman	35.26
Meridian, Lauderdale	35.31
Mount Olive, Covington	35.28
Natchez, Adams	35.26
New Albany, Union	35.31
Newton, Newton	35.28
Okolona, Chickasaw	35.31
Oxford, Lafayette	35.31
Philadelphia, Neshoba	35.31
Pontotoc, Pontotoc	35.31
Port Gibson, Claiborne	35.26
Prentiss, Jefferson Davis	35.28
Quitman, Clarke	35.28
Ripley, Tippah	35.31
Rolling Fork, Sharkey	35.26
Rosedale, Bolivar	35.26
Ruleville, Sunflower	35.26
Shaw, Bolivar	35.26
Shelby, Bolivar	35.26
Shuqualak, Noxubee	35.31
Sledge, Quitman	35.26
Summit, Pike	35.28
Tunica, Tunica	35.26
Tupelo, Lee	35.31
Tutwiler, Tallahatchie	35.26
Tylertown, Walthall	35.28
Union, Newton	35.31
Vicksburg, Warren	35.26
Water Valley, Yalobusha	35.31
Weason, Copiah	35.28
West Point, Clay	35.31
Yazoo City, Yazoo	35.26

MISSOURI

Arbyrd, Dunklin	35.25
Caruthersville, Pemiscot	35.25
Charleston, Mississippi	35.23
Gideon, New Madrid	35.23

MISSOURI—Continued

City and county	Basis Middling White 1-inch loan rate
Hayti, Pemiscot	35.25
Kennett, Dunklin	35.23
Lilbourn, New Madrid	35.23
Malden, Dunklin	35.23
Portageville, New Madrid	35.25
Sikeston, Scott	35.23

NEVADA

All point origins	34.27

NEW MEXICO

Animas, Hidalgo	34.57
Artesia, Eddy	34.73
Carlsbad, Eddy	34.73
Deming, Luna	34.66
Hobbs, Lea	34.82
Las Cruces, Dona Ana	34.72
Lordsburg, Hidalgo	34.57
Lovington, Lea	34.82
Roswell, Chaves	34.73
Sage, Luna	34.66
Socorro, Socorro	34.72

NORTH CAROLINA

Avondale, Rutherford	36.07
Battleboro, Nash	35.99
Benson, Johnston	35.99
Bessemer City, Gaston	36.07
Bethel, Pitt	35.99
Bladenboro, Bladen	35.99
Bostic, Rutherford	36.07
Butner, Granville	35.99
Candor, Montgomery	36.07
Carthage, Moore	36.07
Charlotte, Mecklenburg	36.07
Cherryville, Gaston	36.07
Clayton, Johnston	35.99
Clinton, Sampson	35.99
Columbus, Polk	36.07
Concord, Cabarrus	36.07
Conway, Northampton	35.99
Dallas, Gaston	36.07
Dunn, Harnett	35.99
Durham, Durham	36.07
Edenton, Chowan	35.99
Elizabeth City, Pasquotank	35.99
Enfield, Halifax	35.99
Farmville, Pitt	35.99
Fayetteville, Cumberland	35.99
Forest City, Rutherford	36.07
Franklinton, Franklin	35.99
Gastonia, Gaston	36.07
Godwin, Cumberland	35.99
Goldsboro, Wayne	35.99
Greensboro, Guilford	36.07
Gumberry, Northampton	35.99
Harris, Rutherford	36.07
Henderson, Vance	35.99
Hickory, Catawba	36.07
High Point, Guilford	36.07
Hope Mills, Cumberland	35.99
Jackson, Northampton	35.99
Kings Mountain, Cleveland	36.07
Kinston, Lenoir	35.99
La Grange, Lenoir	35.99
Laurel Hill, Scotland	35.99
Laurinburg, Scotland	35.99
Lewiston, Bertie	35.99
Lilesville, Anson	36.07
Lincolnton, Lincoln	36.07
Littleton, Halifax	35.99
Louisburg, Franklin	35.99
Lumberton, Robeson	35.99
Marshville, Union	36.07
Matthews, Mecklenburg	36.07
Maxton, Robeson	35.99
Monroe, Union	36.07
Mooresville, Iredell	36.07
Morven, Anson	36.07
Mount Gilead, Montgomery	36.07
Mount Olive, Wayne	35.99
Murfreesboro, Hertford	35.99
Nashville, Nash	35.99
Newton, Catawba	36.07
Norlina, Warren	35.99
Parkton, Robeson	35.99
Pates, Robeson	35.99

NORTH CAROLINA—Continued

City and county	Basis Middling White 1-inch loan rate
Pembroke, Robeson	35.99
Pikeville, Wayne	35.99
Pinetops, Edgecombe	35.99
Raeford, Hoke	35.99
Raleigh, Wake	35.99
Ranlo, Gaston	36.07
Red Springs, Robeson	35.99
Reidsville, Rockingham	36.07
Rich Square, Northampton	35.99
Roanoke Rapids, Halifax	35.99
Rockingham, Richmond	36.07
Rocky Mount, Edgecombe	35.99
Rowland, Robeson	35.99
Rutherfordton, Rutherford	36.07
Saint Pauls, Robeson	35.99
Salisbury, Rowan	36.07
Sanford, Lee	36.07
Scotland Neck, Halifax	35.99
Seaboard, Northampton	35.99
Shelby, Cleveland	36.07
Smithfield, Johnston	35.99
Southern Pines, Moore	36.07
Spring Hope, Nash	35.99
Stantonsburg, Wilson	35.99
Statesville, Iredell	36.07
Tarboro, Edgecombe	35.99
Wadesboro, Anson	36.07
Wagram, Scotland	35.99
Wake Forest, Wake	35.99
Warrenton, Warren	35.99
Washington, Beaufort	35.99
Weldon, Halifax	35.99
Williamston, Martin	35.99
Wilmington, New Hanover	35.99
Wilson, Wilson	35.99
Wingate, Union	36.07
Woodland, Northampton	35.99

OKLAHOMA

Ada, Pontotoc	35.13
Altus, Jackson	35.04
Anadarko, Caddo	35.04
Ardmore, Carter	35.13
Carnegie, Caddo	35.04
Carter, Beckham	35.04
Chandler, Lincoln	35.04
Chickasha, Grady	35.04
Clinton, Custer	35.04
Cushing, Payne	35.13
Durant, Bryan	35.13
Eakly, Caddo	35.04
Elk City, Beckham	35.04
Enid, Garfield	35.04
Erick, Beckham	35.04
Foss, Washita	35.04
Frederick, Tillman	35.04
Guthrie, Logan	34.95
Hobart, Kiowa	35.04
Hugo, Choctaw	35.13
Idabel, McCurtain	35.13
Konawa, Seminole	35.13
Lawton, Comanche	35.04
Lone Wolf, Kiowa	35.04
McAlester, Pittsburg	35.13
Mangum, Greer	35.04
Marlow, Stephens	35.04
Mountain View, Kiowa	35.04
Muskogee, Muskogee	35.13
Oklahoma City, Oklahoma	35.04
Pauls Valley, Garvin	34.95
Purcell, McClain	34.95
Ryan, Jefferson	35.04
Sentinel, Washita	34.95
Shawnee, Pottawatomie	35.13
Snyder, Kiowa	35.04
Stroud, Lincoln	35.13
Tipton, Tillman	35.04
Waurika, Jefferson	35.04
Weleetka, Okfuskee	35.13
Wynne Wood, Garvin	34.95

SOUTH CAROLINA

Abbeville, Abbeville	36.07
Aiken, Aiken	36.07
Allendale, Allendale	35.99
Anderson, Anderson	36.07
Andrews, Georgetown	35.99
Angelus, Chesterfield	36.07

SOUTH CAROLINA—Continued

City and county	Basis Middling White 1-inch loan rate
Ashwood, Lee	35.99
Atkins, Lee	35.99
Bamberg, Bamberg	35.99
Barnwell, Barnwell	35.99
Batesburg, Lexington	36.07
Belton, Anderson	36.07
Bennettsville, Marlboro	35.99
Bethune, Kershaw	36.07
Bishopville, Lee	35.99
Blacksburg, Cherokee	36.07
Blackstock, Fairfield	36.07
Blackville, Barnwell	35.99
Blair, Fairfield	36.07
Blaney, Kershaw	36.07
Blenheim, Marlboro	35.99
Bowman, Orangeburg	35.99
Boykin, Kershaw	36.07
Brunson, Hampton	35.99
Calhoun Falls, Abbeville	36.07
Camden, Kershaw	36.07
Cameron, Calhoun	35.99
Campobello, Spartanburg	36.07
Carlisle, Union	36.07
Catawba, York	36.07
Cateechee, Pickens	36.07
Centenary, Marion	35.99
Central, Pickens	36.07
Chappells, Newberry	36.07
Charleston, Charleston	35.99
Cheraw, Chesterfield	36.07
Chesnee, Spartanburg	36.07
Chester, Chester	36.07
Chesterfield, Chesterfield	36.07
Clinton, Laurens	36.07
Clio, Marlboro	35.99
Clover, York	36.07
Columbia, Richland	36.07
Conestee, Greenville	36.07
Cope, Orangeburg	35.99
Cordova, Orangeburg	35.99
Cowpens, Spartanburg	36.07
Crockettville, Hampton	35.99
Cross Anchor, Spartanburg	36.07
Cross Hill, Laurens	36.07
Dalzell, Sumter	35.99
Darlington, Darlington	35.99
Davis Station, Clarendon	35.99
Denmark, Bamberg	35.99
Dillon, Dillon	35.99
Drake, Marlboro	35.99
Due West, Abbeville	36.07
Dunbarton, Barnwell	35.99
Dunbar, Marlboro	35.99
Duncan, Spartanburg	36.07
Easley, Pickens	36.07
Edgefield, Edgefield	36.07
Ehrhardt, Bamberg	35.99
Elko, Barnwell	35.99
Ellenton, Aiken	36.07
Elliott, Lee	35.99
Elloree, Orangeburg	35.99
Enoree, Spartanburg	36.07
Estill, Hampton	35.99
Eureka, Aiken	36.07
Eutawville, Orangeburg	35.99
Fairfax, Allendale	35.99
Fairforest, Spartanburg	36.07
Fairmont, Spartanburg	36.07
Filbert, York	36.07
Fingerville, Spartanburg	36.07
Florence, Florence	35.99
Fountain Inn, Greenville	36.07
Gaffney, Cherokee	36.07
Gray Court, Laurens	36.07
Greenville, Greenville	36.07
Greenwood, Greenwood	36.07
Greer, Greenville	36.07
Hamer, Dillon	35.99
Hampton, Hampton	35.99
Hartsville, Darlington	35.99
Heath Springs, Lancaster	36.07
Hickory Grove, York	36.07
Holly Hill, Orangeburg	35.99
Honea Path, Anderson	36.07
Inman, Spartanburg	36.07
Iva, Anderson	36.07
Jefferson, Chesterfield	36.07

SOUTH CAROLINA—Continued

City and county	Basis Middling White 1-inch loan rate
Jenkinsville, Fairfield	36.07
Johnsonville, Florence	35.99
Johnston, Edgefield	36.07
Jonesville, Union	36.07
Kershaw, Kershaw	36.07
Kings Creek, Cherokee	36.07
Kingstree, Williamsburg	35.99
Kline, Barnwell	35.99
Kollock, Marlboro	35.99
Lake City, Florence	35.99
Lamar, Darlington	35.99
Lancaster, Lancaster	36.07
Landrum, Spartanburg	36.07
Lanford, Laurens	36.07
Latta, Dillon	35.99
Laurens, Laurens	36.07
Leesville, Lexington	36.07
Lester, Marlboro	35.99
Liberty, Pickens	36.07
Little Rock, Dillon	35.99
Lowrys, Chester	36.07
Lugoff, Kershaw	36.07
Luray, Hampton	35.99
Lynchburg, Lee	35.99
McBee, Chesterfield	36.07
McColl, Marlboro	35.99
McCormick, McCormick	36.07
Manning, Clarendon	35.99
Marion, Marion	35.99
Mauldin, Greenville	36.07
Mayesville, Sumter	35.99
Mount Carmel, McCormick	36.07
Mount Croghan, Chesterfield	36.07
Mountville, Laurens	36.07
Mullins, Marion	35.99
Neeses, Orangeburg	35.99
Newberry, Newberry	36.07
Newry, Oconee	36.07
New Zion, Clarendon	35.99
Ninety Six, Greenwood	36.07
Norris, Pickens	36.07
North, Orangeburg	35.99
Norway, Orangeburg	35.99
Olanta, Florence	35.99
Olar, Bamberg	35.99
Orangeburg, Orangeburg	35.99
Oswego, Sumter	35.99
Owings, Laurens	36.07
Pageland, Chesterfield	36.07
Pamplico, Florence	35.99
Parksville, McCormick	36.07
Pelzer, Anderson	36.07
Pendleton, Anderson	36.07
Pickens, Pickens	36.07
Piedmont, Greenville	36.07
Pinewood, Sumter	35.99
Plum Branch, McCormick	36.07
Pomaria, Newberry	36.07
Princeton, Laurens	36.07
Prosperity, Newberry	36.07
Remini, Clarendon	35.99
Richburg, Chester	36.07
Ridge Springs, Saluda	36.07
Ridgeway, Fairfield	36.07
Rock Hill, York	36.07
Roebuck, Spartanburg	36.07
Rowesville, Orangeburg	35.99
Salley, Aiken	36.07
Saluda, Saluda	36.07
Sandy Springs, Anderson	36.07
Scotia, Hampton	35.99
Seigling, Allendale	35.99
Sellers, Marion	35.99
Seneca, Oconee	36.07
Sharon, York	36.07
Silver, Clarendon	35.99
Simpsonville, Greenville	36.07
Six Mile, Pickens	36.07
Smoaks, Colleton	35.99
Smyrna, York	36.07
Spartanburg, Spartanburg	36.07
Springfield, Orangeburg	35.99
Starr, Anderson	36.07
St. Matthews, Calhoun	35.99
Summerton, Clarendon	35.99
Sumter, Sumter	35.99
Swansea, Lexington	36.07

SOUTH CAROLINA—Continued

City and county	Basis Middling White 1-inch loan rate
Syracuse, Darlington	35.99
Tatum, Marlboro	35.99
Timmonsville, Florence	35.99
Trenton, Edgefield	36.07
Turbeville, Clarendon	35.99
Union, Union	36.07
Vance, Orangeburg	35.99
Van Wyck, Lancaster	36.07
Wagener, Aiken	36.07
Walhalla, Oconee	36.07
Wallace, Hampton	35.99
Walterboro, Colleton	35.99
Waterloo, Laurens	36.07
Wattsville, Laurens	36.07
Wedgefield, Sumter	36.07
Westminster, Oconee	36.07
West Union, Oconee	36.07
Whitmire, Newberry	36.07
Whitney, Spartanburg	36.07
Williamston, Anderson	36.07
Williston, Barnwell	35.99
Windsor, Aiken	36.07
Winnsboro, Fairfield	36.07
Wisacky, Lee	35.99
Wolfton, Orangeburg	35.99
Woodruff, Spartanburg	36.07
York, York	36.07

TENNESSEE

Brownsville, Haywood	35.99
Chattanooga, Hamilton	35.79
Covington, Tipton	35.99
Decherd, Franklin	35.99
Dyersburg, Dyer	35.99
Elora, Lincoln	35.49
Fayetteville, Lincoln	35.49
Five Points, Lawrence	35.99
Halls, Lauderdale	35.99
Henderson, Chester	35.31
Humboldt, Gibson	35.99
Jackson, Madison	35.91
Knoxville, Knox	35.79
Lawrenceburg, Lawrence	35.99
Loretto, Lawrence	35.99
Memphis, Shelby	35.31
Murfreesboro, Rutherford	35.49
Ripley, Lauderdale	35.99
Shelbyville, Bedford	35.49
South Pittsburg, Marion	35.09
Tiptonville, Lake	35.99
Winchester, Franklin	35.99

TEXAS

Abernathy, Hale	34.95
Abilene, Taylor	34.95
Ackerly, Dawson	34.84
Afton, Dickens	35.02
Aiken, Floyd	34.95
Alba, Wood	35.04
Alvarado, Johnson	34.95
Amarillo, Potter	34.95
Amherst, Lamb	34.84
Anson, Jones	34.95
Anton, Hockley	34.84
Aspermont, Stonewall	34.93
Athens, Henderson	35.04
Atlanta, Cass	35.04
Austin, Travis	34.95
Austonio, Houston	34.95
Avery, Red River	35.04
Balleyboro, Bailey	34.84
Bakersfield, Pecos	34.93
Ballinger, Runnels	34.95
Balmorhea, Reeves	34.93
Barry, Navarro	34.95
Bartlett, Bell	34.95
Beaumont, Jefferson	35.12
Beckville, Panola	35.04
Belton, Bell	34.95
Bertram, Burnett	34.95
Big Spring, Howard	34.84
Bledsoe, Cochran	34.84
Bloomsburg, Cass	35.12
Bogata, Red River	35.04
Bonham, Fannin	35.04
Bovina, Parmer	34.84

TEXAS—Continued

City and county	Basis Middling White 1-inch loan rate
Brady, McCulloch	34.93
Breckenridge, Stephens	35.04
Brenham, Washington	34.95
Broadview, Lubbock	34.84
Brookshire, Waller	34.95
Brownfield, Terry	34.84
Brownsville, Cameron	34.86
Brownwood, Brown	34.95
Bryan, Brazos	34.95
Bula, Bailey	34.84
Bynum, Hill	34.95
Caldwell, Burleson	34.95
Calvert, Robertson	34.95
Cameron, Milam	34.95
Carthage, Panola	35.04
Celina, Collin	35.04
Center, Shelby	35.04
Chalson, Jefferson	35.12
Chapel Hill, Washington	34.95
Childress, Childress	34.93
Chillicothe, Hardeman	34.95
Clarksville, Red River	35.04
Cleburne, Johnson	34.95
Coble, Hockley	34.84
Coleman, Coleman	34.93
Colorado City, Mitchell	34.93
Commerce, Hunt	35.04
Cooper, Delta	35.04
Corpus Christi, Nueces	34.91
Corsicana, Navarro	34.95
Crockett, Houston	34.95
Crosbyton, Crosby	34.84
Cuero, De Witt	34.95
Cumby, Hopkins	35.04
Daingerfield, Morris	35.04
Dallas, Dallas	35.04
Dean, Hockley	34.84
Dean, Clay	35.04
Dean, Leon	34.95
Decatur, Wise	34.95
Denison, Grayson	35.12
Denton, Denton	34.95
Denver City, Yoakum	34.84
Deport, Lamar	35.12
Dimmitt, Castro	34.86
Dublin, Erath	35.04
Eden, Concho	34.93
Edgewood, Van Zandt	35.04
El Campo, Wharton	34.95
Elgin, Bastrop	34.95
Elkhart, Anderson	34.95
El Paso, El Paso	34.72
Elysian Fields, Harrison	35.04
Emhouse, Navarro	34.95
Engelman Gardens, Hidalgo	34.86
Enloe, Delta	35.04
Ennis, Ellis	34.95
Enochs, Bailey	34.84
Fabens, El Paso	34.72
Fairfield, Freestone	34.95
Farwell, Parmer	34.84
Fauna, Harris	35.04
Floydada, Floyd	35.02
Forney, Kaufman	34.95
Fort Stockton, Pecos	34.82
Fort Worth, Tarrant	35.04
Frisco, Collin	35.04
Gainesville, Cooke	35.04
Galveston, Galveston	35.04
Ganado, Jackson	34.95
Garland, Dallas	35.04
Gary, Panola	35.04
Gatesville, Coryell	34.95
Gilmer, Upshur	35.04
Gonzales, Gonzales	34.95
Grand Saline, Van Zandt	35.04
Grandview, Johnson	34.95
Granger, Williamson	34.95
Grapeland, Houston	34.95
Grassland, Lynn	34.84
Greenville, Hunt	35.04
Hale Center, Hale	34.86
Hamilton, Hamilton	35.04
Hamlin, Jones	34.93
Harlingen, Cameron	34.86
Hart, Castro	34.86
Haskell, Haskell	34.93

TEXAS—Continued

City and county	Basis Middling White 1-inch loan rate
Hearne, Robertson	34.95
Hebron, Denton	35.04
Hedley, Donley	34.93
Henderson, Rusk	35.04
Hillsboro, Hill	34.95
Hoban, Reeves	34.82
Honey Grove, Fannin	35.04
Houston, Harris	35.04
Hubbard, Hill	34.95
Hughes Spring, Cass	35.04
Huntsville, Walker	34.95
Hutto, Williamson	34.95
Irene, Hill	34.95
Jacksonville, Cherokee	35.04
Jarrell, Williamson	34.95
Jayton, Kent	34.93
Jefferson, Marion	35.04
Jewett, Leon	34.95
Kaufman, Kaufman	35.04
Kenedy, Karnes	34.91
Kerens, Navarro	34.95
Killeen, Bell	34.95
Knox City, Knox	34.93
Krum, Denton	34.95
Ladonia, Fannin	35.04
La Grange, Fayette	34.95
Lamesa, Dawson	34.84
Levelland, Hockley	34.84
Lindale, Smith	35.04
Littlefield, Lamb	34.84
Lobo, Culberson	34.73
Lockhart, Caldwell	34.95
Lockney, Floyd	34.86
Longview, Gregg	35.04
Loraine, Mitchell	34.93
Lorenzo, Crosby	34.84
Lovelady, Houston	34.95
Lubbock, Lubbock	34.86
Lueders, Jones	34.93
McAdoo, Dickens	35.02
McCamey, Upton	34.82
McGregor, McLennan	34.95
McKinney, Collin	35.04
McLean, Gray	34.93
Madisonville, Madison	34.95
Marfa, Presidio	34.73
Marlin, Falls	34.95
Marshall, Harrison	35.04
Mart, McLennan	34.95
Maypearl, Ellis	34.95
Meadow, Terry	34.84
Memphis, Hall	34.93
Mercedes, Hidalgo	34.86
Mereta, Tom Green	34.93
Merkel, Taylor	34.93
Mexia, Limestone	34.95
Midland, Midland	34.84
Midlothian, Ellis	34.95
Mineola, Wood	35.04
Monahans, Ward	34.82
Morton, Cochran	34.84
Mt. Pleasant, Titus	35.04
Muleshoe, Bailey	34.84
Munday, Knox	34.93
Nacogdoches, Nacogdoches	35.04
Naples, Morris	35.04
Navasota, Grimes	34.95
Needmore, Bailey	34.84
Needmore, Delta	35.04
New Boston, Bowie	35.04
New Braunfels, Comal	34.95
Nocona, Montague	34.95
Norton, Runnels	34.93
O'Donnell, Lynn	34.84
Old Glory, Stonewall	34.93
Olton, Lamb	34.95
Omaha, Morris	34.86
Paducah, Cottle	35.04
Palestine, Anderson	35.02
Paris, Lamar	34.95
Patricia, Dawson	35.12
Peacock, Stonewall	34.84
Pecos, Reeves	34.93
Petersburg, Hale	34.82
Pettit, Hockley	34.86
Pilot Point, Denton	34.84
Pittsburg, Camp	34.95
Plains, Yoakum	35.04
Plainview, Hale	34.84
Plano, Collin	34.86
Port Arthur, Jefferson	35.04
Post, Garza	35.12
Presidio, Presidio	34.84
Princeton, Collin	34.73
Quanah, Hardeman	35.04
Quitaque, Briscoe	35.04
Quitman, Wood	34.86
Ralls, Crosby	35.04
Raymondville, Willacy	34.84
Rice, Navarro	34.86
Roans Prairie, Grimes	34.95
Roaring Springs, Motley	34.95
Robstown, Nueces	35.02
Roby, Fisher	34.91
Rochelle, McCulloch	34.93
Rochester, Haskell	34.93
Rockwall, Rockwall	35.04
Roscoe, Nolan	34.93
Rosebud, Falls	34.95
Rotan, Fisher	34.93
Rowlett, Dallas	35.04
Royse City, Rockwall	35.04
Rule, Haskell	34.93
Salado, Bell	34.95
San Angelo, Tom Green	34.93
San Antonio, Bexar	34.91
San Augustine, San Augustine	35.04
San Marcos, Hays	34.95
Saragosa, Reeves	34.82
Schulenburg, Fayette	34.95
Seagraves, Gaines	34.84
Seguin, Guadalupe	34.95
Seymour, Baylor	34.95
Shallowater, Lubbock	34.84
Shamrock, Wheeler	34.93
Sherman, Grayson	35.12
Shiner, Lavaca	34.95
Shiro, Grimes	34.95
Silverton, Briscoe	34.86
Slaton, Lubbock	34.86
Snyder, Scurry	34.93
Southton, Bexar	34.91
Spade, Mitchell	34.93
Spade, Lamb	34.84
Spur, Dickens	34.93
Stamford, Jones	34.93
Stanton, Martin	34.84
Streetman, Freestone	34.95
Sudan, Lamb	34.84
Sugar Land, Fort Bend	35.04
Sulphur Springs, Hopkins	35.04
Sweetwater, Nolan	34.93
Swenson, Stonewall	34.93
Taft, San Patricio	34.91
Tahoka, Lynn	34.84
Tarzan, Martin	34.84
Tatum, Rusk	35.04
Taylor, Williamson	34.95
Teague, Freestone	34.95
Temple, Bell	34.95
Tenaha, Shelby	35.04
Terrell, Kaufman	35.04
Texarkana, Bowie	35.12
Texas City, Galveston	35.04
Timpson, Shelby	35.04
Troup, Smith	35.04
Tulia, Swisher	34.86
Turkey, Hall	34.86
Twitty, Wheeler	34.93
Tyler, Smith	35.04
Valley Mills, Bosque	34.95
Van Horn, Culberson	34.73
Venus, Johnson	34.95
Vernon, Wilbarger	35.04
Victoria, Victoria	34.95
Waco, McLennan	34.95
Wall, Tom Green	34.93
Waxahachie, Ellis	34.95
Wellington, Collingsworth	35.02
Weslaco, Hidalgo	34.86
West, McLennan	34.95
Whiteface, Cochran	34.84
Whitewright, Grayson	35.04
Wichita Falls, Wichita	35.04

TEXAS—Continued

City and county	Basis Middling White 1-inch loan rate
Wills Point, Van Zandt	35.04
Wilson, Lynn	34.84
Winnsboro, Wood	35.04
Winters, Runnels	34.93
Wolfe City, Hunt	35.04
Wolfforth, Lubbock	34.84
Yoakum, Lavaca	34.95
Yorktown, De Witt	34.95

VIRGINIA

Brodnax, Brunswick	35.99
Kenbridge, Lunenburg	35.99
Norfolk, Norfolk	35.99

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 403, 406, 63 Stat. 1051, as amended, 1054, 1055; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421, 1423, 1426)

Issued this 20th day of August 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

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[1958 CCC Cotton Bulletin 1, Amdt. 3]

PART 427—COTTON

SUBPART—1958 COTTON LOAN PROGRAM REGULATIONS

SCHEDULE OF BASE LOAN RATES BY COUNTIES FOR FARM-STORED UPLAND COTTON

The 1958 Cotton Loan Bulletin (1958 CCC Cotton Bulletin 1) is hereby amended by adding § 427.935 to read as follows:

§ 427.935 *Basic loan rates for farm-stored upland cotton.* The base loan rates applicable to Middling white 1-inch upland cotton, under Commodity Credit Corporation's 1958 Cotton Loan Program, are as follows:

(All rates expressed in cents per pound, gross weight, basis Middling white 1-inch cotton.)

ALABAMA

In all counties east of De Kalb, Marshall, Blount, St. Clair, Shelby, Coosa, Elmore, Macon, Bullock, and Barbour	35.79
In the counties of De Kalb, Marshall, Blount, St. Clair, Shelby, Coosa, Elmore, Macon, Bullock, and Barbour	35.69
In the counties of Madison, Jackson, Morgan, Cullman, Jefferson, Bibb, Chilton, Autauga, Montgomery, Pike, Coffee, Dale, Henry, Geneva, and Houston	35.59
In the counties of Limestone, Lawrence, Winston, Walker, Fayette, Tuscaloosa, Hale, Perry, Dallas, Lowndes, Butler, Crenshaw, and Covington	35.49
In the counties of Lauderdale, Colbert, Franklin, Marion, Lamar, Pickens, Greene, Sumter, Marengo, Choctaw, Wilcox, Monroe, Clarke, Washington, Escambia, and Conecuh	35.39
In the counties of Mobile and Baldwin	35.31

ARIZONA

In the county of Greenlee	34.57
In the counties of Cochise and Graham	34.46
In all counties not listed above	34.27

ARKANSAS

In the counties of Craighead, Crittenden, Cross, Greene, Lee, Mississippi, Monroe, Phillips, Poinsett, St. Francis, and Woodruff	35.25
In the counties of Arkansas, Clay, Cleveland, Desha, Jackson, Jefferson, Lawrence, Lincoln, Lonoke, Prairie, Pulaski, and White	35.23
In the county of Chicot	35.22
In the counties of Ashley, Baxter, Bradley, Calhoun, Clark, Cleburne, Conway, Dallas, Drew, Faulkner, Fulton, Garland, Grant, Hot Spring, Independence, Izard, Marion, Perry, Pope, Randolph, Saline, Searcy, Sharp, Stone, Van Buren, and Yell	35.20
In all counties not listed above	35.04

CALIFORNIA

In all counties	34.27

FLORIDA

In all counties east of Jackson, Liberty, and Franklin	35.69
In the counties of Bay, Calhoun, Franklin, Gulf, Holmes, Jackson, Liberty, and Washington	35.59
In the county of Walton	35.49
In the county of Okaloosa	35.39
In the counties of Santa Rosa and Escambia	35.31

GEORGIA

In all counties east of Union, Lumpkin, Dawson, Forsyth, Gwinnett, Walton, Morgan, Putnam, Hancock, Jefferson, Glascock, and Burke	35.99
In all counties except Dade and counties having a rate of 35.99 north of Stewart, Webster, Sumter, Dooly, Wilcox, Telfair, Wheeler, Montgomery, Toombs, Tattnall, Evans, and Bryan	35.89
In the county of Dade and all counties south of Chattahoochee, Marion, Schley, Macon, Houston, Pulaski, Dodge, Laurens, Treutlen, Emanuel, Candler, Bulloch, Effingham, and Chatham, and north of Quitman, Randolph, Calhoun, Baker, Mitchell, Colquitt, Cook, Berrien, Atkinson, Ware, Pierce, Brantley, and Glynn	35.79
In all counties south of Stewart, Webster, Terrell, Dougherty, Worth, Tift, Irwin, Coffee, Bacon, Appling, Wayne, and McIntosh	35.69

ILLINOIS

In all counties	35.26

KENTUCKY

In all counties	35.30

LOUISIANA

In the Parishes of St. Bernard, East Baton Rouge, East Feliciana, Jefferson, Livingston, Orleans, Plaquemines, St. Helena, St. Tammany, Tangipahoa, Washington, and West Feliciana	35.28
In the Parishes of Concordia, East Carroll, Madison, and Tensas	35.22
In the Parish of West Carroll	35.21
In the Parishes of Caldwell, Catahoula, Franklin, LaSalle, Morehouse, Ouachita, Richland, and Union	35.20
In all Parishes not listed above	35.04

MISSISSIPPI

In the counties of Alcorn, Attala, Benton, Calhoun, Carroll, Chickasaw, Choctaw, Clay, De Soto, Granada, Itawamba, Kemper, Lafayette, Lauderdale, Leake, Lee, Lowndes, Madison, Marshall, Monroe, Montgomery, Neshoba, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha	35.31

MISSISSIPPI—Continued

In the counties of Clarke, Copiah, Covington, Forrest, George, Greene, Hinds, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Newton, Perry, Pike, Rankin, Scott, Simpson, Smith, Stone, Walthall, and Wayne	35.39
In the counties of Adams, Amite, Bolivar, Claiborne, Coahoma, Franklin, Hancock, Harrison, Holmes, Humphreys, Issaquena, Jefferson, Leflore, Pearl River, Quitman, Sharkey, Sunflower, Tallahatchie, Tunica, Warren, Washington, Wilkinson, and Yazoo	35.39

MISSOURI

In the counties of Dunklin, New Madrid, and Pemiscot	35.25
In the counties of Butler, Mississippi, Scott, and Stoddard	35.39
In all counties not listed above	35.39

NEW MEXICO

In the county of Lea	34.82
In the counties of Chaves and Eddy	34.73
In the counties of Colfax, Curry, De Baca, Dona Ana, Guadalupe, Harding, Lincoln, Mora, Otero, Quay, Roosevelt, San Miguel, Sierra, Socorro, Torrance, and Union	34.73
In the county of Luna	34.66
In the counties of Grant and Hidalgo	34.67
In all counties not listed above	34.27

NORTH CAROLINA

In all counties west of Granville, Wake, Harnett, Hoke, and Scotland	36.07
In all counties east of Person, Durham, Chatham, Lee, Moore, and Richmond	35.99

OKLAHOMA

In all counties except Beaver, Cimarron, Ellis, Harper, Texas, Woods, and Woodward	35.04
In the counties of Beaver, Cimarron, Ellis, Harper, Texas, Woods, and Woodward	34.93

SOUTH CAROLINA

In all counties west of Marlboro, Darlington, Lee, Sumter, Calhoun, Orangeburg, and Barnwell	36.07
In all counties east of Chesterfield, Kershaw, Richland, Lexington, and Aiken	35.99

TENNESSEE

In all counties east of Marion, Sequatchie, Bledsoe, Cumberland, Morgan, and Scott	35.79
In the counties of Marion, Sequatchie, Grundy, Bledsoe, and Cumberland	35.69
In the counties of Franklin, Coffee, Warren, Van Buren, White, and Overton	35.59
In the counties of Lincoln, Giles, Moore, Bedford, Marshall, Rutherford, Cannon, De Kalb, and Wilson	35.49
In the counties of Lawrence, Wayne, Lewis, Perry, Hickman, Humphreys, Dickson, Davidson, Williamson, and Maury	35.39
In the counties of Hardin, Decatur, Chester, Fayette, Hardeman, Henderson, McNairy, Madison, and Shelby	35.31
In the counties of Benton, Stewart, Carroll, Crockett, Dyer, Gibson, Haywood, Henry, Lake, Lauderdale, Obion, Tipton, and Weakley	35.39

TEXAS

In the counties of Hardeman, Wilbarger, Wichita, Clay, Montague, Cooke, and all counties east of and including the counties of Grayson, Collin, Rockwall, Kaufman, Henderson, Cherokee, Angelina, Polk, San Jacinto, Montgomery, Harris, Fort Bend, and Brazoria	35.04
Beginning with and including the county of Baylor, and thence proceeding clockwise, all counties contained within the area surrounded by and including Archer, Jack, Wise, Denton, Dallas, Ellis, Navarro, Freestone, Anderson, Houston, Trinity, Walker, Grimes, Waller, Austin, Wharton, Matagorda, Jackson, Calhoun, Aransas, Refugio, Victoria, De Witt, Gonzales, Guadalupe, Comal, Blanco, Burnet, Lampasas, Mills, Brown, Callahan, Shackelford, and Throckmorton	34.95
In the counties of Childress, Coke, Coleman, Collingsworth, Concho, Cottle, Dickens, Donley, Fisher, Foard, Gillespie, Gray, Hall, Haskell, Hemphill, Jones, Kendall, Kent, King, Knox, Lipscombe, Llano, McCulloch, Mason, Mitchell, Motley, Nolan, Ochiltree, Roberts, Runnels, San Saba, Scurry, Stonewall, Taylor, Tom Green, and Wheeler	34.93
In the counties of Bee, Bexar, Goliad, Karnes, Nueces, San Patricio, and Wilson	34.91
In the counties of Armstrong, Atascosa, Briscoe, Brooks, Cameron, Carson, Castro, Dallam, Deaf Smith, Dimmit, Duval, Floyd, Frio, Hale, Hansford, Hartley, Hidalgo, Hutchinson, Jim Hogg, Jim Wells, Kenedy, Kinney, Kleberg, La Salle, Live Oak, Maverick, McMullen, Medina, Moore, Oldham, Potter, Randall, Sherman, Starr, Swisher, Uvalde, Webb, Willacy, Zavala, and Zapata	34.86
In the counties of Andrews, Bailey, Bandera, Borden, Cochran, Crockett, Crosby, Dawson, Edwards, Gaines, Garza, Glasscock, Hockley, Howard, Irion, Kerr, Kimble, Lamb, Lubbock, Lynn, Martin, Menard, Midland, Parmer, Reagan, Real, Schleicher, Sterling, Sutton, Terry, and Yoakum	34.84
In the counties of Crane, Ector, Loving, Pecos, Reeves, Terrell, Ward, Winkler, Upton, and Val Verde	34.82
In the counties of Brewster, Culberson, Hudspeth, Jeff Davis, and Presidio	34.73
In the county of El Paso	34.72

VIRGINIA

In all counties	35.99

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 403, 406, 63 Stat. 1051, as amended, 1054, 1055; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421, 1423, 1426)

Issued this 20th day of August 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

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PART 446—PEANUTS

SUBPART—1958 CROP PEANUT PRICE SUPPORT PROGRAM

This bulletin (hereinafter called subpart) contains the regulations applicable to the 1958 crop Peanut Price Support Program, under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to as CCC and CSS respectively).

Sec.

446.1001	Administration.
446.1002	Availability.
446.1003	Methods of price support.
446.1004	Definitions.
446.1005	Support prices.
446.1006	Price support schedule.
446.1007	Eligible peanuts.
446.1008	Eligible producer.
446.1009	Determination of type and grade.
446.1010	Service charges and fees.
446.1011	Interest rate.
446.1012	Applicable forms and requirements.
446.1013	Personal liability of the borrower.
446.1014	Payments and collections; amounts not exceeding $3.00.
446.1015	Setoffs.
446.1016	Foreclosure.
446.1017	Financial institutions.
446.1018	Approved lending agency.
446.1019	Assignment of association loans.
446.1020	Farm storage loan provisions.
446.1021	Loans to associations.
446.1022	Purchase agreements.

AUTHORITY: §§ 446.1001 to 446.1022 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 201, 68 Stat. 899; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 446.1001 *Administration.* (a) The program will be administered by the Oils and Peanut Division, CSS, under the general direction and supervision of the Executive Vice President, CCC. In the field the program will be carried out by Agricultural Stabilization and Conservation State Committees and by Agricultural Stabilization and Conservation County Committees (hereinafter called State and county committees) and the Dallas CSS Commodity Office (hereinafter called the commodity office). State and county committees and the commodity office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

(b) Associations operating under an Association Loan and Handling Agreement CCC Peanut Form 27 (1958) with CCC (hereinafter referred to as an Agreement with CCC) may receive, arrange storage for and handle eligible peanuts for and on behalf of eligible producers, using such peanuts as collateral for a loan made available by CCC.

§ 446.1002 *Availability*—(a) *Areas.* The program will be available in the following areas:

(1) The Southeastern area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(b) *Time.* Loans will be made through January 31, 1959, and will mature on May 31, 1959, or such earlier date as may be specified by CCC: *Provided, however,* That CCC may extend the maturity date beyond May 31, 1959. All farm storage loan documents must be dated and delivered to the county office on or before January 31, 1959. Warehouse receipts for peanuts delivered to an association operating under an Agreement with CCC must show that the peanuts were received in the warehouse not later than January 31, 1959, and must have been issued within two business days (excluding Saturdays) after the peanuts were received in the warehouse. Purchase agreements will be available at the county office through January 31, 1959. A producer who desires to sell peanuts to CCC is required to file Commodity Purchase Form 1 with the county office on or before such date.

§ 446.1003 *Methods of price support.* CCC will support the price of eligible 1958 crop quota peanuts through nonrecourse farm storage loans to eligible producers, non-recourse warehouse storage loans to Associations operating under Agreements with CCC, and through purchase agreements with eligible producers.

§ 446.1004 *Definitions.* As used in this subpart and in instructions and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Association.* A group of producers organized in accordance with the provisions of the Capper-Volstead Act, for the purpose of handling agricultural products for and on behalf of its producer members, which qualifies as a cooperative in the State(s) in which it functions, is approved by CCC, and meets the following requirements:

(1) The major portion of the peanuts handled by the association is delivered to the association by producer members;

(2) The members and any non-members for whom the association handles peanuts have a right to share pro rata in the profits made from handling peanuts;

(3) The association has the legal right to pledge or mortgage the peanuts tendered as security for a loan;

(4) The manager of the association must not be engaged in the business of buying, selling, storing, or dealing in peanuts, other than in his capacity as manager of the association or as a producer; and

(5) The association shall maintain such accounts and records as CCC may prescribe.

(b) *County office.* The office of the ASC county committee where records for the farm are kept.

(c) *Farm.* A farm as defined in the marketing quota regulations which in general defines a farm as all adjacent or nearby farmland which is operated as one farming unit.

(d) *Farm allotment.* The effective farm allotment for the 1958 crop of peanuts as defined in the marketing quota regulations.

(e) *Farmers stock peanuts.* Picked or threshed peanuts produced in the con-

tinental United States during the calendar year 1958, which have not been shelled, crushed, cleaned (except for removal of foreign material and loose shelled kernels) or otherwise changed from the state in which picked or threshed peanuts are customarily marketed by producers.

(f) *Farm peanut acreage.* The 1958 farm peanut acreage determined in accordance with the marketing quota regulations which in general defines such acreage as the total acreage of peanuts on the farm which is picked or threshed.

(g) *Lot.* That quantity of peanuts for which one inspection memorandum is issued.

(h) *Marketing quota regulations.* The Allotment and Marketing Quota Regulations for peanuts of 1957 and Subsequent Crops issued by the Acting Secretary of Agriculture, including any amendments or supplements thereto or revisions thereof (21 F. R. 9370).

(i) *Net weight.* That weight obtained by multiplying the gross weight by a percentage equal to 100 percent minus the sum of the percentages of (1) foreign material and (2) moisture in excess of 7 percent in the Southeastern and Southwestern areas or 8 percent in the Virginia-Carolina area.

(j) *Operator.* The person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(k) *Producer.* A person who, as owner, landlord, tenant, or sharecropper, is entitled to share in the peanuts produced on the farm or in the proceeds thereof.

(l) *Quota peanuts.* Peanuts which are within the amount of the farm marketing quota determined pursuant to the marketing quota regulations.

(m) *Type.* The generally known types of peanuts (i. e. Runner, Spanish, Valencia, and Virginia) as defined in 7 CFR 729.904 of the "Determination with Respect to Supply of Valencia Type Peanuts for the 1958–59 Marketing Year," issued April 11, 1958, by the Acting Secretary of Agriculture (23 F. R. 2443).

(n) *Within quota card.* Form MQ–76 (Peanuts) 1958, 1958 Peanut Within Quota Marketing Card, issued pursuant to the marketing quota regulations.

§ 446.1005 *Support prices.* The natural average support price is $213.20 per ton. The support prices and loan rates by types, and the premiums and discounts with respect thereto, are contained in § 446.1006.

§ 446.1006 *Price support schedule.* The following price support schedule applies to farmers stock peanuts in bulk or in bags, net weight basis, eligible for loan or purchase agreement under the terms of the peanut price support program.

(a) *Average support prices.* The support price by type per average ton of 1958 crop quota peanuts will be:

	Per ton
Virginia	$224.97
Runner type	200.50
Southeastern Spanish type	217.69
Southwestern Spanish type	209.69
Valencia type suitable for cleaning and roasting	220.17

(b) *Calculation of support prices.* The support price per ton for each type of peanuts shall be calculated on the basis of the following rates, premiums and discounts:

(1) *Kernel values per net ton excluding loose shelled kernels.* (i) Price for each percent of sound mature kernels:

Virginia type	$3.10
Runner type	2.96
Southeastern Spanish type	3.07
Southwestern Spanish type	3.02
Valencia type:	
A. Southwestern area:	
(aa) Suitable for cleaning and roasting	3.24
(bb) Not suitable for cleaning and roasting	3.02
B. Areas other than Southwest	3.07

(ii) Price for each percent of damaged and other kernels: $1.40.

(iii) Premium for each percent extra large kernels in Virginia type peanuts: $0.40.

(2) *Value of loose shelled kernels per pound.* $0.07.

(3) *Damaged kernel discount.* For all types of peanuts the discount per ton for damaged kernels riding the screen prescribed for determination of sound mature kernels for that type shall be as follows:

Peanuts containing damaged kernels of:	Discount
1 percent	None
2 percent	$3.20
3 percent	6.40
4 percent	11.20
5 percent	17.60
6 percent	24.00
7 percent	33.60
8 percent and over	(1)

[1] Not eligible for price support.

(4) *Foreign material discount.* The discount for each full 1 percent foreign material in excess of 4 percent and not over 10 percent shall be $1.00 per ton. Peanuts with more than 10 percent foreign material shall not be eligible for price support.

(5) *Florispan peanuts.* Florispan peanuts will be supported at a price equivalent to 65 percent of the support price for Runner type peanuts of the same grade.

(6) *Variety X peanuts.* The support price of an unnamed and undesirable variety of peanuts grown in Virginia from seed stock commercially developed in Windsor, Isle of Wight County, Virginia, and known as Variety X will be discounted 50 percent of the rate for Virginia type peanuts of the same grade, with no premium for extra-large kernels.

(c) *Definitions*—(1) *Sound mature kernels.* The term "sound mature kernels" means kernels which are free from damage and minor defects as defined in the U. S. Standards for shelled (i) Spanish type peanuts effective July 31, 1956, in the case of Spanish and Valencia peanuts, (ii) Runner type peanuts, effective July 31, 1956, or (iii) Virginia type peanuts, effective September 15, 1957; and which will not pass through a screen having:

(a) $^{15}/_{64}$ x ¾ inch perforations in the case of Spanish and Valencia peanuts,

(b) $^{15}/_{64}$ x 1 inch perforations in the case of Virginia peanuts,

(c) $^{16}/_{64}$ x ¾ inch perforations in the case of Runner peanuts.

(2) *Extra large kernels.* "Extra large kernels" means shelled Virginia type peanuts which will not pass through a screen having 21.5/64 x 1 inch openings and which are "whole" and free from "minor defects" and "damage," as such terms are defined in the U. S. Standards for Shelled Virginia Type Peanuts (effective September 15, 1957).

(3) *Virginia type peanuts.* Virginia type peanuts, to receive price support as Virginia type, must contain 30 percent or more "Fancy" size (i. e., peanuts riding a $^{31}/_{64}$ x 3 inch slotted screen). Virginia type peanuts containing less than 30 percent "Fancy" size will be supported as though they were Runner type.

(4) *Valencia type peanuts suitable for cleaning and roasting.* Valencia type peanuts suitable for cleaning and roasting shall be those containing less than 25 percent discoloration and damage caused by cracked and broken shells.

(d) *Producer advance value.* The support price of eligible peanuts less an amount equivalent to $9.00 per net weight ton to provide funds to pay inspection, storage, and part of the association's expenses in connection with the loan program.

§ 446.1007 *Eligible peanuts.* Peanuts eligible for price support are 1958 crop farmers stock peanuts, other than those produced in violation of a restrictive lease on Federally owned land, or produced on any newly irrigated or drained lands within any Federal irrigation or drainage project as provided in section 211 of the Agricultural Act of 1956, which:

(a) Contain not more than 10 percent foreign material and not more than 7 percent damaged kernels;

(b) Contain moisture not in excess of (1) 10 percent if placed under a farm storage loan, or (2) 9 percent in the Southeast and Southwest areas and 10 percent in the Virginia-Carolina area when received into a warehouse as collateral for a loan to the association or when delivered under a purchase agreement; except that any such peanuts which have been mechanically dried shall contain at least 5 percent moisture in the Southeast and Southwest areas and 6 percent moisture in the Virginia-Carolina area.

(c) Are properly identified by a within quota marketing card;

(d) Are produced by an eligible producer on a farm on which the 1958 farm peanut acreage does not exceed the larger of the 1958 farm allotment or one acre, or for which a within quota marketing card is issued to the producer or operator upon the execution of Form MQ–92—Peanuts (3–26–58) Agreement by Operator of Overplanted Peanut Farm, in which he agrees that the farm peanut acreage will not exceed the larger of the farm allotment or one acre, and if such undertaking is breached to pay liquidated damages to CCC, determined in accordance with the terms of such agreement, and to pay any marketing penalties determined to be due the Secretary of Agriculture.

(1) The liquidated damages payable to CCC under such agreement may be waived in a case where it is determined that the breach of such agreement was unintentional and occurred despite a bona fide effort by the operator and other producers on the farm to comply with such agreement. The State administrative officer, or in his absence, the acting administrative officer, is authorized to make such determination in a case where the farm peanut acreage does not exceed the acreage specified in the agreement by more than the larger of one-tenth acre or two percent of the acreage specified in the agreement. The State committee is authorized to make such determination in a case where the farm peanut acreage exceeds the acreage specified in the agreement by more than the larger of one-tenth acre or two percent of the acreage specified in the agreement and the State committee also determines that the amount by which the farm peanut acreage exceeded the acreage specified in the agreement was so small, in relation to the acreage so specified, that it did not materially impair CCC's price support operations.

(2) Copies of Form MQ–92—Peanuts (3–26–58) may be obtained from the county committee. The county committee may decline to execute such agreement in any case where it finds reasonable grounds to believe that it will be used as a device to evade the requirements of the price support program or the collection of marketing penalty.

(e) Are free and clear of all liens and encumbrances, including landlord's liens, or if liens or encumbrances exist on the peanuts, acceptable waivers are obtained.

(f) In the Southwest area, if such peanuts are bagged, the bags are new or thoroughly cleaned used bags which are made of material, other than mesh or net, weighing not less than 7½ ounces nor more than 10 ounces per square yard and containing no sisal fibers, are free from holes, and are finished at the top with either the selvage edge of the material, binding, or a hem. Such bags shall be of uniform size with approximately 2-bushel capacity.

§ 446.1008 *Eligible producer.* A producer will be eligible for price support with respect to all eligible peanuts in which the beneficial interest is in him and has always been in him, or in him and a former producer whom he succeeded before the peanuts were harvested. To meet the requirements of succession to a former producer, the rights, responsibilities, and interest of the former producer with respect to the farming unit on which the peanuts are produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. Where the county office has experienced difficulty in settling a farm-storage loan with a producer, the county committee may determine that he is not eligible for a 1958 crop farm-storage loan. If such determination is made, the producer shall be able to obtain a 1958 crop loan through the association by delivering eligible peanuts to a warehouse under contract to receive peanuts for such association.

§ 446.1009 *Determination of type and grade.* A Federal or Federal-State inspector, authorized or licensed by the Secretary of Agriculture, U. S. Department of Agriculture, shall determine the type and grade of each lot of peanuts:

(a) To be mortgaged as security for a farm storage loan, such type and grade to be determined on the basis of a sample taken by the county committee before the loan is made;

(b) When delivered in settlement of a farm storage loan;

(c) When delivered to CCC under a purchase agreement;

(d) When received in a warehouse under contract CCC Peanut Form 28 (1958);

(e) When delivered to CCC from a warehouse under contract CCC Peanut Form 28 (1958).

The grade shall be expressed in terms of the percentages of sound mature kernels, damaged kernels, loose shelled kernels, other kernels, foreign material, moisture, and extra large kernels in Virginia type peanuts.

§ 446.1010 *Service charges and fees.* (a) On the quantity of peanuts placed under a farm storage loan the producer shall pay an initial service charge in the amount of 30 cents per ton, except that the minimum charge shall be $3.00. An additional service charge at the rate of 30 cents per ton shall be paid on any additional quantity delivered to and accepted by CCC. On the quantity of peanuts covered by a purchase agreement the producer shall pay, at the time the agreement is filed, a service charge of 15 cents per ton or fraction thereof, except that the minimum charge shall be $1.50. No refund of service charges will be made except where the amount collected exceeds the correct amount. State committees may, at their option, require a deposit on farm storage loans, such deposit to be applied against the service charge when the loan is granted.

(b) The producer will pay the fee for inspecting peanuts placed under a farm storage or association loan or delivered to CCC under a purchase agreement. CCC will pay the fee for inspecting loan collateral peanuts acquired by CCC.

(c) The association will pay the warehouse charges on peanuts redeemed. CCC will pay warehouse charges with respect to loan collateral peanuts acquired by CCC, except that the producer will be required to defray storage charges accruing prior to May 31, 1959.

(d) The service charges and fees specified in this section will be computed on gross weights.

§ 446.1011 *Interest rate.* Loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement of the loan, except that (a) where there is a default in satisfaction of a farm storage loan the deficiency shall bear interest at the rate of 6 percent per annum from the date of default, and (b) where there has been a fraudulent representation by the producer in the loan documents or in obtaining the loan, the loan shall bear interest at the rate of 6 percent per annum from the date of disbursement of the loan.

§ 446.1012 *Applicable forms and requirements*—(a) *Farm storage loans.* Applicable forms are the Producer's Note and Supplemental Loan Agreement, secured by Commodity Chattel Mortgage, delivery instructions issued by the county office, Loan Settlement, and such other forms and documents as may be required by CCC.

(b) *Purchase agreements.* Applicable forms are the Purchase Agreement, Purchase Agreement Settlement, the delivery instructions issued by the county office, and such other forms and documents as may be required by CCC.

(c) *Other requirements.* Producer's Note and Supplemental Loan Agreements, and Commodity Chattel Mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid. Farm storage loans shall be made on the entire quantity of peanuts stored in a bin or crib except where the county committee has determined that a loan on part of the peanuts stored therein is necessary to enable an otherwise eligible producer to obtain a price support loan. However, approval of a loan on part of the peanuts stored in a bin or crib shall not be granted in the event the State committee has determined on a State-wide basis that such partial loans shall not be made. A producer shall not have both a farm storage loan and purchase agreement on peanuts stored commingled in the same bin or building.

§ 446.1013 *Personal liability of the borrower.* The making of any fraudulent representation in obtaining a loan or the conversion or unlawful disposition of any portion of the peanuts by the borrower may render such borrower subject to criminal prosecution under Federal law and shall render him personally liable for the amount received (plus interest) and for any resulting expense incurred by any holder of the note. For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representation, wilful conversion or unlawful disposition, the value of the commodity or part thereof delivered to the holder of the note or removed by such holder shall be the market value on the date of delivery or removal, as determined by such holder in the case of farm storage loans. Irrespective of the provisions of the Producer's Note and Supplemental Loan Agreement, if the conversion is determined by CCC not to have been wilful, the value of the commodity or part thereof delivered to the holder of the note or removed by such holder shall be the settlement value determined pursuant to § 446.1018 (l) (4). In the event the amount disbursed under a loan or purchase agreement exceeds the amount authorized in this subpart, the producer shall be personally liable for repayment of the amount of such excess.

§ 446.1014 *Payments and collections; amounts not exceeding $3.* To avoid ad-

ministrative costs of making small payments and handling small accounts, amounts of $3 or less due a producer will be paid only upon request; and a deficiency of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 446.1015 *Set-offs.* (a) If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due, or are payable under the provisions of the note evidencing such loan out of the proceeds of the price support loan or purchase, such producer must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support loan or purchase to the extent of such indebtedness or installments, plus interest, if any, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lien-holders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lien-holders.

(b) Associations shall deduct from their advance payments to producers, and remit in accordance with procedure approved by CSS, the amount of indebtedness as shown on the marketing cards presented at the time the peanuts are received, plus interest.

(c) Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 446.1016 *Foreclosure.* If the loan is not satisfied upon maturity by payment, or by delivery of the peanuts from farm storage, the holder of the note is authorized to remove the peanuts and sell them. Any sum due the borrower as a result of the sale of the peanuts shall be payable only to the borrower without right of assignment.

§ 446.1017 *Financial institutions.* As used in this subpart a financial institution is a commercial bank which accepts demand deposits, or an association organized pursuant to State laws and supervised by State banking authorities, or a production credit association.

§ 446.1018 *Approved lending agency.* An approved lending agency shall be a bank or other financial organization with which CCC has entered into a lending agency agreement, CCC Peanut Form 50 (1958), authorizing the lending agency to make a loan to an association.

§ 446.1019 *Assignment of association loans.* Approved lending agencies making loans to associations may assign all or part of such loans to CCC and obtain payment for the amounts assigned by means of sight drafts drawn on CCC payable through a designated Federal Reserve Bank or Branch Bank. Lending agencies may act as agents for CCC in servicing the loan or portion thereof assigned to CCC.

§ 446.1020 *Farm storage loan provisions.* Loans will be available to eligible producers on eligible peanuts in approved farm storage. Producers who want to obtain such loans will apply at the county office where the farm program records are kept, and that office will arrange for inspection of the storage facilities and for inspection, sampling, and grading of the peanuts. After it is determined that the producer, the peanuts, and the storage facilities meet the requirements therefor, the county office will determine the amount of the loan and prepare and approve the loan documents. Copies of all such documents will be kept in the county office. After the loan documents are approved, disbursement will be made by a financial institution or by sight draft drawn on CCC by the county office. The producer may deliver the peanuts to CCC upon maturity of the loan, or may redeem the peanuts at any time prior to such delivery by repaying the amount of the loan plus interest and charges.

(a) *Approved farm storage.* Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses), which are determined by the county office to be so located and of such substantial and permanent construction as to afford safe storage of peanuts. Such structures shall be dry and well-ventilated.

(b) *Method of determining quantity—* (1) *Peanuts placed under loan.* The net weight of the peanuts to be placed under a farm storage loan will be calculated from an estimated gross weight determined as provided in this section.

(i) *Peanuts stored in bulk.* The estimated gross weight of bulk peanuts may be determined either by actual weight or by measurement. When the quantity is determined by measurement, the gross weight shall be computed on the number of pounds per cubic foot indicated below for the type of peanuts being placed under loan:

Type:	Weight per cu. ft. (pounds)
Runner	16.9
Spanish	19.7
Valencia	17.5
Virginia	13.5

(ii) *Peanuts stored in bags.* The estimated gross weight of bagged peanuts shall be determined by weighing a sufficient number of bags to estimate the gross weight of all the bags, or the gross weight may be determined by weighing all the bags.

(iii) A minimum reduction of 5 percent in the estimated gross weight, determined as provided in subdivision (i) or (ii) of this subparagraph is required in an effort to avoid underdelivery at maturity in the event the loan is not repaid.

(2) *Peanuts delivered to CCC at maturity.* The net weight of peanuts delivered to CCC upon maturity of the loan shall be calculated from the gross weight determined by actual weight at the time of delivery.

(c) *Disbursement.* Disbursement of farm storage loans will be made to producers by financial institutions, pursuant to the Provisions for Participation of Financial Institutions in Pools of CCC Price Support Loans of Certain Commodities (23 F. R. 3913) and any amendments or supplements thereto, or by sight drafts drawn on CCC by the county office. Disbursement shall not be made after February 15, 1959, unless authorized by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The date of such draft, check, credit, or cash payment shall be considered as the date of disbursement of the funds. The producer shall not present the loan documents for disbursement unless the peanuts are in existence and in good condition. If the peanuts are not in existence or not in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer.

(d) *Insurance.* CCC will not require the borrower to insure the peanuts placed under a farm storage loan. However, if a borrower does insure such peanuts and an insurance indemnity is paid thereon, the insurance proceeds must be paid to CCC to the extent of its interest, after first satisfying the borrower's equity in the peanuts involved in the loss.

(e) *Safeguarding the peanuts.* The producer who obtains a farm storage loan is obligated to maintain the storage structure in good repair and to keep the peanuts in storage and in good condition until the loan is liquidated.

(f) *Loss or damage to the peanuts under farm storage loan.* (1) The producer is responsible for any loss in grade and for any loss in weight, except as provided in paragraph (h) (4) of this section. Notwithstanding the foregoing, physical loss or damage occurring after disbursement of the loan funds will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of peanuts destroyed, or in an amount equivalent to the extent of the damage as determined by CCC less any insurance proceeds in which CCC may be entitled and the salvage value of the commodity, if the producer establishes to the satisfaction of CCC each of the following conditions:

(i) The physical loss or damage occurred without fault, negligence, or conversion on the part of the producer, or any other person having control of the storage structure;

(ii) The physical loss or damage resulted solely from an external cause (other than insect infestation, rodents, or vermin), such as theft, fire, lightning, inherent explosion, windstorm, cyclone, tornado, flood or other external cause;

(iii) The producer has given the county office immediate notice confirmed in writing of such loss or damage;

(iv) The producer has made no fraudulent representation in the loan documents or in obtaining the loan.

(2) No physical loss or damage occurring prior to disbursement of the loan funds will be assumed by CCC.

(g) *Redemption of the peanuts under farm storage loan.* A producer may, at any time prior to the date on which the peanuts are delivered to or removed by CCC pursuant to paragraph (h) of this section, redeem the peanuts remaining under farm storage loan by paying to CCC the principal amount of the note, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. After payment of the note has been effected, the county office manager shall arrange for the release of the chattel mortgage. The producer may arrange for partial release of the peanuts prior to maturity after making payment for the quantity of peanuts to be released, plus charges and accrued interest; however, if the quantity of peanuts contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment of the loan, but only upon prior approval of the county office. Partial redemption of farm storage loans and release of the commodity will not be approved by the county committee in the event the State committee has determined on a State-wide basis that partial redemption of loans and releases of peanuts will not be permitted. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the peanuts must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the peanuts from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

(h) *Settlement of farm storage loans.* (1) The producer is required to pay off the loan on or before maturity or to deliver the peanuts in accordance with instructions issued by the county office. If the producer fails to deliver mortgaged peanuts as instructed, he will be responsible for all costs of removal incurred by the holder of the note.

(2) If, either before or after maturity, the peanuts are in danger of going out of condition, the producer shall so notify the county committee and confirm such notice in writing. If the county committee determines that the peanuts are in danger of going out of condition and that they cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall arrange for an inspection and grade determination to be made at the expense of CCC. When delivery is completed, settlement shall be made on the basis of such grade or the grade determined at the time of delivery, whichever is higher.

(3) In the event the farm is sold, the producer dies, or there is a change of tenancy, the peanuts may be delivered before the maturity date of the loan, upon prior approval by the county committee. Peanuts also may be delivered before the maturity date of the loan for other reasons upon authorization by the Executive Vice President, CCC.

(4) (i) Settlement for peanuts delivered to CCC will be made, subject to the provisions of the Producer's Note and Supplemental Loan Agreement, at the applicable support price for the type, grade (except as provided above for peanuts going out of condition), and quantity of peanuts delivered and accepted by CCC, plus an allowance for shrinkage during the storage period of four-tenths of a cent ($0.004) per net weight pound delivered, and an allowance for the actual shrinkage during the storage period of the extra large kernels in Virginia type peanuts: *Provided, however,* That the settlement value for the peanuts delivered to CCC which do not meet the requirements with respect to moisture, damage or foreign material in § 446.1007 shall be determined at the support price for the grade placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade placed under loan and the market price of the peanuts delivered, as determined by CCC: *Provided, further,* That if the value of the peanuts delivered (including the shrinkage allowance and allowance for loss in extra large kernels in Virginia type peanuts) is less than the amount of the loan with respect to such peanuts, and CCC determines that the deficiency resulted from abnormal climatic conditions which prevailed throughout the area or locality in which the peanuts were produced and which caused the development of progressive damage in the peanuts during storage, that such damage would not normally be detected or appraised accurately by a reasonably prudent person in control of the storage structure, and that the producer has complied with the other provisions of the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage, (*a*) if the net weight of all peanuts delivered, plus the net weight of the peanuts redeemed prior to such delivery, equals or exceeds 97 percent of the net weight of the peanuts on which the loan was made CCC may relieve the producer from liability for the deficiency, or (*b*) if the net weight of the peanuts delivered, plus the net weight of peanuts redeemed prior to such delivery, is less than 97 percent of the net weight of the peanuts on which the loan was made, CCC may relieve the producer from liability for that part of the deficiency which exceeds an amount equal to the loan value per pound of the peanuts under loan multiplied by the number of pounds by which the net weight of the peanuts delivered, plus the net weight of peanuts redeemed prior to such delivery, is less than 97 percent of the net weight of the peanuts on which the loan was made.

(ii) Delivery of peanuts in bulk will be accepted only from the structure(s) in which the peanuts under loan are stored. The maximum quantity eligible for delivery in cases where a loan has been made on part of the commodity in the bin shall be the quantity on which the loan was made plus any normal overrun established by the State committee. In the case of peanuts stored in bags, only the identical bags under loan may be delivered.

(5) If the settlement value of the peanuts delivered exceeds the amount due on the loan (excluding interest), such excess amount will be paid to the producer. Any payment due the producer will be made by sight draft drawn on CCC by the county office.

(6) If the settlement value of the peanuts is less than the amount due on the loan (excluding interest), the amount of the deficiency plus interest thereon, shall be paid to CCC, except as provided in paragraph (f) of this section, and may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

§ 446.1021 *Loans to associations.* An association which desires to receive, arrange storage for and handle peanuts for and on behalf of eligible producers and for and on behalf of eligible producers represented by bona fide producer marketing cooperatives which meet the criteria established for an association in § 446.1004 (a), which are approved by CCC, and which are operating under an agreement with the association, may obtain a loan on all eligible peanuts handled on behalf of eligible producers, stored in approved warehouses, and represented by warehouse receipts in a form prescribed by CCC. Such loan will be made pursuant to the terms of the Association Loan and Handling Agreement, CCC Peanut Form 27 (1958), between the association and CCC, and shall be evidenced by a blanket note in form prescribed by CCC. The association may receive eligible peanuts from eligible producers who are not members of the association and use such peanuts as loan collateral. Approved storage for peanuts under loan to an association will be warehouses approved pursuant to instructions issued by CCC and operated under contract with the association or with CCC. The names and locations of such warehouses may be obtained from the association or the county office. The association may obtain the loan from an approved lending agency or from CCC. Each producer from whom the association receives peanuts must present his within quota card at the time he delivers the peanuts for storage. For each lot of peanuts received, the association shall make an advance payment to the producer in the amount of the producer advance value for such peanuts. At any time prior to sale by CCC the association may redeem peanuts for sale in accordance with policies established by CCC.

The association shall distribute to the producers from whom it receives peanuts all proceeds from the handling of such peanuts under loan, less operating expenses, unless other disposition of such proceeds is approved by CCC.

§ 446.1022 *Purchase agreements.* (a) Purchase agreements will be available to eligible producers on eligible peanuts stored on the farm or stored off the farm on an identity preserved basis. Any peanuts stored off the farm on other than an identity preserved basis shall not be eligible for sale to CCC. The producer who signs a purchase agreement will not be obligated to sell any quantity of the peanuts to CCC. However, he may sell to CCC any quantity of eligible peanuts not in excess of the quantity stated in the purchase agreement. The producer may not assign his interest in a purchase agreement.

(b) *Delivery.* If the producer who signs a purchase agreement wishes to sell the peanuts to CCC, he will have a 30-day period ending on May 31, 1959, during which he must notify the county committee in writing of his intention to sell. The producer shall deliver the peanuts in accordance with delivery instructions issued by the county office, and shall complete delivery within a 15-day period immediately following the date of such instructions unless the county office determines that more time is needed for delivery. The producer may be required to retain the peanuts represented by a purchase agreement for a period of 60 days after May 31, 1959 without any cost to CCC.

(c) *Method of determining quality and quantity.* Peanuts delivered to CCC pursuant to a purchase agreement shall be of the type specified on the purchase agreement, and shall meet the grade requirements of § 446.1007 as determined by a Federal or Federal-State inspector on the basis of a sample taken at the time of delivery. The quantity of peanuts shall be determined by actual weight at the time of delivery. CCC will not assume any loss in quantity or quality of the peanuts covered by a purchase agreement occurring prior to delivery to CCC.

(d) *Settlement.* Settlement for eligible peanuts delivered to CCC under a purchase agreement shall be made at the applicable support price for the type, grade and quantity, net weight (calculated from actual gross weight), delivered and accepted by the county committee. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of proceeds shall be made.

Issued this 20th day of August 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-6894; Filed, Aug. 25, 1958; 8:57 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 2]

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO MARKETING QUOTAS FOR UPLAND COTTON OF THE 1958 AND SUCCEEDING CROPS

NORMAL YIELD

Basis and purpose. The purpose of this amendment to the Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1958 and Succeeding Crops (23 F. R. 3231, 5533) is to establish the normal yields for counties. Such normal yields for counties as established by the Director, are hereby approved by the Administrator of Commodity Stabilization Service in accordance with §§ 722.2 (d) (8) and 722.50. In order that such normal yields may be used by county committees in connection with determinations of farm normal yields, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.50 of the Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1958 and Succeeding Crops is hereby amended by addition of a new paragraph (a) at the end thereof which reads as follows:

(a) *For 1958 crop year.* The following table sets forth the normal yields for the 1958 crop year, as adjusted pursuant to § 722.2 (d) (8), which are established for the respective counties.

ALABAMA

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Autauga	382	Dallas	381
Baldwin	383	De Kalb	428
Barbour	305	Elmore	419
Bibb	397	Escambia	460
Blount	412	Etowah	410
Bullock	285	Fayette	355
Butler	336	Franklin	344
Calhoun	330	Geneva	395
Chambers	331	Greene	361
Cherokee	434	Hale	404
Chilton	386	Henry	358
Choctaw	302	Houston	354
Clarke	278	Jackson	412
Clay	318	Jefferson	402
Cleburne	272	Lamar	371
Coffee	323	Lauderdale	325
Colbert	381	Lawrence	409
Conecuh	318	Lee	298
Coosa	273	Limestone	413
Covington	329	Lowndes	402
Crenshaw	318	Macon	319
Cullman	442	Madison	427
Dale	331	Marengo	391
Marion	337	St. Clair	394
Marshall	444	Shelby	360
Mobile	361	Sumter	346
Monroe	414	Talladega	394
Montgomery	342	Tallapoosa	390
Morgan	406	Tuscaloosa	378
Perry	392	Walker	389
Pickens	358	Washington	324
Pike	281	Wilcox	314
Randolph	314	Winston	389
Russell	268		

ARIZONA

Cochise	700	Pima	906
Gila	588	Pinal	1,000
Graham	838	Santa Cruz	716
Greenlee	757	Yavapai	976
Maricopa	1,145	Yuma	1,001
Mohave	536		

ARKANSAS

Arkansas	399	Lee	505
Ashley	526	Lincoln	515
Baxter	235	Little River	502
Boone	260	Logan	390
Bradley	279	Lonoke	497
Calhoun	339	Marion	340
Chicot	473	Miller	576
Clark	320	Mississippi	515
Clay	394	Monroe	486
Cleburne	236	Montgomery	276
Cleveland	282	Nevada	183
Columbia	223	Newton	290
Conway	331	Ouachita	254
Craighead	401	Perry	448
Crawford	535	Phillips	504
Crittenden	579	Pike	252
Cross	476	Poinsett	450
Dallas	300	Polk	302
Desha	494	Pope	361
Drew	422	Prairie	417
Faulkner	358	Pulaski	491
Franklin	353	Randolph	390
Fulton	313	St. Francis	537
Garland	304	Saline	502
Grant	274	Scott	345
Greene	389	Searcy	350
Hempstead	391	Sebastian	376
Hot Spring	295	Sevier	300
Howard	310	Sharp	296
Independence	410	Stone	196
Izard	317	Union	243
Jackson	381	Van Buren	186
Jefferson	540	Washington	127
Johnson	546	White	334
Lafayette	411	Woodruff	447
Lawrence	399	Yell	427

CALIFORNIA

Fresno	919	Riverside	961
Imperial	907	San Benito	940
Kern	1,046	San Bernardino	406
Kings	792	San Diego	788
Los Angeles	510	Stanislaus	494
Madera	632	Tulare	760
Merced	697		

FLORIDA

Alachua	385	Lafayette	247
Baker	340	Leon	205
Bay	327	Levy	250
Calhoun	310	Liberty	240
Clay	333	Madison	201
Columbia	213	Nassau	396
Dixie	200	Okaloosa	383
Duval	379	Orange	319
Escambia	385	Putnam	197
Gadsden	308	Santa Rosa	370
Gilchrist	152	Suwannee	343
Hamilton	280	Taylor	228
Hillsborough	216	Union	327
Holmes	347	Walton	347
Jackson	243	Washington	312
Jefferson	217		

GEORGIA

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Appling	301	Jefferson	291
Atkinson	331	Jenkins	294
Bacon	323	Johnson	298
Baker	288	Jones	254
Baldwin	237	Lamar	274
Banks	393	Lanier	274
Barrow	329	Laurens	310
Bartow	413	Lee	319
Ben Hill	356	Liberty	156
Berrien	313	Lincoln	247
Bibb	415	Long	273
Bleckley	385	Lowndes	306
Brantley	239	Lumpkin	292
Brooks	351	McDuffie	256
Bryan	214	McIntosh	211
Bulloch	314	Macon	378
Burke	295	Madison	341
Butts	301	Marion	286
Calhoun	375	Meriwether	338
Candler	272	Miller	362
Carroll	302	Mitchell	358
Catoosa	361	Monroe	250
Charlton	195	Montgomery	261
Chatham	319	Morgan	349
Chattahoochee	127	Murray	309
Chattooga	312	Muscogee	318
Cherokee	251	Newton	319
Clarke	316	Oconee	377
Clay	373	Oglethorpe	321
Clayton	244	Paulding	292
Clinch	292	Peach	444
Cobb	245	Pickens	213
Coffee	287	Pierce	273
Colquitt	401	Pike	348
Columbia	218	Polk	338
Cook	322	Pulaski	315
Coweta	283	Putnam	256
Crawford	374	Quitman	252
Crisp	436	Randolph	361
Dade	270	Richmond	238
Dawson	186	Rockdale	270
Decatur	244	Schley	330
De Kalb	274	Screven	254
Dodge	291	Seminole	397
Dooly	410	Spalding	308
Dougherty	242	Stephens	345
Douglas	217	Stewart	290
Early	400	Sumter	441
Echols	316	Talbot	239
Effingham	301	Taliaferro	225
Elbert	381	Tattnall	277
Emanuel	279	Taylor	457
Evans	321	Telfair	292
Fayette	312	Terrell	450
Floyd	344	Thomas	331
Forsyth	330	Tift	356
Franklin	361	Toombs	330
Fulton	294	Treutlen	311
Gilmer	298	Troup	281
Glascock	281	Turner	364
Gordon	391	Twiggs	285
Grady	388	Upson	296
Greene	215	Walker	290
Gwinnett	310	Walton	347
Habersham	354	Ware	298
Hall	319	Warren	270
Hancock	274	Washington	325
Haralson	316	Wayne	296
Harris	271	Webster	278
Hart	376	Wheeler	281
Heard	348	White	336
Henry	308	Whitfield	294
Houston	295	Wilcox	347
Irwin	332	Wilkes	269
Jackson	311	Wilkinson	243
Jasper	340	Worth	369
Jeff Davis	286		

ILLINOIS

Alexander	404	Perry	334
Madison	244	Pulaski	363
Massac	375	Williamson	264

KANSAS

Cowley	171	Montgomery	171
Haskell	171		

KENTUCKY

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Ballard	371	Graves	375
Calloway	332	Hickman	501
Carlisle	414	McCracken	361
Fulton	617	Marshall	323

LOUISIANA

Acadia	491	Livingston	327
Allen	297	Madison	570
Ascension	315	Morehouse	497
Assumption	357	Natchitoches	414
Avoyelles	549	Orleans	475
Beauregard	256	Ouachita	478
Bienville	271	Pointe Coupee	532
Bossier	467	Rapides	598
Caddo	514	Red River	441
Calcasieu	361	Richland	408
Caldwell	451	Sabine	235
Cameron	348	St. Helena	310
Catahoula	435	St. James	363
Claiborne	210	St. John the Baptist	281
Concordia	497	St. Landry	557
De Soto	260	St. Martin	491
East Baton Rouge	305	St. Mary	338
East Carroll	537	St. Tammany	315
East Feliciana	315	Tangipahoa	315
Evangeline	534	Tensas	535
Franklin	408	Union	293
Grant	424	Vermilion	472
Iberia	313	Vernon	232
Iberville	281	Washington	341
Jackson	428	Webster	299
Jefferson	371	West Baton Rouge	534
Jefferson Davis	506	West Carroll	431
Lafayette	319	West Feliciana	366
Lafourche	413	Winn	200
La Salle	262		
Lincoln			

MARYLAND

Caroline	274

MISSISSIPPI

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Adams	329	Leake	427
Alcorn	411	Lee	396
Amite	357	Leflore	505
Attala	426	Lincoln	352
Benton	437	Lowndes	403
Bolivar	498	Madison	446
Calhoun	466	Marion	355
Carroll	476	Marshall	436
Chickasaw	425	Monroe	375
Choctaw	396	Montgomery	509
Claiborne	442	Neshoba	374
Clarke	317	Newton	336
Clay	383	Noxubee	455
Coahoma	560	Oktibbeha	315
Copiah	373	Panola	445
Covington	364	Pearl River	380
De Soto	504	Perry	318
Forrest	354	Pike	311
Franklin	296	Pontotoc	446
George	373	Prentiss	411
Greene	396	Quitman	482
Grenada	486	Rankin	449
Hancock	350	Scott	400
Harrison	340	Sharkey	508
Hinds	376	Simpson	345
Holmes	548	Smith	397
Humphreys	511	Stone	346
Issaquena	536	Sunflower	511
Itawamba	401	Tallahatchie	488
Jackson	585	Tate	509
Jasper	322	Tippah	438
Jefferson	375	Tishomingo	353
Jefferson Davis	346	Tunica	534
Jones	388	Union	413
Kemper	340	Walthall	364
Lafayette	390	Warren	506
Lamar	363	Washington	503
Lauderdale	379	Wayne	337
Lawrence	338	Webster	446
		Wilkinson	344
		Winston	398
		Yalobusha	414
		Yazoo	494

MISSOURI

Bollinger	243	New Madrid	490
Butler	458	Oregon	218
Cape Girardeau	393	Ozark	217
Carter	244	Pemiscot	511
Dunklin	445	Ripley	255
Howell	184	Scott	466
Jefferson	227	Stoddard	553
Mississippi	555	Vernon	354
		Wayne	205

NEVADA

Clark	549	Nye	549

NEW MEXICO

Chaves	824	Lea	614
Curry	330	Luna	367
De Baca	589	Otero	738
Dona Ana	741	Quay	466
Eddy	857	Roosevelt	341
Grant	486	Sierra	816
Guadalupe	362	Socorro	635
Hidalgo	832	Valencia	550

NORTH CAROLINA

Alamance	304	Jones	236
Alexander	297	Lee	322
Anson	325	Lenoir	342
Beaufort	441	Lincoln	302
Bertie	415	Martin	400
Bladen	252	Mecklenburg	322
Brunswick	229	Montgomery	284
Burke	255	Moore	309
Cabarrus	318	Nash	338
Caldwell	276	New Hanover	274
Camden	392	Northampton	429
Carteret	221	Onslow	281
Catawba	333	Orange	275
Chatham	265	Pamlico	256
Chowan	440	Pasquotank	279
Cleveland	372	Pender	248
Columbus	270	Perquimans	450
Craven	322	Person	324
Cumberland	329	Pitt	338
Currituck	299	Polk	348
Davidson	342	Randolph	294
Davie	292	Richmond	277
Duplin	346	Robeson	330
Durham	293	Rowan	276
Edgecombe	396	Rutherford	317
Forsyth	241	Sampson	353
Franklin	263	Scotland	302
Gaston	325	Stanly	364
Gates	466	Tyrrell	576
Granville	273	Union	359
Greene	318	Vance	300
Guilford	269	Wake	283
Halifax	365	Warren	275
Harnett	353	Washington	446
Hertford	450	Wayne	357
Hoke	342	Wilkes	221
Hyde	262	Wilson	352
Iredell	294	Yadkin	316
Johnston	371		

OKLAHOMA

Adair	156	Creek	175
Alfalfa	199	Custer	209
Atoka	148	Dewey	171
Beaver	106	Ellis	164
Beckham	170	Garfield	129
Blaine	224	Garvin	301
Bryan	212	Grady	314
Caddo	258	Grant	125
Canadian	268	Greer	201
Carter	171	Harmon	291
Cherokee	150	Harper	106
Choctaw	292	Haskell	268
Cleveland	348	Hughes	215
Coal	207	Jackson	328
Comanche	160	Jefferson	214
Cotton	206	Johnston	231
Craig	233	Kay	137

OKLAHOMA—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Kingfisher	186	Osage	239
Kiowa	174	Pawnee	215
Latimer	146	Payne	179
Le Flore	299	Pittsburg	242
Lincoln	165	Pontotoc	179
Logan	224	Pottawatomie	213
Love	226	Pushmataha	114
McClain	284	Roger Mills	163
McCurtain	380	Rogers	198
McIntosh	251	Seminole	154
Major	160	Sequoyah	377
Marshall	258	Stephens	198
Mayes	225	Texas	195
Murray	261	Tillman	264
Muskogee	298	Tulsa	310
Noble	222	Wagoner	248
Nowata	141	Washington	207
Okfuskee	167	Washita	219
Oklahoma	182	Woodward	124
Okmulgee	171		

SOUTH CAROLINA

Abbeville	318	Greenwood	287
Aiken	300	Hampton	353
Allendale	320	Horry	273
Anderson	348	Jasper	356
Bamberg	299	Kershaw	302
Barnwell	304	Lancaster	333
Beaufort	336	Laurens	324
Berkeley	304	Lee	380
Calhoun	392	Lexington	292
Charleston	241	McCormick	307
Cherokee	327	Marion	320
Chester	410	Marlboro	322
Chesterfield	274	Newberry	301
Clarendon	380	Oconee	355
Colleton	345	Orangeburg	352
Darlington	328	Pickens	328
Dillon	289	Richland	355
Dorchester	396	Saluda	347
Edgefield	391	Spartanburg	319
Fairfield	328	Sumter	395
Florence	335	Union	278
Georgetown	249	Williamsburg	355
Greenville	355	York	381

TENNESSEE

Bedford	349	Lawrence	350
Benton	346	Lewis	293
Bradley	353	Lincoln	373
Cannon	320	Loudon	400
Carroll	482	McMinn	265
Chester	463	McNairy	479
Coffee	399	Madison	412
Crockett	487	Marion	383
Cumberland	205	Marshall	314
Davidson	312	Maury	294
Decatur	340	Meigs	267
De Kalb	291	Monroe	247
Dyer	488	Moore	394
Fayette	436	Obion	519
Franklin	428	Perry	387
Gibson	474	Polk	330
Giles	315	Rhea	253
Grundy	381	Roane	249
Hamilton	317	Rutherford	405
Hardeman	448	Shelby	449
Hardin	362	Tipton	483
Haywood	438	Van Buren	236
Henderson	462	Warren	307
Henry	394	Wayne	322
Hickman	293	Weakley	462
Humphreys	280	White	281
Knox	442	Williamson	290
Lake	657	Wilson	360
Lauderdale	501		

TEXAS

Anderson	182	Bailey	308
Andrews	111	Bandera	162
Aransas	324	Bastrop	148
Angelina	254	Baylor	209
Archer	161	Bee	176
Armstrong	232	Bell	175
Atascosa	145	Bexar	146
Austin	321	Blanco	119

TEXAS—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Borden	169	Hays	187
Bosque	172	Hemphill	202
Bowie	368	Henderson	217
Brazoria	481	Hidalgo	435
Brazos	422	Hill	198
Brewster	686	Hockley	352
Briscoe	288	Hood	168
Brooks	220	Hopkins	224
Brown	85	Houston	256
Burleson	395	Howard	192
Burnet	110	Hudspeth	803
Caldwell	179	Hunt	249
Calhoun	380	Hutchinson	243
Callahan	118	Irion	352
Cameron	419	Jack	143
Camp	251	Jackson	306
Carson	289	Jasper	211
Cass	247	Jeff Davis	880
Castro	500	Jefferson	341
Chambers	354	Jim Hogg	113
Cherokee	262	Jim Wells	245
Childress	142	Johnson	205
Clay	244	Jones	162
Cochran	337	Karnes	111
Coke	105	Kaufman	216
Coleman	114	Kendall	132
Collin	223	Kent	181
Collingsworth	167	Kerr	157
Colorado	275	Kimble	286
Comal	187	King	151
Comanche	149	Kinney	483
Concho	108	Kleberg	267
Cooke	204	Knox	260
Coryell	180	Lamar	280
Cottle	165	Lamb	375
Crockett	545	Lampasas	120
Crosby	395	La Salle	197
Culberson	1,113	Lavaca	202
Dallam	272	Lee	152
Dallas	196	Leon	243
Dawson	242	Liberty	344
Deaf Smith	393	Limestone	152
Delta	325	Lipscomb	183
Denton	176	Live Oak	107
De Witt	173	Llano	126
Dickens	186	Loving	550
Dimmit	422	Lubbock	469
Donley	184	Lynn	278
Duval	135	McCulloch	114
Eastland	120	McLennan	162
Ector	657	McMullen	76
Ellis	242	Madison	248
El Paso	828	Marion	216
Erath	137	Martin	261
Falls	171	Mason	146
Fannin	252	Matagorda	364
Fayette	229	Maverick	493
Fisher	209	Medina	165
Floyd	435	Menard	87
Foard	191	Midland	294
Fort Bend	409	Milam	226
Franklin	291	Mills	146
Freestone	200	Mitchell	213
Frio	352	Montague	209
Gaines	246	Montgomery	202
Galveston	348	Moore	262
Garza	276	Morris	230
Gillespie	102	Motley	165
Glasscock	345	Nacogdoches	228
Goliad	155	Navarro	175
Gonzales	160	Newton	196
Gray	189	Nolan	160
Grayson	203	Nueces	362
Gregg	259	Ochiltree	497
Grimes	300	Oldham	364
Guadalupe	160	Palo Pinto	127
Hale	504	Panolo	267
Hall	180	Parker	143
Hamilton	164	Parmer	583
Hansford	246	Pecos	931
Hardeman	236	Polk	240
Hardin	271	Potter	249
Harris	360	Presidio	845
Harrison	247	Rains	240
Hartley	183	Randall	293
Haskell	202	Reagan	467

TEXAS—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Real	480	Titus	200
Red River	309	Tom Green	135
Reeves	1055	Travis	170
Refugio	319	Trinity	267
Roberts	218	Tyler	243
Robertson	519	Upshur	200
Rockwall	217	Upton	846
Runnels	113	Uvalde	704
Rusk	226	Val Verde	470
Sabine	214	Van Zandt	333
San Augustine	217	Victoria	397
San Jacinto	228	Walker	294
San Patricio	333	Waller	311
San Saba	140	Ward	640
Schleicher	195	Washington	290
Scurry	199	Webb	446
Shackelford	170	Wharton	400
Shelby	245	Wheeler	170
Smith	229	Wichita	288
Somervell	151	Wilbarger	241
Starr	191	Willacy	388
Stephens	124	Williamson	177
Sterling	431	Wilson	120
Stonewall	182	Winkler	805
Sutton	757	Wise	173
Swisher	418	Wood	227
Tarrant	243	Yoakum	288
Taylor	138	Young	133
Terrell	428	Zapata	407
Terry	265	Zavala	677
Throckmorton	128		

VIRGINIA

Accomack	447	Isle of Wight	307
Appomattox	328	Lunenburg	327
Brunswick	287	Mecklenburg	304
Caroline	269	Nansemond	378
Charlotte	290	Norfolk	334
Chesterfield	318	Patrick	361
Cumberland	309	Prince Edward	314
Dinwiddie	297	Prince George	314
Franklin	223	Princess Anne	327
Greensville	330	Southampton	347
Halifax	364	Surry	327
Hanover	287	Sussex	306

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C., this 19th day of August 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] WALTER C. BERGER, *Administrator.*

[F. R Doc 58-6821; Filed, Aug. 25, 1958; 8:45 a. m.]

[Amdt. 2]

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO MARKETING QUOTAS FOR EXTRA LONG STAPLE COTTON OF THE 1958 AND SUCCEEDING CROPS

NORMAL YIELD

Basis and purpose. The purpose of this amendment to the Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1958 and Succeeding Crops (23 F. R. 3241, 5533) is to establish the normal yields for counties. Such normal yields for counties as established by the Director, are hereby approved by the Administrator of Commodity Stabilization Service in accordance with §§ 722.102 (d) (8) and 722.151. In order that such normal yields may be used by county committees in connection with determinations of farm normal yields, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.151 of the Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1958 and Succeeding Crops is hereby amended by addition of a new paragraph (a) at the end thereof which reads as follows:

(a) *For 1958 crop year.* The following table sets forth the normal yields for the 1958 crop year, as adjusted pursuant to § 722.102 (d) (8), which are established for the respective counties.

ARIZONA

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Cochise	420	Pima	652
Graham	577	Pinal	646
Greenlee	501	Santa Cruz	526
Maricopa	712	Yuma	457

CALIFORNIA

Imperial	270	Riverside	453

FLORIDA

Alachua	175	Orange	172
Bradford	360	Putnam	201
Hamilton	251	Seminole	257
Jefferson	247	Sumter	230
Lake	203	Suwannee	116
Madison	320	Union	297
Marion	288	Volusia	186

GEORGIA

Berrien	177	Lanier	175
Cook	211		

NEW MEXICO

Dona Ana	406	Otero	287
Eddy	328	Sierra	328
Luna	319		

TEXAS

Brewster	429	Pecos	388
Culberson	583	Presidio	475
El Paso	482	Reeves	492
Hudspeth	400	Ward	392
Jeff Davis	555	Winkler	432
Loving	361		

PUERTO RICO

North	185	South	102

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C., this 19th day of August 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] WALTER C. BERGER, *Administrator.*

[F. R. Doc. 58-6820; Filed, Aug. 25, 1958; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 752, Amdt. 2]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.859 (Lemon Regulation 752, 23 F. R. 6317; 6546) are hereby further amended to read as follows:

(ii) District 2: 465,000 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 21, 1958.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 58-6889; Filed, Aug. 25, 1958; 8:56 a. m.]

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

FINDING THAT ESTIMATED SEASON AVERAGE PRICE OF RAISINS FOR 1958–59 CROP YEAR WILL BE IN EXCESS OF PARITY

This action is being taken pursuant to the provisions of § 989.62 of Marketing Agreement No. 109, as amended, and Marketing Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). This section will tend to effectuate the declared policy of the act and is not for the purposes of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish thereunder.

In its meeting of August 13, 1958, the Raisin Administrative Committee (established pursuant to the marketing agreement and order) considered data relevant to the formulation of a marketing policy for the crop year which begins September 1, 1958, and recommended that volume regulation not be applied to the handling of raisins during such crop year.

The July 15, 1958 parity price for raisins is $211 per ton. Prices received by producers for raisins averaged $256 per ton for the 1957–58 season. Based on pre-season sales of raisins for early season delivery, indications are that the average price to producers for 1958–59 will exceed that of 1957–58. In support of these indications, the 1958 production of raisins is expected to be substantially below average, and to approximate the small production of 163,000 tons in 1957. Moreover, handlers' carryin of raisins for 1958–59 will be smaller than for 1957–58. Hence, the total supply of raisins is expected to be less for 1958–59 than for 1957–58 and less than normal requirements for raisins in domestic and export markets and for carryout.

In view of the foregoing, it is hereby found that the estimated season average price to producers for raisins for the crop year which begins on September 1, 1958, will be in excess of the parity level specified in section 2 (1) of the said act. Accordingly, only the provisions of the said marketing agreement and order which apply in over-parity situations will be applicable in the 1958–59 crop year. The provisions which apply only to volume regulation will not be applicable.

Section 989.62 provides that the provisions of the marketing agreement and order relating to minimum grade and condition standards and inspection requirements, within the meaning of section 2 (3) of the said act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the estimated season average price to producers for raisins is in excess of the parity level specified in section 2 (1) of the act. The said section also provides that any off-grade raisins received by a handler during a period when minimum grade standards are in effect and when the season average price to producers for raisins, as estimated by the Secretary, is in excess of the parity level shall be disposed of by such handler pursuant to the provisions of § 989.59 (f) (implemented by, or as provided in, §§ 989.159 (g) (2) and 989.162), rather than through the off-grade pool (§ 989.60).

Accordingly, no off-grade pool will be in effect during the 1958–59 crop year. For the purpose of levying assessments, free tonnage raisins shall be determined as provided in § 989.180.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this document later than September 1, 1958 (5 U. S. C. 1001 et seq.), in that: (1) Handlers are aware of the information on which this finding is based, namely that (a) prices received by producers for raisins during the 1957–58 crop year have been well above parity, (b) contracts are being made for delivery of raisins early in the 1958–59 crop year at prices well in excess of parity, and (c) the probable total supply of raisins for 1958–59 will be less than for 1957–58; (2) growers are now making decisions whether to make raisins of their grapes or sell the grapes to wineries, and definite knowledge now concerning the regulations which may be applicable to the handling of raisins will be useful to them; and (3) since the effect of this finding will be to preclude pooling or other volume regulation from becoming or being made effective during the period for which the finding is made, handlers will require no advance notice for preparation.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 21, 1958, to become effective on September 1, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-6892; Filed, Aug. 25, 1958; 8:56 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

MISCELLANEOUS AMENDMENTS

Pursuant to Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Prune Administrative Committee recommended certain amendments of the handler reporting requirements in § 993.172 of the committee's administrative rules and procedures 7 CFR Part 993). (The amendments would: (1) Delete suparagraph (5) of § 993.172 (c) of said rules and procedures which requires handlers to report monthly to the committee, as a separate item, the total tonnage of prunes sold by them to Federal Government agencies; (2) revise § 993.172 (c) (3) to require handlers to report monthly the tonnage of such sales to Federal Government agencies in combination with and as a part of the total tonnage of prunes sold in domestic outlets, segregated by uses; and (3) revise § 993.172 (d) (2) by deleting the requirement therein that handlers report monthly to the committee the disposition of prunes to the Commodity Credit Corporation and other Federal Government agencies separate from the tonnage of prunes shipped or otherwise disposed of in domestic outlets, and by requiring handlers to report such tonnage monthly in combination with and as a part of that tonnage of prunes shipped or otherwise disposed of in domestic outlets.

The committee's recommendation is based on: (1) The relatively small quantity of prunes sold and shipped by handlers to Federal Government agencies in recent years; (2) the fact that, for the purposes of the said marketing agreement and order, the committee considers Federal Government agencies a domestic outlet for prunes; and (3) the cost to handlers of compiling and reporting sales and shipments of prunes to Federal Government agencies separate from sales and shipments of prunes in domestic outlets is out of proportion to the benefit from maintaining such separate categories. After consideration of all relevant information, including the committee's recommendation, it is concluded that the aforesaid amendments should be approved and, for the reasons hereinafter set forth, should become effective upon publication in the FEDERAL REGISTER.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.), and for making these amendments effective upon publication in that: (1) Handlers will soon begin reporting monthly sales and shipments of prunes in the 1958–59 crop year; (2) these amendments will reduce handlers' costs of complying with reporting and record keeping requirements by the simplification of such requirements; and (3) handlers require no advance notice for preparation to comply with these amendments. In these circumstances, these amendments should be made effective upon publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 21, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-6891; Filed, Aug. 25, 1958; 8:56 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 502—RULES OF PROCEDURE FOR CLAIMS

SUBPART A—GENERAL RULES

DEFINITIONS; INDISPENSABLE PARTY

Part 502 of the rules of the Office which sets forth the procedure for adjudication of claims asserted before it contains references to the authority of the Chief, Claims Section. In certain instances the Chief, Litigation Section, handles title claims under the Trading With the Enemy Act, as amended, and the rules require amendment to specify such authority for the Chief, Litigation Section, in those instances. Accordingly, §§ 502.2 and 502.3 are amended as set forth herein. Since these amendments relate to agency management notice, hearing and suspension of applicability are not required.

§ 502.2 *Definitions.* • • •

(l) The term "parties" includes the claimant on the one hand and the Chief of the Claims Section or the Chief of the Litigation Section on the other.

• • • • •

(p) The term "docketed claim" means a claim which has been referred by the Director, the Chief of the Claims Section or the Chief of the Litigation Section to the Chief Hearing Examiner for hearing and has been given a docket number.

§ 502.3 *Indispensable party.* The Chief of the Claims Section shall be a necessary party in all claims proceedings except those involving title claims under the Trading With the Enemy Act, as amended. In title claim proceedings under that Act either the Chief of the Claims Section or the Chief of the Litigation Section shall be a party. In those proceedings in which the Chief of the Litigation Section is a party, he shall have the authority, rights and duties granted or imposed by these rules upon the Chief of the Claims Section except the authority granted by § 502.6 (b).

(40 Stat. 411, as amended, secs. 201–318, 40 Stat. 562–575; 50 U. S. C. App. 1–40; 22 U. S. C. 1631–1641q. E. O. 9193, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9725, 11 F. R. 5381, 3 CFR, 1946 Supp.; E. O. 9788, 11 F. R. 11981, 3 CFR, 1946 Supp.; E. O. 10254, 16 F. R. 5039, 3 CFR, 1951 Supp.; E. O. 10644, 20 F. R. 9063, 3 CFR, 1955 Supp.)

Executed at Washington, D. C., on August 19, 1958.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-6828; Filed, Aug. 25, 1958; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7058]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DUNDEE ELECTRONICS CO.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1880 *Old, used, reclaimed, or reused as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45). [Cease and desist order, Thomas F. Di Stefano trading as Dundee Electronics Co., Paterson, N. J., Docket 7058, July 7, 1958]

In the Matter of Thomas F. Di Stefano, Individually and Trading as Dundee Electronics Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a distributor of radio and television tubes in Paterson, N. J., with selling, mainly to jobbers and mail order houses, a large number of used, pull-out, factory reject, and JAN surplus tubes without disclosing such inferior quality on the tube, box, carton, or in advertising.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Thomas F. Di Stefano, individually and trading as Dundee Electronics Co., or trading under any other name, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of television or radio tubes in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling, offering for sale or distributing used, pull-outs factory rejects or JAN surplus radio or television tubes without clearly disclosing on the tubes and the individual cartons in which each tube is packaged, and in advertising, invoices and shipping memoranda, that they are used, pull-outs, factory rejects or JAN surplus tubes, as the case may be.

2. Selling, offering for sale or distributing any radio or television tube which is not new or first quality without clearly and conspicuously disclosing that fact on the tube and the individual carton in which each tube is packaged, and in advertising, invoices and shipping memoranda.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondent Thomas F. Di Stefano shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist contained in said initial decision.

Issued: July 7, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-6868; Filed, Aug. 25, 1958; 8:51 a. m.]

[Docket 6921]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FRANK GROSS FURS

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; exaggerated as regular and customary; percentage savings. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods—Prices:* § 13.1785 *Comparative;* § 13.1805 *Exaggerated as regular and customary.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Frank Gross trading as Frank Gross Furs, Harrisburg, Pa., Docket 6921, July 12, 1958]

In the Matter of Frank Gross, an Individual Trading as Frank Gross Furs

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Harrisburg, Pa., with violating the Fur Products Labeling Act by affixing to fur products labels containing fictitious prices and thereby misrepresenting the regular retail selling prices; by failing to conform to the invoicing requirements of the Act; by newspaper advertisements which represented prices as reduced from regular prices which were in fact fictitious, and used comparative prices and percentage savings claims not based on the regular retail prices; and by failing to maintain adequate records as a basis for such pricing claims.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 12 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Frank Gross, an individual trading as Frank Gross Furs, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation, or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing on labels affixed to fur products that certain amounts are the regular and usual prices of fur products when such amounts are in excess of the prices at which respondent usually and customarily sold such products in the recent regular course of his business.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of the paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in a fur product.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public an-

nouncement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Represents, directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondent has regularly and customarily sold such product in the recent regular course of his business.

2. Makes use of comparative prices and percentage savings claims in advertisements, unless such compared prices or percentage savings claims are based upon the current market value of the fur product or unless a bona fide price at a designated time is stated.

D. Making claims and representations in advertisements respecting comparative prices, percentage savings claims, or claims that prices are reduced from regular or usual prices, unless respondent maintains full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Frank Gross, an individual trading as Frank Gross Furs, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: July 11, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-6869; Filed, Aug. 25, 1958; 8:52 a. m.]

[Docket 7029]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FRY KING CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.110 *Indorsements, approval, and testimonials;*[1] § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.* Subpart—*Using misleading name*—Goods: § 13.2345 *Source or origin:* Maker.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Fry King Corporation et al., New York, N. Y., Docket 7029, July 12, 1958]

In the Matter of The Fry King Corporation, a Corporation, and Max Fain and Isaac Steinbook, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in New York City of small household electrical appliances including deep fat fryer-cookers and fry pan skillets, with representing falsely in advertising and upon cartons in which the appliances were packaged and which were disseminated to purchasers for use in retail sale, that an exaggerated and fictitious price was the usual retail price; that certain of their appliances had been approved or guaranteed by Good Housekeeping magazine; and, through prominent use of the word "Westinghouse", that their appliances were manufactured by Westinghouse Electric Corporation.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 12 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, The Fry King Corporation, a corporation, and its officers, and Max Fain and Isaac Steinbook, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of fryer-cookers and skillets or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly:

(a) That any amount is the retail price of merchandise when such amount is in excess of the price at which such merchandise is usually and regularly sold at retail;

(b) That their merchandise has been advertised in Life Magazine or Good Housekeeping Magazine; or has been advertised in any other magazine or publication, unless such is the fact;

2. Using the name of any company in connection with merchandise which has not been manufactured in its entirety by said company; or representing, directly or indirectly, that merchandise not manufactured in its entirety by a specified company was so manufactured, provided, however, that this prohibition shall not be construed as prohibiting a truthful statement that a part of an article of merchandise has been manufactured by a specified company when such part is clearly and conspicuously identified;

3. Using the Good Housekeeping seal of approval in connection with their merchandise; or representing in any manner that their merchandise has been awarded said seal of approval; or that their merchandise has been approved by any other group or organization, unless such is the fact, provided, however, that this prohibition shall not be construed as prohibiting a truthful statement that a part of an article of merchandise has been approved by a group or organization, when such part is clearly and conspicuously identified.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents, The Fry King Corporation, a corporation, and its officers, and Max Fain and Isaac Steinbook, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 11, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-6870; Filed, Aug. 25, 1958; 8:52 a. m.]

[Docket 6203]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HOLLAND FURNACE CO.

Subpart—*Coercing and intimidating:* § 13.350 *Customers or prospective customers:* To purchase, make payment, or support product or service: *By utilizing scare tactics; by withholding customer's property or rights.* Subpart—*Delaying or withholding corrections, adjustments or action owed:* § 13.675 *Delaying or withholding corrections, adjustments or action owed.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1425 *Government connection;* § 13.1520 *Personnel or staff.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45). [Cease and desist order, Holland Furnace Company, Holland, Mich., Docket 6203, July 7, 1958]

This case was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of furnaces, with plant in Holland, Mich.—with some 475 branch offices in various States and a number of sub-branches, selling its products through house-to-house salesmen whom it supplied with sales manuals, catalogs, and other literature and assigned a certain territory—with using deceptive sales schemes under which its said salesmen posed as Government or utility inspectors or heating engineers to gain access to homes and then dismantled furnaces without the owners' permission, ostensibly to determine the extent of repairs necessary, and refused to reassemble them on misrepresentations that this would involve grave dangers of fire, gas, and explosion, or that the competitor-manufacturer of the furnace was out of business or that parts were unobtainable; with requiring owners of such dismantled furnaces to sign releases absolving the company of liability for its employees' negligence or other liability before reassembling the furnaces; or otherwise using scare tactics, misrepresentation, and coercion to sell its furnaces, heating equipment, and parts.

After extended proceedings, the hearing examiner made his initial decision and order to cease and desist from which respondent filed appeal. The Commission, having heard the matter on the whole record including briefs and oral argument, denied respondent's appeal and on July 7 adopted the initial decision as its own decision.

The order to cease and desist is as follows:

It is ordered, That respondent Holland Furnace Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of furnaces, heating equipment, or parts therefor, do forthwith cease and desist from:

(1) Representing, directly or indirectly that any of its employees are inspectors or are employees or representatives of government agencies or of gas or utility companies.

(2) Representing, contrary to fact, that its salesmen or servicemen are heating engineers.

(3) Representing that any furnace manufactured by a competitor is defective or not repairable, or that the continued use of such furnace will result in asphyxiation, carbon monoxide poisoning, fires, or other damage, or that the manufacturer of such furnace is out of business, or that parts of such furnace are unobtainable, unless such are the facts.

(4) Tearing down or dismantling any furnace without the permission of the owner.

(5) Representing that a furnace which has been dismantled cannot be reassembled and used without danger of asphyxiation, gas poisoning, fires, or other damage, or for any other reason, when such is not a fact.

(6) Requiring the owner of any furnace which has been dismantled by respondent's employees to sign a release absolving the respondent of liability for its employees' negligence, or of any other liability, before reassembling said furnace.

(7) Refusing to immediately reassemble, at the request of the owner, any furnace which has been dismantled by respondent's employees.

(8) Misrepresenting in any manner the condition of any furnace which has been dismantled by respondent's employees.

By "Final Order", report of compliance was required as follows:

It is ordered, That respondent Holland Furnace Company shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the initial decision.

Issued: July 7, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-6871; Filed, Aug. 25, 1958; 8:52 a. m.]

[1] Amended to read as set forth.

TITLE 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Administrator, Housing and Home Finance Agency

PART 3—SLUM CLEARANCE AND URBAN RENEWAL

RELOCATION PAYMENTS; CONDITIONS DETERMINING ELIGIBILITY FOR PAYMENT

The rules and regulations governing the making of relocation payments under section 106 (f) of the Housing Act of 1949, as amended, 42 U. S. C. 1456, to individuals, families, and business concerns displaced by an urban renewal project, prescribed on behalf of the Housing and Home Finance Administrator by the Acting Urban Renewal Commissioner, as of October 8, 1956 (21 F. R. 9991, December 15, 1956), as amended (22 F. R. 1980, March 26, 1957; 22 F. R. 9937, December 12, 1957; 23 F. R. 750, February 5, 1958; 23 F. R. 1723, March 13, 1958; and 23 F. R. 5723, July 30, 1958), are hereby further amended by amending paragraph (c) of § 3.108 *Conditions determining eligibility for payment*, to read as follows:

(c) The property from which the individual, family, or business concern is displaced must have been acquired by the Local Public Agency. For the purposes of the rules and regulations in this part, acquisition is deemed to occur:

(1) At the time the Local Public Agency obtains possession of the property pursuant to a court order in a condemnation action instituted for the purpose of acquiring title; or

(2) At the time of conveyance of title; or

(3) At the time a binding contract of sale (or purchase) is entered into between the Local Public Agency and the owner: *Provided*, That such contract includes a provision prohibiting the owner from re-renting the property once it is vacated by the individual, family, or business concern then occupying it, or the Local Public Agency otherwise receives adequate written assurance from the owner to such effect: *And provided further*, That no Relocation Payments may be made until the property is actually conveyed to the Local Public Agency.

(Sec. 502, 62 Stat. 1283, as amended, sec. 106, 63 Stat. 417, as amended, sec. 305, 70 Stat. 1100, as amended; 12 U. S. C. 1701c, 42 U. S. C. 1456)

Issued as of the 26th day of August 1958.

[SEAL] C. L. OSWALD, *Acting Urban Renewal Commissioner.*

[F. R. Doc. 58-6888; Filed, Aug. 25, 1958; 8:58 a. m.]

Chapter III—Public Housing Administration, Housing and Home Finance Agency

PART 320—LOW-RENT HOUSING PROGRAM

FEDERALLY OWNED LOW-RENT HOUSING

Section 320.6 *Federally owned low-rent housing*, is amended as follows:

1. Under the heading "California," the item "Winters, Housing Authority of the County of Yolo, Post Office Box 57, Woodland, Calif." is deleted.

2. The heading "New York" and the item "Baker Homes; Public Housing Administration, Ridge and Abbott Roads, Lackawanna 18, N. Y." are deleted.

3. The heading "Ohio" and the item "Laurel Homes; Cincinnati Metropolitan Housing Authority, 595 Armory Avenue, Cincinnati, Ohio" are deleted.

4. The heading "Pennsylvania" and the item "Highland Homes; Delaware County Housing Authority, 1827 Constitution Avenue, Chester 36, Pa." are deleted.

(Sec. 8, 50 Stat. 891; 420. S. C. 1408)

Date approved: August 19, 1958.

[SEAL] CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 58-6872; Filed, Aug. 25, 1958; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1723]

[Anchorage 022342]

ALASKA

WITHDRAWING LANDS FOR RECREATIONAL PURPOSES

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws including the mining but not the mineral leasing laws nor disposals under the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved under the jurisdiction of the Secretary of the Interior for administration and maintenance as public recreation areas pending their conveyance or other disposal as authorized by the act of May 4, 1956, as amended by the act of August 30, 1957 (71 Stat. 510):

SEWARD MERIDIAN

T. 5 N., R. 8 W.,
Sec. 20, lot 1;
Sec. 21, lot 3.
T. 2 N., R. 11 W.,
Sec. 6, lots 9 to 57, inclusive, SE¼NE¼NW¼, and E½SE¼NW¼.
T. 3 N., R. 11 W.,
Sec. 9, lots 1 and 2.
T. 4 N., R. 11 W.,
Sec. 34, W½SW¼.

The areas described aggregate 374.47 acres.

FRED G. AANDAHL, *Assistant Secretary of the Interior.*

AUGUST 19, 1958.

[F. R. Doc. 58-6847; Filed, Aug. 25, 1958; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[No. 32414]

PART 169—TRANSFERS OF PASSENGER BROKERS' LICENSES

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 13th day of August A. D. 1958.

The matter of promulgating rules and regulations under sections 204, 211, and 212 of the Interstate Commerce Act, governing transfers of passenger brokers' licenses and changes in control of corporations or associations holding passenger brokers' licenses being under consideration; and

It appearing, that a notice of proposed rule making was issued April 17, 1958, setting forth the text of proposed rules in the matter; that said notice was published in the FEDERAL REGISTER issue of May 2, 1958 (23 F. R. 2974), pursuant to provisions of section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003); that, after consideration of all written data, views, or arguments received in the matter, adoption of said rules as proposed is deemed justified; and that the basis and purpose of this amendment is to extend the same privileges and apply the same requirements to passenger brokers as are extended and applied to property brokers under 49 CFR 167.11 and 167.12, with respect to transfers of brokers' licenses and changes in the control of corporations and associations holding brokers' licenses.

It is ordered, That 49 CFR Part 169, Transfers of Passenger Brokers' Licenses be, and it is hereby added under the center head, Parts 165–180: General Provisions, and the following sections be added reading as follows:

Sec.
169.1 Transfer of brokers' licenses.
169.2 Corporations and associations holding brokers' licenses.

AUTHORITY: §§ 169.1 and 169.2 issued under sec. 204, 49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply secs. 211, 212, 49 Stat. 554, as amended, 555, as amended; 49 U. S. C. 311, 312.

§ 169.1 *Transfer of brokers' licenses.* A license issued a passenger broker under section 211 of the Interstate Commerce Act may be transferred, if approved by the Commission, upon application and proof that the transferee is fit, willing, and able to perform the duties, and that the transfer will not be contrary to the public interest.

§ 169.2 *Corporations and associations holding brokers' licenses.* A change in the control of a corporation may be accomplished only with the approval of the Commission upon application and proof that the change in control will not be contrary to the public interest.

It is further ordered, That this order shall become effective on the 16th day of September A. D. 1958

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Federal Register Division.

By the Commission, Division 4.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58-6677; Filed, Aug. 25, 1958; 8:54 a. m.]

PART 210—EXEMPTIONS

AGRICULTURAL COMMODITIES, LIVESTOCK AND FISH

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 14th day of August A. D. 1958. Publication of Administrative Ruling No. 107 in accordance with Transportation Act of 1958.

It appearing that on August 12, 1958, there was enacted Public Law 85–625, Transportation Act of 1958, amending section 203 (b) (6) of the Interstate Commerce Act by the addition of two provisos, the first stating that the words as used in that exemption shall include property shown as "Exempt" in the "Commodity List" incorporated in Administrative Ruling No. 107 of the Commission's Bureau of Motor Carriers dated March 19, 1958, but shall not include property shown therein as "Not exempt", and the second stating that notwithstanding the first proviso the words shall not be deemed to include certain specified commodities, and shall be deemed to include certain other specified commodities;

And it further appearing that in view of the reference in the amendment to Administrative Ruling No. 107 of the Commission's Bureau of Motor Carriers, dated March 19, 1958, it is necessary that the ruling be published in the Commission's regulations as information to the public in order that its contents may be officially noted in the administration and enforcement of the exemption; therefore,

It is ordered, That 49 CFR Part 210 be amended by adding thereto § 210.25 *Agricultural commodities, livestock and fish* with the explanatory headnote as follows:

§ 210.25 *Agricultural commodities, livestock and fish; Bureau of Motor Carriers Administrative Ruling No. 107.* Administrative Ruling No. 107 of the Commission's Bureau of Motor Carriers, dated March 19, 1958, is as set forth below. The "Commodity List" therein is for use in determining the status of commodities under the exemption provisions of section 203 (b) (6) of the Interstate Commerce Act (49 U. S. C. 303 (b) (6)) in accordance with the following amendment of that section by the Transportation Act of 1958:

Clause (6) of subsection (b) of section 203 of the Interstate Commerce Act, as amended, is amended by striking out the semicolon at the end thereof and inserting in lieu thereof a colon and the following: "*Provided*, That the words 'property consisting of ordinary livestock, fish (including shell fish), or agricultural (including horticultural) commodities (not including manufactured products thereof)' as used herein shall include property shown as 'Exempt' in the 'Commodity List' incorporated in ruling numbered 107, March 19, 1958, Bureau of Motor Carriers, Interstate Commerce Commission, but shall not include property shown therein as 'Not exempt': *Provided further, however*, That notwithstanding the preceding proviso the words 'property consisting of ordinary livestock, fish (including shell fish), or agricultural (including horticulutral) commodities (not including manufactured products thereof)' shall not be deemed to include frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, or hemp, and wool imported from any foreign country, wool tops and noils, or wool waste (carded, spun, woven, or knitted), and shall be deemed to include cooked or uncooked (including breaded) fish or shell fish when frozen or fresh (but not including fish and shell fish which have been treated for preserving, such as canned, smoked, pickled, spiced, corned or kippered products);".

[Ruling No. 107]

MARCH 19, 1958.

The following is an administrative ruling of the Bureau of Motor Carriers, for the purpose of making readily available holdings of the Commission and the courts, and Bureau opinions, relating to the status of various commodities under the partial exemption in Section 203 (b) (6) of the Interstate Commerce Act. The "Bureau opinions" in this ruling are tentative and provisional and are made either in the absence of authoritative Commission or Court decisions or in applying the holdings and reasoning of court decisions which have reversed or altered past general and specific findings of the Commission.

GENERAL

This ruling relates to Section 203 (b) (6) as it presently reads:

Nothing in this part, except the provisions of section 204 relative to qualifications and maximum hours of service of employees and safety of operation or standards of equipment shall be construed to include • • • (6) motor vehicles used in carrying property consisting of ordinary livestock, fish (including shell fish), or agricultural (including horticultural) commodities (not including manufactured products thereof), if such motor vehicles are not used in carrying any other property, or passengers, for compensation; • • •.

Pending before the Congress are bills which if enacted into law would limit or revise the application of the exemption and render obsolete many of the interpretations herein.

For each entry in the Commodity List there is shown either the number assigned to one of the Commission or court decisions in the Case List, or the words "Bureau opinion" the latter denoting an informal expression of the Bureau. In a few instances reference is made to a numbered Note appended to the ruling. Certain of these explain the reason for Bureau opinions which differ from past Commission decisions. Others mention pending Commission proceedings which may affect the status of commodities making reference thereto.

Though commodities are shown as either "Exempt" or "Not exempt," it must be kept in mind that an "Exempt" commodity loses its exemption whenever it is transported in a vehicle which at the same time is transporting for compensation commodities not within the exemption.

The absence of a commodity from the list below should not be taken to mean that it is either within or not within the exemption. Only those commodities are listed as to which inquiries have been received in the past by the Bureau or which have been the subject of Commission or court proceedings.

W. Y. BLANNING, *Director.*

COMMODITY LIST

Alfalfa, *see* Feeds.
Animal fats—Not exempt—Bureau opinion.
Animals, *see* Livestock.

Bagged commodities—Placing exempt commodities—Case 1 in bags does not affect their exempt status.
Bark, *see* Forest Products.
Barley, *see* Grains.
Bees—Exempt—Case 1.
Beeswax, crude, in cakes and slabs—Exempt—Bureau opinion.
Beet pulp, *see* Feeds.
Beets, sugar—Exempt—Case 1.
Berries, *see* Fruits.
Bran, *see* Feeds.
Broom corn, threshed and baled—Exempt—Bureau opinion.
Bulbs, *see* Horticultural Commodities.
Butter—Not exempt—Case 20.
Buttermilk—Exempt—Case 20.

Canned fruits and vegetables—Not exempt—Case 20.
Carnauba wax as imported in slabs or chunks—Not exempt—Bureau opinion.
Castor beans—Exempt—Case 1.
Cattle, live, *see* Livestock.
Cattle, slaughtered—Not exempt—Case 20.
Charcoal—Not exempt—Bureau opinion.
Cheese—Not exempt—Case 1.
Cheese, cottage—Not exempt—Case 20.
Cheese, cream—Not exempt—Case 20.
Christmas trees, plain, sprayed, or coated—Exempt—Bureau opinion.
Citrus fruits, *see* Fruits.
Coal—Not exempt—Bureau opinion.
Coca beans—Exempt—Case 1 (b), Note 1.
Coffee beans, green—Exempt—Case 1 (b), Note 1.
Coffee, roasted—Not exempt—Bureau opinion.
Coffee, instant—Not exempt—Bureau opinion.
Containers, crates, and boxes which have been used in the movement of exempt commodities and are being returned for reuse—Exempt—Case 8.
Containers, new for use in shipping exempt commodities—Not exempt—Case 8.
Copra meal—Not exempt—Case 6.
Corn, *see* Grain.
Corn cobs—Exempt—Case 1.
Corn cobs, ground—Exempt—Bureau opinion, Note 4.
Corn fodder—Exempt—Case 1.
Cottage cheese, *see* Cheese.
Cotton, carded but not spun, woven, or knitted—Exempt—Bureau opinion, Note 5.
Cotton, ginned or unginned—Exempt—Case 1.
Cotton linters—Exempt—Case 20.
Cotton waste, consisting of scraps of cotton fibre not spun, woven or knitted—Exempt—Bureau opinion, Note 5.
Cotton yarn—Not exempt—Bureau opinion.
Cottonseed, whole—Exempt—Case 1.
Cottonseed cake—Not exempt—Bureau opinion.
Cottonseed, dehulled — Exempt — Bureau opinion.
Cottonseed hulls—Exempt—Case 20.
Cottonseed meal—Not exempt—Case 20.
Crates, *see* Containers.
Cream, *see* Milk.
Cream cheese, *see* Cheese.

Dehydrated, *see* commodity name: Fruits, Vegetables, Eggs, etc.
Diatomaceous earth—Not exempt—Bureau opinion.
Dinners, frozen—Not exempt—Bureau opinion.
Dinners, seafood, frozen—Not exempt—Case 7, Note 6.
Dried, *see* commodity name: Fruits, Vegetables, Eggs, etc.

Eggs:
Albumen, fresh, liquid—Exempt—Case 5.
Dried—Exempt—Case 20.
Frozen—Exempt—Case 20.
In shell—Exempt—Case 1.
Liquid, whole or separated—Exempt—Case 5.
Oiled—Exempt—Case 1.
Powder, dried—Exempt—Case 20.
Shelled—Exempt—Case 5.
Yolks, dried—Exempt—Case 20.
Yolks, fresh, liquid—Exempt—Case 5.

Fats, animal—Not exempt—Bureau opinion.
Feathers—Exempt—Case 20.
Feeds:
Alfalfa meal—Not exempt—Bureau opinion.
Alfalfa pellets—Not exempt—Bureau opinion.
Beet pulp—Not exempt—Case 6.
Bran shorts—Not exempt—Case. 6.
Copra meal—Not exempt—Case. 6.
Corn Gluten—Not exempt—Bureau opinion.
Cottonseed products, *see* Cottonseed.
Distilled corn grain residues, with or without solubles added—Not exempt—Case 6.
Fish meal—Not exempt—Case 6.
Hominy feed—Not exempt—Bureau opinion.
Middlings—Not exempt—Case 6.
Oat hulls, ground—Exempt—Bureau opinion, Note 4.
Pelletized ground refuse screenings—Not exempt—Case 6.
Rice bran—Exempt—Bureau opinion—Compare Case 12.
Screenings, feed—Exempt—Case 6.
Wheat bran—Not exempt—Bureau opinion.
Wheat shorts—Not exempt—Bureau opinion.
Fertilizer, commercial—Not exempt—Bureau opinion.
Fish (including shell fish):
General. Frozen, quick frozen, and unfrozen fish and shell fish in the various forms in which it is shipped, such as live fish, fish in the round, beheaded, and gutted fish, filletted fish, beheaded shrimp, and oysters, clams, crabs, and lobsters, with or without shells, including crab meat and lobster meat—Exempt—Case 11.
Breaded, uncooked, frozen or unfrozen—Exempt—Administrative Ruling No. 98, November 28, 1955.
Cakes, codfish—Not exempt—Case 7, Note 6.
Clam juice or broth—Not exempt—Bureau opinion.
Cooked or partially cooked fish or shrimp, frozen or unfrozen—Not exempt—Administrative Ruling No. 98, November 28, 1955.
Croquettes, salmon, frozen—Not exempt—Case 7, Note 6.
Deviled crabs, clams or lobsters frozen—Not exempt—Case 7, Note 6.
Dinners, frozen—Not exempt—Case 7, Note 6.
Fried fish fillets, oysters, or scallops, frozen—Not exempt—Case 7, Note 6.
Frogs, live or dressed—Exempt—Bureau opinion.
Frozen, *see* General above, and individual listings.
Hermetically sealed in containers as a treatment for preserving—Not exempt—Case 11.
Hermetically sealed in containers for cleanliness only, preservation attained by refrigeration — Exempt — Bureau opinion.
Meal—Not exempt—Case 6.
Offal (inedible portions of fish not further processed)—Exempt—Bureau opinion.
Oil from fishes—Not exempt—Bureau opinion.
Preserved, or treated for preserving, such as smoked, salted, pickled, spiced, corned or kippered—Not exempt—Case 11.
Shells, oyster, moving to market for use in button making—Not exempt—Case 16.
Stew, consisting of raw oysters or clams, milk, and seasoning, frozen but uncooked—Exempt—Bureau opinion.
Sticks, frozen—Not exempt—Case 7, Note 6.
Turtles, sea or fresh water—Exempt—Bureau opinion.
Whale meat, fresh—Exempt—Bureau opinion.
Flagstone—Not exempt—Bureau opinion.
Flax fiber—Exempt—Case 1.
Flaxseed, whole—Exempt—Case 1.
Flaxseed, meal—Not exempt—Bureau opinion.
Flour—Not exempt—Bureau opinion.
Flowers and flower plants, *see* Horticultural commodities.
Fodder, corn and sorghum—Exempt—Case 1.
Forage, *see* Hay.
Forest products.
Bark—Exempt—Case 1.
Bark, boiled to clean and soften—Exempt—Bureau opinion.
Blankets of pine and spruce boughs—Exempt—Bureau opinion.
Greenery—Exempt—Case 1.
Holly sprigs, and cuttings—Exempt—Bureau opinion.
Leaves—Exempt—Case 1.
Leaves, sisal, husks and moisture removed—Exempt—Bureau opinion.
Mistletoe—Exempt—Bureau opinion.
Myrobalons, as imported in natural state—Exempt—Bureau opinion.
Palmyra stalk fibers (fronds from palm leaves)—Exempt—Bureau opinion.
Peat moss, dried, shredded, baled—Exempt—Case 22.
Resin, crude—Exempt—Case 1.
Resin products, such as turpentine—Not exempt—Administrative Ruling No. 62, August 3, 1937.
Roots, natural or dried—Exempt—Bureau opinion.
Sap, maple—Exempt—Case 1.
Spanish moss—Exempt—Case 1.
Sphagnum moss—Exempt—Bureau opinion.
Spices, *see* separate listing: Spices.
Trees, *see* separate listing: Trees.
Valonia, as imported in natural state—Exempt—Bureau opinion.
Wreaths of holly or other natural material with small amount of foundation or decorative material—Exempt—Bureau opinion.
Frogs, *see* Fish.
Frozen, *see* commodity name: Fruits, Vegetables, Fish, Poultry, etc.
Fruits and Berries:
Bagged—Exempt—Case 1.
Canned—Not exempt—Case 20.
Citrus fruit sections, fresh, cold-packed, semi-frozen, or frozen—Exempt—Bureau opinion, Note 2.
Color added—Exempt—Case 1.
Dates, pitted, dried—Exempt—Bureau opinion.
Dehydrated—Exempt—Bureau opinion, Note 3.
Dried, naturally or artificially—Exempt—Cases 1 and 20.
Figs, dried, halved or quartered—Exempt—Bureau opinion.
Frozen, fresh—Exempt—Case 20.
Fumigated—Exempt—Case 1.
Graded—Exempt—Case 1.
Hulls of oranges after juice extractions—Not exempt—Bureau opinion.
In brine, to retain freshness—Exempt—Bureau opinion.

Juice, orange or other citrus—Not exempt—Case 17.
Juice, fruit, plain or concentrated—Not exempt—Bureau opinion.
Kernels—Exempt—Bureau opinion.
Oiled apples—Exempt—Case 1.
Peaches, peeled, pitted, and put in cold storage in unsealed containers—Exempt—Case 20.
Quick frozen, fresh—Exempt—Case 21.
Pies, frozen—Not exempt—Case 14.
Preserved, such as jam—Not exempt—Bureau opinion.
Purees, strawberry and other, frozen—Not exempt—Case 7, Note 6.
Raisins, seeded or unseeded—Exempt—Bureau opinion.
Sliced, fresh or frozen—Exempt—Bureau opinion, Note 2.
Strawberries, in syrup and unsealed containers in cold storage—Exempt—Case 20.

Grains:
Artificially dried—Exempt—Case 1.
Barley, rolled—Exempt—Case 20.
Barley, whole—Exempt—Case 1.
Corn, cracked—Exempt—Bureau opinion.
Corn, shelled—Exempt—Case 1.
Corn, whole—Exempt—Case 1.
Feeds, *see* separate heading: Feeds.
Hulls, *see* Feeds.
Milo maize—Exempt—Bureau opinion.
Oats, whole—Exempt—Case 1.
Oil extracted from grain—Not exempt—Bureau opinion.
Popcorn, popped—Not exempt—Bureau opinion.
Popcorn, unpopped, shelled, in sealed or unsealed containers—Exempt—Bureau opinion.
Rice bran—Exempt—Bureau opinion, Compare Case 12.
Rice, brewers—Exempt—Bureau opinion.
Rice, clean—Exempt—Cases 12 and 20.
Rice polish—Exempt—Case 20.
Rice, precooked—Not exempt—Bureau opinion.
Rice, whole—Exempt—Case 1.
Rye, whole—Exempt—Case 1.
Sorghum grains, whole—Exempt—Case 1.
Wheat germ—Not exempt—Bureau opinion.
Wheat, whole—Exempt—Case 1.
Grass sod—Exempt—Bureau opinion.
Gravel—Not exempt—Bureau opinion.
Greenery, *see* Forest products.
Grinding, *see* Note 4.

Hair, alpaca, camel, or goat, clipped from animal—Exempt—Bureau opinion.
Hair, hog or other animal, product of slaughter of animal—Not exempt—Bureau opinion.
Hay and forage, dried naturally or artificially—Exempt—Case 1.
Hay, chopped—Exempt—Case 20.
Hay, dehydrated—Exempt—Case 1.
Hay, salt (from salt marshes)—Exempt—Bureau opinion.
Hay, sweetened with 3 percent molasses by weight—Not exempt—Bureau opinion.
Hemp fiber—Exempt—Case 1.
Herbs, *see* Spices.
Hides, green and salted—Not exempt—Cases 1 and 23.
Honey, in the comb or strained—Exempt—Case 1.
Honey, heat treated to retard granulation—Exempt—Bureau opinion.
Hops—Exempt—Case 1.
Horticultural commodities:
Bulbs—Exempt—Bureau opinion.
Flowers, growing or cut—Exempt—Bureau opinion.
Leaves, natural or dried—Exempt—Bureau opinion.
Nursery stock—Exempt—Bureau opinion.
Plants, vegetable and flower—Exempt—Bureau opinion.
Roots, rhubarb, asparagus, mint, etc.—Exempt—Bureau opinion.
Trees, growing, balled in earth—Exempt—Bureau opinion.
Wreaths, holly or other natural material, with small amount of foundation or decorative material—Exempt—Bureau opinion.
Humus, of a nature similar to peat moss—Exempt—Bureau opinion.

Ice for cooling subsequent shipments of exempt commodities—Exempt—Administrative Ruling No. 63, August 3, 1937.
Imported commodities—Have same status as domestic—Cases 1 (b) and 22.
Insecticides—Not exempt—Bureau opinion.

Juices, *see* Fruits.
Jute fiber, in bales—Exempt—Bureau opinion.

Kelp, dried, ground—Exempt—Bureau opinion, Note 4.

Latex, *see* Rubber.
Leaves, *see* Forest products, Horticultural commodities, and Spices.
Livestock:
Exhibit animals, such as those of 4–H club members, which though showed for a few days, are chiefly valuable for slaughter—Exempt—Bureau opinion.
Medical use animals, such as ordinary healthy swine for serum manufacture—Exempt—Bureau opinion.
Monkeys—Not exempt—Bureau opinion.
Ordinary, i. e., all cattle, swine, sheep, goats, horses, and mules, except such as are chiefly valuable for breeding, racing, show purposes, and other special uses—Exempt—Case 1.
Race horses—Not exempt—Case 1.
Registered or purebred cattle for ordinary farm or ranch uses, not chiefly valuable for breeding, race, show, or other special purposes—Exempt—Bureau opinion.
Show horses—Not exempt—Case 1.
Zoo animals—Not exempt—Bureau opinion.
Limestone, agricultural—Not exempt—Bureau opinion.
Linseed meal, *see* Meal.
Lumber, rough sawed or planed—Not exempt—Cases 1 and 9.

Manure, in natural state—Exempt—Case 1.
Manure, dried or dehydrated, bagged—Exempt—Bureau opinion.
Maple sap—Exempt—Case 1.
Maple syrup—Not exempt—Bureau opinion.
Meal, alfalfa—Not exempt—Bureau opinion.
Meal, copra—Not exempt—Case 6.
Meal, cottonseed—Not exempt—Case 20.
Meal, fish—Not exempt—Case 6.
Meal, flaxseed—Not exempt—Bureau opinion.
Meal, linseed—Not exempt—Bureau opinion.
Meal, peanut—Not exempt—Bureau opinion.
Meal, soybean—Not exempt—Bureau opinion.
Meat and meat products, fresh, frozen or canned—Not exempt—Cases 1 and 20.
Milk and Cream:
Buttermilk—Exempt—Case 20.
Chocolate—Not exempt—Case 1
Condensed—Not exempt—Case 20.
Frozen—Exempt—Case 20.
Homogenized—Exempt—Case 1.
Pasteurized—Exempt—Cases 1 and 20.
Powdered—Exempt—Case 20.
Raw—Exempt—Case 1.
Skim—Exempt—Cases 1 and 20.
Skim, with two-thirds of water removed, in bulk of unsealed containers—Exempt—Bureau opinion.
Standardized—Exempt—Case 1.
Sterilized in hermetically sealed cans—Not exempt—Bureau opinion.
Vitamin "A"—Exempt—Cases 1 and 20.
Milo, *see* Grain.
Mohair, raw, cleaned, or scoured—Exempt—Case 1(a).
Molasses—Not exempt—Bureau opinion.
Moss, *see* Forest products.
Mushrooms, fresh—Exempt—Case 4.

Nursery stock, *see* Horticultural commodities.
Nuts (including peanuts):
Peanut meal—Not exempt—Bureau opinion.
Peanut shells, ground—Exempt—Case 20, Note 4.
Polished—Exempt—Bureau opinion.
Raw, shelled or unshelled—Exempt—Cases 1, 3, and 18.
Roasted or boiled—Not exempt—Bureau opinion.
Shelled, raw—Exempt—Cases 3 and 18.
Shells—Exempt—Bureau opinion.
Shells, ground peanut—Exempt—Case 20, Note 4.
Unshelled, raw—Exempt—Case 1.

Oats, *see* Grains.
Oil, mint—Not exempt—Case 1.
Oil, extracted from vegetables, grain, seed, fish, or other commodity—Not exempt—Bureau opinion.

Packaged commodities—Packaging exempt commodities does not affect their exempt status—Case 1.
Peanuts, *see* Nuts.
Peat moss, *see* Forest products.
Pelletized feeds, *see* Feeds.
Pelts—Not exempt—Case 1.
Pies, frozen—Not exempt—Case 14.
Pigeons, racing—Not exempt—Case 13.
Plants, vegetable or flower, *see* Horticultural commodities.
Poles, *see* Trees.
Popcorn, *see* Grains.
Poultry, dressed, fresh or frozen—Exempt—Case 19.
Poultry, feathers—Exempt—Case 20.
Poultry, frozen—Exempt—Case 19.
Poultry, live—Exempt—Case 1.
Poultry, picked—Exempt—Case 20.
Poultry, stuffed and frozen—Exempt—Bureau opinion.
Pulp, beet—Not exempt—Case 6.
Pulp, sugarcane—Not exempt—Bureau opinion.
Purees, *see* Fruits.

Rabbits, dressed—Exempt—Bureau opinion.
Raisins, *see* Fruits.
Ramie Fiber—Exempt—Case 1.
Resin, *see* Forest products.
Rice, *see* Grains.
Rock—Not Exempt—Bureau opinion.
Roots, *see* Forest products, Horticultural commodities.
Rubber, crude, in bales—Not exempt—Bureau opinion.
Rubber, latex, natural, liquid, from which water has been extracted and to which ammonia has been added—Not exempt—Case 15.
Rye, *see* Grains.

Sand—Not exempt—Bureau opinion.
Sap, *see* Forest products.
Sawdust, from lumber mills—Not exempt—Bureau opinion.
Seeds:
Cotton, *see* Cottonseed.
Dewaned—Exempt—Case 20.
Flax, *see* Flaxseed.
Inoculated—Exempt—Case 1.
Meal made from seeds, *see* Meal.
Natural—Exempt—Case 1.
Oil extracted from seeds—Not exempt—Case 1.
Packets or boxes of seeds in display racks—Exempt—Bureau opinion.
Scarified—Exempt—Case 20.
Screened or sized—Exempt—Case 2.
Spice, *see* Spices.
Sprayed for disease control—Exempt—Case 2.
Seaweed, dried, ground—Exempt—Bureau opinion, Note 4.
Shells, nut, *see* Nuts.
Shells, oyster, *see* Fish.
Shingle bolts, *see* Trees.
Skins, animal—Not exempt—Cases 1 and 23.

Sliced, *see* commodity name: Fruits, Vegetables, etc.
Soil, potting—Not exempt—Bureau opinion.
Soil, top—Not exempt—Bureau opinion.
Sorghum fodder—Exempt—Case 1.
Sorghum grains—Exempt—Case 1.
Soup, frozen—Not exempt—Bureau opinion.
Spices and herbs, unground, whether seeds, berries, leaves, bark, or roots—Exempt—Bureau opinion.
Spices and herbs, ground but not further processed—Exempt—Bureau opinion, Note 4.
Stover—Exempt—Case 1.
Straw—Exempt—Case 1.
Sugar—Not exempt—Case 1.
Sugar beets—Exempt—Case 1.
Sugarcane—Exempt—Case 1.
Sugarcane pulp—Not exempt—Bureau opinion.
Sugar, raw—Not exempt—Bureau opinion.
Syrup, cane—Not exempt—Case 1.
Syrup, maple—Not exempt—Bureau opinion.

Tea—Exempt—Case 1 (b), Note 1.
Telephone poles, *see* Trees.
Textile waste, *see* Cotton waste.
Tobacco:
Chopped leaf—Exempt—Bureau opinion.
Cigars and cigarettes—Not exempt—Bureau opinion.
Homogenized—Not exempt—Bureau opinion.
Leaf—Exempt—Case 1.
Redried leaf—Exempt—Case 1 (a).
Smoking—Not exempt—Bureau opinion.
Stemmed leaf—Exempt—Bureau opinion.
Stems—Exempt—Bureau opinion.
Top Soil—Not exempt—Bureau opinion.
Trees:
Bolts for making shingles—Exempt—Bureau opinion.
Brush, mesquite, twigs and debris burned off—Exempt—Bureau opinion.
Christmas, plain, sprayed, or coated—Exempt—Bureau opinion.
Cut to length, peeled, or split—Exempt—Case 1.
Growing, *see* Horticultural commodities.
Sawed into lumber—Not exempt—Case 1.
Shingle bolts—Exempt—Bureau opinion.
Telephone poles, not creosoted—Exempt—Bureau opinion.
Turtles, *see* Fish.

Vegetables:
Bagged—Exempt—Case 1.
Beans, dried artificially and packed in small container—Exempt—Case 20.
Candied sweet potatoes, frozen—Not exempt—Case 7, Note 6.
Canned—Not exempt—Case 20.
Cooked—Not exempt—Bureau opinion.
Cucumbers, salt cured—Exempt—Case 1 (b), Note 1.
Cured—Exempt—Case 1.
Cut up, fresh, in cellophane bags—Exempt—Case 20.
Dried, naturally or artificially—Exempt—Cases 1 and 20.
Dehydrated—Exempt—Bureau opinion, Note 3.
French fried potatoes—Not exempt—Case 10.
Frozen, fresh—Exempt—Case 21.
Garlic powder—Exempt—Bureau opinion, Notes 3 and 4.
Graded—Exempt—Case 1.
Oil extracted from vegetables—Not exempt—Bureau opinion.
Onion powder—Exempt—Bureau opinion, Notes 3 and 4.
Onion chips and flakes, dried—Exempt—Bureau opinion, Note 3.
Peas, split—Exempt—Bureau opinion.
Peeled, uncooked—Exempt—Bureau opinion.
Powder, onion and garlic—Exempt—Bureau opinion, Notes 3 and 4.
Quick frozen, fresh—Exempt—Case 21.
Shelled—Exempt—Bureau opinion.
Soup, frozen—Not exempt—Bureau opinion.
Soybean meal—Not exempt—Bureau opinion.
Washed, fresh, in cellophane bags—Exempt—Case 20.

Whale meat, *see* Fish.
Wheat, *see* Grains.
Wheat products, *see* Feeds, Flour.
Wood chips for making woodpulp—Not exempt—Bureau opinion.
Wool, raw, cleaned, or scoured—Exempt—Case 1 (a).
Wool grease, as obtained from cleaning or scouring process—Exempt—Bureau opinion.
Wool tops and noils—Exempt—Bureau opinion, Note 5.
Wool waste, carded but not spun, woven or knitted—Exempt—Bureau opinion, Note 5.
Wool Yarn—Not exempt—Bureau opinion.
Wreaths, *see* Forest products.

CASE LISTS

COMMISSION

1. Determination of Exempted Agricultural Commodities, 52 M. C. C. 511.
1 (a). Determintaion of Exempted Agricultural Commodities, 62 M. C. C. 87.
1 (b). Determination of Exempted Agricultural Commodities, MC–C–968, First Supplemental Report, decided February 11, 1958.
2. Blythe Common Carrier Application, 66 M. C. C. 560.
3. Bonney Motor Express, Inc., Extension, 69 M. C. C. 480.
4. Dougherty Common Carrier Application, 31 M. C. C. 793.
5. Erickson, Transport Corp., Extension—Madison, South Dakota, decided December 31, 1957, MC–113908 Sub 21.
6. Herrett Trucking Co., Inc., Extension—Feeds, 69 M. C. C. 487.
7. Hughes Extension—Frozen Foods, 71 M. C. C. 457.
8. Karst Extension—Containers, 62 M. C. C. 579.
9. Lewis Common Carrier Application, 69 M. C. C. 603.
10. Midwest Coast Transport, Inc., Extension—Montana, MC–111812 Sub 27, decided December 31, 1957.
11. Monark Egg Corp., Contract Carrier Application, 52 M. C. C. 576.
12. Penn-Dixie Lines, Inc., Extension—Rice 72 M. C. C. 797.
13. Prang Extension—Homing Pigeons, 53 M. C. C. 223.
14. Refrigerated Transport Co., Inc., Extension, Frozen Foods, 72 M. C. C. 459.
15. Shipley Transfer, Inc., Extension—Liquid Latex, 52 M. C. C. 806 (Not printed).
16. Sprofera Common Carrier Application, 66 M. C. C. 123.
17. Watkins Motor Lines, Inc., Interpretation, 64 M. C. C. 457.

COURT

18. Consolidated Truck Service, Inc. vs. U. S. and I. C. C., 144 F. Supp. 814.
19. East Texas Motor Freight Lines, Inc. vs. Frozen Food Express, 351 U. S. 49.
20. Frozen Food Express vs. U. S. and I. C. C., 148 F. Supp. 399, affirmed without opinion 355 U. S. 6.
21. Home Transfer & Storage Co. vs. U. S. and I. C. C., 141 F. Supp. 599, affirmed without opinion, 352 U. S. 884.
22. Premier Peat Moss Corp. vs. U. S., 147 F. Supp. 169.
23. Southwestern Trading Co. vs. U. S., 208 F. 2d 708.

NOTES

NOTE 1: The report in Determination of Exempted Agricultural Commodities, MC–C–968, First Supplemental Report, decided February 11, 1958, was served on February 14, 1958. Whether any petitions for reconsideration will be filed is not known at this time.

NOTE 2: In Penn-Dixie, 68 M. C. C. 29, Division 1 of the Commission held fresh citrus fruit sections not to be within the exemption. However, this decision was rendered prior to the affirmance by the U. S. Supreme Court of the court decisions in I. C. C. vs. Home Transfer & Storage Co., 141 F. Supp. 599, 352 U. S. 884 and in Frozen Food Express vs. U. S., 148 F. Supp. 399, 355 U. S. 6. In the former case peeled and sliced frozen peaches were held to be within the exemption, and in the latter case cut up vegetables and peeled and pitted peaches were held to be within the exemption.

NOTE 3: In the Determination case, 52 M. C. C. 511, the Commission held that dehydrated vegetables do not come within the exemption. However, that position would seem no longer valid in view of the recent holding in Frozen Food Express vs. U. S., 148 F. Supp. 399 that dried egg powder, dried egg yolks and powdered milk are within the exemption, which holding was affirmed by the U. S. Supreme Court in 355 U. S. 6.

NOTE 4: It is rather clear from the Determination case, 52 M. C. C. 511, that the Commission considered grinding to be manufacturing, though it did not specifically so hold. The Bureau until recently considered all ground commodities to be not exempt. In Herrett, 69 M. C. C. 487 (January 29, 1957), the Commission, Division 1, held ground oat hulls not within the exemption. This, however, was prior to the expiration of the date for appeal in Frozen Food Express vs. U. S. and I. C. C., 148 F. Supp. 399, in which the court held, among other things, that ground peanut shells, dried egg powder, and powdered milk are within the exemption. No appeal was taken as to ground peanut shells, and on appeal the U. S. Supreme Court affirmed the decision as to the two powdered commodities. The Court opinion does not describe the grinding and powdering processes there involved, but in an early Commission case, Harris and Callis, 4 M. C. C. 169 it was said that ground peanut shells are produced by pulverization in a hammer mill.

In view of the Court holdings, which now are final, the Bureau no longer considers that grinding alone removes a commodity from the exemption. However, manufacturing which follows or precedes grinding may have this effect. Thus the bolting which produces flour would make that commodity non-exempt. Also meals produced by grinding commodities from which the oil has been extracted are considered not within the exemption. Thus in the Frozen Food case, mentioned above, the court held cottonseed meal not to be within the exemption.

NOTE 5: In view of the "substantial identity" test of the U. S. Supreme Court in East Texas Motor Freight Lines, Inc. vs. Frozen Food Express, 351 U. S. 49, the Bureau takes the view that the exemption includes cotton or wool which has been combed or carded but not spun, woven or knitted. Thus wool tops and noils are now considered within the exemption. Also considered within the exemption is waste which consists of scraps or discards of cotton or wool fibers resulting from the handling and processing in mills, but not waste made up of scraps of thread, yarn, or cloth.

NOTE 6: This holding was made in Hughes, 71 M. C. C. 457, which proceeding later was reopened for further hearing. Pending final determination of the proceeding the holding cannot be considered an authoritative decision of the Commission. However, these same commodities were held not exempt in

Bureau opinions rendered previous to the decision. Compare Administrative Ruling No. 98.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Federal Register Division.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies sec. 203, 49 Stat. 544, as amended; 49 U. S. C. 303)

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58-6876; Filed, Aug. 25, 1958; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

ALMONDS GROWN IN CALIFORNIA

BUDGET OF EXPENSES OF ALMOND CONTROL BOARD AND RATE OF ASSESSMENT FOR 1958-59 CROP YEAR

Notice is hereby given that the Secretary is considering a proposed rule to establish a budget of expenses of the Almond Control Board of $33,000, and a rate of assessment of seventeen hundredths of a cent (.17¢) per pound of almond kernels received by handlers for their own accounts during the crop year beginning July 1, 1958. The proposed budget and assessment rate, which are based on the recommendation of the Almond Control Board and other information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to data, views, or arguments pertaining to the proposed rule which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

The quantity of assessable almonds is presently estimated at approximately 27 million pounds (kernel weight) for the 1958-59 crop year. On this basis, an assessment rate of .17 cent per pound of almond kernels would result in the collection of sufficient funds to meet the estimated expenses of the Board for the 1958-59 crop year and provide a reasonable excess. The aforesaid amended marketing agreement and order provide that funds which are collected in excess of expenditures for a crop year may be used temporarily by the Board during the four month period subsequent to such crop year in paying the expenses of the Board in connection with the new crop year, but must be made available to the handlers from whom collected within five months from the beginning of such new crop year.

The proposed rule is as follows:

§ 909.308 *Budget of expenses of the Almond Control Board and rate of assessment for the crop year beginning July 1, 1958*—(a) *Budget of expenses.* The budget of expense for the crop year beginning July 1, 1958 shall be in the total amount of $33,000 for the maintenance and functioning of the Almond Control Board, and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for the said crop year shall be seventeen hundredths of a cent (.17¢) per pound of almonds, kernel weight basis, received by each handler for his own account, except almonds received from other handlers on which assessments have been paid.

Dated: August 20, 1958.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division.*

[F. R. Doc. 58-6881; Filed, Aug. 25, 1958; 8:55 a. m.]

[7 CFR Parts 982, 986]

[Docket Nos. AO-238-A8, AO-298]

HANDLING OF MILK IN CENTRAL WEST TEXAS AND RED RIVER VALLEY MARKETING AREAS

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO REVISED RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given that the time for filing exceptions to the revised recommended decision with respect to the proposed marketing agreement and order to regulate the handling of milk in the Red River Valley marketing area, which was issued on August 12, 1958 (23 F. R. 6284; F. R. Doc. 58-6569), is hereby extended to September 2, 1958. Such exceptions must be filed with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on that date.

Dated: August 21, 1958.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

F. R. Doc. 58-6882; Filed, Aug. 25, 1958; 8:55 a. m.]

Commodity Stabilization Service

[7 CFR Part 725]

BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1959-60 MARKETING YEAR

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313, 1377), and Public Law 85-705, 85th Congress, 2d Session, approved August 21, 1958, the Secretary is preparing to amend the regulations (22 F. R. 5675, 8103; 23 F. R. 135) governing establishment of farm tobacco acreage allotments for burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco for the 1958-59 marketing year by the addition of § 725.929 following § 725.928 as set forth below. Such amendment, however, will be contingent upon growers of fire-cured (type 21) tobacco and Virginia sun-cured (type 37) tobacco voting approval in a referendum to combine acreage allotments for fire-cured (type 21) tobacco and Virginia sun-cured (type 37) tobacco into a single combined acreage allotment for a farm as provided in Public Law 85-705, 85th Congress, 2d Session, approved August 21, 1958.

§ 725.929 *Combination of 1958 fire-cured (type 21) tobacco acreage allotment and 1958 Virginia sun-cured (type 37) tobacco acreage allotment on the same farm into a 1958 single combined allotment.* (a) The 1958 fire-cured (type 21) tobacco acreage allotment and the 1958 Virginia sun-cured (type 37) tobacco acreage allotment heretofore established for the same farm pursuant to § 725.911 to 725.928, inclusive, shall be combined into a 1958 single combined tobacco acreage allotment for the farm for either fire-cured (type 21) tobacco, or Virginia sun-cured (type 37) tobacco, whichever the owner of the farm or his representative chooses and notifies the county committee of his choice, within 15 days after the date written notification of the opportunity to make such choice is mailed to him. The county committee shall also notify the farm owner that in case the owner of any such farm or his representative does not notify the county committee of his choice within such 15 days, the county committee, with approval of a representative of the State committee, shall combine such 1958 allotments for such farm into a 1958 single combined acreage allotment for either fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco, on the basis of (1) the prevalent kind of tobacco grown in the area in which such farm is located, (2) the curing facilities on such farm, and (3) the proximity and nature of markets. Any single combined acreage allotment established for any farm pursuant to this paragraph shall equal the sum of the acreage of the allotments of fire-cured (type 21) tobacco and Virginia sun-cured (type 37) tobacco comprising it, and shall be used for all purposes of the 1958 tobacco marketing quota program and for determining 1958 price support eligibility.

(b) After the date farmers voting in a referendum approve the establishment of combined acreage allotments as provided in this section, if one or more farms having a 1958 fire-cured (type 21) tobacco acreage allotment is combined with another or more farms having a 1958 Virginia sun-cured (type 37) tobacco acreage allotment a single combined acreage allotment for the 1958-59 marketing year designated for either fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco shall be established for the combined farm equal to the total acreage of and in place of the 1958 acreage allotments for fire-cured (type 21) tobacco and Virginia sun-cured (type 37) tobacco previously established for the farms comprising the combined farm. The county committee shall give written notification to the owner of such combined farm that he or his representative may designate a single combined 1958 acreage allotment for the combined farm as either for fire-cured (type 21) tobacco or for Virginia sun-cured (type 37) tobacco by submitting his choice to the local county committee within 15 days following the date of mailing of such notification to him; and that if he fails to notify the county committee of his choice within such time, the county committee, with approval of a representative of the State committee, shall designate the 1958 single combined acreage allotment for the farm as heretofore provided in this section.

(c) Single combined farm acreage allotments established in accordance with this section shall be determined and approved as provided in § 725.927 (a) and written notice thereof shall be given and mailed as provided in § 725.927 (b).

Prior to the final adoption and issuance of this amendment, consideration will be given to any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington, D. C. All submissions must be postmarked not later than five days from the date of filing of this notice with the Director, Division of the Federal Register, in order to be considered.

Done at Washington, D. C., this 22d day of August 1958.

[SEAL] CLARENCE L. MILLER, *Acting Administrator.*

[F. R. Doc. 58-6933; Filed, Aug. 22, 1958; 2:47 p. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42]

PILOT RECENT EXPERIENCE REQUIREMENTS

WITHDRAWAL OF NOTICE OF PROPOSED RULE MAKING

The Bureau of Safety has had under consideration amendments to Parts 40, 41, and 42 of the Civil Air Regulations relative to pilot recent experience requirements. The reasons for this proposed rule making were set forth in detail in a notice of proposed rule making which was published in the FEDERAL REGISTER (22 F. R. 9079) and circulated to the industry as Civil Air Regulations Draft Release No. 57-25. The Bureau desires that all persons affected by the requirements of this proposal be fully informed as to the status of the proposal and the developments associated therewith.

The present provisions of §§ 40.301, 41.52, and 42.44 require that pilots shall have made within 90 days preceding their serving in air transportation, at least 3 take-offs and 3 landings in aircraft of the same type in which they are to serve. It was proposed to amend these sections to require that prior to serving as pilot in command of a particular type airplane a pilot shall have served at least 20 hours as pilot, or have satisfactorily passed an appropriate flight check, in that type of airplane within the preceding 60 days. The consensus of the comment received in response to Draft Release 57-25 was that the present requirements should not be amended as proposed therein.

A study of the comments received and other relevant information and discussions with interested parties indicate that the proposed amendments would not afford any significant increase in safety over the present regulations and would place a burden on the air carriers which is not commensurate with any increase in safety that they might afford. It is, therefore, the Bureau's opinion that it should not recommend adoption of the proposed amendments to the Board. However, the requirements for pilot recent experience are being considered further as a part of the over-all review which the Bureau is now conducting with respect to the standards for air carrier training programs.

The Bureau, therefore, wishes to make it clear that a modified proposal to amend the pilot recent experience requirements may be forthcoming and that the view presently expressed is not to be considered binding on the Bureau or the Board in the consideration of this or similar matters in the future.

Accordingly, the Bureau of Safety hereby withdraws Civil Air Regulations Draft Release No. 57-25.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425)

Dated at Washington, D. C., August 18, 1958.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE, *Director.*

[F. R. Doc. 58-6896; Filed, Aug. 25, 1958; 8:57 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 09521]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 18, 1958.

In accordance with the authority vested in me by Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954, 19 F. R. 2476, it is ordered as follows:

The lands hereinafter described, so far as they are withdrawn and reserved for stock driveway purposes, are hereby restored to disposition under the public land laws.

BOISE MERIDIAN, IDAHO

T. 1 S., R. 11 E., Parcel No. 1,
Sec. 8, E½E½, SW¼SE¼;
Sec. 9, W½W½;
Sec. 17, N½.
T. 1 S., R. 11 E., Parcel No. 2,
Sec. 18, S½SE¼;
Sec. 19, E½E½, NW¼NE¼;
Sec. 20, W½W½, SE¼SW¼;
Sec. 29, W½NW¼, NW¼SW¼;
Sec. 30, NE¼NE¼.

Within the above-described areas are 1,320 acres of public lands.

The land is typical of dry grazing land in southern Idaho, and is located in Elmore County, Idaho.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

With respect to Parcel No. 2, this revocation is made in furtherance of an exchange under section 8 of the act of June 28, 1934, as amended by section 3 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g) by which the offered lands will benefit a Federal Land Program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting prefer-

ence rights to veterans of World War II and others.

With respect to Parcel No. 1, subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 2 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on September 23, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 23, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on December 23, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 58–6848; Filed, Aug. 25, 1958; 8:46 a. m.]

[79313]

MICHIGAN

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 20, 1958.

Plat of Survey of the land (Island) described below, accepted March 26, 1958, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C., effective 10:00 a. m., on September 30, 1958.

MICHIGAN MERIDIAN, MICHIGAN

T. 22 N., R. 9 W., Sec. 2, Lot 5; 4.00 acres.

This plat represents the survey of an island in Long Lake which was not included in the original survey as shown by plat approved January 19, 1854.

The island in sec 2, T. 22 N., R. 9 W. is upland in character, reaching approximately 10 to 15 feet above water level. There is a small swamp area on the island. Timber species consists of birch, poplar, white and Norway pine, balm of Gilead, maple and oak, ranging in size from 4 to 18 inches diameter. Soil is sandy loam.

No application may be allowed under the homestead or small tract or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merit. The lands will not be subject to occupancy or disposition until they have been classified.

Applications and selections under nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications, under the Homestead and Small Tract Laws, by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 274–284 as amended), presented prior to 10:00 a. m., on September 30, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on December 30, 1958, will be governed by the time of filing.

3. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraph (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on December 30, 1958, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Manager.

[F. R. Doc. 58–6849; Filed, Aug. 25, 1958; 8:46 a. m.]

[79313]

MICHIGAN

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 20, 1958.

Plats of Survey of the lands (Islands) described below, accepted March 26, 1958, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C., effective 10:00 a. m., on September 30, 1958.

MICHIGAN MERIDIAN, MICHIGAN

T. 43 N., R. 3 E.,
Sec. 24, Lots 1, 2; 7.41 acres.
Sec. 25, Lots 6, 7, 8; 13.13 acres.
T. 43 N., R. 4 E.,
Sec. 30, Lots 1, 2; 12.13 acres.

These plats represent the survey of islands in the St. Mary's River which was not included in the original survey as shown by plat approved January 31, 1846.

In T. 43 N., R. 3 E., the island designated Lot 1, Sec. 24 (Bass Reef Isl.) is stony and upland in character, reaching approximately 10 feet above water level. The timber species consists of elm, birch, cedar, ash, and poplar, ranging in size from 4 to 18 inches in diameter. The island designated Lot 2, Sec. 24, and Lot 6, Sec. 25 (Love Isl.) is upland in character, reaching approximately 8 feet above water level. Timber species consists of birch, cedar, poplar, ash, elm, tamarack, basswood, and balm of Gilead ranging in size from 4 to 24 inches diameter. The island designated Lot 7, Sec. 25, is upland in character, reaching approximately 10 feet above water level. Timber species consists of poplar, birch, elm, boxelder, ash, cedar, maple, and balm of Gilead, ranging in size from 4 to 20 inches diameter. The island designated Lot 8, Sec. 25 and Lot 2, Sec. 30, Ts. 43 N., Rs. 3 and 4 E. (Hart Island) is upland in character, reaching approximately 10 feet above water level. Timber consists of cedar, birch, balsam, poplar, tamarack, elm, maple, and balm of Gilead, ranging in size from 4 to 20 inches diameter. In T. 43 N., R. 4 E., the island designated Lot 1, Sec. 30 (Edward Isl.) is upland in character, reaching approximately 10 feet above water level. Timber species consist of elm, cedar, birch, poplar, balm of Gilead, and ash, ranging in size from 4 to 24 inches diameter. Soil is sandy, gravelly, and stony loam.

No application may be allowed under the homestead or small tract or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merit. The lands will not be subject to occupancy or disposition until they have been classified.

Applications and selections under nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications, under the Homestead and Small Tract Laws, by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 274–284 as amended), presented prior to 10:00 a. m., on September 30, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on December 30, 1958, will be governed by the time of filing.

3. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraph (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on December 30, 1958, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLLS,
Manager.

[F. R. Doc. 58–6850; Filed, Aug. 25, 1958; 8:46 a. m.]

[Classification No. 491]

CALIFORNIA

SMALL TRACT CLASSIFICATION

JULY 30, 1958.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 134.01 acres, in San Bernardino County, California, as suitable for disposition for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO MERIDIAN

T. 4 N., R. 6 W.,
Sec. 6, Lots 3 to 50, inclusive.

Containing 134.01 acres, subdivided into 48 small tracts, of which 33 are covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to applications under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to July 30, 1958, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, Calif.

[F. R. Doc. 58–6888; Filed, Aug. 25, 1958; 8:55 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1958. Supp. 190]

PRUDENTIAL INSURANCE COMPANY OF GREAT BRITAIN

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

AUGUST 21, 1958.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $688,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

The Certificate of Authority issued to the company on May 1, 1958, to act as a reinsuring company only on Federal bonds, given under Department Circular No. 297, July 15, 1922, 31 CFR Part 223 is terminated as a result of the company's qualification as a direct writing company.

Name of company, location of principal executive office and State in which incorporated. The Prudential Insurance Company of Great Britain located in New York, New York.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58–6887; Filed, Aug. 25, 1958; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–15976]

DELTA DRILLING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 19, 1958.

Delta Drilling Company (Delta) on July 24, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 22, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 6 to Delta's FPC Gas Rate Schedule No. 8.

Effective date: August 21, 1958 (effective date is the date on which Supplement Nos. 4 and 5 to Delta's FPC Gas Rate Schedule No. 8 were accepted for filing and permitted to become effective).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Delta's FPC Gas Rate Schedule No. 8 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules

of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Delta's FPC Gas Rate Schedule No. 8.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 22, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6851; Filed, Aug. 25, 1958; 8:47 a. m.]

[Docket No. G-15994]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 19, 1958.

Phillips Petroleum Company (Phillips) on July 21, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 18, 1958.
Purchaser: West Lake Natural Gasoline Company.
Rate schedule designation: Supplement No. 1 to Phillips' FPC Gas Rate Schedule No. 316.
Effective Date: August 21, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Phillips only quotes the pricing provisions of the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Phillips' FPC Gas Rate Schedule No. 316 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Phillips' FPC Gas Rate Schedule No. 316.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 22, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6852; Filed, Aug. 25, 1958; 8:47 a. m.]

[Docket No. G-15995]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 19, 1958.

Magnolia Petroleum Company (Magnolia) on July 22, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: El Paso Natural Gas Company et al.
Rate schedule designation: Supplement No. 1 to Magnolia's FPC Gas Rate Schedule No. 144.
Effective date: August 22, 1958 (effective date is the effective date proposed by Magnolia).

In support of the proposed favored-nation rate increase, Magnolia states, in effect, that the contract was entered into in good faith as the result of extensive arm's length negotiations, and that the gas is sold on an installment basis. Magnolia contends that gas is a commodity as opposed to a service rendered by a pipe line or distribution company; that there is a physical limitation upon a wasting asset such as natural gas; that the supply and demand method of rate determination is the only feasible formula under which the natural gas industry can operate and still maintain a certain and adequate supply; and that rising costs necessitate increased rates. In addition, Magnolia submits a copy of a letter dated June 20, 1958, from El Paso Natural Gas Company notifying Magnolia that similar increases of Sun Oil Company are now in effect subject to refund after suspension in Docket No. G-12880.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Magnolia's FPC Gas Rate Schedule No. 144 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Magnolia's FPC Gas Rate Schedule No. 144.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 22, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6853; Filed, Aug. 25, 1958; 8:47 a. m.]

[Docket No. G-15996]

BRITISH-AMERICAN OIL PRODUCING CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 19, 1958.

The British-American Oil Producing Company (Operator) et al. (British-American), on July 23, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 14, 1958.
Purchaser: Mountain Fuel Supply Company.
Rate schedule designation: Supplement No. 2 to British-American's FPC Gas Rate Schedule No. 20.
Effective date: October 14, 1958 (effective date is the effective date proposed by British-American).

In support of the proposed periodic rate increase, British-American states that the contract pricing provision collectively represents the consideration, that the contract was negotiated at arm's length, and that periodic price increases are common in long-term contracts and are economically desirable to all parties.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to British-American's FPC Gas Rate Schedule No. 20 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to British-American's FPC Gas Rate Schedule No. 20.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 14, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6854; Filed, Aug. 25, 1958; 8:47 a. m.]

[Docket No. G-15997]

AMERADA PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 19, 1958.

The Amerada Petroleum Corporation (Amerada) on July 23, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 18, 1958.
Purchaser: Texas Illinois Natural Gas Pipeline Company.
Rate schedule designation: Supplement No. 9 to Amerada's FPC Gas Rate Schedule No. 8.
Effective date: September 1, 1958 (effective date is the effective date proposed by Amerada).

In support of the proposed redetermined rate increase, Amerada submits a copy of a letter from the Texas Illinois Natural Gas Pipeline Company stating that it has made a study in accordance with the contract price redetermination provision and informing Texas of the recomputed price for the second five-year period and agreeing to the new price. Amerada states that the contract resulted from arm's-length bargaining.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Amerada's FPC Gas Rate Schedule No. 8 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Amerada's FPC Gas Rate Schedule No. 8.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6855; Filed, Aug. 25, 1958; 8:47 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-12882.

[Docket No. G-15998]

TEXAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 19, 1958.

The Texas Company (Texas) on July 24, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Mountain Fuel Supply Company.
Rate schedule designation: Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 45.
Effective date: October 14, 1958 (effective date is the effective date proposed by Texas).

In support of the proposed periodic rate increase, Texas states that the contract pricing provision collectively represents the consideration, that the contract was negotiated at arm's length, and that periodic price increases are common in long-term contracts and are economically desirable to all parties. Texas further states that the increase is necessary to replace depleted reserves and compensate for higher costs and that other producers in the area are receiving 15 cents per Mcf for new gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Texas' FPC Gas Rate Schedule No. 45 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3

to Texas' FPC Gas Rate Schedule No. 45.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 14, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6856; Filed, Aug. 25, 1958; 8:47 a. m.]

[Docket No. G-15999]

TEXAS CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 19, 1958.

The Texas Company (Operator) et al. (Texas) on July 25, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Texas Illinois Natural Gas Pipeline Company.
Rate schedule designation: Supplement No. 5 to Texas' FPC Gas Rate Schedule No. 1.
Effective date: September 1, 1958 (effective date is the effective date proposed by Texas).

In support of the proposed redetermined rate increase, Texas submits a copy of a letter from the Texas Illinois Natural Gas Pipeline Company stating that it has made a study in accordance with the contract price redetermination provision and informing Texas of the recomputed price for the second five-year period and agreeing to the new price. Texas states that the contract resulted from arm's-length bargaining and that the increase is part of the overall consideration to partially compensate it for continuously increasing costs. Texas cites prices as high as 20.0 cents per Mcf being paid in the area for similar supplies of new gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Texas' FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Texas' FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6857; Filed, Aug. 25, 1958; 8:48 a. m.]

[Docket No. G-13792 etc.]

PERMIAN BASIN PIPELINE CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 20, 1958.

In the matters of Permian Basin Pipeline Company, Docket No. G-13792; Sun Oil Company (Southwest Division), Docket No. G-13931; Phillips Petroleum Company, Operator, Docket No. G-14131.

Take notice that on November 22, 1957, Permian Basin Pipeline Company (Permian) filed in Docket No. G-13792 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of approximately 60.9 miles of 16-inch lateral supply pipeline to extend in a southerly direction from a point of connection with Permian's existing Hobbs Compressor Station in Lea County, New Mexico, to a dehydration plant in Winkler County, Texas, which, together with approximately 11.3 miles of field lines varying in diameter from 16 to 6 inches, and 9 meter stations, will be installed by Permian in the Emperor Field, Winkler County, in order to purchase, receive, dehydrate, and transport natural gas produced in the Emperor Field by Sun Oil Company (Southwest Division) (Sun), Phillips Petroleum Company, Operator (Phillips), and Tidewater Oil Company (Tidewater), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The estimated total initial cost of the facilities proposed by Permian is $3,691,600, which cost will be financed by short-term borrowing from Northern Natural Gas Company and will be repaid with proceeds of permanent financing upon completion of the construction of the facilities.

On December 11, 1957, as supplemented by letter filed April 4, 1958, Sun in Docket No. G-13931, and on December 23, 1957, as supplemented May 19, 1958, Phillips in Docket No. G-14131, filed certificate applications covering the above sales of gas to Permian to be made pursuant to separate gas sales contracts dated October 28, 1957, and September 6, 1957, respectively.

Tidewater was authorized by order issued December 17, 1957, in Docket No. G-11768, to make the above sale to Permian from the Emperor Field under a contract dated August 9, 1957.

Sun, Phillips, and Tidewater are the sole signatory seller parties to their respective contracts with Permian, which have similar terms and provisions.

Producers' facilities consist of customary lease equipment. Proposed deliveries will be made at Permian's proposed meter stations at or near the well-heads and will commence upon receipt of authorization by the producers and completion of Permian's proposed facilities, estimated at 90 days from the commencement of construction thereof.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 24, 1958, at 9:30 a. m. e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 "G" Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 12, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6858; Filed, Aug. 25, 1958; 8:48 a. m.]

[Docket No. G-15294]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

August 20, 1958.

Take notice that on June 16, 1958, The Ohio Fuel Gas Company (Applicant) filed in Docket No. G-15294 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities in order to provide direct interruptible industrial service to the Universal-Cyclops Steel Corporation (Universal) for use in a new stainless steel strip mill near Conesville, in Coshocton County, Ohio, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 9,600 feet of 8-inch lateral pipeline from its existing 8- and 10-inch interstate Line O-731 to the Universal plant now under construction near Conesville, and an industrial measuring and regulating station to serve the plant.

The estimated natural gas requirements of Universal in Mcf are:

	1959	1960	1961	1963
Peak day	1,000	2,200	3,000	5,500
Annual	330,000	480,000	550,000	1,000,000

Applicant estimates the total capital cost of constructing its proposed facilities to serve Universal at $107,985, of which Universal will advance $78,500, which will be refunded by Applicant at an annual rate of 40 percent of the semi-annual revenues from the proposed sale. The remainder of Applicant's cost of construction will be financed from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 25, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 17, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6859; Filed, Aug. 25, 1958; 8:49 a. m.]

[Project No. 1886]

OZARK-MAHONING CO.

NOTICE OF APPLICATION FOR SURRENDER OF LICENSE

AUGUST 20, 1958.

Public notice is hereby given that Ozark-Mahoning Company, of Tulsa, Oklahoma, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for surrender of the license for water-power Project No. 1886, located on James Creek, tributary of Left Hand Creek which is a tributary of St. Vrain Creek, in Boulder County, Colorado.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is September 25, 1958. The application is on file with the Commission for inspection.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6860; Filed, Aug. 25, 1958; 8:49 a. m.]

[Docket No. G-15866]

J. M. FLAITZ AND R. B. MITCHELL ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 19, 1958.

J. M. Flaitz and R. B. Mitchell (Operator) et al. (Respondent) on July 28, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Southern Natural Gas Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 2.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate(s) and charge(s) so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until August 2, 1958, and thereafter to permit it to become effective as of that date: *Provided,* That within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 2, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate(s), charge(s), and classification(s) set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of August 2, 1958: *Provided, however,* That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the

[1] Previous rate previously suspended and is in effect subject to refund in Docket No. G-13065.

presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of ---------- To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ----------, in Docket No. G-__, ---------- hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ------ day of -------

---

By ----------

Attest:

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-6861; Filed, Aug. 25, 1958; 8:49 a. m.]

[Docket No. G-15867]

SINCLAIR OIL & GAS CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 19, 1958.

Sinclair Oil & Gas Company (Respondent) on July 25, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 100.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6861, *supra*.

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-6862; Filed, Aug. 25, 1958; 8:50 a. m.]

[Docket No. G-15868]

WOODLEY PETROLEUM CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 19, 1958.

Woodley Petroleum Company (Respondent), on July 29, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 25, 1958.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: (1) Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 2. (2) Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 3. (3) Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 5.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6861, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6863; Filed, Aug. 25, 1958; 8:50 a. m.]

[Docket No. G-15869]

M. H. MARR

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 19, 1958.

M. H. Marr (Respondent) on July 21, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated July 18, 1958.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 3.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6861, *supra*.

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-6864; Filed, Aug. 25, 1958; 8:50 a. m.]

[Docket No. G-15870]

TIDEWATER OIL CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 19, 1958.

Tidewater Oil Company (Respondent) on July 21, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 16, 1958.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 66.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6861, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-6865; Filed, Aug. 25, 1958; 8:50 a. m.]

[Docket No. G-15871]

BERT FIELDS ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 19, 1958.

Bert Fields (Operator), et al. (Respondent) on July 24, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 23, 1958.
Purchaser: Arkansas Louisiana Gas Company.
Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 7.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6861, *supra*.

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-6866; Filed, Aug. 25, 1958; 8:51 a. m.]

[Docket No. G-15872]

TED WEINER ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 19, 1958.

Ted Weiner, et al. (Respondent), on July 24, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 22, 1958.
Purchasers: (1) United Fuel Gas Company, (2) Transcontinental Gas Pipe Line Corporation. (3) Tennessee Gas Transmission Company.
Rate schedule designation: (1) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1. (2) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 3. (3) Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 4.
Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6861, *supra*.

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-6867; Filed, Aug. 25, 1958; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1931]

FIRSTAMERICA CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

AUGUST 20, 1958.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in First-America Corporation, Capital Stock, File No. 7-1931.

The above-named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Pacific Coast Stock Exchanges.

Upon receipt of a request, on or before September 5, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-6878; Filed, Aug. 25, 1958; 8:54 a. m.]

[File No. 24SF-2440]

CONDOR PETROLEUM CO., INC.

NOTICE OF AND ORDER FOR HEARING.

AUGUST 20, 1958.

I. Condor Petroleum Co., Inc., a Delaware corporation, filed with the Commission on September 5, 1957, a notification and offering circular relating to a proposed offering of 100,000 shares of its 10 cents par value common stock at $3.00 per share and subsequently filed amendments thereto for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission on July 9, 1958, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A, and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission, deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption.

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held in the New York Regional Office, 225 Broadway, New York 7, New York, at 10:00 a. m., September 25, 1958, with respect to the following matters and questions without prejudice, however to the specification of additional issues which may be presented in these proceedings:

A. Whether the conditional exemption provided by Regulation A is not available for the securities purported to be offered in that:

1. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of circumstances under which they are made not misleading, particularly, with respect to:

(a) The identity of the actual underwriter;

(b) The identity of the person or persons to whom commissions on sales of securities are being paid.

2. The offering is being and would be made in violation of section 17 of the Act.

3. The Regulation A exemption is not available pursuant to Rule 261 (a) (6) in that the actual underwriter of the securities being offered was temporarily enjoined by the United States District Court for the Southern District of New York on January 3, 1958, from further violations of section 15 (c) (3) of the Securities Exchange Act of 1934.

B. Whether the order dated July 9, 1958 temporarily suspending the exemption under Regulation A should be vacated or made permanent.

III. *It is further ordered*, That William Swift, Sr. or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Condor Petroleum Co., Inc., that notice of the entering of this order shall be

given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before September 19, 1958, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-6879; Filed, Aug. 25, 1958; 8:54 a. m.]

[File No. 70-3722]

COLUMBIA GAS SYSTEM, INC.

NOTICE OF PROPOSED ISSUE AND SALE OF SHORT-TERM NOTES TO BANKS

AUGUST 19, 1958.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions, which are summarized as follows:

Pursuant to agreements dated July 22, 1958, with a group of commercial banks, Columbia will issue and sell to said banks its unsecured promissory notes in aggregate principal amount not exceeding $40,000,000 to evidence loans as follows:

Bank	*Amount*
Guaranty Trust Company of New York	$13,000,000
Chemical Corn Exchange Bank	4,500,000
Mellon National Bank and Trust Company	4,500,000
The First National City Bank of New York	4,700,000
Bankers Trust Company	3,000,000
Irving Trust Company	2,150,000
The Hanover Bank	2,150,000
J. P. Morgan & Co., Inc.	2,150,000
Manufacturers Trust Company	2,150,000
The New York Trust Company	1,500,000
Brown Brothers, Harriman & Company	200,000
Total	$40,000,000

Columbia will borrow not less than $20,000,000 by September 15, 1958, and the balance, to the extent required, by December 31, 1958. Borrowings will be made on 11 months' notes and will provide for interest at the annual rate of 3½ percent, the current prime rate for commercial loans. Columbia may prepay any borrowing on 10 days' notice, but it may not prepay the loans by borrowing from banks at a lower rate of interest. The total amount borrowed by Columbia, if less than $40,000,000, will be borrowed from the respective banks in proportion to their total participation as aforesaid.

There is now pending before the Commission a joint application-declaration of Columbia and its wholly-owned subsidiary Columbia Gulf Transmission Company ("Pipeline Company") in which Columbia seeks the Commission's approval to acquire through Pipeline Company the facilities of Gulf Interstate Gas Company ("Gulf Interstate"), which now transports gas from the Louisiana gas fields to the Columbia system service area under a long-term contract (File No. 70-3719). Until it is known whether the proposed acquisition will be consummated, Columbia cannot determine the amount of its cash requirements. If the acquisition of Gulf Interstate is consummated, Columbia will require cash as follows: (1) Not less than $45,000,000 and possibly as much as $55,000,000 to assist system companies in financing the balance of their 1958 construction requirements, and to maintain adequate minimum cash balances, and (2) $20,000,000 to increase its investment in the stock of Pipeline Company. In such event, Columbia proposes to furnish the required capital by the sale of $30,000,000 of debentures in October; by short-term bank borrowings as required, but not exceeding $40,000,000, and the balance, if any, through funds generated internally. The bank borrowings would be repaid from the proceeds of common stock and possibly debenture financing as soon as feasible.

If the acquisition of the Gulf Interstate facilities is not consummated, Columbia will liquidate its investment in the securities of that company, thus reimbursing its treasury for the $20,000,000 now invested therein, and Columbia will make no investment in the common stock of Pipeline Company. In that event, its cash requirements will be reduced to the amount (not less than $45,000,000 nor more than $55,000,000) required to complete the system's 1958 construction program and maintain adequate cash balances. The amount needed in this alternative, over and above the estimated proceeds of $20,000,000 from the sale of the Gulf Interstate securities, will be supplied in September 1958 by bank borrowings as needed, but not to exceed $30,000,000, and the balance if any from internal sources. To the extent possible the bank borrowings will be repaid with the proceeds of a $20,000,000 debenture issue in October 1958. Any additional amount of bank loans beyond $20,000,000, will be repaid from the proceeds of permanent financing in 1959.

No other regulatory commission has jurisdiction in the matter.

Columbia's total expenses in connection with the proposed transactions are estimated at $300.

Notice is further given that any interested person may, not later than September 4, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-6880; Filed, Aug. 25, 1958; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

FIRE-CURED (TYPE 21) TOBACCO AND VIRGINIA SUN-CURED (TYPE 37) TOBACCO

NOTICE OF REFERENDUM

Pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended by Public Law 85-705, 85th Congress, 2d Session, approved August 21, 1958, notice is hereby given that a September 12, 1958, a referendum will be held of farmers who were engaged in the production in 1957 of fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco. The purpose of the referendum is to determine whether the farmers voting favor combining for the 1958-59 and subsequent marketing years the fire-cured (type 21) tobacco acreage allotment and the Virginia sun-cured (type 37) tobacco acreage allotment that are on the same farm into a single combined acreage allotment for whichever of such two kinds of tobacco is chosen by the farm owner or his representative. The referendum will be conducted in accordance with the provisions of the Act and the applicable provisions of the Regulations Governing the Holding of Referenda on Marketing Quotas (21 F. R. 3432).

Since Public Law 85-705, 85th Congress, 2d Session, approved August 21, 1958, requires that the referendum provided for therein be held within 30 days after enactment thereof, and in order that arrangements for holding the referendum may be made in an orderly manner and as much advance notice as possible be given of the date of the referendum, it is essential that this notice be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure and 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this notice shall be effective upon filing of this document with the Director, Division of the Federal Register.

Issued at Washington, D. C. this 21st day of August 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F. R. Doc. 58-6932; Filed, Aug. 22, 1958; 2:47 p. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS

LIST OF OFFICIALS

Section I *Description of agency and programs*, is amended as follows:

Effective July 31, 1958, paragraph F is amended by deleting from the list of officials designated therein under the New York Regional Office: "1. Richard S. Pallesen, Assistant Director for Development" and inserting in place thereof: "1. Joseph J. Kohler, Assistant Director for Management."

Date approved: August 19, 1958.

[SEAL] CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 58-6873; Filed, Aug. 25, 1958; 8:53 a. m.]

DELEGATIONS OF FINAL AUTHORITY

LIST OF OFFICIALS

Section II *Delegations of final authority*, is amended as follows: Paragraph D2 is amended by deleting from the list of officials designated therein "Special Architectural Adviser".

Date approved: August 19, 1958.

[SEAL] CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 58-6845; Filed Aug. 25, 1958; 8:45 a. m.]

DELEGATIONS OF FINAL AUTHORITY

LIST OF OFFICIALS

Section II *Delegations of final authority* is amended as follows:

Paragraphs D7 and D8 are amended by deleting from the list of officials designated therein "Assistant Director for Management and Disposition, Chicago Regional Office" and inserting in lieu thereof "Regional Attorney, Chicago Regional Office".

Date approved: August 19, 1958.

[SEAL] CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 58-6846; Filed, Aug. 25, 1958; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 21, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34895: *Commodity rates between all points in the United States.* Filed by O. E. Schultz, Agent (ER No. 2456), for interested rail carriers. Rates on all commodities, except coal and coke, carloads and less than carloads between all points on railroads in the United States.

Ground for relief: To preclude necessity for filing further fourth-section applications to maintain departures in connection with commodity rate adjustments.

FSA No. 34896: *Cocoanut or copra oils—Lake Charles, La., to eastern points.* Filed by Southwestern Freight Bureau, Agent (B-7358), for interested rail carriers. Rates on cocoanut or copra oils, carloads from Lake Charles, La., to specified points in Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

Grounds for relief: Market competition with New Orleans, La.

Tariff: Supplement 330 to Southwestern Freight Bureau tariff I. C. C. 4087.

FSA No. 34897: *Soda ash—Westvaco, Wyo., to Streator, Ill.* Filed by Western Trunk Line Committee, Agent (No. A-2001), for interested rail carriers. Rates on soda ash (other than modified), crude sodium sesqui carbonate, as further described in the application, carloads from Westvaco, Wyo., to Streator, Ill.

Grounds for relief: Market competition with Detroit, Mich.

Tariff: Supplement 86 to Western Trunk Lines tariff I. C. C. A-4123.

FSA No. 34898: *Fine coal to Eau Claire and Chippewa Falls, Wis.* Filed by Illinois Freight Association, Agent (No. 15), for interested rail carriers. Rates on bituminous fine coal, carloads from mines in Illinois, Indiana, and western Kentucky, district described to Eau Claire and Chippewa Falls, Wis.

Grounds for relief: Rail-barge-truck competition.

Tariffs: Supplement 9 to Illinois Freight Association tariff I. C. C. 898, and 16 other schedules listed in exhibit 1 to the application, as amended.

FSA No. 34899: *Fine Coal to Red Wing, Minn.* Filed by Illinois Freight Association, Agent (No. 20), for interested rail carriers. Rates on bituminous fine coal, carloads, from mines in Illinois, Indiana and western Kentucky district described to Red Wing, Minn.

Grounds for relief: Competition with natural gas.

Tariff: Supplement 9 to Illinois Freight Association tariff I. C. C. 898, and 15 other schedules listed in exhibit 1 of the application, as amended.

FSA No. 34900: *Cheese and oleomargrine from New Orleans, La., and Memphis, Tenn., to southern points.* Filed by O. W. South, Jr., Agent (SFA No. A3715), for interested rail carriers. Rates on (A) Cheese, including cheese foods and related articles, carloads, (B) Oleomargarine, carloads from (A) New Orleans, La., (B) New Orleans, La., and Memphis, Tenn., to (A) and (B) Points in southern territories.

Grounds for relief: Short-line distance formula, grouping, and relief-line arbitraries.

Tariff: Supplement 30 to Southern Freight Association tariff I. C. C. 1527.

FSA No. 34901: *Petroleum products between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 331), for interested rail carriers. Rates on gasoline (natural) and petroleum iso-pentane, tank-car loads between points in Texas on interstate traffic, including direct routes through adjoining states.

Grounds for relief: Competition with rates applicable over intrastate routes between points in Texas.

Tariff: Supplement 19 to Texas-Louisiana Freight Bureau tariff I. C. C. 890.

FSA No. 34902: *Substituted service, rail for motor—M.-K.-T lines.* Filed by Middlewest Motor Freight Bureau, Agent (No. 114), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars in substituted service between Kansas City and St. Louis, Mo., on the one hand, and Dallas, Ft. Worth, Houston, San Antonio, Tex., Muskogee, Oklahoma City and Tulsa, Okla., on the other, on traffic originating at or destined to points on motor carriers beyond the named points as described in the application.

Grounds for relief: Motor truck competition.

FSA No. 34903: *Substituted service, rail for motor—C. R. I. & P. R. R.* Filed by Middlewest Motor Freight Bureau, Agent (No. 115), for interested carriers. Rates on property loaded in highway trailers and transported in substituted service on railroad flat cars between Burr Oak (Chicago) Ill., on the one hand, and St. Joseph, Mo., and Witchita, Kans., on the other; also between Armourdale (Kansas City), Kans., or Wichita, Kans., on the one hand and Denver, Colo., on the other, on traffic originating at or destined to points on motor carriers beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 80 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 34904: *Substituted service, rail for motor—C. R. I. & P. R. R.* Filed by Middlewest Motor Freight Bureau, Agent (No. 116), for interested carriers. Rates on property loaded in highway trailers and transported in substituted service on railroad flat cars between Burr Oak (Chicago), Ill., and Kansas City (Armourdale), and Wichita, Kans., on traffic originating at or destined to points on motor carriers beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 80 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 34905: *Substituted service, rail for motor—M. K. T. R. R.* Filed by Middlewest Motor Freight Bureau, Agent (No. 117), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Kansas City or St. Louis, Mo., on the one hand, and Muskogee, Oklahoma City, Tulsa, Okla., or Parson, Kans., on

the other, on traffic originating at or destined to points on motor carriers beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 80 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 34906: *Substituted service, rail for motor—C. G. W. Ry.* Filed by Middlewest Motor Freight Bureau, Agent (No. 118), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and Kansas City, Mo., on traffic originating at or destined to points on motor carriers beyond the named substitution points.

Grounds for relief: Motor truck competition,

Tariff: Supplement 80 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 34907: *Substituted service, rail for motor—C. & E. I. And M. K. T.* Filed by Middlewest Motor Freight Bureau, Agent (No. 119), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and Oklahoma City, Okla., on traffic originating at or destined to points on motor carriers beyond the named substitution points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 80 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 34908: *Joint-motor-rail rates between western points—C. R. I. & P.* Filed by The Rocky Mountain Motor Tariff Bureau, Inc. (No. 5), for interested carriers. Rates on property of various kinds loaded in or on trailers and transported over joint motor-rail or rail-motor route, in part on railroad flat cars between Denver, Colo., on the one hand, and points in Illinois and Wisconsin named in exhibit 2 of the application, via Chicago, Ill., interchange point, on the other.

Grounds for relief: Motor truck competition.

FSA No. 34909: *Substituted service, rail for motor—B. & M. R. R. et al.* Filed by Midwest Haulers, Inc. (No. 8), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between East Cambridge and Holyoke, Mass., on the one hand, and specified points in Illinois, Michigan, and Ohio, on traffic originating at or destined to points on motor carriers beyond the named points.

Grounds for relief: Motor truck competition.

FSA No. 34910: *Tire fabric—Ohio points to Alabama and Georgia points.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on tire fabric, tire cord, hose cord, belting cord, hose yarn, hose fabric, and belting fabrics, carloads from Cleveland, Fairport Harbor, Painesville, and Perry, Ohio to Decatur, Ala., Cartersville, Cedartown, and Rockmart, Ga.

Grounds for relief: Motor truck competition.

Tariff: Supplement 96 to Central Territory Railroads tariff I. C. C. 4664.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-6874; Filed, Aug. 25, 1958; 8:53 a. m.]

ORGANIZATION OF DIVISIONS AND BOARDS, AND ASSIGNMENT OF WORK

MISCELLANEOUS AMENDMENTS

AUGUST 14, 1958.

The Organization Minutes of the Interstate Commerce Commission relating to the organization of divisions and boards and assignment of work, business and functions of the Interstate Commerce Commission, pursuant to section 17 of the Interstate Commerce Act as amended, revised to February 13, 1958, (23 F. R. 1747 as amended (23 F. R. 2115, and 2287)) have been further amended, effective immediately in the following particulars:

1. In Item 4.6, Finance Division, add paragraphs (o) and (p) reading as follows:

(o) Part V, relating to the guaranty of loans to common carriers by railroad, excepting matters relating to the closing of such transactions which are delegated by Item 6.6 (b) hereof to the Commissioner through whom the Bureau of Finance reports, unless certified to the Division by said Commissioner.

(p) Section 13a, relating to discontinuances or changes of railroad operations or services.

2. Under Assignment of Duties to Individual Commissioners, designate the single paragraph under Item 6.6 as paragraph (a), and add paragraph (b) reading as follows:

(b) Matters relating to the closing of transactions in accordance with such terms and conditions as may have been prescribed by the Commission or Division 4 under the provisions of Part V of the Act, including the execution on behalf of the Commission of contracts and other instruments incident to the closing of such transactions. The Commissioner may certify to Division 4 any matter which in his judgment should be passed on by that division, or the Commission.

3. In Item 9.7, relating to Bureau of Finance, designate existing line (d), The Transfer Board, as line (e), and insert new line (d), providing for Section of Loans headed by Chief of Section, reading as follows:

(d) Loans -------- Chief of Section --------

4. In addition Item 8.3 has been restated as follows:

8.3 Except as to matters provided for in Items 8.4, 8.5, and 8.6, any such petition and any supporting or opposing documents in: (a) a proceeding decided unanimously with respect to the final conclusion by the participating members of a division, except as indicated in (b), shall be considered by the Commission; and (b) a proceeding:

(1) Not decided unanimously with respect to the final conclusion by the participating members of the division, or

(2) In which, without regard to the unanimity of the division, there is a recommendation by a staff member that the petition be granted, or

(3) Relating to the application for approval of contract carrier rental contracts under authority of § 207.6 (b) of Ex Parte No. MC-43,

shall be considered by the appropriate division as constituted at the time the petition is processed and circulated for action; if the division grants the petition will stand as granted by the division and denied by the Commission, and further proceedings will be before the division and under its direction. Any further decision, order or requirement of the division shall be subject to petition for rehearing or reconsideration as provided in the act. If the division does not grant the petition, it will be considered by the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-6875; Filed, Aug. 25, 1958; 8:53 a. m.]

[Notice 18]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 21, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 170), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61140. By order of August 19, 1958, the Transfer Board approved the transfer to R. & H. Bus Co., Inc., East Hartford, Conn., of Certificates Nos. MC 113430 Sub 1, issued June 10, 1954, and MC 113430 Sub 2, issued September 18, 1957, to The R and H Company, a Corporation, East Hartford, Conn., authorizing the transportation of passengers, between Hartford, Conn., and New York, N. Y., between White Plains, N. Y., and New York, N. Y., between White Plains, N. Y., and New York Highways 22 and 120, between Hartford, Conn., and Waterbury, Conn., between Plainville, Conn., and New Britain, Conn., and between points on designated Connecticut and New York highways. John R. Sims, Munsey Building, Washington 4, D. C., for applicants.

No. MC-FC 61361. By order of August 15, 1958, the Transfer Board approved the transfer to Donald S. Grimm, Inc., Lodi, Ohio, of permit No. MC 6237, issued November 2, 1950, to Donald S. Grimm, Lodi, Ohio, authorizing the transportation of: Dairy products, from Lodi, Ohio, to points within a designated territory in Ohio; Dairy products, as classified in the appendix to the report in Modification of Permits-Packing House Products, 46 M. C. C. 23, and empty containers therefor, between Lodi, Ohio, on the one hand, and, on the other, points in Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, and West Virginia; Tin cans, in cartons, from Warwood and Weirton, W. Va., to Lodi, Ohio; and Fiber containers and paper boxes, from Lodi, Ohio, to Warwood and Weirton, W. Va. Herbert Baker, 50 West Broad Street, Columbus 15, Ohio, for applicants.

No. MC-FC 61376. By order of August 19, 1958, the Transfer Board approved the transfer to Ferrill Fast Freight, Inc., Salem, Ill., of Certificates Nos. MC 44937 and MC 44937 Sub 3, issued June 6, 1941, and October 10, 1950, respectively, to John A. Dalton, doing business as Dalton Transfer Company, Salem, Ill., authorizing the transportation of: General commodities excluding household goods and other specified commodities, over regular routes, between Salem, Ill., and St. Louis, Mo., serving certain intermediate and off-route points including those in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone; and petroleum products and automobile parts and accessories, over regular routes, from St. Louis, Mo., to Centralia, Ill. L. K. Mocabee, 237 North Ninth Street, East St. Louis, Ill., for applicants.

No. MC-FC 61381. By order of August 19, 1958, the Transfer Board approved the transfer to Noble R. Steves, Inc., Boston, Mass., of Certificate No. MC 31864, issued March 23, 1956, to Marie Steves Burke, doing business as Steves Van Service, Boston, Mass., authorizing the transportation of Household goods, over irregular routes, between Everett, Mass., and points in Massachusetts within 20 miles of Everett, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, and Illinois; and, New office furniture, over irregular routes, from Boston and Cambridge, Mass., to points in Connecticut, Maine, New Hampshire, New York, and Rhode Island, with no transportation for compensation on return. Franklin L. Steves, 24 Sharp Street, Boston 24, Mass., for applicants.

No. MC-FC 61402. By order of August 15, 1958, the Transfer Board approved the transfer to Frank Cooper, doing business as National Cartage Co., Battle Creek, Mich., of Certificate No. MC 43340, issued September 19, 1942, to Glenn A. Stocken, doing business as National Carthage Co., Battle Creek, Mich., authorizing the transportation of Fresh meats, eggs, poultry, food-processing and meat-packing house products, including packing-house by-products, and advertising matter incidental to the sale and distribution of such commodities, from Battle Creek, Mich., to points within 5 miles of Battle Creek, including Battle Creek, Raymond R. Allen, Security National Bank Building, Battle Creek, Mich., for applicants.

No. MC-FC 61434. By order of August 15, 1958, the Transfer Board approved the transfer to H. Warren Watson, doing business as H. W. Watson Transportation Co., Worcester, Massachusetts, of permit in No. MC 88132, issued July 20, 1954, to W. D. Smith Trans. Co., Inc., West Boylston, Massachusetts, authorizing the transportation of petroleum and petroleum products, in tank trucks, over regular routes, from East Providence, R. I., to Rutland, Worcester, Clinton, and Milford, Mass., serving the intermediate point of Providence, R. I., for pick-up only, and the off-route point of West Upton, Mass., for delivery only. Arthur A. Wentzell, 539 Hartford Pike, Shrewsbury, Mass., Mail Address: P. O. Box 720, Worcester 1, Mass.

No. MC-FC 61503. By order of August 15, 1958, the Transfer Board approved the transfer to Granite City Transport, Inc., Barre, Vt., of Certificates Nos. MC 107228 and MC 107228 Sub 2, issued June 28, 1950, and June 27, 1955, respectively, to Nash John, doing business as J. & S. Transportation Co., Barre, Vt., authorizing the transportation of Granite, over irregular routes, from Barre, Northfield, Montpelier, Waterbury, Hardwick, South Ryegate, Morrisville, and Groton, Vt., to Greenfield, Holyoke, and Springfield Mass., points in Bergen, Passaic, Essex, Union, Somerset, Morris, and Middlesex Counties, N. J., points in a specified area in New York, including Hudson Falls, Glens Falls, Schenectady, Utica, Binghamton and Hawleyton, N. Y., to the New York-Pennsylvania State line, those on Long Island within 50 miles of Long Island City, N. Y., including Long Island City, and points in a specified area in Connecticut, including Hartford, Middletown, Durham Center, and Madison, Conn.; and Granite, over irregular routes, from the United States-Canadian boundary line at or near Highgate Springs, Vt., to Barre, Vt. Richard E. Davis, Barre, Vermont, for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-6928; Filed, Aug. 25, 1958; 8:58 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AXEL EMIL KOEFOED ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Axel Emil Koefoed, Amsterdam, The Netherlands; $408.17 in the Treasury of the United States.

Otto Koefoed, Voorburg (Z. H.), The Netherlands; $408.18 in the Treasury of the United States.

Helena Koefoed, guardian of Arnfred Henning Gynther Koefoed; $204.09 in the Treasury of the United States; and Gerard Anthonie Tijmen Koefoed, Wageningen, The Netherlands; $204.09 in the Treasury of the United States.

Claim No. 62041. Vesting Order Nos. 17886 and 17902.

Executed at Washington, D. C., on August 19, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-6884; Filed, Aug. 25, 1958; 8:55 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF AMSTERDAMSCHE BANK, N. V. ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Amsterdamsche Bank, N. V.; L. S. Claim No. 953; All right, title, and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to Missouri-Kansas-Texas Railway Company 4/90, Bonds Nos. 3696 and 17299, in the principal amount of $1,000 each.

Arond Stoppelman, Hartog L. van de Lijn, Klaas de Haan, Martha van Gelder, Jacob, Benjamin, Barend M. and Debora de Vries, Engelina Goed-Velleman, Clara Eysman-Velleman, Engelina Sternlicht-de Wilde, Samuel Wurms, Betty van Kleef-Turk, Mietje Muller-Blok, Louis Muller, Juliana C. Walewijk-Muller, Samuel and Veronica Soep, Cornelia van Wetteren-Schuit, Joseph Schuit, Rijntje van Kuykhof-Springer, Schoontje van Dulst-Springer, Salomon Springer, Mirjam van der Linde-Springer, Clara Hillecamp-Springer, and Arie Pijnacker Hordijk; L. S. Claim No. 1030; $1,568.32 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, N. Y.

Vesting Order No. 18521.

Executed at Washington, D. C., August 19, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-6886; Filed, Aug. 26, 1958; 8:56 a. m.]

UNIVERSITY OF MICHIGAN

LORE HERMINE MAINZ ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Lore Hermine Mainz, 17 Raphaelplein, Amsterdam, Holland; $344.02 in the Treasury of the United States.

Mrs. Eva Renate Margadant, 17 Raphaelplein, Amsterdam, Holland; $344.01 in the Treasury of the United States.

Mrs. Marianne Suzanne Polak, Ohmstraat 3, Amsterdam, Holland; $344.01 in the Treasury of the United States.

Claim No. 61714. Vesting Order Nos. 17[illegible] and 17947.

Executed at Washington, D. C., on August 19, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-6885; Filed, Aug. 26, 1958; 8:55 a. m.]

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AUG 28 1958
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THE NATIONAL ARCHIVES 1934 OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 23 NUMBER 168

Washington, Wednesday, August 27, 1958

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: For listing of current public laws approved by the President, see last page of this issue.

TITLE 3—THE PRESIDENT

PROCLAMATION 3256

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS with respect for the God-given dignity of each individual and in keeping with the American tradition of helping others to help themselves, we appreciate the importance of useful employment; and

WHEREAS our physically handicapped citizens want to make their maximum contribution to the strength of our land and they have proved their ability as skilled and productive workers; and

WHEREAS the continued development of our country requires an ever-enlarging effort by all our people: both able-bodied and physically handicapped; and

WHEREAS the Congress, by a joint resolution approved August 11, 1945 (59 Stat. 530), has designated the first week in October of each year as National Employ the Physically Handicapped Week, and has requested the President to issue a proclamation each year calling for the observance of that week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do call upon the people of our Nation to observe the week beginning October 5, 1958, as National Employ the Physically Handicapped Week.

I also call upon the Governors of States, mayors of municipalities, Federal and other public officials, leaders of industry and labor, and members of all concerned organizations to take part in this observance. I particularly urge all employers to give the physically handicapped equal consideration for retention in their jobs as well as for employment, and I request our citizens to remember, throughout the year, that by their interest and assistance many handicapped persons can achieve economic independence and active participation in the total life of the national community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 20th day of August in the year of our Lord nineteen hundred and [SEAL] fifty-eight, and of the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F. R. Doc. 58-6971; Filed, Aug. 25, 1958; 1:14 p. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 5]

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS FOR THE 1958 CROP OF UPLAND COTTON

ACREAGE PLANTED TO COTTON ON FARM IN 1958 FOR COMPLIANCE DETERMINATIONS

Basis and purpose. The purpose of this amendment is to clarify the definition of "acreage planted to cotton on the farm in 1958" so that cotton grown in 1958 from cotton seeded in previous years may also be considered for compliance purposes.

Since measurements of cotton acreage are now being made in connection with determinations of compliance with farm allotments, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date

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FEDERAL REGISTER

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requirements of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.912 (c) (19) of the Regulations Pertaining to Acreage Allotments for the 1958 Crop of Upland Cotton (22 F. R. 8137, 8278, 10004; 23 F. R. 192, 109, 335, 4468) is amended to read as follows:

(19) "Acreage planted to cotton on the farm in 1958", for purposes of determining compliance with the farm allotment, shall be the acreage seeded to cotton on the farm in 1958 and the acreage of cotton on the farm seeded prior to 1958, excluding any acreage in excess of the farm allotment which (i) is destroyed by causes beyond the producer's control prior to the expiration of the period established under § 722.928 for disposing of excess cotton acreage or (ii) is disposed of in accordance with § 722.928.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 345, 346, 52 Stat. 59, as amended; 7 U. S. C. 1345, 1346)

Done at Washington, D. C., this 22d day of August 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 58-6942; Filed, Aug. 26, 1958; 8:55 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[992.313 Amdt. 2]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

LIMITATION OF SHIPMENTS

Pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided will tend to effectuate the declared policy of the act.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment; (3) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date; (4) a reasonable time is permitted under the circumstances, for such preparation; and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of § 992.313 (b) (2) (FEDERAL REGISTER July 1, 1958, 23 F. R. 5004) are hereby amended to read as follows:

(b) *Order.* (2) Except as otherwise provided in this section, during the period from August 28, 1958, through May 31, 1959, no handler shall ship potatoes of any variety if more than "slightly skinned" as such term is defined in said United States Standards for Potatoes.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 22, 1958, to become effective August 28, 1958.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division.*

[F. R. Doc. 58-6941; Filed, Aug. 26, 1958; 8:55 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 112—HARDTACK NUCLEAR TEST SERIES, 1958

DEFINITIONS; PROHIBITION

On August 25, 1958, the Atomic Energy Commission issued public notice of the disestablishment of the Hardtack nuclear test series danger area surrounding Johnston Island. The prohibitions of § 112.4 with respect to the Johnston Island danger area, as defined in § 112.3 (a) (2), are no longer necessary, and the following amendments to Part 112 are issued to effect their termination.

Inasmuch as this action is intended to relieve from, rather than to impose restrictions under regulations currently in effect, the Atomic Energy Commission has found that general notice of proposed rule making and public procedures thereon are unnecessary and that good cause exists why this amendment should be made effective without the customary period of notice.

Pursuant to the Administrative Procedure Act, Public Law 404, 79th Congress, 2d Session, the following amendments are published as a document subject to codification, to be effective upon filing with the FEDERAL REGISTER.

1. Section 112.3 is amended as follows:

a. Paragraph (a) (2) is revoked.

b. Paragraph (b) is amended as follows:

(b) "Hardtack test series" means that series of nuclear tests conducted by the Atomic Energy Commission and the Department of Defense at the Eniwetok Proving Ground, within the danger area as defined in paragraph (a) of this section, which tests began in April 1958 and will end at an announced time during the calendar year 1958.

2. Section 112.4 is amended as follows:

§ 112.4 *Prohibition.* No United States citizen or other person who is within the scope of this part shall enter, attempt to enter, conspire to enter or remain in the danger area, as defined in § 112.3 (a), during the continuation of the Hardtack test series except with the express approval of appropriate officials of the Atomic Energy Commission or the Department of Defense.

(Sec. 161, 68 Stat. 948, as amended; 42 U. S. C. 2201. Interpret or apply secs. 2, 3, 91, 68 Stat. 921, as amended, 922, 936; 42 U. S. C. 2012, 2013, 2121. For the purpose of sec. 223, 68 Stat. 958; 42 U. S. C. 2273, § 112.4 issued under sec. 161i, 68 Stat. 949; 42 U. S. C. 2201 (i))

Dated at Germantown, Md., this 25th day of August 1958.

For the Atomic Energy Commission.

PAUL F. FOSTER, *General Manager.*

[F. R. Doc. 58-6966; Filed, Aug. 25, 1958; 1:52 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

VETERANS ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (8) is added to § 6.322 as set out below.

§ 6.322 *Veterans Administration*—(a) *Official of the Administrator.* * * *

(8) The Assistant Deputy Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 58-6936; Filed, Aug. 26, 1958; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 85]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Silver Crown FM	CYS-LFR	Direct	8000	T-dn	300-1	300-1	300-1½
				C-dn	400-1	400-1	400-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side NW crs, 282 Outbnd, 102 Inbnd, 8000' within 8 mi (NA beyond 8 mi due to high terrain) (non-standard due to terrain).
Minimum altitude over facility on final approach crs, 6800'.
Crs and distance, facility to airport, 067—9.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.8 mi, climb to 7600' on S crs within 20 mi. or, when directed by ATC, climb to 7500' on N crs CYS LFR within 20 mi.

City, Cheyenne; State, Wyo.; Airport Name, Municipal; Elev. 6156'; Fac. Class, SBRAZ; Ident., CYS; Procedure No. 1, Amdt. 10, Eff Date, 20 Sept. 58; Sup Amdt No. 8, Dated, 20 Apr. 54

Ashton Int	IDA-LFR	Direct	8000	T-dn	300-1	300-1	300-1
Int NE crs LFR and brng 316° to DuBois LFR or DuBois VOR R-134.	IDA-LFR (Final)	Direct	5500	C-dn	500-1	500-1	500-1½
				S-dn-20	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn West side NE crs, 012 Outbnd, 192 Inbnd, 6500' within 10 mi.
Minimum altitude over facility on final approach crs, 5500'.
Crs and distance, facility to airport, 198—2.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 mi, climb to 6500' on SW crs within 20 mi.

City, Idaho Falls; State, Idaho; Airport Name, Fanning Field, Elev. 4731'; Fac. Class, SBRAZ; Ident., IDA; Procedure No. 1, Amdt. 6, Eff. Date, 20 Sept. 58; Sup. Amdt. No. 5, Dated, 23 Apr. 55

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CHS LFR	LOM	Direct	1200	T-dn	300-1	300-1	300-1½
CHS VOR	LOM	Direct	1200	C-dn	400-1	500-1	500-1½
Holly Hill Int	LOM (Final)	Direct	1200	S-dn-15	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side NW crs, 328° Outbnd, 148° Inbnd, 1200' within 10 miles.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 148°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1800' on crs 148° within 15 miles or, when directed by ATC, turn left, climb to 1200' and return to LOM.
CAUTION: Tower 849' 10 mi. SE.

City, Charleston; State, S. C.; Airport Name, Charleston AFB Mun; Elev., 45'; Fac. Class, LOM, Ident., CH; Procedure No. 1, Amdt. 1; Eff. Date, 20 Sept. 58; Sup. Amdt. No. Orig. (ADF portion of Com. ILS-ADF), Dated, 1 June 57

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fort Smith VOR	LOM	Direct	1600	T-dn	300-1	300-1	300-1½
Int 265° brng to LOM and 288° brng to Fort Smith RBn.	LOM	Direct	1600	C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
Int 265° brng to LOM and R-090 FSM VOR	LOM	Direct	1600	S-dn-25	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
Int 265° brng to LOM and 343° brng to Fort Smith RBn.	LOM	Direct	1600				
Fort Smith RBn	LOM	Direct	2200				
Int 265° brng to LOM and R-110 FSM	LOM (Final)	Direct	1100				

Procedure turn N side of crs, 073 Outbnd, 253 Inbnd, 1800' within 10 mi. Beyond 10 mi NA.
Minimum altitude over LOM inbnd final, 1100'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 mi after passing LOM, climb to 1800' on crs of 265° within 15 mi or, when directed by ATC, climb to 2200' direct to Fort Smith RBn.
AIR CARRIER NOTE: 300-1 required for takeoff on runwys 1-10. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction in takeoff or landing minima authorized for cargo and ferry flights.
CAUTION: Water tower 611' 1 mile W of W end of Rnwy 7.

City, Fort Smith; State, Ark.; Airport Name, Municipal; Elev., 468'; Fac. Class, LOM; Ident., FS; Procedure No. 1, Amdt. 7; Eff. Date, 20 Sept. 58; Sup. Amdt. No. 6 (ADF portion of Com. ILS-ADF); Dated, 2 Nov. 57

MIA VORTAC	LOM	Direct	1300	T-dn	300-1	300-1	300-1½
BOY VORTAC	LOM	Direct	1400	C-dn	400-1	500-1	500-1½
MIA LFR	LOM (Final)‡	Direct	600	S-dn-9R-L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

‡Right turn from South or left turn from north from MIA LFR to LOM Not Authorized.
Procedure turn N side W crs, 266° Outbnd, 086° Inbnd, 1100' within 10 mi.
Minimum altitude over LOM on final approach crs, 600'.
Crs and distance, facility to airport, Rwy 9R: 086°—3.8 mi; Rwy 9L: 073°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing LOM, climb to 1400' on crs of 086° within 20 mi or, when directed by ATC, turn right to 180°, climb to 1400' and proceed SE on SE crs MIA LFR or R-152 MIA VOR within 20 mi.

City, Miami; State, Fla.; Airport Name, International; Elev., 9'; Fac. Class, LOM; Ident., MI; Procedure No. 1, Amdt. 6; Eff. Date, 20 Sept. 58; Sup Amdt. No. 5 (ADF portion of Comb. ILS-ADF); Dated, 24 Nov. 55

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Burlington LFR	BTV-VOR	Direct	2200	T-dn	300-1	300-1	300-1½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn *W side of crs, 213° Outbnd, 033° Inbnd, 2000' within 10 mi.
*Nonstandard to avoid high terrain East.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 033°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, make a left climbing turn and return to BTV-VOR at 2200'. Hold SW on BTV-VOR R-213, one-minute left turns.

City, Burlington; State, Vt.; Airport Name, Burlington Mun.; Elev., 335' Fac. Class, VOR; Ident., BTV; Procedure No. 1, Orig.; Eff. Date, 20 Sept. 58

*Covert Int	ITH-VOR (Final)	Direct	1600	T-dn‡	300-1	300-1	NA
				C-dn	500-1	500-1	NA
				S-dn-14	500-1	500-1	NA
				A-dn	NA	NA	NA

*Int Ithaca VOR R-315 and Watkins Glen VOR R-039.
‡Make a right turn after takeoff on Runway 14, climb on Ithaca VOR R-226 until reaching MEA.
Procedure turn West side of crs, 315° Outbnd, 135° Inbnd, 2500' within 10 mi.
Minimum altitude over facility on final approach crs, 1600'.
VOR on airport. Breakoff point to approach end of runway, 142°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles after passing Ithaca VOR, make an immediate right climbing turn, climb to 3500' on Ithaca VOR R-315 within 10 miles.
CAUTION: High terrain and radio tower 2112' MSL 3 miles SE of airport.
NOTE: No weather reporting. No tower communications at airport. Contact Elmira, N. Y., approach control for clearance.

City, Ithaca; State, N. Y.; Airport Name, Tompkins County; Elev., 1098'; Fac. Class, VOR; Ident., ITH; Procedure No. 1, Orig.; Eff. Date, 20 Sept. 58

				T-dn	300-1	300-1	300-1½
				C-dn	500-1	500-1	500-1½
				S-dn-14	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 310 Outbnd, 130 Inbnd, 2500' within 10 mi.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 130—4.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi after passing MFD-VOR, climb to 2500' on R-130 within 10 miles.

City, Mansfield; State, Ohio; Airport Name, Mansfield; Elev., 1296'; Fac. Class, VOR; Ident., MFD; Procedure No. 1, Orig.; Eff. Date, 20 Sep. 58

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine: More than 65 knots
				T–dn	300–1	300–1	[illegible]
				C–dn	800–1	800–1	[illegible]
				C–n	800–2	800–2	[illegible]
				A–dn	1000–2	1000–2	[illegible]

Procedure turn E side crs, 342° Outbnd, 162° Inbnd, 1100′ within 10 mi.
*Nonstandard to provide separation with northbound traffic.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance facility to airport, 137—13.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles, climb to 1400′ on R-137 within 20 miles.
MAJOR CHANGES: Revises procedure due to relocation and conversion to VORTAC.

City, Miami; State Fla.; Airport Name, International; Elev., 9′; Fac. Class, VORTAC; Ident., MIA; Procedure No. 1, Amdt 7; Eff. Date, 20 Sept. 58; Sup. Amdt. No. [illegible] Dated, 4 June 58

				T–dn	300–1	300–1	[illegible]
				C–dn	1000–1	1000–1	[illegible]
				A–dn	NA	NA	NA

Procedure turn S side of crs, 059° Outbnd, 239° Inbnd, 2000′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 239°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, climb to 1900′ on R-240 within 20 mi.
NOTE: Public communications and weather service not available. All pilots using this procedure are requested to close their IFR flight plans immediately upon completion of approach with Tulsa Radio. If unable to do then, flight plan must be closed by commercial facilities as soon as practicable after landing.

City, Okmulgee; State, Okla.; Airport Name, Municipal; Elev., 715′; Fac. Class, VOR; Ident., OKM; Procedure No. 1, Amdt. 1; Eff. Date, 20 Sept. 58; Sup. Amdt. No. Orig. Dated, 21 June 58

ROW LFR	ROW-VOR	Direct	5500	T–dn	300–1	300–1	[illegible]
				C–dn	500–2	500–2	[illegible]
				S–dn–rny 3	400–1	400–1	[illegible]
				A–dn	800–2	800–2	[illegible]

*300–1 required runway 12.
Procedure turn *West side of crs, 228° Outbnd, 048° Inbnd, 5500′ within 10 mi. NA beyond 10 mi.
*Nonstandard to avoid traffic conflict with Walker AFB.
Minimum altitude over facility on final approach crs, 5000.
Crs and distance, facility to airport, 027—4.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, make a left climbing turn, climb to 800 on R-027 within 20 mi. or, when directed by ATC, turn left, climb to 5500′ on R-323 within 20 mi.

City, Roswell; State, N. Mex.; Airport Name, Roswell; Elev., 3623, Fac. Class, BVOR; Ident., ROW; Procedure No. 1, Amdt. 1; Eff. Date, 20 Sept. 58; Sup. Amdt. No. Orig. Dated, 24 Dec. 55

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine: More than 65 knots
Charleston LFR	LOM	Direct	1200	T–dn	300–1	300–1	[illegible]
Charleston VOR	LOM	Direct	1200	C–dn	400–1	500–1	[illegible]
Holly Hill Int	LOM (Final)	Direct	1200	S–dn–15#	200–½	200–½	[illegible]
				A–dn	600–2	600–2	[illegible]

#400—¾ required when glide slope not utilized.
Procedure turn W side NW crs, 328 Outbnd, 148 Inbnd, 1200′ within 10 mi.
Minimum altitude at G. S. interception inbnd final, 1200′.
Altitude of G. S. and distance to approach end of rny at OM, 1180—4.4; at MM, 256—0.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1800′ on SE crs of ILS within 15 miles or, when directed by ATC, turn left, climb to 1200′ and return to CHS LOM.
CAUTION: Tower 849′ 10 mi SE.

City, Charleston; State, S. C.; Airport Name, Charleston AFB/Mun.; Elev., 45′; Fac. Class, ILS; Ident., ICHS; Procedure No. ILS-15, Amdt. 1; Eff. Date, 20 Sept. 58; Sup. Amdt. No. Orig. (ILS portion of Comb. ILS–ADF); Dated, 1 June 57

CYS LFR	LOM	Direct	7500	T–dn	300–1	300–1	[illegible]
Silver Crown FM	LOM	Direct	8000	C–dn	400–1	500–1	[illegible]
CYS VOR	LOM	Direct	7500	S–dn–ry 26	200–½	200–½	[illegible]
				A–dn	600–2	600–2	[illegible]

Procedure turn N side E crs, 081 Outbnd, 261 Inbnd, 7500′ within 5 miles of LOM.
Minimum altitude at G. S. int inbnd, 7500′.
Altitude of G. S. and distance to appr end of rny at OM 7500—5.1, at MM 6312—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 7600′ on S crs CYS LFR or, when directed by ATC, climb to 7500′ on N crs of CYS FLR or to 7500′ on R-348 CYS VOR within 20 miles.

City, Cheyenne; State, Wyo.; Airport Name, Municipal; Elev., 6156′; Fac. Class., ILS, Ident., I-CYS, Procedure No. ILS 26, Amdt. 15; Eff. Date, 20 Sept. 58; Sup. Amdt. No. 14, Dated 17 Dec. 55

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine: More than 65 knots
Miami VORTAC	LOM	Direct	1300	T–dn	300–1	300–1	200–½
MIA VORTAC	LOM	Direct	1400	C–dn	400–1	500–1	500–1
Miami LFR	LOM (Final)#	Direct	1100	S–dn–9R	200–½	200–½	200–½
				S–dn–9L*	400–1	400–1	400–1
				A–dn	600–2	600–2	600–2

#Right turn from S or left turn from N, from Miami LFR to LOM NA.
*Crs and distance, LOM to Rwy 9L, 073°—4.1 mi.
Procedure turn N side W crs, 266 Outbnd, 086 Inbnd, 1100′ within 10 mi (nonstandard due to traffic).
Minimum altitude at G. S. int inbnd, 1100′.
Altitude of glide slope and distance to approach end of runway at OM: 1070′—3.9; at MM: 205′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi after passing LOM, climb to 1400′ on E crs ILS or, when directed by ATC, turn right to 180°, climb to 1400′ and proceed SE on SE crs LFR or R-152 VOR within 20 mi.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class, ILS; Ident., IMIA; Procedure No. ILS-9, Amdt. 6; Eff. Date, 20 Sept. 58; Sup. Amdt. No. 5 (ILS portion of Comb. ILS–ADF); Dated, 24 Nov. 55

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

AUGUST 15, 1958.

[F. R. Doc. 58–6761; Filed, Aug. 26, 1958; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND INVESTMENT COMPANY ACT OF 1940

APPLICATION OF THIS PART

This amendment to § 210.1–01 (Rule 1–01) of Article I and § 210.5a–01 (Rule 5A–01) of Article 5A strikes out the reference in these rules to § 239.18 (Form S–11) because that form has been rescinded since the last printing of Part 210 (Regulation S–X).

Paragraph (a) (1) of § 210.1–01 as amended reads as follows:

§ 210.1–01 *Application of this part.* (a) * * *

(1) Registration statements under the Securities Act of 1933, filed on Form S–1, S–2, S–3, S–4, S–5, or S–6 (§§ 239.11, 239.12, 239.13, 239.14, 239.15, 239.16 of this chapter), except as otherwise specifically provided in such forms;

Paragraph (a) of § 210.5a–01 as amended reads as follows:

§ 210.5a–01 *Application of §§ 210.5a–01 to 210.5a–07.* * * *

(a) Registration statements on Form S–2 (§ 239.12 of this chapter) of Form S–3 (§ 239.13 of this chapter), except as otherwise specifically provided in such forms, under the Securities Act of 1933;

This action is taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, the Public Utility Holding Company Act of 1935, particularly sections 5 (b), 14 and 20 (a) thereof, and the Investment Company Act of 1940, particularly sections 8, 30, 31 (c) and 38 (a) thereof.

Since the foregoing action merely deletes reference to Form S–11 which has previously been rescinded, the Commission finds that notice and procedure pursuant to the Administrative Procedure Act is not necessary. For the same reason the foregoing action may be made effective immediately. Accordingly such action shall become effective upon publication.

(Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 38, 54 Stat. 841; 15 U. S. C. 77s, 78w, 80a–37)

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

AUGUST 18, 1958.

[F. R. Doc. 58–6915; Filed, Aug. 26, 1958; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF ETHYL 4,4′-DICHLOROBENZILATE

A petition was filed with the Food and Drug Administration by Geigy Agricultural Chemicals, Division of Geigy Chemical Corporation, Saw Mill River Road, Ardsley, New York, requesting the establishment of tolerances for residues of ethyl 4,4′-dichlorobenzilate (Chlorobenzilate) in or on grapefruit and tangerines.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by changing the section headnote of § 120.109 and inserting in the section the items "grapefruit" and "tangerines." As amended, § 120.109 reads as follows:

§ 120.109 *Tolerances for residues of ethyl 4,4′-dichlorobenzilate.* A tolerance of 5 parts per million is established for residues of ethyl 4,4′-dichlorobenzilate (Chlorobenzilate) in or on each of the following raw agricultural commodities: Apples, cantaloups, grapefruit, lemons, oranges, pears, tangerines.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: August 20, 1958.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 58-6921; Filed, Aug. 26, 1958; 8:51 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

EXEMPTION FROM REQUIREMENT OF TOLERANCE FOR RESIDUES OF CHLOROFORM

A petition was filed with the Food and Drug Administration by the Frontier Chemical Company, Wichita, Kansas, requesting the establishment of an exemption from the requirement of a tolerance for residues of chloroform from use as a fumigant on certain grains.

Evidence in the petition and otherwise available shows that when chloroform is used as a grain fumigant as proposed in the petition, residues will not be present in the processed food ready for human consumption and that residues in animal feed will not carry through into milk or meat and will not constitute a hazard to the health of the animals.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which an exemption is being established.

After consideration of the data submitted in the petition and other relevant material which show that the exemption established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new section:

§ 120.167 *Exemption from the requirement of a tolerance for residues of chloroform.* Chloroform is exempted from the requirement of a tolerance for residues, when used as a fumigant for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: August 20, 1958.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 58-6920; Filed, Aug. 26, 1958; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6305]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

AMORTIZATION OF GRAIN STORAGE FACILITIES

On July 10, 1956, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under sections 161, 162, 168, and 169, relating to itemized deductions for individuals and corporations, of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (21 F. R. 5091). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations under section 169 as so published are hereby adopted subject to the change set forth below.

PARAGRAPH 1. Paragraph (c) of § 1.169-2 is revised.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: August 21, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

The following regulations are hereby prescribed under section 169 of the Internal Revenue Code of 1954:

Sec.
1.169 Statutory provisions; amortization of grain-storage facilities.
1.169-1 General scope of section 169.
1.169-2 Definition of grain-storage facility.
1.169-3 Amortization deduction.
1.169-4 Election of amortization.
1.169-5 Termination of amortization deduction.
1.169-6 Adjusted basis of grain-storage facility.
1.169-7 Depreciation of portion of grain-storage facility not subject to amortization.
1.169-8 Life tenant and remainderman.

AUTHORITY: §§ 1.169 to 1.169-8, issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 1.169 *Statutory provisions; amortization of grain-storage facilities.*

SEC. 169. *Amortization of grain-storage facilities*—(a) *Allowance of deduction*—(1) *Original owner.* Any person who constructs, reconstructs, or erects a grain-storage facility (as defined in subsection (d)) shall, at his election, be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of such facility based on a period of 60 months. The 60-month period shall begin as to any such facility, at the election of the taxpayer, with the month following the month in which the facility was completed, or with the succeeding taxable year.

(2) *Subsequent owners.* Any person who acquires a grain-storage facility from a taxpayer who—

(A) Elected under subsection (b) to take the amortization deduction provided by this subsection with respect to such facility, and

(B) Did not discontinue the amortization deduction pursuant to subsection (c),

shall, at his election, be entitled to a deduction with respect to the adjusted basis (determined under subsection (e) (2)) of such facility based on the period, if any, remaining (at the time of acquisition) in the 60-month period elected under subsection (b) by the person who constructed, reconstructed, or erected such facility.

(3) *Amount of deduction.* The amortization deduction provided in paragraphs (1) and (2) shall be an amount, with respect to each month of the amortization period within the taxable year, equal to the adjusted basis of the facility at the end of such month, divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction above provided with respect to any month shall be in lieu of the depreciation deduction with respect to such facility for such month provided by section 167.

(b) *Election of amortization.* The election of the taxpayer under subsection (a) (1) to take the amortization deduction and to begin the 60-month period with the month following the month in which the facility was completed shall be made only by a statement to that effect in the return for the taxable year in which the facility was completed. The election of the taxpayer under subsection (a) (1) to take the amortization deduction and to begin such period with the taxable year succeeding such year shall be made only by a statement to that effect in the return for such succeeding taxable year. The election of the taxpayer under subsection (a) (2) to take the amortization deduction shall be made only by a statement to that effect in the return for the taxable year in which the facility was acquired. Notwithstanding the preceding three sentences, the election of the taxpayer under subsection (a) (1) or (2) may be made, under such regulations as the Secretary or his delegate may prescribe, before the time prescribed in the applicable sentence.

(c) *Termination of amortization deduction.* A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction with respect to such facility.

(d) *Definition of grain-storage facility.* For purposes of this section, the term "grain-storage facility" means—

(1) Any corn crib, grain bin, or grain elevator, or any similar structure suitable primarily for the storage of grain, which crib, bin, elevator, or structure is intended by the taxpayer at the time of his election to be used for the storage of grain produced by him (or, if the election is made by a partnership, produced by the members thereof); and

(2) Any public grain warehouse permanently equipped for receiving, elevating, conditioning, and loading out grain,

the construction, reconstruction, or erection of which was completed after December 31, 1952, and on or before December 31, 1956. If any structure described in clause (1) or (2) of the preceding sentence is altered or remodeled so as to increase its capacity for the storage of grain, or if any structure is converted, through alteration or remodeling, into a structure so described, and if such alteration or remodeling was completed after December 31, 1952, and on or before December 31, 1956, such alteration or remodeling shall be treated as the construction of a grain-storage facility. The term "grain-storage facility" shall include only property of a character which is subject to the allowance for depreciation provided in section 167. The term "grain-storage facility" shall not include any facility any part of which is an emergency facility within the meaning of section 168 of this title.

(e) *Determination of adjusted basis*—(1) *Original owners.* For purposes of subsection (a) (1)—

(A) In determining the adjusted basis of any grain-storage facility, the construction, reconstruction, or erection of which was begun before January 1, 1953, there shall be included only so much of the amount of the adjusted basis (computed without regard to this subsection) as is properly attributable to such construction, reconstruction, or erection after December 31, 1952; and

(B) In determining the adjusted basis of any facility which is a grain-storage facility within the meaning of the second sentence of subsection (d), there shall be included only so much of the amount otherwise included in such basis as is properly attributable to the alteration or remodeling.

If any existing grain-storage facility as defined in the first sentence of subsection (d) is altered or remodeled as provided in the second sentence of subsection (d), the expenditures for such remodeling or alteration shall not be applied in adjustment of the basis of such existing facility but a separate basis shall be computed in respect of such facility as if the part altered or remodeled were a new and separate grain-storage facility.

(2) *Subsequent owners.* For purposes of subsection (a) (2), the adjusted basis of any grain-storage facility shall be whichever of the following amounts is the smaller:

(A) The basis (unadjusted) of such facility for purposes of this section in the hands of the transferor, donor, or grantor, adjusted as if such facility in the hands of the taxpayer had a substituted basis within the meaning of section 1016 (b), or

(B) So much of the adjusted basis (for determining gain) of the facility in the hands of the taxpayer (as computed without regard to this subsection) as is properly attributable to construction, reconstruction, or erection after December 31, 1952.

(f) *Depreciation deduction.* If the adjusted basis of the grain-storage facility (computed without regard to subsection (e)) exceeds the adjusted basis computed under subsection (e), the depreciation deduction provided by section 167 shall, despite the provisions of subsection (a) (3) of this section, be allowed with respect to such grain-storage facility as if the adjusted basis for the purpose of such deduction were an amount equal to the amount of such excess.

(g) *Life tenant and remainderman.* In the case of property held by one person for life with remainder to another person, the amortization deduction provided in subsection (a) shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant.

§ 1.169-1 *General scope of section 169.* (a) Section 169 provides for the amortization of grain-storage facilities, as defined therein, over a period of 60 months. The amortization deduction is allowable at the election of the taxpayer and subject to the provisions of section 169. The amortization deduction is not only allowable to the original owner of a grain-storage facility, but may be allowable to any subsequent owner who acquires the facility from another person who elected to take the amortization deduction and had not discontinued such deduction under the statute. In the case of the original owner of a grain-storage facility the amortization period is 60 months. For a subsequent owner the amortization period is the period, if any, remaining at the time of his acquisition in the 60-month period elected by the person who completed construction, reconstruction, or erection of the grain-storage facility.

(b) Cross-references: For the right of estates and trusts to amortize grain-storage facilities, see section 642 (f) and the regulations thereunder. For the allowance of the amortization deduction in the case of grain-storage facilities of partnerships, see section 703 (b) and the regulations thereunder.

§ 1.169-2 *Definition of grain-storage facility*—(a) *General.* For the purpose of section 169 the term "grain-storage facility" means—

(1) Any corn crib, grain bin, or grain elevator, or any similar structure suitable primarily for the storage of grain, but only if the taxpayer at the time of his election to take the amortization deduction allowed under section 169 intends such crib, bin, elevator, or structure to be used for the storage of grain produced by him or, in case the election to take the amortization deduction is made by a partnership, only if such crib, bin, elevator, or structure is intended by the partnership at the time of its election to be used for the storage of grain produced by members of the partnership; and

(2) Any public grain warehouse or elevator permanently equipped for receiving, elevating, conditioning, and loading out grain,

the construction, reconstruction, or erection of which was completed after December 31, 1952, and on or before December 31, 1956. The term "grain" includes all products commonly classed as grain, such as wheat, corn, oats, barley, rye, rice, soybeans, grain sorghums, flaxseed, and dry edible beans.

(b) *Private grain-storage facilities.* In the case of any structure described in paragraph (a) (1) of this section, the construction, reconstruction, or erection of which was completed after December 31, 1952, and on or before December 31, 1956, the taxpayer at the time of his election to take the amortization deduction with respect to the structure must intend to use the facility for the storage of grain produced or to be produced by him. If the election is made by a partnership, the structure must be intended at the time of the election to be used for the storage of grain produced by one or more members of the partnership. The statute does not require that the facility be actually used at the time of the election for the storage of grain. The intent required by the statute at the time of the taxpayer's election to take the amortization deduction is applicable not only to the original owner who completed the construction, reconstruction, or erection of the facility, but to any subsequent owner of the facility. The existence of the requisite intent is a question of fact to be ascertained from the circumstances of each particular case. The lack of the required intent with respect to the use of the facility by a subsequent owner does not affect the allowance of the amortization deduction to a preceding owner for the period during which the facility was owned by him. However, the absence of the required intent as to the use of the facility on the part of either the original owner or any intervening owner precludes any subsequent owner from taking the amortization deduction with respect to the facility. A structure is not suitable primarily for the storage of grain if it is of a type customarily used for other purposes, even though it may actually be used for storing grain. For example, no part of a residential dwelling may qualify as a grain-storage facility. Nor is a structure suitable primarily for the storage of grain unless it is so constructed as to be especially adapted to efficient storage of grain. Thus, a general utility type of building does not qualify under the statute as a grain-storage facility, even though it may be actually used for storing grain. However, structures not suitable primarily for the storage of grain may through alteration or remodeling qualify as grain-storage facilities (see paragraph (d) of this section). On the other hand, a structure which is suitable primarily for the storage of grain is not disqualified under the statute merely because it may at times be used for other purposes. The structures described in paragraph (a) (1) of this section may include trackside grain-storage facilities.

(c) *Public grain-storage facilities.* The term "public grain warehouse" as used in section 169 (d) includes only a grain warehouse or elevator transacting business with members of the general public. The amortization deduction, however, is not available to a person who stores only grain purchased for consumption in his business, such as a milling company which constructs storage facilities for purchased grain held for processing. The statute also requires that the grain warehouse or elevator must be permanently equipped for receiving, elevating, conditioning, and loading out grain. A public grain warehouse must be a permanent structure, of either the elevator or so-called "flat storage" type, suitable primarily for the storage of grain, and the equipment for receiving, elevating, conditioning, or loading out grain must be either permanently installed or permanently available for use. When such equipment is permanently installed, it is considered a part of the grain warehouse or elevator for the purpose of section 169. On the other hand, portable equipment will not be considered a part of the grain warehouse

or elevator for such purpose. The term "conditioning" as used in section 169 (d) includes turning, drying, aerating, fumigating, or other processing of grain. While it is not essential for qualification as a grain-storage facility that a public grain warehouse or elevator be permanently equipped to render all services embraced within the meaning of "conditioning", the grain warehouse or elevator must be permanently equipped for turning, drying, or similar processing of grain. The fact that a public grain warehouse accepts for storage, in addition to products commonly classed as grain (see paragraph (a) of this section), other products which are ordinarily stored in grain warehouses does not disqualify the warehouse as a grain-storage facility for the purpose of section 169.

(d) *Alteration or remodeling.* (1) If any structure described in paragraph (a) (1) or (2) of this section is altered or remodeled so that its capacity for the storage of grain is increased, and such alteration or remodeling was completed after December 31, 1952, and on or before December 31, 1956, for the purpose of section 169 such alteration or remodeling is treated as the construction of a grain-storage facility. Such alteration or remodeling may qualify as a grain-storage facility, whether or not the original structure constituted a grain-storage facility as defined in section 169 (d). If the original structure did qualify as a grain-storage facility for the purpose of section 169, the amortization deduction allowable under section 169 (a) may be taken with respect to such alteration or remodeling, whether or not the taxpayer or any preceding owner elected to take the amortization deduction allowable with respect to the original structure.

(2) Likewise, if any structure not described in paragraph (a) (1) or (2) of this section is converted through alteration or remodeling into a stucture so described, and such alteration or remodeling was completed after December 31, 1952, and on or before December 31, 1956, for the purpose of section 169 such alteration or remodeling is treated as the construction of a grain-storage facility.

(3) For election to take the amortization deduction with respect to alteration or remodeling described in subparagraphs (1) and (2) of this paragraph, see § 1.169–4. For determination of adjusted basis for the purpose of the amortization deduction with respect to a grain-storage facility attributable to such alteration or remodeling, see § 1.169–6.

(e) *Excluded property*—(1) *Nondepreciable property.* The term "grain-storage facility" includes only property of a character which is subject to the allowance for depreciation provided in section 167. Thus, "grain-storage facility" does not include the land on which a structure defined in paragraph (a) of this section is erected.

(2) *Emergency facilities.* (i) The term "grain-storage facility" does not include any facility any part of which is considered an emergency facility within the meaning of section 168. For the definition of "emergency facility" for the purpose of section 168, see § 1.168–4.

(ii) If all or any part of the adjusted basis (computed under section 1011) of a structure described in paragraph (a) of this section is certified as an "emergency facility" under section 168 (e), such structure cannot qualify as a "grain-storage facility" for the purposes of section 169. However, if, prior to the making of any election to take the amortization deduction allowable under section 168 (a) with respect to such structure, the certificate made under section 168 (e) is cancelled by the certifying authority, such structure will be considered a "grain-storage facility" for the purposes of section 169.

(iii) In the case of any alteration or remodeling described in paragraph (d) (1) or (2) of this section, if all or any part of the adjusted basis (computed under section 1011) of the original structure is certified as an "emergency facility" under section 168 (e), such alteration or remodeling may, nevertheless, qualify as a "grain-storage facility" for the purposes of section 169, provided the following conditions are met:

(*a*) None of the expenditures attributable to such alteration or remodeling represents construction, reconstruction, erection, installation, or acquisition included in the certificate made under section 168 (e) with respect to the original structure, and

(*b*) A separate certificate is not made under section 168 (e) with respect to such alteration or remodeling as a new and separate emergency facility, or if a separate certificate was made, such certificate, prior to the making of any election to take the amortization deduction allowable under section 168 (a) with respect to such alteration or remodeling, is canceled by the certifying authority.

§ 1.169–3 *Amortization deduction*—(a) *Original owner.* Any person who constructs, reconstructs, or erects a grain-storage facility as defined in section 169 (d) is entitled at his election to a deduction with respect to the amortization of the adjusted basis (for determining gain) of such facility based on a period of 60 months. As to the adjusted basis of a grain-storage facility, see § 1.169–6. The taxpayer may, with respect to a grain-storage facility, elect to begin the 60-month amortization period with (1) the month following the month in which such facility was completed, or (2) the first month of the taxable year succeeding that in which such facility was completed (see § 1.169–4). The date on which, or the month within which, a grain-storage facility is completed is to be determined upon the facts in the particular case. A statement of the date ascertained by the taxpayer, together with a statement of the pertinent facts relied upon, should be filed with the taxpayer's election to take amortization deductions with respect to such facility.

(b) *Subsequent owner.* Any person who acquires a grain-storage facility from a taxpayer who elected to take the amortization deduction provided by section 169 (a) with respect to such facility and who, prior to the acquisition by such person, had not discontinued the amortization deduction pursuant to section 169 (c), is entitled at his election to a deduction with respect to the amortization of the adjusted basis (determined under section 169 (e) (2)) of such facility based on the period, if any, remaining at the time of his acquisition in the 60-month period elected by the original owner of such facility. For the determination of the adjusted basis of a grain-storage facility in the hands of a subsequent owner for the purpose of the amortization deduction, see § 1.169–6.

(c) *Amount of deduction.* (1) In general, with respect to each month of the 60-month period which falls within the taxable year, the amortization deduction is an amount equal to the adjusted basis of the facility at the end of such month divided by the number of months (including the particular month for which the deduction is computed) remaining in the 60-month period. If a grain-storage facility is held successively by two or more persons during a single month, the amortization deduction, if any, allowable to each of such persons in respect of that month shall be only that portion of the amount to which each such person would be entitled for a full month which the number of days in such month during which the facility was held by him bears to the total number of days in such month. The adjusted basis of the grain-storage facility at the end of any month shall be computed without regard to the amortization deduction with respect to such facility for such month. The total amortization deduction with respect to a grain-storage facility for a particular taxable year is the sum of the amortization deductions allowable with respect to such facility for each month of the 60-month period which falls within such taxable year.

(2) The amortization deduction with respect to a grain-storage facility for any month is in lieu of the deduction for depreciation which would otherwise be allowable under section 167 with respect to the facility for that month. If the original owner of a grain-storage facility elects to begin the 60-month amortization period with the first month of the taxable year succeeding that in which the facility was completed, the deduction for depreciation provided in section 167 is allowable with respect to the facility for the period intervening between the completion of the facility and the beginning of the 60-month period. However, if the original owner elects to begin the 60-month amortization period with the month following that in which the facility was completed, no deduction under section 167 is allowable in respect of the month in which the facility was completed. For depreciation allowable with respect to any amount not subject to amortization, see § 1.169–7.

(d) *Examples.* This section may be illustrated by the following examples:

Example (1). On July 1, 1954, A, who makes his income tax return on a calendar year basis, begins the construction of a grain-storage facility which is completed on September 30, 1954, at a cost of $24,000, not including the cost of the land on which the facility is erected. A elects to take the amortization deduction with respect to the facility and to begin the 60-month amortization period with October 1954, the month following its completion. The adjusted basis of the facility at the end of October is $24,000. The allowable amortization deduction with respect to such facility for the taxable year 1954 is $1,200, computed as follows:

Monthly Amortization Deductions:	
October: $24,000 divided by 60	$400
November: $23,600 ($24,000 minus $400) divided by 59	400
December: $23,200 ($23,600 minus $400) divided by 58	400
Total Amortization Deduction for 1954	1,200

Example (2). The X Corporation, which makes its income tax return on the calendar year basis, begins the construction of a grain-storage facility on June 15, 1954. The facility is completed on August 2, 1954. The X Corporation elects to take amortization deductions with respect to the facility and to begin the 60-month amortization period with September 1954, the month following its completion. At the end of the first month of the amortization period the adjusted basis of the facility is $30,000. In October 1954, the facility is damaged by fire, as the result of which the adjusted basis is properly reduced by $2,537. The allowable amortization deduction with respect to the facility for the calendar year 1954 is $1,871, computed as follows:

Monthly Amortization Deductions:	
September: $30,000 divided by 60	$500
October: $26,963 ($30,000 minus $500 and $2,537) divided by 59	457
November: $26,506 ($26,963 minus $457) divided by 58	457
December: $26,049 ($26,506 minus $457) divided by 57	457
Total amortization deduction for 1954	1,871

For illustration in the case of a subsequent owner of a grain-storage facility, see example (2) in § 1.169–6 (f).

§ 1.169–4 *Election of amortization*—(a) *General rule*—(1) *Original owner.* The election by a taxpayer who constructs, reconstructs, or erects a grain-storage facilfty to take amortization deductions with respect to the facility and to begin the 60-month amortization period, either with the month following the month in which the facility was completed or with the first month of the taxable year succeeding the taxable year in which such facility was completed, shall be made by a statement to that effect in the taxpayer's return for the taxable year in which falls the first month of the 60-month amortization period so elected. Such statement shall include the following information:

(i) A description clearly identifying each grain-storage facility for which an amortization deduction is claimed.

(ii) The date on which the construction, reconstruction, or erection of each such facility was completed.

(iii) The total costs and expenditures paid or incurred in the construction, reconstruction, or erection of any such facility, excluding the cost of any land.

(iv) If the construction, reconstruction, or erection of any such facility was begun before January 1, 1953, the amount of the costs and expenditures properly attributable to such construction, reconstruction, or erection after December 31, 1952.

(v) In the case of a private grain-storage facility described in § 1.169–2 (b), a statement that the taxpayer intends to use the facility for the storage of grain produced or to be produced by him or, in case the election is being made by a partnership, that the structure is intended to be used for the storage of grain produced by one or more members of the partnership.

(2) *Subsequent owner.* The election by a subsequent owner (that is, a person who acquires a grain-storage facility from a taxpayer who elected to take the amortization deduction with respect to the facility and who, prior to the acquisition by the subsequent owner, had not discontinued the amortization deduction under section 169 (c)) to take amortization deductions with respect to the facility shall be made by a statement to that effect in the taxpayer's return for the taxable year in which falls the month in which the facility was acquired. Such statement shall include the following information:

(i) The name and address of the preceding owner.

(ii) The date and the manner of the acquisition of the grain-storage facility from such preceding owner.

(iii) A statement of the basis (unadjusted) of the facility in the hands of the preceding owner for amortization purposes, adjusted to the date of acquisition by the taxpayer.

(iv) A statement of the adjusted basis of the facility in the hands of the taxpayer for amortization purposes, computed as of the date of acquisition by the taxpayer.

(v) In the case of a private grain-storage facility described in § 1.169–2 (b), a statement that the taxpayer intends to use the facility for the storage of grain produced or to be produced by him or, in case the election is being made by a partnership, that the structure is intended to be used for the storage of grain produced by one or more members of the partnership.

(b) *Special rules for making election prior to filing of return.* If, prior to the time prescribed in paragraph (a) of this section for making the election to take amortization deductions with respect to a grain-storage facility, such facility is acquired by a subsequent owner, the preceding owner of the facility may make such election within 60 days after the date of acquisition of such facility by the subsequent owner. In the event that the preceding owner dies or ceases to exist prior to making an election, the election may be made within such time by the duly authorized representatives of the preceding owner. Unless the election to take amortization deductions with respect to the facility is made by the preceding owner or on his behalf, the subsequent owner of the facility shall not be entitled to take the amortization deductions allowable under section 169 (a) with respect to such facility. A statement of election under this paragraph shall be filed with the district director for the district in which the return of the taxpayer is required to be filed, and shall contain the same information required with respect to a statement of election under paragraph (a) of this section. However, in the case of a private grain-storage facility described in § 1.169–2 (b), in lieu of the statement regarding the intended use of the facility at the time of the election, the statement of election under this paragraph shall include a statement that the preceding owner, at the time of the construction, reconstruction, erection, or acquisition of the facility by him, intended to use the facility for the storage of grain produced or to be produced by him. If the preceding owner of the facility was the original owner, the statement of election must specify the beginning of the 60-month amortization period. Unless the grain-storage facility is acquired from the original owner after the beginning of his taxable year succeeding the taxable year in which such facility was completed, an election made under this paragraph must begin the 60-month amortization period with the month following the month in which the facility was completed.

(c) *Election not made at the time or in the manner prescribed by this section.* (1) The district director has no authority to extend the time prescribed in section 169 (b) and paragraph (a) of this section for making an election to take amortization deductions allowable under section 169 (a). However, the district director in his discretion may, for good cause shown, grant a reasonable extension of time for the making of an election under paragraph (b) of this section.

(2) Except as provided in the preceding subparagraph, if a statement of election under paragraph (a) or (b) of this section does not comply with the requirements prescribed therein, it may, in the discretion of the district director and for good cause shown, be made in such manner and form as may be approved by him.

(3) No method of making the election to take the amortization deductions with respect to a grain-storage facility other than those prescribed in this section shall be permitted. A taxpayer who fails to elect to take amortization deductions with respect to such a facility shall not be entitled to amortization deductions with respect to such facility.

(d) *Alteration or remodeling of existing grain-storage facility.* If an existing grain-storage facility, as defined in section 169 (d), is altered or remodeled and such alteration or remodeling is treated under section 169 (d) as the construction of a grain-storage facility (see §§ 1.169–2 (d) and 1.169–6 (e)), the part of the facility altered or remodeled is treated as a new and separate grain-storage facility. In such case, unless the taxpayer who completes such alteration or remodeling makes a separate election, in the manner and within the time provided in this section, to take amortization deductions and to begin a new 60-month period with respect to such alteration or remodeling, he shall not be entitled to amortization deductions with respect to such alteration or remodeling. Such alteration or remodeling is also treated as a separate grain-storage facility in the hands of a subsequent owner.

§ 1.169–5 *Termination of amortization deduction.* (a) If a taxpayer has elected to take amortization deductions with respect to a grain-storage facility he may, prior to the expiration of the 60-month amortization period and prior to the acquisition of such facility by another person, discontinue the amortization de-

ductions with respect to such facility for the remainder of the 60-month period. An election to discontinue the amortization deductions shall be made by notice in writing filed with the district director for the district in which the return of the taxpayer is required to be filed, specifying the month as of the beginning of which the taxpayer elects to discontinue such deductions. Such notice shall be filed before the beginning of the month specified therein, and shall contain a description clearly identifying the grain-storage facility with respect to which the taxpayer elects to discontinue the amortization deductions. If the taxpayer elects in the manner provided herein to discontinue the amortization deductions with respect to a grain-storage facility, he shall not be entitled to any further amortization deductions with respect to such facility.

(b) A taxpayer who elects to discontinue amortization deductions with respect to a grain-storage facility is entitled to a deduction for depreciation under section 167 with respect to such facility. The deduction for depreciation shall begin with the first month as to which the amortization deduction is not applicable and shall be computed on the adjusted basis of the property as of the beginning of such month (see section 1011 and the regulations thereunder).

(c) This section may be illustrated by the following example:

Example. On February 1, 1954, the Y Corporation, which makes its income tax returns on the calendar year basis, begins the construction of a grain-storage facility. The facility is completed on June 30, 1954, at a cost of $306,000, of which $60,000 is allocable to the land and $246,000 to the facility. The corporation elects to take amortization deductions with respect to the facility and to begin the 60-month amortization period with July 1954, the month following its completion. On March 25, 1955, the corporation files notice with the district director of its election to discontinue the amortization deductions beginning with the month of April 1955. The adjusted basis of the facility on July 31, 1954, is $246,000. The amortization deductions for the taxable year 1954 and the months of January, February, and March 1955, amount to $36,900, or $4,100 per month for nine months. Accordingly, the adjusted basis of the facility as of April 1, 1955, is $209,100. Beginning as of that date, the deduction for depreciation under section 167 is allowable with respect to the property. Such deduction shall be computed on the adjusted basis ($209,100) of the property as of April 1, 1955.

§ 1.169–6 *Adjusted basis of grain-storage facility*—(a) *General.* Section 169 (e) provides rules which apply in the determination of the adjusted basis of a grain-storage facility for the purpose of computing the amortization deductions allowable under section 169 (a). Section 169 (e) does not purport to provide an all-inclusive formula for the computation of adjusted basis for amortization purposes, but only prescribes certain modifications in the amount which would otherwise constitute the adjusted basis of the facility. As a result of these modifications, the adjusted basis for the purpose of computing the amortization deductions allowable with respect to the facility will differ in some cases from the adjusted basis of the facility determined under section 1011 without regard to section 169 (e). The adjusted basis for amortization purposes may also differ from the adjusted basis of the facility for other purposes in that it shall be the adjusted basis for determining gain (see sections 1011–1022, inclusive). The adjusted basis for amortization purposes is derived from the unadjusted basis of the grain-storage facility determined in accordance with the provisions of section 1012. The special rules provided in section 169 (e) are applicable in translating the unadjusted basis determined in accordance with the provisions of section 1012 into the unadjusted basis for amortization purposes under section 169. The unadjusted basis for amortization purposes, less the adjustments properly allocable thereto, becomes the adjusted basis for amortization purposes. These adjustments are those specified in sections 1016 and 1017. However, adjustments which increase the adjusted basis under section 1011 are not to be taken into account in determining the adjusted basis for amortization purposes (see paragraph (d) of this section).

(b) *Original owners.* Section 169 (e) (1) provides rules which apply in the determination of the adjusted basis for amortization purposes of a grain-storage facility in the hands of an original owner (see § 1.169–3 (a)). As the result of the application of the rules stated in subparagraphs (1) and (2) of this paragraph, the adjusted basis of the facility for amortization purposes will be smaller than the amount which would otherwise constitute the adjusted basis of the facility. The rules are the following:

(1) If the construction, reconstruction, or erection of the facility was begun before January 1, 1953, there is to be included only so much of the entire unadjusted basis of the facility as is properly attributable to construction, reconstruction, or erection after December 31, 1952.

(2) If a structure which is not an existing grain-storage facility as defined in section 169 (d) is altered or remodeled and such alteration or remodeling is treated under section 169 (d) as the construction of a grain-storage facility (see § 1.169–2 (d)), there is to be included only so much of the entire unadjusted basis of such structure as is properly attributable to such alteration or remodeling as was completed after December 31, 1952, and on or before December 31, 1956. In the case of alteration or remodeling of an existing grain-storage facility, see paragraph (e) of this section.

(c) *Subsequent owners.* A special rule is provided in section 169 (e) (2) for the determination of the adjusted basis for amortization purposes of a grain-storage facility in the hands of a subsequent owner (see § 1.169–3 (b)). Such adjusted basis is the smaller of the following amounts:

(1) The adjusted basis determined by including an amount in respect of unadjusted basis equal to the adjusted basis of the facility for amortization purposes in the hands of the preceding owner, determined as of the date of acquisition of the facility by the taxpayer. For the purpose of this paragraph, in determining the adjusted basis of the facility for amortization purposes in the hands of the preceding owner the adjustments required under section 1016 shall include an adjustment in respect of the amount of the amortization deduction allowable to the preceding owner for the month in which the facility was acquired by the taxpayer. See § 1.169–3 (c). For the rule excluding capital additions from the adjusted basis of a grain-storage facility for amortization purposes, see paragraph (d) of this section.

(2) The adjusted basis (computed under section 1011 for determining gain) of the facility in the hands of the taxpayer. If the construction, reconstruction, or erection of the facility was begun before January 1, 1953, in determining such adjusted basis there is to be included only so much of the entire unadjusted basis of the facility (in the hands of the taxpayer), as is properly attributable to construction, reconstruction, or erection after December 31, 1952.

(d) *Capital additions.* If after the completion or acquisition of a grain-storage facility further expenditures are made for construction, reconstruction, or erection, such expenditures shall not be added to the adjusted basis of the facility for amortization purposes. If such expenditures result in alteration or remodeling which under section 169 (d) is treated as the construction of a grain-storage facility, see paragraph (e) of this section.

(e) *Alteration or remodeling of existing grain-storage facility.* If an existing grain-storage facility as defined in section 169 (d) is altered or remodeled and such alteration or remodeling is treated under section 169 (d) as the construction of a grain-storage facility (see § 1.169–2 (d)), the expenditures for such alteration or remodeling shall not be applied in adjustment of the basis of the existing facility, but a separate basis shall be computed by reference to such expenditures as if such alteration or remodeling represented a new and separate grain-storage facility. A structure which was not an existing grain-storage facility prior to alteration or remodeling which is treated under section 169 (d) as the construction of a grain-storage facility becomes an existing grain-storage facility for the purposes of this paragraph. Thus, if a structure which is an existing grain-storage facility by reason of such alteration or remodeling is again altered or remodeled and such alteration or remodeling is treated under section 169 (d) as the construction of a grain-storage facility, the provisions of this subparagraph are also applicable to such later alteration or remodeling.

(f) *Examples.* The computation of the adjusted basis of a grain-storage facility for amortization purposes may be illustrated in the following examples:

Example (1). On February 28, 1953, A completes the construction of a grain-storage facility as defined in section 169 (d) at a cost $2,000 for the land and $6,000 for the construction. Only $3,000 of the total cost of the facility is properly attributable to construction after December 31, 1952. A elects to claim the amortization deduction and to begin the 60-month period on March 1, 1953. Under section 169 (e), the adjusted basis of the facility for the purpose of section 169 (a) as of that date is only $3,000, the amount attributable to construction after December 31, 1952. In determining the adjusted basis of the facility as of any subsequent date for the purpose of computing the amortization deduction, the amortization deductions allowable in respect of the period prior to such date must be taken into account. See section 1016. Thus, the adjusted basis of the facility for the purpose of computing the amount of the amortization deduction allowable for the month of January 1954, is $2,500 ($3,000 minus $500, the amortization deductions allowable prior to January 1, 1954).

Example (2). A began on January 1, 1954, and completed on June 30, 1954, the construction of a grain-storage facility as defined in section 169 (d) at a cost of $5,000 for the land and $30,000 for the construction. A elects to claim the amortization deduction and to begin the 60-month period on July 1, 1954. On May 1, 1955, A sells the grain-storage facility to B for a price of $34,000, of which $6,000 is allocable to the land. B elects to claim the amortization deduction on the basis of the 50 months remaining in the amortization period. B, in determining the adjusted basis of the facility in his hands, must start with the unadjusted basis of the facility in the hands of A ($30,000) and adjust such basis under section 1016 in respect of amortization claimed by A during his ownership of the facility ($5,000). Since this amount ($25,000) is smaller than the adjusted basis (for determining gain) of the facility in B's hands as of May 1, 1955 ($28,000, that is $34,000 less $6,000 allocable to land), the adjusted basis of the facility for the purpose of section 169 (a) in B's hands as of May 1, 1955, is $25,000. B, therefore, may include only $25,000 in determining the adjusted basis of the facility in his hands as of May 1, 1955, the date of the purchase. The amortization deductions claimed by B must, of course, be applied in reduction of such adjusted basis in determining the adjusted basis of the facility as of any subsequent date for the purpose of his amortization deduction under section 169 (a). The amount by which the purchase price paid by B and allocable to depreciable property ($28,000) exceeds the adjusted basis determined under section 169 (e) for such property ($25,000)—or $3,000—is treated as the adjusted basis (as of May 1, 1955) for the purpose of the depreciation deduction allowable under section 167. See § 1.169–7.

§ 1.169–7 *Depreciation of portion of grain-storage facility not subject to amortization.* The rule set forth in section 169 (a) (see § 1.169–3), that the amortization deduction with respect to a grain-storage facility is in lieu of any deduction for depreciation which would otherwise be allowable under section 167 with respect to the facility, is subject to an exception provided in section 169 (f). Under this exception, if the adjusted basis of the facility as computed under section 1011 for purposes other than the amortization deductions (see § 1.1011–1) is in excess of the adjusted basis computed under section 169 (e) for the purpose of the amortization deductions (see § 1.169–6), any excess shall be charged off over the useful life of the facility and recovered through depreciation deductions allowable under section 167. Thus, if the construction of a grain-storage facility was begun before January 1, 1953, no amortization deductions are allowable with respect to the amount attributable to such construction before such date (see § 1.169–6). However, the depreciation deduction provided by section 167 and the regulations thereunder is allowable with respect to the amount attributable to construction before January 1, 1953. Similarly, in the case of a subsequent owner the adjusted basis of a grain-storage facility computed under section 1011 for purposes other than the amortization deductions (see § 1.1011–1) may exceed the adjusted basis of the facility computed under section 169 (e) for amortization purposes. In such case the excess will be subject to the allowance for depreciation provided by section 167. For illustration of the treatment of the portion of a grain-storage facility which is subject to the allowance for depreciation, see example (2) in § 1.169–6 (f).

§ 1.169–8 *Life tenant and remainderman.* In the case of a grain-storage facility held by one person for life with the remainder to another person, the amortization deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant during his life.

[F. R. Doc. 58–6934; Filed, Aug. 26, 1958; 8:53 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 610—CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U. S. C. 205), the Secretary of Labor by Administrative Order No. 508 (23 F. R. 4036), as amended by Administrative Order No. 511 (23 F. R. 5215), appointed, convened, and gave notice of the hearing of Industry Committee No. 40–C to recommend the minimum wage rate or rates to be paid under section 6 of that Act (52 Stat. 1062, as amended; 29 U. S. C. 206) to employees in the children's dress and related products industry in Puerto Rico who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1064, as amended; 29 U. S. C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Order No. 45–A of the Secretary of Labor (15 F. R. 3290), the recommendations of the committee are hereby published in this order amending the Code of Federal Regulations. Effective September 12, 1958, 29 CFR Part 610 is amended to read as follows:

Sec.
610.1 Definition of the industry.
610.2 Wage rates.
610.3 Notices.

AUTHORITY: §§ 610.1 to 610.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 610.1 *Definition of the industry.* The manufacture from woven or knit fabric or from waterproof materials of the following garments: Dresses, blouses, shirts, and similar garments for girls; shirts and blouses for boys, size 6X and under; dresses, creepers, rompers, waterproof pants, diaper covers, sportswear, and play apparel for infants three years of age or under; and clothing and accessories for dolls; *Provided, however,* That the industry shall not include products manufactured by heat sealing, cementing, vulcanizing, or any operation similar thereto; or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

§ 610.2 *Wage rates.* (a) Wages at a rate of not less than 47 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the children's dress and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce, and who is engaged in the hand-embroidery classification which is defined as the operations of hand-embroidering, hand-embellishing, ornamental stitching, and other hand-sewing operations involving decorative effects.

(b) Wages at a rate of not less than 65 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees engaged in commerce or in the production of goods for commerce and who is engaged in the other operations classification which is defined as all operations in the children's dress and related products industry in Puerto Rico, other than these operations in the hand-embroidery classification of this industry.

§ 610.3 *Notices.* Every employer subject to the provisions of § 610.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 610.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 20th day of August 1958.

CLARENCE T. LUNDQUIST,
Administrator.

[F. R. Doc. 58–6937; Filed, Aug. 26, 1958; 8:54 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

BOHEMIA RIVER, MARYLAND

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 governing the operation of drawbridges across navigable waters discharging into the Atlantic Ocean south

of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, where constant attendance of draw tenders is not required, is hereby amended prescribing paragraph (f) (1–a) to govern the operation of the Maryland State Roads Commission bridge across Bohemia River at Cayots, Maryland, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(f) *Waterways discharging into Chesapeake Bay.* • • •

(1–a) *Bohemia River, Md.; Maryland State Roads Commission bridge at Cayots.* From May 30 to September 30, inclusive, except on Saturdays, Sundays, State and Federal holidays, between sunrise and sunset, and from October 1 to May 29, inclusive, except between the hours of 7:00 p. m. on Fridays and 7:00 a. m. on Mondays, inclusive, the draw will not be required to be opened except upon 3 hours' advance notice. From October 1 to May 29, inclusive, between the hours of 7:00 p. m. on Fridays and 7:00 a. m. on Mondays, inclusive, the draw will not be required to be opened except upon advance notice given prior to 7:00 p. m. on Friday. From May 30 to September 30, inclusive, between sunrise and sunset on Saturdays, Sundays, State and Federal holidays, the regulations contained in § 203.240 shall govern operation of this bridge.

[Regs., Aug. 11, 1958, 823.01 (Bohemia River, Md.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-6912; Filed, Aug. 26, 1958; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 31]

MALHEUR NATIONAL WILDLIFE REFUGE, OREGON

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to add § 31.208 to Chapter I, Title 50, Code of Federal Regulations, Subpart—Malheur National Wildlife Refuge, Oregon, as set forth in tentative form below. The purpose of the proposed regulation is to permit the hunting of migratory game birds on certain lands of the Malheur National Wildlife Refuge under certain limitations and subject to compliance with the laws and regulations of the State of Oregon.

The proposed regulation relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U. S. C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 22, 1958.

D. H. JANZEN,
Director, Bureau of
Sport Fisheries and Wildlife.

§ 31.208 *Hunting of migratory game birds permitted.* Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, the hunting of migratory game birds is permitted on the hereinafter described lands of the Malheur National Wildlife Refuge, Oregon, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The following described area is open to hunting:

T. 26 S., R. 31 E., W. M., N. M. L.,
Sec. 13, lots 1–6, incl., S½NW¼;
Sec. 14, lots 7 and 8, SE¼NE¼, NE¼SE¼;
Sec. 23, lots 1–4, incl., NW¼NE¼, E½SW¼;
Sec. 24, lots 1 and 2;
Sec. 25, lot 1 north of Malheur Lake, lots 1–11, incl., south of Malheur Lake;
Sec. 26, lots 1, 3, 4, and 5 south of Malheur Lake, lots 1–4, incl., W½NE¼, SE¼NW¼, north of Malheur Lake.
T. 25 S., R. 32 E., W. M., N. M. L.,
Sec. 36, lot 1, N½NE¼, SW¼NE¼.
T. 26 S., R. 32 E., W. M., N. M. L.,
Sec. 1, lots 1, 2, and 3;
Sec. 2, lots 1, 2, 6–9, incl.;
Sec. 3, lots 9–12, incl., N½SW¼;
Sec. 4, lots 9–13, incl., W½SW¼, NE¼SE¼;
Sec. 5, that part of lot 2 lying south of a line parallel to and 10 chains south of the north line of lot 2, lot 7, that part of lot 8 lying south of a line parallel to and 10 chains north of the south line of lot 8, NE¼SE¼, S½SE¼;
Sec. 8, lots 4–6, incl., N½NE¼, SW¼NE¼, NW¼SE¼;
Sec. 9, lots 1, 2, and 3;
Sec. 10, lots 1 and 2;
Sec. 17, lots 1, 2, and 3;
Sec. 18, lots 3–7, incl., N½NE¼.
T. 26 S., R. 31 E., W. M., S. M. L.,
Sec. 30, lots 4, 5, 11–14, incl.
T. 25 S., R. 32½ E., W. M., N. M. L.,
Sec. 31, lots 1, 2, and 3.

Also all the lakebed lands abutting upon and lying in front of the following described legal subdivisions:

T. 26 S., R. 31 E., W. M., N. M. L.,
Sec. 13, lots 1–6, incl.;
Sec. 14, lots 7 and 8;
Sec. 23, lots 1–4, incl.;
Sec. 24, lots 1 and 2;
Sec. 25, lot 1 north of Malheur Lake, lots 5, 9, 10, and 11 south of Malheur Lake;
Sec. 26, lots 1–4, incl., north of Malheur Lake, lots 1, 3, and 5 south of Malheur Lake.
T. 25 S., R. 32 E., W. M., N. M. L.,
Sec. 36, lot 1.
T. 26 S., R. 32 E., W. M., N. M. L.,
Sec. 1, lots 1, 2, and 3;
Sec. 2, lots 1, 2, 6–9, incl.;
Sec. 3, lots 9–12, incl.;
Sec. 4, lots 9–13, incl.;
Sec. 8, lots 4, 5, and 6;
Sec. 9, lots 1, 2, and 3;
Sec. 10, lots 1 and 2;
Sec. 17, lots 1, 2, and 3;
Sec. 18, lots 3–7, incl.
T. 26 S., R. 31 E., W. M., S. M. L.,
Sec. 30, lots 13 and 14.
T. 25 S., R. 32½ E., W. M., N. M. L.,
Sec. 31, lots 1 and 3.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

(d) *Boats.* The use of boats without motors for the purpose of hunting is permitted.

(e) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(f) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for these purposes. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

[F. R. Doc. 58-6944; Filed, Aug. 26, 1958; 8:56 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 961]

[Docket No. AO-160-A20]

HANDLING OF MILK IN PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

NOTICE OF POSTPONEMENT OF HEARING ON PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the postponement of a public hearing which was called to begin at 9:30 a. m., on August 28, 1958. The hearing is now scheduled to be convened in the Carlton Room, Sylvania Hotel, Broad and Locust Streets, Philadelphia, Pennsylvania, on September 18, 1958, beginning at 9:30 a. m., e. d. t.

The issue under consideration at this hearing is set forth in the notice of hearing issued by the Deputy Administrator, Agricultural Marketing Service, on August 19, 1958 and published in the FEDERAL REGISTER on August 22, 1958 (23 F. R. 6510, F. R. Doc. 58-6782).

Issued at Washington, D. C., this 22d day of August 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-6940; Filed, Aug. 26, 1958; 8:54 a. m.]

[7 CFR Part 1001]

HANDLING OF LIMES GROWN IN FLORIDA

NOMINATION PROCEDURE

Notice is hereby given that the Department is considering the approval of a proposed amendment, hereinafter set forth, to the rules and regulations (Subpart—Florida Lime Administrative Committee Rules and Regulations; 7 CFR 1001.110 et seq.) that are currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001), regulating the handling of limes grown in Florida. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

The amendment to the said rules and regulations was proposed by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof, and would add the following new section:

§ 1001.115 *Nomination procedure.* (a) Any grower who desires to be represented in a nomination meeting by a duly authorized agent and to have his vote cast by such agent in the nomination and election of nominees for grower members and alternate members to fill positions on the Florida Lime Administrative Committee, as provided in § 1001.22 (b) (2), shall submit to the committee, not later than January 20, a written statement containing the following:

(1) Name of grower;
(2) Mailing address;
(3) Location of each lime grove (either legal or from established landmarks);
(4) Number of lime trees owned;
(5) Number of 55-pound units of limes marketed to date during the current season;
(6) Name of the handler of the fruit marketed;
(7) Authorization, including the name and address, of the person who is to represent said grower at the nomination meeting.

(b) Any grower who has not filed the statement as prescribed in paragraph (a) of this section must be present at the nomination meeting to be eligible to have his vote counted in connection with the nomination and election of nominees.

(c) Any grower who, pursuant to the provisions of paragraph (a) of this section, has authorized an agent to cast such grower's vote, may rescind such authorization by appearing at the nomination meeting and exercising his right to vote in person.

All persons who desire to submit written data, views, or arguments for consideration in connection with said proposed amendment should do so by forwarding same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington 25, D. C., not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

Dated: August 22, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-6923; Filed, Aug. 26, 1958; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Regs. Draft Release 97]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

NOTICE OF PROPOSED RULE MAKING

AUGUST 21, 1958.

Notice is hereby given that the Civil Aeronautics Board has under consideration the amendment of Part 241 of the Economic Regulations (14 CFR Part 241). This proposed rule modifies, redefines, and in many cases clarifies the present accounting and reporting requirements.

The principal features of the proposed regulation are explained in the explanatory statement and the proposed amendments to Part 241 are set forth in the proposed rule.

This regulation is proposed under the authority of sections 205 (a), 407 (a) and 407 (d) of the Civil Aeronautics Act of 1938, as amended. (52 Stat. 984, 1000, 1004; 49 U. S. C. 425, 487, 496).

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate and addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All communications received on or before September 25, 1958, will be considered by the Board before taking further action thereupon. Copies of such communications will be available on or after September 30, 1958, for examination by interested persons in the Docket Section of the Board, Room 5412, Dept. of Commerce Building, Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

During the past year the Board has received industry comments and requests for waivers which indicate a need for amending and clarifying various provisions of the revised Uniform System of Accounts. Accordingly, amendments are proposed herein which, it is expected, will serve to save time and effort on the part of the Board and its staff and on the part of the carriers subject to accounting and reporting requirements by eliminating the necessity for case by case determinations of the several accounting and reporting issues. Apart from the elimination of difficulties arising from lack of specific or detailed coverage, the proposed amendment of this regulation affords an appropriate occasion for standardizing terms, correcting typographical errors, and incorporating changes which have occurred in operating authority. The nature of these changes renders unnecessary detailed analysis and explanation. As an aid to the public, however, the items involving substantive changes are briefly described below:

1. Section 241.03 provides separate definitions for "Service, charter" and "Service, special" in lieu of the present single definition of both under the caption "Service, charter and special."

2. Sections 241.04 and 241.05 add Trans Caribbean Airways, newly certificated, to the list of Group I Air Carriers, and improves the system of abbreviations for classifying air carrier operations.

3. Sections 241.2–11 and 241.6 require that all amounts receivable from and payable to other air carriers be accounted for in gross amounts. Under the present regulation, those traffic balances between air carriers which are normally settled in net amounts through airline clearing houses must be accounted for in net amounts receivable from or payable to each such clearing house. While the netting of these receivables and payables was prescribed in the present regulations at the request of the industry, there appears to be no support in general accounting practice for this requirement. Receivables and payables stand independent of each other in terms of ultimate objectives regardless of the techniques used for determining routine monthly settlement. Thus, as modified, the regulation would conform with general accounting practice.

4. Section 241.2–15 clarifies the intent of the regulation with respect to the accounting and reporting of contingencies in the balance sheet.

5. Section 241.13 provides that the cost of instrument repairs would be chargeable to "Other Flight Equipment" rather than to "Airframe" or "Aircraft Engine" repair accounts as now prescribed. This change is made in the light of industry representations as to the impracticability of including instrument repair costs in the prescribed accounts because of the separate controls exercised over instrument repairs.

6. Sections 241.22 and 241.23 provide that only two copies of Schedule A "Certification" need be filed instead of the three copies now prescribed; that Schedule B–6 "Distribution of Noncurrent Assets by Operating Entity" be filed only by air carriers having more than one operating entity; that interim reports be

filed every month, instead of for the first two months of each calendar quarter and within 30 instead of 40 days after the end of the reporting period; adds to the list of schedules comprising the CAB Form 41 report Schedule D–1 "Service Performed for the Defense Establishment" in conformance with the requirements prescribed by Regulation No. ER–221.

7. Section 241.24 clarifies the instructions for filing Schedules P–2, P–7, and P–8 and for filing interim income statements.

8. Section 241.25 adds a reference to the glossary in Item 016 "Number of Revenue Passenger Originations" on Schedules T–1 and T–2 and deletes the same reference from Item 017 "Number of Revenue Passenger Enplanements," and clarifies the instruction relating to Schedule T–4 by providing that Column 11 "Number of Revenue Passenger Originations" reflect passengers in scheduled services only.

It is proposed to revise Part 241 of the Economic Regulations (14 CFR Part 241) in the following respects:

1. By amending the definition of "Service, charter and special" in § 241.03 to read as follows:

Service, charter. Nonscheduled air transport service in which the party receiving transportation obtains exclusive use of an aircraft at published tariff rates and the remuneration paid by the party receiving transportation accrues directly to, and the responsibility for providing transportation is that of, the accounting air carrier.

2. By adding a new definition to § 241.03 to read as follows:

Service, special. Nonscheduled air transport services in which the party receiving transportation obtains exclusive use of an aircraft at other than tariff rates and/or individually-ticketed services not involving inter-airport transportation, whereby the remuneration paid by the party receiving transportation accrues directly to, and the responsibility for providing transportation is that of, the accounting air carrier.

3. By amending § 241.04 by adding "Trans Caribbean Airways, Inc.," and "Trans Car" to the list of Group I Air Carriers.

4. By amending § 241.05 to read as follows:

Operation	*Abbreviation*
Domestic Mail:	
Trunk Lines	DM Trunk.
Local Service	DM Local.
Intra-Territorial	DM Terr.
Domestic Non-Mail	DNM.
Foreign and Overseas Mail:	
Atlantic Ocean	FOM Atlantic.
Central and South America	FOM LAD.
Pacific Ocean	FOM Pacific.
States–Alaska	FOM S–Alaska.
Foreign and Overseas Non-Mail	FONM.

5. By amending § 241.2–2 (b) by deleting the words "charged to" and substituting therefor the words "recorded in".

6. By amending § 241.2–11 (a) by deleting the second sentence and that part of the third sentence which reads "which are not normally settled through airline clearing houses, and".

7. By amending § 241.2–15 to read as follows:

Contingent assets and contingent liabilities, except as permitted by Account 2930 "Other Appropriations of Retained Earnings", shall not be included in the body of the balance sheet but shall be explained in footnotes.

8. By amending the title of Accounts 1651 and 1751 in § 241.3 to read as follows: "Reserve for depreciation—hotel, restaurant and food service equipment."

9. By amending the second sentence of § 241.5–4 (i) (3) by deleting the words "remaining unexpired" and substituting therefore the word "expired".

10. By amending the instructions in § 241.6 for account 1240 to read as follows:

1240 *Accounts Receivable—General Traffic.* (a) Record here amounts due for the performance of air transportation, except those due from the United States and foreign governments and associated companies, includible in balance sheet accounts 1220 Accounts Receivable—U. S. Government, 1230 Accounts Receivable—Foreign Governments, and 1250 Notes and Accounts Receivable—Associated Companies. This account shall include gross amounts due whether settled through airline clearing houses or with individual carriers.

(b) Amounts payable, includible in account 2030 Collections as Agent—Traffic shall not be credited to this account.

11. By amending the instructions in § 241.6 for account 1250 Notes and Accounts Receivable—Associated Companies by deleting the words "but are not settled through airlines clearing houses" from the first sentence.

12. By amending the instructions in § 241.6 for account 2030 to read as follows:

2030 *Collections as Agent—Traffic.* (a) This account shall include amounts collected for transportation furnished by others, except associated companies, whether settled through airline clearing houses or with individual carriers.

(b) Accounts receivable, includible in account 1240 Accounts Receivable—General Traffic shall not be charged to this account.

13. By amending the first sentence of the instructions in § 241.6 for account 2050 Notes and Accounts Payable—Associated Companies to read as follows: "Record here gross amounts due on traffic accounts, current notes and open accounts with associated companies."

14. By amending § 241.7 by inserting the function "63" between 62 and 65 on line 26.1 in the column for Group III carriers.

15. By deleting the words "instruments or" from the instructions for the following subaccounts in § 241.13: 25.1 Labor—Airframes, 25.2 Labor—Aircraft Engines, 42.1 Airframe Repairs—Associated Companies, 42.2 Aircraft Engine Repairs—Associated Companies, 43.1 Airframe Repairs—Outside, 43.2 Airframe Engine Repairs—Outside, 46.1 Materials—Airframes, 46.2 Materials—Aircraft Engines.

16. By amending the instructions in § 241.13 for subaccounts 25.3, 42.3, 43.3, and 46.3 by inserting "(including instruments)" in the first sentence following the word "equipment", eliminating the words "instruments and," and adding a new sentence to read as follows: "Instruments shall include all gauges, meters, measuring devices, and indicators, together with appurtenances thereto for installation in aircraft and aircraft engines, which are maintained separately from airframes and aircraft engines."

17. By amending § 241.14 by deleting from account 88—Miscellaneous Non-operating Credits, the words "gains from sale of investment in securities of others."

18. By amending the second sentence in § 241.22 (a) by deleting the word "interim" and substituting therefor the words "Certification and Interim."

19. By amending the table of schedules in § 241.22 by

(a) Adding a new schedule No., title, filing frequency, and postmark interval as follows:

D–1—Service Performed for Defense Establishment—Quarterly—40.

20. By amending the filing requirements in § 241.22 for Interim Balance Sheets and Interim Income Statements by deleting the footnote in the Frequency column and by changing the numbers in the Postmark interval (days) column, relating thereto, from "40" to "30".

21. By amending § 241.23 by adding to paragraph (a) of the instructions under Schedule B–6 the words "where a carrier has more than one operating entity."

22. By amending the instructions in § 241.23 for Schedule B–41, paragraph (e), to change the number "(1)" to "(2)".

23. By amending the instructions in § 241.23 for Interim Balance Sheets to read as follows: "Each air carrier shall file each month two copies of balance sheets in the form prepared for its management."

24. By amending the instructions in § 241.24 for Schedule P–2 by redesignating paragraph (b) as paragraph (c) and inserting a new paragraph (b) to read as follows:

(b) Separate sets of this schedule shall be filed for each separate operating entity and for the overall or system operations of the air carrier.

25. By amending the instructions in § 241.24 for Schedule P–7 by amending paragraph (b), redesignating present paragraphs (c) through (f) as (d) through (g), and adding a new paragraph (c) to read as follows:

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) Two sets of this schedule shall be filed for each operating entity with the Form 41 report filed for the fourth calendar quarter of each calendar year. One set shall be filed for each operating entity for the first three quarters of each calendar year. One of the two sets filed for the fourth quarter of each year shall reflect the indicated data applicable to the twelve months ended December 31. All other sets shall reflect the indicated data applicable to the current quarter. An "X" shall be inserted in the box designated "Qr" at the head of each column of each report covering quarterly data and an "X" shall be inserted in the box designated "Yr" at the head of each column of each report covering 12-month data.

26. By amending § 241.24 by deleting from paragraph (b) under Schedule P–8 the word "Two" and substituting therefor the word "Separate."

27. By amending paragraph (a) of the instructions in § 241.24 for interim income statements to read as follows:

(a) Each air carrier shall file each month two copies of income statements in the form prepared for its management.

28. By amending the instructions in § 241.25 for Schedules T–1 and T–2 by adding after paragraph (g) the phrase "(See § 241.03 Passenger originations)" and deleting from paragraph (h) the phrase "(See § 241.03 for further definition)".

29. By amending the instructions in § 241.25 for Schedule T–4 by adding to paragraph (i) "in scheduled services (See § 241.03 for further definition)".

[F. R. Doc. 58–6943; Filed, Aug. 26, 1958; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C–020724, C–023139]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 19, 1958.

Pursuant to the following listed determination of the Federal Power Commission, and in accordance with authority delegated to me by the Colorado State Supervisor, Bureau of Land Management, effective February 19, 1958 (23 F. R. 1098), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn and reserved for power purposes, are hereby restored to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

Determination No.	Dates and types of withdrawal	Description of lands (Sixth Principal Meridian)
DA–408	Power Site Reserve No. 116, approved Feb. 18, 1910, and made permanent by Executive Order of July 2, 1910, the Withdrawal being construed by Interpretation No. 44, dated Mar. 7, 1924.	T. 4 S., R. 86 W., sec. 17, lot 18.
DA–410	Power Site Reserve No. 244, dated Feb. 17, 1912, as construed by Interpretation No. 44 of Mar. 7, 1924.	T. 4 S., R. 86 W., sec. 17, lot 15.

The above described lands contain 58.85 acres of public lands.

These lots are along the right and left bank of the Colorado River, about six miles upstream from Dotsero, Colorado. Rough, rocky terrain makes up the major portions of each lot, and supports only native vegetation. A county road crosses lot 15.

No applications for the lands will be allowed under the homestead, desert-land, small-tract, or any other non-mineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy, or disposition, until they have been classified.

The lands described shall be subject to application by the State of Colorado for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended.

Subject to any existing rights and the requirements of applicable law, the lands described are hereby opened to filing of applications, selections, and locations, in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation, will be adjudicated on facts presented in support of each claim or right. All applications presented by persons other than these referred to in this paragraph will be subject to applications and claims mentioned in this paragraph.

(2) All valid applications under the homestead, desert-land, and small tract laws, by qualified veterans of World War II or the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, presented prior to 10:00 a. m. on September 24, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour, and before 10:00 a. m. on December 24, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs 1 and 2 above, presented prior to 10:00 a. m. on December 24, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the Mineral Leasing Laws. They have also been open to location under the United States Mining Laws pursuant to the act of August 11, 1955 (66 Stat. 683; 30 U. S. C. 621–625).

Persons claiming veterans' preference under paragraph a2 must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F. R. Doc. 58–6913; Filed, Aug. 26, 1958; 8:50 a. m.]

ALASKA

SMALL TRACT PUBLIC SALE NO. 4–AOS; CANCELLATION

AUGUST 18, 1958.

Effective August 28, 1958, Federal Register Document 58–5835 appearing on pages 5802 and 5803 of the issue for July 31, 1958, is cancelled in its entirety This order involving terminated lease tracts under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, was published in error in that such orders do not require publication in the FEDERAL REGISTER.

L. T. MAIN,
Anchorage Operations Supervisor, Anchorage, Alaska.

[F. R. Doc. 58–6914; Filed, Aug. 26, 1958; 8:50 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[TC 342.5]

Coordinate Plotters

NOTICE OF PROSPECTIVE CLASSIFICATION

AUGUST 21, 1958.

It appears probable that a correct interpretation of paragraph 360, Tariff Act of 1930, requires that coordinate plotters be classified under the provision of such paragraph for mathematical instruments with duty at the rate of 25½ percent ad valorem a rate higher than that heretofore assessed under an established and uniform practice.

Pursuant to § 16.10a (d) of the Customs Regulations (19 CFR 16.10a (d)), notice is hereby given that the existing uniform practice of classifying such articles as drawing instruments under paragraph 360, Tariff Act of 1930, with duty at the rate of 19 percent ad valorem, is under review by the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration of such communications, they must be received in the Bureau not later than 30 days from the publication of this notice. No hearings will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 58-6935; Filed, Aug. 26, 1958; 8:53 a. m.]

Internal Revenue Service

Relief From Excess Profits Tax Because of an Inadequate Excess Profits Credit

ALLOWANCE DURING FISCAL YEAR ENDED JUNE 30, 1958

Subchapter E of Chapter 2 of the 1939 Internal Revenue Code imposes an excess profits tax on corporations for taxable years beginning after December 31, 1939. Under the provisions of this subchapter excess profits are measured by comparing the earnings for the current taxable year with a statutory excess profits credit.

Section 722 of Subchapter E reflects the recognition by Congress of the desirability and necessity of granting relief in meritorious cases to corporations which bear an excessive burden because of an inadequate excess profits credit. This section provides for the recomputation of excess profits tax on the basis of a reconstructed excess profits credit.

As required by section 6105 of the 1954 Internal Revenue Code the following list, containing the cases arranged alphabetically by internal revenue districts, shows the name and address of each corporation to which relief has been allowed, business, taxable years involved, excess profits credit before allowance of relief, increase in excess profits credit claimed, increase in excess profits credit allowed, decrease in excess profits tax, and increase in income tax. Allowances pursuant to decisions entered by The Tax Court of the United States have been made in eighty-two docketed cases. These are included in the list with appropriate notations. There are included as a supplemental to this list twelve cases in which relief was allowed by the Commissioner and two cases in which relief was allowed by The Tax Court of the United States during the fiscal year ended June 30, 1957. These cases were not included in the list of allowances made during the fiscal year 1957 previously published.

In order to determine the relief granted and the relevant data required to be published, intermediate computations of the excess profits tax and the income tax showing the amounts of taxes which would have been due without the benefits of section 722 were made. Comparison of the pertinent items and figures appearing in the application for relief and the tax computations after allowance of relief with those appearing in the intermediate tax computations developed the required data.

Explanations of certain items, as displayed in their respective column headings of the list, and the data evolved follow:

Business in which engaged, column 2. The business in which taxpayer is engaged is that reported in the income tax return of the corporation for the taxable year or years involved; therefore, it does not necessarily correspond with the business during the base period. In those instances where the return for the year involved failed to disclose the nature of the business, information from other sources was utilized. Moreover, since the nature of business shown usually represents a general description of the predominant business activity, it does not necessarily represent or reflect the business activity with respect to which an inadequate excess profits credit was established.

Excess profits credit before allowance of relief, column 4. The excess profits credit before allowance of relief is the credit originally claimed by the taxpayer, as corrected, whether based on income or invested capital.

Increase in the amount of excess profits credit claimed by taxpayer, column 5. The increase in the amount of excess profits credit claimed by taxpayer is the excess of the credit based on the constructive income claimed by the taxpayer over the credit before allowance of relief shown in column 4.

Increase in the amount of excess profits credit allowed, column 6. This increase in the amount of excess profits credit allowed is the excess of the recomputed credit based on constructive income finally allowed over the credit before allowance of relief shown in column 4.

Gross reduction in the excess profits tax, column 7.

Gross increase in the income tax, column 8. The gross reduction in the excess profits tax and the gross increase in the income tax resulting from the operation of section 722 are the difference between the gross taxes which would have been due without the benefits of section 722 and the gross taxes due after relief has been granted. The gross excess profits tax is the tax due prior to the deforment under section 710 (a) (5), the foreign tax credit under section 729, the credit for debt retirement under section 7[illegible] the ten percent credit under section 7[illegible] and the adjustment under section 7[illegible]. The gross income tax is the tax prior to the foreign tax credit under section 131.

The changes in the income and excess profits taxes shown reflect the effect of the increase attributable to section 722 in the unused excess profits credit carried forward from prior taxable years as well as the effect of the increase in unused excess profits credit carried back from subsequent years to the extent that claims with respect to unused credit carry-overs and carry-backs determined under section 722 were allowed within the same fiscal year.

While the decrease in excess profits tax is directly related to the increase in excess profits credit allowed, a number of factors serve to invalidate a comparison of the relationship of these two items applicable to a corporation for different taxable years or to different corporations for the same taxable year. Among the most important factors affecting this comparison are (1) increase in excess profits tax rates, (2) changes in rate structure from a graduated to a flat rate system, (3) effect of unused excess profits credits of prior and subsequent years attributable to section 722, (4) variations of provisions applicable to fiscal years, (5) limitation of excess profits tax to the amount of which 80 per cent of net income exceeds the income tax, applicable to certain taxable years, (6) relation of excess profits before the application of section 722 to the increase in excess profits credit allowed, and (7) reduction in excess profits net income due to change from invested capital method to income credit method.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

Lists containing the cases in which relief has been allowed for prior fiscal years have been published in the various issues of the FEDERAL REGISTER as follows:

Fiscal year ended—	Volume	Number	Date
June 30, 1942	9	194	Sept. [illegible]
June 30, 1943	9	194	Sept. [illegible]
June 30, 1944	9	219	Nov. [illegible]
June 30, 1945	10	224	Nov. [illegible]
June 30, 1946	11	196	Oct. [illegible]
June 30, 1947	12	197	Oct. [illegible]
June 30, 1948	13	206	Oct. [illegible]
June 30, 1949	14	201	Oct. [illegible]
June 30, 1950	15	205	Oct. [illegible]
June 30, 1951	16	211	Oct. [illegible]
June 30, 1952	17	175	Sept. [illegible]
June 30, 1953	18	164	Aug. [illegible]
June 30, 1954	19	185	Sept. [illegible]
June 30, 1955	20	219	Nov. [illegible]
June 30, 1956	21	183	Sept. [illegible]
June 30, 1957	22	173	Sept. [illegible]

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE

FISCAL YEAR ENDED JUNE 30, 1958

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of Sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of Sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Albany							
Palatine Dyeing Co., Inc., New St., St. Johnsville, N. Y.	Custom dyeing	Dec. 31, 1940[1]	$16,293.83	$105,834.07	$11,829.67	$2,068.62	None
		Dec. 31, 1941[1]	19,652.37	102,792.03	14,962.63	5,985.05	1,855.37
		Dec. 31, 1942[1]	21,764.14	101,160.26	13,330.86	11,997.78	7,065.36
		Dec. 31, 1943[1]	21,764.14	101,160.26	13,330.86	11,997.78	7,065.36
		Dec. 31, 1944[1]	30,110.41	101,343.40	13,514.00	13,214.00	6,900.86
		Dec. 31, 1945[1]	50,327.82	96,238.20	8,408.80	7,988.36	3,263.53
Atlanta							
National Linen Service Corp., 445 Highland Ave., NE., Atlanta, Ga.	Linen service	Aug. 31, 1941[1]	912,924.08	442,814.20	10,950.92	4,380.36	None
		Aug. 31, 1942[1]	1,117,178.80	854,631.83	13,321.20	8,671.56	2,961.95
		Aug. 31, 1943[1]	1,117,178.80	951,670.49	13,321.20	11,989.06	5,228.47
		Aug. 31, 1944[1]	1,120,670.78	600,372.65	13,321.20	12,453.12	5,228.45
		Aug. 31, 1946[1]	1,142,502.24	403,902.42	13,321.20	4,239.94	1,781.03
Austin							
Yoakum Industries, Inc., formerly: Texas Tanning & Manufacturing Co., and Tex Tan of Yoakum, Yoakum, Tex.	Tanning and leather manufacture.	Apr. 30, 1941[1]	27,716.73	62,499.41	5,312.87	1,328.21	None
		Apr. 30, 1942[1]	34,159.55	77,217.84	16,190.45	7,003.42	2,171.06
		Apr. 30, 1943[1]	35,608.09	77,217.80	16,190.45	14,571.41	7,697.13
		Apr. 30, 1944[1]	36,151.71	77,217.84	16,190.45	12,875.41	7,411.67
Baltimore							
Crown Cork & Seal Co., Inc., 4425 Eastern Ave., Baltimore, Md.	Manufacturers of closures, machinery, etc.	Dec. 31, 1941[1]	2,475,245.07	1,493,507.12	422,254.93	433,906.56	134,536.93
		Dec. 31, 1943[1]	2,583,541.35	1,385,210.84	313,958.65	282,362.78	125,583.40
		Dec. 31, 1944[1]	2,567,250.45	1,401,501.74	330,249.55	313,737.06	132,090.51
		Dec. 31, 1945[1]	2,701,881.54	1,266,870.65	336,714.86	319,879.14	134,685.96
Crown Cork & Seal Co., Inc., and Subsidiaries, 4426 Eastern Ave., Baltimore, Md.	Manufacturers of closures, machinery, etc.	Dec. 31, 1942[1]	2,335,885.94	3,767,360.81	775,364.06	697,827.65	325,632.91
Boston							
Mutual Shoe Co., 135 Maple St., Marlboro, Mass.	Manufacturers of women's novelty shoes.	May 31, 1943[2]	17,953.11	58,046.89	3,288.89	4,775.63	2,008.62
		May 31, 1944[2]	18,923.78	57,076.22	2,318.22	3,797.05	1,781.23
		May 31, 1945[2]	19,556.96	56,443.04	1,685.04	2,783.03	1,535.99
Western Massachusetts Theatres, Inc., 265 State St., Springfield, Mass.	Motion picture theaters	Dec. 31, 1940[1]	57,637.35	96,156.68	16,462.65	683.11	None
		Dec. 31, 1941[1]	69,156.56	84,637.47	18,893.44	18,802.12	5,858.11
		Dec. 31, 1942[1]	76,374.85	96,064.18	13,875.15	12,487.64	5,550.06
Brooklyn							
Consolidated Cork Corp., 4012 Second Ave., Brooklyn, N. Y.	Manufacturers of bottle crowns.	Dec. 31, 1940[1]	74,187.53	64,913.54	3,712.47	1,113.75	None
		Dec. 31, 1941[1]	81,121.49	111,471.28	23,378.51	11,689.25	3,622.73
		Dec. 31, 1942[1]	81,121.49	165,925.99	23,378.51	21,040.66	9,351.41
		Dec. 31, 1943[1]	81,121.49	221,210.06	23,378.51	21,040.65	9,351.47
		Dec. 31, 1944[1]	81,121.49	221,210.06	23,378.51	22,209.59	9,351.41
		Dec. 31, 1945[1]	81,121.49	221,210.06	23,378.51	22,209.58	9,351.40
Buffalo							
Michaels, Stern & Co., Inc., 87 Clinton Ave., North, Rochester 2, N. Y.	Manufacturers—men's clothing.	Nov. 30, 1942[1]	150,412.33	400,504.74	None	5,960.30	2,283.60
		Nov. 30, 1943[1]	129,691.26	421,225.81	3,308.74	15,551.25	6,856.11
		Nov. 30, 1944[1]	133,746.94	417,170.13	None	10,068.90	4,258.52
		Nov. 30, 1945[1]	133,096.94	417,820.13	None	9,783.29	4,110.28
		Nov. 30, 1946[1]	132,891.69	418,025.38	108.31	848.14	357.11
Chicago							
Automatic Canteen Co. of America, 222 North Bank Dr., Chicago 54, Ill.	Confectionery and drink merchandising.	Sept. 30, 1941[1]	603,601.68	234,516.90	48,485.99	21,818.70	None
		Sept. 30, 1942[1]	732,511.71	307,018.88	75,180.50	50,793.18	18,098.78
		Sept. 30, 1943[1]	721,443.24	316,234.73	82,711.55	74,440.40	33,084.62
		Sept. 30, 1944[1]	737,428.23	316,234.73	82,711.55	77,536.42	33,084.61
		Sept. 30, 1945[1]	736,818.69	316,234.74	82,711.55	78,575.97	33,084.62
		Sept. 30, 1946[1]	763,655.81	316,234.73	82,711.55	19,805.45	8,220.14
Avildsen Tools & Machines Inc., Formerly: Republic Drill & Tool Co., 322 South Green St., Chicago, Ill.	Manufacturers of twist drills	July 18, 1941 to June 30, 1942[2]	48,057.58	913,541.56	87,871.85	51,104.50	16,842.40
Bliss & Laughlin, Inc., Harvey, Ill.	Manufacture of cold drawn steel.	Dec. 31, 1940[1]	499,453.85	1,172,192.83	84,796.13	38,043.03	None
		Dec. 31, 1941[1]	605,440.07	1,066,206.63	154,599.93	92,735.95	28,748.13
		Dec. 31, 1942[1]	742,337.74	929,308.96	17,662.26	15,895.04	7,084.91
		Dec. 31, 1943[1]	742,337.74	929,308.96	17,662.26	15,895.03	7,084.90
		Dec. 31, 1944[1]	742,337.74	929,308.96	17,662.26	16,779.14	7,084.90
		Dec. 31, 1945[1]	742,337.74	929,308.96	17,662.26	16,779.15	7,084.90
Caspers Tin Plate Co., 4100 West 42d Pl., Chicago, Ill.	Lithographing of sheet steel	Dec. 31, 1945[1]	88,487.97	176,262.69	41,662.03	31,927.67	14,738.17
Dad's Root Beer Co., 2800 North Tallman Ave., Chicago 18, Ill.	Manufacturers—carbonated beverages.	Dec. 31, 1941[1]	22,506.41	1,934,531.59	48,743.59	22,386.41	6,940.41
		Dec. 31, 1942[1]	22,506.41	1,934,531.59	48,743.59	36,940.50	22,371.21
		Dec. 31, 1943[1]	22,506.41	8,645,141.59	48,743.59	43,869.23	19,497.44
		Dec. 31, 1944[1]	22,506.41	8,645,141.59	48,743.59	46,305.41	19,517.44
J. G. C. Co., Formerly: John Griffiths and Son Construction Co., 228 North LaSalle St., Chicago 1, Ill.	General contractors	Dec. 31, 1942[1]	51,221.78	174,403.22	16,278.22	60,727.12	26,980.94
Kroehler Manufacturing Co., Naperville, Ill.	Manufacture of furniture	Dec. 31, 1941[1]	930,822.88	507,161.14	57,030.69	59,867.69	18,565.19
		Dec. 31, 1942[1]	973,485.00	464,635.45	14,515.00	13,062.78	5,805.68
Marshall Field & Co., 25 East Washington St., Chicago, Ill.	Manufacture and deal in merchandise.	Dec. 31, 1942	4,987,279.66	4,923,275.95	254,841.05	229,356.94	101,936.42
		Dec. 31, 1943	5,147,400.80	4,763,154.81	94,719.91	85,247.92	37,887.96
		Dec. 31, 1944	5,102,780.01	4,807,775.60	139,340.70	132,373.66	58,736.25
		Dec. 31, 1945[1]	5,250,940.13	4,733,100.39	64,665.49	61,432.22	25,866.19
Massey Concrete Products Co., 111 West Washington St., Chicago, Ill.	Manufacturing concrete products.	Dec. 31, 1941[1]	13,007.73	392,609.54	3,142.27	9,352.39	2,899.30
		Dec. 31, 1942[1]	14,504.07	391,113.20	1,645.93	7,607.98	4,333.26
Motor Master Products Corp., 1800 Winnemac Ave., Chicago 40, Ill.	Manufacture of spark plugs	Mar. 31, 1942[1]	5,514.34	64,210.12	1,642.82	1,800.50	812.84
		Mar. 31, 1943[1]	5,706.90	64,017.56	1,350.26	1,215.23	384.98
Reynolds Engineering Co., 501 38th St., Rock Island, Ill.	Jobbing machine shop	Dec. 31, 1941[1]	31,314.19	24,816.72	6,020.81	3,010.40	953.23
		Dec. 31, 1942[1]	31,314.19	24,816.72	6,020.81	5,418.73	3,191.06
		Dec. 31, 1943[1]	31,314.19	24,816.72	6,020.81	5,418.73	3,191.06
		Dec. 31, 1944[1]	31,314.19	24,816.72	6,020.81	5,719.77	3,191.06
		Dec. 31, 1945[1]	31,314.19	24,816.72	6,020.81	5,719.77	3,191.06
Stoner Manufacturing Corp., 328 Gale St., Aurora, Ill.	Novelty manufacturers	Dec. 31, 1942	46,457.29	131,852.87	11,777.71	27,078.89	13,138.76
		Dec. 31, 1943	49,134.85	146,611.64	25,155.15	15,289.62	10,062.67
		Dec. 31, 1944[1]	49,134.85	146,611.64	25,155.15	47,894.77	20,124.12
The Whitcomb Locomotive Co., % Baldwin-Lima-Hamilton Corp., Eddystone, Pa.	Manufacture of small locomotives.	Dec. 31, 1945[1]	115,782.26	148,822.19	50,990.24	33,778.02	30,396.10

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1958

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of Sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of Sec. 723
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Cleveland							
The Ohio Boxboard Co., Rittman, Ohio	Manufacturer of paper board and boxes.	Dec. 31, 1941[1]	$312,941.10	$234,696.65	$14,808.90	$8,885.34	$8,784.45
		Dec. 31, 1942[2]	355,599.10	192,038.65	71,900.90	66,046.84	28,854.15
		Dec. 31, 1943[3]	384,898.37	162,739.38	42,601.63	41,808.27	15,881.45
Dallas							
E. M. Goodwin Inc., Mission, Tex	Fruit production & orchard care.	Dec. 31, 1941[1]	7,741.91	64,298.59	8,045.76	3,003.12	720.75
		Dec. 31, 1942[2]	8,950.07	63,090.43	11,495.30	10,345.77	2,554.62
		Dec. 31, 1943[3]	13,845.20	58,195.30	9,933.43	8,940.08	2,446.63
		Dec. 31, 1944[4]	13,474.91	58,565.59	19,146.56	18,180.24	6,981.33
		Dec. 31, 1945[5]	13,474.19	58,566.31	19,964.42	18,966.20	14,137.34
E. T. Renfro Drug Co., 1601 North Ballinger St., Fort Worth, Tex.	Retail drugs	Dec. 31, 1942[1]	36,427.89	28,645.87	8,713.63	22,611.38	10,049.51
Des Moines							
May Seed and Nursery Co., Shenandoah, Iowa	Merchandising	June 30, 1942[1]	23,343.27	164,528.11	68,711.73	31,387.69	9,739.13
Detroit							
Hoover Ball & Bearing Co., Formerly: Gerity Michigan Corp. and Gerity-Adrian Manufacturing Corp., Ann Arbor, Mich.	Manufacturers of war materials.	June 30, 1941[1]	15,508.36	182,266.64	6,012.46	3,824.60	None
		June 30, 1942[2]	23,281.27	227,734.98	10,691.46	10,485.18	3,239.63
		June 30, 1943[3]	27,859.00	224,086.18	7,044.67	11,834.60	5,099.35
		June 30, 1945[5]	24,653.53	227,383.05	10,339.54	24,542.73	11,668.51
Motor Products Corp., 11801 Mack Ave., Detroit 14, Mich.	Manufacturers of automobile parts.	June 30, 1943[3]	1,159,357.63	1,406,311.77	None	336,678.93	169,633.09
F. L. Jacobs Co., Successor by merger to Continental Die Casting Corp., 17312 West McNichols Rd., Detroit, Mich.	Manufacture of automobiles, hardware and ordnance materials.	Dec. 31, 1943[3]	151,558.31	290,028.47	57,941.69	43,147.52	19,170.63
		Dec. 31, 1944[4]	151,568.31	290,028.47	47,941.69	18,591.24	7,527.69
		Dec. 31, 1945[5]	151,558.21	290,028.57	47,941.79	62,997.96	26,538.69
Standard Tube Co., 24300 Plymouth Rd., Detroit, Mich.	Manufacture of welded and formed steel tubing and steel forging.	Dec. 31, 1943[3]	71,485.14	218,107.74	15,487.36	14,028.28	6,332.12
Greensboro							
Erwin Mills, Inc., Formerly: The Erwin Cotton Mills Co., Durham, N. C.	Manufacturer cotton textiles	Dec. 31, 1942[2]	1,018,052.45	1,630,383.56	None	1,533.45	681.63
		Dec. 31, 1943[3]	1,008,909.40	1,639,526.61	None	1,495.35	664.63
		Dec. 31, 1944[4]	938,040.45	1,710,395.56	68,959.55	70,016.59	29,490.63
		Dec. 31, 1945[5]	936,178.06	1,712,257.95	70,821.94	68,382.85	26,792.77
Jenkins-Jones Motor Corp., Transferor W. H. Jones, et al., Transferees Kinston, N. C.	Ford agency	Oct. 31, 1942[2]	3,724.15	53,275.85	5,775.85	1,722.28	699.12
		Oct. 31, 1943[3]	5,163.05	51,836.95	4,336.95	3,903.26	1,179.67
		Nov. 1, 1943 to Dec. 31, 1943[3]	4,518.77	52,481.23	4,981.23	749.23	303.12
R. J. Reynolds Tobacco Co., Fourth and Main Sts., Winston-Salem 1, N. C.	Manufacture—cigarettes and tobacco.	Dec. 31, 1940	27,888,423.81	4,835,197.34	173,421.37	54,332.24	None
		Dec. 31, 1941	33,116,199.55	4,844,163.60	193,126.85	115,876.11	35,921.03
		Dec. 31, 1942	33,045,239.95	4,844,982.80	201,448.62	435,264.57	198,488.93
		Dec. 31, 1943	32,974,724.30	4,853,769.85	282,178.68	507,921.62	226,742.94
Helena							
Montana Flour Mills Co., 900 16th St., Great Falls, Mont.	Merchant millers	June 30, 1943[3]	286,589.77	430,768.60	22,160.23	90,458.52	40,203.79
Jackson							
Armstrong Tire and Rubber Co., Natchez, Miss	Manufacturer of auto and truck tires and tubes.	Jan. 31, 1941[1]	100,592.02	342,058.06	67,830.11	28,659.69	None
		Jan. 31, 1942[2]	133,905.80	678,523.00	102,344.20	65,907.59	6,544.76
		Jan. 31, 1943[3]	129,693.36	682,735.44	106,556.64	110,318.44	40,096.42
		Jan. 31, 1944[4]	132,421.79	680,207.01	104,028.21	82,277.45	47,633.28
		Jan. 31, 1945[5]	161,378.69	651,050.11	74,871.31	91,896.74	38,088.38
		Jan. 31, 1946[6]	179,862.67	632,566.13	56,387.33	38,099.56	27,947.12
Sunflower Grocery Co., Drew, Miss	Wholesale grocery	Dec. 31, 1943[3]	8,405.31	7,279.41	429.69	386.72	138.69
Jacksonville							
Moore Dry Kiln Co., 1220 West State St., Jacksonville, Fla.	Dry kiln manufacturers	Dec. 31, 1944	67,770.98	169,573.02	11,223.02	10,661.87	4,488.22
Kansas City							
Collins Construction Co., 800 Land Bank Bldg., Kansas City, Mo.	General building contractors	Dec. 31, 1942[2]	7,626.99	36,054.82	4,248.01	6,849.69	2,698.63
		Dec. 31, 1943[3]	7,626.99	36,054.82	4,248.01	3,823.21	1,233.67
Shallow Water Refining Co., P. O. Box 459, Garden City, Kans.	Oil refining	July 31, 1943[3]	27,794.04	87,588.94	4,505.96	12,027.85	5,497.15
		July 31, 1945[5]	27,794.04	87,588.94	4,505.96	2,696.62	1,064.63
Little Rock							
Arkansas Motor Coaches Ltd., Inc., 627 Pyramid Bldg., Little Rock, Ark.	Bus transportation	Dec. 31, 1942[2]	2,715.66	62,077.28	18,181.34	21,347.56	13,394.37
Los Angeles							
Southwest Exploration Co., 811 West Seventh St., Los Angeles, Calif.	Oil and gas production	Dec. 31, 1940	147,487.24	273,165.16	193,613.36	47,401.28	None
		Dec. 31, 1941	181,835.29	323,215.11	393,131.06	176,411.67	54,987.61
		Dec. 31, 1942	181,835.29	323,215.11	423,834.36	453,415.31	201,517.92
		Dec. 31, 1943	181,835.29	354,101.51	423,834.36	381,450.93	169,589.75
		Dec. 31, 1944	181,835.29	665,347.16	423,834.36	321,821.02	160,538.76
		Dec. 31, 1945	181,835.29	774,345.41	423,834.36	294,548.54	168,533.75
Treesweet Products Co., 1080 East Fourth St., Santa Ana, Calif.	Fruit juice canning	May 31, 1941[1]	30,482.10	127,628.49	34,953.90	11,328.36	None
		May 31, 1942[2]	27,799.62	130,310.97	52,000.38	26,029.98	8,969.69
		May 31, 1943[3]	31,118.49	79,492.10	48,681.51	49,075.47	22,307.39
		May 31, 1944[4]	31,983.78	126,126.81	47,816.22	45,639.74	21,476.39
		May 31, 1945[5]	35,191.86	122,918.73	44,608.14	35,122.95	20,129.68
Wilmington Gasoline Co., 555 South Flower St., Los Angeles 13, Calif.	Natural gasoline manufacturing.	Apr. 30, 1944[4]	18,426.57	37,725.87	22,412.29	40,875.87	19,570.63
Louisville							
Taylor & Williams Distilleries, Inc., 3000 Seventh Street Rd., Louisville, Ky.	Distillery	June 30, 1941[1]	200,445.29	1,079,691.42	33,234.81	11,112.40	None
		June 30, 1942[2]	242,288.22	1,037,848.49	42,711.78	20,797.67	6,447.28
		June 30, 1943[3]	237,982.22	1,037,848.49	42,711.78	58,325.54	25,922.67

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1958

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of Sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of Sec. 723
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Milwaukee							
Bergstrom Paper Co., 225 West Wisconsin, Neenah, Wis.	Manufacture of paper	Dec. 31, 1941[1]	$112,413.82	$23,121.34	$7,603.77	$4,939.50	$1,831.25
		Dec. 31, 1942[2]	116,745.83	18,318.59	12,596.38	20,580.67	9,146.97
		Dec. 31, 1943[3]	118,666.33	16,395.09	10,612.88	17,632.87	7,835.70
Waite Carpet Co., 556 Mt. Vernon St., Oshkosh, Wis.	Manufacture of rugs, carpets, etc.	Dec. 31, 1940[1]	51,710.07	98,022.35	7,237.43	3,266.85	None
		Dec. 31, 1941[1]	55,700.59	100,773.00	13,649.41	6,824.70	2,115.66
		Dec. 31, 1942[2]	63,156.04	99,185.42	6,193.96	9,736.94	4,327.53
		Dec. 31, 1943[3]	68,060.56	94,283.90	1,289.44	5,640.80	2,507.04
Albert H. Weinbrenner Co., 2025 North Summit Ave., Milwaukee, Wis.	Shoe manufacturing	Dec. 31, 1941[1]	192,089.79	149,889.07	49,546.23	26,698.22	8,577.73
		Dec. 31, 1942[2]	206,122.75	290,928.79	34,733.40	36,198.04	16,048.01
		Dec. 31, 1943[3]	207,544.91	292,294.33	33,311.24	32,201.05	14,311.57
		Dec. 31, 1944[4]	211,004.91	296,046.53	29,851.24	30,129.24	12,686.09
		Dec. 31, 1945[5]	214,632.26	296,694.73	30,499.34	30,274.09	12,747.23
Nashville							
Davenport Hosiery Mills, Inc., 110–116 East Ninth St., Chattanooga, Tenn.	Manufacturers of women's full fashioned hosiery.	Dec. 31, 1940[2]	230,565.19	445,269.75	42,864.81	13,676.47	None
		Dec. 31, 1941[2]	275,072.36	534,845.13	139,127.61	133,374.10	41,345.97
		Dec. 31, 1942[2]	274,129.08	535,789.44	140,070.92	41,346.68	18,376.30
		Dec. 31, 1943[3]	271,858.41	538,060.11	142,341.59	128,107.43	56,936.63
The Hippodrome Motor Co., 1212 Broad St., Nashville 3, Tenn.	Automobile and trucks, parts and service.	Dec. 31, 1945[5]	268,764.58	541,153.94	145,435.42	138,163.65	88,174.17
		Dec. 31, 1944[4]	10,116.19	53,848.12	2,283.81	2,164.50	660.74
		Dec. 31, 1945[5]	10,027.99	53,933.82	2,322.01	2,205.01	672.28
Tennessee Wholesale Drug Co., 160 Second Ave., North, Nashville, Tenn.	Wholesale drugs and sundries.	Dec. 31, 1942[2]	20,703.99	4,863.35	956.01	900.41	506.68
		Dec. 31, 1943[3]	20,703.99	4,863.35	956.01	860.41	506.68
		Dec. 31, 1944[4]	20,703.99	4,863.35	956.01	908.21	506.68
Newark							
Baker & Company, Inc., 113 Astor St., Newark 5, N. J.	Refiners and workers of precious metal.	Dec. 31, 1941[1]	431,587.50	363,892.10	43,412.50	14,602.85	4,526.88
Hackensack Cable Corp., 110 Orchard St., Hackensack, N. J.	Manufacturing wire rope and cable.	Dec. 31, 1941[1]	960.25	74,653.10	10,724.75	4,526.63	1,403.27
		Dec. 31, 1942[2]	2,440.10	73,173.25	9,244.90	7,653.87	2,496.12
		Dec. 31, 1943[3]	979.79	74,633.56	10,705.21	6,168.94	2,921.12
		Dec. 31, 1944[4]	1,056.60	74,556.75	10,628.40	4,508.38	2,914.67
		Dec. 31, 1945[5]	4,949.60	70,663.75	6,735.40	5,047.65	2,582.68
Tankport Terminals, Inc., 1180 Raymond Blvd., Newark, N. J.	Tank storage and blending of petroleum products.	Apr. 30, 1944[4]	23,367.40	98,070.60	18,346.60	20,415.60	11,641.02
		Apr. 30, 1945[5]	23,873.73	97,564.27	17,840.27	20,268.56	11,664.90
		Apr. 30, 1946[6]	25,093.80	96,344.20	16,620.20	9,861.69	5,501.79
New Orleans							
Seatrain Lines, Inc., 1024 Whitney Bank Bldg., New Orleans 12, La.	Water transportation	Dec. 31, 1940[1]	589,157.32	566,328.59	75,842.68	29,930.97	None
		Dec. 31, 1941[1]	696,163.60	1,367,594.20	586,336.40	351,801.84	100,058.57
		Dec. 31, 1942[2]	696,163.60	1,367,594.20	703,186.40	675,148.74	300,066.11
		Dec. 31, 1944[4]	696,163.60	1,254,767.31	703,186.40	613,897.15	268,453.01
		Dec. 31, 1945[5]	696,163.60	1,254,767.31	703,186.40	1,274,649.03	636,694.36
Vignes-Bombet Co., Inc., 800 St. Philip St., Baton Rouge, La.	Wholesale beer and liquor	Dec. 31, 1941[1]	16,052.37	53,019.05	5,008.68	2,001.48	630.45
		Dec. 31, 1942[2]	16,115.46	46,221.49	4,940.59	4,446.53	1,826.67
		Dec. 31, 1943[3]	16,115.45	46,592.40	4,940.60	4,446.53	1,823.59
		Dec. 31, 1944[4]	16,115.46	46,221.49	4,940.59	4,693.56	2,618.51
		Dec. 31, 1945[5]	16,115.46	46,221.49	4,940.59	4,693.56	2,618.51
Oklahoma City							
Frank's Manufacturing Corp., 2801 Dawson Rd., Tulsa, Okla.	Machine shop and manufacturing.	Dec. 31, 1940[2]	5,971.80	61,303.08	17,685.79	8,884.70	None
		Dec. 31, 1941[2]	7,955.10	105,335.85	20,534.90	11,908.58	3,691.66
		Dec. 31, 1942[2]	24,978.78	61,198.24	3,621.22	9,231.17	5,014.49
Orbit Valve Co., formerly: The Oil Well Improvement Co., Tulsa, Okla.	Oil well supplies—manufacturers and distributors.	June 30, 1942[2]	18,418.18	85,919.62	5,526.82	3,310.26	1,455.51
		June 30, 1943[3]	17,651.21	84,686.60	4,293.79	3,905.45	1,228.59
		June 30, 1944[4]	20,010.18	82,327.62	1,934.82	1,789.42	1,153.73
Omaha							
Boyd Jewelry Co., Inc., 1144 O St., Lincoln, Nebr	Retail jewelry	Dec. 31, 1942[2]	4,266.82	7,125.49	673.18	2,101.69	630.31
Parkersburg							
Wheeling Corrugating Co., Wheeling Steel Bldg., Wheeling, W. Va.	Sheet steel and formed products.	Dec. 31, 1942	1,341,195.17	1,508,804.83	178,804.83	160,924.35	71,821.93
		Dec. 31, 1943	1,341,195.17	1,508,804.83	178,804.83	160,924.35	71,821.93
		Dec. 31, 1944	1,341,195.17	1,508,804.83	178,804.83	160,964.59	71,821.95
		Dec. 31, 1945	1,570,548.40	1,801,951.80	139,451.60	132,479.02	55,730.64
Philadelphia							
M. L. Bayard & Co., Inc., 20th St. and Indiana Ave., Philadelphia, Pa.	Manufacturers of special heavy machinery.	Dec. 31, 1941[1]	30,352.52	247,785.63	3,562.48	2,420.08	780.23
Electric Heating Equipment Co., 26 South 32d St., Philadelphia 4, Pa.	Electric heating engineers—contracting.	Dec. 31, 1940[1]	1,693.58	57,776.42	4,794.92	950.33	None
		Dec. 31, 1941[1]	1,559.64	57,610.36	6,053.86	2,827.45	536.12
		Dec. 31, 1942[1]	5,222.84	54,246.16	2,889.66	2,953.97	1,205.09
		Dec. 31, 1943[1]	5,523.73	53,946.27	2,389.77	25,871.43	1,079.01
Kessler Chemical Co., Inc., State Road and Cottman Ave., Philadelphia 35, Pa.	Chemicals, synthetics, plastics, etc.	Mar. 31, 1942[2]	3,899.24	92,516.20	13,200.76	5,657.00	1,708.11
		Mar. 31, 1943[3]	6,295.18	90,604.82	10,804.82	7,874.00	2,965.75
		Mar. 31, 1944[4]	8,759.81	88,140.19	8,340.19	6,742.23	2,693.77
		Mar. 31, 1945[5]	10,158.45	84,690.11	6,941.55	2,738.41	1,896.98
Pennsylvania Power & Light Co., 9th and Hamilton Sts., Allentown, Pa.	Public utility	Mar. 31, 1946[6]	6,827,301.81	1,602,683.47	972,830.91	1,358,761.62	603,895.38
		Dec. 31, 1942	6,853,968.27	2,161,345.28	940,709.23	41,776.24	18,567.22
		Dec. 31, 1943	6,954,358.98	2,161,345.28	839,954.00	2,454,283.75	1,083,952.63
		Dec. 31, 1944					
Pittsburgh							
Glenshaw Glass Co., Glenshaw, Pa	Manufacturers of glass containers.	Sept. 30, 1943[3]	159,234.13	70,563.29	26,015.87	24,003.13	10,406.22
Rockwell Manufacturing Co., formerly: Merco Nordstrom Valve Co., 400 North Lexington Ave., Pittsburgh, Pa.	Sale of valves and accessories	Dec. 31, 1940[1]	484,215.90	80,663.30	10,005.17	2,854.16	None
		Nov. 30, 1941[1]	584,822.22	77,464.87	12,764.91	7,071.48	2,166.60
Westinghouse Electric Corp., Formerly: Westinghouse Electric & Manufacturing Co., 3 Gateway Center, P. O. Box 2278, Pittsburgh, Pa.	Manufacture, sale, and installation of electrical and steam apparatus.	Dec. 31, 1940	14,933,975.12	6,171,353.32	1,311,094.88	476,899.85	None
		Dec. 31, 1941	17,123,581.80	10,609,011.55	3,930,162.90	2,110,030.45	724,908.66
		Dec. 31, 1942	21,674,101.53	9,184,162.20	2,023,299.21	1,855,986.57	804,539.03
		Dec. 31, 1943	21,580,786.26	9,477,567.47	2,316,704.48	2,061,119.43	922,767.19
Providence							
Lloyd Manufacturing Co., Inc., 3661 West Shore Rd., Apponang, R. I.	Manufacturing rubber goods and rubberizing fabrics.	Dec. 31, 1941[1]	11,790.20	87,364.66	12,709.66	13,086.18	4,056.73
		Dec. 31, 1942[2]	13,880.89	85,344.11	13,619.11	12,533.49	5,816.08
		Dec. 31, 1943[3]	15,102.98	84,072.35	12,347.35	11,395.76	5,478.20

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1958

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of Sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of Sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Reno							
Wells Cargo, Inc., Formerly: Wells, Inc., 1775 East Fourth St., Reno, Nev.	Motor freight transportation	Dec. 31, 1942[1]	$14,582.97	$41,353.03	$4,417.03	$4,066.97	$1,[illegible]
		Dec. 31, 1943[1]	14,582.97	41,353.03	4,417.03	7,950.66	4,[illegible]
Richmond							
Shenandoah Knitting Mills, Inc., 2500 North Brevard St., Charlotte, N. C.	Manufacturers of women's hosiery.	Dec. 31, 1941[1]	13,742.87	22,566.53	7,476.13	3,457.70	1,[illegible]
		Dec. 31, 1943[1]	15,980.35	20,624.35	5,733.65	5,965.66	2,[illegible]
		Dec. 31, 1944[1]	17,371.37	19,442.33	4,351.63	4,711.88	2,[illegible]
		Dec. 31, 1945[1]	18,778.91	18,034.79	2,944.09	2,796.88	1,[illegible]
St. Louis							
Eisenstadt Manufacturing Co., 317 North 11th St., St. Louis, 1, Mo.	Dealers in precious stones, jewelry, etc.	Feb. 28, 1942[2]	38,699.08	46,978.38	11,978.38	6,749.88	1,[illegible]
		Feb. 28, 1943[2]	40,090.60	45,532.41	10,538.56	9,961.89	6,[illegible]
The May Department Stores Co., Sixth and Olive Sts., St. Louis, Mo.	Department stores	Jan. 31, 1942	5,165,193.29	1,851,769.21	66,786.74	40,060.02	12,[illegible]
		Jan. 31, 1943	6,154,970.63	1,967,356.07	66,989.37	60,290.43	26,[illegible]
		Jan. 31, 1944	5,148,970.63	2,254,590.47	66,989.37	57,443.68	26,[illegible]
San Francisco							
Huntington Beach Co., 225 Bush St., San Francisco, Calif.	Land owner	Dec. 31, 1944	424,962.84	428,273.96	173,408.91	301,422.51	126,[illegible]
		Dec. 31, 1945	424,962.84	511,676.36	173,408.91	273,209.21	115,[illegible]
Springfield							
Alton Box Board Co., P. O. Box 276, Alton, Ill.	Manufacturers of paper box board.	Dec. 31, 1941[1]	412,068.48	265,272.59	155,528.91	53,411.56	None
		Dec. 31, 1941[1]	454,557.56	310,766.03	189,914.22	113,948.53	35,[illegible]
		Dec. 31, 1942[1]	470,243.80	363,098.74	174,701.75	157,231.58	69,[illegible]
		Dec. 31, 1943[1]	470,270.77	365,759.15	174,701.75	157,231.57	69,[illegible]
		Dec. 31, 1944[1]	470,344.60	368,555.47	174,701.75	165,966.66	69,[illegible]
		Dec. 31, 1945[1]	468,644.04	361,688.37	174,603.96	165,875.67	69,[illegible]
Upper Manhattan							
Best & Co., Inc., 645 Fifth Ave., New York 22, N. Y.	Retail apparel specialty stores.	Jan. 31, 1943[1]	1,250,401.58	440,774.04	200,192.42	180,173.17	80,[illegible]
		Jan. 31, 1944[1]	1,248,103.34	443,072.28	202,490.66	183,101.50	80,[illegible]
		Jan. 31, 1945[1]	1,244,827.60	446,348.02	205,766.40	195,478.07	82,[illegible]
		Jan. 31, 1946[1]	1,244,827.60	446,348.02	205,766.40	170,014.20	76,[illegible]
Cardinal Theatre Co., 1585 Broadway, New York 36, N. Y.	Theatre enterprise	Aug. 31, 1943	1,097.41	22,652.59	8,402.59	7,371.87	2,[illegible]
		Aug. 31, 1944	2,010.57	21,739.43	7,489.43	6,990.14	2,[illegible]
		Aug. 31, 1945	2,577.58	21,172.42	6,922.42	6,576.29	1,[illegible]
		Aug. 31, 1946	3,015.48	20,734.52	6,484.52	2,059.05	[illegible]
Celanese Corporation of America, 180 Madison Ave., New York 16, N. Y.	Manufacturer and sale of celanese brand rayon, fabrics and plastics.	Dec. 31, 1940	5,003,269.12	22,734,629.18	2,671,148.83	1,128,865.61	None
		Dec. 31, 1941	6,199,547.77	21,614,122.17	3,131,754.37	1,579,062.62	553,[illegible]
Columbia Broadcasting System, Inc., Successor to Columbia Records, Inc., Formerly: Columbia Recording Corp., 485 Madison Ave., New York, N. Y.	Manufacture and sale of phonograph records.	Dec. 31, 1942	7,159,332.93	21,615,944.90	3,160,141.95	2,844,127.75	1,204,[illegible]
		Dec. 31, 1941[1]	303,548.36	1,000,136.64	39,639.14	19,819.57	6,144,[illegible]
		Dec. 31, 1942[1]	304,002.42	999,682.58	99,747.58	89,772.82	39,[illegible]
		Dec. 31, 1943[1]	304,005.64	999,679.36	99,744.36	89,760.92	39,[illegible]
		Dec. 31, 1944[1]	308,730.56	994,954.44	95,029.44	90,277.97	36,[illegible]
		Dec. 31, 1945[1]	346,997.61	956,987.39	57,052.39	54,199.57	22,[illegible]
Columbia Pictures Corp., 729 Seventh Ave., New York, N. Y.	Motion picture production and distribution.	June 30, 1942	1,085,544.99	1,232,748.15	121,153.01	183,012.51	58,[illegible]
		June 30, 1945	1,182,516.53	976,282.15	32,694.65	31,069.92	12,[illegible]
		June 30, 1946	1,363,509.63	952,174.57	8,587.01	4,112.42	1,[illegible]
Electricooker Sales, Inc., General Foods Corp., Successor by merger, 250 North St., White Plains, N. Y.	Sale and distribution of edible nuts and nut products.	Dec. 31, 1941	2,000.00	313,431.78	34,100.00	8,334.22	1,[illegible]
		Dec. 31, 1942[1]	2,381.30	224,968.70	66,127.00	52,163.55	20,[illegible]
		Dec. 31, 1945[1]	22,834.91	204,215.09	45,673.39	38,818.98	20,[illegible]
Goldman-Alexander Corp., Formerly: Hughes-Autograf Brush Co., Inc., c/o Seghers & Reinhart, 70 Pine St., New York 5, N. Y.	Manufacturers of toilet brushes.	May 31, 1941[1]	55,025.39	39,974.61	13,374.61	2,912.03	None
		May 31, 1942[1]	60,939.73	381,477.17	76,810.27	38,405.13	11,[illegible]
		May 31, 1943[1]	60,939.73	381,477.17	76,810.27	60,012.19	20,[illegible]
W. T. Grant Co., 1441 Broadway, New York, N. Y.	Chain of limited-price variety stores.	Jan. 31, 1944	4,698,554.71	2,212,144.56	258,075.18	233,364.02	103,[illegible]
		Jan. 31, 1945	4,695,575.27	2,210,460.34	261,054.62	248,001.89	105,[illegible]
		Jan. 31, 1946	4,992,752.05	2,213,764.35	264,358.63	229,807.46	96,[illegible]
Hamburger Woolen Co., Inc., 45 East 17th St., New York 3, N. Y.	Woolen jobbers	Dec. 31, 1941[1]	4,167.57	91,334.85	4,382.43	1,941.50	694,[illegible]
		Dec. 31, 1944[1]	9,405.81	86,096.58	569.16	970.58	275,[illegible]
		Dec. 31, 1945[1]	9,673.73	85,828.69	301.27	421.29	119,[illegible]
International Paper Co., Successor by merger to Bagpak, Inc., 220 East 42d St., New York 17, N. Y.	Manufacturing paper bags	Dec. 31, 1943[1]	130,254.83	589,462.32	47,395.17	28,398.81	10,[illegible]
International Paper Co., Successor by merger to George Sherrard Paper Co., 220 East 42d St., New York 17, N. Y.	Paper	Dec. 31, 1943[1]	103,579.56	616,137.59	22,770.44	20,493.40	9,[illegible]
		Dec. 31, 1945[1]	103,579.56	616,137.59	22,770.44	21,631.92	9,[illegible]
Otis Elevator Co. (N. J.), 260 Eleventh Ave., New York 1, N. Y.	Elevator manufacturer	Dec. 31, 1942	2,632,042.61	3,489,879.94	1,089,107.39	1,344,886.72	597,[illegible]
		Dec. 31, 1943	2,800,230.37	3,321,692.18	920,919.63	545,462.01	242,[illegible]
		Dec. 31, 1944	2,483,780.80	2,833,851.80	1,237,369.20	493,902.84	260,[illegible]
		Dec. 31, 1945	2,568,663.46	2,748,969.14	1,152,486.54	376,647.33	311,[illegible]
Read Standard Corp., formerly: The Standard Stoker Co., Inc., 370 Lexington Ave., New York 17, N. Y.	Manufacturing locomotive stokers.	Dec. 31, 1940[1]	681,607.60	671,081.92	68,892.40	28,619.13	None
		Dec. 31, 1941[1]	813,501.16	818,923.61	112,748.84	69,649.30	20,[illegible]
		Dec. 31, 1942[1]	886,337.73	848,893.10	39,912.27	33,921.04	15,[illegible]
		Dec. 31, 1943[1]	886,337.73	848,893.10	39,912.27	35,921.04	15,[illegible]
		Dec. 31, 1944[1]	890,616.92	854,613.91	45,633.08	43,351.43	18,[illegible]
		Dec. 31, 1945[1]	885,338.23	851,892.60	42,911.77	40,766.19	17,[illegible]
Shamokin Woolen Mills, Inc., 450 Seventh Ave., New York 1, N. Y.	Manufacturers of woolen piece goods.	June 30, 1942[1]	51,758.18	575,797.57	81,241.82	45,575.14	14,[illegible]
		June 30, 1943[1]	51,758.18	627,611.52	81,241.82	69,640.87	24,[illegible]
		June 30, 1944[1]	51,758.18	627,611.52	81,241.82	57,065.94	23,[illegible]
		June 30, 1945[1]	51,758.18	400,711.62	81,241.82	51,951.75	20,[illegible]
		June 30, 1946[1]	51,758.18	400,711.62	81,241.82	33,282.18	15,[illegible]
Stanley-Mark-Strand Corp., 1585 Broadway, New York 36, N. Y.	Amusement enterprise	Aug. 31, 1943	263,620.15	119,501.82	21,473.53	19,326.18	8,[illegible]
		Aug. 31, 1944	263,620.15	119,501.82	21,473.53	20,041.97	8,[illegible]
		Aug. 31, 1945	263,620.15	119,501.82	21,473.53	18,359.87	8,[illegible]
		Aug. 31, 1946	263,620.15	119,501.82	21,473.53	6,818.58	2,[illegible]
Stardust Manufacturing Co., Inc., 350 Fifth Ave., New York 1, N. Y.[4]	Manufacturer of ladies blouses.	Nov. 30, 1942[1]	1,200.00	90,760.00	14,000.00	7,984.54	2,[illegible]
		Nov. 30, 1943[1]	3,749.91	88,210.09	11,450.09	9,870.66	3,[illegible]
		Nov. 30, 1944[1]	3,343.04	88,616.96	11,856.96	11,213.89	3,[illegible]
		Nov. 30, 1945[1]	4,237.64	87,722.36	10,962.36	10,414.24	3,[illegible]
		Nov. 30, 1946[1]	5,195.93	86,764.07	10,004.07	419.29	242,[illegible]
Time Inc., 9 Rockefeller Plaza, New York 20, N. Y.	Magazine publishing, etc.	Dec. 31, 1940[3]	2,331,014.42	1,222,490.58	183,325.00	91,650.25	None
		Dec. 31, 1941	2,782,086.19	5,779,842.96	2,262,413.81	1,357,448.28	620,[illegible]
		Dec. 31, 1942	2,860,360.55	5,630,683.45	2,364,533.45	2,128,170.10	945,[illegible]
		Dec. 31, 1943	2,832,504.30	5,658,545.70	2,372,495.70	2,135,246.13	950,[illegible]
		Dec. 31, 1944	2,844,987.84	5,631,554.36	2,340,012.16	4,412,803.14	1,858,[illegible]
		Dec. 31, 1945	2,827,915.53	8,461,465.23	2,382,007.50	2,262,907.13	952,[illegible]

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1958

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of Sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of Sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Upper Manhattan—continued							
Universal Film Exchanges, Inc., 445 Park Ave., New York, N. Y.	Motion pictures	Oct. 31, 1944	$145,834.24	$1,562,752.96	$153,415.76	$83,872.50	$61,267.29
		Oct. 31, 1945	145,834.24	1,562,752.96	153,415.76	122,827.88	61,368.30
		Oct. 31, 1946	145,834.24	1,708,587.20	153,415.76	22,273.10	10,255.76
Universal Pictures Co., Inc., 445 Park Ave., New York, N. Y.	Motion picture distributor and producer.	Oct. 31, 1944	1,516,401.21	13,991,737.42	968,452.72	1,823,919.23	774,762.16
		Oct. 31, 1945	1,595,094.66	13,991,737.36	968,452.66	1,126,565.80	474,343.49
Supplemental list for fiscal year ended June 30, 1957							
Detroit							
Gar Wood Industries, Inc., Michigan Ave., Wayne, Mich.	Manufacture of road machinery and motor truck equipment.	Dec. 31, 1940	$377,689.73	$1,382,381.07	$155,171.85	$74,851.43	None
		Jan. 1, 1941 to Oct. 31, 1941	488,523.88	1,608,514.54	182,472.53	103,243.24	$32,005.41
		Oct. 31, 1942	572,749.24	1,521,289.18	97,631.23	93,935.72	34,853.23
		Oct. 31, 1943	751,823.67	None	None	13,396.86	5,954.16
Los Angeles							
Wilmington Gasoline Co., 555 South Flower St., Los Angeles, Calif.	Natural gasoline manufacturers.	Apr. 30, 1942	21,878.66	47,306.57	31,992.99	12,269.12	5,800.32
		Apr. 30, 1943	24,090.98	45,094.25	29,780.67	26,856.42	14,002.13
		Apr. 30, 1945	15,527.21	38,658.02	23,344.44	25,671.62	12,365.79
Seattle							
Sick's Seattle Brewing & Malting Co., Formerly: Seattle Brewing & Malting Co., Seattle, Wash.	Brewery	Dec. 31, 1941[1]	351,073.40	None	11,970.00	6,102.32	1,891.72
		Dec. 31, 1942[1]	351,073.40	None	11,970.00	10,773.00	4,788.00
		Dec. 31, 1943[1]	351,073.40	None	11,970.00	10,773.00	4,788.00
Upper Manhattan							
Radio Daily Corp., 1501 Broadway, New York, N. Y.	Publishing	Jan. 31, 1945[1]	4,332.00	None	2,603.00	2,529.28	1,003.06
Wichita							
Wood River Oil & Refining Co., Inc., 321 West Douglas St., Wichita, Kans.	Crude oil production and refining.	Dec. 31, 1941	76,428.58	843,928.52	134,175.01	105,719.83	32,778.15
		Dec. 31, 1942	93,824.27	860,166.13	168,146.89	152,606.76	85,180.34
		Dec. 31, 1943	103,855.57	784,575.97	122,965.33	149,908.34	66,625.94
		Dec. 31, 1944	111,279.78	1,096,322.40	157,589.26	145,616.60	80,530.95
		Dec. 31, 1945	140,049.00	1,046,609.16	115,344.07	158,578.57	66,769.92

[1] Allowance in accordance with decision of Tax Court of the United States based on agreed settlement of parties. No previous allowance by the Commissioner.

[2] Allowance in accordance with decision of the Tax Court of the United States after hearing on the merits. No previous allowance by the Commissioner.

[3] Allowance made during fiscal year ended June 30, 1958 represents addition to relief previously allowed and published.

[F. R. Doc. 58-6833; Filed, Aug. 26, 1958; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-70]

GENERAL ELECTRIC CO.

NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue to General Electric Company a facility license which would authorize the conduct of critical experiments in the General Electric Test Reactor at power levels not in excess of 50 kilowatts (thermal), substantially as set forth below unless within fifteen days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). Construction of the facility was authorized by Construction Permit No. CPTR-2 issued on March 11, 1958 (23 F. R. 1906). Prior to issuance of the license the facility will be inspected by representatives of the Commission to determine whether that portion which will be utilized for the conduct of the critical experiments has been constructed in compliance with the applicable terms and conditions of the construction permit.

For further details see (1) the application submitted by General Electric Company and amendments thereto, and (2) a memorandum by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for license to conduct the critical experiments, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

The General Electric Company has also requested a license to operate the reactor as a testing facility at authorized power levels not exceeding thirty-three megawatts. Pursuant to the provisions of the Atomic Energy Act of 1954, as amended, the Commission will hold a public hearing on the Company's application for such license. The date and location of such hearing have been announced in a separate notice.

Dated at Germantown, Md., this 20th day of August 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

PROPOSED LICENSE

1. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The portion of the General Electric Test Reactor (hereinafter referred to as "the facility") which will be used in the conduct of the critical experiments described in Amendment No. 6, dated July 15, 1958 to General Electric Company's license application has been constructed in compliance with the applicable terms and conditions contained in Construction Permit No. CPTR-2.

B. There is reasonable assurance that the critical experiments can be conducted without endangering the health and safety of the public.

C. General Electric Company is technically and financially qualified to conduct the critical experiments in the facility.

D. The issuance of a license to conduct the critical experiments will not be inimical to the common defense and security or to the health and safety of the public.

E. General Electric Company has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses General Electric Company:

A. Pursuant to section 104c of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the act"), and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess the facility as a utilization facility and to conduct therein the critical experiments described in Amendment No. 6, dated July 15, 1958, to its license application in accordance with the procedures described therein.

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to possess and use 8.5 kilograms of contained uranium-235 as fuel for the conduct of the critical experiments.

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced during the conduct of the critical experiments.

3. This license applies to the facility which is owned by General Electric Company and located at the Company's Vallecitos Atomic Laboratory near Pleasanton, California, described in General Electric Company's application dated June 5, 1957 and amendments thereto dated July 18, 1957, December 12, 1957, February 26, 1958, May 15, 1958, June 18, 1958 and July 15, 1958 (all collectively referred to herein as "the application").

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. General Electric Company shall not operate the facility at power levels in excess of 50 kilowatts.

B. General Electric Company shall not perform any critical experiment in the facility other than the experiments described in Amendment No. 6 dated July 15, 1958 to its license application until a description of the proposed experiment and a hazards summary report shall have been submitted to the Commission and the Commission shall have specifically authorized the experimental activity.

C. The facility shall be equipped with a device which will automatically scram the reactor if the power level during conduct of the critical experiments exceeds twice the rated power level of the tests. In no case shall the power level at which the scram is to occur exceed 100 kilowatts.

D. In addition to those otherwise required under this license and applicable regulations, General Electric Company shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of General Electric Company as measured at the point of such release or discharge.

(3) Records of emergency scrams, including reasons for emergency shutdowns.

E. General Electric Company shall immediately report in writing to the Commission any indication or occurrence of a possible unsafe condition relating to the conduct of the critical experiments.

5. This license is effective as of the date of issuance and shall expire either at midnight March 11, 1968, or upon the issuance of an operating license authorizing the operation of the facility as a testing facility, whichever event occurs first.

Date of issuance:

For the Atomic Energy Commission.

[F. R. Doc. 58-6911; Filed, Aug. 26, 1958; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11323, 11327; FCC 58M-876]

B. J. PARRISH AND JAMES A. NOE

ORDER CONTINUING HEARING CONFERENCE

In re applications of B. J. Parrish, Pine Bluff, Arkansas; Docket No. 11323, File No. BP-8698; James A. Noe (KNOE), Monroe, Louisiana; Docket No. 11327, File No. BP-9161; for construction permits.

On the oral request of counsel for James A. Noe (KNOE), and without objection by counsel for the other parties;

It is ordered, This 18th day of August 1958, that the prehearing conference now scheduled for September 9 is continued to Thursday, September 18, 1958, at 10 a. m., in the offices of the Commission, Washington, D. C.

Released: August 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-6938; Filed, Aug. 26, 1958; 8:54 a. m.]

[Docket No. 12578; FCC 58-809]

JAMES A. SAUNDERS AND WILLIAM F. JOHNS, JR.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of James A. Saunders, (Transferor) and William F. Johns, Jr., (Transferee); Docket No. 12578, File No. BTC-2792; for transfer of control of Sioux Empire Broadcasting Company, Inc., Licensee of Station KIHO, Sioux Falls, South Dakota.

1. The Commission has before it for consideration (a) a "Protest" filed on July 25, 1958 pursuant to section 309(c) of the Communications Act of 1934, as amended, by KISD, Inc., licensee of standard broadcast station KISD, Sioux Falls, South Dakota directed against the Commission's action of June 26, 1958, granting without hearing the above-entitled application; (b) an "Opposition to Protest" filed by the applicants herein on August 4, 1958; and (c) a "Reply" to said "Opposition" filed by KISD, Inc., on August 8, 1958.

2. Commission records indicate that Station KISD operates on 1430 kc with power of 250 w. Station KIHO, Sioux Falls, South Dakota operates on 1270 kc with power of 1 kw. The above application requests Commission consent to the proposed sale of 51 percent of the outstanding stock of Sioux Empire Broadcasting Company from James A. Saunders to William F. Johns, Jr. Commission records indicate that the transferee, Johns, currently owns 30 percent of the outstanding stock of the licensee corporation. He was until recently a 12 percent owner of Station KMNS, Sioux City, Iowa and presently owns 51 percent of Station WOSH (FM & TV), Oshkosh, Wisconsin and 51 percent of Station KRIB, Mason City, Iowa. On July 28, 1958, the Commission was notified through the filing of an ownership report that the above transaction was consummated.

3. In its protest, protestant alleges, in substance, that it is the licensee of Station KISD, Sioux Falls, South Dakota, and is in direct competition with Station KIHO for advertising revenues, as well as for personnel, program materials and other things necessary to the successful operation of a broadcasting facility; that it will suffer economic injury as a result of the grant of the above-entitled application because control by William F. Johns, Jr., enables KIHO to compete more effectively against KISD; that Johns now owns or has operating control of Station WOSH, Oshkosh, Wisconsin, Station WMIN, St. Paul, Minnesota, and Station KRIB, Mason City, Iowa; that Johns has the opportunity to utilize personnel, materials and programing for KIHO in common with one or more of his other stations and to offer the facilities of KIHO in combination with one or more of his other stations at lower combined advertising rates; that during the past year when Johns exercised common control of Stations KMNS, Sioux City, Iowa and KIHO, Sioux Falls, South Dakota, he offered the facilities of the two stations in combination at lower combined rates calling them the "Twin Siouxs"; that Johns has actually assumed and exercised full control over KIHO during the whole period from September, 1957 to date; that during October and November, 1957 because of the "grandiose" claims regarding the disirability of KIHO under its new management, KISD lost several regular advertising accounts to KIHO and had begun to lose some of the advertising revenues it normally obtains on an intermittent basis; and that Johns abused Commission processes in prior applications only to withdraw when pertinent facts were brought to the attention of the Commission.

4. The protestant further alleges that Johns has been conducting dishonest prize-awarding contests through KIHO and has manifested a radical degree of financial irresponsibility in his relationships with local advertisers; that Johns has contracted to purchase Saunders' 51 percent interest without cash consideration; that he is merely relieving Saunders of his obligation on two notes for a total of $9,000; that the balance sheet of the licensee corporation reveals that it is insolvent and cannot meet its current obligations; that, on information and belief the bulk of liabilities are now long past due; that the corporation will need sizable additional resources to cover both operating costs and installment payments on $56,000 in deferred obligations;

that, if the corporation is to survive, it must be "primed" with cash and that cash can come from only one source, Johns, himself; and, that his personal balance sheet shows only $4,000 in quick assets.

5. The protestant further claims that Johns has stated that he will finance the operation of KIHO out of the proceeds of the sale of KMNS; that by his own estimate he expects to receive a total of $86,400 for his interest therein; that on three different occasions Johns has told the Commission that he intends to use the proceeds from the sale of KMNS to finance his acquisition of his parents' interests in WMIN, St. Paul, Minnesota; that in his contract to acquire WMIN, Johns is obligated to pay $60,000 cash at closing with deferred payments of an additional $17,200, of which $11,000 will fall due within the first year; that the balance sheet of WMIN reveals that it has sustained a total operating deficit of $32,000 and has a net worth of minus $16,000; that in his contract to acquire Station KRIB, Mason City, Iowa, Johns has incurred obligations payable within one year in the amount of $12,000; that the foregoing leads to the inescapable conclusion that Johns will have a total of "nothing" to apply to the needs of KIHO and will be unable to satisfy the notes he has assumed from Saunders if he is also to meet all his other commitments as they fall due; and, that it is apparent that there is a serious question whether Johns possesses the minimum financial qualifications to earn the Commission's approval of his exercise of ownership and control of KIHO.

6. The protestant then sets forth that Johns' proposal for future programming merits a close look by the Commission because he proposes 86.2 percent for entertainment, 6.7 percent for news and 4.4 percent for religious programming, leaving the "grand" sum of 2.7 percent for agriculture, education, discussion, talks and other programs; that he proposes nothing at all for either agriculture or talks; that his proposed schedule for a typical week reveals that every program characterized as other than entertainment, religion or news is scheduled for Sunday morning; and that the Commission should not grant the application without first calling upon Johns to show wherein this program proposal will serve the needs and interests of the public.

7. It is further claimed that actual control of the licensee of KIHO was abandoned by Saunders and has been assumed and exercised by Johns continuously to date (except during the period between November 1, 1957, and January 14, 1958, when Johns had Commission authority to exercise control); that factual allegations concerning this unauthorized assumption of control are set forth in a previous protest filed on November 20, 1957, and incorporated herein by reference; that said allegations set forth that Johns installed Robert J. Flynn (formerly General Manager of Johns' station KMNS, Sioux City, Iowa) as General Manager of KIHO; that Flynn was replaced by Vincent Casey, who was subsequently replaced by LeRoy Okerlund and then by James R. Duryea; that the local general managers of KIHO from September 1957 to date have been agents of Johns and never of Saunders; that Johns had all checks for salaries and bills sent to him in St. Paul for signature; that with respect to the winners of cash prizes in KIHO contests, Johns indicated for which winners checks were to be drawn; that the bookkeeper was required to obtain personal approval of Johns before making a substantial withdrawal from the station's bank account; and that, on information and belief, promotional literature was regularly received from Johns' other stations with instructions to use certain materials whenever possible (such as music lists, program materials, etc.). The protestant then describes in detail the station's questionable practices and manipulations with regard to conduct of contests, in which the listening audience participated for cash prizes. These contests included bingo, top "20" musical selections for a week and a treasure hunt, the prizes for which ranged in value from $5.00 to $10,000.00.

8. The protestant further alleges, on information and belief, that Johns has never contributed any money toward the operations or the obligations of KIHO; that the station has been kept in a perpetual state of financial distress; that as a consequence, creditors are dunning the management constantly and that Johns imposes upon his local managers the principal duty to put off creditors; that the station's bank account has been overdrawn almost invariably at one point to the extent of $7,000; that salary checks to KIHO employees have been returned because of insufficient funds; that prize winners were paid only after making repeated demands on the management and some were never paid; that during November and December 1957, it was a common practice to broadcast fewer spot announcements than the total number for which advertisers had contracted; that in view of the foregoing, there is a substantial question whether Johns possesses the character qualifications to be the owner and operator of KIHO and there is an equally substantial question whether the license for KIHO should not be revoked. Attached to the protest is an affidavit of Vincent Casey alleging control of the station by Johns.

9. In its prayer for relief, protestant requests the Commission to enter an order staying the effectiveness of its grant of the above-entitled application, directing a re-transfer of control from Johns to Saunders, and that the application be designated for hearing upon issues specified by it.

10. In their opposition to the protest, James A. Saunders and William F. Johns concede that the protestant has standing to file a protest under section 309 (c) of the Communications Act. With respect to the facts and matters complained of in the protest, they first set forth a history of past activities and then allege, in substance, that when a prior application for Commission consent to the transfer of control of Station KIHO was protested, Mr. Johns withdrew, feeling that it was better to have a minority interest than to incur the expense of a hearing and the resulting uncertainties; that the attack upon the financial qualifications of William F. Johns, Jr., and the licensee indicates a lack of understanding by the protestant of the nature of the financial arrangement between the parties; that when the Commission ordered the transfer of control of KIHO returned to Mr. Saunders, Mr. Saunders did not have the cash available that Mr. Johns had paid him for the 51 percent stock interest, whereupon, Johns accepted the promissory note from Saunders for the original cash purchase price; that there is every reason to believe with sound management, the licensee corporation will be able to pay off existing notes; that the business of the station has taken an upturn since Mr. Johns re-acquired control and employed a new manager; that the protestant's statement that "the merest glance at the balance sheet of the licensee corporation reveals that it is insolvent" is untrue since the Commission obviously would not have approved the application if the balance sheet had indicated that the corporation was insolvent; that none of KIHO's creditors have brought suit against it or threatened to do so but rather have indicated a willingness to cooperate with Mr. Johns in his efforts to improve the station's financial position; that the continued operation of the station under Mr. John's supervision offers the station's creditors the greatest hope of being paid; that there is no "pressing need" for any large sum of money to cover the excess of current liabilities over current assets; that while some of the current liabilities are past due, the station is under no pressure to meet them at once and that William F. Johns, Sr., is willing to lend the corporation or William F. Johns, Jr., up to $100,000, if necessary; and that John's other station, KRIB is now operating at a profit.

11. The opposition further alleges that the programming criticized is Mr. John's proposed programming rather than actual programming; that the Commission considered the programming when it acted upon the application; that it is, in the opinion of Mr. Johns, the only type of programming that will be successful in the Sioux Falls market; that KISD, when it hired Vincent Casey, adopted in toto the program format and programming methods of KIHO; that with respect to the unauthorized transfer of control, no major decisions regarding the operation of the station were to be made without the approval of Mr. Saunders; that Mr. Flynn's transfer from KIHO to WMIN was made primarily because Mr. Flynn wanted to move to St. Paul; that Mr. Saunders, while authorizing the station manager to take up with Mr. Johns the operational problems of the station, made it abundantly clear that no major decisions were to be made without his knowledge and approval; that many of the charges made are stated as "allegations on information and belief"; that the station's auditor discloses that at no time was the station's account overdrawn by more than $1,000; that no checks were returned without payment

prior to the time when Casey was manager; that the station's financial problems began when Casey became manager; that Casey commenced the "Bingo" contest without the knowledge or approval of either Mr. Saunders or Mr. Johns; that Mr. Flynn was authorized to sign checks; that the contests conducted by the station were not manipulated nor dishonestly conducted; that spot announcements were never removed or deleted from an advance log except for good reason; and that there is no basis for questioning the character qualifications or the financial responsibility of William F. Johns, Jr., or the financial qualifications of the licensee of KIHO.

12. In support of their allegations, the applicants submitted sworn statements (a) by James A. Saunders setting forth that he gave Johns permission to undertake the day-to-day operations of the station, while remaining in control; (b) by Robert J. Flynn stating that Mr. Saunders controlled the station; (c) by the Program Director of KIHO regarding the contests conducted by the station; (d) a letter from The New American Bank of Oshkosh, Wisconsin attesting to the character of Mr. Johns; (e) a letter from William F. Johns, Sr. agreeing to lend his son $100,000; and (f) other material regarding Mr. Johns' character. The opposition concludes by urging, in substance, that a further reversal of control of the station, with the resulting disruption of the station's business and the adverse effects upon the confidence of employees, advertisers, and creditors would almost certainly prove disastrous to the station; that there can be no doubt that the station serves the public interest and that the Commission has twice found that the public interest would be served by the transfer of control from James A. Saunders to William F. Johns; and that the protest of KISD, Inc. should be denied.

13. In its Reply, protestant urges, in substance, that the applicants have left unresolved the questions raised in the protest concerning financial qualifications, programming, unauthorized transfer of control, contests, spot announcements and other qualifications; and that a stay of the protested grant is required.

14. In view of the facts alleged in the protest that the protestant is the licensee of Station KISD, Sioux Falls, South Dakota, where Station KIHO is located; that the two stations are in direct competition for advertising revenues; and that KISD has suffered and will suffer economic injury as a direct result of the assumption of control of Station KIHO by William F. Johns, Jr., we find the protestant to be a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended. Camden Radio, Inc. v. FCC, 94 U. S. App. D. C. 312, 220 F. 2d 191; In re General-Times Television Corporation, 13 Pike & Fischer RR 1049; FCC v. Sanders Brothers, 309 U. S. 470. We find further that the protestant has specified with particularity, within the meaning of section 309 (c), the facts upon which it relies and which it contends shows that a grant was improperly made or otherwise would not be in the public interest. Accordingly, the above-entitled application will be designated for an evidentiary hearing.

15. Issue "8" proposed by the protestant reads as follows:

8. To determine, in light of the evidence adduced under the foregoing issues, whether the licensee of station KIHO should be ordered to show cause why its license should not be revoked.

The Commission's authority to revoke a station license is based on the provisions of section 312 (a) of the Communications Act of 1934, as amended. Section 312 does not create rights in third parties but gives to the Commission complete discretion in the exercise of the powers granted thereunder. In re Gulf Television Company, 11 Pike & Fischer RR 460; In the Matter of Petersburg Television Corporation, 12 Pike & Fischer RR 1395. Issue "8" presented above is not a triable issue inasmuch as a revocation proceeding is a matter which is left solely to the discretion of the Commission. If the Commission finds grounds, after hearing, to institute revocation proceedings it may do so at that time. Accordingly, said issue is being deleted. As to the other issues, we are not adopting any of them, and the burden of proof thereon, both in proving the facts alleged and in demonstrating their materiality and relevancy will be on the protestants.

16. We turn now to the question of whether we should stay the effective date of the grant in question. Section 309 (c) presents two tests controlling the question when the Commission may authorize the applicant to utilize the facilities or authorization in question pending decision after hearing. The first is when the Commission can find that the "authorization involved is necessary to the maintenance or conduct of an existing service." The second test is when the Commission can affirmatively find "for reasons set forth in the decision that the public interest requires that the grant remain in effect." The Commission does not believe that the facts before it permit a finding under either of the above provisions. The inability of the transferor to resume control of the station has not been established. Therefore, cessation of the broadcast service of KIHO has not been shown to be inevitable under the circumstances. The change in the position of the parties was a voluntary one, effectuated with full knowledge that the grant remained subject to protest by any party in interest for a period of 30 days. Furthermore, a previous Commission action of October 30, 1957, granting without hearing an application (in which the same parties were involved) for transfer of control of Ware Broadcasting Corporation (former name of the present licensee) was protested and the Commission at that time ordered a stay of the effective date of the grant. The applicant was on notice that a change in the status quo might result in the conditions alleged in the opposition, i. e., disruption of the station's business and adverse effects upon the confidence of employees, advertisers and creditors. While we appreciate the extent to which private interests will be affected by a stay of our grant, we are of the view that such circumstances were not within the contemplation of Congress when it provided for a "public interest" finding by the Commission to support an avoidance of a stay.

17. In light of the above: *It is ordered*, That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application is postponed pending final determination by the Commission in the hearing ordered below with respect to the protest herein; that said protest is granted to the extent provided for below and is denied in all other respects; and that the above-entitled application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., on the following issues:

(a) To determine whether William F. Johns, Jr., possesses the financial qualifications to be the transferee of control of station KIHO.

(b) To determine whether the programming proposed for station KIHO by the above-entitled application will serve the needs and interests of the residents of Sioux Falls and its environs.

(c) To determine whether control of station KIHO was transferred to or assumed by William F. Johns, Jr., in violation of section 310 (b) of the Communications Act of 1934, as amended.

(d) To determine whether control of station KIHO was exercised by William F. Johns, Jr., instead of by James A. Saunders, in violation of the Commission's order stated at paragraph 21, of its Memorandum Opinion and Order of December 18, 1957, in Docket 12272.

(e) To determine whether, under the control of William F. Johns, Jr., station KIHO has been operated with practices calculated to deceive or to defraud listeners and advertisers in Sioux Falls and its environs.

(f) To determine whether William F. Johns, Jr., possesses the character qualifications to be the transferee of control of station KIHO.

(g) To determine, in light of the evidence adduced under the foregoing issues, whether the grant of the above-entitled application serves the public interest, convenience and necessity.

The burden of proceeding with the introduction of evidence and the burden of proof as to each of the above issues shall be on the protestant.

18. *It is further ordered*, That, the protestant and the Chief, Broadcast Bureau are hereby made parties to the above-entitled proceedings and that:

(a) The hearing on the above issues is to commence at a time and place and before an Examiner to be specified in a subsequent order; and

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than September 8, 1958.

19. *It is further ordered*, That, the transferred 51 percent of the stock of the licensee herein and control of Station KIHO be returned by William F. Johns, Jr., to James A. Saunders within 30 days from the date of this order.

Adopted: August 20, 1958.

Released: August 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-6039; Filed, Aug. 26, 1958; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15873]

TRICE PRODUCTION CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 20, 1958.

Trice Production Company (Respondent) on July 24, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 22, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 5.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate(s) and charge(s) so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until August 2, 1958, and thereafter to permit it to become effective as of that date: *Provided*, That within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 2, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate(s), charge(s), and classification(s) set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of August 2, 1958: *Provided, however*, That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of ----------, To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ----------, in Docket No. G--, ---------- hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ------ day of ------

By ----------

Attest:

---------- (Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-6899; Filed, Aug. 26, 1958; 8:45 a. m.]

[Docket No. G-15874]

T. L. JAMES AND CO. INC. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 20, 1958.

T. L. James and Company Inc. et al. (Respondent) on July 28, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 24, 1958.

Purchasers: (1) Arkansas Louisiana Gas Company. (2) Mississippi River Fuel Corporation. (3) Arkansas Louisiana Gas Company.

Rate schedule designation: (1) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 1. (2) Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 4. (3) Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 5.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6899, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6900; Filed, Aug. 26, 1958; 8:46 a. m.]

[Docket No. G-15875]

J. I. ROBERTS

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 20, 1958.

J. I. Roberts (Respondent) on July 21, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 18, 1958.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6899, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6901; Filed, Aug. 26, 1958; 8:46 a. m.]

[Docket No. G-15876]

MARSHALL R. YOUNG ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 20, 1958.

Marshall R. Young et al. (Respondent) on July 28, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 25, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 5 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6899, *supra*.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58-6902; Filed, Aug. 26, 1958; 8:46 a. m.]

[Docket No. G-16023]

UNION OIL & GAS CORPORATION OF LOUISIANA

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 20, 1958.

Union Oil & Gas Corporation of Louisiana (Respondent) on July 22, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 22, 1958.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 8 to Respondent's FPC Gas Rate Schedule No. 3.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6899, *supra*.

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary*.

[F. R. Doc. 58-6906; Filed, Aug. 26, 1958; 8:48 a. m.]

[Docket No. G-16024]

OIL PARTICIPATIONS INC.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 20, 1958.

Oil Participations Incorporated (Respondent) on July 21, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 17, 1958.

Purchaser: United Fuel Gas Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 8.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

NOTE: The remaining text of this document is identical with that of F. R. Doc. 58-6899, *supra*.

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary*.

[F. R. Doc. 58-6907; Filed, Aug. 26, 1958; 8:48 a. m.]

[Docket No. G-16026]

NATURAL GAS PIPELINE COMPANY OF AMERICA

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING FOR HEARING

AUGUST 21, 1958.

Natural Gas Pipeline Company of America (Natural) on August 5, 1958, tendered for filing Sixth Revised Sheets Nos. 5 and 6, Fourth Revised Sheet No. 7, and Second Revised Sheet No. 27 to its FPC Gas Tariff, First Revised Volume No. 1, proposing that such revised tariff sheets become effective on August 25, 1958. Such revised tariff sheets would effect an increase in rates and charges of approximately $8,192,000 annually, or 11.7 percent, based on sales for the year ended April 30, 1958, as adjusted.[1] The proposed annual increase is in addition to the amounts being collected by Natural at the rate of about $1,747,200 annually since May 22, 1958, subject to an undertaking to assure refund of excess charges in the proceedings in Docket No. G-13950.[2] As yet, no hearing has been held in Docket No. G-13950.

The now proposed increased rates and charges are largely based upon a (1) claimed rate of return of 6¼ percent per year on a year-end rate base instead of an average rate base, with associated income taxes, and (2) claimed increased operating expenses.

More specifically, the major adjustments relied upon by Natural include, among others:

(a) Return of $11,228,040, based upon a claimed rate of return of 6¼ percent upon a year-end rate base of $179,648,635 (including Natural's own production and gasoline plants at depreciated original cost), which rate of return may not be fair and reasonable.

(b) Claimed income tax allowance of $5,015,662, of which Federal income taxes are estimated to be $4,982,776, and State income taxes $32,886 (0.66 percent of Federal income taxes), associated with the claimed rate of return of 6¼ percent.

(c) Use of a year-end rate base—December 31, 1958, or 8 months after the 12 months of actual operations ending April 30, 1958—instead of an average rate base, an adjustment which may not be proper, and the use of a test year purporting to show for the eight months succeeding April 1958, an anticipated increase of 51 percent in gross plant ($89,803,000), and an estimated increase in annual sales volume of but 16 percent for the same period.[3]

(d) A claimed allowance of $1,411,851 for working capital requirements which may not be proper.

The effect of all the adjustments proposed by Natural and expected to occur by December 31, 1958, is a claimed cost of service for the test year of $78,139,977, of which $77,802,678 is allocated to jurisdictional sales. Natural proposed to recoup $77,818,562 by increased jurisdictional rates and charges as follows:

	Present [1]	Proposed	Increase
Rate schedule CD-1:			
First block:			
Demand charge	$1.64	$2.68	$1.04
Commodity charge	.20	.20	----------
Second block:			
Demand charge	2.21	2.21	----------
Commodity charge	.20	.20	----------
Rate schedule I-1	.20	.20	----------

[1] Rates subject to inquiry in Docket No. G-13950.

The proposed rates retain the present dual rate structure first sanctioned by the Commission in Docket No. G-1697, 12 FPC 729. However, while increasing the overall level of the presently effective First Block of Rate Schedule CD-1, Natural does not propose any change in the presently effective 20 cents per Mcf commodity component of the rate. Apparently this is in keeping with Natural's view, first expressed in its tender in Docket No. G-13950, that 20 cents is as high as the commodity charge should be without, as put by it, jeopardizing the estimated sales. Thus, Natural proposes to recoup the increased costs by increasing solely the demand charge rather than adjusting the demand-commodity components of its rates in a manner consistent with claimed costs classified and allocated in accord with Commission practice, as sanctioned by the courts. It appears that Natural's predetermined limitation on the level of the commodity charge, in effect, places upon the demand side of the rate $5,335,500 (33 percent) of costs which would be attributed to the commodity component if Natural were to adhere to cost classification and allocation methods approved by the Commission and the courts and followed prior to Docket No. G-13950 by Natural.

By Second Revised Sheet No. 27 (superseding First Revised Sheet No. 27), entitled "Index of Size of First and Second Blocks of Daily Contract Quantity and Sequence of Deliveries", Natural proposes a tariff change which may not be proper. Therein Natural shows Second Block deliveries sandwiched between two separate parts of First Block deliveries (Block 1-a and Block 1-b). Apparently Block 1-a deliveries represent presently authorized First Block quantities; Block 1-b, proposed First Block quantity in excess of Block 1-a. No part of the Block 1-b billing demands shown by Natural on Second Revised Sheet No. 27 are presently authorized.

As a part of the rate-increase application Natural included agreements with all of its 14 customers who will be affected by the proposed increase respecting the level of the proposed rates. It appears that these agreements are predicated upon Natural (a) completing facilities to enable it to deliver an additional 100,000 Mcf per day as contemplated by the temporary authorization in Docket No. G-12399, (b) increasing its purchases from Texas Illinois Natural Gas Pipeline Company as proposed in Docket No. G-14829, (c) placing the proposed increased rates in effect "on or about" the date that conditions (a) and (b) are satisfied; and (d) adjusting the proposed rates to reflect any reduction due to future additional delivery obligations above the 100,000 Mcf per day which it contemplates in Docket No. G-12399. The agreements are subject to the further understanding that the proposed increased rates shall be subject to Natural's undertaking to make certain refunds and rate adjustments in accordance with the "Agreement of Natural Gas Pipeline Company of America relating to Future Refunds by Suppliers of Gas" as filed with the Commission on April 1, 1958. The agreement of Natural referred to is subject to inquiry, among other things, in Docket No. G-13950. It appears from the agreements that Natural sought its customers' consent in order to insure its ability to construct the additional facilities and remove the uncertainties created by Memphis Light, Gas and Water Division v. F. P. C., 250 F. 2d 402, certiorari granted, 355 U. S. 938.

The increased rates and charges proposed by Natural in Sixth Revised Sheets Nos. 5 and 6, Fourth Revised Sheet No. 7, and Second Revised Sheet No. 27 to its FPC Gas Tariff, First Revised Volume No. 1, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, concerning the lawfulness of the rates, charges, classifications, and services provided in Natural's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by Sixth Revised Sheets Nos. 5 and 6, Fourth Revised Sheet No. 7, and Second Revised Sheet No. 27, and that said proposed revised tariff sheets be suspended as hereinafter ordered and the use thereof be deferred pending hearing and decision thereon, except as they may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held at a time and place to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services, or any of them, subject to the jurisdiction of the Commission, provided in Natural's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by Sixth Revised Sheets Nos. 5 and 6, Fourth Revised Sheet No. 7, and Second Revised Sheet No. 27 tendered for filing on August 5, 1958.

(B) Pending such hearing and decision thereon, Sixth Revised Sheets Nos. 5 and 6, Fourth Revised Sheet No. 7, and Second Revised Sheet No. 27 to Natural's FPC Gas Tariff, First Revised Volume No. 1, be and the same are each hereby suspended and the use thereof deferred until January 25, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary*.

[F. R. Doc. 58-6903; Filed, Aug. 26, 1958; 8:47 a. m.]

[Docket No. G-13800]

J. M. HUBER CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 20, 1958.

Take notice that on November 25, 1957, as supplemented on March 3, 1958, and June 16, 1958, J. M. Huber Corporation (Applicant) filed in Docket No. G-13800 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the sale of natural gas produced in the West Panhandle Field, Hutchin-

[1] The tender was in substitution for a proposed rate increase of $8,349,500 annually submitted on July 25, 1958. The reduced rate reflects the withdrawal of a proposed rate increase tendered on July 25, 1958, by Texas Illinois Natural Gas Pipeline Company, a supplier of Natural. Natural requests that the effective date of August 25, 1958, proposed in the first rate-increase tender, be retained for the substitute rate-increase tender.

[2] The increased rates now contingently effective in Docket No. G-13950 will be effective only from May 22, 1958, until such time as the increased rates tendered on August 5, 1958, shall become effective. Previously, by order issued June 20, 1958, in Docket Nos. G-3123 and G-12157, the Commission approved a proposed settlement of those rate proceedings for the period March 2, 1956, through December 31, 1957, and prescribed refunds for the period. Also, the order provided, among other things, that Natural shall refund to its jurisdictional customers any revenues collected from such customers for the period January 1 through May 21, 1958, that shall exceed Natural's cost of service applicable thereto, including a 6 percent rate of return.

[3] This includes sales for the test period reflecting an additional capacity of 100,000 Mcf per day which Natural says is provided for under temporary authorization received by it in Docket No. G-12399. The company asserts that on or before January 1, 1959, it will complete those facilities and undertake the delivery of this 100,000 Mcf of gas per day.

[4] Natural serves three customers (City of Nebraska City, Ruth Fuel Company, and Wilson Gas Company) under rates not proposed to be changed.

son, Hansford, Carson, Moore and Sherman Counties, Texas, to Colorado Interstate Gas Company (Colorado Interstate), all as more fully set forth in the application and supplements, which are on file with the Commission and open to public inspection.

Proposed delieveries will be made at the outlet of Applicant's compressor station in Hutchinson County, through customary field facilities.

The basic gas sales contract between Applicant and Colorado Interstate is dated August 1, 1957, for an indefinite term, and contemplates a volume of 600,000 Mcf per month at an initial rate of 18 cents per Mcf at 14.65 psia until December 31, 1963, with periodic price increases of one cent per Mcf for each of the three subsequent five-year periods. A redetermination clause is applicable to the five-year period beginning January 1, 1979, and each five-year period thereafter. The rate schedule also contains a minimum take-or-pay-for provision operative from the date of initial delivery.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 21, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 "G" Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 26, 1958.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6904; Filed, Aug. 26, 1958; 8:47 a.m.]

[Docket No. G-16025]

RALPH R. GILSTER ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 20, 1958.

Ralph R. Gilster et al. (Respondent) on July 21 and 31, 1958 tendered for filing proposed changes in its presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description: Notices of Change, dated July 17 and 29, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement Nos. 5 and 6 to Gilster's FPC Gas Rate Schedule No. 2.

Effective date: August 1, 1958 (effective date is the effective date proposed by Respondent).

The instant Notices of Change reflect in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The use of Supplement No. 1 to Gilster's FPC Gas Schedule No. 2 was deferred by Commission order issued April 1, 1957 at Docket No. G-11338.

The increased rates and charges proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement Nos. 5 and 6 to Gilster's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 5 and 6 to Gilster's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until the date on which Supplement No. 1 to Gilster's FPC Gas Rate Schedule No. 2 is made effective in the manner prescribed by the Natural Gas Act, or until August 2, 1958, whichever is later.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6905; Filed, Aug. 26, 1958; 8:47 a. m.]

[Docket No. G-15342]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 20, 1958.

Take notice that on June 23, 1958, Cities Service Gas Company (Applicant) filed in Docket No. G-15342 an application, pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation during the calendar year 1958 of certain minor, routine natural gas facilities for making direct industrial sales, either temporary or permanent, along Applicant's pipeline system traversing Texas, Oklahoma, Kansas, Nebraska, and Missouri, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to limit the facilities to a total expenditure of $30,000, with no single project to cost more than $5,000.

The temporary customers will be predominantly road building contractors, with not over twenty such temporary sales expected during 1958, requiring about 35,000 Mcf of natural gas per average road project.

The permanent industrial customers, of which not over thirty new ones are expected during 1958, will use the gas mostly for processes in factories, power for irrigation or space heating of various buildings, requiring an estimated annual average of about 49,300 Mcf per customer, based on actual past experience.

The estimated total natural gas involved under this application for the anticipated maximum of 50 customers is 2,180,000 Mcf, nearly all of which will be on an interruptible basis.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 25, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 "G" Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 17, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6928; Filed, Aug. 26, 1958; 8:48 a. m.]

[Project No. 2114]

PUBLIC UTILITY DISTRICT NO. 2 OF GRANT COUNTY, WASHINGTON

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

AUGUST 20, 1958.

Public notice is hereby given that Public Utility District No. 2 of Grant County, Washington, of Ephrata, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license for water-power Project No. 2114, located on the Columbia River in Chelan, Douglas, Kittitas, Grant, Yakima, and Benton Counties, Washington, to revise the clearing requirements for the reservoir areas of the project so that all sides and margins of each reservoir would be cleared above the horizontal plane established at an elevation 10 feet below the normal low water line of the reservoir and below the annual flood line of such reservoir, where the annual flood is represented by a flow of 200,000 cubic feet per second.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is September 25, 1958. The application is on file with the Commission for inspection.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6910; Filed, Aug. 26, 1958; 8:48 a. m.]

[Docket No. G-15280]

CARTER-JONES DRILLING CO., INC.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 20, 1958.

Take notice that Carter-Jones Drilling Company, Inc. (Applicant), a Texas corporation with its principal place of business at Kilgore, Texas, filed on June 12, 1958, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant is operator of the Torrans Gas Unit in the Woodlawn Field, Harrison and Marion Counties, Texas, and proposes to sell natural gas produced therefrom to Texas Eastern Transmission Corporation for transportation in interstate commerce for resale. Applicant lists W. M. Plaster, Smith R. Reynolds and A. M. Rozeman as nonoperators having an interest in the gas unit. The gas sale agreement is on file with the Commission as Applicant's FPC Gas Rate Schedule No. 11 and Supplements Nos. 1 and 2 thereto.

This matter should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 24, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 17, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6909; Filed, Aug. 26, 1958; 8:48 a. m.]

[Docket No. E-6823]

LUZ Y FUERZA DEL NORTE, S. A. AND CENTRAL POWER AND LIGHT CO.

NOTICE OF APPLICATION

MAY 26, 1958.

Take notice that on May 19, 1958, Luz y Fuerza del Norte, S. A. (Luz y Fuerza), incorporated under the laws of the Republic of Mexico, with its principal place of business at Reynosa, Tamaulipas, Mexico, and Central Power and Light Company (Central), incorporated under the laws of the State of Texas, with its principal place of business at Corpus Christi, Texas, filed a joint application for authorization, pursuant to section 202 (e) of the Federal Power Act, to transmit electric energy from the United States to Mexico, Docket No. E-6823.

Luz y Fuerza proposes to purchase from B & P Bridge Company of Weslaco (Bridge Company), a Texas corporation with its principal place of business at Progreso, Texas, certain facilities at the international border between the United States and Mexico covered by a Permit signed by the Chairman of the Commission on March 11, 1954, and accepted by Bridge Company on April 5, 1954, Docket No. IT-5375, and proposes to transmit the energy over such facilities. Luz y Fuerza filed on May 19, 1958, an application, pursuant to Executive Order 10485, dated September 3, 1953, for permission to operate and maintain these facilities, Docket No. E-6824. This application states that Bridge Company proposes to surrender its Permit upon the granting of a Permit to Luz y Fuerza.

By order issued May 3, 1954, in Docket No. IT-5375, the Commission authorized Bridge Company to transmit electric energy from the United States to Mexico in an amount not in excess of 219,000 kilowatt-hours per year at a rate not to exceed 50 kilowatts over the facilities specified in the aforementioned Permit. The order recited that the energy to be exported would be obtained from Central.

Luz y Fuerza seeks to increase to 12,000,000 kwh the maximum amount and to 2,500 kw the maximum rate of electric energy which may be exported annually over the above-mentioned facilities. The energy to be exported would be used for distribution in the towns of Nuevo Progreso and Canales, State of Tamaulipas, Mexico, and vicinity. Central will continue to be the supplier of the exported energy.

Any person desiring to be heard or to make any protest with reference to the aforementioned application filed pursuant to section 202 (e) of the Federal Power Act should, on or before Sept. 12, 1958, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6924; Filed, Aug. 26, 1958; 8:52 a. m.]

[Project No. 2088]

OROVILLE-WYANDOTTE IRRIGATION DISTRICT

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

AUGUST 21, 1958.

Public notice is hereby given that Oroville-Wyandotte Irrigation District, of Oroville, California, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license for water-power Project No. 2088, known as the South Fork Project and to be located on the South Fork of Feather River and its tributary Lost Creek, and Slate Creek, a tributary of the North Fork of Yuba River, in Butte, Plumas, Sierra, and Yuba Counties, California, and having its general center about 25 miles easterly from Oroville, to revise the presently licensed but unconstructed project so that it shall consist of (1) Grass Valley Dam and Reservoir, consisting of a rock-fill dam about 200 feet high across South Fork of Feather River, creating a reservoir with gross storage capacity of 91,300 acre-feet at elevation 5,045; (2) Slate Creek Dam and Reservoir, consisting of a concrete arch dam about 130 feet high across Slate Creek, creating a reservoir with capacity of 5,600 acre-feet at elevation 3,816; (3) Sly Creek Dam and Reservoir, consisting of a rock-fill dam about 265 feet high across

Lost Creek, creating a reservoir with storage capacity of 59,000 acre-feet at elevation 3,520; (4) Lost Creek Dam and Reservoir, consisting of an existing concrete arch dam about 100 feet high across Lost Creek, creating a reservoir which has a storage capacity of 5,800 acre-feet at elevation 3,282; (5) two diversion tunnels about 12,700 feet and 14,350 feet long extending from Slate Creek and the South Fork of Feather River, respectively, each terminating near the upper end of Sly Creek Reservoir and the diversions to be effected by low concrete arch dams 53 feet and 45 feet high, respectively; (6) Forbestown Diversion Dam and Reservoir, consisting of a concrete arch diversion dam about 85 feet high across South Fork of Feather River, to allow maximum forebay regulation to elevation 1,783 for the proposed Forbestown Powerhouse, the diversion dam to be located about 1,980 feet downstream from the proposed Woodleaf Powerhouse; (7) Ponderosa Dam and Forbestown Afterbay, consisting of a concrete arch dam about 130 feet high across South Fork of Feather River below the Forbestown Powerhouse, with spillway crest at elevation 960, and forming a reservoir with an effective pondage capacity of about 1,748 acre-feet; (8) Woodleaf Powerhouse, on South Fork of Feather River, and to be served by a pressure tunnel extending 18,400 feet from Lost Creek Reservoir to a portal and thence by a single penstock 3,630 feet long, the proposed powerhouse to contain one impulse turbine rated at 68,000 horsepower and direct-connected to a generator rated at 57,000 kva and 49,000 kw at 86 percent power factor; (9) Forbestown Powerhouse, on South Fork of Feather River, and to be served by a pressure tunnel extending 18,290 feet to a portal and thence by a single penstock 1,270 feet long, the proposed powerhouse to contain a single 37,500 horsepower turbine direct-connected to a generator rated at 30,000 kva and 27,000 kw at 90 percent power factor; and (10) a substation and appurtenant facilities at each of the proposed powerhouses. No transmission lines are contemplated for inclusion in the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is October 6, 1958. The application is on file with the Commission for public inspection.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6925; Filed, Aug. 26, 1958; 8:52 a. m.]

[Docket No. G-13659]

BOARD OF MAYOR AND ALDERMAN OF MASON, TENNESSEE

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 21, 1958.

Take notice that the Board of Mayor and Alderman of Mason, in the State of Tennessee (Applicant), a body politic and corporate, filed on November 6, 1957, an application for an order under section 7 (a) of the Natural Gas Act directing Trunkline Gas Company (Trunkline), to establish physical connection of its transportation facilities with the proposed facilities of Applicant and to sell natural gas to Applicant for resale to the public in the town of Mason, Tennessee and its environs, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

There are no gas distribution facilities presently in existence in Mason. Applicant proposes to construct and operate such a system and a ½ mile 3-inch pipeline connecting its system to Trunkline's pipeline in Tipton County, Tennessee.

The estimated cost of the facilities required by Applicant to receive and distribute natural gas in Mason is $55,000, which amount is to be acquired by the sale of municipal revenue bonds at 5½ percent.

The estimated gas requirements of Applicant are as follows:

Year	Volumes in Mcf	
	Peak Day	Annual
1958	116	8,500
1959	153	11,200
1960	185	13,500
1961	215	15,700
1962	222	17,860

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 28, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 16, 1958.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6926; Filed, Aug. 26, 1958; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

D T M CORP.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

AUGUST 20, 1958.

In the matter of D T M Corporation (Formerly Diamond T Motor Car Company), Common Stock, File No. 1-2822.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

In the opinion of the Exchange, the issue is no longer suitable for dealing and listing on the Exchange in that the principal operating assets of the Company have been sold and the Company has ceased to be an operating Company.

Upon receipt of a request, on or before September 5, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-6916; Filed, Aug. 26, 1958; 8:50 a. m.]

DAVEGA STORES CORP.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

AUGUST 20, 1958.

In the matter of Davega Stores Corporation, Common Stock, 5 Percent Preferred Stock, File No. 1-3281.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

In the opinion of the Exchange these two issues are no longer suitable for dealing and listing on the Exchange because the aggregate market value of the Common Stock is less than $2,000,000 and the average net earnings of the Company, after taxes, for the last three years have been less than $200,000. Both stocks have become listed and registered on the American Stock Exchange.

Upon receipt of a request, on or before September 5, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-6917; Filed, Aug. 26, 1958; 8:50 a. m.]

[File No. 70-3724]

INDIANA & MICHIGAN ELECTRIC CO.

NOTICE OF PROPOSED ISSUE AND SALE OF SHORT-TERM NOTES TO BANKS

AUGUST 20, 1958.

Notice is hereby given that Indiana & Michigan Electric Company ("Indiana"), an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 6 (b) thereof as applicable to the proposed transactions, which are summarized as follows:

Pursuant to loan agreements with a group of ten commercial banks, Indiana proposes to issue and sell to them its unsecurred promissory notes in the aggregate maximum amount of $21,000,000 outstanding at any one time, to evidence borrowings of like amount. The names of the banks and their maximum participations under the loan agreements are as follows:

Irving Trust Co.	New York, N. Y.	$3,150,000
Mellon National Bank & Trust Co.	Pittsburgh, Pa.	3,150,000
First National City Bank of New York.	New York, N. Y.	3,150,000
Manufacturers Trust Co.	do	2,730,000
Guaranty Trust Company of New York.	do	2,100,000
Continental Illinois National Bank and Trust Co. of Chicago.	Chicago, Ill.	2,100,000
Bankers Trust Co.	New York, N. Y.	1,470,000
The Hanover Bank	do	1,470,000
Chemical Corn Exchange Bank.	do	1,050,000
The Northern Trust Co.	Chicago, Ill.	630,000
Total		21,000,000

The notes will be dated when issued, will mature not more than 270 days after the date of issuance, and will bear interest at the prime rate (presently 3½ percent per annum). The notes may be prepaid from time to time, in whole or in part, without premium. No notes will be issued hereunder after Indiana's next permanent financing, from the proceeds of which the notes will be retired.

Of the $21,000,000 proposed to be borrowed, Indiana has already borrowed $2,500,000 and states that it may borrow $10,100,000 more without the approval of the Commission by virtue of the exemption provided in the first sentence of section 6 (b) of the act. Approval is requested for the borrowings in excess of such exemption in amounts sufficient to enable Indiana to issue up to $21,000,000 of notes, at any one time outstanding.

The proceeds from the notes will be used by Indiana to pay part of the costs of its construction program which, it is estimated, will amount to $33,300,000 during the last six months of 1958. It is estimated that cash generated internally will be sufficient to pay approximately 20 percent of the construction costs.

Indiana expects that its next permanent financing will be completed in November 1958, and that it will consist of the sale of senior and equity securities, or a capital contribution, in such amounts and proportions as will maintain Indiana's capital structure on a sound basis.

No finders' fees or commissions will be paid. It is estimated that Indiana's expenses will not exceed $1,000, exclusive of issuance taxes which are to be paid to the State of Indiana.

It is stated that the issue and sale of the short-term notes will be expressly authorized by the Public Service Commission of Indiana, in which State the applicant is organized and doing business.

Notice is further given that any interested person may, not later than September 4, 1958 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-6918; Filed, Aug. 26, 1958; 8:51 a. m.]

[File No. 70-3723]

OHIO POWER CO.

NOTICE OF PROPOSED ISSUE AND SALE OF SHORT-TERM NOTES TO BANKS

AUGUST 20, 1958.

Notice is hereby given that Ohio Power Company ("Ohio"), an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 and 7 thereof as applicable to the proposed transactions, which are summarized as follows:

Pursuant to loan agreements with a group of ten commercial banks, Ohio proposes to issue and sell to them its unsecured promissory notes in aggregate amount not exceeding $40,000,000 to evidence borrowings of like amount. The names of the banks and their maximum participations under the loan agreements are as follows:

Irving Trust Co.	New York, N. Y.	$6,000,000
Mellon National Bank & Trust Co.	Pittsburgh, Pa.	6,000,000
First National City Bank of New York.	New York, N. Y.	6,000,000
Manufacturers Trust Co.	do	5,200,000
Guaranty Trust Company of New York.	do	4,000,000
Continental Illinois National Bank and Trust Co.	Chicago, Ill.	4,000,000
Bankers Trust Company.	New York, N. Y.	2,800,000
The Hanover Bank	do	2,800,000
Chemical Corn Exchange Bank.	do	2,000,000
The Northern Trust Co.	Chicago, Ill.	1,200,000
Total		40,000,000

The notes will be dated in each case when the borrowing is made, will mature not more than 270 days after the date of issuance, and will bear interest at the prime rate (presently 3½ percent per annum). The notes may be prepaid from time to time, in whole or in part, without premium. No notes will be issued hereunder after June 30, 1959.

Of the $40,000,000 proposed to be borrowed, Ohio has already borrowed $13,000,000 and states that it may borrow $8,700,000 more without approval of the Commission, by virtue of the exemption provided in the first sentence of section 6 (b) of the act. Approval is requested for the borrowings in excess of such exemption in amounts sufficient to enable Ohio to issue up to $40,000,000 of notes, at any one time outstanding.

The proceeds from the notes will be used by Ohio to pay part of the costs of its construction program which, it is estimated, will amount to $22,000,000 for the last six months of 1958 and $30,000,000 for the first six months of 1959. It is estimated that cash generated internally will be sufficient to pay approximately 40 percent of the construction costs.

Ohio expects to complete its next permanent financing prior to June 30, 1959, and to pay off all of the notes from the proceeds of such financing which will consist of senior and equity securities, or a capital contribution, in such proportions as will maintain Ohio's capital structure on a sound basis. Upon the consummation of such permanent financing, the authorization hereunder shall cease.

No finders' fees or commissions will be paid. It is estimated that Ohio's expenses will not exceed $1,000.

It is stated that no other regulatory commission has jurisdiction in the matter.

Notice is further given that any interested person may, not later than September 4, 1958 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration as filed or as amended may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-6919; Filed, Aug. 26, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 49]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 22, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Special Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 67646 (Sub-No. 2) (Deviation No. 2), HALL'S MOTOR TRANSIT COMPANY, P. O. Box 738, Sunbury, Pa., filed August 11, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Buffalo, N. Y., and New York, N. Y., as follows: from Buffalo over the New York State Thruway and access routes to New York City and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: Between Buffalo, N. Y., and Harrisburg, Pa., as follows: from Buffalo over New York Highway 33 to Batavia, N. Y., thence over New York Highway 63 to Wayland, N. Y., thence over U. S. Highway 15 to Williamsport, Pa., thence over Pennsylvania Highway 14 to Northumberland, Pa., thence over U. S. Highway 11 to Harrisburg (also, from Harrisburg to Greigsville, N. Y., as specified, thence over New York Highway 36 to Caledonia, N. Y., and thence over New York Highway 5 to Buffalo; also from Harrisburg to Geneseo as specified, thence over New York Highway 39 to Avon, N. Y., thence over New York Highway 5 to Caledonia, N. Y., and thence Buffalo; also from Sunbury, Pa., to Williamsport, Pa., over U. S. Highway 15); between Wayland, N. Y., and Rochester, N. Y., as follows: from Wayland over New York Highway 15A to Rochester; between Trout Run, Pa., and Syracuse, N. Y., as follows: From Trout Run over Pennsylvania Highway 14 to the Pennsylvania-New York State line, thence over New York Highway 14 to Horseheads, N. Y., via Elmira, thence over New York Highway 13 to Cortland, N. Y., and thence over U. S. Highway 11 to Syracuse (also over New York Highway 14 to Geneva, N. Y., and thence over New York Highway 5 to Syracuse; also over U. S. Highway 15 to Painted Post, N. Y., thence over U. S. Highway 17 to Binghamton, N. Y., thence over U. S. Highway 11 to Syracuse); between Endicott, N. Y., and Scranton, Pa., as follows: From Endicott over New York Highway 17H to junction U. S. Highway 11, thence over U. S. Highway 11 to Scranton; between Harrisburg, Pa., and Scranton, Pa., as follows: from Harrisburg over U. S. Highway 11 to Scranton; between Scranton, Pa., and Mansfield, Pa., as follows: From Scranton over U. S. Highway 6 to Mansfield; between Buffalo, N. Y., and Geneva, N. Y., as follows: from Buffalo over New York Highway 130 to junction U. S. Highway 20, thence over U. S. Highway 20 to East Avon, N. Y., thence over U. S. Highway 15 to Rochester, N. Y., thence over New York Highway 96 to junction U. S. Highway 332, thence over U. S. Highway 332 to Canadaigua, N. Y., and thence over New York Highway 5 to Geneva; between Sunbury, Pa., and New York, N. Y., as follows: from Sunbury over U. S. Highway 122 to Hamburg, Pa., thence over U. S. Highway 22 to Newark, N. Y., thence over U. S. Highway 1 to New York City; (also between Phillipsburg, N. J., and Paterson, N. J., as follows: From Phillipsburg over New Jersey Highway S24, to junction New Jersey Highway 24, thence over New Jersey Highway 24 to the New Jersey-New York State line, thence over New York Highway 46 to junction New York Highway S6, and thence over New York Highway S6 to Paterson); between Harrisburg, Pa., and Newark, N. J., as follows: From Harrisburg over U. S. Highway 22 to Newark.

No. MC 107500 (Deviation No. 1), BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill., filed August 15, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Fairfield, Iowa, and junction Iowa Highway 149 and U. S. Highway 63, as follows: From Fairfield over Iowa Highway 1 to junction Iowa Highway 78, thence over Iowa Highway 78 to junction Iowa Highway 149, thence over Iowa Highway 149 to junction U. S. Highway 63 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: Between Chicago, Ill., and Omaha, Nebr., as follows: From Chicago over U. S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U. S. Highway 34 (also from junction U. S. Highway 34 and Illinois Highway 65 over U. S. Highway 34 to junction Illinois Highway 31), thence over U. S. Highway 34 to Glenwood, Iowa, thence over U. S. Highway 275 to junction Iowa Highway 375, thence over Iowa Highway 375 to Council Bluffs, Iowa, and thence over U. S. Highway 6 to Omaha; and between Oskaloosa, Iowa, and Charlton, Iowa, as follows: From Oskaloosa over U. S. Highway 63 to Bloomfield, Iowa, thence over Iowa Highway 2 to Corydon, Iowa, and thence over Iowa Highway 14 to Charlton.

MOTOR CARRIERS OF PASSENGERS

No. MC 75289 (Deviation No. 1), D. C. TRANSIT SYSTEM, INC., 36th and M Streets NW., Washington 7, D. C., filed August 13, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over six deviation routes, as follows: (a) Between Washington, D. C., and Bowie Race Track, Md., as follows: From Washington over the Baltimore-Washington Parkway to junction U. S. Highway 50, thence over U. S. Highway 50 to Maryland Highway 703, thence over Maryland Highway 703 to Bowie Race Track; (b) between Washington, D. C., and Laurel Race Track, Md., as follows: From Washington over the Baltimore-Washington Parkway to junction Maryland Highway 602, thence over Maryland Highway 602 to junction unnumbered road, thence over unnumbered road to Laurel Race Track; (c) Between Washington, D. C., and Pimlico Race Track, in Baltimore, Md., as follows: From Washington over the Baltimore-Washington Parkway to Baltimore, Md., thence over city streets to Pimlico Race Track; (d) between Washington, D. C., and Race Track in Timonium, Md., as follows: From Washington over Baltimore-Washington Parkway to Baltimore, Md., thence over city streets to junction Maryland Highway 25, thence over Maryland Highway 25 to junction Maryland Highway 134, thence over Maryland Highway 134 to junction U. S. Highway 111, thence over U. S. Highway 111 to Timonium; (e) between Washington, D. C., and the Race Track at Bel Air, Md., as follows: From Washington over the Baltimore-Washington Parkway to Baltimore Harbor Tunnel Expressway, thence over Baltimore Harbor Tunnel Expressway to junction U. S. Highway 40, thence over U. S. Highway 40 to junction Maryland Highway 152, thence over Maryland Highway 152 to junction U. S. Highway 1, thence over U. S. Highway 1 to the Race Track at Bel Air; and (f) between Washington, D. C., and Laurel Raceway near Laurel, Md., as follows: From Washington over the Baltimore-Washington Parkway to junction Maryland Highway 602, thence over Maryland Highway 602 to junction U. S. Highway 1, thence over U. S. Highway 1 to Laurel Raceway; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent routes: from Washington, D. C., over U. S. Highway 50 to Collington, Md., thence over unnumbered highway to Bowie Race Track; from Washington, D. C. over U. S. Highway 1 to Laurel, Md.; from Washington, D. C., over U. S. Highway 1 to Baltimore, Md., thence over city streets to Pimlico Race Track; from Washington, D. C., over U. S. Highway 1 to Baltimore, Md., thence over U. S. Highway 111 to Timonium, Md.; from Washington over U. S. Highway 1 to the Race Track at Bel Air, Md.; from Washington, D. C., over U. S. Highway 1 or Alternate U. S. Highway 1 to Hyattsville, Md., thence over U. S. Highway 1 to the entrance to the Laurel Raceway north of Laurel, Md.; and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-6930; Filed, Aug. 26, 1958; 8:53 a. m.]

[Notice 231]

MOTOR CARRIER APPLICATIONS

AUGUST 22, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub No. 124), filed August 15, 1958. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, Oakland, Calif. Applicant's representative: Earl J. Brooks, P. I. E. Building, 14th and Clay Streets, Oakland 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities, including Class A and B explosives* and *commodities requiring special equipment*, but excluding articles of unusual value, livestock, household goods as defined by the Commission, and commodities in bulk, serving the Inter-Continental Ballistics Missiles testing and launching sites, near Cheyenne, Wyo., and access roads thereto and supply points therefor, and points within fifty (50) miles of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to and from Cheyenne. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Kansas, Missouri, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

HEARING: September 26, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 1759 (Sub No. 11), filed June 20, 1958. Applicant: FROEHLICH TRANSPORTATION CO., INC., 31 Victory Street, Stamford, Conn. Applicant's attorney: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, fresh or frozen, (1) from Norwalk, Conn., points in Westchester County, N. Y., and New York, N. Y., to Pittsfield, Mass., and points within 25 miles of Pittsfield, including Pittsfield; and (2) from Norwalk, Conn., to points in Albany, Broome, Chenango, Columbia, Delaware, Dutchess, Fulton, Greene, Montgomery, Nassau, Oneida, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, and Westchester Counties, N. Y., and New York, N. Y., and stale *bakery goods* and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Connecticut, New Jersey, and New York.

HEARING: October 1, 1958, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 4405 (Sub No. 306), filed August 8, 1958. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, in initial movements, in truckaway and driveaway service, from the site of the K-W Dart Truck Company, Kansas City, Mo., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 10, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Frank R. Saltzman.

No. MC 11185 (Sub No. 110), filed July 8, 1958. Applicant: J-T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft assemblies* requiring special handling and equipment because of their delicate and fragile nature, from Columbus, Ohio, to Grand Prairie, Tex. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 10, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Frank R. Saltzman.

No. MC 15289 (Sub No. 4), filed June 27, 1958. Applicant: BLUE ARROW EXPRESS, INC., 606 West 47th Street, New York 36, N. Y. Applicant's attorney: Daniel G. Levin, Bar Building, Ossining, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings* and *materials and supplies* used in the manufacture of floor coverings, between New London, Conn., on the one hand, and, on the other, New York, N. Y., and points in New York and New Jersey, within 70 miles of Columbus Circle, New York, N. Y. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: October 2, 1958, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 17683 (Sub No. 20), filed June 12, 1958. Applicant: DAVIS TRANSPORT, INC., 73 Emerald Street, Keene, N. H. Applicant's attorney: S. Harrison Kahn, 726-34 Investment Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, palletized or otherwise, *cement products*, and *empty containers, pallets, or other such incidental facilities* used in transporting cement or cement products, between Glens Falls, N. Y., on the one hand, and, on the other, points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. Applicant is authorized to conduct operations in New Hampshire, Vermont, Massachusetts, and Rhode Island.

HEARING: October 13, 1958, at the New Hampshire Public Service Commission, Concord, N. H., before Examiner James I. Carr.

No. MC 20783 (Sub No. 34), filed July 2, 1958. Applicant: TOMPKINS MOTOR LINES, INC., 628 East Adams Street, Springfield, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos cement conduit or pipe containing asbestos fibre and asbestos couplings and rubber washers* when moving at the same time and on the same vehicle with the conduit or pipe, from St. Louis, Mo., to points in Tennessee, North Carolina, South Carolina, Alabama, Georgia, and Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct regular route operations in Georgia, North Carolina, and Tennessee, and irregular route operations in Alabama, Florida, Georgia,

North Carolina, South Carolina, and Tennessee.

HEARING: October 20, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Frank R. Saltzman.

No. MC 23976 (Sub No. 9), filed June 9, 1958. Applicant: BEND-PORTLAND TRUCK SERVICE, INC., 1321 Southeast Water Avenue, Portland 14, Oregon. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *Explosives and other dangerous articles* (1) between Portland, Oreg., and Alturas, Calif., from Portland over U. S. Highway 26 to the junction of U. S. Highway 97 near Madras, Oreg., thence over U. S. Highway 97 to Bend, Oreg., thence over U. S. Highway 97 to the junction of Oregon Highway 31, thence over Oregon Highway 31 to the junction of U. S. Highway 395 at or near Valley Falls, Oreg., thence over U. S. Highway 395 to Alturas, and return over the same route; (2) between Bend, Oreg., and Burns, Oreg., over U. S. Highway 20, serving all intermediate and off route points in Modoc County, Calif., and those in Klamath, Lake, Deschutes, Jefferson, Crook, and Harney Counties, Oreg. Applicant is authorized to conduct operations in Oregon.

HEARING: October 24, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 11.

No. MC 23976 (Sub No. 10), filed June 9, 1958. Applicant: BEND-PORTLAND TRUCK SERVICE, INC., 1321 Southeast Water Avenue, Portland 14, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, (1) between Bend, Oreg., and Sisters, Oreg., over U. S. Highway 20; (2) between Redmond, Oreg., and Sisters, Oreg., over U. S. Highway 126, serving no intermediate points. Applicant is authorized to conduct operations in Oregon.

HEARING: October 23, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 172.

No. MC 26373 (Sub No. 3), filed May 16, 1958. Applicant: VANWAYS, INC., Sixth and Albany Streets, P. O. Box 48, Caldwell, Idaho. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Boise, Idaho, and Baker, Oreg., over U. S. Highway 30, serving all intermediate points, and the off-route points of Homedale, Parma, Payette, Weiser, Star, Eagle, Middleton, Wilder and Marsing, Idaho, and Nyssa, Oreg. Applicant is authorized to conduct irregular route operations in Idaho, Oregon, and Washington:

NOTE: Applicant states this is an application to convert an irregular route operation to a regular route operation; that it presently has irregular route authority under Docket No. MC 26373 to transport the subject commodities between all points in the counties traversed by the proposed route, namely the Idaho Counties of Ada, Canyon, Gem, and Payette, and the Oregon Counties of Malheur and Baker. Applicant further states if the requested authority is granted, it would coincidentally request cancellation of its irregular route authority between Boise and Baker and the pertinent intermediate and off-route point as presently authorized in Docket No. MC 26373.

HEARING: October 6, 1958, at the Idaho Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 6.

No. MC 30200 (Sub No. 3), filed May 12, 1958. Applicant: GEORGE OLTMAN AND SUE OLTMAN, doing business as OLTMAN TRUCK SERVICE, P. O. Box 511, Burns, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Payette and Ada Counties, Idaho, to points in Harney County, Oreg. Applicant is authorized to conduct operations in California, Idaho, Nevada, Oregon, and Washington.

HEARING: October 20, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 6.

No. MC 31600 (Sub No. 454), filed August 8, 1958. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Sizing*, in bulk, from Chicopee, Mass., to Sunbury, Pa., and *empty containers or other such incidental facilities* used in transporting sizing, on return. Applicant is authorized to conduct operations in Rhode Island, Massachusetts, Connecticut, New York, New Jersey, New Hampshire, Maine, Pennsylvania, Delaware, Vermont, Kentucky, Ohio, Illinois, Maryland, West Virginia, South Carolina, North Carolina, Virginia, Indiana, and Michigan.

HEARING: September 30, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner C. Evans Brooks.

No. MC 35628 (Sub No. 219), filed August 13, 1958. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except Class A and B explosives, dangerous inflammables, household goods as defined by the Commission, and commodities in bulk (except scrap metal in bulk), serving the site of the Forest Products Division plant of Olin Mathieson Chemical Corporation located about six miles southeast of Joliet, Ill., as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and St. Louis, Mo., over U. S. Highway 66 and Alternate U. S. Highway 66. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, West Virginia, and the District of Columbia.

HEARING: September 11, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 36517 (Sub No. 5), filed June 9, 1958. Applicant: JAMES J. KEATING, INC., 58 State Street, Perth Amboy, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake* (crude sulphate of soda) in bulk, in hopper-type vehicles, from Havre de Grace, Md., to Jersey City, N. J., and *returned or refused shipments* of the above-described commodity on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

HEARING: September 30, 1958, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 41849 (Sub No. 7), filed July 21, 1958. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk commodities*, in dump trucks, between St. Louis, Mo., and points in St. Louis and St. Charles Counties, Mo., on the one hand, and, on the other, points in Madison and St. Clair Counties, Ill. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: October 17, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 42487 (Sub No. 373), filed August 4, 1958. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorneys: Ron E. Poelman, Consolidated Freightways, Inc., Menlo Park, Calif., and Donald A. Schafer, 1026 Public Service Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over an alternate route for operating convenience only, between Casper, Wyo., and Pocatello, Idaho, serving no intermediate points and service Casper for the purpose of joinder only; from Casper over Wyoming Highway 220 through Alcova, Wyo., to junction U. S. Highway 287 at Muddy Gap, Wyo., thence over U. S. Highway 287 through Lamont, Wyo., to Rawlins, Wyo., thence over U. S. Highway 30 through Rock Springs, Wyo., to junction U. S. Highway 30–N about five miles south of Granger, Wyo., thence over U. S. Highway 30–N through Kemmerer, Sage, and Border, Wyo., and Montpelier, Soda Springs, and McCammon, Idaho, to Pocatello, and return over the same route. Applicant is authorized to conduct operations in California, Oregon, Washington, Idaho, Montana, Minnesota, Wyoming, Wisconsin, Illinois, Indiana, Missouri, Nebraska, Kentucky, North Dakota, South Dakota, and Iowa.

NOTE: Applicant is authorized to conduct the above operations in Certificate No. MC 42487 (Sub No. 249), and the purpose of this application is to eliminate the restriction contained in such certificate reading "with service over this route restricted to traffic moving to or from the points in Washington, Oregon and Idaho".

HEARING: October 9, 1958, at the Idaho Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 29.

No. MC 42963 (Sub No. 8), filed July 7, 1958. Applicant: DANIEL HAMM DRAYAGE COMPANY, INC., 2d and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated commercial refrigeration cases*, which because of size, weight and shape, require the use of special equipment and special handling, and *related parts and equipment* when moving in conjunction with uncrated commercial refrigeration cases, from St. Louis, Mo., to points in the United States, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kentucky, Missouri, Ohio, and Tennessee.

HEARING: October 21, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Frank R. Saltzman.

No. MC 52709 (Sub No. 85), filed August 13, 1958. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Class A and B explosives*, but excluding livestock, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points within a 50 mile radius of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to and from Cheyenne. Applicant is authorized to conduct operations in Colorado, Wyoming, Nebraska, Illinois, Iowa, California, Utah, Missouri, and Nevada.

NOTE: Applicant states that the sole purpose of this application is to serve launching sites of the Intercontinental Ballistics Missiles and any authority granted may be so restricted.

HEARING: September 26, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 60012 (Sub No. 40), filed July 28, 1958. Applicant: RIO GRANDE MOTOR WAY, INC., 775 Wazee Street, Denver, Colo. Applicant's attorney: Ernest Porter, 1531 Stout Street, P. O. Box 5482, Denver 17, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Class A and B explosives, commodities in bulk, and commodities requiring special equipment*, but excluding household goods as defined by the Commission and commodities of unusual value, and *rejected or damaged shipments*, between Aztec and Farmington, N. Mex., and the Navajo Damsite located approximately 30 miles east of Aztec, N. Mex., on the San Juan River, and points within ten (10) miles thereof. Applicant is authorized to conduct operations in Colorado and New Mexico.

HEARING: October 2, 1958, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 70451 (Sub No. 204), filed August 6, 1958. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1523 Marcy Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities, including Class A and B explosives*, and excepting commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving St. Charles, Mo., as an off-route point in connection with applicant's authorized regular route operations to and from St. Louis, Mo. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, and Wyoming.

HEARING: October 22, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 70451 (Sub No. 205), filed August 14, 1958. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1523 Marcy Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods as defined by the Commission, serving the Navajo Dam Site, about ten (10) miles northeast of Blanco, N. Mex., and points within ten (10) miles thereof, as off-route points in connection with applicant's authorized regular route operations between Durango, Colo., and Los Angeles, Calif.; and general commodities, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, restricted against transportation of commodities the transportation of which because of their size or weight require use of special equipment, serving the Navajo Dam Site, about ten (10) miles northeast of Blanco, N. Mex., and points within ten (10) miles thereof, as off-route points in connection with applicant's authorized regular route operations (a) between Phoenix, Ariz., and Durango, Colo., (b) between Phoenix, Ariz., and Holbrook, Ariz., and (c) between Shiprock, N. Mex., and Durango, Colo. Applicant is authorized to conduct operations in Arizona, Colorado, California, Illinois, Iowa, Kansas, Missouri, Nebraska, New Mexico, and Wyoming.

HEARING: October 2, 1958, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 70451 (Sub No. 206), filed August 18, 1958. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1523 Marcy Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, and except commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving points within 50 miles of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to, from and through Denver, Colo. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, and Wyoming.

NOTE: Applicant states the purpose for filing this application is solely to serve launching sites of the Inter-Continental Ballistics Missiles and that any authority granted may be so restricted.

HEARING: September 26, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 198, or if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 73675 (Sub No. 23) (CORRECTION), published in the FEDERAL REGISTER issue August 20, 1958, filed August 11, 1958. Applicant: GALLAGHER FREIGHT LINES, INC., 2424 Arapahoe Street, Denver, Colo. Applicant's attorney: Ward A. White, P. O. Box 332, 410 Bell Building, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the missile launching sites (now and to be) located near Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to and from Cheyenne and Fort Francis E. Warren, Wyo. Applicant is authorized to conduct operations in Colorado, Utah, and Wyoming.

NOTE: Previous publication indicating hearing before Joint Board No. 194, was in error.

HEARING: September 26, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 197, or if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 76032 (Sub No. 126), filed August 6, 1958. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, 54½ East San Francisco Street, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transportating: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Kansas City, Mo., and Dalhart, Tex.: from Kansas City over U. S. Highway 50 (portion formerly U. S. 50S) via Ottawa, Emporia, Newton, and Hutchinson, Kans., to junction Kansas Highway 61 at Hutchinson, thence over Kansas Highway 61 to Pratt, Kans., thence over U. S. Highway 54 via Meade and Liberal, Kans., and Guymon, Okla., to Dalhart, and return over the same route serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in New Mexico, California, Arizona, Texas, Colorado, Illinois, Missouri, Nebraska, Indiana, Oklahoma, Iowa, Kansas, and Nevada.

NOTE: Applicant seeks the following restriction: Restricted against transporting traffic over said routes to and from points in Texas except that moving through the Albuquerque, N. Mex., gateway. In No. MC 76032 Sub-91 applicant holds alternate route authority between Kansas City, Mo., and Dalhart, Tex., via U. S. Highway 50 via Ottawa, Emporia, Newton, and Hutchinson, Kans., to junction U. S. Highway 183 at Kinsley, Kans., thence over U. S. Highway 183 to junction U. S. Highway 54, thence over U. S. Highway 54 via Meade and Liberal, Kans., and Guymon, Okla., to Dalhart, restricted as proposed herein. Applicant's attorney states: "Inasmuch as the authority held by applicant between Kansas City and Dalhart is an alternate route even though the actual mileage savings amounts to only 27 miles. • • • While it is not anticipated that the mileage savings over the proposed alternate route will result in any substantial savings, highway conditions over U. S. Highway 183 between Kinsley and Greensberg are such that it becomes imperative for applicant to seek a somewhat different route between Hutchinson and Greensberg. • • • for this reason applicant is necessarily filing a new alternate route application."

HEARING: September 30, 1958, at the Hotel Kansan, Topeka, Kans., before Examiner Frank R. Saltzman.

No. MC 76564 (Sub No. 62), filed August 5, 1958. Applicant: HILL LINES, INC., 1300 Grant Street, Amarillo, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives and commodities in bulk*, but excluding household goods as defined by the Commission, commodities of unusual value, and those requiring special equipment, (1) between Artesia, N. Mex., and El Paso, Tex., from Artesia over New Mexico Highway 83 to the junction of U. S. Highway 54, thence over U. S. Highway 54 to El Paso, and return over the same route; (2) between Roswell, N. Mex., and El Paso, Tex., from Roswell over U. S. Highway 285 to the junction of New Mexico Highway 13, thence over New Mexico Highway 13 to the junction of New Mexico Highway 83, thence over New Mexico Highway 83 to the junction of U. S. Highway 54, thence over U. S. Highway 54 to El Paso, and return over the same route, serving all intermediate points on the above routes and the off-route points of Holloman Air Force Base located approximately 9 miles west of Alamogordo, N. Mex., on U. S. Highway 70, and Weed, N. Mex., located approximately 8 miles south of Mayhill, N. Mex. Applicant is authorized to conduct operations in New Mexico and Texas.

HEARING: October 6, 1958, at the U. S. Court Rooms, Roswell, N. Mex., before Joint Board No. 33.

No. MC 79491 (Sub No. 1), filed June 24, 1958. Applicant: ARMIN WEINMANN, doing business as A. WEINMANN, 74 Avenue B, West Babylon, N. Y. Applicant's atorney: Morris Honig, 150 Broadway, New York 38, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pianos*, between New York, N. Y., on the one hand, and, on the other, points in Rockland, Orange, Dutchess, Putnam, and Westchester Counties, N. Y.; (2) *Organs*, and *organ and piano parts and benches*, between New York, N. Y., on the one hand, and, on the other, points in New Jersey and Connecticut. Applicant is authorized to conduct operations in New York, New Jersey, and Connecticut.

HEARING: October 2, 1958, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 79690 (Sub No. 18), filed June 25, 1958. Applicant: COAST-LEE & EASTES, INC., 2326 Airport Way, Seattle 4, Wash. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Centralia, Wash., and Elma, Wash.: from Centralia over Washington Highway 9 to Elma, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. Applicant is authorized to conduct operations in Washington and Oregon.

HEARING: October 30, 1958, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 80.

No. MC 80402 (Sub No. 4), filed June 4, 1958. Applicant: TERMINAL FREIGHT TRANSPORT, INC., Paterson Plank Road and Route 3, E. Rutherford, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including commodities in bulk*, and excepting those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and those requiring special equipment, between East Rutherford, N. J., on the one hand, and, on the other, points in Somerset, Monmouth, Middlesex and Morris Counties, N. J., restricted to shipments having a prior or subsequent movement in interstate commerce. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, and the District of Columbia.

HEARING: September 29, 1958, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No MC 85093 (Sub No. 2), filed July 24, 1958. Applicant: AARON ISRAEL, doing business as ARCHIE'S MOTOR TRANSPORTATION CO., 349 South Second Street, New Bedford, Mass. Applicant's attorney: Foster R. Herman, Masonic Building, New Bedford, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Haddock, shrimp, scallops, fish sticks, chicken, onion rings, codfish cakes, fish dinners, seafood dinners* requiring refrigeration in transit, between New Bedford, Mass., and Providence, R. I., over U. S. Highway 6, serving no intermediate points. Applicant is authorized to conduct operations in Massachusetts and Rhode Island.

HEARING: October 14, 1958, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 18, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 88748 (Sub No. 1), filed July 22, 1958. Applicant: CONTRACT PACKERS, INC., 2331 12th Avenue, New York 27, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated and *crated* from New York and Westbury, N. Y., to points in Hudson, Bergen, Essex, Passaic, Sussex, Warren, Hunterdon, Mercer, Ocean, Monmouth, Somerset, Middlesex, Union, and Morris Counties, N. J., and *rejected, returned or traded-in shipments* on the above-described commodity, on return. Applicant is authorized to transport kitchen furniture from New York, N. Y., to Trenton and Asbury Park, N. J., and points in New Jersey within 40 miles of New York, N. Y.

NOTE: Applicant requests the above-described operations be restricted to home deliveries only and states that any duplicating authority is to be canceled.

HEARING: October 17, 1958, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 89778 (Sub No. 70), filed July 2, 1958. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 20th Street, Birmingham, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Class A and B explosives, blasting supplies, nitro-carbo-nitrate* and *ammonium nitrate, fertilizer compounds*, dry, in bags or bulk, from Ordill, Ill., to points in Colorado, Georgia, Michigan, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin. Applicant is authorized to conduct contract and common carrier operations in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 89778 (Sub No. 69).

HEARING: October 20, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Frank R. Saltzman.

No. MC 94963 (Sub No. 3), filed August 4, 1958. Applicant: GEORGE R. T. ROBERTS, Sabetha, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade Building, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Beer* in cans, from New York, N. Y., to Kansas City, Mo. Applicant is authorized to conduct operations in Illinois, Kansas, Missouri, New York, and Pennsylvania.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 94963 (Sub No. 2).

HEARING: October 6, 1958, at the New Hotel Pickwick, Kansas City Mo., before Examiner Frank R. Saltzman.

No. MC 98610 (Sub No. 1), filed June 11, 1958. Applicant: KANSAS TRANSPORT COMPANY, a Corporation, McPherson, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages and containers, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, between points in Oklahoma, Colorado, Nebraska, and Kansas.

HEARING: October 2, 1958, at the Hotel Kansan, Topeka, Kans., before Examiner Frank R. Saltzman.

No. MC 102373 (Sub No. 4), filed July 7, 1958. Applicant: JACOB R. COHN, 153 Emerson Street, Springfield, Mass. Applicant's representative: William L. Mobley, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, loose or in barrels, in dump vehicles, from points in Connecticut within 35 miles of Springfield, Mass., to Springfield, Mass. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and Connecticut.

HEARING: October 15, 1958, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 22, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 102616 (Sub No. 659), filed August 6, 1958. Applicant: COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernley, 1624 Eye Street NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (edible), in bulk, in tank vehicles, from Reading, Pa., to points in Delaware, Maryland, New Jersey, Pennsylvania, and the District of Columbia, restricted to transportation of shipments having a prior movement by rail. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Duplication with present and pending authority to be eliminated.

HEARING: September 29, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 102982 (Sub No. 3) filed August 11, 1958. Applicant: GEORGE W. KUGLER, INC., P. O. Box 511, Clearfield, Pa. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from the sites of Robinson Clay Products Company plants at or near Mogadore (Summit County), Ohio, Midvale and Parral (Tuscarawas County), Ohio, and Malvern (Carroll County), Ohio, to points in Maine, Vermont, New Hampshire, Connecticut, Rhode Island, and Massachusetts; and from Mogadore (Summit County), Ohio, and Malvern (Carroll County), Ohio, to points in New Jersey, Delaware, and the District of Columbia; and *empty containers, rejected and unused clay products*, and *materials and supplies* used in the manufacture of clay products, on return. Applicant is authorized to transport clay products in West Virginia, Maine, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Rhode Island, Virginia, the District of Columbia, New Hampshire, and Vermont.

HEARING: October 1, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James C. Cheseldine.

No. MC 104654 (Sub No. 116), filed July 24, 1958. Applicant: COMMERCIAL TRANSPORT, INC., South 20th Street, P. O. Box 297, Belleville, Ill. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, in bulk, in tank vehicles, from East St. Louis, Cahokia, and Roxana, Ill., and points within 5 miles of Roxana to points in Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, Kentucky, Arkansas, and Tennessee.

HEARING: October 16, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 194, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 107500 (Sub No. 18), filed August 15, 1958. Applicant: BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points within a 50 mile radius of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to, from and through Cheyenne, Wyo. Applicant is authorized to conduct operations in Colorado, Nebraska, Missouri, Illinois, and Iowa.

NOTE: Applicant states that the purpose of this application is solely to serve launching sites of Inter-Continental Ballistics Missiles and any authority granted may be so restricted.

HEARING: September 26, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 108340 (Sub No. 9), filed June 24, 1958. Applicant: HANEY TRUCK LINE, a Corporation, 2219 Cedar Street, Forest Grove, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, between points in Washington County, Oreg., on the one hand, and, on the other, points in Washington. Applicant is authorized to conduct operations in Idaho, Oregon, and Washington.

HEARING: October 16, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 45.

No. MC 110420 (Sub No. 192), (CORRECTION), published issue August 20, 1958, filed July 1, 1958. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paints, varnishes*, and *synthetic resins*, and *ingredients thereof*, in bulk, in tank vehicles, between Kansas City, Mo., on the one hand, and, on the other, points in Iowa, Kansas, Michigan, Minnesota, Nebraska, Wisconsin, Tennessee, Illinois, Indiana, Kentucky, and Ohio; (2) *liquid chocolate* and *chocolate coating*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Alabama,

Georgia, Illinois, Indiana, North Carolina, Ohio, Pennsylvania, and South Carolina; and to Denver, Colo., Burlington, Iowa, Boston and North Abington, Mass., Fargo, N. Dak., New York, N. Y., and Rochester, N. Y.; (3) *latex emulsion*, in bulk, in tank vehicles, from Ringwood, Ill., to Indianapolis, Ind., and St. Louis, Mo., (4) *ammonium thiosulfate*, in bulk, in tank vehicles, from Ringwood, Ill., to St. Louis, Mo., (5) *blended oils*, in bulk, in tank vehicles, from Mishawaka, Ind., to Cleveland, Ohio, Muskegon and Saginaw, Mich., and Duluth, Minn., (6) *wine*, in bulk, in tank vehicles, from Harbert, Mich., to St. Louis, Mo. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. The purpose of this republication is to show that the above commodities will move in bulk, in tank vehicles.

HEARING: Remains as assigned October 8, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Harold P. Boss.

No. MC 110525 (Sub No. 366), filed August 21, 1958. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Gerald L. Phelps and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, isocyanates* and *liquid plastic materials*, in bulk, in tank vehicles, from Natrium (Marshall County), W. Va., to Chicago, Ill., Gary, Hammond, and La Porte, Ind., Keokuk, Iowa, Baltimore, Md., Detroit, Mich., St. Louis, Mo., Franklin, N. J., and Marietta, Ohio. Applicant is authorized to conduct operations in New Jersey, New York, Maryland, Pennsylvania, Kentucky, West Virginia, Ohio, Delaware, Virginia, North Carolina, Tennessee, Kansas, Michigan, Illinois, Connecticut, Massachusetts, Indiana, Rhode Island, Minnesota, Missouri, Wisconsin, Georgia, and Alabama.

HEARING: September 18, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Michael B. Driscoll.

No. MC 112020 (Sub No. 49), filed August 8, 1958. Applicant: COMMERCIAL OIL TRANSPORT, a Corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paints, resins, varnishes* and *lacquers*, in bulk, in tank vehicles, from points in the Kansas City, Mo., Commercial Zone, to points in Montana, Nebraska, North Dakota, South Dakota, Wyoming, Iowa, Michigan, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Arkansas, Kentucky, Tennessee, Mississippi, Colorado, Kansas, Louisiana, Oklahoma, and Texas; and (2) *linseed oil* and *soybean oil*, in bulk, in tank vehicles, from points in Ohio, Minnesota, Illinois and Iowa, to points in the Kansas City, Mo., Commercial Zone. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, Kansas, Missouri, Nebraska, Iowa, Illinois, Indiana, Colorado, Mississippi, Michigan, Ohio, Wisconsin, New York, Kentucky, and Tennessee.

HEARING: October 9, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Frank R. Saltzman.

No. MC 113843 (Sub No. 30), filed July 1, 1958. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston 10, Mass. Applicant's attorney: James M. Walsh, 316 Summer Street, Boston 10, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products*, from Erie, Pa., to Bridgeport and Hartford, Conn., and New York, N. Y. Applicant is authorized to conduct operations in Ohio, Massachusetts, New York, Maryland, the District of Columbia, Virginia, West Virginia, Illinois, Wisconsin, Connecticut, Indiana, Michigan, New Jersey, Pennsylvania, Rhode Island, Kentucky, Maine, New Hampshire, Texas, North Carolina, South Carolina, Tennessee, Delaware, Missouri, Minnesota, Nebraska, Iowa, and Colorado.

HEARING: October 15, 1958, at the U. S. Court Rooms, Hartford, Conn., before Examiner James I. Carr.

No. MC 113908 (Sub No. 39), filed July 22, 1958. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, Springfield, Mo., Mail: Coon Valley, Wis. Applicant's atorney: Turner White III, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk and milk products* and such *dairy products* as defined in Appendix I to Ex Parte No. MC 45, as may be transported in bulk, in tank vehicles, between points in North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Iowa, Nebraska, Kansas, Missouri, Oklahoma, Texas, Arkansas, Indiana, Kentucky, Tennessee, and Florida. Applicant is authorized to conduct operations in Illinois, Indiana, Ohio, Kentucky, South Dakota, Iowa, Missouri, Kansas, Minnesota, Nebraska, Texas, Florida, and Michigan.

HEARING: October 7, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Frank R. Saltzman.

No. MC 114021 (Sub No. 5), filed June 25, 1958. Applicant: MIDWEST TRANSFER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulating materials*, as more fully described in the application, from St. Louis, Mo., to points in North Dakota, South Dakota, Nebraska, Montana, Wyoming, Colorado, New Mexico, Texas, Mississippi, and Louisiana. Applicant is authorized to conduct operations in Illinois, Michigan, Indiana, Ohio, Kentucky, Pennsylvania, Missouri, Wisconsin, New York, Iowa, Michigan, New Jersey, and West Virginia.

HEARING: October 23, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Frank R. Saltzman.

No. MC 114250 (Sub No. 2), filed June 11, 1958. Applicant: EUGENE LUISI, doing business as LUISI TRUCK LINES, 2516 South First Street, Yakima, Wash. Applicant's attorney: John M. Hickam, Failing Building, Portland, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cannery supplies and materials*, (1) from points in Benton, Cowlitz, Yakima, and Walla Walla Counties, Wash., to points in Umatilla and Malheur Counties, Oreg.; (2) from points in Benton, Cowlitz, Yakima, and Walla Walla Counties, Wash., to points in Nez Perce, Payette, Gem, and Canyon Counties, Idaho; (3) from points in Multnomah County, Oreg., to points in Nez Perce, Payette, Gem, and Canyon Counties, Idaho; *Fruits* and *vegetables*, fresh, processed or manufactured, from points in Umatilla County, Oreg., to points in Yakima, King, Pierce, and Spokane Counties, Wash., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Oregon.

HEARING: October 21, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 81.

No. MC 115869 (Sub No. 1), filed June 17, 1958. Applicant: HENDRIE & COMPANY, LIMITED, a Corporation, 3 Peter Street, Toronto, Ontario, Canada. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Timber* and *lumber*, between ports of entry on the International Boundary line between the United States and Canada at or near Buffalo and Niagara Falls, N. Y., on the one hand, and, on the other, points in Niagara, Orleans, Monroe, Erie, and Genesee Counties, N. Y., restricted to shipments either originating at or destined to points in Canada. Applicant is authorized to conduct operations in Michigan and New York.

HEARING: October 1, 1958, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 116077 (Sub No. 50), filed August 8, 1958. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, 1020 Brown Building, P. O. Box 858, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Jefferson County, Tex., to points in Oklahoma, Missouri, Illinois, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, Utah, and New Mexico. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, and Texas.

HEARING: September 30, 1958, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Examiner Mack Myers.

No. MC 116565 (Sub No. 4), filed April 28, 1958. Applicant: ORVILLE STEVENSON, 316 Southwest K Street, Grants Pass, Oreg. Applicant's representative: I. R. Perry, P. O. Box 594, Grants Pass, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Douglas and Lane Counties, Oreg., to points in California and Nevada.

HEARING: October 14, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 151.

No. MC 116632 (Sub No. 3), filed July 16, 1958. Applicant: MOHALLAND BROS., INC., Box 208, Princeton, Maine. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) between points in Washington and Hancock Counties, Maine, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada at or near Calais and Bar Harbor, Maine; (2) between points in Washington and Hancock Counties, Maine, on the one hand, and, on the other, points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

HEARING: October 9, 1958, at the Federal Building, Portland, Maine, before Examiner James I. Carr.

No. MC 116808 (Sub No. 2), filed June 2, 1958. Applicant: NYLE MALLORY AND GERALD MALLORY, doing business as MALLORY TRUCKING LINE, Route 1, Burley, Idaho. Applicant's attorney: Raymond D. Givens, 1530 Idaho Street, P. O. Box 964, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in sacks, and in bulk, from North Salt Lake City, Utah, to points in Cassia and Minidoka Counties, Idaho, except Burley, Oakley, Paul, and Rupert, Idaho.

HEARING: October 8, 1958, at the Idaho Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 258.

No. MC 116955 (Sub No. 2), filed July 28, 1958. Applicant: STEEL HAULERS, INC., 9725 High Drive, Prairie Village, Kans. Applicant's attorney: James P. Miller, 500 Board of Trade Building, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, loose, or in compressed bails or bundles, (1) from points in Kansas, Minnesota, Nebraska, Oklahoma, Arkansas, Texas, Missouri, Louisiana, Iowa, South Dakota, and North Dakota, to St. Louis and Kansas City, Mo., and Tulsa, Okla., and the Commercial Zones (as defined by the Commission) of each of said destination cities, and (2) from points in Louisiana, Oklahoma and Arkansas to Houston, Tex., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, South Dakota, and Texas.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 116955 (Sub No. 1).

HEARING: October 8, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Frank R. Saltzman.

No. MC 117273 (Sub No. 1), filed July 14, 1958. Applicant: C. & R. TRANSPORT CORP., 3106 Southeast 22d Avenue, Portland, Oreg. Applicant's attorney: Seymour L. Cobiens, Corbett Building, Portland 4, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milled lumber*, from Longview, Wash., to points in California.

NOTE: Applicant states the rights applied for herein are those it originally intended to apply for under its application in No. MC 117273, on which a hearing was held July 2, 1958, as well as rights therein for northbound movement of beer and wines from points in California to points in Oregon and Washington. Through error applicant set forth Clark County from which the milled lumber was to be transported, instead of Cowlitz County; therefore, this application is filed only with respect to the southbound movement from one mill in Longview.

HEARING: October 14, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 5.

No. MC 117349 (Sub No. 2) filed July 2, 1958. Applicant: VINCENT J. BRAIO, doing business as J. BRAIO TRANS., 5 High Street, Worcester, Mass. Applicant's representative: Arthur A. Wentzell, P. O. Box 720, Worcester, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal*, in bags, from Amagansett, N. Y., to Worcester, Mass., and Manchester, N. H., and *empty bags or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return.

HEARING: October 10, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner James I. Carr.

No. MC 117417, filed May 26, 1958. Applicant: CHINOOK MOTOR FREIGHT, INC., 2320 Rudkin Road, Yakima, Wash. Applicant's attorney: Douglas A. Wilson, 916 Larson Building, Yakima, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Oregon and Idaho to Wallula and Attalia, Wash.; *Paper* and *paper products*, from Wallula and Attalia, Wash., to points in Oregon and Idaho; and *Empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, from the above-specified destination points to the above-specified origin points.

HEARING: October 20, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 81.

No. MC 117421, filed May 27, 1958. Applicant: COAST REFRIGERATED TRANSPORT CO., a Corporation, 15 Coburg Road, Eugene, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between Eugene, Oreg., and points in Washington; *eggs*, (packaged), and *empty containers therefor*, between points in Oregon west of the summit of the Cascade Mountains, on the one hand, and, on the other, points in Washington west of the summit of the Cascade Mountain; *flour* (packaged), from Spokane, Wash., to Eugene, Oreg., and *empty containers* used in transporting flour, on return.

HEARING: October 23, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 45.

No. MC 117422, filed May 28, 1958. Applicant: MERCHANTS TRANSPORT, INC., 234 Southeast Alder Street, Portland 14, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain and general grocery and food business houses, from points in California, to Eugene and Portland, Oreg., and *dairy products*, from points in Douglas, Coos, and Curry Counties, Oreg., to points in California.

NOTE: C. C. Horger, President of applicant, is also owner-operator of common carrier certificate in No. MC 113212, C. C. Horger, doing business as Oregon Freight Lines, with authority to transport general and specified commodities from, to and between specified points in Oregon and Washington.

HEARING: October 24, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 11.

No. MC 117469, filed June 23, 1958. Applicant: ROBERT J. MELCHISEDECK, West 1124 Glass Avenue, Spokane 18, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, between Spokane, Wash., and Coeur d'Alene, Idaho, and points within 25 miles of Coeur d'Alene.

HEARING: November 3, 1958, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 169.

No. MC 117473, filed June 23, 1958. Applicant: C. E. ARNDT, 1905 Shelby, Higginsville, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer compounds*, dry, in bulk and in bags, from East St. Louis, Ill., and its commercial zones, as defined by the Commission, to points in

Missouri, and *damaged, rejected and returned shipments* of the above-specified commodities on return.

NOTE: Applicant states the proposed operations will be year-round with seasonal peaks in spring and fall.

HEARING: October 15, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 117483, filed June 27, 1958. Applicant: AL PLUMLEY, P. O. Box 123, Island City, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Union and Wallowa Counties, Oreg., to points in Nez Perce County, Idaho, and Walla Walla County, Wash.

HEARING: October 22, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 81.

No. MC 117486, filed June 30, 1958. Applicant: SNOW TRUCKING COMPANY, a Corporation, 288 Riverside Drive, Dedham, Mass. Applicant's representative: Gerard J. Donovan, 11 Beacon Street, Boston 8, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, solvents, vegetable oils, naval stores* and *empty pails*, from Allston, Mass., to Biddeford, South Portland, Portland, Westbrook, Auburn, Winthrop, and Lewiston, Maine, Manchester, Milford, and Portsmouth, N. H., Manchester, Hartford, West Hartford, New Britain, Waterbury, Ansonia, New Haven, West Haven, Middletown, Mystic, New London, Norwich, Norwichtown, and Willimantic, Conn., and Providence, East Providence and Cranstown, R. I. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application from the above-specified destination points to Allston, Mass.

HEARING: October 10, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner James I. Carr.

No. MC 117486 (Sub No. 1), filed July 2, 1958. Applicant: SNOW TRUCKING COMPANY, a Corporation, 288 Riverside Drive, Dedham, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Perchlorethylene* (chemical), in bulk, in tank vehicles, from Niagara Falls, N. Y., to Boston, Mass.

HEARING: October 14, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner James I. Carr.

No. MC 117488, filed June 30, 1958. Applicant: LOUIE G. PINKLEY, doing business as PINKLEY'S "66" SERVICE, 945 Goodfellow Boulevard, St. Louis, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled, or repossessed motor vehicles and trailers*, by tow truck or wrecker and replacement vehicles to the point of wreck or disablement, between points in Missouri, Illinois, and Arkansas.

HEARING: October 15, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 243, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 117519, filed July 15, 1958. Applicant: GLEN TROUT, 1151 Willow, Ottawa, Kans. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded shale aggregate*, from Ottawa, Kans., to points in Missouri on and west of a line beginning at the Iowa-Missouri State line at U. S. Highway 63, thence over U. S. Highway 63 to junction with U. S. Highway 66, thence over U. S. Highway 66 to junction with Missouri Highway 5, and thence over Missouri Highway 5 to the Missouri-Arkansas State line; and *empty containers or other such incidental facilities* used in transporting expanded shale aggregate, on return.

HEARING: October 6, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 117522, filed July 21, 1958. Applicant: HARRY THOMAS BEER, 10745 Sales Road, Tacoma 44, Wash. Applicant's attorney: R. L. Peters, 11024 Pacific Avenue, Tacoma 44, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used house trailers*, designed to be drawn by passenger automobiles, between points in Washington, Oregon, and California.

NOTE: Applicant states that occasionally he proposes to pick up house trailers on return movements, and that the above-described commodities will be transported by means of a tow-truck.

HEARING: October 30, 1958, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 5.

No. MC 117523, filed July 16, 1958. Applicant: LESLIE J. WHITTEN, doing business as L. WHITTEN, 706 Mill Street, Kelso, Wash. Applicant's attorney: John M. Hickson, 1225 Failing Building, Porland, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood shavings* (Briquets), also known as Presto-Ligs, between points in Cowlitz County, Wash., and points in Multnomah, Columbia, Hood River, Wasco, Tillamook, Clatsop, and Washington Counties, Oreg.

HEARING: October 22, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 45.

No. MC 117529, filed July 17, 1958. Applicant: MILTON J. HOPKINS, III, doing business as HOPPIE'S SERVICE STATION AND TOWING, Route No. 1, Barnhart, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged and disabled motor vehicles*, in towaway service, by wrecker vehicles, between points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Missouri, and Tennessee.

HEARING: October 22, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Frank R. Saltzman.

No. MC 117531, filed July 21, 1958. Applicant: LOUIS BROOKS AND DAN BROOKS, a Partnership, 60 Grand Avenue, Brooklyn, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery supplies and materials*, such as are used in the production and sale of bakery products, and *rejected, returned, and damaged shipments* of named commodities, between Clifton, N. J., on the one hand, and, on the other, points in Essex and Hudson Counties, N. J., points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N. Y., and New York, N. Y.

NOTE: Applicants state that the operations are to be limited to a transportation service to be performed under a continuing contract or contracts with Globe Products Company, Inc., and/or its affiliates and subsidiaries, Clifton, N. J.

HEARING: October 17, 1958, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 117538, filed July 21, 1958. Applicant: SCHWERMAN TRUCKING CO. OF N. Y., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plant sites of the Universal Atlas Cement Division, United States Steel Corporation and the Lone Star Cement Company located in or near Hudson, N. Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE: Applicant states the proposed operations are to be performed under continuing contracts with the cement companies names.

HEARING: October 3, 1958, at 346 Broadway, New York, N. Y., before Examiner James I. Carr.

No. MC 117545, filed July 24, 1958. Applicant: J. L. STROUD, doing business as J. L. STROUD TRANSPORT, P. O. Box 411, Marion, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, in bulk, in tank vehicles, from Illmo, Mo., and points within ten (10) miles thereof, to points in Illinois on and south of U. S. Highway 50.

HEARING: October 16, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 117573, filed August 7, 1958. Applicant: WILLARD I. KNOX doing business as WILLARD I. KNOX PRODUCE, Thayer, Kans. Applicant's attorney: Floyd D. Strong, 214 Insurance Building, 701 Jackson Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed milk feeds*, in bulk, in minimum loads of not less than 20,000 lbs., from Coffeyville and Kansas City, Kans., to points in Missouri, Oklahoma, and Arkansas.

HEARING: October 1, 1958, at the Hotel Kansan, Topeka, Kans., before Examiner Frank R. Saltzman.

MOTOR CARRIERS OF PASSENGERS

No. MC 107078 (Sub No. 3), filed July 16, 1958. Applicant: S M T (EASTERN) LIMITED, 58 King Street, St. John, New Brunswick, Canada. Applicant's attorney: Francis E. Barrett, 7 Water Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter or pleasure tours, beginning and ending at ports of entry on the international boundary line between the United States and Canada located in Maine and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Michigan, and the District of Columbia.

NOTE: Applicant states that the above operations will be restricted to those beginning and ending in the Provinces of New Brunswick and Prince Edward Island, Canada.

HEARING: October 8, 1958, at the Federal Building, Portland, Maine, before Examiner James I. Carr.

No. MC 108596 (Sub No. 1), filed July 21, 1958. Applicant: THE BRISTOL TRACTION COMPANY, INC., 17 Riverside Avenue, Bristol, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in all-expense, round-trip, sightseeing or pleasure tours, beginning and ending at Bristol, Conn., and extending to New York, N. Y., and Manchester, Rutland, and Stowe, Vt. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 16, 1958, at the U. S. Court Rooms, Hartford, Conn., before Examiner James I. Carr.

No. MC 117521, filed July 16, 1958. Applicant: CHESTER KENDALL BRUSH, 42 High Street, Middlebury, Vt. Applicant's attorneys: Conley, Foote and Underwood, One Court Street, Middlebury, Vt. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at Middlebury, Vt., and points within 20 miles thereof and extending to points in Essex, Warren, Saratoga, Washington, and Albany County, N. Y., those in Grafton and Merrimac Counties, N. H., and those in Berkshire County, Mass.

HEARING: October 6, 1958, at Washington County Court House, Montpelier, Vt., before Examiner James I. Carr.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12683, filed June 23, 1958. Applicant: GLADYS M. LAWRENCE AND SUSIE S. MASON, doing business as LAWRENCE & MASON TOURS, West 1417 14th Avenue, Spokane 43, Wash. For a license (BMC 5) authorizing operations as a *broker* at Spokane, Wash., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in round-trip special and charter all-expense conducted tours and sightseeing trips, beginning and ending at Spokane, Wash., and extending to points in the United States.

NOTE: Applicants propose to procure business by newspaper advertising, direct mail, and by distribution of descriptive brochures to be printed after tours are definitely set up. Applicants state that passengers will pay a stated fee for each tour, which will include the transportation and hotel arrangements.

HEARING: October 31, 1958, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 80.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2043 (Sub No. 7), filed August 14, 1958. Applicant: GEORGE A. CORTIER, doing business as ACE VAN LINES, 28016 U. S. 20, South Bend, Ind. Applicant's representative: Wm. L. Carney, 105 East Jennings Avenue, South Bend, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products, dairy products* and *articles distributed by meat-packing houses* as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209 and 766, from South Bend, Ind., to Allegan, Delton, Eaton Rapids, Hastings, Hillsdale, Jackson, Jonesville, Litchfield, Otsego, Plainwell, Parma, and Wayland, Mich. Applicant is authorized to conduct operations in Indiana, Illinois, Michigan, Ohio, Pennsylvania, and West Virginia.

No. MC 66562 (Sub No. 1443), filed August 7, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Dept., Railway Express Agency, Incorporated, 219 East 42d Street, New York 17, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Dowagiac, Mich., and Decatur, Mich., from Dowagiac over Michigan Highway 40 to Decatur, and return over the same route, serving no intermediate points. RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt covering, in addition to a movement by said carrier, an immediately prior or immediately subsequent movement by rail or air. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to or supplemental of express service. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange with rail express service will be made at Dowagiac, Mich.

No. MC 92983 (Sub No. 300), filed August 18, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, resins, varnishes* and *ingredients thereof*, in bulk in tank vehicles, from points in the Kansas City, Mo., Commercial Zone as defined by the Commission to points in Illinois, Indiana, and Ohio. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

No. MC 110197 (Sub No. 17), filed August 14, 1958. Applicant: DANIEL S. DRACUP & CO., INC., 42 Chicago Avenue, Celoron, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Driver training devices and accessories therefor*, between Jamestown, N. Y., on the one hand, and, on the other, points in Florida, Georgia, Alabama, South Carolina, North Carolina, Tennessee, Kentucky, Virginia, West Virginia, Massachusetts, Connecticut, and Rhode Island. Applicant is authorized to conduct operations in Alabama, Connecticut, Georgia, Kentucky, Massachusetts, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

No. MC 117102 (Sub No. 1), filed August 11, 1958. Applicant: RICHARD H. FLOWERS, doing business as R. H. FLOWERS TRUCKING COMPANY, Route 4, Box 251, Savannah, Ga. Applicant's representative: P. M. Nixon, II, South Atlantic Traffic Bureau, P. O. Box 1188, Savannah, Ga. Authority sought to operate as a *contract carrier*, by by motor vehicle, over irregular routes, transporting: *Treated wooden materials*, all kinds, between Port Wentworth, Ga., on the one hand, and, on the other, points in Florida, North Carolina, and South Carolina.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 151), filed August 12, 1958. Applicant: THE GREYHOUND CORPORATION, 5500 Jarvis Avenue, Chicago, Ill. Applicant's attorney: Barrett Elkins, 2600 Hamilton Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*,

by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, consisting of round-trip tours, beginning and ending at other points on applicant's authorized regular routes, or at points on the routes of connecting motor carrier, between junction Massachusetts Highways 128 and 37 at Braintree, Mass., and junction Massachusetts Highways 128 and 3 at Weymouth, Mass., over Massachusetts Highway 128, serving no intermediate points but serving the termini for the purpose of joinder only with applicant's authorized regular routes or lines of connecting carrier. Applicant is authorized to conduct operations throughout the United States.

No. MC 3647 (Sub No. 241), filed August 14, 1958. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Richard Fryling, General Counsel, Law Department, Public Service Coordinated Transport, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip special operations, during racing seasons, beginning and ending at Hackensack and Englewood, N. J., and extending to Yonkers Raceway, Yonkers, N. Y. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

PETITION

ORDER PERMITTING INTERVENTION

No. MC 39966 (Sub No. 5), WILLIAM EDWARD LEARY, EXTENSION—WILLIMANTIC, CONN. An order entered under date of August 12, 1958, by the Commission, Division 1, in the subject proceeding, provided, in part, (1) That the Contract Carrier Conference and the Regular Common Carrier Conference of the American Trucking Association, Inc., be permitted to intervene in said proceeding with the right to appear and participate in all further proceedings therein; (2) That the said proceeding be reopened, for further hearing at a time and place to be hereinafter fixed; (3) That the petitions be denied in all other respects.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6898 (correction) (E. BROOKE MATLACK, INC.—PURCHASE (PORTION)—AERO MOTOR LINE, INC.), published in the May 21, 1958, issue of the FEDERAL REGISTER on page 3480. Operating rights of vendor should have been shown as *contract carrier* in lieu of *common carrier*. Proceeding is assigned for hearing September 29, 1958, at New York, N. Y.

No. MC–F 6978. Authority sought for control and merger by T. I. M. E. INCORPORATED, 2604 Texas Avenue, Lubbock, Tex., of the operating rights and property of POWELL BROS. TRUCK LINES, INC., 1401 West High Street, Springfield, Mo., and for acquisition by A. R. DALBY, also of Lubbock, of control of such rights and property through the transaction. Applicants' attorneys: W. D. Benson, Jr., P. O. Box 1120, Lubbock, Tex., Reagan Sayers, Century Life Building, Fort Worth 2, Tex., and Keith Williams, Woodruff Building, Springfield, Mo. Operating rights sought to be controlled and merged: *General commodities*, as a *common carrier* over regular routes, between Kansas City, Mo., and Harrison, Ark., between Seneca, Mo., and junction U. S. Highway 60 and U. S. Highway 66, near Afton, Okla., between Joplin, Mo., and junction Alternate U. S. Highway 71 and Missouri Highway 14, between Lanagan, Mo., and junction U. S. Highway 71 and Arkansas Highway 12, between Fayetteville, Ark., and Berryville, Ark., between Harrison, Ark., and Gateway, Ark., between Baxter Springs, Kans., and Commerce, Okla., between Harrison, Ark., and Little Rock, Ark., between Kansas City, Mo., and Rogers, Ark., between Clinton, Mo., and Lees Summit, Mo., between St. Louis, Mo., and Tulsa, Okla., between Noel, Mo., and South West City, Mo., and between Joplin, Mo., and Seneca, Mo., serving certain intermediate and off-route points; alternate route for operating convenience only between junction Alternate U. S. Highway 71 and U. S. Highway 166 east of Joplin, Mo., and Springfield, Mo.; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Levy and Palarm, Ark., and Camp Joseph T. Robinson, Ark., serving no intermediate and certain off-route points; alternate route for operating convenience only between Kansas City, Mo., and Tulsa, Okla.; *general commodities*, over irregular routes, between points in the ST. LOUIS, MO., EAST ST. LOUIS, ILL., COMMERCIAL ZONE, as defined by the Commission, and between points in Kansas City, Kans., and Kansas City and North Kansas City, Mo.; *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, between junction U. S. Highway 66 and Missouri Highway 17 and Fort Leonard A. Wood, Mo., and points within four miles of Fort Leonard A. Wood; *Livestock*, from points in Dallas County, Mo., to National Stock Yards, Ill. T. I. M. E. INCORPORATED is authorized to operate as a *common carrier* in California, Georgia, Ohio, Arizona, New Mexico, Texas, Oklahoma, Arkansas, Tennessee, Missouri, Kentucky, Indiana, and Illinois. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6980. Authority sought for purchase by UNION PACIFIC MOTOR FREIGHT COMPANY, 1416 Dodge Street, Omaha, Nebr., of a portion of the operating rights of UNION PACIFIC RAILROAD COMPANY, 1416 Dodge Street, Omaha, Nebr., and for acquisition by UNION PACIFIC RAILROAD COMPANY, also of Omaha, of control of such rights through the purchase. Applicants' attorney: W. R. Rouse, 1416 Dodge Street, Omaha, Nebr. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over a regular route between Las Vegas, Nev., and Nellis Air Force Base, Nev., serving no intermediate points, and subject to the following restrictions: (1) The service by motor vehicle to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, its rail service; (2) such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations by motor vehicle to service which is auxiliary to, or supplemental of, its rail service. Vendee is authorized to operate as a *common carrier* in Wyoming, Idaho, Utah, Colorado, Iowa, Nebraska, Kansas, Missouri, Oregon, Nevada, Washington, and California. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6981. Authority sought for control by KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis., of U. S. A. C. TRANSPORT, INC., 457 West Fort Street, Detroit, Mich., and for acquisition by N. DEMOS, also of Kenosha, of control of U. S. A. C. TRANSPORT, INC., through the acquisition by KENOSHA AUTO TRANSPORT CORPORATION. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington 6, D. C. Operating rights sought to be controlled: *Grounded and disabled airplanes* and *uncrated airplane parts*, as a *common carrier* over irregular routes, between points in that part of the United States east of a line beginning at the mouth of the Mississippi River and extending along that river to its source near Grand Rapids, Minn., thence along a line extending in a northerly direction to the boundary of the United States and Canada at Pelland, Minn. (RESTRICTION: Traffic in grounded and disabled airplanes is restricted to movements from the points at which such planes are located, and that in uncrated airplane parts is restricted to movements to such points); *such commodities* as contractors' equipment, heavy and bulky articles, machinery and machine parts, and articles requiring specialized handling or rigging, between points in North Carolina, Virginia, West Virginia, Delaware, Maryland, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Ohio, Illinois, Indiana, and the District of Columbia; *airplanes* and *airplane parts*, between Nashville, Tenn., and Hagerstown, Md.; *aircraft*, fully assembled or partially dismantled, and *component parts*, of any partially dismantled unit of aircraft moving in connection therewith, *aircraft parts*, crated or uncrated, restricted to parts requiring special equipment, or handling by reason of size, weight, or fragile character, and *special facilities and empty containers* used by said carrier in the transportation of the above-described aircraft and aircraft parts, between points in that part of the United States east of a line beginning at the mouth of the Mississippi River and extending along that river to its source near Grand Rapids, Minn., thence along a line extending in a northerly direction to the boundary of the United States and Canada at Pelland, Minn., between the points described above, on the one hand, and, on the other, points in that part of the United States west of the above-described line; *aircraft* assembled or dismantled, and *component parts* of any partially dismantled unit of aircraft moving in connection therewith, *aircraft parts*, crated or uncrated, restricted to parts requiring special equipment or handling by reason of size, weight, or fragile character, for aircraft or component parts thereof which have had a prior movement, and *special facilities* and *empty containers* used by said carrier in the transportation of the above-described aircraft and aircraft parts, between points in Robertson Township, St. Louis County, Mo., on the one hand, and, on the other, Muroc Air Force Base, Calif.; *general commodities*, except new passenger automobiles, commodities moving in tank vehicles, and Class A and B explosives, between points in Utah, Oklahoma, Texas, Kansas, California, Pennsylvania, Georgia, New York, Tennessee, Florida, Virginia, South Dakota, Montana, Colorado, Alabama, and Illinois, on the one hand, and, on the other, ports of entry on the Pacific Coast and those on the United States-Canada Boundary line, restricted to traffic moving to or from the territory of Alaska. KENOSHA AUTO TRANSPORT CORPORATION is authorized to operate as a *common carrier* in all States in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6982. Authority sought for purchase by HENNEPIN TRANSPORTATION CO., INC., 23 Northeast Fourth Street, Minneapolis 13, Minn., of the operating rights and property of OLIGNEY MOTOR EXPRESS COMPANY, South 11th Street, P. O. Box 221, Hudson, Wis., and for acquisition by SAMUEL SHAPIRO, also of Minneapolis, of control of such rights and property through the purchase. Applicants' attorney: Robins, Davis & Lyons, 1200 Rand Tower, Minneapolis 2, Minn. Operating rights sought to be transferred: Operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act in the transportation of *property*, as a *common carrier* between specified points in the State of Wisconsin as more fully described in Second Proviso filing assigned Docket No. MC 99140. Vendee is authorized to operate as a *common carrier* in Minnesota, Illinois, and Wisconsin. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6983. Authority sought for purchase by GATEWAY TRANSPORTATION CO., 2130–2150 South Avenue, La Crosse, Wis., of a portion of the operating rights and property of TRUCK TRANSPORT COMPANY, 3601 Wyoming Avenue, Dearborn, Mich., and for acquisition by W. LEO MURPHY, EUGENE W. MURPHY, JOHN A. MURPHY and MICHAEL P. MURPHY, all of La Crosse, of control of such rights and property through the purchase. Applicants' attorneys: Drew L. Carraway, Suite 618 Perpetual Building, Washington 4, D. C., and Robert A. Sullivan, 2606 Guardian Building, Detroit 26 Mich. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes including routes between Pontiac, Mich., and Cincinnati, Ohio, between Piqua, Ohio, and Muncie, Ind., between Wapakoneta, Ohio, and Indianapolis, Ind., between specified points in Ohio, between specified points in Indiana, between specified points in Michigan, between Detroit, Mich., and Waukegan, Ill., between Detroit, Mich., and Niagara Falls, N. Y., between Flint, Mich., and Toledo, Ohio, and between Nappanee, Ind., and Sandusky, Ohio, serving certain intermediate and off-route points; several alternate routes for operating convenience only; *empty equipment*, between Middlefork, Ind., and Lafayette, Ind., between Liberty, Ind., and Cincinnati, Ohio, between Cincinnati, Ohio, and Rushville, Ind., between Rushville, Ind., and Indianapolis, Ind., between Columbus, Ohio, and Cincinnati, Ohio, between Columbus, Ohio, and Springfield, Ohio, between Sidney, Ohio, and Marion, Ohio, and between Kokomo, Ind., and Middlefork, Ind., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, and Ohio. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6984. Authority sought for control by EARL BRAY, INC., Linnwood and North Streets, Post Office Box 910, Cushing, Okla., of WRIGHT MOTOR LINES, INC., 16th and Elm, Rocky Ford, Colo., and for acquisition by SAM E. CARPENTER and CLARA E. BRAY (as co-executors of EARL BRAY ESTATE), FRANK E. COCHRAN and MARY E. COCHRAN, all of Cushing, of control of WRIGHT MOTOR LINES, INC., through the acquisition by EARL BRAY, INC. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Operating rights sought to be controlled: *Petroleum products*, as a *common carrier* over regular routes, from El Dorado, Kans., to Denver, Colo., and from McPherson, Kans., to Denver, Colo., serving certain intermediate and off-route points; *petroleum products*, in bulk, in tank vehicles, from specified points in Kansas to specified points in Colorado, and from Ponca City and Enid, Okla., to specified points in Colorado, serving certain intermediate and off-route points; *liquid petroleum products*, in tank truck loads, from El Dorado, Kans., to Canon City and Falcon, Colo., serving certain intermediate points; *lubricating oil*, in containers, in truckloads, *petroleum products, salt, mineral feed blocks, lumber, sugar, cottonseed cake, farm products, fertilizer*, in bags, *beans, onions*, in truckloads, *honey, rice*, in truckloads, *canned goods, pickles*, in containers, *excelsior padding, building blocks, ammonium nitrate fertilizer compound, glass containers, frozen grape juice, returned used empty containers for petroleum products*, over irregular routes, from, to or between points and areas, varying with the commodity transported, in Oklahoma, Colorado, Kansas, South Dakota, Nebraska, Wyoming, Utah, Idaho, Texas, Arkansas, Missouri, New Mexico, Louisiana, Nevada, Montana, Tennessee, and Iowa. EARL BRAY, INC., is authorized to operate as a *common carrier* in Kansas, Texas, Oklahoma, Missouri, Arkansas, Illinois, Iowa, Mississippi, Nebraska, Indiana, Louisiana, Kentucky, and Tennessee. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6986. Authority sought for control and merger by SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott, Chicago 8, Ill., of the operating rights and property of GREAT AMERICAN TRANSPORT, INC., 347 23d Street, Detroit 16, Mich., and for acquisition, by W. STANHAUS and SIMON FISHER, both of Chicago, of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill., and Maurice P. Golden, 33 North La Salle Street, Chicago, Ill. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, including routes between Joliet, Ill., and Hammond, Ind., between Fort Wayne, Ind., and Toledo, Ohio, between Chicago, Ill., and Detroit, Mich., between Gary, Ind., and Port Huron, Mich., between Toledo, Ohio, and Bay City, Mich., between Pekin, Ill., and Kentland, Ind., between Van Wert, Ohio, and Somerset, Mich., between specified points in Michigan, and between specified points in Illinois, serving certain intermediate and off-route points; three alternate routes for operating convenience only; *road machine parts*, from Wayne, Mich., to Mattoon, Ill., serving certain intermediate and off-route points; *road machine parts, road machines*, and *empty steel stock boxes*, from Mattoon, Ill., to Wayne, Mich., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and between Detroit, Mich., on the one hand, and, on the other, points in Michigan within ten miles of Detroit. SPECTOR FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Ohio, Missouri, Massachusetts, Pennsylvania, Maryland, Connecticut, New York, Indiana, Illinois, Minnesota, Wisconsin, New Jersey, Kansas, Rhode Island, Iowa, Nebraska, and the District of Columbia. Application

has been filed for temporary authority under section 210a (b).

No. MC–F 6987. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS, INC., 431 Burgess Drive, Menlo Park, Calif., of the operating rights and property of J. A. CLARK DRAYING COMPANY, LTD., 100 Howard Street, San Francisco, Calif. Applicants' attorneys: Wyman C. Knapp, 727 West Seventh Street, Los Angeles 17, Calif., and E. T. Liipfert, 431 Burgess Drive, Menlo Park, Calif. Operating rights sought to be controlled and merged: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment other than those requiring special handling because of weight or bulk, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes, between points in the Los Angeles Harbor Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points within 30 miles of the intersection of First and Main Streets, Los Angeles, Calif., between points in the Los Angeles Commercial Zone, as defined by the Commission, and between points in San Francisco County, Calif.; operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act covering the transportation of *general commodities*, with certain exceptions as more specifically described in Dockets Nos. MC 8865 Sub 2 and MC 8865 Sub 3, as a *common carrier* over irregular routes between certain points in California. CONSOLIDATED FREIGHTWAYS, INC., is authorized to operate as a *common carrier* in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Utah, Washington, West Virginia, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a (b).

NOTE: Application will be published in the FEDERAL REGISTER at a later date as a matter directly related.

MOTOR CARRIERS OF PASSENGERS

No. MC–F 6985. Authority sought for lease by SOMERSET BUS CO., INC., 1062 U. S. Highway 22, Mountainside, N. J., of the operating rights and property of THE GREEN FLYER, INC., doing business as GREEN FLYER, 1062 U. S. Highway 22, Hillside, N. J., for a period expiring June 30, 1962, and for acquisition by FRANK J. NOLL and MAE A. NOLL, both of 138 De Lacey Avenue, North Plainfield, N. J., ISIDOR M. NOLL and TERESA M. NOLL, both of 262 Hillside Avenue, Springfield, N. J., of control of such rights and property through the transaction. Applicants' attorney: Wilmer A. Hill, Transportation Building, Washington 6, D. C. Operating rights sought to be leased: *Passengers and their baggage*, as a *common carrier* over a regular route, between Fanwood, N. J., and New York, N. Y., serving certain intermediate points; two alternate regular routes for operating convience only. SOMERSET BUS CO., INC., is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, Maryland, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b). In No. MC–F 6637 (SOMERSET BUS CO., INC.—CONTROL AND MERGER—THE GREEN FLYER, INC.), decided February 20, 1958, the acquisition by SOMERSET BUS CO., INC., of control of THE GREEN FLYER, INC., through purchase of capital stock, merger of the operating rights and property of the latter into the former for ownership, management, and operation, and acquisition by the four individuals named above of control of the operating rights and property through the control and merger, were conditionally approved and authorized. Temporary authority granted under section 210a (b), as extended, is outstanding in No. MC–F 6637 for a period expiring with consummation of the merger, or October 1, 1958, whichever occurs first.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–6931; Filed, Aug. 26, 1958; 8:53 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 22, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40), and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34911: *Joint motor-rail rates—Cotton and linters from Carryville and Piggott, Ark.* Filed by Southwestern Freight Bureau, Agent (No. B–7360), for interested carriers. Rates on cotton and cotton linters, in bales, carloads from Carryville and Piggott, Ark., on the Frisco Transportation Company to points on rail lines in southwestern, southern, western trunk line, and official territories, also points in Canada in New Brunswick, Nova Scotia, Ontario, and Quebec.

Grounds for relief: Abandonment of a portion of the line of the St. Louis-San Francisco Railway Company under Finance Docket No. 20155.

Tariff: Supplement 29 to Southwestern Freight Bureau tariff I. C. C. 4268.

FSA No. 34912: *Liquefied petroleum gas—Southwestern points to Ohio and Maryland points.* Filed by Southwestern Freight Bureau, Agent (No. B–7359), for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from specified points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas to Batavia, Cincinnati, Lebanon, Loveland, Ohio, and Hagerstown and Hancock, Md.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 169 to Southwestern Freight Bureau tariff I. C. C. 4118. Supplement 155 to Southwestern Freight Bureau tariff I. C. C. 4150.

FSA No. 34913: *Cement—Arkco, Ark., to southwestern points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B–7342), for interested rail carriers. Rates on cement, hydraulic, natural or portland, tile grout, masonry or mortar cement, concrete mixture, as described, and dry building mortar, straight or mixed carloads from Arkco, Ark., to destinations in Arkansas, Louisiana (west of the Mississippi River), southern Missouri, Oklahoma, and Texas.

Grounds for relief: Short-line distance formula, market competition with Okay Jct., Ark.

Tariff: Supplement 110 to Southwestern Freight Bureau, I. C. C. 3934.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–6927; Filed, Aug. 26, 1958; 8:52 a. m.]

[Notice 19]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 22, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 60920. By order of August 21, 1958, the Transfer Board approved the transfer to Leon Dale Ver Steeg, Sioux Center, Iowa, of certificate No. MC 1285, issued March 6, 1942, to William H. Boone, Sioux Center, Iowa, authorizing the transportation of: Livestock, grain, hay, and emigrant movables, over irregular routes, between Sioux Center, Iowa, and points within 25 miles of Sioux Center, on the one hand, and, on the other, points in Minnesota, South Dakota, and Nebraska within 100 miles of Sioux Center, and agricultural implements and livestock feeds, over irregular routes, from Sioux Falls, S. Dak., to Sioux Center, Iowa, and points within 25 miles of Sioux Center. Maurice A. Te Paske, 20 Third Street NE., Sioux Center, Iowa, for applicants.

No. MC–FC 61395. By order of August 21, 1958, the Transfer Board approved the transfer to William M. Caburis dba Beekman Moving & Storage Co., New York, N. Y., of Certificate No. MC 73178, issued October 14, 1949, to Arthur John Murphy dba Town and Country Movers and A. J. Murphy Trucking, New York, N. Y., authorizing the transportation of household goods as defined by the Commission, over irregular routes, between New York, N. Y., on the one hand, and, on the other, points in Massachusetts, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, and the District of Columbia, traversing Maryland for operating convenience only. David Brodsky, 1776 Broadway, New York 19, N. Y., for applicants.

No. MC–FC 61445. By order of August 20, 1958, the Transfer Board approved the transfer to Wallack Freight Lines, Inc., Bellmore, New York, of certificate in No. MC 73352, issued June 1, 1944, to Vera Alfisy, Grant City, Staten Island, New York, authorizing the transportation of general commodities, excluding household goods and other specified commodities, over irregular routes, between points in New York, N. Y., Commercial Zone, as defined by the Commission; and between New York, N. Y., on the one hand, and, on the other, Elizabeth, Irvington, Newark, and Harrison, N. J. Edward M. Alfano, 36 West 44th Street, New York 36, New York.

No. MC–FC 61452. By order of August 20, 1958, the Transfer Board approved the transfer to John J. Brady, Jr., and William F. Brady, a partnership, doing business as John J. Brady and Sons, Beverly Farms, Massachusetts, of certificates in Nos. MC 90274 and MC 90274 Sub 1, issued August 28, 1950, and January 15, 1952, the record holder of which is John J. Brady (William F. Brady and Frank H. Brady, Administrators), John J. Brady, Jr., and William F. Brady, a partnership, doing business as J. J. Brady & Sons, Beverly Farms, Massachusetts, authorizing the transportation of horses, dogs, and personal belongings of owners and jockeys in the same vehicle with animals, and horses (other than ordinary livestock) and equipment and paraphernalia, incidental to such transportation, over irregular routes, between points in New Hampshire, Massachusetts, Vermont, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, Tennessee, South Carolina, Florida, Louisiana, Pennsylvania, and the District of Columbia. Thomas F. Fitzgibbon, 81 Washington Street, Salem, Massachusetts.

No. MC–FC 61457. By order of August 20, 1958, the Transfer Board approved the transfer to Elsifor Moving and Storage Co., Inc., Columbus, Ohio, of Certificate No. MC 10029, issued February 22, 1943, to Elsifor Moving and Storage Company, a Corporation, Ann Arbor, Mich., authorizing the transportation of Household goods, as defined by the Commission, over irregular routes, between Ann Arbor, Mich., and points in Michigan within 70 miles of Ann Arbor, on the one hand, and, on the other, points in Illinois, the District of Columbia, Indiana, Michigan, New York, Ohio, Pennsylvania, Wisconsin, and those in Virginia and Maryland within 50 miles of Washington, D. C., traversing West Virginia and New Jersey for operating convenience only. Mann, Lipnik & Darrow, 315 Ann Arbor Trust Building, Ann Arbor, Mich., for applicants.

No. MC–FC 61478. By order of August 21, 1958, the Transfer Board approved the transfer to Hubert A. Libby dba Pine State Charter Service, Sebago Lake, Maine, of Certificate No. MC 96112, issued June 17, 1949, to Burnham Bros., Inc., Naples, Maine, authorizing the transportation of Passengers, in charter service, restricted to traffic originating at the points indicated, over irregular routes, from North Bridgeton, Me., to points in Connecticut, Rhode Island, Massachusetts, and New Hampshire, and return; and from Bridgeton Center, Me., to points in New Hampshire, and return. Hubert A. Libby, R. F. D. No. 2, Sebago Lake, Maine, Transferee; Chester L. Burnham, President, Burnham Bros., Inc., Naples, Maine, Transferor.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–6929; Filed, Aug. 26, 1958; 8:53 a. m.]

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President subsequent to adjournment will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 85th Congress, Second Session.

Acts Approved August 25, 1958

S. 607 ..... Public Law 85–745
An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes.

S. 3333 ..... Public Law 85–748
An Act to facilitate the insurance of loans under title I of the Bankhead-Jones Farm Tenant Act, as amended, and the Act of August 28, 1937, as amended (relating to the conservation of water resources), and for other purposes.

S. 3996 ..... Public Law 85–746
An Act to authorize the Secretary of the Interior to enter into an agreement for relocating portions of the Natchez Trace Parkway, Mississippi, and for other purposes.

H. J. Res. 424 ..... Public Law 85–752
Joint Resolution to improve the administration of justice by authorizing the Judicial Conference of the United States to establish institutes and joint councils on sentencing, to provide additional methods of sentencing, and for other purposes.

H. R. 4142 ..... Public Law 85–757
An Act to amend the Act creating the City of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Illinois, in order to make certain changes in the authority of such commission, and for other purposes.

H. R. 6382 ..... Public Law 85–747
An Act to subject naval ship construction to the Act of June 30, 1936 (49 Stat. 2036), as amended.

H. R. 7866 ..... Public Law 85–755
An Act to amend title 28, United States Code, relating to the Court of Customs and Patent Appeals.

H. R. 8002 ..... Public Law 85–759
An Act to provide for improved methods of stating budget estimates and estimates for deficiency and supplemental appropriations.

H. R. 9627 ..... Public Law 85–753
An Act to authorize the Secretary of the Interior to convey certain lands in Alaska to the city of Ketchikan, Alaska.

H. R. 9673 ..... Public Law 85–754
An Act to restore retired pay to those retired officers of the Armed Forces dropped from the rolls after December 31, 1954, and before the date of enactment of this Act, and for other purposes.

H. R. 9740 ..... Public Law 85–758
An Act to convey certain land to the Makah Tribe of Indians.

H. R. 10173 ..... Public Law 85–756
An Act to provide for the transfer of title to certain land at Sand Island, Territory of Hawaii, to the Territory of Hawaii, and for other purposes.

H. R. 11133 ..... Public Law 85–749
An Act to amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the continental United States and Alaska, and for other purposes.

H. R. 12967 ..... Public Law 85–750
An Act to amend the Fair Labor Standards Act of 1938 with respect to the frequency of review of minimum wage rates established for Puerto Rico and the Virgin Islands.

H. R. 13404 ..... Public Law 85–751
An Act to amend section 404 (c) (1) of the Postal Field Service Compensation Act of 1955 to grant longevity credit for service performed in the Panama Canal Zone postal service.

Acts Approved August 26, 1958

H. R. 8868 ..... Public Law 85–760
An Act to remove the present $1,000 limitation which prevents the settlement of certain claims arising out of the crash of an aircraft belonging to the United States at Worcester, Massachusetts, on July 18, 1957.

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TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: For listing of current public laws approved by the President, see last page of this issue.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 20-7]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

GRADUATES OF CERTIFICATED FLYING SCHOOLS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of August 1958.

Section 20.110 (a) of revised Part 20 deals with the special issuance of pilot certificates to graduates of certificated flying schools. This section recognizes the advantages of an organized training curriculum in an approved school and for this reason gives a graduate of a certificated flying school full credit for having met the aeronautical experience requirements set forth in Part 20 even though the experience requirements established for certificated schools under Part 50 of the Civil Air Regulations are slightly lower than the experience requirements of Part 20. However, the proviso to this section states that a graduate of an approved school who is an applicant for an instrument rating or a limited flight instructor certificate shall meet the aeronautical experience requirements for the issuance of a commerical pilot certificate of Part 20. This section could thus be construed to mean that a graduate of an approved school would be given full credit for his aeronautical experience in acquiring a commercial pilot certificate but that once he had acquired such certificate this same experience would not be sufficient to enable him to apply for an instrument rating or limited flight instructor certificate. This was not the Board's intent.

For many years, Part 20 provided that a graduate of a certificated flying school who was applying for an instrument rating or flight instructor certificate was deemed to have met the aeronautical experience requirements of Part 20 if he were the holder of a commercial pilot certificate or a private pilot who met the aeronautical experience requirements for the issuance of a commercial certificate under Part 20. It was not the Board's intent in the revision of Part 20 to change the substance of the foregoing provision but merely to restate it in simplified language.

Therefore, in order to clarify § 20.110 (a) so that it clearly expresses the Board's intent, it is necessary to amend the proviso to that section to provide that an applicant for an instrument rating or a limited flight instructor certificate shall be the holder of a valid commercial pilot certificate or the holder of a private pilot certificate who meets the aeronautical experience requirements of Part 20 for the issuance of a commercial pilot certificate.

Since this amendment is clarifying in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR Part 20, as amended) effective August 25, 1958.

By amending the proviso of § 20.110 (a) to read as follows: *"Provided,* That an applicant for an instrument rating or a limited flight instructor certificate shall be (1) the holder of a commercial pilot certificate, or (2) the holder of a private pilot certificate who meets the aeronautical experience requirements for the issuance of a commercial pilot certificate as set forth in § 20.44."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 602, 610, 52 Stat. 1008, 1012, as amended; 49 U. S. C. 552, 560)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58-6981; Filed, Aug. 27, 1958; 8:51 a. m.]

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TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

INCREASED TOLERANCES FOR RESIDUES OF SODIUM O-PHENYLPHENATE

A petition was filed with the Food and Drug Administration by Vis-Ko, Inc., 925 Kincaid Avenue, Sumner, Washington, requesting the establishment of increased tolerances for residues of sodium o-phenylphenate, calculated as o-phenylphenol, in or on apples and pears.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the increased tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the increased tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (23 F. R. 6403) are amended as follows:

1. Section 120.129 is amended by deleting paragraph (d) and renumbering paragraphs (b) and (c) as (c) and (d), respectively.

2. Section 120.129 is further amended by inserting therein a new paragraph (b).

3. As amended, § 120.129 reads as follows:

§ 120.129 *Tolerances for residues of sodium o-phenylphenate.* Tolerances are established as follows for residues from postharvest application of sodium o-phenylphenate, calculated as o-phenylphenol:

(a) 125 parts per million in or on cantaloups, of which not more than 10 parts per million shall be in the edible portion.

(b) 25 parts per million in or on apples, pears.

(c) 20 parts per million in or on peaches.

(d) 10 parts per million in or on citrus citron, grapefruit, kumquat, lemons, limes, oranges, pineapple, tangelos, tangerines.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: August 22, 1958.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 58-6975; Filed, Aug. 27, 1958; 8:49 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF TOTAL COMBINED BROMINE IN OR ON CHERRIES AND PLUMS AFTER FUMIGATION WITH ETHYLENE DIBROMIDE

Correction

In F. R. Document 58-6832 appearing in the issue for Saturday, August 23, 1958, at page 6553 make the following change: In the first paragraph, line 8, the word "on" should read "no".

Subchapter C—Drugs

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 1957 Supp., 146b.116, 146c.237) are amended as indicated below:

1. Section 146b.116 *Streptomycylidene isonicotinyl hydrazine sulfate* is amended in paragraph (c) *Labeling* by changing the comma preceding the clause beginning "and its expiration date • • •" to a period and deleting the remainder of the paragraph.

2. Section 146c.237 *Chlortetracycline-neomycin-streptomycin ointment* • • • is amended by changing the words "18 months" in paragraph (b) to read "36 months."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for these amendments.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: August 21, 1958.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 58-6976; Filed, Aug. 27, 1958; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6306]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

REPORTING AND SUBSTANTIATION OF TRAVELING AND OTHER BUSINESS EXPENSES OF EMPLOYEES

On March 12, 1958, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1957, relating to the reporting and substantiation of traveling and other business expenses, was published in the FEDERAL REGISTER (23 F. R. 1698) as Part 19 of 26 CFR. No requests for a public hearing were received. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted by amending the Income Tax Regulations (26 CFR Part 1) under section 162 of the Internal Revenue Code of 1954, relating to trade or business expenses, which were issued

as Treasury Decision 6291 (23 F. R. 2244), approved April 3, 1958, as follows:

PARAGRAPH 1. Section 1.162–2 is amended by adding immediately after paragraph (e) thereof the following new paragraph (f):

(f) For rules with respect to the reporting and substantiation of traveling and other business expenses of employees for taxable years beginning after December 31, 1957, see § 1.162–17.

PAR. 2. There is added immediately after § 1.162–16 the following new section:

§ 1.162–17 *Reporting and substantiation of traveling and other business expenses of employees*—(a) *Introductory.* The purpose of the regulations in this section is to provide rules for the reporting of information on income tax returns by taxpayers who pay or incur ordinary and necessary business expenses in connection with the performance of services as an employee and to furnish guidance as to the type of records which will be useful in compiling such information and in its substantiation, if required. The rules prescribed in this section do not apply to expenses paid or incurred for incidentals, such as office supplies for the employer or local transportation in connection with an errand. Employees incurring such incidental expenses are not required to provide substantiation for such amounts. The term "ordinary and necessary business expenses" means only those expenses which are ordinary and necessary in the conduct of the taxpayer's business and are directly attributable to such business. The term does not include nondeductible personal, living or family expenses.

(b) *Expenses for which the employee is required to account to his employer*—(1) *Reimbursements equal to expenses.* The employee need not report on his tax return (either itemized or in total amount) expenses for travel, transportation, entertainment, and similar purposes paid or incurred by him solely for the benefit of his employer for which he is required to account and does account to his employer and which are charged directly or indirectly to the employer (for example, through credit cards) or for which the employee is paid through advances, reimbursements, or otherwise, provided the total amount of such advances, reimbursements, and charges is equal to such expenses. In such a case the taxpayer need only state in his return that the total of amounts charged directly or indirectly to his employer through credit cards or otherwise and received from the employer as advances or reimbursements did not exceed the ordinary and necessary business expenses paid or incurred by the employee.

(2) *Reimbursements in excess of expenses.* In case the total of amounts charged directly or indirectly to the employer and received from the employer as advances, reimbursements, or otherwise, exceeds the ordinary and necessary business expenses paid or incurred by the employee and the employee is required to and does account to his employer for such expenses, the taxpayer must include such excess in income and state on his return that he has done so.

(3) *Expenses in excess of reimbursements.* If the employee's ordinary and necessary business expenses exceed the total of the amounts charged directly or indirectly to the employer and received from the employer as advances, reimbursements, or otherwise, and the employee is required to and does account to his employer for such expenses, the taxpayer may make the statement in his return required by subparagraph (1) of this paragraph unless he wishes to claim a deduction for such excess. If, however, he wishes to secure a deduction for such excess, he must submit a statement showing the following information as part of his tax return:

(i) The total of any charges paid or borne by the employer and of any other amounts received from the employer for payment of expenses whether by means of advances reimbursements or otherwise; and

(ii) The nature of his occupation, the number of days away from home on business, and the total amount of ordinary and necessary business expenses paid or incurred by him (including those charged directly or indirectly to the employer through credit cards or otherwise) broken down into such broad categories as transportation, meals and lodging while away from home overnight, entertainment expenses, and other business expenses.

(4) To "account" to his employer as used in this section means to submit an expense account or other required written statement to the employer showing the business nature and the amount of all the employee's expenses (including those charged directly or indirectly to the employer through credit cards or otherwise) broken down into such broad categories as transportation, meals and lodging while away from home overnight, entertainment expenses, and other business expenses. For this purpose, the Commissioner in his discretion may approve reasonable business practices under which mileage, per diem in lieu of subsistence, and similar allowances providing for ordinary and necessary business expenses in accordance with a fixed scale may be regarded as equivalent to an accounting to the employer.

(c) *Expenses for which the employee is not required to account to his employer.* If the employee is not required to account to his employer for his ordinary and necessary business expenses, e. g., travel, transportation, entertainment, and similar items, or, though required, fails to account for such expenses, he must submit, as a part of his tax return, a statement showing the following information:

(1) The total of all amounts received as advances or reimbursements from his employer in connection with the ordinary and necessary business expenses of the employee, including amounts charged directly or indirectly to the employer through credit cards or otherwise; and

(2) The nature of his occupation, the number of days away from home on business, and the total amount of ordinary and necessary business expenses paid or incurred by him (including those charged directly or indirectly to the employer through credit cards or otherwise) broken down into such broad categories as transportation, meals and lodging while away from home overnight, entertainment expenses, and other business expenses.

(d) *Substantiation of items of expense.* (1) Although the Commissioner may require any taxpayer to substantiate such information concerning expense accounts as may appear to be pertinent in determining tax liability, taxpayers ordinarily will not be called upon to substantiate expense account information except those in the following categories:

(i) A taxpayer who is not required to account to his employer, or who does not account;

(ii) A taxpayer whose expenses exceed the total of amounts charged to his employer and amounts received through advances, reimbursements or otherwise and who claims a deduction on his return for such excess;

(iii) A taxpayer who is related to his employer within the meaning of section 267 (b); and

(iv) Other taxpayers in cases where it is determined that the accounting procedures used by the employer for the reporting and substantiation of expenses by employees are not adequate.

(2) The Internal Revenue Code contemplates that taxpayers keep such records as will be sufficient to enable the Commissioner to correctly determine income tax liability. Accordingly, it is to the advantage of taxpayers who may be called upon to substantiate expense account information to maintain as adequate and detailed records of travel, transportation, entertainment, and similar business expenses as practical since the burden of proof is upon the taxpayer to show that such expenses were not only paid or incurred but also that they constitute ordinary and necessary business expenses. One method for substantiating expenses incurred by an employee in connection with his employment is through the preparation of a daily diary or record of expenditures, maintained in sufficient detail to enable him to readily identify the amount and nature of any expenditure, and the preservation of supporting documents, especially in connection with large or exceptional expenditures. Nevertheless, it is recognized that by reason of the nature of certain expenses or the circumstances under which they are incurred, it is often difficult for an employee to maintain detailed records or to preserve supporting documents for all his expenses. Detailed records of small expenditures incurred in traveling or for transportation, as for example, tips, will not be required.

(3) Where records are incomplete or documentary proof is unavailable, it may be possible to establish the amount of the expenditures by approximations based upon reliable secondary sources of information and collateral evidence. For example, in connection with an item of traveling expense a taxpayer might establish that he was in a travel status a certain number of days but that it was impracticable for him to establish the details of all his various items of travel expense. In such a case rail fares or plane fares can usually be ascertained with exactness and automobile costs approximated on the basis of mileage covered. A reasonable approximation of meals and lodging might be based upon receipted hotel bills or upon average daily rates for such accommodations and meals prevailing in the particular community for comparable accommodations. Since detailed records of incidental items are not required, deductions for these items may be based upon a reasonable approximation. In cases where a taxpayer is called upon to substantiate expense account information, the burden is on the taxpayer to establish that the amounts claimed as a deduction are reasonably accurate and constitute ordinary and necessary business expenses paid or incurred by him in connection with his trade or business. In connection with the determination of factual matters of this type, due consideration will be given to the reasonableness of the stated expenditures for the claimed purposes in relation to the taxpayer's circumstances (such as his income and the nature of his occupation), to the reliability and accuracy of records in connection with other items more readily lending themselves to detailed record-keeping, and to all of the facts and circumstances in the particular case.

(e) *Prior regulations.* The provisions of the regulations in this section are supplemental to existing regulations relating to information required to be submitted with income tax returns, and shall be applicable with respect to taxable years beginning after December 31, 1957, notwithstanding any existing regulation to the contrary.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interprets or applies sec. 6001, 68A Stat. 731; 26 U. S. C. 6001)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: August 22, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58–6979; Filed, Aug. 27, 1958; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 581—PERSONNEL REVIEW BOARDS

ARMY DISCHARGE REVIEW BOARD

In § 581.2, amend paragraphs (d) (5), (f) (2) (i), and (g) (1), as follows:

§ 581.2 *Army Discharge Review Board.* • • •

(d) *Application for review.* • • •

(5) The request for review will be forwarded to:

The Adjutant General, U. S. Army Records Center, 9700 Page Boulevard, St. Louis 14, Mo.

• • • • • •

(f) *Hearings.* • • •

(2) *Conduct of hearings.* (i) Conduct of hearings will be, so far as practicable, as provided in AR 15–6 (Administrative Army Regulations containing procedural guide for investigating officers and boards of officers in conducting investigations). Applicant and/or his counsel may have access to the records in the case, except such classified material the disclosure of which would jeopardize Defense interest of the United States. When necessary to acquaint the applicant with the substance of a document classified by intelligence agencies, the Assistant Chief of Staff for Intelligence, Department of the Army, on the request of the board, will prepare a summary of, or extract from, the document, deleting all references to sources of information and other matter the disclosure of which, in his opinion, would be detrimental to the Defense interest of the United States.

• • • • • •

(g) *Findings and conclusions*—(1) The board will make written findings in closed session in each case.

• • • • • •

[AR 15–180, July 28, 1958] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interprets or applies sec. 301, 58 Stat. 286; 39 U. S. C. 693h)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58–6948; Filed, Aug. 27, 1958; 8:45 a. m.]

PART 581—PERSONNEL REVIEW BOARDS

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

Federal Register Document 58–5600, appearing at 23 F. R. 5562, July 23, 1958, is corrected by changing the opening portion of § 581.3 (f) (3) (vi) to read as follows:

(vi) After the Secretary of the Army has taken action on the records, • • •

[Regs., SAOMR, Aug. 15, 1958] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interprets or applies sec. 1552, 70A Stat. 116; 10 U. S. C. 1552)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58–6947; Filed, Aug. 27, 1958; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

ARROYO COLORADO, TEXAS

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 (j) (28) governing the operation of the Texas Highway Department bridge across Arroyo Colorado at Rio Hondo, Texas is hereby amended to reduce the advance notice required for opening, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.* • • •

(j) *Waterways discharging into Gulf of Mexico west of Mississippi River.* • • •

(28) Arroyo Colorado, Tex.; Texas Highway Department bridge at Rio Hondo, Texas. At least 12 hours' advance notice required.

[Regs., Aug. 15, 1958, 823.01 (Arroyo Colorado, Tex.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58–6949; Filed, Aug. 27, 1958; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 111—POSTAL UNION MAIL

REVISION OF BOOK RATES

1. The designation in Federal Register Document 58–5877, filed July 30, 1958 (23 F. R. 5762, 5763), of September 1, 1958, as the effective date for application of amended paragraph (d) (1) of § 111.2 *Specific categories,* and amended subdivision (i) of paragraph (d) (6) of such § 111.2, to books is hereby rescinded.

2. In § 111.2 *Specific categories* make the following changes in paragraph (d):

a. Subparagraph (1), as amended (23 F. R. 5122, 5762), is further amended, to read as follows:

(1) *Surface rates.* Surface rates for printed matter to all countries are 4 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction of 2 ounces, except as follows:

(i) For rates on second-class matter mailed by publishers or registered news agents, see § 22.1 (d).

(ii) For rates on books, see subparagraph (6) of this paragraph.

(iii) For rates on raised print for the blind, see paragraph (e) of this section.

Airmail rates are shown in § 111.1 (a).

NOTE: The corresponding Postal Manual section is 221.241.

b. Subdivision (i) of subparagraph (6), as amended (23 F. R. 5122, 5762), is further amended, to read as follows:

(i) *Rates.* Surface rate for books, as described in subdivision (iii) of this subparagraph, is 8 cents each pound or fraction when addressed to the following countries:

Argentina.	Republic of Honduras.
Bolivia.	Mexico.
Brazil.	Nicaragua.
Chile.	Panama.
Colombia.	Paraguay.
Costa Rica.	Peru.
Cuba.	El Salvador.
Dominican Republic.	Uruguay.
Ecuador.	Venezuela.
Guatemala.	
Haiti.	

For all other countries, the rates are 2 cents for the first 2 ounces and 1½ cents

for each additional 2 ounces or fraction. For airmail rates, see § 111.1 (a).

NOTE: The corresponding Postal Manual section is 221.246a.

(R. S. 161, as amended, Pub. Law 85-619, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372.)

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

[F. R. Doc. 58-7006; Filed, Aug. 26, 1958; 12:30 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1724]

[78825]

MICHIGAN

PARTLY REVOKING EXECUTIVE ORDERS OF APRIL 29, 1871, AND MARCH 27, 1906; REVOKING EXECUTIVE ORDER NO. 3976 OF MARCH 22, 1924, AND DEPARTMENTAL ORDER OF FEBRUARY 16, 1906 (ISLE ROYALE NATIONAL PARK)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of March 27, 1906, so far as it reserved the following-described lands at the entrance to Rock Harbor, for lighthouse purposes, is hereby revoked:

MICHIGAN MERIDIAN

T. 66 N., R. 34 W.,
Sec. 25, lot 1.

containing 1.84 acres.

2. The Executive Order of April 29, 1871, so far as it reserved Gull Island, to the eastward of Isle Royale, Lake Superior, for lighthouse purposes, is hereby revoked. The reservation consists of four islands located approximately four miles east-northeast of Passage Island, in Lake Superior, in

T. 68 N., R. 31 W.,

and contains 15 acres, more or less.

3. The order of the Secretary of the Interior of February 16, 1906, reserving the following-described islands, being a part of the group of islands known as "Isle Royale," for lighthouse purposes to mark the entrance to Rock Harbor in Lake Superior, is hereby revoked:

T. 67 N., R. 33 W.,
Sec. 24, Island No. 5 in SE¼;
Sec. 25, Island No. 20 in NE¼.

containing 6.09 acres and 9.17 acres respectively.

4. Executive Order No. 3976 of March 22, 1924, withdrawing the public lands in Isle Royale in the State of Michigan, pending determination as to the advisability of including them in a national monument, is hereby revoked.

5. The lands described in paragraphs 1, 3 and 4 of this order, are a part of the Isle Royale National Park, established pursuant to the act of March 3, 1931 (46 Stat. 1514; 16 U. S. C. 408), the area of which was increased by the act of March 6, 1942 (56 Stat. 138; 16 U. S. C. 408e, 408g, 408h), as amended.

6. The lands described in paragraph 2 of this order are unsurveyed, and will not be subject to application, location, selection, or any other form of appropriation under the public land laws until an authorized officer of the Bureau of Land Management shall issue, and have published in the FEDERAL REGISTER, a notice of the official filing of a plat of survey of the lands, which notice shall designate the time when, and manner in which applications and selections may be filed for, and rights initiated in such lands.

HATFIELD CHILSON, *Under Secretary of the Interior.*

AUGUST 21, 1958.

[F. R. Doc. 58-6951; Filed, Aug. 27, 1958; 8:45 a. m.]

[Public Land Order 1701]

[76094]

[1223224]

CALIFORNIA

CORRECTION TO PUBLIC LAND ORDER OF AUGUST 1, 1958

AUGUST 21, 1958.

In Federal Register Document No. 58-6164 in the issue of August 7, 1958, at page 5995, in paragraph numbered 2, under T. 12 S., R. 25 E., section 6, the reference should be to NE¼ of lot 1 rather than to the NE¼ of lot 4.

E. J. THOMAS, *Acting Director.*

[F. R. Doc. 58-6950; Filed, Aug. 27, 1958; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 931]

[Docket No. AO-229-A5]

HANDLING OF MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Cedar Rapids, Iowa, on April 29-30, 1958, pursuant to notices thereof which were issued April 10 and April 22, 1958 (23 F. R. 2427 and 2770).

The material issues on the record of the hearing relate to:

1. Specifying conditions whereby a cooperative association in certain capacities may qualify as a pool plant.
2. Combining Class II milk and Class III milk into one classification.
3. Prescribing conditions under which transfers or diversions may be classified as Class II.
4. Reducing the Class I butterfat differential.
5. Revising the producer butterfat differential.
6. Modifying application of the location differentials.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Provision should be made whereby a plant operated by a cooperative association for the benefit of the market may qualify as a pool plant.

The source of supply for all but one of the regulated plants under the order is from the farms of producer members of the Eastern Iowa Cooperative Dairy Producers. Of the 750 producers on the market approximately 650 are members of that association.

Although the cooperative association does not maintain facilities for processing producer milk in excess of handlers' requirements, it does assume the responsibility for marketing such excess milk. Producer milk not needed by handlers is received at the cooperative's plant where it is cooled and reloaded for shipment to other fluid milk markets or to manufacturing plants.

Most of the handlers supplied by producer members of the Eastern Iowa Cooperative do not operate their plants on one or more days each week. On such days the cooperative receives at its plant all of the milk of its members. The orderly marketing of milk in the Cedar Rapids-Iowa City market requires the use of this plant to which producer deliveries are moved when not needed by handlers for Class I purposes.

The cooperative association performs valuable services for the market in that it maintains an adequate supply of milk for the market's needs and assumes the responsibility of marketing all milk in excess of handlers' requirements. Permitting the cooperative association, under certain conditions, to pool the returns from the sale of producer milk which moves directly to the association's plant will contribute substantially to the orderly marketing of milk in the Cedar Rapids-Iowa City market.

The performance standards should be such that only a plant operated by a cooperative association whose major function is the supplying of milk to the market would be allowed to share in the marketwide pool. This can best be accomplished by designating as a pool plant a plant that is operated by a cooperative association whose members are the majority of the total number of producers on the market and whose shipments to pool plants are at least 50 percent of the receipts at all pool plants during the month.

All milk from the farms of producers under the Cedar Rapids-Iowa City order is transported in tank trucks. The Eastern Iowa Cooperative Dairy Producers is the principal owner and operator of such tank trucks in which milk is moved from producers' farms to the plants of the various handlers in Cedar Rapids and Iowa City. The weights and butterfat content of each producer's delivery are ascertained at the farm by a representative of the cooperative. Plant operators receiving such milk have no such information except as it is made available to them by the cooperative. Under these conditions it would be administratively feasible for such plant operators to pay the cooperative association at least the applicable class prices and for the cooperative association to account to the producer settlement fund for such milk. Enabling a cooperative association to obtain pool plant status with respect to milk received at producers' farms in tank trucks owned or operated by such association will accomplish this objective.

2. Class II milk should include all the butterfat and skim milk heretofore defined as Class II and Class III milk. This proposal, made by the producer association, was unopposed at the hearing.

Class II milk now includes all skim milk and butterfat not accounted for as Class III milk and used to produce any product other than a fluid milk product. Class III milk is skim milk and butterfat (1) used to produce butter, cheddar cheese, animal feed, casein and nonfat dry milk; (2) contained in the month-end inventory of fluid milk products; (3) in shrinkage up to 2 percent of receipts of producer milk; and (4) in shrinkage of other source milk.

The Class II price under the order is the average of the prices paid by 7 nearby manufacturing plants (6 in Illinois and one in Iowa) for milk received from dairy farmers from the 16th day of the preceding month to the 15th day of the current month. The Class III price is the price obtained from a formula which uses as its basis the 92-score Chicago butter price and the price of nonfat dry milk, f. o. b. manufacturing plants in the Chicago area.

The amount by which the Class II price exceeds the Class III price varies from month to month. From 1954 through 1957 the average Class II price of $3.00 was 14 cents above that for Class III. The March 1958 Class II and Class III prices were $3.10 and $2.86, respectively.

The skim milk and butterfat components of Class II and Class III milk are priced by adjusting the announced prices, which are on a 3.5 percent butterfat basis, by their respective butterfat differentials. The Class II butterfat differential is obtained by multiplying the Chicago butter price for the month by 0.120 and that for Class III is calculated by subtracting 6 cents from Chicago butter price, and multiplying the resultant value by 0.120. The Class III butterfat differential for March 1958 was equivalent to 0.108 times the Chicago butter price.

The average difference between the Class II and Class III butterfat differentials from 1954 through 1957 was 0.7 cents per point. The spread of 0.7 cents per point between the March 1958 Class II and Class III butterfat differentials of 7.1 and 6.4 cents, respectively, is equivalent to 7 cents per pound of butterfat and 24.5 cents per hundredweight of 3.5 percent milk. Since the announced Class II price for March 1958 exceeded the Class III price by less than 24.5 cents, the skim milk classified in Class II was priced at a lesser rate than the skim milk in Class III—63.7 cents compared to 64.4 cents per hundredweight. For 1957 the Class II skim milk price under the order averaged 59.2 cents and that for Class III 65.2 cents.

The utilization of skim milk for manufacturing purposes by the major handlers in the Cedar Rapids-Iowa City market is predominantly in the higher valued manufacturing products, such as cottage cheese. Skim milk thus utilized has heretofore been classified as Class II. As indicated above, however, producers have been receiving a lesser price for such skim than for skim utilized in the production of nonfat dry milk solids (Class III).

Health authorities in the marketing area do not require that skim milk utilized in other than Class I products be obtained from milk or milk products from approved Grade A sources. Skim milk from any source may be used in the various dispositions heretofore contained in Class II or Class III. Grade A skim milk not needed for fluid disposition in the Cedar Rapids-Iowa City market must compete for sales with skim milk from ungraded sources. It is concluded therefore that the price of skim milk in all such dispositions should be fixed at the same level and be classified in Class II.

In reapportioning the Class II price between the skim milk and butterfat thus classified, in conjunction with combining Class II and Class III milk into one class, it is necessary to fix a price for butterfat which will, insofar as is practicable, return the highest price obtainable to producers for such butterfat and at the same time be sufficiently competitive with butterfat from alternative sources of supply so as to maintain a ready and dependable market for excess butterfat throughout the year. This will be best effectuated by pricing butterfat in producer milk classified in Class II at 110 percent of the Chicago butter price.

The butterfat differential herein provided (about 1.2 cents per pound of butterfat above the Class III price for butterfat now in the order) will facilitate the movement of butterfat in the reserve supplies of milk to manufacturing outlets and thereby eliminate the potentialities of unstable marketing conditions that milk without a market tends to create. On the other hand, the Class II butterfat differential here proposed is sufficiently high so as not to give an undue incentive to the movement of butterfat for manufacturing purposes at the expense of available Class I outlets.

The pricing of skim milk that would be obtained in reapportionment of the Class II price between skim milk and butterfat as herein recommended would be 21 and 12 cents per hundredweight, respectively, above the Class II and Class III prices for skim milk now provided in the order. This change together with that applicable to the assignment of a lower proportionate value of the Class II price to the butterfat classified therein gives recognition to the value of skim milk and butterfat for manufacturing purposes in the Cedar Rapids-Iowa City area and will be helpful in maintaining stability in the market. Moreover, the pricing of skim milk and butterfat for manufacturing uses as herein provided approximates that in the nearby Federal order markets of Quad Cities and North Central Iowa, handlers under which orders are in substantial competition with handlers regulated by the Cedar Rapids-Iowa City order in both procurement and sales.

The Class II price is now calculated by averaging the prices paid for ungraded milk by 7 local manufacturing plants from the 16th day of the preceding month through the 15th day of the current month. Payments to farmers at such plants for ungraded milk are made twice monthly. Under present conditions there is a lag of a half month in using the prices paid at these manufacturing plants in computing the Class II price. It was indicated that it is now possible to obtain these prices promptly enough so that the prices paid for both halves of the same month can be used in computing the Class II price for such month. Accordingly, provision should be made to effectuate this more practical procedure.

3. As proposed by producers, skim milk and butterfat should be classified as Class I if transferred or diverted in the form of a fluid milk product to non-

pool plants located more than 300 miles from the nearer of the cities of Cedar Rapids and Iowa City. Fluid milk products transferred or diverted to a nonpool plant located not more than 300 miles from the nearer of Cedar Rapids and Iowa City should be classified as Class I unless certain conditions are met.

The most favorable outlets for producer milk not needed for Class I purposes by regulated handlers are at considerable distances from the marketing area. Such milk is shipped, principally by the cooperative association to plants in Illinois, Missouri, and Wisconsin, both for fluid use and for manufacturing. Until recently adequate facilities for manufacturing such excess milk have been maintained at various locations in and near the marketing area. Such outlets, however, are no longer available and it has been necessary to find markets for such milk outside the State of Iowa.

When skim milk or butterfat is transferred or diverted to a nonpool plant the market administrator is required to verify the utilization claimed by such nonpool handler. It may be expected that the market administrator is able to make verification within a reasonable "surplus disposal area" without incurring undue expense. It would not, however, be administratively feasible or otherwise justifiable to have a surplus disposal area of unlimited expanse or to cover a geographical area which is larger than that within the 300 mile radius from the marketing area as proposed by producers and provided herein.

Failing to provide for such a mileage limitation at this time might well make unreasonable demands on the market administrator in connection with the verification of occasional or irregular shipments to nonpool plants located beyond 300 miles from the marketing area. There are adequate facilities within 300 miles of Cedar Rapids and Iowa City to handle seasonal and daily reserve supplies of producer milk. Accordingly, the order should provide that skim milk and butterfat shall be classified as Class I milk if transferred or diverted from a pool plant in the form of a fluid milk product to a nonpool plant located more than 300 miles by the shortest highway distance as determined by the market administrator from the nearer of the city halls of Cedar Rapids and Iowa City.

The order now provides that transfers of fluid milk products in bulk to nonpool plants may be assigned to any available Class II and Class III milk in the receiving nonpool plant. Thus, such transfers now have no priority in the assignment of available Class I milk at the nonpool plant even though they may have been used solely for Class I purposes. Producers claim that the present transfer provisions in this regard give inequitable consideration to the classification of pooled milk that is moved to nonpool plants.

Before transfers or diversions (to nonpool plants located within 300 miles from the nearer of Cedar Rapids and Iowa City) may be classified as Class II milk, it should be ascertained that the fluid milk products disposed of from the receiving nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from Grade A dairy farms directly supplying such plant. However, if the fluid milk products disposed of from the receiving nonpool plant exceed the receipts of skim milk and butterfat from Grade A dairy farms regularly suppiying such plant, the difference should be assigned to the fluid milk products transferred or diverted from a pool plant and classified as Class I milk. If the transfers and diversions to the nonpool plant during the month are from two or more plants subject to the provisions of this and other orders issued pursuant to the act, the skim milk and butterfat assigned to Class I milk at each such pool plant under the Cedar Rapids-Iowa City order should be not less than that obtained by prorating the assignable Class I milk at the nonpool plant over the receipts from all plants subject to the provisions of this and other orders issued pursuant to the Act.

The method herein recommended for classifying transfers and diversions from pool plants to nonpool plants accords equitable treatment to Cedar Rapids-Iowa City order handlers and gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving priority to the graded dairy farms directly supplying a nonpool plant recognizes that they are the regular and dependable source of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary functions of the transfer provisions of the order by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

4. The rate of the Class I butterfat differential should be changed. The differential is now computed by multiplying the average of the daily quotations for 92-score butter at Chicago for the preceding month by 0.140. As provided herein, the factor of 0.140 would be replaced by 0.120.

The Class I butterfat differential in the Cedar Rapids-Iowa City market is high in relation to the Class I butterfat differential in other markets. For example, in the North Central Iowa and Quad Cities markets (with which markets Cedar Rapids-Iowa City handlers have overlapping supply and sales areas) handlers pay butterfat differentials on Class I milk of 0.120 and 0.125, respectively, times the Chicago 92-score butter price. Handlers regulated by the Chicago order pay a butterfat differential on Class I milk approximating the 92-score butter price times 0.120.

The high Class I butterfat differential, it is claimed, has been one of the principal reasons for the rapid and continuing decline in the proportion of butterfat contained in the Class I disposition in the market. This decrease of butterfat in Class I utilization is reflected in the increasing sales of low butterfat products.

A high butterfat differential tends to be a deterrent in increasing the butterfat content of fluid milk products distributed by Cedar Rapids-Iowa City handlers. The declining proportion of butterfat in the various products in the market is indicated by the average butterfat content of all Class I disposition of 3.54 percent in 1954 and 1955, 3.50 percent in 1956, and 3.44 percent in 1957.

In the Cedar Rapids-Iowa City market, as in other markets, whole milk in fluid form is the most significant item making up the Class I sales in the market. In March 1958 (the most recent month for which information was available at the hearing) 8.7 of the 10.4 million pounds of the Class I disposition were in the form of whole milk. The average test of this whole milk disposition was 3.347 percent. Since the cost to handlers for Class I milk at this test (adjusted by the lower butterfat differential here proposed) will be increased less than 2 cents per hundredweight, no change should be made in the Class I price because of the revised butterfat differential.

The change proposed herein gives recognition to the increasing value of the nonfat solids portion of the milk for fluid purposes in relation to the butterfat portion. The lower rate of the butterfat differential should give some encouragement to the sale of milk of a higher butterfat content and of cream.

5. The butterfat differential used in making payments to producers should be calculated at the average of the return actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sale value of their butterfat at the class prices provided in the order. The producer butterfat differential in no way affects the handlers' cost of milk but merely prorates returns among producers whose milk differs in butterfat test.

The producer butterfat differential is now calculated by multiplying the Chicago 92-score butter price by 0.120. The method for arriving at the producer differential herein recommended, and proposed by producers, will more equitably adjust payments to producers for butterfat in this milk above or below 3.5 percent on the basis of what handlers pay for such butterfat.

6. No change should be made in applying location differential adjustments provided in the order except that location differential credits should be applicable to packaged milk transferred to another plant irrespective of the quantities of milk used in other than Class I milk in the transferee plant.

A regulated handler with distributing plants in each of the cities of Cedar Rapids and Clinton, Iowa, proposed that Clinton be included with Cedar Rapids and Iowa City as a point from which to measure mileages for the purpose of applying location differential adjustments under the order.

A location differential adjustment of minus 14.5 cents is now applicable to the Class I and uniform prices for producer milk received at the Clinton plant, which plant is 87 miles from Cedar Rapids. Including Clinton with Cedar Rapids and Iowa City as points from which to measure mileages for the purpose of applying location differential adjustments would increase the Class I and uniform prices 14.5 cents for producer milk received at such plant.

Producers shipping milk directly to Cedar Rapids or Iowa City in bulk tank trucks are charged varying hauling rates depending on the distance of their farms from such cities. For example, the Eastern Iowa Cooperative Dairy Producers charges member producers whose farms are within 15 miles of Cedar Rapids 25 cents per hundredweight for hauling. Producers whose farms are between 15 and 35 miles from Cedar Rapids pay a 30-cent per hundredweight hauling charge and producers whose farms are more than 35 miles from Cedar Rapids are assessed 35 cents per hundredweight for hauling. Producers shipping milk in bulk to the distributing plant at Clinton pay substantially less for hauling than would be the case if their milk were moved directly to the marketing area (Cedar Rapids and Iowa City). Most producers delivering to the Clinton plant pay a 22-cent per hundredweight hauling charge.

The minimum prices should be equal for all milk delivered to the marketing area. An allowance is necessary, therefore, to account for the transportation charges to the marketing area on milk received at a distance from it. The allowance of 14.5 cents on milk received at Clinton approximates the additional transportation cost of moving such milk directly to the marketing area.

Heretofore the order has provided that for the purpose of applying location differential transfers of milk between pool plants shall be assigned to the lowest class available at the transferee plant. Since the location differential adjustment does not apply to Class II or Class III milk, packaged milk transferred to a plant at which any milk was classified in these lower classes would not be eligible for the full location differential credit that would otherwise apply. Because of this, some of the packaged milk moving from a regulated plant in Clinton to another in Cedar Rapids was not allowed the location differential credit.

When the order was amended effective August 1, 1957, to provide for location differentials there were no interplant transfers of packaged milk involving plants at which a location differential credit would be applicable and such transfers were not contemplated. It was expected that this provision would apply only to interplant shipments of bulk milk. The suspension order issued May 15, 1958 (23 F. R. 3438), allowed the proponent handler the location differential credit on packaged milk transferred to another plant irrespective of whether any milk was classified in Class II or Class III milk in the transferee plant.

To insure that milk will not be moved unnecessarily at the expense of producers, however, the order should contain a provision to determine whether milk transferred in bulk between pool plants may receive the location differential credit. This should provide that any milk transferred in bulk be assigned to any Class II use remaining in the transferee plant after a maximum assignment of 5 percent of the direct producer receipts to Class II milk at such plant.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

DEFINITIONS

§ 931.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 931.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 931.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 931.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 931.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 931.6 *Cedar Rapids-Iowa City marketing area.* "Cedar Rapids-Iowa City marketing area", hereinafter called the "marketing area", means all the territory within the corporate limits of the cities of Cedar Rapids and Iowa City, both in the State of Iowa.

§ 931.7 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 931.8 *Distributing plant.* "Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 931.9 *Supply plant.* "Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant qualified pursuant to § 931.10 (a).

§ 931.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month:

Provided, That if such shipments are not less than 50 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year.

(c) A cooperative association with respect to Grade A milk received from dairy farmers at their farms in a tank truck owned or operated by such cooperative association and delivered in such tank truck to a pool plant: *Provided*, That such milk shall be deemed to have been received by the cooperative association at the location of the pool plant to which it is delivered by the tank truck and such location shall be deemed to be the location of such cooperative association in its capacity as the operator of a supply plant.

(d) A plant that is operated by a cooperative association whose members are the majority of the total number of producers shipping to pool plants: *Provided*, That the total quantities of producer milk received from members of the cooperative association at pool plants during the month is not less than 50 percent of the total pounds of producer milk received at all pool plants during the month: *Provided further*, That if written application is filed with the market administrator on or before the 5th day of any month such plant may be designated a nonpool plant for such month and for any subsequent months: *And provided further*, That such plant shall be a nonpool plant during any month in which it would be subject to the classification and pricing provisions of another order issued pursuant to the act unless a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and pool plants in the Cedar Rapids-Iowa City marketing area than in the marketing area regulated pursuant to such other order.

§ 931.11 *Nonpool plant.* "Nonpool plant" means any plant other than a pool plant that receives milk from dairy farmers or is a milk manufacturing, processing, or bottling plant.

§ 931.12 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants or in his capacity as the operator of a distributing plant that is not a pool plant, and

(b) A cooperative association with respect to producer milk diverted by the association for its account pursuant to § 931.14.

§ 931.13 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers.

§ 931.14 *Producer milk.* "Producer milk" means the skim milk and butterfat contained in milk received at a pool plant directly from producers: *Provided*, That milk diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further*, That in any of the months of July through March milk diverted from the farm of a producer on more than the number of days that milk was delivered to a pool plant from such farm during the month shall not be deemed to have been received by the diverting handler at the plant from which diverted on such days.

§ 931.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and cream (except aerated cream products, ice cream mix, evaporated or condensed milk and sterilized products packaged in hermetically sealed containers).

§ 931.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 931.17 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 931.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 931.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 931.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 931.87: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 931.88, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who within 10 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 931.30 and 931.31, or payments pursuant to §§ 931.80, 931.84, 931.86, 931.87 and 931.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 931.50 (a) and the Class I butterfat differential pursuant to § 931.51 (a) both for the current month; and the minimum price for Class II milk pursuant to § 931.50 (b) and the Class II butterfat differential pursuant to § 931.51 (b), both for the preceding month; and

(2) The 10th day after the end of each month the uniform price pursuant to § 931.71 and the producer butterfat differential pursuant to § 931.81; and

(k) On or before the 10th day after the end of each month, report to each cooperative association which so requests, the percentage of the milk caused to be delivered by the cooperative association or its members to the pool plant(s) of each handler during the month, which was utilized in each class. For the purpose of this report, the milk so delivered shall be allocated to each class for each handler in the same ratio as all producer milk received by such handler during the month.

REPORTS, RECORDS AND FACILITIES

§ 931.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 931.14;

(e) Inventories of fluid milk products on hand at the beginning and end of the month;

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(g) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

§ 931.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer:

(1) His name and address,

(2) The total pounds of milk received from such producer,

(3) The number of days, if less than the entire month, for which milk was received from such producer,

(4) The average butterfat content of such milk, and

(5) The net amount of such handler's payment together with the price paid and the amount and nature of any deductions.

§ 931.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

§ 931.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 931.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 931.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 931.41 through 931.46.

§ 931.41 *Classes of utilization.* Subject to the conditions set forth in § 931.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) contained in inventory of fluid milk products on hand at the end of the month; and (3) in shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant pursuant to § 931.14) and other source milk (received in the form of a fluid milk product in bulk) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively.

§ 931.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk that was received in the form of a fluid milk product in bulk.

§ 931.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 931.44 *Transfers.* Skim milk and butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to the pool plant of another handler, unless utilization in another class is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 931.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 931.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 300 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the city halls of Cedar Rapids and Iowa City, Iowa; and

(d) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located not more than 300 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the city halls of Cedar Rapids and Iowa City, Iowa, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 931.30 for the month within which such transactions occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month directly from Grade A dairy farms that the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farms shall be assigned to the fluid milk products so transferred or diverted and classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this order and other orders issued pursuant to the act is less than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the assignment to Class I milk at a pool plant shall be not less than that obtained by prorating the assignable Class I milk

at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the act.

§ 931.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in each class for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water reasonably associated with such solids in the form of whole milk.

§ 931.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 931.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 931.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which are subject to the Class I pricing provisions of another order issued pursuant to the act.

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 931.44 (a);

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month; and

(9) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 931.50 *Class prices.* Subject to the provisions of §§ 931.51 and 931.52 the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk established under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, plus 15 cents.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Plant Location

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Morrison, Ill.
Carnation Co., Oregon, Ill.
Carnation Co., Waverly, Iowa.
United Milk Products Co., Argo Fay, Ill.

§ 931.51 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 931.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.110.

§ 931.52 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 50 miles or more from the Cedar Rapids and Iowa City, Iowa, City Halls, by the shortest hard surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 931.50 (a) shall be reduced by 10 cents for the first 65 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearer of the Cedar Rapids and Iowa City City Halls: *Provided*, That for the purpose of calculating the location differential adjustment applicable pursuant to this section, fluid milk products which are transferred in bulk between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 931.46 (a) (5) and the comparable steps in § 931.46 (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable to each plant, beginning with the plant having the largest differential.

§ 931.53 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 931.60 *Producer-handler.* Sections 931.40 to 931.46, 931.50 to 931.52, 931.70, 931.71, and 931.80 to 931.88, shall not apply to a producer-handler.

§ 931.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 931.10 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Cedar Rapids-Iowa City marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 931.30) and allow verification of such reports by the market administrator.

§ 931.62 *Handlers operating nonpool plants.* None of the provisions from §§ 931.44 to 931.52, inclusive, or from §§ 931.70 to 931.85, inclusive, shall apply in the case of a handler in his capacity as the operator of a nonpool plant, except that such handler shall, on or before the 13th day after the end of each month pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month, by the rate determined pursuant to § 931.63.

§ 931.63 *Rate of payment on unpriced milk.* The rate of payment per

hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk:

(a) During the months of December through June, the Class II price adjusted by the Class I butterfat differential; and

(b) During the months of July through November, the uniform price adjusted by the Class I butterfat differential.

DETERMINATION OF UNIFORM PRICE

§ 931.70 *Computation of value of milk for each handler.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 931.46 (a) (9) and the corresponding step of § 931.46 (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of (1) the hundredweight of producer milk classified in Class II less shrinkage during the preceding month or (2) the hundredweight of milk subtracted from Class I pursuant to § 931.46 (a) (8) and the corresponding step of § 931.46 (b);

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 931.46 (a) (2) and (3) and the corresponding step of § 931.46 (b) by the rate of payment on unpriced milk determined pursuant to § 931.63 at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided*, That if the source of any Class I products at a pool plant is not clearly established or if such skim milk is in the form of nonfat dry milk, they shall be considered to have been received from a source at the location of the pool plant where they are classified.

§ 931.71 *Computation of uniform price.* For each of the months the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content f. o. b. pool plants located within 50 miles of the City Hall of Cedar Rapids or Iowa City, as follows:

(a) Combine into one total the values computed pursuant to § 931.70 for all handlers who made the reports prescribed in § 931.30 for such month, except those in default of payments required pursuant to § 931.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 931.62;

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section.

PAYMENT FOR MILK

§ 931.80 *Time and method of payment for producer milk.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each month during which the milk was received, to each producer for milk received from him and for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed in accordance with § 931.71, subject to the butterfat differential computed pursuant to § 931.81 and less location differential deductions pursuant to § 931.82.

(b) On or before the 12th day after the end of each month during which the milk was received, to a cooperative association for milk which it caused to be delivered to such handler from producers, if such cooperative association is authorized to collect such payments for its member producers and exercises such authority, an amount equal to the sum of the individual payments otherwise payable to such producers.

(c) On or before the 10th day after the end of each month during which milk was received at a pool plant from a cooperative association in its capacity as the operator of a pool plant pursuant to § 931.10 (c), at not less than the applicable class prices for such milk.

§ 931.81 *Butterfat differentials to producers.* The applicable uniform prices to be paid each producer pursuant to § 931.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 931.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 931.82 *Location differentials to producers.* The uniform price to be paid producers for milk received at a pool plant located 50 miles or more from the Cedar Rapids and Iowa City, Iowa, City Halls, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced by 10 cents for the first 65 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearer of the Cedar Rapids and Iowa City, City Halls.

§ 931.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 931.62, 931.84 and 931.86, and out of which he shall make all payments to handlers pursuant to §§ 931.85 and 931.86.

§ 931.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of milk for such handler pursuant to § 931.70 for such month exceeds the obligation pursuant to § 931.80 of such handler to producers for milk received during the month.

§ 931.85 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation pursuant to § 931.80 of such handler to producers for milk received during the month exceeds the value of milk for such handler computed pursuant to § 931.70: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 931.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 931.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due; and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred.

§ 931.87 *Expense of administration.* As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 12th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to butterfat and skim milk contained in (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 931.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

§ 931.88 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 931.80 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from such producer (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 12th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions as are authorized by such producers and, on or before, the 12th day after the end of each month, pay over such deductions to the association rendering such services.

§ 931.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money, irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the Act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transactions involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 931.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 931.91 *Suspension or termination.* The Secretary shall, whenever he finds this subpart, or any provision hereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provision of this subpart.

§ 931.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations hereunder the final accural or ascertainment of which require further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 931.93 *Liquidation.* Upon the suspension or termination of provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all accounts, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 931.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 931.101 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstance is held invalid, the application of such provision and of the remaining provisions of this subpart to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 26th day of August 1958.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 58-6980; Filed, Aug. 27, 1958; 8:50 a. m.]

Agricultural Research Service

[9 CFR Parts 145, 146, 147]

NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS AND AUXILIARY PROVISIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that the Department of Agriculture has under consideration proposed amendments of the National Poultry Improvement Plan and the National Turkey Improvement Plan and Auxiliary Provisions recommended by the 1958 Conference of representatives of the State agencies cooperating in the administration of the Plans, and that, pursuant to section 101 (b) of the Department of Agriculture Organic Act of 1944, as amended (7 U. S. C. 429), it is proposed to amend Parts 145, 146 and 147 of Title 9, Code of Federal Regulations, to incorporate such recommended amendments and to make incidental changes for clarity and consistency. Said Parts 145, 146 and 147 would be amended in the following respects:

1. Section 145.4 would be amended by adding a new paragraph (f), to read:

(f) Each shipment of products to points outside the continental United States shall be accompanied by a properly executed Form NPIP–15F, Report of Sales of Hatching Eggs, Chicks and Poults (For Shipment Outside the United States).

2. Section 145.6 would be amended by changing paragraphs (a) and (e) to read, respectively:

(a) Hatcheries, including brooder rooms, shall be kept in sanitary condition, acceptable to the Official State Agency. The minimum requirements with respect to sanitation shall include the following:

(1) Incubator walls, floors and trays shall be kept free from broken eggs and egg shells.

(2) Tops of incubators and hatchers shall be kept clean (not used for storage).

(3) Entire hatchery, including sales room, shall be kept in a neat, orderly condition and free from accumulated dust.

(4) Hatchery residue such as egg shells, infertile eggs and dead germs shall be disposed of promptly.

(5) Hatchers and hatching trays shall be cleaned and fumigated or disinfected after each hatch.

* * * * *

(e) All hatcheries within a State which are operated under the ownership or management of the same person or related corporation, or in which the same person or persons have a substantial financial interest as partners or otherwise, shall participate in the Plan if any of them are to participate. All breeding and supply flocks, hatching eggs or chicks of such hatcheries shall meet the same pullorum-typhoid classification.

3. Section 145.8 would be amended by changing the second sentence of paragraph (c) to read: "When a breeder's name or strain designation is used, the participant shall be able by records to substantiate that the products so designated are from flocks that are composed of either (1) birds hatched from eggs produced under the direct supervision of the breeder of such strain; or (2) stock multiplied by persons designated and so reported by the breeder to each Official State Agency concerned."

4. Section 145.12 would be amended by changing the first and second sentences of paragraph (b) to read: "Each year a sample of the flocks selected or tested by each Authorized Agent shall be inspected by a State Inspector. This must include the inspection of a minimum of 15 percent of the flocks of each hatchery."

5. Section 145.19 would be amended by changing subparagraphs (4), (7) and (9) of paragraph (b) to read, respectively:

(4) Number of birds of this breed and variety originally trapnested for ROP entry:

* * * * *

(7) Number of birds entered which were individually pedigreed;

* * * * *

(9) Percentage of birds entered meeting the ROP requirements;

6. Section 145.20 would be amended by deleting subparagraph (4) of paragraph (a).

7. Section 145.21 would be amended by changing paragraph (f) to read:

(f) Compare the number of eggs being incubated from each hen with the number she is credited with having laid during the corresponding period, and subsequently with the number of chicks recorded as hatched and wing-banded. (He shall have the authority to examine for fertility the eggs being incubated.);

8. Section 145.22 would be amended by changing paragraphs (a) and (b) to read, respectively:

(a) The Performance Tested Parent Stock classification may be attained by the qualification of flocks through the performance of their progeny in a central or multiple unit random sample test, as specified in §§ 145.27, 145.28 and 145.29, or in any other central or multiple unit random sample test approved for this purpose by the Department. Compliance with the provisions of §§ 145.27, 145.28 or 145.29 shall be a basic requirement for approval: *Provided*, That tests conducted by agencies other than Official State Agencies may be approved.

(b) Any person who, in the opinion of the Official State Agency, is conducting a systematic program of poultry breeding is eligible for participation. The application for qualification shall be made by the breeder of the parent stock but the sample may be taken from any source approved by the breeder for the production of the grade to be tested.

9. Section 145.23 would be amended by changing paragraphs (a), (b) and (d) to read, respectively:

(a) The entry may consist of any breed, variety, strain, cross thereof, or hybrid combination; provided the grade designated for entry is produced and available in commercial quantities, or is clearly designated as experimental stock not available in commercial quantities.

(b) Candidates for flock qualification as Performance Tested Parent Stock for egg production shall be represented by an entry in a central or multiple unit random sample egg production test.

* * * * *

(d) The entry representing candidates for flock qualification as Performance Tested Parent Stock shall be so designated by the participant to the Official State Agency prior to the beginning of the test. The designation shall be made in ample time for the Official State Agency to notify the appropriate test supervisor the names of entrants and request notice of dates for submission of samples so arrangements can be made for their selection in accordance with the requirements of the Plan.

10. Section 145.23 would be further amended by adding a new paragraph, (e), to read:

(e) The entry shall consist of a random sample of eggs selected by a representative of the Official State Agency in accordance with the following procedures:

(1) Determine from Official State Agency records the number and location of all flocks within the State supplying eggs of the grade to be tested. By a process of drawing at random names or assigned numbers, determine from which of these flocks the sample is to be taken. The flock or flocks from which the sample is taken must include at least 1,000 birds.

(2) The eggs shall be taken from the nests in proportion to the number of birds in each house or pen.

(3) The sample shall not include eggs which, in the opinion of the sample taker, are unsuitable for hatching.

(4) The sample shall be placed in an appropriate container and the container sealed with a distinctive seal or sealing tape by the sample taker.

(5) The sample taker shall furnish the Official State Agency and the test supervisor with a detailed report of the procedures followed in obtaining each sample.

11. Section 145.24 would be amended by changing subparagraphs (1) and (2) of paragraph (a) to read:

(1) Performance Tested Parent Stock for egg production when such stock represented in an officially recognized central or multiple unit random sample egg production test by an entry which ranked in the upper one-fourth of the entries, or was not significantly different from the top entry in income above feed and chick costs per pullet chick started.[1] (When the breeder has entries in more than one central or multiple unit random sample test, qualification shall be based upon the average rank in all such tests.)

(2) Performance Tested Parent Stock for meat production when such stock represented in an officially recognized random sample meat production test by an entry which ranked in the upper one-fourth of the entries, or among those entries not significantly different from the top entry in average rate of egg production on hen-housed basis and in rate of growth.[1] (When the breeder has entries in more than one central or multiple unit random sample test, qualification shall be based upon the average performance records in all such tests.)

12. Section 145.24 would be further amended by redesignating paragraph (c) as paragraph (d) and changing to read:

(d) Stock classified as Performance Tested Parent Stock may retain that classification for one year after classification, provided the stock is maintained under the supervision of the qualifying breeder, and is mated in the same combination, and for one more year when, in addition, the stock has been continuously represented by an entry as provided in § 145.23.

13. Section 145.24 would be further amended by adding a new paragraph (c), as follows:

(c) Qualification for the U. S. Performance Tested Parent Stock classification shall be determined by the AH Division from records submitted by approved tests; and that Division shall notify each entrant and his Official State Agency of his qualification or failure to qualify.

14. Section 145.27 would be amended by changing paragraphs (a) and (b) to read, respectively:

(a) A central random sample egg production test shall be conducted at a neutral location under the supervision of an Official State Agency and shall consist of entries from two or more participants and a control stock approved by the Department.

[1] Significance of difference shall be determined by a suitable mean separation procedure such as the Duncan's Multiple Range Test at the 5 percent level of significance.

(b) The sample to be tested shall consist of a random sample of eggs selected by a representative of the Official State Agency from all flocks used to produce the grade of chicks to be tested.

15. Sections 145.28, 145.29, 145.30, 145.31 and 145.32 would be redesignated as §§ 145.29, 145.30, 145.31, 145.32, and 145.33, respectively, and a new § 145.28 would be added to read:

§ 145.28 *Multiple unit random sample egg production test.* (a) A multiple unit random sample egg production test shall be conducted at two or more locations under the supervision of an Official State Agency and shall consist of entries from four or more participants.

(b) The sample to be tested shall consist of a random sample of eggs or chicks selected by a representative of the Official State Agency from all flocks used to produce the grade of chicks to be tested.

(c) At least 60 pullet chicks shall be started for each entry at each of two or more locations.

(d) One entry at each test location shall be a common control stock.

(e) At housing time each entry may be divided into replicate pens at each test location.

(f) Pen egg production and mortality shall be recorded daily until the birds are 500 days of age.

(g) Body weight shall be obtained at housing time and at the conclusion of the test.

(h) At the end of the test a summary for each entry shall be submitted by the Official State Agency to the AH Division for publication, including the items specified in § 145.26 (a).

16. The redesignated § 145.29 would be amended by changing paragraphs (a) and (b) to read, respectively:

(a) A central random sample meat production test shall be conducted at a neutral location under the supervision of an Official State Agency and shall consist of entries from two or more participants and a control stock approved by the Department.

(b) The sample shall be selected by a representative of the Official State Agency and (1) for the growing phase shall consist of a random sample of eggs selected from all flocks used to produce the grade of chicks to be tested; and (2) for the laying phase shall consist of a random sample of eggs, or chicks, or 4–6 month-old pullets selected at random from the female parent stock.

17. The redesignated § 145.30 would be amended by changing paragraph (f) to read:

(f) There shall be a minimum of four unannounced inspections by a State Inspector, with at least two during the period when egg weights and body weights are recorded (11 to 13 months of age).

18. The redesignated § 145.33 would be amended by changing the introductory provision preceding paragraph (a) to read:

§ 145.33 *National random sample performance testing program.* The national random sample performance testing program embodies the operation of central or multiple unit performance tests available to any poultry breeder in accordance with the following provisions:

19. The redesignated § 145.33 would be further amended by changing subparagraphs (3) and (4) of paragraph (c) to read, respectively:

(3) The test management of each test shall attempt to provide similar environmental conditions at each test location for all entries.

(4) The test management of any central or multiple unit random sample test may rule that the results of one or more entries are invalid. The reason for such invalidation shall be a part of the published report.

20. Section 146.4 would be amended by adding a new paragraph (h), to read:

(h) Each shipment of products to points outside the continental United States shall be accompanied by a properly executed Form NPIP–15P, Report of Sales of Hatching Eggs, Chicks and Poults (For Shipment Outside the United States).

21. Section 146.6 would be amended by changing paragraphs (a) and (e) to read, respectively:

(a) Hatcheries, including brooder rooms, shall be kept in sanitary condition, acceptable to the Official State Agency. The minimum requirements with respect to sanitation shall include the following:

(1) Incubator walls, floors and trays shall be kept free from broken eggs and egg shells.

(2) Tops of incubators and hatchers shall be kept clean (not used for storage).

(3) Entire hatchery, including sales room, shall be kept in a neat, orderly condition and free from accumulated dust.

(4) Hatchery residue such as egg shells, infertile eggs and dead germs shall be disposed of promptly.

(5) Hatchers and hatching trays shall be cleaned and fumigated or disinfected after each hatch.

• • • • •

(e) All hatcheries within a State which are operated under the ownership or management of the same person or related corporation, or in which the same person or persons have a substantial financial interest as partners or otherwise, shall participate in the Plan if any of them are to participate. All hatching eggs or poults sold by such hatcheries shall be of the same pullorum-typhoid classification.

22. Section 146.8 would be amended by changing subparagraph (1) of paragraph (c) to read:

(1) A breeder's strain name may be used only when the flock is composed of (i) birds which were hatched from eggs produced under the direct supervision of the breeder or (ii) stock multiplied by persons designated and so reported by the breeder to each Official State Agency concerned.

23. Section 146.10 would be amended by changing paragraph (b) to read:

(b) *U. S. Performance Tested Parent Stock.* Flocks represented in both a turkey reproduction test as provided for in § 146.29 and in a central turkey meat production test as provided for in § 146.30 by entries that have met the following performance standards:

(1) Average poult production of at least 20 salable poults per hen in eight weeks;

(2) Poult livability to 8 weeks of age of at least 90 percent or above the average of the test.

(3) Market quality of U. S. Grade A, except for dressing and handling defects, for at least 90 percent, or above the average of the test, of all birds graded.

(4) Qualification for the U. S. Performance Tested Parent Stock classification shall be determined by the AH Division from records submitted by central turkey meat production and turkey reproduction tests; and that Division shall notify each entrant and his Official State Agency of his qualification or failure to qualify.

24. Section 146.30 would be amended by changing paragraph (c) to read:

(c) A sufficient number of eggs, determined by the entrant, to produce the poults required for the entry shall be selected by a representative of the Official State Agency in accordance with the following procedure:

(1) Determine from Official State Agency records the flocks, and the number of birds in each, supplying eggs of the grade to be tested.

(2) The sample shall be taken from at least 50 percent of the flocks supplying eggs of the grade to be tested. These flocks shall be selected at random and shall comprise at least 50 percent of the birds in all such flocks. The sample shall be taken at random from eggs held in the hatchery egg room or in the egg rooms of the individual supply flocks; provided, that if the egg room contains eggs from more than one flock, all eggs must be identified as to flock source.

(3) The sample shall be taken in proportion to the number of birds in each sampled flock.

(4) The sample shall not include eggs which, in the opinion of the sample taker, are unsuitable for hatching.

(5) Each egg shall be identified with a stamp furnished by the test and placed in an appropriate container for shipment to the test.

(6) The sample taker shall furnish the Official State Agency and the test supervisor with a detailed report of the procedure followed in obtaining each sample.

25. Section 146.30 would be further amended by changing subparagraph (5) of paragraph (i) to read:

(5) Average live weight (i) of fryer-roaster entry at the end of test; and (ii) of mature marketing entry at 12 weeks of age; and at close of test (such average weight shall be based on individual weights and seperated by sexes);

26. Section 146.30 would be further amended by redesignating paragraph (j) as paragraph (k) and adding a new paragraph (j). The new paragraph (j) and the redesignated paragraph (k) would read, respectively:

(j) In each test the differences between the entry averages in final live and eviscerated weights and body measurements shall be analyzed by a suitable mean separation procedure such as the Duncan's Multiple Range Test. Significance or non-significance (at the 5 percent level) of the differences between entries shall be shown in the report published by the AH Division.

(k) The results of the tests reported to the AH Division by December 1 shall be published in a national summary alphabetically by test and entries, with no indication of rank other than that which may result from the procedure provided for in paragraph (j) of this section.

27. Subpart A of Part 147 would be amended by adding a new § 147.4, to read:

§ 147.4 *Tube agglutination tests for S. typhimurium.* (a) The procedure for the collection and delivery of blood samples in the tube agglutination test for S. typhimurium is the same as that described in § 147.1 (a).

(b) The "O" antigen should be prepared as follows:

(1) The antigen shall consist of a representative non-motile strain of S. typhimurium which is of known antigenic composition, high agglutinability, but is not sensitive to negative and nonspecific sera. Strain P 10 meets these requirements.

(2) The stock culture is maintained on 1 percent nutrient agar deeps, which have been incubated for 18–24 hours at 37° C. They are stored at room temperature.

(3) A satisfactory medium used for growing the organism is veal infusion agar (Difco). It is dispensed in 50 ml. amounts into 500 ml. medicine bottles, with screw caps, and sterilized at 15 lbs. pressure for 20 minutes. The bottles are then laid flat upon an even surface until the medium has solidified.

(4) The inoculum used for preparation of "O" antigen is a non-motile strain of S. typhimurium. The organism is grown in veal infusion broth (Difco) for 18–24 hours at 37° C., then plated, for single colony isolation, on veal infusion agar plates. These plates are incubated for 18–24 hours at 37° C. After incubation single colonies are picked and transferred to veal infusion agar slants, which are incubated for 18–24 hours at 37° C. After this the cultures are tested for smoothness by using a 1:500 dilution of acriflavine.

(5) Smooth cultures are inoculated into flasks containing veal or beef infusion broth which is incubated for 18–24 hours at 37° C. The incubated broth suspension of organisms is dispensed into the antigen bottles containing veal infusion agar. The suspension is distributed evenly over the agar surface by gently tilting the bottles from side to side. The inoculated bottles are then laid flat, agar side down, for 10–20 minutes. They are subsequently incubated, agar side upward, for 24–48 hours at 37° C. before harvesting.

(6) The harvesting of the organism consists of washing the growth from each antigen bottle with 0.5 percent phenolized physiological saline. The bacterial suspension from each bottle is filtered through sterile milk pad filters into a large sterile container or through a thin layer of absorbent cotton in a Buchner funnel with the aid of suction. To each 100 ml. of the bacterial suspension is added additional phenol to make the final concentration 0.5 percent. The concentrated antigen is tested for sterility at intervals after 24 hours. After sterility is proved the stock antigen is standardized to determine the density according to the McFarland nephelometer scale.

(7) The diluted antigen to be used in routine testing is prepared from stock antigen by diluting with 0.25 percent phenolized saline and is standardized to a turbidity corresponding to 0.75–1.00 of the McFarland nephelometer scale.

(c) The "H" antigen should be prepared as follows:

(1) Stock cultures of fixed phases, 1 and 2, of S. typhimurium are maintained in semisolid medium containing desired suppression antiserum. However, before using the cultures for the preparation of "H" antigen they should be passed through semisolid medium at 24 hour intervals in order to obtain a high degree of motility and checked for desired phase antigens.

(2) Either a solid or a liquid medium may be used to obtain growth for antigen. The solid medium is the same as that used in the preparation of "O" antigen. The liquid medium is veal infusion broth, dispensed in 1000 ml. amounts into 2000 ml. flasks.

(3) Each phase is inoculated separately into either solid or liquid medium. The flasks of broth to be used for inoculum of the solid medium are inoculated directly from the semisolid medium. If solid medium is used, the inoculated antigen bottles are handled and incubated in the same manner as when making the "O" antigen.

If liquid medium is used it is inoculated directly from the semisolid culture of bacteria.

(4) Each phase is harvested separately by washing the growth from the antigen bottles, with physiological saline containing 0.6 percent formalin. The washed inoculum is filtered through sterile milk pad filters into a large container or through a thin layer of absorbent cotton in a Buchner funnel with the aid of suction. To each 100 ml. of the bacterial suspension, formalin is added to make the final concentration from 0.5 to 1.0 percent. The stock antigen is tested for sterility at intervals after 24 hours. After sterility is proved the stock antigen is standardized to determine the density according to the McFarland nephelometer scale. Then Phase 1 and Phase 2 antigens are combined so that the stock "H" antigen will contain the same proportion of Phase 1 and Phase 2, as determined by standardization. The "H" antigens prepared from broth are treated with formalin so the final concentration is 0.5–1 percent.

(5) The diluted antigen to be used in routine testing is prepared from stock antigen by diluting with 0.25 percent formalized saline and is standardized to a turbidity corresponding to 0.75–1.00 on the McFarland nephelometer scale. The antigens are stored in the refrigerator (5° to 10° C.) in tightly stoppered bottles.

(d) The maximum serum dilution employed for the "O" antigen tube test must not exceed 1:25. In all official reports on the blood test the serum dilutions should be indicated. The sera should be introduced into the agglutination tubes in the desired amounts with well-cleaned serological pipettes or special serum delivery devices which do not permit the mixing of different sera. The antigen and serum should be well mixed before incubation. The serum and antigen mixture must be incubated for at least 20 hours at 37° C.

(e) The maximum serum dilution employed for the "H" antigen tube test must not exceed 1:25. In all official reports on the blood test the serum dilutions should be indicated. The serum and antigen mixture may be incubated at 45–50° C. in a water bath for 4 hours or at 37° C. for at least 20 hours.

(f) The results shall be recorded as:

N, or — (negative) when the serum antigen mixture remains uniformly turbid.

P, or + (positive) when there is a distinct clumping of the antigen, and the liquid between the agglutinated particles is clear.

S, or ? (suspicious) when the agglutination is only partial or incomplete.

M, or missing, when samples listed on the original record sheet are missing.

H, or hemolyzed, when blood samples are hemolyzed and cannot be tested.

B, or broken, when sample tubes are broken and no serum can be obtained.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments of the National Poultry and Turkey Improvement Plans and Auxiliary Provisions may do so by filing them with the Director, Animal Husbandry Research Division, Agricultural Research Center, Beltsville, Md., within 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 22d day of August 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58–6970; Filed, Aug. 27, 1958; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Public Roads

[23 CFR Part 20]

NATIONAL STANDARDS FOR REGULATION BY STATES OF OUTDOOR ADVERTISING SIGNS, DISPLAYS AND DEVICES ADJACENT TO THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Standards set forth in tentative form below are proposed to be promulgated by the Secretary of Commerce. Prior to final

adoption of such Standards, consideration will be given to any comments, suggestions or proposals pertaining thereto which are submitted in writing to the Federal Highway Administrator, Bureau of Public Roads, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed Standards are to be issued under the authority contained in section 122 of the Federal-Aid Highway Act of 1956 (70 Stat. 374), as enacted by section 12 of the Federal-Aid Highway Act of 1958 (72 Stat. 89).

Dated: August 25, 1958.

B. D. TALLAMY,
Federal Highway Administrator.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

§ 20.1 *Purpose.* (a) By section 122 of the Federal-Aid Highway Act of 1956 (70 Stat. 374), as enacted by section 12 of the Federal-Aid Highway Act of 1958 (72 Stat. 89), which said section 122 is hereinafter called the "Act", the Congress has declared that:

(1) To promote the safety, convenience and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, hereinafter called the "Interstate System", it is in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to such System by controlling the erection and maintenance of outdoor advertising signs, displays and devices adjacent to that system;

(2) It is a national policy that the erection and maintenance of outdoor advertising signs, displays, or devices within certain areas should be regulated, consistent with national standards to be prepared and promulgated by the Secretary of Commerce.

(b) The regulations in this part are hereby promulgated as provided in the act.

§ 20.2 *Definitions.* The following terms when used in the regulations in this part have the following meanings:

(a) "Centerline of the highway" means the basic surveyed reference line from which right-of-way limits are measured and to which the construction centerline of one or more roadways is tied.

(b) "Controlled portion of the Interstate System" means any portion which.

(1) Is constructed upon any part of right-of-way, the entire width of which is acquired for right-of-way for any public road subsequent to July 1, 1956, by the Federal Government, a State, or a county, city or other political subdivision thereof, by donation, dedication, purchase, condemnation or otherwise (a portion shall be deemed so constructed if, within such portion, no line normal or perpendicular to the centerline of the highway and extending to both edges of the right-of-way will intersect any right-of-way so acquired on or before July 1, 1956);

(2) Lies within a State, the highway department of which has entered into an agreement with the Secretary of Commerce as provided in section 122 (b) of the act; and

(3) Is not excluded by such agreement from the application of these Standards as provided in section 122 (b) of the act.

(c) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(d) "Interchange" means a grade separated intersection with one or more turning roadways for travel between intersection legs, or an intersection at grade, where two or more highways join or cross.

(e) "Legible" means capable of being read without visual aid by a person of normal visual acuity.

(f) "Maintain" means to allow to exist.

(g) "Main-traveled way" means the portion of a highway, including shoulders, for vehicular use on which the through traffic is carried. In the case of a divided highway, each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include frontage roads, turning roadways, or parking areas.

(h) "Protected areas" means all areas inside the boundaries of a State which are adjacent to and within six hundred sixty feet of the edge of the right-of-way of all controlled portions of the Interstate System within that State. Where a controlled portion of the Interstate System terminates at a State boundary which is not perpendicular or normal to the centerline of the highway, "protected areas" also means all areas inside the boundary of such State which are within six hundred and sixty feet of the edge of the right-of-way of the Interstate highway in the adjoining State.

(i) "Scenic area" means any public park or area of particular scenic beauty or historical significance designated by or pursuant to State law as a scenic area.

(j) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of a controlled portion of the Interstate System.

(k) "State" means the District of Columbia and any State of the United States within the boundaries of which a portion of the Interstate System is located.

(l) "State law" means a State statute or an ordinance, rule, or regulation enacted or adopted by a State agency or political subdivision pursuant to State constitution or statute.

(m) "Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange.

(n) "Visible" means capable of being seen (whether or not capable of being read) without visual aid by a person of normal visual acuity.

§ 20.3 *Measurements of distance.* (a) Distance from the edge of a right-of-way shall be measured horizontally along a line normal or perpendicular to the centerline of the highway.

(b) Distance to an interchange shall be measured to the nearest point where the constructed centerline of a main traveled way of an interstate highway is intersected by a constructed centerline of another highway or turning roadway.

(c) All distances under § 20.6 (c) shall be measured along the centerline of the highway between two vertical planes which are normal or perpendicular to and intersect the centerline of the highway, and pass through the termini of the measured distance.

§ 20.4 *Signs that may not be permitted in protected areas.* Erection and maintenance of the following signs may not be permitted in protected areas:

(a) Signs advertising activities that are illegal under Federal, state or local laws or regulations in effect at the location of such signs or at the location of such activities,

(b) Obsolete signs,

(c) Signs that are not clean and in good repair,

(d) Signs that are not securely affixed to a substantial structure, and

(e) Signs that are not consistent with the regulations in this part.

§ 20.5 *Signs that may be permitted in protected areas.* Erection and maintenance of the following signs may be permitted in protected areas:

Class 1: Official signs. Directional or other official signs or notices erected and maintained by public officers or agencies pursuant to and in accordance with direction or authorization contained in State law, for the purpose of carrying out an official duty or responsibility.

Class 2: On premise signs. Signs not prohibited by State law which are consistent with the applicable provisions of section 6 and which advertise the sale or lease of, or activities being conducted upon, the real property where the signs are located.

Not more than one such sign advertising the sale or lease of the same property or advertising activities being conducted as a single enterprise may be permitted under this Class in such manner as to be visible to traffic proceeding in any one direction on any one Interstate highway.

Class 3: Signs within 12 miles of advertised activities. Signs not prohibited by State law which are consistent with the applicable provisions of §§ 20.6, 20.7, and 20.8 and which advertise activities being conducted within 12 air miles of such signs.

If a sign refers to or identifies, by trade or brand name, trademark, distinctive symbol or in any other manner whatsoever, any service rendered or product produced, sold, used, or otherwise handled more than 12 miles from such sign, it shall be deemed to advertise activities being conducted more than 12 miles away and may not be permitted under this Class or Class 2 unless the name and location of the activity within 12 miles rendering such service, or producing, selling, using, or otherwise handling such product are displayed upon the sign more conspicuously than such trade or brand name, trademark, distinctive symbol or other reference or identification.

Class 4: Signs in the specific interest of the traveling public. Signs authorized to be erected or maintained by State law which are consistent with the applicable provisions of §§ 20.6, 20.7, and 20.8 and which are designed to give information in the specific interest of the traveling public.

Only information about public places operated by Federal, state or local governments, natural phenomena, historic sites, areas of natural scenic beauty or naturally suited for outdoor recreation, and places for camping, lodging, eating and vehicle service and repair is deemed to be in the specific interest of the traveling public. A trade or brand name, trademark, distinctive symbol or other similar thing is not deemed to be information in the specific interest of the traveling public and may not be permitted under this Class unless it identifies or characterizes such a place or identifies vehicle service, equipment, parts, accessories, fuels, oils or lubricants being offered for sale at such a place.

§ 20.6 *Class 3 and 4 signs that may be permitted outside informational sites.* (a) The erection and maintenance of signs giving information about historic sites operated by Federal, state or local governments or by nonprofit organizations may be permitted within protected areas outside informational sites. Paragraphs (b) and (c) of this section shall not be applicable to such signs.

(b) If traffic proceeding in any direction on an Interstate highway is not served by an informational site established, as permitted in § 20.7 (a), at any location (1) within 12 air miles of activities which may be advertised by Class 3 signs but not by Class 4 signs or (2) within 30 air miles of, and in advance of an interchange providing traffic service for, places about which information may be given by Class 4 signs (whether or not it may also be given by Class 3 signs), the erection and maintenance of Class 3 or 4 signs advertising such activities or giving information about such places may be permitted within protected areas, outside informational sites, in such manner as to be visible only to such traffic.

(c) The erection and maintenance of signs permitted under paragraph (b) of this section may not be permitted in any manner inconsistent with the following:

(1) Such signs visible to traffic proceeding toward an interchange may not be permitted in protected areas within 2 miles of such interchange.

(2) Not more than 6 such signs visible to traffic proceeding toward an interchange may be permitted in protected areas more than 2 miles but less than 5 miles from such interchange.

(3) In protected areas more than 5 miles from an interchange, the number of such signs visible to traffic proceeding toward such interchange may not be permitted to exceed an average of one such sign per mile.

(4) Notwithstanding subparagraphs (2) and (3) of this paragraph, not more than 2 such signs may be permitted within any mile distance whether or not such mile distance begins or ends at the same point as any mile referred to in such subparagraphs, and no such signs may be permitted to be less than 1,000 feet apart.

(5) No such signs may be permitted in scenic areas.

(6) Not more than one such sign advertising activities being conducted as a single enterprise or giving information about a single place may be permitted to be erected or maintained in such manner as to be visible to traffic moving in any one direction on any one Interstate highway.

(d) The erection and maintenance of signs with a surface, exclusive of trim and supports, more than 10 feet high or more than 60 sq. feet in area may not be permitted under this section.

(e) No class 3 or 4 signs other than those permitted by this section may be permitted to be erected or maintained within protected areas, outside informational sites.

§ 20.7 *Class 3 and 4 signs that may be permitted in informational sites.* (a) Informational sites for the erection and maintenance of class 3 and 4 advertising and informational signs may be established in accordance with the Regulations for the Administration of Federal-Aid for Highways. The location and frequency of such sites shall be as determined by agreements between the Secretary of Commerce and the State highway departments.

(b) Class 3 and 4 signs may be permitted within such informational sites in protected areas in a manner consistent with the following provisions:

(1) No sign may be permitted which is not placed upon a panel.

(2) No panel may be permitted to exceed 13 feet in height or 25 feet in length, including border and trim, but excluding supports.

(3) No sign may be permitted to exceed 12 square feet in area, and nothing on such sign may be permitted to be legible from any place on the main traveled way or a turning roadway.

(4) Not more than one sign concerning a single activity or place may be permitted within any one informational site.

(5) No sign may be permitted which moves or has any animated or moving parts.

(6) Illumination of panels by other than white lights may not be permitted, and no sign placed on any panel may be permitted to contain, include, or be illuminated by any other lights.

§ 20.8 *General provisions.* No Class 3 or 4 sign may be permitted to be erected or maintained pursuant to § 20.6 and no class 2 sign may be permitted to be erected or maintained, in any manner inconsistent with the following:

(a) No sign may be permitted which attempts or appears to attempt to direct the movement of traffic or interfere with, imitate, or resemble any official traffic sign, signal, or device.

(b) No sign may be permitted which prevents the driver of a vehicle from having a clear and unobstructed view of official signs.

(c) No sign may be permitted which contains, includes, or is illuminated by any flashing, intermittent, or moving light or lights.

(d) No lighting may be permitted to be used in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main-traveled way of the Interstate System, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

(e) No sign may be permitted which moves or has any animated or moving parts.

(f) No sign may be permitted to be erected or maintained upon trees or painted or drawn upon rocks or other natural features.

[F. R. Doc. 58-6972; Filed, Aug. 27, 1958; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 140]

FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

NOTICE OF PROPOSED RULE MAKING

On September 2, 1957, the Atomic Energy Act of 1954 was amended by Public Law 85-256. One of the new sections added to the Atomic Energy Act by that amendment was section 170 containing financial protection requirements with respect to persons who hold, or have applied for, certain types of licenses under the Atomic Energy Act. In order to make the provisions of Public Law 85-256 effective as promptly as possible, the Atomic Energy Commission issued this part on September 11, 1957, stating that the Regulations would be replaced at an early date by more definitive regulations. The amendment set forth below is one of a series of amendments to Part 140 to be issued by the Commission for that purpose.

When Part 140 was issued the Commission had not prepared the form of indemnity agreements to be entered into with the licensee from whom financial protection is required under section 170 of the act. Recognizing this situation § 140.17 provides that the Commission will, in due course, execute and issue agreements of indemnity with licensees from whom financial protection is required; and that such agreements would contain such provisions as are required by law and such additional provisions as may be incorporated therein pursuant to Commission Regulations. The section provides also that such agreements, when entered into with any licensee, would be effective either on the effective date of Part 140 or on the effective date of the license authorizing operation of a nuclear reactor, whichever is later. The following amendment contains the form of an indemnity agreement which the Commission would enter into with licensees under § 140.17 of this part. As indicated in the notes inserted in the form of agreement, certain provisions are inapplicable to certain types of licensees and would not be used in such cases. It may also be that cases will arise in which it will be appropriate to modify some of the provisions of the form or to include other provisions. For the most part, such provisions will have to be developed as situations arise in which they are required. It is anticipated that any such changes will be effected either by rule or by appropriate procedures in particular licensing proceedings in order that interested persons may have opportunity to participate.

Part 140 and the following proposed amendments do not contain requirements as to the demonstrations which should be made by insurance companies whose policies are furnished as proof of financial protection, or by licensees furnishing proof of financial protection in the form of their own resources, that such companies and licensees will in fact be able to satisfy claims covered by the proposed agreement. These matters will be covered in future amendments to this part.

Notice is hereby given that adoption of the following amendment to Part 140, "Financial Protection Requirements and Indemnity Agreements", is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed amendment should send them to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation, within thirty (30) days after publication of this notice in the FEDERAL REGISTER.

1. Section 140.17 is amended to read as follows:

§ 140.17 *Indemnity agreements.* (a) The Commission will, in due course, execute and issue agreements of indemnity pursuant to the regulations in this part or such other regulations as may be issued by the Commission. Each such agreement shall contain such provisions as are required by law and such additional provisions as may be incorporated therein by the Commission pursuant to regulation. Such agreements, as to any licensee, shall be effective on:

(1) The effective date of this part; or

(2) The effective date of the license authorizing the licensee to operate the nuclear reactor involved, whichever is later.

(b) Each licensee shall pay a fee to the Commission at the rate of $30 per year per thousand kilowatts of thermal capacity authorized in its license: *Provided*, That no fee shall be less than $100 per annum for any nuclear reactor. Such fee shall be due for the period beginning with the date on which the applicable indemnity agreement will be effective under paragraph (a) of this section; and shall be paid in accordance with billing instructions received from the Commission.

(c) (1) The general form of indemnity agreement to be entered into by the Commission with licensees is set forth in Appendix B.

(2) The form of indemnity agreement to be entered into by the Commission with any particular licensee under this part shall contain such modifications of the form in Appendix B (§ 140.76) as are provided for in applicable licenses, regulations or orders of the Commission.

(3) Each licensee who has previously executed an indemnity agreement under this part shall enter into such agreements amending such indemnity agreement as are required by applicable licenses, regulations or orders of the Commission.

2. Section 140.76 is added to read as follows:

§ 140.76 *Appendix B.*

This agreement is entered into by and between the ---------- (hereinafter referred to as the "licensee") and the United States Atomic Energy Commission (hereinafter referred to as the "Commission") pursuant to the Atomic Energy Act of 1954, as amended.

In consideration of the requirements of said Act, of the benefits, immunities, and privileges afforded and to be afforded to the licensee by the United States of America pursuant to said Act, and in consideration of the benefits, supplies, services or other things (tangible or intangible) furnished and to be furnished to the licensee by persons indemnified, and in consideration of the respective undertakings of the parties hereto,

It is agreed that

ARTICLE I

As used in this agreement,

1. "Nuclear reactor," "byproduct material," "person," "financial protection," "source material," and "special nuclear material" shall have the meanings given them in the Atomic Energy Act of 1954, as amended, and the regulations issued by the Commission;

2. "Amount of financial protection" means the amount specified in Item 2 in the Declarations annexed hereto;

3. "In the course of transportation" means in the course of transportation within the United States, including handling or temporary storage incidental thereto, of the radioactive material to the location or from the location causing bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of the radioactive material being transported; provided, however, with respect to transportation of the radioactive material to the location that such transportation is not by predetermination to be interrupted by the removal of such material from the transporting conveyance for any purpose other than the continuation of such transportation to the location or temporary storage incidental thereto; provided, further, that the transportation of the radioactive material from the location shall be deemed to end when the radioactive material is removed from the transporting conveyance for any purpose other than the continuation of such transportation or temporary storage incidental thereto.

4. "Nuclear incident" means any occurrence within the United States causing bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of the radioactive material.

5. "Person indemnified" means the licensee and any other person who may be liable for public liability.

6. "Public liability" means any legal liability arising out of or resulting from a nuclear incident, except (1) claims under State or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed at the location and in connection with the licensee's possession, use or transfer of the radioactive material; and (2) claims arising out of an act of war.

7. "Excluded property" means any property of a person legally liable for a nuclear incident, which property is located at the location and is:

(a) Used in connection with the licensee's possession, use or transfer of the radioactive material; or is

(b) Not an aircraft, watercraft or vehicle licensed for highway use.

NOTE: The foregoing subparagraph (b) will be used if a NELIA- or MAELU-type policy, including supplementary endorsement coverage, is furnished as financial protection.

8. "The location" means the location designated in Item 4 of the Declarations annexed hereto.

9. "The radioactive material" means source, special nuclear, and byproduct material, as those terms are defined in the Atomic Energy Act of 1954 and regulations of the Commission, which (1) the licensee receives, possesses or uses for the purpose of operating the nuclear reactors designated in the Declarations annexed hereto, or (2) which is produced as the result of operation of said reactors.

ARTICLE II

1. The licensee will maintain financial protection in the amount specified in Item 2 of the Declarations and in the form of the nuclear energy liability insurance policy, a copy of which is annexed hereto as Attachment 1. Such financial protection shall be maintained by the licensee at all times during the term of the license designated in Item 3 of the Declarations attached hereto. The Declarations are incorporated in this agreement with the same force and effect as if fully set forth herein. If more than one license is designated in Item 3 of the Declarations, the licensee agrees to maintain such financial protection until the end of the term of that license which will be the last to expire. The licensee shall, notwithstanding the expiration, termination, modification, amendment, suspension or revocation of any license or licenses designated in Item 3 of the Declarations, make all reasonable efforts to continue said policy in effect until all the radioactive material has been removed from the location and transportation of the radioactive material from the location has been completed as provided in paragraph 3, Article I, or until the Commission authorizes in writing the termination or the modification of such financial protection. The Commission will not unreasonably withhold such authorization.

2. The licensee agrees that, upon the occurrence of any event which reduces or may reduce the limit of liability provided under the said policy, the licensee will promptly apply for reinstatement of the amount specified in Item 2 of the Declarations annexed to said policy and will make all reasonable efforts to obtain such reinstatement.

NOTE: Paragraphs 1 and 2 will be used in cases where a licensee furnishes a policy of insurance similar to the NELIA or MAELU policies as financial protection.

3. The licensee undertakes and agrees to indemnify and hold harmless all persons indemnified, as their interest may appear, from public liability arising out of or in connection with the licensed activity, provided that the obligation of the licensee to indemnify such persons shall not exceed in the aggregate the amount of financial protection for each nuclear incident, including the reasonable cost of investigating and settling claims and defending suits for damage. Public liability shall not be deemed to arise out of or in connection with the licensed activity unless such public liability arises out of or results from a nuclear incident which occurs at the location or which occurs in the course of transportation.

NOTE: Paragraph 3 will be used in cases where the licensee is relying on his own financial resources as financial protection.

4. (a) With respect to damage caused by a nuclear incident to property of any person legally liable for the incident, the licensee agrees to pay to such person those sums which such person would have been obligated to pay if such property had belonged to another; provided, that the obligation of the licensee under this paragraph 4 does not apply with respect to:

(1) Property which is located at the location and used in connection with the licensee's possession, use or transfer of the radioactive material;

(2) Property damage due to neglect of the person indemnified to use all reasonable means to save and preserve the property after knowledge of a nuclear incident.

NOTE: Paragraph 4 will be used in cases where the licensee is relying upon his own financial resources as financial protection.

(b) The obligation of the licensee under this paragraph 4 shall apply only with respect to damage caused by a nuclear incident which occurs at the location or in the course of transportation.

5. The licensee agrees that it will hold the United States and the Commission harmless from any damages resulting from the use or possession by the licensee of that part of the radioactive material which is special nuclear material.

6. The obligations of the licensee under paragraphs 3, 4, and 5 of this Article shall not in the aggregate exceed the amount of financial protection with respect to any nuclear incident, including the reasonable costs of investigating and settling claims and defending suits for damage.

7. The obligations of the licensee under paragraphs 3 and 4 of this Article shall apply only with respect to nuclear incidents occurring during the term of the license designated in Item 3 of the Declarations. If more than one license is designated in Item 3 of the Declarations, the obligations of the licensee under paragraphs 3 and 4 of this Article shall apply only with respect to nuclear incidents occurring prior to the end of the term of that license which is the last to expire. The Commission agrees that, upon the expiration and revocation of any license designated in Item 3 of the Declarations it will enter into an appropriate agreement with the licensee reducing the amount of financial protection required under this Article; provided, that the licensee is then entitled to a reduction in the amount of financial protection under applicable Commission regulations and orders. The obligations of the licensee under paragraphs 3 and 4 of this Article shall not apply with respect to nuclear incidents occurring prior to the effective time of this agreement as specified in the Declarations.

8. The obligations of the licensee under this Article shall not be affected by any failure or default on the part of the Commission or the Government of the United States to fulfill any or all of its obligations under this agreement.

ARTICLE III

1. The Commission undertakes and agrees to indemnify and hold harmless the licensee and other persons indemnified, as their interest may appear, from public liability arising out of or in connection with the licensed activity. Public liability shall not be deemed to arise out of or in connection with the licensed activity unless such public liability arises out of or results from a nuclear incident which occurs at the location or in the course of transportation.

2. (a) With respect to damage caused by a nuclear incident to property of any person legally liable for the nuclear incident, other than excluded property, the Commission agrees to pay to such person those sums which the Commission would have been obligated to pay under this agreement if such property had belonged to another. The obligation of the Commission under this paragraph 2 does not apply to property damage due to neglect of the person indemnified to use all reasonable means to save and preserve the property after knowledge of a nuclear incident.

(b) The obligation of the Commission under this paragraph 2 shall apply only with respect to damage caused by a nuclear incident which occurs at the location or in the course of transportation.

3. The obligations of the Commission under this Article shall apply only with respect to such public liability and such damage to property, other than excluded property, of persons legally liable for the nuclear incident as in the aggregate exceeds the amount of financial protection.

4. The obligations of the Commission under this Article shall apply only with respect to nuclear incidents occurring during the term of the license designated in Item 3 of the Declarations. If more than one license is designated in Item 3 of the Declarations, the obligations of the Commission under this Article shall apply only with respect to nuclear incidents occurring prior to the end of the term of that license which is the last to expire. The obligations of the Commission under this Article shall not apply with respect to nuclear incidents occurring prior to the effective time of this agreement as specified in the Declarations.

5. The obligations of the Commission under this and all other agreements and contracts to which the Commission is a party shall not in the aggregate exceed $500,000,000 with respect to any nuclear incident, including the reasonable costs of investigating and settling claims and defending suits for damage.

6. The obligations of the Commission under this Article, except to the licensee for damage to property of the licensee, shall not be affected by any failure on the part of the licensee to fulfill its obligations under this agreement.

ARTICLE IV

1. When the Commission determines that it will probably be required to make indemnity payments under the provisions of Article II above, the Commission shall have the right to, and shall, collaborate with the licensee and other persons indemnified in the settlement and defense of any claim and shall have the right (a) to require the prior approval of the Commission for the settlement or payment of any claim asserted against the licensee for public liability or damage to property of persons legally liable for the nuclear incident which the licensee or the Commission may be required to indemnify under this agreement; and (b) to appear through the Attorney General of the United States on behalf of the licensee or other person indemnified, take charge of such action and settle or defend any such action. If the settlement or defense of any such action or claim is undertaken by the Commission, the licensee shall furnish all reasonable assistance in effecting a settlement or asserting a defense.

2. In the event of bodily injury or property damage arising out of or in connection with the possession or use of byproduct, source or special nuclear material at the location or in the course of transportation, or in the event of an occurrence which may give rise to claims therefor, written notice containing particulars sufficient to identify the licensee and reasonably obtainable information with respect to the time, place, and circumstances thereof, and the names and addresses of the injured, an identification of damaged property and of the owners of such property, and the names and addresses of available witnesses, shall be furnished by or for the licensee to the Commission as promptly as practicable. After claim is made or suit is brought against the licensee, he shall immediately forward to the Commission a copy of every demand, notice, summons or other process received by the licensee or his representative.

3. In the event of damage caused by a nuclear incident to property of the licensee, for which it appears that the Commission may be requested to make payments under the provisions of Article III above, the licensee shall furnish a complete inventory of the damage claimed hereunder to such property, showing in detail the amount thereof. Within ninety-one days after such incident, unless such time is extended in writing by the Commission, the licensee shall render to the Commission, a proof of loss, signed and sworn to by the licensee, stating the knowledge and belief of the licensee as to the following: Identification of the nuclear incident; the interest of the licensee in the property destroyed or damaged, and the amount of each item of property damage; all encumbrances on such property; and all contracts of insurance, whether valid or not, covering any of such property. The licensee shall include in the proof of loss a copy of all descriptions and schedules of all policies. Upon the Commission's request, the licensee shall furnish verified plans and specifications of any such property. The licensee, as often as may be reasonably required, shall exhibit to any person designated by the Commission any of such property, and submit to examinations under oath by any person named by the Commission and subscribe the same; and, as often as may be reasonably required, shall produce for examination all books of accounts, records, bills, invoices and other vouchers or certified copies thereof if originals be lost, pertaining to such property at such reasonable time and place as may be designated by the Commission or its representative, and shall permit extracts and copies thereof to be made.

4. The licensee shall cooperate with the Commission, and, upon the request of the Commission or of the Attorney General of the United States or of their representatives, shall attend hearings and trials and assist in making settlements, securing and giving evidence, obtaining the attendance of witnesses and in the conduct of any legal proceeding in connection with the subject matter of this agreement and in the performance by the Commission of any of its responsibilities under Section 170 of the Atomic Energy Act of 1954. Without the prior written approval of the Commission, the licensee shall not, in any case where it appears that the Commission may be required to make payments under the provisions of Article III, hereinafter make any payment, assume any obligation or incur any expense except at his own cost.

5. Neither this agreement nor any interest therein nor claim thereunder may be assigned or transferred without the approval of the Commission.

6. The licensee is authorized to act on behalf of all persons indemnified under this agreement with respect to any matter pertaining to this agreement, including but without limitation on the generality of the foregoing, the payment of fees and the amendment, extension, cancellation, or modification of this agreement.

ARTICLE V

The parties agree that they will enter into appropriate amendments of this agreement to the extent that such amendments are required pursuant to the Atomic Energy Act of 1954, as amended, or licenses, regulations or orders of the Commission.

ARTICLE VI

The licensee agrees to pay to the Commission such fees as are established by the Commission by regulation or order, pursuant to subsection 170 f. of the Atomic Energy Act of 1954, as amended. Such fees shall be paid within 30 days of the receipt of bills therefor from the Commission. Upon the failure of the licensee to pay any such fee within 30 days of the receipt of the bill therefor from the Commission, the licensee shall pay interest on the amount of such unpaid fee at the rate of 6 per cent per annum until payment is made.

UNITED STATES ATOMIC ENERGY COMMISSION

Indemnity Agreement No. ------

DECLARATIONS

Item 1. Licensee ----------
Address ----------
Item 2. Amount of financial protection -----

Item 3. License No. or Nos. ----------
Item 4. Location ----------

The Indemnity Agreement designated above, of which these Declarations are a part, shall be effective beginning at -- m., on the ------ day of ---------- 19--, and shall continue until the effective date of the cancelation or termination of this agreement by the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended, and applicable rules, regulations and orders of the Commission.

For the United States Atomic Energy Commission.

By ----------
For the ----------
(Name of licensee)
By ----------

Dated at Germantown, Md., the ------ day of ---------- 19--.

Dated at Germantown, Md., this 21st day of August 1958.

For the Atomic Energy Commission.

PAUL F. FOSTER,
General Manager.

[F. R. Doc. 58-6945; Filed, Aug. 27, 1958; 8:45 a. m.]

[10 CFR Part 140]

FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

NOTICE OF PROPOSED RULE MAKING

On September 11, 1957 the Atomic Energy Commission issued this part, pursuant to the Atomic Energy Act of 1954, as amended by Public Law 85-256. When part 140 was issued, the Commission stated, among other things, that the regulations therein would be replaced at an early date by more definitive regulations; and that part 140 does not contain many types of provisions which will be included in later revisions.

Part 140, as presently in effect, provides that financial protection may be furnished by licensees subject to the part in the form of (1) an effective policy of liability insurance from private sources for which the premiums have been paid; or (2) adequate resources to provide the financial protection required by the part; or (3) such other type of financial protection as the Commission may approve; or (4) any combination of the foregoing. Since issuance of Part 140, a substantial number of persons who have applied for or received licenses authorizing the operation of nuclear reactors have furnished, as proof of financial protection, nuclear energy liability insurance binders issued by the Nuclear Energy Liability Insurance Association or by the Mutual Atomic Energy Liability Underwriters organizations (hereinafter respectively referred to as "NELIA" and "MAELU"). Pending any further changes in the form, the binders incorporate the form of policy set forth below. The Commission has advised persons filing such binders in appropriate amounts that their proof of financial protection has been accepted by the Atomic Energy Commission under regulations currently in effect.

The following amendment would grant approval by Commission rule to the furnishing of financial protection in the form of the nuclear energy liability insurance policy set forth below as Appendix A (§ 140.75). The form is identical to the forms of policies issued by the NELIA and MAELU groups. The supplementary coverage endorsement is a part of the form.

The fact that the Commission proposes to incorporate in Part 140 a general approval of the form of policy offered by the NELIA and MAELU organizations, should not be construed as indicating that it is the only form which the Commission will approve. The Commission will accept any other form of nuclear energy liability insurance policy as proof of financial protection under Part 140, if it concludes that such forms provide adequate financial protection under the requirements of its regulations and applicable legislation.

Notice is hereby given that adoption of the following amendment to Part 140, "Financial Protection Requirements and Indemnity Agreements" is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed amendment should send them to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation, within 30 days after publication of this notice in the FEDERAL REGISTER.

1. The following new § 140.25 is added:

§ 140.25 *Nuclear energy liability insurance.* (a) Licensees who choose to furnish financial protection pursuant to § 140.12 (a), may do so in the form of the nuclear energy liability insurance policy (including the supplementary coverage endorsements) set forth in Appendix A (§ 140.75).

(b) The Commission will accept any other form of nuclear energy liability insurance as proof of financial protection, if it determines that the provisions of such insurance provide adequate financial protection under the requirements of the Commission's regulations and the Atomic Energy Act of 1954, as amended.

2. Section 140.75 is added to read as follows:

§ 140.75 *Appendix A.*

APPROVED FORM OF NUCLEAR ENERGY LIABILITY POLICY

The undersigned members of the -------- ---------- hereinafter called the "companies," each for itself, severally and not jointly, and in the respective proportions hereinafter set forth, agree with the insured, named in the declarations made a part hereof, in consideration of the premium and in reliance upon the statements in the declarations and subject to the limit of liability, exclusions, conditions and other terms of this policy.

INSURING AGREEMENTS

I. *Bodily injury and property damage liability.* To pay on behalf of the insured:

A. All sums which the insured shall become legally obligated to pay as damages because of:

(1) Bodily injury, sickness or disease, including death resulting therefrom, hereinafter called "bodily injury," sustained by any person;

(2) Physical injury to or destruction of radioactive contamination of property, and loss of use of property so injured, destroyed or contaminated, and loss of use of property while evacuated or withdrawn from use because possibly so contaminated or because of imminent danger of such contamination, hereinafter called "property damage";

caused by the nuclear energy hazard, and the companies shall defend any suit against the insured alleging such bodily injury or property damage and seeking damages which are payable under the terms of this policy; but the companies may make such investigation, negotiation and settlement of any claim or suit as they deem expedient;

B. Costs taxed against the insured in any such suit and interest on any judgment therein;

C. Premiums on appeal bonds and on bonds to release attachments in any such suit, but without obligation to apply for or furnish such bonds;

D. Reasonable expenses, other than loss of earnings, incurred by the insured at the companies' request.

II. *Definitions.* Wherever used in this policy:

A. The term "the facility" means the facility described in the declarations and includes the location designated in Item 3 of the declarations and all property and operations at such location;

B. The terms "source material," "special nuclear material," and "byproduct material" shall have the meanings given them in the Atomic Energy Act of 1954, or in any law amendatory thereof;

C. The term "nuclear energy hazard" means the radioactive, toxic, explosive or other hazardous properties of source material, special nuclear material or byproduct material, but only with respect to (1) the possession, handling, use or disposal of such materials at the location designated in Item 3 of the declarations, or (2) the transportation, including handling or temporary storage incidental thereto, of such materials shipped (a) from such location, provided such transportation of such materials shall be deemed to end when such materials are removed from a transporting conveyance for any purpose other than continuation of such transportation or temporary storage incidental thereto, or (b) to such location from a nuclear facility owned by the United States of America, provided such transportation of such materials from such nuclear facility is not by predetermination to be interrupted by the removal of such materials from a transporting conveyance for any purpose other than the continuation of such transportation to such location or temporary storage incidental thereto;

D. The term "nuclear incident" means an occurrence which results in bodily injury or property damage caused by the nuclear energy hazard;

E. The term "nuclear facility" means:

(1) Any apparatus designed or used to sustain nuclear fission in a self-supporting chain reaction or to contain a critical mass of fissionable material;

(2) Any equipment or device (a) designed or used for the separation of the isotopes of uranium or plutonium, (b) designed or used for the processing, fabricating or alloying of special nuclear material or of irradiated materials containing special nuclear material, (c) incorporating or making use of such irradiated materials, or (d) designed or used for processing waste byproduct material;

(3) Any structure, basin, excavation, premises or place prepared or used for the storage or disposal of waste source material or waste consisting of or containing special nuclear material or byproduct material;

and includes the site on which any of the foregoing is located, together with all operations conducted thereon and all premises used for such operations.

Subdivision (b) of paragraph (2) foregoing is not applicable to the occasional mechanical processing or fabricating of special nuclear material by any person or organization at a location which contains no equipment, device or apparatus otherwise defined herein as a nuclear facility, where special nuclear material or byproduct material is not regularly handled, stored, or disposed of as waste, and which is principally used for other operations not related to the handling, fabricating or use of special nuclear material.

III. *Definition of insured.* The unqualified word "insured" includes (a) the named insured and (b) any other person or organization with respect to his legal responsibility for a nuclear incident.

Subdivision (b) above does not include as an insured the United States of America or any of its agencies.

Subject to Condition 3 and the other provisions of this policy, the insurance applies separately to each insured against whom claim is made or suit is brought.

IV. *Application of policy.* This policy applies only to bodily injury or property damage (1) which results from nuclear incidents occuring during the policy period and (2) which is discovered, and for which written claim is made against the insured, not later than two years after the end of the policy period.

EXCLUSIONS

This policy does not apply:

(a) To any obligation for which the insured or any carrier as his insurer may be held liable under any workmen's compensation, unemployment compensation or disability benefits law, or under any similar law;

(b) Except with respect to liability of another assumed by the insured under contract, to bodily injury to any employee of the insured arising out of and in the course of his employment by the insured;

(c) To liability assumed by the insured under contract, other than an assumption in a contract with another of the liability of any person or organization which would be imposed by law on such person or organization in the absence of an express assumption of liability;

(d) To bodily injury or property damage due to the manufacturing, handling or use at the location designated in Item 3 of the declarations, in time of peace or war, of any nuclear weapon or other instrument of war utilizing special nuclear material or byproduct material;

(e) To bodily injury or property damage due to war, whether or not declared, civil war, insurrection, rebellion or revolution, or to any act or condition incident to any of the foregoing;

(f) To property damage to any property at the location designated in Item 3 of the declarations, other than aircraft, watercraft or vehicles licensed for highway use, provided such aircraft, watercraft or vehicles are not used in connection with the operation of the facility;

(g) To property damage to source material, special nuclear material or byproduct material in the course of transportation to or from the location designated in Item 3 of the declarations, including handling or storage incidental thereto;

(h) To any nuclear incident

(1) Arising out of the possession, transportation, handling, use or disposal, outside the territorial limits of the United States of America, its territories or possessions, Puerto Rico or the Canal Zone, of source material, special nuclear material or byproduct material;

(2) Occurring at any nuclear facility other than the facility described in the declarations;

(3) Arising out of the possession, transportation, handling, use or disposal by any person or organization, away from the facility, of source material, special nuclear material or byproduct material, unless such nuclear incident occurs away from any other nuclear facility and in the course of transportation, including handling or storage incidental thereto, of source material, special nuclear material, byproduct material contained in or combined with special nuclear material, or waste consisting of or containing byproduct material, shipped (i) from the facility or (ii) to the facility from a nuclear facility owned by the United States of America.

CONDITIONS

1. *Premium.* The named insured shall pay the companies the advance premium stated in the declarations, for the period from the effective date of the policy through December 31 following. Thereafter, at the beginning of each calendar year while this policy is in force, the named insured shall pay the advance premium for such year to the companies. The advance premium for each calendar year shall be stated in a written notice given by the companies to the named insured as soon as practicable prior to or after the beginning of such year.

Such advance premiums are estimated premiums only. As soon as practicable after each December 31 and after the termination of the policy, the earned premium for the preceding premium period shall be computed in accordance with the companies' rules, rates, rating plans, premiums and minimum premiums applicable to this insurance. If the earned premium thus computed for any premium period exceeds the advance premium previously paid for such period, the insured shall pay the excess to the companies; if less, the companies shall return to the insured the unearned portion paid by the insured.

The named insured shall maintain records of the information necessary for premium computation and shall send copies of such records to the companies at the end of each calendar year, at the end of the policy period and at such other times during the policy period as the companies may direct.

2. *Inspection: suspension.* The companies shall be permitted to inspect the facility and to examine the insured's books and records at any time, as far as they relate to the subject matter of this insurance. If a representative of the companies discovers a condition with respect to the nuclear energy hazard which he believes to be unduly dangerous, a representative of the companies may request that such condition be corrected without delay. In the event of noncompliance with such request, a representative of the companies may, after twelve hours prior notice to the United States Atomic Energy Commission, by written notice to the named insured, immediately suspend the insurance with respect to the named insured and any other person or organization responsible for the continuance of such dangerous condition. A copy of such notice shall be sent promptly to the United States Atomic Energy Commission. The insurance so suspended may be reinstated by the companies by an endorsement issued to form a part of this policy.

3. *Limit of liability: termination of policy upon exhaustion of limit.* Regardless of the number of persons and organizations who are insured under this policy, and regardless of the number of claims made and suits brought against any or all insureds because of one or more nuclear incidents during the policy period, the limit of liability stated in the declarations is the total aggregate liability of the companies for their obligations under this policy and the expenses incurred by the companies in connection with such obligations, including

(a) Payments in settlement of claims and in satisfaction of judgments against the insureds for damages because of bodily injury or property damage, and payments made under parts B, C and D of Insuring Agreement I;

(b) Payments for expenses incurred in the investigation, negotiation, settlement and defense of any claim or suit, including, but not limited to, the cost of such services by salaried employees of the companies, fees and expenses of independent adjusters, attorneys' fees and disbursements, expenses for expert testimony, inspection and appraisal of property, examination, X-ray or autopsy or medical expenses of any kind;

(c) Payments for expenses incurred by the companies in investigating a nuclear incident or in minimizing its effects.

Each such payment made by the companies shall reduce by the amount of such payment the limit of the companies' liability under this policy.

If, during the policy period or subsequent thereto, the total of such payments made by the companies shall exhaust the limit of the companies' liability under this policy, all liability and obligations of the companies under this policy shall thereupon terminate and shall be conclusively presumed to have been discharged. This policy, if not theretofore canceled, shall thereupon automatically terminate.

Regardless of the number of years this policy shall continue in force and the number of premiums which shall be payable or paid, the total aggregate liability of the companies shall be the limit of liability stated in the declarations and shall not be cumulative from year to year.

4. *Limitation of liability—common occurrence.* Any occurrence or series of occurrences resulting in bodily injury or property damage arising out of the radioactive, toxic, exposive or other hazardous properties of source material, special nuclear material or byproduct material

(a) In the course of transportation from the facility or to the facility from a nuclear facility owned by the United States of America and also arising out of such properties of other such material in the course of transportation from one or more other nuclear facilities or to one or more such facilities from one or more nuclear facilities owned by the United States of America, or

(b) Discharged or dispersed from the facility over a period of days, weeks, months or longer and also arising out of such properties of other such material so discharged or dispersed from one or more other nuclear facilities,

shall be deemed to be one nuclear incident.

With respect to such bodily injury and property damage (1) the total aggregate liability of the companies under all contracts of nuclear energy liability insurance, including this policy, issued to nuclear facilities and applicable to such incident, shall not exceed the highest applicable limit of liability of any such contract; (2) the total liability of the companies under this policy shall not exceed that proportion of the total aggregate liability of the companies, as stated in clause (1) above, which (a) the applicable limit of liability of this policy bears to (b) the sum of the applicable limits of liability of all such contracts issued by the companies.

5. *Notice of occurrence, claim or suit.* In the event of bodily injury or property damage to which this policy applies or of an occurrence which may give rise to claims therefor, written notice containing particulars sum-

cient to identify the insured and also reasonably obtainable information with respect to the time, place and circumstances thereof, and the names and addresses of the injured and of available witnesses, shall be given by or for the insured to the ---------- or the companies as soon as practicable. If claim is made or suit is brought against the insured, he shall immediately forward to the ---------- or the companies every demand, notice, summons or other process received by him or his representative.

6. *Assistance and cooperation of the insured.* The insured shall cooperate with the companies and, upon the companies' request, attend hearings and trials and assist in making settlements, securing and giving evidence, obtaining the attendance of witnesses and in the conduct of any legal proceedings in connection with the subject matter of this insurance. The insured shall not, except at his own cost, make any payment, assume any obligation or incur any expense.

7. *Action against companies.* No action shall lie against the companies or any of them unless, as a condition precedent thereto, the insured shall have fully complied with all the terms of this policy, nor until the amount of the insured's obligation to pay shall have been finally determined either by judgment against the insured after actual trial or by written agreement of the insured, the claimant and the companies.

Any person or organization or the legal representative thereof who has secured such judgment or written agreement shall thereafter be entitled to recover under this policy to the extent of the insurance afforded by this policy. No person or organization shall have any right under this policy to join the companies or any of them as parties to any action against the insured to determine the insured's liability, nor shall the companies or any of them be impleaded by the insured or his legal representative. Bankruptcy or insolvency of the insured or of the insured's estate shall not relieve the companies of any of their obligations hereunder.

8. *Subrogation.* In the event of any payment under this policy, the companies shall be subrogated to all the insured's rights of recovery therefor against any person or organization, and the insured shall execute and deliver instruments and papers and do whatever else is necessary to secure such rights. Prior to knowledge of a nuclear incident the insured may waive in writing any right of recovery against any person or organization, but after such knowledge the insured shall not waive or otherwise prejudice any such right of recovery.

The companies hereby waive any rights of subrogation acquired against the United States of America or any of its agencies by reason of any payment under this policy.

The companies do not relinquish, by the foregoing provisions, any right to restitution from the insured out of any recoveries made by the insured on account of a loss covered by this policy of any amounts to which the companies would be entitled had such provisions, or any of them, not been included in this policy.

9. *Other insurance.* If the insurance afforded by this policy is concurrent with insurance afforded by a like policy issued to the named insured by ----------, hereinafter called "concurrent insurance," the companies shall not be liable under this policy for a greater proportion of any loss or expense than the limit of liability stated in the declarations of this policy bears to the sum of such limit and the limit of liability stated in the declarations of such concurrent policy.

If the insured has other valid and collectible insurance (other than such concurrent insurance or any other nuclear energy liability insurance issued by the companies or ---------- to any person or organization) applicable to loss and expense covered by this policy, the insurance afforded by this policy shall be excess insurance over such other insurance.

10. *Changes.* Notice to any agent or knowledge possessed by any agent or by any other person shall not effect a waiver or a change in any part of this policy or stop the companies from asserting any right under the terms of this policy; nor shall the terms of this policy be waived or changed, except by endorsement issued to form a part of this policy executed by the ---------- on behalf of the companies.

11. *Assignment.* Assignment of interest by the named insured shall not bind the companies until their consent is endorsed hereon; if, however, the named insured shall die or be declared bankrupt or insolvent, this policy shall cover such insured's legal representative, receiver, or trustee as an insured under this policy, but only with respect to his liability as such, and then only provided written notice of his appointment as legal representative, receiver, or trustee is given to the companies within ten days after such appointment.

12. *Cancellation.* This policy may be canceled by the named insured by mailing to the companies and the United States Atomic Energy Commission written notice stating when, not less than thirty days thereafter, such cancellation shall be effective. This policy may be canceled by the companies by mailing to the named insured at the address shown in this policy and to the United States Atomic Energy Commission written notice stating when, not less than ninety days thereafter, such cancellation shall be effective; provided in the event of nonpayment of premium or if the operator of the facility, as designated in the declarations, is replaced by another person or organization, this policy may be canceled by the companies by mailing to the named insured at the address shown in this policy and to the United States Atomic Energy Commission written notice stating when, not less than thirty days thereafter, such cancellation shall be sufficient proof of notice. The effective date and hour of cancellation stated in the notice shall become the end of the policy period. Delivery of such written notice either by the named insured or by the companies shall be equivalent to mailing.

Upon termination or cancellation of this policy, other than as of the end of December 31 of any year, the earned premium for the period of this policy has been in force since the preceding December 31 shall be computed in accordance with the following provisions:

(a) If this policy is terminated, pursuant to Condition 3, by reason of the exhaustion of the limit of the companies' liability, all premium theretofore paid or payable shall be fully earned;

(b) If the named insured cancels, the earned premium for such period shall be computed in accordance with the customary annual short rate table and procedure, provided if the named insured cancels after knowledge of a nuclear incident, all premiums theretofore paid or payable shall be fully earned;

(c) If the companies cancel, the earned premium for such period shall be computed pro rata.

Premium adjustment, if any, may be made either at the time cancelation is effected or as soon as practicable after cancelation becomes effective, but payment or tender of unearned premium is not a condition of cancelation.

13. *Company representation.* (a) Any notice, sworn statement, or proof of loss which may be required by the provisions of this policy may be given to any one of the companies, and such notice, statement, or proof of loss so given shall be valid and binding as to all companies.

(b) In any action or suit against the companies, service of process may be made on any one of them, and such service shall be deemed valid and binding service on all companies.

(c) The ---------- is the agent of the companies with respect to all matters pertaining to this insurance. All notices or other communications required by this policy to be given to the companies may be given to such agent, at its office at ----------, with the same force and effect as if given directly to the companies. Any requests, demands or agreements made by such agent, shall be deemed to have been made directly by the companies.

14. *Authorization of named insured.* The named insured is authorized to act on behalf of all insureds with respect to the giving and receiving of notice of cancellation of this policy, the payment of premiums and receiving of return premiums.

15. *Declarations.* By acceptance of this policy the named insured agrees that the statements in the declarations are the agreements and representations of the named insured, that this policy is issued in reliance upon the truth of such representations and that this policy embodies all agreements between the named insured and the companies or any of their agents relating to this insurance.

In witness whereof, each of the subscribing companies has caused this policy to be executed and attested on its behalf by the ---------- of the ---------- and duly countersigned on the declarations page by an authorized representative, but this policy shall be binding upon each company only to the extent of the below-designated proportion of any obligation assumed or expense incurred under this policy.

For the subscribing companies

By ----------

Nuclear Energy Liability Policy No. ------

DECLARATIONS

Item 1. Name Insured ----------
Address ----------
(No.) (Street)

(Town or city) (State)

Item 2. Policy Period: Beginning at 12:01 a. m. on the ------ day of ----------, 19--, and continuing through the effective date of the cancellation or termination of this policy, standard time at the address of the named insured as stated herein.

Item 3. Description of the Facility:
Location ----------

Type ----------

The Operator of the facility is ----------

Item 4. The limit of the companies' liability is $------ subject to all the terms of this policy having reference thereto.

Item 5. Advance Premium $------.

Item 6. These declarations and the schedules forming a part hereof give a complete description of the facility, insofar as it relates to the nuclear energy hazard, except as noted ----------
----

Countersigned ----------, 19--, at ----------

By ----------
(Authorized Representative)

SUPPLEMENTARY COVERAGE ENDORSEMENT
(NUCLEAR FACILITIES)

It is agreed that such insurance as is afforded by the policy applies, subject to the following provisions:

DIVISION A

1. The following paragraph is added at the end of Insuring Agreement I:

Damage to property of an insured away from the facility. With respect to property damage caused by the nuclear energy hazard to property of an insured which is away from the facility, to pay to such insured those sums which such insured would have been legally obligated to pay as damages therefor, had such property belonged to another.

2. This insurance does not apply to property damage due to neglect of the insured to use all reasonable means to save and preserve the property after knowledge of a nuclear incident.

3. With respect to the insurance afforded by this Division A:

(a) In the event of property damage resulting from a nuclear incident, the insured shall furnish a complete inventory of the property damage claimed hereunder, showing in detail the amount thereof. Within ninety-one days after such incident, unless such time is extended in writing by the companies, the insured shall render to the companies a proof of loss, signed and sworn to by the insured, stating the knowledge and belief of the insured as to the following: identification of the nuclear incident; the interest of the insured in the property destroyed or damaged, and the amount of each item of property damage; all encumbrances on such property; and all other contracts of insurance, whether valid or not, covering any of such property. The insured shall include in the proof of loss a copy of all descriptions and schedules of all policies. Upon the companies' request, the insured shall furnish verified plans and specifications of any such property. The insured, as often as may be reasonably required, shall exhibit to any person designated by the companies any of such property, and submit to examinations under oath by any person named by the companies and subscribe the same; and, as often as may be reasonably required, shall produce for examination all books of account, records, bills, invoices and other vouchers or certified copies thereof if originals be lost, at such reasonable time and place as may be designated by the companies or their representatives, and shall permit extracts and copies thereof to be made.

(b) In case the insured and the companies shall fail to agree as to the amount of property damage, then, on the written demand of either, each shall select a competent and disinterested appraiser and notify the other of the appraiser selected within twenty days of such demand. The appraisers shall first select a competent and disinterested umpire and, failing for fifteen days to agree upon such umpire, then, on request of the insured or the companies, such umpire shall be selected by a judge of a court of record in the state in which the property is located. The appraisers shall then appraise each item of property damage and, failing to agree, shall submit their differences only to the umpire. An award in writing, so itemized, of any two when filed with the companies shall determine the amount of property damage. Each appraiser shall be paid by the party selecting him and the expenses of the appraisal and umpire shall be paid by the parties equally.

The companies shall not be held to have waived any of their rights by any act relating to appraisal.

(c) No suit or action on the policy for the recovery of any claim shall be sustainable in any court of law or equity unless all the requirements of the policy shall have been complied with and unless commenced within two years after the nuclear incident which results in the property damage.

DIVISION B

The following paragraphs are added to Insuring Agreement I, to follow the paragraph added by Division A above:

Subrogation—offsite employees. With respect to bodily injury sustained by any employee of an insured and resulting from a nuclear incident, to pay to the workmen's compensation carrier of such insured all sums which such carrier would have been entitled to recover and retain as damages from another person or organization, had such person or organization alone been legally responsible for such nuclear incident, by reason of the rights acquired by subrogation by reason of the payment of the benefits required of such carrier under the applicable workmen's compensation or occupational disease law. An employer who is a duly qualified self-insurer under such law shall be deemed to be a workmen's compensation carrier within the meaning of this paragraph. This Division B does not apply to bodily injury sustained by any person who is employed at and in connection with the facility.

The insurance afforded by the policy by virtue of this Division B shall not constitute workmen's compensation insurance as required under the laws of any state.

DIVISION C

Employers' liability—offsite employees.

1. Except with respect to any person who is employed at and in connection with the facility, exclusion (b) of the policy is deleted.

2. If the insured has other insurance (other than concurrent insurance as described in Condition 9) against a loss covered by this policy by virtue of paragraph 1 of this Division C, the insurance so afforded by this policy shall be primary insurance under such other insurance.

3. This Division C does not apply unless the insured has complied with the requirements of the applicable workmen's compensation or occupational disease law respecting the securing of compensation benefits thereunder to his employees.

It is further agreed that the following clause is added to subparagraph (a) of the first paragraph of Condition 3 of the policy: "and payments made in settlement of claims under Divisions A, B and C of the Supplementary Coverage Endorsement (Nuclear Facilities) forming a part of this policy";

Dated at Germantown, Md., this 21st day of August 1958.

For the Atomic Energy Commission.

PAUL F. FOSTER,
General Manager.

[F. R. Doc. 58-6946; Filed, Aug. 27, 1958; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 563]

CALIFORNIA

SMALL TRACT CLASSIFICATION; PARTIAL REVOCATION AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 20, 1958.

1. Effective August 20, 1958, the following described lands listed under paragraph 1 of Federal Register Document 57-4460 appearing on page 3895 of the issue for June 4, 1957, are hereby revoked from the classification order:

SAN BERNARDINO MERIDIAN

T. 2 N., R. 5 E.,
Sec. 4, S½;
Sec. 5, S½;
Secs. 6 to 9, incl., All;
Sec. 17, All;
Sec. 19, All;
Secs. 29 to 33, incl., All.

T. 3 N., R. 2 E.,
Sec. 1, All;
Sec. 2, NE¼, E½SE¼;
Sec. 12, All.

T. 3 N., R. 3 E.,
Sec. 2, Lot 1 of NW¼, Lot 2 of NW¼, NW¼SW¼;
Sec. 4, E½ of Lot 2 of NE¼, SE¼SE¼, SE¼SW¼SE¼, S½NE¼SE¼, NE¼NE¼SE¼;
Sec. 5, S½, NW¼, S½SW¼NE¼;
Sec. 9, NW¼NE¼, NW¼NE¼NE¼, NW¼SW¼NE¼, S½N½NW¼, NW¼SW¼, W½NE¼SW¼, N½SW¼SW¼, SW¼SW¼SW¼.

T. 3 N., R. 4 E.,
Sec. 4, SE¼;
Sec. 10, NW¼NW¼.

T. 4 N., R. 2 E.,
Sec. 2, W½NW¼NW¼, W½SW¼NW¼, SE¼SW¼NW¼, SW¼SE¼NW¼, N½NW¼SW¼, NE¼SW¼, NE¼SE¼SW¼, W½SW¼SE¼, S½NW¼NW¼NE¼, SW¼NW¼SW¼NE¼, W½SE¼NE¼SW¼, E½SW¼NE¼SW¼, N½SW¼SE¼NW¼, SE¼SW¼NW¼, SW¼SW¼NE¼, E½SW¼SW¼NE¼, SW½SW¼SE¼NE¼, E½SW¼SE¼NE¼, W½SE¼SE¼NE¼, SE¼NE¼SE¼, NE¼NE¼NW¼SE¼, SE¼SW¼NW¼;
Sec. 4, E½SW¼NE¼, SW¼SE¼NE¼, NE¼NW¼SE¼, W½NE¼SE¼, W½SE¼SW¼SE¼, S½SW¼SE¼SE¼, SE¼SE¼SW¼SE¼, SW¼SE¼SE¼, NE¼NW¼NE¼SW¼, W½NE¼SW¼, SE¼SW¼SW¼, N½NE¼NW¼SW¼, NW¼SW¼SW¼, N½NE¼SW¼SW¼, NE¼NE¼SE¼SW¼, SW¼NW¼SE¼, NW¼SW¼SE¼, NE¼SW¼SE¼, SW¼SW¼SE¼, SW¼SE¼SW¼, NE¼NW¼NE¼SW¼, NE¼NW¼SW¼, SE¼NW¼NE¼SW¼, SW¼NE¼NE¼SW¼, W½SE¼NE¼SW¼, E½SW¼NE¼SW¼, N½SW¼SE¼NW¼, NW¼SE¼SE¼NW¼, SW½SW¼SW¼NE¼, E½SW¼SW¼NE¼, SW½SW¼SE¼NE¼, E½SW¼SE¼NE¼, W½SE¼SE¼NE¼, SE¼NE¼SE¼NE¼, NE¼NE¼NW¼SE¼, SE¼SW¼NW¼;
Sec. 5, N½NW¼SW¼, NW¼NE¼SW¼, N½NW¼SE¼, W½SE¼NW¼SW¼, E½SW¼NE¼SW¼, E½NE¼SE¼SE¼, E½SE¼NE¼SE¼, SE¼SE¼SE¼, SE¼SW¼SE¼SE¼;
Sec. 6, N½NE¼, N½SW¼NE¼, N½NE¼NW¼, SE¼NE¼NW¼, E½NE¼NE¼SE¼, SW¼SW¼NW¼, N½NE¼NW¼SW¼, W½NW¼NE¼SW¼, E½SE¼NE¼SW¼, NE¼NE¼SE¼SW¼, SW¼NW¼SE¼, NW¼SW¼SE¼, SW¼NE¼SW¼SE¼, NE¼SW¼SE¼, SW¼SW¼SE¼SE¼, SE¼NE¼NW¼SW¼, NE¼NW¼NE¼SW¼, SW¼, SE¼NW¼NE¼SW¼, SW¼NE¼NE¼SW¼, W½SE¼NE¼SW¼, E½SW¼NE¼SW¼, N½SW¼SE¼NW¼, NW¼SE¼SE¼NW¼, SW½SW¼SW¼NE¼, E½SW¼SW¼NE¼, SW½SW¼SE¼NE¼, E½SW¼SE¼NE¼, W½SE¼SE¼NE¼, SE¼NE¼SE¼NE¼, NE¼NE¼NW¼SE¼, SE¼SW¼NW¼;

Sec. 10, NW¼NW¼SE¼, W½NE¼NW¼SE¼, E½SW¼SE¼NW¼, W½SE¼SE¼NW¼, NE¼SE¼SE¼NW¼, SW¼NE¼SE¼NW¼;
Sec. 11, S½NW¼SW¼NW¼, SW¼SW¼NW¼, N½NW¼SW¼, W½NW¼NE¼SW¼, SE¼SW¼NW¼, W½SW¼SE¼NE¼, N½NE¼NW¼, W½SW¼NW¼NE¼, E½NW¼SW¼NE¼, W½NE¼SW¼NE¼, E½SW¼SW¼NE¼, SE¼SW¼NE¼, W½SW¼SE¼NW¼, NE¼NW¼SE¼, N½NE¼SE¼, SE¼NE¼SE¼, NE¼SE¼SE¼, NW¼SE¼NW¼NW¼, W½NE¼NE¼SW¼, NE¼SW¼NE¼SW¼, S½NW¼SE¼SW¼, SW¼NE¼SW¼, E½SE¼SE¼SE¼;
Sec. 12, SW¼NW¼NW¼, W½SE¼NW¼NW¼, S½NW¼NW¼SW¼, NE¼NE¼NE¼, NE¼NW¼NE¼NE¼, E½SE¼NE¼NE¼, NE¼SE¼NE¼, SE¼NW¼SE¼NE¼, SE¼SW¼SW¼NE¼, S½SE¼SW¼NE¼, NE¼SE¼SW¼NE¼, N½SW¼SE¼NE¼, E½SE¼SE¼NE¼, N½NW¼NW¼SE¼, N½NE¼NE¼SE¼, SW¼NE¼NE¼SE¼, SE¼NW¼NE¼SE¼, N½SW¼NE¼SE¼, SW¼SW¼NE¼SE¼, SE¼SE¼NW¼SE¼, NE¼NE¼SW¼SE¼, NE¼NE¼SW¼SW¼, S½NE¼NW¼SW¼, NW¼NE¼SW¼, SE¼NW¼NE¼SW¼, N½SE¼NW¼SW¼;
Sec. 13, SE¼SW¼NW¼, W½SW¼SE¼NW¼, N½NW¼NW¼NW¼, NW¼NE¼NW¼NW¼, S½NE¼NW¼NW¼, NW¼SW¼NE¼NW¼, SW¼NW¼SW¼, NW¼NE¼SW¼SW¼NW¼, NE¼NE¼NE¼NE¼, S½NE¼NE¼NE¼, NW¼SE¼NE¼NE¼, NE¼SW¼NE¼NE¼, SW¼SW¼NE¼NE¼, N½NE¼SW¼NE¼, NW¼NE¼NW¼SW¼, NW¼SW¼NW¼SW¼, W½SE¼NW¼SW¼, N½NW¼SW¼SW¼, SE¼NW¼SW¼SW¼, SW¼NE¼SW¼SW¼, W½SE¼SW¼SW¼;
Sec. 14, W½NE¼NE¼SW¼, SE¼NE¼NE¼SE¼, S½NE¼SE¼SE¼, N½SW¼SE¼SE¼, N½SE¼SW¼SE¼, N½SW¼SW¼SE¼, SE¼SW¼SW¼SE¼, SE¼SE¼SE¼SW¼;
Sec. 15, SE¼NE¼SE¼, E½SW¼NE¼SE¼, SW¼NW¼NE¼NW¼, SE¼NE¼NW¼NW¼, N½SW¼NW¼NW¼, NW¼SE¼NW¼NW¼, SW¼NW¼NW¼SW¼, SW¼NW¼SW¼, W½SE¼NW¼SW¼, N½NW¼SW¼SW¼, SE¼NW¼SW¼SW¼, SW¼NE¼SW¼SW¼, W½SE¼SW¼SW¼;
Sec. 22, SW¼, S½SE¼, S½N½SE¼, S½N½NW¼SE¼;
Sec. 26, All;
Sec. 27, NE¼;
Sec. 28, All;
Sec. 32, NE¼;
Sec. 33, All;
Sec. 34, All.

T. 4 N., R. 3 E.,
Sec. 1, W½W½ of Lot 2 of NW¼, SE¼W½ of Lot 2 of NW¼, W½ of Lot 1 of NW¼, W½E½ of Lot 1 of NW¼, N½N½SW¼;
Sec. 2, Lot 2 of NE¼, E½E½ of Lot 1 of NE¼, NW¼E½ of Lot 1 of NE¼, N½E½ of Lot 2 of NW¼, NE¼W½ of Lot 2 of NW¼;
Sec. 5, NW¼, W½ of Lot 2 of NE¼, W½E½ of Lot 2 of NE¼, N½W½ of Lot 1 of NE¼, S½SW¼, N½NE¼SW¼, NE¼NW¼SW¼;
Sec. 6, N½NE¼NE¼, SE¼NE¼NE¼, E½SE¼NE¼;
Sec. 8, NE¼, N½NW¼, SE¼NW¼, N½SE¼, NE¼SW¼;
Sec. 9, S½NW¼, N½SW¼;
Sec. 15, S½;
Sec. 27, S½, S½N½;
Sec. 28, All;
Sec. 33, All.

2. The lands are located from 12 to 28 miles east of the town of Lucerne Valley, California, and 14 to 26 miles north of the town of Yucca Valley, California, in the region generally known as Johnson Valley. The area is traversed by the Victorville-Twentynine Palms highway. The topography is undulating to broken in character, crossed by numerous washes of varying size. The soil is generally sandy, supporting a dominant vegetation of creosote bush and bur sage. The lands described above are unsuitable for classification for disposal under the Small Tract Act of 1938, as amended. The entire area is closed to filings under the Small Tract Act.

3. No application for these lands will be allowed under the homestead, desert land, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable laws, the lands described herein are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims, subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead and Desert Land Laws by qualified veterans of World War II and, or, the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279 through 284, as amended), presented prior to 10:00 a. m., on September 25, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 25, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws other than those coming under paragraphs (1) and (2) above and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on December 25, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be opened to location under the United States mining laws, beginning 10:00 a. m., on December 25, 1958.

5. Persons claiming veteran's preference rights under paragraph 4a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements of support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands shall be addressed to the Manager, U. S. Land Office, Bureau of Land Management, Bartlett Building, 215 West Seventh Street, Los Angeles, California.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, California.

[F. R. Doc. 58-6952; Filed, Aug. 27, 1958; 8:46 a. m.]

NEW MEXICO

REDELEGATION OF AUTHORITY BY LAND OFFICE MANAGER TO CHIEFS, MINERAL AND LAND ADJUDICATION UNITS

AUGUST 20, 1958.

Pursuant to authority contained in Bureau Order 541, as amended, authority is hereby redelegated to the Chief, Mineral Adjudication Unit to take action for the Manager in all matters listed in section 3.6 of Part III-A, and to the Chief, Lands Adjudication Unit in all matters listed in section 3.9 of Part III-A, to become effective immediately upon publication in the FEDERAL REGISTER. The authority delegated may not be redelegated.

DOUGLAS E. HENRIQUES,
Land Office Manager,
New Mexico Land Office.

Approved: August 20, 1958.

E. R. SMITH,
New Mexico State Supervisor,
Bureau of Land Management.

[F. R. Doc. 58-6953; Filed, Aug. 27, 1958; 8:46 a. m.]

[Group Nos. 400 and 405, California]

CALIFORNIA

NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS

AUGUST 19, 1958.

1. Pursuant to authority delegated by Bureau of Land Management Order No. 541 dated April 21, 1954 (19 F. R. 2473), as amended, notice is hereby given that Group No. 405 of the Plats of Survey accepted February 13, 1958 and Group No. 400 of the Plats of Survey accepted March 25, 1958 will be officially filed in the Los Angeles Land Office, Bureau of Land Management, 215 West Seventh Street, Los Angeles 14, California, effective 10:00 a. m. on September 24, 1958.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 17 N., R. 1 E.,
A retracement and reestablishment of portions of the East and West boundaries, and subdivisional lines designed to restore their corners in their true original location according to the best available information.
T. 18 N., R. 1 E.,
Sec. 16, All.
T. 18½ N., R. 1 E.,
Sec. 36, All.
T. 19 N., R. 1 E.,
Sec. 16, NW¼, S½;
Sec. 17, E½;
Sec. 20, NE¼;
Sec. 21, N½;
Sec. 25, SE¼;
Sec. 36, NE¼, S½.
T. 20 N., R. 1 E.,
Sec. 36, All.
T. 17 N., R. 2 E.,
A retracement and reestablishment of a portion of the subdivisional lines designed to restore the corners in their true original location according to the best available evidence.
T. 18 N., R. 2 E.,
Sec. 16, All.
T. 19 N., R. 2 E.,
Sec. 16, All.
T. 20 N., R. 2 E.,
Sec. 36, All.
T. 17 N., R. 3 E.,
A retracement and reestablishment of a portion of the North boundary and subdivisional line designed to restore the corners in their true original locations according to the best available evidence.
T. 18 N., R. 3 E.,
Sec. 16, All;
Sec. 17, NE¼;
Sec. 21, N½.
T. 19 N., R. 3 E.,
Sec. 36, All.
T. 20 N., R. 3 E.,
Sec. 36, All.
T. 17 N., R. 4 E.,
A retracement and reestablishment of portions of the boundaries and subdivisional lines designed to restore the corners in their true original locations according to the best available evidence.
T. 20 N., R. 5 E.,
Sec. 16, All;
Sec. 21, All.
T. 19 N., R. 6 E.,
Sec. 16, All.
T. 19½ N., R. 6 E.,
Sec. 36, All.
T. 20 N., R. 6 E.,
Sec. 16, All;
Sec. 36, All.
T. 19 N., R. 7 E.,
Sec. 16, All;
Sec. 36, S½.
T. 19½ N., R. 7 E.,
Sec. 36, All.
T. 19 N., R. 8 E.,
Sec. 16, All;
Sec. 28, N½, SE¼;
Sec. 35, E½;
Sec. 36, N½, SW¼.
T. 19½ N., R. 8 E.,
Sec. 36, All.

Within the above described lands are 2,882.57 acres of public domain.

2. Except for and subject to valid existing rights, it is presumed that title to the following lands passed to the State of California upon acceptance of the above mentioned plats of survey:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 18 N., R. 1 E.,
Sec. 16, All.
T. 18½ N., R. 1 E.,
Sec. 36, All.
T. 19 N., R. 1 E.,
Sec. 16, NW¼, S½;
Sec. 36, NE¼, S½.
T. 20 N., R. 1 E.,
Sec. 36, All.
T. 18 N., R. 2 E.,
Sec. 16, All.
T. 19 N., R. 2 E.,
Sec. 16, All.
T. 20 N., R. 2 E.,
Sec. 36, All.
T. 18 N., R. 3 E.,
Sec. 16, All.
T. 19 N., R. 3 E.,
Sec. 36, All.
T. 20 N., R. 3 E.,
Sec. 36, All.
T. 18 N., R. 5 E.,
Sec. 16, All.
T. 19 N., R. 6 E.,
Sec. 16, All;
Sec. 36, All.
T. 19½ N., R. 6 E.,
Sec. 36, All.
T. 20 N., R. 6 E.,
Sec. 16, All;
Sec. 36, All.
T. 19 N., R. 7 E.,
Sec. 16, All;
Sec. 36, S½.
T. 19½ N., R. 7 E.,
Sec. 36, All.
T. 19 N., R. 8 E.,
Sec. 16, All;
Sec. 36, N½, SW¼.
T. 19½ N., R. 8 E.,
Sec. 36, All.

The areas described above aggregate 12,377.38 acres.

3. The following described lands are open to application location, selection and petition as outlines below. No application for these lands will be allowed under the Homestead, Desert Land, Small Tract or any other non-mineral public land laws, unless the lands have already been classified upon consideration of an applicant. The lands will not be subject to occupancy until they have been classified:

SAN BERNARDINO MERIDIAN

T. 19 N., R. 1 E.,
Sec. 17, E½;
Sec. 20, NE¼;
Sec. 21, N½;
Sec. 25, SE¼.
T. 18 N., R. 3 E.,
Sec. 17, NE¼;
Sec. 21, N½.
T. 20 N., R. 5 E.,
Sec. 21, All.
T. 19 N., R. 8 E.,
Sec. 28, N½, SE¼;
Sec. 35, E½.

The areas described above aggregate 2,882.57 acres.

4. The lands are located in the vicinity of Death Valley National Monument. They are rough, mountainous, and cut by canyons and deep washes. Elevations vary from 800 to 5,000 feet, and maximum summer temperatures often reach 120° F. The soil is of granitic origin, low in organic matter and supports sparse vegetation with a limited grazing value. Precipitation is less than 4 inches, usually occurring in local intense thunderstorms of cloudburst intensity during summer months.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 3 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public land laws presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on September 24, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 24, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on December 24, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

6. Persons claiming veterans' preference rights under paragraph 5 (a) (2) above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

NOLAN F. KEIL,
Manager,
Land Office,
Los Angeles.

[F. R. Doc. 58-6954; Filed, Aug. 27, 1958; 8:46 a. m.]

NEVADA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 22, 1958.

The Forest Service, Department of Agriculture, has filed an application,

Serial No. Nevada 046240, for the withdrawal of the lands described below, from location and entry under the General Mining Laws subject to valid existing claims. The applicant desires the land as an administrative site.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are within the Humboldt National Forest and are described below:

MOUNT DIABLO MERIDIAN, NEVADA

CALIFORNIA SPRINGS ADMINISTRATIVE SITE

T. 16 N., R. 58 E.,
Sec. 8, S½NE¼NW¼.

The area described contains 20 acres more or less.

E. J. PALMER,
State Supervisor,
Reno, Nevada.

[F. R. Doc. 58-6977; Filed, Aug. 27, 1958; 8:50 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 21, 1958.

The Department of Agriculture has filed an application, Serial No. Los Angeles 0157654, for the withdrawal of the lands described below, from all forms of appropriation under the Public Land Laws, including the mining and mineral leasing laws, subject to valid existing rights.

The applicant desires the land for a Botanical area to be known as the Ancient Bristlecone Pine Forest. The trees in the area are an important source of scientific information in the fields of plant physiology and dendrochronology. The area contains a number of trees 2,000 to 4,000 years old and these are believed to be the oldest living trees.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 215 West Seventh Street, Los Angeles 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 5 S., R. 34 E. (Unsurveyed),
Sec. 14, All;
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 35, All;
Sec. 36, All.
T. 6 S., R. 34 E. (Unsurveyed),
Sec. 1, All;
Sec. 12, All;
Sec. 13, All;
Sec. 24, N½N½.
T. 5 S., R. 35 E. (Unsurveyed),
Sec. 17, All;
Sec. 19, All;
Sec. 20, All;
Sec. 21, All;
Sec. 28, All;
Sec. 29, All;
Sec. 30, All;
Sec. 31, All;
Sec. 32, All;
Sec. 33, All.
T. 6 S., R. 35 E.,
Sec. 3, Lots 3 and 4, S½NW¼, SW¼;
Sec. 4, (All);
Sec. 5, Lots 1, 2, 3 and 4. S½N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 6, (All);
Sec. 7, Lots 1, 2, 3, and 4. S½NE¼, NW¼NE¼, E½W½, SE¼;
Sec. 8, NE¼, E½NW¼, SW¼NW¼, N½S½;
Sec. 9, (All);
Sec. 10, (All);
Sec. 15, (All);
Sec. 16, (All);
Sec. 17, (All);
Sec. 18, (All);
Sec. 19, All;
Sec. 20, All;
Sec. 21, E½, W½W½;
Sec. 22, All;
Sec. 27, All;
Sec. 28, All;
Sec. 29, All;
Sec. 30, All;
Sec. 31, All;
Sec. 32, All;
Sec. 33, All.
T. 7 S., R. 35 E.,
Sec. 5, All;
Sec. 6, All.

The area described contains approximately 28,120 acres of which 26,760 acres are in Federal Ownership. The lands are located in the White Mountains of the Inyo National Forest in Inyo and Mono Counties.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles.

[F. R. Doc. 58-6978; Filed, Aug. 27, 1958; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13123]

LOUIS J. ROUSSEL

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 22, 1958.

Take notice that Louis J. Roussel (Operator) (Applicant), an independent producer, filed an application on August 22, 1957, pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon the sale of natural gas to Texas Northern Gas Corporation (Texas Northern) from the Roussel-Laughlin-Morgan No. 1 well in the South Bayou Mallet Field, Acadia Parish, Louisiana, which service is covered by contract dated February 26, 1952.

The application states that there has been no production from said well since September 5, 1955, at which time said well was plugged and abandoned, pursuant to a permit issued by the Department of Conservation of the State of Louisiana.

Applicant was authorized on January 3, 1955, in Docket No. G-3712 to render the service proposed to be abandoned herein.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 23, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 12, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R Doc. 58-6955; Filed, Aug. 27, 1958; 8:46 a. m.]

[Docket No. G-12580, etc.]

EL PASO NATURAL GAS CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

AUGUST 22, 1958.

In the matters of El Paso Natural Gas Company, Docket Nos. G-12580, and G-13862; Shell Oil Company, Docket No. G-13876; Aztec Oil & Gas Company, Docket No. G-13946; Phillips Petroleum Company, Docket No. G-13963; Western Natural Gas Company, Docket No. G-13964; The Pure Oil Company, Docket No. G-14156; General Petroleum Corporation, Docket No. G-14245; Davis Oil Company, Docket No. G-14361; The Carter Oil Company, Docket No. G-14369; Continental Oil Company, Docket No. G-14396; Sun Oil Company, Docket No. G-14403; The Ohio Oil Company, Docket No. G-14441; Pan American Petroleum Corporation, Docket No. G-14640; Three States Natural Gas Company, Docket No. G-14800; Reynolds Mining Corporation, Docket No. G-14834; Petro-Atlas Corporation, Docket No. G-15081; The Texas Company, Docket No. G-15153.

On May 13, 1958, the Commission issued an order In the Matter of El Paso Natural Gas Company, Docket No. G-12580, reopening the proceeding to enable El Paso Natural Gas Company to make further showing as to its gas supply and ability to serve approximately 100,000 Mcf of natural gas per day to Southern California Edison Company.

In the Matters of El Paso Natural Gas Company, Docket Nos. G-13862, et al., El Paso proposes to construct and operate facilities necessary to enable it to take 100,000 Mcf of natural gas per day from the Aneth area near its San Juan system.

In view of the foregoing, the proceeding In the Matter of El Paso Natural Gas Company, Docket No. G-12580, should be consolidated for the purpose of hearing with the proceedings heretofore scheduled to be heard September 10, 1958, In the Matters of El Paso Natural Gas Company, Docket Nos. G-13862, et al.

The Commission orders:

(A) It is reasonable and appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to consolidate the proceedings in the above dockets for purpose of hearing, and to hold a public hearing in the above-entitled proceedings as hereinafter ordered.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a consolidated hearing will be held on September 10, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications as set forth above.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6956; Filed, Aug. 27, 1958; 8:46 a. m.]

[Docket No. G-13331]

JUSTISS-MEARS OIL CO., INC.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 22, 1958.

Take notice that Justiss-Mears Oil Co., Inc. (Operator) et al.[1] (Applicant), filed an application on September 30, 1957, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to abandon the sale of natural gas to Texas Gas Transmission Corporation (Texas Gas) from the Beekman Field, Morehouse Parish, Louisiana, being rendered under a gas sales contract dated June 30, 1954, between Applicant and Texas Gas. The sale proposed to be abandoned was authorized by the Commission's order issued February 28, 1955, in Docket No. G-2773.

The application states that the gas reserves underlying the acreage involved have been totally exhausted and economical production therefrom is no longer possible.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 23, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 12, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6957; Filed, Aug. 27, 1958; 8:47 a. m.]

[1] Et al. parties are the Grossett Company and S. J. Wilson.

[Docket No. G-16078]

MORRIS ANISMAN

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

AUGUST 22, 1958.

Morris Anisman (Anisman) on July 24, 1958, tendered for filing a proposed change in his presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, Undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 4 to Anisman's FPC Gas Rate Schedule No. 1.
Effective date: August 1, 1958 (effective date is the effective date proposed by Anisman).

The instant Notice of Change reflects in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The use of Supplement No. 3 to Anisman's FPC Gas Rate Schedule No. 1 was deferred by Commission order issued December 19, 1957, at Docket No. 13942.

The increased rate and charge proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Anisman's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Anisman's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said Supplement No. 4 be and it is hereby suspended and the use thereof deferred until the date on which Supplement No. 3 to Anisman's FPC Gas Rate Schedule No. 1 is made effective in the manner prescribed by the Natural Gas Act, or until August 2, 1958, whichever is later.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6958; Filed, Aug. 27, 1958; 8:47 a. m.]

[Docket No. G-16060]

SOHIO PETROLEUM CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 22, 1958.

Sohio Petroleum Company (Respondent) on July 24, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 24, 1958.

Purchaser: Transcontinental Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 20 to Respondent's FPC Gas Rate Schedule No. 26.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until August 2, 1958, and thereafter to permit it to become effective as of that date: *Provided*, That within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 2, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of August 2, 1958: *Provided, however*, That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of ---------- to Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ----------, in Docket No. G-----, ---------- hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ------ day of ----------.

By ----------

Attest:

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6959; Filed, Aug. 27, 1958; 8:47 a. m.]

[Docket No. G-16033 etc.]

ATLANTIC REFINING CO. ET AL.

ORDER FOR HEARINGS, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 21, 1958.

In the matters of The Atlantic Refining Company, Docket No. G-16033; The Atlantic Refining Company (Operator), et al., Docket No. G-16034; Hope Producing Company, Docket No. G-16035; The Lincoln-Converse Company, Docket No. G-16036; The F O Corporation, Docket No. G-16039; Petroleum Leaseholds Inc. (Operator), et al., Docket No. G-16042; Vincent & Welch Inc. (Operator), et al., Docket No. G-16043; Vincent & Welch Inc., et al., Docket No. G-16044; Carter-Jones Drilling Company Docket No. G-16049; A. J. Hodges Industries Inc., Docket No. G-16050; T. L. James and Company Inc., Docket No. G-16051; Hudson Gas & Oil Corporation, et al., Docket No. G-16052; Sunray Mid-Continent Oil Company, Docket No. G-16053; Harway Producers, Inc., Docket No. G-16055; Hollyfield & McFarlane, Docket No. G-16057; Cuban American Oil Company, Docket No. G-16058; Crescent Oil and Gas Corporation, Docket No. G-16062; J. Ray McDermott & Company, Inc., Docket No. G-16064; Pan American Petroleum Corporation, Docket No. G-16065; Pan American Petroleum Corporation (Operator), et al., Docket No. G-16067; F. A. Callery, Inc., et al., Docket No. G-16068; F. A. Callery, Inc. (Agent), et al., Docket No. G-16069; Mar-Tex Oil & Gas Company, et al., Docket No. G-16071; Howell & Howell (Operator), et al., Docket No. G-16072; Union Oil Company of California, Docket No. G-16074; United Carbon Company, Docket No. G-16075; C. H. Lyons, Sr., et al., Docket No. G-16079.

The proposed changes hereinafter designated, which constitute increases of the rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the persons named above (Respondents). Respondents, in each instance, proposed August 1, 1958, as the effective date of the changes.

Respondent	Notice of change dated	Date tendered	Purchaser	Supplement No.	Respondent's FPC gas rate schedule
1. The Atlantic Refining Co	July 11, 1958	July 31, 1958	Arkansas Louisiana Gas Co.	5	54
2. The Atlantic Refining Co	do	do	United Gas Pipe Line Co	3	58
3. The Atlantic Refining Co	do	do	Arkansas Louisiana Gas Co.	3	64
4. The Atlantic Refining Co	do	do	United Gas Pipe Line Co	2	177
5. The Atlantic Refining Co	do	do	Tennessee Gas Transmission Co.	3	3
6. The Atlantic Refining Co	do	do	do	6	4
7. The Atlantic Refining Co. (operator), et al.	do	do	United Gas Pipe Line Co	18	59
8. Hope Producing Co	July 23, 1958	July 24, 1958	Southern Natural Gas Co	3	3
9. The Lincoln-Converse Co	July 25, 1958	July 28, 1958	Mississippi River Fuel Corp.	6	1
10. The F O Corporation	(1)	Aug. 1, 1958	Texas Gas Transmission Corp.	5	1
11. Petroleum Leaseholds, Inc. (operator), et al.	(1)	July 29, 1958	United Fuel Gas Co	4	3
12. Vincent & Welch, Inc. (operator), et al.	July 25, 1958	July 30, 1958	Texas Gas Transmission Corp.	1	3
13. Vincent & Welch, Inc., et al	July 24, 1958	do	Transcontinental Gas Pipe Line Corp.	1	2
14. Carter-Jones Drilling Co. (operator), et al.	July 28, 1958	July 29, 1958	Texas Eastern Transmission Corp.	1	9
15. A. J. Hodges Industries, Inc.	(1)	do	United Gas Pipe Line Co	1	11
16. A. J. Hodges Industries, Inc.	(1)	do	do	9	5
17. A. J. Hodges Industries, Inc.	(1)	do	do	11	6
18. A. J. Hodges Industries, Inc.	(1)	do	do	10	7
19. Hudson Gas & Oil Corporation, et al.	July 23, 1958	July 28, 1958	do	1	3
20. Sunray Mid-Continent Oil Co.	July 25, 1958	July 30, 1958	Arkansas Louisiana Gas Co.	3	160
21. Harway Producers, Inc	(1)	do	do	3	3
22. Hollyfield & McFarlane	(1)	Aug. 1, 1958	United Gas Pipe Line Co	6	1
23. Cuban American Oil Co	(1)	do	do	8	2
24. Crescent Oil & Gas Corp	(1)	July 23, 1958	Texas Gas Transmission Corp.	4	2
25. J. Ray McDermott & Co., Inc.	July 28, 1958	July 30, 1958	do	4	3
26. Pan American Petroleum Corp.	July 31, 1958	Aug. 1, 1958	Hassie Hunt Trust	10	39
27. Pan American Petroleum Corp. (operator), et al.	do	do	Texas Eastern Transmission Corp.	8	32
28. Pan American Petroleum Corp., (operator), et al.	(1)	do	do	7	150
29. F. A. Callery, Inc., et al	July 29, 1958	July 30, 1958	Texas Gas Transmission Corp.	4	4
30. F. A. Callery, Inc. (agent), et al.	July 28, 1958	July 29, 1958	do	5	6
31. Mar-Tex Oil & Gas Co., et al.	July 29, 1958	Aug. 1, 1958	do	3	2
32. Howell & Howell (operator), et al.	July 17, 1958	do	do	1	2
33. Union Oil Co. of California	July 25, 1958	July 25, 1958	United Gas Pipe Line Co	2	9
34. United Carbon Co	do	July 28, 1958	Southern Natural Gas Co	7	26
35. C. H. Lyons, Sr., et al	July 22, 1958	July 25, 1958	Mississippi River Fuel Corp.	4	5
36. T. L. James and Co., Inc	July 24, 1958	July 28, 1958	Arkansas Louisiana Gas Co.	1	6
37. T. L. James and Co., Inc	do	do	do	3	7

[1] Undated.

The increased rates and charges proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refunds in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until August 2, 1958, and thereafter to permit them to become effective as of that date: *Provided*, That within 20 days from the date of this order, each Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of each of the said proposed changes, and that the supplements herein designated be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondents' proposed increased rates be made effective as hereinafter provided and that each Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in each of the supplements to Respondents' FPC Gas Rate Schedules as herein designated.

(B) Pending such hearings and decisions thereon, each of said supplements be and each is hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in each of the aforementioned supplements to Respondents' FPC Gas Rate Schedules shall be effective as of August 2, 1958: *Provided, however*, That within 20 days from the date of this order, each Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Each Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondents herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts and in such manner as may be required by final order of the Commission. Respondents shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondents so elect, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the dates upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, each Respondent shall execute

and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of ---------- To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ----------, in Docket No. G-----------, ---------- hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ------ day of ----------.

By ----------

Attest:

(Secretary)

Unless a Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, his agreement and undertaking shall be deemed to have been accepted.

(F) Each Respondent who, in conformity with the terms and conditions of paragraph (D) of this order, makes such refunds as may be required by order of the Commission, shall be discharged of his undertaking; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the periods of suspension have expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-6960; Filed, Aug. 27, 1958; 8:47 a. m.]

[Docket No. G-15780]

PAN AMERICAN PETROLEUM CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

JULY 31, 1958.

Pan American Petroleum Corporation (Operator) et al. (Pan American) on July 1, 1958, tendered for filing a proposed change in its presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed tender, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 27, 1958.

Purchaser: United Fuel Gas Company.

Rate schedule designation: Supplement No. 10 to Pan American's FPC Gas Rate Schedule No. 173.

Effective date: August 1, 1958 (effective date is the effective date proposed by Pan American).

The instant Notice of Change reflects in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The use of Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 173 was deferred by order of the Commission dated March 26, 1958 at Docket No. G-14730.

The increased rate and charge here proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 10 to Pan American's FPC Gas Rate Schedule No. 173 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 10 to Pan American's FPC Gas Rate Schedule No. 173.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until the date upon which Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 173 is made effective in the manner prescribed by the Natural Gas Act, or until August 2, 1958, whichever is later.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-6961; Filed, Aug. 27, 1958; 8:47 a. m.]

[Project No. 553]

CITY OF SEATTLE, WASHINGTON

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

AUGUST 22, 1958.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by The City of Seattle, Washington, licensee for Project No. 553, for amendment of its license for the project, situated on the Skagit River, in Whatcom County, Washington, to permit modification of the Diablo plant turbines, surge tower, intake structure and power tunnel which will result in an increased peaking capability of the Diablo generating units from 132,000 kilowatts to 160,000 kilowatts. According to the application, the increased peak power capacity is needed to meet the increasing peak loads of the licensee's system.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 7, 1958. The application is on file with the Commission for public inspection.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-6962; Filed, Aug. 27, 1958; 8:48 a. m.]

[Docket No. G-16028]

SINCLAIR OIL & GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 22, 1958.

Sinclair Oil & Gas Company (Sinclair) on July 25, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 21, 1958.

Purchaser: Lone Star Gas Company.

Rate schedule designation: Supplement No. 7 to Sinclair's FPC Gas Rate Schedule No. 47.

Effective date: August 25, 1958 (effective date is the effective date proposed by Sinclair).

In support of the proposed favored-nation rate increase, Sinclair submits a copy of a letter from the Lone Star Gas Company notifying that effective July 1, 1958, the price of gas it purchases from properties in Big Mineral Creek Field, Grayson County, Texas, would be increased from 12 cents per Mcf to 14 cents per Mcf. Sinclair states that the increased price will not result in an excessive rate of return but will merely fulfill the contractual obligations, assist applicant in obtaining a just and reasonable rate commensurate with risks involved and represents a fair consideration to seller for the long-term commitment of the gas.

The increased rate and charge so proposed has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Sinclair's FPC Gas Rate Schedule No. 47 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Sinclair's FPC Gas Rate Schedule No. 47.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 25, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-6963; Filed, Aug. 27, 1958; 8:48 a. m.]

[Docket No. G-15265]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 22, 1958.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation, with its principal place of business in Houston, Texas, filed an application on June 11, 1958, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate approximately 4.15 miles of 10¾-inch OD lateral pipeline, replacing a like mileage of 6" lateral pipeline extending from Applicant's main line to the delivery point for the Springfield Gas Light Company, Springfield, Massachusetts. Springfield Gas Light Company is an existing customer of Applicant, serving the Springfield area.

The application states that the present 6" line is now located in an area that is becoming progressively congested as the city grows, imposing higher maintenance costs and the usual hazards of high pressure gas lines in populated areas. Applicant has been requested by the City of Springfield authorities to relocate a substantial portion of its existing lateral pipeline to a less congested area. The length of the proposed line will be the same as that of the line to be replaced.

The application states that the existing lateral line is now operating at nearly its maximum capacity. Projections of load growth indicate it will soon become imperative that the lateral line capacity be increased and that it is more economical to install a larger line at this time than to loop the line at a later date.

Applicant states that the instant proposal will attain both the desired ends—relocation to a safer, less congested area with lower maintenance costs and increased capacity to match growing demands.

The total estimated cost of the proposed facilities is $241,000 and will be financed from the general funds of Applicant. No increase in deliveries is proposed.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 22, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 12, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-6964; Filed, Aug. 27, 1958; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 25, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34914: *Proportional class rates to Flagstaff, Ariz.* Filed by Trans-Continental Freight Bureau, Agent (No. 353), for interested carriers. Rates on various commodities moving on class rates under ratings provided in the uniform freight classification from points in western trunk-line, Illinois and official territories east of the Rocky Mountains to Flagstaff, Ariz., on traffic destined beyond via motor carriers to Glen Canyon Dam near Page, Ariz.

Grounds for relief: Equalization of proportional class rates to Flagstaff with those to Cedar City or Marysvale, Utah.

Tariff: Supplement 46 to Trans-Continental Freight Bureau tariff I. C. C. 1579.

FSA No. 34915: *Sand—Ottawa, Ill., to Detroit, Mich.* Filed by Western Trunk Line Committee, Agent (No. A-1999) for interested rail carriers. Rates on sand, except ground, or pulverized, carloads from Ottawa, Ill., to Detroit, Mich.

Grounds for relief: Not disclosed in application.

Tariff: Supplement 50 to Western Trunk Lines tariff I. C. C. A-4114.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-6969; Filed, Aug. 27, 1958; 8:49 a. m.]

OFFICE OF DEFENSE AND CIVILIAN MOBILIZATION

[ODCM (DPA) Request 25—DPAV-33 (c)]

BORG-WARNER CORP. ET AL.

REQUEST TO PARTICIPATE IN THE ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON CARTRIDGE CASES

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published herewith the request to participate in the activities of an Army Ordnance integration committee in accordance with the Plan and Regulations of Ordnance Corps Governing the Integration Committee on Cartridge Cases, as amended. The voluntary plan has been amended to extend membership eligibility in accordance with the Defense Production Act Amendments of 1955 and has been further amended to place the Integration Committee on Cartridge Cases in standby status, effective October 25, 1957, without authority to meet and without antitrust immunity, pending a finding by the Assistant Secretary of the Army (Logistics) and concurred in by the Director of the Office of Defense and Civilian Mobilization that reactivation of the Committee is essential in the interest of national defense.

These amendments were made after consultations between the Attorney General, the Chairman of the Federal Trade Commission, and the Director of the Office of Defense Mobilization. This

amended voluntary plan has been approved by the Director of the Office of Defense Mobilization and has been found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

Reference is made to the participation of your company in the activities of the Integration Committee on Cartridge Cases. The Department of the Army has advised me that the Committee has been inactive and has recommended that the Plans and Regulations of the Ordnance Corps covering its activities be amended to place the Committee in a standby status pending a national defense need for reactivation. You are requested to participate in the Plan as amended.

The Attorney General has approved this request after consultation with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary plan, as amended, and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Will you kindly also send two copies of your acceptance to the Industrial Operations Branch, Procurement Division, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C.

If you accept this request, immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Committee and your participation therein are within the limits set forth in the voluntary plan, as amended. The earlier request extended by letter of ---------- is superseded and withdrawn.
(Date)

Your cooperation in this matter will be appreciated.

Sincerely yours,

GORDON GRAY,
Director,
Office of Defense Mobilization.

The following companies have accepted the request to participate in the amended plan and this list supersedes membership notices published in 17 F. R. 4184, 18 F. R. 335 and 19 F. R. 255.

ACCEPTANCES

Borg-Warner Corp., Chicago, Ill.
Chase Brass & Copper Co., Inc., Waterbury, Conn.
Ekco Products Co., Chicago, Ill.
Fedders-Quigan Corp., Buffalo, N. Y.
Kilby Steel Co., Anniston, Ala.
Motor Wheel Corp., Lansing, Mich.
Norris-Thermador Corp., Los Angeles, Calif.
Poloron Products, Inc., New Rochelle, N. Y.
Regal Ware, Inc., Kewaskum, Wis.
Revere Copper and Brass Inc., Rome, N. Y.
Rheem Manufacturing Co., Washington, D. C.
Servel, Inc., Evansville, Ind.
Skagit Steel & Iron Works, Sedro-Woolley, Wash.
Willys Motors, Inc., Toledo, Ohio.

(Sec. 708, 64 Stat. 818, as amended, 50 U. S. C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F. R. 4939; Reorganization Plan No. 1 of 1958, 23 F. R. 4991; Executive Order 10773, July 1, 1958, 23 F. R. 5061)

Dated: August 15, 1958.

LEO A. HOEGH,
Director.

[F. R. Doc. 58-6973; Filed, Aug. 27, 1958; 8:49 a. m.]

CHARLES J. HEDLUND

APPOINTMENT AND STATEMENT OF BUSINESS INTEREST

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Charles J. Hedlund, Manager, Coordination and Petroleum Economics Department, Standard Oil Company (N. J.), New York, New York, as an Advisor in the National Security Affairs Area, in the Office of Defense and Civilian Mobilization. Mr. Hedlund's statement of his business interests is set forth below.

Dated: August 20, 1958.

LEO A. HOEGH,
Director,
Office of Defense and Civilian Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

I am a director of the following corporations: Esso Export Corporation, Esso Mexicana, Esso Shipping Co.

I am a stockholder of the following corporations: Standard Oil Co. (N. J.), Columbia Gas System.

Dated: July 30, 1958.

CHARLES J. HEDLUND.

[F. R. Doc. 58-6974; Filed, Aug. 27, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3074]

CORNUCOPIA GOLD MINES

ORDER SUMMARILY SUSPENDING TRADING

AUGUST 22, 1958.

I. The Common Stock, $0.05 par value, of Cornucopia Gold Mines being listed and registered on the American Stock Exchange; and

II. The Commission on July 25, 1958, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held September 2, 1958, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the common stock of Cornucopia Gold Mines (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation 14 adopted pursuant to section 14 (a) of the act.

On August 13, 1958, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from the date of the aforesaid order.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such securities otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, August 24 to September 2, 1958, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-6965; Filed, Aug. 27, 1958; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

BLANKA FUCHS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Blanka Fuchs, Claim No. 63393; Desider Fuchs, Claim No. 63394; Tibor Fuchs, Claim No. 63395; $500.00 in the Treasury of the United States, one-third thereof to each claimant.

All of Hefziba, Israel; Vesting Order No. 2852.

Executed at Washington, D. C., on August 20, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-6967; Filed, Aug. 27, 1958; 8:48 a. m.]

BLANKA BERLOWITZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Blanka Berlowitz, London, England; $160.25 in the Treasury of the United States.

Mrs. Ruth Reik, London, England; $240.38 in the Treasury of the United States.

Eva Magan, Kibbutz, Hamaapil, Israel; $240.37 in the Treasury of the United States.

Claim No. 62993; Vesting Order No. 126.

Executed at Washington, D. C., on August 20, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-6968; Filed, Aug. 27, 1958; 8:48 a. m.]

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President subsequent to adjournment will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 85th Congress, Second Session.

Acts Approved August 26, 1958

S. 377 ---------- Public Law 85-762
An Act to amend the Interstate Commerce Act and the Transportation Act of 1940, with respect to periods of limitation applicable to actions or claims, including those by or against the United States, for recovery of charges for the transportation of persons or property, and for other purposes.

S. 4059 ---------- Public Law 85-763
An Act to amend Reorganization Plan Numbered 1 of 1958 in order to change the name of the office established under such plan.

H. R. 13558 ---------- Public Law 85-761
An Act to incorporate the Military Order of the Purple Heart of the United States of America, of combat wounded veterans who have been awarded the Purple Heart.

SEP 2 1958
MAIN
READING ROOM

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 23 NUMBER 170

Washington, Friday, August 29, 1958

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: For listing of current public laws approved by the President, see last page of this issue.

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE NAVY

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (1) of § 6.106 is amended as set out below.

§ 6.106 *Department of the Navy.* * * *

(b) *United States Naval Academy.* (1) Professors, instructors, and teachers in the United States Naval Academy, the United States Naval Postgraduate School, and the Naval War College; and the librarian, organist-choirmaster, registrar, and the assistant to the superintendent for academic matters at the United States Naval Academy.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-7013; Filed, Aug. 28, 1958; 8:51 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEVELOPMENT LOAN FUND

Effective upon publication in the FEDERAL REGISTER, § 6.162 (a) is added as set forth below.

§ 6.162 *Development Loan Fund.* (a) The Deputy Managing Director for Finance and Development.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-7012; Filed, Aug. 28, 1958; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF DRIED CURRANTS[1]

MISCELLANEOUS AMENDMENTS

Notice of proposed rule making with respect to proposed amendments to the United States Standards for Grades of Dried Currants (§§ 52.981 to 52.985) was published in the FEDERAL REGISTER on July 24, 1958 (23 F. R. 5607).

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of these amendments until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that: (1) The processing season for dried currants is imminent and it is necessary for purposes of inspection and marketing that these amendments be effective at the beginning of the packing season; (2) the industry has had 30 days notice of the proposed amendments and no views to the contrary have been received; and (3) additional time will not be needed to make preparation for compliance with these amendments.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the United States Standards for Grades of Dried Currants are hereby amended under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, et seq., as amended; 7 U. S. C. 1621 et seq.) as follows:

1. In § 52.983, paragraphs (a) and (b), change the moisture limit from "18 percent" to "20 percent."

2. Change § 52.983 (a) (7) to read:

(7) Not more than 3 percent, by count, of dried currants may be moldy;

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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SEMIANNUAL
CFR SUPPLEMENT
(As of July 1, 1958)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146–149,
1958 Supplement 1 ($1.00)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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3. Change § 52.983 (b) (7) to read:

(7) Not more than 4 percent, by count, of dried currants may be moldy;

4. In Table I of § 52.983, change the line for moldy currants to read:

Moldy currants	3	6

5. In § 52.985—work sheet, change the line for moldy currants to read:

Moldy currants	3	6

The United States Standards for Grades of Dried Currants (fourth issue) as amended September 18, 1957 (22 F. R. 7417) and as hereby amended and contained in this subpart shall become effective upon publication and thereupon will supersede the United States Standards for Grades of Dried Currants (§§ 52.981 to 52.985) which have been in effect since October 1, 1957.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: August 26, 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-7018; Filed, Aug. 28, 1958; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 916—MILK IN THE UPSTATE MICHIGAN MARKETING AREA

ORDER AMENDING ORDER

§ 916.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upstate Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (i) all receipts within the month of milk from producers, including milk of such handlers' own production, (ii) any other source milk allocated to Class I pursuant to § 916.46 (c) and (e) and the corresponding steps of § 916.47, and (iii) the applicable amount specified in § 916.84 (a) (2) or (b) (2).

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1958.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued July 21, 1958 and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued August 8, 1958. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Upstate Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 916.11 to read as follows:

§ 916.11 *Producer.* "Producer" means any qualified dairy farmer whose milk is received directly from the farm at a pool plant. "Producer" shall also include a qualified dairy farmer with respect to milk diverted from a pool plant to a nonpool plant for the account of a handler or cooperative association, if milk of such qualified dairy farmer was previously received at a pool plant (a) on any three days of the current or immediately preceding month or (b) on half or more of the delivery days of any three of the immediately preceding twelve months. Milk so diverted shall be deemed to have been received at the pool plant from which diverted if for the account of the operator of such pool plant, and at a pool plant at the location of the plant from which diverted, if diverted for the account of a cooperative association from the pool plant of another handler.

2. Amend § 916.43 (b) to read as follows:

(b) Skim milk and butterfat disposed of by a handler from a pool plant to a nonpool plant in the form of milk or skim milk shall be Class I utilization if so reported by the handler, or unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest use remaining after allocating, in series beginning with Class I, receipts from dairy farmers who are the regular source of supply of inspected milk for such plant, and receipts from plants regulated under Part 924 of this chapter (Order No. 24) for the Detroit, Michigan, marketing area. If any milk is transferred from such plant to a second nonpool plant, the same conditions of audit, classification and allocation shall apply in determining classification.

3. Amend § 916.46 to read as follows:

§ 916.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § 916.41 (b) (3);

(b) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat contained in milk or milk products received in packaged form which were classified and priced under another marketing agreement or order issued pursuant to the act and disposed of in the same form as received;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat remaining in other source milk not subject to the Class I pricing provisions of an order issued pursuant to the act received in a form other than whole milk;

(d) For the months of July and August only, subtract from the pounds of butterfat remaining in Class II the least of:

(1) Such remainder,

(2) A percentage of butterfat in receipts of producer milk equal to the weighted average percentage that Class II utilization (exclusive of shrinkage and inventory) was of producer receipts during the preceding months of September through June, or

(3) 8 percent of receipts of butterfat in producer milk;

(e) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat remaining in other source milk received in the form of whole milk and not subject to the Class I pricing provisions of another order issued pursuant to the act;

(f) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat remaining in other source milk subject to the Class I pricing provisions of another order issued pursuant to the act;

(g) Subtract from the remaining pounds of butterfat in Class II and Class I, in series beginning with Class II, the pounds of butterfat in inventory of fluid milk products and cream on hand at the beginning of the month;

(h) Subtract from the remaining pounds of butterfat in each class, the pounds of butterfat received from other handlers in such classes pursuant to § 916.43 (a);

(i) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraphs (a) and (d) of this section; and

(j) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class, in series beginning with the lowest priced utilization.

4. Amend § 916.51 (a) to read as follows:

(a) *Class I milk.* The Class I milk price shall be the basic formula price plus $1.05 during the months of February through June and plus $1.45 during the months of July through January.

5. In § 916.60 (b) delete "§ 916.46 (g)" and substitute therefor "§ 916.46 (j)".

6. In § 916.60 (c) (1) delete "§ 916.46 (d)" and substitute therefor "§ 916.46 (g)".

7. In § 916.60 (c) (2) change the parenthetical statement "(except as shrinkage)" to "(except as shrinkage and pursuant to § 916.46 (d))".

8. In § 916.74 change "§§ 916.46 and 916.47" to "§ 916.46 (c) and (e) and the corresponding steps of § 916.47".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 26th day of August 1958, to be effective on and after the 1st day of September 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-7019; Filed, Aug. 28, 1958; 8:52 a. m.]

PART 960—MILK IN THE AKRON-STARK COUNTY, OHIO, MARKETING AREA

ORDER AMENDING ORDER

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AUTHORITY: §§ 960.0 to 960.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 960.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Akron-Stark County, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not to exceed 3 cents per hundredweight as the Secretary may prescribe with respect to (i) all receipts within the preceding month of producer milk (including such handler's own production), and (ii) all other source milk allocated to Class I pursuant to § 960.46 (b) and the corresponding step of § 960.47;

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1958.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued June 24, 1958 and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued August 7, 1958. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who

during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Akron-Stark County, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 960.1 *Act.* "Act" means Public Act No. 10 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 960.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 960.3 *Marketing area.* "Akron-Stark County, Ohio, marketing area", hereinafter referred to as the "marketing area" means all territory, including but not limited to all municipal corporations within the boundaries of: Summit County; Stark County, except Paris and Sugar Creek Townships; Franklin, Ravenna, Brimfield and Suffield Townships and Lots 5 to 10, 15 to 20, 25 to 30, and 35 to 40, inclusive, of Randolph Township in Portage County; Smith Township in Mahoning County, except Great Lot 35 thereof; Knox Township in Columbiana County; and Sections 1, 2, 3, 10, 11 and 12 of Sugar Creek Township in Wayne County; all in the State of Ohio.

§ 960.4 *Handler.* "Handler" means any person (a) in his capacity as the operator of a pool plant, (b) in his capacity as the operator of a nonpool plant where milk is processed and packaged for distribution on a route(s) in the marketing area, and (c) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from producers' farms to a plant for the account of such cooperative association.

§ 960.5 *Pool plant.* "Pool plant" means (a) any plant at which milk is packaged and distributed as Class I milk on a route in the marketing area except:

(1) A plant specified in § 960.80 (a), (b) or (c); and

(2) A plant operated by a producer-handler.

(b) Any plant having the approval of the appropriate health authority of the marketing area:

(1) During the month in which it delivers to pool plant(s) described in paragraph (a) of this section an amount equal to 30 percent of its dairy farm supply of milk and, unless written notice to the contrary is received by the market administrator before the first day of the month, for such consecutive succeeding months as the 30 percent average is maintained.

(2) Following a period of August through January (the period from the effective date of this subparagraph through January 1959 shall be used instead of August 1958 through January 1959 for all requirements of this subparagraph) during which such plant has delivered to pool plant(s) described in paragraph (a) of this section, 10 percent or more of its total dairy farm supply during each month and 30 percent or more of such supply during the entire August–January period, unless written notice of intention to withdraw is received by the market administrator on or before the first day of the month, in which case such plant shall be a nonpool plant until it again qualifies pursuant to subparagraph (1) of this paragraph:

(i) During the months of February through July, regardless of shipments; and

(ii) During each successive month of August through January for which it delivers 10 percent or more of its total dairy farm supply to pool plant(s) described in paragraph (a) of this section.

§ 960.6 *Nonpool plant.* "Nonpool plant" means a plant other than a plant operated by a producer-handler, during such months as it is not a pool plant.

§ 960.7 *Producer.* "Producer" means any person other than a producer-handler who produces milk which has approval of the health authorities of any community in the marketing area for consumption as fluid milk in such community and is received at a pool plant. This definition shall include any such person who is regularly designated as a producer but whose milk is caused to be diverted to a plant, other than a pool plant, by a handler for his account. Milk so diverted shall be deemed to have been received at the pool plant from which diverted by a handler or at an identical location if diverted by a cooperative association.

§ 960.8 *Producer milk.* "Producer milk" means skim milk and butterfat contained in milk received from producers.

§ 960.9 *Other source milk.* "Other source milk" means all skim milk or butterfat contained in or represented by (a) receipts during the month of products named in § 960.41 (a) except (1) producer milk, and (2) receipts from other pool plants; and (b) other milk products from any source, including those produced at the plant, which are reprocessed, repackaged or converted to another product in the plant during the month.

§ 960.10 *Producer-handler.* "Producer-handler" means any person who (a) produces milk; (b) receives no milk from producers or from other sources; and (c) operates a plant from which a route(s) is operated wholly or partially within the marketing area.

§ 960.11 *Route.* "Route" means a sale or delivery (including a sale from a plant or store) of Class I milk to a wholesale or retail stop(s).

§ 960.12 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 960.13 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture.

§ 960.14 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association: (a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

§ 960.15 *Eligible milk.* "Eligible milk" means the amount of milk received by a handler from a producer during each of the months specified in § 960.63 which is not in excess of such producer's daily average quota, computed pursuant to § 960.56 multiplied by the number of days in such month on which such producer delivered milk to such handler: *Provided*, That with respect to any producer on "every-other-day" delivery to a pool plant, the days of nondelivery shall be considered as days of delivery for purposes of this section and of § 960.56.

§ 960.16 *Ineligible milk.* "Ineligible milk" means the amount of milk received by a handler from a producer during each of the months specified in § 960.63 which is in excess of eligible milk received from such producer during such month, and shall include all milk received from a producer for whom no daily average quota can be computed pursuant to § 960.56.

MARKET ADMINISTRATOR

§ 960.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 960.21 *Powers.* The market administrator shall have the power to:

(a) Administer all of the terms and provisions of this subpart;

(b) Make rules and regulations to effectuate the terms and provisions of this subpart;

(c) Receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) Recommend to the Secretary amendments of this subpart.

§ 960.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such

duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 960.74, (1) the costs of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses (except those incurred under § 960.75) necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart and upon request by the Secretary surrender the same to his successor or to such other person as the Secretary may designate;

(f) Publicly announce unless otherwise directed by the Secretary by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who, within 8 days after the day upon which he is required to perform such acts, has not made reports pursuant to § 960.30 or § 960.31 or payments pursuant to § 960.70, § 960.72, § 960.74, § 960.75 or § 960.76;

(g) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(h) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate:

(1) On or before the 5th day of each month the minimum class prices for the preceding month for milk of 3.5 percent butterfat content, as computed pursuant to §§ 960.50, 960.51 and 960.52, and the butterfat differentials, computed pursuant to § 960.53.

(2) On or before the 13th day of each month the uniform price(s) for the preceding month, computed pursuant to § 960.61, or §§ 960.62 and 960.63 as applicable, and the butterfat differential for the preceding month computed pursuant to § 960.64.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such information concerning the operation of this subpart as does not reveal confidential information.

(k) On or before the 13th day of each month, report to each cooperative association that so requests the class utilization of milk received during the preceding month by each handler from producers who are members of such association, prorating to such receipts the class utilization of all producers receipts of such handler.

(l) Provide notice, for each producer for whom a daily average quota is computed pursuant to § 960.56, on or before the first day of the month first stated in § 960.63 to: (1) Such producers, (2) cooperative associations for such producers who are its members, and (3) handlers for such producers from whom they received milk.

REPORTS, RECORDS AND FACILITIES

§ 960.30 *Monthly reports of receipts and utilization.* On or before the 8th day of each month, each handler who operates a pool plant(s), and any cooperative association with respect to milk for which it is a handler pursuant to § 960.4 (c), shall, with respect to milk or milk products which were received at a pool plant by such handler during the preceding month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The quantities of butterfat and skim milk contained in milk received from producers, and, for the months specified in § 960.63 the aggregate quantities of eligible milk;

(b) The quantities of butterfat and skim milk contained in or used to produce receipts of milk products specified in § 960.41 (a) from other pool plants;

(c) The quantities of butterfat and skim milk contained in or used to produce receipts of other source milk;

(d) The utilization of all butterfat and skim milk the receipt of which is required to be reported pursuant to this section;

(e) The pounds of butterfat and skim milk contained in all milk, skim milk, and cream and other Class I products on hand at the beginning and at the end of the month;

(f) Such other information with respect to the use of milk as the market administrator may request.

§ 960.31 *Other reports.* Other reports shall be submitted to the market administrator as follows:

(a) Each producer-handler, and each handler who does not operate a pool plant, shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who operated a pool plant(s) at which producer milk was received in the preceding month shall submit such handler's producer payroll for the preceding month which shall show (1) the total pounds and the butterfat content of milk received from each producer, and for the months specified in § 960.63, the pounds of eligible milk and of ineligible milk received from each producer, (2) the amount and date of payment to each producer or cooperative association pursuant to § 960.70, (3) the nature and amount of each deduction or charge made by the handler, and (4) the number of days, if less than the entire month, for which milk was received from such producers.

§ 960.32 *Records and facilities.* Each handler and producer-handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of any of his operations and such facilities as in the opinion of the market administrator are necessary to verify or to establish the correct data with respect to: (a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) all payments required to be made by such handler pursuant to §§ 960.70, 960.72, 960.74, 960.75, and 960.76.

§ 960.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler or producer-handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three-year period the market administrator notifies the handler or producer-handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler or producer-handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler or producer-handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 960.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received by a handler which is required to be reported pursuant to § 960.30 shall be classified pursuant to §§ 960.41 to 960.44.

§ 960.41 *Classes of utilization.* Subject to the conditions set forth in §§ 960.43 and 960.44, the classes of utilization shall be:

(a) Class I utilization shall be all skim milk (including the skim milk equivalent of concentrated products) and butterfat (1) disposed of for consumption in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk not in hermetically sealed cans, and cream, including sour cream or any mixture of cream and milk or skim milk, or (2) not accounted for as Class II or Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat used to produce cottage cheese.

(c) Class III utilization shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) or (b) of this section; (2) disposed of for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; (3) in cream frozen; (4) in shrinkage of producer milk up to 2 percent of receipts from producers; (5) in shrinkage of other source milk; and (6) in inventories of products specified in paragraph (a) (1) of this section on hand at the end of the month.

§ 960.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred or diverted by a handler from his pool plant to another pool plant without first having been received for purposes of weighing in the transferring or diverting handler's pool plant shall be included in the receipts at the pool plant to which such milk was transferred or diverted for the purpose of computing shrinkage and shall be excluded from the receipts at the transferring or diverting handler's pool plant for such purpose.

§ 960.43 *Responsibility of handlers.* All skim milk and butterfat contained in producer milk and in other source milk received by a handler shall be classified as Class I utilization unless the handler proves to the market administrator that such skim milk and butterfat or a portion thereof should be classified otherwise.

§ 960.44 *Transfers.* (a) Skim milk and butterfat disposed of from a pool plant to the pool plant of another handler in the form of milk, skim milk or cream shall be Class I utilization unless utilization in another class is indicated by the operators of both plants in their reports submitted pursuant to § 960.30: *Provided*, That in no event shall the amount so classified in such class be greater than the amount of producer milk used in such class in the pool plant(s) of the transferee handler after allocating other source milk in such plant(s) in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk, skim milk or cream from a pool plant to a handler described in § 960.80 or to a nonpool plant shall be Class I utilization unless all of the following conditions are met:

(1) Utilization in another class is indicated by the operator of the pool plant in his report submitted pursuant to § 960.30.

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for the verification of the utilization claimed.

(3) If the above conditions are met, the market administrator shall classify all skim milk and butterfat received at the nonpool plant and the skim milk and butterfat so transferred shall be allocated in series beginning with any skim milk and butterfat, respectively, remaining in Class I utilization after allocating skim milk and butterfat in milk received from dairy farmers whom the market administrator determines constitute the regular source of milk for Class I uses at such plant, in series beginning with Class I utilization.

(c) Skim milk and butterfat transferred in the form of milk, skim milk, or cream to a producer-handler shall be classified as Class I utilization.

§ 960.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler pursuant to § 960.30 and shall compute separately the pounds of skim milk and butterfat in each class.

§ 960.46 *Allocation of butterfat.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class III utilization the pounds of butterfat shrinkage allowed pursuant to § 960.41 (c) (4);

(b) Subtract from the total pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk other than that received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received in a form other than that specified in paragraph (d) of this section from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(d) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat contained in milk or milk products received in packaged form which were classified and priced under another Federal order and disposed of in the same form as received;

(e) Subtract from the pounds of butterfat remaining in Class III milk, Class II milk and Class I milk, in series beginning with Class III, the pounds of butterfat contained in inventory of products specified in § 960.41 (a) (1) on hand at the beginning of the month;

(f) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers in such classes pursuant to § 960.44 (a); and

(g) Add to the remaining pounds of butterfat in Class III utilization the pounds subtracted pursuant to paragraph (a) of this section.

(h) If the remaining pounds of butterfat in both classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 960.47 *Allocation of skim milk.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 960.46.

MINIMUM PRICES

§ 960.50 *Class I milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. a pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month, which is classified as Class I milk shall be the Class I price as determined pursuant to § 975.61 of this chapter.

§ 960.51 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. a pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month which is classified as Class II milk shall be the higher of the prices computed by the market administrator pursuant to § 960.52 (a) or (b) plus 30 cents.

§ 960.52 *Class III milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. a pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month which is classified as Class III milk shall be the higher of the prices computed by the market administrator pursuant to paragraph (a) or (b) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department of Agriculture by the companies indicated below:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A 92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5.

(2) From the simple average, as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the month for which prices are being computed by the Department of Agriculture, deduct 5.5 cents, and multiply by 8.2.

§ 960.53 *Handler butterfat differentials.* If the average butterfat content

of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to §§ 960.50, 960.51 and 960.52 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, multiplied by the following factors:

(a) *Class I milk.* Multiply by 1.3, and divide the result by 10.

(b) *Class II and Class III milk.* Multiply by 1.15, and divide the result by 10.

§ 960.54 *Location adjustment to handlers.* In computing the value of such quantities of milk as are received at a pool plant located 40 miles or more, by the shortest highway distance from the nearest of the Public Square in Cleveland, Ohio, the City Hall in Akron, Ohio, or the City Hall in Canton, Ohio, as determined by the market administrator, and classified as Class I or Class II milk, there shall be deducted:

(a) 13 cents per hundredweight, if such distance from the Public Square in Cleveland, Ohio, is more than 40 miles but not more than 60 miles; and

(b) 20 cents per hundredweight, if such distance from the Public Square in Cleveland, Ohio, is more than 60 miles but not more than 74 miles, and 2 cents per hundredweight additional for each 14 miles or fraction thereof in excess of 74 miles.

(c) For the purpose of determining the respective quantities of Class I and Class II milk subject to the location adjustment, transfers between pool plants shall be assigned to Class I and Class II milk in a volume not in excess of that by which 105 percent of Class I and Class II milk at the transferee plant exceeds receipts of producer milk at such plant, such assignment to transferor pool plants to be made in such sequence as will result in computation of the least total location adjustment.

§ 960.55 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

DETERMINATION OF ELIGIBLE MILK QUOTA

§ 960.56 *Determination of eligible milk quota for each producer.* Subject to the rules set forth in § 960.57 the market administrator shall determine quotas for producers as follows: During each of the months specified in § 960.63 the daily quota of each producer whose milk was received by a handler(s) on not less than thirty (30) days during the immediately preceding months of October through December, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in the 3-month period by the number of days from the date of the first delivery to the end of such 3-month period.

§ 960.57 *Quota rules.* (a) Except as provided in paragraph (b) of this section, an eligible milk quota shall apply to deliveries of milk by the producer for whose account that milk was delivered to a handler(s) during the quota forming period.

(b) A daily quota may be transferred during the period of April through June by notifying the market administrator in writing before the first day of any delivery period that such quota is to be transferred to the person named in such notice, but under the following conditions only:

(1) In the event of the death of a producer, the entire daily quota may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a quota is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders, the entire daily quota may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy farm operations.

DETERMINATION OF UNIFORM PRICE

§ 960.60 *Value of producer milk for each handler.* The value of producer milk received during the month by each handler who operates a pool plant(s), and by any cooperative association with respect to milk for which it is a handler pursuant to § 960.4 (c), shall be a sum of money computed by the market administrator as follows:

(a) Multiply by the applicable class prices, adjusted pursuant to §§ 960.53 and 960.54, the total combined hundredweight of skim milk and butterfat received from producers and allocated to each class pursuant to §§ 960.46 and 960.47;

(b) Add an amount computed by multiplying any excess utilization classified pursuant to § 960.46 (h) and the corresponding step of § 960.47 by the applicable class prices; and

(c) Add any amount obtained through multiplying by the difference between the Class III price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 960.46 (e) and the corresponding step of § 960.47, or

(2) The hundredweight of producer milk classified as Class III utilization (except as shrinkage) for the preceding month.

§ 960.61 *Computation of uniform price.* For each month (except those specified in § 960.63) the market administrator shall compute a uniform price per hundredweight of milk containing 3.5 percent of butterfat to be paid to producers delivering milk to pool plants at which no location adjustments are applicable as follows:

(a) Combine into one total the value of producer milk for each handler as computed pursuant to § 960.60 for all handlers who reported pursuant to § 960.30 for such month, except those in default in payments required pursuant to § 960.72 for the preceding month;

(b) Add the total amount of all payments made pursuant to § 960.72 (b);

(c) Add any amounts paid into the producer-settlement fund and subtract any amounts paid out of the producer-settlement fund pursuant to § 960.70;

(d) Add an amount representing not less than one-half of the unobligated balance in the producer-settlement fund exclusive of the amounts added or subtracted pursuant to paragraphs (b) and (c) of this section;

(e) Subtract, if the weighted average butterfat test of all producer milk represented by the amounts included under paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 960.64 multiplied by 10;

(f) Add the aggregate value of all allowable producer location adjustments pursuant to § 960.65;

(g) Divide the resulting amount by the total hundredweight of producer milk received by all handlers during the month for which uniform prices are being computed;

(h) Subtract not less than 4 cents nor more than 5 cents, and the result shall be the uniform price to be paid per hundredweight of milk containing 3.5 percent of butterfat to producers who delivered milk during the month for which uniform prices are being computed.

§ 960.62 *Computation of ineligible milk price.* For the months specified in § 960.63, the market administrator shall compute the uniform price per hundredweight for ineligible milk of 3.5 percent butterfat content by:

(a) Multiplying the hundredweight of such milk not in excess of the total quantity of Class II and Class III milk by the price for Class III milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II and Class III milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts; and

(b) Dividing the total value of ineligible milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjusting to the nearest cent.

§ 960.63 *Computation of eligible milk price.* For each of the months of April through June the market administrator shall compute the uniform price per hundredweight for eligible milk of 3.5 percent butterfat content received from producers at a pool plant by:

(a) Subtracting the value of ineligible milk obtained in § 960.62 (a) from the aggregate value of milk computed pursuant to § 960.61 (a) to (f) and adjusting by an amount involved in adjusting the uniform price of ineligible milk to the nearest cent;

(b) Dividing the amount obtained in paragraph (a) of this section by the total hundredweight of eligible milk included in these computations; and

(c) Subtracting not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (b) of this section.

§ 960.64 *Producer butterfat differential.* In making payments pursuant to § 960.70, the uniform prices shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 960.53, weighted by the pounds of butterfat in producer milk in each class and rounded to the nearest tenth of a cent.

§ 960.65 *Location adjustments to producers.* In making payments pursuant to paragraphs (a) and (b) of § 960.70, a handler may deduct with respect to eligible milk received from producers during the months specified in § 960.63 and with respect to all milk received from producers during the other months, at a pool plant located 40 miles or more, by the shortest highway distance from the nearest of the Public Square in Cleveland, Ohio, the City Hall in Akron, Ohio, or the City Hall in Canton, Ohio, as determined by the market administrator:

(a) More than 40 miles but not more than 60 miles from the Public Square in Cleveland, Ohio, an amount not to exceed 13 cents per hundredweight; and

(b) More than 60 miles but not more than 74 miles from the Public Square in Cleveland, Ohio, an amount not to exceed 20 cents per hundredweight, and 2 cents per hundredweight additional for each additional 14 miles or fraction thereof.

§ 960.66 *Notification.* On or before the 13th day of each month the market administrator shall notify each handler who submitted a report for the preceding month pursuant to § 960.30 of:

(a) The classification pursuant to §§ 960.46 and 960.47 of skim milk and butterfat contained in producer milk received by such handler during the preceding month and the value of such milk computed pursuant to § 960.60;

(b) The uniform prices for the month computed pursuant to § 960.61 or §§ 960.62 and 960.63, as applicable; and

(c) The amount due such handler pursuant to § 960.73 and the amount to be paid by such handler pursuant to §§ 960.72, 960.74 and 960.75.

PAYMENTS

§ 960.70 *Time and method of payment.* (a) Except as provided by paragraph (b) of this section, on or before the 18th day of each month, each handler (except a cooperative association) shall pay each producer for milk received from him during the preceding month, not less than an amount of money computed by multiplying the total pounds of such milk by the applicable uniform price(s) pursuant to § 960.61 or §§ 960.62 and 960.63 adjusted by the butterfat and location differentials pursuant to §§ 960.64 and 960.65, and less any proper deductions authorized by the producer, including advance payments made pursuant to paragraph (c) of this section: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 960.73 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the 16th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association written information which shows for each such member-producer (i) the total pounds of milk received from him during the preceding month, (ii) the total pounds of butterfat contained in such milk, (iii) the number of days on which milk was received, and (iv) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination.

(c) Upon written request filed with him on or before the 15th day of the month by a producer, or by a cooperative association which collects payments pursuant to paragraph (b) of this section, each handler shall make advance payment as follows:

(1) On or before the last day of the month, to each such producer who has not discontinued delivery of milk to such handler, an amount not less than the value of milk received from such producer during the first 15 days of such month computed at the Class III price for 3.5 percent milk for the preceding month, without deduction for hauling;

(2) On or before the 27th day of the month, to the cooperative association, with respect to milk received during the first 15 days of the month from certified members specified in the request for advance payment, an amount not less than the aggregate value of such milk at the Class III price for 3.5 percent milk for the preceding month, without deduction for hauling.

§ 960.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made pursuant to §§ 960.72 and 960.76 and out of which he shall make all payments pursuant to §§ 960.73 and 960.76.

§ 960.72 *Payments to the producer-settlement fund.* On or before the 14th day of each month handlers shall make payments to the market administrator as follows:

(a) If the value of producer milk received by a handler in the preceding month as computed pursuant to § 960.60 exceeds the amount which such handler is required to pay all producers pursuant to § 960.70 such handler shall pay the difference between the two amounts.

(b) If during the preceding month total receipts of producer milk (exclusive of milk diverted from the pool plant of another handler to a nonpool plant for the account of a cooperative association unless written evidence is furnished the market administrator that such milk was offered for delivery to a pool plant at class prices of the order) was 110 percent or more of the total Class I milk at pool plants, an amount equal to the difference between the values (at test and location) at the Class I price and Class III price with respect to:

(1) Other source milk subtracted from Class I pursuant to § 960.46 (b) and the corresponding step of § 960.47; and

(2) Milk in inventory subtracted from Class I pursuant to § 960.46 (e) and the corresponding step of § 960.47 which is in excess of the sum of:

(i) The quantity for which a payment is computed pursuant to § 960.60 (c), and

(ii) The quantity subtracted from Class III pursuant to § 960.46 (e) and the corresponding step of § 960.47 in the month preceding.

§ 960.73 *Payments out of the producer-settlement fund.* On or before the 16th day of each month, the market administrator shall pay to each handler any amount by which the sum required to be paid by such handler for the preceding month pursuant to § 960.70 is greater than the total value of the milk of such handler computed pursuant to § 960.60 for such preceding month less any unpaid obligations of the handler to the market administrator pursuant to §§ 960.72, 960.74, 960.76 (a), and 960.76

(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make payments to all handlers pursuant to this section, the market administrator shall reduce such payments by a uniform amount per hundredweight of milk and shall complete such payments as soon as the necessary funds become available.

§ 960.74 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 960.22 (d), each handler shall pay the market administrator on or before the 16th day of each month 3 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to (a) all receipts within the preceding month of producer milk (including such handler's own production), and (b) all other source milk allocated to Class I pursuant to § 960.46 (b) and the corresponding step of § 960.47.

§ 960.75 *Marketing services.* In making payments to producers or cooperative associations pursuant to § 960.70 a handler shall make deductions and dispose of amounts so deducted as follows:

(a) Except as set forth in paragraph (b) of this section a handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to all producer milk for which payment is being made pursuant to § 960.70 and shall pay the total amount of such deductions to the market administrator on or before the 16th day after the end of the month in which such producer milk was received. Such amount shall be expended by the market administrator to verify weights and tests of milk of producers and to provide producers with market information, such service to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) Each association of producers which is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler for the amount of any loss sustained by him because of any improper claim on the part of the association, and a certification that the association has an unterminated membership contract with each producer, which contract authorizes the claimed deduction. In making payments to producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted within 16 days after the end of the month.

§ 960.76 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors resulting in monies due (a) the market administrator from such handler or such handler from the market administrator or (b) any producer or cooperative association from such handler pursuant to § 960.70 the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice. In computing amounts due pursuant to this section the class prices, the appropriate uniform price, the butterfat differential, the rate of administrative assessment pursuant to § 960.74, and the rate of marketing service deduction pursuant to § 960.75 which were applicable in the month for which the original calculation of amounts due were made shall be used.

§ 960.77 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notified the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which milk involved in the claim was received if any underpayment is claimed, or [illegible] years after the end of the [illegible] month during which the payment [illegible] cluding deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within that applicable period of time, files pursuant to section 8c (15) (A) of the [illegible] a petition claiming such money.

APPLICATION OF PROVISIONS

§ 960.80 *Handler exemption.* A handler operating any plant specified below shall be exempted with respect to the milk received of such plant during the month from all provisions of this subpart except §§ 960.31, 960.32 and 960.[illegible]:

(a) A plant located outside the marketing area from which an average of less than 300 points (one point being defined as one-half pint of cream or one quart of any other Class I product) of Class I milk per day is disposed of during the month on a route(s) operated wholly or partly within the marketing area;

(b) A plant at which the Secretary finds is subject during the month to another Federal order; or

(c) A plant at which no milk approved by the health authorities of any community of the marketing area for consumption as fluid milk is received from dairy farmers and from which disposition of Class I milk in the marketing area is permitted only in portions of the marketing area for which no health authority exercises jurisdiction with respect to approval of milk for fluid consumption.

§ 960.81 *Producer-handler.* A producer-handler shall be exempt from all provisions of this subpart except that he shall make reports to the market administrator at such time and in such manner as the market administrator may request.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 960.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated. The provisions of this section shall apply to any obligation under this subpart for the payment of money.

§ 960.91 *Suspension or termination.* Whenever the Secretary finds the subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this order or any such provision of this subpart.

§ 960.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 960.93 *Liquidation.* Upon the suspension of the provisions of the subpart, except this section, the market administrator, or such other liquidation agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instrument necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidation agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 960.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 960.101 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 25th day of August 1958, to be effective on and after the 1st day of September 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-7002; Filed, Aug. 28, 1958; 8:49 a. m.]

PART 1023—MILK IN THE DES MOINES, IOWA, MARKETING AREA

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AUTHORITY: §§ 1023.0 to 1023.101 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c.

§ 1023.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Des Moines, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1023.46, and (c) approved milk received at a nonpool plant: *Provided*, That if payment for such milk is not made pursuant to § 1023.80 (b) the expense of administration payable shall be applicable only to the Class I milk disposed of in the marketing area (except to a pool plant) from such plant.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than September 1, 1958, and fully effective not later than October 1, 1958.

The provisions of the said order are known to handlers. The recommended decision of the Acting Deputy Administrator of the Agricultural Marketing Service was issued May 29, 1958, and the decision of the Assistant Secretary containing all of the provisions of this order was issued July 30, 1958. Since this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the entire order to afford handlers an opportunity to make any necessary changes in their accounting procedure or other adjustments as required to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective September 1, 1958, and fully effective October 1, 1958, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the

FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Des Moines, Iowa, marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1023.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1023.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1023.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal Agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 1023.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1023.5 *Cooperative Association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 1023.6 *Des Moines, Iowa, Marketing Area.* "Des Moines, Iowa, marketing area" (hereinafter called the "marketing area"), means all the territory within the boundaries of the city of Grinnell and the counties of Adair, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Guthrie, Jasper, Lucas, Madison, Mahaska, Marion, Monroe, Polk, Story, Union, Warren, Wapello, and Wayne, all in the State of Iowa, including territory within such boundaries which is occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other establishments.

§ 1023.7 *Approved dairy farmer.* "Approved dairy farmer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received at an approved plant.

§ 1023.8 *Producer.* "Producer" means an approved dairy farmer whose milk is received at a pool plant.

§ 1023.9 *Distributing plant.* "Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 1023.10 *Supply plant.* "Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 1023.12.

§ 1023.11 *Approved plant.* "Approved plant" means a pool plant or a distributing plant which is not a pool plant.

§ 1023.12 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) or (c) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year: *And provided further*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(c) A plant operated by a cooperative association whose members are the majority of the total number of producers shipping to pool plants of other handlers during the month: *Provided*, That if a portion of such association's plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

§ 1023.13 *Nonpool plant.* "Nonpool plant" means any plant other than a pool plant which receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 1023.14 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of one or more approved plants, or (b) any cooperative association with respect to the milk from approved dairy farmers diverted by the association for the account of such association from an approved plant to a nonpool plant.

§ 1023.15 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from approved dairy farmers or from sources other than approved plants.

§ 1023.16 *Approved milk.* "Approved milk" means the skim milk and butterfat contained in milk received at an approved plant directly from an approved dairy farmer: *Provided*, That milk diverted from an approved plant to a nonpool plant for the account of either the operator of the approved plant or a cooperative association shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further*, That in any of the months of July through March milk diverted from the farm of an approved dairy farmer on more than the number of days that milk was delivered to an approved plant from such farm during the month shall not be deemed to have been received by the diverting handler at the plant from which diverted on such days.

§ 1023.17 *Producer milk.* "Producer milk" means approved milk which is received at a pool plant.

§ 1023.18 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and cream (except aerated cream products, sour cream, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 1023.19 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) approved milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1023.20 *Base zone.* "Base zone" means all the territory within the boundaries of Polk County, Iowa.

§ 1023.21 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1023.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1023.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1023.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1023.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1023.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1023.30 and 1023.31 or payments pursuant to §§ 1023.62, 1023.80, 1023.84, 1023.86, 1023.87, and 1023.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and disseminate publicly such statistics and informations as he deems advisable and as do not reveal confidential information;

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(j) Publicly announce and notify each handler in writing on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 1023.50 (a) and the Class I butterfat differential pursuant to § 1023.51 (a), both for the current month; and the minimum price for Class II milk pursuant to § 1023.50 (b) and the Class II butterfat differential pursuant to § 1023.51 (b) both for the preceding month; and

(2) The 10th day after the end of each month, the uniform price pursuant to § 1023.72, and the butterfat differential pursuant to § 1023.81; and

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests, the percentage of the milk caused to be delivered by the cooperative association or by its members to the pool plant of each handler during the month that was utilized in each class. For the purpose of this report the milk so delivered shall be allocated to each class in the same ratio as all producer milk received at such plant during the month.

REPORTS, RECORDS AND FACILITIES

§ 1023.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each of his approved plants, in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by receipts of approved milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by approved milk diverted to nonpool plants pursuant to § 1023.16;

(e) Inventories of fluid milk products on hand at the beginning and end of the month; and

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 1023.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the number of days, if less than the entire month, for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at his pool plant, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1023.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to approved dairy farmers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1023.33 *Retention of records.* All books and records required under this part to be made available to the market

administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1023.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 1023.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1023.41 to 1023.46.

§ 1023.41 *Classes of utilization.* Subject to the conditions set forth in § 1023.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2) of this section) and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be (1) skim milk and butterfat used to produce any product other than a fluid milk product; (2) skim milk disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity of verifying such dumping; (3) skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month; and (4) skim milk and butterfat in shrinkage allocated to receipts of approved milk and other source milk (except milk diverted to a nonpool plant pursuant to § 1023.16) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively.

§ 1023.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each approved plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in approved milk and other source milk.

§ 1023.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1023.44 *Transfers.* Skim milk or butterfat disposed of each month from an approved plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator pursuant to § 1023.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 1023.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 1023.46 (a) (2) and the corresponding step in paragraph (b) thereof: *And provided further*, That if other source milk was received at either or both plants the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson and Ottumwa, Iowa; and

(d) As Class I milk if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the Post Office of Corydon, Creston, Des Moines, Grinnell, Jefferson and Ottumwa, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1023.30 for the month within which such transactions occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products so transferred or diverted classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and other orders issued pursuant to the act is more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at an approved plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the act.

§ 1023.45 *Computation of the skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for each approved plant and shall compute the pounds of butterfat and skim milk in each class at each such plant: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water reasonably associated with such solids in the form of whole milk.

§ 1023.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 1023.45, the market administrator shall determine the classification of approved milk received at each approved plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to approved milk pursuant to § 1023.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in approved milk by 0.05, whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which were received in the form of fluid milk products which are subject to the

Class I pricing provisions of another order issued pursuant to the act;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products as determined pursuant to § 1023.44 (a);

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month; and

(9) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in approved milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of approved milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 1023.50 *Class prices.* Subject to the provisions of §§ 1023.51 and 1023.52 the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk established under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, plus 35 cents: *Provided*, That for milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

(b) *Class II milk price.* The Class II milk price shall be computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department, during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices for nonfat dry milk solids for human consumption, spray process, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month;

(3) Add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph; and

(4) Subtract 75.2 cents therefrom.

§ 1023.51 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1023.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II prices.* Multiply the Chicago butter price for the current month by 0.110.

§ 1023.52 *Location differentials to handlers.* For approved milk which is received at an approved plant located 60 miles or more from the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, Iowa, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1023.50 shall be reduced by 10 cents for the first 75 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the Post Offices of Corydon, Creston, Des Moines, Jefferson, Grinnell, and Ottumwa: *Provided*, That for the purpose of calculating such location differential, fluid milk products which are transferred between approved plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 1023.46 (a) (4), and the comparable steps in § 1023.46 (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1023.53 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1023.60 *Producer-handler.* Sections 1023.40 to 1023.46, 1023.50 to 1023.52, 1023.70 to 1023.72 and 1023.80 to 1023.88 shall not apply to a producer-handler.

§ 1023.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 1023.12 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Des Moines marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1023.30) and allow verification of such reports by the market administrator.

§ 1023.62 *Handlers operating nonpool plants.* Unless payment for approved milk at such plant is made pursuant to § 1023.80 (b), each handler in his capacity as the operator of a nonpool plant shall, on or before the 13th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount obtained by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month by the rate determined pursuant to § 1023.63.

§ 1023.63 *Rate of payment on unpriced milk.* The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk;

(a) During the months of April, May and June, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through March, the uniform price pursuant to § 1023.72 adjusted by the Class I butterfat differential.

DETERMINATION OF UNIFORM PRICE

§ 1023.70 *Computation of value of milk at each approved plant.* The value of approved milk received during each month at each approved plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1023.46 (a) (9) and the corresponding step of (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of (1) the hundredweight of approved milk classified in Class II less shrinkage during the preceding month or (2) the hundredweight of milk subtracted from Class I pursuant to § 1023.46 (a) (8) and the corresponding step of (b);

(d) Add an amount calculated by multiplying the hundredweight of skim

milk and butterfat subtracted from Class I milk pursuant to § 1023.46 (a) (2) and (3) and the corresponding step of (b) by the rate of payment on unpriced milk determined pursuant to § 1023.63 at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided*, That if the source of any such fluid milk product received at an approved plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the approved plant where it is classified.

§ 1023.71 *Computation of aggregate value used to determine uniform price.* For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content, f. o. b. plants located within the base zone, as follows:

(a) Combine into one total the values computed pursuant to § 1023.70 for all pool plants for which the reports prescribed in § 1023.30 for such month were made, except those in default of payments required pursuant to § 1023.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the hundredweight of such producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1023.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 1023.72 *Computation of uniform price.* For each month the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content f. o. b. pool plants located within the base zone, as follows:

(a) Divide the aggregate value computed pursuant to § 1023.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The resulting figure shall be the uniform price for producer milk.

PAYMENT FOR MILK

§ 1023.80 *Time and method of payment.* (a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (c) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 15th day after the end of each month, for producer milk received during such month, an amount computed at not less than the uniform price adjusted pursuant to §§ 1023.81, 1023.82 and 1023.87 and less the payment made pursuant to subparagraph (1) of this paragraph.

(b) Unless payment is made to the producer-settlement fund pursuant to § 1023.62, each handler shall make payment on or before the 15th day after the end of each month to each approved dairy farmer for approved milk received from him during the month at an approved plant which is a nonpool plant at not less than the price per hundredweight, adjusted by the butterfat differential pursuant to § 1023.81, obtained by dividing the value of approved milk at such plant computed pursuant to § 1023.70 by the hundredweight of approved milk at such plant: *Provided*, That if the total amount paid to such approved dairy farmers is less than that prescribed by this paragraph, payment of the difference shall be made to the producer-settlement fund.

(c) Each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(d) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1023.81 *Butterfat differentials to producers.* The uniform price for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1023.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1023.82 *Location differentials to producers.* (a) The uniform price for producer milk received at a pool plant located 60 miles or more from the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, Iowa, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced by 10 cents for the first 75 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa; and

(b) The uniform price for producer milk received at a pool plant outside the base zone shall be reduced 10 cents.

§ 1023.83 *Producer-settlement fund.* The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1023.62, 1023.80, 1023.84, 1023.85, and 1023.86; *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1023.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1023.80 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1023.70.

§ 1023.85 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 1023.80, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1023.70: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 1023.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 1023.86 *Adjustment of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund pursuant to §§ 1023.84 and 1023.85, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 15 days of such billing, make payments to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. When-

...verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by § 1023.80 the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

§ 1023.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1023.80 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1023.88 *Expense of administration.* As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to butterfat and skim milk contained in (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1023.46, and (c) approved milk received at a nonpool plant: *Provided*, That if payment for such milk is not made pursuant to § 1023.80 (b), the expense of administration payable pursuant to this section shall be applicable only to the Class I milk disposed of in the marketing area (except to a pool plant) from such plant.

§ 1023.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraph (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's utilization report on milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c (15) (a) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1023.90 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1023.91 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. The part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1023.92 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1023.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1023.100 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1023.101 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Sections 1023.0 to 1023.46 and 1023.88 to 1023.101 shall be effective September 1, 1958, and all of the remaining provisions shall be effective October 1, 1958.

Issued at Washington, D. C., this 25th day of August 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-7004; Filed, Aug. 28, 1958; 8:49 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 611—SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U. S. C. 205), the Secretary of Labor by Administrative Order No. 508 (23 F. R. 4036), as amended by Administrative Order No. 511 (23 F. R. 5215), appointed, convened, and gave notice of the hearing of Industry Committee No. 40–E to recommend the minimum wage rate or rates to be paid under section 6 of that act (52 Stat. 1062, as amended; 29 U. S. C. 206) to employees in the Sweater and Knit Swimwear Industry in Puerto Rico who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings and recommendations with respect to the matters referred to it. The committee found that it was not reasonable or necessary to establish separate classifications within the industry, and recommended a new hourly minimum wage rate.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U. S. C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Order No. 45–A of the Secretary of Labor (15 F. R. 3290), the recommendations of the committee are hereby published in this order amending the Code of Federal Regulations. Effective September 14, 1958, 29 CFR Part 611 is amended to read as follows:

Sec.
611.1 Definition of the industry.
611.2 Wage rates.
611.3 Notices.

AUTHORITY: §§ 611.1 to 611.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 6, 52 Stat. 1062, as amended; 29 U. S. C. 206.

§ 611.1 *Definition of the industry.* The sweater and knit swimwear industry in Puerto Rico, to which this part shall apply is defined as the manufacture of men's, women's, misses', boys', and girls' knit sweaters, shrugs, shoulderettes, boleros, and similar knitwear, and women's, misses', and girls' knit swimwear: *Provided, however,* That the industry shall not include the embroidery of any article or trimming by a crochet beading process or with bullion thread.

§ 611.2 *Wage rates.* Wages at a rate of not less than 96 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the sweater and knit swimwear industry in Puerto Rico, who is engaged in comerce or in the production of goods for commerce.

§ 611.3 *Notices.* Every employer subject to the provisions of § 611.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 611.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 22d day of August 1958.

CLARENCE T. LUNDQUIST,
Administrator.

[F. R. Doc. 58–7015; Filed, Aug. 28, 1958; 8:51 a. m.]

PART 612—NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U. S. C. 205), the Secretary of Labor by Administrative Order No. 508 (23 F. R. 4036), as amended and by Administrative Order No. 511 (23 F. R. 5215), appointed, convened, and gave notice of the hearing of Industry Committee No. 40–D to find the facts on which to recommend the minimum wage rate or rates to be paid under section 6 of that Act (52 Stat. 1062, as amended; 29 U. S. C. 206) to employees in the needlework and fabricated textile products industry in Puerto Rico who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1064, as amended; 29 U. S. C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Order No. 45–A of the Secretary of Labor (15 F. R. 3290), the recommendations of the committee are hereby published in this order amending the Code of Federal Regulations. Effective September 14, 1958, 29 CFR Part 612 is amended to read as follows:

Sec.
612.1 Definition of the industry.
612.2 Wage rates.
612.3 Notices.

AUTHORITY: §§ 612.1 to 612.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 6, 52 Stat. 1062, as amended; 29 U. S. C. 206.

§ 612.1 *Definition of the industry.* The manufacture from any material of all apparel and apparel furnishings and accessories made by knitting, crocheting, cutting, sewing, embroidering, or other processes; and the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however,* That the industry shall not include any product or activity included in the artificial flower, decoration, and party favor industry in Puerto Rico (Part 688 of this chapter), the button, jewelry, and lapidary work industry in Puerto Rico (Part 616 of this chapter), the corsets, brassieres, and allied garments industry in Puerto Rico (Part [illegible] of this chapter), the fabric and leather glove industry in Puerto Rico (Part [illegible] of this chapter), the hosiery industry in Puerto Rico (Part 687 of this chapter), the men's and boys' clothing and related products industry in Puerto Rico (Part 615 of this chapter), the shoe and related products industry in Puerto Rico (Part 601 of this chapter), the straw, hair, and related products industry in Puerto Rico (Part 613 of this chapter), the textile and textile products industry in Puerto Rico (Part 699 of this chapter), the handkerchief, square scarf, and art linen industry in Puerto Rico (Part [illegible] of this chapter), the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico (Part 610 of this chapter), and the sweater and knit swimwear industry in Puerto Rico (Part 611 of this chapter), as defined in the wage orders for those industries.

§ 612.2 *Wage rates*—(a) *Crocheted slippers, leather handbags, and other operations on knit gloves classification.* Wages at a rate of not less than 67 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is also engaged in the crocheted slippers, leather handbags, and other operations on knit gloves classification, which is defined as the manufacture of slippers, slipper socks, mukluks, and similar types of footwear (except infants' bootees) made by a crocheting or knitting process, and women's, misses', and girls' leather handbags and purses and any operation on knit or crocheted gloves and mittens other than hand-embroidery operations.

(b) *Hand-crocheting and hand-embroidery of crocheted hats and infants' bootees and hand-embroidery of knit gloves classification.* Wages at a rate of not less than 50 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who also is engaged in the hand-crocheting and hand-embroidery of crocheted hats and infants' bootees and hand-embroidery of knit gloves classification, which is defined as the operations of hand-crocheting, hand-knitting, and hand-embroidering of crocheted or knitted headwear for women, misses, girls, and infants three years of age or under, and of crocheted or knitted bootees for infants, and the hand-embroidery of knit or crocheted gloves and mittens, other than by a crochet beading process or with bullion thread and operations immediately incidental thereto.

(c) *Dungarees, slacks, and related products and other operations on crocheted hats and infants' bootees classification.* Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards

of 1938 by every employer to each of his employees in the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who also is engaged in the dungarees, slacks, and related products and other operations on crocheted hats and infants' bootees classification, which is defined as the manufacture of dungarees, slacks, pedal pushers, culottes, shorts, and similar apparel for women, misses, and girls, and any operation on crocheted or knitted headwear for women, misses, girls, and infants three years of age or under, or on crocheted or knitted bootees for infants other than hand-crocheting, hand-knitting, and hand-embroidering.

(d) *General classification.* Wages at a rate of not less than 77 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is also engaged in the general classification, which is defined as the manufacture from any material of all apparel and apparel furnishing and accessories, and all textile products and like articles in which synthetic material in sheet form is the basic component, which are not included in any other classification of the needlework and fabricated textile products industry in Puerto Rico, the outlining or embroidery of lace by machine and embroidery of any article or trimming on a bonnaz embroidery machine, or by a crochet beading process, or with bullion thread, and all operations immediately incidental thereto.

§ 612.3 *Notices.* Every employer subject to the provisions of § 612.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 612.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 22d day of August 1958.

CLARENCE T. LUNDQUIST,
Administrator.

[F. R. Doc. 58-7016; Filed, Aug. 28, 1958; 8:52 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS

OPEN SEASONS, BAG LIMITS, AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Basis and purpose. By notice of proposed rule making published on May 14, 1958 (23 F. R. 3275), the public was invited to submit views, data, or arguments in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D. C., on or before June 20, 1958, and thus participate in the preparation of amendments to Part 6, Title 50, Code of Federal Regulations, to be proposed for the purpose, among others, of specifying open seasons, certain closed seasons, means of hunting, shooting hours, and bag limits for migratory game birds.

Subsequently, after consideration of data obtained through investigations conducted by representatives of various State game departments and by personnel of the Bureau of Sport Fisheries and Wildlife, the several State game departments were informed concerning the season lengths and daily bag and possession limits proposed to be prescribed for the 1958–59 seasons on migratory waterfowl, coots, and Wilson's snipe. The State game departments were also invited to submit recommendations for hunting seasons in the respective States on applicable members of these species; such hunting seasons to conform to the season lengths, and to fall within a framework of opening and closing dates, as established by this Department.

Each State game department has now furnished information concerning the hunting seasons desired for its State on migratory waterfowl, coots, and Wilson's snipe. In addition, the game department of the State of Alabama has recommended a season on rails and gallinules to open concurrently with the seasons on migratory waterfowl and coots in that State. The fixing of seasons for these species in Alabama was deferred until a later date at the time the 1958–59 seasons for these birds in other States were prescribed on August 8, 1958 (23 F. R. 6029). Since the issuance of permits for propagating, scientific collecting, and other purposes is a function now primarily performed in the several Regional Offices, § 6.22 of the regulations will be amended to reflect the proper offices to which holders of such permits shall furnish any required reports. Consideration having been given to all pertinent data received in response to the Notice of Proposed Rule Making relating to the fixing of seasons and bag limits on migratory waterfowl, coots, and Wilson's snipe, the Migratory Bird Treaty Act regulations are amended as indicated below:

1. Section 6.22 is amended to read as follows:

§ 6.22 *Reports.* Unless a different date is stated in the permit, reports of operations required to be submitted by any permit issued under this part shall be filed, on a form furnished for that purpose, with the office from which the permit was obtained, on or before the 10th day of January following issuance of the permit. Failure to submit a report as required will be sufficient cause for revocation of the permit or withdrawal of any privilege accorded any person failing to make the report.

2. Paragraph (b) *Mississippi Flyway States* of § 6.46, as the same appears in 23 F. R. 6029, is amended by deleting therefrom footnote 1 and by prescribing an open season on rails and gallinules in Alabama from Nov. 7 to Jan. 15. Paragraph (b) of § 6.46 will read, in pertinent part, as follows:

(b) *Mississippi Flyway States.*

	Rails and gallinules (except coots)		Woodcock
	Sora	All others (singly or in aggregate)	
Daily bag limits	25	15	4
Possession limits	25	15	8
Seasons in:			
Alabama	Nov. 7–Jan. 15		Dec. 12–Jan. 20
• • •	• • •		• • •

3. Section 6.51 is amended by republishing the headnote and revising the introductory paragraph and by adding new paragraphs (b), (c), (d), (e), and (f) as follows:

§ 6.51 *Seasons and limits on waterfowl, coots, and Wilson's snipe.* Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), and the daily bag and possession limits on the species of waterfowl and on coots and Wilson's snipe as designated in this section are prescribed between the dates of September 1, 1958, and February 12, 1959, as follows:

• • • • • •

(b) *Scoter, eider, and old-squaw ducks.*

Daily bag limit	7 (singly or in aggregate)
Possession limit	14
Special seasons in open coastal waters only, beyond outer harbor lines in: [1]	
Connecticut	Oct. 1–Jan. 15.
Maine	
Massachusetts	
New Hampshire	
New York	
Rhode Island	

[1] In areas other than those beyond outer harbor lines in the States listed, scoter, eider, and old-squaw ducks may be taken only during the open seasons for other ducks. (See § 6.51 (c).) Daily bag and possession limits prescribed for scoter, eider, and old-squaw ducks are in addition to the limits prescribed for other ducks taken during the regular season.

include more than (a) 4 canvasbacks, or (b) 4 redheads, or (c) 4 in the aggregate of both canvasbacks and redheads. No daily duck daily bag and possession limit include more than 1 hooded merganser. Closed season on wood ducks in the States of Alabama, Kentucky, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin. In addition, the closed season on wood ducks in Tennessee, not more than 1 wood duck may be included in the daily bag and possession limits. In addition, only Tennessee bag limits may include canvasbacks and red-breasted merganser is 5, possession limit 10, singly or in aggregate of both kinds.

³ Geese: Such limit may not include, in the alternative, more than (a) 2 Canada geese or its subspecies; (b) 2 white-fronted geese; or (c) 1 Canada goose or its subspecies and 1 white-fronted goose.

⁴ Shooting hours for waterfowl and coots in the States of Alabama, Louisiana, Mississippi, Ohio, and Tennessee, shall be ½ hour before sunrise to sunset. Louisiana: Waterfowl and coots, Nov. 1-Jan. 9: *Provided*, That for lands and waters of the State of Louisiana lying easterly of the center line of the main navigable channel of the Mississippi River between the northerly boundary of Louisiana to latitude 31° N., the season shall be Nov. 7-Jan. 15. Mississippi: Waterfowl and coots, Nov. 7-Jan. 15: *Provided*, That for lands and waters of the State of Mississippi lying westerly of the center line of the main navigable channel of the Mississippi River from the northerly boundary of Louisiana to latitude 31° N., the season shall be Nov. 1-Jan. 9.

Ohio: Waterfowl and coots, Oct. 24-Jan. 1: *Provided*, That for Pymatuning Reservoir in Ashtabula County, and ¼ mile distant in any direction from said reservoir, the season shall be Oct. 15-Dec. 13 and the shooting hours for the area described shall be ½ hour before sunrise to sunset.

(e) *Central Flyway States.*

	Ducks	Coots	Geese (except Ross's geese)		Wilson's snipe
			White-fronted and Canada	Blue and Snow	
Daily bag limits	¹ ² 5	10	See footnote 4		8
Possession limits	¹ ² 10	10	See footnote 4		8
Seasons in:					
Colorado	Oct. 10-Jan. 7		Nov. 17-Jan. 15	Nov. 2-Jan. 15	Oct. 1-Oct. 30.
Kansas	Oct. 11-Jan. 8		Oct. 4-Dec. 2	Oct. 4-Dec. 2	Oct. 11-Nov. 9.
Montana:					
East of Continental Divide	Oct. 11-Dec. 24		Oct. 11-Dec. 9	Oct. 11-Dec. 9	Closed season.
West of Continental Divide	Oct. 11-Dec. 24		Oct. 11-Nov. 24	Oct. 11-Nov. 24	
Nebraska	Oct. 1-Dec. 29		Oct. 1-Nov. 29	Oct. 1-Dec. 14	Oct. 1-Oct. 30.
New Mexico	Nov. 2-Jan. 15		Nov. 17-Jan. 15	Nov. 17-Jan. 15	Nov. 2-Dec. 1.
North Dakota	Oct. 11-Dec. 14		Oct. 1-Nov. 29	Oct. 1-Dec. 14	Oct. 1-Oct. 30.
Oklahoma	Oct. 18-Dec. 15		Oct. 18-Dec. 16	Oct. 18-Dec. 31	Oct. 18-Nov. 16.
South Dakota	Oct. 1-Dec. 29		Oct. 1-Dec. 4	Oct. 1-Dec. 4	Closed season.
Texas ⁵	Nov. 1-Jan. 14		Nov. 16-Jan. 14	Nov. 1-Jan. 14	Dec. 16-Jan. 14.
Wyoming:					
Teton County; that part of Lincoln County within the drainages of Bear, Grey's, Salt, and Snake Rivers; and that part of Uinta County within the drainage of Bear River	Oct. 11-Dec. 24		Oct. 11-Dec. 24	Closed season	Closed season.
Remainder of State	Oct. 11-Dec. 24		Oct. 26-Dec. 24	Closed season	Closed season.

¹ Wood ducks and mergansers: Daily bag and possession limits may not include more than 1 wood duck and 1 hooded merganser: *Provided*, That the season on wood ducks in New Mexico is closed. In addition to the daily bag and possession limits on the other ducks, the daily bag limit on American and redbreasted mergansers is 5, possession limit 10, singly or in aggregate of both kinds.

² In the states of Colorado, Kansas, Nebraska, Oklahoma and South Dakota, the daily bag and possession limits on ducks are 7 and 14, respectively.

³ The daily bag limit may not include more than (a) 2 canvasbacks, or (b) 2 redheads, or (c) 1 canvasback and 1 redhead. The possession limit may not include more than (a) 4 canvasbacks, or (b) 4 redheads, or (c) 4 in the aggregate of both canvasback and redheads.

⁴ Geese: The daily bag and possession limit on geese is 5: *Provided*, That throughout all States in the Central Flyway the bag and possession limit on geese in no event may include more than 1 white-fronted goose. In Goshen County, Wyoming, and throughout all other States in the flyway, the bag and possession limit on geese may not include more than (a) 2 Canada geese or its subspecies, or (b) 1 Canada goose and 1 white-fronted goose. In Wyoming subspecies in Goshen County the bag and possession limit on geese may not include more than 1 Canada goose or its subspecies. Closed season on Canada geese in Morrill County, Nebraska, and Scotts Bluff County, Colorado. A closed season is prescribed on blue and snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, and in the entire State of Wyoming.

⁵ Texas: Closed season on black-bellied tree ducks.

(c) *Atlantic Flyway States.*

	Ducks	Geese (except snow geese)	Coots	Brant	Wilson's snipe
Daily bag limits	¹ 4	2	10	6	8
Possession limits	¹ 8	4	10	6	8
Seasons in:					
Connecticut	(Oct. 25-Nov. 8 and Nov. 20-Jan. 6)				Closed season.
Delaware	Nov. 7-Jan. 5				Nov. 7-Dec. 6.
District of Columbia	Closed season.				Closed season.
Florida	Nov. 22-Jan. 15				Dec. 13-Jan. 11.
Georgia	Nov. 17-Jan. 15				Dec. 1-Jan. 3.
Maine	Oct. 10-Dec. 8				Oct. 10-Nov. 8.
Maryland	Nov. 17-Jan. 15				Nov. 17-Dec. 16.
Massachusetts	(Oct. 20-Nov. 8 and Dec. 8-Jan. 10)				Oct. 20-Nov. 18.
New Hampshire	Oct. 10-Dec. 8				Oct. 10-Nov. 8.
New Jersey	Nov. 10-Jan. 8				Nov. 10-Dec. 9.
New York:					
Counties of: Nassau and Suffolk and that part of Westchester County lying south of the Hutchinson River Parkway	Nov. 10-Jan. 8				Nov. 10-Dec. 9.
Remainder of State					
North Carolina	(Oct. 16-Nov. 25 and Dec. 27-Jan. 8.)				Oct. 16-Nov. 14.
Pennsylvania:	Nov. 17-Jan. 15.				Nov. 27-Dec. 26.
Counties of Bucks, Philadelphia, and Delaware and the Delaware River bordering on such counties	Nov. 10-Jan. 8				Nov. 10-Dec. 9.
Remainder of State	Oct. 15-Dec. 13				Oct. 15-Nov. 13.
Puerto Rico	Dec. 15-Feb. 12				Closed season.
Rhode Island	Nov. 17-Jan. 15				Nov. 17-Dec. 16.
South Carolina	Nov. 17-Jan. 15				Dec. 17-Jan. 15.
Vermont	Oct. 10-Dec. 8				Oct. 10-Nov. 8.
Virginia	Nov. 7-Jan. 12				Nov. 14-Dec. 13.
West Virginia	Nov. 12-Jan. 10				Nov. 12-Dec. 11.

¹ Limitations and exceptions for daily bag and possession limit on ducks: The daily bag limit may not include more than (a) 2 canvasbacks, or (b) 2 redheads, or (c) 1 canvasback and 1 redhead and the possession limit may not include more than (a) 4 canvasbacks, or (b) 4 redheads, or (c) 4 in the aggregate of both canvasbacks and redheads. Nor may such daily bag limit include more than 1 hooded merganser. In addition, only Tennessee bag limits may include canvasbacks and red-breasted mergansers is 5, possession limit 10, singly or in aggregate of both kinds.

² Geese: Such limit may not include, in the alternative, more than (a) 2 Canada geese or its subspecies; (b) 2 white-fronted geese; or (c) 1 Canada goose or its subspecies and 1 white-fronted goose.

(d) *Mississippi Flyway States.*

	Ducks	Geese	Coots	Brant	Wilson's snipe
Daily bag limits	¹ 4	5	10		8
Possession limits	¹ 8	5	10		8
Seasons in:					
Alabama ²	Nov. 7-Jan. 15				Dec. 17-Jan. 15.
Arkansas	Nov. 7-Jan. 15				Dec. 17-Jan. 15.
Illinois	Oct. 15-Dec. 28				Oct. 18-Nov. 16.
Indiana	Oct. 25-Jan. 2				Oct. 25-Nov. 23.
Iowa	Oct. 4-Dec. 12				Oct. 4-Nov. 2.
Kentucky	Nov. 7-Jan. 15				Nov. 20-Dec. 19.
Louisiana ³	See footnote 4				Dec. 6-Jan. 4.
Michigan	Oct. 1-Dec 4				Oct. 1-Oct. 30.
Minnesota	Oct. 4-Dec. 12				Oct. 4-Nov. 2.
Mississippi ³	See footnote 5				Dec. 17-Jan. 15.
Missouri	Oct. 24-Jan. 1				Nov. 10-Dec. 9.
Ohio	See footnote 6				Oct. 24-Nov. 22.
Tennessee ³	Nov. 7-Jan. 15				Nov. 27-Dec. 26.
Wisconsin	Oct. 1-Dec. 9				Oct. 1-Oct. 30.

¹ Limitations and exceptions for daily bag and possession limit on ducks: The daily bag limit may not include more than (a) 2 canvasbacks, or (b) 2 redheads, or (c) 1 canvasback and 1 redhead and the possession limit may not include more than (a) 4 canvasbacks, or (b) 4 redheads, or (c) 4 in the aggregate of both canvasbacks and redheads. Nor may such daily bag limit include more than 1 hooded merganser. In addition, only Tennessee bag limits may include canvasbacks and red-breasted mergansers is 5, possession limit 10, singly or in aggregate of both kinds.

(f) *Pacific Flyway States.*

	Ducks	Geese (except Ross's geese)	Coots and gallinules ¹ (singly or in aggregate)	Brant	Wilson's snipe
Daily bag limits	² ³ 5	² 6	25	3	8
Possession limits	² ³ 10	² 6	25	3	8
Seasons in:					
Arizona	Oct. 11-Jan. 13		Oct. 11-Jan. 23	Closed season	Closed season.
California	Oct. 11-Jan. 13		Oct. 11-Jan. 23	Nov. 22-Jan. 31	Nov. 29-Dec. 28.
Idaho	Oct. 4-Jan. 6		Oct. 4-Jan. 6	Closed season	Oct. 4-Nov. 2.
Nevada	Oct. 11-Jan. 13		Oct. 11-Jan. 15	Closed season	Oct. 11-Nov. 9.
Oregon	Oct. 11-Jan. 13		Oct. 11-Jan. 23	Nov. 22-Jan. 30	Nov. 1-Nov. 30.
Utah	Oct. 4-Jan. 6		Oct. 4-Jan. 15	Closed season	Closed season.
Washington	Oct. 12-Jan. 14		Oct. 12-Jan. 24	Nov. 23-Jan. 31	Nov. 1-Nov. 30.

¹ Arizona: Closed season on gallinules.

² In all States except California, the daily bag limit is 5 and the possession limit is 10. These limits may be increased to 9 and 14 respectively, provided such limits contain not less than 4 pintails, 4 widgeons, or 4 of these species in the aggregate. In California the daily bag and possession limit is 6, which may be increased to 10, provided such limit contains not less than 4 pintails, 4 widgeons, or 4 of these species in the aggregate. Wood ducks and mergansers: Daily bag and possession limits in all States may not include more than 1 wood duck and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, possession limit 10, singly or in aggregate of both kinds.

³ Geese: Throughout all States in the Pacific Flyway the daily bag and possession limit may not include more than 1 of the dark species, and in the State of Washington such limits may not include more than 1 snow goose. *Provided*, That in the counties of Bear Lake, Caribou, and Bonneville, Idaho; Clark County, Nevada; Mohave and that portion of Yuma County, Arizona, lying north of U. S. Highways numbered 60 and 70; that portion of California Fish and Game District No. 22 (as defined in the California Fish and Game Code) lying north of U. S. Highways numbered 60 and 70; and the entire State of Utah, the daily bag and possession limit may not include more than 1 Canada geese or its subspecies. In those portions of Yuma County, Arizona, and California Fish and Game District No. 22 lying south of U. S. Highways numbered 60 and 70, the season on Canada geese and their subspecies will be closed. Closed season on snow geese in Clark, Fremont, Madison, and Teton Counties, Idaho.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interpret or apply E. O. 10250, 16 F. R. 6065, 3 CFR, 1951 Supp.)

The foregoing amendments shall become effective on October 1, 1958, which effective date is in accordance with the provisions of section 4 (c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U. S. C. 1003 (c).

Issued at Washington, D. C., and dated _____

_____
Secretary of the Interior.

[F. R. Doc. 58-7055; Filed, Aug. 28, 1958; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6925]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JUDSON DUNAWAY CORP.

Subpart—*Dealing on exclusive and tying basis:* § 13.670 *Dealing on exclusive and tying basis.* Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d); § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended, sec. 3, 38 Stat. 731; 15 U. S. C. 13, 14) [Cease and desist order, Judson Dunaway Corporation, Dover, N. H., Docket 6925, July 24, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of a line of household cleaning, deodorizing, mothproofing, and related products, with plants in Dover, N. H., and Kentland, Ind., with (I) discriminating in price in violation of section 2 (d) of the Clayton Act by such practices as paying substantial sums of money to Grand Union chain of supermarkets and retail food stores in the form of advertising of its products on an illuminated "spectacular" at 46th and Broadway, New York City, and in the form of in-store promotional displays, while not giving Grand Union's competitors similar treatment; and (II) allowing a discount from, or rebate upon, the price of its products to Grand Union on condition that the latter not deal in products of its competitors.

Following acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 24 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Judson Dunaway Corporation, a corporation, its officers, employees, agents and represenatives, directly or through any corporate or other device, in connection with the sale or offering for sale in commerce (as "commerce" is defined in the Clayton Act) of insecticides, household cleaning, deodorizing and mothproofing preparations, and other products, do forthwith cease and desist from:

Paying or contracting to pay to or for the benefit of any customer anything of value as compensation or in consideration for any advertising or for any promotional displays furnished by or through such customer in connection with the handling, processing, sale or offering for sale of respondent's products unless such payment or consideration is available on proportionally equal terms to all other customers competing in the resale of such products.

It is further ordered, That respondent Judson Dunaway Corporation, a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the sale or offering for sale in commerce (as "commerce" is defined in the Clayton Act) of insecticides, household cleaning, deodorizing and mothproofing preparations, and other products, do forthwith cease and desist from:

1. Selling or making any contract or agreement for the sale of any such product on the condition, agreement or understanding that the purchaser thereof shall not use or deal in or sell products supplied by any competitor or competitors of respondent;

2. Enforcing or continuing in operation or effect any condition, agreement or understanding in, or in connection with, any existing contract of sale, which condition, agreement or understanding is to the effect that the purchaser of said products shall not use or deal in or sell products supplied by any competitor or competitors of respondent.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: July 24, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-6996; Filed, Aug. 28, 1958; 8:48 a. m.]

[Docket 7081]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SEARS, ROEBUCK AND CO.

Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1505 *Operations as educational or religious;* § 13.1520 *Personnel or staff;* [*Misrepresenting oneself and goods*]—Goods: § 13.1663 *Individual's special selection or situation;* [*Misrepresenting oneself and goods*]—Prices; § 13.1805 *Exaggerated as regular and customary;* § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Sears, Roebuck and Co., Chicago, Ill., Docket 7081, July 24, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a general merchandise sales corporation with representing falsely through its door-to-door salesmen, furnished by it with a "canned sales talk" and sales kit, that such salesmen were publicity agents promoting a "Family Educational Program", seeking to enlist "Cooperative Sponsors" to whom they were making a special offer of its 20-volume "American People's

Encyclopedia" and its 16-volume "The Children's Hour" at reduced prices together with a ten-year research service and a coffee table; and that the offer was limited to the single interview.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 24 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Sears, Roebuck and Co., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of books or other articles of merchandise when sold in combination therewith, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly, that:

1. Respondent's agents, representatives or employees representing it in the sale of said books or merchandise have any status other than that which they have in fact.

2. Purchasers of said books or merchandise will receive an organized course of instruction in any subject or subjects unless such is the fact.

3. Respondent's principal purpose is to enlist persons to publicize said books or merchandise when respondent's principal purpose is to sell said books or merchandise.

4. Any offer to sell said books or merchandise to a designated group or class of buyers is special to or restricted to such buyers when such offer is made generally to all purchasers at the same price and on the same terms and conditions.

5. Any offer of premiums or benefits made to a designated group or class of buyers of said books or merchandise is special to or restricted to such buyers when such offer is made generally to all purchasers.

6. Said books or merchandise are offered at reduced prices or at any specified amount of savings from respondent's usual and customary selling prices when the prices and terms at which they are offered for sale and sold constitute respondent's usual and customary selling prices and terms for such books or merchandise.

7. Any offer to sell said books or merchandise is limited or otherwise restricted as to time or availability unless such is the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Sears, Roebuck and Co., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: July 24, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-6997; Filed, Aug. 28, 1958; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1004]

[Docket No. AO-271-A3]

HANDLING OF MILK IN CENTRAL ARIZONA MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Central Arizona marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Phoenix, Arizona, on June 11-12, 1958, pursuant to notice thereof which was issued May 29, 1958 (23 F. R. 3881).

The material issues on the record of the hearing relate to:

1. Changing the type of pool from market-wide to individual-handler;

2. Revising the Class I price, including the butterfat differential;

3. Revising the Class II price during certain months; and

4. Revising the base plan.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The present pooling provisions of the order should not be changed. The cooperative association which proposed that the market-wide pool be eliminated and returns to producers be distributed by means of individual-handler pools requested in its brief that no consideration be given to its proposal. They stated that because of certain organizational difficulties it is necessary that the market-wide pool be continued at the present time. In view of these circumstances, and the fact that handlers and other producers opposed the proposal, it is recommended that the method of pooling should not be changed at this time.

2. The Class I price which handlers pay for milk should be maintained at about its present level. Since the changes recommended in the Class I butterfat differential and in the supply-demand formula would increase costs to handlers by about 5 cents per hundredweight, the Class I differential should be reduced by a corresponding amount to compensate for these changes.

Class prices in the Central Arizona marketing area are computed in terms of milk containing 3.8 percent butterfat content, but in actual practice the butterfat content of the milk which has been classified as Class I has been approximately 3.6 percent. The latter figure also approximates the average test of the milk which is received from producers.

Producers proposed that the Class I butterfat differential, which presently is equal to 1.75 times the price of butter, be changed to 1.35 times the price of butter. It is concluded that the proposed change in the butterfat differential should be adopted.

The present Class I butterfat differential is one of the highest in any market under regulation and results in allocating a substantial proportion of the Class I price to the butterfat and a correspondingly lower proportion to the serum part of the milk. Prior to the issuance of the order, handlers in the Central Arizona market purchased milk on the basis of its butterfat content and placed no specific value on the volume of fluid which accompanied the butterfat. Thus, milk testing 6 percent butterfat was paid for at a price equal to exactly twice the price paid for a corresponding volume of milk containing 3 percent butterfat. When the order was issued, it contained a higher butterfat differential than would otherwise have applied so as to avoid too great a change in the custom which had prevailed in the past.

A high butterfat differential tends to be a deterrent to the use of butterfat in Class I products. A lower butterfat differential for Class I milk should provide an incentive for increasing the butterfat

consumption of fluid milk and should encourage the sale of fluid cream. It also recognizes the increasing value of the butterfat portion of the milk for fluid use in relation to the butterfat.

Changing the Class I butterfat differential would make no difference in the cost of Class I milk to handlers if the average butterfat content of the Class I products were 3.8 percent. Since the average butterfat content of Class I milk has been approximately 3.6 percent each month since the order was issued, the recommended change in the butterfat differential would increase the actual cost of Class I milk to handlers by about 4½ cents per hundredweight. The decrease in the butterfat differential would average slightly more than 2 cents per point.

Producers proposed that in addition to a reduction in the value of the Class I butterfat differential a change be made in the supply-demand norms provided in the order. They contended that the supply-demand norms do not reflect the actual relationship of receipts to sales in the Central Arizona marketing area. The norms which they proposed would have increased the Class I price by several cents per hundredweight. A careful study of the statistical reports of the market administrator indicates that the present norms should be adjusted in certain months to reflect changes which have taken place in the production pattern in the market during the past year or so. These changes, however, are slight. If the adjustments recommended herein had been in effect for the 12 months from September 1957 through August 1958, the Class I price would have averaged approximately 1 cent higher than its actual level.

As noted above, there is no need for an increase in the level of the Class I price. Producer receipts in the Central Arizona market have been increasing each year since the Central Arizona marketing order became effective. The increase in receipts has been at a somewhat faster rate than the increase in Class I sales. The market is now adequately supplied with milk for Class I use, after having been relatively short for several years.

The decrease in the Class I butterfat differential and the change in the supply-demand norms, provided for in this decision, together would result in an increase in the Class I price of between 5 and 6 cents per hundredweight if adjustments were not made to compensate for these factors. To offset these increases the Class I differential should be reduced from $2.80 per hundredweight to $2.75 per hundredweight.

Handlers proposed that, if the butterfat differential were reduced as proposed by producers, the basic butterfat test used in computing class prices under the order be changed from 3.8 percent butterfat to 3.5 percent butterfat. They proposed this as a means of offsetting the increase in the Class I price which would otherwise occur if the only amendment made were to reduce the Class I butterfat differential. Producers opposed the change in the basic test on the grounds that since the State of California in its official milk orders computed prices in terms of 3.8 percent butterfat content, it was desirable for comparative purposes to maintain Arizona prices at the same level.

As the changes recommended in the order will maintain Class I prices at the same level, even though prices continue to be computed in terms of 3.8 percent butterfat, it is concluded that no change should be made in the order in this regard.

3. The Class II price should be amended by eliminating the deduction of 25 cents from the butter-powder price which is now made during the months of January through June.

Handlers opposed the increase in the Class II price but recommended that the lower price, instead of applying from January through June as at the present time, apply from November through April. They testified that disposal of excess receipts during November and December was a much greater problem than during May and June.

The proponent producers' cooperative association in the area has recently acquired facilities for the manufacture of nonfat dry milk. They indicated their willingness to receive and manufacture into nonfat dry milk at the butter-powder price, any milk which handlers were unwilling to receive. The Central Arizona market is a well balanced market. Producer receipts and Class I sales are extremely well aligned. The percentage of producer receipts to Class I sales during the period from July 1957 to June 1958 varied only from 113 percent to 122 percent. Most of the milk which has been produced in excess of the Class I requirements has been utilized for cottage cheese. Much of the remainder has been used in ice cream. Thus, the amount of milk which is available for other Class II uses has been negligible. In view of the small volume of milk which would remain after the requirements for these products have been met, and the willingness of the cooperative association to handle at the butter-powder price any milk which handlers are unwilling to receive, it is concluded that the butter-powder price should be used as the Class II price during the entire year.

4. The provisions of the order relating to the base plan should be revised, particularly as they relate to transfers of bases.

Some producers in the past have increased their bases under the transfer provisions. Through "paper transfers" and the manipulation of ownership of herds during the base-forming period it has been possible for producers to increase bases in excess of that which would be earned by their milk production during the base-forming period. The intent of the order is to provide a means of determining a base for each producer in accordance with the actual receipts of milk at pool plants during the base-forming period. To accomplish this intent under conditions where bases are combined, the total base should be determined by adding together the milk deliveries of the transferee and transferor during the base-forming period and dividing this total by the number of days from the first day milk was received from either producer during the base-forming period to the last day of the base-forming period, but not by less than 90.

It should also be provided that if milk is delivered from the same dairy in more than one name during the base-forming period, the bases earned in such names should be combined, as indicated above, if milk is delivered in both names during the base-paying period.

Adoption of these rules will prevent the abuse of the transfer provisions to inflate bases, but will not interfere with the legitimate transfer of bases by producers who retire or dispose of their dairy herds for other legitimate reasons.

A proposal was also made by the producers' cooperative association that the base plan be operative on a 12-month basis and that a producer's base be determined by dividing his deliveries during the base-forming period by 122, regardless of the number of days of delivery by the producer. With respect to the former, there is no need for extending the base plan for the whole year. The purpose of the base plan is to encourage level production, not to limit the amount of milk produced for the market. As noted above, the month to month production in the Central Arizona market is remarkably uniform and it is very doubtful that any improvement could be achieved by paying producers on the base plan during the entire year.

The proposal to divide deliveries during the base-forming period by 122 regardless of the number of days of delivery was suggested as a means of correcting the abuse of the base-transfer provisions which have been discussed above. In view of the other steps taken, there is no need for such a provision.

The proposal of the handlers that November be eliminated from the base-forming period should also be denied. Use of the 4 months presently designated has resulted in a very even supply of milk for the market. There is no evidence that changing the base-forming period would have an effect other than possibly to reduce slightly the amount of base earned since average daily deliveries during November have been a little higher than during August, September, and October.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and deter-

minations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Central Arizona marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Amend § 1004.51 (a) by deleting the figure, "$2.80", in the first paragraph thereof, and substituting therefor the figure "$2.75".

2. Amend § 1004.51 (a) (2) (iii) by deleting the table contained therein and substituting the following:

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	October-November	112	116
February	November-December	115	119
March	December-January	116	120
April	January-February	116	120
May	February-March	116	120
June	March-April	115	119
July	April-May	113	117
August	May-June	113	117
September	June-July	112	116
October	July-August	110	114
November	August-September	109	113
December	September-October	111	115

3. Amend § 1004.51 (b) to read as follows:

(b) *Class II milk price.* The Class II milk price shall be the "butter-powder" price computed pursuant to § 1004.50 (b).

4. Amend § 1004.52 (a) by deleting the figure, "0.175" and substituting therefor the figure "0.135".

5. Amend § 1004.90 to read as follows:

§ 1004.90 *Computation of daily average base for each producer.* Subject to the rules set forth in § 1004.91, the daily average base of each producer shall be calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of August through November immediately preceding by the number of days from the first day milk is received from such producer during said month to the last day of November, inclusive, but not less than 90.

6. Amend § 1004.91 to read as follows:

§ 1004.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases.

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1004.90 to each person for whose account producer milk was delivered to pool plants during the months of August through November;

(b) If a producer ceases to deliver milk in his name between August 1 and November 30, but milk is delivered to a pool plant from the same dairy production facilities in the name of another producer during the remainder of the base-forming period, the bases earned by both producers shall be combined in the manner set forth in paragraph (c) (2) of this section if milk is delivered in the names of both producers during any of the following months of January through June.

(c) An entire base shall be transferred from a person holding such base to any other person effective as of the end of the month during which an application for the transfer of such base is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder or his heirs, and by the person to whom such base is to be transferred subject to the following conditions:

(1) If a base is held jointly, the entire base shall be transferable only upon the receipt of the above described application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred;

(2) If one or more bases are transferred to a producer already holding a base which was either earned by such producer or transferred to him, a new base shall be computed by adding together the total producer milk deliveries during the base-forming period of all persons in whose names such bases were earned, and dividing the total by the number of days from the earliest date of delivery during the base-forming period by any of such persons to the last day of November, both inclusive, but not less than 90; and

(d) If a base is held jointly, it may be divided among the joint holders effective as of the end of the month during which an application for division of the base is received by the market administrator: *Provided*, That such application is signed by all joint holders or their heirs, and such application sets forth the percentage of the jointly held base which is to be assigned to each of the joint holders or their heirs.

Issued at Washington, D. C., this 28th day of August, 1958.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 58-7008; Filed, Aug. 28, 1958; 8:49 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[29 CFR Part 202]

TIRES AND RELATED PRODUCTS INDUSTRY; MINIMUM WAGE DETERMINATIONS

NOTICE OF HEARING TO DETERMINE PREVAILING MINIMUM WAGES

Pursuant to the provisions of section 1 (b) of the Walsh-Healey Public Contracts Act (49 Stat. 2036, as amended; 41 U. S. C. 35 et seq.) and section 4 (a) of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001 et seq.), notice is hereby given that a hearing to determine the prevailing minimum wages in the tires and related products industry will be held before a Hearing Examiner on October 8, 1958, beginning at 10:00 a. m., e. d. s. t., in Room 1214, United States Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D. C.

The tires and related products industry, for the purpose of this hearing, is defined as that industry which manufactures or furnishes tires and related products, including pneumatic casings, inner tubes, industrial and highway solid tires of 2 inches or more in cross-section, and camelback.

All interested persons may appear at the time and place specified herein and submit data, views, and arguments as to the following subjects and issues: (1) The appropriateness of the proposed definition of the industry; (2) what are the prevailing minimum wages in the industry; (3) whether a single determination for all the area in which the industry operates or separate determinations for smaller geographic areas (including the appropriate limits for such areas) should be determined for this industry; and (4) whether there should be included in any determination for this industry provision for the employment of probationary workers at wages lower than the prevailing minimum wages and on what terms or limitations, if any, such employment should be permitted.

Employment and wage data in this industry for the payroll period ending nearest November 15, 1957, has been gathered by the Department of Labor. This information will be submitted for consideration at the hearing, and is available to interested persons upon request. Data collected in the Department of Labor for use in preparing its monthly series on "Earnings and Hours" showing the movement of average hourly earnings in this industry subsequent to November 15, 1957, may be prepared for consideration at the hearing on the question of what changes have occurred in the prevailing minimum

...in this industry since November ..., 1957, to the date of the hearing.

Written statements may be filed with the Chief Hearing Examiner at any time prior to the date of the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed and shall include the reason or reasons for non-appearance. Such statement shall be under oath or affirmation, and will be offered in evidence at the hearing. If objection is made to the admission of any such statement, the Presiding Officer shall determine whether it will be received in evidence.

To the extent possible, evidence with respect to the subjects and issues involved of each witness and the sworn or affirmed statements of persons who cannot appear personally, should permit tabulation on a plant-by-plant basis, and state: (1) (a) The number and location of establishments in the industry to which the testimony of such witness or such written statement is applicable, (b) the number of workers employed in each such establishment, (c) the minimum rates paid to covered workers and the number of covered workers at each such establishment receiving such rates and the occupations in which they are employed, (d) the minimum wages paid to probationary workers in each such establishment, the scale of wages paid during such periods, the length of such periods, the number of workers receiving such wages, and the occupations in which they are employed; (2) the geographic area or areas of competition within this industry; and (3) the changes in the minimum wages paid since November 15, 1957, for persons employed in this industry.

This hearing will be conducted pursuant to the rules of practice for minimum wage determinations under the Walsh-Healey Public Contracts Act codified in 41 CFR Part 203.

Signed at Washington, D. C., this 21st day of August 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-6992; Filed, Aug. 28, 1958; 8:47 a. m.]

Wage and Hour Division

[29 CFR Part 673]

[Administrative Order 513]

FOOD AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

RESIGNATION AND APPOINTMENT OF EMPLOYER MEMBER OF INDUSTRY COMMITTEE

Harold E. Morgan of Playa de Ponce, Puerto Rico, has resigned as an employer representative on Industry Committee No. 41-B. The Secretary of Labor, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et. seq.), hereby appoints Luis R. Quinones of Rio Piedras, Puerto Rico, to serve on said Committee as an employer representative.

Signed at Washington, D. C., this 22d day of August 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-7014; Filed, Aug. 28, 1958; 8:51 a. m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 27-5]

WALKER TRUCKING CO.

PROPOSED ISSUANCE OF A SOURCE AND BYPRODUCT MATERIAL LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICE

Please take notice that the Atomic Energy Commission proposes to issue a Source and Byproduct Material License to The Walker Trucking Company, 1283-1285 East Street, New Britain, Connecticut, substantially in the following form, authorizing the disposal of waste byproduct and source material in the Atlantic Ocean at a minimum depth of 1000 fathoms unless within fifteen (15) days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by Title 10, Code of Federal Regulations, Chapter I, Part 2, "Rules of Practice".

The Atomic Energy Commission has found that:

(a) The applicant's proposed equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property.

(b) The applicant is qualified by training and experience to perform the proposed sea disposal service for packaged source and byproduct material in such a manner as to protect health and minimize danger to life or property; and

(c) The issuance of a Source and Byproduct Material License to the Walker Trucking Company will not be inimical to the health and safety of the public.

For further details see (1) the application submitted by The Walker Trucking Company, and amendments thereto; (2) a memorandum prepared by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for license; and (3) a copy of Appendix A to the license containing a description of container specifications substantially similar to those contained in Title 49, Code of Federal Regulations, Part 78, referred to in Condition 7 of the license; all on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Copies of (2) and (3) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 20th day of August 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

ANNEX A—SOURCE AND BYPRODUCT MATERIAL LICENSE

[License No. 6-3627-1 (H60)]

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter I, Part 40, "Control of Source Material", and Title 10, Code of Federal Regulations, Chapter I, Part 30, "Licensing of Byproduct Material", and in reliance upon statements and representations heretofore made by the applicant, a license is hereby issued to The Walker Trucking Company, 1283-1285 East Street, New Britain, Connecticut, to receive, possess, package, and dispose of source and byproduct material in the Atlantic Ocean.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amened, and is subject to the provisions of Title 10, Code of Federal Regulations, Chapter I, Part 20, "Standards for Protection Against Radiation", and all other applicable rules, regulations, and orders of the Atomic Energy Commission now or hereafter in effect and to the following conditions:

1. The licensee shall not receive possession of more than 700 pounds of source material during the term of this license.

2. The licensee shall not possess more than 50 curies of byproduct material at any one time.

3. Byproduct and source material shall be received, possessed, packaged, and disposed of by or under the direct supervision of Paul P. F. Bujalski.

4. The licensee shall receive, package, possess, and dispose of source and byproduct material in accordance with the procedures described in the Licensee's application dated March 4, 1958, and attachments thereto; "Supplement to Form 313", dated February 1958; and letters dated April 10, 1958, April 18, 1958, and July 8, 1958; except as provided otherwise in this license.

5. A copy of the "Supplement to Form 313", dated February 1958, as amended, shall be supplied to each employee of the licensee involved in the receipt, packaging, and disposal of source and byproduct material.

6. Source and byproduct material received from customers shall be prepackaged in containers which shall not be opened at any time by The Walker Trucking Company, and which shall meet the requirements of Condition 7 of this license. The licensee shall instruct each customer to package the waste material in such a manner as to assure the absence of any significant voids.

7. Intrastate transportation of AEC-licensed material to the location designated in Condition 8 shall be in accordance with the following requirements except as specifically approved by the Atomic Energy Commission:

A. *Outside shipping containers.* (1) The containers shall meet any one of the following specifications described in Appendix A attached hereto:

a. 15A, 15B, 12B, 6A, 6B, 6C, 17C, 17H, 19A, or 19B for the containment of radioactivity in amounts not in excess of 2.0 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container to at least 10 mrem/24 hours at any time during transportation.

B. *Inside containers.* (1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium, or curium, or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. *Shielding.* Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A (4), A (5), and A (6) of this condition. The shield must be so designed that it will not open or break under normal conditions incident to transportation.

D. *Labeling.* Each outside container label required under § 20.203 (f) (1) of 10 CFR Part 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, the total weight;

(2) Principal radioisotope;

(3) Radiation level at the surface of the container and at one meter from the source; and

(4) The name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: Caution—Radioactive Material.

F. *Accidents.* In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

G. *Exemptions.* Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of this license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, and should contain sufficient information to support such a request.

8. The licensee shall store and package byproduct material for sea disposal at the facility located on Brownstone Avenue, Portland, Connecticut, and described in licensee's application dated March 4, 1958.

9. The licensee shall dispose of byproduct and source material in the Atlantic Ocean at a point designated as parallel of Latitude 38°50′ N. and meridian of Longitude 72°00′ W. at a minimum depth of 1,000 fathoms.

10. The licensee shall notify the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, at least 20 days prior to each disposal, by letter deposited in the United States mail properly stamped and addressed. This notification shall contain the following information: The proposed date for disposal, the total number of containers, the amount of source material in pounds, the total activity of byproduct material in millicuries, and the most hazardous radioisotope contained in each container.

11. A curie of Iridium 192 is defined as that quantity of activity which presents a radiation intensity of 0.55 roentgen per hour at a distance of one meter.

This license shall be effective on the date issued and shall expire on August 31, 1960.

Date of issuance:

For the Atomic Energy Commission.

J. R. MASON,
Chief,
Isotopes Branch,
Division of Licensing and Regulation.

[F. R. Doc. 58-6982; Filed, Aug. 28, 1958; 8:45 a. m.]

[Docket No. 27-8]

NEW ENGLAND TANK CLEANING CO.

PROPOSED ISSUANCE OF A BYPRODUCT MATERIAL LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICE

Please take notice that the Atomic Energy Commission proposes to issue a Byproduct Material License to New England Tank Cleaning Company, 135 First Street, Cambridge 41, Massachusetts, substantially in the following form, authorizing the disposal of waste byproduct material in the Atlantic Ocean at a minimum depth of 1,000 fathoms unless within fifteen (15) days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by Title 10, Code of Federal Regulations, Chapter I, Part 2, "Rules of Practice".

The Atomic Energy Commission has found that:

(a) The applicant's proposed equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property;

(b) The applicant is qualified by training and experience to perform the proposed sea waste disposal service for packaged byproduct material in such a manner as to protect health and minimize danger to life or property; and

(c) The issuance of a Byproduct Material License to New England Tank Cleaning Company will not be inimical to the health and safety of the public.

For further details see (1) the application submitted by the New England Tank Cleaning Company, and amendments thereto; (2) a memorandum prepared by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for license; and (3) a copy of Appendix A to the license containing a description of container specifications substantially similar to those contained in Title 49, Code of Federal Regulations, Part 78, referred to in Condition 6 of the license; all on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Copies of (2) and (3) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 20th day of August 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

ANNEX A—BYPRODUCT MATERIAL LICENSE

[License No. 20-3541-1 (H60)]

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter I, Part 30, "Licensing of Byproduct Material", and in reliance upon statements and representations heretofore made by the applicant, a license is hereby issued to New England Tank Cleaning Company, 135 First Street, Cambridge 41, Massachusetts, to receive, possess, package, and dispose of byproduct material in the Atlantic Ocean.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of Title 10, Code of Federal Regulations, Chapter I, Part 20, "Standards for Protection Against Radiation", and all other applicable rules, regulations, and orders of the Atomic Energy Commission now or hereafter in effect and to the following conditions:

1. The licensee shall not possess more than 1000 curies of byproduct material at any one time.

2. Byproduct material shall be received, possessed, packaged, and disposed of by or under the direct supervision of Norman C. Rasmussen.

3. The licensee shall receive, package, possess, and dispose of the byproduct material in accordance with the procedures described in the licensee's application dated December 19, 1957, and attachments thereto, and the licensee's letters dated January 17, 1958, February 4, 1958, February 27, 1958, April 1, 1958, and June 20, 1958; except as provided otherwise in this license.

4. A copy of "General Instructions for Personnel Handling Radioactive Substances", "Emergency Procedures", "General Instructions for Vehicular Accidents", "Personal Decontamination Procedures", and "Special Instructions for Final Packaging Operations", as described in the licensee's application and letters specified in Condition 3 of this license, shall be supplied to each employee of the licensee involved in the receipt, packaging, and disposal of byproduct material.

5. Byproduct material received from customers shall be prepackaged in containers which shall not be opened at any time by the New England Tank Cleaning Company, and which shall meet the requirements of Condition 6 of this license. The licensee shall instruct each customer to package the waste material in such a manner as to assure the absence of any significant voids.

6. Intrastate transportation of AEC-licensed material to the location designated in Condition 7 shall be in accordance with the following requirements except as specifically approved by the Atomic Energy Commission:

A. *Outside shipping containers.* (1) The containers shall meet any one of the follow-

...pecifications described in Appendix A ...ed hereto:

...15A, 15B, 12B, 6A, 6B, 6C, 17C, 17H, 19A, ... for the containment of radioactivity ... amounts not in excess of 2.0 curies; or

... Specification 55 for containment of ... cobalt 60, cesium 137, iridium 192, or ... 198 in amounts not in excess of 300 ...

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container to at least 10 mrem/24 hours at any time during transportation.

B. *Inside containers:* (1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium, or curium, or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. *Shielding.* Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A (4), A (5), and A (6) of this condition. The shield must be so designed that it will not open or break under normal conditions incident to transportation.

D. *Labeling.* Each outside container label required under § 20.203 (f) (1) of 10 CFR Part 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, the total weight;

(2) Principal radioisotope;

(3) Radiation level at the surface of the container and at one meter from the source; and

(4) The name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: Caution—Radioactive Material.

F. *Accidents.* In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

G. *Exemptions.* Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of this license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, and should contain sufficient information to support such a request.

7. The licensee shall store and package byproduct material for sea disposal at Great Brewster Island, Boston, Massachusetts.

8. The licensee shall dispose of byproduct material in an area bounded by the parallels of Latitude 41°38' N. and 41°28' N. and by the meridians of Longitude 65°28' W. and 65°45' W. at a minimum depth of 1000 fathoms.

9. The licensee shall notify the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, at least 20 days prior to each disposal, by letter deposited in the United States mail properly stamped and addressed. This notification shall contain the following information: the proposed date for disposal, the total number of containers, the total activity in millicuries, and the most hazardous radioisotope contained in each container.

10. A curie of Iridium 192 is defined as that quantity of activity which presents a radiation intensity of 0.55 roentgen per hour at a distance of one meter.

This license shall be effective on the date issued and shall expire on August 31, 1960.

Date of issuance:

For the Atomic Energy Commission.

J. R. MASON,
Chief,
Isotopes Branch,
Division of Licensing and Regulation.

[F. R. Doc. 58-6983; Filed, Aug. 28, 1958; 8:45 a. m.]

[Docket No. 50-89]

GENERAL DYNAMICS CORP.

ISSUANCE OF FACILITY LICENSE AMENDMENT

Please take notice that the Atomic Energy Commission has issued the following Amendment (No. 2) to License R-38 authorizing General Dynamics Corporation as requested in its application for license amendments dated May 28, 1958, and July 11, 1958, to conduct, in its facility located at Torrey Pines Mesa, California, tests comprising (1) neutron studies of nuclear cross sections and solid state properties, (2) shielding studies of neutrons streaming through holes in a water shield and (3) a series of reactivity compensation experiments. The Commission has found that operation of the facility in accordance with the terms and conditions of the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed additional experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license amendment. For further details, see (1) the application for license amendment submitted by General Dynamics Corporation and (2) a hazards analysis of the proposed experiments prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 21st day of August 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

AMENDMENT OF UTILIZATION FACILITY LICENSE

[License No. R-38, Amdt. 2]

In addition to the activities previously authorized by the Commission under License No. R-38, as amended, General Dynamics Corporation (hereinafter referred to as the "licensee"), is authorized to perform, in accordance with the procedures and subject to the limitations stated therein, the experiments described in the application for amendment dated May 28, 1958, as "(1) neutron studies of nuclear cross sections and solid state properties and (2) shielding studies of neutrons streaming through holes in a water shield," and described in Enclosure 1, "Proposed Reactivity Compensation Experiments", in the application for amendment dated July 11, 1958.

In performing these tests, the licensee shall comply with the conditions and requirements contained or incorporated in paragraph 3 of License No. R-38, as amended. In addition paragraph 3 of the License No. R-38 is amended by adding subparagraph 3.C. to read as follows:

When conducting the experiments described in the application for amendment dated July 11, 1958, General Dynamics Corporation shall comply with the following additional conditions:

(1) At the first indication of boiling of the pool water the reactor shall be shut down.

(2) Radiation monitoring instruments capable of detecting the radiation levels around the reactor shall be in operation during all phases of the conduct of the experiments.

(3) Only persons necesary for the conduct of the experiments shall be permitted in the reactor building while the experiments are being performed.

This amendment is effective as of the date of issuance.

Date of issuance: August 21, 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-6984; Filed, Aug. 28, 1958; 8:45 a. m.]

[Docket No. 27-7]

ISOTOPES SPECIALTIES CO.

ISSUANCE OF BYPRODUCT AND SOURCE MATERIAL LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICE

Please take notice that no requests for formal hearing having been filed following filing of the notice of proposed action with the Federal Register Division, the Atomic Energy Commission has this date issued the following Byproduct and Source Material License No. 4-580-6 authorizing Isotopes Specialties Company, Inc. to receive, possess, package, and dispose of byproduct and source material in the Pacific Ocean in accordance with the terms and conditions of said license. The notice of proposed action was published in the FEDERAL REGISTER on March 8, 1958. For further details see the application for a license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 21st day of August 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

BYPRODUCT AND SOURCE MATERIAL LICENSE

[License No. 4-580-6 (H60)]

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter I, Part 30, "Licensing of Byproduct Material" and Title 10, Code of Federal Regulations, Chapter I, Part 40, "Control of Source Material," and in reliance on statements and representations heretofore made by the applicant, a license is hereby issued to Isotopes Specialties Company, Inc., 170 West Providencia, Burbank, California, to receive, possess, package, and dispose of waste byproduct and source material in the Pacific Ocean.

This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," and all other applicable rules, regulations, and orders of the Atomic Energy Commission now or hereafter in effect and to the following conditions:

1. The licensee shall not possess more than 100 curies of byproduct material at any one time.

2. The licensee shall not possess during the term of this license a total quantity of more than 2,000 pounds of uranium or thorium or any combination thereof contained in source material.

3. The byproduct and source material shall be received, possessed, packaged and disposed of, by, or under the supervision of Allen M. Goldstein.

4. The licensee shall receive, possess, package, and dispose of the byproduct and source material in accordance with procedures described in his application dated December 2, 1957, and attachments thereto, except as provided otherwise in this license.

5. A copy of the administrative procedures, attached to the application dated December 2, 1957, shall be supplied to each of the licensee's employees who are involved in the receipt, possession, packaging and disposal of the byproduct and source materials.

6. The licensee shall notify the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, by letter deposited in the United States mail properly stamped and addressed, at least 20 days prior to each disposal, of the proposed date for disposal, the proposed disposal location in latitude and longitude, the total number of containers, the total activity of the byproduct material in millicuries, and/or total weight of source material, and the most hazardous radioisotope in each container.

7. Byproduct Material License Number 4-580-3 issued on September 27, 1957, is hereby terminated.

8. A curie of Iridium 192 is defined as that quantity of activity which emits a radiation intensity of 0.55 roentgen per hour at a distance of one meter.

This license shall be effective on the date issued and shall expire on August 31, 1960.

Date of issuance: August 21, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-6985; Filed, Aug. 28, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CLINTON CATTLE COMMISSION CO.

PROPOSED POSTING OF STOCKYARD

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the Clinton Cattle Commission Co., Clinton, Oklahoma, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act. Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 26th day of August 1958.

[SEAL] DAVID M. PETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 58-7020; Filed, Aug. 28, 1958; 8:53 a. m.]

Office of the Secretary

ILLINOIS

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Illinois a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ILLINOIS

Alexander.	Monroe.
Hardin.	Pope.
Jackson.	Pulaski.
Massac.	Union.

Pursuant to the authority set forth above, production emergency loans may not be made in the above-named counties after June 30, 1959, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 28th day of August 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-7005; Filed, Aug. 28, 1958; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

COURTLANDT F. DENNEY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, 20 F. R. 8938; March 29, 1956, 21 F. R. 1809; August 22, 1956, 21 F. R. 6307; February 27, 1957, 22 F. R. 1155; August 30, 1957, 22 F. R. 6997; February 26, 1958, 23 F. R. 1200-01:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 15, 1958.

Dated: August 15, 1958.

COURTLANDT F. DENNEY.

[F. R. Doc. 58-6986; Filed, Aug. 28, 1958; 8:46 a. m.]

MARVIN S. PLANT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of September 8, 1956, 21 F. R. 6845; February 27, 1957, 22 F. R. 1155; August 30, 1957, 22 F. R. 6998; March 5, 1958, 23 F. R. 1578:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 4, 1958.

Dated: August 15, 1958.

MARVIN S. PLANT.

[F. R. Doc. 58-6987; Filed, Aug. 28, 1958; 8:46 a. m.]

JAMES F. REID, SR.

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 29, 1956, 21 F. R. 1330; August 22, 1956, 21 F. R. 6307; February 27, 1957, 22 F. R. 1155; August 21, 1957, 22 F. R. 6724; February 19, 1958, 23 F. R. 1100:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 8, 1958.

Dated: August 12, 1958.

JAMES F. REID, Sr.

[F. R. Doc. 58-6988; Filed, Aug. 28, 1958; 8:46 a. m.]

WALLACE E. CARROLL

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 5, 1957, 22 F. R. 1346; August 30, 1957, 22 F. R. 6997; February 26, 1958, 23 F. R. 1201:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 18, 1958.

Dated: August 18, 1958.

WALLACE E. CARROLL.

[F. R. Doc. 58-6989; Filed, Aug. 28, 1958; 8:46 a. m.]

MICHAEL SUISMAN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Michael Suisman.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment:
4. Title of position: Consultant.
5. Name of private employer: Suisman & Blumentahl, Inc., 79 Willow Street, Hartford, Connecticut.

CARLTON HAYWARD,
Director of Personnel.

JUNE 3, 1958.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Suisman & Blumenthal, Inc.
Bank Deposits.
Aetna Life Insurance Co.
American Airlines.
Connecticut General Life Insurance Co.
Edsam Metals, Inc.
General Motors Corporation.
Hartford Fire Insurance Co.
Plume & Atwood Mfg. Co.
Royal Dutch Petroleum.
The Queen Co.
The Travelers Insurance Co.
Tumble Brook Country Club, Inc.
West Hartford Publishing Co.
State of Israel.
Anderson, Indiana Waterworks.
Connecticut Expressway Revenue & Gas.
California School District.
California Veterans.
Freeborn Minnesota School.
Hempstead, New York School.
Midland, Michigan Highway.
Oregon Veterans Welfare.
Penn State University Dormitories.

MICHAEL SUISMAN.

Dated: August 8, 1958.

[F. R. Doc. 58-6990; Filed, Aug. 28, 1958; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-13754, G-13755]

ARROWHEAD EXPLORATION CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 25, 1958.

In the matters of Arrowhead Exploration Company, Docket No. G-13754; Ernest A. Strakosch, Agent, et al., Docket No. G-13755.

Take notice that Arrowhead Exploration Company (Arrowhead) and Ernest A. Strakosch, Agent, et al.[1] (Strakosch) filed applications on November 18, 1957, pursuant to section 7 of the Natural Gas Act, for authority to render and abandon service, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

Strakosch, by its application in Docket No. G-13755, seeks permission and approval to abandon the sale of natural gas to Hope Natural Gas Company (Hope) from a certain lease in Union and Lincoln Districts, Tyler County, West Virginia, which service is covered by contract dated February 18, 1955.

Arrowhead, by its application in Docket No. G-13754, seeks a certificate of public convenience and necessity authorizing it to continue the sale proposed to be abandoned by Strakosch in its application herein.

By an instrument of assignment executed on June 18, 1957, the aforesaid assignees of Strakosch reassigned their working interests in the lease involved to Arrowhead subject to the aforementioned contract and to certain overriding royalty reservations.

Concurrently with its subject application in Docket No. G-13754, Arrowhead filed a notice of succession to Strakosch's FPC Gas Rate Schedule No. 1 together with the above-mentioned assignment of June 18, 1957.

Strakosch was previously authorized to furnish the above-described service by order issued April 16, 1956, In the Matters of Wayne Moore, et al., Docket Nos. G-8132, et al., granting a certificate of public convenience and necessity to Strakosch in Docket No. G-8580.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 23, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 12, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the

[1] The "et al." parties are successors in interest to Strakosch. Said parties and their working interests are: Richard N. Calhoun 1/64; Thomas M. Dines 1/16; D. Coleman Glover 1/32; Katherine D. Glover 1/32; W. R. Johnson 1/32; J. M. R. Lyeth, Jr., 1/16; Munro L. Lyeth 3/32; Munro L. Lyeth, Trustee for Munroe L. Lyeth, Jr., Trust No. 1 (d. b. a. M. L. L. Co.) 1/64; Munro L. Lyeth, Trustee for Judith G. Lyeth, Trust No. 1 (d. b. a. J. G. L. Co) 1/64; Bryce Metcalf, Jr., 1/64; Charles J. Hughes 1/8; Lafayette M. Hughes, Jr., 1/8; and Wm. E. Hughes 1/8; Charles J. Hughes and Munro L. Lyeth 1/8.

intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6993; Filed, Aug. 28, 1958; 8:47 a. m.]

[Docket No. G-14987]

STARKS UTILITIES, INC.

NOTICE OF APPLICATION

AUGUST 25, 1958.

Take notice that Starks Utilities, Inc. (Applicant), a private corporation organized and existing under the laws of the State of Louisiana, with its principal place of business in Lake Charles, Louisiana, filed an application on April 28, 1958, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Texas Eastern Transmission Corporation (Texas Eastern), to establish physical connection of its gas transmission facilities with the proposed natural gas system of Applicant and to sell and deliver natural gas to Applicant as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application which is on file with the Commission and open to public inspection. Supplemental information was filed by Applicant on May 19, and June 12, 1958.

Applicant states that it is authorized under the laws of the State of Louisiana to construct and operate facilities to transport and distribute natural gas for resale in the Town of Starks, Calcasieu Parish, Louisiana. Applicant presently owns and operates the water system in Starks. The town and adjacent area currently has only bottled gas service, which Applicant states is not adequate for the needs of the community. The application states that Texas Eastern's main line lies adjacent to the southerly city limits of Starks and a proposed tap and meter setting is to be constructed on this line, at a convenient location to the town. The estimated overall cost of the proposed distribution system, together with the short lateral line to be extended from Texas Eastern's line to the town distribution system is $42,000.

Applicant will privately finance the proposed project from funds on hand or from funds available to it.

The estimated gas requirements for the first four years of operation in the town of Starks are as follows:

Year	*Peak day (Mcf)*	*Annual (Mcf)*
1st	130	16,160
2d	142	16,295
3d	155	16,430
4th	168	16,570

On June 14, 1958, Texas Eastern filed its reply to the application, stating that if directed by the Commission, it would have no objection to serving the requested volumes of natural gas, and to do so would not impair its ability to render adequate service to its existing customers.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (CFR 1.8 or 1.10) on or before September 16, 1958.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6994; Filed, Aug. 28, 1958; 8:47 a. m.]

[Docket No. G-15273]

ATLANTIC SEABOARD CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 25, 1958.

Take notice that Atlantic Seaboard Corporation (Applicant), a Delaware corporation with its principal place of business in Charleston, West Virginia, filed an application on June 12, 1958, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate an additional delivery tap, together with metering and regulating facilities. The proposed facilities will be located nead Buena Vista, Virginia and Applicant's existing 6'' Lynchburg lateral pipeline for the wholesale sale of natural gas to Lynchburg Gas Company (Lynchburg), an existing customer.

The application states that Applicant presently delivers gas for resale to Lynchburg Gas at two delivery points in the tri-county area (Amherst, Bedford and Campbell Counties) in Virginia, in which Lynchburg Gas is the major gas distributor. The proposed new delivery point will be located adjacent to Lynchburg's present market area and outside of the area presently served by Lynchburg Gas.

It is proposed that Lynchburg Gas will purchase gas from Applicant at the proposed new delivery point and in turn will resell the gas to its wholly-owned subsidiary, Lynchburg Pipe Line Company. The latter will transport and sell the gas to the Locher Brick Company (Locher) at Glasgow, Virginia. Lynchburg Gas has informed Applicant that Locher's requirements will approximate 500 Mcf per day, with annual requirements estimated at 150,000 Mcf. These requirements will be curtailable during periods of peak demands on Lynchburg Gas' system.

The application states that Applicant's 6'' Lynchburg lateral line, designated VA-M-1 has sufficient capacity to deliver the estimated requirements of Lynchburg Gas, including the volumes for the new brick plant. Lynchburg Gas presently has a contract demand of 6500 Mcf per day with Applicant. Off-peak volumes under this contract will be made available to the brick plant, thus increasing Lynchburg Gas' load factor on its gas purchases from Applicant.

The estimated cost of the proposed facilities is $9,350, which amount will be supplied by Applicant from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 30, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Unless the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 16, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-6995; Filed, Aug. 28, 1958; 8:47 a. m.]

[Docket No. G-9417 etc.]

BAYVIEW OIL CORP. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

AUGUST 25, 1958.

In the matters of Bayview Oil Corporation, Docket No. G-9417; Bayview Oil Corporation, operator, et al., Docket No. G-13739; Bayview Oil Corporation et al., Docket No. G-13421.

Notice is hereby given that the hearing now scheduled for September 10, 1958, in the above-designated matters is postponed to commence at 10:00 a. m., e. s. t., October 8, 1958, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7009; Filed, Aug. 28, 1958; 8:50 a. m.]

[Docket No. G-15837]

CALIFORNIA CO.

ORDER FOR HEARING, ETC.; AMENDMENT

AUGUST 25, 1958.

In the Order For Hearing, Suspending Proposed Changes In Rates, And Allowing Increased Rates To Become Effec-

issued August 12, 1958, and published in the FEDERAL REGISTER on August 19, 1958 (23 F. R. 6367), the words "(5) Mississippi River Fuel Corporation" should be corrected to read "(5) Texas Gas Transmission Corporation".

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7010; Filed, Aug. 28, 1958; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1932]

REICHHOLD CHEMICALS, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

AUGUST 25, 1958.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Reichhold Chemicals, Inc., common stock; File No. 7-1932.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 9, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-7000; Filed, Aug. 28, 1958; 8:48 a. m.]

[File No. 1-572]

MENGEL CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

AUGUST 25, 1958.

In the matter of the Mengel Company, common stock; File No. 1-572.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

In the opinion of the Exchange, said stock is no longer suitable for dealing and listing on the Exchange because there are less than 250 holders of record of the Common Stock, after substantially discounting the number of holders of odd-lots, and because the amount of Common Stock outstanding, exclusive of concentrated holdings, is less than 30,000 shares. All but 21,007 shares are stated to be held by Container Corporation of America.

Upon receipt of a request, on or before September 9, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-6998; Filed, Aug. 28, 1958; 8:48 a. m.]

[File No. 1-425]

DEVOE & RAYNOLDS CO., INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

AUGUST 25, 1958.

In the matter of Devoe & Raynolds Company, Inc., Class A Stock; File No. 1-425.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

In the opinion of the Exchange, said stock is no longer suitable for dealing and listing on the Exchange because there are less than 250 stockholders of record, after substantially discounting the number of holders of odd-lots, and because the amount of Class A Stock outstanding, exclusive of concentrated holdings, is less than 30,000 shares. All but 22,233 shares are stated to be held by Merritt-Chapman & Scott Corporation or as treasury shares by the issuer.

Upon receipt of a request, on or before September 9, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-6999; Filed, Aug. 28, 1958; 8:48 a. m.]

[File No. 1-1051]

CHILE COPPER CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

AUGUST 25, 1958.

In the matter of Chile Copper Company, Capital Stock; File No. 1-1051.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

In the opinion of the Exchange, said stock is no longer suitable for dealing and listing on the Exchange because there are less than 250 stockholders of record, after substantially discounting the number of holders of odd-lots, and because the amount of Capital Stock outstanding, exclusive of concentrated holdings, is less than 30,000 shares. All but 17,387 shares are stated to be held by Anaconda Company.

Upon receipt of a request, on or before September 9, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this applica-

tion will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7001; Filed, Aug. 28, 1958; 8:49 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1958, Supp. 191]

HUDSON INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

AUGUST 26, 1958.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $238,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office and State in which incorporated: New York; Hudson Insurance Company, New York.

JULIAN B. BAIRD, *Acting Secretary of the Treasury.*

[F. R. Doc. 58-7011; Filed, Aug. 28, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FLOYD A. MECHLING

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Pursuant to subsection 302 (c), Part II, Executive Order 10647 (20 F. R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended", I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (22 F. R. 996; 22 F. R. 6584; 23 F. R. 1062) during the six months' period ended July 29, 1958:

A. Additions: None

B. Deletions: (1) B. J. Markham, Inc., (2) B. J. Markham, Inc.

Dated: July 29, 1958.

F. A. MECHLING.

[F. R. Doc. 58-7008; Filed, Aug. 28, 1958; 8:50 a. m.]

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President subsequent to adjournment will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 85th Congress, Second Session.

Acts Approved August 27, 1958

S. J. Res. 190 ..... Public Law 85-783
Joint Resolution to approve the report of the Department of the Interior on Red Willow Dam and Reservoir in Nebraska.

S. 2517 ..... Public Law 85-771
An Act to amend sections 2275 and 2276 of the Revised Statutes with respect to certain lands granted to States and Territories for public purposes.

S. 2530 ..... Public Law 85-773
An Act to designate the beneficiary of the equitable title to land purchased by the United States and added to the Rocky Boy's Indian Reservation, Montana.

S. 2592 ..... Public Law 85-770
An Act to amend the law relating to the execution of contracts with Indian tribes.

S. 3203 ..... Public Law 85-780
An Act relating to minerals on the Wind River Indian Reservation in Wyoming, and for other purposes.

S. 3572 ..... Public Law 85-774
An act to authorize land exchanges for purposes of the George Washington Memorial Parkway in Montgomery County, Maryland, and for other purposes.

S. 3723 ..... Public Law 85-776
An Act to amend Public Law 522, Eighty-fourth Congress (relating to the conveyance of certain lands to the city of Henderson, Nevada).

S. 3873 ..... Public Law 85-781
An Act to amend section 201 of the Federal Property and Administrative Services Act of 1949, as amended, to authorize the interchange of inspection services between executive agencies, and the furnishing of such services by one executive agency to another, without reimbursement or transfer of funds.

S. 4169 ..... Public Law 85-768
An Act to amend the Act of June 10, 1938, relating to participation by the United States in the International Criminal Police Organization.

S. 4287 ..... Public Law 85-789
An Act to amend the Act of July 27, 1956, relating to detention of mail for temporary periods in certain cases.

H. R. 1244 ..... Public Law 85-764
An Act to provide for the development by the Secretary of the Interior of Independence National Historical Park, and for other purposes.

H. R. 3630 ..... Public Law 85-782
An Act to amend the Veterans' Benefits Act of 1957 to provide that an additional aid and attendance allowance of $150 per month shall be paid to certain severely service-connected disabled veterans during periods in which they are not hospitalized at Government expense.

H. R. 7570 ..... Public Law 85-[illegible]
An Act to amend section 409 of the Social Security Amendments of [illegible] to provide social security coverage for certain employees of tax-exempt organizations which erroneously but in good faith failed to file the required waiver certificate in time to provide such coverage.

H. R. 8308 ..... Public Law 85-[illegible]
An Act to establish the use of humane methods of slaughter of livestock as a policy of the United States, and for other purposes.

H. R. 8599 ..... Public Law 85-[illegible]
An Act to amend title II of the Social Security Act so as to provide that the exception from "wages" made by section 209 (i) of such Act shall not be applicable to payments to employees of a State or a political subdivision thereof for periods of absence from work on account of sickness.

H. R. 8606 ..... Public Law 85-[illegible]
An Act to amend the Civil Service Retirement Act with respect to annuities of survivors of employees who are elected as Members of Congress.

H. R. 10360 ..... Public Law 85-[illegible]
An Act to amend title V of the Agricultural Act of 1949, as amended.

H. R. 11346 ..... Public Law 85-[illegible]
An Act to amend title II of the Social Security Act to include Massachusetts and Vermont among the States which are permitted to divide their retirement systems into two parts so as to obtain social security coverage, under State agreement, for only those State and local employees who desire such coverage, and to permit individuals who have decided against such coverage to change their decision within a year after the division of the system.

H. R. 12494 ..... Public Law 85-[illegible]
An Act to authorize the Secretary of Agriculture in selling or agreeing to the sale of lands to the State of North Carolina to permit the State to sell or exchange such lands for private purposes.

H. R. 12776 ..... Public Law 85-[illegible]
An Act to revise, codify, and enact into law, title 23 of the United States Code, entitled "Highways".

H. R. 12876 ..... Public Law 85-[illegible]
An Act to extend title VII of the Public Health Service Act (relating to health research facilities) for three years, and for other purposes.

H. R. 13450 ..... Public Law 85-[illegible]
An Act making supplemental appropriations for the fiscal year ending June 30, 1959, and for other purposes.

H. R. 13518 ..... Public Law 85-[illegible]
An Act to incorporate the Blinded Veterans Association.

H. R. 13688 ..... Public Law 85-[illegible]
An Act to provide airmail and special delivery postage stamps for Members of the House of Representatives on the basis of regular sessions of Congress, and for other purposes.

H. J. Res. 585 ..... Public Law 85-[illegible]
Joint Resolution authorizing and directing the Secretary of the Interior to conduct studies and render a report on service to Santa Clara, San Benito, Santa Cruz, and Monterey Counties from the Central Valley project, California.

H. J. Res. 648 ..... Public Law 85-[illegible]
Joint Resolution providing for a joint session of Congress for commemorating the one hundred and fiftieth anniversary of the birth of Abraham Lincoln.

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 23 NUMBER 171

Washington, Saturday, August 30, 1958

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: For listing of current public laws approved by the President, see last page of this issue.

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (3) of § 6.103 is amended as set out below.

§ 6.103 *Treasury Department.* * * *

(b) *Bureau of Customs.* * * *

(3) Part-time, intermittent, or temporary Customs Inspectors, Deputy Collectors, and Deputy Collectors in Charge in Alaska at a salary rate not in excess of GS-8, for not to exceed 130 working days a year.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 58-7064; Filed, Aug. 29, 1958; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENTS, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

Sec.
719.1 Basis and purpose and applicability.
719.2 Definitions.
719.3 Responsibilities of State Committee.
719.4 Responsibilities of County Committee.
719.5 Initiation of action to reconstitute farms.
719.6 Determination of reconstitution of farm.
719.7 Reconstitution of farm allotments, history and soil bank base acreages.
719.8 Rules for determining farm allotments and farm history and soil bank base acreages where the reconstitution is by division.
719.9 Rules for determining farm allotments, farm history and soil bank base acreages, where the reconstitution is by combination.
719.10 Guides for applying cropland definition.
719.11 Guides for applying farm definition.

AUTHORITY: §§ 719.1 to 719.11 issued under sec. 375, 50 Stat. 66, sec. 124, 70 Stat. 198; 7 U. S. C. 1375, 1812. Interpret or apply secs. 301, 313, 314, 329, 334, 335, 344, 345, 346, 347, 348, 353, 355, 356, 358, 359, 362, 368, 374, 52 Stat. 38, 47, 48, as amended, 52, 53, as amended, 54, as amended, 57, as amended, 58 as amended, 59, as amended, 61, as amended, 62, as amended, 64, 65, as amended, 55 Stat. 88, as amended, 90, as amended, 203, as amended, 66 Stat. 597, as amended, secs. 103, 104, 106, 107, 112, 114, 115, 122, 70 Stat. 189, 190, 191, 195, 196, 197; 7 U. S. C. 1301, 1313, 1314, 1315, 1329, 1334, 1335, 1340, 1344, 1345, 1346, 1347, 1348, 1353, 1355, 1356, 1358, 1359, 1362, 1374, 1821, 1822, 1824, 1831, 1836, 1802, 1803, 1810.

§ 719.1 *Basis and purpose and applicability.* The regulations in this part are issued pursuant to section 375 (b) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1375 (b)) and section 124 of the Soil Bank Act (7 U. S. C. 1812). The purpose of the regulations in this part is to establish procedures for reconstituting farms, farm allotments, and farm history and soil bank base acreages under marketing quota, acreage allotment, and Soil Bank programs administered pursuant to the Agricultural Adjustment Act of 1938, as amended, and the Soil Bank Act. The regulations in this part are to become effective with respect to reconstitutions involving 1959 and subsequent crops. Accordingly, since such procedures are now necessary with respect to the 1959 wheat crop, it is hereby found that notice and public procedure in accordance with the Administrative Procedure Act (5 U. S. C. 1003) are impractical, unnecessary and contrary to the public interest and that the regulations in this part shall become effective upon publication in the FEDERAL REGISTER.

§ 719.2 *Definitions.* As used in the regulations in this part and in all in-

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FEDERAL REGISTER

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structions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meaning herein assigned to them unless the text or subject matter otherwise requires.

(a) The terms, words, or phrases, "County Office Manager", "Committees", "Department", "Deputy Administrator", "Field", "Operator", "Person", "Secretary", "State Administrative Officer", and "Subdivision" shall have the same meanings assigned to them as are assigned in § 718.2 of this chapter, as now published or as may be hereafter amended, it being the intent and purpose that the foregoing terms, words, and phrases shall at all time have the same meaning in this part and Part 718 of this chapter.

(b) "Allotment" means an acreage of a specific crop established pursuant to the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(c) "Base period," with respect to any commodity or program, means the years considered in establishing acreage allotments or soil bank bases for the current year.

(d) "Combination" means the consolidation into one farm of two or more tracts or parts thereof.

(e) "County" means county or parish of a State.

(f) "Cropland" means land which the county committee determines: (1) Was tilled in at least one of the five calendar years immediately preceding the crop year for which the determination is being made; or (2) was established in permanent vegetative cover within the five calendar years immediately preceding the crop year for which the determination is being made and was classified as cropland at the time of establishment; or (3) has been tilled but at the time of determination is in an established crop rotation pattern recognized in the community. Land planted to vineyards, orchards, or other trees which was classified as cropland at the time of planting shall retain the cropland classification only for the year of planting, except that portions of the land area within an orchard or vineyard not devoted to trees or vines shall be classified as cropland if such land area meets the requirements of the first sentence of this paragraph. Insofar as the acreage of cropland on the farm enters into the determination of the farm acreage allotment, the cropland acreage on the farm shall not be deemed to be decreased during the period of any contract entered into pursuant to the conservation reserve program under the Soil Bank Act or any agreement entered into under the Great Plains conservation program by reason of the establishment and maintenance of vegetative cover or water storage facilities or other soil, water, wildlife, or forest-conserving uses under such contract or agreement.

(g) "Current year" means the calendar year for which the allotments and soil bank bases are established.

(h) "Division" means the dividing of land formerly comprising one farm into two or more parts which may become either individual farms or parts thereof.

(i) "Farm" means:

(1) *Farms constituted under prior regulations.* The term "farm" means land which has been properly constituted and identified as a farm under regulations issued pursuant to the Agricultural Adjustment Act of 1938, as amended, or the Soil Bank Act, as amended, and such land shall continue to constitute a farm for all programs to which the regulations in this part may apply until reconstituted as required under subparagraph (4) of this paragraph.

(2) *Farms constituted for the first time or reconstituted hereafter.* With respect to the constitution and identification of land as a farm for the first time or the reconstitution of farms made hereafter, the term "farm" shall mean all adjoining or nearby and easily accessible farm, wood, or range land under the same ownership which is operated by one person and all additional farm, wood, or range land under different ownership operated by such person which the county committee determines is nearby and easily accessible, is approximately equally productive, and for the past two years has been operated by such person and which will be so operated during the current year, or which has been operated by such person for one year with proof satisfactory to the county committee that it will be operated by such person for at least two more years. Notwithstanding the foregoing definition of "farm" in this subparagraph:

(i) Fields and subdivisions of fields which are part of a farm shall remain a part of such farm when operated under a short term agreement by another operator, unless and until such fields or subdivisions of fields may be properly constituted as a separate farm or part of another farm under this section.

(ii) Land for which one or more landlord(s) refuse(s) to sign a conservation reserve contract and which is a part of a multiple-ownership farm may be constituted as a separate farm provided some eligible land in the balance of such multiple-ownership farm is covered by a conservation reserve contract.

(iii) Where part of a farm is owned by the Federal Government and the federal agency handling the leasing of such land has leased such land under a lease restricting the production of price-supported commodities in excess supply, the farm shall be reconstituted so that such government-owned land is a separate farm. Such government-owned land, or other land as may be acquired by the Federal Government and leased to producers under such restrictive leases, shall not be combined with privately-owned land or with other government-owned land not under restrictive lease.

(iv) Where a conservation reserve contract has been entered into under the conservation reserve program regulations (6 CFR Part 485) pursuant to which the entire eligible land on the farm is designated as conservation reserve, the farm as constituted at the time all the eligible land becomes so designated shall not be combined with other land (as long as all of the eligible land in the farm is under contract) unless the conservation reserve contract is modified to include in the conservation reserve all eligible land of such other land.

(3) *Location of farm for administrative purposes.* A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(4) *Required reconstitutions.* A reconstitution of a farm either by division or by combination shall be required whenever:

(i) A change has occurred in the operation of the land after the last constitution or reconstitution and as a result of such change the farm does not meet the requirements of the definition set forth in subparagraph (2) of this paragraph; or

(ii) The farm was not properly constituted under the applicable regulations in effect at the time of the last constitution or reconstitution; or

(iii) A reconstitution is required to meet the provisions of subparagraph (2) (ii) or (iii) of this paragraph.

(j) "Farm serial number" means the serial number assigned to a farm by the county committee for the purpose of identification and shall be commonly referred to as "farm number."

(k) "History acreage," with respect to any commodity or program, means the acreages determined in accordance with the applicable regulations to be considered in establishing acreage allotments and soil bank bases for the current year.

(l) "Photograph number" means the number assigned to the photograph for the purpose of identification and may be either the roll and exposure number or a number assigned by the county commit-

tee which is recognized in identifying the photograph for internal operations.

(m) "Preceding year" means the calendar year immediately preceding the year for which the allotments or soil bank bases are established.

(n) "Producer" means a person who, as owner, landlord, tenant, or sharecropper shares in a sugar crop at time of harvest or is entitled to share in the other crops available for marketing from the farm or in the proceeds thereof and in the case of rice also means a person who furnishes water for a share of the crop.

(o) "Reconstitution" means the changing of the identity of a farm as it exists on county office records to a new identity approved by the county committee by process of "Division" or "Combination." The term shall also include the constitution and identification of land as a farm for the first time.

(p) "Soil bank contract" means an acreage reserve agreement or conservation reserve contract, entered into pursuant to the Soil Bank Act (7 U. S. C. 1801 et seq.).

§ 719.3 *Responsibilities of State Committee.* The State Committee through the State administrative officer shall be responsible for furnishing such guidance and direction as is necessary to assure insofar as practicable uniform understanding and application of the provisions of the regulations in this part.

§ 719.4 *Responsibilities of County Committee.* The County Committee shall be responsible for initiating action to properly constitute any land known to be improperly constituted as a farm under the regulations in this part and for considering and taking appropriate action on requests for reconstitution received from land owners or operators and effecting such reconstitutions as are required in accordance with the regulations in this part.

§ 719.5 *Initiation of action to reconstitute farms.* Action to reconstitute farms shall be initiated either by the county committee or by the owner or operator of a farm affected by the proposed action. An owner or operator desiring a reconstitution shall furnish the county office manager for the use of the county committee a form CSS–155 showing thereon all data required in connection with the proposed reconstitution and signed by a producer or his representative on a farm affected by the proposed reconstitution. An owner or operator applying for a reconstitution may be assisted by employees in the county ASC office in the preparation of form CSS–155. If the action is initiated by the county committee a form CSS–155 shall be prepared under the direction of the county office manager for the use of the county committee.

§ 719.6 *Determination of reconstitution of farm.* After consideration of the data required to be shown on form CSS–155 the county committee shall determine whether a reconstitution should be made in accordance with the regulations in this part and shall show on said form whether the proposed reconstitution is approved or disapproved. If the approved reconstitution is a division the basis for dividing allotments, history and soil bank base acreages shall also be shown thereon. The form shall be signed on behalf of the county committee by a member thereof and the action taken recorded in the minutes of the committee meeting.

§ 719.7 *Reconstitution of farm allotments, history and soil bank base acreages*—(a) *Applicability.* Whenever the county committee determines that a farm should be reconstituted the farm allotments and farm history and soil bank base acreages shall be reviewed and reconstituted in accordance with the regulations in this part and related county office records shall be revised as necessary to properly reflect basic allotment data for each farm as reconstituted. To the extent practicable all reconstitutions shall be based on facts and conditions existing at the time the change requiring the reconstitution occurred rather than on facts and conditions existing at the time the actual reconstitution action is taken by the county committee.

(b) *Changes not requiring redetermination of allotments and history and soil bank base acreages.* Farm allotments and history and soil bank base acreages shall not be redetermined if the only change in the farmland involved is noncropland or 15 percent or less of the cropland on the parent farm is acquired for governmental or other public purpose and such land is removed from agricultural production.

(c) *Two or more allotments.* If there are two or more allotments on a farm which is reconstituted all such allotments shall be redetermined in accordance with the provisions of the same paragraph of the regulations in this part except that:

(1) The contribution method of division shall not apply to allotments which were not in effect at the time of the last effective combination of the farm and.

(2) For a period of five years after the combination, the contribution method shall be applicable to the division of tobacco allotments on farms combined during the period 1954 through 1958, inclusive.

(d) *Determination of allotment crop history acreages.* The history acreages for the various tracts involved in the division of a parent farm shall be redetermined for each year of the base period by using the same basis as that applicable to the apportionment of the allotments for the parent farm among such tracts except that where the parent farm allotments are divided on the basis of the contribution method the history acreage for each indentical tract for each year of the base period prior to the last effective combination shall be the history acreage determined for the tract prior to the combination.

(e) *Maximum and minimum provisions, adjustments, and release and reapportionment.* Allotments for reconstituted farms resulting from the divisions or combinations of parent farms in accordance with any applicable provisions of the regulations in this part are subject to maximum and minimum allotment provisions and to adjustments from applicable allotment reserves and released farm allotments pursuant to the applicable regulations governing the determination of farm acreage allotments.

(f) *Continuous application.* Where the farm reconstitution is made prior to determination of current year allotments or soil bank bases the allotment crop history acreages for the tracts for the base period years shall be determined under the applicable provisions of the regulations in this part for use in establishing the current year's allotments or soil bank bases for the reconstituted farms.

(g) *Redetermination of cropland acreage.* The cropland acreage on the respective tracts involved in a division of the parent farm shall be verified and redetermined where necessary prior to the apportionment of the allotment acreages and history or soil bank base acreages to such tracts.

§ 719.8 *Rules for determining farm allotments and farm history and soil bank base acreages where the reconstitution is by division*—(a) *Methods for reconstituting farm allotments and history acreages where the farm divided consists of land under one ownership.* If the farm to be divided into two or more tracts consists of land under one ownership the current allotments and farm history acreages determined for the parent farm shall be apportioned among the tracts in the same proportion as the acreage of cropland (acreage of developed rice land for rice) for each such tract bears to the cropland in the parent farm: *Provided, however,* That the proviso in paragraph (c) (2) of this section or the provisions of paragraph (c) (4) of this section may be applied. The sum of allotment and history acreages for the respective tracts of a division shall not exceed the respective acreages for the parent farm, subject to the provisions of § 719.7 (e).

(b) *Methods for reconstituting farm allotments and history acreages where the farm divided consists of tracts under separate ownership.* If the farm to be divided consists of tracts under separate ownership the current allotments and history acreages for allotment crops shall be divided by the contribution method as provided in subparagraph (1) of this paragraph, if applicable under the terms of subparagraph (1) of this paragraph. If the contribution method is not applicable, the division shall be made by the cropland method as provided in subparagraph (2) of this paragraph: *Provided, however,* If the contribution method is not applicable and the county committee determines in accordance with subparagraph (3) of this paragraph the cropland method should not be used, the history method as provided in subparagraph (3) of this paragraph shall be applied.

(1) *Contribution method.* If the farm to be divided is the result of a combination which became effective during the 3-year period (5-year period in the case of tobacco allotments combined during the period 1954 through 1958) immediately prior to the current year and consists of individual tracts under separate ownership and the farm is being divided into two or more tracts, each such individual tract which is separated from the parent farm in whole or in part shall share in the allotments and allotment crop history acreages for the parent farm for the current year in the same proportion that each such individual tract contributed to the farm allotments for the year for which combined: *Provided,* That if any such individual tract is further divided into two or more tracts for the current year, or in the case of wheat, if the tracts were in an approved odd and even rotation seeding pattern in the year of combination, the allotments for the individual tract shall be apportioned in accordance with the cropland or history method. The contribution method shall not be applied for any commodity for which an allotment was not established for the farm at the time the combination was made.

(2) *Cropland method.* If the farm, as constituted in the preceding year, will be operated in the current year as two or more farms or parts of farms, and the contribution rule is not applicable, the current year allotments and allotment crop history acreages determined for the parent farm, shall, except as otherwise provided under contribution and history methods, be apportioned among the tracts in the same proportion that the acreage of cropland (acreage of developed rice land for rice) in each such tract bears to the cropland (developed rice land for rice) for the parent farm: *Provided, however,* That upon agreement in writing by the owners and operators, and approval by the county committee, the allotments and history acreages may be apportioned on the basis of the cropland normally considered as available for and adapted to the production of the allotment crops on each tract.

(3) *History method.* If the county committee determines that because of substantial physical differences in the soil, topography of the land, location of facilities or cultural practices, the division of the allotments and history acreages for the parent farm determined under the cropland method would result in allotments and history acreages not representative of the farming operations which normally would be carried out on each tract, the county committee may divide the allotments and history acreages for the parent farm among the tracts on the basis of the history acreages determined by the county committee to be representative for each of the tracts.

(4) *Farm to be divided in settling an estate.* Notwithstanding any other provision of the regulations in this part if a farm is to be divided among the heirs in settling an estate the allotment and history acreages upon approval of the county committee may be apportioned among the tracts on the basis of a written agreement signed by all interested persons.

(c) *Soil bank base acreages.* (1) Except as provided in subparagraphs (2), (3) and (4) of this paragraph, the farm soil bank base and history acreages shall be apportioned among the tracts as follows:

(i) The history acreage of allotment crops included in the soil bank base determined for the parent farm shall be apportioned on the same basis as the allotments and history acreages for such allotment crops are apportioned under the regulations in this part.

(ii) If the farm to be divided into two or more tracts consists of land under one ownership, the history acreage in the soil bank base established for the parent farm equal to the acreage of non-allotment crops shall be apportioned among the tracts in the same proportion as the acreage of cropland for each such tract bears to the cropland in the parent farm. If a farm consisting of individual tracts under separate ownership is being divided into two or more tracts, each such individual tract which is separated from the parent farm in whole or in part shall share in the acreage of non-allotment crops for the parent farm in the same proportion that each such individual tract contributed to the acreage of non-allotment crops on the parent farm. Notwithstanding the provisions of this subdivision, if the farm is covered by a conservation reserve contract under which 1958 or a prior year is the first year of the contract period, the acreage of the soil bank base equal to the acreage of non-allotment crops, may, at the election of the producer holding the contract, be apportioned in accordance with the regulations in effect at the time such contract was entered into, on the basis of the cropland on each part, unless the county committee determines that such apportionment would not be representative of the farming operations normally carried out on each part.

(2) If a soil bank base was established for each component part of the parent farm prior to the time of the last effective combination, the soil bank base for each identical individual tract being separated from the parent farm shall be the soil bank base established for such tract prior to the combination.

(3) If a farm is to be divided among the heirs in settling an estate, the soil bank base acreage may, upon approval of the county committee, be apportioned among the tracts on the basis of a written agreement signed by all interested persons.

(4) In no event may the sum of soil bank base acreages for the respective tracts of a division exceed the soil bank base acreage for the parent farm.

§ 719.9 *Rules for determining farm allotments, farm history and soil bank base acreages, where the reconstitution is by combination.* If two or more tracts which were operated as separate farms or parts of farms in the preceding year are combined and operated as a single farm for the current year the current year's allotments and farm history and soil bank base acreages for the reconstituted farm shall be the sum of the current year's allotments and farm history and soil bank base acreages determined for each of the tracts comprising the combination subject to the provisions of § 719.7 (e).

§ 719.10 *Guides for applying cropland definition.* The definition of cropland requires certain factual determinations and provides latitude for county committee judgment with respect to several factors. Except as otherwise provided for the land devoted to vineyards, orchards and other trees, a land area which is not in an established rotation pattern recognized in the community or which was not tilled within the preceding five-year period shall be classified as non-cropland. In addition, cropland which is removed from agricultural production under eminent domain or for commercial or residential development shall be reclassified as non-cropland for the succeeding year. A land area shall be classified as cropland whenever it meets the provisions of the definition. A brief explanation of the various factors involved is outlined in this section to assist county committees in the uniform application of the definition.

(a) *Tilled land.* Cropland planted or devoted to a crop (other than a permanent vegetative cover) and from which a crop is harvested or on which tillage operations are carried out in a workmanlike manner during the summer growing season in preparation of the land for the seeding of a crop for harvest shall be considered as meeting the "tilled" requirement for that year. Non-cropland (new land or cropland previously reclassified as non-cropland) broken out during the calendar year immediately preceding the crop year for which the determination is being made and planted to a crop (other than a permanent vegetative cover) in a workmanlike manner shall be considered as having been tilled during such preceding year if a crop is or will be harvested from the land in the calendar year immediately preceding the crop for which the determination is being made. The harvesting requirement of this paragraph shall not of itself affect the classification of the land if the county committee determines that harvest was not possible or practicable because of crop failure resulting from adverse weather, insects or disease.

(b) *Rotation.* This factor, perhaps more than any other, requires flexibility in application because of the variety of crops grown and production practices peculiar to specific areas of the country. It is a means of recognizing these local practices but must not be used as a device to establish or maintain an unrealistic cropland figure. As a general rule, land may be considered to be in a rotation pattern when a recognized system of cropping plans or land use is carried out over a period of years resulting in the land area being devoted to those crops and land uses which contribute reasonable beneficial effects to the land. The county committee should determine a reasonable period of years, after which cropland that is not in an established rotation pattern will be reclassified as noncropland. As a matter of general policy this period should normally not exceed five years. It may be necessary in some areas to establish a longer rotation period for perennial legumes and grasses.

(c) *Permanent vegetative cover (other than trees).* Cropland established in permanent vegetative cover, other than trees, shall be considered as cropland for

a period of five years including the year of establishment and as long thereafter as it is determined to be in an established rotation pattern. Meadowland on which a light seeding or fertilizing operation is carried out at intervals will not be considered as tilled for the purpose of retaining the cropland classification on the area. Pasturing any acreage or cutting hay from native hayland shall not be considered as cropping.

(d) *Trees, orchards, and vineyards.* Cropland on which a planting of vineyards, orchards, or other trees is established in the spring or early summer shall not be considered as being tilled or in rotation during that year and consequently will be reclassified as noncropland for the following year. Cropland on which a planting of vineyards, orchards, or other trees is established in the late summer or fall after a crop has been removed from the land or after the land has been tilled during the growing season shall retain the cropland classification for the succeeding year. The area of cropland within an orchard or vineyard shall continue to carry the cropland classification to the extent it is actually used as cropland and meets the provision of the definition.

(e) *Noncropland.* Land which because of topography, soil conditions, or vegetative cover is recognized as land on which it is impractical to perform tillage operations shall not be considered as cropland. This in general would include rough and semiarid pasture land, waste land, and land given over to forest or tree growth, etc. In addition, land which is normally utilized for pasture or the production of hay or both and for which a recognized rotation pattern has not been established shall not be considered as cropland even though the productivity of such land is substantially equivalent to other land on the farm and the land could be readily tilled. All such land shall be classified as noncropland unless the county committee specifically determines that the utilization for pasture or hay is within an established rotation pattern that is generally recognized in the community.

(f) *Land covered by a conservation reserve contract or the great plains conservation program.* Cropland on which a permanent vegetative cover, water storage facility, or other soil, water, wildlife, or forest conserving use is established and maintained under the above programs shall retain the cropland classification for allotment purposes for the life of the applicable contract or agreement. Upon expiration or termination of the contract or agreement the acreage shall be reappraised in consideration of the definition of cropland to determine its proper classification.

(g) *Miscellaneous land treatment.* The act of applying certain materials to an area of land such as a light seeding, the application of fertilizer, lime, or other soil conditioners or performing certain cultural practices such as discing, harrowing, subsoiling, mowing or pasturing do not within themselves constitute a tillage operation and would not in and of themselves serve to cause the area to be classified as cropland.

§ 719.11 *Guides for applying farm definition.* The definition of a farm requires that consideration be given to a number of provisions such as ownership, operation, accessibility and nearness, and the productiveness of different tracts. A brief explanation of these provisions is outlined in this section to assist committees in properly determining what land is to be included in a farm.

(a) *Ownership.* The requirement of formal proof of title is unnecessary in cases where the county committee knows, or where it is a matter of common knowledge in the community, that the land is owned by the person shown as owner on the county office records. The committee should require specific proof in any case in which there is doubt as to ownership or where the committee believes that collusion may be involved. A person holding a bona fide contract for purchase of land will be considered the owner of the land covered by the contract if he is entitled the possession under the contract and has the right to farm the land.

(b) *Operator and operation.* The operator of a farm means the person who is in charge of the supervision and conduct of the farming operations on the farm. To be in charge of the farming operations of certain tracts of land means to be in general control during the program year of the farming activities and land use on the land unit. The fact that a person may be referred to as a renter or tenant in some localities does not necessarily mean that he is an operator. Such person may be in fact a sharecropper who is not in charge of the supervision and conduct of the farming operations on the entire farm. If a producer owns and operates a tract of land and an adjacent or nearby tract of land is owned by his wife, son, or some other near relative and all of the land is actually operated by such producer as one farming unit with substantially the same labor and machinery, all such land shall be a farm if it otherwise qualifies under the definition.

(c) *Easily accessible and nearby.* Tracts of land which are close enough together so that farm labor is or could be freely interchanged and the interchange of machinery is or could be regularly accomplished under its own power during the period when normal farming operations are in progress on all tracts of land may be considered nearby and easily accessible. Tracts of land which are only a short distance apart geographically but which are not readily accessible to one another because of some natural barrier or city should not be considered nearby and as parts of the same farm even though they have a common operator.

(d) *Productiveness.* Combinations of tracts under different ownership shall not be permitted where one is primarily irrigated land while the other is primarily non-irrigated land or where, in the judgment of the county committee, the present productivity of the cropland on one tract differs so substantially from that of the other that crop allotments likely would be shifted from one tract to the other, thereby defeating the purpose of the allotment or soil bank programs.

(e) *Terms of operation.* In determining the constitution of a farm, the county committee shall satisfy itself, from personal knowledge or evidence presented, that the operator will be or has been in charge of the supervision and conduct of the farming operations for the entire farm for the required length of time. Evidence presented to the committee may consist of written leases, written statements from the operator, owner, or other persons having knowledge of the facts, or other probative evidence including oral testimony. If, subsequently, any operator who has obtained approval for a reconstitution is found knowingly operating in a manner substantially different from that represented such a reconstitution shall be disapproved and the farm shall be constituted properly.

(f) *Reconstitutions after seeding or planting.* Reconstitutions after the seeding or planting of the allotment crop has been completed shall be approved for the crop only in cases where the conditions supporting the reconstitution existed at the time of seeding or planting of such crop on the farm, or in the case of failure to seed or plant the allotment crop on the farm, the date seeding or planting of the crop by other farmers in the area was generally accomplished.

Issued this 26th day of August 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-7042; Filed, Aug. 29, 1958; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 151]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.451 *Valencia Orange Regulation 151*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 28, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., August 31, 1958, and ending at 12:01 a. m., P. s. t., September 7, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 693,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 29, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-7123; Filed, Aug. 29, 1958; 11:50 a. m.]

PART 927—MILK IN NEW YORK-NEW JERSEY MILK MARKETING AREA

ORDER AMENDING ORDER

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agriculture Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1958.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued June 6, 1958, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued August 4, 1958. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the New York-New Jersey milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Add new §§ 927.14 and 927.15 as follows:

§ 927.14 *Own farm milk.* (a) Own farm milk means milk received at a plant from a farm operated by the person who is the operator of such plant.

(b) The market administrator shall publicly announce the name of any handler operating a pool plant receiving own farm milk and the location of the plant operated by such handler. This public announcement shall not include the name of (1) any person meeting the definition of producer-handler as set forth in § 927.15, (2) any person receiving no milk from other dairy farmers and selling no more than 100 quarts per day of Class I-A milk to persons in the marketing area other than to other plants, or (3) an institution specified in § 927.65 (h) (4).

§ 927.15 *Producer-handler.* Producer-handler means a handler who, following the filing of an application pursuant to paragraph (a) of this section, has been so designated by the market administrator upon determination that the requirements of paragraph (b) of this section have been met. Such designation shall be effective on the first of the month after receipt by the market administrator of an application containing complete information on the basis of which the market administrator determines that the requirements of paragraph (b) are being met, except that the effective date of designations shall be the same as the effective date of this provision if applications therefor are filed not later than 15 days after such effective date. The effective date of designation shall be governed by the date of filing new applications in instances where applications previously filed have been de-

nied. All designations shall remain in effect until canceled pursuant to paragraph (c) of this section.

(a) *Application.* Any handler claiming to meet the requirements of paragraph (b) of this section may file with the market administrator, on forms prescribed by the market administrator, an application for designation as a producer-handler. The application shall contain the following information:

(1) A listing and description of all resources and facilities used for the production of milk which are owned or directly or indirectly operated or controlled by the applicant.

(2) A listing and discription of all resources and facilities used for the processing or distribution of milk or milk products which are owned, or directly or indirectly operated or controlled by the applicant.

(3) A description of any other resources and facilities used in the production, handling or processing of milk or milk products in which the applicant in any way has an interest, including any contractual arrangement, and the names of any other persons having or exercising any degree of ownership, management, or control in, or with whom there exists any contractual arrangement with respect to, the applicant's operation either in his capacity as a handler or in his capacity as a dairy farmer.

(4) A listing and description of the resources and facilities used in the production, processing and distribution of milk which the applicant desires to be determined as his milk production, processing and distribution unit in connection with his designation as a producer-handler: *Provided*, That all milk production resources and facilities owned, operated or controlled by the applicant either directly or indirectly shall be considered as constituting a part of the applicant's milk production unit in the absence of proof satisfactory to the market administrator that some portion of such facilities or resources do not constitute an actual or potential source of milk supply for the applicant's operation as a producer-handler.

(5) Such other information as may be required by the market administrator.

(b) *Requirements.* (1) The handler has and exercises (in his capacity as a handler) complete and exclusive control over the operation and management of a plant at which he handles milk received from production facilities and resources (milking herd, buildings housing such herd and the land on which such buildings are located) the operation and management of which also are under the complete and exclusive control of the handler (in his capacity as a dairy farmer), all of which facilities and resources for the production, processing and distribution of milk constitute an integrated operation over which the handler (in his capacity as a producer-handler) has and exercises complete and exclusive control.

(2) The handler, in his capacity as a handler, handles no whole milk, fluid skim milk, or cream other than that derived from the milk production facilities and resources designated as constituting the applicant's operation as a producer-handler.

(3) The handler is not, either directly or indirectly, associated with control or management of the operation of another plant or another handler, nor is another handler so associated with his operation.

(4) The handler sells more than an average of 100 quarts per day of Class I-A milk to persons in the marketing area other than to other plants.

(5) In case the plant of the applicant was operated by a handler whose designation as a producer-handler previously had been cancelled pursuant to paragraph (c) of this section, the quantity of whole milk, fluid skim milk, or cream handled during the twelve months preceding the application which was derived from sources other than the designated milk production facilities and resources constituting the applicant's operation as a producer-handler is less than the volume set forth for cancellation pursuant to subparagraph (3) or (4) of paragraph (c) of this section.

(c) *Cancellation.* The designation as a producer-handler shall be cancelled under conditions set forth in subparagraphs (1) and (2) of this paragraph or, except as specified in subparagraphs (3) and (4) of this paragraph, upon determination by the market administrator that any of the requirements of paragraph (b) of this section are not continuing to be met, such cancellation to be effective on the first day of the month following the month in which the requirements were not met.

(1) Milk from the designated production facilities and resources of the producer-handler is delivered in the name of another person as pooled milk to another handler, or, except in the months of June through November with prior notice to the market administrator, a dairy herd, cattle barn or milking parlor is transferred to another person who uses such facilities or resources for producing milk which is delivered as pooled milk to another handler. This provision, however, shall not be deemed to preclude the occasional sale of individual cows from the herd.

(2) A dairy herd, cattle barn or milking parlor, previously used for the production of milk delivered as pooled milk to another handler, is added to the designated milk production facilities and resources of the producer-handler, except in the months of December through May, with prior notice to the market administrator, or if such facilities and resources were a part of the designated production facilities and resources during any of the preceding 12 months. This provision, however, shall not be deemed to preclude the occasional purchase of individual cows for the herd.

(3) If the producer-handler handles an average of more than 150 product pounds per day each or in aggregate of whole milk, fluid skim milk or cream, which are derived from sources other than the designated milk production facilities and resources, the cancellation of designation shall be effective the first of the month in which he handled such milk, skim milk, or cream.

(4) If the producer-handler handles whole milk, fluid skim milk, or cream derived from sources other than the designated milk production facilities and resources in a volume less than specified in subparagraph (3) of this paragraph, the designation shall be cancelled effective on the first of the month following the third month in any six-month period in which the producer-handler handled such milk, skim milk, or cream: *Provided*, That the receipt of up to an average of 10 pounds per day each or in aggregate of packaged fluid skim milk or cream shall not be counted for purposes of this subparagraph.

(d) *Public announcement.* The market administrator shall publicly announce the name, plant and farm location of persons designated as producer-handlers, and those whose designations have been cancelled. Such announcements shall be controlling with respect to the accounting at plants of other handlers for milk received from such producer-handler on and after the first of the month following the date of such announcement.

(e) *Burden of establishing and maintaining producer-handler status.* The burden rests upon the handler who is designated as a producer-handler (and upon the applicant for such designation) to establish through records required pursuant to § 927.54 that the requirements set forth in paragraph (b) of this section have been and are continuing to be met and that the conditions set forth in paragraph (c) of this section for cancellation of designation do not exist.

2. Amend § 927.29 (d) to read as follows:

(d) Any plant which for any month is not a pool plant because of failure to meet the requirements of paragraphs (a), (b), or (c) of this section from which Class I-A milk is distributed in the marketing area other than to another plant shall be a pool plant in any month if at least 55 percent of the milk received from dairy farmers at the plant during such month is classified in Class I-A and Class I-B: *Provided*, That such plant shall not be a pool plant if the handler operating the plant elects at the time of filing the report pursuant to § 927.50 not to have the plant designated a pool plant, and to make payments into the producer-settlement fund at the rate specified in § 927.83 (b) for any nonpool milk or skim milk which, on the basis of products distributed in the marketing area to purchasers other than other plants is classified as Class I-A, Class II or as skim milk subject to the fluid skim differential: *Provided further*, That such plant shall not be a pool plant, if in the absence of this provision, milk received from farmers at the plant would be classified and priced under another order issued pursuant to the Act, with a provision for marketwide equalization, and if the percentage of the milk received from dairy farmers at the plant which is classified as Class I-B and disposed of in the marketing area defined in such order is greater than the percentage of such milk classified as Class I-A.

3. Amend § 927.33 by:

(a) Changing the proviso therein to read as follows: "*Provided*, That if the butterfat in such milk is shipped in the form of milk, cream, fluid cream products, half and half, or cultured or flavored milk drinks, or if the skim milk in such milk is shipped in the form of milk, fluid skim milk, condensed skim milk, half and half, cream, or cultured milk drinks to another plant or other plants, it shall be classified, subject to the provisions of paragraphs (a) and (b) of this section, at the plant to which shipped, and there shall be no limit on the number of interplant movements in such forms, except as set forth in paragraphs (a) and (b) of this section. For purposes of this section, classification of skim milk shall mean the determination of whether the skim milk is assigned to a product or use to which the fluid skim milk differential may be applicable."

(b) Amending paragraphs (a) and (b) to read as follows:

(a) Except as set forth in paragraph (b) of this section, the classification of milk shipped in the form of milk and of milk the butterfat from which is shipped in the form of cream, fluid cream products, half and half, or cultured or flavored milk drinks, and of skim milk which is shipped in the form of fluid skim milk, condensed skim milk, half and half, cream, or cultured milk drinks to a nonpool plant shall be determined at the nonpool plant (unless such nonpool plant is in the marketing area, receives no milk from dairy farmers and is engaged substantially either in distributing packaged milk, fluid skim milk, or cream in the marketing area or in shipping bulk milk or cream to a pasteurizing and bottling plant in the marketing area), unless the handler operating the pool plant from which such shipments were made to the nonpool plant elects in writing in his monthly reports to have the classification of such milk and skim milk determined at the pool plant from which such shipments were made to the nonpool plant.

(b) The classification of milk shipped in the form of milk more than 65 miles from the plant where received from dairy farmers and of milk the butterfat from which is shipped in the form of cream, fluid cream products, half and half, or cultured milk drinks more than 65 miles from the plant where such product is made to a plant outside Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York State, Ohio, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, or the District of Columbia shall be determined at the plant from which the milk or milk product is so shipped.

4. Amend § 927.35 (a) by changing the last sentence preceding subparagraph (1) and by adding a proviso to read as follows: "Such assignment shall be subject to the additional requirements set forth in subparagraphs (1) through (6) of this paragraph: *Provided*, That if the plant is listed pursuant to § 927.14 or designated as a producer-handler plant pursuant to § 927.15, milk received from other pool plants designated pursuant to § 927.25 or § 927.28 or from other plants which are pool plants pursuant to § 927.29 on the basis of the assignment (at such other plants) pursuant to subparagraph (1) of this paragraph, shall be asigned to Class I-A before the application of subparagraph (1) and (2) of this paragraph."

5. Amend § 927.35 (a) (1) by changing the proviso to read as follows: *Provided*, That if such Class I-A milk is not sufficient to qualify such plant as a pool plant pursuant to paragraph (a) or (b) of § 927.29, or if the handler operating the plant so elects at the time of filing a report pursuant to § 927.50, no assignment pursuant to this subparagraph shall be made."

6. Amend § 927.35 (a) (2) (iii) to read as follows: "Milk received from other pool plants designated pursuant to § 927.25 or § 927.28 except as provided in subparagraph (6) of this paragraph.

7. Amend § 927.35 (a) (5) to read as follows:

(5) Notwithstanding other provisions of this paragraph, milk, cream, or fluid skim milk received (except packaged milk, cream, or fluid skim milk produced in accordance with methods and standards of the American Association of Medical Milk Commissions for the production of certified milk and which is received for marketing as certified milk or milk products), from a handler listed by the market administrator as a producer-handler pursuant to § 927.15, shall be considered to be nonpooled with respect to assignments pursuant to this section and payments pursuant to § 927.83: *Provided*, That milk received from a producer-handler who produces milk in accordance with methods and standards of the American Association of Medical Milk Commissions for the production of certified milk and which is not received for marketing as certified milk, shall be treated as milk received from a dairy farmer at the plant and not subject to the provisions of § 927.65 (h).

8. Add a new subparagraph (6) in § 927.35 (a) to read as follows:

(6) Milk received at a handler's plant from a dairy farmer who is also a handler listed by the market administrator pursuant to § 927.14 as receiving own farm milk shall be considered as received first at such dairy farmer's plant and shall be assigned as far as possible to pool milk; classified in Class III. Milk received from a dairy farmer who is also a handler but who is not listed by the market administrator pursuant to either § 927.14 or § 927.15 shall be considered as having been received from a dairy farmer.

9. Amend § 927.35 (e) by deleting the sentence preceding the proviso and substituting the following: "Milk from a handler's own farm which is excluded from the computation of the handler's net pool obligation pursuant to § 927.65 (h) shall be prorated to the classification of all milk received from dairy farmers including the handler's own farm milk:

10. Amend § 927.44 by deleting all the words prior to the word "deduct" and substitute the following: "The handler shall pay a fluid skim differential per hundredweight for skim milk, other than that derived from Class I-A or Class I-B milk subject to the pricing provisions of § 927.40 (a) or (c), which is disposed of to outlets in the markting area, which skim milk leaves or is on hand at the plant in the form of: milk, fluid skim milk in consumer packages or in dispenser units, half and half, cultured milk drinks containing 3.0 percent or more but not more than 5.0 percent butterfat, and fluid skim milk in bulk delivered to any such outlet which is engaged in the marketing or packaging of bulk fluid skim milk and for all skim milk which is not established to have been otherwise utilized or disposed of. Such fluid skim differential shall be computed as follows: * * *"

11. Amend § 927.50 by changing that portion thereof preceding paragraph (a) to read as follows:

§ 927.50 *Monthly reports.* Each handler (except a handler receiving own farm milk and not required to be listed pursuant either to §§ 927.14 or 927.15) shall report each month to the market administrator for the preceding month in the manner and on the forms prescribed by the market administrator, with respect to milk or milk products received at each of his pool plants, and at each of his plants where milk or milk products subject to payments under §§ 927.83 and 927.84 were handled, the information set forth in paragraphs (a) through (f) of this section. Such report, if transmitted by mail, shall bear a postmark no later than the 8th day of the month, and if not so mailed, shall be delivered physically to the office of the market administrator no later than the close of business on the 10th day of the month.

12. Amend § 927.54 by changing paragraph (e) thereof and by adding new paragraphs (f) and (g) to read as follows:

(e) Make inspection of buildings and their surroundings, facilities, and equipment for verification purposes and to ascertain what constitutes a plant and the production, processing and distribution resources and facilities of a producer-handler's operation.

(f) Verify that the requirements for designation as a producer-handler have been and are being met.

(g) Verify all other information required by this part to be reported.

13. Amend § 927.65 (h) (2) and (3) to read as follows:

(2) Own farm milk not in excess of an average of 800 pounds per day if the

handler is not a producer-handler designated pursuant to § 927.15 and if the volume of milk, other than own farm milk, handled does not exceed an average of 1,600 pounds per day.

(3) All milk handled by a producer-handler designated pursuant to § 927.15 which is derived from such producer-handler's production resources and facilities.

14. Amend § 927.65 (h) by inserting a new subparagraph (4) as follows:

(4) Own farm milk of a charitable, religious, educational or governmental institution which is not engaged in the practice of receiving bulk milk from other sources for processing or packaging and is not engaged in the practice of selling packaged milk to persons not associated with such institution.

15. Amend § 927.67 by changing the words "14th day of each month" to "15th day of each month."

16. Amend § 927.71 (b) (5) by (1) adding Schenectady County, New York, to those presently listed therein, (2) changing the phrase "131–140 mile zone" to "141–150 mile zone", and (3) changing the phrase "111–120 mile zone" to "131–140 mile zone."

17. Amend § 927.83 (a) (1) to read as follows: "It was derived from milk received at a nonpool plant from dairy farmers or received from a handler designated as a producer-handler pursuant to § 927.15."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 27th day of August 1958, to be effective on and after the 1st day of September 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-7065; Filed, Aug. 29, 1958; 8:53 a. m.]

PART 927—MILK IN NEW YORK-NEW JERSEY MILK MARKETING AREA

ORDER AMENDING ORDER

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act:

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1958.

The provisions of the said order are known to handlers. The decision of the Acting Secretary containing all amendment provisions of this order, was issued August 20, 1958. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative asociations specified in section 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the New York-New Jersey milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

Amend § 927.43 by deleting "in the months of July through February" appearing therein immediately preceding the first proviso and by substituting therefor the following: "in the month of July and in the months of December through February".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 27th day of August 1958, to be effective on and after the 1st day of September 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-7066; Filed, Aug. 29, 1958; 8:53 a. m.]

[Plum Order 29]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION OF SHIPMENTS; TERMINATION OF CERTAIN PLUM ORDERS

§ 936.612 *Plum Order 29*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found:

(i) That the limitation of shipments of plums in accordance with the provisions of the plum orders specified in paragraph (b) (1) of this section will not, after the effective time hereof, tend to effectuate the declared policy of the act; and

(ii) That the limitation of shipments of late varieties of plums, as set forth in paragraph (b) (2) of this section, pursuant to the provisions of § 936.41 of the amended marketing agreement and order will tend to effectuate such orderly marketing of such plums as will be in the public interest; will tend to effectuate the declared policy of the act, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that; the level of prices of late varieties of plums is such that regulation of the

shipment of such plums, in accordance with the provisions of the plum orders specified in paragraph (b) (1) of this section, may not be continued after the effective time hereof; the termination of such plum orders would permit the unrestricted shipment of all late varieties of plums, and such unrestricted shipment of the varieties specified in paragraph (b) (2) of this section would be conducive to the orderly marketing of such plums in the public interest and would not tend to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) The following plum orders shall be terminated at the effective time of paragraph (b) (2) of this regulation:

Plum Order 5 (§ 936.586; 23 F. R. 3660); Plum Order 6 (§ 936.588; 23 F. R. 4470); Plum Order 7 (§ 936.589; 23 F. R. 4470); Plum Order 8 (§ 936.590; 23 F. R. 4471); Plum Order 9 (§ 936.591; 23 F. R. 4472); Plum Order 10 (§ 936.592; 23 F. R. 4473); Plum Order 11 (§ 936.593; 23 F. R. 4691); Plum Order 12 (§ 936.594; 23 F. R. 4692; 5269); Plum Order 13 (§ 936.595; 23 F. R. 4693); Plum Order 14 (§ 936.596; 23 F. R. 4694); Plum Order 15 (§ 936.597; 23 F. R. 4695); Plum Order 16 (§ 936.598; 23 F. R. 4696); Plum Order 17 (§ 936.599; 23 F. R. 4697); Plum Order 18 (§ 936.601; 23 F. R. 5294); Plum Order 19 (§ 936.602; 23 F. R. 5294); Plum Order 20 (§ 936.603; 23 F. R. 5295); Plum Order 21 (§ 936.604; 23 F. R. 5296); Plum Order 22 (§ 936.605; 23 F. R. 5297); Plum Order 23 (§ 936.606; 23 F. R. 3660); Plum Order 24 (§ 936.607; 23 F. R. 5502); Plum Order 25 (§ 936.608; 23 F. R. 5502); Plum Order 26 (§ 936.609; 23 F. R. 5503); Plum Order 27 (§ 936.610; 23 F. R. 5505); and Plum Order 28 (§ 936.611; 23 F. R. 5505).

(2) During the period beginning at 12:01 a. m., P. s. t., August 30, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship any package or container of the following late varieties of plums unless such plums meet the minimum standards of quality and maturity applicable to the particular variety as hereinafter set forth:

(i) Late Duarte and President varieties of plums, unless such plums grade at least U. S. No. 1, with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(a) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(b) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and ten sixteenth ($1\frac{10}{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half ($37\frac{1}{2}$) percent, by count, of plums which measure less than one and ten-sixteenth ($1\frac{10}{16}$) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a $7\frac{1}{2}$-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph;

(ii) Kelsey variety of plums unless such plums grade at least U. S. No. 1, with a total tolerance of twenty-five (25) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and,

(a) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(b) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds ($66\frac{2}{3}$) percent, by count, of the plums measure not less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third ($33\frac{1}{3}$) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "$7\frac{1}{2}$-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 28, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-7080; Filed, Aug. 29, 1958; 9:02 a. m.]

[Lemon Reg. 754]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.861 *Lemon Regulation 754*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, includ-

ing its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 27, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 31, 1958, and ending at 12:01 a. m., P. s. t., September 7, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 255,750 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 28, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-7064; Filed, Aug. 29, 1958; 9:02 a. m.]

[957.317 Amdt. 2]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and other available information it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of § 957.317 (b) (1) (23 F. R. 5157) are hereby amended to read as follows:

(2) Except as otherwise provided in this section, during the period from September 1, 1958, through June 30, 1959, no handler shall ship potatoes of any variety unless such potatoes are generally "fairly clean," which means that at least 90 percent of such potatoes are "fairly clean," as such terms are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), and

(i) If they are of the round varieties (including, but not being limited to, Bliss Triumph, and Pontiac varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, 2 inches minimum diameter,

(ii) If they are of the White Rose variety, such potatoes meet the requirements of the U. S. No. 2, or better, grade, 8 ounces minimum weight: *Provided*, That any such potatoes that grade not less than U. S. No. 1 may be shipped if they are of 2 inches minimum diameter or 4 ounces minimum weight, size A,

(iii) If they are of the Kennebec variety, such potatoes meet the requirements of the U. S. No. 2, or better, grade, and are of 2 inches minimum diameter or 4 ounces minimum weight, and

(iv) If they are of any other variety (including, but not being limited to the Early Gem and Russet Burbank varieties), such potatoes meet the requirements of the U. S. No. 2 or better grade, and are 6 ounces minimum weight: *Provided*, That any such potatoes that grade not less than U. S. No. 1 may be shipped if they are of 2 inches minimum diameter or 4 ounces minimum weight, size A, as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 27, 1958, to become effective September 1, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 58-7063; Filed, Aug. 29, 1958; 8:53 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

INDIAN RIVER, FLORIDA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.436 (a) governing the operation of bridges over Indian River at Cocoa, Eau Gallie and Melbourne, Florida, is hereby amended with respect to the bridge at Cocoa to allow an additional 30 minutes of closed period during the afternoon, to relieve congestion of highway traffic, as follows:

§ 203.436 *Indian River, Fla.; State Road Department of Florida bridges at Cocoa, Eau Gallie and Melbourne.* (a) Except as provided in paragraphs (b) and (c) of this section, the owner of or agency controlling these bridges shall not be required to open the draw-spans of the bridges at Eau Gallie and Melbourne between the hours of 6:45 a. m. and 7:45 a. m. and 4:30 p. m. and 5:30 p. m., and the drawspan of the bridge at Cocoa between the hours of 6:45 a. m. and 7:45 a. m. and 4:15 p. m. and 5:15 p. m., Monday through Friday of each week.

[Regs., Aug. 19, 1958, 823.01 (Indian River, Fla.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 58-7022; Filed, Aug. 29, 1958; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS

OPEN SEASONS, BAG LIMITS, AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Correction

In Federal Register Document 58-7051 published at page 6717 in the issue for Friday, August 29, 1958, the date and signature at the end of the document should read as follows:

Issued at Washington, D. C., and dated August 27, 1958.

HATFIELD CHILSON,
Acting Secretary of the Interior.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regulations, Amdt. 4b-9]

PART 4b—AIRPLANE AIRWORTHINESS TRANSPORT CATEGORIES

SUPPLEMENTAL OXYGEN REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 27th day of August 1958.

The advent of turbine-powered airplanes with normal operating altitudes higher than has been the case with airplanes powered by reciprocating engines has made necessary a reconsideration of supplemental oxygen requirements. Following a study of this problem by representatives of the Government and industry, a proposal to amend the existing supplemental oxygen requirements of Part 4b and the operating rules was published in accordance with public rule making procedures and circulated as Civil Air Regulations Draft Release No. 58-7 dated March 27, 1958.

In this draft release it was proposed to consolidate all controls, instruments, and warning devices at a single location to permit all phases of monitoring and operation of the pressurization and oxygen systems by a single crew member. However, after consideration of the comments received the Board has concluded that such requirement, while stating a desirable objective, would actually result in a potentially lower level of safety because of the added complexity that would result. With regard to warning devices, it was proposed also to require both visible and audible warnings to give alarm in the event of cabin depressurization. Comments received in this matter pointed out that, in contrast to past practice, airplanes in the next few years will almost certainly incorporate other audible warning devices that may operate at cruise altitude and require immediate conditioned response, and that confusion could result from providing too many such audible warnings. Considering these comments, the Board concluded that the current requirements in § 4b.375 (f) provide for adequately effective warnings.

High rates of fuel consumption at low altitudes lead to the possible necessity for turbine-powered transport airplanes to cruise at altitudes that would require sustaining oxygen for all occupants for extended periods of time. This has emphasized a need for regulations as to the minimum quantity of oxygen which may be carried to insure adequate protection for the passengers. The quantities prescribed by the current requirements of § 4b.651 are generally conceded to be in excess of actual needs for sustenance. The new oxygen flow rates contained herein will provide a level of safety acceptable for sustaining purposes without reducing the quantity carried below a safe minimum.

Some difference of opinion was expressed concerning the provisions for oxygen in the altitude range above 25,000 feet where its main purpose is to prevent physical harm to the passengers following cabin depressurization. One position was that it would be adequate to apply the same prescription as proposed for sustaining oxygen. The opposing view was held that while this might be adequate for sustenance at altitudes above 25,000 feet it would not be satisfactory following cabin decompression at these altitudes because of the problem of removing nitrogen from the lungs, and that for this reason a greater quantity of oxygen should be prescribed. The problem associated with this view is that either the flow rate must be equivalent to the higher requirement throughout the altitude range, or equipment must be provided to enable the oxygen system to differentiate between two situations. In weighing these opposing views, the Board took into consideration that the prescription in the regulation is a minimum value; that previous requirements, although prescribing a greater quantity of oxygen, have not accounted for overall system efficiency; that additional system complexity would decrease reliability; and that the objective of oxygen following a decompression is to prevent physical harm and not necessarily to provide passengers with the same amount of oxygen which would be available at sea level.

There was some expression of opinion that the flow rate provided for flight crew members was not adequate. In considering these opinions, the Board was not able to establish that the 5,000-foot equivalent provided by the prescription for demand-type equipment was unsatisfactory. Consideration was also given to the fact that the prescription is a minimum and that normal operating tolerances will invariably insure that a somewhat greater quantity is furnished. Since this prescription could result in the crew being unable to draw oxygen from the demand-type system while the cabin is pressurized, a requirement is being added that undiluted oxygen be available to the crew.

The provision for insuring that oxygen masks be immediately available to the users is believed to be proper in light of the problems associated with flight at these altitudes. The time available to begin breathing supplemental oxygen becomes less with increasing altitude due to the decrease in the period of useful consciousness. Thus the requirements for making the dispensing units available to the users become more severe as the maximum certificated altitude becomes higher.

A prescription is being added to define the quantity of oxygen to be made available for first-aid use. To avoid having to predict the pressure altitudes at which such will be used, the prescription is in terms of flow at standard temperature and pressure.

The provisions of this regulation require two outlets and units of oxygen-dispensing equipment in the washroom and in the lavatory.

The cabin attendants, in the course of their normal duties, may be at any place in the cabin at the time of depressurization. Since, at the normal cruising altitude of turbine-powered airplanes, sufficient time may not be available for the attendants to return to a designated oxygen station, it is necessary that either a portable oxygen supply be carried by each atendant or that sufficient additional outlets and units of dispensing equipment be immediately available throughout the cabin to insure that it will be attainable a all times. The likelihood of turbine-powered airplanes having to continue operations at flight altitudes requiring sustaining oxygen makes necessary the provision of portable oxygen equipment for cabin attendants in order to insure their mobility even though such equipment may not be required to satisfy the emergency descent provisions. To avoid, as much as possible, the problems associated with changing over from a spare outlet of the installed system to a portable unit, these portable units should have, to the degree practicable, a uniform distribution in the cabin. To provide for this, the portable oxygen units are required to be immediately available.

The proposal regarding means of determining delivery of oxygen to the dispensing units was intended to provide an indication that the oxygen system is in operation and that oxygen is being released from the storage containers to the distribution system. Determination of delivery to individuals, as in the past, by observation of the storage bags on the masks or similar type examinations is felt to be inadequate.

Interested persons have been afforded an opportunity to participate in the making of this amendment (23 F. R. 2229), and due consideration has been given to all relevant matter presented. In view of the imminence of operations to be conducted pursuant to this amendment, the Board finds that further notice and public procedure thereon would be contrary to the public interest and that this amendment may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 4b of the Civil Air Regulations (14 CFR Part 4b, as amended), effective September 1, 1958.

1. By deleting figure 4b–21.

2. By amending § 4b.651 (a) to read as follows:

§ 4b.651 *Oxygen equipment and supply.* * * *

(a) *General.* The oxygen system installed shall be free from hazards in itself, in its method of operation, and in its effect upon other components of the airplane. Means shall be provided to enable the crew to determine readily during flight the quantity of oxygen available in each source of supply. For airplanes certificated for operation at flight altitudes above 40,000 feet, oxygen flow rate and equipment shall be approved by the Administrator.

3. By amending § 4b.651 (b) to read as follows:

(b) *Required minimum mass flow of supplemental oxygen.* The minimum mass flow of supplemental oxygen required per person at various cabin pressure altitudes shall be that necessary to comply with the following requirements as applicable:

(1) Where continuous flow equipment is used by flight crew members, the minimum mass flow of supplemental oxygen required for each crew member shall not

be less than that which will maintain during inspiration a mean tracheal oxygen partial pressure of 149 mm. Hg. when breathing 15 liters per minute, BTPS, and having a maximum tidal volume of 700 cc. with a constant time interval between respirations.

(2) Where demand equipment is used by flight crew members, the minimum mass flow of supplemental oxygen required for each crew member shall not be less than that which will maintain during inspiration a mean tracheal oxygen partial pressure of 122 mm. Hg. to and including a cabin pressure altitude of 35,000 feet and 95 percent oxygen between cabin pressure altitudes of 35,000 and 40,000 feet, when breathing 20 liters per minute BTPS. Provision shall be made to allow use of undiluted oxygen by crew members when they so desire.

(3) For passengers and cabin attendants the minimum mass flow of supplemental oxygen required for each person at various cabin pressure altitudes shall not be less than that which will maintain during inspiration the following mean tracheal oxygen partial pressures when using the oxygen equipment provided, including masks:

(i) At cabin pressure altitudes above 10,000 feet to and including 18,500 feet, a mean tracheal oxygen partial pressure of 100 mm. Hg. when breathing 15 liters per minute, BTPS, and having a tidal volume of 700 cc. with a constant time interval between respirations.

(ii) At cabin pressure altitudes above 18,500 feet to and including 40,000 feet, a mean tracheal oxygen partial pressure of 83.8 mm. Hg. when breathing 30 liters per minute, BTPS, and having a tidal volume of 1,100 cc. with a constant time interval between respirations.

(4) Where first-aid oxygen equipment is required, the minimum mass flow of oxygen to each user shall not be less than 4 liters per minute, STPD, except that means may be provided to decrease this flow to not less than 2 liters per minute, STPD, at any cabin altitude. The quantity of oxygen required shall be based upon an average flow rate of 3 liters per minute per person for whom first-aid oxygen is required.

(5) Where portable oxygen equipment is required for crew members, the minimum mass flow of supplemental oxygen shall be as specified in subparagraph (1) or (2) of this paragraph, whichever is applicable.

4. By amending § 4b.651 (d) to read as follows:

(d) *Equipment standards for dispensing units.* Where oxygen dispensing units are required, they shall comply with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) An individual dispensing unit shall be provided for each occupant for whom supplemental oxygen is required to be furnished. All units shall be designed to cover the nose and mouth and shall be equipped with a suitable means for retaining the unit in position on the face for use. Flight crew masks for supplemental oxygen shall provide for the use of communication equipment. (For crew masks to be used for protective breathing purposes, see paragraph (h) of this section.)

(2) In airplanes certificated to operate at flight altitudes to and including 25,000 feet, there shall be available to and within reach of each flight crew member an oxygen supply terminal and unit of oxygen dispensing equipment to provide for the immediate use of oxygen by such crew member. For all other occupants the supply terminals and dispensing equipment shall be located so as to permit the use of oxygen as required by the operating rules of the regulations in this subchapter.

(3) In airplanes certificated to operate above 25,000 feet flight altitude, the provisions of subdivisions (i) through (iv) of this subparagraph shall apply:

(i) An oxygen dispensing unit connected to oxygen supply terminals shall be immediately available to each occupant wherever seated. In addition, in airplanes certificated to operate above 30,000 feet, the dispensing units providing the required oxygen flow rate shall be automatically presented to the occupants. To insure that sufficient dispensing units and outlets are available for all occupants, the total number shall exceed the number of seats by at least 10 percent with the extra units being as uniformly distributed throughout the cabin as practicable;

(ii) Crew members on flight deck duty shall be provided with demand equipment. An oxygen dispensing unit connected to an oxygen supply terminal shall be immediately available to each flight crew member when seated at his station;

(iii) Not less than two outlets and units of dispensing equipment of a type similar to that required by subdivision (i) of this subparagraph shall be located in each washroom; and in each lavatory if separate from the washroom; and

(iv) Portable oxygen equipment shall be immediately available for each cabin attendant.

5. By amending § 4b.651 (e) to read as follows:

(e) *Means for determining use of oxygen.* Means shall be provided to enable the crew to determine whether oxygen is being delivered to the dispensing units.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58-7068; Filed, Aug. 29, 1958; 8:53 a. m.]

[Civil Air Regulations, Amdt. 40-12]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

SUPPLEMENTAL OXYGEN REQUIREMENTS FOR SUSTENANCE AND FIRST-AID

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 27th day of August 1958.

Part 40 contains among other things oxygen requirements for aircraft operating under this part. Civil Air Regulations Draft Release No. 58-7, which was published on March 27, 1958, proposed changes to the requirements for supplemental oxygen and associated equipment both in the airworthiness requirements and operating rules. The changes simultaneously made in Part 4b requirements will be applicable only to applications for certification filed after their effective date, but the changes in the operating rules made herein will apply to all operations thereby governed on the effective date hereof, or as otherwise provided in the text of the regulation.

The particular characteristics of turbine-powered airplanes which dictate a need for somewhat different requirements relative to the use of supplemental oxygen than those applicable to piston-engine airplanes are the higher operating altitudes at the time of a possible decompression combined with excessive fuel consumption by these turbine-powered airplanes at low altitudes which may require continued cruise at an altitude demanding sustaining oxygen to enable the airplane to reach a suitable landing field.

The base cruising altitude at which oxygen must be provided is being raised from 8,000 to 10,000 feet. It has been generally agreed that this requirement, while reducing the quantity of oxygen required, will provide an acceptable level of safety.

A provision relating to crew oxygen masks is being added. The time required for the crew to institute the use of their oxygen masks when operating at these altitudes is so short that any location of crew masks that could involve any avoidable loss of time in donning them would not be in the interest of safety. To minimize the danger inherent in this situation, one pilot will be required to wear and to use his mask at all times when operations above 25,000 feet are conducted. The other members of the flight crew will be required to have the masks on their person at all times and in such a position as to be immediately placed on their faces for use. Since the object is to avoid any possible hazard to the passengers following decompression, it is considered necesary that the pilot wearing the mask be drawing oxygen from the system under normal conditions. Since all flight crew members would probably have specified duties following cabin depressurization, it is considered appropriate that masks should be immediately available for each flight crew member on flight deck duty.

On those flights wherein operations are conducted above 25,000 feet, the need for rapid action on the part of all occupants precludes waiting until an emergency occurs to instruct the passengers in the use of the oxygen equipment. A provision, therefore, is being included to require briefing of the passengers prior to such operations. This briefing should insure that the passengers know how to use the equipment provided. To the degree practicable, language problems should be avoided or overcome.

For all airplanes operating above 25,000 feet, oxygen and dispensing equipment must be provided for all passenger cabin occupants as well as the crew. Although a rapid descent of the airplane usually will be possible, it is felt that a 10-minute suply of oxygen would be the minimum amount that could be provided which would insure an adequate capability for descent from higher altitudes in the event that circumstances prevent realization of the demonstrated descent rate. For purposes of computing a quantity of oxygen for descent, a uniform descent for the 10-minute period would be assumed.

For a particular operation to comply with the rules in this part the amount of sustaining and first-aid oxygen required shall be determined on the basis of cabin pressure altitudes and flight duration consistent with the operating procedures established for each such operation and route. The requirements for airplanes with pressurized cabins shall be determined on the basis of cabin pressure altitude and upon the assumption that a cabin pressurization failure will occur at that altitude or point of flight which is most critical from the standpoint of oxygen need, and that after such failure any descent to a flight altitude that will permit successful termination of the flight will not exceed the operating limitations of the airplane. Following such a failure, the cabin pressure altitude shall be considered to be the same as the flight altitude unless it can be shown that no probable failure of the cabin or pressurization equipment will result in a cabin pressure altitude equal to the flight altitude, under which circumstances the maximum cabin pressure altitude attained may be used as a basis for certification and/or determination of oxygen supply.

Interested persons have been afforded an opportunity to participate in the making of this amendment (23 F. R. 2229), and due consideration has been given to all relevant matter presented. In view of the imminence of operations to be conducted pursuant to this amendment, the Board finds that further notice and public procedure hereon would be contrary to the public interest and that this amendment may be made effective in less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective September 1, 1958.

1. By amending the title of § 40.202 to read as follows:

§ 40.202 *Supplemental oxygen; reciprocating-engine-powered airplanes.* * * *

2. By adding a new § 40.202-T to read as follows:

§ 40.202-T *Supplemental oxygen for sustenance; turbine-powered airplanes—*(a) *General.* Prior to July 31, 1959, turbine-powered airplanes shall comply with the provisions of § 40.202 or, alternatively, with the provisions of this section except that effective July 31, 1959, all turbine-powered airplanes shall comply with the provisions of this section. Sustaining oxygen and dispensing equipment shall be furnished by the air carrier for use as set forth in this section. The amount of oxygen provided shall be at least that quantity which will be necessary to comply with paragraphs (b) and (c) of this section. As used in the oxygen requirements hereinafter set forth, "cabin pressure altitude" shall mean the pressure altitude corresponding with the pressure in the cabin of the airplane, and "flight altitude" shall mean the altitude above sea level at which the airplane is operated; for airplanes not equipped with pressurized cabins, "cabin pressure altitude" and "flight altitude" shall be considered identical. The amount of sustaining and first-aid oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of cabin pressure altitudes and flight duration consistent with the operating procedures established for each such operation and route. The requirements for airplanes with pressurized cabins shall be determined on the basis of cabin pressure altitude and the assumption that a cabin pressurization failure will occur at that altitude or point of flight which is most critical from the standpoint of oxygen need, and that after such failure the airplane will descend in accordance with the emergency procedures specified in the Airplane Flight Manual without exceeding its operating limitations to a flight altitude that will permit successful termination of the flight. Following such a failure the cabin pressure altitude shall be considered to be the same as the flight altitude unless it can be shown that no probable failure of the cabin or pressurization equipment will result in a cabin pressure altitude equal to the flight altitude, under which circumstances the maximum cabin pressure altitude attained may be used as a basis for certification and/or determination of oxygen supply.

(b) *Crew members.* A supply of oxygen for crew members shall be provided in accordance with the following requirements:

(1) At cabin pressure altitudes above 10,000 feet to and including 12,000 feet, oxygen shall be provided for and used by each member of the flight crew on flight deck duty and provided for all other crew members during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At cabin pressure altitudes above 12,000 feet, oxygen shall be provided for and used by each member of the flight crew on flight deck duty and provided for all other crew members during the entire flight at such altitudes.

(c) *Passengers.* A supply of oxygen for passengers shall be provided in accordance with the following requirements:

(1) For flights at cabin pressure altitudes above 10,000 feet to and including 14,000 feet, oxygen shall be provided for the duration of flight in excess of 30 minutes for 10 percent of the number of passengers carried.

(2) For flights at cabin pressure altitudes above 14,000 feet to and including 15,000 feet, oxygen shall be provided for the duration of flight at such altitude for 30 percent of the number of passengers carried.

(3) For flights at cabin pressure altitudes above 15,000 feet, oxygen shall be provided for each occupant carried for the duration of flight at such altitude.

3. By amending the title of § 40.203 to read as follows:

§ 40.203 *Supplemental oxygen requirements for pressurized cabin airplanes; reciprocating-engine-powered airplanes.* * * *

4. By adding a new § 40.203-T to read as follows:

§ 40.203-T *Supplemental oxygen for emergency descent and for first aid; turbine-powered airplanes with pressurized cabins.*—(a) *General.* Prior to July 31, 1959, turbine-powered airplanes with pressurized cabins shall comply with the provisions of § 40.203 or, alternatively, with the provisions of this section except that effective July 31, 1959, all such turbine-powered airplanes shall comply with the provisions of this section. When operating pressurized cabin airplanes, the air carrier shall furnish oxygen and dispensing equipment necessary to permit compliance with the requirements set forth in this section in the event of cabin pressurization failure.

(b) *Crew members.* When operating at flight altitudes above 10,000 feet, oxygen shall be provided to permit compliance with § 40.202-T except that not less than a 2-hour supply shall be provided for the flight crew members on flight deck duty. The oxygen required by § 40.205 may be included in determining the supply required for flight crew members on flight deck duty in the event of cabin pressurization failure.

(c) *Use of oxygen masks by flight crew members.* When operating at flight altitudes above 25,000 feet, one pilot at the controls of the airplane shall wear and use an oxygen mask at all times and all other flight crew members on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be worn in a manner that will permit immediate placing of the masks on their faces for use, properly secured and sealed.

(d) *Use of portable oxygen equipment by cabin attendants.* Portable oxygen equipment of not less than a 15-minute oxygen supply shall be carried by each attendant during the entire time flight is conducted above 25,000 feet flight altitude, unless it is shown that sufficient portable oxygen units equipped with masks or spare outlets and masks are distributed throughout the cabin to insure immediate availability of oxygen to the cabin attendants regardless of their location at the time of cabin depressurization.

(e) *Passenger cabin occupants.* When operating at flight altitudes above 10,000 feet, the following supply of oxygen shall be provided for the use of passenger cabin occupants:

(1) When an airplane is certificated to operate at flight altitudes to and including 25,000 feet, and if at any point along

the route to be flown the airplane can descend safely to a flight altitude of 14,000 feet or less within 4 minutes, oxygen shall be available at the rate prescribed by this part for a 30-minute period for not less than 10 percent of the number of passenger cabin occupants carried.

(2) When an airplane is operated at flight altitudes to and including 25,000 feet and cannot descend safely to a flight altitude of 14,000 feet within 4 minutes, or when an airplane is operated at flight altitudes above 25,000 feet, oxygen shall be available at the rate prescribed by this part for not less than 10 percent of the number of passenger cabin occupants carried for the duration of flight following cabin depressurization at cabin pressure altitudes above 10,000 feet to and including 14,000 feet and, as applicable, to permit compliance with § 40.202–T (b) (2) and (3), except that not less than a 10-minute supply for all passenger cabin occupants shall be provided.

(3) For first-aid treatment of occupants who for psychological reasons might require undiluted oxygen following descent from cabin pressure altitudes above 25,000 feet, a supply of oxygen in accordance with the requirements of § 4b.651 (b) (4) (see § 40.204) shall be provided for 2 percent of the occupants for the duration of flight following cabin depressurization at cabin pressure altitudes above 8,000 feet, but in no case to less than one person. An appropriate number of acceptable dispensing units, but in no case less than 2, shall be provided. Means shall be provided to enable the cabin attendants to use this supply.

(f) *Passenger briefing.* Before flight is conducted above 25,000 feet, a crew member shall give instructions and demonstrations to the passengers sufficient to insure that all passengers are adequately informed regarding the location and operation of the oxygen-dispensing equipment and the necessity of using oxygen in the event of cabin depressurization.

5. By amending § 40.204 to read as follows:

§ 40.204 *Equipment standards*—(a) *Reciprocating-engine-powered airplanes.* The oxygen apparatus, the minimum rates of oxygen flow, and the supply of oxygen necessary to comply with the requirements of § 40.202 shall meet the standards established in § 4b.651 of this subchapter effective July 20, 1950: *Provided*, That where full compliance with such standards is found by the Administrator to be impracticable, he may authorize such changes in these standards as he finds will provide an equivalent level of safety.

(b) *Turbine-powered airplanes.* Prior to July 31, 1959, turbine-powered airplanes shall comply with the provisions of paragraph (a) of this section or, alternatively, with the provisions of this paragraph except that effective July 31, 1959, all turbine-powered airplanes shall comply with the provisions of this paragraph. The oxygen apparatus, the minimum rate of oxygen flow, and the supply of oxygen to comply with the requirements of §§ 40.202–T and 40.203–T shall meet the standards established in § 4b.651 of this subchapter effective September 1, 1958: *Provided*, That where full compliance with such standards is found by the Administrator to be impracticable, he may authorize such changes in these standards as he finds will provide an equivalent level of safety.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 605; 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 554, 555)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58–7069; Filed, Aug. 29, 1958; 8:53 a. m.]

[Civil Air Regulations, Amdt. 41–18]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

SUPPLEMENTAL OXYGEN REQUIREMENTS FOR SUSTENANCE AND FIRST-AID

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of August 1958.

Part 41 contains among other things oxygen requirements for aircraft operating under this part. Civil Air Regulations Draft Release No. 58–7, which was published on March 27, 1958, proposed changes to the requirements for supplemental oxygen and associated equipment both in the airworthiness requirements and operating rules. The changes simultaneously made in Part 4b requirements will be applicable only to applications for certification filed after their effective date, but the changes in the operating rules made herein will apply to all operations thereby governed on the effective date hereof, or as otherwise provided in the text of the regulation.

The particular characteristics of turbine-powered airplanes which dictate a need for somewhat different requirements relative to the use of supplemental oxygen than those applicable to piston-engine airplanes are the higher operating altitudes at the time of a possible decompression combined with excessive fuel consumption by these turbine-powered airplanes at low altitudes which may require continued cruise at an altitude demanding sustaining oxygen to enable the airplane to reach a suitable landing field.

The base cruising altitude at which oxygen must be provided is being raised from 8,000 to 10,000 feet. It has been generally agreed that this requirement, while reducing the quantity of oxygen required, will provide an acceptable level of safety.

A provision relating to crew oxygen masks is being added. The time required for the crew to institute the use of their oxygen masks when operating at these altitudes is so short that any location of crew masks that could involve any avoidable loss of time in donning them would not be in the interest of safety. To minimize the danger inherent in this situation, one pilot will be required to wear and to use his mask at all times when operations above 25,000 feet are conducted. The other members of the flight crew will be required to have the masks on their person at all times and in such a position as to be immediately placed on their faces for use. Since the object is to avoid any possible hazard to the passengers following decompression, it is considered necessary that the pilot wearing the mask be receiving oxygen from the system under normal conditions. Since all flight crew members would probably have specified duties following cabin depressurization, it is considered appropriate that masks should be immediately available for each flight crew member on flight deck duty.

On those flights wherein operations are conducted above 25,000 feet, the need for rapid action on the part of all occupants precludes waiting until an emergency occurs to instruct the passengers in the use of the oxygen equipment. A provision, therefore, is being included to require briefing of the passengers prior to such operations. This briefing should insure that the passengers know how to use the equipment provided. To the degree practicable, language problems should be avoided or overcome.

For all airplanes operating above 25,000 feet, oxygen and dispensing equipment must be provided for all passenger cabin occupants as well as the crew. Although a rapid descent of the airplane generally will be possible, it is felt that a 10-minute supply of oxygen would be the minimum amount that could be provided which would insure an adequate quantity for descent from higher altitudes in the event that circumstances prevent realization of the demonstrated descent rate. For purposes of computing a quantity of oxygen for descent, a uniform descent for the 10-minute period would be assumed.

For a particular operation to comply with the rules in this part the amount of sustaining and first-aid oxygen required shall be determined on the basis of cabin pressure altitudes and flight duration consistent with the operating procedures established for each such operation and route. The requirements for airplanes with pressurized cabins shall be determined on the basis of cabin pressure altitude and upon the assumption that a cabin pressurization failure will occur at that altitude or point of flight which is most critical from the standpoint of oxygen need, and that after such failure any descent to a flight altitude that will permit successful termination of the flight will not exceed the operating limitations of the airplane. Following such a failure, the cabin pressure altitude shall be considered to be the same as the flight altitude unless it can be shown that no probable failure of the cabin or pressurization equipment will result in a cabin pressure altitude equal to the flight altitude, under which circumstances the maximum cabin pressure altitude attained may be used as a basis for certification and/or determination of oxygen supply.

Interested persons have been afforded an opportunity to participate in the making of this amendment (23 F. R. 2229), and due consideration has been given to all relevant matter presented. In view of the imminence of operations to be conducted pursuant to this amendment, the Board finds that further notice and public procedure hereon would be contrary to the public interest and that this amendment may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective September 1, 1958.

1. By amending the title of § 41.24 to read as follows:

§ 41.24 *Supplemental oxygen; reciprocating-engine-powered airplanes.* * * *

2. By adding a new § 41.24–T to read as follows:

§ 41.24–T *Supplemental oxygen for maintenance; turbine-powered airplanes*—(a) *General.* Prior to July 31, 1959, turbine-powered airplanes shall comply with the provisions of § 41.24 or, alternatively, with the provisions of this section except that effective July 31, 1959, all turbine-powered airplanes shall comply with the provisions of this section. Sustaining oxygen and dispensing equipment shall be furnished by the air carrier for use as set forth in this section. The amount of oxygen provided shall be at least that quantity which will be necessary to comply with paragraphs (b) and (c) of this section. As used in the oxygen requirements hereinafter set forth, "cabin pressure altitude" shall mean the pressure altitude corresponding with the pressure in the cabin of the airplane, and flight altitude" shall mean the altitude above sea level at which the airplane is operated; for airplanes not equipped with pressurized cabins, "cabin pressure altitude" and "flight altitude" shall be considered identical. The amount of sustaining and first-aid oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of cabin pressure altitudes and flight duration consistent with the operating procedures established for each such operation and route. The requirements for airplanes with pressurized cabins shall be determined on the basis of cabin pressure altitude and the assumption that a cabin pressurization failure will occur at that altitude or point of flight which is most critical from the standpoint of oxygen need, and that after such failure the airplane will descend in accordance with the emergency procedures specified in the Airplane Flight Manual without exceeding its operating limitations to a flight altitude that will permit successful termination of the flight. Following such a failure the cabin pressure altitude shall be considered to be the same as the flight altitude unless it can be shown that no probable failure of the cabin or pressurization equipment will result in a cabin pressure altitude equal to the flight altitude, under which circumstances the maximum cabin pressure altitude attained may be used as a basis for certification and/or determination of oxygen supply.

(b) *Crew members.* A supply of oxygen for crew members shall be provided in accordance with the following requirements:

(1) At cabin pressure altitudes above 10,000 feet to and including 12,000 feet, oxygen shall be provided for and used by each member of the flight crew on flight deck duty and provided for all other crew members during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At cabin pressure altitudes above 12,000 feet, oxygen shall be provided for and used by each member of the flight crew on flight deck duty and provided for all other crew members during the entire flight at such altitudes.

(c) *Passengers.* A supply of oxygen for passengers shall be provided in accordance with the following requirements:

(1) For flights at cabin pressure altitudes above 10,000 feet to and including 14,000 feet, oxygen shall be provided for the duration of flight in excess of 30 minutes for 10 percent of the number of passengers carried.

(2) For flights at cabin pressure altitudes above 14,000 feet to and including 15,000 feet, oxygen shall be provided for the duration of flight at such altitude for 30 percent of the number of passengers carried.

(3) For flights at cabin pressure altitudes above 15,000 feet, oxygen shall be provided for each occupant carried for the duration of flight at such altitude.

3. By amending the title of § 41.24a to read as follows:

§ 41.24a *Supplemental oxygen requirements for pressurized cabin airplanes; reciprocating-engine-powered airplanes.* * * *

4. Bl ading a new § 41.24a–T to read as follows:

§ 41.24a–T *Supplemental oxygen for emergency descent and for first aid; turbine-powered airplanes with pressurized cabins*—(a) *General.* Prior to July 31, 1959, turbine-powered airplanes with pressurized cabins shall comply with the provisions of § 41.24a or, alternatively, with the provisions of this section except that effective July 31, 1959, all such turbine-powered airplanes shall comply with the provisions of this section. When operating pressurized cabin airplanes, the air carrier shall furnish oxygen and dispensing equipment necessary to permit compliance with the requirements set forth in this section in the event of cabin pressurization failure.

(b) *Crew members.* When operating at flight altitudes above 10,000 feet, oxygen shall be provided to permit compliance with § 41.24–T except that not less than a 2-hour supply shall be provided for the flight crew members on flight deck duty. The oxygen required by § 41.24c may be included in determining the supply required for flight crew members on flight deck duty in the event of cabin pressurization failure.

(c) *Use of oxygen masks by flight crew members.* When operating at flight altitudes above 25,000 feet, one pilot at the controls of the airplane shall wear and use an oxygen mask at all times and all other flight crew members on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be worn in a manner that will permit immediate placing of the masks on their faces for use, properly secured and sealed.

(d) *Use of portable oxygen equipment by cabin attendants.* Portable oxygen equipment of not less than a 15-minute oxygen supply shall be carried by each attendant during the entire time flight is conducted above 25,000 feet flight altitude, unless it is shown that sufficient portable oxygen units equipped with masks or spare outlets and masks are distributed throughout the cabin to insure immediate availability of oxygen to the cabin attendants regardless of their location at the time of cabin depressurization.

(e) *Passenger cabin occupants.* When operating at flight altitudes above 10,000 feet, the following supply of oxygen shall be provided for the use of passenger cabin occupants:

(1) When an airplane is certificated to operate at flight altitudes to and including 25,000 feet, and if at any point along the route to be flown the airplane can descend safely to a flight altitude of 14,000 feet or less within 4 minutes, oxygen shall be available at the rate prescribed by this part for a 30-minute period for not less than 10 percent of the number of passenger cabin occupants carried.

(2) When an airplane is operated at flight altitudes to and including 25,000 feet and cannot descend safely to a flight altitude of 14,000 feet within 4 minutes, or when an airplane is operated at flight altitudes above 25,000 feet, oxygen shall be available at the rate prescribed by this part for not less than 10 percent of the number of passenger cabin occupants carried for the duration of flight following cabin depressurization at cabin pressure altitudes above 10,000 feet to and including 14,000 feet and, as applicable, to permit compliance with § 41.24–T (b) (2) and (3), except that not less than a 10-minute supply for all passenger cabin occupants shall be provided.

(3) For first-aid treatment of occupants who for psychological reasons might require undiluted oxygen following descent from cabin pressure altitudes above 25,000 feet, a supply of oxygen in accordance with the requirements of § 4b.651 (b) (4) (see § 41.24b) shall be provided for 2 percent of the occupants for the duration of flight following cabin depressurization at cabin pressure altitudes above 8,000 feet, but in no case to less than one person. An appropriate number of acceptable dispensing units, but in no case less than 2, shall be provided. Means shall be provided to enable the cabin attendants to use this supply.

(f) *Passenger briefing.* Before flight is conducted above 25,000 feet, a crew member shall give instructions and demonstrations to the passengers sufficient to insure that all passengers are adequately informed regarding the loca-

tion and operation of the oxygen-dispensing equipment and the necessity of using oxygen in the event of cabin depressurization.

5. By amending § 41.24b to read as follows:

§ 41.24b *Equipment standards*—(a) *Reciprocating-engine-powered airplanes.* The oxygen apparatus, the minimum rates of oxygen flow, and the supply of oxygen necessary to comply with the requirements of § 41.24 shall meet the standards established in § 4b.651 of this subchapter effective July 20, 1950: *Provided*, That where full compliance with such standards is found by the Administrator to be impracticable, he may authorize such changes in these standards as he finds will provide an equivalent level of safety.

(b) *Turbine-powered airplanes.* Prior to July 31, 1958, turbine-powered airplanes shall comply with the provisions of paragraph (a) of this section or, alternatively, with the provisions of this paragraph except that effective July 31, 1959, all turbine-powered airplanes shall comply with the provisions of this paragraph. The oxygen apparatus, the minimum rate of oxygen flow, and the supply of oxygen to comply with the requirements of §§ 41.24–T and 41.24a–T shall meet the standards established in § 4b.651 of this subchapter effective September 1, 1958: *Provided*, That where full compliance with such standards is found by the Administrator to be impracticable, he may authorize such changes in these standards as he finds will provide an equivalent level of safety.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 605; 52 Stat. 1007, 1009, 1010 as amended; 49 U. S. C. 551, 553, 554, 555)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F. R. Doc. 58-7070; Filed, Aug. 29, 1958; 8:54 a. m.]

[Civil Air Regulations, Amdt. 42-15]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SUPPLEMENTAL OXYGEN REQUIREMENTS FOR SUSTENANCE AND FIRST-AID

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of August 1958.

Part 42 contains among other things oxygen requirements for aircraft operating under this part. Civil Air Regulations Draft Release No. 58-7, which was published on March 27, 1958, proposed changes to the requirements for supplemental oxygen and associated equipment both in the air-worthiness requirements and operating rules. The changes simultaneously made in Part 4b requirements will be applicable only to applications for certification filed after their effective date, but the changes in the operating rules made herein will apply to all operations thereby governed on the effective date hereof, or as otherwise provided in the text of the regulation.

The particular characteristics of turbine-powered airplanes which dictate a need for somewhat different requirements relative to the use of supplemental oxygen than those applicable to piston-engine airplanes are the higher operating altitudes at the time of a possible decompression combined with excessive fuel consumption by these turbine-powered airplanes at low altitudes which may require continued cruise at an altitude demanding sustaining oxygen to enable the airplane to reach a suitable landing field.

The base cruising altitude at which oxygen must be provided is being raised from 8,000 to 10,000 feet. It has been generally agreed that this requirement, while reducing the quantity of oxygen required, will provide an acceptable level of safety.

A provision relating to crew oxygen masks is being added. The time required for the crew to institute the use of their oxygen masks when operating at these altitudes is so short that any location of crew masks that could involve any avoidable loss of time in donning them would not be in the interest of safety. To minimize the danger inherent in this situation, one pilot will be required to wear and to use his mask at all times when operations above 25,000 feet are conducted. The other members of the flight crew will be required to have the masks on their person at all times and in such a position as to be immediately placed on their faces for use. Since the object is to avoid any possible hazard to the passengers following decompression, it is considered necessary that the pilot wearing the mask be drawing oxygen from the system under normal conditions. Since all flight crew members would probably have specified duties following cabin depressurization, it is considered appropriate that masks should be immediately available for each flight crew member on flight deck duty.

On those flights wherein operations are conducted above 25,000 feet, the need for rapid action on the part of all occupants precludes waiting until an emergency occurs to instruct the passengers in the use of the oxygen equipment. A provision, therefore, is being included to require briefing of the passengers prior to such operations. This briefing should insure that the passengers know how to use the equipment provided. To the degree practicable, language problems should be avoided or overcome.

For all airplanes operating above 25,000 feet, oxygen and dispensing equipment must be provided for all passenger cabin occupants as well as the crew. Although a rapid descent of the airplane generally will be possible, it is felt that a 10-minute supply of oxygen would be the minimum amount that could be provided which would insure an adequate quantity for descent from higher altitudes in the event that circumstances prevent realization of the demonstrated descent rate. For purposes of computing a quantity of oxygen for descent, a uniform descent for the 10-minute period would be assumed.

For a particular operation to comply with the rules in this part the amount of sustaining and first-aid oxygen required shall be determined on the basis of cabin pressure altitudes and flight duration consistent with the operating procedures established for each such operation and route. The requirements for airplanes with pressurized cabins shall be determined on the basis of cabin pressure altitude and upon the assumption that a cabin pressurization failure will occur at that altitude or point of flight which is most critical from the standpoint of oxygen need, and that after such failure any descent to a flight altitude that will permit successful termination of the flight will not exceed the operating limitations of the airplane. Following such a failure, the cabin pressure altitude shall be considered to be the same as the flight altitude unless it can be shown that no probable failure of the cabin or pressurization equipment will result in a cabin pressure altitude equal to the flight altitude, under which circumstances the maximum cabin pressure altitude attained may be used as a basis for certification and/or determination of oxygen supply.

Interested persons have been afforded an opportunity to participate in the making of this amendment (23 F. R. 2229), and due consideration has been given to all relevant matter presented. In view of the imminence of operations, to be conducted pursuant to this amendment, the Board finds that further notice and public procedure hereon would be contrary to the public interest and that this amendment may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective September 1, 1958.

1. By amending the title of § 42.26 to read as follows:

§ 42.26 *Supplemental oxygen; reciprocating-engine-powered airplanes.* • • •

2. By adding a new § 42.26–T to read as follows:

§ 42.26–T *Supplemental oxygen for sustenance; turbine-powered airplanes.*—(a) *General.* Prior to July 31, 1959, turbine-powered airplanes shall comply with the provisions of § 42.26 or, alternatively, with the provisions of this section except that effective July 31, 1959, all turbine-powered airplanes shall comply with the provisions of this section. Sustaining oxygen and dispensing equipment shall be furnished by the air carrier for use as set forth in this section. The amount of oxygen provided shall be at least that quantity which will be necessary to comply with paragraphs (b) and (c) of this section. As used in the oxygen requirements hereinafter set forth, "cabin pressure altitude" shall mean the pressure altitude corresponding with the pressure in the cabin of the airplane, and "flight altitude" shall mean the altitude above sea level at which the airplane is operated; for airplanes not equipped with pressurized cabins, "cabin pressure altitude" and "flight altitude" shall be considered identical. The amount of sustaining and first-aid oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of cabin pressure altitudes and flight duration consistent with the operating procedures established for each such operation and route. The requirements for airplanes with pressurized cabins shall be determined on the basis of cabin pressure altitude and the assumption that a cabin pressurization failure will occur at that altitude or point of flight which is most critical from the standpoint of oxygen need, and that after such failure the airplane will descend in accordance with the emergency procedures specified in the Airplane Flight Manual without exceeding its operating limitations to a flight altitude that will permit successful termination of the flight. Following such a failure the cabin pressure altitude shall be considered to be the same as the flight altitude unless it can be shown that no probable failure of the cabin or pressurization equipment will result in a cabin pressure altitude equal to the flight altitude, under which circumstances the maximum cabin pressure altitude attained may be used as a basis for certification and/or determination of oxygen supply.

(b) *Crew members.* A supply of oxygen for crew members shall be provided in accordance with the following requirements:

(1) At cabin pressure altitudes above 10,000 feet to and including 12,000 feet, oxygen shall be provided for and used by each member of the flight crew on flight deck duty and provided for all other crew members during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At cabin pressure altitudes above 12,000 feet, oxygen shall be provided for and used by each member of the flight crew on flight deck duty and provided for all other crew members during the entire flight at such altitudes.

(c) *Passengers.* A supply of oxygen for passengers shall be provided in accordance with the following requirements:

(1) For flights at cabin pressure altitudes above 10,000 feet to and including 14,000 feet, oxygen shall be provided for the duration of flight in excess of 30 minutes for 10 percent of the number of passengers carried.

(2) For flights at cabin pressure altitudes above 14,000 feet to and including 15,000 feet, oxygen shall be provided for the duration of flight at such altitude for 30 percent of the number of passengers carried.

(3) For flights at cabin pressure altitudes above 15,000 feet, oxygen shall be provided for each occupant carried for the duration of flight at such altitude.

3. By amending the title of § 42.27 to read as follows:

§ 42.27 *Supplemental oxygen requirements for pressurized cabin airplanes; reciprocating-engine-powered airplanes.* • • •

4. By adding a new § 42.27–T to read as follows:

§ 42.27–T *Supplemental oxygen for emergency descent and for first aid; turbine-powered airplanes with pressurized cabins.*—(a) *General.* Prior to July 31, 1959, turbine-powered airplanes with pressurized cabins shall comply with the provisions of § 42.27 or, alternatively, with the provisions of this section except that effective July 31, 1959, all such turbine-powered airplanes shall comply with the provisions of this section. When operating pressurized cabin airplanes, the air carrier shall furnish oxygen and dispensing equipment necessary to permit compliance with the requirements set forth in this section in the event of cabin pressurization failure.

(b) *Crew members.* When operating at flight altitudes above 10,000 feet, oxygen shall be provided to permit compliance with § 42.26–T except that not less than a 2-hour supply shall be provided for the flight crew members on flight deck duty. The oxygen required by § 42.29 may be included in determining the supply required for flight crew members on flight deck duty in the event of cabin pressurization failure.

(c) *Use of oxygen masks by flight crew members.* When operating at flight altitudes above 25,000 feet, one pilot at the controls of the airplane shall wear and use an oxygen mask at all times and all other flight crew members on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be worn in a manner that will permit immediate placing of the masks on their faces for use, properly secured and sealed.

(d) *Use of portable oxygen equipment by cabin attendants.* Portable oxygen equipment of not less than a 15-minute oxygen supply shall be carried by each attendant during the entire time flight is conducted above 25,000 feet flight altitude, unless it is shown that sufficient portable oxygen units equipped with masks or spare outlets and masks are distributed throughout the cabin to insure immediate availability of oxygen to the cabin attendants regardless of their location at the time of cabin depressurization.

(e) *Passenger cabin occupants.* When operating at flight altitudes above 10,000 feet, the following supply of oxygen shall be provided for the use of passenger cabin occupants:

(1) When an airplane is certificated to operate at flight altitudes to and including 25,000 feet, and if at any point along the route to be flown the airplane can descend safely to a flight altitude of 14,000 feet or less within 4 minutes, oxygen shall be available at the rate prescribed by this part for a 30-minute period for not less than 10 percent of the number of passenger cabin occupants carried.

(2) When an airplane is operated at flight altitudes to and including 25,000 feet and cannot descend safely to a flight altitude of 14,000 feet within 4 minutes, or when an airplane is operated at flight altitudes above 25,000 feet, oxygen shall be available at the rate prescribed by this part for not less than 10 percent of the number of passenger cabin occupants carried for the duration of flight following cabin depressurization at cabin pressure altitudes above 10,000 feet to and including 14,000 feet and, as applicable, to permit compliance with § 42.26–T (b) (2) and (3), except that not less than a 10-minute supply for all passenger cabin occupants shall be provided.

(3) For first-aid treatment of occupants who for psychological reasons might require undiluted oxygen following descent from cabin pressure altitudes above 25,000 feet, a supply of oxygen in accordance with the requirements of § 4b.651 (b) (4) (see § 42.28) shall be provided for 2 percent of the occupants for the duration of flight following cabin depressurization at cabin pressure altitudes above 8,000 feet, but in no case to less than one person. An appropriate number of acceptable dispensing units, but in no case less than 2, shall be provided. Means shall be provided to enable the cabin attendants to use this supply.

(f) *Passenger briefing.* Before flight is conducted above 25,000 feet, a crew member shall give instructions and demonstrations to the passengers sufficient to insure that all passengers are adequately informed regarding the location and operation of the oxygen-dispensing equipment and the necessity of using oxygen in the event of cabin depressurization.

5. By amending § 42.28 to read as follows:

§ 42.28 *Equipment standards*—(a) *Reciprocating-engine-powered airplanes.* The oxygen apparatus, the minimum rates of oxygen flow, and the supply of oxygen necessary to comply with the requirements of § 42.26 shall meet the standards established in § 4b.651 of this subchapter effective July 20, 1950: *Provided*, That where full compliance with such standards is found by the Administrator to be impracticable, he may authorize such changes in these standards as he finds will provide an equivalent level of safety.

(b) *Turbine-powered airplanes.* Prior to July 31, 1959, turbine-powered airplanes shall comply with the provisions of paragraph (a) of this section or, alternatively, with the provisions of this paragraph except that effective July 31, 1959, all turbine-powered airplanes shall comply with the provisions of this paragraph. The oxygen apparatus, the minimum rate of oxygen flow, and the supply of oxygen to comply with the requirements of §§ 42.26–T and 42.27–T shall meet the standards established in § 4b.651 of this subchapter effective September 1, 1958: *Provided*, That where full compliance with such standards is found by the Administrator to be impracticable, he may authorize such changes in these standards as he finds will provide an equivalent level of safety.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 605, 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 554, 555)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F. R. Doc. 58-7071; Filed, Aug. 29, 1958; 8:54 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 86]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Tampa VOR	LOM	Direct	1200	T–dn#	300–1	300–1	200–½
Tampa LFR	LOM	Direct	1500	C–dn	500–1	500–1	500–1½
Radar Terminal Area Transition Altitude	Radar Site	Within 25 mi	*1500	S–dn–18	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

*Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when between 3–5 miles of radio antenna towers 861′ MSL 12 mi SE and 1135′ MSL 10 mi SE of airport.
200–½ absolute minimum for takeoff Runway 27.
Procedure turn W side N crs, 360° Outbnd, 180° Inbnd, 1200′ within 10 mi.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 180°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 mi of LOM, turn right to 225°, climb to 1500′ on crs of 285° from LFR within 20 mi or, when directed by ATC, (1) climb to 1500′ on crs of 180° from LOM within 20 mi or, (2) climb to 1500′ direct to TPA LFR.

City, Tampa; State, Fla.; Airport Name, International; Elev., 26′, Fac. Class, LOM; Ident., TP; Procedure No. 1, Amdt. 11; Eff. Date, 27 Sept. 58; Sup. Amdt. No. 10 (ADF portion of Comb. ILS–ADF; Dated, 10 Sept. 55

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
HSV-VOR	Ballard Int* (Final)%	Direct	2200	T–dn	300–1	300–1	300–1
Ballard Int.*	Chemical Int.# (Final)	Direct	1700	C–d	400–1	500–1	500–1½
				C–n	600–2	600–2	600–2
				A–dn	NA	NA	NA

%If Ballard Int not received, descent below 2200′ NA.
*Ballard Int.: Int. HSV-VOR R-238 and HUA-VOR R-351.
#Chemical Int: Int. HSV-VOR R-238 and HUA-VOR R-275.
(HUA-VOR is on Redstone AAF.)
Procedure turn N side of crs 058 Outbnd, 238 Inbnd, 3000′ within 10 mi.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 238—17.9.
Minimum altitude over Ballard Int on final approach crs, 2200′.
Crs and distance, Ballard Int to airport, 238—14.2.
Minimum altitude over Chemical Int, 1700′.
Crs and distance, Chemical Int to airport, 238—4.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 17.9 mi of HSV-VOR, turn right and return to HSV-VOR on R-238 at 3000′.
NOTE: No weather reporting facilities available.
Air carrier use not authorized.

City, Decatur; State, Ala.; Airport Name, Pryor Fld.; Elev., 591′; Fac. Class, VOR; Ident., HSV; Procedure No. 1, Amdt. 2; Eff. Date, 27 Sept. 58; Sup. Amdt. No. 1; Dated, 5 Oct. 57

3. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
San Antonio VOR via R–143	Wetmore Int	Direct	2400	T–dn	300–1	300–1	200–½
San Antonio LFR via crs 084	Wetmore Int	Direct	2400	C–dn	400–1	500–1	500–1½
Bracken Int	Wetmore Int (Final)	Direct	1800	S–dn–21	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site:
045° to 230° 0–20 mi 2200′.
230° to 045° 0–10 mi 2200′.
230° to 045° 10–15 mi 2500′.
230° to 045° 15–20 mi 3000′.
Radar control must provide 1000′ clearance within 3 miles or 500′ clearance within 3–5 miles of radio tower 2049′ MSL 19 miles SE of airport.
Procedure turn W side NE crs, 031 Outbnd, 211 Inbnd, 2400′ within 10 mi of Wetmore Int. Beyond 10 mi NA.
Minimum altitude over Wetmore Int 1800′.
No Glide slope, no outer marker, distance Wetmore Int to rny 21, 3.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 mi after passing Wetmore Int, turn left, climb to 1800′ via R–158 within 20 mi or, when directed by ATC, turn right and climb to 2500′ via R–353 within 20 mi.

City, San Antonio; State, Tex.: Airport Name, International, Elev., 800′: Fac. Class, ILS–ISAT; Ident., NE crs ILS; Procedure No. ILS–21, Amdt. 7; Eff. Date, 27 Sept. 58; Sup. Amdt. No. 6; Dated, 1 Mar. 58

Tampa VOR	LOM	Direct	1200	T–dn#	300–1	300–1	200–½
Tampa LFR	LOM	Direct	1500	C–dn	500–1	500–1	500–1½
Int TPA VOR R–037 and N crs ILS	LOM (Final)	Direct	1200	S–dn–18	200–½	200–½	200–½
Radar Terminal Area Transition Altitude	Radar Site	Within 25 mi	*1500	A–dn	600–2	600–2	600–2

*Radar control must provide 1000 ft. clearance when within 3 miles or 500 ft. clearance when between 3–5 miles of radio antenna towers 861′ MSL 12 mi SE and 1135′ MSL 10 mi SE of airport.
#200–½ absolute minimum for takeoff Runway 27; 400–¾ required when glide slope not utilized.
Procedure turn W side N crs 360 Outbnd, 180 Inbnd, 1200′ within 10 miles.
Minimum altitude at G. S. int inbnd 1200.
Altitude of G. S. and distance to appr end of rny at OM 1220—4.0, at MM 220—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right to 225°, climb to 1500′ on crs of 285° from LFR or radials 80/260 on VOR within 20 miles or, when directed by ATC, (1) climb to 1500′ on S crs of ILS within 20 miles or, (2) turn left, climb to 1500′ direct to TPA LFR.

City, Tampa; State, Fla.; Airport Name, International; Elev., 26′; Fac. Class, ILS; Ident., ITPA; Procedure No. 1, Amdt. 11; Eff. Date, 27 Sept. 58; Sup. Amdt. No. 10 (ILS portion of Comb. ILS–ADF); Dated, 10 Sept. 55

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

S. A. KEMP,
Acting Administrator of Civil Aeronautics.

AUGUST 22, 1958.

[F. R. Doc. 58–6991; Filed, Aug. 29, 1958; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7001]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

QUALITONE HEARING AID CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Qualitone Hearing Aid Co., Inc., et al., Minneapolis, Minn., Docket 7001, July 15, 1958]

In the Matter of Qualitone Hearing Aid Company, Inc., a Corporation, and Richard T. Burger, Mas Harada and Charles Hinz, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of hearing aid instruments, parts, and accessories in Minneapolis, Minn., with representing falsely in mats for use in newspaper advertising and circulars and other advertising literature disseminated to distributors and retailers to be used to induce purchase of their products, that their "Stereophonic Optical Ear" and "Hidden Ear" hearing aids were cordless, invisible, and required nothing in the ear, and that the former was completely contained in a pair of eyeglasses.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Qualitone Hearing Aid Company, Inc., a corporation, and its officers, Richard T. Burger, Mas Harada, and Charles Hinz, individually and as officers of said corporation, and their agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of hearing aid devices known as "Stereophonic Optical Ear" and "Hidden Ear" or any other device of substantially the same construction or operation, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the U. S. mails or by any means in commerce as "Commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said product, which advertisement:

A. Represents, directly or by implication:

(1) That said hearing aid devices are invisible or cannot be seen;

(2) That when wearing said device nothing is required to be placed in the ear;

(3) That their Stereophonic Optical Ear is completely contained in a pair of eyeglasses.

B. Uses the words or phrases "No tell tale wires," "No button in your ear," "without cords," or other words or phrases of the same or similar import or meaning, unless in close connection

therewith and with equal prominence it is stated that a visible plastic tube runs from the instrument to the ear where it is held in place by an ear mold or nipple.

2. Disseminating any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of respondents' products in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in Paragraph 1 of this order.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 15, 1958.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 58-7032; Filed, Aug. 29, 1958; 8:47 a. m.]

[Docket 7080]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

INFRAGLASS HEATER CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misrepresenting oneself and goods—Goods:* § 13.1647 *Guarantees.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Infraglass Heater Company, Inc., et al., Pontiac, Mich., Docket 7080, July 15, 1958]

In the Matter of Infraglass Heater Company, Inc., a Corporation, and Donald J. Heckman, Individually, and as an Officer of Said Corporation; and Whizzer Industries, Inc., a Corporation, and Dietrich Kohlsaat, Individually, and as an Officer of the Said Corporation, and Henry Schuricht, and Martin Goldman, Individually, and as Officers of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging distributors of electric heaters in Pontiac, Mich., with representing falsely in written guarantees inserted with their products and in newspapers and magazines of general circulation, that they guaranteed their products for normal usage for five years when, in a vast number of instances, they refused to replace, repair, or make adjustments for breakage or defects growing out of the normal use of the heaters.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Infraglass Heater Company, Inc., a corporation, and its officers, and Donald J. Heckmann, Henry Schuricht and Martin Goldman, individually and as officers of the corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of electric heaters or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that their electric heaters, or any other merchandise, is guaranteed when any provision of the guarantee is not fully complied with.

2. Representing, directly or by implication, that their electric heaters, or other merchandise, is guaranteed when there are any conditions or limitations in connection with such guarantee, unless such conditions and limitations are clearly set forth.

It is further ordered, That the complaint herein, insofar as it relates to respondents Whizzer Industries, Inc., a corporation, Dietrich Kohlsaat, individually and as an officer of Whizzer Industries, Inc., and Henry Schuricht and Martin Goldman, in their capacities as officers of Whizzer Industries, Inc., be and the same hereby is, dismissed without prejudice to the right of the Commission to take such action in the future as the facts may then warrant.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Infraglass Heater Company, Inc., a corporation, and Donald J. Heckmann, Henry Schuricht, and Martin Goldman, individually, and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 15, 1958.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 58-7033; Filed, Aug. 29, 1958; 8:47 a. m.]

[Docket 7083]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ATLANTIC PRODUCTS ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.75 *Free goods or services;* § 13.105 *Individual's special selection or situation;* § 13.155 *Prices:* Adequacy and additional charges unmentioned; misrepresented as regular and customary; § 13.285 *Value.* Subpart—*Misrepresenting oneself and goods—Goods:* § 13.1605 *Free goods or services;* § 13.1663 *Individual's special selection or situation;* [Misrepresenting oneself and goods]—*Prices:* § 13.1778 *Additional costs unmentioned;* § 13.1805 *Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Mick Dalton and Milton W. Johnson trading as Atlantic Products, Laurel, Nebr., Docket 7083, July 16, 1958]

In the Matter of Mick Dalton and Milton W. Johnson, Individually and Trading and Doing Business as Atlantic Products, a Partnership

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Laurel, Nebr., of photograph albums and certificates for enlargement of snapshots or negatives, with representing falsely on certificates issued to customers by their sales representatives that a few selected individuals in an area would receive free a photograph album worth, along with a book of certificates, many times the "special reduced price"; and understating the cost of enlargements.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 16 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Mick Dalton and Milton W. Johnson, individuals trading and doing business as Atlantic Products, or under any other name, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of photograph albums, certificates for the enlargement of snapshots or negatives of snapshots, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication:

1. That their albums are given free or without charge.

2. That they sell their albums and certificates only to selected persons.

3. That they sell only a few of their album-certificate combinations in a given area.

4. That the price at which they regularly and customarily sell their album-certificate combination is a special, reduced or advertising price.

5. That each enlargement will cost a specified amount if an amount in addition thereto is charged or required to be paid.

6. That their album-certificate combination has a value in excess of the regular and customary price charged therefor.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 16, 1958.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 58-7034; Filed, Aug. 29, 1958; 8:48 a. m.]

[Docket 7093]

PART 13 — DIGEST OF CEASE AND DESIST ORDERS

VAUGHAN-WEIL ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Retail or selling as wholesale, jobbing, factory distributors', etc., or discounted; usual as reduced, special, etc. *Subpart—Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosures:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f). [Cease and desist order, Paul C. Vaughan and Ferd F. Weil trading as Vaughan-Weil, Birmingham, Ala., Docket 7093, July 15, 1958]

In the Matter of Paul C. Vaughan and Ferd F. Weil, Individually and as Copartners Trading as Vaughan-Weil

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Birmingham, Ala., with violating the Fur Products Labeling Act by labeling certain fur products with fictitious prices which were in excess of the usual retail prices; by failing to set out on labels the term "secondhand used fur"; by failing in other respects to conform to the labeling and invoicing requirements of the Act; by advertising in newspapers which failed to disclose the names of animals producing the fur in fur products or that certain products were composed of cheap or waste fur, and represented prices falsely as wholesale and reduced; and by failing to maintain adequate records as a basis for such pricing claims.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Paul C. Vaughan and Ferd F. Weil, individually and as copartners, trading as Vaughan-Weil, or any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such products as to the regular prices thereof by any representation that the regular or usual price of such product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of their business.

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in th Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

(g) That the fur product contains or is composed of secondhand used fur, when such is the fact;

(h) The item number or mark assigned to a fur product.

3. Setting forth on labels attached to fur products:

(a) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information;

(b) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product;

(g) The item number or mark assigned to a fur product.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

(b) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact.

2. Represents, directly or by implication:

(a) That the prices of fur products are at wholesale, when such is not the fact;

(b) That the regular or usual price of any fur product is any amount which is in excess of the prices at which respondents have usually and customarily sold such products in the recent regular course of business.

D. Making price claims or representations in advertisements respecting wholesale prices, comparative prices or reduced prices unless there are maintained by respondents adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Paul C. Vaughan and Ferd F. Weil, individually and as copartners trading as Vaughan-Weil, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the

manner and form in which they have complied with the order to cease and desist.

Issued: July 15, 1958.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 58-7035; Filed, Aug. 29, 1958; 8:48 a. m.]

[Docket 6928]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MUNTZ TV, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Direct Dealing Advantages; § 13.230 Size or weight. Subpart—*Misbranding or mislabeling:* § 13.1323 *Size or weight.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Muntz TV, Inc., et al., Chicago, Ill., Docket 6928, July 15, 1958]

In the Matter of Muntz TV, Inc., a Corporation, and Earl W. Muntz, Individually and as an Officer of said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer and its president in Chicago with exaggerating, in newspaper advertising and by markings on sets and otherwise, the size of the picture tubes of their television sets, and with representing falsely that their TV sets were sold directly to the consumer from "factory outlets".

The corporate respondent agreed to a consent settlement on June 18, 1958—23 F. R. 5991—at which time the complaint was dismissed as to Earl W. Muntz as an officer of the corporation. Mr. Muntz in his individual capacity on July 15 accepted the same consent settlement.

The order to cease and desist is as follows:

It is ordered, That respondent Earl W. Muntz an individual, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of television receiving sets in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any figure or measurement to designate or describe, directly or by implication, the size of the picture tube with which television receiving sets are equipped which is greater than the horizontal measurement of the viewable area of the tube on a single plane basis, unless it is conspicuously disclosed in immediate connection therewith that said figure or measure is the diagonal measurement, when such is the fact; or an accurate specification of the viewable area of the tube, in square inches, is conspicuously disclosed in immediate connection with such figure or measurement;

2. Authorizing or permitting others to represent or placing into the hands of others means and instrumentalities whereby they may represent, directly or by implication, that the retailers selling respondent's television sets are factory outlets or have any relationship to respondent other than that of buyers from respondent.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Earl W. Muntz, as an individual, shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: July 15, 1958.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 58-7036; Filed, Aug. 29, 1958; 8:48 a. m.]

[Docket 7069]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

EMPIRE PLASTIC CORP.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.715 *Charges and price differentials.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Empire Plastic Corporation, Pelham Manor, N. Y., Docket 7069, July 7, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of plastic toys with factory at Pelham Manor, N. Y., and sales office in New York City, with discriminating in price in violation of section 2 (a) of the Clayton Act by granting as a discount or rebate an amount equivalent to five per cent of list price to members of a corporation of toy jobbers and wholesalers while not making such allowance available to their competitors.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Empire Plastic Corporation, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale of toys in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating in price by selling such toys of like grade and quality to any purchaser at prices higher than those granted any other purchaser:

1. Where such other purchaser competes in fact with the unfavored purchaser in the resale and distribution of such products, or

2. Where respondent, in the sale of such products, is in competition with any other seller.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondent Empire Plastic Corporation, a corporation, shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in said initial decision.

Issued: July 7, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-7037; Filed, Aug. 29, 1958; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 34]

LOXAHATCHEE NATIONAL WILDLIFE REFUGE, FLORIDA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to add to Chapter I, Title 50, Code of Federal Regulations, a new subpart entitled Loxahatchee National Wildlife Refuge, Florida, and §§ 34.91, 34.92, 34.93, and 34.94 as set forth in tentative form below. The purpose of the proposed regulation is to permit hunting, fishing, boating, and public use on certain lands of the Loxahatchee National Wildlife Refuge under certain limitations and subject to compliance with the laws and regulations of the State of Florida.

The proposed regulation relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U. S. C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 26, 1958.

D. H. JANZEN, *Director, Bureau of Sport Fisheries and Wildlife.*

§ 34.91 *Hunting of migratory game birds permitted.* Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, the hunting of ducks, geese, rails, and coots is permitted on the hereinafter described lands of the Loxahatchee National Wildlife Refuge, Florida, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The following described area is open to hunting:

Beginning at the point of intersection of the west right-of-way boundary of Levee No. 40 and the north line of sec. 26, T. 45 S., R. 41 E., Tallahassee Meridian; thence southerly, westerly, and southwesterly with the west right-of-way boundary of Levee No. 40 approximately fourteen and one-half (14½) miles to the intersection of the west line of sec. 19, T. 47 S., R. 41 E.; thence north approximately three and one-half (3½) miles to the northwest corner of sec. 6, T. 47 S., R. 41 E., thence west approximately one-third (⅓) mile to the southwest corner of sec. 31, T. 46 S., R. 41 E.; thence north approximately eight (8) miles to the northwest corner of sec. 30, T. 45 S., R. 41 E.; thence east approximately four and one-half (4½) miles to the point of beginning.

(b) *State laws.* Strict compliance with all State laws and regulations is required.

(c) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

(d) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for regulating the hunting.

§ 34.92 *Fishing permitted.* Subject to compliance with the provisions of Parts 18 and 21 of this chapter, fishing during the daylight hours is permitted on the hereinafter described lands of the Loxahatchee National Wildlife Refuge, subject to the following conditions, restrictions, and requirements:

(a) *Fishing area.* Fishing is permitted in the following described area:

Beginning at the point of intersection of the west line of T. 44 S., R. 41 E., Tallahassee Meridian with the east right-of-way boundary of Levee No. 40; thence southeasterly, southerly, and southwesterly, with the east right-of-way boundary of Levee No. 40 approximately twenty-four (24) miles to the point of intersection with the centerline of Levee No. 39; thence northwesterly with the centerline of Levee No. 39 approximately twelve (12) miles to the point of intersection with the north line of sec. 10, T. 46 S., R. 39 E., Tallahassee Meridian; thence east approximately eight and one-half (8½) miles to the northeast corner of sec. 12, T. 46 S., R. 40 E.; thence north approximately ten and one-half (10½) miles to the place of beginning.

(b) *State laws.* Strict compliance with all State laws and regulations is required.

§ 34.93 *Use of boats permitted.* The use of boats is permitted in the area open to public hunting and fishing as described in §§ 34.91 and 34.92, subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all State laws and regulations is required.

(b) *Horsepower limitation.* Inboard and outboard motorboats powered by one or more motors having a combined horsepower capacity of 10 or less are permitted: *Provided*, That motorboats may not be used during the open season for the hunting of migratory birds in areas designated by suitable posting by the refuge officer in charge as closed to motorboat operation during such open season.

(c) Speedboats and racing craft prohibited. The use of speedboats and racing craft of any description is prohibited except for official purposes.

(d) *Air-thrust boats.* Persons may operate air-thrust boats only as may be authorized by a valid special permit issued by the refuge officer in charge, which permit may limit the period during which such permit is valid and the area in which such air-thrust boats may operate.

§ 34.94 *Public use.* Subject to compliance with the provisions of Parts 18 and 21 of this chapter, public use and recreation, including picnicking and swimming, are permitted in areas designated by suitable posting by the refuge officer in charge, subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all State laws and regulations is required.

(b) *Commercial operations.* A valid special permit issued by an authorized officer is required for any commercial operations incident to public use and recreation.

(c) *Frog hunting.* Frog hunting is permitted only as may be authorized by a valid special permit issued by the refuge officer in charge, which permit may limit the period during which it is valid and the area in which the permittee may operate.

[F. R. Doc. 58-7023; Filed, Aug. 29, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 965]

[Docket No. AO-166-A23]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Metropole Hotel, 609 Walnut Street, Cincinnati, Ohio, beginning at 10:00 a. m., on September 23, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Cincinnati, Ohio, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposals relative to a redefinition of the marketing area raise the issue whether the provisions of the present order would tend to effectuate the declared policy of the act, if they are applied to the marketing area to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Cincinnati Milk Sales Association, Inc., Cincinnati, Ohio:

1. Expand the marketing area to include Clermont, Clinton, Highland, Warren, and Butler Counties, Ohio; Perry Township in Brown County, Ohio; and Kenton, Campbell, and Boone Counties, Kentucky.

2. In § 965.77 delete the words "six cents" and substitute therefor, "seven cents".

Proposed by Sealtest Central Division, National Dairy Products Corporation, Cincinnati, Ohio:

3. Expand the marketing area to include Boone, Kenton, Campbell, Owen, Grant, Pendleton, Bracken, Mason, Fleming, Nicholas, and Harrison Counties, Kentucky; Brown, Clermont, Clinton, Highland, Butler, and Warren Counties, Ohio; and Dearborn and Ohio Counties, Indiana.

4. Amend § 965.51 (a) by: (A) Preferably, deleting all the language following "$1.30;" or (B) minimizing the effect of the supply-demand adjustment by replacing the numeral "50" with the numeral "20" in the language preceding subparagraph (1) or by other appropriate modification of subparagraphs (1) and (2).

Proposed by Swonger Dairy, Inc., Hillsboro, Ohio:

5. Expand the marketing area to include Adams and Brown Counties, Ohio.

Proposed by G. H. Berling, Inc., Bond Hill Dairy, Cincinnati, Ohio:

6. The sales of skim milk used in the manufacture of margarine remain in Class III all through the year.

Proposed by the Dairy Division, Agricultural Marketing Service, USDA:

7. Classify milk disposed of in "prepared mixes" containing less than 10 percent added sugar and less than 25 percent total solids not fat as Class I milk and classify milk disposed of in prepared mixes containing more than 10

percent added sugar and more than 25 percent total solids not fat and which is to be used semi-frozen or frozen as a frozen dessert as Class II milk.

8. Make such other changes as may be required to make the marketing agreement and order in their entirety conform with any amendments thereto which may result from this hearing and consider any other suggestions for changes in the order language which may be necessary for clarification in redrafting and reissuing the entire order.

Copies of this notice of hearing and the order may be procured from the Market Administrator, P. O. Box 1195, Cincinnati, Ohio, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 27th day of August 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-7040; Filed, Aug. 29, 1958; 8:49 a. m.]

Commodity Stabilization Service

[7 CFR Part 729]

PEANUTS

NOTICE OF INTENTION TO AMEND THE MARKETING QUOTA REGULATIONS FOR 1956 CROP PEANUTS AND ALLOTMENT AND MARKETING QUOTA REGULATIONS FOR 1957 AND SUBSEQUENT CROPS

Pursuant to authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281 et seq.), the Secretary of Agriculture is preparing to amend § 729.761 (b) (2) of the Marketing Quota Regulations for the 1956 Crop of Peanuts (21 F. R. 3867, 6057, 8310) and § 729.857 (c) (2) of the Allotment and Marketing Quota Regulations for Peanuts of the 1957 and Subsequent Crops (21 F. R. 9370, 9760; 22 F. R. 6741, 6987, 8475; 23 F. R. 1567). The purpose of the proposed amendments to the section cited is to clarify the conditions under which ASC State committees may reduce a farm allotment for failure of the farm operator to account for the disposition of peanuts produced on the farm. The affected sections, as they would be amended in accordance with present intentions, are quoted in full below.

Marketing Quota Regulations for the 1956 Crop of Peanuts, § 729.761 (b) (2):

(2) Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or inaccurate shall constitute failure of the producer to account for disposition of peanuts produced on the farm and the allotment next established for such farm shall be reduced as provided in § 729.724 of the Marketing Quota Regulations for Peanuts of the 1956 Crop (20 F. R. 6033).

Allotment and Marketing Quota Regulations for the 1957 and Subsequent Crops of Peanuts, § 729.857 (c) (2):

(2) Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or inaccurate shall constitute failure of the producer to account for disposition of peanuts produced on the farm and the allotment next established for the farm shall be reduced as provided in § 729.824.

Prior to the Secretary taking the action described above, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. To be considered any such submissions must be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 26th day of August 1958.

[SEAL] CLARENCE L. MILLER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 58-7041; Filed, Aug. 29, 1958; 8:49 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF DICHLONE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition was filed by United States Rubber Company, % Arthur, Dry and Dole, 1230 Sixth Avenue, New York 20, New York, proposing the establishment of tolerances for residues of dichlone (2,3-dichloro-1,4-naphthoquinone) in or on raw agricultural commodities, as follows:

15 parts per million in or on strawberries.
3 parts per million in or on beans, cherries, plums (fresh prunes).

The analytical method proposed in the petition for determining residues of dichlone is a modification of that proposed by Burchfield and McNew in Phytopathology, Volume 38, page 665 (1948). The principal modification is that of using benzene as a solvent for extraction and color development.

Dated: August 26, 1958.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 58-7054; Filed, Aug. 29, 1958; 8:52 a. m.]

[21 CFR Part 130]

DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PROPOSING TO AMEND REGULATIONS AFFECTING CERTAIN N-ACETYL-*p*-AMINOPHENOL (*p*-HYDROXY-ACETANILID) PREPARATIONS

Notice is given that the Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 701 (a); 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353 (b) (3), 355 (c), 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR, 1957 Supp., 130.101 (b)) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposed amendments set forth below.

It is proposed to amend paragraph (a) of § 130.102 by changing subparagraph (1) (vi) to read as set forth below and by adding to subparagraph (1) a new subdivision (viii).

§ 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale.* (a) • • •

(1) • • •

(vi) The dosages of *N*-acetyl-*p*-aminophenol recommended or suggested in the labeling do not exceed: For adults 0.65 gram (10 grains) per dose or 2.0 grams (30 grains) per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

• • • • • • •

(viii) If the article is offered for use in arthritis or rheumatism, the labeling prominently bears a statement that the beneficial effects claimed are limited to the temporary relief of minor aches and pains of arthritis and rheumatism and, in juxtaposition with directions for use in such conditions, a conspicuous warning statement, such as: "Caution: If pain persists for more than 10 days, or redness is present, or in conditions affecting children under 12 years of age, consult a physician immediately".

The proposal for the changes in dosage levels of these preparations was initiated by a member of the drug industry. Evidence now available through investigation and marketing experience shows that it is not necessary for the protection of public health to limit preparations so labeled to prescription sale.

The attention of prospective manufacturers and distributors of these drugs is directed to the fact that such preparations, labeled with the increased dosage levels permitted by the proposed amendment to § 130.101 (a) (1), if marketed within the jurisdiction of the Federal, Food, Drug, and Cosmetic Act, will be regarded as new drugs, and the law requires that an effective original or supplemental new-drug application be effective for them.

Dated: August 25, 1958.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 58-7053; Filed, Aug. 29, 1958; 8:52 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 9591]

AMERICAN AIRLINES, INC.

NOTICE OF HEARING

In the matter of a proposal by American Airlines, Inc., to provide coach service with other than high-density aircraft.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 16, 1958, at 10:00 a. m., e. d. s. t., in Room 5132, U. S. Department of Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Without limiting the scope of the issues presented by the order of investigation, particular attention will be directed to the following matters:

(1) Is coast-to-coast service with departure at the point of origin between the hours of 10:00 p. m. and 3:59 a. m. "off-peak" within the meaning of the Board's coach policy statement (§399.19 (a) of the Economic Regulations of the Civil Aeronautics Board)?

(2) Is the proposed revision to its tariff by American unjust, and unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful within the meaning of section 404 (a) and (b) of the Act?

For more detailed information with respect to the issues involved, attention is directed to the Prehearing Conference Report served August 14, 1958, as supplemented.

Notice is further given that any person, other than parties of record, desiring to be heard in this proceeding must file with the Board, on or before September 16, 1958, a statement setting forth the issues of fact or law raised by this proceeding on which he desires to be heard.

For further details with respect to this investigation, interested parties are referred to the Board's order instituting the investigation, Order No. E-12549, dated May 22, 1958, on file with the Civil Aeronautics Board.

Dated at Washington, D. C., August 26, 1958.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 58-7067; Filed, Aug. 29, 1958; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12465; FCC 58M-888]

WLBE, INC. (WLBE)

ORDER CONTINUING HEARING

In re application of WLBE, Inc. (WLBE), Leesburg-Eustis, Florida, Docket No. 12465, File No. BP-11305; for construction permit.

On the Examiner's own motion, and with the consent of all counsel in the above-entitled proceeding: *It is ordered*, This 26th day of August 1958, that the further prehearing conference presently scheduled to be held on September 15, 1958, is hereby continued to September 24, 1958; and

It is further ordered, That the hearing presently scheduled for September 24, 1958, be, and the same is, hereby continued to October 6, 1958, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: August 27, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7056; Filed, Aug. 29, 1958; 8:52 a. m.]

[Docket No. 12578; FCC 58M-894]

JAMES A. SAUNDERS AND WILLIAM F. JOHNS, JR.

ORDER SCHEDULING HEARING

In re application of James A. Saunders (transferor) and William F. Johns, Jr. (transferee), Docket No. 12578, File No. BTC-2792; for transfer of control of Sioux Empire Broadcasting Company, Inc., Licensee of Station KIHO, Sioux Falls, South Dakota.

It is ordered, This 26th day of August 1958, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 29, 1958, in Washington, D. C.

Released: August 26, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7057; Filed, Aug. 29, 1958; 8:52 a. m.]

[Docket No. 11258; FCC 58M-893]

ALFRED NEWELL JOHNSON

ORDER SCHEDULING HEARING

In the matter of Alfred Newell Johnson, 833 Shattuck Avenue, Berkeley, California; Docket No. 11258; application for renewal of First Class Radiotelephone Operator License No. P1-12-122 and Second Class Radiotelegraph License No. T-12-2330 and Application for Renewal of Amateur Radio Station and Operator Licenses.

It is ordered, This 26th day of August 1958, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 15, 1958, in San Francisco, California.

Released: August 27, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7058; Filed, Aug. 29, 1958; 8:52 a. m.]

[Docket No. 12555; FCC 58M-892]

HOWARD V. TRAUTMAN

ORDER SCHEDULING HEARING

In the matter of Howard V. Trautman, 33-47 14th Street, Long Island City 6, New York, Docket No. 12555; application for renewal of Second-Class Radiotelegraph Operator License No. T2-2-999.

It is ordered, This 26th day of August 1958, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 6, 1958, in Washington, D. C.

Released: August 27, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7059; Filed, Aug. 29, 1958; 8:52 a. m.]

[Docket No. 12554; FCC 58M-891]

WILLIAM C. CRONAN

ORDER SCHEDULING HEARING

In the matter of William C. Cronan, 40 Moffitt Street, San Francisco 12, California; Docket No. 12554; applications for renewal of first-class radiotelephone operator license No. P1-12-837 and first-class radiotelegraph operator license No. T1-12-331.

It is ordered, This 26th day of August 1958, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 16, 1958, in San Francisco, California.

Released: August 27, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7060; Filed, Aug. 29, 1958; 8:53 a. m.]

[Docket No. 12553; FCC 58M-890]

MORTON BORROW

ORDER SCHEDULING HEARING

In the matter of Morton Borrow, 2930 Haverford Road, Ardmore, Pennsylvania; Docket No. 12553; application for renewal of first-class radiotelephone operator license No. P1-3-1121, and first-class radiotelegraph operator license No. T1-3-116.

It is ordered, This 26th day of August 1958, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 2, 1958, in Washington, D. C.

Released: August 27, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7061; Filed, Aug. 29, 1958; 8:53 a. m.]

[Docket No. 12552; FCC 58M-889]

CHARLES A. BAILEY, JR.

ORDER SCHEDULING HEARING

In the matter of Charles A. Bailey, Jr., Los Angeles, California; Docket No. 12552; suspension of amateur radio operator license (W6BXL).

It is ordered, This 26th day of August 1958, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 23, 1958, in Washington, D. C.

Released: August 27, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7062; Filed, Aug. 29, 1958; 8:53 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-32]

AEROJET-GENERAL NUCLEONICS

ISSUANCE OF FACILITY LICENSE AMENDMENT

Please take notice that the Atomic Energy Commission has issued the following amendment (No. 3) to License No. R-10 authorizing Aerojet-General Nucleonics, San Ramon, California to operate its Model AGN-201 Serial No. 103 nuclear reactor at power levels not in excess of 20 watts. Previously, the license provided that AGN was not to operate the reactor at power levels in excess of 5 watts without previous authorization from the Commission. The Commission has found that operation of the facility in accordance with the terms and conditions of the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor at power levels not in excess of 20 watts does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. For further details see (1) the application submitted by Aerojet-General Nucleonics, and (2) a hazards anaylsis of operation of the reactor at the higher power level prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 22d day of August 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

AMENDMENT OF UTILIZATION FACILITY LICENSE

[License No. R-10; Amdt. No. 3]

Paragraph "Ic.", as amended, of Appendix "A" of License No. R-10 issued to Aerojet-General Nucleonics, San Ramon, California, for the Model AGN-201, Serial No. 103 reactor, is hereby further amended to read as follows: "AGN shall not operate the reactor at power levels in excess of 20 watts without previous authorization from the Commission."

This amendment is effective as of the date of issuance.

Date of issuance: August 22, 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F. R. Doc. 58-7047; Filed, Aug. 29, 1958; 8:50 a. m.]

[Docket No. 50-34]

WESTINGHOUSE ELECTRIC CORP.

ISSUANCE OF FACILITY LICENSE AMENDMENT

Please take notice that the Atomic Energy Commission has issued the following amendment No. 2 to License CX-6 authorizing Westinghouse Electric Corporation to conduct a third series of critical experiments in its Yankee Critical Experiments Facility located at the Westinghouse Reactor Evaluation Center near Waltz Mill, Pennsylvania, involving a reactor water-to-uranium metal ratio of 4:1.

The Commission has found that conduct of the experiments in accordance with the terms and conditions of the license as amended will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed experiments does not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. For further details, see (1) the application for license amendment by Westinghouse Electric Corporation and (2) a hazards analysis of the experiments prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street, NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 22d day of August 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

FACILITY LICENSE AMENDMENT

[License No. CX-6; Amdt. 2]

In addition to activities previously authorized by the Commission under License No. CX-6, as amended, the Westinghouse Electric Corporation (hereinafter referred to as "the licensee") is authorized to perform the tests described in its application amendment dated July 22, 1958, which involves a reactor water-to-uranium metal ratio of 4:1 in accordance with the procedures and subject to the limitations stated or incorporated in said application amendment.

In performing these tests, the licensee shall comply with the conditions and requirements contained in paragraph 4 of License No. CX-6, as amended.

This amendment is effective as of the date of issuance.

Date of issuance: August 22, 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F. R. Doc. 58-7021; Filed, Aug. 29, 1958; 8:45 a. m.]

[Docket No. 50-17]

INDUSTRIAL REACTOR LABORATORIES, INC.

PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue the following facility license to Industrial Reactor Laboratories, Incorporated, Plainsboro, New Jersey, unless within fifteen (15) days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's Rules of Practice (10 CFR Part 2). For further details see (1) the application submitted by Industrial Reactor Laboratories, Incorporated, and (2) a memorandum prepared by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 28th day of August 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

PROPOSED LICENSE

[License No. R-]

1. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The nuclear reactor (hereinafter referred to as "the facility") authorized for construction by Construction Permit No. CPRR-7, as amended, issued to Industrial Reactor Laboratories, Incorporated, has been constructed and will operate in conformity with the application as amended and in conformity with the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the act"), and the rules and regulations of the Commission;

B. There is reasonable assurance that the facility can be operated without endangering the health and safety of the public;

C. Industrial Reactor Laboratories, Incorporated, and AMF Atomics, a division of American Machine and Foundry Company, with whom IRL has contracted to operate the facility, are technically qualified to operate the facility and IRL is financially qualified to operate the facility;

D. Issuance of a license to possess and operate the facility will not be inimical to the common defense and security or to the health and safety of the public;

E. Industrial Reactor Laboratories, Incorporated has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Industrial Reactor Laboratories, Incorporated:

A. Pursuant to section 104c of the act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the facility as a utilization facility in accordance with the procedures described in the application;

B. Pursuant to the act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to possess and use up to 42 kilograms of contained uranium 235 in connection with operation of the facility;

C. Pursuant to the act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material" to possess, but not to separate such byproduct material as may be produced by operation of the facility.

3. This license applies to the facility which is owned by Industrial Reactor Laboratories, Incorporated and located in Plainsboro Township Middlesex County, New Jersey, and described in Construction Permit No. CPRR-7, as amended, and Industrial Reactor Laboratories, Incorporated, application amendments dated June 9, 1958, July 10, 1958, July 14, 1958, July 16, 1958, July 17, 1958, August 11, 1958, and August 12, 1958 (all herein "the application"). The facility is a pool type research reactor designed to operate at thermal power levels up to 5,000 kilowatts.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. *Operating Restrictions*

(1) Industrial Reactor Laboratories, Incorporated shall not operate the facility at a power level in excess of 5,000 kilowatts (thermal);

(2) Industrial Reactor Laboratories, Incorporated shall not permit or authorize any organization other than AMF Atomics to operate the facility until the licensee shall have submitted to the Commission the technical qualifications of such other organization and the Commission shall have approved the operation of the facility by such other organization.

(3) The total reactivity worth of all experiments at any one time shall not exceed 1.5 percent and the reactivity worth of any one experiment shall not exceed 1 percent.

(4) The beam tubes shall not be used in an air filled condition until it has been determined and reported to the Commission that the beam tube plug thickness of 3.5 feet provides adequate shielding for 5,000 kilowatts operation, such that the permissible doses and radiation levels contained in 10 CFR Part 20 shall not be exceeded.

B. *Records*

In addition to those otherwise required under this license and applicable regulations, Industrial Reactor Laboratories, Incorporated shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of Industrial Reactor Laboratories, Incorporated as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

C. *Reports*

(1) Industrial Reactor Laboratories, Incorporated, upon the conclusion of each of the following stages of operation, shall report to the Commission the results and data obtained from each such stage of operation:

(a) the pre-critical and approach to criticality tests;

(b) the low power tests; and

(c) the approach to full power tests.

(2) Industrial Reactor Laboratories, Incorporated shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

5. Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to Industrial Reactor Laboratories, Incorporated for use in connection with the facility 41.58 kilograms of uranium 235 contained in uranium enriched to approximately 93 percent in the isotope uranium 235. Estimated schedules of special nuclear material transfers to Industrial Reactor Laboratories, Incorporated and returns to the Commission are contained in Appendix "A" which is attached hereto. Shipments by the Commission to Industrial Reactor Laboratories, Incorporated, in accordance with column 2 in Appendix "A" will be conditioned upon Industrial Reactor Laboratories' return to the Commission of material substantially in accordance with column 3 of Appendix "A".

This license is effective as of the date of issuance and shall expire at midnight January 12, 1977.

Date of issuance:

For the Atomic Energy Commission.

APPENDIX A TO INDUSTRIAL REACTOR LABORATORIES, INC., PROPOSED FACILITY LICENSE

ESTIMATED SCHEDULE OF TRANSFERS OF SPECIAL NUCLEAR MATERIAL FROM THE COMMISSION TO IRL AND TO THE COMMISSION FROM IRL

Date of transfer (fiscal year)	Transfers from AEC to IRL kgs. U-235	Returns by IRL to AEC kgs. U-235		Net yearly distribution including cumulative losses kgs. U-235	Cumulative distribution including cumulative losses kgs. U-235
		Recoverable cold scrap	Spent hot fuel		
1958	10.0	3.0		7.00	7.00
1959	7.0	2.1	5.60	(0.70)	6.30
1960	14.0	4.2	3.92	5.88	12.18
1961	14.0	4.2	7.84	1.96	14.14
1962	14.0	4.2	7.84	1.96	16.10
1963	14.0	4.2	7.84	1.96	18.06
1964	14.0	4.2	7.84	1.96	20.02
1965	14.0	4.2	7.84	1.96	21.98
1966	14.0	4.2	7.84	1.96	23.94
1967	14.0	4.2	7.84	1.96	25.90
1968	14.0	4.2	7.84	1.96	27.86
1969	14.0	4.2	7.84	1.96	29.82
1970	14.0	4.2	7.84	1.96	31.78
1971	14.0	4.2	7.84	1.96	33.74
1972	14.0	4.2	7.84	1.96	35.70
1973	14.0	4.2	7.84	1.96	37.66
1974	14.0	4.2	7.84	1.96	39.62
1975	14.0	4.2	7.84	1.96	41.58
1976	7.0	2.1	7.84	(2.94)	38.64
1977			[1] 3.92	(3.92)	[2] 34.72
	248.0	74.4	138.88	[2] 34.72	

[1] Inventory to be returned.
[2] Fabrication and burnup losses.

[F. R. Doc. 58-7079; Filed, Aug. 28, 1958; 1:00 p. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Los Angeles 0135132]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

AUGUST 18, 1958.

In Federal Register Document 58-6160 appearing at page 6001 of the issue for Thursday, August 7, 1958, the following change should be made:

The land description should read:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 9 S., R. 5 W.,
Sec. 3, Lots 1, 2 and 3.

HARRY M. MIWA,
Acting Officer-in-Charge,
Southern Field Group,
Los Angeles.

[F. R. Doc. 58-7024; Filed, Aug. 29, 1958; 8:46 a. m.]

National Park Service

[Shenandoah National Park Order No. 3]

PURCHASING AGENT

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS

JULY 16, 1958.

The Purchasing Agent may execute and approve contracts not in excess of $5,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Purchasing Agent in behalf of any office or area under the supervision of the Superintendent of Shenandoah National Park.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

GUY D. EDWARDS,
Superintendent,
Shenandoah National Park.

[F. R. Doc. 58-7025; Filed, Aug. 29, 1958; 8:46 a. m.]

Office of the Secretary

OUTER CONTINENTAL SHELF

GEOLOGICAL AND GEOPHYSICAL EXPLORATION

Pursuant to the notice issued by the Secretary of the Interior on September 17, 1953, concerning geological and geophysical explorations in the outer Continental Shelf (18 F. R. 5667), a cooperative agreement has been entered into with the Alabama Department of Conservation covering the protection and conservation of aquatic life. In accordance with the provisions of the said notice as supplemented by the cooperative agreement, any person, as defined in section 2 (d) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462), is hereby authorized to conduct geological and geophysical explorations in that part of the outer Continental Shelf seaward of the submerged lands of the State of Alabama upon condition (1) that his operations shall be confined to such area or areas as may be designated and approved by the Regional Oil and Gas Supervisor of the United States Geological Survey, (2) that he has obtained appropriate permission for such explorations from the Corps of Engineers, Department of the Army, and (3) that, for the protection and conservation of aquatic life he files with the said Regional Oil and Gas Supervisor and with the Alabama Department of Conservation his stipulation agreeing to comply with the requirements of the regulations of the said Department governing the methods and inspection of and restrictions upon geological and geophysical explorations in the submerged lands of the State of Alabama, which regulations are hereby adopted as the regulations of the Secretary of the Interior applicable to that part of the outer Continental Shelf seaward of the submerged lands of the State of Alabama.

The enforcement of the regulations hereby adopted is delegated to the Regional Oil and Gas Supervisor of the United States Geological Survey, and he may accept the assistance of the State of Alabama, in the enforcement of the said regulations. This general authorization to conduct geological and geophysical explorations is subject to termination upon not less than 60 days' notice published in the FEDERAL REGISTER, and the authorization to conduct such explorations may be terminated as to any person upon reasonable notice.

Dated: August 25, 1958.

HATFIELD CHILSON,
Acting Secretary of the Interior.

[F. R. Doc. 58-7026; Filed, Aug. 29, 1958; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15419]

SUNRAY MID-CONTINENT OIL CO.

ERRATA NOTICE

AUGUST 25, 1958.

In the Order For Hearing and Suspending Proposed Changes In Rates, Issued July 10, 1958, and published in the FEDERAL REGISTER on July 16, 1958 (23 F. R. 5408), under "Rate Schedule Designation", lines 5 and 6; the "Finding Paragraph", lines 5 and 6; the "Ordering Paragraph (A)", lines 7 and 8 the words "Supplement No. 14 to Sunray's FPC Gas Rate Schedule No. 29" should be corrected to read "Supplement No. 11 to Sunray's FPC Gas Rate Schedule No. 29".

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7027; Filed, Aug. 29, 1958; 8:45 a. m.]

[Docket No. G-15501]

BEL OIL CORP.

ERRATUM NOTICE

AUGUST 26, 1958.

In the Order For Hearing, Suspending Proposed Changes In Rates, And Allowing Increased Rates To Become Effective, issued July 30, 1958, and published in the FEDERAL REGISTER on August 7, 1958 (23 F. R. 6014) correct "Issued 30, 1958" to read "Issued July 30, 1958".

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7028; Filed, Aug. 29, 1958; 8:46 a. m.]

[Docket No. G-15734]

MCCALMAN DRILLING CO., INC., ET AL.

ERRATA NOTICE

AUGUST 25, 1958.

In the Order For Hearing, Suspending Proposed Change In Rate, And Allowing Increased Rate To Become Effective, issued July 31, 1958, and published in the FEDERAL REGISTER on August 8, 1958 (23 F. R. 6061), the respondent was incorrectly designated as "McColman Drilling Company, Inc. et al". The correct designation is "McCalman Drilling Company, Inc. et al".

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7029; Filed, Aug. 29, 1958; 8:47 a. m.]

[Docket No. G-15766]

FOREST OIL CORP. ET AL.

ERRATA NOTICE

AUGUST 26, 1958.

In the Order For Hearing, Suspending Proposed Change In Rate And Allowing Increased Rate To Become Effective, issued July 31, 1958, and published in the FEDERAL REGISTER on August 8, 1958 (23 F. R. 6066-7), the respondent was incorrectly designated as "Forest Oil and Gas Corporation (Operator), et al.". The correct designation is "Forest Oil Corporation (Operator), et al.".

[SEAL] JOESPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7030; Filed, Aug. 29, 1958; 8:47 a. m.]

[Docket No. G-16054]

COLTEXO CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

AUGUST 26, 1958.

Coltexo Corporation (Coltexo) on August 1, 1958, tendered for filing a proposed change in its presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 30, 1958.

Purchaser: United Fuel Gas Company.

Rate schedule designation: Supplement No. 2 to Coltexo's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the effective date proposed by Coltexo).

The instant Notice of Change reflects in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The use of Supplement No. 1 to Coltexo's FPC Gas Rate Schedule No. 1 was deferred by Commission order issued November 2, 1955, at Docket No. G-9604. The increased rate and charge proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Coltexo's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Coltexo's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said Supplement No. 1 be and it is hereby suspended and the use thereof deferred until the date on which Supplement No. 1 to Coltexo's FPC Gas Rate Schedule No. 1 is made effective in the manner prescribed by the Natural Gas Act, or until August 2, 1958, whichever is later.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR, 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7031; Filed, Aug. 29, 1958; 8:47 a. m.]

[Docket No. G-16076]

ATLANTIC REFINING CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 26, 1958.

The Atlantic Refining Company (Respondent) on August 13, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 11, 1958.

Purchaser: Tennessee Gas Transmission Company.

Rate schedule designation: Supplement No. 7 to Respondent's FPC Gas Rate Schedule No. 185.

Effective date: September 13, 1958 (effective date is the first day after expiration of the required thirty days' notice).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final decision, it is deemed advisable to suspend the said proposed increased rate and charge until September 14, 1958, and thereafter to permit it to become effective as of that date; provided that within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until September 14, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of September 14, 1958: *Provided, however,* That within 20 days from the date of this order Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of The Atlantic Refining Company To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ----------, in Docket No. G-16076, ---------- hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of

which is appended hereto this ------ day of ----------.

By ---

Attest:

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR. 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7048; Filed, Aug. 29, 1958; 8:51 a. m.]

[Docket No. G-16073]

J. E. MARSHALL ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

AUGUST 26, 1958.

J. E. Marshall et al. (Marshall) on August 11, 1958, tendered for filing a proposed change in its presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 7, 1958.

Purchaser: Hassie Hunt Trust.

Rate schedule designation: Supplement No. 6 to Marshall's FPC Gas Rate Schedule No. 1.

Effective date: September 11, 1958 (effective date is the first day after expiration of required thirty days' notice).

The instant Notice of Change reflects in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The use of Supplement No. 5 to Marshall's FPC Gas Rate Schedule No. 1 was deferred by Commission order issued December 24, 1957 at Docket No. 14071. Supplement No. 4 thereto had previously been suspended by order issued December 2, 1955 at Docket No. G-9722.

The increased rate and charge proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Marshall's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Marshall's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said Supplement No. 6 be and it is hereby suspended and the use thereof deferred until the date on which Supplement Nos. 4 and 5 to Marshall's FPC Gas Rate Schedule No. 1 are made effective in the manner prescribed by the Natural Gas Act, or until September 12, 1958, whichever is later.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR, 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7049; Filed, Aug. 29, 1958; 8:51 a. m.]

[Docket No. G-16061]

W. H. COCKE

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

AUGUST 26, 1958.

W. H. Cocke (Respondent) on July 31, 1958, tendered for filing a proposed change in its presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 25, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the effective date proposed by Respondent).

The instant Notice of Change reflects in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The use of Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 1 was deferred by Commission order issued November 4, 1957 at Docket No. G-12611.

The increased rate and charge proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said Supplement No. 4 be and it is hereby suspended and the use thereof deferred until the date on which Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 1 is made effective in the manner prescribed by the Natural Gas Act, or until August 2, 1958, whichever is later.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR, 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7050; Filed, Aug. 29, 1958; 8:51 a. m.]

[Docket No. G-16059]

JOSEPH M. JONES ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 26, 1958.

Joseph M. Jones (Operator) et al. (Respondent) on August 7, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 31, 1958.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 2.

Effective date: September 7, 1958 (effective date is the first day after expiration of the required thirty days' notice).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until September 8, 1958, and thereafter to permit it to become effective as of that date; provided, that within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until September 8, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of September 8, 1958: *Provided, however,* That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondents shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of Joseph M. Jones (Operator), et al. To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ----------, in Docket No. 10659, Joseph M. Jones (Operator), et al. on this day ------ of ----------, hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and for said purpose has executed this agreement and undertaking.

Witness:

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7051; Filed, Aug. 29, 1958; 8:51 a. m.]

[Docket No. G-16066]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

AUGUST 26, 1958.

Pan American Petroleum Corporation (Pan American) on August 1, 1958 tendered for filing a proposed change in its presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 31, 1958.

Purchaser: Hassie Hunt Trust.

Rate schedule designation: Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 149.

Effective date: August 1, 1958 (effective date is the effective date proposed by Pan American).

The instant Notice of Change reflects in whole or in part the effect of the Louisiana State Gathering Tax which is stated to be effective as of August 1, 1958. The use of Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 149 was deferred by Commission order issued October 25, 1957, at Docket No. G-13524.

The increased rate and charge proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 149 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be

held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 149.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until the date on which supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 149 is made effective in the manner prescribed by the Natural Gas Act, or until August 2, 1958, whichever is later.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR, 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7052; Filed, Aug. 29, 1958; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Clinton Garment Co., 1058 South Fourth Street, Clinton, Ind.; effective 8-11-58 to 1-20-59; workers engaged in the manufacture of garments included under the Women's Apparel Regulations (replacement certificate) (playsuits, slacks, pedal pushers, etc.).

Clyde Shirt Co., Northampton, Pa.; effective 8-11-58 to 8-10-59 (women's and children's blouses).

Connellsville Sportswear Co., South First Street, Connellsville, Pa.; effective 8-22-58 to 8-21-59 (men's and boys' sports slacks).

M. Janowitch & Sons, Main and Market Streets, Mahanoy City, Pa.; effective 8-21-58 to 8-20-59 (ladies' cotton and rayon dresses).

Kane Manufacturing Co., Inc., Morgantown, Ky.; effective 8-18-58 to 8-17-59 (jackets, sport coats, outerwear).

Kenrose Manufacturing Co., Inc., 230 Center Avenue NW., 321 Albemarle Avenue SE., Roanoke, Va.; effective 8-22-58 to 8-21-59 (wash dresses).

Loungeray, Inc., Canal Street, Hollidaysburg, Pa.; effective 8-14-58 to 8-13-59 (ladies' and children's robes and loungewear).

Morris & Co., Inc., 124 West Lombard Street, Baltimore, Md.; effective 8-18-58 to 8-17-59 (nurses' uniforms).

Movie Star of Poplarville, Poplarville, Miss.; effective 8-11-58 to 8-10-69 (ladies' slips, petticoats, boufants).

Roydon Wear, Inc., Oak Street, McRae, Ga.; effective 8-8-58 to 8-7-59 (boys' outerwear—trousers and shorts).

Saltillo Manufacturing Co., Inc., Saltillo, Tenn.; effective 8-15-58 to 8-14-59 (sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Elpern Manufacturing Co., Inc., 113 Summit Avenue, Hagerstown, Md.; effective 8-18-58 to 8-17-59; 10 learners (replacement certificate) (children's dresses).

Horton Garment Co., 112 South Second, Atchison, Kans.; effective 8-18-58 to 8-17-59; 10 learners (junior dresses).

Johnson Garment Corp., Box 303, Marshfield, Wis.; effective 8-15-58 to 8-14-59; five learners (men's and boys' outerwear—parkas).

McTague Manufacturing Co., Inc., 16 West Presqueisle Street, Philipsburg, Pa.; effective 8-18-58 to 8-17-59; 10 learners (sportswear and outerwear).

Monticello Shirt Co., 706 Forrest Street, Charlottesville, Va.; effective 8-15-58 to 8-14-59; 10 learners (women's cotton blouses and dresses).

Protexall, Inc., Galesburg, Ill.; effective 8-15-58 to 8-14-59; 10 learners (work clothing).

Sunbright Manufacturing Co., Inc., Sunbright, Tenn.; effective 8-23-58 to 8-22-59; 10 learners (single pants).

United Garment Manufacturing Co., Iron Mountain, Mich.; effective 8-15-58 to 8-14-59; 10 learners (women's and children's sportswear, outerwear).

Wear Well Garment Co., Inc., First North and Gorman Streets, New Ulm, Minn.; effective 8-15-58 to 8-17-59; 10 learners (replacement certificate) (ladies' slacks; boys', juniors' and men's trousers).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Clinton Garment Co., 1058 South Fourth Street, Clinton, Ind.; effective 8-11-58 to 1-20-59; 50 learners engaged in the manufacture of garments included under the Single Pants, etc., Regulations (replacement certificate) (playsuits, skirts, slacks, pedal pushers, shorts, car coats, raincoats).

Lawrenceville Shirt Corp., Lawrenceville, Va.; effective 8-18-58 to 2-17-59; 25 learners (men's and boys' sport shirts).

Sandye Shirt Corp., Portland, Tenn.; effective 8-11-58 to 2-10-59; 55 learners (Men's and boy's sport shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Florida Knitting Mills, Inc., 20 North Coburn Avenue, Orlando, Fla.; effective 8-25-58 to 8-24-59; 10 learners for normal labor turnover purposes (gloves and mittens).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Best Wear Hosiery Co., 495-99 North Third Street, Philadelphia, Pa.; effective 8-14-58 to 8-13-59; five learners for normal labor turnover purposes (ladies' seamless nylon hosiery).

Broadway Hosiery Mill, Inc., 53 Burton Street, Asheville, N. C.; effective 8-18-58 to 8-17-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless hosiery).

Drexel Knitting Mills Co., Drexel, N. C.; effective 8-14-58 to 8-13-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless hosiery).

Huffman Finishing Co., Granite Falls, N. C.; effective 8-18-58 to 8-17-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and misses' seamless hosiery).

Long Finishing Mills, Inc., 225 Trade Street, Burlington, N. C.; effective 8-15-58 to 8-14-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Claxton Manufacturing Co., Claxton, Ga.; effective 8-11-58 to 2-10-59; 10 learners for plant expansion purposes (ladies' underwear).

Junior Form Lingerie Corp., Route 611, Jerome, Pa.; effective 8-19-58 to 8-18-59; five learners for normal labor turnover purposes (women's sleepwear).

JEM Knitting Mills Corp., Strausstown, Pa.; effective 8-14-58 to 2-13-59; 20 learners for plant expansion purposes (men's and boys' underwear).

Miss Coquette, 315 West Stephen Street, W. Va.; effective 8-14-58 to 2-13-59; 10 learners for plant expansion purposes (girls' lingerie—knit and woven fabric).

Hazlehurst Manufacturing Co., 200 Gill Street, Hazlehurst, Ga.; effective 8-15-58 to 2-14-59; 35 learners for plant expansion purposes (women's underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Pattonsburg Manufacturing Co., Pattonsburg, Mo.; effective 8-18-58 to 2-17-59; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 90 cents an hour (leather headwear).

Russell Manufacturing Corp., Lebanon, Va.; effective 8-14-58 to 2-13-59; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator only for a learning period of 320 Hours at the rate of 90 cents an hour (ladies' underwear, sheets, pillow cases).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 20th day of August 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-7017; Filed, Aug. 28, 1958; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 26, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34916: *Fertilizer Compounds and Solution to Southern Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7361), for interested rail carriers. Rates on fertilizer compounds and related articles, carloads, also phosphatic fertilizer solution, tank-car loads from specified points in Arkansas, Kansas, Louisiana (west of the Mississippi River), Missouri, Oklahoma and Texas to destination in States in southern territory including Louisiana (east of the Mississippi River), also to Cincinnati, Ohio, and to Kenova, W. Va., as a basing point.

Grounds for relief: Short-line distance formulas and grouping.

Tariff: Supplement 14 to Southwestern Freight Bureau tariff I. C. C. 4290.

FSA No. 34917: *Texas and New Orleans Motor Rail Rates.* Filed by J. D. Hughett, Agent (No. 17), for interested carriers. Rates on various commodities moving on class and commodity rates over joint motor-rail-routes between station on the T & NO R. R. in Louisiana and Texas, as described in the application, on the one hand, and stations on the S. P. T. Co., in Louisiana and Texas, named in the application, on the other.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 52 to Agent J. H. Hughett's tariff MF-I. C. C. No. 278 and other supplemental schedules listed in the application.

FSA No. 34918: *Poles and Tile Between Points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 332), for interested rail carriers. Rates on electric poles, carloads, also facing or flooring tile, carloads between points in Texas.

Grounds for relief: Texas intrastate competition in connection with rates made on bases of short-line distance formulas.

Tariff: Supplement 64 to Texas-Louisiana Freight Tariff Bureau tariff I. C. C. 865.

FSA No. 34920: *Onions and Onion Sets—Western Points to W. T. L. and Illinois Territories.* Filed by Western Trunk Line Committee, Agent (No. A-2004), for interested rail carriers. Rates on onions (without tops) and onion sets, carloads from points in Colorado, Idaho, Nebraska, Oregon, Utah, and Wyoming to points in states in Illinois and western trunk line territories described in the application.

Grounds for relief: Market competition with transcontinental producing points and rate relationships with white potatoes.

Tariff: Supplement 150 to Western Trunk Line Committee tariff I. C. C. A-3511.

FSA No. 34921: *Sugar—California Points to Dallas, Tex.,* Filed by Trans-Continental Freight Bureau, Agent (No. 351), for interested rail carriers. Rates on sugar, beet or cane, carloads from points in California described in the application to Dallas, Tex.

Grounds for relief: Market competition and to restore rate relationship with Sugarland, Tex.

Tariff: Supplement 28 to Trans-Continental Freight Bureau tariff I. C. C. 1590.

FSA No. 34922: *Substituted Rail Service—Erie R. R. et al., for Motor Carriers.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 91), for interested carriers. Rates on property loaded in highway trailers and transported in substituted service on railroad flat cars by way of specified substitution points in Massachusetts, on the one hand, and specified substitution points in Illinois, and Indiana, on the other, in connection with motor-rail-motor routes between territories served by motor carriers described in the application.

Grounds for relief: Motor truck competition at revised compensation for rail carriers.

FSA No. 34923: *Substitution Rail Service—B&M R. R. Et Al., for Motor Carriers.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 92), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars in substituted rail service by way of specified substitution points in Massachusetts, on the one hand, and specified substitution points in Kentucky, Illinois, Indiana, Michigan, and Ohio, on the other, in connection with motor-rail-motor routes between points in territories served by applicant motor carriers described in the application.

Grounds for relief: Motor truck competition at revised compensation for rail carriers.

FSA No. 34924: *Substitution Rail Service—NYNH&H and Penn. Railroads.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 93), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars in substituted rail service by way of specified points in Connecticut, Rhode Island and Massachusetts, on the one hand, and specified points in Kentucky, Illinois, Indiana, Missouri, and Ohio, on the other, on traffic over motor-rail-motor routes between points in territories served by applicant motor carriers described in the application.

Grounds for relief: Motor truck competition under revised compensation for rail carriers.

FSA No. 34925: *Substitution Rail Service—Erie and N. Y. N. H. & H. Railroads.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 94), for interested carriers. Rates on property loaded in highway trailers and transported in substituted rail service on railroad flat cars by way of substitution points in Connecticut, Massachusetts and Rhode Island, on the one hand, and Chicago, Ill., and Hammond, Ill., on the other, on traffic over motor-rail-motor routes between points in territories served by motor carriers described in the application.

Grounds for relief: Motor-truck competition under revised rail compensation.

AGGREGATE-OF-INTERMEDIATES

FSA No. 34919: *Poles and Tile Between Points in Texas.* Filed by Texas-Louisiana Freight Bureau (No. 333), Agent, for interested rail carriers. Rates on electric light poles, carloads; also facing or flooring tile, carloads between points in Texas, applicable only on interstate traffic.

Grounds for relief: Maintenance of rates depressed to meet Texas intrastate competition not applicable on constructing combination rates from or to other points.

Tariff: Supplement 64 to Texas-Louisiana Freight Bureau Tariff I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-7007; Filed, Aug. 28, 1958; 8:50 a. m.]

[Notice 20]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 26, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 61256. Corrected order.[1] By order of July 9, 1958, the Transfer Board approved the transfer to C. Philips Trucking, Inc., Woonsocket, R. I., of certificate No. MC 94997, issued July 10, 1941, to Celestine Philips, Woonsocket, R. I., and of operating rights acquired by the latter pursuant to transfer application No. MC–FC 61106 and assigned docket No. MC 94997 Sub 2. Certificate No. MC 94997 authorizes the transportation of macaroni, from Woonsocket, R. I., to Boston, Cambridge, and Somerville, Mass., and flour, from Boston and Cambridge, Mass., to Woonsocket, R. I., over regular routes, and newspapers, magazines, and periodicals, from Providence, R. I., to points in Burrillville, North Smithfield, and Woonsocket Townships, Providence County, R. I., and those in Blackstone Township, Worcester County, Mass., and household goods as defined by the Commission, between points in the Woonsocket, Burrillville, Smithfield, and North Smithfield Townships, Providence County, R. I., on the one hand, and, on the other, points in Massachusetts, over irregular routes. The operating rights acquired through MC–FC 61106 and assigned docket No. MC 94997 Sub 2 authorize the transportation of household goods, over irregular routes, between Woonsocket, R. I., and points within ten miles thereof, on the one hand, and, on the other, Philadelphia, Pa., and points in Connecticut, Massachussets, New Hampshire, New Jersey, New York, and Rhode Island. Gerard J. Donovan, 11 Beacon Street, Boston 8, Mass., for applicants.

No. MC–FC 61373. By order of August 22, 1958, the Transfer Board approved the transfer to Bobby Jones Mobile Home Movers, Inc., Columbus, Georgia, of certificate in No. MC 115683 Sub 1, issued July 12, 1957, to Robert W. Jones, doing business as Bobby Jones Mobile Home Service, Columbus, Ga., authorizing the transportation of: *Trailers* designed to be drawn by passenger automobiles, in secondary movements, by truckaway method, between Columbus, Ga., and points within 10 miles thereof, on the one hand, and, on the other, points in Georgia, Alabama, Florida, North Carolina, South Carolina, Mississippi, Louisiana, and Texas. In No. MC–FC 61373–A, Bobby Jones Mobile Home Movers, Inc., was substituted as applicant in No. MC 115683 Sub 2 which covers authority as shown in the FEDERAL REGISTER of March 20, 1958, on page 1874. James L. Flemister, 301 Georgia Savings Bank Building, Atlanta, Georgia, for applicants.

No. MC–FC 61378. By order of August 22, 1958, the Transfer Board approved the transfer to Grocery Transport, Inc., Buffalo, N. Y., of second corrected permit in No. MC 86726, issued June 28, 1949, to Faxlines, Inc., Buffalo, N. Y., authorizing the transportation of: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and good business houses, and *equipment, materials,* and *supplies,* used in the conduct of such businesses between points in a specified territory in New York and Pennsylvania. Mortimer A. Sullivan, 530 Walbridge Building, Court Street, Buffalo 2, New York, for applicants.

No. MC–FC 61382. By order of August 22, 1958, the Transfer Board approved the transfer to Eagle Transport Company, A Corporation, Big Spring, Texas, of permit in No. MC 110675, issued January 29, 1952 to Art Tucker, doing business as Art Tucker Transport Company, Big Spring, Texas, authorizing the transportation of asphalt and road oil, in bulk, in tank vehicles, over irregular routes, between Big Spring, Texas and points within ten miles thereof, on the one hand, and on the other, points in New Mexico. Reagan Sayers, Rawlings, Sayers, Scurlock & Edison, Century Life Building, Fort Worth 2, Texas.

No. MC–FC 61420. By order of August 21, 1958, the Transfer Board approved the transfer to Babbitt Bros., Inc., Bloomer, Wis., of certificate in No. MC 111878, issued April 12, 1951, to Frank Babbitt, doing business as Babbitt Bros. Transfer Co., Bloomer, Wis., authorizing the transportation of: Milk and milk products, in bulk, in tank vehicles, over irregular routes, from Bloomer, Wis., and points in Wisconsin within 75 miles thereof, to Amarillo, Austin, Corpus Christi, Dallas, Fort Worth, Houston, Lubbock, Midland, Paris, Plainview, San Antonio, Waco, and Wichita Falls, Tex., Lincoln and Omaha, Nebr., Tulsa, Okla., Hershey and Philadelphia, Pa., Denver, Colo., Wichita and Kansas City, Kans., Council Bluffs, Iowa, Minneapolis and St. Paul, Minn., Chicago and East St. Louis, Ill., Kansas City, Springfield, and St. Louis, Mo., and points within the commercial zones of each, as defined by the Commission. Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn., for applicants.

No. MC–FC 61425. By order of August 21, 1958, the Transfer Board approved the transfer to Garden State Transfer Co., a Corporation, Newark, N. J., of Certificate No. MC 10968, issued January 18, 1949, to John Minarchi, doing business as Garden State Transfer Company, Newark, N. J., authorizing the transportation of general commodities, excluding household goods and other specified commodities, between New York, N. Y., on the one hand, and, on the other, points in Bergen, Passaic, Essex, and Hudson Counties, N. J. James J. Farrell, 201 Montague Place, South Orange, N. J., for applicants.

No. MC–FC 61471. By order of August 22, 1958, the Transfer Board approved the transfer to Peoria Charter Coach Company, a Corporation, 401 Hamilton Boulevard, Peoria, Illinois, of Certificate No. MC 18677, issued October 5, 1948, to White Star Motor Coach Lines of Illinois, a Corporation, 808 Fayette Street, Peoria, Illinois, authorizing the transportation of passengers between Farmington, Ill., and Peoria, Ill., and between Canton, Ill., and Farmington, Ill.

No. MC–FC 61481. By order of August 21, 1958, the Transfer Board approved the transfer to Four L Furniture Transport, Inc., New York, N. Y., of a portion of the operating rights described in Certificate No. MC 72620 Sub 1, issued March 27, 1958, to J. J. Asparro Trucking Corp., Elmhurst, N. Y., authorizing the transportation of Uncrated new furniture, over irregular routes, from New York, N. Y., to points in Connecticut, within 80 miles of Columbus Circle, New York, N. Y., with no transportation for compensation on return. Morris Honig, 150 Broadway, New York 38, N. Y., for applicants.

No. MC–FC 61482. By order of August 21, 1958, the Transfer Board approved the transfer to Rapid Furniture Transport, Inc., Elmhurst, N. Y., of a portion of Certificate No. MC 72620 Sub 1, issued March 27, 1958, to J. J. Asparro Trucking Corp., Elmhurst, N. Y., authorizing the transportation of Uncrated new furniture, over irregular routes, from New York, N. Y., to points in New Jersey and New York within 80 miles of Columbus Circle, New York, N. Y., with no transportation for compensation on return except as otherwise authorized. Morris Honig, 150 Broadway, New York 38, N. Y., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–7039; Filed, Aug. 28, 1958; 8:54 a. m.]

[1] The previous order, published in the FEDERAL REGISTER of July 16, 1958, did not include the rights acquired through MC–FC 61106 and assigned docket No. MC 94997 Sub 2.

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 27, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34926: *Cement—Metaline Falls, Wash., to North Dakota points.* Filed by Trans-Continental Freight Bureau, Agent (No. 352), for interested rail carriers. Rates on cement, carloads from Metaline Falls, Wash., to Ardoch, Conway, Larimore, Portland Jct., Union, and Vance, N. Dak.

Grounds for relief: Short-line distance formula and carrier competition.

Tariff: Supplement 28 to Trans-Continental Freight Bureau tariff I. C. C. 1590.

FSA No. 34927: *Soda ash and caustic soda—Saltville, Va., to Memphis and Nashville, Tenn.* Filed by O. W. South, Jr., Agent (SFA No. A3718), for interested rail carriers. Rates on soda ash and caustic soda, carloads from Saltville, Va., to Memphis, and Nashville, Tenn.

Grounds for relief: Market competition with Baton Rouge, La.

Tariff: Supplement 85 to Southern Freight Association tariff I. C. C. No. 1538.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–7038; Filed, Aug. 29, 1958; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JOSEFA B. E. DE LAMPE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Josefa B. E. de Lampe, La Plata, Buenos Aires, Argentina; $930.40 in the Treasury of the United States.

Claim No. 61874; Vesting Order No. 17670.

Executed at Washington, D. C., on August 25, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58–7043; Filed, Aug. 29, 1958; 8:50 a. m.]

SCHEINDEL PETERFRIEND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Scheindel Peterfriend, Jerusalem, Israel; Claim No. 56667; $169.67 in the Treasury of the United States.

Vesting Order No. 561.

Executed at Washington, D. C., August 25, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58–7046; Filed, Aug. 29, 1958; 8:50 a. m.]

MARIE MADELEINE ROTH HERMET ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marie Madeleine Roth Hermet, Paris, France; Claim No. 62205; $3,286.85 in the Treasury of the United States.

Jacques Emile Prieur, Le Havre, France; Claim No. 62206; $410.86 in the Treasury of the United States.

Henriette Madeleine Prieur, Paris, France; Claim No. 62207; $410.86 in the Treasury of the United States.

Henri Michel Prieur, Rouen, France; Claim No. 62208; $410.86 in the Treasury of the United States.

Renee Fernande Gouverne, Le Havre, France; Claim No. 62209; $1,095.61 in the Treasury of the United States.

Marguerite Blanche Sprecher, Vincennes, France; Claim No. 62210; $1,095.61 in the Treasury of the United States.

Blanche Anais Guiraud, Orleans, France; Claim No. 62211; $6,710.66 in the Treasury of the United States.

Vesting Order No. 18353.

Executed at Washington, D. C., on August 25, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58–7044; Filed, Aug. 29, 1958; 8:50 a. m.]

MRS. ROSEL PERLSTEIN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Rosel Perlstein, 69 Yahalom Street, Ramat-Gan, Israel; $100.16 in the Treasury of the United States.

Harry Perlstein, 69 Yahalom Street, Ramat-Gan, Israel; $150.25 in the Treasury of the United States.

Guenther Perlstein, 69 Yahalom Street, Ramat-Gan, Israel; $150.25 in the Treasury of the United States.

Claim No. 63356; Vesting Order No. 9617.

Executed at Washington, D. C., on August 25, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58–7045; Filed, Aug. 29, 1958; 8:50 a. m.]

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President subsequent to adjournment will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 85th Congress, Second Session.

Acts Approved August 28, 1958

S. J. Res. 178.....Public Law 85–830
Joint Resolution authorizing the President of the United States of America to proclaim February 8–14, 1959, as National Children's Dental Health Week.

S. J. Res. 201.....Public Law 85–826
Joint Resolution to authorize the chairman of the Joint Committee on Atomic Energy to confer a medal on Rear Admiral Hyman George Rickover, United States Navy.

S. 166.....Public Law 85–807
An Act to amend the laws granting education and training benefits to certain veterans so as to extend, with respect to certain individuals, the period during which such benefits may be offered.

S. 765.....Public Law 85–828
An Act to increase the authorization for the appropriation of funds to complete the International Peace Garden, North Dakota.

S. 2594.....Public Law 85–806
An Act to transfer certain property and functions of the Housing and Home Finance Administrator to the Secretary of the Interior, and for other purposes.

S. 2888.....Public Law 85–836
An Act to provide for registration, reporting, and disclosure of employee welfare and pension benefit plans.

S. 2922.....Public Law 85–794
An Act to authorize per capita payments to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation, and for other purposes.

S. 3139.....Public Law 85–831
An act to repeal the Act of July 2, 1956, concerning the conveyance of certain property of the United States to the village of Carey, Ohio.

S. 3224.....Public Law 85–809
An Act to improve opportunities for small business concerns to obtain a fair proportion of Government purchases and contracts, to facilitate procurement of property and services by the Government, and for other purposes.

S. 3448.....Public Law 85–797
An Act to authorize the acquisition and disposition of certain private lands and the establishment of the size of farm units on the Seedskadee reclamation project, Wyoming, and for other purposes.

S. 3534.....Public Law 85–805
An Act to authorize the Secretary of the Army to convey approximately 161 acres of land at Fort Crowder Military Reservation to the city of Neosho, Missouri.

S. 3564.....Public Law 85–827
An Act to accord coverage under the Civil Service Retirement Act to certain temporary rural carriers.

S. 3682 ..... Public Law 85-812
An Act to authorize the sale or exchange of certain lands of the United States situated in Pima County, Arizona, and for other purposes.

S. 3776 ..... Public Law 85-842
An Act to extend the time for the collection of tolls to amortize the cost, including reasonable interest and financing cost, of the construction of a bridge across the Missouri River at or near Miami, Missouri.

S. 3882 ..... Public Law 85-811
An Act to amend the Act of July 1, 1948, Chapter 791 (24 U. S. C. 279a), providing for the procurement and supply of Government headstones and markers.

S. 3966 ..... Public Law 85-855
An Act to amend Public Law 85-422.

S. 4004 ..... Public Law 85-795
An Act to encourage and authorize details and transfers of Federal employees for service with international organizations.

S. 4021 ..... Public Law 85-850
An Act to establish the United States Study Commission on the Savannah, Altamaha, Saint Marys, Apalachicola-Chattahoochee, and Perdido-Escambia River Basins, and intervening areas.

S. 4053 ..... Public Law 85-833
An Act to extend the boundaries of the Siskiyou National Forest in the State of Oregon, and for other purposes.

S. 4071 ..... Public Law 85-835
An Act to provide more effective price, production adjustment, and marketing programs for various agricultural commodities.

S. 4167 ..... Public Law 85-816
An Act to authorize the lease of Papago tribal land to the National Science Foundation, and for other purposes.

S. 4191 ..... Public Law 85-849
An Act to maintain existing minimum postage rates on certain publications mailed for delivery within the county of publication.

S. 4196 ..... Public Law 85-810
An Act to amend the Intercoastal Shipping Act, 1933 (47 Stat. 1425), as amended, to authorize incorporation of contract terms by reference in short-form documents.

S. 4273 ..... Public Law 85-846
An Act to provide for cooperation with the European Atomic Energy Community.

H. J. Res. 630 ..... Public Law 85-821
Joint Resolution to authorize the Commissioners of the District of Columbia to use certain real property in the District of Columbia for the proposed Southwest Freeway and for the redevelopment of the Southwest area in the District of Columbia.

H. J. Res. 654 ..... Public Law 85-845
Joint Resolution requiring the Secretary of Commerce to submit certain recommendations for legislation for the purpose of assisting Congress to determine whether or not to reimburse States for certain highways on the National System of Interstate and Defense Highways.

H. J. Res. 704 ..... Public Law 85-819
Joint Resolution establishing that the first session of the Eighty-sixth Congress convene at noon on Wednesday, January 7, 1959.

H. R. 376 ..... Public Law 85-839
An Act to prohibit trading in onion futures on commodity exchanges.

H. R. 5411 ..... Public Law 85-798
An Act to amend title II of the Social Security Act to provide that a widow or former wife divorced who loses mother's insurance benefits by remarriage may again become entitled if her husband dies within one year of such remarriage, to provide that interstate instrumentalities may secure coverage for policemen and firemen in positions under a retirement system of the instrumentality.

H. R. 5865 ..... Public Law 85-793
An Act to amend section 80 of the Hawaiian Organic Act, and for other purposes.

H. R. 6239 ..... Public Law 85-796
An Act to amend sections 1461 and 1462 of title 18 of the United States Code.

H. R. 6788 ..... Public Law 85-791
An Act to authorize the abbreviation of the record on the review or enforcement of orders of administrative agencies by the courts of appeals and the review or enforcement of such orders on the original papers and to make uniform the law relating to the record on review or enforcement of such orders, and for other purposes.

H. R. 6894 ..... Public Law 85-808
An Act to amend the Tariff Act of 1930 as it relates to unmanufactured mica and mica films and splittings.

H. R. 7706 ..... Public Law 85-790
An Act to entitle members of the Army, Navy, Air Force, or Marine Corps retired after thirty years' service to retired pay equal to 75 per centum of the monthly basic pay authorized for the highest enlisted, warrant, or commissioned grade in which they served satisfactorily during World War I, and for other purposes.

H. R. 7738 ..... Public Law 85-809
An Act for the relief of the State of New York.

H. R. 8160 ..... Public Law 85-822
An Act authorizing a survey of the Tensaw River, Alabama, in the interest of navigation and allied purposes.

H. R. 8249 ..... Public Law 85-813
An Act to provide for the adjustment by the Secretary of the Army of the legislative jurisdiction exercised by the United States over lands within the Fort Custer Military Reservations, Michigan.

H. R. 8481 ..... Public Law 85-829
An Act to amend title IV of the Agricultural Act of 1956 to provide that the provisions of such title shall apply in Hawaii.

H. R. 8543 ..... Public Law 85-817
An Act to amend the Communications Act of 1934 to authorize, in certain cases, the issuances of licenses to noncitizens for radio stations on aircraft and for the operation thereof.

H. R. 8652 ..... Public Law 85-820
An Act to rescind the authorization for the Waldo Lake Tunnel and regulating works, Willamette River, Oregon.

H. R. 9239 ..... Public Law 85-801
An Act to provide for the construction of an irrigation distribution system and drainage works for restricted Indian lands within the Coachella Valley County Water District in Riverside County, California, and for other purposes.

H. R. 9371 ..... Public Law 85-814
An Act to provide for the relief of certain members and former members of the Army and the Air Force, and for other purposes.

H. R. 9407 ..... Public Law 85-847
An Act to provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service.

H. R. 9445 ..... Public Law 85-[illegible]
An Act to amend the Hawaiian Organic Act, and to approve amendments of the Hawaiian land laws, with respect to leases and other dispositions of land.

H. R. 9500 ..... Public Law 85-[illegible]
An Act to permit certain sales and exchanges of public lands of the Territory of Hawaii to certain persons who suffered a substantial loss of real property by reason of the tidal wave of March 9, 1957.

H. R. 9932 ..... Public Law 85-[illegible]
An Act to provide for the conveyance of certain land of the United States to the State Board of Education of the State of Florida.

H. R. 10045 ..... Public Law 85-[illegible]
An Act to provide for the sale of all of the real property acquired by the Secretary of Commerce for the construction of the Burke Airport, Virginia.

H. R. 11125 ..... Public Law 85-[illegible]
An Act to provide for the conveyance of certain real property of the United States to the city of Valparaiso, Florida.

H. R. 11630 ..... Public Law 85-[illegible]
An Act to amend title XV of the Social Security Act to extend the unemployment insurance system to ex-servicemen, and for other purposes.

H. R. 11697 ..... Public Law 85-[illegible]
An Act to amend the Act of June 29, 1888, relating to the prevention of obstructive and injurious deposits in the harbor of New York, to extend the application of that Act to the harbor of Hampton Roads.

H. R. 12216 ..... Public Law 85-[illegible]
An Act to designate the dam and reservoir to be constructed on the Cumberland River near Carthage, Tennessee, as the "Cordell Hull Dam and Reservoir" and to establish the United States Study Commission on the Neches, Trinity, Brazos, Colorado, Guadalupe-San Antonio, Nueces, and San Jacinto River Basins, and intervening areas.

H. R. 12217 ..... Public Law 85-[illegible]
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H. R. 12303 ..... Public Law 85-[illegible]
An Act to amend the Revised Organic Act of the Virgin Islands.

H. R. 12489 ..... Public Law 85-[illegible]
An Act to extend the time for making certain reports under the Highway Revenue Act of 1956 and the Federal-Aid Highway Act of 1956.

H. R. 12632 ..... Public Law 85-[illegible]
An Act authorizing Gus A. Guerra, his heirs, legal representatives and assigns, to construct, maintain, and operate a toll bridge across the Rio Grande, at or near Rio Grande City, Texas.

H. R. 12894 ..... Public Law 85-[illegible]
An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense.

H. R. 13132 ..... Public Law 85-[illegible]
An Act to amend the District of Columbia Teachers' Salary Act of 1955.

H. R. 13192 ..... Public Law 85-[illegible]
An Act making appropriations for Mutual Security for the fiscal year ending June 30, 1959, and for other purposes.

H. R. 13342 ..... Public Law 85-832
An Act to provide for a survey of Parish Line Canal, Louisiana.

H. R. 13406 ..... Public Law 85-854
An Act to amend the District of Columbia Redevelopment Act of 1945, as amended.

H. R. 13489 ..... Public Law 85-852
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H. R. 13500 ..... Public Law 85-837
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H. R. 13531 ..... Public Law 85-792
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H. R. 13549 ..... Public Law 85-840
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H. R. 13856 ..... Public Law 85-844
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H. R. 13861 ..... Public Law 85-815
An Act to repeal certain provisions of law relating to messengers for the Committee on Ways and Means of the House of Representatives.

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FEDERAL REGISTER

VOLUME 23 NUMBER 172

Washington, Wednesday, September 3, 1958

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 CCC Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP RYE LOAN AND PURCHASE AGREEMENT

SETTLEMENT

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F. R. 3500 and 5319, containing specific requirements for the 1958-crop rye price support program are hereby amended as follows:

Section 421.3386 is amended to provide for making a payment to the producer because of reduced rail freights in certain states and counties by redesignating paragraph (h) *Method of payment under purchase agreement settlements* as paragraph (i) *Method of payment under purchase agreement settlements* and substituting a new paragraph (h) *Payment because of reduced rail freight* in lieu thereof as follows:

§ 421.3386 *Settlement.* • • •

(h) *Payment because of reduced rail freight.* A payment per bushel, as provided in this paragraph, which represents the county average reduction in rail freight subsequent to the calculation of the support rates shall be made to the producer by the county office for rye acquired under loans and purchase agreements by the Commodity Credit Corporation at the county support rate in the following states and counties:

IDAHO

County	Amount per bushel[1] (cents)	County	Amount per bushel[1] (cents)
Benewah	5	Kootenai	5
Bonner	1	Latah	6
Clearwater	6	Lewis	7
Idaho	6	Nez Perce	6

[1] No payment will be made where purchases of rye under loan have been made by producers with Soil Bank Certificates.

OREGON

County	Amount per bushel[1] (cents)	County	Amount per bushel[1] (cents)
Baker	9	Sherman	3
Crook	2	Umatilla	7
Deschutes	3	Union	10
Gilliam	2	Wallowa	10
Grant	2	Wasco	2
Jefferson	4	Wheeler	2
Morrow	2		

WASHINGTON

County	Amount per bushel[1] (cents)	County	Amount per bushel[1] (cents)
Adams	9	Kittitas	11
Asotin	7	Klickitat	2
Benton	8	Lincoln	9
Chelan	9	Okanogan	8
Columbia	5	Spokane	6
Douglas	12	Stevens	5
Franklin	10	Walla Walla	6
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(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 27th day of August 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 58-7088; Filed, Sept. 2, 1958; 8:48 a. m.]

[1958 CCC Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F. R. 3647, and containing the specific requirements for the 1958-crop Flaxseed Price Support Program are amended as follows:

Section 421.3483 (c) is amended by adding to the list of basic county support rates, "Texas—Lamb County, $2.37 per bushel."

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

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[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 58-7089; Filed, Sept. 2, 1958; 8:48 a. m.]

[1958 CCC Cotton Bulletin 1, Amdt. 2]

PART 427—COTTON

SUBPART—1958 COTTON LOAN PROGRAM REGULATIONS

SCHEDULE OF BASE LOAN RATES FOR WAREHOUSE-STORED UPLAND COTTON

Correction

In Federal Register Document 58-6895, published at page 6575 in the issue for Tuesday, August 26, 1958, changes should be made in the listing under § 427.934, as follows:

ALABAMA

City and county	Basis Middling White 1-inch loan rate
• • • • •	
Repton, Conecuh	35.39
• • • • •	

TEXAS

• • • • •	
Bloomburg, Cass	35.12
• • • • •	
Post, Garza	34.84

PART 446—PEANUTS

SUBPART—1958 CROP PEANUT PRICE SUPPORT PROGRAM

Correction

In Federal Register Document 58-6894, published at page 6583 in the issue for Tuesday, August 26, 1958, the word "natural", appearing in § 446.1005, should read "national".

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 940—PEACHES GROWN IN MESA COUNTY, COLORADO

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1958–59 FISCAL YEAR

Notice was published in the August 13, 1958, daily issue of the FEDERAL REGISTER (23 F. R. 6202) that consideration was being given to the proposals regarding the expenses and rate of assessment for the fiscal period ending February 28, 1959, under the amended marketing agreement and Order No. 40, as amended (7 CFR Part 940; 21 F. R. 5673), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in such notice which was submitted by the Administrative Committee (established pursuant to said amended marketing agreement and order, as amended), it is hereby found and determined that:

§ 940.210 *Expenses and rate of assessment for the 1958–59 fiscal year*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning March 1, 1958, and ending February 28, 1959, will amount to $12,300.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at one cent ($0.01) per bushel basket of peaches, or its equivalent of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipment of the current crop of peaches from Mesa County, Colorado, are now being made; (2) the rate of assessment is, in accordance with the amended marketing agreement and order, applicable to all fresh peaches shipped during the 1958–59 fiscal year; and (3) it is essential that the specification of assessment rate be issued immediately so as to enable the said Administrative Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated August 28, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 58-7085; Filed, Sept. 2, 1958; 8:47 a. m.]

PART 958—IRISH POTATOES IN COLORADO

LIMITATION OF SHIPMENTS

§ 958.328 *Limitation of shipments, Area No. 2*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the area committee for Area No. 2, established pursuant to said marketing agreement and order, and upon the basis of other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section; (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date; (iv) a reasonable time is permitted under the circumstances, for such preparation; and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from September 7, 1958 through June 30, 1959, no handler shall ship (i) any potatoes of the round varieties grown in Area No. 2 unless such potatoes meet the requirements of the U. S. No. 2, or better, grade, size A, 2⅛ inches minimum diameter, or (ii) any potatoes of the long varieties grown in Area No. 2 unless such potatoes meet the requirements of the U. S. No. 2, or better, grade, and are of a size not less than 2⅛ inches minimum diameter or 4 ounces minimum weight, as such terms are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein.

(2) During the period from September 7, 1958 through October 8, 1958, and subject to the requirements set forth in subparagraph (1) of this paragraph, no handler shall ship any lot of potatoes (i) of the Russet Burbank or Red McClure variety grown in Area No. 2 if such potatoes are more than "slightly skinned" as such term is defined in said United States Standards, which means that not more than 10 percent of the potatoes in any lot have more than one-fourth of the skin missing or "feathered," or (ii) of any other variety grown in Area No. 2 if such potatoes are more than "moderately skinned" as such term is defined in the said United States Standards which means that not more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or "feathered."

(3) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 28, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 58-7086; Filed, Sept. 2, 1958; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 5]

PART 620—SECURITY CONTROL OF AIR TRAFFIC

ALASKAN COASTAL ADIZ AND WESTERN DEFENSE AREA; POSTPONEMENT OF EFFECTIVE DATE

Upon petition by interested persons Amendment No. 4 of Part 620 published in the FEDERAL REGISTER on August 22, 1958 (23 F. R. 6493), to become effective on September 1, 1958, is hereby amended to become effective on September 15, 1958.

(Sec. 1203, 64 Stat. 825; 49 U. S. C. 703. Interpret or apply secs. 1201–1204, 64 Stat. 825; U. S. C. 701–704)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

AUGUST 29, 1958.

[F. R. Doc. 58-7139; Filed Aug. 29, 1958; 4:32 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. Section 4.160 is revised to read as follows:

§ 4.160 *Under section 921, Public Law 85–56*—(a) *Basic entitlement.* Except as provided in §§ 4.162, 4.164, and 4.165, periodic monetary benefits other than insurance and servicemen's indemnity authorized under laws administered by the Veterans Administration, to which a person was entitled prior to the date of his death, and not paid during his lifetime, and due and unpaid for a period not to exceed 1 year prior to death under existing ratings or decisions, or those based on evidence in the file at date of death, shall, upon the death of such person, be paid as follows:

(1) Upon the death of a veteran to the living person first listed as follows:

(i) His spouse.

(ii) His children (in equal shares).

(iii) His dependent parents (if the veteran died before January 1, 1958, the accrued is payable to the dependent mother or the dependent father in the order named; if the veteran died on or after January 1, 1958, the accrued is payable to the dependent mother and dependent father in equal shares).

(2) Upon the death of a widow or remarried widow, to the veteran's children.

(3) Upon the death of a child, to the surviving children of the veteran entitled to death compensation, dependency and indemnity compensation, or death pension.

(4) In all other cases, only so much of the accrued benefits may be paid as may be necessary to reimburse the person who bore the expense of last sickness and burial. (Sec. 921 (a), Pub. Law 85-56.)

(b) *Apportionments.* (1) Upon the death of a person receiving an apportioned share of benefits payable to a veteran, all or any part of such unpaid amount is payable to the veteran or to any other dependent or dependents, as may be determined by the Administrator.

(2) Where at the date of death of the veteran an apportioned share is being paid to or has been withheld on behalf of another person, the apportioned amount remaining unpaid for periods prior to the date of the veteran's death is payable to the apportionee. Where it is determined after the veteran's death that an increased amount is payable, the apportionee is entitled to receive his proportionate share in his own right, covering a period not to exceed 1 year prior to the date of the veteran's death. There is no time limit for the date of filing of a claim by the apportionee.

(3) Where the accrued death compensation or pension was payable for a child as an apportioned share of the widow's benefit, payment shall be made under the provisions of paragraph (a) (4) of this section, on the expenses of such deceased child's last sickness and burial.

(c) *Claims and evidence.* Applications for accrued benefits must be filed within 1 year after the date of death. If a claimant's application is incomplete at the time it is originally submitted, the claimant shall be notified of the evidence necessary to complete the application. If such evidence is not received within 1 year from the date of such notification, no accrued benefits may be paid. A claim for death compensation, dependency and indemnity compensation, or death pension by an apportionee, widow, child, or dependent parent is deemed to include claim for any accrued benefits. (Sec. 921 (c), Pub. Law 85–56.). (See § 4.431 (a).)

(d) *Definitions.* (1) (i) The term "spouse" means the legal widow or widower of the veteran irrespective of the date of marriage. Continuous cohabitation is not a factor.

(ii) If the veteran died on or after August 28, 1957, a woman who is recognized as widow by reason of a marriage which is "deemed valid" may be awarded accrued benefits which are otherwise payable, including benefits for periods prior to August 28, 1957.

(2) The term "child" is as defined in § 4.14 (c) and includes an unmarried child who became helpless prior to attaining 18 years of age as well as an unmarried child over the age of 18 but not over 21 years of age, who was pursuing a course of instruction within the meaning of § 4.98 (a) at the time of the payee's death: *Provided, only,* That upon the death of a child in receipt of pension or compensation, any accrued shall be payable to the surviving child or children of the veteran entitled to death pension, death compensation, or dependency and indemnity compensation. Upon the death of a child, another child who has elected benefits under the War Orphans' Educational Assistance Act of 1956 may receive accrued pension or compensation payable on behalf of the deceased child for periods prior to the commencement of benefits under that act.

(3) The term "dependent mother or father" is as defined in § 4.14 (d): *Provided,* That the mother or father is dependent within the meaning of § 3.57 of this chapter at the date of the veteran's death.

(4) The term "evidence in the file at date of death," as used in paragraph (a) of this section will be considered to have been met when there is on file at the date of the veteran's death:

(i) Notwithstanding § 3.30 (a) of this chapter, evidence, including uncertified statements, which is essentially complete and of such weight as to establish service connection or degree of disability for disease or injury when substantiated by other evidence in file at date of death or when considered in connection with the identifying, verifying, or corroborative effect of the death certificate.

(ii) In the case of a veteran whose award is subject to reduction by reason of hospital treatment, institutional or domiciliary care by the Veterans Administration, and in the case of a veteran whose award is subject to increase under § 3.214 (a) of this chapter, by reason of the existence of dependents, prima facie proof of dependents or of other factors affecting entitlement, such as statements on VA Form VB 8–404 or on the claim for benefits, provided satisfactory evidence is furnished in support of the claim for accrued benefits. The provisions of this subdivision are not applicable to original awards of accrued benefits.

(e) *Subsistence allowance, and education and training allowance.* Subsistence allowance under the provisions of Public Law 346, 78th Congress, as amended, and subsistence allowance (including the 2-months' post-rehabilitation allowance which became payable when the veteran's employability was determined) under the provisions of Public Law 16, 78th Congress, as amended by Public Law 268, 79th Congress, and education and training allowance under the provisions of Public Law 550, 82d Congress, remaining due and unpaid at the date of the veteran's death, are payable under the provisions of this section.

(f) *War Orphan's Educational Assistance Act of 1956.* Educational assistance allowance or special restorative training allowance under Public Law 634, 84th Congress, remaining due and unpaid at the date of the elegible person's death is payable only to another child or children of the veteran under paragraph (a) (3) of this section (see also paragraph (d) (2) of this section), or on the expenses of last sickness and burial under paragraph (a) (4) of this section.

(Sec. 921, 71 Stat. 121; 38 U. S. C. 2921)

2. Section 4.162 is revised to read as follows:

§ 4.162 *Lump sums payable at death of competent veteran where award was reduced by reason of hospital treatment, institutional or domiciliary care by the Veterans Administration.* The provisions of this section apply only to the payment of amounts actually withheld on a running award under § 3.255 (a) of this chapter which are payable in a lump sum after the veteran's death. Accrued benefits, including any amounts in funds due incompetent beneficiaries for periods prior to August 6, 1946, but excluding such lump sums actually withheld for periods on and after that date, are payable in accordance with the provisions of § 4.160.

(a) *Basic entitlement.* Where an award of disability compensation, pension or retirement pay for a competent veteran without dependents was reduced under § 3.255 (a) of this chapter because of hospital treatment or institutional or domiciliary care by the Veterans Administration and the veteran dies while receiving such treatment or care or before payment of amounts withheld, the lump sum is payable to the living person first listed as follows:

(1) His spouse, as defined in § 4.166 (d) (1).

(2) His children (in equal shares), as defined in § 4.14 (c) but without regard to their age or marital status.

(3) His parents (in equal shares), as defined in § 4.14 (d).

(4) His brothers and sisters (in equal shares), including brothers and sisters of the half-blood and brothers and sisters by adoption.

(5) In all other cases, only so much of the lump sum may be paid as may be necessary to reimburse a person who bore the expenses of last sickness and burial.

(6) A waiver of rights by a person having title to all or a share of the accrued lump sum will not serve to vest in a person having equal or successor rights.

(b) *Claim.* Applications must be filed with the Veterans Administration within 5 years after the death of the veteran. If, however, any person otherwise entitled is under legal disability at the time of the veteran's death, the 5-year period shall run from the date of termination or removal of the legal disability. Failure of a member of a joint class to file timely claim will not serve to increase the amount otherwise payable to the other members of that class.

(c) *Lump sum withheld after discharge from institution.* The provisions of paragraph (a) and (b) of this section shall apply in the event of the death on any veteran prior to receiving a lump sum which was withheld because treatment or care was terminated by him against medical advise or as the result of disciplinary action (sec. 1503 (a) (1), Pub. Law 85–56.)

(Sec. 1503, 71 Stat. 137; 38 U. S. C. 3503)

3. New §§ 4.162a and 4.162b are added to read as follows:

§ 4.162a *Political subdivisions of United States.* No part of any accrued benefits shall be used to reimburse any political subdivision of the United States for expenses incurred in the last sickness or burial of any beneficiary (secs. 921 (b) and 1503 (a) (2) (A), Pub. Law 85–56.)

(Secs. 921, 1503, 71 Stat. 121, 137; 38 U. S. C. 2921, 3503)

§ 4.162b *Returned and canceled checks.* For the purposes of §§ 4.160, 4.162, 4.164 (a), and 4.165, where the payee of a check for benefits has died on or after May 29, 1953, and on or after the last day of the period covered by the check, and the check is returned and canceled, the amount represented by the check as well as any amount recovered after improper negotiation of such a check shall be payable to the living person or persons in the order of precedence listed (sec. 922, Pub. Law 85–56.)

(a) There is no time limit for the date of filing claim, or the retroactive period covered by the award or the date of receipt of evidence.

(b) The fact that one or more persons having a higher order of precedence survived the beneficiary will not preclude payment to a claimant who is otherwise entitled if it is shown that at the time the claim is adjudicated such persons are deceased.

(Sec. 922, 71 Stat. 121; 38 U. S. C. 2922)

4. Section 4.163 is revised to read as follows:

§ 4.163 *Amounts withheld or not paid incompetent veteran where award has been reduced or discontinued by reason of hospital treatment, institutional or domiciliary care by the Veterans Administration.* Where an award of disability compensation, pension or retirement pay for an incompetent veteran without dependents was reduced under § 3.255 (a) of this chapter because of hospitalization, institutional or domiciliary care by the Veterans Administration or was discontinued under § 3.255 (b) of this chapter because his estate equaled or exceeded $1,500, and the veteran dies before payment of amounts withheld or not paid by reason of such care, no part of such amount shall be paid to any person. The term "dies before payment" includes cases in which a check was issued and the veteran died before negotiating the check. (Sec. 1503 (b), Pub. Law 85–56.)

(Sec. 1503, 71 Stat. 137; 38 U. S. C. 3503)

5. Section 4.165 is revised to read as follows:

§ 4.165 *Accrued benefits payable to foreign beneficiaries.* In case of the death of the payee of any check in payment of pension, compensation, or emergency officer's retirement pay accruing under laws administered by the Veterans Administration, while the amount thereof remains in the special deposit account established by Public Law 828, 76th Congress, such amount shall be payable under the provisions of section 3 of this act: *Provided,* That the accrued amount shall be payable only if the person on whose behalf checks were issued and the person claiming the accrued amount have not been guilty of any of the offenses mentioned in section 4, Public Law 144, 78th Congress, or section 1104, Public Law 85–56.

(Secs. 2, 3, 54 Stat. 1086, sec. 1104, 71 Stat. 126; 31 U. S. C. 124, 125, 38 U. S. C. 3104)

(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210)

This regulation is effective September 3, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58–7081; Filed, Sept. 2, 1958; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1720]

[Oregon 06315]

OREGON

Correction

In Federal Register Document 58–6765, published on page 6495 in the issue for Friday, August 22, 1958, the reference in the last paragraph, reading "determination DA–446–Oregon", should read "determination DA–466–Oregon".

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 47]

REVISION OF MEMBERSHIP ROLL OF EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

NOTICE OF PROPOSED RULE MAKING

Basis and purpose. Notice is hereby given that pursuant to the Act of August 21, 1957 (71 Stat. 374), it is proposed to issue regulations as Part 47 of the Code of Federal Regulations as set forth below. The purpose of the regulations is to govern the revision of the membership roll of the Eastern Band of Cherokee Indians of North Carolina prepared and approved pursuant to the Act of June 4, 1924 (43 Stat. 376), as amended by the act of March 4, 1931 (46 Stat. 1518).

All interested persons may submit in triplicate written comments, suggestions or objections with respect to the proposed regulations to the Commissioner, Bureau of Indian Affairs, Washington 25, D. C., within thirty days after the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 27, 1958.

Sec.
47.1 Definitions.
47.2 Purpose.
47.3 Announcement of revision of roll.
47.4 Basic membership roll.
47.5 Removal of deceased persons from the roll.
47.6 Additions to the roll.
47.7 Applications for enrollment.
47.8 Applications for minors and incompetents.
47.9 Application form.
47.10 Where application forms may be obtained.
47.11 Proof of relationship.
47.12 Enrollment Committee.
47.13 Tenure of Enrollment Committee.
47.14 Appeals.
47.15 Current membership roll.
47.16 Eligibility for enrollment of children born after August 21, 1957.
47.17 Relinquishment of membership.

AUTHORITY: §§ 47.1 to 47.17 issued under sec. 2, 71 Stat. 374.

§ 47.1 *Definitions.* As used in this part:

(a) "Band" means the Eastern Band of Cherokee Indians in North Carolina.

(b) "Reservation" means the lands of the Eastern Band of Cherokee Indians in the counties of Jackson, Swain, Graham, Cherokee and Haywood in North Carolina.

(c) "Tribal Council" means the Tribal Council of the Eastern Band of Cherokee Indians in North Carolina.

(d) "Announcement" means the announcement of the revision of the membership roll issued as required in § 47.3.

§ 47.2 *Purpose.* The regulations in this part are to govern the revision, as authorized by the Act approved August 21, 1957 (71 Stat. 374), of the membership roll of the Eastern Band of Cherokee Indians, North Carolina, prepared and approved in accordance with the Act of June 4, 1924 (43 Stat. 376), and the Act of March 4, 1931 (46 Stat. 1518).

§ 47.3 *Announcement of revision of roll.* When the Tribal Council has authorized the expenditure of tribal funds to supply sufficient staff to perform the work necessary to revise the membership roll of the Band and such staff has been employed and when the application forms and other necessary documents have been devised and printed, the Principal Chief, or in his absence the Vice Chief or the Chairman of the Tribal Council shall announce that a revision of the membership roll of the Band shall commence on a specified date. The date specified shall be not less than 15 days nor more than 30 days from the date of issuance of the announcement. A press release should be prepared announcing the date the revision of the roll shall begin, together with other pertinent information such as the membership requirements and where application forms may be obtained. The press release should be distributed to all newspapers and radio stations within the region of the Reservation with a request that it be given wide publicity. Copies of the press release should also be posted in the Agency Office and at various other public places throughout the Reservation as well as in Post Offices of the towns adjacent to the Reservation.

§ 47.4 *Basic membership roll.* All persons whose names appear on the roll of the Eastern Band of Cherokee Indians of North Carolina, prepared and approved pursuant to the act of June 4, 1924 (43 Stat. 376), and the act of March 4, 1931 (46 Stat. 1518), shall be members of the Band.

§ 47.5 *Removal of deceased persons from the roll.* The name of any person who was not alive as of midnight August 21, 1957, shall be stricken from the basic membership roll by the Enrollment Committee upon receipt of a death certificate or other evidence of death acceptable to the Committee.

§ 47.6 *Additions to the roll.* There shall be added to the roll of the Band the names of persons living on August 21, 1957, who meet the following qualifications:

(a) Persons born during the period, beginning on or after June 4, 1924, and ending midnight August 21, 1957, who are direct descendants of persons whose names appear on the roll prepared and approved pursuant to the act of June 4, 1924 (43 Stat. 376), and the act of March 4, 1931 (46 Stat. 1518); provided, such persons:

(1) Possess 1/32 degree of Eastern Cherokee Indian blood, except that persons who also possess Indian blood of another tribe shall not be enrolled if they are enrolled as members of the other tribe.

(2) Have actually lived at sometime during the period from June 4, 1924, through August 21, 1957, on the lands of the Eastern Band of Cherokee Indians in the counties of Swain, Jackson, Graham, Cherokee, and Haywood in North Carolina, except that this specific part of this section shall not apply to those persons and members of their families who were temporarily away from the Reservation due to one or both parents being in the United States Armed Services or who were employed by the United States Government and neither shall it apply to those individuals who were in mental or penal institutions during this period of time.

(3) Have filed an application for enrollment with the Band in accordance with the procedures set forth in this part.

(b) A child born out of wedlock to a mother who is either an enrolled member of the Band, or who meets the qualifications for enrollment as a member, may be enrolled if such child otherwise meets the requirements for enrollment as set forth in this section.

(c) A child born out of wedlock to a mother who is not a member of the Band may be enrolled if the mother files with the Enrollment Committee proof established in accordance with the laws of North Carolina as to the paternity of the child and the person adjudged to be the father is either an enrolled member of the Band, or meets the requirements for enrollment as a member, and if the child otherwise meets the requirements for enrollment as set forth in this section.

§ 47.7 *Applications for enrollment.* Each adult person who believes he meets the requirement for enrollment established herein may within one hundred twenty (120) days from the date specified in the announcement submit to the Enrollment Committee an application for enrollment as a member of the Eastern Band of Cherokee Indians, except that persons who are in the Armed Forces of the United States shall have one hundred twenty (120) days from the date of discharge from the Armed Forces to submit applications for enrollment.

§ 47.8 *Applications for minors and incompetents.* Applications for enrollment of minors may be filed within one hundred twenty (120) days from the date specified in the announcement, by the parent, next of kin, recognized guardian, or other person responsible for their care, except that applications for the enrollment of minor children of persons in the Armed Forces of the United States may be filed within one hundred twenty (120) days from the date of discharge of such persons from the Armed Forces. Applications for enrollment of persons known to be in mental or penal institutions may be filed by the Principal Chief of the Eastern Band of Cherokee Indians within one hundred twenty (120) days from the date specified in the announcement.

§ 47.9 *Application form.* The form of application for enrollment will be prepared by the Enrollment Committee and, in addition to whatever information the committee may deem necessary, shall contain the following:

(a) The name and address of the applicant. If the application is filed on behalf of a minor, the name and address of the person filing the application and his relationship to the minor.

(b) The name, relationship, tribe and roll number of the ancestor or ancestors through whom enrollment rights are claimed, and whether applicant is enrolled with another tribe.

(c) The date of the death of such ancestor, if deceased.

§ 47.10 *Where application forms may be obtained.* Application forms will be supplied by the Enrollment Committee of the Eastern Band of Cherokee Indians, Council House, Cherokee, North Carolina, upon request, either in person or by mail.

§ 47.11 *Proof of relationship.* If the applicant's parents or other Eastern Cherokee ancestors through whom the applicant claims enrollment rights are unknown to the Enrollment Committee, the Enrollment Committee may request the applicant to furnish such additional information and evidence as it may deem necessary to determine the applicant's eligibility for enrollment. Failure of the applicant to furnish the information requested may be deemed sufficient cause for rejection.

§ 47.12 *Enrollment Committee.* The Tribal Council shall appoint either from within or without the membership of the Council, but not from without the membership of the Band, a committee of three (3) persons to serve as the Enrollment Committee. The Enrollment Committee shall review all applications for enrollment filed in accordance with the regulations in this part and shall determine the qualifications of the applicant for enrollment with the Band. The Enrollment Committee may perform such other functions relating to enrollment and membership in the Band as the Tribal Council may from time to time direct.

§ 47.13 *Tenure of Enrollment Committee.* The members of the first Enrollment Committee after the approval and publication in the FEDERAL REGISTER of the regulations in this part shall be appointed to serve as follows: One member for one year, one member for two years, and one member for three years.

At the expiration of each term of office thereafter all appointments shall be made for three years.

§ 47.14 *Appeals.* Any person whose application for enrollment has been rejected by the Enrollment Committee shall have the right to appeal to the Tribal Council from the determination made by the Enrollment Committee: *Provided*, That such appeal shall be made in writing and shall be filed within sixty (60) days from the date on which the Enrollment Committee issues notice to the applicant of his rejection. The applicant may submit with his appeal any additional data to support his claim to enrollment not previously furnished. The decision of the Tribal Council as to whether the applicant meets the requirements for enrollment set forth in this part shall be final. The Tribal Council shall review no applications for enrollment except in those cases where the rejected applicant appeals to the Council in writing from the determination made by the Enrollment Committee.

§ 47.15 *Current membership roll.* The membership roll of the Eastern Band of Cherokee Indians shall be kept current by striking therefrom the names of persons who have relinquished their membership in the Band as provided in § 47.17 and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Enrollment Committee, and by adding thereto the names of children who meet the qualifications for membership in the Band as set forth in this part.

§ 47.16 *Eligibility for enrollment of children born after August 21, 1957.* Children possessing 1/32 or more degree Eastern Cherokee Indian blood born between midnight August 21, 1957, and midnight of the date specified in the announcement may be enrolled as provided in § 47.8. Thereafter, children possessing 1/32 or more degree Eastern Cherokee Indian blood born to any member of the Eastern Band of Cherokee Indians may be enrolled: *Provided*, That the parent, next of kin, recognized guardian, or person responsible for their care indicates a willingness for the child to maintain tribal affiliation and to participate in tribal affairs by filing with the Enrollment Committee within ninety (90) days after the birth of the child an application to have the child enrolled. The application shall be accompanied by the child's birth certificate or by any other evidence as to the eligibility of the child for enrollment as the Enrollment Committee may require. If the certificate, other evidence, and application are not filed within the designated time the child shall not be enrolled.

§ 47.17 *Relinquishment of membership.* Any member of the Eastern Band of Cherokee Indians may relinquish his membership in the Band by filing notice in writing that he no longer desires to be enrolled as a member of the Band. On receipt of such notice the name of the member shall be stricken from the roll and he shall no longer be considered as a member of the Band and shall not be entitled to share in any use or in any distribution of tribal assets which may be made in the future to the enrolled members of the Band.

[F. R. Doc. 58-7073; Filed, Sept. 2, 1958; 8:45 a. m.]

Fish and Wildlife Service

[50 CFR Part 31]

CHARLES SHELDON ANTELOPE RANGE, NEVADA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to add Subpart—Charles Sheldon Antelope Range, Nevada, and § 31.41 to Chapter I, Title 50, Code of Federal Regulations, as set forth in tentative form below. The purpose of the proposed regulation is to permit the hunting of deer on certain lands of the Charles Sheldon Antelope Range under certain limitations and subject to compliance with the laws and regulations of the State of Nevada.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 27, 1958.

D. H. JANZEN,
Director,
Bureau of Sport
Fisheries and Wildlife.

§ 31.41 *Deer hunting permitted.* Subject to the provisions of Parts 18 and 20 of this chapter, deer may be taken by hunting on the hereinafter described lands of the Charles Sheldon Antelope Range, Nevada, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The following described area is open to hunting:

That part of the area lying south of Highways 8A and 34A except posted areas around the Dufurrena, McGee, and Thousand Creek ranch units.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(d) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for these purposes. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

[F. R. Doc. 58-7082; Filed, Sept. 2, 1958; 8:47 a. m.]

[50 CFR Part 35]

MONTEZUMA NATIONAL WILDLIFE REFUGE, NEW YORK

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to add § 35.21 to Subpart—Montezuma National Wildlife Refuge, New York, Chapter I, Title 50, Code of Federal Regulations, as set forth in tentative form below. The purpose of the proposed regulation is to permit the hunting of deer during a part of the 1958 State season on certain lands of the Montezuma National Wildlife Refuge, New York, under certain limitations and subject to compliance with the laws and regulations of the State of New York.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 27, 1958.

D. H. JANZEN,
Director,
Bureau of Sport
Fisheries and Wildlife.

§ 35.21 *Bow and arrow deer hunting permitted.* Subject to the provisions of Parts 18 and 21 of this chapter, the hunting of deer by means of bow and arrow only is permitted on November 8 and December 2, 1958, only on the hereinafter described lands of the Montezuma National Wildlife Refuge, New York, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* Hunting is permitted on all of the lands of the Refuge except on posted lands in the immediate vicinity of the headquarters and subheadquarters of the Refuge.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Firearms prohibited.* The possession or use of firearms on the Refuge is prohibited.

(d) *Dogs prohibited.* Dogs are not permitted on the Refuge for use in the hunting of deer.

(e) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

[F. R. Doc. 58-7083; Filed, Sept. 2, 1958; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 17, 28]

LARD SHORTENING

ADDITIONAL TIME ALLOWED FOR FILING COMMENTS ON PROPOSED STANDARD OF IDENTITY

On July 4, 1958, there was published in the FEDERAL REGISTER (23 F. R. 5128) a notice of the proposed amendment of the Federal meat inspection regulations to establish a standard of identity for lard shortening, to appear in 9 CFR Part 28. It has come to our attention that interested parties need additional time to submit comments. Accordingly, the time for filing comments on the proposal is hereby extended for 30 days after publication of this notice in the FEDERAL REGISTER. Within that time any interested person who wishes to submit comments on the proposal may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C. In the interests of clarity the first sentence in § 17.9 and paragraph 17.9 (d) of the regulations (9 CFR 17.9, as amended) would be amended to except from their requirements products for which standards of identity have been prescribed in Part 28.

Done at Washington, D. C., this 28th day of August 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-7087; Filed, Sept. 2, 1958; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 132]

[No. 32406]

POWER BRAKES AND DRAWBARS (RAILROAD)

INITIAL TERMINAL ROAD TRAIN AIR BRAKE TESTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of August A. D. 1958.

It appearing that pursuant to the provisions of the Power or Train Brake Safety Appliance Act of 1958, the Commission, complying with the directive of the Congress of the United States, entered an order on May 1, 1958, effective August 9, 1958, adopting the rules, standards and instructions for the installation, inspection, maintenance and repair of air brake equipment adopted by the Association of American Railroads in 1925, as amended;

It further appearing that petitions have been filed by the Northern Pacific Railway Company, the Southern Pacific Company and the Union Pacific Railroad Company for exception from the 500 mile requirement of § 132.12 of said rules, standards and instructions;

It further appearing that by a notice of proposed rule making and hearing entered in this proceeding on July 18,

1958, notice was given of a proposal to modify § 132.12 of 49 CFR Part 132, Power Brakes and Drawbars (Railroad), and assigned for hearing at Washington, D. C., on September 3, 1958, the petitions of the Association of American Railroads, The Atchison, Topeka and Santa Fe Railway, the Gulf Colorado and Santa Fe Railway Company, the Panhandle and Santa Fe Railway Company, and the Great Northern Railway Company for modification of said section;

And it further appearing that in the interest of expeditious handling and disposition of similar issues, the said petitions of the Northern Pacific Railway Company, the Southern Pacific Company and the Union Pacific Railroad Company should be assigned for hearing at the same time and place as the petitions of the Association of American Railroads, the Atchison, Topeka and Santa Fe Railway Company, the Gulf, Colorado and Santa Fe Railway Company, the Panhandle and Santa Fe Railway Company and the Great Northern Railway Company;

It is ordered, That the said petitions of the Northern Pacific Railway Company, the Southern Pacific Company and the Union Pacific Railroad Company be assigned for hearing at the office of the Interstate Commerce Commission in Washington, D. C., beginning at 10:00 a. m., September 3, 1958, before Commissioner Kenneth H. Tuggle and Examiner Henry J. Vinskey.

And it is further ordered, That pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003), notice of this proposal shall be given to the general public by depositing a copy therof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing a copy with the Director, Federal Register Division.

(Sec. 2, 32 Stat. 943, as amended; 45 U. S. C. 9)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-7078; Filed, Sept. 2, 1958; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO GRAZING DISTRICT No. 1 (SAN ISIDRO)

SPECIAL RULE FOR ADMINISTRATION OF RANGE AREAS NOT HERETOFORE PROPERLY SERVICED BY PRIVATELY CONTROLLED STOCK WATER RECOGNIZED AS BASE PROPERTY FOR GRAZING LICENSES OR PERMITS

AUGUST 26, 1958.

Pursuant to the authority vested in the Secretary of the Interior by the Taylor Grazing Act of June 28, 1934 (48 Stat. 1270; 43 U. S. C. 315a), delegated to me by Departmental Order No. 2583 of August 16, 1950 (15 F. R. 5643), as amended, and to the provisions of § 161.16 of the Federal Range Code for Grazing Districts, 1956 Rev. (43 CFR 161.16), upon consideration of the recommendations of the district advisory board and of the showing of necessity made by the State Supervisor and the Area Administrator, the following special rule is hereby approved, to apply to the administration of those range areas in New Mexico Grazing District No. 1 not heretofore properly serviced by privately controlled stock water sources recognized as base property for grazing licenses or permits:

1. The district manager of New Mexico Grazing District No. 1 may enter into cooperative agreements with grazing licensees or permittees for the construction or development of permanent type full-time stock waters, or for reimbursement for the expense to the Government of stock waters already in place. Any such waters shall thereafter be recognized as base property for grazing privileges within the meaning of the Federal Range Code for Grazing Districts, subject to compliance with all of the terms of the agreement: *Provided*, That

(a) The cooperator is otherwise qualified to receive a grazing license or permit and has been issued a grazing license for a minimum of three full grazing seasons prior to the date of the agreement, and

(b) The recognition of the new base property service area and the granting of a license or permit therein will not adversely affect any other properly qualified licensee or permittee, including free use.

2. Such agreements shall be executed on behalf of the Bureau of Land Management only under the following terms:

(a) Cooperative agreements made under this special rule may provide for the development of such waters at an initial expense to the Government of not to exceed 90 percent of the total cost, 10 percent of the cost to be paid by the cooperator(s). The cost to the Government will be reimbursed by the cooperator(s) through contributions made under section 9 of the Taylor Grazing Act. The contributions received shall be deposited to Miscellaneous Receipts if the project was financed from other than Range Improvement funds. If the project was or is to be financed from Range Improvement funds, the contributions shall be deposited to the Range Improvement fund account. Such contributions shall be paid at least annually over a period of not to exceed 10 years and shall cover the cost to the Government of the original development less normal depreciation, but shall not be less than two-thirds of the original cost.

(b) The Bureau of Land Management shall execute agreements under this special rule for construction or development of new waters only after reference to the advisory board, and upon determination that the improvement is feasible and that the total costs are compatible with grazing privilege benefits or amount of Federal range to be serviced.

(c) Agreements shall be made pursuant to § 161.15 (f) of the Federal Range Code for Grazing Districts on prescribed Bureau forms, and shall contain the following information and provisions:

(1) Firm total cost of the improvement. For new developments such as wells for which an accurate estimate cannot be made, a preliminary agreement showing the estimated cost based upon geologic report, shall first be made and a final agreement executed upon completion of the project.

(2) The total amount of contributions to be made, considering depreciation, and the minimum annual contribution required.

(3) The service of the area of the water, described in accordance with the public land surveys or natural boundaries, or metes and bounds.

(4) The share or equity of the cooperator in the improvement, expressed in both dollars and animal units, the animal units to be based upon a moderate grazing capacity determined from an acceptable range survey or condition study, or both.

(5) The value of a single animal unit computed from the total contribution required and the estimated carrying capacity.

(d) Cooperative agreements may be entered into by the Bureau of Land Management with:

(1) Individual licensees or permittees, or

(2) Groups of licensees or permittees within community grazing allotments who have organized an association not for profit and such association has been recognized and approved pursuant to § 161.14 of the Federal Range Code for Grazing Districts.

(e) The charters or constitutions of associations organized to carry out agreements under this special rule shall provide for the method of making individual contributions, the allocation of shares, and the protection of interests of the members in case the association is dissolved, the grazing allotment divided, or for any other such contingency and such charter shall not be approved until such protection is assured.

(f) Upon full compliance with the terms of an agreement within the time specified or sooner, by an individual licensee or permittee, or by an association of the licensees or permittees in a community grazing allotment, the Bureau of Land Management will transfer all of its interest in the improvement to the cooperator or cooperators in proportion to their total contributions. Such transfer shall be accomplished by the issuance of a section 4 permit under § 161.15 of the Federal Range Code for Grazing Districts to maintain the improvement, issued individually or collectively to the cooperator or cooperators, as the case may be, and the project shall be removed from the listing of Bureau of Land Management projects.

(g) The failure of any cooperator to carry out the terms of the agreement annually at the level of annual contribution required shall result in termination of the agreement 30 days prior to the beginning of the next regular grazing season, unless at that time contribution is made for both the prior or delinquent year and the subsequent year. Whenever it is necessary to terminate an agreement pursuant to this paragraph, the cooperator shall thereafter be considered only for grazing privileges to the extent of the number of animal units for which contributions have actually been made, computed in accordance with paragraph 2 (c) (5) of this special rule.

(h) In community grazing allotments, no cooperator may make contributions in a greater amount than the total called for in a cooperative agreement, made under this special rule, and new applicants will not be allowed to enter into cooperative agreements for any particular water development so long as other agreements in connection with the same water or service area are in good standing, unless there is unused Federal range available. In case of more than one application for any additionally available Federal range, the applicants shall each be allowed a part of the additional available forage on an equal basis or in proportion to their tendered contributions if any such contributions should be less than required for an equal share.

(i) All other actions in the administration of regular grazing licenses or permits issued in connection with any water base property constructed or developed under this special rule shall be taken in the usual manner under the appropriate sections of the Federal Range Code for Grazing Districts.

EARL J. THOMAS, *Acting Director.*

[F. R. Doc. 58-7072; Filed, Sept. 2, 1958; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-16081]

UNION OIL COMPANY OF CALIFORNIA

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 27, 1958.

Union Oil Company of California (Union Oil) on July 29, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

No. 172——2

Description: Notice of Change, undated.
Purchaser: Kansas-Nebraska Natural Gas Company, Inc.
Rate schedule designation: Supplement No. 1 to Union Oil's FPC Gas Rate Schedule No. 20.
Effective date: September 1, 1958 (effective date is the effective date proposed by Union Oil).

In support of the proposed periodic rate increase, Union Oil states that the proposed price results from a contractual division of the entire contract price, the increase is fixed and determined, is not dependent upon extraneous occurrences and its effect is readily calculable. Union Oil further states that such periodic increase provisions are common in long-term contracts and result in low initial prices during the time the buyer's unamortized capital costs are high, and that the increased price is not in excess of the range of prices for like gas in the area and is not sufficient to offset the effects of inflation.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Union Oil's FPC Gas Rate Schedule No. 20 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Union Oil's FPC Gas Rate Schedule No. 20.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-7074; Filed, Sept. 2, 1958; 8:45 a. m.]

[Docket No. G-16086]

N. B. HUNT

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 27, 1958.

N. B. Hunt (Hunt) on August 1, 1958, tendered for filing a proposed change in his presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Texas Illinois Natural Gas Pipeline Company.
Rate schedule designation: Supplement No. 10 to Hunt's FPC Gas Rate Schedule No. 8.
Effective date: September 1, 1958 (effective date is the effective date proposed by Hunt).

In support of the proposed redetermined rate increase, Hunt states that the contract was negotiated at arm's length and the increased price is fair, just and reasonable. Hunt also states that the increased price merely fulfills the contractual obligation and to deny same would be a deprivation of property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 10 to Hunt's FPC Gas Rate Schedule No. 8 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 10 to Hunt's FPC Gas Rate Schedule No. 8.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-12995.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7075; Filed, Sept. 2, 1958; 8:45 a. m.]

[Docket No. E-6838]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF APPLICATION

AUGUST 27, 1958.

Take notice that on August 21, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Northwestern Public Service Company ("Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of South Dakota and Nebraska with its principal business office at Huron, South Dakota, seeking an order authorizing the issuance of not to exceed $1,200,000 of short-term bank notes. The aforesaid notes are to be issued and delivered to the bank or banks making the loan or loans to be evidenced by such notes with the interest rate expected to be ¼ of 1 percent above the prime commercial rate in New York in effect at the date of each note. Applicant proposes to issue the notes on or about September 22, 1958, and in no event later than October 20, 1958. Each note will be dated as of the date of issuance and delivery thereof and will mature not more than 360 days from said date. The funds received from the bank loans of $1,200,000 will be used by Applicant to pay an outstanding short-term bank loan due November 24, 1958, and the balance of the net proceeds will be applied to Applicant's 1958 construction program.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 17th day of September, 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc 58-7076; Filed, Sept. 2, 1958; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 28, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34928: *Diethylene glycol—Texas points to Chicago, Ill., and district.* Filed by Southwestern Freight Bureau, Agent (No. B-7364), for interested rail carriers. Rates on diethylene glycol, tank-car loads from Houston, North Seadrift, Texas City, Velasco, and Port Neches, Tex., to Chicago, Ill., and points in the inner and outer zones of the Chicago district.

Grounds for relief: Alleged market competition.

Tariff: Supplement 140 to Southwestern Freight Bureau tariff I. C. C. 4064.

FSA No. 34930: *Iron and steel articles to Baton Rouge and New Orleans, La.* Filed by Western Trunk Line Committee, Agent (No. A-2002), for interested rail carriers. Rates on iron and steel articles, carloads from Duluth and Steelton, Minn., Kansas City, Mo., and Minnequa, Colo., to Baton Rouge and New Orleans, La.

Grounds for relief: Market competition.

Tariffs: Supplement 157 to Western Trunk Lines tariff I. C. C. A-3883. Supplement 80 to Western Trunk Lines tariff I. C. C. A-4171.

AGGREGATE-OF-INTERMEDIATES

FSA No. 34929: *Diethylene glycol—Texas points to Chicago Ill., and district.* Filed by Southwestern Freight Bureau, Agent (No. B-7365), for interested rail carriers. Rates on diethylene glycol, tank-car loads from Houston, North Seadrift, Texas City, Velasco, and Port Neches, Tex., to Chicago, Ill., and points in the inner and outer zones of the Chicago district.

Grounds for relief: Maintenance of depressed rates not applicable in connection of combination rates from or to points beyond the described points.

Tariff: Supplement 140 to Southwestern Freight Bureau tariff I. C. C. 4064.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-7077; Filed, Sept. 2, 1958; 8:46 a. m.]

Orders for numbers 173-191 claimed 3/3/59
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VOLUME 23 NUMBER 173

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

[Amdt. 20]

PART 485—SOIL BANK

SUBPART—CONSERVATION RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture pursuant to the Soil Bank Act (70 Stat. 188) the regulations for the conservation reserve program issued August 16, 1956 (21 F. R. 6289), as amended, are hereby amended as follows:

1. Section 485.156 (d) (1) is amended by striking out in the second sentence the word "and" preceding subdivision (iv) and changing the period at the end of the sentence to a comma and adding the following: "and (v) to permit the producer to reduce the land in the conservation reserve at the regular rate in the case of a contract for which the first year of the contract period is 1956 or 1957 by not more than the amount of the acreage covered by the 1958 acreage reserve agreement(s) which is in excess of the Soil Bank base acreage minus the acreage in the conservation reserve at the regular rate."

2. Section 485.156 (d) (1) is amended by adding a new sentence prior to the last sentence thereof to read as follows: "In case of a modification under subdivision (v) of this subparagraph, cost-share payments paid or payable on land removed from the conservation reserve shall be forfeited or refunded."

3. Section 485.157 (b) (1) is amended by changing the period at the end of the first sentence to a colon and adding the following proviso: *"Provided further,* That with the approval of the county committee land in the conservation reserve may be devoted to fire lanes or fire breaks where these are determined to be necessary for the protection of the conservation reserve or the farm or ranch buildings."

4. Section 485.157 (b) (1) is amended further by changing the period at the end of the paragraph to a comma and adding the following: "except that destruction of the vegetative cover during the contract period for the purpose of planting during the last six months of the period orchard trees, nut trees or nursery stock, or a crop normally seeded during such period for harvest in a later year or destruction of the vegetative cover with the approval of the county committee for the purpose of establishing a fire lane or fire break, or changing to another approved conservation practice authorized by the county committee shall not be considered a violation of the contract."

5. Section 485.158 (a) (2) is amended by changing the second sentence to read as follows: "A soil bank base shall be established by the county committee for each farm on which land is placed in the conservation reserve except that where all the eligible land on the farm is placed in the conservation reserve for the same contract period and there is no other cropland on such farm, a soil bank base need not be established since the number of acres permitted to be devoted to soil bank base crops will be zero as long as the contract period remains the same for all the eligible land on such farm."

6. Section 485.158 (b) is amended by striking out in the last sentence "or a subsequent year" and by adding at the end thereof a new sentence to read as follows: "Notwithstanding any other provisions of this paragraph, beginning with contracts which include land for which the first year of the contract period is 1959 or a subsequent year, on any farm on which an acreage equal to the soil bank base is placed in the conservation reserve, any other eligible land may be placed in the conservation reserve at the non-diversion rate."

7. Section 485.162 (a) is amended by adding at the end thereof the following: "For practices A-2, A-4, A-7, A-8, B-7, C-14, D-1, and D-2, or components thereof approved for land for which 1959 or a subsequent year is the first year of the contract period the rates of cost-sharing at time of approval shall not exceed the applicable agricultural conservation program rates of cost-sharing for these practices or components thereof which are in effect, or which would be in

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FEDERAL REGISTER

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1958)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146–149, 1958 Supplement 1 ($1.00)

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effect if the practices were offered under the agricultural conservation program in the county or area."

8. Section 485.162 (b) is amended to read as follows:

(b) *Maximum cost-share limitations for practices.* (1) The cost-share for a water storage facility, except a water storage facility constructed under practice B–7 or practice C–14 approved for use on land for which 1959 or a subsequent year is the first year of the contract period, shall not exceed the sum of (i) 80 per centum of that part of the cost of constructing the water storage facility which is not in excess of $625, (ii) 40 per centum of that part of the cost of constructing the water storage facility which is in excess of $625 but not in excess of $1,000, and (iii) 20 per centum of that part of the cost of constructing the water storage facility which is in excess of $1,000.

(2) Where the area covered by the water impounded by a water storage facility is not wholly within the conservation reserve on a farm, the cost-share for such water storage facility practice shall be limited to a percentage of the cost-share as computed under subparagraph (1) of this paragraph which is equal to the percentage which the area located on the conservation reserve covered by the impounded water is of the total area covered by the impounded water.

(3) In no case shall the cost-share for a water storage facility exceed $1,500.

(4) With respect to water storage facility practices approved on and after the date authorized as the beginning date for approving contracts starting with 1958, the total cost-share for all conservation reserve water storage facilities constructed on a farm including those previously approved shall not exceed the larger of $1,500 or $40 times the acreage in the conservation reserve on such farm.

(5) The cost-shares for practices A–2, A–4, A–7, A–8, B–7, C–14, D–1, and D–2 approved for use on land for which 1959 or a subsequent year is the first year of the contract period shall not exceed the applicable agricultural conservation program maximum cost-share limitations for these practices which are in effect, or which would be in effect if the practices were offered under the agricultural conservation program, in the county or area.

(6) The maximum cost-share for practice G–1 shall not exceed an amount determined by multiplying the number of acres devoted to the practice by the maximum amount per acre which would be approved for practice A–2, A–7, A–8, D–1, or D–2, whichever is the highest, if carried out on the same acreage. Where annual seedings or other measures are required to be performed under practice G–1, the total of all such payments on an acreage cannot exceed the maximum amount per acre which would be approved in carrying out practice A–2, A–7, D–1, or D–2, whichever is the highest, once on the same acreage.

(7) With respect to practices approved on and after the date authorized as the beginning date for approving contracts starting with 1958, the State committee shall establish a maximum cost-share limitation per acre for practices, other than those involving the construction of water storage facilities, in accordance with instructions issued by the Administrator, CSS.

(8) With respect to contracts entered into after September 6, 1957, no cost-share payment will be made for conservation practices carried out on land other than that for which an annual payment is payable.

9. A new § 485.185 is added immediately following § 485.184 to read as follows:

§ 485.185 *Awarding conservation reserve contracts in 1959 and subsequent years.* (a) No conservation reserve contract for which 1959 or a subsequent year is the first year of the contract period will be entered into unless the owner or operator of the farm has furnished the office of the county committee of the county in which the farm is located the following information on a form prescribed by the Administrator:

(1) The producer's estimated per acre value for agricultural purposes of the average eligible land on the farm; or

(2) If only a part of the eligible acres on the farm is to be placed in the conservation reserve, the producer's estimated per acre value for agricultural purposes of the part to be placed in the conservation reserve; and

(3) The acreage and yield of each of the 3 principal crops harvested on the farm during the 2 years preceding the first year of the contract period and the use made of the balance of the eligible land on the farm in the same period if the 3 principal harvested crops do not account for the use of the major part of the eligible land on the farm.

The value of the land for agricultural purposes as used herein shall be the value of the land for such purposes without regard to physical improvements thereon or location thereof.

(b) The county committee will establish two maximum annual per acre payment rates for each farm for which the information referred to in paragraph (a) of this section has been furnished to the county office. One maximum annual per acre payment rate will be the smallest of (1) the farm productivity index times 110 percent of the county payment rate, (2) 20 percent of the value for agricultural purposes of the eligible acreage on such farm as determined by the county committee (3) 20 percent of the value for agricultural purposes of such land as estimated by the applicant, (4) 150 percent of the county payment rate or (5) $25.00. This rate will be the maximum rate applicable where all the eligible land on the farm not covered by an existing conservation reserve contract, except land devoted to a home garden, and land approved by the county committee as needed for livestock lanes and/or farm roads is to be placed in the conservation reserve for at least a 5-year period and will be considered the maximum regular annual rate of payment in connection with such land. The second maximum annual per acre payment rate will be the first maximum rate divided by 110 percent. The second maximum annual per acre payment rate will be the maximum rate applicable where all the eligible land in a farm not covered by an existing conservation reserve contract, except land devoted to home gardens and land approved by the county committee as needed for livestock lanes and/or farm roads, is to be placed in the conservation reserve for less than a 5-year period and will be considered the maximum regular payment rate for such land. The second maximum annual per acre payment rate will also be the maximum regular payment rate applicable to the land placed in the conservation reserve at the regular payment rate where only a part of the eligible acres in a farm is placed in the conservation reserve and the productivity of such land is at least equal to that of the average eligible land in such farm. If the productivity of the land offered is significantly less than the productivity of the average of all eligible land on the farm the maximum annual rate for such land will be reduced by the percentage by which the productivity of the land offered is less than the productivity of the average of all eligible land on the farm. In establishing the maximum rates of payment for a farm the county committee shall take into consideration the information submitted by the producer as required in paragraph (a) of this section. The value for agricultural purposes of land shall be determined without regard to the physical improvements thereon or the location thereof. The productivity index for a farm will be the county committee's determination of the relative productivity of such farm as compared to the productivity of the average farm in the county.

(c) Contracts will be awarded to eligible producers who (1) file the information referred to in paragraph (a) of this section at the county office on the prescribed form not later than a date established by the State committee and (2) file an acceptable application at the county office on the prescribed form not later than a date established by the

State committee. The date established for filing the application referred to in this paragraph shall not be later than the fourth Friday in October of the year prior to the first year of the requested contract period. The date established for filing the information referred to in paragraph (a) of this section shall not be later than two weeks before the date established for filing the applications referred to in this section. If funds are available, a second sign-up period may be authorized by the State committee in which case contracts will be awarded in connection with the second sign-up period to eligible producers who file the information referred to in paragraph (a) of this section at the county office on the prescribed form not later than a date established by the State committee and file an acceptable application at the county office on the prescribed form not later than a date established by the State committee. The date established in connection with the second sign-up period for filing the applications referred to in this section shall not be later than the fourth Friday in February of the first year of the contract period requested. The date established in connection with the second sign-up period for filing the information referred to in paragraph (a) of this section shall not be later than two weeks before the date established for filing applications in connection with the second sign-up period. To be acceptable an application for a contract must show the acreage offered, the proposed conservation uses to which such acreage will be devoted and the annual rate of payment at which such acreage is offered.

(d) No contract shall be entered into at a rate higher than the applicable maximum rate of payment established for the land offered. If sufficient funds are not available to award contracts to all applicants, applications will be considered in the following order of priority:

(1) Applications offering the balance of the eligible land on a farm where a part of the eligible land is already in the conservation reserve under an existing contract and the balance being offered was designated as acreage reserve under a 1958 acreage reserve agreement and the farm was in compliance in 1958 with both the conservation reserve contract and all acreage reserve agreements applicable to the farm.

(2) Applications offering land at the lowest percentage of the maximum annual payment rate established for such land.

(3) In case there is more than one application offering land at the same percentage of the applicable maximum annual per acre payment rate, priority will be given to the applications offering land at the lowest regular annual payment rate.

(4) In case there is more than one application offering land at the same percentage of the applicable maximum annual per acre payment rate and at the same regular annual payment rate, priority will be given to the applications offering land which comprises all the eligible acreage on the farm.

(5) In case there is more than one application offering land at the same percentage of the applicable maximum annual per acre payment rate and the same regular annual payment rate, and such applications all offer land which comprises all the eligible acreage on the farm, priority shall be given to the applications offering land for the longest contract period.

(6) If, after applying the foregoing rules, priority has not been established for all applications, the county committee shall establish priority among the remaining applications by public drawing, by lot, of the names of the applicants. Notice of the drawing shall be given to all interested applicants.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812. Interpret and apply secs. 107–113, 70 Stat. 191–195, 72 Stat. 194; 7 U. S. C. 1831–1837)

Done at Washington, D. C., this 29th day of August 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 58–7142; Filed, Sept. 3, 1958; 8:55 a. m.]

[Amdt. 13]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

FARM SOIL BANK BASE

The regulations governing the 1958 acreage reserve program, 22 F. R. 6397, as amended and supplemented, are hereby further amended by deleting the period at the end of § 485.313 (h) (3) (ii) and adding thereto the following: "or if the county committee determines that the crop has in fact been used as a nurse crop or cover crop, has not been harvested, and has been disposed of by the producer in such manner, or is in such condition, that no part of the crop can be harvested."

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 29th day of August, 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 58–7143; Filed, Sept. 3, 1958; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter F—Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments

[Sugar Determination 842.2, Amdt. 1]

PART 842—BEET SUGAR AREA

1958 AND SUBSEQUENT CROPS

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, subparagraph (6) of paragraph (a) of § 842.2, as issued April 23, 1957 (22 F. R. 2994) is revised to read as follows:

(6) The farm was located in a county or a local producing area in which the ASC County Committee determines for the applicable crop year that due to drought, flood, storm, disease, freeze, or insects, the actual yields of commercially recoverable sugar from the acreages planted to a crop of sugar beets on farms in such county or local producing area were below 80 percent of the applicable normal yields either for 10 percent or more or the number of such farms, or for those farms on which were planted 10 percent or more of the total acres of sugar beets planted on all farms in such county or local producing area. A farm shall be regarded as located in the State, county and local producing area in which the farm headquarters is situated, or if there is no farm headquarters, the farm shall be regarded as located in the State, county and local producing area in which the major portion of land in the farm suitable for the production of sugar beets is situated. For the purpose of this section, a local producing area shall mean a township, as established by Federal survey, in all States in the domestic beet sugar area except Texas and Utah. In Texas and Utah, a local producing area shall mean an ASC community with boundaries as fixed by the ASC State Committee at the time of issuance of this determination and as shown on maps available for inspection in the respective ASC county offices; and

This amendment shall be applicable to the 1958 and subsequent crops.

STATEMENT OF BASES AND CONSIDERATIONS

This amendment changes the language of the original determination relating to the establishment of the location of farms by States, counties and local producing areas. This matter is significant in the determination of performance, the establishment of proportionate shares and the consideration of eligibility for abandonment and crop deficiency payments and prevented acreage credits. The former language referred to the principal dwelling on the farm and the major portion of the land in the farm.

In a number of States, sugar beet production is a specialized business in which many farms comprise rented tracts of land devoid of dwellings. Also, many farms comprise land which is devoted regularly to sugar beet production, and also include large areas unsuited to the crop such as dry land adjacent to an irrigated area. Therefore, the substitution of "headquarters" and "land suitable for sugar beet production" for "principal dwelling" and "land in the farm" will provide better standards for use in this connection.

Accordingly, I hereby find and conclude that the aforestated amendment will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 303, 61 Stat. 930; 7 U. S. C. 1133)

Issued this 29th day of August 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 58–7146; Filed, Sept. 3, 1958; 8:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6994]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WILLIAMSBURG ELECTRIC, INC. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Connections or arrangements with others; identity; § 13.95 *Identity of product;* § 13.130 *Manufacture or preparation.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections; § 13.1395 *Connections and arrangements with others;* § 13.1440 *Identity;* [*Misrepresenting oneself and goods*]—Goods: § 13.1655 *Identity;* § 13.1680 *Manufacture or preparation.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Williamsburg Electric, Inc., et al., Willow Run, Mich., Docket 6994, July 26, 1958]

In the Matter of Williamsburg Electric, Inc., a Corporation, Fred H. Hogan and John E. Judycki, Individually and as Officers of Said Corporation, and Milton A. Hogan, Individually

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers of electric trivets in Willow Run, Mich., with representing falsely on stuffers, counter cards, etc., distributed to resellers and in advertisements in newspapers of national circulation—simulating therein the script of Colonial Williamsburg, Incorporated, and depicting buildings and scenes of Williamsburg, Va., and the colonial era—that they were affiliated with Colonial Williamsburg, Incorporated, and Williamsburg Restoration, Incorporated; and that their trivets were authentic reproductions of originals displayed in Williamsburg, Va., and of the American colonial period, and were of wrought iron construction.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Williamsburg Electric, Inc., a corporation, and its officers, and Fred H. Hogan and John E. Judycki, individually and as officers of said corporation, and Milton A. Hogan, individually, and respondents' agents, representatives and employees, directly or through any corporate or other device, and in connection with the offering for sale, sale or distribution of trivets and other products of Early American Design, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Williamsburg" as a part of a corporate or trade name unless in direct connection therewith it is clearly disclosed that respondent Williamsburg Electric, Inc., has no connection with Williamsburg Restoration, Incorporated.

2. Using any word, term, statement, definition or simulation in any manner, the effect of which tends or may tend to convey the belief or impression, directly or indirectly, that respondents, or any of them, are affiliated or connected with, or are a representative, subsidiary or licensee of Williamsburg Restoration, Incorporated.

It is further ordered, That respondents Williamsburg Electric, Inc., a corporation, and its officers, and Fred H. Hogan and John E. Judycki, individually and as officers of said corporation, and Milton A. Hogan, individually, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That any product is an authentic reproduction of the original on display in the exhibition buildings in Williamsburg, Virginia, unless such is the fact.

2. That any product is an authentic representation of the American Colonial Period, unless such is the fact.

3. That any product is of wrought iron construction, unless such is the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 25, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58–7109; Filed, Sept. 3, 1958; 8:48 a. m.]

[Docket 7034]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JACK J. BERLINER ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Individual or private business as educational, religious or research institution; personnel or staff; qualifications and abilities. Subpart—*Using misleading name*—Vendor: § 13.2410 *Individual or private business being educational, religious or research institution or organization.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Jack J. Berliner et al. doing business as J. J. Berliner & Staff, etc., New York, N. Y., Docket 7034, July 26, 1958]

In the Matter of Jack J. Berliner and Sara Berliner Doing Business as J. J. Berliner & Staff and as the American Research Society for Better Management

This proceeding was heard by a hearing examiner on the complaint of the Commission charging operators of a New York City clipping service with representing falsely through use of their trade name and in advertising matter circulated to prospects that they were a society engaged in research, were experts in all management problems, and maintained an extensive research staff, supplying the latest information, domestic and foreign, in the fields of management, engineering, and chemistry; and that they authenticated all information they distributed.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Jack J. Berliner and Sara Berliner, individually and doing business as the American Research Society for Better Management, or under any other name, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their publications or printed matter, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using a trade, business or corporate name, that respondents, or either of them, engage in research or operate or maintain a society of any nature;

2. Using a trade, business or corporate name which includes the word "management", or representing in any manner, directly or by implication, through the use of any trade, business or corporate name, that respondents, or either of them, are experts in management problems or are qualified as management consultants.

It is further ordered, That respondents Jack J. Berliner and Sara Berliner, individually and doing business as J. J. Berliner & Staff, or under any other name, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their publications or printed matter, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That they are engaged in any research other than the reading, indexing, selecting, editing and compiling of previously published articles or other works;

(b) That the information which they distribute contains the latest information, either domestic or foreign, unless such is the fact, in the fields of management, engineering or chemistry; or

(c) That they authenticate any of the information distributed by them.

2. Offering for sale, selling or distributing publications or printed matter previously published by others without clear and conspicuous disclosure of such fact in advertising and on the publications and printed matter themselves.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 25, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-7110; Filed, Sept. 3, 1958; 8:48 a. m.]

[Docket 7045]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CRAFTEX COMFORT PRODUCTS, INC. ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act; § 13.1235 *Indorsements, approval, or awards;* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1810 *Fictitious marking.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68 (c)) [Cease and desist order, Craftex Comfort Products, Inc., Brooklyn, N. Y., Docket 7045, July 30, 1958]

In the Matter of Craftex Comfort Products, Inc., Purofied Down Products Corporation, Corporations, and Samuel Puro and Louis Puro, Individually and as Officers of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in Brooklyn, N. Y., with violating the Wool Products Labeling Act by labeling as "Reprocessed All Wool" bed comforters which contained substantial amounts of fibers other than wool and by printing the word "reprocessed" in smaller and less conspicuous letters than the other words, and by failing to comply in other respects with the labeling requirements of the Act; and with violating the Federal Trade Commission Act by imprinting on the plastic covers of the bed comforters a fictitious price greatly in excess of the usual retail price and unauthorized facsimiles of "seals of approval" of Good Housekeeping and the American Medical Association; and by invoicing the bed comforters falsely as "wool".

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 30 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Craftex Comfort Products, Inc., and Purofied Down Products Corporation, corporations, and their respective officers and respondents Samuel Puro and Louis Puro, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of wool bed comforters or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", as those terms are defined in said Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Minimizing or rendering inconspicuous the information required under the Wool Products Labeling Act on the stamp, tag, label or other mark of identification by the use of small type or by failing to use letters of equal size and conspicuousness.

3. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fibre is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product, of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That Craftex Comfort Products, Inc., and Purofied Down Products Corporation, corporations, and their respective officers and respondents Samuel Puro and Louis Puro, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of wool bed comforters or any other products or materials in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly:

1. Representing in any manner, that any amount is the retail value of an article of merchandise when it is in excess of the price at which said merchandise is usually and regularly sold at retail in the trade territory in which it is offered for sale.

2. Using the seals of either Good Housekeeping magazine or Today's Health magazine in connection with any product, or representing, in any manner, that a product has been approved by either of said magazines, or by any other magazine, unless such product has been approved for advertising in said magazines and the use of the seal has been duly authorized.

3. Misrepresenting the constituent fibers of which their products are composed, or the percentages or amounts thereof, in sales invoices, or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 30, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-7111; Filed, Sept. 3, 1958; 8:48 a. m.]

[Docket 7107]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FELDMAN & LOWE, INC. ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Feldman & Lowe, Inc., et al., New York, N. Y., Docket 7107, August 2, 1958]

In the Matter of Feldman & Lowe, Inc., a Corporation, Max Feldman and Joseph Lowe, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in New York City with violating the Fur Products Labeling Act by failing to reveal on labels and invoices that the fur in certain products was dyed, and to comply in other respects with the labeling requirements of the act.

Following acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 2 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Feldman & Lowe, Inc., a corporation, and its officers, and Max Feldman and Joseph Lowe, individually and as officers of said corporation, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of any fur product, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively labeling fur products by failing to reveal that such fur products are in fact bleached, dyed, or otherwise artificially colored.

B. Misbranding fur products by failing to affix labels to such fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

C. Falsely or deceptively invoicing fur products by failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in a fur product;

D. Falsely or deceptively invoicing fur products as being made of "Natural" furs when they are in fact bleached, dyed, or otherwise artificially colored.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 1, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-7112; Filed, Sept. 3, 1958; 8:48 a. m.]

[Docket 7133]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MEYER'S FURRIERS, INC. AND MEYER EPSTEIN

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S C. 45, 69f) [Cease and desist order, Meyer's Furriers, Inc., et al., Binghamton, N. Y., Docket 7133, August 5, 1958]

In the Matter of Meyer's Furriers, Inc., a Corporation, and Meyer Epstein, Individually and as President of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Binghamton, N. Y., with violating the Fur Products Labeling Act by naming on invoices an animal other than that which produced a particular fur, and by failing in other respects to comply with the labeling and invoicing requirements of the Act.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 5 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Meyer's Furriers, Inc., a corporation, and its officers, and Meyer Epstein, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or manufacture for introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed, in whole or in substantial part, of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

(g) The item number or mark assigned to a fur product.

2. Setting forth on labels attached to fur products:

(a) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form.

(b) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations there-

under mingled with non-required information.

(c) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder in handwriting.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product;

(g) The item number or mark assigned to a fur product.

2. Setting forth on invoices the name or names of any animal or animals other than the name or names provided for in Paragraph B (1) (a) above.

3. Abbreviating on invoices information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations thereunder.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 5, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-7118; Filed, Sept. 3, 1958; 8:49 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 603—INSTRUCTIONS TO STATE AGENCIES FOR PREPARATION AND SUBMITTAL OF STATE PLAN OF OPERATION UNDER THE WAGNER-PEYSER ACT

Pursuant to section 12 of the Wagner-Peyser Act (48 Stat. 117, as amended, 29 U. S. C. 49k), Reorganization Plan No. 2 of 1949 (14 F. R. 5225; 63 Stat. 1065, 5 U. S. C. 133z-15), and by delegation from the Secretary of Labor, 20 CFR Part 603 is hereby revised to read as follows:

Sec.
603.1 Letter of transmittal.
603.2 Legal material.
603.3 Action taken to carry out United States employment service regulations.
603.4 Policies and operating instructions.
603.5 Employment service budget.

AUTHORITY: §§ 603.1 to 603.5 issued under sec. 12, 48 Stat. 117, as amended; 29 U. S. C. 49k. Interpret or apply 48 Stat. 113, as amended, 58 Stat. 293, as amended; 29 U. S. C. 49-491, 38 U. S. C. 695-695f.

§ 603.1 *Letter of transmittal.* All materials submitted to the Bureau by the State agency as part of its plan of operation—whether in the form of an original submittal or an amendment—should be accompanied by a letter of transmittal, prepared in accordance with the following provisions:

(a) *Request for approval.* The letter of transmittal should state that the accompanying statements and attachments are submitted as a plan of operation (or as amendments to a plan of operation) pursuant to the provisions of the Wagner-Peyser Act, as amended. The Director of the Bureau of Employment Security should be requested to approve the plan (or the amendments) as submitted.

(b) *List of documents.* The letter of transmittal should list each section of the plan being transmitted and the document being submitted thereunder.

(c) *Submittal of the plan and amendments.* (1) The original should state that the plan is submitted as a continuing plan; should designate the effective date; and should certify that the plan will be kept current by the submittal for incorporation in the plan of necessary amendatory materials.

(2) A similar letter of transmittal should accompany each amendment to the plan. The letter should request that the proposed amendments be incorporated in the plan, and should, if they are to be substituted for other provisions previously submitted and accepted, request that the substitution be made.

(d) *Signature.* The letter of transmittal should bear the signature and title of the State official or officials authorized under the State law to submit the plan of operation. If the State agency is a commission or other body, rather than a single official, the original letter of transmittal should be accompanied by a certified copy of the minutes of the commission or other body approving the plan and authorizing the signing official to submit the plan on behalf of the State agency.

§ 603.2 *Legal material.* Any newly adopted legal material and any rescission or amendment of legal material previously incorporated in the plan should be submitted currently for approval as a part of the plan. Each new item of legal material should be accompanied by a statement identifying the previously incorporated legal material—including the page and section of the plan where it occurs—which the new legal material amends or renders obsolete.

(a) *Opinion of State Attorney General.* The legal material must include an opinion of the State Attorney General or other appropriate State official stating that the State statutes authorize the State agency to submit the plan and administer the State Employment Service, in accordance with the Act of June 6, 1933 (48 Stat. 133), as amended, and Title IV of the Servicemen's Readjustment Act of 1944 as amended.

(b) *Legislative and executive promulgations.* Legislative and executive promulgations submitted as a part of the plan should include constitutional and statutory provisions, proclamations, executive orders, rules and regulations, and any other materials which constitute or determine the legal basis for the plan, or any materials having the force or effect of law and affecting in any respect the operation of the State Employment Service (other than those affecting only fiscal management or personnel administration). This material must include the State statute accepting the Wagner-Peyser Act and creating the State agency to administer the Statewide system of public employment offices in cooperation with the United States Employment Service. The material should also include legislation creating the department or agency of State government in which the State public employment office system is located. Organization and enabling laws to be submitted under this section of the plan include constitutional, statutory, and administrative legal materials relating to the establishment of the State agency and its program, accepting the provisions of the Wagner-Peyser Act, defining the relationships between the State agency and the department or other agency of State government in which it is located, and constituting the legal authority for the material required under all provisions of the plan.

(c) *Court decisions and legal opinions.* When any court decisions or legal opinions are rendered affecting any part of the plan or the operation of the State Employment Service, they should be submitted promptly. Opinions of appropriate State officials will be requested, for incorporation in the plan, when the intent of a statute or constitutional provision is not clear or if there is any question as to the authority of an agency to issue a rule or regulation or take any other action provided for in the plan.

§ 603.3 *Action taken to carry out United States Employment Service regulations.* Submit a statement that the State agency will comply with and carry out the regulation prescribed by the Secretary of Labor under the Wagner-Peyser Act and entitled "Cooperation of the United States Employment Service and States in Establishing and Maintaining a National System of Public Employment Offices."

§ 603.4 *Policies and operating instructions.* (a) Submit a statement that the State agency will adhere to the basic standards set forth as United States Employment Service policies and policies of the Secretary of Labor in the Employment Security Manual, and will maintain an organization and procedures necessary to carry out effectively such policies. The statement should indicate one of two types of action by the State agency to make such policies and procedures effective:

(1) The adoption of the Manual as issued by the Bureau of Employment Security as the vehicle for issuing instructions on employment service matters to local offices; or

(2) The issuance of instructions on employment service matters to local offices through a State agency manual or bulletin series.

(b) These policies shall not be repeated in the plan of operation for each State agency but shall be incorporated therein by reference.

§ 603.5 *Employment service budget.* Submit a statement that, upon final approval by the Director of the Bureau of Employment Security, each budget request involving expenditures for employment service purposes and any change or adjustment in such a budget is to be incorporated as a part of the State plan of operation.

This revision of Part 603 relieves State agencies of the requirements for submittal of documents formerly contained in §§ 603.3, 603.6, 603.6a, 603.7, 603.9, and 603.10, and simplifies the requirements for submittal of documents formerly contained in § 603.5.

The revision shall become effective immediately upon publication in the FEDERAL REGISTER since this rule-making relates to public grants, and is, therefore, within the exception with respect to such grants contained in section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003).

Signed at Washington, D. C., this 28th day of August 1958.

E. L. KEENAN,
Acting Director,
Bureau of Employment Security.

[F. R. Doc. 58-7125; Filed, Sept. 3, 1958; 8:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—International Cooperation Administration, Department of State

PART 202—OCEAN SHIPMENTS OF SUPPLIES BY VOLUNTARY NONPROFIT RELIEF AGENCIES

MISCELLANEOUS AMENDMENTS

ICA Regulation 2 is amended as follows:

1. The authority citation to Part 202 (22 F. R. 8468) is amended to read as follows:

AUTHORITY: §§ 202.1 to 202.6 issued under sec. 521, 68 Stat. 855, as amended; 22 U. S. C. 1781. Interpret or apply sec. 203, 68 Stat. 485, as amended, secs. 409, 525, 68 Stat. 845, as amended, 856, as amended; 7 U. S. C. 1723, 22 U. S. C. 1929, 1785, E. O. 10575, 19 F. R. 7249, 3 CFR, 1954 Supp., E. O. 10610, 20 F. R. 3179, 3 CFR, 1955 Supp.

2. Section 202.3 (a) is amended to read as follows:

(a) An agreement for duty-free entry and defrayment of inland transportation costs of supplies within the scope of the regulations in this part has been concluded between the United States and the recipient country or the agency concerned has submitted evidence satisfactory to the Committee that the recipient country in fact accords duty-free entry and that the inland transportation costs of the supplies are defrayed by the recipient country or other non-U. S. Government source acceptable to the Committee.

Dated: August 22, 1958.

J. H. SMITH, Jr.,
Director, International Cooperation Administration.

[F. R. Doc. 58-7096; Filed, Sept. 3, 1958; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6307]

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

EXTENSION OF BONDING PERIOD FOR DISTILLED SPIRITS AND MINGLING OF DISTILLED SPIRITS

The purpose of this Treasury decision is to provide regulations implementing sections 206 (a), (b), (c), and (f), and 210 (a) (2) of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress).

PARAGRAPH 1. Section 206 (a), (b), (c), and (f) of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress) reads as follows:

SEC. 206. *Extension of bonding period.* (a) Section 5006 (a) (2) is amended to read as follows:

"(2) *Distilled spirits deposited in internal revenue bonded warehouses.* The tax on distilled spirits entered for deposit in internal revenue bonded warehouses shall be determined at the time the same are withdrawn therefrom and within 8 or 20 years from the date of original entry for deposit therein, whichever may be required by the bond covering such spirits (except that distilled spirits which on July 26, 1936, were 8 years of age or older and which were in bonded warehouses on that date, may remain therein)."

(b) Section 5232 (a) is amended to read as follows:

"(a) *General.* The Secretary or his delegate shall, by regulations, prescribe the form and penal sums of bonds covering distilled spirits in internal revenue bonded warehouses and in transit to and between such warehouses: *Provided*, That the penal sums of such bonds covering distilled spirits shall not exceed in the aggregate $200,000 for each such warehouse. Such bonds shall be conditioned (1) on the withdrawal of the spirits from the internal revenue bonded warehouse within 20 years (or, in the discretion of the person or persons furnishing any bond, within 8 years) from the date of original entry for deposit; (2) on payment of the tax on the spirits as determined on withdrawal from the internal revenue bonded warehouse; and (3) on compliance with all provisions of law and regulations relating to the business of warehousing distilled spirits."

(c) The last sentence of section 5243 (b) (relating to bottling requirements of certain distilled spirits known commercially as gin) is amended by striking out "at any time within 8 years after entry in bond".

(f) (1) The amendments made by this section shall apply with respect to—

(A) distilled spirits which on the date of the enactment of this Act are in internal revenue bonded warehouses or are in transit to or between such warehouses, and in respect of which the 8-year bonding period has not expired before the date of enactment of this Act; and

(B) distilled spirits which after the date of the enactment of this Act are entered for deposit in an internal revenue bonded warehouse.

(2) If the 8 years from the date of original entry of any distilled spirits for deposit in internal revenue bonded warehouses expires at any time during the 10-day period which begins on the date of the enactment of this Act, the amendments made by this section shall apply with respect to such spirits if (and only if) before the close of such 10-day period there is filed with the Secretary of the Treasury or his delegate either—

(A) a consent of surety which changes (for periods on and after the date of the enactment of this Act) the condition based on the withdrawal of spirits from the internal revenue bonded warehouse within 8 years from the date of original entry for deposit to a condition based on the withdrawal of spirits from the internal revenue bonded warehouse within 20 years from the date of original entry for deposit, or

(B) a bond which applies to periods on and after the date of the enactment of this Act and which satisfies the requirements of the Internal Revenue Code of 1954, as amended by this section, and is conditioned on the withdrawal of spirits from the internal revenue bonded warehouse within 20 years from the date of original entry for deposit.

Pursuant to the above provisions of law, the following new subpart, Subpart J, is added to 26 CFR Part 170:

SUBPART J—EXTENSION OF BONDING PERIOD AND RELATED CHANGES

Sec.
170.171 Scope of subpart.

DEFINITIONS

170.172 Meaning of terms.

EXTENSION OF BONDING PERIOD

170.173 General.

EXTENSION OF BONDING PERIOD DURING FIRST 10 DAYS OF THE ACT

170.174 Time limit.
170.175 Consents of surety.
170.176 New bond.

EXTENSION OF BONDING PERIOD AFTER THE FIRST 10 DAYS OF THE ACT

170.177 Filing of consent or bond and consent.

APPROVAL OF BONDS AND CONSENTS OF SURETY

170.178 Authority.

REMOVAL OF RESTRICTION ON BOTTLING OF GIN IN BOND FOR EXPORT

170.179 Bottling for export.

AUTHORITY: §§ 170.171 to 170.179, issued under sec. 7805, 68 Stat 917; 26 U. S. C. 7805.

§ 170.171 *Scope of subpart.* This subpart prescribes requirements pertaining to: The extension of the bonding period on distilled spirits stored in, or in transit to, internal revenue bonded warehouses on the date of enactment of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress); related changes in the conditions of the

transportation and warehousing bonds covering such premises affected by section 206 (a), (b), and (f) of such act; and the elimination from existing law of the provision in section 5243 (b), I. R. C., restricting the bottling in bond of gin for export to the period within 8 years after entry in bond.

DEFINITIONS

§ 170.172 *Meaning of terms.* When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine as well. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Act. The Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress).

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner of internal revenue.

Bonded warehouse or warehouse. An internal revenue bonded warehouse as defined in this section.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington 25, D. C.

Distilled spirits or spirits. A substance (except alcohol produced at an industrial alcohol plant operated under Part 182 of this chapter) produced by the distillation of fermented grain, molasses, fruit, or other materials, commonly known as spirits, whisky, brandy, rum, gin, vodka, etc.

Internal revenue bonded warehouse. A bonded warehouse established and operated under the provisions of 26 CFR Part 225.

I. R. C. The Internal Revenue Code of 1954.

Person. An individual, a trust, estate, partnership, association, company, or corporation.

Proprietor or warehouseman. The person operating an internal revenue bonded warehouse, unless otherwise indicated.

U. S. C. The United States Code.

EXTENSION OF BONDING PERIOD

§ 170.173 *General.* Notwithstanding the provisions of Part 225 of this chapter, the tax on distilled spirits entered for deposit in internal revenue bonded warehouses in respect of which the 8-year bonding period has not expired before the date of enactment of the act, shall be determined at the time the same are withdrawn therefrom and within 8 or 20 years from the date of original entry for deposit therein, whichever may be required by the bond covering such spirits (except that distilled spirits which on July 26, 1936, were 8 years of age or older and which were in bonded warehouses on that date, may remain therein).

EXTENSION OF BONDING PERIOD DURING FIRST 10 DAYS OF THE ACT

§ 170.174 *Time limit.* If the 8 years from the date of original entry for deposit of any distilled spirits on deposit in, or in transit to, any warehouse expires at any time during the 10-day period which begins on the date of the enactment of the act, the proprietor may have the bonding period for such spirits extended to 20 years if (and only if) he filed before the close of such 10-day period either a properly executed consent of surety, as provided in § 170.175, or a new bond, as provided in § 170.176.

§ 170.175 *Consents of surety.* Consents of surety filed pursuant to § 170.174 must be executed on Form 1533, in duplicate, by the proprietor of the internal revenue bonded warehouse and the surety (or sureties) on the proprietor's transportation and warehousing bond, Form 1571. The Form 1533 must properly identify the bond affected thereby and contain the following statement:

To change, for periods on and after the date of enactment of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress), the condition of said bond based on the withdrawal of distilled spirits from the internal revenue bonded warehouse within 8 years from the date of the first entry thereof in any internal revenue bonded warehouse to a condition based on the withdrawal of spirits from the internal revenue bonded warehouse within 20 years from the date of the original entry for deposit.

§ 170.176 *New bond.* Where, pursuant to the provisions of § 170.174, the proprietor desires to file a new bond which applies to periods on and after the date of the enactment of the act, he shall submit such bond on Form 1571, in duplicate. The new bond must be accompanied by a consent, as set forth in § 170.175, changing the condition that the tax will be paid within 8 years from the date of the first entry of the distilled spirits in an internal revenue bonded warehouse to a condition that the tax will be paid within 20 years from such date. The effective date of the bond must be the date of the enactment of the act. Where the proprietor has had the terms of the existing bond extended by approved consents of surety, and he desires to have the same terms apply under the new bond, he must at the time of filing the new bond execute and submit consent of surety which will extend the terms of the new bond to cover the same operations permitted under the superseded bond. The penal sum of the new bond shall be in accordance with the provisions of Part 225 of this chapter.

EXTENSION OF BONDING PERIOD AFTER THE FIRST 10 DAYS OF THE ACT

§ 170.177 *Filing of consent or bond and consent.* Where, after the 10-day period provided for in § 170.174, the proprietor desires to have the bonding period covering distilled spirits in his warehouse changed from an 8-year period to a 20-year period, he must file a consent, Form 1533, in duplicate, on his warehousing and transportation bond, Form 1571, or file a new bond, Form 1571 and proper consent, in duplicate. In such case the consent must be filed to take effect before the expiration of the 8-year bonding period in respect of any distilled spirits for which the extension of the bonding period is desired. The consent must identify the bond and contain the following statement:

To change the condition of said bond based on the withdrawal of distilled spirits from the internal revenue bonded warehouse within 8 years from the date of the first entry thereof in any internal revenue bonded warehouse to a condition based on the withdrawal of spirits from the internal revenue bonded warehouse within 20 years from the date of the original entry for deposit.

Where the proprietor has had the terms of the existing bond extended by approved consents of surety, and he desires to have the same terms apply under the new bond, he must at the time of filing the new bond execute and submit consent of surety which will extend the terms of the new bond to cover the same operations permitted under the superseded bond. The penal sum of the bond shall be in accordance with the provisions of Part 225 of this chapter.

APPROVAL OF BONDS AND CONSENTS OF SURETY

§ 170.178 *Authority.* All consents and bonds provided for in this subpart shall be submitted to the assistant regional commissioner. Assistant regional commissioners are authorized to approve all bonds and consents of surety submitted under the provisions of this subpart.

(68A Stat. 629, 630, 680; 26 U. S. C. 5176, 5177, 5551)

REMOVAL OF RESTRICTION ON BOTTLING OF GIN IN BOND FOR EXPORT

§ 170.179 *Bottling for export.* Notwithstanding the requirements of the distilled spirits warehousing regulations, § 225.953 of this chapter, gin reduced with pure water to not less than 80 proof may, at any time after entry in bond and before the expiration of the bonding period specified in the proprietor's bond, be bottled in bond for export: *Provided*, That gin which becomes 8 years of age in the 10-day period which begins on the date of enactment of the act may not be bottled for export unless the consent of surety or new bond provided for in § 170.174 is filed.

PAR. 2. Section 210 (a) (2) of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress) reads as follows:

SEC. 210 (a) (2) *Mingling of distilled spirits.* Provisions having the effect of—

(A) section 5025 (e) (7) (exemption from laws pertaining to rectification), and

(B) section 5234 (a) (2) (permitting the mingling of distilled spirits for further storage in bond)

of the Internal Revenue Code of 1954 (as such sections are included in chapter 51 of such Code as amended by section 201 of this Act) shall be deemed to be included in the Internal Revenue Code of 1954, effective on the day following the date of the enactment of this Act. In applying the provisions of such sections 5025 (e) (7) and 5234 (a) (2) during the period beginning on the day following the date of the enactment of this Act and ending at the close of June 30, 1959, references to bonded premises shall be treated as references to internal revenue bonded warehouses.

Sections 5025 (e) (7) and 5234 (a) (2) of the Internal Revenue Code of 1954 (as such sections are included in chapter 51 of such Code as amended by section 201 of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress) read as follows:

SEC. 5025 (e) *Mingling of distilled spirits.* Sections 5021, 5061, and 5062 shall not apply to—

* * * * *

(7) the mingling on bonded premises of distilled spirits for further storage in bond as authorized by section 5234 (a) (2).

SEC. 5234 (a) (2) *Consolidation of packages for further storage in bond.* Under such regulations as the Secretary or his delegate shall prescribe, distilled spirits—

(A) of the same kind,

(B) distilled at the same distillery,

(C) distilled by the same proprietor (under his own or any trade name), and

(D) which have been stored in internal revenue bond in the same kind of cooperage for not less than 4 years (or 2 years in the case of rum or brandy),

may, within 8 years of the date of original entry for deposit of the spirits, be mingled on bonded premises for further storage in bond in as many as necessary of the same packages in which the spirits were stored before consolidation. Where distilled spirits produced in different distilling seasons are mingled under this paragraph, the mingled spirits shall consist of not less than 10 percent of spirits of each such season. No spirits mingled under the provisions of this paragraph shall be again mingled under the provisions thereof until at least one year has elapsed since the last prior mingling. For purposes of this chapter, the date of original entry for deposit of the spirits mingled under the provisions of this paragraph shall be the date of original entry for deposit of the youngest spirits contained in the mingled spirits, and the distilling season of such mingled spirits shall be the distilling season of the youngest spirits contained therein. Notwithstanding any other provisions of law, distilled spirits mingled under this paragraph may be bottled and labeled the same as if such spirits had not been so mingled. No statement claiming or implying age in excess of that of the youngest spirits contained in the mingled spirits shall be made on any stamp or label or in any advertisement.

Pursuant to the above provisions of law, the following new subpart, Subpart K, is added to 26 CFR Part 170:

SUBPART K—CONSOLIDATION OF PACKAGED DISTILLED SPIRITS

Sec.
170.185 Scope of subpart.
170.186 Authorized consolidation.
170.187 Consent of surety.
170.188 Equipment for mingling.
170.189 Application.
170.190 Dumping and gauging.
170.191 Determining date of original entry.
170.192 Filling and gauging consolidated packages.
170.193 Numbering, marking, and branding consolidated packages
170.194 Withdrawal, bottling, and labeling of mingled spirits.
170.195 Restriction on age statement.
170.196 Monthly report.

AUTHORITY: §§ 170.185 to 170.196, issued under sec. 7805, 68 Stat. 917; 26 U. S. C. 7805.

§ 170.185 *Scope of subpart.* This subpart prescribes the requirements for consolidation of packages of spirits for further storage in bond pursuant to section 210 (a) (2) of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress).

§ 170.186 *Authorized consolidation.* Within 8 years of the date of original entry for deposit, and with the prior approval of the internal revenue officer in charge, packages of spirits of the same kind, distilled by the same proprietor (under his own or any trade name) at the same distillery, and which have been stored in internal revenue bond in the same kind of cooperage for not less than 4 years (or 2 years in the case of rum or brandy) may, as provided in this subpart, be dumped and mingled in a warehouse tank, and immediately repackaged, in as many as necessary of the packages from which dumped, for further storage in bond. Where spirits produced in different distilling seasons are mingled under this subpart, the mingled spirits shall consist of not less than 10 percent of spirits of each such season. No spirits mingled under this subpart shall again be mingled under this subpart until at least one year has elapsed since the last prior mingling.

§ 170.187 *Consent of surety.* Where a proprietor desires to mingle spirits under this subpart, he shall first file with the assistant regional commissioner a properly executed consent of surety, Form 1533, in duplicate, which shall identify the bond affected and contain the following statement:

To extend the terms of the bond to cover any tax liability with respect to spirits mingled in accordance with provisions having the effect of the provisions of section 5284 (a) (2), of the Internal Revenue Code of 1954 (as such section is included in section 201 of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress)).

Consents given under this section shall be in accordance with Part 225 of this chapter.

§ 170.188 *Equipment for mingling.* Bulk gauging tanks or storage tanks may be used in mingling and consolidation operations. Where such tanks are not to be so used, other suitable tanks must be provided.

§ 170.189 *Application.* When it is desired to mingle spirits for further storage in packages, application for such mingling must be submitted on Form 2323, in triplicate, to the internal revenue officer. Where the warehouseman desires to subsequently withdraw such spirits on the original gauge of the consolidated packages he shall note on all copies of the application, "Withdraw on original gauge". If the internal revenue officer approves the application he will date and sign the application, return one copy to the proprietor, and retain the remaining two copies.

§ 170.190 *Dumping and gauging.* When spirits in packages are to be dumped for mingling, the internal revenue officer will examine them. He will detain any package bearing evidence of unusual loss that cannot be satisfactorily explained, or of tampering, pending further investigation in accordance with the applicable provisions of Part 225 of this chapter, and will supervise the dumping of the spirits. All packages must be drained and packages which are not to be refilled as consolidated packages must be thoroughly rinsed. The proof of the spirits in the tank shall be adjusted to a whole degree of proof and such adjusted proof shall be regarded as the proof of the spirits run into all packages filled from the tank. Rinse water not used in reducing the proof of the spirits must, in each instance, be destroyed, or disposed of as prescribed in Part 225 of this chapter. All marks and brands must be obliterated from the empty packages: *Provided*, That appropriate marks may be left on packages that are to be used for storage of the spirits. Empty packages not needed for storage of the mingled spirits shall be promptly removed from the warehouse. In all cases the internal revenue officer shall verify the proof, see that all outlets in the tank are locked, determine (volume or weight) the quantity of spirits in the tank, and report the gauge on all copies of the application.

§ 170.191 *Determining date of original entry.* Where spirits are mingled under this subpart, the date of original entry for deposit of the youngest spirits in the lot shall, for the purposes of chapter 51, I. R. C., be the date of original entry for deposit for all the spirits in the lot, and the distilling season of such mingled spirits shall be the distilling season of the youngest spirits contained therein.

§ 170.192 *Filling and gauging consolidated packages.* At the time the mingled spirits are to be drawn into packages, the internal revenue officer shall see that all valves and openings of the tank other than the necessary outlet valves are closed and locked. All spirits drawn from the tank will be carefully gauged by the warehouseman, under the supervision of the internal revenue officer, and the details thereof will be entered by the warehouseman on Form 1520, in triplicate: *Provided*, That where the warehouseman has indicated on his application, Form 2323, that the consolidated packages are to be withdrawn on the original gauge, the internal revenue officer shall, unless the packages are to be withdrawn without payment of tax for use in wine production, make such gauge and report the details thereof on Form 1520, noting on Form 1520, "Withdraw on original gauge". There shall be noted on Form 1520 the date of the original entry for deposit of the youngest spirits mingled in the tank. Weights shall be determined in pounds and one-half pounds. Where the gauge is performed and reported by the warehouseman, the internal revenue officer shall, from time to time, verify the tares, gross weights, and tax gallonages. Where the internal revenue officer finds significant discrepancies in the warehouseman's report of gauge, or in the marks and brands required to be placed on any container, the warehouseman shall make such corrections as may be required by the internal revenue officer. Where a remnant package results, because of insufficient spirits remaining in

the tank to fill the last package, such package shall be gauged and marked in the same manner as the other consolidated packages. Losses or gains of spirits resulting from the repackaging operation shall be reported by the internal revenue officer on the application, Form 2323, by indicating the difference between the total quantity in the tank prior to repackaging and the total quantity repackaged. On completion of the gauging and the preparation of the gauge report, one copy of the approved Form 2323 and one copy of the Form 1520 will be forwarded to the assistant regional commissioner by the internal revenue officer, one copy of each will be retained by the proprietor, and one copy of each will be placed in the appropriate file in the Government office.

§ 170.193 *Numbering, marking, and branding consolidated packages.* Packages of spirits mingled under this subpart shall be marked and branded in accordance with § 225.417f of this chapter, except that such packages shall be serially numbered, beginning with the number "1" preceded by the letters "CS" (Consolidated for Storage). The symbol "CS" and the number and State shall be considered a part of the serial number and must be shown on all official forms and records.

§ 170.194 *Withdrawal, bottling, and labeling of mingled spirits.* Packaged spirits which have been mingled under this subpart may be withdrawn, pursuant to the applicable provisions of Part 225 of this chapter, for any purpose for which the spirits could have been withdrawn before mingling. Distilled spirits mingled under this subpart may be bottled and labeled the same as if such spirits had not been so mingled.

§ 170.195 *Restriction on age statement.* No statement claiming or implying age in excess of that of the youngest spirits contained in spirits mingled under this subpart shall be made on any stamp or label or in any advertisement.

§ 170.196 *Monthly report.* Proprietors shall submit a monthly report on Form 2546 of mingling and consolidation operations under this subpart. The report shall be prepared in duplicate and submitted to the internal revenue officer on or before the 10th day of the month following that for which the report is submitted. All of the information called for shall be furnished in accordance with the instructions on the form or issued in respect thereto.

Because sections 206 (f) and 210 (a) (2) of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress) are effective on the date of enactment of the act, and on the day following the date of enactment of the act, respectively, it is found that it is impractical and contrary to the public interest to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) or subject to the effective date limitation of section 4 (c) of such Act. Accordingly, paragraph 1 of this Treasury decision shall be effective on the date of enactment of the Excise Tax Technical Changes Act (H. R. 7125—85th Congress) and paragraph 2 of this Treasury decision shall be effective on the day following the date of enactment of said act.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: August 26, 1958.

DAN THROOP SMITH,
Deputy to the Secretary.

[F. R. Doc. 58-7138; Filed, Sept. 3, 1958; 9:18 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter E—Claims

PART 750—NAVY GENERAL CLAIMS

SUBPART C—GENERAL PROVISIONS; INVESTIGATION AND PROCEDURE

Section 750.41 (a) (6) is revised to read, as follows:

(6) Such other officers as may be designated by the Secretary of the Navy.

Section 750.41 (b) (6) is revised to read, as follows:

(6) Such other officers as may be designated by the Secretary of the Navy.

(Sec. 6011, 70A Stat. 375; 10 U. S. C. 6011. Interprets or applies secs. 2671-2680, 62 Stat. 982-984, as amended, secs. 2671-2680, 62 Stat. 982-984, as amended, secs. 2733, 7625, 70A Stat. 153, 473; 28 U. S. C. 2671-2680; 10 U. S. C. 2733, 7625)

By direction of the Secretary of the Navy.

Dated: August 27, 1958.

[SEAL] WILFRED HEARN,
Captain, U. S. Navy, Acting Judge Advocate General of the Navy.

[F. R. Doc. 58-7097; Filed, Sept. 3, 1958; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 92—TRANSPORTATION OF MAIL BY RAILROADS

APPLICABILITY OF COMPREHENSIVE PLAN A; RAILROADS COVERED

Effective October 1, 1958, § 92.12 *Applicability of Comprehensive Plan A; railroads covered* (23 F. R. 218) is amended to read as follows:

§ 92.12 *Applicability of Comprehensive Plan A; railroads covered.* Sections 92.1 to 92.11 shall apply to the following railroads:

Alabama Great Southern Railroad Co. (The).
Albany & Northern Railway Co.
Atchison, Topeka & Santa Fe Railway Co. (The).
Atlantic Coast Line Railroad Co.
Baltimore & Ohio Railroad Company (The).
Bangor and Aroostook Railroad Company.
Canadian National Railway Company.
Canadian National Railway Co.—Lines in Minnesota.
Canadian Pacific Railway Company.
Carolina, Clinchfield & Ohio Railway, Lessees: Atlantic Coast Line Railroad Co.; Louisville & Nashville Railroad Co.
Central of Georgia Railway Co.
Central Railroad Company of New Jersey (The).
Central Vermont Railway, Inc.
Chesapeake and Ohio Railway Co. (The).
Chicago & North Western Railway Co.
Chicago, Burlington & Quincy Railroad Co.
Chicago Great Western Railway Co.
Chicago, Milwaukee, St. Paul & Pacific Railroad Co.
Chicago, Rock Island & Pacific Railroad Co.
Cincinnati, New Orleans & Texas Pacific Railway Co. (The).
Colorado & Southern Railway Co. (The).
Delaware and Hudson R. R. Corp. (The).
Delaware, Lackawanna and Western Railroad Company (The).
Denver & Rio Grande Western Railroad Co. (The).
Duluth, Missabe & Iron Range Railway Co.
Duluth, South Shore & Atlantic Railroad Co.
Duluth, Winnipeg & Pacific Railway Co.
Erie Railroad Company.
Florida East Coast Railway Co.
Fort Worth and Denver Railway Co.
Georgia Northern Railway Co. (The).
Georgia Railroad.
Georgia Southern & Florida Railway Co.
Grand Trunk Western Railroad Company.
Great Northern Railway Co.
Gulf, Colorado & Santa Fe Railway Co.
Gulf, Mobile & Ohio Railroad Co.
Illinois Central Railroad Co.
Kansas City Southern Railway Co. (The).
Lehigh Valley Railroad Company.
Long Island Rail Road Company (The).
Louisiana & Arkansas Railroad Co.
Louisville & Nashville Railroad Co.
Minneapolis & St. Louis Railway Co. (The).
Minneapolis, St. Paul & Sault Ste. Marie Railroad Co.
Missouri-Kansas-Texas Railroad Co.
Missouri-Kansas-Texas Railroad Co. of Texas.
Missouri-Pacific Railroad Co.
New Orleans and Northeastern Railroad Co.
New York Central Railroad Company (The).
New York, Chicago and St. Louis Railroad Company (The).
New York, New Haven & Hartford Railroad Company (The).
Norfolk and Western Railway Company.
Northern Pacific Railway Co.
Northwestern Pacific Railroad Co.
Oregon Trunk Railway.
Panhandle & Santa Fe Railway Co.
Pennsylvania Railroad Company (The).
Pennsylvania-Reading Seashore Lines.
Pittsburgh and Lake Erie Railroad Company (The).
Reading Company.
Richmond, Fredericksburg & Potomac Railway Company.
St. Louis-San Francisco Railway Co.
St. Louis, San Francisco & Texas Railway Co.
St. Louis Southwestern Railway Co.
Seaboard Air Line Railroad Co.
Southern Pacific Co.
Southern Railway Co.
Spokane, Portland & Seattle Railway Co.
Tennessee Central Railway Co.
Texas & New Orleans Railroad Co.
Texas & Pacific Railway Co. (The).
Texas-New Mexico Railway Co.
Union Pacific Railroad Co.
Vermont and Province Line Railroad Company.
Wabash Railroad Co.
Western Maryland Railway Company.
Western Pacific Railroad Co. (The).
Western Railway of Alabama (The).
White Sulphur Springs & Yellowstone Park Railway Co.
Wisconsin Central Railroad Co.

(R. S. 161, as amended, 396, as amended; secs. 1, 5, 39 Stat. 419, 425-431; Public Law 85-619, 72 Stat. 547; 5 U. S. C. 22, 369, 39 U. S. C. 523-541, 542-568)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58-7114; Filed, Sept. 3, 1958; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

HAVASU LAKE NATIONAL WILDLIFE REFUGE, ARIZONA AND CALIFORNIA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to revise the description of Area No. 4 as it appears in § 32.72 of Subpart—Havasu Lake National Wildlife Refuge, Arizona and California, Chapter I, Title 50, Code of Federal Regulations, as set forth in tentative form below. The purpose of the proposed revision is to reduce the extent of Area No. 4 so as to provide additional protection to the Great Basin Canada goose of the Havasu Lake National Wildlife Refuge.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 28, 1958.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

Area No. 4. That part of the refuge lying south of an east-west line at the approximate location of Island-Castle Rock Area, more particularly described as an eastward extension of the line between Townships 5 and 6 North, Range 24 East, San Bernardino Meridian, and lying north of an east-west line starting approximately at the Black Meadow Wash, more particularly described as the westward extension of the line between Townships 12 North and 11 North, Range 18 West, Gila and Salt River Meridian.

[F. R. Doc. 58-7093; Filed, Sept. 3, 1958; 8:45 a. m.]

[50 CFR Part 32]

MONTE VISTA NATIONAL WILDLIFE REFUGE, COLORADO

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to add §§ 32.109 and 32.110 to Subpart—Monte Vista National Wildlife Refuge, Colorado, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose of this amendment is to provide for the hunting of migratory game birds, pheasants, and rabbits on certain lands of the Monte Vista National Wildlife Refuge under certain limitations and subject to compliance with the laws and regulations of the State of Colorado.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U. S. C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 28, 1958.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

§ 32.109 *Hunting of migratory game birds permitted.* Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, the hunting of migratory game birds is permitted on the hereinafter described lands of the Monte Vista National Wildlife Refuge, Colorado, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The following described area is open to hunting:

Those lands of the Monte Vista National Wildlife Refuge lying east of the east line of Sec. 6, T. 37 N., R. 8 E., bounded on the north by Spring Creek, on the east by the Empire Canal, and on the south by the Resettlement Ditch; and that portion of Sec. 9, T. 37 N., R. 8 E., lying south of the Resettlement Ditch, more particularly described as those lands in Secs. 27, 28, 32, 33, and 34, T. 38 N., R. 8 E., lying south of Spring Creek and west of the Empire Canal; those lands in Secs. 2, 3, 4, 5, 8, 9, and 10, T. 37 N., R. 8 E., lying north of the Resettlement Ditch and west of the Empire Canal; and those lands in Sec. 9, T. 37 N., R. 8 E., lying south of the Resettlement Ditch.

(b) *State laws.* Strict compliance with all State laws and regulations is required.

(c) *Hunting dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Boats prohibited.* The use of boats is prohibited.

(e) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for regulating the hunting.

§ 32.110 *Hunting of pheasants and rabbits permitted.* Subject to compliance with the provisions of Parts 18 and 21 of this chapter, the hunting of designated species of wild animals is permitted on a portion of the Monte Vista National Wildlife Refuge, Colorado, as follows:

(a) *Hunting area.* The hunting of pheasants and rabbits is permitted on the following described area:

Those lands of the Monte Vista National Wildlife Refuge lying east of the east line of Sec. 6, T. 37 N., R. 8 E., bounded on the north by Spring Creek, on the east by the Empire Canal, and on the south by the Resettlement Ditch; and that portion of Sec. 9, T. 37 N., R. 8 E., lying south of the Resettlement Ditch, more particularly described as those lands in Secs. 27, 28, 32, 33, and 34, T. 38 N., R. 8 E., lying south of Spring Creek and west of the Empire Canal; those lands in Secs. 2, 3, 4, 5, 8, 9, and 10, T. 37 N., R. 8 E., lying north of the Resettlement Ditch and west of the Empire Canal; and those lands in Sec. 9, T. 37 N., R. 8 E., lying south of the Resettlement Ditch.

(b) *State laws.* Strict compliance with all State laws and regulations is required and the period during which hunting is permitted shall not extend beyond the first 3 days of any annual season prescribed by the State.

(c) *Hunting dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

[F. R. Doc. 58-7094; Filed, Sept. 3, 1958; 8:45 a. m.]

[50 CFR Part 33]

MARK TWAIN NATIONAL WILDLIFE REFUGE, ILLINOIS, IOWA, AND MISSOURI

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to add to Chapter I, Title 50, Code of Federal Regulations, a new subpart entitled "Mark Twain National Wildlife Refuge, Illinois, Iowa, and Missouri," and § 33.106 as set forth in tentative form below. The purpose of the proposed regulation is to permit the hunting of game birds and mammals on certain lands of the Mark Twain National Wildlife Refuge under certain limitations and subject to compliance with the laws and regulations of the respective States.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 28, 1958.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

SUBPART—MARK TWAIN NATIONAL WILDLIFE REFUGE, ILLINOIS, IOWA, AND MISSOURI

HUNTING

§ 33.106 *Hunting permitted.* Subject to the provisions of Parts 6, 18, and 21 of this chapter, the hunting of upland game birds, game mammals, and migratory game birds is permitted on the hereinafter described lands of the Mark Twain National Wildlife Refuge, Illinois and Iowa, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The following described areas are open to hunting:

STATE OF ILLINOIS

POOL 25 (CALHOUN COUNTY)

T. 12 S., R. 2 W., 4th P. M.,
Sec. 18, S½;
Sarah Ann Island and small island (Tract C–205C) lying in secs. 18 and 19.
T. 10 S., R. 3 W., 4th P. M.,
Island No. 54 and Tracts C–275B and C–275C lying in secs. 2, 11, and 12;
Secs. 13, 24, and 25 less exceptions.
T. 12 S., R. 3 W., 4th P. M.,
Turner Island and 3 small islands (Tracts C–222B and C–228), lying in sec. 1 and partly in T. 11 S., R. 3 W., sec. 36.

STATE OF IOWA

POOL 17 (LOUISA COUNTY)

T. 74 N., R. 2 W., 5th P. M.,
Turkey Island and that part of Otter Island 1,500 feet north of the centerline of Dam No. 17 in secs. 15, 16, 21, and 22.
T. 75 N., R. 2 W., 5th P. M.,
Island No. 343 lying in secs. 9, 10, 15, and 16; secs. 9 (portion of Tract IFa–73), 16 (less 300' strip along Mississippi River), 17, 20, 21, 29 (less exception along west boundary), and 32 (Tract IFa–14), and including Ramsey Island.

POOL 18 (DES MOINES AND LOUISA COUNTIES)

T. 71 N., R. 1 W., 5th P. M.,
Secs. 3 (part of Nigger Island), 10 (S½), 15, 21, 22, 27, 28, 29, 31, and 32, and including Eagle Island, Furnald Island, Long Island, Oquawka Island, and Islands IaFs–3, 9, and 10.
T. 72 N., R. 1 W., 5th P. M.,
In secs. 3, 9, 10, 15, 16, 21, 22, 23, 25, 27, and 34 the following islands: Huron, Garner, Garner No. 2, Big Cody, 359, 360 (part), Little Cody or 361, Penn, 362 (less north end), Johnson, Camp, Nigger (part), Little Nigger, IaIs–17, 18, 19, 21, 23, 26A, 30, and 37.
T. 73 N., R. 1 W., 5th P. M.,
Secs. 5, 6 (part), 8 (part), 16 (part), 21, 28 (part). In secs. 5, 6, 8, 9, 16, 21, 22, 27, 28, and 34 the following islands: Blackhawk, Horseshoe, IaIs–48 to 50, 53 to 55, 57 to 60, 62 to 70, 73, and 74.
T. 74 N., R. 1 W., 5th P. M.,
Sec. 32 (part). In secs. 31 and 32 the following islands: Brass, IaIs–70, 71.

POOL 16 (MUSCATINE COUNTY)

T. 77 N., R. 1 W., 5th P. M.,
Tracts IFa–1, 2, 3, 5; Geneva Island, part of Hog Island, 1,400 to 2,000 feet east of centerline of Dam No. 16, Long Island, Island No. 329 less exception, Goose Island; Tracts IaIs–2, 29, 50, 51, 52, 53, all lying in secs. 28, 29, 30, 31, 32, 33, 34, 35, and 36.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

(d) *Boats.* The use of boats for the purpose of hunting is permitted.

(e) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(f) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for these purposes. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

[F. R. Doc. 58–7092; Filed, Sept. 3, 1958; 8:45 a. m.]

[50 CFR Part 33]

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE, ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority contained in section 6 of the Upper Mississippi River Wild Life and Fish Refuge Act (43 Stat. 650) as amended, and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to modify the boundaries of La Crosse and Elk River closed areas described in § 33.275 of Subpart—Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, Chapter I, Title 50, Code of Federal Regulations, as set forth in tentative form below. The purpose of the proposed modification is to make minor adjustments so as to establish more logical boundaries of these closed areas. Only the areas hereinafter described are intended to be modified and all other closed areas will remain unchanged.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 28, 1958.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

WISCONSIN

LA CROSSE COUNTY

La Crosse closed area. All lands and waters, now or hereafter owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service (excluding lands under the sole jurisdiction of the Corps of Engineers) and lying and being in secs. 1, 2, 3, 4, 10, 11, 12, 13, and 14, T. 16 N., R. 8 W.; and secs. 21, 22, 23, 25, 26, 27, 28, 29, 33, 34, 35, and 36, T. 17 N., R. 8 W., 4th P. M., La Crosse County, Wisconsin, which are enclosed by the following described boundaries: Beginning at the corner common to Tps. 16 and 17 N., Rs. 7 and 8 W., thence northerly with the line between Tps. 17 N., Rs. 7 and 8 W., to Project Boundary Pin No. 51 in the project boundary as established by the U. S. Corps of Engineers in the line between secs. 25 and 30, 928.0 feet northerly of the corner common to secs. 25, 30, 31, and 36; thence northwesterly with said project boundary through secs. 25, 26, and 23 to Project Pin No. 70, in Lot 3, sec. 23; thence southwesterly approximately 850 feet to the southeast corner of lot 7, sec. 22; thence westerly with the south boundaries of lots 7 and 6, and the N½SW¼, sec. 22, to the southeast corner of lot 4, sec. 21; thence along the south boundary of said lot 4 to where said boundary intersects the south fork of Gibbs Chute in the southeast corner of lot 3, sec. 21; thence along the southerly or left bank of the south fork of Gibbs Chute in sec. 21, T. 17 N., R. 8 W.; thence along south bank of said south fork of Gibbs Chute through secs. 21, 28, and 29 to the east or left bank of the Mississippi River; thence southerly down the east or left bank of the Mississippi River with the southwesterly boundaries of fractional secs. 29, 28, and 33, T. 17 N., R. 8 W., and secs. 4, 9, 10, 11, and 14, T. 16 N., R. 8 W., to an intersection with the southerly construction-limit boundary of the earth dike of Lock and Dam No. 7; thence easterly across secs. 14 and 13, with said construction-limit boundary approximately 400 feet normally distant south of the north boundary of said sections, approximately 8,000 feet to Project Boundary Pin No. 1 at the southeast corner of said construction limits in lot 3 of sec. 18, T. 16 N., R. 8 W.; thence N. 5°04' W., 400.3 feet to Project Boundary Pin No. 1A in the line between secs. 12 and 13; N. 7°28' W., 185.0 feet to Project Pin No. 1B; thence northwesterly across the construction area for Lock and Dam No. 7, approximately 178 feet to Project Boundary Pin No. 1C, in the project boundary as established by the U. S. Corps of Engineers; thence northerly and easterly with said Project Boundary in secs. 12 and 1 of T. 16N, R. 8 W., to Project Boundary Pin No. 18 at the north one-sixteenth corner common to sec 1, T. 16 N., R. 8 W., and sec. 6, T. 16 N., R. 7 W.; thence northerly with the line common to said sections, approximately 1,320 feet to the Place of Beginning.

IOWA

CLINTON COUNTY

Elk River closed area. All the lands and waters now or hereafter owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service and lying and being in secs. 4, 5, 8, 9, 16, 17, 20, 21, and 29, T. 83 N., R. 7 E., 5th P. M., Clinton County, Iowa, which are enclosed by the following described boundaries: Beginning at the point where the south line of N½NE¼ of sec. 5 intersects the 583.0-foot contour; thence southerly with the 583.0-foot contour through secs. 5 and 8 to an intersection with the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul, and Pacific Railway between secs. 8 and 9; thence southwesterly with the Chicago, Milwaukee, St. Paul, and Pacific right-of-way boundary through secs. 9, 16, 17, and 20 to an intersection with the northeast bank of Elk River; thence southeasterly with the northeast bank of Elk River to an intersection with the westerly bank of Elk River Slough; thence northeasterly with the westerly bank of Elk River Slough in secs. 29, 20, and 21 to an intersection with the westerly or right bank of the main channel of the Mississippi River; thence northerly with the westerly bank of the Mississippi River in secs. 21, 16, 9, and 4 to the southwesterly bank of the mouth of Dark Slough; thence northwesterly with the southwesterly bank of Dark Slough in secs. 4 and 5 to the point where it intersects the south line of N½NE¼ of sec. 5, T. 83 N., R. 7 E.; thence westerly with the south line of N½NE¼ of sec. 5 to the Place of Beginning.

[F. R. Doc. 58–7095; Filed, Sept. 3, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

SUGARCANE MOLASSES

U. S. STANDARDS FOR GRADES[1]

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Grades of Sugarcane Molasses, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). These standards, if made effective will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than March 15, 1959.

The proposed revision is as follows:

PRODUCT DESCRIPTION AND GRADES

Sec.
52.3651 Product description.
52.3652 Grades of sugarcane molasses.

FILL OF CONTAINER

52.3653 Recommended fill of container.

FACTORS OF QUALITY

52.3654 Ascertaining the grade.
52.3655 Compliance with the recommended minimum Brix solids and total sugar and the maximum ash content.
52.3656 Ascertaining the rating for the factors which are scored.
52.3657 Color.
52.3658 Flavor.
52.3659 Defects.

DEFINITIONS AND METHODS OF ANALYSIS

52.3660 Color of sugarcane molasses.
52.3661 Application of U. S. D. A. permanent glass color standards in classifying the color of sugarcane molasses.
52.3662 Brix solids.
52.3663 Ash.
52.3664 Sulfur dioxide, p. p. m.
52.3665 Reducing sugars.
52.3666 Sucrose.
52.3667 Total sugar.
52.3668 Methods of analysis.

LOT INSPECTION AND CERTIFICATION

52.3669 Ascertaining the grade of a lot.

SCORE SHEET

52.3670 Score sheet for sugarcane molasses.

AUTHORITY: §§ 52.3651 to 52.3670 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

PRODUCT DESCRIPTION AND GRADES

§ 52.3651 *Product description.* (a) Sugarcane molasses is the clean, sound, liquid product obtained by evaporating the juice of sugarcane and the removal of all or any part of the commercially crystallizable sugar.

§ 52.3652 *Grades of sugarcane molasses.* (a) "U. S. Grade A" (or "U. S. Fancy") is the quality of sugarcane molasses that possesses a good color; that possesses a good flavor; that is practically free from defects; and that scores not less than 90 points when rated in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" (or "U. S. Choice") is the quality of sugarcane molasses that possesses a reasonably good color; that possesses a reasonably good flavor; that is reasonably free from defects; and that scores not less than 80 points when rated in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C" (or "U. S. Standard") is the quality of sugarcane molasses that possesses a fairly good color; that possesses a fairly good flavor; that is fairly free from defects; and that scores not less than 70 points when rated in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of sugarcane molasses that fails to meet the requirements of U. S. Grade C.

FILL OF CONTAINER

§ 52.3653 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the product since fill of container, as such, is not a factor of quality for the purpose of the grades in this subpart. It is recommended that each container be filled with molasses as full as practicable.

FACTORS OF QUALITY

§ 52.3654 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) Factors not rated by score points:
(i) Brix solids.
(ii) Total sugar.
(iii) Ash.
(iv) Total sulfites.

(2) Factors rated by score points: The relative importahce of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
Color	40
Flavor	40
Defects	20
Total score	100

(3) The recommended minimum Brix solids and total sugar and the recommended maximum ash content and total sulfites for the respective grade of sugarcane molasses are given in Table No. 1 of this subpart.

TABLE NO. 1—RECOMMENDED MINIMUM BRIX SOLIDS AND TOTAL SUGAR AND MAXIMUM ASH AND TOTAL SULFITES

Grade designation	Brix solids	Total sugar	Ash	Total sulfites
	Percent	*Percent*	*Percent*	*p. p. m.*
U. S. Grade A	79	68.5	5.00	200
U. S. Grade B	79	61.5	7.00	250
U. S. Grade C	79	58.0	9.00	350
Substandard			Over 9.00	Over 350

§ 52.3655 *Compliance with the recommended minimum Brix solids and total sugar and the maximum ash content.* Compliance with the recommended minimum Brix solids and total sugar and the maximum ash content is determined by averaging the results of the respective determination for all of the containers which are representative of a specific lot. Such lot is considered as meeting the recommendations if:

(a) The average of the respective Brix, sugar, and ash values of all the containers meet the recommendations in Table No. 1 of this subpart for the respective grade;

(b) None of the containers has a Brix or sugar value less than the lower limits nor an ash value more than the upper limits indicated in Table No. 2 of this subpart; and

(c) The number of containers falling within the applicable range indicated in Table No. 2 of this subpart for Brix, sugar, or ash values does not exceed the number of deviants allowable in ascertaining the grade of a lot.

TABLE NO. 2—BRIX SOLIDS, TOTAL SUGAR, AND ASH RANGE

Grade designation	Brix solids	Total sugar	Ash
	(Percent)	*(Percent)*	*(Percent)*
U. S. Grade A.	Less than 79 but not less than 78.5.	Less than 68.5 but not less than 68.0.	More than 5.00 but not more than 5.25.
U. S. Grade B.	...do.....	Less than 61.5 but not less than 61.0.	More than 7.00 but not more than 7.25.
U. S. Grade C.	...do.....	Less than 58.0 but not less than 57.0.	More than 9.00 but not more than 10.0.

§ 52.3656 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.3657 *Color*—(a) *General.* Color has reference to the color of sugarcane molasses when examined by means of the U. S. D. A. permanent glass color standards for sugarcane molasses. Information regarding these color standards may be obtained by writing to the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, U. S. Department of Agriculture, Washington 25, D. C.

(b) *(A) classification.* Sugarcane molasses that possesses a good color may be given a score of 36 to 40 points. "Good

color" means that the color is bright and typical of molasses properly prepared and processed from sound, well matured sugarcane, and is equal to or lighter in color than U. S. D. A. permanent glass color standard No. 1 for sugarcane molasses.

(c) (*B*) *classification.* If the sugarcane molasses possesses a reasonably good color, a score of 32 to 35 points may be given. Sugarcane molasses that falls into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the color is reasonably bright and is equal to or lighter in color than U. S. D. A. permanent glass color standard No. 2 for sugarcane molasses.

(d) (*C*) *classification.* Sugarcane molasses that possesses a fairly good color may be given a score of 28 to 31 points. Sugarcane molasses that falls into this classification shall not be graded above U. S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the color is equal to or lighter in color than U. S. D. A. permanent glass color standard No. 3 for sugarcane molasses.

(e) (*SStd.*) *classification.* Sugarcane molasses that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3658 *Flavor*—(a) *General.* The factor of flavor refers to the palatability of the sugarcane molasses.

(b) (*A*) *classification.* Sugarcane molasses that possesses a good flavor may be given a score of 36 to 40 points. "Good flavor" means that the product possesses a good, characteristic flavor and is free from objectionable flavors, including but not limited to objectionable flavors caused by scorching or fermentation or the presence of any foreign or disagreeable flavor or odor.

(c) (*B*) *classification.* If the sugarcane molasses possesses a reasonably good flavor, a score of 32 to 35 points may be given. Sugarcane molasses that falls into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means that the product possesses a reasonably good, characteristic flavor and is free from objectionable flavors, including but not limited to objectionable flavors caused by scorching or fermentation or by the presence of any foreign or disagreeable flavor or odor.

(d) (*C*) *classification.* Sugarcane molasses that possesses a fairly good flavor may be given a score of 28 to 31 points. Sugarcane molasses that falls into this classification shall not be graded above U. S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the product possesses a fairly good flavor and is free from objectionable flavors, including but not limited to objectionable flavors caused by scorching or fermentation or the presence of any foreign or disagreeable flavor or odor.

(e) (*SStd.*) *classification.* Sugarcane molasses that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3659 *Defects*—(a) *General.* Defects refers to the cleanliness of the product and the degree of freedom from harmless extraneous material.

(b) (*A*) *classification.* Sugarcane molasses that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that the appearance and edibility of the product are not affected by the presence of harmless extraneous material which may be in suspension or deposited as sediment in the container.

(c) (*B*) *classification.* If the sugarcane molasses is reasonably free from defects, a score of 16 or 17 points may be given. Sugarcane molasses that falls into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the appearance and edibility of the product are not materially affected by the presence of harmless extraneous material which may be in suspension or deposited as sediment in the container.

(d) (*C*) *classification.* Sugarcane molasses that is fairly free from defects may be given a score of 14 or 15 points. Sugarcane molasses that falls into this classification shall not be graded above U. S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the appearance and edibility of the product are not seriously affected by the presence of harmless extraneous material which may be in suspension or deposited as sediment in the container.

(e) (*SStd.*) *classification.* Sugarcane molasses that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

DEFINITIONS AND METHODS OF ANALYSIS

§ 52.3660 *Color of sugarcane molasses.* (a) The color classification of sugarcane molasses is determined by means of the U. S. D. A. permanent glass color standards for sugarcane molasses as outlined in this subpart.

(b) Partially crystallized sugarcane molasses is liquefied by heating to approximately 54.4° C. (130° F.) and cooled to approximately 20° C. (68° F.) before ascertaining the color of the molasses by means of the U. S. D. A. permanent glass color standards for sugarcane molasses.

§ 52.3661 *Application of U. S. D. A. permanent glass color standards in classifying the color of sugarcane molasses.*—(a) *Sample containers.* The sample containers for use in making the visual color determination, as set forth in this subpart, are cells of colorless optical glass or plastic having an internal width of 0.100 inch with outside dimensions of approximately $1\frac{7}{16}$ inches by $3\frac{1}{2}$ inches.

(b) *Comparator; viewing box.* The comparator or viewing box for the entire color range in the visual comparison test is divided into five compartments. Each compartment is provided with openings approximately $1\frac{3}{16}$ inches square in the two parallel sides. The U. S. D. A. permanent glass color standards are mounted in a fixed position in the front openings of compartments 1, 3, and 5 of the comparator, compartments 2 and 4 being adapted to receive the sample containers.

(c) *Cloudy suspensions.* Three cloudy suspensions are required. These are referred to as "Cloudy A," "Cloudy B," and "Cloudy C," corresponding to varying degrees of cloudiness in sugarcane molasses. The cloudy suspensions are contained in capped square bottles of colorless, transparent glass having an internal width at the center of 3.15 centimeters (1.24 inches), with outside base dimensions of approximately $1\frac{7}{16}$ inches by $1\frac{7}{16}$ inches, having a capacity of two fluid ounces.

(d) *Visual comparison test.* The color of a sample of sugarcane molasses is compared with the U. S. D. A. permanent glass color standards in the following manner to determine its color classification:

(1) Place the sample of sugarcane molasses in a clean, dry sample container.

(2) Place the container filled with the sample successively in compartments 2 and 4 of the comparator and visually compare the color of the sample with that of each of the glass color standards by looking through them at a diffuse source of natural or artificial daylight.

(3) If the sample is appreciably cloudy in appearance, place a suspension of comparable cloudiness (cloudy A, cloudy B, or cloudy C) behind the permanent glass color standard to facilitate color classification.

§ 52.3662 *Brix solids.* Brix solids means the solids content of sugarcane molasses or the Brix value as determined by the double dilution method by means of a Brix hydrometer corrected to 20° C. (68° F.).

§ 52.3663 *Ash.* Percent ash means the ash content of sugarcane molasses determined as sulfated ash as outlined in the Official Methods of Analysis of the Association of Official Agricultural Chemists.

§ 52.3664 *Sulfur dioxide, p. p. m.* Sulfur dioxide, p. p. m., means the total sulfites determined by the Monier-Williams method calculated as parts per million of sulfur dioxide (SO_2).

§ 52.3665 *Reducing sugars.* The percent of reducing sugars is determined by the Lane-Eynon volumetric method for reducing sugars.

§ 52.3666 *Sucrose.* The percent of sucrose is determined by the Clerget or double polarization method, using invertase as the inverting agent.

§ 52.3667 *Total sugar.* The percent of total sugar is the sum of the percent of reducing sugars and the percent of sucrose.

§ 52.3668 *Methods of analysis.* The analyses indicated in this subpart shall be made in accordance with methods of analysis given in Official Methods of Analysis of the Association of Official Agricultural Chemists or by any other means which give equivalent results.

LOT INSPECTION AND CERTIFICATION

§ 52.3669 *Ascertaining the grade of a lot.* The grade of a lot of sugarcane molasses covered by the standards in this subpart is determined by the procedures set forth in the regulations governing inspection and certification of processed fruits and vegetables and processed products thereof and certain other processed products (§§ 52.1 to 52.87; 22 F. R. 3535).

SCORE SHEET

§ 52.3670 *Score sheet for sugarcane molasses.*

Size and kind of container	
Container mark or identification	
Label	
Vacuum (inches)	
Volume (liquid measure)	
USDA Color	
Brix solids, percent	
Reducing sugars, percent	
Sucrose, percent	
Total sugar, percent	
Ash, percent	
SO_2, p. p. m.	

Factors		Score points	
Color	40	(A)	36-40
		(B)	1 32-35
		(C)	1 28-31
		(SStd.)	1 0-27
Flavor	40	(A)	36-40
		(B)	1 32-35
		(C)	1 28-31
		(SStd.)	1 0-27
Defects	20	(A)	18-20
		(B)	1 16-17
		(C)	1 14-15
		(SStd.)	1 0-13
Total score	100		
Grade			

1 Indicates limiting rule.

Dated: August 29, 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-7141; Filed, Sept. 3, 1958; 8:54 a. m.]

[7 CFR Part 990]

[Docket No. AO-302]

HANDLING OF MILK IN SOUTHEASTERN NEW ENGLAND MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed marketing agreement and order regulating the handling of milk in the Southeastern New England marketing area, which was issued August 15, 1958 (23 F. R. 6465; F. R. Doc. 58-6755), is hereby further extended to September 19, 1958.

Dated: August 29, 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 58-7140; Filed, Sept. 3, 1958; 8:54 a. m.]

Commodity Stabilization Service

[7 CFR Part 728]

WHEAT MARKETING QUOTA REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1335, 1373, 1375), the Secretary of Agriculture is preparing to amend regulations governing the provision in the wheat marketing quota regulations relative to § 728.879 (b). It is proposed that for the 1959 and subsequent crops that with respect to storage of farm marketing excess, the substitution of any stored excess wheat of a previous crop by wheat of a current crop will not be permitted.

Prior to issuing the regulations, consideration will be given to data, views and recommendations pertaining thereto which are submitted to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 28th day of August, 1958.

[SEAL] CLARENCE L. MILLER,
Acting Administrator.

[F. R. Doc. 58-7144; Filed, Sept. 3, 1958; 8:55 a. m.]

[7 CFR Part 730]

RICE

NOTICE OF FORMULATION OF PRODUCER AND FARM ACREAGE ALLOTMENT REGULATIONS FOR 1959 AND SUBSEQUENT CROP YEARS

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1352, 1353, 1354, 1377), the Secretary is preparing to formulate and issue regulations for the establishment of producer and farm acreage allotments for the 1959 and subsequent crops of rice.

It is expected that the regulations referred to herein will be issued on a continuing basis and will be substantially the same as the regulations pertaining to producer and farm acreage allotments and normal yields for the 1958 crop of rice (22 F. R. 8477), and amendments thereto, except (1) changes which are necessary for further clarification; (2) omission of provisions for establishing normal yields, which are included in the rice marketing quota regulations for 1958 and subsequent crop years (23 F. R. 2897); and (3) changes which are necessary to incorporate the provisions of Public Law 85-443, approved June 4, 1958, which provides that the Secretary may determine that a State may be divided into two administrative areas to be designated "producer administrative area" and "farm administrative area," respectively, which areas shall be separated by a natural barrier which would prevent each from being readily accessible to rice producers in one area for producing rice in the other area, and each such area shall be composed of whole counties. The law provides that the part of the State acreage allotment apportioned to the producer administrative area shall be apportioned on the basis of the past production of rice by producers, and county allotments in the farm producer area shall be apportioned on the basis of the past production of rice on farms.

Because of the interest engendered as a result of the enactment of Public Law 85-443, a hearing will be conducted beginning promptly at 10:30 a. m. on September 18, 1958, in the Agricultural Auditorium, Rapides County (Parish) Courthouse, on Murray Street, in Alexandria, Louisiana, in order that interested persons may have an opportunity to express their views on the establishment of administrative areas within the State of Louisiana, and on any change in the regulations for establishing allotments for the 1958 crop of rice which may be necessary or desirable in the event administrative areas are established for 1959 in the State.

Prior to the issuance of the regulations referred to herein, and in addition to views expressed at the hearing, any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., will be given consideration, provided that such submissions are postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Issued this 28th day of August 1958.

[SEAL] CLARENCE L. MILLER,
Acting Administrator.

[F. R. Doc. 58-7145; Filed, Sept. 3, 1958; 8:55 a. m.]

NOTICES

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U. S. C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from April 16, 1958, to July 15, 1958, inclusive.

These lists are supplementary to the lists of licensed establishments and products in effect on April 15, 1958, and published on July 19, 1958, in 23 F. R. 5512.

ESTABLISHMENT LICENSES ISSUED

Establishment	License No.	Date
Community Blood Bank of the Kansas City Area, Inc., Kansas City, Mo.	302	4-25-58
Delta Biochemicals, Inc., San Antonio, Tex.	303	5-2-58
Lane County Blood Bank, Eugene, Oreg.	304	5-20-58
J. K. and Susie L. Wadley Research Institute and Blood Bank, Dallas, Tex.	167	5-29-58
Interstate Blood Bank, Inc. of Chicago, Ill., Chicago, Ill.	305	6-11-58
Potter County Memorial Blood Center, Inc., Amarillo, Tex.	246	6-25-58

PRODUCT LICENSES ISSUED

Product	Establishment	License No.	Date
Bacterial Vaccine made from Gonococcus.	Hollister-Stier Laboratories.	91	4-24-58
Bacterial Vaccine made from Streptococcus.	do		4-24-58
Citrated Whole Blood (Human).	Community Blood Bank of the Kansas City Area, Inc.	302	4-25-58
Antihemophilic Plasma (Human).	Michael Reese Research Foundation.	113	4-29-58
Anti-Human Serum.	Delta Biochemicals, Inc.	303	5-2-58
Absorbed Anti-A Serum.	Blood Grouping Laboratory of Boston, Inc.	159	5-20-58
Anti-Fy^a Serum (Anti-Duffy).	do		5-20-58
Citrated Whole Blood (Human).	Lane County Blood Bank.	304	5-20-58
Anti-Rh Typing Serum, Anti-hr Typing Serum (Anti-e).	Hyland Laboratories.	140	6-10-58
Citrated Whole Blood (Human).	Interstate Blood Bank, Inc. of Chicago, Illinois.	305	6-11-58
Anti-A Blood Grouping Serum.	Hospital University of Pennsylvania Blood Bank.	289	7-10-58
Anti-B Blood Grouping Serum.	do		7-10-58
Anti-A,B Blood Grouping Serum.	do		7-10-58
Anti-Human Serum.	do		7-10-58
Packed Red Blood Cells (Human).	Tacoma-Pierce County Blood Bank.	202	7-10-58
Single Donor Plasma (Human).	do		7-10-58
Fibrinolysin (Human).	Ortho Pharmaceutical Corporation.	156	7-14-58
Normal Serum Albumin (Human).	Connaught Medical Research Laboratories.	73	7-14-58

ESTABLISHMENT LICENSES REVOKED

Establishment	License No.	Date
J. K. and Susie L. Wadley Research Institute and Blood Center	167	5-29-58
Potter County Memorial Blood Center	246	6-25-58

PRODUCT LICENSES REVOKED

Product	Establishment	License No.	Date
Bacterial Antigen made from Streptococcus.	Rogatol Pharmaceutical Co.	177	4-16-58
Bacterial Vaccine made from Paratyphoid Bacillus A.	Bureau of Biologic Products, Division of Laboratories, Illinois Department of Public Health.	120	5-20-58
Bacterial Vaccine made from Paratyphoid Bacillus B.	do		5-20-58
Bacterial Vaccine made from Typhoid Bacillus.	do		5-20-58
Schick Test Control.	do		5-20-58
Rabies Vaccine	Wyeth Laboratories, Inc.	144	5-22-58

Approved: August 8, 1958.

[SEAL] RODERICK MURRAY, M. D.
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, U. S. Department of Health, Education, and Welfare.

Approved: August 20, 1958.

MARY REGAN ROSS,
Acting Assistant to the Surgeon General for Information, Public Health Service, U. S. Department of Health, Education, and Welfare.

[F. R. Doc. 58-7121; Filed, Sept. 3, 1958; 8:50 a. m.]

Social Security Administration

PAYMENT OF OLD-AGE, SURVIVOR, AND DISABILITY INSURANCE BENEFITS

TREATY OBLIGATIONS OF UNITED STATES

Section 202 (t) (1) of the Social Security Act (42 U. S. C. 402 (t) (1)) provides that, notwithstanding any other provision of title II of the act, no monthly benefits shall be paid under said title to any individual not a citizen or national of the United States for any month after the sixth consecutive month during all of which the Secretary of Health, Education, and Welfare, finds such individual is outside the United States and prior to the first month thereafter for all of which such individual has been in the United States.

Section 202 (t) (3) of the Act (42 U. S. C. 402 (t) (3)) provides that section 202 (t) (1) shall not apply in any case in which its application would be contrary to any treaty obligation of the United States in effect on August 1, 1956.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered treaties entered into between the United States and foreign countries together with information presented by the Department of State with respect to such treaties; and on the basis of such treaties and information the Commissioner of Social Security hereby finds and determines as follows:

1. That the Treaties of Friendship, Commerce, and Navigation now in force between the United States, on the one hand, and the Federal Republic of Germany, Greece, the Republic of Ireland, Israel, Italy, Japan, and Nicaragua, respectively, on the other, created treaty obligations in effect on August 1, 1956, precluding the application of section 202 (t) (1) of the Act to citizens of such countries;

2. That the Treaty of Friendship, Commerce, and Navigation now in force between the United States and the Kingdom of the Netherlands created treaty obligations in effect on August 1, 1956, precluding the application of section 202 (t) (1) of the Act to citizens of such country with respect to survivors benefits only;

3. That there was no treaty obligation in effect on August 1, 1956, that would preclude the application of section 202 (t) (1) of the Act to citizens of any country other than those listed above.

[SEAL] W. L. MITCHELL,
Acting Commissioner of Social Security.

Approved: August 26, 1958.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 58-7122; Filed, Sept. 3, 1958; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order 169-58]

DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION AND COMMISSIONER OF IMMIGRATION AND NATURALIZATION

DELEGATION OF AUTHORITY TO MAKE CERTAIN CERTIFICATES

By virtue of the authority vested in me by section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261; 3 CFR, 1950 Supp., p. 164), I hereby delegate to the Director of the Federal Bureau of Investigation and the Commissioner of Immigration and Naturalization the authority vested in the Attorney General by sections 5 and 6, respectively, of the act of July 28, 1950, 64 Stat. 380 (5 U. S. C. 341c and 341d), to make certificates with respect to expenses of unforeseen emergencies of a confidential character: *Provided*, That each such certificate made by the Director of the Federal Bureau of Investigation or by the Commissioner of Immigration and Naturalization shall be approved by the Attorney General.

Dated: August 25, 1958.

WILLIAM P. ROGERS,
Attorney General.

[F. R. Doc. 58-7131; Filed, Sept. 3, 1958; 8:53 a. m.]

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

MISCELLANEOUS AMENDMENTS

Federal Register Document 58-4353, appearing on pages 4010 to 4018, inclusive, of the issue for June 7, 1958, as amended (23 F. R. 5278-5281), is further amended as follows:

a. Amend section 821.7, Judicial Officer, to read as follows:

821.7—JUDICIAL OFFICER

1. Amend section 821.7, Judicial Officer, the Postmaster General, who acts for the Postmaster General in the performance of quasi-judicial functions having delegated authority from the Postmaster General to—

(1) Execute final departmental decisions and orders in administrative proceedings arising from alleged violation of postal laws and disputes over second-class permits conducted in accordance with the rules of practice and procedures of the Department; and modify, suspend, or rescind any action heretofore taken or hereafter taken pursuant to a delegation of authority.

(2) Preside at the reception of evidence in proceedings where expedited hearings are requested by either party or provided in Rules of Practice.

(3) Revise or amend the Post Office Department Rules of Practice for administrative hearings.

b. Decisions and orders of the Judicial Officer made under the delegated authority are the final departmental action from which there is no further administrative remedy or appeal. The Judicial Officer does not supervise or exercise control over any officer, employee or organization in the Post Office Department except as provided in 821.7 (c). He is responsible only to the Postmaster General and the Deputy Postmaster General. The Office of the General Counsel and the Bureau of the Chief Postal Inspector do not participate in or advise as to the decisions of the Judicial Officer in any proceeding. The Judicial Officer may refer any proceeding to either the Postmaster General or the Deputy Postmaster General for final decision.

c. Exercises administrative supervision over the Division of Hearing Examiners and the Docket Clerk but does not direct or participate in the Initial Decision of the Hearing Examiner in any proceeding.

2. Amend section 821.8, Division of Hearing Examiners, to read as follows:

821.8—DIVISION OF HEARING EXAMINERS

a. Hearing examiners are appointed and qualified in the manner prescribed by law (5 U. S. C. 1010). They preside at administrative hearings in cases involving alleged violations of postal laws or conflicts arising over second-class mail permits.

b. Examiners prepare initial decisions in those cases which become final departmental decisions, unless an appeal is taken to the Judicial Officer.

c. The Division of Hearing Examiners and the Docket Clerk are under the jurisdiction of the Judicial Officer for administrative supervision in the same manner as are Hearing Examiners assigned to independent regulatory commissions.

3. Amend paragraph a of section 822.2, General Counsel, to read as follows:

a. Serves as legal adviser to the Postmaster General, the Deputy Postmaster General, and the entire Postal Establishment with respect to legal interpretations and opinions; drafting or approving legal documents; and conduct of administrative hearings before regulatory agencies of the Federal Government and court proceedings on behalf of the Department. He does not advise or consult with the Judicial Officer or the Hearing Examiners with respect to their performance of the duties and functions assigned to them under sections 821.7 and 821.8 except in the disposition of ex parte matters as authorized by law, nor does he participate in the decisions of the Judicial Officer or Hearing Examiners.

(R. S. 161, as amended, 396, as amended; sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

LEO G. KNOLL,
Acting General Counsel.

The foregoing amendments to the Department's Organization are hereby adopted.

[SEAL] E. O. SESSIONS,
Acting Postmaster General.

[F. R. Doc. 58-7190; Filed Sept. 3, 1958; 9:32 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSOURI

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Missouri a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSOURI

Caldwell.	Livingston.
Camden.	Miller.
Charlton.	Montgomery.
Cedar.	Ralls.
Cole.	Randolph.
Dade.	St. Clair.
Linn.	Vernon.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1959, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 29th day of August 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-7124; Filed, Sept. 3, 1958; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

FEDERAL HIGHWAY ADMINISTRATOR

AMENDED DELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CERTAIN CONTRACTS FOR SERVICES IN CONNECTION WITH BUREAU OF PUBLIC ROADS PROGRAMS

This material supersedes the materials on the same subject dated September 27, 1957 (22 F. R. 8071 of October 10, 1957) and October 9, 1956 (21 F. R. 8090 of October 20, 1956).

Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950 and in accordance with delegations from the Administrator, General Services Administration to the Secretary of Commerce, on the above subject, the Federal Highway Administrator is hereby authorized to negotiate, without advertising, under sections 302 (c) (4) and (9) of the Federal Property and Administrative Services Act of 1949, as amended, contracts for professional engineering and accounting services and contracts with qualified individuals, or firms, for appraisal services deemed necessary by the Bureau of Public Roads in the administration of the accelerated highway program.

The authority delegated herein, which expires at the close of business on June 30, 1959, shall be exercised in accordance with applicable limitations and requirements of the Federal Property and Administrative Services Act of 1949, as amended, particularly Sections 304 and 307 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

The authority delegated herein may be redelegated to such officers or employees as the Federal Highway Administrator may deem necessary.

Dated: August 26, 1958.

WALTER WILLIAMS,
Acting Secretary of Commerce.

[F. R. Doc. 58-7091; Filed, Sept. 3, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8569 et al.]

NEW YORK AIRWAYS CERTIFICATE RENEWAL CASE

NOTICE OF POSTPONEMENT AND CHANGE OF PLACE OF HEARING

Notice is hereby given that the hearing in the above-entitled proceeding heretofore scheduled to be held on September 15, 1958, at Washington, D. C., is post-

poned until October 6, 1958, at 10:00 a. m. (eastern daylight time) and assigned to be held in Room 705, 45 Broadway, New York City, New York, before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., August 28, 1958.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F. R. Doc. 58-7148; Filed, Sept. 3, 1958; 8:56 a. m.]

[Docket Nos. 8960, 9024]

PACIFIC NORTHWEST-HAWAII RENEWAL CASE

NOTICE OF HEARING

Notice is hereby given that the hearing in the above-entitled proceeding is assigned to begin on October 21, 1958 at 10:00 a. m. (Pacific standard time) in Room 117, Federal Office Building, First Avenue and Madison Street, Seattle, Washington, before Examiner Ferdinand D. Moran for the purpose of receiving the evidence of the civic parties and is to be recessed upon completion thereof for further hearing before the same examiner on November 3, 1958 at 10:00 a. m. (eastern standard time) in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., to receive the evidence of the carrier applicants, Pan American and Northwest Airlines.

Dated at Washington, D. C., August 28, 1958.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F. R. Doc. 58-7147; Filed, Sept. 3, 1958; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-3632 etc.]

KIRBY PETROLEUM CO. AND CONTINENTAL OIL CO.

NOTICE OF APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY, APPLICATIONS TO ABANDON SERVICE, AND DATE OF HEARING

AUGUST 28, 1958.

In the matters of Kirby Petroleum Company, Docket No. G-3632; Continental Oil Company, Docket Nos. G-6589 and G-8657.

Take notice that each of the above designated parties has filed applications for certificates of public convenience and necessity, and/or applications to abandon service pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas or abandonment of service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open to public inspection.

Kirby Petroleum Company (Kirby) filed on September 29, 1954, an application in Docket No. G-3632 for a certificate of public convenience and necessity authorizing the continued sale of natural gas in interstate commerce for resale. The gas was produced from the Mary Hoffman lease in the Hope Field, Lavaca County, Texas and the gas produced was being sold to Tennessee Gas Transmission Company on June 7, 1954. Subsequently, by instrument executed on December 20, 1954, Kirby transferred the properties involved to Continental Oil Company (Continental), who took physical possession of said properties on January 1, 1955 subject to the existing sales contract.

Thereafter, on March 31, 1955, Continental Oil Company filed its application in Docket No. G-8657 for a certificate of public convenience and necessity authorizing Continental to make the sale formerly made by Kirby as described above. Continental adopted Kirby Petroleum Company's FPC Gas Rate Schedule No. 1 as its own, the Commission designating it as Continental Oil Company FPC Gas Rate Schedule No. 121. On October 29, 1956, Continental filed an amendment to its application requesting authority to abandon the service described above, reciting that the one well on the property involved was no longer capable of producing into the pipe line, that no other formation appeared productive and that on August 6, 1956 the well had been plugged and abandoned. Continental interpreted the lease as having expired by virtue of these circumstances.

On October 29, 1956 Continental also filed a notice of termination of its related Rate Schedule No. 121. By letter sent July 30, 1957, Continental was advised that said notice of termination was accepted for filing to be effective upon the date of issuance of abandonment authorization.

On November 30, 1954, Continental filed its application in Docket No. G-6589 for a certificate of public convenience and necessity authorizing the continued sale in interstate commerce for resale of natural gas produced from the Arcadia Guerro, et al., and the Richard King, et al., leases in the Los Indos Field, Hidalgo County, Texas, to Tennessee Gas Transmission Company. Thereafter, on September 15, 1955 Continental filed an amendment to its application requesting authority to abandon this service, reciting that all present producing wells had been plugged and abandoned, no further production was anticipated and that Continental interpreted the leases as having expired by virtue of these circumstances. On September 22, 1955 Continental filed its notice of termination for its related Continental Oil Company FPC Gas Rate Schedule No. 1, which covered such sale of gas from the two leases. By letter sent October 17, 1955, Continental was advised that said notice of termination was accepted for filing to be effective upon the date of issuance of abandonment authorization.

These related matters should be heard on a consolidated record and disposed of as rapidly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 30, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 23, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7132; Filed, Sept. 3, 1958; 8:53 a. m.]

[Docket No. G-6260]

EDWIN M. JONES OIL CO.

NOTICE OF HEARING

AUGUST 28, 1958.

In the matter of Henrietta Yerger Jones, d/b/a Edwin M. Jones Oil Company, Docket No. G-6260.

By notice dated March 2, 1955, the hearing in the above-designated matter was postponed without date, subject to further notice.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure thereunder, a hearing will be held on September 26, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by the application in Docket No. G-6260.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7133; Filed, Sept. 3, 1958; 8:53 a. m.]

[Docket No. G-14230]

CONTINENTAL OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 28, 1958.

Take notice that Continental Oil Company (Applicant), filed an application on January 10, 1958 pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon natural gas service, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon the sale of natural gas to Texas Gas Pipeline Corporation (Texas Gas), from Applicant's East Beaumont Townsite Company lease, located in the North Port Neches Field, Orange County, Texas, which sale was previously authorized on January 28, 1957, in Docket No. G-8601.

Applicant states that the only well on its subject lease was shut-in on November 23, 1956, due to salt water encroachment; that no economic recompletion possibilities were evident and abandonment procedures were completed August 19, 1957 and that it surrendered the lease by a release dated August 28, 1957.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 30, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 22, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7134; Filed, Sept. 3, 1958; 8:53 a. m.]

[Docket No. G-15292]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 28, 1958.

Take notice that Mississippi River Fuel Corporation (Applicant), filed an application on June 13, 1958, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to sell natural gas in interstate commerce to Panhandle Eastern Pipeline Company, for resale from production in the Lerado Field, Reno County, Kansas, pursuant to a gas sales contract dated April 28, 1958.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 30, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 22, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7135; Filed, Sept. 3, 1958; 8:54 a. m.]

[Docket No. G-14842]

SUPERIOR OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 28, 1958.

In the matter of Superior Oil Company (by Operator, Pan American Petroleum Corporation), Docket No. G-14842.

Take notice that Pan American Petroleum Corporation (Operator) (Pan American), filed an application on April 7, 1958, on behalf of Superior Oil Company (non-operator), (Superior), for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

By the application filed herein, Superior seeks authority to sell natural gas in interstate commerce to United Fuel Gas Company for resale from production of its interests in the Shallow Sands Gas Unit, South Pecan Lake Field, Cameron Parish, Louisiana, pursuant to a letter agreement dated December 28, 1956, to which it is a signatory party, dedicating its gas to a basic contract dated May 27, 1952, as amended, between Pan American, seller and United Fuel Gas Company, buyer.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 30, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 22, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7136; Filed, Sept. 3, 1958; 8:54 a. m.]

[Docket No. G-13460]

ANDERSON-PRITCHARD OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 28, 1958.

Take notice that Anderson-Pritchard Oil Corporation (Operator) (Applicant) filed an application on October 16, 1957, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to sell natural gas in interstate commerce to

Southern Union Gathering Company (Gathering Company) produced from its Sadie West #1 well in Blanco-Mesaverde Field, San Juan County, New Mexico.

Applicant's interest in the gas produced from the subject well will be sold pursuant to a gas sales contract dated September 9, 1957, executed by and between Southern Union Gas Company (Gas Company) and Applicant. By instrument executed November 5, 1957 by Gas Company, it assigned the September 9, 1957 contract to Gathering Company.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 30, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure hereinprovided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 22, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7137; Filed, Sept. 3, 1958; 8:54 a. m.]

[Docket No. G-16032 etc.]

JESSE M. BROOKS ET AL.

ORDER FOR HEARINGS, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 27, 1958.

In the matters of Jesse M. Brooks, et al., Docket No. G-16032; R. S. Barnwell, Jr. (Operator), Docket No. G-16037; J. C. Trahan (Operator), et al., Docket No. G-16038; J. S. Rushing, Docket No. G-16045; M. P. O'Meara, et al., Docket No. G-16046; Max Pray (Operator), et al., Docket No. G-16056; H. S. Cole, Jr., et al., Docket No. G-16063.

The proposed changes hereinafter designated, which constitute increases of the rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the persons named above (Respondents). The effective date of the suspensions shall be August 1, 1958 (effective date is the date proposed by Respondents).

On July 31, 1958, Jesse M. Brooks, et al. tendered a Notice of Change, dated July 29, 1958, which was designated as Supplement No. 1 to Brooks' FPC Gas Rate Schedule No. 1. Arkansas Louisiana Gas Company is the purchaser under the schedule.

On July 31, 1958, R. S. Barnwell, Jr. (Operator) tendered a Notice of Change, dated July 29, 1958, which was designated as Supplement No. 2 to Barnwell's FPC Gas Rate Schedule No. 1. Arkansas Louisiana Gas Company is the purchaser under the schedule.

On July 31, 1958, J. C. Trahan (Operator), et al. tendered an undated Notice of Change which was designated as Supplement No. 4 to Trahan's FPC Gas Rate Schedule No. 3. Arkansas Louisiana Gas Company is the purchaser under the schedule.

On July 31, 1958, J. S. Rushing tendered an undated Notice of Change which was designated as Supplement No. 4 to Rushing's FPC Gas Rate Schedule No. 1. Arkansas Louisiana Gas Company is the purchaser under the schedule.

On July 31, 1958, M. P. O'Meara et al. tendered a Notice of Change, dated July 29, 1958, which was designated as Supplement No. 1 to O'Meara's FPC Gas Rate Schedule No. 2. Southern Natural Gas Company is the purchaser under the schedule.

On August 1, 1958, Max Pray (Operator), et al. tendered a Notice of Change, dated July 31, 1958, which was designated as Supplement No. 1 to Pray's FPC Gas Rate Schedule No. 1. Southern Natural Gas Company is the purchaser under the schedule.

On July 29, 1958, H. S. Cole, Jr., et al. tendered an undated Notice of Change, which was designated as Supplement No. 3 to Cole's FPC Gas Rate Schedule, No. 3. Texas Gas Transmission Corporation is the purchaser under the schedule.

The increased rates and charges proposed in each said Notice of Change are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill 303), as approved on July 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refunds in the event of said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until August 2, 1958, and thereafter to permit them to become effective as of that date; provided, that within 20 days from the date of this order each Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refunds as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of each of the said proposed changes, and that the supplements herein designated be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rates be made effective as hereinafter provided and that each Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in each of the supplements to Respondents' FPC Gas Rate Schedules as herein designated.

(B) Pending such hearings and decisions thereon, each of said supplements be and each is hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in each of the aforementioned supplements to Respondents' FPC Gas Rate Schedules shall be effective as of August 2, 1958: *Provided, however,* That within 20 days from the date of this order, each Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Each Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondents herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts and in such manner as may be required by final order of the Commission. Respondents shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondents so elect, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the dates upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, each Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of _____ to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____, in Docket No. G-_____, hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and for said purpose has executed this agreement and undertaking this _____ day of _____

_____

Witness: By _____

_____

Unless a Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, his agreement and undertaking shall be deemed to have been accepted.

(F) Each Respondent who, in conformity with the terms and conditions of paragraph (D) of this order, makes such refunds as may be required by order of the Commission, shall be discharged of his undertaking; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspenison have expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-7098; Filed, Sept. 3, 1958; 8:46 a. m.]

[Docket No. G-16040 etc.]

M. ASCHER ET AL.

ORDER FOR HEARINGS, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 27, 1958.

In the matters of M. Ascher, Docket No. G-16040; Sunray Mid-Continent Oil Company (Operator), et al., Docket No. G-16041; Rycade Oil Corporation, Docket No. G-16047; Austin E. Stewart, et al., Docket No. G-16048.

The proposed changes hereinafter designated, which constitute increases of the rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, were tendered for filing on August 4, 1958, by the persons named above (Respondents). The effective date of the suspensions shall be September 4, 1958 (effective date is the first day after expiration of the required thirty days' notice).

Respondent: M. Ascher.
Description: Notice of Change, dated August 1, 1958.
Purchaser: Hassie Hunt Trust.
Rate schedule designation: Supplement No. 4 to Ascher's FPC Gas Rate Schedule No. 4.

Respondent: Sunray Mid-Continent Oil Company (Operator), et al.
Description: Notice of Change, dated July 29, 1958.
Purchaser; Arkansas Louisiana Gas Company.
Rate schedule designation: Supplement No. 4 to Sunray's FPC Gas Rate Schedule No. 46.

Respondent: Rycade Oil Corporation.
Description: Notice of Change, undated.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 1 to Rycade's FPC Gas Rate Schedule No. 1.

Respondent: Austin E. Stewart, et al.
Description: Notice of Change, undated.
Purchaser: Arkansas Louisiana Gas Company.
Rate schedule designation: Supplement No. 5 to Stewart's FPC Gas Rate Schedule No. 2.

The increased rates and charges proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refunds in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until September 5, 1958, and thereafter to permit them to become effective as of that date: *Provided,* That within 20 days from the date of this order each Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of each of the said proposed changes, and that the supplements herein designated be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondents' proposed increased rates be made effective as hereinafter provided and that each Respondent be required to File an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in each of the supplements to Respondents' FPC Gas Rate Schedules as herein designated.

(B) Pending such hearings and decisions thereon, each of said supplements be and each is hereby suspended and the use thereof deferred until September 5, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in each of the aforementioned supplements to Respondents' FPC Gas Rate Schedules shall be effective as of September 5, 1958: *Provided, however,* That within 20 days from the date of this order, each Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Each Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondents herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts and in such manner as may be required by final order of the Commission. Respondents shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondents so elect, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the dates upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, each Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers

under the rate schedule involved, as follows:

Agreement and Undertaking of _____ to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes.

In conformity with the requirements of the order issued _____, in Docket No. G–_____, hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____

_____
By _____

Attest:

_____
(Secretary)

Unless a Respondent is advised to the contrary 15 days after the date of filing such agreement and undertaking, his agreement and undertaking shall be deemed to have been accepted.

(F) Each Respondent who, in conformity with the terms and conditions of paragraph (D) of this order, makes such refunds as may be required by order of the Commission, shall be discharged of his undertaking: otherwise, it will remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the periods of suspension have expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–7099; Filed, Sept. 3, 1958; 8:46 a. m.]

[Docket No. G–16080]

TIDEWATER OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

AUGUST 27, 1958.

Tidewater Oil Company (Tidewater) on July 29, 1958, tendered for filing proposed changes in its presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 28, 1958.

Purchaser: Texas Illinois Natural Gas Pipeline Company.

Rate schedule designation: Supplement No. 13 to Tidewater's FPC Gas Rate Schedule No. 5. Supplement No. 15 to Tidewater's FPC Gas Rate Schedule No. 18.

Effective date: September 1, 1958 (effective date is the effective date proposed by Tidewater).

In support of the proposed redetermined rate increases, Tidewater states that the contracts were negotiated at arm's length and the increased price is fair, just and reasonable. Tidewater further states that the price to be paid during each of the periods provided in the contracts is an integral part of the total consideration for committing the gas for the 20-year terms of such contracts.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 13 to Tidewater's FPC Gas Rate Schedule No. 5, and Supplement No. 15 to Tidewater's FPC Gas Rate Schedule No. 18, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 13 to Tidewater's FPC Gas Rate Schedule No. 5, and Supplement No. 15 to Tidewater's FPC Gas Rate Schedule No. 18.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until February 1, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–7100; Filed, Sept. 3, 1958; 8:46 a. m.]

[Docket No. G–16082]

KERR-MCGEE OIL INDUSTRIES, INC., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 27, 1958.

Kerr-McGee Oil Industries, Inc. (Operator), et al. (Kerr-McGee), on July 30, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 29, 1958.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: Supplement No. 11 to Kerr-McGee's FPC Gas Rate Schedule No. 19.

Effective date: September 1, 1958 (effective date is the effective date proposed by Kerr-McGee).

In support of the proposed favored-nation rate increase, Kerr-McGee cites the contract favored-nation provision and submits a copy of a letter dated July 23, 1958, from the Southern Natural Gas Company advising that on September 1, 1958, the highest price at which it will purchase gas in the Breton Island Field, Louisiana, will be 20.25¢ per Mcf. Kerr-McGee also states that the contract was negotiated in good faith at arm's length, the increased price is just and reasonable and is designed to compensate seller for developing, drilling, equipping and operating the leases and provides for a fair rate of return on investment.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 11 to Kerr-McGee's FPC Gas Rate Schedule No. 19 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 11 to Kerr-McGee's FPC Gas Rate Schedule No. 19.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–7101; Filed, Sept. 3, 1958; 8:46 a. m.]

[Docket No. G–16083]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 27, 1958.

Phillips Petroleum Company (Phillips) on July 31, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 29, 1958.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: Supplement No. 11 to Phillips' FPC Gas Rate Schedule No. 219.

Effective date: September 1, 1958 (effective date is the effective date proposed by Phillips).

In support of the proposed favored-nation rate increase, Phillips cites the contract favored-nation provision and submits a copy of a letter dated July 23, 1958, from the Southern Natural Gas Company advising that on September 1, 1958, the highest price at which it will purchase gas in the Breton Island Field, Louisiana, will be 20.25¢ per Mcf. Phillips states that the increased price is not unjust nor unreasonable, that producers are entitled to rates which produce fair returns on investment and to allow less would be confiscatory. Phillips also states that the proposed rate compares favorably with other prices in the area and cites initial rates for other sales in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 11 to Phillips' FPC Gas Rate Schedule No. 219 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 11 to Phillips' FPC Gas Rate Schedule No. 219.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–7102; Filed, Sept. 3, 1958; 8:47 a. m.]

[Docket No. G–16084]

BRACKEN OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 27, 1958.

Bracken Oil Company, (Operator), et al., (Bracken), on August 1, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 27, 1958.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 8 to Bracken's FPC Gas Rate Schedule No. 1.

Effective date: September 1, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed two-step periodic rate increase, Bracken states that it would not have contracted its interests for such an extended term had it not been assured of a sliding scale of prices designed to afford a reasonably uniform net income during such term. Bracken also states that producers' costs increase with time and age of producing property and compression costs mount in geometrical proportion to depletion of reserves.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 8 to Bracken's FPC Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Bracken's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–7103; Filed, Sept. 3, 1958; 8:47 a. m.]

WEIMER AND FITZHUGH

[Docket No. G–16085]

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 27, 1958.

Weimer and Fitzhugh on August 1, 1958, tendered for filing a proposed change in their presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 28, 1958.

Purchaser: Lone Star Gas Company.

Rate schedule designation: Supplement No. 4 to Weimer and Fitzhugh's FPC Gas Rate Schedule No. 1.

[1] Present rates previously suspended and are in effect subject to refund in Docket No. G–12999.

[1] Supplement No. 10 to Kerr-McGee's FPC Gas Rate Schedule No. 19 was suspended for 1 day (until August 2, 1958) in Docket No. G–15668 (Louisiana gathering tax increase).

[1] Supplement No. 10 to Phillips' FPC Gas Rate Schedule No. 219 was suspended for 1 day (until August 2, 1958) in Docket No. G–15596 (Louisiana gathering tax increase).

[1] A previous increase was suspended in Docket No. G–11515 until April 25, 1957, but a motion to place the suspended rate into effect subject to refund was never filed by Bracken.

Effective date: September 1, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Weimer and Fitzhugh submits a copy of a letter from the Lone Star Gas Company notifying that effective July 1, 1958, the price of gas it purchases from properties in Big Mineral Creek Field, Grayson County, Texas, would be increased from 12¢ per Mcf to 14¢ per Mcf. Weimer and Fitzhugh cite the contract provisions and state that denial of the increase would be inequitable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Weimer and Fitzhugh's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Weimer and Fitzhugh's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7104; Filed, Sept. 3, 1958; 8:47 a. m.]

[Docket No. G-16087]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 27, 1958.

Pan American Petroleum Corporation (Pan American) on August 1, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 28, 1958.

Purchaser: Texas Illinois Natural Gas Pipeline Company.

Rate schedule designation: Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 51.

Effective date: September 1, 1958 (effective date is the effective date proposed by Pan American).

In support of the proposed redetermined rate increase, Pan American states that the contract was negotiated at arm's length and the increased price is fair, just and reasonable, and that denial thereof would be inequitable, unfair and confiscatory. Pan American cites inflation, the increased costs of labor and material, increases in drilling costs, and prices under recently negotiated gas sales contracts of other producers in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 51 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 51.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7105; Filed, Sept. 3, 1958; 8:47 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-13063.

[Docket No. G-16088]

PAN AMERICAN PETROLEUM CORP. (OPERATOR) ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 27, 1958.

Pan American Petroleum Corporation, (Operator), et al., (Pan American), on August 1, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 28, 1958.

Purchaser: Texas Illinois Natural Gas Pipeline Company.

Rate schedule designation: Supplement No. 14 to Pan American's FPC Gas Rate Schedule No. 60.

Effective date: September 1, 1958 (effective date is the effective date proposed by Pan American).

In support of the proposed redetermined rate increase, Pan American states that the contract was negotiated at arm's length and the increased price is fair, just and reasonable, and that denial thereof would be inequitable, unfair and confiscatory. Pan American cites inflation, the increased costs of labor and material, increases in drilling costs, and prices under recently negotiated gas sales contracts of other producers in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 14 to Pan American's FPC Gas Rate Schedule No. 60 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 14 to Pan American's FPC Gas Rate Schedule No. 60.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7106; Filed, Sept. 3, 1958; 8:47 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-13064.

[Docket No. G-16089]

GENERAL CRUDE OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 27, 1958.

General Crude Oil Company (General Crude) on August 1, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: West Lake Natural Gasoline Company.

Rate schedule designation: Supplement No. 1 to General Crude's FPC Gas Rate Schedule No. 8.

Effective date: September 1, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, General Crude states that the contract was negotiated at arm's length, the increased price is an integral part of such contract, is not in excess of the going price under similar contracts in the same locale and will, in effect, bring the existing price up to par with similar prices of other producers in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to General Crude's FPC Gas Rate Schedule No. 8 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to General Crude's FPC Gas Rate Schedule No. 8.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7107; Filed, Sept. 3, 1958; 8:47 a. m.]

[Docket No. G-16111]

SOHIO PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

AUGUST 27, 1958.

Sohio Petroleum Company (Sohio), on July 28, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Texas Illinois Natural Gas Pipeline Company.

Rate schedule designation: Supplement No. 6 to Sohio's FPC Gas Rate Schedule No. 19.

Effective date: September 1, 1958 (effective date is the effective date proposed by Sohio).

In support of the proposed periodic rate increase, Sohio submits a copy of a letter from Texas Illinois Natural Gas Pipeline Company notifying Sohio that in accordance with the contract the price for the second five-year period has been redetermined to consist of a base price of 16.99 cents per Mcf plus applicable tax reimbursement (0.1631 cent). Also, in support of the proposed increase Sohio states that the contract provisions were the result of arm's-length bargaining, the proposed price is not in excess of the current commodity value of the gas and is a just and reasonable price.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided in §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7108; Filed, Sept. 3, 1958; 8:48 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11512.

OFFICE OF DEFENSE AND CIVILIAN MOBILIZATION

ASSOCIATE DIRECTOR, ADMINISTRATION

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS

1. Pursuant to the authority vested in me by General Services Administration Delegation of Authority No. 349 from the Administrator, General Services Administration, dated July 30, 1958, authority is hereby delegated to the Associate Director, Administration (Contracting Officer for the Office of Defense and Civilian Mobilization) to negotiate purchases and contracts for supplies and services without advertising under sections 302 (c) (4), (5), (9), (10), (11), and (12) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 252), except the power to make the determinations or decisions specified in paragraphs (11) and (12) of section 302 (c).

2. This authority shall be exercised only with respect to the procurement of those supplies and services which are required in connection with authorized activities, other than administrative programs, conducted by the Office of Defense and Civilian Mobilization.

3. This delegation of authority shall be subject to all limitations and requirements of Title III of the Federal Property and Administrative Services Act of 1949 with respect to negotiated contracts, particularly sections 304, 305 and 307, and shall be exercised in accordance with policies, procedures and controls prescribed by the General Services Administration.

4. The authority herein delegated under section 302 (c) (10) may be exercised only with respect to contracts which will not require expenditure of more than $25,000, and may not be redelegated.

5. Subject to the provisions of section 4 above, the authority herein delegated may be redelegated to a designee of the Associate Director, Administration.

6. The Delegation of Authority, dated July 1, 1958 (23 F. R. 5050) is hereby rescinded.

This delegation shall be effective as of July 1, 1958 and shall expire December 31, 1959.

Dated: July 30, 1958.

LEO A. HOEGH,
Director.

[F. R. Doc. 58-7090; Filed, Sept. 3, 1958; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW-1143]

MISSILE OIL CORP.

ORDER WITHDRAWING REQUEST FOR HEARING AND CANCELLING HEARING

AUGUST 28, 1958.

The Commission by order dated August 12, 1958, having ordered that a hearing in the above-entitled matter, pursuant to section 3 (b) of the Securities Act of 1933, as amended, and Rule 261 thereunder, commence on September 4, 1958, at 10:00 a. m., at the San Francisco Regional Office of the Commission, Pacific Building, 821 Market Street, San Francisco 3, California, and

The Company having requested a withdrawal of its request for a hearing and the Division of Corporation Finance not objecting thereto;

It is ordered, That the request for hearing be and it hereby is deemed withdrawn.

It is further ordered, That the order dated August 12, 1958, scheduling a hearing for September 4, 1958, be and it hereby is rescinded.

Pursuant to the provisions of Rule 261 (b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of securities by the Company becomes permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-7115; Filed, Sept. 3, 1958; 8:49 a. m.]

[File No. 24FW-1084]

MASTEX OIL CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

AUGUST 28, 1958.

I. Mastex Oil Corp. ("Mastex"), a Massachusetts corporation, 473 Dwight Street, Holyoke, Massachusetts, filed with the Commission on March 1, 1957, a notification on Form 1-A and an offering circular relating to an offering of 9,500 shares of its no par value common capital stock at $15.00 per share for an aggregate of $142,500.00, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that no exemption is available under Regulation A for the securities purported to be offered thereunder by Mastex in that John J. Broderick, president, director and promoter of Mastex was permanently enjoined on June 24, 1958, by the Supreme Court, New York County, from engaging in securities transactions within the State of New York.

III. It is ordered, pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Mastex Oil Corp. and to any persons having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-7116; Filed, Sept. 3, 1958; 8:49 a. m.]

[File No. 70-3719]

COLUMBIA GULF TRANSMISSION CO. AND COLUMBIA GAS SYSTEM, INC.

NOTICE OF FILING AND ORDER FOR HEARING WITH RESPECT TO ACQUISITION OF PIPELINE FACILITIES AND RELATED TRANSACTIONS

AUGUST 26, 1958.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Columbia Gulf Transmission Company ("Pipeline"), a newly organized Delaware Corporation with an authorized capital stock of 6,000,000 shares of common stock, par value $25 per share, none of which has yet been issued, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 (a), 7, 9 (a), 10, 12 (d), 12 (f), and 12 (g) thereof, and Rules 43 and 50 thereunder as applicable to the proposed transactions, by which Pipeline will acquire the facilities of Gulf Interstate Gas Company ("Gulf Interstate"), until recently a non-affiliate natural gas pipeline company.

The Columbia holding company system consists of Columbia, 14 operating subsidiaries, and a subsidiary service company. The operating subsidiaries are engaged in the production, purchase, storage, transmission and distribution of natural gas. Certain subsidiaries also produce and sell gasoline and other hydrocarbons, and one subsidiary produces and sells oil. Natural gas is distributed at retail by the system in the States of Ohio, Pennsylvania, West Virginia, Kentucky, New York, Maryland, and Virginia. In addition, the system sells natural gas for resale to associate and non-associate public-utility companies, to a non-affiliate pipeline company, and to municipalities. The consolidated net plant of the system at April 30, 1958, was approximately $718,000,000, and the consolidated gross operating revenues for the twelve months ended April 30, 1958, were approximately $405,000,000.

United Fuel Gas Company ("United Fuel"), one of Columbia's subsidiaries, is the principal supplier of gas for the system. Within recent years United Fuel has had to obtain an increasing part of its gas supply from southern Louisiana and the southwest. In 1953 it entered into a 20-year contract with Gulf Interstate whereby the latter built and now operates a pipeline which transports the natural gas purchased by United Fuel in Louisiana to a point in West Virginia near the Kentucky line where the gas is redelivered to United Fuel for storage and distribution throughout Columbia's gas service area.

The Gulf Interstate pipeline, completed in 1954, consists of a main line 30 inches in diameter and 845 miles long, with about 389 miles of gathering lines. As of April 30, 1958, Gulf Interstate had net gas plant of about $151,000,000 and it is expected that this figure will be increased by about $50,000,000 during the current year. It now has outstanding $83,000,000 principal amount of first mortgage bonds, which amount may be increased to $143,300,000 by December

1958; $13,792,100 aggregate par value of 6 percent cumulative preferred stock; $17,300,000 par value of 5¾ percent cumulative preferred stock; and 3,880,100 shares of common stock, including 200 treasury shares and 34,965 shares reserved under employees' options, with an aggregate par value of $19,400,500. Columbia now holds the $17,300,000 par value of 5¾ percent cumulative preferred stock, and 225,000 shares of the common stock, of Gulf Interstate.

In connection with the proposed transactions, Gulf Interstate will issue and sell to one or more underwriters $14,000,000 aggregate par value of a new series of preferred stock and will use the proceeds from such sale to redeem its presently outstanding 6 percent cumulative preferred stock, having an aggregate par value of $13,792,100 and a redemption price of $14,204,740. Such underwriters have agreed that, upon the liquidation of Gulf Interstate, they will accept the par amount of such new preferred stock as the liquidation value thereof, payment to be made by the delivery of such number of shares of common stock of Columbia as will have a fair market value, as of the date of closing, equal to $14,000,000.

Pipeline proposes to acquire substantially all of the properties and assets of Gulf Interstate in exchange for (a) the delivery by Pipeline to Gulf Interstate of an estimated 4,818,717 shares of Columbia's common stock, and (b) the assumption by Pipeline of substantially all of Gulf Interstate's liabilities, estimated at $151,740,000. The shares of Columbia's common stock required by Pipeline for delivery to Gulf Interstate will be obtained by Pipeline by the issue and sale by it to Columbia of an estimated 2,271,605 shares of Pipeline's common stock having an aggregate par value of $56,790,120.

The estimated 4,818,717 shares of Columbia's common stock to be delivered by Pipeline to Gulf Interstate will be used by the latter company as follows: (1) 3,079,829 shares will be exchanged for its own 3,880,100 common shares, or on the basis of 0.79375 of a Columbia share for each Gulf Interstate common share; and (2) 1,738,888 shares (estimated) will be exchanged for its own preferred stock, having an aggregate par value of $31,300,000, of which $17,300,000 is owned by Columbia and $14,000,000 will be owned by underwriters.

Upon the transfer to Pipeline of substantially all of the Gulf Interstate properties and assets in consideration of the assumption by Pipeline of Gulf Interstate's liabilities and the delivery to Gulf Interstate of the Columbia common stock, Gulf Interstate will liquidate and dissolve.

The total number of Columbia's common shares to be issued to Gulf Interstate in carrying out the above proposed transactions is, as indicated, estimated to be 4,818,717. Such estimate assumes that the "fair market value" of such stock on the closing date will be $18 per share. Of this number, 1,139,705 shares will be returned to Columbia in exchange for the common and preferred shares of Gulf Interstate which Columbia now holds, and 3,679,012 shares will be distributed to others. At the estimated fair market value of $18 per share, the shares to be distributed to others would have an aggregate value of $66,222,216, which amount plus the $20,000,000 already invested by Columbia in the aforesaid shares of Gulf Interstate would total $86,222,216, or $29,218,096 in excess of the pro forma book value of the net assets being acquired.

As an integral part of the program, Pipeline will issue and sell to Columbia, and Columbia will purchase for cash, 840,000 shares of Pipeline's common stock at its aggregate par value of $21,000,000. Pipeline will use this money, together with treasury cash, to retire such part of the assumed Gulf Interstate indebtedness as may be necessary to bring Pipeline's capital structure into conformity with the requirements of the Indenture covering Columbia's senior debentures.

The consummation of the foregoing proposals is subject to the following conditions, among others: (1) Receipt of the necessary orders from this Commission and from the Federal Power Commission; (2) an opinion of counsel that the transactions will be in compliance with the requirements of Gulf Interstate's mortgage; and (3) receipt of a tax ruling from the Commissioner of Internal Revenue that the proposed transactions may be carried out as a tax-free reorganization.

Columbia requests an exception from the requirements of Rule 50 with respect to the issuance and sale of its common stock.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transactions and that such joint application-declaration should not be granted or permitted to become effective except pursuant to the further order of the Commission:

It is ordered, That a hearing be held on said matter on September 23, 1958 at 10:00 a. m. at the office of the Commission, 425 Second Street, NW., Washington 25, D. C. Any person desiring to be heard in connection with this proceeding shall file with the Secretary of the Commission on or before September 19, 1958 a request relative thereto, as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the joint application-declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the acquisition by Pipeline of the assets of Gulf Interstate, and the acquisition by Columbia of the common stock proposed to be issued by Pipeline, are detrimental to the carrying out of the provisions of Section 11 of the Act.

(2) Whether the consideration to be paid by Pipeline for the assets of Gulf Interstate, including all fees and expenses, is unreasonable.

(3) Whether the acquisition by Columbia of the common stock of Pipeline, together with the assumption by Pipeline of the liabilities of Gulf Interstate, will unduly complicate the capital structure of the Columbia holding-company system or will be detrimental to the public interest or the interest of investors or consumers or the proper functioning of such holding-company system.

(4) Whether the securities proposed to be issued by Columbia and Pipeline are reasonably adapted to the security structures of Columbia and of Pipeline, respectively, and of other companies in the same holding-company system, and whether such securities are reasonably adapted to the earning power of the declarant.

(5) Whether the assumption by Pipeline of the liabilities of Gulf Interstate constitutes an improper risk for Pipeline.

(6) Whether compliance with the competive bidding requirements of Rule 50 promulgated under the Act with respect to the sale by Pipeline of the common stock of Columbia is not necessary or appropriate in the public interest or for the protection of investors or consumers to assure the maintenance of competitive conditions, the receipt of adequate consideration, or the reasonableness of any fees or commissions to be paid.

(7) Whether the proposed accounting treatment of the several transactions is appropriate and in accordance with the regulations of the Commission.

(8) Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the Act and of the rules and regulations promulgated thereunder.

(9) What, if any, terms and conditions the Commission should prescribe in connection with its order or orders issued hereunder.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F. R. Doc. 58-7117; Filed, Sept. 3, 1958; 8:49 a. m.]

[File No. 812-1169]

ONE WILLIAM STREET FUND, INC.

NOTICE OF FILING OF APPLICATION

AUGUST 26, 1958.

Notice is hereby given that One William Street Fund, Inc. ("William Street").

a registered open-end investment company has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22 (d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Louetta Investment Company ("Louetta").

The amended application contains the following representations:

William Street, a Maryland corporation, is an open-end investment company, whose shares are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of July 31, 1958 the net assets of William Street amounted to $240,673,874, and there were outstanding 20,500,330 shares of stock.

Louetta, a Missouri corporation, is a personal holding company with 10 stockholders and since April 1956, has been engaged in the business of investing and reinvesting its funds. Louetta is exempt from registration under the Act by reason of the provisions of section 3 (c) (1) thereof. Pursuant to an Agreement and Plan of Reorganization ("Agreement") between William Street, Louetta and the latter's stockholders, substantially all of the cash and securities owned by Louetta, with a total value of about $1,230,000 as of July 31, 1958, will be transferred to William Street in exchange for shares of stock of William Street. The number of shares of William Street to be delivered to Louetta will be determined by dividing the net asset value per share of William Street in effect at the close of business on the day preceding the closing date into the value of the Louetta assets to be exchanged. The shares acquired by Louetta are to be distributed immediately to its shareholders who have agreed to take such shares for investment and not for distribution to the public.

The value of the Louetta assets will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of William Street's shares, except that if the percentage of the value of Louetta's portfolio securities representing unrealized appreciation is greater than the percentage of the value of William Street's portfolio securities representing unrealized appreciation, there will be deducted from the value of Louetta's assets 12½ percent of the amount of such excess unrealized appreciation. This adjustment is intended to safeguard the present stockholders of William Street from bearing a greater capital gains tax on the subsequent sale by William Street of the Louetta assets than they would bear on the sale of the securities presently in its portfolio. Since the average capital gains tax rate that would have to be paid by William Street's shareholders cannot be exactly calculated, 12½ percent was arrived at as a fair compromise between 0 and the maximum long term capital gains tax of 25 percent. This premium was deemed adequate protection to the shareholders of William Street since immediate redemption by the Louetta stockholders is not a likely prospect, and the amounts involved are de minimis. As of July 31, 1958, net unrealized appreciation on the Louetta securities amouted to $28,465 or 2.32 percent of the value of all securities held, as compared with net unrealized appreciation of $2,993,876, or 1.24 percent for William Street's portfolio. If the transaction had been consummated on August 1, 1958, Louetta would have received 108,000 shares of stock of William Street representing less than ½ of 1 percent of the total shares outstanding.

The terms of the entire transaction including the adjustment of 12½ percent were arrived at through arm's-length bargaining between the officers of William Street and Louetta. There is no affiliation or relationship of any kind between the officers and directors of William Street and the officers, directors, and stockholders of Louetta. Lehman Brothers, the investment adviser of William Street, has never acted as investment adviser to Louetta.

Section 22 (d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of William Street are to be issued to Louetta at a price other than the public offering price stated in the prospectus, which lists a sales charge of 1 percent for sales of $500,000 or over.

Section 6 (c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 11, 1958 at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N–5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58–7118; Filed, Sept. 3, 1958; 8:50 a. m.]

[File No. 7–1933]

GEORGIA-PACIFIC CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

AUGUST 27, 1958.

In the matter of application by the Pacific Coast Stock Exchange for unlisted trading privileges in Georgia-Pacific Corporation, Common Stock; File No. 7–1933.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X–12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 12, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58–7119; Filed, Sept. 3, 1958; 8:50 a. m.]

TARIFF COMMISSION

DRIED FIGS

REPORT TO PRESIDENT

AUGUST 29, 1958.

The United States Tariff Commission today submitted to the President its fifth periodic report on the developments in the trade in dried figs since the "escape clause" action of August 30, 1952. That action modified the concession granted in the General Agreement on Tariffs and Trade on dried figs classifiable under paragraph 740 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952 (3 CFR, 1952 Supp., p. 105), which order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting the present report, the Commission advised the President that the conditions of competition between imported and domestic dried figs had not

so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in dried figs do not warrant a formal inquiry into the question of whether a reduction in the duty on such figs could be made without resulting in serious injury to the domestic industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U. S. Tariff Commission, 8th and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 58–7120; Filed, Sept. 3, 1958; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 80]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 29, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Special Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub No. 1) (Deviation No. 1), HARPER MOTOR LINES, INC., 213 Long Ave., P. O. Box 781, Elberton, Ga., filed August 18, 1958. Attorney for said carrier, Guy H. Postell, 805 Peachtree Street Bldg., Atlanta 8, Ga. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Atlanta, Ga., and Athens, Ga., as follows: From junction U. S. Highway 78 and the Northeast Expressway at North Avenue, N. E., at Atlanta over the Northeast Expressway to junction Georgia Highway 120, thence over Georgia Highway 120 to junction U. S. Highway 29, thence over U. S. Highway 29 to junction U. S. Highway 78 at Athens and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Atlanta, Ga., and Athens, Ga., over U. S. Highway 78.

No. MC 906 (Deviation No. 1), CONSOLIDATED FORWARDING CO., INC., 1300 N. 10th Street, St. Louis, Mo., filed August 18, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Joplin, Mo., and Tulsa, Okla., as follows: from Joplin over the Will Rogers Turnpike and access routes to Tulsa and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Joplin, Mo., and Tulsa, Okla., over the following pertinent route: From Joplin over Missouri Highway 43 to the Missouri-Oklahoma State line, thence over Oklahoma Highway 10 to Miami, Okla., thence over U. S. Highway 69 to junction U. S. Highway 66, thence over U. S. Highway 66 to Tulsa, Okla.

No. MC 8999 (Deviation No. 1), ZENO FREIGHTWAYS, INC., R. D. #5, Irwin, Pa., filed August 15, 1958. Attorney for said carrier, John A. Vpono, 1211 Berger Building, Pittsburgh 19, Pa. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Akron, Ohio, and Massillon, Ohio, as follows: From Akron over U. S. Highway 21 via Barberton, Ohio to Massillon and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Akron, Ohio, and Massillon, Ohio over U. S. Highway 241.

No. MC 29250 (Deviation No. 2), NEW ENGLAND TRANSPORTATION COMPANY, 402 Congress St., Boston, Mass., filed August 22, 1958. Attorney for said carrier, Carl A. Horne, 54 Meadow Street, New Haven, Conn. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the eastern terminus of the Massachusetts Turnpike (Interchange No. 14) in Weston, Mass., and Interchange No. 1 of the said Turnpike in West Stockbridge, Mass., as follows: From the eastern terminus of the Massachusetts Turnpike over the Massachusetts Turnpike and access routes to Interchange No. 1 of the said Turnpike and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: Between Boston, Mass., and New York, N. Y., as follows: From Boston over Massachusetts Highway 9 to Worcester, Mass., thence over Massachusetts Highway 12 to junction U. S. Highway 20 at Auburn, Mass., thence over U. S. Highway 20 through Sturbridge and Palmer, Mass., to Springfield, Mass., thence over U. S. Highway 5 through Hartford, Conn., to New Haven, Conn., thence over U. S. Highway 1 through Milford, Conn., and Port Chester, N. Y., to New York; and between Springfield, Mass., and Lenox, Mass., as follows: From Springfield over U. S. Highway 20 to Lenox.

No. MC 35320 (Deviation No. 1), T. I. M. E. INCORPORATED, P. O. Box 1120, Lubbock, Tex., filed August 15, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Louisville, Ky., and junction U. S. Highway 31W and the Kentucky Turnpike near Elizabethtown, Ky., as follows: From Louisville over city streets to the Kentucky Turnpike, thence over the Kentucky Turnpike to junction U. S. Highway 31W and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Louisville, Ky., and Elizabethtown, Ky., over the following pertinent route: From Louisville over U. S. Highway 42 to junction U. S. Highway 31W, thence over U. S. Highway 31W to Elizabethtown.

No. MC 114529 (Deviation No. 1), TRAVELERS MOTOR FREIGHT, INC., 42 38th Street, Wheeling, W. Va., filed August 19, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Parkersburg, W. Va., and Wheeling, W. Va., as follows: From Parkersburg over West Virginia Highway 2 to Wheeling and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Parkersburg, W. Va., and Wheeling, W. Va., over the following pertinent route: From Parkersburg over U. S. Highway 50 to Belpre, Ohio, thence over Ohio Highway 7 to Bridgeport, Ohio, thence over U. S. Highway 40 to Wheeling.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 15), THE GREYHOUND CORPORATION (CENTRAL GREYHOUND LINES), 509 6th Avenue North, Minneapolis 5, Minn., filed August 26, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route, between Three Rivers, Mich., and Roseland, Ind., as follows: From Three Rivers over U. S. Highway 131 to White Pigeon, Mich., thence over Michigan Highway 103 to the Michigan-Indiana State line, thence over Indiana Highway 13 to Interchange No. 8 of the Indiana East-West Toll Highway, thence over the East-West Toll Highway and access routes to Roseland and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent routes: From Detroit, Mich., over U. S. Highway 112 to junction Michigan Highway 205, thence over Michigan Highway 205 to Michigan-Indiana State line, thence over Indiana Highway 19 to Elkhart, Ind., thence over U. S. Highway 33 to South Bend, Ind., thence over Indiana Highway 2 to Rolling Prairie, Ind., thence over U. S. Highway 20 to Gary, Ind., and

various routes into Chicago, Ill. (also via aforementioned route to Sturgis, Mich.), thence over Michigan Highway 78 to the Michigan-Indiana State line, thence over Indiana Highway 9 to the Indiana East-West Toll Road, thence over the East-West Toll Road to Chicago, Ill.; and from Detroit over U. S. Highway 12 to Jackson, Mich., thence over Michigan Highway 60 to Niles, Mich., thence over U. S. Highway 31 to Roseland, Ind., thence over the Indiana East-West Toll Highway to Chicago; and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-7128; Filed, Sept. 3, 1958; 8:52 a. m.]

[Notice 232]

MOTOR CARRIER APPLICATIONS

AUGUST 29, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 427 (Sub No. 4), filed August 4, 1958. Applicant: GEORGE NEDDERSEN, doing business as NEDDERSEN TRANSIT, 5259 Morgan Avenue North, Minneapolis 12, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail grocery, fruit and bakery business houses, from Chaska, Minn., to Fargo, N. Dak., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities on return. Applicant is authorized to transport similar commodities, over regular routes, in Minnesota and North Dakota.

NOTE: Any duplication with present authority to be eliminated.

HEARING: October 10, 1958, in Room 926, Metropolitan Building, Second Avenue, South, and Third Street, Minneapolis, Minn., before Joint Board No. 24, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 8681 (Sub No. 67), filed July 3, 1958. Applicant: WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's attorney: Louis E. Smith, Suite 503, 1800 N. Meridian St., Indianapolis 2, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, in secondary movements, in truckaway service (1) between points in California, Colorado, Idaho, Iowa, Nevada, Utah, Washington and Wyoming (except shipments moving from Ames, Clinton and DeWitt, Iowa to points in California, Colorado, Idaho, Washington and Wyoming); (2) from points in Wayne County, Mich., to points in California, Colorado, Idaho, Iowa, Utah, Washington and Wyoming (except from Detroit, Mich., to points in Utah and Nevada and points within 10 miles of Detroit, Mich. to points in Nevada); and *rejected and/or damaged shipments* of the above-described units to shipper for repairing. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 15, 1958, in Room 226, Old Mint Bldg., Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 8989 (Sub No. 173), filed August 8, 1958. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph St., Lansing, Mich. Applicant's attorney: Thomas A. Graham, Suite 1149, 10 S. LaSalle St., Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles, chassis, busses*, and *parts, tools, accessories thereof*, in secondary movements, in truckaway service, from points in New York, New Jersey, Massachusetts, Maryland, Michigan, Illinois and Wisconsin to points in Minnesota, and *damaged, rejected* or *returned shipments* of the above-named commodities on return. Applicant is authorized to perform secondary truckaway service between points in North Dakota, South Dakota, Nebraska, Kansas, Iowa, Oklahoma, Missouri, Arkansas, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, West Virginia, Virginia, Pennsylvania, New York, New Jersey, Rhode Island, Maryland, District of Columbia, Connecticut, Vermont, Massachusetts, New Hampshire and Texas.

HEARING: October 13, 1958, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 17226 (Sub No. 15) (CORRECTION), filed July 30, 1958, published issue of August 20, 1958, at page 6389. Applicant: FRUIT BELT MOTOR SERVICE, INC., 3909 West Harrison St., Chicago 24, Ill. Applicant's attorneys: Eugene L. Cohn, One North LaSalle St., Chicago 2, Ill., and Beverley S. Simms, 1624 Eye St., NW., Washington, D. C. The purpose of this notice is to correctly set forth the commodities proposed to be transported in paragraph (1). Correctly stated (1) should read: *Machinery and parts, materials, and supplies*, used in the manufacture, shipping or operation of refrigerators, freezers, refrigerator-freezers, ice cube makers, air conditioners, and dehumidifiers.

HEARING: Remains as assigned October 17, 1958, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Harold P. Boss.

No. MC 35396 (Sub No. 27), filed August 20, 1958. Applicant: ARNOLD LIGON, doing business as ARNOLD LIGON TRUCK LINE, Madisonville, Ky. Applicant's attorney: Henry McChesney, Jr., 7th Floor McClure Bldg., Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive semi-processed feed material*, in granular form, in hopper-type containers and *empty containers* used in transporting same, between Weldon Springs, Mo., Kevil, Ky., Sargents and Fernald, Ohio, and Oak Ridge, Tenn. Applicant is authorized to conduct operations in Indiana, Kentucky, Illinois, Tennessee, Ohio, Pennsylvania, West Virginia, New York, New Jersey, Michigan, Alabama, Arkansas, Georgia, Mississippi, Louisiana, Minnesota, Connecticut, Massachusetts, Wisconsin, Iowa, Kansas, Missouri, North Carolina and Virginia.

NOTE: Applicant states the authority sought should exclude the duplicating authority held by it in Certificate MC 25396 Sub 24, from Oak Ridge to Fernald.

HEARING: September 29, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Examiner Leo W. Cunningham.

No. MC 38588 (Sub No. 14), filed August 18, 1958. Applicant: ARIZONA-NEVADA EXPRESS, a Corporation, P. O. Box 4306, Phoenix, Ariz. Applicant's attorney: O. Russell Jones, P. O. Box 1437, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Deer Valley Park (located approximately fourteen (14) miles north of Phoenix, Ariz., near Arizona Highway 69), and points within three (3) miles thereof, as off-route points in connection with applicant's authorized regular route operations between Phoenix, Ariz., and Kingman, Ariz. Applicant is authorized to conduct regular and irregular route operations in Arizona and Nevada.

HEARING: September 19, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 41406 (Sub No. 4) (REPUBLICATION), filed April 30, 1958. Applicant: J. ARTIM & SONS, INC., 7105 Kennedy Ave., Hammond, Ind. Applicant's attorney: David Axelrod, 39 South LaSalle St., Chicago 3, Ill. Notice of the filing of the above-numbered form BMC 78 application was originally published in the FEDERAL REGISTER at page 3949 under date of June 5, 1958. That notice did not correctly set forth the proposed operations. The purpose of this republication is to correctly describe the authority sought in the subject proceeding, which is as follows: (1) *Fabricated structural iron or steel and contractors' machinery, tools, equipment, materials and supplies*, from Chicago and points in the Chicago, Ill., Commercial Zone as defined by the Commission in 1 M. C. C. 673, to points in Illinois, Indiana, Ohio, Michigan (upper and lower peninsula), Wis-

consin, Minnesota, Iowa, Missouri, and Kentucky, and (2) *Contractors' machinery, tools, equipment, materials and supplies*, and also *damaged or rejected shipments of fabricated structural iron or steel*, from points in Illinois, Indiana, Ohio, Michigan (upper and lower peninsula), Wisconsin, Minnesota, Iowa, Missouri, and Kentucky, to Chicago and points in the Chicago, Ill., Commercial Zone as defined by the Commission in 1 M. C. C. 673. Any person or persons who may have been prejudiced by failure of the first publication of the notice of filing of the subject application to correctly reflect the authority sought may file a protest in accordance with the Commission's general rules of practice. Those persons who have filed a protest to the application as originally published, or have indicated an interest in the proceeding, need not refile.

NOTE: Applicant's attorney advised in a letter dated August 14, 1958, that the proposed transportation of the commodities in (1) above will be conducted from the plant sites of the American Bridge Division of the United States Steel Corporation, Gary, Ind., and the Midland Structural Steel Division of the Allied Steel Corporation, Hammond, Ind., to construction sites in the above-named states, and also the commodities named in (2) above will be transported from construction sites in the above-named states to the plant sites of the above-named steel corporations.

CONTINUED HEARING: To be assigned at a time and place to be hereafter designated.

No. MC 42487 (Sub No. 371), filed July 28, 1958. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 N. W. Savier Street, Portland, Oreg. Applicant's attorneys: Donald A. Schafer, 1026 Public Service Bldg., Portland 4, Oreg., and Ronald E. Poelman, Consolidated Freightways, Inc., 431 Burgess Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Madison, Wis., and Wells, Nev., from Madison over U. S. Highway 151 to Cedar Rapids, Iowa, thence over U. S. Highway 30 to junction U. S. Highway 30–S at or near Little America, Wyo., thence over U. S. Highway 30–S to junction U. S. Highway 189 at or near Echo, Utah, thence over U. S. Highway 189 to junction U. S. Highway 40 (Kimball Junction), thence over U. S. Highway 40 to Wells, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Arizona, California, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin and Wyoming.

HEARING: October 23, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 50069 (Sub No. 203), filed August 7, 1958. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid or dry commodities* in bulk, in tank vehicles or other specialized vehicles (including hopper trucks), between Joliet, Ill., and points within five miles thereof, on the one hand, and, on the other, points in the United States, including all ports of entry on the International Boundary line between the United States and Canada. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia and Wisconsin.

HEARING: October 8, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 58948 (Sub No. 80), filed August 22, 1958. Applicant: UNION TRANSFER COMPANY, doing business as UNION FREIGHTWAYS, a Corporation, 720 Leavenworth St., Omaha 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities, including Class A and B explosives and commodities requiring special equipment*, but excluding those of unusual value, livestock, household goods as defined by the Commission and commodities in bulk, serving intercontinental ballistics missiles testing and launching sites, access roads thereto and supply points therefor, within a 50-mile radius of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular-route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kansas, Colorado, Minnesota, Missouri, Nebraska, and Wyoming.

HEARING: September 26, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 59310 (Sub No. 48), filed July 31, 1958. Applicant: SPROUT & DAVIS, INC., 2500 Indianapolis Blvd., Whiting, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Bldg., Indianapolis, Ind. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles or other specialized vehicles, including hopper trucks, between Joliet, Ill., and points within five (5) miles thereof, on the one hand, and, on the other, points in the United States, including all Ports of Entry on the boundary between the United States and Canada. Applicant is authorized to conduct operations as a contract carrier in Indiana, Illinois, Missouri, Iowa, Michigan, Wisconsin, Minnesota, Ohio, Kansas, Oklahoma, Nebraska, and Kentucky.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 59310 (Sub No. 46), to determine whether applicant's status is that of a contract or common carrier.

HEARING: October 8, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 61403 (Sub No. 31), filed August 11, 1958. Applicant: ROBINSON TRANSFER MOTOR LINES, INC., Wilcox Drive, Kingsport, Tenn. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank and hopper-type vehicles, (1) between points in Kanawha County, W. Va.; and (2) between points in Kanawha County, W. Va. on the one hand, and, on the other, points in Georgia, Florida, and South Carolina. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 7, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 64932 (Sub No. 245), filed August 6, 1958. Applicant: ROGERS CARTAGE CO., a Corporation, 1934 S. Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machine tool lubricants* used in metal cutting, grinding, drawing, drilling, and broaching operations, in bulk, in tank vehicles, from North Aurora, Ill., to points in New York. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: October 7, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 65525 (Sub No. 11), filed July 31, 1958. Applicant: WHITE BROTHERS TRUCKING CO., a Corporation, Wasco, Ill. Applicant's representative: George S. Mullins, 4704 W. Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete structural members, slabs and shapes*, (1) from Dayton, Ohio, to points in Indiana and Kentucky; (2) from Waukesha, Wis., to points in Illinois; and (3) from Algonquin, Franklin, Hodgkins, Lemont, McCook and Piano, Ill., to points in

Indiana and Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Wisconsin, Iowa, Michigan, Ohio, Kentucky, West Virginia, Pennsylvania, New York, Mississippi, Arkansas, Alabama, Florida, Georgia, Louisiana, Tennessee, Minnesota, and Missouri.

HEARING: October 6, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 87231 (Sub No. 10), filed July 16, 1958. Applicant: BAY & BAY TRANSFER CO., INC., 315 Ninth Ave. North, Minneapolis, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Bldg., Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in tank or hopper vehicles, from Minneapolis and St. Paul, Minn., and points within ten (10) miles of each, to points in Wisconsin and Iowa. Applicant is authorized to conduct operations in Minnesota, Iowa, South Dakota, North Dakota, and Wisconsin.

HEARING: October 9, 1958, in Room 926, Metropolitan Building, Second Avenue, South, and Third Street, Minneapolis, Minn., before Joint Board No. 181, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 89778 (Sub No. 71), filed August 12, 1958. Applicant BAGGETT TRANSPORTATION COMPANY, a Corporation, 2 South 32d Street, Birmingham, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives* and *blasting supplies*, from Springville, Utah, and points within fifteen miles thereof, on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, and Nebraska. Applicant is authorized to conduct operations throughout the United States except Arizona, California, Idaho, Nevada, Oregon, and Washington.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 89778 (Sub No. 69).

HEARING: October 9, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James H. Gaffney.

No. MC 101458 (Sub No. 23), filed August 14, 1958. Applicant: NATIONAL CARTAGE CO., a Corporation, 2850 Sheffield Avenue, Hammond, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Bldg., Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, or other specialized vehicles (including hopper-type vehicles), between Joliet, Ill., and points within five (5) miles thereof, on the one hand, and, on the other, points in the United States, including all ports of entry on the International Boundary line between the United States and Canada. Applicant is authorized to conduct regular and irregular operations in Illinois, Indiana, Michigan, and Wisconsin.

HEARING: October 8, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 109947 (Sub No. 23) filed July 30, 1958. Applicant: WARSAW TRUCKING CO., INC., Warsaw, Indiana. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Bldg., Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough iron or machine castings*, from Warsaw, Ind., to points in Wisconsin, Illinois, New York, Ohio, Pennsylvania, North Carolina and Nebraska; and *rejected or damaged shipments* of rough iron or machine castings, on return. Applicant is authorized to conduct similar operations in Illinois, Indiana, Ohio and Pennsylvania.

NOTE: Applicant states it is agreeable to eliminating any duplicating authority. A proceeding has been instituted under section 212 (c) in No. MC 109947 (Sub No. 22) to determine whether applicant's status is that of a contract or common carrier.

HEARING: October 6, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 110353 (Sub No. 8), filed August 8, 1958. Applicant: GARNET O. NEWTON, R. D. 6, York, Pa. Applicant's attorney: John M. Musselman, State Street Bldg., Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ser–X, sericite, microcite*, and *by-products* thereof and minerals relating thereto, from points in Adams County, Pa., to points in Delaware, New Jersey, Maryland, New York, Ohio and Pennsylvania; and *empty containers* used in transporting the above-described commodities, and *pallets*, on return.

NOTE: Applicant is authorized in Certificates MC 110353 Subs 5 and 6 to transport pyrophyllite, which includes the above origin and destination areas; this application is filed to request a more exacting commodity description. Applicant states that the proposed transportation under the trade name "Ser–X" is the same as for sericite et al.

HEARING: October 3, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 110420 (Sub No. 194), filed August 6, 1958. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place, NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Resins*, in bulk, in tank vehicles, from Browntown, Wis., to points in Minnesota, Iowa, Illinois, Indiana, Ohio, Kentucky, Michigan, Illinois, Texas, Oklahoma, and Wisconsin; (2) *Animal fats, vegetable oils*, and *blends* thereof, in bulk, in tank vehicles, from Waterloo, Iowa, to points in Indiana, Ohio, Kentucky, Michigan, Illinois, Texas, Oklahoma, and Wisconsin; (3) *Liquid sugar*, in bulk, in tank vehicles, from Chicago, Ill., to points in Ohio; (4) *Steepwater*, in bulk, in tank vehicles, from Clinton, Iowa, to Chicago and Hampshire (Kane County), Ill.; (5) *Salts of gluconic acid*, in bulk, in tank vehicles, from Newaygo, Mich., to Kansas City, Mo.; (6) *Spent brewers yeast*, in bulk, in tank vehicles, from Terre Haute, and Fort Wayne, Ind., to Chicago, Ill.; (7) *Tallow*, in bulk, in tank vehicles, from Elburn (Kane County), Ill., to Battle Creek, Mich.; (8) *Vegetable oils, animal fats*, and *blends* thereof, in bulk, in tank vehicles, from Chicago, Ill., to Lititz, Pa., and Charlotte, N. C.; (9) *Liquid cocoa and chocolate coating*, in bulk, in tank vehicles, from Chicago, Ill., to Grand Rapids, Mich., and Kansas City, Mo.; (10) *Tanning extract*, in bulk, in tank vehicles, from Chicago, Ill., to Red Wing, Minn.; (11) *Size, liquid plastic material*, and *synthetic resin*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Minnesota, Illinois, Indiana, Michigan, and Ohio; (12) *Liquid adhesives*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Kentucky, Ohio, Indiana, Minnesota, Iowa, Illinois, Missouri, Michigan, and Tennessee; (13) *Tallow*, in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to Buffalo, N. Y.; (14) *Liquid cocoa butter*, in bulk, in tank vehicles, from Milwaukee, Wis., to Chicago, Ill.; and (15) *Animal fats, vegetable oils*, and *blends* thereof, in bulk, in tank vehicle, from Cudahy, Wis., to points in Ohio and Portland, Maine. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: October 15, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 110988 (Sub No. 52), filed July 28, 1958. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's attorney: Adolph E. Solie, 715 First National Bank Bldg., Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives* and *glues*, liquid, in bulk, in tank vehicles, from Cicero, Ill., to points in Alabama, Arkansas, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

HEARING: October 22, 1958, at Wisconsin Public Service Commission, Madison, Wis., before Examiner Michael B. Driscoll.

No. MC 110988 (Sub No. 53), filed August 18, 1958. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's representative: Adolph E. Solie, 715 First National Bank Bldg., Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid*, in bulk, in tank vehicles, from points in Polk and Hillsborough Counties, Fla., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin. Applicant is authorized to conduct operations in Wisconsin, Illinois, Georgia, Louisiana, Missouri, Oklahoma, Texas, Nebraska, Minnesota, Iowa, Indiana, Michigan, Ohio, Kentucky, Arkansas, Kansas, and Tennessee.

HEARING: October 22, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Michael B. Driscoll.

No. MC 111472 (Sub No. 58), filed August 11, 1958. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Power vehicle-unloading equipment*, from Crown Point, Ind., to points in the United States except to points in Florida, Louisiana, the District of Columbia, and Texas. Applicant is authorized to conduct operations in all states in the United States except Nevada and the District of Columbia.

NOTE: A proceeding has been instituted under section 212 (c) in No. MC 111472 Sub-53 to determine whether applicant's status is that of a contract or common carrier.

HEARING: October 14, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 112713 (Sub No. 77), filed August 25, 1958. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo., Applicant's attorney: John M. Records, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Forest Products Division of Olin Mathieson Chemical Corporation plant located approximately 4 miles southeast of the Junction of U. S. Highways 6 and 66 as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Peoria, Ill. Applicant is authorized to conduct operations in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky, Michigan and Ohio.

HEARING: September 11, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 114714 (Sub No. 3), filed August 11, 1958. Applicant: C. E. LECHLEITNER, Route 2, Siren, Wis. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fencing* (wood slat and wire combined), from Grantsburg and Rice Lake, Wis., to points in Minnesota, Iowa, Nebraska, Illinois, North Dakota and South Dakota. Applicant is authorized to conduct operations in Wisconsin, Minnesota, Iowa, Nebraska, Illinois, North Dakota and South Dakota.

HEARING: October 9, 1958, in Room 926, Metropolitan Bldg., Second Avenue, South, and Third Street, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 114789 (Sub No. 1), filed July 21, 1958. Applicant: NATIONWIDE CARRIERS, INC., 2200 University Avenue, St. Paul, Minn. Applicant's attorney: Lee Loevinger, Midland Bank Bldg., Minneapolis 1, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, *dried milk products* and *animal and poultry feed*, from points in Minnesota and Marshfield, Plymouth, Sauk City and Greenwood, Wis., to points in Texas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to transport the above commodities from points in Minnesota and Marshfield, Plymouth and Sauk City, Wis., to points in that part of Texas on and east of U. S. Highway 281.

NOTE: Applicant states that the purpose of this application is to seek additional authority which was excluded from the authorized destination territory in the original permit. The above requested authority will be performed under a continuing contract or contracts with Land O'Lakes Creameries, Inc.

HEARING: October 8, 1958, at Room 926, Metropolitan Bldg., Second Avenue, South, and Third Street, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 115841 (Sub No. 32), filed August 14, 1958. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P. O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, fresh and frozen, from Washington, D. C., to points in Alabama, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, Texas, and Arkansas, and Charlotte, N. C. Applicant is authorized to conduct operations in Maine, Massachusetts, Rhode Island, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Connecticut, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, the District of Columbia, Delaware, and Arkansas.

HEARING: October 8, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 115841 (Sub No. 33), filed August 14, 1958. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P. O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in New Jersey, to points in Maine, New Hampshire and Vermont. Applicant is authorized to conduct operations in Maine, Massachusetts, Rhode Island, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Connecticut, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, the District of Columbia, Delaware and Arkansas.

HEARING: October 9, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John P. McCarthy.

No. MC 115841 (Sub No. 34), filed August 14, 1958. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P. O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, and *meat by-products*, and *frozen foods*, from points in Maryland, Delaware and New Jersey, to points in California, Oregon and Washington. Applicant is authorized to conduct operations in Maine, Massachusetts, Rhode Island, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Connecticut, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, the District of Columbia, Delaware, and Arkansas.

HEARING: October 15, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Donald R. Sutherland.

No. MC 116487 (Sub No. 3), filed July 23, 1958. Applicant: SULLIVAN'S MOTOR DELIVERY, INC., 134 North Young Street, Milwaukee, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh and frozen bakery products*, in shipper-owned wire baskets and boxes and *such merchandise* as the shipper (Omar, Inc.) gives to its patrons as premiums, from Milwaukee, Wis., to Chicago, Ill., Omaha, Nebr., and Indianapolis, Ind.; and (2) *Empty shipper-owned wire baskets and boxes* and *such returned or excess bakery products and premiums*, from the above-specified destination points to Milwaukee, Wis. Applicant is authorized to conduct operations in Illinois, Iowa, and Wisconsin.

HEARING: October 20, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Michael B. Driscoll.

No. MC 116562 (Sub No. 2), filed July 24, 1958. Applicant ARTHUR W. COULTER, 2291 Crater Lake Avenue, Medford, Oreg. Applicant's representative: T. R. Perry, P. O. Box 594, Grants Pass, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, including plywood and box shooks*, from points in Lane and Douglas Counties, Oreg., to points in California and Nevada.

HEARING: October 27, 1958, in Room 216, Douglas County Courthouse, Roseburg, Oreg., before Joint Board No. 151.

No. MC 116628 (Sub No. 3), filed August 14, 1958. Applicant: SUBURBAN TRANSFER SERVICE, INC., P. O. Box 11, 383 Washington Avenue, Belleville, N. J. Applicant's representative: Jacob Polin, 314 Old Lancaster Road, Merion, Pa. (P. O. Box 317, Bala-Cynwyd, Pa.) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, between New York, N. Y., Wilmington, Del., Philadelphia and Willow Grove, Pa., East Orange, Hackensack, Haddonfield, Morristown and Paramus, N. J., and points in Maryland. Applicant indicates the above-described operations are limited to a transportation service to be performed, under a continuing contract, with Oppenheim-Collins, of New York, N. Y. Applicant is authorized to conduct operations in Delaware, New Jersey, New York and Pennsylvania.

HEARING: October 8, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William J. Cave.

No. MC 117109 (Sub No. 1), filed August 7, 1958. Applicant: SYKES TRANSPORT COMPANY, a Corporation, Ironton, Mo. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Virginia and North Carolina to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Iowa, and Missouri.

HEARING: October 9, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 117136 (Sub No. 7), filed June 2, 1958. Applicant: CAVEMAN TRANSPORT, INC., 2000 S. W. "G" Street, Grants Pass, Oreg. Applicant's representative: I. R. Perry, P. O. Box 594, Grants Pass, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, including *plywood*, from points in Douglas and Lane Counties, Oreg., to points in California and Nevada. Applicant is authorized to transport similar commodities in Arizona, California, Nevada, and Oregon.

HEARING: October 27, 1958, in Room 216, Douglas County Courthouse, Roseburg, Oreg., before Joint Board No. 151.

No. MC 117251 (Sub No. 1), filed May 26, 1958. Applicant: WESTERN STATES PARCEL SYSTEM, a Corporation, 332 East McDowell Road, Phoenix, Ariz. Applicant's attorney: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packages* (parcels), weighing one to fifty pounds, and not over 108 inches overall length and girth, between points in that part of Los Angeles, Calif., bounded on the north by Devonshire Street (California Highway 118), Balboa Boulevard, Foothill Boulevard (California Highway 118), Washington Street, Foothill Boulevard, and Huntington Drive (U. S. Highway 66); on the east by California Highways 39 and 35, and Norwalk Boulevard; on the south by California Highway 10 and Imperial Highway; and on the west by the Pacific Ocean (as more fully described in the application), on the one hand, and, on the other, Ajo, Ashfork, Avondale, Benson, Bisbee, Buckeye, Casa Grande, Chandler, Chandler Heights, Clarkdale, Clifton, Congress, Coolidge, Cottonwood, Douglas, El Mirage, Eloy, Flagstaff, Florence, Fort Huachuca, Gadsden, Gila Bend, Gilbert, Glendale, Globe, Goodyear, Hayden, Higley, Holbrook, Jerome, Kingman, Litchfield Park, Marinette, Mesa, Miami, Nogales, Page, Peoria, Phoenix, Prescott, Safford, Scottsdale, Seligman, Somerton, Sonora, Sunnyslope, Superior, Tempe, Tolleson, Tombstone, Tucson, Warren, Wickenberg, Wilcox, Williams, Winkelman, Winslow, and Yuma, Ariz.

HEARING: October 13, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 47.

No. MC 117281 (Sub No. 1), filed August 4, 1958. Applicant: ROBERT J. KLINKEL AND GROVER R. DENMAN, doing business as DENMAN AND KLINKEL, De Smet, S. Dak. Applicant's attorney: Ellsworth F. Wilkinson, Warren-Eggen Bldg., De Smet, S. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cracklings* (a meat and bone product derived from the rendering of dead animals), and *coal*, between Minneapolis, Minn., and De Smet, S. Dak.

HEARING: October 10, 1958, in Room 926, Metropolitan Bldg., Second Avenue, South, and Third Street, Minneapolis, Minn., before Joint Board No. 26, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 117377 (Sub No. 1), filed August 11, 1958. Applicant: WILLIAM D. PERRYMAN, doing business as CAPITOL TRUCKING CONTRACTORS, 4620 Randolph Road, Rockville, Md. Applicant's attorney: P. Bateman Ennis, Shoreman Building, Washington 5, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, from the quarry of C. J. Langenfelder & Son, Inc. located at Trivilah Road and Piney Meeting House Road, Montgomery County, Md., to points in the District of Columbia.

HEARING: October 3, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 117539, filed July 21, 1958. Applicant: GEORGE H. SHELTON, doing business as SHELTON PRODUCE CO., 2401 Girard Avenue No., Minneapolis 11, Minn. Applicant's representative: A. R. Fowler, Agent, Associated Motor Carriers Tariff Bureau, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from Carrollton, Mo., to Denver and Pueblo, Colo., Champaign, Decatur and Milan, Ill., Davenport and Des Moines, Iowa, Hopkins and Minneapolis, Minn., Norfolk and Omaha, Nebr., Bismarck and Fargo, N. Dak., Aberdeen, S. Dak., and Green Bay and Milwaukee, Wis.

NOTE: Applicant states the proposed service is under a contract with Banner Cando Co., of Carrollton, Mo. On return trips applicant states he will transport commodities covered by section 203 (b) (6) of the Interstate Commerce Act.

HEARING: October 8, 1958, in Room 926, Metropolitan Bldg., Second Avenue South, and Third Street, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 117543, filed July 24, 1958. Applicant: BENDER TRUCKING CO., INC., P. O. Box 274, Schofield, Wis. Applicant's representative: Adolph E. Solie, 715 First National Bank Bldg., Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mink food* (inedible packing-house by-products), from Ottumwa, Iowa and Sioux Falls, S. Dak., to points in Adams, Buffalo, Chippewa, Clark, Eau Claire, Jackson, Juneau, La Crosse, Langlade, Lincoln, Marathon, Monroe, Portage, Richland, Sauk, Taylor, Trempealeau, Vernon and Wood Counties, Wis.

HEARING: October 20, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Michael B. Driscoll.

No. MC 117544, filed July 24, 1958. Applicant: LUMBER HAULERS, INC., 316 S. W. "K" St., Grants Pass, Oreg. Applicant's representative: I. R. Perry, P. O. Box 594, Grants Pass, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, including plywood and box shooks*, from points in Lane and Douglas Counties, Oreg., to points in California and Nevada.

HEARING: October 27, 1958, in Room 216, Douglas County Courthouse, Roseburg, Oreg., before Joint Board No. 151.

No. MC 117553, filed July 28, 1958. Applicant: WILLIAM ABRAHAM, doing business as SHEBOYGAN PRODUCE COMPANY, 1226 Jefferson Ave., Sheboygan, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Butter* and *cheese*, from points in Wisconsin to New York, N. Y., Baltimore, Md., Washington, D. C., Boston, Mass., Providence, R. I., and Philadelphia and Pittsburgh, Pa.; and (2) *Sugar*, in bags, bundles, and containers, from Boston, Mass., Brooklyn, N. Y., Baltimore, Md., and Philadelphia, Pa., to points in Wisconsin and the Upper Peninsula of Michigan.

HEARING: October 21, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Michael B. Driscoll.

No. MC 117590, filed August 19, 1958. Applicant: WOOD BY-PRODUCTS, INC., 420 28th Street, North Lewiston, Idaho. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips* and *sawdust*, from Lincoln, Wash., and Potlatch, Idaho to Lewiston, Idaho.

HEARING: October 8, 1958, at the Idaho Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 109.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 42065 (Sub No. 10), filed August 15, 1958. Applicant: ALEX MANCULICH, ANNA MANCULICH, EXECUTRIX, doing business as SANITARY TRANSFER, 4808 Penn Avenue, Pittsburgh 24, Pa. Applicant's attorney: John A. Vuono, 1211 Berger Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* and *empty containers therefor*, between Pittsburgh, Pa., and Uhrichsville, Ohio. Applicant is authorized to conduct regular and irregular operations in Maryland, Ohio, Pennsylvania, and West Virginia.

NOTE: A proceeding has been instituted under section 212 (c) in No. MC 42065 (Sub No. 8) to determine whether applicant's status is that of a contract or common carrier.

No. MC 45158 (Sub No. 16), filed August 15, 1958. Applicant: KILLION MOTOR EXPRESS, INC., 1417 Magazine Street, Louisville, Ky. Applicant's attorney: Harry McChesney, Jr., 7th Floor McClure Bldg., Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between junction of U. S. Highway 27 with Tennessee Highway 63, near Helenwood, Tenn., and Caryville, Tenn.: from junction U. S. Highway 27 and Tennessee Highway 63 over Tennessee Highway 63 to Caryville, Tenn., and return over the same route, serving no intermediate points, and serving Caryville for purpose of joinder (with applicant's present alternate route between Stanford, Ky., and Clinton, Tenn.), only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Kentucky, Missouri, Tennessee, Indiana and Illinois.

No. MC 66562 (Sub No. 1447), filed August 20, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Houston, Tex., and San Antonio, Tex., from Houston over U. S. Highway 90 to Seguin, Tex., thence over Texas Highway 78 to junction Farm Road 1516, thence over Farm Road 1516 to junction U. S. Highway 90, and thence over U. S. Highway 90 to San Antonio, and return over the same route, serving the intermediate or off-route points of Katy, Brookshire, Columbus, Weimar, Schulenburg, Flatonia, Waelder, Luling, Seguin, and Randolph Field, Tex. Applicant indicates the proposed transportation service will be subject to the following conditions: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movement by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1448), filed August 25, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 E. 42d Street, New York 17, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities including Class A and B explosives*, moving in express service, (1) between Janesville, Wis., and Monroe, Wis., from Janesville, over Wisconsin Highway 11 to Shullsburg, thence return over Wisconsin Highway 11 to junction of Wisconsin Highway 23, thence over Wisconsin Highway 23 to junction Wisconsin Highway 81, thence over Wisconsin Highway 81 to Darlington, thence return over Wisconsin Highway 81 to the junction of Wisconsin Highway 126, thence over Wisconsin Highway 126 to Belmont, thence over U. S. Highway 151 to Mineral Point, thence over Wisconsin Highway 39 to junction of Wisconsin Highway 59, thence over Wisconsin Highway 59 to Albany, thence return over Wisconsin Highway 59 to Monroe, thence over Wisconsin Highway 11 to Janesville, serving the intermediate or off-route points of Footville, Orfordville, Brodhead, Juda, Browntown, South Wayne, Gratiot, Belmont, Mineral Point, New Glarus, Monticello, Shullsburg, Darlington and Albany; (2) between Monticello, Wis., and Monroe, Wis., over Wisconsin Highway 69, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that the service to be performed will be limited to such as is auxiliary to or supplemental of rail or air express service. All shipments to be transported will be limited to those moving under Railway Express Agency tariffs on a Railway Express Agency receipt or waybill covering in addition to motor carrier movements an immediately prior or immediately subsequent movement by rail or air.

No. MC 69281 (Sub No. 36), filed August 21, 1958. Applicant: THE DAVIDSON TRANSFER & STORAGE CO., 6301 Pulaski Highway, Baltimore, Md. Applicant's attorney: Roland Rice, Suite 618 Perpetual Bldg., 1111 E. St. NW., Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, comodities in bulk, and those requiring special equipment, over the following alternate routes for operating convenience only, serving no intermediate points: (1) Between the junction of U. S. Highways 122 and 30, north of Parkersburg, Pa., and Lancaster, Pa., over U. S. Highway 30; (2) between the junction of U. S. Highway 30 and Pennsylvania Highway 41, near Gap, Pa., and Wilmington, Del., from the junction of U. S. Highway 30 and Pennsylvania Highway 41 over Pennsylvania Highway 41 to the junction of Delaware Highway 41, thence over Delaware Highway 41 to the junction of Delaware Highway 48, thence over Delaware Highway 48 to Wilmington, and return over the same route; (3) between the junction of U. S. Highways 40 and 13 at or near State Roads, Del., and Norfolk, Va., over U. S. Highway 13 and via the Kiptopeka Ferry. Applicant is authorized to conduct operations in Maryland, New York, New Jersey, Delaware, Pennsylvania, Virginia, District of Columbia, Massachusetts, Rhode Island, Maine, Connecticut, New Hampshire, Vermont, Ohio, Illinois, Indiana, Michigan, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Kentucky and Tennessee.

No. MC 79013 (Sub No. 2), filed August 18, 1958. Applicant: WALTER BAKER, doing business as ARROW TRANSPORTATION CO., 200 Third Street, Brooklyn, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile* and *clay products*, between points in Connecticut, New Jersey, New York and Pennsylvania within 100 miles of New York, N. Y. Applicant indicates the proposed service to be restricted to shipments removed from rail cars having an immediately prior movement in interstate commerce. Applicant is authorized to conduct operations in Connecticut, New Jersey, New York and Pennsylvania.

No. MC 99230 (Sub No. 4), filed August 1, 1958. Applicant: PIONEER FREIGHT, INC., 1015 S. W. Second Street, Oklahoma City 4, Okla. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excepting those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, A. Between points in Oklahoma as follows: (1) "Between Oklahoma City and Chickasha by U. S. Highway 277; Between Oklahoma City and Tulsa by U. S. Highway 77, State Highway 9 and/or U. S. Highways 270 and 75; Between Norman and Stratford by U. S. Highway 77, State Highways 59 and 18; Between Blanchard and Wetumka by State Highway 9, serving to, from and between the following cities and towns; Beggs, Blanchard, Bowden, Chickasha, Earlsboro, Henryetta, Holdenville, Keifer, Mounds, Oklahoma City, Okmulgee, Preston,

Sapulpa, Schulter, Seminole, Shawnee, Springhill, Stratford, Tecumseh, Tulsa, Weleetka, Wetumka, Wewoka, authorizing service to, from and/or between any and all points on the above described routes with the following restrictions imposed: 1. Shipments originating in Oklahoma City shall not be transported to Henryetta nor shall shipments originating at Henryetta be transported to Oklahoma City. 2. Shipments originating in Oklahoma City shall not be transported to Okmulgee, nor shall shipments originating in Okmulgee be transported to Oklahoma City. 3. Shipments originating or interlined at Oklahoma City shall not be transported to Sapulpa nor shall shipments originating or interlined at Sapulpa be transported to Oklahoma City. 4. Shipments originating or interlined at Oklahoma City shall not be transported to Tulsa nor shall shipments originating or interlined at Tulsa be transported to Oklahoma City." (2). "For the transportation of freight between Oklahoma City, Okla., Stratford, Ada, Stonewall, Tupelo, Centrahoma, Coalgate, Phillips, Lehigh, Atoka, over highways as follows: U. S. Highway 270, State Highways Nos. 18 and 19, State Highway No. 3, and U. S. Highway 75 from intersection of State Highway No. 3, serving to, from and between only the points named; between Shawnee, Oklahoma, Stratford, Ada, Stonewall, Tupelo, Centrahoma, Coalgate, Phillips, Lehigh and Atoka, over the following highways: State Highways Nos. 18 and 19, State Highway No. 3 and U. S. Highway 75 from intersection of State Highway No. 3; Fittstown, Pontotoc, Connerville, and Tishomingo over highways as follows: State Highway No. 99 and State Highway No. 3, serving to, from and between only the points named." (3) "Between Oklahoma City, Oklahoma, and McAlester, Oklahoma, via State Highway No. 3 from Oklahoma City to intersection of said State Highway No. 3 and U. S. Highway No. 270 (said intersection being located approximately 4 miles west of McLoud) thence via U. S. Highway No. 270 to McAlester, serving all points on route in either direction, conditioned, however, that on east bound movements applicant shall operate with closed doors upon leaving Oklahoma City until reaching McAlester". (4) "Between McAlester and the Oklahoma-Arkansas State line near Arkoma via Hartshorne, Wilburton, Red Oak, Wister, Poteau and Spiro, Oklahoma, over U. S. Highways 270, 59 and 271"; "to, from and between all points located on any of the following routes as a consolidated unit certificate with the specific right to transport such freight from any point on any route to any point on that or any other route; from McAlester, Oklahoma, over U. S. Highway 69 to Colbert, Oklahoma, and returning over the same route serving all intermediate points in both directions." (5) between Muskogee and Oklahoma City, via U. S. Highway 62, serving said points and all intermediate points on said route, specifically restricted against service either way from Oklahoma City to Harrah and Choctaw. B. Between Arkoma, Okla. and points in the Commercial Zone of Fort Smith, Ark.

NOTE: This application is filed in part to obtain a Certificate of Public Convenience and Necessity authorizing continuance of interstate operations conducted under the second proviso of section 206 (a) (1) of the Interstate Commerce Act, in lieu of intrastate certificates on file with this Commission.

No. MC 114621 (Sub No. 3), filed August 22, 1958. Applicant: CALVIN KAUFMAN, doing business as KAUFMAN GRAIN ELEVATOR, Cissna Park, Ill. Applicant's attorney: Thomas A. Graham, Suite 1149, 10 S. La Salle St., Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, form Buffington, Ind., to Cissna Park, Ill. Applicant is authorized to transport cement, in bags, from Buffington, Ind., to Cissna Park, Ill.

No. MC 114917 (Sub No. 1), filed August 15, 1958. Applicant: DART TRANSPORTATION SERVICE, A Corporation, 3758 Fruitland Avenue, Maywood, Calif. Applicant's attorney: Elmer P. Bromley, 3946 Wilshire Blvd., Los Angeles 5, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail-order and chain retail department business houses, from points in the Los Angeles Commercial Zone and the Los Angeles Harbor Commercial Zone, as these zones are defined in Los Angeles, Calif., Commercial Zone, 3 M. C. C. 248, to Antioch, Bakersfield, Berkeley, Emeryville, Fresno, Hanford, Hayward, Marysville, Modesto, Oakland, Sacramento, San Francisco, San Mateo, Stockton, Santa Rosa, Vallejo, Visalia, Walnut Creek and Willows, Calif. Applicant is authorized to conduct operations in California.

NOTE: Duplication should be eliminated.

No. MC 116628 (Sub No. 2), (CORRECTION) filed August 1, 1958, published issue August 13, 1958, at page 6223. Applicant: SUBURBAN TRANSFER SERVICE, INC., P. O. Box 11, 383 Washington Avenue, Belleville, N. J. Applicant's representative: Jacob Polin, 314 Old Lancaster Road, Merion, Pa. The previous notice incorrectly spelled *Bala-Cynwyd, Pa.*, one of the points involved, as Bala-Cynwood, Pa. The correct spelling is *Bala-Cynwyd*.

No. MC 117304 (Sub No. 2), filed August 18, 1958. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 9th Ave., N., Lewiston, Idaho. Applicant's attorney: John H. Bengtson, Weisgerber Bldg., Lewiston, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Coeur d'Alene, Idaho, to Lewiston, Idaho, and *empty containers or other such incidental facilities* (not specified) used in transporting wood chips, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 107583 (Sub No. 9), filed August 18, 1958. Applicant: SALEM TRANSPORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, 291 Broadway, Suite 504, New York 7, N. Y. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in non-scheduled door-to-door service, limited to the transportation of not more than seven passengers in any one vehicle, not including the driver thereof, and not including children under ten years of age who do not occupy a seat or seats, between Philadelphia International Airport, Philadelphia, Pa., and Lakehurst Naval Air Station, Lakehurst, N. J. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Pennsylvania and the District of Columbia.

APPLICATIONS UNDER 212 (c) CONVERSION PROCEEDINGS

No. MC 2592 (Sub No. 2). Applicant: D. A. BROWN, doing business as BROWN MOTOR LINES AND STORAGE COMPANY, Greenville, S. C. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On July 21, 1958, the carrier requested dismissal of the application, and an order was entered on August 5, 1958, effective September 22, 1958, dismissing the application and discontinuing the proceeding.

No. MC 52676 (Sub No. 5). Applicant: T. E. FLETCHER, doing business as FLETCHER TRUCK LINE, Hadley, Pennsylvania. Carrier filed an application on February 12, 1958, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. Pursuant to order of the Commission in No. MC–FC 60821, entered January 15, 1958, and consummated February 10, 1958, the operating rights of T. E. Fletcher were transferred to Richard A. Johnson. The operations conducted pursuant to said proceeding are, and continue to be those of a contract carrier as defined in section 203 (a) (15). Inasmuch as T. E. Fletcher holds no authority from this Commission to conduct interstate motor carrier operations the order entered February 15, 1958, instituting a proceeding is hereby vacated and set aside as of September 29, 1958.

No. MC 116980, (REPUBLICATION). Applicant: F. P. NEILSON, WILLIS F. NEILSON, IVAN R. NEILSON AND LARS P. NEILSON, doing business as ARIZONA SALES COMPANY, P. O. Box 787, 116 W. 4th Avenue, Mesa, Ariz. Applicant's attorney: James F. Haythornewhite, 703 Luhrs Tower, Phoenix, Ariz. This publication covers an order of the Commission, Division 1, entered in the subject proceeding under date of August 4, 1958. The order vacates and sets aside the order entered herein April 23, 1958, which provided for the issuance, upon certain conditions, of a permit to conduct operations as a contract carrier, and finds;

That the operations to be conducted pursuant to the grant of authority herein will not conform with the definition of a contract carrier as set forth in

section 203 (a) (15) of the Interstate Commerce Act, as amended, but will be those of a common carrier by motor vehicle;

That the present and future public convenience and necessity require operation by applicants as a common carrier by motor vehicle, in interstate or foreign commerce, of chemical fertilizers, in bulk, from Fontana, Brea, Nitroshell, Vernon, and San Diego, Calif., and points in the Los Angeles Harbor commercial zone, as defined by the Commission, to points in Maricopa, Pinal, Cochise, Yuma, Pima, and Graham Counties, Ariz., over irregular routes, subject to the restriction that transportation of liquid chemical fertilizers is not authorized; that applicants are fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act, and our rules and regulations thereunder; and that applicants are in compliance with section 215 of the Interstate Commerce Act;

That upon full compliance by applicants with the requirements of sections 215, 217, and 221 (c) of the Interstate Commerce Act and with the rules and regulations thereunder, and upon the elapse of thirty days from the date of this publication in the FEDERAL REGISTER of notice of these modified findings, an appropriate certificate be issued to applicants, provided that no protests, or petitions, are received during the thirty (30) day period.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Sub No. 375), filed August 20, 1958. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 431 Burgess Drive, Menlo Park, Calif. Applicant's attorney: Wyman C. Knapp, 727 West Seventh Street, Los Angeles 17, Calif.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment other than those requiring special handling because of weight or bulk, between points in the Los Angeles Harbor Commercial Zone, as defined in Los Angeles, Calif., Commercial Zone, 3 M. C. C. 248, on the one hand, and, on the other, points within 30 miles of the intersection of First and Main Streets, Los Angeles, Calif. Between points in the Los Angeles Metropolitan area, including the area east of a line extending in a generally northwesterly and northerly direction from the intersection of Inglewood Avenue and Redondo Beach Boulevard, along the eastern and northern corporate limits of Redondo Beach, Calif. to the eastern corporate limits of Manhattan Beach, Calif.; thence along the eastern and northern corporate limits of Manhattan Beach to the Pacific Ocean; thence along the shore line of the Pacific Ocean to the western corporate limits of Los Angeles at a point east of Topanga Canyon, and thence along the western corporate limits of Los Angeles to a point near Santa Susana Pass; south of a line extending in a generally easterly direction from a point near Santa Susana Pass along the northern corporate limits of Los Angeles to its intersection with State Highway 118, northeasterly and southeasterly along State Highway 118 to the westerly corporate limits of Pasadena, and thence along the western and northern corporate limits of Pasadena to the northeastern corner of Pasadena; west of a line extending in a generally southerly and southwesterly direction from the northeastern corner of Pasadena along the eastern and a portion of the southern corporate limits of Pasadena to the eastern corporate limits of San Marino, Calif., thence along the eastern corporate limits of San Marino to its intersection with U. S. Highway 66; thence easterly along U. S. Highway 66 to its junction with State Highway 71; thence southerly along State Highway 71 through and including the City of Pomona to its junction with U. S. Highway 60; westerly along U. S. Highway 60 to its junction with State Highway 35; southerly along State Highway 35 to Beverly Boulevard; southeasterly along Beverly Boulevard to Painter Avenue in the City of Whittier; southerly along Painter Avenue to Telegraph Road; westerly along Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly along Imperial Highway to State Highway 19; southerly along State Highway 19 to its intersection with the northern corporate limits of Long Beach, Calif.; thence north of a line extending in a generally westerly direction from said point of intersection along the northern corporate limits of Long Beach and the southern and a portion of the western corporate limits of Compton, Calif. to Olive Street; thence along Olive, Main, Walnut and 162nd Streets to the eastern corporate limits of Torrance; thence along a portion of the eastern and the northwestern corporate limits of Torrance to Redondo Beach Blvd.; and thence along Redondo Beach Boulevard to Inglewood Avenue. Between points in the San Francisco-East Bay Cartage Zone including that area embraced within the following boundaries: Beginning at the point where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Blvd. and Lynnewood Drive to So. Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of Highway U. S. 101; thence southeasterly along an imaginary line one miles west of and paralleling Highway U. S. 101 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence northeasterly, northwesterly, northerly and easterly along said southerly boundary to Bayshore Highway (U. S. 101 Bypass); thence leaving said boundary line and continuing easterly along the projection of last said course to its intersection with Belmont (or Angelo) Creek; thence northeasterly along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point one mile south of Toll Bridge Road; thence easterly along an imaginary line one mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mt. Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line one mile south and southeasterly of and paralleling Mt. Eden Road and Jackson Road to its intersection with an imaginary line one mile easterly of and paralleling State Sign Route 9; thence northerly along said imaginary line one mile easterly of and paralleling State Sign Route 9 to its intersection with "B" Street, Hayward; thence easterly and northely along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland; thence easterly and northerly along the Oakland Boundary line to its intersection with the Alameda-Contra County Boundary Line; thence northwesterly along last said line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (Highway U. S. 40); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue (Highway U. S. 40) to its intersection with County Road 20 (Contra Costa County); thence westerly along County Road 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U. S. 40; thence northerly along Highway U. S. 40 to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right of way and continuing westerly along the prolongation of Morton Avenue to the shore line of San Pablo Bay; thence southerly and westerly along the shore line and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco Waterfront at the foot of Market Street; thence westerly along said waterfront and shore line to the Pacific Ocean; thence southerly along the shore line of the Pacific Ocean to the point of beginning. The foregoing description includes the following points or portions thereof: Alameda, Alameda

Pier, Albany, Baden, Bay Farm Island, Bayshore, Berkeley, Bernal, Brisbane, Broadway, Burlingame, Camp Knight, Castro Valley, Colma, Daly City, East Oakland, El Cerrito, Elkton, Elmhurst, Emeryville, Ferry Point, Fruitvale, Government Island, Hayward, Lawndale, Limita Park, Melrose, Millbrae, Hills Field, Mt. Eden, Oakland, Oakland Municipal Airport, Oakland Pier, Ocean View, Piedmont, Point Castro, Point Fleming, Point Isabel, Point Molate, Point Orient, Point Potrero, Point Richmond, Point San Pablo, Richmond, Russell City, San Bruno, San Francisco, San Francisco International Airport, San Leandro, San Lorenzo, San Mateo, San Pablo, South San Francisco, Stege, Tanforan, Treasure Island, Union Park, Visitacion, Westlake, Winehaven, Yerba Buena Island. Applicant is authorized to conduct operations in Arizona, California, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin and Wyoming.

NOTE: This matter is directly related to MC–F 6987, which was published in the FEDERAL REGISTER August 27, 1958. Duplication should be eliminated.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6988. Authority sought for purchase by J. K. WYATT, Gatesville, N. C., of the operating rights of ARMSTRONG FREIGHT LINES, INC., Sunbury, N. C. Applicants' attorney: James E. Wilson, 716 Perpetual Building, 1111 E Street NW., Washington, D. C. Operating rights sought to be transferred: *Hay balers, hay baler motors, fertilizer, potatoes, logs, seed, coal, lime, lumber, wood shingles, barrel staves, wooden staves, sawdust, sawmill machinery, steel stove hoops, tobacco harvesters, cotton harvesters,* and *materials and supplies* used in the manufacture of tobacco harvesters and cotton harvesters, as a *common carrier* over irregular routes, from, to, or between points and areas, varying with the commodity transported, in North Carolina, Alabama, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Florida, Georgia, South Carolina, Texas, Louisiana, and the District of Columbia; *agricultural machinery and implements (other than hand)* and *agricultural machinery and implements parts (other than hand)*, as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, moving in foreign commerce only, from ports of entry on the United States-Canada Boundary line at or near Niagara Falls and Buffalo, N. Y., to points in Ohio. Vendee is authorized to operate as a *contract carrier* in New York, Connecticut and North Carolina. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6989. Authority sought for purchase by F & W EXPRESS, INC., 678 Louisiana Street, Memphis, Tenn., of a portion of the operating rights and certain property of THE INTER-CITY TRUCKING COMPANY, 132 Legion Street, Johnson City, Tenn., and for acquisition by C. N. FINLEYSON and HENRY B. WILLARD, both of Memphis, of control of such rights and property through the purchase. Applicants' attorneys: James H. Epps, Jr., Thad A. Cox Building, Johnson City, Tenn., and Ramsay Wall, First National Bank Building, Memphis, Tenn. Operating rights sought to be transferred: *General commodities*, with certain exceptions including commodities in bulk and excluding household goods, as a *common carrier* over a regular route between Memphis, Tenn., and Dyersburg, Tenn., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Tennessee and Mississippi. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6990. Authority sought for purchase by CLARK TANK LINES COMPANY, 1450 North Beck Street, Salt Lake City, Utah, of a portion of the operating rights of INTERSTATE MOTOR LINES, INC., 235 West Third South, Salt Lake City 1, Utah, and for acquisition by BOYCE R. CLARK, also of Salt Lake City, of control of such rights through the purchase. Applicants' attorney: Berol and Silver, 100 Bush Street, San Francisco 4, Calif. Operating rights sought to be transferred: *Liquid petroleum products*, in tank vehicles, as a *common carrier* over regular routes, between Salt Lake City, Utah, and Elko, Nev., and between Salt Lake City, Utah, and Ely, Nev., serving all intermediate and certain off-route points; *petroleum products*, in bulk, in tank vehicles, over an alternate route for operating convenience only between Salt Lake City, Utah, and Ely, Nev. Vendee is authorized to operate as a *common carrier* in Utah, Idaho and Oregon. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6991. Authority sought for purchase by POINT EXPRESS, INC., 3735—7th Avenue, Charleston, W. Va., of a portion of the operating rights of THE OVERLAND TRANSPORTATION COMPANY, 184 Massillon Road, Akron 5, Ohio, and for acquisition by PAUL F. YOUNGBLOOD, HARLEY H. HARTLEY, VITUS HARTLEY, SR., WILLIAM P. FINNERAN, ART E. HARTLEY, VITUS HARTLEY, JR., WILLIAM H. HANKS and WILLIAM T. MALE, all of Charleston, of control of such rights through the purchase. Applicants' attorney: Francis W. McInerny, 504 Commonwealth Building, Washington 6, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Chester, W. Va., and Charleston, W. Va., and between Akron, Ohio, and Charleston, W. Va., serving certain intermediate and off-route points; service at Charleston, W. Va., is restricted to traffic moving to or from Akron and Barberton, Ohio. Vendee is authorized to operate as a *common carrier* in West Virginia, Ohio, Kentucky, Pennsylvania, Indiana and Virginia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6992. Authority sought for purchase by KEYSTONE EXPRESS AND STORAGE COMPANY, INC., 229 West James Street, Lancaster, Pa., of the operating rights of M. F. ROCKEY TRANSPORTATION COMPANY, 6th and P. R. R., New Cumberland, Pa., and for acquisition by GEORGE F. HOSTETTER and JOSEPH F. FRITZ, both of Lancaster, of control of such rights through the purchase. Applicants' attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Harrisburg, Pa., and York Haven, Pa., serving all intermediate points and the off-route point of Marysville, Pa.; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between points west of the Susquehanna River within six miles of New Cumberland, Pa., including New Cumberland, on the one hand, and, on the other, points within 15 miles of New Cumberland. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, Maryland, Delaware, New York, Massachusetts, Connecticut, Rhode Island, New Hampshire, Virginia, West Virginia, Ohio, Indiana, Illinois, Georgia, North Carolina, South Carolina, Michigan and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–7129; Filed, Sept. 3, 1958; 8:52 a. m.]

PETITION TO REDEFINE COMMERCIAL ZONE LIMITS

AUGUST 29, 1958.

The following petition relative to the limits of the zone adjacent to and commercially a part of a municipality within the meaning of section 203 (b) (8) of the Interstate Commerce Act has been received and will be processed in the manner hereinafter indicated.

In Ex Parte No. MC–37, *Commercial Zones and Terminal Areas*, in addition to the five petitions previously filed, notice of which was published July 16, 1958, a petition has been filed by the Monsanto Chemical Company, on July 25, 1958, seeking redefinition of the limits of the commercial zone of New Orleans, La., in a manner to expand them. Petitioner's representative is Ford Maggard, Monsanto Chemical Company, St. Louis, Mo.

The limits of the commercial zone of New Orleans, La., are presently defined in Ex Parte No. MC–37, *Commercial Zones and Terminal Areas* (New Orleans, La., Commercial Zone), 66 M. C. C. 709 (49 CFR 170.27).

Petitioner seeks enlargement of the specifically described zone limits in the area west of Jefferson Parish, particularly to include its plant located between Luling and Boutte, La., in St. Charles Parish.

No oral hearing is contemplated with respect to this petition or the petitions previously filed, but an informal investigation with respect to redefinition of the zone limits as requested, and in other respects, will be conducted. Subsequent to such investigation the Commission will either (1) enter an order denying the petition or, (2) if any change is considered, a notice of proposed rule making will be published. Persons supporting or opposed to any change in the present zone limits, who desire to participate in future proceedings on this petition or be notified of any action taken thereon, should notify the Commission and the individual petitioner of their desire on or before 30 days from the date of this publication.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–7130; Filed, Sept. 3, 1958; 8:53 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 29, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34931: *TOFC Service—Class rates—Between points in Missouri and points in Trunk Line Territory.* Filed by Southwestern Freight Bureau, Agent, for interested rail carriers. Rates on commodities moving on class rates in trailers loaded on railroad flat cars between specified points in Maryland, New Jersey, New York, and Pennsylvania, on the one hand, and specified points in Missouri, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 3 to Southwestern Freight tariff I. C. C. 4298 (SWFB No. B-7355).

FSA No. 34932: *Caustic soda from Baton Rouge and North Baton Rouge, La.* Filed by O. W. South, Jr., Agent (SFA No. A3720), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads from Baton Rouge and North Baton Rouge, La., to Nashville and Old Hickory, Tenn.

Grounds for relief: Market competition with Texas producing points.

Tariff: Supplement 31 to Southern Freight Association tariff I. C. C. 452.

FSA No. 34933: *Caustic soda from Louisiana and Texas points.* Filed by Southwestern Freight Bureau, Agent (No. B–7362), for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Lake Charles and Plaquemine, La., Corpus Christi, Houston, and Velasco, Tex., to Nashville and Old Hickory, Tenn.

Grounds for relief: Market competition with Evans and Redstone Arsenal, Ala.

Tariffs: Supplement 333 to Southwestern Freight Bureau tariff I. C. C. 4087. Supplement 506 to Southwestern Freight Bureau tariff I. C. C. 4139.

FSA No. 34934: *Iron and steel articles—Sand Springs, Okla., to Baton Rouge and New Orleans, La.* Filed by Southwestern Freight Bureau, Agent (No. B–7374), for interested rail carriers. Rates on iron and steel articles, carloads from Sand Springs, Okla., to Baton Rouge and New Orleans, La.

Grounds for relief: Market competition with Chicago, Ill.

Tariff: Supplement 217 to Southwestern Freight Bureau tariff I. C. C. 4170.

AGGREGATE-OF-INTERMEDIATES

FSA No. 34935: *Passenger fares from and to points on the N. Y., N. H. & H.* Filed by The New York, New Haven and Hartford Railroad Company (No. 1), for interested rail carriers, involving fares for transportation of person between specified points in Massachusetts, on the one hand, and specified points in Rhode Island, Connecticut, and New York, on the other, also stations on carriers west and south of New York, N. Y., as described in the application.

Grounds for relief: Maintenance of through one-factor fares higher than aggregate-of-intermediate fares.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–7126; Filed, Sept. 3, 1958; 8:51 a. m.]

[Notice 21]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 29, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 61285. By order of August 26, 1958, The Transfer Board approved the transfer to William F. Conrad, doing business as Hub City Transfer & Storage Co., 107 East Pine, Centralia, Wash., of Certificate No. MC 1798, issued June 9, 1949, to William F. Conrad and Robert W. Conrad, a partnership, doing business as Hub City Transfer & Storage Co., 107 East Pine, Centralia, Wash., authorizing the transportation of: General commodities, excluding household goods and other specified commodities, between Centralia, Wash., and Chehalis, Wash., and household goods, between points in Lewis and Thurston Counties, Wash., on the one hand, and, on the other, points in Oregon.

No. MC–FC 61319. By order of August 25, 1958, The Transfer Board approved the transfer to W. S. Willson, C. W. Bechberger, and D. W. Frederick, a Partnership, doing business as Bell Transit Company, Pittsburgh, Pennsylvania, of Permits Nos. MC 59527, MC 59527 Sub 4, and MC 59527 Sub 5, issued July 26, 1937, March 14, 1940, and August 2, 1949, respectively, to W. S. Willson and J. H. Tietz, a partnership, doing business as Bell Transit Company, Pittsburgh, Pennsylvania, authorizing the transportation of compressed gases and chemicals in steel cylinders, empty steel cylinders, and such materials, supplies, and equipment used in the production or consumption of such gases and chemicals, between Toledo, Youngstown, and Cleveland, Ohio, Detroit and Grand Rapids, Mich., Pittsburgh, Trafford, and Verona, Pa., Newark, N. J., and Fort Wayne, Ind., on the one hand, and, on the other, points in Ohio, West Virginia, Michigan, and a specified part of Pennsylvania; between points in Mifflin Township, Allegheny County, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, and Michigan, and those in Allegheny County, Pa.; and between points in a designated portion of Armstrong County, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, Michigan, and a designated portion of Pennsylvania. Robert B. McKinley, 1200 Standard Life Bldg., Pittsburgh 22, Pa., for applicants.

No. MC–FC 61388. By order of August 25, 1958, The Transfer Board approved the transfer to Edward M. Hentz, doing business as Point Roberts Auto Freight, Bellingham, Washington, of Certificate in No. MC 110429, issued April 6, 1950, to Charles W. Lutz, doing business as Point Roberts Auto Freight, Bellingham, Washington, authorizing the transportation of: General commodities, with no exceptions, over regular routes, between Bellingham, Wash., and the boundry of the United States and Canada, and between Point Roberts, Wash., and the boundary of the United States and Canada.

Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash., for applicants.

No. MC–FC 61401. By order of August 25, 1958, The Transfer Board approved the transfer to Augustus P. Whelen, Glen Head, N. Y., of certificate No. MC 85081, issued June 4, 1957, to Augustus P. Whelen and Augustus P. Whelen, Jr., a partnership, doing business as A. P.

Whelen & Son, Glen Head, N. Y., authorizing the transportation of: Household goods, as defined by the Commission, between New York, N. Y., points in Nassau and Westchester Counties, N. Y., and those in Bergen, Essex, Hudson, and Union Counties, N. J., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvalia, Rhode Island, Vermont, Virginia, and the District of Columbia.

Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N. Y., for applicants.

No. MC–FC 61406. By order of August 25, 1958. The Transfer Board approved the transfer to Tony G. Uguccioni Trucking, Inc., Somerville, Massachusetts, of Permit No. MC 70054, issued June 24, 1943, to Joseph R. Nottage, Cranston, Rhode Island, authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and equipment, materials, and supplies used in the conduct of such business, between points in Connecticut, Massachusetts, and Rhode Island, as designated. Charles J. McGovern, 742 Hospital Trust Building, 15 Westminster Street, Providence, Rhode Island, for transferor. Joseph A. Kline, 185 Devonshire Street, Boston, Massachusetts, for transferee.

No. MC–FC 61429. By order of August 26, 1958. The Transfer Board approved the transfer to Michael Srein, Philadelphia, Pa., of Certificate No. MC 13825, issued January 27, 1955, to Theodore F. Reichenbach, authorizing the transportation of household goods and new furniture, between Philadelphia, on the one hand, and, on the other, points in New York, New Jersey, Delaware, and Maryland. John H. Derby, 816 Commonwealth Building, 1201 Chestnut Street, Philadelphia 7, Pa., for applicants.

No. MC–FC 61456. By order of August 26, 1958, The Transfer Board approved the Transfer to Bruns Transfer & Warehouse Co., Inc., 1731 Alabama Ave., Bessemer, Alabama, of certificates in Nos. MC 40382 Sub 1, MC 40382 Sub 4, and MC 40382 Sub 5, issued December 12, 1940, October 3, 1946, and September 19, 1950, to F. W. Bruns, doing business as Bruns Transfer Co., 1800 1st Ave., North, Bessemer, Alabama, authorizing the transportation of general commodities, over a regular route, between Birmingham, Ala., and Bessemer, Ala., and certain off-route points, and commodities classified as meats, meat products and meat by-products, dairy products and articles distributed by meat packinghouses, over irregular routes, from Bessemer, Ala., to points in Alabama within 50 miles of Bessemer, and empty containers on return, and the service is limited to pick-up and delivery service in connection with Illinois Central Railroad Company, and pool car distribution.

No. MC–FC 61460. By order of August 26, 1958, The Transfer Board approved the transfer to Clyde Miller, doing business as Clyde Miller Truck Line, Danville, Illinois, of permit in No. MC 11201, issued May 24, 1954, to Western Brick Company, a Corporation, Danville, Illinois, authorizing the transportation of brick and cement building blocks, over irregular routes, from Danville, Ill., to points in Indiana. John P. Meyer, Graham, Wise and Meyer, Suite 500 First National Bank Bldg., Danville, Illinois.

No. MC–FC 61470. By order of August 26, 1958, The Transfer Board approved the transfer to Meadors Freight Line, Inc., Covington, Georgia, of Certificate No. MC 60000, issued October 11, 1940, to T. Rucker Ginn, doing business as Meadors Freight Line, authorizing the transportation of general commodities, excluding household goods and other specified commodities, between Atlanta, Ga., and Covington, Ga. D. C. Hemrick, Jr., 504 Whitehead Building, Atlanta, Ga., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–7127; Filed, Sept. 8, 1958; 8:52 a. m.]

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FEDERAL REGISTER

VOLUME 23 — 1934 — NUMBER 174

Washington, Friday, September 5, 1958

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: For listing of current public laws approved by the President, see last page of this issue.

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 912—MILK IN DUBUQUE, IOWA, MARKETING AREA

PART 931—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

PART 944—MILK IN QUAD CITIES MARKETING AREA

PART 1005—MILK IN NORTH CENTRAL IOWA MARKETING AREA

TERMINATION ORDER

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "Act" and of the orders, as amended (7 CFR Parts 912, 931, 944, and 1005), regulating the handling of milk in the Dubuque, Iowa; Cedar Rapids-Iowa City; Quad Cities; and North Central Iowa, marketing areas, hereinafter referred to as the "orders", it is hereby found and determined that:

(a) The provision "Borden Company, Sterling, Illinois" in §§ 912.50 (b) (1), 931.50 (b), 944.50 (b), and 1005.50 (b) of the orders does not tend to effectuate the declared policy of the Act.

The specified sections of each of the aforesaid orders contain a reference to the prices reported to have been paid by seven manufacturing plants, which prices are utilized in calculating the Class II price in each of the orders.

The Department has been advised that one of the seven plants listed in each of the orders (Borden Company, Sterling, Illinois) is no longer in operation. Therefore, the provision "Borden Company, Sterling, Illinois" as it appears in the specified section of the aforesaid orders should be deleted.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest in that:

(1) The information upon which this action is based did not become available in time for such compliance.

(2) This termination order does not require persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately.

It is therefore ordered, That the provision "Borden Company, Sterling, Illinois" be and is hereby deleted from §§ 912.50 (b) (1), 931.50 (b), 944.50 (b), and 1005.50 (b).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 2d day of September 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 58-7189; Filed, Sept. 4, 1958; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 15]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Division, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be imprac-

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FEDERAL REGISTER

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ticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.13 *Green civil airway No. 3 (Oakland, Calif., to New York, N. Y.)* is amended between the Moline, Ill., radio range station and the Goshen, Ind., radio range station to read: "Moline, Ill., radio range station; Joliet, Ill., radio range station; the intersection of the west course of the Goshen, Ind., radio range and a 181° True bearing from the McCool, Ind., nondirectional radio beacon; Goshen, Ind., radio range station;"

2. Section 600.212 is amended to read:

§ 600.212 *Red civil airway No. 12 (Chicago, Ill., to Detroit, Mich.).* From

the intersection of the northeast course of the Joliet, Ill., radio range and the west course of the Chicago, Ill., radio range via the Chicago, Ill., radio range station; South Bend, Ind., radio range station to the Detroit, Mich., radio range station.

3. Section 600.214 is amended to read:

§ 600.214 *Red civil airway No. 14 (Milwaukee, Wis., to Indianapolis, Ind.).* From the intersection of the west course of the Milwaukee, Wis., radio range and the northwest course of the Chicago, Ill., radio range via the Chicago, Ill., radio range to the Indianapolis, Ind., radio range station.

4. Section 600.228 is amended to read:

§ 600.228 *Red civil airway No. 28 (Chicago, Ill., to Detroit, Mich.).* From the Chicago, Ill., radio range station via the intersection of the northeast course of the Chicago, Ill., radio range and the southwest course of the Grand Rapids, Mich., radio range to the Grand Rapids, Mich., radio range station. From the Lansing, Mich., radio range station to the intersection of a line bearing 127° True from the Lansing radio range station to its intersection with the west course of the Detroit, Mich., radio range.

5. Section 600.242 *Red civil airway No. 42 (Milwaukee, Wis., to Aurora, Ill.).* is revoked.

6. Section 600.249 *Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.)* is amended by changing all after Salt Lake City, Utah, radio range station to read: "Salt Lake City, Utah, radio range station to the Fort Bridger, Wyo., radio range station."

7. Section 600.254 *Red civil airway No. 54 (Burley, Idaho, to Promontory Point, Utah)* is revoked.

8. Section 600.277 *Red civil airway No. 77 (Richmond, Va., to Atlantic City, N. J.)* is amended after Atlantic City, N. J., by deleting the word "(Navy)".

9. Section 600.298 *Red civil airway No. 98 (Vichy, Mo., to Belleville, Ill.)* is revoked.

10. Section 600.308 is amended to read:

§ 600.308 *Red civil airway No. 108 (Corinne, Utah, to Fort Bridger, Wyo.).* From the Corinne, Utah, nondirectional radio beacon to the Fort Bridger, Wyo., radio range station.

11. Section 600.605 is amended by changing the caption to read: *"Blue civil airway No. 5 (Waco, Tex., to Wichita, Kans.)"* and by changing all before Dallas, Tex., nondirectional radio beacon to read: "From the Waco, Tex., radio range station via the intersection of the northeast course of the Waco, Tex., radio range and a line bearing 185° True from the Dallas, Tex., nondirectional radio beacon; Dallas, Tex., nondirectional radio beacon;"

12. Section 600.606 is amended by changing the caption to read: *"Blue civil airway No. 6 (Belleville, Ill., to Muskegon, Mich.)* and by deleting the first portion which reads: "From the Abilene, Tex., radio range station via the Wichita Falls, Tex., radio range station to the intersection of the northeast course of the Wichita Falls, Tex., radio range and the south course of the Oklahoma City, Okla., radio range."

13. Section 600.609 is amended by changing the caption to read: *"Blue civil airway No. 9 (Rochester, Minn., to United States-Canadian Border)* and by deleting the first portion which reads: "From the Springfield, Mo., radio range station to the Columbia, Mo., radio range station."

14. Section 600.620 *Blue civil airway No. 20 (Millville, N. J., to Allentown, Pa.)* is amended after Atlantic City, N. J., by deleting the word: "(Navy)".

15. Section 600.631 is amended to read:

§ 600.631 *Blue civil airway No. 31 (Burlington, Iowa, to Moline, Ill.).* From the intersection of the west course of the Peoria, Ill., radio range and the south course of the Moline, Ill., radio range to the Moline, Ill., radio range station.

16. Section 600.652 is added to read:

§ 600.652 *Blue civil airway No. 52 (Tamiami, Fla., to West Palm Beach, Fla.).* From the Tamiami, Fla., nondirectional radio beacon to the West Palm Beach, Fla., radio range station.

17. Section 600.657 *Blue civil airway No. 57 (Elko, Nev., to Burley, Idaho)* is revoked.

18. Section 600.669 *Blue civil airway No. 69 (St. Louis, Mo., to Quincy, Ill.)* is revoket.

19. Section 600.678 *Blue civil airway No. 78 (Spring Bay, Utah, to Malad City, Utah)* is revoked.

20. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "Youngstown, Ohio, omnirange station; Philipsburg, Pa., omnirange station;" to read: "Youngstown, Ohio, omnirange station; Clarion, Pa., omnirange station; Philipsburg, Pa., omnirange station;"

21. Section 600.6007 *VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.)* is amended by changing the portion which reads: "Terre Haute, Ind., omnirange station, including a west alternate; Lafayette, Ind., omnirange station, including a west alternate via the intersection of the Terre Haute omnirange 348° True and the Lafayette omnirange 213° True radials; Chicago Heights, Ill., omnirange station;" to read: "Terre Haute, Ind., omnirange station, including a west alternate; Westpoint, Ind., omnirange station, including a west alternate via the Terre Haute omnirange 348° and the Westpoint omnirange direct radial to the Vandalia, Ill., omnirange station; Lafayette, Ind., omnirange station; Chicago Heights, Ill., omnirange station;"

22. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended by changing all after "Mansfield, Ohio, omnirange station;" to read: "Mansfield, Ohio, omnirange station; Navarre, Ohio, omnirange station; point of intersection of the Navarre omnirange direct radial to the Wheeling, W. Va., omnirange station with the Imperial, Pa., omnirange direct radial to the Tiverton, Ohio, omnirange station; Pittsburgh, Pa., omnirange station; Martinsburg, W. Va., omnirange station; to the Washington, D. C., terminal omnirange station. The portion of this airway which lies within the geographic limits of, and between the designated altitude of, the Bullion Mountains Restricted Area (R-344) is excluded during its time of designation."

23. Section 600.6009 *VOR civil airway No. 9 (New Orleans, La., to Green Bay, Wis.)* is amended by changing all before "Jackson, Miss., omnirange station including an east alternate;" to read: "From the New Orleans, La., omnirange station via the McComb, Miss., omnirange station, including a west alternate via the intersection of the New Orleans omnirange 326° and the McComb omnirange 197° radials and also an east alternate from the New Orleans omnirange station to the McComb omnirange station via the Picayune, Miss., omnirange station; Jackson, Miss., omnirange station, including an east alternate;" and by adding a last sentence to read: "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Camp Villere Restricted Area (R-440) is excluded during its time of designation."

24. Section 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.)* is amended by changing the portion which reads: "Youngstown, Ohio, omnirange station; Philipsburg, Pa., omnirange station;" to read: "Youngstown, Ohio, omnirange station; Clarion, Pa., omnirange station; Philipsburg, Pa., omnirange station;"

25. Section 600.6011 *VOR civil airway No. 11 (Memphis, Tenn., to Detroit, Mich.)* is amended by changing the portion which reads: "intersection of the Indianapolis omnirange 021° and the Fort Wayne VORTAC 232° radials;" to read: "intersection of the Indianapolis omnirange 022° and the Fort Wayne VORTAC 232° radials;"

26. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing the portion which reads: "Zuni, N. Mex., omnirange station, including a north alternate via the intersection of the Winslow omnirange 076° True and the Zuni omnirange 287° True radials;" to read: "Zuni, N. Mex., omnirange station, including a north alternate via the intersection of the Winslow omnirange 076° and the Zuni omnirange 287° radials and also a south alternate;"

27. Section 600.6014 *VOR civil airway No. 14 (Roswell, N. Mex., to Boston, Mass.)* is amended by changing the portion which reads: "Oklahoma City, Okla., omnirange station;" to read: "Oklahoma City, Okla., omnirange station, including a south alternate via the intersection of the Hobart, Okla., omnirange 076° and the Oklahoma City, Okla., omnirange 202° radials;"

28. Section 600.6019 *VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.)* is amended by changing the portion which reads: "Kiowa, Colo., omnirange station, including an east alternate via the intersection of the Pueblo omnirange 018° True and the Kiowa omnirange 167° True radials;" to read: "Kiowa, Colo., omnirange station, including an east alternate;"

29. Section 600.6020 *VOR civil airway No. 20 (Laredo, Tex., to Richmond, Va.)* is amended by changing all before "Montgomery, Ala., omnirange station," to read: "From the Laredo, Tex., omnirange station via the Alice, Tex., omnirange station; Corpus Christi, Tex., omnirange station, Palacios, Tex., omnirange station; Houston, Tex., omnirange station, including a north alternate via the intersection of the Palacios omnirange 016° and the Houston omnirange 255° radials; Beaumont, Tex., omnirange station, including a north alternate via the intersection of the Houston omnirange 044° and the Beaumont omnirange 273° radials; Lake Charles, La., omnirange station, including a north alternate via the intersection of the Beaumont omnirange 060° and the Lake Charles omnirange 271° radials and also a south alternate from the Houston omnirange station to the Lake Charles omnirange station via the intersection of the Houston omnirange 090° and the Lake Charles omnirange 241° radials; Lafayette, La., omnirange station, including a north alternate via the intersection of the Lake Charles omnirange 058° and the Lafayette 287° radials and also a south alternate via the intersection of the Lake Charles omnirange 119° and the Lafayette omnirange 255° radials; New Orleans, La., omnirange station, including a south alternate via the intersection of the Lafayette omnirange 109° and the New Orleans omnirange 226° radials; intersection of the New Orleans omnirange 070° and the Gulfport omnirange 247° radials; Gulfport, Miss., omnirange station; Mobile, Ala., omnirange station, including a north alternate from the New Orleans omnirange station to the Mobile omnirange station via the Picayune, Miss., omnirange station; Evergreen, Ala., omnirange station, including a north alternate via the intersection of the Mobile omnirange 005° radial with the Evergreen omnirange direct radial to the Picayune omnirange station; Montgomery, Ala., omnirange station;"

30. Section 600.6022 *VOR civil airway No. 22 (New Orleans, La., to Jacksonville, Fla.)* is amended by changing all before "Brookley AFB, Ala., terminal omnirange station;" to read: "From the New Orleans, La., omnirange station via the intersection of the New Orleans omnirange 085° and the Brookley AFB omnirange 238° radials; Brookley AFB, Ala., terminal omnirange station;"

31. Section 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.)* is amended by changing the portion which reads: "Eugene omnirange 341°" to read: "Eugene omnirange 346°".

32. Section 600.6030 *VOR civil airway No. 30 (Milwaukee, Wis., to Nantucket, Mass.)* is amended by changing the portion which reads: "Youngstown, Ohio, omnirange station; Philipsburg, Pa., omnirange station;" to read: "Youngstown, Ohio, omnirange station; Clarion, Pa., omnirange station; Philipsburg, Pa., omnirange station;"

33. Section 600.6035 *VOR civil airway No. 35 (Key West, Fla., to Syracuse, N. Y.)* is amended by changing the portion between "Tampa, Fla., omnirange station;" and "Tallahassee, Fla., omnirange station;" to read: "Tampa, Fla., omnirange station; Cross City, Fla., omnirange station, including an east alternate from the point of intersection of the Tampa omnirange 153° radial and the Tampa International Airport ILS localizer south course to the Cross City omnirange station via the Tampa International Airport ILS localizer, the intersection of the Tampa International Airport ILS localizer north course and the Gainesville omnirange 190° radial, and the Gainesville, Fla., omnirange station and also a west alternate from the Tampa omnirange station to the Cross City omnirange station via the intersection of the Tampa omnirange 335° and the Cross City omnirange 185° radials; intersection of the Cross City omnirange 316° and the Tallahassee omnirange 132° radials; Tallahassee, Fla., omnirange station;"

34. Section 600.6038 *VOR civil airway No. 38 (Iowa City, Iowa, to Elkins, W. Va.)* is amended by changing the portion which reads: "Fort Wayne, Ind., omnirange station; intersection of the Fort Wayne omnirange 099° True and the Findlay omnirange 276° True radials; Findlay, Ohio, omnirange station;" to read: "Fort Wayne, Ind., omnirange station; Findlay, Ohio, omnirange station;"

35. Section 600.6040 is amended to read:

§ 600.6040 *VOR civil airway No. 40 (Cleveland, Ohio, to Pittsburgh, Pa.)*. From the Cleveland, Ohio, omnirange station via the Navarre, Ohio, omnirange station; point of intersection of the Navarre omnirange direct radial to the Wheeling, W. Va., omnirange station with the Imperial, Pa., omnirange direct radial to the Tiverton, Ohio, omnirange station; to the Pittsburgh, Pa., omnirange station.

36. Section 600.6053 *VOR civil airway No. 53 (Charleston, S. C., to Chicago, Ill.)* is amended by changing all after "Indianapolis, Ind., omnirange station;" to read: "Indianapolis, Ind., omnirange station; Westpoint, Ind., omnirange station; intersection of the Westpoint omnirange 326° and the Peotone omnirange 153° radials; Peotone, Ill., omnirange station; to the point of intersection of the Peotone omnirange 003° and the Joliet, Ill., omnirange 056° radials."

37. Section 600.6058 is amended by changing the caption to read: *"VOR civil airway No. 58 (Ellwood City, Pa., to Hartford, Conn.)"* and by changing all before "Philipsburg, Pa., omnirange station;" to read: "From the Ellwood City, Pa., omnirange station via the intersection of the Ellwood City omnirange 087° and the Philipsburg omnirange 267° radials; Philipsburg, Pa., omnirange station;"

38. Section 600.6072 is amended to read:

§ 600.6072 *VOR civil airway No. 72 (Troy, Ill., to Albany, N. Y.)*. From the Troy, Ill., omnirange station; via the Vandalia, Ill., omnirange station; Westpoint, Ind., omnirange station; to the Lafayette, Ind., omnirange station. From the Findlay, Ohio, omnirange station via the Cleveland, Ohio, omnirange station; Youngstown, Ohio, omnirange station; point of intersection of the Fitzgerald, Pa., omnirange 304° and the Bradford omnirange 260° radials; Bradford, Pa., omnirange station; point of intersection of the Bradford omnirange 078° radial with the Stonyfork, Pa., omnirange direct radial to the Wellsville, N. Y., omnirange station; Elmira, N. Y., omnirange station; Binghamton, N. Y., omnirange station; Rockdale, N. Y., omnirange station; to the Albany, N. Y., omnirange station.

39. Section 600.6074 is amended to read:

§ 600.6074 *VOR civil airway No. 74 (Hugo, Colo., to Pine Bluff, Ark.)*. From the Hugo, Colo., omnirange station via the intersection of the Hugo omnirange 112° and the Garden City VORTAC 296° radials; Garden City VORTAC; Dodge City, Kans., omnirange station; Anthony, Kans., omnirange; Ponca City, Okla., omnirange station; Tulsa, Okla., omnirange station; Fort Smith, Ark., omnirange station, including a north alternate from the Tulsa omnirange station to the Fort Smith omnirange station via the point of intersection of the Tulsa omnirange 088° and the Neosho, Mo., omnirange 223° radials and also a south alternate from the Ponca City omnirange station to the Fort Smith omnirange station via the Okmulgee, Okla, omnirange station; intersection of the Fort Smith omnirange 098° and the Little Rock omnirange 302° radials; Little Rock, Ark., omnirange station; intersection of the Little Rock omnirange 141° and the Pine Bluff omnirange 007° radials; to the Pine Bluff, Ark., omnirange station.

40. Section 600.6075 is amended to read:

§ 600.6075 *VOR civil airway No. 75 (Petersburg, W. Va., to Cleveland, Ohio)*. From the point of intersection of the Morgantown, W. Va., omnirange 134° and the Elkins, W. Va., omnirange 083° radials via the Morgantown, W. Va., omnirange; Wheeling, W. Va., omnirange station; Navarre, Ohio, omnirange station; to the Cleveland, Ohio, omnirange station.

41. Section 600.6091 *VOR civil airway No. 91 (New York, N. Y., to Montreal, Quebec)* is amended by changing the portion which reads: "Albany, N. Y., omnirange station, including an east alternate via the intersection of the Poughkeepsie omnirange 007° True and the Albany omnirange 140° True radials and also a west alternate; Plattsburgh, N. Y., omnirange station;" to read: "Albany, N. Y., omnirange station, including an east alternate via the intersection of the Poughkeepsie omnirange 007° and the Albany omnirange 140° radials and also a west alternate; Benson, Vt., omnirange station; Burlington, Vt., omnirange station; Plattsburgh, N. Y., omnirange station;"

42. Section 600.6092 is amended to read:

§ 600.6092 *VOR civil airway No. 92 (Chicago, Ill., to Washington, D. C.)*. From the Joliet, Ill., omnirange station

via the Chicago Heights, Ill., omnirange station; Goshen, Ind., omnirange station; Waterville, Ohio, omnirange station; Mansfield, Ohio, omnirange station; Navarre, Ohio, omnirange station; Wheeling, W. Va., omnirange station; Grantsville, Md., omnirange station; Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° and the Washington terminal omnirange 245° radials; to the Washington, D. C., terminal omnirange station.

43. Section 600.6096 is amended to read:

§ 600.6096 *VOR civil airway No. 96 (Kokomo, Ind., to Waterville, Ohio).* From the intersection of the Indianapolis, Ind., omnirange 022° and the Fort Wayne VORTAC 232° radials via the Fort Wayne, Ind., VORTAC to the Waterville, Ohio, omnirange station.

44. Section 600.6097 *VOR civil airway No. 97 (Miami, Fla., to Minneapolis, Minn.)* is amended by changing the portion which reads: "Tallahassee, Fla., omnirange station; Albany, Ga., omnirange station;" to read: "Tallahassee, Fla., omnirange station, including an east alternate from the Tampa omnirange station to the Tallahassee omnirange station via the point of intersection of the Tampa omnirange 335° with the Cross City omnirange 207° radials; the Cross City, Fla., omnirange station and the intersection of the Cross City omnirange 316° with the Tallahassee 132° radials; Albany, Ga., omnirange station;" by changing the portion which reads: "Knoxville, Tenn., omnirange station, including an east alternate from the Atlanta omnirange station to the Knoxville omnirange station via the Norcross, Ga., omnirange station and the intersection of the Norcross omnirange 014° True and the Knoxville omnirange 175° True radials; Lexington, Ky., omnirange station;" to read: "Knoxville, Tenn., omnirange station, including an east alternate from the Atlanta omnirange station to the Knoxville omnirange station via the Norcross, Ga., omnirange station and the intersection of the Norcross omnirange 014° and the Knoxville omnirange 175° radials; London, Ky., omnirange station; Lexington, Ky., omnirange station;" by changing the portion which reads: "Lafayette, Ind., omnirange station, including a west alternate from the Shelbyville omnirange station to the Lafayette omnirange station via the Indianapolis omnirange station and the intersection of the Indianapolis omnirange 344° True and the Lafayette omnirange 133° True radials; to the Chicago Heights, Ill., omnirange station." to read: "Lafayette, Ind., omnirange station, including a west alternate from the Shelbyville omnirange station to the Lafayette omnirange station via the Indianapolis, Ind., omnirange station and the intersection of the Indianapolis omnirange 344° radial with the Lafayette omnirange direct radial to the Shelbyville omnirange staton; to the Chicago Heights, Ill., omnirange station." and by adding a last sentence to read: "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Dawsonville Restricted Area (R–534) is excluded during its time of designation."

45. Section 600.6103 is amended to read:

§ 600.6103 *VOR civil airway No. 103 (Greensboro, N. C., to Windsor, Ont.).* From the Greensboro, N. C., omnirange station via the Roanoke, Va., terminal omnirange station; Elkins, W. Va., omnirange station; Clarksburg, W. Va., omnirange station; Wheeling, W. Va., omnirange station; Navarre, Ohio, omnirange station; Cleveland, Ohio, omnirange station; point of intersection of the Carleton, Mich., omnirange 097° and the Windsor omnirange 121° radials; to the Windsor, Ont., omnirange station.

46. Section 600.6106 *VOR civil airway No. 106 (Charleston, W. Va., to Kennebunk, Maine)* is amended by changing the portion which reads: "From the Charleston, W. Va., omnirange station via the Morgantown, W. Va., omnirange station;" to read: "From the Charleston, W. Va., omnirange station via the intersection of the Charleston omnirange 049° and the Elkins omnirange 264° radials; Clarksburg, W. Va., omnirange station; Morgantown, W. Va., omnirange station;"

47. Section 600.6114 *VOR civil airway No. 114 (Amarillo, Tex., to New Orleans, La.)* is amended by changing the portion which reads: "to the New Orleans, La., omnirange station." to read: "to the New Orleans, La., omnirange station, including a north alternate via the intersection of the Alexandria omnirange 105° and the New Orleans omnirange 326° radials."

48. Section 600.6119 is amended to read:

§ 600.6119 *VOR civil airway No. 119 (Huntington, W. Va., to Rochester, N. Y.).* From the Huntington, W. Va., nondirectional radio beacon via the Henderson, W. Va., omnirange station; Parkersburg, W. Va., omnirange station; Wheeling, W. Va., omnirange station; Imperial, Pa., omnirange station; Clarion, Pa., omnirange station; Fitzgerald, Pa., omnirange station; Bradford, Pa., omnirange station; Wellsville, N. Y., omnirange station; Geneseo, N. Y., omnirange station; to the Rochester, N. Y., omnirange station.

49. Section 600.6128 *VOR civil airway No. 128 (Chicago, Ill., to Charleston, W. Va.)* is amended by changing all before "Indianapolis, Ind., omnirange station;" to read: "From the point of intersection of the Joliet, Ill., omnirange 056° and the Peotone omnirange 003° radials via the Peotone, Ill., omnirange station; intersection of the Peotone omnirange 153° and the Westpoint omnirange 326° radials; Westpoint, Ind., omnirange station; Indianapolis, Ind., omnirange station;"

50. Section 600.6141 is amended to read:

§ 600.6141 *VOR civil airway No. 141 (Nantucket, Mass., to Massena, N. Y.).* From the Nantucket, Mass., omnirange station via the intersection of the Nantucket omnirange 339° and the Boston omnirange 133° radials; Boston, Mass., omnirange station; Concord, N. H., omnirange station; Lebanon, N. H., nondirectional radio beacon; Burlington, Vt., omnirange station; to the Massena, N. Y., omnirange station.

51. Section 600.6144 *VOR civil airway No. 144 (Chicago, Ill., to Washington, D. C.)* is amended by changing the portion which reads: "Fort Wayne, Ind., omnirange station; intersection of the Fort Wayne omnirange 099° True and the Findlay omnirange 276° True radials; Findlay, Ohio, omnirange station;" to read: "Fort Wayne, Ind., omnirange station; Findlay, Ohio, omnirange station;"

52. Section 600.6146 is amended to read:

§ 600.6146 *VOR civil airway No. 146 (Wilkes-Barre, Pa., to Providence, R. I.).* From the Wilkes-Barre-Scranton, Pa., omnirange station via the Huguenot, N. Y., omnirange station; point of intersection of the Wilton, Conn., omnirange 295° and the Poughkeepsie omnirange 236° radials; Poughkeepsie, N. Y., omnirange station; Putnam, Conn., omnirange station; to the Providence, R. I., omnirange station.

53. Section 600.6196 is added to read:

§ 600.6196 *VOR civil airway No. 196 (Tupper Lake, N. Y., to Plattsburgh, N. Y.).* From the point of intersection of the Plattsburgh, N. Y., omnirange station 236° with the Massena, N. Y., omnirange direct radial to the Albany, N. Y., omnirange station to the Plattsburgh, N. Y., omnirange station.

54. Section 600.6209 is added to read:

§ 600.6209 *VOR civil airway No. 209 (Mobile, Ala., to Tuscaloosa, Ala.).* From the Mobile, Ala., omnirange station via the intersection of the Mobile 005° and the Meridian, Miss., omnirange 089° radials; to the Tuscaloosa, Ala., omnirange station.

55. Section 600.6210 *VOR civil airway No. 210 (Los Angeles, Calif., to Wheeling, W. Va.)* is amended by changing the portion which reads: "to the Pueblo, Colo., omnirange station, including a south alternate via the point of intersection of the Alamosa omnirange direct radial to the Lamar, Colo., omnirange station with the Las Vegas, N. Mex., omnirange direct radial to the Pueblo omnirange station." to read: "to the Pueblo, Colo., VORTAC, including a south alternate via the intersection of the Alamosa omnirange 075° and the Pueblo VORTAC 203° radials."

56. Section 600.6227 is amended to read:

§ 600.6227 *VOR civil airway No. 227 (Louisville, Ky., to Peotone, Ill.).* From the Louisville, Ky., omnirange station via the intersection of the Louisville omnirange 310° and the Indianapolis omnirange 185° radials; Indianapolis, Ind., omnirange station; point of intersection of the Indianapolis omnirange direct radial to the Westpoint, Ind., omnirange station with the Lafayette omnirange 159° radial; Lafayette, Ind., omnirange station; intersection of the Lafayette 313° and the Peotone omni-

range 153° radials; to the Peotone, Ill., omnirange station.

57. Section 600.6240 is amended to read:

§ 600.6240 *VOR civil airway No. 240 (New Orleans, La., to Mobile, Ala.).* From the New Orleans, La., omnirange station via the intersection of the New Orleans omnirange 100° and the Mobile omnirange 224° radials to the Mobile, Ala., omnirange station.

58. Section 600.6250 is amended to read:

§ 600.6250 *VOR civil airway No. 250 (Imperial, Pa., to Clarion, Pa.).* From the Imperial, Pa., omnirange station via the Ellwood City, Pa., omnirange station to the Clarion, Pa., omnirange station.

59. Section 600.6260 is amended by changing the caption to read: "*VOR civil airway No. 260 (Charleston, W. Va., to Richmond, Va.).*"

60. Section 600.6276 is amended by changing the caption to read: "*VOR civil airway No. 276 (Navarre, Ohio, to Monmouth, N. J.)*" and by changing all before "Tyrone, Pa., omnirange station;" to read: "From the Navarre, Ohio, omnirange station via the Ellwood City, Pa., omnirange station; the point of intersection of the Ellwood City omnirange 102° and the Fitzgerald, Pa., omnirange 191° radials; Tyrone, Pa., omnirange station;"

61. Section 600.6292 is added to read:

§ 600.6292 *VOR civil airway No. 292 (Hartford, Conn., to Boston, Mass.).* From the Hartford, Conn., omnirange station via the Putnam, Conn., omnirange station; to the point of intersection of the Putnam omnirange 043° with the Boston, Mass., omnirange 256° radial.

62. Section 600.6426 is added to read:

§ 600.6426 *VOR civil airway No. 426 (Unassigned).*

63. Section 600.6427 is added to read:

§ 600.6427 *VOR civil airway No. 427 (Newcomerstown, Ohio, to Navarre, Ohio).* From the Newcomerstown, Ohio, omnirange station to the Navarre, Ohio, omnirange station.

64. Section 600.6604 *VOR civil airway No. 1504 (San Francisco, Calif., to Washington, D. C.)* is amended by changing all after "Cleveland, Ohio, omnirange station;" to read: "Cleveland, Ohio, omnirange station; Navarre, Ohio, omnirange station; Wheeling, W. Va., omnirange station; Grantsville, Md., omnirange station; Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° and the Washington terminal omnirange 245° radials; to the Washington, D. C., terminal omnirange station."

65. Section 600.6610 *VOR civil airway No. 1510 (Los Angeles, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "Youngstown, Ohio, omnirange station; Philipsburg, Pa., omnirange station;" to read: "Youngstown, Ohio, omnirange station; Clarion, Pa., omnirange station; Philipsburg, Pa., omnirange station;"

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. September 25, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

AUGUST 28, 1958.

[F. R. Doc. 58-7153; Filed, Sept. 4, 1958; 8:46 a. m.]

[Amdt. 17]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Division, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.212 is amended by changing the caption to read: "*Red civil airway No. 12 control areas (Chicago, Ill., to Detroit, Mich.).*"

2. Section 601.214 is amended by changing the caption to read: "*Red civil airway No. 14 control areas (Milwaukee, Wis., to Indianapolis, Ind.).*"

3. Section 601.228 is amended by changing the caption to read: "*Red civil airway No. 28 control areas (Chicago, Ill., to Detroit, Mich.).*"

4. Section 601.242 *Red civil airway No. 42 control areas (Milwaukee, Wis., to Aurora, Ill.)* is revoked.

5. Section 601.254 *Red civil airway No. 54 control areas (Burley, Idaho, to Promontory Point, Utah)* is revoked.

6. Section 601.298 *Red civil airway No. 98 control areas (Vichy, Mo., to Belleville, Ill.)* is revoked.

7. Section 601.308 is amended by changing the caption to read: "*Red civil airway No. 108 control areas (Corinne, Utah, to Fort Bridger, Wyo.).*"

8. Section 601.605 is amended by changing the caption to read: "*Blue civil airway No. 5 control areas (Waco, Tex., to Wichita, Kans.).*"

9. Section 601.606 is amended by changing the caption to read: "*Blue civil airway No. 6 control areas (Belleville, Ill., to Muskegon, Mich.)*"

10. Section 601.609 is amended by changing the caption to read: "*Blue civil airway No. 9 control areas (Rochester, Minn., to United States-Canadian Border).*"

11. Section 601.631 is amended by changing the caption to read: "*Blue civil airway No. 31 control areas (Burlington, Iowa, to Moline, Ill.)*"

12. Section 601.652 is added to read:

§ 601.652 *Blue civil airway No. 52 control areas (Tamiami, Fla., to West Palm Beach, Fla.).* All of Blue civil airway No. 52.

13. Section 601.657 *Blue civil airway No. 57 control areas (Elko, Nev., to Burley, Idaho)* is revoked.

14. Section 601.669 *Blue civil airway No. 69 control areas (St. Louis, Mo., to Quincy, Ill.)* is revoked.

15. Section 601.678 *Blue civil airway No. 78 control areas (Spring Bay, Utah, to Malad City, Utah)* is revoked.

16. Section 601.1003 is amended to read:

§ 601.1003 *Control area extension (Corinne, Utah).* Within 5 miles either side of a line bearing 289° True extending from the Corinne nondirectional radio beacon to VOR civil airway No. 101.

17. Section 601.1022 is amended to read:

§ 601.1022 *Control area extension (West Palm Beach, Fla.).* The airspace northwest of West Palm Beach bounded on the south by VOR civil airway No. 293, on the east by VOR civil airway No. 3, and on the west and northwest by Blue civil airway No. 19 and VOR civil airway No. 51.

18. Section 601.1029 is amended to read:

§ 601.1029 *Control area extension (Corpus Christi, Tex.).* The airspace north of Corpus Christi bounded on the southeast by VOR civil airway No. 20, on the southwest by VOR civil airway No. 68, on the northwest by the San Antonio control area extension (§ 601.1180), on the north by latitude 29°00'00", and on the northeast by the Victoria, Tex., control area extension (§ 601.1376).

19. Section 601.1043 is amended to read:

§ 601.1043 *Control area extension (Bowling Green, Ky.).* The airspace within a 15-mile radius of the Bowling Green omnirange station and within 5 miles either side of the northwest and southeast courses of the Bowling Green radio range extending from the radio range station to a point 25 miles northwest and to a point 20 miles southeast of the radio range station, including the airspace west of Bowling Green bounded on the north by latitude 37°00'00", on the west by VOR civil airway No. 7 and on the southeast by VOR civil airway No. 57.

20. Section 601.1104 *Control area extension (Rockford, Ill.)* is revoked.

21. Section 601.1128 is added to read:

§ 601.1128 *Control area extension (Alexandria, La.).* The airspace within a 40-mile radius of the Alexandria, La., omnirange station, including the airspace south of Alexandria bounded on the northeast by VOR civil airway No. 114, on the southeast by VOR civil airway No. 222, on the south and southwest by

the Lake Charles control area extension (601.1006), and on the northwest by a line 5 miles northwest of and parallel to the Alexandria omnirange 232° True radial, excluding the portion which lies within Camp Polk Restricted Areas (R–229) and (R–230). The portion of this control area which lies within the Camp Claiborne Restricted Area (R–431) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

22. Section 601.1183 *Control area extension (Seattle, Wash.)* is amended by deleting the last sentence which reads: "that airspace north of Seattle bounded on the south by Red civil airway No. 79, on the east by Green civil airway No. 10, and on the northwest by a line extending from a point at latitude 48°02'00", longitude 122°26'00" to a point at latitude 47°55'00", longitude 122°32'00"." and by adding a last portion to read: "the airspace northwest of Seattle bounded on the northeast by Amber civil airway No. 1, on the north by Red civil airway No. 79, on the west by longitude 123°15'00", and on the south by VOR civil airway No. 27, excluding the portion overlapping Hood Canal Caution Area (C–243)."

23. Section 601.1178 *Control area extension (Honolulu, T. H.)* is amended by adding the following portion to present control area extension: "also, the airspace within 5 miles either side of the north course of the Honolulu radio range extending from the radio range station to the southern boundary of the Kaneohe, T. H., control area extension (§ 601.1380)."

24. Section 601.1193 *Control area extension (Monterey Calif.)* is amended by changing the words which read: "the 229° True radial of the Salinas VOR radio range" to read: "the 241° True radial of the Salinas omnirange".

25. Section 601.1236 is amended to read:

§ 601.1236 *Control area extension (Seattle, Wash.)*. The airspace northeast of Seattle bounded on the south by VOR civil airway No. 2–N, on the east by longitude 121°35'00", on the north by latitude 48°55'00", and on the west by VOR civil airway No. 23.

26. Section 601.1258 is amended to read:

§ 601.1258 *Control area extension (Lafayette, Ind.)*. The airspace within a 25-mile radius of Purdue University Airport, Lafayette, Ind., including the airspace bounded on the south by a line 5 miles south of and parallel to a direct line from the Westpoint, Ind., omnirange station to the Kokomo, Ind., omnirange station, on the north by a line 5 miles north of and parallel to the 59° True radial of the Lafayette omnirange and on the northeast by the Peru, Ind., control area extension (§ 601.1405).

27. Section 601.1286 *Control area extension (Fort Worth, Tex.)* is amended by changing the words which read: "on the northwest by Blue civil airway No. 6," to read: "on the northwest by VOR civil airway No. 77," and by changing the words which read: "on the west by Blue civil airway No. 6," to read: "on the west by VOR civil airway No. 77,"

28. Section 601.1294 *Control area extension (Everett, Wash.)* is revoked.

29. Section 601.1369 is amended to read:

§ 601.1369 *Control area extension (Myrtle Beach, S. C.)*. The airspace within a 25-mile radius of the Myrtle Beach AFB bounded on the southeast by Warning Area (W–177); the airspace bounded on the north by a line 5 miles north of and parallel to the 96° True radial of the Florence, S. C., omnirange, on the west by VOR civil airway No. 3–E, and on the southeast by VOR civil airway No. 1.

30. Section 601.1389 *Control area extension (Miami, Fla.)* is amended by changing the words which read: "extending from Amber civil airway No. 7 and VOR civil airway No. 3" to read: "extending from VOR civil airway No. 3".

31. Section 601.1395 *Control area extension (Plattsburg, N. Y.)* is amended by deleting the portion which reads: "that airspace south of Plattsburg bounded on the west by VOR civil airway No. 91, on the southeast by Blue civil airway No. 18 and on the northeast by Blue civil airway No. 4;"

32. Section 601.1408 *Control area extension (Miami, Fla.)* is amended by adding the following to present control area extension: "the airspace west of Miami bounded on the north by Miami control area extension (601.1230), on the southeast by Key West control area extension (§ 601.1434), and on the southwest by a line 3 miles southwest of and parallel to the coastline."

33. Section 601.1984 *Five mile radius zones* is amended by deleting the following airports:

Greenville, Miss.: Greenville AFB.
New Orleans, La.: New Orleans Airport.
Seattle, Wash.: Boeing Field.
Seattle, Wash.: Seattle-Takoma International Airport.

34. Section 601.2024 *Amarillo, Tex., control zone* is amended by changing the name "Amarillo Air Terminal," to read: "Amarillo AFB,"

35. Section 601.2035 is amended to read:

§ 601.2035 *New Orleans, La., control zone*. Within a 5-mile radius of New Orleans Airport and within a 5-mile radius of Moisant International Airport, within 2 miles either side of the east and west courses of the New Orleans radio range extending from the New Orleans Airport 5-mile radius zone to a point 17¼ miles west of the radio range station, within 2 miles either side of the 242° and 62° True radials of the New Orleans omnirange extending from the Moisant International Airport 5-mile radius zone to a point 10 miles northeast of the omnirange station, and within 2 miles either side of the ILS localizer course extending from the localizer to a point 14½ miles west.

36. Section 601.2054 *Hutchinson, Kans., control zone* is amended by changing the name "Hutchinson Naval Air Station," to read: "Hutchinson ANG Field,".

37. Section 601.2066 *Pueblo, Colo., control zone* is amended by changing the words which read: "271° and 91° True radials of the Pueblo omnirange" to read: "267° and 87° True radials of the Pueblo omnirange".

38. Section 601.2109 is amended to read:

§ 601.2109 *Lafayette, Ind., control zone*. Within a 5-mile radius of Purdue University Airport, within 2 miles either side of the 38° and 218° True radials of the Westpoint, Ind., omnirange extending from the 5-mile radius zone to a point 12 miles southwest of the Westpoint omnirange station, and within 2 miles either side of the 144° and 324° True radials of the Lafayette omnirange extending from the 5-mile radius zone to a point 12 miles northwest of the Lafayette omnirange station.

39. Section 601.2121 is amended to read:

§ 601.2121 *Rockford, Ill., control zone*. Within a 5-mile radius of Greater Rockford Airport, within 2 miles either side of a line extending from Greater Rockford Airport through the Rockford nondirectional radio beacon to a point 12 miles south of the nondirectional radio beacon, and within 2 miles either side of the 112° and 292° True radials of the Rockford omnirange extending from the 5-mile radius zone to a point 12 miles northwest of the omnirange station.

40. Section 601.2133 is amended to read:

§ 601.2133 *Birmingham, Ala., control zone*. Within a 5-mile radius of Birmingham Airport, within 2 miles either side of the north course of the Birmingham radio range extending from the radio range station to a point 10 miles north, and within 2 miles either side of the ILS southwest localizer course extending from the localizer to the ILS outer marker.

41. Section 601.2314 *Bryan, Tex., control zone* is revoked.

42. Section 601.2314 is added to read:

§ 601.2314 *College Station, Tex., control zone*. Within a 3-mile radius of Easterwood Airport, College Station, Tex., and within 2 miles either side of the 107° and 287° True radials of the College Station omnirange extending to points 12 miles northwest and southeast of the omnirange station.

43. Section 601.2436 is added to read:

§ 601.2436 *New Orleans, La., control zone*. Within a 5-mile radius of a point centered on Alvin Callender NAS, and within 2 miles either side of a 226° True bearing extending from this point to a point 13 nautical miles southwest.

44. Section 601.2437 is added to read:

§ 601.2437 *London, Ky., control zone*. Within a 3-mile radius of London Airport and within 2 miles either side of the 27° and 207° True radials of the London omnirange extending from the 3-mile radius zone to a point 10 miles southwest of the omnirange station.

45. Section 601.2438 is added to read:

§ 601.2438 *Greenville, Miss., control zone.* Within a 5-mile radius of Greenville AFB and within 2 miles either side of a direct line extending from the AFB through the AFB terminal omnirange station to a point 2 miles north of the terminal omnirange station.

46. Section 601.2427 *Champaign, Ill., control zone* is revoked.

47. Section 601.2439 is added to read:

§ 601.2439 *Santa Maria, Calif., control zone.* Within a 5-mile radius of Santa Maria Airport excluding the portion which lies within Camp Cooke Restricted Area (R–531).

48. Section 601.2440 is added to read:

§ 601.2440 *Seattle, Wash., control zone (Seattle-Tacoma International Airport).* The airspace bounded by a line beginning at a point at latitude 47°29'20", longitude 122°13'50", thence extending south to a point at latitude 47°28'20", longitude 122°13'50", thence southeast to a point at latitude 47°27'00", longitude 122°11'50", thence clockwise along the circumference of a circle 5 miles in radius and centered on the Seattle-Tacoma International Airport to a point at latitude 47°29'20", longitude 122°23'10" thence east to point of beginning.

49. Section 601.2441 is added to read:

§ 601.2441 *Seattle, Wash., control zone. (Boeing Airport).* The airspace bounded by a line beginning at a point at latitude 47°31'55", longitude 122°11'40", thence extending southwest to a point at latitude 47°30'45", longitude 122°13'50", thence south to a point at latitude 47°29'20", longitude 122°13'50", thence west to a point at latitude 47°29'20", longitude 122°23'10" thence clockwise along the circumference of a circle 5 miles in radius and centered on the Boeing Airport, Seattle, Wash., to the point of beginning.

50. Section 601.2442 is added to read:

§ 601.2442 *Renton, Wash., control zone. (Renton Airport).* The airspace bounded by a line beginning at a point at latitude 47°31'55", longitude 122°11'40", thence clockwise via the circumference of a circle 3 miles in radius centered on Renton Airport to a point at latitude 47°27'00", longitude 122°11'50", thence extending northwest to a point at latitude 47°28'20", longitude 122°13'50", thence north to a point at latitude 47°30'45", longitude 122°13'50" thence northeast to point of beginning.

51. Section 601.4013 *Green civil airway No. 3 (Oakland, Calif., to New York, N. Y.)* is amended by deleting the following reporting point: "the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Chicago, Ill., radio range;" and by changing the reporting point which reads: "the intersection of the southeast course of the Chicago, Ill., radio range and the west course of the Goshen, Ind., radio range;" to read: "the intersection of the southeast course of the Chicago, Ill., radio range and the east course of the Joliet, Ill., radio range;"

52. Section 601.4105 *Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.)* is amended before "Greenwood, Miss., radio range station;" by adding the following reporting point: "Grand Isle, La., nondirectional radio beacon;"

53. Section 601.4212 is amended by changing the caption to read: "*Red civil airway No. 12 (Chicago, Ill., to Detroit, Mich.).*"

54. Section 601.4214 is amended to read:

§ 601.4214 *Red civil airway No. 14 (Milwaukee, Wis., to Indianapolis, Ind.).* Chicago, Ill., radio range station.

55. Section 601.4228 is amended to read:

§ 601.4228 *Red civil airway No. 28 (Chicago, Ill., to Detroit, Mich.).* The intersection of the northeast course of the Chicago, Ill., radio range and the north course of the South Bend, Ind., radio range.

56. Section 601.4242 *Red civil airway No. 42 (Milwaukee, Wis., to Aurora, Ill.)* is revoked.

57. Section 601.4254 *Red civil airway No. 54 (Burley, Idaho, to Promontory Point, Utah)* is revoked.

58. Section 601.4289 is amended to read:

§ 601.4289 *Red civil airway No. 89 (Quincy, Ill., to Peoria, Ill.).* Quincy, Ill., nondirectional radio beacon; Peoria, Ill., radio range station.

59. Section 601.4298 *Red civil airway No. 98 (Vichy, Mo., to Belleville, Ill.)* is revoked.

60. Section 601.4308 is amended by changing the caption to read: "*Red civil airway No. 108 (Corinne, Utah, to Fort Bridger, Wyo.).*"

61. Section 601.4605 is amended to read:

§ 601.4605 *Blue civil airway No. 5 (Waco, Tex., to Wichita, Kans.).* No reporting point designation.

62. Section 601.4606 is amended by changing the caption to read: "*Blue civil airway No. 6 (Belleville, Ill., to Muskegon, Mich.).*"

63. Section 601.4609 is amended by changing the caption to read: "*Blue civil airway No. 9 (Rochester, Minn., to United States-Canadian Border).*"

64. Section 601.4631 is amended by changing the caption to read: "*Blue civil airway No. 31 (Burlington, Iowa, to Moline, Ill.).*"

65. Section 601.4652 is added to read:

§ 601.4652 *Blue civil airway No. 52 (Tamiami, Fla., to West Palm Beach, Fla.).* No reporting point designation.

66. Section 601.4657 *Blue civil airway No. 57 (Elko, Nev., to Burley, Idaho)* is revoked.

67. Section 601.4667 is amended to read:

§ 601.4667 *Blue civil airway No. 67 (Yuma, Ariz., to Las Vegas, Nev.).* No reporting point designation.

68. Section 601.4669 *Blue civil airway No. 69 (St. Louis, Mo., to Quincy, Ill.)* is revoked.

69. Section 601.4678 *Blue civil airway No. 78 (Spring Bay, Utah, to Malad City, Utah)* is revoked.

70. Section 601.5001 *Other reporting points* is amended as follows: In "South Island Intersection" delete the word "(Navy)"; in "South Millville Intersection" delete the word "(Navy)".

by adding the following reporting points:

Nan-Love 1 Intersection: The intersection of a 103° True bearing from the Grand Isle, La., nondirectional radio beacon and a 179° True bearing from the Pensacola, Fla. (PNS) radio range station.

Nan-Love 2 Intersection: The intersection of a 285° True bearing from the Egmont Key, Fla., nondirectional radio beacon and a 229° True bearing from the Cross City, Fla., radio range station.

by changing the reporting point which reads: "Anchorage-Sandspit route: The Middleton Island, Alaska, nondirectional radio beacon." to read: "Middleton Island, Alaska: Middleton Island radio range station."

and by deleting the following reporting joint:

Domestic Yakataga Intersection: The intersection of the centerline of the Anchorage-Sandspit route and a line bearing 90° therefrom and lying over the Yakataga, Alaska, radio range station.

71. Section 601.6002 is amended to read:

§ 601.6002 *VOR civil airway No. 2 control areas (Seattle, Wash., to Boston, Mass.).* All of VOR civil airway No. 2 including north and south alternates but excluding the airspace between the main airway and its north alternate between the Helena, Mont., omnirange station and the Billings, Mont., omnirange station.

72. Section 601.6040 is amended to read:

§ 601.6040 *VOR civil airway No. 40 control areas (Cleveland, Ohio to Pittsburgh, Pa.).* All of VOR civil airway No. 40.

73. Section 601.6058 is amended to read:

§ 601.6058 *VOR civil airway No. 58 control areas (Ellwood City, Pa., to Hartford, Conn.).* All of VOR civil airway No. 58.

74. Section 601.6096 is amended to read:

§ 601.6096 *VOR civil airway No. 96 control areas (Kokomo, Ind., to Waterville, Ohio).* All of VOR civil airway No. 96.

75. Section 601.6141 is amended to read:

§ 601.6141 *VOR civil airway No. 141 control areas (Nantucket, Mass., to Massena, N. Y.).* All of VOR civil airway No. 141.

76. Section 601.6196 is added to read:

§ 601.6196 *VOR civil airway No. 196 control areas (Tupper Lake, N. Y., to Plattsburgh, N. Y.).* All of VOR civil airway No. 196.

77. Section 601.6209 is added to read:

§ 601.6209 *VOR civil airway No. 209 control areas (Mobile, Ala., to Tuscaloosa, Ala.).* All of VOR civil airway No. 209.

78. Section 601.6250 is amended to read:

§ 601.6250 *VOR civil airway No. 250 control areas (Imperial, Pa., to Clarion, Pa.).* All of VOR civil airway No. 250.

79. Section 601.6260 is amended to read:

§ 601.6260 *VOR civil airway No. 260 control areas (Charleston, W. Va., to Richmond, Va.).* All of VOR civil airway No. 260.

80. Section 601.6276 is amended to read:

§ 601.6276 *VOR civil airway No. 276 control areas (Navarre, Ohio, to Monmouth, N. J.).* All of VOR civil airway No. 276.

81. Section 601.6292 is added to read:

§ 601.6292 *VOR civil airway No. 292 control areas (Hartford, Conn., to Boston, Mass.).* All of VOR civil airway No. 292.

82. Section 601.6300 is amended to read:

§ 601.6300 *VOR civil airway No. 300 control areas (Sault Ste. Marie, Mich., to Toronto, Ont.).* All of VOR civil airway No. 300, including a north alternate.

83. Section 601.6427 is added to read:

§ 601.6427 *VOR civil airway No. 427 control areas (Newcomerstown, Ohio, to Navarre, Ohio).* All of VOR civil airway No. 427.

84. Section 601.6426 is added to read:

§ 601.6426 *VOR civil airway No. 426 control areas (Unassigned).*

85. Section 601.7001 *VOR domestic reporting points* is amended by adding the following reporting points to read:

Barstow Intersection: The intersection of the Hector, Calif., omnirange 265° T and the Daggett, Calif., omnirange 235° T radials.

Greentown Intersection: The intersection of the Indianapolis, Ind., omnirange 021° T and the Kokomo, Ind., omnirange 143° T radials.

Brookley AFB, Ala., omnirange station.
Hector, Calif., omnirange station.
McAlester, Okla., omnirange station.
Okmulgee, Okla., omnirange station.
Westpoint, Ind., omnirange station.

by changing the following reporting points to read:

Bradley Intersection: The intersection of the Poughkeepsie, N. Y., omnirange 061° T and the Hartford, Conn., omnirange 320° T radials.

Edgerton Intersection: The intersection of the Fort Wayne, Ind., omnirange 031° T and the Goshen, Ind., omnirange 092° T radials.

Palestine Intersection: The intersection of the Imperial, Pa., omnirange 226° T and the Ellwood City, Pa., omnirange 265° T radials.

Power Point Intersection: The intersection of the Imperial, Pa., omnirange 305° T and the Youngstown, Ohio, omnirange 190° T radials.

and by revoking the following reporting points:

Apple Intersection: The intersection of the Palmdale, Calif., omnirange 006° T and the Daggett, Calif., omnirange 235° T radials.

Kokomo Intersection: The intersection of the Lafayette, Ind., omnirange 089° T and the Indianapolis, Ind., omnirange 021° T radials.

Maxwell Intersection: The intersection of the Indianapolis, Ind., omnirange 084° T and the Lafayette, Ind., omnirange 122° T radials.

Radnar Intersection: The intersection of the Lafayette, Ind., omnirange 089° T and the Indianapolis, Ind., omnirange 341° T radials.

Daggett, Calif., omnirange station.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., September 25, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

AUGUST 28, 1958.

[F. R. Doc. 58–7154; Filed, Sept. 4, 1958; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7071]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SIEGEL'S

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking. Subpart—*Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Helen L. Siegel et al. trading as Siegel's, San Antonio, Tex., Docket 7071, August 6, 1958]

In the Matter of Helen L. Siegel and Morris E. Siegel, Individually and as Copartners Trading as Siegel's

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in San Antonio, Tex., with violating the Fur Products Labeling Act by falsely identifying on labels the fur contained in certain products, by affixing labels containing fictitious prices and falsely representing excessive amounts as the regular retail prices of fur products; by failing in other respects to conform with the labeling and invoicing requirements of the Act; by advertising in newspapers which failed to disclose the names of animals producing certain furs, that certain products were artificially colored or were composed of cheap or waste fur, and which represented prices as reduced from regular prices which were in fact fictitious; and by failing to maintain adequate records as a basis for such pricing claims.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 6 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Helen L. Siegel and Morris L. Siegel, individually and as copartners, trading as Siegel's, or under any other name, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the introduction into commerce or the sale, advertising, offering for sale, transportation or distribution of fur products, in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing on labels attached to fur products, or in any other manner, that certain amounts are the regular and usual prices of fur products when such amounts are in excess of the prices at which such products are usually and customarily sold by respondents in the recent regular course of their business.

2. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

3. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed by the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;

(e) The name, or other identification, issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into

commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

4. Setting forth on labels attached to fur products:

(a) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information;

(b) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in the fur product;

(g) The item number or mark assigned to a fur product.

2. Setting forth on invoices pertaining to fur products information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur products contain or are composed of bleached, dyed or otherwise artifically colored fur, when such is the fact;

(c) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact.

2. Represents directly or by implication that respondents' regular price of any fur product is any amount which is in excess of the price at which respondents have regularly or customarily sold such products in the recent regular course of their business.

D. Making claims and representations in advertisements respecting comparative prices, percentage savings claims, or claims that prices are reduced from regular or usual prices, unless there is maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 6, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-7177; Filed, Sept. 4, 1958; 8:51 a. m.]

[Docket 7063]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WHITE FRONT STORES, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or services;* § 13.155 *Prices:* Percentage savings; sales below cost; § 13.285 *Value.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, White Front Stores, Inc., et al., Los Angeles, Calif., Docket 7063, August 7, 1958]

In the Matter of White Front Stores, Inc., a Corporation, and Harry Blackman, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Los Angeles, Calif., with violating the Fur Products Labeling Act by failing to invoice as "secondhand used fur" where required and to comply with other requirements of the Act with respect to invoicing; by advertising in newspapers which represented prices of fur products falsely as "way below cost", which failed to specify the nature and extent of a purported "three year guarantee" and the manner in which respondent would perform thereunder, which falsely advertised "free Storage", "40% to 60% off" regular prices, and "spectacular buy out values from Fellman Furs of L. A."; and by failing to maintain adequate records on which the savings claims were based.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent White Front Stores, Inc., a corporation, and its officers, and respondent Harry Blackman, as an individual and as an officer of said corporation; and respondents' representatives, agents and employees, directly or through any corporate or other device, lease, assignment, or agreement, in connection with the introduction into commerce, or the sale, advertisement, offer for sale, transportation, or distribution in commerce of any fur product, or in connection with the sale, advertisement, offer for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur when such is a fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported fur contained in a fur product.

B. Setting forth on invoices pertaining to fur products the name of an animal other than the name or names of the animal or animals producing the fur or furs contained in such fur products.

C. Setting forth information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

D. Failing to set forth, on invoices pertaining to fur products, the term "secondhand used fur" when required by the rules and regulations.

2. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

A. Represents, directly or by implication, where contrary to the facts, that such fur products:

(1) Are being offered for sale at or below respondents' wholesale costs.

(2) Are guaranteed, unless the nature and extent of such guarantee, and the manner in which the guarantor will perform thereunder, are clearly and conspicuously set forth.

(3) May be stored for the purchaser at his option and without charge, by respondents;

(4) Were secured by respondents from a source that is in financial or other distress.

B. Represents, through percentage savings claims or otherwise, that the regular or usual retail prices charged by respondents for fur products of similar grade or quality in the recent regular course of business have been reduced in direct proportion to such savings claims.

3. Setting forth savings claims, or representations as to selling or offering to sell at or below cost, unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based, as required by Rule 44 (e) of the rules and regulations.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 7, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-7178; Filed, Sept. 4, 1958; 8:51 a. m.]

[Docket 6837]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WAREHOUSE DISTRIBUTORS, INC., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Knowingly inducing or receiving discriminating price under 2 (f): § 13.850 *Inducing and receiving discriminations.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Warehouse Distributors, Inc. (Atlanta, Ga.), et al., Docket 6837, August 14, 1958]

In the matter of Warehouse Distributors, Inc., a corporation, and Charles A. Cole, individually and as manager; Alexander-Seewald Co., Inc., a corporation, and R. Jackson Alexander, individually and as an officer; Automotive Supply Co., a corporation, and Frank McKenzie, individually and as an officer; Auto Specialty Co., Inc., a corporation, and H. Edgar Allen, Jr., individually and as an officer; Auto Spring & Bearing Co., Inc., a corporation, and Gordon E. Johnson, individually and as an officer; Black & Company, Inc., a corporation, and Jack F. Black, individually and as an officer; A. C. Broyles, Jr., doing business under the firm name and style of Broyles Rubber Oil Company, a sole proprietorship; Butler Supply Company, Inc., a corporation, and Milton E. Butler, individually and as an officer; C & B Parts Service, Inc., a corporation, and Benjamin T. Brooks, Sr., individually and as an officer; Consolidated Automotive Company, a corporation, and Edgar H. Rogers, Jr., individually and as an officer; Craig Motor Service Co., Inc., a corporation, and Wallace D. Craig, individually and as an officer; General Automotive Supply Co., Inc., a corporation, and William P. Butt, individually and as an officer; Hart's Automotive Parts Co., a corporation, and R. Henry Hart, Jr., and W. Russell Johnson, individually and as officers; Billie Bruce Jones, doing business under the firm name and style of Bruce Jones Company, a sole proprietorship; Motor Bearings & Parts Co., of Raleigh, Inc., a corporation, and Lorentz T. White, Lorentz T. White, Jr., and Sydnor M. White, individually and as officers; Motor Car Supply Company, a corporation, and Emory R. Young and Hoke J. Monroe, individually and as officers; Motor & Electric Supply Co., Inc., a corporation, and J. A. Bryant, individually and as an officer; The Parts Company, a corporation, and Walton H. Rockafellow, individually and as an officer; Parts Service Company, Inc., a corporation, and Claude R. Kirk and Samuel R. Meadows, individually and as officers; Phelps-Roberts Corporation, a corporation, and Robert E. Phelps, individually and as an officer; Richmond Auto Parts Company, Inc., a corporation, and Hansford B. Truslow, individually and as an officer; Scurry & Nixon, Inc., a corporation, and James A. Brown, individually and as an officer; Southern Bearings & Parts Co., Inc., a corporation, and Clarence E. Beeson and O. Harold Hamby, individually and as officers; Southern Parts & Bearing Co., Inc., a corporation, and Randolph M. Myers and H. Ival Slaydon, individually and as officers; Spartan Automotive, Inc., a corporation, and Theodore R. Garrison, individually and as an officer; H. Steenken & Co., a corporation, and Frank E. Condon and F. Raymond O'Keefe, individually and as officers; United Service Co., a corporation, and John H. Yellman and Oliver A. Bakhaus, individually and as officers; Valley Distributors, Inc., a corporation, and Dudley C. Lichliter and C. F. Staples, individually and as officers; Womwell Automotive Parts Co., Inc., a corporation, and Barclay A. Storey, individually and as an officer.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a group of 28 southeastern jobbers of automotive parts and supplies, acting through the medium of their corporate buying organization, with violating section 2 (f) of the Clayton Act by inducing and accepting illegal price discriminations from their suppliers through such practices as (1) requiring suppliers who sold on a quantity discount schedule to base their discounts on the combined purchases of all group members; (2) requiring suppliers who did not give trade discounts to competing customers to give them to members; and (3) replacing suppliers who did not grant discriminatory terms to the group by others who did.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Warehouse Distributors, Inc., a corporation, and Charles A. Cole, individually and as manager; Alexander-Seewald Co., Inc., a corporation, and R. Jackson Alexander, individually and as an officer; Automotive Supply Co., a corporation, and Frank McKenzie, individually and as an officer; Auto Specialty Co., Inc., a corporation, and H. Edgar Allen, Jr., individually and as an officer; Auto Spring & Bearing Co., Inc., a corporation, and Gordon E. Johnson, individually and as an officer; Black & Company, Inc., a corporation, and Jack F. Black, individually and as an officer; A. C. Broyles, Jr., doing business under the firm name and style of Broyles Rubber Oil Company, a sole proprietorship; Butler Supply Company, Inc., a corporation, and Milton E. Butler, individually and as an officer; C & B Parts Service, Inc., a corporation, and Benjamin T. Brooks, Sr., individually and as an officer; Consolidated Automotive Company, a corporation, and Edgar H. Rogers, Jr., individually and as an officer; Craig Motor Service Co., Inc., a corporation, and Wallace D. Craig, individually and as an officer; General Automotive Supply Co., Inc., a corporation, and William P. Butt, individually and as an officer; Hart's Automotive Parts Co., a corporation, and R. Henry Hart, Jr., and W. Russell Johnson, individually and as officers; Billie Bruce Jones, doing business under the firm name and style of Bruce Jones Company, a sole proprietorship; Motor Bearings & Parts Co. of Raleigh, Inc., a corporation, and Lorentz T. White, Lorentz T. White, Jr., and Sydnor M. White, individually and as officers; Motor Car Supply Company, a corporation, and Emory R. Young and Hoke J. Monroe, individually and as officers; Motor & Electric Supply Co., Inc., a corporation, and J. A. Bryant, individually and as an officer; The Parts Company, a corporation, and Walton H. Rockafellow, individually and as an officer; Parts Service Company, Inc., a corporation, and Claude R. Kirk and Samuel R. Meadows, individually and as officers; Phelps-Roberts Corporation, a corporation, and Robert E. Phelps, individually and as an officer; Richmond Auto Parts Company, Inc., a corporation, and Hansford B. Truslow, individually and as an officer; Scurry & Nixon, Inc., a corporation, and James A. Brown, individually and as an officer; Southern Bearings & Parts Co., Inc., a corporation, and Clarence E. Beeson and O. Harold Hamby, individually and as officers; Southern Parts & Bearing Co., Inc., a corporation, and Randolph M. Myers and H. Ival Slaydon, individually and as off-

cers; Spartan Automotive, Inc., a corporation, and Theodore R. Garrison, individually and as an officer; H. Steenken & Co., a corporation, and Frank E. Condon and F. Raymond O'Keefe, individually and as officers; United Service Co., a corporation, and John H. Yellman and Oliver A. Bakhaus, individually and as officers; Valley Distributors, Inc., a corporation, and Dudley C. Lichliter and C. F. Staples, individually and as officers; Womwell Automotive Parts Co., Inc., a corporation, and Barclay A. Storey, individually and as an officer, their officers, agents, representatives and employees in connection with the offering to purchase or purchase of any automotive products or supplies in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Knowingly inducing or knowingly receiving or accepting any discrimination in the price of such products and supplies, by directly or indirectly inducing, receiving, or accepting from any seller a net price known by respondents to be below the net price at which said products and supplies of like grade and quality are being sold by such seller to other customers, where the seller is competing with any other seller for respondents' business, or where respondents are competing with other customers of the seller.

For the purpose of determining "net price" under the terms of this order, there shall be taken into account discounts, rebates, allowances, deductions or other terms and conditions of sale by which net prices are effected.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 14, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-7179; Filed, Sept. 4, 1958; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

DISPOSITION OF INCUBATOR REJECT EGGS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045) and pursuant to the provisions of the Administrative Procedure Act (sec. 3, 60 Stat. 237, 238; 5 U. S. C. 1002) the following statement of policy is issued:

§ 3.5 *Disposition of incubator reject eggs.* (a) Investigations by the Food and Drug Administration and a number of State regulatory agencies have revealed that incubator reject eggs, removed as infertile or otherwise unhatchable during hatching operations, are being diverted for human food use. Such eggs are regarded as adulterated within the meaning of section 402 (a) (3) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1046; 21 U. S. C. 342 (a) (3)) because they are unfit for food.

(b) The introduction or delivery for introduction into interstate commerce of adulterated eggs is prohibited under section 301 (a) of the aforesaid act (52 Stat. 1042; 21 U. S. C. 331 (a) unless they have been broken, crushed, or smashed and then denatured with kerosene, creolin, or other suitable denaturant to preclude their diversion to human food channels.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies secs. 301, 402, 52 Stat. 1042, 1046; 21 U. S. C. 331, 342)

Dated: August 28, 1958.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 58-7156; Filed, Sept. 4, 1958; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

VESSELS OPERATED BY OR CHARTERED TO MILITARY SEA TRANSPORTATION SERVICE

CROSS REFERENCE: For addition of § 19.06, see Title 46, Part 154, F. R. Doc. 58-7184, *infra*.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

CHRONIC AND TROPICAL DISEASES

In § 3.86, the headnote, the introductory paragraphs of paragraphs (a) and (b), and paragraphs (c), (d) (2), (e), (h), (i), and (j) are amended; paragraph (d) (3) is canceled; and former paragraph (d) (4) is redesignated paragraph (d) (3) to read as follows:

§ 3.86 *Chronic and tropical diseases under Public Law 2, 73d Congress, as amended, or Public Law 85-56.* (a) The service connection of chronic diseases under paragraph I (c), Part I, Veterans Regulation 1 (a), as amended, pursuant to Public Law 2, 73d Congress, or sections 301 and 313, Public Law 85-56, is restricted to the following:

• • • • •

(b) The service connection of tropical diseases under Veterans Regulation 1 (a), Part I, paragraph I (c), and Part II, paragraph I (d), or sections 301, 312 and 334 (a), Public Law 85-56, is restricted to the following: (Effective June 24, 1948, unless otherwise indicated.)

• • • • •

(c) No conditions other than those listed in paragraph (a) of this section will be considered chronic diseases except upon approval by the Administrator of Veterans Affairs. For the purposes of determining the existence of a compensable degree of active tuberculosis within 3 years of discharge or the date prior to which a disability must have been incurred as provided in Veterans Regulation 1 (a), as amended, or sections 101 (6), (7), (8), and (9) and 301 (2), Public Law 85-56, whichever is the earlier, active pulmonary tuberculosis diagnosticated by approved methods during the fourth year will be held to have preexisted the diagnosis 6 months in minimal (incipient) cases; 9 months in moderately advanced cases; and 12 months in far advanced cases.

(d) • • •

(2) Tuberculous pleurisy and endobronchial tuberculosis fall within the category of pulmonary tuberculosis. Either will be held incurred in service as provided by paragraph I (c), Part I, Veterans Regulation 1 (a), as amended, or section 313, Public Law 85-56, when initially manifested within 36 months after discharge from service during a war period; or, when service continued after a war period, within 36 months after ending date of the war period concerned. Active tuberculous pleurisy or endobronchial tuberculosis diagnosed by approved methods during the fourth year will be held to have preexisted the diagnosis 6 months. As to tuberculous pleurisy, the effective date of the extension of presumption 6 months beyond the 3-year period will be September 5, 1958, the date of approval of this subparagraph.

(3) When, in a case in which prior activity of pulmonary or nonpulmonary tuberculosis has been satisfactorily established in accordance with § 3.133, with evidence as to the present condition establishing inactivity or arrest, without, however, evidence to establish activity or inactivity over the intervening period, activity of the disease will be presumed for 1 year only, following the last date of activity established by the evidence. This subparagraph is not for application to running awards, but is intended to apply only to new claims filed after the period of activity, and reopened claims. The beginning date of graduated ratings for arrested tuberculosis will be the day following expiration of this 1-year period.

(e) Unstable lesions on comparative study of X-ray films within the presumptive period for the degree of advancement (paragraph (c) of this section) will be taken as establishing service connection for active pulmonary tuberculosis subsequently diagnosed by approved methods, including physical examination: *Provided*, That no percentage evaluation will be assigned prior to the date of such subsequent diagnosis or other evidence of clinical activity: *Provided further*, That as to active pulmonary tuberculosis service-connected

under this paragraph, the evaluation will not be prior to February 26, 1951.

• • • • •

(h) Where service connection is granted under paragraph I (c), Part I, Veterans Regulation 1 (a), as amended, or section 313, Public Law 85–56, the effective date of evaluation of disability will be in accordance with § 3.148 (a). When a claim is filed more than 1 year after date of separation (2 years for multiple sclerosis; 3 years for tuberculosis) from active service during a period of war, a notation will be made of items of evidence showing the existence of the disease within the 1-, 2-, or 3-year period applicable to the particular disease. When the veteran's service continued after the war period, and he filed claim after the applicable 1-, 2-, or 3-year period past the ending date of the war period concerned, a similar notation of items of evidence showing date of existence of disease will be made.

(i) When service connection is granted under paragraph I (d), Part II, Veterans Regulation 1 (a), as amended, or section 334, Public Law 85–56, for the tropical diseases, resultant disorders, or diseases originating because of therapy administered in connection with such diseases or as a preventative thereof, listed in paragraph (b) of this section, the effective date of evaluation of the disability will be in accordance with § 3.148 (a) but not prior to June 24, 1948, where service connection is granted pursuant to paragraph I (d), Part II, Veterans Regulation 1 (a), as amended, or not prior to January 1, 1958, where service connection is granted pursuant to Public Law 85–56, and when claim is filed more than 1 year after date of separation from service, notation will be made of the items of evidence showing the existence of the disease within the 1-year period.

(j) The effective date of an award based upon the foregoing provisions will be in accordance with § 3.212: *Provided*, That no award for bronchiectasis, calculi of the kidney, bladder, or gallbladder, cirrhosis of the liver, coccidioidomycosis, osteomalacia, Raynaud's disease, scleroderma, tumors of the peripheral nerves, peptic ulcers (gastric or duodenal), service connected under paragraph I (c), Part I, Veterans Regulation 1 (a), as amended, or section 313, Public Law 85–56, or the tropical diseases and resultant disorders or diseases originating because of therapy administered in connection with such diseases or as a preventative thereof, listed in paragraph (b) of this section, service connected under paragraph I (c), Part I, or paragraph I (d), Part II, Veterans Regulation 1 (a), as amended, or section 313 or section 334, Public Law 85–56, shall be effective prior to June 24, 1948, or January 1, 1958, where service connection is granted pursuant to Public Law 85–56: *Provided further*, That no award for active pulmonary tuberculosis, multiple sclerosis, or nonpulmonary tuberculosis, service connected under paragraph I (c), Part I, Veterans Regulation 1 (a), as amended by Public Laws 573, 81st Congress, 174, 82d Congress, and 241, 83d Congress, now section 313, Public Law 85–56, shall be made effective prior to June 23, 1950, October 12, 1951, or August 8, 1953, respectively.

(Secs. 101, 301, 313, 334, 71 Stat. 88, 94, 97, 100; 38 U. S. C. 2101, 2301, 2313, 2334)

(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210)

This regulation is effective September 5, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58-7180; Filed, Sept. 4, 1958; 8:51 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter O—Regulations Applicable to Certain Vessels During Emergency

[CGFR 58-32]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS[1]

VESSELS OPERATED BY OR CHARTERED TO MILITARY SEA TRANSPORTATION SERVICE

The Deputy Secretary of Defense in a letter to the Secretary of the Treasury dated August 6, 1958, requested, in the interest of national defense, a waiver of the navigation and vessel inspection laws and regulations to the extent considered necessary by Commander, Military Sea Transportation Service, or his duly designated representatives, to permit vessels operated by or chartered on a time or voyage basis to the Military Sea Transportation Service to carry out their assigned missions in support of troops deployed under emergency conditions.

Section 1 of the Act of December 27, 1950 (64 Stat. 1120; 46 U. S. C., note preceding 1), states in part as follows:

> That the head of each department or agency responsible for the administration of the navigation and vessel inspection laws is directed to waive compliance with such laws upon the request of the Secretary of Defense to the extent deemed necessary in the interest of national defense by the Secretary of Defense. • • •

In a document published in the FEDERAL REGISTER dated October 12, 1957 (22 F. R. 8125), the Secretary of Defense, the Honorable Neil McElroy, delegated to the Deputy Secretary of Defense, the Honorable Donald A. Quarles, full power and authority to act for and in the name of the Secretary of Defense and to exercise the powers of the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to law.

The purpose for the following waiver order designated § 154.06, as well as 33 CFR 19.06, is to waive the navigation and vessel inspection laws and regulations issued pursuant thereto which are administered by the United States Coast Guard as requested by the Deputy Secretary of Defense and to publish this waiver in the FEDERAL REGISTER. It is hereby found that compliance with the Administrative Procedure Act, respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof, is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secretary of the Treasury dated January 23, 1951, identified as CGFR 51-1, and published in the FEDERAL REGISTER dated January 26, 1951 (16 F. R. 731), the following waiver order is promulgated and shall be in effect indefinitely and until terminated by proper authority:

§ 154.06 *Vessels operated by or chartered to Military Sea Transportation Service.* (a) Pursuant to the request of the Deputy Secretary of Defense, dated August 6, 1958, made under the provisions of section 1 of Public Law 891, 81st Congress, approved December 27, 1950 (64 Stat. 1120; 46 U. S. C., note preceding 1), and his finding that a waiver is necessary in the interest of national defense, compliance with the provisions of the navigation and vessel inspection laws administered by the United States Coast Guard, as well as the regulations issued thereunder and contained in 33 CFR Chapter I, or in this chapter, is hereby waived to the extent and upon the terms and conditions as set forth in this section, in order to permit vessels operated by or chartered on a time or voyage basis to the Military Sea Transportation Service to carry out their assigned missions in support of troops deployed under emergency conditions.

(b) An application requesting that this waiver be made effective with respect to a particular vessel may be made by the Commander, Military Sea Transportation Service, or any one of his duly designated representatives. Except as provided in paragraph (e) of this section, the application shall be in writing. The application shall be delivered to the Coast Guard District Commander or to his designated representative at the port or place where the vessel is located. In the case of a vessel in any foreign port or place, the application shall be made to the designated representative of the Commandant at such port or place, or if the Coast Guard has not established facilities in such port or place, to the nearest designated representative of the Commandant at a port or place where such facilities have been established, or to the Commandant, U. S. Coast Guard, Washington, D. C. Every application shall:

(1) Describe the laws and/or regulations by appropriate references and/or subjects with respect to which the waiver of compliance is desired;

(2) Contain a certification that the waiver of compliance with such laws and/or regulations with respect to the vessel involved is necessary in the interest of national defense and is necessary by the Military Sea Transportation Service to carry out an assigned mission in support of troops deployed under emergency conditions;

(3) The name and official number of the vessel involved (including the names of master, agent, and owner of the vessel involved); and,

(4) For how long the waiver is needed.

[1] This is also codified as 33 CFR Part 19.

(c) The Coast Guard officer making the waiver in paragraph (a) of this section effective for a particular vessel shall immediately prepare, in quadruplicate, an order setting forth:

(1) The name and official number of the vessel involved;

(2) The laws and/or regulations with respect to which the waiver is effective;

(3) The extent to which compliance with such laws and/or regulations is waived; and,

(4) The period for which the waiver shall be effective.

(d) If practicable, one copy of this waiver order shall be delivered to the master of the vessel involved before such vessel sails. In any case where the waiver order is not delivered to the master, it shall be delivered to the owner, operator, or agent of the vessel without delay. One copy of the waiver order shall be delivered to the Commander, Military Sea Transportation Service, or his duly designated representative, who submitted the application. One copy of the waiver order shall be transmitted to the Commandant (MVI) and the remaining copy kept on file.

(e) In any case of extreme urgency, the application for a waiver order may be made orally and if the Coast Guard District Commander (or his designated representative, or the designated representative of the Commandant, or the Commandant, as the case may be), determines that the conditions in this section have been met, the waiver order shall be made effective without further delay, subject to the condition that the application be reduced to writing and delivered within such period after the date of the oral request as the Coast Guard officer making the waiver effective shall specify in the confirming written waiver order.

(f) No penalty shall be imposed because of failure to comply with any provision of law and/or regulation, the waiver of which has been made effective pursuant to the requirements of this section.

(g) This waiver order shall remain in effect until terminated by proper authority and notice of cancellation is published in the FEDERAL REGISTER.

(Sec. 1, 64 Stat. 1120; 46 U. S. C., note prec. 1)

Dated: August 29, 1958.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard, Acting Commandant.

[F. R. Doc. 58-7184; Filed, Sept. 4, 1958; 8:53 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 115—SOUTHEASTERN ALASKA AREA SALMON FISHERIES, GENERAL REGULATIONS

RELAXATION OF WEEKLY CLOSED PERIODS

Basis and purpose. On the basis of a good showing of chum salmon in the Taku section of the Eastern District and a good showing of coho salmon in the Stikine District, it has been determined that the weekly closed periods can be relaxed for the remainder of the season.

1. Section 115.5 is amended in subparagraph (1) of paragraph (c) by deleting "12 noon Thursday" and substituting in lieu thereof "12 noon Friday, 1958."

2. Section 115.5 is amended in subparagraph (2) of paragraph (d) by deleting "12 noon Thursday" and substituting in lieu thereof "12 noon Friday, 1958."

In order to permit maximum utilization of the runs, these relaxations will not permit notice and public procedure and, therefore, they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

DONALD L. MCKERNAN,
Director, Bureau of Commercial Fisheries.

SEPTEMBER 4, 1958.

[F. R. Doc. 58-7251; Filed, Sept. 4, 1958; 11:32 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 29]

FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

PROPOSAL TO AMEND STANDARD OF IDENTITY FOR FRUIT JELLY

Notice is hereby given that a petition has been filed by the National Preservers Association, 1346 Connecticut Avenue NW., Washington, D. C., whose members are manufacturers and distributors of fruit jellies, setting forth a proposed amendment to the regulations fixing and establishing a definition and standard of identity for fruit jelly (21 CFR 29.2 (23 F. R. 1919)).

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U. S. C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F. R. 1045), all interested persons are hereby invited to present their views in writing regarding the proposals published below. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

It is proposed that § 29.2 be amended as follows:

1. By adding the following new subparagraph to paragraph (a):

(7) Cinnamon flavoring, other than artificial flavoring, and harmless artificial red coloring in case the fruit juice ingredient or combination of fruit juice ingredients is extracted from apple or crabapple, or both such fruits.

2. By adding the following new subparagraph to paragraph (g):

(7) When optional ingredient (a) (7) is used, the label shall bear the statement "flavoring and artificial coloring added" or "with added flavoring and artificial coloring." The word "flavoring" in such statement may be preceded by the word "cinnamon."

Dated: August 28, 1958.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 58-7155; Filed, Sept. 4, 1958; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42]

[Draft Release No. 58-16]

CARRIAGE OF PERSONS OTHER THAN "CREW MEMBERS" AND "PASSENGERS" ABOARD ALL-CARGO AIRCRAFT

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board amendments to Parts 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by Nov. 5, 1958. Copies of such communications will be available after Nov. 10, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Sections 40.356, 41.121, and 42.51 (g) presently authorize the admittance of certain persons to the flight deck of an airplane operated under the provisions of Parts 40, 41, and 42, respectively, of the Civil Air Regulations. However, seats in the passenger compartment must be available for the use of all persons admitted to the flight deck except authorized representatives of the Civil Aeronautics Administration or the Board engaged in checking flight operations, certain operations personnel of the air carrier, and certain technical representatives of the manufacturer of the airplane or its components.

In recent years, developments within the air cargo industry have indicated an increasing use of air transportation for the shipment of classified or special cargo, particularly the shipment of valuable animals. Such transportation frequently requires the presence of individuals such as couriers, guards, or attendants aboard the airplane for the purposes of maintaining security requirements with respect to certain classified cargo, safeguarding the transportation en route of special cargo (such as machinery), or attending animals in the interest of safety of the airplane and cargo.

For a number of years, it has been the general practice in cargo operations to carry animal attendants as crew members while in the performance of their duties. However, other cargo attendants or couriers are considered as passengers since their presence is not necessary for the safe operation of the airplane being used for the carriage of the particular cargo. Similarly, when animal attendants are carried aboard the cargo airplane to or from their specific duty assignments, they are in the category of passengers. As a consequence, the cargo airplane becomes subject to the passenger operation rules which differ from the cargo operation rules primarily with respect to fire prevention requirements, allowable weights, and performance limitations.

The classification as passengers of individuals assigned such specific duties in connection with cargo on all-cargo aircraft is believed to be unnecessary in the interest of safety and, therefore, an unreasonable burden upon air carriers engaging in such operation. In this type of operation, such individuals do not readily fall within the normally accepted category of air carrier passengers. Furthermore, it is apparent that cargo compartments generally, due to their design and intended function, are not suitable for extended occupancy by individuals performing these duties in connection with cargo. Accordingly, it is proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations to exclude from the passenger category an individual authorized by an air carrier, the Administrator, or the Board to perform a specific duty in connection with cargo being carried aboard a cargo airplane while in the performance of such duty or traveling to or from such duty assignment aboard such cargo airplane.

The seat now required under § 40.174 for each person need not be available for such individual elsewhere in the cargo airplane when he is permitted by appropriate authority to occupy an approved seat on the flight deck since there is no passenger compartment, as such, in an all-cargo airplane. Of course, if a seat on the flight deck is not available, the individual authorized to perform a specific duty in connection with cargo must have a seat available elsewhere in the cargo airplane. It should be clearly understood, however, that there is no intent to compromise in any way the authority of the pilot in command to refuse such individual admission to the flight deck in the interest of safety.

While many of the cargo-only operations are conducted under the provisions of Part 42 of the Civil Air Regulations, an air carrier authorized by the Board pursuant to Title IV of the Civil Aeronautics Act of 1938, as amended, to engage in scheduled air transportation of cargo may prefer to conduct such operations under the provisions of Part 40 or 41 of the Civil Air Regulations, as appropriate. Accordingly, it is proposed to amend these parts of the Civil Air Regulations, as well as Part 42.

It will be noted that the scope of the proposed amendment with respect to admission to the flight deck is restricted to animal attendants and individuals especially designated by an appropriate Government agency, such as the Atomic Energy Commission or the military departments of the Department of Defense, to perform essential security functions in connection with the transportation of radioactive materials or classified cargo. The Board may authorize other individuals to be carried aboard a cargo airplane when their presence is essential for the safeguarding of other types of special cargo while en route, and may authorize such an individual to occupy a seat on the flight deck without the need for a seat being available for his use elsewhere in the airplane. In such cases, a request for authorization should be submitted to the Board, with all the facts and circumstances pertinent thereto.

In consideration of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Parts 40, 41, and 42 of the Civil Air Regulations be amended as follows:

1. By amending § 40.5 of Part 40 by adding the following definitions in alphabetical order:

§ 40.5 *Definitions.* * * *

Cargo airplane. A cargo airplane is an airplane which is not a passenger-carrying airplane and which is used for the carriage of property or goods.

* * * * *

Passenger-carrying airplane. A passenger-carrying airplane is an airplane carrying any individual other than a crew member, a company employee, an authorized Government representative, or an individual appropriately authorized by the air carrier, the Administrator, or the Board in connection with a specific duty assignment aboard the airplane, or while traveling to or from such duty assignment.

2. By amending § 40.356 (b) by changing present subparagraph (2) to subparagraph (3) and adding a new subparagraph (2) to read as follows:

§ 40.356 *Admission to flight deck.* * * *

(b) * * *

(2) An individual engaged in performing specific duties aboard a cargo airplane in connection with the safe carriage of animals, the shipment of radioactive materials within the meaning of and subject to the requirements of § 49.2 (b) of this subchapter, or the security of classified Government cargo or while traveling to or from such assignment, when specifically authorized in writing by a responsible supervisor in the operations department of the air carrier who is listed in the Operations Manual as having such authority: *Provided*, That the air carrier insures that the person authorized to be carried is necessary for the safety of the flight or cargo and is seated so as to preclude interference with the control of the airplane; or

3. By amending §§ 41.137 and 41.121 (b) of Part 41 and §§ 42.1 and 42.51 (g) (2) of Part 42 similarly.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., August 29, 1958.

By the Bureau of Safety.

[SEAL] OSCAR BAKER, *Director.*

[F. R. Doc. 58-7187; Filed, Sept. 4, 1958; 8:53 a. m.]

[14 CFR Parts 235, 241]

[Draft Release No. 98]

REINVESTMENT OF GAINS DERIVED FROM SALE OR OTHER DISPOSITION OF FLIGHT EQUIPMENT; UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 2, 1958.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a new Part 235 of the Economic Regulations designed to implement the amendment made to section 406 of the Act which exempts flight equipment capital gains from offset against subsidy where such gains are reinvested in other flight equipment in accordance with the statute and Board regulations.

The principal features of the proposed regulation are explained and the proposed new Part 235 is set forth below.

Interested persons may participate in the proposed rule making through submission of written data, views or arguments pertaining thereto, in quintuplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before October 7, 1958, will be considered by the Board before taking final action on the proposed rule.

This regulation is proposed under the authority of sections 205 (a) and 406 of the Act (52 Stat. 984, 998, Public Law 85-373, dated April 9, 1958, 49 U. S. C. 425, 486).

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

Section 406 (b) of the Civil Aeronautics Act of 1938, as amended by Public Law 85-373, approved April 9, 1958,

exempts flight equipment capital gains from offset against subsidy: *Provided*, That such gains are reinvested in other flight equipment in accordance with Board regulations. In order to obtain the benefits of this amendment, an air carrier is required to notify the Board that it has "invested or intends to reinvest" the net gains and submit evidence that an amount equal to the net gains has been expended for the purchase of flight equipment or has been deposited in a special re-equipment fund. The amendment leaves to the Board the determination of the form of notice, the evidence to be submitted, and the period within which the reinvestment must occur. Accordingly, there is proposed herein a regulation which sets forth the circumstances under which air carriers may avail themselves of the benefits of this exemption.

Under the proposed regulation, an air carrier would be expected to make a prompt determination of the use which is to be made of flight equipment capital gains. The carrier would have the choice of applying all or any part of the gain to the purchase of flight equipment (including retirement of debt incurred therefor) or of depositing such amounts in a special re-equipment fund. The carrier would be required to take one of these actions within 60 days after the date of the sale or other disposition of the flight equipment and before it files with the Board the required notice that it has invested or intends to reinvest the gains.

Notice that the carrier has invested or intends to reinvest the gains in flight equipment would be fileable within 60 days after the date of the sale or other disposition from which the carrier derived the gain. This notice would consist of two schedules relating respectively to the disposition transaction and to the acquisition of flight equipment or retirement of debt. Proposed Form 41 Schedule B–8 (a) would be used for detailing information with respect to the disposition transaction. Unless the gain is already reinvested in flight equipment, Schedule B–8 (a) also would contain information with respect to the re-equipment fund and the execution of a surety bond. Specifically, Schedule B–8 (a) would identify the items of flight equipment involved in the gain and other parties to the transaction, state the date of the sale or other disposition, the depreciated cost of each such item and the value received therefor, the applicable expenses, taxes, and the net gain, a description of the re-equipment fund, the amount of the surety bond and name of the surety company. Within 10 days after any change in the assets making up the re-equipment fund, the carrier would have to report the change in an amended Schedule B–8 (a).

Where the gain has been applied either through acquisition of flight equipment or retirement of an existing debt (incurred in the purchase or construction of flight equipment), proposed Form 41 Schedule B–7 (a) would be fileable, in addition to Schedule B–8 (a), giving the details of the expenditure. This schedule would describe the equipment purchased or the debt liquidated, give the names of parties to the transaction, the date of the application of the gain, the method and terms of payment, and the cost of each item of equipment. Proposed Schedule B–7 (a) likewise would be fileable within 60 days after the expenditure of amounts which had been deposited in a re-equipment fund.

This regulation fixes a period of two years after the date of the transaction which yielded the gain as a reasonable time for the reinvestment in flight equipment of gains placed in a special re-equipment fund. An extension of this time limitation may be granted by the Board where good cause is shown by the air carrier.

Since, for the purpose of this regulation, it will be sufficient if a carrier invests an "amount equal to the gain", rather than the gain itself, a physical tracing of the gains into new equipment will not be necessary where there is an immediate application of the gains. Where the gains are deposited in a re-equipment fund, the proof would be the same as in the case of a direct expenditure, i. e. that the carrier show that an "amount equal to the gain" has been deposited in a special re-equipment fund. However, the language of the statute conveys the Congressional intent that such fund be segregated and not be used for the carrier's general purposes. A "deposit" connotes a physical fund such as a bank account, negotiable securities, and not a mere reserve on the carrier's books. Thus, for the purposes of this regulation, any re-equipment fund which is established must itself be capable of physical identification, and the amounts deposited must be traceable to the subsequent expenditures for equipment or for the retirement of a debt. To assure the proper use of gains deposited in a special re-equipment fund, the carrier will be required to furnish a surety bond in an amount equal to the gain in order to cover the amount of subsidy which would be refundable by the carrier if the gains are not reinvested in accordance with the regulation.

Where an air carrier has acquired flight equipment prior to the materialization of a gain from the disposition of other flight equipment and no debt contracted for the acquisition of such equipment is outstanding, the gain from the disposition is not eligible for the benefit of the statute as written because a carrier cannot be said to have invested a gain prior to its materialization. On the other hand, flight equipment capital gains, when realized, would be permitted to be applied against the amortization of debt incurred in the purchase or construction of flight equipment prior to the realization of the gain. This is not to say that the mere substitution of new debt, i. e. by using the gains to momentarily retire an existing debt and borrowing on the same flight equipment in order to free the gain for other uses—would be regarded as a bona fide expenditure which would be a basis for exempting such gains from offset. However, a carrier would be permitted to make an immediate application of the gains to the actual retirement of a debt without going through the formality of establishing a re-equipment fund.

In accordance with established Board practice,[1] this regulation provides that where an air carrier exchanges flight equipment for like equipment or applies the retirement proceeds to the purchase of like equipment, the transaction will be regarded as a substitution of assets and the gain shall be offset against the purchase price of the new equipment.

§ 235.1 *Definitions.* For the purposes of this part:

(a) "Applicable Expenses" means all direct and indirect expenses attributable to the offering, preparation or presentation of the flight equipment for sale or delivery, including, but not limited to:

(1) Advertising expense.

(2) Broker's and salesmen's expense and commissions.

(3) Packaging expense and other costs incident to preparation for shipment.

(4) Reconditioning, refurnishing painting and other similar expenses.

(6) Transportation and shipping expenses.

(7) Overhaul expense.

(8) Legal fees and other administrative expenses.

(b) "Date of sale or other disposition" means the date on which the transfer or disposition of the flight equipment is final and complete and nothing remains to be done by the air carrier selling or disposing of the flight equipment to entitle it to payment of the consideration or value, regardless of the period over which actual payments are to be made.

(c) "Flight Equipment" means airframes, aircraft engines, aircraft propellers, aircraft communications and navigational equipment, miscellaneous flight equipment, improvements to leased flight equipment and flight equipment rotatable parts and assemblies wthin the meaning of Part 241 (Accounts 1601 through 1608) of this subchapter.

(d) "Gain" means the amount by which the total proceeds (less applicable expenses and taxes) realized from the sale or other disposition of one or more units of flight equipment in a single transaction exceeds the total depreciated cost of the units of flight equipment sold or disposed of in that transaction.

(e) "Re-equipment fund" means cash or its equivalent and other liquid assets segregated from the general assets of the air carrier for the exclusive purposes of purchasing or constructing flight equipment or retiring debt contracted for the purchase or construction of flight equipment, such as a special bank deposit or an investment in securities.

(f) "Sale or other disposition" means the retirement of flight equipment by any means,[2] including sale, exchange, abandonment, demolition, or an insured

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[1] Northeast Airlines Mail Rates, 9 C. A. B. 291, 306, 307 (1948).

[2] Where an air carrier exchanges flight equipment for like equipment or applies retirement gains to the purchase of like equipment, the transaction will be regarded as a substitution of assets and the "gain" shall be offset against the purchase price of the new equipment.

upon settlement of which the air carrier has the option to select between replacement in kind and cash or its equivalent.

§ 235.2 *Eligibility for benefits of Public Law 85–373.* Air carriers seeking to obtain the benefits of Public Law 85–373, with respect to all or part of any gain derived from the sale or other disposition of flight equipment, shall comply with the statutory requirements in the manner provided in this part.

§ 235.3 *Reinvestment of gains.* An amount not in excess of the gain from the sale or other disposition of flight equipment shall be applied to the purchase or construction, or to the retirement of debt contracted for the purchase or construction, of flight equipment, or shall be deposited for such purposes in a re-equipment fund, within 60 days after the date of such sale or other disposition and before the date on which the air carrier files the schedules required by § 235.4. The gain may not be invested in flight equipment delivered to the carrier prior to April 6, 1956.

§ 235.4 *Notice to Board.* Form 41 Schedule B–8 (a) shall be filed by the air carrier, in triplicate, with the Board within 60 days after the date of the sale or other disposition of flight equipment from which the air carrier derived a gain. Form 41 Schedule B–7 (a) shall also be filed, in triplicate, within the same period, if the carrier has applied the gain to the purchase or construction, or to the retirement of debt contracted for the purchase or construction, of flight equipment. If the date of the sale or other disposition was on or after April 6, 1956, but prior to the date of the adoption of this part, the appropriate schedule(s) shall be filed not later than 60 days after the adoption of this part.

§ 235.5 *Re-equipment fund.* (a) Any gains deposited in a re-equipment fund shall be applied to the purchase or construction, or to the retirement of debt contracted for the purchase or construction of, flight equipment within two years after the date of the sale or other disposition of flight equipment from which the air carrier derived the gain, unless the Board, for good cause shown, grants an extension of such time limitation. The gain may not be invested in flight equipment delivered to the carrier prior to April 6, 1956.

(b) Within 10 days after and change in the assets making up the re-equipment fund, the air carrier shall report such change in an amended Schedule B–8 (a). Within 60 days after the application of the gain deposited in a re-equipment fund, the air carrier shall file Form 41 Schedule B–7 (a).

§ 235.6 *Security for overpayment of subsidy.* With respect to the gain deposited in a re-equipment fund, each air carrier shall furnish the Board with a bond executed by a surety company, in an amount equal to such gain; *Provided*, That, upon application therefor, the Board may grant an air carrier permission to furnish a surety bond in an amount less than the gain upon a showing that such amount will cover the foreseeable amount of subsidy that would be refundable by the air carrier if the gain deposited in the re-equipment fund is not reinvested in accordance with this part.

In conjunction with the foregoing proposed adoption of a new Part 235, notice is hereby given that the Board proposes to amend Part 241 of the Economic Regulations as follows:

1. By amending the list of schedules in § 241.22 of Part 241 by redesignating footnote [1] as footnote [2] and adding the following schedules and footnote:

Schedule No.	Title	Frequency	Postmark interval (days)
B–7 (a)	Reinvestment of Flight Equipment Capital Gains.	(1)	(1)
B–8 (a)	Flight Equipment Capital Gains Invested or Deposited for Reinvestment in Flight Equipment.	(1)	(1)

[1] In accordance with the provisions of § 235.4 of this subchapter.

2. By amending § 241.23 of Part 241 by adding the following instructions:

SCHEDULE B–7 (a)—REINVESTMENT OF FLIGHT EQUIPMENT CAPITAL GAINS [3]

(a) This schedule shall be filed by each carrier which has filed Schedule B–8 (a) notifying the Board that it has reinvested the capital gains reported thereon in flight equipment and/or used the capital gains in retirement of debt contracted for the purchase or construction of flight equipment.

(b) Column (1) "Description of Flight Equipment Acquired and Debt Retired" shall identify the specific items of flight equipment acquired, the applicable account number and the particular issue of debt being retired including a description of the flight equipment for which such debt was contracted, the type of obligation, date of maturity, interest rate, commitment fees, and, if applicable, name of lender.

(c) Column (2) "Date of Application of Gain" shall include the day, month and year on which the gain was applied to each item of flight equipment or to liquidation of debt.

(d) Column (3) "Cost" shall include the total amount of cash or its equivalent actually paid to acquire each item of equipment or to liquidate debt incurred in the purchase or construction of flight equipment.

(e) Column (5) "Source of Gains" shall identify the gain, reported on Schedule B–8 (a), which has been reinvested.

SCHEDULE B–8 (a)—FLIGHT EQUIPMENT CAPITAL GAINS INVESTED OR DEPOSITED FOR REINVESTMENT IN FLIGHT EQUIPMENT [3]

(a) This schedule shall be filed by each carrier who has reinvested or intends to reinvest gains derived from the sale or other disposition of flight equipment pursuant to Part 235 of this subchapter.

(b) Column (1) "Description of Flight Equipment Retired" shall identify the specific items of flight equipment retired including the applicable account number.

(c) Column (2) "Date of Sale or Other Disposition" shall include the day, the month and the year on which each item was sold or otherwise disposed of within the meaning of § 235.1 (b) of this subchapter.

(d) Column (8) "Net Amount of Gain" shall reflect the net of column (5) minus columns (6) and (7); an entry shall be made transferring an amount equal to the amount in column (8) from account 2940 Unappropriated Retained Earnings to account 2930 Other Appropriations of Retained Earnings.

(e) Column (9) "Disposition" shall reflect the name of the person or organization to which the flight equipment is sold or a notation as to the nature of the disposition if not sold.

(f) Columns (10) and (11) shall reflect the date and amount of each gain deposited in a re-equipment fund for reinvestment in flight equipment. Such deposits shall be recorded in account 1550 Special Funds—Other.

(g) Column 12 shall identify the assets in the fund and shall indicate the location of the fund if not in immediate physical possession of the air carrier.

[F. R. Doc. 58–7186; Filed, Sept. 4, 1958; 8:53 a. m.]

[3] The proposed form of this schedule is filed as part of original document.

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARIES OF THE ARMY, NAVY AND AIR FORCE

DELEGATION OF AUTHORITY CONCERNING SETTLEMENT OF FOREIGN CLAIMS

Settlement of claims under the Foreign Claims Act of January 2, 1942, The Acts of July 3, 1943, and of August 31, 1954, and 10 U. S. C. 2733 and 2734, as amended.

The Deputy Secretary of Defense approved the following on August 22, 1958:

The authority vested in the Secretary of Defense under the act of August 31, 1954, chapter 1152 (68 Stat. 1006; 31 U. S. C. 224i–2—224i–5), is delegated to the Secretaries of the Army, Navy and Air Force.

When one military department has been or may be assigned responsibility for claims in a particular country or area, that department shall make all reimbursements and payments under the cited act.

Regulations of each military department will provide that all claims arising in such country or area under the following statutes shall normally be settled and paid by claims commissions appointed by, or by a designee of, the Secretary of the military department which has been assigned the responsibility for claims arising there, in accordance with the regulations of that department: The Foreign Claims Act of January 2, 1942 (55 Stat. 880), as amended (31 U. S. C. 224d), and the Act of July 3, 1943, chapter 189 (57 Stat. 372), as amended (31 U. S. C. 223b), and sections 2733 and 2734 of Title 10, United States Code, as amended.

The document entitled "Settlement of Claims Under the Provisions of the Foreign Claims Acts of January 2, 1942 (55 Stat. 880), of July 3, 1943 (57 Stat. 372), and of August 31, 1954 (68 Stat. 1006)", published at 20 F. R. 775, is hereby superseded.

MAURICE W. ROCHE,
Administrative Secretary,
Office of the Secretary of Defense.

[F. R. Doc. 58-7150; Filed, Sept. 4, 1958; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

AUGUST 29, 1958.

The Notice of Proposed Withdrawal and Reservation of Lands in Nevada, identified as F. R. Doc. 58-5247; filed July 9, 1958, 8:46 a. m., and appearing in FEDERAL REGISTER of July 10, 1958, page 5262, is corrected to change the name of the National Forest in which the lands lie from Nevada National Forest to Toiyabe National Forest.

E. J. PALMER,
State Supervisor.

[F. R. Doc. 58-7159; Filed, Sept. 4, 1958; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial Number 020729, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for the maintenance and improvement of the existing airstrip utilized in transporting military personnel and materials to the area, and also for storage adjacent to the airstrip.

For a period of sixty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P. O. Box 1050, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

INDIAN MOUNTAIN AREA

TRACT A

A parcel of land situated within the Fourth Judicial Division, Territory of Alaska, and being approximately 195 miles northwest of the City of Fairbanks. Said parcel being more particularly described as follows:

Commencing at Triangulation Station "Indian" as established in 1954 by the Corps of Engineers, Alaska District, said station being at Latitude 66°04'09" North and Longitude 153°41'12" W., thence S. 51°57' W., 9,804 feet to Corner No. 1 and the True Point of Beginning for this description; thence North 11,200 feet, more or less to Corner No. 2, a point on Latitude 66°05' N.; thence East along said Latitude 66°05' N., 11,858 feet to Corner No. 3; thence South 11,950 feet, more or less to Corner No. 4; thence N. 86°36'54" W., 11,902 feet to the Point of Beginning. Containing 3,136 acres, more or less.

TRACT D

A parcel of land situated between Indian Creek and Utopia Creek, approximately 195 miles west of the Townsite of Fairbanks, in the Fourth Judicial Division, Territory of Alaska, said parcel being more particularly described as follows:

Beginning at the southwest corner of Claim No. 5 Below Lower Discovery on Indian Creek; thence N. 19°30'48" E., 232 feet, more or less to the Point of Beginning for this description; thence N. 76°56' E., 145 feet, more or less; thence S. 33°37' E., 299.93 feet; thence S. 80° E., 281 feet, more or less; thence S. 6°41' E., 547.08 feet; thence S. 56°42' W., 570 feet, more or less; thence S. 78° W., 3,812 feet, more or less; thence S. 2°30' E., 94.56 feet; thence S. 32° W., 225.68 feet; thence N. 76°30' W., 310.40 feet; thence N. 2°45' W., 145.33 feet; thence N. 82° W., 293.59 feet; thence N. 8°02' E., 556.01 feet; thence N. 41° E., 238.06 feet; thence N. 25°13' E., 526.32 feet; thence N. 79°39' E., 497 feet, more or less; thence N. 42°22' W., 985 feet, more or less; thence N. 47°38' E., 200 feet; thence S. 42°22' E., 1,120 feet, more or less; thence N. 79°39' E., 2,270 feet, more or less; thence N. 76°56' E., 880 feet, more or less, to the point of beginning for this description. Containing 130 acres, more or less.

RICHARD L. QUINTUS,
Operations Supervisor, Fairbanks.

[F. R. Doc. 58-7160; Filed, Sept. 4, 1958; 8:48 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The U. S. Atomic Energy Commission has filed an application, Serial Number 019746, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for a buffer zone for detonation of a nuclear charge for excavation of a harbor.

For a period of sixty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P. O. Box 1050, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

POINT HOPE-TIGERA AREA, NORTHWEST ALASKA

The lands and water areas bounded by lines between the following points:

Point A—Longitude 166°43' W., Latitude 68°20½' N.
Point B—Longitude 166°19' W., Latitude 68°29' N.
Point C—Longitude 166°30' W., Latitude 68°31' N.
Point D—Longitude 164°22' W., Latitude 68°18' N.
Point E—Longitude 164°03' W., Latitude 68°00' N.
Point F—Longitude 164°35' W., Latitude 67°45' N.

Containing approximately 40 square miles.

RICHARD L. QUINTUS,
Operations Supervisor, Fairbanks.

[F. R. Doc. 58-7161; Filed, Sept. 4, 1958; 8:48 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 27, 1958.

The Bureau of Reclamation, Department of the Interior has filed an application, Serial No. Los Angeles 0156728, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for several proposed reservoir sites. It is intended that the following described lands continue to be administered by the Forest Service consistent with the reclamation purposes to be served which will require certain restrictions such as control of grazing, institution of effective fire prevention and erosion control measures, and prevention of pollution of the water entering the several proposed reservoirs from any source or in any manner. No oil drilling or mining shall be permitted within the areas of the proposed reservoirs or within the 300-foot protection strip extending around and above the maximum water surface of such reservoirs.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 215 West Seventh Street, Los Angeles 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 5 N., R. 20 W.,
Sec. 2, N½;
Sec. 25, SW¼SW¼;
Sec. 26, S½NE¼, SE¼;
Sec. 35, E½NE¼, NE¼SE¼;
Sec. 36, NW¼NW¼, S½NW¼, SW¼, SW¼SE¼.

T. 6 N., R. 20 W.,
Sec. 26, S½;
Sec. 27, S½;
Sec. 28, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 29, S½SW¼, SE¼SE¼;
Sec. 31, Lots 2 to 4, incl., S½NE¼, E½SW¼, SE¼;
Sec. 32, All;
Sec. 33, N½, NW¼SW¼, N½SE¼;
Sec. 34, NE¼, S½NW¼, NW¼SW¼;
Sec. 35, E½, NW¼;
Sec. 36, W½NW¼, SE¼NW¼, SW¼.
T. 5 N., R. 21 W.,
Sec. 1, Lots 3 and 4;
Sec. 2, Lots 1 to 5, incl.;
Sec. 3, Lots 1 to 6, incl.
T. 6 N., R. 21 W.,
Sec. 36, E½NE¼, S½.
T. 5 N., R. 22 W.,
Sec. 5, Lots 4 and 5;
Sec. 6, Lots 1 to 14, incl., Lots 19 and 20.
T. 6 N., R. 22 W.,
Sec. 30, Lots 3 and 4;
Sec. 31, Lots 1, 3 and 4, NE¼NE¼, S½NE¼, E½SW¼, SE¼;
Sec. 32, S½NE¼, NW¼NE¼, S½NW¼, SW¼, SE¼;
Sec. 33, W½SW¼.
T. 5 N., R. 23 W.,
Sec. 1, Lots 1 to 12, incl., Lot 16;
Sec. 2, Lots 1, 2, and Lots 4 to 8, incl.;
Sec. 3, Lots 1 to 3, incl., Lot 8.
T. 6 N., R. 23 W.,
Sec. 25, S½NE¼, SE¼;
Sec. 35, E½SW¼, S½SE¼, NW¼SE¼;
Sec. 36, NE¼, SW¼SW¼, E½SW¼, SE¼.

The above described areas contain approximately 9,526 acres of public domain land in the Los Padres National Forest. The lands are located about 30 miles north of the City of Ventura, California.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles.

[F. R. Doc. 58-7162; Filed, Sept. 4, 1958; 8:48 a. m.]

[Montana 030966]

MONTANA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LAND

AUGUST 29, 1958.

A plat of survey of the land described below will be officially filed in the Land Office at Billings, Montana, effective at 10:00 a. m. on October 4, 1958.

MONTANA PRINCIPAL MERIDIAN

T. 27 N., R. 54 E.,
Tract 37—30.14 acres;
Tract 38—74.24 acres;
Tract 39—98.19 acres;
Tract 40—8.29 acres.

Total area included—210.86 acres.

The above-described land was formed by accretion along the right bank of the Missouri River, fronting lots 1, 2, and 3 of Section 11 and lot 15 of Section 12, T. 27 N., R. 54 W. The land is level with a somewhat dissected surface. The tracts have a deep, sandy, loam soil, scattered trees and brush, and some portions are suitable for cultivation.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on October 4, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 3, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on January 3, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m. on January 3, 1959.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 58-7163; Filed, Sept. 4, 1958; 8:48 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 27, 1958.

The U. S. Forest Service of the Department of Agriculture has filed an application, Serial Colorado 023168, for withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as an administrative site.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 339 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROUTT NATIONAL FOREST

Summit Lake Administrative Site

T. 7 N., R. 83 W. Unsurveyed,
In approximate section 35, beginning from corner No. 1 from which the westerly most point of Summit Lake bears N. 20° W. a distance of 36 chains, due south 20 chains to corner No. 2; thence due west 20 chains to corner No. 3; thence due north 20 chains to corner No. 4; thence due east 20 chains to corner No. 1, the point of beginning.

The above described area totals 40 acres.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F. R. Doc. 58-7164; Filed, Sept. 4, 1958; 8:49 a. m.]

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 44]

REDELEGATION OF AUTHORITY

INDIVIDUAL INDIAN MONEYS

Section 264 of Order 551 is amended to read as follows:

SECTION 264 *Individual Indian moneys.* All those matters set forth in 25 CFR Part 104.

FRED H. MASSEY,
Acting Commissioner.

AUGUST 28, 1958.

[F. R. Doc. 58-7157; Filed, Sept. 4, 1958; 8:47 a. m.]

REDELEGATION OF AUTHORITY

SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

1. *Aberdeen Area Office Redelegation Order 2, Amendment 6.* Order 2 (19

F. R. 8756), as amended, is further amended by the addition of a new heading and section to read as follows:

FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

SEC. 2.264 *Individual Indian moneys.* All those matters set forth in 25 CFR Part 104.

2. *Anadarko Area Office Redelegation Order 1, Amendment 5.* Order 1 (20 F. R. 2091), as amended, is further amended by the addition of a new section under the heading Functions Relating to Funds and Fiscal Matters, to read as follows:

SEC. 2.264 *Individual Indian moneys.* All those matters set forth in 25 CFR Part 104.

3. *Billings Area Office Redelegation Order 1, Amendment 5.* Order 1 (20 F. R. 277), as amended, is further amended by the addition of a new heading and section to read as follows:

FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

SEC. 2.264 *Individual Indian moneys.* All those matters set forth in 25 CFR Part 104.

4. *Gallup Area Office Redelegation Order 2, Amendment 7.* Order 2 (19 F. R. 8675), as amended, is further amended by the addition of a new heading and section to read as follows:

FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

SEC. 2.264 *Individual Indian moneys.* All those matters set forth in 25 CFR Part 104.

5. *Minneapolis Area Office Redelegation Order 1, Amendment 2.* Order 1 (20 F. R. 2466), as amended, is further amended by the addition of a new heading and section to read as follows:

FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

SEC. 2.264 *Individual Indian moneys.* All those matters set forth in 25 CFR Part 104.

6. *Muskogee Area Office Redelegation Order 1, Amendment 1.* Order 1 (20 F. R. 657), is amended by the addition of a new heading and section to read as follows:

FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

SEC. 2.264 *Individual Indian moneys.* All those matters set forth in 25 CFR Part 104.

7. *Portland Area Office Redelegation Order 1, Amendment 6.* Sec. 2.264 of Order 1 (20 F. R. 234), as amended, is revised to read as follows:

SEC. 2.264 *Individual Indian moneys.* All those matters set forth in 25 CFR Part 104.

8. *Phoenix Area Office Redelegation Order 1, Amendment 2.* Order 1 (20 F. R. 992), as amended, is further amended by the addition or a new heading and section to read as follows:

FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

SEC. 2.264 *Individual Indian moneys.* All those matters set forth in 25 CFR Part 104.

9. *Sacramento Area Office Redelegation Order 1, Amendment 3.* Order 1 (21 F. R. 1296), as amended, is further amended by the addition of a new heading and section to read as follows:

FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

SEC. 2.264 *Individual Indian moneys.* All those matters set forth in 25 CFR Part 104.

FRED H. MASSEY,
Acting Commissioner.

AUGUST 28, 1958.

[F. R. Doc. 58-7158; Filed, Sept. 4, 1958; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MATSON NAVIGATION CO. AND OCEANIC STEAMSHIP CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8331, between Matson Navigation Company and The Oceanic Steamship Company, provides for the interchange of passenger tickets covering one-way and round-trip transportation between (1) California ports and ports south of Hawaii, and (2) California ports and ports in Hawaii, and sets forth the manner in which the fares and commissions on such business will be divided between the parties.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: September 2, 1958.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-7182; Filed, Sept. 4, 1958; 8:52 a. m.]

CITY OF OAKLAND, CALIF. AND MCGUIRE CHEMICAL CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8345, between the City of Oakland, California, and McGuire Chemical Company, covers the lease by Oakland to McGuire of certain terminal property designated as Building No. C-107, and certain area adjacent thereto, more particularly described in the agreement, and on terms and conditions set forth therein, for a period of one (1) year.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 2, 1958.

By order of the Federal Maritime Board:

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-7183; Filed Sept. 4, 1958; 8:52 a. m.]

Office of the Secretary

RICHARD V. FORD

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of September 6, 1956, 21 F. R. 6720; March 5, 1957, 22 F. R. 1346; August 30, 1957, 22 F. R. 6998; March 20, 1958, 23 F. R. 1861:

A. Deletions: None.
B. Additions: None.

This statement is made as of August 24, 1958.

Dated: August 24, 1958.

RICHARD V. FORD.

[F. R. Doc. 58-7151; Filed, Sept. 4, 1958; 8:45 a. m.]

DAVID LEE WRIGHT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 15, 1958, 23 F. R. 1798:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 11, 1958.

Dated: August 21, 1958.

DAVID LEE WRIGHT.

[F. R. Doc. 58-7152; Filed, Sept. 4, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9224]

TRANS WORLD AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of schedules filed and published by Trans World Airlines, Inc., Enforcement Proceeding.

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on September 3, 1958, is postponed to September 22, 1958 at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., August 29, 1958.

THOMAS L. WRENN,
Associate Chief Examiner.

[F. R. Doc. 58-7188; Filed, Sept. 4, 1958; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15994]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES; AMENDMENT

AUGUST 28, 1958.

In the Order For Hearing And Suspending Proposed Changes In Rates, issued August 19, 1958, and published in the FEDERAL REGISTER on August 26, 1958 (23 F. R. 6604), under "Purchaser" change West Lake Natural Gas Company to read "West Lake Natural Gasoline Company".

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7165; Filed, Sept. 4, 1958; 8:49 a. m.]

[Docket No. G-15631]

WILLIAMS PRESSURE SERVICE

ORDER FOR HEARING ETC.; AMENDMENT

AUGUST 28, 1958.

In the Order For Hearing, Suspending Proposed Change In Rate, And Allowing Increased Rate To Become Effective, issued July 31, 1958, and published in the FEDERAL REGISTER on August 8, 1958 (23 F. R. 6071), on page "1", line "7" the words "Supplement No. 1" should be corrected to read "Supplement No. 2".

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7166; Filed, Sept. 4, 1958; 8:49 a. m.]

[Docket No. G-16027]

MISSISSIPPI RIVER FUEL CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 29, 1958.

Mississippi River Fuel Corporation (Mississippi), on July 31, 1958, tendered for filing two tariff sheets[1] to its FPC Gas Tariff, Original Volume No. 2 by which Mississippi proposes to increase its rate for sale of gas in the amount of $5,253 annually to Texas Eastern Transmission Corporation for gas produced or gathered by Mississippi in the State of Louisiana and sold under Mississippi's FPC Gas Rate Schedule No. 7.

The clause in the contract between Mississippi and Texas Eastern provides generally that Texas Eastern will reimburse Mississippi for 87½ percent of any additional taxes over these presently paid by Mississippi.

The increased rates and charges so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until August 2, 1958, and thereafter to permit them to become effective as of that date; provided, that within 20 days from the date of this order Mississippi shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered. Due to the nature of the filing, it is deemed advisable to waive the requirements of §§ 154.22 and 154.63 of the Commission's regulations and permit the sheets to become effective following a suspension of one day.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of said proposed changes, and that the above-designated tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Mississippi's proposed increased rates be made effective as hereinafter provided and that Mississippi be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated revised tariff sheets.

(B) Pending such hearing and decision thereon, said Second Revised Sheet No. 2-a and Original Sheet No. 2-aa, are each hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rates, charges, and classifications set forth in the above-designated filings shall be effective as of August 2, 1958: *Provided, however,* That within 20 days from the date of this order Mississippi shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Mississippi shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by Mississippi herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Mississippi shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Mississippi so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Mississippi shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies

[1] Second Revised Sheet No. 2-a and Original Sheet No. 2-aa.

thereof upon all purchasers under the revised tariff sheets involved, as follows:

Agreement and Undertaking of Mississippi River Fuel Corporation to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ----------, in Docket No. G-16027, Mississippi River Fuel Corporation hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused the agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this --- day of----------.

Mississippi River Fuel Corporation
By ----------
Attest:

(Secretary)

Unless Mississippi is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Mississippi shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) The revised tariff sheets hereby suspended shall not be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7167; Filed, Sept. 4, 1958; 8:49 a. m.]

[Docket No. G-15431]

SUPERIOR OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 29, 1958.

Take notice that Superior Oil Company (Superior), an independent producer of natural gas, filed an application on July 7, 1958, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Superior seeks authority to sell natural gas in interstate commerce to El Paso Natural Gas Company for resale from production in the Aneth Field, San Juan County, Utah, pursuant to a gas sales contract dated June 11, 1958.

Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on September 24, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before September 22, 1958.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7168; Filed, Sept. 4, 1958; 8:49 a. m.]

[Docket No. G-15445]

TRANSCONTINENTAL GAS PIPELINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 29, 1958.

Take notice that Transcontinental Gas Pipeline Corporation (Applicant), a Delaware corporation, with its principal place of business in Houston, Texas, filed an application on July 9, 1958, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities and the sale of additional gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate a sales meter station with the pertinent equipment at the site of its existing compressor station No. 14 in Spartanburg County, South Carolina. The application states that the proposed meter station will be used as an additional delivery point to provide gas service to Piedmont Natural Gas Company, Inc. (Piedmont), an existing customer for resale.

Applicant states that Piedmont has requested that it provide the proposed new delivery point in order that it might serve Startex Mill, a new industrial customer on an interruptible basis, which Piedmont would be unable to serve from its existing facilities. Piedmont will construct and operate the required facilities between the proposed meter station and Startex Mill, and such service will be made from authorized allocation of gas from Applicant.

The proposed facilities are estimated to cost approximately $19,000 and will be initially financed by Applicant from its general funds. Piedmont has agreed to reimburse Applicant in full for the entire cost of the facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 7, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 22, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7169; Filed, Sept. 4, 1958; 8:50 a. m.]

[Docket No. G-9174 etc.]

MIDSTATES OIL CORP.

NOTICE OF POSTPONEMENT OF HEARING

AUGUST 28, 1958.

In the matters of Midstates Oil Corporation, Docket Nos. G-9174, G-9367, G-11039, G-11081, G-13427, and G-13431.

Notice is hereby given that the hearing now scheduled for September 9, 1958, in the above-designated matters is postponed to commence at 10:00 a. m., e. s. t., October 7, 1958, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7170; Filed, Sept. 4, 1958; 8:50 a. m.]

[Docket No. G-10142 etc.]

WALTER DUNCAN ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 29, 1958.

In the matters of Walter Duncan, Operator, et al., Docket No. G-10142; Rees R. Oliver, Docket No. G-10290; Gordon P. Street, Docket No. G-10700; James V. Harbison, Docket No. G-10680; Emerald Oil & Carbonic Company, Operator, Docket No. G-12302; J. E. Jones

Drilling Company, Operator, Docket No. G–14584; Limpia Royalties, Incorporated, Docket No. G–14585.

Take notice that the persons listed below (Applicants) filed in the above-captioned proceedings separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicants propose to sell natural gas in interstate commerce from production of certain units, leases, or acreage to various purchasers for resale as tabulated below.

Docket No.	Date filed	Applicant and address	Source of gas	Purchaser
G-10142	Mar. 23, 1956	Walter Duncan, 2212 First National Bank Building, Oklahoma City, Okla.	Sibley Field, Webster Parish, La.	United Gas Pipe Line Co.
G-10290	Apr. 20, 1956	Rees R. Oliver, 533-4 Milam Building, San Antonio, Tex.	do	Do.
G-10700	July 2, 1956	Gordon P. Street, 131 Central Building, Midland, Tex.	Spraberry Field, Reagan County, Tex.	El Paso Natural Gas Co.
G-10889	Aug. 10, 1956	James V. Harbison, P. O. Box 48, Oklahoma City, Okla.	Greenwood Field, Morton County, Kans.	Panhandle Eastern Pipe Line Co.
G-12302	Mar. 28, 1957	Emerald Oil & Carbonic Co., 525 Milam Building, San Antonio, Tex.	Salem Field, Victoria County, Tex.	Texas Eastern Transmission Corp.
G-14584	Feb. 28, 1958	J. E. Jones Drilling Co., P. O. Box 1516, Midland, Tex.	Spraberry Trend Area, Upton County, Tex.	El Paso Natural Gas Co.
G-14585	Feb. 28, 1958	Limpia Royalties, Inc., P. O. Box 271, Midland, Tex.	do	Do.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 30, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 22, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–7171; Filed, Sept. 4, 1958; 8:50 a. m.]

[Docket Nos. G–12543, G–13198]

DELTA DRILLING CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 29, 1958.

Take notice that Delta Drilling Company (Operator) et al. (Applicant), filed applications pursuant to section 7 of the Natural Gas Act, for permission and approval to abandon service and for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the respective applications which are on file with the Commission and open to public inspection.

In its application filed on May 6, 1957, in Docket No. G–12543, Applicant seeks permission and approval to abandon the sale of natural gas to Manufacturers Light and Heat Company (Manufacturers) from the Bear Paw No. 1 and the Caldwell No. 1 wells, Driftwood Field, Cameron County, Pennsylvania, covered by a contract dated April 11, 1951 and previously authorized in Docket No. G–6333.

In the application filed on August 30, 1957, in Docket No. G–13198, Applicant seeks a certificate of public convenience and necessity authorizing the sale of natural gas from the subject wells to New York State Natural Gas Corporation (New York Natural), pursuant to a gas sales contract dated May 16, 1957. The application in Docket No. G–13198 states that the gas supply involved has depleted to the extent that there no longer is sufficient pressure to make an economic sale to Manufacturers and therefore Applicant has sold its previous facilities and at the request of Manufacturers, has discontinued deliveries of gas. The application further states that Applicant has contracted to sell the remaining supply of gas at a lower pressure to New York Natural.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 7, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 22, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–7172; Filed, Sept. 4, 1958; 8:50 a. m.]

[Docket No. G–16112]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 29, 1958.

Phillips Petroleum Company (Operator) (Phillips), on July 30, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing:

Description: Notice of Change, dated July 29, 1958.

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G–10883.

Purchaser: Panhandle Eastern Pipe Line Company.

Rate schedule designation: Supplement No. 24 to its FPC Gas Rate Schedule No. 5.

Effective date: September 1, 1958 (effective date is the effective date proposed by Phillips).

In support of the proposed increase Phillips refers to the pertinent contract provision to the effect that Phillips is contractually entitled to an increase in its price in proportion to any general rate increase which Panhandle is granted by the Commission. Phillips states in effect that Panhandle Eastern has received a rate increase (in effect subject to refund in Docket No. G–14755)[1] of 12.69 percent and Phillips is entitled to the same percentage increase. Phillips also states that the proposed price is not unjust nor unreasonable; is less than any rate which would be established by any reasonable standard (cost of service or fair market value, for example); is less than the reasonable market price in the area; in an instance such as this where the proposed price is so small, the economic life of the properties cannot of necessity be as long as where the price is greater and it is in the public interest to continue production from a property as long as possible.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 24 to Phillips' FPC Gas Gate Schedule No. 5 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 24 to Phillips' FPC Gas Rate Schedule No. 5.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–7173; Filed, Sept. 4, 1958; 8:50 a. m.]

[1] Motion to place increased rates in effect September 1, 1958, has been filed.

[Docket No. G–4771 etc.]

AMERADA PETROLEUM CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 29, 1958.

In the matters of Amerada Petroleum Corporation, Docket No. G–4771; Southland Royalty Company, Docket No. G–10304; J. N. Huttig, Docket No. G–10701; Walter Doane Randal, Docket No. G–10702; George W. Johnson, Docket No. G–10703; Martin Anderson, Docket No. G–10704.

Take notice that Amerada Petroleum Corporation (Amerada) filed on November 5, 1956, pursuant to section 16 of the Natural Gas Act (Act), two petitions to amend the certificate of public convenience and necessity issued it on September 21, 1956, in Docket No. G–4771, In the Matters of Ray London and/or D. E. London et al., Docket No. G–2864 et al. These petitions seek deletion of the authorization granted Amerada in said certificate to sell natural gas to El Paso Natural Gas Company (El Paso) from production of a part of the acreage in the Spraberry Field, Reagan C... Texas, dedicated to El Paso under a ... tract dated April 12, 1954, as amended, which part of said acreage, down to ... depth of 8100 feet below the surface, ... assigned by Amerada, subject to ... contract, to others as follows:

(1) By instrument dated October ... 1954, the E½ of Sections 35 and ... Block C, L. & S. V. Ry. Co. Survey, Reagan County, Texas, was assigned by Amerada to D. D. Strong and subsequently further assigned to J. N. Huttig, Walter Doane Randall, George W. Johnson, and Martin Anderson.

(2) By instrument dated May 8, 1956, the NE¼ of Section 38, Block C, L. & S. V. Ry. Co. Survey, Reagan County, Texas, was assigned by Amerada to Southland Royalty Company.

Amerada states that it has not drilled any wells on the lands described in (1) and (2) and has not sold any gas produced from said lands.

Take notice that the parties listed below (Applicants) filed applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicants propose to sell natural gas in interstate commerce from the aforesaid assigned acreage to El Paso for resale as tabulated below.

Docket No.	Date filed	Applicants and addresses	Source of gas
G–10304	Apr. 23, 1956	Southland Royalty Co., Fort Worth National Building, Fort Worth, Tex.	From acreage described in (2) above.
G–10701	July 2, 1956	J. N. Huttig, 131 Central Building, Midland, Tex.	From acreage described in (1) above.
G–10702	July 2, 1956	Walter Doane Randall, 131 Central Building, Midland, Tex.	From acreage described in (1) above.
G–10703	July 2, 1956	George W. Johnson, 131 Central Building, Midland, Tex.	From acreage described in (1) above.
G–10704	July 2, 1956	Martin Anderson, 131 Central Building, Midland, Tex.	From acreage described in (1) above.

The related matters in Docket Nos. G–10304 and G–10701 through G–10704, inclusive, should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 30, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications in Docket Nos. G–10304 and G–10701 through G–10704, inclusive: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 22, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–7174; Filed, Sept. 4; 1958; 8:50 a. m.]

[Docket No. G–11807 etc.]

OHIO OIL CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 29, 1958.

In the matter of the Ohio Oil Company, Docket Nos. G–11807, G–11813, G–11821, G–11826, G–11829.

Take notice that The Ohio Oil Company (Applicant), an Ohio corporation with principal place of business at Findlay, Ohio, filed in the above-captioned proceedings as hereinafter tabulated separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant proposes to sell or continue the sale of natural gas in interstate commerce from production of certain units, leases, or acreage to various purchasers for resale as tabulated below.

Docket No.	Date filed	Source of gas	Purchaser
G-11807	Jan. 25, 1957	Garland Field, Park and Big Horn Counties, Wyo.	Montana-Dakota Utilities Co.
G-11813	Jan. 25, 1957	Nelsonville Field, Austin County, Tex.	Tennessee Gas Transmission Co.
G-11831	Jan. 25, 1957 as amended	Maxie and Pistol Ridge Fields, Forrest County, Miss.	United Gas Pipe Line Co.
G-11838	Jan. 25, 1957	Rush Creek Field, Weld County, Colo.	Kansas-Nebraska Natural Gas Co., Inc.
G-11839	Jan. 25, 1957	Ada Field, Bienville Parish, La.	Arkansas Louisiana Gas Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 30, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 22, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7175; Filed, Sept. 4, 1958; 8:51 a. m.]

[Docket Nos. G-15205, G-15238]

RALPH R. GILSTER ET AL. AND TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 29, 1958.

Take notice that on June 2, 1958, Ralph R. Gilster (Operator) et al. (Gilster), in Docket No. G-15205 and on June 5, 1958, Texas Eastern Transmission Corporation (Texas Eastern) in Docket No. G-15238 (hereinafter referred to as Applicants), filed their respective applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act for authority to sell natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

Applicants seek authority to sell natural gas in interstate commerce to United Gas Pipe Line Company for resale, which gas is produced from the Blocker (Pettit) Field, Harrison County, Texas, pursuant to a gas sales contract dated April 14, 1958, as supplemented by letter agreements of the same date.

Gilster filed on its own behalf and as operator for all the coowners of the two subject units, as listed in Exhibit C to the application in Docket No. G-15205, except Texas Eastern.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 30, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of §§ 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 22, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7176; Filed, Sept. 4, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 2, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34936: *Styrene—New Orleans, La., to Wallingford, Conn.* Filed by O. W. South, Jr., Agent (SFA No. A3721), for interested rail carriers. Rates on styrene, tank-car loads from New Orleans, La., to Wallingford, Conn.

Grounds for relief: Water-truck competition.

Tariff: Supplement 32 to Southern Freight Association tariff I. C. C. 452.

FSA No. 34937: *Petroleum oil—Oak Point, La., to Paulsboro, N. J.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7368), for interested rail carriers. Rates on petroleum oil, noibn, tank-car loads from Oak Point, La., to Paulsboro, N. J.

Grounds for relief: Commercial competition with other destinations in New Jersey and Pennsylvania.

Tariff: Supplement 156 to Southwestern Freight Bureau tariff I. C. C. 4150.

FSA No. 34938: *Substituted service—Rail-for-motor—B&M, D&H, and Pennsylvania Railroads.* Filed by Middle Atlantic Conference, Agent (No. 15), for interested carriers. Rates on property loaded in highway trailers and transported in substituted service on railroad flat cars between Pittsburgh, Pa., on the one hand, and East Cambridge, Holyoke, and Worcester, Mass., on the other, on traffic moving via motor-rail-motor routes between points in specified territories.

Grounds for relief: Motor truck competition on basis of changed compensation for rail carriers' hauls.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-7181; Filed, Sept. 4, 1958; 8:52 a. m.]

OFFICE OF DEFENSE AND CIVILIAN MOBILIZATION

KANSAS

NOTICE OF MAJOR DISASTER

Pursuant to the authority vested in me by the President under Executive Order

10427, dated January 16, 1953, Executive Order 10737, dated October 29, 1957, and Executive Order 10773, dated July 1, 1958 (18 F. R. 407; 22 F. R. 8799; 23 F. R. 5061), by virtue of the Act of September 30, 1950 entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U. S. C. 1855–1855g), as amended, notice is hereby given of a declaration by the President, dated August 5, 1958, reading in part as follows:

I hereby determine the City of Atchison, Kansas, to be a "major disaster" area, as a result of damage caused by recent floods.

This determination is made for the sole purpose of activating the disaster assistance authority of the Housing and Home Finance Administrator under the Urban Renewal Program (42 U. S. C. 1462).

Dated: August 26, 1958.

LEO A. HOEGH,
Director, Office of Defense and Civilian Mobilization.

[F. R. Doc. 58–7149; Filed, Sept. 4, 1958; 8:45 a. m.]

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President subsequent to adjournment will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 85th Congress, Second Session.

Laws Approved September 2, 1958

S. J. Res 135.....Public Law 85–883
Joint Resolution providing for the construction of demonstration plants for the production, from saline or brackish waters, of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses.

S. 25.....Public Law 85–872
An Act relating to effective dates of increases in compensation granted to wage board employees.

S. 1438.....Public Law 85–856
An Act to amend Section 544 of title 28, United States Code, relating to the bonds of United States Marshals.

S. 1764.....Public Law 85–901
An Act to amend the District of Columbia Public School Food Services Act.

S. 1903.....Public Law 85–858
An Act to amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States.

S. 2006.....Public Law 85–881
An Act to relieve the Surgeons General of the Army and Navy of certain responsibilities outside the Department of Defense.

S. 2039.....Public Law 85–876
An Act to clarify the requirements with respect to the performance of labor imposed as a condition for the holding of mining claims on Federal lands pending the issuance of patents therefor.

S. 2114.....Public Law 85–890
An Act to amend the Act of March 3, 1901 (31 Stat. 1449) as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to acquire land for field sites, to undertake construction and improvement of buildings and for other activities.

S. 2117.....Public Law 85–860
An Act directing the Secretary of the Army to transfer certain buildings to the Crow Creek Sioux Indian Tribe.

S. 2719.....Public Law 85–887
An Act authorizing and directing the Secretary of the Interior to investigate and eradicate the predatory dogfish sharks to control the depredations of this species on the fisheries of the Pacific coast, and for other purposes.

S. 3142.....Public Law 85–886
An Act to amend the Federal Property and Administrative Services Act of 1949 to extend the authority to lease out Federal building sites until needed for construction purposes and the Act of June 24, 1948 (62 Stat. 644), and for other purposes.

S. 3295.....Public Law 85–888
An Act to amend the Fish and Wildlife Act of 1956 in order to increase the authorization for the fisheries loan fund established under such Act.

S. 3335.....Public Law 85–874
An Act to provide for a National Cultural Center which will be constructed, with funds raised by voluntary contributions, on a site made available in the District of Columbia.

S. 3379.....Public Law 85–882
An Act to provide for adjustments in the annuities under the Foreign Service retirement and disability system.

S. 3680.....Public Law 85–880
An Act to provide for participation of the United States in the World Science-Pan Pacific Exposition to be held at Seattle, Washington, in 1961, and for other purposes.

S. 3712.....Public Law 85–885
An Act to authorize appropriations for continuing the construction of the Rama Road in Nicaragua.

S. 3728.....Public Law 85–870
An Act to incorporate the Big Brothers of America.

S. 3741.....Public Law 85–862
An Act to facilitate administration and management by the Secretary of Agriculture of certain lands of the United States within national forests.

S. 3754.....Public Law 85–868
An Act to provide for the exchange of lands between the United States and the Navajo Tribe, and for other purposes.

S. 3942.....Public Law 85–892
An Act for the relief of certain distressed aliens.

S. 3944.....Public Law 85–877
An Act to authorize the negotiation of a compact between the State of Minnesota and the Province of Manitoba, Canada, for the development of a highway to provide access to the northwest angle in such State.

S. 4088.....Public Law 85–889
An Act to approve a repayment contract negotiated with the Heart Mountain Irrigation District, Wyoming, and to authorize its execution.

S. 4249.....Public Law 85–891
An Act to authorize a program for the conservation, restoration, and management of the rare Hawaiian Nene goose.

H. J. Res. 546.....Public Law 85–904
Joint Resolution Designating the week of November 21–27, 1958, as National Farm-City Week.

H. J. Res. 557.....Public Law 85–918
Joint Resolution to amend the Act of September 7, 1957 (71 Stat. 626), providing for the establishment of a Civil War Centennial Commission.

H. J. Res. 658.....Public Law 85–[illegible]
Joint Resolution authorizing and requesting the President to invite the countries of the free world to participate in the California International Trade Fair and Industrial Exposition to be held in Los Angeles, California, from April 1, to 12, 1959.

H. R. 109.....Public Law 85–[illegible]
An Act to incorporate the Jewish War Veterans, U. S. A., National Memorial, Inc.

H. R. 469.....Public Law 85–[illegible]
An Act to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

H. R. 3366.....Public Law 85–[illegible]
An Act to validate overpayments of pay and allowances made to certain officers of the Army, Navy, Naval Reserve, and Air Force, while undergoing training at civilian hospitals, and for other purposes.

H. R. 4642.....Public Law 85–[illegible]
An Act to establish a Commission and Advisory Committee on International Rules of Judicial Procedure.

H. R. 5497.....Public Law 85–[illegible]
An Act to amend the Watershed Protection and Flood Prevention Act.

H. R. 6238.....Public Law 85–[illegible]
An Act to amend section 1292 of title 28 of the United States Code relating to appeals from interlocutory orders.

H. R. 7125.....Public Law 85–[illegible]
An Act to make technical changes in the Federal excise tax laws, and for other purposes.

H. R. 7544.....Public Law 85–[illegible]
An Act to amend the Act entitled "An Act to recognize the high public service rendered by Major Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever", approved February 25, 1929, by including therein the name of Roger P. Ames.

H. R. 7710.....Public Law 85–[illegible]
An Act to provide for the lump-sum of all accumulated and current accrued annual leave of deceased employees.

H. R. 7860.....Public Law 85–[illegible]
An Act to amend section 1 of the Act of July 24, 1956 (70 Stat. 625), entitled "To provide that payments be made to certain members of the Pine Ridge Sioux Tribe of Indians as reimbursement for damages suffered as the result of the establishment of the Pine Ridge aerial gunnery range."

H. R. 8381.....Public Law 85–[illegible]
An Act to amend the Internal Revenue Code of 1954 to correct unintended benefits and hardships and to make technical amendments, and for other purposes.

H. R. 8735.....Public Law 85–[illegible]
An Act to increase annuities payable to certain annuitants from the District of Columbia teachers retirement and annuity fund, and for other purposes.

H. R. 8943.....Public Law 85–[illegible]
An Act to amend titles 10, 14, and 32, United States Code, to codify recent military law, and to improve the Code.

H. R. 9020.....Public Law 85-909
An Act to amend the Packers and Stockyards Act, 1921, as amended, and for other purposes.

H. R. 9147.....Public Law 85-900
An Act to provide for the disposal of certain Federal property in the Boulder City area, to provide assistance in the establishment of a municipality incorporated under the laws of Nevada, and for other purposes.

H. R. 9370.....Public Law 85-921
An Act to permit illustrations and films of United States and foreign obligations and securities under certain circumstances, and for other purposes.

H. R. 9700.....Public Law 85-857
An Act to consolidate into one Act all of the laws administered by the Veterans' Administration, and for other purposes.

H. R. 9817.....Public Law 85-920
An Act relating to venue in tax refund suits by corporations.

H. R. 9822.....Public Law 85-908
An Act to provide for holding a White House Conference on Aging to be called by the President of the United States in January 1961, to be planned and conducted by the Secretary of Health, Education, and Welfare with the assistance and cooperation of other departments and agencies represented on the Federal Council on Aging; to assist the several States in conducting similar conferences on aging prior to the White House Conference on Aging; and for related purposes.

H. R. 9833.....Public Law 85-902
An Act to amend section 27 of the Merchant Marine Act of 1920.

H. R. 10495.....Public Law 85-893
An Act to amend that part of the Act of June 9, 1896 (29 Stat. 313), relating to the establishment of postal stations and branch post offices, so as to permit them to be established within ten miles of the boundary of the adjoining city

H. R. 11009.....Public Law 85-910
An Act to provide for the establishment of Grand Portage National Monument in the State of Minnesota, and for other purposes.

H. R. 11078.....Public Law 85-911
An Act to promote boating safety on the navigable waters of the United States, its Territories, and the District of Columbia; to provide coordination and cooperation with the States in the interest of uniformity of boating laws; and for other purposes.

H. R. 11382.....Public Law 85-896
An Act to amend title 38 of the United States Code to authorize the conversion or exchange, under certain conditions, of term insurance issued under section 621 of the National Service Life Insurance Act of 1940, and for other purposes.

H. R. 11456.....Public Law 85-873
An Act to authorize the exchange of certain real property heretofore conveyed to the city of El Paso, Texas, by the United States, for other real property of equal value, and for other purposes.

H. R. 11668.....Public Law 85-884
An Act to amend section 39 of the Trading With the Enemy Act of October 6, 1917, as amended.

H. R. 11889.....Public Law 85-925
An Act to permit articles imported from foreign countries for the purpose of exhibition at the Minnesota State Fair and Centennial Exposition to be held at Saint Paul, Minnesota, to be admitted without payment of tariff, and for other purposes.

H. R. 12126.....Public Law 85-867
An Act to provide further protection against the introduction and dissemination of livestock diseases, and for other purposes.

H. R. 12212.....Public Law 85-907
An Act for the relief of certain employees of the Department of the Navy.

H. R. 12226.....Public Law 85-913
An Act to amend the Virgin Islands Corporation Act (63 Stat. 350), and for other purposes.

H. R. 12662.....Public Law 85-915
An Act to provide for the acquisition of lands by the United States required for the reservoir created by the construction of Oahe Dam on the Missouri River and for rehabilitation of the Indians of the Standing Rock Sioux Reservation in South Dakota and North Dakota, and for other purposes.

H. R. 12663.....Public Law 85-923
An Act to provide for additional payments to the Indians of the Lower Brule Sioux Reservation, South Dakota, whose lands have been acquired for the Fort Randall Dam and Reservoir project, and for other purposes.

H. R. 12670.....Public Law 85-916
An Act to provide for additional payments to the Indians of the Crow Creek Sioux Reservation, South Dakota, whose lands have been acquired for the Fort Randall Dam and Reservoir project, and for other purposes.

H. R. 12281.....Public Law 85-922
An Act to authorize the Secretary of the Interior to provide an administrative site for Yosemite National Park, California, on lands adjacent to the park, and for other purposes.

H. R. 12808.....Public Law 85-899
An Act to amend the Federal-Aid Highway Acts of 1956 and 1958 by advancing the date for submission of the revised estimate of cost of completing the Interstate System and to extend the approval of such estimate for an additional year.

H. R. 12858.....Public Law 85-863
An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1959, and for other purposes.

H. R. 12883.....Public Law 85-895
An Act to provide for certain improvements relating to the Capitol Power Plant and its distribution systems.

H. R. 13191.....Public Law 85-875
An Act to require the Commissioner of Education to encourage, foster, and assist in the establishment of clubs for boys and girls especially interested in science.

H. R. 13247.....Public Law 85-864
An Act to strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical national needs; and for other purposes.

H. R. 13475.....Public Law 85-898
An Act to authorize an exchange of lands at the Rochester Fish-Cultural Station, Indiana.

H. R. 13559.....Public Law 85-871
An Act to amend the War Orphans' Educational Assistance Act of 1956 to permit the Administrator of Veterans' Affairs to make payments with respect to special restorative training, or specialized courses of vocational training, for younger persons than those with respect to whom the Administrator may now make such payments, and for other purposes.

H. R. 13580.....Public Law 85-912
An Act to increase the public debt limit.

H. R. 13666.....Public Law 85-894
An Act to amend title 32 of the United States Code to permit the appointment of the Adjutant General of Puerto Rico as provided by the laws of the Commonwealth of Puerto Rico.

H. R. 13678.....Public Law 85-905
An Act to provide in the Department of Health, Education, and Welfare for a loan service of captioned films for the deaf.

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10780

SUSPENSION OF CERTAIN PROVISIONS OF SECTION 5762 (a) OF TITLE 10 OF THE UNITED STATES CODE WHICH RELATE TO THE PROMOTION OF OFFICERS OF THE SUPPLY CORPS, CHAPLAIN CORPS, CIVIL ENGINEER CORPS, AND MEDICAL SERVICE CORPS OF THE NAVY

By virtue of the authority vested in me by section 5785 (b) of title 10 of the United States Code, it is ordered as follows:

Except as to the provision which, as amended by section 201 (9) (A) of the act of August 21, 1957, 71 Stat. 383, reads,

> The Secretary of the Navy shall furnish the appropriate selection board convened under chapter 543 of this title with the number of officers, not restricted in the performance of duty, other than women officers appointed under section 5590 of this title, that may be recommended for promotion to the grade of captain or commander in the Medical Corps, the Supply Corps, the Chaplain Corps, the Civil Engineer Corps, Dental Corps, or the Medical Service Corps,

the provisions of section 5762 (a) of title 10 of the United States Code, to the extent that such provisions are applicable to promotions to the grade of commander in the Supply Corps, the Chaplain Corps, the Civil Engineer Corps, and the Medical Service Corps, are hereby suspended until June 30 of the fiscal year following that in which the national emergency proclaimed by Proclamation No. 2914 of December 16, 1950, shall end.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 2, 1958.

[F. R. Doc. 58-7258; Filed, Sept. 4, 1958; 12:59 p. m.]

EXECUTIVE ORDER 10781

SUSPENSION OF CERTAIN PROVISIONS OF SECTION 5764 (a) OF TITLE 10 OF THE UNITED STATES CODE WHICH RELATE TO THE ESTABLISHMENT OF ZONES FOR THE PROMOTION OF MALE OFFICERS OF THE NAVY

By virtue of the authority vested in me by section 5785 (b) of title 10 of the United States Code, it is ordered as follows:

Except as to the provisions which read,

> The Secretary of the Navy shall establish a promotion zone in each grade for male officers in the line of the Navy not restricted in the performance of duty when he convenes a selection board under chapter 543 of this title to consider officers in that grade for recommendation for promotion to the next higher grade. The promotion zone in each grade shall be composed of that number of the most senior such officers under consideration, who are eligible for selection for promotion to the next higher grade and who have not previously failed of such selection, that must either be selected for promotion by the particular board or be considered as having failed of such selection, in order to maintain a flow of promotion consistent with the terms of service set out in section 5768 of this title and in order best to assure to individuals in succeeding years equality of opportunity for promotion,

the provisions of section 5764 (a) of title 10 of the United States Code are hereby suspended until June 30 of the fiscal year following that in which the national emergency proclaimed by Proclamation No. 2914 of December 16, 1950, shall end.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 2, 1958.

[F. R. Doc. 58-7259; Filed, Sept. 4, 1958; 12:59 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Effective upon publication in the FEDERAL REGISTER, paragraph (j) (1) of § 6.105 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-7208; Filed, Sept. 5, 1958; 8:48 a. m.]

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, subparagraph (3) is added to § 6.114 (c) as set out below.

§ 6.114 *Department of Health, Education, and Welfare.* • • •

(c) *Office of Education.* • • •

(3) Twenty-five positions at grade GS–12 and above the incumbents of which will engage in the development of policy, standards, regulations, procedures, and definitions in connection with the National Defense Education Act of 1958 and will consult with and advise on the administration and implementation of this Act with the Office of Education, the various States and territories, institutions of higher education, and other organizations and persons concerned with carrying out the provisions of this Act. Appointments under this provision shall be limited to persons having a particular competency in the areas concerned. Employment under this provision shall not exceed two years in any individual case and shall not extend beyond June 30, 1962.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58–7234; Filed, Sept. 5, 1958; 8:53 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

COMMISSION ON CIVIL RIGHTS

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.160 and paragraph (b) of § 6.360 are revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58–7209; Filed, Sept. 5, 1958; 8:48 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, subparagraphs (3) and (5) of paragraph (a), subparagraph (5) of paragraph (c), and subparagraph (2) of paragraph (f) of § 6.309 are amended as set out below.

§ 6.309 *Post Office Department*—(a) *Office of the Postmaster General.* • • •

(3) Five Special Assistants to the Postmaster General.

• • • • • •

(5) Two Special Assistants to the Deputy Postmaster General.

• • • • • •

(c) *Bureau of Transportation.* • • •

(5) One Deputy Assistant Postmaster General (Rail and Highway) and one Deputy Assistant Postmaster General (Air and International).

• • • • • •

(f) *Bureau of Post Office Operations.* • • •

(2) Three Special Assistants to the Assistant Postmaster General.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58–7209; Filed, Sept. 5, 1958; 8:48 a. m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.374]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following September 6, 1958, paragraph (a) is amended by the deletion of the following:

Elazig, Turkey.
Simla, India.

2. Effective as of the beginning of the first pay period following September 6, 1958, paragraph (b) is amended by the deletion of the following:

India, all posts except Anand, Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar-Bareilly, Jodhpur, Lucknow, Ludhiana, Madras, Nabha, Nagpur, New Delhi, Pipri, Poona, Rajkot, Simla, Sindri, Trivandrum, Udaipur and Vellore.

Turkey, all posts except Adana, Ankara, Diyarbakir, Elazig, Iskenderun, Istanbul, Izmir, Konya and Samsun.

3. Effective as of the beginning of the first pay period following September 6, 1958, paragraph (c) is amended by the deletion of the following:

Konya, Turkey.

4. Effective as of the beginning of the first pay period following September 6, 1958, paragraph (a) is amended by the addition of the following:

Nangal, India.
Tarai, India.

5. Effective as of the beginning of the first pay period following August 9, 1958, paragraph (b) is amended by the addition of the following.

Cap Haitien, Haiti.

6. Effective as of the beginning of the first pay period following September 6, 1958, paragraph (b) is amended by the addition of the following:

India, all posts except Anand, Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar-Bareilly, Jodhpur, Lucknow, Ludhiana, Madras, Nabha, Nagpur, Nangal, New Delhi, Pipri, Poona, Rajkot, Sindri, Tarai, Trivandrum, Udaipur and Vellore.

Turkey, all posts except Adana, Ankara, Diyarbakir, Iskenderun, Istanbul, Izmir and Samsun.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

Dated: August 28, 1958.

For the Secretary of State.

W. K. SCOTT,
Assistant Secretary.

[F. R. Doc. 58–7220; Filed, Sept. 5, 1958; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; WEST VIRGINIA

On August 27, 1958, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said countries.

West Virginia	Average value
County:	
Braxton	$20,000
Doddridge	20,000
Gilmer	20,000
Grant	25,000
Greenbrier	30,000
Hampshire	25,000
Hardy	25,000
Harrison	30,000
Lewis	25,000
Marion	25,000
Marshall	30,000
Mercer	20,000
Mineral	25,000
Monongalia	25,000
Monroe	25,000
Morgan	20,000
Nicholas	20,000
Ohio	30,000
Pendleton	25,000
Pleasants	20,000
Pocahontas	25,000
Preston	25,000
Randolph	25,000
Ritchie	25,000
Summers	20,000
Tucker	18,000
Tyler	20,000
Wetzel	20,000
Wirt	18,000
Wood	25,000

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: September 2, 1958.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 58-7238; Filed, Sept. 5, 1958; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

[Amdt. 5]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

MISCELLANEOUS AMENDMENTS

The above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949), are hereby amended, effective beginning with the 1959 crop year as follows: *Provided, however,* That section 2 of this amendment shall not become effective with respect to barley or wheat crop insurance in counties with a March 15 cancellation date until the beginning of the 1960 crop year.

1. Section 2 of the policy shown in § 401.11 is amended by changing the last sentence to read as follows: "The insured shall also be privileged to file a separate acreage report for each crop and if he fails to file an acreage report within 30 days after the planting of such insured crop is generally completed in the county, the Corporation may elect to determine the insured acreage and the interest or declare the insured acreage to be 'zero' with respect to the crop for which the acreage report was not filed."

2. Subsection (c) of section 4 of the policy shown in § 401.11 is amended to read as follows:

(c) The insured's annual premium for an insured crop shall be reduced 5 percent if he has had three consecutive years of insurance on such crop (immediately preceding the current crop year and eliminating any year in which a premium was not earned) without a loss for which an indemnity was paid. For each such additional consecutive year of insurance on such crop without a loss for which an indemnity was paid, the insured's annual premium shall be reduced an additional 5 percent, except that the total reduction shall not exceed 25 percent. If an insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years: *Provided,* That, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made.

3. Section 4 of the policy shown in § 401.11 is further amended by adding a subsection (e) to read as follows:

(e) If, for any crop except peaches and all citrus, the insured pays the premium for that crop at the same time he files his acreage report and further providing that it be filed within 30 days after the planting of such crop is generally completed in the county, as determined by the Corporation, the premium which would otherwise be payable for the crop shall be reduced 5 percent.

4. Section 5 of the policy shown in § 401.11 is amended to read as follows:

5. *Minimum premium.* If in any year a premium is earned for any crop and the net premium totals less than $10.00 the amount shall be increased to $10.00.

5. Section 3 of the dry edible bean endorsement shown in § 401.18 is amended to read as follows:

3. *Annual premium.* Whether or not the insured is eligible for the reduction provided in section 4 (c) of the policy, the insured's annual dry edible bean premium may be reduced 25 percent in lieu thereof for any year if it is determined by the Corporation that the accumulated balance (expressed in dollars) of premiums over indemnities on consecutively insured dry edible bean crops preceding the current crop year exceeds his total coverage computed on a threshed coverage basis.

6. Section 3 of the corn endorsement shown in § 401.19 is amended to read as follows:

3. *Annual premium.* Whether or not the insured is eligible for the reduction provided in section 4 (c) of the policy, the insured's annual corn premium may be reduced 25 percent in lieu thereof for any year if it is determined by the Corporation that the accumulated balance (expressed in dollars) of premiums over indemnities on consecutively insured corn crops preceding the current crop year exceeds his total coverage computed on a harvested coverage basis.

7. Subsection (b) of section 3 of the cotton endorsement shown in § 401.20 is amended to read as follows:

(b) Whether or not the insured is eligible for the reduction provided in section 4 (c) of the policy, the insured's annual cotton premium may be reduced 25 percent in lieu thereof for any year if it is determined by the Corporation that the accumulated balance (expressed in pounds) of premiums over indemnities on consecutively insured cotton crops preceding the current crop year exceeds his total coverage computed on a harvested acreage basis.

8. Section 3 of the flax endorsement shown in § 401.21 is amended to read as follows:

3. *Annual premium.* Whether or not the insured is eligible for the reduction provided in section 4 (c) of the policy, the insured's annual flax premium may be reduced 25 percent in lieu thereof for any year if it is determined by the Corporation that the accumulated balance (expressed in bushels) of premiums over indemnities on consecutively insured flax crops preceding the current crop year exceeds his total coverage computed on a harvested coverage basis.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, as amended, 74, as amended, 75; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on August 18, 1958.

[SEAL] F. N. MCCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 2, 1958.

MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 58-7211; Filed, Sept. 5, 1958; 8:49 a. m.]

[Amdt. 6]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

OAT ENDORSEMENT

The above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5949), are hereby amended effective beginning with the 1959 crop year as follows:

1. The table following paragraph (a) of § 401.3, as amened, is amended by establishing a closing date of March 31 for oats in all states.

2. The following section is added:

§ 401.26 *The oat endorsement.* The provisions of the oat endorsement for the 1959 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that oats are seeded with flax or other small grains or vetch, and no insurance shall attach to any acreage not seeded to oats for harvest as grain as determined by the Corporation.

3. *Coverage per acre.* The coverage per acre is progressive depending upon whether the acreage is (a) First Stage—seeded to a substitute crop when the Corporation has consented that the acreage be put to another use, (b) Second Stage—not harvested and not seeded to a substitute crop, or (c) Third Stage—harvested.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the oats are seeded and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the oats are normally harvested.

5. *Claims for loss.* (a) The total production to be counted shall include any harvested production from acreage initially seeded for purposes other than for harvest as grain as determined by the Corporation.

(b) In determining total production volunteer small grains and volunteer vetch growing with the seeded oat crop, and small grains seeded in the growing oat crop on acreage on which the Corporation has not given its consent to be put to another use, shall be counted as oats on a weight basis.

(c) In determining any loss under the contract, production shall be valued at the fixed price. However, any threshed oats which (1) do not grade No. 3 or better (determined in accordance with Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these grade requirements if properly handled, and (2) have a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 3 oats, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided,* When the Commodity Credit Corporation county loan rate for No. 3 oats is less than the fixed price, the total value of such threshed oats, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Meaning of terms.* For purposes of insurance on oats the term: (a) "Harvest" means the mechanical severance from the land of matured oats for threshing where the oat crop has not been destroyed.

7. *Cancellation, termination for indebtedness and discount dates.* (a) For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the March 31 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(b) For each crop year of the contract the discount date shall be the November 30 of the calendar year in which the oat crop is normally harvested.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on August 18, 1958.

[SEAL] F. N. MCCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 2, 1958.

MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 58-7212; Filed Sept. 5, 1958; 8:49 a. m.]

[Amdt. 7]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

GRAIN SORGHUM ENDORSEMENT

The above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949), are hereby amended effective beginning with the 1959 crop year as follows:

1. The table following paragraph (a) of § 401.3, as amended, is amended by establishing a closing date of April 30 for grain sorghum in all states.

2. The following section is added:

§ 401.27 *The grain sorghum endorsement.* The provisions of the grain sorghum endorsement for the 1959 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that the sorghum is (a) not a combine type grain sorghum, (b) a forage sorghum or thick planted sorghum for silage or fodder purposes, (c) planted in rows too close for cultivation, (d) planted for the development of hybrid seed, or (e) planted on acreage which was seeded to wheat the previous fall, and no insurance shall attach to any acreage not planted to a combine type grain sorghum for harvest as grain as determined by the Corporation.

3. *Coverage per acre.* The coverage per acre is progressive, depending upon whether the acreage is (a) First Stage—unharvested, or (b) Second Stage—harvested.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the grain sorghum is planted and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than December 31 of the calendar year in which the grain sorghum is normally harvested.

5. *Claims for loss.* (a) The total production to be counted shall include any harvested production from acreage initially planted for purposes other than for harvest as grain as determined by the Corporation.

(b) In determining any loss under the contract, production shall be valued at the fixed price, except that any threshed grain sorghum which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided,* When the Commodity Credit Corporation county loan rate for No. 4 grain sorghum is less than the fixed price, the total value of such threshed grain sorghum, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Meaning of terms.* For purposes of insurance on grain sorghum the term: (a) "Harvest" means the mechanical severance from the land of matured grain sorghum for threshing where the grain sorghum crop has not been destroyed.

7. *Cancellation, termination for indebtedness and discount dates.* (a) For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the April 30 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective. (b) For each crop year of the contract the discount date shall be the December 31 of the calendar year in which the grain sorghum crop is normally harvested.

(Sec. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply sec. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1509)

Adopted by the Board of Directors on August 18, 1958.

[SEAL] F. N. MCCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 2, 1958.

MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 58-7213; Filed, Sept. 5, 1958; 8:49 a. m.]

[Amdt. 8]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

PEACHES

The above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949), are hereby amended effective beginning with the 1959 crop year as follows:

1. The table following paragraph (a) of § 401.3, as amended, is amended by establishing a closing date of January 15 for peaches in all states.

2. Section 401.3, as amended, is further amended by adding paragraph (h) to read as follows:

(h) Notwithstanding any other provisions of this section, all applications for peach crop insurance shall be on the following form:

APPLICATION
FORM FCI-812-Special

UNITED STATES DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION

(State and County Code and Contract Number)

Application for Crop Insurance for 19__ and Succeeding Crop Years in _____
(County) (State)

(Please print or type)

Name _____
Address _____

A. The undersigned applicant hereby applies under the applicable regulations to the Federal Crop Insurance Corporation (herein called the Corporation) for insurance on his interest in the crop(s) listed below on acreage included in the crop insurance program of the Corporation for the county designated above.

This application, when executed by a person as an individual, shall not cover his interest(s) in a crop produced by a partnership. Any application on this form signed by two or more persons shall cover only that acreage in which all of the applicants have an interest, and such acreage shall not be covered by any other insurance contract any of the applicants may have with the Corporation.

B. This application, upon acceptance by the Corporation, and the applicable insurance policy, endorsement(s), and actuarial table on file in the county office of the Corporation for the crop(s) designated above shall constitute the contract. The contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until cancelled or terminated in accordance with the provisions of the contract.

Adopted by the Board of Directors on August 18, 1958.

[SEAL] F. N. MCCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 2, 1958.

MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 58-7213; Filed, Sept. 5, 1958; 8:49 a. m.]

C. For the first crop year of the contract the coverage(s) and premium rate(s) shall be those for that crop year which are on file in the county office. For each subsequent crop year the coverage(s) and premium rate(s) together with any changes in the contract shall be on file in the county office at least 15 days prior to the applicable cancellation date. For each crop year of the contract any acreage is insurable only if a coverage for such acreage is shown on the county actuarial table for that crop year.

D. The Corporation reserves the right to reject this application in its entirety.

E. Coverage per acre applied for: _____

_____ _____ 19 __
(Signature of Applicant) (Date)

_____
(Witness to Signature)

_____
(Signature of Agent of the Corporation)

_____ _____ 19 __
(Signature of Inspector) (Date)

F. Accepted by the Federal Crop Insurance Corporation by:

_____ _____ 19 __
(State Director) (Date)

County Office Address

Name of Other Contact, if Any:

_____
_____
(Address)

Marketing Agency _____

3. The following section is added:

§ 401.28 *The peach endorsement.* The provisions of the peach endorsement for the 1959 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production on the insured peach crop due to frost, freeze, hurricane, tornado, hail, or windstorm when accompanied by hail.

2. *Insured crop.* In lieu of all of section 1 of the policy except the first and last sentence thereof, the following shall apply:

(a) The insured acreage for each crop year shall be that acreage of peaches in the county for which coverage is shown on the county actuarial table and in which the insured had an interest on the January 15 immediately preceding the beginning of the crop year and the interest insured shall be the interest of the insured in such acreage at that time, as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect.

(b) Any acreage of peaches which has not reached the fourth growing season or any acreage having a potential production of less than 100 bushels per acre for any crop year is uninsurable for that crop year.

3. *Responsibility of the insured to report acreage and interest.* In lieu of section 2 and subsection 21 (a) of the policy, the insured shall report on a form prescribed by the Corporation, at the time the application for peach crop insurance is filed, all of the acreage of peaches (including a designation of any acreage of peaches to which insurance does not attach) in the county in which he has an interest and his interest therein. If the actual acreage of peaches or interest therein shown on such form changes prior to the date insurance attaches for any crop year, the insured shall submit a report to the county office of such changes, on a form prescribed by the Corporation, prior to the date insurance attaches for that crop year.

4. *Annual premium.* In lieu of subsection 4 (a) and 4 (b) of the policy, the annual premium for peach insurance shall be considered as earned on the date insurance attaches and for any crop year must be paid on or before the January 15 immediately preceding the beginning of that crop year.

5. *Minimum premium.* In lieu of section 5 of the policy, if in any year a premium is earned for peaches and the net premium totals less than $50.00 the amount shall be increased to $50.00.

6. *Insurance period.* Insurance on any insured acreage shall attach on the January 16, at the beginning of each crop year and with respect to any portion of the crop shall cease upon harvest, but in no event shall insurance remain in effect later than September 15 of the calendar year in which the peaches are normally harvested.

7. *Notice of loss—Inspection of orchards.* (a) In lieu of subsection 8 (a) of the policy, if at any time during the insurance period the peach crop on any insurance unit is damaged by an insured cause, the insured shall give written notice of the date, cause, and estimated extent of damage to the Corporation at the county office within seven days.

(b) In lieu of subsection 8 (b) of the policy, notice of the time of intended harvesting shall be given at least seven days before the beginning of harvest if a loss is to be claimed, and final adjustment has not been made by that time. Provided, however, if damage occurs within the seven-day period before the beginning of harvest, or during harvest, and a loss is to be claimed, notice shall be given immediately.

8. *Abandonment of crop.* In lieu of section 9 of the policy, there shall be no liability under the contract on any peach crop or part thereof which is abandoned by the insured without the written consent of the Corporation. There shall be no abandonment of any crop or portion thereof to the Corporation.

9. *Claims for loss.* (a) In lieu of subsection 11 (a) of the policy, any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, promptly after the amount of loss can be determined, but not later than 30 days after the time of loss.

(b) In lieu of subsection 11 (c) of the policy, losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insured acreage of peaches on the insurance unit by the applicable coverage per acre, (2) multiplying the result thus obtained by the average percent of damage for all of the peach crop on such unit, (3) deducting therefrom 30 percent of the amount obtained in (1) above, and (4) multiplying the remainder by the insured interest.

(c) The average percent of damage to peaches on an insurance unit shall be the ratio of the production of peaches lost from an insured cause of loss to the total production of peaches which was or would have been produced if the insured cause of loss had not occurred. The production of peaches which was or would have been produced shall include (1) peaches picked before the insured damage occurs, (2) peaches remaining on the trees after the damage occurs, (3) production of peaches lost from an insured cause of damage, and (4) any other peaches not included in items (1) through (4), including peaches lost from causes not insured against other than normal dropping. Peaches lost from an insured cause shall include any peaches which do not grade U. S. No. 2 or better (determined in accordance with U. S. Standards for Peaches, effective June 15, 1952 (17 F. R. 4473)) because of poor quality due to insurable causes occurring within the insurance period. The Corporation reserves the right to delay settlement until the amount of damage can be determined.

10. *Life of contract, cancellation or termination thereof.* In lieu of the proviso of the second paragraph of subsection 15 (a), insurance on peaches shall terminate as if cancelled by the Corporation prior to the cancellation date if on the January 15 immediately preceding the beginning of the crop year the premium for insurance on peaches for the crop year immediately following such date is unpaid.

11. *Meaning of terms.* For purposes of insurance on peaches the terms:

(a) "Crop year," in lieu of section 21 (e) of the policy, means the period beginning January 16 and extending through the following September 15.

(b) "Harvest" means any severance of peaches from the tree by picking or picking the marketable peaches from the ground.

(c) "Insurance unit," in lieu of section 21 (f) of the policy, means all insurable acreage of peaches in the county (1) in which the insured has 100 percent interest on the January 15 immediately preceding the beginning of the crop year that is located on contiguous land under the same ownership, or (2) in which two or more persons have 100 percent interest on the January 15 immediately preceding the beginning of the crop year that is located on contiguous land under the same ownership, excluding any other acreage of peaches in which such persons do not have 100 percent interest on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous.

12. *Cancellation date.* For each year of the contract the cancellation date shall be the December 15 immediately preceding the beginning of the crop year for which the cancellation is to become effective.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on August 18, 1958.

[SEAL] F. N. McCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 2, 1958.

MARVIN L. McLAIN,
Assistant Secretary.

[F. R. Doc. 58-7214; Filed, Sept. 5, 1958; 8:50 a. m.]

[Amdt. 9]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

CORN ENDORSEMENT

The above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949), are hereby amended for all counties in Colorado, effective beginning with the 1960 crop year as follows:

1. Section 2 of the corn endorsement shown in § 401.19 is amended to read as follows:

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that the corn is sweet corn, popcorn, broom corn or corn planted for the development of hybrid seed corn, and no insurance shall attach to any acreage not planted to corn for harvest as grain, silage or fodder. *Provided, however,* That insurance shall not attach to any acreage planted to corn for harvest as fodder which is initially planted too late to be expected to mature as grain, as determined by the Corporation.

2. Subsection (a) of section 7 of the corn endorsement shown in § 401.19 is amended to read as follows:

7. *Claims for loss.* (a) In determining any loss under the contract, production shall be valued at the applicable fixed price, except that the production of any corn of a variety adapted to the production of corn for grain and harvested as grain or fodder which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, shall be valued by the Corporation at a price not in excess of the fixed price for grain.

3. Section 7 of the corn endorsement shown in § 401.19 is further amended by adding a subsection (c) to read as follows:

(c) In determining total production, any production of corn shall be counted as grain, except that the production from any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage.

(Sec. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply sec. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1509)

Adopted by the Board of Directors on August 18, 1958.

[SEAL] F. N. McCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 2, 1958.

MARVIN L. McLAIN,
Assistant Secretary.

[F. R. Doc. 58-7215; Filed, Sept. 5, 1958; 8:50 a. m.]

[Amdt. 10]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

MISCELLANEOUS AMENDMENTS

The above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949), are hereby amended effective beginning with the 1959 crop year as follows:

1. The first introductory paragraph, as amended, to the regulations is amended by striking the last sentence of that paragraph and adding the following: "These regulations shall apply in 1959 and succeeding crop years to all continuous multiple crop insurance contracts of the type in which the insured may not select the crops to be insured: *Provided, however,* That these regulations shall not apply until beginning with the 1960 crop year to multiple crop insurance contracts of the aforementioned type in counties which will be designated by appendixes to Part 420—Multiple Crop Insurance, Subpart—Regulations for the 1956 and Succeeding Crop Years, as amended (20 F. R. 3526, 5765, 8071; 21 F. R. 49, 1381, 4473, 5883, 6858, 7314, 7787, 8534, 9397; 22 F. R. 2076, 2796, 3284, 5855, 7019, 9383; 23 F. R. 1025, 1779), which regulations shall remain in full force and effect as to such counties through the 1959 crop year."

2. The second introductory paragraph to the regulations is amended by striking the following from item (6): "§ 420.6 (a) of".

3. Paragraph (a) of § 401.1 is amended by adding a last sentence to read as follows: "In addition to the lists of counties subsequently approved by the Board of Directors of the Corporation for combined crop insurance, the Manager of the Corporation may designate counties for combined crop insurance from lists of counties previously approved by the Board of Directors of the Corporation for multiple crop insurance."

4. The table following paragraph (a) of § 401.3, as amended, is amended by establishing the following closing dates for combined crop insurance:

State and County:	*Closing date*
Iowa:	
Delaware, Emmett, Howard, Humboldt and Ida Counties	March 31.
All other Iowa Counties	April 30.
Louisiana and Oregon	
Minnesota, North Dakota, South Dakota and Wisconsin	November 30.
Tennessee:	
Weakley County	March 31.
All other Tennessee Counties	September 30.
Wyoming	August 31.
All other States	September 30.

5. Section 401.6 is amended by adding a last sentence to read as follows: "For the purpose of combined crop insurance, the provisions of this section referring to individual crops shall be considered to mean all insurable crops for which coverages are shown on the county actuarial table for combined crop insurance."

6. The following section is added:

§ 401.29 *The combined crop endorsement.* The provisions of the combined crop endorsement for the 1959 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, winter-kill, lightning, fire, excessive rain, snow, hurricane, tornado and any other unavoidable cause of loss due to adverse weather conditions.

2. *Insured crop.* (a) In lieu of the first sentence of section 1 of the policy, the following shall apply: "The crops insured are all of the crops (to the extent of interest of the insured therein as hereinafter set out) for which coverages and premium rates are shown on the county actuarial table for combined crop insurance, and which are grown on insured acreage."

(b) For the purpose of insurance under this endorsement, the provisions of section 4, as amended, and sections 5, 6, 13, 15 and 17 of the policy which refer to individual crops shall be considered to mean all insurable crops for which coverages are shown on the county actuarial table for combined crop insurance.

(c) Insurance shall not attach on any acreage of (i) barley, oats, rye or wheat on which it is determined by the Corporation that such grain is seeded with flax or other small grains (except insurable grain mixtures in Oregon), vetch, Austrian winter peas or seeded on new ground acreage in counties where the cancellation date is March 15; (ii) dry edible beans on which it is determined by the Corporation that beans are planted on new ground acreage; (iii) flax on which it is determined by the Corporation that the flax is seeded with any other crop except perennial grasses or legumes other than vetch; (iv) soybeans on which it is determined by the Corporation that soybeans are (1) planted for hay, (2) not planted in rows far enough apart to permit intertilling between the rows with a row cultivator, (3) planted for the development of hybrid seed, or (4) planted in the same row or interplanted in rows with corn; (v) sugar cane where the acreage on the insurance unit is less than one acre or on any acreage on which three successive crops have been harvested from one planting; (vi) Irish or sweet potatoes where the acreage on the insurance unit is less than one acre; (vii) rye in counties in North Dakota and South Dakota for the first crop year of the contract; or (viii) corn on which it is determined by the Corporation that the corn is sweet corn, popcorn, broom corn or corn planted for the development of hybrid seed corn. In counties where corn planted for harvest as grain only is insurable, insurance shall not attach to any acreage planted to a true type silage corn or thick planted for silage or fodder purposes or to any acreage not planted to corn for harvest as grain, as determined by the Corporation. In counties where corn planted for harvest as grain, silage or fodder is insurable, insurance shall not attach to any acreage not planted to corn for harvest as grain, silage or fodder: *Provided, however,* That insurance shall not attach to any acreage planted to corn for harvest as fodder which is initially planted too late to be expected to mature as grain, as determined by the Corporation.

(d) No insurance shall attach to any acreage of (i) barley, common rye grass, flax, oats, rye, rice, soybeans or wheat not planted to such crops for harvest as grain, seed or beans, (ii) dry edible beans not planted to a class shown on the county actuarial table, (iii) sugar beets not planted for the production of sugar, or (iv) red clover not planted for harvest as hay or seed.

3. *Coverage per acre.* The coverage per acre is progressive depending upon whether the acreage of (a) alfalfa, barley, common rye grass, flax, Irish potatoes, oats, sugar cane, rice, rye, sweet potatoes, red clover, vetch hay and mixture of oats or wheat with vetch or Austrian winter peas for hay or wheat is (1) First Stage—planted to a substitute crop when the Corporation has consented that the acreage be put to another use, (ii) Second Stage—not harvested and not planted to a substitute crop, or (iii) Third Stage—harvested; (b) dry edible beans is (1) First Stage—not pulled or cut, (ii) Second Stage—pulled or cut but not threshed, or (iii) Third Stage—threshed; (c) corn is (1) First Stage—planted to a substitute crop when the Corporation has consented that the acreage be put to another use, (ii) Second Stage—not harvested and not planted to a substitute crop or fed to livestock in the field after consent and appraisal by the Corporation in accordance with section 9 of the policy, or (iii) Third Stage—harvested or to be harvested; (d) soybeans is (1) First Stage—unharvested, or (ii) Second Stage—harvested; or (e) sugar beets is (1) First Stage—damaged prior to

thinning and consent given by the Corporation to put the acreage to another use, (ii) Second Stage—planted to a substitute crop when the Corporation has consented that the acreage be put to another use because of damage occurring after thinning, (iii) Third Stage—not lifted and topped and not planted to a substitute crop when the Corporation has consented that the acreage be put to another use because of damage occurring after thinning, or (iv) Fourth Stage—harvested.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the insurable crop is planted except in the case of common rye grass initially planted in the spring, alfalfa, red clover, and the second and third year crop of sugar cane, insurance shall attach on December 1 provided that there is a stand at that time sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to any portion of the hay crops upon baling or stacking, and all other insured crops upon threshing (harvesting in the case of crops not normally threshed) or with respect to any portion of any crop upon removal from the field, whichever occurs first. Provided, however, That in no event shall insurance remain in effect later than October 31 for alfalfa, barley, corn (in North Dakota), flax, oats, soybeans (in North Dakota), red clover for hay or seed, rye, sweet potatoes, vetch hay and mixtures of oats or wheat with vetch or Austrian winter peas for hay and wheat; December 10 for corn (except North Dakota), common rye grass, rice, Irish potatoes, sugar beets and soybeans (except North Dakota); and December 15 for dry edible beans; of the calendar year in which the insured crop is normally harvested, and for sugar cane, January 31 following the normal time of harvest for that crop.

5. *Claims for loss.* (a) In counties where barley, oats, rye, soybeans or wheat are insurable, the total production to be counted shall include any harvested production from acreage initially planted to such crops for purposes other than for harvest as grain as determined by the Corporation.

(b) In determining total production, any volunteer small grains and any volunteer vetch growing with an insured small grain crop and any small grains seeded in an insured growing small grain crop on acreage on which the Corporation has not given its consent to be put to another use shall be counted as the applicable insured small grain crop on a weight basis. In determining total production in Oregon, any volunteer crop produced with an insured crop shall be included in determining the production of the insured crop.

(c) In determining total production on any acreage of sugar beets which the Corporation has consented to be put to another use prior to harvest, the Corporation may count as production any abandonment payment paid or to be paid to the insured with respect to such acreage under any act of Congress including the Sugar Act of 1948, as amended.

(d) In determining total production on any acreage of sugar cane, if any part of the sugar cane production from the insurance unit is processed for sugar, the total number of tons of sugar cane shall be adjusted to standard sugar cane (as determined in accordance with regulations issued by the U. S. Department of Agriculture for the crop year involved).

(e) In determining total production on any acreage of corn in those counties where corn silage is insurable, any production of corn shall be counted as grain, except that the production of any corn harvested for silage and the appraised production of any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. In North Dakota counties, the production from any acreage of corn which is not harvested or to be harvested as corn for grain, shall be the appraised production of corn for grain or the appraised or actual production of silage, whichever has the higher total value (on the basis of the price per bushel for corn as provided in subsection (j) of this section, or the value per ton for silage as determined by the Corporation): *Provided, however,* That if the appraised or actual production of corn which was or could have been used for silage is one ton or more of silage per acre, the value of such production shall not be less than $3.00 per acre.

(f) The Corporation reserves the right to determine the amount of production of any corn on the basis of an appraisal of unharvested corn standing in the field.

(g) Notwithstanding the provisions of subsection (c) of section 11 of the policy, in determining total production, any harvested production of insured hay destroyed prior to baling, stacking or removal from the field shall not be counted as production.

(h) In determining total production in Oregon where a grain mixture planted for harvest as grain is insurable, all production therefrom shall be counted on a weight basis as the applicable insured crop.

(i) In determining total production in counties where red clover planted for harvest as seed or hay is insurable, the Corporation may count the appraised production for seed in place of the hay production for any cutting and the appraisal for hay or the appraisal for seed or both, whichever the Corporation may elect for acreage pastured or production not harvested.

(j) In determining any loss under the contract any production shall be valued at the fixed price. However, (i) any threshed barley, flax, oats or soybeans which (1) does not grade No. 1, No. 2, No. 3, No. 4 or better respectively (determined in accordance with Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these grade requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price for that commodity or the Commodity Credit Corporation county loan rate for commodities of such grades, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided,* When the Community Credit Corporation county loan rate for commodities of such grades is less than the fixed price, the total value of any threshed production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the applicable fixed price; (ii) any threshed production of dry edible beans which will not meet any U. S. Grade or pick shown on the county actuarial table because of poor quality due to insurable causes occurring within the insurance period and would not meet these grade or pick requirements if properly handled, shall be valued at the lesser of the lowest price shown on the county actuarial table for that class of dry edible beans or the market value of such beans as determined by the Corporation. Any potential or unthreshed production of dry edible beans to be counted shall be valued at the fixed price shown on the county actuarial table for this purpose; (iii) any corn or Irish potatoes and any threshed rye, rice, or common rye grass seed which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled shall be valued by the Corporation at a price not in excess of the fixed price. In order for corn to be evaluated for poor quality in those counties where corn silage is shown as an insurable crop on the county actuarial table, it must be a variety of corn adapted to the production of corn for grain and must be harvested for grain or fodder; (iv) any threshed wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these grade requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided,* When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such threshed wheat, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

(k) No adjustment for quality shall be made for production from any acreage planted to insurable grain mixtures in Oregon.

6. *Acreage appraised to be put to another use.* Notwithstanding section 9 (a) of the policy in counties where corn planted for harvest as grain only is insurable, the corn crop on any insured acreage may be used for silage or fodder without an appraisal and consent by the Corporation to be put to another use, provided the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for use by the Corporation in appraising the production.

7. *Meaning of terms.* For purposes of combined crop insurance, the terms:

(a) "Harvest" means with respect to any acreage of (1) barley, common rye grass, flax, oats, rice, rye, soybeans or wheat, the mechanical severance from the land of the matured crop for threshing where such crop has not been destroyed; (ii) corn—the picking of the corn from the stalk either by hand or machine or cutting the corn for fodder or silage. For the purpose of determining the stage of coverage, any acreage (except in North Dakota) shall not be considered as harvested unless the harvested, or to be harvested, production therefrom is equal in value (determined in accordance with section 5 (j) of this endorsement) to 10 percent or more of the harvested coverage for such acreage; (iii) dry edible beans—the pulling or cutting the mature beans for threshing where the bean crop has not been destroyed; (iv) alfalfa or vetch hay and mixtures of oats or wheat with vetch or Austrian winter peas—the mechanical severance from the land of the crop for hay where the crop has not been destroyed; (v) Irish potatoes or sweet potatoes—digging the potatoes (by manual or mechanical means) where the crop has not been destroyed; (vi) red clover—the mechanical severance from the land of the crop for hay or seed where the crop has not been destroyed; (vii) sugar beets—lifting and topping the beets where the crop has not been destroyed or (viii) sugar cane—the cutting the cane (by manual or mechanical means) where the crop has not been destroyed.

(b) "Substitute crop," in lieu of section 21 (h) of the policy, means any crop planted, on acreage appraised by the Corporation to be put to another use, for harvest in the current crop year, other than an uninsured legume crop, except that soybeans, whether insured or uninsured, shall be considered a substitute crop.

(c) "Insurance unit," in lieu of section 21 (f) of the policy, means (1) all insurable acreage of all insured crops in the county in which one person at the time of planting has the entire interest in the crops, or (ii) all such insurable acreage in the county in which two or more persons at the time of planting have the entire interest in the crops, excluding any other acreage of crops in the county in which such persons together do not have the entire interest in the crops. Any share in an insured rice crop paid or to be paid for irrigation water shall be considered for purposes of determining insurance units only, as a part of the share of the insured.

(d) "New ground acreage" means any acreage which has not been planted to a crop in any one of the previous three crop years, except acreage in tame hay or rotation pasture during the previous crop year.

(e) "Pick" means with respect to dry edible beans, the defects consisting of splits, damaged beans, contrasting classes and foreign material included in net weight beans, and where used shall be expressed in terms of percent of net weight beans.

(f) "Time of planting" with respect to any acreage of alfalfa, common rye grass, red clover or sugar cane for harvest within the crop year, shall be considered to be the beginning of the insurance period for that crop year.

8. *Cancellation, termination for indebtedness and discount date.* (a) For each year of the contract the cancellation date and termination date for indebtedness are the following applicable dates immediately preceding the beginning of the crop year for which the cancellation or termination is to become effective.

State and county	Cancellation date	Termination date for indebtedness
Iowa:		
Delaware, Emmett, Howard, Humboldt and Ida Counties.	Dec. 31	Mar. 31.
All other Iowa counties	Dec. 31	Apr. 30.
Minnesota, North Dakota, South Dakota, and Wisconsin.	Dec. 31	Mar. 3.
Tennessee:		
Weakley County	Dec. 31	Mar. 31.
All other Tennessee counties.	Mar. 15	Mar. 15.
All other States	Mar. 15	Mar. 15.

(b) For each crop year of the contract the discount date shall be the November 30 of the calendar year in which the insured crops are normally harvested.

(Sec. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply sec. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1509)

Adopted by the Board of Directors on August 18, 1958.

[SEAL] F. N. McCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 2, 1958.

MARVIN L. McLAIN,
Assistant Secretary.

[F. R. Doc. 58-7216; Filed, Sept. 5, 1958; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Oranges Reg. 152]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.452 *Valencia Orange Regulation 152*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 4, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 7, 1958, and ending at 12:01 a. m., P. s. t., September 14, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 693,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 5, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-7312; Filed, Sept. 8, 1958; 11:45 a. m.]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.862 *Lemon Regulation 755*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with

the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 3, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 7, 1958, and ending at 12:01 a. m., P. s. t., September 14, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 209,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 4, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-7281; Filed, Sept. 5, 1958; 8:58 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1105—AGRICULTURAL CONSERVATION; HAWAII

SUBPART—1959

The protection and conservation of the soil and water resources of farm and ranch lands is essential in order that these lands will continue to produce sufficient food and other raw materials to meet future needs. All people, not farmers and ranchers alone, have a stake in, and a part of the responsibility for, protecting and conserving our farm and ranch lands. Recognizing this, the Congress appropriates funds to share with farmers and ranchers the cost of carrying out needed soil and water conservation measures. The Agricultural Conservation Program is a means of making this Federal cost-sharing available to farmers and ranchers.

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AUTHORITY: §§ 1105.800 to 1105.876 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 72 Stat. 192; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1105.800 *Introduction.* (a) The United States Department of Agriculture offers every farmer and rancher in the Territory of Hawaii an opportunity to conserve and improve the productivity of their land through participation in the 1959 Agricultural Conservation Program.

(b) Under this program, part of the costs of the conservation practices is borne by the Government, and this represents the Nation's interest in what happens to its basic land and water resources.

(c) Costs will be shared on the performance of recommended practices at approved rates to the extent of available funds. Developed under the provisions of the Soil Conservation and Domestic Allotment Act, the program is designed to meet local conservation needs.

(d) The information contained in this subpart outlines the general provisions of the 1959 Agricultural Conservation Program for Hawaii and the general specifications and rates of Federal cost-sharing for practices.

GENERAL PROGRAM PRINCIPLES

§ 1105.801 *General program principles.* The 1959 Agricultural Conservation Program for Hawaii has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit in the Territory.

(b) The program is designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1959 on the lands where they are to be applied.

(c) Costs will be shared with a farmer or rancher only on satisfactorily performed soil and water conservation practices for which Federal cost-sharing was requested by the farmer or rancher before the conservation work was begun.

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers or ranchers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices, except those which are over and above those farmers or ranchers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing in the program are to be the minimum required to result in substantially increased performance of needed soil and water conservation practices within the limits prescribed.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland by measures such as drainage, irrigation, and land clearing. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers and ranchers otherwise would not perform but which are essential to sound soil and water conservation, the farmers and ranchers should assume responsibility for the upkeep and maintenance of those practices through their life spans. Cost-shares are not applicable, after they are initially utilized, to undertake a practice during its normal life span unless the practice has failed to serve for its normal life span due to conditions beyond the control of the farm or ranch operator.

DEFINITIONS

§ 1105.802 *Definitions.* For the purposes of the 1959 program:

(a) "Secretary" means the Secretary of the United States Department of Agriculture or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Territory of Hawaii.

(d) "State Office" means the Hawaii Agricultural Stabilization and Conservation Office in Honolulu, Territory of Hawaii.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, the Territory of Hawaii or a political subdivision or agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm or ranch.

(f) "Farm" or "ranch" means (1) all adjoining or nearby and easily accessible farm, wood, or range land under the same ownership which is operated by one person, and (2) all additional farm, wood, or range land under different ownership operated by such person which the State Office determines (i) is nearby and easily accessible, (ii) is approximately equally productive, and (iii) for the past 2 years has been operated by such person and will be so operated during the current year, or has been operated by such person for 1 year with proof satisfactory to the State Office that it will be operated by such person for at least 2 more years. Notwithstanding the conditions set forth in subparagraphs (1) and (2) of this paragraph, fields and subdivisions of fields which are part of a farm or ranch shall remain a part of such farm or ranch when operated under a short term agreement by another operator, unless and until such fields or subdivisions of fields may be properly constituted as a separate farm or ranch

or part of another farm or ranch under this definition. Land which is properly constituted as a farm or ranch shall not be reconstituted when a change of farm or ranch operators is the only basis for such action.

(g) "Cropland" means land which the State Office determines (1) was tilled in at least 1 of the 5 calendar years immediately preceding the crop year for which the determination is being made; or (2) was established in permanent vegetative cover within the 5 calendar years immediately preceding the crop year for which the determination is being made and was classified as cropland at the time of establishment; or (3) has been tilled but at the time of determination is in an established crop rotation pattern recognized in the community. Land planted to vineyards, orchards, or other trees which was classified as cropland at the time of planting shall retain the cropland classification only for the year of planting, except that portions of the land area within an orchard or vineyard not devoted to trees or vines shall be classified as cropland if such land area meets the requirements of the first sentence of this definition.

(h) "Orchardland" means the acreage in planted fruit trees, nut trees, coffee trees, papaya trees, banana plants, or vineyards.

(i) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(j) "Rangeland" means land which produces, or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation.

(k) "Merchantable timber" means any processed or unprocessed timber which is sold for cash by the producer.

(l) "Forest Service" means the Division of Forestry, Territorial Board of Agriculture and Forestry.

ALLOCATION OF FUNDS

§ 1105.803 *Allocation of funds.* The amount of funds available for conservation practices under this program is $186,000. This amount does not include the amount set aside for administrative expenses and the amount required for increases in small Federal cost-shares in § 1105.818.

STATE AGRICULTURAL CONSERVATION PROGRAM

§ 1105.804 *Agencies participating in development of State program.* This program was developed within the pattern of the national program authorized by the Congress under the provisions of the Soil Conservation and Domestic Allotment Act of 1938, as amended. Adaptation to Hawaii's needs has been accomplished over a period of years through the cooperative assistance and advice of interested farmers and ranchers, as well as Government agency representatives from the Extension Service, Farmers Home Administration, Soil Conservation Service, Board of Agriculture and Forestry, and Agricultural Stabilization and Conservation Office. The program has been approved by the Administrator, ACPS, in Washington.

APPROVAL OF CONSERVATION PRACTICES

§ 1105.805 *Method and extent of approval.* The State Office will determine the extent to which program funds will be made available to share the cost of each approved practice on each farm or ranch, taking into consideration the available funds, the conservation problems of the individual farm or ranch and other farms and ranches, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1959. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. No practice may be approved for cost-sharing except as authorized by the program contained in this subpart, or in accordance with procedures incorporated therein. Available funds for cost-sharing shall not be allocated on a farm or acreage-quota basis, but shall be directed to the accomplishment of the most enduring conservation benefits attainable.

§ 1105.806 *Selection of practices.* (a) The practices included in the program are only those practices for which cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out.

(b) Each farmer or rancher shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance on his farm or ranch. The State Office, taking into consideration the farmer's or rancher's request and any conservation plan developed by the farmer or rancher with the assistance of any State or Federal agency, shall direct the available funds for cost-sharing to those farms and ranches and to those practices where cost-sharing is considered most essential to the accomplishment of the basic conservation objective of the Department—the use of each acre of agricultural land within its capabilities and the treatment of each acre in accordance with its needs for protection and improvement.

§ 1105.807 *Pooling agreements.* Farmers or ranchers in any local area may agree in writing, with the approval of the State Office, to perform designated amounts of practices which, by conserving or improving the agricultural resources of the community, will solve a mutual conservation problem on the farms or ranches of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms or ranches of the persons who performed the practices.

§ 1105.808 *Prior request for cost-sharing.* Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farmer or rancher before performance thereof is started. For practices for which (a) approval was given under the 1958 Agricultural Conservation Program, (b) performance was started but not completed during the 1958 program year, and (c) the State office believes the extension of the approval to the 1959 program is justified under the 1959 program regulations and provisions, the filing of the request for cost-sharing under the 1958 program may be regarded as meeting the requirement of the 1959 program that a request for cost-sharing be filed before performance of the practice is started.

§ 1105.809 *Program year and technical aid.* (a) Costs will be shared at the rates specified and within the limitations set forth in this subpart for carrying out during the period August 1, 1958, through December 31, 1959, the conservation practices, or components thereof, included in this subpart which are approved for a farm or ranch, except that for practices performed during the period August 1, 1958, through December 31, 1958, for which specifications and requirements are identical with those for comparable practices under the 1959 Agricultural Conservation Program, cost-share rates shall be those prescribed for the 1958 program.

(b) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1105.841, 1105.842, 1105.844, 1105.853, 1105.854, 1105.856 to 1105.863, 1105.866 to 1105.872, 1105.875, and 1105.876 (practices 1, 2, 4, 13, 14, 16 to 23, 26 to 32, 35, and 36). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance. For the practice contained in § 1105.843 (practice 3), the Soil Conservation Service is responsible (1) for determining that the practice is needed and practicable on the farm, and (2) for necessary site selection, other preliminary work, and layout work of the practice. For the practices contained in §§ 1105.845 and 1105.852 (practices 5 and 12), the Soil Conservation Service is responsible for determining that the practice is needed and practicable on the farm. In addition, upon agreement of the State Office and the Territorial Conservationist of the Soil Conservation Service, responsibility for all or part of the unassigned technical phases of these or other practices may be assigned to the Soil Conservation Service. The Territorial Conservationist of the Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities. The Soil Conservation Service will utilize to the full extent available resources of the Territorial forestry agency in carrying out its assigned responsibilities for the practice contained in § 1105.866 (practice 26).

(c) The Forest Service (Forestry Division, Territorial Board of Agriculture and Forestry) is responsible for the technical phases of the practices contained in §§ 1105.864 and 1105.865 (practices 24 and 25). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practice, and (3) working through the State Office, determining compliance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

§ 1105.810 *Practice specifications and approval.* (a) Minimum specifications which practices must meet to be eligible for Federal cost-sharing are set forth in this subpart. Additional specifications may be secured from the State Office or the soil Conservation Service Territorial Office in Honolulu.

(b) For those practices in this subpart which authorize Federal cost-sharing for minimum required applications of liming materials and commercial fertilizers, the minimum required application on which cost-sharing is authorized shall in each case be determined on the basis of current soil tests: *Provided, however,* That if the State Office determines available facilities are inadequate to provide the necessary tests, the minimum required applications of these materials shall be those recommended for the area by the Agricultural Extension Service. Liming materials contained in commercial fertilizers, phosphate rock, or basic slag will not qualify for Federal cost-sharing.

(c) Practice specifications shall provide minimum performance requirements which will qualify the practice for cost-sharing and, where applicable, may also provide maximum limits of performance which will be eligible for cost-sharing. The minimum performance requirements established for a practice shall represent those levels of performance which are necessary to assure a satisfactory practice. The maximum limits of performance for cost-sharing established for a practice shall represent those levels of performance which are needed in order for the practice to be most effective in meeting the conservation problem and which are not in excess of levels for which cost-sharing can be justified.

(d) Costs for the practices contained in §§ 1105.843, 1105.846 to 1105.848, 1105.864, 1105.866, and 1105.874 (practices 3, 6 to 8, 24, 26, and 34) may be shared even though a good stand is not established, if the State Office determines, in accordance with approved standards, that the practices were carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm or ranch operator. The State Office may require as a condition of cost-sharing in such cases that the area be reseeded or replanted, or that other needed protective measures be carried out.

§ 1105.811 *Completion of practices.* Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1105.812 and 1105.813, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1105.812 *Practices substantially completed during program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1959 program year, if the State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions, except as provided in § 1105.813.

§ 1105.813 *Practices requiring more than one program year for completion.* Cost-shares approved under the 1959 program will not be considered as earned until all components of the approved practices are completed in accordance with all applicable specifications and program provisions. Cost-shares for completed components may be paid only after the practice is substantially completed, and only on the condition that the farmer or rancher will complete the remaining components of the practice within the time prescribed by the State Office which will afford the farmer or rancher a fair and reasonable opportunity to complete them, unless prevented from doing so for reasons beyond his control and regardless of whether cost-sharing therefor is offered, or refund the cost-shares paid to him. If an approved practice is not substantially completed by the end of the 1959 program year, the practice may be considered for re-approval under the 1960 program.

§ 1105.814 *Initial establishment or installation of practices.* Under the initial establishment principle as it applies to the 1959 program, Federal cost-sharing may be authorized for the first establishment or installation of a practice with cost-sharing since the 1953 program on a particular piece of land while under the control of the current operator. Federal cost-sharing may also be authorized for replacement, enlargement, or restoration of practices for which cost-sharing has been allowed since the 1953 program if the practice has served for its normal life span, or if all of the following conditions exist:

(a) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(b) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(c) The State Office believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

§ 1105.815 *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

FEDERAL COST-SHARES

§ 1105.817 *Division of Federal cost-shares—(a) Federal cost-shares.* The Federal cost-share attributable to the use of conservation materials or services shall be credited to the person to whom the materials or services are furnished. Other Federal cost-shares shall be credited to the person who carried out the practices by which such other Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the State Office determines they contributed to the carrying out of the practices. In making this determination, the State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended (Part 1108 of this chapter).

§ 1105.818 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm or ranch shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	Increase in cost-share
$1 to $1.99	$0.40
$2 to $2.99	.60
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80

Amount of cost-share computed—Continued	Increase in cost-share
$30 to $30.99	$10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $60.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1105.819 *Maximum Federal cost-share limitation.* (a) The total of all Federal cost-shares under the 1959 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1959 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1105.821 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm or ranch under the 1959 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life spans in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1105.822 *Practices defeating purposes of programs.* If the State Office finds that any person has adopted or participated in any practice during the 1959 program year which tends to defeat the purposes of the 1959 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1959 program.

§ 1105.823 *Depriving others of Federal cost-share.* If the State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1959 program.

§ 1105.824 *Filing of false claims.* If the State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the 1959 program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1959 program and shall refund all amounts that may have been paid to him under the 1959 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1105.825 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1105.826, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 13, Subtitle A, of this title)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1105.826 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1959 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1959, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

§ 1105.827 *Practices carried out with State or Federal aid.* The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the State Office determines was furnished by a State or Federal agency. Materials or services furnished through the 1959 program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1105.828 *Compliance with regulatory measures.* Persons who carry out conservation practices for cost-sharing under the 1959 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

§ 1105.830 *Persons eligible to file application.* Any person who, as landlord, tenant, or sharecropper on a farm or ranch, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1105.831 *Time and manner of filing application and required information.* (a) It shall be the responsibility of persons participating in the program to submit to the State Office forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 week's notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to each farm inspector and making copies available to the press. Other means of notification, including radio announcements and individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer or rancher.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the State Office. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the State Office within the applicable time limit.

(c) If an application for a farm or ranch is filed within the time prescribed, any producer on the farm or ranch who did not sign the application may subsequently apply for his share of the cost-share, provided he does so on or before December 31, 1960.

APPEALS

§ 1105.833 *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm or ranch. The State Office shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the person is dissatisfied with the decision of the State Office, he may, within 15 days after the decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm or ranch who may be adversely affected by the decision.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1105.835 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148, 16 U. S. C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1959.

§ 1105.836 *Availability of funds.* (a) The provisions of the 1959 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1959 program will not be available for paying Federal cost-shares for which applications are filed in the State Office after December 31, 1960.

§ 1105.837 *Applicability.* (a) The provisions of the 1959 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior; (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it; and (4) farmlands, the use of which the State Office determines will probably change within approximately 2 years to nonagricultural use.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by the Territory of Hawaii or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1105.841 *Practice 1: Constructing terraces and/or diversion ditches to control the flow of runoff water and check soil erosion on sloping farmland.* Cost-sharing will be allowed provided the structures are properly laid out and constructed in accordance with specifications contained in Technical Standards on file in the State Office. If the land terraced is planted to clean-tilled crops, the crop rows should follow contour or suitable grade lines. This practice is applicable to average slopes, up to 12 percent for channel terraces, up to 25 percent for diversion ditches, and up to 50 percent for bench terraces. Necessary protective outlets must be provided.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.30 per cubic yard of earth moved in terrain permitting normal operation of tillage equipment.

(b) 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth moved in other terrain (rocky, broken, steep, or with exposed substratum).

§ 1105.842 *Practice 2: Constructing interception ditches and/or outlet channels for disposing of, diverting, or collecting water to control erosion or for impounding livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grazing land management as a means of protecting established vegetative cover, and for irrigation.* This practice does not apply to infield surface water interception on farmland. (See § 1105.841 (practice 1) for infield interception of runoff water.) Channels having an erosive grade must be protected against erosion damage by adequate sod (see § 1105.843 (practice 3)) or other lining. Outlets must be protected to discharge water without gullying. Cost-sharing will be allowed only once and that for the year of construction. Specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of material moved, other than by dynamiting.

(b) 50 percent of the cost of materials and labor in dynamiting rock.

§ 1105.843 *Practice 3: Establishing a protective sod lining in waterways to dispose of excess water without causing erosion and establishing a protective cover on slopes of field road fills and cuts.* This practice is applicable to waterways built or reshaped in the program year for use in removing excess water from farmland that is contoured, terraced, and/or trash-mulched. It also applies to exposed slopes of field road fills and cuts installed and/or reshaped during the program year. Sod lining of waterways and cover on fills and cuts must be dense enough to prevent soil cutting before cost-sharing may be allowed. Maximum width of waterway for which cost-sharing will be approved is 50 feet. Slopes of fills and cuts must not exceed natural angle of repose for the soil. Detailed specifications on species, seeding rates, sprig spacings, soil preparation, and irrigation are contained in Technical Standards for § 1105.847 (practice 7) and § 1105.848 (practice 8) on file in the State Office. Soil moving under this practice is eligible for cost-sharing only if it qualifies under § 1105.842 (practice 2).

Maximum Federal cost-share. (a) $3.50 per 1,000 square feet of surface established to cover by seeding, sodding, or sprigging.

(b) 50 percent of the cost at the farm of the minimum required application of approved liming materials and/or commercial fertilizers, including nitrogen (as determined by soil test), for establishment of the cover. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.844 *Practice 4: Constructing erosion control dams, pits, ponds, or stone or vegetative barriers to prevent or heal the gullying of farmland or reduce runoff of water.* Receipts or invoices showing purchase of pipe and/or flume material and receipts or records showing payment for labor will be required by checkers as evidence of accomplishment under paragraphs (d) and (f) of this section. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 75 percent of the cost, but not in excess of $0.40 per cubic yard of earth moved in the construction of dams, wings, and walls.

(b) $20 per cubic yard of concrete used.

(c) $13 per cubic yard of rubble masonry used.

(d) 75 percent of the average cost of pipe and/or flume material delivered to the farm.

(e) $3 per cubic yard of rock used, for rock or rock-and-brush dams.

(f) 75 percent of the cost of constructing stone barriers for diverting and spreading surface runoff.

(g) $0.50 per 100 linear feet for planting single line vegetative barriers to impede the flow of surface runoff.

(h) $3.50 per 1,000 square feet for planting suitable permanent massed vegetative barriers.

§ 1105.845 *Practice 5: Initial planting of orchards on the contour to help prevent erosion.* This practice is to conserve water and reduce erosion from irrigation or storm water, with orchard rows running on nonerosive grades across

the main slope. Cost-sharing will be allowed for planting orchards on the contour on land having more than 2 percent slope. The land must be protected during the rainfall season by cover crops, stubble mulch, or mulch and terraces or diversion ditches. Cultivation at other times for weed control or soil tilth must be on the contour.

Maximum Federal cost-share. $7.50 per acre.

§ 1105.846 *Practice 6: Establishment of leguminous crops for use as stubble mulch, cover, or green manure for protection of soil from erosion.* This practice is applicable to all orchardland. In order to qualify, a good stand and a good growth of the leguminous crops must be grown and left on the land as cover or turned under for green manure during the program year. Detailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing purchase of seed, or records of collecting, will be required by checkers as evidence of seed used. In case of mixed seeding with acceptable nonlegumes (see § 1105.847 (practice 7)), the ratio of one-third of the required poundage of legume seed for unmixed plantings to two-thirds of the required poundage of nonlegume seed for unmixed plantings shall provide the basis for determining eligibility and cost-share. Any of the following crops or any other locally adapted crops approved by the State Office may be used.

	Recommended minimum seeding rate (pounds per acre)
(a) Pigeon peas	30
(b) Velvetbeans	25
(c) Field beans	20
(d) Vetch (hairy, common, purple)	25
(e) Clover (Hubam)	5
(Kaimi)	10
(f) Kudzu (tropical)	2
(g) Crotalaria juncea	20
(h) Cowpeas	30
(i) Trefoil (big)	2
(j) Alfalfa	10

Maximum Federal cost-share. (a) 75 percent of the cost of seed at the farm, but not in excess of $7.50 per acre of area planted.

(b) $7.50 per acre planted to sprigs or cuttings.

(c) 60 percent of the cost of the minimum required application of fertilizer (as determined by soil test), but not in excess of $15 per acre of area fertilized. (Receipts, invoices, or other evidence of cost are required.) (For lime application see § 1105.849 (practice 9).)

§ 1105.847 *Practice 7: Establishment of adapted nonlegumes for stubble mulch, cover, filter strip, or green manure for protection of soil from erosion.* This practice is applicable to all orchardland. Para grass (Panicum purpurascens), molasses grass, Rhodes grass, feather fingergrass, acceptable small grains, and other nonlegumes determined by the State Office as suitable for this purpose, are eligible for cost-sharing. In order to qualify, a good stand and a good growth must be secured during the program year and be left on the land if for cover or turned under before year-end if for green manure. Detailed specifications are contained in Technical Standards on file in the State Office. Acreage harvested for seed or hay is not eligible for Federal cost-sharing. Receipts or invoices showing purchase of seed, or records of collecting, will be required by checkers as evidence of seed used. In case of mixed seeding with acceptable legumes, see § 1105.846 (practice 6) for ratio specifications.

Maximum Federal cost-share. (a) 75 percent of the cost of seed at the farm, but not in excess of $7.50 per acre actually planted.

(b) $7.50 per acre planted to sprigs, stools, or cuttings.

(c) 60 percent of the cost of the minimum required application of fertilizer (as determined by soil test), but not in excess of $15 per acre of area fertilized. (Receipts, invoices, or other evidence of cost are required.) (For lime applications see § 1105.849 (practice 9).)

§ 1105.848 *Practice 8: Initial establishment of permanent pasture or initial improvement of an established permanent grass or grass-legume cover for soil or watershed protection by seeding, sodding, or sprigging adapted perennial grasses and/or legumes.* All equipment used to prepare land for seeding shall operate across the slope as near to the contour as practicable. In areas where long slopes are to be broken out of native vegetation, the land preparation shall be done in contour strips and established to improved pasture before the intermediate strips shall be broken out. Detailed specifications are contained in Technical Standards on file in the State Office. The seed must be well distributed over the area sown to insure a good stand at maturity. Any locally adapted crops approved by the State Office may be used but must be seeded at not less than the minimum seeding rates per acre prescribed by the State Office. In order to meet minimum requirements, slips or stools of grasses may be planted in continuous rows. Grass and legume charts are available in the State Office. Costs will be shared only if a satisfactory stand of the seeded grass or grass-legume mixture is established within 6 months after clearing, unless natural circumstances recognized by the State Office as being beyond control of the farmer affect growth results adversely. No area seeded shall be grazed until grass and legume-grass mixtures are well established. This practice is not applicable to land occupied by a merchantable stand of timber or pulpwood, or to land which, if cleared, would be suitable for continued production of crops. Receipts or invoices showing purchase of seed, or records of collecting, will be required as evidence of cost. If liming materials must be applied in the quantity determined to be needed for successful establishment of the cover, cost-sharing for the minimum required application of liming materials may be authorized under § 1105.849 (practice 9).

Maximum Federal cost-share. (a) 50 percent of the cost of seed in straight grass or legume seedings, but not in excess of $8 per acre, for seeding after land preparation.

(b) 50 percent of the cost of seed in mixed grass-legume seedings, but not in excess of $10 per acre seeded.

(c) $7.50 per acre planted to slips or stools.

(d) 50 percent of the average cost at the farm of the minimum required application of approved commercial fertilizers, including nitrogen (as determined by soil test), for establishment of the cover, but not in excess of $12 per acre. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.849 *Practice 9: Initial treatment of cropland, orchardland, or pasture with liming material for correction of soil acidity and addition of needed calcium to permit best use of legumes and/or grasses for soil improvement and protection.* This practice is applicable to land which is devoted in 1959 to grasses or legumes or which will be devoted to grasses or legumes in the planned rotation for the farm. Treatment of land which is in pasture and which is to remain in pasture will be eligible for cost-sharing only if recent soil analysis and Agricultural Extension Service recommendations justify the use of lime and all measures needed to assure an improved vegetative cover which will provide adequate and extended soil protection are carried out. Liming material must contain at least 80 percent calcium carbonate equivalent and be fine enough to pass through a 20-mesh screen (unless the Agricultural Extension Service of the University of Hawaii recommends otherwise) and must be evenly applied to the land. Except as provided in § 1105.814, cost-sharing may not be authorized for this practice on land on which this practice or another practice involving the application of liming material was carried out in 1955 or a subsequent year, unless a current soil test shows a need for a substantial application of liming material. Receipts or invoices showing the purchase of lime, properly dated and signed by the vendor, will be required as evidence by the checker at the time of inspection.

Maximum Federal cost-share. (a) 50 percent of the cost of liming material delivered to the farm on an island having locally produced lime available.

(b) 75 percent of the cost of liming material delivered to the farm on an island without locally produced lime available.

§ 1105.850 *Practice 10: Initial controlling of competitive shrubs to permit growth of adequate grass cover for soil protection on range or pasture land by poisoning, rotary-mowing, shredding, clipping, or hand grubbing.* Costs will be shared for each treatment, but not in excess of three treatments during the year, done according to accepted practices. Receipts or invoices showing purchase of poisons used or of labor employed in grubbing, clipping, shredding, or mowing will be required by checkers as evidence of cost. Analysis of poisons will also be required. Competitive shrubs eligible under this practice are as described in University of Hawaii Extension Bulletin 62 and BAF Regulation NW–10 on noxious weeds, available at the State Office.

Maximum Federal cost-share. (a) 50 percent of the average cost of State Office approved chemicals, but not in excess of $3 per acre per application.

(b) 50 percent of the cost of grubbing labor, but not in excess of $3 per acre per treatment.

(c) 50 percent of the cost of rotary-mowing, shredding, or clipping, but not in excess of $2 per acre per each operation.

§ 1105.851 *Practice 11: Initial application of organic mulch material to any cropland, orchardland, or eroded pasture areas for soil protection and moisture conservation.* Organic material must be of a fibrous nature and shredded, chopped, or crushed. Material such as sugarcane bagasse, cane leaf trash, pineapple trash, tree fern stumps, coarse grasses, coffee husks, sawdust, and wood shavings or chips, as well as macadamia nut husks and shells, will be eligible. At time of application, finely shredded material like bagasse and sawdust should lie at least 2 inches thick, medium fine material like coffee husks and wood shavings should lie at least 3 inches thick, and coarse material like pineapple trash and cane leaf trash should lie at least 6 inches thick. Receipts or invoices showing purchase of materials and cost of transportation will be required by checkers as evidence of compliance. For protection of mulch cover from damage by flowing water, terraces and/or diversion ditches must be installed where necessary and feasible.

Maximum Federal cost-share. (a) 50 percent of the cost of organic material at the farm, but not in excess of $50 per acre treated with materials secured from outside the farm.

(b) $2.50 per acre treated with crop residue material produced on the farm.

(c) 50 percent of the cost of acceptable organic material grown for the purpose on the farm, but not in excess of $50 per acre.

§ 1105.852 *Practice 12: Installation of pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover or to make practicable the utilization of the land for vegetative cover.* Installations in corrals, feed lots, and holding pens are not eligible. Receipts or invoices showing purchase of pipe used will be required to determine cost.

Maximum Federal cost-share. 35 percent of the average cost of pipe at the farm, except that the cost-share for pipe in excess of 2 inches in diameter may not exceed the cost which may be shared for 2-inch pipe.

§ 1105.853 *Practice 13: Construction of permanent catchment areas for accumulating water to be used to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover or to make practicable the utilization of the land for vegetative cover.* No cost will be shared if the water supplied is primarily for irrigation or domestic purposes. The practice is not applicable for corrals, feed lots, and holding pens alone. Receipts or invoices showing purchase of materials used will be required to determine cost. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 35 percent of the cost of material used, other than concrete and rubble masonry.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

§ 1105.854 *Practice 14: Construction of permanent water tanks for accumulating water to be used to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover or to make practicable the utilization of the land for vegetative cover.* No cost will be shared if the water supplied is primarily for irrigation or domestic purposes. The practice is not applicable for corrals, feed lots, and holding pens alone. Receipts or invoices showing purchase of materials used will be required to determine cost. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 35 percent of the cost of material used, other than concrete and rubble masonry.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

§ 1105.855 *Practice 15: Construction of permanent fences to obtain better distribution and control of livestock grazing on range or pasture land and to promote proper management for protection of established forage resources, or to protect farm woodland from grazing.* No cost may be shared for the maintenance or repair of existing fences or for the construction of boundary fences including road fences. Required fencing of forest reserve land is not eligible. Any fencing necessary to the working of cattle (including pens, corrals, and feed lots) is ineligible. Receipts or invoices showing purchase of materials will be required to determine cost.

Maximum Federal cost-share. (a) 35 percent of the average cost at the farm of posts, wire, poles, lumber, staples, or other similar fencing materials used.

(b) $0.25 per linear foot of rock wall, minimum dimensions of which shall be: Height, 4 feet; base width, 36 inches; top width, 24 inches.

§ 1105.856 *Practice 16: Constructing or sealing dams, pits, or ponds for livestock water, including the enlargement of inadequate structures.* The development must contribute to a better distribution of grazing or better pasture management or make practicable the utilization of the land for vegetative cover. This practice is applicable only to livestock enterprises on lands established for grazing. Receipts or invoices showing purchase of material used in construction will be required by checkers as evidence of cost. Earth fills must be constructed in accordance with supplemental specifications for "Small Earth Storage Dams," provided on request by SCS or ASC offices.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth material moved.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the cost of seeding or sodding the dam and filter strips.

(e) 50 percent of the cost of materials, other than concrete and rubble masonry, including soil sealing and including installation costs.

§ 1105.857 *Practice 17: Constructing or sealing dams, pits, or ponds for irrigation water.* The purpose of this practice is to conserve agricultural water or to provide water necessary for the conservation of soil resources. No cost-sharing will be allowed for material moved in cleaning or maintaining a reservoir, or for dams, pits, or ponds, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Receipts or invoices showing purchase of materials used will be required by checkers as evidence of cost. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth material moved.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the cost of seeding or sodding dams or filter strips.

(e) 50 percent of the cost of materials, other than concrete and rubble masonry, including soil sealing and including installation costs.

§ 1105.858 *Practice 18: Constructing or enlarging permanent ditches, dikes, or laterals in reorganization of farm irrigation system to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing records of employment of equipment and/or labor will be required by checkers as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No cost-sharing will be allowed for cleaning a ditch. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth material moved in the construction or enlargement of permanent ditches, dikes, or laterals.

§ 1105.859 *Practice 19: Lining ditches in reorganization of farm irrigation system to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchase of materials used will be required by checkers as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No cost-sharing will be allowed for repairs or replacements of existing struc-

tures. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost of approved material used, other than concrete and rubble masonry, including soil sealing and including installation costs.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

§ 1105.860 *Practice 20: Constructing or installing permanent structures such as siphons, flumes, drop boxes or chutes, weirs, diversion gates, and permanently located pipe in reorganization of farm irrigation water supply system to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchase of material used will be required by checkers as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost of material used in permanent structures, other than concrete and rubble masonry, but excluding forms.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

§ 1105.861 *Practice 21: Installation of a water distribution system, including portable sprinklers and gated pipes, in reorganizing farm irrigation to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of applying water to the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchase of materials or equipment will be required by checkers as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. 35 percent of the cost at the farm of plain, gated, or perforated pipe, sprinklers, and fittings used, but not in excess of $100 per acre of reorganized irrigation.

§ 1105.862 *Practice 22: Construction or enlargement of permanent open drainage systems or vertical drains to dispose of excess water on farmland under cultivation or on pastureland.* No cost will be shared for material moved in cleaning or maintaining a ditch, or for structures installed for crossings, or for other structures primarily for the convenience of the farm operator. Receipts or invoices showing purchase of seed or materials and records of labor employed and soil moved will be required by checkers as evidence of construction work costs. No cost-sharing will be allowed for ditches, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Detailed specications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of material moved, other than by dynamiting.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of seed or planting materials for establishing suitable cover for protection against erosion on ditchbanks and rights-of-way, plus 50 percent of the average cost at the farm of the minimum required application of approved liming materials and commercial fertilizers, including nitrogen (as determined by soil test), for establishment of the cover.

(e) 50 percent of the cost of materials and labor in dynamiting rock.

(f) 50 percent of the average cost of material used, other than concrete and rubble masonry.

(g) 50 percent of the cost of initial clearing of brush and/or trees from the minimum right-of-way.

§ 1105.863 *Practice 23: Installing underground drainage systems to dispose of excess water.* No Federal cost-sharing will be allowed for systems, the primary purpose of which is to bring new land into agricultural production. This practice is not applicable to land other than that devoted to the production of cultivated crops or crops normally seeded to hay or pasture during at least 2 of the 5 years preceding that in which the practice is applied: *Provided, however,* That upon a showing by a farmer applicant for this practice that the land on which the practice is to be applied was in cultivated crops, tame hay, or seeded pasture 2 years out of 10 years preceding the application applied for, he may be allowed cost-shares as to such land. The installation of this practice on eligible land shall not be ineligible for cost-shares because its use results in incidental drainage on ineligible land. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat.

Maximum Federal cost-share. 50 percent of the cost of installing the system. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.864 *Practice 24: Initial establishment of a stand of trees or shrubs on farmland for purposes other than the prevention of wind or water erosion.* Plantings must be protected from fire and grazing. Fencing newly planted trees or shrubs under this practice for protection against grazing is eligible for cost-sharing only if the construction specifications in § 1105.855 (practice 15) are employed. Acceptable plant species and spacing are those recommended by the Forestry Division of the Territorial Board of Agriculture and Forestry.

Maximum Federal cost-share. $8 per 100 trees or shrubs planted.

§ 1105.865 *Practice 25: Improvement of a stand of forest trees on farmland.* Federal cost-sharing may be allowed for any of the following measures: (a) Thinning, (b) pruning crop trees, (c) release of desirable tree seedlings by removing or killing competing and undesirable vegetation, (d) site preparation for natural reseeding, (e) fencing, and (f) erosion control measures on logging roads and trails. The area must be protected from fire. Where seedlings are present or needed, the area must be protected from grazing. Federal cost-sharing for site preparation will be limited to areas which have a sufficient number of desirable seed trees for natural reseeding, which will not restock unless brush, dense litter, and other material on the forest soil is broken up or removed so that soil is exposed, and on which the seed trees will be left until the area is restocked. The practice must be carried out in accordance with technical forestry standards of the Forestry Division, Territorial Board of Agriculture and Forestry. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the area from grazing, excluding boundary and road fences. (See § 1105.-855 (practice 15).)

Maximum Federal cost-share. 50 percent of the cost of performance. (Receipts, invoices or other evidence of cost are required.)

§ 1105.866 *Practice 26: Initial establishment of a stand of trees or shrubs to prevent wind or water erosion.* Plantings must be protected from fire and grazing. Fencing newly planted trees or shrubs under this practice for protection against grazing is eligible for cost-sharing only if the construction specifications in § 1105.855 (practice 15) are employed. Acceptable plant species are those recommended by the Forestry Division of the Territorial Board of Agriculture and Forestry. The spacing of trees and shrubs shall be in accordance with specifications developed by the Soil Conservation Service.

Maximum Federal cost-share. $8 per 100 trees or shrubs planted.

§ 1105.867 *Practice 27: Installation of facilities for sprinkler irrigation of permanent pasture for developing forage resources to encourage rotation grazing and better pasture management for protection of all grazing land in the farm against overgrazing and erosion.* Installation of sprinkler irrigation facilities must be solely for irrigation of permanent pasture or area being established in permanent pasture. The installation must be in accordance with a written plan approved by the responsible technician.

Maximum Federal cost-share. 35 percent of the cost at the farm of plain, gated, or perforated pipe, sprinklers, and fittings, but not in excess of $100 per acre. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.868 *Practice 28: Constructing wells or developing seeps or springs for livestock water as a means of protecting established vegetative cover through proper distribution of livestock, rotation grazing, or better grassland management, or to make practicable the utilization of the land for vegetative cover.* Detailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing payment for labor and/or purchase of materials used will be required by checkers. Pumping equipment must be installed for wells, except artesian wells, and adequate storage facilities must be provided. Cost-sharing will be allowed only for constructing or deepening wells and for water storage facilities. No cost-sharing will be allowed for wells constructed primarily for the use of headquarters.

Maximum Federal cost-share. 50 percent of the cost of construction or development, excluding pumping equipment.

§ 1105.869 *Practice 29: Shaping or land grading to permit effective surface drainage.* No Federal cost-sharing will be allowed for shaping or grading performed through farming operations connected with land preparation for planting or cultivating crops. No Federal cost-sharing will be allowed for shaping or land grading on land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Detailed specifications are contained in Technical Standards on file in the State office.

Maximum Federal cost-share. 50 percent of the cost of shaping or grading. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.870 *Practice 30: Leveling or grading land for more efficient use of irrigation water and to prevent erosion.* No Federal cost-sharing will be allowed for floating or restoration of grade. However, the leveling operation may be completed over a period of more than one program year on a component basis where the size and cut of fills are such that a heavy leveling operation will be needed following settlement of the original fills. No Federal cost-sharing will be allowed for leveling land if the primary purpose of the leveling is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Leveling or grading must be carried out in accordance with a plan approved by the responsible SCS technician. Detailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing payment of labor and equipment will be required by checkers.

Maximum Federal cost-share. 50 percent of the cost of earth moving.

§ 1105.871 *Practice 31: Streambank or shore protection, channel clearance, enlargement or realinement, or construction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland.* This practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land, or where its primary purpose is to bring new land into agricultural production. Detailed specifications are contained in Technical Standards on file in the State Office. No cost will be shared for maintenance or repair of existing structures.

Maximum Federal cost-share. 75 percent of the cost of construction and protective measures. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.872 *Practice 32: Initial establishment of contour operations on nonterraced unirrigated land to protect soil from wind or water erosion.* All cultural operations must be performed as nearly as practicable on the contour. Detailed specifications are contained in Technical Standards on file in the State Office. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of effective contour operations.

Maximum Federal cost-share. (a) $5 per acre established in contour farming during the year.

(b) 50 percent of the cost of removing stone walls or hedgerows. (Evidence of cost is required.)

§ 1105.873 *Practice 33: Initial establishment of cross-slope stripcropping to protect soil from water or wind erosion.* All cultural operations, including row crop planting, must be performed across the prevailing slope. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective cross-slope stripcropping system.

Maximum Federal cost-share. (a) $5 per acre established in cross-slope stripcropping during the year.

(b) 50 percent of the cost of removing stone walls or hedgerows. (Evidence of cost is required.)

§ 1105.874 *Practice 34: Establishment of permanent vegetative strips between tree rows in young (less than 5 years old) coffee orchards as a protection against erosion.* Federal cost-sharing will be limited to the establishment of vegetative strips not less than 3 feet wide across the slope.

Maximum Federal cost-share. (a) 75 percent of the cost of seed at the farm, but not in excess of $7.50 per acre of area planted to grasses and legumes listed in §§ 1105.846 and 1105.847 (practices 6 and 7). (Receipts, invoices, or other evidence of cost are required.)

(b) $7.50 per acre planted to sprigs or cuttings.

(c) 60 percent of the average cost at the farm of the minimum required application of approved commercial fertilizer, including nitrogen, and liming material (as determined by soil test) for establishment of the vegetative strips, but not in excess of $15 per acre of area treated. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.875 *Practice 35: Subsurface tillage of cropland and/or orchardland protected by organic mulch, to avoid plowing under the surface cover of mulch which has been applied for soil protection and moisture conservation.* No cost-sharing will be allowed unless the soil surface is protected by a blanket of settled mulch not less than 1 inch thick.

Maximum Federal cost-share. $5 per acre subtilled, but not in excess of two subtilling operations a year. The total cost-share shall not be in excess of $300 per farm.

§ 1105.876 *Practice 36: Constructing channel lining, chutes, drop spillways, pipe drops, drop inlets, or similar structures for the protection of outlets and water channels that dispose of excess water.* Detailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing purchase of materials will be required by checkers as evidence of material used. Federal cost-sharing will not be allowed for forms or repair of existing structures.

Maximum Federal cost-share. 75 percent of the cost of material used.

Done at Washington, D. C., this 3d day of September 1958.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 58-7236; Filed, Sept. 5, 1958; 8:54 a. m.]

[Bulletin NSCP-2301]

PART 1106—NAVAL STORES CONSERVATION

SUBPART C—1959

The purpose of the Naval Stores Conservation Program (hereinafter referred to as "this program") is to restrict turpentining to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water and timber resources.

Through the 1959 program the Federal Government will share with turpentine farmers the cost of carrying out approved conservation practices in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Cost-shares are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out.

This program provides cost-sharing for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1955 season.

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AUTHORITY: §§ 1106.1001 to 1106.1035 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 72 Stat. 192; 16 U. S. C. 590g–590q.

GENERAL PROVISIONS

§ 1106.1001 *General requirements.* No tract or drift can qualify for cost-sharing under more than one conservation practice other than as provided for under practices specified in §§ 1106.1016, 1106.1017, and 1106.1019. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum.

§ 1106.1002 *Required performance—*(a) *Approved conservation practices.* Each participating producer shall, carry out at least one of the approved conservation practices in every tract or drift of faces operated by him during the 1959 turpentine season. This requirement will not apply if the Forest Service determines that the condition of a particular tract or drift does not warrant carrying out approved conservation practices as a practical or economic matter, in which case the Forest Service may approve face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no cost will be shared for any faces in such tracts or drifts.

(b) *Practice components.* Cost-sharing may be approved under the 1959 Program for only the component parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of each practice.

(c) *Dual cupping.* The installation of two cups on trees less than 14 inches d. b. h. in any tract or drift cupped under the provisions of §§ 1106.1010, 1106.1011, 1106.1012, 1106.1013, or 1106.1015 may be approved by the Forest Service as meeting the requirements of these practices where the Forest Service has determined that such action conforms to sound conservation practice.

(d) *First year working.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i. e., faces installed for the first working during the 1959 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service, or the tract or drift will be considered only for qualification for cost-shares under the next lower practice for which qualified.

(e) *Practices under §§ 1106.1010, 1106.1011, 1106.1012, 1106.1013, 1106.1014, 1106.1015, 1106.1016, or 1106.1018 which require more than one year for completion.* (1) Cost-shares may be approved under this program for the completion of a component of a practice: *Provided,* The producer agrees in writing to complete all remaining components of the practice in accordance with all applicable specifications and program provisions within the time prescribed by the Forest Service as affording reasonable opportunity to comply if cost-sharing is offered to him therefor under a subsequent program.

(2) Any advance cost-share so paid shall be refunded if the remaining components of the practice are not completed within the time prescribed by the Forest Service: *Provided,* The producer is offered cost-sharing under a subsequent program for the completion of such components. The extension of the period for completion of the components shall not constitute a commitment to approve cost-shares therefor under a subsequent program. Approval of cost-sharing for other practices under a subsequent program may also be denied until the remaining components are completed.

(3) Cost-shares for working of faces for second, third, fourth, or fifth years are applicable under the 1959 Program to faces which were installed and met the eligible face requirements during the 1955, 1956, 1957, or 1958 season. Such cost-shares may also be allowed in tracts or drifts: (a) Which had some undersized trees from which cups have been removed by the time of first elevation, and (b) for any new faces that may have been installed on eligible trees in 1959 in the second or third year's working to complete cupping of the tract or drift or to replace normal mortality. New faces installed in excess of that necessary to complete cupping or replace normal mortality will disqualify the tracts or drifts for cost-sharing under the practice initially established.

§ 1106.1003 *Double-headed nails requirement.* Use of double-headed nails is required in the elevation of all cups and tins installed for the first working in 1957, 1958, or 1959, or where costs have been previously shared for the initial use of double-headed nails on the faces in the tracts or drifts. Use of double-headed nails is optional with respect to elevation of tins on faces initially installed in the 1955 or 1956 season, and also with respect to the virgin installation of 1959 faces.

§ 1106.1004 *Fire protection.* Each producer shall during the 1959 turpentine season cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

§ 1106.1005 *Bark-bar requirement.* No back face shall be worked on any tree unless a live bark-bar on each side of the back face is provided and maintained throughout the 1959 turpentine season, the total of the two bark-bars being not less than 7 inches in width, measured horizontally along the bark surface at the narrowest point: *Provided, however,* That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces, including any back face installed prior to 1959. Faces having bark-bars totaling less than 7 inches shall not be worked in a manner that will result in leaving bark-bars less than those of former workings measured at the narrowest point.

§ 1106.1006 *Inspection assistance.* Each producer shall assist representatives of the Forest Service in the administration of this program by:

(a) Giving them free access to his turpentine farm or farms;

(b) Counting all faces and keeping written records thereof separately by tracts and drifts;

(c) Furnishing count records and satisfactory evidence of control of faces to the local inspector (Area Forester) when requested;

(d) Furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested;

(e) Furnishing competent labor to assist the local inspector (Area Forester) in counting faces;

(f) Submitting an application for payment of Federal cost-shares (Form NSCP–1) and other prescribed forms;

(g) Notifying the Forest Service promptly of any change in ownership or control; and

(h) Otherwise facilitating the work of the inspector (Area Forester) in checking compliance with the terms and conditions of this program.

CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

§ 1106.1010 *Practice 1: Working only 9 inch d. b. h. or larger trees—*(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 9 inch d. b. h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d. b. h. and only one face on trees less than 14 inches d. b. h., except as provided in § 1106.1002 (c).

(c) *Components of practice and rates of cost-sharing—*(1) *Initial installation and first year working of 9 inch d. b. h. or larger trees; 2 cents per face.*

(2) *Working of faces for second, third, fourth, or fifth year; ½ cent per face.* If a relatively minor number of faces have been installed contrary to the requirement for eligible faces or in excess of that necessary to complete cupping of the stand or replacement of normal mortality, the cups and tins on such faces shall be removed within 30 days after notice to the producer, or within such longer period of time as is approved by the Forest Service in any case where the producer for some reason beyond his control is unable to remove such cups and tins within 30 days.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where practice 1106.1016 is used.

§ 1106.1011 *Practice 2: Working only 10 inch d. b. h. or larger trees—*(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 10 inch d. b. h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 10 inches d. b. h. and only one face on trees less than 14 inches d. b. h., except as provided in § 1106.1002 (c).

(c) *Components of practice and rates of cost-sharing—*(1) *Initial installation and first year working of 10 inch d. b. h. or larger trees; 4 cents per face.*

(2) *Working of faces for second, third, fourth, or fifth year; 3 cents per face.* If new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 10 inches d. b. h. the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.1010 (c) (2) and there may be withheld or required to be refunded 1½ cents per face for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1955, 1956, 1957, or 1958.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where practice 1106.1016 is used.

§ 1106.1012 *Practice 3: Working only 11 inch d. b. h. or larger trees—*(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 11 inch d. b. h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d. b. h. and only one face on trees less than 14 inches d. b. h., except as provided in § 1106.1002 (c).

(c) *Components of practice and rates of cost-sharing—*(1) *Initial installation and first year working of 11 inch d. b. h. or larger trees; 6 cents per face.*

(2) *Working of faces for second, third, fourth, or fifth year; 3 cents per face.* If new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 11 inches d. b. h. the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.1010 (c) (2) or § 1106.1011 (c) (2) and there may be withheld or required to be refunded 2½ cents per face for faces qualified for § 1106.1010, or 1 cent per face for faces qualified for § 1106.1011 for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1955, 1956, 1957, or 1958.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where § 1106.1016 is used.

§ 1106.1013 *Practice 4: Working only 12 inch d. b. h. or larger trees—*(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 12 d. b. h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 12 inches d. b. h. and only one face on trees less than 14 inches d. b. h., except as provided in § 1106.1002 (c).

(c) *Components of practice and rates of cost-sharing—*(1) *Initial installation and first year working of 12 inch d. b. h. or larger trees; 7 cents per face.*

(2) *Working of faces for second, third, fourth, or fifth year; 3 cents per face.* If new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 12 inches d. b. h. the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.1010 (c) (2), § 1106.1011 (c) (2), or § 1106.1012 (c) (2), and there may be withheld or required to be refunded 5 cents per face for faces qualified for § 1106.1010, 3½ cents per face for faces qualified for § 1106.1011, or 2½ cents per face for faces qualified for § 1106.1912 for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1955, 1956, 1957, or 1958.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where § 1106.1016 is used.

§ 1106.1014 *Practice 5: Restricting turpentining to previously worked trees—*(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins over a period of two to five years only on trees having a previously worked face.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees.

(c) *Components of practice and rates of cost-sharing—*(1) *Initial installation and first year working of faces on previously worked trees; 7 cents per face.*

(2) *Working of faces for second, third, fourth, or fifth year; 3 cents per face.* New faces installed on round trees in these tracts or drifts which earned a payment for the restricted cupping practice will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on any round trees the entire tracts or drifts will be considered only for qualification under the provisions of §§ 1106.1010 (c) (2), 1106.1011 (c) (2), 1106.1012 (c) (2), or § 1106.1013 (c) (2) and there may be withheld or required to be refunded the difference between the cost-shares previously paid and the amount that the subsequently determined practice would have earned in 1955, 1956, 1957, or 1958.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where § 1106.1016 is used.

§ 1106.1015 *Practice 6: Working only selectively marked trees—*(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on selectively marked trees over a period of two to five years.

(b) *Eligible faces.* Only trees 9 inches or more d. b. h. which should be removed to improve the timber stand may be cupped. Cupping shall be limited to trees selectively marked in advance in accordance with good, approved timber management practices to insure production of larger diameter class timber or to provide other stand improvement measures as approved by the Forest Service: *Provided,* That the number of remaining uncupped trees per acre shall average at least the minimum number per acre specified by the Forest Service in its Minimum Stocking Guide issued June 4, 1956, as amended, and be well distributed over the area.

(c) *Components of practice and rates of cost-sharing—*(1) *Initial installation and first year working of selectively marked trees; 8 cents per face.* If faces

have been installed contrary to the requirements for eligible faces, the area will be considered only for qualification for cost-shares under one of the diameter cupping practices specified in §§ 1106.1010, 1106.1011, 1106.1012, or § 1106.1013.

(2) *Working of faces for second, third, fourth, or fifth year; 4 cents per face.* New faces may be installed only in the second year of working, subject to all conditions of eligibility of paragraph (b) of this section. New faces installed on round trees in these tracts or drifts after the second year of working will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on round trees after the second year of working, the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.1010 (c) (2). There may be withheld or required to be refunded 4 cents per face for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1955, 1956, 1957, or 1958.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where § 1106.1016 is used.

§ 1106.1016 *Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails*—(a) *Purpose.* To minimize damage to the tree in installing faces for the virgin year or in the first elevation and to conserve the worked portion of the tree.

(b) *Description of practice.* This practice consists of using spiral gutters or Varn aprons attached with double-headed nails when cups and tins are initially installed on the face or when cups and tins are elevated for the first time.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 1106.1010, 1106.1011, 1106.1012, 1106.1013, 1106.1014, 1106.1015, and 1106.1018 may qualify for this practice, the cost-share for which is in addition to the aforesaid sections.

(d) *Components of practice and rates of cost-sharing*—(1) *Initial use of spiral gutters or Varn aprons in the virgin installation or in the first elevation of cups and tins; 2 cents per face.* (i) The cost-share rate established for initiating this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1959 season or faces upon which the cups and tins are elevated for the first time during the 1959 season. On accepting cost-sharing for this practice the producer agrees to use the spiral gutter or Varn apron and double-headed nails to attach the tins in all subsequent raisings and attachment of tins to the face.

(ii) Cups and tins shall be installed in a manner that will minimize the loss of gum and restrict amount of damage to the tree. Spiral gutters or Varn aprons shall be used and the tins shall be attached to the tree with double-headed nails. In smoothing the tree and seating the cup for the virgin installation exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

§ 1106.1017 *Practice 8: Removal of cups and tins from faces on small trees*—(a) *Purpose.* To encourage producers who have not participated in the 1957 or 1958 Programs to discontinue working small unproductive trees, to promote improved naval stores and forestry practices, and to improve productivity of the woodland.

(b) *Description of practice.* This practice consists of removing the cups and tins and discontinuing the working of small unproductive timber and meeting all other requirements for participation in this program.

(c) *Eligible faces.* All faces installed for the first working in 1959 on trees under 9 inches d. b. h. and all but one face on trees between 9 and 14 inches d. b. h. having two or more faces. Working of faces shall be discontinued and cups and tins removed by tracts or drifts within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service to meet the eligible face requirements of § 1106.1010. Only producers who did not participate in the 1957 or 1958 programs are eligible for cost-sharing under this practice.

(d) *Components of practice and rates of cost-sharing*—(1) *Removal of cups and tins on trees under 9 inches d. b. h. and on trees between 9 and 14 inches d. b. h. having more than one face; 8 cents per face.* The cost-share for this component is applicable to faces discontinued by removal of cups and tins to permit the tract or drift to meet the eligible face requirements of § 1106.1010.

§ 1106.1018 *Practice 9: Pilot plant tests of new methods and equipment*—(a) *Purpose.* To conduct controlled demonstrations or experiments to test values of new methods and equipment for gum production.

(b) *Description of practice.* This practice consists of carrying out practical demonstrations or tests of new methods or equipment according to requirements of the Forest Service.

(c) *Eligible faces.* Only faces on trees in selected tracts used in controlled demonstrations or tests carried out in accordance with provisions prescribed by the Forest Service are eligible for cost-sharing.

(d) *Components of practice and rates of cost-sharing.* (1) Eight cents per face for faces meeting the requirements of § 1106.1010.

(2) Eleven cents per face for faces meeting the requirements of §§ 1106.1011, 1106.1012, 1106.1013, 1106.1014, and 1106.1015.

§ 1106.1019 *Practice 10: Hardware removal*—(a) *Purpose.* To encourage producers to remove all hardware to conserve the worked section of the tree for use in other products.

(b) *Description of practice.* This practice consists of removing all cups, nails, and tins by the producer who last worked the face.

(c) *Eligible faces.* All faces worked out in 1958 or 1959 and from which hardware is removed by December 31, 1960.

(d) *Component of practice and rate of cost-sharing; 2 cents per eligible face.* Use of this practice is optional. To qualify for cost-shares under this component in tracts or drifts having in excess of 5 percent of back-faced timber, all hardware must also be removed from the old faces or all trees with such old faces must be cut out of the tracts or drifts. No cost-share will be approved for the removal of hardware in any tract or drift unless all hardware is removed from all remaining trees with eligible faces.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1106.1020 *Increase in small Federal cost-shares.* The total of the payment computed for any producer with respect to his turpentine farm under the Naval Stores Conservation Program and the cost-share computed for him on the same farm under the Agricultural Conservation Program shall be increased as follows: (a) Any Federal cost-sharing amounting to 71 cents or less shall be increased to $1.00; (b) any Federal cost-sharing amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent; (c) any Federal cost-sharing amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of cost-shares computed:	Increase in cost-shares
$1.00 to $1.99	$0.40
$2.00 to $2.99	0.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	$12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1106.1021 *Maintenance of practices.* The sharing of costs by the Federal Government for performance of approved practices included in this program will be subject to the condition that the producer with whom the costs are shared will maintain such practices in accordance with good forestry practices as long as the timber remains under his control. There may be withheld or required to be refunded all cost-shares on tracts or drifts in which failure to maintain any or all practices occurs, except as modified by §§ 1106.1010, 1106.1011, 1106.1012, 1106.1013, 1106.1014, 1106.1015, or 1106.1022. The producer shall not be expected to maintain and complete the practice when prevented by destruction of the timber by fire, weather, insects, diseases, or other conditions beyond his control.

§ 1106.1022 *Practices defeating purposes of programs.* If the Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any cost-share which has been or otherwise would be made to such producer under this program. Practices which tend to defeat the purposes of this and previous programs shall include, but are not restricted to the following:

(a) The cutting contrary to good forestry practices of turpentine trees in drifts or tracts (including current non-working areas) on which costs have been or would be shared under this or the 1955, 1956, 1957, or 1958 program. There may be withheld or required to be refunded the amount previously paid for each face for which costs were shared in 1955, 1956, 1957, 1958, or 1959 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practice:

(1) When turpentine trees are cut for thinnings at least the minimum number of trees per acre specified in the Minimum Stocking Guide issued by the Forest Service June 4, 1956, as amended, shall be left uncut and undamaged and well distributed over the cutting area.

(2) When turpentine trees are cut in a harvest cutting, at least 400 turpentine trees per acre shall be left uncut and undamaged and well distributed over the cutting area, or a minimum of the following number or combination of numbers of thrifty turpentine seed trees per acre: 9 inches or over d. b. h.—6 trees, 8 inches d. b. h.—9 trees, or 7 inches d. b. h.—12 trees, shall be left uncut and undamaged, or if clearcut, artificial planting of at least 500 trees per acre will be accomplished prior to April 1, 1962.

(b) Raising cups and tins without double-headed nails on faces where double-headed nails are required. There may be withheld or required to be refunded all or any part of cost-shares earned under this or previous programs on the tracts or drifts in which such improper raising occurs.

(c) Picking up additional faces in the fourth or fifth year will disqualify the tract or drift for any further cost-sharing, unless the hardware is removed to limit the working to one age class of faces. Such removal must be accomplished within 30 days of notification by the Forest Service.

(d) Failure to meet bark-bar requirement. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper chipping occurs.

(e) The burning by the producer on any drift or tract of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the drifts or tracts in which such improper burning occurs.

(f) The installation of new faces on round trees less than 9 inches d. b. h. or more than one face on round trees less than 14 inches d. b. h. in tracts or drifts having working faces installed during or prior to the 1954 turpentine season. There may be withheld or required to be refunded 2 cents per face for each working face installed during or prior to 1954 in the tracts or drifts in which such installation occurs.

§ 1106.1023 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1106.1024 and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (Part 13, Subtitle A, of this title)) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1106.1024 *Assignments.* Any producer who may be entitled to any Federal cost-share under the 1959 Program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1959, including the carrying out of soil and water conserving practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter) witnessed, however, by an inspector or the Program Supervisor of the Forest Service and filed with the Forest Service, Valdosta, Georgia.

§ 1106.1025 *Death, incompetency, or disappearance of producer.* In case of death, incompetency, or disappearance of any producer, his share of cost-shares shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1106.1026 *Maximum Federal cost-shares limitation.* The total of all cost-shares under the 1959 Naval Stores Conservation and the 1959 Agricultural Conservation Programs to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10 000.

§ 1106.1027 *Evasion.* All or any part of any Federal cost-share which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means which was designed to evade, or which has the effect of evading, the provisions of § 1106.1026.

APPLICATIONS FOR PAYMENT OF FEDERAL COST-SHARES

§ 1106.1028 *Persons eligible to file application for payment of Federal cost-shares.* An application for payment of Federal cost-shares may be filed by any producer who contributed to the performance of any approved Naval Stores Conservation practice and is working faces for the production of gum naval stores, during the 1959 turpentine season, which were installed during or after the 1955 season. If it is determined that two or more producers contributed to carrying out the practice the Federal cost-shares shall be divided among such producers in the proportion which the Program Supervisor determines they contributed to carrying out the practice. In making this determination, the Program Supervisor shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the Program Supervisor that their respective contributions thereto were not in equal proportion. The furnishing of land, trees, or the right to use water will not be considered as a contribution to the carrying out of any practice.

§ 1106.1029 *Time and manner of filing applications and required information.* Payment of Federal cost-shares will be made only when a report of performance

is submitted to the Forest Service on or before January 31, 1960, on the prescribed form (NSCP–1) Application for Payment. Payment of Federal cost-shares may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

APPEALS

§ 1106.1030 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Regional Forester in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of his Federal cost-shares with respect to the producer's turpentine farm. The Regional Forester shall notify the producer of his decision in writing within 60 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Regional Forester he may, within 15 days after the decision is forwarded to or made available to him, request the Chief of the Forest Service to review the case and render his decision, which shall be final.

DEFINITIONS

§ 1106.1031 *Definitions*—(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum rosin produced from living trees.

(b) *Producer or turpentine farmer.* Any person, firm, partnership, corporation, or other business enterprise, doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (Pinus palustris) or slash pine (Pinus elliottii Engelm).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Turpentine season.* The entire calendar year, or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking or pulling the live tree to stimulate the flow of crude gum (oleoresin), herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D. b. h.* Diameter breast height; i. e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

(o) *Back-face.* A face placed on a tree having a previously worked face.

(p) *Spiral gutter.* A curved gutter that follows a spiral path around the tree.

(q) *Varn apron.* A curved two-piece adjustable apron with tacking flange.

(r) *Double-headed nail.* Double-headed nails specially designed for naval stores use are produced commercially by several manufacturers. The use of a double-headed nail meeting the following minimum specifications is required where this practice is used: The overall length shall be 1⅜ inches; distance between heads a minimum of ¼ inch; its wire gauge no smaller than 13; the driving head shall be of the flat "Common Nail" type with diameter between 5/32 and ¼ inch and diameter of clinching head ¼ inch. Experience has shown that the use of double-headed nails meeting these specifications is satisfactory and meets the requirements for any type of installation and easy removal from the trees.

(s) *Normal mortality.* Two percent (2%) of all faces in the tract or drift.

(t) *Virgin streak.* The first chipping of the tree following initial installation of the face.

(u) *Hardware.* All gutters, aprons, or metal strips of any kind whatsoever together with nails used to support same and nails used to support cups for the collection of raw gum resin.

AUTHORITY AND AVAILABILITY OF FUNDS, APPLICABILITY AND ADMINISTRATION

§ 1106.1032 *Authority.* This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1959.

§ 1106.1033 *Availability of funds.* (a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1960.

(c) If the total estimated earnings under the Naval Stores Conservation Program exceed the total funds available for cost-sharing, such cost-shares will be reduced equitably.

§ 1106.1034 *Applicability.* (a) The provisions of this program are not applicable to any turpentining operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the Department of Agriculture, or by the Bureau of Land Management or the Fish and Wildlife Service of the Department of the Interior).

(b) This program is applicable to (1) turpentine farms on privately owned lands, (2) lands owned by a State or political subdivision or agency thereof, or (3) lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes. Only turpentine farms on lands that are administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, a Production Credit Association, or the U. S. Department of Defense, shall be considered eligible unless the Forest Service finds that land administrated by any other agency complied with all of the foregoing provisions for eligibility.

§ 1106.1035 *Administration.* The Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program, pursuant to the provisions of this bulletin, and the field work shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, 50 Seventh Street NE., Atlanta 23, Georgia. Information concerning this program may be secured from the Forest Service, Valdosta, Georgia, or from any local Area Forester of the Forest Service.

Done at Washington, D. C., this 3d day of September 1958.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 58–7237; Filed, Sept. 5, 1958; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdts. 40–12, 41–18, 42–15]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATION OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SUPPLEMENTAL OXYGEN REQUIREMENTS FOR SUSTENANCE AND FIRST-AID

In F. R. Docs. 58–7069, 58–7070, and 58–7071, appearing in the issue for Saturday, August 30, 1958, the following change should be made:

The word "psychological" should read "physiological"—appearing on page 6746 in § 40.203–T (e) (3); appearing on page 6747 in § 41.24a–T (e) (3); appearing on page 6749 in § 42.27–T (e) (3).

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58–7235; Filed, Sept. 5, 1958; 8:53 a. m.]

[Civil Air Regs. Amdt. 41–18]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

SUPPLEMENTAL OXYGEN REQUIREMENTS FOR SUSTENANCE AND FIRST-AID

Correction

In Federal Register Document 58–7070, published at page 6746 in the issue for Saturday, August 30, 1958, the date in the second line of paragraph (b) of § 41.24b, now reading "July 31, 1958", should read "July 31, 1959".

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 36]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

Section 610.12 *Green civil airway 2* is amended to read in part:

From Red Wing INT, Minn.; to LaCrosse, Wis., LFR; MEA 2,800.

Section 610.13 *Green civil airway 3* is amended to read in part:

From Des Moines, Iowa, LFR; to Moline, Ill., LFR; MEA 2,200.
From Moline, Ill., LFR; to Walnut INT, Ill.; MEA 2,300.
From Walnut INT, Ill.; to Joliet, Ill., LFR; MEA 2,100.
From Joliet, Ill., LFR; to Lansing INT, Ind.; MEA 2,300.
From Lansing INT, Ind.; to McCool INT, Ind.; MEA 2,000.

Section 610.212 *Red civil airway 12* is amended to delete:

From Joliet, Ill., LFR; to Int. NE crs Joliet, Ill., LFR & W crs South Bend, LFR; MEA 2,000.
From Int. NE crs Joliet, Ill., LFR & W crs South Bend, LFR; to South Bend, Ind., LFR; MEA 2,100.

Section 610.212 *Red civil airway 12* is amended by adding:

From Downers Grove INT, Ill.; to Chicago, Ill., LFR; MEA 2,300.
From Chicago, Ill., LFR; to South Bend, Ind., LFR; MEA 2,200.

Section 610.214 *Red civil airway 14* is amended to delete:

From Lone Rock INT, Wis.; to Avon INT, Wis.; MEA 2,700.
From Avon INT, Wis.; to Rockford, Ill., LFR; MEA 2,300.
From Rockford, Ill., LFR; to Aurora INT, Ill.; MEA 2,100.
From Aurora INT, Ill.; to Chicago, Ill., LFR; MEA 2,300.

Section 610.214 *Red civil airway 14* is amended by adding:

From Sullivan INT, Wis.; to Burlington INT, Wis.; MEA 2,400.
From Burlington INT, Wis.; to Chicago, Ill., LFR; MEA 2,500.

Section 610.228 *Red civil airway 28* is amended to delete:

From Rockford, Ill., LFR; to Wauconda INT, Ill.; MEA 2,500.
From Wauconda INT., Ill.; to Chicago, Ill., LFR; MEA 2,500.

Section 610.242 *Red civil airway 42* is deleted.

Section 610.249 *Red civil airway 49* is amended to delete:

From Ft. Bridger, Wyo., LFR; to Kemmerer INT, Wyo.; MEA 10,000.

Section 610.254 *Red civil airway 54* is deleted.

Section 610.298 *Red civil airway 98* is deleted.

Section 610.308 *Red civil airway 108* is amended to delete:

From Promontory Pt., Utah, LF/RBN; to Corinne, Utah, LF/RBN; MEA 11,000.

Section 610.605 *Blue civil airway 5* is amended to delete:

From Houston, Tex., LFR; to Bryan, Tex., LFR; MEA 1,800.
From Bryan, Tex., LFR; to Waco, Tex., LFR; MEA 2,000.

Section 610.606 *Blue civil airway 6* is amended to delete:

From Abilene, Tex., LFR; to Wichita Falls, Tex., LFR; MEA 3,000.
From Wichita Falls, Tex., LFR; to Washington INT, Okla.; MEA 2,700.

Section 610.609 *Blue civil airway 9* is amended to delete:

From Springfield, Mo., LFR; to Columbia, Mo., LFR; MEA 2,300.

Section 610.613 *Blue civil airway 13* is amended to read in part:

From Texarkana, Ark., LFR; to Ft. Smith, Ark., LF/RBN; MEA 3,600.

Section 610.614 *Blue civil airway 14* is amended to read in part:

From *Riverside, Calif., LFR; to Fontana INT, Calif.; northbound, MEA 12,000; southbound, MEA 5,000. *10,000—MCA Riverside LFR, northbound.

Section 610.621 *Blue civil airway 21* is amended to read in part:

From Ellicott City INT, Md.; to Harrisburg, Pa., LFR; MEA 2,500.

Section 610.631 *Blue civil airway 31* is amended to delete:

From Avon INT, Ill.; to Madison, Ill., LFR; MEA 2,400.

Section 610.652 *Blue civil airway 52* is added to read:

From Tamiami, Fla., LF/RBN; to New River INT, Fla.; MEA 1,100.
From New River INT, Fla.; to W. Palm Beach, Fla., LFR; MEA 1,200.

Section 610.657 *Blue civil airway 57* is deleted.

Section 610.667 *Blue civil airway 67* is amended to read in part:

From Needles, Calif., LFR; to Las Vegas, Nev., LFR; MEA 8,000.

Section 610.669 *Blue civil airway 69* is deleted.

Section 610.678 *Blue civil airway 78* is deleted.

Section 610.1001 *Direct routes, U. S.* is amended to delete:

From Augusta, Ga., LFR; to Spartanburg, S. C., LFR; MEA 2,000.

Section 610.1001 *Direct routes, U. S.* is amended to read in part:

From Leona, Tex., VOR; to New Waverly, INT, Tex.; MEA *2,800. *1,500—MOCA.
From Beaumont, Tex., LFR; to Galveston, Tex., LF/RBN; MEA 1,400.
From Danville, Va., LF/RBN; to Greensboro, N. C., LFR; MEA 2,300.

Section 610.1001 *Direct routes, U. S.* is amended by adding:

From Quitman, Tex., VOR; to Int. 101 M. Quitman VOR & 058 M. rads. Gregg Co., VOR; MEA *2,200. *1,700—MOCA.
From Houston, Tex., LFR; to Galveston, Tex., LF/RBN; MEA 1,700.
From Galveston, Tex., LF/RBN; to NH3; MEA *1,700. *For that airspace over U. S. territory.
From Egmont Key, Fla., LF/RBN; to Grand Isle, La., LF/RBN; MEA 1,200.

Section 610.6002 *VOR civil airway 2* is amended to read in part:

From *Lake City INT, Minn.; to Nodine, Minn., VOR; MEA 2,800. *3,000—MRA.
From Dodge INT, Wis., via N alter.; to Nodine, Minn., VOR via N alter.; MEA 2,800.

Section 610.6003 *VOR civil airway 3* is amended to read in part:

From Hopkins INT, Fla.; to *Maytown INT, Fla.; MEA **2,000. *1,700—MRA. **1,300—MOCA.

From Maytown INT, Fla.; to Oakhill INT, Fla.; MEA *1,400. *1,200—MOCA.
From Jacksonville, Fla., VOR; to *St. Marys INT, Ga.; MEA 1,200. *3,500—MRA.
From St. Marys INT, Ga.; to Brunswick, Ga., VOR; MEA 1,200.

Section 610.6004 *VOR civil airway 4* is amended to read in part:

From *Nunn INT, Colo., via N alter.; to Gill INT, Colo., via N alter.; MEA **18,000. *12,500—MRA. **7,500—MOCA. (Deletes MRA at Gill INT.)

Section 610.6006 *VOR civil airway 6* is amended to read in part:

From North Platte, Nebr., VOR; to Loup INT, Nebr.; MEA *4,800. *4,100—MOCA.
From Loup INT, Nebr.; to Grand Island, Nebr., VOR; MEA 3,500.
From Youngstown, Ohio, VOR; to Clarion, Pa., VOR; MEA 2,600.
From Clarion, Pa., VOR; to Philipsburg, Pa., VOR; MEA 4,000.

Section 610.6007 *VOR civil airway 7* is amended to read in part:

From Terre Haute, Ind., VOR; to Westpoint, Ind., VOR; MEA 2,000.
From Westpoint, Ind., VOR; to Lafayette, Ind., VOR; MEA 2,000.
From Terre Haute, Ind., VOR via W alter.; to Westpoint, Ind., VOR via W alter.; MEA 2,000.
From Birmingham, Ala., VOR via E alter.; to Hartselle INT, Ala., via E alter.; MEA 2,300.
From Hartselle INT, Ala., via E alter.; to *Tanner INT, Ala., via E alter.; MEA **3,500. *3,500—MRA. **2,000—MOCA.

Section 610.6008 *VOR civil airway 8* is amended to read in part:

From Imperial, Nebr., VOR; to Lexington INT, Nebr.; MEA *7,000. *4,800—MOCA.
From Lexington INT, Nebr.; to Grand Island, Nebr., VOR; MEA *7,000. *3,600—MOCA.
From Mansfield, Ohio, VOR; to Navarre, Ohio, VOR; MEA 2,500.
From Navarre, Ohio, VOR; to Kilgore INT, Ohio; MEA 2,500.
From Kilgore INT, Ohio; to Pittsburgh, Pa., VOR; MEA 3,000.

Section 610.6009 *VOR civil airway 9* is amended to read in part:

From New Orleans, La., VOR; to McComb, Miss., VOR; MEA 1,700.
From New Orleans, La., VOR via W alter.; to Albany INT, La., via W alter.; MEA 1,400.
From Albany INT, La., via W alter.; to McComb, Miss., VOR via W alter.; MEA 1,700.
From New Orleans, La., VOR via E alter.; to Picayune, Miss., VOR via E alter.; MEA *1,400. *1,300—MOCA.

Section 610.6010 *VOR civil airway 10* is amended to read in part:

From Youngstown, Ohio, VOR; to Clarion, Pa., VOR; MEA 2,600.
From Clarion, Pa., VOR; to Philipsburg, Pa., VOR; MEA 4,000.

Section 610.6012 *VOR civil airway 12* is amended to read in part:

From Prescott, Ariz., VOR via S alter.; to Cornville INT, Ariz., via S alter.; MEA *12,500. *10,000—MOCA.
From Cornville INT, Ariz., via S alter.; to Winslow, Ariz., VOR via S alter.; MEA *12,000. *11,000—MOCA.

Section 610.6013 *VOR civil airway 13* is amended to read in part:

From Houston, Tex., VOR; to Humble INT, Tex.; MEA 1,500.
From Humble INT, Tex.; to Lufkin, Tex., VOR; MEA *2,500. *1,500—MOCA.
From Houston, Tex., VOR via W alter.; to Gulf Coast INT, Tex., via W alter.; MEA *2,300. *1,800—MOCA.
From Gulf Coast INT, Tex., via W alter.; to New Waverly, INT, Tex., via W alter.; MEA *3,300. *1,500—MOCA.
From New Waverly INT, Tex., via W alter.; to Lufkin, Tex., VOR via W alter.; MEA *2,800. *1,500—MOCA.

Section 610.6014 *VOR civil airway 14* is amended to read in part:

From *Fallis INT, Okla.; to Kellyville INT, Okla.; MEA 3,000. *3,700—MRA.
From Kellyville INT, Okla.; to Tulsa, Okla., VOR; MEA *3,000. *2,500—MOCA.
From Prague INT, Okla., via S alter.; to *Sapulpa INT, Okla., via S alter.; MEA **4,000. *3,000—MRA. **2,000—MOCA.

Section 610.6014 *VOR civil airway 14* is amended by adding:

From Hobart, Okla., VOR via S alter.; to Chickasha INT, Okla., via S alter.; MEA **4,300. *4,300—MRA. **3,100—MOCA.
From Chickasha INT, Okla., via S alter.; to Oklahoma City, Okla., VOR via S alter.; MEA *2,800. *2,500—MOCA.

Section 610.6015 *VOR civil airway 15* is amended to read in part:

From Houston, Tex., VOR; to Cypress INT, Tex.; MEA 1,800.
From Cypress INT, Tex.; to College Station, Tex., VOR; MEA 2,000.

Section 610.6016 *VOR civil airway 16* is amended to read in part:

From *Ontario, Calif., VOR; to Moreno INT, Calif.; westbound, MEA 5,500; eastbound, MEA 13,000. *8,000—MCA Ontario VOR, eastbound.

Section 610.6018 *VOR civil airway 18* is amended to read in part:

From Monroe, La., VOR; to *Rayville INT, La.; MEA **2,000. *3,000—MRA. **1,700—MOCA.
From Rayville INT, La.; to *Oak Ridge INT, Miss.; MEA **2,000. *4,000—MRA. **1,700—MOCA.
From Oak Ridge INT, Miss.; to Jackson, Miss., VOR; MEA *2,000. *1,700—MOCA.

Section 610.6020 *VOR civil airway 20* is amended to read in part:

From Lafayette, La., VOR; to New Orleans, La., VOR; MEA 1,500.
From New Orleans, La., VOR; to Gulfport, Miss., VOR; MEA *1,500. *1,400—MOCA.
From Lafayette, La., VOR via S alter.; to *Raceland INT, La., via S alter.; MEA **4,700. *4,700—MRA. **1,500—MOCA.
From Raceland INT, La., via S alter.; to New Orleans, La., VOR via S alter.; MEA 1,400.
From New Orleans, La., VOR via N alter.; to Picayune, Miss., VOR via N alter.; MEA *1,400. *1,300—MOCA.
From Mobile, Ala., VOR via N alter.; to *Citronelle INT, Ala., via N alter.; MEA 1,500. *2,500—MRA.
From Citronelle INT, Ala., via N alter.; to Evergreen, Ala., VOR via N alter.; MEA *2,500. *1,500—MOCA.

Section 610.6622 *VOR civil airway 22* is amended to read in part:

From *Calvary INT, Ga., via N alter.; to **Reno INT, Ga., via N alter.; MEA ***5,000. *2,500—MRA. **2,500—MRA. ***1,500—MOCA.

Section 610.6022 *VOR civil airway 22* is amended to delete:

From St. Rose, La., LF/RBN; to Cat INT, Ala.; MEA *3,000. *2,000—MOCA.
From Cat INT, Ala.; to Brookley, Ala., TVOR; MEA *3,000. *1,600—MOCA.

Section 610.6022 *VOR civil airway 22* is amended by adding:

From New Orleans, La., VOR; to Cat INT, La.; MEA *3,000. *2,000—MOCA.
From Cat INT, La., to Brookley AFB, Ala., TVOR; MEA *3,000. *1,600—MOCA.

Section 610.6023 *VOR civil airway 23* is amended to read in part:

From Rancho INT, Calif., via E alter.; to *Oceanside, Calif., VOR via E alter.; MEA 3,000. *2,500—MCA Oceanside VOR, northwestbound.
From *Bakersfield, Calif., VOR via E alter.; to Fresno, Calif., VOR, MEA 3,000; via E alter., MEA 3,500. *7,000—MCA Bakersfield VOR, southbound.

Section 610.6025 *VOR civil airway 25* is amended to read in part:

From Paso Robles, Calif., VOR to *Agnew, Calif., VOR; MEA 6,000. *4,000—MCA Agnew VOR, southeastbound.
From Campbell INT, Calif.; to Agnew, Calif., VOR, northwestbound only; MEA 4,000.

Section 610.6026 *VOR civil airway 26* is amended to read in part:

From Cherokee, Wyo., VOR; to Alcova, INT, Wyo.; MEA 12,000.
From Alcova INT, Wyo.; to Casper, Wyo., VOR; MEA 11,000.

Section 610.6027 *VOR civil airway 27* is amended to read in part:

From Paso Robles, Calif., VOR; to Salinas, Calif., VOR; MEA 6,000.

Section 610.6030 *VOR civil airway 30* is amended to read in part:

From Waterville, Ohio, VOR; to Wellington, Ohio, VAR; MEA 2,000.
From Youngstown, Ohio, VOR; to Clarion, Pa., VOR; MEA 2,600.
From Clarion, Pa., VOR; to Philipsburg, Pa., VOR; MEA 4,000.

Section 610.6035 *VOR civil airway 35* is amended by adding:

From Tampa, Fla., VOR via W alter.; to *Crystal INT, Fla., via W alter.; MEA **1,500. *2,000—MRA. **1,200—MOCA.
From Crystal INT, Fla., via W alter.; to *Shrimp INT, Fla., via W alter.; MEA **1,500. *6,000—MRA. **1,000—MOCA.
From Shrimp INT, Fla., via W alter.; to Cross City, Fla., VOR via W alter.; MEA *6,000. *1,200—MOCA.

Section 610.6035 *VOR civil airway 35* is amended to read in part:

From Tallahassee, Fla., VOR via E alter.; to *Reno INT, Ga., via E alter.; MEA **2,000. *2,500—MRA. **1,500—MOCA.
From *Calvery INT, Ga.; to **Camilla INT, Ga.; MEA 2,000. *2,500—MRA. **2,200—MRA.
From Camilla INT, Ga.; to Albany, Ga., VOR; MEA 2,000.
From *Reno INT, Ga., via E alter.; to **Pelham INT, Ga., via E alter.; MEA ***2,000. *5,000—MRA. **2,700—MRA. ***1,500—MOCA.
From Pelham INT, Ga., via E alter.; to *Hartsfield INT, Ga., via E alter.; MEA **2,000. *2,000—MRA. **1,500—MOCA.
From Hartsfield INT, Ga., via E alter.; to *Sale INT, Ga., via E alter.; MEA 1,700. *3,000—MRA.
From Sale INT, Ga., via E alter.; to Albany, Ga., VOR, via E alter.; MEA 1,700.

Section 610.6040 *VOR civil airway 40* is amended to read in part:

From Cleveland, Ohio, VOR; to Navarre, Ohio, VOR; MEA 2,500.

From Navarre, Ohio, VOR; to Kilgore INT, Ohio; MEA 2,500.
From Kilgore INT, Ohio; to Pittsburgh, Pa., VOR; MEA 3,000.

Section 610.6051 *VOR civil airway 51* is amended to read in part:

From Hopkins INT, Fla.; to *Maytown INT, Fla.; MEA **2,000. *1,700—MRA. **1,300—MOCA.
From Maytown INT, Fla.; to Oakhill INT, Fla.; MEA *1,400. *1,200—MOCA.
From Shelbyville, Ind., VOR; to Stockwell INT, Ind.; MEA 2,900.
From Stockwell INT, Ind.; to Lafayette, Ind., VOR; MEA 2,300.

Section 610.6053 *VOR civil airway 53* is amended to read in part:

From Indianapolis, Ind., VOR; to Linden, INT, Ind.; MEA 2,100.
From Linden INT, Ind.; to Westpoint, Ind., VOR; MEA 2,000.
From Westpoint, Ind., VOR; to Peotone, Ill., VOR; MEA 2,000.

Section 610.6054 *VOR civil airway 54* is amended to read in part:

From Muscle Shoals, Ala., VOR; to *Tanner INT, Ala.; MEA 2,200. *3,500—MRA.
From Huntsville, Ala., VOR; to Princeton INT, Ala.; MEA 3,000.
From Princeton INT, Ala.; to Chattanooga, Tenn., VOR; MEA 4,000.

Section 610.6058 *VOR civil airway 58* is amended to delete:

From Berghols INT, Pa.; to Ellwood City, Pa., VOR; MEA 2,500.

Section 610.6064 *VOR civil airway 64* is amended to read in part:

From Thermal, Calif., VOR; to Chuckwalla INT, Calif.; MEA 7,000.
From Chuckwalla INT, Calif.; to Blythe, Calif., VOR westbound, MEA 7,000; eastbound, MEA 6,000.

Section 610.6067 *VOR civil airway 67* is amended to read in part:

From Cedar Rapids, Iowa, VOR; to *Vinton INT, Iowa; MEA 2,500. *3,200—MRA.
From Vinton INT, Iowa; to Waterloo, Iowa, VOR; MEA 2,500.

Section 610.6068 *VOR civil airway 68* is amended to read in part:

From *Floresville INT, Tex.; to Clareville INT, Tex.; MEA **2,200. *3,000—MRA. **2,000—MOCA.

Section 610.6070 *VOR civil airway 70* is amended to read in part:

From Creole INT, La.; to *Albany INT, La.; MEA 1,400. *1,500—MRA.
From Albany INT, La.; to Hammond INT, La.; MEA 1,400.

Section 610.6072 *VOR civil airway 72* is amended to read in part:

From Vandalia, Ill., VOR; to *Arcola INT, Ind.; MEA **3,000. *3,000—MRA. **2,200—MOCA.
From Arcola INT, Ind.; to State Line INT, Ind.; MEA *3,000. *2,200—MOCA.
From State Line INT, Ind.; to Westpoint, Ind., VOR; MEA 2,000.
From Westpoint, Ind., VOR; to Lafayette, Ind., VOR; MEA 2,000.

Section 610.6072 *VOR civil airway 72* is amended to delete:

From Lafayette, Ind., VOR; to Radnor INT, Ind.; MEA 2,300.
From Radnor INT, Ind.; to Kokomo INT, Ind.; MEA 2,200.

Section 610.6074 *VOR civil airway 74* is amended to delete:

From Ponca City, Okla., VOR via S alter.; to Shell Lake INT, Okla., via S alter.; MEA *3,000. *2,400—MOCA.
From Shell Lake INT, Okla., via S alter.; to Tulsa, Okla., VOR via S alter.; MEA 3,100.
From Tulsa, Okla., VOR via S alter.; to Okmulgee, Okla., VOR via S alter.; MEA 2,700.

Section 610.6074 *VOR civil airway 74* is amended by adding:

From Ponca City, Okla., VOR via S alter.; to *Sapulpa INT, Okla., via S alter.; MEA **3,000. *3,000—MRA. **2,400—MOCA.
From Sapulpa INT, Okla., via S alter.; to Okmulgee, Okla., VOR via S alter.; MEA *3,000. *2,400—MOCA.

Section 610.6075 *VOR civil airway 75* is amended to read in part:

From Wheeling, W. Va., VOR; to Kilgore INT, Ohio; MEA 3,000.
From Kilgore INT, Ohio; to Navarre, Ohio, VOR; MEA 2,500.
From Navarre, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,500.

Section 610.6089 *VOR civil airway 89* is amended to read in part:

From *Hudson INT, Colo., via E alter.; to Gill INT, Colo., via E alter.; MEA 7,500. *9,000—MRA. (Deletes MRA at Gill INT.)

Section 610.6091 *VOR civil airway 91* is amended to delete:

From Albany, N. Y., VOR; to *Keesville INT, N. Y.; MEA 6,000. *4,000—MCA Keesville INT, southbound.
From Keesville INT, N. Y.; to Plattsburg, N. Y., VOR; MEA 3,000.

Section 610.6091 *VOR civil airway 91* is amended by adding:

From Albany, N. Y., VOR; to Benson, Vt., VOR; MEA 4,500.
From Benson, Vt., VOR; to Burlington, Vt., VOR; MEA 4,000.
From Burlington, Vt., VOR; to Plattsburg, N. Y., VOR; MEA 2,000.

Section 610.6092 *VOR civil airway 92* is amended to read in part:

From Millersburg INT, Ind.; to Edgerton INT, Ohio; MEA *3,000. *2,300—MOCA.
From Edgerton INT, Ohio; to Pulaski INT, Ohio; MEA *3,000. *2,100—MOCA.
From Pulaski INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.
From Mansfield, Ohio, VOR; to Navarre, Ohio, VOR; MEA 2,500.
From Navarre, Ohio, VOR; to Kilgore INT, Ohio; MEA 2,500.
From Kilgore INT, Ohio; to Wheeling, W. Va., VOR; MEA 3,000.

Section 610.6094 *VOR civil airway 94* is amended to read in part:

From *Carlsbad, N. Mex., VOR; to **Potash INT, N. Mex.; MEA 5,300. *8,100—MCA Carlsbad VOR, southwestbound. **6,000—MRA.
From Potash INT, N. Mex.; to Hobbs, N. Mex., VOR; MEA 5,300.

Section 610.6096 *VOR civil airway 96* is amended to delete:

From Lafayette, Ind., VOR; to Radnor INT, Ind.; MEA 2,300.
From Radnor INT, Ind.; to Ft. Wayne, Ind., VOR; MEA 2,200.

Section 610.6096 *VOR civil airway 96* is amended by adding:

From Greentown INT, Ind.; to Ft. Wayne, Ind., VOR; MEA 2,200.

Section 610.6097 *VOR civil airway 97* is amended by adding:

From Tampa, Fla., VOR via E alter.; to *Crystal INT, Fla., via E alter.; MEA **1,500. *2,000—MRA. **1,200—MOCA.
From Crystal INT, Fla., via E alter.; to *Shrimp INT, Fla., via E alter.; MEA **1,500, *6,000—MRA. **1,000—MOCA.
From Shrimp INT, Fla., via E alter.; to Scallop INT, Fla., via E alter.; MEA *4,000. *1,000—MOCA.
From Scallop INT, Fla., via E alter.; to Cross City, Fla., VOR via E alter.; MEA *2,000. *1,200—MOCA.
From Cross City, Fla., VOR via E alter.; to Tallahassee, Fla., VOR via E alter.; MEA *1,500. *1,300—MOCA.

Section 610.6097 *VOR civil airway 97* is amended to read in part:

From Shelbyville, Ind., VOR; to Stockwell INT, Ind.; MEA 2,900.
From Stockwell INT, Ind.; to Lafayette, Ind., VOR; MEA 2,300.
From Indianapolis, Ind., VOR via W alter.; to Lebanon INT, Ind., via W alter.; MEA 2,300.
From Lebanon INT, Ind., via W alter.; to Stockwell INT, Ind., via W alter.; MEA 2,900.
From Stockwell INT, Ind., via W alter.; to Lafayette, Ind., VOR via W alter.; MEA 2,300.
From Nodine, Minn., VOR; to *Lake City INT, Minn.; MEA 2,800. *3,000—MRA.
From *Calvery INT, Fla.; to **Camilla INT, Ga.; MEA 2,000. *2,500—MRA. **3,500—MRA.
From Camilla INT, Ga.; to Albany, Ga., VOR; MEA 2,000.
From Knoxville, Tenn., VOR; to Norris INT, Tenn.; MEA 3,000.
From Norris INT, Tenn.; to London, Ky., VOR; MEA 5,000.
From London, Ky., VOR; to Richmond INT, Ky.; MEA 3,500.
From Richmond INT, Ky.; to Lexington, Ky., VOR; MEA 3,000.

Section 610.6103 *VOR civil airway 103* is amended to read in part:

From Elkins, W. Va., VOR; to Clarksburg, W. Va., VOR; MEA 5,000.
From Clarksburg, W. Va., VOR; to Wheeling, W. Va., VOR; MEA 3,000.
From Wheeling, W. Va., VOR; to Kilgore INT, Ohio; MEA 3,000.
From Kilgore INT, Ohio; to Navarre, Ohio, VOR; MEA 2,500.
From Navarre, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,500.

Section 610.6106 *VOR civil airway 106* is amended to read in part:

From *Clara INT, W. Va.; to Clarksburg, W. Va., VOR; MEA 4,000. *4,000—MRA.
From Clarksburg, W. Va., VOR; to Morgantown, W. Va., VOR; MEA 4,000.

Section 610.6107 *VOR civil airway 107* is amended to read in part:

From *Panoche, Calif., VOR; to Mt. Hamilton INT, Calif.; MEA 7,000. *5,500—MCA Panoche VOR, southbound.
From Mt. Hamilton INT, Calif.; to Mt. Day INT, Calif.; southbound, MEA 7,000; northbound, MEA 6,000.
From Mt. Day INT, Calif.; to Mission INT, Calif.; southbound, MEA 7,000; northbound, MEA 5,000.
From Mission INT, Calif.; to *Oakland, Calif., VOR; southbound, MEA 7,000; northbound, MEA 3,500. *2,500—MCA Oakland VOR, southeastbound.

Section 610.6114 *VOR civil airway 114* is amended to read in part:

From Baton Rouge, La., VOR; to *French Settlement INT, La.; MEA 2,000. *2,500—MRA.

From French Settlement INT, La.; to New Orleans, La., VOR; MEA 2,000.

Section 610.6114 *VOR civil airway 114* is amended by adding:

From Alexandria, La., VOR via N alter.; to *Woodville INT, La., via N alter.; MEA **3,000. *5,500—MRA. **1,700—MOCA.

From Woodville INT, La., via N alter.; to *Clinton INT, La., via N alter.; MEA **6,000. **1,300—MOCA.
*6,000—MRA. **1,300—MOCA.

From Clinton INT, La., via N alter.; to Albany INT, La., via N alter.; MEA *2,000. *1,400—MOCA.

From Albany INT, La., via N alter.; to New Orleans, La., VOR via N alter.; MEA 1,400.

Section 610.6119 *VOR civil airway 119* is amended to read in part:

From Imperial, Pa., VOR; to Clarion, Pa., VOR; MEA 3,500.

From Clarion, Pa., VOR; to Fitzgerald, Pa., VOR; MEA 3,500.

Section 610.6123 *VOR civil airway 123* is amended to read in part:

From Baltimore, Md., LFR; to Port Deposit INT, Md.; MEA 3,000.

Section 610.6126 *VOR civil airway 126* is amended to read in part:

From Millersburg INT, Ind.; to Edgerton INT, Ohio; MEA *3,000. *2,300—MOCA.

From Edgerton INT, Ohio; to Pulaski INT, Ohio; MEA *3,000. *2,100—MOCA.

From Pulaski INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.

Section 610.6128 *VOR civil airway 128* is amended to read in part:

From Peotone, Ill., VOR; to Westpoint, Ind., VOR; MEA 2,000.

From Westpoint, Ind., VOR; to Linden INT, Ind.; MEA 2,000.

From Linden INT, Ind.; to Indianapolis, Ind., VOR; MEA 2,100.

Section 610.6135 *VOR civil airway 135* is amended to read in part:

From Needles, Calif., VOR; to Bullhead INT, Nev.; southbound, MEA 6,000; northbound, MEA 8,000.

From Bullhead INT, Nev., to Las Vegas, Nev., VOR; MEA 8,000.

Section 610.6140 *VOR civil airway 140* is amended to read in part:

From Baltimore, Md., VOR; to Port Deposit INT, Md.; MEA 3,000.

Section 610.6141 *VOR civil airway 141* is amended to delete:

From Lebanon, N. H., LF/RBN; to Plattsburg, N. Y., VOR; MEA 6,000.

Section 610.6141 *VOR civil airway 141* is amended by adding:

From Lebanon, N. H., LF/RBN; to Burlington, Vt., VOR; MEA 6,000.

From Burlington, Vt., VOR; to West Bangor INT, N. Y.; MEA 6,000.

From West Bangor INT, N. Y.; to Massena, N. Y., VOR; MEA 2,500.

Section 610.6146 *VOR civil airway 146* is amended to read in part:

From Poughkeepsie, N. Y., VOR; to Bradley INT, Conn.; MEA 3,000.

From Bradley INT, Conn.; to Putnam, Conn., VOR; MEA 2,500.

From Putnam, Conn., VOR; to Providence, R. I., VOR; MEA 2,000.

Section 610.6154 *VOR civil airway 154* is amended to read in part:

From Meridian, Miss., VOR; to *York INT, Ala.; MEA 2,000. *2,500—MRA.

Section 610.6159 *VOR civil airway 159* is amended to read in part:

From *Quitman INT, Ga., via W alter.; to **Cotton INT, Ga., via W alter.; MEA ***3,000. 5,000 — MRA. **3,300 — MRA. ***1,500—MOCA.

From Cotton INT, Ga., via W alter.; to *Hartsfield INT, Ga., via W alter.; MEA **3,000. *2,000—MRA. **1,500—MOCA.

From Hartsfield INT, Ga., via W alter.; to *Sale INT, Ga., via W alter.; MEA 1,700. *3,000—MRA.

From Sale INT, Ga., via W alter.; to Albany, Ga., VOR via W alter.; MEA 1,700.

Section 610.6161 *VOR civil airway 161* is amended to read in part:

From Des Moines, Iowa, VOR; to *Mitchellville INT, Iowa; MEA 2,700. *5,000—MRA.

From Mitchellville INT, Iowa; to Newton, Iowa, VOR; MEA 2,700.

Section 610.6163 *VOR civil airway 163* is amended to read in part:

From Spring Branch INT, Tex.; to *Johnson City INT, Tex.; MEA **3,000. *3,000—MRA. **2,800—MOCA.

From Johnson City INT, Tex.; to *Kingsland INT, Tex.; MEA **5,000. *3,100—MRA. **2,700—MOCA.

Section 610.6165 *VOR civil airway 165* is amended to read in part:

From *Palmdale, Calif., VOR; to White Oaks INT, Calif.; MEA 10,000. *8,000—MCA Palmdale VOR, northwestbound; *9,000—MCA Palmdale VOR, Southbound.

From White Oaks INT, Calif.; to *Whitman INT, Calif.; MEA 9,000. *9,000—MCA Whitman INT, southeastbound.

From Whitman INT, Calif.; to *Bakersfield, Calif., VOR; northwestbound, MEA 6,000; southeastbound, MEA 9,000. *7,000—MCA Bakersfield VOR, southbound.

Section 610.6194 *VOR civil airway 194* is amended to read in part:

From Charlotte, N. C., VOR; to Goldston INT, N. C.; MEA *3,500. *2,000—MOCA.

From Baton Rouge, La., VOR; to *Clinton INT, La.; MEA 1,600. *6,000—MRA.

From Clinton INT, La.; to McComb, Miss., VOR; MEA 1,600.

Section 610.6196 *VOR civil airway 196* is added to read:

From Tupper Lake INT, N. Y.; to Plattsburg, N. Y., VOR; MEA 6,000.

Section 610.6197 *VOR civil airway 197* is amended to read in part:

From Las Vegas, N. Mex., VOR; to *Cucharas INT, Colo.; MEA 12,000. *13,500—MRA.

From Cucharas INT, Colo., to Pueblo, Colo., VOR; northbound, MEA 8,000; southbound, MEA 12,000.

Section 610.6198 *VOR civil airway 198* is amended to read in part:

From San Antonio, Tex., VOR; to *Welmer INT, Tex.; MEA 2,500. *3,000—MRA.

From Welmer INT, Tex.; to Eagle Lake, Tex., VOR; MEA 2,500.

Section 610.6207 *VOR civil airway 207* is amended to read in part:

From *Hudson INT, Colo.; to Gill INT, Colo.; MEA 7,500. *9,000—MRA. (Deletes MRA at Gill INT.)

Section 610.6209 *VOR civil airway 209* is amended to read in part:

From Mobile, Ala., VOR; to *Citronelle INT, Ala.; MEA 1,500. *2,500—MRA.

From Citronelle INT, Ala.; to *York INT, Ala.; MEA **4,700. *2,500—MRA. **1,600—MOCA.

From York INT, Ala.; to Tuscaloosa, Ala., VOR; MEA *2,500. *1,600—MOCA.

Section 610.6210 *VOR civil airway 210* is amended to read in part:

From Alamosa, Colo., VOR via S alter.; to *Walsenburg INT, Colo., via S alter.; MEA 13,000. *13,000—MRA.

From Walsenburg INT, Colo., via S alter.; to *Pueblo, Colo., VOR via S alter.; northeastbound, MEA 8,000; southwestbound, MEA 13,000. *10,000—MCA Pueblo VOR, southwestbound.

Section 610.6220 *VOR civil airway 220* is amended to read in part:

From Imperial, Nebr., VOR; to Lexington INT, Nebr.; MEA *7,000. *4,800—MOCA.

Section 610.6222 *VOR civil airway 222* is amended to read in part:

From *Woodside INT, La.; to **Woodville INT, La.; MEA ***5,500. *4,600—MRA. **5,500—MRA. ***1,800—MOCA.

From Woodville INT, La.; to McComb, Miss., VOR; MEA *5,000. *1,800—MOCA.

Section 610.6240 *VOR civil airway 240* is amended to read:

From New Orleans, La., VOR; to *Harbor INT, Miss.; MEA **2,000. *5,000—MRA. **1,600—MOCA.

From Harbor INT, Miss.; to Dog INT, Ala.; MEA *5,000. *1,100—MOCA.

From Dog INT, Ala.; to Mobile, Ala., VOR; MEA *1,500. *1,400—MOCA.

Section 610.6250 *VOR civil airway 250* is amended to delete:

From Ellwood City, Pa., VOR; to Fitzgerald, Pa., VOR; MEA 3,500.

Section 610.6250 *VOR civil airway 250* is amended by adding:

From Ellwood City, Pa., VOR; to Clarion, Pa., VOR; MEA 3,500.

Section 610.6263 *VOR civil airway 263* is amended to read in part:

From Hugo, Colo., VOR; to Thurman, Colo., VOR; MEA 7,000.

Section 610.6264 *VOR civil airway 264* is amended to read in part:

From *Ontario, Calif., VOR; to Moreno INT, Calif.; westbound, MEA 5,500; eastbound, MEA 13,000. *8,000—MCA Ontario VOR, eastbound.

Section 610.6276 *VOR civil airway 276* is amended by adding:

From Navarre, Ohio, VOR; to Ellwood City, Pa., VOR; MEA 2,600.

Section 610.6278 *VOR civil airway 278* is amended to read in part:

From *Waterloo INT, Ark.; to **Hampton INT, Ark.; MEA ***4,500. *4,000—MRA. **4,500—MRA. ***1,400—MOCA.

Section 610.6283 *VOR civil airway 283* is amended to read:

From *Redmond, Oreg., VOR; to **Molalla INT, Oreg.; MEA 12,500. *10,000—MCA Redmond VOR, northwestbound. **9,500—MCA Molalla INT, southeastbound.

From Molalla INT, Oreg.; to Newberg, Oreg., VOR; MEA 4,000.

Section 610.6292 *VOR civil airway 292* is added to read:

From Hartford, Conn., VOR; to Putnam, Conn., VOR; MEA 2,000.

From Putnam, Conn., VOR; to Framingham INT Mass.; MEA 2,000.

Section 610.6402 *Hawaii VOR civil airway 2* is amended to read in part:

From Seaweed INT, T. H.; to *Coconut INT, T. H.; MEA 4,000. *4,000—MCA Coconut INT, northwestbound.

Section 610.6404 *Hawaii VOR civil airway 4* is amended to read in part:

From *South Port Allen, INT, T. H.; to Hula Girl INT, T. H.; northeastbound, MEA 4,000; southwestbound, MEA 8,000. *8,000—MRA.

Section 610.6406 *Hawaii VOR civil airway 6* is amended to read in part:

From Marlin INT, T. H.; to Hilo, T. H., VOR; MEA 4,000.

Section 610.6409 *Hawaii VOR civil airway 9* is amended to read in part:

From *South Honolulu, INT, T. H.; to Coral INT, T. H.; northbound, MEA 2,000; southbound, MEA 9,000. *9,000—MRA.

Section 610.6412 *Hawaii VOR civil airway 12* is amended to read in part:

From *Swordfish INT, T. H.; to Orchid INT, T. H.; eastbound, MEA 4,000; westbound, MEA 7,000. *7,000—MRA.

Section 610.6427 *VOR civil airway 427* is added to read:

From Newcomerstown, Ohio, VOR; to Navarre, Ohio, VOR; MEA 2,600.

Section 610.6604 *VOR civil airway 1504* is amended to read in part:

From Cleveland, Ohio, VOR; to Navarre, Ohio, VOR; MEA 2,500.

From Navarre, Ohio, VOR; to Kilgore INT, Ohio; MEA 2,500.

From Kilgore INT, Ohio; to Wheeling, W. Va., VOR; MEA 3,000.

Section 610.6610 *VOR civil airway 1510* is amended to read in part:

From Imperial, Nebr., VOR; to Lexington INT, Nebr.; MEA *7,000. *4,800—MOCA.

From Lexington INT, Nebr.; to Grand Island, Nebr., VOR; MEA *7,000. *3,600—MOCA.

From Millersburg INT, Ind., via S alter.; to Edgerton INT, Ohio, via S alter.; MEA *3,000. *2,300—MOCA.

From Edgerton INT, Ohio, via S alter.; to Pulaski INT, Ohio, via S alter.; MEA *3,000. *2,100—MOCA.

From Pulaski INT, Ohio, via S alter.; to Waterville, Ohio, VOR via S alter.; MEA 2,000.

From Youngstown, Ohio, VOR; to Clarion, Pa., VOR; MEA 2,600.

From Clarion, Pa., VOR; to Philipsburg, Pa., VOR; MEA 4,000.

Section 610.6612 *VOR civil airway 1512* is amended to read in part:

From Alamosa, Colo., VOR; to *Cucharas INT, Colo.; MEA 15,000. *13,500—MRA.

From Cucharas INT, Colo.; to Lamar, Colo., VOR; MEA 13,500.

Section 610.6622 *VOR civil airway 1522* is amended to read in part:

From *Ontario, Calif., VOR; to Moreno INT, Calif.; westbound, MEA 5,500; eastbound, MEA 13,000. *8,000—MCA Ontario VOR, eastbound.

Section 610.6629 *VOR civil airway 1529* is amended to read in part:

From Rawlins-Cherokee, Wyo., VOR; to Alcova INT, Wyo.; MEA 12,000.

From Alcova INT, Wyo.; to Casper, Wyo., VOR; MEA 11,000.

From Casper, Wyo., VOR; to Dickinson, N. D., VOR; MEA *15,000. *Continuous navigation signal coverage does not exist over the entire route segment below 19,000 feet.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective September 25, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

AUGUST 29, 1958.

[F. R. Doc. 58-7185; Filed, Sept. 5, 1958; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

INCREASE OF REGISTRATION FEES

By virtue of the authority vested in the Secretary of Agriculture under section 8a of the Commodity Exchange Act, as amended (7 U. S. C., 1952 ed., sec. 12a), § 1.11 of Part 1 of Chapter I, Title 17, Code of Federal Regulations, as amended (17 CFR, 1958 Supp., 1.11), is hereby further amended by striking out "$25" and "$2", appearing therein, and inserting in lieu thereof "$30" and "$5", respectively.

The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER, except that the present fees shall remain in effect with respect to applications for registration as futures commission merchant, or renewal thereof, for the period ending December 31, 1958, and with respect to duplicates of registration certificates for such period.

It is hereby found that it would be impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure with respect to this amendment, or to delay the effective date thereof until 30 days after publication in the FEDERAL REGISTER, for the reasons that: (1) The costs of performing the service are increased over what they were formerly, and the Independent Offices Appropriation Act, 1952, provides that agencies should recover the aggregate cost of registration and licensing "to the full extent possible"; (2) the facts supporting the determinations with respect to the fees necessary to cover increased costs are not available to the trade, but are peculiarly within the knowledge of the Department; and (3) additional time is not required to comply with this amendment. Registration fees are deposited in the Treasury as general receipts and are not available for expenditure by the Department of Agriculture.

Issued this 2d day of September 1958.

(Sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a)

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-7210; Filed, Sept. 5, 1958; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6309]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNNING AFTER DECEMBER 31, 1953

FIGURE TO BE USED FOR 1958 IN DETERMINING RESERVE AND OTHER POLICY LIABILITY DEDUCTION FOR LIFE INSURANCE COMPANIES

By virtue of the authority contained in section 812 (a) of the Internal Revenue Code of 1954 (70 Stat. 45; 26 U. S. C. 812 (a)), it is hereby determined that the figure to be used under section 812 in computing the "reserve and other policy liability deduction" of life insurance companies for the taxable year 1958 shall be 0.7553.

Because the figure announced in this Treasury decision is computed from information contained in the income tax returns of life insurance companies for the year 1957, which are not open to public inspection, the public accordingly cannot effectively participate in the determination of such figure. Therefore, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said Act.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

[SEAL] NELSON P. ROSE,
Acting Secretary of the Treasury.

SEPTEMBER 4, 1958.

[F. R. Doc. 58-7266; Filed, Sept. 5, 1958; 9:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter N—Artificial Islands and Fixed Structures on the Outer Continental Shelf

[CGFR 58-28]

PART 145—FIRE-FIGHTING EQUIPMENT

PORTABLE AND SEMIPORTABLE FIRE EXTINGUISHERS

Notices regarding proposed changes in the navigation and vessel inspection regulations, as well as withdrawal of certain manufacturers' approvals, were published in the FEDERAL REGISTER dated February 12, 1958 (23 F. R. 905-910), and March 1, 1958 (23 F. R. 1268-1270), as Items I through XVIII of an Agenda to be considered by the Merchant Marine Council. Pursuant to these notices the Merchant Marine Council held a public hearing on March 18, 1958, at Washington, D. C.

This document is the eighth of a series covering the regulations and actions considered at this public hearing and annual session of the Merchant Marine Council and contains final actions taken with

respect to that portion of Item VIII respecting portable and semiportable fire extinguishers for artificial islands and fixed structures on the outer Continental Shelf.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. The proposed actions in Item VIII were revised as a result of information received. The regulations in 33 CFR 145.05 (c), as revised, are adopted and set forth in this document. The other actions based on Item VIII are set forth in separate Coast Guard Federal Register documents identified as CGFR 58–29 [1] and 58–30,[2] which are also published in this issue of the FEDERAL REGISTER.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 167–15, dated January 3, 1955 (20 F. R. 840), and 167–17, dated June 29, 1955 (20 F. R. 4976), to promulgate regulations in accordance with the statutes cited with the regulations below, § 145.05 (c) is amended by revising Table 145.05 (c) to read as set forth below, and this amendment shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER:

§ 145.05 *Classification of fire extinguishers.* • • •

(c) • • •

TABLE 145.05 (c)—PORTABLE AND SEMIPORTABLE EXTINGUISHERS

Classification		Soda-acid and water, gallons	Foam, gallons	Carbon dioxide, pounds	Dry chemical, pounds
Type	Size				
A	II	2½	2½		
B	II		2½	15	10
C	II			15	10
B	V		40	100	50

(Sec. 633, 63 Stat. 545; 14 U. S. C. 633. Interprets or applies sec. 4, 67 Stat. 462; 43 U. S. C. 1333)

Dated: August 29, 1958.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 58–7230; Filed, Sept. 5, 1958; 8:53 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 58–29]

RATING: TESTS AND INSPECTIONS OF PORTABLE AND SEMIPORTABLE FIRE EXTINGUISHERS

Notices regarding proposed changes in the navigation and vessel inspection regulations, as well as withdrawal of certain manufacturers' approvals, were published in the FEDERAL REGISTER dated February 12, 1958 (23 F. R. 905–910), and March 1, 1958 (23 F. R. 1268–1270), as Items I through XVIII of an Agenda to be considered by the Merchant Marine Council. Pursuant to these notices the Merchant Marine Council held a public hearing on March 18, 1958, at Washington, D. C.

This document is the ninth of a series covering the regulations and actions considered at this public hearing and annual session of the Merchant Marine Council and contains final actions taken with respect to certain portions of Items VIII and IX dealing with portable and semiportable fire extinguishers. The eighth document, identified as CGFR 58–28, contains final actions with respect to portable and semiportable fire extinguishers for artificial islands and fixed structures on the outer Continental Shelf, which are also based on Item VIII of the Agenda, and is published under "Title 33—Navigation and Navigable Waters" in this FEDERAL REGISTER.[1] With respect to the withdrawal of approvals granted certain manufacturers, a supplementary document, identified as CGFR 58–30, contains the final actions and is published as a "Notice" in this FEDERAL REGISTER with the title "Withdrawal of Approvals of Toxic Vaporizing Liquid Type Fire Extinguishers, Such as Those Containing Carbon Tetrachloride or Chlorobromomethane." [2]

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing were considered and are very much appreciated. The proposals respecting portable and semiportable fire extinguishers were revised because of the information received. Portions of the following items regarding portable and semiportable fire extinguishers considered at the public hearing held March 18, 1958, as revised, are adopted and included in this document:

Item VIII—Portable and Semiportable Fire Extinguishers; Clarification of Ratings and Withdrawal of Certain Approvals of Carbon Tetrachloride Fire Extinguishers (46 CFR 25.30–10, 76.50–5, 95.50–5, 167.45–75).

Item IX—Fire Precautions for Passenger, Tank, Cargo, and Miscellaneous Vessels (46 CFR 71.25–20, 91.25–20, 167.45–70).

The changes in the proposals respecting portable and semiportable fire extinguishers are:

a. All requirements for toxic vaporizing liquid fire extinguishers have been removed from the regulations.

b. New regulations have been added which provide that (1) vaporizing liquid type fire extinguishers presently installed on board boats and vessels may be continued in use so long as in good and serviceable condition until January 1, 1962; and (2) the carriage on board boats and vessels of toxic vaporizing liquid type fire extinguishers, such as those containing carbon tetrachloride or chlorobromomethane, as Coast Guard approved equipment is prohibited after January 1, 1962.

c. Minimum values have been established for dry chemical fire extinguishers of 20-, 30-, and 50-pound capacities for classification Types B–III, B–IV, and B–V, respectively. The values for classification Type A–I fire extinguishers have been removed from the classification tables because such extinguishers are no longer required.

d. The current approvals issued to manufacturers of toxic vaporizing liquid type fire extinguishers, such as those containing carbon techrachloride or chlorobromomethane, are withdrawn effective on the 91st day after the date of publication of Coast Guard Federal Register Document CGFR 58–30 in the FEDERAL REGISTER.

It is felt very desirable to have the requirements for toxic vaporizing liquid type fire extinguishers removed from all the regulations and to prohibit the use of such fire extinguishers as approved equipment on all boats and vessels after January 1, 1962. Therefore, similar amendments will be proposed to the regulations governing tank vessels (Subchapter D) and to small passenger vessels (Subchapter T) and included in a future Public Hearing Agenda of the Merchant Marine Council.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167–14, dated November 26, 1954 (19 F. R. 8026), 167–15, dated January 3, 1955 (20 F. R. 840), 167–20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56–28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments and regulations are prescribed and shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER:

Subchapter C—Uninspected Vessels

PART 25—REQUIREMENTS

SUBPART 25.30—FIRE EXTINGUISHING EQUIPMENT

Section 25.30–10 is amended by revising Table 25.30–10 (c) in paragraph (c) and by adding a new paragraph (e), which read as follows:

§ 25.30–10 *Hand portable fire extinguishers and semiportable fire extinguishing systems.* • • •

(c) • • •

TABLE 25.30–10 (c)

Classification		Foam, gallons	Carbon dioxide, pounds	Dry chemical, pounds
Type	Size			
B	I	1¼	4	2
B	II	2½	15	10
B	III	12	35	20

• • • • • •

(e) Vaporizing-liquid type fire extinguishers, such as those containing carbon techrachloride or chlorobromomethane, shall not be acceptable as equipment required by this subchapter on and after January 1, 1962. Existing

[1] See title 46, chapter I, Federal Register document 58–7231, *infra*.

[2] See Department of the Treasury, United States Coast Guard, in Notices Section, *infra*.

[1] See Federal Register document 58–7230, *supra*.

[2] See Department of the Treasury, United States Coast Guard, Federal Register document 58–7232, in Notices Section, *infra*.

installations shall be permitted to be carried as part of the required equipment so long as such extinguishers are in good condition, but not later than January 1, 1962.

(R. S. 4405, as amended, 4462, as amended, secs. 8, 17, 54 Stat. 165, as amended, 166, as amended; 46 U. S. C. 375, 416, 526g, 526p)

Subchapter H—Passenger Vessels

PART 71—INSPECTION AND CERTIFICATION

SUBPART 71.25—ANNUAL INSPECTION

Section 71.25–20 (a) (1) is amended by revising Table 71.25–20 (a) (1) to read as follows:

§ 71.25–20 *Fire detecting and extinguishing equipment.* (a) • • •

TABLE 71.25–20 (a) (1)

Type unit	Test
Soda acid	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Foam	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Pump tank (water or antifreeze).	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge with clean water or antifreeze.
Cartridge operated (water, antifreeze or loaded stream).	Weigh pressure cartridge and replace if end is punctured or weight is ½ ounce less than stamped on cartridge. Remove liquid. Clean hose and inside of extinguisher thoroughly. Recharge with clean water, solution, or antifreeze. Insert charged cartridge.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear.[1]
Dry chemical (cartridge-operated type).	Weigh pressure cartridge and replace if end is punctured or weight is ½ ounce less than stamped on cartridge. Inspect hose and nozzle to see they are clear. Insert charged cartridge. Be sure dry chemical is free flowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type).	See that pressure gauge is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.

[1] Cylinders shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04–1 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4423, as amended, 4426, as amended, 4428–4430, as amended, 4433, as amended, 4434, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, as amended, 49 Stat. 1935, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 400, 404, 406–408, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 1333, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 74—STABILITY

SUBPART 74.10—STABILITY STANDARDS

Section 74.10–15 (a) (1), respecting application of damaged stability standards, is corrected by changing a reference from "paragraph (k) of this section" to "paragraph (e) of this section."

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 76—FIRE PROTECTION EQUIPMENT

SUBPART 76.50—HAND PORTABLE FIRE EXTINGUISHERS AND SEMIPORTABLE FIRE EXTINGUISHING SYSTEMS, ARRANGEMENTS, AND DETAILS

Section 76.50–5 is amended by revising Table 76.50–5 (c) in paragraph (c) and by adding a new paragraph (e), which read as follows:

§ 76.50–5 *Classification.* • • •

(c) • • •

TABLE 76.50–5 (c)

Classification		Soda-acid and water, gallons	Foam, gallons	Carbon dioxide, pounds	Dry chemical, pounds
Type	Size				
A	II	2½	2½		
B	I		1¼	4	2
B	II		2½	15	10
B	III		12	35	20
B	IV		20	50	30
B	V		40	100	50
C	I			4	2
C	II			15	10

• • • • • •

(e) Vaporizing-liquid type fire extinguishers, such as those containing carbon tetrachloride or chlorobromomethane, shall be removed from all vessels on or before January 1, 1962. Existing installations of such extinguishers may be continued in use if in good and serviceable condition until the removal date.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4470, as amended, 4471, as amended, 4477, as amended, 4479, as amended, 4483, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 367, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 464, 470, 472, 476, 367, 526p, 1333, 463a, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter I—Cargo and Miscellaneous Vessels

PART 91—INSPECTION AND CERTIFICATION

SUBPART 91.25—INSPECTION AND CERTIFICATION

Section 91.25–20 (a) (1) is amended by revising Table 91.25–20 (a) (1) to read as follows:

§ 91.25–20 *Fire extinguishing equipment.* (a) • • •

TABLE 91.25–20 (a) (1)

Type unit	Test
Soda acid	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Foam	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Pump tank (water or antifreeze).	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge with clean water or antifreeze.
Cartridge operated (water, antifreeze or loaded stream)	Weigh pressure cartridge and replace if end is punctured or weight is ½ ounce less than stamped on cartridge. Remove liquid. Clean hose and inside of extinguisher thoroughly. Recharge with clean water, solution, or antifreeze. Insert charged cartridge.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear.[1]
Dry chemical (cartridge-operated type).	Weigh pressure cartridge and replace if end is punctured or weight is ½ ounce less than stamped on cartridge. Inspect hose and nozzle to see they are clear. Insert charged cartridge. Be sure dry chemical is free flowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type).	See that pressure gauge is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.

[1] Cylinders shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04–1 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 400, 404–409, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 95—FIRE PROTECTION EQUIPMENT

SUBPART 95.50—HAND PORTABLE FIRE EXTINGUISHERS AND SEMIPORTABLE FIRE EXTINGUISHING SYSTEMS, ARRANGEMENTS AND DETAILS

Section 95.50–5 is amended by revising Table 95.50–5 (c) in paragraph (c) and by adding a new paragraph (e), which read as follows:

§ 95.50–5 *Classification.* • • •

(c) • • •

TABLE 95.50–5 (c)

Classification		Soda-acid and water, gallons	Foam, gallons	Carbon dioxide, pounds	Dry chemical, pounds
Type	Size				
A	II	2½	2½		
B	I		1¼	4	2
B	II		2½	15	10
B	III		12	35	20
B	IV		20	50	30
B	V		40	100	50
C	I			4	2
C	II			15	10

• • • • • •

(e) Vaporizing-liquid type fire extinguishers, such as those containing carbon tetrachloride or chlorobromomethane, shall be removed from all vessels on or before January 1, 1962. Existing installations of such extinguishers may be continued in use if in good and serviceable condition until the removal date.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, and 4483, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter J—Electrical Engineering

PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

SUBPART 111.70—SPECIAL REQUIREMENTS FOR TANK VESSELS

Section 111.70–5 *Definitions* is amended by correcting in paragraphs (d) and (g) references to other regulations from "§§ 146.25–3 and 146.25–5" to "§§ 146.25–10 and 146.25–15."

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Subchapter R—Nautical Schools

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

SUBPART 167.45—SPECIAL FIRE-FIGHTING AND FIRE PREVENTION REQUIREMENTS

1. Section 167.45–70 (e) is amended to read as follows:

§ 167.45–70 *Portable fire extinguishers, general requirements.* • • •

(e) Every fire extinguisher provided shall be examined at each annual inspection to determine that it is still in good condition. Soda-and-acid and foam fire extinguishers shall be tested by discharging the contents, cleaning thoroughly, and then refilling. Carbon dioxide fire extinguishers shall be checked by weighing to determine contents and if found to be more than 10 percent under required contents of carbon dioxide shall be recharged. Pump tank fire extinguishers shall be tested by pumping and discharging the contents, cleaning thoroughly, and then refilling or recharging. Cartridge-operated type water or antifreeze fire extinguishers shall be checked by examining the extinguishing agents to determine if in still good condition and by weighing the cartridges; if the weight of the cartridge is ½ ounce or more under the weight stamped thereon or if it is punctured, the cartridge shall be rejected and a new one inserted. Stored pressure type extinguishers shall be checked by determining that the pressure gauge is in the operating range, and the full charge of extinguishing agent is in the chamber. The hoses and nozzles of all fire extinguishers shall be inspected to see that they are clear and in good condition.

2. Section 167.45–75 is amended to read as follows:

§ 167.45–75 *Fire extinguishers for emergency powerplants.* In compartments where emergency lighting and wireless units are located, two fire extinguishers approved by the Coast Guard or the Navy, of either carbon dioxide or dry chemical type, shall be permanently located at the most accessible points. In addition, two fire extinguishers of the above types, or foam type, shall be permanently located so as to be readily accessible to the emergency fuel tanks containing gasoline, benzine or naphtha. Carbon tetrachloride type fire extinguishers shall be removed on or before January 1, 1962. Existing installations of such extinguishers may be continued in use if in good and serviceable condition until the removal date.

(R. S. 4405, as amended; 46 U. S. C. 375. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4428–4434, as amended, 4450, as amended, 4488, as amended, 4491, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 1–21, 54 Stat. 163–167, as amended, 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 406–412, 239, 481, 489, 363, 367, 526–526t, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Dated: August 29, 1958.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 58–7231; Filed, Sept. 5, 1958; 8:53 a. m.]

[CGFR 58–31]

Subchapter E—Load Lines

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

Subchapter J—Electrical Engineering

PART 112—EMERGENCY LIGHTING AND POWER SYSTEM

PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

MISCELLANEOUS AMENDMENTS TO CHAPTER

Notices regarding the proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTER dated February 12, 1958 (23 F. R. 905–910), and March 1, 1958 (23 F. R. 1268–1270), as Items I through XVIII of an Agenda to be considered by the Merchant Marine Council. Pursuant to these notices the Merchant Marine Council held a public hearing on March 18, 1958, at Washington, D. C.

This document is the tenth and last of a series covering the regulations and actions considered at this public hearing and annual session of the Merchant Marine Council and contains the final actions taken with respect to miscellaneous changes in lifesaving equipment in Item XIII of the Agenda.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing were considered and are very much appreciated. The proposals were revised on the basis of the comments received. The miscellaneous amendments in Item XIII—Revisions of Specifications Governing Manufacturing of Certain Lifesaving Equipment, as revised, are adopted and set forth in this document. The proposed changes to 46 CFR 160.024–3 (c) and 160.028–3 (c), respecting the construction of the pistol projected parachute red flare distress signals and signal pistols by establishing the depth of penetration of the firing pin, were withdrawn for further study. With respect to requirements for testing lifeboat winches, 46 CFR 160.015–5 (b) (3) was revised to require the test weight shall be stopped by the action of the counterweight alone within a distance of 6 feet rather than 4 feet, while the language in 160.015–5 (b) (7) was clarified with respect to gravity davits. The lot size for the sampling, inspections, and tests of self-igniting water lights (calcium carbide—calcium phosphide type) in 46 CFR 160.012–4 (a) (3) was changed from "500" to "1000" water lights. Regarding the hand orange smoke distress signals, the proposal in 46 CFR 160.037–4 (o), regarding the volume and density of smoke of test specimens was changed from "50 percent transmission for not less than 40 seconds" to "70 percent transmission for not less than 30 seconds."

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167–14, dated November 26, 1954 (19 F. R. 8026), 167–15, dated January 3, 1955 (20 F. R. 840), 167–20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56–28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER:

SUBPART 160.009—BUOYS, LIFE, RING, CORK OR BALSA WOOD, FOR MERCHANT VESSELS AND MOTORBOATS

1. Section 160.009–6 (a) is amended to read as follows:

§ 160.009–6 *Marking.* (a) Each ring life buoy shall be plainly marked in waterproof ink on both the body and the cover with the name and address of the manufacturer, the size of the buoy, and with the official approval number assigned.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 6, 17, 54 Stat. 164, as amended, 166, as amended, 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 481, 489, 367, 526e, 526p, 1333, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART 160.012—LIGHTS, WATER: SELF-IGNITING (CALCIUM CARBIDE—CALCIUM PHOSPHIDE TYPE), FOR MERCHANT VESSELS

2. Section 160.012–4 is amended by revising paragraph (a) and by adding a new paragraph (e), which reads as follows:

§ 160.012–4 *Sampling, inspections, and tests.* (a) *General.* Self-igniting water lights specified by this subpart are not inspected at regularly scheduled factory inspections of production lots, but the Commander of the Coast Guard District may detail a marine inspector at any time to visit any place where such lights are manufactured to check materials and construction methods and to conduct such tests and examinations as may be required to satisfy himself that the lights are being manufactured in compliance with the requirements of this specification and with the manufacturer's plans and specifications approved by the Commandant. The manufacturer shall provide a suitable place and the apparatus necessary for the use of the marine inspector in conducting tests at the place of manufacture. The marine inspector shall be admitted to any place in the factory where work is done on the lights or component materials, and samples of materials entering into construction may be taken by the marine inspector and tests made for compliance with the applicable requirements. The manufacturer shall obtain material affidavits or suitable invoices for all materials entering into the construction of the lights and shall maintain a file of such affidavits or invoices which shows the lot numbers of the lights in which the materials were used. This file shall be made available to the marine inspector upon demand.

(1) *Manufacturer's inspections and tests.* Manufacturers of approved water lights shall maintain quality control of the materials used, manufacturing methods, workmanship, and the finished product so as to meet the requirements of this specification, and shall make full inspections and tests of representative samples from each lot to maintain the quality of the product. From each lot the manufacturer shall test not fewer than one specimen light for susceptibility to explosion, paragraph (d) of this section; and not less than three specimen lights for disengaging load, paragraph (e) of this section, following which test them for burning time, paragraph (b) of this section, and candlepower, paragraph (c) of this section. The records for these tests shall be kept on file by the manufacturer and shall be made available to the Coast Guard marine inspector upon demand.

(2) *Lot size.* A lot shall consist of not more than 1,000 water lights of the same type and model. Lots shall be numbered serially by the manufacturer, and if at any time during the manufacture of a lot, any change or modification in materials or production methods is made, a new lot shall be started.

• • • • •

(e) *Disengaging load.* Hang the specimen light by the top pull ring. Suspend a 35-lb. weight from the bottom pull ring. At one minute intervals add weights to produce the following static loads: 36, 37, 38, 39, 40, 50, 60, 70, 80, 90, 100, 101, 102, 103, 104, 105, 110, 120, etc., pounds. The disengaging load shall be not less than 40 nor more than 100 pounds.

3. Section 160.012–5 is amended by adding a new paragraph (b), which reads as follows:

§ 160.012–5 *Marking.* • • •

(b) The lot number, and the month and year of manufacture, shall be plainly and permanently marked in indelible ink on the cylinder and on the packing carton or box in which the water light is shipped.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 404, 481, 489, 367, 1333, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART 160.015—LIFEBOAT WINCHES FOR FOR MERCHANT VESSELS

4. Section 160.015–1 is amended to read as follows:

§ 160.015–1 *Applicable regulations*—(a) *Regulations.* The following regulations of the issue in effect on the date lifeboat winches are manufactured, form a part of this subpart.

(1) Coast Guard regulations; Electrical Engineering Regulations, CG–259 (46 CFR (Subchapter J) Parts 110 to 113, inclusive of this chapter).

(b) *Copies on file.* A copy of the regulations referred to in this section shall be kept on file by the manufacturer, together with the approved plans, material affidavits, and the certificate of approval.

5. Section 160.015–2 is amended by revising paragraphs (h), (i), and (k), which read as follows:

§ 160.015–2 *General requirements for lifeboat winches.* • • •

(h) Falls shall not lead past any position that may be needed for the operation of the winch, such as hand cranks, pay-out wheels, brake levers, etc.

(i) Where falls lead along a deck they shall be suitably covered and so arranged that the top of the cover does not exceed 12 inches above the deck.

• • • • •

(k) For the purpose of calculations and conducting tests, the working load is the maximum load in pounds applied to the winch for which approval is desired.

6. Section 160.015–3 is amended by revising paragraphs (g) and (m), which read as follows:

§ 160.015–3 *Construction of lifeboat winches.* • • •

(g) In addition to the hand brake, a governor type brake shall be fitted so as to control the speed of lowering of the lifeboat in accordance with § 160.015–5 (b) (4) and (5).

• • • • •

(m) Motors, switches, controls, cables, etc., shall be of the waterproof type if installed on an open deck. Controls may be of the dripproof type if installed in a deck house or under deck. Installations shall be in accordance with Subchapter J (Electrical Engineering) of this chapter (Electrical Engineering Regulations, CG–259).

7. Section 160.015–5 is amended by revising subparagraphs (1) through (7) in paragraph (b), and by revising subparagraph (2) in paragraph (c), which read as follows:

§ 160.015–5 *Inspection and testing of lifeboat winches.* • • •

(b) *Factory test for initial approval.* (1) Lifeboat winches shall be tested for strength and operation at the place of manufacture in the presence of an inspector. The lifeboat winch under test shall be set up similar to the intended shipboard installation. In the case of a lifeboat winch with non-grooved drums, the drums shall be built up or sufficiently filled with wire to simulate the maximum number of wraps for which the winch is to be approved. The tests to be conducted are as noted in subparagraphs (2) to (8) of this paragraph. The limiting values of velocities and the 2 foot braking distance set forth in the following paragraphs of this section are the values to be actually achieved with the specific arrangement of falls contemplated for the shipboard installation. If a different arrangement of falls is used to facilitate testing, due consideration shall be given to the use of limiting velocities, braking distances, and test weights which will be equivalent to the test performed with an arrangement of falls identical to that used for the shipboard installation.

(2) A pull of 2.2 times the working load, equally divided between drums, shall be applied in a direction similar to a shipboard installation. The test weight producing this load shall be dropped through a distance of not less than 15 feet, at which time this weight shall be stopped within a distance of 2 feet by action of the counterweight alone on the hand brake.

(3) A test identical to that noted in subparagraph (2) of this paragraph shall be conducted after the braking surfaces have been thoroughly wetted. The test weight shall be stopped by the action of the counterweight alone within a distance of 6 feet. The test need only be applied to lifeboat winches having external brakes.

(4) With a pull equal to the working load, it shall be determined that the governor brake will limit the speed of lowering of the test weight to a maximum of 120 feet per minute, except that, in the case of winches designed for use with emergency lifeboats aboard passenger vessels, the speed of lowering shall not exceed 160 feet per minute.

(5) With a pull equal to 0.3 times the working load, it shall be determined that the winch will lower the test weight at not less than 40 feet per minute, except that, in the case of winches designed for use with emergency lifeboats aboard passenger vessels, the speed of lowering shall not be less than 60 feet per minute.

(6) With a pull equal to the working load, the test weight shall be lowered and raised a sufficient number of times so that the combined lowering distance is not less than 500 feet. This test is to determine the efficiency of the lifeboat winch for prolonged service.

(7) With a pull equal to 0.5 times the working load, it shall be demonstrated that the lifeboat winch can be hand operated by hoisting the test weight without undue effort. In the case of gravity davits, it shall be demonstrated that this test weight can be carried easily to the stowed position of the lifeboat.

• • • • •

(c) • • •

(2) Each lifeboat winch shall be set up in a manner similar to that described in subparagraph (1) of this section. With a pull equal to 1.1 times the working load, the test weight shall be dropped through a distance of not less than 15 feet, at which time the load shall be stopped by the action of the counterweight alone. This test is to demonstrate the operation of the winch, and if satisfactory, no further test need be required. However, if the inspector is not satisfied with the operation of the winch, a com-

plete test as noted in paragraph (b) of this section may be required.

8. Section 160.015–6 is amended by revising paragraphs (a) and (d), which read as follows:

§ 160.015–6 *Procedure for approval of lifeboat winches.* (a) Before action is taken on any design of lifeboat winch, detail plans covering fully the arrangement and construction of the lifeboat winch, a complete bill of material setting forth the physical properties of the materials used, and strength calculations, shall be submitted to the Commandant through the Commander of the Coast Guard District having jurisdiction over the construction of the lifeboat winch.

• • • • •

(d) Upon receipt of corrected drawings, material affidavits, and satisfactory test report, the Commandant will issue a certificate of approval. No change shall be made in the design or construction without first receiving permission of the Commandant via the Commander of the Coast Guard District in which the lifeboat winch is built.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 481, 489, 396, 367, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART 160.021—SIGNALS, DISTRESS, HAND RED FLARE, FOR MERCHANT VESSELS

9. Section 160.021–4 is amended by revising Table 160.021–4 (b) (2) (i) in paragraph (b), and paragraphs (e) and (m), which read as follows:

§ 160.021–4 *Sampling, inspections, conditioning, and tests.* • • •

(b) *Qualification (type or brand approval) tests.* • • •

(2) *Technical tests.* (i) • • •

TABLE 160.021–4 (b) (2) (i)

Letter identification	Number of specimens	Kind of tests	Paragraph references
a	2	Elevated temperature, humidity, and storage.	160.021–4 (l).
b	2	Spontaneous ignition	160.021–4 (m).
c	2	Chromaticity	160.021–4 (n).

• • • • •

(e) *Ignition and burning characteristics.* Test specimens shall ignite and burn properly when the directions on the signal are followed. Test specimens shall not ignite explosively in a manner that might be dangerous to the user or persons close by. Test specimens shall ignite and burn satisfactorily with uniform intensity. The plug separating the flare composition from the handle shall in no case allow flame or hot gases to pass through it or between it and the casing in such manner as might burn the hand while holding the signal by the handle.

• • • • •

(m) *Spontaneous ignition.* Place the specimen in a thermostatically controlled even-temperature oven held at 75° C. for 48 consecutive hours. Signals shall not ignite or undergo marked decomposition.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART 160.022—SIGNALS, DISTRESS, FLOATING ORANGE SMOKE, FOR MERCHANT VESSELS

10. Section 160.022–3 (d) is amended to read as follows:

§ 160.022–3 *Materials, workmanship, construction, and performance requirements.* • • •

(d) *Performance.* Signals shall meet all the inspection and test requirements contained in § 160.022–4.

11. Section 160.022–4 is amended by revising Table 160.022–4 (b) (2) (i) in paragraph (b), and paragraphs (e), (i), and (m), and by adding a new paragraph (n) (formerly paragraph (m)), which read as follows:

§ 160.022–4 *Sampling, inspections, conditioning, and tests.* • • •

(b) *Qualification (type or brand approval) tests.* • • •

(2) *Technical tests.* • • •

TABLE 160.022–4 (b) (2) (i)

Letter identification	Number of specimens	Kind of tests	Paragraph references
a	2	Elevated temperature, humidity, and storage.	160.022–4 (h).
b	2	Spontaneous ignition	160.022–4 (i).
c	1	Susceptibility to explosion.	160.022–4 (j).
d	1	Corrosion, color, and volume and density.	160.022–4 (k), (l) and (m).
e	1	Color and volume and density.	160.022–4 (l) and (m).

• • • • •

(e) *Ignition and smoke emitting characteristics.* Test specimens shall ignite and emit smoke properly when the directions on the signal are followed. Test specimens shall not ignite explosively in a manner that might be dangerous to the user or persons close by. Test specimens shall emit smoke at a uniform rate while floating in smooth water, and should float in such a manner that the rate of discharge will be constant while the signal is floating in rough water. Signals should be so constructed that moderately heavy seas likely to be encountered at sea will not cause the signal to become inoperative.

• • • • •

(i) *Spontaneous ignition.* Place the specimen in a thermostatically controlled even-temperature oven held at 75° C. for 48 consecutive hours. Signals shall not ignite or undergo marked decomposition.

• • • • •

(m) *Volume and density of smoke.* Test specimens shall show less than 20 percent transmission for not less than 1 minutes when measured with apparatus having a light path of 7½", an optical system aperture of ±3.7 degrees, and an entrance air flow of 650 cubic feet per minute, such apparatus to be as described in National Bureau of Standards Report No. 4792 dated July 1956.

(n) *Lot acceptance or rejection.* When the marine inspector has satisfied himself that the floating orange smoke distress signals in the lot are of a type officially approved in the name of the manufacturer and meet the requirements set forth in this subpart, each of the smallest packing cartons or boxes (usually containing 4 signals) in which the signals are sealed prior to shipment, shall be plainly marked with the words: "Inspected and Passed, (date), (port), Inspector's initials, U. S. C. G." A lot shall be rejected when the average percentage of failure, as computed by the table shown in paragraph (b) (1) of this section exceeds 15 percent. When notice is received by the marine inspector that specimen signals have failed to meet the requirements of the production check tests at a Government laboratory, further production check tests at the place of manufacture shall be discontinued until retests of adjusted samples show correction of the deficiency found. Signals from rejected lots may, when permitted by the marine inspector, be reworked by the manufacturer to correct the deficiency for which they were rejected and be resubmitted for official inspection. Signals from rejected lots may not, unless subsequently accepted, be sold or offered for sale under representation as being in compliance with this specification or as being approved for use on merchant vessels.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART 160.023—SIGNALS, DISTRESS, COMBINATION FLARE AND SMOKE, HAND, FOR MERCHANT VESSELS

12. Section 160.023–1 is amended to read as follows:

§ 160.023–1 *Applicable specifications.* (a) *Specification.* The following specification, of the issue in effect on the date hand combination flare and smoke distress signals are manufactured, forms a part of this subpart:

(1) Military Specification:

MIL–S–18655—Signal, Distress, Day and Night, Mark 13, Mod. 0.

(b) *Copies on file.* A copy of the specification referred to in this section shall be kept on file by the manufacturer, together with the approved plans and certificate of approval. The Military Specification may be obtained from the Commanding Officer, Naval Supply Depot, Scotia 2, N. Y.

13. Section 160.023–2 (a) is amended to read as follows:

§ 160.023–2 *Type.* (a) Hand combination flare and smoke distress signals specified by this subpart shall be of the type described in specification MIL–S–18655.

14. Section 160.023–3 (a) is amended to read as follows:

§ 160.023–3 *Materials, workmanship, construction, and performance requirements.* (a) The materials, construction, workmanship, general and detail requirements shall conform to the requirements of specification MIL–S–18655, except as otherwise specifically provided by this subpart.

15. Section 160.023–4 (a) is amended to read as follows:

§ 160.023–4 *Sampling, inspections, and tests.* (a) Sampling and tests of signals manufactured under this subpart for merchant vessels shall be done by a marine inspector in general accordance with the procedures provided by specification MIL–S–18655, except that the Coast Guard marine inspector shall be the cognizant inspector and the Coast Guard the cognizant agency.

16. Section 160.023–5 (a) is amended to read as follows:

§ 160.023–5 *Labeling and marking—*(a) *Labeling.* A label showing firing instructions in accordance with specification MIL–S–18655, and to include the commercial designation of the signal, the lot number, Coast Guard approval number and month and year of manufacture, shall be applied in a neat, workmanlike manner after the paint has become thoroughly dry. The label shall be attached to the signal and then protected by a transparent moisture impervious coating.

17. Section 160.023–7 (c) is amended to read as follows:

§ 160.023–7 *Procedure for approval.* • • •

(c) *Pre-approval sample.* After the first drawings and specifications have been examined and found to appear satisfactory, the manufacturer will be advised as to any corrections or additions which are necessary. A marine inspector then will be detailed to the factory to observe the production facilities and manufacturing methods and to select at random from not less than 50 signals already manufactured, a sample of not less than 24 specimens which will be forwarded prepaid by the manufacturer to the Commandant for the necessary conditioning and tests in accordance with the requirements for production lots as provided by specification MIL–S–18655 and this specification to determine compliance for qualification for type or brand approval for use on merchant vessels.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198)

SUBPART 160.024—SIGNALS, DISTRESS, PISTOL-PROJECTED PARACHUTE RED FLARE, FOR MERCHANT VESSELS

18. Section 160.024–4 is amended by revising Table 160.024–4 (b) (2) (i) in paragraph (b) and paragraph (k), which read as follows:

§ 160.024–4 *Sampling, inspections, conditioning, and tests.* • • •

(b) *Qualification (type or brand approval) tests.* • • •

(2) *Technical tests.* (i) • • •

TABLE 160.024–4 (b) (2) (i)

Letter identification	Number of specimens	Kind of tests	Paragraph references
a	2	Elevated temperature, humidity and storage.	160.024–4 (j).
b	2	Spontaneous ignition	160.024–4 (k).
c	2	Chromaticity	160.024–4 (l).

• • • • • • •

(k) *Spontaneous ignition.* Place the specimen in a thermostatically controlled even-temperature oven held at 75° C. for 48 consecutive hours. Signals shall not ignite or undergo marked decomposition.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART 160.036—SIGNALS, DISTRESS, HAND-HELD ROCKET-PROPELLED PARACHUTE RED FLARE, FOR MERCHANT VESSELS

19. Section 160.036–4 is amended by revising Table 160.063–4 (b) (2) (i) in paragraph (b), and paragraph (k), which read as follows:

§ 160.036–4 *Sampling, inspections, conditioning, and tests.* • • •

(b) *Qualification (type or brand approval) tests.* • • •

(2) *Technical tests.* (i) • • •

TABLE 160.036–4 (b) (2) (i)

Letter identification	Number of specimens	Kind of tests	Paragraph references
a	2	Elevated temperature, humidity, and storage.	160.036–4 (j).
b	2	Spontaneous ignition	160.036–4 (k).
c	2	Chromaticity	160.036–4 (l).

• • • • • • •

(k) *Spontaneous ignition.* Place the specimen in a thermostatically controlled even-temperature oven held at 75° C. for 48 consecutive hours. Signals shall not ignite or undergo marked decomposition.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART 160.037—SIGNALS, DISTRESS, HAND ORANGE SMOKE, FOR MERCHANT VESSELS

20. Section 160.037–3 (d) is amended to read as follows:

§ 160.037–3 *Materials, workmanship, construction, and performance requirements.* • • •

(d) *Performance.* Signals shall meet all the inspection and test requirements contained in § 160.037–4.

21. Section 160.037–4 is amended by revising Table 160.037–4 (b) (2) (i) in paragraph (b), paragraphs (e), (l), and (o), and by adding a new paragraph (p) (formerly paragraph (o)), which read as follows:

§ 160.037–4 *Sampling, inspections, conditioning, and tests.* • • •

(b) *Qualification (type or brand approval) tests.* • • •

(2) *Technical tests.* (i) • • •

TABLE 160.037–4 (b) (2) (i)

Letter identification	Number of specimens	Kind of tests	Paragraph references
a	2	Elevated temperature, humidity, and storage.	160.037–4 (k).
b	1	Spontaneous ignition	160.037–4 (l).
c	1	Susceptibility to explosion.	160.037–4 (m).
d	2	Color and volume and density.	160.037–4 (n) and (o).

• • • • •

(e) *Ignition and smoke emitting characteristics.* Test specimens shall ignite and emit smoke properly when the directions on the signal are followed. Test specimens shall not ignite explosively in a manner that might be dangerous to the user or persons close by. The plug separating the smoke producing composition from the handle shall in no case allow flame or hot gases to pass through it or between it and the casing in such manner as might burn the hand while holding the signal by the handle.

• • • • •

(l) *Spontaneous ignition.* Place the specimen in a thermostatically controlled even-temperature over held at 75° C. for 48 consecutive hours. Signals shall not ignite or undergo marked decomposition.

• • • • • • •

(o) *Volume and density of smoke.* Test specimens shall show less than 70 percent transmission for not less than 30 seconds when measured with apparatus having a light path of 7½", an optical system aperture of ±3.7 degrees, and an entrance air flow of 650 cubic feet per minute, such apparatus to be as described in National Bureau of Standards Report No. 4792 dated July 1956.

(p) *Lot acceptance or rejection.* When the marine inspector has satisfied himself that the hand orange smoke distress signals in the lot are of a type officially approved in the name of the manufacturer and meet the requirements set forth in this subpart, each of the smallest packing cartons or boxes (usually containing 1 dozen signals) in which the signals are sealed prior to shipment, shall be plainly marked with the words: "Inspected and Passed, (date), (port), Inspector's initials, U. S. C. G." A lot shall be rejected when the average percentage of failure, as computed by the table shown in para-

graph (b) (1) of this section exceeds 15 percent. When notice is received by the marine inspector that specimen signals have failed to meet the requirements of the production check tests at a Government laboratory, further production check tests at the place of manufacture shall be discontinued until retests of adjusted samples show correction of the deficiency found. Signals from rejected lots may, when permitted by the marine inspector, be reworked by the manufacturer to correct the deficiency for which they were rejected and be resubmitted for official inspection. Signals from rejected lots may not, unless subsequently accepted, be sold or offered for sale under representation as being in compliance with this specification or as being approved for use on merchant vessels.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART 160.050—BUOYS, LIFE, RING, UNICELLULAR PLASTIC

22. Section 160.050–6 (a) is amended to read as follows:

§ 160.050–6 *Marking.* (a) A substantial corrosion-resistant name plate shall be permanently attached to one of the straps of each ring buoy on which there appears the name and address of the manufacturer, the size of the buoy, and approval number. Space shall also be provided for the date, the inspector's initials, and the letters, "U. S. C. G." Alternate methods of marking will be given special consideration.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 6, 17, 3, 54 Stat. 164, as amended, 166, as amended, 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 481, 489, 367, 526e, 526p, 1333, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

EDITORIAL CORRECTIONS

1. Coast Guard Document CGFR 58–23 and Federal Register Document 58–4797, published in the FEDERAL REGISTER of June 25, 1958, is corrected in the following respect:

a. In § 160.052–7 (a) (23 F. R. 4630) the phrase "to observe reduction methods" is corrected to read "to observe production methods."

2. The Coast Guard Document CGFR 58–10 and Federal Register Document 58–4845, published in the FEDERAL REGISTER of June 26, 1958, is corrected in the following respects:

a. In Table 112.05–1 (a) in § 112.05–1 (23 F. R. 4682), the third description of the size of vessel and service in column 1 is changed from "other than ocean and coastwise, 100 g. t. and over, but less than 1600 g. t." to read "other than ocean and coastwise, 100 g. t. and over."[1]

b. In § 113.25–10 (c) (1) (ii) (23 F. R. 4684), the phrase "whichever is the high" is changed to "whichever is the higher."

3. The 1952 revision of Part 45 of Title 46 CFR is corrected by changing the following references:

a. In § 46.01–60 (a) the reference "§ 45.20–80" is changed to "§ 45.25–5."

b. In § 45.01–65 (a) the reference "§ 45.20–80" is changed to "§ 45.25–5."

c. In § 45.15–10 (a) the reference "§ 45.15–60" is changed to "§ 45.15–27."

Dated: August 29, 1958.

J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 58–7233; Filed, Sept. 5, 1958; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 949]

[Docket No. AO–232–A7]

MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Travis Room of the St. Anthony Hotel, San Antonio, Texas, beginning at 10:00 a. m., c. s. t., on September 10, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the San Antonio, Texas, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Producers Association of San Antonio:

1. Amend § 949.53 by adding a provision that for Class II milk utilized in the manufacture of Cheddar cheese the price shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin primary markets ("Cheddars" f. o. b. Wisconsin assembling points, cars or truck loads) as reported by the Department for the month involved.

Proposed by the Dairy Division, Agricultural Marketing Service:

2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 1204 North Main Avenue, San Antonio 2, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 3d day of September 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58–7239; Filed, Sept. 5, 1958; 8:55 a. m.]

[1] See also § 112.05–15.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

PUBLIC HEARINGS UNDER THE FEDERAL WATER POLLUTION CONTROL ACT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare, proposes to revise Part 81 of this subchapter as set out below. As so revised, these regulations will be applicable to hearings held under section 8 of the Federal Water Pollution Control Act (70 Stat. 504; 33 U. S. C. 466g). Interested persons may submit written data, views or arguments (in duplicate) in regard to these regulations to the Surgeon General, Public Health Service, Washington 25, D. C. All relevant material received not later than 30 days after the publication of this notice will be considered.

Part 81 will be revised to read as follows:

Sec.
81.1 Applicability.
81.2 Definitions.
81.3 Initiation of proceedings for public hearing; appointment of Board.
81.4 Organization and general procedures of the Board.
81.5 Notice of hearing.
81.6 Service.
81.7 Publication of notice.
81.8 Parties.
81.9 Presentation of evidence by the Surgeon General.
81.10 Hearing procedure.
81.11 Records of proceedings.
81.12 Oral argument.
81.13 Final findings and recommendations.

AUTHORITY: §§ 81.1 to 81.13 issued under sec. 10, 70 Stat. 506; 33 U. G. S. 466i. Interpret or apply sec. 8 (e), 70 Stat. 505; 33 U. S. C. 466g (e).

§ 81.1 *Applicability.* The provisions of this part apply to proceedings under section 8 (e) of the Federal Water Pollution Control Act (70 Stat. 504; 33 U. S. C. 466g (e)).

§ 81.2 *Definitions.* As used in this part:

(a) "Act" means the Federal Water Pollution Control Act, 70 Stat. 498, 33 U. S. C. 466.

(b) "Board" means the board appointed by the Secretary pursuant to section 8 (e) of the act (33 U. S. C. 466g (e)).

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "Pollution" means any pollution declared to be subject to abatement by section 8 (a) of the act (33 U. S. C. 466g (a)).

(e) "Secretary" means the Secretary of Health, Education, and Welfare.

(f) "Surgeon General" means the Surgeon General of the Public Health Service.

(g) The definitions of terms contained in sections 8 and 11 of the act (33 U. S. C. 466g, 466j) shall be applicable to such terms as used in this part unless the context otherwise requires.

§ 81.3 *Initiation of proceedings for public hearing; appointment of Board.* (a) In any case where the Secretary finds that the conditions precedent to the calling of a public hearing under the act exist, he will call such a hearing, and may either fix the time and place thereof, or authorize the Surgeon General to do so.

(b) Prior to the hearing, the Secretary will appoint a hearing board of five or more persons, as provided in the act, and will designate one of the members as chairman. A majority of the Board shall be persons other than officers or employees of the Department. The Secretary may revoke appointment to the Board in the event of disability of a member, and may fill any vacancy in the membership of the Board, or in the office of chairman.

§ 81.4 *Organization and general procedures of the Board.* (a) The chairman shall convene the Board for hearing sessions and for such other meetings as may be necessary.

(b) The chairman shall preside at all hearing sessions and meetings of the Board. In case of the absence or incapacity of the chairman, the Board may elect from its members an acting chairman to preside and perform the duties of the chairman.

(c) The hearing shall be conducted in an informal but orderly manner in accordance with this part. A quorum of the Board for the purpose of the hearing shall consist of not less than five members. Questions of procedure during a hearing shall be determined by the chairman. Rulings of the chairman may be appealed to the Board.

(d) The Board shall have the power to rule upon offers of proof and the admissibility of evidence, to receive relevant evidence, to examine witnesses, to regulate the course of the hearing, to change the time and place of the hearing or any of its sessions upon reasonable notice to the parties, and to hold conferences for the settlement or simplification of issues.

(e) The Surgeon General shall provide for the Board such clerical and technical assistance as may be necessary.

(f) The Board shall designate an executive secretary, from personnel provided by the Surgeon General, who shall maintain and have custody of all official records and other documents pertaining to the functions of the Board, and shall perform such other duties related to its functions as the Board may prescribe.

(g) The Board may authorize the chairman and the executive secretary on its behalf to execute, issue or serve such notices, reports, communications, and other documents relating to the functions of the Board as it may deem proper.

§ 81.5 *Notice of hearing.* (a) The Surgeon General shall issue and serve notice of hearing as herein provided and, if the time and place of the hearing have not been fixed by the Secretary, shall fix such time and place.

(b) The notice of hearing shall identify the person or persons discharging any matter causing or contributing to the pollution, and briefly describe the nature of the discharge or discharges and the interstate waters affected thereby. The notice shall include the names of the persons constituting the Board before whom the hearing will be held upon a day and at a time and place specified not earlier than three (3) weeks after the service of the notice.

(c) Notice of hearing shall be served on the following:

(1) Each person named in the notice as discharging any matter causing or contributing to pollution and the water pollution control agency or interstate agency, to whom formal notification of such pollution has previously been given in accordance with the Act.

(2) The water pollution control agency or the interstate agency of the State or States, other than that in which the discharge originates, claiming to be adversely affected by such pollution.

§ 81.6 *Service.* Notice of hearing, findings, conclusions and recommendations of the Board, and any other documents relating to the functions of the Board, may be served by mailing a copy thereof addressed to each person or agency to be served at their respective residences, offices or places of business as ascertained by the Surgeon General or the Board, as the case may be.

§ 81.7 *Publication of notice.* Notice of the public hearing shall be published in the FEDERAL REGISTER at least three (3) weeks prior to the hearing.

§ 81.8 *Parties.* (a) The parties to a hearing shall include the persons and agencies specified in § 81.5 (c).

(b) The Surgeon General shall have all the rights of a party to the hearing.

(c) Upon application and good cause shown, the Board may permit any interested person or agency to appear before it and be admitted as a party to such extent and upon such terms as the Board shall determine proper.

(d) Any party may appear in person or by counsel.

(e) The failure of any party to file an appearance or appear at the hearing in response to the notice of hearing shall not delay the hearing and the Board may proceed, hear and receive evidence and take other appropriate action affecting such party.

§ 81.9 *Presentation of evidence by the Surgeon General.* The Surgeon General shall arrange for the presentation of evidence concerning the pollution, the person or persons discharging any matter causing or contributing to the pollution and remedial measures, if any, recommended by him.

§ 81.10 *Hearing procedure.* (a) Each witness shall, before testifying, be sworn or make affirmation.

(b) When necessary, in order to prevent undue prolongation of the hearing, the Board may limit the number of times any witness may testify, the repetitious examination or cross-examination of witnesses or the amount of corroborative or cumulative testimony.

(c) The Board shall exclude irrelevant, immaterial or unduly repetitious evidence.

(d) Every party shall have the right to present evidence and cross-examine witnesses.

§ 81.11 *Record of proceedings.* (a) Testimony given and other proceedings had at a hearing shall be reported verbatim. A transcript of such report shall be a part of the record and the sole official transcript of the proceedings.

(b) All written statements, charts, tabulations and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Board of their authenticity, relevancy and materiality, be received in evidence and shall constitute a part of the record.

(c) Where the testimony of a witness refers to a statute, or a report or document, the Board shall, after satisfying itself of the identification of such statute, report or document, determine whether the same shall be produced at the hearing and physically be made a part of the record or shall be incorporated in the record by reference.

(d) The Board may take official notice of statutes of the United States or of any State and of duly promulgated regulations of any Federal agency.

(e) The Board may take official notice of a material fact not appearing in the evidence in the record, but any party, prior to the conclusion of the hearing, shall be afforded an opportunity to show the contrary.

§ 81.12 *Oral argument.* Oral argument may be permitted in the discretion of the Board, and shall be reported as part of the record unless otherwise ordered by the Board.

§ 81.13 *Final findings and recommendations.* (a) The Board shall make its final findings, conclusions and recommendations, if any, based on the evidence presented at the hearing, and submit the same to the Secretary.

(b) Upon submission of such findings, conclusions and recommendations, the Board shall be terminated and all records pertaining to its functions transferred to the custody of the Surgeon General.

(c) A copy of the findings, conclusions, and recommendations, if any, of the Board shall be served on all parties to the hearing by the Secretary.

Dated: August 19, 1958.

[SEAL] JOHN D. PORTERFIELD,
Acting Surgeon General.

Approved: August 29, 1958.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 58-7192; Filed, Sept. 5, 1958; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 58-30]

WITHDRAWAL OF APPROVALS OF TOXIC VAPORIZING LIQUID TYPE FIRE EXTINGUISHERS, SUCH AS THOSE CONTAINING CARBON TETRACHLORIDE OR CHLOROBROMOMETHANE

A notice of proposed withdrawal of approvals of toxic vaporizing liquid type fire extinguishers, such as those containing carbon tetrachloride or chlorobromomethane, was published in the FEDERAL REGISTER of February 12, 1958 (23 F. R. 908), in conjunction with a notice of proposed rule making to revise the classification ratings for various types of portable and semiportable fire extinguishers. In accordance with this notice the Merchant Marine Council held a public hearing at Washington, D. C., on March 18, 1958. The changes in the regulations are further described in documents identified as CGFR 58-28[1] and 58-29,[2] which are published as "Rules and Regulations" in this FEDERAL REGISTER.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167-14, dated November 26, 1954 (19 F. R. 8026), 167-15, dated January 3, 1955 (20 F. R. 840), 167-20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to prescribe requirements with respect to fire protection equipment in accordance with the statutes cited with the regulations in 46 CFR Parts 25, 76, 95, and 167:

It is ordered, That all approvals for toxic vaporizing liquid type fire extinguishers, such as those containing carbon tetrachloride or chlorobromomethane, are withdrawn, effective on the 91st day after the date of publication of this document in the FEDERAL REGISTER: *Provided*, That any such vaporizing liquid type fire extinguishers manufactured prior to this date and in service may be continued in service so long as in good and serviceable condition until January 1, 1962.

Dated: August 29, 1958.

[SEAL] J. A. HIRSHFIELD,
Real Admiral, U. S. Coast Guard, Acting Commandant.

[F. R. Doc. 58-7232; Filed, Sept. 5, 1958; 8:53 a. m.]

[1] See Title 33, Chapter I, Part 145, *supra*.
[2] See Title 46, Chapter I, *supra*.

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

MISCELLANEOUS AMENDMENTS

Corrected Reprint

In Federal Register Document 58-7190, appearing on page 6799 in the issue for Thursday, September 4, 1958, the first amendatory paragraph, now designated "a", should be designated "1", and the first line of 821.7 should read "a. An independent officer appointed by". As corrected, the entire document is reprinted as follows:

Federal Register Document 58-4353, appearing on pages 4010 to 4018, inclusive, of the issue for June 7, 1958, as amended (23 F. R. 5278-5281), is further amended as follows:

1. Amend section 821.7, Judicial Officer, to read as follows:

821.7—JUDICIAL OFFICER

a. An independent officer appointed by the Postmaster General, who acts for the Postmaster General in the performance of quasi-judicial functions having delegated authority from the Postmaster General to—

(1) Execute final departmental decisions and orders in administrative proceedings arising from alleged violation of postal laws and disputes over second-class permits conducted in accordance with the rules of practice and procedures of the Department; and modify, suspend, or rescind any action heretofore taken or hereafter taken pursuant to a delegation of authority.

(2) Preside at the reception of evidence in proceedings where expedited hearings are requested by either party or provided in Rules of Practice.

(3) Revise or amend the Post Office Department Rules of Practice for administrative hearings.

b. Decisions and orders of the Judicial Officer made under the delegated authority are the final departmental action from which there is no further administrative remedy or appeal. The Judicial Officer does not supervise or exercise control over any officer, employee or organization in the Post Office Department except as provided in 821.7 (c). He is responsible only to the Postmaster General and the Deputy Postmaster General. The Office of the General Counsel and the Bureau of the Chief Postal Inspector do not participate in or advise as to the decisions of the Judicial Officer in any proceeding. The Judicial Officer may refer any proceeding to either the Postmaster General or the Deputy Postmaster General for final decision.

c. Exercises administrative supervision over the Division of Hearing Examiners and the Docket Clerk but does not direct or participate in the Initial Decision of the Hearing Examiner in any proceeding.

2. Amend section 821.8, Division of Hearing Examiners, to read as follows:

821.8—DIVISION OF HEARING EXAMINERS

a. Hearing examiners are appointed and qualified in the manner prescribed by law (5 U. S. C. 1010). They preside at administrative hearings in cases involving alleged violations of postal laws or conflicts arising over second-class mail permits.

b. Examiners prepare initial decisions in those cases which become final departmental decisions, unless an appeal is taken to the Judicial Officer.

c. The Division of Hearing Examiners and the Docket Clerk are under the jurisdiction of the Judicial Officer for administrative supervision in the same manner as are Hearing Examiners assigned to independent regulatory commissions.

3. Amend paragraph a of section 822.2, General Counsel, to read as follows:

a. Serves as legal adviser to the Postmaster General, the Deputy Postmaster General, and the entire Postal Establishment with respect to legal interpretations and opinions; drafting or approving legal documents; and conduct of administrative hearings before regulatory agencies of the Federal Government and court proceedings on behalf of the Department. He does not advise or consult with the Judicial Officer or the Hearing Examiners with respect to their performance of the duties and functions assigned to them under sections 821.7 and 821.8 except in the disposition of ex parte matters as authorized by law, nor does he participate in the decisions of the Judicial Officer or Hearing Examiners.

(R. S. 161, as amended, 396, as amended; sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 1339-15, 369)

LEO G. KNOLL,
Acting General Counsel.

The foregoing amendments to the Department's Organization are hereby adopted.

[SEAL] E. O. SESSIONS,
Acting Postmaster General.

[F. R. Doc. 58-7190; Filed, Sept. 3, 1958; 9:32 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

LATINA SHIPPING CO., LTD. AND SEAPORT SHIPPING CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to § 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8292 between Latina Shipping Company, Ltd., New York, and Seaport Shipping Co. (Portland), Portland, Oregon, provides that Seaport will perform specified freight forwarding services for Latina in connection with the latter's shipments moving through Portland, Oregon; Latina is to compensate Seaport by payment of a service fee.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 3, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-7218; Filed, Sept. 5, 1958; 8:51 a. m.]

GRACE LINE, INC.

NOTICE OF APPLICATION AND HEARING

Notice is hereby given that Grace Line, Inc. has filed application for the privilege of carrying cargo and passengers southbound from United States Atlantic ports to Jamaica on its passenger ships ss "Santa Rosa" and ss "Santa Paula" and its C-2 type combination passenger-cargo ships operating on Trade Route No. 4.

A public hearing will be held under section 605 (c) of the Merchant Marine Act, 1936, as amended, upon the aforementioned application, should any person, firm, or corporation having a material interest in said application file with the Secretary, Federal Maritime Board, by close of business on September 22, 1958, any protest, in writing, in triplicate, with a full and complete statement of the reasons for his objections, and request (also in writing, in triplicate) for hearing under section 605 (c).

The purpose of the hearing, should one be held, will be to receive evidence relevant to the following: (1) Whether the application with respect to the operations hereinabove described is one with respect to a vessel or vessels to be operated on a service, route, or line, served by citizens of the United States which would be in addition to the existing service or services, and, if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and in the accomplishment of the purposes and policy of the Act, additional vessels should be operated thereon; (2) whether the application covering the aforesaid operation is one with respect to a vessel operated or to be operated in a service, route, or line served by two or more citizens of the United States with vessels of United States registry, and if so, whether the effect of such an agreement would be to give undue advantage or to be unduly prejudicial as between citizens of the United States in the operation of vessels in competitive services, routes, or lines; and (3) whether it is necessary to enter into an agreement covering these operations in order to provide adequate service by vessels of United States registry.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Federal Maritime Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Federal Maritime Board will take such action as may be deemed appropriate.

Dated: September 4, 1958.

By Order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-7287; Filed, Sept. 5, 1958; 9:42 a. m.]

Maritime Administration

TRADE ROUTE NO. 13; U. S. SOUTH ATLANTIC AND GULF/MEDITERRANEAN AND BLACK SEA

NOTICE OF ADOPTION OF CONCLUSIONS AND DETERMINATIONS REGARDING ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS

Notice is hereby given that the Maritime Administrator has adopted as final his tentative conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 13 as published in the FEDERAL REGISTER issue of August 9, 1958 (23 F. R. 6148).

Dated: September 3, 1958.

By order of the Maritime Administrator.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-7217; Filed, Sept. 5, 1958; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

EMPIRE STEEL CASTINGS, INC.

BYPRODUCT MATERIAL LICENSE

Upon the basis of a preliminary investigation it appears that Empire Steel Castings, Inc. (hereinafter referred to as the "licensee") is the holder of License No. 37-2448-1 issued by the Atomic Energy Commission under its regulations in 10 CFR, Part 30 "Licensing of Byproduct Material;" and that said license authorizes the possession and use of two sealed sources containing 200 millicuries and 500 millicuries each of Cobalt-60; that the licensee is also in possession of a one curie source of Cobalt-60; and that the licensee's possession and use of such one curie source of Cobalt-60 are without license authority from the United States Atomic Energy Commission, and are, therefore, in violation of the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission issued thereunder. Pursuant to said Act and regulations, the possession and use of byproduct material as defined therein are unlawful, except as authorized by a Commission license.

It further appears that subsequent to acquisition of the one curie of Cobalt-60 the licensee has submitted an application for amendment to its license requesting authorization to possess and use the said source; that the licensee's operating procedures, instrumentation, personnel monitoring equipment and facilities may be inadequate to protect health and minimize danger to life or property with respect to the licensee's intended use of the said source.

In view of the foregoing, it appears that the public health, interest and safety require the omission of a notice of violation in accordance with § 2.201 (b) of the Commission's rules of practice (10 CFR Part 2); and that the following order be effective immediately.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Parts 2, 20 and 30, 10 CFR: *It is ordered*, That,

1. The licensee shall cease and desist from further use of the one curie source of Cobalt-60, the possession and use of which by the licensee has not been duly authorized by the Commission pursuant to the regulations in 10 CFR Part 30;

2. The licensee shall place the one curie source of Cobalt-60 in its possession in storage pending:

(a) Transfer of said source by the licensee to a recipient duly authorized by the Atomic Energy Commission to receive such source, after prior approval of the Atomic Energy Commission has been received by the licensee with respect to the method of transfer; or

(b) Issuance of a license by the Atomic Energy Commission to the licensee authorizing it to possess and use such source.

3. The licensee shall store the one curie source of Cobalt-60 in its possession in such manner that the storage of the source shall not cause any individual to receive a dose, or be exposed to radiation levels or airborne concentrations of radioactive material in excess of that permitted under the Atomic Energy Commission's regulations "Standards for Protection Against Radiation," 10 CFR Part 20, and the storage areas and containers shall be posted and labeled in accordance with the provisions of §20.203 of said regulation.

The licensee may request a formal hearing with respect to this order, or any part thereof, by filing a written request for hearing with the office of the Secretary, United States Atomic Energy Commission, Washington 25, D. C., within 15 days after the date of this order. Filing of a written request for hearing may also be accomplished in person either in the Commission's Public Document Room, 1717 H Street NW., Washington, D. C., or the office of the Secretary in Germantown, Maryland.

Signed and dated at Germantown, Maryland, this 29th day of August 1958.

For the Atomic Energy Commission.

EBER PRICE,
Acting Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-7191; Filed, Sept. 5, 1958; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-16114]

WARREN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 29, 1958.

Warren Petroleum Corporation (Warren) on July 31, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 29, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 7 to Warren's FPC Gas Rate Schedule No. 22.

Effective date: September 1, 1958 (effective date is that proposed by Warren).

In support of the proposed favored-nation rate increase Warren submitted a copy of a letter from El Paso, dated July 11, 1958, in which El Paso states that as of June 1, 1958,[1] it would begin to pay higher prices to Phillips Petroleum Company for gas produced within the "favored-nation" area as set forth in the contract comprising Warren's FPC Gas Rate Schedule No. 22. In further support, Warren states the gas sales contract resulted from arm's-length bargaining and was entered into in good faith to provide for and reflect the market price of gas to be delivered in future years.

In addition to the support as stated, Warren also has submitted "for information purposes a cost of service study" which it considers "irrelevant and unnecessary to support the increase in price."

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or perferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Warren's FPC Gas Rate Schedule No. 22 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Warren's FPC Gas Rate Schedule No. 22.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7193; Filed, Sept. 5, 1958; 8:45 a. m.]

[1] Date Phillips' suspended rate became effective subject to refund at Docket No. G-14115.

[Docket No. G-16125]

ARKANSAS LOUISIANA GAS CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 29, 1958.

Arkansas Louisiana Gas Company (Respondent), on July 30, 1958, tendered for filing Supplement No. 3 to its FPC Gas Rate Schedule XFS-1 and revised tariff sheets[1] to two other rate schedules by which Respondent proposes to increase its rate for sale of gas in the amount of $28,358 annually to three purchasers[2] supplied with gas produced or gathered by Respondent in the State of Louisiana. August 1, 1958 is the requested effective date.

The clause in the contracts between Respondent and the buyers provide generally that the buyer will reimburse Respondent for 66⅔ percent (in the case of Rate Schedules XFS-1 and XFS-2) and 50 percent (in the case of Rate Schedule XFS-4) of any additional taxes over those presently paid by Respondent.

The increased rates and charges so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until August 2, 1958, and thereafter to permit them to become effective as of that date: *Provided*, That within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated revised tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rates be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated tenders.

(B) Pending such hearing and decision thereof, said Supplement No. 3 to Respondent's FPC Gas Rate Schedule XFS-1, First Revised Sheet No. 68 to Respondent's FPC Gas Rate Schedule XFS-3 and Second Revised Sheet No. 81 to Respondent's FPC Gas Rate Schedule XFS-4, are each hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rates, charges, and classifications set forth in the above-designated filings shall be effective as of August 2, 1958: *Provided, however*, That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the revised tariff sheets involved, as follows:

Agreement and Undertaking of Arkansas Louisiana Gas Company To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ----------, in Docket No. G-16125, Arkansas Louisiana Gas Company hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused the agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ------ day of ----------

Arkansas Louisiana Gas Company

By ----------

Attest:

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) The aforementioned sheets hereby suspended shall not be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7194; Filed, Sept. 5, 1958; 8:45 a. m.]

[1] First Revised Sheet No. 68 (relating to Rate Schedule XFS-3) and Second Revised Sheet No. 81 (relating to Rate Schedule XFS-4) were tendered on August 19, 1958 in substitution for supplements to these rate schedules which were submitted on July 30, 1958.

[2] Mississippi River Fuel Corporation (Rate Schedule XFS-1); Southwest Gas Producing Company, Inc. (Rate Schedule XFS-3) and United Gas Pipe Line Company (Rate Schedule XFS-4).

[Docket No. G-16116]

HAROLD L. WOODS ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 29, 1958.

Harold L. Woods et al. (Respondent), on July 31, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Southwest Gas Producing Company, Inc.

Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until August 2, 1958, and thereafter to permit it to become effective as of that date: *Provided*, That within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 2, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of August 2, 1958: *Provided, however*, That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement

and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of Harold L. Woods, et al. to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____, in Docket No. G-16116, Harold L. Woods et al., on this _____ day of _____ hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and for this purpose has executed this agreement and undertaking

_____
By _____

Attest:

_____
(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7195; Filed, Sept. 5, 1958; 8:46 a. m.]

[Docket No. G-16122]

T. J. AHERN ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 29, 1958.

T. J. Ahern et al. (Ahern) on August 1, 1958, tendered for filing a proposed change in his presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 29, 1958.

Purchaser: Texas Illinois Natural Gas Pipeline Company.

Rate schedule designation: Supplement No. 6 to Ahern's FPC Gas Rate Schedule No. 2.

Effective date: September 1, 1958 (effective date is the effective date proposed by Ahern).

In support of the proposed redetermined rate increase, Ahern submits a copy of a letter from Texas Illinois Natural Gas Pipeline Company informing him that the price has been redetermined to be a base price of 16.99 cents per Mcf plus tax reimbursement. Ahern has signed the letter in agreement.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Ahern's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Ahern's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7196; Filed, Sept. 5, 1958; 8:46 a. m.]

[Docket No. G-16113]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 29, 1958.

Phillips Petroleum Company (Phillips), on July 30, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing:

Description: Notice of Change, dated July 29, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 21 to its FPC Gas Rate Schedule No. 11.

Effective date: September 26, 1958 (effective date is the effective date proposed by Phillips).

In support of the proposed rate increase, Phillips states that the proposed price is not unjust nor unreasonable, that the new rate will do no more than reduce the deficiency in Phillips' jurisdictional revenues, that many producers in the area are receiving prices greatly in excess of those proposed, and that the indicated price of the subject gas as shown by Exhibit No. 324 in Docket No. G-16116, et al. is 20.2 cents per Mcf.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 21 to Phillips' FPC Gas Rate Schedule No. 11 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 21 to Phillips' FPC Gas Rate Schedule No. 11.

(B) Pending such hearing and decision thereon, said supplement be and is hereby suspended and the use thereof deferred until February 26, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7197; Filed, Sept. 5, 1958; 8:46 a. m.]

[1] Present rate previously suspended and in effect subject to refund in Docket No. G-11125.

[1] A previous increase was suspended in Docket No. G-13099 until February 1, 1958, but motion to place the suspended rate into effect subject to refund was never filed by Ahern.

[Docket No. G-16121]

SOUTHWEST NATURAL PRODUCTION CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 29, 1958.

Southwest Natural Production Company (Southwest) on July 31, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 30, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 4 to Southwest's FPC Gas Rate Schedule No. 8.

Effective date: September 4, 1958 (effective date is the date on which Supplement No. 3 to Southwest's FPC Gas Rate Schedule was accepted for filing and permitted to become effective).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Southwest's FPC Gas Rate Schedule No. 8 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Southwest's FPC Gas Rate Schedule No. 8.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 5, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7198; Filed, Sept. 5, 1958; 8:46 a. m.]

[Docket No. G-16070]

F. A. CALLERY, INC., ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 29, 1958.

F. A. Callery, Inc., et al. (Respondent), on July 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, Dated July 29, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 13. Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 13.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

Respondent on October 2, 1957, tendered a Notice of Change which reflected a 4 mil periodic increase from 17.80¢ per Mcf to 18.20¢ and said Notice of Change was designated Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 13. By order issued November 1, 1957, at Docket No. G-13616, we suspended said supplement and deferred its use "until April 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act." As of the date of this order, said Supplement No. 1 has not been made effective subject to refund.

The instant Notice of Change which is designated herein as Supplement No. 2 to Callery's FPC Gas Rate Schedule No. 13 proposes to increase the level of rate from 17.80¢ per Mcf, the presently effective price, to 18.55¢, a price reflecting the Louisiana tax increase. The instant Notice of Change which is designated herein as Supplement No. 3 to Callery's FPC Gas Rate Schedule No. 13, on the other hand proposes to increase the level of rate from 18.20¢ per Mcf, the increased rate not as yet made effective subject to refund, to 18.95¢, an amount also reflecting the Louisiana tax increase.

The increased rates and charges proposed in Supplement Nos. 2 and 3 are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable (1) to suspend Supplement No. 2 until August 2, 1958, and thereafter to permit it to become effective as of that date; provided, that within 20 days from the date of this order Respondent shall file with the Secretary of this Commission an appropriate undertaking to assure such refund as may be ordered and (2) to suspend Supplement No. 3 until the date on which Supplement No. 1 is made effective in the manner prescribed by the Natural Gas Act.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rates be made effective as hereinafter provided, and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 2 and 3 to Respondent's FPC Gas Rate Schedule No. 13.

(B) Pending such hearing and decision thereon, Supplement No. 2 is hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in said Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 13 shall be effective as of August 2, 1958: *Provided, however,* That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (F) below.

(D) Pending such hearing and decision thereon, Supplement No. 3 is hereby suspended and the use thereof deferred until the date on which Supplement No. 1 is made effective in the manner prescribed by the Natural Gas Act.

(E) Respondent shall refund at such times and in such amounts to the per-

sons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(F) As a condition of this order, as such applies to aforesaid Supplement No. 2, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (E) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of F. A. Callery, Inc., et al. to Comply with the Terms and Conditions of Paragraph (E) of Federal Power Commission's Order Making Effective Proposed Rate Charges

In conformity with the requirements of the order issued _____, in Docket No. G-16070, F. A. Callery, Inc., et al., hereby agrees and undertakes to comply with the terms and conditions of paragraph (E) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

_____

By _____

Attest:

_____

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(G) If Respondent shall, in conformity with the terms and conditions of paragraph (E) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise it shall remain in full force and effect.

(H) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(I) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7199; Filed, Sept. 5, 1958; 8:47 a. m.]

[Project No. 1971]

IDAHO POWER CO.

NOTICE OF LAND WITHDRAWAL; OREGON

SEPTEMBER 2, 1958.

In accordance with Article 45 of the license, issued August 8, 1955, for this Project, the Idaho Power Company (Licensee) on May 9, 1958, filed exhibits for the inclusion, in its transmission system, of the Oxbow-Pallette Junction 230 kv transmission line.

Therefore, in accordance with the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands, insofar as title thereto remains in the United States, are from May 9, 1958, the date of filing of exhibits, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

All portions of the following described subdivisions lying within 75 feet of the center line survey of the transmission line right-of-way location from the Oxbow powerhouse to Pallette Junction, as delimited on map Exhibit J and K, consolidated (F. P. C. No. 1971-65), entitled "Oxbow-Palette Junction-Hells Canyon 230 kv Transmission Line" and filed in the Commission May 9, 1958.

WILLAMETTE MERIDIAN

T. 4 S., R. 48 E.,
Sec. 8: SW¼SW¼;
Sec. 18: Lot 11;
Sec. 19: Lot 1;
Sec. 30: NE¼SW¼;
Sec. 31: SE¼SW¼.
T. 5 S., R. 48 E.,
Sec. 5: Lot 3, SE¼NW¼, N½SW¼, SE¼SW¼;
Sec. 8: SW¼NE¼, E½NW¼, W½SE¼;
Sec. 16: SW¼SW¼;
Sec. 17: E½E½, NW¼NE¼;
Sec. 21: W½NW¼, N½SW¼, SE¼SW¼;
Sec. 28: SW¼NE¼, E½NW¼, NW¼SE¼, S½SE¼;
Sec. 33: N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 34: N½SW¼, SE¼SW¼, SW¼SE¼, SW¼NW¼.
T. 6 S., R. 48 E.,
Sec. 2: Lot 7, W½SW¼;
Sec. 3: NE¼SE¼;
Sec. 11: Lot 6, SE¼NW¼, SW¼SW¼;
Sec. 14: Lot 1;
Sec. 15: Lot 2, SW¼SW¼;
Sec. 21: Lots 1 and 5;
Sec. 22: Lot 1;
Sec. 28: Lot 4 and M. S. No. 683;
Sec. 33: Lots 3, 4, SE¼NW¼.
T. 7 S., R. 48 E.,
Sec. 4: Lot 1;
Sec. 5: NE¼SE¼.

The general determination made by the Commission at its meeting of April 17, 1922, with respect to lands reserved for power transmission line purposes only, is applicable to these lands. The area reserved herein is approximately 199.46 acres, of which approximately 117.59 acres are within the boundaries of the Wallowa or Whitman National Forests, also approximately 88.05 acres have been heretofore reserved for power purposes under Project No. 406, Power Site Classification Nos. 263 or 421 or Power Site Reserve No. 77.

A copy of map Exhibit J and K (F. P. C. No. 1971-65) has been transmitted to the Bureau of Land Management, Forest Service, Geological Survey and Bureau of Reclamation.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7221; Filed, Sept. 5, 1958; 8:51 a. m.]

[Docket No. E-6816]

PUBLIC SERVICE COMPANY OF OKLAHOMA

ORDER FIXING TIME AND PLACE OF HEARING AND GRANTING INTERVENTION

SEPTEMBER 2, 1958.

The Commission, by order issued April 17, 1958, in the above-entitled matter (19 FPC 554), (1) ordered that a hearing be held concerning the lawfulness of a proposed rate schedule of Public Service Company of Oklahoma, Rate Schedule FPC No. 151, at a time and place and in the manner to be fixed by further order of the Commission; and (2) suspended the operation of that rate schedule and deferred the use thereof as more specifically set forth in that order. Public Service Company of Oklahoma by that proposed rate schedule proposes to effect certain revisions both in the type of electric service which it renders to the Grand River Dam Authority and its rates and charges therefor.

The Grand River Dam Authority, an agency of the State of Oklahoma, by petition filed May 22, 1958, requested leave to intervene and participate as a party in this proceeding all in support of the aforementioned rate schedule. By that petition, Grand River Dam Authority also requested permission to file with the Commission a proffered agreement between the Public Service Company of Oklahoma and the Grand River Dam Authority dated April 21, 1958, which by its terms would amend certain contractual provisions between those parties as embodied in Public Service Company of Oklahoma's Rate Schedule FPC No. 151.

Kamo Electric Cooperative, an "electric cooperative" organized and existing under the laws of the State of Oklahoma, together with a number of other such electric cooperatives,[1] by petition filed June 9, 1958, requested leave to intervene and participate as interveners and be fully heard in all matters involving or relating to this matter, all in support of certain contentions generally in opposition to the Public Service Company of Oklahoma's Rate Schedule FPC No. 151.

The aforementioned electric cooperatives, with the exception of Oklahoma Statewide Electric Cooperative, are stated to be engaged in the distribution and sale of electric power and energy (obtained from the Grand River Dam Authority), to rural customers in all or part of certain named counties in the State of Oklahoma. Oklahoma Statewide is said to be engaged in coordinating and assisting the other named electric cooperatives in promoting and planning for the widespread use of electric power and energy in Oklahoma.

In the opinion of the Commission, the participation of the Grand River Dam Authority, Kamo Electric Cooperative and the other above-named electric cooperatives, in this proceeding may be in the public interest and, therefore, they should be granted permission to intervene and participate herein as hereinafter provided. Also, it is appropriate and in the public interest in carrying out the provisions of the Federal Power Act that the public hearing ordered by the aforementioned Commission order be commenced as hereinafter provided.

Considering the issues herein before the Commission and the respective positions of the aforementioned petitioners, the following order of presentation on direct is anticipated (1) Public Service Company of Oklahoma and Grand River Dam Authority, (2) Kamo Electric Cooperative and the other above-named electric cooperatives, and (3) staff; each such presentation being followed by a recess of the hearing and the opportunity for cross examination with respect to that particular presentation with further recesses of the hearing following the opportunity for cross examination of (1) and before the presentation of (2) and following the opportunity for cross examination of (2) and before the presentation of (3); each of the above recesses being for a minimum period of four calendar weeks unless otherwise agreed to by the parties herein including staff.

Wherefore, the Commission, pursuant to the authority contained in the Federal Power Act, particularly sections 205, 307, 308, and 309, orders:

(A) The public hearing concerning the lawfulness of Public Service Company of Oklahoma's Rate Schedule FPC No. 151 ordered by the aforementioned Commission order be held commencing October 21, 1958, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C.

(B) Grand River Dam Authority, Kamo Electric Cooperative and the other above-named electric cooperatives are hereby permitted to become interveners in this proceeding: *Provided, however,* That with respect to each of those petitioning parties, its participation shall be limited to matters affecting its asserted rights and interests specifically set forth in its respective petition for leave to intervene: *And provided further,* That with respect to each of those petitioning parties, the admission of such petitioning party shall not be construed as recognition by the Commission that such petitioning party might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) Interested State Commissions may participate in this proceeding as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

(D) The Commission hereby accepts for information purposes only, the aforementioned agreement between the Public Service Company of Oklahoma and the Grand River Dam Authority dated April 21, 1958, proffered by the Grand River Dam Authority. Nothing herein contained shall be construed (1) as constituting an acceptance of said agreement for filing to effect a change in Public Service Company of Oklahoma's Rate Schedule FPC No. 151; (2) as effecting a change in that rate schedule; or (3) as being in any way prejudicial to any request which hereafter may be made by Public Service Company of Oklahoma for permission to change such rate schedule, pursuant to the Commission's regulations under the Federal Power Act.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7222; Filed, Sept. 5, 1958; 8:52 a. m.]

[Docket No. G-4207]

SAM SKLAR

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 2, 1958.

Take notice that Sam Sklar, Trustee (Applicant), a partnership having its principal place of business in Shreveport, Louisiana, filed on October 6, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from its acreage in the Cotton Valley Field, Webster Parish, Louisiana, and sells such gas in interstate commerce for resale to: (1) United Gas Pipe Line Company (United) under a contract between Applicant and United, executed April 29, 1940, as amended November 29, 1952, and designated in the Commission's files as Applicant's FPC Gas Rate Schedule No. 3, and (2) Louisiana Nevada Transit Company (Louisiana Nevada) under a contract between Louisiana Nevada and the Cotton Valley Operators Committee, executed October 24, 1940, and designated in the Commission's files as Applicant's FPC Gas Rate Schedule No. 4.

Analysis of the above-mentioned Rate Schedule No. 4 discloses that Applicant's sale to Louisiana Nevada is made under a contract to which Applicant is not a signatory party; therefore, the Applicant is hereby notified that that portion of its application relating to the sale of natural gas to Louisiana Nevada will be dismissed, and that the Commission's action accepting Applicant's FPC Gas Rate Schedule No. 4 will be rescinded, pursuant to § 154.91 (d) of the Commission's regulations under the Natural Gas Act. The order accompanying the Commission's Opinion No. 314, issued July 23, 1958, ordered the Cotton Valley Operators Committee to file an application for a certificate of public convenience and necessity and to file a rate schedule covering the sale of natural gas to Louisiana Nevada from the Cotton Valley Field.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 7, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 24, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7223; Filed, Sept. 5, 1958; 8:52 a. m.]

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[1] Northeast Oklahoma Electric Cooperative, Oklahoma Statewide Electric Cooperative, Lake Region Electric Cooperative, East Central Oklahoma Electric Cooperative, Cookson Hills Electric Cooperative, Verdigris Valley Electric Cooperative, Indian Electric Cooperative and Central Rural Electric Cooperative.

[Docket No. G-14371]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 2, 1958.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, having its principal officers at 1221 Baltimore Avenue, Kansas City, Missouri, and 120 Broadway, New York, New York, filed on January 31, 1958, an application and on April 22, 1958, and May 27, 1958, supplements thereto, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the acquisition and operation of certain natural gas transmission facilities, as hereinafter described, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Panhandle proposes to acquire by purchase from the Town of Lapel, Indiana (Town) 4.9 miles of natural gas pipeline and other appurtenant facilities, more particularly described as follows: Twenty-six thousand three hundred thirty-four feet, more or less, of steel pipeline 4½ inches in outside diameter running from the connection of said line with the Panhandle Eastern Pipe Line Company's Anderson 18-inch Lateral to the point downstream of the measuring and regulating devices housed in the town border station of the Town of Lapel where the gas enters the distribution system of the Town of Lapel, Indiana; such portion of the farm tap connection service lines which are located along and connected to said 4½ inch steel pipeline as may be owned by the Town or the Municipal Gas Company thereof; all meters, regulators, valves and other equipment and fixtures attached and appurtenant to said line and to the farm tap service lines, including the building housing the town border station and all measuring and regulating devices therein contained; all land owned by the Town or the Municipal Gas Company thereof which is a part of the tract on which the town border station stands; and any and all rights of way, easements, permits, licenses and agreements under or pursuant to which the Town has constructed and now maintains said line and appurtenant property.

Applicant alleges that the facilities proposed to be acquired comprise all of the gas transportation facilities owned by the Town, but do not include the lines and other facilities which the Town owns and uses for the distribution of gas at low pressures to the public in the Town of Lapel.

The consideration proposed to be paid for the said facilities is $15,814.78 from funds on hand.

Applicant alleges that it delivers gas through the pipeline and facilities proposed to be purchased to the Town of Lapel for resale to the public and to Brockway Glass Company (Brockway), a direct industrial customer. There are also approximately twenty farm service tap customers served from said pipeline, which Applicant will continue to serve.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 14, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 1, 1958. Failure of any party to appear at and participate in the hearing will be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7224; Filed, Sept. 5, 1958; 8:52 a. m.]

[Docket No. G-14836]

MIDSTATES OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 2, 1958.

Take notice that on April 4, 1958, Midstates Oil Corporation, (Applicant) filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to United Gas Pipe Line Company (United) for resale for ultimate public consumption, subject to the jurisdiction of the Commission, which gas is produced by Applicant from approximately 529.17 acres located in the Normanna and South Tuleta Fields, Bee County, Texas, as more fully described in the application on file with the Commission and open to public inspection.

The estimated volume of gas to be sold per month is 93,000 Mcf and the proposed price is 17 cents per Mcf at 14.65 psia. A gas sales contract between the Applicant and United dated March 31, 1958, is made a part of the application and has been designated Midstates Oil Corporation FPC Gas Rate Schedule No. 61, which said agreement provides for periodic price increases and a redetermination clause.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 8, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 25, 1958.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7225; Filed, Sept. 5, 1958; 8:52 a. m.]

[Docket No. G-15339]

JOHN B. HAWLEY, JR.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 2, 1958.

Take notice that John B. Hawley, Jr., Trustee (Applicant), filed an application on June 23, 1958, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks athority to sell natural gas in interstate commerce to Cities Service Gas Company (Cities Service) for resale from the Danner A-1 gas unit, located in the Hugoton Field, Finney County, Kansas.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 7, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 26, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7226; Filed, Sept. 5, 1958; 8:52 a. m.]

[Docket No. G-15715]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 2, 1958.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed on July 29, 1958, an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate, during the year 1959, taps, meters and appurtenant facilities necessary to render service to not more than 25 unnamed road construction contractors who annually use natural gas in connection with Federal, State, or local road building projects. Exact information is not available as to the facilities, number of customers, their location, or the amount of gas they would need, as the road building projects are transient. The temporary deliveries cease and the contracts terminate when the road construction projects are completed. Applicant states that its past experience shows that the average road project uses about 16,000 Mcf of natural gas, generates a revenue of about $4,000 to Applicant and requires Applicant to invest about $500.00 for construction and subsequent removal of facilities.

The amount of gas involved is small compared to Applicant's available system reserves. The service, as proposed, would have no appreciable effect on Applicant's available gas reserves or service to existing customers.

The purpose of this budget type application is to avoid hardship upon the road building contractors in awaiting the preparation and filing of an application for each project and the delay involved in hearing and decision in each instance.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 7, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 30, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7227; Filed, Sept. 5, 1958; 8:52 a. m.]

[Docket No. G-16077]

CHEYENNE OIL CORPORATION OF DELAWARE ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

SEPTEMBER 2, 1958.

Cheyenne Oil Corporation of Delaware (Operator), et al., (Respondent) on August 14, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 8, 1958.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: September 13, 1958 (effective date is the first day after expiration of required thirty days notice).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until September 14, 1958, and thereafter to permit it to become effective as of that date; provided, that within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until September 14, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of September 14, 1958: *Provided, however,* That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking, described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the

persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of_____ to Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Charges

In conformity with the requirements of the order issued _____, in Docket No. G-_____, hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ____ day of _____.

_____

Attest: By _____

_____

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7228; Filed, Sept. 5, 1958; 8:53 a. m.]

[Docket No. E-6839]

CENTRAL VERMONT PUBLIC SERVICE CORP.

NOTICE OF APPLICATION

SEPTEMBER 2, 1958.

Take notice that on August 22, 1958, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Central Vermont Public Service Corporation ("Applicant"), a corporation organized under the laws of the State of Vermont and qualified to do business as a foreign corporation in the States of New Hampshire and New York, with its principal business office at Rutland, Vermont, seeking an order authorizing it to sell or otherwise dispose of certain of its facilities to Vermont Electric Power Company, Inc. ("Velco"). Velco, a subsidiary of Applicant, which is incorporated in the State of Vermont with its principal business office at Rutland, Vermont, was organized for the primary purpose of constructing and operating transmission and associated facilities to receive and transmit 100,000 KW of firm power from the St. Lawrence River Development, pursuant to a contract dated June 13, 1957, between Velco and the State of Vermont, and to deliver such power directly or through the facilities of others to allottees of the State of Vermont. Velco intends to begin receiving St. Lawrence power on or about September 2, 1958. Applicant is engaged primarily in the business of generating, purchasing, transmitting, distributing and selling electric energy for thirteen counties in Vermont. It also sells electric energy to four customers in Washington County, New York.

The facilities to be transferred consist of approximately 33.8 circuit miles of 115 KV transmission line between Essex and Middlebury, Vermont, and approximately 12.3 circuit miles of 115 KV transmission line between Essex and Milton, Vermont. Their present use is for the interchange of power between the Central system and the St. Albans system (both in Applicant's main system) and subsequent to the transfer will be used by Applicant as at present and by Velco for the transmission of St. Lawrence power to allottees of the State of Vermont. The proposed transfer does not include all the operating facilities of either party to the transaction. The consideration for the transfer will be cash equal to the original cost of the facilities, less the amounts accrued for depreciation as of September 1, 1958. The original cost of the facilities to be sold, less accrued depreciation, as of September 1, 1958, is $712,994.36. Applicant states that the proposed sale will not have any effect upon any [illegible] for the purchase, sale or interchange of electric energy except to permit Velco to fulfill its commitments to the State of Vermont under Power Transmission Contract dated June 13, 1957.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 22d day of September 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7229; Filed, Sept. 8, 1958; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3726]

MISSOURI POWER & LIGHT CO.

NOTICE OF FILING OF APPLICATION REGARDING ISSUANCE OF SHORT-TERM NOTES

AUGUST 29, 1958.

Notice is hereby given that Missouri Power & Light Company ("Missouri"), a public-utility subsidiary of Union Electric Company ("Union"), a registered holding company, has filed with the Commission and application pursuant to the Public Utility Holding Company Act of 1935 ("Act") and has designated section 6 (b) thereof as applicable to the proposed transactions, which are summarized as follows:

As of August 14, 1958, Missouri had outstanding $1,075,000 of promissory notes issued to two banks, of a maturity of nine months from date of issue, which were issued pursuant to the exemptive provisions contained in the first sentence of section 6 (b) of the act. Missouri expects that it will be necessary to borrow an additional amount of $400,000 on or about September 10, 1958, at which time the total aggregate amount of such promissory notes will be $1,475,000. This amount is within the maximum amount, $1,575,000, which Missouri may presently issue under such exemptive provisions, or 5 per centum of the aggregate of the principal amount of Missouri's long-term debt and the par value of its preferred and common stock.

Missouri estimates its cash requirements from external sources for construction purposes during the months October 1958 through March 1959 will aggregate $3,150,000. This includes $1,475,000 for the repayment of the promissory notes to be outstanding on or about September 10, 1958, which will be held by Central Missouri Trust Company (Jefferson City, Missouri) and The Chase Manhattan Bank. Missouri has made arrangements with the present holders of its short-term notes, and with two other financial institutions, Harris

Trust and Savings Bank of Chicago, Illinois, and the Exchange National Bank of Jefferson City, Missouri, for bank loans in the aggregate amount of $3,150,000, without any commitment fees, as required by Missouri from time to time. These loans will be evidenced by promissory notes to be dated as of the date of each particular borrowing, will mature on June 30, 1959, will bear interest at the prime rate effective at the particular time of borrowing, and will be prepayable prior to maturity without premium.

It is further stated that Missouri contemplates permanent financing during the first six months of 1959 to obtain funds for the repayment of its promissory notes and for the continuation of its construction program.

Accordingly, Missouri requests the Commission to enlarge the percentage which Missouri may borrow, pursuant to the first sentence of section 6 (b) of the act, from 5 percent to 10 percent, such increase to remain in effect until June 30, 1959, or such earlier date upon which Missouri shall have consummated its permanent financing referred to above.

It is stated that no other regulatory commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 19, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by such filing which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application as filed or as it may hereafter be amended, may be granted as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-7200; Filed, Sept. 5, 1958; 8:47 a. m.]

[File No. 812-1173]

NATIONAL AVIATION CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

AUGUST 29, 1958.

Notice is hereby given that National Aviation Corporation ("Applicant"), a registered closed-end, non-diversified investment company, has filed an application pursuant to section 10 (f) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting from the provisions of section 10 (f) of the Act the proposed purchase of not to exceed 10,000 shares of the 113,500 shares of capital stock proposed to be issued by Thiokol Chemical Corporation (the "Issuer").

Applicant recites that the Issuer is preparing to issue in a public offering an aggregate of 113,500 shares of its common stock which are covered by a Registration Statement filed by the Issuer with the Securities and Exchange Commission on or about August 22, 1958. The Issuer proposes to issue to holders of its capital stock of record as of the close of business September 11, 1958 rights in the form of transferable warrants, expiring September 26, 1958, to subscribe for such stock at the rate of 1 share for each 12 shares held.

The investments of Applicant over the last ten years have been, and are, for the most part, in securities of aircraft manufactures, air transport companies and in companies either in, or connected with, or serving and/or supplying the aviation industry. The Issuer is engaged primarily in the research, development and production of solid and liquid propellant motors for rockets and missiles for the United States Government and also produces liquid polymers and special purpose synthetic rubbers for industrial application.

The investment banking firms of Paine, Webber, Jackson & Curtis and Hornblower & Weeks are expected to be members of the underwriting group offering the securities. The application recites that Stuart R. Reed, a director of applicant, is a special partner in the firm of Paine, Webber, Jackson & Curtis and that Charles S. Sargent, also a director of Applicant, is a general partner of Hornblower & Weeks. Applicant proposes to purchase the shares either through the exercise of rights purchased on the New York Stock Exchange or from any of the underwriters other than Paine, Webber, Jackson & Curtis or Hornblower & Weeks. The proposed investment would represent approximately 1.87 percent of the total assets of Applicant as of August 21, 1958.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since Reed and Sargent are affiliated persons of investment banking firms which may be part of the underwriting group of the securities offering, purchase of the rights or the stock by the Applicant during the underwriting is subject to the provisions of section 10 (f) of the act.

It is represented that the proposed purchase is consistent with the protection of investors and the investment policies of the Applicant as recited in its registration statement filed with the Commission.

Notice is further given that any interested person may, not later than September 12, 1958, at 1:00 p. m., submit to the Commission in writing any facts bearing on the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-7201; Filed, Sept. 5, 1958; 8:47 a. m.]

[File No. 31-654]

BENDIX AVIATION CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

AUGUST 29, 1958.

Notice is hereby given that Bendix Aviation Corporation ("Bendix"), a holding company which has heretofore claimed exemption pursuant to Rule 9 promulgated under the Public Utility Holding Company Act of 1935 ("Act"), has filed with this Commission an application for exemption for itself, and its public-utility subsidiary Hamilton and Rossville Hydraulic Company ("H&R") as such, pursuant to section 3 (a) (3) of the Act.

All interested persons are referred to the application on file at the Commission for a statement of the request for the exemption, and of the facts forming the basis for such exemption, which are summarized as follows:

Bendix is a corporation organized under the laws of Delaware in 1929. It is engaged in the business of diversified engineering and manufacturing. The products manufactured and sold by it relate primarily to aviation, automotive, industrial, consumer, and miscellaneous military products.

H&R is the only subsidiary of Bendix which is a public-utility company as defined in the Act, and its outstanding securities, consisting only of common stock, are all owned by Bendix. It owns certain hydro-electric facilities located on the Miami River at Hamilton, Ohio, and the electric energy produced therefrom is normally used by the Hamilton Division of Bendix located contiguous to the generating facilities of H&R; however, at certain times of the year the energy produced exceeds the requirements of the Hamilton Division of Bendix and such excess electricity is sold to Cincinnati Gas & Electric Company, a non-affiliated public-utility company, from which company H&R, at times, also purchases electricity.

H&R sells electric energy to Bendix at its cost which covers all operating expense of H&R including depreciation on its plant and taxes but which allows for no profit or loss. During the five-year period 1953–57, the electricity sold to Cincinnati Gas & Electric Company ranged from about 2¼ million to 5 million kilowatt hours comprising from 20 percent to 40 percent of H&R's generation in those years. During the same period the revenue received from sales to Cincinnati Gas & Electric Company ranged from about $8,500 to $20,000 per year. Consolidated net sales, royalties and other operating income of Bendix for the year ended September 30, 1957, exceeded $700,000,000, and its net income for the period was about $27,500,000.

Notice is further given that interested persons may, not later than September 15, 1958, request in writing that a hearing be held in respect of the application for exemption, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application as filed, or as it may be amended, may be granted, or the Commission may take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58–7202; Filed, Sept. 5, 1958; 8:47 a. m.]

[File No. 7–1930]

DEERE & CO. (DELAWARE)

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING:

SEPTEMBER 2, 1958.

In the matter of application by the Pacific Coast Stock Exchange for unlisted trading privileges in Deere & Company (Delaware), common stock; File No. 7–1930.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X–12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Midwest Stock Exchanges.

Upon receipt of a request, on or before September 17, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58–7205; Filed, Sept. 5, 1958; 8:48 a. m.]

[File No. 7–1934]

SYMINGTON-WAYNE CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 2, 1958.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Symington-Wayne Corporation, common stock; File No. 7–1934.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X–12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 17, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commisison.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58–7207; Filed, Sept. 5, 1958; 8:48 a. m.]

[File No. 70–3727]

UNION ELECTRIC CO.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING PROPOSED ACQUISITION OF UTILITY ASSETS IN EXCHANGE FOR COMMON STOCK

AUGUST 29, 1958.

Notice is hereby given that Union Electric Company ("Union"), a registered holding company and also a public-utility company, has filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), regarding the proposed acquisition of certain public-utility assets of R. W. Foss Electric Company, Inc. ("Foss"), and has designated sections 6 (a), 7, and 9 (a) of the Act and Rule 50 (a) (4) promulgated under the Act as applicable to the proposed transactions.

All interested persons are referred to the application-declaration on file at the office of the Commission for a statement of the transaction therein proposed which is summarized as follows:

Union renders electric service in eastern and central Missouri, in portions of Illinois, and in southeastern Iowa. Foss is a public-utility company engaged in the purchase, transmission and distribution of electric energy in Henry, Lee, and Van Buren counties in southeastern Iowa, and, among other communities, serves the cities of Salem, Hillsboro, Stockport, Douds, and environs. The outstanding capital stock of Foss is owned by members of the Foss family. Approximately 82 percent of the electric energy used by Foss is purchased from Union, and the Foss properties are adjacent to those of Union in Iowa. Pursuant to a contract dated August 1, 1958, between Union and the stockholders of Foss, Union proposes to acquire substantially all the properties of Foss in exchange for 9,133 shares of Union's $10 par value treasury common stock at an agreed value of $30 per share, or an aggregate of $273,990.

The application-declaration states that the Public Service Commission of Missouri and the Illinois Commerce Commission have jurisdiction over the issuance and sale by Union of its common stock, but that no State commission has jurisdiction over the proposed acquisition by Union of the utility assets of Foss. It is also stated that no Federal commission other than this Commission has jurisdiction over any of the proposed transactions.

No finder's fee or commission is to be incurred in connection with the proposed transactions, and the expenses to be incurred in connection therewith are estimated at not to exceed $1,000.

Notice is further given that any interested person may not later than September 15, 1958, at 5:30 p. m., request in writing that a hearing be held in respect to such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request shall be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may grant the application and permit the declaration to become effective as prescribed in Rule 23 promulgated under the Act or the Commission may grant exemption from its rules as provided in Rule 20 (a) or 100 thereof or take such action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58–7203; Filed, Sept. 5, 1958; 8:47 a. m.]

[File No. 1–3074]

CORNUCOPIA GOLD MINES

ORDER SUMMARILY SUSPENDING TRADING

SEPTEMBER 2, 1958.

In the matter of trading on the American Stock Exchange in the $0.05 par value common stock of Cornucopia Gold Mines; File No. 1–3074.

I. The common stock, $0.05 par value, of Cornucopia Gold Mines being listed and registered on the American Stock Exchange; and

II. The Commission on July 25, 1958, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the Act") to determine at a hearing to be held September 2, 1958, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the common stock of Cornucopia Gold Mines (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the Act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation 14 adopted pursuant to section 14 (a) of the Act.

On August 13, 1958, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from the date of the aforesaid order.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X–15C2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, September 3 to September 12, 1958, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58–7204; Filed, Sept. 5, 1958; 8:47 a. m.]

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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 23 NUMBER 176

Washington, Tuesday, September 9, 1958

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: For listing of current public laws approved by the President, see last page of this issue.

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

ENTIRE EXECUTIVE CIVIL SERVICE

Effective upon publication in the FEDERAL REGISTER, paragraphs (m) and (n) of § 6.101 are amended as set out below.

§ 6.101 *Entire Executive Civil Service* • • •

(m) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(n) Positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-7263; Filed, Sept. 8, 1958; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Section 957.317 (b) (1) published in the FEDERAL REGISTER August 30, 1958 (23 F. R. 6742) is hereby corrected to read as follows:

(1) Except as otherwise provided in this section, during the period from September 1, 1958, through June 30, 1959, no handler shall ship potatoes of any variety unless such potatoes are generally "fairly clean," which means that at least 90 percent of such potatoes are "fairly clean," as such terms are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), and

(i) If they are of the round varieties (including, but not being limited to, Bliss Triumph, and Pontiac varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, 2 inches minimum diameter,

(ii) If they are of the White Rose variety, such potatoes meet the requirements of the U. S. No. 2, or better, grade, 8 ounces minimum weight: *Provided*, That any such potatoes that grade not less than U. S. No. 1 may be shipped if they are of 2 inches minimum diameter or 4 ounces minimum weight, size A,

(iii) If they are of the Kennebec variety, such potatoes meet the requirements of the U. S. No. 2, or better, grade, and are of 2 inches minimum diameter or 4 ounces minimum weight, and

(iv) If they are of any other variety (including, but not being limited to the Early Gem and Russet Burbank varieties), such potatoes meet the requirements of the U. S. No. 2 or better grade and are 6 ounces minimum weight: *Provided*, That any such potatoes of the Early Gem variety that grade not less than U. S. No. 1 may be shipped if they are of 2 inches minimum diameter or 4 ounces minimum weight, and any other varieties (including, but not being limited to the Russet Burbank variety) that grade not less than U. S. No. 1 may be shipped if they are 2 inches minimum diameter or 4 ounces minimum weight, size A, as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

SEPTEMBER 4, 1958.

[F. R. Doc. 58-7256; Filed, Sept. 8, 1958; 8:48 a. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1958)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146–149, 1958 Supplement 1 ($1.00)

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PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES, CALIFORNIA

ORDER AMENDING ORDER

§ 1003.0 *Findings and determinations*—(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900; 23 F. R. 4027, 4779), a public hearing was held at Coachella, California, on April 10–11, 1958, on a proposed amendment of Marketing Agreement No. 127, and Order No. 103 (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as hereby amended, regulates the handling of domestic dates produced or packed in Riverside, Orange, and Los Angeles Counties and that portion of San Bernardino County lying west of 116 degrees W. longitude, located within the State of California in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as hereby amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of dates in the area of production covered by the order, as hereby amended, which would require different terms applicable to different parts of such area; and

(5) All handling of dates produced or packed in the area of production, as hereby amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

(c) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U. S. C. 1001 et seq.). The provisions of this amendatory order are, among other things, designed to relieve handlers of some obligations, improve the operation of the program, and provide additional means for achieving the objectives of the program. It is necessary, in order to effectuate the declared policy of the act and to maximize the benefits derivable from this amendatory action during the current crop year, that this amendatory order become effective as early in the current crop year as practicable so as to cover substantially all of the dates handled during such year. The present crop year began on August 1, 1958, only limited quantities of dates are now being handled, and such handling is expected to increase substantially in the immediate future. The provisions of this amendatory order are well known to handlers. The public hearing in connection therewith was held on April 10 and 11, 1958, in Coachella, California, and the recommended decision and the final decision were published in the FEDERAL REGISTER on July 17, 1958 (23 F. R. 5454) and August 15, 1958 (23 F. R. 6303), respectively. The text of the amendatory order was made available to all known interested persons. With respect to a number of the changes in the present provisions of the regulatory program, effected by the amendatory order, which may result in changed obligations of handlers, actions will be required by the Secretary of Agriculture after the amendatory order becomes effective; and handlers are already aware of the circumstances involved. The specified effective date hereof will provide an early opportunity for the taking of the required actions. Accordingly, date handlers will need no further advance notice to prepare for compliance with the provisions of this amendatory order.

(d) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of California," upon which public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping dates covered by said order, as hereby amended) who, during the period August 1, 1957 through July 31, 1958, handled not less than 50 percent of the volume of dates covered by said order, as hereby amended; and

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1957 through July 31, 1958), were engaged in the production for market of dates which are covered by said order, as hereby amended, such producers having also produced for market at least two-thirds of the volume of such dates represented in such referendum.

It is therefore, ordered, That, on and after the effective date hereof, all handling of dates produced or packed in the area of production shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as hereby amended as follows:

1. Revise the provisions of § 1003.4 to read as follows:

§ 1003.4 *Area of production.* "Area of production" means the Counties of Riverside, Orange and Los Angeles, and that portion of San Bernardino County lying west of 116 degrees W. longitude, located within the State of California.

2. Insert in § 1003.9, between the words "production" and "shall", the phrase "or the movement of dates by a handler to storage for his account within the area of production".

3. Delete from § 1003.11 the words "the quantity of marketable" and insert, in lieu thereof, the words "the aggregate quantity of whole dates and pitted".

4. Delete from § 1003.12 the phrase, "minimum grade permitted to be handled by the regulations imposed by this part", and insert, in lieu thereof, the phrase, "applicable minimum grade then in effect pursuant to § 1003.39 and any additional, applicable requirements, pursuant to § 1003.40, which may then be in effect for restricted dates."

5. Add a new § 1003.15 as follows:

§ 1003.15 *Substandard dates.* "Substandard dates" means those dates which fail to meet the requirements for marketable dates but are not cull dates.

6. Add a new § 1003.16 as follows:

§ 1003.16 *Cull dates.* "Cull dates" means dates which fail to meet the requirements (with respect to freedom from defects) prescribed in section 708 of the Agricultural Code of California for dates for use in products or by-products other than alcohol, brandy, and products not intended for human consumption.

7. Add a new § 1003.17 as follows:

§ 1003.17 *Graded dates.* "Graded dates" means those dates which are eligible for certification as marketable dates.

8. Renumber present § 1003.15 as § 1003.18.

9. Renumber present § 1003.16 as § 1003.19 and revise its provisions to read as follows:

§ 1003.19 *Cooperative marketing association.* "Cooperative marketing association" means a cooperative marketing association of date growers organized under the laws of the State of California.

10. Renumber § 1003.17 as § 1003.20 and amend said section by deleting "and Riverside Counties of California", and inserting in lieu thereof, ", Riverside and Orange Counties, and that portion of San Bernardino County lying west of 116 degrees W. longitude located within the State of California".

11. Delete §§ 1003.21, 1003.22, 1003.23 and 1003.24, and insert, in lieu thereof, the following:

§ 1003.21 *Establishment of Date Administrative Committee.* A Date Administrative Committee, composed of seven members with an alternate member for each such member, is hereby established to administer the terms and conditions of this part: *Provided*, That the number of members and alternates may be changed consistent with findings made pursuant to § 1003.22 (b).

§ 1003.22 *Membership representation.* (a) Members and alternate members shall, until such time as a realignment of the committee membership is effected pursuant to paragraph (b) of this section, be selected by the Secretary from each of the following groups and on the following basis:

(1) One member from handlers, each of whom produced during the then current crop year to February 28 at least 51 percent of all of the dates handled by him during such period, and producers, each of whom delivered to such handlers during the then current crop year to February 28 at least 50 percent of his deliveries to all handlers during such period;

(2) Three members from cooperative marketing associations of whom one shall be an employee and serve as a handler member of the committee, and two shall be from among the producer members of such associations;

(3) Three members from all other handlers and producers of whom two shall be handler members selected from among such other handlers, and one shall be a producer member selected from among such other producers.

The foregoing representation is based on each member representing approximately 14.28 percent of date tonnage handled.

(b) Whenever the Secretary finds that any change in tonnage handled in any group is equivalent to more than one-half of the basic 14.28 percent for a member, he shall so notify the committee and thereafter nominations and selections of members and alternates in that group shall be in such numbers and follow such alignment as the Secretary may determine: *Provided*, That each group shall be entitled to at least one member and alternate. Any such realignment shall be based on the tonnage of dates acquired from producers and certified for handling or further processing during the then current crop year to February 28. Any increase or decrease in the

number of members representing a particular group shall not be dependent upon a change in membership representation of any other group nor shall any increase or decrease in the total number of members on the committee change the basic percentage herein established for tonnage representation for members. Except for the group specified in paragraph (a) (1) of this section, any change in the nomination and selection of members for any group shall be made so as to keep producer members and handler members in balance insofar as possible.

§ 1003.23 *Term of office.* The term of office for members and alternate members shall be one year ending on May 14 but each such member and alternate member shall continue to serve until his successor has been selected and has qualified.

§ 1003.24 *Nominations.* (a) Each group specified in § 1003.22 (a) may nominate, at a nomination meeting or meetings held on or before April 15 of each year, members and alternates to represent the group. With respect to the group specified in § 1003.22 (a) (3), separate meetings of handlers and of producers shall be held to nominate the handler representatives and producer representatives, respectively.

(b) At any meeting of the group specified in § 1003.22 (a) (1), each producer and each producer-handler shall be entitled to one vote for each position to be filled. At the respective meetings of the cooperative marketing associations in the group specified in § 1003.22 (a) (2), and of the handlers in the group specified in § 1003.22 (a) (3), each such association and each such handler shall be entitled to vote for each position to be filled as a representative for the particular group; and each such vote shall be weighted by the tonnage of dates acquired from producers and certified, for handling or for further processing, through February 28 of the then current crop year. At any meeting of the producers in the group specified in § 1003.22 (a) (3), each such producer shall be entitled to one vote for each position to be filled. The individual receiving the highest number of votes for a position shall be the nominee. Immediately after the completion of the meetings covered by this section, the committee shall report to the Secretary the nominees for each position together with a certificate of all necessary tonnage data and other information deemed by the committee to be pertinent or which is requested by the Secretary. The Secretary shall select, in his discretion, members and alternates from such nominees or from other qualified persons; but any such selection shall be from the groups, and on the basis, prescribed in § 1003.22. However, the Secretary shall allow a reasonable time for nominations to be received before proceeding with any selection without regard to nominations.

12. Delete from § 1003.31 the second and third sentences and insert, in lieu thereof, the following two sentences: "All decisions of the committee shall be by an affirmative vote of at least two-thirds (in case of fractional numbers, rounded to the nearest whole number) of the members of the committee. The presence of two-thirds, determined in the same way, of the members of the committee shall be required to constitute a quorum."

13. Amend § 1003.34 (a) to read as follows:

(a) Its estimate of the total date production separated as to marketable dates and dates of other grades and, when applicable, sizes, which will be produced in such crop year;

14. Amend § 1003.34 (e) by inserting the words "and size" after the word "grade".

15. Delete from § 1003.39 the first sentence and insert, in lieu thereof, the following sentence: "In order to effectuate the declared policy of the act all whole dates and pitted dates handled under this subpart shall meet the requirements of U. S. Grade C, or, if for further processing, U. S. Grade C (Dry), of the effective United States Standards for Grades of Dates: *Provided*, That the Secretary may, upon recommendation of the committee, prescribe other minimum standards of quality."

16. Delete from § 1003.39 the last sentence and insert, in lieu thereof, the following two sentences: "Notice of the minimum standard regulation shall be sent by the committee to all handlers of record. On and after the effective date of such regulations no handler shall handle dates except in accordance with such minimum standard."

17. Delete § 1003.40 and insert, in lieu thereof, the following:

§ 1003.40 *Additional grade or size regulations.* Whenever the committee deems it advisable to establish grade or size requirements for any variety of dates, in addition to the minimum standard provided pursuant to § 1003.39, to govern dates of such variety to be handled or to be withheld to meet restricted obligation, or both, it shall recommend to the Secretary requirements as to grade based on the effective United States Standards for Grades of Dates or any modification thereof, and such size requirements as it may deem appropriate. If the Secretary finds, upon the basis of such recommendation or other information available to him, that such additional grade or size regulation, or both such regulations, will tend to effectuate the declared policy of the act, he shall establish such regulations. Notice thereof, showing the effective date, shall be sent by the committee to all handlers of record. On and after the effective date no handler shall handle dates of such variety or withhold such dates to meet withholding obligation except in accordance with such regulations.

18. Amend § 1003.41 in the following respects: (1) Revise § 1003.41 (a) and (b) to read as follows:

§ 1003.41 *Inspection*—(a) *Packed dates.* Prior to handling any dates packed for handling each handler shall, at his own expense, cause: (1) An inspection to be made of such dates in order to ascertain if such dates meet the applicable grade and size regulations prescribed or provided for in this part; and (2) a certification for handling to be made of all such dates as meet such grade and size regulations.

(b) *Dates for further processing.* Prior to handling any dates for further processing each handler shall, at his own expense, cause: (1) An inspection to be made to ascertain if such dates meet the applicable grade and size requirements effective pursuant to § 1003.39 or § 1003.40, except for character associated with moisture; and (2) a certification for further processing to be made of all such dates as meet such grade and size requirements: *Provided*, That such inspection and certification requirements shall not apply to interhandler transfers within the area of production of field-run dates or graded dates.

(2) Change in the first sentence of § 1003.41 (a), the word "shipped" to the word "handled".

19. Change in § 1003.44 (b) the word "shipped" to "handled".

20. Delete § 1003.45 (a) and insert, in lieu thereof, the following:

(a) Whenever free and restricted percentages for any variety of dates have been established for a crop year by the Secretary in accordance with § 1003.44, each handler shall, at the time of having dates of such variety certified for handling or for further processing, withhold from handling a quantity of marketable dates of such variety having a weight equal to the restricted percentage for such variety referable to the dates so certified. The weight required to be withheld shall be determined by dividing the restricted percentage by the free percentage and applying the resultant withholding percentage, rounded to the nearest one-tenth of one percent, to the weight of dates so certified. The withholding percentage, computed as aforesaid, shall be established by the Secretary. When pitted dates are certified, the weight to be withheld shall be determined by dividing the weight of the pitted dates certified for handling or further processing by 0.90 and applying the withholding percentage.

21. Delete § 1003.45 (c) and insert, in lieu thereof, the following:

(c) At any time during the crop year dates may be inspected and certified for handling or for further processing as provided in § 1003.41. Dates so certified shall, at the time of certification, be identified by appropriate seals, stamps, or tags to be furnished by the committee and to be affixed to the containers by the handler under the direction and supervision of the committee or its designated inspectors. The assessment requirements in § 1003.72 as well as the withholding obligation prescribed in paragraph (a) of this section shall be met at the time of certification. However, a handler who has had more dates certified for handling or further processing than he subsequently shipped or otherwise handled may, upon request to the committee and with its approval, have any of such excess quantity of the certified dates suspended from certification of record or, if damaged or the outlet changed, removed from certification, and his withholding and assessment obligations adjusted accordingly. A handler, who has had dates certified for handling or further processing and has not had them so suspended from certification of record or removed from certification, may carry such certified dates over into the new crop year and need not pay the assessment nor meet the requirements of any withholding percentages established for such year.

22. Insert after § 1003.45 (d) new paragraphs (e) and (f) as follows:

(e) On request to the committee and with its approval, a handler may, in accordance with the provision of this paragraph and any applicable rules and regulations which the committee may prescribe with the approval of the Secretary, defer until any date not later than July 31 of the crop year the meeting of any portion of his obligation to withhold restricted dates by setting aside such amount of graded dates as will assure a quantity of marketable dates equal at least to the quantity needed to be withheld from handling to meet his withholding obligation. With respect to any such dates the handler may set aside in connection with such a deferment, the committee may require, if it deems it necessary, the handler to have made, at his own expense, such inspection as may be necessary for a determination as to whether such dates conform to the applicable requirements for dates that may be set aside under this paragraph. As a condition to the committee approving the deferment, the handler shall agree in writing that: (1) He will adequately mark and identify the set-aside graded dates as such and hold them separate and apart from other dates; (2) the graded dates will not be removed from the stacks in which so set aside without the prior written permission of the committee; (3) inspection of the dates by the committee will be permitted at any reasonable time; and (4) if the quantity, quality, or size of the set-aside dates is found by the committee at any time to be deficient, the handler will promptly set aside such additional or substitute quantity of graded dates as is necessary to correct the deficiency.

(f) Upon the committee prescribing, with the approval of the Secretary, minimum standards for inspection of field-run dates and appropriate administrative rules and regulations, a handler may, in accordance therewith and the provisions of this paragraph, satisfy all or any part of his obligation to withhold restricted dates by setting aside field-run dates or by disposing of field-run dates in outlets prescribed in, or pursuant to, § 1003.56. The field-run dates shall be of such quality or size as shall be prescribed in such rules and regulations. The setting aside, direct disposal, and disposal of any field-run dates set aside shall occur prior to July 31 of the crop year in which the withholding obligation occurs. Prior to the disposal or setting aside of the field-run dates, the handler shall have had them inspected to determine the weight of dates eligible to satisfy withholding obligation. Upon such disposal or setting aside of the field-run dates, the handler shall be credited with satisfaction of his restricted obligation to the extent of the eligible weight of dates. In permitting the handler to so satisfy his withholding obligation the committee shall require the handler to agree in writing that: (1) Any field-run dates set aside will be held separate and apart from other dates and appropriately marked; (2) such dates will not be removed from the stacks in which so set aside for substitution of other dates, disposition, or for any other reason without prior written permission of the committee; and (3) inspection of said dates by the committee will be permitted at any reasonable time. In order to satisfy a withholding obligation by direct disposal of field-run dates into cull outlets, the disposal shall be under the supervision of the committee and through persons on a committee approved list of feeders and manufacturers. The handler may, upon giving prior notice to the committee of any of the following proposed actions with respect to field-run dates withheld and obtaining its approval, (i) dispose of any such set-aside, field-run dates in the same manner as provided for direct disposal (ii) grade such dates and have the graded dates certified as marketable dates and withhold or dispose of such marketable dates as restricted dates, or (iii) substitute for the set-aside, field-run dates an equivalent quantity of marketable dates which he shall withhold or dispose of as restricted dates.

23. Add a new § 1003.48 as follows:

§ 1003.48 *Container regulation.* Whenever the committee deems it advisable to establish a container regulation for any variety of dates, it shall recommend to the Secretary the size, capacity, weight, or pack of the container, or containers, which may be used in the handling or packaging of dates, or both. If the Secretary finds upon the basis of such recommendation or other information available to him that such container regulation would tend to effectuate the declared policy of the act he shall establish such regulation and notice thereof showing the effective date, shall be sent by the committee to all handlers of record. After the effective date of such regulation, no handler shall handle dates of such variety except in accordance with such regulation and all other applicable requirements in effect pursuant to this part.

24. Delete from § 1003.51 the first sentence and insert, in lieu thereof, the following: "Transfers of dates may be made from one handler to another, and each handler who so transfers any such dates shall immediately upon the completion of the particular transfer notify the committee of the transfer, specifying the date of the transfer, the quantity and variety of dates involved, and the name of the receiving handler."

25. Add a new § 1003.54 as follows:

§ 1003.54 *Disposition of other than free dates.* Dates other than free dates shall not be used or otherwise disposed of except as provided in §§ 1003.55 and 1003.56.

26. Delete §§ 1003.55, 1003.56, and 1003.57 and insert, in lieu thereof, the following:

§ 1003.55 *Outlets for restricted and other marketable dates.* Restricted dates may be disposed of only through exportation to such countries as the committee may approve or by diversion in such form as rings, chunks, pieces, butter, macerated, or paste, or any other products which the committee concludes to be appropriate and which will result in the dates moving into consumption in a form other than that of whole dates or pitted dates. Dates other than restricted dates may also be so disposed of if they are inspected and certified as meeting the requirements for marketable dates. However, the provisions of this section shall not preclude any such dates from being disposed of in the outlets for substandard dates and cull dates prescribed in § 1003.56.

§ 1003.56 *Outlets for substandard and cull dates.* Substandard dates and cull dates may be disposed of without inspection, but only in feed, non-table syrup, alcohol, or brandy outlets, or in such other outlets for non-human food products as the committee concludes are non-competitive with the outlets for free and restricted dates: *Provided*, That whenever the committee concludes and the Secretary finds that the use of substandard dates of any variety in certain products for human consumption would tend to effectuate the declared policy of the act, the Secretary shall specify such products, and dates of such variety that are inspected and certified as substandard dates may be disposed of for use, or used, in such products.

§ 1003.57 *Approved manufacturers or feeders for diversion of restricted, other marketable, substandard, and cull dates.* (a) Diversion, pursuant to § 1003.55 or § 1003.56, of restricted dates, other marketable dates, substandard dates, or cull dates shall be accomplished only by such persons (which may include handlers) as are approved manufacturers or feeders. Any person may become an approved manufacturer or feeder if he (1) submits an application to the committee in which he agrees, as a condition to approval of his application, to furnish to the committee such information as it may require and to comply with the requirements and restrictions relative to the use and disposition of such dates, as set forth in this part, and (2) receives from the committee written approval of his application. The application and approval shall be in accordance with such rules, regulations and safeguards as may be prescribed pursuant to § 1003.59.

§ 1003.58 *Terminal dates.* Dates covered by §§ 1003.55 and 1003.56 shall, by September 30 of the subsequent crop year (a) in accordance with the applicable requirements of such sections, be disposed of, or be converted from their whole or pitted form; or (b) be set aside and marked for disposition pursuant to the applicable requirements of such sec-

tions. The committee may prescribe, with the approval of the Secretary, such rules, regulations and safeguards, pursuant to § 1003.59, as may be necessary to prevent dates covered by §§ 1003.55 and 1003.56 from interfering with the objectives of this part.

27. Renumber existing § 1003.58 as § 1003.59.

28. Amend § 1003.61 to read as follows:

§ 1003.61 *Reports of handler carryover.* Each handler shall file each year with the committee written reports of his carry-over of dates as of January 1, June 1, and August 1, and at such other times as the committee may prescribe. Such reports shall be filed within 15 days of the respective dates.

29. Amend § 1003.64 to read as follows:

§ 1003.64 *Reports on disposition of restricted, other marketable, substandard and cull dates.* Each handler disposing of any quantity of restricted dates or other marketable dates, substandard dates, or cull dates for which disposition is prescribed in §§ 1003.55 and 1003.56 shall promptly thereafter report such disposition to the committee in such form as the committee may prescribe.

30. Delete from § 1003.72 the fourth sentence.

31. Amend § 1003.74 to read as follows:

§ 1003.74 *Refunds.* Excess funds held by the committee at the conclusion of a crop year may be used to defray expenses for no more than the ensuing four months and thereafter, within a reasonable time, the committee shall credit or, upon demand, refund the aforesaid excess to handlers who contributed to such excess. A handler's share of the excess funds shall be the amount of assessments he paid in excess of his actual pro rata share of the expenses of the committee.

32. Add a new § 1003.76 as follows:

§ 1003.76 *Compliance.* No handler shall handle any dates (including dates for further processing) except in conformity with, and as authorized by or pursuant to, the applicable provisions of this part, including but not being limited to the regulations relating to grade, size, and volume; and no handler shall use or otherwise dispose of restricted dates or any other dates which have not been certified for handling or for further processing except in conformity with, and as authorized by or pursuant to, the applicable provisions of this part.

33. Insert "or for further processing" immediately after the words "handled or certified for handling" wherever such words appear in §§ 1003.46, 1003.50, 1003.72 and 1003.73.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated, September 3, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-7255; Filed, Sept. 8, 1958; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54677]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

EXTENSION OF LIMITS OF CUSTOMS PORT OF BURLINGTON, VT.

SEPTEMBER 3, 1958.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), the limits of the customs port of entry of Burlington, Vermont, in Customs Collection District No. 2 (Vermont), comprising the territory within the corporate limits of that city, are hereby extended to include the territory within the limits of the town of South Burlington, in the State of Vermont, effective on the date of publication of this Treasury decision in the FEDERAL REGISTER.

Section 1.1 (c), Customs Regulations, is amended by deleting the period after "Burlington" in the column headed "Ports of entry" in District No. 2 (Vermont), and by adding "(including the town of South Burlington) (T. D. 54677)."

(R. S. 161, as amended, Pub. Law 85-619; 5 U. S. C. 22. Interprets or applies sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U. S. C. 1, 2)

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-7261; Filed, Sept. 8, 1958; 8:48 a. m.]

[T. D. 54678]

PART 2—MEASUREMENT OF VESSELS

FOREIGN VESSELS

The Bureau of Customs has been advised through the Department of State of the United States of an exchange of notes between the Government of the Federal People's Republic of Yugoslavia and the Government of the United States whereby merchant vessels of the respective countries calling at the ports of the other country will be recognized as being of the tonnages shown on certificates of registry or other national papers issued by the respective Governments, except when the tonnages shown in such papers are manifestly incorrect under the rules of the issuing authority. The effective date of the agreement is June 16, 1958.

Accordingly, the first sentence of § 2.63 of the Customs Regulations is amended by deleting "and" before "Venezuela", adding a comma after "Venezuela", and by inserting "and Yugoslavia" after "Venezuela".

(R. S. 161, as amended, Pub. Law 85-619, 4154, as amended, sec. 3, 23 Stat. 118, as amended; 5 U. S. C. 22, 46 U. S. C. 3, 61)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 2, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-7262; Filed, Sept. 8, 1958; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.373]

PART 42—DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

IMMIGRANT CLASSIFICATION SYMBOLS

Part 42, Chapter I, Title 22 of the Code of Federal Regulations, is hereby amended in the following respects:

1. Paragraph (d) of § 42.3 *Immigrant classification symbols* is amended to read as follows:

(d) The following symbols shall be used in the cases of nonquota immigrants who qualify for the benefits of the Act of September 11, 1957 (Public Law 85-316) as amended by the Act of August 21, 1958 (Public Law 85-700):

Class	Section of the act	Symbols to be inserted in visa
Eligible orphan adopted abroad	4 (b) (2) (A)	K-1
Eligible orphan to be adopted	4 (b) (2) (B)	K-2
Spouse or child of adjusted first preference immigrant	9	K-3
Beneficiary of first preference petition approved prior to July 1, 1958	12A	K-4
Spouse or child of beneficiary of first preference petition approved prior to July 1, 1958	12A	K-5
Beneficiary of second preference petition approved prior to July 1, 1957	12	K-6
Beneficiary of third preference petition approved prior to July 1, 1957	12	K-7
German expellee	15 (a) (1)	K-8
Netherlands refugee or relative	15 (a) (2)	K-9
Refugee-escapee	15 (a) (3)	K-10

2. Section 42.3 *Immigrant classification symbols* is amended by the addition of the following paragraph:

(e) The following symbols shall be used in the cases of nonquota immigrants who qualify for the benefits of the Act of September 2, 1958 (P. L. 85-892):

Class	Section of the act	Symbols to be inserted in visa
Azores natural calamity victim	1 (A)	K-11
Spouse or unmarried minor son or daughter of Azores calamity victim	1	K-12
Netherlands national displaced from Indonesia	1 (B)	K-13
Spouse or unmarried minor son or daughter of Netherlands national displaced from Indonesia	1	K-14

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the provisions thereof involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

Dated: August 28, 1958.

RODERIC L. O'CONNOR,
Administrator, Bureau of Security and Consular Affairs.

[F. R. Doc. 58-7286; Filed, Sept. 8, 1958; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1725]

UTAH

WITHDRAWING PUBLIC LANDS FOR USE OF FOREST SERVICE FOR AN ADMINISTRATIVE SITE, RECREATION AREA AND OTHER PUBLIC PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 43 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Uinta and Manti LaSal National Forests in Utah are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, nor the act of July 31, 1957 (61 Stat. 367; 30 U. S. C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, for an administrative site, recreation area, and other public purposes:

[Utah 019139]

UINTA NATIONAL FOREST

UINTA SPECIAL MERIDIAN

Hub Ranger Station Administrative Site

T. 2 S., R. 12 W.,
Sec. 28, SE¼NE¼NE¼, E½SW¼NE¼NE¼, N½SE¼NE¼, N½NE¼SW¼NE¼, and NW¼NW¼SW¼NE¼.
The areas described aggregate 42.5 acres.

WASATCH NATIONAL FOREST

SALT LAKE PRINCIPAL MERIDIAN

Alpine Loop Highway (Utah No. 80) Roadside Zone

A strip of land 200 feet on each side of the center line of Alpine Loop Highway (Utah No. 80) through the following legal subdivisions:
T. 4 S., R. 2 E.,
Sec. 24, SE¼SW¼ and SE¼;
Sec. 25, N½NW¼;
Sec. 26, NW¼ and N½NE¼;
Sec. 27, S½NE¼;
Sec. 28, lots 7, 8, SE¼SW¼, and SE¼;
Sec. 33, lots 1, 2, and NE¼NW¼.
T. 4 S., R. 3 E.,
Sec. 19, lot 4 and S½SE¼;
Sec. 20, SW¼SW¼;
Sec. 28, SW¼NW¼ and SW¼;
Sec. 29, NW¼, E½SW¼, and SE¼;
Sec. 32, NE¼NW¼;
Sec. 33, E½NW¼, W½NE¼, SE¼NE¼, NW¼SE¼, and E½SE¼;
Sec. 34, lot 1.
T. 5 S., R. 3 E.,
Sec. 4, lots 1, 2, 5, 6, 7, SW¼NE¼, and SW¼SE¼;
Sec. 9, lot 1 and NW¼NE¼.
The areas described aggregate approximately 698.2 acres.

Cascade Springs Recreation Area

T. 4 S., R. 3 E.,
Sec. 24, S½N½NE¼, S½NE¼, and N½SE¼.
The areas described aggregate 200 acres.

[Utah 021426]

MANTI LASAL NATIONAL FOREST

SALT LAKE PRINCIPAL MERIDIAN

Dalton Springs Trailer Camp

T. 33 S., R. 23 E.,
Sec. 30, S½SE¼.
The area described contains 80 acres.

The areas withdrawn by this order total approximately 1,020.7 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 2, 1958.

[F. R. Doc. 58-7242; Filed, Sept. 8, 1958; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 902]

[Docket No. AO-293-RO-1]

MILK IN WASHINGTON, D. C., MARKETING AREA

NOTICE OF REOPENING OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of the public hearing held in Washington, D. C., April 8-19, 1957 (22 F. R. 1116, F. R. Doc. 57-1472). The hearing will be held in the Crystal Room of the Burlington Hotel, 1120 Vermont Avenue NW., Washington, D. C., beginning at 10:00 a. m., e. d. t., on September 22, 1958. The principal purpose of the hearing is to receive additional evidence concerning the level and basis of pricing Class I milk as previously stated in the recommended decision issued by the Deputy Administrator on May 26, 1958 (23 F. R. 3719; F. R. Doc. 58-4052). In connection therewith the Maryland and Virginia Milk Producers Association, has submitted the following proposal to be considered in lieu of their Class I price proposal set forth in the original notice.

§ 902.50 *Class I price.* (a) The price for Class I milk shall be $5.70 for the months of January through March and July through December, and $5.10 for the months of April, May, and June, provided, that such price shall be adjusted with changes in the average of the minimum Class I prices established by Federal orders for Philadelphia, New York, and Chicago in accordance with the following schedule:

3-market average variation—Corresponding month of 1957:	*Washington Class I price adjustment*
Plus 15 cents to minus 15 cents	0
	Plus adjustment
More than 15 cents but less than 35 cents	20 cents.
More than 35 cents but less than 55 cents	40 cents.
More than 55 cents but less than 75 cents	60 cents.
More than 75 cents but less than 95 cents	80 cents.
	Minus adjustment
Minus 15 cents but not more than 35 cents	20 cents.
Minus 35 cents but not more than 55 cents	40 cents.
Minus 55 cents but not more than 75 cents	60 cents.
Minus 75 cents but not more than 95 cents	80 cents.

Additional evidence may also be submitted with respect to any or all of the proposals considered at the original hearing.

Neither the specific proposal set forth above nor the proposals set forth in the original notice have received the approval of the Secretary of Agriculture.

Copies of this notice of hearing and of the original notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 4th day of September 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-7282; Filed, Sept. 8, 1958; 8:52 a. m.]

[7 CFR Part 905]

[Docket No. AO-297]

HANDLING OF MILK IN MISSISSIPPI DELTA MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Greenwood, Mississippi, on August 6–10, 1957, pursuant to notice thereof issued on July 16, 1957 (22 F. R. 5800), upon a proposed marketing agreement and order regulating the handling of milk in the Mississippi Delta marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, filed with the Hearing Clerk, United States Department of Agriculture, his recommended and revised recommended decisions on June 16, 1958 (23 F. R. 4415) and August 5, 1958 (23 F. R. 6032), containing notice of opportunity to file written exceptions thereto.

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions—(1) *Character of the commerce.* All milk to be regulated by the proposed marketing agreement and order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

There is an interrelation of the trade in Grade A milk in the Mississippi Delta marketing area with the trade in surrounding areas in Mississippi and other States. The proposed marketing area lies wholly within the State of Mississippi, but included in the area are two Federal Government installations, namely Air Force Bases located in Washington and Lowndes Counties. Contracts for milk and its products to serve these installations are issued on a competitive bid basis with milk distributors in the region making bids to secure such contracts from time to time.

Four regulated handlers under Order No. 87 distribute milk on retail and wholesale routes in the proposed marketing area. One of these four handlers sells approximately 40 percent of its total sales in the Central Mississippi marketing area. This handler is located in the proposed Mississippi Delta marketing area and would be the only one of the four Central Mississippi marketing area handlers that would become regulated under this proposed marketing agreement and order.

Located within the proposed marketing area are three milk distributors that have been, or currently are partially regulated by Federal Order No. 87. There have been months when these plants were fully regulated by Order No. 87. Route distribution of fluid milk by these plants in the Central Mississippi marketing area varies from 10 to 20 percent of their total receipts from dairy farmers.

Milk distributors in the proposed Mississippi Delta area purchase bulk fluid milk from plants located in Illinois, Wisconsin, and Tennessee. Purchased Grade A nonfat dry milk is used to produce buttermilk, a milk product that would be classified as Class I product as provided elsewhere in this decision. Specific figures representing the total volume of such purchases were not given. One handler, however, stated that purchases of bulk fluid milk from Wisconsin and Tennessee would average, on annual basis, nearly a million pounds. Another handler stated that sales of buttermilk represented 12–13 percent of his total fluid milk products sales. A large portion of this buttermilk was made from Grade A nonfat dry milk (three carloads of nonfat powder purchased during the past year) purchased from sources outside the State of Mississippi. It is a general practice of all handlers in the proposed Mississippi Delta area to purchase Grade A nonfat dry milk, from out-of-State markets, for use in making buttermilk for distribution on retail and wholesale routes.

Also, there is evidence that Grade A milk or cream is at times moved in interstate commerce by distributors who would be handlers under a Mississippi Delta area order. During the past year, fluid milk was shipped from the Mississippi Delta area plants to markets in Florida, Arkansas, and Louisiana. The quantity of such sales was not available.

Another movement of milk in interstate commerce by Mississippi Delta area Grade A plants, as herein defined, is their disposal of a portion of receipts, that is in excess of fluid needs, to product manufacturing plants, or, in the manufacture of dairy products with wide regional or country-wide markets. Besides such evidence of interstate commerce in the Mississippi Delta area there is evidence that the marketing of producer milk in this area directly affects interstate commerce in milk and, milk products in Mississippi and surrounding States. Farm supplies of Grade A milk for the proposed area are intermingled with supplies for Tennessee and Alabama fluid markets and for Mississippi dairy products manufacturing plants. Procurement of milk in the northwestern portion of the proposed marketing area is in competition with the Memphis, Tennessee, market as evidenced by the testimony of handlers in this area. The same is true on the eastern edge of the Mississippi Delta area milkshed, where Delta distributors and supply plants compete for producers with Grade A milk plants that regularly supply milk to Alabama markets. The growing Grade A trade in northern Mississippi affects farm supplies for dairy products manufacturing plants at Houston, Starkville, and Kosciusko, Mississippi. Much of the supply for the Mississippi Delta fluid trade comes from farms that formerly were patrons of these dairy manufacturing plants. On the other hand, some of the producer milk for the Mississippi Delta area trade, that is in excess of the daily needs of the fluid milk processing plants, is disposed of to these dairy product manufacturing plants.

It is concluded that a significant portion of the milk trade in the Mississippi Delta marketing area is in the current of interstate commerce, and that the marketing of producer milk in this trade area directly affects interstate commerce in milk and dairy products.

(2) *Need for an order.* The issuance of a marketing agreement or order will tend to effectuate the declared policy of the act.

The two proponent cooperative associations represent approximately one-half of the dairy farmers producing milk for handlers in the proposed marketing area. The Cooperative Creamery Association of Starkville, Mississippi, operates three plants. These plants are located at Starkville and Greenwood, Mississippi. The plants include two distributing plants and a combination supply and manufacturing plant. This latter plant, while under one roof, is so separated as to permit the receiving and handling of Grade A milk in accordance with board of health regulations. In a completely segregated portion of the plant are separate facilities for receiving and manufacturing milk not qualified to be labelled Grade A. This cooperative plant, located at Starkville, Mississippi, supplies its two subsidiary distributing units, A and M Dairies at Greenwood and Starkville. The Cooperative Creamery Association supply plant also contracts with Grenada Farms, Grenada, to furnish monthly specified quantities of milk. In addition, other handlers from time to time purchase supplemental supplies of milk from Cooperative Creamery Association. The Mississippi Milk Producers' Association—the principal cooperative representing producers supplying milk to handlers regulated by Order No. 87 for the Central Mississippi marketing area—is also a proponent of a proposed regulation for the Mississippi Delta marketing area. This bargaining cooperative association represents members who supply handlers that would be regulated by the proposed marketing agreement and order.

Winco Dairy Association, Louisville, Mississippi, and Cooperative Dairies Incorporated, Columbus, Mississippi, together representing approximately 15 percent of all the dairy farmers supplying milk to distributors in the proposed marketing area, operate distributing plants in their respective cities.

The western portion of the marketing area is known as the Delta area and is primarily a cotton producing section. Dairy farming is a minor enterprise. Dairy farmers producing Grade A milk for the proposed marketing area are concentrated in the eastern portion. More than half are located in Lowndes, Oktibbeha, Noxubee, Winston and Attala counties. The remaining producers are scattered over a 20-county area.

Conditions and practices in the trade of this area justify a uniform price plan as authorized under the Act. First, there are procurement practices and policies that, in the absence of a uniform pricing scheme, contribute to market instability and insecurity for producers. Some plants do not afford producers a reliable market or outlet for their supply. In order to keep their costs of supply used in Class I products as low or lower than competitors, and their plant price to producers in line with those paid at other plants, they drop producers in periods of flush production. Then, in periods of low production, or of expanded sales, they reinstate old producers or recruit others. Producers who are dropped when market supplies are seasonally plentiful usually have no alternative outlet better than a distant product manufacturing plant, where returns are much lower than at Grade A milk plants. Such unfortunate producers, in effect, bear a very disproportionate share of the loss or low return on that portion of market supplies which is in excess of daily Class I usage, but which is none the less essential to an adequate market supply. This practice tends to unsettle supply conditions. Other distributing plants limit producers to a number that furnishes an adequate supply only during months of relatively heavy production, and depend upon supplementary supplies from other plants, or other sources, in other periods. While producers who deliver to such plants may be relatively well paid, the use of milk from sources other than producers, when producer milk is available, reduces Class I utilization of producer milk in the market and lowers average plant returns to producers.

In this respect the case is different if plants with short supply of producer milk obtain supplementary supply from supply plants or other plants that receive producer milk in excess of the requirements of their more regular outlets. While this practice displaces no producer milk it has given rise to disparity in prices paid to producers and in the cost, to competing distributors, of milk actually used in fluid milk products. In this marketing area, much of the supplemental milk required by distributing plants is supplied by a cooperative association, that operates two distributing plants and a supply plant. All member milk is received in the supply plant from which it is moved to its processing plants as needed for fluid milk products and to other distributing plants needing supplementary supply for their fluid products. Receipts from producers in this plant usually exceed sales to processors for fluid milk products. Although the extra milk in the plant is clearly essential reserve supply for the market, it may be utilized only in relatively low valued Class II products. The lower valued utilization of this reserve supply tends to make returns to producers at this plant lower than at plants that receive from producers little, if any, supply in excess of actual utilization in fluid milk products.

Such supply relations and concomitant producer prices signify that producers do not share equally in returns from the plants using their milk for fluid milk products. Unequal sharing by producers in market returns from plant utilization of milk, which they in effect supply in common, causes unsettled and unstable market conditions for producers and handlers alike.

The producer testimony on need for an order stresses the instability and uncertainty as well as the inequality in plant prices to producers. No comprehensive compilation of statistical evidence of such price conditions was presented. But, it was stated that not infrequently producer prices have been lowered on rumors or fear of retail and wholesale reductions in street prices. An instance of this occurred in 1956 when producer prices were generally decreased 15 to 25 cents per hundredweight for a period of 3 months even though retail and wholesale prices were reduced for only two weeks, and such change occurred in only a small segment of the sales area. While this may not be a common occurrence, it signifies what has and what may happen to producer prices in the absence of some comprehensive and orderly method of determining them. Variations in pricing plans and in class utilization prices in this area reflect unequal costs of milk among handlers. Such inequality has tended to unsettle trade relations and to depress producer prices.

In this area producers have little part in the determination of plant prices and payments. Handlers pay producers on base and excess price plans devised by handlers. Producers are unable to determine or check the accuracy of weights and tests. Attempts by proponent cooperatives to work out with handlers a classified price plan have failed. Handlers have not been receptive to bargaining with producers.

The marketing agreement and order as recommended herein will implement the policy declared in the Agricultural Marketing Agreement Act of 1937, as amended, of establishing and maintaining orderly marketing conditions by providing:

(1) A determination of prices to producers under a regular and dependable method at levels consistent with the policy established by the act;

(2) An impartial audit of handler's records of receipts and utilization to insure payment of uniform prices for milk purchased;

(3) The establishment of uniform class prices to handlers based on the utilization of milk;

(4) Uniform returns to producers supplying the market and an equitable sharing by all producers of the lower returns for sale of reserve milk;

(5) Uniform rules for all producers in a seasonal production incentive plan which will encourage all producers to adjust production to a more even pattern;

(6) A system of impartial checking of all producer milk in respect to weight and butterfat content; and

(7) Marketwide information in respect to all receipts, utilization and intermarket movements of milk.

(3) *Order provisions*—(a) *Scope of regulation.* The type of regulation effected by a milk order is essentially a matter of establishing minimum prices to dairy farmers who produce milk for the market. The scope of such regulation is determined by appropriate definitions of the terms: marketing area, pool plant, handler, producer-handler, producer, producer milk and other source milk.

(1) *Marketing area.* The Mississippi Delta marketing area should include all the territory and municipalities and military reservations within the boundaries of: Attala, Bolivar, Carroll, Choctaw, Grenada, Holmes, Humphreys, Leake, Leflore, Lowndes, Montgomery, Noxubee, Oktibbeha, Sharkey, Sunflower, Tallahatchie, Washington, Webster, Winston, and Yazoo counties; Beats 1, 4 and 5 in Calhoun county; Beats 4 and 5 in Coahoma county; Beats 2, 3, 4, and 5 in Quitman county including all of the village of Crowder; and Beats 1, 4, and 5 in Yalobusha county all within the State of Mississippi.

This definition is different from that of the revised recommended decision in that Beat 5 in Chickasaw county and Beat 3 in Panola county are excluded, except for the border village of Crowder.

Several proposals were made with respect to the marketing area. Altogether, a total of 45 counties, encompassing all the counties in Mississippi north of the present Central Mississippi marketing area, were proposed to be included as the marketing area. But the problems complained of by proponents centered primarily around the handling of milk in plants which serve a general area known as the Mississippi Delta. The marketing area as defined by proponents comprised a contiguous group of 17 counties. Distributors proposed 28 additional counties.

This definition differs from the proposal of proponent in two respects: Issaquena county and parts of Coahoma and Quitman counties are not included; the counties of Winston, Noxubee, Lowndes, Oktibbeha, Choctaw, Webster

and parts of Calhoun and Yalobusha counties are added. The remainder of each of these counties and 17 other counties, extending east and west across the state and north to the Tennessee line, proposed by distributors, are not included in the area. One other county, on the southern edge of the area, which was proposed as additional to proponents' group, is not included.

The chief fault found with proponents' area proposal was that it was too limited. Although it was broad enough to include all competing distributors in the main currents of the trade in the region, it failed to include important segments of the sales areas of a few of these distributors. Such operators sought to protect themselves against competition with unregulated distributors, in what would be outside sales territory, by proposing to incorporate such localities in the marketing area. Distributors who might become regulated by such area extension in turn proposed still further extensions. All these proposals for additions to proponents' proposed area will be examined in the light of all the evidence. But, before considering them, it may be well to give reasons for not including in the area all the counties in the group proposed by proponents.

One county and parts of two others of the area proposed by proponents are omitted. Issaquena county is on the very southern edge of the Delta region. It is sparsely populated and is served only by distributors who would be regulated because of business in other localities. But, it is not in the sales territory of many Delta distributors and might perhaps be served as well by Central Mississippi distributing plants as by Delta distributors. For these reasons, the evidence generally in support of the proposed area, does not qualify this fringe locality. Leake county also was omitted from the previous recommended decision. But, on the basis of exceptions it is included in the area of this decision. The principal distributor in this county excepted to its omission on the ground that his trade in Leake county is a substantial and integral part of his trade in the recommended area and if this county is not included he at times might not qualify as a pool handler. This distributor also sells in the Central Mississippi area. But his chief competition in Leake county is another Delta area distributor, who also urges the incorporation of Leake county in the Delta area. These circumstances justify including Leake county in the Delta marketing area.

Parts of the other counties in proponents' proposed area that should not be included are Coahoma and Quitman. Beats 1, 2, and 3, in Coahoma county and Beat 1 in Quitman county are located on the northwest edge of the marketing area and are more closely associated with the Memphis marketing area than with the Delta area. There is one milk distributor located in Coahoma county, none in Quitman county. A distributor regulated by Memphis Federal Order No. 18, and a distributor that would be partially regulated under the order recommended herein, distribute fluid milk products on routes in these two counties. The record is incomplete with respect to the exact proportion of total sales in these counties that is now made by distributors who would be handlers under a Delta order. From the exceptions, however, it is evident that the local handler in Coahoma county would be fully regulated only part of the time because of sales in other parts of the marketing area. Regulated handlers have the majority of fluid milk product sales in the parts of these counties added to the area. Procurement of milk for these counties is in competition with both the Memphis and Delta source of supply. Therefore, only Beats 1, 2 and 3 in Coahoma and Beat 1 in Quitman county should not be included in the marketing area.

The remaining 13 counties in proponents' group and 9 additional counties or parts of counties are included in the area. These additional counties—named in the forepart of the discussion of this issue—were proposed by Delta area distributors whose sales territories extended to the north and west beyond the limits of the area proposed by proponents. Such extension seems advisable and is, therefore, provided. In these counties, the business done by principal Delta distributors is substantial. Evidently, they are an important part of the market for producer milk. And milk marketing and distribution in this additional area is closely interrelated with that of the chief centers of the Delta trade. Adding this territory would bring under the order three additional handlers, who would otherwise be unregulated. But, the limits on the north, which would exclude parts of the counties of Coahoma, Calhoun, Quitman and Yalobusha would minimize "fringe area" sales by distributors whose business in the main is in other areas. Including only parts of these counties, as indicated above, with the other counties mentioned would still confine the regulation to those mainly engaged in the Delta area trade. There would be only two "fringe" distributors, each with approximately five percent of his sales in the area.

It is necessary thus to limit the area on the north in order to avoid full application of this order to Grade A milk handlers and their producers whose marketing operations are mainly in the trade centering in Tupelo, Mississippi, or are associated with the Memphis trade. Since such interests are not competitive factors in the main currents of trade in the Delta region, there is no justification in bringing them fully under a price plan designed specifically for the trade in the Delta region. The defined area would avoid this. If it were extended further to the north it would involve distribution mainly engaged in other marketing areas. For this reason the other 17 counties to the north which were proposed as additions to the proposed area could not be included in the area. Their exclusion leaves two Delta area handlers with approximately 15 percent of their respective sales outside the area. In this part of their sales territory their competition would be unregulated. But under the circumstances this is unavoidable; for in these northern counties, the Grade A milk trade emanates from local centers that are more closely related to Tennessee and Alabama markets than to the Mississippi Delta market.

Warren and Kemper are the remaining counties that were proposed for the Delta area and that are not included in the defined area. Warren county is presently a part of the Central Mississippi marketing area and is ineligible for the Delta area. And the evidence concerning Kemper affords little grounds for attaching it to the Delta area. It is on the southern edge of the Delta trade region, as conveniently located to Central Mississippi plants as to those in the Delta trade. The only urban population is in small and scattered towns. Other salient facts are: that there is no local distributor in the county; that sales by a Central Mississippi handler presently constitutes about 40 percent of total distribution in the county; and, that the rest of the business is done by distributors who would be handlers under the Delta order.

Finally, it may be said in behalf of the defined marketing area that it would be the regulation to handlers who are primarily engaged in the trade of the Delta region; that the recommended area is contiguous and has uniform health and sanitation regulations of production and handling of milk; that it would subject only minor fringe area distribution to partial regulation; and that the sales areas of all fully regulated handlers would be mostly within the marketing area. Only two handlers would have as much as 15 percent of sales outside of the area. Only these handlers would have competitive relations with unregulated distributors.

(2) *Milk to be regulated.* The milk to be regulated by the proposed marketing agreement and order should be that which is regularly delivered to plants from which milk is regularly distributed on routes in the marketing area, or which is delivered to plants that are regular sources of supply for such plants. To be eligible for such distribution, milk must be produced, processed, and distributed in conformity with applicable health regulations. Provision should be made to designate clearly what milk will be subject to the pricing and pooling provisions of the recommended marketing agreement and order. For this reason, definitions of handler, producer-handler, plant (various types), producer, producer milk, and other source milk should be provided.

A handler should be defined as:

(1) The operator of a pool plant as hereinafter defined;

(2) The operator of a plant from which Class I milk is processed, packaged, and distributed on routes within the marketing area; and

(3) A cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant by delivery directly from producers' farms to a nonpool plant for the account of such cooperative association.

The handler receives the milk of producers and thus must be held responsible for reporting its receipt and utilization. The handler is the one responsible for the payment for producer milk at not less than specified minimum prices. In case a person operates more than one plant at which milk is to be priced, he should be a handler with respect to the combined operations of such plants. If a handler also operates an unregulated plant(s), this definition is not intended to include such person in his capacity as an operator of such type of plant(s). Producer-handlers and other operators of distributing plants should be handlers in order that such persons shall report to the market administrator to determine their status at any given time.

The definition of a pool plant should be such as to determine which producers, as hereinafter defined, are to be included in the determination of a marketwide uniform price to producers. Some plants have received milk from local dairy farmers and distributed most of such milk as fluid milk products in the proposed marketing area over a period of several years. There are other plants that fall into one of two categories, (a) distributing plants with a primary interest in other fluid markets but distributing milk within the area and (b) plants generally known as supply plants at which milk is received directly from dairy farmers and delivered in bulk to distributing plants. There are two distributing plants not regulated by any Federal milk order located outside the proposed marketing area that currently sell fluid milk products within the area, but have their primary market elsewhere. Milk distributors in this market depend in part upon bulk supplies of milk and thus there needs to be provision for supply plants as pool plants. Specific requirements for pool plants are therefore needed to define the supply which is generally regarded as an integral part of this fluid market. This may be accomplished by first defining a distributing plant and a supply plant.

A distributing plant should be defined as a plant at which fluid milk products, conforming to the Grade A sanitation requirements of any duly constituted health authority having jurisdiction in the marketing area, are processed and packaged and from which fluid milk products are disposed of on route(s) in the marketing area.

A supply plant should be defined as a plant at which milk produced in conformity with Grade A health regulations for the marketing area is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

A pool plant should meet certain performance standards in order to determine its status as a regular and substantial supplier of fluid milk in the marketing area. In order to qualify as a pool plant, a distributing plant should (1) dispose of 20 percent or more of receipts from dairy farmers and supply plants as fluid milk products on routes in the marketing area and (2) have a total disposition of fluid milk products on routes of 50 percent or more of receipts of fluid milk products from dairy farmers and supply plants. In order to qualify as a pool plant a supply plant should move 50 percent or more of receipts from dairy farmers to a distributing plant, as herein defined. If a supply plant qualifies on this basis during each of the months of September through January, it should be able to retain pool plant status the following February through August.

The supply area for the Mississippi Delta marketing area overlaps the supply area of other fluid markets and manufacturing milk production areas. Therefore, the previously stated pool plant requirements are necessary to insure (1) that the producers sharing in the uniform price of the market pool be those delivering to plants from which a substantial portion of the milk received at such a plant is disposed of as fluid milk products in the marketing area and (2) that the receipts of those plants which primarily serve markets outside the marketing area be excluded from sharing in the pool. Thus, it is provided that those plants that make sales of fluid milk products on routes in the marketing area that represent 20 percent or more of total receipts from dairy farmers should be regarded as pool plants. Such a percentage of sales in the area in most cases would represent a substantial volume and thus dairy farmers shipping to such plants should share in the marketwide pool.

The proponent cooperative associations proposed that not less than 70 percent of the receipts of producer milk and fluid milk products from other pool plants be disposed of on routes as Class I during the months September through January as a necessary requirement for qualifying a distributing plant as a pool plant. Similarly a 60 percent shipment of producer milk by a supply plant to a distributing plant would be necessary for pool plant qualification. But, a percentage requirement higher than 50 percent in either case is not warranted on the basis of this record even though distributing plants normally use a higher proportion of their receipts from dairy farmers as fluid milk products. The purpose of this percentage requirement is to distinguish distributing plants from supply plants for the purpose of pool plant qualification. Not less than 50 percent distribution of fluid milk products on routes in any month would indicate that the plant is primarily a milk distributing plant. Route disposal will serve to distinguish those plants that may qualify as pool plants through route distribution from those which must qualify as supply plants. Route is defined in the order to include all deliveries of fluid milk products other than deliveries to other milk plants.

The 50 percent shipping (to distributing plants) requirement would be reasonable for supply plants as a parallel requirement to that of distributing plants, but it should not apply to supply plants during months of seasonally heavy receipts from producers. Supply plants carry reserve supplies for distributing plants. If they have the milk when needed by processors they may have little or no call for it during flush months. If a supply plant meets the required standards during the short supply season (September–January) status as a pool plant would then be retained during the balance of the year (February–August).

The Mississippi Delta market is currently served by one supply plant. This plant operated by Cooperative Creamery Association and located at Starkville, Mississippi, supplies bulk milk to its distributing plants at Starkville and Greenwood. In addition, other handlers in the proposed marketing area purchase bulk supplies from this plant. These standards will require such supply plants that qualify to have a primary interest in supplying the Mississippi Delta market, and an opportunity to share in marketwide pooling at all times if it establishes its association with the market during the season of normally low supplies.

Producer-handler should be defined as a dairy farmer who operates a distributing plant but receives no milk from other dairy farmers or nonpool plants.

The purpose of this definition is to describe a type of producer-handler operation which would not be required to equalize utilization and prices with the rest of the market. As a practical matter the producer-handler status—outside the producer price pool—must be defined in terms that definitely prescribe the latitude in procurement afforded such an operator.

First, it may be noted that there is no evidence or argument against confining this category to distributors who receive no milk from producers; for, uniform pricing of producer milk as herein recommended requires the equalization of utilization and prices by all handlers who procure milk from producers. Exception for this type of handler would tend to diminish the efficacy of the pricing scheme. For much the same reason a handler who uses other source milk, in addition to his own production, in fluid milk products, must be required to equalize utilization and prices with other distributors. Otherwise, such a handler might be able to acquire relatively low cost milk for an expansion of his business, at the expense of other distributors and their producers. For these reasons it is concluded that these restrictions are entirely appropriate.

But the evidence does not justify further circumscription of this type of handler. The proposed limitation—3300 pounds per month—on sales was insufficiently supported and seems to be unwarranted. The limitations discussed above would remove the likelihood of any cost advantage that the producer-handler might gain over pool handlers. There was no evidence to show that in this area a prescribed quantitative limit, in addition to procurement limitations, would be necessary in order to prevent this type of handler from undermining or limiting the market for producer milk. If sales by such a handler are limited for the most part to what he can economically produce it must be presumed from the evidence that he would enjoy no obvious competitive advantage in the trade. And this would most likely be true even if producer-handlers are permitted to supplement their own production with purchases from pool plants. It was proposed to confine the supply of a producer-handler to his own production. However, procurement from pool plants normally would cost considerably more than direct receipts of producer milk, and in this area probably could not be relied upon by such handlers, except in relatively

small and uncertain quantities. Such milk, of course, would be fully priced producer milk at the pool plant and would be a part of the reserve supply for pool distributors. It would not be available to nonpool handlers at any lower cost, certainly, than to pool distributors. Furthermore, it would seem that under such circumstances procurement by producer-handlers from pool plants would tend to increase Class I utilization of producer milk and to increase returns to producers. It is therefore recommended that producer-handler be defined so as to confine the supply of milk for such an operator to his own production and receipts from pool plants.

Producer should be defined as a person, other than a producer-handler, who produces Grade A milk, in conformity with the sanitation requirements issued by a duly constituted health authority, for consumption in the marketing area as a fluid milk product and whose milk is received at a pool plant. Producer milk diverted from a pool plant by a handler, including a cooperative association, to a nonpool plant for its account should be deemed to have been received at the location of the pool plant from which diverted. In order to distinguish between producers whose milk may be temporarily diverted and those whose milk may be more or less permanently diverted from the fluid market, some limitation on the length of time that milk may be diverted and still be considered as producer milk under the order is desirable. Based on the conditions in the market, it is concluded that milk of a dairy farmer which is diverted to a nonpool plant in excess of 10 days production during any month (except during the months of February through August, when receipts of milk from producers are relatively large in relation to Class I sales) should not be considered as producer milk under the order. Milk of a dairy farmer which is moved to a nonpool plant in a quantity that exceeds 10 days production during the months of September through January is not sufficiently associated with this market to be priced and pooled with other producer milk. Free diversion of milk during February through August will facilitate the economical disposal of seasonal reserve supplies. Such provisions will permit milk regularly associated with the market to be diverted to manufacturing plants during periods of seasonal flush production and over weekends and holidays when supply and demand relationships may require some reserve to be manufactured in plants not regulated by the order. This provision will facilitate interplant movements of milk for the purpose of short time adjustments of supply and demand without depriving dairy farmers producing the regular supply for the market of their status as producers.

Other source milk should be defined as all skim milk and butterfat contained in fluid milk products received by a handler at his plant(s), except producer milk and fluid milk products received from pool plants. Any receipts from a producer-handler would be other source milk since such persons are neither a producer nor the operator of a pool plant. This definition would include milk products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed and converted to another product in the plant during the month. Supplemental supplies from nonpool plants are occasionally needed and the amounts needed vary from season to season and between handlers.

(b) *The classification and allocation of milk.* Milk should be classified in two classes reflecting the principal differences in the value of milk used for different purposes. Class I should include all skim milk and butterfat disposed of for consumption as a fluid milk product. Fluid milk product means milk, skim milk, buttermilk, flavored milk and drinks, cream and mixtures of milk, skim milk and cream. Plant loss of producer skim milk and butterfat in excess of 2 percent and skim milk and butterfat not accounted for as Class II should also be classified as Class I. Because skim milk and butterfat are not used in most products in the same proportions as received from producers, these components should be classified separately. Class prices, however, will apply per hundredweight of milk, and will be adjusted for the butterfat content of the milk actually used in each class through butterfat differentials.

Representatives of the health authorities having jurisdiction in the proposed marketing area testified that fluid milk products, as defined herein, sold for consumption in the area must be produced and handled in compliance with sanitation standards that are substantially uniform throughout the proposed marketing area. The proponent cooperative associations requested that buttermilk be a Class I product. The health regulations require the same health standards for buttermilk as is required for fluid milk. It is concluded that buttermilk should be a Class I product. Skim milk and butterfat used to produce sweet and sour cream must meet the same health requirements as milk for fluid consumption, hence it is appropriate that cream be classified and priced in the same class as fluid milk.

The products which should be included in Class I are those distributed to consumers in fluid form and required by the health authorities having jurisdiction in the marketing area to be obtained from milk or milk products from Grade A sources. The extra cost of Grade A quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used as Class I somewhat higher than for milk used for manufacturing purposes. It is appropriate that all of the products required to be from Grade A milk be included in a single class so that all milk required to make such products may contribute uniformly to the cost of supplying the market needs for Grade A milk.

Reserve milk not needed seasonally, or at other times such as weekends, for Class I use must be disposed of for use in manufactured products. These products are not required to be made from inspected milk, must be sold in competition with products made from uninspected sources produced over a large area and generally are less perishable than fluid milk products. Milk so used should be classified as Class II and priced in accordance with its value in such outlets.

Class II should therefore include skim milk and butterfat used to produce any product other than a fluid milk product, including but not limited to such products as ice cream, ice cream mix, ice milk, frozen desserts and mixes, frozen cream, aerated cream, dried milk products, whole and nonfat, condensed or evaporated products, butter, cottage and hard cheese. Class II should also include plant loss of other source milk, actual plant loss on producer milk not in excess of 2 percent, all skim milk dumped or accounted for as disposed of for livestock feed, and inventories of fluid milk products on hand at the end of any month. Cream which is frozen and placed in storage should be Class II since such cream is intended primarily for use in ice cream or ice cream mix. Any frozen cream or other Class II products which may be used later in a fluid milk product would be considered as other source milk at the time of such use and assigned to the lowest priced utilization in the plant.

Handlers have inventories of milk and milk products at the beginning and end of each month which must enter into the accounting for current receipts and utilization. The record testimony indicates that an appropriate classification of the inventory of fluid milk products is in Class II. This manner of classifying inventory with correlated steps in the allocation procedure provides a means of charging each handler for his Class I sales each month at the current Class I price. Fluid milk products whether in bulk or packaged form should be inventoried and classified as Class II. Manufactured milk products are not included in inventory accounting because the skim milk and butterfat used for such products are accounted for in the month when such products are manufactured.

Uniformity of costs to handlers and simplicity of accounting are achieved if, so far as possible, Class I utilization each month is assigned to current receipts of producer milk. This can be accomplished by classification of closing inventory as Class II, and allocation of opening inventory to Class I only when current receipts of producer milk (except allowable Class II shrinkage) are less than Class I sales. In such case the handler should pay the difference between the Class II price for such milk in the preceding month and the current Class I price. The volume on which this charge is made should not exceed the volume (in excess of allowable Class II shrinkage) for which producers were paid at the Class II price in the preceding month.

Inventories of products designated as Class I on hand at a pool plant at the beginning of any month during which such a plant becomes qualified for the first time should likewise be subtracted from the Class II utilization of such plant. This will preserve the priority of assignment of current producer receipts to current Class I use for each month.

Unaccounted for milk in excess of a reasonable allowance for plant loss should be Class I so as to require full accounting by handlers for their receipts. Two percent is considered a reasonable maximum allowance for this purpose. No limit need be put on shrinkage of other source milk since such milk is deducted from the lowest use class under the allocation procedures. Since it is not feasible to segregate shrinkage of producer milk from that of other source milk in the same plant, total shrinkage is prorated on the basis of the volume of receipts. Allowance for loss on producer milk diverted to another pool plant should be at the pool plant where actually received. When milk is moved in bulk from a supply plant to a distributing plant the loss on producer milk should be prorated at the rate of 0.5 percent to the supply plant and 1.5 percent to the distributing plant. Each handler must be held responsible for full accounting of all his receipts of skim milk or butterfat in any form. The handler who first receives the milk from producers should be responsible for establishing the classification of and the payment for producer milk. Except for such limited quantities of shrinkage that may be classified in Class II, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use.

Provision should be made for classification of fluid milk products transferred in bulk between pool plants and from plants to nonpool plants. Transfers between pool plants should be permitted in any class agreed upon by the handlers operating such plants so long as the prior claim of producer milk for Class I sales is maintained. Transfers between pool plants at an agreed upon class will not affect the total value of producer milk under a marketwide pool so long as this prior claim is maintained.

Milk, skim milk or cream transferred or diverted from Mississippi Delta pool plants to nonpool plants should be classified as Class I to the extent that the receipts from regulated plants under this order or any other order exceeds the Class II usage in the nonpool plant. In the event fluid milk products are received at a nonpool plant from more than one plant regulated by a Federal order, any skim milk or butterfat classified as Class I at such a nonpool plant should be shared pro rata between pool plants of this and other orders. In order to substantiate a Class II classification the nonpool plant must have and make available records adequate to verify any Class II utilization claimed.

There was no evidence indicating that the Mississippi Delta market carries milk supplies for other markets and therefore producers have no claims of priority to Class I sales in other markets resulting from transfers from pool plants to nonpool plants in such markets. The highest-valued uses should be assigned first to producers regularly supplying the other market. The provisions herein outlined are provided purposely to assure such assignment.

When handlers receive butterfat and skim milk from sources other than from producers, it is necessary to provide a method for allocating such receipts to the classes of utilization in such a manner as to determine the classification of producer milk. Inasmuch as producer milk is the regular available supply for fluid consumption in the marketing area, producer milk should be assigned the Class I utilization in preference to other source milk. This is necessary to insure the effectiveness of the classified pricing program of the proposed order. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in detail in the proposed market agreement and order.

In general this procedure requires that skim milk and butterfat, respectively, remaining in each class be assigned to producer milk by making the following deductions from the gross utilization of each handler starting with Class II milk, except as otherwise noted:

(1) Class II shrinkage of producer milk;

(2) Other source milk;

(3) Receipts from other handlers (according to classification);

(4) Beginning inventory;

(5) Add shrinkage deducted in (1); and

(6) Overage.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described above should be carried out with respect to all milk received during each month.

(c) *Class prices.* Class I prices should be established at a level, which in conjunction with Class II prices, hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate but not excessive supply of milk to meet the requirements of the marketing area.

The maintenance of stable conditions in the market requires that prices be modified whenever the supply of milk in relationship to sales is out of adjustment. If prices remain too low, insufficient milk will be produced to provide for Class I needs, and if a shortage of this kind should continue it would be necessary to supplement supplies from regular producers by importations of milk from distant areas. On the other hand, if prices are too high, excess production is stimulated, consumption is curtailed, and uneconomic surpluses of milk develop. Moreover, an appropriate balance between supplies of approved milk from regular producers and the sales of such milk in Class I will be attained only if Class I prices are in proper relationship to prices of milk from supplemental sources of supply.

Because of changing supply and demand conditions for milk in the market it is necessary, in order to maintain an appropriate relation between supply and sales, to provide a method of flexible Class I pricing. Pricing formulas which cause prices to change automatically with changes in market conditions are in general use for the pricing of milk to farmers in fluid markets. Proponents proposed for this area such a Class I price formula, one which was much the same as that in the Central Mississippi area under Order No. 87. The purpose was to provide appropriate flexibility in Delta area prices and, at the same time, close articulation of Delta prices with Central Mississippi prices. But, it is shown below that the proposed separate formula for the Delta area would not meet these tests; and that price objectives would be better served by basing Delta area Class I prices directly on prices of the Central Mississippi order at certain designated basing points in the Delta area, than by a separate formula provision.

(1) *Class I price.* The Class I prices in this order should be the Class I prices determined pursuant to § 987.51 (a) of Federal Order No. 87 regulating the handling of milk in the Central Mississippi marketing area, less 16 cents per hundredweight.

It was proposed by the cooperative that the Class I prices be $1.65 per hundredweight above a basic formula price for the months of March through July and $2.05 for all other months. The basic formula price suggested was the highest of the average price paid midwestern condenseries, a formula price based on market values of butter and nonfat dry milk, or the average paying price of nearby Mississippi manufacturing plants.

The result of the cooperative's proposal would be a Class I price 20 cents per hundredweight less than the Class I prices determined under Federal Order No. 87 for the Central Mississippi marketing area. This price would apply to all plants that would be pool plants in the marketing area proposed by the two proponent cooperatives. This proposal was supported on grounds of inter-area relations of the trade in the Delta region with that of the Central Mississippi area. This was the dominant consideration in the determination of the level of Class I prices.

It should be noted that the Delta area adjoins the Central Mississippi market on the south while the northern boundary is approximately 100 miles south of the Memphis area. For 1957, Class I prices at Jackson, Mississippi, averaged $5.73 and at Memphis $5.34. Thus the proposed Delta price of 20 cents under the Jackson price, in 1957, would have been about the same amount over the Memphis price. In 1956 average Class I prices in Memphis were 53 cents lower than the Central Mississippi prices at Jackson. In 1955, the difference was 57 cents. A handler proposed that if Delta prices must be definitely aligned with Central Mississippi prices, as proposed by producers, rather than with Memphis prices, they should be no less than 30 cents under the Jackson, Mississippi, price. This proposal, however, seems to assume that the difference in the annual level of Class I prices in Central Mississippi and in the Memphis area is most likely to be nearer to 60 cents than to 40 cents. This assumption was not supported by any examination of the factors

associated with the fluctuating relation of prices in these two markets. On the basis of hearing evidence, there is no good basis for predicting much different relationship from that in 1957.

The same Class I price for all pool plants regardless of location in the area is necessary to equalize extensive competitive relations among pool plants in the area. The prices proposed by proponents need to be altered slightly under prevailing price relations between the Central Mississippi and Memphis markets. A Class I price of sixteen cents under the Central Mississippi market will provide a price, 25 to 30 cents over Memphis and in proper alignment to the location of the Delta territory with respect to these areas. The same price for all plants in the marketing area will reflect the competition between Delta plants. The recommended level of the Class I price will reflect the competition some Delta plants have with the Central Mississippi market.

The procurement area is almost wholly within the proposed marketing area. Some distributors within the area have sales outside the area. Two milk distributors located in the southeast portion and two located in the west-central side of the marketing area sell some fluid milk products in the Central Mississippi marketing area. Three Central Mississippi area handlers distribute fluid milk products in the proposed Delta area. Three milk distributors in the Delta area have some sales to the north, outside the marketing area, in competition with Memphis handlers and with milk distributors primarily competitive with the Memphis trade area. Nonpool plants located within the marketing area, in the eastern portion of the area, compete for supplies of milk with milk distributors that would be regulated under this recommended order. These nonpool plants procure supplies for manufacturing purposes and for sale as Grade A fluid milk for markets in the State of Alabama. Because of the competition in the sale of milk and in the procurement of supplies, milk at the various locations in the recommended marketing area should be priced in accordance with the general location of the marketing area to the trade in the Central Mississippi market.

Obviously, it is necessary in order to contribute to orderly marketing and market stability to price milk in the Delta pool at approximately the level it would be if it were in the Central Mississippi pool. A large portion of the supply area is around Starkville. Under the Central Mississippi order the Class I price would be adjusted by 16 cents at this location. The same location adjustment would apply at Greenwood, which is one of the larger sales areas. A Class I price identical with that which the Central Mississippi order provides at Greenwood and Starkville, Mississippi, will then appropriately extend the Central Mississippi Class I prices adjusted by location adjustments to the Delta area.

(2) *Class II price.* The Class II price should reflect the value of milk for general manufacturing uses in the Mississippi Delta milkshed. The average of the prices paid at four Mississippi dairy manufacturing plants provides an appropriate indication of the value of milk for such uses in the area. The four plants selected are in the general area of the Mississippi Delta milkshed, and are not operated or controlled by persons who will be handlers under the order.

To the monthly average of the prices paid at local dairy manufacturing plants 20 cents per hundredweight should be added for the months of September through January and 10 cents all other months. Proponents testified that they are willing to divert for their account milk that handlers do not want to dispose of as Class II. Proponents are able to dispose of Class II milk at this price level. The recommended Class II price will discourage handlers from procuring needless supplies of Grade A fluid milk for Class II use and thus will tend to maximize returns to producers for Grade A milk used for Class II.

(3) *Handler butterfat differential.* Butterfat and skim milk will be accounted for separately for classification purposes since they are not used in most products in the same proportions as received from producers. The basic test for which class prices are determined is 4.0 percent butterfat content, the usual fat test at which prices are quoted in the area, and on which the market has operated for many years. It will then be necessary to adjust Class I and Class II prices of milk to handlers in accordance with the average test of milk used in each class. Butterfat differentials which reflect differences in value due to differences in butterfat content are used for this purpose. Producers proposed that the handler butterfat differentials be .12 times the Chicago price of 92-score butter. In the Mississippi Delta area, fluid cream must be from Grade A milk and is therefore priced as Class I milk. Butterfat in cream from inspected sources sold as fluid cream or cream mixtures has a higher value than that in ungraded milk which will be approximately reflected by a butterfat differential 0.12 times the Chicago butter price. Such a differential should be used to adjust the hundredweight price of Class I milk for each one-tenth percent variation for 4.0 percent butterfat content. The Class II butterfat differential should be 0.11 times the Chicago butter price as proposed. Such a differential reflects an appropriate value of butterfat for Class II uses in this area.

(4) *Location differentials.* It is concluded that location differentials should apply on Class I milk received from producers at Delta plants located 30 miles but less than 40 miles north of U. S. Highway No. 82 and within the State of Mississippi. The price at such plants should be 7.5 cents less than the prices determined pursuant to § 905.50 (a) of the proposed order. For pool plants located outside the State of Mississippi and 30 miles but less than 40 miles from the nearer of the city halls of Greenville or Columbus, Mississippi, the price should also be decreased 7.5 cents. An additional deduction at pool plants located 40 miles or more north of U. S. Highway No. 82 in the State of Mississippi or outside the State and 40 miles or more from the named basing points at the rate of 1.5 cents for each 10 miles such distance exceeds 40 miles.

Exceptions to the revised recommended decision maintained that location adjustments should not apply to plants in the State of Mississippi located between U. S. Highway No. 82 and 30 miles north thereof. Previous decisions lacked clarity in specifying the application of location differentials to pool plants located north of U. S. Highway No. 82 and in the State of Mississippi and for pool plants located outside the State. This decision and the order provisions attached hereto specify that a pool plant located within the State of Mississippi, shall be located 30 miles or more north from U. S. Highway No. 82 *before* location differentials apply. Competitive conditions affecting handlers located within 30 miles north of U. S. Highway No. 82 are comparable, so that class prices should be the same for all handlers located in this area whether in the west, central or eastern portion of the marketing area. The competitive conditions in sales and procurement with the Memphis market incurred by handlers located farther than 30 miles north of U. S. Highway No. 82 justify a location adjustment of the amount provided in the revised recommended decision.

The location adjustments provided herein recognize the principle that milk similarly used and located should be similarly priced.

Since the Delta area is directly north of the Central Mississippi area there is no need for location adjustments to the south. Distances would be measured by the shortest highway distance open to commercial truck traffic as determined by the market administrator. This mileage rate, which is the same as that applicable under Order No. 87, is valid for the Delta area, as shown by evidence in the record. The value of manufacturing milk is approximately the same regardless of location. Any differences in price of such milk has little relation to its location to the Mississippi Delta area or to its location nationally. Therefore, location adjustments are unnecessary on Class II milk and should only apply to milk assigned or otherwise classified as Class I.

The uniform prices for producer milk should be subject to location adjustments to reflect the value of such milk in accordance with the location of the pool plant to which such milk is delivered. The rate of adjustment applying to uniform prices should be the same as herein recommended for adjusting Class I prices to handlers. This would be as proposed by producers and as provided in the Central Mississippi area.

(d) *Payments to producers*—(1) *Type of pool.* The marketwide type of pool should be included as a means of distributing to producers the returns from the sale of their milk.

The proponent cooperatives proposed that distribution returns from the sale of producer milk be on a marketwide basis.

Marketing conditions require payment of a uniform price to all producers representing the value of all market utilization to compensate all producers fairly for their contribution to the market supply. Some milk distributors buy as closely as possible to their Class I needs and carry little or no surplus in the high production months. The cooperatives supply their cooperating handlers with as much milk as needed and generally handle the surplus production of their members by diversion to manufacturing outlets. Under present marketing arrangements producers share unequally in the Class I sales of the market. A majority of plants do not have manufacturing facilities, other than for ice cream, and generally purchase supplies from dairy farmers close to their needs. Under an individual handler pool, it could not be expected that reserve supplies for the market would be uniformly distributed among handlers. The burden of carrying the necessary reserve supplies of milk would continue to be shouldered by only a part of the producers.

A market-wide pool will facilitate the movement of milk supplies by the cooperative associations between handlers to meet their individual needs or to those nonpool processing plants that can make the most efficient use of such milk. Such a pool will aid the market in retaining qualified and experienced producers on a year-round basis which will tend to make available enough milk to fill the Class I requirements during the normally short production season. A market-wide pool will permit any handler to bid on such business as that offered by military installations and other public institutions and to obtain the supplies for such sales without upsetting the market whenever the business might shift from one handler to another. These factors, taken in conjunction with the variations in amount of reserve supplies among plants, all support the adoption of a marketwide pool.

(2) *Producer payment plan.* A base and excess plan of distributing returns for milk among producers should be adopted for this market.

The majority of the producers are now receiving payment for milk on a base-excess plan. Each of the two cooperative associations has used this system of distributing payment among its members for many years. The evidence, although it does not represent the total figures for the market, indicates that receipts vary widely relative to Class I sales between the summer and winter months. Handlers and cooperatives have paid producers on base-excess plans with substantially the same rules. Due to lack of complete market information in regard to receipts from all producers and utilization data from all handlers, the effect of these plans on the relationship of supply to total inspected needs of the market cannot be accurately and specifically determined. It is evident, however, that these base-excess plans as operated in the past have encouraged more even production.

Fundamentally the base-excess plan proposed by the cooperative associations and included herein is similar to that now being used. When Class II utilization exceeds the total quantity of excess milk, each producer would receive the manufacturing milk price for milk delivered during the base-operating month in excess of a daily average amount, known as the producer's base. The base forming period is September through January. The producer's base for the base-operating period beginning with the following March is determined by the daily average shipments during the preceding base-forming period. The base price is determined by dividing the total market base deliveries into the remaining returns for all producer milk after subtracting the value of excess milk and the value of milk from producers with no base. The base of each producer delivering milk in the base period is the amount determined by dividing the total pounds of milk received from such producer at all pool plants during the base period by the number of days for which milk was delivered but not less than 120 days.

Certain rules regulating the transfer of established bases were proposed and are adopted herein subject to some modification. Transfers within these rules should be made only on written request filed with the market administrator. The rules permit reasonable transfer of bases and correspond closely to present practices in the market.

The proposed rules are modified to provide for computing bases for dairy farmers on deliveries during the preceding base-forming period whenever any plant first achieves pool plant status in a base paying period. This provision will permit these producers to share equally with all other producers in the returns for milk.

Handlers should make payments to each producer for his milk at the required prices. If a producer has given a cooperative association written authorization by contract or in any other form to collect payments for him and the association makes a written request for the payments due such producers, payment should be made by the handler to the cooperative. A provision authorizing handlers to make payment directly to such qualified cooperative for milk received from producer-members is necessary to enable the association to carry out its essential functions authorized by the enabling act. A cooperative association, if it is to carry out these essential functions, must have full authority in the collective bargaining and selling of member milk. It is provided that handlers should make payments to producers, or to cooperative associations, at not less than applicable price(s) on or before the 15th day after the end of each month. Since it has been the practice in this area for handlers to pay producers bimonthly, provision has been made for partial payments to producers on or before the last day of each month for milk delivered during the first 15 days of each month at not less than the Class II price. In making payments for producer milk to a cooperative association the handler will pay an amount equal to the sum of the individual payments otherwise payable to member producers, and should at the same time furnish the cooperative association with a statement showing the name of each producer for whom payment is being made to the cooperative association, the volume and average butterfat content of milk delivered by each such producer, and the amounts of and reasons for any deductions which the handler withheld from the amount payable to each producer. This statement is necessary in order that the cooperative association can make proper distribution of money to the producer-members for whom it makes collections.

The order should not include a provision that would provide a pooling differential for "special milk".

A handler proposed a pooling differential on "special milk". He was joined in this proposal by representatives of the Mississippi Guernsey and Jersey breed associations. It was proposed that "special milk" be defined as milk:

(1) Receiving not less than a Class I price premium of 25 cents per hundredweight above the minimum order price,

(2) Processed and handled separately, and

(3) Sold under a registered trademark controlled by a producers' organization.

In support of such a definition of "special milk", it was contended that:

(1) It has superior quality.

(2) Production costs of this "special milk" are higher, and

(3) Consumer demand is greater than in the case of average or "ordinary" milk.

The proposed definition of "special milk", on which a pooling differential for "special milk" would be based, is not a feasible means to distinguish such milk from any other milk in the market for pricing and pooling purposes. In the first place premiums of 25 cents per hundredweight, or more, are frequently paid for reasons not associated with the quality of the milk. There have been numerous situations under Federal milk price regulation where premiums of 25 cents per hundredweight, and more, have been paid generally throughout the market. Consequently, the mere payment of a premium of any amount could not be relied upon to distinguish "special" milk from other milk in the market.

Neither could separate processing and handling be used to identify "special milk". Frequently, all of the milk received in a plant which distributes "special" breed milk handles only milk which is eligible for this designation. Likewise, other distributors sometimes distribute "special milk" and they process in their own plants only milk meeting those specifications. It could be said, consequently, in the latter case as well as the former, that the milk was handled separately. Moreover, milk handlers sometimes set up special quality criteria of their own choosing, and they handle milk meeting these criteria separately.

Finally, the use of a trademark controlled by a producers' organization could not be relied upon to distinguish "special milk" from all other milk in the market. In this market and in other markets, there are producers' associations which distribute milk under their own brand names, which brand names are registered and are controlled by producers' associations. Hence, this criterion also would fail to identify only special milk.

Each of these criteria, and all in combination, would not successfully distinguish special milk from other milk which could be distributed in this and other markets.

In justification for special pricing and pooling it is claimed that the special milk has superior qualities entailing higher production costs that entitle producers to higher prices. But these claims are not supported. The record evidence merely states that "special" breed milk possesses higher or different quality characteristics than other milk in a Grade A standard market but does not offer facts to substantiate such claims. The evidence on cost of production is of the same nature. It is a fact that cost of production studies show marked variation in costs from farm to farm among Grade A milk producers, including producers of "special" breed milk. Production costs or marketability are not in themselves factors to influence minimum milk prices or to justify separate or special pooling of returns to selected groups of producers.

In further justification of their proposal, proponents claimed a greater consumer demand for "special milk." To support this claim, the high Class I utilization of one handler distributing "special" breed milk in the marketing area was cited. This handler purchases other source fluid and powdered milk, from distance sources, to supplement receipts from area producers. At the same time, however, there are producers of special breed milk located in the marketing area that do not have a market with this handler. Extensive advertising, superior selling practices, proximity to the market place are some factors, besides type of milk differentiation, that influence consumer demand and permit some handlers to secure higher than market average Class I utilization. Be that as it may, any handler restricting the amount of milk purchased from producers and supplementing supplies from other sources may achieve equally well a high Class I utilization.

Even if it were possible to define adequately the "special milk" referred to, it would be inappropriate to provide a special pooling differential. The pooling arrangements provided in Federal orders have important market and price stabilizing functions. They make it feasible for milk handlers to accept the offerings of producers at all times. In a market-wide pool handlers may accept the milk of producers without reducing the individual handler's pay price in relation to the rest of the market. This makes it feasible for the handler to accept and market all of the deliveries of producers. In a similar way, under individual-handler pooling, the regulated handler pays his producers a blended price for all of their deliveries. Thus, he does not have to choose among producers who will receive a higher price and who a lower price. The handler can thus receive all of the milk of his producers at an equal price. Through pooling, producers share equally in the higher value of fluid milk products, in the responsibility to provide an adequate and orderly flow of the supply of milk to meet consumer demand and in the lower returns from the market reserve supply. For these reasons the act provides for either individual-handler or marketwide pooling of returns to milk producers to stabilize the pricing and orderly marketing of milk in the interest of producers and consumers.

The proposal for a pool differential, which in effect would mean separate pooling for "special milk", would nullify the effect of pooling. It would hinder the stabilizing influence pooling is intended to have in a regulated market. This is particularly evident when it is recognized that the proposed criteria for "special milk" could result in a multiplicity of separate pooling arrangements. Clearly there is no statutory intent to adopt a proposal which would have the effect of nullifying one of the most essential stabilizing devices provided in the act.

Despite the fact that it is concluded inappropriate to provide special pooling arrangements for "special milk", there is no need to consider such action a penalty to the producers of such "special milk". The prices specified in the Federal orders are minimums only. Producers may negotiate for higher prices for milk of special marketability which under certain circumstances may inhere in "special milk". Such premiums would not be pooled; but would be paid directly to the producers of "special milk".

For these reasons the proposal for special pooling and similar pricing proposals that would provide for a preferential pooling or pricing arrangement for producers of "special milk" is denied.

(3) *Producer butterfat differentials.* The butterfat differential used in making payments to producers should be calculated at the average of the returns actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sales value of their butterfat at the class differentials provided in the order. The producer butterfat differential in no way affects the handlers' costs of milk but merely prorates returns among producers according to the varying butterfat tests of their milk.

(4) *Producer-settlement fund.* Since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperative associations, some method of balancing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations should pay the difference into the producer-settlement fund; and all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal except for minor differences that may result from rounding of uniform prices. In order to permit this rounding of prices, to allow for unavoidable delays in receiving payments from handlers, and to permit payments to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the proposed order should be sufficient for these purposes. This reserve would be accumulated by deducting between 4 and 5 cents each month from the uniform or base price, as applicable, after adding half of the unobligated balance to the pool from which such prices are computed. Since excess milk will rarely share in the higher class uses of the market, and deduction for the reserve from the excess milk price would reduce this price below the level of ungraded manufacturing milk prices, excess milk need not contribute to this revolving reserve fund in months when payments are computed under the base-excess plan.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers.

5. Payments on unpriced milk:

The order should provide compensatory payments with respect to unpriced milk which is allocated to Class I in a pool plant when receipts from producers exceed 110 percent of the Class I utilization.

The proponent cooperatives proposed compensatory payments on all unpriced milk utilized or sold in the marketing area. The rate of payment would be the difference between the Class I and Class II milk prices for the months March through August. During the months of September through February, the rate of payment would be the difference between the Class I milk price and the uniform price to producers.

Receipts of milk from producers during the lowest period of production may not be enough to meet the Class I needs of handlers in the marketing area. Therefore, purchase of other source milk by handlers in bulk fluid form or as skim milk powder or condensed milk is at times necessary. During the flush season, receipts from producers are more than sufficient to meet the Class I needs of the market.

An important function of the order is to insure that the position of handlers paying producers a Class I price for fluid milk will not be undermined by other handlers using the market's excess or surplus milk for Class I use. It is equally important that the Class I market be protected from the use of seasonal excess

milk from other markets as well as from its own surplus. If the order failed to provide such protection, a handler could curtail purchases of producer milk to his own advantage and secure low cost reserve supplies from other markets for Class I use.

Seasonal supplies may be obtained easily and cheaply during the months of flush production, when most markets have receipts of milk considerably greater than necessary to supply their current fluid requirements. If adjoining milksheds dispose of their seasonal surplus in each other's Class I markets, the result would be confused and disorderly marketing conditions. Market prices would be demoralized, production of milk would be impaired, and the future supply of milk for both markets would be jeopardized. Such disorderly marketing conditions would be contrary to the purposes of the Agricultural Marketing Agreement Act. Therefore, in order to insure the effectiveness of the classified pricing program and to promote orderly marketing, it is necessary that some method of compensating for, or neutralizing the effect of, the advantage created for unpriced milk should be provided as an essential provision of this order. Since the need for such payments arises because of the availability of unpriced milk (milk not procured at specified prices by class usage), compensatory payments should not apply to milk entering the marketing area from a plant regulated under another order. Its proper classification and pricing is determined pursuant to the other order.

It is not practicable to price all milk which may enter the market. However, it is necessary to make provision to prevent the displacement of producer milk by such unpriced milk for the purpose of cost advantage. The alternative available under the order is to make a charge against unpriced milk used in Class I to the extent necessary to remove any advantage in using such milk in lieu of milk from producers.

In the case of other source milk received in the form of concentrated products such as condensed skim milk or nonfat dry milk, the cost to the handler of such products is approximately the Class II price provided under the Mississippi Delta order. When such products are reconstituted and utilized as Class I milk, the cost to the handler of such product is less than the Class I price by approximately the difference between the Class I price and the Class II price. In order to remove any price advantage, a handler might have through the reconstitution of manufactured dairy products into fluid milk products, the rate of compensatory payment on other source milk received in the form of concentrated products should be the difference between the Class I price and the Class II price, adjusted by the applicable butterfat differential. Since the point of origin of such other source milk is not generally known, it is not administratively feasible to adjust these payments by any location differential.

In addition to the other source milk which enters the market in the form of concentrated products there are at times fluid milk imports from unregulated markets for use as Class I. To remove the price advantage that a handler might achieve by purchasing surplus milk from other markets for use as Class I milk, a compensatory payment should be assessed on such milk equal to the difference between the Class I price and the Class II price. The Class II price provided by the order is a fair index of the value of such milk in manufactured dairy products which is the alternative outlet for such milk. Since the handler must pay the cost of transporting such milk from the plant of origin to the marketing area, the rate of the payment should be reduced by the amount of the location differential which would apply at the plant of origin were it a regulated plant under the Mississippi Delta order.

In order to permit handlers to secure supplementary supplies without making a payment when the market is actually short of milk, it has been provided that no compensatory payment will apply any month in which receipts of producer milk on the market are less than 110 percent of Class I sales. From the record data on monthly receipts and utilization of producer milk, such utilization percentage would be a practical demarcation of adequate supply and deficit supply conditions.

In computing the applicable location differential, if a handler has received other source milk in the form of fluid milk products from two or more nonpool plants, the amount of skim milk and butterfat allocated to Class I milk should be considered to have been received from the plants in sequence according to the smallest location adjustment applicable.

In the case of a handler whose plant fails to qualify as a distributing plant but who has sales of fluid milk products on routes in the marketing area, such handler also should under certain conditions be required to make payments to the producer-settlement fund. The amount of these payments would be the lesser of (1) the difference between the Class I and Class II price multiplied by the amount of Class I milk sold in the marketing area, or (2) the amount by which total payments to dairy farmers are less than the total amount of the plant's obligation to producers if such obligation is computed as if such plant were a pool plant.

If the handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, he will obviously not have any advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area, for his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

Affording this last option to nonpool plants which distribute some Class I milk in the marketing area will adequately protect the regulatory plan in this market. In the areas from which it is expected such nonpool handlers would procure supplies, no great quantities of milk are available. Moreover, the size of handlers who would use this option is relatively small. It is expected also that the difference between the Class I price and uniform price, which will prevail in this market, will be relatively minor. Consequently, the price which these handlers would be required to pay under the option and the uniform price payable by wholly regulated handlers would not differ greatly. Hence, the exercise of this option could not have a disruptive influence on the handling of milk in this area. For these reasons, it is not necessary, in order to maintain the integrity of the regulatory plan in this market, to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their producers at least the total amount of money which they would be required to pay if they were fully regulated.

The nonpool handler should also pay his pro rata share of the costs of administration of the order. Complete verification of receipts, utilization and payments is required if such a handler is to be given credit for payments as related to the classified use value of skim milk and butterfat received. Accordingly, administrative expense should be determined on the same basis as for fully regulated plants. Should a handler operating a nonpool distributing plant elect when filing his report to make payments to the pool at the difference between the Class I and Class II prices with respect to sales in the marketing area, the expenses of administration will be assessed only with respect to such sales, since need for verification will then be confined to that volume.

6. A provision for the determination of equivalent price quotations should be included in the order.

Such a provision is designed to meet an emergency situation in which a price quotation necessary in the determination of class prices, or for any other purposes, may not be available. In such event, the Secretary would determine a price equivalent to the price quotation normally available. The provision proposed will remove uncertainty as to the procedure to be followed in the absence of any price quotation provided for in the order and thereby will prevent unnecessary interruption in the administration of the order.

(e) *Other administrative provisions.* The remaining provisions are of a general administrative nature, are incidental to the order provisions of the proposed order, and are necessary for proper and efficient administration. They provide for the selection of a market administrator, define his powers and duties, provide for an administrative assessment, prescribe the information to be reported by handlers and set forth the rules to be followed in making the computations required. They also prescribe the length of time that records must be retained and provide a plan for the liquidation of the regulatory program in the

event of suspension or termination. They are similar to like provisions of other milk orders, and except as set forth below require no comment.

As his share of the expenses of administering this proposed order each handler should pay not in excess of 5 cents per hundredweight with respect to all producer milk received, all other source milk received at a pool plant which was classified as Class I milk, and as discussed elsewhere with respect to a nonpool plant. The market administrator must verify receipts and utilization of all such milk; therefore, all such milk should be subject to the expenses of administration. Experience in other markets indicates that 5 cents per hundredweight with respect to all such milk should yield sufficient money to cover expenses of administration. If payment of expenses of administration at the rate of 5 cents per hundredweight yields more money than is needed, provision is made for the Secretary to prescribe a lesser rate of payment from time to time.

Provision should be made for the dissemination of market information to producers, for the verification of weights and for the sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association. The order should provide that 7 cents per hundredweight, or such lesser amount as the Secretary may determine, be deducted from payments to such producers for use of the market administrator in financing such services. While proponents sought a deduction of 8 cents per hundredweight, the lesser amount recommended, based on the evidence of this record, should provide adequate funds for marketing services. Conditions in this marketing area are not enough different from the Central Mississippi market—where a 7 cent rate is provided—to justify a higher rate in the Delta area. For producers for whom a cooperative association is rendering such services, the handler should pay to the cooperative association such deductions as the producer has authorized the cooperative to collect. Such payments to be in lieu of those to the market administrator.

Reports are required from handlers on receipts and utilization so that the market administrator may make the computations necessary to the marketwide pooling operation and the uniform price to producers. Handlers are also required to submit payroll reports which would show the details of milk receipts from each producer, the value of the milk received from the producer, deductions therefrom, and net amount paid to the producer.

There are limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444) covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as part of the decision.

Dates must be prescribed for announcing prices, filing reports and making payments. The following time schedule should allow all interested persons adequate time to perform each function. (These time limits apply to the indicated day of the month following the month for which computations are being made.)

Day of the month and function:

6th day—Announcement of class prices by market administrator.

5th day—Submission of monthly report of receipts and utilization by handlers.

10th—Announcement of uniform prices by market administrator.

12th—Notification by market administrator to handlers of the value of their producer milk and amounts due to or payable from producer-settlement fund.

12th—Payment by handlers of amounts due to producer-settlement fund and for expenses of administration.

13th—Payments by handlers to cooperative associations and by the market administrator out of the producer-settlement fund.

15th—Payments by handlers to producers.

It is impracticable to regulate a handler under two or more orders with respect to the same milk. He should be regulated where his Class I sales are greatest. Therefore, a handler who operates a plant at which minimum prices to dairy farmers are established under another Federal order issued pursuant to the act and also sells Class I milk in the Mississippi Delta marketing area should be exempt from the provisions of this regulation, except for reporting the volume of Class I sales in the marketing area.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Mississippi Delta Marketing Area", and "Order Regulating the Handling of Milk in the Mississippi Delta Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agents

It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Mississippi Delta marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of June 1958, is hereby determined to be the representative period for the conduct of such referendum.

Hobart E. Crone and Andrew T. Radigan are hereby designated, jointly and severally, Agents of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this decision is published.

Issued at Washington, D. C., this 3d day of September 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

ORDER[1] REGULATING THE HANDLING OF MILK IN THE MISSISSIPPI DELTA MARKETING AREA

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AUTHORITY: §§ 905.0 to 905.111 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c.

§ 905.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Mississippi Delta marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe with respect to receipts of producer milk, including such handler's own production; other source milk allocated to Class I milk and applicable amounts specified in § 905.62 (a) (2) and (b) (2).

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Mississippi Delta marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 905.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 905.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States, authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 905.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 905.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 905.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 905.6 *Mississippi Delta marketing area.* Mississippi Delta marketing area, hereinafter called the marketing area, means all the territory, including incorporated municipalities and military reservations within Attala, Bolivar, Carroll, Choctaw, Grenada, Holmes, Humphrey, Leake, Leflore, Lowndes, Montgomery, Noxubee, Oktibbeha, Sharkey, Sunflower, Tallahatchie, Washington, Webster, Winston, and Yazoo counties; Beats 1, 4 and 5 in Calhoun county; Beats 4 and 5 in Coahoma county; Beats 2, 3, 4, and 5 in Quitman county including all of the village of Crowder; and Beats 1, 4, and 5 in Yalobusha county all within the State of Mississippi.

§ 905.7 *Route.* "Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

§ 905.8 *Distributing plant.* "Distributing plant" means any plant at which fluid milk products, eligible for distribution in the marketing area under a Grade A label, are processed and packaged and from which fluid milk products are disposed of on a route(s) in the marketing area.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 905.9 *Supply plant.* "Supply plant" means any plant at which milk eligible for distribution in the marketing area under a Grade A label, is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 905.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant, other than that of a producer-handler or one described in § 905.61 (a), from which during the month:

(1) Disposition in the marketing area of fluid milk products on routes is 20 percent or more of receipts from dairy farmers and supply plants; and

(2) Total disposition of fluid milk products on routes is 50 percent or more of receipts from dairy farmers and supply plants; or

(b) A supply plant from which during the month 50 percent or more of receipts from dairy farmers is moved to a plant described in paragraph (a) of this section. Any supply plant that was a pool plant during each of the months of September through January immediately preceding shall continue to be a pool plant each of the following months of February through August unless written notice to the market administrator is received before the first day of the month of its intention to withdraw, in which case such plant shall thereafter be a nonpool plant, unless it again qualifies as a supply plant by shipping 50 percent or more of its receipts from dairy farmers to a plant described in paragraph (a) of this section.

§ 905.11 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 905.12 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of a pool plant(s); or

(b) The operator of any nonpool distributing plant with route distribution in the area; or

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with § 905.14.

§ 905.13 *Producer-handler.* "Producer-handler" means a dairy farmer who operates a distributing plant at which no fluid milk or fluid milk products are received during the month except his own production or transfers from a pool plant(s).

§ 905.14 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted by a handler to a pool plant or a nonpool plant for the account of such handler or by a cooperative association but for not more than 10 days production during any months of September through January. Milk diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted, and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at the location of the pool plant from which it was diverted.

§ 905.15 *Producer milk.* "Producer milk" means all skim milk and butterfat received at a pool plant directly from producers, or diverted pursuant to § 905.14.

§ 905.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, or for which other utilization or disposition is not established pursuant to § 905.33.

§ 905.17 *Fluid milk product.* "Fluid milk product" means all skim milk and butterfat in the form of milk, including concentrated milk, skim milk, including reconstituted skim milk, buttermilk, flavored milk, flavored milk drinks, eggnog, yogurt, cream (other than frozen storage cream) cultured sour cream, and any mixture of cream and milk or skim milk (other than ice cream, ice cream mixes, other frozen desserts and mixes, and sterilized products contained in hermetically sealed containers).

§ 905.18 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 905.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 905.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary, complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 905.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon, satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 905.93, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 905.92, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by examination of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(h) Publicly disclose, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 905.30 and 905.31, or payments pursuant to §§ 905.90 to 905.95;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:

(1) On or before the 6th day of each month, the minimum price for Class I milk pursuant to § 905.50 (a) adjusted by the applicable location adjustments pursuant to § 905.52 and the Class I butterfat differential computed pursuant to § 905.51 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 905.50 (b) and the Class II butterfat differential computed pursuant to § 905.51 (b) both for the previous month;

(2) On or before the 10th day after the end of each of the months of August through February, the uniform price computed pursuant to § 905.72 and the butterfat differential computed pursuant to § 905.75; and

(3) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk computed pursuant to §§ 905.73 and 905.74 and the butterfat differential computed pursuant to § 905.75;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association, which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by each handler; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this part which do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 905.30 *Reports of receipts and utilization.* On or before the 5th day (exclusive of Sundays and holidays) of each month each handler who operates a pool plant(s), each handler, other than a producer-handler, who operates a nonpool distributing plant, and any cooperative association with respect to milk for which it is a handler pursuant to § 905.12 (c) shall report for the preceding month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Milk received from producers and for the months of March through July the total quantity of base and excess milk. In lieu thereof the operator of a nonpool distributing plant shall report aggregate receipts from dairy farmers who would be producers if such plant were a pool plant;

(2) Fluid milk products received from other pool plants;

(3) Other source milk; and

(4) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements with respect to:

(1) Disposition of fluid milk products on routes within the marketing area from plants described in §§ 905.61 and 905.62, and from other plants for which the market administrator requires such information as a basis for determination of status or obligations; and

(2) Class I milk outside the marketing area;

(c) Such other information with respect to sources and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 905.31 *Other reports.* (a) On or before the 20th day of each month each handler operating a pool plant(s) and each cooperative association which is a handler pursuant to § 905.12 (c) shall report its producer payroll for the preceding month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer and for the base-operating months of March through July the total pounds of base and excess milk;

(3) The number of days on which milk was received from such producer if less than a full calendar month;

(4) The average butterfat content of such milk; and

(5) The net amount of such handler's payment, the price paid and the amount and nature of any deductions;

(b) Each handler who received producer milk for which payment is to be made to a cooperative association pursuant to § 905.90 (e) shall report to such cooperative association with respect to each such producer, as follows:

(1) On or before the 20th day of each month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the 10th day after the end of each month;

(i) The daily and total pounds of milk received during the month with separate totals for base and excess milk for the months of March through July, and the average butterfat test thereof; and

(ii) The amount or rate and nature of any deductions.

(c) Each handler (other than a producer-handler or one described in § 905.61) operating a nonpool distributing plant shall report his payments to dairy farmers qualified to be producers if such plant were a pool plant, showing for each such dairy farmer:

(1) The pounds of milk;

(2) The average butterfat content thereof; and

(3) The date and net amount of payment to such dairy farmer with a statement of the prices, deductions and charges used in computing such payment and the nature of each.

§ 905.32 *Producer-handler reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall prescribe.

§ 905.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 905.34 *Retention of records.* All books and records required under this part to be made available to the market administrator, shall be retained by the handler for a period of three years to begin at the end of the calendar month, to which such books and records pertain: *Provided,* That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act of a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 905.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat required to be reported pursuant to § 905.30 shall be classified (separately as skim milk and butterfat), pursuant to §§ 905.41 to 905.47.

§ 905.41 *Classes of utilization.* Subject to the conditions set forth in §§ 905.42 to 905.47 the classes of utilization shall be as follows:

(a) Class I shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2) of this section; and

(2) Not accounted for as Class II;

(b) Class II shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In skim milk authorized by the market administrator to be dumped or accounted for as disposed of for livestock feed;

(3) In shrinkage, but in an amount not to exceed one-half percent of the total pounds of skim milk and butterfat received directly from producers plus 1½ percent of the total pounds of skim milk and butterfat in bulk milk, skim milk, and cream in fluid form received at a pool plant from all sources less that disposed of in bulk to a pool plant of another handler;

(4) In shrinkage of other source milk; and

(5) In inventories of fluid milk products on hand at the end of the month.

§ 905.42 *Assignment of shrinkage.* The market administrator shall assign shrinkage at the pool plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(b) Assign the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in (1) producer milk and milk received from other pool plants and (2) other source milk.

§ 905.43 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 905.44 *Transfers.* Skim milk and butterfat transferred or diverted during the month as milk, skim milk or cream from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I unless Class II is indicated by the operators of both plants in their reports submitted pursuant to § 905.30 and:

(1) The receiving plant has utilization in such class of equivalent amounts of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I in the two plants;

(b) A plant operated by a producer-handler shall be Class I;

(c) A nonpool plant, except as specified in paragraph (b) of this section, shall be Class I unless:

(1) The transfer is in bulk form and the transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool milk plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received at the nonpool plant during the month from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, used to produce any items of Class II milk (as defined pursuant to § 905.41 (b)) at such nonpool plant during the month;

(ii) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a plant at which milk is priced pursuant to this part or another order issued pursuant to the act and such cream is allocated to other than Class I (under the applicable order definitions and allocation procedures at the transferee plant);

(iii) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of the items of Class II processed in such second nonpool plant plus the bulk fluid cream shipped from such second nonpool plant to other nonpool plants which do not dispose of milk or cream for consumption in fluid forms: *Provided*, That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(iv) Subtract the skim milk and butterfat, respectively, received in fluid milk products at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of Grade A fluid milk products.

In the event that the remaining skim milk and butterfat, respectively, computed pursuaht to subdivision (iv) of this subparagraph is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the act, the difference shall be assigned pro rata, to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the act), and shall be classified as Class I milk.

§ 905.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler pursuant to § 905.30 and compute the total pounds of skim milk and butterfat respectively, in Class I and Class II at the pool plant(s) of such handler.

§ 905.46 *Allocation of skim milk classified.* The pounds of skim milk remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk shrinkage pursuant to § 905.41 (b) (3);

(b) Subtract from the total pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk, except as specified in paragraph (c) of this section;

(c) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received from plants subject to the pricing and payment provisions of other orders issued pursuant to the Act;

(d) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from other handlers in such class pursuant to §§ 905.41 and 905.44 (a);

(e) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(f) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series, beginning with Class II.

§ 905.47 *Allocation of butterfat classified.* Allocate the pounds of butterfat in each class to producer milk in the same manner as that prescribed for skim milk in § 905.46.

§ 905.48 *Computation of total producer milk in each class.* Combine into one total the amounts computed pursuant to §§ 905.46 and 905.47 for each class and determine the weighted average butterfat content of producer milk.

MINIMUM PRICES

§ 905.50 *Class prices.* Subject to the provisions of §§ 905.51 and 905.52 the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The price per hundredweight for Class I shall be the price for Class I milk established pursuant to § 987.51 (a) of this chapter regulating the handling of milk in the Central Mississippi marketing area, less 18 cents.

(b) *Class II price.* The price per hundredweight for Class II shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture: Kraft Cheese Co., Houston, Mississippi; Borden Co., Starkville, Mississippi; Carnation Co., Tupelo, Mississippi; Pet Milk Co., Kosciusko, Mississippi; plus 20 cents per hundredweight for the months September through January and plus 10 cents per hundredweight for the months February through August.

§ 905.51 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices determined pursuant to § 905.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I.* Multiply the Chicago butter price for the preceding month by 0.12;

(b) *Class II.* Multiply the Chicago butter price for the month by 0.11.

§ 905.52 *Location adjustment to handlers.* For milk received from producers at a pool plant located 30 miles or more north of U. S. Highway No. 82 and within the State of Mississippi, by shortest highway distance open to commercial truck traffic, as determined by the market administrator, or at a pool plant located outside the State of Mississippi and 30 miles or more by shortest highway distance open to commercial truck traffic, as determined by the market administrator, from the nearer of the city halls at Greenville or Columbus, Mississippi, and which is classified as Class I, the prices determined pursuant to § 905.50 (a) shall be reduced 7.5 cents, plus an additional 1.5 cents for each 10 miles that such distance exceeds 40 miles.

§ 905.53 *Rate of compensatory payments.* In any month in which total deliveries of producer milk are 110 percent or more of the total amount classified as Class I (excluding duplications) at all pool plants, the rate of compensatory payment per hundredweight shall be calculated as follows:

(a) Subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price adjusted by the Class I butterfat differential and adjust such difference by the location differential rate set forth in § 905.52 for the location of the plant at which the milk was received from farmers.

§ 905.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 905.60 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 905.32, 905.33 and 905.34.

§ 905.61 *Plants subject to other Federal orders.* The provisions of this part, except §§ 905.30 (b) (1), 905.33 and 905.34, shall not apply to:

(a) A distributing plant which would be subject to the classification and pricing provisions of another order issued, pursuant to the act unless a greater volume of Class I is disposed of from such plant during the month on routes in the Mississippi Delta marketing area than in the marketing area defined in such other order;

(b) A supply plant which would be subject to the classification and pricing provision of another order issued pursuant to the act unless such plant qualified as a pool plant during each of the preceding months of September through January.

§ 905.62 *Obligations of handler operating a nonpool distributing plant.* In lieu of payments required pursuant to §§ 905.90 to 905.95, each handler, other than a producer-handler or one exempt pursuant to § 905.61 (a), who operates during the month a nonpool distributing plant, shall pay to the market administrator for deposit in the producer-settlement fund and the administrative assessment fund, as the case may be, as follows:

(a) If such handler so elects in writing at the time of reporting pursuant to § 905.30 the amounts computed as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 13th day after the end of the month, as his pro rata share of expense of administration, the rate specified in § 905.93 with respect to Class I disposed of on routes in the marketing area.

(b) Except as the handler may elect the option pursuant to paragraph (a) of this section, he shall pay the amounts as follows:

(1) On or before the 25th day after the end of the month, for the producer-settlement fund, the amount specified in paragraph (a) (1) of this section, or any plus amount resulting from the following computation, whichever is less:

(i) Determine the value for milk received from dairy farmers at such plant for such month pursuant to § 905.70 as if such plant were a pool plant; and

(ii) Deduct the gross payments made by the handler to dairy farmers for milk received at such plant for such month. Such gross payments shall be limited to cash payments made to the dairy farmer or his assignee on or before the date for filing reports required pursuant to § 905.31 (c), plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, an equal to that which would have been computed pursuant to § 905.93 had such plant been a pool plant.

DETERMINATION OF PRICES TO PRODUCERS

§ 905.70 *Computation of value of producer milk.* The value of producer milk received during the month by each handler at his pool plant(s) shall be computed by the market administrator as follows:

(a) Multiply the producer milk in each class, as computed pursuant to § 905.48, by the applicable class prices (adjusted pursuant to §§ 905.51 and 905.52);

(b) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 905.46 (b) and the corresponding step of § 905.47 and pursuant to § 905.46 (e) and the corresponding step of § 905.47 excluding the skim milk and butterfat determined pursuant to paragraph (d) of this section, by the rate of compensatory payment as determined pursuant to § 905.53 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amount computed by multiplying the skim milk and butterfat in overage deducted from each class pursuant to § 905.46 (a) and the corresponding step of § 905.47 by the applicable class price;

(d) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 905.46 (e) and the corresponding step of § 905.47; or

(2) The hundredweight of producer milk classified as Class II (except as shrinkage) for the preceding month.

§ 905.71 *Computation of the 4.0 percent value of all producer milk.* For each month, the market administrator shall compute the 4.0 percent value of producer milk, as follows:

(a) Combine into one total the individual value of milk computed pursuant to § 905.70 for all handlers, except those who failed to make payments required pursuant to §§ 905.90 and 905.95 for the preceding month;

(b) Add, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 4.0 percent, or substract if the weighted average butterfat test of such milk is more than 4.0 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 4.0 percent by the butterfat differential provided in § 905.75 multiplied by 10.

(c) Add the total of the values of the applicable producer location adjustments pursuant to § 905.76, and

(d) Add not less than one-half of the unobligated balance in the producer settlement fund.

§ 905.72 *Uniform price.* For each of the months of August through February, the uniform price per hundredweight for milk containing 4.0 percent butterfat received from producers at pool plants (before location adjustments) shall be computed as follows:

(a) Divide the amount computed pursuant to § 905.71 by the hundredweight of producer milk; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 905.73 *Uniform excess milk price.* For each of the months of March through July, the price for excess milk of 4.0 percent butterfat content shall be computed as follows:

(a) Multiply the hundredweight of excess milk, not in excess of Class II represented by the values included in § 905.71 (a), by the Class II price for milk of 4.0 percent butterfat content determined pursuant to § 905.50 (b);

(b) Multiply the hundredweight of any excess milk not included in the computation in paragraph (a) of this section by the Class I price for milk of 4.0 percent butterfat content pursuant to § 905.50 (a); and

(c) Combine into one total the values computed pursuant to paragraphs (a) and (b) of this section, divide by the hundredweight of excess milk and round to the nearest cent.

§ 905.74 *Uniform base milk price.* For each of the months of March through July, the price for base milk of 4.0 percent butterfat content received from producers at pool plants (before location adjustment) shall be computed as follows:

(a) Multiply the total pounds of excess milk by the excess price for the month;

(b) From the total 4.0 percent value of producer milk pursuant to § 905.71 subtract the total value determined in paragraph (a) of this section;

(c) Divide the resultant value by the total hundredweight of base milk; and

(d) Subtract not less than 4 cents or more than 5 cents.

§ 905.75 *Producer butterfat differential.* In making payments pursuant to § 905.90, the uniform prices shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 4.0 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials pursuant to § 905.51 weighted by the pounds of butterfat in producer milk in each class, rounded to the nearest tenth cent.

§ 905.76 *Location adjustment to producers.* In making payments to producers and cooperative associations, a handler may deduct from applicable uniform prices with respect to all milk received from producers at the handler's pool plant the amount per hundredweight applicable to the plant as set forth in § 905.52.

§ 905.77 *Notification.* On or before the 12th day after the end of each month the market administrator shall notify each handler of:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(c) The totals of the amounts to be paid by such handler pursuant to §§ 905.92 and 905.93.

BASE RATING

§ 905.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers of pool plants from such producer during the months of September through January by the number of days from the first day milk is received from such producer during said months to the last day of January, inclusive, but not less than 120 days.

§ 905.81 *Computation of base.* The base of each producer to be applied during the months of March through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days for which such producer's milk was received by such handler during the months.

§ 905.82 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a pool plant during the months of September through January and to each person for whose account milk was delivered to a plant that did not qualify as a pool plant during each month of the base forming period, but which qualifies as a pool plant during any of the months of March through July, bases shall be assigned on deliveries at such plant in the same manner as if such plant had been a pool plant during each month of the base forming period.

(b) An entire base shall be transferred by the market administrator to another person upon receipt of an application form, approved by the market administrator, and signed by the base-holder(s), or his heirs, and by the person to whom such base is transferred subject to the following condition:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base forming period and dividing the total by the number of days from the first day of delivery by either the transferee or transferor during the base forming period to the last day of January, inclusive, but not less than 120 days.

PAYMENTS

§ 905.90 *Payments to producers.* Except as provided in paragraph (e) of this section each handler shall make payment for producer milk as follows:

(a) On or before the last day of each month, for milk received during the first 15 days of the month, at not less than the price per hundredweight for Class II milk for the preceding month;

(b) On or before the 15th day after the end of each of the months of August through February for milk received during such month at not less than the uniform price per hundredweight, computed for such handler pursuant to § 905.72, subject to the butterfat differential computed pursuant to § 905.75 and the location differential computed pursuant to § 905.76, less proper deductions authorized in writing by such producer and less payment made pursuant to paragraph (a) of this section, and deductions made pursuant to § 905.92;

(c) On or before the 15th day after the end of each of the months of March through July, after allowance for the amount of payment made pursuant to paragraph (a) of this section for deductions made pursuant to § 905.95 and for other proper deductions authorized in writing by such producer, as follows:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 905.74 for the quantity of base milk received from such producer during the month subject to the butterfat differential computed pursuant to § 905.75 and the location differential computed pursuant to § 905.76; and

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 905.73 for the quantity of excess milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 905.75 and the location differential computed pursuant to § 905.76;

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer;

(e) In lieu of payments pursuant to paragraphs (a), (b) and (c) of this section, each handler shall make payment to a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines that such cooperative association is authorized to collect payment, as follows:

(1) On or before the 26th day of each month an amount equal to not less than the Class II price for the preceding month, multiplied by the hundredweight of milk received during the first 15 days of the month from such producers; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the applicable uniform price pursuant to §§ 905.72 to 905.76, multiplied by the hundredweight of milk received from such producers to which each such price is applicable, subject to the butterfat differential computed pursuant to § 905.75 and the location differential computed pursuant to § 905.76, less payment made such cooperative association pursuant to subparagraph (1) of this paragraph, and proper deductions authorized in writing by such producers or such cooperative associations; and

(f) On or before the 13th day after the end of the month, each handler shall pay to each cooperative association which is also a handler, for milk received from it not less than the value of such milk as classified pursuant to § 905.44 (a) at the applicable respective class prices including differentials prescribed by this part.

(g) If by such date such handler has not received full payment for such month pursuant to § 937.96 he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 905.91 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth under which such error occurred.

§ 905.92 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 905.90, shall deduct 7 cents per hundredweight, or such amount not exceeding 7 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk received from each such producer. In lieu of such statement, a handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 905.90 (d).

§ 905.93 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month for such months, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe, with respect to:

(a) Receipts of producer milk, including such handler's own production;

(b) Other source milk allocated to Class I milk pursuant to § 905.46 (b) and § 905.47; and

(c) Applicable amounts specified in § 905.62 (a) (2) or (b) (2).

§ 905.94 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 905.62, 905.91 and 905.95, and out of which he shall make all payments pursuant to §§ 905.91 and 905.96: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 905.95 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 905.70, for such month, is greater than the amount owed by him for such milk pursuant to § 905.90.

§ 905.96 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 905.70, for such month is less than the amount owed by him for such milk pursuant to § 905.90. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce such payments uniformly per hundredweight of producer milk and shall complete such payments as soon as the appropriate funds are available.

§ 905.97 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay any handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 905.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 905.101.

§ 905.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 905.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 905.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 905.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 905.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 58-7283; Filed, Sept. 8, 1958; 8:52 a. m.]

[7 CFR Part 929]

[Docket No. AO–260–A3]

MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Watertown, South Dakota, on December 4–5, 1957, pursuant to notice thereof issued on October 18, 1957 (22 F. R. 8383).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on July 25, 1958 (23 F. R. 5778) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area.
2. Instituting a marketwide pool for distributing returns to producers.
3. Qualifications for attaining pool plant status.
4. Payments on unpriced milk disposed of in the marketing area from nonpool plants.
5. The level of the Class I price.
6. Reducing the Class I butterfat differential.
7. Application of location differentials on class prices and in paying producers.
8. Classifying milk transferred or diverted to a nonpool plant.
9. Using a base and excess plan in paying producers.
10. Miscellaneous administrative and conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

1. The marketing area should include all of the territory within the counties of Beadle, Brown, Codington, Day and Spink, all in the State of South Dakota. The marketing area is now limited to the cities of Aberdeen, Huron, Redfield and Watertown, which are, respectively, in Beadle, Brown, Spink, and Codington Counties. Population of these 4 cities, according to the 1950 census, was 53,000. For the 5 counties, herein recommended as the marketing area, the 1950 population was 97,000.

The expanded marketing area will conform more closely with the sales territory of regulated handlers and will bring under regulation unregulated distributors who now enjoy a competitive advantage over regulated handlers. The principal unregulated handler who would be affected by the change is the Crescent Dairy of Webster. Milk from this plant is distributed in Day, Brown, Codington, and Spink Counties in competition with presently regulated handlers. As an unregulated handler the Crescent Dairy has not been required to pay class prices under the order to which its principal competitors have been subject, and the price paid by this handler for milk for fluid use has been consistently below that provided by the order. Effective May 1, 1956, the Crescent Dairy raised the price paid to producers for "base milk" of 3.5 percent butterfat from $3.67 to $4.09 per hundredweight. The comparable price for Class I milk under the Eastern South Dakota order from May 1956 through December 1957 ranged from $4.44 to $4.90. The price advantage enjoyed by the Crescent Dairy has tended to bring about instability in the marketing of milk in the proposed enlarged area and has impaired the effectiveness of the Eastern South Dakota order.

Fairmont Foods Company distributes Grade A milk in the Eastern South Dakota marketing area from its plant at Moorhead, Minnesota. The sales from this plant in the marketing area in the past have been insufficient to qualify it as a fully regulated plant under the order. Likewise, it is indicated that the sales from this plant in the enlarged marketing area would not qualify it as a pool plant, but would subject it to partial regulation as a nonpool plant under the marketwide pool order.

Grade A milk products sold for fluid consumption throughout the proposed marketing area must be approved by local or state health authorities who are governed by health ordinances, practices and procedures patterned after the United States Public Health Ordinance and Code. Movements of Grade A milk, both in bulk and packaged form, between various localities in the marketing area take place through the reciprocal approval of the responsible health authorities. Ratings by the United States Public Health Service are recognized as a basis for approval of outside sources of milk. Moreover, a state law provides that after June 30, 1958, no milk other than Grade A may be sold in South Dakota. This will result in the extension of regulation under the order to those who now distribute ungraded milk in the area and who will have met the requirements for obtaining approval as Grade A operations by June 30.

Aberdeen, Huron, Watertown, Webster, and Redfield are the principal points at which milk from producers is purchased and packaged for distribution throughout the marketing area. However, a substantial proportion of the distribution from these cities is in nearby communities and in the rural areas of the counties in which they are located. Because of this, the best interests of the market would be served by defining the marketing area on the basis of county rather than city boundaries.

It was proposed by producers and handlers that Hughes County, in which is located the city of Pierre, be included in the marketing area. Tyler's Dairy of Pierre, which operates the only Grade A plant in Hughes County, receives milk regularly from three dairy farmers. In addition, this handler purchases milk in half-gallon paper containers and supplemental supplies of milk in bulk from the Oak Grove Dairy, Norwood, Minnesota.

Pierre, with a 1950 population of 5,700, is the largest city between Huron in the Eastern South Dakota marketing area and Rapid City in the Black Hills marketing area. Its distance from Huron is 116 miles, from Rapid City 183 miles and from Sioux Falls 226 miles. The population of Pierre has increased appreciably since 1950 due to the Missouri River Development work in the vicinity. The growth in population has brought about an increase in the quantities of milk distributed in the area. In recent years milk has been distributed in Pierre from plants in Huron and Redfield under the Eastern South Dakota order, from a plant in Sioux Falls under the Sioux Falls-Mitchell order and from the Fairmont Foods plant at Moorhead, Minnesota. Tyler Dairy competes with these handlers only in Pierre and in a nearby smaller community.

Tyler's Dairy does not have a price advantage over regulated handlers in the procurement of milk. This handler pays producers $4.65 per hundredweight for 3.5 percent milk for Class I purposes. The average Class I price under the Eastern South Dakota order for the 12 months ending October 1957 was $4.56.

Hughes County is relatively far removed from the primary sales distribution area of Eastern South Dakota handlers and under existing marketing conditions it would not be practicable to include it in the marketing area. Accordingly, Hughes County should not be included in the marketing area.

Handlers stated that the marketing area considered at the hearing was not large enough in that it did not include various places wherein milk from their plants is distributed and therefore would not regulate some handlers with whom they compete. The volume of milk sold in localities outside the marketing area from pool plants as defined under the proposed order is not in itself justification for the inclusion of such localities in the marketing area. Neither was it established that marketing conditions in these localities are such that their exclusion would be inappropriate or unjustified at this time.

It is neither administratively feasible nor necessary to include all territory in the marketing area in which handlers to be regulated distribute milk. Furthermore, it would not be possible to designate a marketing area of reasonable size which would include all sales outlets of each and every handler that would be subject to regulation. As additional territory would be added, the problems associated with the extension of regulation to distributors that make a substantial portion of their fluid milk sales outside the market would be increased many fold. By providing for a marketing area as proposed herein, regulation is at a minimum for milk distributors with a large proportion of their sales outside the marketing area and their operations will not be unduly disturbed with respect to the major portion of their sales in communities wherein they compete with other distributors who would not be regulated at all by the proposed order.

It was urged at the hearing that the order provide specifically that any territory within the boundaries of the designated marketing area which is occupied by government (Municipal, State or Federal) reservations, installations, institutions or other establishments should be considered as within the marketing area. It is clearly intended that all such territory be included in the marketing area. However, so that there will be no doubt as to the intent of the marketing area definition, it should be indicated that the designated places in the Eastern South Dakota marketing area shall include territory within such boundaries which is occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other establishments.

2. The order should be amended to provide for a marketwide equalization pool as a means of distributing to producers the proceeds from the sale of their milk. Such a pool will assure each producer supplying the market that he will receive a return based on his pro rata share of the Class I sales of the entire market. The "blend" price that a producer receives will depend on the overall utilization of all producer milk received at the pool plants of all regulated handlers during the month. Although each handler subject to the order will be required to pay uniform prices for producer milk in accordance with the classification of such milk pursuant to the order, the minimum blend prices payable to producers will be the same for all producers in the market irrespective of the use made of such milk by the individual handler.

Under the individual-handler type of pool now contained in the order the minimum prices payable to producers is uniform to all producers delivering to the same handler. The price that a producer receives depends on the proportion of his milk used in Class I and in Class II milk by a handler. Although each handler now subject to the order is required to pay uniform minimum prices to all producers who deliver to him during each month, the minimum uniform prices payable to producers by the several handlers differ according to the variation among handlers in the proportion of milk used in each class.

Although the potential supply of producer milk in the production area for the Eastern South Dakota market is adequate for the market's needs, the individual handler pool has tended to deter the obtaining of such adequate supply on a year-round basis. Some handlers' receipts of producer milk during the months of low production are inadequate for their Class I needs and they have been reluctant to take on additional producers. A reason for this practice has been that the additional reserve supplies that such handlers would be required to carry in the months of seasonally high production would lower the uniform prices to their producers under the individual handler pool. This, it was suggested, put such handlers at a disadvantage with other handlers who are limiting their purchases from producers and thereby paying higher uniform prices during the flush production months. This reluctance to take on additional producers has brought about an uneconomic procurement pattern for the Eastern South Dakota market and has impeded the maintenance of an adequate reserve supply of milk for the order market.

The uniformity of payments to all producers as provided under a marketwide pool will permit a handler either to maintain a manufacturing operation in his plant to handle the seasonal and daily reserve supplies of milk or to limit the operation at his plant to the handling of milk for Class I purposes without affecting the blend prices payable to his producers as against other producers in the market. The facilities in the various plants in the area for handling producer milk which is in excess of that needed for Class I purposes varies considerably at the present time. While a number of plants in the market are exclusively Class I operations and handle no surplus milk, there are several plants that are now equipped to handle substantial quantities of milk for manufacturing purposes. The facilities for handling milk for manufacturing purposes were considerably less extensive in April 1955 when the present order was promulgated.

There are currently separate cooperative associations of producers in each of the 4 cities in the present marketing area. Under the individual handler pool there has been limited movement of bulk milk between handlers in the different cities in the marketing area. Instead producer associations have frequently been called upon to market outside the order the milk of their members not needed for Class I purposes by order handlers. A marketwide pool will provide a greater incentive for the Eastern South Dakota producer associations to obtain the optimum utilization of milk for the whole market because of their sharing equally in benefits of the Class I sales for the total market. Likewise, a marketwide pool will make it possible for the producer associations to assist in diverting seasonal reserve milk, thus keeping on the market those producers who are needed to fulfill the year-round requirements of the market. It assists in apportioning among all producers the lower returns from reserve milk where otherwise this burden may be placed on individual groups of producers. A marketwide pool will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk.

Because all producers will receive payment at the rate of the marketwide uniform price each month and because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers for such milk at the applicable uniform price would pay the difference into the producer-settlement fund, and each handler whose obligation for producer milk is less than the applicable uniform price value would receive payment of the difference from the fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached order is similar to that contained in all other Federal orders with marketwide pools.

Experience has indicated that it is desirable to set aside a reasonable reserve or balance in such fund at the end of each month. Such a reserve is necessary in order to provide for contingencies such as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the attached order at not less than four nor more than five cents per hundredweight of producer milk in the pool for the month. The unobligated balance in the producer-settlement fund remaining from the preceding month would be added to the values used in calculating the uniform prices each month. The amount of the reserve which is provided herein should be adequate to enable the producer-settlement fund to perform its function efficiently.

As indicated elsewhere in this decision, compensatory payments received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited into the producer-settlement fund would be included in the uniform price computation and thereby be distributed to all producers on the market.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers would be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount. The remaining amounts due such handlers from the fund would be paid as soon as the balance in the fund becomes adequate to meet such payments, and handlers would then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has failed to make the payments required to the producer-settlement fund for the preceding month would be eliminated in the computation of the uniform price.

3. The order should be revised to prescribe standards based on association with the market for qualifying a plant as a pool plant. As indicated elsewhere in this decision, marketwide pooling of producer returns is considered essential to the stable and orderly functioning of the Eastern South Dakota market. Since a marketwide pool results in payment to all producers on an average utilization for the market, individual handlers will be relieved of any responsibility for maintaining a high Class I utilization in order to support their payments to producers. Whatever utilization of milk a handler may have, his rate of payment to producers will be the same as that of all other handlers in the market. Thus, it is possible that his status with respect to the pool may be-

come a determining factor in guiding a handler's operation.

The basis for determining which plants shall be pool plants under the Eastern South Dakota order, and thereby fully subject to regulation, should be clearly set forth in the order and apply uniformly to all plants, wherever located. Pool plant status should not be determined solely on an occasional shipment of milk to the market, or on approval by a specified health authority. Such a method for determining which plants shall be subject to regulation would not provide a workable basis for administering the order in conjunction with the other provisions recommended in this decision.

Since the production of high quality milk involves extra expenses, it is important that the amount of milk produced under Grade A inspection be no more than the minimum necessary to provide the market with an adequate and dependable supply of quality milk. To encourage more than enough production of such milk would represent an economic waste, since the expenditures incurred in producing Grade A milk not needed on the market would result in no extra value to consumers.

Essential to the operation of a market-wide pool is the establishment of performance standards to apply uniformly to all plants. Any plant, regardless of its location, should have equal opportunity to comply with the standards and thereby to participate in the marketwide pool and have its producers share in the Class I sales of the market. Any producer who meets the necessary health department requirements should be permitted, under the order, to sell his milk to plants meeting the standards of qualification. Whether or not plants and producers choose to supply the Eastern South Dakota market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs, and alternative outlets.

Performance standards should be such that any plant which has as its major function the supplying of milk to the market would pool its sales and share in the marketwide equalization. On the other hand, plants only casually, or incidentally, associated with the market should not be subject to complete regulation. Neither should they be permitted or required to equalize their sales with all handlers in the market. If a milk plant were to be permitted to share on a pro rata basis the Class I utilization of the entire market without being genuinely associated with the market, then the differentials paid by users of Class I milk would be dissipated without accomplishing their intended purpose. If a plant were to be qualified and fully regulated merely by making a token shipment of milk or cream into the market for sale as Class I milk, then any milk plant which found itself in a position where it was selling a smaller share of its milk in Class I then the average for all regulated handlers might make such shipment and receive equalization payments from the pool. The only qualification such a plant would be required to meet would be compliance with the necessary health department standards.

Since reserve milk is an essential part of any fluid milk business there will always be some excess milk in the plants of handlers supplying other markets. This will be particularly true in the months of flush production. Plants selling primarily to other markets, or plants shipping milk on an opportunity basis to any market where supplies happen to be short, do not represent sources of milk on which the Eastern South Dakota market may depend. If such a plant, by selling a token quantity of Class I milk in the marketing area, were allowed to pool its surplus, the operator thereof could gain an unwarranted advantage in paying producers by receiving equalization payments from the Eastern South Dakota order pool. Such a distribution of equalization payments would, in fact, reduce the blend price to producers regularly supplying the market, thereby having an adverse effect on the milk supplies upon which the market depends. This could result in the need for higher Class I prices than would otherwise be required to supply the market adequately.

Because of the difference in marketing practices and functions between distributing plants and supply plants, two sets of performance standards have been provided. A "distributing plant" under the order would be defined as a plant in which milk is processed or packaged and from which any fluid milk product (as hereinafter defined) is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area. A "supply plant" would be defined to mean a plant (except a distributing plant) from which Grade A milk, skim milk or cream is shipped during the month to a distributing plant which is qualified as a pool plant.

In order to qualify as a pool plant, a distributing plant should be required to distribute at least 10 percent of its milk from producers and other plants during the month as Class I milk on retail or wholesale routes to outlets in the marketing area.

A distributing plant having more than 90 percent of its business outside the marketing area or in other outlets should not be considered as essentially associated with the market. It is not considered advisable to bring such a plant under full regulation because of the minor share of its business which is in the marketing area. Full regulation in such case would not be necessary to accomplish the purpose of the order, and might well place such plant at a competitive disadvantage in relation to its competitors in supplying the unregulated market.

Such a minimum is necessary to avoid the possibility that a plant otherwise not associated with the market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market, by means of minor sales in the marketing area.

It is contemplated that only plants primarily engaged in route distribution of fluid milk products should be qualified as pool plants under this definition. In order to preserve this distinction, a further condition is placed on distributing plants that their total distribution of Class I milk on routes to wholesale or retail outlets, both inside and outside the marketing area, must amount during the month to at least 35 percent of their receipts of milk from dairy farmers and from other plants. Any plant which does not qualify on this basis should be deemed to be primarily a supply plant and its pool status should be judged by the standards applied to such plants.

A plant from which milk for Class I uses is distributed regularly in the marketing area under normal circumstances may be expected to dispose of its milk in such a way as to exceed by a reasonable margin the minimum performance standards necessary to qualify as a pool plant. There may be from time to time plants supplying milk to the marketing area which would not qualify for pool status. Such plants would be subject to payments hereinafter discussed if they are not fully subject to regulation.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that currently the quantity of milk produced for the Eastern South Dakota market is adequate on an annual basis for the needs of the market. At times, especially during the months of seasonally high production, distributors in the market have not needed all of the milk available from producers in order to keep their Class I outlets fully supplied. In order to assure that all the producers' milk which is pooled with the market will be available for Class I, supply plant standards should be set at levels which require that such milk will be available.

In order to qualify for pool plant status a supply plant should ship to distributing plants which are pool plants at least 35 percent of its receipts of milk from dairy farmers in any month in the form of fluid milk products. A supply plant from which a proportionately lesser quantity of milk is disposed of in this manner should not, under the present conditions in the Eastern South Dakota market, be considered as primarily associated with the regulated market.

It is recognized that if there is any demand for milk from supply plants it will be greatest during the season of low production. For sustained periods during the months of flush production supplies of milk received at plants located in or near the marketing area may be sufficient to supply the Class I outlets. During this part of the year it would be more economical to leave the most distant milk in the country for manufacture and use local supplies for Class I use. The performance provisions should not force milk to be transported to distributing plants in the months of seasonally high production in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant may maintain pool plant status throughout the year if it supplies a substantial portion of its producer milk to distributing plants during the months when milk production tends to be lowest. The proposed standards require that a supply plant provide distributing plants which are pool plants with milk to the extent of

50 percent of its producer milk receipts during the period of September through November to maintain automatic pool status for the months of March through June.

A handler operating a distributing plant or a supply plant which does not meet the standards for a pool plant should be required to file reports for such plant and submit to audits by the market administrator to verify the status of such plant.

Some handlers in the market receive milk from both Grade A and ungraded producers. Where such an operation takes place, it is generally the practice of the handler to maintain the ungraded operation physically apart from that of his Grade A operation. The handler who operates an ungraded plant which is in the adjoining or same building as his Grade A plant should not be restricted in the operation of his ungraded plant to any greater degree than the operator of any other ungraded plant. However, proper safeguards should be provided in the order to insure that the ungraded and graded portions of a plant operated by the same handler are maintained as separate entities. It is concluded, therefore, that if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it should not be considered a part of a pool plant. However, if the graded and ungraded operations of a plant are not maintained separately, the entire operation of such plant would be considered as that of a pool plant, and all ungraded milk received at such plant would be considered as other source milk received at a pool plant.

4. The order should provide that payment be made into the producer-settlement fund with respect to unpriced milk which is allocated to Class I milk in a pool plant.

Receipt of milk in excess of Class I disposition is necessary to operate a fluid milk business. Because of seasonal fluctuations in production without corresponding changes in demand, this excess or reserve milk must be marketed in manufactured form in competition with products made from ungraded milk. The existence of this reserve Grade A milk, which must be marketed at a lower price, is the primary cause of the instability which may affect fluid milk markets.

Considerable volumes of Grade A milk must be disposed of as surplus by various unregulated plants from which the Eastern South Dakota order handlers may obtain milk. When milk is available in substantial volumes from nonpool sources, handlers under the order could obtain such milk at prices reflecting its value as surplus milk, which prices would approximate the Class II price under the order. During the seasonally high production months of March through June, the compensation payment on other source milk allocated to Class I milk should be the difference between the minimum price of producer milk used for surplus (Class II) and the Class I price adjusted to the location of the plant from which such other source milk was received from farmers. This rate will reflect generally the difference in the value between unregulated and regulated milk for Class I use at that time.

During the months of July through February, when milk supplies tend to be shorter than in other months, it is not likely that other source fluid milk products will be available to the market at surplus prices. It may reasonably be expected that during such months milk would be available from unregulated sources at prices more nearly at the level of the uniform price under the order. The compensation payment during these months should be the difference between the marketing area uniform price to producers and the Class I price adjusted to the location of the plant from which such fluid milk products are supplied. The relationship between the supply of and demand for milk in the market in the July through February period tends to fluctuate from year to year according to marketing conditions. These conditions will generally prevail also in surrounding markets that are potential sources of supply for unpriced milk. Thus, the rate of compensation payment based on the difference between Class I and uniform prices will adjust itself automatically in these months in accordance with the proportion of Class I milk to the total milk pooled and this will tend to affect also conditions in the area from which unpriced milk is obtained.

The rates which are here found to be appropriate for the Eastern South Dakota marketing area give recognition to general competitive conditions in the purchase and sale of fluid milk products. However, such conditions do not prevail uniformly in all instances since all transactions are not made under the same circumstances and it would not be administratively feasible to adjust prices or payments to individual transactions.

It is therefore necessary to have definite and specified rates applicable to all handlers similarly situated. The rates herein provided were proposed by producers and are those which will best effectuate the intent of the act under current marketing conditions in the area. No other rates were proposed at the hearing with respect to compensatory payments on unpriced milk.

Other source milk used in the form of nonfat dry milk solids should be considered to be from a source at the location of the pool plant where it is used. In some instances there will be none and in other cases insignificant transportation charges per hundredweight experienced by handlers on such other source milk under the skim milk equivalent basis of accounting provided in the order. By following this procedure, the compensation payment on other source milk derived from nonfat dry milk solids will be comparable to that on any other source milk which is allocated to Class I milk.

In addition to that other source milk which would enter the marketing area through pool plants, some milk is distributed in the marketing area from nonpool plants. The largest distribution of nonpool milk in the Eastern South Dakota marketing area is from a plant in Moorhead, Minnesota. At this location and at various other locations in nearby Minnesota substantial quantities of milk are available throughout the year. It would not be possible to stabilize the Eastern South Dakota market under the classified pricing program if distribution in the marketing area of unpriced milk from nonpool plants without compensation payments were allowed. Since such milk may be procured for distribution in the Eastern South Dakota marketing area on the same basis as other source milk at pool plants it should be classified and priced the same as unpriced milk distributed through any other channels.

No compensation payment should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where Eastern South Dakota order handlers might obtain supplemental supplies approximate the Eastern South Dakota order Class I price as adjusted for location of the supplying plants. Since handlers operating plants under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to dispose of their surplus producer milk in the Eastern South Dakota marketing area for Class I use at less than Class I prices.

Handlers proposed that no compensatory payment be required on other source milk received at a pool plant during a month when receipts of producer milk are below 110 percent of Class I sales. If such a provision were incorporated in the order, it would not be expected to have any effect in the seasonally high production months of March through June. During the months of July through February the compensatory payment rate herein provided of the difference between the Class I price and uniform price would adjust itself automatically to changes in the relationship between the producer milk supply and the Class I sales of the market. Thus, with producer milk receipts at a ratio of less than 110 percent of Class I sales the compensatory payment rate would be relatively negligible or completely nonexistent. In view of this, there is no need for providing in the order that the compensatory payment provision shall be inoperative when producer receipts are below 110 percent of Class I sales. Moreover, such a provision would be harmful to the best interests of the market by encouraging handlers to limit their purchases of producer milk and thereby bring about an uneconomic procurement pattern for the Eastern South Dakota market at the expense of nearby dairy farmers.

5. No change should be made in the Class I price at this time.

Handlers proposed that the Class I price be reduced 46 cents for milk sold outside the marketing area. They argued that such a reduction in price is necessary to enable them to compete with unregulated Grade A milk and ungraded milk.

The Class I price under the Eastern South Dakota order is established at a level which will insure an adequate supply of Grade A milk for the market. Reducing the price for Class I milk dis-

posed of outside the marketing area would depress the overall returns to producers, thereby having an adverse effect on the milk supplies upon which the market depends.

The enlarged marketing area as proposed herein encompasses the territory in which regulated handlers distribute the major portion of their receipts from producers. Handlers should not be encouraged by means of an "out of area price" to seek additional Class I outlets at the expense of producers primarily associated with the Eastern South Dakota order market. Such uneconomical movements of milk, resulting in lower returns to producers, would seriously jeopardize stability and orderly operation in the Eastern South Dakota market.

In addition to the competition from unregulated Grade A milk, handlers claimed they need to reduce their prices for Grade A milk in areas where ungraded milk is offered for sale. Extra costs are involved in meeting the sanitary requirements relative to the maintenance of a dairy herd for the production of Grade A milk. Recognition of the higher quality and greater value of milk sold as Grade A in the sales territory served by Eastern South Dakota handlers is indicated in those communities wherein both Grade A and ungraded milk are sold by the preference of consumers for Grade A milk. In view of this, there is no justification for reducing the Class I price for milk sold outside the marketing area to enable handlers to purchase Grade A milk at prices which approximate the ungraded milk price. Moreover, in accordance with a recently enacted law, ungraded milk for human consumption may not be offered for sale in South Dakota after June 30, 1958.

The two price system proposed by handlers would have the effect of having consumers of milk in the marketing area subsidize buyers of milk in communities outside the marketing area. There is no sound economic basis to discriminate against purchasers in the sales territories wherein Eastern South Dakota order handlers have the greater part of their Class I sales in favor of buyers elsewhere.

Evidence was also received on a proposal that would reduce the Class I price 23 cents and on another that would base the Class I price on the price for Class II milk plus a differential of $1.40.

At the present time the Class I price is computed by adding $1.40 to the higher of the Class II price or the Midwest Condensery price. Eliminating the condensery price as a factor in calculating the Class I price would result in a price approximating that in the Sioux Falls-Mitchell order, which price averages about 15 cents below the Eastern South Dakota Class I price.

The argument of handlers that a lower Class I price is necessary to enable them to compete with unregulated handlers and handlers regulated by other orders was not substantiated at the hearing. In fact, the testimony presented did not establish that the Class I price now provided under the individual handler pool order would not be appropriate under the marketwide pool herein recommended.

6. The Class I butterfat differential should be computed by multiplying the average of the daily quotations for Grade A (92-score) butter at Chicago for the preceding month by 0.120. The differential is now obtained by adding 2.8 cents to the Class II butterfat differential, which results in a Class I butterfat differential approximating the Chicago butter price average times 0.160.

The Class I butterfat differential in the Eastern South Dakota order is high in relation to the Class I butterfat differential in other markets. Under the Chicago order, for example, handlers pay a butterfat differential on Class I milk approximating the Chicago 92-score butter price times 0.120.

The high Class I butterfat differential, it was indicated, has been one of the principal reasons for the rapid and continuing decline in the proportion of butterfat contained in the Class I disposition in the market. This decrease of butterfat in Class I utilization is reflected especially in the low butterfat content of fluid milk distributed in the marketing area.

In Eastern South Dakota, as in other markets, whole milk in fluid form is the most significant item making up the Class I sales in the market. The average butterfat content of fluid whole milk distributed in the marketing area currently ranges between 3.3 and 3.5 percent, tending generally to be but little above the required minimum in the State of South Dakota of 3.25 percent.

A high butterfat differential as now contained in the order tends to be a deterrent to increasing the butterfat content of fluid milk products distributed by regulated handlers. The change proposed herein gives recognition to the increasing value of the nonfat solids portion of the milk for fluid purposes in relation to the butterfat portion. The lower rate of the butterfat differential should give some encouragement to the sale of higher fat milk and of cream.

7. A schedule of location differentials should be incorporated in the order to provide an appropriate adjustment of order prices at the location of any plant from which milk is moved to the marketing area. With the same class prices applicable, milk received at a plant outside the marketing area and moved to the marketing area for processing and packaging may be expected to be more costly to a handler than milk received directly from producers at his processing plant in the marketing area. In the same manner, additional transportation costs would be incurred by the operator of a plant from which packaged milk is moved a relatively long distance to the marketing area. Unless provision is made in the order for the application of location differentials, producers delivering milk to plants located at some distance from the marketing area would be paid the same uniform prices as producers delivering to plants in the marketing area.

It is economically more feasible to meet the needs of the market for fluid purposes from those farms or plants nearest the market before bringing in milk from more distant plants. The value of milk to the market for fluid purposes is greater at the location of a plant in the marketing area which packages it for distribution than at a plant from which milk must be moved to the marketing area for Class I uses. Recognition in the order through the medium of a location differential should be given to this difference in value.

So as to be equitable to all handlers, the minimum Class I price to be paid for producer milk should not be dependent upon the type of plant receiving the milk. However, to the extent that milk is received elsewhere from producers and brought to the marketing area by a handler, the handler has assumed a transportation cost which might otherwise be borne by producers. Accordingly, the Class I price should be adjusted downward in the case of a plant which assumes the cost of hauling milk to the marketing area.

It is customary, in both regulated and unregulated markets, for handlers to pay producers delivering milk to plants farther removed from the market a lesser price per hundredweight than is paid producers delivering directly to plants in the marketing area. To the extent that this represents a lower price because of the location of the milk, such difference in value should be recognized under the order.

Official notice is here taken of Order No. 17, regulating the handling of milk in the Black Hills, South Dakota, marketing area. The location differential in that order reduces the price for Class I milk received from producers at a pool plant located more than 100 miles from the four principal cities in the marketing area by 15 cents for the first 110 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the post offices in such cities.

Aberdeen, Huron and Watertown are the principal cities in the Eastern South Dakota marketing area and are so situated with respect to the overall marketing area so that basing location differential mileage zones from the nearest of them would be equitable to all handlers. The post office in each of these cities would be an appropriate point from which the mileage used in applying the location differentials might be measured. Computing the differential from the nearest of such cities will reflect the value of the milk in relation to the nearest potential outlet and it may reasonably be expected that milk which is moved for regular distribution or as a supplementary source of supply would be nearer to the city to which the shipments were made. This method of arriving at location differential adjustments will result in values for milk at plants at different locations in such a manner as to promote the economical allocation of available supplies in accordance with location of such supplies with respect to the major consuming centers in the marketing area.

Because the Eastern South Dakota marketing area is spread over a relatively large territory and because milk distributed in the marketing area is moved great distances, it would be inappropriate to have location differentials applicable at plants which are less than 100 miles from any of the principal cities in the marketing area. Accordingly, it is concluded that the Class I price under the Eastern South Dakota order should be reduced by 15 cents for the first 110 miles and 1.5 cents for each additional 10 miles or fraction thereof with respect to producer milk received at a plant which is not less than 100 miles from the nearest of the Post Offices of Aberdeen, Huron, and Watertown.

The location differential here recommended is economically sound and will be applicable to all handlers wherever located. The proposed rates are fundamentally the same as those contained in various other orders and are representative of the cost of hauling milk by an efficient means to the market.

Prices paid producers supplying plants to which location differentials apply should be reduced to reflect the lower value of such milk f. o. b. the point to which delivered.

No adjustment should be made in the Class II price because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with location of the plant receiving the milk. This is because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices paid for ungraded milk received at various sections of the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk by the most advantageous possible method. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk. To do otherwise would remove part of the incentive for keeping handling costs at a minimum. To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that for the purpose of calculating such location differential credit the skim milk and butterfat in fluid milk products transferred in bulk form be assigned to any Class II use remaining in the transferee plant after a maximum assignment of 5 percent of the direct producer receipts to Class II milk at such plant.

8. The marketwide pool order will facilitate the transfer and diversion of fluid milk products from pool plants to nonpool plants. At the present time, under the individual handler pool order, the diversion by a cooperative association of the milk of its members is not subject to the order and does not affect the blend price paid by a handler at a specified plant. However, the transfer or diversion by a handler of excess producer milk for manufacturing purposes under the individual handler pool order affects the blend price returned to his producers but not to other producers on the market. As provided in the proposed marketwide pool order, milk transferred by a cooperative association or a proprietary handler to a nonpool plant would affect returns to all producers on the market. In view of this, it is important that the transfer provisions of the order specify clearly the manner in which milk that is transferred or diverted from a pool plant to a nonpool plant should be classified under the marketwide pool herein proposed.

Fluid milk products transferred or diverted to a nonpool plant should be classified as Class I milk unless certain conditions are met. The operator of the nonpool plant, if requested, should make his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to insure proper application of the classification procedures prescribed in the order.

In order to classify such transfers or diversions as Class II milk the fluid milk products disposed of from the receiving nonpool plant should not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers directly supplying such plant. However, if the fluid milk products disposed of from the receiving nonpool plant exceed the receipts of skim milk and butterfat from dairy farmers regularly supplying such plant, the difference should be assigned to the fluid milk products transferred or diverted from a pool plant and classified as Class I milk. If the transfers and diversions to the nonpool plant during the month are from two or more plants subject to the provisions of this and other orders issued pursuant to the act, the skim milk and butterfat assigned to Class I milk at each such pool plant under the Eastern South Dakota order should be not less than that obtained by prorating the assignable Class I milk at the nonpool plant over the receipts from all plants subject to the provisions of this and other orders issued pursuant to the act.

The method herein recommended for classifying transfers and diversions from pool plants to nonpool plants accords equitable treatment to order handlers and gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving priority to dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable source of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary functions of the transfer provisions of the order by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

The provision for classifying fluid milk products as Class II milk should not be extended to include milk transferred or diverted to nonpool plants located more than 150 miles from the nearest of the post offices of Aberdeen, Huron, and Watertown. The area thus described is adequate to dispose of reserve milk for Class II use. Fluid milk products moving greater distances are normally for Class I use.

When milk or skim milk in bulk has been transferred or diverted to a nonpool plant located not more than 150 miles from Aberdeen, Huron, and Watertown, the market administrator is required to verify the utilization claimed by such nonpool plant. It may reasonably be expected that the market administrator will be able to make such verification within such "surplus disposal area" without incurring undue expense. It would not, however, be administratively feasible or otherwise justifiable to have a surplus disposal area of unlimited expanse or to cover a geographical area which is larger than that provided herein. Making such provision might tend to make unreasonable demands on the market administrator in connection with the verification of occasional or irregular shipments to nonpool plants located beyond the area wherein handlers who would be subject to the order normally dispose of reserve supplies of milk for Class II purposes.

9. A "base and excess" plan of distributing the returns for milk among producers should be employed in connection with the market-wide pool.

Base and excess plans, although they vary among cooperative associations and handlers have been commonly used throughout the marketing area. The base and excess method of distributing milk returns during the months of heaviest production has wide support among producers.

Because of the seasonal variations in the production of milk for the Eastern South Dakota market, there is need for an incentive to increase production in the fall and winter months relative to spring and summer months. This can best be accomplished through a uniformly administered base and excess plan incorporated in the order.

Some handlers and cooperative associations have difficulty in utilizing efficiently all milk delivered to them in the months of seasonally high production. By providing returns related directly to a producer's ability to deliver additional milk in the fall and winter as compared with deliveries during the season of flush production, a more even milk production pattern will be encouraged.

The base-excess plan herein recommended would establish for each producer a base that would depend upon his deliveries of milk to pool plants during the months of September, October and November. During these months, as well as all other months in the period of July through February, producers would receive the marketwide blend or uniform price for all milk which they deliver to pool plants.

For each of the months of March through June separate uniform prices for "base milk" and "excess milk" would be computed so that Class I sales would first be allotted to base milk. Base milk would be milk received at a pool plant from a producer during any of the months of March through June which is not in excess of an amount equal to the daily base of such producer multiplied by the number of days in such month. Class II disposition in the market would first be allotted to excess milk. If Class I disposition is more than the base milk

received from producers in any month, such additional Class I milk would be allocated to excess milk and the excess blend price increased accordingly.

The daily base of each producer would be calculated by the market administrator by dividing the total pounds of producer milk received at all pool plants from such producer during the months of September through November by the number of days on which such milk is received from such producer.

It may be expected that new producers coming on the market during or after the base forming period would be needed to supply the Class I needs of the market. These producers should be permitted to share in the proceeds from the sale of Class I milk during the base operating period even though they did not establish bases during the preceding September through November period. A producer who delivered milk during the base forming period but desires to change his level of production should not be required to receive payment for the high production at the excess price. Such a producer should be permitted to relinquish his base and establish the base of a new producer if he so desires. This would add greater flexibility to the plan and would accommodate cases of abnormally low production during the base forming period due to unusual circumstances.

For those producers who do not deliver milk during the base forming period or who deliver milk on less than 60 days during the base forming period or who desire to relinquish established bases, the daily base would be calculated for each of the months of March through June by dividing the pounds of producer milk received from such producer during the month by the number of days in such month and multiplying the quotient by 50 percent for the months of March and April and by 40 percent for May and June. The above percentages will allow new producers to share in the Class I market during the base operating period but will not encourage new producers to come on the market at that time if their production is not needed to supply the Class I needs of the market.

If a plant were a nonpool plant during the preceding September through November period and became a pool plant during any of the months of March through June of the following year, provision should be made for assigning bases to the dairy farmers regularly supplying such plant. This would be effectuated most equitably by according such dairy farmers the same treatment as other producers in establishing bases. This would be accomplished by providing that for the purpose of calculating the daily base of a producer deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant.

It was proposed by producers that the months of January and February be included in the base operating period and the months of August and December be included in the base forming period. The record does not show that the receipts of milk in these months is abnormal in relation to receipts in other months. Moreover, including these months in the base forming and base paying periods would make the plan unduly restrictive and would not improve the effectiveness of the base-excess plan. September, October and November are normally the months in which the production of milk for the Eastern South Dakota market is lowest and the base forming period should be limited to these months.

Location differentials heretofore discussed should be applied to prices paid producers for base milk. Since excess milk will represent principally producer milk classified in Class II to which no location differential is applicable, the producer price for excess milk should not be subject to the location differential provision of the order.

It is necessary to provide certain rules in connection with the establishment and transfer of bases in order to provide reasonable administrative workability of the plan. Such rules should outline specifically the method for calculating the base for each producer and set forth clearly the procedure to be followed for transferring bases. It is desirable that the need for administrative discretion and restrictive conditions in connection with the application of the base rules be kept at a minimum. To accomplish this, it is necessary that transfer of bases be limited to the entire base of a producer.

The free transfer of entire bases as proposed by producers and recommended herein will facilitate the operation and contribute toward carrying out the intent of the base-excess plan. The purpose of the base-excess plan is to encourage fall production by providing for each producer to share in the Class I market during the spring months of high production along with other producers in proportion to his deliveries to the market during the preceding fall months. Providing for unrestricted base transfer will give added assurance to a producer that he will have the full benefit of the base he has made whether or not he is able to continue milk production for his own account through the following months of flush production. This assurance should increase the effectiveness of the base-excess plan in encouraging production of milk during the months of the year when it is most needed on the market. Bases should be transferred on the first day of a month following receipt of a statement on an approved form showing the holder of such base, the person to whom it is to be transferred, and signed by both parties.

No provision is now made in the order for distributing to producers the returns for their milk through a base and excess plan. It would be desirable, therefore, to allow producers a reasonable period of time to make such changes as might be necessary to adjust their production patterns toward obtaining the optimum benefits under a base and excess plan. The earliest possible date on which the amended order could become effective would be during the 1958 base making period. In view of this, Eastern South Dakota producers would not have had adequate notice that would enable them to make any changes affecting their production in the fall of this year. On the basis of these facts and from the viewpoint of administrative feasibility it is concluded that the base and excess method of paying producers should not be utilized under the order during the 1959 base operating period. Accordingly, during the months of March through June 1959 each producer would be paid not less than the monthly marketwide uniform price for his total deliveries. This would be accomplished by providing that all milk delivered by producers to pool plants during the 1959 base operating period shall be considered base milk.

10. (a) The entire order should be redrafted to incorporate conforming and clarifying changes and to facilitate application of its various provisions.

In designating which persons would be subject to regulation and the application of order provisions to them, new or revised definitions are provided in the atached order, including those for "producer", "fluid milk product", "producer milk" and "other source milk". The definitions for "pool plant", "distributing plant", and "supply plant" are discussed elsewhere in this decision.

"Producer" should mean any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a pool plant.

"Fluid milk product" should mean milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except ice cream mixes and sterilized products in hermetically sealed containers). The items designated as fluid milk products pursuant to this definition are those products which when disposed of by handlers are considered as Class I milk.

"Producer milk" should be defined as all skim milk and butterfat contained in milk received at a pool plant directly from producers.

When producer milk is not needed in the market for Class I purposes, the movement of such milk to nonpool plants for manufacturing purposes should be facilitated. Allowing for unlimited diversion during those months when reserve supplies of milk are heaviest will contribute to this end. Unlimited diversion is neither necessary nor desirable during the other months of the year when producer milk regularly associated with the market is needed to supply the Class I needs of the market. It is necessary, however, to provide for limited diversion during such months to enable handlers to divert producer milk on such occasions as weekends or holidays when the milk is not needed in the market for Class I purposes.

Provision should be made so that the producer milk regularly received at a pool plant may be diverted for the account of a handler to a nonpool plant any day during the flush production months and on not more than the number of days that milk was delivered to a pool plant from the farm of the producer during any other months and still retain producer milk status under the order. Milk diverted in the manner

herein prescribed should be deemed to have been received at the plant from which it was diverted.

"Other source milk" should be defined as all skim milk and butterfat contained in or represented by fluid milk products utilized by the handler in his operations except producer milk, fluid milk products received from pool plants, and inventory at the beginning of the month. Thus, other source milk would represent skim milk and butterfat which is not subject to the pricing provisions of this order during the month. It would include all milk products from plants other than pool plants, milk received from a producer-handler and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It would include those manufactured products from a plant's own production which are made and are reprocessed or converted into another product during the same or a later month.

(b) During the months of March through June the maximum shrinkage that may be classified in Class II should be 5 percent of the receipts of skim milk from producers and other sources. Handlers testified that it has been necessary during these months of seasonally high production to dump small quantities of skim milk for which no outlet was available.

It would not be practicable to permit in an unlimited manner the dumping of skim milk by pool plant handlers. Neither would it be appropriate to classify in other than Class II small quantities of skim milk for which no better outlet is available. The necessary relief to handlers in this matter will be appropriately afforded by the increased shrinkage allowance (from 2 to 5 percent) herein provided on skim milk dumped during the spring months of heavy production.

(c) The Class II price in the Eastern South Dakota order is based on prices paid for butter and nonfat dry milk solids. Producers proposed that the formula used to compute this price be rewritten to conform with the language used in other Midwestern Federal orders. Since this change would not affect the annual level of the Class II price, it should be made at this time. The Class II price would be the price obtained as follows: (1) Multiply the Chicago butter price by 4.24; (2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids for human consumption f. o. b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the preceding month through the 25th day of the current month; (3) Add into one sum the amounts computed in (1) and (2) above and subtract 80 cents therefrom.

The method used in computing the Class II butterfat differential should also be changed. The differential is now computed by multiplying the Chicago butter price by 0.125 and subtracting 0.8 cents therefrom. Computing the differential by multiplying the Chicago butter price for the current month by 0.110 will not change the level of the Class II butterfat differential and will simplify the calculation thereof.

(d) A proposal made by handlers would give other source milk priority over producer milk in allocating the Class I sales of regulated handlers. This would have the effect of assigning the lowest value utilization for the market to dairy farmers associated with it. The inclusion of such a provision in the order would tend to nullify the purpose for which orders are issued and would be inconsistent with the intent of the act. Accordingly, the proposal to give other source milk priority over producer milk to the Class I sales of regulated handlers is hereby denied.

(e) The date by which handlers are required to submit to the market administrator their monthly reports should be changed from the 6th day to the 7th day of the following month. Handlers stated that the extra day is necessary because a number of reports and statements are required of them from various sources immediately following the close of each month, and being required to file monthly reports with the market administrator by the 6th has frequently worked a hardship on them. There was no opposition to this handler proposal and it is expected that the extra day for preparing reports will enable handlers to provide the market administrator in a more complete and accurate manner the data needed to compute the monthly uniform price under the marketwide pool.

(f) Under the marketwide pool, it will be necessary for the market administrator to receive reports and payments when due in order to calculate the blend price and make disbursement of money to handlers for the equalization of producer pay rates. The order should be adjusted, therefore, to permit disclosure of the names of handlers delinquent in such matters as soon as the delinquency occurs. Also, interest should be charged on money overdue the market administrator. The interest rate provided in the attached order is 6 percent per annum. Such an interest rate is not a penalty but represents a fair price for the use of the money. Charging interest will avoid giving the handler any incentive to retain money temporarily for use in his business at no cost until compliance can be enforced.

(g) One of the formulas used in computing the basic formula price, which is used in calculating the Eastern South Dakota order Class I price, is the average of the prices paid for milk received from dairy farmers at specified plants in Wisconsin and Michigan known as the "Midwestern Condenseries". One of the 13 plants now listed in the order (Pet Milk Company, Hudson, Michigan) is no longer in operation. Accordingly, only the 12 of the 13 plants in the Midwestern Condensery group now operating are listed in the attached proposed order as the plants whose prices paid to dairy farmers shall be used in determining the basic formula price under the order.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied.

General findings. (a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditons thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Eastern South Dakota Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Eastern South Dakota Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum Order; Determination of Representative Period; And Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Eastern South Dakota marketing area, is approved or favored by the producers, as defined under the terms of

the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of July 1958 is hereby determined to be the representative period for the conduct of such referendum.

Wayne McPherren is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this decision is issued.

Issued at Washington, D. C., this 3d day of September 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

Order[1] Amending the Order Regulating the Handling of Milk in the Eastern South Dakota Marketing Area

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AUTHORITY: §§ 929.0 to 929.111 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c.

§ 929.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern South Dakota marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act.

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to butterfat and skim milk contained in (i) producer milk, (ii) other source milk at a pool plant which is allocated to Class I milk pursuant to § 929.46, and (iii) Class I milk distributed in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the Act.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Eastern South Dakota marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 929.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 929.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 929.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 929.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 929.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 929.6 *Eastern South Dakota marketing area.* "Eastern South Dakota marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the counties of Beadle, Brown, Codington, Day and Spink, all in the State of South Dakota, including territory within such boundaries which is occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other establishments.

§ 929.7 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 929.8 *Distributing plant.* "Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 929.9 *Supply plant.* "Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant qualified pursuant to § 929.10.

§ 929.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 10 percent of such receipts are so disposed of to such outlets in the marketing area: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year: *And provided further*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

§ 929.11 *Nonpool plant.* "Nonpool plant" means any plant other than a pool plant which receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 929.12 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of one or more distributing or supply plants, or (b) any cooperative association with respect to the milk from producers diverted by the association for the account of such association from a pool plant to a nonpool plant.

§ 929.13 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers or from sources other than pool plants.

§ 929.14 *Producer milk.* "Producer milk" means the skim milk and butterfat contained in milk received at a pool plant directly from producers: *Provided*, That milk diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further*, That in any of the months of July through March milk diverted from the farm of a producer on more than the number of days that milk was delivered to a pool plant from such farm during the month shall not be deemed to have been received by the diverting handler at the plant from which diverted on such days.

§ 929.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except ice cream, ice cream mixes, and sterilized products hermetically sealed containers).

§ 929.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant), which are reprocessed or converted to another product in the plant during the month.

§ 929.17 *Base milk.* "Base milk" means milk received at a pool plant from a producer during any of the months of March through June that is not in excess of such producer's daily base computed pursuant to § 929.90 multiplied by the number of days in such month: *Provided*, That all milk received at a pool plant from a producer during any of the months of March through June 1959 shall be base milk.

§ 929.18 *Excess milk.* "Excess milk" means the amount of milk received at a pool plant from a producer during any of the months of March through June that is in excess of base milk received from such producer during such month.

§ 929.19 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 929.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 929.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 929.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 929.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 929.30 and 929.31, or payments pursuant to §§ 929.62, 929.80, 929.84, 929.86 and 929.87;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 929.51 (a) and the Class I butterfat differential pursuant to § 929.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 929.51 (b) and the Class II butterfat differential pursuant to § 929.52 (b), both for the preceding month;

(2) The 10th day after the end of each of the months of July through February, the uniform price pursuant to § 929.72 and the producer butterfat differential pursuant to § 929.81; and

(3) The 10th day after the end of each of the months of March through June, the uniform price for base milk and excess milk pursuant to § 929.73 and the butterfat differential pursuant to § 929.81; and

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests, the percentage of the milk caused to be delivered by the cooperative association or its members to the pool plant(s) of each handler during the month, which was utilized in each class. For the purpose of this report, the milk so delivered shall be allocated to each class for each handler in the same ratio as all producer milk received by such handler during the month.

REPORTS, RECORDS AND FACILITIES

§ 929.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for such month in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by receipts of producer milk, and the aggregate quantities of base and excess milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by producer milk diverted to nonpool plants pursuant to § 929.14;

(e) Inventories of fluid milk products on hand at the beginning and end of the month; and

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 929.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer:

(i) His name and address,

(ii) The total pounds of milk received from such producer including for the months of March through June, the total pounds of base and excess milk,

(iii) The number of days, if less than the entire month, for which milk was received from such producer,

(iv) The average butterfat content of such milk, and

(v) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at his pool plant, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such milk;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 929.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 929.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 929.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 929.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 929.41 through 929.46.

§ 929.41 *Classes of utilization.* Subject to the conditions set forth in § 929.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) contained in inventory of fluid milk products on hand at the end of the month; and (3) in shrinkage allocated to receipts of producer milk and other source milk (except milk diverted to a nonpool plant pursuant to § 929.14) but not in excess of 2 percent of such receipts of butterfat, 2 percent of such receipts of skim milk in the months of July through February and 5 percent of such receipts of skim milk in the months of March through June.

§ 929.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and other source milk.

§ 929.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 929.44 *Transfers.* Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to another pool plant unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator pursuant to § 929.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 929.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further,* That if other source milk was received at either or both plants the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Aberdeen, Huron, and Watertown, South Dakota; and

(d) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Aberdeen, Huron, and Watertown, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 929.30 for the month within which such transactions occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines constitute the regular sources of supply for such plant: *Provided,* That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products so transferred or diverted and classified as Class I milk: *And provided further,* That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this order and other orders issued pursuant to the act is more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a pool plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the act.

§ 929.45 *Computation of the skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for each pool plant and shall compute the pounds of butterfat and skim milk in each class at each such plant: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water reasonably associated with such solids in the form of whole milk.

§ 929.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 929.45, the market administrator shall determine the classification of producer milk received at the pool plants of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 929.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class in series beginning with Class II milk, the pounds of skim milk in other source milk which were received in the form of fluid milk products which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from other pool plants according to the classification of such products as determined pursuant to § 929.44 (a);

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month; and

(9) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 929.50 *Basic formula price.* The higher of the prices computed pursuant to paragraph (a) or (b) of this section, rounded to the nearest cent, shall be the basic formula price.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Company, Mt. Pleasant, Mich.
Borden Company, New London, Wis.
Borden Company, Orfordville, Wis.
Carnation Company, Oconomowoc, Wis.
Carnation Company, Richland, Center, Wis.
Carnation Company, Sparta, Mich.
Pet Milk Company, Belleville, Wis.
Pet Milk Company, Coopersville, Mich.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Wayland, Mich.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The price computed pursuant to § 929.51 (b).

§ 929.51 *Class prices.* Subject to the provisions of §§ 929.52 and 929.53 the class prices per hundredweight shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.40.

(b) *Class II milk price.* The Class II milk price shall be the price obtained by adding the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph, and subtracting 80 cents therefrom.

(1) Multiply the Chicago butter price by 4.24.

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray

process nonfat dry milk solids for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the preceding month through the 25th day of the current month.

§ 929.52 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 929.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II prices.* Multiply the Chicago butter price for the current month by 0.110.

§ 929.53 *Location differentials to handlers.* For producer milk which is received at a pool plant located 100 miles or more from the Post Offices of Aberdeen, Huron, and Watertown, South Dakota, by the shortest hard surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 929.51 (a) shall be reduced by 15 cents for the first 110 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the Post Offices of Aberdeen, Huron, and Watertown: *Provided*, That for the purpose of calculating the location differential adjustment applicable pursuant to this section, fluid milk products that are transferred in bulk form between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 929.46 (a) (4) and the comparable steps in (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable to each plant, beginning with the plant having the largest differential.

§ 929.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 929.60 *Producer-handler.* Sections 929.40 through 929.46, 929.50 through 929.52, 929.70 through 929.73 and 929.80 through 929.87 shall not apply to a producer-handler.

§ 929.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 929.10 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Eastern South Dakota marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 929.30) and allow verification of such reports by the market administrator.

§ 929.62 *Handlers operating nonpool plants.* Each handler in his capacity as the operator of a nonpool plant shall, on or before the 13th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount obtained by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month by the rate determined pursuant to § 929.63.

§ 929.63 *Rate of payment on unpriced milk.* The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I shall be any plus amount obtained by subtracting from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk;

(a) During the months of March through June, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through February, the uniform price pursuant to § 929.72 adjusted by the Class I butterfat differential.

DETERMINATION OF UNIFORM PRICE

§ 929.70 *Computation of value of milk for each handler.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 929.46 (a) (9) and the corresponding step of (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of (1) the hundredweight of producer milk classified in Class II less shrinkage during the preceding month or (2) the hundredweight of milk subtracted from Class I pursuant to § 929.46 (a) (8) and the corresponding step of (b);

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 929.46 (a) (2) and (3) and the corresponding step of (b) by the rate of payment on unpriced milk determined pursuant to § 929.63 at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided*, That if the source of any Class I products at a pool plant are not clearly established or if such skim milk is in the form of nonfat dry milk solids, they shall be considered to have been received from a source at the location of the pool plant where they are classified.

§ 929.71 *Computation of aggregate value used to determine uniform price.* For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content, f. o. b. plants located within 100 miles of the post offices of Aberdeen, Huron, and Watertown, South Dakota, as follows:

(a) Combine into one total the values computed pursuant to § 929.70 for all handlers who made the reports prescribed in § 929.30 for such month, except those in default of payments required pursuant to § 929.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the hundredweight of such producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 929.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 929.72 *Computation of uniform price.* For each of the months of July through February, the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content f. o. b. pool plants located within 100 miles of the post offices of Aberdeen, Huron, and Watertown, South Dakota, as follows:

(a) Divide the aggregate value computed pursuant to § 929.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The resulting figure shall be the uniform price for producer milk.

§ 929.73 *Computation of uniform price for base milk and excess milk.* For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f. o. b. pool plants located within 100 miles of the post offices of Aberdeen, Huron, and Watertown, South Dakota, as follows:

(a) From the reports submitted by handlers pursuant to § 929.30 determine the aggregate classification of producer milk included in the computation of value pursuant to § 929.71 and the total hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of such excess milk on a 3.5 percent butterfat basis by multiplying the total hundredweight of such milk that is not greater than the total Class II milk pursuant to paragraph (a) of this section by the Class II milk price and by adding thereto the value obtained by multiplying the hundredweight of such excess milk that is greater than the quantity of such Class II milk by the Class I milk price;

(c) Divide the value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk, and subtract not less than 4 nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for excess milk;

(d) Subtract the value of excess milk obtained in paragraph (b) of this section from the aggregate value of all milk obtained in § 929.71; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for base milk.

§ 929.74 *Notification of handlers.* On or before the 10th day of each month the market administrator shall notify each handler with respect to his pool plants:

(a) The amount and value of milk in each class computed pursuant to §§ 929.46 and 929.70 and the totals of such amounts and values;

(b) The uniform price computed pursuant to § 929.72 or § 929.73, whichever is applicable;

(c) The amount due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 929.80 and 929.84; and

(e) The amount to be paid by such handler pursuant to § 929.87.

PAYMENT FOR MILK

§ 929.80 *Time and method of payment for producer milk.* (a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 15th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform prices per hundredweight pursuant to §§ 929.72 and 929.73 subject to the butterfat differential computed pursuant to § 929.81 plus or minus adjustments for errors made in previous payments to such producer; and less (i) payment made pursuant to paragraph (1) hereof, (ii) location differential deductions pursuant to § 929.82, and (iii) proper deductions authorized by such producer.

(b) Each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(c) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the recipient, that shall show:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from each producer, including for the months of March through June, the pounds of base milk and excess milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate that is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 929.81 *Butterfat differentials to producers.* The uniform prices for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 perecnt, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 929.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 929.82 *Location differentials to producers.* The uniform price pursuant to § 929.72 and the uniform price for base milk pursuant to § 929.73 for producer milk received at a pool plant located 100 miles or more from the Post Offices of Aberdeen, Huron and Watertown, South Dakota, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced by 15 cents for the first 110 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the Post Offices of Aberdeen, Huron and Watertown, South Dakota.

§ 929.83 *Producer-settlement fund.* The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 929.62, 929.84, 929.85, and 929.86: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 929.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 929.80 of such handler to producers for milk received at a pool plant during the month is less than the value of such producer milk pursuant to § 929.70: *Provided*, That to this amount shall be added one-half of 1 percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue.

§ 929.85 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation pursuant to § 929.80, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 929.70: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 929.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 929.86 *Adjustment of accounts.* Whenever verification by the market administrator of reports of payments of any handler discloses errors made in payments to or from the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days of such billing make payments to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of less than is required by § 929.80, the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

§ 929.87 *Expense of administration.* As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to butterfat and skim milk contained in (a) producer milk, (b) other source milk at

a pool plant which is allocated to Class I milk pursuant to § 929.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

§ 929.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 929.90 *Daily base.* The daily base for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through November immediately preceding by the number of days on which such milk is received from such producer: *Provided,* That for the purpose of calculating the daily base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further,* That if no milk is received from a producer at a pool plant during the months of September through November or if milk is received on less than 60 days during such months, the daily base of such producer shall be calculated for each of the months of March through June by dividing the pounds of producer milk received from such producer during the month by the number of days in such month and multiplying the quotient by 50 percent for the months of March and April and by 40 percent for May and June: *And provided further,* That any producer for whom a daily base has been established pursuant to this section based on deliveries of 60 or more days during the preceding months of September through November may, in lieu thereof, by notifying the market administrator prior to March 31, be accorded a daily base calculated pursuant to the immediately preceding proviso of this section.

§ 929.91 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the months of September through November.

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the first day of any month following receipt by the market administrator of an application for such transfer. Such application shall be on a form approved by the market administrator and shall be signed by the baseholder and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders.

§ 929.92 *Announcement of established bases.* On or before February 15 of each year the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 929.100 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 929.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 929.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 929.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 929.110 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 929.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

[F. R. Doc. 58-7254; Filed, Sept. 8, 1958; 8:48 a. m.]

[7 CFR Part 994]

[Docket No. AO-300]

HANDLING OF MILK IN COLORADO SPRINGS-PUEBLO MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Colorado Springs-Pueblo marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, was conducted at Colorado Springs, Colorado, on December 16 through 19, 1957, pursuant to notice thereof which was issued November 26, 1957 (22 F. R. 9616).

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

1. *Character of the commerce.* All milk to be regulated by the proposed marketing agreement and order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

One of the handlers who would be regulated under the Colorado Springs-Pueblo order has regular distribution of fluid milk on routes in six Kansas Counties. Also, there are regular route sales of fluid milk in Colfax County, New Mexico, from one plant at Colorado Springs, one at Pueblo, and one at Rye.

The supply of milk for the market is also directly interstate in character. One of the Colorado Springs handlers regularly obtains milk from approximately 50 shippers in western Kansas. A Pueblo handler purchases supplemental milk in bulk tank lots from the Dodge City and Wichita areas. There are occasional shipments of supplemental milk from Minnesota.

Producers for the Colorado Springs-Pueblo market supply milk primarily for fluid use. However, there is necessarily some reserve for variations in sales and production. This reserve milk is commonly manufactured into such storable dairy products as butter, nonfat dry milk, and cheese which compete directly with similar products which are marketed nationally.

There are numerous producers of manufacturing grade milk throughout the Colorado Springs-Pueblo milkshed in Southeastern Colorado and Western Kansas. These dairymen constitute a potential source of Grade A milk. During periods of strong demand for additional fluid milk some of them make the necessary investment to qualify as Grade A producers. The extent to which this occurs is, of course, influenced by the margin of fluid milk returns over those obtained for manufacturing grade milk and this fact is recognized in the Class I price formula which consists of a differential over manufacturing values.

2. *Need for an order.* Marketing conditions in the Colorado Springs-Pueblo area are such that the issuance of a marketing order will tend to effectuate the declared policy of the Act.

Stability of the marketing conditions, together with a reasonable certainty that an adequate supply of pure and wholesome milk can be assured for the Colorado Springs-Pueblo marketing area only when all milk handlers in the area pay substantially equal minimum prices for milk according to use, and only when all farmers supplying milk to handlers in the market receive the same price per hundredweight for milk of equal quality.

The majority of the farmers shipping to the seven milk distributing plants located in Colorado Springs are members of the Colorado Springs Milk Producers Association, a bargaining cooperative. One of the plants is operated by a producer-handler. At five of these plants member milk is sold on a base and excess plan. Each producer has a base computed from his deliveries during the fall months. The months used and the proportion of deliveries which will be considered as base milk are subject to negotiation early in the following calendar year, but the computation of bases is uniform as between producer members. The association has no means of ascertaining whether nonmembers' bases are computed uniformly, and one handler does not use the base and excess plan at all. A contract between the association and the handlers which expired April 1, 1957, priced the Colorado Springs base milk at the Denver base price. From April 1 until the time of the hearing, no contract was in effect.

Even if all handlers purchased milk on a base and excess plan, the cost of the raw product used for Class I purposes would vary in accordance with the percentage of the total receipts utilized for Class I purposes at each plant. The cooperative has not been able to verify the class use of milk. Obviously, the fact that one handler does not use the base and surplus plan introduces another source of variation in the cost of raw milk. One of the Colorado Springs handlers pays substantially lower prices for milk delivered to his plant by a large group of new shippers located in Eastern Kansas. This portion of the supply provides him with a substantial advantage in the cost of milk. Still another source of possible disparity between handlers is the absence of any consistent system for the allocation of supplemental bulk milk. At the time of the hearing the association had been unable to obtain any agreement on the allocation of such receipts.

The Pueblo Dairymen's Association, the principal bargaining association of producers in the Pueblo portion of the market, operates a receiving station. The milk received from producers at this station is delivered by bulk tank truck to a distributing plant in Denver and to one in Colorado Springs. The association also has some members who deliver their milk directly from farms to the three principal bottling plants in Pueblo and to a plant at Walsenburg. All of the milk of association members is pooled with the nonmember milk at the three Pueblo bottling plants. The pooling operation is based on reports submitted by each handler and by the association to a certified public accountant. The milk shipped to Denver is classified arbitrarily at 90 percent Class I and 10 percent Class III. The association has complete information on the weights, tests, and quantities of base milk delivered by producers to the receiving station but has no check on the weights and tests of milk delivered to other handlers' plants. Also, it has no check on the utilization of milk reported by the bottling plants. The association has not been able to bargain with handlers for a complete system of classified pricing and pooling of milk in the market. It follows that the same conditions of potential inequity between handlers in the cost of milk (depending upon the proportion used in Class I, variation in base-rating plans, and allocation of supplemental milk) are as much a factor in Pueblo as in the Colorado Springs portion of the market.

A marketing agreement and order program is needed to establish and maintain orderly marketing conditions throughout the marketing area. The auditing of the utilization of all milk

received by handlers, the checking of butterfat tests and weights of all producer milk, and the publication of complete supply and use data for the market will aid in this objective by assuring producers that they will receive a proper accounting for their milk and by providing full information on market developments.

3. *Order provisions*—(a) *Scope of regulation.* Federal milk orders achieve marketing and pricing stability by using techniques authorized by the Agricultural Marketing Agreement Act of 1937, as amended. Important among these techniques are the requirements that (1) regulated distributors (handlers) pay specified minimum prices to producers in accordance with a classified use plan established in an order, and (2) these payments are distributed to each producer on a uniform basis through either an individual-handler pool, or a marketwide pool. Under the circumstances it is important to establish clearly which plants and which milk will be subject to all or part of the pricing provisions of the orders and, in turn, which dairy farmers will participate in the distribution of returns through the respective pools. To identify such persons and to facilitate reference to them throughout this decision and in the proposed orders, such terms as marketing area, producer, types of milk plants, handler, producer milk, and other source milk are defined and are used herein.

Marketing area. The Colorado Springs-Pueblo marketing area should include El Paso, Pueblo, Huerfano, and Teller counties. This territory comprises a contiguous area within which there is such a high degree of competition in the sale and procurement of milk as to constitute a distinct marketing area to which a single system of pricing is applicable.

This market is served primarily by a group of 13 distributing plants. Seven of these are located in Colorado Springs, four in Pueblo, one at Rye and one at Walsenburg. These plants receive approximately 7.5 million pounds of milk per month from about 390 producers. Most of these plants are supplied in whole or in part by the two cooperative associations of producers who proposed that a Federal order be established for this market. So far as is disclosed by the record, this marketing area involves no other handers with the exception of three plants located in Denver. Relationships between the Denver and Colorado Springs-Pueblo markets will be covered in more detail below.

The sanitary requirements relative to the production, processing, and sale of bulk milk are substantially comparable throughout the market. The State of Colorado Grade A standards constitute the minimum standards throughout the area. The extensive overlapping of distribution from the 13 plants located in the area and the three Denver plants demonstrates in a practical way the comparability of sanitary standards.

There is extensive competition among the handlers throughout the market. Two of the handlers operate milk distributing plants in both Colorado Springs and Pueblo and cover the entire area from one or the other plant. Another handler distributes milk throughout the market from a plant located in Colorado Springs. The handler whose plant is located at Rye also distributes milk in Pueblo, Beulah, and Walsenburg, and the handler with a plant at Walsenburg also distributes in Pueblo. These handlers obtain the major portion of their milk either directly from producers or through the receiving station operated by the Pueblo Dairymen's Association at Pueblo. Most of the producers are located within comparatively short distances from the plants, in Southeastern Colorado, although one handler has a group of approximately 50 bulk tank shippers in the vicinity of Goodland, Kansas.

Three of these handlers, operating five distributing plants, distribute some milk in other counties in southeastern Colorado and Western Kansas. However, a tabulation of their sales discloses that 87 percent of their total sales of Class I milk is within the defined marketing area.

Fremont County should not be included in the marketing area. The principal population centers are Canon City and Florence. A high proportion of fluid milk sales in the county are made by four local handlers who do not distribute milk within the defined area. There was no evidence that the lack of regulation would be a serious problem to producers or a significant competitive factor in the distribution of milk by handlers who would be subject to regulation in the Colorado Springs-Pueblo area.

Similar conditions exist in Crowley and Otero, the other two counties which producers proposed should be included in the marketing area. The three plants located at Rocky Ford and one at La Junta do the major proportion of business in these countries and do not make Class I sales in the defined marketing area.

Substantially the same conditions also apply in the six handler-proposed counties of Chaffee, Custer, Saguache, Rio Grande, Alamosa, and Las Animas. Salida is the principal population center in Chaffee County and is served mainly by two local plants. A local plant at Westcliffe in Custer County serves most of that county. Saguache, Rio Grande, and Alamosa Counties are in the San Luis Valley. The major proportion of Class I sales in the Valley are made by five local handlers. In Las Animas County, three local plants located at Trinidad account for the bulk of the Class I business. In each of these six counties the local handlers account for the great majority of the Class I sales, are not involved in the defined Colorado Springs-Pueblo market and have not created any competitive problems for the Colorado Springs-Pueblo handlers based on milk procurement advantages.

There was no proposal to include the large Denver market. The Denver Milk Producers, Inc., the cooperative association of producers serving that market sells its milk on a classified price plan and pools the returns to producers on a marketwide basis. Since regulation of the Denver market was not proposed, the Colorado Springs-Pueblo marketing area should be so designated as to minimize involvement of Denver handlers. One Denver handler distributes fluid milk throughout much of the Colorado Springs-Pueblo area and two others have sales in Colorado Springs. These handlers must, therefore, be involved in any regulation affecting the Colorado Springs-Pueblo market. On the other hand, extension of the Colorado Springs-Pueblo marketing area to include the tier of counties north of Colorado Springs as proposed by handlers would involve other handlers than the three serving Colorado Springs. Of these additional handlers one distributes milk in Park County, another in Douglas, a third in Elbert, Lincoln, Kit Carson, and Cheyenne Counties, and a fourth Denver handler has distribution in Lincoln and Kit Carson Counties. In each of these proposed counties there is a comparatively small population, there are no local milk distributors, and a minor proportion of sales are made by Colorado Springs-Pueblo handlers. Since Class I prices in the Denver market have been above those in effect in Colorado Springs or those recommended herein, the Denver handlers have not constituted unfair price competition.

The remaining four counties in Southeastern Colorado, namely Baca, Bent, Prowers, and Kiowa, and the six Kansas Counties proposed by handlers for inclusion in the marketing area are characterized by comparatively small population, a minor proportion of sales by only one of the handlers who would be subject to the Colorado Springs–Pueblo order, and a major proportion of sales by local handlers or by other handlers whose primary markets are well outside the proposed area. The local plants are located at Lamar and Holly in Prowers County, at Las Animas in Bent County, and at Goodland in Sherman County, Kansas. The outside handlers include one from Denver, one from North Central Kansas, and two who are already subject to the Southwest Kansas milk marketing order. The extension of regulation to those counties is not essential to effective regulation in the Colorado Springs-Pueblo market and they should not be included.

In summary, of the 30 counties proposed in the notice of hearing for inclusion in the marketing area, only El Paso, Pueblo, Huerfano, and Teller Counties should comprise the marketing area.

Definitions of plants and milk to be priced. The primary factor in determining what milk is to be completely subject to the pricing and pooling provisions of the order is the degree to which plants are associated with the supply of milk to the market for fluid uses. Most of the milk plants which are primarily associated with the Colorado Springs-Pueblo market receive milk from producers, perform the processing and bottling operation, and distribute the bottled milk on wholesale and retail routes in the marketing area. These are commonly referred to as distributing plants. A second type of plant operation involves receiving milk from producers and assembling it into bulk tank lots either for shipment to distributing plants or, in the event the milk is not needed for

bottling, to manufacturing plants. Such plants are commonly referred to as supply plants.

The definition of "pool plant" should include all those distributing plants and supply plants which are primarily identified with the Colorado Springs-Pueblo market. These are the plants at which the minimum prices paid to producers for milk would be fully applicable and which would participate in the marketwide equalization pool.

A distributing plant should be qualified as a pool plant if 20 percent or more of the total Class I sales of such plants are made within the defined marketing area. All of the distributing plants which are located within the marketing area and to which members of the proponent cooperative association regularly deliver milk would qualify as pool plants under the 20 percent standard. However, on the basis of the operations being carried out at the time of the hearing, this would eliminate the Denver handlers whose principal Class I outlets are in that market but who also distribute significant quantities of fluid milk in the Colorado Springs-Pueblo market. It would not be appropriate to fully regulate these plants, and others who operate in similar fashion, and include them in the Colorado Springs-Pueblo pool because their competitors in their primary sales territory would not be regulated. However, such plants should be regulated to the extent of eliminating any competitive advantage based on the cost of milk.

The order should also provide pooling standards for the supply plants from which distributing plants draw supplemental supplies of milk. Plants shipping supplemental supplies of milk to a market generally fall into two broad categories. One category includes plants serving as receiving stations where milk from producers is assembled into bulk tank lots for more convenient shipments to city plants. They make regular shipments of large quantities and are clearly so closely associated with the market as to call for pooling and full regulation.

The second category of supply plants furnish only incidental shipments of milk to the market or regular shipments of limited quantities during only the shortest production period. They are not primarily associated with the market and need not be fully regulated. Such plants supply the market for a short duration only and may be located at widely scattered points. Such plants should be able to supply milk to the market during such periods of need without becoming fully subject to the order.

These different functions can best be recognized by defining as a "supply plant" any plant that ships during any month to distributing pool plants at least 50 percent of its receipts of milk from dairy farmers. Because of the seasonal variation in production the distributing pool plants require the largest quantities of supplemental milk in the fall and the least in the spring. Therefore, if a supply plant meets the shipping percentage standards each of the months of September through February, such plants should be designated as a pool plant until the end of the following August unless a written request for nonpool status is submitted to the market administrator. Receipts from plants not qualified under these supply plant standards should be considered as other source milk.

The Pueblo Dairymen's Cooperative operates a receiving station at which milk is received from producers in ten-gallon cans, weighed, tested, cooled and assembled into bulk tank lots for shipment to bottling plants. When not needed for fluid purposes the milk is transferred to manufacturing outlets. The plant, therefore, functions as a supply plant.

Certain types of operations which would otherwise qualify as pool plants should be exempt from the pooling provisions of the order. Such exemption should cover plants which would be subject to the pricing and pooling provisions of another Federal order if a larger volume of milk is involved with the other order market than is associated with the Colorado Springs-Pueblo market. If the plant operates as a distributing plant under both orders, the volume of Class I sales in each market during the month would determine the applicable order. However, it is conceivable that a plant might operate primarily as a supply plant under another order, yet have some route sales in this market. In such event, it should remain subject to the order under which it was qualified as a supply plant.

Exemption should also apply to plants distributing an average of less than 1,000 pounds of Class I milk per day on routes in the marketing area. The sale of such small quantities of milk has little or no effect on the marketing of milk in the area. Application of order pricing and payment provisions to these distributors would entail effort and expense without contributing significantly to orderly marketing and should, therefore, be exempt, except for such reporting and audit provisions as will serve to establish the volume of sales in the area.

"Handler" is an all-inclusive definition designed to cover all persons operating plants or otherwise having responsibility with respect to the marketing of milk in the area. Subject to specified exemptions, the handler is the person who receives milk from producers and who is responsible for reporting receipts and utilization of milk and payment therefor. It includes (a) persons operating pool plants, (b) persons operating nonpool plants from which Class I milk is distributed on routes in the marketing area, and (c) a cooperative association with respect to member milk diverted to a nonpool plant. If an association is defined as a handler on diverted milk, even though it has no plant, the producers whose milk is diverted will continue to receive the uniform price under the order, they will remain an integral part of the market and their milk will be available for fluid use whenever it is needed.

The term "producer" should be defined in order to identify those dairy farmers who are the producers of the regular supply of fluid milk and cream for the market, and to whom the minimum prices specified in the order should be paid. Only those dairy farmers who produce milk in compliance with the sanitation requirements for milk for fluid use are qualified as producers. The order does not apply to dairymen producing manufacturing grade milk. Since it is the pool plants which are fully subject to the pricing, pooling, and payment provisions of the order, it is the dairymen delivering fluid grade milk to such plants who qualify as producers. The producer definition should also cover those dairymen whose milk usually is received at a pool plant but which is temporarily diverted to a nonpool plant by the operator of a pool plant or by a cooperative association. Milk so diverted is deemed to have been received at the plant from which it was diverted.

The term "producer-handler" should apply to a person who produces milk on his own farm and operates a plant from which a route is operated wholly or partly in the marketing area but who receives no milk from sources other than his own farm or from pool plants.

A producer-handler is exempt from the pricing, pooling, and payment provisions of the order. Producers proposed that the producer-handler definition be limited to operations from which less than 1,000 pounds per day of Class I milk is distributed in the marketing area. It appears, however, that the principal objective sought to be achieved by the volume limitation is provided for by the requirement that a producer-handler utilize only his own production or from other pool plants. Milk transferred from pool plants to a producer-handler is classified as Class I. It follows that any supplemental milk purchased by producer-handlers will have been pooled and will not represent a cheap source of supply to the producer-handler.

The definition of "producer milk" applies to milk received directly at a pool plant from the producers' farms. Any subsequent transfers of milk between pool plants are accounted for as other source milk rather than as producer milk. Milk from producers which is diverted to a nonpool plant should retain its status as producer milk.

"Other source milk" is specifically defined in order to distinguish it from producer milk. It includes milk received at a pool plant from nonpool sources and products, other than fluid milk products, from any source which are reprocessed or converted to another product in the plant during the month.

A definition of "fluid milk product" is provided to facilitate reference in the subsequent sections of the order. The fluid milk products are those which constitute Class I use in the market and include fluid milk, skim milk, buttermilk, flavored milk, fluid cream and cream mixtures, and concentrated milk which is not sterilized or packed in hermetically sealed cans.

The term "route" is used to cover a number of types of milk distributing operations. It includes any delivery to retail or wholesale outlets of any fluid milk product. Deliveries to other milk processing plants, either pool plants or nonpool plants, do not qualify, but sales

by a vendor or from a plant store are included.

(b) *The classification and allocation of milk.* Milk should be classified in two classes, reflecting the principal differences in the quality and the value of milk required for different uses. In general, Class I should include milk and cream sold for consumption in fluid form and Class II should include milk used for manufacturing purposes.

Because skim milk and butterfat are not used in most products in the same proportions as received from producers, these components should be classified separately. Class prices, however, will apply per hundredweight of milk, and will be adjusted for the butterfat content of the milk used in each class through butterfat differentials.

The products which should be included in Class I are those required by the health authorities having jurisdiction in the marketing area to be obtained from milk or milk products from approved inspected sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used as Class I substantially higher than uninspected milk used for manufacturing purposes. It is appropriate that all of the products required to be from approved inspected sources be included in a single class so that all milk required to make such products may contribute uniformly to the cost of supplying the market needs for inspected milk.

Class I should include all skim milk and butterfat disposed of for consumption as a fluid milk product. It will be recalled that fluid milk products include milk, skim milk, buttermilk, flavored milk and drinks, cream and cream mixtures, and concentrated milk. These products must be produced and handled in compliance with sanitation standards that are substantially uniform throughout the proposed marketing area. The same sanitation standards apply to fluid skim milk, flavored milk drinks and buttermilk, as to whole milk. Skim milk and butterfat used to produce sweet and sour cream must meet the same health requirements as milk for fluid consumption, hence, it is appropriate that cream be classified and priced in the same class as fluid milk. Concentrated milk is not now distributed in the marketing area. Proper classification of this product at this time will prevent any problems concerning its classification if at some future date a handler decides to start distributing it. Concentrated milk must be made from milk of similar quality to milk used in other products for fluid consumption which would be classified in Class I. Products commonly known as evaporated milk or condensed milk and which are either packed in hermetically sealed cans or are used in the manufacture of other milk products should not be considered as concentrated milk and should not be classified in Class I unless they are used in the manufacture of milk products which are in Class I.

It is an increasingly common practice to raise the nonfat solids content of skim milk, buttermilk, and flavored milk drinks. Apparently this is most commonly accomplished in the area through the addition of condensed skim milk or nonfat dry milk made from producer milk or milk from other health-approved sources. The skim milk equivalent of these concentrated fluid items, whether obtained by adding solids or by partial condensation, should be in Class I.

Reserve milk not needed seasonally, or at other times such as weekends, for Class I use must be disposed of for use in manufactured products. These products are not required to be made from inspected milk, must be sold in competition with products made from uninspected sources produced over a large area and generally are less perishable than fluid milk products. Milk so used should be classified as Class II and priced in accordance with its value in such outlets.

Producers proposed that milk used to produce cottage cheese and ice cream be classified separately and priced at a premium over the price of milk for other manufacturing uses. Since this is primarily a pricing problem, it is dealt with subsequently in detail under the heading "Class II price".

Class II should be defined to include skim milk and butterfat used to produce any product other than a fluid milk product, including but not limited to such products as ice cream, ice cream mix, frozen cream, aerated cream, dried milk products, whole and nonfat, condensed or evaporated products, butter, cottage and hard cheese. Class II should also include such unrenumerative "uses" as plant loss of other source milk, skim milk dumped and milk accounted for as disposed of for livestock feed, and inventories of fluid milk products on hand at the end of any month. Cream which is frozen and placed in storage should be Class II since such cream is intended primarily for use in ice cream or ice cream mix. Any frozen cream or other Class II product which may be used later in a fluid milk product would be considered as other source milk at the time of such use and assigned to the lowest priced utilization in the plant.

Handlers have inventories of milk and milk products at the beginning and end of each month which must enter into the accounting for current receipts and utilization. It is appropriate that the ending inventory of fluid milk products be classified as Class II. This manner of classifying inventory, with correlated steps in the allocation procedure, provides a means of charging each handler for his Class I sales each month at the current Class I price. Fluid milk products whether in bulk or packaged form should be inventoried and classified as Class II. Manufactured milk products are not included in inventory accounting because the skim milk and butterfat used for such products are accounted for in the month when such products are manufactured.

Uniformity in the application of the pricing provisions and simplicity of accounting are achieved if, so far as possible, Class I utilization each month is assigned to current receipts of producer milk. This can be accomplished by classification of closing inventory as Class II, and allocation of opening inventory to Class I only when current receipts of producer milk (except allowable Class II shrinkage) are less than Class I sales. In such case the handler should pay the difference between the Class II price for such milk in the preceding month and the current Class I price. The volume on which this charge is made should not exceed the volume (in excess of allowable Class II shrinkage) for which producers were paid at the Class II price in the preceding month.

Inventories of products designated as Class I on hand at a pool plant at the beginning of any month during which such a plant becomes qualified for the first time should likewise be subtracted from the Class II utilization of such plant. This will preserve the priority of assignment of current producer receipts to current Class I use for each month.

Unaccounted for milk in excess of a reasonable allowance for plant loss should be Class I so as to require full accounting by handlers for their receipts. Two percent is considered a reasonable maximum allowance for this purpose. No limit need be put on shrinkage of other source milk since such milk is deducted from the lower use class under the allocation procedures. Since it is not feasible to segregate shrinkage of producer milk from that of other source milk in the same plant, total shrinkage is prorated on the basis of the volume of receipts. Allowance for loss on producer milk diverted to another pool plant should be at the pool plant where actually received, and no shrinkage should be allowed on milk diverted to a nonpool plant. It should be recognized that milk incurs relatively little shrinkage in its receipt and much more in processing, bottling, and distribution operations. Up to one-half of one percent shrinkage should be allowed on that milk which is physically received at a receiving plant and transferred to another plant for bottling and distribution. The bottling plant should be allowed up to one and one-half percent shrinkage on that milk received in bulk from a receiving station or other handler.

Each handler must be held responsible for full accounting of all his receipts of skim milk or butterfat in any form. The handler who first receives the milk from producers should be responsible for establishing the classification of and the payment for producer milk. (In the case of diversions to nonpool plants or to other pool plants, the diverting handler is held responsible.) Except for such limited quantities of shrinkage as may be classified in Class II, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use.

Provision should be made for classification of fluid milk products transferred in bulk between pool plants and from pool plants to nonpool plants. Transfers between pool plants should be permitted

in any class agreed upon by the handlers operating such plants so long as the prior claim of producer milk for Class I sales is maintained. Transfers between pool plants at an agreed upon class will not affect the total value of producer milk under a marketwide pool so long as this prior claim is maintained.

Milk, skim milk, or cream transferred in bulk to a nonpool milk plant located more than 200 miles from the El Paso County Courthouse, in Colorado Springs, should be classified as Class I. There are adequate facilities for the manufacture of excess milk into Class II products within a radius of 200 miles. The automatic classification as Class I of milk or skim milk moved more than 200 miles will reduce the administrative expense which would otherwise be involved in having the market administrator verify actual utilization in nonpool milk plants located at extreme distances from the market.

The more common form of transfer to a nonpool milk plant by area handlers is the movement of excess milk to nearby manufacturing plants. There may, of course, be sales to such plants for fluid purposes. It is provided that transfers of milk, skim milk, or cream from a pool milk plant to a nonpool milk plant located less than 200 miles from the El Paso County Courthouse be Class I unless Class II use is affirmatively established. Evidence of Class II use consists of a certification by the pool plant operator that the transfer was intended for Class II use, and verification by the market administrator of the records made available by the nonpool plant operator showing that at least an equivalent quantity of milk was utilized for manufacturing purposes.

When handlers receive butterfat and skim milk from sources other than from producers, it is necessary to provide a method for allocating such receipts to the classes of utilization in such a manner as to determine the classification of producer milk. Inasmuch as producer milk is the regular available supply for fluid consumption in the marketing area, producer milk should be assigned the Class I utilization in preference to other source milk. This is necessary to insure the effectiveness of the classified pricing program of the proposed order. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in detail in the attached order.

In general this procedure requires that skim milk and butterfat, respectively, remaining in each class be assigned to producer milk by making the following deductions from the gross utilization of each handler starting with Class II milk, except as otherwise noted:

(1) Class II shrinkage of producer milk;

(2) Other source milk from unregulated plants;

(3) Other source milk from plants regulated under another Federal order;

(4) Receipts from other handlers (according to classification);

(5) Beginning inventory;

(6) Add shrinkage deducted in (1); and

(7) Overage.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described above should be carried out with respect to all milk received during each month.

(c) *Class prices.* The value of milk when used for manufacturing purposes is an important pricing factor for both Class I and Class II milk. The Class I price should be sufficiently above manufacturing values to compensate producers for the extra costs of meeting sanitation requirements, transporting the milk to the central market, and providing a reasonably steady supply throughout the year. The Class II price is even more directly related to manufacturing values since manufactured dairy products constitute the principal Class II uses.

The discussion of class prices will, therefore, start with the basic formula price, which is a general measure of manufacturing values. It will then deal with Class I and Class II prices, the adjustments for variations in location and butterfat content, and the provision for equivalent prices in the event some of the specified quotations are not available. These topics are followed by a section on payments on unpriced milk. This is the milk distributed in the market from plants which are not fully subject to the pricing, pooling, and payment provisions of the order.

Basic formula price. The basic formula price to be used in determining the Class I price should be the higher of the prices paid at the same list of mid-western condenseries located in Wisconsin and Michigan which is commonly used for this purpose in other Federal orders, or a formula based on market prices of butter and nonfat dry milk. These two basic formulas measure the value of milk used in three of the major manufactured dairy products, all of which are marketed nationally.

Use of the higher of the formula prices will base the Class I price on the most favorable manufacturing use for milk in each month. In eastern Colorado, all the major dairy products are manufactured, and fluid markets must compete with the highest value of the several products.

The condensery price is the same as that proposed by producers and commonly used in Federal orders. However, a somewhat higher butter-powder formula should be used than that proposed by producers. The formula price per hundredweight of 3.5 percent milk should be comprised of a butterfat value equal to the price of 92-score butter at Chicago less a "make" allowance of 3 cents, multiplied by a yield factor of 4.2 and a skim milk value equal to the average prices of spray and roller process nonfat dry milk at Chicago area manufacturing plants less a "make" allowance of 5.5 cents multiplied by a yield factor of 8.2. The principal reason for using a higher butter-powder formula is that higher formulas are used in the Federal markets closest to the Western Colorado area. At the support prices prevailing during the April 1958–March 1959 marketing season, the Southwest Kansas and Wichita formulas would produce a price of $2.94 for 3.5 percent milk and the basic formula proposed by producers would be only $2.81. Since inter-market relationships constitute a major factor in the use of basic formulas, the formulas already used in the Wichita and Southwest Kansas orders should be adopted.

(e) *Class I differential.* For the first 18 months of the operation of an order for the Colorado Springs-Pueblo area, the minimum Class I price per hundredweight of milk of 3.5 percent butterfat content should be determined by adding a stated differential of $2.20 to the basic formula price.

Some time after the order has been in operation a full year, a hearing can be called to consider more permanent Class I price provisions. At such time considerable marketwide data on all aspects of the marketing of milk in the area will have become available. These data can be expected to provide the basis for a reappraisal of price levels, including an opportunity to consider means of providing for automatic price adjustments which will depend upon changes in supply and demand.

The differential of $2.20 is designed to bring forth an adequate supply of pure and wholesome milk for the Class I needs of the market, including the necessary daily and seasonal reserve.

One basis for estimating the level of prices which will achieve this purpose is to review the available historical data on prices, sales, and receipts.

The Colorado Springs Milk Producers Association presented monthly data on the quantities of butterfat classified as base and as surplus, the prices paid for each, and the total payments to member producers from January 1954 through the first half of November 1957. The proportion of base milk corresponded rather closely with the proportion used in the proposed Class I during the year July 1956 through June 1957. To the extent this was true during the entire 4-year period, the base prices approximate the Class I prices which prevailed. In 1954 the prices for base milk averaged $2.08 over the basic formula prices specified above, in 1955 they were $1.98 over, in 1956, they were $1.83 over, and for the 10½ months of 1957 they were $1.91 over.

The data submitted by the Pueblo Dairy Exchange, Inc., with respect to the Pueblo pool reflect a substantially smaller percentage of milk settled for at the "Base Class I" price than at the base price in Colorado Springs. No data on actual utilization by handlers were available. The quoted Class I prices were higher than in Colorado Springs and averaged $2.50 over the basic formula price in 1954, $2.03 over in 1955 and 1956, and $2.07 over in the first 10 months of 1957.

Another series of historical data was presented by a group of six Colorado Springs handlers. They used combined data on receipts and utilization for the months July 1956 through June 1957 to determine what Class I price would have been needed to maintain the same cost of producer milk as was incurred during each of these 12 months. Their computation started with the total value of

milk purchased from dairy farmers. This quantity was then assigned to Class I using the definition proposed by producers and allocating producer receipts to the highest available utilization. The remaining quantity was assigned to a single surplus class rather than to the two classes proposed by producers, and valued at 82.3 cents per pound of fat. By deducting the Class II value from the total value of producer milk, they arrived at a computed value for the Class I sales each month. The 12-month average of the computed Class I prices was $5.287 per hundredweight of milk containing 3.73 percent butterfat. Using the Class I butterfat differential proposed by producers reduced this price to $5.12 for milk of 3.5 percent butterfat, or a Class I differential of $1.96 over the average basic formula price of $3.16 for the 12-month period.

Both the Colorado Springs and Pueblo dealers purchased bulk milk from other sources during the past year to supplement their supplies of locally produced milk. It appears, therefore, that the prices which have prevailed have not attracted a full supply of milk for the market, although it must be recognized that the base-rating plan and other institutional factors also affected the supply of milk.

Inter-market price comparisons furnish a second guide for establishing Class I prices. Denver is the primary fluid milk market in eastern Colorado and the course of prices, receipts, and sales in that market over the past several years constitute important evidence relative to the Colorado Springs-Pueblo market. The quantity of milk pooled by the principal cooperative association in that market is a little more than 4 times as large as that handled by the 6 largest plants in Colorado Springs. The extensive area of procurement for the Denver market and the wide sales territory of major handlers also contribute to making Denver the primary market. Comparable price data for the Denver and Colorado Springs markets were available from November 1954 through October 1957. These disclosed that the prices paid Colorado Springs producers for the butterfat content of "base" milk were nearly identical with the prices paid for "base" milk in the Denver pool, plus the 6-cent quality bonus commonly paid in the Denver market. The blend prices reported paid to Colorado Springs producers were approximately equal to the comparable Denver figures, and the blend prices paid to members of the Pueblo Dairy Exchange were somewhat below those paid to the Colorado Springs shippers. It appears, therefore, that Class I prices approximately equal to the base prices which have prevailed in the Colorado Springs and Pueblo markets would maintain returns to producers at a competitive level with returns to Denver shippers.

There are several Federal order markets east of Colorado in which orders have operated for sufficient periods of time to demonstrate the appropriateness of the Class I prices. Moreover, some of these markets have furnished the supplemental milk purchased from time to time by Colorado Springs-Pueblo handlers. In addition, there has been some direct competition between the Colorado Springs-Pueblo distributors and those subject to some other Federal orders. In view of the constantly increasing distances over which bulk and packaged fluid milk is shipped, competition from other markets can be expected to be greater in the future than in the past.

Taking official notice of the basic formula prices which would have prevailed hereunder during November and December 1957, the Class I price for the Colorado Springs-Pueblo market would have averaged $5.34 in 1957 and $5.33 in 1956. These prices can be compared with the Class I prices in various Federal order markets by adding a transportation cost computed at the rate of 1.5 cents per 10 miles or fraction thereof. (This is the rate used in establishing location adjustments hereunder.) On this basis, the Southwest Kansas Class I price, adjusted to 3.5 percent butterfat content plus a 42-cent hauling allowance for the 276 miles from Dodge City to Pueblo would have averaged $5.25 (−9 cents) in 1957 and $5.41 (+8 cents) in 1956. At the time of the hearing, there were fairly regular bulk sales of milk from Dodge City to a handler in Pueblo.

The nearest point in the Greater Kansas City marketing area is the city of Manhattan, Kansas, and a 74-cent hauling charge would be involved for the 485 miles, yielding Class I prices of $5.20 (−14 cents) in 1957 and $5.22 (−11 cents) in 1956. From Kansas City, Mo., a 90-cent haul is involved for the 599 miles, yielding prices of $5.36 (+2 cents) and $5.38 (+5 cents). From Amarillo, the center of the Texas Panhandle market, a cost of 50 cents would be involved in a 325-mile haul to Pueblo and the resulting Class I prices would have been $5.74 (+40 cents) in 1956 and $5.90 (+57 cents) in 1957. From Lincoln, Nebraska, subject to the Omaha-Lincoln-Council Bluffs order, the distance is 517 miles, involving a cost of 78 cents and resulting in prices of $.25 (−9 cents) and $5.34 (+1 cent).

The order markets with the largest available quantities of supplemental bulk milk are the Ozarks and Chicago markets. Springfield, Missouri, in the Ozarks area is 733 miles from Colorado Springs, the hauling cost would be $1.11 and the resulting Class I prices for milk transported to Colorado Springs were $5.15 (−19 cents) in 1957, and $5.50 (+17 cents) in 1956. In the case of Chicago, long distance shipments most commonly come from plants in upstate Wisconsin. The plant at Menomonie in the 20th zone may be considered typical. It is 949 miles from Colorado Springs; the transportation costs would amount to $1.42; and the Class I prices would have been $4.92 (−42 cents) in 1957 and $5.12 (−21 cents) in 1956.

It will be noted that in several of these markets Class I prices were lower in 1957 than in 1956. This was due primarily to more adequate supplies and the action of supply-demand adjustments. Except for Menomonie, under the Chicago order, the Class I prices provided herein for the Colorado Springs-Pueblo market appear well in line with those in other Federal order markets. Plant handling charges on shipments from Chicago are substantial, at least on occasional purchases of supplemental milk, and the actual cost of Chicago milk at Colorado Springs-Pueblo would be higher than are indicated by the Class I price comparisons.

A group of approximately 50 producers in the vicinity of Goodland, Kansas, have furnished milk to one of the Colorado Springs handlers at substantially lower prices than have been paid for other local milk. During November, one of these producers was paid $1.30 per pound of fat in base milk ($4.55 on a 3.5 basis) for milk delivered to Colorado Springs. This compares with prices of $1.45 ($5.08 for 3.5 milk) paid to members of the Colorado Springs Milk Producers Association.

Moreover, the blend price under the Southwest Kansas order was $4.80 in November and averaged $4.34 for the year, official notice being taken of prices for November and December 1957. To the extent that the Southwest Kansas market would involve a shorter and less expensive farm-to-market haul, the comparative prices indicate that the Goodland milk may not be permanently available to Colorado Springs at the prices recently prevailing. It is concluded that the prices paid to these shippers have not been in effect for a sufficient period of time to be a significant indication of the price at which a supply of Grade A milk can be obtained for the entire market.

The Class I prices provided herein will have little effect on the competitive relationships which already exist between the Colorado Springs-Pueblo and Denver handlers. The Class I price in the Denver market was $1.70 per pound of butterfat ($5.95 per hundredweight of 3.5 milk) from May 1, 1956, until the time of the hearing. During the same period the price per pound of butterfat in fluid cream (Class II) was $1.56 ($5.46 per hundredweight). Since these prices are entirely on a butterfat basis, the value assigned to skim milk items sold for fluid use depends upon the relative fat content of producer milk and Class I sales. Also it is clear from the fact that base prices are substantially lower than Class I or Class II prices that substantial quantities of manufacturing milk (Class IV) are included in the base milk. The net effect has been that Colorado Springs handlers have been able to match the Denver blend prices to producers at somewhat lower cost for milk used for fluid purposes.

Class II price. As previously stated, Class II includes all manufacturing uses of milk. Milk used for these purposes should be priced at the basic formula prices during the months of September through December and January through April and at the basic formula price minus 20 cents during the flush production months of May, June, July, and August.

In 1957 the basic formula price during the months of May through August would have been established by the butter-powder formula and the resulting Class II prices for milk of 3.5 percent butterfat content would have been $2.89 in June and July and $2.90 in May and August. The Class II price would have ranged from $3.10 to $3.25 in the other eight months. The simple average of these prices for the 12 months was $3.08 per hundredweight though it is recognized that such an average is not entirely representative because of the comparatively large volumes which would be processed at the lower prices. Class II prices would have been closely similar in 1956 with a range of $2.88 to $2.90 in the flush months of May through August, a range of $3.04 to $3.26 in the other eight months and a simple average of $3.06.

The Class II prices which would have been provided by the order are well above the prices charged in Denver for milk for manufacturing uses. The Denver price was proposed as appropriate for the Colorado Springs-Pueblo market. It was shown, however, that the Denver price is based almost exclusively on the butterfat value of the milk for churning butter. The Denver Class IV prices were also lower than other available indicators of the value of milk for manufacturing purposes in this general area. In 1956, the Denver Class IV prices for milk of 3.5 butterfat ranged from $2.66 to $2.88 and averaged $2.81; in the first 10 months of 1957 they ranged from $2.76 to $2.88 and averaged $2.84. The United States average price paid for milk for manufacturing purposes, adjusted to 15 percent by direct ratio, ranged from $2.90 to $3.01 and averaged $2.94 in 1956 and from $2.93 to $3.02 with an average of $2.97 during the first 10 months of 1957. This price is also used as the Class II price under the Wichita, Kansas, milk marketing order. Prices paid for milk used for manufacturing evaporated milk in the Southwestern United States were well above the United States manufacturing price in 1956 and 1957 and milk used for the manufacture of hard cheese and butter and powder in the mountain region averaged slightly above the United States average manufacturing price in both periods.

The Class II price provided herein may also be compared with prices paid for manufacturing milk in other nearby Federal orders markets. In the Kansas City market, the basic formula prices were slightly higher but a 20-cent flush season discount was applied during 6 months instead of 4 months. The simple average of the Kansas City Class II prices during 1956 was 2 cents higher and during the first 10 months of 1957 was 2 cents lower than the prices provided herein. The Class II price under the Southwest Kansas and Texas Panhandle orders averaged 7 and 11 cents lower in 1956 and 6 and 12 cents lower in 1957.

Consideration was given to providing a separate classification for milk used in the production of cottage cheese and ice cream at higher prices than those applying to other manufacturing uses. However, this proposal was not based on any requirement that these products be made from milk approved for fluid use. Substantial quantities of these products, particularly ice cream and other frozen desserts, are distributed in the Colorado Springs-Pueblo market by nonhandler firms. Also, handlers commonly make these products from manufacturing grade ingredients and utilize fluid grade milk only as and when it is available for these purposes. It is also evident that most of the handlers who now choose to utilize producer milk in the production of all or a portion of these products whenever it is available could rearrange their operations so as to avoid using producer milk. This would leave only a few handlers who would be obligated to pay the proposed higher Class II prices for milk utilized for these products. In these circumstances it appears that a separate Class II for these products at a premium price would be inequitable between handlers and would not achieve any substantially higher prices for the producers.

The higher level and seasonal variation in the Class II prices provided herein are designed to achieve substantially the same result as the proposed separate classification of milk used for cottage cheese and ice cream. May through August are the months of highest production in relation to sales as evidenced by the quantities of butterfat classified as surplus by the Colorado Springs Milk Producers Association during the years 1954 through 1957. These were also the months of peak production per farm during the same period. The 20-cent discount provided during these months recognizes the fact that considerable quantities of milk would have to be shipped to nonpool plants for manufacture into such comparatively low valued products as evaporated milk, butterpowder, and cheese. Transportation costs on such milk can be minimized by diverting some of this milk directly from the farm to the manufacturing plant but even this process may involve some additional charges. During the other 8 months of the year most of the reserve milk not needed for bottling has commonly been utilized in the handlers' plants for the manufacture of cottage cheese, ice cream and similar products. These constitute comparatively high valued manufactured products, and little or no additional transportation costs would be involved. The higher prices provided during these months will apply to all handlers of Class II milk regardless of the type of products in which they use the milk. It will, therefore, minimize the shifting of operations and the uneven effects which would have been invited by the proposed premium on cottage cheese, and ice cream. At the same time, the higher prices will encourage handlers to add to their operations only such supplies of milk as are required as an operating reserve for their fluid needs rather than adding quantities for purely manufacturing purposes.

Location differentials. Location differentials should be applied to Class I milk received from supply plants or distributing plants located more than 50 miles from the nearest of the City Halls in Colorado Springs, Pueblo or Walsenburg at the rate of 9 cents per hundredweight in the 50–60 mile zone plus 1.5 cents per 10 miles or fraction thereof for distances in excess of 60 miles.

Fluid milk products incur relatively high transportation costs because of their bulk and perishability. Milk delivered directly by farmers to plants in or near urban centers of the defined marketing area is, therefore, worth more to a handler than milk which is received from farmers at the plant located many miles from the market.

Allowances should be made for the cost of moving Class I milk from distant plants that are or might become regular sources of supply. Similarly, the distribution of packaged milk on routes from distant plants involves additional transportation costs as compared with the distribution from plants located in the urban centers and an allowance should be made so that all handlers would be on a competitive basis on their sales in the defined market. The additional transportation cost can be allowed for by establishing a Class I price for milk delivered to plants in or near the marketing area and providing a schedule of deductions from the Class I price as location differentials.

The 50-mile zone, within which the announced Class I prices will apply, will include all plants now serving the market except the three Denver handlers. Denver is approximately 70 miles from Colorado Springs and plants located 70 miles or less from the City Hall in Colorado Springs would have a location adjustment of 10.5 cents, while those just over 70 miles would have a differential of 12 cents per hundredweight. The differential of 9 cents in the 50–60 mile zone and 1.5 cents for each 10 miles additional are based on the experience of handlers in transporting milk in bulk tank. These rates compare with location differentials in nearby order areas, as follows:

1. The Texas Panhandle rates are 35 cents in 100–110 mile zone plus 1.6 cents for each additional 10-mile zone.

2. The Greater Kansas City rates are 16 cents in the 50–70 mile zone plus one-half cent for each additional 10 miles thereafter.

3. The Oklahoma Metropolitan rates are 10 cents in the 50–150 mile zone, 2 cents per each 15 miles in the 150–240 mile zone and plus one cent for each additional 15 miles in excess of 240 miles.

4. The Neosho Valley rates are 10 cents in the 50–60 mile zone plus 2 cents for each additional 15 miles.

5. The Ozarks rate is 1.5 cents per 10 miles distance from the nearest point in the marketing area.

A method is provided for determining the priority on milk received from supply plants in allocating such receipts to Class I for purposes of computing the location adjustments. Class I priority is given to milk received directly from farmers and then in the order of the supply plant's nearness to the market, in order to minimize transportation charges borne by the plant.

The manufactured dairy products are much more storable and concentrated than fluid milk and transportation costs are much smaller in relation to value. Accordingly, no adjustment should be

made in the Class II price for distance from the market centers.

In line with the economic considerations which affect the value of milk for fluid market uses when it is delivered by farmers to plants located some distance from the consuming market, it is necessary and appropriate that the prices paid producers delivering milk to plants to which location differentials apply also should be reduced to reflect the lower value (in contrast to its value when delivered to plants in the marketing area) of such milk f. o. b. the point of actual delivery. The producer location adjustments should be at the same rates as on Class I milk, but should apply to all the milk delivered by producers.

Butterfat differentials. The attached order provides that butterfat and skim milk be accounted for separately for classification purposes. It also provides that class and blend prices should be established for milk containing 3.5 percent butterfat. It will, therefore, be necessary to adjust the Class I and Class II and the blend prices in accordance with the average test of the milk in each class or delivered by each producer by butterfat differentials which will reflect differences in the value of the milk due to variations in butterfat content.

The Class I butterfat differential for each one-tenth of one percent that the average test of Class I use varies from the basic test should be determined by multiplying by 0.140 the price of 92-score butter at Chicago. In the absence of an order, milk in the Colorado Springs-Pueblo market has been priced exclusively on the basis of its butterfat content. A butterfat differential equal to 40 percent over the Chicago butter price will continue to allocate a substantial proportion of the value of Class I milk to the butterfat component but will give a specific value to the skim milk component as well. If the data on skim milk and butterfat used in Class I which would become available through the operation of an order demonstrate that readjustment of skim milk and butterfat values is advisable, this could be done by way of amendment.

The Class II butterfat differential should be 0.120 times the price of 92-score butter at Chicago. This will appropriately reflect the values of the butterfat and skim milk components in milk used in manufacturing operations.

The butterfat differential to producers for milk containing more or less than 3.5 percent butterfat should correspond to the weighted average values of the butterfat and skim milk in producer milk utilized by handlers in Class I and Class II. This follows the same principle as the payment of a uniform price to all producers. Each producer shares equally in the total value of the handlers' Class I and Class II utilization, at the basic test of 3.5 percent butterfat. It is equally appropriate that each should receive the average utilization value of the butterfat and skim milk components for milk testing above or below 3.5 percent.

Equivalent price. If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator should use a price determined by the Secretary of Agriculture to be equivalent to the price which is required. Experience has shown that market quotations provided in the order may not be available or may be discontinued. It is concluded that provision for such contingencies should be made by providing for a determination by the Secretary of Agriculture of a price(s) equivalent to such quotations or prices.

Payments on unpriced milk. The order should provide compensatory payments with respect to unpriced milk which is allocated to Class I in a pool plant when receipts from producers exceed 110 percent of Class I utilization at all pool plants in the market.

Plant operators must have available a larger supply of milk than is necessary to fill their Class I requirements on any given day. Reserves are needed because production fluctuates seasonally without corresponding changes in the demand for Class I milk. Reserves are also needed to cover short-time fluctuations in receipts and for variations in Class I requirements resulting from 5- or 6-day bottling, the heavy weekend demand at grocery stores, holidays, and similar factors. The reserve milk is commonly manufactured into the more storable and transportable dairy products which are sold in competition with products made from manufacturing grade milk. The existence of this reserve Grade A milk, which must be marketed at a lower price, is a primary element of instability affecting fluid milk markets.

Considerable volumes of Grade A milk are carried as reserve milk and must be disposed of for manufacture by various unregulated plants in the territory adjacent to the Colorado Springs-Pueblo market. The Denver market is, of course, the closest source of substantial volumes of such milk. The large volumes of reserve milk normally available in that market have already been described. This market is not under Federal order regulation and moreover, some of the handlers who would be subject to the Colorado Springs-Pueblo order operate plants in the Denver market from which such supplies would be readily available. Other Colorado Springs-Pueblo handlers could probably obtain Denver reserve milk from independent sources. Similarly situated supplies of reserve milk, although on a smaller scale, are available from plants in Kansas and other parts of Colorado. Since this reserve milk in other markets is ordinarily converted to manufactured dairy products, the seller would ordinarily be willing to market it at any price which would net him more than the manufacturing value. Consequently, handlers under the Colorado Springs-Pueblo order could expect to obtain such reserve milk at approximately manufacturing values as reflected in the Class II price under the order. It is, therefore, appropriate that the compensatory payment on other source milk allocated to Class I should be the difference between the Class II price and the Class I price, adjusted to the location of the plant from which such other source milk was received from farmers. This rate will reflect generally the difference in value between unregulated and regulated milk for Class I use. The payment will, therefore, remove, any competitive sales advantage which the regulated handler might otherwise obtain by substituting other source milk for available producer milk.

The compensatory payment should apply in all months except those in which the market supply of producer milk is inadequate to fill Class I requirements, including an operating reserve of 10 percent. On the basis of past experience, it appears that during those when producer supplies in the Colorado Springs-Pueblo market have not been adequate, the Denver market and other nearby sources have also been in short supply. At such times milk must be obtained from Wisconsin or other distant sources and has commonly cost more delivered to Colorado points than the Class I prices paid to local producers. Under these circumstances, there is no competitive advantage to be gained by the use of other source milk, and compensatory payments would be inappropriate.

It is administratively necessary to use the stated rate of compensatory payment instead of attempting to determine a particular rate in each given case. Pool plant operators may obtain other source milk with little or no advance notice from a wide variety of sources. Any attempt to determine the actual cost of such milk to the regulated handler would be complicated by the number of plants involved, the fact that some of the plants supplying the other source milk might be operated by the same handler in which case the interplant billing would be purely arbitrary, the possibility of arbitrary billing even where the plants were not under common ownership, and the fact that the originating plant would not be subject to the audit and payment provisions of the order. It is, therefore, necessary to have definite and specified rates applicable to all handlers similarly situated. The rates herein provided are those which will best effectuate the intent of the Act under current marketing conditions in the area.

Other source milk used in the form of nonfat dry milk should be considered to be from a source at the location of the pool plant where it is used. In some instances there will be no and in all cases insignificant transportation charges per hundredweight experienced by handlers on such other source milk under the skim milk equivalent basis of accounting provided in the order. By following this procedure, the compensatory payment on other source milk derived from nonfat dry milk will be comparable to that on any other source milk which is allocated to Class I milk.

No compensatory payments are required on milk classified and priced under any other Federal order. The alignment of Class I prices for the Colorado Springs-Pueblo market with those provided under the Southwest Kansas and other adjacent Federal order markets has already been described. It fol-

lows that there is little chance that handlers in any one of the markets can achieve any appreciable competitive advantage over handlers regulated by any of the other Federal orders.

Another category of unpriced milk is that sold on routes in the marketing area by handlers operating nonpool plants. These are the plants which are primarily associated with some other market but from which more than 1,000 pounds per day and less than 20 percent of the total Class I sales are within the marketing area.

On the basis of conditions described in the record, three of the Denver handlers would be in this category. Other handlers may, of course, be similarly involved, either now or in the future. With respect to the Denver handlers, there was no proposal for extending regulation to the Denver market as a whole. Producers in that market appeared to be satisfied with their milk marketing arrangements and did not desire a Federal order at this time. On the other hand, neither the producers supplying the Colorado Springs-Pueblo market nor the local handlers had any desire to draw Denver handlers into the Colorado Springs-Pueblo pool. They were concerned only that such handlers not have any competitive advantage based on minimum class prices paid to producers and were not concerned about the possibility that the Denver handlers or any others similarly situated would have any competitive advantage in the procurement of milk through lack of pooling.

The operations of nonpool distributors differ in important respects from the purchase of other source milk by the operators of pool plants. There are only a few nonpool distributors and their sales in the market are on a regular basis, whereas the purchase of supplemental milk for the regulated pool plants would be from many sources and on a sporadic basis. Unlike the operators of plants furnishing supplemental milk, the nonpool distributors would be reporting regularly to the market administrator and would be aware of the terms of the order. Furthermore, at least those nonpool distributors associated with the Denver market have been purchasing their milk under a classified price plan from the Denver Milk Producers, Inc., a cooperative association of producers. The Class I prices charged in the Denver market are substantially higher than those provided herein, although the classification and allocation procedures are substantially different.

It is appropriate that the nonpool distributors have the choice of paying either the difference between the Class I and Class II prices on their sales within the area or any amount by which such operator has failed to pay his Grade A dairy farmers the use value of milk at order prices.

Handlers operating nonpool distributing plants are required to file such reports as will enable the market administrator to verify their nonpool status. Under the second option described in the preceding paragraph (that of making minimum payments to dairy farmers) the nonpool distributor would file a complete report of receipts and utilization. From such reports, subject to audit, the value of his disposition of milk would be computed at the class prices adjusted for location and butterfat content in the same manner as for a pool plant. From this utilization value, the market administrator would subtract cash payments to the Grade A dairy farmers who constitute the regular supply of milk at the nonpool plant. Only such payments would be recognized as had been made to dairy farmers by the 23d day following the end of the delivery month. The payments would be the gross amount paid for milk delivered by farmers to the nonpool plant; the only deductions allowed would be those authorized in writing by the dairy farmers for supplies or services, including hauling. Any amount by which such payments fail to equal the utilization value of the milk would be payable to the equalization fund. In this way, the nonpool plant operator would be fully equated, so far as the utilization cost of his milk is concerned, with the pool plant operators.

The nonpool plant may receive milk from other plants, rather than directly from dairy farmers. If the other plant serves primarily as a receiving station for the nonpool distributing plant, all of the receipts and utilization of milk at both plants can be reported to determine whether the dairy farmers have been paid the equivalent of order prices at other nonpool plants. Milk may be received both from dairy farmers and from other plants. In such instances, the dairy farmer and other source milk will be allocated in the same fashion as if the plant were a pool plant and compensatory payments computed if the other source milk did not come from a plant subject to a Federal order.

The option of paying the difference between the Class I and Class II prices on the quantities sold as Class I in the marketing area should also be available to any handler operating a nonpool plant. Such payment will remove any competitive sales advantage as compared with fully regulated handlers.

The assessment of administrative expense should depend upon which option is chosen by the nonpool distributor. If he elects to pay the difference between Class I and Class II prices on his in-area sales, he should pay administrative expense only on such quantities. However, if he elects the payment-to-dairy-farmers option, he should pay administrative expense on his entire receipts from the Grade A dairy farmers. Obviously, the second option involves fully as much verification of receipts and utilization by the market administrator as at a pool plant. Such verification might well include the checking of weights and butterfat tests of receipts from dairy farmers and of the product sold as well as an audit of the books and records. Also, some of the fully regulated plants could have nearly as large a proportion of out-of-area sales as a nonpool distributor yet be assessed administrative expense on their entire receipts.

(d) *Distribution of proceeds to producers—Marketwide pool.* Returns from the sale of milk should be distributed to producers through a marketwide pool rather than through individual-handler pools. Under the marketwide pool, all producers regularly supplying the market would receive the same uniform price for their milk regardless of its utilization by the particular handler who received it. This type of pool provides for the uniform distribution among all producers in the market of the sales proceeds from the Class I and reserve supplies of milk.

The Colorado Springs Milk Producers Association, representing the majority of producers supplying milk to handlers located in Colorado Springs, operates a marketwide pool for its members. Also, the Pueblo market has operated a marketwide pooling arrangement through an accounting firm.

A marketwide pool will also accommodate the previously described distribution of milk by Denver handlers without either directly involving the Denver market through complete regulation of these handlers or leaving this Denver milk totally unpriced. It will be recalled that these handlers probably will be operators of nonpool plants under this order and will be subject only to the compensatory payment provisions applicable to such handlers.

The marketwide pool will also contribute to the flexibility of milk marketing in the Colorado Springs-Pueblo area in two important respects. One is that supplemental supplies can be freely distributed among handlers without affecting the prices paid to producers at each plant. The second is that temporary or seasonal reserves can be moved between plants either by transfer of the milk or of the shippers without affecting the prices paid to producers at the individual plants.

Base and excess plan. A base and excess plan should not be used in the Colorado Springs-Pueblo market as a method of distributing returns among producers in such manner as to encourage level production.

For a number of years the majority of producers supplying the Colorado Springs-Pueblo market have been operating under a "closed" base or quota plan. Under this plan total bases were held to approximately each handler's level of Class I sales and new or established producers were allowed to make new base only to the extent a handler might need additional milk to satisfy his requirements. The producers did not know in advance which months would be the base-forming months for use in determining their bases in the following year if the handler allowed the producers to set new bases. In some instances producers were able to obtain or increase their bases by purchasing dairy cows with earned bases and by just buying the base itself.

At the hearing both the handlers and producers favored a base-rating plan under which new bases would be established by each producer each year but with the base-forming months not known in advance. The base-forming months would be the four months of lowest production in relation to Class I sales, as ascertained after the end of the year.

This contrasts with the practice of establishing the base-forming months in advance as is done in all the Federal orders which utilize base-rating plans only to encourage level production. It was contended that with advance notice and an opportunity to set new bases each year, producers would over-respond to a base plan. Clearly, the unknown base-forming period was desired for its effect on total production rather than as a means of leveling the seasonality of production.

The base plan endorsed by producers and handlers would supplant the function which is intended under the Agricultural Marketing Agreement Act to be performed by the class prices established at the level required by the Act. The Act requires that prices established for milk be such as to assure an adequate supply for the market, reflect supply and demand conditions, and be in the public interest. Consequently, it would be contrary to the purpose of the Act, if order provisions hinder the free action of forces of supply and demand so as to prevent attainment of an adequate supply of milk for the market at price levels which are in line with supply and demand conditions and in the public interest. In view of these considerations as to the purposes of the law under which Federal orders are issued, it would not be proper to establish a base plan which would tend to restrict the volume of milk produced for the market.

It is difficult to predict what responses producers would make to an open base plan after having been under closed bases. It seems likely that they would attribute part of the value of closed bases to the open bases and would, therefore, over-respond to the opportunity to establish bases under the Federal order. In the circumstances, it would not be appropriate to provide a base-rating plan of the open base type. If marketing conditions under an order demonstrate the need for a seasonal incentive plan, appropriate provisions for one could be considered by amendment action.

Payments to individual producers and to members of cooperative associations. Each handler should make final payment to each producer for milk delivered by such producer at the appropriate uniform price on or before the 16th day of the month following receipt of the milk. Provision is made for partial payments on milk received during the first 15 days of the month, such payment to be made on or before the last day of the month.

Payments due any producer for milk should be paid by the handler to a cooperative association if the cooperative association makes a written request for such payment and if the producer has given the cooperative association written authorization, in the form of a contract or in any other form, to collect such payments. The association's request should also provide for indemnifying the handler for any loss incurred because of any improper claim.

Provision is made for handlers to make payments to a cooperative association two days in advance of the time the handler is required to make payments to individual producers in order that all producers will receive payment on approximately the same date.

In making such payments for producer milk to a cooperative association, the handler should at the same time furnish the cooperative association with a statement showing the name of each producer for whom payment is being made, the volume and average butterfat content of milk delivered by each such producer, and the amount of and reasons for any deductions which the handler withheld from the amount payable to each producer. This statement is necessary so the cooperative association can make proper distribution of the money to producers for whom it collects payment.

Unless a cooperative association can receive payment for the milk marketed on behalf of its producer-members, it cannot reblend the sales proceeds from milk sold in various outlets. This important function is specifically provided for in the Act.

Producer-settlement fund. Since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperative associations, some method of balancing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations should pay the difference into the producer-settlement fund; and all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal except for minor differences that may result from rounding of uniform prices. In order to permit this rounding of prices, to allow for unavoidable delays in receiving payments from handlers, and to permit payments to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the proposed order should be sufficient for these purposes. This reserve would be adjusted each month.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers.

(e) *Other administrative provisions.* The remaining provisions are of a general administrative nature, are incidental to the other provisions of the proposed order, and are necessary for proper and efficient administration. They provide for the selection of a market administrator, define his powers and duties, provide for an administrative assessment, prescribe the information to be reported by handlers and set forth the rules to be followed in making the computations required. They also prescribe the length of time that records must be retained and provide a plan for the liquidation of the order in the event of suspension or termination. They are similar to like provisions of other milk orders, and except as set forth below require no comment.

As his share of the expenses of administering this proposed order each handler should pay not in excess of 5 cents per hundredweight with respect to all producer milk received, all other source milk received at a pool plant which was classified as Class I milk, and as discussed elsewhere with respect to a nonpool plant. The market administrator must verify receipts and utilization of all such milk; therefore all such milk should be subject to the expenses of administration. Experience in other markets indicates that 5 cents per hundredweight with respect to all such milk should yield sufficient money to cover expenses of administration. If payment of expenses of administration at the rate of 5 cents per hundredweight yields more money than is needed, provision is made for the Secretary to prescribe a lesser rate of payment from time to time.

Provision should be made for the dissemination of market information to producers, for the verification of weights and for the sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association. The order should provide that 6 cents per hundredweight, or such lesser amount as the Secretary may determine, be deducted from payments to such producers for use of the market administrator in financing such services. For producers for whom a cooperative association is rendering such services, the handler should pay to the cooperative association such deductions as the producer has authorized the cooperative to collect. Such payments to be in lieu of those to the market administrator.

Reports are required from handlers on receipts and utilization so that the market administrator may make the computations necessary to the market-wide pooling operation and the uniform price to producers. Handlers are also required to submit payroll reports which would show the details of milk receipts from each producer, the value of the milk received from the producer, deductions therefrom, and net amount paid to the producer.

There are limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective

February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444), covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as part of the decision.

Dates must be prescribed for announcing prices, filing reports and making payments. The following time schedule should allow all interested persons adequate time to perform each function. (These time limits apply to the indicated day of the month following the month for which computations are being made.)

DAY OF THE MONTH AND FUNCTION

6th—Announcement by the market administrator of the Class I price for the current month and of the Class II price for the preceding month.

7th—Submission of monthly report of receipts and utilization by handlers.

12th—Announcement of uniform prices by market administrator.

12th—Notification by market administrator to handlers to the value of their producer milk and amounts due to or payable from producer-settlement fund.

14th—Payment by handlers of amounts due to producer-settlement fund.

14th—Payments by market administrator out of producer-settlement fund.

14th—Payments by handlers to cooperative associations.

16th—Payments by handlers to producers and to market administrator for expenses of administration and marketing services.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order regulating the handling of milk in the Colorado Springs-Pueblo marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

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DEFINITIONS

§ 994.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 994.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 994.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 994.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 994.5 *Cooperative Association.* "Cooperative Association" means any cooperative association of producers which the Secretary determines, after application by the association to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

§ 994.6 *Colorado Springs-Pueblo, Colorado, marketing area.* "Colorado Springs-Pueblo, Colorado, marketing area" hereinafter called the "marketing area" means all territory within the boundaries of the counties of El Paso, Pueblo, Huerfano, and Teller, all in the State of Colorado.

§ 994.7 *Pool plant.* A "pool plant" shall be any plant meeting the conditions of paragraphs (a) and (b) of this section except the plant of a handler exempted in §§ 994.60 and 994.61:

(a) Any plant hereinafter referred to as a "distributing pool plant", in which fluid milk products are pasteurized or packaged and from which 20 percent or more of the total Class I sales are made on routes in the marketing area;

(b) Any plant, hereinafter referred to as a "supply pool plant" from which during the month not less than 50 percent of its dairy farm supply of milk is moved to a distributing pool plant(s): *Provided*, That any supply plant which has qualified as a pool plant in each of the months of September through February shall be a pool plant for each of the following months of March through August unless written request for nonpool status is furnished in advance to the market administrator.

§ 994.8 *Nonpool plant.* "Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 994.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of a pool plant, or

(b) Any person who operates a nonpool plant from which fluid milk products are disposed of on routes in the marketing area; or

(c) A cooperative association with respect to the milk of its member producers which is diverted from a pool plant to a nonpool plant for the account of such cooperative association. Such milk shall be considered as having been received by such cooperative association at the plant from which it was diverted.

§ 994.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with fluid milk product requirements of a duly constituted health authority having jurisdiction within the marketing area, and whose milk is (a) received at a pool plant or (b) diverted to a nonpool plant for the account of a handler. Milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 994.11 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant at which, during the month, there is received no other source milk or milk from other producers.

§ 994.12 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer and received at a pool plant directly from producers or diverted pursuant to § 994.10.

§ 994.13 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 994.14 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour, including any mixture of cream and milk or skim milk) and concentrated (fresh or frozen) milk, flavored milk or flavored milk drinks which are neither sterilized nor in hermetically sealed cans.

§ 994.15 *Route.* "Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or nonpool plant.

MARKET ADMINISTRATOR

§ 994.20 *Designation.* The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 994.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 994.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of the part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received by §.994.88 the cost of his bond and those of his employees his own compensation, and all other expenses (except those incurred under § 994.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to § 994.30 to § 994.32, or (2) payments pursuant to § 994.80 to § 994.88;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, the prices determined for each month as follows:

(1) On or before the 6th day of each month, the Class I price and butterfat differential for the month; computed pursuant to §§ 994.51 (a) and 994.53 (a) respectively;

(2) On or before the 6th day of each month, the Class II price and butterfat differential for the preceding month, computed pursuant to §§ 994.51 (b) and 994.53 (b), respectively;

(3) On or before the 11th day of each month, the uniform price for producer milk computed pursuant to § 994.71, the location differential computed pursuant to § 994.81, and the butterfat differential computed pursuant to § 994.82, all for the preceding month;

(j) On or before the 11th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such association to each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and such information concerning the operations hereof as are appropriate to the purpose and functioning of this part and which do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 994.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler or a handler making payments pursuant to § 994.62 (a), shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer, the average butterfat test, and the pounds of butterfat contained therein;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the delivery period;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe; and

§ 994.31 *Payroll reports.* On or before the 23d day of each delivery period, each handler except a producer-handler or a handler making payments pursuant to § 994.62 (a) shall submit to the market administrator his producer payroll for receipts during the preceding delivery period which shall show:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association;

(b) The amount of payment to each producer and cooperative association, and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 994.32 *Other reports.* Each producer-handler and each handler making payments pursuant to § 994.61 or § 994.62 (a) shall make reports to the market administrator at such time and in such

manner as the market administrator may prescribe.

§ 994.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions, and the disbursement of money so deducted.

§ 994.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 994.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat at pool plants which is required to be reported pursuant to § 994.30 shall be classified by the market administrator, pursuant to the provisions of §§ 994.41 to 994.46.

§ 994.41 *Classes of utilization.* Subject to the conditions set forth in § 994.42 to § 994.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of fluid milk products except those classified pursuant to paragraph (b) (2) and (3) of this section, or (2) not specifically accounted for as Class II utilization;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) accounted for as livestock feed; (3) in skim milk dumped after prior notification to and opportunity for verification by the market administrator; (4) in inventory of fluid milk products on hand at the end of the month; (5) in shrinkage allocated to receipts of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat directly from producers, plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk from pool plants of other handlers, less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk lots to the pool plants of other handlers; and (6) in shrinkage allocated to receipts of other source milk.

§ 994.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat (1) in the quantity of milk from producers and in bulk tanks from pool plants of other handlers, and (2) in other source milk.

§ 994.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 994.44 *Transfers.* Skim milk or butterfat disposed of from a pool plant shall be classified:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to the pool plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the delivery period within which such transfer occurred: *Provided,* That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 994.46, and any additional amount of such skim milk or butterfat shall be assigned to Class I: *And provided further,* That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk;

(b) As Class I milk if transferred in the form of a fluid milk product to a producer-handler;

(c) As Class I milk if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 200 miles from the El Paso County Courthouse by the shortest highway distance as determined by the market administrator;

(d) As Class I milk if transferred to a nonpool plant in the form of a fluid milk product in consumer packages;

(e) (1) As Class I milk, if transferred or diverted in the form of a fluid milk product, in bulk, to a nonpool plant located not more than 200 miles from the El Paso County Courthouse by shortest highway distance as determined by the market administrator, unless the following conditions are met:

(i) The transferring handler claims Class II utilization in his report submitted pursuant to § 994.30;

(ii) The operator of the nonpool plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for the purpose of verification; and

(iii) Not less than an equivalent quantity of skim milk and butterfat was actually used as Class II in the nonpool plant.

(2) If any skim milk or butterfat is transferred to a second nonpool plant under this paragraph, the same conditions of audit, classification, and allocation shall apply.

§ 994.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 994.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 994.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 994.45 the market administrator shall determine the classification of milk received from producers at the pool plant(s) of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated to shrinkage in skim milk received from producers pursuant to § 994.41 (b) (5);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk other than that to be subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(4) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants according to its classification as determined pursuant to § 994.44 (a).

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid

milk products on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 994.50 *Basic formula price.* The basic formula price for each month to be used in determining the class prices set forth in § 994.51, shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest one-tenth cent:

(a) Determine the average of the basic, or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

Present Operator and Location

Borden Company, Mount Pleasant, Mich.
Carnation Company, Sparta, Mich.
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Borden Company, Orfordville, Wis.
Borden Company, New London, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Oconomowoc, Wis.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

§ 994.51 *Class prices.* Subject to the provisions of §§ 994.52 and 994.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $2.20.

(b) *Class II milk.* During the months of September through April the basic formula price for the month, and during the months of May through August the basic formula price for the month less 20 cents.

§ 994.52 *Location differentials to handlers.* For milk which is received from producers at a pool plant located more than 50 miles by the shortest highway distance, as determined by the market administrator, from the Courthouse in Colorado Springs, Pueblo, or Walsenburg, whichever is closest, and which is classified as Class I milk the prices computed pursuant to § 994.51 (a) shall be reduced by 9.0 cents if such plant is located more than 50 miles but not more than 60 miles from such Courthouse and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles: *Provided*, That for the purposes of calculating such differential transfers between pool plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds the receipts from producers at such plant, such assignment to transferor plants to be made first to plants at which no differential credit is applicable and then in the sequence beginning with the plant at which the lowest location differential credit would apply.

§ 994.53 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 994.51 shall be increased or decreased, respectively, for each one-tenth of one percent of butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the butter price specified in § 994.50 (b) (1) for the preceding month by 1.40 and divide the result by 10.

(b) *Class II milk.* Multiply the butter price specified in § 994.50 (b) (1) by 1.20 and divide the result by 10.

§ 994.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 994.60 *Producer-handler.* Sections 994.40 to 994.46, 994.50 to 994.54, 994.70 to 994.72, and 994.80 to 994.88 shall not apply to a producer-handler.

§ 994.61 *Exempt plants.* The provisions of this part shall not apply to a plant specified in paragraph (a) or (b) of this section except that the operator of such plant shall make such reports of receipts and utilization of milk as the market administrator may require and allow verification of such reports by the market administrator.

(a) Any plant from which less than an average of 1,000 pounds of Class I milk per day is disposed of on routes in the marketing area during the month.

(b) Any distributing pool plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless (1) more Class I milk is disposed of from such plant on routes in the Colorado Springs-Pueblo marketing area than in the marketing area regulated pursuant to such other order, or (2) such plant was qualified as a supply plant under the other order.

§ 994.62 *Handler operating a nonpool plant.* In lieu of the payments required pursuant to §§ 994.80 to 994.88, each handler, other than a producer-handler or one exempt pursuant to § 994.61, who operates during the month a nonpool plant, shall pay to the market administrator on or before the 25th day after the end of the month the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 994.30, to pay the amounts computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) To the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rate specified in § 994.85 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts:

(1) To the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 994.70 if such handler had operated a pool plant the gross payments made by such handler for milk received during the month from Grade A dairy farmers at such plant or at a plant which serves as a supply plant; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 994.88 had such plant been a pool plant, except that if such plant is also a nonpool plant under another order issued pursuant to the Act, and his Class II sales in such other marketing area exceed those made in the Colorado Springs-Pueblo marketing area, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payments under the other order.

DETERMINATION OF UNIFORM PRICE

§ 994.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 994.46 by the applicable class price and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from any class pursuant to § 994.46 (a) (7) and, the corresponding

step of § 994.46 (b) by the applicable class price;

(c) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 994.46 (a) (6) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 994.46 (a) (5) and the corresponding step of § 994.46 (b) for the current month, whichever is less;

(d) For any skim milk or butterfat subtracted from Class I milk pursuant to § 994.46 (a) (2) and the corresponding step of § 994.46 (b), and pursuant to § 994.46 (a) (5) and the corresponding step of § 994.46 (b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of this section, add an amount equal to the differences between the values of such skim milk and butterfat at the Class I price and at the Class II price: *Provided*, That such calculations shall not apply if the total receipts of producer milk at pool plants during the month are less than 110 percent of the total Class I utilization of such plants for the month.

§ 994.71 *Computation of the uniform price.* The market administrator shall compute the uniform price per hundredweight of producer milk as follows:

(a) Combine into one total the values computed pursuant to § 994.70 for the producer milk of all handlers who submitted reports prescribed in § 994.30, and who are not in default of payments pursuant to § 994.80 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 994.82 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 994.81;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents.

The resulting figure shall be the uniform price per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants within the 50-mile zone.

§ 994.72 *Notification of handlers.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price computed pursuant to § 994.71 and the producer location and butterfat differentials computed pursuant to §§ 994.81 and 994.82; and

(c) The amounts to be paid by such handler pursuant to §§ 994.84, 994.86, 994.87, and 994.88 and the amount due such handler pursuant to § 994.85.

PAYMENTS

§ 994.80 *Payment to producers.* Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received as specified in paragraphs (a) and (b) of this section:

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 18th day of the month, an advance payment with respect to milk received during the first 15 days of the month at the Class II price for the preceding month;

(b) On or before the 16th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 994.71, subject to the butterfat differential computed pursuant to § 994.82 and location adjustment computed pursuant to § 994.81, plus or minus adjustments for errors made in previous payments to such producers and less (1) payments made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 994.87, and (3) proper deductions authorized in writing by such producer;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 994.81 *Location differential to producers.* For milk which is received at a pool plant located more than 50 but not more than 60 miles by shortest highway distance, as determined by the market administrator, from the Courthouse in Colorado Springs, Pueblo, or Walsenberg, whichever is closest, there shall be deducted 9.0 cents per hundredweight and an additional 1.5 cents shall be deducted for each 10 miles or fraction thereof that such distance exceeds 60 miles.

§ 994.82 *Butterfat differential to producers.* The applicable uniform price to be paid producers pursuant to § 994.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 994.52, weighted by the pounds of butterfat in producer milk in each class and the result rounded to the nearest tenth of a cent.

§ 994.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 994.62 and 994.84 and out of which he shall make all payments pursuant to § 994.85: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 994.84 *Payments to the producer-settlement fund.* On or before the 14th day after the end of each month, each handler who operates a pool plant shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 994.70, is greater than the amount owed by him for such milk at the appropriate uniform prices determined pursuant to § 994.80.

§ 994.85 *Payments out of the producer-settlement fund.* On or before the

14th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 994.70 is less than the amount owed by him for such milk at the appropriate uniform price determined pursuant to § 994.80. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 994.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors resulting in moneys due a producer or the market administrator from such handler or due such handler from the market administrator; the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 994.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers for milk (other than milk of his own production) pursuant to § 994.80, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 16th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members, and on or before the 16th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed from each producer.

§ 994.88 *Expense of administration.* As his pro rata share of the expense of the administration hereof, each handler shall pay the market administrator, on or before the 16th day after the end of each month, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to (a) all milk received from producers during such month, (b) other source milk received at a pool plant and classified as Class I and (c) the quantities of milk at the plants of handlers operating nonpool plants as specified in § 994.62 (a) (2) or (b) (2).

§ 994.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information.

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producer or cooperative associations, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 994.90 *Effective time.* The provisions of this part or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 994.91 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 994.92 *Continuing obligations.* If upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 994.93 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 994.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 994.101 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 4th day of September 1958.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 58-7284; Filed, Sept. 8, 1958; 8:53 a. m.]

[7 CFR Part 997]

FILBERTS GROWN IN OREGON AND WASHINGTON

PROPOSED RULE RELATING TO SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES FOR 1958–59 FISCAL YEAR

Notice is hereby given that the Secretary is considering establishment of the proposed rule hereinafter set forth pursuant to Marketing Agreement No. 115, as amended, and Order No. 97, as amended, regulating the handling of filberts grown in Oregon and Washington (7 CFR Part 997), effective under the provisions of Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to data, views, or arguments relating to the proposal that are filed with the Director, Fruit and Vegetable Division not later than 10 days after its publication in the FEDERAL REGISTER.

The proposal is that salable, surplus, and withholding percentages of 73 percent, 27 percent, and 37 percent, respectively, be fixed for merchantable filberts handled during the fiscal year which began August 1, 1958.

The proposed percentages are based on the recommendation of the Filbert Control Board and the following estimates, inshell weight basis, for the 1958–59 fiscal year:

(1) Merchantable production of 10,061,000 pounds; (2) uncertified handler carryover on August 1, 1958, of 3,563,800 pounds; (3) total merchantable filberts subject to regulation of 13,624,800 pounds; (4) trade demand of 9,500,000 pounds; and (5) total trade demand and carryover requirements for 1958 crop inshell filberts of approximately 10 million pounds.

The proposed rule is as follows:

§ 997.208 *Salable, surplus, and withholding percentages for merchantable filberts handled during the 1958–59 fiscal year.* The salable percentage shall be 73 percent, the surplus percentage shall be 27 percent, and the withholding percentage shall be 37 percent for merchantable filberts handled during the fiscal year beginning August 1, 1958.

Dated: September 3, 1958.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division.*

[F. R. Doc. 58-7285; Filed, Sept. 8, 1958; 8:53 a. m.]

Commodity Stabilization Service

[7 CFR Part 722]

1959 CROP OF UPLAND COTTON

NATIONAL MARKETING QUOTA

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "act") (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.), including amendments of the act and of the Agricultural Act of 1949 contained in the Agricultural Act of 1958 (P. L. 85-835, approved August 28, 1958), the Secretary of Agriculture is preparing to determine as soon as practicable whether a national marketing quota is required to be proclaimed for the 1959 crop of upland cotton (hereinafter referred to as "cotton"). If such quota is required, the Secretary will also determine and proclaim the amount of the quota and the amount of the national allotment for the 1959 crop of cotton and will issue regulations pertaining to acreage allotments for cotton.

Section 342 of the act provides that whenever during any calendar year the Secretary determines that the total supply of cotton for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of cotton produced in the next calendar year. It further provides that the Secretary shall determine and specify in such proclamation the amount of the national marketing quota in terms of the number of bales adequate, together with (1) the estimated carry-over at the beginning of the marketing year which begins in the next calendar year and (2) the estimated imports during such marketing year, to make available a normal supply of cotton. Under the provisions of section 342 as amended by section 103 (2) of the Agricultural Act of 1958, the national marketing quota for the 1959 crop shall be not less than the number of bales required to provide a national acreage allotment of sixteen million acres.

Section 342 requires the proclamation of the national marketing quota to be made not later than October 15 of the calendar year in which the determination is made that the total supply of cotton exceeds the normal supply. In order that the Agricultural Stabilization and Conservation State and county committees may properly and timely perform their functions in connection with establishing farm allotments for the 1959 crop of cotton, it will be necessary to issue any such proclamation and to determine the national, State and county allotments as soon as practicable.

As defined in section 301 of the act for purposes of the determinations provided for in section 342 of the act, "total supply" of cotton for any marketing year is the carry-over at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins, and the estimated imports of cotton into the United States during such marketing year; "carry-over" of cotton for any marketing year is the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current; "normal supply" of cotton for any marketing year is the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of such consumption and exports as an allowance for carry-over; and "marketing year" for cotton is the period August 1–July 31.

Section 344 (a) of the act, as amended by section 103 (4) of the Agricultural Act of 1958, provides that whenever a national marketing quota is proclaimed under section 342, the Secretary shall determine and proclaim a national allotment for the crop of cotton to be produced in the next calendar year. The national allotment for cotton for 1959 is that acreage, based upon the national average yield per acre of cotton for the 4 calendar years 1954, 1955, 1956, and 1957, which is required to make available from the 1959 crop an amount of cotton equal to the national marketing quota.

If a national allotment is proclaimed for the 1959 crop of cotton, such allotment will be apportioned among the States, as provided by section 344 (b) of the act, on the basis of the acreage planted to cotton during the 5 calendar years 1953, 1954, 1955, 1956, and 1957, with adjustments during such period as provided under the act and the Soil Bank provisions of the Agricultural Act of 1956 (70 Stat. 188; 7 U. S. C. 1801 et seq.).

The regulations which the Secretary will issue pertaining to acreage allotments for the 1959 crop of cotton will differ from those issued for the 1958 crop to the extent necessary to implement the applicable provisions of the Agricultural Act of 1958. The regulations will provide for approval by the Secretary and publication thereof in the FEDERAL REGISTER of State and county allotments, and State and county reserves.

Section 101 of the Agricultural Act of 1958 provides that the farm allotment established pursuant to section 344 of the act shall be the choice (A) allotment, and provides for establishing a choice (B) allotment which shall not exceed the choice (A) allotment by more than 40 per centum. Notices of farm allotment for both choice (A) and choice (B) allotments will, insofar as practicable, be mailed to farm operators prior to the cotton referendum. Application for review of the farm allotment must be made within fifteen days after the mailing of such notice of farm allotment and marketing quota. Not later than January 31, 1959, the Secretary will determine and announce the price support levels applicable to producers who elect choice (A) and choice (B) allotments, respectively. Thereafter, farm operators will receive notice of such price support levels and be given opportunity to elect the choice (A) or choice (B) allotment for the farm.

The regulations will implement the following provisions of the Agricultural Act of 1958:

1. Section 104 (a) amends section 344 (b) of the act and provides a national reserve of 310,000 acres in addition to the national allotment for apportionment to the States on the basis of their needs for additional acreage for establishing minimum farm allotments under section 344 (f) (1) of the act, except that the amount apportioned to Nevada shall be 1,000 acres. Acreage apportioned to a State for any year from the national reserve will not be taken into account in establishing future State acreage allot-

ments. Each State's share of the national reserve, except in the case of Nevada, is apportioned among counties in the same manner that the national reserve is apportioned among States. Nevada's share of the national reserve is apportioned among counties in the same manner that the State allotment, less the State reserve, is apportioned.

2. Section 104 (b) amends section 344 (e) of the act and provides for use from the State reserve of up to 3 per centum of the State allotment if the allocation from the national reserve is less than the requirements determined by the Secretary for establishing minimum farm allotments for the State.

3. Section 104 (c) amends section 344 (f) (1) of the act and provides that, insofar as such acreage is available, minimum farm allotments shall be the smaller of ten acres, or the 1958 farm allotment.

4. Section 105 amends section 344 (f) of the act by providing in a new paragraph (7) (A) that in the event any farm allotment is less than the minimum farm allotment prescribed in section 344 (f) (1) of the act, such allotment shall be increased to such minimum farm allotment. Any acreage required for such increase shall be in addition to the county, State, and national allotment and shall not be taken into account in establishing future State, county, or farm allotments. Acreage apportioned to a county for any year from the national or State reserve on the basis of its needs for additional acreage for establishing minimum farm allotments will not be taken into account in establishing future county allotments.

5. Section 106 amends section 344 (f) of the act by providing in a new paragraph (8) that notwithstanding the provision of section 344 (f) (2) of the act (cropland method of establishing farm allotments) and section 344 (f) (6) of the act (historical method of establishing farm allotments), the Secretary may provide for establishing farm allotments on the basis of the 1958 farm allotments, adjusted as may be necessary for any change in the acreage of cropland available for the production of cotton or to meet the requirements of any provision of the act (other than section 344 (f) (2) and (6)) with respect to the counting of acreage for history purposes. It is expected that the Secretary will determine that establishment of farm allotments pursuant to the method in section 344 (f) (8) of the act will facilitate effective administration of the act and that such method will be used in determining 1959 farm allotments in all counties.

Section 343 of the act provides that not later than December 15 following the issuance of the proclamation of the national marketing quota provided for in section 342 of the act, the Secretary shall conduct a referendum by secret ballot, of farmers engaged in the production of cotton in the calendar year in which the referendum is held, to determine whether such farmers are in favor of or opposed to the quota so proclaimed. If a quota is proclaimed for the 1959 crop of cotton, it is expected that the Secretary will set December 15, 1958, as the date of the referendum. Section 362 of the act provides that notice of the farm allotment established for each farm shown by the records of the county committee to be entitled to such allotment, shall, insofar as practicable, be mailed to the farm operator in sufficient time to be received prior to the date of the referendum.

Prior to making any of the foregoing determinations with respect to the national marketing quota, the national allotment, the apportionment of the national allotment to States and the State allotments to counties, fixing a date for holding a referendum, and the formulation of regulations pertaining to acreage allotments for the 1959 crop of cotton, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within 15 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Done at Washington, D. C., this 3d day of September 1958. Witness my hand and the Seal of the Department of Agriculture.

[SEAL] WALTER C. BERGER,
Administrator.

[F. R. Doc. 58-7257; Filed, Sept. 8, 1958; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Civil Aeronautics Administration has filed an application, Serial Number 019618, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining law, but excepting provisions of the mineral leasing laws and the Materials Act. The applicant desires the land for a radio facility site.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P. O. Box 1050, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FAIRBANKS AREA

T. 1 S., R. 3 W., F. M. (unsurveyed),
Sec. 16: S½SW¼NW¼, N½NW¼SW¼, S½SE¼NW¼ (those portions lying north and west of the Fairbanks-Nenana Road).

Containing approximately 17 acres.

RICHARD L. QUINTUS,
Operations Supervisor, Fairbanks.

[F. R. Doc. 58-7267; Filed, Sept. 8, 1958; 8:49 a. m.]

Bureau of Reclamation

UMATILLA PROJECT, OREGON

ORDER OF REVOCATION

AUGUST 18, 1958.

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416), and pursuant to Departmental Order No. 2765 of July 30, 1954, I hereby revoke the departmental order of August 16, 1905, in so far as said order affects the following-described land: *Provided, however*, That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

WILLAMETTE MERIDIAN

T. 5 N., R. 29 E.,
Sec. 30, NW¼NE¼.

The area described contains 40 acres.

FLOYD E. DOMINY,
Acting Commissioner.

[Oregon 06261]

AUGUST 29, 1958.

I concur.

The lands are in an allowed desert land entry (Oregon 0752), which antedates the withdrawal.

E. J. THOMAS,
Acting Director, Bureau of Land Management.

[F. R. Doc. 58-7244; Filed, Sept. 8, 1958; 8:46 a. m.]

COLORADO RIVER STORAGE PROJECT, UTAH

ORDER OF REVOCATION

JULY 30, 1958.

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416), and pursuant to Departmental Order No. 2765 of July 30, 1954, I hereby revoke the Departmental order of May 18, 1956, insofar as said order affects the following-described lands:

SALT LAKE BASE AND MERIDIAN

T. 43 S., R. 1 E.,
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.

The areas described aggregate 12,800 acres.

C. C. BAKER,
Acting Associate Commissioner.

[71776]

AUGUST 29, 1958.

I concur.

Sections 16 and 36 are State school lands.

This revocation is made in furtherance of a proposed exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g) as amended. Since this revocation is made in order to assist in a Federal land program, this opening is not subject to the provisions contained in the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting certain preference rights to veterans of World War II, the Korean Conflict, and others.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

E. J. THOMAS,
Acting Director, Bureau of Land Management.

[F. R. Doc. 58-7245; Filed, Sept. 8, 1958; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-10]

NUCLEAR ENGINEERING CO., INC.

NOTICE OF PROPOSED ISSUANCE OF BYPRODUCT, SOURCE, AND SPECIAL NUCLEAR MATERIAL LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICE

Please take notice that the Atomic Energy Commission proposes to issue a Byproduct, Source, and Special Nuclear Material License to Nuclear Engineering Company, Inc., 2600 North Main Street, Walnut Creek, California, substantially in the following form, authorizing the disposal of waste byproduct, source, and special nuclear material in the Atlantic and Pacific Oceans at a minimum depth of 1,000 fathoms unless within fifteen (15) days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by Title 10, Code of Federal Regulations, Chapter 1, Part 2, "Rules of Practice".

The Atomic Energy Commission has found that:

(a) The applicant's proposed equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property;

(b) The applicant is qualified by training and experience to perform the proposed sea disposal service for packaged byproduct, source, and special nuclear material in such a manner as to protect health and minimize danger to life or property; and

(c) The issuance of a Byproduct, Source, and Special Nuclear Material License to Nuclear Engineering Company, Inc., will not be inimical to the health and safety of the public.

For further details see (1) the application submitted by Nuclear Engineering Company, Inc., and amendments thereto; (2) a memorandum prepared by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for license; and (3) a copy of Appendix A to the license containing a description of container specifications substantially similar to those contained in Title 49, Code of Federal Regulations, Part 78, referred to in Condition 7 of the license; all on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. Copies of (2) and (3) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 29th day of August 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

ANNEX A—BYPRODUCT, SOURCE, AND SPECIAL NUCLEAR MATERIAL LICENSE

[License No. 4-3766-1(H60)]

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter I, Part 30, "Licensing of Byproduct Material", Title 10, Code of Federal Regulations, Chapter I, Part 40, "Control of Source Material", and Title 10, Code of Federal Regulations, Chapter I, Part 70, "Special Nuclear Material", and in reliance upon statements and representations heretofore made by the applicant, a license is hereby issued to Nuclear Engineering Company, Inc., 2600 North Main Street, Walnut Creek, California, to receive, possess, package, and dispose of byproduct, source, and special nuclear material.

This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of Title 10, Code of Federal Regulations, Chapter I, Part 20, "Standards for Protection Against Radiation", and all other applicable rules, regulations, and orders of the Atomic Energy Commission now or hereafter in effect and to the following conditions:

1. The licensee shall not possess more than 800 curies of byproduct material at any one time.

2. The licensee shall not receive possession of more than 2000 pounds of source material and 4 grams of special nuclear material during the term of this license.

3. Byproduct, source, and special nuclear material shall be received, packaged, and disposed of by or under the direct supervision of J. E. Law, Jr. or A. L. Smith.

4. The licensee shall receive, package, possess, and dispose of the byproduct, source, and special nuclear material in accordance with the procedures described in the licensee's application dated July 3, 1958, and attachments thereto; and letters dated July 7, 1958 and July 8, 1958; except as provided otherwise in this license.

5. A copy of "Radiological Safety Training Operating Procedures", as described in the licensee's application dated July 3, 1958, shall be supplied to each employee of the licensee involved in the receipt, packaging, and disposal of byproduct, source, and special nuclear material.

6. Byproduct, source, and special nuclear material received from customers shall be prepackaged in containers meeting the requirements of Condition 7 of this license.

7. Intrastate transportation of AEC-licensed material to the location designated in Condition 8 shall be in accordance with the following requirements except as specifically approved by the Atomic Energy Commission:

A. *Outside shipping containers.* (1) The containers shall meet any one of the following specifications described in Appendix A attached hereto:

a. 15A, 15B, 6A, 6B, 6C, 17C, 17H, 19A, or 19B for the containment of radioactivity in amounts not in excess of 2.0 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container to at least 10 mrem/24 hours at any time during transportation.

B. *Inside containers.* (1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium, or curium, or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. *Shielding.* Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A (4), A (5), and A (6) of this condition. The shield must be so designed that it will not open or break under normal conditions incident to transportation.

D. *Labeling.* Each outside container label required under § 20.203 (f) of 10 CFR Part 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, the total weight;

(2) principal radioisotope;

(3) radiation level at the surface of the container and at one meter from the source; and

(4) the name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded

on each side and the rear with lettering at least 3 inches high as follows: CAUTION—RADIOACTIVE MATERIAL.

F. *Accidents.* In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

G. *Exemptions.* Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of this license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, and should contain sufficient information to support such a request.

8. The licensee shall store and package byproduct, source, and special nuclear material for sea disposal at Cowell Cement Plant, Aggregate Bin, Cowell, California, or at Naval Industrial Reserve Shipyard, Kearny, New Jersey. Byproduct, source, and special nuclear material may also be stored at McKees Rock Industries, Inc., McKees Rock, Pennsylvania.

9. The licensee shall dispose of byproduct, source, and special nuclear material:

A. In the Atlantic Ocean in an area bounded by the parallels of Latitude 38°50' N. and 39°00' N. and by the meridians of Longitude 72°00' W. and 72°16' W. at a minimum depth of 1000 fathoms; or

B. In the Pacific Ocean in an area bounded by the parallels of Latitude 37°43' N. and 37°38' N. and by the meridians of Longitude 123°18' W. and 123°30' W. at a minimum depth of 1000 fathoms.

10. Packaged radioactive waste containing special nuclear material shall be transported aboard vessels of American registry.

11. The licensee shall notify the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, at least 20 days prior to each disposal, by letter deposited in the United States mail properly stamped and addressed. This notification shall contain the following information: the proposed date for disposal, the total number of containers, the total activity of byproduct material in millicuries, the amount of source material in pounds, the amount of special nuclear material in grams, and the most hazardous radioisotope contained in each container.

12. Byproduct Material License No. 4–2314–1 issued on March 29, 1957, is hereby terminated.

13. A curie of Iridium 192 is defined as that quantity of activity which presents a radiation intensity of 0.55 roentgen per hour at a distance of one meter.

This license shall be effective on the date issued and shall expire on August 31, 1960.

For the Atomic Energy Commission.

J. R. MASON,
Chief, Isotopes Branch,
Division of Licensing and Regulation.

Date of Issuance:

[F. R. Doc. 58–7240; Filed, Sept. 8, 1958; 8:45 a. m.]

[Docket No. 27–4]

AMERICAN MAIL LINE, LTD.

NOTICE OF ISSUANCE OF BYPRODUCT AND SOURCE MATERIAL LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICE

Please take notice that no requests for formal hearing, have been filed following filing of the notice of proposed action with the Federal Register Division, the Atomic Energy Commission has this date issued Byproduct and Source Material License No. 46–3623–1 authorizing American Mail Line, Ltd., 740 Stuart Building, Seattle 1, Washington, to receive, possess, and dispose of byproduct and source material in accordance with the terms and conditions of said license. The notice of proposed action was published in the FEDERAL REGISTER on August 2, 1958. For further details see the application for a license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 28th day of August 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F. R. Doc. 58–7241; Filed, Sept. 8, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1705 etc.; Order No. E–12936]

INVESTIGATION OF ACCUMULATION, ASSEMBLY AND DISTRIBUTION RULES

ORDER TO SHOW CAUSE

SEPTEMBER 4, 1958.

Investigation of accumulation, assembly and distribution rules; Docket Nos. 1705 et al., consolidated, 3978 and 4259.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 3d day of September 1958.

In the original proceeding herein, Investigation, Assembly and Distribution Rules, 12 CAB 337 (1950), the Board prescribed lawful assembly and distribution rules and minimum accessorial charges.[1] While the Board's decision affected certificated direct air carriers principally, seven air freight forwarders who were parties in that case, are also bound thereby.[2] Since then other air freight forwarders have established and maintained assembly and distribution rules and charges substantially consistent with those prescribed by the Board in that decision.[3]

Recently the Board in the Air Freight Rate Case—Minimum Rates for Air Freight Forwarders[4] (hereinafter Minimum Rate Case), refused to subject air freight forwarders to minimum rate regulation for line haul, although direct air carriers are regulated as to minimum rates. It appears to the Board that regulation of the minimum accessorial charges of air freight forwarders does not pose substantially different questions from the regulation of minimum line haul rates of forwarders, and that the Board's regulation in both areas should be consistent with each other. It further appears to the Board that the reasons which justified the Board's decision in the Minimum Rate Case not to regulate the minimum line haul rates of forwarders are equally persuasive of the tentative conclusion herein to relieve air freight forwarders from minimum rate regulation as to their assembly and distribution charges.

In the Minimum Rate Case the Board concluded that forwarders should be permitted to price their services without regard to the minimum rates which had been specified for the direct air carriers. The Board reasoned that it would be unsound to impose on the forwarders a system of minimum rate regulation which would prevent them from taking full advantage of their specialized methods of operation and would deprive the public of the lowest possible freight rates. The Board also noted particularly that forwarders specialize in various ground operations. Assembly and distribution services are typical of the ground functions in which forwarders specialize and which forwarders are peculiarly equipped to perform. The considerations which impelled the Board in the Minimum Rate Case to conclude that the public interest would best be served by relieving forwarders of minimum rate regulation applicable to direct air carriers is a fortiori applicable to accessorial charges. There is little logic in applying minimum charges to the assembly and distribution services of air freight forwarders when their charges for the more competitively significant airline hauls are not subject to minimum rate control.

Accordingly, the Board finds that it is in the public interest to relieve air freight forwarders from the minimum accessorial charges prescribed in the original proceeding.

Therefore, *it is ordered:*

1. That the air freight forwarders and direct air carriers parties to the original proceeding herein, be and they hereby are directed to show cause why the Board should not issue an order making final the tentative findings stated herein, and why the Board should not order that the minimum accessorial charges prescribed by the Board in Orders Nos. E–4606 and E–4954 be rescinded insofar as such minimum accessorial charges apply to air freight forwarders;

2. That any interested person having objection to the issuance of an order making final the tentative findings stated herein, or to the issuance of the aforesaid proposed order rescinding minimum accessorial charge requirements of air freight forwarders, shall, within ten days from the date hereof, file written notice of objection with the Board, and if notice is filed, written answer and supporting documents must be filed within twenty days after the date of service of this order;

3. That if notice of objection is not filed within ten days, or if notice is filed and answer is not filed within twenty days, after service of this order, all parties shall be deemed to have waived all further procedural steps before final decision, and the Board may enter a final order relieving air freight forwarders from minimum accessorial charge provisions;

4. That if notice of objection and answer are timely filed, this proceeding shall be set for immediate hearing before an examiner of the Board. The hearing shall be limited to consideration of issues raised by the answers filed, except that at the prehearing conference the examiner may permit parties to raise such additional issues as he deems necessary to a full and fair determination of this proceeding;

5. That copies of this order shall be served on all parties in the original proceeding herein and on all other air freight forwarders;

6. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58–7278; Filed, Sept. 8, 1958; 8:51 a. m.]

[Docket No. 6293 et al.]

MONTANA LOCAL SERVICE CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 13, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 3, 1958.

THOMAS L. WRENN,
Associated Chief Examiner.

[F. R. Doc. 58–7279; Filed, Sept. 8, 1958; 8:52 a. m.]

[Docket No. 9786]

EAGLE AIRWAYS (BERMUDA) LTD.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Eagle Airways of Bermuda in Docket No. 9786 for an amendment of its foreign air carrier permit to authorize it to engage in transportation from Bermuda to Baltimore and Washington in addition to New York.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 12, 1958, at 10:00 a. m., e. d. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before an Examiner of the Board.

Dated at Washington, D. C., September 4, 1958.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F. R. Doc. 58–7280; Filed, Sept. 8, 1958; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6785]

GULF STATES UTILITIES CO.

NOTICE OF SUPPLEMENTAL APPLICATION

SEPTEMBER 3, 1958.

Take notice that on August 21, 1958, an amendment to its application in the above-entitled matter was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Gulf States Utilities Company ("Applicant"), seeking a supplemental order authorizing the issuance by Applicant of up to $26,000,000, principal amount of unsecured promissory notes, before December 1, 1958. The Commission's order issued November 27, 1957 authorized Applicant to issue unsecured notes aggregating $18,000,000 to banks from December 1, 1957, to and including November 30, 1958. Notice of Applicant's original application in Docket No. E–6785 for authority to issue the aforesaid $18,000,000 of notes was published in the FEDERAL REGISTER on November 16, 1957 (22 F. R. 9201). Applicant states that the total amount of the revolving credit of $26,000,000, would be used for general corporate purposes. Applicant states that the aggregate principal amount of notes outstanding at any one time will not exceed $26,000,000.

Any person desiring to be heard or to make any protest with reference to said amendment to the application should on or before the 15th day of September, 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–7268; Filed, Sept. 8, 1958; 8:50 a. m.]

[Docket No. G–16117]

AMERADA PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

SEPTEMBER 3, 1958.

Amerada Petroleum Corporation (Amerada) on August 4, 1958, tendered for filing proposed changes in its presently effective rate schedules[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Notice of Change, dated July 30, 1958. (2) Notice of Change, dated July 29, 1958. (3) Notice of Change, dated July 31, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: (1) Supplement No. 20 to Amerada's FPC Gas Rate Schedule No. 1. (2) Supplement No. 5 to Amerada's FPC Gas Rate Schedule No. 31. (3) Supplement No. 3 to Amerada's FPC Gas Rate Schedule No. 62.

Effective date: September 4, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increases, Amerada submits copies of letters from El Paso Natural Gas Company (El Paso) stating that 15.05 percent rate increases for gas sales by Sun Oil Company to El Paso within the described "favored-nation area" are in effect subject to refund in Docket No. G–12880 and providing for rates of 10.41582 cents and 10.92975 cents per Mcf. Amerada states, in effect, that its subject gas is sold within the "favored-nation area" and Amerada is thereby contractually entitled to the same prices.

El Paso has filed a formal protest to Amerada's proposed favored-nation increases. El Paso's protest is mainly premised upon the contention that no agreement has been reached between El Paso and Amerada which firmly evidences an obligation at this time to reimburse Amerada for the protested increases. Thus, El Paso states, the increases are proscribed by the Mobile decision. El Paso makes this protest despite its own notification letter to Amerada. However, El Paso states in such letter it is contesting "triggering" increases.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 20 to Amerada's FPC Gas Rate Schedule No. 1, Supplement No. 5 to Amerada's FPC Gas Rate Schedule No. 31, and Supplement No. 3 to Amerada's FPC Gas Rate Schedule No. 62, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from

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[1] Orders Nos E–4606, September 14, 1950, and E–4954, December 20, 1950.

[2] The assembly and distribution rules of the following then authorized air freight forwarders were consolidated for hearing herein: Emery Air Freight Corp., Peter A. Bernacki, Inc., Domestic Air Express, Flying Cargo, Inc., Twin Cities Air Service Company, ABC Air Freight Company, Inc., and Allied Air Freight, Inc.

[3] Recently, however, several air freight forwarders have filed tariffs containing accessorial charges below those specified by the Board. Bor-Air Freight Co., Inc. filed a tariff which lowered the charge for distribution service from 25 cents per part of a shipment to 18 cents per package and canceled the minimum charge of $1.00 for distribution of the entire shipment. Shulman, Inc. proposed to charge 18 cents per package subject to a maximum charge of 50 cents. These tariffs have been suspended by the Board pending an investigation into the reasonableness thereof. Bor-Air Freight Co., Inc., Docket No. 9398, Order No. E–12300, March 28, 1958. Shulman, Inc., Docket No. 9678, Order No. E–12665, June 18, 1958. The Bor-Air Freight proceeding was dismissed by Order No. E–12538, May 21, 1958.

[4] Docket No. 1705–6, Order No. E–12143, January 28, 1958.

[1] Present rates previously suspended and are in effect subject to refund in Docket Nos. G–13897, G–13916, and G–13897.

the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 20 to Amerada's FPC Gas rate Schedule No. 1, Supplement No. 5 to Amerada's FPC Gas Rate Schedule No. 31, and Supplement No. 3 to Amerada's FPC Gas Rate Schedule No. 62.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until February 4, 1959, and until such further time as they are made effective in the manner described by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7269; Filed, Sept. 8, 1958; 8:50 a. m.]

[Docket No. G-16118]

AMERADA PETROLEUM CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 3, 1958.

Amerada Petroleum Corporation, et al. (Amerada), on August 4, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 27, 1958.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 2 to Amerada's FPC Gas Rate Schedule No. 27.
Effective date: September 4, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Amerada submits a copy of a letter from El Paso Natural Gas Company (El Paso) stating that 15.05 percent rate increases for gas sales by Sun Oil Company to El Paso within the described "favored-nation area" are in effect subject to refund in Docket No. G-12880 and providing for rates of 10.41582 cents and 10.92975 cents per Mcf. Amerada states, in effect, that its subject gas is sold within the "favored-nation area" and Amerada is thereby contractually entitled to the same prices.

El Paso has filed a formal protest to Amerada's proposed favored-nation increases. El Paso's protest is mainly premised upon the contention that no agreement has been reached between El Paso and Amerada which firmly evidences an obligation at this time to reimburse Amerada for the protested increases. Thus, El Paso states, the increases are proscribed by the Mobile decision. El Paso makes this protest despite its own notification letter to Amerada. However, El Paso states in such letter it is contesting "triggering" increases.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Amerada's FPC Gas Rate Schedule No. 27 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Amerada's FPC Gas Rate Schedule No. 27.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 4, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7270; Filed, Sept. 8, 1958; 8:50 a. m.]

[Docket No. G-16119]

AMERADA PETROLEUM CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

SEPTEMBER 3, 1958.

Amerada Petroleum Corporation (Operator), et al. (Amerada), on August 4, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 28, 1958.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 4 to Amerada's FPC Gas Rate Schedule No. 57.
Effective date: September 4, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Amerada submits a copy of a letter from El Paso Natural Gas Company (El Paso) stating that 15.05 percent rate increases for gas sales by Sun Oil Company to El Paso within the described "favored-nation area" are in effect subject to refund in Docket No. G-12880 and providing for rates of 10.41582 cents and 10.92975 cents per Mcf. Amerada states, in effect, that its subject gas is sold within the "favored-nation area" and Amerada is thereby contractually entitled to the same prices.

El Paso has filed a formal protest to Amerada's proposed favored-nation increases. El Paso's protest is mainly premised upon the contention that no agreement has been reached between El Paso and Amerada which firmly evidences an obligation at this time to reimburse Amerada for the protested increases. Thus, El Paso states, the increases are proscribed by the Mobile decision. El Paso makes this protest despite its own notification letter to Amerada. However, El Paso states in such letter it is contesting "triggering" increases.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Amerada's FPC Gas Rate Schedule No. 57 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Amerada's FPC Gas Rate Schedule No. 57.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 4, 1959, and until such further time as it is made effec-

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-13900.

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-13901.

in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7271; Filed, Sept. 8, 1958; 8:50 a. m.]

[Docket No. G-14857]

ILLINOIS POWER CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 3, 1958.

Take notice that Illinois Power Company (Applicant), an Illinois corporation having its principal place of business in Decatur, Illinois, filed on April 11, 1958 an application and on May 22, 1958 a supplement thereto, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Mississippi River Fuel Corporation (Mississippi) to sell and deliver to Applicant the natural gas requirements for the City of O'Fallon and the Village of Millstadt and their respective environs, St. Clair County, Illinois, and for the Village of Hamel and its environs, Madison County, Illinois, all as more fully represented in the application.

Mississippi supplies gas to Applicant for sale by Applicant in Applicant's Supply Area C surrounding said communities. Applicant proposes to take additional gas through two existing connections in the area. Applicant proposes to construct three taps on its existing high pressure lines in order to supply gas to said three communities.

In order to serve Hamel Applicant proposes to construct and operate a local distribution system which will be interconnected with Applicant's existing 8-inch feeder main at a point midway between Second Street and First Street in the Village of Hamel.

The residential and commercial requirements for Hamel are estimated as follows:

Year of service	1	2	3
Annual (Mcf)	6,100	12,420	12,780
Peak Day (Mcf)	148	150	152

In order to serve Millstadt Applicant proposes to construct and operate a local distribution system and a 4-inch feeder main, which it proposes to interconnect with its existing facilities at a point six miles north of Millstadt near the existing delivery facilities on Mississippi's pipe line.

The residential and commercial requirements for Millstadt are estimated as follows:

Year of service	1	2	3
Annual (Mcf)	19,000	45,500	52,400
Peak Day (Mcf)	450	550	680

In order to serve O'Fallon Applicant proposes to construct and operate a local distribution system and a 4-inch feeder main to be interconnected with Applicant's Scott Field Line at a point approximately 4 miles east of Swansea, Illinois, and to extend due north for approximately 2½ miles to the City of O'Fallon.

The residential and commercial requirements for O'Fallon are estimated as follows:

Year of service	1	2	3
Annual (Mcf)	30,500	73,900	100,900
Peak Day (Mcf)	725	1,040	1,370

The estimated costs of the proposed construction after three years of service are:

Hamel	$62,190
Millstadt	258,050
O'Fallon	362,300
Total	683,440

Applicant proposes to finance all of the proposed construction from funds on hand.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 7, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 26, 1958.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7272; Filed, Sept. 8, 1958; 8:50 a. m.]

[Docket No. G-9681 etc.]

MONSANTO CHEMICAL CO. ET AL.

NOTICE OF FURTHER POSTPONEMENT OF HEARING

SEPTEMBER 3, 1958.

In the matters of Monsanto Chemical Company, Docket Nos. G-9681, G-9682, G-11368, G-11369, G-13612, G-14039, G-14551; Monsanto Chemical Company (Operator), et al., Docket No. G-14728.

Upon consideration of the motion filed August 25, 1958, by counsel for Monsanto Chemical Company for postponement of the hearing now scheduled for September 8, 1958, in the above-designated matters;

The hearing now scheduled for September 8, 1958, is hereby postponed to October 20, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7273; Filed, Sept. 8, 1958; 8:50 a. m.]

[Docket No. G-16120]

MILLS BENNETT ESTATE

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 3, 1958.

Mills Bennett Estate (Bennett) on August 4, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 1, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 3 to Bennett's FPC Gas Rate Schedule No. 5.

Effective date: November 1, 1958 (effective date is the effective date proposed by Bennett).

In support of the proposed two-step periodic rate increase, Bennett states that the contract was made in good faith at arm's length and provides for a periodic rate increase each year, that without such a provision Bennett would not have entered into the contract and agreed to the initial price, that the contract terms as written should be approved or else Bennett should receive an increase for the entire contract term to the average of all of the contract prices. In addition, Bennett states it has lost six per cent interest on the deferred income, that its income has decreased over the 20-year term because of the increased costs applicable to the long term and that offers of 17 cents per Mcf are being made for similar supplies of new gas in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Bennett's FPC Gas Rate Schedule No. 5 be suspended and the use thereof defered as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4

[1] A previous increase was suspended in Docket No. G-13193 until April 1, 1958, but motion to place the suspended rate into effect subject to refund was never filed by Bennett.

and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Bennett's FPC Gas Rate Schedule No. 5.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7274; Filed, Sept. 8, 1958; 8:51 a. m.]

[Docket No. G-16127]

ATLANTIC REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATE

SEPTEMBER 3, 1958.

The Atlantic Refining Company (Atlantic) on August 4, 1958, tendered for filing proposed changes in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description: Notices of Change, dated August 4, 1958.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement Nos. 6 and 7 to Atlantic's FPC Gas Rate Schedule No. 55.

Effective date: September 4, 1958 (effective date is the first day after expiration of the required 30-day's notice).

In support of the redetermined rate increase which is set out in Supplement No. 6, Atlantic submitted copies of the letter setting out the new rate and charge and states that the gas sales contract resulted from arm's-length bargaining between it and Texas Gas Transmission Corporation (Texas Gas) and that no affiliation exists between it, as seller, and Texas Gas, as buyer. Supplement No. 7 reflects 100 percent of the 1 cent per Mcf Louisiana tax [1] increase in addition to the level of rate proposed in Supplement No. 6.

[1] Act No. 8 of 1958 (House Bill No. 303) as approved on June 16, 1958, amending title 47 of the Louisiana State Statutes of 1950.

The increased rates and charges proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement Nos. 6 and 7 to Atlantic's FPC Gas Rate Schedule No. 55 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement Nos. 6 and 7 to Atlantic's FPC Gas Rate Schedule No. 55.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until February 4, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7275; Filed, Sept. 8, 1958; 8:51 a. m.]

[Docket No. G-15189]

ST. CHARLES GAS CORP.

NOTICE OF APPLICATION

SEPTEMBER 3, 1958.

Take notice that St. Charles Gas Corporation (Applicant), a Missouri corporation, having its principal place of business at 212 North Main Street, St. Charles, Missouri, filed on May 28, 1958, a petition, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Mississippi River Fuel Corporation to sell and deliver to Applicant an additional volume of 360 Mcf of natural gas per day in order to meet a maximum daily requirement in its area of 2360 Mcf, all as more fully represented in the petition which is on file with the Commission and open for public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 26, 1958.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7276; Filed, Sept. 8, 1958; 8:51 a. m.]

[Docket No. G-16100]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION

SEPTEMBER 3, 1958.

Take notice that Pacific Northwest Pipeline Corporation (Applicant), a Delaware corporation, address P. O. Box 1526, Salt Lake City 10, Utah, filed on August 22, 1958, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, for authorization to construct and operate certain pipeline facilities for the transportation and sale of natural gas, as hereinafter described.

Applicant proposed to transport and sell natural gas to Northwest Natural Gas Company for general distribution in the city of The Dalles, Oregon and environs, by means of a proposed 4½-inch, 11.67-mile lateral line extending from existing facilities in Klickitat County, Washington across the Columbia River to Wasco County, Oregon, together with necessary related facilities. The third year maximum daily requirements of Northwest Natural Gas Company for the service here proposed is estimated to be 1,465 Mcf of natural gas. The estimated cost of the proposed facilities is $277,000 to be financed out of available funds.

Protests or Petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 26, 1958. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7277; Filed, Sept. 8, 1958; 8:51 a. m.]

NATIONAL LABOR RELATIONS BOARD

GENERAL COUNSEL

AMENDMENT TO BOARD MEMORANDUM DESCRIBING AUTHORITY AND ASSIGNED RESPONSIBILITIES

Pursuant to the provisions of section 3 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.), the National Labor Relations Board hereby separately states and currently publishes in the FEDERAL REGISTER the following amendment to board memorandum describing the authority and assigned responsibilities of the General Counsel of the National Labor Relations Board (effective August 25, 1958). This amends memorandum which appeared at 20 F. R. 2175.

Dated, Washington, D. C., September 3, 1958.

By direction of the Board.

[SEAL] FRANK M. KLEILER, *Executive Secretary.*

The Board Memorandum Describing the Authority and Assigned Responsibilities of the General Counsel of the National Labor Relations Board effective April 1, 1955, is hereby amended by striking the text of Section VII and substituting the following:

In order better to ensure the effective exercise of the duties and responsibilities described above, the General Counsel of the Board, subject to applicable laws and the Rules and Regulations of Civil Service Commission, is delegated full and final authority in behalf of the Board over the selection, retention, transfer, promotion, demotion, discipline, discharge and in all other respects, of all personnel engaged in the field and in the Washington Office (other than personnel in the Board Members' offices, the Division of Trial Examiners, the Division of Information, the Security Office, the Office of the Solicitor, and the Office of the Executive Secretary); provided, however, that no appointment, transfer, demotion or discharge of any Regional Director, or of any Officer in Charge of a Sub-Regional Office, shall become effective except upon approval of the Board.

The General Counsel will provide such administrative services and housekeeping services as may be requested by the Board in connection with the conduct of its necessary business, and will submit to the Board a quarterly report on the performance of these administrative functions.

In connection with and in order to effectuate the foregoing, the General Counsel is authorized to execute such necessary requests, certifications, and other related documents on behalf of the Board, as may be needed from time to time to meet the requirements of Civil Service Commission, the Bureau of the Budget, or any other Governmental Agency; provided, however, that the total amount of any annual budget requests submitted by the agency, the apportionment and allocation of funds and/or the establishment of personnel ceilings within the agency shall be determined jointly by the Board and the General Counsel.

The establishment, transfer or elimination of any Regional or Sub-Regional Office shall require the approval of the Board.

[F. R. Doc. 58-7246; Filed, Sept. 8, 1958; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2286]

HELICOPTER TRANSPORTS, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 2, 1958.

I. Helicopter Transports, Inc., Box 953, Reno, Nevada, filed with the Commission on May 9, 1956, a notification and offering circular relative to a proposed offering of 30,000 shares of its $10.00 par value common stock at $10.00 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable grounds to believe that:

A. The terms and conditions of Regulation A have not been complied with by the issuer, particularly in that:

1. The issuer has filed a false and misleading Form 2-A report of sales.

2. The issuer has offered and sold its securities in a jurisdiction not set forth in Item 1 of its notification under Regulation A.

B. The offering circular contains untrue statements of material facts, fails to reflect material changes in the affairs of the issuer, and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading, concerning:

1. The representation that all proceeds from the sales of stock, less commissions, would be placed in an escrow account and that refund would be made to purchasers of the issuer's securities in the event that a minimum of $110,000 in securities were not sold.

2. The transfer of monies from the issuer's bank account to the personal bank account of its president.

3. The use of proceeds from the sale of the issuer's securities.

C. That the offering is being and would be made in such a manner as to operate as a fraud or deceit upon purchasers.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that Helicopter Transports, Inc. and any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and the notice of the time and place of said hearing will be promptly given the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-7247; Filed, Sept. 8, 1958; 8:47 a. m.]

[File No. 24SF-1838]

GOLD CROWN MINING CORP.

ORDER POSTPONING DATE OF HEARING

SEPTEMBER 3, 1958.

The Commission by order dated August 12, 1958, having ordered a hearing in the above-entitled matter pursuant to section 3 (b) of the Securities Act of 1933, as amended, and Rule 223 thereunder and said hearing being now scheduled to commence on September 3, 1958, at 10:00 a. m., at the San Francisco Regional Office; and

Counsel for the Division of Corporation Finance having requested that the hearing be postponed, and counsel for Gold Crown Mining Corporation not objecting thereto;

It is ordered, That the hearing scheduled to commence on September 3, 1958, be and hereby is postponed to commence October 16, 1958 at 10:00 a. m., in the San Francisco Regional Office of the Commission, Pacific Building, 821 Market Street, San Francisco 3, California and to continue thereafter at such time and place as the hearing officer may determine.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-7248; Filed, Sept. 8, 1958; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-IV-6 (Revision 3)]

BRANCH MANAGER, CHARLESTON, WEST VIRGINIA

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4) as amended (22 F. R. 5811, 8197, 23 F. R. 557, 1768), there is hereby delegated to the Branch Manager, Charleston Branch Office, Small Business Administration, the authority:

A. *Specific.*

Financial assistance. To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

(a) Direct Business Loans in an amount not exceeding $20,000;

(b) Participation Business Loans in an amount not exceeding $100,000;

(c) Disaster Loans in an amount not exceeding $50,000;

2. To decline Disaster Loans.

3. To approve or decline Limited Loan Participation Loans.

4. To enter into Disaster Participation Agreements with Banks.

Procurement and technical assistance. To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

5. To develop with Government procurement agencies required local procedures for implementing established interagency policy agreements, including but not limited to steps such as determining set-asides and representation at procurement centers.

Administrative. 6. To administer oaths of office.

7. To approve annual and sick leave for employees under his supervision.

B. *Correspondence.* To sign all nonpolicymaking correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority in A1, 2, 3, 4, 6, and 7 and IB may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Charleston, W. Va., is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: July 16, 1958.

CLARENCE P. MOORE,
Regional Director.

[F. R. Doc. 58-7249; Filed Sept. 8, 1958; 8:47 a. m.]

[Declaration of Disaster Area 198]

MARYLAND

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of August 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Maryland;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of Section 7 (b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Caroline (Floods occurring on or about August 26, 1958).

Offices: Small Business Administration Regional Office, 900 North Lombardy Street, Richmond 20, Va. Small Business Administration Branch Office, Calvert Building, Room 611, Fayette and St. Paul Streets, Baltimore 2, Md.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1959.

Dated: August 27, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-7250; Filed, Sept. 8, 1958; 8:47 a. m.]

TARIFF COMMISSION

[Investigations 69, 70]

TARTARIC ACID AND CREAM OF TARTAR

INVESTIGATIONS INSTITUTED AND HEARINGS SET

Investigations instituted: Upon application of the Stauffer Chemical Company, New York, N. Y., received April 25, 1958, the United States Tariff Commission, on the 3d day of September 1958, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted investigations to determine, with respect to each of the products tartaric acid classifiable under paragraph 1 of the Tariff Act of 1930, and cream of tartar classifiable under paragraph 9 of the Tariff Act of 1930, whether such product is, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Public hearings order: A public hearing in connection with the investigation concerning tartaric acid will begin at 10 a. m., e. d. s. t., on October 14, 1958, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D. C. A hearing in connection with the investigation concerning cream of tartar will follow immediately upon the conclusion of the hearing concerning tartaric acid. Interested parties desiring to appear and to be heard at either or both of the hearings should notify the Secretary of the Commission, in writing, at least three days in advance of October 14, 1958.

Inspection of application: The application for the foregoing investigations (except for data submitted and accepted in confidence) is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D. C., and at the New York office of the Tariff Commission located in Room 437 of the Custom House, where it may be read and copied by persons interested.

Issued: September 4, 1958.

By order of the Commission.

DONN N. BENT,
Secretary.

[F. R. Doc. 58-7265; Filed, Sept. 8, 1958; 8:49 a. m.]

[Investigation 71]

SCISSORS AND SHEARS

INVESTIGATION INSTITUTED AND HEARING SET

Investigation instituted: Upon application of the Shears, Scissors and Manicure Implement Association, New York, N. Y., received August 29, 1958, the United States Tariff Commission, on the 3d day of September 1958, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted an investigation to determine whether scissors and shears (except pruning, sheep, grass, and hedge shears and except tinners' snips) and blades for the same, valued at more than $1.75 per dozen, and classifiable under paragraph 357 of the Tariff Act of 1930, are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Public hearing ordered: A public hearing in this investigation will be held beginning at 10 a. m., e. s. t., on November 18, 1958, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D. C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Inspection of application: The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D. C., and at the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

Issued: September 4, 1958.

By order of the Commission.

DONN N. BENT,
Secretary.

[F. R. Doc. 58-7264; Filed, Sept. 8, 1958; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 4, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34939: *TOFC service—Wabash Railroad Company (Central to trunk line territory).* Filed by The Wabash Railroad Company, Agent (No. 25), for interested rail carriers. Rates on property loaded in or on trailers transported on flat cars from specified points in central territory to specified points in trunk-line territory.

Grounds for relief: Motor truck competition.

Tariff: Supplement 8 to Wabash Railroad Company tariff I. C. C. 7863.

FSA No. 34940: *Iron and steel articles—Southern to official territory.* Filed by O. W. South, Agent (SFA No. A3726), for interested rail carriers. Rates on structural iron and steel articles, carloads from points in southern territory to points in official (including Illinois), territory.

Grounds for relief: Short-line distance formula, grouping, special rate treatment for relief lines, and different lanes of routes.

Tariff: Supplement 25 to Southern Freight Association tariff I. C. C. 1521.

FSA No. 34941: *Anhydrous ammonia—Between southern and western trunk line territories.* Filed by Western Trunk Line Committee, Agent (No. A-2006), for interested rail carriers. Rates on anhydrous ammonia, tank-car loads between points in southern territory, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Short-line distance formula, grouping, and special rate treatment for short or weak lines.

Tariff: Supplement 6 to Western Trunk Line Committee tariff I. C. C. A-4341.

FSA No. 34942: *Barytes—Kentucky points to points in Louisiana.* Filed by O. W. South, Jr., Agent (SFA No. A3727), for interested rail carriers. Rates on barite (barytes), carloads, from Crider, Marion, and Mexico, Ky., to specified points in Louisiana (west of the Mississippi River).

Grounds for relief: Market competition and different bases of rates.

Tariff: Supplement 103 to Southern Freight Association tariff I. C. C. 1299.

FSA No. 34943: *Tin and terne plate—Official territory origins to points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-7367), for interested rail carriers. Rates on tin plate, terne plate, and tin mill black plate, carloads from specified points in Maryland, Ohio, Pennsylvania and West Virginia to specified points in Dallas and Houston, Tex., groups.

Grounds for relief: Water and market competition.

Tariff: Supplement 214 to Southwestern Freight Bureau tariff I. C. C. 4170.

FSA No. 34944: *Boards and siding—Southwestern points to southern points.* Filed by Southwestern Freight Bureau, Agent (No. B-7370), for interested rail carriers. Rates on asbestos board or siding carloads from points in Arkansas, Louisiana, Oklahoma, and Texas to points in Southern territory including Mississippi River crossings, Memphis, Tenn., and south.

Grounds for relief: Short-line distance formulas and additional related domicile.

Tariff: Supplement 15 to Southwestern Freight Bureau tariff I. C. C. 4264.

FSA No. 34945: *Aluminum billets, etc.—Arkansas points to Chicago, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B-7369), for interested carriers. Rates on aluminum billets, blooms, ingots or slabs, carloads from Hot Springs and Jones Mills, Ark., to Chicago, Ill., and points in the Chicago district, taking Chicago rates.

Grounds for relief: Market competition with Chalmette and New Orleans, La.

Tariff: Supplement 3 to Southwestern Freight Bureau tariff I. C. C. 4287.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-7252; Filed, Sept. 8, 1958; 8:47 a. m.]

[Notice 22]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 4, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61283. By order of August 26, 1958, The Transfer Board approved the transfer to North Star Line, Inc., Grand Rapids, of Certificate in No. MC 482, issued March 8, 1956, to Peoples Rapid Transit Corporation, Kalamazoo, Mich., authorizing the transportation of: *Passengers*, between Kalamazoo, Mich., and Holland, Mich., and between Kalamazoo, Mich., and Bangor, Mich. Francis L. Williams, 637 Michigan Trust Building, Grand Rapids, Michigan, for applicants.

No. MC-FC 61338. By order of August 28, 1958, The Transfer Board approved the transfer to Ernest Uetwiller Trucking, Inc., 58-19 58th Drive, Maspeth 78, L. I., New York, of Certificate in No. MC 30998, issued October 10, 1956, to Alice Soldinger Uetwiller, doing business as Ernest Uetwiller, Maspeth 78, L. I., New York, authorizing the transportation of: *Forest products*, between points in the New York, N. Y., Commercial Zone, on the one hand, and, on the other, points in New Jersey and New York.

No. MC-FC 61343. By order of August 28, 1958, The Transfer Board approved the transfer to T. Tartaglione Transfer Company, a Corporation, 587 Oaklawn Avenue, Cranston, Rhode Island, of Certificate in No. MC 100674, issued July 20, 1940, to Turina Tartaglione, 587 Oaklawn Avenue, Cranston, Rhode Island, authorizing the transportation of: *Such equipment, materials, and supplies* as are to be used in road building, between points in Rhode Island and specified parts of Connecticut and Massachusetts.

No. MC-FC 61366. By order of August 28, 1958, The Transfer Board approved the transfer to Charles Ascenzo and Joseph Ascenzo, doing business as Ascenzo & Sons, New York, N. Y., of Certificate No. MC 95965, issued May 31, 1941, to Nicholas Ascenzo, Joseph Ascenzo, and Concezzo Ascenzo, doing business as Ascenzo & Sons, New York, N. Y., authorizing the transportation of: Stone and granite, rough and finished, and stone and granite monuments, between New York, N. Y., on the one hand, and, on the other, points in New York, New Jersey, and Connecticut within 50 miles of City Hall, New York, N. Y. Robert P. Mitchell, Jr., 150 Broadway, New York 38, New York, for applicants.

No. MC-FC 61374. By order of August 28, 1958, The Transfer Board approved the transfer to Max W. Kruger, doing business as Schuyler Transfer, Schuyler, Nebraska, of Certificate No. MC 74195, issued November 7, 1956, to Chester E. Davenport and Max W. Kruger, a partnership, doing business as Schuyler Transfer, Schuyler, Nebraska, authorizing the transportation of general commodities, excluding household goods and other specified commodities, between Schuyler, Nebr., and Omaha, Nebr., and between Schuyler, Nebr., and Lincoln, Nebr. Lloyd L. Pospishil, Schuyler, Nebraska, for applicants.

No. MC-FC 61414. By order of August 28, 1958, The Transfer Board approved the transfer to George W. Starling, Lockport, New York, of Certificate No. MC 96464, issued February 5, 1953, to Dewey H. Ambrose, Charles Town, West Virginia, authorizing the transportation of: *Horses* (other than ordinary livestock), and equipment and paraphernalia incidental to the care, transportation and exhibition of such horses, between Atlanta, Ga., and points in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, the District of Columbia, and the Lower Peninsula of Michigan. Norman M. Pinsky, 407 South Warren Street, Syracuse 2, N. Y., for applicants.

No. MC-FC 61443. By order of August 29, 1958, The Transfer Board, approved the transfer to Vera E. Bennett, James K. Glenn, J. K. Glenn, Inc., Corinna J. Bennett, Louise G. Glenn, Joe H. Glenn, Wachovia Bank and Trust Company, Trustee, and James K. Glenn, Wachovia Bank and Trust Company, Trustee, a partnership, doing business as Quality Oil Transport, Winston-Salem, N. C., of Certificate in No. MC 107276, issued October 18, 1949, the record holder of which is Joe H. Glenn, Wachovia Bank and Trust Company, Executor, James K. Glenn, Louise G. Glenn, Corinna J. Bennett, and Vera E. Bennett, a partnership, doing business as Quality Oil Transport, Winston-Salem, N. C., authorizing the transportation of petroleum products, in bulk, in tank trucks or trailers, over irregular routes, from Friendship, N. C., to specified points in Virginia, and rejected shipments on the return trip. Harry C. Ames, Jr., Ames, Hill & Ames, Transportation Building, Washington 6, D. C., for applicants.

No. MC-FC 61459. By order of August 28, 1958, The Transfer Board approved the transfer to Security Trucking Company, a Corporation, Tulsa, Oklahoma, of Certificates Nos. MC 30042, MC 30042

Sub 5, MC 30042 Sub 10, MC 30042 Sub 12, MC 30042 Sub 13, and MC 30042 Sub 14, issued August 6, 1947, April 30, 1948, September 10, 1951, April 22, 1954, June 10, 1955, and July 24, 1956, respectively, to John W. Presley, doing business as Security Trucking Co., authorizing the transportation of commodities used in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of oil, water, and sulphur, between various points and areas in Arkansas, Illinois, Kansas, Louisiana, Missouri, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, and Texas, the territory varying with the commodities concerned. The Transfer Board also approved the substitution of Security Trucking Company, a Corporation, as applicant in Docket No. MC 30042 Sub 16. W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Oklahoma, for applicants.

No. MC–FC 61491. By order of August 28, 1958, The Transfer Board approved the transfer to The Globe Moving Co., Inc., Fall River, Mass., of Certificate No. MC 50613, issued March 14, 1955, to Joseph V. Aguiar, Jr., Fall River, Mass., authorizing the transportation of [illegible] and coke, from Fall River, Mass., to points in Rhode Island within 30 miles of Fall River, household goods, from Fall River, Mass., to points in Rhode Island, and carnival equipment, between points in Massachusetts and Rhode Island within 40 miles of Fall River, Mass. Milton R. Silva, Fall River, Mass., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–7253; Filed, Sept. 8, 1958; 8:47 a. m.]

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President subsequent to adjournment will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 85th Congress, Second Session.

Acts Approved September 6, 1958

S. 1864 ..... Public Law 85–933
An Act to authorize an increase in the membership of the Board of Appeals of the Patent Office; to provide increased salaries for certain officers and employees of the Patent Office; and for other purposes.

S. 1985 ..... Public Law 85–935
An Act to authorize the preparation of plans and specifications for the construction of a building for a National Air Museum for the Smithsonian Institution, and all other work incidental thereto.

S. 2020 ..... Public Law 85–927
An Act to amend the Railroad Retirement Act of 1937, the Railroad Unemployment Insurance Act, and the Social Security Act.

S. 2836 ..... Public Law 85–932
An Act for the relief of the town of Portsmouth, Rhode Island.

S. 3420 ..... Public Law 85–931
An Act to extend and amend the Agricultural Trade Development and Assistance Act of 1954.

S. 4039 ..... Public Law 85–934
An Act to authorize the expenditure of funds through grants for support of scientific research, and for other purposes.

S. 4085 ..... Public Law 85–936
An Act to amend the Act of May 17, 1954 (68 Stat. 98), providing for the construction of the Jefferson National Expansion Memorial at the site of old Saint Louis, Missouri, and for other purposes.

S. 4096 ..... Public Law 85–[illegible]
An Act to amend section 4201 of title 18, United States Code, with respect to the annual rate of compensation of members of the Board of Parole.

H. R. 11749 ..... Public Law 85–[illegible]
An Act to extend the Renegotiation Act of 1951 for six months, and for other purposes.

H. R. 13254 ..... Public Law 85–[illegible]
An Act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety.

H. R. 13840 ..... Public Law 85–[illegible]
An Act to encourage expansion of training in the education of mentally retarded children through grants to institutions of higher learning and to State educational agencies.

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1934

FEDERAL REGISTER

VOLUME 23 NUMBER 177

Washington, Wednesday, September 10, 1958

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10782

AMENDING EXECUTIVE ORDER NO. 10773 [1] OF JULY 1, 1958, RELATING TO CIVIL AND DEFENSE MOBILIZATION

By virtue of the authority vested in me as President of the United States, and consonant with the provisions of the act of August 26, 1958 (72 Stat. 861), it is ordered, effective as of August 26, 1958, that Executive Order No. 10773 of July 1, 1958, be, and it is hereby, amended (1) by deleting the words "Defense and Civilian Mobilization", whenever used as part of the title of any officer or the name of any agency or body, and by inserting in lieu thereof, the words "Civil and Defense Mobilization", and (2) by inserting in section 1 thereof, as hereinabove amended, after "1958" a comma and the words "as amended".

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 6, 1958.

[F. R. Doc. 58-7401; Filed, Sept. 8, 1958; 4:19 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

SUBPART—ADMINISTRATIVE RULES AND REGULATIONS

REPORTS

Pursuant to Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Raisin Administrative Committee unanimously recommended an amendment of the handler reporting provisions of § 989.173 (b) (1) (ii) of the Administrative Rules and Regulations (23 F. R. 2444, 2568) to relax a time filing requirement on handlers with respect to two off-grade raisin reports.

Section 989.173 (b) (1) (ii) provides, in part, that whenever it is found that the season average price to producers for raisins will be in excess of the season average parity price, each handler shall, during the pertinent crop year or any remaining portion thereof, file with the committee for each month, and not later than the fifth business day of the succeeding month, the reports specified in § 989.173 (b) (4) and (6) which relate respectively to off-grade raisins returned to tenderers (producers or dehydrators) and to off-grade raisins received and retained without reconditioning for disposition in prescribed outlets.

Section 989.173 (c) (3) of the aforesaid administrative rules and regulations requires that each handler shall file with the committee on or before the fifteenth day of each month a special raisin report covering off-grade raisins received under agreements with tenderers (producers or dehydrators) for reconditioning which were reconditioned by him during the previous month.

In order to simplify and alleviate handlers' reporting requirements with respect to off-grade raisins during above-parity periods, the committee has proposed that the three off-grade raisin reports called for by the said provisions of § 989.173 (b) (4) and (6) and § 989.173 (c) (3) may be filed with the committee not later than the fifteenth day of each month on one consolidated reporting form. Thus, instead of being required to file with the committee two off-grade raisin reports by the fifth day, and one off-grade special raisin report by the fifteenth day, of each month, handlers would be permitted to file with the committee the specified information on one form at one time by the fifteenth day of the month. In order to effectuate this desirable change, the provisions of § 989.173 (b) (1) (ii) should be amended to provide that handlers file with the committee the off-grade raisin reports prescribed in § 989.173 (b) (4) and (6) on or before the fifteenth day of each month instead of on or before the fifth business day of each month.

After consideration of all relevant information, including the committee's recommendation, it is concluded that the aforesaid amendment should be ap-

(Continued on p. 6973)

[1] 23 F. R. 5061.

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FEDERAL REGISTER

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proved and, for the reasons hereinafter set forth, should become effective at the time hereinafter provided.

Therefore, it is hereby ordered, That § 989.173 (b) (1) (ii) of the Administrative Rules and Regulations (23 F. R. 2444, 2568) be amended by deleting therefrom the words "the fifth business day" and substituting therefor the words "the fifteenth day."

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.), and for making this amendment effective upon execution hereof in that: (1) The provisions of § 989.173 (b) (1) (ii) are currently in effect on the basis of the finding (23 F. R. 6591) that the estimated season average price to producers for raisins for the crop year which began September 1, 1958, will be in excess of the parity level specified in section 2 (1) of the said act; (2) in the absence of this amendatory action handlers will have to file with the committee not later than the fifth business day of this month certain off-grade raisin reports; (3) this amendatory action will relieve restrictions on the time of filing of such reports by providing additional time for such filing; (4) this amendment will reduce handlers' costs of complying with these reporting requirements as to off-grade raisins during above-parity periods through the simplification of handlers' record-keeping and reporting requirements by permitting the filing of a single consolidated report and by providing additional time for filing reports; and (5) handlers are aware that this amendment was recommended by the committee and require no additional advance notice to comply therewith. In those circumstances, this amendment should become effective upon execution.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Executed: September 5, 1958, to become effective upon execution.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-7353; Filed, Sept. 9, 1958; 8:54 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

Effective upon publication in the FEDERAL REGISTER, § 6.363 (a) is added as set out below.

§ 6.363 *Office of Civil and Defense Mobilization.* (a) One Confidential Administrative Assistant to each of the following: Assistant Director for Training, Education, and Public Affairs; Assistant Director for Plans and Operations; and Assistant Director for Resources Management.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-7345; Filed, Sept. 9, 1958; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6872]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SUNWAY VITAMIN CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Sunway Vitamin Company et al., Chicago, Ill., Docket 6872, August 14, 1958]

In the Matter of Sunway Vitamin Company, a Corporation, and Ethel P. Heyman and Daniel J. Haskell, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Chicago, Ill., with representing falsely in pamphlets, circulars, and other advertising matter that use of their "Sunway Super Vitamin Tablets With Iron" would be effective in providing pep, zip, vitality, and more red blood, and in relieving nervousness and restlessness.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Sunway Vitamin Company, a corporation, and its officers, and Ethel P. Heyman and Daniel J. Haskell, individually and as officers of said corporation, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of Sunway Super Vitamin Tablets With Iron, or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That the use of said product is of value in providing pep, zip or vitality or in relieving nervousness or restlessness, unless expressly limited, in a clear and conspicuous manner, to those cases where the lack of pep, zip or vitality or nervousness or restlessness are due solely to a deficiency of vitamins;

(b) That the use of said product will be of value in providing benefits for or relief from any condition or disorder, unless expressly limited in a clear and conspicuous manner, to those cases where such conditions or disorders are due solely to a deficiency of vitamins;

(c) That the use of said product will provide red blood, or that it will have any significant beneficial effect on the blood.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph one hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 14, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-7311; Filed, Sept. 9, 1958; 8:49 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 112—HARDTACK NUCLEAR TEST SERIES, 1958

REVOCATION

On September 8, 1958, the Atomic Energy Commission issued public notice of the completion of the HARDTACK nuclear test series and the disestablishment of the danger area surrounding the Eniwetok and Bikini Atolls, Marshall Islands. The prohibitions contained in Part 112 against entry into the HARDTACK test series danger area, as defined therein, are no longer necessary, and Part 112 is hereby revoked.

Inasmuch as this action is intended to relieve from, rather than to impose, restrictions under regulations currently in effect, the Atomic Energy Commission has found that general notice of proposed rule making and public procedures thereon are unnecessary and that good cause exists why this amendment should be made effective without the customary period of notice and upon filing with the FEDERAL REGISTER.

(Sec. 161, 68 Stat. 948, as amended; 42 U. S. C. 2201)

Dated at Germantown, Maryland, this 8th day of September 1958.

For the U. S. Atomic Energy Commission.

PAUL F. FOSTER,
General Manager.

[F. R. Doc. 58-7392; Filed, Sept. 8, 1958; 2:25 p. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter A—Test Fee Schedules

PART 204—ATOMIC AND RADIATION PHYSICS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This revision is effective from September 15, 1958.

Part 204 is revised to read as follows:

RADIOLOGICAL EQUIPMENT—GAMMA-RAY SOURCES

Sec.
204.131 X-ray protective materials.
204.132 X-ray and gamma-ray instruments.
204.133 X-ray inspections.
204.134 Gamma-ray sources.

RADIOMETRY

204.201 Radiometry.

NEUTRON PHYSICS

204.701 Neutron sources.
204.702 Neutron instruments.
204.703 Neutron irradiation of foils.

RADIOACTIVITY

204.901 Calibration of gamma-emitting samples.
204.902 Calibration of alpha emission rate of sources.

AUTHORITY: §§ 204.131 to 204.902 issued under sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interpret or apply sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276.

RADIOLOGICAL EQUIPMENT—GAMMA-RAY SOURCES

§ 204.131 *X-ray protective materials.*

Item	Description	Fee
204.131a	Determination of opacity of one sample—ionization method	$20
204.131b	Determination of opacity of each additional sample—ionization method	20
204.131c	Determination of opacity of one sample—radiographic method	20
204.131d	Determination of opacity of each additional sample—radiographic method	20
204.131z	For special opacity tests of protective materials not covered by the above schedule, fees will be charged dependent upon the nature of the test.	[illegible]

§ 204.132 *X-ray and gamma-ray instruments.*

Item	Description	Fee
204.132a	Calibration of one X-ray dose indicating instrument of one range, in international roentgens for lightly or moderately filtered X-rays of one half-value-layer from the following selections.	[illegible]

Lightly filtered X-rays

kv cp	Approx. inherent filter (mm)	Added filter (mm)	Approx. half-value-layer (mm)	Instrument max. range from zero (r)
10	1.5 Be	0	0.05 Al	25-200
20	1.5 Be	0	0.1 Al	100-1000
20	1.5 Be	0.3 Al	0.2 Al	25-800
30	1.5 Be	0.5 Al	0.4 Al	25-1000
50	1.5 Be	1.0 Al	1.0 Al	25-1000
75	2.0 Be	1.5 Al	1.8 Al	25-2000
100	2.0 Be	2.0 Al	3.0 Al	25-3000

Moderately filtered X-rays

kv cp	Approx. inherent filter (mm)	Added filter (mm) Cu	Added filter (mm) Al	Approx. half-value-layer (mm)	Instrument max. range from zero (r)
60	3 Al	0	0	0.065 Cu	2.5-250
75	3 Al	0	0	0.11 Cu	2.5-250
100	3 Al	0	1.0	0.19 Cu	.25-250
150	3 Al	.25	1.0	0.81 Cu	.25-250
200	3 Al	.5	1.0	1.2 Cu	.25-250
250	3 Al	1.0	1.0	2.1 Cu	2.5-250

Calibration accuracy within ±3 percent

204.132b	Calibration of each additional X-ray dose indicating instrument of the same range and for the same half-value-layer of lightly or moderately filtered X-rays as selected under 204.132a and not requiring a change in setup.	14
204.132c	Calibration of one X-ray instrument, either dose or dose-rate indicating, in international roentgens for heavily filtered X-rays of one effective energy from the following selections.	68

kv cp	Approx. inherent filter (mm)	Added filter (mm) Pb	Sn	Cu	Al	Approx. effective energy (kev)	Max. dose (r)	Range from zero dose rate (r/min)
50	3 Al	0.12	0	0	0	40	0.1-25	0.01-0.1
100	3 Al	.5	0	0	0	70	.1-25	.05-0.5
150	3 Al	0	1.5	4.0	0	120	.1-25	.05-.5
200	3 Al	.7	4.0	.6	0	170	.1-25	.05-.5
250	3 Al	2.7	1.0	.6	0	215	.1-100	.25-2.5

Calibration accuracy within ±3 percent

204.132d	Calibration of each additional X-ray instrument, of the same dose or dose-rate range, for heavily filtered X-rays of one effective energy as selected under 204.132c, not requiring a change in setup and when the instruments are submitted at the same time.	18
204.132e	Calibration of one instrument in international roentgens for cobalt 60 gamma rays. (a) Dose-rate-indicating instrument for dose rates ranging from 0.01 to 15 r/mm; or (b) Dose-indicating-instruments or ranges 0-0.1 r to 0-25 r. Calibration accuracy within ±3 percent.	30
204.132f	Calibration of each additional instrument having the same dose or dose-rate range for cobalt 60 gamma rays, as under 204.132e, when the instruments are submitted at the same time.	13
204.132z	Calibration of one X-ray or gamma-ray instrument, dose or dose-rate-indicating, in international roentgens: (a) calibrations of higher accuracy than 3 percent routinely furnished; or (2) calibrations on X-rays of energies other than those listed under 204.132 a, c or e; or (3) calibrations requiring a special setup or special procedures. Fees will be charged dependent upon the nature of the test. NOTE: Only a limited number of special calibrations can be undertaken and requests for such should be submitted with full details for consideration.	[illegible]

RADIOMETRY

§ 204.201 *Radiometry.*

Item	Description	Fee
204.201a	Eye protective glasses—Test for compliance with safety code, covering transmission of ultraviolet, visible and total radiation.	$20
204.201b	Eye protective glasses—Test for luminous transmittance by comparison with standard filters.	20
204.201c	Eye protective glasses—Measurement of percent ultraviolet spectral transmittance at regular intervals or selected points in the spectrum.	20
204.201d	Standards of radiation—Lamps seasoned and calibrated for intensity of radiant energy, per lamp.	40
204.201e	Calibration of radiant energy meter for energy of 2537A.	[illegible]
204.201f	Measurement of radiant flux of 2537A, from germicidal or sterlamp.	[illegible]
204.201g	Laminated safety glass—Determination of effect on exposure to ultraviolet radiant energy.	[illegible]
204.201z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	[illegible]

NEUTRON PHYSICS

§ 204.701 *Neutron physics.*

Item	Description	Fee
204.701a	Determination of rate of neutron emission rate of unknown source to primary standard neutron source in graphite column.	$15
204.701z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	[illegible]

§ 204.702 *Neutron instruments.*

Item	Description	Fee
204.702a	Calibration of a set (one to three) of thermal neutron dosimeters.	$64
204.702z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	[illegible]

§ 204.703 *Neutron irradiation of foils.*

Item	Description	Fee
204.703a	Activation of a set (one to four) of foils in the NBS standard thermal neutron flux geometry. Cadmium difference irradiations (one set bare, one set in cadmium covers) double fee.	$40

RADIOACTIVITY

§ 204.901 *Calibration of gamma-emitting samples.*

Item	Description	Fee
204.901a	Calibration of gamma-emitting radioactive samples that conform to the physical, chemical and activity-level specifications for measurement in the National Bureau of Standards gamma ionization chamber: (1) 100-800 micrograms radium, calibration in terms of micrograms of radium content measured relative to the National Radium Standard. See Sec. 204.134-1, 2, 3, 4, 5a for particulars concerning preparation. (2) Chemically stable solid, point or line sources of which can be measured: 0.5-10 mc for radium or encapsulated cobalt 60; zinc 65, iodine 131, cesium 137, barium 137, tantalum 182, gold 198. Solution should be 1 ml in volume and flame-sealed in a glass vial or ampoule of O. D. 6.5±0.5 mm, wall thickness approximately 0.5 mm. Activities of liquid samples should be 25-100 microcuries, total. New postal regulations, effective May 20, 1958 (see 23 F. R. 2221, April 4, 1958), limit the mailing of unsealed liquid sources to 0.1 microcurie. Requests for these tests should be submitted, with full details for consideration. (3) Requests for tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	$14 21 30 43

§ 204.133 *X-ray inspections.*

Item	Description	Fee
204.133z	X-ray inspections—For special tests including the radiographic inspection of metal objects; measurement of X-ray fluorescence; calibration of fluorescent screens; inspection and testing of X-ray equipments; and other special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	[illegible]

§ 204.134 *Gamma-ray sources.* (a) *Description.*

Item	Description	Fee
204.134a	Gamma-ray measurements of radioactive preparations. Measurement to 0.5-1.5% for radium or encapsulated cobalt 60 having gamma rays 0.5 to 15 mr/hm (milliroentgens per hour at one meter).	$14
204.134b	1+ to 100 mg radium or encapsulated cobalt 60 having gamma rays 15 to 100 mr/hm (milliroentgens per hour at one meter).	21
204.134c	100+ to 800 mg radium or encapsulated cobalt 60 having gamma rays 100 to 200 mr/hm (milliroentgens per hour at one meter).	30
204.134d	200+ to 800 mg radium or encapsulated cobalt 60 having gamma rays 200 to 2000 mr/hm (milliroentgens per hour at one meter).	43
204.134e	For measurements in groups not exceeding 10 preparations, double this fee.	
204.134f	For preparations of same content as the total content of the group.	
204.134z	For handling and examination of a shipment containing contaminated or leaking preparations the fee will be the same as for measurements of a prepparation having a content equal to the total nominal radioactive content of the shipment.	
204.134z	For gamma-ray sources not covered by the above schedule, fees will be charged dependent upon the nature of the test. As only a limited number of special tests can be carried out, prior arrangements must be made including submission of full details concerning the required test.	

these contribute to the gamma emission. (At least 30 days for radium.)

(4) *Packaging for shipment.* Regulations of the Interstate Commerce Commission regarding the shipment of radioactive substances by rail must be complied with. These regulations are enforceable by law and prospective shippers of these substances need to be familiar with them. Copies of the regulations can be obtained from the Interstate Commerce Commission, Washington 25, D. C.

(5) *Type of measurements.* (i) Radium is calibrated in terms of milligrams of radium content measured relative to the National Radium Standard. Cobalt-60 is calibrated in terms of dose rate, milliroentgens per hour at one meter, based upon comparison with derived standards of Cobalt. Application may be made for other measurements of gamma emitters.

(ii) Postal regulations prohibit mailing radioactive materials which require a caution label under ICC regulations. This effectively prohibits placing radioactive preparations in the mail.

§ 204.902 *Calibration of alpha emission rate of sources.*

Item	Description	Fee
204.902a	Calibration of alpha emission rate of sources submitted for test	$25

A. V. ASTIN,
Director,
National Bureau of Standards.

Approved: September 3, 1958.

WALTER WILLIAMS,
Acting Secretary of Commerce.

[F. R. Doc. 58-7260; Filed, Sept. 9, 1958; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

Effective August 1, 1958, the interest rate on loans being closed through national farm loan associations by the Federal Land Bank of New Orleans was reduced from 5½ percent per annum to 5 percent per annum. In order to reflect that change, § 10.41 of Title 6 of the Code of Federal Regulations, as amended (23 F. R. 2137, 3029) is amended by substituting "5" for "5½" in the line with "New Orleans" therein.

(Sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665. Interprets or applies secs. 12 "Second", 17, 39 Stat. 370, 375, as amended; 12 U. S. C. 771 "Second", 831)

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 58-7344; Filed, Sept. 9, 1958; 8:53 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP SOYBEAN LOAN AND PURCHASE AGREEMENT PROGRAM

BASIC COUNTY SUPPORT RATES; ALABAMA AND FLORIDA

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F. R. 4441 and 5850 and containing the specific requirements for the 1958-crop soybean price support program are amended as follows:

Section 421.3437 (a) (1) is amended by increasing the basic county support rates for all counties in Alabama and Florida from $2.03 to $2.04 per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 3d day of September 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-7314; Filed, Sept. 9, 1958; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6308]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PERSONAL HOLDING COMPANIES; DEDUCTIONS FOR DIVIDENDS PAID

On November 16, 1956, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954 (except as otherwise provided) under parts II, III, and IV of subchapter G of chapter 1 of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (21 F. R. 8920). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, such regulations are hereby prescribed subject to the changes set forth below. The regulations hereby adopted supersede paragraphs 11, 12, and 13 of Treasury Decision 6118 (Temporary Rules (26 CFR 1954)), approved December 30, 1954.

PARAGRAPH 1. The last sentence in paragraph (a) of § 1.541–1 is revised to read as follows: "See section 6501 (f) and § 301.6501 (f)–1 of the Regulations on Procedure and Administration (Part 301 of this chapter) with respect to the period of limitation on assessment of personal holding company tax upon failure to file a schedule of personal holding company income."

PAR. 2. Section 1.542–2 is revised.

PAR. 3. Paragraph (a) (2) of § 1.542–3 is revised as follows:

(A) Subdivision (iii) (*a*) is changed.

(B) The first sentence in the example under subdivision (iii) (*b*) is changed to read as follows: "This subparagraph is illustrated by the following example."

PAR. 4. Paragraph (b) (4) of § 1.542–4 is revised by changing the next to the last sentence in example (2) to read as follows: "Under section 542 (b) (2) and subparagraph (1) of this paragraph both the gross income and the personal holding company income requirements must be satisfied in determining that an affiliated group constitutes an ineligible group."

PAR. 5. Paragraph (b) of § 1.543–1 is revised as follows:

(A) The parenthetical citation in the last sentence of subparagraph (2) is changed to read "(46 U. S. C. 1161 or 1177)".

(B) The first sentence of subparagraph (5) (i) is changed to read as follows: "Except in the case of regular dealers in stocks or securities as provided in subdivision (ii) of this subparagraph, gross income and personal holding company income include the amount by which the gains exceed the losses from the sale or exchange of stock or securities."

(C) The last sentence of subparagraph (5) (ii) is changed to read as follows: "See section 1236 and § 1.1236–1."

(D) The first sentence of subparagraph (6) is changed to read as follows: "Gross income and personal holding company income include the amount by which the gains exceed the losses from futures transactions in any commodity on or subject to the rules of a board of trade or commodity exchange."

(E) The last sentence of subparagraph (6) is changed to reads as follows: "See section 1233 and § 1.1233–1."

(F) Subparagraph (8) is changed.

(G) Subparagraph (11) (ii) is changed.

(H) Subparagraph (11) (iii) is changed.

PAR. 6. Paragraph (b) of § 1.544–1 is revised as follows:

(A) Subparagraph (2) is changed.

(B) Subparagraph (3) is changed.

(C) The last sentence is changed to read as follows: "Each of the rules referred to in subparagraphs (2), (3), and (4) of this paragraph is applicable only if it has the effect of satisfying the stock ownership requirement of the section to which applicable; that is, when applied to section 542 (a) (2), its effect is to make the corporation a personal holding company, or when applied to section 543 (a) (5) or section 543 (a) (6), its effect is to make the amounts described in such provisions includible as personal holding company income."

PAR. 7. Paragraph (b) of § 1.544–3 is changed.

PAR. 8. Paragraph (a) of § 1.545–2 is changed.

PAR. 9. Paragraph (b) of § 1.552–4 is changed.

PAR. 10. Paragraph (b) (2) of § 1.553–1 is changed.

PAR. 11. Paragraph (a) of § 1.556–2 is changed.

PAR. 12. Section 1.561–1 is revised.

PAR. 13. Section 1.562–1 is revised as follows:

(A) Paragraph (a) is changed.

(B) Paragraph (b) (1) is changed.

(C) Paragraph (b) (2) (iii) is changed by inserting the word "of" in lieu of the word "or" immediately preceding the amount of "$75,000" at the end of the fifth sentence in example (1).

PAR. 14. Section 1.563–3 is revised as follows:

(A) Paragraph (a) is changed.

(B) The last sentence of paragraph (c) is changed to read as follows: "See paragraph (b) of § 1.9000–8, relating to treatment of certain dividends, prescribed pursuant to section 4 (c) (4) of the Act of June 15, 1955 (Public Law 74, 84th Congress, 69 Stat. 136)."

PAR. 15. Section 1.565–1 is revised as follows:

(A) Paragraph (b) (1) is changed.

(B) The second sentence of paragraph (b) (3) is changed to read as follows: "With such return, and not later than the due date thereof, the corporation must file Forms 972 duly executed by each consenting shareholder, and a return on Form 973 showing by classes the stock outstanding on the first and last days of the taxable year, the dividend rights of such stock, distributions made during the taxable year to shareholders, and giving all the other information required by the form."

(C) Paragraph (c) (1) is changed.

(D) Paragraph (c) (2) is changed.

PAR. 16. Paragraph (a) of § 1.565–2 is revised by changing the reference to "section 565" therein to "section 565 (b)".

PAR. 17. The example in paragraph (c) (2) of § 1.565–2 is changed.

PAR. 18. Paragraph (b) of § 1.565–3 is revised by changing the third sentence in example (1) to read as follows: "If A Corporation was a personal holding company for 1954 and had undistributed personal holding company income for that year of $10,000 or more (determined without regard to distributions under section 316 (b) (2)), the B Corporation must include $10,000 in its gross income as a taxable dividend."

PAR. 19. The following sentence is added at the end of § 1.565–4: "See paragraph (b) (2) of § 1.565–2 for examples illustrating the treatment of distributions which consist in part of consent dividends and in part of other property."

[SEAL] RUSSELL C. HARRINGTON,
Commissioner.

Approved: September 3, 1958.

NELSON P. ROSE,
Acting Secretary of the Treasury.

The regulations set forth below are prescribed under sections 541 to 565 inclusive, of the Internal Revenue Code of 1954. Except as otherwise stated in the regulations, the rules are applicable for taxable years beginning after December 31, 1953, and ending after August 16, 1954.

NORMAL TAXES AND SURTAXES; CORPORATIONS USED TO AVOID INCOME TAX ON SHAREHOLDERS

PERSONAL HOLDING COMPANIES

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1.565–6 Definitions.

AUTHORITY: §§ 1.541 to 1.565–6, issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

PERSONAL HOLDING COMPANIES

§ 1.541 *Statutory provisions; imposition of personal holding company tax.*

SEC. 541. *Imposition of personal holding company tax.* In addition to other taxes imposed by this chapter, there is hereby imposed for each taxable year on the undistributed personal holding company income (as defined in section 545) of every personal holding company (as defined in section 542) a personal holding company tax equal to the sum of—

(1) 75 percent of the undistributed personal holding company income not in excess of $2,000, plus

(2) 85 percent of the undistributed personal holding company income in excess of $2,000.

§ 1.541–1 *Imposition of tax.*

(a) Section 541 imposes a graduated tax upon corporations classified as personal holding companies under section 542. This tax, if applicable, is in addition to the tax imposed upon corporations generally under section 11. Unless specifically excepted under section 542 (c) the tax applies to domestic and foreign corporations and, to the extent provided by section 542 (b), to an affiliated group of corporations filing a consolidated return. Corporations classified as personal holding companies are exempt from the accumulated earnings tax imposed under section 531 but are not exempt from other income taxes imposed upon corporations generally, under any other provisions of the Code. Unlike the accumulated earnings tax imposed under section 531, the personal holding company tax imposed by section 541 applies to all personal holding companies as defined in section 542, whether or not they were formed or availed of to avoid income tax upon shareholders. See section 6501 (f) and § 301.6501 (f)–1 of the Regulations on Procedure and Administration (Part 301 of this chapter) with respect to the period of limitation on assessment of personal holding company tax upon failure to file a schedule of personal holding company income.

(b) A foreign corporation, whether resident or nonresident, which is classified as a personal holding company is subject to the tax imposed under section 541 with respect to its income from sources within the United States, even though such income is not fixed or determinable annual or periodical income specified in section 881. A foreign corporation is not classified as a personal holding company subject to tax under section 541 if it is a foreign personal holding company as defined in section 552 or if it meets the requirements of the exception provided in section 542 (c) (10).

§ 1.542 *Statutory provisions; definition of personal holding company.*

SEC. 542. *Definition of personal holding company*—(a) *General rule.* For purposes of this subtitle, the term "personal holding company" means any corporation (other than a corporation described in subsection (c)) if—

(1) *Gross income requirement.* At least 80 percent of its gross income for the taxable year is personal holding company income as defined in section 543, and

(2) *Stock ownership requirement.* At any time during the last half of the taxable year more than 50 percent in value of its outstanding stock is owned, directly or indirectly, by or for not more than 5 individuals. For purposes of this paragraph, an organization described in section 503 (b) or a portion of a trust permanently set aside or to be used exclusively for the purposes described in section 642 (c) or a corresponding provision of a prior income tax law shall be considered an individual. The preceding sentence shall not apply in the case of an organization or trust organized or created before July 1, 1950, if at all times on or after July 1, 1950, and before the close of the taxable year such organization or trust has owned all of the common stock and at least 80 percent of the total number of shares of all other classes of stock of the corporation, but only if such organization or trust is not denied exemption under section 504 or an unlimited charitable deduction is not denied under section 681 (c) and, for this purpose—

(A) All income of the corporation which is available for distribution as dividends to its shareholders at the close of any taxable year shall be deemed to have been distributed at the close of such year whether or not any portion of such income was in fact distributed; and

(B) Section 504 (a) (1) and section 681 (c) (1) shall also not apply to income attributable to property of a decedent dying before January 1, 1951, which was transferred during his lifetime to a trust or property that was transferred under his will to such trust.

(b) *Corporations filing consolidated returns*—(1) *General rule.* In the case of an affiliated group of corporations filing or required to file a consolidated return under section 1501 for any taxable year, the gross income requirement of subsection (a) (1) of this section shall, except as provided in paragraphs (2) and (3), be applied for such year with respect to the consolidated gross income and the consolidated personal holding company income of the affiliated group. No member of such an affiliated group shall be considered to meet such gross income requirement unless the affiliated group meets such requirement.

(2) *Ineligible affiliated group.* Paragraph (1) shall not apply to an affiliated group of corporations, other than an affiliated group of railroad corporations the common parent of which would be eligible to file a consolidated return under section 141 of the Internal Revenue Code of 1939 prior to its amendment by the Revenue Act of 1942, if—

(A) Any member of the affiliated group of corporations (including the common parent corporation) derived 10 percent or more of its gross income for the taxable year from sources outside the affiliated group, and

(B) 80 percent or more of the amount described in subparagraph (A) consists of personal holding company income (as defined in section 543).

For purposes of this paragraph, section 543 shall be applied as if the amount described in subparagraph (A) were the gross income of the corporation.

(3) *Excluded corporations.* Paragraph (1) shall not apply to an affiliated group of corporations if any member of the affiliated group (including the common parent corporation) is a corporation excluded from the definition of personal holding company under subsection (c).

(4) *Certain dividend income received by a common parent.* In applying paragraph (2) (A) and (B), personal holding company income and gross income shall not include dividends received by a common parent corporation from another corporation if—

(A) The common parent corporation owns, directly or indirectly, more than 50 percent of the outstanding voting stock of such other corporation, and

(B) Such other corporation is not a personal holding company for the taxable year in which the dividends are paid.

(c) *Exceptions.* The term "personal holding company" as defined in subsection (a) does not include—

(1) A corporation exempt from tax under subchapter F (sec. 501 and following);

(2) A bank as defined in section 581;

(3) A life insurance company;

(4) A surety company;

(5) A foreign personal holding company as defined in section 552;

(6) A licensed personal finance company under State supervision, 80 percent or more of the gross income of which is lawful interest received from loans made to individuals in accordance with the provisions of applicable State law if at least 60 percent of such gross income is lawful interest—

(A) Received from individuals each of whose indebtedness to such company did not at any time during the taxable year exceed in principal amount the limit prescribed for small loans by such law (or, if there is no such limit, $500), and

(B) Not payable in advance or compounded and computed only on unpaid balances, and if the loans to a person, who is a shareholder in such company during the taxable year by or for whom 10 percent or more in value of its outstanding stock is owned directly or indirectly (including, in the case of an individual, stock owned by the members of his family as defined in section 544 (a) (2)), outstanding at any time during such year do not exceed $5,000 in principal amount;

(7) A lending company, not otherwise excepted by this subsection, authorized to engage in the small loan business under one or more State statutes providing for the direct regulation of such business, 80 percent or more of the gross income of which is lawful interest, discount or other authorized charges—

(A) Received from loans maturing in not more than 36 months made to individuals in accordance with the provisions of applicable State law, and

(B) Which do not, in the case of any individual loan, exceed in the aggregate an amount equal to simple interest at the rate of 3 percent per month not payable in advance and computed only on unpaid balances, if at least 60 percent of the gross income is lawful interest, discount or other authorized charges received from individuals each of whose indebtedness to such company did not at any time during the taxable year exceed in principal amount the limit prescribed for small loans by such law (or, if there is no such limit, $500), and if the deductions allowed to such company under section 162 (relating to trade or business expenses), other than for compensation for personal services rendered by shareholders (including members of the shareholder's family as described in section 544 (a) (2)) constitute 15 percent or more of its gross income, and the loans to a person, who is a shareholder in such company during the taxable year by or for whom 10 percent or more in value of its outstanding stock is owned directly or indirectly (including, in the case of an individual, stock owned by the members of his family as defined in section 544 (a) (2)), outstanding at any time during such year do not exceed $5,000 in principal amount;

(8) A loan or investment corporation, a substantial part of the business of which consists of receiving funds not subject to check and evidenced by installment or fully paid certificates of indebtedness or investment, and making loans and discounts, and the loans to a person who is a shareholder in such corporation during such taxable year by or for whom 10 percent or more in value of its outstanding stock is owned directly or indirectly (including, in the case of an individual, stock owned by the members of his family as defined in section 544 (a) (2)) outstanding at any time during such year do not exceed $5,000 in principal amount;

(9) A finance company, actively and regularly engaged in the business of purchasing or discounting accounts or notes receivable or installment obligations, or making loans secured by any of the foregoing or by tangible personal property, at least 80 percent of the gross income of which is derived from such business in accordance with the provisions of applicable State law or does not constitute personal holding company income as defined in section 543, if 60 percent of the gross income is derived from one or more of the following classes of transactions—

(A) Purchasing or discounting accounts or notes receivable, or installment obligations evidenced or secured by contracts of conditional sale, chattel mortgages, or chattel lease agreements, arising out of the sale of goods or services in the course of the transferor's trade or business;

(B) Making loans, maturing in not more than 36 months, to, and for the business purposes of, persons engaged in trade or business, secured by—

(i) Accounts or notes receivable, or installment obligations, described in subparagraph (A);

(ii) Warehouse receipts, bills of lading, trust receipts, chattel mortgages, bailments, or factor's liens, covering or evidencing the borrower's inventories;

(iii) A chattel mortgage on property used in the borrower's trade or business;

except loans to any single borrower which for more than 90 days in the taxable year of the company exceed 15 percent of the average funds employed by the company during such taxable year;

(C) Making loans, in accordance with the provisions of applicable State law, secured by chattel mortgages on tangible personal property, the original amount of each of which is not less than the limit referred to in, or prescribed by, paragraph (6) (A), and the aggregate principal amount of which owing by any one borrower to the company at any time during the taxable year of the company does not exceed $5,000; and

(D) If 30 percent or more of the gross income of the company is derived from one or more of the classes of transactions described in subparagraphs (A), (B), and (C), purchasing, discounting, or lending upon the

...ility of, installment obligations of individuals where the transferor or borrower received such obligations either in transactions of the classes described in subparagraphs (A) and (C) or as a result of loans made by such transferor or borrower in accordance with the provisions of subparagraphs (A) and (B) of paragraph (6) or of subparagraphs (A) and (B) of paragraph (7) of this subsection, if the funds so supplied at all times bear an agreed ratio to the unpaid balance of the assigned installment obligations, and documents evidencing such obligations are held by the company; provided that the deductions allowable under section 162 (relating to trade or business expenses), other than compensation for personal services rendered by shareholders (including members of the shareholder's family as described in section 544 (a) (2)), constitute 15 percent or more of the gross income, and that loans to a person who is a shareholder in such company during such taxable year by or for whom 10 percent or more in value of its outstanding stock is owned directly or indirectly (including, in the case of an individual, stock owned by members of his family as defined in section 544 (a) (2)), outstanding at any time during such year do not exceed $5,000 in principal amount;

(10) A foreign corporation if—

(A) Its gross income from sources within the United States for the period specified in section 861 (a) (2) (B) is less than 50 percent of its total gross income from all sources, and

(B) All of its stock outstanding during the last half of the taxable year is owned by nonresident alien individuals, whether directly or indirectly through other foreign corporations.

[Sec. 542 as amended by sec. 3, Act of Aug. 12, 1955 (Pub. Law 385, 84th Cong., 69 Stat. 711). Sec. 3, Pub. Law 385, added the last sentence of sec. 542 (a) (2), effective with respect to taxable years beginning after December 31, 1954]

§ 1.542–1 *General rule.* A personal holding company is any corporation (other than one specifically excepted under section 542 (c)) which, for the taxable year, meets—

(a) The gross income requirement specified in section 542 (a) (1) and § 1.542–2, and

(b) The stock ownership requirement specified in section 542 (a) (2) and § 1.542–3.

Both requirements must be satisfied with respect to each taxable year.

§ 1.542–2 *Gross income requirement.* To meet the gross income requirement it is necessary that at least 80 percent of the total gross income of the corporation for the taxable year be personal holding company income as defined in section 543 and §§ 1.543–1 and 1.543–2. For the definition of "gross income" see section 61 and §§ 1.61–1 through 1.61–14. Under such provisions gross income is not necessarily synonymous with gross receipts. Further, in the case of transactions in stocks and securities and in commodities transactions, gross income for personal holding company tax purposes shall include only the excess of gains over losses from such transactions. See section 543 (b), paragraph (b) (5) and (6) of §§ 1.543–1, and 1.543–2.

§ 1.542–3 *Stock ownership requirement.*—(a) *General rule.* To meet the stock ownership requirement, it is necessary that at some time during the last half of the taxable year more than 50 percent in value of the outstanding stock of the corporation be owned, directly or indirectly, by or for not more than 5 individuals. Any organization or trust to which subparagraph (1) of this paragraph applies shall be considered as one individual for purposes of this stock ownership requirement subject, however, to the exception in subparagraph (2) of this paragraph which is applicable only to taxable years beginning after December 31, 1954. Thus, if an organization or trust which is considered as an individual owns 51 percent in value of the outstanding stock of the corporation at any time during the last half of the taxable year, the stock ownership requirement will be met by ownership of the required percentage by one individual. See section 544 and §§ 1.544–1 through 1.544–7 for the determination of stock ownership.

(1) *An organization or trust considered as an individual.* Any of the following organizations or trusts shall be considered as an individual:

(i) An organization to which section 503 applies, namely, any organization described in section 501 (c) (3) (relating to charitable, etc., organizations) or section 401 (a) (relating to employees' pension trust, etc.) other than an organization excepted from the application of section 503 by paragraphs (1) to (5) of section 503 (b). Therefore, a religious organization (other than a trust) excepted under section 503 (b) (1) is not considered an individual for purposes of the stock ownership requirement of section 542 (a) (2).

(ii) A portion of a trust permanently set aside or to be used exclusively for the purposes described in section 642 (c), relating to amounts set aside for charitable purposes, or described in a corresponding provision of the prior income tax law (such as section 162 (a), Internal Revenue Code of 1939).

(2) *Exception.* For taxable years beginning after December 31, 1954, an organization or trust to which subparagraph (1) of this paragraph applies shall not be considered an individual if all of the following conditions are met:

(i) It was organized or created before July 1, 1950,

(ii) At all times on or after July 1, 1950, and before the close of the taxable year, it owned all of the common stock and at least 80 percent of the total number of shares of all other classes of stock of the corporation, and

(iii) (*a*) For the taxable year it is not denied exemption under section 504 or the unlimited charitable deduction under section 681 (c). In determining whether, for the purpose of section 542 (a) (2), exemption is not denied under section 504 (a) or the unlimited charitable deduction is not denied under section 681 (c) all the income of the corporation which is available for distribution as dividends to its shareholders shall be deemed to have been distributed at the close of the taxable year whether or not any portion of such income was in fact distributed. If the amounts described in section 504 (a) or section 681 (c), increased by the income of the corporation deemed distributed pursuant to the preceding sentence, would be sufficient to deny exemption or the unlimited charitable deduction, the organization or trust will be considered to be an individual for the purpose of section 542 (a) (2). For the purpose of this subdivision the restrictions in sections 504 (a) (1) and 681 (c) (1) against unreasonable accumulations will not apply to income attributable to property of a decedent dying before January 1, 1951, which was transferred during his lifetime to a trust or property that was transferred under his will to such trust.

(*b*) *Example.* This subparagraph is illustrated by the following example. The X Charitable Foundation (an organization described in section 501 (c) (3) to which section 503 is applicable) has owned all of the stock of the Y Corporation since Y's organization in 1949. Both X and Y are calendar year corporations. At the end of the year 1955, X has accumulated $100,000 out of income and has actually paid out only $75,000 of this amount, leaving a balance of $25,000 on December 31, 1955. X was not denied an exemption under section 504 (a) for the year 1955. Y, during the calendar year 1955, has $400,000 taxable income of which $200,000 is available for distribution as dividends at the end of the year. X will be considered to have accumulated out of income during the calendar year 1955 the amount of $225,000 for the purpose of determining whether it would have been denied an exemption under section 504 (a) (1). If X would have been denied an exemption under section 504 (a) (1) by reason of having been deemed to have accumulated $225,000, the stock ownership requirement of section 542 (a) (2) and this section will have been satisfied. If Y Corporation also satisfies the gross income requirement of section 542 (a) (1) and § 1.542–2 it will be a personal holding company.

(b) *Changes in stock outstanding.* It is necessary to consider any change in the stock outstanding during the last half of the taxable year, whether in the number of shares or classes of stock, or in the ownership thereof. Stock subscribed and paid for will be considered as stock outstanding, whether or not such stock is evidenced by issued certificates. Treasury stock shall not be considered as stock outstanding.

(c) *Value of stock outstanding.* The value of the stock outstanding shall be determined in the light of all the circumstances. The value may be determined upon the basis of the company's net worth, earning and dividend paying capacity, appreciation of assets, together with such other factors as have a bearing upon the value of the stock. If the value of the stock is greatly at variance with that reflected by the corporate books, the evidence of such value should be filed with the return. In any case where there are two or more classes of stock outstanding, the total value of all the stock should be allocated among the different classes according to the relative value of each class.

(d) *Applicability of rules.* The rules stated in this section are equally applicable in determining the stock ownership requirement specified in section 543 (a) (5), relating to personal service con-

tracts, and in section 543 (a) (6), relating to the use of corporation property by a shareholder. The stock ownership requirement specified in these sections relates, however, to the stock outstanding at any time during the entire taxable year and not merely during the last half thereof.

§ 1.542–4 *Corporations filing consolidated returns*—(a) *General rule.* A consolidated return under section 1501 shall determine the application of the personal holding company tax to the group and to any member thereof on the basis of the consolidated gross income and consolidated personal holding company income of the group, as determined under the regulations prescribed pursuant to section 1502 (relating to consolidated returns); however, this rule shall not apply to either (1) an ineligible affiliated group as defined in section 542 (b) (2) and paragraph (b) of this section, or (2) an affiliated group of corporations a member of which is excluded from the definition of a personal holding company under section 542 (c) and paragraph (c) of this section. Thus, in the latter two instances the gross income requirement provided in section 542 (a) (1) and § 1.542–2 shall apply to each individual member of the affiliated group of corporations.

(b) *Ineligible affiliated group.* (1) Except for certain affiliated railroad corporations, as provided in subparagraph (2) of this paragraph, an affiliated group of corporations is an ineligible affiliated group and therefore may not use its consolidated gross income and consolidated personal holding company income to determine the liability of the group or any member thereof for personal holding company tax (as provided in paragraph (a) of this section), if (i) any member of such group, including the common parent, derived gross income from sources outside the affiliated group for the taxable year in an amount equal to 10 percent or more of its gross income from all sources for that year and (ii) 80 percent or more of the gross income from sources outside the affiliated group consists of personal holding company income as defined in section 543 and §§ 1.543–1 and 1.543–2. For purposes of subdivision (i) of this subparagraph gross income shall not include certain dividend income received by a common parent from a corporation not a member of the affiliated group which qualifies under section 542 (b) (4) and paragraph (d) of this section. See particularly the examples contained in paragraph (d) (2) of this section. Intercorporate dividends received by members of the affiliated group (including the common parent) are to be included in the gross income from all sources for purposes of the test in subdivision (i) of this subparagraph. For purposes of subdivision (ii) of this subparagraph, section 543 and paragraph (a) of § 1.543–1 shall be applied as if the amount of gross income derived from sources outside the affiliated group by a corporation which is a member of such group is the gross income of such corporation.

(2) An affiliated group of railroad corporations shall not be considered to be an ineligible affiliated group, notwithstanding any other provisions of section 542 (b) (2) and this paragraph, if the common parent of such group would be eligible to file a consolidated return under section 141 of the Internal Revenue Code of 1939 prior to its amendment by the Revenue Act of 1942.

(3) See section 562 (d) and § 1.562–3 for dividends paid deduction in the case of a distribution by a member of an ineligible affiliated group.

(4) The determination of whether an affiliated group of corporations is an ineligible group under section 542 (b) (2) and this paragraph, may be illustrated by the following examples:

Example (1). Corporations X, Y, and Z constitute an affiliated group of corporations which files a consolidated return for the calendar year 1954; Corporations Y and Z are wholly-owned subsidiaries of Corporation X and derive no gross income from sources outside the affiliated group; Corporation X, the common parent, has gross income in the amount of $250,000 for the taxable year 1954. $200,000 of such gross income consists of dividends received from Corporations Y and Z. The remaining $50,000 was derived from sources outside the affiliated group, $40,000 of which represents personal holding company income as defined in section 543. The $50,000 included in the gross income of Corporation X and derived from sources outside the affiliated group is more than 10 percent of X's gross income ($50,000/250,000) and the $40,000 which represents personal holding company income is 80 percent of $50,000 (the amount considered to be the gross income of Corporation X). Accordingly, Corporations X, Y, and Z would be an ineligible affiliated group and the gross income requirement under section 542 (a) (1) and § 1.542–2 would be applied to each corporation individually.

Example (2). If, in the above example, only $30,000 of the $50,000 derived from sources outside the affiliated group by Corporation X represented personal holding company income, this group of affiliated corporations would not be an ineligible affiliated group. Although the $50,000 representing the gross income of Corporation X from sources outside the affiliated group is more than 10 percent of its total gross income, the amount of $30,000 representing personal holding company income is not 80 percent or more of the amount considered to be gross income for the purpose of this test. Under section 542 (b) (2) and subparagraph (1) of this paragraph both the gross income and the personal holding company income requirements must be satisfied in determining that an affiliated group constitutes an ineligible group. Since both of these requirements have not been satisfied in this example this group of affiliated corporations would not be an ineligible group.

(c) *Excluded corporations.* The general rule for determining liability of an affiliated group under paragraph (a) of this section shall not apply if any member thereof is a corporation which is excluded, under section 542 (c), from the definition of a personal holding company.

(d) *Certain dividend income received by a common parent.* (1) Dividends received by the common parent of an affiliated group from a corporation which is not a member of the affiliated group shall not be included in gross income or personal holding company income, for the purpose of the test under section 542 (b) (2)—

(i) If such common parent owned, directly or indirectly, more than 80 percent of the outstanding voting stock of the dividend paying corporation at the time such common parent became entitled to the dividend, and

(ii) If the dividend paying corporation is not a personal holding company for the taxable year in which the dividends are paid.

Thus, if the tests in subdivisions (i) and (ii) of this subparagraph are met, the dividend income received by the common parent from such other corporation will not be considered gross income for purposes of the test in section 542 (b) (2) (A) (paragraph (b) of this section), that is, either to determine gross income from sources outside the affiliated group or to determine gross income from all sources.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). Corporation X is the common parent of Corporation Y and Corporation Z and together they constitute an affiliated group which files a consolidated return under section 1501. Corporation Y and Corporation Z derived no income from sources outside the affiliated group. Corporation X, the common parent, had gross income of $100,000 for the calendar year 1954 of which amount $20,000 represented a dividend received from Corporation W, and $4,000 represented interest from Corporation T. The remaining gross income of X, $76,000, was received from Corporations Y and Z. Corporation X, for its entire taxable year, owned 60 percent of the voting stock of Corporation W which was not a personal holding company for the calendar year 1954. For the purpose of the gross income and personal holding company income test under section 542 (b) (2) and paragraph (b) of this section, the $20,000 dividend received from Corporation W would not be included in the gross income or personal holding company income of Corporation X. The affiliated group would not be an ineligible group under section 542 (b) (2) because 10 percent or more of its gross income was not from sources outside the affiliated group as required by section 542 (b) (2) (A). Inasmuch as the $20,000 dividend from Corporation W is not included in the gross income of Corporation X for purposes of section 542 (b) (2) Corporation X only has $4,000 gross income from sources outside the affiliated group which is only 5 percent of its gross income from all sources, $80,000.

Example (2). If, in example (1), Corporation X owned 50 percent or less of the voting stock of Corporation W at the time X became entitled to the dividend, or if Corporation W had been a personal holding company for the taxable year in which the dividends were paid, the $20,000 dividends received by Corporation X would be included in gross income and personal holding company income of Corporation X for the purpose of the test under section 542 (b) (2) and paragraph (b) of this section. Thus, the affiliated group would be an ineligible affiliated group under section 542 (b) (2) because 24 percent of its gross income was from sources outside the affiliated group ($24,000/$100,000) and 100 percent of this $24,000 was personal holding company income.

§ 1.543 *Statutory provisions; definition of personal holding company income.*

SEC. 543. *Personal holding company income*—(a) *General rule.* For purposes of this subtitle, the term "personal holding company

income" means the portion of the gross income which consists of:

(1) *Dividends, etc.* Dividends, interest, royalties (other than mineral, oil, or gas royalties), and annuities. This paragraph shall not apply to interest constituting rent as defined in paragraph (7) or to interest on amounts set aside in a reserve fund under section 511 or 607 of the Merchant Marine Act, 1936.

(2) *Stock and securities transactions.* Except in the case of regular dealers in stock or securities, gains from the sale or exchange of stock or securities.

(3) *Commodities transactions.* Gains from futures transactions in any commodity on or subject to the rules of a board of trade or commodity exchange. This paragraph shall not apply to gains by a producer, processor, merchant, or handler of the commodity which arise out of bona fide hedging transactions reasonably necessary to the conduct of its business in the manner in which such business is customarily and usually conducted by others.

(4) *Estates and trusts.* Amounts includible in computing the taxable income of the corporation under part I of subchapter J (sec. 641 and following, relating to estates, trusts, and beneficiaries); and gains from the sale or other disposition of any interest in an estate or trust.

(5) *Personal service contracts.* (A) Amounts received under a contract under which the corporation is to furnish personal services; if some person other than the corporation has the right to designate (by name or by description) the individual who is to perform the services, or if the individual who is to perform the services is designated (by name or by description) in the contract; and

(B) Amounts received from the sale or other disposition of such a contract.

This paragraph shall apply with respect to amounts received for services under a particular contract only if at some time during the taxable year 25 percent or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for the individual who has performed, is to perform, or may be designated (by name or by description) as the one to perform, such services.

(6) *Use of corporation property by shareholder.* Amounts received as compensation (however designated and from whomsoever received) for the use of, or right to use, property of the corporation in any case where, at any time during the taxable year, 25 percent or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for an individual entitled to the use of the property; whether such right is obtained directly from the corporation or by means of a sublease or other arrangement. This paragraph shall apply only to a corporation which has personal holding company income for the taxable year, computed without regard to this paragraph and paragraph (7), in excess of 10 percent of its gross income.

(7) *Rents.* Rents, unless constituting 50 percent or more of the gross income. For purposes of this paragraph, the term "rents" means compensation, however designated, for the use of, or right to use, property, and the interest on debts owed to the corporation, to the extent such debts represent the price for which real property held primarily for sale to customers in the ordinary course of its trade or business was sold or exchanged by the corporation; but does not include amounts constituting personal holding company income under paragraph (6).

(8) *Mineral, oil, or gas royalties.* Mineral, oil, or gas royalties, unless—

(A) Such royalties constitute 50 percent or more of the gross income, and

(B) The deductions allowable under section 162 (relating to trade or business expenses) other than compensation for personal services rendered by the shareholders, constitute 15 percent or more of the gross income.

(b) *Limitation on gross income in certain transactions.* For purposes of this part—

(1) Gross income and personal holding company income determined with respect to transactions described in section 543 (a) (2) (relating to gains from stock and security transactions) shall include only the excess of gains over losses from such transactions, and

(2) Gross income and personal holding company income determined with respect to transactions described in section 543 (a) (3) (relating to gains from commodity transactions) shall include only the excess of gains over losses from such transactions.

(c) *Gross income of insurance companies other than life or mutual.* In the case of an insurance company other than life or mutual, the term "gross income" as used in this part means the gross income, as defined in section 832 (b) (1), increased by the amount of losses incurred, as defined in section 832 (b) (5), and the amount of expenses incurred, as defined in section 832 (b) (6), and decreased by the amount deductible under section 832 (c) (7) (relating to tax-free interest).

§ 1.543–1 *Personal holding company income*—(a) *General rule.* The term "personal holding company income" means the portion of the gross income which consists of the classes of gross income described in paragraph (b) of this section. See section 542 (b) and § 1.543–2 for special limitations on gross income and personal holding company income in cases of gains from stocks', securities', and commodities' transactions.

(b) *Definitions*—(1) *Dividends.* The term "dividends" includes dividends as defined in section 316 and amounts required to be included in gross income under section 551 and §§ 1.551–1—1.551–2 (relating to foreign personal holding company income taxed to United States shareholders).

(2) *Interest.* The term "interest" means any amounts, includible in gross income, received for the use of money loaned. However, (i) interest which constitutes "rent" shall not be classified as interest but shall be classified as "rents" (see subparagraph (10) of this paragraph) and (ii) interest on amounts set aside in a reserve fund under section 511 or 607 of the Merchant Marine Act, 1936 (46 U. S. C. 1161 or 1177), shall not be included in personal holding company income.

(3) *Royalties (other than mineral, oil, or gas royalties).* The term "royalties" (other than mineral, oil, or gas royalties) includes amounts received for the privilege of using patents, copyrights, secret processes and formulas, good will, trade marks, trade brands, franchises, and other like property. It does not, however, include rents. For rules relating to rents see section 543 (a) (7) and subparagraph (10) of this paragraph. For rules relating to mineral, oil, or gas royalties, see section 543 (a) (8) and subparagraph (11) of this paragraph.

(4) *Annuities.* The term "annuities" includes annuities only to the extent includible in the computation of gross income. See section 72 and §§ 1.72–1—1.72–14 for rules relating to the inclusion of annuities in gross income.

(5) *Gains from the sale or exchange of stock or securities.* (i) Except in the case of regular dealers in stocks or securities as provided in subdivision (ii) of this subparagraph, gross income and personal holding company income include the amount by which the gains exceed the losses from the sale or exchange of stock or securities. See section 543 (b) (1) and § 1.543–2 for provisions relating to this limitation. For this purpose, there shall be taken into account all those gains includible in gross income (including gains from liquidating dividends and other distributions from capital) and all those losses deductible from gross income which are considered under chapter 1 of the Internal Revenue Code of 1954 to be gains or losses from the sale or exchange of stock or securities. The term "stock or securities" as used in section 543 (a) (2) and this subparagraph includes shares or certificates of stock, stock rights or warrants, or interest in any corporation (including any joint stock company, insurance company, association, or other organization classified as a corporation by the Internal Revenue Code of 1954), certificates of interest or participation in any profit-sharing agreement, or in any oil, gas, or other mineral property, or lease, collateral trust certificates, voting trust certificates, bonds, debentures, certificates of indebtedness, notes, car trust certificates, bills of exchange, obligations issued by or on behalf of a State, Territory, or political subdivision thereof.

(ii) In the case of "regular dealers in stock or securities" there shall not be included gains or losses derived from the sale or exchange of stock or securities made in the normal course of business. The term "regular dealer in stock or securities" means a corporation with an established place of business regularly engaged in the purchase of stock or securities and their resale to customers. However, such corporations shall not be considered as regular dealers with respect to stock or securities which are held for investment. See section 1236 and § 1.1236–1.

(6) *Gains from futures transactions in commodities.* Gross income and personal holding company income include the amount by which the gains exceed the losses from futures transactions in any commodity on or subject to the rules of a board of trade or commodity exchange. See § 1.543–2 for provisions relating to this limitation. In general, for the purpose of determining such excess, there are included all gains and losses on futures contracts which are speculative. However, for the purpose of determining such excess, there shall not be included gains or losses from cash transactions, or gains or losses by a producer, processor, merchant, or handler of the commodity, which arise out of bona fide hedging transactions reasonably necessary to the conduct of its business in the manner in which such business is customarily and usually conducted by others. See section 1233 and § 1.1233–1.

(7) *Estates and trusts.* Under section 543 (a) (4) personal holding company income includes amounts includible in computing the taxable income of the corporation under part I of subchapter J

(relating to estates, trusts, and beneficiaries); and any gain derived by the corporation from the sale or other disposition of any interest in an estate or trust.

(8) *Personal service contracts.* (i) Under section 543 (a) (5) amounts received under a contract under which the corporation is to furnish personal services, as well as amounts received from the sale or other disposition of such contract, shall be included as personal holding company income if—

(*a*) Some person other than the corporation has the right to designate (by name or by description) the individual who is to perform the services, or if the individual who is to perform the services is designated (by name or by description) in the contract; and

(*b*) At any time during the taxable year 25 percent or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for the individual who has performed, is to perform, or may be designated (by name or by description) as the one to perform, such services. For this purpose, the value of the outstanding stock shall be determined in accordance with the rules set forth in § 1.542–3. It should be noted that the stock ownership requirement of section 543 (a) (5) and this subparagraph relates to the stock ownership at any time during the taxable year. For rules relating to the determination of stock ownership, see section 544 and §§ 1.544–1—1.544–7.

(ii) If the contract, in addition to requiring the performance of services by a 25-percent stockholder who is designated or who could be designated (as specified in section 543 (a) (5) and subdivision (i) of this subparagraph), requires the performance of services by other persons which are important and essential, then only that portion of the amount received under such contract which is attributable to the personal services of the 25-percent stockholder shall constitute personal holding company income. Incidental personal services of other persons employed by the corporation to facilitate the performance of the services by the 25-percent stockholder, however, shall not constitute important or essential services. Under section 482 gross income, deductions, credits, or allowances between or among organizations, trades, or businesses may be allocated if it is determined that allocation is necessary in order to prevent evasion of taxes or clearly to reflect the income of any such organizations, trades, or businesses.

(iii) The application of section 543 (a) (5) and this subparagraph may be illustrated by the following examples:

Example (1). A, whose profession is that of an actor, owns all of the outstanding capital stock of the M Corporation. The M Corporation entered into a contract with A under which A was to perform personal services for the person or persons whom the M Corporation might designate, in consideration of which A was to receive $10,000 a year from the M Corporation. The M Corporation entered into a contract with the O Corporation in which A was designated to perform personal services for the O Corporation in consideration of which the O Corporation was to pay the M Corporation $500,000 a year. The $500,000 received by the M Corporation from the O Corporation constitutes personal holding company income.

Example (2). Assume the same facts as in example (1), except that, in addition to A's contract with the M Corporation, B, whose profession is that of a dancer and C, whose profession is that of a singer, were also under contract to the M Corporation to perform personal services for the person or persons whom the M Corporation might designate, in consideration of which they were each to receive $25,000 a year from the M Corporation. Neither B nor C were stockholders of the M Corporation. The contract entered into by the M Corporation with the O Corporation, in addition to designating that A was to perform personal services for the O Corporation, designated that B and C were also to perform personal services for the O Corporation. Although the O Corporation particularly desired the services of A for an entertainment program it planned, it also desired the services of B and C, who were prominent in their fields, to provide a good supporting cast for the program. The services of B and C required under the contract are determined to be important and essential; therefore, only that portion of the $500,000 received by the M Corporation which is attributable to the personal services of A constitutes personal holding company income. The same result would obtain although the dancer and the singer required by the contract were not designated by name but the contract gave the M Corporation discretion to select and provide the services of a singer and a dancer for the program and such services were provided.

Example (3). The N Corporation is engaged in engineering. Its entire outstanding capital stock is owned by four individuals. The N Corporation entered into a contract with the R Corporation to perform engineering services in consideration of which the R Corporation was to pay the N Corporation $50,000. The individual who was to perform the services was not designated (by name or by description) in the contract and no one but the N Corporation had the right to designate (by name or by description) such individual. The $50,000 received by the N Corporation from the R Corporation does not constitute personal holding company income.

(9) *Compensation for use of property.* Under section 543 (a) (6) amounts received as compensation for the use of, or right to use, property of the corporation shall be included as personal holding company income if, at any time during the taxable year, 25 percent or more in value of the outstanding stock of the corporation is owned directly or indirectly, by or for an individual entitled to the use of the property. Thus, if a shareholder who meets the stock ownership requirements of section 543 (a) (6) and this subparagraph uses, or has the right to use a yacht, residence or other property owned by the corporation, the compensation to the corporation for such use, or right to use, the property constitutes personal holding company income. This is true even though the shareholder may acquire the use of, or the right to use, the property by means of a sublease or under any other arrangement involving parties other than the corporation and the shareholder. However, if the personal holding company income of the corporation (after excluding any such income described in section 543 (a) (6) and this subparagraph, relating to compensation for use of property, and after excluding any such income described in section 543 (a) (7) and subparagraph (10) of this paragraph, relating to rents) is not more than 10 percent of its gross income, compensation for the use of property shall not constitute personal holding company income. For the purpose of applying section 543 (a) (6) and this subparagraph, the value of the outstanding stock shall be determined in accordance with the rules set forth in § 1.542–3. It should be noted that the stock ownership requirement of section 543 (a) (6) and this subparagraph relates to the stock outstanding at any time during the entire taxable year. For rules relating to the determination of stock ownership, see section 544 and §§ 1.544–1—1.544–7.

(10) *Rents (including interest constituting rents).* Rents which are to be included as personal holding company income consist of compensation (however designated) for the use, or right to use, property of the corporation. The term "rents" does not include amounts includible in personal holding company income under section 543 (a) (6) and subparagraph (9) of this paragraph. The amounts considered as rents include charter fees, etc., for the use of, or the right to use, property, as well as interest on debts owed to the corporation (to the extent such debts represent the price for which real property held primarily for sale to customers in the ordinary course of the corporation's trade or business was sold or exchanged by the corporation). However, if the amount of the rents includible under section 543 (a) (7) and this subparagraph constitutes 50 percent or more of the gross income of the corporation, such rents shall not be considered to be personal holding company income.

(11) *Mineral, oil, or gas royalties.* (i) The income from mineral, oil, or gas royalties is to be included as personal holding company income, unless (*a*) the aggregate amount of such royalties constitutes 50 percent or more of the gross income of the corporation for the taxable year and (*b*) the aggregate amount of deductions allowable under section 162 (other than compensation for personal services rendered by the shareholders of the corporation) equals 15 percent or more of the gross income of the corporation for the taxable year.

(ii) The term "mineral, oil, or gas royalties" means all royalties, including production payments and overriding royalties, received from any interest in mineral, oil, or gas properties. The term "mineral" includes those minerals which are included within the meaning of the term "minerals" in the regulations under section 611.

(iii) The first sentence of subdivision (ii) of this subparagraph shall apply to overriding royalties received from the sublessee by the operating company which originally leased and developed the natural resource property in respect of which such overriding royalties are paid, and to mineral, oil, or gas production payments, only with respect to amounts received after September 30, 1958.

§ 1.543–2 *Limitation on gross income and personal holding company income in transactions involving stocks, securities and commodities.* (a) Under section 543 (b) (1) the gains which are to be included in gross income, and in personal

holding company income with respect to transactions described in section 543 (a) (2) and paragraph (b) (5) of § 1.543–1, shall be the net gains from the sale or exchange of stock or securities. If there is an excess of losses over gains from such transactions, such excess (or net loss) shall not be used to reduce gross income or personal holding company income for purposes of the personal holding company tax. Similarly, under section 543 (b) (2) the gains which are to be included in gross income, and in personal holding company income with respect to transactions described in section 543 (a) (3) and paragraph (b) (6) of § 1.543–1, shall be the net gains from commodity transactions which reflect personal holding company income. Any excess of losses over gains from such transactions (resulting in a net loss) shall not be used to reduce gross income or personal holding company income. The capital loss carryover under section 1212 shall not be taken into account.

(b) The application of section 543 (b) may be illustrated by the following examples:

Example (1). The P Corporation, not a regular dealer in stocks and securities, received rentals of $250,000 for its property from a 25-percent shareholder, and also had gains of $50,000 during the taxable year from the sale of stocks and securities. It also had losses on the sale of stocks and securities in the amount of $30,000. Accordingly, P Corporation had gross income during the taxable year of $270,000 ($250,000 plus $20,000 net gain from the sales of stocks and securities). It had personal holding company income of $20,000. (The rentals of $250,000 would not be personal holding company income under section 543 (a) (6) since the personal holding company income of the corporation, $20,000 (after excluding any such income described in section 543 (a) (6)), is not more than 10 percent of its gross income.)

Example (2). The R Corporation, not a regular dealer in stocks or securities, realized total gains during the taxable year of $900,000 from commodity futures transactions and $200,000 from the sales of stocks and securities. It also sustained total losses of $1,000,000 on such commodity futures transactions, resulting in a net gain for the taxable year of $100,000. None of the commodity futures transactions are hedging or other types of futures transactions excluded from the application of section 543 (a) (3). No part of the loss on commodity futures transactions is to be taken into account in determining personal holding company income and gross income for personal holding company tax purposes for the taxable year. The full amount of the $200,000 in gains from the sales of stocks and securities is to be included in personal holding company income and in gross income for personal holding company tax purposes for the taxable year.

§ 1.544 *Statutory provisions; rules for determining stock ownership.*

Sec. 544. *Rules for determining stock ownership*—(a) *Constructive ownership.* For purposes of determining whether a corporation is a personal holding company, insofar as such determination is based on stock ownership under section 542 (a) (2), section 543 (a) (5), or section 543 (a) (6)—

(1) *Stock not owned by individual.* Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries.

(2) *Family and partnership ownership.* An individual shall be considered as owning the stock owned, directly or indirectly, by or for his family or by or for his partner. For purposes of this paragraph, the family of an individual includes only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

(3) *Options.* If any person has an option to acquire stock, such stock shall be considered as owned by such person. For purposes of this paragraph, an option to acquire such an option, and each one of a series of such options, shall be considered as an option to acquire such stock.

(4) *Application of family-partnership and option rules.* Paragraphs (2) and (3) shall be applied—

(A) For purposes of the stock ownership requirement provided in section 542 (a) (2), if, but only if, the effect is to make the corporation a personal holding company;

(B) For purposes of section 543 (a) (5) (relating to personal service contracts), or of section 543 (a) (6) (relating to the use of property by shareholders), if, but only if, the effect is to make the amounts therein referred to includible under such paragraph as personal holding company income.

(5) *Constructive ownership as actual ownership.* Stock constructively owned by a person by reason of the application of paragraph (1) or (3) shall, for purposes of applying paragraph (1) or (2), be treated as actually owned by such person; but stock constructively owned by an individual by reason of the application of paragraph (2) shall not be treated as owned by him for purposes of again applying such paragraph in order to make another the constructive owner of such stock.

(6) *Option rule in lieu of family and partnership rule.* If stock may be considered as owned by an individual under either paragraph (2) or (3) it shall be considered as owned by him under paragraph (3).

(b) *Convertible securities.* Outstanding securities convertible into stock (whether or not convertible during the taxable year) shall be considered as outstanding stock—

(1) For purposes of the stock ownership requirement provided in section 542 (a) (2), but only if the effect of the inclusion of all such securities is to make the corporation a personal holding company;

(2) For purposes of section 543 (a) (5) (relating to personal service contracts), but only if the effect of the inclusion of all such securities is to make the amounts therein referred to includible under such paragraph as personal holding company income; and

(3) For purposes of section 543 (a) (6) (relating to the use of property by shareholders), but only if the effect of the inclusion of all such securities is to make the amounts therein referred to includible under such paragraph as personal holding company income.

The requirement in paragraphs (1), (2), and (3) that all convertible securities must be included if any are to be included shall be subject to the exception that, where some of the outstanding securities are convertible only after a later date than in the case of others, the class having the earlier conversion date may be included although the others are not included, but no convertible securities shall be included unless all outstanding securities having a prior conversion date are also included.

§ 1.544–1 *Constructive ownership.* (a) Rules relating to the constructive ownership of stock are provided by section 544 for the purpose of determining whether the stock ownership requirements of the following sections are satisfied:

(1) Section 542 (a) (2), relating to ownership of stock by five or fewer individuals;

(2) Section 543 (a) (5), relating to personal holding company income derived from personal service contracts;

(3) Section 543 (a) (6), relating to personal holding company income derived from property used by shareholders.

(b) Section 544 provides four general rules with respect to constructive ownership. These rules are:

(1) Constructive ownership by reason of indirect ownership. See section 544 (a) (1) and § 1.544–2.

(2) Constructive ownership by reason of family and partnership ownership. See section 544 (a) (2), (4), (5), and (6) and §§ 1.544–3, 1.544–6, and 1.544–7.

(3) Constructive ownership by reason of ownership of options. See section 544 (a) (3), (4), (5), and (6), and §§ 1.544–4, 1.544–6, and 1.544–7.

(4) Constructive ownership by reason of ownership of convertible securities. See section 544 (b) and § 1.544–5.

Each of rules referred to in subparagraphs 2, 3, and 4 of this paragraph is applicable only if it has the effect of satisfying the stock ownership requirement of the section to which applicable; that is, when applied to section 542 (a) (2), its effect is to make the corporation a personal holding company, or when applied to section 543 (a) (5) or section 543 (a) (6), its effect is to make the amounts described in such provisions includible as personal holding company income.

(c) All forms and classes of stock, however denominated, which represent the interests of shareholders, members, or beneficiaries in the corporation shall be taken into consideration in applying the constructive ownership rules of section 544.

(d) For rules applicable in treating constructive ownership, determined by one application of section 544, as actual ownership for purposes of a second application of section 544, see section 544 (a) (5) and § 1.544–6.

§ 1.544–2 *Constructive ownership by reason of indirect ownership.* The following example illustrates the application of section 544 (a) (1), relating to constructive ownership by reason of indirect ownership:

Example. A and B, two individuals, are the exclusive and equal beneficiaries of a trust or estate which owns the entire capital stock of the M Corporation. The M Corporation in turn owns the entire capital stock of the N Corporation. Under such circumstances the entire capital stock of both the M Corporation and the N Corporation shall be considered as being owned equally by A and B as the individuals owning the beneficial interest therein.

§ 1.544–3 *Constructive ownership by reason of family and partnership ownership.* (a) The following example illustrates the application of section 544 (a) (2), relating to constructive ownership by reason of family and partnership ownership.

Example. The M Corporation at some time during the last half of the taxable year,

had 1,800 shares of outstanding stock, 450 of which were held by various individuals having no relationship to one another and none of whom were partners, and the remaining 1,350 were held by 51 shareholders as follows:

Relationships	Shares	Shares	Shares	Shares	Shares
An individual	A 100	B 20	C 20	D 20	E 20
His father	AF 10	BF 10	CF 10	DF 10	EF 10
His wife	AW 10	BW 40	CW 40	DW 40	EW 40
His brother	AB 10	BB 10	CB 10	DB 10	EB 10
His son	AS 10	BS 40	CS 40	DS 40	ES 40
His daughter by former marriage (son's half-sister)	ASHS 10	BSHS 40	CSHS 40	DSHS 40	ESHS 40
His brother's wife	ABW 10	BBW 10	CBW 10	DBW 160	EBW 10
His wife's father	AWF 10	BWF 10	CWF 110	DWF 10	EWF 10
His wife's brother	AWB 10	BWB 10	CWB 10	DWB 10	EWB 10
His wife's brother's wife	AWBW 10	BWBW 10	CWBW 10	DWBW 10	EWBW 110
Individual's partner	AP 10				

By applying the statutory rule provided in section 544 (a) (2) five individuals own more than 50 percent of the outstanding stock as follows:

A (including AF, AW, AB, AS, ASHS, AP)	160
B (including BF, BW, BB, BS, BSHS)	160
CW (including C, CS, CWF, CWB)	220
DB (including D, DF, DBW)	200
EWB (including EW, EWF, EWBW)	170
Total, or more than 50 percent	910

Individual A represents the obvious case where the head of the family owns the bulk of the family stock and naturally is the head of the group. A's partner owns 10 shares of the stock. Individual B represents the case where he is still head of the group because of the ownership of stock by his immediate family. Individuals C and D represent cases where the individuals fall in groups headed in C's case by his wife and in D's case by his brother because of the preponderance of holdings on the part of relatives by marriage. Individual E represents the case where the preponderant holdings of others eliminate that individual from the group.

(b) For the restriction on the applicability of the family and partnership rules of this section, see paragraph (b) of § 1.544–1. For rules relating to constructive ownership as actual ownership, see § 1.544–6.

§ 1.544–4 *Options.* The shares of stock which may be acquired by reason of an option shall be considered to be constructively owned by the individual having the option to acquire such stock. For example: If C, an individual, on March 1, 1955, purchases an option, or otherwise comes into possession of an option, to acquire 100 shares of the capital stock of M Corporation, such 100 shares of stock shall be considered to be constructively owned by C as if C had actually acquired the stock on that date. If C has an option on an option (or one of a series of options) to acquire such stock, he shall also be considered to have constructive ownership of the stock which may be acquired by reason of the option (or the series of options). Under such circumstances, C shall be considered to have acquired constructive ownership of the stock on the date he acquired his option. For the restriction on the applicability of the rule of this section, see paragraph (b) of § 1.544–1.

§ 1.544–5 *Convertible securities.* Under section 544 (b) outstanding securities of a corporation such as bonds, debentures, or other corporate obligations, convertible into stock of the corporation (whether or not convertible during the taxable year) shall be considered as outstanding stock of the corporation. The consideration of convertible securities as outstanding stock is subject to the exception that, if some of the outstanding securities are convertible only after a later date than in the case of others, the class having the earlier conversion date may be considered as outstanding stock although the others are not so considered, but no convertible securities shall be considered as outstanding stock unless all outstanding securities having a prior conversion date are also so considered. For example, if outstanding securities are convertible in 1954, 1955 and 1956, those convertible in 1954 can be properly considered as outstanding stock without so considering those convertible in 1955 or 1956, and those convertible in 1954 and 1955 can be properly considered as outstanding stock without so considering those convertible in 1956. However, the securities convertible in 1955 could not be properly considered as outstanding stock without so considering those convertible in 1954 and the securities convertible in 1956 could not be properly considered as outstanding stock without so considering those convertible in 1954 and 1955. For the restriction on the applicability of the rule of this section, see paragraph (b) of § 1.544–1.

§ 1.544–6 *Constructive ownership as actual ownership*—(a) *General rules.* (1) Stock constructively owned by a person by reason of the application of the rule provided in section 544 (a) (1), relating to stock not owned by an individual, shall be considered as actually owned by such person for the purpose of again applying such rule or of applying the family and partnership rule provided in section 544 (a) (2), in order to make another person the constructive owner of such stock, and

(2) Stock constructively owned by a person by reason of the application of the option rule provided in section 544 (a) (3) shall be considered as actually owned by such person for the purpose of applying either the rule provided in section 544 (a) (1), relating to stock not owned by an individual, or the family and partnership rule provided in section 544 (a) (2) in order to make another person the constructive owner of such stock, but

(3) Stock constructively owned by an individual by reason of the application of the family and partnership rule provided in section 544 (a) (2) shall not be considered as actually owned by such individual for the purpose of again applying such rule in order to make another individual the constructive owner of such stock.

(b) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). A's wife, AW, owns all the stock of the M Corporation, which in turn owns all the stock of the O Corporation. The O Corporation in turn owns all the stock of the P Corporation. Under the rule provided in section 544 (a) (1), relating to stock not owned by an individual, the stock in the P Corporation owned by the O Corporation is considered to be owned constructively by the M Corporation, the sole shareholder of the O Corporation. Such constructive ownership of the stock of the M Corporation is considered as actual ownership for the purpose of again applying such rule in order to make AW, the sole shareholder of the M Corporation, the constructive owner of the stock of the P Corporation. Similarly, the constructive ownership of the stock by AW is considered as actual ownership for the purpose of applying the family and partnership rule provided in section 544 (a) (2) in order to make A the constructive owner of the stock of the P Corporation, if such application is necessary for any of the purposes set forth in paragraph (b) of § 1.544–1. But the stock thus constructively owned by A may not be considered as actual ownership for the purpose of again applying the family and partnership rule in order to make another member of A's family, for example, A's father, the constructive owner of the stock of the P Corporation.

Example (2). B, an individual, owns all the stock of the R Corporation which has an option to acquire all the stock of the S Corporation, owned by C, an individual, who is not related to B. Under the option rule provided in section 544 (a) (3) the R Corporation may be considered as owning constructively the stock of the S Corporation owned by C. Such constructive ownership of the stock by the R Corporation is considered as actual ownership for the purpose of applying the rule provided in section 544 (a) (1), relating to stock not owned by an individual, in order to make B, the sole shareholder of the R Corporation, the constructive owner of the stock of the S Corporation. The stock thus constructively owned by B by reason of the application of the rule provided in section 544 (a) (1) likewise is considered as actual ownership for the purpose, if necessary, of applying the family and partnership rule provided in section 544 (a) (2), in order to make another member of B's family, for example, B's wife, BW, the constructive owner of the stock of the S Corporation. However, the family and partnership rule could not again be applied so as to make still another individual the constructive owner of the stock of the S Corporation, that is, the stock constructively owned by BW could not be considered as actually owned by her in order to make BW's father the constructive owner of such stock by a second application of the family and partnership rule.

§ 1.544–7 *Option rule in lieu of family and partnership rule.* (a) If, in determining the ownership of stock, such stock may be considered as constructively owned by an individual by an application of either the family and partnership rule (section 544 (a) (2)) or the option rule (section 544 (a) (3)), such stock shall be considered as owned constructively by the individual by reason of the application of the option rule.

(b) The application of this section may be illustrated by the following example:

Example. Two brothers, A and B, each own 10 percent of the stock of the M Cor-

poration, and A's wife, AW, also owns 10 percent of the stock of such corporation. AW's husband, A, has an option to acquire the stock owned by her at any time. It becomes necessary, for one of the purposes stated in section 544 (a) (4), to determine the stock ownership of B in the M Corporation. If the family and partnership rule were the only rule that applied in the case, B would be considered, under that rule, as owning 20 percent of the stock of the M Corporation, namely, his own stock plus the stock owned by his brother. In that event, B could not be considered as owning the stock held by AW since (1) AW is not a member of B's family and (2) the constructive ownership of such stock by A through the application of the family and partnership rule in his case is not considered as actual ownership so as to make B the constructive owner by a second application of the same rule with respect to the ownership of the stock. However, there is more than the family and partnership rule involved in this example. As the holder of an option upon the stock, A may be considered the constructive owner of his wife's stock by the application of the option rule and without reference to the family relationship between A and AW. If A is considered as owning the stock of his wife by application of the option rule, then such constructive ownership by A is regarded as actual ownership for the purpose of applying the family and partnership rule so as to make another member of A's family, for example, B, the constructive owner of the stock. Hence, since A may be considered as owning his wife's stock by applying either the family-partnership rule or the option rule, the provisions of section 544 (a) (6) apply and accordingly A must be considered the constructive owner of his wife's stock under the option rule rather than the family-partnership rule. B thus becomes the constructive owner of 30 percent of the stock of the M Corporation, namely, his own 10 percent, A's 10 percent, and AW's 10 percent constructively owned by A as the holder of an option on the stock.

§ 1.545 *Statutory provisions; undistributed personal holding company income.*

SEC. 545. *Undistributed personal holding company income*—(a) *Definition.* For purposes of this part, the term "undistributed personal holding company income" means the taxable income of a personal holding company adjusted in the manner provided in subsection (b), minus the dividends paid deduction as defined in section 561.

(b) *Adjustments to taxable income.* For the purposes of subsection (a), the taxable income shall be adjusted as follows:

(1) *Taxes.* There shall be allowed as a deduction Federal income and excess profits taxes (other than the excess profits tax imposed by subchapter E of chapter 2 of the Internal Revenue Code of 1939 for taxable years beginning after December 31, 1940) and income, war profits and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 164 (b) (6)), accrued during the taxable year, but not including the accumulated earnings tax imposed by section 531, the personal holding company tax imposed by section 541, or the taxes imposed by corresponding sections of a prior income tax law. A taxpayer which, for each taxable year in which it was subject to the tax imposed by section 500 of the Internal Revenue Code of 1939, deducted Federal income and excess profits taxes when paid for the purpose of computing subchapter A net income under such Code, shall deduct taxes under this paragraph when paid, unless the taxpayer elects, in its return for a taxable year ending after June 30, 1954, to deduct the taxes described in this paragraph when accrued. Such an election shall be irrevocable and shall apply to the taxable year for which the election is made and to all subsequent taxable years.

(2) *Charitable contributions.* The deduction for charitable contributions provided under section 170 shall be allowed but with the limitations in section 170 (b) (1) (A) and (B) (in lieu of the limitation in section 170 (b) (2)). For purposes of this paragraph, the term "adjusted gross income" when used in section 170 (b) (1) means the taxable income computed with the adjustments provided in section 170 (b) (2) and without the deduction of the amount disallowed under paragraph (8) of this subsection.

(3) *Special deductions disallowed.* The special deductions for corporations provided in part VIII (except section 248) of subchapter B (section 241 and following, relating to the deduction for dividends received by corporations, etc.) shall not be allowed.

(4) *Net operating loss.* The net operating loss deduction provided in section 172 shall not be allowed, but there shall be allowed as a deduction the amount of the net operating loss (as defined in section 172 (c)) for the preceding taxable year.

(5) *Long-term capital gains.* There shall be allowed as a deduction the excess of the net long-term capital gain for the taxable year over the net short-term capital loss for such year, minus the taxes imposed by this subtitle attributable to such excess. The taxes attributable to such excess shall be an amount equal to the difference between—

(A) The taxes imposed by this subtitle (except the tax imposed by this part) for such year, and

(B) Such taxes computed for such year without including such excess in taxable income.

(6) *Bank affiliates.* There shall be allowed the deduction described in section 601 (relating to bank affiliates).

(7) *Payment of indebtedness incurred prior to January 1, 1934.* There shall be allowed as a deduction amounts used or irrevocably set aside to pay or to retire indebtedness of any kind incurred before January 1, 1934, if such amounts are reasonable with reference to the size and terms of such indebtedness.

(8) *Expenses and depreciation applicable to property of the taxpayer.* The aggregate of the deductions allowed under section 162 (relating to trade or business expenses) and section 167 (relating to depreciation), which are allocable to the operation and maintenance of property owned or operated by the corporation, shall be allowed only in an amount equal to the rent or other compensation received for the use of, or the right to use, the property, unless it is established (under regulations prescribed by the Secretary or his delegate) to the satisfaction of the Secretary or his delegate—

(A) That the rent or other compensation received was the highest obtainable, or, if none was received, that none was obtainable;

(B) That the property was held in the course of a business carried on bona fide for profit; and

(C) Either that there was reasonable expectation that the operation of the property would result in a profit, or that the property was necessary to the conduct of the business.

(9) *Amount of a lien in favor of the United States.* There shall be allowed as a deduction the amount, not to exceed the taxable income of the taxpayer, of any lien in favor of the United States (notice of which has been filed as provided in section 6323 (a) (1), (2), or (3)) to which the taxpayer is subject at the close of the taxable year. The sum of the amounts deducted under this paragraph with respect to any lien shall, for the purposes of this section, be added to the taxable income of the taxpayer for the taxable year in which such lien is satisfied or released. Where an amount is added to the taxable income of a corporation by reason of the preceding sentence of this paragraph, the shareholders of the corporation may, pursuant to regulations prescribed by the Secretary or his delegate, elect to compute the income tax with respect to such dividends as are attributable to such amount as though they were received ratably over the period the lien was in effect.

§ 1.545–1 *Definition.* (a) Undistributed personal holding company income is the amount which is subject to the personal holding company tax imposed under section 541. Undistributed personal holding company income is the taxable income of the corporation adjusted in the manner described in section 545 (b) and § 1.545–2, less the deduction for dividends paid. See sections 561–565 and §§ 1.561–1—1.565–6, relating to the dividends paid deduction.

(b) For purposes of the imposition of the personal holding company tax on a foreign corporation, resident or nonresident, which files or causes to be filed a return, the undistributed personal holding company income shall be computed on the basis of the taxable income from sources within the United States, and such income shall be adjusted in accordance with the principles of section 545 (b) and § 1.545–2. For purposes of the imposition of such tax on a foreign corporation, resident or nonresident, which files no return, the undistributed personal holding company income shall be computed on the basis of the gross income from sources within the United States without allowance of any deductions.

§ 1.545–2 *Adjustments to taxable income.* (a) *Taxes*—(1) *General rule.* (i) In computing undistributed personal holding company income for any taxable year, there shall be allowed as a deduction the amount by which Federal income and excess profits taxes accrued during the taxable year exceed the credit provided by section 33 (relating to taxes of foreign countries and possessions of the United States), and the income, war profits, and excess profits taxes of foreign countries and possessions of the United States accrued during the taxable year (to the extent provided by subparagraph (3) of this paragraph), except that no deduction shall be allowed for (*a*) the accumulated earnings tax imposed by section 531 (or a corresponding section of a prior law), (*b*) the personal holding company tax imposed by section 541 (or a corresponding section of a prior law), and (*c*) the excess profits tax imposed by subchapter E of chapter 2 of the Internal Revenue Code of 1939, for taxable years beginning after December 31, 1940. The deduction is for taxes for the taxable year, determined under the accrual method of accounting, regardless of whether the corporation uses an accrual method of accounting, the cash receipts and disbursement method, or any other allowable method of accounting. In computing the amount of taxes accrued, an unpaid tax which is being contested is not considered accrued until the contest is resolved.

(ii) However, the taxpayer shall deduct taxes paid, rather than taxes accrued, if it used that method with respect to Federal taxes for each taxable year

for which it was subject to the tax imposed by section 500 of the Internal Revenue Code of 1939, unless an election is made under subparagraph (2) of this paragraph to deduct taxes accrued.

(2) *Election by taxpayer which deducted taxes paid.* (i) If the corporation was subject to the personal holding company tax imposed by section 500 of the Internal Revenue Code of 1939 and, for the purpose of that tax, deducted Federal taxes paid rather than such taxes accrued for each taxable year for which it was subject to such taxes, the corporation may elect for any taxable year ending after June 30, 1954, to deduct taxes accrued, including taxes of foreign countries and possessions of the United States, rather than taxes paid, for the purposes of the tax imposed by section 541 of the Internal Revenue Code of 1954. The election shall be made by deducting such taxes accrued on Schedule PH, Form 1120, to be filed with the return. The schedule shall, in addition, contain a statement that the corporation has made such election and shall set forth the year to which such election was first applicable. The deduction of taxes accrued in the year of election precludes the deduction of taxes paid during such year. The election, if made, shall be irrevocable and the deduction for taxes accrued shall be allowed for the year of election and for all subsequent taxable years.

(ii) Pursuant to section 7851 (a) (1) (C), the election provided for in subdivision (i) of this subparagraph may be made with respect to a taxable year ending after June 30, 1954, even though such taxable year is subject to the Internal Revenue Code of 1939.

(3) *Taxes of foreign countries and United States possessions.* In computing undistributed personal holding company income for any taxable year, a deduction is allowed for income, war profits and excess profits taxes accrued (or paid, if required under subparagraph (1) (ii) of this paragraph) during such taxable year to foreign countries or possessions of the United States if the taxpayer chooses the benefits of section 901 for such taxable year. The credit for such taxes provided by section 901 is not allowed against the personal holding company tax imposed by section 541. See section 901 (a).

(b) *Charitable contributions.* (1) Section 545 (b) (2) provides that, in computing the undistributed personal holding company income of a corporation, the deduction for charitable contributions by a corporation shall be computed with the limitations of section 170 (b) (1) (A) and (B) (relating to charitable contributions by individuals) instead of the limitation in section 170 (b) (2) (relating to charitable contributions by corporations).

(2) Although the limitations of section 170 (b) (1) (A) and (B) are 10 and 20 percent, respectively, of the individual's adjusted gross income, the limitations are applied for purposes of section 545 (b) (2) by using 10 and 20 percent, respectively, of the corporation's taxable income as adjusted for purposes of section 170 (b) (2) (that is, the same amount of taxable income to which the 5-percent limitation applied). However, a further adjustment for this purpose is that the taxable income shall also be computed without the deduction of the amount disallowed under section 545 (b) (8) (relating to expenses and depreciation applicable to property of the taxpayer.)

(3) See the regulations under section 170 (b) (1) (A) and (B) with respect to the charitable contributions to which the 10-percent limitation is applicable and the charitable contributions to which the 20-percent limitation is applicable.

(4) In some cases, a deduction in excess of the 5-percent limitation may be allowed for one taxable year under section 545 (b) (2) for purposes of the personal holding company tax only, and may also be allowed as a deduction in computing taxable income for a subsequent taxable year under the carryover provisions of section 170 (b) (2). To the extent that the charitable contributions carried over from a previous year have already been deducted for purposes of the personal holding company tax in the year when the charitable contributions were made, they may not be deducted again as part of the contribution carryover deduction for purposes of the personal holding company tax for a subsequent year. However, this adjustment is only for purposes of the personal holding company tax, and the carryover in such case is allowable in computing taxable income for purposes of the corporation normal tax and surtax.

(c) *Special deductions disallowed.* Part VIII of subchapter B of chapter 1 allows corporations, in computing taxable income, special deductions for such matters as partially tax-exempt interest, certain dividends received, dividends paid on certain preferred stock of public utilities, organizational expenses, etc. See section 241. Such special deductions, except the deduction provided by section 248 (relating to organizational expenses) shall be disallowed in computing undistributed personal holding company income.

(d) *Net operating loss.* The net operating loss deduction provided in section 172 is not allowed for purposes of the computation of undistributed personal holding company income; however, there is allowed as a deduction for such purposes the amount of the net operating loss (as defined in section 172 (c)) for the preceding taxable year.

(e) *Long-term capital gains.* (1) There is allowed as a deduction the excess of the net long-term capital gain for the taxable year over the net short-term capital loss for such year, minus the taxes attributable to such excess, as provided in section 545 (b) (5).

(2) Section 631 (c) (relating to gain or loss in the case of disposal of coal) shall have no application.

(f) *Bank affiliates.* There is allowed the deduction provided by section 601 in the case of bank affiliates (as defined in section 2 of the Banking Act of 1933; 12 U. S. C. 221a (c)).

(g) *Payment of indebtedness incurred prior to January 1, 1934*—(1) *General rule.* In computing undistributed personal holding company income, section 545 (b) (7) provides that there shall be allowed as a deduction amounts used or irrevocably set aside to pay or to [illegible] indebtedness of any kind incurred before January 1, 1934, if such amounts are reasonable with reference to the size and terms of such indebtedness.

(2) *Indebtedness.* The term "indebtedness" means an obligation absolute and not contingent, to pay on demand or within a given time, in cash or other medium, a fixed amount. The term "indebtedness" does not include the obligation of a corporation on its capital stock. The indebtedness must have been incurred (or, if incurred by assumption, assumed) by the taxpayer before January 1, 1934. An indebtedness evidenced by bonds, notes, or other obligations issued by a corporation is ordinarily incurred as of the date such obligations are issued and the amount of such indebtedness is the amount represented by the face value of the obligations. In the case of refunding, renewal, or other change in the form of an indebtedness, the giving of a new promise to pay by the taxpayer will not have the effect of changing the date the indebtedness was incurred.

(3) *Amounts used or irrevocably set aside.* The deduction is allowable, in any taxable year, only for amounts used or irrevocably set aside in that year. The use or irrevocable setting aside must be to effect the extinguishment or discharge of indebtedness. In the case of refunding, renewal, or other change in the form of an indebtedness, the mere giving of a new promise to pay by the taxpayer will not result in an allowable deduction. If amounts are set aside in one year, no deduction is allowable for such amounts for a later year in which actually paid. As long as all other conditions are satisfied, the aggregate amount allowable as a deduction for any taxable year includes all amounts (from whatever source) used and all amounts (from whatever source) irrevocably set aside, irrespective of whether in cash or other medium. Double deductions shall not be allowed.

(4) *Reasonableness of the amounts with reference to the size and terms of the indebtedness.* (i) The reasonableness of the amounts used or irrevocably set aside must be determined by reference to the size and terms of the particular indebtedness. Hence, all the facts and circumstances with respect to the nature, scope, conditions, amount, maturity, and other terms of the particular indebtedness must be shown in each case.

(ii) Ordinarily an amount used to pay or retire an indebtedness, in whole or in part, at or prior to the maturity and in accordance with the terms thereof will be considered reasonable, and may be allowable as a deduction for the year in which so used. However, if an amount has been set aside in a prior year for payment or retirement of the same indebtedness, the amount so set aside shall not be allowed as a deduction in the year of the payment.

(iii) All amounts irrevocably set aside for the payment or retirement of an indebtedness in accordance with and pursuant to the terms of the obligation, for example, the annual contribution to trustees required by the provisions of a

mandatory sinking fund agreement, will be considered as complying with the requirement of reasonableness. To be considered reasonable, it is not necessary that the plan of retirement provide for a retroactive setting aside of amounts for years prior to that in which the plan is adopted. However, if a voluntary plan was adopted before 1934, no adjustment is allowable in respect of the amounts set aside in the years prior to 1934.

(5) *Burden of proof.* The burden of proof will rest upon the taxpayer to sustain the deduction claimed. Therefore, the taxpayer must furnish the information required by the return, and such other information as the district director may require in substantiation of the deduction claimed.

(6) *Allowance to a successor corporation.* For allowance of deduction for pre-1934 indebtedness to a successor corporation, see section 381 (c) (15).

(h) *Expenses and depreciation applicable to property of the taxpayer.* (1) In computing undistributed personal holding company income in the case of a personal holding company which owns or operates property, section 545 (b) (8) provides a specific limitation with respect to the allowance of deductions for trade or business expenses and depreciation allocable to the operation or maintenance of such property. Under this limitation, these deductions shall not be allowed in an amount in excess of the aggregate amount of the rent or other compensation received for the use of, or the right to use, the property, unless it is established to the satisfaction of the Commissioner—

(i) That the rent or other compensation received was the highest obtainable, or if none was received, that none was obtainable;

(ii) That the property was held in the course of a business carried on bona fide for profit; and

(iii) Either that there was reasonable expectation that the operation of the property would result in a profit, or that the property was necessary to the conduct of the business.

(2) The burden of proof will rest upon the taxpayer to sustain the deduction claimed. If, in computing undistributed personal holding company income, a personal holding company claims deductions for expenses and depreciation allocable to the operation and maintenance of property owned or operated by the company, in an aggregate amount in excess of the rent or other compensation received for the use of, or the right to use, the property, it shall attach to its income tax return a statement setting forth its claim for allowance of the additional deductions, together with a complete statement of the facts and circumstances pertinent to its claim and the arguments on which it relies. Such statement shall set forth:

(i) A description of the property;

(ii) The cost or other basis to the corporation and the nature and value of the consideration paid for the property;

(iii) The name and address of the person from whom the property was acquired and the date the property was acquired;

(iv) The name and address of the person to whom the property is leased or rented, or the person permitted to use the property, and the number of shares of stock, if any, held by such person and the members of his family;

(v) The nature and gross amount of the rent or other compensation received for the use of, or the right to use, the property during the taxable year and for each of the five preceding years and the amount of the expenses incurred with respect to, and the depreciation sustained on, the property for such years;

(vi) Evidence that the rent or other compensation was the highest obtainable or, if none was received, a statement of the reasons therefor;

(vii) A copy of the contract, lease or rental agreement;

(viii) The purpose for which the property was used;

(ix) The business, carried on by the corporation, with respect to which the property was held and the gross income, expenses, and taxable income derived from the conduct of such business for the taxable year and for each of the five preceding years;

(x) A statement of any reasons which existed for expectation that the operation of the property would be profitable, or a statement of the necessity for the use of the property in the business of the corporation, and the reasons why the property was acquired; and

(xi) Any other information pertinent to the taxpayer's claim.

(i) *Amount of a lien in favor of the United States.* (1) If notices of lien are filed in the manner provided in section 6323 (a) (1), (2), or (3), the amount of the liability to the United States outstanding at the close of the taxable year, and secured by such liens which are in effect at that time, shall be allowed as a deduction in computing undistributed personal holding company income. However, the amount of such deduction which may be allowed for any taxable year shall not exceed the taxable income (as adjusted for purposes of determining the undistributed personal holding company income, but without regard to the deduction under section 545 (b) (9)) for such year. The fact that the amount of, or any part of, the outstanding obligation to the United States was deducted for one taxable year does not prevent its deduction for a subsequent taxable year to the extent the obligation is still outstanding at the close of the subsequent taxable year and is secured by a lien, notice of which has been filed.

(2) Subparagraph (1) of this paragraph may be illustrated by the following example:

Example. If the taxpayer (on the calendar year basis) is subject to a lien (notice of which has been properly filed) in the amount of $500,000 at the close of the calendar year 1954 and has taxable income of $400,000 for such taxable year, the deduction allowable by reason of the lien for the calendar year 1954 is $400,000. If, at the close of the taxable year ended December 31, 1955, the taxpayer is still subject to the same lien of $500,000 and it has taxable income of $450,000, a deduction is allowed by reason of such lien in the amount of $450,000.

(3) When the obligation secured by the lien in favor of the United States has been satisfied or released, the sum of the amounts which have been allowed as deductions under section 545 (b) (9) in respect of such obligation shall be restored to taxable income for the year in which such lien is satisfied or released. If only a part of the obligation secured by the lien has been satisfied, the sum of the amounts which have been allowed as deductions under section 545 (b) (9) in respect of such part shall be included in taxable income for the year of the satisfaction for the purpose of determining undistributed personal holding company income. It should be noted, however, that only the sum of the amounts which have been allowed as deductions under section 545 (b) (9) and subparagraph (1) of this paragraph shall be included in taxable income. Thus, any amounts which were allowed as deductions under section 504 (c) of the Internal Revenue Code of 1939 shall not be included as taxable income for any taxable year under section 545 (b) (9) and subparagraph (1) of this paragraph.

(4) The application of subparagraph (3) of this paragraph may be illustrated by the following example:

Example. Assume the same facts as in the example in subparagraph (2) of this paragraph, and assume further that the corporation has $100,000 taxable income both for 1956 (before including the $400,000 described below) and for 1957. In 1956, the corporation pays $200,000 of the obligation, thereby reducing its liability from $500,000 to $300,000. In such case, $400,000 is included in taxable income in computing its undistributed personal holding company income for 1956, that is, the sum of the $200,000 deduction for 1954 and the $200,000 deduction for 1955 in respect of the liability which is paid in 1956. In 1957, property of the corporation is discharged from the lien by reason of the fact that the value of the remaining property of the corporation exceeds double the outstanding liability. (See section 6325 (b) (1).) Since this was not a release or satisfaction of the lien, no amount is added to taxable income for 1957 with respect to the property discharged from the lien. In 1958, the remaining property is released from the lien by reason of a bond being accepted under section 6325 (a) (2). There is added to taxable income in computing undistributed personal holding company income for 1958, $850,000, that is, the sum of the deductions allowed for 1954, 1955, 1956, and 1957 in respect of the $300,000 liability, the lien for which was released in 1958. This amount of $850,000, is computed as follows:

Year	Outstanding liability	Taxable income	Deduction as limited by taxable income	Amount attributable to part payment of $200,000 in 1956	Amount attributable to release of lien in 1958
1954	$500,000	$400,000	$400,000	$200,000	$200,000
1955	500,000	450,000	450,000	200,000	250,000
1956	300,000	500,000	300,000		300,000
1957	300,000	100,000	100,000		100,000
Total					$850,000

(5) (i) If an amount has been included in undistributed personal holding company income of the personal holding company by reason of section 545 (b) (9), any shareholder of the company may elect to compute his income tax with respect to such of his dividends as are attributable to such amount as though such dividends were received ratably over the period the lien was in effect.

(ii) For purposes of section 545 (b) (9), the dividends paid during the taxable year of the personal holding company (computed as of the close of such year) shall be deemed attributable first to undistributed personal holding company income by reason of section 545 (b) (9) (computed as of the close of the taxable year of the personal holding company). If the period over which the lien was in effect consists of several taxable years of the personal holding company, the dividend deemed received for any taxable year shall be deemed received on the last day of such taxable year of the personal holding company.

(iii) Such election shall be made in a statement showing the amount of the deduction under section 545 (b) (9) for each taxable year of the period in which the lien was in effect, the amount of such deduction, if any, which was added to undistributed personal holding company income in a later year or years as a result of partial satisfaction or release of such lien, and the details thereof, the taxable year or years to which such dividends are allocable, and a computation of tax, on the basis of the election, for all taxable years affected by such ratable allocation of the dividends. Further, the statement shall show the district director's office in which the returns, for the years to which the dividends are allocable, were filed, the kind of returns which were filed (separate returns or joint returns), and the name and address under which the returns were filed. The statement shall be attached to the shareholder's return for the taxable year for which the dividend would be reported but for such election.

(iv) The operation of this subparagraph may be illustrated as follows: If, in the example under subparagraph (4) of this paragraph, shareholder A owns 75 percent in value of the outstanding stock of the personal holding company, and receives a dividend of $540,000 from such company during 1958 (the total dividend distribution being $720,000) he may elect to compute his income tax with respect to the $540,000 in dividends for 1958 as if he had received $127,058.82 of such dividends for 1954 ($200,000/850,000 of $540,000), $158,823.53 of such dividends for 1955 ($250,000/850,000 of $540,000), $190,588.23 of such dividends for 1956 ($300,000/850,000 of $540,000), and $63,529.41 of such dividends for 1957 ($100,000/850,000 of $540,000). Accordingly, the tax computed for 1958 with respect to such dividends shall be the aggregate of the taxes attributable to such amounts had they been distributed in the respective years.

§ 1.546 *Statutory provisions; income not placed on annual basis.*

SEC. 546. *Income not placed on annual basis.* Section 443 (b) (relating to computation of tax on change of annual accounting period) shall not apply in the computation of the personal holding company tax imposed by section 541.

§ 1.547 *Statutory provisions; deduction for deficiency dividends.*

SEC. 547. *Deduction for deficiency dividends*—(a) *General rule.* If a determination (as defined in subsection (c)) with respect to a taxpayer establishes liability for personal holding company tax imposed by section 541 (or by a corresponding provision of a prior income tax law) for any taxable year, a deduction shall be allowed to the taxpayer for the amount of deficiency dividends (as defined in subsection (d)) for the purpose of determining the personal holding company tax for such year, but not for the purpose of determining interest, additional amounts, or assessable penalties computed with respect to such personal holding company tax.

(b) *Rules for application of section*—(1) *Allowance of deduction.* The deficiency dividend deduction shall be allowed as of the date the claim for the deficiency dividend deduction is filed.

(2) *Credit or refund.* If the allowance of a deficiency dividend deduction results in an overpayment of personal holding company tax for any taxable year, credit or refund with respect to such overpayment shall be made as if on the date of the determination 2 years remained before the expiration of the period of limitation on the filing of claim for refund for the taxable year to which the overpayment relates. No interest shall be allowed on a credit or refund arising from the application of this section.

(c) *Determination.* For purposes of this section, the term "determination" means—

(1) A decision by the Tax Court or a judgment, decree, or other order by any court of competent jurisdiction, which has become final;

(2) A closing agreement made under section 7121; or

(3) Under regulations prescribed by the Secretary or his delegate, an agreement signed by the Secretary or his delegate and by, or on behalf of, the taxpayer relating to the liability of such taxpayer for personal holding company tax.

(d) *Deficiency dividends*—(1) *Definition.* For purposes of this section, the term "deficiency dividends" means the amount of the dividends paid by the corporation on or after the date of the determination and before filing claim under subsection (e), which would have been includible in the computation of the deduction for dividends paid under section 561 for the taxable year with respect to which the liability for personal holding company tax exists, if distributed during such taxable year. No dividends shall be considered as deficiency dividends for purposes of subsection (a) unless distributed within 90 days after the determination.

(2) *Effect on dividends paid deduction*—(A) *For taxable year in which paid.* Deficiency dividends paid in any taxable year (to the extent of the portion thereof taken into account under subsection (a) in determining personal holding company tax) shall not be included in the amount of dividends paid for such year for purposes of computing the dividends paid deduction for such year and succeeding years.

(B) *For prior taxable year.* Deficiency dividends paid in any taxable year (to the extent of the portion thereof taken into account under subsection (a) in determining personal holding company tax) shall not be allowed for purposes of section 563 (b) in the computation of the dividends paid deduction for the taxable year preceding the taxable year in which paid.

(e) *Claim required.* No deficiency dividend deduction shall be allowed under subsection (a) unless (under regulations prescribed by the Secretary or his delegate) claim therefor is filed within 120 days after the determination.

(f) *Suspension of statute of limitations and stay of collection*—(1) *Suspension of running of statute.* If the corporation files a claim, as provided in subsection (e), the running of the statute of limitations provided in section 6501 on the making of assessments, and the bringing of distraint or a proceeding in court for collection, in respect of the deficiency and all interest, additional amounts, or assessable penalties, shall be suspended for a period of 2 years after the date of the determination.

(2) *Stay of collection.* In the case of any deficiency with respect to the tax imposed by section 541 established by a determination under this section—

(A) The collection of the deficiency and all interest, additional amounts, and assessable penalties shall, except in cases of jeopardy, be stayed until the expiration of 120 days after the date of the determination, and

(B) If claim for deficiency dividend deduction is filed under subsection (e), the collection of such part of the deficiency as is not reduced by the deduction for deficiency dividends provided in subsection (a) shall be stayed until the date the claim is disallowed (in whole or in part), and if disallowed in part collection shall be made only with respect to the part disallowed.

No distraint or proceeding in court shall be begun for the collection of an amount the collection of which is stayed under subparagraph (A) or (B) during the period for which the collection of such amount is stayed.

(g) *Deduction denied in case of fraud, etc.* No deficiency dividend deduction shall be allowed under subsection (a) if the determination contains a finding that any part of the deficiency is due to fraud with intent to evade tax, or to wilful failure to file an income tax return within the time prescribed by law or prescribed by the Secretary or his delegate in pursuance of law.

(h) *Effective date.* Subsections (a) through (f), inclusive, shall apply only with respect to determinations made more than 90 days after the date of enactment of this title. If the taxable year with respect to which the deficiency is asserted began before January 1, 1954, the term "deficiency dividend" includes only amounts which would have been includible in the computation under the Internal Revenue Code of 1939 of the basic surtax credit for such taxable year. Subsection (g) shall apply only if the taxable year with respect to which the deficiency is asserted begins after December 31, 1953.

§ 1.547–1 *General rule.* Section 547 provides a method under which, by virtue of dividend distributions, a corporation may be relieved from the payment of a deficiency in the personal holding company tax imposed by section 541 (or by a corresponding provision of a prior income tax law), or may be entitled to a credit or refund of a part or all of any such deficiency which has been paid. The method provided by section 547 is to allow an additional deduction for a dividend distribution (which meets the requirements of this section) in computing undistributed personal holding company income for the taxable year for which a deficiency in personal holding company tax is determined. The additional deduction for deficiency dividends will not, however, be allowed for the purpose of determining interest, additional amounts, or assessable penalties, computed with respect to the personal holding company tax prior to the allowance of the additional deduction for deficiency dividends. Such amounts remain pay-

able as if section 547 had not been enacted.

§ 1.547–2 *Requirements for deficiency dividends*—(a) *In general.* There are certain requirements which must be fulfilled before a deduction is allowed for a deficiency dividend under section 547 and this section. These are—

(1) The taxpayer's liability for personal holding company tax shall be determined only in the manner provided in section 547 (c) and paragraph (b) (1) of this section.

(2) The deficiency dividend shall be paid by the corporation on, or within 90 days after, the date of such determination and prior to the filing of a claim under section 547 (e) and paragraph (b) (2) of this section for deduction for deficiency dividends. This claim must be filed within 120 days after such determination.

(3) The deficiency dividend must be of such a nature as would have permitted its inclusion in the computation of a deduction for dividends paid under section 561 for the taxable year with respect to which the liability for personal holding company tax exists, if it had been distributed during such year. See section 562 and §§ 1.562–1—1.562–3. In this connection, it should be noted that under section 316 (b) (2), the term "dividend" means (in addition to the usual meaning under section 316 (a)) any distribution of property (whether or not a dividend as defined in section 316 (a)) made by a corporation to its shareholders, to the extent of its undistributed personal holding company income (determined under section 545 and §§ 1.545–1 and 1.545–2 without regard to section 316 (b) (2)) for the taxable year in respect of which the distribution is made.

(b) *Special rules*—(1) *Nature and details of determination.* (i) A determination of a taxpayer's liability for personal holding company tax shall, for the purposes of section 547, be established in the manner specified in section 547 (c) and this subparagraph.

(ii) The date of determination by a decision of the Tax Court of the United States is the date upon which such decision becomes final, as prescribed in section 7481.

(iii) The date upon which a judgment of a court becomes final, which is the date of the determination in such cases, must be determined upon the basis of the facts in the particular case. Ordinarily, a judgment of a United States district court becomes final upon the expiration of the time allowed for taking an appeal, if no such appeal is duly taken within such time; and a judgment of the United States Court of Claims becomes final upon the expiration of the time allowed for filing a petition for certiorari if no such petition is duly filed within such time.

(iv) The date of determination by a closing agreement, made under section 7121, is the date such agreement is approved by the Commissioner.

(v) A determination under section 547 (c) (3) may be made by an agreement signed by the district director or such other official to whom authority to sign the agreement is delegated, and by or on behalf of the taxpayer. The agreement shall set forth the total amount of the liability for personal holding company tax for the taxable year or years. The date of the determination is the date such agreement is signed by the district director or such other official to whom authority to sign the agreement is delegated.

(2) *Claim for deduction*—(i) *Contents of claim.* A claim for deduction for a deficiency dividend shall be made in duplicate, with the requisite declaration, on Form 976 and shall contain the following information:

(*a*) The name and address of the corporation;

(*b*) The place and date of incorporation;

(*c*) The amount of the deficiency determined with respect to the tax imposed by section 541 (or a corresponding provision of a prior income tax law) and the taxable year or years involved; the amount of the unpaid deficiency or, if the deficiency has been paid in whole or in part, the date of payment and the amount thereof; a statement as to how the deficiency was established, if unpaid; or if paid in whole or in part, how it was established that any portion of the amount paid was a deficiency at the time when paid and, in either case whether it was by an agreement under section 547 (c) (3), by a closing agreement under section 7121, or by a decision of the Tax Court or court judgment and the date thereof; if established by a final judgment in a suit against the United States for refund, the date of payment of the deficiency, the date the claim for refund was filed, and the date the suit was brought; if established by a Tax Court decision or court judgment, a copy thereof shall be attached, together with an explanation of how the decision became final; if established by an agreement under section 547 (c) (3), a copy of such agreement shall be attached;

(*d*) The amount and date of payment of the dividend with respect to which the claim for the deduction for deficiency dividends is filed;

(*e*) A statement setting forth the various classes of stock outstanding, the name and address of each shareholder, the class and number of shares held by each on the date of payment of the dividend with respect to which the claim is filed, and the amount of such dividend paid to each shareholder;

(*f*) The amount claimed as a deduction for deficiency dividends; and

(*g*) Such other information as may be required by the claim form.

(ii) *Filing of claim and corporate resolution.* The claim in duplicate together with a certified copy of the resolution of the board of directors or other authority, authorizing the payment of the dividend with respect to which the claim is filed, shall be filed with the district director of internal revenue for the district in which the return is filed.

(iii) *Carryover of deficiency dividends paid by acquiring corporation.* In the case of the acquisition of assets of a corporation by another corporation in a distribution or transfer described in section 381 (a), the distributor or transferor corporation shall be entitled to a deduction for any deficiency dividends (as defined in section 547 (d)) paid by the acquiring corporation with respect to such distributor or transferor corporation. See section 381 (c) (17).

§ 1.547–3 *Claim for credit or refund.* (a) If a deficiency in personal holding company tax is asserted for any taxable year, and the corporation has paid any portion of such asserted deficiency, it is entitled to a credit or refund of such payment to the extent that such payment constitutes an overpayment as the result of a deduction for a deficiency dividend as provided in section 547 and §§ 1.547–1—1.547–7. It should be noted that a "determination" under section 547 (c) and paragraph (b) (1) of § 1.547–2, of taxpayer's liability for personal holding company tax may take place subsequent to the time the deficiency was paid. To secure credit or refund of such overpayment, the taxpayer must file a claim on Form 843 in addition to the claim for the deduction for deficiency dividends required under section 547 (e) and paragraph (b) (2) of § 1.547–2.

(b) No interest shall be allowed on such credit or refund.

(c) Such credit or refund will be allowed as if, on the date of the determination under section 547 (c) and paragraph (b) (1) of § 1.547–2, two years remained before the expiration of the period of limitation on the filing of claim for refund for the taxable year to which the overpayment relates.

§ 1.547–4 *Effect on dividends paid deduction.* The deficiency dividends deduction shall be allowed as of the date the claim is filed. No duplication of deductions with respect to any deficiency dividends is permitted. If a corporation claims and receives the benefit of the provisions of section 547 (or the corresponding section 506 of the Internal Revenue Code of 1939, or section 407 of the Revenue Act of 1938), based upon a distribution of deficiency dividends, that distribution does not become a part of the dividends paid deduction under section 561. Likewise, it will not be made the basis of a dividends paid deduction under section 561 by reason of the application of section 563 (b), relating to dividends paid after the close of the taxable year and on or before the 15th day of the third month following the close of such taxable year.

§ 1.547–5 *Deduction denied in case of fraud or wilful failure to file timely return.* No deduction for deficiency dividends shall be allowed under section 547 (a) if the determination contains a finding that any part of the deficiency is due to fraud with intent to evade tax, or to wilful failure to file an income tax return within the time prescribed by law or prescribed by the Secretary or his delegate in pursuance of law. See § 1.547–7 for effective date.

§ 1.547–6 *Suspension of statute of limitations and stay of collection*—(a) *Statute of limitations.* If the corporation files a claim for a deduction for deficiency dividends under section 547 (e) and paragraph (b) (2) of § 1.547–2, the running of the statute of limitations

upon assessment, distraint, and collection in court in respect of the deficiency, and all interest, additional amounts, or assessable penalties, shall be suspended for a period of two years after the date of the determination under section 547 (c) and paragraph (b) (1) of § 1.547–2.

(b) *Stay of collection.* If a deficiency in personal holding company tax is established by a determination under section 547 (c) and paragraph (b) (1) of § 1.547–2, collection by distraint or court proceeding (except in case of jeopardy), of the deficiency and all interest, additional amounts, and assessable penalties, shall be stayed for a period of 120 days after the date of such determination, and, to the extent any part of such deficiency remains after deduction for deficiency dividends, for an additional period until the date the claim is disallowed. After such claim is allowed or rejected, either in whole or in part, the amount of the deficiency which was not eliminated by the application of section 547, together with interest, additional amounts and assessable penalties, will be assessed and collected in the usual manner.

§ 1.547–7 *Effective date.* The deduction for deficiency dividends, in computing personal holding company tax for any taxable year, is allowable only with respect to determinations under section 547 (c) made after November 14, 1954 (the date falling 90 days after the date of enactment of the Internal Revenue Code of 1954). If the taxable year with respect to which the deficiency is asserted began before January 1, 1954, the deficiency dividends deduction shall include only the amounts which would have been includible in the computation of the basic surtax credit for such taxable year under the Internal Revenue Code of 1939. Section 547 (g), relating to the denial of a deficiency dividends deduction if the determination contains a finding that any part of the deficiency is due to fraud, etc., shall apply only if the taxable year with respect to which the deficiency is asserted begins after December 31, 1953.

FOREIGN PERSONAL HOLDING COMPANIES

§ 1.551 *Statutory provisions; foreign personal holding company income taxed to United States shareholders.*

SEC. 551. *Foreign personal holding company income taxed to United States shareholders*—(a) *General rule.* The undistributed foreign personal holding company income of a foreign personal holding company shall be included in the gross income of the citizens or residents of the United States, domestic corporations, domestic partnerships, and estates or trusts (other than estates or trusts the gross income of which under this subtitle includes only income from sources within the United States), who are shareholders in such foreign personal holding company (hereinafter called "United States shareholders") in the manner and to the extent set forth in this part.

(b) *Amount included in gross income.* Each United States shareholder, who was a shareholder on the day in the taxable year of the company which was the last day on which a United States group (as defined in section 552 (a) (2)) existed with respect to the company, shall include in his gross income, as a dividend, for the taxable year in which or with which the taxable year of the company ends, the amount he would have received as a dividend if on such last day there had been distributed by the company, and received by the shareholders, an amount which bears the same ratio to the undistributed foreign personal holding company income of the company for the taxable year as the portion of such taxable year up to and including such last day bears to the entire taxable year.

(c) *Deduction for obligations of United States and its instrumentalities.* Each United States shareholder shall take into account in determining his income tax his proportionate share of partially tax-exempt interest on obligations described in section 35 or 242 which is included in the gross income of the company otherwise than by the application of the provisions of section 555 (b) (relating to the inclusion in the gross income of a foreign personal holding company of its distributive share of the undistributed foreign personal holding company income of another foreign personal holding company in which it is a shareholder). If the foreign personal holding company elects under section 171 to amortize the premiums on such obligations, for purposes of the preceding sentence each United States shareholder's proportionate share of such interest received by the foreign personal holding company shall be his proportionate share of such interest (determined without regard to this sentence) reduced by so much of the deduction under section 171 as is attributable to such share.

(d) *Information in return.* Every United States shareholder who is required under subsection (b) to include in his gross income any amount with respect to the undistributed foreign personal holding company income of a foreign personal holding company and who, on the last day on which a United States group existed with respect to the company, owned 5 percent or more in value of the outstanding stock of such company, shall set forth in his return in complete detail the gross income, deductions and credits, taxable income, foreign personal holding company, and undistributed foreign personal holding company income of such company.

(e) *Effect on capital account of foreign personal holding company.* An amount which bears the same ratio to the undistributed foreign personal holding company income of the foreign personal holding company for its taxable year as the portion of such taxable year up to and including the last day on which a United States group existed with respect to the company bears to the entire taxable year, shall, for the purpose of determining the effect of distributions in subsequent taxable years by the corporation, be considered as paid-in surplus or as a contribution to capital, and the accumulated earnings and profits as of the close of the taxable year shall be correspondingly reduced, if such amount or any portion thereof is required to be included as a dividend, directly or indirectly, in the gross income of United States shareholders.

(f) *Basis of stock in hands of shareholders.* The amount required to be included in the gross income of a United States shareholder under subsection (b) shall, for the purpose of adjusting the basis of his stock with respect to which the distribution would have been made (if it had been made), be treated as having been reinvested by the shareholder as a contribution to the capital of the corporation; but only to the extent to which such amount is included in his gross income in his return, increased or decreased by any adjustment of such amount in the last determination of the shareholder's tax liability, made before the expiration of 6 years after the date prescribed by law for filing the return.

(g) *Cross references.* (1) For basis of stock or securities in a foreign personal holding company acquired from a decedent, see section 1014 (b) (5).

(2) For period of limitation on assessment and collection without assessment, in case of failure to include in gross income an amount properly includible therein under subsection (b), see section 6501.

(3) For treatment of gain on liquidation of certain foreign personal holding companies, see section 342.

§ 1.551–1 *General rule.* Part III of subchapter G of chapter 1 of the Internal Revenue Code of 1954 (sections 551–557) does not impose a tax on foreign personal holding companies. The undistributed foreign personal holding company income of such companies, however, must be included in the manner and to the extent set forth in section 551, in the gross income of their "United States shareholders," that is, the shareholders who are individual citizens or residents of the United States, domestic corporations, domestic partnerships, and estates or trusts other than estates or trusts the gross income of which under subtitle A includes only income from sources within the United States.

§ 1.551–2 *Amount included in gross income.* (a) The undistributed foreign personal holding company income is included only in the gross income of the United States shareholders who were shareholders in the company on the last day of its taxable year on which a United States group (as defined in section 552 (a) (2)) existed with respect to the company. Such United States shareholders, accordingly, are determined by the stock holdings as of such specified time. This rule applies to every United States shareholder who was a shareholder in the company at the specified time regardless of whether the United States shareholder is included within the United States group. For example, a domestic corporation which is a United States shareholder at the specified time must return its distributive share in the undistributed foreign personal holding company income even though the domestic corporation cannot be included within the United States group since, under section 554, the stock it owns in the foreign corporation is considered as being owned proportionately by its shareholders for the purpose of determining whether the foreign corporation is a foreign personal holding company.

(b) The United States shareholders must include in their gross income their distributive shares of that proportion of the undistributed foreign personal holding company income for the taxable year of the company which is equal in ratio to that which the portion of the taxable year up to and including the last day on which the United States group with respect to the company existed bears to the entire taxable year. Thus, if the last day in the taxable year on which the required United States group existed was also the end of the taxable year, the portion of the taxable year up to and including such last day would be equal to 100 percent and, in such case, the United States shareholders would be required to return their distributive shares in the entire undistributed foreign personal holding company income. But if the last day on which the required United States group existed was September 30, and the taxable year was a calendar year, the portion of the taxable year up to and including such last day would be equal

to nine-twelfths and, in that case, the United States shareholders would be required to return their distributive shares in only nine-twelfths of the undistributed foreign personal holding company income.

(c) The amount which each United States shareholder must return is that amount which he would have received as a dividend if the above-specified portion of the undistributed foreign personal holding company income had in fact been distributed by the foreign personal holding company as a dividend on the last day of its taxable year on which the required United States group existed. Such amount is determined, therefore, by the interest of the United States shareholder in the foreign personal holding company, that is, by the number of shares of stock owned by the United States shareholder and the relative rights of his class of stock, if there are several classes of stock outstanding. Thus, if a foreign personal holding company has both common and preferred stock outstanding and the preferred shareholders are entitled to a specified dividend before any distribution may be made to the common shareholders, then the assumed distribution of the stated portion of the undistributed foreign personal holding company income must first be treated as a payment of the specified dividend on the preferred stock before any part may be allocated as a dividend on the common stock.

(d) The assumed distribution of the required portion of the undistributed foreign personal holding company income must be returned as dividend income by the United States shareholders for their respective taxable years in which or with which the taxable year of the foreign personal holding company ends. For example, if the M Corporation, whose taxable year is the calendar year, is a foreign personal holding company for 1954 and if A, one of its United States shareholders, makes returns on a calendar year basis, while B, another United States shareholder, makes returns on the basis of a fiscal year ending November 30, A must return his assumed dividend as income for the taxable year 1954 and B must return his distributive share as income for the fiscal year ending November 30, 1955. In applying this rule, the date as of which the United States group last existed with respect to the company is immaterial. Thus, in the foregoing example, if September 30, 1954, was the last day on which the United States group with respect to the M Corporation existed, B would still be required to return his assumed dividend as income for the fiscal year ending November 30, 1955, even though September 30, 1954, the date as of which the distribution is assumed to have been made, does not fall within such fiscal year.

(e) For the treatment of gain on the sale of certain stock, see section 306 (f) and paragraph (h) of § 1.306–3.

§ 1.551–3 *Deduction for obligations of the United States and its instrumentalities.* (a) Each United States shareholder required to return his distributive share of undistributed foreign personal holding company income for any taxable year shall take into account in computing the credit against tax under section 35, or the deduction under section 242, whichever is allowable to such shareholder, his proportionate share of whatever interest on obligations of the United States or its instrumentalities (as specified in sections 35 or 242, as the case may be) may be included in the gross income of the company for such taxable year, with the exception of any such interest as may be so included by reason of the application of the provisions of section 555. For reduction of credit for such interest on account of amortizable bond premium, see section 171 and the regulations thereunder.

(b) The rule set forth in paragraph (a) of this section may be illustrated by the following example:

Example. The M Corporation is a foreign personal holding company which owns all the stock of the N Corporation, another foreign personal holding company. Both companies receive interest on obligations of the United States or its instrumentalities as specified in section 35. In determining the amount of the credit allowable under section 35 (if the shareholder is an individual) or the deduction allowable under section 242 (if the shareholder is a corporation), the United States shareholder of the M Corporation would be entitled to a credit or a deduction, as the case may be, only for his proportionate share of the interest received by that Company and not for any part of the interest received by the N Corporation, regardless of whether the interest received by the N Corporation is included in the gross income of the M Corporation as an actual dividend or as a constructive dividend under section 555.

§ 1.551–4 *Information in return.* The information required by section 551 (d) in the returns of certain United States shareholders relates only to the taxable year of a foreign personal holding company for which any part of such corporation's undistributed foreign personal holding company income must be included in gross income by the United States shareholder of whom the information is required. The information shall be submitted as a part of the income tax return in the form of a statement attached to the return.

§ 1.551–5 *Effect on capital account of foreign personal holding company and basis of stock in hands of shareholders.* (a) Sections 551 (e) and 551 (f) are designed to prevent double taxation with respect to the undistributed foreign personal holding company income.

(b) The application of sections 551 (e) and 551 (f) may be illustrated by the following examples:

Example (1). The M Corporation is a foreign personal holding company. Seventy-five percent in value of its capital stock is owned by A, a citizen of the United States, and the remainder, or 25 percent, of its stock is owned by B, a nonresident alien individual. For the calendar year 1954 the M Corporation has an undistributed foreign personal holding company income of $100,000. A is required to include $75,000 of such income in gross income as a dividend in his return for the calendar year 1954. The $100,000 is treated as paid-in surplus or as a contribution to the capital of the M Corporation and its accumulated earnings and profits as of the close of the calendar year 1954 are correspondingly reduced. If after treating such $100,000 as paid-in surplus or as a contribution to capital, the M Corporation has no accumulated earnings and profits at the close of 1954, and if for the calendar year 1955, the M Corporation had no earnings and profits, but distributed $40,000, the amount so distributed would be a nontaxable distribution and would not be included in the gross income of either A or B for the calendar year 1955. If, however, after treating the $100,000 as paid-in surplus or as a contribution to capital, the M Corporation had accumulated earnings and profits of $100,000 at the close of 1954, the facts otherwise being the same, the distributions in 1955 would be taxable to A as a dividend, and the taxability of such distributions to B would depend upon the application of section 861 (a) (2), relating to the treatment of dividends from a foreign corporation as income from sources within or without the United States.

Example (2). In example (1) assume the basis of A's stock to be $300,000. If A includes in gross income in his return for the calendar year 1954, $75,000 as a dividend from the M Corporation, the basis of his stock would be $375,000. After the nontaxable distribution of $30,000 to A by the M Corporation in 1955 (75 percent of the $40,000 distribution) the basis of A's stock, assuming no other changes, would be $345,000. If A failed to include the $75,000 as a dividend in gross income in his return for 1954 and his failure was not discovered until after the 6-year period of limitations had expired, the application of the rule would not increase the basis of A's stock. The subsequent nontaxable distribution of $30,000 to A in 1955 would reduce his basis of $300,000 to $270,000, thus tending to compensate for his failure to include the amount of $75,000 as a dividend in his gross income for 1954. If the undistributed foreign personal holding company income of the M Corporation is readjusted within the statutory period of limitations, thus increasing or decreasing the amount A would have to include in his gross income, proper adjustment is required to be made to the basis of A's stock on account of such readjustment.

§ 1.552 *Statutory provisions; definition of foreign personal holding company.*

SEC. 552. *Definition of foreign personal holding company*—(a) *General rule.* For purposes of this subtitle, the term "foreign personal holding company" means any foreign corporation if—

(1) *Gross income requirement.* At least 60 percent of its gross income (as defined in section 555 (a)) for the taxable year is foreign personal holding company income as defined in section 553; but if the corporation is a foreign personal holding company with respect to any taxable year ending after August 26, 1937, then, for each subsequent taxable year, the minimum percentage shall be 50 percent in lieu of 60 percent, until a taxable year during the whole of which the stock ownership required by paragraph (2) does not exist, or until the expiration of three consecutive taxable years in each of which less than 50 percent of the gross income is foreign personal holding company income. For purposes of this paragraph, there shall be included in the gross income the amount includible therein as a dividend by reason of the application of section 555 (c) (2); and

(2) *Stock ownership requirement.* At any time during the taxable year more than 50 percent in value of its outstanding stock is owned, directly or indirectly, by or for not more than five individuals who are citizens or residents of the United States, hereinafter called "United States group".

(b) *Exceptions.* The term "foreign personal holding company" does not include—

(1) A corporation exempt from tax under subchapter F (sec. 501 and following); and

(2) A corporation organized and doing business under the banking and credit laws of a foreign country if it is established (annually or at other periodic intervals) to the satisfaction of the Secretary or his delegate that such corporation is not formed or availed of for the purpose of evading or avoiding United States income taxes which would otherwise be imposed upon its shareholders. If the Secretary or his delegate is satisfied that such corporation is not so formed or availed of, he shall issue to such corporation annually or at other periodic intervals a certification that the corporation is not a foreign personal holding company.

Each United States shareholder of a foreign corporation which would, except for the provisions of paragraph (2), be a foreign personal holding company, shall attach to and file with his income tax return for the taxable year a copy of the certification by the Secretary or his delegate made pursuant to paragraph (2). Such copy shall be filed with the taxpayer's return for the taxable year if he has been a shareholder of such corporation for any part of such year.

§ 1.552–1 *Definition of foreign personal holding company.* (a) A foreign personal holding company is any foreign corporation, other than a corporation exempt from taxation under subchapter F (section 501 and following) and other than certain banking institutions which satisfy the requirements of section 552 (b) (2) and paragraph (b) of § 1.552–4 which for the taxable year meets (1) the gross income requirement specified in section 552 (a) (1); and (2) the stock ownership requirement specified in section 552 (a) (2). Both requirements must be satisfied with respect to each taxable year.

(b) A foreign corporation which comes within the classification of a foreign personal holding company is not subject to taxation either under section 531 or section 541. See sections 532 (b) (2) and 542 (c) (5). The fact that a foreign corporation is a foreign personal holding company does not relieve the corporation from liability for the taxes imposed generally upon foreign corporations, such as the taxes imposed by sections 881 and 882, since such taxes apply regardless of the classification of the foreign corporation as a foreign personal holding company.

§ 1.552–2 *Gross income requirement.* (a) To meet the gross income requirement, it is necessary that either of the following percentages of gross income of the corporation for the taxable year (including the additions to gross income provided in section 555 (b) as required by section 555 (c) (2)) be foreign personal holding company income as defined in section 553:

(1) 60 percent or more; or

(2) 50 percent or more if the foreign corporation has been classified as a foreign personal holding company for any taxable year ending after August 26, 1937, unless—

(i) A taxable year has intervened since the last taxable year for which it was so classified, during no part of which the stock ownership requirement specified in section 552 (a) (2) exists; or

(ii) Three consecutive years have intervened since the last taxable year for which it was so classified, during each of which its foreign personal holding company income was less than 50 percent of its gross income.

(b) In determining whether the foreign personal holding company income is equal to the required percentage of the total gross income, the determination must not be made upon the basis of gross receipts, since gross income is not synonymous with gross receipts. For meaning of gross income in this part, see section 555 and § 1.555–1.

§ 1.552–3 *Stock ownership requirement.* (a) To meet the stock ownership requirement, it is necessary that at sometime in the taxable year more than 50 percent in value of the outstanding stock of the foreign corporation be owned, directly or indirectly, by or for not more than five individuals who are citizens or residents of the United States, herein referred to as "United States group." For the purpose of the requirement under section 552 (a) (2), section 554 provides that the ownership of the stock must be determined under the rules prescribed by section 544 (relating to rules for determining stock ownership in the case of personal holding companies generally). Accordingly, section 544 and §§ 1.544–1—1.544–7 are applicable for purposes of section 552 (a) (2) and this section as if each reference in section 544 and §§ 1.544–1—1.544–7 to a personal holding company or to part II (sections 541–547) of subchapter G of the 1954 Code was a reference to a foreign personal holding company or to part III (sections 551–557) of subchapter G of the 1954 Code, as the case may be.

(b) It is necessary to consider any change in the stock outstanding during the taxable year, whether in the number of shares or classes of stock, or in the ownership thereof, since a corporation comes within the classification if the statutory conditions with respect to stock ownership are present at any time during the taxable year.

(c) In determining whether the statutory conditions with respect to stock ownership are present at any time during the taxable year, the phrase "in value" shall, in the light of all the circumstances, be deemed the value of the corporate stock outstanding at such time (not including treasury stock). This value may be determined upon the basis of the company's net worth, earning and dividend paying capacity, appreciation of assets, together with such other factors as have a bearing upon the value of the stock. If the value of the stock which is used is greatly at variance with that reflected by the corporate books, the evidence of such value should be filed with the return. In any case where there are two or more classes of stock outstanding, the total value of all the stock should be allocated among the different classes according to the relative value of each class therein.

§ 1.552–4 *Certain excluded banks.* (a) A corporation is excluded from the definition of "foreign personal holding company" if it is organized and doing business under the banking and credit laws of a foreign country and if it establishes to the satisfaction of the Commissioner that it was not formed or availed of for the purpose of evading or avoiding United States income taxes which would otherwise be imposed on its shareholders. If this is established, the Commissioner, or such other official to whom authority may be delegated, will certify, by letter to the corporation, that it is not a foreign personal holding company.

(b) An application for certification under section 552 (b) (2) shall be made in writing to the Commissioner of Internal Revenue, Washington 25, D. C., Attention: Director of International Operations. A separate application shall be filed for each taxable year for which certification is requested, and the application shall be accompanied by a completed Form 958 for the taxable year. See section 6035. The following information shall be set forth in, or submitted with, the application:

(1) A complete reference to the banking or credit laws of the foreign country under which the corporation operates;

(2) A statement as to the extent of the corporation's business in receiving deposits and making loans and discounts and similar banking and credit operations;

(3) A statement as to the extent of the operations of the corporation other than such banking and credit operations;

(4) A statement as to whether the banking and credit operations of the corporation are customary for it;

(5) A statement setting forth the degree and manner of supervision exercised over it by the foreign government under its banking and credit laws; a copy (in English) of the corporation's last annual financial statement, as submitted to the Government authority having jurisdiction over it, shall be submitted with the application;

(6) A statement setting forth the business reasons of the corporation for not distributing the amount which would be its undistributed foreign personal holding company income if the corporation were not excluded under section 552 (b);

(7) A statement setting forth the extent of the corporation's profits which must be retained as reserves under the foreign law;

(8) A statement setting forth the date or dates when the corporation reasonably expects to distribute is undistributed foreign personal holding company income for the taxable year;

(9) A statement setting forth the name and address of each of the individuals described in section 552 (2) (3), the extent of their stock ownership in the corporation, and the amount of distributions or other payments to such stockholders, including, but not limited to, dividends, compensation, interest, and rents; and

(10) Any other facts or information the corporation may wish to submit to show that it was not formed or availed of for the purpose of evading or avoiding United States income taxes which would otherwise be imposed on its shareholders.

The corporation shall also furnish such other information requested as necessary by the Director of International Operations. The application for certification, together with the information required by this paragraph, should be filed within 60 days after the close of the taxable year of the corporation or within 60 days after the date of publication of §§ 1.541 to 1.565–6 in the FEDERAL REGISTER, whichever is later. However, if the corporation is unable, for good cause, to submit the application for certification within such 60-day period, additional time may be granted by the Director of International Operations upon receipt of a request from the corporation setting forth the reasons for such request.

§ 1.552–5 *United States shareholder of excluded bank.* A copy of the certification issued to an excluded bank under section 552 (b) (2) and § 1.552–4 shall be filed with, and made a part of, the income tax return for the taxable year of each United States shareholder of such foreign corporation, if he has been a shareholder of such corporation for any part of such year. If the certificate has not been issued at the time the return of the United States shareholder is filed, the shareholder shall compute the tax on his return by treating the bank as a foreign personal holding company. If a certificate is issued after the return is filed, the United States shareholder may file a claim for refund or an amended return, and shall attach thereto a copy of the certification.

§ 1.553 *Statutory provisions; foreign personal holding company income.*

SEC. 553. *Foreign personal holding company income.* For purposes of this subtitle, the term "foreign personal holding company income" means the portion of the gross income, determined for purposes of section 552, which consists of personal holding company income, as defined in section 543, except that all interest, whether or not treated as rent, and all royalties, whether or not mineral, oil, or gas royalties, shall constitute "foreign personal holding company income".

§ 1.553–1 *Foreign personal holding company income.* Foreign personal holding company income shall consist of the items defined under section 543 and §§ 1.543–1 and 1.543–2, relating to personal holding company income, with the following exceptions:

(a) The entire amount received as "interest", whether or not treated as rent, shall be considered to be foreign personal holding company income. Thus, the exception in the second sentence of section 543 (a) (1) and paragraph (b) (2) of § 1.543–1 (relating to interest treated as rent under section 543 (a) (7) and paragraph (b) (10) of § 1.543–1), is inapplicable for the purpose of determining foreign personal holding company income. Similarly, section 543 (a) (7) and paragraph (b) (10) of § 1.543–1 are applied for this purpose without regard to the interest described in that section.

(b) (1) The entire amount received as "royalties", whether or not mineral, oil, or gas royalties, shall be considered to be foreign personal holding company income. Thus, subparagraphs (A) and (B) of section 543 (a) (8) and paragraph (b) (11) (i) (*a*) and (*b*) of § 1.543–1 are inapplicable for the purpose of determining foreign personal holding company income.

(2) In computing foreign personal holding company income, the first sentence of paragraph (b) (11) (ii) of § 1.543–1 shall apply to overriding royalties received from the sublessee by the operating company which originally leased and developed the natural resource property in respect of which such overriding royalties are paid, and to mineral, oil, or gas production payments, only with respect to amounts received after September 30, 1958.

§ 1.554 *Statutory provisions; stock ownership.*

SEC. 554. *Stock ownership.* For purposes of determining whether a foreign corporation is a foreign personal holding company, insofar as such determination is based on stock ownership, the rules provided in section 544 shall be applicable as if any reference in such section to a personal holding company was a reference to a foreign personal holding company and as if any reference in such section to a provision of part II (relating to personal holding companies) was a reference to the corresponding provision of this part.

§ 1.554–1 *Stock ownership.* For regulations under section 554, see § 1.552–3.

§ 1.555 *Statutory provisions; gross income of foreign personal holding companies.*

SEC. 555. *Gross income of foreign personal holding companies*—(a) *General rule.* For purposes of this part, the term "gross income" means, with respect to a foreign corporation, gross income computed (without regard to the provisions of subchapter N (sec. 861 and following)) as if the foreign corporation were a domestic corporation which is a personal holding company.

(b) *Additions to gross income.* In the case of a foreign personal holding company (whether or not a United States group, as defined in section 552 (a) (2), existed with respect to such company on the last day of its taxable year) which was a shareholder in another foreign personal holding company on the day in the taxable year of the second company which was the last day on which a United States group existed with respect to the second company, there shall be included, as a dividend, in the gross income of the first company, for the taxable year in which or with which the taxable year of the second company ends, the amount the first company would have received as a dividend if on such last day there had been distributed by the second company, and received by the shareholders, an amount which bears the same ratio to the undistributed foreign personal holding company income of the second company for its taxable year as the portion of such taxable year up to and including such last day bears to the entire taxable year.

(c) *Application of subsection (b).* The rule provided in subsection (b)—

(1) Shall be applied in the case of a foreign personal holding company for the purpose of determining its undistributed foreign personal holding company income which, or a part of which, is to be included in the gross income of its shareholders, whether United States shareholders or other foreign personal holding companies;

(2) Shall be applied in the case of every foreign corporation with respect to which a United States group exists on some day of its taxable year, for the purpose of determining whether such corporation meets the gross income requirements of section 552 (a) (1).

§ 1.555–1 *General rule.* The gross income of a foreign corporation which is a foreign personal holding company is computed the same as if the foreign corporation were a domestic corporation which is a personal holding company. See section 542 (a) (1) and § 1.542–2. The gross income of a foreign personal holding company thus includes income from all sources, whether within or without the United States, which is not specifically excluded from gross income under any other provisions of the Code. For example, the gross income of a foreign personal holding company includes all income from sources outside the United States even though the foreign personal holding company is a foreign corporation not engaged in trade or business within the United States.

§ 1.555–2 *Additions to gross income.* (a) If, for any taxable year—

(1) A foreign corporation meets the stock ownership requirement specified in section 552 (a) (2) and § 1.552–3, regardless of whatever day in its taxable year is the last day on which the required United States group exists, and

(2) Such foreign corporation is a shareholder in a foreign personal holding company on any day of a taxable year of the second company which ends with or within the taxable year of the first company and such day is the last day in the taxable year of the second company in which the United States group exists with respect to the second company, then for the purpose of—

(i) Determining whether the first company meets the specified gross income requirement so as to come within the classification of a foreign personal holding company, and

(ii) Determining the undistributed foreign personal holding company income of the first company which (in the event the first company is a foreign personal holding company) is to be included, in whole or in part, in the gross income of its shareholders, whether United States shareholders or other foreign personal holding companies:

there shall be included as a dividend in the gross income of the first company for the taxable year in which or with which the taxable year of the second company ends, the amount the first company would have received as a dividend, if on the last day referred to in this subparagraph there had been distributed by the second company, and received by the shareholders, an amount which bears the same ratio to the undistributed foreign personal holding company income of the second company for its taxable year as the portion of such taxable year up to and including such last day bears to the entire taxable year. The foregoing rules apply to any chain of foreign corporations regardless of the number of corporations included in the chain.

(b) The application of section 555 (b) may be illustrated by the following examples:

Example (1). The X Corporation is a foreign corporation whose stock is owned by A, a United States citizen. The X Corporation owns the entire stock of the Y Corporation,

another foreign corporation. The taxable year of the X Corporation is the calendar year and the taxable year of the Y Corporation is the fiscal year ending June 30. For the fiscal year ending June 30, 1955, more than the required percentage of the Y Corporation's gross income consists of foreign personal holding company income and no part of the earnings for such year is distributed as dividends. On the basis of these facts the Y Corporation is a foreign personal holding company for the fiscal year ending June 30, 1955. The X Corporation meets the stock ownership requirement and constitutes a foreign personal holding company for 1955, if it also meets the gross income requirement. For the purpose of determining whether the X Corporation meets the gross income requirement, the entire undistributed foreign personal holding company income of the Y Corporation for the fiscal year ending June 30, 1955, must be included as a dividend in the gross income of the X Corporation for 1955, since—

(1) The X Corporation was a shareholder in the Y Corporation on a day (June 30, 1955) in the taxable year of the Y Corporation ending with or within the taxable year of the X Corporation, which day was the last day in the taxable year of the Y Corporation on which the United States group required with respect to the Y Corporation existed,

(2) Such last day was also the end of the Y Corporation's taxable year so that the portion of the taxable year of the Y Corporation up to and including such last day is equal to 100 percent of the taxable year of the Y Corporation, and, therefore, the portion of the undistributed foreign personal holding company income of the Y Corporation includible in the gross income of its shareholders is likewise equal to 100 percent, and

(3) The X Corporation being the sole shareholder of the Y Corporation must include such portion in its gross income for 1955, the taxable year in which or with which the taxable year of the Y Corporation ends. If, after the inclusion of the presumptive dividend in its gross income, the X Corporation is a foreign personal holding company for 1955, then the undistributed foreign personal holding company income of the Y Corporation must also be included as a dividend in the gross income of the X Corporation in determining its undistributed foreign personal holding company income which is to be included in the gross income of A, the sole shareholder in the X Corporation. On the other hand, if, after including such presumptive dividend, the X Corporation does not constitute a foreign personal holding company, the undistributed foreign personal holding company income of the Y Corporation is not includible in the gross income of the X Corporation.

Example (2). The X Corporation referred to in example (1) sold the stock in the Y Corporation to other interests on September 30, 1955, so that after that date no United States group existed with respect to the Y Corporation. For the fiscal year ending June 30, 1956, more than the required percentage of the gross income of the Y Corporation consists of foreign personal holding company income. The taxable income of the Y Corporation for such fiscal year amounts to $1,000,000, of which $900,000 is distributed in dividends after September 30, 1955. The undistributed foreign personal holding company income of the Y Corporation for such fiscal year amounts to $100,000. Upon the basis of these facts the Y Corporation is a foreign personal holding company for the fiscal year ending June 30, 1956, since at one time in such fiscal year, or from July 1 to and including September 30, 1955, it meets the stock ownership requirement, and the gross income requirement is also satisfied. In determining whether the X Corporation constitutes a foreign personal holding company for 1956, a portion of the undistributed foreign personal holding company income of the Y Corporation for the fiscal year ending June 30, 1956 (three-twelfths of $100,000, or $25,000), must be included as a dividend in the gross income of the X Corporation, since—

(1) The X Corporation was a shareholder in the Y Corporation on September 30, 1955, or on a day in the taxable year of the Y Corporation ending with or within the taxable year of the X Corporation which day was the last day in the Y Corporation's taxable year on which the United States group required with respect to the Y Corporation existed.

(2) The portion of the taxable year of the Y Corporation up to and including such day is three-twelfths of the entire taxable year of the Y Corporation and, therefore, the portion of the undistributed foreign personal holding company income of the Y Corporation includible in the gross income of its shareholders also is equal to three-twelfths, and

(3) The X Corporation, being the sole shareholder of the Y Corporation at the time the United States group with respect to the Y Corporation last existed, must include all of such portion in its gross income for 1956, the taxable year of the X Corporation in which or with which the taxable year of the Y Corporation ends.

It is to be observed that three-twelfths of the undistributed foreign personal holding company income of the Y Corporation for the entire taxable year and not the earnings realized by the Y Corporation up to and including September 30, 1955, the last day on which the United States group with respect to the Y Corporation existed, must be included in the gross income of the X Corporation.

Example (3). The X Corporation referred to in example (1) sold the stock in the Y Corporation to other interests on September 30, 1955, so that after that date a different United States group existed with respect to the Y Corporation. Assuming that the Y Corporation is a foreign personal holding company for the fiscal year ending June 30, 1956, no part of the undistributed foreign personal holding company income of the Y Corporation for such fiscal year would, in this instance, be includible in the gross income of the X Corporation for the year 1956, in determining whether the X Corporation is a foreign personal holding company for that year. In such case, the undistributed foreign personal holding company income of the Y Corporation is includible in the gross income of the other foreign personal holding companies, if any, and of the United States shareholders who are shareholders in the Y Corporation the day after September 30, 1955, which was the last day in the taxable year of the Y Corporation on which the United States group with respect to the Y Corporation existed. If, however, the X Corporation sells 90 percent of its stock in the Y Corporation and thus is a minority shareholder in the Y Corporation on the last day of the taxable year of the Y Corporation on which the United States group with respect to the Y Corporation exists, the portion of the undistributed foreign personal holding company income allocable to the minority interests of the X Corporation would be includible in the gross income of the X Corporation, even though on such last day the United States group is not the same with respect to both corporations.

Example (4). If the Y Corporation in example (1) owns all of the stock of the Z Corporation, another foreign corporation, there would be a chain of three foreign corporations. In such case, assuming that the Z Corporation is a foreign personal holding company for a taxable year ending with or within the taxable year of the Y Corporation, the undistributed foreign personal holding company income of the Z Corporation would be included in the gross income of the Y Corporation for the purpose of determining whether the Y Corporation comes within the classification of a foreign personal holding company. If, after the inclusion of the presumptive dividend, the Y Corporation is a foreign personal holding company, the undistributed foreign personal holding company income of the Z Corporation would be included in the gross income of the Y Corporation in determining the undistributed foreign personal holding company income of the Y Corporation which is includible in the gross income of its shareholder, the X Corporation. The same process would be repeated with respect to determining whether the X Corporation is a foreign personal holding company and in determining its undistributed foreign personal holding company income. If all three corporations are foreign personal holding companies, the undistributed foreign personal holding company income of each would, in this manner, be reflected as a dividend in the gross income of A, the ultimate beneficial shareholder of the chain. In the event that after the inclusion of the undistributed foreign personal holding company income of the Z Corporation in the gross income of the Y Corporation, the Y Corporation is not a foreign personal holding company, then no part of the income of either the Z Corporation or the Y Corporation would be includible in the gross income of the X Corporation. In that event, whether the X Corporation is a foreign personal holding company, and its undistributed foreign personal holding company income, would be determined independently of the income of the Y Corporation and the Z Corporation.

§ 1.556 *Statutory provisions; undistributed foreign personal holding company income.*

SEC. 556. *Undistributed foreign personal holding company income*—(a) *Definition.* For purposes of this part, the term "undistributed foreign personal holding company income" means the taxable income of a foreign personal holding company adjusted in the manner provided in subsection (b), minus the dividends paid deduction (as defined in section 561).

(b) *Adjustments to taxable income.* For the purposes of subsection (a), the taxable income shall be adjusted as follows:

(1) *Taxes.* There shall be allowed as a deduction Federal income and excess profits taxes (other than the excess profits tax imposed by subchapter E of chapter 2 of the Internal Revenue Code of 1939 for taxable years beginning after December 31, 1940) and income, war profits, and excess-profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 164 (b) (6)), accrued during the taxable year, but not including the accumulated earnings tax imposed by section 531, the personal holding company tax imposed by section 541, or the taxes imposed by corresponding sections of a prior income tax law. A taxpayer which, for each taxable year in which it was subject to the provisions of supplement P of the Internal Revenue Code of 1939, deducted Federal income and excess profits taxes when paid for the purpose of computing undistributed supplement P net income under such code, shall deduct taxes under this paragraph when paid, unless the corporation elects, under regulations prescribed by the Secretary or his delegate, after the date of enactment of this title to deduct the taxes described in this paragraph when accrued. Such election shall be irrevocable and shall apply to the taxable year for which the election is made and to all subsequent taxable years.

(2) *Charitable contributions.* The deduction for charitable contributions provided under section 170 shall be allowed, but with the limitation in section 170 (b) (1) (A) and (B) (in lieu of the limitation in section 170 (b) (2)). For purposes of this paragraph,

the term "adjusted gross income" when used in section 170 (b) (1) means the taxable income computed with the adjustments provided in section 170 (b) (2) and without the deduction of the amounts disallowed under paragraphs (5) and (6) of this subsection or the inclusion in gross income of the amounts includible therein as dividends by reason of the application of the provisions of section 955 (b) (relating to the inclusion in gross income of a foreign personal holding company of its distributive share of the undistributed foreign personal holding company income of another company in which it is a shareholder).

(5) *Special deductions disallowed.* The special deductions for corporations provided in part VIII (except sections 242 and 248) of subchapter B (section 241 and following, relating to the deduction for dividends received by corporations, etc.) shall not be allowed.

(6) *Net operating loss.* The net operating loss deduction provided in section 172 shall not be allowed, but there shall be allowed as a deduction the amount of the net operating loss (as defined in section 172 (c)) for the preceding taxable year.

(5) *Expenses and depreciation applicable to property of the taxpayer.* The aggregate of the deductions allowed under section 162 (relating to trade or business expenses) and section 167 (relating to depreciation) which are allocable to the operation and maintenance of property owned or operated by the company, shall be allowed only in an amount equal to the rent or other compensation received for the use of, or the right to use, the property, unless it is established (under regulations prescribed by the Secretary or his delegate) to the satisfaction of the Secretary or his delegate—

(A) That the rent or other compensation received was the highest obtainable, or, if none was received, that none was obtainable;

(B) That the property was held in the course of a business carried on bona fide for profit; and

(C) Either that there was reasonable expectation that the operation of the property would result in a profit, or that the property was necessary to the conduct of the business.

(6) *Taxes and contributions to pension trusts.* The deductions provided in section 164 (a) (relating to taxes of a shareholder paid by the corporation) and in section 404 (relating to pension, etc., trusts) shall not be allowed.

§ 1.556–1 *Definition.* Undistributed foreign personal holding company income is the amount which is to be included in the gross income of the United States shareholders under section 551 (b) and § 1.551–2. Undistributed foreign personal holding company income is the taxable income of the foreign personal holding company, as defined in section 11 (a) (computed without regard to subchapter N), and adjusted in the manner described in section 556 (b) and § 1.556–2, less the deduction for dividends paid (§§ 1.561–1.565). See § 1.556–3 for an illustration of the computation of undistributed foreign personal holding company income.

§ 1.556–2 *Adjustments to taxable income.*—(a) *Taxes.*—(1) *General rule.* (i) In computing undistributed foreign personal holding company income for any taxable year, there shall be allowed as a deduction the Federal income and excess profits taxes accrued during the taxable year except that no deduction shall be allowed for (*a*) the accumulated earnings tax imposed by section 531 (or a corresponding section of a prior law), (*b*) the personal holding company tax imposed by section 541 (or a corresponding section of a prior law), and (*c*) the excess profits tax imposed by subchapter E of chapter 2 of the Internal Revenue Code of 1939 for taxable years beginning after December 31, 1940. The deduction is for taxes for the taxable year determined under the accrual method of accounting, regardless of whether the corporation uses an accrual method of accounting, the cash receipts and disbursements method, or any other allowable method of accounting. In computing the amount of taxes accrued, an unpaid tax which is being contested is not considered accrued until the contest is resolved.

(ii) However, the corporation shall deduct taxes paid, rather than taxes accrued, if it used that method with respect to Federal taxes for each taxable year for which it was subject to the provisions of supplement P of the Internal Revenue Code of 1939, unless an election is made under subparagraph (2) of this paragraph to deduct taxes accrued.

(2) *Election by corporation which deducted taxes paid.* (i) If the corporation was subject to supplement P of the Internal Revenue Code of 1939, and, for the purpose of computing undistributed supplement P net income under such Code, deducted Federal taxes paid, rather than such taxes accrued, for each taxable year for which it was subject to supplement P of the 1939 Code, the corporation may elect for any taxable year ending after August 16, 1954, to deduct taxes accrued, rather than taxes paid, for the purpose of computing its undistributed foreign personal holding company income. The election shall be made by deducting such taxes accrued in the return (Form 958) required to be filed for such taxable year. The return shall, in addition, contain a statement that the corporation has made such election and shall set forth the year to which such election was first applicable. The deduction of taxes accrued in the year of election precludes the deduction of taxes paid during such year. The election, if made, shall be irrevocable and the deduction for taxes accrued shall be allowed for the year of election and for all subsequent taxable years. See section 6035 and the regulations thereunder for rules relative to the filing of returns of officers, directors, and shareholders of foreign personal holding companies.

(ii) Pursuant to section 7851 (a) (1) (C), the election provided for in subdivision (i) of this subparagraph may be made with respect to a taxable year ending after August 16, 1954, even though such taxable year is subject to the Internal Revenue Code of 1939.

(3) *Taxes of foreign countries and United States possessions.* In computing taxable income, a foreign personal holding company is allowed a deduction under section 164 for income, war profits, and excess-profits taxes paid or accrued during the taxable year to foreign countries or possessions of the United States, but is not allowed the foreign tax credit under section 901. Therefore, in computing undistributed foreign personal holding company income for any taxable year, no adjustment under section 556 (b) (1) is allowed for such taxes.

(b) *Charitable contributions.* (1) Section 556 (b) (2) provides that, in computing the undistributed foreign personal holding company income of a corporation, the deduction for charitable contributions by a corporation shall be computed with the limitations of section 170 (b) (1) (A) and (B) (relating to charitable contributions by individuals) instead of the limitation in section 170 (b) (2) (relating to charitable contributions by corporations).

(2) Although the limitations of section 170 (b) (1) (A) and (B) are 10 and 20 percent, respectively, of the individual's adjusted gross income, the limitations are applied for purposes of section 556 (b) (2) by using 10 and 20 percent, respectively, of the corporation's taxable income as adjusted for purposes of section 170 (b) (2) (that is, the same amount of taxable income to which the 5-percent limitation applied). However, a further adjustment for this purpose is that the taxable income shall also be computed without the deduction of the amount disallowed under section 556 (b) (5) (relating to expenses and depreciation applicable to property of the taxpayer), and section 556 (b) (6) (relating to taxes and contributions to pension trusts), and without the inclusion of the amounts includible as dividends under section 555 (b) (relating to the inclusion in gross income of a foreign personal holding company of its distributive share of the undistributed foreign personal holding company income of another company in which it is a shareholder).

(3) See the regulations under section 170 (b) (1) (A) and (B) with respect to the charitable contributions to which the 10-percent limitation is applicable and the charitable contributions to which the 20-percent limitation is applicable.

(4) In some cases, a deduction in excess of the 5-percent limitation may be allowed for one taxable year under section 556 (b) (2) for purposes of computing the undistributed foreign personal holding company income only, and may also be allowed as a deduction in computing taxable income for a subsequent taxable year under the carryover provisions of section 170 (b) (2). To the extent that the charitable contributions carried over from a previous year have already been deducted for purposes of determining undistributed foreign personal holding company income in the year when the charitable contributions were made, they may not be deducted again as part of the contribution carryover deduction, for purposes of determining undistributed foreign personal holding company income for a subsequent year. However, this adjustment is only for purposes of computing the undistributed foreign personal holding company income, and the carryover in such case is allowable in computing taxable income.

(c) *Special deductions disallowed.* Part VIII of subchapter B of chapter 1 allows corporations special deductions in computing taxable income for such matters as partially tax-exempt interest, certain dividends received, dividends paid on certain preferred stock of public utilities, organizational expenses, etc. See

section 241. Such special deductions, except the deduction provided by section 242 (relating to partially tax-exempt interest) and the deduction provided by section 248 (relating to organizational expenses), shall be disallowed in computing undistributed foreign personal holding company income.

(d) *Net operating loss.* The net operating loss deduction provided in section 172 is not allowed for purposes of the computation of undistributed foreign personal holding company income; however, there is allowed as a deduction for such purposes the amount of the net operating loss (as defined in section 172 (c)) for the preceding taxable year.

(e) *Expenses and depreciation applicable to property of the corporation.* (1) Section 556 (b) (5) provides a specific limitation in computing undistributed foreign personal holding company income, with respect to the allowance of deductions for trade or business expenses and depreciation which are allocable to the operation and maintenance of property owned or operated by a foreign personal holding company. Under this limitation these deductions shall not be allowed in excess of the aggregate amount of the rent or other compensation received for the use of, or the right to use, the property, unless it is established to the satisfaction of the Commissioner—

(i) That the rent or other compensation received was the highest obtainable, or if none was received, that none was obtainable;

(ii) That the property was held in the course of a business carried on bona fide for profit; and

(iii) Either that there was reasonable expectation that the operation of the property would result in a profit, or that the property was necessary to the conduct of the business.

(2) The burden of proof will rest upon the taxpayer to sustain the deduction claimed. If a United States shareholder, in computing his distributive share of undistributed foreign personal holding company income to be included in gross income in his individual return (see section 551, and §§ 1.551–1 and 1.551–2), claims deductions for expenses and depreciation allocable to the operation and maintenance of property owned or operated by the company, in an aggregate amount in excess of the rent or other compensation received for the use of, or the right to use, the property, he shall attach to his income tax return a statement setting forth his claim for allowance of the additional deductions, together with a complete statement of the facts and circumstances pertinent to his claim and the arguments on which he relies. Such statement shall set forth—

(i) A description of the property;

(ii) The cost or other basis to the corporation and the nature and value of the consideration paid for the property;

(iii) The name and address of the person from whom the property was acquired and the date the property was acquired;

(iv) The name and address of the person to whom the property is leased or rented, or the person permitted to use the property, and the number of shares of stock, if any, held by such person and the members of his family;

(v) The nature and gross amount of the rent or other compensation received for the use of, or the right to use, the property during the taxable year and for each of the five preceding years and the amount of the expenses incurred with respect to, and the depreciation sustained on, the property for such years;

(vi) Evidence that the rent or other compensation was the highest obtainable, or, if none was received, a statement of the reasons therefor;

(vii) A copy of the contract, lease or rental agreement;

(viii) The purpose for which the property was used;

(ix) The business carried on by the corporation with respect to which the property was held and the gross income, expenses, and taxable income derived from the conduct of such business for the taxable year and for each of the five preceding years;

(x) A statement of any reasons which existed for expectation that the operation of the property would be profitable, or a statement of the necessity for the use of the property in the business of the corporation, and the reasons why the property was acquired; and

(xi) Any other information pertinent to the taxpayer's claim.

(f) *Taxes and contributions to pension trusts.* Section 164 (e) provides for deduction by a corporation for taxes of a shareholder paid by it; section 404 provides for deduction by an employer for its contributions to an employees' trust, etc. For the purpose of computing undistributed foreign personal holding company income, neither of these deductions is allowable.

§ 1.556–3 *Illustration of computation of undistributed foreign personal holding company income.* The method of computation of the undistributed foreign personal holding company income may be illustrated by the following example:

Example. (a) The following facts exist with respect to the M Corporation, a foreign personal holding company, for the calendar year 1954:

(1) The gross income of the corporation as defined in section 555 amounts to $300,000, of which $85,000 represents its distributive share of the undistributed foreign personal holding company income of another foreign personal holding company in which it is a shareholder, $200,000 consists of dividends, $10,000 consists of fully taxable interest, and the remainder ($5,000) consists of rent received from the principal shareholder of the corporation for the use of property owned by the corporation.

(2) The expenses of the corporation amount to $85,000, of which $75,000 is allocable to the maintenance and operation of the property used by the principal shareholder and $10,000 consists of ordinary and necessary office expenses allowable as a deduction. The claim for deduction for the expenses of, and depreciation on, the rented property in excess of the rent received for its use is not established as provided in section 556 (b) (5). The yearly depreciation on the rented property amounts to $30,000.

(3) Federal income tax withheld at the source on the income of the corporation from sources within the United States amounts to $59,125.

(4) No gain from the sale or exchange of stock or securities is realized during the taxable year, but losses in the amount of $10,000 are sustained from the sale of stock or securities which constitute capital assets. Such losses are not allowed as a deduction in any amount. See section 1211 (a).

(5) Contributions, payment of which is made to or for the use of donees described in section 170 (b) (1) (A) for the purposes therein specified, amount to $15,000, of which $5,000 is deductible in computing taxable income under section 63.

(6) Dividends paid by the corporation to its shareholders during the taxable year amount to $50,000.

(b) The taxable income of the corporation (including the distributive share of the undistributed foreign personal holding company income of the other foreign personal holding company) is $180,000, computed as follows (assuming for the purposes of this example only that the expenses of, and depreciation on, the rental property are deductible under sections 162 and 167):

Income (Section 61)

Dividends	$200,000
Interest	10,000
Rent	5,000
Gross income as defined in section 61	215,000
Add:	
Distributive share of undistributed income of the other foreign personal holding company (considered as a dividend)	85,000
Gross income as defined in section 555	300,000
Deductions (Section 161)	
Expenses allocable to operation of the rented property	$75,000
Depreciation of the rented property	30,000
Ordinary and necessary expenses (office)	10,000
Contributions (within the 5-percent limitation specified in section 170 (b) (2))	5,000
	120,000
Taxable income for purposes of computing undistributed foreign personal holding company income	180,000

(c) The undistributed foreign personal holding company income of the corporation is $160,875, computed as follows:

Taxable income for purposes of computing undistributed foreign personal holding company income	$180,000
Add (see section 556 (b)):	
Contributions deductible in computing taxable income under section 63	5,000
Excess property expenses and depreciation over amount of rent received for use of property ($105,000—$5,000)	100,000
Total	105,000
Deduct (see section 556 (b)):	
Federal income taxes	$59,125
Contributions (within the percentage limitations specified in section 170 (b) (1) (A) and (B), determined under the rules provided in section 556 (b) (2))	15,000
Total	74,125

Net additions under section 556 (b)	$90,875
Taxable income, as adjusted under section 556 (b)	210,875
Less: Deduction for dividends paid (see section 561)	50,000
Undistributed foreign personal holding company income	160,875

§ 1.557 *Statutory provisions; income not placed on annual basis.*

SEC. 557. *Income not placed on annual basis.* Section 443 (b) (relating to computation of tax on change of annual accounting period) shall not apply in the computation of the undistributed foreign personal holding company income under section 556.

DEDUCTION FOR DIVIDENDS PAID

§ 1.561 *Statutory provisions; definition of deduction for dividends paid.*

SEC. 561. *Definition of deduction for dividends paid*—(a) *General rule.* The deduction for dividends paid shall be the sum of—

(1) The dividends paid during the taxable year,

(2) The consent dividends for the taxable year (determined under section 565), and

(3) In the case of a personal holding company, the dividend carryover described in section 564.

(b) *Special rules applicable.* In determining the deduction for dividends paid, the rules provided in section 562 (relating to rules applicable in determining dividends eligible for dividends paid deduction) and section 563 (relating to dividends paid after the close of the taxable year) shall be applicable.

§ 1.561–1 *Deduction for dividends paid.* (a) The deduction for dividends paid is applicable in determining accumulated taxable income under section 535, undistributed personal holding company income under section 545, undistributed foreign personal holding company income under section 556, and investment company taxable income under section 852. The deduction for dividends paid includes—

(1) The dividends paid during the taxable year;

(2) The consent dividends for the taxable year, determined as provided in section 565; and

(3) In the case of a personal holding company, the dividend carryover computed as provided in section 564.

(b) For dividends for which the dividends paid deduction is allowable, see section 562 and § 1.562–1. As to when dividends are considered paid, see § 1.561–2.

§ 1.561–2 *When dividends are considered paid*—(a) *In general.* (1) A dividend will be considered as paid when it is received by the shareholder. A deduction for dividends paid during the taxable year will not be permitted unless the shareholder receives the dividend during the taxable year for which the deduction is claimed. See section 563 for special rule with respect to dividends paid after the close of the taxable year.

(2) If a dividend is paid by check and the check bearing a date within the taxable year is deposited in the mails, in a cover properly stamped and addressed to the shareholder at his last known address, at such time that in the ordinary handling of the mails the check would be received by the shareholder within the taxable year, a presumption arises that the dividend was paid to the shareholder in such year.

(3) The payment of a dividend during the taxable year to the authorized agent of the shareholder will be deemed payment of the dividend to the shareholder during such year.

(4) If a corporation, instead of paying the dividend directly to the shareholder, credits the account of the shareholder on the books of the corporation with the amount of the dividend, the deduction for a dividend paid will not be permitted unless it be shown to the satisfaction of the Commissioner that such crediting constituted payment of the dividend to the shareholder within the taxable year.

(5) A deduction will not be permitted for the amount of a dividend credited during the taxable year upon an obligation of the shareholder to the corporation unless it is shown to the satisfaction of the Commissioner that such crediting constituted payment of the dividend to the shareholder within the taxable year.

(6) If the dividend is payable in obligations of the corporation, they should be entered or registered in the taxable year on the books of the corporation, in the name of the shareholder (or his nominee or transferee), and, in the case of obligations payable to bearer, should be received in the taxable year by the shareholder (or his nominee or transferee) to constitute payment of the dividend within the taxable year.

(7) In the case of a dividend from which the tax has been deducted and withheld as required by chapter 3 of the Internal Revenue Code of 1954 (sections 1441–1443) the dividend is considered as paid when such deducting and withholding occur.

(b) *Methods of accounting.* The determination of whether a dividend has been paid to the shareholder by the corporation during its taxable year is in no way dependent upon the method of accounting regularly employed by the corporation in keeping its books or upon the method of accounting upon the basis of which the taxable income of the corporation is computed.

(c) *Records.* Every corporation claiming a deduction for dividends paid shall keep such permanent records as are necessary (1) to establish that the dividends with respect to which such deduction is claimed were actually paid during the taxable year and (2) to supply the information required to be filed with the income tax return of the corporation. Such corporation shall file with its return (i) a copy of the dividend resolution; and (ii) a concise statement of the pertinent facts relating to the payment of the dividend, clearly specifying (*a*) the medium of payment and (*b*) if not paid in money, the fair market value and adjusted basis (or face value, if paid in its own obligations) on the date of distribution of the property distributed and the manner in which such fair market value and adjusted basis were determined. Canceled dividend checks and receipts obtained from shareholders acknowledging payment of dividends paid otherwise than by check need not be filed with the return but shall be kept by the corporation as a part of its records.

§ 1.562 *Statutory provisions; rules applicable in determining dividends eligible for dividends paid deduction.*

SEC. 562. *Rules applicable in determining dividends eligible for dividends paid deduction*—(a) *General rule.* For purposes of this part, the term "dividend" shall, except as otherwise provided in this section, include only dividends described in section 316 (relating to definition of dividends for purposes of corporate distributions).

(b) *Distributions in liquidation.* In the case of amounts distributed in liquidation, the part of such distribution which is properly chargeable to earnings and profits accumulated after February 28, 1913, shall be treated as a dividend for purposes of computing the dividends paid deduction. In the case of a complete liquidation occurring within 24 months after the adoption of a plan of liquidation, any distribution within such period pursuant to such plan shall, to the extent of the earnings and profits (computed without regard to capital losses) of the corporation for the taxable year in which such distribution is made, be treated as a dividend for purposes of computing the dividends paid deduction.

(c) *Preferential dividends.* The amount of any distribution shall not be considered as a dividend for purposes of computing the dividends paid deduction, unless such distribution is pro rata, with no preference to any share of stock as compared with other shares of the same class, and with no preference to one class of stock as compared with another class except to the extent that the former is entitled (without reference to waivers of their rights by shareholders) to such preference.

(d) *Distributions by a member of an affiliated group.* In the case where a corporation which is a member of an affiliated group of corporations filing or required to file a consolidated return for a taxable year is required to file a separate personal holding company schedule for such taxable year, a distribution by such corporation to another member of the affiliated group shall be considered as a dividend for purposes of computing the dividends paid deduction if such distribution would constitute a dividend under the other provisions of this section to a recipient which is not a member of an affiliated group.

§ 1.562–1 *Dividends for which the dividends paid deduction is allowable*—(a) *General rule.* Except as otherwise provided in section 562 (b) and (d), the term "dividend", for purposes of determining dividends eligible for the dividends paid deduction, refers only to a dividend described in section 316 (relating to definition of dividends for purposes of corporate distributions). No distribution, however, which is preferential within the meaning of section 562 (c) and § 1.562–2 shall be eligible for the dividends paid deduction. Further, for purposes of the dividends paid deduction, the term "dividend" does not include a distribution in liquidation unless the distribution qualifies under section 562 (b) and paragraph (b) of this section. If a dividend is paid in property (other than money) the amount of the dividend paid deduction with respect to such property shall be the adjusted basis of the property in the hands of the distributing corporation at the time of the distribution. See paragraph (c) of this

section for a special rule for personal holding companies. Also see section 563 for special rules with respect to dividends paid after the close of the taxable year.

(b) *Distributions in liquidation*—(1) *Distributions in liquidation for which the dividends paid deduction is allowable.* In the case of amounts distributed in liquidation section 562 (b) makes an exception to the general rule that a deduction for dividends paid is permitted only with respect to dividends described in section 316. In order to qualify under that exception, the distribution must be one either in complete or partial liquidation of a corporation pursuant to sections 331, 332, or 333. As provided by section 346 (a), for the purposes of section 562 (b), a partial liquidation includes a redemption of stock to which section 302 applies. Amounts distributed in liquidation in a transaction which is preceded, or followed, by a transfer to another corporation of all or part of the assets of the liquidating corporation, may not be eligible for the dividends paid deduction.

(2) *Amount of dividends paid deduction allowable*—(i) *General rule.* In the case of distributions in liquidation with respect to which a deduction for dividends paid is permissible under subparagraph (1) of this paragraph, the amount of the deduction is equal to the part of such distribution which is properly chargeable to the earnings or profits accumulated after February 28, 1913. To determine the amount properly chargeable to the earnings or profits accumulated after February 28, 1913, there must be deducted from the amount of the distribution that part allocable to capital account. The capital account, for the purposes of this subparagraph, includes not only amounts representing the par or stated value of the stock with respect to which the liquidation distribution is made, but also that stock's proper share of the paid-in surplus, and such other corporate items, if any, which for purposes of income taxation, are treated like capital in that they are not taxable dividends when distributed but are applied against and reduce the basis of the stock. The remainder of the distribution in liquidation is, ordinarily, properly chargeable to the earnings or profits accumulated after February 28, 1913. Thus, if there is a deficit in earnings and profits on the first day of a taxable year, and the earnings and profits for such taxable year do not exceed such deficit, no dividends paid deduction would be allowed for such taxable year with respect to a distribution in liquidaton; if the earnings and profits for such taxable year exceed the deficit in earnings and profits which existed on the first day of such taxable year, then a dividends paid deduction would be allowable to the extent of such excess.

(ii) *Special rule.* Section 562 (b) provides that in the case of a complete liquidation occurring within 24 months after the adoption of a plan of liquidation the amount of the deduction is equal to the earnings and profits for each taxable year in which distributions are made. Thus, if there is a distribution in liquidation pursuant to section 333, or a distribution in complete liquidation pursuant to sections 331 (a) (1) or 332 which occurs within a 24-month period after the adoption of a plan of liquidation, a dividends paid deduction will be allowable to the extent of the current earnings and profits for the taxable year or years even though there was a deficit in earnings and profits on the first day of such taxable year or years. In computing the earnings and profits for the taxable year in which the distributions are made, computation shall be made with the inclusion of capital gains and without any deduction for capital losses.

(iii) *Examples.* The application of this subparagraph may be illustrated by the following examples:

Example (1). The Y Corporation, which makes its income tax returns on the calendar year basis, was organized on January 1, 1910, with an authorized and outstanding capital stock of 2,000 shares of common stock of a par value of $100 each and 1,000 shares of participating preferred stock of a par value of $100 each. The preferred stock was to receive annual dividends of $7 per share and $100 per share on complete liquidation of the corporation in priority to any payments on common stock, and was to participate equally with the common stock in either instance after the common stock had received a similar amount. However, the preferred stock was redeemable in whole or in part at the option of the board of directors at any time at $106 per share plus its proportion of the earnings of the company at the time of such redemption. In 1910 the preferred stock was issued at $106 per share, for a total of $106,000 and the common stock was issued, at $100 per share, for a total of $200,000. On July 15, 1954, the company had a paid-in surplus of $6,000, consisting of the premium received on the preferred stock; earnings or profits of $30,000 accumulated prior to March 1, 1913; and earnings or profits accumulated since February 28, 1913, of $75,000. On July 15, 1954, the option with respect to the preferred stock was exercised and the entire amount of such stock was redeemed at $141 per share or a total of $141,000 in a transaction upon which gain or loss to the distributees resulting from the exchange was determined and recognized under section 302 (a). The amount of the distribution allocable to capital account was $116,000 ($100,000 attributable to par value, $6,000 attributable to paid-in surplus, and $10,000 attributable to earnings or profits accumulated prior to March 1, 1913). The remainder, $25,000 ($141,000, the amount of the distribution, less $116,000, the amount allocable to capital account) is properly chargeable to the earnings or profits accumulated since February 28, 1913, and is deductible as dividends paid.

Example (2). The M Corporation, a calendar year taxpayer, is completely liquidated on November 1, 1955, pursuant to a plan of liquidation adopted April 1, 1955. On January 1, 1955, the M Corporation has a deficit in earnings and profits of $100,000. During the period January 1, 1955, to the date of liquidation, November 1, 1955, it has earnings and profits of $10,000. The M Corporation is entitled to a dividends paid deduction in the amount of $10,000 as a result of its distribution in complete liquidation on November 1, 1955.

Example (3). The N Corporation, a calendar year taxpayer, is completely liquidated on July 1, 1958, pursuant to a plan of liquidation adopted February 1, 1955. No distributions in liquidation were made pursuant to the plan of liquidation adopted February 1, 1955, until the distribution in complete liquidation on July 1, 1958. On January 1, 1958, N Corporation had a deficit in earnings and profits of $30,000. During the period January 1, 1958, to the date of liquidation, July 1, 1958, the N Corporation has earnings and profits of $5,000. The N Corporation is not entitled to any deduction for dividends paid as a result of the distribution in complete liquidation on July 1, 1958. If the earnings and profits for the period January 1, 1958, to July 1, 1958, had been $32,000, the N Corporation would have been entitled to a deduction for dividends paid in the amount of $2,000.

(c) *Special rule for personal holding companies.* Section 316 (b) (2) provides that in the case of a corporation which, under the law applicable to the taxable year in which a distribution is made, is a personal holding company, the term "dividend" (in addition to the general meaning set forth in section 316 (a)) also means a distribution to its shareholders to the extent of the corporation's undistributed personal holding company income (determined under section 545 without regard to such distributions) for the taxable year in which the distribution was made. See paragraph (b) of § 1.316–1.

§ 1.562–2 *Preferential dividends.* (a) Section 562 (c) imposes a limitation upon the general rule that a corporation is entitled to a deduction for dividends paid with respect to all dividends which it actually pays during the taxable year. Before a corporation may be entitled to any such deduction with respect to a distribution regardless of the medium in which the distribution is made, every shareholder of the class of stock with respect to which the distribution is made must be treated the same as every other shareholder of that class, and no class of stock may be treated otherwise than in accordance with its dividend rights as a class. The limitation imposed by section 562 (c) is unqualified, except in the case of an actual distribution made in connection with a consent distribution (see section 565), if the entire distribution composed of such actual distribution and consent distribution is not preferential. The existence of a preference is sufficient to prohibit the deduction regardless of the fact (1) that such preference is authorized by all the shareholders of the corporation or (2) that the part of the distribution received by the shareholder benefited by the preference is taxable to him as a dividend. A corporation will not be entitled to a deduction for dividends paid with respect to any distribution upon a class of stock if there is distributed to any shareholder of such class (in proportion to the number of shares held by him) more or less than his pro rata part of the distribution as compared with the distribution made to any other shareholder of the same class. Nor will a corporation be entitled to a deduction for dividends paid in the case of any distribution upon a class of stock if there is distributed upon such class of stock more or less than the amount to which it is entitled as compared with any other class of stock. A preference exists if any rights to preference inherent in any class of stock are violated. The disallowance, where any preference in fact exists, extends to the entire amount of the distribution and not merely to a part of such distribution. As used in this section, the

term "distribution" includes a dividend as defined in subchapter C of chapter 1 and a distribution in liquidation referred to in section 562 (b).

(b) The application of the provisions of section 562 (c) may be illustrated by the following examples:

Example (1). A, B, C, and D are the owners of all the shares of class A common stock in the M Corporation, which makes its income tax returns on a calendar year basis. With the consent of all the shareholders, the M Corporation on July 15, 1954, declared a dividend of $5 a share payable in cash on August 1, 1954, to A. On September 15, 1954, it declared a dividend of $5 a share payable in cash on October 1, 1954, to B, C, and D. No allowance for dividends paid for the taxable year 1954 is permitted to the M Corporation with respect to any part of the dividends paid on August 1, 1954, and October 1, 1954.

Example (2). The N Corporation, which makes its income tax returns on the calendar year basis, has a capital of $100,000 (consisting of 1,000 shares of common stock of a par value of $100) and earnings or profits accumulated after February 28, 1913, in the amount of $50,000. In the year 1954, the N Corporation distributes $7,500 in cancellation of 50 shares of the stock owned by three of the four shareholders of the corporation. No deduction for dividends paid is permissible under section 562 (c) and paragraph (a) of this section with respect to such distribution.

Example (3). The P Corporation has two classes of stock outstanding, 10 shares of cumulative preferred, owned by E, entitled to $6 per share and on which no dividends have been paid for two years, and 10 shares of common, owned by F. On December 31, 1954, the corporation distributes a dividend of $125, $50 to E, and $75 to F. The corporation is entitled to no deduction for any part of such dividend paid, since there has been a preference to F. If, however, the corporation had distributed $100 to E and $25 to F, it would have been entitled to include $125 as a dividend paid deduction.

§ 1.562–3 *Distributions by a member of an affiliated group.* A personal holding company which files or is required to file a consolidated return with other members of an affiliated group may be required to file a separate personal holding company schedule by reason of the limitations and exceptions provided in section 542 (b) and § 1.542–4. Section 562 (d) provides that in such case the dividends paid deduction shall be allowed to the personal holding company, with respect to a distribution made to any member of the affiliated group, if such distribution would constitute a dividend if it were made to a shareholder which is not a member of the affiliated group.

§ 1.563 *Statutory provisions; rules relating to dividends paid after close of taxable year.*

SEC. 563. *Rules relating to dividends paid after close of taxable year*—(a) *Accumulated earnings tax.* In the determination of the dividends paid deduction for purposes of the accumulated earnings tax imposed by section 531, a dividend paid after the close of any taxable year and on or before the 15th day of the third month following the close of such taxable year shall be considered as paid during such taxable year.

(b) *Personal holding company tax.* In the determination of the dividends paid deduction for purposes of the personal holding company tax imposed by section 541, a dividend paid after the close of any taxable year and on or before the 15th day of the third month following the close of such taxable year shall, to the extent the taxpayer elects in its return for the taxable year, be considered as paid during such taxable year. The amount allowed as a dividend by reason of the application of this subsection with respect to any taxable year shall not exceed either—

(1) The undistributed personal holding company income of the corporation for the taxable year, computed without regard to this subsection, or

(2) 10 percent of the sum of the dividends paid during the taxable year, computed without regard to this subsection.

(c) *Dividends considered as paid on last day of taxable year.* For the purpose of applying section 562 (a), with respect to distributions under subsection (a) or (b) of this section, a distribution made after the close of a taxable year and on or before the 15th day of the third month following the close of the taxable year shall be considered as made on the last day of such taxable year.

§ 1.563–1 *Accumulated earnings tax.* In the determination of the dividends paid deduction for purposes of the accumulated earnings tax imposed by section 531, a dividend paid after the close of any taxable year and on or before the 15th day of the third month following the close of such taxable year shall be considered as paid during such taxable year, and shall not be included in the computation of the dividends paid deduction for the year of payment. However, the rule provided in section 563 (a) is not applicable to dividends paid during the first two and one-half months of the first taxable year of the corporation subject to tax under chapter 1 of the Internal Revenue Code of 1954.

§ 1.563–2 *Personal holding company tax.* In the case of a personal holding company subject to the provisions of section 541 dividends paid after the close of the taxable year and before the 15th day of the third month thereafter shall be included in the computation of the dividends paid deduction for the taxable year only if the taxpayer so elects in its return for such taxable year. The election shall be made by including such dividends in computing its dividends paid deduction. The amount of such dividends which may be included in computing the dividends paid deduction for the taxable year shall not exceed either—

(a) The undistributed personal holding company income of the corporation for the taxable year, computed without regard to this section, or

(b) 10 percent of the sum of the dividends paid during the taxable year (not including consent dividends), computed without regard to this section. In computing the amount of the dividends paid deduction allowable for any taxable year, the amount allowed by reason of section 563 (b) for any preceding taxable year is considered a dividend paid in such preceding taxable year and not in the year of actual distribution. Thus, a double deduction is not allowable.

§ 1.563–3 *Dividends considered as paid on last day of taxable year*—(a) *General rule.* Where a distribution made after the close of the taxable year is considered as paid during such taxable year, for purposes of applying section 562 (a) the distribution shall be considered as made on the last day of such taxable year.

(b) *Personal holding company tax.* In the case of a corporation which under the law applicable to the taxable year in respect of which a distribution is made under section 563 (b) and § 1.563–2 is a personal holding company under the law applicable to such taxable year, section 316 (b) (2) provides that the term dividend means (in addition to the general rule under section 316 (a)) any distribution to the extent of the corporation's undistributed personal holding company income (determined under section 545 without regard to distributions under section 316 (b) (2)) for such year. See paragraph (b) of § 1.316–1.

(c) *Dividends paid on or before December 15, 1955.* Public Law 74 (84th Congress) approved June 15, 1955, repealed sections 452 and 462 of the Internal Revenue Code of 1954, relating to prepaid income and reserve for estimated expenses. Under section 4 (c) (4) of Public Law 74, dividends paid after the 15th day of the third month following the close of the taxable year and on or before December 15, 1955, may be treated as having been paid on the last day of the taxable year for purposes of the accumulated earnings tax or the personal holding company tax and in the case of regulated investment companies, but only to the extent that such dividends are attributable to an increase in taxable income for the taxable year by reason of the repeal of sections 452 and 462. See paragraph (b) of § 1.9000–8, relating to treatment of certain dividends, prescribed pursuant to section 4 (c) (4) of the Act of June 15, 1955 (Public Law 74, 84th Congress, 69 Stat. 136).

§ 1.564 *Statutory provisions; dividend carryover.*

SEC. 564. *Dividend carryover*—(a) *General rule.* For purposes of computing the dividends paid deduction under section 561, in the case of a personal holding company the dividend carryover for any taxable year shall be the dividend carryover to such taxable year, computed as provided in subsection (b), from the two preceding taxable years.

(b) *Computation of dividend carryover.* The dividend carryover to the taxable year shall be determined as follows:

(1) For each of the 2 preceding taxable years there shall be determined the taxable income computed with the adjustments provided in section 545 (whether or not the taxpayer was a personal holding company for either of such preceding taxable years), and there shall also be determined for each such year the deduction for dividends paid during such year as provided in section 561 (but determined without regard to the dividend carryover to such year).

(2) There shall be determined for each such taxable year whether there is an excess of such taxable income over such deduction for dividends paid or an excess of such deduction for dividends paid over such taxable income, and the amount of each such excess.

(3) If there is an excess of such deductions for dividends paid over such taxable income for the first preceding taxable year, such excess shall be allowed as a dividend carryover to the taxable year.

(4) If there is an excess of such deduction for dividends paid over such taxable income for the second preceding taxable year, such excess shall be reduced by the amount determined in paragraph (5), and the remainder

of such excess shall be allowed as a dividend carryover to the taxable year.

(5) The amount of the reduction specified in paragraph (4) shall be the amount of the excess of the taxable income, if any, for the first preceding taxable year over such deduction for dividends paid, if any, for the first preceding taxable year.

(c) *Determination of dividend carryover from taxable years to which this subtitle does not apply.* In a case where the first or second preceding taxable year began before the taxpayer's first taxable year under this subtitle, the amount of the dividend carryover to taxable years to which this subtitle applies shall be determined under the provisions of the Internal Revenue Code of 1939.

§ 1.564–1 *Dividend carryover*—(a) *General rule.* The dividend carryover from the two preceding years, allowable only to personal holding companies, is includible in the dividends paid deduction under section 561. It is computed as follows:

(1) If, for each of the preceding two years, the deduction for dividends paid under section 561 (determined without regard to the dividend carryover to each such year) exceeds the taxable income (adjusted as provided in section 545 for purposes of determining undistributed personal holding company income) then the dividend carryover to the taxable year is the sum of both such excess amounts.

(2) If the deduction for dividends paid under section 561 for the second preceding year (determined without regard to the dividend carryover to such year) exceeds the taxable income for such year (adjusted as provided in section 545), and if the taxable income for the first preceding year (as so adjusted) exceeds the dividends paid deduction for such first preceding year (as so determined), then the dividend carryover to the taxable year shall be such excess amount for the second preceding year, less such excess amount for the first preceding year.

(3) If for the first preceding year the deduction for dividends paid under section 561 (determined without regard to the dividend carryover to such year) exceeds the taxable income (adjusted as provided in section 545) for such year, and such excess is not present in the second preceding year, then the dividend carryover to the taxable year shall be such excess amount for the first preceding year.

(b) *Dividend carryover from year in which taxpayer was not a personal holding company.* In computing the dividend carryover, the taxable income as adjusted under section 545 of any preceding taxable year shall be determined as if the corporation was, under the law applicable to such taxable year, a personal holding company.

(c) *Dividend carryover from year in which taxpayer was subject to 1939 Code.* In a case where the first or the second preceding taxable year began before the taxpayer's first taxable year under the Internal Revenue Code of 1954, the amount of the dividend carryover shall be determined under the Internal Revenue Code of 1939.

(d) *Statement to be filed with return.* Every corporation claiming a dividend carryover for any taxable year shall file with its return for such year a concise statement setting forth the amount of the dividend carryover claimed and all material and pertinent facts relative thereto, including a detailed schedule showing the computation of the dividend carryover claimed.

(e) *Computation of dividend carryover.* The computation of the dividend carryover may be illustrated by the following examples:

Example (1). The X Corporation, which files its income tax returns on the calendar year basis, has taxable income, adjusted as required by section 545, in the amount of $110,000 and has a dividends paid deduction of $150,000 for the year 1954. For 1955, its taxable income, adjusted as required by section 545, is $200,000 and its dividends paid deduction is $300,000. The dividend carryover to the year 1956 is $140,000, computed as follows:

Dividends paid deduction for 1954	$150,000
Taxable income for 1954	110,000
Dividend carryover from 1954	40,000
Dividends paid deduction for 1955	300,000
Taxable income for 1955	200,000
Dividend carryover from 1955	100,000
Dividend carryover for 2 preceding taxable years, allowable as a deduction for the year 1956	140,000

Example (2). The Y Corporation, which files its income tax returns on the calendar year basis, has taxable income, adjusted as required by section 545, in the amount of $100,000 and has a dividends paid deduction of $150,000 for the year 1954. For 1955, its taxable income, adjusted as required by section 545, is $200,000 and its dividends paid deduction is $170,000. The dividend carryover to the year 1956 is $20,00 computed as follows:

Dividends paid deduction for 1954	$150,000
Taxable income for 1954	100,000
Dividend carryover from 1954	50,000
Taxable income for 1955	200,000
Dividends paid deduction for 1955	170,000
Excess of taxable income over dividends paid deduction	30,000
Dividend carryover for second preceding taxable year, allowable as a deduction for the year 1956	20,000

§ 1.565 *Statutory provisions; consent dividends.*

SEC. 565. *Consent dividends*—(a) *General rule.* If any person owns consent stock (as defined in subsection (f) (1)) in a corporation on the last day of the taxable year of such corporation, and such person agrees, in a consent filed with the return of such corporation in accordance with regulations prescribed by the Secretary or his delegate, to treat as a dividend the amount specified in such consent, the amount so specified shall, except as provided in subsection (b), constitute a consent dividend for purposes of section 561 (relating to the deduction for dividends paid).

(b) *Limitations.* A consent dividend shall not include—

(1) An amount specified in a consent which, if distributed in money, would constitute, or be part of, a distribution which would be disqualified for purposes of the dividends paid deduction under section 562 (c) (relating to preferential dividends), or

(2) An amount specified in a consent which would not constitute a dividend (as defined in section 316) if the total amount specified in consents filed by the corporation had been distributed in money to shareholders on the last day of the taxable year of such corporation.

(c) *Effect of consent.* The amount of a consent dividend shall be considered, for purposes of this title—

(1) As distributed in money by the corporation to the shareholder on the last day of the taxable year of the corporation, and

(2) As contributed to the capital of the corporation by the shareholder on such day.

(d) *Consent dividends and other distributions.* If a distribution by a corporation consists in part of consent dividends and in part of money or other property, the entire amount specified in the consents and the amount of such money or other property shall be considered together for purposes of applying this title.

(e) *Nonresident aliens and foreign corporations.* In the case of a consent dividend which, if paid in money would be subject to the provisions of section 1441 (relating to withholding of tax on nonresident aliens) or section 1442 (relating to withholding of tax on foreign corporations), this section shall not apply unless the consent is accompanied by money, or such other medium of payment as the Secretary or his delegate may by regulations authorize, in an amount equal to the amount that would be required to be deducted and withheld under section 1441 or 1442 if the consent dividend had been, on the last day of the taxable year of the corporation, paid to the shareholder in money as a dividend. The amount accompanying the consent shall be credited against the tax imposed by this subtitle on the shareholder.

(f) *Definitions*—(1) *Consent stock.* Consent stock, for purposes of this section, means the class or classes of stock entitled, after the payment of preferred dividends, to a share in the distribution (other than in complete or partial liquidation) within the taxable year of all the remaining earnings and profits, which share constitutes the same proportion of such distribution regardless of the amount of such distribution.

(2) *Preferred dividends.* Preferred dividends, for purposes of this section, means a distribution (other than in complete or partial liquidation), limited in amount, which must be made on any class of stock before a further distribution (other than in complete or partial liquidation) of earnings and profits may be made within the taxable year.

§ 1.565–1 *General rule.* (a) The dividends paid deduction, as defined in section 561, includes the consent dividends for the taxable year. A consent dividend is a hypothetical distribution (as distinguished from an actual distribution) which any person, who owns consent stock on the last day of the taxable year of the corporation, agrees to treat as a dividend, subject to the limitations in section 565 (b) and § 1.565–2. The amount of the distribution must be specified by such person in a consent (or consents) filed at the time and in the manner specified in paragraph (b) of this section.

(b) *Making and filing of consents.* (1) A consent shall be made on Form 972 in accordance with this section and the instructions on the form issued therewith. It may be made only by or on behalf of a person who was the actual owner on the last day of the corporation's taxable year of any class of consent stock, that is, the person who would have been required to include in gross income any dividends on such stock actually distri-

ated on the last day of such year. Form 972 shall contain or be verified by a written declaration that it is made under the penalties of perjury. In the consent such person must agree to include in his gross income for his taxable year in which or with which the taxable year of the corporation ends a specific amount as a taxable dividend.

(2) See § 1.565–2 for rules as to when all or a portion of the amount so specified will be disregarded for tax purposes.

(3) A consent may be filed at any time not later than the due date of the corporation's income tax return for the taxable year for which the dividends paid deduction is claimed. With such return, and not later than the due date thereof, the corporation must file Forms 972 duly executed by each consenting shareholder, and a return on Form 973 showing by classes the stock outstanding on the first and last days of the taxable year, the dividend rights of such stock, distributions made during the taxable year to shareholders, and giving all the other information required by the form. Form 973 shall contain or be verified by a written declaration that it is made under the penalties of perjury.

(c) *Taxability of amounts specified in consents.* (1) Once a shareholder's consent is filed, the full amount specified therein shall be included in his gross income as a taxable dividend, except as otherwise provided in section 565 (b) and § 1.565–2. Where the shareholder is taxable on a dividend only if received from sources within the United States, the amount specified in the consent of such shareholder shall be treated as a dividend from such sources in the same manner as if the dividend had been paid in money to the shareholder on the last day of the corporation's taxable year. See paragraph (b) of this section, relating to the making and filing of consents, and section 565 (e) and § 1.565–5, with respect to the payment requirements in the case of nonresident aliens and foreign corporations.

(2) Except as provided in section 565 (b) and § 1.565–2, the ground upon which a consent dividends deduction is denied the corporation does not affect the taxability of a shareholder whose consent has been filed for the amount specified in his consent. Thus, he is taxable on the full amount so specified even though a consent dividends deduction may be denied the corporation or may be of less value to it because, for example, (i) it is determined that it is not a corporation subject to part I, II, or III of subchapter G of chapter 1 of the Internal Revenue Code of 1954, (ii) although subject to part II of subchapter G of the 1954 Code, its taxable income (as adjusted under section 545 (b) and § 1.545–2) is less than the total of the consent dividends, or (iii) in the case of nonresident aliens or foreign corporations, payment has not been made as required by section 565 (e) and § 1.565–5.

§ 1.565–2 *Limitations.* (a) Amounts specified in consents are not treated as consent dividends to the extent that they would constitute a preferential dividend, or would not constitute a dividend (as defined in section 316), if distributed in money to shareholders on the last day of the taxable year of the corporation. If any portion of an amount specified in a consent is not treated as a consent dividend under section 565 (b) and this section, it is disregarded for all tax purposes. For example, it is not taxable to the consenting shareholder, and paragraph (c) of § 1.565–1 is not applicable to such portion of the amount specified in the consent.

(b) (1) A preferential distribution is an actual distribution, or a consent distribution, or a combination of the two, which involves a preference to one or more shares of stock as compared with other shares of the same class or to one class of stock as compared with any other class of stock. See section 562 (c) and § 1.562–2.

(2) The application of section 565 (b) (1) may be illustrated by the following examples:

Example (1). The X Corporation, which makes its income tax returns on the calendar year basis, has 200 shares of stock outstanding, owned by A and B in equal amounts. On December 15, 1954, the corporation distributes $600 to B and $100 to A. As a part of the same distribution A executes a consent to include $500 in his gross income as a taxable dividend though such amount is not distributed to him. The X Corporation, assuming the other requirements of section 565 have been complied with, is entitled to a consent dividends deduction of $500. Although the consent dividend is deemed to have been paid on December 31, 1954, the last day of the taxable year of the corporation, they constitute a single nonpreferential distribution of $1,200.

Example (2). The Y Corporation, which makes its income tax returns on the calendar year basis, has one class of consent stock outstanding, owned in equal amounts by A, B, and C. On December 15, 1954, the corporation makes a distribution in cash of $5,000 each to A and B, and $3,000 to C. The distribution is preferential. If A and B each receive a distribution in cash of $5,000 and C consents to include $3,000 in gross income as a taxable dividend, the combined actual and consent distribution is preferential. Similarly, if no one receives a distribution in cash, but A and B each consents to include $5,000 as a taxable dividend in gross income and C agrees to include only $3,000, the consent distribution is preferential.

Example (3). The Z Corporation, which makes its income tax returns on the calendar year basis, has only two classes of stock outstanding, each class being consent stock and consisting of 500 shares. Class A, with a par value of $40 per share, is entitled to two-thirds of any distribution of earnings and profits. Class B, with a par value of $20 per share, is entitled to one-third of any distribution of earnings and profits. On December 15, 1954, there is distributed on the class B stock $2 per share, or $1,000, and shareholders of the class A stock consent to include in gross income amounts equal to $2 per share, or $1,000. The distribution is preferential, inasmuch as the class B stock has received more than its pro rata share of the combined amounts of the actual distributions and the consent distributions.

(c) (1) An additional limitation under section 565 (b) is that the amounts specified in consents which may be treated as consent dividends cannot exceed the amounts which would constitute a dividend (as defined in section 316) if the corporation had distributed the total specified amounts in money to shareholders on the last day of the taxable year of the corporation. If only a portion of such total would constitute a dividend, then only a corresponding portion of each specified amount is treated as a consent dividend.

(2) The application of section 565 (b) (2) may be illustrated by the following example:

Example. The X Corporation, which makes its income tax returns on the calendar year basis, has only one class of stock outstanding, owned in equal amounts by A and B. It makes no distributions during the taxable year 1954. Its earnings and profits for the calendar year 1954 amount to $8,000, there being at the beginning of such year no accumulated earnings or profits. A and B execute proper consents to include $5,000 each in their gross income as a dividend received by them on December 31, 1954. The sum of the amount specified in the consents executed by A and B is $10,000, but if $10,000 had actually been distributed by the X Corporation on December 31, 1954, only $8,000 would have constituted a dividend under section 316 (a). The amount which could be considered as consent dividends in computing the dividends paid deduction for purposes of the accumulated earnings tax is limited to $8,000, or $4,000 of the $5,000 specified in each consent. The remaining $1,000 in each consent is disregarded for all tax purposes. In the case of a personal holding company, the amount which could be considered as consent dividends in computing the dividends paid deduction for purposes of the personal holding company tax is $10,000 (assuming that the undistributed personal holding company income, determined without regard to distributions under section 316 (b) (2), is equal to at least that amount). In that event, A and B would each include $5,000 in gross income as a dividend received on December 31, 1954.

§ 1.565–3 *Effect of consent.* (a) The amount of the consent dividend shall be considered, for all purposes of the Internal Revenue Code of 1954, as if it were distributed in money by the corporation to the shareholder on the last day of the taxable year of the corporation, received by the shareholder on such day, and immediately contributed by the shareholder as paid-in capital to the corporation on such day. Thus, the amount of the consent dividend will be treated by the shareholder as a dividend. The shareholder will be entitled to the dividends received credit under section 34 and the exclusion under section 116, or to the dividends received deduction under section 243, with respect to such consent dividend. The basis of the shareholder's consent stock in a corporation will be increased by the amount thus treated in his hands as a dividend which he is considered as having contributed to the corporation as paid-in capital. The amount of the consent dividend will also be treated as a dividend received from sources within the United States in the same manner as if the dividend had been paid in money to the shareholders. Among other effects of the consent dividend, the earnings and profits of the corporation will be decreased by the amount of the consent dividends. Moreover, if the shareholder is a corporation, its accumulated earnings and profits will be increased by the amount of the consent dividend with respect to which it makes a consent.

(b) The application of section 565 (c) to a corporate shareholder may be illustrated by the following examples:

Example (1). The A Corporation has one shareholder, the B Corporation, whose consent to include $10,000 in its gross income for the calendar year 1954 has been duly made and filed. The earnings and profits of the A Corporation for the calendar year 1954 amount to only $8,000, there being at the beginning of such year no accumulated earnings or profits. If A Corporation was a personal holding company for 1954 and had undistributed personal holding company income for that year of $10,000 or more (determined without regard to distributions under section 316 (b) (2)) the B Corporation must include $10,000 in its gross income as a taxable dividend. On the other hand, if A was not a personal holding company for 1954, the B Corporation must include in its gross income $8,000 as a taxable dividend.

Example (2). Assume the B Corporation to have begun the year 1954 with $5,000 accumulated earnings and profits, to have made no distributions during the year, and to have had neither profit nor loss from operations during the year 1954. If the A Corporation was a personal holding company for 1954, the amount of $10,000 included in the income of the B Corporation shall be considered as earnings and profits for the year 1954 and the earnings and profits of B Corporation at the close of such year will include both the $5,000 accumulated earnings and profits and the $10,000 included in income. But if A Corporation was not a personal holding company for 1954, the amount of $8,000 included in the income of the B Corporation shall be considered as earnings and profits for the year 1954 and the earnings and profits of B Corporation at the close of such year will include both the $5,000 accumulated earnings and profits and the $8,000 included in income.

§ 1.565–4 *Consent dividends and other distributions.* Section 565 (d) provides a rule applicable where a distribution is made in part in consent dividends and in part in money or other property. With respect to such a distribution the entire amount specified in the consents and the amount of such money or other property shall be considered together. Thus, if as a part of the same distribution consents are filed by some of the shareholders and cash is distributed to other shareholders, for example, those who may be unwilling to sign consents, the total amount of the cash and the amounts specified in the consents will be viewed as a single distribution to determine the tax effects of such distribution. For example, the total of such amounts must be considered to determine whether the distribution (including the amounts specified in the consents) is preferential and whether any part of such distribution would not be dividends if the total amounts specified in the consents were distributed in cash. See paragraph (b) (2) of § 1.565–2 for examples illustrating the treatment of distributions which consist in part of consent dividends and in part of other property.

§ 1.565–5 *Nonresident aliens and foreign corporations.* In the event that any consent filed by the corporation is made by a shareholder to whom the payment of a dividend in cash on the last day of the taxable year of the corporation would have made it necessary for the corporation to deduct and withhold any amount as a tax under section 1441 or section 1442, such consent, when filed by the corporation, must be accompanied by payment of the amount which would have been required to be deducted and withheld if the amount specified in such consent had, on the last day of the corporation's taxable year, been paid to the shareholder in cash as a dividend. Such payment must be in one of the following forms:

(a) Cash;

(b) United States postal money order;

(c) Certified check drawn on a domestic bank, provided that the law of the place where the bank is located does not permit the certification to be rescinded prior to presentation;

(d) A cashier's check of a domestic bank, or

(e) A draft on a domestic bank or a foreign bank maintaining a United States agency or branch and payable in United States funds.

The amount of such payment shall be credited against the tax imposed on the shareholder.

§ 1.565–6 *Definitions*—(a) *Consent stock.* (1) The term "consent stock" includes what is generally known as common stock. It also includes participating preferred stock, the participation rights of which are unlimited.

(2) The definition of consent stock may be illustrated by the following example:

Example. If in the case of the X Corporation there is only one class of stock outstanding, it would all be consent stock. If, on the other hand, there were two classes of stock, class A and class B, and class A was entitled to 6 percent before any distribution could be made on class B, but class B was entitled to everything distributed after class A had received its 6 percent, only class B stock would be consent stock. Similarly, if class A, after receiving its 6 percent, was to participate equally or in some fixed proportion with class B until it had received a second 6 percent, after which class B alone was entitled to any further distributions, only class B stock would be consent stock. The same result would follow if the order of preferences were class A 6 percent, then class B 6 percent, then class A a second 6 percent, either alone or in conjunction with class B, then class B the remainder. If, however, class A stock is entitled to ultimate participation without limit as to amount, then it, too, may be consent stock. For example, if class A is to receive 3 percent and then share equally or in some fixed proportion with class B in the remainder of the earnings or profits distributed, both class A stock and class B stock are consent stock.

(b) *Preferred dividends.* (1) The term "preferred dividends" includes all fixed amounts (whether determined by percentage of par value, a stated return expressed in a certain number of dollars per share, or otherwise) the distribution of which on any class of stock is a condition precedent to a further distribution of earnings or profits (not including a distribution in partial or complete liquidation). A distribution, though expressed in terms of a fixed amount, is not a preferred dividend, however, unless it is preferred over a subsequent distribution within the taxable year upon some class or classes of stock other than one on which it is payable.

(2) The definition of preferred dividends may be illustrated by the following example:

Example. If, in the case of the X Corporation, there are only two classes of stock outstanding, class A and class B, and class A is entitled to a distribution of 6 percent of par, after which the balance of the earnings and profits are distributable on class B exclusively, class A's 6 percent is a preferred dividend. If the order of preferences is class A $6 per share, class B $6 per share, then class A and class B in fixed proportions until class A receives $3 more per share, then class B the remainder, all of class A's $9 per share and $6 per share of the amount distributable on class B are preferred dividends. The amount which class B is entitled to receive in conjunction with the payment to class A of its last $3 per share is not a preferred dividend, because the payment of such amount is preferred over no subsequent distribution except one made on class B itself. Finally, if a distribution must be $6 on class A, $6 on class B, then on class A and class B alike and share alike, the distribution on class A of $6 and the distribution on class B of $6 are both preferred dividends.

[F. R. Doc. 58–7310; Filed, Sept. 9, 1958; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 46—RURAL SERVICE

PAYMENT OF POSTAGE

The proposed amendment to § 46.4 published in the FEDERAL REGISTER of July 30, 1958, at page 5734 (23 F. R. 5734) is hereby adopted, without change, as a regulation of the Post Office Department, as set forth below:

In § 46.4 *Payment of postage,* insert the following as the second sentence of paragraph (a): "During the month of December, however, patrons are required to affix stamps to all greeting cards and letter mail."

NOTE: The corresponding Postal Manual section is 156.41.

(R. S. 161, as amended, Pub. Law 85–819, 396, as amended; sec. 1, 39 Stat. 423; 5 U. S. C. 22, 369, 39 U. S. C. 191)

[SEAL] LEO G. KNOLL,
Acting General Counsel.

[F. R. Doc. 58-7337; Filed, Sept. 9, 1958; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1726]

[Oregon 03791]

[Oregon 04135]

[Oregon 04645]

OREGON

RESERVING LANDS IN ROGUE RIVER AREA UNDER JURISDICTION OF SECRETARIES OF AGRICULTURE AND INTERIOR, AS INDICATED, FOR PRESERVATION OF SCENIC AND RECREATION AREAS

By virtue of the authority vested in the President by the Act of June 4, 1897

(39 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the public lands, revested Oregon and California Railroad grant lands, and national forest lands described in this order are hereby withdrawn, as hereafter indicated, and reserved and set aside for the protection and preservation of the scenic and recreation areas adjacent to the Rogue River and its tributaries, as follows:

(a) Under the jurisdiction of the Secretary of Agriculture, from all forms of appropriation under the public-land laws, including the mining but not the mineral leasing laws nor the Act of July 31, 1947 (61 Stat. 681, 69 Stat. 367; 30 U.S.C. 601–604), as amended:

WILLAMETTE MERIDIAN

SISKIYOU NATIONAL FOREST

T. 32 S., R. 8 W.,
Sec. 34, SE¼NW¼.
T. 32 S., R. 10 W.,
Sec. 9 Lots 4, 5, and 6 (those portions not within MS 860) SW¼SW¼;
Sec. 16, Lots 1 to 8 inclusive (those portions not within MS 860) W½NE¼ (that portion not within MS 860) NW¼NW¼, and NE¼SW¼;
Sec. 17, Lots 1, 2, 4, 5, 6, 8, 9, 10, 11, N½N½ and SE¼NE¼;
Sec. 18, Lots 2 to 8 inclusive, Lots 13, 14, and 15,
Lots 17 and 20, N½NE¼, NE¼NW¼, S½SE¼, N½NE¼NW¼SW¼, and NE¼NW¼NW¼SW¼;
Sec. 19, Lots 1, 2, 3, 5, 6, 7, 8, 9, and 10, S½NE¼ and SE¼;
Sec. 20, Lots 1 to 4, inclusive;
Sec. 30, Lots 1, 2, 3, and NE¼NW¼.
T. 32 S., R. 11 W.,
Sec. 25, Lots 2, 5, and 6, NW¼NE¼, NW¼, N½SW¼, and S½SE¼;
Sec. 35, Lots 1 to 6, inclusive, S½NE¼, and NE¼SW¼;
Sec. 36, Lots 1 to 10, inclusive, N½NE¼, NE¼NW¼, and SW¼NW¼.
T. 34 S., R. 6 W.,
Sec. 24, Portion of Lots 5 and 8 described as a tract beginning at a point on E. Sec. line of Sec. 24, lying 15 chains N. of southeast corner, said section thence W. 10 chains; thence N. 20 chains; thence E. to W. bank of Rogue River; thence southerly along W. bank of Rogue River to E. Sec. line Sec. 24; thence S. to point of beginning.
T. 34 S., R. 11 W.,
Sec. 1, Lots 1, 2, 3, and 4;
Sec. 2, Lots 2 to 9, inclusive, SE¼NE¼, and NE¼SW¼;
Sec. 3, Lots 1 to 10, inclusive, S½N½ W½SW¼, NE¼SW¼, and NW¼SE¼;
Sec. 9, Lots 3 and 9, N½NW¼, SW¼ NW¼, E½SE¼, and SW¼SE¼;
Sec. 10, Lots 1, 3, 4, NW¼NE¼, SE¼NW¼, and E½SW¼NW¼;
Sec. 17, Lots 1, 4, 5, 7, S½SW¼, SE¼, and SE¼NE¼;
Sec. 19, Lots 5 to 9, inclusive, Lot 14, NE¼SE¼, and S½SE¼;
Sec. 31, Lots 1, 6, 7, 9, 10, 11, 12, NE¼, and NE¼SE¼.
T. 35 S., R. 11 W.,
Sec. 5, Lots 6 and 7;
Sec. 7, Lots 1, 2, 9, 10, 11, and 12, NE¼ NW¼, SE¼NE¼, and E½SE¼;
Sec. 8, Lot 1.
T. 35 S., R. 12 W.
Sec. 21, Lots 1, 3, 4, and 6.
T. 36 S., R. 13 W.,
Sec. 1, Lot 8, and SW¼SW¼;
Sec. 2, Lots 7, 10, 11, and 12, and NE¼ SW¼;
Sec. 3, Lot 2.

The areas described aggregate 6,893.63 acres of national forest land.

(b) Under the jurisdiction of the Secretary of the Interior, from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, or forest products under the act of August 28, 1937 (50 Stat. 874), nor leasing under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, nor lease or sale under the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741; 68 Stat. 173; 43 U. S. C. 869) as amended, nor lease, permits or easements for public works under the Act of September 3, 1954 (63 Stat. 1146; 43 U. S. C. 931c, 931d):

WILLAMETTE MERIDIAN

PUBLIC DOMAIN

T. 33 S., R. 1 E.,
Sec. 24, NW¼SW¼;
Sec. 32, NW¼NW¼.
T. 34 S., R. 1 W.,
Sec. 2, Lot 3 and N½SW¼;
Sec. 10, Lot 2, E½NE¼, and NE¼SE¼.
T. 34 S., R. 7 W.,
Sec. 6, Lots 3 to 7 inclusive, and SE¼NW¼;
Sec. 18, Lots 3, 4, and E½SW¼;
Sec. 30, Unpatented part of Lot 1, Lots 2, 4, and E½NW¼.
T. 34 S., R. 11 W.,
Sec. 8, Lots 1, 2, and 4;
Sec. 30, Lot 2.
T. 35 S., R. 7 W.,
Sec. 4, Lots 5 to 9 inclusive, S½NE¼, and N½SE¼;
Sec. 5, S½ lot 8;
Sec. 6, Lots 1 to 7 inclusive, Lots 12 and 13, SE¼NW¼, and NE¼SW¼;
Sec. 10, Lots 1 and 5, SW¼NW¼, S½SE¼, N½NE¼, SE¼NE¼, and N½SW¼;
Sec. 24, Lot 1.
T. 35 S., R. 11 W.,
Sec. 6, Lots 8, 9, 10, and 14, SE¼SW¼.
T. 35 S., R. 12 W.,
Sec. 10, Lots 1, 16, and 17;
Sec. 11, Lots 2, 4, 5, and 16;
Sec. 12, Lot 3;
Sec. 15, Lot 1.
T. 36 S., R. 3 W.,
Sec. 12, Lots 5, 8, and 9;
Sec. 14, E½NE¼.
T. 36 S., R. 7 W.,
Sec. 2, Lots 5, 8, 9, and 10;
Sec. 3, Lots 1, 8, and 9;
Sec. 12, Lot 3 and W½SW¼.

The areas described aggregate 3,175.74 acres.

WILLAMETTE MERIDIAN

O & C LANDS

T. 33 S., R. 1 E.,
Sec. 23, E½SW¼ and S½SE¼.
T. 33 S., R. 2 E.,
Sec. 11, NE¼SW¼, S½SW¼, and SE¼;
Sec. 19, NW¼NE¼, S½NE¼, E½NW¼, SE¼SW¼, and SW¼SE¼.
T. 33 S., R. 1 W.,
Sec. 35, SE¼SE¼.
T. 33 S., R. 8 W.,
Sec. 32, Lots 1 to 7, inclusive, and NW¼ SW¼;
Sec. 33, Lots 1, 6, and 7, N½NW¼, SW¼ NW¼, and SE¼SW¼.
T. 33 S., R. 9 W.,
Sec. 6, S½S½;
Sec. 16, Lots 1 to 5 inclusive, NW¼NW¼, SE¼NW¼, SW¼SW¼, NW¼SE¼, and SE¼SE¼;
Sec. 17, Lots 1 to 8 inclusive, SW¼NE¼, N½S½, SW¼SW¼, and SE¼SE¼;
Sec. 18, Lots 1 to 13, inclusive (those portions not within MS 844), N½NE¼, and NE¼NW¼;
Sec. 21, Lots 1, 2, and 3, SW¼NE¼, N½ NW¼, SE¼NW¼, N½SE¼, and SE¼ SE¼;
Sec. 22, Lots 1 to 8, inclusive; lot 10 NW¼ NW¼, SE¼NE¼, and NW¼SW¼;
Sec. 23, Lots 1, 2, and 3, NE¼SW¼, S½ NW¼, NW¼SE¼, and S½SE¼;
Sec. 26, Lots 1 to 9, inclusive, and NW¼ NE¼;
Sec. 35, Lots 1 to 10, inclusive, NE¼SE¼, W½SW¼, W½NE¼, and SE¼NE¼;
Sec. 36, Lots 1, 2, 3.
T. 33 S., R. 10 W.,
Sec. 9, Lot 2, N½NE¼, N½SW¼NE¼, NW¼, N½SW¼, and SE¼SE¼;
Sec. 10, Lots 1 and 2, Lots 6 to 10 inclusive, NE¼NE¼, SE¼NW¼NE¼, W½ NE¼NW¼, NW¼NW¼, NE¼SE¼, and S½S½;
Sec. 11, Lots 1 to 9 inclusive, S½NE¼, NW¼NW¼, SE¼NW¼, N½SE¼, and SW¼SW¼;
Sec. 12, Lots 1 and 2, N½SW¼, NW¼SE¼, and S½SE¼;
Sec. 13, Lots 1 to 8 inclusive, S½NW¼, and N½SE¼;
Sec. 14, Lots 1, 2, and 3, NE¼NW¼, and S½NE¼.
T. 34 S., R. 1 W.,
Sec. 3, NE¼SE¼.
T. 34 S., R. 7 W.,
Sec. 19, Lots 2 and 4, and E½W½;
Sec. 31, Lots 3 and 4, E½SW¼, and S½ SE¼.
T. 34 S., R. 8 W.,
Sec. 5, Lots 1 to 5 inclusive, S½NW¼, and N½SW¼;
Sec. 6, Lots 1 to 12 inclusive, NE¼SW¼, and NW¼SE¼;
Sec. 24, Lots 3 and 4, Lots 5 and 8 except a tract described as beginning at a point on the E. sec. line of sec. 24, which is 15 chains N. of southeast corner said section; thence W. 10 chains; thence N. 20 chains; thence E. to W. bank of Rogue River; thence southerly along W. bank of Rogue River to E. sec. line sec. 24; thence S. to point of beginning.
Sec. 25, Lots 1, 2, 3, 4, 5, 6, 8, 9, and 10.
T. 34 S., R. 9 W.,
Sec. 1, Lots 1 to 10 inclusive, N½SW¼, SE¼, and SW¼NW¼;
Sec. 2, Lots 1, 2, and 3.
T. 34 S., R. 11 W.
Sec. 19, Lot 11.
T. 35 S., R. 7 W.,
Sec. 3, SW¼;
Sec. 5, Lots 7, N½ lot 8, lot 9, and S½NE¼, SE¼NW¼, and NE¼SW¼;
Sec. 9, Lots 1 and 2, NW¼NE¼, and S½NE¼.
T. 35 S., R. 8 W.,
Sec. 1, Lots 1, 2, 3, 5, and 6, NW¼SW¼, and N½SE¼.
T. 36 S., R. 2 W.,
Sec. 13, Lot 7.
T. 36 S., R. 3 W.,
Sec. 11, Lot 3, N½SE¼, and SE¼SE¼;
Sec. 13, Lot 7.
T. 36 S., R. 7 W.,
Sec. 3, Lots 2 and 7;
Sec. 11, Lot 3.
T. 38 S., R. 3 W.,
Sec. 33, Lot 1.
T. 39 S., R. 1 W.,
Sec. 29, S½SW¼.
T. 39 S., R. 2 W.,
Sec. 19, NE¼SE¼;
Sec. 23, SW¼SW¼ and SW¼SE¼.

The areas described aggregate 10,703.57 acres.

The total area described in paragraph 1 (b) above aggregates 13,879.31 acres.

(c) Under the jurisdiction of the Secretary of the Interior, from all forms of

appropriation under the public land laws, except the mining and mineral leasing laws, the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, leasing under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, lease, permits or easements for public works under the act of September 3, 1954 (63 Stat. 1146; 43 U. S. C. 931c, 931d), and disposals of forest products under the act of August 29, 1937 (50 Stat. 874):

WILLAMETTE MERIDIAN

O & C LANDS

T. 33 S., R. 7 W.,
Sec. 31, Lot 4.
T. 33 S., R. 8 W.,
Sec. 33, Lots 2, 3, 4, and 5, N½NE¼, S½SE¼;
Sec. 34, Lot 1;
Lots 3 to 10, inclusive, S½SW¼;
Sec. 35, Lots 6, 9, and 10, SE¼SW¼, S½SE¼.
T. 34 S., R. 3 W.,
Sec. 1, Lots 1 to 13, inclusive, SW¼NE¼, NW¼SE¼, and SW¼;
Sec. 12, Lots 1 to 8, inclusive, NW¼SW¼;
Sec. 13, Lots 1 to 13, inclusive, SE¼NE¼, W½SW¼;
Sec. 24, Lot 1;
Sec. 25, NE¼NW¼.

The areas described aggregate 2,322.75 acres.

2. It is the intent of this order that the withdrawal made thereby shall attach to all interests retained by the United States in patented lands in the townships named, and shall attach to all nonpublic lands in the townships named, upon acceptance of title to or any interest in such lands by the United States excepting, however, any smallest legal subdivision of such lands, any portion of which is located in excess of one mile from the bank of the Rogue River. Any such lands being or becoming national forest lands shall be governed by the restriction on uses provided by paragraph 1 (a) of this order, lands other than national forest lands to be subject to the uses and limitations upon uses provided by paragraph 1 (b) of this order.

ROGER C. ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 3, 1958.

[F. R. Doc. 58-7243; Filed, Sept. 9, 1958; 8:45 a. m.]

[Public Land Order 1727]

[917971]

ALASKA

REVOKING EXECUTIVE ORDER NO. 3264 OF APRIL 29, 1920, WHICH ESTABLISHED ALASKA TOWNSITE WITHDRAWAL NO. 18

By virtue of the authority vested in the President by the act of March 12, 1914 (38 Stat. 305; 48 U. S. C. 301, 303), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 3264 of April 29, 1920, which reserved the following-described lands for townsite purposes, and which was revoked in part by Executive Order No. 4394 of March 15, 1926, is hereby revoked in its entirety:

SEWARD MERIDIAN

T. 1 N., R. 1 W.,
Sec. 34, U. S. Survey No. 242.

The tract described contains 160 acres.

The lands are patented, except 28.83 acres which are withdrawn by Executive Order No. 9026 of January 16, 1942, and 2.92 acres within right-of-way of the Alaska Railroad.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 4, 1958.

[F. R. Doc. 58-7306; Filed, Sept. 9, 1958; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12483]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS, (MILWAUKEE, BEAVER DAM, CHILTON, WISC., AND LUDINGTON, MICH.)

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Milwaukee, Beaver Dam and Chilton, Wisconsin; Ludington, Michigan).

1. Attention is invited to an error appearing in the Report and Order issued in the above-entitled matter on August 7, 1958 (FCC 58-775 Corrected), and published in the FEDERAL REGISTER on August 9, 1958 (23 F. R. 6122).

2. The channels listed in paragraph 6 for Milwaukee should read as follows:

City	
Milwaukee, Wisconsin	4−, *10+, 12, 18+, 24+, 29

Released: September 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7317; Filed, Sept. 9, 1958; 8:50 a. m.]

[Docket No. 11994]

PART 19—CITIZENS RADIO SERVICE

MISCELLANEOUS AMENDMENTS

In the matter of complete revision of Part 19, rules governing the Citizens Radio Service, and reallocation of frequencies in the range 26.96–27.23 Mc from the Amateur Radio Service (Part 12) to the Citizens Radio Service.

Part 19—Citizens Radio Service, of the Commission's Second Report and Order in Docket No. 11994 of August 4, 1958 (Mimeo 60912, FCC 58-798), in the above-entitled matter is corrected as follows:

1. Correct the last frequency 27.255 Mc in the table of frequencies shown in § 19.31 (d) to read 27.225 Mc.

2. Correct the date September 1, 1958, in § 19.42 (b) to read September 11, 1958.

3. Correct the reference to § 19.53 in § 19.72 (c) (2) to read § 19.62.

Released: September 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7318; Filed, Sept. 9, 1958; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 722]

1959 CROP OF EXTRA LONG STAPLE COTTON

NATIONAL MARKETING QUOTA, ALLOTMENTS AND DATE FOR HOLDING REFERENDUM

Notice of determinations to be made with respect to a national marketing quota; national, state and county allotments, fixing of a date for holding a referendum and formulation of regulations pertaining to acreage allotments.

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "act") (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.), including amendments of the act contained in the Agricultural Act of 1958 (Pub. Law 85-835, approved August 28, 1958), the Secretary of Agriculture is preparing to determine as soon as practicable whether a national marketing quota is required to be proclaimed for the 1959 crop of extra long staple cotton (hereinafter referred to as "ELS cotton"). If such quota is required, the Secretary will also determine and proclaim the amount of the quota and the amount of the national allotment for the 1959 crop of ELS cotton and will issue regulations pertaining to acreage allotments for such cotton.

Section 347 (b) of the act provides that whenever during any calendar year, not later than October 15, the Secretary determines that the total supply of ELS cotton for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year by more than 8 per centum the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of ELS cotton produced in the next calendar year. It further provides that the Secretary shall determine and specify in such proclamation the amount of the national marketing quota in terms of the number of bales adequate to make available a normal supply of ELS cotton taking into account (1) the estimated carry-over at the beginning of the marketing year which begins in the next calendar year, and (2) the estimated imports during such marketing year. The national marketing quota for ELS cotton can not be less than the larger of 30,000 bales or a number of bales equal to 30 per centum of the estimated domestic consumption plus exports of ELS cotton for the marketing year beginning in the calendar year in which such quota is proclaimed.

In order that the Agricultural Stabilization and Conservation State and county committees may properly perform their functions in connection with allotments for the 1959 crop of ELS cotton, it will be necessary to issue any such proclamation and to determine the national, State and county allotments as soon as practicable.

As defined in section 301 of the act, for purposes of the determinations provided for in section 347 (b) of the act, "total supply" of ELS cotton for any marketing year is the carry-over at the beginning of such marketing year, plus the estimated production of ELS cotton in the United States during the calendar year in which such marketing year begins, and the estimated imports of ELS cotton into the United States during such marketing year; "carry-over" of ELS Cotton for any marketing year is the quantity of ELS cotton on hand in the United States at the beginning of such marketing year not including any part of the crop which was produced in the United States during the calendar year then current nor any Government stocks of ELS cotton acquired pursuant to, or under the authority of, the Strategic and Critical Materials Stockpiling Act; "normal supply" of ELS cotton for any marketing year is the estimated domestic consumption of ELS cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of ELS cotton for such marketing year, plus 30 per centum of such consumption and exports as an allowance for carry-over; and "marketing year" for ELS cotton is the period August 1-July 31. For purposes of the supply determinations required to be made under section 347 (b) of the act, the term "ELS cotton" refers to all American-Egyptian, Sea Island and Sealand cotton (both the continental United States and Puerto Rico), and to all similar types of cotton imported from Egypt, Anglo-Egyptian Sudan, and Peru.

Section 344 (a) of the act as amended by section 103 (4) of the Agricultural Act of 1958, provides that whenever a national marketing quota is proclaimed, the Secretary shall determine and proclaim a national allotment for the crop of ELS cotton to be produced in the next calendar year. The national allotment for ELS cotton for 1959 is that acreage, based upon the national average yield per acre of ELS cotton for the four years 1954, 1955, 1956, and 1957, which is required to make available from such crop an amount of cotton equal to the national marketing quota.

If a national allotment is proclaimed for the 1959 crop of ELS cotton, such allotment will be apportioned among the States, as provided by section 344 (b) of the act, on the basis of the acreage planted to ELS cotton during the 5 calendar years 1953, 1954, 1955, 1956, and 1957 with adjustments during such period as provided under the act and the Soil Bank provisions of the Agricultural Act of 1956 (70 Stat. 188; 7 U. S. C. 1801 et seq.).

The regulations which the Secretary will issue pertaining to acreage allotments for the 1959 crop of ELS cotton will differ from those issued for the 1958 crop to the extent necessary to implement the applicable provisions of the Agricultural Act of 1958. The regulations will provide or approval by the Secretary and publication thereof in the FEDERAL REGISTER of State and county allotments and State and county reserves.

Section 106 amends section 344 (f) of the act by providing in a new paragraph (8) that notwithstanding the provisions of section 344 (f) (2) of the act (cropland method of establishing farm allotments) and section 344 (f) (6) of the act (historical method of establishing farm allotments), the Secretary may provide for establishing farm allotments on the basis of the 1958 farm allotments, adjusted as may be necessary for any change in the acreage of cropland available for the production of cotton or to meet the requirements of any provision of the act (other than section 344 (f) (2) and (6)) with respect to the counting of acreage for history purposes. It is expected that the Secretary will determine that establishment of farm allotments pursuant to the method in section 344 (f) (8) of the act will facilitate effective administration of the act and that such method will be used in determining 1959 farm allotments in all counties.

Section 343 of the act provides that not later than December 15 following the issuance of the proclamation of the national marketing quota, the Secretary shall conduct a referendum by secret ballot, of farmers engaged in the production of ELS cotton in the calendar year in which the referendum is held, to determine whether such farmers are in favor of or opposed to the quota so proclaimed. If a quota is proclaimed for the 1959 crop of ELS cotton, it is expected that the Secretary will set December 15, 1958, for holding the ELS cotton referendum. Section 362 of the act provides that notice of the farm allotment established for each farm shown by the records of the county committee to be entitled to such allotment shall, insofar as practicable, be mailed to the farm operator in sufficient time to be received prior to the data of the referendum.

Prior to making any of the foregoing determinations with respect to the national marketing quota, the national allotment, the apportionment of the national allotment to the States and the State allotments to the counties, fixing a date for holding a referendum, and the formulation of regulations pertaining to acreage allotments for the 1959 crop of ELS cotton, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within 15 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Done at Washington, D. C., this 4th day of September 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] WALTER C. BERGER,
Administrator.

[F. R. Doc. 58-7365; Filed, Sept. 9, 1958; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 194]

[Ex Parte No. MC-40]

MOTOR CARRIERS; REPORTING OF ACCIDENTS

NOTICE OF PROPOSED RULE MAKING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 20th day of February A. D. 1958.

It appearing that our continuing study of the Motor Carrier Safety Regulations and the effectiveness thereof indicates the desirability, in the public interest, of making the fullest use of accident reports submitted to us by motor carriers; and

It further appearing that it is necessary to modify existing regulations in order to permit the use of such reports, or excerpts therefrom, as evidence in proceedings before the Commission or in court proceedings instituted by or at the request of the Commission:

It is ordered, That pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given of the Commission's proposal to amend § 194.1 of the Motor Carrier Safety Regulations, adopted April 14, 1952, as amended, (49 CFR 194.1) (49 Stat. 546, as amended, 49 U. S. C. 304), as follows:

Delete the period at the end of the present section, add a semicolon and the following words: "*Provided, however*, When the Commission considers such action consistent with the public interest and necessary to the proper administration and enforcement of the provisions of the Act, or of orders, rules, and regulations issued thereunder, it may in its discretion, upon prior approval of an application of a Bureau of this Commission, allow such reports, or excerpts therefrom to be offered in evidence, (a) by attorneys in the employ of the Commission in a Commission proceeding, and (b) by attorneys in the employ of the Commission or by United States attorneys in a court proceeding instituted by or at the request of the Commission."

It is further ordered, That interested persons may on or before October 31, 1958, submit written statements containing data, views, or arguments, verified

under oath by a person having knowledge of such data, views, or arguments, and that thereafter consideration will be given to the proposed amendment, or some revision thereof, in the light of the statements which may be submitted.

It is further ordered, That one signed copy and 14 additional copies of such statements be furnished for the use of the Commission by mailing to the Secretary of the Interstate Commerce Commission, Washington, D. C. No oral hearing is contemplated, but any request for such hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in the form heretofore provided. The Commission thereafter will determine whether or not assignment of the matter for oral hearing is necessary or desirable.

And it is further ordered, That notice of this proposed rule modification shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing a copy with the Director, Federal Register Division.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-7342; Filed, Sept. 9, 1958; 8:53 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[CO 845-P]

STATEMENT OF ORGANIZATION

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F. R. 8071, December 8, 1954), as amended, are prescribed:

1. The list of Class A ports of entry in District No. 8—Detroit, Mich., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended by deleting "Gibralter, Mich. (May 15–Oct. 15)" and by adding in alphabetical sequence "Grosse Isle Yacht Club, Grosse Isle, Mich. (May 15–Oct. 15)".

2. The list of Class B ports of entry in District No. 8—Detroit, Mich., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended by adding in alphabetical sequence the following:

Alpena, Mich.
Rogers City, Mich.

3. The list of Class B ports of entry in District No. 30—Helena, Mont., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended by deleting "Trail Creek, Mont.".

Dated: September 2, 1958.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 58-7316; Filed, Sept. 9, 1958; 8:49 a. m.]

POST OFFICE DEPARTMENT

PHILIPPINES: IMPORT REGULATIONS; GIFT PARCELS TO RYUKU ISLANDS DISCONTINUED

1. Information has been received that the minimum value for which certificates of origin are required for parcels addressed to the Philippines is increased from $10 to $50, and the minimum value for which consular invoices are required for such parcels is increased from $100 to $250.

Also, it is understood that the forms to be used for such certificates and invoices must now be obtained from Philippine consulates and executed in the manner they prescribe.

2. Acceptance of U. S. A. Gift Parcels for the Ryuku Islands is discontinued. All gift parcels for that country by surface means will be subject to the regular parcel post rate. This action is taken because the small amount of packages being mailed does not warrant continuance of the arrangement.

(R. S. 161, as amended, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] LEO G. KNOLL,
Acting General Counsel.

[F. R. Doc. 58-7338; Filed, Sept. 9, 1958; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Civil Aeronautics Administration has filed an application, Serial Number 017903, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining law, but excluding the provisions of the mineral leasing law and the Materials Act.

The applicant desires the land for location, operation and maintenance of air navigation radio equipment and associated facilities.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P. O. Box 1050, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BETHEL AREA

PARCEL 1

From the N. W. corner of the Territorial Department of Aviation Tract 2, at coordinates N. 105,369.46 E. 108,672.26 (U. S. C. and G. S. "Bethel" being the origin of coordinates at N. 100,000 E. 100,000), which is the true point of beginning; thence N. 23°30' E. 15,840 feet; thence S. 66°30' E. 4,000 feet; thence S. 66°30' W. 15,840 feet; thence N. 66°30' W. 4,000 feet; containing 1,454.55 acres, more or less.

PARCEL 2

From the N. W. corner of the Territorial Department of Aviation Tract 2, as described above, go S. 66°30' E. 4,000 feet; thence S. 23°30' W. 2,400 feet to the true point of beginning; thence S. 66°30' E. 1,500 feet; thence S. 23°30' W. 4,000 feet; thence N. 66°30' W. 1,500 feet; thence N. 23°30' E. 4,000 feet to the point of beginning; containing 137.74 acres, more or less.

RICHARD L. QUINTUS,
Operations Supervisor, Fairbanks.

[F. R. Doc. 58-7346; Filed, Sept. 9, 1958; 8:53 a. m.]

Office of the Secretary

VOLUNTARY OIL IMPORT PROGRAM

GOVERNMENT PURCHASES OF CRUDE PETROLEUM AND PETROLEUM PRODUCTS

1. Section 6 of the rules on "Government Purchases of Crude Petroleum and Petroleum Products" (23 F. R. 2872) is amended to read at follows:

A new section 6.1 reading as follows is added to the rules on "Government Purchases of Crude Petroleum and Petroleum Products":

SEC. 6.1 *Districts I–IV on and after October 1, 1958.* (a) This section applies to Districts I–IV.

(b) With respect to bids opened in October 1958 and thereafter, an importer will be deemed to be in compliance for the three months preceding the month in which a bid is opened, as required by Executive Order 10761, when his average barrels per day of crude oil imports for the three months preceding the month in which a bid is opened have not been greater than his average allocation for the same months.

(c) If an importer's average barrels per day of crude oil imports for a particular period of three months has ex-

ceeded his average allocation for that period, the Administrator, Voluntary Oil Import Program, may determine that the importer is in compliance for that period if the importer (1) makes a satisfactory showing that the overage was due solely to the difficulty of scheduling receipts or to an historical pattern of imports based on seasonal availability of transportation and (2) offers satisfactory assurance that his imports during succeeding months through December 1958, will result in an average barrels per day of crude oil imports during the period April 1, 1958, through December 31, 1958, that will not be greater than his average allocation for that period.

2. Paragraph (a) of section 10 of the rules on "Government Purchases of Crude Petroleum and Petroleum Products" is revised to read as follows:

(a) With respect to Districts I–IV, an importer will be deemed to be in compliance with the Voluntary Oil Import Program during the period falling between April 1, 1958, and December 31, 1958, if his average barrels per day of actual crude imports for those months in which he has imported during the period April 1, 1958, through December 31, 1958, plus the average barrels per day of crude oil imports estimated for the remainder of the period April 1 through December 31, 1958, in the reports submitted to the Administrator, Voluntary Oil Import Program, are not greater than his average daily allocation for the period April 1, through December 31, 1958.

M. V. CARSON, Jr.,
Administrator,
Voluntary Oil Import Program.

[F. R. Doc. 58-7307; Filed, Sept. 9, 1958; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 402]

MARKET AGENCIES AT UNION STOCK YARDS CHICAGO, ILL.

NOTICE OF PETITIONS FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on October 15, 1957 (16 A. D. 966) authorizing the respondents, Market Agencies at Union Stock Yards, Chicago, Illinois, to assess the current schedule of rates and charges to and including October 21, 1959, unless modified or extended by further order before the latter date.

On August 18, 1958, a petition was filed on behalf of The Chicago Live Stock Exchange requesting authority to modify, as soon as possible, the current schedule of rates and charges by adding the following new Section J.

SECTION J

FEEDER CATTLE AND CALF AUCTION BUYING AND SERVICE CHARGES

No feeder livestock offered for sale at auction will be purchased or paid for by a market agency for a buyer, nor any other stockyard service rendered, unless arrangements satisfactory to the market agency to assure payment therefor have been made by the buyer.

When a market agency purchases feeder livestock at auction by direct bid for a buyer, the charge per consignment shall be:

J–1	Cattle (average weight over 400 lbs.). Plus extra service charges provided in section E	$1.25 per head.
J–2	Calves (average weight 400 lbs. or under). Plus extra service charges provided in section E	$0.55 per head.

When feeder livestock purchased at auction by direct bid by a buyer is weighed to or through a market agency for the buyer, the charge per consignment shall be:

J–3	Cattle (average weight over 400 lbs.). Plus extra service charges provided in section E	$0.95 per head.
J–4	Calves (average weight 400 lbs. or under). Plus extra service charges provided in section E	$0.40 per head.

When feeder livestock offered for sale at auction is neither purchased nor paid for by a market agency, the charge per consignment for any other stockyard service or services rendered by such market agency in connection with feeder livestock acquired by the buyer at auction shall be:

J–5	Cattle (average weight over 400 lbs.). Plus extra service charges provided in section E	$0.65 per head.
J–6	Calves (average weight 400 lbs. or under). Plus extra service charges provided in section E	$0.30 per head.

On August 25, 1958, a second petition was filed on behalf of the Chicago Live Stock Exchange requesting authority to modify, as soon as possible, Items B–12, B–13, and B–14 of section B of their current schedule of charges for selling hogs, to provide as follows:

B–12 Hogs:

Consignments of one head and one head only:	
Each head weighing 250 pounds or over	$0.69 per head.
Each head weighing under 250 pounds	$0.54 per head.
Consignments of more than one head:	
First 10 head in each consignment	$0.46 per head.
Next 15 head in each consignment	$0.41 per head.
Each head over 25 head in each consignment	$0.36 per head.

B–13 Hogs, by rail, maximum charge:

In no instance shall the charge for selling a consignment of hogs arriving by rail exceed $30.50 for each single deck car, and $42.00 for each double deck car, plus extra service charges provided in section E.

B–14 Hogs, by other than rail, maximum charge:

In no instance shall the charge for selling a consignment of hogs arriving other than by rail exceed the aggregate of $30.50 for the first 18,000 pounds, plus 15 cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in section E.

Certain of the rates and charges specified in the proposed section J and the modifications in Items B–12, B–13 and B–14 of section B, as set forth above, would involve increases over the comparable current rates and charges. Accordingly, it appears that this public notice of the filing of the petitions and their contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 4th day of September 1958.

[SEAL] JOHN C. PIERCE, JR.,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 58-7354; Filed, Sept. 9, 1958; 8:54 a. m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

SEPTEMBER 1958 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6869) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list.

CCC reserves the right to refuse any or all offers placed with it for the purchase of commodities pursuant to such announcements. If CCC does not have adequate information as to the financial responsibility of prospective purchaser to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such purchaser's financial responsibility to be inadequate, CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the purchaser of a certified or cashier's check, bond, letter of credit, or other security, acceptable to CCC, assuring that the purchaser will discharge his responsibility under the contract, or (iii) to accept the offer upon condition that the purchaser promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective purchaser is in doubt as to whether CCC is acquainted with his financial responsibility, he should communicate with the CCC or CSS Commodity Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and

made a part of the sales contracts thereafter entered into.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered promptly upon appearance by public notice issued by the appropriate CSS Commodity Office and therefore generally they do not appear in the Monthly Sales List.

Notice to export buyers. Available interest rates on sales made in September under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 2¼ percent per annum.

For periods over 6 months up to and including 18 months, 2¾ percent per annum.

For periods over 18 months up to and including 36 months, 3¼ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and, for this purpose, shall maintain a bona fide business office in the United States, its territories, or possessions and therein have a person, principal or resident agent, upon whom service of judicial process may be had.

SEPTEMBER 1958 MONTHLY SALES LIST

Commodity	Sales price or method of sale
Dairy products	All sales are under LD-26 and amendments. All sales are in carlots only. As many as 3 buyers may participate in purchasing a single carlot.
Butter	Domestic price: For unrestricted use price is "in store" at storage locations of products. For restricted use price is on the basis of delivery f. o. b. cars at point of use named in offer. CCC will convert to "in store" price as provided in LD-26 and amendments. Export prices are on the basis of delivery f. a. s. vessel or at buyer's option f. o. b. cars point of export. If delivery is to be "in store" CCC will convert to "in store" price as provided in LD-26, and amendments. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office. Domestic, unrestricted use: 68 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 67¼ cents per pound, Washington, Oregon, and California. All other States 67 cents per pound. Domestic, restricted use: For use as an extender for cocoa butter in the manufacture of chocolate and in such a manner as will not displace other dairy products from use in the manufacture of other products made from chocolate, 39 cents per pound. Export, unrestricted use: 39 cents per pound.
Nonfat dry milk (spray roller) as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade; in barrels and drums, 16.25 cents per pound; in bags, 15.40 cents per pound. Roller process, U. S. Extra Grade; in barrels and drums, 14.25 cents per pound; in bags, 13.40 cents per pound. Domestic, restricted use (animal and poultry feed): In barrels, drums or bags 10.65 cents per pound. Export, unrestricted use: Spray or roller process, U. S. Extra Grade; in barrels and drums, 9.9 cents per pound; in bags, 9.05 cents per pound.
Cheddar cheese, cheddars, flats, twins, and rindless blocks (standard moisture basis).	Domestic: 39.5 cents per pound for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific and Gulf of Mexico. All other States 38.5 cents per pound. Export: 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton, upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-5 (Revision 1), as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcements CN-EX-6 and NO-C-11.
Cotton, extra long staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, and NO-C-10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, and NO-C-10, as amended. Catalogs for Upland and Extra Long Staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Peanuts	Domestic (for crushing) or export: Competitive bid basis for limited quantities announced by Peanut Cooperative Associations under CCC Peanut Announcement 1, as amended. Domestic, unrestricted use: Shelled (1956 crop in cold storage): Market price but not less than the 1956 applicable loan rate for type and grade basis in store point of origin, plus 5 percent, adjusted for milling, storage, and other charges. Example of minimum price at point of storage: Virginias U. S. Grade, extra large kernels, 27.80 cents per pound. Available Dallas CSS Commodity Office.
Wheat, bulk	Domestic: Commercial wheat-producing area: A. For wheat stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing wheat: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 18 cents per bushel if received by truck or (2) 13 cents per bushel if received by rail or barge. B. For wheat not included under A above: Market price but not less than the 1958 applicable rate plus (1) 18 cents per bushel if received by truck or 13 cents if received by rail, plus (2) any reductions in freight rates, in effect at time of sale, from those in effect on May 1, 1958, from the point of storage to the designated terminal.[3] Examples of the foregoing minimum per bushel (exrail or barge): Chicago, No. 1 RW ..... $2.28 Minneapolis, No. 1 DNS ..... 2.33 Kansas City, No. 1 HW ..... 2.26 Portland, No. 1 SW ..... 2.18 Noncommercial wheat-producing area: Same basis as in commercial area except 133 percent of applicable support rate. If delivery is outside the area of production, applicable freight will be added to the above. Export (as wheat): Under Announcement GR-261 revised, as amended for application to certain barter contracts and specially approved credit sales only at prices determined daily, and under Announcement GR-212 revised, amended, for specific offerings as announced. Disposals under Payment-in-Kind Program under Announcement GR-345. Available Dallas, Evanston, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale, except under GR-345 at Dallas and Evanston, and Portland when announced.
Rice milled (as available)	Domestic, unrestricted use: Market price but not less than equivalent 1958 loan rate for rough rice by varieties and grades plus 5 percent adjusted for milling, plus 18 cents per cwt. basis in store. Prices and quantities available by varieties and grades may be obtained from Dallas CSS Commodity Office. Example of minimum prices of milled rice per cwt., at mills:

	U. S. No. 3	U. S. No. 4	U. S. No. 5
Blue Bonnet	$9.78	$9.08	$8.30
Century Patna	8.84	8.25	7.58

Rice, milled, broken (as available)	Export: Competitive bid under DL-MR-400/57 (Revised) and GR-PD-99 for export only under Title I, P. L. 480 P. A.'s, as announced by Dallas and Portland CSS Commodity Offices. Special export: Competitive bid on "as is" basis, under DL-MR/53, as announced by Dallas CSS Commodity Office. Domestic (unrestricted use) or export: Available by competitive bid under DL-BR/500 and GR-PD-103 as announced by Dallas and Portland CSS Commodity Offices. Any bid less than the statutory minimum will not be considered.
Rice, rough	Domestic: Market price but not less than the 1958 loan rate plus 5 percent, plus 16 cents per cwt., basis in store. Prices and quantities available by varieties may be obtained from Dallas CSS Commodity Office, or from Portland CSS Commodity Office for Pearl and Calrose. Export: For export as milled rice. Competitive bid as announced by Dallas and Portland CSS Commodity Offices.
Corn, bulk	Domestic: Commercial corn-producing area: Market price, basis in store,[4] but not less than the 1957 applicable loan rate for corn produced in compliance with 1957 acreage allotments plus: (1) a markup of 23 cents per bushel for corn in storage at point of production, (2) a markup of 25 cents per bushel and the rail freight from point of production to the present point of storage for corn in storage at other than point of production. Examples of the foregoing minimum price per bushel for No. 2 yellow corn, 13.5 percent moisture and 1.4 percent foreign material including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively: Chicago, $1.04½; Minneapolis, $1.79½.

See footnotes at end of table.

SEPTEMBER 1958 MONTHLY SALES LIST—Continued

Commodity	Sales price or method of sale
Corn, bulk	Noncommercial corn-producing area: Market price, basis in store,[3] but not less than 110 percent of the applicable 1957 loan rate plus markups as above. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Non-storable corn, unrestricted use, (as available): At other than bin sites, through the above offices. At bin sites, through ASC County Offices. Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-366, for Feed Grain Payment-in-Kind Program.
Oats, bulk	Domestic: Market price, basis in store[3], but not less than the 1958 applicable loan rate, plus (1) a markup of 8 cents per bushel for oats in storage at point of production, (2) a markup of 10 cents per bushel and the rail freight from point of production to present point of storage for oats in storage at other than the point of production. Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively: Chicago, No. 2 oats or better ..... $.79½ Minneapolis, No. 3 oats or better ..... .73½ Available Minneapolis, Evanston, Kansas City, Portland and Dallas CSS Commodity Offices. Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales and under Announcement GR-366 for Feed Grain Payment-in-Kind Program.
Barley, bulk	Domestic: A. For barley stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing barley: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 12 cents per bushel if received by truck or (2) 9 cents per bushel if received by rail or barge. B. For barley not included under A above: Market price but not less than the 1958 applicable rate plus (1) 12 cents per bushel if received by truck or 9 cents per bushel if received by rail, plus (2) any reductions in freight rates in effect at time of sale from those in effect on May 1, 1958, from the point of storage to the designated terminal.[3] If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 barley ..... $1.27 Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-366 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.
Rye, bulk	Domestic: A. For rye stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing rye: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 15 cents per bushel if received by truck or (2) 10 cents per bushel if received by rail or barge. B. For rye not included under A above: Market price but not less than the 1958 applicable rate plus (1) 15 cents per bushel if received by truck or 10 cents per bushel if received by rail, plus (2) any reductions in freight rates in effect at time of sale from those in effect on May 1, 1958, from the point of storage to the designated terminal.[3] If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better ..... $1.44 Available Evanston, Kansas City, Minneapolis, Portland and Dallas CSS Commodity Offices. Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-366, for Feed Grain Payment-in-Kind Program.
Grain sorghums, bulk	Domestic: A. For grain sorghums originating in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington or stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing grain sorghums: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 25 cents per cwt. if received by truck or (2) 16 cents per cwt. if received by rail or barge. B. For grain sorghums not included under A above: Market price but not less than the 1958 applicable rate plus (1) 25 cents per cwt. if received by truck or 16 cents per cwt. if received by rail, plus (2) any reductions in freight rates in effect at time of sale from those in effect on May 1, 1958, from the point of storage to the designated terminal.[3] If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per cwt. (exrail or barge): Kansas City, No. 2 or better $2.47
Grain sorghums, bulk	Available Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-366, for Feed Grain Payment-in-Kind Program.
Soybeans, bulk (as available)	Domestic (for crushing) or export: Market price basis in store but not less than the 1957 basic loan rate for No. 2 grade, basis point of production plus 11 cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-elevation charges at country loading point and in-elevation charges at subterminal or terminal storage point will be added to the above price. Available Evanston, Kansas City, and Minneapolis CSS Commodity Offices.
Burley Tobacco (as available)	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcement to be issued. This announcement will cover a limited quantity (about 16 million pounds). Copies of such announcement, when issued may be obtained from the Tobacco Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C.
Gum rosin	Domestic or export: Offer and acceptance basis "as is" in galvanized metal drums (averaging 517 pounds net) in the stated quantities and on the designated storage yards, subject to the terms and conditions of Announcement TB-21 (Revised), and supplements thereto which will be issued monthly. Available through the American Turpentine Farmers Association Cooperative, Valdosta, Ga.
Gum turpentine	Domestic or export: Offer and acceptance basis, "as is", bulk in tanks in the stated quantities and in the designated storage tanks subject to the prices, terms and conditions of Announcement TB-21 (Revised), and supplements thereto which will be issued monthly. Available through ATFA, Valdosta, Ga.

[3] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

[4] In those counties in which grain is stored in CCC bins sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehouse for storage documents.

[5] The minimum-pricing revision has been made necessary by a recent change in the price support program for wheat, barley, rye, and (in some areas) grain sorghums. This change gives producers who store their grain locally the price support benefit at time of settlement of any reductions in rail freight rates to their designated terminals occurring after the price support loan rates were set and before the maturity dates of the loans. To insure continuation of CCC sales at terminal locations during August (and later months) in their normal ratio to sales at nonterminal locations, the minimum sales prices of these grains at affected locations will be increased by an amount corresponding to any decrease since May 1, 1958, in the freight rates from the point of storage to a designated terminal. CSS Commodity Offices will furnish freight rate information upon request.

Issued: September 3, 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-7313; Filed, Sept. 9, 1958; 8:49 a. m.]

Office of the Secretary

MINNESOTA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Minnesota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Minnesota

Mahnomen Norman

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1959, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 4th day of September 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-7315; Filed, Sept. 9, 1958; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-13]

BABCOCK & WILCOX CO.

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT AND FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue to The Babcock & Wilcox Company a construction permit substantially as set forth below unless within fifteen (15) days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). For further details see (1) the application submitted by The Babcock & Wilcox Company and amendments thereto, and (2) a memorandum by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Notice is also hereby given that if the Commission issues the construction permit, the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the facility by The Babcock & Wilcox Company at the company's laboratory at Lynchburg, Virginia, if it is found that the facility has been constructed in compliance with the terms and conditions contained in the construction permit and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission that the granting of such license would not be in accordance with the provisions of the act.

Dated at Germantown, Maryland, this 3d day of September 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director,
Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

By application dated May 19, 1958, and amendments thereto dated June 30, 1958, and July 7, 1958, The Babcock & Wilcox Company requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, authorizing construction and operation, at its site in Lynchburg, Virginia, of a critical experiments facility (hereinafter referred to as "the facility") for the purpose of obtaining experimental data for the proposed Liquid Metal Fuel Reactor Experiment. Reference to the application herein will be to the original application as amended.

The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The facility will be useful in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. The Babcock & Wilcox Company is financially qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter I, CFR.

D. The Babcock & Wilcox Company is technically qualified to design and construct the facility.

E. The Babcock & Wilcox Company has submitted sufficient information to provide reasonable assurance that the facility can be constructed at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to The Babcock & Wilcox Company will not be inimical to the common defense and security or to the health and safety of the public.

G. The Babcock & Wilcox Company has filed with the Commission as proof of financial protection, pursuant to 10 CFR Part 140, a showing that it has adequate resources in the form specified to provide the financial protection required.

Pursuant to the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to The Babcock & Wilcox Company to construct the facility in accordance with the specifications contained in the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is September 22, 1958. The latest completion date of the facility is October 15, 1958. The term "completion date" as used herein means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The facility shall be constructed and located at the location in Lynchburg, Virginia, specified in the application.

Upon finding that the facility authorized has been constructed in compliance with the terms and conditions contained in this construction permit and in conformity with the provisions of the Act and of the rules and regulations of the Commission, the Commission will issue a Class 104 license to The Babcock & Wilcox Company pursuant to section 104c of the Act, which license shall expire 20 years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

———,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-7358; Filed, Sept. 8, 1958; 2:59 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12248; FCC 58M-920]

ST. ANTHONY TELEVISION CORP.

ORDER CONTINUING HEARING

In re application of St. Anthony Television Corporation, Houma, Louisiana; for construction permit for a new television Broadcast Station, (Channel 11); Docket No. 12248, File No. BPCT-2328.

The Hearing Examiner having under consideration a petition filed September 3, 1958, by St. Anthony Television Corporation requesting that the evidentiary hearing presently scheduled to begin on September 4, 1958, be continued to September 18, 1958; and

It appearing that the reason for the requested continuance arises from the fact that the applicant intends to amend its application in certain particulars and requires additional time to prepare such amendment; and

It further appearing that counsel for the Broadcast Bureau informally stated that there are no objections to the granting of the petition for continuance, that the orderly conduct of Commission business requires immediate action on the petition for continuance and good cause for granting the petition having been shown;

It is ordered, This the 3d day of September 1958, that the petition for continuance be and the same is hereby granted and the evidentiary hearing now scheduled to begin on September 4, 1958, is continued until September 18, 1958.

Released: September 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7347; Filed, Sept. 9, 1958; 8:54 a. m.]

[Docket Nos. 12427, 12428; FCC 58M-926]

ELECTRONIC MUSIC CO. AND WSBC BROADCASTING CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of John Englebrecht and Stephen A. Cisler, d/b as Electronic Music Company, Chicago, Illinois, Docket No. 12427, File No. BPH-2342; WSBC Broadcasting Company, Chicago, Illinois, Docket No. 12428, File No. BPH-2359; for construction permits.

It is ordered, This 3d day of September 1958, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of § 1.111 of the Commission's rules, in the offices of the Commission, Washington, D. C. at 10 o'clock a. m., September 17, 1958.

Released: September 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7348; Filed, Sept. 9, 1958; 8:54 a. m.]

[Docket No. 12534; FCC 58M-924]

SOUTH KENTUCKY BROADCASTERS (WRUS)

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Roth E. Hook and Woodrow Sosh, d/b as South Kentucky Broadcasters (WRUS), Russellville, Kentucky, Docket No. 12534, File No. BMP-7734; for construction permit.

It is ordered, This 3d day of September 1958, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of § 1.111 of the Commission's rules, in the offices of the Commission, Washington, D. C. at 10 o'clock a. m., September 19, 1958.

Released: September 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7349; Filed, Sept. 9, 1958; 8:54 a. m.]

[Docket Nos. 12512, 12513; FCC 58M-925]

BALTIMORE BROADCASTING CORP. AND COMMERCIAL RADIO INSTITUTE, INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Baltimore Broadcasting Corporation, Baltimore, Maryland, Docket No. 12512, File No. BPH-2394; Commercial Radio Institute, Inc., Baltimore, Maryland, Docket No. 12513, File No. BPH-2415; for construction permits.

It is ordered, This 3d day of September 1958, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission, Washington, D. C., 10:00 o'clock a. m., September 18, 1958.

Released: September 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7350; Filed, Sept. 9, 1958; 8:54 a. m.]

[Docket Nos. 12535, 12536; FCC 58M-921]

ARNOLD J. STONE ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Arnold J. Stone, Alameda, California, Docket No. 12535, File No. BPH-2414; Patrick Henry and David D. Larsen, a Partnership, Alameda, California, Docket No. 12536, File No. BPH-2437; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 3d day of September 1958, on the Hearing Examiner's own motion, that the prehearing conference presently scheduled for September 15, 1958 is continued until October 1, 1958, at 10:00 a. m.

Released: September 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7351; Filed, Sept. 9, 1958; 8:54 a. m.]

[Docket No. 12565; FCC 58M-923]

SOUTH BAY BROADCASTING CO. (KAPP)

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Sherman Somers and Robert William Crites, d/b as South Bay Broadcasting Company (KAPP), Redondo Beach, California, Docket No. 12565, File No. BPH-2416; for construction permit.

It is ordered, This 3d day of September 1958, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 o'clock a. m., on Wednesday, September 10, 1958, in the offices of the Commission, Washington, D. C.

Released: September 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7352; Filed, Sept. 9, 1958; 8:54 a. m.]

[Docket No. 11751; FCC 58M-910]

COPPER CITY BROADCASTING CORP.

ORDER CONTINUING HEARING

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations Albany-Schenectady-Troy and Vail Mills, New York and order directing Copper City Broadcasting Corporation to show cause why its authorization for Station WKTV, Utica, New York should not be modified to specify operation on Channel 2 in lieu of Channel 13; Docket No. 11751.

By agreement of the parties: *It is ordered*, This 3d day of September 1958, that the hearing in the above-entitled matter presently scheduled for September 3, 1958, at 10:00 a. m., be, and the same, is hereby continued without date.

Released: September 3, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7319; Filed, Sept. 9, 1958; 8:50 a. m.]

[Docket Nos. 12107, 12222; FCC 58M-905]

RIVERSIDE CHURCH IN CITY OF NEW YORK AND HUNTINGTON-MONTAUK BROADCASTING CO. INC.

ORDER CONTINUING HEARING

In re application of The Riverside Church in the City of New York, New York, New York, Docket No. 12107, File No. BPH-2174; Huntington-Montauk Broadcasting Co., Inc., Huntington, New York, Docket No. 12222, File No. BPH-2233; for construction permits.

The Hearing Examiner having under consideration a "Petition for Continuance of Hearing" filed in the above-entitled proceeding on August 19, 1958, by Huntington-Montauk Broadcasting Co., Inc., and an opposition thereto filed on August 21, 1958, by The Riverside Church in the City of New York;

It appearing that the hearing in the above-entitled proceeding is presently scheduled for September 9, 1958; and

It further appearing that the present workload of the Examiner makes a hearing on the scheduled date an impossibility, and that for the same reason, a hearing on September 24, 1958, as requested in said petition for continuance, is also unavailing;

It is ordered, This 28th day of August, 1958, that the "Petition for Continuance of Hearing" filed by Huntington-Montauk Broadcasting Co., Inc., requesting a continuance to September 24, 1958, be, and the same, is hereby denied; and

It is further ordered, On the Examiner's own motion, that the hearing in the above-entitled proceeding, presently scheduled for September 9, 1958, is hereby continued to October 14, 1958, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: August 29, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7320; Filed, Sept. 9, 1958; 8:50 a. m.]

[Docket No. 12201 etc.; FCC 58-819]

SOUTH NORFOLK BROADCASTING CO. INC. ET AL.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of South Norfolk Broadcasting Company, Incorporated, South Norfolk, Virginia, Docket No. 12201, File No. BP-10981; Cy Blumenthal, tr/as Denbigh Broadcasting Co., Denbigh, Virginia, Docket No. 12202, File No. BP-11250; Virginia Beach Broadcasting Corporation (WBOF), Virginia Beach, Virginia, Docket No. 12394, File No. BP-11600; for construction permits.

1. The Commission has under consideration (1) a petition to enlarge issues filed by South Norfolk Broadcasting Company, Inc. on February 26, 1958; (2) an opposition filed by Cy Blumenthal on March 5, 1958; (3) a reply to Blumenthal's opposition filed by South Norfolk on March 13, 1958; and (4) a comment on South Norfolk's petition filed by the Broadcast Bureau on March 18, 1958. Virginia Beach Broadcasting Corporation (WBOF) filed no pleadings and took no part in this interlocutory matter.

2. South Norfolk Broadcasting Company was dismissed from this proceeding with prejudice by the Chief Hearing Examiner on June 23, 1958 (FCC 58M-665; No. 60501). However, the matter having come to the attention of the Commission, and having been the subject of comment by the Broadcast Bureau, we have retained the matter for consideration despite South Norfolk's dismissal.

3. South Norfolk sought the addition of an issue to determine whether Blumenthal's application, reciting as it does his proposed station and main studio location as "Denbigh, Warwick County,

Virginia", compiled with 47 CFR 3.30(a) which provides that a station will be licensed to serve a particular city, town or other political subdivision. South Norfolk alleged that there was no political subdivision known as Denbigh, Virginia, and that the physical location proposed was, in fact, in the City of Warwick, Virginia, which entity has since 1952 superseded, although being conterminous with, the former County of Warwick. In addition, and related to the foregoing, South Norfolk sought the addition of issues to determine whether Blumenthal's proposals would result in furnishing the signal strength required by the Commission's rules to the City of Warwick.

4. Blumenthal, in reply, states that Denbigh is a political subdivision of the type contemplated by the rules.

5. The Broadcast Bureau, while conceding that an issue has been raised as to the status of Denbigh, suggests that the issues be limited to the existence of Denbigh as an identifiable community inasmuch as, since Blumenthal has not proposed service to the City of Warwick, there is no call to explore a potential service to that city if such be the true location of Blumenthal's proposed station.

6. We agree with the Broadcast Bureau. However, in view of Blumenthal's continued assertion that he intends to serve Denbigh and the fact that Denbigh is an identifiable location, regardless of whether it be a political sub-division within 47 CFR 3.30 (a), an exploration of the status of Denbigh with an opportunity for a showing, if such be possible, of reasons for waiver or relaxation of the rules is, we believe, justified.

In view, therefore, of the foregoing reasons:

It is ordered, That petitioner South Norfolk's petition to enlarge issues is in all respects denied, as moot, and

It is further ordered, That the Commission on its own motion amends the issues previously published in this matter (22 F. R. 8094; 23 F. R. 2778) to renumber existing issue 6 as issue 7 and to add the following issue:

6. To determine whether the application of Cy Blumenthal d/b as Denbigh Broadcasting Company proposes to serve primarily a particular city, town, or other political subdivision as contemplated by § 3.30 (a) of the Commission's Rules, and if not, whether the provisions of the rule should be waived.

Adopted: September 3, 1958.

Released: September 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7321; Filed, Sept. 9, 1958; 8:50 a. m.]

[Docket Nos. 12229, 12230; FCC 58M-917]

WALTER G. ALLEN AND MARSHALL COUNTY BROADCASTING CO. INC.

ORDER CONTINUING HEARING

In re applications of Walter G. Allen, Huntsville, Alabama; Docket No. 12229, File No. BP-10871; Marshall County Broadcasting Company, Inc., Arab, Alabama; Docket No. 12230, File No. BP-11088; for construction permits.

It is ordered, This 3d day of September 1958, on the Hearing Examiner's own motion and with the concurrence of counsel for all parties to this proceeding, that the hearing presently scheduled herein for September 10, 1958, is hereby rescheduled for October 7, 1958, at 10:00 o'clock a. m. in the Commission's offices, Washington, D. C.

Released: September 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7322; Filed, Sept. 9, 1958; 8:50 a. m.]

[Docket No. 1294; FCC 58-828]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FB BROADCAST STATIONS

ORDER TERMINATING PROCEEDING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1958;

The Commission having under consideration amending the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in Docket No. 12294 to add Channel 289 to Framingham, Massachusetts; and

It appearing that on July 30, 1958, the Commission adopted an Order in Docket No. 12461, effective August 30, 1958, to abandon the Revised Tentative Allocation Plan for Class B FM Broadcast Stations thereby making unnecessary any further proceedings in Docket No. 12294;

Accordingly, for the foregoing reason: *It is ordered*, That this proceeding is terminated.

Released: September 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7323; Filed, Sept. 9, 1958; 8:50 a. m.]

[Docket Nos. 12315, 12316; FCC 58M-918]

SHEFFIELD BROADCASTING CO. AND J. B. FALT, JR.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Iralee W. Benns, tr/as Sheffield Broadcasting Co., Sheffield, Alabama; Docket No. 12315, File No. BP-11130; J. B. Falt, Jr., Sheffield, Alabama; Docket No. 12316, File No. BP-11559; For construction permits.

It is ordered, This 3d day of September 1958, on the Hearing Examiner's own motion, that the prehearing conference in the above-entitled proceeding, which is presently scheduled for September 9, 1958, is rescheduled for October 6, 1958, at 9:00 o'clock a. m. in the Commission's offices, Washington, D. C.

Released: September 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7324; Filed, Sept. 9, 1958; 8:50 a. m.]

[Docket No. 12343; FCC 58-830]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

ORDER TERMINATING PROCEEDING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September, 1958;

The Commission having under consideration amending the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in Docket No. 12343 to substitute Channel 229 for 293 in Sacramento, California, and to substitute Channel 293 for 229 in Santa Rosa, California;

It appearing that on July 30, 1958 the Commission adopted an Order in Docket No. 12461, effective August 30, 1958, to abandon the Revised Tentative Allocation Plan for Class B FM Broadcast Stations thereby making unnecessary any further proceedings in Docket No. 12343;

Accordingly, for the foregoing reason: *It is ordered*, That this proceeding is terminated.

Released: September 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7325; Filed, Sept. 9, 1958; 8:50 a. m.]

[Docket No. 12361; FCC 58-830]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

ORDER TERMINATING PROCEEDING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1958;

The Commission having under consideration amending the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in Docket No. 12361 to allocate Channel 233 to Sacramento, California;

It appearing that on July 30, 1958, the Commission adopted an Order in Docket No. 12461, effective August 30, 1958, to abandon the Revised Tentative Allocation Plan for Class B FM Broadcast Stations thereby making unnecessary any further proceedings in Docket No. 12361;

Accordingly, for the foregoing reason: *It is ordered*, That this proceeding is terminated.

Released: September 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7326; Filed, Sept. 9, 1958; 8:50 a. m.]

[Docket No. 12362; FCC 58-831]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

ORDER TERMINATING PROCEEDING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1958;

The Commission having under consideration amending the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in Docket No. 12362 to allocate Channel 273 to Sacramento, California, and to substitute Channel 245 for Channel 273 in Santa Rosa, California;

It appearing that on July 30, 1958, the Commission adopted an Order in Docket No. 12461, effective August 30, 1958, to abandon the Revised Tentative Allocation Plan for Class B FM Broadcast Stations thereby making unnecessary any further proceedings in Docket No. 12362;

Accordingly, for the foregoing reason: *It is ordered*, That this proceeding is terminated.

Released: September 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7327; Filed, Sept. 9, 1958; 8:51 a. m.]

[Docket No. 12416 etc.; FCC 58M-909]

NICK J. CHACONAS ET AL.

ORDER CONTINUING HEARING

In re applications of Nick J. Chaconas, Gaithersburg, Maryland; Docket No. 12416, File No. BP-10996; I. T. Cohen and Anne H. Cohen, d/b as Tri-County Broadcasting Company, Laurel, Maryland; Docket No. 12417, File No. BP-11369; The Eleven Fifty Corp., Capitol Heights, Maryland; Docket No. 12418, File No. BP-11379; TCA Broadcasting Corporation, College Park, Maryland; Docket No. 12419, File No. BP-11741; for construction permits.

With the agreement of all parties to the proceeding, *It is ordered*, This 2d day of September 1958, that hearing now scheduled for September 16, 1958, is continued to Thursday, September 18, 1958, at 10:00 a. m. in the offices of the Commission, Washington, D. C.

Released: September 3, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7328; Filed, Sept. 9, 1958; 8:51 a. m.]

[Docket No. 12472; FCC 58-832]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

ORDER TERMINATING PROCEEDING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1958;

The Commission having under consideration amending the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in Docket No. 12472 proposing to allocate Channel 300 to Redlands and Lancaster, California;

It appearing that on July 30, 1958, the Commission adopted an Order in Docket No. 12461, effective August 30, 1958, to abandon the Revised Tentative Allocation Plan for Class B FM Broadcast Stations thereby making unnecessary any further proceedings in Docket No. 12472;

Accordingly, for the foregoing reason: *It is ordered*, That this proceeding is terminated.

Released: September 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7330; Filed, Sept. 9, 1958; 8:51 a. m.]

[Docket No. 12453 etc.; FCC 58M-902]

ALFRED RAY FUCHS (KTJS) ET AL.

ORDER SCHEDULING HEARING

In re applications of Alfred Ray Fuchs (KTJS), Hobart, Oklahoma, Docket No. 12453, File No. BP-11045; KGFL, Incorporated (KGFL), Roswell, New Mexico, Docket No. 12454, File No. BP-11273; Bob Garrison and H. H. Huntley d/b as Garrison-Huntley Enterprises, Lubbock, Texas, Docket No. 12455, File No. BP-11538; Joseph S. Lodato, Santa Rosa, New Mexico, Docket No. 12456, File No. BP-11721; Clarence E. Wilson, Hobbs, New Mexico, Docket No. 12457, File No. BP-11817; for construction permits.

The Chief Hearing Examiner having under consideration the petition of Joseph S. Lodato, filed August 14, 1958, requesting changes in the dates heretofore specified by the Hearing Examiner for certain procedures in the above-entitled matter;

It appearing that the petition is supported by a showing of good cause and that none of the parties to the proceeding have filed objections thereto;

It is ordered, This 27th day of August 1958, that the petition is granted and that the following schedule for procedures in the above-entitled matter will be observed: Preliminary exchange of exhibits—September 22, 1958; final exchange of exhibits—October 6, 1958; notification of witnesses re cross-examinations—October 15, 1958; commencement of formal hearing—October 20, 1958.

Released: August 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7329; Filed, Sept. 9, 1958; 8:51 a. m.]

[Docket Nos. 12488, 12489; FCC 58M-910]

YOUNG PEOPLES CHURCH OF THE AIR, INC. AND WJMJ BROADCASTING CORP.

ORDER CONTINUING HEARING

In re applications of The Young People's Church of the Air, Inc., Philadelphia, Pennsylvania, Docket No. 12488, File No. BPH-2394; WJMJ Broadcasting Corporation, Philadelphia, Pennsylvania, Docket No. 12489, File No. BPH-2423; for construction permits.

The Hearing Examiner having under consideration a petition to continue hearing and prehearing conference and to name a deferred date for exchanging exhibits, filed by The Young People's Church of the Air, Inc., on September 2, 1958;

It appearing that counsel for each of the other parties have agreed not to oppose the continuance and have informally consented to immediate consideration of this petition;

It is ordered, This 3d day of September 1953, that the above petition is granted to the extent indicated herein; and the dates designated for various procedural steps herein are postponed as follows:

	From	To
Date for furnishing stipulations or statement referred to at pages 44-7 of the transcript of prehearing conference	Sept. 5, 1958	Oct. 2, 1958
Prehearing conference	Sept. 11, 1958	Oct. 9, 1958
Hearing date	Oct. 2, 1958	Oct. 30, 1958

Released: September 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7331; Filed, Sept. 9, 1958; 8:51 a. m.]

[Docket No. 12492; FCC 58-833]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

ORDER TERMINATING PROCEEDING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1958;

The Commission having under consideration amending the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in Docket No. 12492 to allocate Channel 293 to San Diego, California;

It appearing that on July 30, 1958, the Commission adopted an Order in Docket No. 12461, effective August 30, 1958, to abandon the Revised Tentative Allocation Plan for Class B FM Broadcast Stations thereby making unnecessary any further proceedings in Docket No. 12492;

Accordingly, for the foregoing reason: *It is ordered*, That this proceeding is terminated.

Released: September 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7332; Filed, Sept. 9, 1958; 8:51 a. m.]

[Docket No. 12500; FCC 58-835]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

ORDER TERMINATING PROCEEDING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1958;

The Commission having under consideration amending the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in Docket No. 12500 to allocate Channel 294 to Baltimore, Maryland;

It appearing that on July 30, 1958, the Commission adopted an Order in Docket No. 12461, effective August 30, 1958, to abandon the Revised Tentative Allocation Plan for Class B FM Broadcast Stations thereby making unnecessary any further proceedings in Docket No. 12500;

Accordingly, for the foregoing reason: *It is ordered*, That this proceeding is terminated.

Released: September 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7334; Filed, Sept. 9, 1958; 8:51 a. m.]

[Docket No. 12527; FCC 58M-906]

EMAR SEPARATOR CO.

ORDER CONTINUING HEARING

In the matter of cease and desist order to be directed to R. Major Moscovitz and H. Moscovitz tr/as Emar Separator Co., 421 W. 28th Street, New York 1, New York.

It is ordered, This 29th day of August 1958, that hearing in the above-entitled proceeding, which is presently scheduled to commence on September 11, 1958, is continued without date.

Released: August 29, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7335; Filed, Sept. 9, 1958; 8:51 a. m.]

[Docket No. 12580]

JAMES M. BRANDENBURG

ORDER ASSIGNING MATTER FOR HEARING ON STATED ISSUES

In the matter of James M. Brandenburg, 1832 Josie Avenue, Long Beach 15, California; suspension of Restricted Radiotelephone Operator Permit; Docket No. 12580.

The Commission having under consideration the suspension of the Restricted Radiotelephone Operator Permit, 11SD-7407, issued to James M. Brandenburg, whose address appears above; and

It appearing that acting in accordance with the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, the above-named party filed with the Commission within the time provided therefor an application requesting a hearing on the Commission's Order dated March 28, 1958, suspending for a period of two months his restricted radiotelephone operator permit; and

It further appearing that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, the said permittee is entitled to a hearing in this matter and that upon the filing of a timely written application therefor, the Commission's Order of suspension is held in abeyance until the conclusion of the proceeding in this matter.

It is ordered, This 2d day of September 1958 that the matter of the suspension of the Restricted Radiotelephone Operator Permit of James M. Brandenburg is hereby designated for hearing in San Francisco, California before a Hearing Examiner at a time and place to be specified by further order, upon the following issues:

1. To determine whether James M. Brandenburg violated §§ 8.178 and 8.358 (a) of the Commission's rules in that he transmitted or allowed to be transmitted on 2638 kc communications other than safety and operational communications after a warning notice was served on him for a previous violation of the same type while operating the radiotelephone station WA-2492 on board the vessel [illegible] AQUARIUS.

2. In the light of the evidence adduced in the preceding issue to determine whether the terms of the original order of suspension should be made final, rescinded, or modified.

It is further ordered, That a copy of this Order be transmitted by Certified Mail, Return Receipt Requested, to James M. Brandenburg, and that he notify the Commission in writing within 10 days after the receipt of this Order that he will appear in person or by counsel at said hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7336; Filed, Sept. 9, 1958; 8:51 a. m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

GEOFFREY BAKER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since previous report.

This amends statement previously published in the FEDERAL REGISTER, February 14, 1958 (23 F. R. 988).

Dated: August 1, 1958.

GEOFFREY BAKER.

[F. R. Doc. 58-7288; Filed, Sept. 9, 1958; 8:45 a. m.]

HAROLD S. BLACKMAN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, February 11, 1958 (23 F. R. 896).

Dated: August 1, 1958.

HAROLD S. BLACKMAN.

[F. R. Doc. 58-7289; Filed, Sept. 9, 1958; 8:45 a. m.]

JAMES F. BROWNLEE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Purchased: shares Britalta Petroleums Ltd.; shares Thomas Industries, Class B Common; shares Spencer Chemical Co.; shares Minute Maid Corp.; Note of the Seaplant Corp.

Sold: shares Britalta Petroleums Ltd., U. S. Bonds.

This amends statement previously published in the FEDERAL REGISTER, February 22, 1958 (23 F. R. 1163).

Dated: August 1, 1958.

JAMES F. BROWNLEE.

[F. R. Doc. 58-7290; Filed, Sept. 9, 1958; 8:45 a. m.]

GORDON B. CARSON

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, February 22, 1958 (23 F. R. 1163).

Dated: August 1, 1958.

GORDON B. CARSON.

[F. R. Doc. 58-7291; Filed, Sept. 9, 1958; 8:45 a. m.]

PETER HENLE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, February 6, 1958 (23 F. R. 816).

Dated: August 1, 1958.

PETER HENLE.

[F. R. Doc. 58-7292; Filed, Sept. 9, 1958; 8:45 a. m.]

DAVID C. HOLUB

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes of interests since previously reported.

This amends statement previously published in the FEDERAL REGISTER March 21, 1958 (23 F. R. 1909).

Dated: August 1, 1958.

DAVID C. HOLUB.

[F. R. Doc. 58-7293; Filed, Sept. 9, 1958; 8:45 a. m.]

JOSEPH D. KEENAN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Bought: American Security and Trust; Dixilyn Drill; Drug Fair.
Sold: Drug Fair.

This amends statement previously published in the FEDERAL REGISTER, February 6, 1958 (23 F. R. 816).

Dated: August 1, 1958.

JOSEPH D. KEENAN.

[F. R. Doc. 58-7294; Filed, Sept. 9, 1958; 8:46 a. m.]

GEORGE ROSS LESAUVAGE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change—same as previous statement.

This amends statement previously published in the FEDERAL REGISTER, February 22, 1958 (23 F. R. 1163).

Dated: August 1, 1958.

GEORGE ROSS LESAUVAGE.

[F. R. Doc. 58-7295; Filed, Sept. 9, 1958; 8:46 a. m.]

RUSSELL C. MCCARTHY

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, February 6, 1958 (23 F. R. 816).

Dated: August 1, 1958.

RUSSELL C. MCCARTHY.

[F. R. Doc. 58-7296; Filed, Sept. 9, 1958; 8:46 a. m.]

C. F. OGDEN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Accessions: None.
Deletions: None.

This amends statement previously published in the FEDERAL REGISTER, February 6, 1958 (23 F. R. 816).

Dated: August 1, 1958.

C. F. OGDEN.

[F. R. Doc. 58-7297; Filed, Sept. 9, 1958; 8:46 a. m.]

PHILIP N. POWERS

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, February 22, 1958 (23 F. R. 1162).

Dated: August 1, 1958.

PHILIP N. POWERS.

[F. R. Doc. 58-7298; Filed, Sept. 9, 1958; 8:46 a. m.]

E. D. REEVES

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Change: No longer a Director of the Jersey Production Research Company.

This amends statement previously published in the FEDERAL REGISTER, February 6, 1958 (23 F. R. 816).

Dated: August 1, 1958.

E. D. REEVES.

[F. R. Doc. 58-7299; Filed, Sept. 9, 1958; 8:46 a. m.]

THOMAS R. REID

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, February 22, 1958 (23 F. R. 1163).

Dated: August 1, 1958.

THOMAS R. REID.

[F. R. Doc. 58-7300; Filed, Sept. 9, 1958; 8:46 a. m.]

STANLEY RUTTENBERG

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, February 6, 1958 (23 F. R. 816).

Dated: August 1, 1958.

STANLEY RUTTENBERG.

[F. R. Doc. 58-7301; Filed, Sept. 9, 1958; 8:47 a. m.]

MAURICE C. WALSH

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since the last report.

This amends statement previously published in the FEDERAL REGISTER, February 22, 1958 (23 F. R. 1163).

Dated: August 1, 1958.

MAURICE C. WALSH.

[F. R. Doc. 58-7302; Filed, Sept. 9, 1958; 8:47 a. m.]

J. ED WARREN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Additions: Bethlehem Steel.
Deletions: Johns Manville, Texas Pacific Coal & Oil.

This amends statement previously published in the FEDERAL REGISTER, February 22, 1958 (23 F. R. 1163).

Dated: August 10, 1958.

J. ED WARREN.

[F. R. Doc. 58-7303; Filed, Sept. 9, 1958; 8:47 a. m.]

WILLIAM WEBSTER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Additions: F. C. Huyck, Fidelity Fund Trend, Carpenter Steel Co.
Delete: Northeastern Steel Co.

This amends statement previously published in the FEDERAL REGISTER, February 6, 1958 (23 F. R. 816).

Dated: August 1, 1958.

WILLIAM WEBSTER.

[F. R. Doc. 58-7304; Filed, Sept. 9, 1958; 8:47 a. m.]

R. CARTER WELLFORD

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, February 22, 1958 (23 F. R. 1162).

Dated: August 1, 1958.

R. CARTER WELLFORD.

[F. R. Doc. 58-7305; Filed, Sept. 9, 1958; 8:47 a. m.]

INTERNATIONAL COOPERATION ADMINISTRATION

CONTROLLER, INTERNATIONAL COOPERATION ADMINISTRATION

DELEGATION OF AUTHORITY TO CERTIFY VOUCHERS

Pursuant to authority vested in me by the Mutual Security Act of 1954, as amended (Pub. Law 665, 83d Congress), authority is hereby delegated to the Controller, International Cooperation Administration, and to such subordinate officials as he may designate, to make to the Treasury Department such certification as is required to permit the Treasury Department to make payment for salaries, travel, and for such other expenditures as may be incurred by the Corporation, including payments to vendors, contractors, etc., for services, supplies, materials or equipment furnished the Development Loan Fund.

ROBERT B. MENAPACE,
Acting Managing Director,
Development Loan Fund.

August 29, 1958.

[F. R. Doc. 58-7309; Filed, Sept. 9, 1958; 8:48 a. m.]

Development Loan Fund

CONTROLLER, INTERNATIONAL COOPERATION ADMINISTRATION

DELEGATION OF AUTHORITY TO SIGN FISCAL DOCUMENTS

By virtue of the authority vested in me by the Mutual Security Act of 1954, as amended (Pub. Law. 665, 83d Congress), I hereby delegate to the Controller, International Cooperation Administration, and to such subordinate officers and employees as he may designate, authority to sign on behalf of the Managing Director of the Development Loan Fund, in connection with loans made from the Development Loan Fund, the documents listed below:

a. Letters of Commitment.
b. Amendments to Letter.

ROBERT B. MENAPACE,
Acting Managing Director,
Development Loan Fund.

AUGUST 29, 1958.

[F. R. Doc. 58-7308; Filed, Sept. 9, 1958; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 5, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34946: *Grains—Minnesota points to Gulf ports.* Filed by Western Trunk Line Committee, Agent (No. A-2008), for interested rail carriers. Rates on corn, oats, barley, rye, wheat, and soybeans, carloads from Minneapolis, Minnesota Transfer, St. Paul, and Red Wing, Minn., to Gulf ports in Alabama, Florida, Louisiana, Mississippi, and Texas, for export.

Grounds for relief: Barge competition.

Tariff: Supplement 11 to Chicago, Burlington & Quincy Railroad Company's tariff I. C. C. 20486, and other schedules.

FSA No. 34947: *Soda ash—Ohio points to Carteret, N. J.* Filed by O. E. Schultz, Agent (ER No. 2458), for interested rail carriers. Rates on soda ash, in bulk, carloads from Fairport Harbor, Painesville, and Perry, Ohio, to Carteret, N. J.

Grounds for relief: Market competition with Solvay and Syracuse, N. Y.

Tariff: Supplement 15 to Trunk Line Central Territory Railroads tariff I. C. C. C-17.

FSA No. 34948: *Livestock—Southern points to points in Iowa and Nebraska.* Filed by O. W. South, Jr., Agent (SFA No. A3725), for interested rail carriers. Rates on cattle, calves, goats, hogs, and sheep, carloads from Fulton, Ky., Clarksdale, Miss., Jackson, Tenn., and other specified points in Mississippi and Tennessee to Des Moines, Waterloo, Iowa, Omaha and South Omaha, Nebr.

Grounds for relief: Short-line distance formulas.

Tariff: Supplement 47 to Southern Freight Tariff Bureau tariff I. C. C. [illegible].

FSA No. 34949: *Boxes and cartons—Shenandoah, Iowa to northern and eastern points.* Filed by Western Trunk Line Committee, Agent (No. A-2005), for interested rail carriers. Rates on fiberboard or strawboard boxes and cartons,

carloads from Shenandoah, Iowa to specified points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, South Dakota, Wisconsin, and Wyoming.

Grounds for relief: Short-line distance formula and market competition.

Tariff: Supplement 75 to Western Trunk Line Committee tariff I. C. C. A-4062.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-7339; Filed, Sept. 9, 1958; 8:52 a. m.]

[Notice 51]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 5, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Special Rules Revised, 1957 (49 CFR 211.1 (c) (1)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 7920 (Deviation No. 1), HERRIOTT TRUCKING COMPANY, INC., Alice and Sumner Streets, East Palestine, Ohio, filed August 28, 1958. Attorney for said carrier, Robert N. Krier, 3440 Leveque-Lincoln Tower, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between junction U. S. Highways 6 and 23, one and one quarter miles south of New Rochester, Ohio, and junction Ohio Highway 199 and U. S. Highway 23 at Fostoria, Ohio, as follows: From Junction U. S. Highways 6 and 23 over U. S. Highway 6 to junction Ohio Highway 199, thence over Ohio Highway 199 to Fostoria and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between junction U. S. Highways 6 and 23, one and one quarter miles south of New Rochester, Ohio, and Fostoria, Ohio over U. S. Highway 23.

No. MC 7920 (Deviation No. 2), HERRIOTT TRUCKING COMPANY, INC., Alice and Sumner Streets, East Palestine, Ohio, filed August 28, 1958. Attorney for said carrier, Robert N. Krier, 3440 LeVeque-Lincoln Tower, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between junction Indiana Turnpike and the Calument Skyway, and the Indiana-Ohio State line, as follows: From junction Indiana Turnpike and Calument Skyway over the Indiana Turnpike and access routes to the Indiana-Ohio State line and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Chicago, Ill., and the Indiana-Ohio State line over the following pertinent route: From Chicago over U. S. Highway 41 to junction U. S. Highway 6, thence over U. S. Highway 6 to New Rochester, Ohio.

No. MC 7920 (Deviation No. 3), HERRIOTT TRUCKING COMPANY, INC., Alice and Sumner Streets, East Palestine, Ohio, filed August 28, 1958. Attorney for said carrier, Robert N. Krier, 3440 LeVeque-Lincoln Tower, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Ohio-Indiana State line, and the Ohio-Pennsylvania State line, as follows: from the Ohio-Indiana State line over the Ohio Turnpike and access routes to the Ohio-Pennsylvania State line, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: From the Ohio-Indiana State line over U. S. Highway 6 to New Rochester, Ohio, thence over U. S. Highway 23 to Fostoria, Ohio, thence over Ohio Highway 18 to Tiffin, Ohio, thence over U. S. Highway 224 via Akron, Ohio, to the Ohio-Pennsylvania State line; from Deerfield, Ohio, over Ohio Highway 14 to the Pennsylvania-Ohio State line; from Salem, Ohio, over Ohio Highway 45 to Lisbon, Ohio, thence over U. S. Highway 30 to East Liverpool, Ohio, thence over Ohio Highway 39 to the Ohio-Pennsylvania State line; from Ellsworth, Ohio, over Ohio Highway 45 to Waverly, Ohio, thence over Ohio Highway 82 to the Ohio-Pennsylvania State line; from Sharon, Pa., over U. S. Highway 62 to Youngstown, Ohio, thence over Ohio Highway 90 through Poland, Ohio, to Petersburg, Ohio, thence over Ohio Highway 170 to junction U. S. Highway 30, and thence over U. S. Highway 30 to East Liverpool, Ohio; and from Boardman, Ohio, over Ohio Highway 7 to Youngstown, Ohio; and return over the same routes.

No. MC 7920 (Deviation No. 4), HERRIOTT TRUCKING COMPANY, INC., Alice and Sumner Streets, East Palestine, Ohio, filed August 28, 1958. Attorney for said carrier, Robert N. Krier, 3440 LeVeque-Lincoln Tower, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Pennsylvania-Ohio State line, and Interchange No. 8 of the Pennsylvania Turnpike as follows: From the Pennsylvania-Ohio State line over the Pennsylvania Turnpike and access routes to Interchange No. 8 of the said Turnpike and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: From Uniontown, Pa., over U. S. Highway 40 to Washington, Pa., thence over Pennsylvania Highway 19 to junction Pennsylvania Highway 519, thence over Pennsylvania Highway 519 via Canonsburg, Hendersonville, Bridgeville, and Carnegie, Pa., to Pittsburgh, Pa., thence over Pennsylvania Highway 88 to Rochester, Pa. (also from Pittsburgh over Pennsylvania Highway 51 to Rochester), thence over Pennsylvania Highway 18 via New Brighton, Pa., to Girard, Pa.; from Uniontown over U. S. Highway 119 via Ruffs Dale, Pa., to Greensburg, Pa., thence over U. S. Highway 30 to Pittsburgh, Pa., thence to New Brighton as specified above, thence over Pennsylvania Highway 88 to Elwood City, Pa. (also from Pittsburgh over U. S. Highway 19 to Erie); from Pittsburgh over Pennsylvania Highway 8 to Butler, Pa.; from Uniontown to Pittsburgh as specified above, thence over Pennsylvania Highway 28 to West New Kensington, Pa.; from Pennsylvania-Ohio State line over U. S. Highway 224 to New Castle, Pa.; from Pennsylvania-Ohio State line over Pennsylvania Highway 51 to Beaver; from Pennsylvania-Ohio State line over Pennsylvania Highway 68 to Rochester, Pa.; and from Pennsylvania-Ohio State line over U. S. Highway 62 to junction Pennsylvania Highway 18, and thence over Pennsylvania Highway 18 to New Castle; and return over the same routes.

No. MC 7920 (Deviation No. 5), HERRIOTT TRUCKING COMPANY, INC., Alice and Sumner Streets, East Palestine, Ohio, filed August 28, 1958. Attorney for said carrier, Robert N. Krier, 3440 LeVeque-Lincoln Tower, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, between the Pennsylvania-New York State line and Interchange No. 50 of the New York Thruway, as follows: From the Pennsylvania-New York State line over the New York Thruway and access routes to Interchange No. 50 of the said Thruway and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: From Girard, Pa., over U. S. Highway 20 to junction New York Highway 130, thence over New York Highway 130 to Buffalo, N. Y.; and from the Pennsylvania-New York State line over New York Highway 5 to Buffalo; and return over the same routes.

No. MC 59488 (Deviation No. 2), SOUTHWESTERN TRANSPORTATION COMPANY, P. O. Box 619, Texarkana, Tex., filed September 2, 1958. Attorney for said carrier, Lloyd M. Roach, P. O. Box 619, Texarkana, Tex. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Bossier City, La., and Magnolia, Ark., as follows: From junction Louisiana Highway 3 and U. S. Highways 79 and 80 in Bossier City over U. S. Highways 79 and 80 to Mindon, La., thence over U. S. Highway 79 to junction U. S. Highway 82 at Magnolia and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: From Memphis, Tenn., over U. S. Highway 70 to junction Arkansas Highway 17, thence over Arkansas Highway 17 to junction U. S. Highway 79, thence over U. S. Highway 79 to Magnolia, Ark., and thence over U. S. Highway 82 to Texarkana, Tex.; and from Lewisville, Ark., over Arkansas Highway 29 to the Arkansas-Louisiana State line, thence over Louisiana Highway 3 (formerly Louisiana Highway 10) to junction U. S. Highway 80, and thence over U. S. Highway 80 to Shreveport, La.; and return over the same routes.

No. MC 61440 (Deviation No. 4), LEE WAY MOTOR FREIGHT, INC., P. O. Box 2488, Oklahoma City 8, Okla., filed August 29, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Oklahoma City, Okla., and Purcell, Okla., as follows: From Oklahoma City over Oklahoma Highway 74 to Purcell and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Houston, Tex., and Oklahoma City, Okla., over the following pertinent route: From Houston over U. S. Highway 75 to Dallas, Tex., and thence over U. S. Highway 77 to Oklahoma City.

No. MC 116004 (Deviation No. 3), TEXAS-OKLAHOMA EXPRESS, INC., 1005 S. Lamar St., Dallas, Tex., filed September 2, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Tulsa, Okla., and Dallas, Tex., as follows: From Tulsa over Oklahoma Highway 51 to Wagoner, Okla., thence over U. S. Highway 69 to Denison, Tex., thence over U. S. Highway 75 to Dallas and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the some commodities between Tulsa, Okla., and Dallas, Tex., over the following pertinent route: From Tulsa over U. S. Highway 66 to Oklahoma City, Okla., and thence over U. S. Highway 77 to Dallas.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F. R. Doc. 58-7340; Filed, Sept. 9, 1958; 8:52 a. m.]

[Notice 233]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 5, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub No. 167), filed July 25, 1958. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, P. O. Box 471, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Birmingham, Ala., and Reform, Ala., from Birmingham over U. S. Highway 11 to Tuscaloosa, Ala., thence over U. S. Highway 82 to Reform, and return over the same route, with service at Reform, Ala., only and serving no intermediate points. Applicant is authorized to conduct operations at Alabama, Connecticut, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 16, 1958, at 1:00 o'clock p. m., United States standard time (or 1:00 o'clock p. m. local daylight saving time, if that time is observed), at the U. S. Court Rooms, Montgomery, Ala., before Joint Board No. 100, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 11107 (Sub No. 9), filed August 25, 1958. Applicant: ORVILLE K. McCLEARY, Stewartstown, Pa. Applicant's attorney: S. Harrison Kahn, 726-34 Investment Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor [illegible] over irregular routes, transporting: *Glass House limestone*, in bulk, in [illegible] tor-trailer dump or covered [illegible] trucks, from Thomasville, [illegible] Township, York County, Pa., to [illegible] Bridgeton, Millville, Barrington, [illegible] Freehold, N. J., and points within [illegible] of each destination point. Applicant [illegible] authorized to conduct operations [illegible] Pennsylvania, New York, District of [illegible] lumbia, Maryland, Virginia, and [illegible] ware.

HEARING: October 15, 1958, at [illegible] Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 19553 (Sub No. 20), filed [illegible] tember 3, 1958. Applicant: [illegible] MOTOR SERVICE, INC., P. O. Box [illegible] Rockford, Ill. Applicant's representative: Robert M. Kaske, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, alcoholic beverages, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Forest Products Division of The Olin Mathieson Chemical Corporation located approximately 4 miles southeast of the junction of U. S. Highway 6 and U. S. Highway 66, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Iowa, Wisconsin and Illinois.

HEARING: September 11, 1958, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 149.

No. MC 31600 (Sub No. 455), filed August 11, 1958. Applicant: P. B. [illegible] TRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Denatured rum*, in bulk from Boston, Mass., to Reidsville, and Durham, N. C., and *empty containers or other such incidental facilities* (not specified) used in transporting denatured rum on return. Applicant is authorized to conduct operations in Massachusetts, Rhode Island, New York, Connecticut, New Jersey, New Hampshire, Vermont, Maine, Delaware, Pennsylvania, West Virginia, South Carolina, Kentucky, Virginia, Ohio, Illinois, Indiana, Michigan, and North Carolina.

HEARING: October 14, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner C. Evans Brooks.

No. MC 40215 (Sub No. 8), filed August 13, 1958. Applicant: RICHARDSON TRANSFER AND STORAGE CO., INC., 246 North Fifth Street, Salina, Kans. Applicant's attorney: Tom B. Kretsinger, 1014-18 Temple Building, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, [illegible]

irregular routes, transporting: *Household goods*, as defined by the Commission, between points in West Virginia, North Carolina and Louisiana, on the one hand, and, on the other, points in Kansas. Applicant is authorized to conduct operations in Missouri, Kansas, Illinois, Iowa, Colorado, Nebraska, Minnesota, Wisconsin, Michigan, Ohio, Indiana, South Dakota, Arkansas, Texas, Oklahoma, Arizona, California, Idaho, Kentucky, Louisiana, Nevada, New Mexico, North Carolina, Tennessee, Utah, West Virginia, Wyoming, New York, Maryland, the District of Columbia, Pennsylvania, and Virginia.

NOTE: Applicant states it is authorized to conduct operations between the proposed points; the purpose in filing this application is for the discontinuance of the gateway of Portage County, Ohio.

HEARING: October 14, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner David Waters.

No. MC 40215 (Sub No. 9), filed August 14, 1958. Applicant: RICHARDSON TRANSFER AND STORAGE CO., INC., 348 North Fifth Street, Salina, Kans. Applicant's attorney: Tom B. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, Utah, Nevada, New Mexico, Arizona and California, on the one hand, and, on the other, points in Oklahoma and Texas. Applicant is authorized to conduct regular-route operations in Illinois, Indiana, Iowa, Kansas, and Missouri, and irregular-route operations in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

NOTE: Applicant states it is presently authorized to operate between the points described above, that this application is for the purpose of eliminating certain gateway operations and those gateways referred to are Kansas City, Mo., and the State of Kansas.

HEARING: October 16, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner David Waters.

No. MC 64806 (Sub No. 6), filed July 10, 1958. Applicant: R. P. THOMAS TRUCKING COMPANY, INCORPORATED, Danville Road, Martinsville, Va. Applicant's representative: Thaxton Richardson, Greensboro, N. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tempered glass*, from Martinsville, Va., to points in Georgia, South Carolina, North Carolina, Maryland, Delaware, Pennsylvania, New Jersey, New York, West Virginia, Ohio, Indiana, Illinois, Michigan, and the District of Columbia; and (2) *Glass*, from Cumberland, Md., to Martinsville, Va. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia.

HEARING: October 10, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 70451 (Sub No. 207), filed September 2, 1958. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1523 Marcy Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Forest Products Division of Olin Mathieson Chemical Corporation plant located approximately four miles southeast of the junction of U. S. Highway 6 and U. S. Highway 66, as an off-route point in connection with applicant's authorized regular route operations between Omaha, Nebr., and Chicago, Ill., over U. S. Highway 6. Applicant is authorized to conduct operations in Minnesota, Iowa, Kansas, Missouri, Nebraska, Illinois, Colorado, Arizona, New Mexico, California, Indiana, Ohio, Kentucky, Oklahoma, Wyoming, Utah, Idaho, Montana, Oregon, Washington, Arkansas, Texas, Michigan, New Jersey, Pennsylvania, Tennessee, Maryland, Virginia, and Alabama.

HEARING: September 11, 1958, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 149.

No. MC 78062 (Sub No. 35), filed August 18, 1958. Applicant: BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, Washington, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated houses* in pieces or sections, *material, equipment* and *supplies* used or useful in the construction, selling or distribution thereof when shipped to building sites to be used in the erection and completion of such houses, from the plant site of Showcases Homes, Inc., located at South Strabane Township, Pa., the warehouse of Showcase Homes, Inc., located at Meadowlands, Pa., and the plant site of Iron City Sash & Door Company, located at Greentree, Pa., to points in Kentucky on and east of a line extending from the Kentucky-Tennessee State line along U. S. Highway 25 to the Kentucky-Ohio State line, points in Ohio on and east of a line beginning at the Ohio-Lake Erie boundary line and extending along U. S. Highway 42 to Delaware, Ohio, thence along U. S. Highway 23 to the Ohio-Kentucky State line, points in Maryland on and west of U. S. Highway 11, and points in West Virginia. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application and *refused and rejected shipments* of the above-described commodities on return. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Kentucky, Maryland, Ohio, Pennsylvania, New Jersey, New York, Virginia, West Virginia and the District of Columbia.

NOTE: A proceeding has been instituted under section 212 (c) assigned Docket No. MC 78062 (Sub No. 30), to determine whether applicant's status is that of a contract or common carrier.

HEARING: October 10, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Isadore Freidson.

No. MC 90274 (Sub No. 2), filed July 30, 1958. Applicant: JOHN J. BRADY (WILLIAM F. BRADY AND FRANK H. BRADY, ADMINISTRATORS), JOHN J. BRADY, JR., AND WILLIAM F. BRADY, a partnership doing business as J. J. BRADY & SONS, Rear 29 West Street, Beverly Farms, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses* (other than ordinary livestock), and *equipment* and *paraphernalia* incidental to the transportation and display of such horses, between points in Maine, Vermont, Pennsylvania, West Virginia, North Carolina, Georgia, the District of Columbia, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, Louisiana, Tennessee, South Carolina, and Florida. Applicant is authorized to conduct similar operations in Massachusetts, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, Tennessee, South Carolina, Florida, and Louisiana.

NOTE: Applicant states it seeks the above territorial authority except between points which it is authorized to transport horses and incidental equipment.

HEARING: October 13, 1958, at the New Post Office & Court House Building, Boston, Mass., before Examiner James I. Carr.

No. MC 92983 (Sub No. 307), filed July 28, 1958. Applicant: ELDON MILLER, INC., 330 E. Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, between Memphis, Tenn., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, and Mississippi. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: October 16, 1958, at the Peabody Hotel, Memphis, Tenn., before Examiner Alton R. Smith.

No. MC 92983 (Sub No. 310), filed August 25, 1958. Applicant: ELDON MILLER, INC., 330 E. Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, from Kansas City, Mo., to points in Delaware,

Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: October 27, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner David Waters.

No. MC 101271 (Sub No. 16), filed June 28, 1958. Applicant: HERMAN BIRD AND J. P. CUTSHAW, doing business as BIRD AND CUTSHAW, Myers Street, Greeneville, Tenn. Applicant's attorney: N. R. Coleman, Jr., Greeneville, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed, poultry feed*, and *livestock feed*, in bulk and in bags, from Cincinnati, Ohio to points in Kentucky, Virginia, West Virginia, Tennessee, North Carolina and South Carolina, and *fertilizer*, in bulk and in bags, from points in Washington County, Va., to points in Washington, Greene and Jefferson Counties, Tenn. Applicant is authorized to conduct operations in Arkansas, Georgia, Kentucky, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, and Virginia. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 101271 (Sub No. 15).

HEARING: October 13, 1958, at the Kentucky Hotel, Louisville, Ky., before Examiner Alton R. Smith.

No. MC 102682 (Sub No. 239), filed August 26, 1958. Applicant: HUGHES TRANSPORTATION, INC., Meeting Street Road, P. O. Box 851, Charleston, S. C. Applicant's attorney: Drew L. Carraway, 618 Perpetual Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Class A and B explosives, component parts thereof* (not including ingredients), *ammunition not classified as a dangerous or less dangerous explosive, empty ammunition containers, oxidizing materials*, and *dangerous materials including atomic wastes*, (1) Between points in Camden County, Ga.; and (2) Between points in Camden County, Ga., on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct similar operations in Alabama, Arkansas, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

HEARING: October 16, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo A. Riegel.

No. MC 103051 (Sub No. 49), filed July 1, 1958. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from points in Decatur County, Ga., to points in Alabama, Florida and Georgia. Applicant is authorized to conduct operations in Georgia, Alabama, Tennessee, Delaware, Kentucky, Maryland, North Carolina, Virginia and South Carolina.

HEARING: October 24, 1958, at 680 West Peachtree Street, NW., Atlanta, Ga., before Joint Board No. 99, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 103051 (Sub No. 52), filed July 31, 1958. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Doraville, Ga., to points in Hamilton County, Tenn., and Etowah County, Ala. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas and Virginia.

HEARING: October 24, 1958, at 680 West Peachtree Street, NW., Atlanta, Ga., before Joint Board No. 239, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 106049 (Sub No. 31) (AMENDMENT), filed March 10, 1958. Applicant: ATLANTA-NEW ORLEANS MOTOR FREIGHT CO., 260 University Avenue, SW. Atlanta 15, Ga. Applicant's attorney: Allan Watkins, 214-216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including those of unusual value*, but excluding Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (1) between Pensacola, Fla., and Panama City, Fla., over U. S. Highway 98, serving all intermediate points; (2) serving the plant sites of the American Cyanamid Company and the Escambia Chemical Corporation located at or near Pace, Fla., as off-route points in connection with applicant's authorized regular route operations between Flomaton, Ala., and Pensacola, Fla., over U. S. Highway 29. Applicant is authorized to conduct operations in Georgia, Alabama, Louisiana, and Florida.

CONTINUED HEARING: October 7, 1958, at the Battle House, Mobile, Ala., before Examiner Allan F. Borroughs.

No. MC 107002 (Sub No. 128), filed July 17, 1958. Applicant: W. M. CRABBERS TRUCK LINE, INC., 920 Labarre Blvd., P. O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, gum, liquid glue, paint and paint materials, paint oil, paint thinners, compound surface coating, synthetic resin, varnish, plastic materials*, solvents and *vegetable oils*, in bulk, in tank vehicles, from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Kentucky, Mississippi, North Carolina, Oklahoma, South Carolina, Texas and Tennessee to Mobile, Ala., (except vegetable oils between Mobile, Ala., and points in Alabama, Florida, Georgia, Louisiana, Mississippi and Tennessee). Applicant is authorized to conduct operations in Louisiana, Mississippi, Tennessee, Arkansas, Missouri, Alabama, Georgia, Florida, Texas, West Virginia, Wisconsin, Illinois, Kansas, Kentucky, North Carolina, Oklahoma, South Carolina, Maryland, Michigan, Minnesota, New Jersey, New York, Pennsylvania, Ohio, Maine, Connecticut, Massachusetts, Rhode Island, Maryland, Virginia and the District of Columbia.

HEARING: October 13, 1958, at the Battle House, Mobile, Ala., before Examiner Allan F. Borroughs.

No. MC 107403 (Sub No. 269), filed August 25, 1958. Applicant: E. BROOKS MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811-819 Land Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, between points in Marshall, Pleasants, and Wetzel Counties, W. Va., on the one hand, and, on the other, points in Delaware, Indiana, Illinois, Iowa, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Virginia. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Duplication with present authority to be eliminated.

HEARING: September 25, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William R. Tyers.

No. MC 107515 (Sub No. 200), filed July 2, 1958. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214-216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, from Atlanta, Ga., to points in Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas,

Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia and Wisconsin.

HEARING: October 28, 1958, at 680 West Peachtree Street, NW., Atlanta, Ga., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 107515 (Sub No. 293), filed July 11, 1958. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214–216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Chickasha, Okla., to points in Alabama, Florida, Georgia, Tennessee, North Carolina, South Carolina, and New Orleans, La., (except shipments to New Orleans, La., are restricted to shipments to New Orleans for partial unloading and subsequent delivery to destinations into other Alabama, Georgia, or Florida). Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: October 28, 1958, at 680 West Peachtree Street, NW., Atlanta, Ga., before Examiner Allan F. Borroughs.

No. MC 107622 (Sub No. 19), filed July 9, 1958. Applicant: GULF & SOUTHERN TRANSPORTATION COMPANY, INC., P. O. Box 133, Flomaton, Ala. Applicant's attorney: J. Eldon Alldredge, Hill Building, Montgomery 1, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber or timbers*, rough or dressed, *crossties*, *poles*, *posts*, and *piling*, whether or not creosoted, or otherwise chemically treated, (1) From points in Baldwin, Escambia, Mobile, and Monroe Counties, Ala., to port of Mobile, Ala., for export and points in Florida, and those in Georgia on and south of U. S. Highway 78; and (2) From points in Florida west of the Apalachicola River to ports of Jacksonville, Miami, Pensacola, Tampa, and Palm Beach, Fla., for export, and points in Alabama on and south of U. S. Highway 80, and those in Georgia on and south of U. S. Highway 78. Applicant is authorized to conduct operations in Alabama and Florida.

HEARING: October 17, 1958, at the U. S. Court Rooms, Montgomery, Ala., before Joint Board No. 99, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 110525 (Sub No. 361), filed July 1, 1958. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Gerald L. Phelps and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Wurtland, Ky., to points in Ohio and West Virginia. Applicant is authorized to conduct operations in New Jersey, New York, Maryland, Pennsylvania, Kentucky, West Virginia, Ohio, Delaware, Virginia, North Carolina, Tennessee, Kansas, Michigan, Illinois, Connecticut, Massachusetts, Indiana, Rhode Island, Minnesota,, Missouri, Wisconsin, Georgia, and Alabama.

HEARING: October 14, 1958, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 62, or, of the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 110525 (Sub No. 367), filed August 22, 1958. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz and Gerald L. Phelps, Munsey Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, between points in Marshall, Pleasants, and Wetzel Counties, W. Va., on the one hand, and, on the other, points in Delaware, Indiana, Illinois, Iowa, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Virginia and Pennsylvania. Applicant is authorized to conduct operations in Maryland, New Jersey, Kentucky, Delaware, Maryland, West Virginia, New York, Ohio, Pennsylvania, Illinois, Indiana; Michigan, North Carolina, Virginia, Tennessee, Connecticut, Massachusetts, Rhode Island, District of Columbia, Missouri, Iowa, and Wisconsin.

HEARING: September 25, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William R. Tyers.

No. MC 111159 (Sub No. 59), filed July 14, 1958. Applicant: MILLER TRANSPORTERS, LTD., Highway 80 West, P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 900, Milner Building, P. O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solutions*, in bulk, from Memphis, Tenn., to points in Florida, Illinois and Indiana. Applicant is authorized to conduct operations in Mississippi, Louisiana, Alabama, Georgia, Tennessee, Arkansas, Florida, Kentucky, Missouri, Oklahoma and Illinois.

HEARING: October 16, 1958, at the Peabody Hotel, Memphis, Tenn., before Examiner Alton R. Smith.

No. MC 111401 (Sub No. 97), filed August 18, 1958. Applicant: GROENDYKE TRANSPORT, INC., 2204 North Grand, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application, between points in Texas, Oklahoma, and Kansas, on the one hand, and, on the other, points in Nebraska. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Iowa, Kansas, Louisiana, Mississipi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, Texas, Utah, and Wyoming.

HEARING: October 20, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner David Waters.

No. MC 112617 (Sub No. 45), filed June 30, 1958. Applicant: LIQUID TRANSPORTERS, INC., P. O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Joseph J. Leary, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Butler County, Ohio, to points in Kentucky, Indiana and West Virginia. Applicant is authorized to conduct operations in Ohio, Indiana, Kentucky, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, West Virginia, Pennsylvania, Michigan, Illinois, Tennessee, Missouri, Wisconsin, Texas, Florida, Iowa, Minnesota, Nebraska, Kansas and Oklahoma.

HEARING: October 13, 1958, at the Kentucky Hotel, Louisville, Ky., before Examiner Alton R. Smith.

No. MC 112696 (Sub No. 10), filed August 19, 1958. Applicant: HARTMANS, INCORPORATED, P. O. Box 466, Harrisonburg, Va. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Leather*, (1) from Luray, Va., to Winchester, Va., (2) from Luray, Va., to Worcester, Lynn, Haverhill, Marlboro, Brockton, Whitman and North Abington, Mass. *Shoes, leather, rubber heels* and *soles*, and *supplies* and *equipment* used in a shoe factory, (1) between Harrisonburg, Va., and Boston, Mass. (2) between Winchester, Va., Hagerstown, Md., and Gettysburg, Lancaster, York and Littlestown, Pa., on the one hand, and, on the other, Harrisonburg, Va., and Boston, Mass. (3) from Harrisonburg, Va., and Boston, Mass., to Worcester, Malden and Athol, Mass., New York, N. Y., Baltimore, Md., and Lynchburg, Va. *Brooders* and *brooder supplies* and *air conditioning equipment*, from Harrisonburg, Va., to Brookline, Mass., and points on U. S. Highway 1 between Philadelphia, Pa., and New Haven, Conn. (not including Philadelphia), points on U. S. Highway 5 between New Haven, Conn., and Springfield, Mass., and points on U. S. Highway 20 from Springfield, Mass., to junction U. S. Highways 20 and 9 and those on U. S. Highway 9 from junction U. S. Highways 9 and 20 to Brookline, Mass. Applicant is authorized to conduct regular route operations in Maryland, Massachusetts, New Jersey, New York, Pennsylvania and Virginia, and irregular route operations in Alabama, Arkansas, Connecticut, Delaware, Georgia, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states that no new authority is requested in this application; that applicant seeks to convert certain portions of its presently-held operating authority from regular route to irregular route authority, and that conversion from regular to irregular route authority is requested because the operations authorized under portions of applicant's certificate are irregular rather than regular route in nature.

HEARING: October 15, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Gerald F. Colfer.

No. MC 112696 (Sub No. 11), filed August 19, 1958. Applicant: HARTMANS, INCORPORATED, P. O. Box 468, Harrisonburg, Va. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry growers equipment*, from Harrisonburg, Va., to points in Louisiana, Texas, Maine, Florida, Alabama and Mississippi. Applicant is authorized to conduct regular route operations in Maryland, Massachusetts, Mississippi, New York, Pennsylvania and Virginia, and irregular route operations in Alabama, Arkansas, Connecticut, Delaware, Georgia, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: October 10, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William R. Tyers.

No. MC 113524 (Sub No. 14), filed August 25, 1958. Applicant: JAMES F. BLACK, doing business as PARKVILLE TRUCKING COMPANY, 3618 Pulaski Highway, Baltimore, Md. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake*, in bulk, in hopper type vehicles, from Painesville, Ohio, to Jersey City, N. J. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia and the District of Columbia.

HEARING: October 16, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Reece Harrison.

No. MC 113528 (Sub No. 5), filed June 17, 1958. Applicant: MERCURY FREIGHT LINES, INC., 715 North Joachim, Mobile, Ala. Applicant's attorney: Drew L. Carraway, 1111 E Street NW, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (A) Route 1, between Monroeville, Ala., and junction Alabama Highway 89 and Alabama Highway 41: from Monroeville over Alabama Highway 21 to junction Alabama Highway 89, and thence over Alabama Highway 89 to junction Alabama Highway 41, and return over the same route, serving no intermediate points; Route 2, (a) between Birmingham, Ala., and junction Alabama Highway 191 and Alabama Highway 22: from Birmingham over U. S. Highway 31 to junction Alabama Highway 191, thence over Alabama Highway 191 to junction Alabama Highway 22 near Maplesville, Ala., and return over the same route serving no intermediate points; (b) between junction U. S. Highway 31 and Alabama Highway 191, and Clanton, Ala.: from junction Alabama Highway 191 and U. S. Highway 31 at or near Jemison, Ala., over U. S. Highway 31 to Clanton, and return over the same route, serving no intermediate points, as alternate routes for operating convenience only in connection with applicant's authorized regular route operations between Birmingham, Ala. and Mobile, Ala., and points intermediate, and between Birmingham, Ala. and Pensacola, Fla. and points intermediate. (B) serving Bay Minette, Ala., as an intermediate point in connection with applicant's authorized operations between Mobile, Ala., and Stockton, Ala., from Mobile over U. S. Highway 31 to Bay Minette, Ala., and thence over Alabama Highway 59 to Stockton and return over the same route. (C) between Stockton, Ala., and junction Alabama Highway 59 and Alabama Highway 21: from Stockton over Alabama Highway 59 to junction Alabama Highway 59 and Alabama Highway 21 at or near Uriah, Ala., and return over the same route, serving no intermediate points. (D) between Mobile, Ala., and Pensacola, Fla.: from Mobile over U. S. Highway 90 to Pensacola, and return over the same route, serving no intermediate points. RESTRICTION: Shipments shall not be transported over Route (D) which (a) originate at Mobile, Ala., and which are either destined to Pensacola, Fla. and points within a 15-mile radius of Pensacola, or for interchange to other carriers at Pensacola, or (b) which originate at Pensacola, Fla. or at points within 15 miles of Pensacola and which are either destined to Mobile, Ala., or, for interchange to other carriers at Mobile; and (E) between Mobile, Ala., and Dauphin Island, Ala. (located across Mississippi Sound): from Mobile over Alabama Highway 163 to Cedar Point, Ala., thence across Mississippi Sound via bridge or causeway, to Dauphin Island, and return, serving no intermediate points but serving all points on Dauphin Island. Applicant is authorized to conduct operations in Alabama and Florida.

NOTE: In connection with A. above (alternate routes 1 and 2), applicant requests the right to tack, join or combine the proposed routes with its authorized routes and thereafter perform through service irrespective of whether the points of joinder are authorized service points.

HEARING: October 15, 1958, at the Battle House, Mobile, Ala., before Joint Board No. 98, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 114015 (Sub No. 9), filed August 25, 1958. Applicant: HUSS, INCORPORATED, Chase City, Va. Applicant's attorney: Jno. C. [illegible], State-Planters Bank Building, [illegible] 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood shooks* and *excelsior*, from Chase City and Keysville, Va., to points in [illegible] Ohio, Maryland and the District of Columbia, and *damaged* and *rejected shipments* of the above commodities on return. Applicant is authorized to conduct operations in Virginia, New York, New Jersey, Pennsylvania, Ohio and West Virginia.

HEARING: October 16, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Mack Myers.

No. MC 114569 (Sub No. 17), filed August 25, 1958. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* and *vinegar*, in containers, from Winchester, Timberville and Berryville, Va., Martinsburg and Inwood, W. Va., and points in Adams and Franklin Counties, Pa., to points in Texas, New Mexico and Arizona. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states exempt commodities will be transported on return. Applicant is authorized to conduct contract carrier operations in Permit No. MC 55813 and Subs thereunder. A proceeding has been instituted under Section 212 (c) of the Interstate Commerce Act, assigned Docket No. MC 55813 (Sub 5), to determine whether applicant's status is that of a contract or common carrier.

HEARING: October 15, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Thomas F. Kilroy.

No. MC 114719 (Sub No. 3), filed August 4, 1958. Applicant: FRANK I. DEAN, JR., Beltline Highway, Lexington, Ky. Applicant's representative: Mooney and Turley, First National Federal Building, Lexington, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo., and Cincinnati, Ohio, to Lexington, Ky., and *empty containers or other such incidental facilities* (not specified) used in transporting malt beverages on return. Applicant is authorized to conduct operations in Illinois and Kentucky.

HEARING: October 14, 1958, at the Kentucky Hotel, Louisville, Ky., before Examiner Alton R. Smith.

No. MC 114890 (Sub No. 12), filed August 18, 1958. Applicant: C. E. REYNOLDS (FIRST NATIONAL BANK OF JOPLIN, EXECUTOR), 2200 Range Line, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Building, P. O. Box 578, Joplin, Mo. Authority sought to operate as a *common*

...ier, by motor vehicle, over irregular ...routes, transporting: *Sulphuric phoe-...phoric and nitric acids* and *nitrogen ...fertilizer solutions*, in bulk, in tank ve-...hicles, between Atlas, Mo., and Monroe, ...La. Applicant is authorized to conduct ...common carrier operations in Kansas, ...Missouri, Oklahoma, Arkansas, Texas, ...Tennessee, Alabama, Florida, Illinois, ...Indiana, Kentucky, Louisiana, and ...Mississippi.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 86928 and sub numbers thereunder; therefore, dual operations under section 210 may be involved. A proceeding has been instituted under section 212 (c) in No. MC 86928 Sub No. 29, to determine whether applicant's status is that of a contract or common carrier.

HEARING: October 27, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 302, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 114965 (Sub No. 3), filed August 11, 1958. Applicant: L. R. CYRUS, doing business as CYRUS PETROLEUM TRUCK LINE, R. R. No. 1 (P. O. Box 387), Iola, Kans. Applicant's attorney: Howard M. Immel, Allen County State Bank Building, Iola, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty shipper-owned specially constructed, manifolded trailers*, (1) from the site of the Callery Chemical Company plant near Lawrence, Kans., to the site of the Phillips Petroleum Refinery, located one mile east and one mile north of Pasadena, Tex.; (2) from the site of the Callery Chemical Company plant near Lawrence, Kans., to the site of the Gulf Oil Company Refinery in West Port Arthur, Tex.; and to the site of the Spencer Chemical Company plant at or near Orange, Tex.; (3) from the site of the Callery Chemical Company plant near Lawrence, Kans., to the site of the Union Carbide Olefine Company plant in South Charleston, W. Va.; and *Loaded trailers, containing ethylene*, in bulk, from the above-described destination points to the site of the Callery Chemical Company plant near Lawrence, Kans.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 66344 (Sub No. 15). Dual operations under section 210 may be involved.

HEARING: October 24, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner David Waters.

No. MC 115162 (Sub No. 40), filed May 20, 1958. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 2284 West Fairview Avenue, P. O. Box 869, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poles*, treated and untreated, and *cross arms*, treated and untreated, from Pensacola, Fla., Mobile and Montgomery, Ala., to points in Louisiana, Mississippi, Florida, Georgia, Tennessee, Kentucky, Indiana, Ohio, Illinois, Iowa, Missouri and Michigan. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 13, 1958, at the Battle House, Mobile, Ala., before Examiner Allan F. Borroughs.

No. MC 115162 (Sub No. 41), filed July 3, 1958. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, P. O. Box 869, 2284 West Fairview Avenue, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Mobile, Ala., to points in Florida on and west of U. S. Highway 319, and *damaged and refused shipments* of cement on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 14, 1958, at the Battle House, Mobile, Ala., before Joint Board No. 98, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 115757 (Sub No. 3), filed August 20, 1958. Applicant: BULK MOTOR TRANSPORT, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in specialized equipment, (1) between points in the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone and points in Illinois and Indiana, and (2) between points in Illinois, Indiana, Michigan, and Ohio.

NOTE: Applicant states common control by management may be involved; president of applicant is also president of Southwest Freight Lines, Inc. Applicant states full information concerning the management will be presented at the hearing for Commission approval if required.

HEARING: October 22, 1958, at the New Hotel Pickwick, Kansas City, Mo., before Examiner David Waters.

No. MC 115757 (Sub No. 4), filed August 20, 1958. Applicant: BULK MOTORS TRANSPORT, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in specialized equipment, between points in Kansas, Missouri, and Oklahoma.

NOTE: Applicant states common control by management may be involved: president of applicant is also president of Southwest Freight Lines, Inc. Issues concernihg such common control, if involved, requested by applicant to be presented at a hearing in its application in No. MC 115757 (Sub No. 3).

HEARING: October 23, 1958, at the New Hotel Pickwick, Kansas, City, Mo., before Joint Board No. 180, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 115841 (Sub No. 28), filed July 25, 1958. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P. O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat by-products*, from Montgomery, Ala., to points in Connecticut, Massachusetts, New Jersey, New York and Rhode Island, and Knoxville, Tenn. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 23, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Allan F. Borroughs.

No. MC 115841 (Sub No. 30), filed July 25, 1958. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P. O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy* and *confectionery*, in vehicles equipped with mechanical refrigeration units capable of protecting against heat and cold, between Atlanta, Ga., Chattanooga, Tenn., and points in Alabama, on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Tennessee and Texas. Applicant is authorized to conduct operations in Maine, Massachusetts, Rhode Island, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Connecticut, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, the District of Columbia, Delaware, Wisconsin, Arkansas, Texas and Oklahoma.

HEARING: October 21, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Allan F. Borroughs.

No. MC 115841 (Sub No. 31), filed July 25, 1958. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P. O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, and *meat by-products* (1) between Lake Charles, La., and Jackson, Miss., on the one hand, and, on the other, Humboldt and Jackson, Tenn.; (2) from Jackson and Humboldt, Tenn., to points in Delaware, Maryland, Virginia and the District of Columbia; and (3) from Lake Charles, La., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island and Virginia. Applicant is authorized to conduct operations in Maine, Massachusetts, Rhode Island, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Connecticut, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, the District of Columbia, Delaware, Wisconsin, Arkansas, Texas and Oklahoma.

HEARING: October 15, 1958, at the Peabody Hotel, Memphis, Tenn., before Examiner Alton R. Smith.

No. MC 116405 (Sub No. 1), filed August 4, 1958. Applicant: J. C. POOLE,

JR., doing business as O. JIM POOLE, P. O. Box 148, Eutaw, Ala. Applicant's attorney: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Bibb, Tuscaloosa, Greene, Elmore, Chilton, Jefferson, Coosa, and Autauga Counties, Ala., to points in Illinois, Indiana, Michigan, Wisconsin, Kentucky, and Ohio; (2) *Empty malt beverage containers*, from points in Escambia, Covington, Jefferson, Houston, Henry, Madison, Montgomery, Russell, Lee, Barbour, Pike, Bullock, Crenshaw, Lowndes, Mobile, Baldwin, and Colbert Counties, Ala., to St. Louis, Mo., Cincinnati, Ohio, Milwaukee, Wis., Belleville and Peoria, Ill., and Evansville and Terre Haute, Ind.; and (3) *Empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, from the above-described destination points to the above-described origin points.

HEARING: October 20, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Allan F. Borroughs.

No. MC 117451, filed June 13, 1958. Applicant: ROBERT J. McCUEN, P. O. Box 40, Lafayette Hill, Pa. Applicant's representative: A. E. Enoch, Brodhead Block—556 Main St., Bethlehem, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating material:* mineral wool (rock, slag or glass wool), in packages, from Bethlehem, Pa., to points in New Jersey, Delaware, Maryland, the District of Columbia, and Virginia, and *empty containers or other such incidential facilities* used in transporting the above-described commodities, on return.

HEARING: October 17, 1958, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner James C. Cheseldine.

No. MC 117524, filed July 17, 1958. Applicant: JOHN DENLEY TAYLOR, SR., doing business as PADUCAH TRUCK LINE, 932 Barton, P. O. Box 10102 McKellar Sta., Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Memphis, Tenn., Paducah and Calvert City, Ky., and points in Kentucky and Tennessee, traversing Arkansas, Illinois and Missouri for operating convenience only.

NOTE: Applicant states that the authority sought above should be restricted as follows: This Certificate shall not be sold for any purpose in order to form a through route to any point other than those named in original application. Applicant further requests that the authority be restricted against the handling of any shipment moving between Memphis, Tenn., on the one hand, and, on the other, St. Louis, Mo., or Chicago, Ill.

HEARING: October 17, 1958, at the Peabody Hotel, Memphis, Tenn., before Examiner Alton R. Smith.

No. MC 117525 (Sub No. 1), filed August 21, 1958. Applicant: ORLO L. PRIOR, INC., Portersville, Pa. Applicant's attorney: Frederick L. Kiger, Grant Building, Pittsburgh, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottage cheese*, in containers, from Farmdale, Ohio to Pittsburgh and Portersville, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting Cottage Cheese on return.

HEARING: October 14, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo W. Cunningham.

No. MC 117562 (Sub No. 1), filed August 7, 1958. Applicant: RAYMOND MERCHANT, Chamcook, Charlotte County, New Brunswick, Canada. Applicant's attorney: Francis E. Barrett, Jr., 7 Water Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from port of entry on the International Boundary line between the United States and Canada at or near Calais, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland, and *empty skids and/or pallets* used in the transportation of lumber on return.

HEARING: October 9, 1958, at the Federal Building, Portland, Maine, before Examiner James I. Carr.

No. MC 117574 (Sub No. 31), filed August 26, 1958. Applicant: DAILY EXPRESS, INC., Pitt and Penn Streets, Carlisle, Pa. Applicant's attorney: Edward G. Villalon, Perpetual Bldg, 1111 E Street, NW., Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sericite, microcite* and *ser-X* and *by-products thereof* and *minerals relating thereto*, from points in Adams County, Pa., to points in Delaware, New Jersey, Maryland, New York Ohio, Indiana, Illinois, Michigan, Pennsylvania and West Virginia, and *pallets* and *empty containers* used in transporting the above commodities on return.

HEARING: October 3, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 117591, filed August 12, 1958. Applicant: MARJORIE SEYFRIED, 101 Bridge Street, West Catasauqua, Pa. Applicant's attorney: William J. Wilcox, 624 Commonwealth Building, 512 Hamilton Street, Allentown, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textile wastes, scrap materials* and *cuttings of cotton, wool, silk or synthetics*, between Allentown, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, Maryland, New York, Virginia and West Virginia, excluding in New York all points north of Jefferson, Lewis, Herkimer, Fulton, Saratoga and Washington Counties, N. Y., and excluding in Virginia and West Virginia all points south and west of, but not those on, U. S. Highway 250 from the Pennsylvania-West Virginia State line to Richmond, Va., and U. S. Highway [illegible] from Richmond, Va., to Newport [illegible] Va.

HEARING: October 10, 1958, at [illegible] Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James C. Cheseldine.

MOTOR CARRIERS OF PASSENGERS

No. MC 745 (Sub No. 4), filed July [illegible] 1958. Applicant: GERALD S. [illegible] Franconia, Pa. Applicant's attorney: John W. Frame, 603 North Front [illegible] Harrisburg, Pa. Authority sought to operate as a *common carrier*, by [illegible] vehicle, over irregular routes, [illegible] porting: *Passengers and their* [illegible] in round-trip special operations, [illegible] ning and ending at Souderton, Pa., [illegible] points in Pennsylvania within 12 [illegible] of Souderton, and extending to points in New Jersey, New York, Maryland, Virginia, District of Columbia, Connecticut, Delaware, Maine, Massachusetts, [illegible] gan, New Hampshire, Ohio, [illegible] Island, Vermont and Indiana. Applicant is authorized to conduct charter operations in Pennsylvania, New Jersey, New York, Maryland, Virginia, District of Columbia, Connecticut, Delaware, Florida, Maine, Massachusetts, Michigan, New Hampshire, Ohio, Rhode Island, Vermont and Indiana.

HEARING: October 15, 1958, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner James C. Cheseldine.

No. MC 102129 (Sub No. 3), filed [illegible] 7, 1958. Applicant: ARTHUR QUEEN AND JOHN QUEEN, a Partnership doing business as QUEEN BROTHERS, [illegible] Hollins Ferry Road, Glen Burnie, Md. Applicant's attorney: Albert E. May, [illegible] K Street NW., Washington 6, D. C. Authority sought to operate as a common *carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations, between points in Maryland within the area bounded by a line extending from Galesville, Md., along Maryland Highway 255 to junction Maryland Highway 2, thence along Maryland Highway 2 to junction Maryland Highway 4, thence along Maryland Highway 4 to the District of Columbia-Maryland State line, thence along said State line to junction U. S. Highway 29, thence along U. S. Highway 29 to junction Maryland Highway 97, thence along Maryland Highway 97 to junction U. S. Highway 40, thence along U. S. Highway 40 to junction Maryland Highway 151, thence along Maryland Highway 151 to the Chesapeake Bay, and thence southerly along Chesapeake Bay to point of beginning, including service at Baltimore, Md. and points on the highways specified, on the one hand, and, on the other, points in Pennsylvania, New York, Ohio, New Jersey, North Carolina, West Virginia and Virginia.

NOTE: Certificate No. MC 102129 dated May 18, 1956, issued in the name of Arthur Queen, individual, authorized similar operations between specified points in Maryland and points in Pennsylvania, Virginia, New York, Ohio, New Jersey, North Carolina, West Virginia and that part of Delaware and the District of Columbia within 100 miles of Annapolis.

Applicant filed appropriate application No. MC-FC 61410 for transfer of said authority from Arthur Queen, individual, to Queen Brothers, partnership, consummated August 13, 1958, effective August 29, 1958.

HEARING: October 14, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 117428, filed June 18, 1958. Applicant: ALLEGHENY LINES, INCORPORATED, 34 Pennsylvania Avenue, East Warren, Pa. Applicant's attorney: Earl I. Bernhard, 2001 Massachusetts Avenue NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *newspapers, packages and express*, in the same vehicle with passengers, (a) between Erie, Pa., and Oil City, Pa., from the Greyhound Terminal on North Perry Square in Erie, over State Street, and 26th Street, to junction Pennsylvania Highway 505, thence over Pennsylvania Highway 505 to junction Pennsylvania Highway 97, thence over Pennsylvania Highway 97 through Waterford to Union City, thence over Pennsylvania Highway 8 through Tillotson to Page Corners, thence over County Highway 20084 to Linconville, thence over County Highway Application Route No. 6062 to junction Pennsylvania Highway 77, thence over Pennsylvania Highway 77 to junction Pennsylvania Highway 8, thence over Pennsylvania Highway 8 through Borough of Centerville, the Village of Five Points, the Borough of Hydetown, Titusville and Rouseville to Oil City, and return over the same route, serving all intermediate points. Applicant indicates the proposed service in paragraph (a) above is subject to the following RESTRICTIONS: 1. That no right, power or privilege is granted to transport persons locally within the municipal limits of Oil City. 2. That no right, power or privilege is granted to transport persons locally between Oil City and the Borough of Roseville. ALTERNATIVE ROUTE: Between Erie, Pa., and Waterford, Pa., from the Greyhound Terminal on North Perry Square in Erie over State Street, 12th Street, and Peach Street to junction Pennsylvania Highway 99, thence over Pennsylvania Highway 99 to Kearsarge, thence over Pennsylvania Highway 19 to junction Pennsylvania Highway 97 in the Borough of Waterford, and return over the same route, serving all intermediate points. (b) Between Erie, Pa., and Towanda, Pa., from Erie, Erie County, over U. S. Highway 19 through Kearsarge to Waterford, thence over Pennsylvania Highway 97 to Union City, thence over U. S. Highway 6 through Corry, Warren, Sheffield, Kane, Mt. Jewett and Smethport to Port Allegheny (alternative route from Warren over Pennsylvania Highway 59 to Marshburg, thence over Legislative County Highway Route No. 209 to Custer City, thence over U. S. Highway 219 to Bradford, thence over Pennsylvania Highway 46 to junction U. S. Highway 6, also alternative route from Custer City over U. S. Highway 219 to Degolia, thence over Legislative County Highway 469 to Aiken, thence over Pennsylvania Highway 646 to Smethport at the junction of U. S. Highways 46 and 6, thence over U. S. Highway 6 to Port Allegany), thence continuing over U. S. Highway 6 through Galeton, Wellsboro, Mansfield and Troy to Towanda, and return over the same routes, serving all intermediate points. ALTERNATIVE ROUTE: Between Erie, Pa., and Waterford, Pa., from the Greyhound Terminal at North Perry Square in Erie over State Street, and 26th Street to junction Pennsylvania Highway 505, thence over Pennsylvania Highway 505 to junction Pennsylvania Highway 97, thence over Pennsylvania Highway 97 to Waterford, and return over the same route, serving all intermediate points. Applicant indicates all of the above authorities as set forth in paragraphs (a) and (b) are subject to the following restriction: That no right, power or privilege is granted to transport persons locally within the municipal limits of the City of Erie.

HEARING: October 14, 1958, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 65; or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12684, filed August 5, 1958. Applicant: CLINTON WOODROW SIMS, doing business as WOODY SIMS EDUCATIONAL TOURS, 102 East 64th Street, Savannah, Ga. For a license (BMC 5) to engage in operations as a *broker* at Savannah, Ga., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in round trip special and charter operations, beginning and ending at points in Virginia, South Carolina, North Carolina, Tennessee, Georgia, Alabama, Florida and Washington, D. C., and extending to points in the United States.

HEARING: October 27, 1958, at 680 West Peachtree Street, NW. Atlanta, Ga., before Joint Board No. 101, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 60580 (Sub No. 24), filed August 28, 1958. Applicant: HIGHWAY EXPRESS LINES, INC., 236 North 23rd Street, Philadelphia 3, Pa. Applicant's attorney: Robert H. Shertz, 811–819 Lewis Tower Building, 225 S. Fifteenth Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Motion picture film* and *articles* associated with the exhibition of motion pictures, as described in the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 766, between Philadelphia, Pa., and Pittsburgh, Pa., from Philadelphia over Schuylkill Expressway to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike to junction U. S. Highway 230, thence over U. S. Highway 230 to Harrisburg (also from Philadelphia over U. S. Highway 30 to junction U. S. Highway 230, thence over U. S. Highway 230 to Harrisburg) thence over U. S. Highway 15 to Pennsylvania Turnpike, thence over Pennsylvania Turnpike to junction U. S. Highway 30, thence over U. S. Highway 30 to Pittsburgh (also from Harrisburg over U. S. Highway 22 to Pittsburgh), and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

No. MC 113524 (Sub No. 15), filed August 26, 1958. Applicant: JAMES F. BLACK, doing business as PARKVILLE TRUCKING COMPANY, 3618 Pulaski Highway, Baltimore 5, Md. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in covered-hopper vehicles, from Baltimore, Md., to Warren, Pa. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and the District of Columbia.

No. MC 117547 (Sub No. 1), (AMENDMENT) filed July 17, 1958, published on page 5980, issue of FEDERAL REGISTER of August 6, 1958. Applicant: BELL TRANSPORTATION CO., INC., Wrightstown, N. J. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles* (privately owned), in driveaway service of individuals of the military departments (who are leaving McGuire Air Force Base for overseas), moving on commercial bills of lading at their own expense, from McGuire Air Force Base, N. J., to New York Port of Embarkation, Brooklyn, N. Y.

No. MC 117596, filed August 21, 1958. Applicant: ROBERT O. DALE, 1239 Rhine Street, Mankato, Minn., MAIL: P. O. Box 685, Mankato, Minn. Applicant's attorney: Hoyt Crooks, 842 Raymond Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixtures* for animal or poultry feeding, and *barn lime* (ground or pulverized limestone), in bags, barrels, drums, or in bulk, from Hannibal, Mo., to points in Iowa, Minnesota, North Dakota, and South Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, *rejected shipments* of the above-specified commodities and *exempt agricultural commodities* on return.

PETITION

No. MC 111820 (formerly MC 43846 Sub No. 20). Petitioner: CURTIS KEAL TRANSPORT COMPANY, INC., East 54th & Cleveland Shoreway, Cleveland, Ohio. Petitioner's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. A certificate of public convenience and necessity was issued under date of September 24, 1946, to W. Curtis Keal, doing business as Curtis Keal

Transport Company, Cleveland, Ohio, authorizing the transportation of: *Self-propelled road building equipment, mobile cranes* and *mobile shovels*, and *parts therefor*, by the drive-away and truck-away methods, over irregular routes, between Lorain, Ohio, on the one hand, and, on the other, points and places in the United States. The foregoing authority is now embraced in Certificate No. MC 111320, dated February 10, 1950. Petition dated August 26, 1958, seeks a modification of the authority described above which is a portion of petitioner's authorized operations in Certificate No. MC 111320 so that same would read: *Self-propelled road building equipment, mobile cranes* and *mobile shovels* and parts when moving with the unit to which they are to be installed or seperately from said equipment.

APPLICATIONS FOR CERTIFICATES AND PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 2567 (Sub No. 4), filed August 27, 1958. Applicant: BELBEY TRANSFER COMPANY, 234 Poinier Street, Newark, N. J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing materials, hardware, plumbing supplies* and *building materials*, between Kearny, Newark, Bound Brook, Millington and Metuchen, N. J., on the one hand, and, on the other, Hawleyville and Kent, Conn., New York, N. Y., Philadelphia, Pa., points in Nassau, Suffolk, Orange, Rockland, Putnam, Westchester, Sullivan and Dutchess Counties, N. Y., and those in that part of Connecticut south of a straight line beginning at Stratford, Conn., and extending northwest through Danbury, Conn., to the Connecticut-New York State line, including Danbury. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania and Rhode Island. This application is directly related to MC–F 6994, published in this issue.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6345 (BURLINGTON TRUCK LINES, INC.—PURCHASE—GEORGE R. PIRNIE AND JAMES PIRNIE), published in the July 25, 1956, issue of the FEDERAL REGISTER on page 5606. Application filed September 2, 1958, for temporary authority under section 210a (b).

No. MC–F 6945 (CONSOLIDATED COPPERSTATE LINES—MERGER—ALABAMA FREIGHT LINES), published in the July 9, 1958, issue of the FEDERAL REGISTER on page 5228. Supplemental application filed September 3, 1958, to show WALTER B. ALLEN, 117 West 9th Street, Los Angeles 15, Calif., and NELLA CORPORATION, Carson City, Nev., as additional parties in control of CONSOLIDATED COPPERSTATE LINES.

No. MC–F 6993. Authority sought for purchase by NATIONAL TRUCKING CO., INC., 234 Poinier Street, Newark 5, N. J., of a portion of the operating rights of POINIER TRUCKING CORPORATION, 234 Poinier Street, Newark 5, N. J., and for acquisition by JAMES V. IGOE, 67 South Munn Avenue, East Orange, N. J., of control of such rights through the purchase. Applicants' attorney: Bert Collins, 140 Cedar Street, New York 6, N. Y. Operating rights sought to be transferred: *Wire*, as a *contract carrier* over irregular routes, from Newark, N. J., to Baltimore, Md., and York, Pa.; *fence*, from Baltimore, Md., to Newark, N. J.; *wire cloth*, from York, Pa., to Newark, N. J. Vendee is authorized to operate as a *contract carrier* in New Jersey, New York, Connecticut and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6994. Authority sought for purchase by BELBEY TRANSFER COMPANY, 305 Bergen Street, Harrison, N. J., of a portion of the operating rights of POINIER TRUCKING CORPORATION, 234 Poinier Street, Newark, N. J., and for acquisition by JOHN T. BELBEY and JOSEPH E. BELBEY, JR., both of Harrison, of control of such rights through the purchase. Applicants' attorney: Bert Collins, 140 Cedar Street, New York 6, N. Y. Operating rights sought to be transferred: *Fencing materials, hardware, plumbing supplies*, and *building materials*, as a *contract carrier*, over irregular routes, between Kearny, Newark, Bound Brook, Millington and Metuchen, N. J., on the one hand, and, on the other, Philadelphia, Pa., certain points in Connecticut and certain points in New York. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, Massachusetts, Connecticut, Rhode Island and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

NOTE: No. MC 2567 Sub 4 is a matter directly related.

No. MC–F–6995. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS, INC., 2116 N. W. Savier Street, Portland, Oreg., of the operating rights and property of JOHN HENNEI CARTAGE, INC., 3126 North 13th Street, Milwaukee, Wis. Applicants' attorney: Glenn W. Stephens, 121 W. Doty Street, Madison 3, Wis. Operating rights sought to be transferred: Authority applied for by JOHN HENNEI CARTAGE, INC., covering the transportation of *general commodities* with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over irregular routes between Milwaukee, Wis., on the one hand, and, on the other, West Milwaukee, West Allis, Wauwatosa, Shorewood, Whitefish Bay, Wis., and points in Towns of Milwaukee, Wauwatosa, Greenfield, and Granville, Milwaukee County, Wis. Vendee is authorized to operate as a *common carrier* in Oregon, Washington, California, Idaho, Nevada, Montana, North Dakota, Minnesota, Wisconsin, Illinois, Arizona, Michigan, Colorado, New Mexico, Pennsylvania, West Virginia, Kentucky, Missouri and Indiana. Application has been filed for temporary authority under section 210a (b).

No. MC–F–6996. Authority sought for purchase by SMITH-HEYWOOD LINES, 901 W. Lincoln, Phoenix, Ariz., of the operating rights and property of [illegible] P. CRESTO, doing business as CRESTO TRANSFER, P. O. Box 190, Gallup, N. Mex. Applicants' attorney: Riney B. Salmon, Jennings, Strouss, Salmon & Trask, Sixth Floor, Title & Trust Bldg., Phoenix, Ariz. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Gallup, N. Mex., and Ganado, Ariz., and all intermediate and off-route points in Arizona within 50 miles of Ganado, and between junction unnumbered highways near Saint Michaels, Ariz., and Fort Defiance, Ariz., and intermediate points; *motion picture studio materials, supplies, equipment, and properties*, over irregular routes, between points in New Mexico, Arizona and Colorado; *coal*, from Gallup, N. Mex., and mines within ten miles of Gallup to Civilian Conservation Corps camps in New Mexico and Arizona; *passengers and their baggage, and mail and express in the same vehicle with passengers*, over regular routes, between Gallup, N. Mex., and Chinle, Ariz., and between Defiance, Ariz., and Sawmill, Ariz., serving all intermediate points, *passengers and their baggage* in special or charter service over irregular routes between Gallup, N. Mex., and points in New Mexico and Arizona. Vendee is authorized to operate as a *common carrier* in Arizona and New Mexico. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6997. Authority sought by COOK MOTOR LINES, INC., 700 Carroll Street, P. O. Box 1391, Akron, Ohio, to control and merge the operating rights and property of PRUNTY MOTOR EXPRESS, INC., 526 31st Street, P. O. Box 1724, Parkersburg, W. Va., and to purchase the operating rights and property of J. WARREN, doing business as FLEET HIGHWAY FREIGHT LINES, P. O. Box 213, Belpre, Ohio, and for acquisition by H. L. COOK, also of Akron, of control of such rights and property through the transactions. Applicants' attorneys: S. Harrison Kahn, 726 Investment Building, Washington, D. C., and Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be controlled and merged: *General commodities*, except livestock, Class A and B explosives, household goods as defined by the Commission and commodities requiring spe-

dial equipment, as a *common carrier* over irregular routes between points in Wood County, W. Va., on the one hand, and, on the other, points in Pennsylvania, Ohio, Maryland and the District of Columbia; *general commodities*, with certain exceptions including household goods and commodities in bulk, between points in Wood County, W. Va., on the one hand, and, on the other, certain points in Ohio. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Parkersburg, W. Va., and Cincinnati, Ohio, between Chillicothe, Ohio, and Cincinnati, Ohio, between Mineral Wells, W. Va., and Huntington, W. Va., between Wheeling, W. Va., and Parkersburg, W. Va., and between Marietta, Ohio, and Huntington, W. Va., serving all intermediate and certain off-route points. COOK MOTOR LINES, INC., is authorized to operate as a *common carrier* in West Virginia and Ohio. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6998. Authority sought for purchase by GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, S. E., Atlanta 15, Ga., of a portion of the operating rights of HOLLOWAY MOTOR EXPRESS, INC., P. O. Box 2337, East Gadsden, Ala. Applicants' attorneys: Harry Markstein, 818–821 Massey Building, Birmingham 3, Ala., Allen Post, 1220 First National Bank Building, Atlanta 3, Ga., and Robert C. Dryden, 2090 Jonesboro Road, S. E., Atlanta 15, Ga. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and excluding commodities in bulk, as a *common carrier* over regular routes, between Gadsden, Ala., and Cedartown, Ga., and between Austell, Ga., and Cedartown, Ga., serving certain intermediate points; *textile fabrics*, from Rockmart, Ga., to Cedartown, Ga., serving no intermediate points; *empty beams, tubes, discs, and fabric covering*, from Cedartown, Ga., to Rockmart, Ga., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Tennessee, Georgia and Alabama. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6999. Authority sought for purchase by EASTERN FREIGHTWAYS, INC., Eastern and Moonachie Avenues, Carlstadt, N. J., of the operating rights of ALLEN MOTOR LINES, INC. (PERRY GRAICERSTEIN, RECEIVER), 375 Thomaston Avenue, Waterbury, Conn., and for acquisition by LOUIS KLETTER, 101 Prospect Avenue, Hackensack, N. J., GEORGE KLETTER, 94 Campus Drive, Buffalo, N. Y., and JACK TEICHER, 114 Stony Ridge Drive, Hillsdale, N. J., of control of such rights through the purchase. Applicants' attorney: Samuel H. Moerman, Investment Building, Washington, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between New Haven, Conn., and New York, N. Y., between Hartford, Conn., and Norwalk and Bridgeport, Conn., and between Hartford, Conn., and New Haven, Conn., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, New Jersey and Vermont. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-7341; Filed, Sept. 9, 1958; 8:52 a. m.]

BUREAU AND OFFICE ORGANIZATION

BUREAU OF FINANCE

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 14th day of August, A. D. 1958.

Upon consideration of section 17 of the Interstate Commerce Act as amended (49 U. S. C. 17), section 3 (a) (1) of the Administrative Procedure Act, and the provisions of the Transportation Act of 1958:

It is ordered, That the description of central and field organization of the Interstate Commerce Commission appearing in the order of April 7, 1958 (23 F. R. 2654), be, and it is hereby, amended to add to the Bureau of Finance a new section designated as *Section of Loans*, and to add to description of the Bureau and its *Section of Convenience and Necessity* certain new duties. As thus amended the description of the Bureau reads as follows:

SEC. 3. *Bureau and Office Organization.* * * *

(h) *Bureau of Finance.* Performs duties in connection with the Commission's proceedings involving rail carriers, motor carriers, water carriers, and freight forwarders, under the various sections of the Act, relative to: authority to construct, acquire, or abandon lines of a railroad or the operation thereof; proposed discontinuances or changes in the operation by railroads of trains or ferries; approval for motor carriers or water carriers to enter into contracts and agreements for the pooling or division of traffic and earnings; authority to consolidate, merge, transfer ownership, or acquire control of carriers, and when directly related to such authority the granting of certificates or permits to motor carriers in connection therewith; authority to issue securities or to assume obligation and liability with respect to securities of others; authority to sell securities without competitive bidding; authority to alter or modify outstanding securities and obligations; authority to hold position of officer or director of more than one railroad; the guaranty of loans to railroads in financing additions or betterments or other capital expenditures, or for the financing of expenditures for maintenance of property; and formal investigations concerning possible violations of the act relating to the foregoing subjects; and, under provisions of the Uniform Bankruptcy Act, the approval of plans of reorganization, the submission thereof to creditors and stockholders for acceptance or rejection, the recommendation of formulas for the segregation of earnings, the ratification of trustees, the fixing of maximum limits of allowances to trustees and other parties in interest, and the authorization of persons, including protective committees, to solicit and act under proxies, authorizations, or deposit agreements in connection with railroad reorganization or receivership proceedings. Hearing examiners assigned to this Bureau conduct hearings and prepare initial reports with respect to the proceedings handled by the Bureau and when not so engaged, perform other work not inconsistent with their duties as hearing examiners.

(1) *Section of Convenience and Necessity.* Handles the proceedings described above relating to rail carriers, water carriers, and freight forwarders, except those arising under the Uniform Bankruptcy Act, those relating to the guaranty of loans, and those involving authority to issue, sell, modify, or assume obligation respecting securities.

(2) *Section of Loans.* Handles the proceedings described above relating to the guaranty of loans to railroads in financing additions or betterments or other capital expenditures, or for the financing of expenditures for maintenance of property.

(3) *Section of Securities and Reorganizations.* Handles the proceedings arising under the Uniform Bankruptcy Act and those involving authority to issue, sell, modify, or assume obligation respecting securities.

(4) *Section of Motor Carrier Finance.* Handles the proceedings described above relating to motor carriers except those involving transfer of certificates and permits under section 212 (b) of the Act which have not involved the taking of testimony at a public hearing, and those involving the issue of securities or assumption of obligation with respect to securities.

(5) *The Transfer Board.* Pursuant to authority delegated under section 17 of the Act, makes determination, when the matter at issue is not reserved for action by the Commission, of applications filed under section 212 (b) of the Act relating to transfer of certificates or permits, which have not involved the taking of testimony at a public hearing.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-7343; Filed, Sept. 9, 1958; 8:53 a. m.]

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FEDERAL REGISTER

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Washington, Thursday, September 11, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

DEPARTMENT OF THE ARMY; STUDENT DIETITIANS

Effective September 15, 1958, the maximum stipend prescribed under § 27.2 for the position listed below is amended as follows:

§ 27.2 *Maximum stipends prescribed.*

* * *

Student dietitians, Department of the Army: Approved training, after a minimum of three years' college level training, per month	$166

(61 Stat. 727; 5 U. S. C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-7400; Filed, Sept. 10, 1958; 8:54 a. m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.375]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

PAYMENT OF DIFFERENTIAL

Section 325.5, paragraphs (f), (g) and (h) are hereby deleted, and the following paragraphs are substituted in lieu thereof:

(f) Notwithstanding the rate of differential prescribed for the post in § 325.11, if the country listed for the post in that section has a chief of mission position classified pursuant to 22 U. S. C. 866, the per annum differential rate at which payment is made to any employee assigned to such post shall be reduced, if necessary, so that the combined per annum differential and basic salary, or differential, basic salary and charge pay (22 U. S. C. 876 and 877) authorized for the employee, does not exceed an amount which is one hundred dollars ($100) less than the per annum salary authorized for the chief of mission position.

(g) No payment shall be made:

(1) While basic compensation is not paid;

(2) Concurrently with the territorial post differential prescribed in § 350.10 of this chapter.

(h) Where the employee is on duty or leave at two differential posts for portions of the same day, payment for that day shall be made at the rate authorized for the previous day.

(i) Payments to persons serving on a part-time basis shall be prorated to cover only those periods of time for which basic compensation is received.

These amendments shall be effective as of the beginning of the first pay period following November 1, 1958.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

Dated: September 2, 1958.

For the Secretary of State.

[SEAL] W. K. SCOTT,
Assistant Secretary for Administration.

[F. R. Doc. 58-7402; Filed, Sept. 10, 1958; 8:54 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

PART 519—FRESH IRISH POTATOES

SUBPART—FRESH IRISH POTATOES-LIVESTOCK FEED DIVERSION PROGRAM ZMD 3A

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AUTHORITY: §§ 519.180 to 519.200 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

§ 519.180 *General statement.* In order to encourage the domestic consumption of fresh Irish potatoes produced in the continental United States by diverting them from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payment for the diversion of 1958 crop potatoes for use as livestock feed, subject to the terms and conditions hereinafter set forth. Information relating to this program and forms prescribed for use hereunder may be obtained from the following:

Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Offices of the State Agriculture Stabilization and Conservation Committees in the respective States.

County Agricultural Stabilization and Conservation Committees in the respective counties.

§ 519.181 *Administration.* The program provided for in this part will be administered under the general direction and supervision of the Director, Fruit and Vegetable Division, Agricultural Marketing Service, and in the field will be carried out by the Commodity Stabilization Service through the Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees, hereinafter referred to as State and County Committees. Each State Committee will authorize one or more employees of the State Committee to act as representatives of the United States Department of Agriculture, hereinafter referred to as USDA, to approve applications for participation. State and County Committees or their authorized representatives do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 519.182 *Area.* This program will be effective in such States or areas as may be designated from time to time by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture. Information with respect to the areas designated may be obtained from the offices listed in § 519.180.

§ 519.183 *Period of program.* This program will be effective from the date of this announcement and continue until further notice, but in any event not later than April 30, 1959.

§ 519.184 *Rate of payment.* The rate of payment per 100 pounds of potatoes meeting the requirements of Specification A as defined in § 519.190 and which are diverted as prescribed in § 519.189 will be 50 cents for potatoes diverted during the months of September, October and November 1958; 40 cents during the months of December 1958, January and February 1959; and 30 cents during the months of March and April 1959. No payment will be made for any fractional part of 100 pounds and such quantities shall be disregarded.

§ 519.185 *Eligibility for payment.* Payments will be made under this program to any individual, partnership, association, or corporation located in the continental United States, (a) who executes and files an application for participation on the prescribed forms, (b) whose application is approved, (c) who diverts fresh Irish potatoes within the State and county specified in the approved application, directly or through any other person or persons, (d) who files claim as provided in § 519.193 and (e) who otherwise complies with all the terms and conditions of this subpart.

§ 519.186 *Application and approval for participation.* Persons desiring to participate in this program must submit a written application on Form CSS–117 "Application for Participation in Fresh Irish Potato Livestock Feed Diversion Program—ZMD 3a." Each applicant must submit a performance bond as provided in § 519.187. Applications and bonds should be submitted to the County ASC Office for the county within which the potatoes are to be diverted. Applications will be forwarded to the State ASC Office and will be considered in the order received in the respective areas and in accordance with the availability of funds. Applicants will be notified of the approval or non-approval of their application. Approved applications may be modified or amended with the consent of the applicant and the duly authorized representative of the State Committee: *Provided*, That such modification or amendment shall not be in conflict with the provisions of this subpart or any amendment or supplements hereto. An approved applicant is hereinafter referred to as "the diverter."

§ 519.187 *Performance bond.* Each applicant shall submit with his first application for participation a performance bond as further assurance that the potatoes diverted pursuant to this program will be used exclusively for feeding to livestock by methods prescribed in § 519.192. The bond shall be executed on Form CSS–119 by the principal and two individual sureties, all of whom shall agree to indemnify the USDA for any losses, claims, or payments made by USDA with respect to any quantity of such potatoes not used for livestock feed. The USDA may disapprove any bond if for any reason any surety does not in the opinion of USDA afford USDA full protection and security.

§ 519.188 *Period of diversion.* The potatoes in connection with which payments are to be made must be diverted (a) after the date of approval of the diverter's application, (b) within the time period specified in the approved application, and (c) in any event on or before April 30, 1959.

§ 519.189 *Definition of diversion.* Diversion of potatoes for use as livestock feed as used herein means the initial processing of potatoes for feeding to livestock by ensiling, or by cutting, chopping, slicing, gouging, crushing, or cooking to the degree that (a) a minimum of 90 percent of the potatoes which are 2 inches in diameter or larger have been seriously damaged to such an extent that they will not meet the requirements of U. S. No. 2 quality, and (b) the general

appearance of the lot as a whole has been seriously damaged to such an extent that, in the opinion of the inspector, the potatoes are readily and obviously identifiable as having been initially processed and rendered unsuitable to enter into normal channels of trade and commerce as potatoes.

§ 519.190 *Diversion specifications.* Potatoes in connection with which payments will be made must meet the requirements of "Specification A" which is hereby defined as meaning potatoes equal to or better than the quality requirements of U. S. No. 2 grade, and which have either a minimum diameter of 2 inches or a minimum weight of 4 ounces, with no tolerance being allowed for defects or undersize. Long varieties of potatoes which by clipping ends or second growth could be made to meet the quality requirements of U. S. No. 2 grade need not be so clipped to be classed Specification A but the portions which customarily would be clipped off shall not be considered as meeting the requirements of Specification A and this weight shall be deducted in determining the weight of those potatoes in the lot which do meet the requirements of Specification A.

§ 519.191 *Inspection and certificate of diversion.* Prior to diversion the potatoes shall be inspected by an inspector authorized or licensed by the Secretary of Agriculture to inspect and certify the class, quality, and condition of fresh Irish potatoes. The diverter shall be responsible for requesting and arranging for inspection sufficiently in advance of the diversion so that the inspector can be present to determine the proportion of potatoes in each lot which meet the quality requirements of Specification A. The inspector shall also verify the quantity of potatoes being diverted and that such potatoes have been diverted as defined in § 519.189. The diverter shall furnish such scale tickets, weighing facilities, or volume measurements as determined by the inspector to be necessary for ascertaining the net weight of the potatoes being diverted. The cost of inspecting, verifying the quantity, certifying that diversion has been performed, and issuing certificates thereof shall be borne by the diverter. Certificates shall be prepared on Form CSS–118 "Invoice and Certificates of Inspection and Diversion."

§ 519.192 *Methods of feeding.* The feeding of potatoes to livestock shall be accomplished by the following methods:

(a) Feeding in barns or feed lots directly from troughs, bunkers, bins, or other suitable feeding receptacle;

(b) Spreading on pasture land where livestock are grazing, but the rate of spreading during any seven-day period shall not exceed 500 pounds of potatoes per head of cattle or horses or 250 pounds per head of sheep or swine; and

(c) Utilizing the potatoes for livestock feed after dehydration through a process of alternate freezing and thawing. This method may be followed only in areas suitable for this process as may hereafter be approved by the Director, Fruit and Vegetable Division. The potatoes must be initially processed as specified in § 519.189 and in addition to other program requirements, the following special terms and conditions will be applicable:

(1) The potatoes must be spread on pasture consisting of sod or other grassland and the land must be fenced. The land may not be under the Soil Bank Program and, subsequent to spreading the potatoes, the land may not be placed under the Soil Bank Program or be plowed or otherwise cultivated until it is determined by USDA that adequate pasturing by livestock has taken place.

(2) The potatoes may be spread no deeper than 4 inches at any point.

(3) Diversion payments will be computed at the rate in effect at the time of initial processing and spreading but payment to diverters by USDA will not be made until it is determined by USDA that adequate pasturing by livestock has taken place.

(4) Spreading must take place on or before February 28, 1959.

§ 519.193 *Claim for payment.* In order to obtain payment the diverter must submit a properly executed "Invoice and Certificates of Inspection and Diversion," Form CSS–118, to the State ASC Office which approved his application. All such claims shall be filed not later than one calendar month after the termination date of the applicable diversion authorization.

§ 519.194 *Compliance with program provisions.* If USDA determines that any quantity of potatoes diverted under this program was not used exclusively for livestock feed purposes, whether such failure was caused directly by the diverter or by any other person or persons, the diverter shall not be entitled to diversion payments in connection with such potatoes, shall refund to USDA any payment made in connection with such potatoes, and shall be liable to USDA for any other damages incurred as a result of such failure to use the potatoes exclusively for livestock feed purposes. USDA may deny any diverter the right to participate in this program or the right to receive payments in connection with any diversion previously made under this program, or both, if USDA detemines that: (a) The diverter has failed to use or caused to be used any quantity of potatoes diverted under this program exclusively for livestock feed purposes, whether such failure was caused directly by the diverter or by any other person or persons, (b) the diverted has not acted in good faith in connection with any transaction under this program, or (c) the diverter has failed to discharge fully any obligation assumed by him under this program. Persons making any misrepresentation of facts in connection with this program for the purpose of defrauding USDA will be subject to the applicable civil and criminal provisions of the United States Code.

§ 519.195 *Inspection of premises.* The diverter shall permit authorized representatives of USDA at any reasonable time to have access to his premises to inspect and examine such potatoes as are being diverted or stored for diversion, and to inspect and examine the diverter's facilities for diverting potatoes, in order to determine to what extent there is or has been compliance with the provisions of this program.

§ 519.196 *Records and accounts.* If the diverter sells or otherwise disposes of potatoes diverted pursuant to this program to any other person or persons for use as livestock feed, the diverter shall keep accurate records and accounts showing the details relative to the diversion and disposition of such potatoes. The diverter shall permit authorized representatives of USDA at any reasonable time to inspect, examine and make copies of such records and accounts in order to determine to what extent there is or has been compliance with the provisions of this program. Such records and accounts shall be retained by the diverter for two years after date of last payment to him under the program.

§ 519.197 *Set-off.* If the diverter is indebted to USDA or to any other agency of the United States, set-off may be made against any amunt due the diverter hereunder. Setting off shall not deprive the diverter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 519.198 *Joint payment or assignment.* The diverter may name a joint payee on the claim for payment or may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law 811, 76th Congress, as amended (31 U. S. C. 203, 41 U. S. C. 15), the proceeds of any claim, to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment with the authorized representative of USDA who approved the application, together with a true copy of the instrument of assignment, in accordance with the instructions on Form CSS–66 "Notice of Assignment", which form must be used in giving notice of assignment to USDA. The "Instrument of Assignment" may be executed on Form CSS–347 or the assignee may use his own form of assignment. The CSS forms may be obtained from the State ASC Office or the Washington office shown in § 519.180.

§ 519.199 *Officials not to benefit.* No member of or delegate to Congress, or Resident Commissioner, shall be entitled to any share or part of any contract resulting from this program or to any benefits that may arise therefrom, but this provision shall not be considered to extend to such a contract if made with a corporation for its general benefit or to any such person acting in his capacity as a farmer.

§ 519.200 *Amendment and termination.* This subpart may be amended or terminated at any time but the amendment or termination shall not be effective earlier than the date of filing with the Federal Register Division. No amendment or termination shall be applicable to any potatoes diverted before the effec-

tive time of such amendment or termination.

NOTE: The record-keeping and reporting requirements contained herein have been approved by, and subsequent requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: September 8, 1958.

[SEAL] FLOYD F. HEDLUND,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 58-7412; Filed, Sept. 10, 1958; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

MISCELLANEOUS AMENDMENTS

On July 15, 1958, there was published in the FEDERAL REGISTER (23 F. R. 5354) under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of proposed rule making relating to an amendment of §§ 319.37-4 (b) and 319.37-8 of the regulations supplemental to the quarantine relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37-4 (b), 319.37-8). After due consideration of all relevant matters presented, and under the authority of sections 1, 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 154, 159, 160, 162), §§ 319.37-4 (b) and 319.37-8 are amended in the following respects:

1. Section 319.37-4 (b) is amended by adding at the end thereof the following sentence: "In the case of seeds of such fruits as are approved for importation without treatment under the provisions of §§ 319.56, 319.56-1 et seq., the requirements as to freedom from pulp shall not apply when such seeds are imported, under the requirements of this section, for propagation."

2. Section 319.37-8 is amended by adding at the end thereof the following two sentences: "Furthermore, all plants and cuttings of genera, that are not prohibited entry into the United States but are known to be hosts of the citrus blackfly or may hereafter be determined as such, from all foreign countries (except Canada, countries in Europe and Asia Minor; and those in Africa bordering the Mediterranean Sea), must be defoliated before shipment from the country of origin if they are to be imported through any port other than the Ports of New York and Seattle. The Director of the Plant Quarantine Division shall issue administrative instructions listing the genera of plants that are not prohibited entry into the United States but are known to be hosts of the citrus blackfly or that may hereafter be determined as such."

The section heading for § 319.37-8 is amended to read: "§ 319.37-8 *Inspection; freedom from plant pests; defoliation.*"

These amendments shall become effective October 11, 1958.

The amendment of § 319.37-4 (b) makes inapplicable, in respect to the seeds of fruits that may now be imported without treatment in accordance with the provisions of §§ 319.56, 319.56-1 et seq., the requirements of § 319.74-4 (b), as to freedom from pulp. That is, if the entire fruit is eligible for importation without treatment, seeds from such fruit may be imported although accompanied by moist and fleshy pulp.

The amendment of § 319.37-8 requires that plants and plant cuttings of genera that are known to be hosts of the citrus blackfly from countries where this species occurs must be defoliated in the country of origin if they are to be imported through any port other than the Ports of New York and Seattle. It also authorizes the Director of the Plant Quarantine Division to issue administrative instructions listing such genera. Such administrative instructions are being so issued concurrently with these amendments.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interpret or apply secs. 1, 5, 7, 37 Stat. 315, as amended, 316, 317, 7 U. S. C. 154, 159, 160)

Done at Washington, D. C., this 8th day of September, 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-7413; Filed, Sept. 10, 1958; 8:55 a. m.]

[P. Q. 630]

PART 319—FOREIGN QUARANTINE NOTICES

ADMINISTRATIVE INSTRUCTIONS DESIGNATING GENERA KNOWN TO BE HOSTS OF CITRUS BLACKFLY

On July 15, 1958, there was published in the FEDERAL REGISTER (23 F. R. 5354) under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making relating to proposed administrative instructions designating genera known to be hosts of the citrus blackfly, to be issued under an amendment of § 319.37-8 of the regulations supplemental to the quarantine relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37-8 *supra*). After due consideration of all relevant matters presented, and pursuant to § 319.37-8, as amended, under sections 1, 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 154, 159, 160, 162), administrative instructions to be designated as 7 CFR 319.37-8a are hereby issued as follows:

§ 319.37-8a *Administrative instructions designating genera known to be hosts of the citrus blackfly.* (a) The Director of the Division, upon the basis of evidence satisfactory to him, has determined that the following genera of plants, that are not prohibited entry into the United States, are known hosts of the citrus blackfly (Aleurocanthus woglumi Ashby):

Achras.	Capsicum.
Anacardium.	Cardiospermum.
Annona.	Cedrela.
Ardisia.	Cestrum.
Bouvardia.	Cnidoscolus.
Bumelia.	Coffea.
Bursera.	Crataegus.
Buxus.	Cydonia.
Calocarpum.	Diospyros.
Capsicum.	Duranta.
Cardiospermum.	Eugenia.
Cedrela.	Fraxinus.
Cestrum.	Hibiscus.
Cnidoscolus.	Hura.
Coffea.	Ixora.
Crataegus.	Jatropha.
Cydonia.	Lagerstroemia.
Diospyros.	Lucuma.
Duranta.	Magnolia.
Eugenia.	Mammea.
Fraxinus.	Mangifera.
Hibiscus.	Melia.
Hura.	Myroxylon.
Ixora.	Myrtus.
Jatropha.	Parmentiera.
Lagerstroemia.	Persea.
Lucuma.	Plumeria.
Magnolia.	Populus.
Mammea.	Psidium.
Mangifera.	Punica.
Melia.	Pyrus.
Myroxylon.	Sapindus.
Myrtus.	Solandra.
Parmentiera.	Spondias.
Persea.	Strelitzia.
Plumeria.	Tabebuia.
Populus.	Vitis.
Psidium.	Zingiber.
Punica.	
Pyrus.	
Sapindus.	
Solandra.	
Spondias.	
Strelitzia.	
Tabebuia.	
Vitis.	
Zingiber.	

(b) If additional admissible plants are later determined to be hosts of the citrus blackfly they shall also be listed in paragraph (a) of this section.

(c) Blackfly host plants of genera that are prohibited entry into the United States are not included in the list in paragraph (a) of this section.

These administrative instructions shall become effective October 11, 1958.

These administrative instructions list the genera of plants that are not prohibited entry into the United States and are known hosts of the citrus blackfly.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interpret or apply secs. 1, 5, 7, 37 Stat. 315, as amended, 316, 317, 7 U. S. C. 154, 159, 160)

Done at Washington, D. C., this 8th day of September 1958.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F. R. Doc. 58-7414; Filed, Sept. 10, 1958; 8:55 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

DETERMINATION RELATING TO SIZE OF 1959 CHOICE (B) FARM ALLOTMENTS FOR UPLAND COTTON

Basis and purpose. This determination is made pursuant to section 101 of the Agricultural Act of 1958 (P. L. 85-835, approved August 28, 1958), which provides that upland cotton farm allotments established under the Agricultural Adjustment Act of 1938, as amended, shall be designated Choice (A) farm allotments and used as the base for establishing Choice (B) farm allotments for upland cotton. Choice (B) allotments cannot exceed Choice (A) allotments by more than 40 per centum. The purpose of this determination is to provide that Choice (B) allotments shall exceed Choice (A) allotments by 40 per centum.

In order that farmers may begin to make plans for the 1959 crop of upland cotton and in order that preparation of applicable procedures and forms by the Commodity Stabilization Service may proceed in an orderly manner, it is essential that this determination be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is imprac-

ticable and contrary to the public interest and this determination shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 722.210 *Determination relating to size of 1959 Choice (B) farm allotments for Upland Cotton.* It is hereby determined pursuant to section 101 of the Agricultural Act of 1958 (P. L. 85–835, approved August 28, 1958), that 1959 Choice (B) farm allotments for upland cotton shall exceed 1959 Choice (A) farm allotments for upland cotton established under the Agricultural Adjustment Act of 1938, as amended, by 40 per centum.

Done at Washington, D. C., this 5th day of September 1958. Witness my hand and the seal of the Department of Agriculture.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 10a, Pub. Law 85–835, 72 Stat. 988)

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 58–7390; Filed, Sept. 10, 1958; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 964—DRIED FIGS PRODUCED IN CALIFORNIA

RECEIVING BY HANDLERS

Pursuant to Marketing Agreement No. 123, as amended, and Order No. 64, as amended (7 CFR Part 964), regulating the handling of dried figs produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Dried Fig Administrative Committee, established under said order, unanimously recommended for approval by the Secretary, certain amendments to § 964.150 (b) (2), (c) (3), and (d) (2) of the committee's administrative rules and procedures (7 CFR Part 964). These amendments would: (1) Permit tray dried and sulfured natural Kadota dried figs delivered as one lot by producers or dehydrators to handlers, with each type in separate containers, to be sampled, inspected, and certified as though the lot contained only one type of dried figs; and (2) thereby alleviate restrictions in said administrative rules and procedures.

The present provisions of said rules and procedures require separate inspection of tray dried and sulfured natural Kadota dried figs delivered in one lot. If each type in the lot meets the minimum quality standards for acquisition of natural condition dried figs, the certification for the lot is made on the basis of the lower of the two inspection results. These two types of dried figs are of the same variety, are light in color, and are used in the manufacture of fig paste. In view of the similarity between tray dried and sulfured natural Kadota dried figs and since they are utilized in the same outlet, the aforesaid requirements are not necessary for attaining the objectives of quality regulation and should be alleviated as hereinafter provided.

After consideration of all relevant information, including the committee's recommendation, it is concluded that the amendments hereinafter set forth should be approved.

Therefore, it is hereby ordered, That the administrative rules and procedures (7 CFR Part 964) be amended as follows:

1. Amend the provisions of § 964.150 (b) (2) to read as follows:

(b) *Sampling.* • • •

(2) In the event the natural condition dried figs in any portion of a lot are substantially different in appearance, condition, or quality from the appearance, condition or quality of the balance of the dried figs in the lot, such portion shall be set apart and considered as a separate lot, and shall be sampled and inspected separately: *Provided*, That tray dried and sulfured natural Kadota dried figs delivered as one lot with each type in separate containers, shall be sampled and inspected as one lot.

2. Amend the provisions of § 964.150 (c) (3) to read as follows:

(c) *Inspection.* • • •

(3) The provisions of subparagraph (2) of this paragraph shall also apply to tray dried and natural Kadota dried figs delivered in the same lot: *Provided*, That tray dried and sulfured natural Kadota dried figs delivered as one lot with each type in separate containers, shall not be inspected separately.

3. Amend the provisions of § 964.150 (d) (2) to read as follows:

(d) *Certification.* • • •

(2) In any case where an inspection is made of both tray dried and natural Kadota dried figs in test samples, or of first and second crop dried figs in test samples, the certification shall be made on the basis of the lower inspection result: *Provided*, That when an inspection is made pursuant to the proviso in paragraph (c) (3) of this section, of both tray dried and sulfured natural Kadota dried figs in test samples, the certification shall be made on the basis of the average inspection result.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.), in that: (1) These amendments will relieve restrictions on the handling of tray dried and sulfured natural Kadota dried figs delivered as one lot by alleviating the sampling, inspection, and certification requirements pertaining thereto; (2) handlers have begun to acquire such dried figs in the 1958–59 crop year and it is necessary that these amendments be made effective as soon as possible so that the same sampling, inspection and certification requirements will apply insofar as possible to the acquisitions of such dried figs in said crop year; and (3) handlers are aware that these amendments were recommended by the committee and require no additional advance notice for preparation to comply therewith. In these circumstances, these amendments should be made effective upon publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated September 5, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58–7389; Filed, Sept. 10, 1958; 8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

MISCELLANEOUS AMENDMENTS

On June 27, 1958, there was published in the FEDERAL REGISTER (23 F. R. 4761) a notice of proposed amendments of the regulations governing the importation of certain animals and poultry and certain animal and poultry products in 9 CFR Part 92, as amended. After due consideration of all relevant matter presented, and pursuant to the authority conferred by sections 6, 7, 8, and 10 of the Act of Congress approved August 30, 1890, as amended (21 U. S. C. 102–105) and section 2 of the Act of Congress approved February 2, 1903, as amended (21 U. S. C. 111), said regulations are hereby amended as follows:

1. Section 92.1 is amended by adding new paragraphs (r) and (s) to read respectively:

(r) *Brucellosis-certified areas.* Areas in Canada in which the percentage of cattle affected with brucellosis has been officially determined by the Canadian Government not to exceed one percent and the percentage of herds in which brucellosis is present has been similarly determined not to exceed five percent.

(s) *Western provinces of Canada.* Manitoba, Saskatchewan, Alberta and British Columbia.

2. Section 92.19 is amended to read:

§ 92.19 *Animals from Canada; declaration to accompany animals offered for importation.* For all cattle, sheep, goats, swine, horses, and poultry offered for importation from Canada, there shall be presented to the collector of customs at the time of entry two copies of a statement signed by the owner or importer showing clearly the purpose for which said animals are to be imported.

3. Section 92.20 is amended by deleting paragraph (e) and changing paragraph (c) to read:

§ 92.20 *Cattle from Canada.* * * *

(a) *Brucellosis test or vaccination certificates.* Importations from Canada of cattle six months or older, except steers and all cattle for immediate slaughter, shall be in compliance with the following conditions and requirements:

(1) Cattle from herds designated as brucellosis-free listed herds by the Canadian Government or cattle from herds not known to be affected in brucellosis-certified areas in Canada, except as provided in subparagraph (2) or (4) of this paragraph, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be from such herds and that the cattle offered for entry have been tested for brucellosis with negative results within 30 days preceding their offer for entry. If one or more reactors or suspects are disclosed in such a herd as a result of a brucellosis test at any time, cattle from such herd shall not be imported into the United States unless after such test the cattle offered for entry, and the herd, have been tested and such cattle are accompanied by a certificate in accordance with subparagraph (3) of this paragraph or the herd has reached full status as a brucellosis-free herd under Canadian regulations.

(2) Cattle of the beef breeds raised under range conditions in the western provinces of Canada, except as provided in subparagraph (4) of this paragraph, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be such range cattle of the beef breeds and that they have been tested for brucellosis with negative results within 30 days preceding their offer for entry.

(3) All other cattle from Canada, except as provided in subparagraph (4) of this paragraph, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing:

(i) That all cattle in the herd or herds from which the animals originate (except steers, other cattle under six months of age, and official vaccinates under 30 months of age), have been tested for brucellosis with negative results not more than three months preceding the offer for entry;

(ii) That the cattle offered for entry, except the natural increase, were included in the herd or herds of origin at the time of said herd tests; and

(iii) That the cattle offered for entry (except steers, and other cattle under six months of age and official vaccinates under 30 months of age at the time of their offer for entry), have been tested for brucellosis with negative results within 30 days preceding their offer for entry in addition to and at least 15 days after the herd test specified in subdivision (i) of this subparagraph.

(4) Bulls and female cattle under 30 months of age need not meet the requirements of subparagraph (1), (2), or (3) of this paragraph, provided they are accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that they were officially vaccinated against brucellosis as calves between the ages of four through eight months for dairy breeds or four months through the day they become eleven months for beef breeds and provided, except for cattle of the beef breeds raised under range conditions in the western provinces of Canada, such animals originate in a herd not known to contain any animals affected with brucellosis. The certificate accompanying such officially-vaccinated cattle shall comply with paragraph (d) of this section except that it shall show, in lieu of the date and place of testing, the date of vaccination and shall also show the age of the animal at the time of vaccination.

4. Section 92.22 is amended by changing paragraph (a) to read:

§ 92.22 *Swine from Canada*—(a) *For purposes other than immediate slaughter.* Swine offered for importation from Canada for purposes other than immediate slaughter shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that said swine have been inspected on the premises of origin immediately before the date of movement therefrom and found to be free of evidence of communicable disease and that, as far as it has been possible to determine, they were not exposed to any such disease during the preceding 60 days; in addition, the certificate shall show that no hog cholera or swine plague has existed on the premises of origin or on adjoining premises for such 60 days.

5. Section 92.25 is amended to read:

§ 92.25 *Special provisions*—(a) *In-bond shipments from Canada.* Cattle, sheep, goats, swine, horses, and poultry from Canada transported in bond through the United States for immediate export shall be inspected at the border port of entry and shall otherwise meet the requirements of this Part in the same manner as similar animals destined to points in the United States, except that the Director of Division may permit their inspection at some other point when he finds that such action may be taken without endangering the livestock or poultry of the United States.

(b) *Exhibition animals.* (1) Animals, including poultry, from the United States which have been exhibited at the Royal Agricultural Winter Fair at Toronto or other publicly recognized exposition in Canada and have not been in that country more than 30 days are eligible for return to the United States within 10 days from the close of such fair or exposition without Canadian health or test certificates, if they are accompanied by copies of the health certificates properly issued and endorsed in accordance with the export regulations in Part 91 of this chapter at the time of entry into Canada, and it is shown to the satisfaction of the veterinary inspector at the United States port of entry that they are the identical animals covered by said certificates, or, in the case of poultry, if they otherwise qualified for entry into Canada under the Canadian regulations, and in any case if they are found by the inspector to be free of communicable disease and exposure thereto.

(2) Ruminants, swine, horses, and poultry from the United States used for rodeo, circus, or stage exhibitions in Canada are eligible for return to the United States without Canadian health or test certificates, if they are accompanied by copies of the health certificates properly issued and endorsed within the preceding three months, in accordance with the export regulations in Part 91 of this chapter for entry into Canada, and if it is shown to the satisfaction of the veterinary inspector at the United States port of entry that they are the identical animals covered by said certificates, or, in the case of poultry, if they otherwise qualified for entry into Canada under the Canadian regulations, and, in any case, if they are found by the inspector to be free of communicable disease and exposure thereto.

The foregoing amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 6–8, 10, 26 Stat. 416, as amended, 417, sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 102–105, 111)

Done at Washington, D. C., this 8th day of September, 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-7415; Filed, Sept. 10, 1958; 8:56 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6312]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

LOSSES, EXPENSES, AND INTEREST WITH RESPECT TO TRANSACTIONS BETWEEN RELATED TAXPAYERS

On November 30, 1957, notice of proposed rule making regarding regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except as specifically provided otherwise, under section 267 of the Internal Revenue Code of 1954 and regarding an amendment to § 1.707–1 (b) (3) (26 CFR 1.707–1 (b) (3)) for such taxable years was published in the FEDERAL REGISTER (22 F. R. 9596). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so proposed are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. The third, fourth, and fifth sentences of paragraph (a) of § 1.267 (a)–1 are stricken.

PAR. 2. The second sentence of paragraph (b) (3) of § 1.267 (a)–1 is revised to read as follows: "The fair market value on the date of issue of such notes or other instruments of similar effect is includible in the gross income of the payee for the taxable year in which he receives the notes or other instruments.

PAR. 3. In the first sentence of paragraph (c) (3) of § 1.267 (d)–1 "section 1232 (2)" is stricken and "section 1223 (2)" is substituted in lieu thereof, and in the second sentence of that paragraph "section 1232 (1)" is stricken and "section 1223 (1)" is substituted in lieu thereof.

[SEAL] LEO SPEER,
Acting Commissioner of Internal Revenue.

Approved: September 8, 1958.

NELSON P. ROSE,
Acting Secretary of the Treasury.

PARAGRAPH 1. The following regulations are hereby prescribed under section 267 of the Internal Revenue Code of 1954.

Sec.
1.267 (a) Statutory provisions; losses, expenses, and interest with respect to transactions between related taxpayers; deductions disallowed.
1.267 (a)–1 Deductions disallowed.
1.267 (b) Statutory provisions; losses, expenses, and interest with respect to transactions between related taxpayers; relationships.
1.267 (b)–1 Relationships.
1.267 (c) Statutory provisions; losses, expenses, and interest with respect to transactions between related taxpayers; constructive ownership of stock.
1.267 (c)–1 Constructive ownership of stock.
1.267 (d) Statutory provisions; losses, expenses, and interest with respect to transactions between related taxpayers; amount of gain where loss previously disallowed.
1.267 (d)–1 Amount of gain where loss previously disallowed.
1.267 (d)–2 Effective date; taxable years subject to the Internal Revenue Code of 1939.

AUTHORITY: §§ 1.267 (a) to 1.267 (d)–2 issued under sec. 7805, 68A Stat. 917; 26 U.S.C. 7805.

§ 1.267 (a) *Statutory provisions; losses, expenses, and interest with respect to transactions between related taxpayers; deductions disallowed.*

SEC. 267. *Losses, expenses, and interest with respect to transactions between related taxpayers*—(a) *Deductions disallowed.* No deduction shall be allowed—

(1) *Losses.* In respect of losses from sales or exchanges of property (other than losses in cases of distributions in corporate liquidations), directly or indirectly, between persons specified within any one of the paragraphs of subsection (b).

(2) *Unpaid expenses and interest.* In respect of expenses, otherwise deductible under section 162 or 212, or of interest, otherwise deductible under section 163,—

(A) If within the period consisting of the taxable year of the taxpayer and 2½ months after the close thereof (i) such expenses or interest are not paid, and (ii) the amount thereof is not includible in the gross income of the person to whom the payment is to be made; and

(B) If, by reason of the method of accounting of the person to whom the payment is to be made, the amount thereof is not, unless paid, includible in the gross income of such person for the taxable year in which or with which the taxable year of the taxpayer ends; and

(C) If, at the close of the taxable year of the taxpayer or at any time within 2½ months thereafter, both the taxpayer and the person to whom the payment is to be made are persons specified within any one of the paragraphs of subsection (b).

§ 1.267 (a)–1 *Deductions disallowed*—(a) *Losses.* Except in cases of distributions in corporate liquidations, no deduction shall be allowed for losses arising from direct or indirect sales or exchanges of property between persons who, on the date of the sale or exchange, are within any one of the relationships specified in section 267 (b). See § 1.267 (b)–1.

(b) *Unpaid expenses and interest.* (1) No deduction shall be allowed a taxpayer for trade or business expenses otherwise deductible under section 162, for expenses for production of income otherwise deductible under section 212, or for interest otherwise deductible under section 163—

(i) If, at the close of the taxpayer's taxable year within which such items are accrued by the taxpayer or at any time within 2½ months thereafter, both the taxpayer and the payee are persons within any one of the relationships specified in section 267 (b) (see § 1.267 (b)–1); and

(ii) If the payee is on the cash receipts and disbursements method of accounting with respect to such items of gross income for his taxable year in which or with which the taxable year of accrual by the debtor-taxpayer ends; and

(iii) If, within the taxpayer's taxable year within which such items are accrued by the taxpayer and 2½ months after the close thereof, the amount of such items is not paid and the amount of such items is not otherwise (under the rules of constructive receipt) includible in the gross income of the payee.

(2) The provisions of section 267 (a) (2) and this paragraph do not otherwise affect the general rules governing the allowance of deductions under an accrual method of accounting. For example, if the accrued expenses or interest are paid after the deduction has become disallowed under section 267 (a) (2), no deduction would be allowable for the taxable year in which payment is made, since an accrual item is deductible only in the taxable year in which it is properly accruable.

(3) The expenses and interest specified in section 267 (a) (2) and this paragraph shall be considered as paid for purposes of that section to the extent of the fair market value on the date of issue of notes or other instruments of similar effect received in payment of such expenses or interest if such notes or other instruments were issued in such payment by the taxpayer within his taxable year or within 2½ months after the close thereof. The fair market value on the date of issue of such notes or other instruments of similar effect is includible in the gross income of the payee for the taxable year in which he receives the notes or other instruments.

(4) The provisions of this paragraph may be illustrated by the following example:

Example. A, an individual, is the holder and owner of an interest-bearing note of the M Corporation, all the stock of which was owned by him on December 31, 1956. A and the M Corporation make their income tax returns for a calendar year. The M Corporation uses an accrual method of accounting. A uses a combination of accounting methods permitted under section 446 (c) (4) in which he uses the cash receipts and disbursements method in respect of items of gross income. The M Corporation does not pay any interest on the note to A during the calendar year 1956 or within 2½ months after the close of that year, nor does it credit any interest to A's account in such a manner that it is subject to his unqualified demand and thus is constructively received by him. M Corporation claims a deduction for the year 1956 for the interest accruing on the note in that year. Since A is on the cash receipts and disbursements method in respect of items of gross income, the interest is not includible in his return for the year 1956. Under the provisions of section 267 (a) (2) and this paragraph, no deduction for such interest is allowable in computing the taxable income of the M Corporation for the taxable year 1956 or for any other taxable year. However, if the interest had actually been paid to A on or before March 15, 1957, or if it had been made available to A before that time (and thus had been constructively received by him), the M Corporation would be allowed to deduct the amount of the payment in computing its taxable income for 1956.

(c) *Scope of section.* Section 267 (a) requires that deductions for losses or unpaid expenses or interest described therein be disallowed even though the transaction in which such losses, expenses, or interest were incurred was a bona fide transaction. However, section 267 is not exclusive. No deduction for losses or unpaid expenses or interest arising in a transaction which is not bona fide will be allowed even though section 267 does not apply to the transaction.

§ 1.267 (b) *Statutory provisions; losses, expenses, and interest with respect to transactions between related taxpayers; relationships.*

SEC. 267. *Losses, expenses, and interest with respect to transactions between related taxpayers.* • • •

(b) *Relationships.* The persons referred to in subsection (a) are:

(1) Members of a family, as defined in subsection (c) (4);

(2) An individual and a corporation more than 50 percent in value of the outstanding stock of which is owned, directly or indirectly, by or for such individual;

(3) Two corporations more than 50 percent in value of the outstanding stock of each of which is owned, directly or indirectly, by or for the same individual, if either one of such corporations, with respect to the taxable year of the corporation preceding the date of the sale or exchange was, under the law applicable to such taxable year, a personal holding company or a foreign personal holding company;

(4) A grantor and a fiduciary of any trust;

(5) A fiduciary of a trust and a fiduciary of another trust, if the same person is a grantor of both trusts;

(6) A fiduciary of a trust and a beneficiary of such trust;

(7) A fiduciary of a trust and a beneficiary of another trust, if the same person is a grantor of both trusts;

(8) A fiduciary of a trust and a corporation more than 50 percent in value of the outstanding stock of which is owned, directly or indirectly, by or for the trust or by or for a person who is a grantor of the trust; or

(9) A person and an organization to which section 501 (relating to certain educational and charitable organizations which are exempt from tax) applies and which is controlled directly or indirectly by such person or (if such person is an individual) by members of the family of such individual.

§ 1.267 (b)–1 *Relationships*—(a) *In general.* (1) The persons referred to in section 267 (a) and § 1.267 (a)–1 are specified in section 267 (b).

(2) Under section 267 (b) (3), it is not necessary that either of the two corporations be a personal holding company or a foreign personal holding company for the taxable year in which the sale or exchange occurs or in which the expenses or interest are properly accruable, but either one of them must be such a company for the taxable year next preceding the taxable year in which the sale or exchange occurs or in which the expenses or interest are accrued.

(3) Under section 267 (b) (9), the control of certain educational and charitable organizations exempt from tax under section 501 includes any kind of control, direct or indirect, by means of which a person in fact controls such an organization, whether or not the control is legally enforceable and regardless of the method by which the control is exercised or exercisable. In the case of an individual, control possessed by the individual's family, as defined in section 267 (c) (4) and paragraph (a) (4) of § 1.267 (c)–1, shall be taken into account.

(b) *Partnerships.* (1) Since section 267 does not include members of a partnership and the partnership as related persons, transactions between partners and partnerships do not come within the scope of section 267. Such transactions are governed by section 707 for the purposes of which the partnership is considered to be an entity separate from the partners. See section 707 and § 1.707–1. Any transaction described in section 267 (a) between a partnership and a person other than a partner shall be considered as occurring between the other person and the members of the partnership separately. Therefore, if the other person and a partner are within any one of the relationships specified in section 267 (b), no deductions with respect to such transactions between the other person and the partnership shall be allowed—

(i) To the related partner to the extent of his distributive share of partnership deductions for losses or unpaid expenses or interest resulting from such transactions, and

(ii) To the other person to the extent the related partner acquires an interest in any property sold to or exchanged with the partnership by such other person at a loss, or to the extent of the related partner's distributive share of the unpaid expenses or interest payable to the partnership by the other person as a result of such transaction.

(2) The provisions of this paragraph may be illustrated by the following examples:

Example (1). A, an equal partner in the ABC partnership, personally owns all the stock of M Corporation. B and C are not related to A. The partnership and all the partners use an accrual method of accounting, and are on a calendar year. M Corporation uses the cash receipts and disbursements method of accounting and is also on a calendar year. During 1956 the partnership borrowed money from M Corporation and also sold property to M Corporation, sustaining a loss on the sale. On December 31, 1956, the partnership accrued its interest liability to the M Corporation and on April 1, 1957 (more than 2½ months after the close of its taxable year), it paid the M Corporation the amount of such accrued interest. Applying the rules of this paragraph, the transactions are considered as occurring between M Corporation and the partners separately. The sale and interest transactions considered as occurring between A and the M Corporation fall within the scope of section 267 (a) and (b), but the transactions considered as occurring between partners B and C and the M Corporation do not. The latter two partners may, therefore, deduct their distributive shares of partnership deductions for the loss and the accrued interest. However, no deduction shall be allowed to A for his distributive shares of these partnership deductions. Furthermore, A's adjusted basis for his partnership interest must be decreased by the amount of his distributive share of such deductions. See section 705 (a) (2).

Example (2). Assume the same facts as in example (1) of this subparagraph except that the partnership and all the partners use the cash receipts and disbursements method of accounting, and that M Corporation uses an accrual method. Assume further, that during 1956 M Corporation borrowed money from the partnership and that on a sale of property to the partnership during that year M Corporation sustained a loss. On December 31, 1956, the M Corporation accrued its interest liability on the borrowed money and on April 1, 1957 (more than 2½ months after the close of its taxable year) it paid the accrued interest to the partnership. The corporation's deduction for the accrued interest is not allowed to the extent of A's distributive share (one-third) of such interest income. M Corporation's deduction for the loss on the sale of the property to the partnership is not allowed to the extent of A's one-third interest in the purchased property.

§ 1.267 (c) *Statutory provisions; losses, expenses, and interest with respect to transactions between related taxpayers; constructive ownership of stock.*

SEC. 267. *Losses, expenses, and interest with respect to transactions between related taxpayers.* • • •

(c) *Constructive ownership of stock.* For purposes of determining, in applying subsection (b), the ownership of stock—

(1) Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries;

(2) An individual shall be considered as owning the stock owned, directly or indirectly, by or for his family;

(3) An individual owning (otherwise than by the application of paragraph (2)) any stock in a corporation shall be considered as owning the stock owned, directly or indirectly, by or for his partner;

(4) The family of an individual shall include only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants; and

(5) Stock constructively owned by a person by reason of the application of paragraph (1) shall, for the purpose of applying paragraph (1), (2), or (3), be treated as actually owned by such person, but stock constructively owned by an individual by reason of the application of paragraph (2) or (3) shall not be treated as owned by him for the purpose of again applying either of such paragraphs in order to make another the constructive owner of such stock.

§ 1.267 (c)–1 *Constructive ownership of stock*—(a) *In general.* (1) The determination of stock ownership for purposes of section 267 (b) shall be in accordance with the rules in section 267 (c).

(2) For an individual to be considered under section 267 (c) (2) as constructively owning the stock of a corporation which is owned, directly or indirectly, by or for members of his family it is not necessary that he own stock in the corporation either directly or indirectly. On the other hand, for an individual to be considered under section 267 (c) (3) as owning the stock of a corporation owned either actually, or constructively under section 267 (c) (1), by or for his partner, such individual must himself actually own, or constructively own under section 267 (c) (1), stock of such corporation.

(3) An individual's constructive ownership, under section 267 (c) (2) or (3), of stock owned directly or indirectly by or for a member of his family, or by or for his partner, is not to be considered as actual ownership of such stock, and the individual's constructive ownership of the stock is not to be attributed to another member of his family or to another partner. However, an individual's constructive ownership, under section 267 (c) (1), of stock owned directly or indirectly by or for a corporation, partnership, estate, or trust shall be considered as actual ownership of the stock, and the individual's ownership may be attributed to a member of his family or to his partner.

(4) The family of an individual shall include only his brothers and sisters, spouse, ancestors, and lineal descendants. In determining whether any of these relationships exist, full effect shall be given to a legal adoption. The term "ancestors" includes parents and grandparents, and the term "lineal descendants" includes children and grandchildren.

(b) *Examples.* The application of section 267 (c) may be illustrated by the following examples:

Example (1). On July 1, 1957, A owned 75 percent, and AW, his wife, owned 25 percent, of the outstanding stock of the M Corporation. The M Corporation in turn owned 80 percent of the outstanding stock of the O Corporation. Under section 267 (c) (1), A and AW are each considered as owning an amount of the O Corporation stock actually owned by M Corporation in proportion to their respective ownership of M Corporation stock. Therefore, A constructively owns 60 percent (75 percent of 80 percent) of the O Corporation stock and AW constructively owns 20 percent (25 percent of 80 percent) of such stock. Under the family ownership rule of section 267 (c) (2), an individual is considered as constructively owning the stock actually owned by his spouse. A and AW, therefore, are each considered as constructively owning the M Corporation stock actually owned by the other. For the purpose of applying this family ownership rule, A's and AW's constructive ownership of O Corporation stock is considered as actual ownership under section 267 (c) (5). Thus, A constructively owns the 20 percent of the O Corporation stock constructively owned by AW, and AW constructively owns the 60 percent of the O Corporation stock constructively owned by A. In addition, the family ownership rule may be applied to make AWF, AW's father, the constructive owner of the 25 percent of the M Corporation stock ac-

tually owned by AW. As noted above, AW's constructive ownership of 20 percent of the O Corporation stock is considered as actual ownership for purposes of applying the family ownership rule, and AWF is thereby considered the constructive owner of this stock also. However, AW's constructive ownership of the stock constructively and actually owned by A may not be considered as actual ownership for the purpose of again applying the family ownership rule to make AWF the constructive owner of these shares. The ownership of the stock in the M and O Corporations may be tabulated as follows:

Person	Stock ownership in M Corporation		Total under Section 267	Stock ownership in O Corporation		Total under Section 267
	Actual	Constructive		Actual	Constructive	
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
A	75	25	100	None	60	80
					20	
AW (A's wife)	25	75	100	None	20	80
					60	
AWF (AW's father)	None	25	25	None	20	20
M Corporation				80	None	80
O Corporation	None	None	None			

Assuming that the M Corporation and the O Corporation make their income tax returns for calendar years, and that there was no distribution in liquidation of the M or O Corporation, and further assuming that either corporation was a personal holding company under section 542 for the calendar year 1956, no deduction is allowable with respect to losses from sales or exchanges of property made on July 1, 1957, between the two corporations. Moreover, whether or not either corporation was a personal holding company, no loss would be allowable on a sale or exchange between A or AW and either corporation. A deduction would be allowed, however, for a loss sustained in an arm's length sale or exchange between A and AWF, and between AWF and the M or O Corporation.

Example (2). On June 15, 1957, all of the stock of the N Corporation was owned in equal proportions by A and his partner, AP. Except in the case of distributions in liquidation by the N Corporation, no deduction is allowable with respect to losses from sales or exchanges of property made on June 15, 1957, between A and the N Corporation or AP and the N Corporation since each partner is considered as owning the stock owned by the other; therefore, each is considered as owning more than 50 percent in value of the outstanding stock of the N Corporation.

Example (3). On June 7, 1957, A owned no stock in X Corporation, but his wife, AW, owned 20 percent in value of the outstanding stock of X, and A's partner, AP, owned 60 percent in value of the outstanding stock of X. The partnership firm of A and AP owned no stock in X Corporation. The ownership of AW's stock is attributed to A, but not that of AP since A does not own any X Corporation stock either actually, or constructively under section 267 (c) (1). A's constructive ownership of AW's stock is not the ownership required for the attribution of AP's stock. Therefore, deductions for losses from sales or exchanges of property made on June 7, 1957, between X Corporation and A or AW are allowable since neither person owned more than 50 percent in value of the outstanding stock of X, but deductions for losses from sales or exchanges between X Corporation and AP would not be allowable by section 267 (a) (except for distributions in liquidation of X Corporation).

§ 1.267 (d) *Statutory provisions; losses, expenses, and interest with respect to transactions between related taxpayers; amount of gain where loss previously disallowed.*

SEC. 267. *Losses, expenses, and interest with respect to transactions between related taxpayers.* • • •

(d) *Amount of gain where loss previously disallowed.* If—

(1) In the case of a sale or exchange of property to the taxpayer a loss sustained by the transferor is not allowable to the transferor as a deduction by reason of subsection (a) (1) (or by reason of section 24 (b) of the Internal Revenue Code of 1939); and

(2) After December 31, 1953, the taxpayer sells or otherwise disposes of such property (or of other property the basis of which in his hands is determined directly or indirectly by reference to such property) at a gain,

then such gain shall be recognized only to the extent that it exceeds so much of such loss as is properly allocable to the property sold or otherwise disposed of by the taxpayer. This subsection applies with respect to taxable years ending after December 31, 1953. This subsection shall not apply if the loss sustained by the transferor is not allowable to the transferor as a deduction by reason of section 1091 (relating to wash sales) or by reason of section 118 of the Internal Revenue Code of 1939.

§ 1.267 (d)–1 *Amount of gain where loss previously disallowed*—(a) *General rule.* (1) If a taxpayer acquires property by purchase or exchange from a transferor who, on the transaction, sustained a loss not allowable as a deduction by reason of section 267 (a) (1) (or by reason of section 24 (b) of the Internal Revenue Code of 1939), then any gain realized by the taxpayer on a sale or other disposition of the property after December 31, 1953, shall be recognized only to the extent that the gain exceeds the amount of such loss as is properly allocable to the property sold or otherwise disposed of by the taxpayer.

(2) The general rule is also applicable to a sale or other disposition of property by a taxpayer when the basis of such property in the taxpayer's hands is determined directly or indirectly by reference to other property acquired by the taxpayer from a transferor through a sale or exchange in which a loss sustained by the transferor was not allowable. Therefore, section 267 (d) applies to a sale or other disposition of property after a series of transactions if the basis of the property acquired in each transaction is determined by reference to the basis of the property transferred, and if the original property was acquired in a transaction in which a loss to a transferor was not allowable by reason of section 267 (a) (1) (or by reason of section 24 (b) of the Internal Revenue Code of 1939).

(3) The benefit of the general rule is available only to the original transferee but does not apply to any original transferee (e. g., a donee) who acquired the property in any manner other than by purchase or exchange.

(4) The application of the provisions of this paragraph may be illustrated by the following examples:

Example (1). H sells to his wife, W, for $500, certain corporate stock with an adjusted basis for determining loss to him of $800. The loss of $300 is not allowable to H by reason of section 267 (a) (1) and paragraph (a) of § 1.267 (a)–1. W later sells this stock for $1,000. Although W's realized gain is $500 ($1,000 minus $500, her basis), her recognized gain under section 267 (d) is only $200, the excess of the realized gain of $500 over the loss of $300 not allowable to H. In determining capital gain or loss, W's holding period commences on the date of the sale from H to W.

Example (2). Assume the same facts as in example (1) except that W later sells the stock for $300 instead of $1,000. Her recognized loss is $200 and not $500 since section 267 (d) applies only to the nonrecognition of gain and does not affect basis.

Example (3). Assume the same facts as in example (1) except that W transfers her stock as a gift to X. The basis of the stock in the hands of X for the purpose of determining gain, under the provisions of section 1015, is the same as W's, or $500. If X later sells the stock for $1,000 the entire $500 gain is taxed to him.

Example (4). H sells to his wife, W, for $5,500, farmland, with an adjusted basis for determining loss to him of $8,000. The loss of $2,500 is not allowable to H by reason of section 267 (a) (1) and paragraph (a) of § 1.267 (a)–1. W exchanges the farmland, held for investment purposes, with S, an unrelated individual, for two city lots, also held for investment purposes. The basis of the city lots in the hands of W ($5,500) is a substituted basis determined under section 1031 (d) by reference to the basis of the farmland. Later W sells the city lots for $10,000. Although W's realized gain is $4,500 (10,000 minus $5,500), her recognized gain under section 267 (d) is only $2,000, the excess of the realized gain of $4,500 over the loss of $2,500 not allowable to H.

(b) *Determination of basis and gain with respect to divisible property*—(1) *Taxpayer's basis.* When the taxpayer acquires divisible property or property that consists of several items or classes of items by a purchase or exchange on which loss is not allowable to the transferor, the basis in the taxpayer's hands of a particular part, item, or class of such property shall be determined (if the taxpayer's basis for that part is not known) by allocating to the particular part, item, or class a portion of the taxpayer's basis for the entire property in the proportion that the fair market value of the particular part, item, or class bears to the fair market value of the entire property at the time of the taxpayer's acquisition of the property.

(2) *Taxpayer's recognized gain.* Gain realized by the taxpayer on sales or other dispositions after December 31, 1953, of a part, item, or class of the property shall be recognized only to the extent that such gain exceeds the amount of loss attributable to such part, item, or class of property not allowable to the taxpayer's transferor on the latter's sale or exchange of such property to the taxpayer.

(3) *Transferor's loss not allowable.* (i) The transferor's loss on the sale or exchange of a part, item, or class of the property to the taxpayer shall be the excess of the transferor's adjusted basis for determining loss on the part, item, or class of the property over the amount realized by the transferor on the sale or exchange of the part, item, or class. The amount realized by the transferor on the part, item, or class shall be determined (if such amount is not known) in the same manner that the taxpayer's basis for such part, item, or class is determined. See subparagraph (1) of this paragraph.

(ii) If the transferor's basis for determining loss on the part, item, or class cannot be determined, the transferor's loss on the particular part, item, or class transferred to the taxpayer shall be determined by allocating to the part, item, or class a portion of his loss on the entire property in the proportion that the fair market value of such part, item, or class bears to the fair market value of the entire property on the date of the taxpayer's acquisition of the entire property.

(4) *Examples.* The application of the provisions of this paragraph may be illustrated by the following examples:

Example (1). During 1953, H sold class A stock which had cost him $1,100, and common stock which had cost him $2,000, to his wife W for a lump sum of $1,500. Under section 24 (b) (1) (A) of the 1939 Code, the loss of $1,600 on the transaction was not allowable to H. At the time the stocks were purchased by W, the fair market value of class A stock was $900 and the fair market value of common stock was $600. In 1954, W sold the class A stock for $2,500. W's recognized gain is determined as follows:

Amount realized by W on sale of class A stock	$2,500
Less: Basis allocated to class A stock—$900/$1,500 x $1,500	900
Realized gain on transaction	1,600
Less: Loss sustained by H on sale of class A stock to W not allowable as a deduction:	
Basis to H of class A stock	$1,100
Amount realized by H on class A stock—$900/$1,500 x $1,500	900
Unallowable loss to H on sale of class A stock	200
Recognized gain on sale of class A stock by W	1,400

Example (2). Assume the same facts as those stated in example (1) of this subparagraph except that H originally purchased both classes of stock for a lump sum of $3,100. The unallowable loss to H on the sale of all the stock to W is $1,600 ($3,100 minus $1,500). An exact determination of the unallowable loss sustained by H on sale to W of class A stock cannot be made because H's basis for class A stock cannot be determined. Therefore, a determination of the unallowable loss is made by allocating to class A stock a portion of H's loss on the entire property transferred to W in the proportion that the fair market value of class A stock at the time acquired by W ($900) bears to the fair market value of both classes of stock at that time ($1,500). The allocated portion is $900/$1,500 x $1,600, or $960. W's recognized gain is, therefore, $640 (W's realized gain of $1,600 minus $960).

(c) *Special rules.* (1) Section 267 (d) does not affect the basis of property for determining gain. Depreciation and other items which depend on such basis are also not affected.

(2) The provisions of section 267 (d) shall not apply if the loss sustained by the transferor is not allowable to the transferor as a deduction by reason of section 1091, or section 118 of the Internal Revenue Code of 1939, which relate to losses from wash sales of stock or securities.

(3) In determining the holding period in the hands of the transferee of property received in an exchange with a transferor with respect to whom a loss on the exchange is not allowable by reason of section 267, section 1223 (2) does not apply to include the period during which the property was held by the transferor. In determining such holding period, however, section 1223 (1) may apply to include the period during which the transferee held the property which he exchanged where, for example, he exchanged a capital asset in a transaction which, as to him, was nontaxable under section 1031 and the property received in the exchange has the same basis as the property exchanged.

§ 1.267 (d)–2 *Effective date; taxable years subject to the Internal Revenue Code of 1939.* Pursuant to section 7851 (a) (1) (C), the regulations prescribed in § 1.267 (d)–1, to the extent that they relate to determination of gain resulting from the sale or other disposition of property after December 31, 1953, with respect to which property a loss was not allowable to the transferor by reason of section 267 (a) (1) (or by reason of section 24 (b) of the Internal Revenue Code of 1939), shall also apply to taxable years beginning before January 1, 1954, and ending after December 31, 1953, and taxable years beginning after December 31, 1953, and ending before August 17, 1954, which years are subject to the Internal Revenue Code of 1939.

PAR. 2. Paragraph (b) (3) of § 1.707–1 as prescribed by Treasury Decision 6175 (21 F. R. 3500), approved May 23, 1956, is amended to read as follows:

§ 1.707–1 *Transactions between partner and partnership.* • • •

(b) *Certain sales or exchanges of property with respect to controlled partnerships.* • • •

(3) *Ownership of a capital or profits interest.* In determining the extent of the ownership by a partner, as defined in section 761 (b), of his capital interest or profits interest in a partnership, the rules for constructive ownership of stock provided in section 267 (c) (1), (2), (4), and (5) shall be applied for the purpose of section 707 (b) and this paragraph. Under these rules, ownership of a capital or profits interest in a partnership may be attributed to a person who is not a partner as defined in section 761 (b) in order that another partner may be considered the constructive owner of such interest under section 267 (c). However, section 707 (b) (1) (A) does not apply to a constructive owner of a partnership interest since he is not a partner as defined in section 761 (b). For example, where trust T is a partner in the partnership ABT, and AW, A's wife, is the sole beneficiary of the trust, the ownership of a capital and profits interest in the partnership by T will be attributed to AW only for the purpose of further attributing the ownership of such interest to A. See section 267 (c) (1) and (5). If A, B, and T are equal partners, then A will be considered as owning more than 50 percent of the capital and profits interest in the partnership, and losses on transactions between him and the partnership will be disallowed by section 707 (b) (1) (A). However, a loss sustained by AW on a sale or exchange of property with the partnership would not be disallowed by section 707, but will be disallowed to the extent provided in paragraph (b) of § 1.267 (b)–1. See section 267 (a) and (b), and the regulations thereunder.

[F. R. Doc. 58–7403; Filed, Sept. 10, 1958; 8:54 a. m.]

[T. D. 6310]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

CREDIT TO DOMESTIC CORPORATE SHAREHOLDER FOR FOREIGN TAXES PAID BY FOREIGN CORPORATIONS

On December 4, 1957, notice of proposed rule making regarding regulations for taxable years beginning after December 31, 1957, under section 902 of the Internal Revenue Code of 1954 (relating to credit to a domestic corporate shareholder for foreign taxes paid by foreign corporations) was published in the FEDERAL REGISTER (22 F. R. 9693). That notice, the appendix to which set forth a proposed amendment of the income tax regulations (26 CFR Part 1) by the addition of a new paragraph (d) at the end of § 1.902–1, is hereby withdrawn. The income tax regulations (26 CFR Part 1) are amended by adding at the end of § 1.902–1 the following new paragraph effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

(d) *Illustration of principles.* The application of the principles of this section in the determination of the amount of the foreign tax available as a basis for a credit to the domestic corporation may be illustrated by the following example involving Corporation A, a domestic corporation which owns 40 percent of the voting stock of Corporation B, a foreign corporation which in turn owns 80 percent of the voting stock of Corporation C, another foreign corporation. It is assumed that all transactions have taken place within, and are related to, the same taxable year.

(1) *Application of section 902 (b) to determine tax deemed to be paid by Corporation B.*

(i) Gains, profits, and income of Corporation C	$125,000
(ii) Foreign tax paid by Corporation C with respect to such gains, profits, and income	25,000
(iii) Accumulated profits of Corporation C: $125,000 less $25,000	100,000
(iv) Dividends paid by Corporation C to Corporation B	50,000
(v) Corporation C foreign tax with respect to the accumulated profits of Corporation C from which the dividends were paid to Corporation B: $25,000 × 100,000/125,000	20,000

(vi) Corporation C foreign tax with respect to the accumulated profits distributed which is deemed to be paid by Corporation B:

$20,000 × 50,000/100,000 ---------- $10,000

(2) *Application of section 902 (a) to determine tax deemed to be paid by Corporation A.*

(i) Gains, profits, and income of Corporation B:

Business profits	$50,000	
Dividends from Corporation C (as per subparagraph (1) of this paragraph)	50,000	
		$100,000
(ii) Foreign tax actually paid by Corporation B with respect to such gains, profits, and income		20,000
(iii) Accumulated profits of Corporation B:		
$100,000 income less $20,000 taxes paid		80,000
(iv) Dividends paid by Corporation B to Corporation A		15,000
(v) Corporation B foreign tax paid with respect to the accumulated profits of Corporation B from which the dividends were paid to Corporation A:		
$20,000 × 80,000/100,000		16,000
(vi) Corporation B foreign tax paid, and deemed to be paid, with respect to the accumulated profits of Corporation B from which the dividends were paid to Corporation A: $16,000 plus $10,000		26,000
(vii) Corporation B foreign tax with respect to the accumulated profits distributed which is deemed to be paid by Corporation A: 15,000/80,000 × $26,000		4,875

Because this Treasury decision merely adopts the rule contained in § 39.131 (f)–1 (c) of Regulations 118 and continued in effect by Treasury Decision 6091, approved August 16, 1954 (19 F. R. 5167), it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that Act.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] LEO SPEER,
Acting Commissioner of Internal Revenue.

Approved: September 8, 1958.

NELSON P. ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 58-7396; Filed, Sept. 10, 1958; 8:53 a. m.]

[T. D. 6311]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

BASIS OF PROPERTY

On January 3, 1957, a notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under parts I and II (except sections 1017, 1020, and 1021) of subchapter O of chapter 1 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (22 F. R. 35). On November 7, 1957, with certain modifications, the regulations, as so proposed, except for those in paragraph (c) of § 1.1012–1 relating to identification of stock sold, were adopted and published in the FEDERAL REGISTER as Treasury Decision 6265 (22 F. R. 8935). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed in paragraph (c) of § 1.1012–1, the following regulations are hereby prescribed:

§ 1.1012–1 *Basis of property.* • • •

(c) *Sale of stock*—(1) *In general.* If shares of stock in a corporation are sold or transferred by a taxpayer who purchased or acquired lots of stock on different dates or at different prices, and the lot from which the stock was sold or transferred cannot be adequately identified, the stock sold or transferred shall be charged against the earliest of such lots purchased or acquired in order to determine the cost or other basis of such stock and in order to determine the holding period of such stock for purposes of subchapter P of chapter 1 of the Internal Revenue Code of 1954. If, on the other hand, the lot from which the stock is sold or transferred can be adequately identified, the rule stated in the preceding sentence is not applicable. As to what constitutes "adequate identification", see subparagraphs (2), (3), and (4) of this paragraph.

(2) *Identification of stock.* An adequate identification is made if it is shown that certificates representing shares of stock from a lot which was purchased or acquired on a certain date or for a certain price were delivered to the taxpayer's transferee. Except as otherwise provided in subparagraph (3) or (4) of this paragraph, such stock certificates delivered to the transferee constitute the stock sold or transferred by the taxpayer. Thus, unless the requirements of subparagraph (3) or (4) of this paragraph are met, the stock sold or transferred is charged to the lot to which the certificates delivered to the transferee belong, whether or not the taxpayer intends, or instructs his broker or other agent, to sell or transfer stock from a lot purchased or acquired on a different date or for a different price.

(3) *Identification on confirmation document.* (i) Where the stock is left in the custody of a broker or other agent, an adequate identification is made if—

(a) At the time of the sale or transfer, the taxpayer specifies to such broker or other agent having custody of the stock the particular stock to be sold or transferred, and

(b) Within a reasonable time thereafter, confirmation of such specification is set forth in a written document from such broker or other agent.

Stock identified pursuant to this subdivision is the stock sold or transferred by the taxpayer, even though stock certificates from a different lot are delivered to the taxpayer's transferee.

(ii) Where a single stock certificate represents stock from different lots, where such certificate is held by the taxpayer rather than his broker or other agent, and where the taxpayer sells a part of the stock represented by such certificate through a broker or other agent, an adequate identification is made if—

(a) At the time of the delivery of the certificate to the broker or other agent, the taxpayer specifies to such broker or other agent the particular stock to be sold or transferred, and

(b) Within a reasonable time thereafter, confirmation of such specification is set forth in a written document from such broker or agent.

Where part of the stock represented by a single certificate is sold or transferred directly by the taxpayer to the purchaser or transferee instead of through a broker or other agent, an adequate identification is made if the taxpayer maintains a written record of the particular stock which he intended to sell or transfer.

(4) *Stock held by a trustee, executor, or administrator.* Where stock is held by a trustee or by an executor or administrator of an estate (and not left in the custody of a broker or other agent), an adequate identification is made if at the time of a sale, transfer, or distribution, the trustee, executor, or administrator—

(i) Specifies in writing in the books and records of the trust or estate the particular stock to be sold, transferred, or distributed, and

(ii) In the case of a distribution, also furnishes the distributee with a written document setting forth the particular stock distributed to him.

Stock identified pursuant to this subparagraph is the stock sold, transferred, or distributed by the trust or estate, even though stock certificates from a different lot are delivered to the purchaser, transferee, or distributee.

(5) *Subsequent sales.* If stock identified under subparagraph (3) or (4) of this paragraph as belonging to a particular lot is sold, transferred, or distributed, the stock so identified shall be deemed to have been sold, transferred, or distributed, and such sale, transfer, or distribution will be taken into consideration in identifying the taxpayer's remaining stock for purposes of subsequent sales, transfers, or distributions.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] LEO SPEER,
Acting Commissioner of Internal Revenue.

Approved: September 8, 1958.

NELSON P. ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 58-7399; Filed, Sept. 10, 1958; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

MEDICAL ATTENDANCE

Sections 577.1 and 577.2 are revised to read as follows:

§ 577.1 *Definitions.* For the purpose of the regulations in §§ 577.2 and 577.3 the following definitions apply:

(a) *Medical care.* The term embraces the medical examination and/or treatment of individuals by medical personnel of the Army, Navy, Air Force, other Federal agencies outside of the Department of Defense, and civilian facilities, or by civilian doctors who are legally qualified without limitation to practice medicine and surgery in the area concerned, and medical facilities of the Canal Zone Government. Such care may include the furnishing of hospitalization, nursing and ambulance service, physical examinations, immunizations, prophylactic treatments, medicines, biologicals, and other similar medical services. Prostheses, hearing aids, spectacles, orthopedic footwear, and similar adjuncts to medical care may be furnished only where such adjuncts are authorized.

(b) *Army.* The Army consists of:

(1) The Regular Army.

(2) The Army National Guard of the United States.

(3) The Army National Guard while in the service of the United States.

(4) The Army National Guard while performing duty or training under sections 316 and 502–505 of title 32, United States Code.

(5) The Army Reserve.

(6) All persons appointed or enlisted in or conscripted into the Army without component.

(c) *Active duty.* Active duty is defined as full-time duty in the active military service of the United States, including:

(1) Service on the active list.

(2) Full-time training duty.

(3) Annual training duty.

(4) Attendance (while in active military service) at a school designated by law or by the Secretary as a service school; and

(5) Full-time training or other full-time duty performed by a member of the Army National Guard under sections 316 and 502–505 of title 32, United States Code, for which the member is entitled to pay from the United States or which he has been authorized to perform without pay.

(d) *Inactive duty training.* Inactive duty training is defined as duty prescribed for Reserve components under section 301 of title 37, United States Code, or any other provision of law, and special additional duties authorized by the Secretary and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned. It includes training of a member of the Army National Guard in accordance with regulations prescribed under section 502 of title 32, United States Code, for which the member is entitled to pay from the United States or which he has been authorized to perform without pay.

§ 577.2 *For whom authorized and manner provided*—(a) *Persons entitled to medical care.* The following are entitled to and will be provided medical care at the expense of Army Medical Service funds:

(1) Members of the Army.

(2) Cadets of the United States Military Academy.

(3) Members of the Reserve Officers' Training Corps of the Army during their attendance at training camps including physical examinations required and immunizations required.

(4) Applicants for enlistment or reenlistment in the Army and registrants under the Universal Military Training and Service Act limited to necessary physical and mental examinations, except as provided in subparagraphs (5) and (6) of this paragraph.

(5) Individuals listed in subparagraph (4) of this paragraph whose physical fitness for military service cannot be determined without hospital study.

(6) Individuals listed in subparagraph (4) of this paragraph except registrants under the Universal Military Training and Service Act, who suffer acute illnesses and injuries while awaiting or undergoing processing at recruiting main stations or at Armed Forces Induction and Examining Stations (limited to emergency medical care, including hospitalization).

(7) Prisoners awaiting trial by courts-martial or serving sentences as a result thereof.

(8) Prisoners of war, persons interned by the Army, and other persons in military custody or confinement.

(9) Civilian seamen in the service of vessels operated by the Department of the Army.

(10) Civilian employees of the Army will be afforded "on-the-job" medical and surgical service through the Occupational Health Service of the Army.

(11) The lawful wife or the dependent lawful husband (spouses) and children who are dependents of members of the uniformed services. For definition of the terms "uniformed services" and "member of a uniformed service" and for restrictions, see §§ 577.60 to 577.70.

(12) Retired Army members placed on the Temporary Disability Retired List who require periodic physical examinations.

(b) *Priority of medical treatment facilities.* (1) Medical care for personnel enumerated in paragraph (a) (1) to (10) of this section will be through the following means in order of the priority of the listings:

(i) Medical treatment facilities.

(ii) Medical treatment facilities of the Navy or Air Force where Army medical treatment facilities are not readily available or accessible.

(iii) Medical treatment facilities of Federal agencies outside the Department of Defense where facilities in paragraph (a) of this section and this paragraph are not readily available or accessible.

(iv) Civilian medical treatment facilities including civilian physicians where facilities listed in subdivisions (i), (ii) and (iii) of this subparagraph are not available.

(2) Medical care for persons enumerated in paragraph (a) (11) of this section will be provided through the following means:

(i) Medical treatment facilities of the uniformed services subject to the availability of space and facilities and the capabilities of the professional staff.

(ii) Civilian medical treatment facilities including civilian physicians and surgeons subject to the terms and conditions prescribed in §§ 577.60 to 577.70.

(3) Medical care for persons enumerated in paragraph (a) (12) of this section will be provided through the following means:

(i) Army medical treatment facilities.

(ii) Medical treatment facilities of the Navy or Air Force subject to the availability of space and facilities and the capabilities of the professional staff.

(iii) Medical treatment facilities of the Veterans' Administration upon request of the Department of the Army.

(c) *Additional persons who may be afforded medical care.* (1) Persons, in addition to those enumerated in paragraph (a) of this section, may be afforded medical care at Army medical treatment facilities as prescribed in pertinent Army regulations.

(2) Persons, in addition to those enumerated in paragraph (a) of this section, may be afforded medical care in uniformed services medical treatment facilities under terms and conditions as prescribed in §§ 577.60 to 577.70.

[AR 40–101, July 30, 1958] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-7359; Filed, Sept. 10, 1958; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1728]

[Utah 011437]

UTAH

WITHDRAWING LANDS FOR USE OF FOREST SERVICE, DEPARTMENT OF AGRICULTURE AS THE DESERT EXPERIMENTAL RANGE; REVOKING EXECUTIVE ORDER NO. 6012 OF FEBRUARY 1, 1933

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights the following-described public lands in Utah are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as an experimental range in furtherance of the act of May 22, 1928 (44 Stat. 699; 16 U. S. C. 1946 ed., Sup. V, secs. 581, 581a–581k) as amended:

SALT LAKE MERIDIAN

T. 24 S., R. 17 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 36, inclusive.
T. 24 S., R. 18 W.,
Secs. 25 and 36.
T. 25 S., R. 17 W.

T. 25 S., R. 18 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 22 to 28, inclusive;
Secs. 33 to 36, inclusive.

The areas described aggregate 55,680 acres.

2. Executive Order No. 6012 of February 1, 1933, which withdrew the lands described in paragraph 1 of this order for use of the Department of Agriculture as an agricultural range experiment station, is hereby revoked.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 5, 1958.

[F. R. Doc. 58-7362; Filed, Sept. 10, 1958; 8:46 a. m.]

[Public Land Order 1729]

[Fairbanks 018557]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF THE BUREAU OF LAND MANAGEMENT AS AN ADMINISTRATIVE SITE (FORT YUKON AREA)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor disposals under the act of July 31, 1947 (61 Stat. 681, 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Bureau of Land Management as an administrative site:

FORT YUKON AREA

Beginning at a point on line 8–9 of U. S. Survey No. 3191, which bears N. 60°11' E., 1,650 feet from Corner No. 9 of U. S. Survey No. 3191; thence by metes and bounds,
S. 29°49' E., 264 feet;
N. 60°11' E., 825 feet;
N. 29°49' W., 264 feet to a point on line 8–9 of U. S. Survey No. 3191;
S. 60°11' W., 825 feet to the point of beginning.

The tract described contains approximately 5 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 5, 1958.

[F. R. Doc. 58-7363; Filed, Sept. 10, 1958; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 6584, 6585; FCC 58-815]

[Rules Amdt. 3-123]

PART 3—RADIO BROADCAST SERVICES

STANDARD BROADCAST STATIONS

In re applications of Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico; Docket No. 6584, File No. BMP-1738; for modification of construction permit. Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico; Docket No. 6585, File No. BL-1799, BZ-1583; for license to cover construction permit as modified and authority to determine operating power by direct measurement.

The amendment of § 3.25 of Part 3, the subject matter of which is reflected also in § 3.182 of the Commission's rules was (No. 75279), released May 9, 1944, and published in the FEDERAL REGISTER May 16, 1944 (9 F. R. 5178). Pursuant to the hearing, the Commission has on this date adopted its decision (FCC 58-814) concluding that the public interest would be served through the amendment of §§ 3.25 and 3.182 to permit the assignment of an additional Class I station on the frequency 770 kilocycles. Authority for the amendments is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) and (d) of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That §§ 3.25 and 3.182 are amended, effective October 17, 1958, as follows:

1. Section 3.25 is amended by adding a new paragraph (e) and modifying paragraph (a) to make reference thereto, as follows:

(a) To each of the channels below, except as provided in paragraph (e) of this section, there will be assigned one Class I station and there may be assigned one or more Class II stations within the continental limits of the United States operating limited time or daytime only: 640, 650, 660, 670, 700, 720, 750, 760, 770, 780, 820, 830, 840, 870, 880, 890, 1020, 1040, 1100, 1120, 1160, 1180, 1200, and 1210 kc. There also may be assigned to these frequencies Class II stations operating unlimited time in Alaska, Hawaii, Virgin Islands and Puerto Rico which will not deliver over 5 microvolts per meter groundwave day or night or 25 microvolts per meter 10 percent time skywave at night at any point within the continental limits of the United States. The power of the Class I stations on these channels shall not be less than 50 kw.

* * * * *

(e) On the frequency 770 kilocycles, two Class I stations may be assigned.

2. Section 3.182 is amended by modifying paragraph (a) (1) (i) to make a reference to amended § 3.25 as follows:

(i) The Class I stations in Group I–A are those assigned to the channels allocated by § 3.25 (a), on which except to the extent therein provided, duplicate nighttime operation is not permitted, that is, no other station is permitted to operate on a channel with a Class I station of this group within the limits of the United States (the Class II stations assigned the channels operate limited time or daytime only), and during daytime the Class station is protected to the 100 uv/m groundwave contour. Protection is given this class of station to the 500 uv/m groundwave contour from adjacent channel stations for both day and nighttime operations. The power of each such Class I station shall not be less than 50 kw.

3. Section 3.182 is further amended by adding to the Table in paragraph (r) the following note:

NOTE: See, however, § 3.25 with reference to the frequency 770 kilocycles.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: September 3, 1958.

Released: September 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7404; Filed, Sept. 10, 1958; 8:54 a. m.]

[Docket No. 12538; FCC 58-844]

[Rules Amdt. 3-124]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS (PITTSBURGH, PENNSYLVANIA)

1. The Commission has before it for consideration the proposal set out in its notice of proposed rule making (FCC 58-684) released on July 18, 1958, and published in the FEDERAL REGISTER on July 23, 1958 (23 F. R. 5582) in response to a petition filed by Metropolitan Pittsburgh Educational Station, licensee of educational television Station WQED, Pittsburgh, Pennsylvania. The proposal was to change the educational reservation from Channel 22 to Channel 16 in Pittsburgh, Pennsylvania.[1] In the same notice the Commission ordered Telecasting, Inc., to show cause why its outstanding authorization for station WENS in Pittsburgh should not be modified to specify Channel 22 in lieu of Channel 16 at Pittsburgh.

2. No comments were filed in opposition to the proposed change. In response to the order to show cause, Telecasting, Inc., stated that its consents to the proposed shift in its frequency assignment but requested that the change in reservation from Channel 22 to Channel 16 and the modification of its authorization from Channel 16 to Channel 22 be made contingent one upon the other and to take effect on the 31st day following public notification thereof.

4. The Commission is of the view that adoption of the proposed change in educational reservation would serve the public interest and should be adopted. In view of the fact that Channel 16 was in operation for a period of three years and a large number of receivers are presently equipped for reception of that channel, the change made herein will provide an existing potential audience for the educational station and will thereby encourage the early inauguration of this additional educational service in Pittsburgh. The action taken herein makes it necessary to modify the outstanding construction permit held by Telecasting, Inc. for WENS, to specify Channel 22 in lieu of Channel 16.

5. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f), (r) and 307 (b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered,* That effective October 10, 1958, the Table of Assignments contained in § 2.606 of the Commission's rules and regulations is amended, insofar as the community named below is concerned, as follows:

City	Channel No.
Pittsburgh, Pa.	2—, 4+, 11, *13—, *16, 22, 53+, 73—[2]

7. *It is further ordered,* That effective October 10, 1958, pursuant to sections 303 (f) and 316 of the Communications Act of 1934, as amended, the construction permit for WENS, Channel 16, Pittsburgh, Pennsylvania, is modified, to specify Channel 22 in lieu of Channel 16.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: September 4, 1958.

Released: September 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7405; Filed, Sept. 10, 1958; 8:54 a. m.]

[Docket No. 12161; FCC 58-850]

[Rules Amdt. 16-33]

PART 16—LAND TRANSPORTATION RADIO SERVICES

PERMISSIBLE SCOPE OF COOPERATIVE USE OF FACILITIES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of September 1958;

The Commission having under consideration amendment of Part 16 of its rules governing the Land Transportation Radio Services to revise and clarify the permissible scope of cooperative use of facilities in these services by providing a clear description of what is to be considered a rendition of a private radiocommunications service, excluding therefrom the installation, by a licensee in the Railroad Radio Service and the Automobile Emergency Radio Service, of his mobile units in the vehicles of persons performing certain services under contract for the station licensee, and to prescribe the conditions under which a private radiocommunications service to other persons may be rendered by a licensee in these services; and

It appearing that the Commission on September 5, 1957, adopted a notice of proposed rule making in the above-entitled matter which was published in the FEDERAL REGISTER on September 13, 1957 (22 F. R. 7342) and adopted a further notice of proposed rule making in this matter on July 2, 1958, which was published in the FEDERAL REGISTER on July 11, 1958 (23 F. R. 5275) in accordance with section 4 (a) of the Administrative Procedure Act; and

It further appearing that the period in which interested persons were afforded an opportunity to submit comments with respect thereto has expired; and

It further appearing that comments in support of the Commission's proposals contained in the further notice of proposed rule making, above-described, have been received from the American Automobile Association, Inc., the American Trucking Associations, Inc., and the Association of American Railroads, and that no comments in opposition thereto have been received; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, and that authority therefor is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended;

It is ordered, That effective October 15, 1958, Part 16 of the Commission's rules governing the Land Transportation Radio Services is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 16.3 to read as follows:

§ 16.3 *Arrangements for cooperative use of facilities.* For the purposes of this part, the use of facilities licensed under this part for the transmission or reception of any communication which relates solely to the conduct of the activity or activities of a person other than the licensee of those facilities is defined as the rendition of a private radiocommunication service to such other person by the licensee. The installation and use of mobile units, operated under the licensee's station authorization, in the vehicles of other persons furnishing the licensee, under contract, services or facilities within the purview of the established scope of the service in which the station is authorized, in accordance with the provisions of §§ 16.357 and 16.506, shall not be considered the rendition of a private radiocommunication service when the communications involved relate solely to the furnishing of such services or facilities to the licensee. Except for emergency communications, or except for authorized communications relating to civil defense, any rendition of a private radiocommunication service by a station in the Land Transportation Radio Services shall be governed by the following:

(a) The licensee of a base station may render a private radiocommunication service to the licensee(s) of a mobile station or stations in the Land Transportation Radio Services, without specific advance approval by the Commission, upon satisfaction of the following conditions:

(1) The frequency upon which the base station is operated shall be one which would be available for assignment to base stations for use in connection with all of the transportation activities involved.

(2) The rendition of the radiocommunication service shall be on a cost-sharing or no-charge basis, in accordance with the provisions of paragraph (e) of this section.

(3) The licensee of the base station shall maintain exclusive control over the operation of the base station; however, he may provide dispatch points (but not control points) for the use of the licensee of the mobile station.

(4) Except upon specific authorization by the Commission, the licensee of a base station shall not serve a greater number of mobile units of any other person than the number of mobile units of the licensee served by the same base station.

(b) The licensee of a base station may install mobile units, operated under an authorization held by him, in the vehicles of other persons who are separately engaged in transportation activities and may render a private radiocommunication service to the vehicles in which those mobile units are installed only upon specific advance approval by the Commission with respect to every person to whom such radiocommunication service is to be rendered and upon satisfaction of the following additional conditions:

(1) The frequency or frequencies upon which the base and mobile station(s) are operated shall be one(s) which would be available for assignment to base and mobile stations, respectively, for use in connection with all of the transportation activities involved.

(2) The rendition of the radiocommunication service shall be on a cost-sharing or no-charge basis, in accordance with the provisions of paragraph (e) of this section.

(3) The licensee of the base and mobile station(s) shall maintain exclusive control over the operation of the base and mobile station(s); however, he may provide dispatch points (but not control points) for the use of the persons receiving the radiocommunication service. In order to maintain such control, each person in whose vehicles the mobile units of the licensee are proposed to be installed shall enter into a written agreement verifying that the licensee has the sole right of control of the mobile radio units, that the vehicle operators shall operate the radio units subject to the orders and instructions of the base station operator and that the licensee shall at all times have such access to and control of the mobile equipment as will enable him to carry out his responsibilities under the license. A copy of the agreement with vehicle owners required hereby shall be kept with the station records and held available for inspection by Commission representatives but need

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[1] Channel 22 was assigned to Pittsburgh as an educational channel in a Report and Order in Docket No. 12385, released on July 18, 1958 (FCC 58-683).

[2] The assignment of Channel 73— to Pittsburgh has been stayed pending action upon a petition for reconsideration of the decision to assign the channel to Pittsburgh. See order issued August 5, 1958 (FCC 58-805).

not be submitted to the Commission unless specifically requested in a particular case.

(4) Except upon specific authorization by the Commission, the licensee of a base station shall not serve a greater number of mobile units of any other person than the number of mobile units of the licensee served by the same base station.

(c) A licensee authorized under the provisions of the various subparts of this part which make eligible in certain of these services a non-profit corporation or association organized for the purpose of furnishing a private radiocommunication service to persons engaged in the respective activities may render that communication service only upon specific advance approval by the Commission with respect to every person to whom such radiocommunication service is to be rendered and upon satisfaction of the following additional conditions:

(1) The frequency or frequencies upon which the base and mobile station(s) are operated shall be one(s) which would be available for use in connection with all of the transportation activities involved.

(2) The rendition of the radiocommunication service shall be on a cost-sharing or no-charge basis, in accordance with the provisions of paragraph (e) of this section.

(3) The licensee of the base and mobile station(s) shall maintain exclusive control over the operation of the base and mobile station(s) involved; however, he may provide dispatch points for the use of persons receiving the radiocommunication service. Control points may be provided only upon receiving the prior approval of the Commission in each case.

(d) Authority may be granted for the licensee of an operational fixed station or stations in one of the Land Transportation Radio Services to render a private radiocommunication service to specific other persons engaged in transportation activities, when the frequency or frequencies upon which such operational fixed station(s) are operated are ones which are available for assignment to operational fixed stations for use in connection with all of the transportation activities involved; however, such authority will be granted only on an individual and case-by-case basis at the discretion of the Commission pending further development of its microwave program. The rendition of such radiocommunication service, when authorized, shall be on a cost-sharing or no-charge basis, in accordance with the provisions of paragraph (e) of this section and each person who is to receive such radiocommunication service shall be named in the station authorization.

(e) All arrangements for the rendition of a private radiocommunication service in accordance with the provisions of the preceding paragraphs of this section shal be either on a no-charge basis or on a non-profit, cost-sharing basis pursuant to a written contract between the parties concerned. Such contract shall clearly establish that the licensee has full access to and exclusive control over the radio equipment operated under the authority of the license held by him; and that contributions to capital and operating expenses are accepted only on a cost-sharing, non-profit basis, said costs to be prorated on an equitable basis among all persons who are parties to the arrangement. Records which reflect the cost of the service and its non-profit, cost-sharing nature shall be maintained by the base (or fixed) station licensee and held available for inspection by Commission representatives.

(f) In order to comply with the requirement of specific advance approval contained in paragraphs (b), (c) and (d) of this section, a licensee proposing to render a private radiocommunication service to any other person (other than to render base station service to the licensee of a mobile station) shall make application for authority to render that service with respect to each base or fixed station involved, naming each person who is to receive service and including a description of the kind and extent of the transportation activity in which each is engaged. When the radiocommunication service is to be rendered on a regular basis, the requests for such authority shall be made on FCC Form 400; however, if the service is to be rendered on an irregular or temporary basis, the request may be in the manner provided for in § 16.53. Upon approval of the request, the Commission will designate the persons to whom service may be rendered on the station authorization or in the special temporary authority which shall be kept with the station records.

2. Amend § 16.58 (f) to read as follows:

(f) Lists of those persons to whom the applicant proposes to provide a private radiocommunication service, when prior advance approval with respect to those persons is required in accordance with the provisions of § 16.3, together with a description of the kind and extent of the transportation activity in which each is engaged.

3. Amend § 16.251 (a) (5) to read as follows:

(5) A non-profit corporation or association organized for the purpose of furnishing a radiocommunication service on a cost-sharing basis to persons all of whom are actually engaged in activities set forth in the preceding subparagraphs of this paragraph: *Provided*, That the frequency on which such operation is proposed is available for assignment for use by base stations or mobile stations in connection with all such transportation activities.

4. Amend paragraph (b) of § 16.301 to read as follows:

(b) In addition to the provisions of § 16.3, a licensee of a base station in this service may install mobile units licensed to him in the vehicles of other persons furnishing to the licensee, under contract, a facility or service within the purview of paragraph (a) of this section: *Provided*, That the communications involved are exclusively in connection with such facility or service: *And provided further*, That in each case the licensee and such other person shall comply with the agreement requirements set forth in § 16.3 (b) (3).

5. Amend Subpart K, Automobile Emergency Radio Service, by the addition of the following new section:

§ 16.506 *Contract road service vehicles.* In addition to the provisions of § 16.3, an association of owners of private automobiles which is licensee of a base station and associated mobile units in this service may install mobile units operated under its license in the vehicles of other persons furnishing a private emergency road service to its members pursuant to a contract with the association: *Provided*, That the communications involved are exclusively in connection with such service: *And provided further*, That in each case the licensee and such other person shall comply with the agreement requirements set forth in § 16.3 (b) (3).

[F. R. Doc. 58-7406; Filed, Sept. 10, 1958; 8:55 a. m.]

PROPOSED RULE MAKING

POST OFFICE DEPARTMENT

[39 CFR Part 35]

PHILATELIC STAMPS

NOTICE OF PROPOSED RULEMAKING

The Department proposes to establish a system of fees to cover the cost of handling mail orders for philatelic stamps. Accordingly, it is proposed to amend Title 39, Chapter I, Code of Federal Regulations, as follows:

The proposed regulation relates to a proprietary function of Government, and hence is exempt from the rulemaking requirements of 5 U. S. C. 1003. However, the Postmaster General desires to voluntarily observe the requirements in this case, so that patrons may have an opportunity to present written views concerning the proposed regulation. Consideration will be given the proposed regulation in the light of such views as may be received. Comments may be submitted to Mr. J. Harold Marks, Finance Officer, Bureau of Finance, Room 5216, Post Office Department, Washington 25, D. C., at any time prior to October 15, 1958.

In § 35.1 *The Philatelic Agency*, amend paragraph (c) to read as follows:

(c) *Order for stamps.* All stamps are for sale at face value, plus postage and handling charges listed below, for mail orders where domestic rates apply:

1 to 40 stamps	$0.05
41 to 400 stamps	.10
401 to 1,000 stamps	.20
1,001 to 2,000 stamps	.40
2,001 to 5,000 stamps	.70
5,001 to 10,000 stamps	1.20
10,001 to 35,000 stamps	3.00
Over 35,000 stamps	5.00

A flat charge of 50 cents will be made on each order for registration regardless of value where this protection is desired. All mail orders will be returned by official permit mail, and postage stamps will not be affixed to covering envelopes. Address your order to Philatelic Sales Agency, Post Office Department, Washington 25, D. C.

NOTE: The corresponding Postal Manual section 145.13.

(R. S. 161, as amended, Pub. Law 85-619, 396, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

[F. R. Doc. 58-7429; Filed, Sept. 10, 1958; 8:56 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 172]

LEASING OF ALLOTTED LANDS FOR MINING

EXECUTION OF MINING LEASES BY SUPERINTENDENTS

Basis and purpose. Notice is hereby given that pursuant to authority vested in the Secretary of the Interior by the act of March 3, 1909 (35 Stat. 781-783; 25 U. S. C. 396), it is proposed to amend 25 CFR 172.5 as set forth below. The purpose of the amendment is to include provisions in the regulation for the execution of mining leases on behalf of the unknown owners of future contingent interests, including remainders and possibility of reverter, and to authorize Superintendents of Indian reservations to execute such instruments.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U. S. C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Indian Affairs, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST, *Assistant Secretary of the Interior.*

SEPTEMBER 5, 1958.

The headnote and present text of § 172.5 are amended to read as follows:

§ 172.5 *Execution of leases by Superintendents.* The Superintendent shall execute leases on behalf of unknown owners of future contingent interests, and on behalf of minors and persons who are incompetent by reason of mental incapacity.

[F. R. Doc. 58-7361; Filed, Sept. 10, 1958; 8:46 a. m.]

Fish and Wildlife Service

[50 CFR Part 33]

UPPER SOURIS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 5, 1958.

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i) as amended, and under authority delegated by Commissioner's Order 4 (22 F. R. 8126); it is proposed to add §§ 33.321 and 33.322 to Subpart—Upper Souris National Wildlife Refuge, North Dakota, Chapter I, Title 50, Code of Federal Regulations, as set forth in tentative form below. The purpose of the proposed regulations is to permit fishing and boating on certain parts of the Upper Souris National Wildlife Refuge under certain limitations and subject to compliance with the laws and regulations of the State of North Dakota.

The proposed regulations relate to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U. S. C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulations to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

D. H. JANZEN, *Director, Bureau of Sport Fisheries and Wildlife.*

§ 33.321 *Fishing permitted.* Noncommercial fishing is permitted during the daylight hours in the hereafter described fishing areas, subject to all conditions and restrictions specified in Parts 18 and 21 of this chapter and to the following provisions:

(a) Strict compliance with all applicable State and Federal laws and regulations is required.

(b) Fishing is permitted in the following described fishing areas:

Area I. The Souris River channel beginning at the north boundary of the refuge extending south to the Mouse River Park in secs. 33 and 34, T. 162 N., R. 86 W., and secs. 2, 3, and 4 in T. 161 N., R. 86 W.

Area II. The waters of Lake Darling lying between the Grano Crossing and the Soo Line Railroad crossing in secs. 2, 3, 4, 10, and 11, T. 159 N., R. 85 W., and in secs. 29, 30, 32, 33, and 34, T. 160 N., R. 85 W.

Area III. The waters of Lake Darling north of Dam No. 83 in sec. 6, T. 157 N., R. 84 W., sec. 1, T. 157 N., R. 85 W., secs. 20, 21, 28, 29, 30, 31, and 32, T. 158 N., R. 84 W., and sec. 36, T. 158 N., R. 85 W., except within 200 feet of the outlet gate on Dam No. 83.

Area IV. The waters adjacent to the east bank of the Souris River south of Dam No. 83 within the W½NW¼ of sec. 6, T. 157 N., R. 84 W.

Area V. The waters adjacent to the county parking lot on the south bank of the river between the Baker Bridge and the curve in the road in sec. 34, T. 157 N., R. 84 W.

Area VI. The waters adjacent to the south bank of the Souris River north of State Highway No. 5 and west of the highway bridge in the SW¼SW¼ sec. 13 and the SE¼SE¼ sec. 14, T. 161 N., R. 86 W.

Area VII. The waters adjacent to St. Mary's Bridge on the road right-of-way in the SE¼SW¼ of sec. 21, T. 157 N., R. 84 W.

Area VIII. The two ponds north of the Grano Grossing and west of Lake Darling in the NE¼ sec. 10, and the S½ sec. 3, T. 159 N., R. 85 W.

(c) Fishing is prohibited from the east shoreline of Fishing Areas II and III and from any dam or dike or within 200 feet of any spillway or water control structure.

(d) Fishing is permitted in Fishing Areas I through VII, inclusive, from the second Saturday in May, or such later date as may be established by the laws and regulations of North Dakota for the opening of the fishing season to September 15, inclusive.

(e) Fishing in Area VIII is permitted from the second Saturday in June or such later date as may be established for the taking of bass by the laws and regulations of North Dakota to September 15, inclusive.

(f) Fishing is permitted on all fishing areas and on other areas designated by suitable posting by the officer in charge from December 15 to March 15, inclusive, or such shorter season as may be prescribed for winter fishing by North Dakota.

(g) No person, while on any part of the refuge north of Lake Darling Dam (No. 83), shall use for bait any minnows, fish, or parts thereof, either alive or pickled, nor have in his possession any minnows, or any seine or net that may be used for taking minnows.

§ 33.322 *Use of boats.* The use of boats is permitted only for the purpose of fishing in Fishing Areas I, II, and III as described in § 33.321. Persons may use one outboard motor not to exceed 7½ horsepower on each such boat. The use of racing craft, hydroplanes, air-thrust craft, or inboard motors is prohibited. Boats may be launched and landed only at designated launching areas on Fishing Areas I, II, and III.

[F. R. Doc. 58-7360; Filed, Sept. 10, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 27]

IMPORTED MEAT, MEAT FOOD PRODUCTS, AND MEAT BYPRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Department of Agriculture is considering amending § 27.2 of the Federal Meat Inspection Regulations (9 CFR 27.2 as amended) issued under section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) by adding the Republic of Panama to the list of countries specified therein from which certain product (meat, meat food product, and meat byproduct) may be imported into the United States as provided in said regulations.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director of the Meat Inspection Division, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., within thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C. this 8th day of September 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-7416; Filed, Sept. 10, 1958; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12591; FCC 58-843]

RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATION, MEDFORD, OREG.

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations, Medford, Oregon; Docket No. 12591.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on June 2, 1958 by TOT Industries, Inc., prospective applicant for a new television broadcast station in Medford, Oregon, requesting an amendment of § 3.606 *Table of assignments,* Television Broadcast Stations so as to add Channel 10 to Medford, Oregon as follows:

City	Channel No.	
	Present	Proposed
Medford, Oreg.	5	[1] 5, 10

[1] Petitioner has proposed the assignment of channel 10 even; however, we are of the view that channel 10 plus would be a more efficient assignment.

3. In support of the request petitioner submits that Medford has a population of 17,305 and nearby Ashland has a population of 7,739 and that Medford is the largest city in Southern Oregon. It urges that this important and fast growing area warrants the assignment of a second VHF channel; that the proposal conforms to all the rules; and that it would make possible a second VHF television service without any adverse affect on any other stations or channel assignment.

4. The Commission is of the view that a rule making proceeding should be instituted in this matter in order that interested parties may submit their views and relevant data.

5. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before October 10, 1958, a written statement setting forth his comments. Comments supporting the proposed amendments may be also filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: September 4, 1958.

Released: September 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7407; Filed, Sept. 10, 1958; 8:55 a. m.]

[Docket No. 12592; FCC 58-849]

[47 CFR Parts 7, 8]

STATIONS ON LAND AND SHIPBOARD IN MARITIME SERVICES

FREQUENCY PAIR ASSIGNMENTS; COOS BAY AND ASTORIA-PORTLAND, OREG.

In the matter of amendment of Parts 7 and 8 of the Commission's rules to make the frequency pair 2566 kc (coast)-2031.5 kc (ship) available for assignment in the vicinity of Coos Bay, Oregon and to delete from availability for assignment the frequency pair 2566 kc (coast)-2009 kc (ship) in the vicinity of Astoria-Portland, Oregon; Docket No. 12592.

1. Notice is hereby given of proposed rule making in the above-entitled matter. The amendments proposed to be adopted are set forth below.

2. This proposal is being issued in response to a petition to amend Parts 7 and 8 of the Commission's rules, filed June 16, 1958, by the West Coast Telephone Company, Everett, Washington. Petitioner requested that the rules be amended so as to make available for assignment the frequency pair 2566 kc (coast)-2031.5 kc (ship) for public ship-shore communication in the vicinity of Coos Bay, Oregon, during the hours 7 a. m. to 7 p. m., Pacific standard time only. The petitioner also has on file a related application for construction permit for a public class II-B coast station to be located at Empire, Oregon.

3. The frequency pair 2566 kc (coast)-2009 kc (ship) is now available for assignment, under the Commission's rules, for use as a second channel during the hours 7 a. m. to 7 p. m., Pacific standard time only, to public coast stations in the Astoria-Portland, Oregon, area and to ship stations for co... cation with such coast stations. ... ever, no actual assignments of these ... quencies have been requested for ... in that area, although they have been ... available under the Commission's ... for several years.

4. The instant proposal would change the area of availability for use of the ... quency 2566 kc (coast) from Astoria-Portland, Oregon, to Coos Bay, Oregon, and substitute the ship frequency 2031.5 kc for the associated ship frequency 2009 kc. The change in ship frequency becomes necessary since Coos Bay is considerably nearer to the Eureka-San Francisco, California, area where the ship frequency 2003 kc is received. If 2009 kc were made available at Coos Bay, harmful interference could be caused under certain conditions to use of the ship frequency 2003 kc for public telephone service since it is only 6 kc removed from 2009 kc. In summary, this proposal would make available for assignment the frequency pair 2566 kc (coast)-2031.5 kc (ship) during the hours 7 a. m. to 7 p. m., Pacific Standard Time only, for service via shore facilities in the vicinity of Coos Bay, Oregon, and simultaneously would delete the frequency pair 2566 kc (coast)-2009 kc (ship) from availability for assignment in the Astoria-Portland area.

5. It is stated in the petition that a substantial number of ocean-going vessels used the Coos Bay harbor in 1957 and that it is expected that approximately 600 commercial fishing boats and numerous pleasure craft, many of which have radio facilities, will use the harbor during the 1958 season. Petitioner notes that maritime mobile service is being offered by public coast stations at San Francisco and Eureka, California, Astoria and Portland, Oregon, and Seattle, Washington, but stated that the volume of traffic handled by these stations and landline charges between such stations and the Coos Bay area has the effect of rendering the important Coos Bay port an isolated area as far as maritime radio service is concerned. The petitioner presumably refers to public ship-shore telephone service of a regional nature.

6. It is believed that the proposed rule amendment would provide for more effective utilization of available maritime frequencies in the public interest, in that it would make a frequency pair available for direct service to an area which apparently is not now covered under the present frequency allocation plan.

7. This proposal is issued under the authority contained in section 303 (c) (d) (f) and (r) of the Communications Act of 1934, as amended.

8. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before October 13, 1958, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on

or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

9. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: September 4, 1958.

Released: September 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is amended as follows:

1. In § 7.306 (b), that portion of the frequency table which lists Astoria-Portland, Oregon, is amended by deleting the frequency pair 2566 kc (coast)-2009 kc (ship). As amended, that portion of the frequency table reads as follows:

Astoria-Portland, Oreg.	2506	None	2206	None.

2. In § 7.306 (b), the frequency table, after the entry Astoria-Portland, Oregon, add a new location and frequencies as follows:

Coos Bay, Oreg.	2566	7 a. m. to 7 p. m. P. s. t. only.	2031.5	7 a. m. to 7 p. m. P. s. t. only.

B. Part 8 is amended as follows:

1. In § 8.354 (a) (1), that portion of the frequency table which lists Astoria-Portland, Oregon, is amended by deleting the frequency pair 2009 kc (ship)—2566 kc (coast). As amended, that portion of the frequency table reads as follows:

Astoria-Portland, Oreg.	2206	None	2506	None.

2. In § 8.354 (a) (1), the frequency table, after the entry Astoria-Portland, Oregon, add a new location and frequencies as follows:

Coos Bay, Oreg.	2031.5	7 a. m. to 7 p. m. P. s. t. only.	2566	7 a. m. to 7 p. m. P. s. t. only.

[F. R. Doc. 58-7408; Filed, Sept. 10, 1958; 8:55 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[No. 59-3]

OREGON

ORDER PROVIDING FOR RESTORATION OF PUBLIC LANDS

SEPTEMBER 3, 1958.

Pursuant to an order of the Federal Power Commission issued April 29, 1958, and in accordance with Order No. 541, § 2.5, Part II, of the Director of the Bureau of Land Management, approved April 21, 1954, it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn and reserved for power purposes under the provisions of section 24 of the Federal Power Act, pursuant to the filing of application for license for Project No. 1908, are hereby restored to their original status.

WILLAMETTE MERIDIAN, OREGON

T. 13 S., R. 9 E.,
Sec. 3: SE¼NE¼—40 acres.

2. The above-described land was included in the Cascade Range Forest Reserve, presently known as Deschutes National Forest, on October 28, 1893, and was withdrawn for Ranger Station 26 on November 17, 1906. The land is not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting certain benefits in connection with public lands to veterans of World War II and of the Korean Conflict, nor is it open to prospecting, location, and entry under the mining laws.

3. The lands above described shall be subject to application by the State of Oregon for a period of 90 days from the date of publication of this order, for right-of-way for public highways, or as a source of material for construction and maintenance of such highways.

4. Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, 809 N. E. Sixth Avenue, Portland 12, Oregon.

ELTON M. HATTAN,
Lands and Minerals Officer.

[F. R. Doc. 58-7364; Filed, Sept. 10, 1958; 8:47 a. m.]

[Utah (I-13)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 5, 1958.

The U. S. Atomic Energy Commission has filed an application, Serial No. U-011026, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining laws and the Materials Act of July 31, 1947, but not the mineral leasing laws. The land is to be under the exclusive jurisdiction of the U. S. Atomic Energy Commission.

The applicant desires the withdrawal of these lands for the purpose of maintaining an area for the stockpiling of uranium ores.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections or comments in writing to the State Supervisor for Utah, Bureau of Land Management, Federal Building, P. O. Box 777, Salt Lake City 10, Utah. If any objections are filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the proposed withdrawal may state their views, and where proponents may explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

Unsurveyed: Beginning at a point marked by a brass cap set in concrete and scribed "AEC 1957 SW Cor" which point is located North 4,620 feet and West 330 feet from the Northwest corner of Section 16, T. 35 S., R. 15 E.; thence North 1,980 feet to a brass cap set in concrete scribed "AEC 1957 NW Cor"; thence East 2,310 feet to a brass cap set in concrete scribed "AEC 1957 NE Cor"; thence South 1,980 feet to a brass cap set in concrete scribed "AEC 1957 SE Cor"; thence West 2,310 feet to the point of beginning, being an unsurveyed area which, if surveyed, would be described approximately as follows:

T. 35 S., R. 15 E.
Sec. 4: W½SE¼SW¼, SW¼SW¼;
Sec. 5: E½E½SE¼SE¼;
Sec. 8: E½NE¼NE¼NE¼;
Sec. 9: NW¼NE¼NW¼, N½NW¼NW¼.

The area described contains 105 acres.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 58-7365; Filed, Sept. 10, 1958; 8:47 a. m.]

[Montana 014802]

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 5, 1958.

The Fish and Wildlife Service Bureau of Sport Fisheries and Wildlife, U. S. Department of the Interior, has filed an application, Serial No. M-014802, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws. The applicant desires the land be reserved in public ownership under the provisions of the Act of March 10, 1934 (48 Stat. 401), as amended by the Act of August 14, 1946 (60 Stat. 1080). The

land will be administered under cooperative agreement by the Montana Department of Fish and Game as a portion of the Sun River Game Range, and the land will be used for wildlife conservation and management purposes.

The Bureau of Land Management will continue to administer the grazing and other surface resources on the public lands until such time as the State of Montana has acquired the intermingled privately-owned lands in the proposed game range area.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

T. 22 N., R. 8 W.,

Sec.:	Acres
6, lots 2 through 10, W½SE¼, SW¼NE¼	425.29
7, Lots 1 through 8, W½NE¼	386.14
14, SE¼, SE¼SW¼	200.00
18, Lots 1, 2, 3, 4, W½W½	305.20
19, Lot 1	36.39
22, SE¼NE¼	40.00
23, E½, E½NW¼, SW¼NW¼ NE¼SW¼	480.00
26, N½NE¼, SE¼, E½SW¼, SW¼SW¼	360.00
27, NW¼SE¼	40.00
28, N½SW¼, SE¼SW¼	120.00
29, SW¼SE¼	40.00
30, Lot 1, NE¼NW¼, N½NE¼, SW¼NE¼	196.46
31, Lot 3, NE¼SW¼, SW¼ SE¼	118.10
32, E½NE¼, NE¼SE¼	120.00
33, W½NE¼, E½W½, SW¼ NW¼, SE¼	460.00
34, S½	320.00
35, S½, N½N½	480.00
	4,127.58

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 58-7366; Filed, Sept. 10, 1958; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND; AMENDMENT

Notice of the proposed withdrawal and reservation of land for the Bureau of Public Roads in the Anchorage Land District, Alaska, was published in the FEDERAL REGISTER on October 19, 1957, Volume 22, Number 204. The area embraced by this application, which is identified by serial number, Anchorage 034750 has been amended to read as follows:

SEWARD MERIDIAN

Township 12 North, Range 3 West, Section 36: S½NE¼SW¼NW¼.

Containing 5 acres.

IRVING W. ANDERSON,
Acting Operations Supervisor, Anchorage.

[F. R. Doc. 58-7367; Filed, Sept. 10, 1958; 8:47 a. m.]

[Los Angeles 0152528]

CALIFORNIA

AIR NAVIGATION SITE WITHDRAWAL

SEPTEMBER 3, 1958.

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214) as amended, and pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office dated November 19, 1954 (19 F. R. 7697), it is ordered as follows:

Subject to valid existing rights, the following described public land in California is hereby withdrawn from all forms of appropriations under public land laws, including mining and mineral leasing laws, and reserved for the use of the Department of Commerce, Civil Aeronautics Administration in the maintenance of Air Navigation facilities, Los Angeles 0152528:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 9 N., R. 2 W.,
Sec. 23, NW¼SE¼SE¼;
Sec. 24, SW¼NE¼SW¼SW¼, SE¼NW¼SW¼SW¼, NE¼SW¼SW¼SW¼, NW¼SE¼SW¼SW¼, SE¼SE¼SW¼SW¼, SW¼SW¼SE¼SW¼;
Sec. 26, S½NE¼NE¼NE¼, N½SE¼NE¼NE¼.

The area as described contains approximately 35 acres in the County of San Bernardino, California.

It is intended that the above described land shall be returned to the Administration of the Department of Interior when it is no longer needed for the purpose for which it is reserved.

HARRY M. MIWA,
Acting Officer-in-Charge, Southern Field Group, Los Angeles.

[F. R. Doc. 58-7368; Filed, Sept. 10, 1958; 8:47 a. m.]

[Classification No. 95]

NEVADA

SMALL TRACT CLASSIFICATION; AMENDMENT

1. Effective July 25, Federal Register Document 53-8583 appearing on pages 6413-14 of the issue for October 8, 1953, is revoked as to the following described public lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 21 S., R. 60 E.,
Sec. 23, SE¼NW¼NE¼, S½NE¼NE¼, SW¼NE¼, N½SE¼NE¼;
Sec. 24, S½NW¼NW¼.

Containing 110 acres.

2. The lands included in this restoration are located about 4 miles southwest of Las Vegas, Nevada at an elevation of about 2400 feet. The climate is dry, receiving about 5 to 7 inches of rainfall annually. The topography is generally level with soils varying from sands to gravel.

3. The lands are claimed by location under the United States mining laws, and, subject to the rights of such claimants, shall at 10:00 a. m. on October 8, 1958, become subject to application, petition, location, and selection under the public-land laws, subject to valid existing rights, the provision or existing withdrawal, the requirements of applicable laws, and the 90-day preference-right filing period for veterans and others entitled to preference under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended.

E. J. PALMER,
State Supervisor for Nevada.

SEPTEMBER 3, 1958.

[F. R. Doc. 58-7369; Filed, Sept. 10, 1958; 8:48 a. m.]

NEVADA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 5, 1958.

The Civil Aeronautics Administration has filed an application, Serial No. Nevada 045129, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for a radio facility as an aid to air navigation.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 35 N., R. 56 E.,
Sec. 26, E½NE¼NW¼, E½SE¼NW¼, NW¼NE¼, SW¼NE¼, W½NE¼NE¼, and W½SE¼NE¼.

The area described contains 160 acres more or less.

E. J. PALMER,
State Supervisor.

[F. R. Doc. 58-7370; Filed, Sept. 10, 1958; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GREAT PLAINS AREA OF TEN GREAT PLAINS STATES WHERE GREAT PLAINS CONSERVATION PROGRAM IS SPECIFICALLY APPLICABLE

DESIGNATION OF COUNTIES

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115-1117), the following counties of the following States are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

KANSAS

Edwards.

MONTANA

Carbon.
Carter.
Chouteau.
Dawson.
Garfield.
Glacier.
McCone.
Petroleum.
Powder River.
Stillwater.
Sweet Grass.
Teton.
Wheatland.
Wibaux.
Yellowstone.

NEBRASKA

Merrick.
Sioux.
Sheridan.

TEXAS

Jack.
Loving.
Palo Pinto.
Pecos.
Reeves.
Shackleford.
Stephens.
Terrell.
Ward.
Winkler.
Young.

Done at Washington, D. C., this 5th day of September 1958.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 58-7391; Filed, Sept. 10, 1958; 8:52 a. m.]

FEDERAL EXTENSION SERVICE

DELEGATION OF AUTHORITY AND ASSIGNMENT OF FUNCTIONS

Pursuant to authority contained in section 161, Revised Statutes (5 U. S. C. 22), and Reorganization Plan, No. 2 of 1953, section 500.a of the Secretary's Order of December 24, 1953 (19 F. R. 74), as amended, is hereby further amended by assigning to the Federal Extension Service the primary responsibility for providing a focal point of contact and working relationships with national town-country church leaders and denominational and interdenominational church organizations, in the manner hereinafter set forth:

Sec. 500. *Assignment of functions.*
* * *

a. Primary responsibility for and leadership in all educational programs and activities including (1) the administration of the Smith-Lever Act (7 U. S. C. 341-348, 347a), (2) educational and demonstrational work in cooperative farm forestry conducted under section 5 of the Act of June 7, 1924, as amended by the Act of October 26, 1949 (16 U. S. C. 568), (3) all educational and demonstrational aspects of the Agricultural Marketing Act of 1946 (7 U. S. C. 1621-1627), (4) the Department's farm safety program, and (5) for providing a focal point of contact and working relationships with national town-country church leaders and denominational and interdenominational church organizations. This work is carried on in cooperation with other agencies of the Department and with the State Extension Services and other national, State and local organizations.

Done at Washington, D. C., this 8th day of September 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-7417; Filed, Sept. 10, 1958; 8:56 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JOHN A. CLAUSSEN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 14, 1956, 21 F. R. 1608; August 31, 1956, 21 F. R. 6585; March 5, 1957, 22 F. R. 1346; August 30, 1957, 22 F. R. 6998; March 5, 1958, 23 F. R. 1578.

A. Deletions: Hat Corporation of America.
B. Additions: None.

This statement is made as of August 23, 1958.

JOHN A. CLAUSSEN,

AUGUST 26, 1958.

[F. R. Doc. 58-7384; Filed, Sept. 10, 1958; 8:50 a. m.]

HERBERT L. HALL

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 12, 1958, 23 F. R. 1707.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 26, 1958.

HERBERT L. HALL,

AUGUST 27, 1958.

[F. R. Doc. 58-7385; Filed, Sept. 10, 1958; 8:50 a. m.]

JOHN D. EDGINGTON

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. John D. Edgington.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Title of position: Chief, Business Research and Analysis Branch, Iron and Steel Division.
4. Name of private employer: Armco Steel Corporation, Middletown, Ohio.

CARLTON HAYWARD,
Director of Personnel.

AUGUST 15, 1958.

Statement of Financial Interests

5. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Armco Steel Corporation.
Bank deposits.

JOHN D. EDGINGTON.

SEPTEMBER 4, 1958.

[F. R. Doc. 58-7386; Filed, Sept. 10, 1958; 8:51 a. m.]

RICHMOND LEWIS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of September 8, 1956, 21 F. R. 6845; March 9, 1957, 22 F. R. 1578; September 14, 1957, 22 F. R. 7384; March 15, 1958, 23 F. R. 1798.

A. Deletions: None.
B. Additions: West States Petroleum Co.

This statement is made as of August 27, 1958.

RICHMOND LEWIS.

AUGUST 27, 1958.

[F. R. Doc. 58-7387; Filed, Sept. 10, 1958; 8:51 a. m.]

MARGUERITE M. SAUERS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as re-

ported in the FEDERAL REGISTER of April 3, 1956, 21 F. R. 2130; September 6, 1956, 21 F. R. 6721; March 9, 1957, 22 F. R. 1578; September 10, 1957, 22 F. R. 7212; March 5, 1958, 23 F. R. 1578.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 29, 1958.

MARGUERITE M. SAUERS.

SEPTEMBER 2, 1958.

[F. R. Doc. 58-7388; Filed, Sept. 10, 1958; 8:51 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-109]

AMERICAN MACHINE & FOUNDRY CO.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that no request for formal hearing having been filed following filing of notice of proposed action with the Federal Register Division, the Atomic Energy Commission has this date issued License No. XR-23 to American Machine & Foundry Company authorizing the export of a 5,000 kilowatt tank-type research reactor to Osterreichische Studiengesellschaft Fur Atomenergie Gesellschaft m. b. h., Austria. A notice of proposed issuance of this license was published in the FEDERAL REGISTER on August 5, 1958, 23 F. R. 5931.

Dated at Germantown, Maryland, this 3d day of September 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F. R. Doc. 58-7356; Filed, Sept. 10, 1958; 8:45 a. m.]

[Docket No. 50-99]

BABCOCK & WILCOX CO.

NOTICE OF ISSUANCE OF UTILIZATION FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on August 19, 1958, the Atomic Energy Commission has issued Facility License No. R-47 authorizing The Babcock & Wilcox Company to possess and operate, at the site in Lynchburg, Virginia, described in the application, the swimming pool type nuclear reactor designated by the applicant as the "Pool Test Reactor". Notice of the proposed action was published in the FEDERAL REGISTER on August 20, 1958, 23 F. R. 6380.

Dated at Germantown, Maryland, this 5th day of September 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F. R. Doc. 58-7357; Filed, Sept. 10, 1958; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Vocational Rehabilitation

STATE ALLOTMENT PERCENTAGES

PROMULGATION

Pursuant to section 11 (h) of the Vocational Rehabilitation Act (68 Stat. 661), as amended, and it having been found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce as to the per capita incomes of the States and of the continental United States are the years 1955, 1956, and 1957, the following allotment percentages for the several States, the District of Columbia, Hawaii, the Virgin Islands, Puerto Rico, and Guam, as determined pursuant to said Act and on the basis of said income data, are hereby promulgated, to be conclusive for each of the two fiscal years in the period beginning July 1, 1959.

Alabama	67.71	New Jersey	38.34
Alaska	75.00	New Mexico	59.99
Arizona	57.12	New York	37.31
Arkansas	71.25	North Carolina	66.43
California	37.52	North Dakota	64.07
Colorado	51.74	Ohio	44.39
Connecticut	33.33	Oklahoma	59.71
Delaware	33.33	Oregon	51.31
Florida	55.10	Pennsylvania	48.39
Georgia	64.20	Rhode Island	49.21
Idaho	59.41	South Carolina	70.35
Illinois	39.49	South Dakota	64.94
Indiana	49.69	Tennessee	65.76
Iowa	57.12	Texas	65.05
Kansas	55.72	Utah	58.43
Kentucky	66.04	Vermont	58.66
Louisiana	62.58	Virginia	58.43
Maine	58.30	Washington	47.33
Maryland	46.82	West Virginia	63.04
Massachusetts	43.13	Wisconsin	52.36
Michigan	44.95	Wyoming	50.46
Minnesota	54.48	District of Columbia	37.83
Mississippi	75.00	Hawaii	50.00
Missouri	51.74	Puerto Rico	75.00
Montana	52.08	Guam	75.00
Nebraska	57.23	Virgin Islands	75.00
Nevada	38.88		
New Hampshire	54.13		

Dated: August 29, 1958.

[SEAL] ARTHUR S. FLEMMING,
Secretary.

[F. R. Doc. 58-7393; Filed, Sept. 10, 1958; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12258, 12260; FCC 58M-928]

WABASH VALLEY BROADCASTING CORP. AND ILLIANA TELECASTING CORP.

ORDER CONTINUING HEARING

In re applications of Wabash Valley Broadcasting Corporation, Terre Haute, Indiana; Docket No. 12258, File No. BPCT-2293; Illiana Telecasting Corporation, Terre Haute, Indiana; Docket No. 12260, File No. BPCT-2392; for construction permits for New Television Broadcast Stations (Channel 2).

The Chief Hearing Examiner having under consideration the joint motion of the applicants herein, filed September 2, 1958, for continuance of the procedural dates in the above-entitled proceeding;

It appearing that the Commission's Broadcast Bureau, the only other party to the proceeding, has no objection to the instant motion;

It is ordered, This 4th day of September 1958 that the motion is granted, and that the following schedule will be observed by the parties to the above-entitled proceeding:

Exchange of Exhibits—November 10, 1958.
Further Hearing Conference—November [illegible], 1958.
Formal Hearing—December 1, 1958.

Released: September 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7409; Filed, Sept. 10, 1958; 8:55 a. m.]

[Docket No. 12580; FCC 58M-929]

JAMES M. BRANDENBURG

ORDER SCHEDULING HEARING

In the matter of James M. Brandenburg, 1832 Josie Avenue, Long Beach 15, California; Docket No. 12580; suspension of restricted Radiotelephone Operator Permit.

It is ordered, This 3rd day of September 1958, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 17, 1958, in San Francisco, California.

Released: September 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7410; Filed, Sept. 10, 1958; 8:55 a. m.]

[Amdt. O-44; FCC 58-847]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

TRANSFER OF LICENSING AND REGULATORY FUNCTIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of September, 1958;

The Commission having under consideration the desirability of transferring to and unifying within the Broadcast Bureau the licensing and regulatory functions with respect to international broadcasting presently assigned to the Office of the Chief Engineer as well as to the Office of the General Counsel; and

It appearing that the relevant portion of section 0.111 (h) of the Commission's Statement of Organization assigns to the Office of the General Counsel authority to perform all legal functions with respect to international broadcasting; and that the relevant portion of section 0.121 (f) of the Statement of Organization assigns to the Office of the Chief Engineer all engineering functions [illegible]

respect to international broadcasting; and

It further appearing that the consolidation of the licensing and regulatory functions of the Commission for international broadcast stations set forth in the parts of sections 0.111 and 0.121, referred to above, and their transfer to the Broadcast Bureau, will best conduce to the proper and expeditious dispatch of the Commission's business and that such a modification of the Statement of Organization would be in the public interest; and

It further appearing, that sections 0.11, and 0.14 of the Commission's Statement of Organization specifically exclude the Broadcast Bureau and its Broadcast Facilities Division from the licensing and regulation of international broadcast stations; and

It further appearing that sections 0.241 and 0.331 (a) (1) & (2) of the Commission's Delegations of Authority should be amended to transfer those powers now delegated to the Chief Engineer to the Chief of the Broadcast Bureau; and

It further appearing that the amendments herein ordered modify only rules of agency organization and that, therefore, notice of rule making is not required and the amendments may be made effective immediately;

It is ordered, That, pursuant to the authority of sections 4 (i), 5 (d) and 303 (r) of the Communications Act of 1934, as amended, sections 0.11, 0.14, 0.111 (h), 0.121 (f), 0.241 and 0.331 (a) (1) & (2) of the Commission's Statement of Organization and Delegation of Authority are amended effective September 4, 1958, as set forth below.

Released: September 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 0.111 (h) is amended by deleting the words "international broadcasting stations," to read as follows:

(h) To perform all legal functions with respect to experimental operations under Part 5 of the Commission's rules; the operation of restricted radiation devices under Parts 15 and 18 of the rules; and type approval and type acceptance of radio equipment.

2. Section 0.121 (f) is amended by deleting the words "international broadcasting stations," to read as follows:

(f) To perform all engineering functions with respect to experimental operation under Part 5 of the Commission's rules; the operation of restricted radiation devices under Parts 15 and 18 of the rules; and type approval and type acceptance of radio equipment.

3. Section 0.11 is amended by deleting the words "except the international broadcast services" to read as follows in the opening paragraph:

SEC. 0.11 *Functions of the Bureau.* The Broadcast Bureau assists, advises, and makes recommendations to the Commission with respect to the development of a regulatory program for the broadcast services and is responsible for the performance of any work, function, or activities to carry out that program in accordance with applicable statutes, international agreements, rules and regulations, and policies of the Commission. The Bureau performs the following functions:

4. Section 0.14 is amended by adding the word "international," to read as follows:

SEC. 0.14 *Broadcast Facilities Division.* The Broadcast Facilities Division is responsible for all functions indicated in the statement contained in section 0.11, insofar as such functions pertain to standard (AM), FM, television, international, experimental, and auxiliary broadcast services, excluding functions stated in sections 0.15, 0.16, and 0.17.

5. The introductory paragraph of section 0.241 is amended by deleting the words "except the international broadcast services" to read as follows:

SEC. 0.241 *Matters delegated.* The Chief of the Broadcast Bureau, or in his absence, the Acting Chief, is delegated authority to act upon applications, requests, and other matters which are not in hearing status, relating to broadcast services as follows:

6. Section 0.241 is further amended by the addition of a new paragraph (s) to read as follows:

(s) With respect to International Broadcasting, to act upon requests for the use of frequencies and frequency hours for transmissions to specific target areas subject to the conditions set forth in the Commission's rules governing International Broadcast Stations.

7. Paragraph (a) of section 0.331, concerning the Commission's Delegations of Authority to the Chief Engineer with regard to International Broadcasting, is deleted in toto, and paragraphs (b), (c), and (d) are redesignated (a), (b), and (c).

[F. R. Doc. 58-7411; Filed, Sept. 10, 1958; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9065 etc.]

HUNT OIL CO.

NOTICE OF POSTPONEMENT OF HEARING

SEPTEMBER 5, 1958.

In the matter of Hunt Oil Company, Docket Nos. G-9065, G-9568, G-11124, G-11360, G-13157, G-13191, G-13468, G-13473, G-13504, G-13530, G-14082, G-14408.

Upon consideration of the motion filed August 26, 1958, by Counsel for Hunt Oil Company for postponement of the hearing now scheduled for September 15, 1958, in the above-designated matter;

The hearing now scheduled for September 15, 1958 is hereby postponed to October 15, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7371; Filed, Sept. 10, 1958; 8:48 a. m.]

[Docket No. G-15431 etc.]

SUPERIOR OIL CO. AND EL PASO NATURAL GAS CO.

NOTICE OF CONSOLIDATION AND DATE OF HEARING

SEPTEMBER 5, 1958.

In the matters of Superior Oil Company, Docket No. G-15431; El Paso Natural Gas Company, Docket No. G-12580, et al.

Upon consideration of the request filed September 4, 1958, by counsel for Superior Oil Company for advancement of hearing date and consolidation of the above-entitled matter with the heretofore consolidated proceedings in the matters of El Paso Natural Gas Company, Docket Nos. G-12580, et al.:

The hearing in the above-entitled matter heretofore scheduled to be held on September 24, 1958, is hereby cancelled and such matter is consolidated with the matters of El Paso Natural Gas Company, Docket Nos. G-12580, et al., to be held on September 10, 1958 at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the consolidated applications as herein provided.

Protests or petitions to intervene in Docket No. G-15431 may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 10, 1958.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7372; Filed, Sept. 10, 1958; 8:48 a. m.]

[Docket No. G-16123]

CITIES SERVICE OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 5, 1958.

Cities Service Oil Company (Cities Service) on August 6, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 4, 1958.

Purchaser: Kansas-Nebraska Natural Gas Company, Inc.

Rate schedule designation: Supplement No. 6 to Cities Service's FPC Gas Rate Schedule No. 121.

Effective date: October 1, 1958 (effective date is the effective date proposed by Cities Service).

In support of the proposed periodic rate increase, Cities Service refers to the contract price provision and states that the proposed increase brings into being the price which was negotiated at arms' length, that the annual increase method of pricing was chosen instead of charging an average price and it would be unfair to deny the seller the agreed increased price during the latter part of the con-

tract life after the seller had delivered at the lower rate during the earlier portion, and that the proposed price is not unreasonable and is lower than the present market price for equivalent gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, Supplement No. 6 to Cities Service's FPC Gas Rate Schedule No. 121 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Cities Service's FPC Gas Rate Schedule No. 121.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7373; Filed, Sept. 10, 1958; 8:48 a. m.]

[Docket No. G-16124]

HAYNES B. OWNBY DRILLING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 5, 1958.

Haynes B. Ownby Drilling Company (Ownby) on August 7, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 4, 1958.

Purchaser: Texas Illinois Natural Gas Pipeline Company.

Rate schedule designation: Supplement No. 7 to Ownby's FPC Gas Rate Schedule No. 1.

Effective date: September 7, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Ownby submits a copy of a letter from Texas Illinois Natural Gas Pipeline Company informing it that the price has been redetermined to be a base price of 16.99¢ per Mcf plus tax reimbursement. Ownby has signed the letter in agreement. Ownby states that the increase should be granted because other producers in the area are getting more for their gas as indicated by the fact that the redetermined price is based on an average of the prices and it would be unfair for Ownby to receive a lower price.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Ownby's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Ownby's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 7, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7374; Filed, Sept. 10, 1958; 8:48 a. m.]

[1] A previous increase was suspended in Docket No. G-11540 until May 2, 1957, but motion to place the suspended rate into effect subject to refund was never filed by Ownby.

[Docket No. G-16176]

BAYOU OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 8, 1958.

Bayou Oil Company et al. (Bayou) on August 8, 1958,[1] tendered for filing proposed changes in its presently filed schedules for the sale of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, August 6, 1956.

Purchaser: Phillips Petroleum Company.

Rate schedule designations: Supplement No. 5 to Bayou's FPC Gas Rate Schedule No. 1. Supplement No. 7 to Bayou's FPC Gas Rate Schedule No. 2.

Effective date: September 8, 1958 (effective date is the first day after expiration of the required 30-days' notice and applies to both tenders).

In support of the revenue-sharing increases, Bayou cites the contract provisions and states that the proposed increased rate is less than the average price currently being paid in the fields involved. Bayou states further that the rate proposed will not operate to increase the ultimate consumers' rates. The proposed incremental increases in rates are predicated upon determinations yet to be made by the Commission.[2]

The increased rates and charges as proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 5 to Bayou's FPC Gas Rate Schedule No. 1 and Supplement No. 7 to Bayou's FPC Gas Rate Schedule No. 2 be suspended and the use deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Bayou's FPC Gas Rate Schedule No. 1 and Supplement No. 7 to Bayou's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplements be and they are hereby suspended and the use thereof deferred until September 9, 1958,

[1] Tender, as to Rate Schedule No. 1 completed on August 19, 1958.

[2] Suspended tenders reflecting revenue-sharing increased rates of Phillips in the Matters of Phillips Petroleum Company, Docket Nos. G-13069 and G-14115.

and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting as to the suspension of Supplement No. 7 to Bayou Oil Company, et al. FPC Gas Rate Schedule No. 2).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7375; Filed, Sept. 10, 1958; 8:49 a. m.]

[Docket No. G-16178]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

SEPTEMBER 5, 1958.

Phillips Petroleum Company (Phillips) on August 7, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 5, 1958.

Purchaser: Northern Natural Gas Company.

Rate schedule designation: Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 262.

Effective date: October 1, 1958 (effective date is the effective date proposed by Phillips).

In support of the proposed periodic increase Phillips stated that Exhibit No. 324 in Docket No. G-1148 shows that Phillips should receive 18.75¢ per Mcf for this gas so as to recover "its costs plus a fair return."

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 262 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 262.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7376; Filed, Sept. 10, 1958; 8:49 a. m.]

[Docket No. G-16179]

EDWIN W. PAULEY ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

SEPTEMBER 5, 1958.

Edwin W. Pauley, et al. (Pauley) on August 8, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 6, 1958.

Purchaser: Phillips Petroleum Company.

Rate schedule designation: Supplement No. 6 to Pauley's FPC Gas Rate Schedule No. 1.

Effective date: September 8, 1958 (effective date is the first day after expiration of the required 30-days' notice).

In support of the revenue-sharing increase, Pauley cites the contract provisions and states that the proposed increased rate is less than the average price currently being paid in the fields involved. Pauley states further that the rate proposed will not operate to increase the ultimate consumers' rates. The proposed incremental increase in rate is predicated upon determinations yet to be made by the Commission.[1]

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Pauley's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Pauley's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 9, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7377; Filed, Sept. 10, 1958; 8:49 a. m.]

[Docket No. G-16182]

AMERADA PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 5, 1958.

Amerada Petroleum Corporation (Amerada) on August 7, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 6, 1958.

Purchaser: Trunkline Gas Company.

Rate schedule designation: Supplement No. 12 to Amerada's FPC Gas Rate Schedule No. 14.

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[1] Phillips' FPC Gas Rate Schedule No. 262 is in effect subject to refund at Docket No. G-3173.

[1] Suspended tenders reflecting revenue-sharing increased rates of Phillips In the Matter of Phillips Petroleum Company, Docket No. G-14115.

[1] Supplement No. 11 to Amerada's FPC Gas Rate Schedule No. 14 (Louisiana gathering tax increase) was suspended for one day until August 2, 1958, in Docket No. G-15561, and is now in effect subject to refund.

Effective date: October 4, 1958 (effective date is the effective date proposed by Amerada).

In support of the proposed periodic rate increase, Amerada merely states that the increase is provided by a contract resulting from arm's-length bargaining in good faith.

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

This suspension, however, is based solely on the possibility of the additional tax being invalidated and only such tax reimbursement shall be made effective subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 12 to Amerada's FPC Gas Rate Schedule No. 14 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 12 to Amerada's FPC Gas Rate Schedule No. 14.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 5, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7378; Filed, Sept. 10, 1958; 8:49 a. m.]

[Docket No. G-16183]

CONTINENTAL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

SEPTEMBER 5, 1958.

Continental Oil Company (Continental) on August 8, 1958, tendered for filing proposed changes in its presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 5 to Continental's FPC Gas Rate Schedule No. 126. Supplement No. 6 to Continental's FPC Gas Rate Schedule No. 126.

Effective date: September 8, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increases, Continental cites arm's length bargaining and states that to deny the increased price would be discriminatory.

The increased rates and charges so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges.

This suspension, however, is based solely on the possibility of the additional tax being invalidated and only such tax reimbursement shall be made effective subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplements Nos. 5 and 6 to Continental's FPC Gas Rate Schedule No. 126 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and contained in Supplements Nos. 5 to Continental's FPC Gas Rate No. 126.

(B) Pending such hearing and cision thereon, said supplements they are each hereby suspended use thereof deferred until Septem 1958, and until such further time are made effective in the manner scribed by the Natural Gas Act.

(C) Neither the supplements suspended, nor the rate schedule to be altered thereby, shall be ch until this proceeding has been di of or until the periods of suspension expired, unless otherwise ordered by Commission.

(D) Interested State commissio participate as provided by §§ 1.8 and (f) of the Commission's rules of pra and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7379; Filed, Sept. 10, 1958; 8:49 a. m.]

[Docket Nos. G-14853, 15208]

ARKANSAS LOUISIANA GAS CO. AND OLIN GAS TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 8, 1958.

In the matters of Arkansas Louisiana Gas Company, Docket No. G-14853; Olin Gas Transmission Corporation, Docket No. G-15208.

Take notice that on April 8, 1958, Arkansas Louisiana Gas Company (Ark. La.) filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act to construct and operate certain metering facilities and for authorization to sell and deliver natural gas to Olin Gas Transmission Corporation for resale in interstate commerce for ultimate public consumption, which said application was amended and supplemented on May 8 and May 19, 1958, respectively. The proposed facilities to be constructed are to be located in Ouachita Parish, Louisiana and the volume of gas to be sold and delivered through these facilities is not to exceed 30,000 Mcf per day for a period of not more than ten years, and the annual deliveries would approximate 8,000,000 Mcf. The proposed price or rate for the gas to be sold and delivered is 18 cents per Mcf and all gas delivered up to 20,000 Mcf per day is to be paid for whether taken or not.

On June 3, 1958, Olin Gas Transmission Corporation filed an application in Docket No. G-15208 for a certificate of public convenience and necessity authorizing the purchase, receipt and transportation of natural gas to be delivered by Arkansas Louisiana at the latter's Munce Compressor Station. Olin states that the proposed purchase of gas from

[1] Supplement No. 4 to Continental's FPC Gas Rate Schedule No. 126 (Louisiana gathering tax increase) was suspended for one day until August 2, 1958, in Docket No. G-15730, and is now in effect subject to refund.

Arkansas Louisiana will supplement its existing gas supplies for service to existing customers. No new or additional sales are proposed. Olin also states that its Line F-63 in the area has sufficient capacity to transport the volumes of gas it proposes to purchase from Arkansas Louisiana, and no additional facilities will be required.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 7, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 26, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7396; Filed, Sept. 10, 1958; 8:53 a. m.]

[Docket No. G-16129]

MARSHALL R. YOUNG ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

SEPTEMBER 5, 1958.

Marshall R. Young et al. (Young) on August 7, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing.

Description: Notice of Change, dated August 4, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 6 to Young's FPC Gas Rate Schedule No. 3.

Effective date: September 8, 1958 (effective date is the date proposed by Young).

In support of the proposed periodic rate increase, Young cites the contractual provisions, United's letter agreeing to pay such increased price and the higher initial rates to Trunkline Gas Company in the same parish.

Because the present tender reflects (in whole or in part) the aforementioned Louisiana tax, the increased rate and charge here proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of said proposed change, and that Supplement No. 6 to Young's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Young's proposed increased rate be made effective as hereinafter provided and that Young be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Young's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until September 9, 1958, and until such further time as it is made effective in the manner herein prescribed.

(C) The rate, charge, and classification set forth in Supplement No. 6 to Young's FPC Gas Rate Schedule No. 3 shall be effective as of September 9, 1958: *Provided, however,* That within 20 days from the date of this order, Young shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Young shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by Young herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Young shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Young so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Young shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, as follows:

Agreement and Undertaking of Marshall R. Young, et al. to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In Conformity with the requirements of the order issued ----------, in Docket No. G-16129 Marshall R. Young, et al. hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order and for that reason has caused this agreement and undertaking to be executed on this ---- day of ----------

---

By ----------

Witness:

(Secretary)

Unless Young is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Young shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules

[1] Present rate, which reflects (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana (Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title No. 47 of the Louisiana Revised Statutes of 1950), is in effect subject to refund at Docket No. G-15878.

of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7397; Filed, Sept. 10, 1958; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-653]

INTERNATIONAL NICKEL CO., INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

SEPTEMBER 5, 1958.

Notice is hereby given that The International Nickel Company, Inc. ("Applicant"), a Delaware corporation, has filed an application for an order pursuant to section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935 ("Act") exempting Applicant and every subsidiary as such from all the provisions of the act on the ground that Applicant is only incidentally a holding company, "being primarily engaged or interested in one or more businesses other than the business of a public-utility company and (A) not deriving, directly or indirectly, any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public-utility company."

The application which is on file in the offices of the Commission may be summarized as follows:

Applicant is primarily engaged in the business of manufacturing nickel alloys and selling nickel and nickel alloys; it operates a rolling mill at Huntington, West Virginia, and a foundry at Bayonne, New Jersey; and, subject to the qualification stated below, Applicant does not own or control directly or indirectly any public-utility properties.

Applicant has entered into an agreement dated July 1, 1958 whereby it will acquire, subject to the granting of this application, irrevocable options to purchase, or designate others to purchase, any or all of the 300 outstanding shares of capital stock of Industrial Gas Corporation, a West Virginia corporation which will purchase substantially all the business and properties of Industrial Gas Company, whose business has heretofore been to produce, transport and sell natural gas to Applicant, to another industrial customer, and to various right-of-way customers. In connection with these transactions, Applicant will purchase a promissory note of Industrial Gas Corporation in the amount of $125,000 which will be secured by mortgage on substantially all of the property which that company will acquire from Industrial Gas Company. Following the propoesd acquisition of properties, Industrial Gas Corporation will conduct the gas business previously carried on by the predecessor company.

According to figures supplied by Industrial Gas Company, sales of natural gas for its fiscal year ended May 31, 1958 amounted to $256,393 to Applicant, $63,316 to its other industrial customer, and $11,155 to its right-of-way customers. At May 31, 1958 Industrial Gas Company had total assets of $223,881, and for the fiscal year then ended had net earnings of $10,865.

Applicant states that at December 31, 1957, and for the year then ended its total assets, net sales, and net earnings amounted to more than 150 times those of Industrial Gas Company (whose business is to be acquired by Industrial Gas Corporation).

Notice is further given that any interested person may, not later than September 22, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application may be granted as filed or as amended, or the Commission may take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-7390; Filed, Sept. 10, 1958; 8:50 a. m.]

[File No. 70-3728]

NATIONAL FUEL GAS CO.

NOTICE OF PROPOSED ISSUE AND SALE AT COMPETITIVE BIDDING OF SINKING FUND DEBENTURES

SEPTEMBER 4, 1958.

Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 (a), 7, 9 (a) and 10 thereof and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

National proposes to issue and sell to underwriters at competitive bidding pursuant to Rule 50, $25,000,000 principal amount of ___ percent Sinking Fund Debentures due 1983 ("Debentures"). The interest rate (a multiple of ⅛ of 1 percent) and the price to be paid for the Debentures (not less than 100 percent nor more than 102¾ percent of the principal amount) will be fixed by the bidding.

The net proceeds will be used by National (1) to the extent of $15,987,000 to redeem $15,000,000 principal amount of its outstanding 5½ percent Sinking Fund Debentures due 1982 at 106.58 percent of their principal amount, and (2) to prepay at least $9,000,000 principal amount of bank loans (outstanding in the amount of $9,650,000) due July 15, 1959.

National estimates its fees and expenses to be incurred in connection herewith as follows:

Federal stamp tax	$[illegible]
Filing fee, this Commission	[illegible]
Fees of trustee	10,000
Fees of Counsel: Stryker, Tams & Horner	[illegible]
Auditor's fee, Price Waterhouse & Co	[illegible]
Fee of Ralph E. Davis Associates	[illegible]
Printing and engraving	[illegible]
Charges of Ebasco Services, Inc	[illegible]
Miscellaneous	[illegible]
Total	[illegible]

The fees of Cahill, Gordon, Reindel & Ohl, counsel for the underwriters, are estimated at $7,500. It is stated that no other regulatory commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 19, 1958 at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may exempt the proposed transactions as provided in Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-7381; Filed, Sept. 10, 1958; 8:50 a. m.]

[File No. 24SF-2444]

ARIZONA AVIATION AND MISSILE CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 5, 1958.

I. Arizona Aviation and Missile Corporation (formerly Azair Arizona Aircraft Company) of Phoenix, Arizona, filed with the Commission on October 7, 1957, a notification and offering circular relative to a proposed offering of 150,000 shares of its $1 par value common stock at $2 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable grounds to believe that:

A. The terms and conditions of Regulation A have not been complied with by the issuer, particularly in that it failed to file certain sales material as required by Rule 258 of Regulation A.

B. The issuer offered and submitted certain information to a newspaper, to the effect, among other things, that the

firm is currently involved in production and sales of several products and a wide range of aircraft components, knowing such material was false and misleading and would be published and publicly disseminated during the offering of securities, in the area of said offering and such information having been so published and disseminated, such activity by the issuer in connection with said offering constituted an offering in violation of section 17 of the Act.

III. *It is ordered*, Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Arizona Aviation and Missile Corporation (formerly Asair Arizona Aircraft Company) and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after the entry of this order will, within twenty days after receipt of such request, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the suspension order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-7382; Filed, Sept. 10, 1958; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

FREDERIC CHARLES GROMME ARNING

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Frederic Charles Gromme Arning, Longstone, Powdermill Lane, Battle, Sussex, England; Claim No. 57823; $4,493.20 in the Treasury of the United States; 230 shares Goldfield Deep Mines Company $.05 PV capital stock in the custody of the Federal Reserve Bank, New York, New York.

Vesting Order No. 6816.

Executed at Washington, D. C., August 28, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-7394; Filed, Sept. 10, 1958; 8:52 a. m.]

HEINZ HOTZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Heinz Hotz, Hotel Kurhaus Adula, Flims-Waldhaus, Switzerland; Claim No. 61814; $89.50 in the Treasury of the United States.

Vesting Order No. 17903.

Executed at Washington, D. C., on August 28, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-7395; Filed, Sept. 10, 1958; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 8, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34951: *Chemicals—Returned—From, to and between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7372), for interested rail carriers. Rates on chemicals tank-car loads as more fully described in the application, returned to original point of shipment from, to, and between points in southwestern territory.

Grounds for relief: Carrier competition, among others.

Tariff: Supplement 298 to Southwestern Freight Bureau tariff I. C. C. 4020.

FSA No. 34952: *TOFC Service—Commodities between western points.* Filed by Western Trunk Line Committee, Agent, (No. A-2003), for interested rail carriers. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between points in Kansas and Missouri, on the one hand, and points in Nebraska, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 20 to Western Trunk Lines tariff I. C. C. A-4213.

AGGREGATE-OF-INTERMEDIATES

FSA No. 34950: *Passenger and coach fares in the East.* Filed by A. J. Winkler, Agent (No. A-8), for interested rail carriers. Involving basic first-class fares and basic coach fares for the transportation of persons between points in the East and between points in the East, on the one hand, and points in trunkline-Central Passenger Committee territory, on the other.

Grounds for relief: Maintenance of through one-factor fares in excess of lower combinations of intermediate fares, due to method of disposition of fractions in proposed increased fares.

Tariff: Agent A. J. Winkler's Joint Passenger Tariff NE No. 5, I. C. C. No. 2, and other schedules listed in the application.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-7383, Filed, Sept. 10, 1958; 8:50 a. m.]

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THE NATIONAL ARCHIVES
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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 23 NUMBER 179

Washington, Friday, September 12, 1958

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, and Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

FEES AND CHARGES

1. Section 26.74 of the Regulations pursuant to sections 8 and 8 of the United States Grain Standards Act, as amended (7 U. S. C. 71 et seq.) is hereby revised to read as follows:

§ 26.74 *Fees and charges.* The fee in an appeal or a dispute shall be fixed as follows:

(a) For bulk or sacked grain in carload lots, $8.00 per car;

(b) For bulk or sacked grain in trucks and trailers, $5.00 per truck or trailer lot;

(c) For bulk or sacked grain in boats, barges, or other vessels, $2.00 per thousand bushels or fraction thereof, with a minimum of $5.00 per lot;

(d) For a submitted sample or package of grain, $3.00 per sample or package;

(e) For all lots of grain other than those referred to in paragraphs (a), (b), (c), and (d) of this section, $2.00 per thousand bushels or fraction thereof, with a minimum fee of $5.00 per lot.

(f) Charges for overtime, night, or holiday work performed by employees of the Department on account of an appeal or a dispute shall be determined at the rate of $5.80 per manhour per employee and shall include the following: A minimum charge of two hours shall be made for any unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least one hour before his scheduled tour of duty or at least one hour after he has completed his scheduled tour of duty, and has left his place of employment. In addition, each such period of unscheduled overtime work which requires an employee to perform additional travel for which he would otherwise not be compensated, and each period of holiday duty, may include a commuted travel time period, provided such commuted travel is performed solely on account of such overtime duty. The amount of this commuted travel time period, determined to be necessary to cover the time spent in reporting to and returning from the place at which the employee performs overtime duty, is hereby established as one hour. The charges for overtime shall be in addition to the fees prescribed in paragraphs (a) through (e) of this section, and shall be paid in all cases, whether the appeal be sustained or not sustained.

2. Subpart C, § 26.701: Overtime work on appeal inspection of grain for export, which was issued pursuant to authority of the act of August 28, 1950 (64 Stat. 561, 5 U. S. C. 576) is hereby repealed.

Notice of proposed rule making, public procedure thereon, and postponement of the effective time of this document later than September 8, 1958 (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary, and contrary to the public interest for the reasons that: (1) Legislation provides that the fees charged shall be reasonable and shall as nearly as possible cover the cost of the service rendered; (2) the cost of such service is peculiarly within the knowledge of the Department and the fees set forth herein are necessary to more nearly cover such cost, including but not limited to increased salaries to Federal employees, required by recent legislation (Pub. Law 462, 85th Cong., 2d Sess., approved June 20, 1958); (3) it is imperative that the increase in fees become effective at the earliest practicable date; and (4) additional time is not required in order for the industry to make preparation for compliance with this amendment.

The foregoing schedule shall become effective at 12:01 a. m. September 29, 1958, with respect to all services thereafter rendered in connection with appeal inspections of grain under the provisions of section 6 of the United States Grain Standards Act, as amended (7 U. S. C. 71 et seq.)

(Sec. 8, 39 Stat. 485; 7 U. S. C. 84)

Done at Washington, D. C. this 9th day of September 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-7446; Filed, Sept. 11, 1958; 8:52 a. m.]

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FEDERAL REGISTER

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1958)

The following semiannual cumulative pocket supplement is now available:

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Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 970—IRISH POTATOES GROWN IN MAINE

LIMITATION OF SHIPMENTS

§ 970.305 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish potatoes grown in Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Maine Potato Marketing Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order*—(1) *Grade, size, and quality.* During the period from September 15, 1958 through July 15, 1959, and except as otherwise provided in this section, no handler shall handle tablestock potatoes:

(i) Of the round white or red skin varieties unless such potatoes are U. S. No. 1, or better, grade, 2¼ inches minimum diameter and 4 inches maximum diameter; or

(ii) Of the long varieties (including, but not being limited to, the Russet Burbank variety) unless such potatoes are U. S. No. 2, or better, grade, 8 ounces minimum weight or, if U. S. No. 1, or better, grade, size A, 2 inches minimum diameter or 4 ounces minimum weight; and

(iii) Unless such potatoes meet the following cleanliness requirements: (*a*) For round or red skin varieties such potatoes are at least 90 percent "fairly clean," and (*b*) for long varieties such potatoes are generally fairly clean to clean, mostly clean, which means that not less than 55 percent of such potatoes are clean and not more than 10 percent are slightly dirty. If long varieties are in 50 pound or larger packs they may be shipped if at least 90 percent of such potatoes are "fairly clean."

(2) *Chipping.* No handler shall handle tablestock potatoes for chipping unless such potatoes meet the requirements of the U. S. No. 1, or better, grade (except for damage by shriveling and sprouting), 1½ inches minimum diameter and 4 inches maximum diameter, and unless, prior to shipment, he obtains a Certificate of Privilege as provided in § 970.130.

(3) *Processing.* No handler shall handle tablestock potatoes for processing into potato salad, fish cakes, or hash unless such potatoes grade 85 percent U. S. No. 1 quality, or better, 1½ inches minimum diameter and 2½ inches maximum diameter and prior to shipment he obtains a Certificate of Privilege pursuant to § 970.130.

(4) *Export.* No handler shall handle tablestock potatoes for export unless such potatoes meet the requirements of the U. S. No. 1 grade and prior to shipment he obtains a Certificate of Privilege as provided in § 970.130.

(5) *Minimum quantities.* Pursuant to § 970.54, each handler may handle not in excess of thirty (30) hundredweight of tablestock potatoes per week free from regulation effective pursuant to § 970.45 (Assessments) and § 970.65 (Inspection and Certification): *Provided,* That at least 90 percent of such potatoes are "fairly clean."

(6) *Seed and other special shipments.* The limitations set forth in subparagraph (1) of this paragraph shall not be applicable to shipments of certified seed potatoes or to shipments of tablestock potatoes for the following purposes: (i) For grading or storing in the production area; (ii) for planting within the production area; (iii) for dehydration, or manufacture into potato flakes; (iv) for manufacture or conversion into starch, flour, or alcohol; (v) for canning or freezing; (vi) for livestock feed; (vii) for distribution by the Federal Government; and (viii) for charitable purposes.

(7) *Inspection.* No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part, each inspection certificate is hereby determined, pursuant to paragraph (c) of § 970.65, to be valid for a period not to exceed 48 hours following completion of inspection as shown in the certificate.

(8) *Tablestock potatoes.* No handler shall handle tablestock potatoes under a Certificate of Exemption issued pursuant to §§ 970.70 through 970.75 and which are exempted from the grade and size limitations set forth in subparagraph (1) of this paragraph, unless such potatoes are packed in 50-pound or larger packs.

(9) *Shipping.* Each handler making shipments of potatoes for export, dehydration, potato flakes, potato chipping, potato salad, fish cakes, hash, livestock feed, canning or freezing, or charitable purposes shall: (i) File an application pursuant to §§ 970.56 and 970.130 with the administrative committee for a Certificate of Privilege for such shipments; (ii) pay assessments pursuant to § 970.45 with respect to the shipments of certified seed potatoes; and (iii) pay assessments pursuant to § 970.45 and have inspection pursuant to § 970.65 with respect to each shipment for export, potato chipping, potato salad, fish cakes, hash, distribution by the Federal Government, and for charitable purposes. Further, each handler who ships potatoes for export, dehydration, potato flakes, potato chipping, potato salad, fish cakes, hash, livestock feed, canning or freezing, distribution by the Federal Government, or charitable purposes shall furnish a record of such shipments to the administrative committee. In addition, each application for a Certificate of Privilege to ship potatoes for export, dehydration, potato flakes, potato chipping, potato salad, fish cakes, hash, canning or freezing, or charitable purposes shall be accompanied by the applicant handler's certification and the buyer's or receiver's certification that the potatoes to be shipped for the purpose stated in the application are to be used for such purpose. The buyer's or receiver's certification may, however, be furnished to the administrative committee within ten days from the date of shipment by said applicant handler. Handlers making shipments of potatoes for export to Canada may furnish the administrative committee with a copy of the Freight Delivery Receipt issued by Canadian customs officials upon entry of such shipment into Canada in lieu of the buyer's or receiver's certification required in this subparagraph. Each handler who applies for a Certificate of Privilege to ship potatoes for chipping shall at the same time or at such time subsequent thereto as the Maine Potato Administrative Committee may require, provide the administrative committee with appropriate evidence that such potatoes were, or are being, treated and conditioned for use for potato chipping and that such potatoes, except for damage resulting from shriveling or sprouting, meet the applicable grade and size requirements set forth in subparagraph (2) of this paragraph. The limitations set forth in this subparagraph shall not apply to shipments of potatoes of less than 15,000 pounds for canning or freezing, for dehydration, potato flakes, or for livestock feed when shipped in barrels, in bulk, or in unsewn 100-pound burlap bags within the production area.

(10) *State requirements.* The obtaining of a Certificate of Privilege on shipments to specified outlets as provided for in this section does not relieve the handler of the responsibility of complying with the provisions of the Maine Potato Branding Law (Me. Rev. Stat. Ch. 32, sections 295–301 (1954), as amended (Supp. 1957)).

(11) *Definitions.* The term "fairly clean" and the grades and sizes used in this section shall have the same meanings assigned these terms in the United

States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein; and all other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and Order No. 70 (§§ 970.1 to 970.92).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 9, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-7445; Filed, Sept. 11, 1958; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

BASIC COUNTY SUPPORT RATES; ARIZONA

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F. R. 4401, 4722 and 6173, containing the specific requirements for the 1958-crop grain sorghums price support program are amended as follows:

Section 421.3233 (c) is amended by changing the basic county support rates in Arizona as follows: Graham County increased from $1.80 to $1.83 per hundredweight, Greenlee County increased from $1.63 to $1.66 per hundredweight, Pima County increased from $2.10 to $2.13 per hundredweight, Santa Cruz County increased from $1.91 to $1.94 per hundredweight.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1064, as amended; sec. 308, 70 Stat. 206; 15 U. S. C. 714c; 7 U. S. C. 1447, 1421)

Issued this 9th day of September 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-7447; Filed, Sept. 11, 1958; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Reg. ER-236]

PART 212—OFF-ROUTE CHARTER TRIPS BY FOREIGN AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of August 1958.

In its decision in the Foreign Off-Route Charter Service Investigation, Docket No. 7173, dated August 12, 1958, the Board adopted Order No. E-12945 which amended the permits of specified foreign air carriers to authorize the holders under regulations prescribed by the Board to engage in charter trips without regard to the points named in those permits. The regulation contained herein implements the determination contained in the aforesaid order by defining off-route charter trips, specifying the conditions under which such trips can be conducted and establishing procedures for obtaining the required authorization for individual trips.

Prior to the hearings in the Foreign Off-Route Charter Service Investigation, counsel for the Board's Bureau of Air Operations circulated to the parties therein a proposed regulation governing the operation of off-route charters by foreign air carriers which he recommended be adopted by the Board. The Examiner attached to his recommended decision in that proceeding a specific regulation based upon that circulated by Bureau Counsel but modified to the extent that he deemed this called for by the evidence and the briefs of the parties in the case. Although the regulation contained herein differs in some of its provisions from those proposed by Bureau Counsel and Examiner, all of the provisions were either taken from one of the tentative regulations circulated to the parties or their substance was the subject of examination and argument by the parties. Interested parties have therefore been afforded an opportunity to comment on the substance of these provisions in connection with the abovementioned proceeding. In view of the foregoing circumstances, the Board finds that further notice and public procedure hereon are unnecessary and not in the public interest.

Accordingly, the Civil Aeronautics Board hereby amends the Economic Regulations (14 CFR Chapter I) effective November 5, 1958, by adding thereto a new Part 212 to read as follows:

Sec.
212.1 Definitions.
212.2 Scope of Authorization.
212.3 Tariffs to be filed for off-route charter trips.
212.4 Limitation on the operation of off-route charter trips.
212.5 Statements of Authorization; application.
212.6 Issuance of Statement of Authorization.
212.7 Keeping of records.

AUTHORITY: §§ 212.1 to 212.7 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 402, 52 Stat. 991, as amended; 49 U. S. C. 482.

§ 212.1 *Definitions.* For the purposes of this part:

(a) "Charter trip" means foreign air transportation performed by a foreign air carrier holding a foreign air carrier permit issued pursuant to section 402 of the Act authorizing such carrier to engage in foreign air transportation on an individually ticketed or individually waybilled basis where the entire capacity of one or more aircraft has been engaged for the movement of persons and their baggage or for the movement of property, on a time, mileage or trip basis.

(1) By a person for his own use;

(2) By a person (no part of whose business is the formation of groups for transportation or solicitation or sale of transportation services) for the transportation of a group of persons as agent or representative of such group;

(3) By two or more persons acting jointly for the transportation of such group of persons, or their property;

(4) By an air freight forwarder holding a currently effective letter of registration issued under Part 297 of this subchapter for the carriage of property in foreign air transportation or by a foreign indirect air carrier, whether or not the property to be carried is the result of a previous consolidation;

(5) By a direct air carrier or surface carrier when such aircraft is engaged solely for the transportation of company pesonnel and cargo or commercial traffic in cases of emergency.

With the consent of the charterer, the foreign air carrier may utilize any unused space for the transportation of company personnel or cargo.

(b) Within the meaning of this part, a charter trip shall not be deemed to include transportation services (1) offered by a foreign air carrier to individual members of the general public, (2) performed by a foreign air carrier under an arrangement with a person (other than an arrangement with a person and under the conditions described in subparagraphs (4) and (5) of paragraph (a) of this section) who provides or offers to provide transportation to the general public, or (3) engaged by persons paying for such services an amount aggregating in excess of the transporting carrier's duly published charter rate or fare: *Provided*, That in the case of a charter trip in which the total charge is prorated among the members of a group, this provision shall not be deemed to preclude the reimbursement of the group representative for reasonable administrative expenses actually incurred in arranging the charter.

(c) "Off-route charter trip" means a charter trip performed by a foreign air carrier between points between which it does not have authority under a foreign air carrier permit issued by the Board to engage in foreign air transportation on an individually ticketed or individually waybilled basis: *Provided*, That this definition shall not include a charter trip between a point in the United States named in the foreign air carrier permit of the carrier performing such charter trip and a point outside the United States which is not so named if such charter trip is operated via, and lands at, the foreign terminal point named in the foreign air carrier permit of such foreign air carrier.

§ 212.2 *Scope of authorization.* Off-route charter trips may be performed by foreign air carriers, subject to the limitations and regulations set forth in this part, by all direct foreign air carriers who hold currently effective foreign air carrier permits issued by the Board pursuant to section 402 of the act authorizing such carriers to engage in charter trips in foreign air transportation without regard to the points named in such permits.

§ 212.3 *Tariffs to be filed for off-route charter trips.* No foreign air carrier shall perform any off-route charter trips unless such foreign air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such charter trips, and showing the rules, regulations, practices, and services in connection with such transportation.

§ 212.4 *Limitation on the operation of off-route charter trips.* A foreign air carrier shall not perform any off-route charter trip unless specific authority in the form of a Statement of Authorization to conduct such charter trip has been granted by the Board.

§ 212.5 *Statements of Authorization; application.* (a) Application for a Statement of Authorization shall be submitted on CAB Form 433[1] to the Civil Aeronautics Board, addressed to the attention of the Director, Bureau of Air Operations. Upon a showing of good cause, such application may be transmitted by cablegram or telegram or may be made by telephone. Each applicant shall keep on file with the Director, Bureau of Air Operations a copy of its current standard form of charter agreement. Each application shall contain an abstract of the charter agreement setting forth the names and addresses of the operator, the charterer, and their agents, if any; a description of the proposed operations; type aircraft to be flown; and, if reciprocity has not previously been established or if any changes have occurred since the previous Board finding thereon, documentation to establish the extent to which the nation which is the domicile of the applicant grants a similar privilege with respect to United States air carriers. A true copy of the charter agreement actually consummated shall be transmitted to the Director of the Bureau of Air Operations as soon as practicable but in no event later than (15) days after consummation.

(b) Applications shall be filed with the Board at least five days in advance of the date of the commencement of the proposed flight, except that applications for authority to conduct planeload cargo charters may be filed not less than 48 hours in advance of the proposed flight. Upon a showing that good cause exists for failure to adhere to the above requirements and that waiver of these requirements is in the public interest, applications later submitted may be considered by the Board.

(c) Any party in interest may file a memorandum in support of or in opposition to the grant of an application. Such a memorandum shall set forth in detail the reasons why the party believes the application should be granted or denied and shall be accompanied by such data, including affidavits, which it is desired that the Board shall officially notice. Copies of the memorandum shall be served upon the foreign air carrier to whose application such memorandum is directed. Nothing in this subparagraph shall be deemed to preclude the Board from granting or denying an application when the circumstances so warrant without awaiting the filing of memorandum in support of or in opposition to the application.

(d) Except to the extent that the Board shall direct that such information be withheld from public disclosure as hereinafter specified, every application and its supporting documents filed pursuant to this section shall be open to public inspection, and notice thereof shall be published in the Board's Weekly List of Applications Filed. Any person may make written objection to the Board to the public disclosure of such information or any part thereof, stating the grounds for such objection. If the Board finds that disclosure of such information or part thereof would adversely affect the interests of such person and is not required in the interest of the public, it will order that such information or part be so withheld.

§ 212.6 *Issuance of Statement of Authorization.* (a) If the Board finds that the proposed charter trip or trips meet the requirements of this part, that the foreign nation which is the domicile of the applicant grants a similar privilege with respect to United States air carriers, and that such charter trip or trips are otherwise in the public interest, it will issue a Statement of Authorization for the conduct of the trip or trips set forth in the application. Such Statement of Authorization may be withheld, conditioned or limited by the Board as the public interest may require.

(b) In passing upon the requirements of the public interest the Board will consider the following things, among others:

(1) Whether the foreign air carrier has previously conducted similar flights on a regular and frequent basis in relation to the regularity and frequency of its on-route charter, scheduled, and nonscheduled operations.

(2) Whether the off-route charter was generated as a result of solicitation of individual members of the traveling public.

(3) Whether the foreign air carrier or its agent or the charterer or its agent has previously violated any of the provisions of this part.

(c) Action by the Board upon applications for Statements of Authorization shall be published in the Status of Charter Applications attachment to the Weekly List of Applications Filed. Copies of the letter advising the applicant air carrier of the action taken on its application will be made available to interested persons upon request.

§ 212.7 *Keeping of records.* (a) Each foreign air carrier receiving an authorization under this part shall make available true copies of all manifests, airway bills, invoices and other traffic documents covering flights originating or terminating in the United States, at a place in the United States where such documents may be inspected upon request by an authorized representative of the Board or the Civil Aeronautics Administration.

[1] Copies of this Form available, upon request, in the Publications Section, C. A. B.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[F. R. Doc. 58-7441; Filed, Sept. 11, 1958; 8:50 a. m.]

Subchapter D—Policy Statements

[Regulation Policy Statement 5]

PART 399—STATEMENTS OF GENERAL POLICY

PROCESSING OF APPLICATIONS OF FOREIGN AIR CARRIERS FOR AUTHORIZATION TO CONDUCT OFF-ROUTE CHARTER TRIPS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of August 1958.

In an opinion and order issued concurrently herewith the Board amended the foreign air carrier permits of certain designated foreign air carriers so as to authorize them to conduct off-route charter trips in foreign air transportation under regulations prescribed by the Board (Order No. E-12945 dated August 12, 1958). In the same decision the Board adopted Part 212 of the Economic Regulations (Regulation No. ER-236, dated August 12, 1958) governing the operation of off-route charter trips by the foreign air carriers whose permits were amended. The regulation provides that in order to conduct an off-route charter trip a foreign air carrier must file an application with the Board and must receive authority in the form of a statement of authorization granted by the Board. Before such a statement of authorization will be issued the Board must find that the proposed flight comes within the definition of "off-route charter trips" set forth in the regulation and that the operation of the trip will be in the public interest.

Since this rule relates only to Statements of Policy, notice and public procedures hereon are unnecessary.

In consideration of the foregoing the Civil Aeronautics Board hereby enacts Regulation Policy Statement No. 5 comprising new § 399.30 of Subpart B of Part 399 effective November 5, 1958, to read as follows:

§ 399.30 *Processing of applications filed by foreign air carriers pursuant to Part 212 of this chapter for a Statement of Authorization to conduct off-route charter trips*—(a) *General provisions.* This policy prescribes the general standards which will be used by the Board in processing applications for Statements of Authority. Since a determination of public interest requires consideration of all of the standards set forth in the Civil Aeronautics Act, this statement does not purport to cover every matter that may be taken into account by the Board in passing upon applications by foreign air carriers to conduct off-route charter trips. For similar reasons, the Board reserves the right to depart from the provisions of this policy when there is a showing of exceptional circumstances and the Board finds that strict adherence

to the detailed standards of the policy in a particular situation would not be in the public interest. However, in the absence of such a showing, any practice by a foreign air carrier, travel agent, or chartering group which is prohibited by this policy will constitute sufficient basis for denying an application for a statement of authorization. If any such practice is discovered after the particular charter flight has been performed, the practice will justify denial of future applications by the same foreign air carrier.

(b) *Requirements relating to air carrier applicants.* (1) The carrier may not solicit individual members of the chartering organization either through personal contact, through the placing of advertisements in newspapers, magazines or billboards, or through radio or television stations, or otherwise. However, a carrier may solicit prospective charter groups, but may not engage in public advertising except the "institutional-type" provided for in subparagraph (2) of this paragraph.

(2) A carrier is not prohibited from "institutional-type" advertising to the effect that it conducts off-route charters under regulations established by the Civil Aeronautics Board. However, the carrier may not, directly or indirectly, advertise rates for off-route services in foreign air transportation on an individual passenger basis.

(3) The carrier may not employ directly or indirectly, any person for the purpose of organizing and assembling members of the chartering party into a chartering group.

(4) Without prior Board approval, upon good cause shown at the time the application is filed, the carrier shall not transport one-way passengers in the case of a round-trip charter. Similarly, in the case of a charter contract calling for two or more round trips, without prior Board approval upon good cause shown at the time of application, there shall be no intermingling and each plane-load group shall move as a unit in both directions.

(c) *Requirements relating to travel agents.* (1) A travel agent may not receive a commission from both the direct air carrier and the charterer for services performed in connection with the charter agreement or for services rendered on behalf of the charterer.

(2) A travel agent may not assist in the organization and assembly of the charter group or handle the sale or ticketing of any individual members of the group except as hereinafter indicated.

(3) In cases where the group has itself engaged the aircraft without intermediary, they may employ the services of a travel agent for the land tour who may solicit individual members of the group for such tours, receive deposits and conduct ticketing for such land tours. He may not, however, engage in any activities with or without compensation relating to the organization or assembly of the charter group itself or receive remuneration of any kind from the carrier in connection with the charter.

(4) In cases where an agent, either singly or by agreement with others, acts as both the direct air carrier's agent and as agent for land tours, such agent may not directly handle the sale or ticketing of any individual members of the group either for the air transportation portion of their journey or for the land tour portion, except for charter participants who, on an individual basis, request land tour arrangements different from those made available to the charter group. The services of the travel agent may be utilized in the preparation of a brochure or other literature describing all the aspects of the whole trip; provided, however, that the distribution of such material, and the actual administration of the charter flight (which includes the collection and distribution of all pro rata shares of all the participants) be confined to the hands of the charterer.

(5) The travel agent shall not incur any obligations on behalf of a chartering group relating to the expenses of solicitation or organization of the individual participants in the chartering group, whether or not it is intended for the group to assume ultimately the obligation incurred.

(6) The travel agent shall make no payments or extend gratuities of any kind, directly or indirectly, to any member of the chartering organization in relation either to the air transportation or land tour portions of the charter trip.

(7) No travel agent, or officer, director or employee of such an agent, who may be a member of a charter group, shall participate in the charter activity of such group, if such travel agent, or officer, director or employee thereof, is receiving directly or indirectly any compensation either from the charter flight or the land tours.

(d) *Requirements relating to chartering organization.* (1) An application for exemption to perform an off-route charter flight in foreign air transportation where the participants are individually bearing all or a substantial part of the cost of such transportation will be granted only where such participants have not been brought together as a result of solicitation of the general public or a substantial portion thereof. In making this determination, the Board will consider both the size of the group and the area of residence of the group from which the participants have been solicited. The Board will also consider the relative ease of admission to membership and, where admission is on a casual or informal basis, may construe a charter solicited from such membership as being, in effect, held open to the general public.

(2) An organized club or group may solicit only its members and their immediate families for participation in the charter flight. Immediate family is construed by the Board to include the spouse, children and parents who are in the member's immediate household. Further, participation of immediate families should be limited to the immediate families of those members who will themselves participate in the charter flight as passengers.

(3) It shall be considered solicitation of the general public when the charter is described, announced or referred to in advertisements, whether paid or unpaid, in any media of mass communication such as newspapers, magazines, radio or television. A news item carried on such media would be considered as solicitation if initiated or inspired by the charterer, carrier, or travel agent and, if reasonably construed, it is likely to induce travel on the charter. However, advertising or the initiation of an unpaid announcement in media the circulation of which is primarily restricted to an eligible group—e. g., the plant newspaper of a factory, the student newspaper of a college—would not ordinarily be considered as solicitation of the general public, particularly if it included a statement that the charter is limited to bona fide members of the organization and their immediate families. Distribution of circulars to persons not members of the organization or the posting of notices outside the premises of the organization will also be regarded as evidence of solicitation of the general public, as will campaigns by telephone, telegraph, or letter going beyond the bona fide membership.

(4) In the case of a round-trip charter flight, one-way passengers are not permitted. Where more than one round trip is contracted for, intermingling between flights or reforming of plane-load groups is not permitted, and each plane-load group must move as a unit in both directions. Waiver of these rules may be obtained where there is good cause shown at the time the charter application is filed.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 925)

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR, *Acting Secretary.*

[F. R. Doc. 58-7442; Filed, Sept. 11, 1958; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 87]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Laurel Int	LOM (Final)	Direct	1200	T-dn	800-1	800-1	200-½
Raley Int	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Belleville FM	LOM	Direct	1600	S-dn-10	400-1	400-1	400-1
Baltimore VOR	LOM	Direct	1500	A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 281° Outbnd, 101° Inbnd, 1500' within 10 mi.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 101°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi. after passing LOM, climb to 1500' on crs 101° from LOM within 10 miles.

City, Baltimore; State, Md.; Airport Name, Friendship Int'l; Elev., 146'; Fac. Class, LOM; Ident., BA; Procedure No. 1, Amdt. 7; Eff. Date, 4 Oct. 58; Sup. Amdt. No. 6 (ADF portion of Comb. ILS-ADF); Dated, 18 Aug. 56

Mobile VOR	LOM	Direct	1300	T-dn	800-1	800-1	200-½
Brookley RBn	LOM	Direct	1400	C-dn	400-1	500-1	500-1½
Prichard Int	LOM	Direct	1500	S-dn	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area transitions: 2000' within 20 mi Brookley AFB. 2200' required within sector from 060° to 100° mag. from Brookley AFB.
Procedure turn W side NW crs, 320° Outbnd, 140° Inbnd, 1500' within 10 mi.
Minimum altitude over facility on final approach crs, 900'.
Crs and distance, facility to airport, 139°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi. after passing LOM, make right turn, climb to 1600' on 180° crs from LOM within 20 mi or, when directed by ATC, make right turn, proceed direct to MOB VOR climbing to 1400' and enter VOR holding pattern.

City, Mobile; State, Ala.; Airport Name, Bates Field; Elev., 217'; Fac. Class, LOM; Ident., MO; Procedure No. 1, Amdt. 8; Eff. Date, 4 Oct. 58; Sup Amdt. No. 7 (ADF portion of Comb. ILS-ADF); Dated, 8 May 57

Fist Rock VOR	LOM	Direct	2000	T-dn	800-1	800-1	200-½
Richmond LFR	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Chester FM	LOM	Direct	1500	S-dn-6	400-1	400-1	400-1
Manakin RBn	LOM	Direct	2000	A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 243° Outbnd, 063° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 900'.
Crs and distance, facility to airport, 063°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1500' on crs 063° within 10 miles of LOM or, when directed by ATC, make a left climbing turn to 1500' on N crs Richmond LFR within 10 miles.

City, Richmond; State, Va.: Airport Name, Byrd Field; Elev., 167'; Fac. Class, LOM; Ident., RI; Procedure No. 1, Amdt. 8; Eff. Date, 4 Oct. 58; Sup Amdt. No. 7 (ADF portion of Comb. ILS-ADF) Dated, 18 Aug. 56

Shreveport LFR	LOM	Direct	1500	T-dn	800-1	800-1	200-½
Shreveport VOR	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
Dixie RBn	LOM	Direct	2400	S-dn-13	400-1	400-1	400-1
Forbing Int	LOM	Direct	1400	A-dn	800-2	800-2	800-2
Lucien Int	LOM	Direct	1400				
Caddo Lake Int	LOM	Direct	2400				
Blanchard Int	LOM (Final)	Direct	900				

Radar terminal area transition altitude 1700° within 40 miles.
*Radar control must provide 1000 feet clearance when within three miles or 500 feet clearance when between 3-5 miles of radio antenna towers 1446' MSL 16 mi. NW of airport.
Procedure turn W side of NW crs, 315 Outbnd, 135 Inbnd, 2400' within 10 mi.
Minimum altitude over LOM, 900'.
Distance to approach end of Rny at LOM, 3.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi after passing LOM, climb to 1400' on crs of 135° within 20 mi or, when directed by ATC, turn right, climb to 1400' on heading 195°, intercept and proceed outbnd on SW crs BAD LFR.
CAUTION: 1446' and 1403' TV antennas approx 11 mi NNW of LOM.

City, Shreveport; State, La.; Airport Name, Greater Shreveport; Elev., 251'; Fac. Class, LOM; Ident., SH; Procedure No. 1, Amdt. 8; Eff. Date, 4 Oct. 58; Sup. Amdt. No. 7 (ADF portion of Comb. ILS-ADF); Dated, 19Oct. 57

Lyons Int	LOM	Direct	2000	T-dn	800-1	800-1	200-½
Toledo LFR	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Waterville VOR	LOM	Direct	2000	S-dn-7	500-1	500-1	500-1
Ogden Int	LOM	Direct	2000	A-dn	800-2	800-2	800-2
Deerfield Int	LOM	Direct	2100				
Harbor View Int	LOM	Direct	2000				
McClure Int	LOM	Direct	2000				
Elmira Int	LOM	Direct	2000				
Gerald Int#	LOM						

#Gerald Int: Int 069° brg on LOM and W crs TOL-LFR or Waterville VOR R-275.
Procedure turn South side of crs, 249° Outbnd, 069° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 069°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 mi, make climbing right turn to 2000' and proceed to Waterville VOR or, when directed by ATC, make climbing left turn to 2000' and return to LOM.
CAUTION: Building 865' 13/4 miles South of LMM.

City, Toledo; State, Ohio; Airport Name, Toledo Express; Elev., 684'; Fac. Class, LOM; Ident., TO; Procedure No. 1, Amdt. 2; Eff. Date, 4 Oct. 58; Sup. Amdt. No. 1 (ADF portion of Comb. ILS-ADF); Dated, 4 Oct. 58

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine more than 65 knots
					65 knots or less	More than 65 knots	
Brookley HWZ	MOB VOR	Direct	1400	T-dn	300-1	300-1	200-½
				C-dn	400-1	400-1	400-1½
				S-dn-9	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area transitions: 2000′ altitude within 20 mi Brookley AFB. 2200′ altitude required from 060° to 100° mag.
Procedure turn S side of crs, 287 Outbnd, 107 inbnd, 1400′ within 10 miles. Beyond 19 mi NA.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 107–6.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles, turn left, climb to 1600′ on R-086 within 20 mi.
MAJOR CHANGES: Deletes transition from Brookley HWZ. Deletes Caution Note.

City, Mobile; State, Ala.; Airport Name, Bates Field; Elev., 217′; Fac. Class, BVOR; Ident., MOB; Procedure No. 1, Amdt. 7; Eff. Date, 4 Oct. 58; Sup. Amdt. No. 6; Dated, 25 Jan. 58

3. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lisbon Int	Laurel Int	Direct	#1800	T-dn	300-1	300-1	200-½
Laurel Int	LOM (Final)	Direct	#1500	C-dn	400-1	500-1	500-1½
Relay Int	LOM	Direct	1500	S-dn-10	200-½	200-½	200-½
Beltsville FM	LOM	Direct	1600	A-dn	600-2	600-2	600-2
Lisbon Int	LOM	Direct	1800				
Baltimore VOR	LOM	Direct	1500				

#After interception of localizer crs inbnd, descent on glide slope to cross outer marker at 1295′ is authorized.
Procedure turn S side W crs, 281 Outbnd, 101 inbnd, 1500′ within 10 mi.
Minimum altitude at glide slope int inbnd, 1500′.
Altitude of glide slope and distance to appr end of rny at OM, 1295′—3.8 mi; MM, 959′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1800′ on East crs of ILS within 10 miles of LOM.
GLIDE SLOPE NOTE: Glide slope not useable inbound from middle marker; satisfactory for authorized minimums.

City, Baltimore; State, Md.; Airport Name, Friendship Int'l; Elev., 146′; Fac. Class, ILS; Ident., IBAL; Procedure No. ILS-10, Amdt. 7; Eff. Date, 4 Oct. 58; Sup. Amdt. No. 6 (ILS portion of comb. ILS-ADF); Dated, 18 Aug. 56

Bayshore Int	Flagler Int#	Direct	1400	T-dn	300-1	300-1	200-½
Biscayne VOR	Flagler Int#	Direct	1400	C-dn	400-1	500-1	500-1½
Miami LFR	Flagler Int#	Direct	1400	S-dn-27 L&R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

#Flagler Int: Int E crs ILS and R-345 BSY VOR.
Procedure turn *S side E crs, 086° Outbnd, 266° Inbnd, 1400′ within 10 mi East of Bayshore Int. Beyond 10 mi. NA.
*Nonstandard due to ATC.
No glide slope.
Minimum altitude over Flagler Int, 1400′.
Crs and distance, Flagler Int to airport, 266°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 mi, climb to 1100′ on W crs ILS within 20 mi.
NOTE: Procedure authorized only when directed by ATC.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class, ILS; Ident., IMIA; Procedure No. ILS-27, Amdt. Orig.; Eff. Date, 4 Oct. 58

Mobile VOR	LOM	Direct	1300	T-dn	300-1	300-1	200-½
Brookley RBn	LOM	Direct	1400	C-dn	400-1	500-1	500-1½
Prichard Int	LOM	Direct	1500	S-dn-14	*300-¾	*300-¾	*300-¾
				A-dn	#600-2	#600-2	#600-2

*400-¾ required when glide slope not utilized.
#All installed components of ILS must be operating otherwise alternate minima of 800-2 apply.
Radar terminal area transitions: 2000′ altitude within 20 mi Brookley AFB. 2200′ altitude required from 060° to 100° mag.
Procedure turn W side NW crs, 320 Outbnd, 140 Inbnd, 1500′ within 10 mi.
Minimum altitude at glide slope int inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at OM, 1450–4.0; at MM, 431–0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi after passing LOM, make right turn, climb to 1600′ on 180° crs from LOM within 20 mi or, when directed by ATC, make right turn, proceed direct to MOB VOR climbing to 1400′ and enter VOR holding pattern.
NOTE: No approach lights.

City, Mobile; State, Ala; Airport Name, Bates Field; Elev., 217′; Fac. Class, ILS; Ident., IMOB; Procedure No. ILS-14, Amdt. 8; Eff. Date, 4 Oct. 58; Sup. Amdt. No. 7 (ILS portion of Comb. ILS-ADF); Dated, 8 May 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine more than 65 knots
					65 knots or less	More than 65 knots	
Flat Rock VOR via R-120	ILS SW crs	Direct	#1500	T-dn	300-1	300-1	200-½
Flat Rock VOR	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
Richmond LFR	LOM	Direct	1500	S-dn-6	*200-½	*200-½	*200-½
Int N crs Richmond LFR and SW crs ILS	LOM	Direct	1500	A-dn	600-2	600-2	600-2
Chester FM via crs 340	ILS SW crs	Direct	#1500				
Manakin Rbn	LOM	Direct	2000				
Chester FM	LOM	Direct	1500				

*400-¾ required with glide slope inoperative.
#After intereception of localizer crs inbnd, descent on glide slope to cross outer marker at 1370′ is authorized.
Procedure turn South side of crs, 243° Outbnd, 063° Inbnd, 1500′ within 10 mi.
Minimum altitude at Glide Slope Int inbnd, 1500′.
Altitude of G. S. and distance to appr end of rny at OM 1370—3.8; at MM 370—0.6.
Altitude of G. S. and distance to appr end of rny at OM 1370—3.8; at MM 370—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1800′ on course 063° within 10 miles of LOM or, when directed by ATC, make a left climbing turn to 1500′ on N crs Richmond LFR within 10 miles.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class, ILS; Ident., IRIC; Procedure No. ILS-6, Amdt. 8; Eff. Date, 4 Oct. 58; Sup. Amdt. No. 7 (ILS portion of Comb. ILS-ADF); Dated, 18 Aug. 56

Shreveport LFR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
Shreveport VOR	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
Dixie RBn	LOM	Direct	2400	S-dn-13°	200-½	200-½	200-½
Blanchard Int	LOM (Final)	Direct	1400	A-dn	600-2	600-2	600-2
Forbing Int	LOM	Direct	1400				
Lucien Int	LOM	Direct	1400				
Caddo Lake Int	LOM	Direct	2400				

*400-¾ required when glide slope not utilized.
Radar terminal area transition altitude 1700# within 40 miles.
#Radar control must provide 1,000 feet clearance when within three miles or 500 feet clearance when between 3–5 miles of radio antenna towers 1446 feet MSL 16 mi. NW of airport.
Procedure turn W side of NW crs, 315 Outbnd, 135 Inbnd, 2400′ within 10 mi.
Minimum altitude at G. S. int inbnd, 1400.
Altitude of G. S. and distance to appr end of rny at OM 1400—3.7, at MM 455—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1400′ on crs of 135° or SE crs ILS within 20 mi, or when directed by ATC, turn right, intercept and climb to 1400′ on R-130 SHV VOR within 20 mi.
CAUTION: 1446′ an-l 1403′ TV antennas approx 11 mi NNW of LOM.

City, Shreveport; State, La.; Airport Name, Greater Shreveport; Elev., 251′; Fac. Class, ILS; Ident., ISHV; Procedure No. ILS-13, Amdt. 8; Eff. Date, 4 Oct. 58; Sup. Amdt. No. 7 (ILS portion of Comb. ILS-ADF); Dated, 19 Oct. 57

Toledo LFR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Waterville VOR	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Orden Int	LOM	Direct	2000	S-dn-7	*300-¾	*300-¾	*300-¾
Deerfield Int	LOM	Direct	2100	A-dn	600-2	600-2	600-2
Harbor View Int	LOM	Direct	2000				
McClure Int	LOM	Direct	2000				
Elmira Int	LOM	Direct	2000				
Gerald Int#	LOM	Direct	2000				
Lyons Int							

*400-¾ if glide slope inoperative.
#Gerald Int: Int front crs TOL-ILS and W crs TOL-LFR or Waterville VOR R-275.
Procedure turn S side of crs, 249 Outbnd, 069 Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope int inbnd, 2000′.
Altitude of G. S. and distance to approach end of rny at OM, 2053—4.2; at MM, 919—0.6.
Altitude of G. S. and distance to approach end of rny at OM, 2053—4.2; at MM, 919—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles, make climbing right turn to 2000′ and proceed to Waterville VOR or, when requested by ATC, make climbing left turn to 2000′ and return to LOM.
CAUTION: (1) Building 865′ 1¾ miles South of LMM. (2) Trees to 747′ msl at 2080′ from approach end of Rny 7.

City, Toledo; State, Ohio; Airport Name, Toledo Express; Elev., 684′; Fac. Class, ILS; Ident., ITOL; Procedure No. ILS-7, Amdt. 2; Eff. Date, 4 Oct. 58; Sup. Amdt. No. 1 (ILS portion of Comb. ILS-ADF); Dated, 24 Sept. 55.

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

SEPTEMBER 4, 1958.

[F. R. Doc. 58-7418; Filed, Sept. 11, 1958; 9:15 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6944]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CHAMPION PRODUCTS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees;* § 13.85 *Government approval, action, connection or standards:* Government indorsement; § 13.110 *Indorsements, approval, and testimonials;* § 13.185 *Refunds, repairs, and replacements;* § 13.205 *Scientific or other relevant facts.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1632 *Government indorsement or recommendation;*[1] § 13.1647 *Guarantees;* § 13.1665 *Indorsements;* § 13.1725 *Refunds;* § 13.1740 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Champion Products, Inc. (Stephenville, Tex.), et al., Docket 6944, July 24, 1958]

[1] New.

In the Matter of Champion Products, Inc., a Corporation, and John T. Heaton, Lucille Heaton and William J. Oxford, Individually and as Officers of Said Corporation; Champion Oil Company, Inc., a Corporation, and Robert H. Huston, Jack J. Heinemann and Francis C. Routt, Individually and as Officers of Said Corporation; Earle A. Goodenow, Sr., and Earle A. Goodenow, Jr., Individually and Trading and Doing Business as The Goodenow Company, a Partnership

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in

Stephenville, Tex., and distributor in Oklahoma City, Okla., of gasoline and oil additives sold under the brand names of "Q–X" and "Q–X with Moly", respectively, with representing falsely in advertising in newspapers, periodicals, and sales literature, and by statements of sales representatives, that said products were extensively used by certain large corporations and firms and were approved and recommended by them and by the United States Government; that purchasers' money would be returned if they did not accomplish the guaranteed results; and that they were regularly advertised in "Life" magazine.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 24 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Champion Products, Inc., a corporation, its officers and John T. Heaton, Lucille Heaton and William J. Oxford, individually and as officers of said corporation; and Earle A. Goodenow, Jr., individually and trading and doing business as The Goodenow Company, or under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their gasoline and oil additives, or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from representing directly or by implication:

1. That any certain corporations or firms regularly or extensively use respondents' products when such use is only occasional and in small quantities.

2. That any certain corporations or firms approve or recommend the use of respondents' products, unless such is the fact.

3. That respondents' products are covered by a money back guarantee unless all of the terms and conditions thereof are clearly and conspicuously set forth in their advertised guarantee.

4. That respondents' products are approved or recommended by the United States Government.

5. That respondents' products are currently or regularly advertised in "Life" magazine; or are advertised in any other publication, unless such is the fact.

It is further ordered, That respondent Earle A. Goodenow, Jr., individually and trading and doing business as The Goodenow Company, or under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of gasoline and oil additives or any other products in commerce, as "commerce" is defined by the Federal Trade Commission Act, forthwith cease and desist from representing directly or by implication that he is the manufacturer of said products.

It is further ordered, That respondents Champion Products, Inc., its officers, and John T. Heaton, Lucille Heaton and William J. Oxford, individually and as officers of said corporation, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of gasoline and oil additives or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from furnishing means and instrumentalities to others by and through which they may mislead and deceive the public respecting the matters set forth in Paragraphs 1 through 5 hereof.

It is further ordered, That the complaint be, and the same hereby is, dismissed, without prejudice, as to respondents Robert H. Huston, Jack J. Heinemann and Francis C. Routt, individually.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to Champion Oil Company, Inc., a corporation, Robert H. Huston, Jack J. Heinemann and Francis C. Routt as officers of said corporation, and as to Earle A. Goodenow, Sr.

It is ordered, That respondents Champion Products, Inc., a corporation, John T. Heaton, Lucille Heaton, and William J. Oxford, individually and as officers of said corporation, and Earle A. Goodenow, Jr., individually and trading and doing business as The Goodenow Company shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 13, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-7426; Filed, Sept. 11, 1958; 8:47 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter P—Mining

PART 171—LEASING OF TRIBAL LANDS FOR MINING

AUTHORITY FOR ADVERTISING

On page 3862 of the FEDERAL REGISTER of June 4, 1958, there was published a notice of intention to amend Part 171 of 25 CFR. The purpose of this amendment is to authorize Superintendents to advertise Indian tribal lands for oil and gas lease sale. The present wordage of § 171.3 (a) has led to some confusion as to whether or not it is necessary to acquire the approval of the Secretary of the Interior before Indian tribal lands can be so advertised.

Interested persons were given an opportunity to submit their views, data, and arguments concerning the proposed amendment to the Commissioner of Indian Affairs within 30 days of the date of publication of the notice in the FEDERAL REGISTER. No objections were received.

The proposed amendment to paragraph (a) of § 171.3 of 25 CFR is hereby adopted as published and is set forth below. This amendment shall become effective upon publication in the FEDERAL REGISTER.

FRED A. SEATON, *Secretary of the Interior.*

SEPTEMBER 8, 1958.

Paragraph (a) of § 171.3 is amended to read as follows:

§ 171.3 *Sale of oil and gas leases.* (a) At such times and in such manner as he may deem appropriate, after being authorized by the tribal council or other authorized representative of the tribe, the superintendent shall publish notices at least thirty days prior to the sale, unless a shorter period is authorized by the Commissioner of Indian Affairs, that oil and gas leases on specific tracts, each of which shall be in a reasonably compact body, will be offered to the highest responsible bidder for a bonus consideration, in addition to stipulated rentals and royalties. Each bid must be accompanied by a cashier's check, certified check, or postal money order, payable to the payee designated in the invitation to bid, in an amount not less than 25 percent of the bonus bid. Within 30 days after notification of being the successful bidder, said bidder must remit the balance of the bonus, the first year's rental, and his share of the advertising costs, and shall file with the superintendent the lease in completed form. The superintendent may, for good and sufficient reasons, extend the time for the completion and submission of the lease form, but no extension shall be granted for remitting the balance of moneys due. If the successful bidder fails to pay the full consideration wit' 'n said period, or fails to file the completed lease within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, 25 percent of the bonus bid will be forfeited for the use and benefit of the Indian lessor.

(Secs. 16, 17, 48 Stat. 987, 988, sec. 9, 46 Stat. 1968, sec. 4, 52 Stat. 348; 25 U. S. C. 396d, 476, 477, 509)

[F. R. Doc. 58-7421; Filed, Sept. 11, 1958; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter A—General

[CGFR 58-12]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

MISCELLANEOUS AMENDMENTS

By virtue of the authority contained in the act of July 9, 1952 (66 Stat. 481) as amended, the act of September 3, 1954 (66 Stat. 147) as amended, and Titles 10 and 14, U. S. Code, the following amendments are hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

1. The term "District Coast Guard Officer" in all of its grammatical forms is hereby changed wherever it appears in these regulations to the appropriate grammatical form of the term "District Commander".

GENERAL—ADMINISTRATION AND ORGANIZATION

DEFINITIONS AND APPLICABILITY OF REGULATIONS

2. A new § 8.1001 is hereby added to read as follows:

§ 8.1001 *Meaning and use of terms "District Commander" and "District Coast Guard Commander".* (a) The terms "District Commander" and "District Coast Guard Commander" shall be used in these regulations interchangeably. When the Coast Guard is operating as a service in the Treasury Department, either term shall mean the Coast Guard officer in overall charge of a Coast Guard district. When the Coast Guard is operating as a service in the Navy, either term shall mean the Coast Guard officer in overall charge of Coast Guard activities within a Naval district.

(b) Normally, the term "District Commander" shall be used when the Coast Guard is operating as a service in the Treasury Department.

(c) Normally, the term "District Coast Guard Commander" shall be used when the Coast Guard is operating as a service in the Navy.

3. A new § 8.1002 is hereby added to read as follows:

§ 8.1002 *Meaning of terms "Secretary of the Treasury" and "Secretary."* As used in this part, the terms "Secretary of the Treasury" and "Secretary" mean the Secretary of the Treasury when the Coast Guard is operating as a service in the Treasury Department and the Secretary of the Navy when the Coast Guard is operating as a service in the Navy.

4. A new § 8.1003 is hereby added to read as follows:

§ 8.1003 *Definition of "active service."* "Active service" means service on active duty.

5. A new § 8.1004 is hereby added to read as follows:

§ 8.1004 *Definition of "active duty."* "Active duty" means full-time duty in the active military service of the United States. It includes duty on the active list, full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary.

6. A new § 8.1005 is hereby added to read as follows:

§ 8.1005 *Applicability of regulations to temporary members of the Reserve.* Unless temporary members of the Coast Guard Reserve are specifically included within its provisions, no section of this part shall be deemed to apply to them.

7. A new § 8.1006 is hereby added to read as follows:

§ 8.1006 *Applicability of regulations to women members of the Reserve.* Except as otherwise provided, the regulations in this part apply equally to men and women Reservists.

POLICY

8. Section 8.1105 is hereby amended to read as follows:

§ 8.1105 *Ranks, grades, and ratings allowed.* There shall be allowed in the Reserve the various ranks, grades, and ratings, including cadets, corresponding to those in the Regular Coast Guard, except that the highest rank in the Reserve is that of Rear Admiral. No original appointment may be made to a rank above that of lieutenant commander.

9. Section 8.1107 is hereby amended to read as follows:

§ 8.1107 *Powers and duties of Reservists.* Reservists, including temporary members of the Reserve, while engaged on active duty as set forth in Title 14, U. S. Code, section 754, are vested with the same power, authority, rights and privileges in the execution of their duties as members of the Regular Coast Guard of corresponding grades or ratings.

ADDRESSES, OFFICIAL RESIDENCES, RECORDS, CORRESPONDENCE AND REPORTS

10. Section 8.1607 is hereby amended to read as follows:

§ 8.1607 *Fitness reports.* (a) Fitness reports are required on all officers except those on the Inactive Status List or on any Reserve Retired List.

(b) Fitness reports shall be submitted be officers to be reported on and shall be completed and forwarded to the Commandant by reporting seniors at the following times:

(1) For all officers serving on active duty for more than 30 days, at the times required for officers of the Regular Coast Guard.

(2) For all officers not serving on active duty, on 30 June of each year.

(3) For all officers serving on active duty for training for 30 days or less, upon completion of such duty.

(4) For all officers, at such other times as the Commandant may require.

(c) Designation of reporting seniors, preparation, and submission of reports, including use of appropriate forms, shall be in accordance with instructions issued by the Commandant.

(d) Recommendations for discharge, transfer, retirement, and other similar action will not be included in the comments contained in fitness reports. Such recommendations shall be made the subject of separate correspondence.

11. Sections 8.2404 and 8.2405 are hereby deleted in their entirety.

PROMOTION

CHIEF WARRANT AND WARRANT OFFICERS

12. Section 8.3201 is hereby added to read as follows:

§ 8.3201 *Promotion generally.* (a) Subject to the limitations contained in paragraph (b) of this section, the regulations now existing or hereafter promulgated relating to the promotion, failure of selection for promotion, date of appointment and procedures for effecting appointments, and the effect of removal from a promotion list of chief warrant and warrant officers of the Regular Coast Guard shall apply to chief warrant and warrant officers of the Coast Guard Reserve except as may be necessary to adapt such provisions to the Coast Guard Reserve.

(b) No chief warrant or warrant officer shall receive consideration for promotion or be promoted either for temporary service or permanently under any provision of law or regulations unless:

(1) He is in an active Reserve status, and

(2) He has attained the minimum number of points prescribed by the Commandant. The number of points prescribed shall not exceed an average of 50 points per anniversary year.

13. A new § 8.3202 is hereby added as follows:

§ 8.3202 *Elimination generally.* (a) Except as provided in paragraphs (b) and (c) of this section, chief warrant and warrant officers of the Coast Guard Reserve shall be transfered to the Retired Reserve, or placed on the Inactive Status List under the same regulations as apply to commissioned officers of the Coast Guard Reserve of the grade of ensign and above.

(b) Unless retained in an active status pursuant to paragraph (c) of this section:

(1) A male chief warrant or warrant officer of the Coast Guard Reserve, if otherwise qualified, shall be transferred to the Retired Reserve not later than 60 days after the date upon which he becomes 62 years of age and subject to the provision of Title 10, U. S. Code, section 1164 (c).

(2) A woman chief warrant or warrant officer of the Coast Guard Reserve, if otherwise qualified, shall be transferred to the Retired Reserve not later than 60 days after the date upon which she becomes 55 years of age and subject to the provision of Title 10, U. S. Code, section 1164 (c).

(c) Chief warrant and warrant officers of the Coast Guard Reserve who held status as such on 1 November 1954 and who reach mandatory retirement or separation age prescribed in paragraph (b) of this section prior to completion of 20 years of service creditable toward retirement, as defined by 10 U. S. C. 1332, may be retained by the Commandant until the completion of such twenty years of service, but not later than that date which is sixty days after the date on which they attain the age of:

(1) 64 years if a male officer, or

(2) 60 years if a woman officer.

TRANSFER TO AND PLACEMENT IN RESERVE CATEGORIES

14. A new subparagraph (3) is hereby added to paragraph (b) of § 8.4402 as follows:

(3) A Reserve officer who fails to attain the minimum number of points (not to exceed 12 per anniversary year exclusive of the 15 membership points) prescribed by the Commandant for retention in an active status or who fails to conform to such standards and qualifications

as may be prescribed by the Commandant for retention in an active status shall, unless transferred to the Retired Reserve or discharged, be transferred to the Inactive Status List. In lieu of transfer to the Inactive Status List pursuant to this section, a Reserve officer shall, if he applies and is found qualified therefor, be transferred to the Retired Reserve.

15. Subparagraph (1) of paragraph (m) of § 8.4405 is hereby amended to read as follows:

(1) Transfer from the Ready Reserve to the Standby Reserve: *Provided*, That beginning with the anniversary year first commencing after 30 June 1958, unless the Commandant provides for other training categories to be added, only satisfactory participation while assigned to training Categories A, B, and H shall be creditable.

16. Subparagraph (3) of paragraph (c) of § 8.5311 is hereby amended to read as follows:

(3) A member subject to the training requirements of section 208 (f) of the Armed Forces Reserve Act, as amended, shall not be assigned to training Category G unless he has performed active service and, under instructions issued by the Commandant, unless no training requirement exists for the member due to the mobilization requirements or because of the degree of military or civilian skill attained.

(Sec. 4, 62 Stat. 605, as amended, sec. 633, 63 Stat. 545, sec. 280, 70A Stat. 14; 50 U. S. C. App. 454, 14 U. S. C. 633, 10 U. S. C. 280)

Approved: June 24, 1958.

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

Concurred in: August 19, 1958.

GARRISON NORTON,
Acting Secretary of the Navy.

[F. R. Doc. 58-7436; Filed, Sept. 11, 1958; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 8—NATIONAL SERVICE LIFE INSURANCE

COLLECTION OF ANY INDEBTEDNESS

Section 8.55 is revised to read as follows:

§ 8.55 *Collection of any indebtedness.* At the maturity of a National Service life insurance policy by death, any indebtedness, unless paid off in cash, shall be liquidated by reducing the amount of each monthly installment in the proportion which the indebtedness bears to the face amount of the insurance. If the policy shall mature as an endowment, or be payable in one sum at death, any indebtedness shall be deducted from the amount payable under the policy.

(Sec. 608, 54 Stat. 1012, as amended, sec. 210, 71 Stat. 91; 38 U. S. C. 808, 2210)

This regulation is effective August 29, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58-7437; Filed, Sept. 11, 1958; 8:49 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952

CRIMINAL PENALTIES AND FORFEITURES; FORFEITURE OF RIGHTS

Section 21.2308 is revised to read as follows:

§ 21.2308 *Criminal penalties and forfeitures; forfeiture of rights.* (a) Public Law 550, 82d Congress, makes provision for certain penalties upon a finding of willful fraudulent acts having to do with any claim for payment or any matter arising under that Law, including forfeiture of rights, claims, and benefits thereunder, and under Public Law 85-56. When any employee of the Veterans Administration discovers what is thought to be:

(1) A false or fraudulent affidavit, declaration, certificate, statement, voucher, endorsement, or paper or writing purporting to be such, concerning any claim or the approval of any claim for benefits under this Law, or pertaining to any matter arising under this Law; of

(2) Indication of the making or presentation of any paper required under this Law wherein a date has been willfully inserted other than the date upon which it was actually signed or acknowledged by the claimant; or

(3) A false certification by any person that a declarant, affiant, or witness named in an affidavit, declaration, voucher, endorsement, or other paper or writing appeared personally before such person and was sworn thereto, or that such person acknowledged the execution thereof; or

(4) Indication that any beneficiary under this Law has accepted and converted to his own use payments for any period during which he was not actually pursuing a course of education or training under this Law for which period payment was made,

such employee shall refer the case through channels: (i) To the Chief Attorney within a regional office or the General Counsel, if in central office, for consideration and action as provided in § 14.560 of this chapter; and (ii) where it is indicated that a fraudulent act may have been committed by a person who might be entitled to benefits under laws administered by the Veterans Administration, to the appropriate official for consideration and action as provided in § 5.5 of this chapter.

(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210. Interpret or apply secs. 201-274, 66 Stat. 663-682, as amended; 38 U. S. C. 911-984)

This regulation is effective September 12, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58-7438; Filed, Sept. 11, 1958; 8:49 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—WAR ORPHANS' EDUCATIONAL ASSISTANCE ACT OF 1956

TRAINING OFFICER ASSISTANCE FOR ELIGIBLE PERSONS

A new § 21.3031a is added to read as follows:

§ 21.3031a *Training officer assistance for eligible persons.* (a) The assistance of a training officer will be provided in connection with a program of education when it is determined by the Vocational Rehabilitation Board that, although the eligible person is not in need of special restorative training under § 21.3234, he will require assistance in order to pursue a program of education successfully because of the handicapping effects of a physical or mental condition, or because of personal adjustment problems.

(b) The determination as to need for assistance by a training officer will be made by the Vocational Rehabilitation Board upon the basis of information developed in the counseling process, including data and opinions obtained from medical and other specialists as appropriate in the case.

(1) A determination that an eligible person needs assistance by a training officer will be made when one or more of the following conditions is found to exist:

(i) The handicapping effects of a physical or mental condition are such that assistance will be required in order for the eligible person to enter and successfully pursue a program of education.

(ii) The eligible person has a history of a behavioral pattern which if continued would interfere with or impede his entrance into and pursuit of a program of education.

(2) The Vocational Rehabilitation Board will include in its report of a determination as to the need for assistance by a training officer the factors taken into account in arriving at the determination and where an affirmative determination of such need is found, the Board will include suggestions and recommendations relative to the nature of the assistance which appears to be indicated in the case.

(c) When it is determined by the Vocational Rehabilitation Board that an eligible person needs assistance by a training officer, the parent or guardian will be informed of the finding and of the underlying reasons. If the parent or guardian concurs in the finding, the training officer will provide such assistance as is indicated until the progress and adjustment of the eligible person in his program of education are such that

help of the training officer is no longer needed.

(d) Assistance by the training officer shall include:

(1) Assisting the eligible person and the educational institution in the implementation of the planned program of education.

(2) Determining the progress of the eligible person through visits at the educational institution as well as through review of records and, when indicated, taking action designed to solve problems which may interfere with satisfactory pursuit of the program of education.

(3) Making referral when indicated and coordinating action with responsible individuals and agencies in order to alleviate or prevent conditions arising which may negatively affect progress.

(4) Referring the case of an eligible person who is receiving training officer assistance to the Vocational Rehabilitation Board when one of the following conditions exists:

(i) Need for special restorative training appears to be for consideration.

(ii) The advice and assistance of the Board is needed to resolve difficulties which cannot be resolved by the training officer himself, or through his referral to other sources of help.

(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210. Interpret or apply secs. 101, 102, 201–205, 301–313, 401–404, 501–509, 512, 70 Stat. 411–422, as amended; 38 U. S. C. 1031–1041, 1044, 1051–1063, 1081–1073, 1081–1084)

This regulation is effective September 11, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58-7439; Filed, Sept. 11, 1958; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 31—PACIFIC REGION

SUBPART—MALHEUR NATIONAL WILDLIFE REFUGE, OREGON

HUNTING OF DEER PERMITTED

Pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), § 31.207, reading as follows, is added to Chapter I, Title 50, Code of Federal Regulations, Subpart—Malheur National Wildlife Refuge, Oregon. The purpose of this regulation is to permit the hunting of deer by means of bow and arrow only on certain lands of the Malheur National Wildlife Refuge under certain limitations and subject to compliance with the laws and regulations of the State of Oregon.

§ 31.207 *Hunting of deer permitted.* Deer may be taken solely by means of bow (except crossbow) and arrow during the period September 13, 14, and 15, 1958, only on the lands in that part of Malheur National Wildlife Refuge south of Witzel's Lane, being the line between secs. 10 and 15, T. 30 S., R. 31 E., subject to the following conditions, restrictions, and requirements:

(a) Strict compliance with all State laws and regulations is required.

(b) Entry on and use of the refuge shall be in accordance with Parts 18 and 21 of this chapter.

(c) Smoking on the refuge is prohibited except on the public campgrounds designated by posting.

(d) The possession or use of firearms on the refuge is prohibited.

(e) Dogs are not permitted on the refuge for use in the hunting of deer.

(f) Hunters upon entering or leaving the hunting area shall report as such checking stations as may be established for the purpose of regulating the hunt.

(g) Not to exceed 300 hunters per day shall be permitted to hunt on the refuge, the determination of which number shall be established by controls at the checking stations.

Although it is the policy of the Department of the Interior that wherever practicable the rule making requirements of the Administrative Procedure Act (5 U. S. C. 1003) be observed voluntarily, the data relating to the season established by the State for the hunting of deer in Oregon were not received in sufficient time to permit the publication of advance notice. The regulation shall therefore become effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Issued at Washington, D. C., and dated September 9, 1958.

D. H. JANZEN,
Director,
Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 58-7420; Filed, Sept. 11, 1958; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Parts 31, 39]

EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

NOTICE OF PROPOSED RULE MAKING

Subpart A of the Employment Tax Regulations amended to insert certain introductory material; regulations proposed under chapter 25 (general provisions relating to employment taxes) of the Internal Revenue Code of 1954, as amended; and regulations of special application to the taxes imposed by subtitle C (chapters 21 to 25, inclusive) of such Code proposed under sections 6001, 6011 (a), 6071 (a), 6081 (a), 6151, and 6302 (c) of such Code.

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] LEO SPERR,
Acting Commissioner of Internal Revenue.

In paragraph 1 set forth below, Subpart A of the Employment Tax Regulations (26 CFR Part 31) is amended in order to insert introductory material pertinent to the regulations prescribed in paragraph 2 set forth below.

In paragraph 2 set forth below, regulations are prescribed under Chapter 25 (General Provisions Relating to Employment Taxes) of the Internal Revenue Code of 1954, as amended, and administrative regulations of special application to the taxes imposed by Subtitle C (Chapters 21 to 25, inclusive) of such Code are prescribed under selected provisions of Subtitle F (Procedure and Administration) of such Code. Except where otherwise specifically provided, such regulations are applicable on and after January 1, 1955.

PARAGRAPH 1. Subpart A of the Employment Tax Regulations (26 CFR Part 31) is amended as follows:

(A) By striking the parenthetical material at the end of paragraph (e) of § 31.0–3 and inserting in lieu thereof the following: "(For prior regulations on the subject matter of section 3503, see §§ 411.802 and 408.803 of Regulations 114 and Regulations 128, respectively; 26 CFR (1939) Parts 411 and 408. For prior regulations on the subject matter of section 3504, see §§ 406.807 and 408.906 of Regulations 120 and Regulations 128, respectively; 26 CFR (1939) Parts 406 and 408.)"

(B) By adding the following at the end of § 31.0–4: "The Regulations on Monthly Returns and Payment of Employment Taxes (Part 39 of this chapter) are also superseded."

PAR. 2. The following regulations are prescribed under Chapter 25 of the Internal Revenue Code of 1954 and under selected provisions of Subtitle F of such Code:

EMPLOYMENT TAXES

SUBPART F—GENERAL PROVISIONS RELATING TO EMPLOYMENT TAXES (CHAPTER 25, INTERNAL REVENUE CODE OF 1954)

Sec.
31.3501 Statutory provisions; collection and payment of taxes.
31.3502 Statutory provisions; nondeductibility of taxes in computing taxable income.
31.3502–1 Nondeductibility of taxes in computing taxable income.
31.3503 Statutory provisions; erroneous payments.
31.3503–1 Tax under chapter 21 or 22 paid under wrong chapter.
31.3504 Statutory provisions; acts to be performed by agents.
31.3504–1 Acts to be performed by agents.

SUBPART G—ADMINISTRATIVE PROVISIONS OF SPECIAL APPLICATION TO EMPLOYMENT TAXES (SELECTED PROVISIONS OF SUBTITLE F, INTERNAL REVENUE CODE OF 1954)

31.6001 Statutory provisions; notice or regulations requiring records, statements, and special returns.
31.6001–1 Records in general.
31.6001–2 Additional records under Federal Insurance Contributions Act.
31.6001–3 Additional records under Railroad Retirement Tax Act.
31.6001–4 Additional records under Federal Unemployment Tax Act.
31.6001–5 Additional records in connection with collection of income tax at source on wages.
31.6011 (a) Statutory provisions; general requirement of return, statement, or list; general rule.
31.6011 (a)–1 Returns under Federal Insurance Contributions Act.
31.6011 (a)–2 Returns under Railroad Retirement Tax Act.
31.6011 (a)–3 Returns under Federal Unemployment Tax Act.
31.6011 (a)–4 Returns of income tax withheld from wages.
31.6011 (a)–5 Monthly returns.
31.6011 (a)–6 Final returns.
31.6011 (a)–7 Execution of returns.
31.6071 (a) Statutory provisions; time for filing returns and other documents.
31.6071 (a)–1 Time for filing returns and other documents.
31.6081 (a) Statutory provisions; extension of time for filing returns.
31.6081 (a)–1 Extensions of time for filing returns and other documents.
31.6151 Statutory provisions; time and place for paying tax shown on returns.
31.6151–1 Time for paying tax.
31.6302 (c) Statutory provisions; mode or time of collection; use of Government depositaries.
31.6302 (c)–1 Use of Government depositaries in connection with taxes under Federal Insurance Contributions Act and income tax withheld.
31.6302 (c)–2 Use of Government depositaries in connection with employee and employer taxes under Railroad Retirement Tax Act.
31.6302 (c)–3 Cross references.

SUBPART F—GENERAL PROVISIONS RELATING TO EMPLOYMENT TAXES (CHAPTER 25, INTERNAL REVENUE CODE OF 1954)

§ 31.3501 *Statutory provisions; collection and payment of taxes.*

SEC. 3501. *Collection and payment of taxes.* The taxes imposed by this subtitle shall be collected by the Secretary or his delegate and shall be paid into the Treasury of the United States as internal-revenue collections.

§ 31.3502 *Statutory provisions; nondeductibility of taxes in computing taxable income.*

SEC. 3502. *Nondeductibility of taxes in computing taxable income.* (a) The taxes imposed by section 3101 of Chapter 21, and by sections 3201 and 3211 of Chapter 22 shall not be allowed as a deduction to the taxpayer in computing taxable income under subtitle A.

(b) The tax deducted and withheld under Chapter 24 shall not be allowed as a deduction either to the employer or to the recipient of the income in computing taxable income under subtitle A.

§ 31.3502–1 *Nondeductibility of taxes in computing taxable income.* For provisions relating to the nondeductibility, in computing taxable income under subtitle A, of the taxes imposed by sections 3101, 3201, and 3211, and of the tax deducted and withheld under Chapter 24, see the provisions of the Income Tax Regulations (Part 1 of this chapter) under section 164. For provisions relating to the credit allowable to the recipient of the income in respect of the tax deducted and withheld under Chapter 24, see the provisions of the Income Tax Regulations under section 31.

§ 31.3503 *Statutory provisions; erroneous payments.*

SEC. 3503. *Erroneous payments.* Any tax paid under Chapter 21 or 22 by a taxpayer with respect to any period with respect to which he is not liable to tax under such chapter shall be credited against the tax, if any, imposed by such other chapter upon the taxpayer, and the balance, if any, shall be refunded.

§ 31.3503–1 *Tax under chapter 21 or 22 paid under wrong chapter.* If, for any period, an amount is paid as tax—

(a) Under Chapter 21 or corresponding provisions of prior law by a person who is not liable for tax for such period under such chapter or prior law, but who is liable for tax for such period under Chapter 22 or corresponding provisions of prior law, or

(b) Under Chapter 22 or corresponding provisions of prior law by a person who is not liable for tax for such period under such chapter or prior law, but who is liable for tax for such period under Chapter 21 or corresponding provisions of prior law,

the amount so paid shall be credited against the tax for which such person is liable and the balance, if any, shall be refunded. Each claim for refund or credit under this section shall be made on Form 843 and in accordance with the applicable provisions of § 31.6413 (b)–1 of Subpart G of the regulations in this part and the applicable provisions of the Regulations on Procedure and Administration (Part 301 of this chapter) under section 6402.

§ 31.3504 *Statutory provisions; acts to be performed by agents.*

SEC. 3504. *Acts to be performed by agents.* In case a fiduciary, agent, or other person has the control, receipt, custody, or disposal of, or pays the wages of an employee or group of employees, employed by one or more employers, the Secretary or his delegate, under regulations prescribed by him, is authorized to designate such fiduciary, agent, or other person to perform such acts as are required of employers under this title and as the Secretary or his delegate may specify. Except as may be otherwise prescribed by the Secretary or his delegate, all provisions of law (including penalties) applicable in respect of an employer shall be applicable to a fiduciary, agent, or other person so designated but, except as so provided, the employer for whom such fiduciary, agent, or other person acts shall remain subject to the provisions of law (including penalties) applicable in respect of employers.

(Sec. 3504 as amended by sec. 71, Technical Amendments Act 1958)

§ 31.3504–1 *Acts to be performed by agents*—(a) *In general.* In the event wages as defined in Chapter 21 or 24 of the Internal Revenue Code of 1954, or compensation as defined in Chapter 22 of such Code, of an employee or group of employees, employed by one or more employers, is paid by a fiduciary, agent, or other person, or if such fiduciary, agent, or other person has the control, receipt, custody, or disposal of such wages or compensation, the district director may, subject to such terms and conditions as he deems proper, authorize such fiduciary, agent, or other person to perform such acts as are required of such employer or employers under those provisions of the Internal Revenue Code of 1954 and the regulations thereunder which have application, for purposes of the taxes imposed by such chapter or chapters, in respect of such wages or compensation. If the fiduciary, agent, or other person is authorized by the district director to perform such acts, all provisions of law (including penalties) and of the regulations prescribed in pursuance of law applicable to employers in respect of such acts shall be applicable to such fiduciary, agent, or other person. However, each employer for whom such fiduciary, agent, or other person performs such acts shall remain subject to all provisions of law (including penalties) and of the regulations prescribed in pursuance of law applicable to an employer in respect of such acts. Any application for authorization to perform such acts, signed by such fiduciary, agent, or other person, shall be filed with the district director with whom the fiduciary, agent, or other person will, upon approval of such application, file returns in accordance with such authorization.

(b) *Prior authorizations continued.* An authorization in effect under section 1632 of the Internal Revenue Code of 1939 on December 31, 1954, continues in effect under section 3504 and is subject to the provisions of paragraph (a) of this section.

SUBPART G—ADMINISTRATIVE PROVISIONS OF SPECIAL APPLICATION TO EMPLOYMENT TAXES (SELECTED PROVISIONS OF SUBTITLE F, INTERNAL REVENUE CODE OF 1954)

§ 31.6001 *Statutory provisions; notice or regulations requiring records, statements, and special returns.*

SEC. 6001. *Notice or regulations requiring records, statements, and special returns.* Every person liable for any tax imposed by this title, or for the collection thereof, shall keep such records, render such statements, make such returns, and comply with such rules and regulations as the Secretary or his delegate may from time to time prescribe. Whenever in the judgment of the Secretary or his delegate it is necessary, he may require any person, by notice served upon such person or by regulations, to make such returns, render such statements, or keep such records, as the Secretary or his delegate deems sufficient to show whether or not such person is liable for tax under this title.

§ 31.6001–1 *Records in general*—(a) *Form of records.* The records required by the regulations in this part shall be kept accurately, but no particular form is required for keeping the records. Such forms and systems of accounting shall be used as will enable the district director to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(b) *Copies of returns, schedules, and statements.* Every person who is required, by the regulations in this part or by instructions applicable to any form prescribed thereunder, to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(c) *Records of claimants.* Any person (including an employee) who, pursuant to the regulations in this part, claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any records required of the claimant by paragraph (b) of this section and by §§ 31.6001–2 to 31.6001–5, inclusive, which relate to the claim.

(d) *Records of employees.* While not mandatory (except in the case of claims), it is advisable for each employee to keep permanent, accurate records showing the name and address of each employer for whom he performs services as an employee, the dates of beginning and termination of such services, the information with respect to himself which is required by the regulations in this subpart to be kept by employers, and the receipts furnished in accordance with the provisions of § 31.6051–1.

(e) *Place and period for keeping records.* (1) All records required by the regulations in this part shall be kept, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers. In the case of an employer, the records required by paragraphs (b) and (c) of this section shall be kept in the internal revenue district in which the return referred to in paragraph (b) of this section was filed or in which such employer, pursuant to § 31.6091–1, currently files such returns.

(2) Except as otherwise provided in the following sentence, every person required by the regulations in this part to keep records in respect of a tax (whether or not such person incurs liability for such tax) shall maintain such records for at least four years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) of this section shall be maintained for a period of at least four years after the date the claim is filed.

(f) *Cross reference.* See §§ 31.6001–2 to 31.6001–5, inclusive, for additional records required with respect to the Federal Insurance Contributions Act, the Railroad Retirement Tax Act, the Federal Unemployment Tax Act, and the collection of income tax at source on wages, respectively.

§ 31.6001–2 *Additional records under Federal Insurance Contributions Act*—(a) *In general.* (1) Every employer liable for tax under the Federal Insurance Contributions Act shall keep records of all remuneration, whether in cash or in a medium other than cash, paid to his employees after 1954 for services (other than agricultural labor which constitutes or is deemed to constitute employment, domestic service in a private home of the employer, or service not in the course of the employer's trade or business) performed for him after 1936. Such records shall show with respect to each employee receiving such remuneration—

(i) The name, address, and account number of the employee and such additional information with respect to the employee as is required by paragraph (c) of § 31.6011 (b)–2 when the employee does not advise the employer what his account number and name are as shown on an account number card issued to the employee by the Social Security Administration.

(ii) The total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of services covered by such payment.

(iii) The amount of each such remuneration payment which constitutes wages subject to tax. See §§ 31.3121 (a)–1 to 31.3121 (a) (10)–1, inclusive, of Subpart B of the regulations in this part.

(iv) The amount of employee tax, or any amount equivalent to employee tax, collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected. See paragraph (b) of § 31.3102–1 of Subpart B of the regulations in this part for provisions relating to collection of amounts equivalent to employee tax.

(v) If the total remuneration payment (subdivision (ii) of this subparagraph) and the amount thereof which is taxable (subdivision (iii) of this subparagraph) are not equal, the reason therefor.

(2) Every employer shall keep records of the details of each adjustment or settlement of taxes under the Federal Insurance Contributions Act made pursuant to the regulations in this part. The employer shall keep as a part of his records a copy of each statement furnished pursuant to paragraph (c) of § 31.6011 (a)–1.

(b) *Agricultural labor, domestic service, and service not in the course of employer's trade or business.* (1) Every employer who pays cash remuneration after 1954 for the performance for him after 1950 of agricultural labor which constitutes or is deemed to constitute employment, of domestic service in a private home of the employer not on a farm operated for profit, or of service not in the course of his trade or business shall keep records of all such cash remuneration with respect to which he incurs, or expects to incur, liability for the taxes imposed by the Federal Insurance Contributions Act, or with respect to which amounts equivalent to employee tax are deducted pursuant to section 3102 (a). See §§ 31.3101–3, 31.3111–3, and 31.3121 (a)–2 of Subpart B of the regulations in this part for provisions relating, respectively, to the liability for employee tax which is incurred when wages are received, the liability for employer tax which is incurred when wages are paid, and the time when wages are paid and received. Such records shall show with respect to each employee receiving such cash remuneration—

(i) The name of the employee.

(ii) The account number of each employee to whom wages for such services are paid within the meaning of § 31.3121 (a)–2 of Subpart B of the regulations in this part; and such additional information as is required by paragraph (c) of § 31.6011 (b)–2 when the employee does not advise the employer what his account number and name are as shown on an account number card issued to the employee by the Social Security Administration.

(iii) The amount of such cash remuneration paid to the employee (including any sum withheld therefrom as tax or for any other reason) for agricultural labor which constitutes or is deemed to constitute employment, for domestic service in a private home of the employer not on a farm operated for profit, or for service not in the course of the employer's trade or business; the calendar month in which such cash remuneration was paid; and the character of the services for which such cash remuneration was paid. When the employer incurs liability for the taxes imposed by the Federal Insurance Contributions Act with respect to any such cash remuneration which he did not previously expect would be subject to the taxes, the amount of any such cash remuneration not previously made a matter of record shall be determined by the employer to the best of his knowledge and belief.

(iv) The amount of employee tax, or any amount equivalent to employee tax, collected with respect to such cash remuneration and the calendar month in which collected. See paragraph (b) of § 31.3102–1 of Subpart B of the regulations in this part for provisions relating to collection of amounts equivalent to employee tax.

(v) To the extent material to a determination of tax liability, the number of days during each calendar year after 1956 on which agricultural labor which constitutes or is deemed to constitute employment is performed by the employee for cash remuneration computed on a time basis.

(2) Every person to whom a "crew leader", as that term is defined in section 3121 (o), furnishes individuals for the performance of agricultural labor after December 31, 1958, shall keep records of the name; permanent mailing address, or if none, present address; and identifi-

cation number, if any, of such "crew leader".

§ 31.6001–3 *Additional records under Railroad Retirement Tax Act*—(a) *Records of employers.* (1) Every employer liable for tax under the Railroad Retirement Tax Act shall keep records of all remuneration (whether in money or in something which may be used in lieu of money), other than tips, paid to his employees after 1954 for services rendered to him (including "time lost") after 1954. Such records shall show with respect to each employee—

(i) The name and address of the employee.

(ii) The total amount and date of each payment of remuneration to the employee (including any sum withheld therefrom as tax or for any other reason) and the period of service (including any period of absence from active service) covered by such payment.

(iii) The amount of such remuneration payment with respect to which the tax is imposed.

(iv) The amount of employee tax collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected.

(v) If the total payment of remuneration (subdivision (ii) of this subparagraph) and the amount thereof with respect to which the tax is imposed (subdivision (iii) of this subparagraph) are not equal, the reason therefor.

(2) The employer shall keep records of the details of each adjustment or settlement of taxes under the Railroad Retirement Tax Act made pursuant to the regulations in this part.

(b) *Records of employee representatives.* Every individual liable for employee representative tax under the Railroad Retirement Tax Act shall keep records of all remuneration (whether in money or in something which may be used in lieu of money) paid to him after 1954 for services rendered (including "time lost") by him as an employee representative after 1954. Such records shall show—

(1) The name and address of each employee organization employing him.

(2) The total amount and date of each payment of remuneration for services rendered as an employee representative (including any sum withheld therefrom as tax or for any other reason) and the period of service (including any period of absence from active service) covered by such payment.

(3) The amount of such remuneration payment with respect to which the employee representative tax is imposed.

(4) If the total payment of remuneration (subparagraph (2) of this paragraph) and the amount thereof with respect to which the employee representative tax is imposed (subparagraph (3) of this paragraph) are not equal, the reason therefor.

§ 31.6001–4 *Additional records under Federal Unemployment Tax Act*—(a) *Records of employers.* Every employer liable for tax under the Federal Unemployment Tax Act for any calendar year shall, with respect to each such year, keep such records as are necessary to establish—

(1) The total amount of remuneration (including any sum withheld therefrom as tax or for any other reason) paid to his employees during the calendar year for services performed after 1938.

(2) The amount of such remuneration which constitutes wages subject to the tax. See § 31.3306 (b)–1 through § 31.3306 (b) (8)–1 of Subpart D of the regulations in this part.

(3) The amount of contributions paid by him into each State unemployment fund, with respect to services subject to the law of such State, showing separately (i) payments made and neither deducted nor to be deducted from the remuneration of his employees, and (ii) payments made and deducted or to be deducted from the remuneration of his employees.

(4) The information required to be shown on the prescribed return and the extent to which the employer is liable for the tax.

(5) If the total remuneration paid (subparagraph (1) of this paragraph) and the amount thereof which is subject to the tax (subparagraph (2) of this paragraph) are not equal, the reason therefor.

(6) To the extent material to a determination of tax liability, the dates, in each calendar quarter, on which each employee performed services not in the course of the employer's trade or business, and the amount of cash remuneration paid at any time for such services performed within such quarter. See § 31.3306 (c) (3)–1 of Subpart D of the regulations in this part.

The term "remuneration," as used in this paragraph, includes all payments whether in cash or in a medium other than cash, except that the term does not include payments in a medium other than cash for services not in the course of the employer's trade or business. See § 31.3306 (b) (7)–1 of Subpart D of the regulations in this part.

(b) *Records of persons who are not employers.* Any person who employs individuals in employment (see § 31.3306 (c)–2 through § 31.3306 (c) (17)–1 of Subpart D of the regulations in this part) during any calendar year but who considers that he is not an employer subject to the tax (see § 31.3306 (a)–1 of such Subpart D) shall, with respect to each such year, be prepared to establish by proper records (including, where necessary, records of the number of employees employed each day) that he is not an employer subject to the tax.

§ 31.6001–5 *Additional records in connection with collection of income tax at source on wages.* (a) Every employer required under section 3402 to deduct and withhold income tax upon the wages of employees shall keep records of all remuneration paid to such employees. Such records shall show with respect to each employee—

(1) The name and address of the employee.

(2) The total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of services covered by such payment.

(3) The amount of such remuneration payment which constitutes wages subject to withholding.

(4) The amount of tax collected with respect to such remuneration payment and, if collected at a time other than the time such payment was made, the date collected.

(5) If the total remuneration payment (subparagraph (2) of this paragraph) and the amount thereof which is taxable (subparagraph (3) of this paragraph) are not equal, the reason therefor.

(6) Copies of any statements furnished by the employee pursuant to paragraph (b) (12) of § 31.3401 (a)–1 of Subpart E of the regulations in this part (relating to permanent residents of the Virgin Islands).

(7) Copies of any statements furnished by the employee pursuant to § 31.3401 (a) (7)–1 of Subpart E of the regulations in this part (relating to nonresident alien individuals who are residents of a contiguous country).

(8) Copies of any statements furnished by the employee pursuant to § 31.3401 (a) (8) (A)–1 of Subpart E of the regulations in this part (relating to residence or physical presence in a foreign country).

(9) Copies of any statements furnished by the employee pursuant to § 31.3401 (a) (8) (C)–1 of Subpart E of the regulations in this part (relating to citizens resident in Puerto Rico).

(10) The fair market value and date of each payment of noncash remuneration, made to an employee after August 9, 1955, for services performed as a retail commission salesman, with respect to which no income tax is withheld by reason of § 31.3402 (j)–1 of Subpart E of the regulations in this part.

(11) With respect to payments made in 1955 under a wage continuation plan (as defined in § 1.105–4 (a) of the Income Tax Regulations (Part 1 of this chapter)), the records required to be kept in respect of such payments are those prescribed under paragraph (b) (8) of § 31.3401 (a)–1 of Subpart E of the regulations in this part.

(12)

NOTE: For regulations under this subparagraph (12) (26 CFR 31.6001–5 (a) (12)), see Treasury Decision 6155, approved December 27, 1955 (20 F. R. 10097).

(13) The withholding exemption certificates (Form W–4) filed with the employer by the employee.

(14) The agreement, if any, between the employer and the employee for the withholding of additional amounts of tax pursuant to § 31.3402 (i)–1 of Subpart E of the regulations in this part.

(15) To the extent material to a determination of tax liability, the dates, in each calendar quarter, on which the employee performed services not in the course of the employer's trade or business, and the amount of cash remuneration paid at any time for such services performed within such quarter. See § 31.3401 (a) (4)–1 of Subpart E of the regulations in this part.

The term "remuneration," as used in this paragraph, includes all payments whether in cash or in a medium other

than cash, except that the term does not include payments in a medium other than cash for services not in the course of the employer's trade or business. See § 31.3401 (a) (11)–1 of Subpart E of the regulations in this part.

(b) The employer shall keep records of the details of each adjustment or settlement of income tax withheld under section 3402 made pursuant to the regulations in this part.

§ 31.6011 (a) *Statutory provisions; general requirement of return, statement, or list; general rule.*

SEC. 6011. *General requirement of return, statement, or list*—(a) *General rule.* When required by regulations prescribed by the Secretary or his delegate any person made liable for any tax imposed by this title, or for the collection thereof, shall make a return or statement according to the forms and regulations prescribed by the Secretary or his delegate. Every person required to make a return or statement shall include therein the information required by such forms or regulations.

§ 31.6011 (a)–1 *Returns under Federal Insurance Contributions Act*—(a) *Requirement*—(1) *In general.* Except as otherwise provided in § 31.6011 (a)–5, every employer required to make a return under the Federal Insurance Contributions Act, as in effect prior to 1955, for the calendar quarter ended December 31, 1954, in respect of wages other than wages for agricultural labor, shall make a return for each subsequent calendar quarter (whether or not wages are paid in such quarter) until he has filed a final return in accordance with § 31.6011 (a)–6. Except as otherwise provided in § 31.6011 (a)–5, every employer not required to make a return for the calendar quarter ended December 31, 1954, shall make a return for the first calendar quarter thereafter in which he pays wages, other than wages for agricultural labor, subject to the taxes imposed by the Federal Insurance Contributions Act as in effect after 1954, and shall make a return for each subsequent calendar quarter (whether or not wages are paid therein) until he has filed a final return in accordance with § 31.6011 (a)–6. Except as otherwise provided in subparagraphs (3) and (4) of this paragraph, Form 941 is the form prescribed for making the return required by this subparagraph. Such return shall not include wages for agricultural labor required to be reported on any return prescribed by subparagraph (2) of this paragraph.

(2) *Employers of agricultural workers*—(i) *Quarterly returns for 1955.* Every employer who, at any time before October 1 of the calendar year 1955, incurs liability of $100 or more for the taxes imposed by the Federal Insurance Contributions Act with respect to wages paid in such year for agricultural labor shall make a return—

(a) For the first calendar quarter of such year if the liability for such taxes incurred in such quarter is $100 or more.

(b) For the period consisting of the first and second calendar quarters of such year if the liability for such taxes incurred in those quarters totals $100 or more, except that such return shall be made only for the second calendar quarter if a return was required under (a) of this subdivision and if the liability for such taxes incurred in the second calendar quarter is $100 or more, and

(c) For the period consisting of the first, second, and third calendar quarters of such year if the liability for such taxes incurred in those quarters totals $100 or more, except that such return shall be made (1) only for the period consisting of the second and third calendar quarters if a return was required under (a) of this subdivision but not under (b) of this subdivision, and if the total liability for such taxes incurred in the second and third calendar quarters totals $100 or more; or (2) only for the third calendar quarter if a return was required under (b) of this subdivision, and if the liability for such taxes incurred in the third calendar quarter is $100 or more.

Form 943A is the form prescribed for making the return required by this subdivision, except that Form 943A–PR shall be used by every employer required to file such return with the office of the United States Internal Revenue Service in Puerto Rico (see § 31.6091–1).

(ii) *Annual returns for 1955 and subsequent years.* Every employer who pays wages after 1954 for agricultural labor with respect to which taxes are imposed by the Federal Insurance Contributions Act shall make a return for the first calendar year in which he pays such wages and for each calendar year thereafter (whether or not wages are paid therein) until he has filed a final return in accordance with § 31.6011 (a)–6. Form 943 is the form prescribed for making the annual return required by this subdivision, except that Form 943PR shall be used by every employer required to file such return with the office of the United States Internal Revenue Service in Puerto Rico (see § 31.6091–1).

(3) *Employers of domestic workers.* Form 942 is the form prescribed for use by every employer in making a return as required under subparagraph (1) of this paragraph in respect of wages, as defined in the Federal Insurance Contributions Act, paid by him in any calendar quarter for domestic service in a private home of the employer not on a farm operated for profit. If, however, the employer is required under subparagraph (1) of this paragraph to make a return on Form 941 for such calendar quarter, such employer, at his election, may—

(i) Report all wages on Form 941, or

(ii) Report on Form 942 the wages for domestic service in a private home of the employer not on a farm operated for profit and omit such wages from the return on Form 941.

An employer entitled to make the election referred to in the preceding sentence who has chosen one method shall not change to the other method without first notifying the district director with whom he is required to file his returns that he will thereafter use such other method. See, however, § 31.6011 (a)–6, relating to final returns on Form 941. The provisions of this subparagraph shall not apply to any employer required to file the return prescribed under subparagraph (1) of this paragraph with the office of the United States Internal Revenue Service in Puerto Rico or the Virgin Islands (see § 31.6091–1).

(4) *Employers in Puerto Rico or the Virgin Islands.* Form 941PR is the form prescribed for use in making the return required under subparagraph (1) of this paragraph in the case of every employer who is required to file such return with the office of the United States Internal Revenue Service in Puerto Rico. Form 941VI is the form prescribed for use in making the return required under subparagraph (1) of this paragraph in the case of every employer who is required to file such return with the office of the United States Internal Revenue Service in the Virgin Islands. However, Form 941 is the form prescribed for making such return in the case of every such employer who is required pursuant to § 31.6011 (a)–4 to make a return of income tax withheld from wages.

(b) *When to report wages.* Wages with respect to which taxes are imposed by the Federal Insurance Contributions Act shall be reported in the return of such taxes required under this section or § 31.6011 (a)–5 for the return period in which they are actually paid unless they were constructively paid in a prior return period, in which case such wages shall be reported only in the return for such prior period. However, if such wages are deemed to be paid in a later return period, they shall be reported only in the return for such later period. See § 31.3121 (a)–2 of Subpart B of the regulations in this part relating to the time when wages are paid or deemed to be paid.

(c) *Correction of returns or schedules.* If in a return required under this section or § 31.6011 (a)–5, or in any other manner, the employer fails to report, or incorrectly reports, to the district director, the name, account number, or wages of an employee, the employer shall furnish to the district director a written statement fully explaining the omission or error; except that such statement is not required by this paragraph if correction of the omission or error is made in connection with a supplemental return, adjustment, credit, refund, or abatement. The employer shall include in such statement his identification number (except that an identification number need not be included if the omission or error is with respect to information required to be reported on a return on Form 942), each return period for which the data were omitted or for which the incorrect data were furnished, the data incorrectly reported for each period, and the data which should have been reported. A copy of such statement shall be retained by the employer as a part of his records under § 31.6001–2. No particular form is prescribed for making such statement, but if printed forms are desired, the district directors will supply copies of Form 941c or Form 941c PR, whichever is appropriate, upon request.

(d) *Time and place for filing returns.* For provisions relating to the time and place for filing returns, see §§ 31.6071 (a)–1 and 31.6091–1, respectively.

§ 31.6011 (a)–2 *Returns under Railroad Retirement Tax Act*—(a) *Require-*

ment—(1) *Employers.* Every employer shall make a return for the first calendar quarter after 1954 within which compensation taxable under the Railroad Retirement Tax Act is paid to his employee or employees for services rendered after 1954, and for each subsequent calendar quarter (whether or not taxable compensation is paid therein) until he has filed a final return in accordance with § 31.6011 (a)–6. Form CT–1 is the form prescribed for making the return required under this subparagraph. One original and a duplicate of each return on Form CT–1 shall be filed with the district director.

(2) *Employee representatives.* Every employee representative shall make a return for the first calendar quarter after 1954 within which he is paid taxable compensation for services rendered after 1954 as an employee representative, and for each subsequent calendar quarter (whether or not he is paid taxable compensation therein) until he has filed a final return in accordance with § 31.6011 (a)–6. Form CT–2 is the form prescribed for making the return required under this subparagraph. One original and a duplicate of each return on Form CT–2 shall be filed with the district director.

(b) *When to report compensation—*(1) *In general.* Except as otherwise provided in subparagraph (2) of this paragraph, compensation taxable under the Railroad Retirement Tax Act shall be reported in the return required under this section for the period in which it is deemed, under paragraph (d) of § 31.3231 (e)–1 of Subpart C of the regulations in this part, to be paid, unless under such section the compensation may be deemed to be paid in more than one return period, in which case it shall be reported only in the return for the first return period in which it is deemed to be paid.

(2) *Returns of employers required by State law to pay compensation on weekly basis—*(i) *In general.* If any employer is required by the laws of any State to pay compensation weekly, the return of tax with respect to such compensation may, at the election of such employer, cover all payroll weeks which, or the major part of which, fall within the period for which a return of tax is required by paragraph (a) (1) of this section. This provision shall not apply, however, to any payroll week which falls in two calendar years. Any employer who elects to file a return as provided in this subparagraph shall notify the district director in writing of such election and shall include therein a statement setting forth the facts which entitle him to make the election. Such notice shall be in duplicate and shall be attached to the original and duplicate of the return for the first period to which such election applies. Any election so made shall be binding upon the employer with respect to all returns subsequently made by him until the district director authorizes or directs the employer to make a return on a different basis. For the purpose of determining the time when compensation is deemed to be paid in accordance with paragraph (d) of § 31.3231 (e)–1 of Subpart C of the regulations in this part, and of determining the due date of a return in accordance with paragraph (b) of § 31.6071 (a)–1, the calendar month following the period covered by the return of an employer making such election is the same calendar month which would be determinative for such purposes if the employer had not made the election.

(ii) *Prior elections.* An election made by an employer, pursuant to the provisions of article 501 (b) of Regulations 100 (26 CFR (1939) 1949 ed. 410.501 (b)), or of § 411.601 (b) of Regulations 114 (26 CFR (1939) 411.601 (b)), which is in force and effect at the time the employer makes his first return under this section shall satisfy the requirements of subdivision (i) of this subparagraph with respect to the making of an election and shall be binding upon the employer with respect to all returns made by him under this section until the district director authorizes or directs the employer to make a return on a different basis.

(iii) *Example.* Employer X is required by State law to pay his employees within 6 days after the compensation is earned. In compliance with the State law, employer X, for services rendered to him for the payroll week of June 27 to July 2, 1955, pays his employees on the last-named date. June 1955 is the last month of a period for which a return of tax is required by paragraph (a) (1) of this section. Employer X may elect to include in the return required by paragraph (a) (1) of this section for the period April 1 to June 30, 1955, the compensation paid to his employees for the payroll week of June 27 to July 2, 1955, inclusive, although the compensation for July 1 and 2 falls within another period for which a return is required by paragraph (a) (1) of this section. If, in this example, the payroll week ended on July 5, 1955, the compensation paid for the payroll week of June 29 to July 5 would be included in the return period in which July falls although the compensation earned for June 29 and 30 fell in a prior return period under the general rule.

(c) *Time and place for filing returns.* For provisions relating to the time and place for filing returns, see §§ 31.6071 (a)–1 and 31.6091–1, respectively.

§ 31.6011 (a)–3 *Returns under Federal Unemployment Tax Act—*(a) *Requirement.* Every person shall make a return of tax under the Federal Unemployment Tax Act for each calendar year with respect to which he is an employer as defined in § 31.3306 (a)–1 of Subpart D of the regulations in this part. Form 940 is the form prescribed for use in making the return.

(b) *When to report wages.* Wages taxable under the Federal Unemployment Tax Act shall be reported in the return required under this section for the return period in which they are actually paid unless they were constructively paid in a prior return period, in which case such wages shall be reported only in the return for such prior period.

(c) *Time and place for filing returns.* For provisions relating to the time and place for filing returns, see §§ 31.6071 (a)–1 and 31.6091–1, respectively.

§ 31.6011 (a)–4 *Returns of income tax withheld from wages—*(a) *In general.* Except as otherwise provided in § 31.6011 (a)–5, every person required to make a return of income tax withheld from wages pursuant to section 1622 of the Internal Revenue Code of 1939 for the calendar quarter ended December 31, 1954, shall make a return for each subsequent calendar quarter (whether or not wages are paid therein) until he has filed a final return in accordance with § 31.6011 (a)–6. Except as otherwise provided in § 31.6011 (a)–5, every person not required to make a return for the calendar quarter ended December 31, 1954, shall make a return of income tax withheld from wages pursuant to section 3402 for the first calendar quarter thereafter in which he is required to deduct and withhold such tax and for each subsequent calendar quarter (whether or not wages are paid therein) until he has filed a final return in accordance with § 31.6011 (a)–6. Form 941 is the form prescribed for making the return required under this paragraph.

(b) *District director's copies of Form W–2.* (1) Every employer who is required under paragraph (a) of this section to make a return of income tax withheld from wages for a period ending December 31, or for any period for which such return is made as a final return, shall submit as part of such return the district director's copy of each withholding statement on Form W–2 required under § 31.6051–1 to be furnished by the employer with respect to wages paid during the calendar year (as well as such copy of each corrected statement for a prior year). For the penalty provided in case of each failure to file Form W–2, see the provisions of the Regulations on Procedure and Administration (Part 301 of this chapter) under section 6652.

(2) The copies of withholding statements for the current calendar year transmitted with the return required under paragraph (a) of this section shall be accompanied by an information statement on Form W–3. This subparagraph has no application to any return filed under this section in 1955.

(3) The copies of withholding statements for the current calendar year transmitted with the return shall be accompanied by a list (preferably in the form of an adding machine tape) of the amounts of income tax withheld shown on such statements. If an employer's total payroll is made up on the basis of a number of separate units or establishments, the statements may be assembled accordingly and a separate list or tape submitted for each unit. In such case, a summary list or tape should be submitted, the total of which will agree with the corresponding entry to be made on Form W–3. If the number of statements is large, they may be forwarded in packages of convenient size. When this is done, the packages should be identified with the name of the employer and consecutively numbered, and Form W–3 should be placed in package No. 1. The number of packages should be indicated immediately after the employer's name on Form W–3. The return, Form 941, and remittance in cases of this kind should be submitted in the usual manner, accompanied by a brief statement that the district director's copies of Form W–3 and Form W–3 are in separate packages.

(4) The district director's copies of corrected Forms W–2 for a prior calendar year shall be assembled separately from the forms for the current calendar year and shall be accompanied by a statement explaining the corrections.

(5) For provisions relating to extensions of time for filing the district director's copies of Form W–2 and Form W–3, see paragraph (a) (3) of § 31.6081 (a)–1.

(c) *Time and place for filing returns.* For provisions relating to the time and place for filing returns, see §§ 31.6071 (a)–1 and 31.6091–1, respectively.

§ 31.6011 (a)–5 *Monthly returns—*(a) *In general—*(1) *Requirement.* The provisions of this section are applicable in respect of the taxes reportable on Form 941, Form 941PR, or Form 941VI pursuant to § 31.6011 (a)–1 or § 31.6011 (a)–4. An employer who is required by § 31.6011 (a)–1 or § 31.6011 (a)–4 to make quarterly returns on any such form shall, in lieu of making such quarterly returns, make returns of such taxes in accordance with the provisions of this section if he is so notified in writing by the district director. The district director may so notify any employer (i) who, by reason of notification as provided in § 301.7512–1 of the Regulations on Procedure and Administration (Part 301 of this chapter), is required to comply with the provisions of such § 301.7512–1, or (ii) who has failed to (d) make any such return on Form 941, Form 941PR, or Form 941VI, (b) pay tax reportable on any such form, or (c) deposit any such tax as required under the provisions of § 31.6302 (c)–1. Every employer so notified by the district director shall make a return for the calendar month in which the notice is received and for each calendar month thereafter (whether or not wages are paid in any such month) until he has filed a final return or is required to make quarterly returns pursuant to notification as provided in subparagraph (2) of this paragraph. However, if the notice provided for in this subparagraph is received after the close of the first calendar month of a calendar quarter, the first return under this section shall be made for the period beginning with the first day of such quarter and ending with the last day of the month in which the notice is received. Each return required under this section shall be made on the form prescribed for making the return which would otherwise be required of the employer under the provisions of § 31.6011 (a)–1 or § 31.6011 (a)–4, except that, if some other form is furnished by the district director for use in lieu of such prescribed form, the return shall be made on such other form.

(2) *Termination of requirement.* The district director, in his discretion, may notify the employer in writing that he shall discontinue the filing of monthly returns under this section. If the employer is so notified, the last month for which a return shall be made under this section is the last month of the calendar quarter in which such notice of discontinuance is received. Thereafter, the employer shall make quarterly returns in accordance with the provisions of § 31.6011 (a)–1 or § 31.6011 (a)–4.

(b) *Information returns or statements—*(1) *Federal Insurance Contributions Act.* Every employer who is required under paragraph (a) of this section to make a return of tax under the Federal Insurance Contributions Act for any period within a calendar quarter shall make an information return for such calendar quarter. Such return shall be made on Schedule A of Form 941, or the equivalent schedule of Form 941PR or Form 941VI, except that, if some other form or schedule is furnished by the district director for the purpose of making such return, the return shall be made on such other form or schedule. The information reported on such return shall include, with respect to each employee to whom the employer pays wages as defined in the Federal Insurance Contributions Act, the account number of the employee, the employee's name, the total amount of wages paid by the employer to the employee during the calendar quarter, and such other information as may be called for on the form provided for making such return.

(2) *Income tax withheld from wages.* (i) Every employer who is required under paragraph (a) of this section to make a return of income tax withheld from wages for a period ending December 31, or for any period for which such return is made as a final return, shall make an information statement for the calendar year which includes such period. Such information statement shall be made on Form W–3, except that, if some other form is furnished by the district director for use in lieu of Form W–3, the information statement shall be made on such other form. The information statement shall be accompanied by the district director's copy of each withholding statement on Form W–2 required under § 31.6051–1 to be furnished by the employer with respect to wages paid during the calendar year (as well as such copy of each corrected statement for a prior year). The provisions of paragraph (b) (3) and (4) of § 31.6011 (a)–4 shall be applicable in respect of such withholding statements. For the penalty provided in case of each failure to file Form W–2, see the provisions of the Regulations on Procedure and Administration (Part 301 of this chapter) under section 6652.

(ii) For provisions relating to extensions of time for filing the district director's copies of Form W–2 and Form W–3, or such other form as may be furnished for use in lieu of Form W–3, see paragraph (a) (3) of § 31.6081 (a)–1.

(c) *Time and place for filing returns.* For provisions relating to the time and place for filing returns, see §§ 31.6071 (a)–1 and 31.6091–1, respectively.

§ 31.6011 (a)–6 *Final returns—*(a) *In general—*(1) *Federal Insurance Contributions Act; income tax withheld from wages.* An employer who is required to make a return on a particular form pursuant to § 31.6011 (a)–1, § 31.6011 (a)–4, or § 31.6011 (a)–5, and who in any return period ceases to pay wages in respect of which he is required to make a return on such form, shall make such return for such period as a final return. Each return made as a final return shall be marked "Final return" by the person filing the return. Every such person filing a final return (other than a final return on Form 942 or Form 943) shall furnish information showing the date of the last payment of wages, as defined in section 3121 (a) or section 3401 (a). An employer (other than an employer making returns on Form 942) who has only temporarily ceased to pay wages, because of seasonal activities or for other reasons, shall not make a final return but shall continue to file returns. If (i) for any return period an employer makes a final return on a particular form, and (ii) after the close of such period the employer pays wages, as defined in section 3121 (a) or section 3401 (a), in respect of which the same or a different return form is prescribed, such employer shall make returns on the appropriate return form. For example, if an employer who has filed a final return on Form 941 pays wages only for domestic service in his private home not on a farm operated for profit, the employer is required to make returns on Form 942 in respect of such wages.

(2) *Railroad Retirement Tax Act—*(i) *Form CT–1.* An employer required to make returns on Form CT–1 who in any calendar quarter ceases to pay taxable compensation shall make the return on Form CT–1 for such quarter as a final return. Such return shall be marked "Final return" by the person filing the return, and such person shall furnish information showing the date of the last payment of taxable compensation. An employer who has only temporarily ceased to pay taxable compensation shall continue to file returns on Form CT–1.

(ii) *Form CT–2.* An employee representative required to make returns on Form CT–2 who in any calendar quarter ceases to be paid taxable compensation for services as an employee representative shall make the return on Form CT–2 for such quarter as a final return. Such return shall be marked "Final return" by the person filing the return, and such person shall furnish information showing the date of the last payment of taxable compensation. An employee representative who only temporarily ceases to be paid taxable compensation for services as an employee representative shall continue to file returns on Form CT–2.

(3) *Federal Unemployment Tax Act.* An employer required to make a return on Form 940 for a calendar year in which he ceases to be an employer, as defined in § 31.3306 (a)–1 of Subpart D of the regulations in this part, because of the discontinuance, sale, or other transfer of his business, shall make such return as a final return. Such return shall be marked "Final return" by the person filing the return.

(b) *Statement to accompany final return.* There shall be executed as a part

of each final return, except in the case of a final return on Form 942, a statement showing the address at which the records required by the regulations in this part will be kept, the name of the person keeping such records, and, if the business of an employer has been sold or otherwise transferred to another person, the name and address of such person and the date on which such sale or other transfer took place. If no such sale or transfer occurred or the employer does not know the name of the person to whom the business was sold or transferred, that fact should be included in the statement. Such statement shall include any information required by this section as to the date of the last payment of wages or compensation. If the statement is executed as a part of a final return on Form CT–1 or Form CT–2, such statement shall be furnished in duplicate.

(c) *Time and place for filing returns.* For provisions relating to the time and place for filing returns, see §§ 31.6071 (a)–1 and 31.6091–1, respectively.

§ 31.6011 (a)–7 *Execution of returns*—(a) *In general.* Each return required under the regulations in this part, together with any prescribed copies or supporting data, shall be filled in and disposed of in accordance with the forms, instructions, and regulations applicable thereto. The return shall be carefully prepared so as fully and accurately to set forth the data required to be furnished therein. Returns which have not been so prepared will not be accepted as meeting the requirements of the regulations in this part. The return may be made by an agent in the name of the person required to make the return if an acceptable power of attorney is filed with the district director and if such return includes all taxes required to be reported by such person on such return for the period covered by the return. Only one return on any one prescribed form for a return period shall be filed by or for a taxpayer. Any supplemental return made on such form in accordance with § 31.6205–1 shall constitute a part of the return which it supplements. Consolidated returns of two or more employers are not permitted, as for example, returns of a parent and a subsidiary corporation. For provisions relating to the filing of returns of the taxes imposed by the Federal Insurance Contributions Act and of income tax withheld under section 3402 in the case of governmental employers, see § 31.3122 of Subpart B, and § 31.3404–1 of Subpart E, of the regulations in this part.

(b) *Use of prescribed forms.* Copies of the prescribed return forms will so far as possible be regularly furnished taxpayers by district directors. A taxpayer will not be excused from making a return, however, by the fact that no return form has been furnished to him. Taxpayers not supplied with the proper forms should make application therefor to the district director in ample time to have their returns prepared, verified, and filed with the district director on or before the due date. See §§ 31.6071 (a)–1 and 31.6091–1, relating, respectively, to the time and place for filing returns. In the absence of a prescribed return form, a statement made by a taxpayer disclosing the aggregate amount of wages or compensation reportable on such form for the period in respect of which a return is required and the amount of taxes due may be accepted as a tentative return. If filed within the prescribed time, the statement so made will relieve the taxpayer from liability for the addition to tax imposed for the delinquent filing of the return: *Provided* That without unnecessary delay such tentative return is supplemented by a return made on the proper form. For additions to the tax in case of failure to file a return within the prescribed time, see the provisions of the Regulations on Procedure and Administration (Part 301 of this chapter) under section 6651.

(c) *Signing and verification.* For provisions relating to the signing of returns, see § 31.6061–1. For provisions relating to the verifying of returns, see the provisions of the Regulations on Procedure and Administration (Part 301 of this chapter) under section 6065.

§ 31.6071 (a) *Statutory provisions; time for filing returns and other documents.*

SEC. 6071. *Time for filing returns and other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the time for filing any return, statement, or other document required by this title or by regulations.

§ 31.6071 (a)–1 *Time for filing returns and other documents—(a) Federal Insurance Contributions Act and income tax withheld from wages*—(1) *Quarterly or annual returns.* Each return required to be made under § 31.6011 (a)–1, in respect of the taxes imposed by the Federal Insurance Contributions Act, or required to be made under § 31.6011 (a)–4, in respect of income tax withheld, shall be filed on or before the last day of the first calendar month following the period for which it is made. However, any such return may be filed on or before the tenth day of the second calendar month following such period if such return is accompanied by depositary receipts, Form 450, showing timely deposits in full payment of such taxes due for such period. For the purpose of the preceding sentence, a deposit which is not required to be made within such return period may be made on or before the last day of the first calendar month following the close of such period, and the timeliness of the deposit for any month will be determined by the earliest date stamped on the validated Form 450 by an authorized commercial bank or by a Federal Reserve bank.

(2) *Monthly tax returns.* Each return in respect of the taxes imposed by the Federal Insurance Contributions Act or of income tax withheld which is required to be made under paragraph (a) of § 31.6011 (a)–5 shall be filed on or before the fifteenth day of the first calendar month following the period for which it is made.

(3) *Information returns or statements*—(i) *Federal Insurance Contributions Act.* Each information return in respect of wages as defined in the Federal Insurance Contributions Act which is required to be made under paragraph (b) (1) of § 31.6011 (a)–5 shall be filed on or before the fifteenth day following the calendar quarter for which it is made, except that, if a tax return under paragraph (a) of § 31.6011 (a)–5 is made as a final return for a period ending prior to the last day of a calendar quarter, the information return shall be filed on or before the fifteenth day of the first calendar month following the period for which the tax return is filed.

(ii) *Income tax withheld from wages.* Each information statement in respect of income tax withheld from wages which is required to be made under paragraph (b) (2) of § 31.6011 (a)–5 shall be filed on or before January 31 following the calendar year for which it is made, except that, if a tax return under paragraph (a) of § 31.6011 (a)–5 is filed as a final return for a period ending prior to December 31, the information statement shall be filed on or before the last day of the first calendar month following the period for which the tax return is filed.

(b) *Railroad Retirement Tax Act.* Each return of the taxes imposed by the Railroad Retirement Tax Act required to be made under § 31.6011 (a)–2 shall be filed on or before the last day of the second calendar month following the period for which it is made.

(c) *Federal Unemployment Tax Act.* Each return of the tax imposed by the Federal Unemployment Tax Act required to be made under § 31.6011 (a)–3 shall be filed on or before the last day of the first calendar month following the period for which it is made.

(d) *Last day for filing.* For provisions relating to the time for filing a return when the prescribed due date falls on Saturday, Sunday, or a legal holiday, see the provisions of the Regulations on Procedure and Administration (Part 301 of this chapter) under section 7503.

(e) *Late filing.* For additions to the tax in case of failure to file a return within the prescribed time, see the provisions of the Regulations on Procedure and Administration (Part 301 of this chapter) under section 6651.

(f) *Cross reference.* For extensions of time for filing returns and other documents, see § 31.6081 (a)–1.

§ 31.6081 (a) *Statutory provisions; extension of time for filing returns.*

SEC. 6081. *Extension of time for filing returns*—(a) *General rule.* The Secretary or his delegate may grant a reasonable extension of time for filing any return, declaration, statement, or other document required by this title or by regulations. Except in the case of taxpayers who are abroad, no such extension shall be for more than 6 months.

§ 31.6081 (a)–1 *Extensions of time for filing returns and other documents*—(a) *Federal Insurance Contributions Act; income tax withheld from wages; and Railroad Retirement Tax Act*—(1) *In general.* Except as otherwise provided in subparagraphs (2) and (3) of this paragraph, no extension of time for filing any return or other document required in respect of the Federal Insurance Contributions Act, income tax withheld from wages, or the Railroad Retirement Tax Act may be granted by the district director.

(2) *Information returns of employers required to file monthly returns of tax under the Federal Insurance Contributions Act.* The district director may, upon application of the employer, grant an extension of time in which to file any information return required under paragraph (b) (1) of § 31.6011 (a)–5. Such extension of time shall not extend beyond the last day of the calendar month in which occurs the due date prescribed in paragraph (a) (3) (i) of § 31.6071 (a)–1 for filing the information return. Each application for an extension of time for filing an information return shall be made in writing, properly signed by the employer or his duly authorized agent; shall be addressed to the district director with whom the employer will file the return; and shall contain a full recital of the reasons for requesting the extension, to aid the district director in determining the period of the extension, if any, which will be granted. Such a request in the form of a letter to the district director will suffice as an application. The application shall be filed on or before the due date prescribed in paragraph (a) (3) (i) of § 31.6071 (a)–1 for filing the information return.

(3) *Information statements of employers required to file returns of income tax withheld from wages.* For good cause shown upon application by an employer, the district director may grant an extension of time not exceeding 30 days in which to file (i) the district director's copies of Form W–2 pursuant to paragraph (b) (1) of § 31.6011 (a)–4 or paragraph (b) (2) of § 31.6011 (a)–5, and (ii) Form W–3 pursuant to paragraph (b) (2) of § 31.6011 (a)–4 or paragraph (b) (2) of § 31.6011 (a)–5, or such other form as may be furnished pursuant to paragraph (b) (2) of § 31.6011 (a)–5 for use in lieu of Form W–3. Each application for an extension of time under this subparagraph shall be made in writing, properly signed by the employer or his duly authorized agent; shall be addressed to the district director with whom the employer will file the Forms W–2 and Form W–3, or such other form as may be furnished for use in lieu thereof, and shall contain a full recital of the reasons for requesting the extension, to aid the district director in determining the period of the extension, if any, which will be granted. Such a request in the form of a letter to the district director will suffice as an application. The application shall be filed on or before the date on which the employer is required to file the Forms W–2 and Form W–3, or such other form as may be furnished for use in lieu thereof, without regard to this subparagraph.

(b) *Federal Unemployment Tax Act.* The district director may, upon application of the employer, grant a reasonable extension of time (not to exceed 90 days) in which to file any return required in respect of the Federal Unemployment Tax Act. Any application for an extension of time for filing the return shall be in writing, properly signed by the employer or his duly authorized agent; shall be addressed to the district director with whom the employer will file the return; and shall contain a full recital of the reasons for requesting the extension, to aid the district director in determining the period of the extension, if any, which will be granted. Such a request in the form of a letter to the district director will suffice as an application. The application shall be filed on or before the due date prescribed in paragraph (c) of § 31.6071 (a)–1 for filing the return, or on or before the date prescribed for filing the return in any prior extension granted. An extension of time for filing a return does not operate to extend the time for payment of the tax or any part thereof.

(c) *Duly authorized agent.* In any case in which an employer is unable, by reason of illness, absence, or other good cause, to sign a request for an extension, any person standing in close personal or business relationship to the employer may sign the request on his behalf, and shall be considered as a duly authorized agent for this purpose, provided the request sets forth the reasons for a signature other than the employer's and the relationship existing between the employer and the signer.

§ 31.6151 *Statutory provisions; time and place for paying tax shown on returns.*

SEC. 6151. *Time and place for paying tax shown on returns*—(a) *General rule.* Except as otherwise provided in this section, when a return of tax is required under this title or regulations, the person required to make such return shall, without assessment or notice and demand from the Secretary or his delegate, pay such tax to the principal internal revenue officer for the internal revenue district in which the return is required to be filed, and shall pay such tax at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return).

(b) *Exceptions.* • • •

(2) *Use of Government depositaries.* For authority of the Secretary or his delegate to require payments to Government depositaries, see section 6302 (c).

(c) *Date fixed for payment of tax.* In any case in which a tax is required to be paid on or before a certain date, or within a certain period, any reference in this title to the date fixed for payment of such tax shall be deemed a reference to the last day fixed for such payment (determined without regard to any extension of time for paying the tax).

§ 31.6151–1 *Time for paying tax*—(a) *In general.* The tax required to be reported on each tax return required under this subpart is due and payable to the district director at the time prescribed in § 31.6071 (a)–1 for filing such return. See the applicable sections of the Regulations on Procedure and Administration (26 CFR Part 301), for provisions relating to interest on underpayments, additions to tax, and penalties.

(b) *Use of Government depositaries.* For provisions relating to the use of Federal Reserve banks and authorized commercial banks in depositing the taxes, see §§ 31.6302 (c)–1 and 31.6302 (c)–2.

§ 31.6302 (c) *Statutory provisions; mode or time of collection; use of Government depositaries.*

SEC. 6302. *Mode or time of collection.* • • •

(c) *Use of Government depositaries.* The Secretary or his delegate may authorize Federal Reserve banks, and incorporated banks or trust companies which are depositaries or financial agents of the United States, to receive any tax imposed under the internal revenue laws, in such manner, at such times, and under such conditions as he may prescribe; and he shall prescribe the manner, times, and conditions under which the receipt of such tax by such banks and trust companies is to be treated as payment of such tax to the Secretary or his delegate.

§ 31.6302 (c)–1 *Use of Government depositaries in connection with taxes under Federal Insurance Contributions Act and income tax withheld*—(a) *Requirement*—(1) *In general.* Except as provided in paragraph (b) of this section, if during any calendar month, other than the last month of a calendar quarter, the aggregate amount of—

(i) The employee tax withheld under section 3102,

(ii) The employer tax for such month under section 3111, and

(iii) The income tax withheld under section 3402, exclusive of taxes with respect to wages for agricultural labor or for domestic service in a private home of the employer, exceeds $100 in the case of an employer, such employer shall deposit such aggregate amount within 15 days after the close of such calendar month with a Federal Reserve bank.

(2) *Employers of agricultural workers*—(i) *Requirement for 1955.* If during any calendar month, other than the last month of a calendar quarter, in 1955 the aggregate amount of—

(a) The employee tax withheld under section 3102 with respect to wages for agricultural labor, and

(b) The employer tax under section 3111 for such month with respect to wages for agricultural labor,

exceeds $100 in the case of an employer, such employer shall deposit such aggregate amount within 15 days after the close of such calendar month with a Federal Reserve bank.

(ii) *Requirement for 1956 and subsequent years.* Except as provided in paragraph (b) of this section, if during any calendar month other than December, in any calendar year after 1955, the aggregate amount of—

(a) The employee tax withheld under section 3102 during such month with respect to wages for agricultural labor, plus any such employee tax which was previously withheld in the same calendar year with respect to such wages but which was neither deposited nor required to be deposited on or before the last day of such month, and

(b) The employer tax under section 3111 for such month with respect to wages for agricultural labor, plus any such employer tax, which was neither deposited nor required to be deposited on or before the last day of such month, for any prior month of the same calendar year with respect to wages for agricultural labor,

exceeds $100 in the case of an employer, such employer shall deposit such aggregate amount within 15 days after the close of such calendar month with a Federal Reserve bank.

(3) *Depositary receipts.* Any deposit required to be made by an employer under subparagraph (1) of this para-

graph shall be made separately from any deposit required to be made by him under subparagraph (2) of this paragraph. However, an employer required to make deposits under subparagraph (1) or subpargaraph (2) may make one, or more than one, remittance of the amount required by such subparagraph to be deposited for a calendar month. Each such remittance shall be accompanied by a Federal Depositary Receipt (Form 450) which shall be prepared in accordance with the instructions applicable thereto. The employer shall forward such remittance, together with such depositary receipt, to a Federal Reserve bank or, at his election, to a commercial bank authorized in accordance with Treasury Department Circular No. 848 to accept remittances of the taxes for transmission to a Federal Reserve bank. After the Federal Reserve bank has validated the depositary receipt, such depositary receipt will be returned to the employer. Every employer making deposits pursuant to this section shall attach to his return for the period with respect to which such deposits are made, in part or in full payment of the taxes shown thereon, depositary receipts so validated, and shall pay to the district director the balance, if any, of the taxes due for such period. An amount of tax which is not required to be deposited may nevertheless be deposited if the employer so desires. If a deposit is made for the last month of a return period, the employer shall make it in ample time (whether before, on, or after the fifteenth day of the succeeding month) to enable the Federal Reserve bank to return the validated receipt to the employer so that it can be attached to and filed with the employer's return.

(4) *Procurement of prescribed forms.* Initially, Form 450, Federal Depositary Receipt, will so far as possible be furnished the employer by the district director. An employer not supplied with the proper form should make application therefor to the district director in ample time to have such form available for use in making his initial deposit within the time prescribed in this paragraph. Thereafter, a blank form will be sent to the employer by the Federal Reserve bank when returning the validated depositary receipt. An employer may secure additional forms from a Federal Reserve bank by applying therefor and advising the bank of his identification number. The employer's identification number and name, as entered on each depositary receipt, shall be the same as they are required to be shown on the return to be filed with the district director. The address of the employer, as entered on each depositary receipt, should be the address to which the receipt should be returned following validation by the Federal Reserve bank.

(b) *Monthly returns.* The provisions of this section are not applicable with respect to taxes for the month in which the employer receives notice from the district director that returns are required under § 31.6011 (a)–5, or for any subsequent month for which such a return is required.

§ 31.6302 (c)–2 *Use of Government depositaries in connection with employee and employer taxes under Railroad Retirement Tax Act*—(a) *Requirement.* If during any calendar month the aggregate amount of—

(1) The employee tax withheld under section 3202 or under corresponding provisions of prior law, and

(2) The employer tax for such month under section 3221 or under corresponding provisions of prior law,

exceeds $100 in the case of an employer, such employer shall deposit such aggregate amount within 15 days after the close of such calendar month with a Federal Reserve bank, except that the deposit for the last month of a return period shall be made on or before the last day of the first month following such period. If a portion of the taxes for a calendar month is reportable under § 31.6011 (a)–2 on the return on Form CT–1 for the return period immediately preceding such month, the employer is required to deposit such portion in the same manner as if it were for the last calendar month in such return period.

(b) *Depositary receipts.* The employer may make one, or more than one, remittance of the amounts required by paragraph (a) of this section to be deposited for a calendar month. Each such remittance shall be accompanied by a Railroad Retirement Depositary Receipt (Form 515), which shall be prepared in accordance with the instructions applicable thereto. The employer shall forward such remittance, together with such depositary receipt, to a Federal Reserve bank or, at his election, to a commercial bank authorized in accordance with Treasury Department Circular No. 848 to accept remittances of the taxes for transmission to a Federal Reserve bank. After the Federal Reserve bank has validated the depositary receipt, such depositary receipt will be returned to the employer. Every employer making deposits pursuant to this section shall attach to his return for the period with respect to which such deposits are made, in part or in full payment of the taxes shown thereon, depositary receipts so validated and shall pay to the district director the balance, if any, of the taxes due for such period. If the aggregate amount of the taxes deposited, as shown on the depositary receipt or receipts attached to such return, is in excess of the taxes shown on such return, a credit or refund may be obtained; and in the event the excess is applied as a credit against taxes reported by the employer on a return on Form CT–1 for a subsequent return period, the employer shall reduce the amount of the deposit otherwise required under paragraph (a) of this section for one of the months of such subsequent return period by the amount of such credit.

(c) *Procurement of prescribed form.* Initially, Form 515, Railroad Retirement Depositary Receipt, will so far as possible be furnished the employer by the district director. An employer not supplied with the proper form should make application therefor to the district director in ample time to have such form available for use in making his initial deposit within the time prescribed in paragraph (a) of this section. Thereafter, a blank form will be sent to the employer by the Federal Reserve bank when returning the validated depositary receipt. An employer may secure additional forms from a Federal Reserve bank by applying therefor and advising the bank of the identification number to be shown on his depositary receipts. The identification number, as entered on each depositary receipt, shall be the same as the identification number assigned to the employer pursuant to § 31.6011 (b)–1. The address of the employer, as entered on each depositary receipt, should be the address to which the receipt should be returned following validation by the Federal Reserve bank.

§ 31.6302 (c)–3 *Cross references*—(a) *Failure to deposit.* For provisions relating to the penalty for failure to make a deposit within the prescribed time, see the provisions of the Regulations on Procedure and Administration (Part 301 of this chapter) under section 6656.

(b) *Saturday, Sunday, or legal holiday.* For provisions relating to the time for performance of acts where the last day falls on Saturday, Sunday, or a legal holiday, see the provisions of the Regulations on Procedure and Administration (Part 301 of this chapter) under section 7503.

[F. R. Doc. 58–7440; Filed, Sept. 11, 1958; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 67]

INDIANS, ALEUTS, AND ESKIMOS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of May 17, 1906 (34 Stat. 197), as amended August 2, 1956 (70 Stat. 954; 48 U. S. C. 357), and Revised Statutes 2478 (43 U. S. C. 1201), it is proposed to issue regulations clarifying existing regulations and implementing the act of August 2, 1956, supra. The proposed regulations are set forth below.

Interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington 25, D. C. within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 8, 1958.

1. The title to Part 67 is revised to read "Indians, Aleuts, and Eskimos."

2. A new center heading is added after § 67.11 to read "Possessory Claim Hearings."

3. Section 67.10 is revoked in its entirety.

4. Sections 67.1 to 67.9 and 67.11 are revised to read as follows:

ALLOTMENTS TO INDIANS, ALEUTS AND ESKIMOS

§ 67.1 *Statutory authority.* (a) The act of May 17, 1906 (34 Stat. 197), as amended August 2, 1956 (70 Stat. 954; 48 U. S. C. 357), authorizes the Secretary of the Interior to allot not to exceed 160 acres of vacant, unappropriated, and unreserved nonmineral land in Alaska or, subject to the provisions of the act of March 8, 1922 (42 Stat. 415; 48 U. S. C. 376–377), of vacant, unappropriated, and unreserved public land in Alaska that may be valuable for coal, oil, or gas deposits, or, under certain conditions, of national forest lands in Alaska, to certain Indians, Aleuts, or Eskimos of full or mixed blood, who reside in and are natives of the Territory.

(b) Under the Allotment Act, as amended, an applicant for allotment must be at least 21 years of age or the head of a family.

(c) Under the terms of the Allotment Act, as amended, the land allotted is deemed to be the homestead of the allottee and his heirs in perpetuity, and is inalienable and nontaxable. An Indian, Aleut, or Eskimo who receives an allotment under the act, or his heirs, however, may with the approval of the Secretary, convey the complete title to the allotted land by deed. The allotment shall thereafter be free of any restrictions against alienation and taxation unless the purchaser is an Indian, Aleut, or Eskimo native of Alaska who the Secretary determines is unable to manage the land without the protection of the United States and the conveyance provides for a continuance of such restrictions.

§ 67.2 *National forest lands.* Allotments may be made in national forests if founded on occupancy of the land prior to the establishment of the particular forest or if an authorized officer of the Department of Agriculture certifies that the land in the application for allotment is chiefly valuable for agricultural or grazing purposes.

§ 67.3 *Coal, oil, or gas lands.* Lands in applications for allotment and allotments that may be valuable for coal, oil, or gas deposits are subject to the regulations of Part 66 of this chapter.

§ 67.4 *Number of allotments; contiguity.* (a) No more than one allotment may be made to any one person.

(b) Lands in an allotment must be in a reasonably compact form and cannot consist of incontiguous tracts of land.

§ 67.5 *Applications for allotment.* (a) Applications for allotment must be filed, in triplicate on Form 4–021, properly and completely executed, in the land office which has jurisdiction over the lands. The application must be signed by the applicant but if he is unable to write his name, his mark or thumb print must be impressed on the application and witnessed by two persons.

(b) If surveyed, the land must be described in the application according to legal subdivisions of the public land surveys. If unsurveyed, it must be described as accurately as possible by metes and bounds and natural objects, and its position with reference to rivers, creeks, mountains or mountain peaks, towns or other prominent topographic points or natural objects or monuments, and to well-known nearby roads and trails, must be given.

(c) The application must be accompanied by a statement by the applicant that he has plainly indicated on the ground the corners of the land applied for by setting substantial posts or heaping up mounds of stones on each corner and that he has posted a notice of the application on the land, describing the tract applied for in the terms employed in the application on Form 4–021.

(d) Any application for allotment of lands which extend more than 160 rods along the shore of any navigable waters must be accompanied by a showing that the lands are not necessary for harborage, landing and wharf purposes and that the public interests will not be injured by waiver of the 160-rod limitation (see Part 77 of this chapter).

(e) Applications for allotment will be referred by the Bureau of Land Management to the Bureau of Indian Affairs for certification by an authorized officer that the applicant is a native qualified to make application under the Allotment Act, as amended. If the application is returned without such a certification, the application will be rejected.

(f) The filing of an application for allotment will grant no rights to the applicant over and above those which are specified in §§ 67.6 and 67.11. If the applicant does not submit the proof required by § 67.7 within 6 years of the filing of his application in the land office, his application for allotment will terminate without affecting the rights of the applicant gained by virtue of his occupancy of the land, or his rights to make another application. If the application was filed prior to the effective date of this paragraph, the application will be terminated under this paragraph only by decision of the authorized officer after appropriate notice to the applicant, granting him a reasonable period within which to file proof of continuous use and occupancy of the land as required by the regulation in this part.

§ 67.6 *Segregative effect of applications.* The filing of an acceptable application for allotment will segregate the lands to the extent that conflicting applications for such lands will be rejected, except when accompanied by a showing that the applicant for allotment has permanently abandoned occupancy of the land.

§ 67.7 *Allotments.* An allotment will not be made until the applicant has made satisfactory proof of substantially continuous use and occupancy of the land for a period of five years and the lands are surveyed by the Bureau of Land Management. Such proof must be made in triplicate and filed in the appropriate land office. It must be signed by the applicant, but if he is unable to write his name, his mark or thumb print must be impressed on the statement and witnessed by two persons. The showing of five years' use and occupancy may be submitted with the application for allotment if the applicant has then used and occupied the land for five years, or at any time after the filing of the application when the required showing can be made. The proof should give the name of the applicant, identify the application on which it is based, and appropriately describe the land involved. It should show the periods each year applicant has resided on the land; the amount of the land cultivated each year to garden or other crops; the amount of crops harvested each year; the number and kinds of domestic animals kept on the land by the applicant and the years they were kept there; the character and value of the improvements made by the applicant and when they were made; and the use, if any, to which the land has been put for fishing or trapping.

§ 67.8 *Approval of conveyances.* Applications for approval of conveyances by an allottee or his heirs must be filed with the appropriate office of the Bureau of Indian Affairs.

§ 67.9 *Appeals.* An appeal pursuant to the rules of practice, Part 221 of this chapter, may be taken from the decision of the authorized officer of the Bureau of Land Management.

SEGREGATION OF OCCUPIED LANDS

§ 67.11 *Occupied lands not subject to entry.* Lands occupied by Indians, Aleuts, and Eskimos in good faith are not subject to entry or appropriation by others.

[F. R. Doc. 58–7423; Filed, Sept. 11, 1958; 8:46 a. m.]

Bureau of Mines

[30 CFR Part 26]

[Bureau of Mines Schedule 29A]

LIGHTING EQUIPMENT FOR ILLUMINATING UNDERGROUND WORKINGS

PROCEDURES FOR TESTING FOR PERMISSIBILITY AND APPROVAL

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given that under authority contained in sec. 5, 36 Stat. 370, as amended, 30 U. S. C. 7; and sec. 1, 66 Stat. 709, 30 U. S. C. 482 (a); it is proposed to revise the regulations in Part 26, Title 30, Code of Federal Regulations, as set forth below.

The principal revisions are: Changes in format; definitions enlarged to include more detailed explanation of specific items; fee added for the investigation of a complete lighting system; clearer distinction made between intrinsically-safe and explosion-proof types of lighting fixtures, as well as specifications for each type of fixture; specifications for portable cables and cable connectors more explicit; a section covering certification of component parts added; and a distinction drawn between certification of component parts and approval for permissibility of complete lighting systems.

Interested persons may submit, in triplicate, written comments, sugges-

tions, or objections with respect to the proposed revision to the Director, Bureau of Mines, Washington 25, D. C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

MARLING J. ANKENY,
Director, Bureau of Mines.

Approved: September 8, 1958.

FRED A. SEATON,
Secretary of the Interior.

Sec.
26.1 Purpose.
26.2 Definitions.
26.3 Consultation.
26.4 Type of equipment that may be granted certificates for permissibility.
26.5 Components that may be certified.
26.6 Fees for investigation.
26.7 Tests and investigations.
26.8 Applications.
26.9 Specifications; all types of lighting systems.
26.10 Specifications; intrinsically-safe lighting fixtures.
26.11 Specifications; explosion-proof lighting fixtures.
26.12 Specifications; cable connectors.
26.13 Specifications; portable cables.
26.14 Conduct of investigations and demonstrations.
26.15 Certificate of approval for permissibility.
26.16 Certification of components.
26.17 Approval plate for permissible lighting systems.
26.18 Markings for certified components.
26.19 Changes after certification.
26.20 Withdrawal of certification.

AUTHORITY: §§ 26.1 to 26.20 issued under sec. 5, 36 Stat. 370, as amended, sec. 212, 66 Stat. 709; 30 U. S. C. 7, 482. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, secs. 201, 209, 66 Stat. 692, 703; 30 U. S. C. 3, 5, 471, 479.

§ 26.1 *Purpose.* The regulations in this part set forth the specifications and requirements for mine-lighting systems to procure their approval and certification as permissible for use in coal mines and certification of components for use in permissible lighting systems; procedures for applying for such certification; and fees.

§ 26.2 *Definitions.* As used in this part:

(a) "Permissible," as applied to mine-lighting systems, means that the system conforms to the specifications and requirements of this part, and that a certificate of approval to that effect has been issued.

(b) "Certificate of approval for permissibility" means a formal document issued by the Bureau stating that the system has met the specifications and requirements in this part and authorizing the use and attachment of an official approval plate.

(c) "Certification of components" means a statement in a letter of certification issued by the Bureau that the components which are intended for use in permissible mine-lighting systems have satisfied all of the applicable requirements prescribed in this part.

(d) "Lighting system" means a complete assembly of all the components required to establish illumination, including the fixtures, wiring, connectors, circuit-protection devices, and any other related parts.

(e) "Incendive spark" means an electric spark or arc capable of igniting flammable methane-air mixtures.

(f) "Intrinsically safe" means a fixture, a combination of parts, or an electrical circuit that will not cause ignition of flammable methane-air mixtures in any normal operation, during an intended manipulation, or when accidentally broken, if properly installed and supplied by a voltage that does not vary excessively from the nominal rating. (For the purpose of this part, the definition may include, for example, certain types of fluorescent lamps which when broken will not cause ignition of flammable methane-air mixtures.)

(g) "Fixture circuit" means the circuit or wiring contained in the fixture enclosure.

(h) "Explosion-proof" means capable of withstanding internal explosions of methane-air mixtures without damage to the enclosure or discharge of flame. For detailed requirements see Part 18 of this subchapter (Schedule 2F).

(i) "Explosion resistant" means an enclosure not built to explosion-proof specifications but capable of withstanding interal explosions of methane-air mixtures without igniting surrounding explosive methane-air mixtures, and without damage to the enclosure.

(j) "Drip-proof" means so constructed or protected that the successful operation of a lighting fixture is not interfered with when it is subjected to falling moisture or dirt.

(k) "Distribution box" means a portable enclosure in which one or more portable cables may be connected to a common source of electrical energy.

(l) "Normal operation" means the performance of those functions for which the component was designed.

(m) "Portable cable" means a flexible cable by means of which a portable lighting system may be connected to a source of electrical energy.

(n) "Frame ground" means a connection through a separate conductor to all exposed metallic casings and other parts which will maintain the casings and components at ground potential.

(o) "Sectional unit" means a lighting fixture that may be added to or removed from a lighting circuit as work advances or retreats.

(p) "Bureau" means the United States Bureau of Mines.

(q) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs, manufactures, or assembles, and seeks certification, or preliminary testing of a lighting system or its components.

§ 26.3 *Consultation.* By appointment, applicants or their representatives may visit the Bureau's Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, to discuss with qualified Bureau representatives proposed designs of equipment to be submitted in accordance with the requirements of the regulations of this part. No charge is made for such consultation.

§ 26.4 *Type of equipment that may be granted certificates of approval for permissibility.* Certificates of approval for permissibility will be granted for completely assembled lighting systems only and not for individual parts or subassemblies. A certificate of approval for permissibility shall include all components, cables, and equipment used in other than fresh intake air, and also, necessary protective devices which may be housed in non-explosion-proof enclosures located in fresh intake air.

§ 26.5 *Components that may be certified.* Manufacturers of components that are designed for use in permissible mine-lighting systems may request the Bureau of Mines to issue a letter certifying to the suitability of components for such use. To qualify for certification, components shall have satisfactorily met the prescribed inspection and test requirements, and the construction thereof shall be adequately covered by specifications officially recorded and filed by the Bureau.

§ 26.6 *Fees for investigation.*

(a) The fee for a complete investigation of a mine lighting system is $145.00.

(b) The full fee must accompany an application for retesting equipment that has been previously tested and disapproved. If less work is involved than for a complete investigation, the charge will be in proportion to the work done. Any surplus will be refunded to the applicant.

(c) The fee for tests covering only part of a complete investigation, such as to assist an applicant in developing a part, will be charged according to the work involved and will be in proportion to that charged for a complete investigation. A fee for such tests shall be determined in advance by the Bureau and the applicant notified accordingly in writing.

(d) Ordinarily a fee is not charged for an application covering an extension of certification that does not require test work. Each case, however, will be considered individually, and if a fee is required, the applicant will be notified accordingly, and the fee must be paid in advance before the investigation will be undertaken.

(e) For detailed inspection of a fixture	$45.00
(When warranted by the amount of time spent, this charge may be reduced to not less than $22.50.)	
(f) For explosion tests of an enclosure	35.00
(If less than 20 tests are involved, this charge may be reduced to not less than $17.50.)	
(g) For each series of tests for the adequacy of electrical clearances and insulation, durability of parts, light output, surface temperatures, or protection against gas ignitions	40.00
(h) For examining and recording all the necessary drawings and specifications preparatory to issuing a certificate of approval for permissibility or certification of a component	25.00

(i) Tests to assist an applicant in the development of lighting equipment may be made upon request to the Chief, Branch of Electrical-Mechanical Testing, 4800 Forbes St., Pittsburgh 13, Pennsylvania, and charges therefore will be according to the work involved. Conducting such tests shall, however, be optional with the Bureau. A deposit of $100 shall be made in advance to cover the cost of such work. Any surplus remaining at the completion of this work will be refunded, or, if desired, can be applied to further work.

§ 26.7 *Tests and investigations.* Unless the application states otherwise, it will be presumed that a complete investigation for certification is desired. However, the application may be expressly limited to some element or phase less than a complete investigation. If the tests at any stage indicate that the lighting system does not conform to the specifications in this part, the Bureau may treat the application as one for a partial investigation up to that point. Complete investigation for certification will not be undertaken unless the equipment has been fully developed, is ready to be marketed, and is submitted completely assembled, including parts, connectors, and all related materials.

§ 26.8 *Applications.* (a) No investigation or testing will be undertaken by the Bureau except pursuant to a written application, in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover the fees, and all prescribed drawings, specifications, and related material. The application and all related matters and all correspondence concerning it shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Electrical-Mechanical Testing.

(b) The equipment to be tested may be shipped (charges prepaid) at the same time the application is submitted, or, at the option of the applicant, shipment of the equipment may be deferred until the Bureau has notified the applicant that the application will be accepted.

(c) Drawings and specifications shall be adequate in number and detail to identify fully the design of the device and to disclose its materials, detailed dimensions of all parts, and include a wiring diagram. Drawings must be numbered and dated to insure accurate identification and reference to records and must show the latest revision. Specifications must be given for materials, components, and subassemblies.

§ 26.9 *Specifications; all types of lighting systems.* (a) The Bureau will not test or investigate any lighting system that in its opinion is not constructed of suitable materials, that evidences faulty workmanship, or that is not designed upon sound engineering principles. In addition to any specifications or requirements imposed by the regulations in this part, the Bureau may impose such further specifications or requirements as in its opinion are necessary or proper to investigate or test the particular device submitted.

(b) Adequacy of design and construction will be determined in connection with the following factors: Kind and durability of materials, test of active parts, resistance to moisture, drop test, insulation measurements, durability of construction, practicality in operation, suitability for underground service, and performance characteristics during the investigation. Since all possible designs, arrangements, or combinations cannot be foreseen, the Bureau reserves the right to make any tests or to place any limitations on equipment or parts of equipment not specifically covered herein to determine the safety of such equipment with regard to explosion and fire hazards.

(c) The following types of lighting fixtures will be considered: (1) Intrinsically safe, and (2) explosion proof.

(d) All components must be designed and constructed in such a manner that they will not create an explosion or fire hazard.

(e) All enclosures must be essentially of "drip-proof" design.

(f) All fixtures and related components in a lighting system must be so designed that the temperature of external surfaces will not exceed 390° F. (200° C.) at any point during continual operation.

(g) No certificate of approval will be issued for a lighting system if the electrical pressure (difference of potential) of the power supply exceeds 300 volts direct current or 260 volts alternating current at the input terminals of any lighting fixture.

(h) The clearances between live parts and casings shall be such as to minimize the possibility of electric arcs between them, or if space is limited, the casing shall be lined with adequate insulation.

(i) Phenolic and other insulating materials that give off highly explosive gases when decomposed by heat, such as may be generated electrically, shall not be placed within enclosures where they might be subjected to destructive electrical arcing.

(j) All lighting circuits shall be provided with short-circuit protection. If distribution boxes are used for this purpose, they must conform with all of the applicable requirements of Part 18 of this subchapter (Schedule 2F) unless these distribution boxes are installed in fresh intake air. The circuit of each lighting fixture shall be protected against excessive overload currents.

(k) If an ungrounded system is used, which is electrically isolated from all other power circuits, fixtures and auxiliary equipment need not be frame grounded.

(l) If a grounded system is used, all cables must contain a separate grounding conductor to insure that all exposed conducting materials in the system will not exceed ground potential. A device that will disconnect all power from the system in case of a ground fault will meet this requirement.

(m) Power conductors must not be used for grounding.

(n) Lighting systems and fixtures shall be designed for hanging from supports, so that cables or components are not permitted to rest on the mine floor.

(o) All lighting fixtures must be provided with a lock or seal. Any other fastening that requires a special tool for its removal will be construed as an effective seal. In place of a conventional lock or seal, an electrical or mechanical interlock may be provided to prevent gaining access to the lamps with power on. Provision for removal of lamps without arcing or sparking will also be acceptable.

(p) Lighting fixtures must be so designed that vibration will not shake the lamps loose from their sockets or holders.

§ 26.10 *Specifications; intrinsically safe lighting fixtures.* (a) Intrinsically safe lighting fixtures shall be so constructed that they will withstand being dropped five times from a height of five feet on an oak platform in the presence of explosive methane-air mixtures. (In these tests Pittsburgh natural gas may be substituted for methane.) The safety elements of the fixture must function so that no explosion or fire hazard exists at any time during or after the tests. (Breakage of a fluorescent lamp will not in itself constitute test failure.)

(b) The fixture must be enclosed in an explosion-resistant housing that will afford mechanical protection and withstand a minimum of ten internal explosion tests in surrounding explosive atmospheres containing air with 7.0 to 10.0 percent of methane without (1) igniting the surrounding atmosphere, or (2) permanently distorting of any part of the fixture.

(c) Plastic material used in place of glass for lighting fixtures must not create explosion, fire, or toxic hazards when subjected to normal maximum operating temperatures.

§ 26.11 *Specifications; explosion-proof lighting fixtures.* (a) All lighting fixtures that cannot be designed intrinsically safe shall be constructed strictly in accordance with the applicable requirements of Part 18 of this subchapter (Schedule 2F).

(b) Transparent plastics used in place of glass shall be of the thickness required of glass and shall not crack or shatter when struck by dripping cold water.

§ 26.12 *Specifications; cable connectors.* (a) Connectors shall be constructed so as to afford a minimum of accessibility to live electrodes by any means other than the related plug.

(b) The material of which cable connectors are made must be equivalent to the insulation on the cables with respect to flame-resistant properties.

(c) Cable connectors shall meet the following requirements:

(1) A connector designed for a nominal 240-volt system shall be engaged and disengaged through 750 cycles under its rated load at 260 volts alternating current at 80 percent power factor.

(2) A connector designed for a nominal 120-volt system shall be engaged and disengaged through 750 cycles under its rated load at 130 volts alternating current at 80 percent power factor.

NOTE: The tests described in subparagraphs (1) and (2) of this paragraph will be performed mechanically in the presence of explosive atmospheres containing air with 7.0 to 10.0 percent of methane. Ignition of the surrounding explosive atmosphere, destructive burning, distortion, and excessive temperature constitute failure.

(3) Under normal load, no part of any cable connector shall attain a tempera-

ture in excess of 175° F. during any of the prescribed tests.

(4) At 260 volts impressed, one cable connector shall be subjected to a short-circuit test at the maximum capacity of a 5 KVA transformer. The connector components will be mechanically engaged with the cable on the male portion short circuited at the plug. A time lag fuse of the maximum current rating of the connector will be connected in the circuit.

NOTE: The connector used for this test will be one already subjected to the cycling test described in subparagraphs (1) and (2) of this paragraph.

Fusing of the contacts will constitute a failure.

(d) Cable connectors must be so designed that they will withstand a pull of 25 pounds without separating subsequent to the cycling tests described in subparagraphs (1) and (2) of paragraph (c) of this section.

§ 26.13 *Specifications; portable cables.* (a) All portable cables shall have 600-volt insulation and shall have an outer jacket that is highly resistant to abrasion, moisture, and heat. They shall meet the Bureau of Mines flame-resistance requirements of Part 18 of this subchapter (Schedule 2F).

(b) The minimum conductor size acceptable for lighting circuits shall be No. 14 (AWG). In any case, cables must have conductors of a size equal to or greater than the National Electric Code standard. The current carrying capacity shall be based upon the maximum load that will be carried by the cables in normal service.

§ 26.14 *Conduct of investigations and demonstrations.* Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved system as it sees fit. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers. The Bureau shall hold as confidential and shall not disclose the results of chemical analyses of material or the contents of the application and its accompanying drawings, specifications, and related material.

§ 26.15 *Certificate of approval for permissibility.* (a) Upon completion of investigation of a lighting system, the Bureau will issue to the applicant either a certificate of approval for permissibility or a written notice of disapproval, as the case may require. If a certificate of approval for permissibility is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defects, with a view to possible correction. The Bureau will hold as confidential results of tests that terminate in a notice of disapproval.

(b) A certificate of approval for permissibility will be accompanied by a list of the drawings and specifications covering the details of design and construction of the lighting system upon which the certificate is based, and with the official approval number marked thereon. Applicants shall keep exact duplicates of the drawings and specifications that have been submitted to the Bureau and that relate to any system which has received a certificate of approval, and these are to be adhered to exactly in production of the approved system for commercial purposes.

§ 26.16 *Certification of components.* (a) Upon completion of investigation of a component intended for use in a permissible lighting system, the Bureau will issue a letter of certification to the applicant, or a written notice of disapproval, as the case may require. If a letter of certification is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details on the defects, with a view to possible correction. The Bureau will hold as confidential results of tests that terminate in a notice of disapproval.

(b) Letters certifying components may be cited to manufacturers or assemblers of permissible lighting systems as evidence that further inspection and tests of the components will not be required, provided they are constructed strictly in accordance with the specifications on file with the Bureau. Such letters will specify a Bureau of Mines file number to be used in marketing a certified component, as indicated in paragraph (a) of § 26.18. Since the Bureau does not issue certificates of approval for permissibility except as applying to complete lighting systems, no person shall advertise or label components in a manner indicating that such components are certified as approved for permissibility by the Bureau. Certified components may be advertised as suitable for application in permissible lighting systems.

§ 26.17 *Approval plate for permissible lighting systems.* (a) A certificate of approval for permissibility will be accompanied by a photograph of a design for an approval plate, bearing the seal of the Bureau, space for the approval number, the type, the serial number, the class of device to which the approval relates, and the name of the applicant. When deemed necessary by the Bureau, an appropriate statement of the precautions to be observed in maintaining the system in an approved condition shall be added.

(b) The applicant shall reproduce the design either as a separate plate or by stamping or molding it in some suitable place on each lighting fixture of a certified system. The size, type, method of attaching and location of approval plates are subject to the approval of the Bureau. The method of affixing the plate shall not impair the explosion-proof or explosion-resistant features of any enclosure.

(c) The approval plate identifies the lighting system as permissible, and is the applicant's guarantee that the system complies with the specifications and requirements in this part. Without an approval plate, no lighting system is considered "permissible" under the provisions of this part.

(d) Use of the approval plate obligates the applicant to maintain the quality of the system which bears it, and guarantees that it is manufactured and assembled according to the drawings and specifications upon which a certificate of approval was based. Use of the approval plate is not authorized except on systems that conform strictly with the drawings and specifications upon which the certificate of approval was based.

§ 26.18 *Markings for certified components.* (a) Certified components shall bear permanent markings satisfactory to the Bureau and shall contain the following:

Certified _____
(Name of component)
Bureau of Mines File No. BM29-C-_____
Rating or caution statement, whichever is applicable.

(b) Use of such markings obligates the applicant to maintain the quality of each component bearing it and guarantees that it is manufactured and assembled according to the drawings and specifications upon which certification was based. Use of such markings is not authorized except on components that conform strictly with the drawings and specifications upon which certification was based.

§ 26.19 *Changes after certification.* If an applicant desires to change any feature of a certified system or component and have it covered by existing certification, he shall first obtain the Bureau's approval of the change, pursuant to the following procedures:

(a) Application shall be made, as for an original certification, requesting that the existing certification be extended to cover the proposed change. The application shall be accompanied by drawings and specifications and related material as in the case of an original application.

(b) The application will be examined by the Bureau to determine whether inspection and testing of the modified system or component will be required. Generally, inspection and testing will be necessary if there is a possibility that the modification may affect adversely the performance of the system or component. The Bureau will inform the applicant whether such inspection and testing is required, the parts or materials to be submitted for that purpose, and the fee.

(c) If the proposed modification meets the requirements and specifications of this part, a formal extension of the certification will be issued accompanied by a list of new and corrected drawings and specifications to be added to those already on file as the basis for the certificate.

§ 26.20 *Withdrawal of certification.* The Bureau reserves the right to rescind for cause, at any time, any certification granted under this part.

[F. R. Doc. 58-7422; Filed, Sept. 11, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 928]

[Docket No. AO-327-A9]

MILK IN NEOSHO VALLEY MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Neosho Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Pittsburg, Kansas, on August 26, 1958, pursuant to notice thereof which was issued August 19, 1958 (23 F.R. 6509).

The material issues on the record of the hearing relate to:

1. The definition of an approved plant.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Approved plant. The definition of an approved plant should be changed so as to provide for a supply plant as well as for a distributing plant.

The essential function of a supply plant is to assemble milk into tank truck lots for economical shipment to distributing plants. This is particularly an important function with respect to milk gathered in 10 gallon cans but also applies to milk picked up from the farms by bulk tank trucks to the extent that their loads are consolidated into larger tankers. In addition, supply plants may be equipped to manufacture the reserve milk, thereby saving the cost of transporting the whole milk to city plants.

The present order provides only for the definition of an approved distributing plant, since this is the only type of plant heretofore associated with the market. An approved distributing plant is one from which 10 percent or more of its total receipts of Grade A milk are disposed of on routes in the marketing area.

One of the cooperative associations in the market has bought a distributing plant in Pittsburg, Kansas. This association also presently operates a distributing plant in Erie, Kansas. Their plans are to concentrate their entire bottling operation into one of these plants and the other will become a supply plant for the distributing plant and also supply Grade A milk to other handlers in the market on a supplemental basis. Some provision should be made for the economies of operation in these plants and for all the dairy farmers which are associated with these plants so that they may retain their pooled status under the order. The cooperative association also plans to establish a receiving station at Fort Scott, Kansas, where milk in 10-gallon cans will be assembled, cooled and shipped to distributing plants. This plant will serve the market in the same manner as the association's other supply plant. Therefore, the order should be amended to provide objective standards by which these supply plants, as well as other plants which may function in the same manner, can demonstrate their association with the Neosho Valley market. The standard by which a supply plant would qualify for approved plant status is the percentage of its Grade A receipts from dairy farmers which is disposed of to distributing plants which are approved plants.

The performance standards for supply plants to qualify for approved plant status should reflect the fact that currently the quantity of milk produced for the market is adequate on an annual basis for the needs of the market. At times, especially during the months of seasonally high production, distributors in the market may not need all of the milk available from producers in order to keep their Class I outlets fully supplied. In order to assure that all the producers' milk which is pooled with the market will be available for Class I, supply plant standards should be set at levels which require that such milk will be available.

In order to qualify for approved plant status at least 50 percent of the receipts of milk from dairy farmers at a supply plant should be disposed of to distributing plants which are approved plants in any month in the form of fluid milk products. A supply plant from which a proportionately lesser quantity of milk is disposed of in this manner should not, under the present conditions in the market, be considered as primarily associated with the regulated market.

It is recognized that if there is any demand for milk from supply plants it will be greatest during the season of low production. For sustained periods during the months of flush production, supplies of milk received at distributing plants may be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the milk at the supply plants for manufacture. The performance provisions should not force milk to be transported to distributing plants in the months of seasonally high production in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant may maintain approved plant status throughout the year if it supplies a substantial portion of its producer milk to distributing plants during the months when milk production tends to be lowest. The proposed standards require that a supply plant provide distributing plants which are approved plants with milk to the extent of 50 percent of its producer milk receipts during each of the months of August through November to maintain automatic approved plant status for the succeeding months of December through July.

The cooperative association pointed to the obvious economies which could be achieved if all the milk from one of their two supply plants could be shipped to market to meet bottling needs while the reserve milk was concentrated at the other supply plant for processing into manufactured dairy products. This objective can be accomplished by allowing any group of supply plants to be pooled on the basis of total shipments of the group or system of plants.

This principle of combining plants for maintaining pool qualification should be extended to cover all plants for which a handler is responsible for the marketing of milk. The order should provide that the handler submit to the market administrator a certification containing the list of plants to be included in the system and the period that they should be so considered. The initial listing should be furnished with the handler's regular monthly report, due by the 7th day following the first month in which the system is applicable. Any additions or deletions from the listing should likewise be made by the 7th day following the month to which they apply. Each system is responsible for meeting the overall qualifications. If the system as a whole cannot remain qualified the market administrator must be notified if it is desired that one or more of the component plants be deleted from the system.

The order should be amended to recognize that milk incurs relatively little shrinkage in its receipt and much more in the processing, bottling and distribution operations. The supply plants in this market would incur relatively a small amount of shrinkage on milk which is transferred to a distributing plant. Therefore, up to one-half of one percent shrinkage should be allowed on that milk which is received at the supply plants and transferred to an approved plant for bottling and distribution. The distributing plant will be allowed up to one and one-half percent shrinkage on that milk received in bulk from a supply plant.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Neosho Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Amend § 928.7 to read as follows:

§ 928.7 *Approved plant.* "Approved plant" means any milk plant, except that of a producer-handler, which is approved by the appropriate health authority having jurisdiction in the marketing area:

(a) From which 10 percent or more of the total receipts of Grade A milk is disposed of during the delivery period on wholesale or retail routes (including routes operated by vendors and disposition at plant stores) as Class I milk in the marketing area; or

(b) (1) From which no less than 50 percent of the Grade A milk received from dairy farmers is shipped to a plant(s) described in paragraph (a) of this section: *Provided,* That if such plant is an approved plant during each of the months of August through November, it shall be designated as an approved plant through the following August, unless the market administrator is requested by means of written application on or before the 7th day after the end of the month that the plant should not be an approved plant.

(2) All plants described in subparagraph (1) of this paragraph which are operated by one handler may be considered as a unit, upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and the notice of any change in designation, shall be furnished on or before the 7th day following the month to which the notice applies. In any of the months of January through July a unit shall not contain plants which were not qualified as approved plants either individually or as members of another unit, during each of the previous months of August through November.

2. Amend § 928.41 (b) (3) to read as follows:

(3) In shrinkage of milk received directly from producers that is not in excess of 2 percent (5 percent with respect to skim milk during the months of April, May and June 3), plus 1.5 percent (4.5 percent with respect to skim milk during the months of April, May and June) of receipts of skim milk and butterfat, respectively, transfered in bulk from approved plants, less 1.5 percent (4.5 percent with respect to skim milk during the months of April, May and June) of skim milk and butterfat, respectively, disposed of in bulk to approved plants; and

Issued at Washington, D. C., this 8th day of September 1958.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-7430; Filed, Sept. 11, 1958; 8:47 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[29 CFR Part 202]

COTTON, SILK AND SYNTHETIC TEXTILE INDUSTRY; MINIMUM WAGE DETERMINATIONS

NOTICE OF HEARING TO DETERMINE PREVAILING MINIMUM WAGES

Pursuant to the provisions of section 1 (b) of the Walsh-Healey Public Contracts Act (49 Stat. 2036, as amended; 41 U. S. C. 35 et. seq.) and section 4 (a) of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001 et. seq.), notice is hereby given that a public hearing to determine the prevailing minimum wages in the cotton, silk and synthetic textile industry will be held before a duly assigned Hearing Examiner on October 15, 1958, beginning at 10:00 a. m., e. d. s. t., in Room 2203, United States Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D. C.

For the purposes of this hearing the cotton, silk and synthetic textile industry is defined as that industry which manufactures or furnishes cotton, silk and synthetic textiles, including the manufacturing, processing, bleaching, dyeing, printing or other finishing of any of the following items when made primarily of cotton, silk or synthetic fiber or [illegible] of these fibers: yarns; thread; [illegible] woven fabrics (more than twelve [illegible] in width); sheets and pillow [illegible] blankets; woven bedspreads; diaper [illegible] towels; and wash cloths, scrubbing cloths, and dishcloths. This definition, however, does not include the following activities:

1. The manufacturing or processing of the following types of yarns or threads:

(a) Carpet yarns containing any [illegible] pet wool;

(b) Yarn or thread made by the woolen system;

(c) Yarn or thread made by other than the woolen system and containing more than 45 percent by weight of wool or animal fiber (other than silk).

2. The chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber.

3. The manufacturing, bleaching, dyeing, printing or other finishing of woven fabric (other than pile) from fiber mixtures containing more than 25 percent by weight of wool or animal fiber (other than silk); and the further manufacture of any products from such fabrics.

Any interested persons may appear at the time and place specified herein and submit evidence, views, and arguments as to the following subjects and issues: (1) The appropriateness of the proposed definition of the industry; (2) what are the prevailing minimum wages in the industry; (3) whether a single determination for all the area in which the industry operates or separate determinations for smaller geographic areas (including the appropriate limits for such areas) should be determined for this industry; and (4) whether there should be included in any determination for this industry provisions for the employment of beginners at wages lower than the prevailing minimum wages and on what terms or limitations, if any, such employment should be permitted.

Employment and wage data in this industry for the payroll period ending nearest March 15, 1958, has been gathered by the Department of Labor. This information will be submitted for consideration at the hearing, and is available to interested persons upon request. Data collected in the Department of Labor for use in preparing its monthly series on "Earnings and Hours" showing the movement of average hourly earnings in this industry subsequent to March 1958 may be submitted for consideration at the hearing on the question of what changes have occurred in the prevailing minimum wages in this industry since March 1958, to the date of the hearing.

Written statements may be filed with the Chief Hearing Examiner at any time prior to the data of the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed and shall include the reason or reasons for non-appearance. Such statement shall be under oath or affirmation, and will be offered in evidence at the hearing. If objection is made to the admission of any such statement, the Presiding Officer shall determine whether it will be received in evidence.

To the extent possible, the evidence of each witness and the sworn or affirmed statements of persons who cannot appear personally, should permit evaluation on a plant-by-plant basis, and state: (1) (a) The number and location of establishments in the industry to which the testimony of such witness or such written statement is applicable, (b) the number of workers employed in each such establishment, (c) the minimum rates paid to covered workers and the number of covered workers at each such establishment receiving such rates and the occupations in which they are employed, (d) the minimum wages paid to beginners in each such establishment, the scale of wages paid during such periods, the length of such periods, the number of workers receiving such wages, and the occupations in which they are employed; (2) the identity of any product not now included in the definition of the industry which should be included and of any product now included which should not be included; (3) the geographic area or areas of competition within this industry; and (4) the changes in the minimum wages paid since March 1953, for persons employed in this industry.

This hearing will be conducted pursuant to the rules of practice for minimum wage determinations under the Walsh-Healey Public Contracts Act codified in 41 CFR Part 203.

Signed at Washington, D. C., this 6th day of September, 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-7431; Filed, Sept. 11, 1958; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 29]

[Draft Release No. 58-17]

PHYSICAL STANDARDS FOR ISSUANCE OF FIRST CLASS MEDICAL CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to the authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board an amendment to Part 29 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by Nov. 12, 1958. Copies of such communications will be available after Nov. 17, 1958, for examination by interested parties at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Currently effective Part 29 of the Civil Air Regulations prescribes the physical standards an airman must meet for the particular class of airman certificate applied for, and provides that a medical certificate shall be issued an applicant who fails to meet the physical standards prescribed for the medical certificate sought if the Administrator finds through more extensive medical examination, practical tests or otherwise that, by the imposition of terms, conditions, or limitations, the applicant, notwithstanding his physical deficiency, can perform the duties and exercise those privileges authorized by the Administrator without endangering safety in air commerce.

Present provisions with respect to the heart require that the applicant for a first class medical certificate shall have no organic or functional disease or structural defect or limitation which would be likely to render him unable to safely perform the duties or exercise the privileges of the grade of airman certificate sought or held.

The Bureau proposes to recommend to the Board that Part 29 be amended to provide for the inclusion of an electrocardiogram requirement in the physical examination for first class medical certificates. The reason for requiring the use of the electrocardiogram is that cases of healed myocardial infarction cannot otherwise be recognized if the applicant for a medical certificate, by reason of an actual lack of knowledge or otherwise, does not reveal the history of an acute attack. It is proposed that the use of the electrocardiogram on a mandatory basis be limited to the first class medical examination inasmuch as the first class medical certificate is required only of those persons applying for or holding an airline transport rating. The airline transport rating is required only of those persons serving as pilots in scheduled air transportation. It is considered that the highest professional and physical standards should apply to scheduled airline transportation since it is in this area that the greatest responsibility to the public exists. By virtue of the airline transport rating the holder is authorized to engage in scheduled airline pilot activities and, therefore, whether so engaged or not, must meet the required physical standards for this rating.

Myocardial infarction results from coronary artery disease. The word myocardial means "pertaining to heart muscle." Infarction means "localized death of tissue due to restriction of its blood supply." The coronary arteries are the blood vessels which supply nourishment to the heart muscle, and the diseases which may tend to occlude them include arteriosclerosis (loss of elasticity) and atherosclerosis (fatty deposits) either of which may produce thrombosis (clotting of blood). The usual underlying cause of myocardial infarction is a generalized degenerative process of arteriosclerosis or atherosclerosis which is rarely, if ever, limited to a single location. Some such process must exist in a person who has had an infarct, therefore, further attacks are probable. The onset of an infarction may be quite sudden and without warning, and is usually incapacitating. Reports which compromise long-term follow-up of substantial numbers of these patients show that following the initial attack, which itself causes fatalities estimated to be between 10 and 25 percent, the annual mortality rate is from 3 to 15 times greater than that of the general population of the same age, and there is no way of predicting when such individuals will suffer a recurrent attack. The increased mortality rate among these persons is largely due to recurrent myocardial infarction.

In recent years there have been several instances where ATR pilots have died in flight in the cockpit or just before takeoff. Three instances of inflight heart attacks among airline pilots occurred in 1957. In a study of military flying personnel killed in airplane accidents in the past two years, post mortem examinations disclosed that 3 were caused by heart attacks, and in an additional 9 cases post mortem examinations indicated the probable cause was heart attacks.

It is expected that the above situation will become more frequent in the future as the mean age of the pilot population increases. Myocardial infarction can occur at any age, but the peak of incidence is in the fifth and sixth decades, being somewhat unusual below age 40.

While considerable controversy exists in the medical field as to the pathological significance of certain abnormalities indicated by the electrocardiogram, particularly if the interpretation is not accomplished by a skilled electrocardiographer, the specialists are in agreement that the electrocardiogram will be accurate within 95–99 percent limits in disclosing cases of myocardial infarction.

In order to eliminate the possibility of an invalid interpretation by reason of a lack of skilled specialists in many areas where the physical examinations for first class medical certificates may be conducted, it is proposed that all electrocardiographic tracings be forwarded to the CAA Medical Division in Washington, D. C., for analysis at no cost to the applicant, and will not be interpreted at the local level at the time of examination. Within the meaning of the regulation, an electrocardiogram shall be used only to determine whether myocardial infarction exists. In disputed cases the CAA Medical Division will designate a location at which it will provide a complete clinical examination service at no cost to the applicant.

In view of the foregoing, notice is hereby given that it is proposed to recommended to the Board that Part 29 of the Civil Air Regulations be amended:

1. By amending § 29.2 by adding a new paragraph (e) to read as follows:

§ 29.2 *First class.* * * *

(e) *Heart.* (1) Applicants between 35 years of age and 40 years of age, on the first examination following age 35, shall demonstrate by electrocardiographic examination an absence of myocardial infarction.

(2) Applicants 40 years of age or over shall demonstrate annually by electrocardiographic examination an absence of myocardial infarction.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of com-

ments received in response to this notice of proposed rule making.

(Sec. 205, 82 Stat. 964; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., September 5, 1958.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE, *Director.*

[F. R. Doc. 58-7443; Filed, Sept. 11, 1958; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

VOLUNTARY OIL IMPORT PROGRAM

Background: The Voluntary Oil Import Program was established with respect to Districts I–IV by the President's approval of the recommendations made in the First Report of the President's Special Committee to Investigate Crude Oil Imports, dated July 29, 1957. The Program was extended to District V by the President's approval of the recommendations made in the Second Report of the President's Special Committee, dated December 12, 1957. The President also has approved the recommendations made by the Special Committee in reports dated March 24, 1958, and June 4, 1958.

The Special Committee in its report of July 29, 1957, recommended that crude oil imports into Districts I–IV be set at 12 percent of domestic production. In a footnote on page 14 of the report, it was stated that in future revisions of the program, imports should be determined as a percentage of domestic demand. It is proposed that total demand be used as the basis rather than domestic demand. Total demand includes both domestic and export demand. The revised manner of computing total allowable imports of crude and unfinished oils is hereinafter described.

In implementing its recommendations the Special Committee to Investigate Crude Oil Imports adopted several standards for determining import allocations. For so-called "established importers", allocations were fixed at an average of actual imports for the years 1954, 1955, and 1956 less 10 percent. For a group termed "new importers", the allocations were determined by combining actual imports for any or all of the above years with those planned for the last half of 1957. For those granted allocations by the supplementary report of March 24, 1958, allocations were on the bases of refinery capacity, refinery location, and market area.

In response to suggestions from members of the petroleum industry that allocations of imports be related to refinery capacity, and recognizing that a period of transition is necessary to enable importers to adjust operations should a new method of determining allocations be adopted, it is also proposed to substitute the standard set forth herein, in lieu of those now in effect. Prior to January 1, 1959, current crude and unfinished oil allocations will remain in effect, and no action will be taken on requests for increases in existing allocations or requests for initial import allocations in Districts I through IV.

The proposed methods of determining level of imports and individual import allocations apply only to Districts I through IV except as noted in paragraph 5 (d) of Method of Computing Individual Allocations. These methods may be extended to District V when a review of the program for that District is made, recognizing that the percentage factors determining total level of imports and individual allocations may vary from those applying in Districts I through IV.

Interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed methods of determining level of imports and allocations to the Administrator, Voluntary Oil Import Program, Department of the Interior, Washington 25, D. C. within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

M. V. CARSON, Jr.,
Administrator,
Voluntary Oil Import Program.

PROPOSED PLAN FOR THE OPERATION OF THE VOLUNTARY OIL IMPORT PROGRAM

METHOD OF COMPUTING TOTAL ALLOWABLE IMPORTS

Districts I–IV

1. The total demand and domestic production figures used herein are estimated figures compiled by the United States Bureau of Mines for the year ending June 30, 1959:

Total demand ..... 8,173,000 B/D
Domestic production ..... 6,261,000 B/D

2. Imports of unfinished oils other than crude were included in the Voluntary Oil Import Program on June 4, 1958, and it is concluded that a limitation of approximately 75,000 B/D on such materials should be imposed and added to the crude oil allocation.

3. The maximum possible volume of crude imports permitted under the formula specified in the July 29, 1957, report of the Special Committee is 12 percent of domestic production or 12 percent of 6,261,000 B/D, which is 751,300 B/D. The addition of 75,000 B/D of imports of other unfinished oils to 751,300 equals 826,300 B/D or 10.1 percent of 8,173,000 B/D total demand. Accordingly, imports subject to the program are limited to 10.1 percent of annual total demand.

METHOD OF COMPUTING INDIVIDUAL IMPORT ALLOCATIONS

4. Beginning January 1, 1959, for the period ending June 30, 1959, import allocations of importers of foreign crude oils are determined as follows:

(a) New importers and importers having allocations in effect prior to January 1, 1959, which allocations are less than 6 percent of the importer's reported refinery capacity are granted import allocations equal to 6 percent of such capacity.

(b) Importers having allocations in effect prior to January 1, 1959, which allocations exceed 37½ percent of the importer's reported capacity, are limited to an allocation which will not exceed 37½ percent of such capacity.

5. Effective July 1, 1959, and for the duration of the Voluntary Oil Import Program, allocations shall be determined as a percentage of annual refinery runs as follows:

(a) Allocations of importers which are less than 9 percent of the importer's refinery runs for the fiscal year ending March 31, 1959, are increased to 9 percent of such refinery runs and the allocations of importers having the highest percentage allocations will be reduced beginning with the highest until that allocation is no higher than the next highest and continuing to reduce both allocations equally until they are no higher than the third highest and thereafter equally reducing the three allocations, and so on as much as necessary to provide said increase.

(b) Beginning January 1, 1960, the allocations of all importers will be the percentage that the total of all allocations bears to the total refinery runs for fiscal year ending September 30, 1959, of all importers in Districts I through IV.

Example:

Average daily refinery runs for fiscal year ending Sept. 30, 1959 ..... 7,008,000 B/D
Permissible level of imports ..... 800,000 B/D

Allocation each refinery $\frac{800,000}{7,000,000} = 11.4$ percent of refinery runs.

(c) Each six months thereafter the allocations of all importers will be the percentage that the total of all allocations bears to the total refinery runs for the preceding twelve calendar months, ending three months prior to the effective date of the allocation.

(d) Importers having refineries located in areas where conditions limit the importer's ability to procure domestic crude oil by ordinary practical means may, upon application to the Administrator, receive an additional allocation provided that all foreign crude and unfinished oils imported are processed in the refinery named in such application. This paragraph shall also apply to District V.

6. To assure an adequate supply of asphalt for the Federal Interstate Highway Construction Program, imported asphaltic crude processed for the purpose of making asphalt shall be offset against an importer's allocation of crude oil by the percentage of asphalt actually derived from the asphaltic crude. For the purpose of such computation, the asphalt must have a penetration at 25° C. (77° F.) under a load of 100 grams applied for 5 seconds of not more than 100, and is sold as paving asphalt, binders, coatings or waterproofing.

Example: X company imports 1,000 barrels of asphaltic crude which is processed for the purpose of making asphalt. The asphalt actually derived from such crude is 65 percent of total volume or 650 barrels. Thus, 350 barrels of the 1,000 imported would be charged against the import allocation.

7. No importer may import more than 10 percent of an allocation in the form of unfinished oils.

8. (a) A new or prospective importer who becomes eligible for an import allocation by reason of the construction or acquisition of a new refinery shall, upon application, be awarded a temporary allocation based on the designed capacity of the new facility. The temporary allocation will become effective on the date the importer notifies the Administrator that the new facility is operating, and shall be equal to 6 percent of such designed capacity if effective during any portion of the period of July 1, 1959, to December 31, 1959, and equal to the same prevailing percentage applying to all other importers calculated on a percentage of 90 percent of designed capacity if effective on or after January 1, 1960. The temporary allocation shall remain in effect for the remainder of the import period, that is, January 1 to June 30, or July 1 to December 31 of any year, and thereafter, beginning with the next import period, the allocation will be made as for other importers.

(b) Importers who have increased their refining capacity may apply for an increased allocation and will be granted an allocation in the manner described under paragraph (a) above, but only to the extent necessary to maintain their relationship of imports to crude refining capacity or to crude runs equal to but no greater than that of other importers with the lowest percentage.

9. An importer having a refinery temporarily out of operation by reason of fire, explosion or other disaster may retain the import allocation for a period of not more than 6 months from the date of such disaster provided the importer has submitted evidence to the Administrator that the refinery will be repaired and operating within the 6 months period.

10. A processing agreement between an importer and a refinery owner or operator shall not be construed as constituting ownership of a refinery or of its operating refining capacity.

11. Allocations in effect prior to January 1, 1959, of importers not possessing operating refinery capacity, are reduced one-third effective January 1, 1959, two-thirds of the December 31, 1958 allocation on July 1, 1959, and are terminated December 31, 1959, unless such importers acquire operating refinery capacity in the interim in which event the allocations may be revised.

12. An importer's allocation is not transferable or assignable by the holder thereof and such foreign crude and unfinished oils as are imported under an allocation must be reported and entered through customs by the holder. After importation the disposition of such foreign crude and unfinished oils is at the discretion of the importer, except as provided in paragraph 5 (d) above.

13. Allocations are for a six months period. Failure to report imports as required by the Administrator may result in withdrawal of an allocation.

14. Refineries operating in Puerto Rico will be granted an allocation for importing crude oil equal to their average barrels per day of crude processed during the months of July, August and September, 1958. Should their requirements increase, they will make application for increased allocations in the same manner as refineries in the Continental United States.

15. In the July 29, 1957, Report of the President's Special Committee to Investigate Crude Oil Imports, the Hawaiian Islands are indicated as part of District V. As of now, there are no refineries on the Islands. If and when there is and there develops a movement of oils of foreign origin into the Continental United States from the Hawaiian Islands, those refineries at that time will be required to make application for import allocations.

16. As used herein;

An importer is any person, corporation or legal entity possessing operating refinery capacity within the Continental United States and the Commonwealth of Puerto Rico, and importing or intending to import foreign crude or unfinished oils.

Reported refinery capacity is that reported to the United States Bureau of Mines as of January 1, 1958.

Refinery runs—includes all crude oil and imported unfinished oils processed.

[F. R. Doc. 58-7432; Filed, Sept. 11, 1958; 8:48 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

ASSOCIATE GENERAL COUNSEL ET AL.

DELEGATION OF AUTHORITY TO CERTIFY COPIES OF DOCUMENTS

Delegation of authority to certify copies of documents (22 F. R. 8543) is hereby amended to read as follows:

Pursuant to the provisions of section 623d, Chapter 11A, Title 5, United States Code, and Reorganization Plan No. 1 of 1953, the following persons in the Office of the General Counsel are authorized to certify copies of documents on file in the Department of Health, Education, and Welfare, and to cause the seal of the Department to be affixed:

1. Associate General Counsel.
2. Chief, Administrative Services Branch.
3. Secretary to the Associate General Counsel.

Dated: September 6, 1958.

[SEAL] ARTHUR S. FLEMMING, *Secretary.*

[F. R. Doc. 58-7419; Filed, Sept. 11, 1958; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-108]

ALLIS-CHALMERS MANUFACTURING CO.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that the Allis-Chalmers Manufacturing Company, Milwaukee, Wisconsin, under Section 104c of the Atomic Energy Act of 1954, submitted an application dated August 6, 1958, for a license to construct and operate a 100 watt critical experiments facility to be located on the Company's site at Greendale, Wisconsin. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Germantown, Maryland, this 5th day of September 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F. R. Doc. 58-7433; Filed, Sept. 11, 1958; 8:48 a. m.]

[Docket No. 50-99]

BABCOCK & WILCOX CO.

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on August 19, 1958, the Atomic Energy Commission has issued Construction Permit No. CPRR-28 authorizing The Babcock & Wilcox Company to construct, at the location in Lynchburg, Virginia described in the application, a research reactor which has been designated by the Company as the "Pool Test Reactor". It will be of the swimming pool type and designed to operate at a steady power of 10 kilowatts (thermal) with occasional short periods of operation at 200 kilowatts (thermal). Notice of the proposed action was published in the FEDERAL REGISTER on August 20, 1958, 23 F. R. 6380.

Dated at Germantown, Maryland, this 4th day of September 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F. R. Doc. 58-7434; Filed, Sept. 11, 1958; 8:49 a. m.]

[Docket No. 50-111]

NORTH CAROLINA STATE COLLEGE

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that the North Carolina State College, Raleigh, North Carolina, under section 104c of the Atomic Energy Act of 1954, submitted an application dated July 10, 1958, for a license to construct and operate a 10 kilowatt graphite reflected swimming pool type training reactor facility at the site previously occupied by the Raleigh Research Reactor on the campus of the North Carolina State College in Raleigh, North Carolina. A copy of the application is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D. C.

Dated at Germantown, Maryland, this 5th day of September 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F. R. Doc. 58-7435; Filed, Sept. 11, 1958; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3207 et al.]

CHICAGO-MILWAUKEE-TWIN CITIES CASE

NOTICE OF ORAL ARGUMENT

In the matter of applications for the establishment of additional air service over the Chicago-Milwaukee-Minneapolis/St. Paul segment and new air service between Minneapolis/St. Paul and Milwaukee on the one hand and points in the Southeast United States on Eastern's route 10 and Delta's route 54 on the other.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 25, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street

and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 8, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-7444; Filed, Sept. 11, 1958; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12441, 12442; FCC 58M-939]

PAN AMERICAN RADIO CORP. AND VERNON G. LUDWIG

ORDER CONTINUING HEARING CONFERENCE

In re applications of Pan American Radio Corporation, Tucson, Arizona, Docket No. 12441, File No. BP-11280; Vernon G. Ludwig, Benson, Arizona, Docket No. 12442, File No. BP-11784; for construction permits.

With the consent of all the parties in the proceeding and on the Examiner's own motion: *It is ordered*, This 5th day of September 1958, that the pre-hearing conference now scheduled for September 11, 1958, is continued to Monday, September 15, 1958, at 2:00 p. m.

Released: September 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7448; Filed, Sept. 11, 1958; 8:52 a. m.]

[Docket Nos. 12493, 12494; FCC 58M-946]

VETERANS BROADCASTING CO., INC. AND CAPITAL CITIES TELEVISION CORP.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Veterans Broadcasting Company, Inc., Vail Mills, New York, Docket No. 12493, File No. BPCT-2397; Capital Cities Television Corporation, Vail Mills, New York, Docket No. 12494, File No. BPCT-2435; for construction permits for new television broadcast stations (Channel 10).

The Hearing Examiner having under consideration the procedure to be followed in the above-entitled matter which is scheduled for hearing on September 30, 1958; and

It appearing that counsel for all parties have informally agreed to the prehearing conference date hereinafter ordered;

Now therefore, it is ordered, This 8th day of September 1958, pursuant to section 1.111 of the Commission's rules, that the parties or their attorneys shall appear at the offices of the Commission in Washington, D. C., at 10:00 a. m. on Tuesday, September 16, 1958, for a prehearing conference to consider:

1. The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

2. The possibility of stipulating with respect to facts;

3. The procedures to be followed prior to and at the hearing;

4. The limitation of the number of witnesses;

5. The procedures and schedules for the prior mutual exchange between the parties of prepared testimony and exhibits; and

6. Such other matters as may aid in the disposition of this proceeding.

Released: September 9, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7449; Filed, Sept. 11, 1958; 8:52 a. m.]

[Docket Nos. 12512, 12513; FCC 58M-942]

BALTIMORE BROADCASTING CORP. AND COMMERCIAL RADIO INSTITUTE, INC.

ORDER ADVANCING DATE OF PREHEARING CONFERENCE

In re applications of Baltimore Broadcasting Corporation, Baltimore, Maryland, Docket No. 12512, File No. BPH-2384; Commercial Radio Institute, Inc., Baltimore, Maryland, Docket No. 12513, File No. BPH-2415; for construction permits.

It is ordered, This 8th day of September 1958, with the consent of all interested parties, that the pre-hearing conference in the above-entitled proceeding, which was originally scheduled for September 18, 1958, will be held in the offices of the Commission, Washington, D. C., commencing at 10:00 a. m., Tuesday, September 16, 1958.

Released: September 9, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7450; Filed, Sept. 11, 1958; 8:52 a. m.]

[Docket No. 12537; FCC 58M-945]

DARWIN BROADCASTING CO. (KHCD)

ORDER CONTINUING HEARING

In the matter of Revocation of license of Henry Chester Darwin tr/as Darwin Broadcasting Company (KHCD), Clifton, Arizona; Docket No. 12537.

The Examiner having under consideration the waiver of hearing and statement in mitigation and justification submitted by respondent in the above-entitled proceeding pursuant to the provisions of § 1.62 of the Commission's rules;

It appearing that the said statement sets forth with particularity, factual allegations denying in part and justifying in part the facts upon which the show cause order herein is based and that additional information with reference to such factual allegations is necessary for proper resolution of the matter here in issue:

It is ordered, This 8th day of September 1958, pursuant to the provisions of §§ 1.42[1] and 1.62 (f) of the Commission's rules that respondent within 30 days from the date of this order shall submit the following:

(1) The authorization allegedly received to determine operating power of Station KHCD by indirect method, or a photo copy thereof.

(2) The documents or photo copies thereof allegedly held demonstrating the effectuation of compliance by Station KHCD with the requirements of §§ 3.35 and 3.56 of the Commission's rules subsequent to the January 22, 1957 notice of violations.

(3) Information together with any available documentary evidence demonstrating the alleged purchase of required material and installation of missing ground radials at Station KHCD subsequent to the January 22, 1957 notice of violations.

(4) Information setting forth the specific steps taken to effectuate the change in transmitter and antenna location of Station KHCD as alleged and the contemplated method of financing such change.

(5) Information in support of the alleged exercise by respondent of de facto control of Station KHCD from the date of January 8, 1958, to the date of May 20, 1958 together with respondent's plans as to the resumption of operations by Station KHCD including, but not limited to, the management and financing of such operations.

(6) Information in support of the alleged "exemplary record" of Darwin Broadcasting Company in the operation of Stations KPAS and KHCD, such information to include the record as to compliance with the requirements of the Commission's rules in the operation of these stations.

Upon the submission by respondent of the above specified additional information, it is requested that the Chief of the Commission's Broadcast Bureau file an answer to respondent's statement submitted herein and to the additional information submitted in conformance with this order.

It is further ordered, That the hearing herein presently scheduled for October 7, 1958, is continued without date.

Released: September 9, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7451; Filed, Sept. 11, 1958; 8:53 a. m.]

[Docket No. 12565; FCC 58M-940]

SOUTH BAY BROADCASTING CO. (KAPP)

ORDER CONTINUING HEARING

In re application of Sherman Somers and Robert William Crites, d/b as South Bay Broadcasting Company (KAPP), Redondo Beach, California, Docket No. 12565, File No. BPH-2416; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 8th day of September, 1958, on the Hearing Examiner's own motion, that the hearing presently scheduled for September 23, 1958 is continued until October 21, 1958, at 10:00 a. m., and the prehearing conference presently scheduled for September 10, 1958 is continued until September 29, 1958, at 1:00 p. m., in the offices of the Commission.

Released: September 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7452; Filed, Sept. 11, 1958; 8:53 a. m.]

[1] Section 1.42. Number of copies. An original and seven copies of each motion, petition or other pleading to be acted upon by the Motions Commissioner, Chief Hearing Examiner, or Hearing Examiner and of any opposition thereto, shall be filed.

[Docket No. 12581; FCC 58-821]

WESTMINSTER BROADCASTING CO. (WCME)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Westminster Broadcasting Company (WCME), Brunswick, Maine, Docket No. 12581, File No. BP-11402; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1958;

The Commission having under consideration the above-captioned application of the Westminster Broadcasting Company for a construction permit to increase the power of Station WCME, Brunswick, Maine, from 500 watts to one kilowatt and to continue operation on the presently assigned frequency of 900 kilocycles, daytime only;

It appearing that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to operate Station WCME as proposed but that the proposed operation of WCME would cause interference to Station WOTW, Nashua, New Hampshire (900 kc, 1 kw, Day); and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated June 5, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant filed a timely reply to the Commission's letter; and

It further appearing that, by letter of August 5, 1958, the licensee of Station WOTW expressed an intention of appearing at a hearing on the application; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WCME as proposed and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station WCME would cause objectionable interference to Station WOTW, Nashua, New Hampshire, or any other standard broadcast stations, and, if so the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, the Gateway Broadcasting Corporation, licensee of Station WOTW, is made a party to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission's rules, by appropriate corporate officer or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, written appearances stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 9, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7453; Filed, Sept. 11, 1958; 8:53 a. m.]

[Docket Nos. 12582, 12583; FCC 58-822]

TWIN CITY BROADCASTING CO., INC., AND TOOMBS COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Twin City Broadcasting Co., Inc., Lyons, Georgia; Docket No. 12582, File No. BP-11398; R. L. Horne, Jr., tr/as Toombs County Broadcasting Company, Lyons, Georgia; Docket No. 12583, File No. BP-12069; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1958;

The Commission having under consideration the above-captioned applications of the Twin City Broadcasting Co., Inc., for a construction permit for a new standard broadcast station to operate on 1340 kilocycles with a power of 250 watts, unlimited time, and of R. L. Horne, Jr., tr/as Toombs County Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1360 kilocycles with a power of one kilowatt, daytime only, both applicants specifying a station location at Lyons, Georgia;

It appearing that except as indicated by the issues specified below, both applicants are legally, technically and otherwise qualified to operate the proposed stations and that Twin City Broadcasting Co., Inc., is also financially qualified, but that the simultaneous operation of both proposals would result in mutually destructive interference; that it is necessary for R. L. Horne, Jr., to submit a financial plan for meeting the cost of the proposed construction and initial operation of his station; that R. L. Horne, Jr., has not supplied information as to whether a network affiliation is contemplated; that the modulation monitor specified by R. L. Horne, Jr., is not on the Commission's list of approved equipment and that it has not yet been determined whether the antenna proposed by R. L. Horne, Jr., would constitute a hazard to air navigation; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicants were advised by letter dated July 18, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply to the Commission's letter was filed by the Twin City Broadcasting Co., Inc.; and

It further appearing that by letter dated August 12, 1958, R. L. Horne, Jr., requested an additional thirty days in which to prepare amendments to his application but that it would be expedient to designate the applications for hearing without further delay as an applicant may amend after designation for hearing on a showing of good cause pursuant to § 1.311 (b) of the Commission's rules; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether R. L. Horne, Jr., is financially qualified to construct and operate his proposed station.

3. To determine the type and character of the program service proposed to be rendered by R. L. Horne, Jr.

4. To determine whether the antenna system proposed by R. L. Horne, Jr., would constitute a hazard to air navigation.

5. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and

the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programing service proposed in each of the above-named applications.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the above-mentioned applications should be granted.

It is further ordered, That the request of R. L. Horne, Jr., for an extension of time within which to prepare amendments to his application is hereby denied.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That, in the event of favorable action on the application of R. L. Horne, Jr., tr/as Toombs County Broadcasting Company in the hearing proceeding ordered above, a grant of the application shall be upon condition that the permittee install an approved type modulation monitor.

Released: September 9, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7454; Filed, Sept. 11, 1958; 8:53 a. m.]

[Mexican List 211]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

AUGUST 20, 1958.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreements.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power, kw	Antenna	Schedule	Class	Expected date of commencement of operation
		710 Kc.				
XEBL (change in frequency from 1260 kc.).	Culiacan, Sinaloa	5 kw	DA-N	U	II	Feb. 20, 1959.
		840 Kc.				
New	Tampico, Tamaulipas.	500 w	ND	D	II	Do.
		1180 Kc.				
XETR (delete assignment—vide 1330 kc.).	Ciudad Valles, San Luis Potosi.	1000 w	ND	D	II	Upon commencement of operation on 1330 kc.
		1170 Kc.				
XEZS (new)	Coatzacoalcos, Veracruz.	500 w D/250 w N	ND	U	II	Feb. 20, 1959.
		1200 Kc.				
XEBL (delete assignment—vide 710 kc.).	Culiacan, Sinaloa	5 kw D/0.5 kw N	ND	U	III-B	Upon commencement of operation on 710 kc.
		1380 Kc.				
XETR (change in frequency from 1120 kc.).	Ciudad Valles, San Luis Potosi.	1 kw D/0.1 kw N	ND	U	IV	Sept. 20, 1958.
		1390 Kc.				
XEYG (new)	Iguala, Guanajuato	250 w	ND	D	IV	Feb. 20, 1959.
		1540 Kc.				
XEBK (increase power).	Nuevo Laredo, Tamaulipas.	250 w	ND	U	IV	Nov. 20, 1958.
		1570 Kc.				
XEXO (change in call letters from XENU).	Nuevo Laredo, Tamaulipas.	250 w	ND	D	IV	Aug. 20, 1958.
		1400 Kc.				
XESB (increase in daytime power).	Santa Barbara, Chihuahua.	1 kw D/250 w N	ND	U	IV	Nov. 20, 1958.
		1490 Kc.				
XECH (increase in daytime power).	Toluca, Mexico	500 w D/250 w N	ND	U	IV	Do.
		1580 Kc.				
XEST (new)	San Luis Rio Colorado, Sonora.	250 w	ND	D	II	Do.
		1550 Kc.				
XENU (change in call letters from XEXO and in characteristics of operation).	Nuevo Laredo, Tamaulipas.	50 kw D/1 kw N	DA-N	U	II	Do.
		1600 Kc.				
New (new)	Los Mochis, Sinaloa	1 kw D/200 w N	ND	U	IV	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7458; Filed, Sept. 11, 1958; 8:53 a. m.]

[Docket Nos. 12584, 12585; FCC 58M-826]

COLUMBIA RIVER BROADCASTERS AND L. BERENICE BROWNLOW

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of David L. Hubert, Edward F. Kelly & Marion S. Olney d/b as Columbia River Broadcasters, St. Helens, Oregon, Docket No. 12584, File No. BP-11437; L. Berenice Brownlow, St. Helens, Oregon, Docket No. 12585, File No. BP-11882; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1958;

The Commission having under consideration the above-captioned applications of David L. Hubert, Edward F. Kelly & Marian S. Olney d/b as Columbia River Broadcasters, and L. Berenice Brownlow, each for a construction permit for a new standard broadcast station to operate on 1600 kilocycles with a power of one kilowatt, daytime only, at St. Helens, Oregon;

It appearing that, except as indicated by the issues specified below, both applicants are legally, technically, financially and otherwise qualified to operate their proposed stations but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated July 11, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that timely replies to the Commission's letter were filed by both applicants; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant difference between the applicants as to:

(a) The background and experience of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service in each of the above-mentioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 9, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7455; Filed, Sept. 11, 1958; 8:53 a. m.]

[Docket No. 12586 etc.; FCC 58-827]

M. V. W. RADIO CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of M. V. W. Radio Corporation, San Fernando, California, Docket No. 12586, File No. BP-10888; KGB, Incorporated (KGB), San Diego, California, Docket No. 12587, File No. BP-11103; Robert S. Marshall, Newhall, California, Docket No. 12588, File No. BP-11705; William H. Wilson and Shirley Ann Wilson, d/b as WILSON BROADCASTING COMPANY, Oxnard, California, Docket No. 12589, File No. BP-11911; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1958;

The Commission having under consideration the above-captioned applications for construction permits for new standard broadcast stations by M. V. W. Radio Corporation at San Fernando, California (1360 kc, 5 kw, DA, Day); Robert S. Marshall at Newhall, California (1360 kc, 500 w, Day); and Wilson Broadcasting Company at Oxnard, California (1370 kc, 1 kw, DA-2, Unl.); and an application by KGB, Incorporated for a construction permit to increase the daytime power of Station KGB, San Diego, California (1360 kc, 1 kw, Unl.) to 5 kilowatts;

It appearing that except as indicated by the issues specified below, all of the instant applicants are technically, legally, financially, and otherwise qualified to construct and operate their proposals; but that the operations proposed by M. V. W. Radio Corporation and Robert S. Marshall involve mutually destructive interference; that interference from one or more of the instant proposals would affect more than ten percent of the population in the normally protected primary service area of each instant proposal, in contravention of § 3.28 (c) of the Commission rules; that the proposal of KGB, Incorporated would cause objectionable interference to Station KBUC, Corona, California; that the proposal of Wilson Broadcasting Company would cause objectionable interference to the existing operation of KGB and to Station KGER, Long Beach, California; that interference to the proposals of M. V. W. Radio Corporation and Robert S. Marshall from Station KRCK, Ridgecrest, California, and the existing operation of Station KGB, and to the proposal of the Wilson Broadcasting Company from Station KBUC, Corona, California, and the existing operation of Station KGB, would affect more than ten percent of the population within the normally protected primary service area of the said proposals in contravention of the provisions of § 3.28 (c) of the Commission rules; that Wilson Broadcasting Company has requested a waiver of § 3.28 (c) on the ground that its proposal would be the only "service designated for Oxnard" and would provide a nighttime facility for this community, but that Station KUDU is licensed to serve Oxnard-Ventura, California, and on the basis of the information before us we are unable to conclude that circumstances exist which would warrant a waiver of § 3.28 (c); and

It further appearing that M. V. W. Radio Corporation has failed to submit, as requested, sufficient information from which to determine whether its proposal would provide adequate coverage of the city sought to be served, whether the rough terrain in the vicinity of the proposed site would seriously affect proper adjustment and operation of the proposed directional antenna, and whether the antenna parameters shown in Exhibit V-1C of the application will produce the radiation pattern predicted thereon; and

It further appearing that Wilson Broadcasting Company has failed to submit, as requested, sufficient information from which to determine whether any structures exist in the vicinity of the proposed antenna site which would preclude satisfactory adjustment and operation of the DA array; and that, moreover, it has not been determined whether the proposed site would constitute a hazard to air navigation; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated June 19, 1958 of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that a timely reply was received from each of the applicants; and

It further appearing that the licensees of Stations KBUC, KGER, and KUDU have requested an opportunity to appear at a hearing on these applications; and

It further appearing that after consideration of the foregoing, the Commission is of the opinion that a hearing on the instant applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals of M. V. W. Radio Corporation, Robert S. Marshall, and Wilson Broadcasting Company, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would be expected to gain or lose primary service from the operation of Station KGB, as proposed herein, and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine, in light of the evidence adduced under Issue 3, whether the interference received by each of the instant proposals would affect more than ten percent of the population in its normally protected primary service area in contravention of § 3.28 (c) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the instant proposal of KGB, Incorporated would involve objectionable interference with Station KBUC, Corona, California, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of

other primary service to such areas and populations.

6. To determine whether the instant proposal of Wilson Broadcasting Company would involve objectionable interference with the existing operation of Station KGB, San Diego, California, and with Station KGER, Long Beach, California, or any other existing standard broadcast station, and, if so, the nature and the availability of other primary service to such areas and populations.

7. To determine whether the instant proposal of M. V. W. Radio Corporation would provide a minimum field intensity of 25 mv/m over the business and factory areas of the city sought to be served, as required by § 3.188 (b) (1) of the Commission rules.

8. To determine whether rough terrain in the vicinity of the site proposed by M. V. W. Radio Corporation would seriously affect the proper adjustment and operation of its proposed directional antenna system.

9. To determine whether the antenna parameters shown on pertinent exhibits in the application of M. V. W. Radio Corporation would produce the radiation pattern depicted in its exhibits.

10. To determine whether the antenna system proposed by Wilson Broadcasting Company would be a hazard to air navigation.

11. To determine whether there exist in the vicinity of the site proposed by Wilson Broadcasting Company any structures which would preclude satisfactory adjustment and operation of its proposed directional array.

12. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed herein would best provide a fair, efficient, and equitable distribution of radio service.

13. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the public interest, convenience, and necessity would be served by the grant of any one of the instant applications.

It is further ordered, That Radio Broadcasting Inc.; John Brown School of California, Inc.; and Tri Counties Public Service, Inc., licensees of Stations KBUC, Corona, California, KGER, Long Beach, California, and KUDU, Oxnard-Ventura, California, respectively, are made parties to the hearing; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and respondents herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give assurance that the proposals set forth in the application will be effectuated.

Released: September 9, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7456; Filed, Sept. 11, 1958; 8:53 a. m.]

[Docket No. 12590; FCC 58-842]

BRUCE MCCULLOUGH

ORDER TO SHOW CAUSE

In the matter of Bruce McCullough, Homestead, Florida, Docket No. 12590; order to show cause why the license for station KIG305 in the Domestic Public Land Mobile Radio Service should not be revoked.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of September 1958;

The Commission having under consideration certain violations of the Communications Act of 1934, as amended, and the Commission's rules, relating to the operation of Domestic Public Land Mobile Radio Station KIG305 by Bruce McCullough, Homestead, Florida, licensee thereof, and

It appearing that pursuant to the provisions of § 1.61 of the Commission's rules violation notices relative to the operation of the station were given to the licensee as follows:

(a) Notice, dated May 6, 1958, specifying that, as a result of an inspection made on May 5, 1958, said licensee had violated the following sections of the Commission's rules:

(1) Section 21.213: Failure to identify base station when calling mobile units.

(2) Section 21.201 (a): Failure to post current station authorization.

(3) Sections 21.112 and 17.24 (a) (1): Lighting on antenna structure does not comply with paragraph 2 of Form 715 attached to the station authorization.

(4) Sections 21.206 (f) and 17.39: Antenna structure not painted to comply with paragraph 1 of Form 715 attached to the station authorization.

(5) Sections 21.208 (f) (1) and 17.38 (a): Failure to enter in the station records the time the tower lights were turned on and off each day.

(6) Sections 21.208 (f) (2) and 17.38 (b): Failure to enter in the station records the time the daily checks of proper operation of the tower lights were made.

(7) Section 21.208 (f) (3): Tower light inoperative.

(8) Section 21.204: Part 21 of the Commission's rules was not available for inspection.

(9) Section 21.208 (g) (1): Persons responsible for the operation of the base station are not signing on duty.

(10) Section 21.207 (a) and (b): No entries in station records of results of determinations made at intervals not to exceed one year that

(a) Carrier frequency is maintained within prescribed tolerance.

(b) Plate power input to final radio frequency stage of base station transmitter does not exceed the maximum figure specified on the current station authorization.

(c) Modulation of each transmitter does not exceed specified limits.

(11) Section 21.208 (e) (2): No entries in station records, signed by a responsible operator and dated, giving pertinent details of service or maintenance duties performed which may effect proper operation of station; responsible operator's name and address; and the class, serial number and expiration date of his license.

(12) Section 21.205 (b): Service and installation duties are being performed by a person who does not hold the proper type of license for such duties.

(b) Notice, dated June 12, 1958, specifying, as a result of a special inspection made on June 10, 1958, that station KIG305 had been moved from the authorized location at 540 N. E. 1st Road, Homestead, Florida to 134 S. W. 3d Avenue, Hollywood, Florida without making the necessary application or obtaining the necessary authority as required by section 319 (a) of our Act.

(c) Notice, dated July 11, 1958, specifying that said licensee had violated § 1.61 of the Commission's rules by failing to respond to the Violation Notice mentioned in (b) above.

It further appearing that the licensee's undated response to the Violation Notice of May 6, 1958 ((a) above) was unsatisfactory as to items (2), (3), (6), (10) and (11);

It further appearing that at the inspection of the said station on May 5, 1958, Commission's inspection Engineer, upon being advised by the licensee (McCullough) of plans to move the station, warned said licensee that the move could not be made without prior application therefor to the Commission and approval thereof had been obtained; and that the licensee did thereafter move the station without having applied for, or obtained, the necessary Commission authority, in willful contravention of the said warning and the applicable provisions of our Act and rules;

It further appearing that at the time of the special inspection of the station on June 10, 1958, and in the reply to the Notice of Violation issued May 6, 1958, the licensee (McCullough) informed the Commission that he had, in fact, obtained the services of a qualified licensee to perform any maintenance and service work required at the said station, but that said licensee thereafter committed the same violation in that, on or about July 1, 1958, a mobile unit was installed in a vehicle by a person not possessing the operator's license required by § 21.208 (b) of our rules, in wilful contravention of the provisions of the cited rule;

It is ordered, Pursuant to the provisions of section 312 (a) and (c) of the Communication Act of 1934, as amended, that the said Bruce McCullough show cause why the aforementioned license should not be revoked and that he appear and give evidence in respect thereto at a hearing to be held at a time and

place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested, to the said Bruce McCullough at his address of record in the Commission files—656 NW. 18th Street, Homestead, Florida.

Released: September 9, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7457; Filed, Sept. 11, 1958; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-11484, G-11666]

JOHN O. FARMER, INC.

NOTICE OF APPLICATION AND DATE OF HEARING, AND PETITION TO AMEND ORDER

SEPTEMBER 8, 1958.

In the matters of John O. Farmer, Inc., Docket No. G-11484; and John O. Farmer, Inc., Operator (formerly Jones, Sherburne & Farmer, Inc., Operator, et al.), Docket No. G-11666.

Take notice that on November 14, 1956, as amended January 7 and January 8, 1958, John O. Farmer, Inc. (Applicant) filed in Docket No. G-11484 [1] an application, pursuant to section 7 (c) of the Natural Gas Act, for authorization to render service to Cities Service Gas Company (Cities Service) from Applicant's 50 percent working interest in certain acreage in Barber County, Kansas, dedicated under a sales contract dated July 30, 1956, as amended, all as more fully set forth in the application and amendments which are on file with the Commission and open to public inspection.

Applicant's facilities consist of customary lease equipment, including separators. Delivery is to be at the outlet of the separator facilities at a rate of approximately 350 Mcf per day (Applicant's 50 percent interest).

On January 23, 1958, John O. Farmer, Inc., filed a petition to amend the order issued on July 29, 1957, in Docket No. G-11666 (In the Matters of L. D. Brown and Sam Trant, et al., Docket Nos. G-6754, et al.), granting a certificate of public convenience and necessity to Jones, Sherburne & Farmer, Inc., Operator, et al., so as to substitute the new corporate name of John O. Farmer, Inc., as grantee of said certificate.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 1, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 26, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7424; Filed, Sept. 11, 1958; 8:46 a. m.]

[1] The application was originally filed in the name of Jones, Sherburne & Farmer, Inc. The amendment filed January 7, 1958, reflected the change in corporate name to John O. Farmer, Inc.

[Docket No. E-6840]

IDAHO POWER CO.

NOTICE OF APPLICATION

SEPTEMBER 8, 1958.

Take notice that on August 29, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Idaho Power Company ("Applicant") a corporation organized under the laws of the State of Maine and doing business in the States of Idaho, Oregon and Nevada, with its principal business office at Boise, Idaho, seeking an order authorizing the issuance of $15,000,000 in principal amount of First Mortgage Bonds—percent Series due 1988. The proposed Bonds are to be issued pursuant to Applicant's Mortgage and Deed of Trust dated October 1, 1937 to Bankers Trust Company and J. C. Kennedy, Trustees, as heretofore supplemented and as to be further supplemented by an Eleventh Supplemental Indenture. The proposed Bonds are to be issued on or after a specified date in 1958, to be supplied by amendment to the application, and will be due thirty years from the date of issue. The price and interest rate per annum of the proposed Bonds are to be fixed by competitive bidding, and the Bonds are to be sold by competitive bidding. Applicant states that the proceeds from the sale of the proposed Bonds will be used by it to obtain permanent capital for repayment in part of the principal amount of Applicant's short-term bank loans now outstanding, heretofore made for interim financing of the cost of construction, extension and improvement of operating facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 25th day of September, 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules and practice and procedure (18 CFR 1.8 and 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7425; Filed, Sept. 11, 1958; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 9, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34953: *Phosphate rock—Florida to Atlas and Horn, Mo.* Filed by O. W. South, Jr., Agent (SFA No. A3729), for interested rail carriers. Rates on phosphate rock, crude, in carloads from Bartow, Fla., and points taking same rates to Atlas and Horn, Mo.

Grounds for relief: Rail-water-rail competition.

Tariff: Supplement 104 to Southern Freight Association tariff I. C. C. 1514.

FSA No. 34954: *Phosphate rock—Florida to East St. Louis, Ill.* Filed by O. W. South, Jr., Agent (SFA No. A3730), for interested rail carriers. Rates on phosphate rock, crude, in carloads from Bartow, Fla., and points taking same rates to East St. Louis, Ill.

Grounds for relief: Rail-water competition.

Tariff: Supplement 104 to Southern Freight Association tariff I. C. C. 1514.

FSA No. 34955: *Canned or preserved foodstuffs, from, to, and between points in western trunk line territory.* Filed by Western Trunk Line Committee, Agent, (No. A-2009), for interested rail carriers. Rates on canned or preserved foodstuffs, in carloads between points in western trunk line territory, between points in western trunk line, on the one hand, and points in southern territory, on the other, also from points in official territory to points in western trunk line territory.

Grounds for relief: Market and motor competition.

Tariffs: Supplement 7 to Western Trunk Line Committee tariff I. C. C. A-4240 and two other tariffs.

FSA No. 34956: *Fine coal to Rock Rapids, Iowa.* Filed by Southwestern Freight Bureau, Agent, (No. B-7375), for interested rail carriers. Rates on bituminous fine coal, in carloads from mines in southwestern and western trunk line territories to Rock Rapids, Iowa.

Grounds for relief: Natural gas competition.

Tariffs: Supplement 34 to Southwestern Freight Bureau tariff I. C. C.

4270. Supplement 67 to Western Trunk Line Committee tariff I. C. C. A–3969.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–7427; Filed, Sept. 11, 1958; 8:47 a. m.]

[Notice 23]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 9, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61368. By order of August 29, 1958, the Transfer Board approved the transfer to C. Veneziale Trucking, Inc., Sellersville, Pa., of certificates in Nos. MC 11940, MC 11940 Sub 3 and MC 11940 Sub 5, issued February 20, 1952, June 6, 1951, and January 26, 1953, respectively, to Rose Veneziale and Anthony Veneziale, doing business as Carmine Veneziale, Philadelphia, Pa., authorizing the transportation of: *Farm machinery, wooden silos, livestock, clay products,* and *lumber* from, to, and between specified points in New Jersey, Pennsylvania, Delaware, Maryland, New York, Ohio, Massachusetts, and Connecticut. Jacob Polin, P. O. Box 317, Bala Cynwyd, Pa., for applicants.

No. MC–FC 61427. By order of August 29, 1958, The Transfer Board approved the transfer to A. L. M. Trucking Corporation, Brooklyn, New York, of Certificate No. MC 38840, issued December 18, 1944, to William Troiano, doing business as William Troiano Trucking, Brooklyn, N. Y., authorizing the transportation of: edible oils, from New York, N. Y., to points in Hudson, Essex, Passaic, and Bergen Counties, N. J., and rejected shipments, from points and places in Hudson, Essex, Passaic, and Bergen Counties, N. J., to New York, N. Y. Edward M. Alfano, 36 West 44th Street, New York 36, N. Y., for applicants.

No. MC–FC 61432. By order of August 29, 1958, The Transfer Board approved the transfer to Cecil E. Johnson, doing business as Johnson Trucking, Parkersburg, W. Va., of Permit No. MC 106007, issued December 10, 1956, to Miles E. Boone, doing business as Miles E. Boone Trucking Co., Parkersburg, W. Va., authorizing the transportation of: Such commodities as are dealt in by chain, retail and mail-order department stores, between Parkersburg, W. Va., and points in Ohio within 25 miles of Parkersburg. E. B. Pennybacker, 332 Juliana Street, Parkersburg, W. Va., for applicants.

No. MC–FC 61438. By order of September 4, 1958, The Transfer Board approved the transfer to Kenneth Spangler, doing business as Kenneth Spangler Moving and Storage, Middlesboro, Kentucky, of Certificate No. MC 106759, issued November 27, 1946, to Ely Transfer Company, a Corporation, authorizing the transportation of household goods, between points in Bell County, Ky., Claiborne County, Tenn., and Lee County, Va., on the one hand, and, on the other, points in Kentucky, Tennessee, Virginia, West Virginia, Ohio, Indiana, Michigan, North Carolina, South Carolina, Georgia, and Alabama; coal, livestock, lumber, scrap iron, and concrete cinder blocks, between points in Bell County, Ky., on the one hand, and, on the other, points in Campbell, Union, Claiborne, Hamblen, Knox, Hancock, and Grainger Counties, Tenn., and Lee County, Va.; and caskets, between Middlesboro, Ky., and Cumberland Gap, Tenn. John O'Boyle, P. O. Box 642, Middlesboro, Kentucky, for applicants.

No. MC–FC 61440. By order of August 29, 1958, The Transfer Board approved the transfer to Duane Polman, doing business as Polman Transfer, Wadena, Minnesota, of certificate in No. MC 116227, and Permit in No. MC 108523, issued June 25, 1957, and January 27, 1955, respectively, to Warren Smith and Duane Polman, a partnership, doing business as Bill's Trucking Service, Wadena, Minnesota, authorizing transportation as a common carrier of general commodities, excluding household goods and other specified commodities, over Minnesota Highway 29, between Wadena, Minn., and Alexandria, Minn., serving all intermediate points, and off-route points of Henning, Miltona, Almora, and Carlos, Minn., and transportation as a contract carrier of lumber and posts, over irregular routes, from Wadena, Minn., to points in Iowa, North Dakota and South Dakota, and rejected shipments of such commodities on the return trip, and substituted transferee as applicant in lieu of transferor for the contract carrier operating rights applied for in No. MC 108523 Sub 1, published in the FEDERAL REGISTER of August 31, 1955, on page 6429. James F. Greenstein, 208 Twin City Federal Building, Saint Paul 1, Minnesota, for applicants.

No. MC–FC 61461. By order of August 29, 1958, The Transfer Board approved the transfer to John E. Phillips, Union, N. J., of Certificate No. MC 27362, issued December 28, 1948, to John Selzam, Roselle Park, N. J., authorizing the transportation of: General commodities, excluding household goods and other specified commodities, between points in Union and Middlesex Counties, N. J., on the one hand, and, on the other, New York, N. Y., refractory products, cement, asbestos cement, combustion chambers, and insulation material, from Port Kennedy, Pa., to New York, N. Y., and points in Passaic, Somerset, Middlesex, Union, Essex, and Hudson Counties, N. J., clay, earth, and soda, from points in Union, and Middlesex Counties, [illegible] to Port Kennedy, Pa. James J. [illegible] 201 Montague Place, South Orange, [illegible] for applicants.

No. MC–FC 61463. By order of August 29, 1958, The Transfer Board approved the transfer to Lewis A. [illegible] Jr., Scranton, Pennsylvania, of Certificate No. MC 31765, issued June 21, [illegible] to Lewis A. Lewis, Scranton, Pennsylvania, authorizing the transportation of household goods, over irregular routes, between Scranton, Pa., on the one hand, and, on the other, points in New York, New Jersey, Maryland, and Ohio. Thomas J. Jones, 502 Brooks Building, Scranton, Pennsylvania, for applicants.

No. MC–FC 61465. By order of August 29, 1958, The Transfer Board approved the transfer to Marie P. Grubb, Philadelphia, Pa., of Certificate No. MC 84344, issued June 21, 1941, to William H. T. Grubb, Philadelphia, Pa., authorizing the transportation of: Heaters and parts, radiators, enamel ware, plumbing supplies, sheet metal, and corrugated metal products, from Philadelphia, Pa., to points in New Jersey, Delaware, Maryland, and the District of Columbia. John J. Lamb, 1500 Commercial Trust Bldg., Philadelphia, Pa., for applicants.

No. MC–FC 61467. By order of August 29, 1958, The Transfer Board approved the transfer to Anderson Trucking Service, Inc., St. Cloud, Minnesota, of certificate in No. MC 117443 issued August 21, 1958, to Schaffer Granite Express, Inc., Milbank, South Dakota, authorizing the transportation of granite, over irregular routes, from points in Grant County, S. Dak., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, and Wisconsin, and polishing stucco, from Fort Dodge, Iowa, and Chicago Heights, Ill., to points in Grant County, S. Dak. Donald A. Morken, Mackall, Crounse, Moore & Helmer, Eleven Hundred First National-Soo Line Building, Minneapolis, 2 Minnesota, for applicants.

No. MC–FC 61476. By order of August 29, 1958, The Transfer Board approved the transfer to Johnny F. Devish, doing business as Bonesteel Transfer, Bonesteel, S. Dak., of Certificate No. MC 3720, issued October 5, 1942, to Harry C. Geyer, doing business as Bonesteel Transfer, Bonesteel, S. Dak., authorizing the transportation of: General commodities, excluding household goods and other specified commodities, over regular routes, between Herrick, S. Dak., and Sioux City, Iowa, serving the intermediate points of St. Charles and Bonesteel, S. Dak., and the off-route point of Fairfax, S. Dak., agricultural commodities, from Bonesteel, S. Dak., and points within 25 miles of Bonesteel to Sioux City, Iowa, feed, seeds, building materials, and liquid petroleum products, from Sioux City, Iowa, to points in Nebraska and South Dakota within 25 miles of Bonesteel, livestock, between Bonesteel, S. Dak., and points in South Dakota within 25 miles of Bonesteel, on the one hand, and, on the other, points in Iowa and Nebraska, household goods, as defined, and [illegible] movables, between Bonesteel, S. [illegible] and points within 25 miles of Bonesteel, on the one hand, and, on the other, points in Iowa, Nebraska, and Minnesota, and machinery, between Bonesteel, S. Dak., and points within 25 miles of Bonesteel, on the one hand, and, on the other, points in Iowa and Nebraska. William C. Grady, Bonesteel, S. Dak., for applicants.

No. MC–FC 61503. By order of August 29, 1958, The Transfer Board approved the transfer to Padula Bros., Inc., New York, N. Y., of Certificate in No. MC 33513, issued November 10, 1948, to Long Island Storage Warehouses, Inc., Brooklyn, New York, authorizing the transportation of office furniture and equipment, and store fixtures, over irregular routes, between New York, N. Y., on the one hand, and, on the other, points in New York, New Jersey, and Connecticut. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, New York, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–7428; Filed, Sept. 11, 1958; 8:47 a. m.]

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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 153]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.453 *Valencia Orange Regulation 153*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 11, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 14, 1958, and ending at 12:01 a. m., P. s. t., September 21, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 693,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 12, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-7554; Filed, Sept. 12, 1958; 11:37 a. m.]

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[Orange Reg. 343]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.914 *Orange Regulation 343*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 9, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1186; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., September 15, 1958, and ending at 12:01 a. m., e. s. t., September 29, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U. S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than a size that will pack 324 cranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 11, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-7497; Filed, Sept. 12, 1958; 9:03 a. m.]

[Grapefruit Reg. 290]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.915 *Grapefruit Regulation 290*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 9, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (7 CFR 51.750–51.790); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (Chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., September 15, 1958, and ending at 12:01 a. m., e. s. t., September 29, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U. S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are of a size smaller than 3 2/16 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (7 CFR 51.750–51.790); or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than 3 2/16 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the re-

vised United States Standards for Florida Grapefruit (7 CFR 51.750–51.790).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 11, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-7496; Filed, Sept. 12, 1958; 9:03 a. m.]

[938.300, Amdt. 1]

PART 938—IRISH POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to Marketing Agreement No. 135 and Order No. 38 (7 CFR Part 938), regulating the handling of Irish potatoes grown in the Red River Valley of North Dakota and Minnesota, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq. 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Red River Valley Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the Act.

(2) It is hereby found that is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment; (iii) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date; (iv) a reasonable time is permitted under the circumstances, for such preparation; and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of § 938.300 (b) (FEDERAL REGISTER July 23, 1958, 23 F. R. 5557) are hereby amended to read as follows:

(b) *Order*—(1) *Grade, size and quality.* During the period from September 22, 1958, through June 30, 1959, and except as otherwise provided in this section, no handler shall handle table-stock potatoes (i) of the round varieties (including but not being limited to Pontiac, Triumph, Warba, Cobbler, Kennebec, and Cherokee) unless such potatoes are U. S. No. 1 or better grade, 2 inches minimum diameter, or (ii) of the long varieties (including but not being limited to Russet Burbank, Early Gem, White Rose, and Early Ohio) unless such potatoes are U. S. No. 2 or better grade, 8 ounces minimum weight, or if U. S. No. 1 or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(2) *Maturity.* Except as otherwise provided in this section, during the period from September 22, 1958, through November 1, 1958, no handler shall handle a lot of potatoes if such potatoes are more than "moderately skinned", which means that not more than 10 percent of the potatoes in such lot have more than one-half of the skin missing or "feathered".

(3) *Seed.* The limitations of subparagraphs (1) and (2) of this paragraph shall not apply to shipments of certified seed potatoes.

(4) *Minimum quantities.* Pursuant to § 938.53, each handler may handle up to, but not to exceed, 20 hundredweight of table stock potatoes per day free from regulations effective pursuant to § 938.42 (assessments) and § 938.60 (inspection) but this exception shall not apply to any portion of a shipment of over 20 hundredweight of such potatoes.

(5) *Special shipments.* The limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of table stock potatoes for the following purposes: (i) Canning or freezing.

(6) *Inspection.* (i) No handler shall handle table stock potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. (ii) Except as provided in subparagraph (4) of this paragraph, no handler shall transport or cause the transportation of any shipment of table stock potatoes by motor vehicle, unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto.

(7) *Definitions.* The term "moderately skinned" and the grades and sizes used in this section shall have the same meanings assigned these terms in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set fourth therein; and all other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 135 and Order No. 38 (§§ 938.1 to 938.86).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 10, 1958, to become effective September 22, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-7482; Filed, Sept. 12, 1958; 8:50 a. m.]

[Tokay Grape Order 2]

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

TERMINATION OF LIMITATION OF SHIPMENTS

§ 951.322 *Tokay Grape Order 2*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Tokay grapes under Tokay Grape Order 1 (§ 951.321; 23 F. R. 6317) will, after the effective time hereof, no longer tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.), inasmuch as this regulation relieves restrictions on the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California.

(b) *Order.* (1) Tokay Grape Order 1 (§ 951.321; 23 F. R. 6317) is hereby terminated effective at 12:01 a. m., P. s. t., September 15, 1958.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 10, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-7481; Filed, Sept. 12, 1958; 8:50 a. m.]

[Lemon Reg. 758]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.863 *Lemon Regulation 758*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the

public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 10, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 14, 1958, and ending at 12:01 a. m., P. s. t., September 21, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 209,250 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 11, 1958.

[SEAL] FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-7538; Filed, Sept. 12, 1958; 9:03 a. m.]

[958.328, Amdt. 1]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS, AREA NO. 2

Findings. (a) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the area committee for Area No. 2, established pursuant to said marketing agreement and order, and upon the basis of other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment; (iii) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date; (iv) a reasonable time is permitted under the circumstances, for such preparation; and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of § 958.328 (b) (1) (23 F. R. 6773) are hereby amended to read as follows:

(b) *Order.* (1) During the period from September 15, 1958 through June 30, 1959, no handler shall ship potatoes of any variety grown in Area No. 2 unless such potatoes meet the requirements of the U. S. No. 1, or better, grade, and unless (i) such potatoes of the round varieties are size A, 2⅛ inches minimum diameter, or (ii) such potatoes of the long varieties are 2⅛ inches minimum diameter or 4 ounces minimum weight, as such terms are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 10, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-7483; Filed, Sept. 12, 1958; 8:50 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1958, Supp. 3]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION SUBPART—1958

TIME AND MANNER OF FILING APPLICATION AND REQUIRED INFORMATION; EMERGENCY CONSERVATION MEASURES TO RESTORE TO PRODUCTIVE USE LAND DAMAGED BY NATURAL DISASTERS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the Department of Agriculture and Farm Credit Administration Appropriation Act, 1958, Public Law 85-56, Public Law 75-170, and Public Law 85-766, the 1958 National Agricultural Conservation Program, approved August 9, 1957 (22 F. R. 6482), as amended September 4, 1957 (22 F. R. 7174), and December 20, 1957 (22 F. R. 10685), is further amended as follows:

1. Section 1101.933 is amended by adding a paragraph (c) as follows:

(c) The final date for filing an application for payment is January 16, 1959, in South Carolina; January 31, 1959, in Indiana and Iowa; March 1, 1959, in Vermont; March 15, 1959, in Arizona; March 31, 1959, in New Jersey; April 30, 1959, in New Hampshire; May 1, 1959, in Nevada; May 15, 1959, in Florida; May 31, 1959, in Minnesota and Washington; June 15, 1959, in Pennsylvania; June 30, 1959, in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Kansas, Louisiana, Mississippi, Montana, New Mexico, Utah, Virginia, and Wyoming; August 1, 1959, in Maryland; December 31, 1959, in Georgia, Idaho, Illinois, Kentucky, Maine, Massachusetts, Michigan, Missouri, Nebraska, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin. In those States for which the final date for filing an application for payment is earlier than December 31, 1959, the State committee may extend the final date to a date not later than December 31, 1959, when failure to file the application was due to conditions over which the farmer had no control.

2. Section 1101.997 (d) is amended by changing the date "June 30, 1958" in the first sentence to "December 31, 1958."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, 70 Stat. 233, 71 Stat. 176, 71 Stat. 426, 72 Stat. 864; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 10th day of September 1958.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 58-7478; Filed, Sept. 12, 1958; 8:49 a. m.]

[ACP–1959, Supp. 2]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION SUBPART—1959

EMERGENCY CONSERVATION MEASURES TO RESTORE TO PRODUCTIVE USE LAND DAMAGED BY NATURAL DISASTERS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, Public Law 85–58, Public Law 85–170, and Public Law 85–766, the 1959 National Agricultural Conservation Program, approved July 3, 1958 (23 F. R. 5247), as amended July 7, 1958 (23 F. R. 5341), is further amended as follows:

A new § 1101.1097 is added as follows:

§ 1101.1097 *Practice F–4: Emergency conservation measures to restore to productive use land damaged by natural disasters.* (a) This practice is applicable only in counties designated by the Secretary as counties in which wind erosion, floods, hurricanes, or other natural disasters have created new conservation problems which (1) if not treated will impair or endanger the land, (2) materially affect the productive capacity of the land, (3) represent damage which is unusual in character and, except for wind erosion, is not of the type which would recur frequently in the same area, and (4) will be so costly to rehabilitate that Federal assistance is required to return the land to productive agricultural use.

(b) Emergency conservation practices may be approved by the Administrator, ACPS, upon recommendation by the State and county committees and designated representatives of the Soil Conservation Service and Forest Service at both the State and county levels. Eligible measures shall be specified in the wording of the practice as approved for use in the county. Cost-sharing may be offered under this practice only for replacing a practice or restoring the land to its normal productive capacity and may not be offered for the solution of conservation problems existing prior to the disaster involved.

(c) The cost-share computed for any person for this practice shall not be increased in accordance with § 1101.1030, and shall not be included with the cost-shares computed for such person for other practices in applying the maximum Federal cost-share limitation in § 1101.1031. The total of all Federal cost-shares for this practice to any person with respect to farms and ranches in any one county shall not exceed the sum of $2,500, except that, with the written prior approval of the State committee, a higher maximum may be approved in individual cases upon justification by the farmer or rancher on the basis of exceptional need and his inability to otherwise carry out the work.

(d) Costs for this practice will be shared only for eligible measures carried out during the period July 1, 1958, to December 31, 1959, inclusive, and only if cost-sharing is requested by the farm or ranch operator within 30 days after the practice is approved for use in the county or before the date on which performance of the eligible measures is started, whichever is the later. With the approval of the county committee, costs of performing this practice may be shared with farmers or ranchers who carry out eligible measures on their lands or, with the permission of the owners or operators of adjacent or nearby lands, on such adjacent or nearby lands.

(e) The maximum Federal cost-share for this practice shall be the percentage of the average cost of performing the practice considered necessary to obtain the needed performance of the practice, but not in excess of 80 percent of the average cost of performing the practice.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 10th day of September 1958.

[SEAL] E. L. PETERSON, *Assistant Secretary.*

[F. R. Doc. 58-7479; Filed, Sept. 12, 1958; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 234]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Division, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.14, the Carrizo Valley, California, area (R–301) amended on May 22, 1958 in 23 F. R. 3515 is further amended by changing the "Description by Geographical Coordinates" column to read: "bounded on the North by latitude 32°58'48''; East by longitude 115°58'00''; South by latitude 32°51'20''; West by longitude 116°04'00''."

2. In § 608.18, the Miami, Florida, area (R–169) amended on December 14, 1955, in 20 F. R. 9341 is rescinded.

3. In § 608.18, the Sterling, Florida, area (R–170) amended on May 16, 1958, in 23 F. R. 3321 is rescinded.

4. In § 608.25, the Fort Knox, Kentucky, area (R–64) amended on July 11, 1957 in 22 F. R. 4879 is further amended by changing the "Description by Geographical Coordinates" column to read: "from the Southwestern corner of R–64 Northerly along present boundary to a point 37°55'17'' North, then due West to a point 37°55'17'' North, 85°57'16'' West, then NNW to a point 37°56'04'' North, 85°57'33'' West, then Northeast along road to present boundary, then following present boundary to its North limit"; and the "Designated Altitudes" column to read: "Surface to 20,000 feet MSL".

5. In § 608.39, the Deming, New Mexico, area (R–312) amended on October 31, 1951 in 16 F. R. 11066 is further amended by changing the "Designated Altitudes" column to read: "Surface to 40,000 feet MSL"; the "Time of Designation" column to read: "Sunrise to Sunset, Mondays through Fridays"; the "Controlling Agency" column to read: "Commander, Naval Air Force, Pacific Fleet (COMNAVAIRPAC)".

6. In § 608.40, the Montauk Point, Long Island, New York, area (R–467) amended on April 19, 1955 in 20 F. R. 2564 is rescinded.

7. In § 608.40, the Oswego, New York, area (R–70) amended on April 3, 1954 in 21 F. R. 2125 is further amended by changing the "Controlling Agency" column to read: "Commander, Air Force National Guard, Permanent Training Site, Hancock Field, Syracuse, New York".

8. In § 608.41, the Currituck Sound, North Carolina No. 5, area (R–30) amended on August 11, 1954 in 19 F. R. 5041 is further amended by changing the "Controlling Agency" column to read: "COMNAVAIRLANT, Naval Air Station, Norfolk, Virginia".

9. In § 608.47, the Block Island Sound, Rhode Island, area (R–90) amended on October 24, 1956 in 21 F. R. 8144 is further amended by changing the "Controlling Agency" column to read: "CO NAVSTA NPT RI (NAVPORCO)".

10. In § 608.51, the Matagorda Island, Texas, area (R–226) amended on May 16, 1958 in 23 F. R. 3321 is further amended by changing the "Time of Designation" column to read: "Sunrise to Sunset".

11. In § 608.51, the Foster AFB, Victoria, Texas, area (R–492) amended on July 13, 1955 in 20 F. R. 4982 is rescinded.

12. In § 608.52, the Wendover, Utah, area (R–259) amended on May 22, 1958 in 23 F. R. 3516 is further amended by changing the "Designated Altitudes" column to read: "Surface to 60,000 feet" and the "Time of Designation" column to read: "Sunrise to Sunset".

13. In § 608.54, the Pendleton, Virginia, area (R–74) amended on October 24, 1956 in 21 F. R. 8144 is further amended by changing the "Controlling Agency" column to read: "CO FADTC, Dam Neck, Virginia".

14. In § 608.58, the Casper, Wyoming, area (R–252) amended on June 26, 1954 in 19 F. R. 3906 is rescinded.

15. In § 608.62, the Schofield, Island of Oahu, Territory of Hawaii, area (R–335) amended on May 16, 1958 in 23 F. R. 3321 is further amended by changing the "Description by Geographical Coordinates" column to read: "beginning at latitude 21°31'06'', longitude 158°04'45''; thence to latitude 21°31'40'', longitude 158°05'30''; thence to latitude 21°35'30'', longitude 158°11'30''; thence to latitude 21°31'00'', longitude 158°10'00''; thence to latitude 21°30'30'', longitude 158°12'30''; thence to latitude 21°29'11'', longitude 158°07'33''; thence to latitude 21°30'00'', longitude 158°04'33''; to point of beginning".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on October 23, 1958.

[SEAL] WILLIAM B. DAVIS, *Acting Administrator of Civil Aeronautics.*

SEPTEMBER 8, 1958.

[F. R. Doc. 58-7460; Filed, Sept. 12, 1958; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF ρ-CHLOROBENZYL ρ-CHLOROPHENYL SULFIDE

A petition was filed with the Food and Drug Administration by California Spray-Chemical Corporation, Richmond, California, requesting the establishment of tolerances for residues of ρ-chlorobenzyl ρ-chlorophenyl sulfide in or on various raw agricultural commodities. benzyl ρ-chlorophenyl sulfide in or on The petitioner subsequently withdrew the request for tolerances on certain of these commodities without prejudice to future filing.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (23 F. R. 6403) are amended as indicated below:

1. In § 120.3 *Tolerances for related pesticide chemicals*, paragraph (e) (4) is amended by inserting in the list of chlorinated hybrocarbons, after "Chlorobenzilate (ethyl 4,4'-dichlorobenzilate", the item "ρ-chlorobenzyl ρ-chloropenyl sulfide."

2. Part 120 is further amended by adding the following new section:

§ 120.168 *Tolerances for residues of ρ-chlorobenzyl ρ-chlorophenyl sulfide.* A tolerance of 3.0 parts per million is established for residues of ρ-chlorobenzyl ρ-chlorophenyl sulfide, including its sulfoxide and sulfone oxidation products, calculated as ρ-chlorobenzyl ρ-chlorophenyl sulfide, in or on each of the following raw agricultural commodities: Apples, crabapples, eggplants, nectarines, peaches, pears, plums (fresh prunes), quinces.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: September 8, 1958.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 58-7473; Filed, Sept. 12, 1958; 8:48 a. m.]

SUBCHAPTER C—DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

BACITRACIN METHYLENE DISALICYLATE AND STREPTOMYCIN SULFATE TABLETS AND CAPSULES ORAL VETERINARY

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for bacitracin and bacitracin-containing drugs (21 CFR 146e.426; 21 CFR, 1957 Supp., 146e.428) are amended as indicated below:

1. In § 146e.426 *Tablets bacitracin methylene disalicylate and streptomycin sulfate oral veterinary*, paragraph (a) is amended by changing the numbers "200" and "20" to read "150" and "15", respectively.

2. Section 146e.428 *Capsules bacitracin methylene disalicylate and streptomycin sulfate oral veterinary* is amended by changing the comma after the word "veterinary" to a period and deleting the remainder of the sentence.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for these amendments.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: September 8, 1958.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 58-7472; Filed, Sept. 12, 1958; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter B of this chapter is amended in the following respects:

PART 1451—SCOPE OF RENEGOTIATION BOARD REGULATIONS UNDER THE RENEGOTIATION ACT OF 1951, AND DEFINITIONS APPLICABLE THERETO

This part is amended in the following respects:

1. Section 1451.14 *Department* is amended by inserting a new paragraph (c) to read as follows:

(c) The term "Department" also includes the National Aeronautics and Space Administration, with respect to contracts entered into by such Administration and to contracts transferred to such Administration from a Department under section 301 or section 302 of the National Aeronautics and Space Act of 1958, and to related subcontracts.

2. Section 1451.15 *Secretary* is amended by inserting a new paragraph (c) to read as follows:

(c) The term "Secretary" also includes the Administrator of the National Aeronautics and Space Administration, with respect to contracts entered into by such Administration and to contracts transferred to such Administration from a Department under section 301 or section 302 of the National Aeronautics and Space Act of 1958, and to related subcontracts.

PART 1452—PRIME CONTRACTS AND SUBCONTRACTS WITHIN THE SCOPE OF THE ACT

This part is amended in the following respects:

1. Section 1452.1 (b) *Coverage after December 31, 1956*, is amended as follows:

(a) Subparagraph (1) (ii) is deleted in its entirety and the following is inserted in lieu thereof:

(ii) Section 103 (a) of the act, as amended provides as follows:

Department. The term "Department" means the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Maritime Administration, the Federal Maritime Board, the General Services Administration, the National Aeronautics and Space Administration, and the Atomic Energy

Commission. Such term also includes any other agency of the Government exercising functions having a direct and immediate connection with the national defense which is designated by the President during a national emergency proclaimed by the President, or declared by the Congress, after the date of the enactment of the Renegotiation Amendments Act of 1956; but such designation shall cease to be in effect on the last day of the month during which such national emergency is terminated.

(b) In subparagraph (1) (iii), delete "by Pub. Law 870, 84th Cong., approved August 1, 1956, effective December 31, 1956"; and in the last sentence of the statutory provision (c) (1) set forth therein, strike out "December 31, 1958" and insert in lieu thereof "June 30, 1959".

3. Section 1452.2 *Application of the act to prime contracts* is amended by inserting at the end of the list therein "National Aeronautics and Space Administration[2]" and adding footnote 2 to read as follows:

[2] Added by Pub. Law 85-930, 85th Cong., approved September 6, 1958, by amendment made applicable with respect to contracts entered into by the National Aeronautics and Space Administration and to contracts transferred to such Administration from a Department under section 301 or section 302 of the National Aeronautics and Space Act of 1958, and to related subcontracts.

PART 1466—TERMINATION OF RENEGOTIATION

This part is amended in the following respects:

1. Section 1466.1 *Statutory provision* is amended by striking out "December 31, 1958" in the last sentence of the statutory provision (c) (1) set forth therein and inserting in lieu thereof "June 30, 1959".

2. Section 1466.2 *Definition of "termination date"* is amended by striking out "December 31, 1958" and inserting in lieu thereof "June 30, 1959".

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: September 9, 1958.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 58-7477; Filed, Sept. 12, 1958; 8:49 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter E—Education

PART 33—ENROLLMENT OF INDIANS IN PUBLIC SCHOOLS

CONTRACTS WITH PUBLIC SCHOOLS

It is the policy of the Department of the Interior to afford interested parties an opportunity to comment before the adoption of rules and regulations published herein even though such notice is not required by the Administrative Procedure Act (5 U. S. C. 1003); however, in this instance this procedure is considered contrary to the public interest because of the urgency of advising public school officials of this revision in time to adjust their plans for the coming school year.

This addition limits the aid which school districts educating Indian children shall receive under the provisions of the act of April 16, 1934 (48 Stat. 596), as amended, by the act of June 4, 1936 (49 Stat. 1458, 25 U. S. C. 452-456).

The following paragraph (c) is added to § 33.4:

§ 33.4 *Contracts with public schools.*
• • •

(c) When school districts educating Indian children are eligible for Federal aid under Public Law 874, 81st Congress (64 Stat. 1100), as amended, supplemental aid under the act of April 16, 1934, supra, will be limited to meeting educational problems under extraordinary or exceptional circumstances.

(Sec. 3, 48 Stat. 596, as amended; 25 U. S. C. 454)

ROGER ERNST,
Acting Secretary of the Interior.

SEPTEMBER 8, 1958.

[F. R. Doc. 58-7461; Filed, Sept. 12, 1958; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1730]

[55528]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 677 OF OCTOBER 13, 1950, WHICH WITHDREW PUBLIC LANDS FOR USE OF DEPARTMENT OF AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 677 of October 13, 1950, withdrawing lands described as

Beginning at a point on the north shore of Cape Newenham, Security Cove, Kuskokwim Bay, latitude 58°39' N., longitude 161°56' W.; thence south approximately 1¼ miles to the south shore of Cape Newenham; thence westerly along the south shore of the westerly tip of the Cape; thence easterly, northerly, and southerly along the north shore of the Cape to the point of beginning; also a small island known as Seal Rock, approximate latitude 58°40' N., longitude 162°08' W.

and containing approximately 14,285 acres, for use of the Department of the Air Force for military purposes, is hereby revoked except as to the following-described lands:

CAPE NEWENHAM

TRACT 1

Beginning at the point of intersection of latitude 58°40' N., and longitude 162°05' W., on the line of mean high tide of Kuskokwim Bay; thence by metes and bounds,

Easterly, meandering the mean high tide line of Kuskokwim Bay 9,000 feet more or less to the point of intersection of latitude 58°40' N., and longitude 162°03' W.;

South, along said longitudinal line 14,200 feet more or less to a point on the mean high tide line of Bristol Bay;

Westerly, meandering the mean high tide line of Bristol Bay 6,670 feet more or less to its intersection with line of longitude 162°05' W.;

North, along said longitudinal line 15,840 feet more or less to the point of beginning.

The tract described contains approximately 2,273 acres.

TRACT 2

Beginning at the point of intersection of latitude 58°39' N., and longitude 162°02' W., thence by metes and bounds,

North, 1,000 feet along said longitudinal line;

East, 1,000 feet;

South, 1,000 feet more or less to point of intersection with line of latitude 58°39' N.;

West, 1,000 feet more or less along said line of latitude to the point of beginning.

The tract described contains approximately 22.95 acres.

2. Pursuant to section 202 (b) of the act of July 28, 1956 (70 Stat. 709, 711; 48 U. S. C. 46-3 (b)), and subject to the requirements of that act and the regulations in 43 CFR Part 76, the Territory of Alaska shall be entitled until 10:00 a. m. on December 8, 1958, to a preferred right of selection of the restored lands in connection with its mental health program, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation.

3. Subject to any existing valid rights, the requirements of applicable law, and the selection rights of the Territory of Alaska the restored lands are hereby opened to settlement and to filing of such applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the applications and claims described in paragraph b (1) below, the lands, beginning at 10:00 a. m. on December 8, 1958, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended). Beginning at 10:00 a. m. on March 9, 1959, any remaining lands will be subject to settlement under these laws by other qualified persons.

b. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on December 8, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications after that hour, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on March 9, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands will be open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws beginning at 10:00 a. m. on March 9, 1959.

Persons claiming veterans preference rights under paragraph b (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROGER ERNST,
Acting Secretary of the Interior.

SEPTEMBER 8, 1958.

[F. R. Doc. 58-7462; Filed, Sept. 12, 1958; 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

Subchapter C—Real Property Management

PART 100—PUBLIC BUILDINGS AND GROUNDS

SUBPART B—SUPPLEMENTAL REGULATIONS

PENTAGON AREA TRAFFIC AND PARKING REGULATIONS

Paragraph (b) of § 100.21 is revised to read as follows:

§ 100.21 *Vehicle parking.* • • •

(b) The provisions of subparagraphs (1) to (4) of this paragraph are applicable from 7:30 a. m. to 6:00 p. m. Monday through Saturday, and 7:30 a. m. to 1:00 p. m. Sundays and holidays. Directions by police officers on duty will apply at all times.

(1) A valid parking permit is required for parking in all sections of the Pentagon parking area, except as indicated in subparagraphs (3) and (4) of this paragraph and must be conspicuously displayed inside front windshield of the vehicle behind the rear view mirror. (For the purposes of the regulations in this part a valid parking permit is a permit issued by a department parking control officer to park a specific vehicle identified by license tag number in a designated parking section of the Pentagon parking area. The permit is not transferable except in the case of a properly registered car pool. The permit is automatically invalidated upon the resignation of the permit holder or cancellation by a parking control officer, change in license tag number, damage or mutilation of the permit, or loss or pilferage of the permit.)

(2) Parking in any section other than that which corresponds to the permit assignment is prohibited, with the following exception: A person with an authorized parking assignment in any section other than those designated "W-N" may park in a W-N section when space is not available in his assigned section. In such a case, the circumstances shall be reported to the department parking control officer. A person with an authorized parking assignment in a W-N section may not park in any other section.

(3) Motorcycles, motor bicycles, motor scooters, and all similar type motor vehicles shall be parked in Lane 19 only. No parking permit is required.

(4) No parking permit is required for parking in sections identified by posted signs as reserved for visitors,[1] or reserved for the exclusive use of Congressional, diplomatic, or official representatives. A special "Press Permit" is required for parking in sections reserved for press representatives. Parking in sections reserved for visitors shall not exceed the time limits indicated by posted signs at these locations, except by special permission of the police officer on duty.

(Sec. 2, 62 Stat. 281, as amended; 40 U. S. C. 318a)

Dated: September 11, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-7543; Filed, Sept. 12, 1958; 10:58 a. m.]

[1] Only nonoccupants of the Pentagon and Pentagon Annexes are recognized as bona fide visitors, except that newly assigned personnel shall be regarded as visitors on their first day of duty.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 43]

DOCUMENTARY STAMP TAXES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner, of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] LEO SPEER,
Acting Commissioner of Internal Revenue.

The following regulations, relating to documentary stamp taxes, are hereby prescribed under Chapter 34 of the Internal Revenue Code of 1954 and under those administrative provisions of Subtitle F of such Code which have special application to the taxes imposed by such Chapter 34:

Subpart A—Introductory Provisions

Sec.
43.0-1 Introduction.
43.0-2 General definitions and use of terms.
43.0-3 Scope of regulations.
43.0-4 Extent to which the regulations in this part supersede prior regulations.

Subpart B—Tax on Issuance of Capital Stock and Similar Interests

43.4301 Statutory provisions; imposition of tax.
43.4301-1 Imposition of the tax on original issue of stock.
43.4301-2 Illustrations.
43.4302 Statutory provisions; stock issued in recapitalization.
43.4302-1 Limitation on tax in case of recapitalization.
43.4303 Statutory provisions; exemptions.
43.4303-1 Common trust funds.

Sec.
43.4304 Statutory provisions; affixing of stamps.
43.4304–1 Affixing of stamps.
43.4305 Statutory provisions; cross references.
43.4305–1 Cross references.

Subpart C—Tax on Issuance of Certificates of Indebtedness

43.4311 Statutory provisions; imposition of the tax.
43.4311–1 Imposition of tax on issuance of certificates of indebtedness.
43.4311–2 Illustrations.
43.4312 Statutory provisions; definition of corporation.
43.4313 Statutory provisions; renewal of certificates of indebtedness.
43.4313–1 Tax on renewal of certificates of indebtedness.
43.4314 Statutory provisions; bond as security for debt.
43.4314–1 Bond as security for debt.
43.4315 Statutory provisions; exemption for certain installment obligations.
43.4316 Statutory provisions; cross references.
43.4316–1 Cross references.

Subpart D—Tax on Sales or Transfers of Capital Stock and Similar Interests

43.4321 Statutory provisions; imposition of tax.
43.4321–1 Imposition of tax.
43.4321–2 Illustrations.
43.4321–3 Tax on warrants.
43.4321–4 Requirement of memoranda of agreements to sell, etc.
43.4321–5 Record of sales and transfers of stock.
43.4321–6 Registration of brokers, exchanges, nominees, etc.
43.4321–7 Rules applicable to clearing houses.
43.4322 Statutory provisions; exemptions.
43.4322–1 Exemptions.
43.4323 Statutory provisions; affixing of stamps.
43.4323–1 Affixing of stamps.
43.4324 Statutory provisions; cross references.
43.4324–1 Cross references.

Subpart E—Tax on Sales or Transfers of Certificates of Indebtedness

43.4331 Statutory provisions; imposition of tax.
43.4331–1 Imposition of tax.
43.4331–2 Illustrations.
43.4331–3 Tax on warrants.
43.4331–4 Requirement of memoranda of agreements to sell, etc.
43.4331–5 Records of sales and transfers of certificates of indebtedness.
43.4331–6 Registration of brokers, exchanges, and nominees.
43.4331–7 Rules applicable to clearing houses.
43.4332 Statutory provisions; exemptions.
43.4332–1 Exemptions.
43.4333 Statutory provisions; cross references.
43.4333–1 Cross references.

Subpart F—Provisions Common to Sales or Transfers of Capital Stock and Certificates of Indebtedness

EXEMPTIONS

43.4341 Statutory provisions; transfers as security.
43.4341–1 Transfers as security.
43.4342 Statutory provisions; fiduciaries and custodians.
43.4342–1 Transfers to or by fiduciaries or custodians.
43.4343 Statutory provisions; transfers by operation of law.
43.4343–1 Transfers by operation of law.
43.4344 Statutory provisions; exemption certificates.
43.4344–1 Exemption certificates.
43.4345 Statutory provisions; cross references.

MISCELLANEOUS PROVISIONS

43.4351 Statutory provisions; definitions.
43.4351–1 Definitions.
43.4352 Statutory provisions; stock or certificates of indebtedness owned by a partnership.
43.4352–1 Transfer of an interest in a partnership.
43.4353 Statutory provisions; affixing of stamps.
43.4353–1 Affixing of stamps.
54.4354 Statutory provisions; cross references.
43.4354–1 Cross references.

Subpart G—Tax on Conveyances

43.4361 Statutory provisions; imposition of tax.
43.4361–1 Imposition of tax.
43.4361–2 Illustrations.
43.4361–3 Affixing of stamps.
43.4362 Statutory provisions; exemptions.
43.4362–1 Exemptions.
43.4363 Statutory provisions; cross references.
43.4363–1 Cross references.

Subpart H—Tax on Policies Issued by Foreign Insurers

43.4371 Statutory provisions; imposition of tax.
43.4371–1 Imposition of tax on policies issued by foreign insurers; scope of tax.
43.4371–2 Rate and computation of tax.
43.4372 Statutory provisions; definitions.
43.4373 Statutory provisions; exemptions.
43.4374 Statutory provisions; affixing of stamps.
43.4374–1 Affixing of stamps.
43.4375 Statutory provisions; cross references.
43.4375–1 Cross references.

Subpart I—Miscellaneous Provisions Applicable to Documentary Stamp Taxes

43.4381 Statutory provisions; definitions.
43.4381–1 Definitions.
43.4381–2 Other definitions.
43.4382 Statutory provisions; exemptions.
43.4382–1 Exemptions.
43.4383 Statutory provisions; liability for tax.
43.4383–1 Liability for tax.

Subpart J—Administrative Provisions Applicable to Documentary Stamp Taxes

43.6001 Statutory provisions; notice or regulations requiring records, statements, and special returns.
43.6001–1 Records of sales and transfers of stock.
43.6001–2 Rules applicable to clearing houses.
43.6001–3 Records with respect to foreign insurance policies.
43.6001–4 Registration of brokers, exchanges, nominees, etc.
43.6001–5 General requirements with respect to records and returns.
43.6802 Statutory provisions; supply and distribution.
43.6802–1 Where stamps may be purchased and where requisition forms for the purchase of such stamps may be obtained and filed.
43.6804 Statutory provisions; attachment and cancellation.
43.6804–1 Stamps to be used and denominations thereof.
43.6804–2 Cancellation of stamps.
43.6805 Statutory provisions; redemption of stamps.
43.7208 Statutory provisions; offenses relating to stamps.
43.7209 Statutory provisions; unauthorized use or sale of stamps.
43.7209–1 Use or resale of unused stamps.
43.7270 Statutory provisions; insurance policies.
43.7271 Statutory provisions; penalties for offenses relating to stamps.
43.7271–1 Cross references.
43.7701 Statutory provisions; definitions.
43.7805 Statutory provisions; rules and regulations.
43.7805–1 Promulgation of regulations.

SUBPART A—INTRODUCTORY PROVISIONS

§ 43.0–1 *Introduction*—(a) *In general.* The regulations in this part relate to documentary stamp taxes imposed by Chapter 34 of the Internal Revenue Code of 1954. These regulations constitute Part 43, of Title 26, of the Code of Federal Regulations. References in the regulations to the "Internal Revenue Code" or the "Code" are references to the Internal Revenue Code of 1954, as amended, unless otherwise indicated.

(b) *Division of regulations.* The regulations in this part are divided into 10 subparts. Subpart A contains provisions relating to general definitions and use of terms, the division and scope of the regulations in this part, and the extent to which the regulations in this part supersede prior regulations relating to documentary stamp taxes. Subpart B relates to the tax on issuance of capital stock and similar interests. Subpart C relates to the tax on issuance of certificates of indebtedness. Subpart D relates to the tax on sales or transfers of capital stock and similar interests. Subpart E relates to the tax on sales or transfers of certificates of indebtedness. Subpart F relates to provisions common to sales or transfers of capital stock and certificates of indebtedness. Subpart G relates to the tax on conveyances. Subpart H relates to the tax on policies issued by foreign insurers. Subpart I relates to miscellaneous provisions applicable to documentary stamp taxes. Subpart J relates to selected provisions of subtitle F of the Code, relating to procedure and administration, which have special application to documentary stamp taxes.

(c) *Arrangement and numbering.* Each section of the regulations is preceded by the section of the Internal Revenue Code which it interprets. Sections of the Code or references thereto are preceded by "Sec." or the word "section". Each section of the regulations is preceded by a section symbol and 43 followed by a decimal point (§ 43.).

§ 43.0–2 *General definitions and use of terms*—(a) *In general.* As used in the regulations in this part, unless otherwise expressly indicated—

(1) The terms defined in the provisions of law contained in the regulations in this part shall have the meanings so assigned to them.

(2) The Internal Revenue Code of 1954 means the Act approved August 16, 1954 (68A Stat.), entitled "An act to revise the internal revenue laws of the United States", as amended.

(3) Regulations 71 means the regulations approved November 25, 1941 (26 CFR (1941) Part 113), as amended, relating to stamp taxes on issues and transfers of stocks and bonds, conveyances of realty, passage tickets, and foreign insurance policies.

(4) The term "district director" means district director of Internal Revenue.

(5) The terms "stamp tax" and "stamp taxes" generally mean any one or all of the stamp taxes which constitute the subject of the regulations in this part.

(6) The term "documentary stamps" means all stamps issued for use in payment of the stamp taxes imposed by chapter 34 of the Internal Revenue Code.

(7) The cross references in the regulations in this part to other portions of the regulations, when the word "see" is used, are made only for convenience and shall be given no legal effect.

(b) *Cross reference.* For other definitions, see section 4381, §§ 43.4381–1 and 43.4381–2, and section 7701 (§ 43.7701).

§ 43.0–3 *Scope of regulations.* The regulations in this part have application to all transactions occurring after December 31, 1954.

§ 43.0–4 *Extent to which the regulations in this part supersede prior regulations.* The regulations in this part, with respect to the subject matter within the scope thereof, supersede Regulations 71.

SUBPART B—TAX ON ISSUANCE OF CAPITAL STOCK AND SIMILAR INTERESTS

§ 43.4301 *Statutory provisions; imposition of tax.*

SEC. 4301. *Imposition of tax.* There shall be imposed a tax on each original issue of shares or certificates of stock, issued by a corporation, whether on organization or reorganization, at the following rates:

(1) *Par value stock.* Eleven cents on each $100 or fraction thereof of the par or face value of each certificate (or of the shares where no certificate is issued).

(2) *No-par-value stock*—(A) *Actual value of $100 or more per share.* Eleven cents on each $100 or fraction thereof of the actual value of each certificate (or of the shares where no certificate is issued).

(B) *Actual value of less than $100 per share.* Three cents on each $20 or fraction thereof the actual value of each certificate (or of the shares where no certificate is issued).

§ 43.4301–1 *Imposition of the tax on original issue of stock*—(a) *Scope of tax.* Section 4301 imposes a tax on each original issue of shares or certificates of stock issued by a domestic corporation. See section 4381 (b) and § 43.4381–1 (b) and section 4381 (c) and § 43.4381–1 (c), respectively, for definitions of the terms "corporation" and "shares or certificates of stock". Stock is deemed to be issued when it is subscribed for and the subscription is accepted. The tax applies to each original issue of the shares or certificates, whether upon organization, reorganization, or otherwise, regardless of the purpose of the issue, the person to whom issued, or the time of delivery. The tax also applies to shares or certificates issued in a recapitalization where the recapitalization results in the dedication of an amount as capital for the first time (see § 43.4302–1).

(b) *Rate and computation of tax*—(1) *Rate of tax.* The rates of tax are as follows:

(i) Par value stock—11 cents on each $100 or fraction thereof of the face value of each certificate; and

(ii) No par value stock—11 cents on each $100 or fraction thereof of the actual value of each certificate, where the actual value of each share is $100 or more; and 3 cents on each $20 or fraction thereof of the actual value of each certificate, where the actual value of each share is less than $100.

(2) *Separate computation.* A separate computation of tax must be made with respect to each certificate regardless of the number of certificates which may be issued in a single transaction.

(3) *Par value stock.* Where stock has a par value, the tax is measured by the total face value of the certificate and not by the amount paid for the stock. For example, the tax upon the issuance of a certificate for any number from 1 to 100 shares of stock having a par value of $1 a share is 11 cents, since in such case the total face value of the certificate does not exceed $100. The tax on the issuance of a certificate for any number from 11 to 20 shares of stock having a par value of $10 a share, or for any number from 5 to 8 shares of stock having a par value of $25 a share, is 22 cents, since in these cases the total face value of the certificate is more than $100 but does not exceed $200.

(4) *No par value stock.* (i) Where stock has no par value, the rate of tax is determined by the actual value of each share, and the amount of tax, computed at such rate, is measured by the actual value of the certificate. Thus, in all cases where the actual value of each share is $100 or more, the tax must be computed at the rate of 11 cents on each $100 or fraction thereof of the actual value of the certificate; and in all cases where the actual value of each share is less than $100, the tax must be computed at the rate of 3 cents on each $20 or fraction thereof of the actual value of the certificate. For example, upon the issuance of a certificate for 10 shares having an actual value of $101 a share, or a total actual value of $1,010, the tax, computed at the rate of 11 cents on each $100 or fraction thereof of the actual value of the certificate, amounts to $1.21. Upon the issuance of a certificate for 10 shares having an actual value of $99 a share, or a total actual value of $990, the tax, computed at the rate of 3 cents on each $20 or fraction thereof of the actual value of the certificate, amounts to $1.50.

(ii) The actual value of stock not having a par value shall be determined on the basis of the market value of the stock at the time of issuance. In the absence of a market value of the stock, the actual value shall be determined on the basis of all the facts and circumstances of the case.

(iii) Stock which has been given a "fixed" or "stated" price, as distinguished from stock having a par value, is taxable as stock without par value.

(5) *Shares not represented by certificates.* Where the shares are not represented by certificates, the subscription is the basis of tax computation. In the case of shares having a par value, a separate computation of tax must be made with respect to the aggregate par value of the shares covered by each subscription. In the case of shares not having a par value, a separate computation of tax must likewise be made with respect to the aggregate actual value of the shares covered by each subscription at the rate determined by the actual value of each share.

§ 43.4301–2 *Illustrations*—(a) *Issues subject to tax.* The following are examples of issues subject to the tax:

(1) Certificates or shares representing beneficial interests in any organization which is a corporation within the meaning of section 4381 (b) or section 7701 (a) (3).

(2) Stock issued for property, real or personal, or for the purpose of purchasing a business.

(3) Stock issued by joint-stock land banks.

(4) Stock issued as a dividend.

(5) Temporary or interim certificates.

(6) The issue of a fractional share, or a certificate for a fractional share, of stock (see, however, paragraph (b) (6) of this section).

(7) Stock issued upon exercise of a warrant or rights entitling the holder to subscribe for unissued stock (see § 43.4321–3 (a)).

(8) Stock issued in connection with a consolidation by a consolidated corporation in exchange for stock of the consolidating corporations whether issued directly to the consolidating corporations or to the stockholders of the consolidating corporations (see also § 43.4321–2 (a) (9) relating to the imposition of the stock transfer tax where the stock is issued directly to the stockholders).

(9) Stock issued in connection with a merger by the continuing corporation whether issued directly to the merging corporation or to the stockholders of the merging corporation (see also § 43.4321–2 (a) (9)) and stock issued to the stockholders of the continuing corporation in a recapitalization under section 4302 which results in the dedication of an amount as capital which amount is so dedicated for the first time.

(10) Stock issued outside the United States by a domestic corporation.

(11) A business property investment certificate, wherein it is certified that the holder thereof is the owner of an interest in certain specified property, legal title to which has been previously conveyed to a trustee, and whereby the issuing corporation agrees to manage the property and distribute the proceeds.

(b) *Issues not subject to tax.* In addition to the various issues specifically exempt under sections 4303 (a) and 4382, the following are examples of issues not subject to the tax:

(1) The issue of warrants or rights to subscribe for unissued stock (see, however, § 43.4321–3).

(2) The issue of certificates of stock in exchange for outstanding certificates representing the same stock as, for instance, to reflect a change in the name of the issuing corporation or to secure

several certificates for one certificate, or vice versa.

(3) The issue of voting-trust certificates.

(4) The issue of definitive certificates of stock in exchange for temporary or interim certificates upon the issuance of which the tax has been paid, provided that each of such definitive certificates bears a notation of the fact that requisite stamps were duly attached to the temporary or interim certificates.

(5) The issue of stock in a recapitalization or reorganization where there is no dedication of additional capital, either by transfer of earned surplus or otherwise (see, however, § 43.4302–1 (b)).

(6) Stock issued on the surrender of fractional shares or certificates for fractional shares of stock (see, however, paragraph (a) (6) of this section).

(7) The issue in the United States of stock of a foreign corporation.

(8) The issue of stock to effect a mere split in outstanding shares without any increase in the issuing corporation's capital stock account.

§ 43.4302 *Statutory provisions; stock issued in recapitalization.*

SEC. 4302. *Recapitalization.* In the case of a recapitalization, the tax imposed by section 4301 shall be that proportion of the tax computed on the certificates (or on the shares where no certificates are issued) issued in the recapitalization that (1) the amount dedicated as capital for the first time by the recapitalization, whether by a transfer of earned surplus or otherwise, bears to (2) the total par value (or actual value if no par stock) of such certificates or shares issued in the recapitalization.

§ 43.4302–1 *Limitation on tax in case of recapitalization.* (a) Where stock is issued in a recapitalization, the tax payable is that proportion of the total tax imposed by section 4301 computed with respect to all the shares or certificates issued in the recapitalization that the amount dedicated as capital for the first time by the recapitalization, whether by a transfer of earned surplus or otherwise, bears to the total par value (or actual value if no par stock) of the shares or certificates so issued.

(b) A tax is not payable with respect to stock issued in a recapitalization unless the recaptialization results in the dedication of an amount as capital which amount is so dedicated for the first time. Thus, where a corporation transferred an amount from capital to capital surplus in a prior recapitalization, and such corporation in a subsequent or second recapitalization transfers such amount from capital surplus to capital under such circumstances that the amount so restored to capital is clearly identifiable, a tax is not payable with respect to the amount so rededicated as capital. However, the tax is payable with respect to a transfer of capital surplus to capital by way of a recapitalization where the amount so transferred had not been previously dedicated as capital.

(c) Where a recapitalization is effected in connection with, or as part of, some other transaction, for example, an original or an additional issue of stock, a merger, etc., the limitation of the tax payable to the proportion specified in this section applies only to the stock issued in that part of the transaction which constitutes a recapitalization. Thus, where a corporation makes a change in its capital structure by replacing an issue of stock with another issue of stock and at the same time disposes of part of the new stock by sale to underwriters, the tax limitation is applicable only to that portion of the new stock which is issued in exchange for the old stock retired thereby. In such case, the portion of the new stock sold to the underwriters is taxable in its entirety without any adjustment on account of the recapitalization. Similarly, where a corporation retires its preferred stock by issuing common stock in exchange therefor, and such exchange is made in connection with a merger in which the corporation issues common stock also to the former stockholders of the merged company, the tax limitation is applicable only to the common stock issued in exchange for the preferred stock, and the shares or certificates of common stock issued to the former stockholders of the merged company are subject to tax without any adjustment on account of the recapitalization.

§ 43.4303 *Statutory provisions; exemptions.*

SEC. 4303. *Exemptions*—(a) *Common trust funds.* The tax imposed by section 4301 shall not apply to the issue of shares or certificates of a common trust fund, as defined in section 584.

(b) *Other exemptions.* For other exemptions, see section 4382.

§ 43.4303–1 *Common trust funds.* For regulations under section 584, see the Income Tax Regulations (26 CFR Part 1).

§ 43.4304 *Statutory provisions; affixing of stamps.*

SEC. 4304. *Affixing of stamps.* The stamps representing the tax imposed by section 4301 shall be affixed to the stock books or corresponding records of the organization and not to the certificates issued.

§ 43.4304–1 *Affixing of stamps*—(a) *Documentary stamps.* Only documentary stamps shall be used in payment of the tax imposed by section 4301. The requisite stamps shall be affixed to the stock books or corresponding records of the corporation, and not to the certificates issued. See §§ 43.6804–1 and 43.6804–2, contained in Subpart J of this part, for appropriate use, denominations, and cancellation of such stamps.

(b) *Purchase of documentary stamps.* Documentary stamps may be purchased, and requisition forms for the purchase of such stamps may be obtained, only from the sources and in the manner provided in § 43.6802–1, contained in Subpart J of this part. For provisions relating to distribution, supply, and redemption of stamps, see sections 6801, 6802 (§ 43.6802), and 6805 (§ 43.6805), and the regulations thereunder contained in the Regulations on Procedure and Administration (26 CFR Part 301).

§ 43.4305 *Statutory provisions; cross references.*

SEC. 4305. *Cross references.* For definitions, penalties, and other general and administrative provisions applicable to this part, see sections 4381 and 4383 and subtitle F.

§ 43.4305–1 *Cross references.* (a) For definitions, see section 4381, §§ 43.4381–1 and 43.4381–2, and section 7701 (§ 43.7701).

(b) For penalties, see section 7271 and § 43.7271–1.

(c) For other general and administrative provisions, see section 4383, § 43.4383–1, Subpart J of this part, and the applicable sections of the Regulations on Procedure and Administration (26 CFR Part 301).

SUBPART C—TAX ON ISSUANCE OF CERTIFICATES OF INDEBTEDNESS

§ 43.4311 *Statutory provisions; imposition of the tax.*

SEC. 4311. *Imposition of tax.* There shall be imposed a tax on all certificates of indebtedness issued by a corporation at the rate of 11 cents on each $100 of face value or fraction thereof.

§ 43.4311–1 *Imposition of tax on issuance of certificates of indebtedness*—(a) *Scope of tax.* Section 4311 imposes a tax on the issue within the territorial jurisdiction of the United States by any corporation of certificates of indebtedness as defined in section 4381 (a) and § 43.4381–1. See section 4312 and § 43.4381–1 (b) for definitions of the term "corporation". Every renewal of a certificate of indebtedness is subject to tax as a new issue (see § 43.4313–1). A certificate of indebtedness is issued within the meaning of the law at the time it is delivered so as to constitute an obligation of the issuer.

(b) *Rate and computation of tax.* The rate of tax is 11 cents on each $100 or fraction thereof of the face value of each certificate of indebtedness; except that, where a certificate conditioned for the repayment or payment of money is given in a penal sum, greater than the debt secured, the tax is based upon the amount secured (see section 4314). A separate computation of tax must be made with respect to each certificate of indebtedness regardless of the number of certificates which may be issued in a single transaction. For example, the tax on the issuance of a certificate having a face value of $1,000 is $1.10. The tax on the issuance of 2 certificates having a face value of $50 each is 22 cents, that is, 11 cents on each certificate, whether the certificates are issued to the same person or to different persons.

(c) *Affixing of stamps.* (1) The requisite documentary stamps shall be affixed either to the certificates of indebtedness or to the indenture or agreement under which they are issued. If the stamps are affixed to the indenture or agreement, the certificate must bear a legend showing that the proper documentary stamps have been affixed to the indenture or agreement and duly cancelled. If the indenture provides for the issue of certificates over a period of years, the requisite stamps may be affixed at the time of each issue. Only documentary stamps shall be used in payment of the tax imposed by section 4311. See §§ 43.6804–1 and 43.6804–2, contained in Subpart J of this part, for the appropriate use, denominations, and cancellation of such stamps.

(2) Documentary stamps may be purchased, and requisitions for the purchase of such stamps may be obtained, only from the sources and in the manner provided in § 43.6802–1, contained in Subpart J of this part. For provisions relating to distribution, supply, and redemption of stamps, see sections 6801, 6802 (§ 43.6802), and 6805 (§ 43.6805), and the regulations thereunder contained in the Regulations on Procedure and Administration (26 CFR Part 301).

§ 43.4311–2 *Illustrations*—(a) *Issues subject to tax.* The following are examples of corporate instruments taxable upon issue:

(1) A bond secured by a real estate mortgage.

(2) A bond delivered to a bank or trust company as security for the payment of an obligation.

(3) Bonds executed outside the United States by a foreign corporation and delivered in the United States.

(4) Interim certificates or temporary bonds issued in lieu of definitive bonds. However, no additional tax is due on the issuance of the corresponding permanent or definitive bonds, but each of such permanent or definitive bonds must bear a notation of the fact that requisite stamps were duly attached to the interim certificates or temporary bonds.

(5) Equipment trust certificates.

(6) Any certificate of indebtedness issued by any receiver, trustee in bankruptcy, assignee, or other person, having custody of property, or charge of the affairs, of any corporation (see section 4312).

(b) *Issues not subject to tax.* In addition to the various issues specifically exempt under sections 4315 (a) and 4382, the following are examples of instruments not taxable upon issue:

(1) An instrument issued by an individual.

(2) An instrument merely representing the assignment of an interest in a bond (see, however, § 43.4331–1 and § 43.4351–1 (b)).

(3) Bonds issued in exchange for outstanding bonds of different denominations but of the same kind, the same total face amount, and the same maturity date.

(4) Permanent or definitive bonds issued in exchange for interim certificates or temporary bonds representing the same obligation (see, however, paragraph (a) (4) of this section).

(5) A certficate of deposit issued by a bank, whether or not negotiable, and whether payable on demand or at some specified time; and a certificate of deposit issued by an organization operating under the Morris Plan.

(6) Indemnity, fidelity, and surety bonds.

(7) A business property investment certificate, wherein it is certified that the holder thereof is the owner of an interest in certain specified property, legal title to which has been previously conveyed to a trustee, and whereby the issuing corporation agrees to manage the property and distribute the proceeds. However, such instrument is subject to the tax imposed by section 4301 (see § 43.4301–2 (a) (11)).

(8) A bond issued by a trust company on behalf of the estate of a decedent for which it is acting as executor or administrator, provided the certificate is issued solely on the credit of the estate.

(9) A warrant granting the right to purchase unissued bonds (see § 43.4331–3).

§ 43.4312 *Statutory provisions; definition of corporation.*

SEC. 4312. *Definitions*—(a) *Corporation.* For the purpose of section 4311 the term "corporation" includes any receiver, trustee in bankruptcy, assignee, or other person, having custody of property, or charge of the affairs, of the corporation.

(b) *Cross references.* For other definitions, see section 4381 and subtitle F.

§ 43.4313 *Statutory provisions; renewal of certificates of indebtedness.*

SEC. 4313. *Renewals.* Every renewal of any certificate of indebtedness shall be taxed as a new issue.

§ 43.4313–1 *Tax on renewal of certificates of indebtedness.* Every renewal of a certificate of indebtedness is subject to the tax imposed by section 4311 as a new issue. Whenever there is such a material change in the obligation as to constitute a new obligation, as, for example, an extension of maturity date or a change in the interest rate of the outstanding certificate of indebtedness, such change constitutes a renewal subject to tax as a new issue. The time when the original certificate was issued is immaterial. Likewise, the time when the certificate is renewed, whether before or after the original date of maturity, is immaterial. A tax liability is not dependent upon use of any particular form of instrument to effect the renewal. The renewal may, for example, be evidenced by a notation on the original certificate, by a collateral agreement, or by an extension agreement.

§ 43.4314 *Statutory provisions; bond as security for debt.*

SEC. 4314. *Bond as security for debt.* In the case where a bond conditioned for the repayment or payment of money is given in a penal sum greater than the debt secured, the tax imposed by section 4311 shall be based upon the amount secured.

§ 43.4314–1 *Bond as security for debt.* For the effect of section 4314 on the computation of the tax, see § 43.4311–1 (b).

§ 43.4315 *Statutory provisions; exemption for certain installment obligations.*

SEC. 4315. *Exemptions*—(a) *Installment purchase obligations.* The tax imposed by section 4311 shall not apply to any instrument under the terms of which the obligee is required to make payment therefor in installments and is not permitted to make in any year a payment of more than 20 percent of the cash amount to which entitled upon maturity of the instrument.

(b) *Other exemptions.* For other exemptions, see section 4382.

§ 43.4316 *Statutory provisions; cross references.*

SEC. 4316. *Cross references.* For penalties and other general and administrative provisions applicable to this part, see section 4383 and Subtitle F.

§ 43.4316–1 *Cross references.* (a) For definitions, see section 4381, §§ 43.4381–1 and 43.4381–2, and section 7701 (§43.7701).

(b) For penalties, see section 7271 and § 43.7271–1.

(c) For other general and administrative provisions, see section 4383, § 43.4383–1, Subpart J of this part, and the applicable sections of the Regulations on Procedure and Administration (26 CFR Part 301).

SUBPART D—TAX ON SALES OR TRANSFERS OF CAPITAL STOCK AND SIMILAR INTERESTS

§ 43.4321 *Statutory provisions; imposition of tax.*

SEC. 4321. *Imposition of tax.* There shall be imposed a tax on each sale or transfer of shares or certificates of stock, or of rights to subscribe for or to receive such shares or certificates, issued by a corporation, at the following rates:

(1) *Par-value stock.* Five cents on each $100 or fraction thereof of the par or face value of each certificate (or of the shares where no certificate is sold or transferred), except as provided in paragraph (3).

(2) *No-par-value stock.* Five cents on each share, except as provided in paragraph (3).

(3) *Exception.* In the case of a sale at $20 or more per share, the rate provided in paragraphs (1) and (2) shall be 6 cents in lieu of 5 cents.

§ 43.4321–1 *Imposition of tax*—(a) *Scope of tax.* Section 4321 imposes a tax on each sale or transfer (as defined in section 4351 (b)) within the territorial jurisdiction of the United States of shares or certificates of stock, or of rights to subscribe for or to receive such shares or certificates, issued by a corporation. As to sales or transfers of warrants to subscribe for or to purchase stock, see § 43.4321–3. The tax applies to the specified dealings or transactions in stock, whether occurring before, after, or without the issuance of a certificate. The tax attaches at the time of making the sale or transfer, regardless of the time or manner of delivery of the certificate, agreement, or memorandum of sale. For requirements as to the making and keeping of records of such sales or transfers, see §§ 43.4321–4 and 43.6001–1. See section 4381 (b) and § 43.4381–1 (b) and section 4381 (c) and § 43.4381–1 (c), respectively, for definitions of the terms "corporation" and "shares or certificates of stock". For purposes of the tax imposed by section 4321, the term "stock", as used in the regulations in this part, includes shares or certificates of stock and rights to subscribe for or to receive such shares or certificates.

(b) *Rates and computation of tax*—(1) *Stock having a par value.* (i) Where, by sale or transfer, par value stock of the same class issued by one corporation is transferred from a single transferor to a single transferee, the tax is computed on the basis of the aggregate par value of all the shares transferred. The selling price of the stock is material only where the change of ownership is by sale, and then only in determining the rate of tax. Where there are two or more tranferors or two or more transferees, or where in a single transaction transfer is made of the stock of two or more corporations or of two or more classes issued by a single corporation, a separate tax computation must be made with respect to

each transferor and each transferee and with respect to the stock of each corporation and the stock of each class issued by a single corporation. The foregoing rule may be illustrated by the following examples:

Example (1). A, owning 25 shares of common stock and 25 shares of preferred stock of the X Corporation, and 50 shares of the common stock of the Y Corporation, transfers all the stock by delivering the certificates to B. In this situation, there are three distinct transactions, namely, a transfer of 25 shares of comon stock of the X Corporation, a transfer of 25 shares of preferred stock of the X Corporation, and a transfer of 50 shares of common stock of the Y Corporation, and the tax is computed, in the case of each transfer, upon the aggregate par value of the stock.

Example (2). A, owning 100 shares of stock in the X Corporation represented by one or more certificates, sells 50 shares each to B and C. To that end, A sends his certificate or certificates to the transfer agent with instructions to issue one or more certificates aggregating 50 shares to each purchaser. In this situation, there are two distinct transactions, namely, two sales of 50 shares of stock each, and the tax is computed upon the aggregate par value of the stock transferred to each purchaser.

Example (3). A and B, each owning 50 shares of stock in the X Corporation represented in each case by one or more certificates, make a gift of their stock to C. To that end, they send their certificates to the transfer agent with instructions to issue to the donee one or more certificates for the entire 100 shares. In this situation, there are likewise two distinct transactions, namely, two gifts of 50 shares of stock each, and a separate computation must be made with respect to each gift.

(ii) The rate of tax applicable to each sale or transfer of par value stock is as follows:

(a) Six cents on each $100 or fraction thereof of the aggregate face value of the certificates or the aggregate par value of the shares with respect to sales, agreements to sell, and memoranda of sale, where the selling price is $20 or more a share.

(b) Five cents on each $100 or fraction thereof of the aggregate face value of the certificates or the aggregate par value of the shares with respect to sales, agreements to sell, and memoranda of sales, where the selling price is less than $20 a share.

(c) Five cents on each $100 or fraction thereof of the aggregate face value of the certificates or the aggregate par value of the shares in all other taxable transactions.

(iii) The computation of the tax may be illustrated by the following examples:

Example (1). A sells to B 100 shares of stock of the X Corporation having a par value of $100 a share for $50 per share. The amount of tax payable is computed at the rate of 6 cents on each $100 of the face value of the certificate or certificates ($10,000) and is $6.

Example (2). The facts are the same as set forth in example (1), except that the stock is sold for $10 per share. The amount of tax payable is computed at the rate of 5 cents on each $100 of the face value of the certificate or certificates ($10,000) and is $5.

Example (3). A gives B 100 shares of stock of the X Corporation having a par value of $100 a share at a time when its actual value is $50 a share and later gives 100 shares of the same stock to C at a time when its actual value is $10 a share. In each instance the amount of tax is computed at the rate of 5 cents on each $100 of the face value of the certificate or certificates ($10,000) and is $5 for each gift.

(2) *Stock without par value.* (i) Where, by sale or transfer, stock without par value is transferred, the tax is computed strictly on the basis of the number of shares involved in each transfer. The selling price of the stock is material only where the change of ownership is by sale, and then only in determining the rate of tax. Stock which has been given a "fixed" or "stated" price, as distinguished from stock having a par value, is taxable as stock without par value.

(ii) The rate of tax applicable to each sale or transfer of stock without par value is as follows:

(a) Six cents per share with respect to sales, agreements to sell, and memoranda of sales, where the selling price is $20 or more a share.

(b) Five cents per share with respect to sales, agreements to sell, and memoranda of sales, where the selling price is less than $20 a share.

(c) Five cents per share in all other taxable transactions.

(iii) The computation of the tax may be illustrated by the following examples:

Example (1). A sells to B 100 shares of stock without par value of the Z Corporation for $25 per share. The amount of tax payable is computed at the rate of 6 cents per share on 100 shares and is $6.

Example (2). A sells to B 100 shares of stock without par value of the Z Corporation for $10 per share. The amount of tax payable is computed at the rate of 5 cents per share on 100 shares and is $5.

Example (3). A gives B 100 shares of stock without par value of the Z Corporation at a time when its actual value is $25 per share and later gives C 100 shares of the same stock at a time when its actual value is $10 per share. In each instance the amount of tax is computed at the rate of 5 cents per share on 100 shares and is $5 for each gift.

(3) *Rights to receive, and rights to subscribe for, stock.* In all cases, the tax on the transfer of rights to receive stock and on the transfer of rights to subscribe for stock is determined by the class of stock to which the rights relate. Thus, the tax is 5 cents on each share covered by the rights where the stock has no par value and 5 cents on each $100 or fraction thereof of the aggregate par value of the shares covered by the rights where the stock has a par value. In computing the tax on transfers of rights to receive or rights to subscribe for stock, the selling price or the subscription price of the stock, as the case may be, is immaterial.

(4) *Cross-reference.* See § 43.4352–1 for computation of the tax imposed on the transfer of an interest in a partnership owning capital stock or similar interests taxable under section 4321.

§ 43.4321–2 *Illustrations*—(a) *Sales and transfers subject to tax.* The following transfers of stock are illustrations of transactions which are taxable, unless exempt from tax under a specific provision of the Internal Revenue Code (see sections 4322, 4341, 4342, 4343, and 4382 with respect to such exemptions):

(1) Transfer by gift.

(2) Transfer by an administrator or executor to a distributee or legatee (see, however, section 4322 (a) (4) and § 43.4322–1 (e)).

(3) Transfer to or by trustees (see, however, section 4343 (a) (8)).

(4) Transfer of an interim certificate, a voting trust certificate, or a certificate of beneficial interest in an association.

(5) Transfer from persons holding legal title as tenants in common, as joint tenants, or as tenants by the entirety, to the same persons separately to effect a partition, or from one person to two or more persons, whether or not including the transferor, as tenants in common, as joint tenants, or as tenants by the entirety (see, however, section 4343 (a) (9)).

(6) Transfer from a partnership to a successor partnership; also from a partnership to the individual members thereof upon dissolution (see, however, § 43.4352–1).

(7) Transfer to a corporation of its own stock (see, however, paragraph (b) (3) of this section).

(8) Transfer upon a merger from the name of a merging corporation of stock owned by it to the name of the continuing corporation. Similarly, upon a consolidation, a transfer from any of the consolidating corporations to the consolidated corporation (see, however, paragraphs (b) (6) and (7) of this section).

(9) In addition to the tax on the issuance of stock in connection with a merger or consolidation, where such stock is issued directly to the stockholders of the merging or consolidating corporations by the continuing or consolidated corporation (see § 43.4301–2 (a) (8) and (a) (9)), there is also a transfer tax imposed at the time of the issuance of such stock. The transfer tax is applicable to such a transaction inasmuch as there is involved the transfer to the stockholders of the merging or consolidating corporations of such corporations' right to receive the stock of the continuing or consolidated corporation.

(10) Transfer of stock to another person upon order of the purchaser; transfer of the right to receive a stock dividend already declared; issuance of stock to a person other than the subscriber; all other transfers of rights to receive stock; and all transfers of rights to subscribe for stock.

(11) Transfer by a broker to a customer of stock issued as a dividend on stock purchased for the customer by the broker and held by the broker in his own name or in the name of his nominee.

(12) Transfer of stock on the books of a domestic corporation, regardless of where the sale is made or the stock certificate is delivered.

(13) Sale or transfer within the territorial jurisdiction of the United States of stock of a foreign corporation.

(14) Transfers by operation of law (see, however, § 43.4343–1).

(b) *Sales and transfers not subject to tax.* In addition to the various exemptions prescribed in section 4382 which apply to documentary stamp taxes generally and to the specific exemptions provided in sections 4322, 4341, 4342, and

4343 and the regulations thereunder, the following are examples of transactions not subject to the tax:

(1) Transfer of stock pursuant to a sale, where the requisite stamps have been affixed to the memorandum of sale.

(2) Surrender of certificates in exchange for other certificates representing the same stock issued to the same person (see also § 43.4301–2 (b) (2)).

(3) Surrender of stock to the issuing corporation for extinguishment (see also paragraph (a) (7) of this section).

(4) Change in the registration of stock for the sole purpose of recording a change in the name of a stockholder, such as from the maiden name to the married name of a stockholder, or a change in the name of a corporation which is a stockholder.

(5) Transfer of stock to or by an insolvent bank, where such transfer is within the provisions of section 7507.

(6) In a consolidation of corporations, the surrender of stock of any of the consolidating corporations in exchange for stock of the consolidated corporation (see, however, paragraph (a) (9) of this section and § 43.4301–2 (a) (8)).

(7) In a merger of corporations, the surrender of stock of both the merging and the continuing corporations in exchange for stock of the continuing corporation (see, however, paragraph (a) (9) of this section and § 43.4301–2 (a) (9)).

(8) Deliveries of stock to or by a clearing house for the sole purpose of clearing or adjusting accounts of its members.

(9) Transfer of stock pursuant to a call, since a "call" is an agreement to sell stock and taxable as such. However, a person making such nontaxable transfer shall furnish and attach to the certificate a statement in substantially the following form:

It is hereby certified that the transfer of _____ shares of the within stock to _____ has been made pursuant to a "call", and that the requisite Federal documentary stamps for the transaction are affixed to such "call", which is in the possession of the undersigned.

_____
Signature

(10) The mere delivery of a certificate of stock by a customer to his broker solely for the purpose of enabling such broker to sell the stock for the customer, where the broker has no legal title or other interest in the stock.

(11) The mere delivery of a certificate of stock by a purchasing broker to his customer, if the tax was paid upon the sale of the stock to such broker and such broker has no legal title or other interest in the stock.

§ 43.4321–3 *Tax on warrants*—(a) *To subscribe for stock.* Transfers of warrants entitling the holder to subscribe for stock are taxable as transfers of rights to subscribe. For computation of the tax on transfers of rights to subscribe for stock, see § 43.4321–1 (b) (3). The issue of a warrant entitling the holder to subscribe for stock is not subject to tax, but the issue of stock upon exercise of the warrant is subject to the tax imposed by section 4301 (see § 43.4301–2 (a) (7)).

(b) *To purchase issued stock.* (1) Warrants entitling the holder to purchase issued stock are taxable upon issuance as agreements to sell stock (see definition of "sale or transfer", section 4351 (b)). The rate of tax applicable to the issue of such warrant is the rate that applies to agreements to sell the kind of stock to which the warrant relates. Thus, when the stock to be purchased under the warrant has a par value and the purchase price is less than $20 per share, the tax is 5 cents per each $100 or fraction thereof of the total par value of the stock which the holder is entitled to purchase, and if the purchase price is $20 or more per share the tax is 6 cents for each $100 or fraction thereof of the total par value. If the stock has no par value, the tax is 5 cents for each share which the holder is entitled to purchase, unless the purchase price is $20 or more per share, in which event the tax is 6 cents for each share instead of 5 cents.

(2) Transfers of warrants entitling the holder to purchase issued stock are not subject to the stamp tax since the statute does not impose a tax on sales or transfers of agreements to sell stock. If the transfer tax is paid upon the issuance of a warrant as an agreement to sell stock, no additional transfer tax is incurred upon the subsequent transfer of the stock pursuant to the exercise of the warrant. However, the person making such exempt transfer of stock shall furnish and attach to the certificate a statement in substantially the following form:

It is hereby certified that the transfer of the attached certificate for _____
(number of shares and description of stock)
to _____ is made pursuant to the exercise of a warrant which is in the possession of the undersigned, and that the requisite stamps due upon the issuance of such warrant have been affixed thereto.
(name of transferee)

_____
Signature

§ 43.4321–4 *Requirement of memoranda of agreements to sell, etc.* Every person who makes an agreement to sell stock, or who, by sale or otherwise, transfers title to stock by delivery of certificates assigned in blank, shall, as a part of such transaction, promptly make and deliver to the buyer, or transferee, a bill or memorandum of such agreement to sell, sale, or transfer, duly signed by the seller, or transferor, or his agent, to which the requisite stamps shall be affixed and cancelled. Such bill or memorandum shall show the date of the transaction, the names of the parties thereto, the description and number of shares of stock, the tax paid on the transaction, and, where a sale is involved, the sale price. (See § 43.6001–2, contained in Subpart J of this part.)

§ 43.4321–5 *Records of sales and transfers of stock.* For recordkeeping requirements, see § 43.6001–1, contained in subpart J of this part.

§ 43.4321–6 *Registration of brokers, exchanges, nominees, etc.* For provisions with respect to registration of brokers, exchanges, nominees, etc., see § 43.6001–4, contained in Subpart J of this part.

§ 43.4321–7 *Rules applicable to clearing houses.* For rules applicable to clearing houses, see § 43.6001–2, contained in Subpart J of this part.

§ 43.4322 *Statutory provisions; exemptions.*

SEC. 4322. *Exemptions*—(a) *Exemptions for certain transfers.* The tax imposed by section 4321 shall not apply to any delivery or transfer of shares, certificates, or rights—

(1) *Loans.* To a borrower as a loan of such shares, certificates, or rights, or to the lender as a return of such loans;

(2) *Brokers.* To a broker or his registered nominee for sale of such shares, certificates, or rights; by a broker or his registered nominee to a customer for whom and upon whose order the broker has purchased same; or by a purchasing broker to his registered nominee to be held by such nominee for the same purpose as if held by the broker;

(3) *Corporations.* From a corporation to a registered nominee of such corporation, or from one such nominee to another such nominee, provided that in each instance such shares, certificates, or rights are to be held by the nominee for the same purpose as if retained by the corporation; or from such nominee to such corporation; or

(4) *Worthless stock.* By an executor or administrator to a legatee, heir, or distributee, if it is shown to the satisfaction of the Secretary or his delegate that the value of such shares, certificates, or rights is not greater than the amount of the tax that would otherwise be imposed on such delivery or transfer.

(b) *Other exemptions.* For other exemptions, see sections 4341 to 4343, inclusive, and section 4382.

§ 43.4322–1 *Exemptions*—(a) *Loan of stock and return of stock loaned.* A mere loan of stock or the return of stock loaned is exempt from the tax imposed by section 4321 if the loan or return is accompanied by an exemption certificate in substantially the form prescribed in § 43.4344–1.

(b) *Transfer from customer to broker.* (1) If stock is transferred to the name of a broker, or to the name of a broker's registered nominee, solely for the purpose of enabling such broker to sell the stock for the customer, the transfer is exempt from tax provided the broker furnishes at the time of transfer or delivery an exemption certificate in substantially the form prescribed in § 43.4344–1. For provisions relating to the registration of nominees, see § 43.6001–4 (b), contained in Subpart J of this part.

(2) A transfer to the name of a selling agent other than a broker, as, for example, a bank, whether the sale be made by the agent direct or through a broker for the agent's account, is subject to tax, since the exemption applies only to deliveries and transfers to brokers (but see § 43.4342–1 (b)). However, liability is not incurred by the mere delivery of a certificate of stock to an agent who obtains no legal title or other interest in the stock.

(c) *Transfer from broker to customer.* (1) If stock is transferred to the name of a purchasing broker or his registered nominee who holds the stock for the same purchase as if held by the broker and tax on such transfer is paid, transfer may thereafter be made to the name of the purchaser (for whom and upon whose order the broker has purchased

such stock) without payment of tax. If the tax was paid upon the transfer to the name of the purchasing broker, transfer may be made to the name of his registered nominee and from such nominee to the name of the purchaser without payment of tax. However, no exemption will be allowed under this paragraph unless the broker furnishes at the time of transfer or delivery an exemption certificate in substantially the form prescribed in § 43.4344–1. For provisions relating to the registration of nominees, see § 43.6001–4 (b), contained in Subpart J of this part.

(2) Delivery to, or transfer to the name of, the customer may not be made tax-free in any case in which the stock was transferred from the seller to the broker or his registered nominee without payment of the tax, since the law requires that the tax shall be paid on the transfer or transfers between the actual seller and actual buyer. A transfer from the name of a purchasing agent other than a broker, as, for example, a bank, whether the purchase be made direct or through a broker for the agent's account, is subject to tax, since the exemption applies only to deliveries and transfers from brokers (but see § 43.4342–1 (b)). However, liability is not incurred by the mere delivery to the principal of a certificate of stock by an agent having no legal title or other interest in the stock, or by a broker for the account of such agent.

(d) *Transfers between corporations and nominees.* The tax does not apply to the delivery or transfer of stock from a corporation to a registered nominee of such corporation, or from one such nominee to another such nominee, if in either case the shares or certificates continue to be held by such nominee for the same purpose for which they would be held if retained by such corporation; or from such nominee to such corporation. No exemption is granted unless the nominee is registered in the manner provided in § 43.6001–4 (b), contained in Subpart J of this part. Nor shall the exemption be granted in any case unless the delivery or transfer is accompanied by an exemption certificate, executed by the person making the exempt transfer, in substantially the form prescribed in § 43.4344–1.

(e) *Transfers of worthless securities by executors, etc.* The tax does not apply to deliveries or transfers of stock by an executor or administrator to a legatee, heir, or distributee, if it is shown to the satisfaction of the district director that the value of the stock so delivered or transferred is not greater than the amount of the tax that would otherwise be imposed on such delivery or transfer.

§ 43.4323 *Statutory provisions; affixing of stamps.*

SEC. 4323. *Affixing of stamps*—(a) *Books of the corporation.* The stamps representing the tax imposed by section 4321 shall be affixed to the books of the corporation in case of sale where the evidence of transfer is shown only by the books of the corporation.

(b) *Other evidences of sale or transfer.* For provisions applicable to the affixing of stamps in cases of sale or transfer shown otherwise than only by the books of the corporation, see section 4353.

§ 43.4323–1 *Affixing of stamps.* (a) Only documentary stamps shall be used in payment of the tax imposed by section 4321. In the case of a sale or transfer evidenced only by the books of the corporation or other organization, the requisite stamps shall be affixed to such books. In the case of a sale or transfer evidenced otherwise than only by the books of the corporation or other organization, see section 4353 and § 43.4353–1 (a) for provisions relating to the affixing of the requisite stamps. See also §§ 43.6804–1 and 43.6904–2, contained in Subpart J of this part, for the appropriate use, denominations, and cancellation of such stamps.

(b) Documentary stamps may be purchased, and requisitions for the purchase of such stamps may be obtained, only from the sources and in the manner provided in § 43.6802–1, contained in Subpart J of this part. For provisions relating to distribution, supply, and redemption of stamps, see sections 6801, 6802 (§ 43.6802), and 6805 (§ 43.6805), and the regulations thereunder contained in the Regulations on Procedure and Administration (26 CFR Part 301).

§ 43.4324 *Statutory provisions; cross references.*

SEC. 4324. *Cross references.* For definitions, penalties, and other general and administrative provisions applicable to this part, see sections 4344, 4351, 4352, 4381, and 4383, and subtitle F.

§ 43.4324–1 *Cross references.* (a) For definitions, see section 4351 and § 43.4351–1, section 4381 and §§ 43.4381–1 and 43.4381–2, and section 7701 (§ 43.7701).

(b) For penalties, see section 7271 and § 43.7271–1.

(c) For other general and administrative provisions, see section 4344 and § 43.4344–1, section 4352 and § 43.4352–1, section 4383 and § 43.4383–1, Subpart J of this part, and the applicable sections of the Regulations on Procedure and Administration (26 CFR Part 301).

SUBPART E—TAX ON SALES OR TRANSFERS OF CERTIFICATES OF INDEBTEDNESS

§ 43.4331 *Statutory provisions; imposition of tax.*

SEC. 4331. *Imposition of tax.* There shall be imposed a tax on each sale or transfer of any certificates of indebtedness, issued by a corporation, at the rate of 5 cents on each $100 or fraction thereof of the face value.

§ 43.4331–1 *Imposition of tax*—(a) *Scope of tax.* Section 4331 imposes a tax on each sale or transfer (as defined in section 4351 (b)) within the territorial jurisdiction of the United States of certificates of indebtedness. See section 4381 (a) and § 43.4381–1 for definition of the term "certificates of indebtedness". The tax attaches at the time of making the sale or transfer, regardless of the time or manner of delivery of the certificate or agreement or memorandum of sale. As to sales or transfers of warrants to subscribe for or purchase certificates of indebtedness, see § 43.4331–3. For requirements of maintenance of records and memoranda of such sales or transfers, see §§ 43.4331–4 and 43.4331–5. See § 43.4352 for the computation of the tax imposed on the transfer of an interest in a partnership owning certificates of indebtedness.

(b) *Rate and computation of tax.* (1) Where by sale or otherwise certificates of indebtedness of the same issue of a single corporation are transferred by a single transferor to a single transferee, the tax is 5 cents on each $100 of face value, or fraction thereof, of the aggregate face value of all the certificates. Where there are two or more transferors or two or more transferees, or where in a single transaction transfer is made of certificates of two or more corporations or of two or more classes issued by a single corporation, a separate tax computation must be made with respect to each transferor and each transferee, and with respect to the certificates of each corporation and of the certificates of each class issued by a single corporation. The foregoing rule may be illustrated by the following examples:

Example (1). M, owning 25 class A bonds of the X Corporation and 25 class B bonds of the same corporation, and 50 class A bonds of the Y Corporation, transfers all the bonds to N. In this situation there are three taxable transfers, and a separate tax computation must be made with respect to the aggregate face value of the bonds involved in each.

Example (2). M, owning 100 class A bonds of the X Corporation, sells 50 bonds to N and 50 bonds to O. In this situation, there are two sales of 50 bonds each, and the tax is measured by the aggregate face value of the bonds sold to each purchaser.

Example (3). A husband and wife, each owning $50,000 face amount of class A bonds of the X Corporation, simultaneously give their bonds to their son. In this situation, there are two gifts, and a separate computation must be made with respect to the aggregate face value of the bonds included in each gift.

(2) The separate tax computation required will result in a difference in the amount of tax only where the face value of the certificates transferred is not $100 or multiples thereof.

(c) *Affixing of stamps.* (1) Only documentary stamps shall be used in payment of the tax imposed by section 4331. For provisions relating to the affixing of the requisite stamps in case of a sale or transfer of certificates of indebtedness, see section 4353 and § 43.4353–1 (b). See also §§ 43.6804–1 and 43.6804–2, contained in subpart J of this part, for the appropriate use, denominations, and cancellation of such stamps.

(2) Documentary stamps may be purchased, and requisition forms for the purchase of such stamps may be obtained, only from the sources and in the manner provided in § 43.6802–1, contained in subpart J of this part. For provisions relating to distribution, supply, and redemption of stamps, see sections 6801, 6802 (§ 43.6802), 6805 (§ 43.6805), and the regulations thereunder contained in the Regulations on Procedure and Administration (26 CFR Part 301).

§ 43.4331–2 *Illustrations*—(a) *Sales and transfers subject to tax.* The tax on sales or transfers of certificates of indebtedness imposed by section 4331 is similar in scope to the tax on stock transfers imposed by section 4321. Accordingly, the various examples set forth in § 43.4321–2 (a) of sales and transfers of stocks subject to the stock transfer tax apply, with certain exceptions, to sales and transfers of certificates of indebtedness unless such sales and transfers of certificates of indebtedness are exempt from tax under a specific provision of the Internal Revenue Code (see sections 4332, 4341, 4342, 4343, and 4382 with respect to such exemptions). These exceptions are the examples stated in subparagraphs (9) and (10) of § 43.4321–2 (a). In addition, loans of certificates of indebtedness including intra-office borrowings and the return of certificates loaned are subject to the tax imposed under section 4331.

(b) *Sales and transfers not subject to tax.* In addition to the various exemptions prescribed in section 4382 which apply to documentary stamps taxes generally and to the specific exemptions provided in sections 4332, 4341, 4342, and 4343 and the regulations thereunder, the examples set forth in § 43.4321–2 (b) of sales and transfers of stocks not subject to the stock transfer tax illustrate sales and transfers of certificates if indebtedness which are not subject to the tax imposed by section 4331.

§ 43.4331–3 *Tax on warrants.*—(a) *To subscribe for certificates of indebtedness.* Warrants entitling the holder to subscribe for unissued certificates of indebtedness are not subject to tax under section 4331.

(b) *To purchase issued certificates of indebtedness.* Warrants entitling the holder to purchase issued certificates of indebtedness are, upon issuance, subject to tax under section 4331, as agreements to sell certificates. Subsequent transfers of such warrants are not subject to the transfer tax since the statute does not impose a tax upon transfers of agreements to sell certificates of indebtedness. For rate and computation of tax, see § 43.4331–1 (b). If the transfer tax is paid upon issuance of a warrant, the subsequent transfer of the certificate pursuant to the exercise of such warrant is not subject to the transfer tax. However, the person transferring the certificate shall furnish and attach thereto a statement substantially as follows:

It is hereby certified that the transfer of the attached certificates of indebtedness, ---------- to
(description and face value of certificates)
----------, is
(name of transferee)
made pursuant to the exercise of a warrant which is in the possession of the undersigned, and that the requisite stamps due upon the issuance of such warrant have been affixed thereto.

(Signature)

§ 43.4331–4 *Requirement of memoranda of agreements to sell, etc.* Every person who makes an agreement to sell certificates of indebtedness, or who, by sale or otherwise, transfers title to certificates by delivery, including a person who lends certificates or returns certificates which have been borrowed, shall, as a part of the transaction, promptly make and deliver to the buyer, transferee, borrower, or lender, a bill or memorandum of such agreement to sell, transfer, loan, or return, duly signed by the seller, or transferer, or lender, or borrower, or his agent, to which the requisite stamps shall be affixed and canceled. Such bill or memorandum shall show the date of the transaction, the names of the parties thereto, and description and number of the certificates, and the tax paid on the transaction. No more than one stamped bill or memorandum shall be required in respect of any single transaction. (See § 43.6001–2, contained in subpart J of this part, relative to rules applicable to clearing houses.)

§ 43.4331–5 *Records of sales and transfers of certificates of indebtedness.* The provisions of § 43.6001–1, contained in subpart J of this part, relative to records of sales and transfers of stock are also applicable to sales and transfers of certificates of indebtedness, except that the records of sales of certificates of indebtedness need not show the sales prices, since the selling price is immaterial for purposes of the tax imposed by section 4331.

§ 43.4331–6 *Registration of brokers, exchanges, and nominees.* The provisions of § 43.6001–4, contained in subpart J of this part, relative to registration requirements in connection with transactions involving stock are also applicable to transactions involving certificates of indebtedness.

§ 43.4331–7 *Rules applicable to clearing houses.* The provisions of § 43.6001–2, contained in subpart J of this part, containing rules applicable to clearing houses where stock transactions are involved are also applicable with respect to transactions involving certificates of indebtedness.

§ 43.4332 *Statutory provisions; exemptions.*

SEC. 4332. *Exemptions*—(a) *Brokers.* The tax imposed by section 4331 shall not apply to any delivery or transfer to a broker for sale, nor upon any delivery or transfer by a broker to a customer for whom and upon whose order he has purchased same.

(b) *Installment purchase of obligations.* The tax imposed by section 4331 shall not apply to any instrument under the terms of which the obligee is required to make payment therefor in installments and is not permitted to make in any year a payment of more than 20 percent of the cash amount to which entitled upon maturity of the instrument.

(c) *Other exemptions.* For other exemptions, see section 4341 to 4343, inclusive, and section 4382.

[Sec. 4332 as amended by Act of Jan. 28, 1956, 70 Stat. 9, effective as of January 1, 1955]

§ 43.4332–1 *Exemptions*—(a) *Transfers to or from brokers.* The rules stated in § 43.4322–1 (b) and (c) with respect to the exemption of transfers to or by brokers from the tax imposed by section 4321 also apply with respect to the tax imposed by section 4331.

(b) *Other exemptions.* For other exemptions with respect to the tax imposed on sales or transfers of certificates of indebtedness, see sections 4341, 4342, 4343, and 4382 and the regulations thereunder.

§ 43.4333 *Statutory provisions; cross references.*

SEC. 4333. *Cross references.* For definitions, penalties, and other general and administrative provisions applicable to this part, see sections 4344, 4381, and 4383; sections 4351 to 4353, inclusive; and subtitle F.

§ 43.4333–1 *Cross references.* (a) For definitions, see section 4351 and § 43.4351–1, section 4381 and §§ 43.4381–1 and 43.4381–2, and section 7701 (§ 43.7701).

(b) For penalties, see section 7271 and § 43.7271–1.

(c) For other general and administrative provisions, see section 4344 and § 43.4344–1, section 4352 and § 43.4352–1, section 4353 and § 43.4353–1, section 4383 and § 43.4383–1, subpart J of this part, and the applicable sections of the Regulations on Procedure and Administration (26 CFR Part 301).

SUBPART F—PROVISIONS COMMON TO SALES OR TRANSFERS OF CAPITAL STOCK AND CERTIFICATES OF INDEBTEDNESS

EXEMPTIONS

§ 43.4341 *Statutory provisions; transfers as security.*

SEC. 4341. *Transfers as security.* The taxes imposed by sections 4321 and 4331 shall not apply to any delivery or transfer of any of the instruments referred to in such sections—

(1) *Collateral security.* To a lender as collateral security for money loaned thereon, provided that such collateral security is not actually sold; or

(2) *Security for performance.* To a trustee or public officer made pursuant to Federal or State law as security for the performance of an obligation, or by such trustee or public officer as a return of such security.

§ 43.4341–1 *Transfers as security*—(a) *Stock or certificates of indebtedness deposited as collateral security.* The tax imposed by section 4321 or 4331 does not apply to an agreement evidencing a deposit of certificates of stock or certificates of indebtedness as collateral security for money loaned thereon, which certificates are not actually sold, nor upon the delivery or transfer for such purpose of the certificates so deposited. The exemption applies also to transfers of stock or certificates of indebtedness to a nominee of the lender and from such nominee back to the lender, if the stock or certificates of indebtedness are at all times held as collateral security for the loan; and to the return of the stock or certificates of indebtedness to the borrower by the lender or his nominee upon payment of the loan. The exemption does not apply, however, to deposits of stock or certificates of indebtedness as collateral security made otherwise than in connection with money loaned on such stock or certificates. The person making an exempt transfer under this paragraph shall, at the time of transfer or delivery, furnish an exemption certificate in substantially the form prescribed in § 43.4344–1. If the delivery or transfer is not accompanied by the required exemption certificate the person making the delivery or transfer will be required to pay the tax imposed by sec-

tion 4321 or 4331. However, if an exemption certificate is furnished after the transfer or delivery, such person will be entitled to a refund of the tax paid upon filing a timely claim for refund.

(b) *Transfer of stock or certificates of indebtedness made pursuant to Federal or State law to secure the performance of obligations.* The tax imposed by section 4321 or section 4331 does not apply to any delivery or transfer of stock or certificates of indebtedness to a trustee or public officer, which is made pursuant to Federal or State law to secure the performance of an obligation, or to a redelivery or retransfer of such stock or certificates of indebtedness to the transferor. The exemption provided under this paragraph shall be granted only if the delivery or transfer is accompanied by an exemption certificate in substantially the form prescribed in § 43.4344–1.

§ 43.4342 *Statutory provisions; fiduciaries and custodians.*

SEC. 4342. *Fiduciaries and custodians.* The taxes imposed by sections 4321 and 4331 shall not apply to any delivery or transfer of any of the instruments referred to in such sections—

(1) *Fiduciaries.* From a fiduciary to his nominee, or from one nominee of the fiduciary to another nominee, provided that in each instance such instruments are to be held by the nominee for the same purpose as if retained by the fiduciary; or from the nominee to such fiduciary; or

(2) *Custodians.* (A) From the owner to a custodian if under a written agreement between the parties such instruments are to be held or disposed of by such custodian for, and subject at all times to the instructions of, the owner; or from such custodian to such owner;

(B) From a custodian as specified in subparagraph (A) to a registered nominee of such custodian, or from one such nominee to another such nominee, provided that in each instance such instruments are to be held by the nominee for the same purpose as if retained by the custodian; or from such nominee to such custodian.

§ 43.4342–1 *Transfers to or by fiduciaries or custodians*—(a) *Transfers between fiduciaries and their nominees.* The tax imposed by section 4321 or 4331 does not apply to deliveries or transfers of stock or certificates of indebtedness from a fiduciary to a nominee of such fiduciary, or from one nominee of such fiduciary to another, if the stock or certificates of indebtedness are to be held by such nominee for the same purpose as they would be held if retained by such fiduciary. Nor does the tax apply to deliveries or transfers from a nominee of a fiduciary to such fiduciary. The exemption provided under this paragraph shall be granted only if the delivery or transfer is accompanied by an exemption certificate in substantially the form prescribed in § 43.4344–1.

(b) *Transfers to or by a custodian.* (1) The tax imposed by section 4321 or 4331 does not apply to the delivery or transfer of stock or certificates of indebtedness from the owner thereof to a custodian if, under a written agreement between the owner and the custodian, the instruments so delivered or transferred are to be held or disposed of by such custodian for, and subject at all times to the instructions of, the owner; or to the delivery or transfer of stock or certificates of indebtedness from such custodian to such owner.

(2) The tax also does not apply to the delivery or transfer of stock or certificates of indebtedness from a custodian specified in subparagraph (1) of this paragraph to a registered nominee of such custodian, or from the owner direct to such registered nominee, or from one such nominee to another such nominee, if the stock or certificates of indebtedness are to be held by the nominee for the same purpose as they would be held if retained by such custodian. Nor does the tax apply to deliveries or transfers from a nominee of a custodian to such custodian or to the owner. No exemption is granted unless the nominee is registered in the manner provided in § 43.6001–4 (b), contained in Subpart J of this part.

(3) Moreover, the tax does not apply to the delivery or transfer of stock or certificates of indebtedness from a custodian of the owner to another custodian of the owner or from a registered nominee of the first custodian to the second custodian or to the registered nominee of the latter, if the transfer would have been exempt under subparagraph (1) or (2) of this paragraph if made by the owner direct to the second custodian or to the registered nominee of the latter.

(4) For purposes of this paragraph, a custodian is a person to whom stock or certificates of indebtedness are delivered or transferred to be held or disposed of by such person for, and subject at all times to the instructions of, the owner and not otherwise. The term "custodian", as used in this paragraph, does not include a trustee. A custodian is to be distinguished from a nominee who merely lends his name and usually does not retain possession of the securities registered in his name.

(5) The exemption provided under this paragraph shall be granted only if the delivery or transfer is accompanied by an exemption certificate in substantially the form prescribed in § 43.4344–1.

§ 43.4343 *Statutory provisions; transfers by operation of law.*

SEC. 4343. *Transfers by operation of law*—(a) *Exempt transfers.* The taxes imposed by sections 4321 and 4331 shall not apply to any delivery or transfer of any of the instruments referred to in such sections—

(1) *Decedents.* From a decedent to his executor or administrator;

(2) *Minors.* From a minor to his guardian, or from a guardian to his ward upon attaining majority;

(3) *Incompetents.* From an incompetent to his committee or similar legal representative, or from a committee or similar legal representative to a former incompetent upon removal of disability;

(4) *Financial institutions.* From a bank, trust company, financial institution, insurance company, or other similar entity, or nominee, custodian, or trustee therefor, to a public officer or commission, or person designated by such officer or commission or by a court, in the taking over of its assets, in whole or part, under Federal or State law regulating or supervising such institutions, nor upon redelivery or retransfer by any such transferee or successor thereto;

(5) *Bankrupts.* From a bankrupt or person in receivership due to insolvency to the trustee in bankruptcy or receiver, from such receiver to such trustee, or from such trustee to such receiver, nor upon redelivery or retransfer by any such transferee or successor thereto;

(6) *Successors.* From a transferee under paragraphs (1) to (5), inclusive, to his successor, acting in the same capacity, or from one such successor to another;

(7) *Foreign governments and aliens.* From a foreign country or national thereof to the United States or any agency thereof, or to the government of any foreign country, directed pursuant to the authority vested in the President by section 5 (b) of the Trading With the Enemy Act (40 Stat. 411), as amended by the First War Powers Act, 1941 (55 Stat. 838; 50 U. S. C. App. 5);

(8) *Trustees.* From trustees to surviving, substituted, succeeding, or additional trustees of the same trust; or

(9) *Survivors.* Upon the death of a joint tenant or tenant by the entireties, to the survivor or survivors.

(b) *Nonexempt transfers.* No delivery or transfer shall be exempt because effected by operation of law unless an exemption is otherwise specifically provided.

§ 43.4343–1 *Transfers by operation of law.* No delivery or transfer shall be exempt from the tax imposed by section 4321 or 4331 because effected by operation of law unless an exemption is otherwise specifically provided. Each of the transfers specified in section 4343 (a) is exempt from tax, but only if the delivery or transfer is accompanied by an exemption certificate as provided in § 43.4344–1.

§ 43.4344 *Statutory provisions; exemption certificates.*

SEC. 4344. *Exemption certificates.* No exemption shall be granted under section 4322 (a) (1), (2), or (3), section 4332 (a), section 4341 (2), section 4342, or under section 4343 (a) unless the delivery or transfer is accompanied by a certificate setting forth such facts as the Secretary or his delegate may by regulations prescribe.

§ 43.4344–1 *Exemption certificates.* No exemption shall be granted under section 4322 (a) (1), (2), or (3), section 4332 (a), section 4341 (2), section 4342, or Section 4343 (a) unless the delivery or transfer is accompanied by a certificate in substantially the following form:

It is hereby certified that the transfer of the accompanying instrument(s) is made under such circumstances as to come within one of the exemptions specified in section 4322 (a) (1), (2), or (3), 4332 (a), 4341 (2), 4342, or 4343 (a) of the Internal Revenue Code, and that the evidence in proof of the exemption is maintained by the undersigned and is available for inspection by internal revenue officers.

(Signature)

§ 43.4345 *Statutory provisions; cross references.*

SEC. 4345. *Cross references.* For other exemptions, see sections 4322, 4332, and 4382.

MISCELLANEOUS PROVISIONS

§ 43.4351 *Statutory provisions; definitions.*

SEC. 4351. *Definitions*—(a) *Registered nominee.* For the purpose of this subchapter, the term "registered nominee" means any person registered with the official in charge of the collection district in accordance with such regulations as the Secretary or his delegate shall prescribe.

(b) *Sale or transfer.* For the purpose of this subchapter, the term "sale or transfer" means any sale, agreement to sell, memorandum of sale or delivery, or transfer of legal title, whether or not shown by the books of the corporation or other organization (or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale); and whether or not the holder acquires a beneficial interest in the instruments.

§ 43.4351–1 *Definitions*—(a) *Registered nominee.* For purposes of the regulations in this part, the term "registered nominee" means any person registered as such in accordance with § 43.6001–4 (b), contained in Subpart J of this part.

(b) *Sale or transfer.* For purposes of the regulations in this part, the term "sale or transfer" includes sales of, agreements to sell, or memoranda of sales of, stock or certificates of indebtedness; deliveries of stock or certificates of indebtedness with intent to pass title; transfers of legal title to stock or certificates of indebtedness; transfers of rights to subscribe for stock; and transfers of rights to receive stock. The tax imposed by section 4321 and by section 4331 applies to the specified dealings or transactions in stock or certificates of indebtedness, whether effected by any assignment in blank, or by any delivery, or by any paper, agreement, memorandum or other evidence of transfer or sale (and in the case of stock, whether made before, after, or without the issuance of a certificate and whether made upon or shown by the books of the corporation or other organization), and without regard to whether the holder or transferee of the stock or certificate of indebtedness (or specified right in the case of stock) is entitled to any beneficial interest therein. For definition of the term "agreement to sell", see § 43.4381–2 (a).

§ 43.4352 *Statutory provisions; stock or certificates of indebtedness owned by a partnership.*

SEC. 4352. *Stock or certificates of indebtedness owned by a partnership.* In the case of a transfer of an interest in a partnership owning any of the instruments referred to in sections 4321 and 4331, the tax imposed by each of such sections shall be that proportion of the tax computed on the transfer of all of the instruments taxable under each of such sections that—

(1) The interest in the partnership transferred bears to

(2) The total interests in the partnership of all the partners.

§ 43.4352–1 *Transfer of an interest in a partnership.* (a) The tax imposed by section 4321 and by section 4331 on a transfer of an interest in a partnership, owning stock or certificates of indebtedness, is an amount equal to that proportion of each such tax computed on the transfer of all such stock and certificates of indebtedness owned by the partnership that the interest in the partnership transferred bears to the total interests in the partnership of all the partners.

(b) A tax is payable on the transfer by one or more of the partners of his or their interest or interests, either in whole or in part, in the partnership, to one or more of the remaining partners or to one or more new partners admitted to the partnership. However, any change in the partnership accounts, resulting from periodic or varying withdrawals of earnings, does not constitute a transfer of an interest in a partnership and no tax is payable as the result of such a change.

§ 43.4353 *Statutory provisions; affixing of stamps.*

SEC. 4353. *Affixing of stamps.* The stamps representing the taxes imposed by section 4321 and section 4331 shall be affixed to—

(1) *Instrument.* The instrument where the change of ownership is by transfer of the instrument;

(2) *Bill or memorandum of sale.* The bill or memorandum of sale in cases of an agreement to sell or where the transfer is by delivery of the instrument assigned in blank; such bill or memorandum of sale shall be made and delivered by the seller to the buyer, and shall show the date thereof, the name of the seller, the amount of the sale, and the instrument to which it refers.

§ 43.4353–1 *Affixing of stamps*—(a) *Stock.* (1) In cases of agreements to sell stock and transfers of title thereto by delivery of certificates assigned in blank, the stamps shall be fixed to the memoranda of such transactions (see § 43.4321–4).

(2) In all cases where the change of ownership of the stock is by transfer or delivery under special endorsement, i. e., by insertion of the name of the transferee in the endorsement or power of attorney on the back of the certificate, the stamps shall be affixed to the certificate, whether or not the change of ownership results from a sale.

(3) In all cases where the evidence of sale or transfer is shown only by the books of the corporation or other organization, the stamps shall be affixed to such books (see section 4323).

(b) *Certificates of indebtedness.* (1) In cases of agreements to sell certificates of indebtedness and transfers of title thereto, including loans, by delivery of certificates assigned in blank, the stamps shall be affixed to the memoranda of such transactions (see §43.4331–4).

(2) In all cases where the change of ownership of the certificate of indebtedness is by transfer or delivery under special endorsement, i. e., by insertion of the name of the transferee in the endorsement on the back of the certificate, the stamps shall be affixed to the certificate, whether or not the change of ownership results from a sale.

(c) *In general.* In no event shall any corporation or transfer agent transfer any shares, certificates of stock, or certificates of indebtedness unless stamps for the transfer tax due has been properly affixed and canceled as required by the regulations in this part.

§ 43.4354 *Statutory provisions; cross references.*

SEC. 4354. *Cross references.* For penalties and other general and administrative provisions applicable to this subchapter, see section 4383 and subtitle F.

§ 43.4354–1 *Cross references.* (a) For definitions, see section 4381, §§ 43.4381–1 and 43.4381–2, and section 7701 (§ 43.7701).

(b) For penalties see section 7271 and § 43.7271–1.

(c) For other general and administrative provisions, see section 4383, § 43.4383–1, Subpart J of this part, and the applicable sections of the Regulations on Procedure and Administration (26 CFR Part 301).

SUBPART G—TAX ON CONVEYANCES

§ 43.4361 *Statutory provisions; imposition of tax.*

SEC. 4361. *Imposition of tax.* There shall be imposed a tax on each deed, instrument, or writing (unless deposited in escrow before April 1, 1932), whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his, her, or their direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds $100 and does not exceed $500, in the amount of 55 cents; and at the rate of 55 cents for each additional $500 or fractional part thereof.

§ 43.4361–1 *Imposition of tax*—(a) *Scope of tax.* (1) Section 4361 imposes a tax upon deeds, instruments, or other writings, whereby realty sold is granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or, at his direction, any other person, when the consideration for, or value of, the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds $100.

(2) The tax is limited to conveyances of realty sold and does not apply to other conveyances (see § 43.4361–2 (b)). The tax attaches at the time the deed or other instrument of conveyance is delivered, irrespective of the time when the sale is made. Deeds deposited in escrow become subject to the tax upon delivery to the grantee. A conveyance of realty subject to an equity of redemption is taxable when made, not when the time for redemption expires.

(3) For purposes of the tax imposed by section 4361, the determination of what constitutes "realty" is not controlled by the definition or scope of that term under State law. State law determines the character of the rights conveyed by an instrument, but whether such conveyance constitutes a conveyance of "realty" is to be determined under Federal law.

(4) For purposes of the regulations in this part—

(i) The term "realty" includes—

(a) Those interests in real property which endure for a period of time, the termination of which is not fixed or ascertained by a specific number of years, such as an estate in fee simple, life estate, etc., and

(b) Those interests enduring for a fixed period of years but which, either by reason of the length of the term or the grant of a right to extend the term by renewal or otherwise, consist of a bundle of rights approximating those of the class of interests mentioned in subdivision (i) (a) of this subparagraph.

(ii) The term "sold" imports a transfer of an interest for a valuable consideration, which may involve money or anything of value.

(iii) The term "deed" includes any instrument or writing whereby realty is assigned, transferred, or otherwise con-

veyed to, or vested in, the purchaser, or at his direction, any other person.

(b) *Rate and computation of tax.* The rate of tax is 55 cents on each $500 or fractional part thereof of the net consideration paid for, or the net value of, the realty conveyed, that is, the gross consideration or gross value less, in either case, the amount of all liens or encumbrances on the realty existing before the sale and not removed thereby. The tax is based upon the net consideration where it is definite in amount, or may be definitely determined. The tax is based upon net value where the amount of the consideration is indefinite, or is left open to be fixed by future contingencies. In determining the amount of the net consideration for, or net value of, the realty conveyed, only the amount of the liens and encumbrances on the property existing before the sale and not removed thereby may be deducted. Thus, for example, taxes or assessments which are liens on the property before the sale and are not paid at the time of sale are deductible. No deduction shall be made on account of any lien or encumbrance placed upon the property in connection with the sale, or by reason of deferred payments of the purchase price whether represented by notes or otherwise.

§ 43.4361–2 *Illustrations*—(a) *Conveyances subject to tax.* The following are examples of conveyances subject to the tax:

(1) A conveyance of realty in exchange for other property; also the conveyance of the other property, if it is realty.

(2) A conveyance of realty in consideration of life maintenance. The tax is computed on the net value of the realty conveyed.

(3) A conveyance by a defaulting mortgagor to the mortgagee in consideration of the cancellation of the mortgage debt. The tax is computed on the amount of the unpaid mortgage debt plus unpaid accrued interest.

(4) Deeds given by masters in chancery, sheriffs, clerks of court, etc., for realty sold under foreclosure or execution. The tax is computed on the amount bid for the property plus the costs if paid by the purchaser, whether the purchaser is the mortgagee, judgment creditor, or any other person.

(5) A conveyance of realty by a judgment or decree in a condemnation proceeding under the power of eminent domain, or a conveyance of such property under threat or imminence of such proceeding.

(6) Conveyances to or by building and loan associations. However, the tax does not apply to a conveyance of realty to a building and loan association for the purpose of securing a loan thereon, nor to the reconveyance of the realty to its owner as part of the loan transaction.

(7) A conveyance of realty to a corporation in exchange for shares of its capital stock.

(8) A conveyance of realty by a corporation in liquidation or in dissolution to its shareholders subject to the debts of the corporation; however, if there are no corporate debts and the conveyance is made solely for the cancellation and retirement of the capital stock, the tax does not apply.

(9) Deeds to standing timber and to mines. (For definition of the term "deed", see § 43.4361–1 (a) (4) (iii).)

(10) In jurisdictions where common-law dower still exists, an instrument conveying the estate acquired by a widow upon assignment of dower. However, an instrument purporting to convey the inchoate right of dower of a wife, or the consummate right of dower of a widow prior to assignment of dower, is not subject to the tax. Where by statute dower has been abolished and in lieu thereof a different interest in the husband's real property conferred upon the wife, the taxability of an instrument purporting to convey such interest prior to its assignment must be determined by the nature of the wife's interest as fixed by the statutes and decisions of the jurisdiction in which the real estate is located.

(11) A conveyance of real estate sold to or by the United States of America (see, however, § 43.4383–1).

(12) A conveyance of realty by a partner to the partnership as a contribution of partnership assets.

(b) *Conveyances not subject to tax.* In addition to the various exemptions prescribed in sections 4362 and 4382 and in the Bankruptcy Act as amended, the following are examples of conveyances not subject to tax:

(1) The reconveyance of realty, conveyed to secure a debt, upon payment of such debt.

(2) Conveyances of realty without consideration and otherwise than in connection with a sale, including a deed conveying realty as a bona fide gift, although the deed may recite a consideration for the transfer, such as "natural love and affection and $1", "desire to promote public welfare and $1", or "$1 and other valuable consideration"; a gift of realty by a husband to his wife accomplished through the conveyance of the property for an ostensible consideration to a "straw man" who immediately reconveys the property to the wife; and a deed to or by a trustee not pursuant to a sale.

(3) A deed to confirm title already vested in the grantee, such as a quitclaim deed to correct a flaw in title.

(4) A deed given by an executor in accordance with the terms of the will; however, if, by reason of a consideration passing between devisees, one of them takes a greater share in the realty than that to which he is entitled under the will, the deed given by the executor to convey such greater share is subject to a tax computed upon the amount of such consideration.

(5) A deed from an agent to his principal conveying real estate purchased for and with funds of the principal.

(6) An option for the purchase of real property or a contract for the sale of real property, if the contract does not vest legal title.

(7) Partition deeds, unless, for consideration, some of the parties take shares greater in value than their undivided interests, in which event a tax attaches to each deed conveying such greater share computed upon the consideration for the excess.

(8) Ordinary leases of real property for a definite term of years (see, however, § 43.4361–1 (a) (4) (i)).

(9) A deed executed by a debtor conveying property to a trustee for the benefit of his creditors; however, when the trustee conveys such property to a creditor or sells it to any other person, the deed executed by him is taxable.

(10) Conveyance to a receiver of realty included in the receivership assets, and reconveyance of such realty upon termination of the receivership.

(11) A deed conveying real estate situated in a foreign country.

(12) Transfer of real estate in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation.

§ 43.4361–3 *Affixing of stamps.* (a) Only documentary stamps shall be used in payment of the tax imposed by section 4361. The requisite stamps shall be affixed to the deed, instrument, or other writing by which the realty is conveyed. See §§ 43.6804–1 and 43.6804–2, contained in Subpart J of this part, for the appropriate use, denominations, and cancellation of such stamps.

(b) Documentary stamps may be purchased, and requisition forms for the purchase of such stamps may be obtained, only from the sources and in the manner provided in § 43.6802–1, contained in Subpart J of this part. For provisions relating to distribution, supply, and redemption of stamps, see sections 6801, 6802 (§ 43.6802), 6806 (§ 43.6805), and the regulations thereunder contained in the Regulations on Procedure and Administration (26 CFR Part 301).

§ 43.4362 *Statutory provisions; exemptions.*

SEC. 4362. *Exemptions*—(a) *Security for debt.* The tax imposed by section 4361 shall not apply to any instrument or writing given to secure a debt.

(b) *Other exemptions.* For other exemptions, see section 4382.

§ 43.4362–1 *Exemptions.* Section 4362 expressly exempts from the tax imposed by section 4361 any instrument or writing, such as a mortgage or a deed of trust, given to secure a debt.

§ 43.4363 *Statutory provisions; cross references.*

SEC. 4363. *Cross references.* For penalties and other general and administrative provisions applicable to this subchapter, see section 4383 and Subtitle F.

§ 43.4363–1 *Cross references.* (a) For definitions, see section 4381, §§ 43.4381–1 and 43.4381–2, and section 7701 (§ 43.7701).

(b) For penalties, see section 7271 and § 43.7271–1.

(c) For other general and administrative provisions, see section 4383, § 43.4383–1, Subpart J of this part, and the applicable sections of the Regulations on Procedure and Administration (26 CFR Part 301).

SUBPART H—TAX ON POLICIES ISSUED BY FOREIGN INSURERS

§ 43.4371 *Statutory provisions; imposition of tax.*

SEC. 4371. *Imposition of tax.* There shall be imposed a tax on each policy of insurance, indemnity bond, annuity contract, or policy of reinsurance issued by any foreign insurer or reinsurer at the following rates:

(1) *Casualty insurance and indemnity bonds.* Four cents on each dollar, or fractional part thereof, of the premium charged on the policy of casualty insurance or the indemnity bond, if issued to or for, or in the name of, an insured as defined in section 4372 (d);

(2) *Life insurance, sickness, and accident policies, and annuity contracts.* One cent on each dollar, or fractional part thereof, of the premium charged on the policy of life, sickness, or accident insurance, or annuity contract, unless the insurer is subject to tax under section 816;

(3) *Reinsurance.* One cent on each dollar, or fractional part thereof, of the premium charged on the policy of reinsurance covering any of the contracts taxable under paragraph (1) or (2).

[Sec. 4371 as amended by Act of Mar. 13, 1956, 70 Stat. 49; effective with respect to taxable years beginning after December 31, 1954]

§ 43.4371–1 *Imposition of tax on policies issued by foreign insurers; scope of tax*—(a) *Certain insurance policies, and indemnity, fidelity, or surety bonds.* Section 4371 (1) imposes a tax upon each policy of insurance (other than those referred to in paragraph (b) of this section), upon each indemnity, fidelity, or surety bond, or upon each certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called, whereby a contract of insurance of the character involved or an obligation of the nature of an indemnity, fidelity, or surety bond is made, continued, or renewed, if issued—

(1) By a nonresident alien individual, a foreign partnership, or a foreign corporation, as insurer, and the policy or other instrument is not signed or countersigned by an officer or agent of the insurer in a State, Territory, or the District of Columbia in which such insurer is authorized to do business, or if not so signed or countersigned, the insurer is not subject to tax under section 816 (or, in the case of taxable years beginning before January 1, 1955, section 807); and

(2) To any person with respect to the life or hazards to the person of a citizen or resident of the United States.

(c) *Reinsurance.* Section 4371 (3) imposes a tax upon each policy of reinsurance, certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called, whereby a contract of reinsurance is made, continued, or renewed, if issued—

(1) By a nonresident alien individual, a foreign partnership, or a foreign corporation, as reinsurer, and the policy or other instrument is not signed or countersigned by an officer or agent of the reinsurer in a State, Territory, or the District of Columbia in which such reinsurer is authorized to do business; and

(2) To any person against, or with respect to, any of the hazards, risks, losses, or liabilities covered by contracts described in section 4371 (1) or (2).

(d) *Exempt indemnity bonds.* The tax imposed by section 4371 does not apply to any indemnity bond described in section 4373 (2).

§ 43.4371–2 *Rate and computation of tax*—(a) *Rate of tax.* (1) The tax under section 4371 (1) is imposed at the rate of 4 cents on each dollar, or fractional part thereof, of the premium charged.

(2) The tax under section 4371 (2) and (3) is imposed at the rate of 1 cent on each dollar, or fractional part thereof, of the premium charged.

(b) *Computation of tax.* The tax is measured strictly by the amount of the premium charged. The time and method of payment of the premium are immaterial; the tax liability attaches if the insurance becomes effective, even though the premium is never paid. The full rate of tax applies to each fractional part of a dollar of the premium charged. For example, upon a premium charge of $10.10, the tax at the rate of 4 cents amounts to 44 cents, and at the rate of 1 cent amounts to 11 cents.

(c) *Meaning of premium.* For purposes of the regulations in this part, the term "premium" means the agreed price or consideration for assuming and carrying the risk or obligation, and includes any additional assessment or charge which may be assessed or charged under the contract, whether payable in one sum or installments.

§ 43.4372 *Statutory provisions; definitions.*

SEC. 4372. *Definitions*—(a) *Foreign insurer or reinsurer.* For the purpose of this subchapter, the term "foreign insurer or reinsurer" means an insurer or reinsurer who is a nonresident alien individual, or a foreign partnership, or a foreign corporation. The term includes a nonresident alien individual, foreign partnership, or foreign corporation which shall become bound by an obligation of the nature of an indemnity bond.

(b) *Policy of casualty insurance.* For the purpose of section 4371 (1), the term "policy of casualty insurance" means any policy (other than life) or other instrument by whatever name called whereby a contract of insurance is made, continued, or renewed.

(c) *Indemnity bond.* For the purpose of this subchapter, the term "indemnity bond" means any instrument by whatever name called whereby an obligation of the nature of an indemnity, fidelity, or surety bond is made, continued or renewed. The term includes any bond for indemnifying any person who shall have become bound or engaged as surety, and any bond for the due execution or performance of any contract, obligation, or requirement, or the duties of any office or position, and to account for money received by virtue thereof, where a premium is charged for the execution of such bond.

(d) *Insured.* For the purpose of section 4371 (1), the term "insured" means—

(1) A domestic corporation or partnership, or an individual resident of the United States, against, or with respect to, hazards, risks, losses, or liabilities wholly or partly within the United States, or

(2) A foreign corporation, foreign partnership, or nonresident individual, engaged in a trade or business within the United States, with respect to hazards, risks, or liabilities within the United States.

(e) *Policy of life, sickness, or accident insurance, or annuity contract.* For the purpose of section 4371 (2), the term "policy of life, sickness, or accident insurance, or annuity contract" means any policy or other instrument by whatever name called whereby a contract of insurance or an annuity contract is made, continued, or renewed with respect to the life or hazards to the person of a citizen or resident of the United States.

(f) *Policy of reinsurance.* For the purpose of section 4371 (3), the term "policy of reinsurance" means any policy or other instrument by whatever name called whereby a contract of reinsurance is made, continued, or renewed against, or with respect to, any of the hazards, risks, losses, or liabilities covered by contracts taxable under paragraph (1) or (2) of section 4371.

§ 43.4373 *Statutory provisions; exemptions.*

SEC. 4373. *Exemptions.* The tax imposed by section 4371 shall not apply to—

(1) *Domestic agent.* Any policy, indemnity bond, or annuity contract signed or countersigned by an officer or agent of the insuref in a State, Territory, or District of the United States within which such insurer is authorized to do business; or

(2) *Indemnity bond.* Any indemnity bond required to be filed by any person to secure payment of any pension, allowance, allotment, relief, or insurance by the United States, or to secure a duplicate for, or the payment of, any bond, note, certificate of indebtedness, war-saving certificate, warrant or check, issued by the United States.

§ 43.4374 *Statutory provisions; affixing of stamps.*

SEC. 4374. *Affixing of stamps.* Any person to or for whom or in whose name any policy, indemnity bond, or annuity contract referred to in section 4371 is issued, or any solicitor or broker acting for or on behalf of such person in the procurement of any such instrument, shall affix the proper stamps to such instrument.

§ 43.4374–1 *Affirming of stamps*—(a) *General.* (1) Documentary stamps shall be used in payment of the tax. Requisite stamps must be affixed to the first instrument whereby the taxable contrac-

tual relationship is created, continued, or renewed, whether it be a letter of acceptance, a cablegram, or other instrument by whatever named called. Where the instrument which creates or evidences the contractual relationship is confirmed by a subsequent instrument, the latter shall bear a notation designating such prior instrument (referred to in this section as the original instrument) and showing that the requisite stamps have been affixed thereto and canceled.

(2) In any case where the amount of the premium is not definitely determined at the time of entering into the taxable contractual relationship, the stamps may be affixed to the receipts for monthly or other payments if proper notation be made upon such receipts identifying the original instruments to which they apply.

(3) The stamps shall be affixed by any person who is a party to the taxable contractual relationship, including any solicitor or broker acting for or on behalf of such person.

(b) *Subsequent instruments.* In case a subsequent instrument provides for the payment of a premium greater than that provided for in the original instrument, the subsequent instrument must have affixed thereto stamps equal to the tax imposed upon the additional premium charged and must bear a notation of the stamps affixed to the original instrument.

(c) *Affixing of stamps.* (1) Only documentary stamps shall be used in payment of the tax imposed by section 4371. See also §§ 43.6804–1 and 43.6804–2, contained in Subpart J of this part, for the appropriate use, denominations, and cancellation of such stamps.

(2) Documentary stamps may be purchased, and requisition forms for the purchase of such stamps may be obtained, only from the sources and in the manner provided in § 43.6802–1, contained in Subpart J of this part. For provisions relating to distribution, supply, and redemption of stamps, see sections 6801, 6802 (§ 43.6802), 6805 (§ 43.6805), and the regulations thereunder contained in the Regulations on Procedure and Administration (26 CFR Part 301).

(d) *Instruments without stamps or notation of stamping.* For provisions relating to the penalty for failure to comply with the requirements of section 4374, see § 43.7270, contained in Subpart J of this part.

(e) *Record requirements.* For provisions relating to the requirements concerning records and the retention of policies for a period of 3 years, see § 43.6001–3, contained in Subpart J of this part.

§ 43.4375 *Statutory provisions; cross references.*

SEC. 4375. *Cross references.* For penalties and other general and administrative provisions, see section 4383 and subtitle F.

§ 43.4375–1 *Cross references.* (a) For definitions, see section 4381, §§ 43.4381–1 and 43.4381–2, and section 7701 (§ 43.7701).

(b) For penalties, see section 7271 and § 43.7271–1.

(c) For other general and administrative provisions, see section 4383, § 43.4383–1, Subpart J of this part, and the applicable sections of the Regulations on Procedure and Administration (26 CFR Part 301).

SUBPART I—MISCELLANEOUS PROVISIONS APPLICABLE TO DOCUMENTARY STAMP TAXES

§ 43.4381 *Statutory provisions; definitions.*

SEC. 4381. *Definitions*—(a) *Certificates of indebtedness.* For purposes of the taxes imposed by sections 4311 and 4331, the term "certificates of indebtedness" means bonds and debentures; and also includes all instruments, however termed, issued by a corporation with interest coupons or in registered form, known generally as corporate securities.

(b) *Corporation.* For purposes of the taxes imposed by sections 4301 and 4331 [4321], the term "corporation" includes any investment trust or similar organization (or any person acting in behalf of such investment trust or similar organization) holding or dealing in shares or certificates of stock, or in certificates of indebtedness. The definition herein shall not be construed to limit the effect of the definition of the term "corporation" provided in section 7701 (a) (3).

(c) *Shares or certificates of stock.* For purposes of the taxes imposed by sections 4301 and 4331 [4321], the term "shares or certificates of stock" includes shares or certificates of profits or of interest in property or accumulations.

§ 43.4381–1 *Definitions*—(a) *Certificates of indebtedness.* The term "certificates of indebtedness" includes bonds and debentures. Such term also includes all instruments, however termed, issued by a corporation with interest coupons or in registered form and known generally as corporate securities. The essence of a corporate security is marketability. An instrument is ordinarily considered to be marketable if it is issued in series, under a trust indenture, and in registered form or with interest coupons attached. For example, an instrument containing the essential feature of a promissory notice is included within the meaning of the term "certificates of indebtedness" if it has, in addition, the general characteristics of a corporate security. Whether or not an instrument is a certificate of indebtedness within the meaning of section 4381 (a) is not determined by its name alone, but depends upon all the facts which can be derived from the face of the instrument, such as the form and terms of the instrument. The nature of the transaction or any act appearing outside of the instrument itself is immaterial for purposes of making such determination.

(b) *Corporation.* For purposes of the taxes imposed by sections 4301, 4311, 4321, 4331, 4361, and 4371, the term "corporation" includes associations, joint-stock companies, and insurance companies (see § 43.7701). For purposes of the taxes imposed by sections 4301 and 4321, the term "corporation" also includes any investment trust or similar organization (or any person acting in behalf of such investment trust or similar organization) holding or dealing in shares or certificates of stock, or in certificates of indebtedness. In addition, for purposes of the tax imposed by section 4311, section 4312 (a) provides that the term "corporation" also includes any receiver, trustee in bankruptcy, assignee, or other person having custody of property, or charge of the affairs, of a corporation.

(c) *Shares or certificates of stock.* For purposes of the regulations in this part, the term "stock" includes shares or certificates of stock. The term "stock" also includes shares in an association, joint-stock company, or insurance company (see § 43.7701). For purposes of the tax imposed by section 4321, the term "stock" also includes rights to subscribe for or to receive shares or certificates of stock (see § 43.4321–1 (a)). For purposes of the taxes imposed by sections 4301 and 4321, the term "shares or certificates of stock" includes shares or certificates of profits or of interest in property or accumulations.

§ 43.4381–2 *Other definitions*—(a) *Agreement to sell, exchange, and clearing house.* As used in the regulations in this part, unless otherwise specified or indicated by the context—

(1) The term "agreement to sell" includes contracts to sell, either written or oral, and whether on the deferred or partial payment plan or otherwise, options, calls, offers, indemnities, and privileges.

(2) The term "exchange" includes each and every agency, office, room, or other place of assembly, whether under shelter or in the open, at which stocks, certificates of indebtedness, rights, or warrants are publicly bought, sold, bid for, offered, or exchanged, between persons there assembled, on behalf of themselves or others.

(3) The term "clearing house" includes every corporation, and every association of individuals, partnerships, or corporations, wholly or partly engaged in the business of clearing, settling or adjusting transactions in the purchase, sale, receipt, or delivery of stock, certificates of indebtedness, rights, or warrants, whether or not a part or department of an exchange or an independent body.

(b) *Cross references.* For other definitions, see §§ 43.0–2 and 43.7701.

§ 43.4382 *Statutory provisions; exemptions.*

SEC. 4382. *Exemptions.* (a) The taxes imposed by this chapter shall not apply to—

(1) *Government and state obligations.* Any certificate of indebtedness, note, or other instrument, issued by the United States, or by any foreign government, or by any State, Territory, or the District of Columbia, or local subdivision thereof, or municipal or other corporation exercising the taxing power;

(2) *Domestic building and loan associations and mutual ditch or irrigation companies.* Shares or certificates of stock and certificates of indebtedness issued by domestic building and loan associations, savings and loan associations, cooperative banks, and homestead associations substantially all the business of which is confined to making loans to members, or by mutual ditch or irrigation companies;

(3) *Farmers', fruit growers', or cooperative associations.* Shares or certificates of stock and certificates of indebtedness issued by any farmers' or fruit growers' or like associations organized and operated on a cooperative basis for the purposes, and subject to the conditions, prescribed in section 521.

(b) The taxes imposed by sections 4301, 4311, 4321, 4331, and 4361 shall not apply to—

(1) *Corporate and railroad reorganizations.* The issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances to make effective any plan of reorganization or adjustment confirmed or approved as indicated below, provided that the issuance, transfer, or exchange of securities, or the making, delivery or filing of instruments of transfer or conveyances, occurs within 5 years from the date of such confirmation or approval—

(A) Confirmed under the Bankruptcy Act, as amended (30 Stat. 544; U. S. C., Title 11),

(B) Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in section 77 (m) of the Bankruptcy Act, as amended (49 Stat. 922; 11 U. S. C. 205 (m)), or

(C) Approved in an equity receivership proceeding in a court involving a corporation, as defined in section 106 (3) of the Bankruptcy Act, as amended (52 Stat. 883; 11 U. S. C. 506);

(2) *Orders of the Securities and Exchange Commission.* The issuance, transfer, or exchange of securities, or making or delivery of conveyances, to make effective any order of the Securities and Exchange Commission as defined in section 1083 (a); *Provided, That*—

(A) The order of the Securities and Exchange Commission in obedience to which such issuance, transfer, or exchange of securities or conveyances are made recites that such issuance, transfer, or exchange, or conveyances are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 (49 Stat. 820; 15 U. S. C. 79k (b)),

(B) Such order specifies and itemizes the securities and other property which are ordered to be issued, transferred, exchanged, or conveyed, and

(C) Such issuance, transfer, or exchange, or conveyance is made in obedience to such order.

§ 43.4382–1 *Exemptions*—(a) *Government and State obligations.* Section 4382 (a) (1) exempts from the tax imposed by sections 4311 and 4331 any certificate of indebtedness issued by the United States, or by any foreign government, or by any State, Territory, or the District of Columbia, or local subdivision thereof, or municipal or other corporation exercising the taxing power.

(b) *Stocks and certificates of indebtedness of domestic building and loan associations, etc.* Section 4382 (a) (2) exempts from the tax imposed by section 4301, 4311, 4321, or 4331 any stock or certificate of indebtedness issued by a (1) domestic building and loan association, savings and loan association, cooperative bank, or homestead association, substantially all the business of which is confined to making loans to members, or (2) mutual ditch or irrigation company. For definition of the term "domestic building and loan association", see § 43.7701.

(c) *Stocks and certificates of indebtedness of farmers', fruit growers', or cooperative associations.* Section 4382 (a) (3) exempts from the tax imposed by section 4301, 4311, 4321, or 4331 any stock or certificate of indebtedness issued by any farmers' or fruit growers' or like association organized and operated on a cooperative basis for the purposes, and subject to the conditions, prescribed in section 521. For regulations under section 521, see the Income Tax Regulations (26 CFR Part 1 of this chapter).

(d) *Corporate and railroad reorganizations.* (1) Section 4382 (b) (1) exempts from the taxes imposed by sections 4301, 4311, 4321, 4331, and 4361 the issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances, to make effective any plan of reorganization or adjustment—

(i) Confirmed under the Bankruptcy Act, as amended (30 Stat. 544; U. S. C. title 11);

(ii) Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in section 77 (m) of the Bankruptcy Act, as amended (49 Stat. 922; 11 U. S. C. 205 (m)); or

(iii) Approved in an equity receivership proceeding in a court involving a corporation, as defined in section 106 (3) of the Bankruptcy Act, as amended (52 Stat. 883; 11 U. S. C. 506),

if the issuance, transfer, or exchange of securities, or the making, delivery or filing of instruments of transfer or conveyance, occurs within 5 years from the date of such confirmation or approval.

(2) Section 267 of the Bankruptcy Act (52 Stat. 903; 11 U. S. C. 667) also exempts from stamp tax the issuance, transfer, or exchange of securities, or the making or delivery of instruments of transfer under any plan of reorganization confirmed under chapter X of the Bankruptcy Act, as amended. However, by reason of the provisions of section 4382 (b) (1) the exemption conferred by section 267 has no application to the issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances, which occurs after 5 years from the date of confirmation or approval of the plan of reorganization.

(e) *Orders of the Securities and Exchange Commission.* Section 4382 (b) (2) exempts from the taxes imposed by sections 4301, 4311, 4321, 4331, and 4361 the issuance, transfer, or exchange of securities, or the making or delivery of conveyances, to make effective any order of the Securities and Exchange Commission as defined in section 1083 (a), if (1) the order of the Securities and Exchange Commission in obedience to which such issuance, transfer, or exchange of securities or conveyance is made recites that such issuance, transfer, or exchange of securities or conveyance is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 (49 Stat. 820; 15 U. S. C. 79k (b)); (2) such order specifies and itemizes the securities and other property which are ordered to be issued, transferred, exchanged, or conveyed; and (3) such issuance, transfer, or exchange or conveyance is made in obedience to such order.

(f) *Alteration and modification of securities under the Interstate Commerce Act.* Section 20b of the Interstate Commerce Act (62 Stat. 162; 49 U. S. C. 20b) provides for alteration or modification of securities of a carrier as defined in section 20a (1). Paragraph (12) of section 20b makes sections 4301, 4311, 4321, 4331, and 4361, and any amendments thereto, unless specifically provided to the contrary, inapplicable to the issuance, transfer, or exchange of securities or the making or delivery of conveyances to make effective any alteration or modification effected pursuant to section 20b.

§ 43.4383 *Statutory provisions; liability for tax.*

SEC. 4383. *Liability for tax.* The tax imposed by this chapter shall be paid by any person who makes, signs, issues, or sells any of the documents and instruments subject to the taxes imposed by this chapter, or for whose use or benefit the same are made, signed, issued, or sold. The United States or any agency or instrumentality thereof shall not be liable for the tax with respect to an instrument to which it is a party, and affixing of stamps thereby shall not be deemed payment for the tax, which may be collected by assessment from any other party liable therefor.

§ 43.4383–1 *Liability for tax.* (a) The tax is payable by any of the parties (except the United States or any agency or instrumentality thereof) to a taxable transaction. As, for example, in the case of the transfer of stock, the liability therefor is imposed upon the transferor, the transferee, and the corporation whose stock is transferred (if there is a transfer of record).

(b) The parties to the transaction may agree among themselves as to which shall pay the tax, but such agreement does not relieve the others from their liability in the event it is not carried out. No provisions, by-laws, or rules, of any exchange, and no custom, shall exempt any person from payment of the tax imposed.

(c) Where a state or a political subdivision thereof, acting in its governmental capacity, is a party to a taxable transaction, under chapter 34 of the Code, the transaction will not be exempt from the documentary stamp tax merely by reason of the governmental character of one of the parties. The legal incidence of the tax in such a case rests upon the other party to the transaction. However, if in a taxable transaction with a private party, a State or political subdivision thereof is acting in its proprietary function, both parties will be liable for the tax. Where all parties to a transaction are States or political subdivisions thereof, acting in their governmental capacity, no tax shall be imposed.

SUBPART J—ADMINISTRATIVE PROVISIONS APPLICABLE TO DOCUMENTARY STAMP TAXES

§ 43.6001 *Statutory provisions; notice or regulations requiring records, statements, and special returns.*

SEC. 6001. *Notice or regulations requiring records, statements, and special returns.* Every person liable for any tax imposed by this title, or for the collection thereof, shall keep such records, render such statements, make such returns, and comply with such rules and regulations as the Secretary or his delegate may from time to time prescribe. Whenever in the judgment of the Secretary or his delegate it is necessary, he may require any person, by notice served upon such person or by regulations, to make such returns, render such statements, or keep such records, as the Secretary or his delegate deems sufficient to show whether or not such person is liable for tax under this title.

§ 43.6001–1 *Records of sales and transfers of stock*—(a) *Brokers, dealers, etc.* All persons who are wholly or partly engaged in the business of buying, selling,

or transferring stock, either at public or private sale, whether or not they are members of an exchange, including persons engaged in transactions known as "matched", "on-order", "pass-outs", or "give-ups", or transactions which are settled directly between the seller and buyer or which are cleared or adjusted through a clearing house or otherwise, or persons (other than those described in paragraph (b) of this section) engaged in accepting and procuring the transmission of orders for purchase or sale of shares of stock shall keep a record as to each transaction showing:

(1) Date of transaction.

(2) Name of customer for whom sold or loaned, or for whom bought or borrowed.

(3) Name of party to whom sold or loaned, or from whom bought or borrowed.

(4) Name of correspondent broker, if any.

(5) Number of shares involved.

(6) Name and description of stock.

(7) Par value of stock; if no par value, so indicate.

(8) Aggregate face value of the certificates involved.

(9) Selling price of stock, per share.

(10) Amount of tax paid.

(b) *Correspondent brokers.* Persons engaged in accepting and procuring the transmission of orders for the purchase or sale of stock to be executed at a brokerage office or at an exchange, board of trade, or similar place, shall keep a record as to each transaction showing:

(1) Date of acceptance and transmission of order.

(2) Name of person from whom accepted.

(3) Name and address of person to whom transmitted.

(4) Name and description of stock.

(5) Par value of stock; if no par value, so indicate.

(6) Number of shares involved.

(7) Whether purchase or sale.

(8) Selling price of stock, per share.

(9) Date of execution of order.

(c) *Floor brokers, etc.* Brokers known as strictly "floor brokers", "two-dollar men", or "room traders", whether their transactions are settled directly between seller and buyer, by "matched", "on-order", "pass-out", "scratch sale", or "give-up", or by any other kind of sale or purchase, or whether their transactions are cleared through a clearing house or otherwise, shall, in lieu of the record prescribed in subsection (a) of this section, keep a record as to each transaction showing:

(1) Date of transaction.

(2) Name of seller.

(3) Name of purchaser.

(4) Name and description of stock.

(5) Number of shares involved.

(6) Par value of stock; if no par value, so indicate.

(7) Aggregate face value of the certificates involved.

(8) Selling price of stock, per share.

(9) Whether the transaction is "matched", "on-order", "pass-out", "scratch sale", or "give-up".

(10) Name of person to whom "given-up".

(d) *General.* Persons keeping records as prescribed in this section may incorporate therein additional information for their own use, which should be entered, however, so as not to interfere with the recording of the information required by this section. These records must be kept in permanent form for a period of at least three years from the date of the transaction and must be available for ready inspection by internal revenue officers.

§ 43.6001–2 *Rules applicable to clearing houses.*—(a) *In general.* (1) If any person who negotiates sales or transfers of stock or certificates of indebtedness on a stock exchange appoints in writing the clearing house for the exchange as his agent for the purposes hereinafter specified, and on each business day furnishes to such clearing house a written report, statement, or sheet making a full disclosure of all transactions, both clearable and nonclearable, of the preceding business day in stocks or certificates of indebtedness that are listed or permitted to be dealt in by such member on such exchange, and also showing in which transactions, if any, certificates of indebtedness were loaned, borrowed, or returned, then in that event such clearing house may affix to such report, statement, or sheet, and cancel the stamps required for each transaction. The affixing and canceling of such stamps by the clearing house shall be held to be the act of the person making the sale, agreement to sell, memorandum of sale, delivery or transfer, as the case may be. If the person filing the report, statement, or sheet and the clearing house so elect, such person may affix and cancel the stamps before delivering such report, statement, or sheet to the clearing house; but such clearing house shall not accept the stamped report, statement, or sheet unless all stamps required to be affixed are attached thereto and properly canceled.

(2) The reports, statements, or sheets submitted to the clearing house shall in respect of each transaction show the date thereof, the names of the parties to the transaction, the amount and description of the stock or certificates of indebtedness traded in. The information with respect to more than one transaction may be entered upon one report, statement, or sheet. No settlement of differences or other dealings between members shall be permitted that will interfere with the full disclosure of each transaction.

(3) The report, statement, or sheet submitted to the clearing house does not relieve the seller from making and delivering to the buyer the bill or memorandum required by § 43.4321–4 in the case of stock and § 43.4331–4 in the case of certificates of indebtedness. However, where the stamps are affixed to the report, statement, or sheet submitted to the clearing house, under either of the methods permitted by this section, the bill or memorandum shall, in lieu of stamps, bear an endorsement substantially in the following form:

It is hereby certified that the requisite Federal stamps on this transaction have been affixed to clearing-house sheet dated ------, and filed with the ---------- Stock Exchange Clearing House.

(Member ------- Stock Exchange)

(4) Whenever any clearing house carries upon its sheets or records information or reports of transactions showing the transfer by one of its members of an account of a customer without change of ownership of the securities of the customer, there shall be kept by the members involved in the transaction a record showing the particulars of such transaction.

(b) *Alternative rules applicable to clearing houses.* A member of a securities exchange which is registered with the Securities and Exchange Commission as a national securities exchange may appoint in writing the clearing house for such exchange as his agent for the purpose of affixing the stamps required in respect of his transactions in stock or certificates of indebtedness. The privilege granted by this paragraph may be exercised only upon compliance with the following conditions:

(1) The member shall authorize and require the clearing house to affix the requisite stamps in respect of all transactions in stock or certificates of indebtedness, including rights to subscribe for or to receive stock, arising in the conduct of his business irrespective of whether the stock or certificates of indebtedness are listed or unlisted, whether the transactions are clearable or not, and including transactions involving loans or borrowings of certificates of indebtedness and over-the-counter sales.

(2) The member shall make a daily report to the clearing house for each business day showing the total amount of tax payable on all his business transactions as specified in subparagraph (1) of this paragraph. The report shall be filed with the clearing house on the day on which the transactions covered thereby are due for settlement (blotter date).

(3) The member shall maintain complete and adequate daily records, such as a blotter or similar book of original entry, of all transactions in stock or certificates of indebtedness as specified in subparagraph (1) of this paragraph, whether the transaction is taxable or not. In the case of taxable transactions, the daily record shall show the amount of tax payable in respect of each transaction. In the case of nontaxable transactions, the daily record shall disclose the basis on which exemption from the tax is claimed. Such daily records shall be kept in permanent form for a period of at least three years from the date of the transaction, and must be available for ready inspection by internal revenue officers.

(4) The clearing house shall, on the day of receiving the report specified in subparagraph (2) of this paragraph, affix to the report and cancel documentary stamps aggregating in value the total amount of tax shown on the report. In lieu of affixing stamps to the report submitted by each member who may have elected to exercise the privilege granted by this paragraph, the clearing house may prepare a daily summary statement showing the name of, and the total tax reported by, each such member, and affix to such summary statement and cancel documentary stamps aggregating in value the grand total of the amounts of tax reported by all such members. The daily reports received from its members and the daily summary statement of the total tax shown on such reports (if one is made) shall be kept in permanent form by the clearing house for a period of at least 3 years from the date thereof, and must be available for ready inspection by internal revenue officers. After the termination of such period, the daily reports and the summary statement may be destroyed by the clearing house, but only in the presence of an internal revenue officer.

(5) The member shall make and deliver to the buyer the bill or memorandum required by § 43.4321–4 in the case of stock and by § 43.4331–4 in the case of certificates of indebtedness, except that in lieu of affixing stamps to such bill or memorandum, the member shall make an endorsement on the bill or memorandum substantially in the following form:

It is hereby certified that the Federal stamp tax applicable to this transaction has been paid through the ----------

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(Insert name of clearing house)

on our behalf.

(Member ---------- Stock Exchange)

If so desired, the member may also make a similar endorsement on the certificates of stock or certificates of indebtedness covered by the bill or memorandum. In that event, the endorsement shall be in substantially the following form:

It is hereby certified that the Federal stamp tax applicable to the transfer of ---------- shares of this certificate (or applicable to the transfer of this certificate of indebtedness) has been paid through ----------

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(Insert name of clearing house) on our behalf.

(Date) (Member -------- Stock Exchange)

The endorsement (including a facsimile signature of the member) may be made on the bill or memorandum and on the accompanying certificate of stock or certificates of indebtedness by a hand-stamped impression, if (i) the hand-stamp is held at all times in the custody of the person authorized to make such impression, and (ii) the records of the member contain sufficient information to establish the identity of the person so authorized.

§ 43.6001–3 *Records with respect to foreign insurance policies.* (a) No return or statement showing a list of policies or other instruments subject to the tax imposed by section 4371 is required from any person to or for whom, or in whose name, such policy or other instrument is issued, or from the solicitor or broker acting directly or indirectly for or on behalf of such person. However, each person, solicitor, or broker, accepting, placing, soliciting, or making, directly or indirectly, or paying or receiving compensation with respect to, a policy or other instrument subject to the tax imposed by section 4371 shall keep a record of such policy or other instrument for a period of at least three years from the date of issuance thereof and shall be prepared to furnish full information to the district director at any time upon demand.

(b) The person having control or possession of a policy of insurance, or reinsurance, or other instrument to which documentary stamps must be affixed shall retain such instrument for at least 3 years from the date of issuance thereof to enable internal revenue officers to ascertain whether the requisite stamps have been affixed and canceled.

§ 43.6001–4 *Registration of brokers, exchanges, nominees, etc.*—(a) *Registration of brokers, exchanges, etc.*—(1) *Requirements of registration.* Every person engaged, in whole or in part, in any of the following businesses or activities shall file a statement for registration with the district director for each district in which such business or activity is conducted:

(i) Negotiating, making, or recording sales or transfers of stock, certificates of indebtedness, rights, or warrants;

(ii) Conducting or transacting a stock or bond brokerage business;

(iii) Accepting or procuring the transmission of orders for the purchase or sale or transfer of stock, certificates of indebtedness, rights, or warrants to be executed at a stock or bond brokerage office or an exchange or similar place;

(iv) Transferring stock, certificates of indebtedness, rights, or warrants, other than their own;

(v) Conducting an exchange or clearing house, or clearing association, for the clearing, adjusting, and settling of transactions made on exchanges or similar places. In case an exchange has a department connected therewith engaged in clearing, adjusting, and settling transactions made thereon, a statement shall be made setting forth the names and addresses of the superintendent and secretary of the clearing house department or committee.

(2) *Statement to be filed.* (i) The statement shall be on Form 741, which is procurable from district directors. The statement shall set forth specifically the character of the business, the name under which it is operated, and its exact location. A concern having branches or agencies shall file a statement in the district in which its principal office is located, showing the address of each branch office or agency and the name of the manager or agent in charge thereof. A separate statement shall also be filed in each of the other districts in which branches or agencies are maintained. The data shown in a statement covering a branch or agency shall relate to such branch or agency rather than to the principal office. The statement shall show the name and residence address of each member or representative holding membership in an exchange and the name of the exchange. If a license has been procured under the laws of any State or under any provision of Federal law, the date of the license and the place of issuance shall be shown. Upon registration the district director shall issue a certificate of registration as provided in paragraph (c) of this section.

(ii) In the case of a partnership, the statement shall be signed by one of the partners and shall show the name and residence address of each member engaged in the business.

(iii) In the case of a corporation or association, including an exchange or clearing house, the statement shall be signed by the chief officer or secretary and shall show the names and residence addresses of the officers of the corporation or association. In the case of a corporation, the statement shall show the date and place of incorporation. In the case of an exchange or clearing house, the name and residence address of the superintendent shall be shown. A list of the members and their residence addresses and a copy of the constitution, charter, or agreement of association and of the by-laws, rules, and regulations shall be filed with the statement. A copy of each amendment shall be filed as and when adopted.

(iv) If there is an addition to the membership after a statement has been filed, an additional statement shall be filed showing the name and residence address of the additional member.

(3) *Business suspended or moved.* In case a person registered as required herein suspends or closes his business, or moves it to another district, he shall notify the district director to that effect, showing the date of suspension, closing, or removal, and shall return the certificate of registration to the district director.

(b) *Registration of nominee.* (1) Any person conducting a stock brokerage business, who has registered with the district director as provided in paragraph (a) of this section, may appoint some person to act as his nominee in holding stock on his behalf. Any person acting in the capacity of a custodian within the contemplation of the exemption provided in section 4342 (2) may appoint some person to act as his nominee in holding stocks or certificates of indebtedness on his behalf. Any corporation may appoint some person to act as its nominee in holding stock on its behalf.

(2) The name of the person appointed as nominee of a broker, custodian, or corporation shall be registered with the district director for the district in which the principal office of the broker, custodian, or corporation is located. Substitution of a nominee may be effected by likewise registering the name of the successor nominee. No special form is prescribed for use in registering a nominee. Upon registration the district director shall issue a certificate of registration as provided in paragraph (c) of this section.

(c) *Certificate of registration.*—(1) *Brokers, exchanges, etc.* Upon registration of a person engaged in any of the businesses specified in paragraph (a) (1) of this section, the district director shall issue to such person a certificate of registration which shall be signed by the district director and shall set forth the date of issue, the name of the person conducting the business, and the nature of the business for which the certificate is issued. Such certificate shall be kept

at the place of business located within the district of the district director by whom the certificate is issued.

(2) *Nominee.* Upon registration of any person as a nominee of a broker, custodian, or corporation, the district director shall issue to the broker, custodian, or corporation a certificate of registration signed by him and setting forth the date of issue, the name of the person registered as nominee, and the name of the broker, custodian, or corporation on whose behalf the nominee is registered. Such certificate shall be kept at the principal place of business of the broker, custodian, or corporation to whom the certificate is issued.

(3) *Inspection.* The certificate of registration issued under subparagraph (1) or subparagraph (2) of this paragraph shall be held available for ready inspection by internal revenue officers.

§ 43.6001–5 *General requirements with respect to records and returns.* For general provisions relating to records and returns, see the Regulations on Procedure and Administration (26 CFR Part 301 of this title).

§ 43.6802 *Statutory provisions; supply and distribution.*

SEC. 6802. *Supply and distribution.* The Secretary or his delegate shall furnish, without prepayment, to—

(1) *Postmaster General.* The Postmaster General a suitable quantity of adhesive stamps (other than the stamps on playing cards), coupons, tickets, or such other devices as may be prescribed by the Secretary or his delegate pursuant to section 6302 (b) or this chapter, to be distributed to, and kept on sale by, the various postmasters in the United States in all post offices of the first and second classes, and such post offices of the third and fourth classes as—

(A) Are located in county seats, or

(B) Are certified by the Secretary to the Postmaster General as necessary;

(2) *Designated depositary of the United States.* Any designated depositary of the United States a suitable quantity of adhesive stamps to be kept on sale by such designated depositary;

(3) *State agents.* Any person who is—

(A) Duly appointed and acting as agent of any State for the sale of stock transfer stamps of such State, and

(B) Designated by the Secretary or his delegate for the purpose, a suitable quantity of such adhesive stamps as are required by section 4301, to be kept on sale by such person.

§ 43.6802–1 *Where stamps may be purchased and where requisition forms for the purchase of such stamps may be obtained and filed*—(a) *Where stamps may be purchased.* Documentary stamps may be purchased from (1) district directors and other duly authorized officials; (2) postmasters in all post offices of the first and second classes and such post offices of the third and fourth class as are located in county seats; (3) designated depositaries of the United States (see section 6802 (2) (§ 43.6802 (2)); and (4) State agents designated under paragraph (3) of section 6802 (§ 43.6802).

(b) *Requisitions.* Requisitions for the purchase of documentary stamps shall be made on Form 427. Copies of these forms may be procured from any district director. A designated United States depositary shall make sales only upon receipt of a requisition on Form 427. For records to be kept of sales, see the Regulations on Procedure and Administration (26 CFR Part 301).

(c) *Use or resale of unused documentary stamps.* Unused documentary stamps may be used at any time in payment of any tax imposed by section 4301, 4311, 4321, 4331, 4361 or 4371, or may be resold by the owner at any time. For redemption of stamps see section 6805 (§ 43.6805).

§ 43.6804 *Statutory provisions; attachment and cancellation.*

SEC. 6804. *Attachment and cancellation.* Except as otherwise expressly provided in this title, the stamps referred to in section 6801 shall be attached, protected, removed, canceled, obliterated, and destroyed, in such manner and by such instruments or other means as the Secretary or his delegate may prescribe by rules or regulations.

§ 43.6804–1 *Stamps to be used and denominations thereof*—(a) *Documentary stamps only to be used.* Documentary stamps only shall be used in payment of the stamp taxes imposed by sections 4301, 4311, 4321, 4331, 4361, and 4371. Ordinary postage stamps shall not be used in payment of documentary stamp taxes.

(b) *Use of stamps.* Wherever feasible, a stamp tax shall be paid by the use of a single stamp. If a stamp of a denomination equal to the tax is not readily available, the smallest practical number of stamps shall be used. A stamp affixed to an instrument and canceled cannot lawfully be removed therefrom and affixed to another instrument requiring a stamp (see section 7208 (§ 43.7208), relating to penalties).

(c) *Denominations of documentary stamps.* Documentary stamps are issued in the following denominations: 1 cent, 2 cents, 3 cents, 4 cents, 5 cents, 8 cents, 10 cents, 20 cents, 25 cents, 40 cents, 50 cents, 55 cents, 80 cents, $1, $1.10, $1.65, $2, $2.20, $2.75, $3, $3.30, $4, $5, $10, $20, $30, $50, $60, $100, $500, $1,000, $2,500, $5,000, and $10,000.

§ 43.6804–2 *Cancellation of stamps.* A person using or affixing a stamp shall cancel it and so deface it as to render it unfit for reuse by marking it with his initials and the day, month, and year when the affixing occurs. (See section 7271 (1) (§ 43.7271), relating to penalties.) Such marking shall be made by writing or stamping in ink or by perforating with a machine or punch. In addition, unless a stamp of the value of 50 cents or more is canceled by perforation, three parallel incisions shall be made lengthwise through the stamp with some sharp instrument after the stamp has been affixed. However, the stamp shall not be so defaced as to prevent ready determination of its denomination and genuineness.

§ 43.6805 *Statutory provisions; redemption of stamps.*

SEC. 6805. *Redemption of stamps*—(a) *Authorization.* The Secretary or his delegate, subject to regulations prescribed by him, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of any internal revenue law, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or as to which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected.

(b) *Method and conditions of allowance.* Such allowance or redemption may be made either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case unless the stamps so spoiled or rendered useless shall have been returned to the Secretary or his delegate, or until satisfactory proof has been made showing the reason why the stamps cannot be returned; or, if so required by the Secretary or his delegate, when the person presenting the same cannot satisfactorily trace the history of said stamps from their issuance to the presentation of his claim or aforesaid.

(c) *Time for filing claims.* No claim for the redemption of, or allowance for, stamps shall be allowed unless presented within 3 years after the purchase of such stamps from the Government.

(d) *Finality of decisions.* The findings of fact in and the decision of the Secretary or his delegate upon the merits of any claim presented under or authorized by this section shall, in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

§ 43.7208 *Statutory provisions; offenses relating to stamps.*

SEC. 7208. *Offenses relating to stamps.* Any person who—

(1) *Counterfeiting.* With intent to defraud, alters, forges, makes, or counterfeits any stamp, coupon, ticket, book, or other device prescribed under authority of this title for the collection or payment of any tax imposed by this title, or sells, lends, or has in his possession any such altered, forged or counterfeited stamp, coupon, ticket, book, or other device, or makes, uses, sells, or has in his possession any material in imitation of the material used in the manufacture of such stamp, coupon, ticket, book, or other device; or

(2) *Mutilation or removal.* Fraudulently cuts, tears, or removes from any vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this title, any adhesive stamp or the impression of any stamp, die, plate, or other article provided, made, or used in pursuance of this title; or

(3) *Use of mutilated, insufficient, or counterfeited stamps.* Fraudulently uses, joins, fixes, or places to, with, or upon any vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this title,

(A) Any adhesive stamp, or the impression of any stamp, die, plate, or other article, which has been cut, torn, or removed from any other vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this title; or

(B) Any adhesive stamp or the impression of any stamp, die, plate, or other article of insufficient value; or

(C) Any forged or counterfeited stamp, or the impression of any forged or counterfeited stamp, die, plate, or other article; or

(4) *Reuse of stamps.*

(A) *Preparation for reuse.* Willfully removes, or alters the cancellation or defacing marks of, or otherwise prepares, any adhesive stamp, with intent to use, or cause the same to be used, after it has already been used; or

(B) *Trafficking.* Knowingly or willfully buys, sells, offers for sale, or gives away, any such washed or restored stamp to any person for use, or knowingly uses the same; or

(C) *Possession.* Knowingly and without lawful excuse (the burden of proof of such excuse being on the accused) has in possession any washed, restored, or altered stamp, which has been removed from any vellum, parchment, paper, instrument, writing, package, or article; or

(5) *Emptied stamped packages.* Commits the offense described in section 7271 (relating to disposal and receipt of stamped packages) with intent to defraud the revenue, or to defraud any person; shall be guilty of a felony and, upon conviction thereof, shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

§ 43.7209 *Statutory provisions; unauthorized use or sale of stamps.*

SEC. 7209. *Unauthorized use or sale of stamps.* Any person who buys, sells, offers for sale, uses, transfers, takes or gives in exchange, or pledges or gives in pledge, except as authorized in this title or in regulations made pursuant thereto, any stamp, coupon, ticket, book, or other device prescribed by the Secretary or his delegate under this title for the collection or payment of any tax imposed by this title, shall, upon conviction thereof, be fined not more than $1,000, or imprisoned not more than 6 months, or both.

§ 43.7209–1 *Use or resale of unused stamps.* For provision with respect to the use or resale of unused stamps see § 43.6802–1 (c).

§ 43.7270 *Statutory provisions; insurance policies.*

SEC. 7270. *Insurance policies.* Any person who fails to comply with the requirements of section 4374 (relating to the affixing of stamps on insurance policies, etc.), with intent to evade the tax shall, in addition to other penalties provide therefor, pay a fine of double the amount of the tax.

§ 43.7271 *Statutory provisions; penalties for offenses relating to stamps.*

SEC. 7271. *Penalties for offenses relating to stamps.* Any person who with respect to any tax payable by stamps—

(1) *Failure to attach or cancel stamps, etc.* Fails to comply with rules or regulations prescribed pursuant to section 6804 (relating to attachment, cancellation, etc., of stamps), unless such failure is shown to be due to reasonable cause and not willful neglect; or

* * * * *

(3) *Instruments.* Makes, signs, issues, or accepts, or causes to be made, signed, issued, or accepted, any instrument, document, or paper of any kind or description whatsoever without the full amount of tax thereon being duly paid; or

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shall be liable for each such offense to a penalty of $50.

§ 43.7271–1 *Cross references.* For other provisions relating to penalties, see the applicable sections of the Regulations on Procedure and Administration (26 CFR Part 301).

§ 43.7701 *Statutory provisions; definitions.*

SEC. 7701. *Definitions.* (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) *Person.* The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation.

(2) *Partnership and partner.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

(4) *Domestic.* The term "domestic" when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State or Territory.

(5) *Foreign.* The term "foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

(6) *Fiduciary.* The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

(7) *Stock.* The term "stock" includes shares in an association, joint-stock company, or insurance company.

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(9) *United States.* The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(10) *State.* The term "State" shall be construed to include the Territories and the District of Columbia, where such construction is necessary to carry out provisions of this title.

(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Delegate.* The term "Secretary or his delegate" means the Secretary of the Treasury, or any officer, employee, or agency of the Treasury Department duly authorized by the Secretary (directly, or indirectly by one or more redelegations of authority) to perform the function mentioned or described in the context, and the term "or his delegate" when used in connection with any other official of the United States shall be similarly construed.

(13) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

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(19) *Domestic building and loan association.* The term "domestic building and loan association" means a domestic building and loan association, a domestic savings and loan association, and a Federal savings and loan association, substantially all the business of which is confined to making loans to members.

* * * * *

(b) *Includes and including.* The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

* * * * *

(d) *Cross references*—(1) *Other definitions.* For other definitions, see the following sections of Title 1 of the United States Code:

(1) Singular as including plural, section 1.
(2) Plural as including singular, section 1.
(3) Masculine as including feminine, section 1.

* * * * *

§ 43.7805 *Statutory provisions; rules and regulations.*

SEC. 7805. *Rules and regulations*—(a) *Authorization.* Except where such authority is expressly given by this title to any person other than an officer or employee of the Treasury Department, the Secretary or his delegate shall prescribe all needful rules and regulations for the enforcement of this title, including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary or his delegate may prescribe the extent, if any, to which any ruling or regulation, relating to the internal revenue laws, shall be applied without retroactive effect.

(c) *Preparation and distribution of regulations, forms, stamps, and other matters.* The Secretary or his delegate shall prepare and distribute all the instructions, regulations, directions, forms, blanks, stamps, and other matters pertaining to the assessment and collection of internal revenue.

§ 43.7805–1 *Promulgation of regulations.* In pursuance of section 7805 of the Internal Revenue Code of 1954, the foregoing regulations are hereby prescribed. (§ 43.0–3 relating to the scope of the regulations.)

[F. R. Doc. 58–7474; Filed, Sept. 12, 1958; 8:48 a. m.]

POST OFFICE DEPARTMENT

[39 CFR Part 15]

MATTER MAILABLE UNDER SPECIAL RULES

SWITCHBLADE KNIVES

As a result of the enactment of section 5 of Public Law 85–623, approved August 12, 1958 (72 Stat. 562), this Department proposes to issue regulations, effective October 11, 1958, to govern the mailing of knives covered by such section 5 of that Act. Accordingly, it is proposed to amend Part 15 of Title 39, Chapter I, Code of Federal Regulations, substantially as set forth below.

The proposed regulations relate to a proprietary function of the Government and hence are exempt from the rule-making requirements of 5 U. S. C. 1003. However, the Postmaster General desires voluntarily to give postal patrons an opportunity to present written views concerning the proposed regulations. Accordingly, the final regulations to be adopted will be considered in the light of such views that may be received.

Comments may be submitted to Richard S. Farr, Acting Assistant General Counsel, Room 5226, Post Office Department, Washington 25, D. C., at any time prior to October 3, 1958.

In Part 15 of Title 39, Chapter I, Code of Federal Regulations, make the following changes:

The text to Part 15 is amended by redesignating § 15.7 *Airmail* as § 15.8 *Airmail;* by redesignating § 15.6 *Identification and marking* as § 15.7 *Identification and marking;* and by inserting a new § 15.6 *Switchblade knives* to read as follows:

§ 15.6 *Switchblade knives*—(a) *When mailable.* Knives having a blade which opens automatically by hand pressure applied to a button or other device in the handle, or by operation of inertia, gravity, or both, are mailable only when sent to:

(1) The following designated supply or procurement officers and employees ordering, procuring, or purchasing such knives for use in connection with the ac-

tivities of their respective governments or organizations:

(i) Civilian or Armed Forces supply or procurement officers and employees of the Federal Government;

(ii) Supply or procurement officers of the National Guard, the Air National Guard, or militia of a State, Territory, or the District of Columbia;

(iii) Supply or procurement officers or employees of the municipal government of the District of Columbia or of the government of any State or Territory, or any county, city, or other political subdivision of a State or Territory; and

(2) Manufacturers of such knives, or bona fide dealers therein, in connection with a shipment made pursuant to an order from any person designated in subdivision (i), (ii), or (iii) of subparagraph (1) of this paragraph.

(b) *Marking of parcels.* The parcel must be plainly marked with the word "Switchblades" in bold block letters and the statement, "Mailing complies with P. M. 125.6." Mailings to persons referred to in paragraph (a) (1) of this section shall include as part of the address the official title or designation of the addressee. Mailings to those referred to in paragraph (a) (2) of this section shall include as a part of the address the word "Manufacturer" or "Dealer."

(c) *Identification of addressee.* Before making delivery, the postmaster shall satisfy himself that the addressee is in one of the categories of paragraph (a) of this section.

(d) *Explanation of mailing.* In any case where the postmaster is in doubt as to the mailability of a proposed shipment of switchblade knives, he may require the sender to furnish a written statement explaining how the mailing complies with this section. If the explanation is not satisfactory to the postmaster, he shall forward it to the General Counsel, Fraud and Mailability Division, for a ruling.

NOTE: The corresponding Postal Manual sections are 125.6, 125.7, and 125.8.

(R. S. 161, as amended, 396, as amended, sec. 1, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58-7501; Filed, Sept. 12, 1958; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 914]

[Docket No. AO-245-A3]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

DETERMINATIONS ON BASIS OF RESULTS OF REFERENDUM ON AMENDMENT OF ORDER NO. 14, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 23 F. R. 4027; 4779), a public hearing was held at Los Angeles, California, on October 25, 1957, after notice thereof published in the FEDERAL REGISTER (22 F. R. 7563) on proposed amendment of the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of Navel oranges grown in Arizona and that part of the State of California south of the 37th Parallel. The recommended decision (23 F. R. 1952) of the Administrator, Agricultural Marketing Service, and the decision (23 F. R. 4336) of the Assistant Secretary setting forth the proposed amendment of the marketing agreement and order, as amended, were published in the FEDERAL REGISTER on March 25, 1958, and June 14, 1958, respectively. The Assistant Secretary also issued an order (23 F. R. 4337) directing that a referendum be conducted among producers of Navel oranges grown in Arizona and designated part of California to determine whether the requisite majority of such producers favor or approve issuance of the proposed amendment to Order No. 14, as amended.

It is hereby determined on the basis of the results of the referendum conducted pursuant to the aforesaid referendum order, that the issuance of the proposed amendment to Order No. 14, as amended, regulating the handling of Navel oranges in Arizona and designated part of California is not favored or approved (a) by at least three-fourths of the producers of Navel oranges who participated in such referendum and who, during the determined representative period (November 1, 1957, through June 30, 1958) were engaged within Arizona and designated part of California in the production for market of Navel oranges grown in such production area, or (b) by producers of Navel oranges who participated in the aforesaid referendum and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of Navel oranges produced for market within the said production area during such period.

It is hereby further determined that the proposed amendment set forth in the Assistant Secretary's decision of June 11, 1958 (23 F. R. 4336), will not be made effective.

Done at Washington, D. C., this [illegible] day of September 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-7480; Filed, Sept. 12, 1958; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 199]

[49 CFR Parts 141, 145, 147, 186, 311, 312]

FREIGHT AND PASSENGER TARIFFS AND SCHEDULES

OFFICE HOURS FOR FILING

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 26th day of August A. D. 1958.

It appearing that under date of February 6, 1956 (21 F. R. 1075), notice was given of proposed revisions of the Commission's tariff circular rules and regulations and sections of the Code of Federal Regulations set forth therein (49 CFR Parts 141, 145, 147, 186, 187, 311, and 312); that interested parties were permitted to file with the Commission, on or before April 6, 1956, written statements of fact, opinions or arguments concerning the proposed rules; and that written statements were filed with the Commission presenting the views and arguments of the railroads, generally, the freight forwarders, members of the Freight Forwarders Institute, and the water carriers, members of the Intercoastal Steamship Freight Association;

It further appearing that the establishment of regulations that tariff publications will be received for filing only during business hours of the Commission would result in great difficulties and inconveniences, without compensating public benefits;

And it further appearing that the revisions proposed would not be in the public interest at this time, and for good cause appearing:

It is ordered, That this proceeding be, and it is hereby, discontinued.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-7471; Filed, Sept. 12, 1958; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Public Debt

ORDER OF SUCCESSION OF OFFICIALS TO ACT AS COMMISSIONER OF PUBLIC DEBT, AND PROVISIONS FOR CONTINUOUS PERFORMANCE OF FUNCTIONS OF BUREAU OF PUBLIC DEBT IN EVENT OF AN ENEMY ATTACK ON CONTINENTAL UNITED STATES

1. It is hereby ordered that the following officers of the Bureau of the Public Debt, in the order of succession enumerated, shall act as Commissioner in the event of the absence or disability of the Commissioner or a vacancy in the office:

1. Assistant Commissioner.
2. Deputy Commissioner, Washington.
3. Deputy Commissioner, Chicago.
4. Director, Parkersburg Office.
5. Chief, Division of Loans and Currency, Washington.
6. Chief, Division of Retired Securities.
7. Chief, Division of Public Debt Accounts and Audit, Washington.
8. Assistant Deputy Commissioner, Chicago.
9. Chief Counsel of the Bureau.
10. General Assistant to the Commissioner.
11. Technical Assistant to the Commissioner.
12. Manager, Cincinnati Branch Audit Office, Division of Retired Securities.

2. If, in the event of an enemy attack on the continental United States, neither the Commissioner nor any officer authorized to act in his stead (paragraph 1) is present at the site of the Bureau's operations, the officer acting as District Director, Internal Revenue Service, at such site shall act as Commissioner of the Public Debt so long as necessary hereunder. For this purpose and in such event the functions of the Commissioner of the Public Debt shall be deemed to have been transferred to such officer acting as District Director.

3. In the event of an enemy attack on the continental United States, and without regard to the matter of succession, the Deputy Commissioners, the Director of the Parkersburg Office, and the Manager of the Branch Audit Office of the Division of Retired Securities are hereby authorized to perform any functions of the Secretary of the Treasury or Commissioner of the Public Debt (whether or not otherwise delegated), (a) if it is essential to the carrying out of responsibilities otherwise assigned to them, and (b) if, and so long as, they are unable to ascertain (in a manner consistent with the efficient performance of such responsibilities) whether the Commissioner or any official acting in his stead is available to discharge the Commissioner's duties with respect to the performance of those functions.

4. The foregoing order of succession and provisions for the continuous performance of functions are made under the authority of Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, F. R. Doc. 55-3479; FEDERAL REGISTER April 28, 1955. This order of succession supersedes the previous order of this Bureau dated May 25, 1955, F. R. Doc. 55-4450; FEDERAL REGISTER June 3, 1955.

[SEAL] E. L. KILBY,
Commissioner of the Public Debt.

SEPTEMBER 8, 1958.

[F. R. Doc. 58-7475; Filed, Sept. 12, 1958; 8:48 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

ASSISTANT SECRETARY OF DEFENSE (PROPERTIES AND INSTALLATIONS)

DELEGATION OF AUTHORITY CONCERNING RECOMMENDATIONS TO THE FEDERAL POWER COMMISSION

SEPTEMBER 5, 1958.

Pursuant to the provisions of section 202 (f) of the National Security Act of 1949, as amended (63 Stat. 581) and section 5 of Reorganization Plan No. 6 of 1953 (67 Stat. 639), the Assistant Secretary of Defense (Properties and Installations) is hereby delegated the authority to exercise the responsibilities of the Secretary of Defense under Executive Order 10485 dated September 3, 1953, concerning the making of recommendations to the Federal Power Commission on applications for the construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the transmission of electric energy or for the exportation or importation of natural gas between the United States and a foreign country.

NEIL MCELROY,
Secretary of Defense.

[F. R. Doc. 58-7476; Filed, Sept. 12, 1958; 8:19 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1814073]

ARKANSAS

RESTORATION ORDER

SEPTEMBER 9, 1958.

Pursuant to determination DA-49-Arkansas, of the Federal Power Commission, and in accordance with Order No. 541, Section 1.5 (d) Part I and 2.0 (a) Part II of the Director of the Bureau of Land Management, approved April 21, 1954, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn and included in Power Site Classification No. 33, Arkansas No. 2, approved April 29, 1922, or are reserved for power purposes in Power Site Reserve Project No. 654, of June 6, 1930, are hereby restored to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 USC 818), as amended.

FIFTH PRINCIPAL MERIDIAN

T. 20 N., R. 12 W.,
Sec. 8, NE¼NE¼, N½SE¼NE¼;
Sec. 9, N½NW¼.

The area described embraces 140 acres of public land, located in Baxter County, Arkansas.

The above-described land is rocky and rolling cedar hardwood timber land on an exposed site. The land is not suitable for cultivation because of the thin rocky soil with exposed outcrops, neither is it suitable for small tract development because of its rocky, rolling nature and the limited access. The land has been classified as unsuitable for homestead or small tract development, but suitable for disposition under the provisions of the Public Sale Act authorized by section 2455 of the Revised Statutes, as amended.

The lands above-described will be subject to application by the State of Arkansas for a period of 90 days from the date of publication of this order, for rights-of-way for public highways, or as a source of maintenance for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended (16 U. S. C. 1946 ed., Supp. IV, 818).

Subject to any existing rights and the requirements of applicable law, the land described is hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the application and claims mentioned in this paragraph.

All valid applications and selections under the nonmineral public land laws, other than those coming under paragraph 1 above, presented prior to 10:00 a. m., on March 9, 1959 will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, according to the provisions of the act of August 11, 1955 (69 Stat. 683).

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations covering applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries regarding the lands shall be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Washington 25, D. C.

L. T. HOFFMAN,
Supervisor.

[F. R. Doc. 58-7463; Filed, Sept. 12, 1958; 8:45 a. m.]

Office of the Secretary

HEADS OF BUREAUS

DELEGATION OF AUTHORITY CONCERNING ASSIGNMENT, TRANSFER AND DISPOSAL OF REAL PROPERTY AND RELATED PERSONAL PROPERTY

SECTION 1. *Definitions; Scope of authority.* (a) The definitions of words or terms in the Federal Property and Administrative Services Act of 1949, as amended (40 U. S. C. sec. 471 et seq.), and the regulations of the General Services Administration are applicable to any such words or terms in this order.

(b) The authority delegated by this order does not extend to Indian tribal lands; the public domain; national park lands; and lands withdrawn or reserved from the public domain, except to the extent that such lands are provided for in the word "property" as defined in the Act.

SEC. 2. *Delegation of authority.* The head of each bureau with respect to real

property and related personal property under the control and jurisdiction of his bureau may exercise the authority of the Secretary:

(a) Granted in Chapter IV, Title 2, Regulations of the General Services Administration with regard to the reporting and transfer of such excess property;

(b) Granted in Chapter V, Title 2, Regulations of the General Services Administration with regard to the disposal of such surplus property;

(c) Granted in Delegation of Authority 287 (22 F. R. 2266) by the Administrator of General Services, with regard to determinations and disposal of such surplus property having a fair market value of less than $1,000;

(d) To reassign such property to other bureaus or offices of this Department when the property is no longer needed by the holding bureau; and

(e) To transfer or dispose of such specified real property and related personal property as may be hereafter granted by the Administrator of General Services.

SEC. 3. *Exercise of authority.* The authority granted by section 2 of this order shall be exercised in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U. S. C., sec. 471 et seq.), the regulations of the General Services Administration, and the regulations of this Department.

SEC. 4. *Redelegation.* The head of each bureau may, in writing, redelegate or authorize written redelegation of the authority granted in section 2 of this order. Each such redelegation shall be published in the FEDERAL REGISTER.

SEC. 5. *Revocation.* Order No. 2696, as amended (17 F. R. 433, 19 F. R. 5953) is revoked.

SEC. 6. *Savings clause.* This order shall be effective upon publication in the FEDERAL REGISTER. Any redelegation of authority under Order 2696, as amended, not in excess of the authority granted by this order and which is in force on the effective date of this order shall continue in force for ninety days from such effective date unless sooner revoked or superseded by order of the head of the bureau.

FRED A. SEATON,
Secretary of the Interior.

SEPTEMBER 8, 1958.

[F. R. Doc. 58-7464; Filed, Sept. 12, 1958; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3207 et al.]

CHICAGO-MILWAUKEE-TWIN CITIES CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of applications for the establishment of additional air service over the Chicago-Milwaukee-Minneapolis/St. Paul segment and new air service between Minneapolis/St. Paul and Milwaukee on the one hand and points in the Southeast United States on Eastern's route 10 and Delta's route 54 on the other.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned to be held on September 25 is postponed to September 29, 1958, 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 10, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-7484; Filed, Sept. 12, 1958; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13422]

SUNRAY MID-CONTINENT OIL CO.

ERRATUM NOTICE

SEPTEMBER 8, 1958.

In the Order For Hearing And Suspending Proposed Changes In Rates, issued October 15, 1957 and published in the FEDERAL REGISTER on October 19, 1957 (22 F. R. 8270-71), the words "Supplement No. 2 to its FPC Gas Rate Schedule No. 127" should be corrected to read "Supplement No. 3 to its FPC Gas Rate Schedule No. 127".

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7466; Filed, Sept. 12, 1958; 8:46 a. m.]

[Docket No. G-16070]

P. A. CALLERY, INC., ET AL.

ERRATUM NOTICE

SEPTEMBER 8, 1958.

In the Order For Hearing, Suspending Proposed Changes In Rates And Allowing Increased Rates To Become Effective, issued August 29, 1958 and published in the FEDERAL REGISTER on September 6, 1958 (23 F. R. 6893), the purchaser was incorrectly designated as "United Gas Pipe Line Company". The correct designation is "United Fuel Gas Company".

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7467; Filed, Sept. 12, 1958; 8:46 a. m.]

[Docket No. G-16187 etc.]

PANHANDLE EASTERN PIPE LINE CO. AND CITIES SERVICE GAS CO.

NOTICE OF APPLICATION, CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

SEPTEMBER 9, 1958.

In the matter of Panhandle Eastern Pipe Line Company, Docket Nos. G-16187 and G-2374; Cities Service Gas Company, Docket No. G-10956.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, having its principal office at 1221 Baltimore Avenue, Kansas City, Missouri, filed on September 4, 1958 an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate 6.5 miles of 4-inch welded steel pipeline from the Windsor connection with Cities Service Gas Company's Sedalia lateral, which connection is located in the Southeast Quarter of Section 35, T46N, R24W, Johnson County, Missouri, to a point adjacent to Panhandle's main lines located in the Northeast Quarter of Section 35, T47N, R24W, in said Johnson County, Missouri.

Applicant also proposes to construct a regulator station in the Northeast Quarter of Section 35, T47N, R24W, Johnson County, Missouri.

Applicant states that under the terms of a certain exchange agreement between it and Cities Service Gas Company dated February 18, 1947 as amended by letter agreement between said parties dated November 21, 1949 provision is made for delivery of gas by Cities Service from its Sedalia 12-inch line into Panhandle's Windsor Lateral at a point of connection between these lines known as the Windsor connection and located in the Southeast Quarter of Section 35-46-24, Johnson County, Missouri. There is pending before the Commission an application in Docket No. G-2374 for an order permitting and approving abandonment of service by Applicant rendered to Cities Service by way of said exchange agreement.

Applicant further states that the volumes of gas received by Applicant from Cities Service at the Windsor connection are transported by Applicant through its Windsor Lateral to a point near Windsor where the gas is sold by Applicant to The Gas Service Company (Gas Service), pursuant to an order of the Commission issued March 5, 1952 in Docket No. G-1116, et al.

The purpose of the application in Docket No. G-16187 is to enable Applicant to obtain from its own main lines a supply of gas to replace that heretofore obtained under said gas exchange agreement from Cities Service for sale to Gas Service in Windsor, Missouri.

The estimated cost of the proposed construction is $116,700, which Applicant proposes to finance from funds on hand.

This matter is one which is related to the issues involved in Dockets Nos. G-10956 and 2374 now set for hearing on September 30, 1958 and is hereby consolidated for hearing with said dockets.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be heard on September 30, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issue presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 of 1.10) on or before September 25, 1958.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7468; Filed, Sept. 12, 1958; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 353]

SECRETARY OF INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF 2.5 MILES LONG POWER TRANSMISSION LINE, CLE ELUM DAM, WASHINGTON

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of the Interior to determine that the excess real property and any related personal property comprising a 2.5 miles long power transmisison line at the Cle Elum Dam, Washington, is not required for the needs and responsibilities of the Federal agencies, and thereafter to dispose of said property.

2. The authority conferred herein shall be exercised in accordance with the Act and the regulations issued pursuant thereto.

3. The authority delegated herein may be redelegated to any officer or employee of the Department of the Interior.

4. This delegation of authority shall be effective as of the date hereof.

Dated: September 9, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-7469; Filed, Sept. 12, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 10, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34957: *Liquefied chlorine gas to Tennessee points.* Filed by O. W. South, Jr., Agent (No. SFA A3724), for interested rail carriers. Rates on liquefied chlorine gas, in tank-car loads from Baton Rouge, North Baton Rouge, La., Memphis, Tenn., and Calvert, Ky., to Chattanooga, North Chattanooga, Boyce and Calhoun, Tenn.

Grounds for relief: Market competition.

Tariffs: Supplement 121 to Southern Freight Association tariff I. C. C. 1548; Supplement 92 to Southern Freight Association tariff I. C. C. 1526.

FSA No. 34958: *Liquid caustic soda to Pace, Fla.* Filed by O. W. South, Jr., Agent (SFA No. A3728), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads from points in Alabama, Georgia, Louisiana, and Tennessee to Pace, Fla.

Grounds for relief: Market competition.

Tariffs: Supplement 66 to Southern Freight Association tariff I. C. C. 1536 and two other tariffs.

FSA No. 34959: *Petroleum and petroleum products from Standard, Tex.* Filed by Southwestern Freight Bureau, Agent (B-7371), for interested rail carriers. Rates on petroleum and petroleum products, in carloads from Standard, Tex., to points in the Southwest.

Grounds for relief: Market competition.

Tariff: Supplement 193 to Southwestern Freight Bureau tariff I. C. C. 4086.

FSA No. 34960: *Canned or preserved foodstuffs, etc., from, to, and between points in the southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7346), for interested rail carriers. Rates on canned or preserved foodstuffs, carloads between points in southwestern territory, between points in southwestern territory, on the one hand, and points in western trunk line, Illinois Freight Association, and southern territories, on the other, also points in official territory to points in the Southwest.

Grounds for relief: Motor competition.

Tariffs: Supplement 4 to Southwestern Freight Bureau tariff I. C. C. 4299 and three other tariffs.

FSA No. 34961: *Plaster and related articles, from, to, and between points in the southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7378), for interested rail carriers. Rates on plaster and related articles, in carloads between points in southwestern territory, and between points in southwestern territory, on the one hand, and points in western trunk line territory, on the other.

Grounds for relief: Market competition, short-line-distance formula, and grouping.

Tariffs: Supplement 57 to Southwestern Freight Bureau tariff I. C. C. 4149; Supplement 60 to Southwestern Freight Bureau tariff I. C. C. 4017.

FSA No. 34962: *Canned or preserved foodstuffs—Illinois Freight Association territory to the south.* Filed by Illinois Freight Association, Agent (No. 24), for interested rail carriers. Rates on canned or preserved foodstuffs, in carloads from points in Illinois Freight Association territory to points in southern territory.

Grounds for relief: Motor and market competition.

Tariff: Supplement 30 to Illinois Freight Association tariff I. C. C. 899.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-7470; Filed, Sept. 12, 1958; 8:47 a. m.]

UNIVERSITY OF MICHIGAN

UNIVERSITY OF MICHIGAN
SEP 17 1953
MAIN READING ROOM

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 23 NUMBER 181

Washington, Tuesday, September 16, 1958

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 443.1]

PART 331—POLICIES AND AUTHORITIES

LOAN INSURANCE CHARGES

Section 331.9 (d) in Title 6, Code of Federal Regulations (21 F. R. 10446), is hereby amended in regard to loan insurance charges on loans involving the deferment of the initial installment on the note, and to read as follows:

§ 331.9 *Sources of funds and terms of loans.* * * *

(d) *Loan insurance charge.* Each insured loan borrower will pay a loan insurance charge in addition to principal and interest payments on his Farm Ownership loan.

(1) *Initial loan insurance charge.* Each insured loan borrower will pay on the date of loan closing an initial loan insurance charge, computed at the rate of one percent of the principal obligation on the note, covering the period from the date of loan closing to the first January 1 thereafter.

(2) *Annual loan insurance charge.* Each insured loan borrower will pay an annual loan insurance charge of one percent of the actual principal obligation remaining unpaid which will include the balance on the note and any unpaid advances made from the insurance fund on behalf of the borrower. Each annual loan insurance charge will be computed on the basis of the principal obligation remaining unpaid as of the date on which each installment on the note is due, and will be paid on or before the date the next succeeding installment is due. (In addition, for notes with deferred payments, the annual loan insurance charge will be established as of each January 1 during the period of deferment of the note installments and will be paid on or before the next succeeding January 1.) Annual loan insurance charges will continue until the loan is paid in full or the mortgaged property is acquired by the Government or until the contract of insurance is otherwise terminated.

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: September 10, 1958.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 58-7539; Filed, Sept. 15, 1958; 8:54 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54682]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

PORT OF ENTRY AND PORT OF DOCUMENTATION; MORGAN CITY, LA.

SEPTEMBER 9, 1958.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR 1951 Supp., Ch. II), Morgan City, Louisiana, is hereby designated as a Customs port of entry in Customs Collection District No. 20 (New Orleans) effective 30 days after publication of this Treasury decision in the FEDERAL REGISTER.

The customs port of entry at Morgan City, Louisiana, which is hereby also designated a port of documentation, shall include the territory bounded as follows:

Starting at a point where Deer Island Bayou enters the Lower Atchafalaya River, thence northerly along the St. Mary and Terrebonne Parishes boundary lines to the point of intersection of the boundary lines of the parishes of Terrebonne, St. Mary and Assumption, thence along the east side of the boundary line of St. Mary Parish and Assumption Parish to the intersection of the boundary lines of St. Mary, Assumption, and St. Martin Parishes, thence westerly along the boundary line of the Parishes of St. Mary and St. Martin to the west boundary line of Ward 4, St. Mary Parish, thence southerly on the west bank of the Wax Lake Outlet, Wax Lake and Wax Lake Pass and thence in a southeasterly direction along the meandering shore line of Atchafalaya Bay to the point of beginning.

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FEDERAL REGISTER

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Dwight D. Eisenhower, 1957

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The customs station and port of documentation at Morgan City, Louisiana, which is within the territory described above, shall become part of the port of entry at Morgan City, Louisiana.

Section 1.1 (c), Customs regulations, is amended as follows:

The first sentence of footnote 4 is amended by inserting "and" immediately preceding the words "at Biloxi, Miss."; by changing the semicolon immediately following the words "(No. 19)" to a period; and by deleting the remainder of the sentence.

The tabulation of customs districts and ports of entry is amended by adding "Morgan City, La. (including territory described in T. D. 54682)." in the appropriate place in the column headed "Ports of entry" in District No. 20 (New Orleans).

Section 1.2 (d), Customs regulations, is amended by deleting "Morgan City, La." in the column headed "Customs Stations" and on the same line "New Orleans" in the column headed "Ports of Entry having supervision."

Notice of the proposed designation of Morgan City, La., as a customs port of entry was published in the FEDERAL REGISTER of July 8, 1958 (23 F. R. 5170), pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003). No objections to this action were received. (MC 192–20.1)

(R. S. 161, as amended, Pub. Law 85–619, 251; 5 U. S. C. 22, 19 U. S. C. 66. Interpret or apply sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended; 19 U. S. C. 1, 2, 46 U. S. C. 2, 3)

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58–7503; Filed, Sept. 15, 1958; 8:49 a. m.]

[T. D. 54683]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

MISCELLANEOUS AMENDMENTS

SEPTEMBER 9, 1958.

By virtue of the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), the designation of Holeb-Jackman, Maine, as a customs port of entry in Customs Collection District No. 1 (Maine and New Hampshire), is hereby revoked and a new customs port of entry to be known as Jackman, Maine, is hereby designated in said District, which port shall include the townships of Jackman, Sandy Bay, Bald Mountain, Holeb, Attean, Lowelltown, Dennistown, and Moose River, all in the State of Maine.

Section 1.1 (c) of the Customs regulations is amended by deleting "Holeb-Jackman, Maine (E. O. 3609, Jan. 9, 1922) (E. O. 4550, Dec. 8, 1926)." and adding "Jackman, Maine (including the townships of Jackman, Sandy Bay, Bald Mountain, Holeb, Attean, Lowelltown, Dennistown, and Moose River) (T. D. 54683)." in the column headed "Ports of entry" in District No. 1 (Maine and New Hampshire).

Section 1.2 (d) of the Customs regulations is amended by substituting the name "Jackman" for "Holeb-Jackman" in the column headed "Port of Entry having supervision" opposite the listing "Coburn Gore, Maine" in the column headed "Customs Station" in District No. 1.

Customs officers are no longer stationed in St. Andrews, New Brunswick, Canada. Accordingly, the listing of customs offices in § 1.3 of the Customs regulations is amended to read as follows:

Customs office	Customs district having supervision	Comptroller having supervision
St. John, New Brunswick (winter).	Maine and New Hampshire.	Boston, Mass.
Montreal, Quebec	Vermont	Boston, Mass.
Toronto, Ontario	Buffalo	New York, N. Y.
Vancouver, British Columbia.	Washington	San Francisco, Calif.
Prince Rupert, British Columbia.	Alaska	San Francisco, Calif.

Notice of the proposed revocation of Holeb-Jackman, and designation of Jackman as a customs port of entry was published in the FEDERAL REGISTER of July 3, 1958 (23 F. R. 5093), pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003). No objections to this action were received. Inasmuch as railroad operations have already been transferred from Holeb, Maine, to Jackman Station, Maine, it is considered in the best interest of the public that this action be put in effect as soon as possible. For this reason it is found that compliance with the effective date limitations of section 4 (c) of that Act serves no good purpose. This Treasury decision shall, therefore, be effective upon publication in the FEDERAL REGISTER. (MC 192–1.1)

(R. S. 161, as amended, Pub. Law 85–619, 251; 5 U. S. C. 22, 19 U. S. C. 66. Interpret or apply sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U. S. C. 1, 2)

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58–7504; Filed, Sept. 15, 1958; 8:50 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter Q—Oil and Gas

PART 183—LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

PAYMENT OF ANNUAL RENTAL ON OIL AND GAS LEASES AND LOCATION OF LOCAL REPRESENTATIVES OF LESSEES AND ASSIGNEES

On pages 5093 and 5094 of the FEDERAL REGISTER of July 3, 1958, there was published a notice of intention to amend §§ 183.4, 183.16, 183.42, and 183.43 of 25 CFR. The purpose of the amendments is to require that the annual rental in lieu of drilling on oil and gas leases on the Osage Indian Reservation shall be paid annually in advance, and to permit the appointment of a local representative of a lessee or assignee of an Osage oil and gas lease to be located any place within the State of Oklahoma, instead of only within the City of Pawhuska.

Interested persons were given an opportunity to submit their views, data, and arguments concerning the proposed amendment to the Commissioner of Indian Affairs within 30 days of the date of publication of the notice in the FEDERAL REGISTER. No objections were received.

The proposed amendments to §§ 183.4, 183.16, 183.42, and 183.43 are hereby adopted as set forth below. These amendments are effective upon publication in the FEDERAL REGISTER.

ROGER ERNST,
Acting Secretary of the Interior.

SEPTEMBER 9, 1958.

1. The present text of § 183.4 is amended to provide that rental in lieu of drilling shall be paid annually in advance and to read as follows:

§ 183.4 *Drilling obligations.* (a) Lessee shall drill at least one well to the Mississippi Lime, unless oil or gas is found in paying quantities at a lesser depth, on the land covered by his lease, within 12 months from the date of approval of the lease, or the lease may be held for the full five-year primary term without drilling, upon payment to the Superintendent for the lessor of rental at the rate of one dollar per acre per annum, payable annually in advance, beginning one year after the date of approval of the lease. This lease shall terminate as to both parties unless such advance rental shall be received at the Osage Agency or shall have been mailed as indicated by postmark, on or before the due date: *Provided*, That the time within which a well shall be drilled shall not begin to run on any restricted homestead selection until the consent of the Superintendent to drilling on such homestead shall have been given, nor shall advance rental become due until the next anniversary date of the lease following the date of such consent: *Provided further*, That the Superintendent in his discretion may direct the drilling of any undrilled lease, if in his opinion

the interests of the Osage Tribe warrant: *Provided further*, That whenever the Commissioner of Indian Affairs shall consider the marketing facilities inadequate to take care of the production he may direct the suspension of drilling operations on this lease. The completion of a well to the Mississippi Lime, or production of oil or gas in paying quantities from a lesser depth than the Mississippi Lime, for such time as such production shall continue, after the lease has entered a rental status, shall relieve the lessee from any further payment of rentals for the balance of the primary term of the lease for which rental has not been paid. Should such production cease, rental shall commence on the next anniversary date of the lease. Rental shall be paid on the basis of a full year, and no refund will be made of advance rental paid in compliance with the regulations in this part.

(b) Prior to the expiration of a term of a lease, the Osage Tribal Council may, with the approval of the Superintendent, and a finding by him that such action is in the best interest of the Osage Tribe, grant an extension of the term of the lease for a period of not to exceed six months for the purpose of enabling the lessee to drill a well to the Mississippi Lime unless oil or gas is found in paying quantities at a lesser depth.

2. The present text of § 183.16 is amended to conform to the provisions of § 183.4 and to provide that no refund of annual rental will be made if a lease is cancelled during the year, and to read as follows:

§ 183.16 *Surrender of lease.* The oil lessee may at any time, by paying to the Superintendent the sum of one dollar, surrender all or any quarter-section or fractional part of quarter-section where the lease does not cover the full quarter-section, and have the lease cancelled as to the lands, surrendered; and be relieved from all further obligations and liabilities thereunder, as to the part surrendered: *Provided*, That if this lease has been recorded, the lessee shall execute a release and record the same in the proper office. Such surrender shall not entitle the lessee to a refund of the unused portion of rental paid in lieu of development, nor shall it relieve the lessee and his sureties of any obligation incurred prior to such surrender.

3. Section 183.42 is deleted for the reason that its provisions are included in § 183.4, as amended.

4. The present text of § 183.43 is amended to permit a local representative of a lessee or assignee to be located any place within the State of Oklahoma instead of the City of Pawhuska, and to read as follows:

§ 183.43 *Lessee's process agents.* (a) Before actual drilling or development operations are commenced on leased lands, the lessee or assignee shall appoint a local or resident representative within the State of Oklahoma, on whom the Superintendent or other authorized representative of the Department may serve notice, or otherwise communicate with in securing compliance with the regulations in this part, and shall notify the Superintendent of the name and post office address of the representative so appointed.

(b) Where several parties own a lease jointly, only one representative or agent need be designated, whose duties shall be to act for all parties concerned. Designation of such representative should be made by the party in charge of operations.

(c) In the event of the incapacity or absence from the State of such designated local or resident representative, the lessee shall appoint some person to serve in his stead, and in the absence of such representative or of notice of the appointment of a substitute any employee of the lessee upon the leased premises, or the contractor or other person in charge of drilling or related operations thereon, shall be considered the representative of the lessee for the purpose of service of orders or notices as herein provided and service upon any such employee, contractor, or other person shall be deemed service upon the lessee.

(Sec. 3, 34 Stat. 543)

[F. R. Doc. 58-7492; Filed, Sept. 15, 1958; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

TISHOMINGO NATIONAL WILDLIFE REFUGE, OKLAHOMA

HUNTING

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to add § 32.169 to Subpart—Tishomingo National Wildlife Refuge, Oklahoma, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose of this amendment is to provide for the hunting of migratory game birds and resident game birds and mammals on certain lands of the Tishomingo National Wildlife Refuge under certain limitations and subject to compliance with the laws and regulations of the State of Oklahoma.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 10, 1958.

D. H. JANZEN,
Director,
Bureau of Sport Fisheries and Wildlife.

§ 32.169 *Hunting permitted.* Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, the hunting of migratory game birds and resident game birds and mammals is permitted on the hereinafter described lands of the Tishomingo National Wildlife Refuge, Oklahoma, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The following described area is open to hunting:

All of the lands of the Tishomingo National Wildlife Refuge lying west of old State Highway No. 99.

(b) *State laws.* Strict compliance with all State laws and regulations is required.

(c) *Hunting dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Use of boats.* Subject to the provisions of Part 6 of this chapter, the use of boats for the purpose of hunting is permitted: *Provided*, That the use of airthrust or scull boats is prohibited.

(e) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for regulating the hunting.

(f) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting area, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are promulgated, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

[F. R. Doc. 58-7489; Filed, Sept. 15, 1958; 8:46 a. m.]

[50 CFR Part 34]

CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE, FLORIDA

HUNTING

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to add to Chapter I, Title 50, Code of Federal Regulations, a new subpart entitled Chassahowitzka National Wildlife Refuge, Florida, and § 34.46 as set forth in tentative form below. The purpose of the proposed regulation is to permit the hunting of migratory game birds on the hereinafter described lands of the Chassahowitzka National Wildlife Refuge during the 1958-59 season only under certain limitations and subject to compliance with the laws and regulations of the State of Florida.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 10, 1958.

LANSING A. PARKER,
Acting Director,
Bureau of Sport Fisheries and Wildlife.

SUBPART—CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE, FLORIDA

HUNTING

§ 34.46 *Hunting of migratory game birds permitted.* Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, the hunting of migratory game birds is permitted on the hereinafter described lands of the Chassahowitzka National Wildlife Refuge, Florida, during the 1958-59 season only, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The following described area is open to hunting:

Starting at the southwest corner of Section 20, Township 20 South, Range 17 East, Tallahassee meridian, thence north 34 chains to a point, thence west 22 chains to the place of beginning; thence in Township 20 South, Range 16 East, west 320 chains to a point, thence north 80 chains to a point, thence east 320 chains to a point, thence south 80 chains to the place of beginning.

(b) *State laws.* Strict compliance with all State laws and regulations is required.

(c) *Hunting dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Use of boats.* Subject to the provisions of Part 6 of this chapter, the use of boats for the purpose of hunting is permitted: *Provided*, That any person who enters the public hunting area for the purpose of hunting may operate an airboat on the lands and waters of the United States only as may be authorized by a valid special permit issued by the officer in charge, which permit may limit the period during which such permit is valid and the area in which such airboats may operate; and provided further, that the use of speedboats and racing craft is prohibited except for official purposes.

(e) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for regulating the hunting.

(f) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting area, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are promulgated, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

[F. R. Doc. 58-7488; Filed, Sept. 15, 1958; 8:46 a. m.]

[50 CFR Part 35]

MISSISQUOI NATIONAL WILDLIFE REFUGE, VERMONT

HUNTING

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to add to Chapter I, Title 50, Code of Federal Regulations, a new subpart entitled Missisquoi National Wildlife Refuge, Vermont, and §§ 35.51 and 35.52 as set forth in tentative form below. The purpose of the proposed regulations is to permit the hunting of migratory game birds and deer on certain lands of the Missisquoi National Wildlife Refuge under certain limitations and subject to compliance with the laws and regulations of the State of Vermont.

Accordingly, interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulations to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 10, 1958.

D. H. JANZEN,
Director,
Bureau of Sport Fisheries and Wildlife.

SUBPART—MISSISQUOI NATIONAL WILDLIFE REFUGE, VERMONT

HUNTING

§ 35.51 *Hunting of migratory game birds permitted.* Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, the hunting of migratory game birds is permitted on the hereinafter described lands of the Missisquoi National Wildlife Refuge, Vermont, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The following described area is open to hunting:

A peripheral strip of land varying in width from approximately 50 yards to 200 yards bordering on Gander Bay, Goose Bay, and Missisquoi Bay of Lake Champlain and between the low water mark thereof and the timber line extending from the northwest boundary of Shad Island east and south to the southeast corner of Goose Bay, except the part of the marsh bordering Goose Bay west of the line of the dike now under construction.

(b) *State laws.* Strict compliance with all State laws and regulations is required.

(c) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

(d) *Use of boats permitted.* The use of boats without motors is permitted.

§ 35.52 *Hunting of deer permitted.* Subject to the provisions of Parts 18 and 21 of this chapter, the hunting of deer is permitted on the hereinafter described lands of the Missisquoi National Wildlife Refuge, Vermont, during the period November 17 to December 23, 1958, inclusive, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The hunting of deer is permitted on all of the lands of the refuge, except Big Marsh Slough lying east of a line between the westernmost point of Goose Bay and the northwest boundary of the Julian Clark Tract, and except on posted areas in the immediate vicinity of the headquarters and work center sites of the refuge.

(b) *State laws.* Strict compliance with all State laws and regulations is required.

(c) *Dogs.* The use of dogs for the purpose of hunting is prohibited.

(d) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for regulating the hunt.

[F. R. Doc. 58-7490; Filed, Sept. 15, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 925]

[Docket No. AO-226-A8]

MILK IN PUGET SOUND, WASH., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Federal Court House Building, Seattle, Washington, beginning at 9:30 a. m., local time, on October 1, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Puget Sound, Washington, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposals relative to a redefinition of the marketing area raise the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the United Dairymen's Association:

Proposal No. 1. Revise provisions relating to producer-handlers so as (i) preferably to regulate their handling operations in the same manner as other handlers and to treat their producing operations in the same manner as other producers, or (ii) to do so at least with respect to those producer-handlers whose operations are larger than a family sized operation with production and processing conducted on a farm with direct sales to consumers, without intervention of wholesalers, retailers and/or jobbers.

Proposal No. 2. Revise provisions relating to location adjustments to both handlers and producers to provide the following adjustment rates:

	Per hundredweight
District 2 and Kittitas County	$0.25
District 3	.20
District 4	.15

Other areas, unchanged.

Proposal No. 3. Delete § 925.13 (a) and (b), to provide that diverted milk be priced on the basis of the location of the plant of actual physical receipt.

Proposal No. 4. Amend § 925.60 (b) to adjust the new producer schedule of base percentages to conform to the changed seasonal pattern of production in the market.

Proposal No. 5. Amend the definition of "country plant" at the first proviso (§ 925.9) to include milk received from other pool plants with milk received from dairy farmers in arriving at the total to which shipping percentages shall apply.

Proposal No. 6. Revise § 925.7 to define reload stations as "plants" for pricing purposes where no processing is done.

Proposal No. 7. Revise § 925.61 (a) by renumbering subparagraph (3) to subparagraph (4) and inserting a new subparagraph (3) to provide for no restriction on transfers of base within the immediate family and, in case of death, between members of the immediate family, the estate, and one outside party.

Proposal No. 8. Revise the method of computing producer prices and producer payrolls by using a uniform bonus for base milk and a uniform price with a singly weighted average butterfat differential for producer milk instead of using base and excess prices with a butterfat differential for each.

Proposed by the Carnation Company:

Proposal No. 9. Revise the transfer and diversion provisions to permit the transfer or diversion of milk at the Class II price from a fluid milk plant or country plant to a nonpool plant regulated by another Federal milk order.

Proposal No. 10. Amend § 925.6 to include Kitsap County within the Puget Sound, Washington, marketing area.

Proposed by Arden Farms Co.:

Proposal No. 11. Amend § 925.6 to include in District No. 1 of the Puget Sound, Washington, marketing area all the territory lying within the counties of Kitsap and Mason.

Proposal No. 12. Amend § 925.41 (b) (2) to include cocoa mixes, thereby classifying this product as Class II milk rather than Class I milk as it is now classified.

Proposed by Foremost Dairies, Inc.:

Proposal No. 13. Amend § 925.41 (a) (1) as follows:

In subparagraph (1): Delete the words "not sterilized" after flavored milk and flavored milk drinks.

In subparagraph (1) (ii): Delete present wording and substitute: "(ii) all milk and milk products sterilized and packaged in hermetically sealed containers; and"

Amend § 925.41 (b) as follows by adding the following:

(6) Disposed of as milk or milk products sterilized and packaged in hermetically sealed containers.

Proposed by Medosweet Dairies:

Proposal No. 14. Amend § 925.41 (b) so as to enable any handler, with the prior approval or in the presence of the market administrator or his authorized representative, to dispose of or dump any skim and/or butterfat unsuitable for human consumption and not otherwise able to be used for Class II utilization, whether degraded or not degraded by any local health authority, such disposition or dumpage to be defined as a Class II utilization not subject to the 25 cent location adjustment imposed by § 925.54.

Proposed by Producer Dairymen's Association of Grays Harbor:

Proposal No. 15. Amend § 925.41 to provide for three classes of milk instead of two classes, as follows:

1. Class I milk to be as previously defined.

2. Class II milk shall be all skim milk and butterfat used to produce cottage cheese, ice cream and all other perishable dairy products that cannot be shipped long distances.

3. Class III milk shall be all skim milk and butterfat used to produce butter, hard cheeses, powdered milk and for purposes other than human consumption.

Proposal No. 16. Amend the base milk provisions so that the determination of the base building period shall be any nine months during the year in place of five months as presently provided.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 17. Amend § 925.45 (a) by revising the phrase "any other product condensed from skim milk" to read "any other product condensed from milk or skim milk".

Proposal No. 18. Amend § 925.45 (a) (1) to read as follows: "(1) to fortify (or as an additive to) fluid milk, flavored milk, skim milk or any other Class I milk product, or"

Proposal No. 19. Amend § 925.50 (a) to include the following list of plants in lieu of those set forth therein:

Present Operator and Location
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Proposal No. 20. Amend § 925.54 (a) (2) by deleting the phrase "located in District No. 1 or in the counties of Kitsap and Mason".

Proposal No. 21. Give consideration to the redrafting and reissuance of the entire order with its several amendments previously issued and any amendments resulting from the current hearings particularly if the marketing area should be expanded as the result of this hearing.

Proposal No. 22. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Proposed by Watson Dairy Farms:

Proposal No. 23. Give consideration to revocation of the entire order.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 200 Bigelow Building, 4th and Pike Streets, Seattle 1, Washington, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 11th day of September 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-7541; Filed, Sept. 15, 1958; 8:55 a. m.]

[7 CFR Parts 925, 1008]

[Docket Nos. AO-226-A5, AO-275-A4]

MILK IN INLAND EMPIRE AND PUGET SOUND, WASH., MARKETING AREAS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held in the Federal Court House Building, Seattle, Washington, beginning at 10:00 a. m., local time, on September 30, 1958, with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Puget Sound, Washington, and Inland Empire marketing areas.

The public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and orders.

The proposed amendments set forth below have not received the approval of the Secretary of Agriculture.

The following amendments to the order regulating the handling of milk in the Inland Empire marketing area are proposed by the Inland Empire Dairy Association and the Spokane Milk Producers Association:

Proposal No. 1. (a) Amend those provisions of Federal Order No. 108, as amended, as are necessary to provide that all nonpool plants be placed on a comparable basis, particularly by deleting all references to and exemptions given to "Other Order Milk"; and

(b) Broaden the credits to handlers now set forth in § 1008.70 (a) (7) to apply to all transfers of milk under conditions of § 1008.44 (c) (2) and to payments made to the producer-settlement fund of Federal Order No. 25 because of sales on routes in the defined marketing area of Federal Order No. 25, except that (1) such credits shall not apply if either marketing area is short of milk according to the standards for defining when either area is short of milk, and (2) such credits shall be limited to the lesser of the following: (i) The amount actually paid by such handler to the producer-settlement fund of Federal Order No. 25, or (ii) the applicable difference between the Class I and Class II values under Federal Order No. 108, as amended.

(c) Make such other changes as will make the two Federal milk orders comparable in the solving of this problem.

Proposal No. 2. Amend § 1008.51 (d) (2) to include in the total pounds of Class I dispositions the total pounds of Class I milk disposed of in the marketing area by nonpool plants.

Proposal No. 3. In § 1008.41 (b) (2) delete the phrase "during the months of April, May, June or July".

The following amendment to the order regulating the handling of milk in the Inland Empire marketing area is proposed by the Inland Empire Dairy Association:

Proposal No. 4. In the proviso in § 1008.8 (a) delete the words "50 percent" and substitute therefor the words "40 percent".

The following amendment to the order regulating the handling of milk in the Puget Sound, Washington, marketing area is proposed by the United Dairymen's Association:

Proposal No. 5. Add such provisions as are necessary to accomplish the following:

(a) Providing for a credit to handlers for payments made by them into the producer's settlement fund of any federal milk marketing order regulating the handling of milk in the following area:

That part of Bonner County, Idaho, lying south of Township 60 and west of Range 2 East Boise Meridian; all of Kootenai County, Idaho, except that portion lying east of Range 3 West Boise Meridian and south of Township 53; Boundary County, Idaho; Benewah County, Idaho; Spokane County, Washington; that portion of Pend Oreille County, Washington, lying south of Township 35, and that portion of Stevens County, Washington, lying south of Township 37.

(b) Limiting the amount of the credit to the lesser of the following: (i) The amount actually paid by such handler to the producer settlement fund of such other milk marketing order; (ii) the then difference between Class I and Class II values of the milk under the Puget Sound Federal Milk Order (Order 25).

(c) Providing for the elimination of such credit when either or both of the following milk marketing areas are short of milk:

(i) The area defined at (a) above;

(ii) The area defined in the Puget Sound Marketing Order at § 925.6, and providing standards for defining when said areas are so short of milk.

(d) Making such amendment only if contemporaneously a reciprocal amendment of the Inland Empire Marketing Order is made.

The following amendments to the order regulating the handling of milk in the Inland Empire marketing area are proposed by the Dairy Division:

Proposal No. 6. Review § 1008.51 (d) in connection with the proposals set forth above in this notice.

Proposal No. 7. Make such changes as may be required to make the marketing agreements and orders in their entirety conform with any amendments thereto which may result from this hearing and consider any other suggestions for changes in order language which are related to the issues dealt with by the above industry proposals.

Copies of this notice of hearing, and of the Puget Sound, Washington, order, now in effect, may be obtained from the Market Administrator, 200 Bigelow Building, 4th and Pike Streets, Seattle 1, Washington; or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Copies of this notice of hearing, and of the Inland Empire order, now in effect, may be obtained from the Market Administrator, West 933 Third Avenue, Room 212, Spokane 4, Washington; or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Dated: September 11, 1958, Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-7540; Filed, Sept. 15, 1958; 8:55 a. m.]

[7 CFR Part 953]

[Docket No. AO-144-A8]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT OF AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to the proposed amendment of the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), hereinafter referred to collectively as the "order," regulating the handling of lemons grown in California and Arizona, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., not later than the close of business of the tenth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by the California Citrus League and Pure Gold, Incorporated. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that such public hearing would be held on June 30, 1958, in Room 229, Federal Building, 312 North Spring Street, Los Angeles, California, was published in the FEDERAL REGISTER (23 F. R. 4085) on June 11, 1958.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Increase the membership of the Lemon Administrative Committee, include handler members, and provide for reapportionment of committee membership;

(2) Authorize limitation of the sizes of lemons handled;

(3) Change the method of computing the prorate bases of handlers;

(4) Authorize exemption from regulation of lemons handled in specified minimum quantities and types of shipments;

(5) Delete the provision authorizing transfer of allotment with an equivalent quantity of lemons;

(6) Make the production area of California cover only that portion of the State that is south of the 37th Parallel;

(7) Clarify the current definition of the term "handle;"

(8) Revise the provisions relating to adoption of a marketing policy;

(9) Provide for an annual report; and

(10) Specify a time period for the retention of records pertaining to allotment transactions of central marketing organizations.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The Administrative Committee established under the order currently is composed of 6 grower members and 1

member who is neither a grower, handler, employee of a grower or handler, nor is in any other way associated directly with the lemon industry. The latter generally is referred to as the "non-industry" member.

The production of lemons in Central California (District 1) and in Arizona (District 3) is increasing and plantings of lemon trees in these areas indicate such increases will become substantial in the next few years. The number of grower members on the committee should, therefore, be increased to provide a basis for the selection of sufficient grower members to adequately present sectional views as to desirable regulations. Also provision should be made in the order for handler members on the committee. The grower members have, of course, consulted with their respective marketing agencies for marketing information. However, it would be desirable, and would contribute to the formulation of sound recommendations for regulation, for handlers or representatives of handlers personally to present, as members of the committee, the marketing information which they possess.

The current administrative committee is organized in a manner to give recognition to the organizational structure, and the relative volume of lemons handled by the marketing organizations, of the lemon industry; and the members of the committee should continue to be nominated and selected in the manner presently provided in the order. Increasing the number of grower members of the committee from 6 to 8 should be sufficient to permit nomination and selection of such members in conformance with the organizational structure of the industry and also to provide the basis for grower representation from the major producing areas.

Four handler members of the committee also should be sufficient to provide fair and equitable representation to the several handler organizations of the lemon industry and to supply the committee with handler views as to the marketing situation in all lemon producing areas. The handler organizations generally handle lemons produced in all portions of the production area and, therefore, geographical representation by handler members is not necessary.

Since it may be necessary, from time to time, to change the membership of the committee to reflect the current marketing affiliations of the growers and handlers of lemons, the order should provide that the committee, with the approval of the Secretary, may reapportion the membership of the committee. Any such reapportionment would be for the purpose of giving recognition to shifts in the relative magnitude of the marketing organizations handling lemons and should be based, insofar as practicable, upon the proportionate amount of lemons handled by the respective marketing organizations. However, the committee membership should, at all times, be such that at least one grower and one handler member should represent each marketing group.

It was advanced at the hearing that adequate geographical grower representation on the committee could be provided by specifying in the order provisions that, of the grower members or alternate members nominated and selected to represent the cooperative marketing organization handling more than 60 percent of total volume of lemons handled, at least one member or alternate member should be from and represent District 1 and at least one member or alternate member should be from and represent District 3. It was stated that the Board of Directors of this cooperative had taken action to assure that such representatives would serve on the committee at all committee meetings during all periods when lemons are being marketed from these districts; and that this was the practical manner to assure geographical grower representation since lemons produced in Districts 1 and 3 are marketed during a 4 to 5 month period while District 2 lemons are marketed during all months of the year. However, it was contended by others that such action could be changed at any time and that the order provisions should contain a requirement that, insofar as practical, whenever lemons are being marketed from a district at least one grower representative from such district should serve on the committee at all committee meetings held during that time. It is believed such contention has merit and the order should so provide.

The present provisions of the order specify that 5 members of the committee shall constitute a quorum and any action of the committee shall require at least 4 concurring votes. To maintain relatively equal requirements for the committee which, as heretofore discussed, should have 13 members, the provisions of the order should require that 7 members shall constitute a quorum and the same number of concurring votes should be required for each action of the committee.

The language of the provisions specifying the term of office of committee members should be changed for the purpose of clarity. Some of such language relates to the initial term of office. Also provision was made for the Secretary, by order issued not later than September 1 of any year, to terminate the term of office of members and alternate members then serving on October 31 following the issuance of such order. This termination authority has never been used and other provisions of the order give the Secretary ample authority in this connection.

(2) The order should be amended to include provisions authorizing the committee to recommend, and the Secretary to issue, regulations limiting the sizes of lemons that may be handled. The demand for particular sizes of lemons varies depending upon the size composition of the supplies of lemons that are shipped to fresh market outlets. Generally, however, lemons of the smallest and largest sizes bring lower returns to producers than lemons of other sizes. When supplies of lemons in fresh market channels are heavy and the general price level is lowered, the smaller and larger sizes of lemons often do not command prices which will return to growers the direct cost of harvesting and marketing such lemons. Moreover, it was testified that sales of such discounted sizes of lemons tend to lower the prices at which other sizes of lemons may be sold. Therefore, regulations which would prohibit the shipment of undesirable sizes of lemons to the fresh markets will tend to improve returns to producers of lemons.

The nature of the fresh market demand for sizes of lemons is such that a certain quantity of a particular size may be sold to advantage but the sale of a greater quantity of such size may be accomplished only at distress prices. Therefore, the committee should have authority to recommend, and the Secretary the authority to fix, size limitations which would restrict the handling of all or a portion of a particular size or sizes of lemons whenever such limitation would tend to effectuate the declared policy of the act.

Recommendations for regulation by size, and the issuance of such regulations, should be made on a prorate district basis since the composition of the sizes of lemons grown in the several districts varies. Consequently, size regulations may be desirable for the lemons grown in one district but be of no importance in another district since little, or none, of such size may be available in the latter district during the particular time that the regulation is effective. Also, the marketing season for lemons produced in the respective districts is not identical so size regulation would not always be required in all districts at the same time.

Regulation by size should be independent of the volume regulations now authorized by the order as each of these types of regulation seeks to promote marketing conditions by a different method. However, when both size and volume regulations are effective, all handling of lemons should conform to both regulations.

In conjunction with the provision for size regulation, the committee should be authorized to issue exemption certificates to any grower who furnishes evidence satisfactory to the committee that, because of the size regulation in effect, he will be prevented from having as large a proportion of his crop of lemons handled as the average proportion which may be handled by all other growers in the same prorate district. Evidence presented at the hearing indicated that 50 percent, or less, of the crops of lemons produced during recent years have been marketed in fresh channels. Hence, it is unlikely that any size regulations imposed would be so restrictive that a grower would be prevented, because of such regulation, from having as large a proportion of his lemons marketed as that which may be marketed by other growers. However, it is known the crops of lemons produced on certain groves have a larger proportion of small sized lemons than is the case for other groves and, to insure that the burden of size regulation would not impose inequities among growers, the exemption provision should be included in the order. Such exemption certificates, when warranted, should permit the shipment of an appropriate quantity of lemons which fails to meet the size requirement of the regulation so as to enable the grower to have handled as large a proportion of his

lemons as the proportion that may be handled for all other growers in the prorate district. Such exemption certificates should be limited to exemption from the size regulation in effect and any lemons handled pursuant to such exemption should be subject to any limitations as to the volume of lemon shipments the same as the lemons of other producers.

(3) The provisions of the order should be amended to provide a new method for the computation of the prorate bases and allotments of handlers. Currently, the prorate bases and allotments of handlers are computed primarily from a count of the quantities of lemons which have been picked from the trees and are in storages or on the floor of packinghouses. However, there are two other factors that are used in such computations. These generally are referred to as "advance count" and "tree count." The advance count is a determination of the storage life of a lot of lemons and the carrying of such lemons as a part of the count of lemons in storage or on packinghouse floors, for the determined storage life period, even though such lot is diverted to processing or export outlets. It is used to permit handlers to move to processing and export outlets lemons which are in excess of domestic fresh market demands rather than requiring them to be held in storage until deteriorated in order to add to the prorate base. The tree count is a determination of the quantity of lemons which a handler would have picked if he had available facilities to hold such lemons. It is used when the handler either does not have any storage for lemons or his storage space is full and he controls lemons on the trees which could be picked if storage facilities were available to him.

The evidence presented at the hearing shows that, in general, the computation of the prorate bases of handlers, in the manner described, and the determination therefrom of each handler's proportionate share of the total volume of lemon shipments, have been equitable. Handlers in each prorate district have received total allotments to ship lemons in reasonable relationship to the total quantities of lemons which each controls. However, there are certain disadvantages to the use of the current method of computing the prorate bases and allotments of handlers. In some areas, the practice of storing lemons has not been followed to any great extent. Consequently, the prorate bases and allotments of handlers in such instances have been based upon "tree count." With the larger volume of lemon production in prospect, particularly in the areas where the "tree count" has been used, the possibility of inequities occurring through the establishment of the prorate bases and allotments of handlers from "tree count" will be greatly increased.

In cases where the prorate bases and allotments of handlers are computed primarily from a count of the lemons in storage, a handler naturally is inclined to build up as large an inventory of lemons as possible since such procedure will result in the handler receiving a greater share of total volume of lemon shipments. As a result lemons often are held in storage beyond the normal life of the fruit. The shipment of such fruit of poor keeping quality and appearance to the fresh market outlets tends to reduce the demand for lemons and lower returns to the growers. The increasing production of lemons makes it necessary and desirable for the industry to institute all practical procedures which may reasonably be expected to place better quality lemons in the fresh markets and to expand such market outlets.

The order should provide for the computation of the prorate bases and allotments of handlers from "lemons available for current shipment." Such term should be defined to mean the tree crop of lemons produced in the case of Districts 1 and 3, and deliveries of lemons to handlers during a prescribed 20-week period in the case of District 2. Tree crop is the quantity of lemons on the trees as determined by the committee. It should be calculated by the committee at the beginning of a particular crop year as an estimate of the lemons on the tree. However, to offset errors which may be made in such estimate, and to assure that allotments based thereon issued to handlers are equitable, the final determination of the tree crop should be based upon the number of boxes of lemons delivered to handlers.

The record of the hearing shows that it is possible accurately to determine the quantity of lemons which each handler in Districts 1 and 3 currently controls on the tree. The annual lemon crops produced in Districts 1 and 3 are from one bloom and are harvested and marketed during approximately a 5-month period in the fall and early winter seasons. Thus it is possible, prior to the marketing of the crops produced in Districts 1 and 3, to make a reasonably accurate determination of the volume of production that will be available for market from each such district during the ensuing months and the portion of such production which each handler has available for current shipment. The equity or share of each handler in the limited quantity of lemons that may be shipped from the particular prorate district during any week should be the same percentage as the portion of the total quantity of lemons available for current shipment in such prorate district which such handler controls.

With respect to District 2, the annual lemon production results from multiple blooms. While the major portion of the crop is produced from the spring bloom, the trees continue to bloom and set and produce lemons throughout the year. A sufficiently accurate determination of the total crop and the portion thereof controlled by each handler apparently cannot be made for the purpose of equitably establishing the individual handler's share of the limited quantity of lemons that may be shipped each week from such district. It was shown, however, that an equitable and orderly basis for establishing each individual handler's share of such shipments can be derived from the records of deliveries of lemons to each handler during the preceding 20-week period. Hence it is concluded that the equity or share of each handler in District 2 of the limited quantity of lemons that may be shipped from such district during a given week should be the same percentage as the ratio between the quantity of lemons delivered to the particular handler during the preceding 20-week period and the total deliveries of lemons to all handlers in such district during the same period.

One handler testified at the hearing in opposition to the proposal to change the method of computing the prorate base of handlers in District 2. The primary basis of such objection was that records of deliveries of lemons to handlers in District 2 indicated this handler would have received, under the proposed provision, a smaller share of the total permitted shipments of lemons than was actually the case under the current provision. It was asserted that the lemons controlled by this handler have a longer storage life than many of the lemons produced in District 2, that its facilities had been developed to take advantage of this fact, and that the proposed change from the proration of the permitted shipments of lemons on the basis of storage life of the fruit, as reflected by the current provision, would be inequitable to those growers having lemons of long keeping quality. All of the witnesses testifying at the hearing in this connection indicated that one of the problems of the industry was the shipment of lemons which have been stored so long that their keeping qualities largely had been depleted and the fruit could not be moved into consumption in good condition; and that the "storage count" method of computing the prorate base of handlers had contributed to this condition. The data presented at the hearing relating to the allotment handlers in District 2 actually received during the 1954–55 season, and the allotment that would have accrued to such handlers if the proposed provision then had been effective, show that, in some instances, the allotments received by certain handlers would have been reduced under the proposed provision. However, a comparison of the actual allotment of such handlers with the total quantities of lemons each controlled shows that they were permitted to move in fresh market channels a larger proportion of their lemons than the average handled by all handlers in such district. Also, such handlers would have received allotment under the proposed method at least equal to the average handled by all handlers.

The order should provide that each handler who has lemons available for current shipment should make application to the committee for prorate bases and allotments so as to provide an orderly basis for operation of the regulation of shipments of lemons. The applications for prorate base and allotments should contain the information hereinafter set forth. Such information is necessary to substantiate the quantity of lemons available for current shipment by each handler and to insure that the determination of the allotments issued to such handler is correct. Such applications should include only such lemons as the handler has title to, possession of, or a bona fide contract or

agreement to handle or purchase, because only the lemons which the handler has actual control over the marketing should be considered as the lemons which such handler has available for current shipment.

The order should provide for adjusting the quantity of lemons controlled by individual handlers in Districts 1 and 3 as such handlers may gain or lose control of the marketing of such lemons during the marketing season. Producers should be given the opportunity to transfer the marketing of their crops from one handler to another. A handler who thus has gained or lost control of the handling of lemons should have the quantity of his lemons available for current shipment adjusted to reflect such change. In addition, if it is determined that a handler who has lost control of lemons has not handled a quantity of such lemons equal to the quantity that could have been handled under the allotments issued thereon, such handler's lemons available for current shipment should be reduced, over a reasonable period of time, to the extent necessary to place such handler in the relative position that he would have occupied had he not received the allotments earned by, but not used for the handling of, such lemons. However, the order should discourage widespread transfers by producers as such transfers would make the operation of the program, and the maintenance of equities among handlers, difficult. Accordingly, when a producer transfers the marketing of his lemons to a new handler, such handler should not be given any allotments that had been earned by such lemons prior to the time of the transfer. Handlers should be required to report to the committee any change in the respective quantities of lemons they control in order to assist the committee in making adjustments and to simplify administration of this provision.

The order should provide for the adjustment of the quantity of any handler's lemons available for current shipment whenever it is determined that, through error, omission, or other inaccuracy, such quantity has been established at too high or too low an amount. Such adjustment is necessary to insure that the equities of handlers are maintained, and should increase or reduce, by such amount and for such period of time as is necessary and reasonable, such handler's quantity of lemons available for current shipment so that the total allotment received by such handler will equal what his total allotments would have been if his lemons available for current shipment had been established at the correct quantity.

(4) The order should provide authority for the exemption from regulation of lemons handled in such minimum quantities and types of shipments as it is not necessary to regulate in order to effectuate the declared policy of the act. The handling of lemons in small quantities by express as gifts and to county fairs for display in exhibits are examples of the type of shipments which would not materially affect marketing conditions in commercial channels. Such authorization is needed also to permit the exemption of such handling of lemons as it is found not to be feasible administratively to regulate. In some instances, a grower with only a few trees of lemons may not be able to get a packinghouse to market his lemons because the quantities involved are too small. Similarly, for such grower to handle his own fruit under the volume and other restrictions of the order would present administrative difficulties and costs which are unwarranted in relation to the effect that the marketing of such fruit would have on marketing conditions for lemons generally.

In order to insure that the allowance of such exemptions would not result in avenues of escape from regulation contrary to the purposes of the exemptions and which would tend to defeat the objective of the program, the committee should prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as may be reasonable and necessary.

(5) The current provisions of the order authorize, in § 953.60, transfers of allotment with a quantity of lemons equal to the allotment that is transferred. This provision has not been used to any great extent. When used, the lemons which accompany the allotment transferred customarily have been of "products" quality; and the handler receiving the allotment used it to ship lemons he controlled which were of fresh market quality. The sales price of the lemons involved in the transfer would be somewhat higher than the existing market price for product quality lemons, however, so the transferring handler, in effect, sold the allotment transferred to the recipient of it. The evidence presented at the hearing was to the effect that this practice was not desirable and that there was considerable feeling on the part of handlers that the provision was inequitable since all handlers were not in a position to participate in the transfer. There are ample provisions in the order for flexibility of operation on the part of handlers through the overshipment, undershipment, and loan provisions; and the provision for transfer of allotment should be deleted.

(6) The commercial production of lemons in California is confined almost entirely to the portion of the State which is situated south of the 37th Parallel. There are a few scattered plantings of lemon trees in California north of the 37th Parallel but because of weather hazards production is uncertain and there is little likelihood that lemon production will be expanded materially in this area. Because of the scattered and light production in such area, the growers generally do not market these lemons through established packinghouses and regulations under the order cannot be imposed feasibly, from an administrative standpoint, upon such lemons. Moreover, the volume of such lemons is so small that its regulation would not appreciably affect the level of grower returns for lemons produced elsewhere in California and in Arizona. The order should, therefore, provide for regulation thereunder only of the lemons that are grown in Arizona and that part of California situated south of the 37th Parallel. Corresponding changes should be made in the definitions of the districts, as currently set forth in the order, and such definitions should also be revised and clarified. The common boundary between Districts 1 and 2 currently is described as a line drawn due east and west through the Tehachapi Mountains. This is an inexact boundary and the line could be so drawn to include in District 1 a small area of the San Joaquin Valley. Any lemons that were grown in such area would mature at the time as, and have other characteristics of, the lemons grown in District 1. The boundary between Districts 1 and 2 should, therefore, be described as a line drawn due east and west through Gorman, California, but excluding that portion of San Bernardino County which is east of the 115th Meridian. Lemons grown in such portion of San Bernardino County have characteristics similar to those grown in other desert areas and currently is included and should remain in District 2. Such a line locates the boundary between Districts 1 and 2 through a specific point and also places in District 1 all lemons having similar characteristics.

Similarly, the common boundary between Districts 2 and 3 currently is described as a line drawn due north and south through the San Gorgonio Pass except that all of San Diego County is included in District 2. A more specific location of such boundary could be provided by drawing such line due north and south through White Water, California. Also, by extending such boundary southward through San Diego County and placing the desert areas in the eastern portion of such county in District 3, any lemons grown in this area will be included in the district having lemons with similar characteristics. The districts should, therefore, be defined as hereinafter set forth.

(7) The current definition in the order of the term "handle" should be revised and clarified. Such term currently is defined to include all transactions which place lemons "in the current of interstate commerce or commerce with Canada or so as directly to burden, obstruct, or affect" such commerce. All activities which place lemons in commercial markets within the States of California and Arizona directly burden, obstruct, or affect interstate commerce in lemons and the order should specifically so provide.

Any handling of lemons in fresh fruit channels exerts an influence upon all other handling of lemons in fresh fruit form. The production of lemons in California and Arizona constitutes practically the entire fresh market supplies of lemons in the United States, Canada, and Alaska. Markets within the States of California and Arizona provide opportunities to dispose of fresh lemons in the same fashion as do markets in other States, Canada, and Alaska. Any change in the quantity and price of fresh lemons marketed within the States of California and Arizona directly influences all other sales of such lemons.

The prices received for sales of lemons in markets within the States of California and Arizona and in other markets follow a parallel pattern. This behavior of fresh market prices of lemons follows from the manner in which handlers

transact their business in response to conditions of supply and demand, and illustrates the interdependence of such markets. If returns from lemon sales in any particular market, whether it is situated within California, Arizona, or any other State, rise above comparable prices in other markets, supplies of lemons are diverted to that market. Conversely, relatively low prices in any particular market will result in supplies being diverted away from such market. The diversion of carloads of lemons, while in transit, from the original destination to another is a common practice and indicates the rapid response of handlers to changes in demand conditions as between markets.

If shipments of lemons to market outside the States of California and Arizona were regulated while at the same time shipments of lemons to markets within such States were not regulated, prices received by growers for lemons sold within such States would tend to be lower than those prevailing in the regulated markets. With no limitation on the volume of lemons that could be marketed within California and Arizona, there naturally would be a tendency for handlers to ship lemons to markets within such States so long as returns exceed those from processing outlets. Such lower prices for intrastate shipments of lemons would have a serious effect upon total grower returns as a substantial portion of the lemons marketed in fresh form is sold in such intrastate markets. Under such conditions, in order for growers to receive returns at the level, as expressed in the act, which it is the policy of Congress to establish, prices for lemons in the interstate markets would have to be higher than otherwise would be the case if the intrastate shipments were regulated.

Lemons sold in the commercial markets, whether they are located within the States of California and Arizona or outside thereof, are prepared for market prior to packing in exactly the same fashion. For lemons that are packed in containers, the preparation for market is identical regardless of the destination. In most cases, the ultimate destination of the lemons is not known at the time the fruit is packed. Lemons shipped to the terminal markets within the production area often are diverted from such markets to markets outside the production area; and usually it is not known at the time of the initial shipment that such lemons will be reshipped to interstate markets. Thus lemons destined for the intrastate markets are so inextricably intermingled with lemons destined to interstate markets that it would be extremely difficult effectively to regulate the interstate lemon shipments only.

The redefinition of the term "handle" should include the purchasing, selling, consigning, transporting, or shipping of lemons as each of such activities is a handling function which should be subject to regulation under the order. All purchases, sales, consignment, transportation, and shipment of lemons which place such lemons in commerce in fresh market channels within the United States, Canada, and Alaska necessarily must be confined to lemons which conform to the requirements of the order and the regulations effective thereunder if the objectives of such order is to be attained.

In order to make the application of definition of the term "handle" specific, however, there should be excluded the types of sales, purchases, and other transactions in lemons which do not place such lemons in commerce. The sale of lemons on the tree should be excluded because the handling of the lemons does not actually begin until after the lemons have been picked. The transportation of lemons to a packinghouse within the production area for the purpose of having such lemons prepared for market should be excluded from the definition of handle as, when a packinghouse is utilized, it is not until after the lemons are prepared for market that they begin their actual movement into commerce.

Often lemons are stored prior to being prepared for market and lemons which have been prepared for market are stored in the packinghouse or transported to nearby storages before being offered for sale by the first handler. Since the actual movement into commerce of these stored lemons does not begin until such lemons have been prepared for market and they are sold or shipped from storage, the regulatory provisions of the order should be applied at the time of such sale or shipment. It would be impractical specifically to exclude from the definition of "handle" all lemons stored, however, because lemons often are sold by the first handler and are subsequently stored by the purchaser, sometimes after transportation of the lemons to terminal markets. The order should provide, therefore, for the exemption from handling of such lemons as may be stored in the production area in conformance with rules and regulations as the committee, with the approval of the Secretary, may prescribe. Such rules should permit handlers who desire to store lemons prior to placing them in commerce to do so. However, it is necessary to handle this exception in this manner so that the committee can apply such safeguards as may be necessary to assure that the lemons so stored are not in fact handled without complying with the order requirements.

The term "handle" should relate to transactions involving markets in the United States, Canada, and Alaska because such markets are considered by the sellers of lemons as one "domestic" market. Shipments to other markets should not be regulated because sales of lemons in those markets do not directly compete with, and are considered diversions from, the "domestic" market.

(8) The provisions of the order relating to preparation of a marketing policy (§ 953.50) should be amended to set forth specifically the factors to be considered therein and the manner in which such policy should be formulated. Currently, it is provided merely that the committee shall adopt a marketing policy at the beginning of each marketing season and submit it to the Secretary. Changes shall be made in such policy in the event it becomes necessary to do so because of changed supply and demand conditions. Such marketing policy would be much more useful to growers and handlers if it were formulated each season on a district basis and in conjunction with meetings of growers and handlers held prior to recommending regulations for Districts 1 and 3 and on or before November 15 in the case of District 2. The policy so formulated would serve to inform persons in the industry, in advance of any substantial marketing of the annual crop in each prorate district, of the committee's plans for regulation and the basis therefor. In order to assure the development of an economically sound and practical marketing policy, the committee, in preparing its marketing policy report, should consider information as hereinafter set forth.

(9) The order should provide for an annual report of operations to bring to the attention of growers and handlers the activities carried on during the particular year. This report should review the regulatory operations for each prorate district and the disposition of lemons during the fiscal year. It should also review the data upon which the prorate bases are determined. The report should deal with the influence of the regulations because an economically sound marketing program requires continuous review of its operations. A discussion of the data upon which the prorate bases are established will serve to provide interested growers and handlers with information which should clarify questions which they may have thereon. The annual report should serve as a record which will be useful to the industry and the Secretary when subsequent activities under the program are being considered.

(10) The order currently provides (§ 953.62) that any central marketing organization which arranges allotment transactions for handlers for whom it markets lemons shall keep records which shall accurately reflect all such transactions. No time period for the retention of such records is specified. Testimony presented at the hearing indicates that a reasonable time period for retention of such records would be 3 years and the order should so provide.

General findings. (1) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of lemons grown in the designated production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the lemons covered thereby; and

(5) All handling of lemons grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Rulings on findings and conclusions. July 21, 1958, was fixed at the hearing as the latest date for the filing of briefs with respect to facts presented in evidence at the hearing and the conclusions that should be drawn therefrom. A brief was filed within the prescribed time by the College Heights Orange and Lemon Ass'n., Claremont, California. Such brief was considered carefully, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that any suggested findings or conclusions contained in such brief is at variance with the findings and conclusions contained herein, the request to make such findings, or reach such conclusions, is denied on the basis of the facts found and stated in connection with this decision.

Recommended amendment of the amended marketing agreement and order. The following amendment of the amended marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Amend § 953.4 to read as follows:

§ 953.4 *Lemons.* "Lemons" means all varieties of lemons grown in the production area.

2. Amend § 953.7 to read as follows:

§ 953.7 *Handle.* "Handle" means to buy, sell, consign, transport, or ship lemons (except as a common or contract carrier of lemons owned by another person), or in any other way to place lemons, in the current of commerce between the State of California and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of California, or between the State of Arizona and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of Arizona. The term "handle" does not include (a) the sale of lemons on the tree; (b) the transportation of lemons to a packinghouse within the production area for the purpose of having such lemons prepared for market; or (c) the transportation of lemons to a storage within the production area under such rules and regulations as the committee, with the approval of the Secretary, may prescribe.

3. Amend § 953.12 to read as follows:

§ 953.12 *Lemons available for current shipment.* "Lemons available for current shipment" means (a) with respect to Districts 1 and 3, all lemons as measured by the tree crop, and (b) with respect to District 2, the total quantity of lemons which has been delivered to the handlers in such district during the preceding 20-week period.

4. Add, after § 953.13, the following new sections:

§ 953.14 *Tree crop.* "Tree crop" means the total quantity of lemons on the trees as determined by the committee.

§ 953.15 *Production area.* "Production area" means the State of Arizona and that part of the State of California south of the 37th Parallel.

5. Delete the provisions of §§ 953.20 through 953.23 and substitute therefor the following:

§ 953.20 *Establishment and membership.* There is hereby established a Lemon Administrative Committee consisting of thirteen members, for each of whom there shall be an alternate member who shall have the same qualifications as the member. Eight of the members and their respective alternates shall be growers. Four of the members and their respective alternates shall be handlers, or employees of handlers, or employees of central marketing organizations. One member of the committee and an alternate of such member shall be nominated as provided in § 953.22 (f). The eight members of the committee who shall be growers are referred to in this part as "grower" members of the committee and the four members who shall be handlers, or employees of handlers, or employees of central marketing organizations are referred to in this part as "handler" members of the committee.

§ 953.21 *Term of office.* The term of office of committee members and alternate members shall be a period of two years beginning on November 1 of each even numbered year except that the term ending on October 31, 1960, shall begin on the date designated by the Secretary. Members and alternates shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified.

§ 953.22 *Nominations.* (a) The time and manner of nominating members and alternate members of the committee shall be prescribed by the Secretary.

(b) Any cooperative marketing organization, or the growers affiliated therewith, which marketed more than 60 percent of the total volume of lemons during the fiscal year in which nominations for members and alternate members of the committee are submitted, shall nominate four grower members, four alternate grower members, two handler members, and two alternate handler members of the committee. At least one of the nominees for member or alternate member shall be a grower in District 1, and at least one of the nominees for member or alternate member shall be a grower in District 3.

(c) All cooperative marketing organizations which market lemons and which are not qualified under paragraph (b) of this section, or the growers affiliated therewith, shall nominate two grower members, two alternate grower members, one handler member, and one alternate handler member.

(d) All growers who are not affiliated with a cooperative marketing organization which markets lemons shall nominate two grower members, two alternate grower members, one handler member, and one alternate handler member.

(e) When voting for nominees, each grower shall be entitled to cast one vote which shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives. The votes of cooperative marketing organizations voting pursuant to paragraph (c) of this section shall be weighted in accordance with the volume of lemons handled during the current fiscal year to the end of the month preceding the month in which such nominations are made.

(f) The members of the committee selected by the Secretary pursuant to § 953.23 shall, by a concurring vote of at least seven members, nominate a member and an alternate member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler), or of a central marketing organization.

§ 953.23 *Selection.* From the nominations made pursuant to § 953.22 (b) or from other qualified growers and handlers, the Secretary shall select four grower members of the committee and an alternate to each of such grower members; also two handler members of the committee and an alternate to each of such handler members. At least one of the growers so selected shall be a grower of lemons in District 1 and at least one such grower shall be a grower of lemons in District 3. From the nominations made pursuant to § 953.22 (c) or from other qualified growers and handlers, the Secretary shall select two grower members of the committee and an alternate to each of such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 953.22 (d) or from other qualified growers and handlers, the Secretary shall select two grower members of the committee and an alternate to such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 953.22 (f) or from other qualified persons, the Secretary shall select one member of the committee and an alternate to such member.

6. Delete § 953.28 and substitute therefor the following:

§ 953.28 *Procedure.* (a) Seven members of the committee shall constitute a quorum and any action of the committee shall require seven concurring votes. Insofar as practicable, the growers of lemons in Districts 1 and 3 who were selected to membership on the committee shall attend, and serve as member at, each meeting of the committee to consider regulations applicable to lemons shipped from the respective district.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing. If an assembled meeting is held, all votes shall be cast in person.

7. Delete paragraph (j) of § 953.31 and substitute therefor the following:

(j) To prepare and mail as soon as practicable after the close of each fiscal year an annual report to the Secretary and to each handler and grower of record, which report shall cover the operations of the previous fiscal year and contain at least a complete review by prorate districts of (1) the weekly regulatory operations and lemon movement during the fiscal year as conducted under the marketing policy established pursuant to § 953.50, and (2) the data upon which prorate bases are determined; and

(k) With the approval of the Secretary, to reapportion the number of grower members or handler members on the Lemon Administrative Committee who are nominated pursuant to § 953.22. Any such changes shall be based, insofar as practical, upon the proportionate amount of lemons handled by the respective types of marketing organizations: *Provided*, That each grower group described in § 953.22 shall be entitled to nominate at least one grower and one handler member together with their respective alternates.

8. Amend § 953.50 to read as follows:

§ 953.50 *Marketing policy.* Each year prior to the recommendation for regulation for prorate Districts 1 and 3 and not later than November 15 in the case of District 2, the committee shall hold for each of said districts a marketing policy meeting and shall thereafter submit to the Secretary its marketing policy for such district. Such marketing policy shall contain the following information: (a) The available supplies of lemons in the prorate district, including estimated quality and composition of sizes; (b) the estimated utilization of the crop, showing the quantity and percentages of the crop that will be marketed in domestic, export, and by-product channels, together with quantities otherwise to be disposed of; (c) a schedule of estimated weekly shipments to be recommended to the Secretary during the ensuing season; (d) level and trend of consumer income; (e) estimated supplies of competitive citrus commodities; and (f) any other pertinent factors bearing on the marketing of lemons. In the event that it becomes advisable to substantially modify such marketing policy the committee shall submit to the Secretary a revised marketing policy setting forth the information as required in this section.

9. Amend § 953.53 by deleting paragraphs (b) through (g) and substituting therefor the following:

(b) Such application shall be substantiated by such information as the committee may require. With respect to each such application filed by handlers in Districts 1 and 3, it shall include at least (1) the name and address of the grower or duly authorized agent, if any, for each grove or portion thereof, the fruit of which is included in the quantity of lemons available for current shipment by the applicant; (2) an accurate description of the location of each such grove or portion thereof, including the number of acres contained therein, and (3) an estimate of the total quantity of lemons available for current shipment by the applicant in terms of a unit of measure designated by the committee.

(c) Such application shall include only such lemons available for current shipment which the applicant controls (1) by having legal title or possession thereof, or (2) by a bona fide written contract or agreement under which the applicant has authority to handle or has contracted to buy such lemons. If an applicant controls lemons pursuant to subparagraph (2) of this paragraph, he shall submit to the committee a copy of each type of such contract or agreement to the committee, together with a statement that no other types of such contracts or agreements are used, and shall maintain a file of all original contracts or agreements evidencing such control which shall be subject to examination by the committee.

(d) If the quantity of lemons available for current shipment by any handler is increased or decreased by the acquisition or loss of the control required by paragraph (c) of this section, such person shall submit promptly a report thereon to the committee upon forms made available by it, which report shall be verified in such manner as the committee may require.

(e) If any handler gains or loses control of lemons as required by paragraph (c) of this section, there shall be a corresponding increase or decrease in the quantity of lemons available for current shipment by such handler. If it is determined by the committee that any handler who has lost control of lemons as required by paragraph (c) of this section has handled a quantity of such lemons less than the quantity that could have been handled under the allotments issued thereon, the quantity of lemons available for current shipment by such handler shall be adjusted by deducting therefrom, over such period as may be determined by the committee, a quantity of lemons equivalent to the quantity upon which allotments were issued but which were not utilized thereon.

(f) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the handler who submitted such report a reasonable opportunity to discuss with the committee the factors considered in making the correction. If it is determined that an error, omission, or inaccuracy has resulted in the establishment of a smaller or a larger quantity of lemons available for current shipment than that to which a handler was entitled under this part, such quantity shall be increased or decreased, over such period as may be determined by the committee, by an amount necessary to correct the error, omission, or inaccuracy.

(g) Each week during the marketing season when volume regulation is likely to be recommended for a particular district, the committee shall compute the total quantity of lemons available for current shipment by each handler who has applied for a prorate base and for allotment in such district. On the basis of such computation, the committee shall fix a prorate base for each handler who is entitled thereto. Such prorate base shall represent the ratio between the total quantity of lemons available for current shipment by each applicant in the particular district and the total quantity of lemons available for current shipment in such district by all such applicants. The committee shall notify the Secretary of the prorate base fixed for each handler and shall notify each such handler of the prorate base fixed for him.

10. Amend § 953.60 to read as follows:

§ 953.60 *Transfer of allotment.* Allotments may be transferred from one handler to another only in accordance with the provisions of §§ 953.59 and 953.63.

11. Amend the first sentence in paragraph (b) of § 953.62 to read as follows: "Any central marketing organization which, pursuant to paragraph (a) of this section, receives information from the committee regarding the prorate bases and allotments applicable to the handlers for whom it markets lemons, and which arranges allotment transactions for or on behalf of such handlers, shall keep records, for a period of three years, which will accurately reflect all such allotment transactions, and such records shall be subject to examination by the committee and the Secretary."

12. Amend § 953.64 to read as follows:

§ 953.64 *Districts.* The production area shall be divided into three prorate districts, as follows:

(a) "District 1" shall include that part of the State of California which is south of the 37th Parallel and north of a line drawn due east and west through Gorman, California, but shall exclude that part of San Bernardino County located east of the 115th Meridian.

(b) "District 2" shall include that part of the State of California which is south of District 1, and west of a line drawn due north and south through White Water, California.

(c) "District 3" shall include the State of Arizona and that part of the production area not included in Districts 1 and 2.

13. Add, after § 953.64, the following new sections:

§ 953.65 *Recommendations for size regulation.* (a) Whenever the committee finds that the supply and demand conditions for sizes of lemons make it advisable to regulate in any prorate district the handling of lemons during any period, it shall recommend to the Secretary the sizes of lemons grown in such prorate district which it deems advisable to be handled during the said period. The committee shall promptly submit such findings and recommendations, to-

gether with supporting information, to the Secretary.

(b) In making its recommendations the committee shall give due consideration to the factors referred to in § 953.51 (b).

§ 953.66 *Issuance of size regulations.* Whenever the Secretary shall find, from the findings, recommendations, and information submitted by the committee, or from other available information, that to limit the handling of lemons by size in any prorate district would tend to effectuate the declared policy of the act, he shall fix the sizes of lemons grown in each such prorate district which may be handled during the specified period. When any such size regulation restricts the handling of a portion of a specified size, the quantity of such size that may be handled by a handler during a particular week shall be fixed as a percentage of (a) the weekly allotment issued to such handler when volume regulation is in effect, and (b) the total weekly volume handled by such handler when volume regulation is not in effect. The committee shall be informed immediately of any such regulation issued by the Secretary and the committee shall promptly give adequate notice thereof to all handlers.

§ 953.67 *Exemptions from size regulation.* In the event lemons are regulated pursuant to § 953.66, the committee shall issue one or more exemption certificates to any producer who furnishes evidence satisfactory to the committee that he will be prevented by reason of such regulation from having as large a proportion of his lemons handled as the average proportion of lemons which may be handled by all other producers in the same prorate district. Such exemption certificate shall permit the respective producer to whom the certificate is issued to handle or have handled a percentage of his lemons equal to the percentage determined as aforesaid. Handling of lemons under exemption certificates issued pursuant to this section shall be subject to and limited by such regulations as may be effective under § 953.52 at the time of the respective shipment. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued to producers. Such exemption certificates may be transferred to handlers when accompanied by lemons covered by such certificates.

14. Delete the second sentence of § 953.80 and substitute therefor the following: "The committee, with the approval of the Secretary, may establish minimum quantities and types of shipments which shall be free from regulation under this subpart; and may prescribe such safeguards as may be necessary to prevent lemons which are exempt from regulation pursuant to this section from entering channels of trade for other than the specific purposes authorized by this section."

Dated: September 11, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Services.

[F. R. Doc. 58-7498; Filed, Sept. 15, 1958; 8:48 a. m.]

[7 CFR Part 961]

[Docket No. AO-160-A20]

MILK IN PHILADELPHIA, PA., MARKETING AREA

SUPPLEMENTAL NOTICE OF HEARING ON PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND ORDER

On August 19, 1958 (23 F. R. 6510, F. R. Doc 58-6782), there was issued by the Deputy Administrator of the Agricultural Marketing Service, a notice of hearing for the purpose of receiving evidence with respect to a proposed amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. On August 22, 1958 (23 F. R. 6628, F. R. Doc. 58-6940), a notice of postponement of hearing was issued by the Deputy Administrator of the Agricultural Marketing Service, postponing the public hearing and changing the place and time of hearing to the Carlton Room, Sylvania Hotel, Broad and Locust Streets, Philadelphia, Pennsylvania, beginning at 9:30 a. m., e. d. t., September 18, 1958.

Notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), that, in addition to the proposal set forth in the said notice of August 19, 1958, evidence will be received with the respect to the additional proposed amendment hereinafter set forth or appropriate modifications thereof, to the tentative marketing agreement and to the order. The proposed amendment set forth below, has not received the approval of the Secretary of Agriculture.

Proposed by the Milk Distributors' Association of the Philadelphia Area, Inc., and by Lehigh Valley Cooperative Farmers:

3. Add or insert the following language in § 961.10: "Milk which is assigned by a cooperative operating a producer milk plant to a noncooperative producer milk plant shall be treated as if physically received at the producer milk plant of the assignee when the assignee and the assignor notify the market administrator, in writing, of the amount of milk to be assigned, prior to the 15th day of the month preceding the month to which the notice applies."

Copies of this supplemental notice of hearing, together with the notice of hearing and the order may be procured from the Market Administrator, Fox Building, 12th Floor, 1612 Market Street, Philadelphia, Pennsylvania, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 11th day of September 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-7499; Filed, Sept. 15, 1958; 8:48 a. m.]

[7 CFR Parts 965, 971]

[Docket Nos. AO-166-A23, AO-178-A15]

MILK IN CINCINNATI, OHIO, MARKETING AREA AND IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

SUPPLEMENTAL NOTICE OF HEARING AND NOTICE OF HEARING

The original notice of hearing on proposed amendments to the Cincinnati, Ohio, milk Order No. 65, was issued on August 27, 1958 (23 F. R. 6755).

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the notice heretofore issued for the Cincinnati, Ohio, marketing area (23 F. R. 6755) is hereby amended to include the proposals hereinafter set forth and notice is hereby given of a public hearing to be held, concurrently with such hearing, with respect to proposed amendments to the tentative marketing agreement and Order No. 71 regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area.

The hearing will be held in the Metropole Hotel, 609 Walnut Street, Cincinnati, Ohio, beginning at 10:00 a. m., September 23, 1958.

The hearing as it relates to the order regulating the handling of milk in the Dayton-Springfield marketing area is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement and to such order and particularly to those conditions which relate to the alignment of prices between such marketing area and the Cincinnati marketing area as it is proposed to be expanded on the basis of the testimony at this hearing.

The proposed amendments, set forth below have not received the approval of the Secretary of Agriculture.

Proposed by the Miami Valley Milk Producers Association:

1. Consider a closer alignment in the level of the Class I price under Order No. 71 to that of Order No. 65 by amending § 971.51 of Order No. 71 and consider changes in any other pricing provisions related thereto, including but not limited to, a revision of § 971.51 (a) (1), (2) and (3) and appropriate changes in § 971.52.

Proposed by the Dairy Division, Agricultural Marketing Service, United States Department of Agriculture:

2. Make such other changes in Part 971 as may be required to make the marketing agreement and order in their entirety conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, P. O. Box 1196, Cincinnati 1, Ohio; 434 Third National Bank Building, Dayton 2, Ohio, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 11th day of September 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-7542; Filed, Sept. 15, 1958; 8:55 a. m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 140]

FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

NOTICE OF PROPOSED RULEMAKING

This notice is to correct the proposed amendment to 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," published in the FEDERAL REGISTER on Thursday, August 28, 1958 (23 F. R. 6681, 6682).

Section 140.76 of the proposed amendment is corrected by deleting the following words from paragraph 3 of article I: "• • • causing bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of the radioactive material being transported. • • •"

As corrected, the proposed paragraph 3 would read as follows:

3. "In the course of transportation" means in the course of transportation within the United States, including handling or temporary storage incidental thereto, of the radioactive material to the location or from the location; provided, however, with respect to transportation of the radioactive material to the location that such transportation is not by predetermination to be interrupted by the removal of such material from the transporting conveyance for any purpose other than the continuation of such transportation to the location or temporary storage incidental thereto; provided, further, that the transportation of the radioactive material from the location shall be deemed to end when the radioactive material is removed from the transporting conveyance for any purpose other than the continuation of such transportation or temporary storage incidental thereto.

Dated at Germantown, Maryland, this 9th day of September 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-7485; Filed, Sept. 15, 1958; 8:45 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

OFFICE OF THE CHIEF SIGNAL OFFICER

STATEMENT OF ORGANIZATION AND FUNCTIONS OF AGENCIES DEALING WITH THE PUBLIC

Paragraph (j) (7) of section 2, statement of organization and functions, published in 16 F. R. 7775, August 8, 1951, amended in 18 F. R. 859, February 12, 1953, and amended in 21 F. R. 1370, March 1, 1956, is further amended by revising subdivision (x) as follows:

SEC. 2. Organization and functions of agencies dealing with the public. • • •

(j) Office of the Chief Signal Officer. • • •

(7) Organization. • • •

(x) Procurement of the items of Signal Corps equipment and services mentioned below is handled by the U. S. Army Signal Supply Agency and its branches at the following locations:

(a) U. S. Army Signal Supply Agency, 225 South 18th Street, Philadelphia 3, Pennsylvania (Telephone: KIngsley 6-3200); Mid-Western Regional Office, USASSA, 615 West Van Buren Street, Chicago 7, Illinois (Telephone: ANdover 3-0234); Western Regional Office, USASSA, 125 South Grand Avenue, Pasadena 2, California (Telephone: SYcamore 6-0471); U. S. Army Electronic Proving Ground Procurement Office, USASSA, Fort Huachuca, Arizona (Telephone: GLadstone 8-3311); Washington Procurement Office, USASSA, Main Navy Building, Washington 25, D. C. (Telephone: Liberty 5-6700).

COMMUNICATION EQUIPMENT

Cryptographic Equipment
Intercommunication Equipment
Radar Equipment
Radiac Equipment
Radio and Television Communication Equipment
Telephone and Telegraph Equipment, Military
Teletype and Facsimile Equipment

ELECTRICAL AND ELECTRONIC EQUIPMENT COMPONENTS

Antennae, Waveguides and Related Equipment
Capacitors
Circuit Breakers
Coils and Transformers
Connectors, Electrical
Electrical Hardware and Supplies
Electrical Insulators and Insulating Materials
Electron Tubes, Transistors, Rectifying Crystals
Fuses and Lightning Arresters
Headsets, Microphones, and Speakers
Lugs, Terminals, and Terminal Strips
Piezo-Electric Crystals
Relays, Contactors, and Solenoids
Resistors
Switches

ELECTRIC WIRE AND POWER AND DISTRIBUTION EQUIPMENT

Batteries, Dry Cell (JAN Type)
Batteries, Secondary
Electrical Control Equipment
Electrical Motors
Generators, and Generator Sets, Electrical
Transformers; Distribution and Power Station
Wire and Cable, Electrical

INSTRUMENTS AND LABORATORY EQUIPMENT

Amplifiers (Test Instrument)
Antenna Testers
Bolometers
Bridges, Impedance
Calibrators
Capacitor Testers
Coil Testers
Galvanometers
Meteroroligical Instruments and Apparatus
Meters, Other
Oscillographs, Oscilloscopes
Physical Properties Testing Equipment
Radiological Instruments

TRAINING AIDS AND DEVICES

Trainers, Electronic Circuit
Trainers, Radar and Radio
Trainers, Telegraphic Code

OTHER

Automatic Data Procuring Equipment
Flashlights and Lanterns
Reels and Spools (Wire)

(b) The U. S. Army Signal Supply Agency, Laboratory Procurement Support Office, Fort Monmouth, New Jersey (Telephone: EAtontown 3-1000). (Contracts for basic research on Signal Corps Equipment and for developmental items.)

(c) The Procurement Office of the Army Pictorial Center, 35-11 35th Avenue, Long Island City 1, New York (Telephone: RAvenswood 6-2000). (Production of Motion Pictures, including hiring of actors, narrators, directors, and similar personnel, and photographic equipment and supplies, except film and photographic paper.)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-7496; Filed, Sept. 15, 1958; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[File 23-530]

WILLI FARNER ET AL.

ORDER EXTENDING AS TO SOME RESPONDENTS TEMPORARY ORDER DENYING EXPORT PRIVILEGES

In the matter of Willi Farner also known as Willi Farner Moser, Grenchen, Switzerland, and Sagrera 44-58, Barcelona, Spain; Farner-Werke A. G., Grenchen, Switzerland; Alexander Botez, also known as A. B. Gamboa, and as Alexander Botez Gamboa, and as Allessandro Donici Botez, 11 Rue Emile Yung, and 22 Ave. Pierre Odier, Geneva, Switzerland; Respondents; File 23-530.

An order was issued on August 11, 1958, temporarily denying for a period of thirty days all United States export privileges to respondents Willi Farner also known as Willi Farner Moser, the firm Farner-Werke A. G., Alexander Botez also known as A. B. Gamboa and as Alexander Botez Gamboa and as Allessandro Donici Botez, and the firm S. A. De Transports Internationaux Tramarsa (23 F. R. 6279, Aug. 14, 1958). The respondents Willi Farner, Farner-Werke A. G., and Tramarsa have protested the issuance of said order and the Director, Investigation Staff, has applied for an order extending such denial to and including the completion of a proceeding now pending against the respondents for an order permanently re-

voking their export privileges by reason of alleged violations of the Export Control Act of 1949, as amended. The Compliance Commissioner has considered the material relied on in support of and in opposition to the order now in effect and the extension order being sought and has recommended that said order be extended, as respects all respondents other than Tramarsa, until and including the completion of the violation case now pending.

After careful consideration of the entire record herein and the recommendation of the Compliance Commissioner, and being of the opinion and finding that it is reasonably necessary to protect the public interest pending the final disposition of the proceeding now pending,

It is hereby ordered, That the order of August 11, 1958 (23 F. R. 6270, Aug. 14, 1958) be and the same hereby is extended until and including the entry of the order which shall determine finally the violation case now pending against the respondents herein, excepting however that this extension shall not apply to nor shall it be deemed to include among the respondents so denied export privileges the respondent S. A. De Transports Internationaux Tramarsa,

And it is further ordered, That except as so expressly amended and excepted, said order of August 11, 1958, be and continue in effect as respects all other respondents, to wit Willi Farner also known as Willi Farner Moser, the firm Farner-Werke A. G., Alexander Botez also known as A. B. Gamboa and as Alexander Botez Gamboa and as Allessandro Donici Botez, as though here set forth at length.

Dated: September 10, 1958.

JOHN C. BORTON,
Director, Office of Export Supply.

[F. R. Doc. 58-7505; Filed, Sept. 15, 1958; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200) and Administrative Order No. 507 (23 F. R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated:

Adairsville Garment Co., Inc., Adairsville, Ga.; effective 8-28-58 to 8-27-59; workers engaged in the production of men's sport shirts (sport shirts).

Alabama Textile Products Corp., Crestview, Fla.; effective 9-14-58 to 9-13-59; workers engaged in the production of men's pajamas (men's pajamas).

Anniston Sportswear Corp., 919 West Ninth Street, Anniston, Ala.; effective 9-10-58 to 9-9-59 (men's dress trousers).

Blue Buckle Overall Co., 14th and Kemper Streets, Lynchburg, Va.; effective 8-29-58 to 8-28-59 (men's and boys' dungarees; girls' and women's jeans).

Blue Ridge Manufacturers, Inc., Christiansburg, Va.; effective 8-28-58 to 8-27-59 (men's and boys' dungarees).

Caledonia Manufacturing Co., Inc., Caledonia, Miss.; effective 9-9-58 to 9-8-59 (men's dress and play slacks).

Cardinal Manufacturing Co., Inc., Tennessee Avenue and Twelfth Street, Etowah, Tenn.; effective 8-25-58 to 8-24-59 (men's, women's and children's jackets).

Detroit Slacks, Inc., Detroit, Ala.; effective 9-1-58 to 8-31-59 (boys' play slacks).

Kaylor Manufacturing Inc., 822 Anderson Street, New Kensington, Pa.; effective 9-16-58 to 9-15-59; learners may not be employed at special minimum wage rates in the production of separate skirts (women's blouses, etc.).

Lowenstein Dress Corp., 425 Pleasant Street, Fall River, Mass.; effective 8-30-58 to 8-29-59 (women's house dresses).

Mart Manufacturing Co., Inc., Marked Tree, Ark.; effective 8-28-58 to 8-27-59 (men's sport shirts).

Sunbury Dress Co., Inc., 125 Providence Street, West Warwick, R. I.; effective 8-30-58 to 8-29-59 (dresses).

Vernon Manufacturing Co., Inc., Vernon, Ala.; effective 9-1-58 to 8-31-59 (men's dress pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Campy's Frocks, 227 Kelly Street, Luzerne, Pa.; effective 8-29-58 to 8-28-59; 5 learners (dresses).

Dantan Co., Inc., Rankin Street, Dumas, Ark.; effective 9-1-58 to 8-31-59; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' sportswear: slim jeans, pedal pushers, etc.).

Mohawk Dress Inc., 29 Chuctananda Street, Amsterdam, N. Y.; effective 8-28-58 to 8-27-59; 5 learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Allen Garment Co., College Street, Franklin, Ky.; effective 8-27-58 to 2-26-59; 25 learners (men's and boys' sport shirts).

Cardinal Manufacturing Co., Inc., Tennessee Avenue and 12th Street, Etowah, Tenn.; effective 8-25-58 to 2-24-59; 40 learners (men's, women's and children's jackets).

International Latex Corp., La Grange, Ga.; effective 8-27-58 to 2-26-59; 35 learners (brassieres).

Manhattan Shirt Co., Ashburn, Ga.; effective 8-28-58 to 2-27-59; 50 learners (men's pajamas).

Monticello Manufacturing Co., Inc., Monticello, Ky.; effective 8-29-58 to 2-28-59; 10 learners (men's and boys' sport shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Wells Lamont Corp., Waynesboro, Miss.; effective 9-5-58 to 9-4-59; 10 percent of the total number of factory production workers engaged in the authorized learner occupations (leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Diamond Mills Corp., Hanover Div., 200 South Front Street, Wilmington, N. C.; effective 9-1-58 to 2-28-59; 60 learners for plant expansion purposes (seamless).

Ellen Knitting Mills, Inc., Spruce Pine, N. C.; effective 9-1-58 to 8-31-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Manford Hosiery Mills, Inc., 711 Spring Mill Avenue, Conshohocken, Pa.; effective 9-8-58 to 9-1-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Silver Knit Hosiery Mills, Inc., 401 South Hamilton Street, High Point, N. C.; effective 8-28-58 to 8-27-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.36, as amended).

Hickory Grove Manufacturing Co., Hickory Grove, S. C.; effective 9-2-58 to 9-1-59; 5 learners for normal labor turnover purposes (infants' and children's underwear; boys' polo shirts).

Junior Form Lingerie Corp., Cairnbrook, Pa.; effective 9-1-58 to 8-31-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (slips, petticoats, gowns).

Movie Star of Poplarville, Poplarville, Miss.; effective 8-28-58 to 8-10-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (replacement certificate) (ladies' slips, petticoats, bouffants).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Advertisers Manufacturing Co., Fond Du Lac County, Ripon, Wis.; effective 9-1-58 to 2-28-59; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 90 cents an hour (advertising caps, aprons, newsbags).

J. Capps and Sons, Ltd., 500 West Lafayette Avenue, Jacksonville, Ill.; effective 9-1-58 to 2-28-59; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of, sewing machine operator, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's sack coats).

Manhattan Shirt Co., Ashburn, Ga.; effective 8-28-58 to 2-27-59; 50 learners (men's pajamas).

Monticello Manufacturing Co., Inc., Monticello, Ky.; effective 8-29-58 to 2-28-59; 10 learners (men's and boys' sport shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Wells Lamont Corp., Waynesboro, Miss., effective 9-5-58 to 9-4-59; 10 percent of the total number of factory production workers engaged in the authorized learner occupations (leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Diamond Mills Corp., Hanover Div., 200 South Front Street, Wilmington, N. C.; effective 9-1-58 to 2-28-59; 60 learners for plant expansion purposes (seamless).

Ellen Knitting Mills, Inc., Spruce Pine, N. C.; effective 9-1-58 to 8-31-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Manford Hosiery Mills, Inc., 711 Spring Mill Avenue, Conshohocken, Pa.; effective 9-8-58 to 9-1-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Silver Knit Hosiery Mills, Inc., 401 South Hamilton Street, High Point, N. C.; effective 8-28-58 to 8-27-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.36, as amended).

Hickory Grove Manufacturing Co., Hickory Grove, S. C.; effective 9-2-58 to 9-1-59; 5 learners for normal labor turnover purposes (infants' and children's underwear; boys' polo shirts).

Junior Form Lingerie Corp., Cairnbrook, Pa.; effective 9-1-58 to 8-31-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (slips, petticoats, gowns).

Movie Star of Poplarville, Poplarville, Miss.; effective 8-28-58 to 8-10-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (replacement certificate) (ladies' slips, petticoats, bouffants).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Advertisers Manufacturing Co., Fond Du Lac County, Ripon, Wis.; effective 9-1-58 to 2-28-59; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 90 cents an hour (advertising caps, aprons, newsbags).

J. Capps and Sons, Ltd., 500 West Lafayette Avenue, Jacksonville, Ill.; effective 9-1-58 to 2-28-59; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of, sewing machine operator, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's sack coats).

Middleburg Manufacturing Co., Hanover, Pa.; effective 9-1-58 to 2-28-59; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of, sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's pants, slacks and vests).

Mount Union Manufacturing Co., Mount Union, Pa.; effective 9-1-58 to 2-28-59; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of, sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours, and not less than 95 cents an hour for the remaining 200 hours (men's sack coats).

Palm Beach Co., Talladega, Ala.; effective 9-1-58 to 2-28-59; 100 learners for plant expansion purposes, in the occupations of, sewing machine operator, and final presser, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's wash pants, suit pants, shorts).

Staunton Manufacturing Co., Staunton, Va.; effective 9-1-58 to 2-28-59; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of, sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's sack coats).

Stewartstown Manufacturing Co., Stewartstown, Pa.; effective 9-1-58 to 2-28-59; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of, sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours, at the rates of at least 90 cents an hour for the first 280 hours, and not less than 95 cents an hour for the remaining 200 hours (men's sack and topcoats).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Alfra Bra, Inc., P. O. Box 807, Bayamon, P. R., effective 8-8-58 to 2-7-59; authorizing the employment of 25 learners for plant expansion purposes in the occupation of sewing machine operators, for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Coral Industries, Inc., 211 Font Nartelo Street, P. O. Box 1116, Humacao, P. R.; effective 7-30-58 to 1-29-59; authorizing the employment of 40 learners for plant expansion purposes in the occupations of: (1) press operators for a learning period of 480 hours at the rates of 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours; (2) springers, assemblers for a learning period of 240 hours at the rate of 66 cents an hour (expansion watch bracelets).

Electronics Corp. Pan America, P. O. Box 366, San Juan, P. R.; effective 7-30-58 to 1-29-59; authorizing the employment of 40 learners for plant expansion purposes in the occupations of, coil winding, assembly and soldering, inspection and testing, each for a learning period of 480 hours at the rates of 70 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours (electronic control apparatus).

Miller Dress Factory of P. R., Inc., P. O. Box 1657, Barceloneta, P. R.; effective 8-5-58 to 2-4-59; authorizing the employment of 60 learners for plant expansion purposes in the occupations of: (1) sewing machine operators, final pressing, each for a learning period of 480 hours at the rates of 45 cents an hour for the first 240 hours and 50 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments, for a learning period of 160 hours at the rate of 45 cents an hour (dolls' dresses).

Uniforms, Inc., P. O. Box 1217, Cayey, P. R.; effective 7-31-58 to 7-30-59; authorizing the employment of 10 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours (nurses' and maids' uniforms).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), and Part 527 of the regulations issued thereunder (29 CFR Part 527) special certificates authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act has been issued to the firms listed below. Effective and expiration dates, occupations, wage rates, number or proportion of student-workers as learners, and learning periods for the certificates issued under Part 527 are as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Adelphian Academy, 820 Academy Road, Holly, Michigan; effective 9-1-58 to 8-31-59; authorizing the employment of 40 student-workers in the woodworking shop industry (manufacturing trellises, bird houses, etc.) in the occupations of woodworking machines operator, assembler and related skilled and semiskilled occupations including incidental clerical work in the shop for a learning period of 240 hours each at the rates of 85 cents an hour for the first 120 hours and 90 cents an hour for the remaining 120 hours.

Atlantic Union College, Main Street, South Lancaster, Mass.; effective 9-1-58 to 8-31-59; authorizing the employment of (1) 15 student-workers in the print shop industry, in the occupations of compositor, pressman, bindery worker, and related skilled and semiskilled occupations, for a learning period of 1000 hours each at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 30 student-workers in the bookbindery industry, in the occupations of bookbinder, bindery workers and related skilled and semiskilled occupations for a learning period of 600 hours each at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Cedar Lake Academy, Cedar Lake, Mich.; effective 9-1-58 to 8-31-59; authorizing the employment of 20 student-workers in the woodworking (redwood lawn furniture) industry, in the occupations of woodworking machines operator, assembler, and related skilled and semiskilled occupations including incidental clerical work in shop, for a learning period of 600 hours each at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Columbia Academy, Battle Ground, Wash.; effective 9-1-58 to 8-31-59; authorizing the employment of (1) 4 student-workers in the Ridge shingle manufacturing industry, in the occupations of woodworking machines operating and related skilled and semiskilled occupations, including incidental clerical work in the shop for a learning period of 240 hours each at the rates of 85 cents an hour for the first 120 hours and 90 cents an hour for the remaining 120 hours; (2) 5 student-workers in the woodworking (folding doors) industry, in the occupations of woodworking machines operator, assembler, finisher and related skilled and semiskilled occupations including incidental clerical work in the shop for a learning period of 600 hours each at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Monterey Bay Academy, P. O. Box 191, Watsonville, Calif.; effective 9-1-58 to 8-31-59; authorizing the employment of 50 student-workers in the furniture manufacturing (rustic redwood) industry, in the occupations of millman, woodworking machine operator, assembler, painter and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours each at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Southwestern Junior College, Keene, Texas; effective 9-1-58 to 8-31-59; authorizing the employment of (1) 6 student-workers in the print shop industry, in the occupations of compositor, pressman, bindery worker and related skilled and semiskilled occupations, for a learning period of 1,000

hours each at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 2 student-workers in clerical industry, in the occupations of typist, file clerk, bookkeeper, stenographer, timekeeper and related skilled and semiskilled occupations, for a learning period of 480 hours each at the rates of 85 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours.

Upper Columbia Academy, Spangle, Wash.; effective 9–1–58 to 8–31–58; authorizing the employment of 58 student-workers in the furniture shop (upholstered) industry, in the occupations of woodworking machines operator, springer, sewer, upholsterer, assembler, furniture finisher and related skilled and semiskilled occupations, for a learning period of 600 hours each at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Walla Walla College, Drawer 1, College Place, Wash.; effective 9–1–58 to 8–31–59; authorizing the employment of (1) 8 student-workers in the printing industry, in the occupations of compositor, pressman, bindery worker and related skilled and semiskilled occupations, for a learning period of 1000 hours each at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 30 student-workers in the bookbindery industry, in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations, for a learning period of 600 hours each at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Wisconsin Academy, Columbus, Wis.; effective 9–1–58 to 8–31–59; authorizing the employment of 27 student-workers in the furniture manufacturing (outdoor redwood) industry, in the occupations of woodworking machine operator, assembler, furniture finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours each at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

These student-worker certificates were issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Signed at Washington, D. C., this 4th day of September 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-7493; Filed, Sept. 15, 1958; 8:47 a. m.]

EMPLOYMENT OF LEARNERS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ashland Shirt Corp., Ashland, Pa.; effective 8–25–58 to 8–24–59 (sport and dress shirts).

D & D Shirt Co., 1801 Newport Avenue, Northampton, Pa.; effective 8–25–58 to 8–24–59 (ladies' shirt waist blouses, men's sport, dress, and army shirts for post exchanges).

Dauphin Shirt Manufacturing Co., Elizabethville, Pa.; effective 8–22–58 to 8–21–59; including the production of men's shirts (ladies' blouses, men's shirts).

Fleetline Industries, Inc., Garland, N. C.; effective 8–23–58 to 8–22–59 (men's sport shirts).

Horton Garment Co., Inc., Horton, Kans.; effective 8–25–58 to 8–24–59 (junior dresses).

Inland Manufacturing Co., Jasper, Ga.; effective 8–22–58 to 8–21–59 (outerwear jackets).

McCoy Manufacturing Co., Inc., Sulligent, Ala.; effective 9–1–58 to 8–31–59 (dress pants, play slacks).

Quaker Manufacturing Co., 19–21 St. Louis Street, Lewisburg, Pa.; effective 8–25–58 to 8–24–59 (women's nightwear).

Royal Manufacturing Co., Inc., Sandersville, Ga.; effective 8–30–58 to 8–29–59 (sport shirts).

Salem Garment Co., Inc., Salem, S. C.; effective 8–22–58 to 8–21–59 (women's wash dresses).

Southern Foundations, Inc., Alamo, Tenn.; effective 8–24–58 to 8–23–59 (foundation garments for women).

Whiteville Garment Manufacturing Co., Wilmington Road, Whiteville, N. C.; effective 8–25–58 to 8–24–59 (men's and boys' denim jeans).

Wright Manufacturing Co., 626 West Currahee Street, Toccoa, Ga.; effective 8–20–58 to 8–19–59 (men's and boys' cotton pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

C. R. Dix, Inc., 7 Augusta Street, Greenville, S. C.; effective 8–27–58 to 8–26–59; 10 learners (dresses).

J. and B. Sportswear Co., Maple Street, Tresckow, Pa.; effective 8–25–58 to 8–24–59; five learners (blouses).

Kane Manufacturing Co., Inc., Leitchfield, Ky.; effective 8–25–58 to 8–24–59; 10 learners (sport jackets).

Mortensen Apron Co., 40 West Main Street, St. Anthony, Idaho; effective 8–18–58 to 8–7–59; five learners (replacement certificate) (women's aprons).

Mode O'Day Corp., 607 Main Street, Osawatomie, Kans.; effective 8–27–58 to 8–26–59; 10 learners (blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Inland Manufacturing Co., Jasper, Ala.; effective 8–22–58 to 2–21–59; 20 learners (outerwear jackets).

Mode O'Day Corp., 607 Main Street, Osawatomie, Kans.; effective 8–27–58 to 2–26–59; 10 learners (blouses).

Movie Star of Magnolia, Magnolia, Miss.; effective 8–22–58 to 2–21–59; 35 learners (ladies' gowns, bed jackets and peignoirs).

Reidbord Bros., Co., Gulland-Clark Building, Livingston Street, Elkins, W. Va.; effective 8–25–58 to 2–24–59; 25 learners (men's work shirts and trousers).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Fidelity Hosiery Mills, Inc., Third and Walnut Streets, Shamokin, Pa.; effective 8–21–58 to 8–20–59; 5 learners for normal labor turnover purposes (seamless).

C. D. Jessup & Co., Claremont, N. C.; effective 8–20–58 to 8–19–59; 5 learners for normal labor turnover purposes (seamless).

Locust Hosiery Mills, Inc., Locust, N. C.; effective 8–25–58 to 8–24–59; 5 learners for normal labor turnover purposes (seamless).

Unique Knitting Co., Acworth, Ga.; effective 8–22–58 to 8–21–59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Whitmire Hosiery Mills, Inc., Whitmire, S. C.; effective 8–22–58 to 2–21–59; 12 learners for plant expansion purposes (seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.90 to 522.74, as amended).

Monroe Telephones Co., Inc., Monroeville, Ala.; effective 8–25–58 to 8–24–59.

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Carmi-Ainsbrooke Corp., Carmi, Ill.; effective 8–25–58 to 8–24–59; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's woven underwear).

Davidson Brothers Corp., 125 Providence Street, West Warwick, R. I.; effective 8–25–58 to 8–24–59; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Seamprufe, Inc., Paris, Ark.; effective 8–25–58 to 2–24–59; 35 learners for plant expansion purposes (slips and lingerie).

Seamprufe, Inc., Paris, Ark.; effective 8–25–58 to 8–24–59; 5 learners for normal labor turnover purposes (slips and lingerie).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55).

Crown Footwear Manufacturing Co., Inc., New Athens, Ill.; effective 8–28–58 to 8–27–59; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's shoes—cement process).

Livermore Shoe Co., Livermore Falls, Me.; effective 8–22–58 to 8–21–59; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's novelty shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Famous-Sternberg, Inc., 950 Poydras Street, New Orleans, La.; effective 9–1–58 to 2–28–59; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of: sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of

480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's wool, cotton and synthetic fiber suits, jackets and trousers).

Hardwick Clothes, Cleveland, Tenn.; effective 9–1–58 to 2–28–59; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours, and not less than 95 cents an hour for the remaining 200 hours (men's and boys' tailored garments).

Kewanee Headwear Co., 410 West Second Street, Kewanee, Ill.; effective 9–1–58 to 2–28–59; 5 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 90 cents an hour (caps).

Monarch-Comer Co., Comer, Ga.; effective 9–25–58 to 8–24–59; 10 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 90 cents an hour (separate trousers, ladies' shorts, boys' suits).

Monarch-Fitzgerald Co., Fitzgerald, Ga.; effective 8–25–58 to 8–24–59; 10 learners for normal labor turnover purposes in the occupations of: (1) sewing machine operators, final pressers, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours; (2) final inspection of assembled garment for a learning period of 160 hours at the rate of at least 90 cents an hour (separate trousers, ladies' shorts, boys' suits).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), and Part 527 of the regulations issued thereunder (29 CFR Part 527) special certificates authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. Effective and expiration dates, occupations, wage rates, number of proportion of student-workers as learners, and learning periods for the certificates issued under Part 527 are as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Auburn Academy, Auburn, Wash.; effective 9–1–58 to 8–31–59; authorizing the employment of 90 student-workers in the woodworking shop (furniture) industry, in the occupations of woodworking machine operator, assembler, furniture finisher, and related skilled and semi-skilled occupations for a learning period of 600 hours each at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Campbellsville College, Campbellsville, Ky.; effective 9–1–58 to 8–31–59; authorizing the employment of: (1) 15 student-workers for a learning period of 600 hours each in the occupations of woodworking machine operator, veneer machine operator including glue reel, assembler, furniture finisher and related skilled and semi-skilled occupations, in the furniture and handiwork "do-it-yourself" kits industry, at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (2) 15 student-workers for a learning period of 850 hours each in the occupations of machine tools operator: lathe, milling, planer, shaper, drill press, die casting and related semi-skilled and skilled occupations, in the metalworking industry, at the rates of 85 cents an hour for the first 425 hours and 90 cents an hour for the remaining 425 hours.

Campion Academy, Loveland, Colorado; effective 9–1–58 to 8–31–59; authorizing the employment of 15 student-workers in the broom manufacturing industry, in the occupations of broom maker, stitcher, sorter, winder, and related skilled and semi-skilled occupations for a learning period of 360 hours each at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Clear Creek Baptist School, Pineville, Ky.; effective 9–1–58 to 8–31–59; authorizing the employment of 45 student-workers in the furniture manufacturing industry, in the occupations of woodworking machine operator, assembler, furniture finisher, and related skilled and semi-skilled occupations, including incidental clerical work in furniture shop, for a learning period of 600 hours each at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Glendale Union Academy, 700 Kimlin Drive, Glendale, Calif.; effective 9–1–58 to 8–31–59; authorizing the employment of 3 student workers in the printing industry, in the occupations of compositor, pressman and related skilled and semi-skilled occupations for a learning period of 1000 hours each at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours.

Hawaiian Mission Academy, 1438 Pensacola St., P. O. Box 421, Honolulu, T. H.; effective 9–1–58 to 8–31–59; authorizing the employment of: (1) 5 student-workers in the print shop industry, in the occupations of compositor, pressman, bindery worker, and related skilled and semi-skilled occupations, for a learning period of 1000 hours each at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 1 student-worker in the clerical industry in the occupations of typist, bookkeeper, and related skilled and semi-skilled occupations for a learning period of 480 hours each at the rates of 85 cents an hour for the first 240 hours and 90 cents an hour for the remaining 480 hours.

Indiana Academy, Cicero, Ind.; effective 9–1–58 to 8–31–59; authorizing the employment of 20 student-workers in the furniture (wood) industry, in the occupations of woodworking machine operator, assembler, furniture finisher helper and related skilled and semi-skilled occupations, for a learning period of 600 hours each at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

La Sierra College, Arlington, Calif.; effective 9–1–58 to 8–31–59; authorizing the employment of 5 student-workers in the print shop industry, in the occupations of pressman, compositor, linotype operator, bindery worker, and related skilled and semi-skilled occupations, for a learning period of 1000 hours each at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours.

Laurelwood Academy (Laurelcraft Industries) Rt. No. 2, Box 97–8–1, Gaston, Oreg.; effective 9–1–58 to 8–31–59; authorizing the employment of 60 student-workers in the woodworking (folding doors) industry, in the occupations of woodworking machines operator, assembler, finisher and related skilled and semi-skilled occupations, for a learning period of 600 hours each at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Linfield Research Institute, Linfield College, McMinnville, Oreg.; effective 9–1–58 to 8–31–59; authorizing the employment of 17 student-workers in the scientific research on U. S. Government contracts, in the occupation of research technician for a learning period of 300 hours at the rates of 85 cents an hour for the first 150 hours and 90 cents an hour for the remaining 150 hours.

Lodi Academy, 1215 S. Garfield St., Lodi, Calif.; effective 9–1–58 to 8–31–59; authorizing the employment of 6 student-workers in the printing industry, in the occupations of compositor, pressman, linotype operator, bindery worker, and related skilled and semi-skilled occupations, for a learning period of 1000 hours each at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours.

Newbury Park Academy, P. O. Box 77, Newbury Park, Calif.; effective 9–1–58 to 8–31–59; authorizing the employment of 20 student-workers in the broom industry, in the occupations of broom maker, sorter, winder, stitcher and related skilled and semi-skilled occupations, for a learning period of 360 hours each at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Pacific Union College, Angwin, Calif.; effective 9–1–58 to 8–31–59; authorizing the employment of: (1) 8 student-workers in the print shop industry, in the occupations of compositor, pressman, lithographer, bindery worker, and related skilled and semi-skilled occupations including incidental clerical work in shop, for a learning period of 1000 hours each at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 20 student-workers in the bookbindery industry, in the occupations of bookbinder, sewer, stamper, trimmer, cutter, backer, case-maker, and related skilled and semi-skilled occupations including incidental clerical work in shop, for a learning period of 600 hours each at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Shenandoah Valley Academy, New Market, Va.; effective 9–1–58 to 8–31–59; authorizing the employment of: (1) 20 student-workers in the bookbindery industry, in the occupations of bookbinder, bindery worker, sewer, trimmer, backer, cutter, case-maker, letterer, and related skilled and semi-skilled occupations including incidental clerical work in shop, for a learning period of 600 hours each at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (2) 20 student-workers in the broom and mop manufacturing industry, in the occupations of broom maker, stitcher, seeding, sorting, winding, dyeing, and related skilled and semi-skilled occupations, for a learning period of 360 hours each at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Thunderbird Academy (Academy Wood Products), Box 967, Scottsdale, Ariz.; effective 9–1–58 to 8–31–59; authorizing the employ-

ment of 60 student-workers in the woodworking shop (furniture) industry, in the occupations of woodworking machine operator, assembler, furniture finisher helper, and related skilled and semi-skilled occupations including incidental clerical work in shop, for a learning period of 600 hours each at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

These student-worker certificates were issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Signed at Washington, D. C., this 28th day of August 1958.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F. R. Doc. 58-7465; Filed, Sept. 12, 1958; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

CERTAIN STATES

DEFINITION OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of structures defined effective as of the dates shown.

Name of field	Effective date	Acreage
(2) COLORADO		
Hiawatha (revision)	Aug. 29, 1958	81,905
(5) NEW MEXICO		
Artesia-Maljamar (revision and consolidation)	May 28, 1958	176,258
Bell Lake	June 4, 1958	7,661
Dos Hermanos	June 4, 1958	920
East Turkey Track	June 4, 1958	754
Gladiola	June 4, 1958	6,200
High-Lonesome (revision)	June 25, 1958	1,880
Leo (revision)	May 28, 1958	2,360
Teas	May 28, 1958	1,320
(8) UTAH		
Bar-X	Aug. 22, 1958	17,849
(9) WYOMING		
Big Muddy (revision)	Aug. 22, 1958	10,921
Big Piney-La Barge (revision and consolidation)	June 24, 1958	126,024
Byron (revision)	June 25, 1958	4,603
Elk Basin (revision)	July 3, 1958	11,048
Lake Creek (revision)	July 9, 1958	4,847
North Fork (revision)	Aug. 8, 1958	1,841
Sage Spring Creek (D)	Aug. 7, 1958	1,000
Walker Dome	Aug. 7, 1958	1,080
Water Creek	Aug. 7, 1958	3,010
Waugh Dome	Aug. 7, 1958	1,094

THOMAS B. NOLAN,
Director.

[F. R. Doc. 58-7491; Filed, Sept. 15, 1958; 8:47 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

STATE ASSISTANCE EXPENDITURES

FEDERAL PERCENTAGE

Promulgation of Federal percentage under Title XI of the Social Security Act for purposes of State assistance expenditures under Titles I, IV, X, and XIV.

Pursuant to section 1101 (a) (8) of the Social Security Act, as amended (sec. 505, Social Security Amendments of 1958, Public Law 85-840),

And it having been found that the three most recent calendar years for which satisfactory data are available from the Department of Commerce as to the per capita income of each State and of the continental United States are the years 1955, 1956, and 1957.

The Federal percentage, as indicated below, for purposes of Federal financial participation in State assistance expenditures under Titles I, IV, X, or XIV of said Act, for each of the forty-eight States, Alaska, Hawaii, and the District of Columbia, as specified in said Act, or as determined pursuant thereto and on the basis of said income data, are hereby promulgated for each of the eleven quarters in the period beginning October 1, 1958, and ending with the close of June 30, 1961:

State:	Federal percentage
Alabama	65.00
Arizona	63.23
Arkansas	65.00
California	50.00
Colorado	53.42
Connecticut	50.00
Delaware	50.00
District of Columbia	50.00
Florida	59.68
Georgia	65.00
Idaho	65.00
Illinois	50.00
Indiana	50.00
Iowa	63.23
Kansas	60.78
Kentucky	65.00
Louisiana	65.00
Maine	65.00
Maryland	50.00
Massachusetts	50.00
Michigan	50.00
Minnesota	58.57
Mississippi	65.00
Missouri	53.42
Montana	54.07
Nebraska	63.41
Nevada	50.00
New Hampshire	57.91
New Jersey	50.00
New Mexico	65.00
New York	50.00
North Carolina	65.00
North Dakota	65.00
Ohio	50.00
Oklahoma	65.00
Oregon	52.58
Pennsylvania	50.00
Rhode Island	50.00
South Carolina	65.00
South Dakota	65.00
Tennessee	65.00
Texas	61.36
Utah	65.00
Vermont	65.00
Virginia	65.00
Washington	50.00
West Virginia	65.00
Wisconsin	65.00
Wyoming	65.00
Alaska	50.00
Hawaii	50.00

Dated: August 29, 1958.

[SEAL] W. L. MITCHELL,
Acting Commissioner of Social Security.

Approved: September 10, 1958.

ARTHUR S. FLEMMING,
Secretary.

[F. R. Doc. 58-7487; Filed, Sept. 15, 1958; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11788 etc.; FCC 58M-929]

JAMES W. MILLER ET AL.

ORDER CONTINUING HEARING

In re applications of James W. Miller, Milford, Connecticut, Docket No. 11788, File No. BP-10500; Orange County Broadcasting Corporation (WGNY), Newburgh, New York, Docket No. 12411, File No. BP-11365; Vincent de Laurentis, Hamden, Connecticut, Docket No. 12412, File No. BP-11607; Albert L. Capstaff tr/as Eastern States Broadcasting Co., Hamden, Connecticut, Docket No. 12413, File No. BP-11760; for construction permits.

It is ordered, This 9th day of September 1958, that hearing in the above-entitled proceeding, which is presently scheduled to commence September 17, 1958, is continued to a date which will be specified by the Hearing Examiner assigned to the proceeding.

Released: September 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7522; Filed, Sept. 15, 1958; 8:53 a. m.]

[Docket No. 12463; FCC 58M-951]

JAMES S. RIVERS, INC. (WJAZ)

ORDER CONTINUING HEARING

In re application of James S. Rivers, Inc. (WJAZ), Albany, Georgia, Docket No. 12463, File No. BP-11220; for construction permit.

It is ordered, This 9th day of September 1958, that hearing in the above-entitled proceeding, which is presently scheduled to commence September 24, 1958, is continued to a date which will be specified by the Hearing Examiner assigned to the proceeding.

Released: September 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7523; Filed, Sept. 15, 1958; 8:53 a. m.]

[Docket Nos. 12481, 12482; FCC 58M-954]

FARMINGTON BROADCASTING CO. AND FOUR CORNERS BROADCASTING CO.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Farmington Broadcasting Company, Farmington, New Mexico, Docket No. 12481, File No. BPCT-2369; Four Corners Broadcasting Company, Farmington, New Mexico, Docket No. 12482, File No. BPCT-2417; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration a motion filed September 5, 1958, by Four Corners Broadcasting Company, requesting that the prehearing conference in the above-entitled proceeding presently scheduled for September 15, 1958, be continued until September 23, 1958;

It appearing, that counsel for the other parties to this proceeding have indicated their consent to the immediate consideration and grant of the motion and good cause has been shown therefor;

It is ordered, This 9th day of September 1958, that the motion be and it is hereby granted and the prehearing conference in the above-entitled proceeding be and it is hereby continued from September 15, 1958 to September 23, 1958, at 10 a. m.

Released: September 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7524; Filed, Sept. 15, 1958; 8:53 a. m.]

[Docket No. 12530; FCC 58M-955]

MUSICAL HEIGHTS, INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Musical Heights, Inc., Braddock Heights, Maryland, Docket No. 12530, File No. BP-10918; for construction permit.

It is ordered, This 9th day of September 1958, that, pursuant to the provisions of § 1.111 of the rules of the Commission, and in accordance with the agreement of counsel, all parties to the above-entitled proceeding or their legal counsel are directed to appear for a prehearing conference at the offices of the Commission in Washington, D. C., at 10:00 a. m., October 3, 1958.

Released: September 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7525; Filed, Sept. 15, 1958; 8:53 a. m.]

[Docket Nos. 12535, 12536; FCC 58M-953]

ARNOLD J. STONE ET AL.

ORDER CONTINUING HEARING

In re applications of Arnold J. Stone, Alameda, California, Docket No. 12535, File No. BPH-2414; Patrick Henry and David D. Larsen, a Partnership, Alameda, California, Docket No. 12536, File No. BPH-2437; for construction permits.

It is ordered, This 9th day of September 1958, that hearing conference in the above-entitled proceeding, which is presently scheduled for October 1, 1958, is continued to a date which will be specified by the Hearing Examiner assigned to the proceeding.

Released: September 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7526; Filed, Sept. 15, 1958; 8:53 a. m.]

[Docket Nos. 12544, 12545; FCC 58M-964]

BAY AREA ELECTRONIC ASSOCIATES AND SONOMA COUNTY BROADCASTERS

ORDER SETTING PREHEARING CONFERENCE

In re applications of John F. Egan and Robert Sherman, d/b as Bay Area Electronic Associates, Santa Rosa, California, Docket No. 12544, File No. BP-11319; Alfred M. Pettler, Samuel Elkins, Herbert Stiller, Martin D. Rockey and Sanford Spillman, d/b as Sonoma County Broadcasters, Santa Rosa, California, Docket No. 12545, File No. BP-11809; for construction permits.

It is ordered, This 9th day of September 1958, that, pursuant to the provisions of § 1.111 of the Commission's rules, all parties to the above-entitled proceeding or their counsel are directed to appear for a prehearing conference at the offices of the Commission in Washington, D. C., at 9:00 a. m., on September 25, 1958, for the purpose of considering the following:

(1) The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

(2) The possibility of stipulating with respect to facts;

(3) The procedure at the hearing;

(4) The limitation of the number of witnesses;

(5) Such other matters applicable to comparative broadcast application proceeding as will be conducive to an expeditious conduct of the hearing.

Released: September 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7527; Filed, Sept. 15, 1958; 8:53 a. m.]

[Docket No. 12586 etc.; FCC 58M-958]

M. V. W. RADIO CORP. ET AL.

ORDER SCHEDULING HEARING

In re applications of M. V. W. Radio Corporation, San Fernando, California, Docket No. 12586, File No. BP-10888; KGB, Incorporated (KGB), San Diego, California, Docket No. 12587, File No. BP-11103; Robert S. Marshall, Newhall, California, Docket No. 12588, File No. BP-11705; William H. Wilson and Shirley Ann Wilson, d/b as Wilson Broadcasting Company, Oxnard, California, Docket No. 12589, File No. BP-11911; for construction permits.

It is ordered, This 8th day of September 1958, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 4, 1958, in Washington, D. C.

Released: September 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7528; Filed, Sept. 15, 1958; 8:53 a. m.]

[Docket No. 12569]

AMERICAN TELEPHONE AND TELEGRAPH CO.

MEMORANDUM OPINION AND ORDER; CORRECTION

In the Matter of the applications of American Telephone and Telegraph Company, (Long Lines Department), for modification of its point-to-point microwave radio station licenses in Portland, Maine; Brunswick, Maine; Liberty, Maine; Kings Mountain, Maine; Franklin, Maine; and Cooper Hill, Maine, for facilities connecting with the trans-Atlantic telephone cable system, to authorize the furnishing of an alternate voice and digital data transmission service to the United States Air Force; Docket No. 12569:

Call sign:	File No.
KCB 81	2942-C1-ML-58
KCB 82	2944-C1-ML-58
KCB 83	2945-C1-ML-58
KCC 92	2943-C1-ML-58
KCC 85	2946-C1-ML-58
KCC 86	2947-C1-ML-58

The "In the matter of" paragraph in Commission's Memorandum Opinion and Order adopted July 31, 1958 and released August 6, 1958 (FCC 58 763, Mimeo #61767) is corrected to read as above.

Released: September 11, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7529; Filed, Sept. 15, 1958; 8:54 a. m.]

[Docket No. 12578; FCC 58M-967]

JAMES A. SAUNDERS AND WILLIAM F. JOHNS, JR.

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of James A. Saunders (Transferor) and William F. Johns, Jr. (Transferee), Docket No. 12578, File No. BTC-2792; for transfer of control of Sioux Empire Broadcasting Company, Inc., licensee of Station KIHO, Sioux Falls, South Dakota.

It is ordered, This 10th day of September 1958, that all parties, or their counsel, in the above-entitled proceeding are di-

rected to appear for a prehearing conference pursuant to the provisions § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 9 o'clock a. m., September 17, 1958.

Released: September 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7530; Filed, Sept. 15, 1958; 8:54 a. m.]

[Docket No. 12581; FCC 58M-956]

WESTMINSTER BROADCASTING CO. (WCME)

ORDER SCHEDULING HEARING

In re application of Westminster Broadcasting Company (WCME), Brunswick, Maine, Docket No. 12581, File No. BP-11402; for construction permit.

It is ordered, This 8th day of September 1958, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 30, 1958, in Washington, D. C.

Released: September 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7531; Filed, Sept. 15, 1958; 8:54 a. m.]

[Docket Nos. 12582, 12583; FCC 58M-959]

TWIN CITY BROADCASTING CO., INC., AND TOOMBS BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Twin City Broadcasting Co., Inc., Lyons, Georgia, Docket No. 12582, File No. BP-11398; R. L. Horne, Jr., tr/as Toombs County Broadcasting Company, Lyons, Georgia, Docket No. 12583, File No. BP-12069; for construction permits.

It is ordered, This 8th day of September 1958, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 31, 1958, in Washington, D. C.

Released: September 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7532; Filed, Sept. 15, 1958; 8:54 a. m.]

[Docket Nos. 12584, 12585; FCC 58M-960]

COLUMBIA RIVER BROADCASTERS AND L. BERENICE BROWNLOW

ORDER SCHEDULING HEARING

In re applications of David L. Hubert, Edward F. Kelly & Marion S. Olney d/b as Columbia River Broadcasters, St. Helens, Oregon, Docket No. 12584, File No. BP-11437; L. Berenice Brownlow, St. Helens, Oregon, Docket No. 12585, File No. BP-11882; for construction permits.

It is ordered, This 8th day of September 1958, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 4, 1958, in Washington, D. C.

Released: September 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7533; Filed, Sept. 15, 1958; 8:54 a. m.]

[Docket No. 12590; FCC 58M-957]

BRUCE MCCULLOUGH

ORDER SCHEDULING HEARING

In the matter of Bruce McCullough, Homestead, Florida, Docket No. 12590; order to show cause why the license for station KIG305 in the Domestic Public Land Mobile Radio Service should not be revoked.

It is ordered, This 8th day of September 1958, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 27, 1958, in Washington, D. C.

Released: September 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7534; Filed, Sept. 15, 1958; 8:54 a. m.]

[Docket No. 12596; FCC 58-865]

KWEW, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of KWEW, Inc. (KWEW), Hobbs, New Mexico, Docket No. 12596, File No. BP-11322; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of September 1958;

The Commission having under consideration (1) the above-captioned application of KWEW, Inc., for a construction permit to increase the daytime power of Station KWEW, Hobbs, New Mexico, from 1 kilowatt to 5 kilowatts and to continue operation on the presently assigned frequency of 1480 kilocycles utilizing a directional antenna and a power of one kilowatt for nighttime operation, unlimited time; and (2) a Petition of Waiver of § 3.24 (b) (7) of the Commission's rules (Blanket Area Rule) filed simultaneously with the above-captioned application and requesting, in addition to a waiver of § 3.24 (b) (7) of the Rules, a grant of the application without hearing;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to operate Station KWEW as proposed but that the applicant estimates that the population residing within the proposed 1 v/m contour is approximately 3.45 percent of the population within the proposed 25 mv/m contour and that, therefore, the proposed operation of Station KWEW would not be in compliance with § 3.24 (b) (7) of the Commission's rules on "blanketing" which provides, in pertinent part, that the population within the 1 v/m contour shall not exceed 1.0 percent of the population within the 25 mv/m contour; that the applicant's population estimates are based on a house count of the dwellings within the 1000 mv/m contour and on a population survey conducted by the City of Hobbs in 1956 and estimates by the electric utility company and the city school system of the population within the City of Hobbs, all of which is encompassed within the proposed 25 mv/m contour; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated May 21, 1958, that the Commission was unable to conclude that a grant of the application would be in the public interest in view of the noncompliance with § 3.24 (b) (7) of the rules; and

It further appearing, that the applicant filed a reply dated June 27, 1958, to the Commission's letter setting forth additional data in support of the request for a waiver of § 3.24 (b) (7) of the rules and for a grant of the application without hearing; and

It further appearing, that the Commission is unable to make a determination in this matter on the basis of the data before it and is of the opinion that a hearing is necessary to obtain complete information as to whether grounds advanced by KWEW, Inc., are sufficient to constitute a valid basis for waiver of § 3.24 (b) (7) of the Commission's rules;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KWEW as proposed and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station KWEW would be in compliance with § 3.24 (b) (7) of the Commission's rules; and if compliance with § 3.24 (b) (7) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission's rules, by attorney, or appropriate corporate officer, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 11, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7535; Filed, Sept. 15, 1958; 8:54 a. m.]

[Change List 124]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

AUGUST 29, 1958.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian broadcast stations modifying appendix containing assignments of Canadian broadcast stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		680 kilocycles				
CJOB	Winnipeg, Manitoba	5 kw D/2.5 kw N	DA-N	U	II	Now in operation on new freq.
		800 kilocycles				
CJAD	Montreal, P. Q.	10 kw	DA-1	U	II	Now in operation with revised pattern.
CHAB	Moose Jaw, Saskatchewan.	10 kw D/5 kw N	DA-N	U	II	Now in operation with increased daytime power.
		880 kilocycles				
CKVL	Verdun, P. Q.	50 kw D/10 kw N	DA-2	U	II	Now in operation with increased daytime power.
		910 kilocycles				
CJDV	Drumbeller, Alta.	1 kw	DA-1	U	III	Assignment of call letters.
		1060 kilocycles				
CHUM	Toronto, Ontario	5 kw D/2.5 kw N	DA-1	U	II	Now in operation with increased daytime power.
		1090 kilocycles				
New	Lethbridge, Alta.	5 kw	DA-2	U	II	EIO 8-20-59.
		1250 kilocycles				
CFKL	Scheffergille, P. Q.	0.25 kw	ND	U	IV	Assign. of call letters. Now in operation.
		1300 kilocycles				
CJRH	Richmond Hill, Ont.	0.5 kw	ND	D	III	Now in operation.
		1340 kilocycles				
CJOB	Winnipeg, Manitoba	0.25 kw	ND	D	IV	Delete assign.—vide 680 kc.
		1450 kilocycles				
CJIE	Brockville, Ontario	1 kw D/0.25 kw N	ND	U	IV	EIO 8-20-59 (PO 1450 kc 0.25 kw ND).
		1470 kilocycles				
CHOW	Welland-Port Colborne, Ontario.	0.5 kw	DA	D	III	Now in operation.

FCC NOTE. At the time this change list was received, Change List No. 123 had not been received.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7537; Filed, Sept. 15, 1958; 8:54 a. m.]

[Docket No. 12597; FCC 58-866]

JANE A. ROBERTS (KCFI)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Jane A. Roberts (KCFI), Cedar Falls, Iowa, Docket No. 12597, File No. BL-7011; for station license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of September 1958;

The Commission having under consideration the above-captioned application of Jane A. Roberts for license to cover the construction permit for a new standard broadcast station at Cedar Falls, Iowa, to operate on 1250 kilocycles with a power of 500 watts, directional antenna, daytime only;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically and financially qualified to operate Station KCFI as proposed but that Mass Communicators, Inc., of Richmond Heights, Missouri, filed a letter and affidavit on January 3, 1958, alleging, inter alia, that the signature of "Jane A. Roberts" appearing in the original application for Cedar Falls (BP-10787) is not her genuine signature; that the signatures of "Jane A. Roberts" in other applications with the Commission are not genuine; and

It further appearing, that, by letter of January 17, 1958, the applicant was advised of the aforementioned allegations; and

It further appearing, that, by a sworn statement of January 28, 1958, Mrs. Roberts replied to these allegations stating, in substance, that the signature appearing in the original application for Cedar Falls (BP-10787) is her true signature, made before a notary public; that to the best of her knowledge and belief all other notarized signatures submitted to the Commission by her are her true signatures; that it may be possible that at sometime in the past, as a matter of convenience, she has instructed her husband to sign her name on what she considered a simple and unimportant communication, but that she cannot recall any specific instance; that if such were done, it was as a matter of convenience and not with the intent to defraud or mislead the Commission; and

It further appearing, that, by letter dated July 16, 1958, the applicant was advised that upon consideration of the aforementioned allegations and her reply, the Commission was unable to conclude that a grant of the license application would be in the public interest; and

It further appearing, that, by letter of July 23, 1958, applicant's counsel stated that she would participate in a hearing; and

It further appearing, that, section 319 (a) of the Communications Act of 1934, as amended, requires that an application for a construction permit "shall be signed by the applicant under oath or affirmation," and that section 308 (b) of the Act requires that applications for station licenses, modifications or renewals thereof "shall be signed by the applicant and/or licensee under oath or affirmation"; and

It further appearing, that, questions obtain as to whether Mrs. Roberts fulfilled the statutory requirement of signing her individual applications under oath or affirmation and whether therefore Mrs. Roberts possesses the basic qualifications to be a broadcast licensee; and

It further appearing, that, in view of the foregoing, the Commission is of the opinion that a hearing on the instant application is necessary;

It is ordered, That, the above-captioned application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the signature appearing in the original application (BP–10787) for Cedar Falls is the genuine signature of Jane A. Roberts, and whether the signature "Jane A. Roberts" appearing in other applications with the Commission is genuine.

2. To determine whether, in light of the evidence adduced under Issue No. 1, Jane A. Roberts, permittee of Station KCFI, possesses the basic qualifications to be a broadcast licensee;

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, the burden of proceeding with the introduction of evidence, and the burden of proof as to each of the issues shall be on the applicant; and

It is further ordered, That, to avail herself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission's rules, in person or by an attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 11, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58–7536; Filed, Sept. 15, 1958; 8:54 a. m.]

FEDERAL POWER COMMISSION

Docket No. G–16181

NORMAN V. KINSEY, JR., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 10, 1958.

Norman V. Kinsey, Jr., et al., (Kinsey), on August 20, 1958, tendered for filing a proposed change in his presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 15, 1958.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 2 to Kinsey's FPC Gas Rate Schedule No. 1.

Effective date: October 11, 1958 (effective date is the effective date proposed by Kinsey.)

In support of the proposed three-step periodic rate increase, Kinsey cites the contract provision therefor and states that without such provision he would not have committed the gas for the 20-year term of the contract. Kinsey also cites increases in producer costs and states that the schedule of periodic price increases tends to offset such increases and provide a relatively uniform net income over the term of the contract.

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

This suspension, however, is based solely on the possibility of the additional tax being invalidated and that only such tax reimbursement shall be made effective subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Naural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Kinsey's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Kinsey's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 12, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–7506; Filed, Sept. 15, 1958; 8:50 a. m.]

[1] Supplement No. 1 to Kinsey's FPC Gas Rate Schedule No. 1, (Louisiana gathering tax increase), was suspended for 1 day until August 2, 1958, in Docket No. G–15742, and is now in effect subject to refund.

[Docket No. G–14872]

NATURAL GAS STORAGE COMPANY OF ILLINOIS

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 10, 1958.

Take notice that Natural Gas Storage Company of Illinois (Applicant), an Illinois corporation, having its principal place of business at 122 South Michigan Avenue, Chicago, Illinois, filed on April 14, 1958, an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to construct and operate certain natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant owns and operates an aquifer-type underground storage reservoir near Herscher, Kankakee County, Illinois, which has an authorized maximum daily withdrawal rate of 430,000 Mcf. Applicant also owns and operates as a supplement to said Herscher storage field, a gas field known as Cooks Mills in Coles and Douglas Counties, Illinois. Applicant transports and stores natural gas in the Herscher and Cooks Mills storage fields for the account of customers of Natural Gas Pipe Line Company of America (Natural) and Texas Illinois Gas Pipeline Company (Texas Illinois). Applicant alleges that the natural gas delivered to it for storage is received from Texas Illinois at points of interconnection of facilities of Applicant and Texas Illinois in Kankakee and Coles Counties, Illinois, and is transported thence to the storage fields of Herscher and Cooks Mills, respectively, where said gas is injected into the storage reservoirs. Upon request of the customer owning gas so stored, Applicant withdraws the quantity of gas so requested and redelivers it to Texas Illinois.

Applicant alleges that it has gathered information through geological surveys and tests which predicts a second formation some 600 feet below the Galesville sand (Herscher storage), referred to as Mount Simon, which is adaptable for use as a gas storage reservoir. Applicant proposes to construct and operate the following described facilities for the purpose of injecting natural gas into said formation to ascertain and evaluate more precisely the characteristics of said formation as a storage reservoir:

(a) Twelve injection-withdrawal wells and appurtenances thereto;

(b) A gathering system consisting of:

0.02 mile of 4-inch pipeline,
0.41 mile of 8-inch pipeline, and
1.99 miles of 12-inch pipeline;

(c) One 1330-B. H. P. compressor plant for injection and withdrawal of gas;

(d) Three observation wells; and

(e) Cushion gas now estimated to be approximately three billion cubic feet.

Applicant plans to inject during 1958 about five billion cubic feet of natural gas, of which it estimates three billion cubic feet will be required as cushion gas. The maximum storage capacity is estimated to be 70,000,000 Mcf, of which 30,000,000 Mcf is to be top storage gas.

The total estimated cost of said facilities is $2,560,133, including the sum of $557,553 as the cost of existing facilities, which Applicant proposes to finance by the sale of common stock and from funds on hand.

This matter is one that should be disposed of as soon as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisidiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 14, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 2, 1958. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–7507; Filed, Sept. 15, 1958; 8:50 a. m.]

[Docket No. G–14899 etc.]

G. STRATTON ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 10, 1958.

In the matters of G. Stratton,[1] Docket No. G–14899; Southern Union Gas Company,[2] Docket No. G–15004; Southern Union Gathering Company,[3] Docket No. G–15005; Colorado Western Exploration, Inc., Operator,[4] Docket No. G–15036; Phillips Petroleum Company,[5] Docket No. G–15057; Tidewater Oil Company (Formerly Tidewater Associated Oil Co.),[6] Docket No. G–15099; Charles F. Buckwalter,[7] Docket No. G–15101.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection. Each Applicant has submitted a related rate schedule for such service.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.; Field and location; and Purchaser
G–14899; Noelke Northeast Queen Field, Crockett County, Tex.; El Paso Natural Gas Company.
G–15004; Aztec Field (Pictured Cliffs), Blanco Field (Mesaverde), San Juan and Rio Arriba Counties, N. Mex.; El Paso Natural Gas Company.
G–15005; Aztec Field (Mesaverde), San Juan County, N. Mex.; El Paso Natural Gas Company.
G–15036; Blanco Field (Mesaverde), San Juan County, N. Mex.; El Paso Natural Gas Company.
G–15057; Bear Field, Beauregard Parish, La.; Transcontinental Gas Pipe Line Company.
G–15099; Justis Field, Lea County, N. Mex.; El Paso Natural Gas Company.
G–15101; Maxie-Pistol Ridge Field, Pearl River County, Miss.; United Gas Pipe Line Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 14, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided, for unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 30, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

Co-owners	Nonunitised Acreage	Government Hancock No. 1 Well	Percentage of Working Interest: Jaquez No. 1 Well	Montoya No. 1 Well	Tafoya No. 1 Well
	Percent	*Percent*	*Percent*	*Percent*	*Percent*
Colorado Western Exploration, Inc., Operator	62.50	21.52	31.25	21.19	35.93
Mike Abraham		25.04			
Alexander M. Arnstein	6.25	2.14	25.0	7.67	6.25
J. A. Pierce, et ux		3.19			
Seymour Grom	6.25	2.14	12.5	4.54	4.69
Stanley S. Langendorf	25.00	8.61			15.63
Hargrove Oil & Gas Co		6.25	3.03		
N. V. Kinsey		25.0	12.11		
Texas National Petroleum Co			61.56	37.5	

[1] Application covers a proposed sale of natural gas pursuant to an amendatory agreement dated July 11, 1955, which adds additional acreage (5 tracts) to a basic contract dated November 2, 1954. Applicant received authorization in Docket No. G–7358 covering the sale of gas under said basic contract. Production from three tracts is limited to depth of 3,000 feet below surface.

[2] Southern Union Gas Company, nonoperator, is filing for its working interests in four wells dedicated under three amendatory agreements which add additional acreages to two separate basic gas sales contracts; for which authorization was granted in Docket No. G–4612.

[3] Southern Union Gathering Company is filing for authorization to sell to El Paso 50 percent of production from the Colorado Western-Government-Owen No. 1–7 Well, which gas is purchased from Colorado Western Exploration, Inc. Applicant proposes to sell the subject gas pursuant to an amendatory agreement dated January 2, 1958, which adds additional gas supply from a new formation to a basic gas sales contract dated September 1, 1953, as amended. Amendment filed June 10, 1958, is a request to amend application to show subject well as producing from the Mesaverde formation rather than the Pictured Cliffs formation.

[4] Colorado Western Exploration, Inc., Operator, is filing for itself and on behalf of the following nonoperating owners of working interests in four wells: El Paso (Purchaser) owns the remaining 37.36 percent interest in the Government-Hancock No. 1 Well. Production from above-named wells is proposed to be sold pursuant to three amendatory agreements dated March 5, 1957 (Government-Hancock No. 1 Well), April 15, 1957 (Jaquez No. 1 Well), and November 27, 1957 (Montoya and Tafoya No. 1 Wells), which cancels an amendatory agreement dated May 10, 1957. The above-mentioned amendatory agreements add additional acreages to a basic contract dated October 29, 1956. Colorado Western, Operator, received authorization in Docket No. G–11896 covering the sale of gas under said basic contract. Applicant is the only signatory seller party to the basic contract and the subject amendatory agreements.

[5] Phillips Petroleum Company is filing for its working interest in 160 acres, production from which is proposed to be sold pursuant to an amendatory agreement dated March 5, 1958, which adds additional acreage to a basic contract dated August 16, 1954, as amended. Phillips received authorization in Docket No. G–4178 covering the sale of gas under said basic contract.

[6] Application covers a proposed sale of natural gas pursuant to an amendatory agreement dated November 1, 1957, which adds additional acreage to a basic contract dated August 15, 1949, as amended. Applicant received authorization in Docket No. G–6272

covering the sale of gas under said basic contract.

[1] Charles F. Buckwalter, nonoperator, is filing for its 1.312 percent interest (1.5 mineral acres) in the Gulf Refining Co., et al., Southern Minerals Corp., et al., Units D & DA, production from which is proposed to be sold pursuant to an amendatory agreement dated October 15, 1957, which adds additional producing horizons to the basic contract dated April 14, 1955. Applicant received authorization in Docket No. G-13688 covering the sale of gas under said basic contract.

[F. R. Doc. 58-7508; Filed, Sept. 15, 1958; 8:51 a. m.]

[Docket No. G-16184]

J. I. ROBERTS

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 10, 1958.

J. I. Roberts (Roberts) on August 18, 1958, tendered for filing a proposed change in his presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Mississippi River Fuel Corporation.
Rate schedule designation: Supplement No. 6 to Roberts' FPC Gas Rate Schedule No. 1.
Effective Date: October 1, 1958 (effective date is the effective date proposed by Roberts).

In support of the proposed periodic rate increase, Roberts merely cites the pertinent pricing provision of the contract.

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

This suspension, however, is based solely on the possibility of the additional tax being invalidated and that only such tax reimbursement shall be made effective subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Roberts' FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Roberts' FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7509; Filed, Sept. 15, 1958; 8:51 a. m.]

[1] Supplement No. 5 to Roberts' FPC Gas Rate Schedule No. 1, (Louisiana gathering tax increase), was suspended for 1 day until August 2, 1958, in Docket No. G-15875, and is now in effect subject to refund.

[Docket No. G-16185]

J. I. ROBERTS

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 10, 1958.

J. I. Roberts (Roberts) on August 18, 1958, tendered for filing a proposed change in his presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Arkansas Louisiana Gas Company.
Rate schedule designation: Supplement No. 4 to Roberts' FPC Gas Rate Schedule No. 2.
Effective date: October 1, 1958 (effective date is the effective date proposed by Roberts).

In support of the proposed periodic rate increase, Roberts merely cites the pertinent pricing provision of the contract.

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

This suspension, however, is based solely on the possibility of the additional tax being invalidated and that only such tax reimbursement shall be made effective subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Roberts' FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Suplement No. 4 to Roberts' FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7510; Filed, Sept. 15, 1958; 8:51 a. m.]

[1] Supplement No. 3 to Roberts' FPC Gas Rate Schedule No. 1 (Louisiana's gathering tax increase), was suspended for 1 day until August 2, 1958, in Docket No. G-15725, and is now in effect subject to refund.

[Docket No. G-16186]

ROBERTS AND MURPHY

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 10, 1958.

J. I. Roberts and C. H. Murphy, Jr., d/b/a Roberts and Murphy, (Roberts and Murphy), on August 18, 1958, tendered for filing a proposed change in their presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Mississippi River Fuel Corporation.
Rate schedule designation: Supplement No. 6 to Roberts and Murphy's FPC Gas Rate Schedule No. 3.
Effective date: October 1, 1958 (effective date is the effective date proposed by Roberts and Murphy).

In support of the proposed periodic rate increase, Roberts and Murphy merely cite the pertinent pricing provisions of the contract.

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

This suspension, however, is based solely on the possibility of the additional tax being invalidated and that only such tax reimbursement shall be made effective subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Roberts and Murphy's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Roberts and Murphy's FPC Gas Rate Schedule No. 3

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

[1] Supplement No. 5 to Roberts and Murphy's FPC Gas Rate Schedule No. 3 (Louisiana gathering tax increase), was suspended for 1 day until August 2, 1958, in Docket No. G-15937, and is now in effect subject to refund.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7511; Filed, Sept. 15, 1958; 8:51 a. m.]

[Docket No. G-14371]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 2, 1958.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, having its principal offices at 1221 Baltimore Avenue, Kansas City, Missouri, and 120 Broadway, New York, New York, filed on January 31, 1958 an application and on April 22, 1958 and May 27, 1958 supplements thereto, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the acquisition and operation of certain natural gas transmission facilities, as hereinafter described, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Panhandle proposes to acquire by purchase from the Town of Lapel, Indiana (Town) 4.9 miles of natural gas pipeline and other appurtenant facilities, more particularly described as follows: Twenty-six thousand three hundred thirty-four feet, more or less, of steel pipeline 4½ inches in outside diameter running from the connection of said line with the Panhandle Eastern Pipe Line Company's Anderson 18-inch Lateral to the point downstream of the measuring and regulating devices housed in the town border station of the Town of Lapel where the gas enters the distribution system of the Town of Lapel, Indiana; such portion of the farm tap connection service lines which are located along and connected to said 4½ inch steel pipeline as may be owned by the Town or the Municipal Gas Company thereof; all meters, regulators, valves and other equipment and fixtures attached and appurtenant to said line and to the farm tap service lines, including the building housing the town border station and all measuring and regulating devices therein contained; all land owned by the Town or the Municipal Gas Company thereof which is a part of the tract on which the town border station stands; and any and all rights-of-way, easements, permits, licenses and agreements under or pursuant to which the Town has constructed and now maintains said line and appurtant property.

Applicant alleges that the facilities proposed to be acquired comprise all of the gas transportation facilities owned by the Town, but do not include the lines and other facilities which the Town owns and uses for the distribution of gas at low pressures to the public in the Town of Lapel.

The consideration proposed to be paid for the said facilities is $15,814.78 from funds on hand.

Applicant alleges that it delivers gas through the pipeline and facilities proposed to be purchased to the Town of Lapel for resale to the public and to Brockway Glass Company (Brockway), a direct industrial customer. There are also approximately twenty farm service tap customers served from said pipeline, which Applicant will continue to serve.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 14, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 1, 1958. Failure of any party to appear at and participate in the hearing will be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7512; Filed, Sept. 15, 1958; 8:51 a. m.]

[Docket No. G-13257 etc.]

ATLANTIC REFINING CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 10, 1958.

In the matters of the Atlantic Refining Company,[1] Docket No. G-13257; Northern Pump Company, Operator, et al.,[2] Docket No. G-13266; H. L. Hawkins and H. L. Hawkins, Jr., Docket No. G-13267; Magnolia Petroleum Company,[3] Docket No. G-13275; R. P. Karll, Operator, et al.,[4] Docket No. G-13277; H. L. Hawkins, H. L. Hawkins, Jr. and Frank

See footnotes at end of document.

S. Kelly, Jr.,[5] Docket No. G–13279; Victor Hale,[6] Docket No. G–13280; Amerada Petroleum Corporation,[7] Docket No. G–13284; J. M. Huber Corporation,[8] Docket No. G–13291; Union Oil Company of California,[9] Docket No. G–13292; Amerada Petroleum Corporation,[10] Docket No. G–13303; Cities Service Oil Company, Docket No. G–13304.

Take notice that each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection. Each applicant has submitted a related rate schedule for such service.

The respective applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No.; Field and Location; and Purchaser

G–13257; Hico-Knowles, Lincoln and Claiborne Parishes, La.; Texas Gas Transmission Corp.

G–13266; Cabeza Creek Area, Goliad and DeWitt Counties, Tex.; United Gas Pipe Line Co.

G–13267; Valentine, Lafourche Parish, La.; United Fuel Gas Co.

G–13275; Fremont, Jim Wells Co., Tex.; Coastal States Gas Producing Co. for resale to Trunkline Gas Co.

G–13277; Rodessa (Jefferson Area), Marion County, Tex.; Arkansas Louisiana Gas Co.

G–13279; Hayes, Jefferson Davis and Calcasieu Parishes, La.; United Gas Pipe Line Co.

G–13280; Trace Fork, Magoffin Co., Ky.; Kentucky West Virginia Gas Co.

G–13284; Bagley, Lea County, N. Mex.; El Paso Natural Gas Co.

G–13291; Acreage in Hansford and Ochiltree Counties, Tex.; Northern Natural Gas Co.

G–13292; Lips, Roberts County, Tex.; Natural Gas Pipe Line Co. of America.

G–13303; Elwood, Barber County, Kans.; Cities Service Gas Co.

G–13304; Northwest Cherokee, Alfalfa Co., Okla.; Cities Service Gas Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 14, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 30, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waive of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] The Atlantic Refining Company, nonoperator, will sell its gas pursuant to a ratification agreement dated July 26, 1957 of a basic contract dated November 23, 1956, between Southwest Gas Producing Company, Inc., et al., sellers, and Texas Gas Transmission Corporation, buyer. Both Atlantic and Texas Gas are signatory parties to said ratification agreement, which agreement adds Atlantic's interest in certain leases to the basic contract. Southwest Gas, Operator, et al., were authorized in Docket No. G–11745 for the sale of gas under the basic contract.

[2] Northern Pump Company, Operator, is filing for itself and on behalf of following nonoperators: John B. Hawley, Jr., J. B. Moore and E. J. Carlson. All are signatory seller parties to the gas sales contract dated August 27, 1957.

[3] Magnolia Petroleum Company is filing for its 50 percent interest in the A. A. Seeligson and Seeligson No. 2 Units and is the only signatory seller party to gas sales contract dated February 15, 1957, which contract limits production to the Singer Sand and provides that Magnolia receive 75 percent of any price increase received by Coastal States from resale of the subject gas to Trunkline Gas Company.

[4] R. P. Karll, Operator, is filing for himself and on behalf of the following nonoperators: Doris Day Melcher, Martin Melcher and Jerome B. Rosenthal. All above-named coowners are signatory seller parties to the gas sales contract dated August 7, 1957. Operator will receive none of the revenues to be derived from the sale of the subject gas until the costs of lease acquisition and well development have been paid out, at which time 50 percent net working interest reverts to Operator.

[5] H. L. Hawkins, H. L. Hawkins, Jr., and Frank S. Kelly, Jr., are filing jointly for their working interests in the H. L. Hawkins-Atkinson No. 1 Well and all are signatory seller parties to gas sales contract dated September 3, 1957, which limits production to horizons between surface and base of the Hayes Sand.

[6] Production is limited to one well drilled to and through the Big Lime Formation.

[7] Application covers proposed sale of natural gas pursuant to amendatory agreement dated August 30, 1957, which adds additional acreage to basic contract dated February 11, 1957. Applicant was authorized in Docket No. G–12133 for sale of gas under the basic contract.

[8] J. M. Huber Corporation is filing for its working interest in the subject acreages and is the only signatory seller party to gas sales contract dated August 8, 1957, which limits production to horizons between sea level and top of the Mississippian Formation. Amendment filed February 24, 1958 is request to include in certificate application amendatory agreement dated January 3, 1958, which dedicates additional acreage at a depth from top of Mississippian Formation to 100 feet below top of said formation to the basic contract.

[9] Production is limited to formations above the St. Louis Group of the Mississippian Age.

[10] Application covers proposed sale of natural gas under an amendatory agreement dated September 10, 1957, which adds additional acreage to a basic gas sales contract dated October 7, 1955. Applicant received authorization in Docket No. G–0488 sale of gas under the basic contract.

[F. R. Doc. 58–7513; Filed, Sept. 15, 8:51 a. m.]

[Docket No. G–16177]

TEXAS GULF PRODUCING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

SEPTEMBER 10, 1958.

Texas Gulf Producing Company (Texas Gulf) on August 11, 1958, tendered for filing a proposed change in its presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, August 7, 1958.

Purchaser: Trunkline Gas Company.

Rate schedule designation: Supplement No. 9 to Texas Gulf's FPC Gas Rate Schedule No. 3.

Effective date: September 11, 1958 (effective date is the first day after expiration of required thirty days' notice).

In support of the favored-nation increase Texas Gulf cites the contractual covenants included in the rate schedule and submits a letter dated March 12, 1958 from Trunkline Gas Company advising Texas Gulf that Trunkline had executed a new contract to purchase gas in Bee County, Texas, at a similar price and began taking deliveries thereunder on March 7, 1958. Texas Gulf prays for but has not shown good cause for a shortened suspension period.

The increased rate and charge proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Texas Gulf's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Texas Gulf's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 11, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought

to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7514; Filed, Sept. 15, 1958; 8:52 a. m.]

[Docket No. G-16180]

CHRISTIE, MITCHELL AND MITCHELL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

SEPTEMBER 10, 1958.

Christie, Mitchell and Mitchell Company, et al., (Christie) on August 18, 1958, tendered for filing proposed changes in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Notice of Change, dated August 12, 1958. (2) Notice of Change, dated August 14, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: (1) Supplement No. 18 to Christie's FPC Gas Rate Schedule No. 9. (2) Supplement No. 19 to Christie's FPC Gas Rate Schedule No. 9.

Effective date: September 18, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increases, Christie cites the contract favored-nation provisions and submits copies of Texas Eastern Transmission Corporation's favored-nation letter (accepted by Christie on August 15, 1957) specifying the increased price. Christie also states that without such protective provisions against discrimination it would not have executed the contract, the increased price is just and reasonable in all respects and will afford only a fair return upon investment.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement Nos. 18 and 19 to Christie's FPC Gas Rate Schedule No. 9 be suspended and the use thereof deferred as hereinafter ordered.

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-13062.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 18 and 19 to Christie's FPC Gas Rate Schedule No. 9.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until February 18, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7515; Filed, Sept. 15, 1958; 8:52 a. m.]

[Docket No. G-13177]

OIL PARTICIPATIONS INCORPORATED

ORDER REDESIGNATING RATE SCHEDULE AND TERMINATING PROCEEDING IN PART

SEPTEMBER 5, 1958.

Oil Participations Incorporated (Applicant), on July 21, 1958, filed with the Commission a motion requesting that its FPC Gas Rate Schedule No. 4 be redesignated as Oil Participations Incorporated Rate Schedule No. 8 but only insofar as such rate schedule relates to Applicant's interest in the Benoit leases, Thornwell Field, Jefferson Davis and Cameron Parishes, Louisiana.[1]

Applicant's FPC Gas Rate Schedule No. 4 consists of a contract dated February 8, 1956, entered into by Pan American Petroleum Corporation (Pan-Am) and Applicant with United Fuel Gas Company (United Fuel) for the sale to the latter company of natural gas produced from various leases in the Thornwell Field. The sale is made by Pan-Am and Applicant under certificates of public convenience and necessity issued October 16, 1956, in Docket Nos. G-10022 and G-10027, respectively. Initally, both Pan-Am and Applicant tendered the February 8, 1956, contract for filing and the filings were designated in the records of the Commission as Pan-Am's FPC Gas Rate Schedule No. 190 and Applicant's FPC Gas Rate Schedule No. 4.

Originally, Pan-Am and Applicant each had a 50 percent interest in producing leases in the Thornwell Field. Pan-Am was the operator of the properties; Applicant, the non-operator. Each rate schedule provided an initial price of 17.4 cents per Mcf (inclusive of tax reimbursement). Subsequently, Pan-Am tendered proposed rate changes increasing the proposed rate to 17.8 cents per Mcf, effective April 15, 1957, subject to refund, in Docket No. G-11446, and later to 18.2 cents per Mcf, effective April 1, 1958, subject to refund, in Docket No. G-13442. In its tenders, Pan-Am indicated that the first increase applied only to its 50 percent interest; but that the second increase was filed to cover its interest as well as the non-operator, in accordance with the Commission's Order No. 190, issued September 27, 1957 (18 CFR 154.91; 21 F. R. 7616). Applicant, on July 31, 1957, tendered a proposed rate change increasing the rate from 17.4 cents to 17.8 cents per Mcf relating to its 50 percent interest. Such rate change was suspended in the instant proceeding until January 31, 1958, when it became effective subject to refund.[2]

In support of its motion, Applicant states that late in 1957 a dispute arose between it and the operator with respect to conducting certain operations in connection with the Benoit No. 1 well in the so-called Benoit leases in the field. As a result of the dispute, Pan-Am assigned to Applicant its one-half interest in that portion of the Benoit leases containing the Benoit No. 1 well; hence, Applicant is the 100 percent owner and operator of such leases, and it requests us to redesignate its FPC Gas Rate Schedule No. 4 as its FPC Gas Rate Schedule No. 8 insofar as it relates to such leases.

Previously, by letter dated August 27, 1958, Applicant was advised that its interest as non-operator in the Thornwell Field was deemed to be covered by the filings of Pan-Am from and after May 20, 1958, and that it was permitted to withdraw the filings in Docket No. G-13177 insofar as they did not apply to the Benoit leases. Accordingly, this proceeding now is solely concerned with the lawfulness of the 17.8¢ rate for the sale to United Fuel of natural gas produced from the Benoit leases. The 17.8¢ rate for such sale is currently effective and has been since January 31, 1958, subject to refund, pursuant to the terms and conditions of the order issued herein May 2, 1958.

The Commission finds:

(1) Good cause exists and has been shown for the Commission to redesignate Applicant's FPC Gas Rate Schedule No. 4 as Applicant's FPC Gas Rate Schedule No. 8 but only insofar as it relates to the sale to United Fuel of natural gas pro-

[1] Concurrently therewith, Applicant tendered a proposed change in rate to reflect reimbursement for a portion of the additional Louisiana Gas Gathering Tax. Such proposed change is the subject of inquiry In Oil Participations Incorporated, Docket No. G-16024, order issued August 20, 1958.

[2] A further tender by Applicant purporting to increase the rate of 17.8 cents per Mcf to 18.2 cents per Mcf was rejected by the Commission by letter dated November 8, 1957.

duced by Applicant from the Benoit leases in the Thornwell Field.

(2) This proceeding should be terminated to the extent that it relates to Applicant's sale to United Fuel of natural gas produced from acreage in the Thornwell Field exclusive of the Benoit leases.

The Commission orders:

(A) Applicant's FPC Gas Rate Schedule No. 4 is hereby redesignated FPC Gas Rate Schedule No. 8 but only insofar as it relates to its interest in the Benoit leases, Thornwell Field, Jefferson Davis and Cameron Parishes, Louisiana.

(B) This proceeding is terminated insofar and to the extent that it relates to Applicant's interest in acreage in the Thornwell Field, exclusive of the Benoit leases; in all other respects, all orders heretofore issued in this proceeding shall remain in full force and effect with respect to the sale to United Fuel of natural gas produced from the Benoit leases.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7516; Filed, Sept. 15, 1958; 8:52 a. m.]

[Docket No. G-2975 etc.]

SUNRAY MID-CONTINENT OIL CO.

ORDER SEVERING DOCKETS FROM CONSOLIDATED PROCEEDINGS AND REOPENING PROCEEDINGS IN DOCKETS SEVERED FOR ADMISSION OF ADDITIONAL EVIDENCE

SEPTEMBER 10, 1958.

In the matter of Sunray Mid-Continent Oil Company, Docket No. G-2975, et al., particularly G-4916, G-12846 and G-13163.

On June 23, 1958, Sunray Mid-Continent Oil Company (Sunray) filed a motion to reopen the proceedings in Docket Nos. G-2975, et al., for the limited purpose of introducing additional evidence in the form of affidavits concerning three of the independent producer applications consolidated with a number of other applications. The examiner in this case issued his decision on June 27, 1958, granting certificates in these three dockets, among others.

The three applications with which Sunray is concerned in the present motion are Docket Nos. G-4916, G-12846 and G-13163. Sunray states in its motion that since the close of the hearing, facts and circumstances have developed concerning the above three dockets which make necessary disposition in manner other than that proposed by the examiner.

Docket No. G-4916: In this docket Sunray has found that the gas being sold under its contract with Northern Natural Gas Company is being delivered by Northern, to Cabot Carbon Company for use in that company's carbon black plant near Pampa, Texas. Delivery of the gas to Cabot is being made from Sunray's producing property in Texas to Cabot, does not cross any state line, and is consumed in the state. Sunray states it was not aware of this until early in April 1958.

The contract for sale of the gas to Northern Natural expires on July 1, 1958 by notice given by Applicant and accepted by purchaser. Sunray points out that the pressure of the producing well is declining at a rapid rate and therefore the gas will have to be compressed by Northern in the near future to continue deliveries to Cabot, although such deliveries will then be made from a different location on Northern's gathering system. Sunray states that the application at this docket is erroneously filed since the sale of gas is nonjurisdictional. The above facts are all attested to by affidavit of C. F. McCarrol, Sunray's only witness in the consolidated proceeding.

Docket No. G-12846: In this docket gas produced from the Shoats Creek Field property of Sunray, in Beauregard Parish, Louisiana, and sold to United Gas Pipe Line Company has been ordered by the Commissioner of Conservation of Louisiana to be recycled in accordance with a recycling and pressure maintenance program instituted in that field. The order of the Commissioner dated April 30, 1958 will prevent the delivery of gas by Sunray from this property for an estimated period of 10 years. The sales contract has been terminated, because of these circumstances, by mutual agreement between Sunray and United. This information has been attested to by Mr. C. F. McCarrol, by affidavit, and true copies of the order of the Louisiana Commissioner are attached to the instant motion.

Docket No. G-13163: In this docket gas was to be sold by Sunray from its property in the Carlton Area in Ouachita Parish, Louisiana to Southern Natural Gas Company. However, Sunray and Southern have been unable to effect a delivery of the gas from properties now capable of producing since the only well currently completed on the property unit, known as the "Wininger" well has ceased to produce. Efforts to successfully restore commercial production from this well have failed. Further efforts to restore this well have been deemed inadvisable and uneconomic.

Another well located on the south half of the property known as the "Brooks" well is producing but Sunray, although the operator, owns only 41.2 percent and the other owners of this unit have agreed to sell to another purchaser than Southern. Sunray states that it is not economically feasible to construct a line the required 2½ miles to pick up the small amount of Sunray gas from the Brooks well. Southern has also indicated to Sunray that it has not been able to effect an exchange agreement with the purchaser of the gas from the other interests in the Brooks well and extension of a lateral by Southern to pick up the Sunray gas is unwarranted due to insufficient gas in the area. Sunray and Southern, on April 22, 1958, by mutual agreement, terminated the contract involved in this docket. Southern has further advised Sunray that similar agreements to terminate will be entered into with other sellers to Southern in this area in order that Southern may be relieved of its obligations to receive uneconomical quantities of gas.

The above information has been attested to by Mr. C. F. McCarrol by affidavit attached to the present motion by Sunray.

No protests, petitions to intervene, or notices of intervention were filed in Docket Nos. G-4916, G-12846 or G-13163. Staff counsel has made no objection to re-opening the proceedings in these three dockets for the limited purpose of receiving additional evidence relative to the issues in Sunray's motion.

The Commission finds:

(1) The Motion to Reopen Hearing to Admit Additional Evidence filed in Docket No. G-2975, et al., by Sunray-Mid Continent Oil Company on June 23, 1958, should be granted as hereinafter ordered and conditioned.

(2) The evidence Sunray seeks to introduce involves facts and circumstances which may require disposition by the Presiding Examiner of Docket Nos. G-4916, G-12846, and G-13163 in a manner otherwise than that accomplished by his initial decision issued June 27, 1958.

(3) Since the evidence Sunray seeks to introduce involves only Docket Nos. G-4916, G-12846 and G-13163 and can have no effect on any of the other dockets in the consolidated proceedings, orderly and proper procedure requires that said dockets be severed from the consolidated proceedings entitled G-2975, et al., as hereinafter ordered.

The Commission orders:

(A) Docket Nos. G-4916, G-12846 and G-13163 be and hereby are severed from the consolidated proceedings in Docket No. G-2975, et al.

(B) Docket Nos. G-4916, G-12846 and G-13163 be and are hereby referred to the presiding examiner for further action not inconsistent with the provisions of this order.

(C) The proceedings in Docket No. G-4916, G-12846 and G-13163 be reopened for the express and limited purpose of receiving additional evidence relating to the issues presented in Sunray's "Motion to Reopen" as filed June 23, 1958.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7517; Filed, Sept. 15, 1958; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9183]

CAPITAL AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the complaint of Ella Fischer and R. A. Fischer with respect to Capital Airlines, Inc., General Rule 17 (A) 1st revised page 4 and 8th revised page 34 of Local and Joint Passenger Rules Tariff No. P. R.-3, C. A. B. No. 27 (M. F. Redfern, Agent Series), issued by J. B. Walker, Agent, which tariff pages were in effect on December 29, 1951, applying to certain persons to bar claims and actions for injury and death due to negligence of air carriers.

Hearing in the above-entitled proceeding previously assigned to be held on

September 16, 1958, is indefinitely postponed.

Dated at Washington, D. C., on September 10, 1958.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-7569; Filed, Sept. 15, 1958; 9:13 a. m.]

FOREIGN CLAIMS SETTLEMENT COMMISSION

GOVERNMENT OF CZECHOSLOVAKIA

NOTICE WITH RESPECT TO DATES FOR FILING CLAIMS

SEPTEMBER 11, 1958.

Notice is hereby given that pursuant to section 1, Public Law No. 85-604, approved August 8, 1958, which further amends the International Claims Settlement Act of 1949, as amended, the Foreign Claims Settlement Commission of the United States will receive, during the period ending at midnight August 1, 1960, claims of United States nationals against the Government of Czechoslovakia for losses resulting from the nationalization or other taking of property, including any rights or interests therein, on or after January 1, 1945, in accordance with the terms and conditions prescribed in such Public Law and in accordance with the regulations of the Commission made with respect thereto.

Dated: September 11, 1958.

By the Commission.

ANDREW T. MCGUIRE,
General Counsel.

[F. R. Doc. 58-7502; Filed, Sept. 15, 1958; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-II-5 (Revision 1)]

BRANCH MANAGER, HARTFORD, CONNECTICUT

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), as amended (22 F.R. 5811, 8197, 23 F. R. 557, 1768), there is hereby delegated to the Branch Manager, Hartford Branch Office, Small Business Administration, the authority:

A. *Specific.*

FINANCIAL ASSISTANCE

Take the following actions in accordance with the limitations of such Delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

(a) Direct Business Loans in an amount not exceeding $20,000.

(b) Participation Business Loans in an amount not exceeding $100,000.

(c) Disaster Loans in an amount not exceeding $20,000.

2. To approve or decline Limited Loan Participation Loans.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

3. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

4. To administer oaths of office.

5. To approve annual and sick leave for employees under his supervision.

B. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I.A 1, 2, 4 and 5 and I.B may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Hartford, Connecticut, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: September 4, 1958.

ARTHUR E. LONG,
Regional Director,
New York Regional Office.

[F. R. Doc. 58-7494; Filed, Sept. 15, 1958; 8:48 a. m.]

[Delegation of Authority No. 30-II-6 (Revision 1)]

BRANCH MANAGER, SYRACUSE, NEW YORK

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), as amended (22 F. R. 5811, 8197, 23 F. R. 557, 1768), there is hereby delegated to the Branch Manager, Syracuse Branch Office, Small Business Administration, the authority:

A. *Specific.*

FINANCIAL ASSISTANCE

Take the following actions in accordance with the limitations of such Delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct Business Loans in an amount not exceeding $20,000.

b. Participation Business Loans in an amount not exceeding $100,000.

c. Disaster Loans in an amount not exceeding $20,000.

2. To approve or decline Limited Loan Participation Loans.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance.

3. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

4. To administer oaths of office.

5. To approve annual and sick leave for employees under his supervision.

B. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I.A 1, 2, 4 and 5, and I.B may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Syracuse, New York, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: September 4, 1958.

ARTHUR E. LONG,
Regional Director,
New York Regional Office.

[F. R. Doc. 58-7495; Filed, Sept. 15, 1958; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 354]

SECRETARY OF INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CONTRACTS FOR PROFESSIONAL SERVICES

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the Act, authority is hereby delegated to the Secretary of the Interior to negotiate, without advertising, under section 302 (c) (2), (4), (9) and (10) of the Act, contracts for the services of architectural, engineering and construction firms in connection with the construction of the Keyes, Oklahoma, helium facility.

2. This delegation of authority shall be subject to all provisions of Title III of the Act with respect to negotiated contracts, and to all other provisions of law.

3. The authority herein delegated may be redelegated to any officer or official of the Department of the Interior.

4. This delegation shall be effective as of the date hereof.

Dated: September 10, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-7518; Filed, Sept. 15, 1958; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 24]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 11, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 61335. By order of September 9, 1958, The Transfer Board approved the transfer to Robert A. Welsh, White Mills, Pa., of Permit No. MC 50238, issued September 22, 1949, to Harry M. Johnson and Lena V. Johnson, a Partnership, doing business as H. M. Johnson Trucking Company, 321 N. Cortland, East Stroudsburg, Pa., authorizing the transportation of lumber, from Newark, N. J., to Clarks Green, Pa., coal from Scranton, Carbondale, and Wilkes-Barre, Pa., to New York, N. Y. (Borough of Manhattan) and Brooklyn, N. Y., and from mines in Carbon, Northumberland, Columbia, and Schuylkill Counties, Pa., and those in that part of Luzerne County, Pa., more than 15 miles from Scranton, Pa., to New York, N. Y. (Borough of Manhattan).

No. MC–FC 61400. By order of September 9, 1958, The Transfer Board approved the transfer to Thomas R. Gibney, doing business as Gibney Van & Storage Co., Bronx, N. Y., of Permit No. MC 106833 Sub 1, issued September 29, 1954, to Catherine Gibney, doing business as Thomas Gibney Trucking Company, Bronx, N. Y., authorizing the transportation of die castings, irregular routes, from Stamford, Conn., to points in Bergen, Hudson, Essex, Union, Middlesex, Monmouth, and Passaic Counties, N. J., those in Westchester, Putnam, Dutchess, Rockland, Orange, and Sullivan Counties, N. Y., and those in Hampden County, Mass.; and Returned shipments of die castings, empty containers, pallets, and die casting pots, over irregular routes, from the above-specified destination points to Stamford, Conn. Edward M. Alfano, 36 West 44th St., New York 36, N. Y., for applicants.

No. MC–FC 61423. By order of September 8, 1958, The Transfer Board approved the transfer to George Hutt, Inc., Norristown, Pa., of certificate in No. MC 33397, issued August 6, 1956, to George Hutt, Norristown, Pa., authorizing the transportation of: *Livestock*, other than ordinary livestock, and, in connection therewith, *personal, effects of attendants*, and *supplies and equipment*, including mascots, used in the care or exhibition of such animals, between points in Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia. G. Donald Bullock, P. O. Box 16, Lenox Hill Station, New York 21, New York, for applicants.

No. MC–FC 61455. By order of September 8, 1958, The Transfer Board approved the transfer to Pennsylvania Motor Dispatch, Inc., Temple, Pennsylvania, of Certificates Nos. MC 22791, MC 22791 Sub 1, MC 22791 Sub 3, and Permits Nos. MC 109408, MC 109408 Sub 2, and MC 109408 Sub 3, issued December 6, 1954, June 17, 1940, January 21, 1944, December 19, 1949, April 8, 1955, and August 21, 1958, respectively, to Antonio Spina, doing business as Pennsylvania Dispatch, authorizing the transportation of macaroni and macaroni products, from Lebanon, Pa., to Schenectady, Poughkeepsie, Binghamton, Utica, Middletown, and Albany, N. Y., New Haven, Conn., Providence, R. I., and Boston, Mass.; canned goods from Hall, Victor, and Rochester, N. Y., to Reading, Pa., batteries, from points in Muhlenberg Township, Berks County, Pa., to points in Pennsylvania, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Vermont, New Hampshire, Maine, and the District of Columbia, and *returned, damaged or repossessed batteries* and *machinery, equipment, materials, and supplies* used in, or in connection with, the manufacture, sale, and distribution of batteries, from points in the above-described destination territory to points in Muhlenberg Township, Berks County, Pa.; *electric storage battery parts and cables* and *such other commodities* as are used in the manufacture, sale, and distribution of electric storage batteries, from the site of Electric Auto-Lite Company, in Muhlenberg Township, Berks County, Pa., to points in Pennsylvania, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Vermont, New Hampshire, Maine, and the District of Columbia. A. E. Enoch, 556 Main Street, Bethlehem, Pennsylvania, for applicants.

No. MC–FC 61473. By order of September 9, 1958, The Transfer Board approved the transfer to Bostwick Freight Lines, Inc., Dillon, Montana, of Certificate No. MC 99580 Sub 1, issued October 17, 1957, to Gerald H. Bostwick, doing business as Butte-Dillon Freight Lines, Dillon, Montana, authorizing the transportation of general commodities, excluding household goods and other specified commodities, between Butte, Mont., and Idaho Falls, Idaho. John H. Risken, Power Block, Helena, Montana, for applicants.

No. MC–FC 61481 Corrected Order:* By order of August 21, 1958, The Transfer Board approved the transfer to Five L. Furniture Transport, Inc., New York, N. Y., of a portion of the operating rights described in Certificate No. MC 72620 Sub 1, issued March 27, 1958, to J. J. Asparro Trucking Corp., Elmhurst, N. Y., authorizing the transportation of Uncrated new furniture, over irregular routes, from New York, N. Y., to points in New Jersey and New York within 20 miles of Columbus Circle, New York, N. Y., with no transportation for compensation on return except as otherwise authorized. Morris Honig, 150 Broadway, New York 38, N. Y., for applicants.

No. MC–FC 61482 Corrected Order:* By order of August 21, 1958, The Transfer Board approved the transfer to Rapid Furniture Transport, Inc., Elmhurst, N. Y., of a portion of Certificate No. MC 72620 Sub 1, issued March 27, 1958, to J. J. Asparro Trucking Corp., Elmhurst N. Y., authorizing the transportation of Uncrated new furniture, over irregular routes, from New York, N. Y., to points in Connecticut within 20 miles of Columbus Circle, New York, N. Y., with no transportation for compensation on return except as otherwise authorized. Morris Honig, 150 Broadway, New York 38, N. Y., for applicants.

No. MC–FC 61519. By order of September 8, 1958, The Transfer Board approved the transfer to The Arrow Line of Providence, Inc., Providence, Rhode Island, of certificate No. MC 30017, issued March 28, 1947, to Harry Phillips, Sylvia W. Phillips, Louis Trostonoff, and Ida Trostonoff, a partnership, doing business as The Arrow Line, Providence, Rhode Island, authorizing the transportation of passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, over a regular route, between Hartford, Conn., and Providence, R. I., serving all intermediate points, and passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, over irregular routes, from points within 20 miles of the above regular route to points in Connecticut, Rhode Island and Massachusetts and return. Thomas W. Murrett, 410 Asylum Street, Hartford 3, Connecticut, for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58–7500; Filed, Sept. 15, 1958; 8:49 a. m.]

* The previous order published in the FEDERAL REGISTER of August 29, 1958, described this authority as the portion to be acquired by transferee in MC–FC 61482.

UNIVERSITY OF MICHIGAN
SEP 17 1958
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 23 NUMBER 182

Washington, Wednesday, September 17, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

DEPARTMENT OF THE ARMY; STUDENT NURSES

Effective September 15, 1958, the list of positions for which maximum stipends have been prescribed in § 27.2 is amended by the addition of the following:

§ 27.2 *Maximum stipends prescribed.* * * *

Student nurses, Department of the Army: Approved training in a degree program, after a minimum of two years' college-level training, part-time, per month	$85.00

(61 Stat. 727; 5 U. S. C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58–7564; Filed, Sept. 16, 1958; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

PART 319—FOREIGN QUARANTINE NOTICES

PART 321—RESTRICTED ENTRY ORDERS

PART 352—TREATMENT OF RESTRICTED OR PROHIBITED PLANTS OR PLANT PRODUCTS TEMPORARILY IN THE UNITED STATES

PART 353—SANITARY EXPORT CERTIFICATION

AMENDMENTS RELATING TO GUAM

On April 15, 1958, there was published in the FEDERAL REGISTER (23 F. R. 2428) a notice of proposed rule making concerning amendments of the subparts Hawaiian Fruits and Vegetables; Sugarcane; Sweetpotatoes; Gypsy Moth and Brown-Tail Moth; Territorial Cotton, Cottonseed, and Cottonseed Products; Japanese Beetle; Pink Bollworm; Fruits and Vegetables from Puerto Rico or Virgin Islands; Sand, Soil, or Earth, with Plants from Territories and Insular Possessions; Mexican Fruit Fly; White Fringed Beetle; Khapra Beetle; European Chafer; Mediterranean Fruit Fly; Soybean Cyst Nematode; and Witchweed, in Part 301, Title 7, Code of Federal Regulations (7 CFR 301.13 et seq., 301.16, 301.30 et seq., 301.45 et seq., 301.47 et seq., 301.48 et seq., 301.52 et seq., 301.58 et seq., 301.60, 301.64 et seq., 301.72 et seq., 301.76 et seq., 301.77 et seq., 301.78 et seq., 301.79 et seq., and 301.80 et seq.); the subparts Foreign Cotton and Covers; Citrus Canker and Other Citrus Diseases; Corn Diseases; Citrus Fruits; Nursery Stock, Plants, and Seeds; Indian Corn or Maize, Broomcorn, and Related Plants; Rice; Fruits and Vegetables; Flag Smut; Packing Materials; Dutch Elm Disease; and Cut Flowers, in Part 319, Title 7, Code of Federal Regulations (7 CFR 319.8 et seq., 319.19, 319.24 et seq., 319.28, 319.37 et seq., 319.41 et seq., 319.55 et seq., 319.56 et seq., 319.59 et seq., 319.69 et seq., 319.70 et seq., and 319.74 et seq.); and Part 352, Treatment of Restricted or Prohibited Plants or Plant Products Temporarily in the United States, and Part, 353, Sanitary Export Certification, in Title 7, Code of Federal Regulations. After due consideration of all relevant matters presented and under the authority of sections 1, 5, 7, 8, and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 154, 159, 160, 161, 162), sections 103 and 106 of the Federal Plant Pest Act of May 23, 1957 (Pub. Law 85–36; 71 Stat. 32, 33, 7 U. S. C. 150bb, 150ee) and section 102 of the Department of Agriculture Organic Act of 1944 (7 U. S. C. 147a), the Administrator of the Agricultural Research Service hereby amends the provisions in 7 CFR, Chapter III, as amended, in the following respects:

1. Sections 301.13, 301.13–1 (l), 301.13–2 (a), 301.13–7 through 301.13–9 and 301.13–12 through 301.13–14; the first sentence only, of 301.13–10; the first clause only, of 301.13–11; 301.16 (c); 301.30 (c); 301.58, 301.58–1 (d), 301.58–7,

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FEDERAL REGISTER

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301.58–14; 301.60 (d); 319.8–1 (n); 319.19 (e); 319.28; 319.37 (c), 319.37–1 (m), 319.37–28; 319.56, 319.56–8; 319.59–1 (j); 319.69; 319.74, and 319.74–7 are amended by inserting after the word "Alaska," wherever it occurs therein, the word "Guam," and the first sentence in § 301.13–13 (b) is amended by inserting after the word "Guam," the words "Puerto Rico,".

2. Section 301.13 (b) is amended by deleting the proviso therein and substituting therefor the following: *"Provided*, That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the movement of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interests will permit, with respect to the movement of such articles to Guam, upon request in specific cases and notification to the person making the request, authorize their certification under conditions, specified in the certificate to carry out the purposes of this subpart, that are less stringent than those contained in the regulations."

3. Sections 301.45, 301.48, 301.52, 301.64, 301.72, 301.76, 301.77, 301.78, 301.79, 301.80, and 301.81 are amended by adding at the end of each such section a new paragraph to read:

As used in this subpart, unless the context otherwise requires, the term "State, Territory, or District of the United States" means State, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico, or the Virgin Islands of the United States.

4. Section 301.47 is amended by adding at the end thereof a new paragraph (d) to read:

(d) As used in this subpart, unless the context otherwise requires, the term "State, Territory, or District of the United States" means State, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico, or the Virgin Islands of the United States.

5. Section 301.47–1 (m) is amended by deleting the phrase "Territory, State, or District" and substituting therefor the phrase "State, Territory, or District" and § 301.47–3 (a) and (c) are amended by deleting the phrase "Territory, District, or Insular Possession" and substituting therefor the phrase "Territory or District."

6. Section 301.48 is amended by deleting the phrase "State or Territory or District" and substituting therefor the phrase "State, Territory, or District."

7. The subpart heading preceding § 301.60 is amended to read "Sand, Soil, or Earth, with Plants from Territories and Districts" and §§ 301.52–1 (q), 301.64–1 (g), 301.79–1 (f), 301.80–1 (f), and 301.81–1 (h) are amended by deleting therefrom the phrase "(including possessions and the District of Columbia)."

8. Sections 319.12 and 319.34 are amended by adding the phrase "into the United States" after the word "importation" each time the latter appears therein and §§ 319.12, 319.15, 319.24, 319.34, 319.41, and 319.55 are amended by adding thereto, in each case, a new paragraph to read as follows:

As used in this subpart, unless the context otherwise requires, the term "United States" means the States, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

9. Sections 319.8 (a) and 319.59 (a) are amended by deleting the provisos therein, and § 319.37 (a) is amended by deleting the first proviso therein, and substituting therefor, in each case, the following: *"Provided*, That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the importation of the articles to which the regulations supplemntal hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interests will permit, with respect to the importation of such articles into Guam, upon request in specific cases, authorize such importation under conditions specified in the permit to carry out the purposes of this subpart, that are less stringent than those contained in the regulations."

10. Sections 319.8–2 (b) is amended by inserting the word "Guam" before "Hawaii" in footnote 3.

11. Section 319.8–2 is amended by adding thereto a new paragraph (h) to read as follows:

(h) Pending development of adequate treating facilities in Guam, any cotton or covers that are subject to treatment as a condition of entry therein must first be entered and treated in accordance with the requirements of this subpart at a United States port of arrival where such treating facilities are available.

12. Section 319.8–4 is amended to read as follows:

§ 319.8–4 *Notice of arrival.* Immediately upon arrival at a port of entry of any shipment of cotton or covers the importer shall submit in duplicate, through the United States Collector of Customs, or, in the case of Guam, through the Customs officer of the Government of Guam, and for the Plant Quarantine Division, a notice of such arrival, on a form provided for that purpose (Form PQ–368) and shall give such information as is called for by that form.

13. Section 319.24 is amended by adding to the second paragraph thereof, and §§ 319.41 and 319.56 are amended by adding to the third paragraphs thereof, in each case, the following: *"Provided*, That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the importation of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interests will permit, with respect to the importation of such articles into Guam, upon request in specific cases, authorize such importation under conditions specified in the permit to carry out the purposes of this subpart, that are less stringent than those contained in the regulations."

14. The first paragraph of § 319.24–2 and §§ 319.24–4 and 319.24–5 are amended to read, respectively, as follows:

§ 319.24–2 *Issuance of permits.* Upon receipt of an application and upon approval by an inspector a permit will be issued specifying the conditions of entry and the port of entry to carry out the purposes of this subpart, and a copy will be supplied to the importer.

§ 319.24–4 *Notice of arrival of corn by permittee.* Immediately upon the arrival of the corn at the port of entry the permittee shall submit, in duplicate, notice to the Plant Quarantine Division, through the United States Collector of Customs, or, in the case of Guam, through the Customs officer of the Government of Guam, on forms provided for that purpose, stating the number of the permit, the number of bags or other containers of corn included in the shipment, the bag or other container numbers or marks, the country and locality where the corn was grown, the name and address of the exporter or foreign shipper, the port of departure, the date of arrival, the name of the ship or vessel, and the designation of the dock where the corn is to be landed.

§ 319.24–5 *Condition of entry.* The corn shall not be removed from the port of entry, nor shall any bag or other container thereof be broken or opened, except for the purpose of sterilization, until a written notice is given to the United States Collector of Customs, or, in the case of Guam, the Customs officer of the Government of Guam, by an inspector of the Plant Quarantine Division, that the corn has been properly sterilized and released for entry without further restrictions so far as the jurisdiction of the Department of Agriculture extends

thereto. All apparatus and methods for accomplishing such sterilization must be satisfactory to the Plant Quarantine Division. Corn will be delivered to the permittee for sterilization, upon the filing with the appropriate customs official of a bond in the amount of $5,000, or in an amount equal to the invoice value of the corn if such value is less than $5,000, with approved sureties, and conditioned upon sterilization of the corn under the supervision and to the satisfaction of an inspector of the Plant Quarantine Division; and upon the redelivery of the corn to said customs official within 40 days from the arrival of the corn at the port of entry.

15. The second paragraph of § 319.28 is amended by adding thereto the following sentence: "Further, this prohibition shall not apply to importations into Guam of the fruits and peel designated in paragraph (a) of this section but such importations are subject to permit and other requirements under the Fruits and Vegetables Quarantine (§ 319.56)."

16. Section 319.37–11 is amended to read as follows:

§ 319.37–11 *Notice of arrival.* Immediately upon arrival at a port of entry of any shipment of restricted plant material the importer shall submit, in duplicate, through the United States Collector of Customs, or in the case of Guam, through the Customs officer of the Government of Guam, and for the Plant Quarantine Division, a notice of such arrival on forms provided for that purpose (Form PQ–368) and shall give such information as is called for by that form; and he shall also submit with the notice an invoice or packing list which identifies the contents of the shipment.

17. Section 319.37–21 is amended by adding thereto another paragraph to read as follows:

Pending development of adequate treating facilities in Guam, restricted plant material that is subject to treatment as a condition of entry therein must first be entered and treated in accordance with the requirements of this subpart at a United States port of arrival where such treating facilities are available.

18. Section 319.41–3 is amended by adding thereto another paragraph to read as follows:

Pending development of adequate treating facilities in Guam, any of the articles specified in § 319.41–1 that are subject to treatment as a condition of entry therein must first be entered and treated in accordance with the requirements of this subpart at a United States port of arrival where such treating facilities are available.

19. Section 319.41–4 and the second paragraph of § 319.41–5 are amended to read, respectively, as follows:

§ 319.41–4 *Notice of arrival by permittee.* Immediately upon arrival of the importation at the port of arrival the permittee shall submit, in duplicate, notice to the Plant Quarantine Division, through the United States Collector of Customs, or, in the case of Guam, through the Customs officer of the Government of Guam, on forms provided for that purpose, stating the number of the permit, the date of entry, the name of ship or vessel, railroad, or other carrier, the country and locality where the articles were grown, the name of the foreign shipper, the quantity or number of bales or containers, and the marks and numbers on the bales or containers, the port of arrival, and the name of the importer or broker at the port of arrival.

§ 319.41–5 *Conditions of entry.* • • • When entry under sterilization or other treatment is permitted, the importation will be released to the permittee for such treatment, upon the filing with the appropriate customs official of a bond in the amount of $5,000, or in an amount equal to the invoice value, if such value be less than $5,000, with approved sureties, and conditioned that the importation shall be sterilized or otherwise treated under the supervision of the inspector; that no bale or container shall be broken, opened, or removed from the port of arrival unless and until a written notice is given to said customs official by an inspector that the importation has been properly sterilized or treated; and that the importation shall be redelivered to said customs official within 30 days after its arrival.

20. Section 319.55–3 is amended by inserting between the second and third paragraphs thereof another paragraph to read as follows:

Pending development of adequate treating facilities in Guam, seed or paddy rice, rice straw, and rice hulls that are subject to treatment as a condition of entry therein must first be entered and treated in accordance with the requirements of this subpart at a United States port of arrival where such treating facilities are available.

21. Sections 319.55–4 and 319.55–5 are amended to read, respectively, as follows:

§ 319.55–4 *Issuance of permits.* Upon receipt of an application and upon approval by an inspector a permit will be issued specifying the conditions of entry and the port of entry to carry out the purposes of this subpart, and a copy will be supplied to the importer.

§ 319.55–5 *Notice of arrival by permittee.* Immediately upon the arrival of a shipment at the port of first arrival, the permittee or his agent shall submit a notice, in duplicate, to the Plant Quarantine Division, through the United States Collector of Customs, or, in the case of Guam, through the Customs officer of the Government of Guam, on a form provided for that purpose, stating the number of the permit, the quantity in the shipment, the locality where grown, the date of arrival, and, if by rail, the name of the railroad company, the car numbers, and the terminal where the shipment is to be unloaded, or, if by vessel, the name of the vessel and the designation of the dock where the shipment is to be landed.

22. Section 319.56–2 is amended by adding at the end thereof another paragraph to read as follows:

Pending development of adequate treating facilities in Guam, fruits and vegetables that are subject to treatment as a condition of entry therein must first be entered and treated in accordance with the requirements of this subpart at a United States port of arrival where such treating facilities are available.

23. Sections 319.56–2d (b) (5) (iii) and 319.56–4, and the first paragraph of § 319.56–5 are amended to read respectively, as follows:

(iii) Shipments offered for entry before cold treatment may be allowed to leave customs custody under redelivery bond for cold treatment. Final release of the shipment by the United States Collector of Customs, or, in the case of Guam, by the Customs officer of the Government of Guam, will be effected after the inspector has notified the said Customs official that the required cold treatment has been given.

§ 319.56–4 *Issuance of permits.* Upon receipt of an application and upon approval by an inspector a permit will be issued specifying the conditions of entry and the port of entry to carry out the purposes of this subpart, and a copy will be supplied to the importer.

§ 319.56–5 *Notice of arrival by permittee.* Immediately upon the arrival of fruits or vegetables, from the countries specified in § 319.56, at the port of first arrival, the permittee or his agent shall submit a notice, in duplicate, to the Plant Quarantine Division, through the United State Collector of Customs, or, in the case of Guam, through the Customs officer of the Government of Guam, on forms provided for that purpose, stating the number of the permit; the kinds of fruits or vegetables; the quantity or the number of crates or other containers included in the shipment; the country or locality where the fruits or vegetables were grown; the date of arrival; the name of the vessel, the name and the number, if any, of the dock where the fruits or vegetables are to be unloaded, and the name of the importer or broker at the port of first arrival, or, if shipped by rail, the name of the railroad, the car numbers, and the terminal where the fruits or vegetables are to be unloaded.

24. Section 319.59 (b) is amended by adding thereto another sentence to read: "Applicability of the provisions in this subpart to imports into Guam shall be limited to the provisions restricting the importation of wheat straw, hulls, and chaff."

25. Section 319.59–5 is amended by adding thereto a new paragrah (c) as follows:

(c) Pending development of adequate treating facilites in Guam, any wheat straw, hulls, or chaff that are subject to treatment as a condition of entry therein must first be entered and treated in accordance with the requirements of this subpart at a United States port of arrival where such treating facilities are available.

26. Section 319.59–6 is amended to read as follows:

§ 319.59–6 *Notice of arrival.* A notice of arrival shall be submitted by the importer, in duplicate, through the United States Collector of Customs, or, in the case of Guam, through the Customs officer of the Government of Guam, to the Plant Quarantine Division, immediately upon arrival at a port of entry of any shipment of products subject to this subpart. Such notice shall be submitted on a form provided for that purpose by the Plant Quarantine Division (Form PQ–368) and shall contain the information called for by that form.

27. Section 319.70 is amended by adding at the end thereof a paragraph to read:

As used in this subpart, unless the context otherwise requires, the term "United States" means the States, the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

28. Section 319.74–4 is amended by changing paragraph (a) to read as follows:

(a) Persons desiring to import cut flowers subject to the permit requirements of the regulations in this subpart (other than small quantities eligible for entry upon oral authorization) shall submit to the Plant Quarantine Division an application [1] stating the exact designation of the cut flowers to be imported, the name and address of the exporter, the country where grown, the port of entry, the destination in the United States, and the name and address of the importer or agent in the United States to whom the permit should be sent.

29. Sections 321.1 and 321.8 are amended by striking the phrase "or any of its Territories or Districts" wherever it occurs therein and § 321.1 is further amended by adding at the end thereof a new paragraph to read as follows:

As used in this part, unless the context otherwise requires, the term "United States" means the States, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

30. Section 352.1 is amended by adding at the end thereof a new paragraph to read as follows:

As used in this part, unless the context otherwise requires, the term "United States" means the States, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

31. Section 352.5 is amended by deleting footnote 4 and by amending the section to read as follows:

§ 352.5 *Issuance of permits.*[3] Upon receipt of an application and upon approval by an inspector a permit will be issued specifying the conditions of entry and the port of entry to carry out the purposes of this subpart, and a copy will be supplied to the importer.

32. The introductory portion of § 352.6 preceding paragraph (a) and the first paragraph of § 352.7 are amended to read, respectively, as follows:

§ 352.6 *Notice of arrival.* Immediately upon the arrival at a port of the United States of restricted or prohibited plants or plant poducts intended for exportation or for transportation and exportation, the permittee shall submit to the Plant Quarantine Division, through the United States Collector of Customs, or, in the case of Guam, through the Customs officer of the Government of Guam, a notice of arrival on the form provided for that purpose,[4] furnishing, in addition to the information required by the application for permit:

§ 352.7 *Conditions governing landing for exportation.* Restricted or prohibited plants and plant products for which a permit has been issued shall not be landed or unloaded for transfer or transshipment for exportation or transportation and exportation, except under the supervision of the United States Collector of Customs, and in accordance with the applicable Customs regulations in 19 CFR Part 18, or, in the case of Guam, under the supervision of the Customs officer of the Government of Guam.

33. Section 353.3 is amended by adding to the list therein, in the appropriate alphabetical order, the port of "Agana, Guam."

The foregoing amendments correlate the quarantines, regulations, and orders designated with a current extension of plant quarantine operations in Guam.

The provisions in Part 322 relating to imports of adult honeybees are applicable to Guam in their present form, and enforcement thereof will be inaugurated in Guam on the effective date of the foregoing amendments.

The notice of proposed rule making cited the possible need for the amendment, among other sections, of §§ 319.8–2, 319.37–5, and 319.37–12 to refer to the appropriate official or organization in Guam instead of a United States Customs official or United States Customs. It has been determined that these three sections are appropriately worded in this respect and do not require amendment. The other sections listed in the notice in this connection have been amended to the extent necessary to conform them to the Customs organization in Guam. In amending such of these sections as relate to the issuance of permits, the language has been simplified to accord with present practices and recently revised quarantine regulations. Several sections which the notice announced were deemed applicable to shipments into Guam are being amended hereby to provide expressly for such application. This does not constitute a substantive change from the notice.

This document amends the imported fire ant quarantine and regulations to clarify their territorial application. A reference thereto was omitted from the notice of proposed rule making due to the coincidence of the drafting of the notice and the promulgation of said quarantine and regulations.

An amendment of § 319.28, not proposed in the notice of rule making, has also been made. This amendment provides that the prohibition under § 319.28 on the importation into Guam of fruits and peel, because of the occurrence in certain countries of the citrus canker, shall not apply to Guam, but that such importations into Guam shall be subject to the permit and other requirements of § 319.56. This action is based on the occurrence of the citrus canker in Guam.

The amendments made hereby with respect to the cut flower quarantine (§ 319.74) are in some respects different than those proposed in the notice. The changes are made for clarity and to relieve requirements re applications for permits with respect to shipments of small quantities of cut flowers.

It is believed that the amendments herein that were not included in the notice of rule making will not be objectionable to affected persons and it does not appear that further public rulemaking procedure will make new information available to the Department. Therefore, it is found upon good cause under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that further notice of rule making and other public procedure on the amendments in question are impracticable and unnecessary.

The foregoing amendments shall be effective Oct. 18, 1958.

(Secs. 1, 5, 7, 8, 9, 37 Stat. 315, 316, 317, 318, as amended; secs. 103, 106, Pub. Law 85–96, 71 Stat. 32, 33; sec. 102, 58 Stat. 735, as amended; 7 U. S. C. 147a, 150bb, 150ee, 154, 159, 160, 161, 162)

Done at Washington, D. C., this 11th day of September 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58–7558; Filed, Sept. 16, 1958; 8:48 a. m.]

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

REVISED ADMINISTRATIVE INSTRUCTIONS PRESCRIBING COMMUTED TRAVEL TIME ALLOWANCES

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 15, 1955 (7 CFR 354.1), administrative instruction (7 CFR, 1957 Supp., 354.2) effective June 6, 1956, as amended effective March 8, 1957, September 21, 1957, February 6, 1958, and June 15, 1958 (7 CFR, 1957 Supp., 354.2; 23 F. R. 789, 3297), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby revised to read as follows:

§ 354.2 *Administrative instructions prescribing commuted travel time.* Each period of overtime duty, as prescribed in § 354.1 shall, in addition, include a commuted travel time period for the respective ports, stations, and areas in which employees are located, if such travel is performed solely on account of overtime or holiday service, as follows:

ONE HOUR

Aguadilla, P. R. (served from Ramey Air Force Base).
Barbers Point Station, T. H. (when served from Barbers Point Station, T. H.)
Baton Rouge, La.
Blaine, Wash.
Brownsville, Tex.
Buffalo, N. Y.
Calexico, Calif.
Charlotte Amalie, American Virgin Islands.
Christiansted, American Virgin Islands.
Cleveland, Ohio.
Del Rio, Tex.
Douglas, Ariz.
Dover Air Force Base, Dover, Del.
Eagle Pass, Tex.
El Paso, Tex.
Frederiksted, American Virgin Islands (served from Christiansted).
Galveston, Tex.
Hidalgo, Tex.
Hilo, T. H.
Kahalui, Maui, T. H.
Key West, Fla.
Laredo, Tex.
Los Angeles Harbor, San Pedro, Calif.
Memphis, Tenn.
Nogales, Ariz.
Omaha, Nebr.
Pensacola, Fla.
Port Arthur, Tex.
Port Everglades, Fla.
Presidio, Tex.
Progreso, Tex.
Ramey Air Force Base, P. R.
Roma, Tex.
St. Albans, Vt.
St. Paul, Minn.
San Antonio, Tex.
San Juan, P. R.
San Luis, Ariz.
San Ysidro, Calif.
Texas City, Tex. (served from Galveston, Tex.).
West Palm Beach, Fla.
Wilmington, N. C.

TWO HOURS

Arlington, Va.
Atlanta, Ga.
Barbers Point Station, T. H. (when served from Honolulu, T. H.).
Beaumont, Tex. (served from Port Arthur).
Bellingham, Wash. (served from Blaine, Wash.).
Charleston, S. C.
Corpus Christi, Tex.
Dallas, Tex.
Harlingen Air Force Base, Tex. (served from Brownsville, Tex.).
Honolulu, T. H.
Houston, Tex.
Jacksonville, Fla.
La Feria, Tex. (served from Hidalgo, Tex.).
Lantana Airport, Lantana, Fla. (served from West Palm Beach, Fla.).
Lihue, Kauai, T. H.
Long Beach Harbor and Airport (served from San Pedro, Calif.).
McGuire Air Force Base, Fort Dix, N. J.
Miami, Fla.
Mobile, Ala.
Moore Air Field (served from Hidalgo, Tex.).
Niagara Falls, N. Y. (served from Buffalo, N. Y.).
Norfolk-Newport News, Va.
Offutt Air Base (served from Omaha, Nebr.).
Orange, Tex. (served from Port Arthur, Tex.).
Port Isabel, Tex. (served from Brownsville, Tex.).
Portland, Oreg.
St. Helens, Oreg.
St. Louis, Mo.
San Francisco, Calif.
Savannah, Ga.
Seattle, Wash., and Sea-Tac Airport.
Sumas, Wash. (served from Blaine, Wash.).
Tampa, Fla.
Vancouver, Wash.

THREE HOURS

Akron, Ohio (served from Cleveland, Ohio).
Anacortes, Wash. (served from Blaine, Wash.).
Apalachicola, Fla. (served from Pensacola).
Astoria, Oreg. (served from Portland, Oreg.).
Baltimore, Md.
Baytown, Tex. (served from Houston, Tex.).
Beaufort, S. C. (served from Charleston, S. C.).
Boston, Mass.
Brunswick, Ga. (served from Savannah, Ga.).
Cape Canaveral, Fla. (served from West Palm Beach).
Carswell Field (Fort Worth), Tex. (served from Dallas, Tex.).
Cherry Point, S. C. (served from Charleston, S. C.).
Chicago, Ill.
Coos Bay, Oreg. (served from Portland, Oreg.).
Detroit, Mich.
Elgin Air Force Base, Fla. (served from Pensacola).
England Air Force Base, Alexandria, La. (served from Baton Rouge).
Everett, Wash. (served from Seattle, Wash.).
Fort Pierce, Fla. (served from West Palm Beach).
Foster Air Force Base, Victoria, Tex. (served from Corpus Christi).
Freeport, Tex. (served from Houston, Tex.).
Friday Harbor, Wash. (served from Seattle, Wash.).
Georgetown, S. C. (served from Charleston, S. C.).
Glynnco Naval Air Station, Ga. (served from Savannah, Ga.).
Grays Harbor, Wash. (served from Seattle, Wash.).
Gulfport, Miss. (served from Mobile, Ala.).
Hopewell, Va. (served from Norfolk-Newport News, Va.).
Lake Charles, La. (served from Port Arthur, Tex.).
Longview, Wash. (served from Portland, Oreg.).
Marfa Air Force Base (served from Presidio, Tex.).
Mayaguez, P. R. (served from Ramey Air Force Base).
McChord Air Force Base, Wash. (served from Seattle, Wash.).
Morehead City and other North Carolina ports served from Wilmington, N. C.
New Orleans, La.
New York, N. Y. (metropolitan area).
Olympia, Wash. (served from Seattle, Wash.).
Panama City, Fla. (served from Pensacola, Fla.).
Patrick Air Force Base, Fla. (served from West Palm Beach).
Patuxent, Md. (served from Arlington, Va.).
Philadelphia, Pa.
Pinecastle Air Force Base, Orlando, Fla. (served from Tampa).
Pittsburgh, Pa.
Port Angeles, Wash. (served from Seattle, Wash.).
Port Lavaca, Tex.
Port St. Joe, Fla. (served from Pensacola).
Port Townsend, Wash. (served from Seattle, Wash.).
Put-in-Bay and other Ohio ports (served from Cleveland, Ohio).
Rainier, Oreg. (served from Portland, Oreg.).
Richmond, Va. (served from Norfolk-Newport News, Va.).
Rochester, N. Y. (served from Buffalo, N. Y.).
Roosevelt Roads, P. R. (served from San Juan, P. R.).
St. Albans, Vt. (ports served from, but not including St. Albans).
Sanford Naval Air Station, Fla. (served from Tampa).
Tacoma, Wash. (served from Seattle, Wash.).
Tucson, Ariz. (served from Nogales, Ariz.).
Walker Air Force Base (served from El Paso, Tex.).
Willapa Bay, Wash. (served from Seattle, Wash.).
Youngstown, Ohio (served from Cleveland, Ohio).

The purposes of this revision are to add several newly established ports and stations, and to combine into a single list four existing amendments of these administrative instructions.

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

These revised administrative instructions shall be effective on and after September 17, 1958, on which date they shall supersede 7 CFR, 1957 Supp., 354.2, effective June 6, 1956, as amended effective March 8, 1957, September 21, 1957, February 6, 1958, and June 15, 1958 (7 CFR, 1957 Supp. 354.2; 23 F. R. 709, 3297).

(64 Stat. 561, 5 U. S. C. 576)

Done at Washington, D. C., this 11th day of September 1958.

[SEAL] H. S. DEAN,
Acting Director,
Plant Quarantine Division.

[F. R. Doc. 58-7559; Filed, Sept. 16, 1958; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES, CALIF.

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1958-59 SEASON

Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the proposals submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 951.213 *Expenses and rate of assessment for the 1958-59 season.*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the season beginning April 1, 1958, and ending on March 31, 1959, both dates inclusive, will amount to $27,350.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first ships Tokay grapes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at seven and one-half mills ($0.0075) per standard package, or the equivalent thereof in weight, of Tokay grapes shipped by such handler during said season.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipments of the current crop of Tokay grapes grown in San Joaquin and Sacramento Counties in California are now being made; (2) the rate of assessment is, in accordance with the amended marketing agreement and order, applicable to all Tokay grapes shipped during the 1958-59 season; and (3) it is essential that the specification of the assessment be issued immediately so that the aforesaid assessments may be collected, and thereby enable the Industry Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

As used herein, the terms "handler," "ships," "shipped," "season," and "standard package" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated, September 11, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-7555; Filed, Sept. 16, 1958; 8:48 a. m.]

[957.317 Amdt. 3]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of § 957.317 (b) (1), (4) and (5) (23 F. R. 5157, 6171, 6742, and 6903) are hereby amended to read as follows:

(1) Except as otherwise provided in this section, during the period from September 17, 1958 through June 30, 1959, no handler shall ship potatoes of any variety unless such potatoes are generally "fairly clean", which means that at least 90 percent of such potatoes are "fairly clean," as such terms are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), and

(i) If they are of the round varieties (including, but not being limited to, Bliss Triumph, Pontiac, and Kennebec varieties), such potatoes meet the requirements of U. S. No. 2, or better grade, 2 inches minimum diameter: *Provided,* That with respect to District No. 2 such potatoes meet the requirements of U. S. No. 1, or better grade, 2 inches minimum diameter; and

(ii) If they are of the long varieties (including, but not being limited to Russet Burbank, White Rose, and Early Gem varieties) such potatoes meet the requirements of U. S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight, Size A: *Provided,* That, with respect to District No. 2, long varieties not meeting the requirements of U. S. No. 1, or better grade, but meeting the requirements of U. S. No. 2, or better grade, may be shipped only if they are 8 ounces minimum weight.

* * * * * *

(4) The grade, size and maturity limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) As certified seed potatoes; (ii) export: *Provided,* That no handler shall ship potatoes for export which do not meet the requirements of the U. S. No. 2, or better grade, 1½ inch minimum diameter; (iii) canning, freezing, dehydration or manufacture into starch or flour; (iv) charity; (v) experimentation, and (vi) Kennebec variety for chipping: *Provided,* That, such Kennebec potatoes meet the requirements of U. S. No. 2, or better grade, and are 2 inches minimum diameter or 4 ounces minimum weight.

(5) Each handler making any shipment of potatoes pursuant to subparagraph (4) of this paragraph for export, canning, freezing, dehydration or manufacture into starch or flour, for charity or for experimentation, or the Kennebec variety for chipping, shall: (i) First apply to the committee for, and obtain a Certificate of Privilege to make such shipment; (ii) pay assessments on such shipment, except shipment for canning or freezing; (iii) have such shipment inspected, except shipment for canning or freezing; (iv) upon request by the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege; (v) with respect to such shipment, furnish the committee with a copy of the bill of lading or appropriate record of movement in case of trucks for each such shipment made under Certificate of Privilege; (vi) with respect to such shipment, furnish the committee with the buyer's certification that the potatoes handled under the Certificate of Privilege are to be used only for the purpose stated therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 11, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-7557; Filed, Sept. 16, 1958; 8:48 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

§ 958.329 *Limitation of shipments, Area No. 1.*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the area committee for Area No. 1, established pursuant to said marketing agreement and order, and upon

other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from September 22, 1958, through May 31, 1959, no handler shall ship potatoes of any variety grown in Area No. 1 unless such potatoes grade at least U. S. No. 2 and, in addition, (i) if such potatoes are of the long varieties, they are of a size not smaller than 2 inches in diameter or 4 ounces in weight, or (ii) if such potatoes are of the round varieties (including, but not limited to, Irish Cobbler, Katahdin, Kennebec, Bliss Triumph, and Pontiac) they are of a size not smaller than 2¼ inches in diameter and not larger than 24 ounces in weight, as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein.

(2) During the period from September 22, 1958, through November 1, 1958, and subject to the requirements set forth in subparagraph (1) of this paragraph, no handler shall ship any lot of potatoes of the round varieties grown in Area No. 1 if such potatoes are more than "slightly skinned," as such term is defined in said United States Standards, which means that not more than 10 percent of such potatoes have more than one-fourth of the skin missing or "feathered".

(3) Notwithstanding the restrictions of this section, any handler may ship potatoes for livestock feed only if such handler has (i) first made application to the area committee for Area No. 1 for permission to make such shipment and (ii) obtained the committee's permission to make such shipments. Such application to the committee shall be accompanied by a certification from both the handler and the consignee or buyer that the potatoes will in fact be used as livestock feed.

(4) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and this part.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 12, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-7581; Filed, Sept. 16, 1958; 8:53 a. m.]

[959.316 Amdt. 1]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.), in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment; (iii) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date; (iv) a reasonable time is permitted under the circumstances, for such preparation; and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. In paragraph (b) of § 959.316, subparagraphs (1), (2), (4), (5) and (7) are hereby amended as set forth below; in subparagraph (6) new subdivisions (i) and (v) are added and present subdivisions (i), (ii) and (iii) are redesignated (ii), (iii) and (iv); a new subparagraph (8) is added and present subparagraphs (8), (9) and (10) are redesignated (9), (10) and (11), as follows:

§ 959.316 *Limitation of Shipments.*

* * *

(b) *Order.* (1) Except as otherwise provided in this section, during the period from September 17, 1958 through June 30, 1959, no handler shall ship (i) any potatoes of the round varieties (including, but not being limited to, Kennebec, Irish Cobbler, Bliss Triumph and Pontiac varieties), unless such potatoes meet the requirements of the U. S. No. 1, or better grade, 2 inches minimum diameter (Such potatoes grown in District No. 3 that meet the requirements of U. S. No. 2 grade may also be shipped if they are of a size not smaller than 1⅞ inches minimum diameter.), or (ii) any potatoes of the long varieties (including, but not being limited to, White Rose and Russet Burbank varieties), unless such potatoes grade U. S. No. 2 or better grade, up to but not including the U. S. No. 1 grade, and weigh not less than 8 ounces (Such potatoes grown in District No. 3 that meet the said grade requirements may also be shipped if they are of a size not smaller than 1⅞ inches in diameter.); *Provided,* That such potatoes grown in any District meeting the requirements of U. S. No. 1 or better grade may be shipped if they are of a size not smaller than 2 inches minimum diameter or 4 ounces minimum weight and; *Provided further,* That such potatoes meeting the aforesaid applicable grade and size requirements may be commingled in the handling thereof.

(2) Except as otherwise provided in this section, during the period from September 17, 1958 through June 30, 1959, no handler shall ship potatoes of any variety if such potatoes are more than "slightly skinned." During such period any handler may ship not to exceed a total of 100 hundredweight of each variety of such potatoes every seven days without regard to the aforesaid skinning requirements if prior to such handling the handler reports to the Oregon-California Potato Committee the name and address of the producer of such potatoes, and each such shipment is handled as an identifiable entity.

* * * * *

(4) Except as otherwise provided in this section, the limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for any of the following purposes: (i) Grading or storing within the district where grown; (ii) certified seed potatoes; (iii) export; (iv) canning or freezing; (v) dehydration or manufacture or conversion into starch; (vi) charity; (vii) potato chipping; (viii) for use in hash browns or potato salad; (ix) livestock feed within the district where grown, except that potatoes grown in District No. 2 or District No. 4 may be shipped for livestock feed within, or to, such districts for such purpose.

(5) During the period September 17, 1958 through June 30, 1959, no handler shall ship (i) potatoes for export, which do not meet the requirements of the U. S. No. 1, or better, grade 1½ inches minimum diameter, or (ii) potatoes for dehydration unless such potatoes are of a size not smaller than 1½ inches in diameter and at least 85 percent of the potatoes grade not less than U. S. No. 1, or (iii) potatoes for hash browns or potato salad which do not meet the requirements of U. S. No. 1, or better, grade, size B.

(6) (i) Potatoes of the round varieties grown in Districts Nos. 1, 2 and 4 may be shipped for potato chipping if they meet the requirements of U. S. No. 2 or better grade, 2 inches minimum diameter.

* * * * *

(v) Potatoes of the round varieties which fail to meet applicable grade and size requirements because of damage from hollow heart may be shipped for potato chipping.

(7) Each handler making any shipments of potatoes for export, canning and freezing, dehydration, charity, potato chipping, or for use in hash browns or potato salad, pursuant to subparagraph (4) of this paragraph shall: (i) Apply to the committee for and obtain a certificate of privilege to make such shipments; (ii) pay the required assessments; (iii) have such shipments inspected; (iv) upon request by the committee, furnish reports of each shipment made pursuant to each certificate of privilege; (v) at the time of applying to the committee for a certificate of privilege, agree to furnish the committee with a receiver's or buyer's certification that the potatoes handled under the certificate of privilege are to be used only for the purpose stated therein and the receiver's or buyer's certification that he will complete and return to the committee such periodic receivers' reports that the committee may require; (vi) mail to the office of the committee a copy of the bill of lading for each shipment made under the certificate of privilege promptly after date of any such shipment; and (vii) bill each shipment directly to the applicable processor.

(8) Each handler making any shipments of certified seed shall (i) pay the required assessments; (ii) furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply to and obtain a certificate of privilege and, upon request by the committee, furnish reports of each shipment made pursuant to each certificate of privilege.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 12, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-7580; Filed, Sept. 16, 1958; 8:53 a. m.]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

GRADE AND SIZE REGULATIONS FOR UNSHELLED WALNUTS

Pursuant to Marketing Agreement No. 105, as amended, and Order No. 84, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Walnut Control Board on August 26, 1958 unanimously recommended that the grade and size regulations for unshelled walnuts (§§ 984.402 and 984.403) be amended as hereinafter set forth.

In recent years, there has been a substantial shift in California walnut production from the coastal region to the interior valleys. This has resulted in production of walnuts with slightly darker kernels than were generally produced in 1944 when the present color standards were developed. Therefore, the Walnut Control Board on August 26, 1958 adopted a revision of its current color chart to reflect the various colors of walnut kernels now being produced. The amendment of the pack specifications for California unshelled walnuts as hereinafter provided would make such revised color chart applicable by adapting the specifications thereto.

After consideration of all relevant information available it is hereby found that the amendment of the grade and size regulations for unshelled walnuts, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, it is ordered, That § 984.403 *Pack specifications* of the grade and size regulations for unshelled walnuts (§§ 984.402–984.403; 23 F. R. 1691) be amended as follows:

Delete therefrom the present provisions of paragraph (b) (3) (i) (*f*) and (iii) (*f*) and substitute in place of each the following:

(*f*) *Black kernels.* Any kernel with one-half or more of the surface darker than the darkest color permitted in the "amber" classification shown on the Walnut Control Board color chart.

It is hereby found that good cause exists for not giving prior notice, engaging in rulemaking procedure, or postponing the effective date of this action later than the date of its publication in the FEDERAL REGISTER for the reasons that (1) harvest of the 1958 California walnut crop is about to begin and the handling of such walnuts will commence shortly hereafter; (2) all such handling is required, under the provisions of this part, to be in accordance with the current regulations in effect pursuant to § 984.43; (3) the revised Walnut Control Board color chart illustrating the various degrees of kernel coloration referrable to such walnut crop, should be effective and available for use by handlers of such walnuts with respect to as large a proportion as possible of such crop in order to maximize the benefits derivable therefrom, and to effectuate the declared policy of the Act; (4) the Walnut Control Board promptly submitted its recommendation to the Department regarding the adoption of the revised color chart after a meeting duly held to consider such matter; (5) with respect to such meeting handlers of over 90 percent of all California unshelled walnuts expressed the desire that the revised color chart be made effective as soon as possible before the current California walnut crop is processed and packed in the manner required under this part; and (6) the revised color chart relating to kernel coloration relieves restrictions on the handling of such walnuts.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Dated September 11, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-7556; Filed, Sept. 16, 1958; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF MANEB

A petition was filed with the Food and Drug Administration by E. I. du Pont de Nemours and Company, Inc., Wilmington, Delaware, requesting the establishment of tolerances for residues of maneb (manganous ethylenebisdithiocarbamate) in or on various raw agricultural commodities.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g); 23 F. R. 6403), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (23 F. R. 6403) are amended by adding to the list of raw agricultural commodities for which tolerances have been established in § 120.110 (a) the items broccoli, Brussels sprouts, cauliflower, and kohlrabi. As amended, § 120.110 (a) reads as follows:

§ 120.110 *Tolerances for residues of maneb* * * *

(a) 10 parts per million in or on apricots, beans (succulent form), broccoli, Brussels sprouts, cabbage, cauliflower, celery, Chinese cabbage, collards, endive (escarole), kale, kohlrabi, lettuce, mustard greens, nectarines, peaches, spinach, turnip tops.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health,

Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: September 11, 1958.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 58-7547; Filed, Sept. 16, 1958; 8:46 a. m.]

Subchapter C—Drugs

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PENICILLIN V FOR ORAL SUSPENSION

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for certification of penicillin and penicillin-containing drugs (21 CFR 146a. 104) are amended as indicated below:

Section 146a.104 *Penicillin V for oral suspension* • • • is amended in the following respects:

1. Paragraph (b) *Packaging* is amended by adding thereto the following new sentence: "Each immediate container may be packaged in combination with a container of a suitable and harmless aqueous vehicle."

2. Paragraph (d) *Request for certification* • • • is amended by adding to subparagraph (3) the following new subdivision:

(iv) In case of an initial request for certification of a batch that is to be packaged in combination with an aqueous vehicle, or when any change is made in the composition of such aqueous vehicle: Five packages of the vehicle included in the combination.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for these amendments.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: September 11, 1958.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 58-7546; Filed, Sept. 16, 1958; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6313]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

ITEMS NOT DEDUCTIBLE

On March 19, 1958, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under sections 261, 262, 263, 265, 266, and 273 of the Internal Revenue Code of 1954, relating to items not deductible, was published in the FEDERAL REGISTER (23 F. R. 1829). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so proposed are hereby adopted subject to the following changes.

PARAGRAPH 1. Paragraph (b) (5) of § 1.262–1 is changed.

PAR. 2. Paragraph (b) of § 1.263 (a)–1 is changed.

PAR. 3. Paragraph (e) of § 1.263 (a)–2 is changed by striking the last sentence thereof.

PAR. 4. Section 1.263 (b)–1 is changed by deleting the words "the regulations under section 162" and substituting in lieu thereof "§ 1.162–14".

PAR. 5. Section 1.266–1 is revised as follows:

(A) By changing paragraph (b) (1) (ii).

(B) By inserting at the end of paragraph (b) (2) the following: "An item not otherwise deductible may not be capitalized under section 266. Thus, since the taxes imposed by the Federal Insurance Contributions Act and the Federal Unemployment Tax Act are not taxes deductible under section 164, and since such taxes may not be deducted under section 162 when they are paid or incurred in connection with the construction or acquisition of a capital asset, they are not subject to section 266 and must be capitalized without regard to such section."

(C) By changing the first sentence of paragraph (c) (1) to read as follows: "If for any taxable year there are two or more items of the type described in paragraph (b) (1) of this section, which relate to the same project to which the election is applicable, the taxpayer may elect to capitalize any one or more of such items even though he does not elect to capitalize the remaining items or to capitalize items of the same type relating to other projects."

(D) By revising paragraph (d).

(E) By changing the example in paragraph (e).

[SEAL] LEO SPERR,
Acting Commissioner of Internal Revenue.

Approved: September 11, 1958.

NELSON P. ROSE,
Acting Secretary of the Treasury.

The regulations adopted under sections 261, 262, 263, 265, 266, and 273 of the Internal Revenue Code of 1954 read as follows:

ITEMS NOT DEDUCTIBLE

Sec.
1.261 Statutory provisions; general rule for disallowance of deductions.
1.261–1 General rule for disallowance of deductions.
1.262 Statutory provisions; personal, living, and family expenses.
1.262–1 Personal, living, and family expenses.
1.263 (a) Statutory provisions; capital expenditures; general rule.
1.263 (a)–1 Capital expenditures; in general.
1.263 (a)–2 Examples of capital expenditures.
1.263 (a)–3 Election to deduct or capitalize certain expenditures.
1.263 (b) Statutory provisions; capital expenditures; expenditures for advertising and good will.
1.263 (b)–1 Expenditures for advertising or promotion of good will.
1.263 (c) Statutory provisions; capital expenditures; intangible drilling and development costs in the case of oil and gas wells.
1.263 (c)–1 Intangible drilling and development costs in the case of oil and gas wells.
1.265 Statutory provisions; expenses and interest relating to tax-exempt income.
1.265–1 Expenses relating to tax-exempt income.
1.265–2 Interest relating to tax-exempt income.
1.266 Statutory provisions; carrying charges.
1.266–1 Taxes and carrying charges chargeable to capital account and treated as capital items.
1.273 Statutory provisions; holders of life or terminable interests.
1.273–1 Life or terminable interests.

AUTHORITY: §§ 1.261 to 1.263 (c)–1, inclusive, §§ 1.265 to 1.266–1, inclusive, and §§ 1.273 to 1.273–1, inclusive, issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

ITEMS NOT DEDUCTIBLE

§ 1.261 *Statutory provisions; general rule for disallowance of deductions.*

SEC. 261. *General rule for disallowance of deductions.* In computing taxable income no deduction shall in any case be allowed in respect of the items specified in this part.

§ 1.261–1 *General rule for disallowance of deductions.* In computing taxable income, no deduction shall be allowed, except as otherwise expressly provided in chapter 1 of the Internal Revenue Code of 1954, in respect of any of the items specified in sections 262 to 273, inclusive, and the regulations thereunder.

§ 1.262 *Statutory provisions; personal, living, and family expenses.*

SEC. 262. *Personal, living, and family expenses.* Except as otherwise expressly provided in this chapter, no deduction shall be allowed for personal, living, or family expenses.

§ 1.262–1 *Personal, living, and family expenses.*—(a) *In general.* In computing taxable income, no deduction shall be allowed, except as otherwise expressly provided in chapter 1 of the Internal Revenue Code of 1954, for personal, living, and family expenses.

(b) *Examples of personal, living, and family expenses.* Personal, living, and family expenses are illustrated in the following examples:

(1) Premiums paid for life insurance by the insured are not deductible. See also section 264 and the regulations thereunder.

(2) The cost of insuring a dwelling owned and occupied by the taxpayer as a personal residence is not deductible.

(3) Expenses of maintaining a household, including amounts paid for rent, water, utilities, domestic service, and the like, are not deductible. A taxpayer who rents a property for residential purposes, but incidentally conducts business there (his place of business being elsewhere) shall not deduct any part of the rent. If, however, he uses part of the house as his place of business, such portion of the rent and other similar expenses as is properly attributable to such place of business is deductible as a business expense.

(4) Losses sustained by the taxpayer upon the sale or other disposition of property held for personal, living, and family purposes are not deductible. But see section 165 and the regulations thereunder for deduction of losses sustained to such property by reason of casualty, etc.

(5) Expenses incurred in traveling away from home (which include transportation expenses, meals, and lodging) and any other transportation expenses are not deductible unless they qualify as expenses deductible under section 162, § 1.162–2, and paragraph (d) of § 1.162–5 (relating to trade or business expenses), section 170 and paragraph (a) (2) of § 1.170–2 (relating to charitable contributions), section 212 and § 1.212–1 (relating to expenses for production of income), or section 213 (e) and paragraph (e) of § 1.213–1 (relating to medical expenses). The taxpayer's costs of commuting to his place of business or employment are personal expenses and do not qualify as deductible expenses. The costs of the taxpayer's lodging not incurred in traveling away from home are personal expenses. Except as permitted under section 162 or 212, the costs of the taxpayer's meals not incurred in traveling away from home are personal expenses.

(6) Amounts paid as damages for breach of promise to marry, and attorney's fees and other costs of suit to recover such damages, are not deductible.

(7) Generally, attorney's fees and other costs paid in connection with a divorce, separation, or decree for support are not deductible by either the husband or the wife. However, the part of an attorney's fee and the part of the other costs paid in connection with a divorce, legal separation, written separation agreement, or a decree for support, which are properly attributable to the production or collection of amounts includible in gross income under section 71 are deductible by the wife under section 212.

(8) The cost of equipment of a member of the armed services is deductible only to the extent that it exceeds nontaxable allowances received for such equipment and to the extent that such equipment is especially required by his profession and does not merely take the place of articles required in civilian life. For example, the cost of a sword is an allowable deduction in computing taxable income, but the cost of a uniform is not. However, amounts expended by a reservist for the purchase and maintenance of uniforms which may be worn only when on active duty for training for temporary periods, when attending service school courses, or when attending training assemblies are deductible except to the extent that nontaxable allowances are received for such amounts.

(c) *Cross references.* Certain items of a personal, living, or family nature are deductible to the extent expressly provided under the following sections, and the regulations under those sections:

(1) Section 163 (interest).
(2) Section 164 (taxes).
(3) Section 165 (losses).
(4) Section 166 (bad debts).
(5) Section 170 (charitable, etc., contributions and gifts).
(6) Section 213 (medical, dental, etc., expenses).
(7) Section 214 (expenses for care of certain dependents).
(8) Section 215 (alimony, etc., payments).
(9) Section 216 (amounts representing taxes and interest paid to cooperative housing corporation).

§ 1.263 (a) *Statutory provisions; capital expenditures; general rule.*

SEC. 263. *Capital expenditures.*—(a) *General rule.* No deduction shall be allowed for—

(1) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate. This paragraph shall not apply to—

(A) Expenditures for the development of mines or deposits deductible under section 616,

(B) Research and experimental expenditures deductible under section 174, or

(C) Soil and water conservation expenditures deductible under section 175.

(2) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made.

§ 1.263 (a)–1 *Capital expenditures; in general.* (a) Except as otherwise provided in chapter 1 of the Internal Revenue Code of 1954, no deduction shall be allowed for—

(1) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate, or

(2) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made in the form of a deduction for depreciation, amortization, or depletion.

(b) In general, the amounts referred to in paragraph (a) of this section include amounts paid or incurred (1) to add to the value, or substantially prolong the useful life, of property owned by the taxpayer, such as plant or equipment, or (2) to adapt property to a new or different use. Amounts paid or incurred for incidental repairs and maintenance of property are not capital expenditures within the meaning of subparagraphs (1) and (2) of this paragraph. See section 162 and § 1.162–4.

(c) The provisions of paragraph (a) (1) of this section shall not apply to expenditures deductible under—

(1) Section 616 and §§ 1.616–1 through 1.616–3, relating to the development of mines or deposits,

(2) Section 174 and §§ 1.174–1 through 1.174–4, relating to research and experimentation, and

(3) Section 175 and §§ 1.175–1 through 1.175–6, relating to soil and water conservation.

§ 1.263 (a)–2 *Examples of capital expenditures.* The following paragraphs include examples of capital expenditures:

(a) The cost of acquisition, construction, or erection of buildings, machinery and equipment, furniture and fixtures, and similar property having a useful life substantially beyond the taxable year.

(b) Amounts expended for securing a copyright and plates, which remain the property of the person making the payments.

(c) The cost of defending or perfecting title to property.

(d) The amount expended for architect's services.

(e) Commissions paid in purchasing securities. Commissions paid in selling securities are an offset against the selling price, except that in the case of dealers in securities such commissions may be treated as an ordinary and necessary business expense.

(f) Amounts assessed and paid under an agreement between bondholders or shareholders of a corporation to be used in a reorganization of the corporation or voluntary contributions by shareholders to the capital of the corporation for any corporate purpose. Such amounts are capital investments and are not deductible. See section 118 and § 1.118–1.

(g) A holding company which guarantees dividends at a specified rate on the stock of a subsidiary corporation for the purpose of securing new capital for the subsidiary and increasing the value of its stockholdings in the subsidiary shall not deduct amounts paid in carrying out this guaranty in computing its taxable income, but such payments are capital expenditures to be added to the cost of its stock in the subsidiary.

(h) The cost of good will in connection with the acquisition of the assets of a going concern is a capital expenditure.

§ 1.263 (a)–3 *Election to deduct or capitalize certain expenditures.* (a) Under certain provisions of the Internal

Revenue Code, taxpayers may elect to treat capital expenditures as deductible expenses or as deferred expenses, or to treat deductible expenses as capital expenditures.

(b) The sections referred to in paragraph (a) of this section include:

(1) Section 173 (circulation expenditures).

(2) Section 174 (research and experimental expenditures).

(3) Section 175 (soil and water conservation expenditures).

(4) Section 177 (trademark and trade name expenditures).

(5) Section 248 (organizational expenditures of a corporation).

(6) Section 266 (carrying charges).

(7) Section 615 (exploration expenditures).

(8) Section 616 (development expenditures).

§ 1.263 (b) *Statutory provisions; capital expenditures; expenditures for advertising and good will.*

SEC. 263. *Capital expenditures.* • • •

(b) *Expenditures for advertising and good will.* If a corporation has, for the purpose of computing its excess profits tax credit under chapter 2E or subchapter D of chapter 1 of the Internal Revenue Code of 1939 claimed the benefits of the election provided in section 733 or section 451 of such code, as the case may be, no deduction shall be allowable under section 162 to such corporation for expenditures for advertising or the promotion of good will which, under the rules and regulations prescribed under section 733 or section 451 of such code, as the case may be, may be regarded as capital investments.

§ 1.263 (b)–1 *Expenditures for advertising or promotion of good will.* See § 1.162–14 for the rules applicable to a corporation which has elected to capitalize expenditures for advertising or the promotion of goodwill under the provisions of section 733 or section 451 of the Internal Revenue Code of 1939, in computing its excess profits tax credit under subchapter E of chapter 2, or subchapter D of chapter 1, of the Internal Revenue Code of 1939.

§ 1.263 (c) *Statutory provisions; capital expenditures; intangible drilling and development costs in the case of oil and gas wells.*

SEC. 263. *Capital expenditures.* • • •

(c) *Intangible drilling and development costs in the case of oil and gas wells.* Notwithstanding subsection (a), regulations shall be prescribed by the Secretary or his delegate under this subtitle corresponding to the regulations which granted the option to deduct as expenses intangible drilling and development costs in the case of oil and gas wells and which were recognized and approved by the Congress in House Concurrent Resolution 50, Seventy-ninth Congress.

§ 1.263 (c)–1 *Intangible drilling and development costs in the case of oil and gas wells.* For rules relating to the option to deduct as expenses intangible drilling and development costs in the case of oil and gas wells, see § 1.612–4.

§ 1.265 *Statutory provisions; expenses and interest relating to tax-exempt income.*

SEC. 265. *Expenses and interest relating to tax-exempt income.* No deduction shall be allowed for—

(1) *Expenses.* Any amount otherwise allowable as a deduction which is allocable to one or more classes of income other than interest (whether or not any amount of income of that class or classes is received or accrued) wholly exempt from the taxes imposed by this subtitle, or any amount otherwise allowable under section 212 (relating to expenses for production of income) which is allocable to interest (whether or not any amount of such interest is received or accrued) wholly exempt from the taxes imposed by this subtitle.

(2) *Interest.* Interest on indebtedness incurred or continued to purchase or carry obligations (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest on which is wholly exempt from the taxes imposed by this subtitle.

§ 1.265–1 *Expenses relating to tax-exempt income*—(a) *Nondeductibility of expenses allocable to exempt income.* (1) No amount shall be allowed as a deduction under any provision of the Internal Revenue Code of 1954 for any expense or amount which is otherwise allowable as a deduction and which is allocable to a class or classes of exempt income other than a class or classes of exempt interest income.

(2) No amount shall be allowed as a deduction under section 212 (relating to expenses for production of income) for any expense or amount which is otherwise allowable as a deduction and which is allocable to a class or classes of exempt interest income.

(b) *Exempt income and nonexempt income.* (1) As used in this section, the term "class of exempt income" means any class of income (whether or not any amount of income of such class is received or accrued) wholly exempt from the taxes imposed by subtitle A of the Internal Revenue Code of 1954. For purposes of this section, a class of income which is considered as wholly exempt from the taxes imposed by subtitle A includes any class of income which is—

(i) Wholly excluded from gross income under any provision of subtitle A, or

(ii) Wholly exempt from the taxes imposed by subtitle A under the provisions of any other law.

(2) As used in this section the term "nonexempt income" means any income which is required to be included in gross income.

(c) *Allocation of expenses to a class or classes of exempt income.* Expenses and amounts otherwise allowable which are directly allocable to any class or classes of exempt income shall be allocated thereto; and expenses and amounts directly allocable to any class or classes of nonexempt income shall be allocated thereto. If an expense or amount otherwise allowable is indirectly allocable to both a class of nonexempt income and a class of exempt income, a reasonable proportion thereof determined in the light of all the facts and circumstances in each case shall be allocated to each.

(d) *Statement of classes of exempt income; records.* (1) A taxpayer receiving any class of exempt income or holding any property or engaging in any activity the income from which is exempt shall submit with his return as a part thereof an itemized statement, in detail, showing (i) the amount of each class of exempt income, and (ii) the amount of expenses and amounts otherwise allowable allocated to each such class (the amount allocated by apportionment being shown separately) as required by paragraph (c) of this section. If an item is apportioned between a class of exempt income and a class of nonexempt income, the statement shall show the basis of the apportionment. Such statement shall also recite that each deduction claimed in the return is not in any way attributable to a class of exempt income.

(2) The taxpayer shall keep such records as will enable him to make the allocations required by this section. See section 6001 and the regulations thereunder.

§ 1.265–2 *Interest relating to tax-exempt income.* No amount shall be allowed as a deduction for interest on any indebtedness incurred or continued to purchase or carry obligations, the interest on which is wholly exempt from tax under subtitle A of the Internal Revenue Code of 1954, such as municipal bonds, Panama Canal loan 3-percent bonds, or obligations of the United States, the interest on which is wholly exempt from tax under subtitle A, and which were issued after September 24, 1917, and not originally subscribed for by the taxpayer. Interest paid or accrued within the taxable year on indebtedness incurred or continued to purchase or carry (a) obligations of the United States issued after September 24, 1917, the interest on which is not wholly exempt from the taxes imposed under subtitle A of the Internal Revenue Code of 1954, or (b) obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer, the interest on which is wholly exempt from the taxes imposed by subtitle A of the Internal Revenue Code of 1954, is deductible. For rules as to the inclusion in gross income of interest on certain governmental obligations, see section 103 and §§ 1.103–1 through 1.103–6.

§ 1.266 *Statutory provisions; carrying charges.*

SEC. 266. *Carrying charges.* No deduction shall be allowed for amounts paid or accrued for such taxes and carrying charges as, under regulations prescribed by the Secretary or his delegate, are chargeable to capital account with respect to property, if the taxpayer elects, in accordance with such regulations, to treat such taxes or charges as so chargeable.

§ 1.266–1 *Taxes and carrying charges chargeable to capital account and treated as capital items*—(a) *In general.* In accordance with section 266, items enumerated in paragraph (b) (1) of this section may be capitalized at the election of the taxpayer. Thus, taxes and carrying charges with respect to property of the type described in this section are chargeable to capital account at the election of the taxpayer, notwithstanding that they are otherwise expressly deductible under provisions of subtitle A of the Internal Revenue Code of 1954. No deduction is allowable for any items so treated.

(b) *Taxes and carrying charges.* (1) The taxpayer may elect, as provided in paragraph (c) of this section, to treat the items enumerated in this subparagraph which are otherwise expressly deductible under the provisions of subtitle A of the Internal Revenue Code of 1954 as chargeable to capital account either as a component of original cost or other basis, for the purposes of section 1012, or as an adjustment to basis, for the purposes of section 1016 (a) (1). The items thus chargeable to capital account are—

(i) In the case of unimproved and unproductive real property: Annual taxes, interest on a mortgage, and other carrying charges.

(ii) In the case of real property, whether improved or unimproved and whether productive or unproductive:

(a) Interest on a loan (but not theoretical interest of a taxpayer using his own funds),

(b) Taxes of the owner of such real property measured by compensation paid to his employees,

(c) Taxes of such owner imposed on the purchase of materials, or on the storage, use, or other consumption of materials, and

(d) Other necessary expenditures,

paid or incurred for the development of the real property or for the construction of an improvement or additional improvement to such real property, up to the time the development or construction work has been completed. The development or construction work with respect to which such items are incurred may relate to unimproved and unproductive real estate whether the construction work will make the property productive of income subject to tax (as in the case of a factory) or not (as in the case of a personal residence), or may relate to property already improved or productive (as in the case of a plant addition or improvement, such as the construction of another floor on a factory or the installation of insulation therein).

(iii) In the case of personal property:

(a) Taxes of an employer measured by compensation for services rendered in transporting machinery or other fixed assets to the plant or installing them therein,

(b) Interest on a loan to purchase such property or to pay for transporting or installing the same, and

(c) Taxes of the owner thereof imposed on the purchase of such property or on the storage, use, or other consumption of such property,

paid or incurred up to the date of installation or the date when such property is first put into use by the taxpayer, whichever date is later.

(iv) Any other taxes and carrying charges with respect to property, otherwise deductible, which in the opinion of the Commissioner are, under sound accounting principles, chargeable to capital account.

(2) The sole effect of section 266 is to permit the items enumerated in subparagraph (1) of this paragraph to be chargeable to capital account notwithstanding that such items are otherwise expressly deductible under the provisions of subtitle A of the Internal Revenue Code of 1954. An item not otherwise deductible may not be capitalized under section 266. Thus, since the taxes imposed by the Federal Insurance Contributions Act and the Federal Unemployment Tax Act are not taxes deductible under section 164, and since such taxes may not be deducted under section 162 when they are paid or incurred in connection with the construction or acquisition of a capital asset, they are not subject to section 266 and must be capitalized without regard to such section.

(3) In the absence of a provision in this section for treating a given item as a capital item, this section has no effect on the treatment otherwise accorded such item. Thus, items which are otherwise deductible are deductible notwithstanding the provisions of this section, and items which are otherwise treated as capital items are to be so treated. Similarly, an item not otherwise deductible is not made deductible by this section. Nor is the absence of a provision in this section for treating a given item as a capital item to be construed as withdrawing or modifying the right now given to the taxpayer under any other provisions of subtitle A of the Internal Revenue Code of 1954, or of the regulations thereunder, to elect to capitalize or to deduct a given item.

(c) *Election to charge taxes and carrying charges to capital account.* (1) If for any taxable year there are two or more items of the type described in paragraph (b) (1) of this section, which relate to the same project to which the election is applicable, the taxpayer may elect to capitalize any one or more of such items even though he does not elect to capitalize the remaining items or to capitalize items of the same type relating to other projects. However, if expenditures for several items of the same type are incurred with respect to a single project, the election to capitalize must, if exercised, be exercised as to all items of that type. For purposes of this section, a "project" means, in the case of items described in paragraph (b) (1) (ii) of this section, a particular development of, or construction of an improvement to, real property, and in the case of items described in paragraph (b) (1) (iii) of this section, the transportation and installation of machinery or other fixed assets.

(2) (i) An election with respect to an item described in paragraph (b) (1) (i) of this section is effective only for the year for which it is made.

(ii) An election with respect to an item described in—

(a) Paragraph (b) (1) (ii) of this section is effective until the development or construction work described in that subdivision has been completed;

(b) Paragraph (b) (1) (iii) of this section is effective until the later of either the date of installation of the property described in that subdivision, or the date when such property is first put into use by the taxpayer;

(c) Paragraph (b) (1) (iv) of this section is effective as determined by the Commissioner.

Thus, an item chargeable to capital account under this section must continue to be capitalized for the entire period described in this subdivision applicable to such election although such period may consist of more than one taxable year.

(3) If the taxpayer elects to capitalize an item or items under this section, such election shall be exercised by filing with the original return for the year for which the election is made a statement indicating the item or items (whether with respect to the same project or to different projects) which the taxpayer elects to treat as chargeable to capital account. Elections filed for taxable years beginning before January 1, 1954, and for taxable years ending before August 17, 1954, under section 24 (a) (7) of the Internal Revenue Code of 1939, and the regulations thereunder, shall have the same effect as if they were filed under this section. See section 7807 (b) (2).

(d) The following examples are illustrative of the application of the provisions of this section:

Example (1). In 1956 and 1957, A pays annual real property taxes and interest on a mortgage on a piece of real property. During 1956 the property is vacant and unproductive, but in January 1957 A converts the property into a parking lot and operates it as such thereafter. A may elect to capitalize the real property tax and mortgage interest paid in 1956 but not such amounts paid in 1957. Moreover, for 1956, A may elect to capitalize the taxes and to deduct the interest, or he may elect to capitalize the mortgage interest and to deduct the taxes paid on such real property.

Example (2). In February 1957, B began the erection of an office building for himself in Illinois. B in 1957, in connection with the erection of the building, paid $6,000 in Illinois unemployment insurance contributions (considered as taxes under section 164, relating to taxes), which in his 1957 return he elected to capitalize. B must continue to capitalize these unemployment insurance contributions paid in connection with the erection of the building until its completion.

Example (3). Assume the same facts as in example (2) except that in November 1957, B also began to build a hotel in Illinois. In 1957 B paid $3,000 in Illinois unemployment insurance contributions in connection with the erection of the hotel. B's election to capitalize the unemployment insurance contributions paid in erecting the office building started in February 1957 does not bind him to capitalize the unemployment insurance contributions paid in erecting the hotel; he may deduct the $3,000 unemployment insurance contributions paid in erecting the hotel.

Example (4). In 1957, C purchased machinery for installation in his factory located in the District of Columbia and building material for an addition to the factory. In connection with the purchase, transportation, and installation of the machinery and building material, C paid social security, sales, and use taxes in the following amounts:

Tax imposed by Federal Insurance Contributions Act (F. I. C. A.)	$2,500
Tax imposed by Federal Unemployment Tax Act (F. U. T. A.)	500
District of Columbia gross sales tax	10,000
District of Columbia compensating-use tax	1,000
District of Columbia unemployment compensation contributions	150

Under the provisions of section 266 and the regulations thereunder, C has an election to capitalize only the $1,000 paid to the District of Columbia as a compensating-use tax. Since the F. I. C. A. and F. U. T. A. taxes are not deductible as taxes under section 164, no deduction is allowed for such amounts and they must be capitalized when paid or incurred in connection with an item which is a capital expenditure under section 263. A similar treatment is required in the case of the District of Columbia unemployment compensation contributions since they are not classified as taxes. As the District of Columbia gross sales tax is imposed on the seller and passed on to the buyer, the tax must also be capitalized, since it was incurred by C in connection with the purchase of machinery and building material for use in his business.

Example (5). D purchased machinery in 1957 for use in his factory. He pays a use tax on the machinery, as well as interest on a loan to obtain funds to pay for the machinery and for transportation and installation costs. D may capitalize either the use tax or the interest, or both, up to the date of installation or until the machinery is first put into use by him, whichever date is later.

(e) *Allocation.* If any tax or carrying charge with respect to property is in part a type of item described in paragraph (b) of this section and in part a type of item or items with respect to which no election to treat as a capital item is given, a reasonable proportion of such tax or carrying charge, determined in the light of all the facts and circumstances in each case, shall be allocated to each item. The rule of this paragraph may be illustrated by the following example:

Example. N Corporation, the owner of a factory in New York on which a new addition is under construction, in 1957 pays its general manager, B, a salary of $10,000 and also pays a New York State unemployment insurance tax of $81 on B's salary. B spends nine-tenths of his time in the general business of the firm and the remaining one-tenth in supervising the construction work. N Corporation treats as expenses $9,000 of B's salary, and charges the remaining $1,000 to capital account. N Corporation may elect to capitalize $8.10 of the $81 New York State unemployment insurance tax paid in 1957 since such tax is deductible under section 164.

§ 1.273 *Statutory provisions; holders of life or terminable interest.*

SEC. 273. *Holders of life or terminable interest.* Amounts paid under the laws of a State, a Territory, the District of Columbia, a possession of the United States, or a foreign country as income to the holder of a life or terminable interest acquired by gift, bequest, or inheritance shall not be reduced or diminished by any deduction for shrinkage (by whatever name called) in the value of such interest due to the lapse of time.

§ 1.273–1 *Life or terminable interests.* Amounts paid as income to the holder of a life or a terminable interest acquired by gift, bequest, or inheritance shall not be subject to any deduction for shrinkage (whether called by depreciation or any other name) in the value of such interest due to the lapse of time. In other words, the holder of such an interest so acquired may not set up the value of the expected future payments as corpus or principal and claim deduction for shrinkage or exhaustion thereof due to the passage of time. For the treatment generally of distributions to beneficiaries of an estate or trust, see sections 641 through 668, and the regulations thereunder. For basis of property acquired from a decedent and by gifts and transfers in trust, see sections 1014 and 1015, and the regulations thereunder.

[F. R. Doc. 58–7568; Filed, Sept. 16, 1958; 8:51 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

PLACES FOR LOADING AND DISCHARGING EXPLOSIVES; RESTRICTIONS

Pursuant to the authority vested in the Governor of the Canal Zone by 35 CFR 4.11, as adopted by Canal Zone Order 30, January 6, 1953 (18 F. R. 280), 35 CFR 4.113 is hereby amended to read as follows:

§ 4.113 *Places for loading and discharging explosives; restrictions.* (a) The explosive dock at Mindi and the explosive anchorages prescribed in § 4.110 are hearby designated for loading or discharging explosive cargo consigned to Panama Canal agencies or to private consignees.

(b) The explosive dock at Mindi, explosive anchorages prescribed in § 4.110, Pier 1 at Rodman Naval Station, and Pier 4 at Coco Solo Naval Station,[1] are designated for loading or discharging explosive/ammunition cargo consigned for military units: *Provided, however,* That (1) the accumulation of mass detonating explosive/ammunition at the Navy piers Rodman and Coco Solo [1] (i. e., the total explosive/ammunition cargo on board ship and on the pier at any one time) shall not exceed a total explosive content of 25,000 pounds; (2) when handling other than mass detonating types of explosive/ammunition cargo, the total weight shall not exceed that allowed by safety standards prescribed by the Chief of the Bureau of Ordnance, Department of the Navy; and (3) the Navy piers at Rodman and Coco Solo [1] shall not be used for handling explosive/ammunition cargo unless specific approval has been granted in each instance by the Commandant, Fifteenth Naval District, who will ensure that the Port Captain, Balboa or Cristobal, as the case may be, is advised of the details of each such handling.

(c) The Governor upon application may grant authority to discharge explosives, whether designated for civilian or military use, at Canal Zone docks in an emergency or when the character or packing of the explosives justifies such discharge.

(Sec. 5, 37 Stat. 562, as amended; 2 CZ Code 9, 48 U. S. C. 1318. E. O. 9746, 11 F. R. 7329, 3 CFR, 1946 Supp.)

Issued at Balboa Heights, Canal Zone, September 4, 1958.

[SEAL] W. E. POTTER, *Governor.*

[F. R. Doc. 58–7552; Filed, Sept. 16, 1958; 8:47 a. m.]

[1] Coco Solo Naval Station was inactivated on December 1, 1957.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 1–6; FCC 58–851]

PART 1—PRACTICE AND PROCEDURE

CITIZENS RADIO SERVICE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of September, 1958.

The Commission having under consideration its action in Docket No. 11994 which revised Part 19 of the Commission's rules governing Citizens Radio Service effective September 11, 1958;

It appearing, that as a result thereof it is desirable to effect certain modifications of FCC Form 505,[1] the application form to be used by applicants in the Citizens Radio Service, and to amend certain provisions of Part 1 of the Commission's rules which deal with application forms and procedures to be used in the Citizens Radio Service; and

It further appearing, that in view of the new Citizens Radio Service rules FCC Form 505 should be modified to obtain additional information needed from applicants in the Citizens Radio Service and to enhance the usefulness of the Form; and

It further appearing, that, in order to eliminate differences between the provisions of Part 1 which relate to the Citizens Radio Service and the provisions of Part 19 of the rules which govern Citizens Radio Service, Part 1 should be amended to provide for the filing of all applications in the Citizens Radio Service at the Commission's offices in Washington, D. C.; and the use of the revised FCC Form 505, "Application for Citizens Radio License" in lieu of FCC Forms 405–A, Application for Renewal of Radio License, FCC 701, Application for Additional Time to Construct Radio Station, and FCC 703, Application for Consent to Transfer of Control of Corporation, in the Citizens Radio Service; and

It further appearing, that the rule amendments herein ordered and the adoption of the revised FCC Form 505 do not involve any substantive change requiring compliance with the public notice and procedure provided by section 4 of the Administrative Procedure Act;

It is ordered, Pursuant to authority contained in sections 4 (i), 5 (d) (1), 303 (r), and 308 (b) of the Communications Act of 1934, as amended, that:

1. Revised Application Form, FCC Form 505, "Application for Citizens Radio License," is adopted.

2. Effective September 11, 1958, Part 1 of the Commission's rules is amended as set forth below.

[1] Filed as part of the original document.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Released: September 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

1. Amend paragraph (a) of § 1.502 to read as follows:

(a) Applications requesting authority (except renewal of license) under Part 13 of this chapter shall be filed in the nearest Field Office of the Commission, the location of which may be found in local directories under the heading "United States Government."

2. Amend § 1.522 by changing the description opposite the FCC Form 505 to read:

FCC Form	Title
505	Application for Citizens Radio License.

3. Add subdivision (iv) to paragraph (b) (2) of § 1.524 to read as follows:

(iv) FCC Form 505 "Application for Citizens Radio License", for consent to transfer of control of corporation holding a Citizens Radio station license.

4. Amend paragraph (b) of § 1.526 to read as follows:

(b) Application for renewal of authorization to operate an amateur station in the Radio Amateur Civil Emergency Service shall be filed on FCC Form 481–1 and shall be submitted concurrently with the application for renewal of the basic amateur radio station license. Application for renewal of Civil Air Patrol radio station authorization shall be submitted on FCC Form 480. Application for renewal on aircraft radio station license shall be submitted on FCC Form 404. Application for renewal of citizens radio station license shall be submitted on FCC Form 505.

5. Amend paragraph (b) of § 1.531 to read as follows:

(b) Application for extension of time within which to construct a station shall be filed on FCC Form 701, except in the Public Safety, Industrial, and Land Transportation Radio Services where FCC Form 400–A shall be used, and in the Citizens Radio Service where the FCC Form 505 shall be used. Such application shall be filed at least 30 days prior to the expiration date of the construction permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

[F. R. Doc. 58–7572; Filed, Sept. 16, 1958; 8:51 a. m.]

[Docket Nos. 12404, 11866; FCC 58–869]

[Rules Amdts. 2–27, 9–23]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 9—AVIATION SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of allocation of frequencies, amendment of Part 2 of the Commission's rules and regulations; Docket No. 12404; amendment of Part 9 of the Commission's rules and regulations; Docket No. 11866; allocation of frequencies in the bands above 890 Mc.

1. On April 16, 1958, the Commission adopted a notice of proposed rule making in the above-entitled matter which was released on April 18, 1958, and published in the FEDERAL REGISTER on April 23, 1958 (23 F. R. 2698). An errata to the notice was issued on May 1, 1958, and appeared in the FEDERAL REGISTER on May 6, 1958 (23 F. R. 3022).

2. This Third Report and Order completes rule making with regard to the Commission's proposals to make the band 1435–1535 Mc available for aeronautical telemetering, and to make changes in the national allocation of the band 108–132 Mc to reflect current and planned usage of portions of this band. Appropriate amendments to Parts 2 and 9 of the Commission's rules are set forth below.

3. The period for filing comments in this docket expired June 16, 1958. No adverse comment was received with respect to the particular proposals implemented by this third report and order. Supporting comments were received from the Aeronautical Flight Test Radio Coordinating Council (AFTRCC) on behalf of fifteen major aircraft manufacturers. In connection with the proposal to make the band 1435–1535 Mc available for Government/non-Government aeronautical telemetering, the AFTRCC participated actively in the recent microwave proceeding before the Commission involving the allocation of frequencies above 890 Mc (Docket 11866) and in that proceeding offered detailed justification for the allocation of additional aeronautical telemetering frequencies below 1660 Mc in order to meet expanding flight test requirements.

4. In its comments directed to the above-captioned proceeding, AFTRCC requested prompt Commission action to make final the proposed allocation of the 1435–1535 Mc band, stating that availability of the band for aeronautical telemetering would contribute directly and importantly to the safety of life and property in the testing of aircraft. AFTRCC further represented that the aircraft manufacturing industry is prepared to proceed promptly with implementation of this band.

5. It should be noted that the allocation of 1435–1535 Mc as ordered herein constitutes a derogation of the existing international table of frequency allocations which designates the entire band 1300–1660 Mc for aeronautical radionavigation in Region 2. This action is justified on the grounds that although the band has been available for approximately ten years, that portion between 1435 and 1535 Mc has never been brought into use; there are now no Commission licensees in that band who would be affected adversely; there is little, if any, probability of interference to other services in Region 2 as a result of this reallocation; assignment of frequencies in the 1435–1535 Mc band for aeronautical telemetry purposes will be subject to no harmful interference being caused to the aeronautical radionavigation service outside the United States; and the reallocation would serve the public interest in view of the recent restrictions placed on non-government telemetry in the band 216–220 Mc (memorandum opinion and order, April 16, 1958, 23 F. R. 2676).

6. Disposition of the remaining proposals contained in Docket 12404 will be made at a later date, or dates, as appropriate.

7. The amendment to Part 9 ordered herein, merely reflects the amendments made to Part 2, and therefore, a separate notice of proposed rule making with respect to the Part 9 change is unnecessary under section 4 of the Administrative Procedure Act.

8. In view of the foregoing, and pursuant to authority contained in sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended: *It is ordered,* That effective October 15, 1958, Part 2—Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, and Part 9—Aviation Services, be amended as set forth below.

9. *It is further ordered,* That the AFTRCC Petition for Expedited Action in Docket 11866, dated November 27, 1957, is granted insofar as that Petition requests an additional 100 Mc of spectrum space below 1660 Mc be made available to meet current flight test telemetry requirements.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: September 10, 1958.

Released: September 11, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

1. Substitute "108–118" for "108–132 (US5)" in column 5 in the Mc portion of the table of frequency allocations, § 2.104 (a) (5).

2. Substitute the bands tabulated below for the 118–132 Mc band shown in columns 7 through 11 in the table of frequency allocations, § 2.104 (a) (5), extending the entries to include columns 5 and 6 with appropriate new US footnote designators in column 5 and to show US allocation changes in column 6.

Band Mc 5	Allocation 6	Band Mc 7	Service 8	Class of station 9	Frequency 10	Nature of service (of stations) 11
118–121.975 (US94) (US95) (US96)	G, NG	118–121.975	Aeronautical mobile.	a. Aeronautical. b. Aircraft.	118.1–121.3 (NG49)	Airdrome control.
					121.5	AERONAUTICAE MOBILE.
					121.6	Aeronautical search and rescue mobile.
					121.7	Aeronautical utility land; aeronautical utility mobile.
					121.8	Do.
					121.9	Do.
121.975–123.075 (US97) (US98) (US99)	NG	121.975–123.075	Aeronautical mobile.	a. Aeronautical b. Aircraft.	122.1–123.0 (NG49)	Private aircraft.
123.075–126.8 (US94) (US100) (US101)	G, NG	123.075–126.8	Aeronautical mobile.	a. Aeronautical. b. Aircraft.	123.1	Flight test; Flying school.
					123.15	Flight test.
					123.2	Do.
					123.25	Do.
					123.3	Flight test; Flying school.
					123.35	Flight test.
					123.4	Do.
					123.45	Do.
					123.5	Flight test; Flying school.
					123.7–126.7 (NG49)	Airdrome control.
126.8–132.0	NG	126.8–132.0	Aeronautical mobile.	a. Aeronautical. b. Aircraft.	126.9–131.9 (NG47)	AERONAUTICAL MOBILE.

3. Delete footnotes US5 and US6 from § 2.104 (a) (5).

4. Add the following new footnotes to § 2.104 (a) (5):

US94 The bands 118.0–121.4 and 123.6–126.8 Mc are for air traffic control communications.

US96 The band 121.65–121.975 Mc is for use by aeronautical utility land and mobile stations, and for air traffic control communications.

US97 The current use of the band 121.975–123.075 Mc by military aircraft is temporary and may continue until they are moved to an appropriate band.

US98 The band 121.975–123.075 Mc is available to CAA aircraft for communications pursuant to flight inspection functions in accordance with the Civil Aeronautics Act of 1938, as amended.

US99 The band 121.975–123.075 Mc is for use by private aircraft stations. The frequencies 122.8 and 123.0 MC may also be used by aeronautical advisory stations.

US100 The band 123.075–123.55 Mc is for (a) non-Government operations in accordance with the Commission's Rules and (b) for CAA communications incident to flight test activities pertineent to aircraft certification.

US101 The band 123.075–123.55 Mc is for use by flight test and flying school stations.

NG47 The spacing between frequency assignments in this band shall be 50 kc. The first and last assignable frequencies are those indicated in column 10.

5. In the table of frequency allocations, § 2.104 (a) (5), change the entries in the bands shown below between 1400 and 1700 Mc in columns 5 through 11 to read as follows:

Band Mc 5	Allocation 6	Band Mc 7	Service 8	Class of station 9	Frequency 10	Nature of service (of station) 11
1400–1435 (US14)	G, NG	1400–1435	Aeronautical radionavigation.	Radionavigation (including altimeter).		
1435–1535 (US107)	G, NG	1435–1535	Aeronautical mobile.	Flight test.		Telemetering land; Telemetering mobile.
1535–1700 (US14)	G, NG	1535–1660	Aeronautical radionavigation.	Radionavigation (including altimeter).		

6. Add new footnote (US107) to § 2.104 (a) (5) to read as follows:

US107 The band 1435–1535 Mc is allocated exclusively for aeronautical telemetering.

7. Amend footnote US14 in § 2.104 (a) (5) to read as follows:

US14 In non-military aviation, it is not anticipated that the altimeter function will be performed in the bands 1400–1435 Mc and 1535–1660 Mc except in coordination with other functions required for an aeronautical radionavigation system.

8. Add a new paragraph (c) to § 9.611 to read as follows:

(c) 1435–1535 Mc: This band is available to flight test stations exclusively for aeronautical telemetering.

[F. R. Doc. 58-7571; Filed, Sept. 16, 1958; 8:51 a. m.]

[Rules Amdts. 10-5, 11-16, and 16-34]

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

MISCELLANEOUS AMENDMENTS

The Commission having under consideration the provisions of Parts 10, 11 and 16 of its rules, governing the Public Safety, Industrial and Land Transportation Radio Services, respectively, with respect to the procedure to be followed in requesting special temporary authority and with respect to the procedure to be followed in requesting amendment or dismissal of applications before the Commission; and

It appearing, that Part 1 of the Commission's rules, Practice and Procedure, contains provisions with respect to the above matters which are not reflected in the foregoing provisions of Parts 10, 11 and 16 of the Commission's rules; and

It further appearing, that the provisions of Parts 10, 11 and 16 of the Commission's rules in this regard should be amended to reflect the provisions of Part 1 and to be consistent with each other; and

It further appearing, that the amendments ordered herein are procedural in nature and necessary in order to conform Parts 10, 11 and 16 with Part 1 in these respects, and hence that advance notice of rule making is not required under the provisions of section 4 of the Administrative Procedure Act; and that the amendments may be made effective immediately; and

It further appearing, that authority for the amendments herein ordered is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Delegation of Authority;

It is ordered, This 11th day of September, 1958, that effective September 19, 1958, Parts 10, 11, and 16 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 12, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 10.56 (a) to read as follows:

§ 10.56 *Request for special temporary authority.* (a) In circumstances requiring immediate or temporary use of facilities, request may be made for special temporary authority to install and operate new equipment or to operate licensed equipment in a manner different than that authorized in the station license. Any such request may be in letter form, submitted in duplicate, and signed under oath: *Provided*, That in cases of emergency involving danger to life or property or due to damage to equipment, such request may be made by telephone or telegraph under the condition that written request, signed under oath, is submitted within ten days from the date of such request. In the event that the Commission finds that such an emergency exists, temporary authorization may be granted for the duration of the emergency. Any such request shall be clear and complete within itself as to the action desired.

2. Amend § 10.62 to read as follows:

§ 10.62 *Amendment or dismissal of applications.* (a) Any application may be amended upon request of the applicant as a matter of right prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed, subscribed and submitted in the same manner and with the same number of copies as required for original application.

(b) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the time the application is granted or designated for hearing.

3. Amend § 11.53 to read as follows:

§ 11.53 *Procedure for obtaining special temporary authority.* (a) In circumstances requiring immediate or temporary use of facilities, request may be made for special temporary authority to install and operate new equipment or to operate licensed equipment in a manner different than that authorized in the station license. Any such request may be in letter form, submitted in duplicate, and signed under oath: *Provided*, That in cases of emergency involving danger to life or property or due to damage to equipment, such request may be made by telephone or telegraph under the condition that written request, signed under oath, is submitted within ten days from the date of such request. In the event that the Commission finds that such an emergency exists, temporary authorization may be granted for the duration of the emergency. Any such request shall be clear and complete within itself as to the action desired.

(b) Special temporary authority may also be requested for the purpose of conducting a field survey to determine necessary data in connection with the filing of formal applications for installation of a radio system under this part. In this case the authority, if issued, will be for developmental operation only and the applicable sections of Subpart E of this part shall also apply to the grant.

(c) Request for special temporary authority shall contain the following information:

(1) Name, address, and citizenship status of applicant.

(2) Need for special action, including a description of any emergency or damage to equipment.

(3) Type of operation to be conducted.

(4) Purpose of operation.

(5) Time and date of operation desired.

(6) Class of station and nature of service.

(7) Location of station.

(8) Equipment to be used, specifying manufacturer, model number and number of units.

(9) Frequency(s) desired.

(10) Plate power input to final radio frequency stage.

(11) Type of emission.

(12) Description of antenna to be used, including height.

(d) Except in emergencies involving safety of life or property or due to damage to equipment, request for special temporary authority shall be submitted to the Commission at least ten days prior to the date of proposed operation, or it must be accompanied by a statement of reasons for the delay in submitting such request.

4. Amend § 11.61 to read as follows:

§ 11.61 *Amendment or dismissal of applications.* (a) Any application may be amended upon request of the applicant as a matter of right prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed, subscribed and submitted in the same manner and with the same number of copies as required for original application.

(b) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the time the application is granted or designated for hearing.

5. Amend § 16.53 to read as follows:

§ 16.53 *Special temporary authority.* (a) In circumstances requiring immediate or temporary use of facilities, request may be made for special temporary authority to install and operate new equipment or to operate licensed equipment in a manner different than that authorized in the station license. Any such request may be in letter form, submitted in duplicate, and signed under oath: *Provided*, That in cases of emergency involving danger to life or property or due to damage to equipment, such request may be made by telephone or telegraph under the condition that written request, signed under oath, is submitted within ten days from the date of such request. In the event that the Commission finds that such an emergency exists, temporary authorization may be granted for the duration of the emergency. Any such request shall be clear and complete within itself as to the action desired.

(b) Special temporary authority may also be requested for the purpose of conducting a field survey to determine necessary data in connection with the filing of formal applications for installation of a radio system under this part. In this case the authority, if issued, will be for developmental operation only and the applicable sections of Subpart E of this part shall also apply to the grant.

(c) Request for special temporary authority shall contain the following information:

(1) Name, address, and citizenship status of applicant.

(2) Need for special action, including a description of any emergency or damage to equipment.

(3) Type of operation to be conducted.

(4) Purpose of operation.

(5) Time and date of operation desired.

(6) Class of station and nature of service.

(7) Location of station.

(8) Equipment to be used, specifying manufacturer, model number and number of units.

(9) Frequency(s) desired.

(10) Plate power input to final radio frequency stage.

(11) Type of emission.

(12) Description of antenna to be used, including height.

(d) Except in emergencies involving safety of life or property or due to damage to equipment, request for special temporary authority shall be submitted to the Commission at least ten days prior to the date of proposed operation, or it must be accompanied by a statement of reasons for the delay in submitting such request.

6. Amend § 16.61 to read as follows:

§ 16.61 *Amendment or dismissal of applications.* (a) Any application may be amended upon request of the applicant as a matter of right prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed, subscribed and submitted in the same manner and with the same number of copies as required for original application.

(b) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the time the application is granted or designated for hearing.

[F. R. Doc. 58-7573; Filed, Sept. 16, 1958; 8:51 a. m.]

[Rules Amdt. 19-1; FCC 58-870]

PART 19—CITIZENS RADIO SERVICE

TYPE ACCEPTANCE OF CRYSTAL-CONTROLLED TRANSMITTERS

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of September 1958;

The Commission having under consideration amendment of Part 19, Citizens Radio Service, to permit any manufacturer of a crystal-controlled transmitter to be built for use as a Class C or Class D station, to request "type-acceptance" for such transmitter if he so desires; and

It appearing, that the present rules contained in Part 19 do not require type-acceptance in such cases but neither do they permit the manufacturer to voluntarily request type-acceptance of a transmitter; and

It further appearing, that provision for type-acceptance of transmitting equipment to be manufactured in quantity for use by Class C or Class D citizens radio stations would permit advance determi-

nation that such equipment meets the technical specifications governing such stations, as contained in Part 19, and thus would render unnecessary, to a large extent, such determination with respect to the equipment of each individual station; and

It further appearing, that the amendments ordered herein are procedural in nature and grant relief from an existing restriction, and therefore, under the requirements of section 4 of the Administrative Procedure Act, no notice of proposed rule making is necessary and the rules changes may be made effective immediately; and

It further appearing, that the public interest, convenience, and necessity will be served by the amendments herein ordered, and that authority therefor is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended;

It is ordered, That effective September 17, 1958, §§ 19.43 and 19.44 are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 11, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 19.43 (a) as follows:

§ 19.43 *Type-acceptance of equipment.* (a) Any manufacturer of a transmitter to be built for use at Class A stations in this service, or any manufacturer of a crystal-controlled transmitter to be built for use at a Class C or Class D station in this service, may request "type-acceptance" for such transmitter following the type-acceptance procedures set forth in Part 2 of this chapter.

2. Amend § 19.44 (d) to read as follows:

(d) Type-approval is not required for Class C or Class D station equipment employing crystal control; however, the manufacturer of a crystal-controlled transmitter to be built for use at a Class C or Class D station may request "type-acceptance" for such transmitter in accordance with the provisions of § 19.43. The licensee of a Class C or Class D station utilizing crystal-controlled equipment may be required to certify that the frequency stability of the transmitter is within the tolerance specified elsewhere in this part.

[F. R. Doc. 58-7574; Filed, Sept. 16, 1958; 8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 7—LIST OF FORMS, PART II INTERSTATE COMMERCE ACT

FORMS OF APPLICATION

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 22d day of August A. D. 1958.

It appearing that pursuant to section 7 of the Transportation Act of 1958, amending section 203 (b) (6) of the Interstate Commerce Act, and good cause therefor appearing, the use of new forms for applications for motor carrier "grandfather" and "interim" certificates and permits being under consideration:

It is ordered, That application form for Motor Carrier "Grandfather" Certificate or Permit and application form for Motor Carrier "Interim" Certificate or Permit, Forms BOR [1] and BOR 2,[1] which are attached hereto and incorporated into this order, be, and they are hereby prescribed and approved.

It is further ordered, That 49 CFR Part 7, be, and it is hereby, amended by adding § 7.1 and § 7.2 to read as follows:

§ 7.1 *BOR 1.* Application for Motor Carrier "Grandfather" Certificate or Permit, Form BOR 1, to be used only by common or contract carriers by motor vehicle (or their successors in interest) engaged on May 1, 1958, and continuously since in transportation under section 203 (b) (6).

§ 7.2 *BOR 2.* Application for Motor Carrier "Interim" Certificate or Permit, Form BOR 2, to be used only by common or contract carriers by motor vehicle (or their sucessors in interest) which subsequent to May 1, 1958, but on or before August 12, 1958, instituted transportation under section 203 (b) (6).

And it is further ordered, That Forms BOR 1 and BOR 2 be filed on or before December 10, 1958, with the Interstate Commerce Commission, Washington 25, D. C.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Federal Register Division.

(Sec. 204, 203 (b) (6), 49 U. S. C. 304, 303 (b) (6); sec. 7, Pub. Law 85-625)

By the Commission, Division 1.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-7561; Filed, Sept. 16, 1958; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS

OPEN SEASONS, BAG LIMITS, AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Basis and purpose. On August 27, 1958, additional amendments to Part 6, Title 50, Code of Federal Regulations were adopted to prescribe hunting seasons and bag and possession limits for the 1958–59 seasons on migratory waterfowl, coots, and Wilson's snipe in the several States comprising the four flyways which form the management of these birds. These amendments were published in the FEDERAL REGISTER on August 29, 1958 (23 F. R. 6717), and will become effective on October 1, 1958.

Included as a part of these amendments were special conditions applicable to the daily bag and possession limits for geese in the State of Washington. In particular, hunters in that State were limited to not more than three of the dark species in such limits and one snow goose. Washington State game officials now advise that their request insofar as the daily bag and possession limit on geese in that State is concerned, was originally in error and that it was their intention to permit the taking of four snow geese.

Accordingly, in compliance with the request of the State of Washington, paragraph (f) *Pacific Flyway States* of § 6.51 is amended by revising footnote 3 as it appears thereunder to read as follows:

[3] Geese: In the State of Washington the daily bag and possession limit is 4, and throughout all States in the Pacific Flyway the daily bag and possession limit may not include more than 3 of the dark species: *Provided*, That in the counties of Bear Lake, Caribou, and Bonneville, Idaho; Clark County, Nevada; Mohave and that portion of Yuma County, Arizona, lying north of U. S. Highways numbered 60 and 70; that portion of California Fish and Game District No. 22 (as defined in the California Fish and Game Code) lying north of U. S. Highways numbered 60 and 70; and the entire State of Utah, the daily bag and possession limit may not include more than 1 Canada goose or its subspecies. In those portions of Yuma County, Arizona, and California Fish and Game District No. 22 lying south of U. S. Highways numbered 60 and 70, the season on Canada geese and their subspecies will be closed. Closed season on snow geese in Clark, Freemont, Madison, and Teton Counties, Idaho.

Since the foregoing amendment will serve to relieve existing restrictions erroneously imposed on the taking of snow geese in the State of Washington, and since the season for taking such species commences in that State on October 12, 1958, it would be impracticable and not in the public interest to afford the usual thirty days of publication under the provision of the Administrative Procedure Act. Accordingly, such publication may be waived under the exceptions contained in the provisions of section 4 (c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238, 5 U. S. C. 1003 (c), and the amendment shall be effective on publication in the FEDERAL REGISTER.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interprets or applies E. O. 10250, 16 F. R. 5385, 3 CFR, 1951 Supp.)

Issued at Washington, D. C., and dated September 11, 1958.

FRED G. AANDAHL,
Acting Secretary of the Interior.

[F. R. Doc. 58-7549; Filed, Sept. 16, 1958; 8:46 a. m.]

[1] Filed as part of original document.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 27]

IMPORTED PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Department of Agriculture is considering amending § 27.2 of the Federal Meat Inspection Regulations (9 CFR 27.2 as amended) issued under section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) by adding Nicaragua to the list of countries specified therein from which certain product (meat, meat food product, and meat byproduct) may be imported into the United States as provided in said regulations.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director of the Meat Inspection Division, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., within thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 11th day of September 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 58-7560; Filed, Sept. 16, 1958; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 163]

ROADLESS AND WILD AREAS ON INDIAN RESERVATIONS

NOTICE OF PROPOSED RULE MAKING

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 463 of the Revised Statutes (25 U. S. C. 2), it is proposed to amend 25 CFR Part 163 as set forth below. The purpose of this amendment is to exclude the 530,000 acres on the Haulapai Reservation known as the Grand Canyon Area from the list of roadless areas heretofore set forth in § 163.1 of Title 25, CFR, so as to facilitate the economic development of the area.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U. S. C. 1003); however, it is the policy of the Department of the Interior that, whenever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1958.

Section 163.1 of Part 163 is amended to read as follows:

§ 163.1 *Roadless areas.* A roadless area for the purpose of this part is one which contains no provision for the passage of motorized transportation and which is at least 100,000 acres in forested country or at least 500,000 acres in nonforested country. The following are established as roadless areas on Indian reservations:

Name of area	Reservation	Approximate acreage
Rainbow Bridge	Navajo	1,590,000
Black Mesa	Navajo	820,000
Painted Desert	Navajo	525,000
Black River	San Carlos-Ft. Apache.	325,000
Wind River Mountains.	Shoshone	220,000
Columbia-San Poil Divide.	Colville	155,000
Mt. Thomas	Ft. Apache	130,000
Mission Range	Flathead	125,000
Mesa Verde	Consolidated Ute	115,000
Goat Rocks	Yakima	105,000

The boundaries of these areas are described in the appendix to this part.[1]

[F. R. Doc. 58-7548, Filed, Sept. 16, 1958; 8:46 a. m.]

Office of Minerals Exploration

[30 CFR Ch. III]

FEDERAL ASSISTANCE IN FINANCING EXPLORATIONS FOR MINERAL RESERVES, EXCLUDING ORGANIC FUELS, IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given that under authority contained in Public Law 701, 85th Cong., 2d sess. (72 Stat. 700), it is proposed to issue regulations in the Code of Federal Regulations, as set forth below.

Interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed regulations to the Director, Office of Minerals Exploration, Washington 25, D. C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

SEPTEMBER 11, 1958.

EXPLANATORY PROVISIONS

Sec.
1. Purpose.
2. Definitions.

APPLICATIONS

3. Form and filing.
4. Scope of application.
5. Action on application.
6. Criteria.

EXPLORATION CONTRACTS

7. Government participation.
8. Eligible minerals or mineral products.
9. Operator's property rights.
10. Allowable costs.
11. Repayment by operator.
12. Interest on amount of Government participation.
13. Limitation on amount of Government participation.
14. Government not obligated to buy.
15. Title to and disposition of property.

EXPLANATORY PROVISIONS

SECTION 1. *Purpose.* The regulations in this part govern the obtaining of Federal financial assistance in conducting exploration for new or additional mineral reserves excluding organic fuels, in the United States, its territories or possessions.

SEC. 2. *Definitions.* (a) "Exploration" as used in this part means the search, including related development work, for new or unexplored mineral deposits within a specified area or parcel of ground where geologic conditions favor their occurrence. Exploration using recognized and sound procedures, including standard geophysical and geochemical methods, may be conducted from the surface or underground to obtain pertinent geological and mineralogical information. The work shall not go beyond a reasonable delineation and sampling of a mineral deposit, and shall not include work prosecuted primarily for mining or preparation for mining.

(b) "Operator" means an individual, partnership, corporation, or other legal entity that is party to an exploration contract with the Government.

(c) "Secretary" means the Secretary of the Interior, or his designee.

(d) "Government" and "Federal" mean the United States of America.

(e) "Commercial Sources" means a banking institution.

APPLICATIONS

SEC. 3. *Form and filing.* An application for Federal financial assistance must be submitted in quadruplicate on forms which may be obtained from and filed with either:

The Office of Minerals Exploration,
Department of the Interior,
Washington 25, D. C.

or, the Office of Minerals Exploration Executive Officers serving the areas indicated below:

Areas Served and Addresses

Region I: Idaho, Montana, Oregon, Washington, and Alaska—OME, South 157 Howard Street, Spokane 4, Washington. Applicants for Alaskan projects may file applications with the United States Bureau of Mines, P. O. Box 2688, Juneau, Alaska, for forwarding to the Executvie Officer, Region I.

Region II: California and Nevada—OME, 1605 Evans Avenue, Reno, Nevada.

Region III: Arizona, Colorado, Nebraska, New Mexico, North Dakota, South Dakota, Utah, and Wyoming—OME, 224 New Customhouse Building, Denver 2, Colorado.

[1] The appendix to this part is not codified. It appears, however, at 3 F. R. 709–711, March 22, 1938.

Region IV: Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, and Texas—OME, Room 303, Post Office Building, P. O. Box 431, Joplin, Missouri.

Region V: Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin—OME, Room 13, Post Office Building, Knoxville 2, Tennessee.

SEC. 4. *Scope of application.* (a) Each application shall fully describe the proposed exploration work, and shall be supported by detailed data as called for by the application form. The Secretary may require the filing of additional information, including financial statements, reports, maps or charts, and exhibits and such physical on-site examination as he deems necessary.

(b) The application must include evidence that funds for the exploration work are unavailable on reasonable terms from commercial sources. The evidence shall include information as to the names of banks (including applicant's bank of account) to which applications were made for loans, the amounts and terms requested, and the reasons why loans were not obtained.

SEC. 5. *Action on application.* If the application is approved, the Government may enter into an exploration contract with the applicant upon terms and conditions which the Secretary deems necessary and appropriate as set forth in the contract form furnished by the Government.

SEC. 6. *Criteria.* The following factors will be considered and weighed in passing upon applications:

(a) The strategic importance of the mineral involved and the criticalness thereof.

(b) The geologic probability of a significant discovery.

(c) The estimated cost of the exploration work in relation to the size and grade of the potential deposit.

(d) The plan and method of conducting the exploration work.

(e) The accessibility of the project area.

(f) The background and operating experience of the applicant.

EXPLORATION CONTRACTS

SEC. 7. *Government participation.* The Government will contribute fifty (50) percent of the total allowable cost of the exploration work specified by the terms of the contract.

SEC. 8. *Eligible minerals or mineral products.* The following are eligible for financial assistance:

Antimony
Asbestos (strategic)
Bauxite
Beryl
Cadmium
Chromite
Cobalt
Columbium
Copper
Corundum
Diamond (industrial)
Fluorspar
Graphite (crucible flake)
Kyanite (strategic)
Lead
Manganese
Mercury
Mica (strategic)
Molybdenum
Monazite
Nickel
Platinum group metals
Quartz Crystal (piezo-electric)
Rare Earths
Rutile—Bookite
Selenium
Talc (block steatite)
Tantalum
Thorium
Tin
Uranium
Zinc

SEC. 9. *Operator's property rights.* The operator must have and preserve the right to possession of the land (as owner, lessee, or otherwise) for a term at least sufficient to complete the exploration work. (See also paragraph (f), section 11, regarding repayment.) The operator shall devote the land and all existing improvements, facilities, buildings, installations, and appurtenances necessary to the purposes of the exploration work without any allowance for depreciation, depletion, or use thereof.

SEC. 10. *Allowable costs.* (a) The Government, to the extent provided in the exploration contract, will contribute to:

(1) The necessary, reasonable and direct actual costs of performing the exploration work, including the costs of: labor, supervision, and consultants; operating materials, supplies and equipment; initial rehabilitation or repair of existing building, installations, fixtures, and operating equipment; construction of buildings, fixed improvements, and installations; repairs and maintenance of operating equipment; analytical work, accounting, payroll and sales taxes, and employees' liability insurance; payments by the operator to independent contractors; and such other necessary, reasonable, and direct actual costs as may be approved by the Government in the course of work; and

(2) The fixed unit costs agreed upon by the operator and the Government in terms of units of work to be performed (per foot of drifting, per foot of drilling, etc.) in lieu of actual costs.

(b) The Government will not contribute to: costs of acquiring land, or any cost incident to right of possession; costs of general overhead, corporate management, interest and taxes (other than payroll and sales taxes); insurance (other than employees' liability insurance), damages to persons or property (other than authorized repair to or replacements of equipment or other property used in the work); and costs incurred before the date of the contract.

SEC. 11. *Repayment by the operator.* (a) If the Secretary considers that, as a result of the exploration work, mineral or metal production from the area covered by the contract may be possible, he shall so certify in writing to the operator within the time specified in the contract.

(b) When the Secretary determines not to certify, he shall promptly so notify the operator provided the operator has completed all obligations under the contract.

(c) The operator shall pay the Government a royaty on all minerals or metals produced from the land described in the contract:

(1) Irrespective of any certification of possible production—from the date of the contract to the date of notice that certification will not be made, or until the total amount contributed by the Government with interest is fully repaid, whichever occurs first; or

(2) Irrespective of any certification of possible production—if the Secretary, deeming it necessary and in the public interest, enters into an agreement to provide for royalty payments.

(3) If a certification of possible production is issued—for a period of ten years (or other period fixed by the contract not exceeding 25 years) from the date of the contract, or until the total amount contributed by the Government, with interest, is fully repaid, whichever occurs first.

(d) The Government's royalty shall be five (5) percent of the "gross proceeds" (including any bonuses, premiums, allowances, or other benefits) from the production sold, in the form sold (ore, concentrate, metal, or equivalent) at the point of delivery (the f. o. b. point); except, that charges of the buyer arising in the regular course of business, and shown as deductions on the buyer's settlement sheets, on account of the cost of treatment processes performed by the buyer, sampling and assaying to determine the value of the production sold, and freight paid by the buyer (not the operator) to a carrier shall be allowed as deductions in arriving at the "gross proceeds" as that term is used in this part. Any costs of "treatment processes," sampling or assaying, or transportation performed or paid by the operator or by anyone other than the buyer are not deductible in arriving at the "gross proceeds" as that term is used in this part. The term "treatment processes", as used in this part, means those processes (such as milling, concentrating, smelting, refining, or equivalent) applied to the crude ore or other production after it is extracted from the ground to put it into a commercially marketable form, excluding fabricating or manufacturing.

(e) If any production (ore, concentrate, metal, or equivalent) remains unsold or is not used by the operator in integrated manufacturing or fabricating operations (for instance, if it is stockpiled) after the lapse of six months from the date it is extracted from the ground, the Government, at its option, may require the computation and payment of its royalty on the value of such production in the form (ore, concentrate, metal, or equivalent) it is in at the time the Government elects to exercise its option. If any production is used by the operator in integrated manufacturing of fabricating operations, the Government's royalty on such production shall be computed on the value thereof in the form in which and at the time when it is so used. "Value" as used in this part means what is or would be gross income from mining operations for percentage depletion purposes in Federal income tax determination or the market value, whichever is greater.

(f) (1) To secure the payment of the Government's percentage royalty, the contract shall provide for a lien upon the land, upon any production therefrom, and upon any interests in the land other than the operator's interest. However, the Secretary may accept the undertaking of a surety company or third person in lieu of a lien upon interests in the land other than the operator's interest. In circumstances where the Secretary deems it to be in the public interest, the requirement for a lien or other undertaking concerning interests in land, other than the lien upon the operator's interest, may be omitted from the Contract.

(2) If the operator is not the producer (for example, if the operator transfers or does not retain his interest in production or in the land), the operator shall remain liable for the payment of the Government's royalty.

(g) If, in any particular case, the Secretary finds that it would be more economical or practicable to compute the Government's royalty upon some basis other than "gross proceeds" or "value", as those terms are used in this part, or upon the production in some form other than that in which it is sold, held, or used in integrated operations, he may agree with the operator, either in the original exploration project contract or by an amendment thereof, upon some other basis of computation.

(h) The regulations in this part shall not be construed as imposing any obligation on the operator to engage in any mining or production operations.

(i) The Secretary may modify and adjust the terms and conditions of any contract to reduce the amount and terms of any royalty payment when he shall determine that such action is necessary and in the public interest.

SEC. 12. *Interest on amount of Government participation.* (a) Interest compounded annually shall accrue from the date Federal funds are made available until the period specified for royalty payment expires or until the amount of Federal funds contributed, including interest, is fully repaid by royalty on production.

(b) The rate of interest shall be fixed by the Secretary at a rate not less than the rate the Department of the Interior would be required to pay if it borrowed from the Treasury, plus a two percent interest charge in lieu of the actual cost to the Government of administering the contract.

SEC. 13. *Limitation on the amount of Government participation.* No single contract shall authorize Government participation in excess of $250,000.

SEC. 14. *Government not obligated to buy.* Nothing in this part or in any contract entered into pursuant to this part shall be construed as imposing any obligation on the Government to purchase any materials mined or produced from the property which is the subject of such contract.

SEC. 15. *Title to and disposition of property.* All facilities, buildings, fixtures, equipment, or other items, or groups of items (such as pipe, rail, steel, etc.) costing more than $50.00 each paid for or purchased with funds contributed jointly by the operator and the Government, although title may be taken in the name of the operator, shall belong to the operator and the Government jointly, in proportion to their respective contribution and the exploration project contract shall make suitable provisions for their disposal for the joint account of the operator and the Government.

[F. R. Doc. 58-7550; Filed, Sept. 15, 1958; 8:46 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 20]

FROZEN DESSERTS; DEFINITIONS AND STANDARDS OF IDENTITY

FURTHER EXTENSION OF TIME FOR FILING EXCEPTIONS

In the matter of definitions and standards of identity for ice cream, frozen custard, sherbert, water ices, and related foods:

By a notice published in the FEDERAL REGISTER of July 3, 1958 (23 F. R. 5094) the time for filing exceptions to the proposed order in the above-entitled matter, which was published in the FEDERAL REGISTER of March 26, 1958 (23 F. R. 1991) was extended to September 26, 1958.

The Commissioner of Food and Drugs, having been petitioned by interested persons who appeared at the hearing to extend further the period of time allowed for filing such written exceptions, and good cause therefor appearing: *It is ordered*, That the time for filing such exceptions be extended to January 15, 1959.

Dated: September 11, 1958.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 58-7545; Filed, Sept. 16, 1958; 8:45 a. m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 50-85]

UNIVERSITY OF OKLAHOMA

NOTICE OF WITHDRAWAL OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that by letter dated August 22, 1958, the University of Oklahoma, Norman, Oklahoma, has withdrawn its application, dated August 28, 1957, for a license authorizing construction, possession, and operation of an Atomics International Model L-47 reactor. Notice of the filing of this application was published in the FEDERAL REGISTER on September 14, 1957, 22 F. R. 7385.

Dated at Germantown, Md., this 11th day of September 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-7544; Filed, Sept. 16, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9226]

UNITED AIR LINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

In the matter of schedules filed and published by United Air Lines, Inc., Enforcement Proceeding.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 7, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Ave. NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., September 11, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-7570; Filed, Sept. 16, 1958; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11314; FCC 58M-980]

SPARTAN RADIOCASTING CO. (WSPA-TV)

ORDER SCHEDULING HEARING CONFERENCE

In re application of the Spartan Radiocasting Company (WSPA-TV), Spartanburg, South Carolina; Docket No. 11314, File No. BMPCT-2042; for modification of construction permit.

It is ordered, This 12th day of September, 1958, that a hearing conference of all counsel in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D. C., on Thursday, September 18, 1958.

Released: September 12, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7575; Filed, Sept. 16, 1958; 8:52 a. m.]

[Docket Nos. 12223, 12224; FCC 58M-975]

ARMIN H. WITTENBERG, JR., AND PASADENA PRESBYTERIAN CHURCH

ORDER CONTINUING HEARING

In re applications of Armin H. Wittenberg, Jr., Los Angeles, California; Docket No. 12223, File No. BPH-2170; Pasadena Presbyterian Church, Pasadena, California; Docket No. 12224, File No. BPH-2179; for construction permits (FM Facilities, Channel 294).

The Hearing Examiner having under consideration a petition filed September 8, 1958 by Pasadena Presbyterian Church requesting that the time for the exchange of exhibits be continued from September 11, 1958 to October 14, 1958 and that the date of the evidentiary hearing be continued from September 23, 1958 to a date to be announced; and

It appearing that the reason for the requested continuance is the fact that due to the complexity of the issues, the parties have been unable to complete the exhibits in time for the scheduled exchange and that an additional 30 days will be required to complete the exhibits; and

It further appearing that counsel for all parties to the proceeding have no objection to the granting of this petition, have agreed to a waiver of § 1.43 of the Commission's rules so as to permit immediate consideration thereof and good cause for the requested continuance having been shown;

It is ordered, This the 10th day of September 1958 that the petition of Pasadena Presbyterian Church is granted and the date for the exchange of exhibits is now continued from September 11, 1958 to October 14, 1958 and the date for the evidentiary hearing is continued from September 23, 1958 to a date to be announced.

Released: September 11, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc 58-7576; Filed, Sept. 16, 1958; 8:52 a. m.]

[Docket No. 12563; FCC 58M-973]

HAROLD LAMPEL

ORDER SETTING PREHEARING CONFERENCE

In re application of Harold Lampel, Garden Grove, California; Docket No. 12563, File No. BPH-2430; for construction permit.

It is ordered, This 11th day of September 1958, that, pursuant to the provisions of § 1.111 of the Commission's rules, all parties to the above-entitled proceeding or their counsel are directed to appear for a prehearing conference at the offices of the Commission in Washington, D. C., at 10:00 a. m., on October 1, 1958, for the purpose of considering the following:

(1) The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

(2) The possibility of stipulating with respect to facts;

(3) The procedure at the hearing;

(4) The limitation of the number of witnesses;

(5) Such other matters as will be conducive to an expeditious conduct of the hearing.

Released: September 11, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7577; Filed, Sept. 16, 1958; 8:52 a. m.]

[Docket No. 12593; FCC 58-862]

SOUTH COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Jack C. Salera tr/as South County Broadcasting Company, Wickford, Rhode Island; Docket No. 12593, File No. BP-11383; for construction permit.

At a session of the Federal Communications Commission held at its offices at Washington, D. C., on the 10th day of September, 1958;

The Commission having under consideration the above-captioned application of Jack C. Salera, tr/as South County Broadcasting Company, for a construction permit for a new standard broadcast station to operate on 1370 kilocycles with a power of 500 watts, daytime only, at Wickford, Rhode Island;

It appearing that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to operate his proposed station but that the proposed antenna and ground system would not produce the minimum radiation required by § 3.189 of the Commission's rules and that, due to interference which would be received from Station WFEA, Manchester, New Hampshire (1370 kc, 5 kw, DA-1, U), the proposed operation may not be in compliance with § 3.28 (c) of the Commission's rules in that the population within the proposed normally protected primary service area which would be affected by interference from WFEA may be greater than the ten percent premitted under the provisions of § 3.28 (c); and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicant was advised by letter dated June 4, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that, by letter dated August 22, 1958, the applicant requested that his application be designated for hearing; and

It further appearing that the applicant requests a waiver of § 3.28 (c) of the Commission rules on the ground that no other frequency appears to be available for use in providing this first service to Wickford, Rhode Island; but that the Commission, on the basis of the information submitted by the applicant, is unable to determine whether circumstances exist which would warrant a waiver of said section; and

It further appearing that the Commission, after consideration of the foregoing, is of the opinion that a hearing on the instant application is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether the proposed antenna system would meet the minimum efficiency requirements of § 3.189 of the Commission's rules.

3. To determine whether, because of interference received, the proposed operation would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 12, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7578; Filed, Sept. 16, 1958; 8:52 a. m.]

[Docket Nos. 12594, 12595; FCC 58-864]

STANDARD BROADCASTING CORP. AND CLIFFORD C. HARRIS

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Standard Broadcasting Corporation, Oswego, New York; Docket No. 12594, File No. BP-11255; Clifford C. Harris, Oswego, New York; Docket No. 12595, File No. BP-11476; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of September, 1958;

The Commission having under consideration the above-captioned applications of the Standard Broadcasting Corporation and Clifford C. Harris, each for a construction permit for a new standard broadcast station to operate at Oswego, New York, on 1440 kilocycles, daytime only, with power of 500 watts and one kilowatt, respectively;

It appearing that, except as indicated by the issues specified below, both applicants are legally, financially, technically and otherwise qualified, to operate their proposed stations but that the operation of the proposals would result in mutually destructive interference; that the proposed operations would cause interference to Station WJJL, Niagara Falls, New York (1440 kc, 1 kw, day); and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated April 2 and June 13, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that both applicants filed a timely reply to the Commission's letter; and

It further appearing that, by letter dated April 26, 1958, the licensee of Station WJJL expressed an intention of participating in a hearing on the above-described applications; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether either of the proposed operations would cause objectionable interference to Station WJJL, Niagara Falls, New York, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the Niagara Frontier Broadcasting Corporation, licensee of Station WJJL, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 12, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7579; Filed, Sept. 16, 1958; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-16230]

NATURAL GAS STORAGE COMPANY OF ILLINOIS

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING FOR HEARING

SEPTEMBER 10, 1958.

Natural Gas Storage Company of Illinois (Storage Company) on August 11, 1958, tendered for filing First Revised Sheets Nos. 4, 11 and 12 and Second Revised Sheets Nos. 10 and 20 to its FPC Gas Tariff, Original Volume No. 1, proposing (1) modification of its Storage Service Rate Schedule S-1 to reduce the annual volume that may be withdrawn from storage by any customer from 60 times the maximum daily Withdrawal Quantity to 30 times such quantity and (2) modifications in the General Terms and Conditions of the tariff to revise the procedure for allocating between customers any additional capacity which is to be made available.

Storage Company states that the reduction in annual withdrawals from 60 to 30 times maximum daily withdrawal represents an estimate of the amount which can be withdrawn in an extreme winter.

Northern Illinois Gas Company, one of Storage Company's largest customers, objects to the proposed changes in Rate Schedule S-1 and suggests that all of the tendered tariff sheets be suspended.

The proposed changes in the foregoing revised tariff sheets tendered by Storage Company have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Storage Company's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 4, 11 and 12 and Second Revised Sheets Nos. 10 and 20, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Storage Company's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 4, 11 and 12 and Second Revised Sheets Nos. 10 and 20.

(B) Pending such hearing and decision thereon, Storage Company's proposed First Revised Sheets Nos. 4, 11 and 12 and Second Revised Sheets Nos. 10 and 20, are each hereby suspended and their use deferred until February 11, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7565; Filed, Sept. 16, 1958; 8:50 a. m.]

[Docket No. E-6841]

IOWA POWER AND LIGHT CO.

NOTICE OF APPLICATION

SEPTEMBER 11, 1958.

Take notice that on September 5, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Iowa Power and Light Company ("Applicant"), a corporation organized under the laws of the State of Iowa and doing business in said State with its principal business office at Des Moines, Iowa, seeking an order authorizing the issuance of not to exceed $10,000,000 of unsecured promissory notes. The aforesaid notes are to be issued from time to time during the next 10 months maturing within 90 days and in any event on or before June 30, 1959, to commercial banking institutions to evidence loans made by said banks under established lines of credit. The unsecured notes are to bear interest at prime rates in force from time to time (currently 3½% per annum). The funds received from the bank loans will be used by Applicant to obtain temporary fi-

nancing of its construction program, through short-term borrowings from commercial banking institutions, pending receipt of proceeds from permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 26th day of September 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7566; Filed, Sept. 16, 1958; 8:50 a. m.]

[Docket No. G-9385, etc.]

AMERADA PETROLEUM CORP. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

SEPTEMBER 10, 1958.

In the matters of Amerada Petroleum Corporation, Docket Nos. G-9385, G-10999, G-11882, G-11883, G-12882, G-13401, G-13897, G-13899, G-13900, G-13916, G-14421, G-14618; Amerada Petroleum Corporation (Operator), et al., Docket No. G-13901.

Upon consideration of the motion filed September 3, 1958, by Counsel for Amerada Petroleum Corporation for postponement of the hearing now scheduled for September 23, 1958 in the above-designated matters;

The hearing now scheduled for September 23, 1958 is hereby postponed to February 10, 1959, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7567; Filed, Sept. 16, 1958; 8:50 a. m.]

FEDERAL RESERVE SYSTEM

FINANCIAL INSTITUTIONS, INC.

ORDER APPROVING APPLICATION FOR EXEMPTION

In the matter of the application of Financial Institutions, Inc. under section 4 (c) (6) of the Bank Holding Company Act of 1956 (Docket No. BHC-45).

On July 29, 1958, the Hearing Examiner issued his report and recommended decision in the above-entitled proceeding, recommending to the Board that it grant the application of Financial Institutions, Inc. for a determination that Geneva Shareholders, Inc., Geneva, New York, and activities thereof are of the kind described in section 4 (c) (6) of the Bank Holding Company Act of 1956 (12 U. S. C. 1843) and section 5 (b) of the Board's Regulation Y (12 CFR 222.5 (b)) so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act. The time for filing with the Board exceptions and brief to the recommended decision of the Hearing Examiner expired without any exceptions or brief having been filed.

Pursuant to section 4 (c) (6) of the Bank Holding Company Act and section 5 (b) of the Board's Regulation Y (12 CFR 222.5 (b)), and on the basis of the entire record, the Board hereby adopts the findings of fact, conclusions of law, and the recommendations of the Hearing Examiner as set forth in the attached copy of his Report and Recommended Decision,[1] and makes the following order:

It is hereby ordered, That the request of Financial Institutions, Inc., under section 4 (c) (6) of the Bank Holding Company Act of 1956 for a determination exempting its shares in Geneva Shareholders, Inc. from application of the prohibitions of section 4 (a) (2) of the said Act shall be, and hereby is, approved.

This 10th day of September, 1958.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON, *Assistant Secretary.*

[F. R. Doc. 58-7551; Filed, Sept. 16, 1958; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24A-1197]

FLORIDA NATIONAL DEVELOPMENT CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 10, 1958.

I. Florida National Development Corporation, 438 Mercantile Bank Building, Miami Beach, Florida (formerly known as Glen Briar Holding Corporation, and hereinafter referred to as the "issuer") filed with the Commission on August 7, 1958, a notification on Form 1-A, offering circular and other exhibits relating to a proposed public offering of 300,000 shares of its 1¢ par value common stock at $1.00 per share for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) of said Act and Regulation A promulgated thereunder.

II. The Commission has reasonable grounds to believe that:

A. The terms and conditions of the Regulation have not been complied with in that:

1. The aggregate offering price of all securities proposed to be offered under the notification, plus all other securities proposed to be issued to each Director pursuant to options, exceeds $300,000, the maximum permitted under the Regulation by Rule 254.

2. The issuer failed to disclose in Item 3 of Form 1-A and in the offering circular that one MacElrod was a promoter and/or predecessor of the issuer.

3. The issuer failed to disclose in Item 6 of the notification whether any person specified in paragraph (d) of Rule 262 has been convicted of any crime or offense specified in subparagraph (1) thereof; and failed to give the information required by Item 6 as to any partner, director or officer of the underwriters.

4. The issuer failed to disclose in Item 9 (a) (iv) of the notification names of the persons to whom 100,000 shares of its common stock were issued within one year prior to the filing of the notification.

5. The issuer failed to file under Item 11 of the notification the provisions of the governing instruments defining the right of holders of its 1¢ par value common stock as required by paragraph (a) of this item, and a certification by the underwriters as required by paragraph (c), as amended.

6. The offering circular filed as an exhibit to the notification fails to include the following information required by Schedule I;

a. The cost to promoters and other insiders of any property or services for which any payment by or for the account of the issuer has been or is to be made as required by paragraph 9 (c).

b. Profit and loss statements and analyses of surplus for the periods specified in subparagraph (a) (2) of paragraph 11.

B. The offering circular is misleading within the meaning of Rule 261 (a) (2), particularly with respect to, among other things,

1. The failure to disclose in the offering circular whether the offering price to the public of $1.00 per share represents the market price, whether it is based on earnings, or whether such price is based on an arbitrary determination.

2. The failure to disclose in the offering circular the exact amount paid for the issuer's properties, the nature of the consideration given for the properties, whether promoters or other insiders have any direct or indirect interests in such properties or in any material transactions involving them to which the issuer or any of its predecessors or affiliates was a party, and whether such properties were acquired by the issuer in arm's length transactions.

3. The failure to disclose in the offering circular what considerations, if any, were given by the issuer to those officers, past and present, for the transfer by them of certain brokerage commissions, and for the transfer of certain brokerage commissions receivable in the amount of $223,750.

4. The failure to disclose in the offering circular the manner in which the obligation of the Monte Carlo Hotel Corporation, as evidenced by its note, and the brokerage commissions of Playas Del Golfo S. A., both of which obligations are due the issuer, arose, the financial condition of these obligors, the nature and amounts of consideration given by the issuer therefor, and the amounts to be received by the issuer on these obligations.

5. The failure to disclose in the offering circular the date of the note in the amount of $759,660 and the mortgage on the issuer's properties, the name of the maker, and the circumstances surrounding the transaction in which the note and mortgage were issued.

6. The failure to disclose in the offering circular, as to the option on 1860 acres of land, the date the option was given, the name of the optionee, whether such option is still in effect (the exercise date of June 25, 1958 having passed), whether payment is to be received in cash or other considerations, the location and description of the land, and the terms under which the land may be purchased.

7. The failure to adequately disclose in the offering circular the transactions in which the issuer's no par stock was originally issued and thereafter converted into 1¢ par value common stock, the services rendered in consideration for the issuance of such stock, the effect of the issuance of par value stock on the issuer's paid-in capital, the percentage of securities which will be held by the insider group and the public and the respective amount of cash paid therefor by such group and the public.

8. The use of financial statements presented on the stationery of certified public accountants implying that such statements have been certified when, in fact, the examination was limited in scope and no opinion was given; and further, accountants are not entitled to practice as such in the State of Florida.

9. The inclusion in the balance sheet as an asset, contrary to generally accepted accounting principles, of commissions receivable in the sum of $223,750 under the contingencies involved.

10. The failure to furnish adequate explanatory notes to the financial statements with respect to numerous specified amounts shown therein.

C. The offering, by the use of the offering circular as filed, would be made in violation of section 17 of the Securities Act of 1933, as amended.

It is ordered, Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days herefrom; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 58-7553; Filed, Sept. 16, 1958; 8:47 a. m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D. C., or to any Federal Reserve Bank.

INTERSTATE COMMERCE COMMISSION

[Notice 234]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 12, 1958.

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under Sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States Standard Time (or 9:30 o'clock a. m., local Daylight Saving Time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2309 (Sub No. 42), filed August 28, 1958. Applicant: GILLETTE MOTOR TRANSPORT, INC., 2311 Butler Street, P. O. Box 6598, Dallas, Tex. Applicant's attorney: Hugh T. Matthews, Empire Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including ammunition*, but excluding articles of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, between Preston, Okla., and Tulsa, Okla., from Preston over Oklahoma Highway 138 to the junction of U. S. Highway 169 at or near Glenpool, Okla., thence over U. S. Highway 169 to Tulsa, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Texas, Missouri, Kansas, and Oklahoma.

NOTE: Applicant states that it presently holds authority to transport the above described commodities between Preston, Okla., and Tulsa, Okla., over U. S. Highway 75 from Preston, Okla., to Sapulpa, Okla., and from Sapulpa, Okla., to Tulsa, Okla., over U. S. Highway 66. Oklahoma Highway 138 is a new highway being opened by the state and is a link in what is known as the Tulsa-Okmulgee Bee-line.

HEARING: November 10, 1958, at the Federal Bldg., Oklahoma City, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 4405 (Sub No. 304), filed July 28, 1958. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer and semi-trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from Ft. Worth and Cleburne, Texas to points in the United States; (2) *truck-tractors*, in secondary movements, by driveaway method, only when drawing trailers moving in initial movements in driveaway service, from Ft. Worth and Cleburne, Texas to points in Arizona, Nevada, Oregon and Vermont; (3) *tank and trailer bodies*, from Ft. Worth and Cleburne, Texas to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 24, 1958, at the Baker Hotel, Dallas, Tex., before Examiner James H. Gaffney.

No. MC 10761 (Sub No. 76), filed August 4, 1958. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 N. Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Amoco Chemicals Company plant, located approximately three (3) miles southeast of junction U. S. Highways 6 and 66 near Joliet, Ill., as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Kansas City, Mo., over U. S. Highways 66, 36, 54, and 40. Applicant is authorized to conduct operations in Arkansas, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, and Wisconsin.

HEARING: October 30, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 18288 (Sub No. 5), filed September 2, 1958. Applicant: J. U. BAKER, INC., Landisville, Pa. Applicant's attorney, Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel containers*, from points in Manheim Township, Lancaster County, Pa. to points in New York, New Jersey, and Maryland; *steel cylinders*, from Lancaster, Pa. to points in New York, New Jersey, Delaware, Maryland, and Virginia; *steel silos* and *silo materials*, (a) from Buckner, Ky. to Hublersburg and Landisville, Pa. and (b) from Landisville, Pa. to points in New York, Virginia and West Virginia; *barn cleaners*, (a) from Manawa, Wis. to Landisville, Pa. and (b) from Landisville, Pa. to points in New

Jersey, Delaware, Maryland, New York, Virginia, and West Virginia; and *steel chains*, from York, Pa. to Manawa, Wis. Applicant is authorized to conduct operations in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia.

HEARING: October 22, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 22542 (Sub No. 1), filed July 28, 1958. Applicant: JOHN BOYD, INC., 20 Gordon Road, Erdenheim, (Philadelphia), Pa. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand* and *gravel*, from Florence, Riverside and Palmyra, N. J. to Williams and Blue Bell, Pa., and points in Bucks, Berks, Chester, Delaware, Lehigh, Montgomery, Northampton and Philadelphia Counties, Pa.; (2) *stone, sand, lime, brick, limestone, masonry and mortar cement* and *insulating materials*, from the plant sites of G. & W. Corson, Inc., located at Williams and Blue Bell, Pa., to points in New Jersey, Delaware, District of Columbia, Maryland and those in Accomac, Fairfax, Loudown, Northampton and Prince William Counties, Va. (3) *agricultural limestone* and *lime* from the plant site of G. & W. H. Corson, Inc., Williams and Blue Bell, Pa., to points in Steuben, Chemung, Tioga, Broome, Tompkins, Schuyler, Yates, Cortland, Seneca, Chenango, Delaware, and Cayuga Counties, N. Y.

HEARING: October 22, 1958, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner James C. Cheseldine.

No. MC 29988 (Sub No. 70), filed September 8, 1958. Applicant: DENVER CHICAGO TRUCKING CO., INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points within 50 miles of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to and from Denver, Colo. Applicant is authorized to conduct operations in Colorado, Washington, Utah, Idaho, Illinois, Missouri, Kansas, Arizona, California, New Mexico, New York, New Jersey, Oregon, Ohio, Connecticut, Indiana, Iowa, Massachusetts, Nebraska, Pennsylvania, and Wyoming.

NOTE: Applicant states that the purpose of the instant application is solely to serve launching sites of the Inter-Continental Ballistics Missiles and any authority granted may so be restricted.

HEARING: September 29, 1958, at the Wyoming Public Service Commission, Supreme Court and State Library Bldg., Cheyenne, Wyo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 31438 (Sub No. 11), filed July 23, 1958. Applicant: ROY O. WETZ, doing business as R. O. WETZ TRANSPORTATION, 212 Pike Street, Marietta, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, from points in Waterford Township, Washington County, Ohio to points in Delaware and New Jersey, and *empty containers or other such incidental facilities* used in transporting ferro alloys, and *damaged, defective, rejected* or *returned shipments* of ferro alloys on return. Applicant is authorized to conduct operations in Ohio, Indiana, Michigan, Illinois, Maryland, Virginia, Pennsylvania, New York, New Jersey, and Kentucky.

HEARING: October 31, 1958, at the New Post Office Bldg., Columbus, Ohio, before Examiner Lucian A. Jackson.

No. MC 35628 (Sub No. 220), filed August 25, 1958. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building., Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except Class A and B explosives, dangerous inflammables, household goods as defined by the Commission, and commodities in bulk (except scrap metal in bulk), serving Morton, Ill., as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and St. Louis, Mo., over U. S. Highway 24 and Illinois Highway 29. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 29, 1958, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 149.

No. MC 39431 (Sub No. 12), filed August 4, 1958. Applicant: TOLEDO CARTAGE COMPANY, a Corporation, 918 Front Street, Toledo, Ohio. Applicant's attorney: George N. Plavac, 1277 East 40th Street, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Monroe County, Mich., to points in Indiana, Michigan and Ohio, and *empty containers* and *skids* for cement, and *damaged or rejected shipments* of cement on return. Applicant is authorized to conduct operations in Indiana, Michigan, and Ohio.

HEARING: October 22, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 9.

No. MC 40302 (Sub No. 27), filed July 31, 1958. Applicant: FEDERAL EXPRESS, INC., 4930 North Pennsylvania Street, Indianapolis, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Terre Haute, Ind., and East St. Louis, Ill., over U. S. Highway 40, serving no intermediate points, as an alternate route for operating convenience, in connection with applicant's authorized regular route operations between Detroit, Mich., and Evansville, Ind., and between Vincennes, Ind., and St. Louis, Mo. Applicant is authorized to conduct operations in Indiana, Kentucky, Michigan, Missouri, and Ohio.

HEARING: November 3, 1958, in the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 160.

No. MC 42604 (Sub No. 4), filed August 7, 1958. Applicant: KENNETH HARTZELL, R. D. No. 2, Walnutport, Lehigh County, Pa. Applicant's representative: Paul B. Kemmerer, 1620 North Nineteenth Street, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Northumberland County, Pa., to points in New Jersey on and north of New Jersey Highway 33. Applicant is authorized to conduct operations in New Jersey and Pennsylvania.

HEARING: October 31, 1958, at 346 Broadway, New York, N. Y., before Examiner James C. Cheseldine.

No. MC 44300 (Sub No. 6), filed July 28, 1958. Applicant: HESS CARTAGE COMPANY, 17065 Hess Avenue, Melvindale, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, between points in Monroe County, Mich., on the one hand, and, on the other, points in Ohio and Indiana. Applicant is authorized to conduct operations in Michigan, Ohio, West Virginia, Pennsylvania, and Kentucky.

HEARING: October 22, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 9.

No. MC 46005 (Sub No. 10), filed August 1, 1958. Applicant: BURG TRUCKING CORP., 835 Washington Street, New York 14, N. Y. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Description in Motor Carrier Certificates*, 61, M. C. C. 209, except in bulk, in tank vehicles, from Linden, N. J., to Peekskill and Poughkeepsie, N. Y. Applicant is authorized to conduct operations in Connecticut, Maryland, New Jersey, New York, and Pennsylvania.

NOTE: A proceeding has been instituted under Section 212 (c) to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 46005 (Sub No. 9).

HEARING: October 27, 1958, at 346 Broadway, New York, N. Y., before Examiner James C. Cheseldine.

No. MC 46737 (Sub No. 34), filed July 28, 1958. Applicant: GEO. F. ALGER COMPANY, a Corporation, 3050 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, between points in Monroe County, Mich., on the one hand, and, on the other, points in Ohio and Indiana. Applicant is authorized to conduct operations in Michigan, Ohio, Illinois, Indiana, Wisconsin, Pennsylvania, Missouri, Kentucky, Alabama, and Mississippi.

HEARING: October 22, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 9.

No. MC 47149 (Sub No. 10), filed July 22, 1958. Applicant: C. D. AMBROSIA TRUCKING CO., a Corporation, Edinburg, Pa., P. O. address: R. F. D. No. 2, Lowellville, Ohio. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from points in Allegheny and Beaver Counties, Pa., to points in Ohio, West Virginia, and Maryland. Applicant is authorized to conduct operations in Ohio, Pennsylvania, and West Virginia.

HEARING: October 22, 1958, at the Fulton Building, 101-115 Sixth Street, Pittsburgh, Pa., before Examiner Lucian A. Jackson.

No. MC 47336 (Sub No. 11), filed August 25, 1958. Applicant: ECLIPSE MOTOR LINES, INC., 920 National Road, Bridgeport, Ohio. Applicant's attorney: James M. Burtch, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tin plate, black plate* and *terne plate*, from Weirton, W. Va., and Steubenville, Ohio, to Hurlock, Md., and *empty containers or other such incidental facilities* (not specified) of the above-specified commodities and *damaged and rejected shipments* of the commodities specified in this application on return. Applicant is authorized to conduct regular route operations in Ohio, Pennsylvania and West Virginia, and irregular route operations in Indiana, Maryland, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia.

HEARING: November 4, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Lucian A. Jackson.

No. MC 48213 (Sub No. 14), filed July 22, 1958. Applicant: C. E. LIZZA, INC., First National Bank Building, Latrobe, Pa. Mail address: P. O. Box 447, Ligonier and Depot Streets, Latrobe, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Explosives, blasting supplies, nitro-carbon-nitrate*, and *equipment*, incidental to the use of the above-specified commodities, from Grafton, Millstadt, and Belleville, Ill., to points in Alabama, Arkansas, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Florida, Missouri, Nebraska, Oklahoma, North Dakota, South Dakota, Tennessee, Texas, Wisconsin, West Virginia, Pennsylvania, and Ohio; and (2) *Returned or damaged shipments* of the above-specified commodities, *empty containers or other articles used in the transporting of such commodities*, and *returnable equipment*, from the above-specified destination points to Grafton, Millstadt, and Belleville, Ill. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: October 23, 1958, at the Fulton Bldg., 101-115 Sixth St., Pittsburgh, Pa., before Examiner Lucian A. Jackson.

No. MC 50069 (Sub No. 201), filed July 23, 1958. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Marshall, Mich., and points within five miles thereof, to points in Indiana on and north of U. S. Highway 40. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: October 20, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 23.

No. MC 50404 (Sub No. 60), filed August 7, 1958. Applicant: THE MAXWELL CO., a corporation, 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Hamilton, Ohio, to points in Indiana except Jeffersonville, New Albany, Indianapolis, Hartsdale and Briggs, Ind., and to points in Kentucky except Louisville, Ky., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under Section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 50404 (Sub No. 55).

HEARING: November 5, 1958, at the New Post Office Bldg., Columbus, Ohio, before Joint Board No. 208, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 52587 (Sub No. 9), filed July 10, 1958. Applicant: O. K. MOTOR SERVICE, INC., 2513 W. Armitage, Chicago, Ill. Applicant's attorney: Bernard G. Colby, 1 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Waukegan, Ill., and Racine, Wis.: from Waukegan over Illinois Highway 132 to junction Illinois Highway 131, thence over Illinois Highway 131 to junction Wisconsin Highway 31, thence over Wisconsin Highway 31 to junction Wisconsin Highway 20, and thence over Wisconsin Highway 20 to Racine, and return over the same route, serving no intermediate points, but serving the junction with Illinois Highway 173 and the junction with Wisconsin Highway 50 for purpose of joinder only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Wisconsin, and Indiana.

HEARING: October 28, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 52709 (Sub No. 84), filed July 22, 1958. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, in tank or hopper vehicles, except petroleum and petroleum products, between points in the United States on and east of U. S. Highway 85 in the States of North Dakota, South Dakota, Wyoming, Colorado, New Mexico, and Texas, on the one hand, and, on the other, points in the United States on and west of U. S. Highway 85. Applicant is authorized to conduct operations in California, Colorado, Illinois, Iowa, Missouri, Nebraska, Nevada, Utah, and Wyoming.

PRE-HEARING CONFERENCE: October 13, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., with Examiner Bertram E. Stillwell presiding. At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification, and possible amendments; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper

testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority, (b) Their corporate organizations if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilites; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and (7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 59583 (Sub No. 74), filed June 16, 1958. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over alternate routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, lumber, liquor, cigarettes, household goods as defined by the Commission, building materials, commodities in bulk, and those requiring special equipment, between Marion, N. C., and Rutherfordton, N. C., over U. S. Highway 221, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between High Point, N. C., and Asheville, N. C.; (2) between Canton, N. C., and Parksville, Tenn., from Canton over U. S. Highway 19 to Murphy, N. C., thence over U. S. Highway 64 to Parksville, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Asheville, N. C., and Canton, N. C., between Knoxville, Tenn., and Cartersville, Ga., and between Cleveland, Tenn., and Benton, Tenn.; (3) between Atlanta, Ga., and Rock Hill, S. C., from Atlanta over U. S. Highway 78 to Athens, Ga., thence over U. S. Highway 72 to Rock Hill, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Atlanta, Ga., and Kings Mountain, N. C., and between Greensboro, N. C., and Rock Hill, S. C., the said alternate route to be restricted so that the same may not be used to provide service at any point between Atlanta, Ga., and the Virginia-Maryland-District of Columbia State line. Applicant is authorized to conduct similar operations in Delaware, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and the District of Columbia.

HEARING: October 22, 1958, at the U. S. Court Rooms, Charlotte, N. C., before Examiner C. Evans Brooks.

No. MC 59856 (Sub No. 13), (Amendment and Correction) filed July 24, 1958, published in FEDERAL REGISTER issue of August 20, 1958. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 408 Industrial Avenue, Casper, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, serving Missile launching base sites located within 50 miles of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Montana, Colorado, and Wyoming.

NOTE: Applicant sought only a 20 mile radius through inadvertence.

HEARING: September 29, 1958, at the Wyoming Public Service Commission, Supreme Court and State Library Bldg., Cheyenne, Wyo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 60234 (Sub No. 3), filed July 25, 1958. Applicant: NICK STRIMBU, INC., 530 Standard Avenue, Masury, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel*, and *iron and steel products*, from Sharon, Pa., and points in the Sharon, Pa., Commercial Zone, as defined by the Commission, to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Indiana, Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a common or contract carrier, in No. MC 60234 (Sub No. 2).

HEARING: October 30, 1958, at the New Post Office Bldg., Columbus, Ohio, before Examiner Lucian A. Jackson.

No. MC 60987 (Sub No. 7), filed August 13, 1958. Applicant: PICKETT TRUCK LINE, INCORPORATED, 211 East 23rd Street, Chicago, Ill. Applicant's attorney: Louis E. Smith, 1800 North Meridian Street, Suite 503, Indianapolis 2, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials and supplies*, used in printing, packaging and shipping printed matter, from Warsaw, Ind., to Chicago, Ill. Applicant is authorized to transport similar commodities in Illinois, Indiana, Kentucky, Missouri, and Ohio.

HEARING: October 31, 1958, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 21.

No. MC 64112 (Sub No. 8), filed June 19, 1958. Applicant: NORTH-EASTERN TRUCKING COMPANY, a corporation, 4612 Wilkinson Boulevard, Charlotte, N. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, except such petroleum products as are classified "explosive" or "dangerous", in collapsible rubber tanks to be placed inside trailer vans, from Baltimore, Md., Norfolk, Va., and Bayonne and Bay Way, N. J., to points in Virginia, North Carolina, South Carolina, Georgia and Tennessee. Applicant is authorized to transport specified commodities from and to specified points in Illinois, New York, New Jersey, Pennsylvania, South Carolina, North Carolina, and Maryland, and general commodities (with exceptions) between specified points in Pennsylvania, New Jersey, New York, North Carolina, Maryland, and Virginia.

HEARING: October 20, 1958, at the U. S. Court Rooms, Charlotte, N. C., before Examiner C. Evans Brooks.

No. MC 64932 (Sub No. 244), filed August 1, 1958. Applicant: ROGERS CARTAGE CO., 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the site of the Pipe Line Terminal of the Cities Service Oil Company located approximately six miles west of South Bend, Ind., to points in Michigan and Ohio. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: November 4, 1958, in the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 9.

No. MC 70136 (Sub No. 7), filed July 16, 1958. Applicant: JOSEPH A. HOLLISTER, doing business as TORONTO SERVICE TERMINAL, 106 South Fourth Street, Toronto, Ohio. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Macaroni* and *macaroni products*, from Carnegie, Pa., to points in Florida. Applicant is authorized to conduct operations as a contract carrier in Ohio, Pennsylvania, West Virginia, and Michigan.

NOTE: A proceeding has been instituted under section 212 (c) in No. MC 70136 Sub No. 6, to determine whether applicant's status is that of a contract or common carrier.

HEARING: October 22, 1958, at the Fulton Bldg., 101–115 Sixth St., Pittsburgh, Pa., before Examiner Lucian A. Jackson.

No. MC 77424 (Sub No. 11), filed June 12, 1958. Applicant: WHENHAM TRANSPORTATION, INC., 2723 Orange Avenue, Cleveland 14, Ohio. Applicant's representative: J. J. Kuhner, 736 Society for Savings Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lubricating oil additives*, in bulk, in shipper-owned tank vehicles, from Wickliffe, Ohio to ports of entry on the International Boundary line between the United States and Canada at or near Fort Erie and Niagara Falls, N. Y. (2) *Petroleum sulfonates, zinc dialkyl dithiophosphate, phoso turpene, fatty ester* and *lubricating oil additives*, in bulk, in shipper-owned tank vehicles, from Painesville, Ohio to ports of entry on the International Boundary line between the United States and Canada at or near Fort Erie and Niagara Falls, N. Y. (3) *Empty shipper-owned tank vehicles*, from ports of entry on the International Boundary line between the United States and Canada at or near Fort Erie and Niagara Falls, N. Y., to Painesville, Ohio. (4) *Chlorinated paraffin, dichloro benzyl disulfide*, and *compounds of chlorinated paraffin and dichloro benzyl disulfide*, in bulk, in shipper-owned tank vehicles, from Niagara Falls, N. Y., to Painesville, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Missouri, New York, Ohio, Pennsylvania, and West Virginia.

HEARING: October 24, 1958, at the Old P. O. Bldg., Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Lucian A. Jackson.

No. MC 81818 (Sub No. 5), filed July 31, 1958. Applicant: J. A. MARSH, doing business as MARSH TRUCKING COMPANY, 16621 Broadway, Maple Heights, Ohio. Applicant's attorney: Edwin C. Reminger, 1016 Standard Building, Cleveland 13, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Burial cases, burial vaults, burial case shipping boxes, burial case plywood containers*, and *materials* and *accessories* used in the manufacture and furnishing of burial cases, (1) from Chicago, Ill., to points in Indiana, Massachusetts (except Boston), Michigan (except Detroit), New Jersey (except East Orange), New York, Ohio (except Cincinnati and Cleveland), and Pennsylvania (except Philadelphia and Pittsburgh); (2) from Cleveland, Ohio, to points in Illinois (except Chicago), Indiana, Massachusetts (except Boston), Michigan (except Detroit), New Jersey (except East Orange), New York, and Pennsylvania (except Philadelphia and Pittsburgh); and (3) from Richlands, Va., to points in Illinois (except Chicago), Indiana, Massachusetts (except Boston), Michigan (except Detroit), New Jersey (except East Orange), New York, Ohio (except Cincinnati and Cleveland), and Pennsylvania (except Philadelphia and Pittsburgh). Applicant is authorized to conduct operations in Illinois, Indiana, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania, and Virginia.

NOTE: Applicant states the proposed service is under a contract with F. H. Hill Company, Inc., Cleveland, Ohio; The F. H. Hill Corporation, Richlands, Va.; and The Cadillac Casket Company, Detroit, Mich.

HEARING: October 28, 1958, at the Old P. O. Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Lucian A. Jackson.

No. MC 85934 (Sub No. 5), filed July 17, 1958. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 1650 Waterman Avenue, Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Monroe County, Mich., to points in Ohio and Indiana; and *damaged or rejected shipments* of cement, on return. Applicant is authorized to transport fly ash from specified points in Michigan to points in Illinois, Indiana, Wisconsin, Ohio, Pennsylvania, Kentucky, Missouri, Alabama, Mississippi, and Tennessee under Certificate MC 85934 Sub 1. It is also authorized to conduct operations as a contract carrier in No. MC 52978 and sub numbers thereunder; therefore, dual operations under Section 210 may be involved.

NOTE: A proceeding has been instituted under Section 212 (c), in No. MC 52978 Sub No. 15, to determine whether applicant's status is that of a contract or common carrier.

HEARING: October 22, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 9.

No. MC 87546 (Sub No. 1), filed July 14, 1958. Applicant: KRAMERS MOTOR SERVICE AND STORAGE, INC., 402 North Queen Street, York, Pa. Applicant's attorney: Spencer R. Liverant, 141 East Market Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, naphtha or gasoline, in containers, and feathers; and *trailers*, either loaded or unloaded with general commodities, such trailers to be taken from or loaded on railroad flat cars, between Hanover and York, Pa., on the one hand, and, on the other, Orrtanna, Pa. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

NOTE: Applicant states that it proposes to use two tractors which will hitch to the trailers intended for transportation, either loaded or unloaded, with general commodities to or from railroad flat cars in the territory applied for.

HEARING: October 21, 1958, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner James C. Cheseldine.

No. MC 95540 (Sub No. 292), filed August 29, 1958. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Frozen foods*, from points in Ohio to points in Alabama, Florida, Georgia, and South Carolina. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: November 6, 1958, at the New Post Office Bldg., Columbus, Ohio, before Examiner Lucian A. Jackson.

No. MC 97336 (Sub No. 6), filed July 17, 1958. Applicant: HOGUE FREIGHT LINES, INC., 4840 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (1) from points in Monroe County, Mich., to points in Ohio and Indiana; (2) from Detroit and Port Huron, Mich., to points in Indiana, and (3) *damaged or rejected shipments* of cement on return. Applicant is authorized to transport cement from Detroit and Port Huron, Mich., to points in various counties in Indiana, and would be agreeable to the elimination of the duplicating authority if the requested grant is approved.

HEARING: October 22, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 9.

No. MC 101093 (Sub No. 10), filed August 29, 1958. Applicant: HAROLD BAKER, Stone Creek, Ohio. Applicant's attorney: Ralph W. Sanborn, 808 Hartman Building, Columbus, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicles, over irregular routes, transporting: *Clay products* and *fire clay*, from points in Tuscarawas County, Stark County, Springfield Township, Summit County, Palmyra Township, Portage County, and Brown Township, Carroll County, Ohio, to points in Iowa, the Northern Peninsula of Michigan, Minnesota and Missouri, and *empty containers, pallets, cardboard* and *lumber* used in the manufacture, packing or shipping of clay products and fire clay on return. Applicant is authorized to conduct operations as a contract carrier in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia.

NOTE: A proceeding has been instituted under Section 212 (c) to determine whether applicant's status is that of a common or contract carrier in No. MC 101093 (Sub No. 9).

HEARING: October 7, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 103248 (Sub No. 26), filed August 21, 1958. Applicant: PETROLEUM TRANSPORT, INC., P. O. Box 289, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from West Kankakee and Ficklin, Ill., to points in Wisconsin on and north of a line extending along U. S. Highway 16 from LaCrosse to Sparta, thence along Wisconsin Highway 21 to Oshkosh, thence along U. S. Highway 41 to Appleton, and thence along U. S. Highway 10 to Manitowoc. Applicant is authorized to conduct operations in Illinois, Wisconsin, Indiana, and Iowa.

HEARING: October 28, 1958, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 13.

No. MC 103490 (Sub No. 46), filed August 6, 1958. Applicant: PROVAN PETROLEUM TRANSPORTATION COMPANY, INC., 210 Mill Street, Newburgh, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid rubber compound*, in bulk, in tank vehicles, from Firthcliff, N. Y., to Laurens, S. C., and *rejected, damaged or returned shipments* of liquid rubber compound, on return. Applicant is authorized to conduct operations in Connecticut, New York, New Jersey, Massachusetts, Pennsylvania, Rhode Island, and Delaware.

HEARING: October 30, 1958, at 346 Broadway, New York, N. Y., before Examiner James C. Cheseldine.

No. MC 103880 (Sub No. 191), filed July 24, 1958. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from the Texas Eastern Transmission Corporation Pipeline Terminal, located in Gibson County, Ind., to points in Illinois and Kentucky. Applicant is authorized to conduct operations in Indiana, Michigan, Ohio, Illinois, Kentucky, Wisconsin, West Virginia, Pennsylvania, Iowa, Mississippi, Arkansas, Tennessee, Massachusetts, Kansas, Minnesota, Missouri, New York, Connecticut, Texas, Rhode Island, Louisiana, Oklahoma, Georgia, Florida, Alabama, North Carolina, South Carolina, Maryland, Delaware, New Jersey, Maine, Vermont, and New Hampshire.

HEARING: October 31, 1958, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 1.

No. MC 105369 (Sub No. 9), filed July 28, 1958. Applicant: N. Y. & N. J. FREIGHTWAYS, INC., 161–163 Second Street, Jersey City, N. J. Applicant's attorney: William Biederman, 280 Broadway, New York 7, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, serving Jersey City, N. J., as an intermediate point in connection with applicant's authorized regular route operations between Carteret, N. J., and New York, N. Y. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

HEARING: October 27, 1958, at 346 Broadway, New York, N. Y., before Examiner James C. Cheseldine.

No. MC 105461 (Sub No. 10), filed August 29, 1958. Applicant: BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, P. O. Box 8, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in containers other than petroleum, from Marcus Hook, Pa., to Cleveland, Boardman and Akron, Ohio, Wheeling, W. Va., Providence, R. I., Baltimore, Md., Richmond, Va., and points in New York, New Jersey, Connecticut and Massachusetts, and *empty lubricating oil containers* other than petroleum (1) from the above specified destination points to Marcus Hook, Pa., and (2) from points in Virginia, Maryland, and Delaware, except Richmond, Va., and Baltimore, Md., to Marcus Hook, Pa. Applicant is authorized to conduct operations in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia.

HEARING: October 21, 1958, at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Richard H. Roberts.

No. MC 105789 (Sub No. 2), filed August 29, 1958. Applicant: PRESTON K. MOYER, Earlington, Montgomery County, Pa., Applicant's attorney: Harry J. Leiderbach, Street Road and Willow Street, Southampton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles, from points in the Borough of Elizabethville and Washington Township, Dauphin County, Pa., and *feather meal, dried blood, meat scraps, hides* and *tallow* in bulk, in tank vehicles, from points in Franconia Township, Montgomery County, Pa. and Upper Makefield Township, Bucks County, Pa. to points in New Jersey, New York, Virginia, Delaware, and Maryland, and *empty containers or other such incidental facilities* (not specified) used in transporting the above specified commodities on return.

HEARING: October 17, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 105920 (Sub No. 8), filed July 10, 1958. Applicant: THE SQUAW TRANSIT COMPANY, P. O. Box 9415, 5121 South 49th West Avenue, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel* and *other metal articles* to be used in the construction, maintenance, and repair of electrical telephone and telegraph towers, substations, and generating plants, between Muskogee and Tulsa, Okla., on the one hand, and, on the other, construction sites in Missouri, Arkansas, New Mexico, Mississippi, Texas, Nebraska, Louisiana, Colorado, Kansas, Arizona, Utah, Wyoming, Iowa and Nevada. Applicant is authorized to conduct operations in Colorado, New Mexico, Texas, Kentucky, West Virginia, Nebraska, Kansas, Oklahoma, Missouri, Illinois, Indiana, Arkansas, and Louisiana.

HEARING: November 10, 1958, at the Federal Bldg., Oklahoma City, Okla., before Examiner James H. Gaffney.

No. MC 106117 (Sub No. 3), filed July 18, 1958. Applicant: RUMPF TRUCK LINE, INC., 424 South Maumee Street, Tecumseh, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Whitmore Lake and Dexter, Mich., as off route points in connection with applicant's authorized regular route operations between Ann Arbor, Mich., and Toledo, Ohio. Applicant is authorized to conduct operations in Ohio and Michigan.

HEARING: October 20, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 106401 (Sub No. 10), filed August 18, 1958. Applicant: JOHNSON MOTOR LINES, INC., 2426 Hutchinson Avenue., Charlotte 1, N. C. Applicant's attorney: Edgar Watkins, Munsey Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between all points on and in the area bounded by a line beginning at Salisbury, N. C., thence along U. S. Highway 70 to junction North Carolina Highway 10 near Cattawba, N. C., thence along North Carolina Highway 10 to Newton, N. C., thence along U. S. Highway 321 to Lincolnton, N. C., thence along North Carolina Highway 150 to Shelby, N. C., thence along North Carolina Highway 74 to King's Mountain, N. C., thence along North Carolina Highway 161 to the North Carolina-South Carolina State line, thence along South Carolina Highway 161 to York, S. C., thence along U. S. Highway 321 to Chester, S. C., thence along South Carolina Highway 97 to junction South Carolina Highway 200, thence along South Carolina Highway 200 to the South Carolina-North Carolina State line, thence along North Carolina Highway 200 to Monroe, N. C., thence along U. S. Highway 74 to Polkton, N. C., thence over unnumbered highway to Ansonville, N. C., thence along U. S. Highway 52 through Norwood, N. C., to Salisbury, N. C. Applicant further describes the authority applied for, set forth above, with the additional descriptive wording "now authorized to be served; for operating convenience only in peddle pickup and delivery service, restricted in all instances to shipments moving in prior or subsequent line-haul movements by applicant to or from Charlotte, N. C. Applicant is authorized to conduct regular-route operations in Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia, and irregular-route operations in North Carolina and South Carolina.

HEARING: October 24, 1958, at the U. S. Court Rooms, Charlotte, N. C., before Joint Board No. 2, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 107403 (Sub No. 268), filed August 6, 1958. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Street, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquids*, in bulk, in tank vehicles, between points in Ohio. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Duplication with present authority to be eliminated.

HEARING: November 5, 1958, at the New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 107409 (Sub No. 14), filed August 7, 1958. Applicant: RATLIFF & RATLIFF, INC., P. O. Box 399, Wadesboro, N. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, except plywood and veneer, from points in Anson, Richmond, Union, Stanley, Randolph, Moore, Montgomery, Scotland, Mecklenburg, Carbarrus, Hoke, Cumberland, Robeson, Bladen, Columbus, Sampson, Chatham, Lee, Harnett, Nash, Davidson, Catawba, Franklin, Cleveland, and Rowan Counties, N. C., and points in Lancaster, Chesterfield, Marlboro, Dillon, Marion, Horry, Kershaw, Darlington, Florence, Lee, Sumter, Clarendon, Williamsburg, Georgetown and Berkeley Counties, S. C., to points in Indiana, Illinois, Michigan, Wisconsin and Iowa. Applicant is authorized to conduct operations in all States, except Arizona, California, the District of Columbia, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming.

NOTE: Applicant states on return trips it will transport rejected shipments, and grain and other exempt commodities.

HEARING: October 21, 1958, at the U. S. Court Rooms, Charlotte, N. C., before Examiner C. Evans Brooks.

No. MC 107496 (Sub No. 115), filed August 4, 1958. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, 408 SE. 30th Street, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the site of the pipe line terminal of the Cities Service Oil Company plant, located approximately six (6) miles west of South Bend, Ind., to points in the Lower Peninsula of Michigan and Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin.

HEARING: November 4, 1958, in the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 9.

No. MC 108207 (Sub No. 59), filed August 5, 1958. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz St., P. O. Box 5888, Dallas, Tex. Applicant's attorney: Carl L. Phinney, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Property consisting of ordinary livestock, fish* (including shell fish) and *agricultural commodities* (not including manufactured products thereof) *including horticultural commodities* as defined under Section 303 (b) (6) of Title 49 U. S. C. A. 203 (b) (6) of the Interstate Commerce Act, in the same vehicle and at the same time as other regulated commodities which applicant is now authorized to transport, between points in Arkansas, Arizona, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin.

NOTE: Applicant is presently authorized to operate in each of the foregoing states with certain restrictions. Applicant states that no duplicating authority is sought.

HEARING: November 3, 1958, at the Baker Hotel, Dallas, Tex., before Examiner James H. Gaffney.

No. MC 108859 (Sub No. 30), filed August 20, 1958. Applicant: CLAIRMONT TRANSFER CO., 1803 7th Avenue, Escanaba, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except liquids in bulk, livestock, Class A and B explosives, inflammables and articles of unusual value or size, between St. Ignace, Mich., and Mackinaw City, Mich., from St. Ignace over U. S. Highway 2 to the undesignated Mackinac Straits Bridge approach, thence via the Straits of Mackinaw Bridge, thence via U. S. Highways 31, 23, 27 and the unnumbered Mackinaw City turn off to Mackinaw City, and return over the same route, serving no intermediate points, provided that no shipments destined to Mackinaw City shall be originated at Sault Ste. Marie, St. Ignace, or points intermediate thereto on and East of U. S. Highway 2 in Michigan; and provided further that no shipments originated at or accepted for interline at Mackinaw City shall be delivered to St. Ingnace, Sault Ste. Marie, or points intermediate thereto on and East of U. S. Highway 2. Applicant is authorized to conduct operations in Michigan, Wisconsin and Illinois.

HEARING: October 27, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 110478 (Sub No. 11), filed August 11, 1958. Applicant: WATKINS TRUCKING, INC., 818 Gorley Street, Uhrichsville, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from St. Marys, Elk County, Pa., and points within 2 miles thereof to points in Maine, Vermont, New Hampshire, Connecticut, Rhode Island, Massachusetts, New York, New Jersey, Delaware, Maryland, Ohio, and the District of Columbia, and *damaged, rejected* or *returned materials, pallets, containers* and *materials* and *supplies* used in the manufacture of clay products on return. Applicant is authorized to conduct operations in Ohio, New York, West Virginia, District of Columbia, New Jersey, Delaware, Virginia, Kentucky, Missouri, Ohio, Illinois, Indiana and Pennsylvania.

HEARING: November 4, 1958, at the New Post Office Bldg., Columbus, Ohio, before Examiner Lucian A. Jackson.

No. MC 111159 (Sub No. 60), filed July 21, 1958. Applicant: MILLER TRANSPORTERS, LTD., a corporation, P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, 900 Milner Building, P. O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, from points in Arkansas, Louisiana, and Texas, to points in Mississippi. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee.

NOTE: Applicant states it will use tractor-semi trailer units in the transportation of the above commodities. The trailers will be specially designed to withstand pressure and will meet the requirements of the Commission for transportation of liquefied petroleum gases.

HEARING: October 20, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Alton R. Smith.

No. MC 111159 (Sub No. 64), filed August 11, 1958. Applicant: MILLER TRANSPORTERS, LTD., P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, from Hattiesburg, Miss., to points in Alabama. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee.

HEARING: October 22, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 14, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 111159 (Sub No. 65), filed August 11, 1958. Applicant: MILLER TRANSPORTERS, LTD., P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. Authority sought to operate as a *common*

carrier, by motor vehicle, over *irregular* routes, transporting: *Petroleum* and *petroleum products*, in bulk, from points in Adams and Lamar Counties, Miss., to points in Alabama (except Tuscaloosa, Ala.). Applicant indicates the authority requested is subject to the restriction that no shipments of petroleum products shall be transported from the site of the Pontiac Eastern Refinery Corporation plant located near Purvis, Miss., to Citronelle, Ala. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma and Tennessee.

HEARING: October 22, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 14, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 111401 (Sub No. 96), filed July 28, 1958. Applicant: GROENDYKE TRANSPORT, INC., 2204 North Grand, P. O. Box 632, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, as defined in the Maxwell Co., Extension-Addyston, 63 M. C. C. 677, in bulk, in tank vehicles, from Kings Mills, Texas, to points in Oklahoma, Kansas, Missouri and Kentucky, and *empty containers or other such incidental facilities* (not specified) used in transporting the above specified commodities on return. Applicant is authorized to conduct operations in Oklahoma, Kansas, Colorado, Texas, New Mexico, Louisiana, Mississippi, Tennessee, Missouri and California.

HEARING: October 28, 1958, at the Baker Hotel, Dallas, Tex., before Examiner James H. Gaffney.

No. MC 111700 (Sub No. 11), filed September 4, 1958. Applicant: PRUCKA TRANSPORTATION, INC., 2645 North 11th Street, Omaha, Nebr. Applicant's attorney: Ward A. White, 410 Bell Building, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, including *commodities requiring special equipment*, but excluding Class A and B explosives, those of unusual value, livestock, household goods as defined by the Commission, and commodities in bulk, serving Intercontinental Ballistics Missile launching and testing sites including access roads thereto and supply points therefor within a fifty (50) mile radius of Cheyenne, Wyo. as off-route points in connection with applicant's authorized regular route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, and Wyoming.

HEARING: September 29, 1958, at the Wyoming Public Service Commission, Supreme Court and State Library Bldg., Cheyenne, Wyo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 111826 (Sub No. 2), filed August 4, 1958. Applicant: BRAM MOTOR EXPRESS INCORPORATED, P. O. Box 556, Toronto, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphaltum compound, vegetable fibre packing, rubber packing rings*, and *clay products*, except earthenware and pottery, from points in Jefferson County, Ohio and McKean and Elk Counties, Pa., to points in Alabama, Connecticut, Florida, Georgia, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, North Carolina, Rhode Island, South Carolina, Tennessee and Vermont, and *empty containers or other such incidental facilities* used in transporting the above commodities on return. Applicant is authorized to conduct operations in Ohio, Pennsylvania, Delaware, Indiana, Illinois, Kentucky, Maryland, Michigan, New Jersey, New York, Virginia, West Virginia and the District of Columbia.

HEARING: October 31, 1958, at the New Post Office Bldg., Columbus, Ohio, before Examiner Lucian A. Jackson.

No. MC 111827 (Sub No. 2), filed August 25, 1958. Applicant: JOHN E. STEWART, R. D. No. 5, Carrollton, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Non-metallic mandrels* from Louisville, Ohio to Rockmart, Ga., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Ohio, New York, Indiana, Michigan and Illinois.

HEARING: October 28, 1958, at the Old P. O. Building, Public Square & Superior Avenue, Cleveland, Ohio, before Examiner Lucian A. Jackson.

No. MC 112113 (Sub No. 3), filed September 4, 1958. Applicant: GYPSUM HAULAGE, INC., 2301 S. Newkirk Street, Baltimore, Md. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured by or dealt in by the National Gypsum Co., and *materials and supplies* used by such company in its business, between Baltimore, Md., on the one hand, and, on the other, points in Delaware, New Jersey and Maryland, those in Fairfield, Hartford, Litchfield, Middlesex and New Haven Counties, Conn., those in Broome, Delaware, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster and Westchester Counties, N. Y., those in that portion of Pennsylvania in, east and south of Bradford, Lycoming, Clinton, Clearfield, Indiana, Westmoreland, Allegheny, Washington and Green Counties, those in that portion of West Virginia in, east and north of Monongalia, Marion, Taylor, Barbour, Randolph and Pendleton Counties, those in that portion of Virginia in and east of Augusta, Nelson, Amherst, Campbell, and Pittsylvania Counties and in and north of Halifax, Mecklenburg, Brunswick, Greenville, Southampton, Nansemond and Norfolk Counties, and the District of Columbia. Applicant is authorized to conduct operations in Maryland, Pennsylvania, New Jersey, Virginia, Maryland, Delaware, Connecticut, New York and the District of Columbia.

HEARING: October 22, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 112113 (Sub No. 4), filed September 4, 1958. Applicant: GYPSUM HAULAGE, INC., 2301 S. Newkirk Street, Baltimore, Md. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured by or dealt in by the National Gypsum Co., and *materials and supplies* used by such company in its business, between the National Gypsum Company plant located approximately 3 miles from Burlington, N. J., on the one hand, and, on the other, points in Delaware, New Jersey, Maryland, those in Fairfield, Hartford, Litchfield, Middlesex, and New Haven Counties, Conn., those in Broome, Delaware, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster and Westchester Counties, N. Y., those in that portion of Pennsylvania in, east and south of Bradford, Lycoming, Clinton, Clearfield, Indiana, Westmoreland, Allegheny, Washington and Green Counties, those in that portion of West Virginia in, east and north of Monongalia, Marion, Taylor, Barbour, Randolph and Pendleton Counties, those in that portion of Virginia in and east of August, Nelson, Amherst, Campbell, and Pittsylvania Counties, and in and north of Halifax, Mecklenburg, Brunswick, Greenville, Southampton, Nansemond and Norfolk Counties, and the District of Columbia. Applicant is authorized to conduct operations in Maryland, Pennsylvania, New Jersey, Virginia, Maryland, Delaware, Connecticut, New York and the District of Columbia.

HEARING: October 22, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 112206 (Sub No. 6), filed August 6, 1958. Applicant: STAPLE TRUCKING SERVICE, INC., 102 Junius Street, Brooklyn 12, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by manufacturers or distributors of electronic and electric products and devices, and *equipment, materials and supplies* used in the manufacture, sale and distribution of such merchandise, between New York, N. Y., on the one hand, and, on the other, points in Nassau and Westchester Counties, N. Y., and points in Hudson, Bergen, Essex, Passaic, Somerset and Union Counties, N. J. Applicant is authorized to conduct operations in New York and New Jersey.

NOTE: Applicant states the above operations are to be limited to a transportation service to be performed under a continuing contract or contracts with the General Electric Company, New York, N. Y. A proceeding has been instituted under Section 212 (c) in No. MC 112206 Sub No. 5, to determine whether applicant's status is that of a contract or common carrier.

HEARING: October 30, 1958, at 346 Broadway, New York, N. Y., before Examiner James C. Cheseldine.

No. MC 112446 (Sub No. 20), filed August 4, 1958. Applicant: REFINERS TRANSPORT, INC., 1300 51st Avenue, P. O. Box 1165, Nashville, Tenn. Applicant's attorney: Richard Gleaves, War Memorial Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow* and *soybean oil*, in bulk, in tank vehicles, between West Point, Miss., and points in Clay County, Miss., on the one hand, and, on the other, points in Davidson, Shelby and Hamilton Counties, Tenn. Applicant is authorized to conduct operations in Alabama, Illinois, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

HEARING: October 31, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Alton R. Smith.

No. MC 113168 (Sub No. 6), filed August 18, 1958. Applicant: PARK TRUCKING AND SUPPLY, INC., 9341 Franklin Avenue, Franklin Park, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Chicago, Ill., to points in Indiana. Applicant is authorized to conduct operations in Illinois and Indiana.

HEARING: October 30, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 113290 (Sub No. 2), filed May 9, 1958. Applicant: GERARD E. DONOHUE, doing business as MULLER'S HORSE TRANSPORTATION, Riley Law Building, P. O. Box 532, Wheeling, W. Va. Applicant's representative: Clarence I. Schafer, 105–6 Riley Law Building, P. O. Box 532, Wheeling, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock*, other than ordinary livestock, and in the same vehicle with livestock, bridles, saddles, blankets, screens, buckets, food for livestock while enroute, between points in Pennsylvania (except points in Chester, Delaware, Montgomery and Bucks Counties, Pa.), points in Maryland (except Baltimore, Bowie, Havre de Grace, Laurel, Timonium, Hagerstown, Marlboro, Cumberland and Bel Air), points in West Virginia (except Charles Town and Wheeling), points in New Jersey (except Camden), points in Delaware (except Stanton), points in Rhode Island (except Pawtucket), points in New Hampshire (except Salem), and points in New York (except Belmont Park, Empire City, Aqueduct, Jamaica and Saratoga).

NOTE: Applicant is authorized to conduct the above-described operations between the excepted points. By this application it proposes to conduct these operations state-wide within the states specified. Applicant is also authorized to transport horses, other than ordinary, and in the same vehicle with horses, stable supplies and equipment used in the care and exhibition of such horses, mascots and personal effects of their attendants, trainers and exhibitors, between points in Delaware, Maryland, Ohio, Pennsylvania and West Virginia.

HEARING: November 12, 1958, at the U. S. Court Rooms, New Federal Bldg., Wheeling, W. Va., before Examiner Lucian A. Jackson.

No. MC 113290 (Sub No. 3), filed May 19, 1958. Applicant: GERARD E. DONOHUE, doing business as MULLER'S HORSE TRANSPORTATION, Riley Law Bldg., P. O. Box 532, Wheeling, W. Va. Applicant's representative: Clarence I. Schafer, P. O. Box 532, 105–106 Riley Law Building, Wheeling, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and, in the same vehicle with such *horses*, *stable supplies* and *equipment* used in the care and exhibition of such horses, mascots, and *personal effects* of their attendants, trainers, and exhibitors, between points in Virginia and Florida. Applicant is authorized to transport similar commodities in Delaware, Maryland, Ohio, Pennsylvania and West Virginia.

HEARING: November 10, 1958, at the U. S. Court Rooms, New Federal Bldg., Wheeling, W. Va., before Examiner Lucian A. Jackson.

No. MC 113495 (Sub No. 4), filed June 30, 1958. Applicant: GREGORY HEAVY HAULERS, INC., 2 Main Street, Nashville 6, Tenn. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington, D. C. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Road construction machinery and equipment*, and *attachments, parts* and *accessories* for road construction machinery and equipment, as described in Appendix VIII in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, *structural steel*, and *heavy machinery and contractors' equipment*, and *parts, materials* and *supplies* thereof, between points in Illinois, on the one hand, and, on the other, points in Tennessee, North Carolina and Virginia. Applicant is authorized to conduct similar operations in Tennessee, Kentucky, Virginia, North Carolina, and Illinois.

HEARING: October 28, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Alton R. Smith.

No. MC 113779 (Sub No. 73), filed August 4, 1958. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 Laporte Expressway, P. O. Box 12385, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from Midland, and Odessa, Texas, and points within 10 miles of each to points in Colorado, New Mexico and Utah, and *contaminated* and *rejected shipments* of the above specified commodities on return. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Mississippi, Oklahoma, New Mexico, Arizona, Colorado, South Dakota, Nebraska, Kansas, Iowa, Minnesota, Wisconsin, Kentucky, Illinois, Tennessee, Alabama, North Carolina, South Carolina, Virginia, Georgia, California, Missouri, Wyoming, Florida, Indiana, Michigan, New Jersey, Ohio, Pennsylvania, Montana, Idaho, Washington, and Oregon.

HEARING: October 29, 1958, at the Baker Hotel, Dallas, Tex., before Examiner James H. Gaffney.

No. MC 114045 (Sub No. 40), filed July 18, 1958. Applicant: R. L. MOORE AND JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, P. O. Box 5842, Belt Line and Finley Road, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fredonia, Syracuse and Dundee, N. Y., Keene, N. H., Brunswick, Maine, Hartford, Norwalk and Weatherfield, Conn., Houston, Del., Morgantown, Pottstown and Philadelphia, Pa., Cambridge, Baltimore and Crisfield, Md., and Cleveland, Ohio to points in Texas, Oklahoma, Louisiana and Arkansas. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, and West Virginia.

HEARING: November 12, 1958, at the Federal Bldg., Oklahoma City, Okla., before Examiner James H. Gaffney.

No. MC 114045 (Sub No. 41), filed July 21, 1958. Applicant: R. L. MOORE AND JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, P. O. Box 5842, Belt Line and Finley Roads, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh and frozen meats, meat products*, and *meat by-products*, from Palestine, Luling, Paris and Texarkana, Texas and Fort Smith, Ark., to points in Kentucky, Massachusetts, Connecticut, Maryland, Rhode Island, New York, New Jersey, Virginia, West Virginia, Delaware, Pennsylvania and Washington, D. C.; (2) *Frozen meats*, from Boston, Mass., and Baltimore, Md., to Evansville, Ind., and Philadelphia, Pa. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Missouri, Mississippi, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, and West Virginia.

HEARING: October 27, 1958, at the Baker Hotel, Dallas, Tex., before Examiner James H. Gaffney.

No. MC 114045 (Sub No. 43), filed August 15, 1958. Applicant: R. L. MOORE AND JAMES T. MOORE, a partnership doing business as TRANS-COLD EXPRESS, P. O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *frozen foods*, from points in Texas to points in Kentucky, West Virginia, Virginia, Maryland, Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Connecti-

cut, Rhode Island, Washington, D. C., and points in Tennessee, except Memphis; and (2) *fresh and frozen meats and meat products*, from points in New York to points in Texas, Oklahoma, Louisiana, Arkansas, and Philadelphia, Pa. Applicant is authorized to conduct operations in Arkansas, Maryland, New Jersey, New York, Pennsylvania, Louisiana, Oklahoma, Texas, Massachusetts, the District of Columbia, Virginia, Kentucky, Connecticut, West Virginia, Rhode Island, Delaware, Colorado, Missouri, Kansas, Indiana, New Mexico, Tennessee, Alabama, Mississippi, Georgia, Ohio, Illinois and Michigan.

HEARING: October 30, 1958, at the Baker Hotel, Dallas, Tex., before Examiner James H. Gaffney.

No. MC 114479 (Sub No. 1), filed August 4, 1958. Applicant: HAVILAND-CALLAN, INC., 119 West Huron Street, Michigan City, Ind. Applicant's attorney: Fred A. Wiecking, 130 East Washington Street, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail and mail order stores, restricted to retail delivery, from LaPorte and Michigan City, Ind., to points in Berrien County, Mich., and *empty containers or other such incidental facilities* used in transporting the above-described commodities, and *trade-in, damaged, rejected or repossessed merchandise*, on return. Applicant is authorized to conduct the same operations between Michigan City, Ind., on the one hand, and, on the other, points in Berrien County, Mich.

HEARING: November 5, 1958, in the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 23.

No. MC 114569 (Sub No. 18), filed September 2, 1958. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Milton, Pa., to points in Arkansas, Kansas, Michigan, Missouri, Tennessee and Wisconsin. *Cheese*, from points in the Upper Peninsula of Michigan and from points in Wisconsin (except Green Bay, Denmark, Fond du Lac, Hustisford, Kiel, Monroe, and Neenah, Wis.), to Milton, Pa. Applicant is authorized to conduct operations in Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant is authorized to conduct contract carrier operations in Permit No. MC 55813 and sub numbers thereunder. A proceeding has been instituted under Section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 55813 (Sub No. 5).

HEARING: October 21, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 114711 (Sub No. 3), filed August 7, 1958. Applicant: FRANK SASLOVSKY, doing business as ASSOCIATED CARRIAGE SERVICE, 1465 38th Street, Brooklyn 18, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wheeled goods, such as baby carriages, baby strollers, tricycles, bicycles, etc.*, and *baby furniture*, uncrated and crated, from New York, N. Y., to points in Bergen, Burlington, Camden, Essex, Hudson, Huntington, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren Counties, N. J., and *returned, rejected* or *damaged shipments* of the above commodities on return. Applicant is authorized to conduct operations in New York and New Jersey.

NOTE: Applicant requests that all duplicating authority be eliminated.

HEARING: October 31, 1958, at 346 Broadway, New York, N. Y., before Examiner James C. Cheseldine.

No. MC 115732 (Sub No. 3), filed July 16, 1958. Applicant: FRANK C. MARTIN, doing business as MARTIN PROPANE TRANSPORT, 517 Chancery Street, McMinnville, Tenn. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Crossville, Ill., and points in White County, Ill., to points in Kentucky and Tennessee. Applicant is authorized to transport the above-specified commodity from Doe Run, Ky., to points in specified counties in Tennessee.

HEARING: October 30, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Alton R. Smith.

No. MC 115782 (Sub No. 3), filed July 23, 1958. Applicant: CLYDE H. VAN METER AND NAOMI VAN METER, doing business as VAN METER TRUCKING CO., 927 East Minnesota Street, Indianapolis, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as described in Section A of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209 and 766, from Indianapolis, Ind., to points in Indiana, except that portion thereon, south and west of a line beginning at the Illinois-Indiana State line and extending along U. S. Highway 36 to Indianapolis, Ind., and thence along Indiana Highway 37 to the Indiana-Kentucky State line. Applicant presently holds authority in the transportation of the same commodities to that portion of Indiana set forth as an exception above.

HEARING: November 3, 1958, in the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 115841 (Sub No. 29), filed July 25, 1958. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P. O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Nashville, Tenn., to points in Alabama, Arkansas, Georgia, Florida, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Texas, Virginia, West Virginia, the District of Columbia and Missouri. Applicant is authorized to conduct operations in Maine, Massachusetts, Rhode Island, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Connecticut, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, the District of Columbia, Delaware, Wisconsin, Arkansas, Texas and Oklahoma.

HEARING: November 3, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Alton R. Smith.

No. MC 115917 (Sub No. 4), filed September 4, 1958. Applicant: UNDERWOOD & WELD COMPANY, INC., P. O. Box 103, Crossmore, N. C. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fish meal*, in bulk and/or bags, from Wildwood, N. J., Reedville, Whitestone and Norfolk, Va., New York, N. Y., Moss Point, Miss., Baltimore, Md., Philadelphia, Pa., and Portland, Maine, to points in North Carolina and South Carolina; (2) *Soybean millfeed* and *soybean meal*, in bulk and/or in bags from Decatur, Danville, Champaign and Chicago, Ill., Decatur and Indianapolis, Ind., Bellevue, and Cincinnati, Ohio, Augusta, Ga., and Chattanooga and Memphis, Tenn., to points in North Carolina and South Carolina; (3) *Pulverized oats* and *barley*, in bulk and/or in bags, from Colby, Menomonie, La Crosse, Phillips and Amery, Wis., and Minneapolis, Minn., to points in North Carolina and South Carolina; (4) *cookie meal*, in bulk and/or in bags, from Chicago, Ill., to points in North Carolina and South Carolina; (5) *wheat flakes, corn flakes, corn kibbles, wheat kibbles* and *corn granules*, in bulk and/or bags, from Danville, Ill., to points in North Carolina and South Carolina; (6) *alfalfa meal*, in bulk and/or in bags, from Brunswick, Mo., Topeka, Kans., Schuyler, Nebr., Hoytville, Ohio and Memphis, Tenn., to points in North Carolina and South Carolina; (7) *meat meal, meat scrap* and *bone meal*, in bulk and/or in bags, from Kearny, N. J., Chicago, Ill., and Cincinnati, Ohio to points in North Carolina and South Carolina; (8) *corn gluten feed* and *corn gluten meal*, in bulk and/or in bags, from Granite City and Decatur, Ill., Indianapolis, Ind., and Cedar Rapids, Iowa to points in North Carolina and South Carolina; (9) *linseed meal*, in bulk, and/or in bags, from Minneapolis, Minn., Cleveland, Ohio and Pittsburgh, Pa., to points in North Carolina and South Carolina. Applicant is authorized to conduct operations in North Carolina, Connecticut, Alabama, Delaware Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Mississippi, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Texas, Louisiana, Oklahoma, New Mexico, Arkansas, Colorado, Virginia and West Virginia.

HEARING: October 23, 1958, at the U. S. Court Rooms, Charlotte, N. C., before Examiner C. Evans Brooks.

No. MC 115917 (Sub No. 5), filed September 4, 1958. Applicant: UNDERWOOD & WELD COMPANY, INC., P. O. Box 103, Crossnore, N. C. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wet ground mica*, in bulk and/or bags, from points in Mitchell County, N. C., to points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, District of Columbia, and Denver and Colorado Springs, Colo., and Lexington and Louisville, Ky. Applicant is authorized to conduct operations in North Carolina, Connecticut, Alabama, Arizona, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Texas, Louisiana, Oklahoma, New Mexico, Arkansas, Colorado, Kentucky, Virginia and West Virginia.

HEARING: October 24, 1958, at the U. S. Court Rooms, Charlotte, N. C., before Examiner C. Evans Brooks.

No. MC 116038 (Sub No. 7), filed July 30, 1958. Applicant: NORTHERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, N. Y. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump trailers, equipped with hydraulic hoist and 30 inch or more steel sides, from Troy, N. Y., to points in Maine, Vermont, New Hampshire, Connecticut, Massachusetts and Rhode Island. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

HEARING: October 29, 1958, at 346 Broadway, New York, N. Y., before Examiner James C. Cheseldine.

No. MC 116038 (Sub No. 8), filed August 1, 1958. Applicant: NORTHERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, N. Y. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington, 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosoted pine poles*, on flat bed trailers, from Cranford, N. J., to points in Saratoga, Warren, Washington, Essex, Clinton, Franklin, St. Lawrence, Jefferson, Lewis, Oneida, Oswego, Herkimer, Hamilton, Fulton and Montgomery Counties, N. Y. Applicant is authorized to transport prefabricated houses from Hudson Falls, N. Y., to points in Connecticut, Maine, Massachusetts, New Jersey, New Hampshire, Rhode Island, Vermont and specified points in Pennsylvania.

HEARING: October 29, 1958, at 346 Broadway, New York, N. Y., before Examiner James C. Cheseldine.

No. MC 116077 (Sub No. 46), filed August 5, 1958. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, 1020 Brown Building, P. O. Box 858, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butadiene*, in bulk, in tank vehicles, from Akron, Ohio, to the International Boundary Line between the United States and Canada at or near Port Huron, Mich., and to points in Connecticut, Delaware, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee and Texas.

HEARING: October 27, 1958, at the Old P. O. Bldg., Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Lucian A. Jackson.

No. MC 116410 (Sub No. 4), filed June 18, 1958. Applicant: R. W. BRADSHAW, doing business as R. W. BRADSHAW TRANSFER, Hudson, N. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furnitures* and *furniture parts*, between points in Oklahoma, Texas, New Mexico, Arizona, Colorado, Wyoming, Idaho, Utah, Nevada, Oregon, California, Iowa and Nebraska, on the one hand, and, on the other, points in Caldwell, Wilkes, Burke and Catawba Counties, N. C. Applicant is authorized to conduct operations in Georgia, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

HEARING: October 16, 1958, at the U. S. Court Rooms, Charlotte, N. C., before Examiner C. Evans Brooks.

No. MC 116577 (Sub No. 2), filed June 2, 1958. Applicant: CECIL J. PHILLIPS, Route No. 3, Weaver Pike, Bristol, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, except veneers and plywoods, from points in Montgomery, Dickson, Cheatham, Davidson, Williamson, Wilson, Sumner, Smith, Jackson, Macon, De Kalb and Cannon Counties, Tenn., to points in North Carolina. Applicant is authorized to transport lumber in Pennsylvania, North Carolina, Maryland, Kentucky, Ohio, South Carolina, Tennessee, West Virginia and Virginia.

HEARING: October 17, 1958, at the U. S. Court Rooms, Charlotte, N. C., before Joint Board No. 8, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 116843 (Sub No. 1), filed July 11, 1958. Applicant: N & N TRANSPORTATION CO., INC., 93 Bayard Street, New Brunswick, N. J. Applicant's representative: A. David Millner, 1060 Broad Street, Newark 2, N. J. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Drain tile* and *flue tile*, from Perth Amboy, N. J. to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island and the District of Columbia. Applicant is authorized to transport terra cotta and hollow building tile from Perth Amboy, N. J. to the above destination points.

NOTE: The application is accompanied by a motion to dismiss on the grounds that authority to transport terra cotta and hollow building tile includes the right to transport drain tile and flue tile.

HEARING: October 24, 1958, at 346 Broadway, New York, N. Y., before Examiner James C. Cheseldine.

No. MC 117349 (Sub No. 2), (Amendment) filed July 2, 1958, published in FEDERAL REGISTER issue of August 27, 1958. Applicant: VINCENT J. BRAIO, doing business as J. BRAIO TRANS., 5 High Street, Worcester, Mass. Applicant's representative: Arthur A. Wentzell, P. O. Box 720, Worcester, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal*, in bags, from Amagansett, N. Y., to Franklin, Conn., and Manchester, N. H., and *empty bags or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return.

NOTE: The destination point of Worcester, Mass., shown in the previous publication has been changed to Franklin, Conn.

HEARING: Remains as assigned, October 10, 1958, at the New Post Office & Court House Bldg., Boston, Mass., before Examiner James I. Carr.

No. MC 117359 (Sub No. 2), filed July 31, 1958. Applicant: B. H. PANNELL, doing business as PANNELL TRUCK LINES, 459 West Grand Avenue, Hot Springs, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *lumber products*, from points within fifty (50) miles of Malvern, Ark., including Malvern, to points in California, Colorado, Utah, Minnesota, Wisconsin, Michigan, and Iowa, and *exempt commodities*, such as produce and grain, on return.

HEARING: October 21, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner James H. Gaffney.

No. MC 117359 (Sub No. 3), filed August 4, 1958. Applicant: B. H. PANNELL, doing business as PANNELL TRUCK LINES, 459 West Grand Avenue, Hot Springs, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from Memphis, Tenn., to points in Arkansas, and *exempt commodities* such as grain, on return.

HEARING: October 22, 1958, at the Arkansas Commerce Commission, Justice Bldg., State Capitol, Little Rock, Ark., before Joint Board No. 38, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 117383 (Sub No. 1), filed June 19, 1958. Applicant: JACK JOHNSON, doing business as HENDERSON TRUCKING COMPANY, 134 South Washington Street, Henderson, Tenn. Applicant's attorney: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bags and in bulk, from Gulfport and Yazoo City, Miss., and Mobile and Sheffield, Ala., and points within ten miles of each, to all points in Tennessee and Kentucky west of the Tennessee River, and return.

HEARING: October 27, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Alton R. Smith.

No. MC 117383 (Sub No. 2), filed June 19, 1958. Applicant: JACK JOHNSON, doing business as HENDERSON TRUCKING COMPANY, 134 South Washington Street, Henderson, Tenn. Applicant's attorney: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *mill work*, both rough and dressed or finished, between points in Arkansas on and south of U. S. Highway 70, and between points in Mississippi and Alabama south of U. S. Highway 82, on the one hand, and, on the other, all points in Tennessee and Kentucky west of the Tennessee River. Between the above-described origin points in Arkansas and Mississippi, on the one hand, and, on the other, points in Lauderdale, Colbert, Franklin, Marion, Lamar, Pickens, Tuscaloosa, Fayette, Walker, Winston, Cullman, Lawrence, Morgan, Limestone, Madison, Jefferson and Bibb Counties, Ala. Between points in the above-described origin points in Alabama and Arkansas, on the one hand, and, on the other, points in Mississippi on and north of U. S. Highway 82.

HEARING: October 27, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Alton R. Smith.

No. MC 117480, filed June 30, 1958. Applicant: T. H. McDANIEL, doing business as T. H. McDANIEL AND COMPANY, Shannon, Miss. Applicant's attorney: Dudley R. Carr, Tupelo, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* and *new upholstered reclining or lounge chairs*, from Shannon, Miss., to points in Mississippi, Alabama, Florida, Georgia, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Texas, Louisiana, Arkansas, Oklahoma, New Mexico, Wyoming, Colorado, Nebraska, South Dakota, Minnesota, Iowa, Kansas, Wisconsin, Missouri, and North Dakota.

NOTE: Applicant states that it will transport produce and grain on return.

HEARING: October 23, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Alton R. Smith.

No. MC 117485 (Sub No. 1), filed August 18, 1958. Applicant: CLYDE BAILEY AND MALCOLM C. BAILEY, doing business as BAILEY TRUCK LINE, 304 West Minnesota Street, Brookhaven, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, in bulk, from the plant site of Brookhaven Pressed Brick and Manufacturing Company, Brookhaven, Miss., for the account of said company only, to points in Baldwin, Escambia and Mobile Counties, Ala., and The Parishes of Ascension, Assumption, Concordia, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Lafourche, Livingston, Madison, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Washington, West Baton Rouge, and West Feliciana, La.

HEARING: October 23, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 165, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 117494, filed July 3, 1958. Applicant: GEORGE ANDREWS AND BERT ANDREWS, doing business as ANDREWS BROS., 670 East Main Street, Nanticoke, Luzerne County, Pa. Applicant's attorney: John J. Dempsey, Jr., 1200 Miners National Bank Building, Wilkes-Barre, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Anthracite coal* from Glen Burn Colliery Breaker, Susquehanna Collieries Division of the M. A. Hanna Company, in Shamokin, Pa., to points in Delaware, Maryland, New Jersey, New York, Virginia and the District of Columbia.

HEARING: October 20, 1958, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner James C. Cheseldine.

No. MC 117502, filed July 7, 1958. Applicant: BILLIE LEE POTTS, Route No. 1, Waynesville, N. C. Applicant's attorney: William Medford, 427 North Main Street, Waynesville, N. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shoes, materials* used in the manufacture of shoes, *shoe manufacturing machinery*, and *parts* and *materials* used in manufacturing or repairing shoe machinery, between Waynesville, N. C., Mobile, Ala., New Orleans, La., New York, N. Y., and Philadelphia, Pa.

NOTE: Applicant states that all the materials transported by applicant will be in transit between Wellco Shoe Corporation and its subsidiaries and/or affiliates or licensees of its subsidiaries and/or affiliates.

HEARING: October 22, 1958, at the U. S. Court Rooms, Charlotte, N. C., before Examiner C. Evans Brooks.

No. MC 117508, filed July 11, 1958. Applicant: PETTAPIECE CARTAGE & BUILDERS' SUPPLIES, LTD., 39 Oak Street West, Leamington, Ontario, Canada. Applicant's attorney: Wm. R. Heferan, 1419–25 Majestic Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, from the site of the plant of the Woodville Lime Products Company, located at or near Woodville, Ohio to ports of entry on the International Boundary Line between the United States and Canada at or near Detroit and at or near Port Huron, Mich. *Foundry sand*, from points in the Lower Peninsula of Michigan to ports of entry on the International Boundary Line between the United States and Canada at or near Detroit and at or near Port Huron, Mich. Applicant indicates the proposed service is in foreign commerce only.

HEARING: October 27, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 57.

No. MC 117510, filed July 14, 1958. Applicant: NEELY L. BROOKS, P. O. Box 474, Tanoka, Tex. Applicant's attorney: Austin L. Hatchell, Suite 1009 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed cottonseed meal, cake and hulls*, and *mixed livestock feedstuffs*, in bulk and in sacks, bags and other containers, from Lubbock, Tex., to points in Oklahoma, Kansas, Colorado and New Mexico; and *rejected shipments*, and *empty containers or other such incidental facilities* used in transporting the commodities specified, on return.

HEARING: October 24, 1958, at the Baker Hotel, Dallas, Tex., before Examiner James H. Gaffney.

No. MC 117513, filed July 14, 1958. Applicant: DAVID MONGILLO, HATTIE MONGILLO, MILTON J. MONGILLO, EDWARD H. MONGILLO, IRENE M. SATALINE, AND GERTRUDE M. WRINN, a partnership doing business as DAVID MONGILLO & SONS, 52 High Street, Southington, Conn. Applicant's attorney: Edward Seltzer, 48 Pearl Street, Hartford 3, Conn. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, heavy tools, large parts, compressors, timbers, planks, gas and oxygen cylinders, presses, winch trucks, transformers, fuse holders, and fuses, switches*, and other similar and like heavy hauling, between points in Connecticut, and points in New York, Massachusetts, Rhode Island, Pennsylvania and New Jersey.

NOTE: Applicant has filed two separate common and contract applications, both incorporated in the above docket number; and states that, because it operates heavy hauling equipment performing special and individual services required by the particular needs of shippers, the alternative applications have been filed in fairness to applicant and the Commission.

HEARING: November 5, 1958, at the U. S. Court Rooms, Hartford, Conn., before Examiner James C. Cheseldine.

No. MC 117520, filed July 15, 1958. Applicant: R. I. RIDDLE, doing business as RIDDLE TRUCKING COMPANY, 213 E. Coffee Street, Manchester, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods as defined by the Commission, commodities in bulk, Class A and B explosives, and commodities requiring special equipment, (1) between the Arnold Engineering Development Center, near Tullahoma, Tenn., and Fort Campbell, Ky.: from Arnold Engineering Development Center near Tullahoma over Tennessee Highway 55 to Manchester, Tenn., thence over U. S. Highway 41 to Nashville, Tenn., and thence over U. S. Highway alt. 41 to Fort Campbell, and return over the same route, serving no intermediate points; and (2) between the Arnold Engineering Development Center near Tullahoma, Tenn., and Louisville, Ky.: from Arnold Engineering Development Center near Tullahoma over Tennessee Highway 55 to Manchester, Tenn., thence over U. S. Highway 41 to Nashville, Tenn., and thence over U. S. Highway 31W to Louisville, and return over the same route, serving Fort Knox, Ky., as an off-route point.

NOTE: Applicant states the proposed operations are for the account of the United States Government.

HEARING: October 30, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 264, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 117530, filed July 17, 1958. Applicant: CHARLES W. WADE, 803 4th Avenue North, Nashville 4, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* requiring refrigeration, except commodities of unusual value, household goods as defined by the Commission, Class A and B explosives, commodities in bulk, and those requiring special equipment other than in refrigerated service, betweeen Nashville, Tenn., and points in Florida.

HEARING: October 31, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Alton R. Smith.

No. MC 117532, filed July 18, 1958. Applicant: STANLEY KACZYNSKI, 25130 Telegraph Road, Flat Rock, Mich. Applicant's attorney: Gerald Tuchow, 26335 East Huron River Drive, Flat Rock, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over a regular route, transporting: *Brick* and *building material*, from Canton, Ohio to Flat Rock, Mich., from Canton over U. S. Highway 30 to Wooster, Ohio, thence over U. S. Highway 250 to Ashland, Ohio, thence continuing over U. S. Highway 250 to the junction of the Ohio Turnpike, thence over the Ohio Turnpike to junction Alternate U. S. Highway 24, thence over Alternate U. S. Highway 24 to junction U. S. Highway 24, thence over U. S. Highway 24 to Flat Rock. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, from Flat Rock, Mich., to Canton, Ohio, return from Flat Rock over the above-specified route to Canton, Ohio. Serving points in Wayne, Washtenaw and Midland Counties, Mich., as intermediate and off-route points on the above-specified routes.

HEARING: October 24, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 57.

No. MC 117534, filed July 18, 1958. Applicant: FLOYD BARBER, doing business as SUBURBAN TRUCKING CO., 17039 Lincoln, East Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Mansfield, Wooster and Uhrichsville, Ohio, to Detroit, Mich., and points in Michigan within 25 miles thereof.

HEARING: October 24, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 57.

No. MC 117540, filed July 22, 1958. Applicant: LISSNER PAPER GRADING CO., a corporation, 1050 N. North Branch Street, Chicago 22, Ill. Applicant's attorney: Reginald J. Holzer, 134 North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Paper products*, in bulk, from Menasha, Wis., over U. S. Highway 41, to Chicago, Ill.

HEARING: October 29, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 17.

No. MC 117554, filed July 28, 1958. Applicant: STRUPP TRUCKING CO., INC., Box 937, Birthtree Lane, Sparta, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Sussex County, N. J., on the one hand, and, on the other, points in Connecticut, New York, Pennsylvania, Delaware, and Maryland.

HEARING: October 23, 1958, at 346 Broadway, New York, N. Y., before Examiner James C. Cheseldine.

No. MC 117565, filed August 4, 1958. Applicant: JOHN R. HAFNER, doing business as MOTOR SERVICE COMPANY, 506 Elm Street, Coshocton, Ohio. Applicant's attorney: Taylor C. Burneson, 3510 Leveque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers* and *mobile homes*, by truckaway method, between points in Ohio, on the one hand, and, on the other, points in Florida, Pennsylvania, West Virginia, Kentucky, Tennessee, Virginia, New Jersey, North Carolina, South Carolina, Maryland, Georgia, Alabama, Louisiana and the District of Columbia.

HEARING: November 3, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Lucian A. Jackson.

No. MC 117568, filed August 6, 1958. Applicant: TAM FERTILIZER CARRIERS, INC., Corning, Ark. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fertilizer* and *fertilizer materials* and *compounds*, (1) from Walport (near Walnut Ridge) and Blytheville, Ark., to points in Illinois, Tennessee, Mississippi, Louisiana, Texas, New Mexico, Kentucky, Missouri, and Arkansas, and (2) from Sikeston, Mo., and Pascagoula, Miss., to points in Illinois, Tennessee, Mississippi, Louisiana, Texas, New Mexico, Kentucky, Missouri and Arkansas. (B) *Potash*, from points in New Mexico to points in Arkansas and Missouri, and Pascagoula, Miss. (C) *Ammonium nitrate, ammonium sulphate, phosphates, mixed fertilizers, nitrate of soda, sulfuric* and *phosphoric acids* and *fertilizer ammoniating solutions*, (1) from points in Florida and Mississippi to Walport (near Walnut Ridge) and Blytheville, Ark. and Sikeston, Mo.; (2) in bulk, from Memphis, Tenn., Caruthersville, Mo., and Cairo, Ill., to points in Arkansas and Missouri; and (3) in bulk, from Barlingen, Tex., to points in Texas. (D) *Ammonium sulphate*, (1) from points in Kentucky to Walport (near Walnut Ridge) and Blytheville, Ark., and Sikeston, Mo., and (2) from Fredericktown, Mo., to Walport (near Walnut Ridge) and Blytheville, Ark. (E) *Nitrate of soda*, from points in Louisiana to Walport (near Walnut Ridge) and Blytheville, Ark., and Sikeston, Mo. (F) *Ammonium nitrate* and *fertilizer ammonium solutions*, from points in Kansas to Walport (near Walnut Ridge) and Blytheville, Ark., and Sikeston, Mo. (G) *Bags*, from Houston, Tex., and St. Louis and Kansas City, Mo., to Walport (near Walnut Ridge) and Blytheville, Ark., and Sikeston, Mo. (H) *Bags*, from points in Arkansas to Sikeston, Mo. (I) *Agricultural insecticides*, from points in Texas, Tennessee, Louisiana and Mississippi to Walport (near Walnut Ridge), Ark. and (J) *Ammonium nitrate*, from Yazoo City, Miss., to Walport (near Walnut Ridge) and Blytheville, Ark. and Sikeston, Mo.

HEARING: October 24, 1958, at the Peabody Hotel, Memphis, Tenn., before Examiner Alton R. Smith.

No. MC 117569, filed August 6, 1958. Applicant: JOHN HANLON, doing business as HANLON TOWING SERVICE, 3242 Sheridan Road, Zion, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled and wrecked motor vehicles*, between points in Wisconsin, except those in Milwaukee County, Wis., and points in Illinois.

NOTE: Applicant indicates the proposed service is for members of the Affiliated Truck Owners' and Motor Vehicle Associations and for the general public.

HEARING: October 28, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 117599, filed August 21, 1958. Applicant: WALKER NELSON, R. R. No. 2, Carmel, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Propane gas*, between Hooven, Ohio, West Kankakee, Tuscola, and Blue Island, Ill., and Indianapolis, Ind., as

follows: (1) from Hooven over By-Pass U. S. Highway 50 to junction U. S. Highway 50, thence over U. S. Highway 50 to junction Kilby Road (unnumbered Ohio County Road), thence over Kilby Road (unnumbered Ohio County Road) to junction U. S. Highway 52, thence over U. S. Highway 52 to the Ohio-Indiana State line, thence continue over U. S. Highway 52 to junction U. S. Highway 421, thence over U. S. Highway 421 to Indianapolis, and return over the same route, serving no intermediate points; (2) from West Kankakee over Illinois Highway 17 to junction Illinois Highway 114, thence over Illinois Highway 114 to junction Indiana Highway 10, thence over Indiana Highway 10 to junction U. S. Highway 41, thence over U. S. Highway 41 to junction U. S. Highway 52, thence over U. S. Highway 52 to Indianapolis, and return over the same route, serving no intermediate points; (3) from Tuscola over U. S. Highway 36 to Indianapolis, and return over the same route, serving no intermediate points; and (4) from Blue Island over U. S. Highway 54 to junction U. S. Highway 6, thence over U. S. Highway 6 to junction U. S. Highway 41, thence over U. S. Highway 41 to junction U. S. Highway 52, thence over U. S. Highway 52 to Indianapolis, and return over the same route, serving no intermediate points.

HEARING: November 5, 1958, in the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 58.

No. MC 117611, filed August 29, 1958. Applicant: HOUSE HAULERS, INC., 3797 Livingston Avenue, Columbus, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buildings complete*, knocked down or in sections, including all *component parts, materials, supplies* and *fixtures*, and when shipped with such buildings, *accessories* used in the erection, construction and completion thereof, from Columbus, Ohio to points in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, Tennessee and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return.

HEARING: October 29, 1958, at 11:00 o'clock a. m. United States Standard Time, at the New Post Office Bldg., Columbus, Ohio, before Examiner Lucian A. Jackson.

No. MC 117612, filed August 29, 1958. Applicant: WILBURN ESSIE RHOTON, Route No. 2, Williamsport, Md. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bricks*, and *tile*, from Williamsport, and Hagerstown, Md., to points in Pennsylvania, West Virginia, Virginia, District of Columbia, Maryland and Delaware; and *sand*, from Baltimore, Md., Washington, D. C., and points in Prince Georges County, Md. to points in Washington County, Md.

HEARING: October 17, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John P. McCarthy.

No. MC 117613, filed September 2, 1958. Applicant: HERMAN L. RHOTON, Route No. 2, Williamsport, Md. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick* and *tile*, from Williamsport and Hagerstown, Md., to points in Pennsylvania, West Virginia, Virginia, the District of Columbia, Maryland and Delaware. *Sand*, from Baltimore, Md., Washington, D. C., and points in Prince Georges County, Md., to points in Washington County, Md.

HEARING: October 17, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John P. McCarthy.

MOTOR CARRIERS OF PASSENGERS

No. MC 61599 (Sub No. 122), filed July 17, 1958. Applicant: QUEEN CITY COACH COMPANY, a corporation, 417 West Fifth Street, Charlotte, N. C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle, with passengers, between junction U. S. Highway 74 and unnumbered County Highway, approximately one mile west of Shelby, N. C., and Marion, N. C., from junction U. S. Highway 74 and unnumbered County Highway, approximately one mile west of Shelby, over said unnumbered County Highway to junction North Carolina Highway 26, thence over North Carolina Highway 26, via Polkville and Dysartville, to Marion, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: Applicant states it does not propose to transport baggage in separate vehicles.

HEARING: October 17, 1958, at the U. S. Court Rooms, Charlotte, N. C., before Joint Board No. 103, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 108452 (Sub No. 7), filed September 2, 1958. Applicant: ATWOOD'S TRANSPORT LINES, INC., 419 New Jersey Avenue NW., Washington 1, D. C. Applicant's attorney: Chester E. King, 1507 M Street NW., Washington 5, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *mail* in same vehicle with passengers, between Washington, D. C. and site of United States Atomic Energy Commission at or near Germantown, Md., from Washington, D. C., over city streets to the District of Columbia-Maryland State line, thence over U. S. Highway 240 to intersection with unnumbered highways, thence over said unnumbered highways to site of buildings of U. S. Atomic Energy Commission located near Germantown, Md., and return over the same route, serving no intermediate points. Applicant is authorized to conduct operation in District of Columbia, Maryland, and Virginia.

HEARING: October 21, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 120.

No. MC 115025 (Sub No. 2), filed July 29, 1958. Applicant: THE SHORT LINE OF CONNECTICUT, INCORPORATED, doing business as THE SHORT LINE, 100 Gilbert Street, East Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *mail, express* and *newspapers* in the same vehicle with passengers, between Norwich, Conn., and Misquamicut Beach, Westerly, R. I., from Norwich over Connecticut Highway 2 to Westerly, R. I., which is located on U. S. Highway 1, thence over unnumbered highway to Misquamicut Beach, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Hampshire and Rhode Island.

HEARING: November 4, 1958, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 252, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 117535, filed July 21, 1958. Applicant: LESTER A. CRAWFORD, doing business as CRAWFORD BUS SERVICE, North State Street, Lockport, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Groups of passengers*, such as school children and church groups, beginning and ending at Lockport and Joliet, Ill., and extending to Burlington, Milwaukee, Lake Geneva, Wis., and the Sand Dunes, near junction U. S. Highway 30 and Indiana Highway 49, Cedar Lake, and Valparaiso, Ind.

NOTE: Applicant states that the above authority will not include baggage of passengers.

HEARING: October 29, 1958, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 17.

No. MC 117541, filed July 22, 1958. Applicant: LINWOOD K. CASSEL AND HARRY F. UNDERCOFFLER, doing business as RADIO TAXI, 1450 West Main Street, Norristown, Pa. Applicant's attorney: Thomas E. Waters, 830 Swede Street, Norristown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in one-way or round-trip special operations, in non-scheduled limousine door-to-door service, beginning and ending in the Boroughs of Norristown and Bridgeport and points in the Townships of Upper Merion, Plymouth, Whitemarsh, East Norriton, and West Norriton, Montgomery County, Pa., and extending to points in New York, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, and the District of Columbia.

HEARING: October 21, 1958, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner James C. Cheseldine.

No. MC 117555, filed July 28, 1958. Applicant: CLARKSVILLE TRANSIT CO., INC., 314 Commerce Street, Clarksville, Tenn. Applicant's attorney: Alfred T. MacFarland, 104 W. Main Street, Lebanon, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Montgomery County, Tenn., and extending to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Ohio, Mississippi, Missouri, Kentucky, Louisiana, and Florida.

NOTE: Applicant states that the above authority is for non-schedule charter operations only.

HEARING: November 4, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Alton R. Smith.

No. MC 117575, filed August 18, 1958. Applicant: MOUNTAINEER BUS LINE, INC., 1056 University Avenue, Morgantown, W. Va. Applicant's attorney: Wesley R. Tinker, Jr., 56 Fourteenth Street, Wheeling, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, and *mail, express* and *newspapers*, between Morgantown, W. Va., and Waynesburg, Pa.: from Morgantown over West Virginia Highway 7, through Westover, Riverside, Granville, Osage and Pursglove, to junction West Virginia Highway 92, thence over West Virginia Highway 7, through Cassville, Pentress and Blacksville, to junction unnumbered highway which leads from Pennsylvania Highway 218 near the Pennsylvania-West Virginia State Line, to West Virginia Highway 7, thence over said unnumbered highway to Pennsylvania Highway 218 at or near the Pennsylvania-West Virginia State Line, and thence over Pennsylvania Highway 218 to Waynesburg, and return over the same route, serving all intermediate points; also, over an alternate route as follows: from Morgantown over West Virginia Highways 92 and 7, through Star City, over recently constructed new bridge across the Monongahela River, to junction West Virginia Highways 92 and 7 at Pursglove, thence over West Virginia Highway 7, through Cassville, Pentress and Blacksville, to junction unnumbered highway which leads from Pennsylvania Highway 218 near the Pennsylvania-West Virginia State Line to West Virginia Highway 7, thence over said unnumbered highway to Pennsylvania Highway 218, and thence over Pennsylvania Highway 218 to Waynesburg, and return over the same route, serving all intermediate points.

HEARING: November 10, 1958, at the U. S. Court Room, New Federal Building, Wheeling, W. Va., before Joint Board No. 236, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 45059 (Sub No. 9), filed September 3, 1958. Applicant: McNAUGHTON BROS., INC., 723 Church Street, Indiana, Pa. Applicant's attorney: Earl R. Handler, Indiana Theater Building, Indiana, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Dayton, Pa., as an off-route point in connection with applicant's authorized regular route operations. RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the Baltimore and Ohio Railroad Company: Said carrier shall not serve any point, nor a station on the rail line of the Baltimore and Ohio Railroad. All contractural arrangements between said carrier and the Baltimore and Ohio Railroad Company shall be reported to the Commission and shall be subject to revision, if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties; and such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to or supplemental of, rail service. Applicant is authorized to conduct operations in Pennsylvania, Ohio, West Virginia, New Jersey and New York.

No. MC 66562 (Sub No. 1449), filed August 29, 1958. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42nd Street, New York 17, N. Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between New York, N. Y., and Port Washington, N. Y., from New York over New York Highway 25–A to junction of New York Highway 101, thence over New York Highway 101 to Port Washington, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1450), filed September 4, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's attorney: James E. Thomas, Suite 1220, The Citizens & Southern National Bank Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, (1) between Johnson City, Tenn. and Elizabethton, Tenn., from Johnson City over Tennessee Highway 91 to Elizabethton, and return over same route, serving no intermediate points; (2) between Elizabethton, Tenn. and Johnson City, Tenn., over Tennessee Highway 67, serving no intermediate points as an alternate route for operating convenience only. RESTRICTION: (1) The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or railway express service; (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediate prior or immediately subsequent movement by air or rail.

No. MC 107496 (Sub No. 116), filed September 5, 1958. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gasoline* and *jet fuel*, in bulk, in tank vehicles, from Hastings, Minn., to Milwaukee, Wis. Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, Nebraska, Minnesota, South Dakota, Kansas, North Dakota, Missouri, Ohio, Michigan, Kentucky, Indiana, Colorado, Oklahoma, Arkansas, Louisiana and Texas.

No. MC 110821 (Sub No. 5), filed September 2, 1958. Applicant: THE GRIFFIN TRUCKING & STORAGE COMPANY, INC., P. O. Box 3377, Fayetteville, N. C. Applicant's attorney: A. W. Flynn, Jr., 201–204 Jefferson Building, Greensboro, N. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products*, and *articles* distributed by meat packing houses, as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209 and 766, from Fayetteville, N. C., to points in Granville, Vance, Warren, Franklin and Pitt Counties, N. C., and *returned and rejected shipments* of the commodities specified in this application on return. Applicant is authorized to conduct regular route operations in North Carolina and South Carolina, and irregular route operations in North Carolina.

No. MC 112713 (Sub No. 78), filed August 27, 1958. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo. Applicant's attorney: John M. Records, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Topeka, Kans., and Baxter Springs, Kans., from Topeka over U. S. Highway 75 to junction U. S. Highway 160, thence over U. S. Highway 160 to junction U. S. Highway 169, thence over U. S. Highway 169 to junction U. S. Highway 166, thence over U. S. Highway 166 to Baxter Springs, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with

applicant's authorized regular route operations (a) Between Kansas City, Kans., and Baxter Springs, Kans., and (b) Between Topeka, Kans., and Kansas City, Mo. Applicant is authorized to conduct operations in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Ohio, Oklahoma, and Texas.

No. MC 114194 (Sub No. 13), filed September 4, 1958. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steepwater*, in bulk, in tank vehicles, from Granite City, Ill. to points in Iowa, Indiana, Illinois, Missouri, Tennessee, Wisconsin, Michigan, and Kentucky, except no movements to Muscatine, Iowa. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Missouri, Ohio, and Tennessee.

No. MC 115504 (Sub No. 9), filed September 2, 1958. Applicant: KENISON TRUCKING, INC., 413 South 2nd West (P. O. Box 324), Salt Lake City, Utah. Applicant's attorney: Bartly G. McDonough, 10 Executive Building, 455 East 4th South, Salt Lake City 11, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Dry fertilizer*, from Garfield, Utah, and the site of the United States Steel Corporation plant at Geneva, Utah, to points in Arizona; (B) *Returned empty containers* used in the transportation of dry fertilizer, from the above-specified destination points to Garfield, Utah, and the site of the United States Steel Corporation plant at Geneva, Utah; and (C) *Aluminum sulphate*, in bulk, in conveyor-belt type equipment, from Richmond, Calif., to water purification plants located in Castlegate, Deer Creek (Wasatch County), Ogden, and Salt Lake City, Utah, and points within 25 miles of each, and Idaho Falls, Blackfoot, Pocatello, Twin Falls, Idaho, and points within 25 miles of each. Applicant is authorized to conduct operations in California, Idaho, Nevada, and Utah.

NOTE: Applicant states that the operations under (A) and (B) above are to be performed for the account of the Western Phosphates, Inc., and the United States Steel Corporation, Columbia-Geneva Steel Division; and under (C) above for the account of the L. H. Butcher Company.

No. MC 117500, filed July 7, 1958, (CORRECTION) published July 23, 1958, on page 5599. Applicant: EDWARD LAFAYETTE WATSON, doing business as WATSON TRUCKING COMPANY, Route 30, Matteson, Ill. Applicant's attorney: Harold T. Halfpenny, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* and *mortar*, in bulk and in bags, in dump trucks, flatbed, tank, and hopper-type equipment, from Buffington, Ind., to points in that part of Illinois bounded on the north by the Illinois-Wisconsin State line, on the west by U. S. Highway 51, and on the south by U. S. Highway 36, and *empty cement bags* on return.

NOTE: Previous publication indicating proposed operations would originate at Burlington, Ind., was in error. The correct origin point is Buffington, Ind.

MOTOR CARRIERS OF PASSENGERS

No. MC 102676 (Sub No. 4), filed September 2, 1958. Applicant: CENTRAL COACH, INC., 103 Murray Avenue, Worcester 10, Mass. Applicant's attorney: George C. O'Brien, The Eighth Floor, 33 Broad Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Worcester, Mass., and Burrillville, R. I., from Worcester over Massachusetts Highway 122A to the junction of Massachusetts Highway 146, thence over Massachusetts Highway 146 to the junction in Millbury, Mass., of an unnumbered highway, thence over such unnumbered highway to Sutton, thence over an unnumbered highway to East Douglas, thence over Massachusetts Highway 16 to Douglas, thence over Massachusetts Highway 16 to junction of unnumbered highway leading to Burrillville, thence over said unnumbered highway to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 100 to Wallum Lake Village in Burrillville, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Massachusetts, New Hampshire and Rhode Island.

No. MC 113430 (Sub No. 4), filed August 28, 1958. Applicant: THE R. AND H. COMPANY, a corporation, 70 Florence Street, East Hartford, Conn. Applicant's attorney: John R. Sims, Jr., Munsey Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express*, *mail*, and *newspapers*, in the same vehicle with passengers, between Danbury, Conn., and Bedford Village, N. Y., from Danbury over U. S. Highway 6 to Brewster, N. Y., thence over U. S. Highway 202 to Croton Falls, N. Y., thence over New York Highway 22 to Bedford Village, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Hartford, Conn., and New York, N. Y. Applicant is authorized to conduct operations in Connecticut and New York.

APPLICATIONS UNDER 212 (c) CONVERSION PROCEEDINGS

No. MC 13554 (Sub No. 1). Applicant: WILLIAM A. HARRIS AND JAMES L. HARRIS doing business as HARRIS TRUCKING CO., Gardena, Calif.

Carrier filed an application, under Section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. The operations conducted pursuant to said proceeding, are and continue to be those of a contract carrier as defined in Section 203 (a) (15). On July 16, 1958, the carrier requested dismissal of the application, and an order was entered on September 3, 1958, effective October 20, 1958, vacating and setting aside the order entered herein on January 31, 1958, instituting a proceeding under Section 212 (c) of the Interstate Commerce Act.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 52958 (Sub No. 12), filed September 2, 1958. Applicant: HENNEPIN TRANSPORTATION CO., INC., 23 NE. 4th Street, Minneapolis, Minn. Applicant's attorney: Bernard Rosenberg, Rand Tower, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, *OVER REGULAR ROUTES:* Between Hudson, Wis., and Milwaukee, Wis., from Hudson over U. S. Highway 12 to junction U. S. Highway 16, thence over U. S. Highway 16 to Milwaukee, and return over the same route, serving the intermediate points of Roberts, Hammond, Baldwin, Woodville, Hersey, Wilson, Knapp, Menomonie, and Elk Mound, Wis., and the off-route points of (a) Wisconsin Highway 35 between Ellsworth and its junction with U. S. Highway 12; (b) Wisconsin Highway 65 between River Falls and its junction with U. S. Highway 12; (c) Wisconsin Highway 29 between Prescott and its junction with U. S. Highway 12; (d) U. S. Highway 10 between Prescott and its junction with U. S. Highway 12; (e) Wisconsin Highway 25 between Durand and its junction with U. S. Highway 12; (f) Wisconsin Highway 72 between Ellsworth and its junction with Wisconsin Highway 25; (g) U. S. Highway 63 between Ellsworth and its junction with U. S. Highway 12; and (h) St. Croix County Road B between U. S. Highway 12 and Woodville. *OVER IRREGULAR ROUTES:* (1) Between points in Wisconsin on the following highways: (a) Wisconsin Highway 35 and U. S. Highway 10 between River Falls and Plum City, including River Falls and Plum City; (b) U. S. Highway 10 and Wisconsin Highway 72 between Prescott and Downsville, including Prescott and Downsville; and (c) Wisconsin Highway 29 between River Falls and Spring Valley including River Falls and Spring Valley; and (2) between points on the above-specified highways in (1) above, on the one hand, and, on the other, points on the regular service routes specified above. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Minnesota, and Wisconsin.

NOTE: Duplication with present authority to be eliminated. This application is directly related to MC-F 6982, published in the FEDERAL REGISTER of August 27, 1958.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 6867 (HERRIN TRANSPORTATION CO.—CONTROL—M. P. & ST. L. EXPRESS, INC.), published in the March 27, 1958, issue of the FEDERAL REGISTER on page 2066. Second application filed September 9, 1953, for temporary authority under Section 210a (b).

No. MC-F 7000. Authority sought for consolidation into CONSOLIDATED FREIGHT LINES, INC., (DEL. CORP.), 431 Burgess Drive, Menlo Park, Calif., of the operating rights and property of CONSOLIDATED FREIGHTWAYS, INC., (WASH. CORP.) and SEA-VAN EXPRESS, LTD. (BRITISH COLUMBIA CORP.), both of 431 Burgess Drive, Menlo Park, Calif., and for acquisition by CONSOLIDATED FREIGHTWAYS COMPANY, also of Menlo Park, of control of such rights and property through the transaction. Applicants' attorneys: John R. Turney, 2001 Massachusetts Avenue, N. W., Washington 6, D. C., and Eugene T. Liipfert, 431 Burgess Drive, Menlo Park, Calif. Operating rights sought to be consolidated: (CONSOLIDATED FREIGHTWAYS, INC.) Principally *general commodities*, as a *common carrier* over regular and irregular routes, between points in the States of Washington, Oregon, Nevada, California, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Illinois, Indiana, Kentucky, Pennsylvania and West Virginia, including, as to the regular routes, generally between numerous west coast points on the one hand, and, on the other, Chicago, Ill.; (SEA-VAN EXPRESS, LTD.) *general commodities*, except used household goods and office furniture, uncrated, as a *common carrier* over a regular route between Seattle, Wash., and the boundary of the United States and Canada, serving all intermediate points and the off-route point of Sedro-Woolley, Wash. CONSOLIDATED FREIGHT LINES, INC., (DEL. CORP.) holds no authority from this Commission; however, it is affiliated with CONSOLIDATED FREIGHTWAYS, INC., (WASH. CORP.). Application has not been filed for temporary authority under Section 210a (b).

No. MC-F 7001. Authority sought for control by DAVID B. WORSTER, VINCENT R. WORSTER AND LAURA H. BEMENT, all of East Main Road, R. D. #1, North East, Pa., and ALTON WARNER, Lake Road, Bergen, N. Y., of McKAY AND MACLEOD CORP. and F. D. McKAY, INC., both of 7 East Race Street, Salamanca, N. Y. Applicants' attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Operating rights sought to be controlled: (McKAY AND MACLEOD CORP.) *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Jamestown, N. Y., and between junction New York Highways 17 and 16 near Portville, N. Y., and New York, N. Y., serving certain intermediate and off-route points; two alternate routes for operating convenience only; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between New York, N. Y., on the one hand, and, on the other, points in Bergen, Passaic, Hudson, and Essex Counties, N. J., (RESTRICTION: The transportation of *lumber*, by virtue of the above authority, is restricted against service between New York, N. Y., on the one hand, and, on the other, Passaic, N. J., and points within 15 miles of Passaic); *sand and gravel*, from Vandalia, N. Y., to points in McKean County, Pa.; *crude oil*, from Rasselas, Pa., to Salamanca, N. Y.; *bakery goods* and *roofing material*, between Passaic, N. J., and points within 15 miles of Passaic, on the one hand, and, on the other, points in New Jersey and New York; (F. D. McKAY, INC.) Authority to operate under the Second Proviso of Section 206 (a) (1) of the Interstate Commerce Act covering the transportation of *general commodities*, as a *common carrier* over regular routes, between various points in the State of New York as more specifically described in Docket No. MC 97496 Sub 1. VINCENT R. WORSTER, LAURA H. BEMENT and ALTON WARNER hold no authority from this Commission; however, DAVID B. WORSTER is sole stockholder of WORSTER MOTOR LINES, INC., which is authorized to operate as a *common carrier* in Pennsylvania, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, West Virginia, Indiana, Illinois, Michigan, Ohio and the District of Columbia. Application has been filed for temporary authority under Section 210a (b).

NOTE: Application will be published in the FEDERAL REGISTER at a later date as a matter directly related.

No. MC-F 7002. Authority sought for control by MUSHROOM TRANSPORTATION COMPANY, INC., 6921 Castor Avenue, Philadelphia 49, Pa., of SMITH & HOWELL FILM SERVICE, INC., 210 Sixth North Street, Syracuse, N. Y., and for acquisition by WILLIAM W. CUTAIAR, SR., Millers Hill, Kennett Square, Pa., WILLIAM W. CUTAIAR, JR., 1200 Blythe Avenue, Drexel Hill, Pa., ROBERT F. CUTAIAR, 8106 Albion Street, Philadelphia, Pa., and RICHARD W. CUTAIAR, 7405 Rowland Avenue, Cheltenham, Pa., of control of SMITH & HOWELL FILM SERVICE, INC., through the acquisition by MUSHROOM TRANSPORTATION COMPANY, INC. Applicant's attorneys: William J. Lippman, 1413 K Street, NW., Washington 5, D. C., Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C., and G. Donald Bullock, Box 146, Wyncote, Pa. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between Syracuse, Rochester, Buffalo, Albany, and Watervliet, N. Y., on the one hand, and, on the other, points in New York; *film* and *theatre* supplies, between Albany, N. Y., and New York, N. Y., on the one hand, and, on the other, points in Massachusetts west of the Connecticut River, and points in Vermont on and west of U. S. Highway 7. MUSHROOM TRANSPORTATION COMPANY, INC., is authorized to operate as a *common carrier* in Maryland, Pennsylvania, New York, Delaware, New Jersey, Illinois, Massachusetts, Connecticut, Rhode Island and the District of Columbia. Application has been filed for temporary authority under Section 210a (b).

No. MC-F 7003. Authority sought for control by E. M. EASTER, M. E. EASTER, L. W. EASTER, L. D. EASTER, L. B. EASTER, M. M. MORSE and R. L. EASTER, doing business as EASTER-STORES, Des Moines, Iowa, of ACE LINES, INC., 2420 Minnehaha Avenue, Minneapolis 4, Minn. Applicants' attorney: William A. Landau, 1307 East Walnut Street, P. O. Box 1634, Des Moines, Iowa. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk (other than grain), as a *common carrier* over irregular routes, between Nassau, Minn., and points in Minnesota within 25 miles of Nassau, on the one hand, and, on the other, points in South Dakota; *binder twine*, from Breckenridge, Minn., to points in Dickey, Ransom, Richland and Sargent Counties, N. Dak.; *gravel*, from points in Minnesota within 30 miles of Breckenridge, Minn., to West Fargo and Union Stock Yards, N. Dak.; *mill feed, vegetables, seeds and seed bags*, new and used, between points in Cass, Grand Rocks, Pembine, Traill, and Walsh Counties, N. Dak., on the one hand, and, on the other, points in Clay, Kittson, Mahnomen, Marshall, Norman, Polk, Red Lake, and Rosseau Counties, Minn.; *building materials, coal, farm machinery and parts thereof, emigrant movables, household goods*, as defined by the Commission, *feeds, forest products* (including lumber and fence posts), *livestock* (including horses), and *unprocessed farm products*, between points in Minnesota, North Dakota, Iowa and Illinois, except between points in the commercial zone of Fargo, N. Dak., on the one hand, and, on the other, points in the Minneapolis-St. Paul commercial zone. R. L. EASTER holds no authority from this Commission. All other applicants are authorized to operate, as a partnership doing business as HIGHWAY TRANSPORT COMPANY, as a *common carrier* in Wisconsin, Colorado, Kansas, Nebraska, Iowa and Illinois. Application has been filed for temporary authority under Section 210a (b).

No. MC-F 7004. Authority sought for purchase by FURNITURE EXPRESS, INC., Fluvanna Road, R. D. No. 1, Jamestown, N. Y., of the operating rights of GEORGE T. SNEATH (PRODUCERS BANK AND TRUST COMPANY OF BRADFORD, PA., EXECUTOR), doing business as SNEATH CARTING COMPANY, 215 Main Street, Bradford, Pa., and for acquisition by GEORGE E. RINDOSH, also of Jamestown, of control of such rights through the purchase. Applicants' attorney: Johnson, Peterson, Tener & Anderson, Bank of Jamestown Building, Jamestown, N. Y. Operating

rights sought to be transferred: *Bananas*, as a *common carrier* over a regular route, from Olean, N. Y., to Bradford, Pa., serving no intermediate points; *household goods*, as defined by the Commission, between points in McKean County, Pa., on the one hand, and, on the other, points in New Jersey, New York and West Virginia, and between points in McKean County, Pa., on the one hand, and, on the other, points in Ohio; *machinery, materials, supplies* and *equipment*, incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in McKean County, Pa., on the one hand, and, on the other, points in Cattaraugus County, N. Y. FURNITURE EXPRESS, INC., is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Ohio, Maryland, Illinois, Indiana, Wisconsin, Michigan, Delaware, Virginia and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 7005. Authority sought for control and merger by COLDWAY FOOD EXPRESS, INC., P. O. Box 259, Sidney, Ohio, of the operating rights and property of FOODWAY EXPRESS, INC., 225 West 34th Street, New York 1, N. Y., and for acquisition by E. J. GARMHAUSEN, also of Sidney, of control of such rights and property through the purchase. Applicants' attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be controlled and merged: *Fresh, processed, and canned fruits, produce, and food products, nuts, peanut oil, peanut butter, batteries and battery parts*, as a *common carrier* over regular routes, between New York, N. Y., and Philadelphia, Pa., serving the intermediate and off-route points of Camden, Jersey City, Elizabeth, New Brunswick, Newark, Paterson and Trenton, N. J.; *fresh fruits and fresh vegetables*, over irregular routes, between New York, N. Y., and Jersey City, N. J., on the one hand, and, on the other, U. S. Naval Air Station, Lakehurst, N. J., U. S. Merchant Marine Academy, Kings Point, L. I., N. Y., Camp Upton, Yaphank, L. I., N. Y., U. S. Naval Hospital, Brentwood, L. I., N. Y., Fort Slocum, New Rochelle, N. Y., Camp Shanks, Orangeburg, N. Y., U. S. Military Academy, West Point, N. Y., and Stewart Field, Newburg, N. Y.; *fruits and fresh vegetables, poultry, eggs, dairy products, meats, meat products*, and *fish*, between New York, N. Y., and Jersey City, N. J., on the one hand, and, on the other, Mitchell Field, Garden City, L. I., N. Y., U. S. Naval Separation Center, Lido Beach, L. I., N. Y., Greenhaven Prison, Stormville, N. Y., U. S. Naval Training Station and U. S. Naval Separation Center, Sampson, N. Y., Fort Monmouth, N. J., Fort Hancock, Red Bank, N. J., Camp Kilmer, New Brunswick, N. J., and Fort Dix, N. J. COLDWAY FOOD EXPRESS, INC., is authorized to operate as a *common carrier* in Ohio, Pennsylvania, New Jersey, New York, Illinois, Michigan, Wisconsin, Kentucky, Missouri, Indiana, Maryland, Massachusetts and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–7563; Filed, Sept. 16, 1958; 8:49 a. m.]

[Notice 52]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 12, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Special Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1470 (Sub No. 1) (Deviation No. 1), COLUMBUS AND CHICAGO MOTOR FREIGHT, INCORPORATED, 1053 East Fifth Avenue, Columbus, Ohio, filed September 10, 1958. Attorney for said carrier, Earl J. Thomas, Thomas Buildings, 5844–5850 North High Street, Worthington, Ohio. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Westville, Ind., and Chicago, Ill., as follows: from junction U. S. Highway 6 and Indiana Highway 421 in Westville over Indiana Highway 421 to the Indiana Toll Road, thence over the Indiana Toll Road to the Indiana State line and junction U. S. Highway 41 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Westville, Ind., and Chicago, Ill., over the following pertinent route: from Westville over U. S. Highway 6 to junction U. S. Highway 41, thence over U. S. Highway 41 to the Calumet Expressway, thence over the Calumet Expressway to 95th Street, thence over 95th Street to Root Street, thence to the Chicago Terminal.

No. MC 30250 (Deviation No. 2), HOUSTON & NORTH TEXAS MOTOR FREIGHT LINES, INC., 2515 Irving Blvd., Dallas 7, Tex., filed September 9, 1958. Attorney for said carrier, Lewy Hallman, First National Bank Building, Dallas 2, Tex. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Oklahoma City, Okla., and Purcell, Okla., as follows: from Oklahoma City over Oklahoma Highway 74 to Purcell and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas, Tex., and Oklahoma City, Okla., over U. S. Highway 77.

No. MC 77477 (Deviation No. 1), ATLANTIC FREIGHT LINES, INC., P. O. Box 32, Uniontown, Pa., filed September 9, 1958. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Buffalo, N. Y., and Ripley, N. Y., as follows: from Interchange No. 50 of the New York State Thruway at Buffalo over the New York State Thruway and access routes to Interchange No. 61 at Ripley and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent route: from Ripley over U. S. Highway 20 to Silver Creek, N. Y., thence over New York Highway 5 to Buffalo, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–7562; Filed, Sept. 16, 1958; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ALICE HIRSCHBERG ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Cash in the Treasury of the United States: Alice Hirschberg, $2,745.60; Eva Hirschberg, $4,118.39; Agathe Getzler, $4,118.39; 6 Ellen Street, Balwyn E. 6, Victoria, Australia. Claim No. 62122. Vesting Order No. 16907.

Executed at Washington, D. C., on September 8, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58–7519; Filed, Sept. 15, 1958; 8:52 a. m.]

OLGA MUNZINGER ET AL.

AMENDED NOTICE OF INTENTION TO RETURN VESTED PROPERTY

The Notice of Intention to Return Vested Property to Arnold Munzinger, which was published in the FEDERAL REGISTER on October 9, 1957 (22 F. R. 8052), pursuant to section 32 (f) of the Trading With the Enemy Act, as amended (50 U. S. C. App. 32 (f)), is hereby amended to delete therefrom the identity of the claimant and the description of the property and to substitute therefor the following:

Claimant, Claim No., Property and Location

Olga Munzinger: $593.89 in the Treasury of the United States; Karl Munzinger; $356.33 in the Treasury of the United States; Otto Munzinger; $356.33 in the Treasury of the United States; Hugo Munzinger; $356.33 in the Treasury of the United States; Rolf Munzinger; $356.34 in the Treasury of the United States; Edgar Munzinger; $356.34 in the Treasury of the United States. Olten, Switzerland. Claim Nos. 61642 and 61643. Vesting Order Nos. 17829 and 17903.

Executed at Washington, D. C., on September 8, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58–7521; Filed, Sept. 15, 1958; 8:53 a. m.]

HARRY POLAK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Harry Polak, 52 Milletstraat, Amsterdam, The Netherlands; Claim No. 61561; $1,065.43 in the Treasury of the United States. Vesting Order Nos. 17947 and 17950.

Executed at Washington, D. C., on September 8, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58–7520; Filed, Sept. 15, 1958; 8:53 a. m.]

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FEDERAL REGISTER

VOLUME 23 NUMBER 183

Washington, Thursday, September 18, 1958

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1023—Allotments—(Burley, Flue, Fire, Air, Sun–58)–1]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

1958 SINGLE COMBINED ALLOTMENT FOR FIRE-CURED AND VIRGINIA SUN-CURED TOBACCO

The changes involved in this amendment are based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, including Public Law 85–705, approved August 21, 1958, applicable to tobacco (7 U. S. C. 1311–15).

In conformance with the provisions of the Administrative Procedure Act (5 U. S. C. 1003), notice of the formulation of this amendment was published in the FEDERAL REGISTER (23 F. R. 6600). The views, data and recommendations of interested persons have been followed within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

Since fire-cured (type 21) and Virginia sun-cured (type 37) tobacco farmers will soon be harvesting and curing the 1958 crop, it is hereby found and determined that compliance with the 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

The regulations governing the establishment of farm marketing quotas and acreage allotments for burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco for the 1958–59 marketing year (22 F. R. 5675, 8103; 23 F. R. 135) are hereby amended by adding a new § 725.929 as follows:

§ 725.929 *Combination of 1958 fire-cured (type 21) tobacco acreage allotment and 1958 Virginia sun-cured (type 37) tobacco acreage allotment on the same farm into a 1958 single combined allotment.* (a) The 1958 fire-cured (type 21) tobacco acreage allotment and the 1958 Virginia sun-cured (type 37) tobacco acreage allotment heretofore established for the same farm pursuant to §§ 725.911 to 725.928, inclusive, shall be combined into a 1958 single combined tobacco acreage allotment for the farm for either fire-cured (type 21) tobacco, or Virginia sun-cured (type 37) tobacco, whichever the owner of the farm or his representative chooses, or if there is more than one owner of the land comprising the farm, whichever the representative of all such owners chooses, and notifies the county committee of his choice, within 15 days after the date written notification of the opportunity to make such choice is mailed to the owner or owners, or within such extended period of time thereafter as the county committee in any case may fix and notify the owner or owners of such extension. The county committee shall also notify the farm owner or owners that in case the county committee is not notified within such 15 days or such extension of time as may be granted, that a choice has been made as heretofore provided, the county committee, with approval of a representative of the State committee, shall combine such 1958 allotments for such farm into a 1958 single combined acreage allotment for either fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco, on the basis of (1) the prevalent kind of tobacco grown in the area in which such farm is located, (2) the curing facilities on such farm, and (3) the proximity and nature of markets. Any single combined acreage allotment established for any farm pursuant to this paragraph shall equal the sum of the acreage of the allotments of fire-cured (type 21) tobacco and Virginia sun-cured (type 37) tobacco comprising it, and shall be used for all purposes of the 1958 tobacco marketing quota program and for determining 1958 price support eligibility.

(b) If after September 12, 1958, one or more farms having a 1958 fire-cured (type 21) tobacco acreage allotment is combined with another or more farms having a 1958 Virginia sun-cured (type 37) tobacco acreage allotment, a single combined acreage allotment for the 1958–59 marketing year designated for either fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco shall be established for the combined

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FEDERAL REGISTER

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farm equal to the total acreage of and in place of the 1958 acreage allotments for fire-cured (type 21) tobacco and Virginia sun-cured (type 37) tobacco previously established for the farms comprising the combined farm. The county committee shall give written notification to the owner or owners of such combined farm that the owner or his representative may designate, or if there is more than one owner of the land comprising the farm that the representative of all such owners may designate, a single combined 1958 acreage allotment for the combined farm as either for fire-cured (type 21) tobacco or for Virginia sun-cured (type 37) tobacco by submitting his choice to the local county committee within 15 days following the date of mailing of such notification, or within such extended period of time thereafter as the county committee in any case may fix and notify the owner or owners of such extension; and that if within such time the county committee is not notified that a choice has been made as heretofore provided, the county committee, with approval of a representative of the State committee, shall designate the 1958 single combined acreage allotment for the farm as heretofore provided in this section. The occurrence on the same farm of concurrent acreage allotments for fire-cured (type 21) tobacco and Virginia sun-cured (type 37) tobacco pursuant to the provisions of § 725.920 shall be deemed to be of the same effect, for the purposes of and in applying the provisions of this paragraph, as a combination of farms described above in this paragraph.

(c) Single combined farm acreage allotments established in accordance with this section shall be determined and approved as provided in § 725.927 (a) and the State committee or its representative may review and revise or require revision of any acreage allotment so established. Written notice of such single combined farm acreage allotments and marketing quotas shall be given and mailed as provided in § 725.927 (b).

(d) For the purpose of this section the term "representative" shall mean the person named and authorized by the owner of a farm to act for him, or if there are two or more owners of the land comprising a farm, the person named and authorized by such owners to act for all of them in designating or choosing for the farm a single combined acreage allotment for either fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco. The county committee may require any person to furnish to it such evidence as it may require to reasonably establish such person as an owner or representative of an owner or owners.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets and applies sec. 313, 52 Stat. 47, as amended; sec. 315, Pub. Law 85–705, 85th Cong.; 7 U. S. C. 1313)

Done at Washington, D. C. this 15th day of September 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 58–7636; Filed, Sept. 16, 1958; 12:30 p. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

BUDGET OF EXPENSES OF ALMOND CONTROL BOARD AND RATE OF ASSESSMENT FOR CROP YEAR

Notice was published in the FEDERAL REGISTER of August 26, 1958 (23 F. R. 6600) that the Secretary was considering a proposed rule to establish a budget of expenses of the Almond Control Board of $33,000 and a rate of assessment of seventeen hundredths of a cent (.17¢) per pound of almond kernels received by handlers for their own accounts during the crop year beginning July 1, 1958. Said action was proposed to be taken in accordance with the applicable provisions of Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California. Said marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

The aforesaid notice afforded interested persons an opportunity to file data, views, or arguments concerning the proposal with the Department prior to final issuance of the rule. The prescribed time has expired and no such communications have been received.

After consideration of all relevant matters it is hereby found that expenses of the Almond Control Board in the total amount of $33,000 are reasonable and likely to be incurred by the Board during the 1958–59 crop year, and a rate of assessment of .17 cent per pound of almond kernels is necessary to provide funds to meet authorized Board expenses.

Therefore, it is ordered, That the budget of expenses of the Almond Control Board and rate of assessment for the year beginning July 1, 1958 be as follows:

§ 909.308 *Budget of expenses of the Almond Control Board and rate of assessment for the crop year beginning July 1, 1958*—(a) *Budget of expenses.* The budget of expenses for the crop year beginning July 1, 1958 shall be in the total amount of $33,000 for the maintenance and functioning of the Almond Control Board, and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order (§§ 909.1 to 909.92), determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for the said crop year shall be seventeen hundredths of a cent (.17¢) per pound of almonds, kernel weight basis, received by each handler for his own account, except almonds received from other handlers on which assessments have previously been paid.

It is hereby further found that good cause exists for not postponing the effective date of this order later than the date of its publication in the FEDERAL REGISTER for the reasons that: (1) The action will apply to all almonds received by handlers for their own accounts during the crop year which began on July 1, 1958, and such receipts of 1958 crop almonds have already begun; and (2) no advance or special preparation for operations hereunder will be needed.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 15, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 58–7633; Filed, Sept. 17, 1958; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 16]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

FIRE DETECTORS

Minimum performance standards for fire detectors for use in civil aircraft of the United States are defined in § 514.21.

Inasmuch as this amendment which provides for a measurement of response time characteristics with a flame temperature of 1100° C in lieu of 815° C is a relaxation of a rule and, as such, does not impose any additional burden upon interested persons, therefore compliance with the notice, procedures, and effective date provisions of the Administrative Procedure Act is unnecessary and is not required.

Section 514.21 (21 F. R. 6508) under Subpart B of this part is amended to read as follows:

§ 514.21 *Fire detectors–TSO–C11b*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for fire detectors which are required to be approved for use on civil aircraft of the United States. New models of fire detectors manufactured for use on civil aircraft of the United States on or after October 15, 1958, shall meet the standards of SAE Aeronautical Standard AS–401A, "Fire and Heat Detectors," revised October 1, 1949,[1] with the exceptions listed in subparagraph (2) of this paragraph. Fire detectors approved by the Civil Aeronautics Administration prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) Section 3.3, "Identification," of AS–401A need not be met for purposes of this order.

(ii) A temperature of 1100° C shall be used in lieu of 815° C specified in AS–401A, sections 7.1, Response Time, and 7.1.1, Repeat Response Time.

(b) *Marking.* In lieu of information required in § 514.3 (c), the alarm temperature shall be shown.

(c) *Data requirements.* One copy each of the operating instructions, schematic diagrams, and installation

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Ave., New York 17, New York.

procedures for the detectors shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance. Such data shall include the following:

(1) Maximum allowable normal ambient temperature at the point of detector location;

(2) Maximum allowable rate of temperature rise at point of detector location as a result of normal operation;

(3) Electrical circuit arrangement;

(4) Operating voltage;

(5) Mounting or support method; and

(6) Maximum or minimum number of units or detector length which can be used in one circuit or one fire zone without adversely affecting sensitivity or causing false indications due to temperature associated with normal operation.

(d) *Effective date.* October 15, 1958.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

SEPTEMBER 10, 1958.

[F. R. Doc. 58-7585; Filed, Sept. 17, 1958; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6314]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

INSTALLMENT METHOD OF REPORTING INCOME

On January 11, 1958, notice of proposed rule making with respect to regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under section 453 (relating to the installment method of reporting income) of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (23 F. R. 228). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so proposed are hereby adopted, subject to the changes as set forth below.

Consideration is being given to the issuance of separate rules dealing with the matter of whether income from so-called "revolving credit sales" may be reported under the installment method of accounting provided for under section 453.

PARAGRAPH 1. Section 1.453–1 is revised—

(A) By adding at the end of paragraph (b) the following sentence: "For rules applicable in determining 'selling price' and the use of certain other terms, see also paragraph (c) of § 1.453–4."

(B) By inserting between the fourth and fifth sentences of paragraph (d) the following: "For definition of the basis of an installment obligation, see section 453 (d) (2) and paragraph (b) (2) of § 1.453–9."

(C) By deleting the last sentence of paragraph (d) and inserting in lieu thereof the following: "The fair market value of the property repossessed shall be reflected in the appropriate permanent records of the vendor at the time of such repossession."

PAR. 2. Paragraph (b) of § 1.453–2 is revised.

PAR. 3. Paragraph (b) (2) of § 1.453–4 is revised by inserting immediately after the term "Deferred-payment sales" the words "of real property".

PAR. 4. Paragraph (b) of § 1.453–5 is revised by inserting between the third and fourth sentences the following: "For definition of the basis of an installment obligation, see section 453 (d) (2) and paragraph (b) (2) of § 1.453–9."

PAR. 5. Paragraph (a) (1) of § 1.453–6 is revised by deleting the first sentence and inserting in lieu thereof the following: "In transactions included in paragraph (b) (2) of § 1.453–4, that is, sales of real property involving deferred payments in which the payments received during the year of sale exceed 30 percent of the selling price, the obligations of the purchaser received by the vendor are to be considered as an amount realized to the extent of their fair market value in ascertaining the profit or loss from the transaction."

PAR. 6. Paragraph (b) (2) of § 1.453–7 is revised by inserting immediately prior to the term "self-employment income" the words "tax on".

PAR. 7. The example in paragraph (b) (3) of § 1.453–7 is revised by deleting the words "Adjustment in respect to tax of Year 3" appearing in Computation of Adjustment in Year 3 and inserting in lieu thereof the words "Adjustment to tax of Year 3".

PAR. 8. Paragraph (c) of § 1.453–8 is vised by inserting immediately after the words "may not change from the installment" the word "method".

PAR. 9. Paragraph (b) of § 1.453–9 is deleted and a new paragraph (b) is inserted in lieu thereof.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: September 12, 1958.

NELSON P. ROSE,
Acting Secretary of the Treasury.

The regulations adopted under section 453 of the Internal Revenue Code of 1954, relating to the installment method of accounting, effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except as specifically provided otherwise, read as follows:

Sec.
1.453 Statutory provisions; installment method.
1.453–1 Installment method of reporting income.
1.453–2 Special rules applicable to dealers in personal property.
1.453–3 Special rules applicable to casual sales or casual dispositions of personal property.
1.453–4 Sale of real property involving deferred periodic payments.
1.453–5 Sale of real property treated on installment method.
1.453–6 Deferred-payment sale of real property not on installment method.
1.453–7 Change from accrual to installment method by dealers.
1.453–8 Requirements for adoption of or change to installment method.
1.453–9 Gain or loss on disposition of installment obligations.
1.453–10 Effective date.

AUTHORITY: §§ 1.453 to 1.453–10, issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 1.453 *Statutory provisions; installment method.*

SEC. 453. *Installment Method*—(a) *Dealers in personal property.* Under regulations prescribed by the Secretary or his delegate, a person who regularly sells or otherwise disposes of personal property on the installment plan may return as income therefrom in any taxable year that proportion of the installment payments actually received in that year which the gross profit, realized or to be realized when payment is completed, bears to the total contract price.

(b) *Sales of realty and casual sales of personalty*—(1) *General rule.* Income from—

(A) A sale or other disposition of real property, or

(B) A casual sale or other casual disposition of personal property (other than property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year) for a price exceeding $1,000,

may (under regulations prescribed by the Secretary or his delegate) be returned on the basis and in the manner prescribed in subsection (a).

(2) *Limitation.* Paragraph (1) shall apply—

(A) In the case of a sale or other disposition during a taxable year beginning after December 31, 1953 (whether or not such taxable year ends after the date of enactment of this title), only if in the taxable year of the sale or other disposition—

(i) There are no payments, or

(ii) The payments (exclusive of evidences of indebtedness of the purchaser) do not exceed 30 percent of the selling price.

(B) In the case of a sale or other disposition during a taxable year beginning before January 1, 1954, only if the income was (by reason of section 44 (b) of the Internal Revenue Code, of 1939) returnable on the basis and in the manner prescribed in section 44 (a) of such code.

(c) *Change from accrual to installment basis*—(1) *General rule.* If a taxpayer entitled to the benefits of subsection (a) elects for any taxable year to report his taxable income on the installment basis, then in computing his taxable income for such year (referred to in this subsection as "year of change") or for any subsequent year—

(A) Installment payments actually received during any such year on account of sales or other dispositions of property made in any taxable year before the year of change shall not be excluded; but

(B) The tax imposed by this chapter for any taxable year (referred to in this subsection as "adjustment year") beginning after December 31, 1953, shall be reduced by the adjustment computed under paragraph (2).

(2) *Adjustment in tax for amounts previously taxed.* In determining the adjustment referred to in paragraph (1) (B), first determine, for each taxable year before the year of change, the amount which equals the lesser of—

(A) The portion of the tax for such prior taxable year which is attributable to the gross profit which was included in gross income for such prior taxable year, and which by reason of paragraph (1) (A) is includible in gross income for the taxable year, or

(B) The portion of the tax for the adjustment year which is attributable to the gross profit described in subparagraph (A).

The adjustment referred to in paragraph (1) (B) for the adjustment year is the sum of the amounts determined under the preceding sentence.

(3) *Rule for applying paragraph (2).* For purposes of paragraph (2), the portion of the tax for a prior taxable year, or for the adjustment year, which is attributable to the gross profit described in such paragraph is that amount which bears the same ratio to the tax imposed by this chapter (or by the corresponding provisions of prior revenue laws) for such taxable year (computed without regard to paragraph (2)) as the gross profit described in such paragraph bears to the gross income for such taxable year. For purposes of the preceding sentence, the provisions of chapter 1 (other than of subchapter D, relating to excess profits tax, and of subchapter E, relating to self-employment income) of the Internal Revenue Code of 1939 shall be treated as the corresponding provisions of the Internal Revenue Code of 1954.

(d) *Gain or loss on disposition of installment obligations*—(1) *General rule.* If an installment obligation is satisfied at other than its face value or distributed, transmitted, sold, or otherwise disposed of, gain or loss shall result to the extent of the difference between the basis of the obligation and—

(A) The amount realized, in the case of satisfaction at other than face value or a sale or exchange, or

(B) The fair market value of the obligation at the time of distribution, transmission, or disposition, in the case of the distribution, transmission, or disposition otherwise than by sale or exchange.

Any gain or loss so resulting shall be considered as resulting from the sale or exchange of the property in respect of which the installment obligation was received.

(2) *Basis of obligation.* The basis of an installment obligation shall be the excess of the face value of the obligation over an amount equal to the income which would be returnable were the obligation satisfied in full.

(3) *Special rule for transmission at death.* Except as provided in section 691 (relating to recipients of income in respect of decedents), this subsection shall not apply to the transmission of installment obligations at death.

(4) *Effect of distribution in certain liquidations*—(A) *Liquidations to which section 332 applies.* If—

(i) An installment obligation is distributed by one corporation to another corporation in the course of a liquidation, and

(ii) Under section 332 (relating to complete liquidations of subsidiaries) no gain or loss with respect to the receipt of such obligation is recognized in the case of the recipient corporation,

then no gain or loss with respect to the distribution of such obligation shall be recognized in the case of the distributing corporation.

(B) *Liquidations to which section 337 applies.* If—

(i) An installment obligation is distributed by a corporation in the course of a liquidation, and

(ii) Under section 337 (relating to gain or loss on sales or exchanges in connection with certain liquidations) no gain or loss would have been recognized to the corporation if the corporation had sold or exchanged such installment obligation on the day of such distribution,

then no gain or loss shall be recognized to such corporation by reason of such distribution.

§ 1.453–1 *Installment method of reporting income*—(a) *In general.* Section 453 permits dealers in personal property, that is, persons who regularly sell or otherwise dispose of personal property on the installment plan, to return the income from the sale or other disposition thereof on the installment method. The installment method may also be applied with certain limitations (see paragraph (c) of this section) to the sale or other disposition of real property and the casual sale or other casual disposition of certain personal property.

(b) *Income to be reported.* Persons permitted to use the installment method of accounting prescribed in section 453 may return as income from installment sales in any taxable year that proportion of the installment payments actually received in that year which the gross profit realized or to be realized when the property is paid for bears to the total contract price. In the case of dealers in personal property, for this purpose, gross profit means sales less cost of goods sold. See § 1.453–2 for rules applicable to the computation of income of dealers in personal property reporting on the installment method. In the case of sales of real estate and casual sales of personal property, gross profit means the selling price less the adjusted basis as defined in section 1011 and the regulations thereunder. Gross profit, in the case of a sale of real estate by a person other than a dealer and a casual sale of personal property, is reduced by commissions and other selling expenses for purposes of determining the proportion of installment payments returnable as income. For rules applicable in determining "selling price" and the use of certain other terms, see also paragraph (c) of § 1.453–4.

(c) *Limitations on the use of the installment method.* (1) Income from the sale or other disposition of real property or from casual sales or other casual dispositions of personal property may be reported on the installment method for taxable years beginning after December 31, 1953, only if, in the taxable year of the sale or other disposition, (i) there are no payments or (ii) the payments (exclusive of evidences of indebtedness of the purchaser) do not exceed 30 percent of the selling price.

(2) The income from a casual sale or other casual disposition of personal property may be reported on the installment method only if (i) the property is not of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, and (ii) its sale price exceeds $1,000.

(d) *Treatment of gain or loss on default by the purchaser of personal property sold on the installment plan.* If for any reason the purchaser defaults in any of his installment payments, and the vendor (whether he is a dealer in personal property or a person who has made a casual sale or other casual disposition of personalty), returning income on the installment method, repossesses the property sold, whether title thereto had been retained by the vendor or transferred to the purchaser, gain or loss for the year in which the repossession occurs is to be computed upon any installment obligations of the purchaser which are satisfied or discharged upon the repossession or are applied by the vendor to the purchase or bid price of the property. Such gain or loss is to be measured by the difference between the fair market value at the date of repossession of the property repossessed and the basis in the hands of the vendor of the obligations of the purchaser which are so satisfied, discharged, or applied, with proper adjustment for any other amounts realized or costs incurred in connection with the repossession. (See also § 1.453–6.) The basis in the hands of the vendor of the obligations of the purchaser satisfied, discharged, or applied upon the repossession of the property shall be the excess of the face value of such obligations over an amount equal to the income which would be returnable were the obligations paid in full. For definition of the basis of an installment obligation, see section 453 (d) (2) and paragraph (b) (2) of § 1.453–9. No deduction for a bad debt shall in any case be taken on account of any portion of the obligations of the purchaser which are treated by the vendor as not having been satisfied, discharged, or applied upon the repossession unless it is clearly shown that after the property was repossessed the purchaser remained liable for such portion; and in no event shall the amount of the deduction exceed the basis in the hands of the vendor of the portion of the obligations with respect to which the purchaser remained liable after the repossession. (See also section 166 and the regulations thereunder.) If the property repossessed is bid in by the vendor at a lawful public auction or judicial sale, the fair market value of the property shall be presumed to be the purchase or bid price thereof in the absence of clear and convincing proof to the contrary. The fair market value of the property repossessed shall be reflected in the appropriate permanent records of the vendor at the time of such repossession.

(e) *Other accounting methods.* If the vendor chooses as a matter of consistent practice to return the income from installment sales on an accrual method or on the cash receipts and disbursements method, such a course is permissible.

(f) *Records.* In adopting the installment method of accounting the seller must maintain such records as are necessary to clearly reflect income in accordance with this section, section 446 and § 1.446–1.

§ 1.453–2 *Special rules applicable to dealers in personal property*—(a) *In general.* A person who regularly sells personal property on the installment plan may adopt (but is not required to do so), one of the following four ways of protecting his interest in case of default by the purchaser:

(1) By an agreement that title is to remain in the vendor until the purchaser has completely performed his part of the transaction;

(2) By a form of contract in which title is conveyed to the purchaser immediately, but subject to a lien for the unpaid portion of the selling price;

(3) By a present transfer of title to the purchaser, who at the same time executes a reconveyance in the form of a chattel mortgage to the vendor; or

(4) By conveyance to a trustee pending performance of the contract and subject to its provisions.

(b) *Installment income of dealers in personal property.* The income from installment sales of a dealer, that is, a person regularly engaged in the sale of personal property on the installment plan, may be ascertained by treating as income that proportion of the total payments received in the taxable year from installment sales (such payments being allocated to the year against the sales of which they apply) which the gross profit realized or to be realized on the total installment sales made during each year bears to the total contract price of all such sales made during that respective year. A dealer who desires to compute income by the installment method shall maintain accounting records in such a manner as to enable an accurate computation to be made by such method in accordance with the provisions of this section, section 446, and § 1.446–1.

(c) *Treatment of payments on sales made in years prior to change to installment method.* No payments received in the taxable year shall be excluded in computing the amount of income to be returned on the ground that they were received under a sale the total profit from which was returned as income during a taxable year or years prior to the change by the taxpayer to the installment method of returning income. In this regard, however, see section 453 (c) and § 1.453–7 for the computation of the adjustments for amounts previously included in income in the case of a change from an accrual method to the installment method. Deductible items are not to be allocated to the years in which the profits from the sales of a particular year are to be returned as income, but must be deducted for the taxable year in which the items are "paid or incurred" or "paid or accrued". See sections 461 and 7701 (a) (25), and the regulations thereunder.

§ 1.453–3 *Special rules applicable to casual sales or casual dispositions of personal property.* Income shall be computed and reported separately for each casual sale or other casual disposition of personal property as installment payments are received in the year of sale and subsequent years. See § 1.453–1 (c) for limitations on the use of the installment method.

§ 1.453–4 *Sale of real property involving deferred periodic payments*—(a) *In general.* Sales of real property involving deferred payments include (1) agreements of purchase and sale which contemplate that a conveyance is not to be made at the outset, but only after all or a substantial portion of the selling price has been paid, and (2) sales in which there is an immediate transfer of title, the vendor being protected by a mortgage or other lien as to deferred payments.

(b) *Classes of sales.* Such sales, under either paragraph (a) (1) or (2) of this section, fall into two classes when considered with respect to the terms of sale, as follows:

(1) Sales of real property which may be accounted for on the installment method, that is, sales of real property in which (i) there are no payments during the taxable year of the sale or (ii) the payments in such taxable year (exclusive of evidences of indebtedness of the purchaser) do not exceed 30 percent of the selling price, or

(2) Deferred-payment sales of real property in which the payments received in cash or property other than evidences of indebtedness of the purchaser during the taxable year in which the sale is made exceed 30 percent of the selling price.

(c) *Determination of "selling price".* In the sale of mortgaged property the amount of the mortgage, whether the property is merely taken subject to the mortgage or whether the mortgage is assumed by the purchaser, shall, for the purpose of determining whether a sale is on the installment plan, be included as a part of the "selling price"; and for the purpose of determining the payments and the total contract price as those terms are used in section 453, and §§ 1.453–1 through 1.453–7, the amount of such mortgage shall be included only to the extent that it exceeds the basis of the property. The term "payments" does not include amounts received by the vendor in the year of sale from the disposition to a third person of notes given by the vendee as part of the purchase price which are due and payable in subsequent years. Commissions and other selling expenses paid or incurred by the vendor shall not reduce the amount of the payments, the total contract price, or the selling price.

§ 1.453–5 *Sale of real property treated on installment method*—(a) *In general.* In any transaction described in paragraph (b) (1) of § 1.453–4, that is, sales of real property in which there are no payments during the year of sale or the payments in that year do not exceed 30 percent of the selling price, the vendor may return as income from each such transaction in any taxable year that proportion of the installment payments actually received in that year which the gross profit (as described in paragraph (b) of § 1.453–1) realized or to be realized when the property is paid for bears to the total contract price. In any case, the sale of each lot or parcel of a subdivided tract must be treated as a separate transaction and gain or loss computed accordingly. (See paragraph (a) of § 1.61–6.)

(b) *Defaults and repossessions.* If the purchaser of real property on the installment plan defaults in any of his payments, and the vendor returning income on the installment method reacquires the property sold, whether title thereto had been retained by the vendor or transferred to the purchaser, gain or loss for the year in which the reacquisition occurs is to be computed upon any installment obligations of the purchaser which are satisfied or discharged upon the reacquisition or are applied by the vendor to the purchase or bid price of the property. Such gain or loss is to be measured by the difference between the fair market value at the date of reacquisition of the property reacquired (including the fair market value of any fixed improvements placed on the property by the purchaser) and the basis in the hands of the vendor of the obligations of the purchaser which are so satisfied, discharged, or applied, with proper adjustment for any other amounts realized or costs incurred in connection with the reacquisition. The basis in the hands of the vendor of the obligations of the purchaser satisfied, discharged, or applied upon the reacquisition of the property will be the excess of the face value of such obligations over an amount equal to the income which would be returnable were the obligations paid in full. For definition of the basis of an installment obligation, see section 453 (d) (2) and paragraph (b) (2) of § 1.453–9. No deduction for a bad debt shall in any case be taken on account of any portion of the obligations of the purchaser which are treated by the vendor as not having been satisfied, discharged, or applied upon the reacquisition of the property, unless it is clearly shown that after the property was reacquired the purchaser remained liable for such portion; and in no event shall the amount of the deduction exceed the basis in the hands of the vendor of the portion of the obligations with respect to which the purchaser remained liable after the reacquisition. (See section 166 and the regulations thereunder.) If the property reacquired is bid in by the vendor at a foreclosure sale, the fair market value of the property shall be presumed to be the purchase or bid price thereof in the absence of clear and convincing proof to the contrary. If the property reacquired is subsequently sold, the basis for determining gain or loss is the fair market value of the property at the date of reacquisition (including the fair market value of any fixed improvements placed on the property by the purchaser).

§ 1.453–6 *Deferred-payment sale of real property not on installment method*—(a) *Value of obligations.* (1) In transactions included in paragraph (b) (2) of § 1.453–4, that is, sales of real property involving deferred payments in which the payments received during the year of sale exceed 30 percent of the selling price, the obligations of the purchaser received by the vendor are to be considered as an amount realized to the extent of their fair market value in ascertaining the profit or loss from the transaction. Such obligations, however, are not considered in determining whether the payments during the year of sale exceed 30 percent of the selling price.

(2) If the obligations received by the vendor have no fair market value, the payments in cash or other property having a fair market value shall be applied against and reduce the basis of the property sold and, if in excess of such basis, shall be taxable to the extent of the excess. Gain or loss is realized when the obligations are disposed of or satisfied, the amount thereof being the difference between the reduced basis as provided in the preceding sentence and the amount realized therefor. Only in rare and extraordinary cases does property have no fair market value.

(b) *Title retained by vendor.* (1) If the vendor in sales referred to in paragraph (a) of this section has retained title to the property and the purchaser defaults in any of his payments, and the vendor repossesses the property, the difference between (i) the entire amount of the payments actually received on the contract and retained by the vendor plus the fair market value at the time of repossession of fixed improvements placed on the property by the purchaser and (ii) the sum of the profits previously returned as income in connection therewith and an amount representing what would have been a proper adjustment for exhaustion, wear and tear, obsolescence, amortization, and depletion of the property during the period the property was in the hands of the purchaser had the sale not been made, will constitute gain or loss, as the case may be, to the vendor for the year in which the property is repossessed.

(2) The basis of the property described in subparagraph (1) of this paragraph in the hands of the vendor will be the original basis at the time of the sale plus the fair market value at the time of repossession of fixed improvements placed on the property by the purchaser, except as provided in subparagraph (3) of this paragraph.

(3) With respect to repossessions occurring after the date of publication in the FEDERAL REGISTER of final regulations under section 453, the basis of property determined in accordance with subparagraph (2) of this paragraph shall be reduced by what would have been a proper adjustment for exhaustion, wear and tear, obsolescence, amortization, and depletion of the property during the period the property was in the hands of the purchaser had the sale not been made.

(c) *Title transferred to purchaser.* If the vendor in sales described in paragraph (a) of this section has previously transferred title to the purchaser, and the purchaser defaults in any of his payments, and the vendor accepts a voluntary reconveyance of the property, in partial or full satisfaction of the unpaid portion of the purchase price, the receipt of the property so reacquired, to the extent of its fair market value at that time, including the fair market value of fixed improvements placed on the property by the purchaser, shall be considered as the receipt of payment on the obligations satisfied. If the fair market value of the property is greater than the basis of the obligations of the purchaser so satisfied (generally, such basis being the fair market value of such obligations previously recognized in computing income), the excess constitutes ordinary income. If the value of such property is less than the basis of such obligations, the difference may be deducted as a bad debt if uncollectible, except that if the obligations satisfied are securities (as defined in section 165 (g) (2) (C)), any gain or loss resulting from the transaction is a capital gain or loss subject to the provisions of sections 1201 through 1241. If the property reacquired is subsequently sold, the basis for determining gain or loss is the fair market value of the property at the date of reacquisition including the fair market value of the fixed improvements placed on the property by the purchaser. See section 166 and the regulations thereunder with respect to property reacquired in a foreclosure proceeding.

§ 1.453–7 *Change from accrual to installment method by dealers*—(a) *In general.* A taxpayer who is a dealer in personal property and who is entitled to the benefits of section 453 (a) may elect to report his taxable income on the installment method of accounting without securing consent of the Commissioner. In the event a dealer elects to change from an accrual method of accounting to the installment method, any installment payments actually received in the year of change or in subsequent taxable years on account of sales or other dispositions of property made in any taxable year before the year of change shall not be excluded from taxable income. This means that profits attributable to installment sales even though included in taxable income in their entirety in a year of sale before the year in which the change to the installment method is made are also includible in taxable income as payments are received in the year of change and in subsequent taxable years. But the tax imposed for the year of change or any subsequent taxable years (such years being referred to as "adjustment years") beginning after December 31, 1953, shall be reduced by an adjustment proportionate to the tax attributable to the gross profit which is, by reason of the change to the installment method, included in gross income a second time, determined by the method of computation described in section 453 (c) and paragraph (b) of this section.

(b) *Adjustment to tax.* (1) The adjustment to tax under section 453 (c) (2) is determined as follows:

(i) Determine separately the portion of the tax for each taxable year before the year of change which is attributable to the gross profit from installment sales which was included in gross income in that year and which is also includible in gross income for any adjustment year;

(ii) Determine separately the portion of the tax for each adjustment year which is attributable to the gross profit described in subdivision (i) of this subparagraph;

(iii) Select for each adjustment year the lesser of the amounts determined under subdivisions (i) and (ii) of this subparagraph;

(iv) The tax imposed in any adjustment year shall be reduced by the amount as determined in subdivision (iii) of this subparagraph or the sum of all such amounts if more than one prior taxable year is involved;

(v) The portion of the tax for any taxable year attributable to the gross profit described in subdivision (i) of this subparagraph shall be that proportion of the tax determined for such year without regard to the adjustments under this paragraph, which the gross profit included in gross income in the prior year and includible in gross income for the adjustment year bears to the gross income of that year.

(2) The tax determined in any of the steps provided in subparagraph (1) of this paragraph shall be the tax imposed by chapter 1, subtitle A of the Internal Revenue Code of 1954; or chapter 1, not including subchapter D, relating to excess profits tax, nor subchapter E, relating to tax on self-employment income, of the Internal Revenue Code of 1939.

(3) The computation of the adjustment provided in section 453 (c) (2) may be illustrated by the following example:

ADJUSTMENTS IN TAX ON CHANGE TO INSTALLMENT METHOD

	Taxable years (prior to change)		Adjustment years (after change)	
	Year 1	Year 2	Year 3	Year 4
Gross profit from installment sales (receivable in periodic payments over 5 years)	$100,000		$20,000 (1) 10,000 (2) 80,000 (3)	$12,000 (4) 8,000 (5) 40,000 (6) 90,000 (7)
Other income	80,000	200,000	90,000	90,000
Gross income	180,000	250,000	200,000	280,000
Deductions	60,000	50,000	50,000	60,000
Taxable income	120,000	200,000	150,000	220,000
Tax rate assumed (percent)	30	50	40	40
Tax would be	$36,000	$100,000	$60,000	$72,000

	COMPUTATION OF ADJUSTMENT IN YEAR 3	Lesser tax portion
	Year 1 items	
In year 3 (portion of tax)	20,000/200,000×60,000=$6,000	
In year 1 (portion of tax)	20,000/180,000×36,000=$4,000	$4,000
	Year 2 items	
In year 3 (portion of tax)	10,000/200,000×60,000=$3,000	
In year 2	10,000/250,000×100,000=$4,000	3,000
Adjustment to tax of year 3		7,000

See footnotes at end of table.

ADJUSTMENTS IN TAX ON CHANGE TO INSTALLMENT METHOD—Continued

		Lesser tax portion
	COMPUTATION OF ADJUSTMENT IN YEAR 4	
	Year 1 items	
In year 4 (portion of tax)	12,000/240,000×72,000=$3,600	
In year 1 (portion of tax)	12,000/180,000×36,000=$2,400	$2,400
	Year 2 items	
In year 4 (portion of tax)	8,000/240,000×72,000=$2,400	2,400
In year 2 (portion of tax)	8,000/250,000×100,000=$3,200	
Adjustment to tax of year 4		4,800

(1) and (4) from year 1 sales.
(2) and (5) from year 2 sales.
(3) and (6) from year 3 sales.
(7) from year 4 sales.

(c) *Special rules for partnerships.* In the case of a change from an accrual method of accounting to the installment method of accounting by a partnership which is a dealer in personal property, payments attributable to installment sales under such accrual method shall be included in the gross income of the partnership in their entirety as payments are received in the year of change and in subsequent taxable years, even though included in gross income of the partnership for a year before the year in which the change to the installment method is made. Each partner's distributive share of the profits attributable to installment sales included in partnership taxable income for the year of sale and for each "adjustment year" shall be taken into account separately in accordance with section 702 (a) (8) and § 1.702–1 (a) (8). The income tax of each partner for adjustment years shall be computed with the adjustment provided by section 453 (c) (2) for amounts previously taxed. However, it is not necessary for a partner to have been a member of the partnership for the year of sale and each subsequent taxable year, including adjustment years, in order to apply the adjustment to tax provided by section 453 (c) (2).

§ 1.453–8 *Requirements for adoption of or change to installment method*—(a) *Dealers in personal property*—(1) *Adoption of installment method.* A taxpayer who adopts the installment method of accounting in the first taxable year in which he makes installment sales must indicate in his income tax return for that taxable year that the installment method of accounting is being adopted.

(2) *Change to installment method.* A taxpayer who changes to the installment method in accordance with § 1.453–7 shall attach a statement to his income tax return for the taxable year with respect to which the change is made. This statement must show—

(i) The method of accounting used in computing taxable income before the change;

(ii) The span of taxable years over which it will be necessary to compute adjustments; and

(iii) A schedule similar to the schedule shown in the example in paragraph (b) (3) of § 1.453–7, showing the computation of the required adjustments under section 453 (c) (2).

Similar statements must be attached to and filed with income tax returns for subsequent taxable years in which adjustments are required because of the inclusion of installment payments in gross income a second time.

(b) *Sales of real property and casual sales of personal property.* (1) A taxpayer who sells or otherwise disposes of real property, or who makes a casual sale or other casual disposition of personal property, and who elects to report the income therefrom on the installment method must set forth in his income tax return (or in a statement attached thereto) for the year of the sale or other disposition the computation of the gross profit on the sale or other disposition under the installment method. In any taxable year in which the taxpayer receives payments attributable to such sale or other disposition, he must also show in his income tax return the computation of the amount of income which is being reported in that year on such sale or other disposition.

(2) The information required by subparagraph (1) of this paragraph must be submitted for each separate sale or other disposition but, in the case of multiple sales or other dispositions, separate computations may be shown in a single statement.

(c) *Installment method and other accounting methods.* Notwithstanding the fact that a dealer in personal property may change to the installment method of accounting without permission, a dealer may not change from the installment method of accounting for sales on the installment plan to an accrual method of accounting or to any other method of accounting without the permission of the Commissioner.

§ 1.453–9 *Gain or loss on disposition of installment obligations*—(a) *In general.* Subject to the exceptions contained in section 453 (d) (4) and paragraph (c) of this section, the entire amount of gain or loss resulting from any disposition or satisfaction of installment obligations, computed in accordance with section 453 (d), is recognized in the taxable year of such disposition or satisfaction and shall be considered as resulting from the sale or exchange of the property in respect of which the installment obligation was received by the taxpayer.

(b) *Computation of gain or loss.* (1) The amount of gain or loss resulting under paragraph (a) of this section is the difference between the basis of the obligation and (i) the amount realized, in the case of satisfaction at other than face value or in the case of a sale or exchange, or (ii) the fair market value of the obligation at the time of disposition, if such disposition is other than by sale or exchange.

(2) The basis of an installment obligation shall be the excess of the face value of the obligation over an amount equal to the income which would be returnable were the obligation satisfied in full.

(3) The application of subparagraph (1) and (2) of this paragraph may be illustrated by the following examples:

Example (1). In 1960 the M Corporation sold a piece of unimproved real estate to B for $20,000. The company acquired the property in 1948 at a cost of $10,000. During 1960 the company received $5,000 cash and vendee's notes for the remainder of the selling price, or $15,000, payable in subsequent years. In 1962, before the vendee made any further payments, the company sold the notes for $13,000 in cash. The corporation makes its returns on the calendar year basis. The income to be reported for 1962 is $5,500, computed as follows:

Proceeds of sale of notes		$13,000
Selling price of property	$20,000	
Cost of property	10,000	
Total profit	10,000	
Total contract price	20,000	
Percent of profit, or proportion of each payment returnable as income, $10,000 divided by $20,000, 50 percent.		
Face value of notes	15,000	
Amount of income returnable were the notes satisfied in full, 50 percent of $15,000	7,500	
Basis of obligation—excess of face value of notes over amount of income returnable were the notes satisfied in full		7,500
Taxable income to be reported for 1962		5,500

Example (2). Suppose in example (1) the M Corporation, instead of selling the notes, distributed them in 1962 to its shareholders as a dividend, and at the time of such distribution, the fair market value of the notes was $14,000. The income to be reported for 1962 is $6,500, computed as follows:

Fair market value of notes		$14,000
Basis of obligation—excess of face value of notes over amount of income returnable were the notes satisfied in full (computed as in example (1))		7,500
Taxable income to be reported for 1962		6,500

(c) *Disposition from which no gain or loss is recognized.* (1) Under section 453 (d) (4), no gain or loss shall be recognized to a distributing corporation with respect to the distribution of installment obligations in certain corporate liquidations, under the following conditions:

(i) If the distribution is made, pursuant to a plan for the complete liquidation of a subsidiary meeting the requirements of section 332, to a corporation in the hands of which no gain or loss is recognized with respect to such distribution, or

(ii) If the distribution is made, pursuant to a plan for the complete liquidation of a corporation which meets the requirements of section 337, under conditions whereby no gain or loss would have been recognized to the corporation had such installment obligations been sold or exchanged on the day of distribution.

(2) Where the Internal Revenue Code provides for exceptions to the recognition of gain or loss in the case of certain dispositions, no gain or loss shall result under section 453 (d) in the case of a disposition of an installment obligation. Such exceptions include: Certain transfers to corporations under sections 351 and 361; contributions of property to a partnership by a partner under section 721; and distributions by a partnership to a partner under section 731 (except as provided by section 736 and section 751).

(3) Any amount received by a person in payment or settlement of an installment obligation acquired in a transaction described in subparagraphs (1) or (2) of this paragraph (other than an amount received by a stockholder with respect to an installment obligation distributed to him pursuant to section 337) shall be considered to have the character it would have had in the hands of the person from whom such installment obligation was acquired.

(d) *Carryover of installment method.* For the treatment of income derived from installment obligations received in transactions to which section 381 (a) is applicable, see section 381 (c) (8) and the regulations thereunder.

(e) *Installment obligations transmitted at death.* Where installment obligations are transmitted at death, see section 691 (a) (4) and the regulations thereunder for the treatment of amounts considered income in respect of a decedent.

(f) *Losses.* See sections 1201–1241, as to the limitation on capital losses sustained by corporations and the limitation as to both capital gains and capital losses of individuals.

§ 1.453–10 *Effective date.* (a) Except as provided in this section, the provisions of section 453 and §§ 1.453–1 through 1.453–7, and § 1.453–9 shall apply to any taxable year beginning after December 31, 1953, and ending after August 16, 1954.

(b) The provisions of § 1.453–8 shall apply to taxable years ending more than 90 days after the publication of final regulations under section 453 in the FEDERAL REGISTER.

(c) Under the provisions of sections 453 (b) and 7851 (a) (1) (C), section 453 (b) (1) and the regulations with respect thereto shall also apply—

(1) To a sale or other disposition during a taxable year beginning before January 1, 1954, only if the income was returnable (by reason of section 44 (b) of the Internal Revenue Code of 1939) on the basis and in the manner prescribed in section 44 (a) of such code.

(2) To a sale or other disposition during a taxable year beginning after December 31, 1953, and ending before August 17, 1954, though such taxable year is subject to the provisions of the Internal Revenue Code of 1939.

(d) Under the provisions of sections 453 (c) (1) (B) and 7851 (a) (1) (C), section 453 (c) and the regulations with respect thereto shall also apply to taxable years beginning after December 31, 1953, and ending before August 17, 1954, though such taxable years are subject to the provisions of the Internal Revenue Code of 1939.

(e) The provisions of § 1.453–6 (b) (3) shall apply to repossessions occurring after the date of publication in the FEDERAL REGISTER of regulations under section 453.

[F. R. Doc. 58–7614; Filed, Sept. 17, 1958; 8:52 a. m.]

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 631]

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

LOSSES OF ALCOHOLIC LIQUORS CAUSED BY DISASTER

The purpose of this Treasury decision is to provide regulations implementing sections 208 and 210 (a) (3) of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress).

PARAGRAPH 1. Section 208 of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress) reads as follows:

SEC. 208. *Losses of alcoholic liquors caused by disaster*—(a) *Authorization.* Where the President has determined under the Act of September 30, 1950 (42 U. S. C., sec. 1855), that a "major disaster" defined in such Act has occurred in any part of the United States, the Secretary of the Treasury or his delegate shall pay (without interest) to the person specified in subsection (b) an amount equal to the amount of the internal revenue taxes paid or determined and customs duties paid on distilled spirits, wines, rectified products, and beer previously withdrawn, which were lost, rendered unmarketable, or condemned by a duly authorized official by reason of such disaster occurring in such part of the United States after December 31, 1954, and not later than the date of enactment of this Act, if such spirits, wines, rectified products, or beer were at the time of such disaster in the possession of—

(1) The person paying such tax, or such tax and duty, or obligated to pay a determined tax, on such spirts, wines, rectified products, or beer,

(2) A bottler of distilled spirits, wines or rectified products, or a rectifier, or

(3) A wholesale or retail dealer in distilled spirits, wines, or beer,

all referred to in this section as the possessor or possessors.

(b) *To whom made.* Any payment authorized by this section may be made—

(1) To the possessor, or

(2) To any distiller, winemaker, brewer, rectifier, importer, wholesale liquor dealer, or wholesale beer dealer who replaced (or to any distiller, winemaker, brewer, rectifier, importer, or wholesale dealer who has given credit or made replacement to a wholesale dealer who replaced) for the possessor the full equivalent of distilled spirits, wines, rectified products, or beer so lost or rendered unmarketable or condemned, without compensation, remuneration, or credit of any kind in respect of the tax, or tax and duty, on such spirits, wines, rectified products, or beer.

(c) *Claims.* No claim shall be allowed under this section unless—

(1) Filed within 6 months after the date of enactment of this act, and

(2) The claimant furnishes proof to the satisfaction of the Secretary of the Treasury or his delegate that—

(A) Neither the claimant nor any possessor was indemnified by any valid claim of insurance or otherwise in respect of the tax or tax and duty on the distilled spirits, wines, rectified products, or beer covered by the claim, and

(B) The claimant is entitled to payment under this section.

Claims under this section shall be filed under such regulations as the Secretary of the Treasury or his delegate shall prescribe.

(d) *Destruction of distilled spirits, wines, rectified products, or beer.* When the Secretary of the Treasury or his delegate has made payment under this section in respect of the tax, or tax and duty, on the distilled spirits, wines, rectified products, or beer condemned by a duly authorized official or rendered unmarketable, such distilled spirits, wines, rectified products, or beer shall be destroyed under such supervision as the Secretary of the Treasury or his delegate may prescribe, unless such distilled spirits, wines, rectified products, or beer were previously destroyed under supervision satisfactory to the Secretary of the Treasury or his delegate.

(e) *Products of Puerto Rico.* The provisions of this section shall not be applicable in respect of distilled spirits, wines, rectified products, and beer of Puerto Rican manufacture brought into the United States and so lost or rendered unmarketable or condemned.

(f) *Other laws applicable.* All provisions of law, including penalties, applicable in respect of internal revenue taxes on distilled spirits, wines, rectified products, and beer shall, insofar as applicable and not inconsistent with this section, be applied in respect of the payments provided for in this section to the same extent as if such payments constituted refunds of such taxes.

Pursuant to the above provisions of law, the following new subpart, Subpart F, is added to Part 170:

SUBPART F—LOSSES OF ALCOHOLIC LIQUORS CAUSED BY A DISASTER OCCURRING AFTER DECEMBER 31, 1954, AND BEFORE THE DAY FOLLOWING THE DATE OF ENACTMENT OF THE EXCISE TAX TECHNICAL CHANGES ACT OF 1958

Sec.
170.101 Scope of subpart.

DEFINITIONS

170.102 Meaning of terms.

PAYMENTS

170.103 Circumstances under which payment may be made.
170.104 Persons to whom payment may be made.

CLAIMS PROCEDURE

170.105 Execution and filing of claims.
170.106 Return of claim for completion.
170.107 Separation of imported, domestic, and Puerto Rican liquors; separate claims for taxes and duties.
170.108 Claimant to furnish satisfactory proof.
170.109 Supporting evidence.
170.110 Supporting statement.
170.111 Replacement or credit.
170.112 Action by assistant regional commissioner.

DESTRUCTION OF LIQUORS

170.113 Supervision.

PENALTIES

Sec.
170.114 Penalties.

AUTHORITY: §§ 170.101 to 170.114 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply sec. 208, Pub. Law 85–859.

§ 170.101 *Scope of subpart.* This subpart prescribes the requirements necessary to implement section 208 of the act, concerning payments which may be made by the United States in respect to the internal revenue taxes, paid or determined and customs duties paid on distilled spirits, wines, rectified products, and beer previously withdrawn, which were lost, rendered unmarketable, or condemned by a duly authorized official by reason of a disaster occurring in the United States after December 31, 1954, and not later than the date of enactment of the act. The provisions of this subpart shall not be applicable in respect of distilled spirits, wines, rectified products, and beer of Puerto Rican manufacture brought into the United States.

DEFINITIONS

§ 170.102 *Meaning of terms.* When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine as well. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Act. The Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress).

Alcoholic liquors, or "liquors". Distilled spirits, wines, rectified products, and beer lost, rendered unmarketable, or condemned, as provided in this subpart.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner of internal revenue.

Beer. Beer, ale, porter, stout, and other similar fermented beverages (including saké or other similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume on which the internal revenue tax has been paid or determined, and, if imported, on which duties have been paid at the rate applicable thereto.

Claimant. The person to whom payment may be made as provided in § 170.104.

Commissioner. The Commissioner of Internal Revenue.

Commissioner of Customs. The Commissioner of Customs, Bureau of Customs, Treasury Department, Washington, D. C.

Disaster. A flood, fire, hurricane, earthquake, storm, or other catastrophe which has occurred in any part of the United States, after December 31, 1954, and not later than the date of enactment of the act, and which the President of the United States has determined, under the Act of September 30, 1950 (64 Stat. 1109; 42 U. S. C. 1855), was a "major disaster" as defined in such act.

Distilled spirits, or spirits. Ethyl alcohol and other distillates, such as whisky, brandy, rum, gin, and vodka, on which the internal revenue tax has been paid or determined and, if imported, on which duties have been paid at the rate applicable thereto.

Duly authorized official. Any Federal, State, or local government official in whom has been vested authority to condemn liquors made the subject of a claim under this subpart.

Duty or duties. Any duty or duties paid under the customs laws of the United States.

Full equivalent. A quantity of distilled spirits or of rectified products, in tax gallons; a quantity of wine, in wine gallons; or a quantity of beer, in barrels of 31 gallons, equal to the quantity lost, rendered unmarketable, or condemned.

Person paying tax or tax and duty. The person, such as a distiller, rectifier, winemaker, brewer, or importer who originally paid the internal revenue tax on the liquors or the person who paid such tax and customs duties on imported liquors.

Possessor. The person, bottler, or dealer in whose possession liquors subject to claim were held at the time of a disaster.

Rectified products. Liquors manufactured by rectifying, purifying, refining, mixing, or blending distilled spirits or wines and on which tax has been paid or determined, and, if imported, on which duty has been paid.

Tax. With respect to: (a) Unrectified distilled spirits, the internal revenue distilled spirits tax paid or determined thereon; (b) wines, the internal revenue wine tax paid or determined thereon; (c) rectified products, the distilled spirits tax, the rectification tax (if any), the cordial tax (if any), and the wine tax (if any), paid or determined thereon, and (d) beer, the internal revenue beer tax paid or determined thereon.

United States. When used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

Wines. All still wines, effervescent wines, and flavored wines, on which internal revenue wine tax has been paid or determined, and, if imported, on which duty has been paid.

PAYMENTS

§ 170.103 *Circumstances under which payment may be made.* Assistant regional commissioners shall allow payment (without interest) of an amount equal to the amount of tax paid or determined, and the Commissioner of Customs shall allow payment (without interest) of an amount equal to the amount of customs duties paid, on distilled spirits, wines, rectified products, and beer previously withdrawn, which are lost, rendered unmarketable, or condemned by a duly authorized official by reason of a disaster occurring in the United States after December 31, 1954, and not later than the date of enactment of the act. Such payments may be made only if, at the time of such disaster, such liquors were in the possession of (a) the person paying such tax, or such tax and duty, or obligated to pay a determined tax on such alcoholic liquors, (b) a bottler of such liquors, or (c) a wholesale or retail dealer in such liquors.

§ 170.104 *Persons to whom payment may be made.* Claims may be filed by and payment made to any of the possessors referred to in § 170.103. Claims may also be filed by and payment made to any distiller, winemaker, brewer, rectifier, importer, wholesale liquor dealer, or wholesale beer dealer who replaced (or to any distiller, winemaker, brewer, rectifier, importer, or wholesale dealer who has given credit or made replacement to a wholesale dealer who replaced) for the possessor the full equivalent of the liquors so lost, rendered unmarketable, or condemned, without compensation, remuneration, or credit of any kind in respect of the tax, or tax and duty, on such liquors.

CLAIMS PROCEDURE

§ 170.105 *Execution and filing of claims.* Claims shall be executed on Form 843 (Internal Revenue) in accordance with such instructions thereon as are applicable, and must be filed with the assistant regional commissioner of the internal revenue region in which the liquors were lost, rendered unmarketable, or condemned, within 6 months after the date of enactment of the act. In any instance where the liquors were replaced or where credit therefor was given, the person replacing or giving credit therefor and the recipient thereof shall join in the claim. Any claim under this subpart filed after the specified 6-month period will be rejected in full.

§ 170.106 *Return of claim for completion.* The regulations in this subpart contemplate that claims will be filed (a) where the possessor has received the full equivalent of the liquors before the filing of the claim, and (b) where the completion of the claim is to await determination as provided in § 170.111, of the quantity of liquors lost, rendered unmarketable, or condemned, and the quantity which may be replaced or for which credit may be given. In the event of paragraph (b) of this section, the claim will be returned to the claimant, on completion of such determination, for insertion of the necessary data.

§ 170.107 *Separation of imported and domestic liquors: separate claims for taxes and duties.* If a claim involves taxes on domestic liquors and imported liquors, the quantities of each must be shown separately in the claim. A separate claim must be filed in respect of customs duties.

§ 170.108 *Claimant to furnish satisfactory proof.* The claimant shall furnish proof to the satisfaction of the assistant regional commissioner regarding the following:

(a) That the tax or tax and duty on the liquors has been paid (or determined in the case of a person obligated to pay a determined tax);

(b) That such liquors were lost, rendered unmarketable, or condemned by a duly authorized official, by reason of damage sustained as the result of a disaster;

(c) The type and date of occurrence of the disaster and the location of the liquors at that time;

(d) That neither the claimant nor the possessor was indemnified by any valid claim of insurance or otherwise in respect of the tax or tax and duty on the liquors covered by the claim; and

(e) That the claimant is entitled to payment under this subpart.

§ 170.109 *Supporting evidence.* The claimant shall support his claim with any evidence (such as inventories, statements, invoices, bills, records, stamps, labels, and formulas) that he is able to submit, relating to the liquors on hand at the time of the disaster and averred to have been lost, rendered unmarketable, or condemned as a result thereof.

§ 170.110 *Supporting statement.* In an instance of replacement of liquors for a possessor, or of credit or replacement of liquors to a wholesale dealer who replaced liquors for a possessor, the claimant shall attest in his claim that he, as a distiller, winemaker, brewer, rectifier, importer, or dealer, as the case may be, replaced for the possessor, either directly or indirectly, the full equivalent of the liquors which were lost, rendered unmarketable, or condemned, as a result of a disaster, without compensation, remuneration, or credit of any kind in respect of the tax, or tax and duty, on such liquors.

§ 170.111 *Replacement or credit.* The replacement of liquors for a possessor, either direct or by the giving of credit or the making of replacement to a wholesale dealer who is to replace, and the completion of the claim by the claimant, may be delayed until a determination has been made by the assistant regional commissioner as to the quantities of liquors lost, rendered unmarketable, or condemned, as provided in § 170.112. The findings of the assistant regional commissioner in this respect may be made available to the persons involved in the transaction. The claim shall be fully completed with respect to evidence of the various aspects of the replacement before being further processed by the assistant regional commissioner as provided in § 170.112. Nothing in this section is to be construed as extending the 6-month period provided in § 170.105 for the filing of claims.

§ 170.112 *Action by assistant regional commissioner.* The assistant regional commissioner will date stamp and examine each claim filed under this subpart and will determine the validity of the claim in respect of the quantities of liquors covered thereby, and of any replacement claimed. The claim will then be processed by him in accordance with existing procedures. Claims involving customs duties will be forwarded to the Commissioner of Customs with a summary statement by the assistant regional commissioner concerning his findings.

DESTRUCTION OF LIQUORS

§ 170.113 *Supervision.* When allowance has been made under this subpart in respect of the tax, or tax and duty, on liquors condemned by a duly authorized official or rendered unmarketable, such liquors shall be destroyed by suitable means under the supervision of an internal revenue officer who will be assigned for that purpose by the assistant regional commissioner, unless such liquors were previously destroyed under supervision satisfactory to the assistant regional commissioner. The Commissioner of Customs will notify the assistant regional commissioner as to allowance under this subpart of claims for duty in respect of unmarketable or condemned liquors.

PENALTIES

§ 170.114 *Penalties.* Penalties are provided in sections 7206 and 7207 of the Internal Revenue Code for execution under the penalties of perjury of any false or fraudulent statement in support of any claim and for the filing of any false or fraudulent document under this subpart. All provisions of law, including penalties, applicable in respect of internal revenue taxes on distilled spirits, wines, rectified products, and beer, shall, insofar as applicable and not inconsistent with this subpart, be applied in respect of the payments provided for in this subpart to the same extent as if such payments constituted refunds of such taxes.

PAR. 2. Section 210 (a) (3) of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress), reads as follows:

SEC. 210 (a) (3). *Losses caused by disaster.* Provisions having the effect of section 5064 of the Internal Revenue Code of 1954 (as such section is included in chapter 51 of such Code as amended by section 201 of this Act) shall be deemed to be included in the Internal Revenue Code of 1954, effective on the day following the date of the enactment of this Act, and shall apply with respect to disasters occurring after such date of enactment, and not later than June 30, 1959.

Section 5064 of the Internal Revenue Code of 1954 (as such section is included in chapter 51 of such Code as amended by section 201 of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress)), reads as follows:

SEC. 5064. *Losses caused by disaster*—(a) *Authorization.* Where the President has determined under the Act of September 30, 1950 (42 U. S. C., sec. 1855), that a "major disaster" as defined in such Act has occurred in any part of the United States, the Secretary or his delegate shall pay (without interest) an amount equal to the amount of the internal revenue taxes paid or determined and customs duties paid on distilled spirits, wines, rectified products, and beer previously withdrawn, which were lost, rendered unmarketable, or condemned by a duly authorized official by reason of such disaster occurring in such part of the United States after June 30, 1959, if such distilled spirits, wines, rectified products, or beer were held and intended for sale at the time of such disaster. The payments authorized by this section shall be made to the person holding such distilled spirits, wines, rectified products, or beer for sale at the time of such disaster.

(b) *Claims.* No claim shall be allowed under this section unless—

(1) Filed within 6 months after the date on which the President makes the determination that the disaster referred to in subsection (a) has occurred; and

(2) The claimant furnishes proof to the satisfaction of the Secretary or his delegate that—

(A) He was not indemnified by any valid claim of insurance or otherwise in respect of the tax, or tax and duty, on the distilled spirits, wines, rectified products, or beer covered by the claim; and

(B) He is entitled to payment under this section.

Claims under this section shall be filed under such regulations as the Secretary or his delegate shall prescribe.

(c) *Destruction of distilled spirits, wines, rectified products, or beer.* When the Secretary or his delegate has made payment under this section in respect of the tax, or tax and duty, on the distilled spirits, wines, rectified products, or beer condemned by a duly authorized official or rendered unmarketable, such distilled spirits, wines, rectified products, or beer shall be destroyed under such supervision as the Secretary or his delegate may prescribe, unless such distilled spirits, wines, rectified products, or beer were previously destroyed under supervision satisfactory to the Secretary or his delegate.

(d) *Products of Puerto Rico.* The provisions of this section shall not be applicable in respect of distilled spirits, wines, rectified products, and beer of Puerto Rican manufacture brought into the United States and so lost or rendered unmarketable or condemned.

(e) *Other laws applicable.* All provisions of law, including penalties, applicable in respect of internal revenue taxes on distilled spirits, wines, rectified products, and beer shall, insofar as applicable and not inconsistent with this section, be applied in respect of the payments provided for in this section to the same extent as if such payments constituted refunds of such taxes.

Pursuant to the above provisions of section 210(a) (3) of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress), the following new subpart, Subpart G, is added to Part 170:

SUBPART G—LOSSES CAUSED BY DISASTER

Sec.
170.121 Scope of subpart.

DEFINITIONS

170.122 Meaning of terms.

PAYMENTS

170.123 Circumstances under which payment may be made.

CLAIMS PROCEDURE

170.124 Execution and filing of claim.
170.125 Separation of imported, domestic, and Virgin Island liquors; separate claims for taxes and duties.
170.126 Claimant to furnish proof.
170.127 Supporting evidence.
170.128 Action on claims.

DESTRUCTION OF LIQUORS

170.129 Supervision.

PENALTIES

170.130 Penalties.

AUTHORITY: §§ 170.121 to 170.130 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply sec. 210 (a) (3), Pub. Law 85–859.

§ 170.121 *Scope of subpart.* The regulations in this subpart prescribe the requirements necessary to implement section 210 (a) (3) of the act, concerning payments which may be made by the United States of amounts equal to the internal revenue taxes paid or determined and customs duties paid on distilled spirits, wines, rectified products, and beer previously withdrawn, which

were lost, rendered unmarketable, or condemned by a duly authorized official by reason of a "major disaster" occurring in the United States on and after the day following the date of enactment of the act, and not later than June 30, 1959. The provisions of this subpart shall not be applicable in respect of distilled spirits, wines, rectified products, and beer of Puerto Rican manufacture brought into the United States.

DEFINITIONS

§ 170.122 *Meaning of terms.* When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural shall include the singular, and vice versa, and words importing the masculine shall include the feminine as well. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Act. The Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress).

Alcoholic liquors, or "liquors". Distilled spirits, wines, rectified products, and beer, lost, rendered unmarketable, or condemned, as provided in this subpart.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner of internal revenue.

Beer. Beer, ale, porter, stout, and other similar fermented beverages (including saké or other similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume on which the internal revenue tax has been paid or determined, and, if imported, on which duties have been paid at the rate applicable thereto.

Claimant. The person who held the liquors for sale at the time of the disaster and who files claim under this subpart.

Commissioner. The Commissioner of Internal Revenue.

Commissioner of Customs. The Commissioner of Customs, Bureau of Customs, Treasury Department, Washington, D. C.

Disaster. A flood, fire, hurricane, earthquake, storm, or other catastrophe which has occurred in any part of the United States on and after the day following the date of enactment of the act, and not later than June 30, 1959, and which the President of the United States has determined, under the act of September 30, 1950 (64 Stat. 1109; 42 U. S. C. 1855), was a "major disaster" as defined in such act.

Distilled spirits, or spirits. Ethyl alcohol and other distillates, such as whisky, brandy, rum, gin, and vodka, on which the internal revenue tax has been paid or determined, and, if imported, on which duties have been paid at the rate applicable thereto.

Duly authorized official. Any Federal, State, or local government official in whom has been vested authority to condemn liquors made the subject of a claim under this subpart.

Duty or duties. Any duty or duties paid under the customs laws of the United States.

Rectified products. Liquors manufactured by rectifying, purifying, refining, mixing, or blending distilled spirits or wines and on which tax has been paid or determined, and, if imported, on which duty has been paid.

Tax. With respect to: (a) Unrectified distilled spirits, the internal revenue distilled spirits tax paid or determined thereon; (b) wines, the internal revenue wine tax paid or determined thereon; (c) rectified products, the internal revenue distilled spirits tax, the rectification tax (if any), the cordial tax (if any), and the wine tax (if any), paid or determined thereon; and (d) beer, the internal revenue beer tax paid or determined thereon.

United States. When used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

Wines. All still wines, effervescent wines, and flavored wines, on which internal revenue wine tax has been paid or determined, and, if imported, on which duty has been paid.

PAYMENTS

§ 170.123 *Circumstances under which payment may be made.* Assistant regional commissioners shall allow payment (without interest) of an amount equal to the amount of tax paid or determined, and the Commissioner of Customs shall allow payment (without interest) of an amount equal to the amount of customs duty paid, on distilled spirits, wines, rectified products, and beer previously withdrawn, which are lost, rendered unmarketable, or condemned by a duly authorized official by reason of a disaster occurring in the United States on and after the day following the date of enactment of the act, and not later than June 30, 1959. Payments may be made only if, at the time of the disaster, such liquors were being held for sale by the claimant.

CLAIMS PROCEDURE

§ 170.124 *Execution and filing of claim.* Claims under this subpart shall be executed on Form 843 (Internal Revenue) in accordance with such instructions thereon as are applicable, and filed (original only) with the assistant regional commissioner of the internal revenue region in which the liquors were lost, rendered unmarketable, or condemned, within 6 months after the date on which the President makes the determination that the disaster has occurred. The claim shall state all the facts on which the claim is based, and shall set forth, in detail as to each class of liquor, the quantity (tax gallons, wine gallons, barrels, etc.), the kind of tax and rate or rates applicable to each item, and the amount claimed.

§ 170.125 *Separation of imported, domestic, and Virgin Island liquors; separate claims for taxes and duties.* If a claim involves taxes on domestic liquors, imported liquors, and/or liquors of Virgin Island manufacture, the quantities of each must be shown separately in the claim. A separate claim must be filed in respect of customs duties.

§ 170.126 *Claimant to furnish proof.* The claimant shall furnish proof to the satisfaction of the assistant regional commissioner regarding the following:

(a) That the tax on such liquors, or the tax and duty if imported, was fully paid, or the tax, if not paid, was fully determined;

(b) That such liquors were lost, rendered unmarketable, or condemned by a duly authorized official, by reason of damage sustained as a result of a disaster;

(c) The type and date of occurrence of the disaster and the location of the liquors at that time;

(d) That the claimant was not indemnified by a valid claim of insurance or otherwise in respect of the tax, or tax and duty, on the liquors covered by the claim; and

(e) That the claimant is entitled to payment under this subpart.

§ 170.127 *Supporting evidence.* The claimant shall support his claim with any evidence (such as inventories, statements, invoices, bills, records, labels, formulas, stamps) that he is able to submit, relating to the quantities and identities of liquors, on which duty has been paid or tax has been paid or determined, on hand at the time of the disaster and averred to have been lost, rendered unmarketable, or condemned as a result thereof.

§ 170.128 *Action on claims.* The assistant regional commissioner shall date stamp and examine each claim filed under this subpart and will determine the validity of the claim. The claim will then be processed by him in accordance with existing instructions. Claims and supporting data involving customs duties will be forwarded to the Commissioner of Customs with a summary statement by the assistant regional commissioner regarding his findings.

DESTRUCTION OF LIQUORS

§ 170.129 *Supervision.* When allowance has been made under this subpart in respect of the tax, or tax and duty, on liquors condemned by a duly authorized official or rendered unmarketable, such liquors shall be destroyed by suitable means under the supervision of an internal revenue officer assigned for that purpose by the assistant regional commissioner, unless such liquors were previously destroyed under supervision satisfactory to the assistant regional commissioner. The Commissioner of Customs will notify the assistant regional commissioner as to allowance under this subpart of claims for duty in respect of unmarketable or condemned liquors.

PENALTIES

§ 170.130 *Penalties.* Penalties are provided in sections 7206 and 7207 of the Internal Revenue Code for the execution under the penalties of perjury of any false or fraudulent statement in support of any claim and for the filing of any false or fraudulent document under this subpart. All provisions of law, including penalties, applicable in respect of internal revenue taxes on distilled spirits, wines, rectified products, and beer, shall, insofar as applicable and not inconsistent with this subpart, be applied in respect of the payments provided for in this subpart to the same extent as if such payments constituted refunds of such taxes.

Because the time limitation for filing claims under these regulations is limited, it is found that it is impracticable and contrary to the public interest to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), or subject to the effective date limitation of section 4 (c) of such act. Accordingly, this Treasury decision shall be effective on the day following the date of enactment of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress).

[SEAL] LEO SPEER,
Acting Commissioner of Internal Revenue.

D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 12, 1958.

NELSON P. ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 58-7631; Filed, Sept. 17, 1958; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter A—Aid of Civil Authorities and Public Relations

PART 805—SAFEGUARDING MILITARY INFORMATION

MISCELLANEOUS AMENDMENTS

1. In Part 805, § 805.8 (a) is revised as follows:

§ 805.8 *Loss or other subjection to compromise*—(a) *Reporting.* If a person knows of the loss, unauthorized disclosure, or other possible subjection to compromise of classified information, he will report it without delay to his immediate superior or commander.

2. In Part 805, § 805.10 is deleted and the following substituted therefor:

§ 805.10 *Atomic energy restricted data*—(a) *Markings and notations required*—(1) *Material containing restricted data.* (i) In addition to other required classification markings and notations, all documents or other material containing restricted data and all inner covers in which restricted data is transmitted will be conspicuously marked at least once, with capital letters not less than one-quarter inch in height, as follows:

RESTRICTED DATA

ATOMIC ENERGY ACT 1954

(ii) When material is extracted from a document, or pages, sections, chapters, or other parts are so separated, each extract or part will be marked as prescribed in subdivision (i) of this subparagraph if it contains restricted data.

(b) *Dissemination*—(1) *Within Department of Defense and to contractors.* Restricted data may be disclosed only to Department of Defense personnel and to contractors of the Department of Defense and their employees who have been granted a personnel security clearance equivalent to the security classification of the information involved.

NOTE: Foreign nationals will not be permitted to have access to restricted data or classified former restricted data regardless of grade, position, employment, or nationality except for certain releases that are made in strict compliance with the Atomic Energy Act of 1954 after specific approval of the Chief of staff, USAF (Assistant Chief of Staff, Intelligence).

(2) *To other individuals.* Except as provided in subparagraph (1) of this paragraph, the disclosure or release of restricted data to any individual may be made only if the individual possesses a current Atomic Energy Commission clearance equivalent to the security classification of the information involved, and the dissemination has been approved according to § 805.11.

NOTE: Atomic Energy Commission "L" and "Q" clearances are equivalent to Department of Defense personnel security clearances for access to Confidential and Secret information respectively; a "Q" clearance with a notation showing specific Atomic Energy Commission authorization for access to Top Secret is the equivalent of a Department of Defense clearance for access to Top Secret.

(3) *Oral discussions.* When an individual discloses Restricted Data or classified former Restricted Data to other persons during discussions, he will inform them of the designation of such information.

3. Section 805.11 (f) is deleted and the following substituted therefor:

§ 805.11 *Disclosure of classified information outside the Department of Defense.* * * *

(f) *To other civilian activities.* Generally, all requests for classified information from persons or agencies outside the Department of Defense, and all proposals originating in the Air Force to release classified information to such persons or agencies will be forwarded for necessary action to the Chief of Staff, USAF.

(1) *Activities involving industrial mobilization.* Frequently the Air Force obtains information and records from civilian firms and industries regarding the mobilization of materiel and industrial organizations in case of war. If any civilian activity applies for such information or records, the application will be referred for necessary action to the Under Secretary of the Air Force. If any person is served with any process or subpoena, demanding him to produce such records, he will immediately report it to the United States Attorney for the district in which the subpoena is served; at the same time he will report it directly to the Under Secretary of the Air Force. Pending instructions from the Under Secretary of the Air Force, he will not furnish the requested information.

(2) *Litigation.* Requests or subpoenas for the appearance of witnesses before civil tribunals or for classified information or material to be used in connection with litigation will be processed in accordance with §§ 804.401 to 804.410.

(3) *Highly sensitive information.* Occasionally agencies or activities outside the Department of Defense may request highly sensitive defense information other than that being made available to them for their use in the usual conduct of Government business. No authority in the Air Force may approve such a request before referring it to the Chief of Staff, USAF, or the Secretary of the Air Force. Highly sensitive information within the meaning of this subparagraph is that which pertains to such things as: U. S. military capabilities, state of military preparedness, strategic and tactical plans, location of mobilization stocks of materiel, extremely critical munitions of war, and locations and vulnerability of target areas within the United States (especially such details as industrial complexes and communications system layouts).

(4) *Authority of chiefs of major staff offices, Headquarters USAF.* Within the limits of this section, chiefs of Headquarters USAF offices on the directorate and higher levels having primary interest in Confidential and Secret Air Force information may release it or approve its release to persons and agencies outside the Department of Defense. Also, each Deputy Chief of Staff, The Inspector General, the Assistant Chief of Staff for Guided Missiles, and the Assistant Chief of Staff, Installations, may release or approve the release of Top Secret Air Force information under the same conditions. In addition, so far as Air Force authority applies, the Director of Intelligence, Headquarters USAF, may release any classified intelligence information to agencies of the Executive branch of the Federal Government, contractors, or private individuals who participate legitimately in national intelligence activities.

(5) *Authority of commanders, major air commands.* Section 805.11 (d) and (e) authorize commanders of major air commands to release certain classified information to representatives of the General Accounting Office and to contractors and prospective contractors. Within the limits of this section, such commanders may also release or authorize the release of Confidential or Secret information to other persons or agencies outside the Department of Defense: *Provided,* That:

(i) The information originated in (and is of primary interest to) the major air command.

(ii) The release is necessary to accomplish the mission of the major air command.

(iii) The following categories and types of information are not released: war plans, proposed policies under consideration by the Air Force, intelligence, Atomic Energy Restricted Data, and cryptographic information.

(iv) Documents originated by higher authority are not released without approval of the higher authority.

[AFR 205-1, Jan. 3, 1956; AFR 205-1E, Aug. 12, 1957; AFR 205-1F, Jan. 22, 1958] (Sec. 6012, 70A Stat. 488; 10 U. S. C. 8012)

[SEAL] CHARLES M. McDERMOTT,
Colonel, U. S. Air Force, Deputy Director of Administrative Services.

[F. R. Doc. 58-7615; Filed, Sept. 17, 1958; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 31]

COLUMBIA NATIONAL WILDLIFE REFUGE, WASHINGTON

HUNTING

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to add to Chapter I, Title 50, Code of Federal Regulations, a new subpart entitled Columbia National Wildlife Refuge, Washington, and §§ 31.55 and 31.56 as set forth in tentative form below. The purpose of the proposed regulation is to permit the hunting of migratory waterfowl, coots, and deer on certain lands of the Columbia National Wildlife Refuge under certain limitations and subject to compliance with the laws and regulations of the State of Washington.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

LANSING A. PARKER,
Acting Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 12, 1958.

SUBPART—COLUMBIA NATIONAL WILDLIFE REFUGE, WASHINGTON

HUNTING

§ 31.55 *Hunting of migratory waterfowl and coots permitted.* Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, the hunting of migratory waterfowl and coots is permitted on the hereinafter described lands of the Columbia National Wildlife Refuge, Washington, subject to the following conditions, restrictions, and requirements.

(a) *Hunting area.* The following described area is open to hunting:

T. 17 N., R. 28 E., Willamette Meridian,
Sec. 10, S½SW¼ and SE¼;
Sec. 11, S½;
Sec. 12, W½SW¼NW¼, SE¼SW¼NW¼, SW¼, S½NW¼SE¼, and SW¼SE¼;
Secs. 13, 14 and 15, all;
Sec. 22, NE¼, N½NW¼, and SE¼NW¼;
Sec. 23, N½;
Sec. 24, all;
Sec. 25, E½.
T. 17 N., R. 29 E.,
Sec. 18, lots 1-4, incl., SE¼SW¼, and NE¼SE¼, and S½SE¼;
Sec. 19, lots 1-4 incl., W½NE¼NE¼, NW¼NE¼, and E½W½;
Sec. 29, S½NW¼ and S½;
Sec. 30, lots 1 and 2, N½NE¼, SE¼NE¼, E½NW¼, and NW¼NE¼SW¼;
Sec. 32, all;
Sec. 33, NE¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼, S½SW¼NE¼, SE¼NE¼, and SW¼NW¼;
Sec. 34, W½ and SW¼SW¼SE¼.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

(d) *Boats.* Subject to the requirements of Part 6 of this chapter, the use of boats without motors is permitted for the purpose of hunting.

(e) *Blinds.* Temporary blinds for the purpose of hunting may be erected, but such blinds shall be considered public property and available for general use and must be removed from the public hunting area at the end of the hunting season. The digging of pits for use as hunting blinds or for any other purpose is prohibited.

(f) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

§ 31.56 *Hunting of deer permitted.* Subject to compliance with the provisions of Parts 18 and 21 of this chapter, the hunting of deer is permitted during the period October 26 to November 30, 1958, inclusive, on all of the lands of the Columbia National Wildlife Refuge, subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Dogs prohibited.* Dogs are not permitted on the Refuge for use in the hunting of deer.

(c) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for these purposes. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

[F. R. Doc. 58-7588; Filed, Sept. 17, 1958; 8:46 a. m.]

[50 CFR Part 31]

DEER FLAT NATIONAL WILDLIFE REFUGE, IDAHO

HUNTING

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to add § 31.101 to Subpart—Deer Flat National Wildlife Refuge, Idaho, Chapter I, Title 50, Code of Federal Regulations, as set forth in tentative form below. The purpose of the proposed regulation is to permit the hunting of upland game birds on certain lands of the Deer Flat National Wildlife Refuge, Idaho, under certain limitations and subject to compliance with the laws and regulations of the State of Idaho.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

LANSING A. PARKER,
Acting Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 12, 1958.

§ 31.101 *Upland game bird hunting permitted.* Subject to the provisions of Parts 18 and 21 of this chapter and to the conditions and restrictions of §§ 31.94 to 31.100, inclusive, of this subpart, the hunting of resident upland game birds is permitted during the period October 25 to November 23, 1958, inclusive, on the lands of the Deer Flat National Wildlife Refuge, Idaho, described in § 31.94.

[F. R. Doc. 58-7586; Filed, Sept. 17, 1958; 8:45 a. m.]

[50 CFR Part 31]

WILLAPA NATIONAL WILDLIFE REFUGE, WASHINGTON

HUNTING

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to add § 31.362 to Subpart—Willapa National Wildlife Refuge, Washington, Chapter I, Title 50, Code of Federal Regulations, as set forth in tentative form below. The purpose of the proposed regulation is to permit the hunting of deer, bear, bobcats, and raccoons during a part of the 1958 State season on certain lands of the Willapa National Wildlife Refuge, Washington, under certain limitations and subject to compliance with the laws and regulations of the State of Washington.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

LANSING A. PARKER,
Acting Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 12, 1958.

§ 31.362 *Bow and arrow hunting permitted.* Subject to the provisions of Parts 18 and 21 of this chapter, the hunting of deer, bear, bobcats, and raccoons solely by means of bow (except crossbow) and arrow is permitted from October 12 to November 5, 1958, inclusive, only on that portion of the Willapa National Wildlife Refuge, Washington, designated as Long Island, subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Firearms prohibited.* The possession or use of firearms on the Refuge is prohibited.

(c) *Dogs prohibited.* Dogs are not permitted on the Refuge for the purpose of hunting.

(d) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

[F. R. Doc. 58-7587; Filed, Sept. 17, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 982, 986]

[Docket Nos. AO-238-A8, AO-296]

MILK IN CENTRAL WEST TEXAS AND RED RIVER VALLEY MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Wichita Falls, Texas, on August 6-9, 1957, pursuant to notice thereof issued on July 10, 1957 (22 F. R. 5705), upon a proposed marketing agreement and order regulating the handling of milk in the Central West Texas and Red River Valley marketing areas.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on May 19, 1958 (23 F. R. 3530), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions. On the basis of filed exceptions certain changes were made, particularly relating to the pooling provisions. In view of these changes, the Deputy Administrator, Agricultural Marketing Service, filed with the Hearing Clerk, United States Department of Agriculture, a revised recommended decision on August 12, 1958 (23 F. R. 6284). Further opportunity was provided for filing written exceptions thereto.

The material issues of record related to:

(1) Whether the handling of milk produced for sale in the Red River Valley marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk and its products;

(2) Whether marketing conditions justify regulation of the handling of such milk and, if so, whether by the issuance of a separate order to regulate the handling of milk in the Red River Valley marketing area, or by the expansion of the Central West Texas marketing area to include portions of such area;

(3) If a separate order is issued, what its provisions should be with respect to:

(a) The scope of regulation,

(b) The classification and allocation of milk,

(c) The determination of and the level of class prices,

(d) The distribution of proceeds to producers, and

(e) The necessary administrative provisions; and

(4) Whether Palo Pinto County, Texas, should be added to the Central West Texas marketing area, and whether certain other proposed amendments to the Central West Texas marketing area should be adopted.

Findings and conclusions. Issue No. 4, relating to the Central West Texas marketing order, required separate consideration from the remaining issues before the hearing, and it was disposed of through amendment of the Central West Texas order (No. 82) effective February 1, 1958 (23 F. R. 638).

With respect to the remaining issues, it is hereby found and concluded upon the evidence adduced at the hearing and the record thereof that:

(1) *Character of commerce.* All milk produced for sale in the Red River Valley marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk and its products.

Handlers located in the Texas portion of the proposed area regularly dispose of milk to wholesale and retail accounts in the Oklahoma portion of the area. Likewise, milk from Oklahoma plants is distributed to wholesale and retail customers in Texas. In the distribution of this milk, handlers in the Red River Valley marketing area are in direct competition with handlers who are regulated under the Oklahoma Metropolitan, Texas Panhandle, North Texas, and Central West Texas marketing orders. It has been determined by the Secretary that the handling of milk in the marketing areas regulated by the aforesaid orders is in the current of interstate commerce.

Milk from producers whose farms are in Oklahoma is regularly received in plants in the Texas portion of the proposed area for processing where it is intermingled with milk of Texas producers and is distributed in both Oklahoma and Texas. In addition to the milk which moves across state lines from farm to plant, there is a considerable degree of competition with interstate markets in the procurement of supplies. The production area of the Red River Valley marketing area is overlapped to a considerable extent in both Oklahoma and Texas by the milksheds of the Oklahoma Metropolitan, North Texas, and Texas Panhandle marketing areas and to a lesser extent by that of the Central West Texas marketing area.

The Red River Valley marketing area has been relatively short of milk and it has been necessary for handlers to secure supplemental supplies to meet their Class I requirements. In addition to milk which is brought in from other markets in Oklahoma and Texas, milk has been imported in substantial quantities within the past year from several points in Iowa, as well as from Kansas, Missouri, Minnesota, and Wisconsin.

(2) *Need for regulation.* The marketing and pricing conditions in the Red River Valley marketing area are such that regulation is necessary to establish and maintain orderly marketing and to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended. This can best be accomplished by the issuance of a separate marketing agreement and order program for the area. There is no basis for annexing any of the proposed area to the Central West Texas marketing area.

The problems encountered by producers in the Red River Valley marketing area are typical of those occurring in unregulated fluid milk markets where producers' cooperative associations have been unsuccessful in establishing effective bargaining relationships with handlers.

The Federal milk marketing program proposed for the Red River Valley will implement the declared congressional policy of establishing and maintaining orderly marketing conditions by:

(a) Providing a regular and dependable method for determining minimum prices to producers at level comparable to those contemplated under the Act;

(b) Establishing uniform prices to handlers for milk received from producers according to a classification plan based on the use made of such milk by the handler;

(c) Providing an impartial audit of handlers' records of receipts and utilization to further insure uniform prices for milk purchased;

(d) Providing all producers with a means whereby the weighing and testing of their milk can be checked to insure accuracy;

(e) Establishing uniform returns to producers, supplying milk to the area, and insuring that the lower returns from the sale of reserve supplies will be equitably shared by all producers;

(f) Establishing uniform rules for the operation of a market-wide base and excess plan that will (i) acquaint producers with the rules for establishing bases and determining base and excess prices, and (ii) encourage producers to deliver their milk on a more even pattern; and

(g) Providing market-wide information on receipts, sales, and other factors relating to milk marketing supplies in the area.

The lack of uniformity in prices paid producers for their milk, the wide variety of classification and pricing plans used by the several handlers in the area, and the ineffectiveness of producers in protecting themselves against sharp declines in prices brought on by price cutting

among handlers, have created unstable marketing conditions.

At the present time, no two handlers pay producers on exactly the same basis. Prices paid producers vary greatly among handlers. These factors of lack of uniformity, and the uncertainty of prices paid to producers, foster market instability and permit inequities to occur among handlers in the prices paid for producers' milk. The classification and pricing plan of the attached order is a means of establishing uniform prices for milk received from producers according to its use by each handler. The use-classification plan is equitable and will apply similarly to all handlers. To insure its effectiveness it must be supplemented by an impartial audit of handlers' records of receipts and utilization. The pooling provisions of the proposed order will provide a means of insuring uniform returns to all producers supplying each handler and an equal sharing of the lower returns associated with seasonal and other excesses of producer milk.

Many producers supplying handlers in the Red River Valley marketing area have had no effective means of insuring the accuracy of the weights and tests of their regular deliveries of milk. They have not been permitted to audit the records of the handlers to establish the accuracy of the percentage of milk paid for as base and as excess under the several base and excess plans operated by the handlers.

These plans are operated by the individual handlers and there has been no uniformity in the methods of determining the proportion of excess milk. There are some indications that the plans have operated to the benefit of a few producers and to the disadvantage of others. There is need for a Federal order to correct these inequities.

Producers have had no method for participating in the price determining decisions that govern the sales of their milk. Handlers and their representatives have discouraged producers from joining the proponent producers' cooperative associations. In at least some instances, they have refused to make deductions for association dues, even though the producer members have authorized such deductions. These actions have kept producers from exercising an effective part in determining the prices they receive for their milk or the percentage of their deliveries which will be paid for as base milk and excess milk. An order will give producers a voice in the deliberations as to what prices they should receive for their milk and will provide a means whereby the producers' associations can carry out an effective marketing service program applicable to all handlers who receive milk from their members. The classified price plan of the attached order, together with the pricing formulas contained therein, will insure sufficient quantities of pure and wholesome milk for the marketing area and will protect the interests of producers, handlers, consumers, and the general public.

(3) *Order provisions*—(a) *The scope of regulation.* A Federal milk order achieves marketing and pricing stability by requiring that regulated handlers pay at least specified minimum prices to producers in accordance with a classified-use plan established in the order, and that these payments be distributed to each producer on a uniform basis through either an individual-handler pool or a market-wide pool. It is necessary therefore, to establish clearly which plants and which milk will be subject to all or a part of the pricing provisions of an order, and which producers will participate in the distribution of returns through the type of pool specified. To identify such persons in referring to them throughout this decision and in the proposed order, such terms as "marketing area", "producer", "pool plant", "handler", "producer milk", and "other source milk" are defined and used herein.

Marketing area. The Red River Valley marketing area should be defined to include all the territory within Caddo, Carter, Comanche, Grady, Jackson, Kiowa, Stephens, and Tillman counties in Oklahoma, and Hardeman, Wichita, and Wilbarger counties in Texas, including all Federal, state, and municipal institutions or bases located therein.

Fluid milk products sold for consumption in the principal communities in the area must be approved by health authorities who administer health ordinances, practices, and procedures generally patterned after the U. S. Public Health Service Milk Ordinance and Code. Within this area, the health standards are substantially identical and are under the jurisdiction of operating health authorities.

Marketing areas as defined in the Federal milk orders are designed to cover, as nearly as is practicable, areas in which milk is sold to consumers rather than the area in which the milk is produced. The proposed order would regulate distributing plants that are in substantial competition with one another, within the defined marketing area.

The proposed marketing area as defined herein includes much less territory than was proposed by the handlers who would be subject to regulation, or than was proposed by one of the producer cooperative associations which requested the hearing. Some of the territory originally proposed in the notice of hearing was abandoned by the proponents at the hearing, and no evidence was presented in support of its inclusion in the proposed marketing area. In addition, a considerable area concerning which evidence was submitted has been eliminated in the proposed order. In defining the marketing area there has been eliminated that portion of the proposed area in which insignificant volumes of milk are disposed of by regulated handlers. At the present time, it is not feasible in defining the marketing area to include all the area in which any handler, who would be regulated by the proposed order, disposes of any milk. To do so would expand the limits of the marketing area almost indefinitely.

The recommended area encompasses all the territory within which any regulated handler sells a significant volume of milk. Further expansion of the marketing area would not enhance the effectiveness of the regulation; it might have a contrary effect by bringing under regulation plants which have only minor connection with the area proposed to be regulated.

The handlers who would be regulated sell by far the greater volume of their milk in the area which has been defined and only a very small proportion of their milk outside these counties. Individual handlers will not be disadvantaged significantly in making sales outside the proposed marketing area because:

(1) The principal competitors for out of area markets will be either handlers also regulated under the Red River Valley marketing order, or handlers regulated under the other Federal order markets; and

(2) The economies inherent in the large-scale processing and distribution of milk will tend to offset any advantage that might accrue to the occasional unregulated handler with whom they might be in competition;

Accordingly, the marketing area which is defined herein includes the territory necessary to minimize problems of competition with unregulated distributors and, at the same time, restore marketing stability to the Red River Valley marketing area.

A cooperative association with producer members supplying Wichita Falls, Texas, Handlers in its filed exceptions contended that the Texas portion of the marketing area should be regulated under a separate order. As shown above, the marketing area recommended herein is an integrated area which should include the designated counties in both Texas and Oklahoma.

Plants and milk to be regulated. Most of the plants which will be regulated under the proposed order are primarily fluid milk plants; they are engaged in manufacturing operations only to a limited degree. These plants are required to dispose of milk products in conformity with similar Grade A ordinances, either municipal or state. Any plant which is under the supervision of a municipal or state health authority and which disposes of any appreciable volume of Grade A milk as fluid milk products to wholesale or retail accounts in the marketing area, should be defined as a pool plant, and should be subject to full regulation under the proposed order.

At the hearing, it was proposed to exempt from full regulation plants disposing of only a small quantity of milk in the marketing area. The proposed exemptions ranged from an average of 100 to 300 pounds of milk per day. It has been concluded that plants which dispose of less than an average of 600 pounds per day as Class I milk to wholesale and retail outlets in the marketing area should not be considered pool plants and should be subject to only partial regulation. The limit of 600 pounds per day approximates an average-sized retail route or a small to medium-sized combination wholesale and retail route. Such volume of milk would not constitute a significant factor in the market, and it is, therefore, not necessary that such a plant be subject to full regulation under the order. Such a plant, however, should be required to furnish such reports as the market administrator may deem necessary and should be required to fulfill certain obligations under the order, including the payment of administrative assessment on the volume of milk actually disposed of as Class I in the marketing area.

The order should also provide standards for plants from which pool plants making sales to wholesale and retail outlets in the marketing area may draw their supplies. Plants shipping supplemental milk to a market ("supply plants") generally fall into two categories. One category includes plants which regularly supply milk to distributing plants, and must be considered to be closely associated with the market. At the present time, there are no plants in this category which regularly serve the plants distributing fluid milk products in the marketing area. Some provision, however, should be made to regulate plants of this type, in the event that one or more might become associated with the market. Plants of this type are a normal part of the milk procurement facilities in any market, and there is nothing in this order which would preclude any plant, wherever located, from serving the market in the future, should a need for its milk arise. This objective can be best accomplished by including in the definition of pool plant a supply plant that ships to pool distributing plants, at least 50 percent of its producer receipts during the current month. Because of the seasonal fluctuation in milk production, supply plants which may be a necessary part of the market during the season of short supply, may not be required to ship a large volume of milk during the months of flush production. Nevertheless, these plants are closely associated with the market and should be subject to regulation. Accordingly, any supply plant which qualifies as a pool plant by shipping to distributing plants at least 50 percent of its receipts during each of the months of September through December should be permitted to continue as a pool plant until September 1 of the year following, even though its shipments to the market during the January through August period are less than 50 percent of its receipts. Supply plants which fail to ship 50 percent of their receipts, during the months of September through December, cannot be considered as closely associated with the market, and should not be considered pool plants except during those months in which they actually ship 50 percent of their receipts to distributing plants.

A handler should be defined as any person who operates a pool plant or any other plant from which milk is disposed of as Class I milk on wholesale or retail routes in the area. The term, "handler", should also include a cooperative association with respect to the milk of member producers, which may be diverted for the account of such cooperative association from a pool plant to a nonpool plant. This provision is necessary to assure that producers whose milk is needed on the market may have all of their deliveries included in the computation of bases even though their milk may be temporarily diverted to a manufacturing plant during the base-forming period.

The term, "handler", is not intended to include the operation of a nonpool plant by persons who may operate both pool plants and nonpool plants. The definition should also include producer-handlers, in order that they may be required to report to the market administrator whenever the market administrator deems it necessary to determine their continued status as producer-handlers.

The term, "producer", should be defined to include any person who produces milk that meets the requirements of the Grade A ordinances of any state or municipal health authority, and which is received at a pool plant or which is caused to be diverted to a nonpool plant by a cooperative association in its capacity as a handler. The definition should be broad enough to include any person producing milk which meets the standards fixed by the several agencies of the Federal Government for milk for fluid consumption on its bases and installations, when the milk produced by such a person is received at a plant supplying milk to such Federal establishment, even though his milk may not be under inspection of a state or municipal authority.

There are within the proposed marketing area several Federal establishments. At the present time, all are purchasing milk which is approved by local health authorities. It is possible, however, that in the future milk may be disposed of to one of these establishments from a source which has been approved by the health officer of the Federal base, but which is not under inspection of any local municipal, or state, health authority. Should this happen, the persons who produce such milk should be considered producers the same as other producers who furnish milk to the marketing area.

Only a few pool plants have manufacturing facilities, and in order to facilitate the movement of milk of producers among the various pool plants, provision should be made so that milk of a producer may be diverted by a handler, other than a cooperative association, from his pool plant to the pool plant of another handler. Such diversion should be permitted for any period during the months of February through July, in the season of flush production, and for not more than 10 days' production of a producer during any month, August through January. Such diverted milk should be considered received by the diverting handler at the pool plant from which such milk was diverted; but for purposes of determining shrinkage, such diverted milk should be considered as producer milk at the pool plant to which it was diverted. Milk so diverted for more than 10 days during any month August through January should be deemed received at the plant to which it was diverted for the entire period of diversion.

Provision should also be made so that milk of producers which is regularly received at a pool plant may be diverted for the account of a handler to nonpool plants without such producers losing their status under the order. This will permit milk regularly associated with the market to be diverted to manufacturing plants during periods of flush production or over week-ends and holidays, when supply and demand relationships may require that some reserve milk be manufactured in plants not regulated by the order. However, to insure that a producer's milk is needed by the market and is associated with it, some limitation on diversion should be provided in the order. Such limitation should be made in the fall months when production is seasonally low and the market needs the milk most. Thus, provision is made to limit diversion to a nonpool plant to ten days' production of milk of a producer during any month during the period, September through December. If such diversion exceeds ten days' production of any producer, the diverted milk should not be considered producer milk for the entire period of such diversion. Subject to the foregoing qualifications, producers whose milk is diverted should continue to receive the uniform price under the order and their milk should continue to be available for fluid use when needed on the market. Diverted milk should be considered to have been received at the plant from which it was diverted. In the case of milk diverted by a proprietary handler, the handler would continue to be responsible for such milk, just as though the milk had been received in his pool plant. In the case of milk diverted by a cooperative association which does not operate a pool plant, the milk should be considered to have been received by the cooperative association at a pool plant at the same location as the pool plant from which it was diverted. The cooperative association would be the handler for such milk and would be required to account for it according to its classification and to make payment to the producer for such milk.

Some cooperative associations have members which are associated with and supply milk to different Federal order markets. Such cooperative associations may divert milk of their producer members from one market to another market. To establish under which order such diverted milk should be pooled, the producer definition should exclude any person whose milk is diverted to a pool plant by a cooperative association if such person retains his status as a producer as defined in another Federal order and his milk is classified and priced under such other order.

The term, "producer-handler", should include a person who operates a distributing plant in which he handles only milk of his own production, and such milk from other handlers as is priced under the order at such other handler's plant. A producer-handler should be subject to the order only to the extent that he must submit reports to the market administrator as required, and maintain and make available to the market administrator the accounts, records, and facilities that are necessary for the mar-

ket administrator to verify such person's status as a producer-handler. It is unnecessary to require under the order that a producer-handler pay any particular price to himself for milk produced on his own farm.

The classification provisions of the proposed order should provide that any milk, skim milk, or cream transferred by a handler to a producer-handler should be Class I milk. Supplemental purchases which may be obtained by a producer-handler from other handlers may be presumed to be needed by the producer-handler for fluid use, and should be classified in the plant of the supplying handler as Class I milk. Purchases of milk from other handlers should not jeopardize a producer-handler's status as such. Producer-handlers, however, should not be permitted to maintain their status as producer-handlers if they dispose of other source milk as Class I. To permit a producer-handler to dispose of other source milk for Class I use, could result in serious disruption of orderly marketing, since it would enable such a person to purchase distress milk from nonpool plants during the period of flush production, thereby gaining a competitive advantage over regulated handlers.

Any milk which a handler receives from a producer-handler should be considered as other source milk, and it should be allocated to the lowest class utilization at the pool plant of the handler. This method of allocating receipts from a producer-handler recognizes that sales by a producer-handler to another handler is the means by which the producer-handler disposes of his surplus milk. It would be inappropriate under these circumstances to provide for the equal sharing by the producer-handler in the Class I market of another handler with respect to the producer-handler's surplus milk.

In their exceptions handlers suggested that the market administrator be required to publish each month a list of producer-handlers and that any milk purchased by a handler from a producer-handler not on the list be considered producer milk. In a market of this size there is little likelihood that a handler would purchase the milk of a producer-handler without knowing his status. The requirement to publish such a list would be unduly cumbersome in relation to the problem to be dealt with. Accordingly, no change should be made with respect to the treatment of milk received from a producer-handler.

"Other source milk" should be defined to include all skim milk and butterfat utilized by a handler in his operations, except fluid milk products received by such handler from producers. This would include any nonfluid milk products from any source, including those produced at the handler's plant during the same or an earlier month, which are reprocessed during the current month at the plant. The other source milk would represent all butterfat and skim milk from any source not subject to the pricing provisions of the attached order. Defining other source milk in this manner will insure uniformity among all handlers under the allocation and pricing provisions of the order.

(b) *Classification of milk.* Milk received by regulated handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, it is used as either Class I milk or Class II milk.

A classified-use plan of this type will insure that minimum prices for milk will be uniform among handlers according to use, that a price may be fixed for the milk disposed of as Class I milk at a level that will bring forth an adequate supply of pure and wholesome milk, and that a necessary reserve supply of quality milk may be maintained without disrupting marketing and pricing conditions within and around the established marketing area.

The products which should be included in Class I milk are those which are required by the health authorities, exercising jurisdiction in the marketing area, to be produced from Grade A milk. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required, makes it necessary to provide for Class I milk a price somewhat higher than that received for non-Grade A milk produced for use in manufactured dairy products. This higher price should be at such a level that it will yield a return to producers that will encourage the production of enough milk to meet the requirements of the market.

The reserve milk which is not needed seasonally, or at other times during the year for Class I use, must be disposed of for use in manufactured dairy products. These products are not required to be made from Grade A milk, and must be sold in competition with similar products produced through the entire United States. Milk so used should be classified as Class II milk and should be priced in accordance with its value in manufactured dairy products.

In accordance with these standards, Class I milk should include all those products which are disposed of in the form of milk, skim milk (including reconstituted and concentrated nonfat milk solids), buttermilk, flavored milk, flavored milk drinks, cream and any mixtures in fluid form of milk, skim milk and cream, which are disposed of for fluid use, such as half and half, and all milk which cannot be accounted for as having been used to produce a Class II product.

Fluid milk products which contain concentrated skim milk solids such as skim milk drinks, fortified skim milk, and buttermilk to which extra solids have been added, or concentrated whole milk disposed of for fluid use, should be included within the definition of Class I milk, and all the nonfat solids contained therein should be priced equally. For brevity and convenience in referring to Class I milk items, they are included in a definition of "fluid milk product". Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed containers will not be considered Class I milk, since they need not be handled as fluid milk products, and are not required to be made from Grade A milk.

Skim milk and butterfat are not used in many products in the same proportions as in the milk received from producers and, therefore, should be classified separately according to their respective uses. The skim milk serum and butterfat content of milk products received and disposed of by a handler may be determined through certain recognized testing procedures. Some of these products, such as ice cream and condensed products, present a difficult problem of testing and accounting, in that some of the water contained in the milk originally has been removed. It is necessary in the case of such products to provide a special means of ascertaining the amount of skim milk and butterfat contained in or used to produce these products. This may be accomplished through the use of adequate plant records made available to the market administrator in the case of products manufactured by the handler, or by means of standard conversion factors of skim milk and butterfat used to produce such products in the case of items purchased by a handler, or where adequate plant records are not available.

The accounting procedures to be used in the case of any condensed milk product disposed of as Class I milk should be based on the pounds of milk or skim milk required in its production. Concentrated skim milk solids which are reconstituted for distribution as Class I products, or are used to fortify other Class I products are included in this category. The value of each pound of nonfat solids utilized in Class I products has a value to the handler the same as every other pound contained therein. Neither the form in which, nor the source from which, such solids are obtained change their value to the handler for this purpose. Solids contained in producer skim milk are in fluid form and are paid for on the basis of all the water that was originally associated with such solids. In order to account for skim milk solids in powder or condensed form on a basis comparable to that used in accounting for regular skim milk, it is necessary to account for such solids on the basis of the quantity of skim milk necessarily used in the production of such solids. Therefore, the accounting procedures to be used in the case of this and any other condensed product should be based on the pounds of milk or skim milk required in its production.

Each handler must be held responsible for a full accounting of all his receipts of skim milk and butterfat in any form. A handler who first receives milk from producers should be responsible for establishing the classification of, and making payment to producers for, such milk. Fixing responsibility in this manner is a practice which is followed consistently in both regulated and nonregulated markets. It is necessary, for effective administration of the provisions of the order, that equality of minimum prices among handlers be maintained. The operator of the plant at which the milk is first received from producers is the person with whom contractual relationships have been made by producers or their representatives. Except for the limited quantities of skim milk which may be classified as Class II under circumstances set forth elsewhere, all skim milk and butterfat which is received, and

for which the handler cannot establish utilization, should be classified as Class I milk. This is necessary to remove any advantage to handlers who fail to keep complete and accurate records of their operations, and to assure that producers will receive full value for their milk on the basis of its use by the handler.

All skim milk and butterfat used to produce products, other than those which are classified as Class I milk, should be Class II milk. Included as Class II milk are such products as ice cream, ice cream mixes, frozen desserts and mixes, eggnog, yogurt, aerated cream, butter, cheese (including cottage cheese), evaporated and condensed milk (both plain and sweetened), nonfat dry milk solids, dry whole milk, sour cream, and any other product not specified as Class I. Class II milk should also include skim milk and butterfat disposed of to commercial food manufacturing plants, such as wholesale bakeries, soup companies, candy manufacturers, etc., which do not dispose of fluid milk products for fluid consumption. The health ordinances do not require that the milk utilized in these products be of Grade A quality.

Cream placed in storage and frozen should be classified as Class II milk. Such cream is intended primarily for use in ice cream and ice cream mixes. Should any frozen cream or other Class II product later be utilized in the manufacture of another product, it would be considered a receipt of other source milk in the plant of the handler and would be assigned to the lowest class price utilization in the plant.

Producers proposed that sour cream be included in Class I. The record, however, fails to establish that any of the health departments having jurisdiction in the marketing area require that it be made from Grade A milk. The facts established are that most of the sour cream disposed of by handlers in the marketing area is purchased from outside sources already processed and is not generally produced from producer milk.

Classification as Class II milk should be provided for skim milk which is disposed of for livestock feed and for skim milk which is dumped by the handler after prior notification to the market administrator of his intention to do so. In some sections of the proposed marketing area, manufacturing facilities are rather limited. Many of the handlers who would be subject to the order also have rather small operations. As a consequence, there will be times when a plant will have small quantities of milk, which are in excess of its bottling requirements, and which it would be uneconomical to transport to a manufacturing plant. In such instances, the handler should be permitted to dump the skim milk contained in such milk without having it classified as Class I milk. To prevent abuse of this privilege, however, the handler should be required to notify the market administrator of his intention to dump such skim milk so that the market administrator may have the opportunity to physically verify both the quantity of skim milk to be dumped, and its actual dumping, if he desires to do so. Failure to notify the market administrator in advance would result in such milk's being considered unaccounted for, and subject to classification in Class I milk as excess shrinkage.

While it is reasonable to permit skim milk for which a handler has no use to be disposed of to farmers for livestock feed or to be dumped, there is no justification for permitting fat to be so utilized. While excess skim milk may be of no value to a handler, except in condensed form, the fat can be disposed of in ice cream and possibly in butter at any point in the marketing area. The only appreciable quantities of fat which cannot be salvaged are those contained in returns of creamed cottage cheese and flavored milk. Any loss involved in such returns is a part of the normal risk associated with doing business, and should be compensated for by the 2 percent shrinkage permitted to be classified as Class II milk.

Shrinkage up to 2 percent of the handler's receipts from producers should be permitted to be classified as Class II milk, as should all shrinkage incurred in the handling of other source milk. Shrinkage should be determined by subtracting, from the total pounds of skim milk and butterfat received by the handler, his total utilization of skim milk and butterfat respectively, in the various products handled. The resulting figure should be prorated between the handler's receipts of milk from producers and from other sources. The shrinkage associated with the other source milk and that which is allocated to producer milk, in an amount not in excess of 2 percent of the handler's receipts of skim milk and butterfat from producers, should be classified as Class II. Any shrinkage allocated to producer milk in excess of 2 percent of the handler's receipts from producers, should be classified as Class I milk.

Handlers have inventories of fluid milk products at the beginning and end of each month, which enter into the problem of accounting for current receipts and utilization. Inventory is intended to include stocks on hand of bulk milk, skim milk, cream, and bottled milk, and other fluid milk products designated as Class I milk. Manufactured products on hand are not included in the inventory to be accounted for, because either they were in processed form or the milk used to produce such products will already have been accounted for as Class II milk. As noted above, handlers will be required to keep records of such products, but they will not be included in the inventory for the purpose of accounting for current receipts. Inventory should be accounted for as Class II milk. If fluid milk products in inventory are accounted for as Class II milk at the end of the month, it will be necessary to provide a method for dealing with the producer milk in inventory which is used in the current month for Class I purposes, but which the handler accounted for to producers as Class II at the end of the preceding month. Handlers at times will also have other source milk in inventory. Producer milk from inventory should have prior claim on Class I sales over current receipts of other source milk. This can be accomplished by considering the ending inventory in one month as a receipt by the handler in the following month, and substracting such receipt in series, starting with the Class II milk remaining after the subtraction of other source receipts during the month. To the extent that opening inventory is allocated to Class I milk and there was an equivalent amount of producer milk classified in Class II in the preceding month, a reclassification charge should be made at the difference between the Class I price in the current month and the Class II price in the preceding month. This will ensure equality in the application of the minimum prices among handlers, and in returns to producers, whether such producer milk is from current receipts or from the preceding month's inventory.

Transfers. The classification of butterfat and skim milk used in the production of Class II items is established when the product is made. The classification of Class I milk should be established when butterfat or skim milk is disposed of by the handler. However, since some Class I items may be disposed of to other pool plants for processing, specified classification procedures must be prescribed for milk transferred to other pool plants.

Milk, skim milk, and cream, or other products designated as Class I milk, transferred by a handler to the plant of another handler, except a producer-handler, should be classified as Class I milk, unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II milk. The plant to which the milk is transferred, however, must have sufficient Class II utilization available for such assignment after the prior allocation of shrinkage and other source milk. Furthermore, the assignment of classification must be such that it will result in the maximum amount of producer milk at both plants being assigned to Class I milk. This is in accordance with the principle that the higher valued usage should be assigned to those producers who regularly supply the market.

In order to reduce the administrative expenses of verifying the use of milk or skim milk transferred great distances, milk or skim milk which is moved to plants located more than 350 miles from Wichita Falls, Texas, should be Class I in all cases. There are ample manufacturing facilities within 350 miles of Wichita Falls to handle all of the excess supplies that may be produced seasonally for the market. It is a very costly procedure to verify the utilization of small lots of milk or skim milk moved great distances. In the interest of maintaining administrative costs as low as possible, any milk or skim milk moved more than 350 miles from Wichita Falls should be classified as Class I.

It is as uneconomical for the market administrator to travel several hundred miles to verify the utilization of a few cans of cream, as it is to travel the same distance to verify the utilization of a tank of milk. In the case of shipments of cream, however, the shipment is frequently labeled as being for use as manufacturing grade cream only. When this

occurs and the market administrator has knowledge of the fact, cream moved more than 350 miles from Wichita Falls may be classified as Class II milk if all the following conditions are met:

(1) The transferring handler requests such a classification;

(2) It is clearly labeled as manufacturing grade cream, and is so invoiced; and

(3) The market administrator is notified, prior to the shipment, so that he may have an opportunity to verify the labeling.

The most common form of transfer to a nonpool plant is the movement of excess milk to nearby plants which have manufacturing facilities. It is provided that if milk, skim milk, or cream is transferred from a pool plant to a nonpool plant located less than 350 miles from Wichita Falls, Texas, it shall be Class I unless Class II use is established. If the transferee plant distributes milk on routes the market administrator shall first allocate to the Class I utilization in such plant, the receipts from dairy farmers who constitute its regular source of Grade A supply. If the Class I disposition of such plant exceeds its receipts from such dairy farmers the milk, skim milk, or cream transferred to such plant shall be assigned to Class I up to the amount that Class I disposition exceeds receipts from dairy farmers. Any additional amount shall be classified as Class II.

If the transferee plant does not distribute milk on routes, the milk, skim milk, or cream shall be classified as Class II milk except that: (1) if the nonpool plant transfers milk, skim milk, or cream to a pool plant, an amount equal to skim milk and butterfat transferred to the nonpool plant from other pool plants shall be classified as though it had been transferred directly between the pool plants; and (2) if skim milk and butterfat is transferred from the nonpool plant to another nonpool plant which does distribute fluid milk on routes, the skim milk and butterfat transferred from the pool plant to the first nonpool plant shall be Class I in an amount equal to that transferred to the second nonpool plant unless it is established that such skim milk or butterfat was transferred to the second nonpool plant without Grade A certification with each container labeled to show that the contents were for manufacturing use only and that the shipment was so invoiced. If, however, the transferee plant is a pool plant under another order issued pursuant to the Act, the milk received at such plant from dairy farmers who are producers under such order should receive prior claim to the Class I utilization over the fluid milk products diverted or transferred to such plant.

Allocation. Because the order prices apply only to producer milk, it is necessary, if a pool plant has butterfat or skim milk other than that received from producers, to determine the quantities of milk in each class to be assigned to current receipts from producers. The milk of producers who are regularly engaged in supplying the market should be assigned to Class I before any other milk is so assigned. This is necessary to insure the effectiveness of the classified pricing program of the order. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in detail in the order.

In general, this procedure requires that skim milk and butterfat, respectively, remaining in each class be assigned to producer milk by making the following deductions from the gross utilization of each handler, starting with Class II milk, except as otherwise noted:

(1) Class II shrinkage of producer milk;

(2) Other source milk;

(3) Opening inventory;

(4) Receipts from other pool plants according to its classification; and

(5) Overage.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described above should be carried out with respect to all milk received during each month. To apply a shorter accounting period would place a burden upon handlers and would increase substantially the cost of administering the order.

(c) *Class prices.* In order to restore and maintain orderly marketing conditions in the Red River Valley marketing area, Class I and Class II prices for producer milk must be established at levels that will reflect economic conditions affecting the market supply and demand for milk or its products, and assure the maintenance of a supply of quality milk adequate for the needs of the market. The act requires that minimum prices established by Federal milk orders meet this standard. An important point is that prices be at a level that, over a reasonable period of time, will result in a supply of milk meeting the quality standards of the market about equal to the needs of the market, considering the necessity for a reserve supply of milk and a seasonal fluctuation in production. This means that the minimum prices provided in the order can be related to general economic conditions, but they cannot be maintained out of line with such conditions or with prices in surrounding markets. If producers' prices are too low, not enough milk of acceptable quality will be produced and delivered to plants to supply the Class I needs of the market, and there will be a tendency for producers to shift to other markets where the prices are more nearly adequate. Likewise, if prices are too high, milk production will be overstimulated, consumption will tend to fall off, and there will be a tendency for producers to shift from other markets to the Red River Valley marketing area. These actions would result in a supply of milk greater than needed to supply the demands of the market, and would eventually result in the shifting of agricultural resources toward the production of unnecessary and uneconomical surplus which would reduce the uniform prices received by producers.

The Red River Valley marketing area is situated near to several other Federally regulated milk markets. As noted above, the production area for the Red River Valley overlaps the milksheds of the North Texas, Central West Texas, and Texas Panhandle marketing areas and to an even greater degree that of the Oklahoma Metropolitan milk marketing area. For this reason, it is particularly important that prices in the Red River Valley be established at a level which will not disrupt the supply and demand relations of the several surrounding marketing areas.

The prices in the Oklahoma Metropolitan marketing area are the lowest of any of the above-mentioned marketing areas. As one progresses south or west from the Oklahoma Metropolitan marketing area, prices are increased to compensate for the additional costs of transporting supplemental milk from the area of surplus production, and to compensate for the additional costs of getting milk produced in Western Oklahoma and Texas. Accordingly, the price for Class I milk in the Red River Valley marketing area must be higher than that established in the Oklahoma Metropolitan milk marketing order, and lower than those provided in the Texas marketing orders.

The price for milk received at pool plants located in Texas should be 15 cents higher than the Class I price established under the Oklahoma Metropolitan milk marketing order. At all other pool plants located within 100 miles of the City Hall in Wichita Falls, Texas, it should be 10 cents higher than the price established under the Oklahoma Metropolitan marketing order. At all other plants a location differential should apply based on the distance such plants are from the City Hall in Wichita Falls, Texas. This level of prices will maintain a proper alignment between the Red River Valley marketing area and the Federal marketing areas mentioned above. A greater difference in prices between the Oklahoma Metropolitan marketing area and the Red River Valley marketing area would place handlers in the Red River Valley at a competitive disadvantage with plants regulated under the Oklahoma Metropolitan marketing order, which dispose of milk in the Red River Valley marketing area and in the area lying between the Oklahoma Metropolitan and the Red River Valley marketing areas. At the same time, a price less than that provided would afford handlers regulated under the Red River Valley marketing area, especially those located south of the Red River, a competitive advantage over handlers whose milk is priced under the North Texas or Central West Texas marketing orders.

If the Class I pricing as proposed herein had been operative, the Class I price at Wichita Falls, Texas, in 1956 would have ranged from about $5.15 to $5.75, and averaged $5.48 per hundredweight. For the first six months of 1957, an average Class I price of $5.19 per hundredweight would have resulted.

Comparable Class I prices actually paid by handlers in the Red River Valley marketing area are not available, but prices reported to have been paid producers for base milk in 1956 ranged from about $4.75 to $5.65 per hundredweight; and for the first six months of 1957, they ranged from about $4.50 to $5.45 per hundredweight.

Exceptions to the Class I pricing provisions of the order were filed by several handlers who are subject to regulation under the Central West Texas order and by the cooperative association which supplies them with milk. It was their contention that the proposed price is too low and would place them at a competitive disadvantage. Their opposition is based largely on a comparison of the prices that would have prevailed under the proposed order with the prices that were actually effective in Central West Texas during the past four years. During a substantial portion of that period, however, the latter price was not based on the formula provided, but was fixed at a somewhat higher level because of the extreme drought which prevailed.

Were the proposed order in effect in July 1958, the Class I price would be 32 cents below the Central West Texas price at Abilene. This figure is very close to that which the exceptions allege should prevail.

On an annual average the difference in price between Wichita Falls and Abilene will exceed the above figure by a few cents. To increase the price at Wichita Falls, however, to bring it nearer to the Abilene price would cause a misalignment in price between Wichita Falls, and the Oklahoma Metropolitan, North Texas, and Texas Panhandle marketing areas.

Class II milk. Every fluid milk market needs a reserve supply of Grade A milk to meet day-to-day fluctuations in receipts from producers and in Class I sales. While sales of milk vary considerably on a day-to-day basis, they are rather uniform from season to season. Milk supplies, however, because of the seasonal variations in production, are greater during the late winter and spring months than they are in late summer and fall. As a result, handlers must process on a year-round basis the daily and seasonal surplus into various manufactured products. Since milk going into these products must be paid for at the Class II price, this price must be fixed at a level which will encourage handlers to accept whatever quantities of such milk may be offered from time to time by the producers who supply the market. It is of equal importance that the price be at a level which will return to producers the full value for their milk.

All products which are included in Class II may be made from milk which does not meet the requirements of the Grade A ordinances. Grade A milk which may be used in these products by regulated handlers, must be priced at a level which is competitive with the cost of alternative supplies of milk that would otherwise be used in the manufacture of such products. Ice cream, cottage cheese, and condensed milk are the most important outlets for reserve and surplus supplies on the market.

In the past, the Red River Valley has been relatively short of milk during the late summer and fall months, and it has been necessary for handlers to rely on receipts of ungraded milk to process the Class II products which they manufacture during the season of short supply. When milk is not available locally, these products have been purchased, for the most part, in the form of powder, condensed skim, and cream. It seems appropriate, therefore, that the formula for pricing Class II milk, at least during the season of short supply, should be one which would reflect the cost of obtaining supplies from alternative sources. Such a formula would be one which is based on the market value of butter and nonfat dry milk solids. One of the alternative formulas used for determining the Class I price under the Oklahoma Metropolitan milk marketing order is a formula based on the Chicago market prices of butter and nonfat dry milk solids. Since, as has been noted above, the prices in the Red River Valley marketing order must be aligned to those in the Oklahoma Metropolitan Order, the price for Class II milk under the Red River Valley marketing order during the season of short supply should be identical to the butter-powder formula in the Oklahoma Metropolitan milk marketing order. This formula arrives at a price for the butterfat by subtracting 3 cents from the price of 92-score butter at Chicago, adding 20 percent thereto, and multiplying by 4. The value of the skim milk is determined by subtracting from the average prices of nonfat dry milk solids both spray and roller process, f. o. b. manufacturing plants in the Chicago area, 5.5 cents, multiplying by 8.5, and then multiplying by 0.96. This is the price which should be effective for the months of August through January, inclusive.

During the months of heavier production, it will be necessary for many of the handlers in the Red River Valley marketing area to move excess supplies to nearby manufacturing plants for processing into Class II products, since the facilities of handlers for processing whole milk into manufactured dairy products are limited, particularly in the Texas portion of the proposed marketing area. During this period of the year, the Class II price should be one which will enable handlers to dispose of excess supplies to manufacturing plants without incurring a substantial loss on the transaction. The best reflector of the value of milk for Class II products during the months of flush production is the price paid by manufacturing plants for ungraded milk for use in these products. The Class II price during the months of February through July, therefore, should be the average of the prices paid for ungraded milk by the following plants: American Foods Company, Miami, Oklahoma; Gilt Edge Dairy, Norman, Oklahoma; the Muskogee Dairy Products Company, Muskogee, Oklahoma; the Page Milk Company, Coffeyville, Kansas; the Pet Milk Company, Siloam Springs, Arkansas; and the Real Test Foods Company, Tulsa, Oklahoma. These are the same plants whose pay prices are used in determining the Class II prices under the Oklahoma Metropolitan marketing order.

Prices determined in this manner will insure that handlers will make every effort during the months of short production to see that available supplies of producer milk are used in Class I to the greatest extent possible. It will also insure that handlers will be able to move surplus milk into manufacturing channels when it cannot be utilized in Class I on the market.

Producers proposed that for certain products, such as cottage cheese, ice cream, and similar products a Class II price be established somewhat higher than the price fixed for milk going into butter, cheese, nonfat dry milk solids, and other commodities which are less perishable and less bulky. At this time, it is not feasible to establish a separate classification for such products. Such products may be disposed of freely in the marketing area, regardless of whether they have been made from Grade A milk. Large quantities of cottage cheese and ice cream are distributed over the entire marketing area by plants which are subject to regulation under other Federal marketing orders, as well as by manufacturing plants which are completely free of regulation. Pricing milk going into these products at a somewhat higher level than the Class II price in surrounding markets, or than the price paid by unregulated manufacturing plants, would place regulated handlers at a competitive disadvantage and might result in their refusing to accept from producers more milk than was needed for their Class I use. Refusal by handlers to accept milk for use in ice cream, cottage cheese, and similar products would create disorderly marketing and would pose a severe problem for the cooperative association in disposing of the seasonal surplus in the market.

Location differentials. Class I milk products, because of their bulky, perishable nature, incur relatively high transportation costs, if such products or the milk used to produce them are moved a considerable distance. Milk delivered by farmers directly to plants in or near the centers of population is therefore, worth more to a handler than milk which is received from farmers at a plant located many miles from the point at which the milk is distributed. On such milk the handler must incur the additional cost of moving the milk to a central market. The producer, in turn, receives less for milk delivered to points distant from the central market in lieu of incurring the additional cost of hauling his milk directly to the central market. Under these conditions, the value of milk delivered by producers to plants located some distance from the central market is reduced by approximately the cost of transporting such milk from the point of receipt to the central market.

At the present time, there are no supply plants regularly furnishing milk to the Red River Valley marketing area. With the rapidly changing pattern that is developing in the milk industry, it is possible, however, that in the near future supply plants may begin to furnish milk to the market on a regular basis. In order to allow for the cost of moving Class I milk from distant plants that might become regular sources of supply for the market, it is necessary to establish the Class I price for milk delivered to plants at a point in the marketing

area and then provide a schedule of deductions from the Class I price as location differentials or adjustments. The city of Wichita Falls, Texas, is the largest population center in the proposed marketing area. It is also the most distant from alternative sources of supply and, therefore, the cost of milk from surplus producing areas delivered to Wichita Falls would be greater than at other population centers in the marketing area. Accordingly, the Class I price should be established at Wichita Falls. Because of the extensive nature of the marketing area and its peculiar location in relation to sources of supply and to other marketing areas, the prices at all points in Texas should be the same as that at Wichita Falls. At plants located in Oklahoma and within 100 miles of Wichita Falls, the price should be 5 cents less than the price at Wichita Falls. At all other plants, the price should be reduced 1.5 cents per hundredweight for each 10 miles or fraction thereof that such plant is more than 100 miles distant from the City Hall at Wichita Falls, Texas. Although, normally, location differentials are uniform at the same distance from the central market regardless of the direction in which the plant is located, in the present instance, it is desirable to permit the deduction of a location differential only at those plants which are located north and east of Wichita Falls. Because the areas to the south and west are generally a deficit production area and the costs of alternative supplies in that area are higher than they are further north, prices at plants in other West Texas marketing areas are higher than those proposed for the Red River Valley marketing area by approximately the amount of the additional cost of transporting supplemental supplies from the surplus production areas in the north central states. If the prices at plants south of the Red River Valley were reduced because of their distance from the marketing area, it is possible that plants presently regulated under the Central West Texas marketing order might attempt to become regulated under the Red River Valley marketing order. If this were to happen, the prices such plants were required to pay would be substantially less than the prices paid by other plants regulated under the Central West Texas marketing order. The resulting competitive advantage enjoyed by such a handler would disrupt the orderly marketing in the Central West Texas marketing area.

One of the exceptions proposed that the location differential be revised so as to provide a Class I price at Ardmore, Oklahoma, four and one-half cents less than the price at Lawton, Oklahoma. This exception is denied since Ardmore is at least as far from the Oklahoma Metropolitan marketing area as Lawton is and is closer to the North Texas marketing area than any other point at which a plant is located in the Oklahoma portion of the proposed marketing area.

The proposed rate of 1.5 cents for each 10 miles or fraction thereof that a plant is more than 100 miles from the City Hall in Wichita Falls, Texas, reflects the actual cost of transporting milk in tank trucks. This rate is comparable to that which is generally contained in other Federal milk marketing orders.

A method is provided for determining, if necessary, the priority of milk from various plants and allocating milk to Class I use by computing the aggregate value of the location adjustments to be allowed, such adjustments to be made in sequence in the order that such plants are distant from the City Hall in Wichita Falls, Texas.

The value of milk used in manufactured dairy products is affected very little, if at all, by the location of the plant receiving and processing such milk. This occurs because of the differences in the cost of moving the two types of product.

Fluid milk products are bulky, easily contaminated, and highly perishable, whereas, such products as butter, cheese, and nonfat dry milk solids are easily transported and may be stored for long periods of time, and have a high value relative to the cost of transporting them. The cost of such products is virtually the same at the plant of origin as it would be delivered to Wichita Falls. For this reason, the price for Class II products varies little, regardless of the location of the plant. Accordingly, no adjustment should be made in the Class II price by reason of the location of the plant at which the milk is received from producers.

In line with the economic considerations which affect the value of milk for fluid uses when it is delivered by farmers to plants located some distance from the consuming market, it is necessary and appropriate that the prices paid producers for milk delivered to plants at which a location differential applies should also be reduced at the same rate to reflect the lower value of such milk, f. o. b. the point of actual delivery, in contrast to its value when delivered to Wichita Falls.

Butterfat differentials. As noted above, it has been concluded that butterfat and skim milk should be accounted for and classified separately. It will be necessary, therefore, to adjust the Class I and Class II prices in accordance with the average butterfat content of the milk in each class by a butterfat differential that will reflect differences of value due to variations in the butterfat content of such products. In order to maintain prices on the same basis as those in surrounding markets, prices for the Red River Valley marketing area should be computed and announced in terms of milk of 4.0 percent butterfat content.

The butterfat differentials for Class I milk and Class II milk should be appropriate to the level of class prices provided for herein for Class I milk and Class II milk. To achieve this end, the Class I price should be increased or decreased, for each one-tenth of 1 percent of butterfat content above or below 4.0 percent, by the value obtained by multiplying the Chicago butter price for the preceding month by 0.125. The Class II differential would be determined by multiplying the Chicago butter price for the current month by 0.115.

The use of butterfat differentials in this manner is practiced in most fluid milk markets for adjusting for butterfat variations. At these levels they reflect the situation in the market and will maintain the prices in this market in proper alignment with prices in surrounding markets, regardless of the butterfat content of the milk. Identical butterfat differentials are provided in the Oklahoma Metropolitan marketing order.

In order that the Class I butterfat differential may be announced early each month, at the same time that the Class I price is announced, the Class I butterfat differential should be based on the average price of butter during the preceding month. Since Class II prices will not be announced until after the end of the month, and will be based on market prices of commodities during the month in which the milk is manufactured, the Class II butterfat differential should be based on the value of butter during the month in which the milk is utilized. Accordingly, the Class II butterfat differential should be based on the price of butter during the current month, and should be announced at the end of the month at the same time as the Class II price is announced. Although handlers will not know the cost of such milk until after it is utilized, they will know that in any sales competition with other processors of manufactured dairy products, whether regulated or not, they will be paying for milk on the basis of current market prices the same as their competitors.

The butterfat differentials used in making payments to producers should be calculated at the average of the returns actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of the butterfat in producer milk which is classified in each class. Thus, producer returns for butterfat will reflect the actual sales value of the butterfat in their milk at the class prices provided in the order. The producer butterfat differentials in no way affect the amount of a handler's obligations which are computed at the class prices. It is merely a means of prorating returns among producers in accordance with the variations in the butterfat test of the milk which they deliver.

Equivalent prices. A provision should also be written in the order directing the market administrator to use a price determined by the Secretary to be comparable, in the event that any of the prices used in making the various computations provided in the order is not published and available to the market administrator. This would prevent the lack of a price quotation from affecting the operation of the order. Such a provision is incorporated in most milk marketing orders.

Compensatory payments. A compensatory payment should be assessed on other source milk disposed of as Class I milk.

Some handlers in the proposed marketing area have made a practice of keeping their purchases of milk from producers at the lowest possible level even during the months of flush production and have relied on purchases of milk from other plants to fulfill their Class I requirements. These handlers have purchased distress milk, particularly during the season of flush supplies, from other markets or from other plants in the market, at prices equal to or slightly in excess of its manufacturing value, and have used such milk for Class I purposes. Such practices have had a demoralizing effect on the market and contributed greatly to the chaotic conditions which led producers to request a marketing order for the Red River Valley.

An important function of an order is to insure that handlers paying producers the Class I price for fluid milk will not be placed at a disadvantage by other handlers using the market's excess or surplus milk for Class I use. It is equally important that the Class I market be protected from the use of seasonal excess milk from other markets, as well as from its own surplus. If the order fails to provide such protection, handlers could continue to curtail purchases of milk from producers to their own advantage and secure low cost surplus supplies from other markets for Class I use.

Seasonal supplies may be obtained easily and cheaply during the months of flush production when most markets have receipts of milk considerably greater than necessary to supply their regular fluid requirements. If adjoining milksheds were to dispose of seasonal surpluses in each other's Class I markets, the result would be confused and disorderly marketing conditions. Class I prices would be demoralized, production of milk would be impaired, and the future permanent supply of milk of both markets would be in jeopardy. Such disorderly marketing conditions would be contrary to the purposes of the act. Therefore, in order to insure the effectiveness of the classified pricing program, and to promote orderly marketing, it is necessary that some method of compensating for or neutralizing the effect of the advantage created for unpriced milk should be provided as an essential provision of this order.

It is concluded therefore that the inclusion of compensation payment provisions in the order is necessary to insure against the displacement of producer milk for the purpose of cost advantage. This is essential to preserve the integrity of the classified pricing program of the order. Since minimum class prices may not be set under the order for plants which do not participate in the market-wide equalization the only alternative is to levy a charge against unpriced milk for the removal of any advantage there may be in using unregulated milk in Class I instead of producer milk.

The rate of the compensatory payment on other source milk should be the difference between the Class I and Class II prices during the months of February through July, and the difference between the Class I price and the uniform price during the remainder of the year.

Surplus fluid milk would be available to Red River Valley handlers from unregulated markets during the months of February through July. The alternative outlet for such milk is in manufactured dairy products. A fair index of the value of such milk when used in manufactured dairy products is the Class II price proposed herein. This represents the actual value of such other source milk during these months.

During the remainder of the year when milk is in much shorter supply, and there is a much greater demand for fluid milk for bottled use, handlers in the Red River Valley will not be able to purchase milk at its value for manufacturing. During these months, it is likely that the minimum price at which handlers would be able to purchase fluid milk from unregulated sources would be one equivalent to the uniform price computed under the Red River Valley order. During the months of August through January, therefore, the rate of the compensatory payment on other source milk should be equal to the difference between the uniform price and the Class I price. The purpose of this provision is to remove any price advantage the handler may have in using unregulated milk, and hence, in making the adjustment for butterfat content, both the Class I price and the uniform price should be adjusted by the Class I butterfat differential, and not by the producer differential which is otherwise used in adjusting the uniform prices.

In addition to the other source milk which may enter the market in the form of fluid milk products, there are times when other source milk will be imported from unregulated sources in concentrated form for use as Class I milk. In order to remove the price advantage a handler might have through the reconstitution of such products into fluid milk products, the rate of compensatory payment on other source milk received in concentrated form should be the same as on that received in the form of fluid milk products.

Since the handler must pay the cost of transporting other source milk from the plant of origin to the marketing area, the rate of the compensatory payment on other source milk should be reduced by the amount of the location differential which would apply at the plant of origin were it a regulated plant under the proposed order. No location differential should be deducted, however, in the case of condensed skim milk or nonfat dry milk which at times may be allocated to Class I use. In the case of these products it would be extremely difficult and at times impossible to determine the plant of origin. They may pass through several hands between the manufacturer and the ultimate user and the output of many plants in many different localities may be commingled by the broker or jobber from whom such products are acquired. The administrative difficulties which would be involved make it impractical to apply location differentials to the payment associated with condensed skim milk and nonfat dry milk. Moreover, since the cost of transporting milk solids in concentrated form is slight in terms of its milk equivalent, the difference in cost to handlers would be negligible.

In computing the applicable location differential, if a handler has received other source milk from two or more nonpool plants, the amount of skim milk and butterfat allocated to Class I milk should be considered to have been received from the plants in sequence, according to the smallest location adjustment applicable.

In addition to the other source milk which may enter the market through pool plants, other source milk may also be distributed within the marketing area directly from nonpool plants. There is no evidence of distribution within the marketing area at the present time by plants which would not meet the requirements of pool plants. There are plants, however, in the vicinity which could extend their distribution routes into the marketing area and by preserving their unregulated status could operate with a substantial price advantage over regulated handlers unless provision is made to assure that all competing plants pay the minimum class prices.

The compensatory payment applicable to other source milk disposed of from nonpool plants on routes in the marketing area should be the same as that applicable to other source milk disposed of through pool plants. This is the only method of dealing with such problems which was considered. It will remove the advantage that might accrue to a nonpool plant should it begin the distribution of other source milk in the marketing area.

No compensatory payment should apply to other source milk which is classified and priced under another Federal milk order whether such milk is disposed of in the market directly from such plant or through a pool plant. In either case its proper classification and price would have been determined by the other order.

Payments to producers—(a) Type of pool. The order should provide for a market-wide pool, rather than for an individual-handler pool as proposed in the recommended decision.

The market-wide pool was proposed by producers. Under the market-wide pool, all producers delivering milk to all pool plants would receive uniform prices for all milk so delivered regardless of the use made of such milk by the handler to whom it is delivered. Under the individual-handler pool the producers supplying each of the regulated handlers would be paid a blend price based upon the proportion of the receipts of producer milk classified as Class I milk and Class II milk at the plant(s) of the particular handler receiving the milk. Under either type of pool, the uniform or blend prices are subject to adjustment for location and the butterfat content of the milk. Producers may also be charged different rates for hauling their milk from the farm to the plant. These rates, however, are not established by the order.

Three cooperative associations whose members supply milk to the market, in their exceptions, requested a market-wide type of pool. One of them, as noted above, requested that the Texas portion of the area be established as a separate marketing area with a market-wide pool, at least for that portion of the area; the others urged a market-wide pool be adopted for the entire area. Under the conditions prevailing in the market it is concluded that a market-wide type of equalization pool would be most effective in establishing and maintaining

orderly marketing and pricing conditions.

Only two of the pool plants in the marketing area are equipped to process any appreciable quantity of the reserve and surplus milk.

One of these plants manufactures all of the cottage cheese for several other handlers in the market. For this reason, and those already pointed out in the discussion of the necessity for an appropriate Class II price, the type of pool established should provide for an equitable sharing, particularly during the flush production season, of the lower returns that will inevitably accompany an adequate and necessary reserve of milk.

A market-wide pool will permit any handler to bid on such business as that offered by the many military installations and other public institutions located in and adjacent to the marketing area, and obtain the necessary milk to supply such sales without upsetting the market stability whenever the contracts for supplying such installations might shift from one handler to another.

There are two cooperative associations which are in a position to assume the responsibility for removing the reserve and surplus milk of their member-producers. A market-wide pool will facilitate the movement of milk by these associations between handlers to meet their individual needs or to move milk, which is not needed on the market, to manufacturing plants. A market-wide pool will aid the market in retaining qualified producers during periods of seasonal surplus by permitting them to receive the market-wide uniform price regardless of the utilization of their milk. This is necessary if their milk is to be available to fill the Class I requirements of the market at other seasons of the year. These factors and the variation in the amount of reserve supplies among the several plants all support the adoption of a market-wide pool.

Base and excess plan. A base and excess plan of distributing returns for milk among producers should be employed in connection with the "market-wide" pool established herein. Receipts of milk from producers vary between spring and fall months in a much greater degree than do Class I sales. In addition, some handlers have difficulty in using, during the periods of seasonally high production, all of the milk delivered to them by producers. Consequently, there is a need for an incentive to maintain production in the late summer and fall months, relative to that of the winter and spring months.

Handlers and producers on the market are now relying on various forms of base-excess plans to provide the incentive needed to induce local dairymen to strive for a more nearly level milk production throughout the year. The presently operated plans have served a function in the market, even though their operation has been deficient from the standpoint of equality between handlers and fairness to producers. These conditions can arise because the distributors themselves establish the rules of the base-excess plan and control the adjustment and transfers of bases. Producers have no say whatever in the operations of the several base plans now in use.

Base and excess plans have proved an effective means of improving the seasonal pattern of milk deliveries, because they relate producers' returns directly to the deliveries of milk in the late summer and fall months when production conditions are more difficult and milk is less plentiful. Such a plan will help to achieve a production which is more nearly fitted to the sales pattern of fluid milk products in this area. Were some version of this plan not included in the attached order, the most likely results would be increased seasonality in production with the attendant problems of surplus disposal in the months of flush production and the need for additional imports of supplemental milk in the short production months. The base and excess plan uniformly applied to all producers, by being incorporated in the attached order, will play an essential part in stabilizing market conditions by encouraging the trend to a more nearly even production seasonally.

The base and excess plan proposed herein would establish for each producer a base equal to his average daily deliveries during the four months of September through December. If a producer did not deliver milk to the market during the entire period, the days of actual delivery from the first day of delivery, but not less than 90, would be used.

During the months of March through June, separate uniform prices will be computed for base milk and excess milk for the purpose of allocating Class I sales to base milk. Base milk would be that quantity of milk delivered by each producer up to his average daily base multiplied by the number of days in the month during which he delivers milk to any pool plant. The excess price would be the Class II price, except in those months when total Class I sales exceed the total quantity of base milk. During such months, the excess price would be a blend of the actual Class I and Class II utilization of excess milk.

Provision is made for producers who may enter the market after the start of the base-forming period to establish a full base by delivering a minimum of 90 days during the specified period. Producers delivering milk for less than 90 days will have their bases calculated by dividing their total deliveries during the base-forming period by 90.

Provision also is made for a person who becomes a producer after the base-forming period, and who has established a base under another Federal order, to be assigned a base equal to that which he would have received if he had been a producer during the base-forming period. This provision should facilitate the movement of milk of producers between the Red River Valley marketing area and adjacent Federal order marketing areas, where their milksheds overlap.

Although fewer than 90 days of the base-making period will remain after the effective date of the order, it provides for the establishment of bases during the current year. Section 986.65 (b) provides that persons who become producers after October 3d of any year as a result of the plants to which they deliver their milk having become pool plants shall have their bases computed in the same manner as if such plants had been pool plants during the entire base-forming period.

A producer should be permitted to transfer his base only to another member of his family and then only in the case of retirement of the producer or his entrance into the military service. In the event of death of a producer, the base should be transferable to a surviving member of the family who carries on the producing functions. In the case of a partnership composed of members of the same family, the base may be transferred in whole or in part to either member of the partnership upon its dissolution. For a base to be so divided, both parties must file application with the market administrator requesting division of the base, and the application must set forth the portion of the base which is to be transferred to each of the parties.

(b) *Payments to individual producers and to members of cooperative associations.* Handlers should make payment to each producer for milk delivered by such producer at the appropriate uniform prices. Payments due any producer for milk should be paid by the handler to a cooperative association that makes a written request for such payment, if the producer has given the cooperative association written authorization in the form of a contract or in any other form to collect such payments. The association's request should also agree to indemnify the handler for any loss incurred because of improper claim. In making such payments for producers' milk to a cooperative association, the handler should, at the same time, furnish the cooperative association with a statement showing the name of each producer for whom payment is being made to the cooperative association, the volume and butterfat content of the milk delivered by each such producer, and the amount of, and the reason for, any deduction which the handler withheld in the amount payable to each producer. This statement is necessary for the cooperative association in making proper distribution of the money it collects to the producer members for whom collection is made.

Qualified cooperative associations of dairymen should be permitted to receive a payment from handlers for their producer members as a group. In order to enable the association to carry out its essential functions as authorized in the Agricultural Marketing Agreement Act, a cooperative association, if it is to carry out these functions, must have full authority in the collective bargaining and sale of members' milk.

The proponent cooperative associations, in other markets, have assumed the responsibility for moving producers' milk during months of flush production. They are expected to assume the same responsibility with respect to the Red River Valley marketing area. Sales of surplus milk outside the marketing area may result in financial losses or gains to the cooperative associations. They must be in a position to spread such losses or gains over the entire membership, if they are to handle such milk effectively and efficiently. The Agricultural Marketing Agreement Act authorizes a qualified cooperative association to collect payment on behalf of all its members for milk caused to be moved by it to all types of outlets, and to reblend the proceeds from all sales over its entire membership. The order should provide that payment to such a cooperative association is proper satisfaction of the payments required by the order to be made to individual producer-members.

Producer settlement fund. Since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperatives associations, it is necessary to provide for some method of balancing these amounts. The producer-settlement fund is established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization, than they are required to pay to producers or cooperative associations, must pay the difference into the producer-settlement fund, and those handlers who are required to pay to producers or cooperative associations more than the utilization value of their milk must be reimbursed for the difference from the producer-settlement fund. The amounts paid into and out of the producer-settlement fund, except for minor differences that may result from the rounding-off of uniform prices will be equal. In order to permit this rounding-off of prices and to allow for unavoidable delays in receiving payments from handlers, and to permit payments to be made to any handler, which audit reveals is due to such handler a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the proposed order should be sufficient for these purposes. This reserve should be adjusted each month by the market administrator adding in the computation of the uniform price, not less than one-half of the balance in the producer-settlement fund at that time.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due handlers from such fund, the payments to such handlers should be reduced at a uniform rate per hundredweight of milk. The handlers may then reduce payments to producers and cooperative associations by an equivalent amount per hundredweight. The amount remaining due such handlers from the producer-settlement fund, should be paid as soon as the balance in the fund is sufficient and handlers should then complete payments to producers and cooperative associations. In order to reduce the possibility of this occurring, milk received by any handler who has not made the payments required of him in the preceding month should not be considered in the computation of the uniform price.

(c) *Other administrative provisions.* Certain other provisions are needed in the order to carry out the administrative steps necessary to accomplish the purpose of the proposed regulation.

Terms and definitions. In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term implies the same meaning. Definitions for "base" and "excess" milk are included. The other terms defined in the proposed order are common to most other Federal milk marketing orders.

Market administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the terms and provisions of the order, and the powers and duties essential to the proper functioning of his office should be specified.

Records and reports Provisions should be included in the order to advise handlers that they are required to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of producers' milk and the payments due producers for such milk. Time limits must be prescribed for filing such reports and for making payments to producers. Dates must be established for the announcement of prices by the market administrator.

It should be provided that the market administrator report to a cooperative association, which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For purposes of this report the utilization of members' milk in each handler's plant will be prorated to each class in the same proportion that total receipts of producer milk were used by such handler.

In addition to the regular reports of handlers, provision is made for the handler, prior to the diversion of milk, to notify the market administrator and the cooperative association, if the producer is a member, of his intention to divert such milk, setting forth the dates of the proposed diversion and the plant to which it is to be diverted. This report is necessary if the weight of the milk delivered to a nonpool plant is to be verified and a sample taken for determining its butterfat content.

Handlers should maintain and make available to the market administrator all records and accounts of their operation and such facilities as are necessary to determine the accuracy of the information reported to the market administrator and any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of the weights and tests of milk and milk products received and handled, and to verify all payments required to be made under the order.

It is necessary that handlers retain records to prove the utilization of the milk received from producers and that proper payment was made therefor. Since the books of all handlers associated with the market cannot be audited immediately after the milk has been delivered to a plant, it is necessary that such records be retained for a reasonable period of time.

The order should provide for specific limitations on the time that handlers are required to retain books and records and on the period of time within which obligations under the order should terminate. The provision made in this regard is identical in principle with the general amendment made to all milk orders in operation, July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitations of claims is equally applicable in this situation and is adopted as part of this decision. Without a provision for termination of obligation after a reasonable period of time has elapsed, handlers may file claims which, because the period involved might extend back over many years, could be in substantial amounts. This creates uncertainties which could endanger the stability of the market and lead to serious inequities. The order should provide that any obligation to pay a handler shall terminate two years after the month in which the milk was received if an overpayment is claimed, or within two years after payment was made if a refund is claimed, unless within the time specified the handler filed a petition, pursuant to section 8c (15) (A) of the act claiming such money. Handlers also need the protection of provisions terminating their obligations to make payments.

Since handlers cannot be forewarned always as to their contingent liabilities, it is extremely difficult and burdensome to make adequate provision by setting up reserves, or by taking other precautionary measures. The obligation of any handler to pay money should, except under certain extraordinary circumstances such as litigation, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. It is concluded that a period of two years is a reasonable time within which the market administrator should complete his auditing and inspection work and render his billing for money due under the order. Provisions are necessary as contained in the order included herewith to meet such contingencies, as failure of the handler to submit required books and records and to deal with situations where fraud or willful concealment of information may be involved.

It was proposed that if a handler fails to make the required reports or payments, his name should be publicly announced at the discretion of the market administrator. Such announcement is provided for by the act and it is concluded that its adoption will facilitate the enforcement of the details of the order.

Expense of administration. Each handler who operates a pool plant should be required to pay to the market administrator as his pro rata share of the cost of administering the order, not

more than 5 cents per hundredweight or such lesser amount as the Secretary may from time to time see fit with respect to:

(a) Producer milk (including a handler's own production); and

(b) Other source milk which is allocated to Class I milk.

Each handler who operates a nonpool plant, not subject to the classification and pricing provisions of another Federal order, should be required, as his pro rata share of the cost of administering the order, to make such payment with respect to the volume of milk which is disposed of within the marketing area as Class I milk from such plant.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that the cost of administration shall be financed through an assessment on handlers.

One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. Other source milk is received by handlers to supplement local producer supplies of milk. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (including a handler's own production) and all other source milk allocated to Class I. Since the market administrator must also verify reports submitted by handlers who operate nonpool plants, it is necessary that a charge for administrative assessment be levied against the milk disposed of by such handlers in the marketing area.

In view of the anticipated volume of milk, and the cost of administering orders in markets of comparable size and circumstances, it is concluded that an initial rate of 5 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 5 cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time that experience in the market reveals that a lesser rate will provide sufficient revenue to administer the order properly.

Marketing services. A provision should be included in the order for furnishing marketing services to producers, such as the verification of the tests and weights of producer milk and the furnishing of market information to producers. These services should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a cooperative association is performing such services for member-producers, the market administrator may accept this in lieu of his own service. There is need for a marketing service program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring individual producers that the payments received for their milk will be in accordance with the classified pricing and pooling provisions of the order and reflect accurately the weights and tests of such milk. To accomplish this fully it is necessary that the butterfat tests and weights of individual producer's deliveries of milk, as reported by the handler, be verified for accuracy. In the case of producers who are members of a cooperative association, which the Secretary has determined is under the complete control of such producers and is actually marketing the milk of its member-producers such services may be rendered by the cooperative association rather than by the market administrator. The two cooperative associations in the area have been performing check-weighing and check-testing services for their members who are producers under other milk marketing orders. At the time of the hearing they had not been successful in securing permission from handlers to perform such services for their member-producers in the Red River Valley marketing area. It is assumed, however, that such services will be performed for their members if an order is issued and made effective. In order that such services be performed on a market-wide basis, the market administrator should provide them for producers not otherwise receiving such services through a cooperative association.

An important phase of the marketing service program order is to furnish producers with correct market information. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a market-wide basis to all producers.

To enable the market administrator to furnish these services, provisions should be made for a maximum deduction of 5 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. If later experience indicates that marketing services can be performed at a lesser rate provision is made for the Secretary to adjust the rate downward without the necessity of a hearing. In the event a qualified cooperative association has been determined to be performing such services for its members, handlers would be required to pay to the cooperative association such dues as are authorized by its members.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "marketing agreement regulating the handling of milk in the Red River Valley marketing area", and "order regulating the handling of milk in the Red River Valley marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Red River Valley marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of March 1958 is hereby determined to be the representative period for the conduct of such referendum.

A. T. Radigan and H. E. Crone are hereby designated, jointly and severally, agents of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177) such referendum to be completed on or before the 20th day from the date this decision is issued.

Issued at Washington, D. C., this 12th day of September 1958.

[SEAL] E. L. PETERSON,
Assistant Secretary.

Order[1] Regulating the Handling of Milk in the Red River Valley Marketing Area

Sec.
986.0 Findings and determinations.

DEFINITIONS

986.1 Act.
986.2 Secretary.
986.3 Department of Agriculture.
986.4 Red River Valley marketing area.
986.5 Person.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

986.6 Producer.
986.7 Distributing plant.
986.8 Supply plant.
986.9 Pool plant.
986.10 Nonpool plant.
986.11 Handler.
986.12 Cooperative association.
986.13 Producer-handler.
986.14 Producer milk.
986.15 Fluid milk product.
986.16 Other source milk.
986.17 Base milk.
986.18 Excess milk.

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986.30 Reports of receipts and utilization.
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986.40 Skim milk and butterfat to be classified.
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986.50 Class prices.
986.51 Butterfat differentials to handlers.
986.52 Location adjustment credit to handlers.
986.53 Rate of compensatory payments.
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APPLICATION OF PROVISIONS

986.60 Producer-handlers.
986.61 Handlers subject to other orders.
986.62 Handlers operating nonpool plants.
986.63 Diverted milk.

DETERMINATION OF BASE

986.65 Computation of daily average base for each producer.
986.66 Base rules.
986.67 Announcement of established bases.

DETERMINATION OF UNIFORM PRICES

986.70 Computation of value of producer milk for each handler.
986.71 Computation of the uniform price.
986.72 Computation of uniform prices for base and excess milk.
986.73 Butterfat differential to producers.
986.74 Location adjustment to producers.

PAYMENTS

986.80 Time and method of payment for producer milk.
986.81 Producer-settlement fund.
986.82 Payments to the producer-settlement fund.
986.83 Payments out of the producer-settlement fund.
986.84 Adjustment of accounts.
986.85 Marketing services.
986.86 Expense of administration.
986.87 Termination of obligations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

986.90 Effective time.
986.91 Suspension or termination.
986.92 Continuing obligations.
986.93 Liquidation.

MISCELLANEOUS PROVISIONS

986.100 Agents.
986.101 Separability of provisions.

AUTHORITY: §§ 986.0 to 986.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 986.0 *Findings and determinations.* (a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Red River Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (a) producer milk, including a handler's own production, (b) other source milk classified as Class I milk; and Class I milk disposed of on routes in the marketing area from nonpool plants.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Red River Valley marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

§ 986.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 986.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 986.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture, or such other Federal agency as may be authorized to perform the price reporting functions specified in this part.

§ 986.4 *Red River Valley marketing area.* "Red River Valley marketing area", hereinafter called "marketing area" means all territory within the following counties, including all municipal corporations; Federal reservations, facilities, and installations; and state institutions located therein: Caddo, Carter, Comanche, Grady, Jackson, Kiowa, Stephens, and Tillman in Oklahoma, and Hardeman, Wichita, and Wilbarger in Texas.

§ 986.5 *Person.* "Person" means any individual, partnership, corporation, association or other business unit.

§ 986.6 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with the requirements specified in paragraph (a) or in paragraph (b) of this section, which milk is received directly from the farm at a pool plant or is caused to be diverted by a handler within the limits prescribed in § 986.63:

(a) Produces milk on a dairy farm subject to regular inspection by a duly constituted state or municipal health authority, under a dairy farm rating or permit issued by such authority for the production of milk to be disposed of for fluid consumption;

(b) Produces milk which is acceptable to an agency of the Federal Government for fluid consumption in its reservation, facility, or installation.

The term producer shall not include any person with respect to milk received by a handler who is partially exempt from the provisions of this part pursuant to § 986.61; nor shall it include a person whose milk is diverted to a pool plant by a cooperative association if such person retains his status as a producer as defined in another order issued pursuant to the act and his milk is classified and priced under such other order.

§ 986.7 *Distributing plant.* "Distributing plant" means all the buildings, premises, and facilities of a plant: (a) which is subject to regular inspection by a duly constituted state or municipal health authority, or by an agency of the Federal Government located in the marketing area, (b) in which milk or skim milk is processed or packaged and (c) from which Class I milk is disposed of during the month on routes (including routes operated by venders or through plant stores) to wholesale or retail outlets located in the marketing area (except deliveries in bulk to other pool plants) in an amount greater than an average of 600 pounds per day.

§ 986.8 *Supply plant.* "Supply plant" means all the buildings, premises, and facilities of a plant from which fluid milk products equal to not less than 50 percent of its receipts of milk from dairy farmers, who would be producers if this plant qualified as a pool plant, are shipped to a distributing plant during such month: *Provided,* That any plant

which qualifies as a supply plant for each of the months of September through December shall, upon written application to the market administrator before January 31 of the following year, be designated as a supply plant for the months of January through August.

§ 986.9 *Pool plant.* "Pool plant" means a distributing plant (other than that of a producer-handler or one which is exempt pursuant to § 986.61) or a supply plant.

§ 986.10 *Nonpool plant.* "Nonpool plant" means any milk processing or manufacturing plant other than a pool plant.

§ 986.11 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a nonpool plant from which Class I milk is disposed of in the marketing area; or

(c) A cooperative association with respect to the milk of producers diverted for the account of such association from a pool plant to a nonpool plant within the limits prescribed in § 986.63.

§ 986.12 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) Has and is exercising full authority in the sale of milk of its members.

§ 986.13 *Producer-handler.* "Producer-handler" means any person who produces milk and who operates a plant from which there is distributed as Class I milk on routes in the marketing area only milk of such person's own production or milk which has been received from a pool plant.

§ 986.14 *Producer milk.* "Producer milk" means all skim milk or butterfat contained in milk of a producer which is received at a pool plant or which is diverted within the limits prescribed in § 968.63.

§ 986.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream or any mixture in fluid form of cream and milk or skim milk (except cultured sour cream, frozen storage cream, aerated cream products, ice cream and frozen dessert mix, evaporated or condensed milk, and sterilized products in hermetically sealed containers).

§ 986.16 *Other source milk.* "Other source milk" means all skim milk and butterfat, other than that contained in producer milk or in receipts of fluid milk products from other pool plants, including products designated as Class II milk pursuant to § 986.41 (b) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month and any disappearance of nonfluid milk products not otherwise accounted for.

§ 986.17 *Base milk.* "Base milk" means milk received at a pool plant(s) from a producer during any of the months of March through June which is not in excess of such producer's daily average base computed pursuant to § 986.65 multiplied by the number of days in such month.

§ 986.18 *Excess milk.* "Excess milk" means milk received at a pool plant(s) from a producer during any of the months of March through June which is in excess of the base milk of such producer for such months, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 986.65.

MARKET ADMINISTRATOR

§ 986.25 *Designation.* The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 986.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 986.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 986.86: (1) The cost of his bond and the bonds of his employees, (2) his own compensation, and (3) all other expenses (except those incurred under § 986.85) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose, at his discretion, unless otherwise directed by the Secretary, the name of any handler who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 986.30 and 986.31 or payments pursuant to §§ 986.80 to 986.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk and the percentage relationship of such receipts to the total pounds of Class I milk available to assign to such receipts exclusive of the Class I milk disposed of by such handler to the pool plant(s) of other handlers and to nonpool plants. For the purpose of these reports the milk so received from members of such association shall be prorated to each class in accordance with the same percentage as the total receipts of producer milk bear to such utilization of milk by such handler;

(i) Verify all reports and payments of each handler by audit of the records of such handler or any other handler or person to whom skim milk and butterfat are transferred, or by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers and handlers, general statistics and information concerning the operation of this part which do not reveal confidential information; and

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 12th day of each month, the Class I price and the Class I butterfat differential, both for the current month;

(2) On or before the 5th day of each month, the Class II price, and the Class II butterfat differential, both for the preceding month; and

(3) On or before the 12th day of each month, the uniform price(s) computed pursuant to § 986.71 or § 986.72, whichever is applicable, and the butterfat differential computed pursuant to § 986.73, both for the preceding month.

REPORTS, RECORDS, AND FACILITIES

§ 986.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers and, for the months of March through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts of fluid milk products from other handlers;

(c) The quantities of skim milk and butterfat contained in (or used in the production of) other source milk (except Class II products disposed of in the same form in which received without further processing or packaging by the handler) and any disappearance of other source milk held in inventory;

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area;

(f) The quantities of fluid milk products on hand at the beginning and end of the month; and

(g) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 986.31 *Reports of payments to producers.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month showing:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days' production represented by the milk received from such producer(s), including for the months of March through June each producer's deliveries of base and excess milk;

(b) The amount of payment to each producer or cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 986.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to another pool plant or to a nonpool plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which it is to be diverted.

§ 986.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month.

§ 986.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 986.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received by a handler during the month, which is required to be reported pursuant to § 986.30, shall be classified by the market administrator pursuant to the provisions of §§ 986.41 to 986.46, inclusive.

§ 986.41 *Classes of utilization.* Subject to the conditions set forth in §§ 986.43 and 986.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk and concentrated nonfat milk solids) and butterfat (1) disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (4) of this section, and (2) not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of to commercial food manufacturing establishments which do not dispose of fluid milk products for fluid consumption;

(3) Contained in inventories of fluid milk products on hand at the end of the month;

(4) Skim milk disposed of for livestock feed, or dumped after prior notification to and opportunity for verification by the market administrator;

(5) In shrinkage not to exceed 2 percent of the skim milk and butterfat contained in producer milk, except that diverted pursuant to § 986.63; and

(6) In shrinkage of other source milk.

§ 986.42 *Shrinkage.* The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of skim milk and butterfat in each pool plant; and

(b) Assign the shrinkage of skim milk and butterfat pro rata between producer milk and other source milk received in the form of a fluid milk product.

§ 986.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk and butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk, if later disposed of by such handler or another handler (whether in original or other form) as any fluid milk product, shall be reclassified as Class I milk. Any skim milk or butterfat classified as Class II milk in the previous month pursuant to § 986.41 (b) (3) shall be reclassified as Class I milk if it is substracted from Class I during the current month pursuant to § 986.46 (a) (5) or the corresponding step of § 986.46 (b).

§ 986.44 *Transfers.* Skim milk and butterfat if disposed of by a handler by transfer or diversion from a pool plant shall be classified as follows:

(a) If transferred or diverted to a pool plant of another handler (except a producer-handler) in the form of fluid milk products it shall be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 986.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after subtraction of other source milk pursuant to § 986.46;

(b) As Class I milk, if transferred to the plant of a producer-handler in the form of fluid milk products;

(c) As Class I milk, if diverted or transferred in bulk in the form of milk or skim milk to a nonpool plant located more than 350 miles from the City Hall in Wichita Falls, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator;

(d) As Class I milk, if transferred in the form of cream to a nonpool plant, located more than 350 miles from the City Hall in Wichita Falls, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator, unless the handler claims classification as Class II milk, establishes the fact that such cream was transferred without Grade A certification, each container was tagged or labeled to show that the contents were only for manufacturing use, the shipment was invoiced accordingly, and the market administrator was given sufficient notice to allow him to verify the shipment;

(e) (1) As Class I milk, if transferred or diverted in bulk form as milk, skim milk, or cream to a nonpool plant located not more than 350 miles by the shortest hard-surfaced highway distance from the City Hall in Wichita Falls, Texas, from which fluid milk is disposed of on wholesale or retail routes or to other milk plants, unless the handler claims classification of Class II milk pursuant

to § 986.30 and all of the following conditions are met:

(i) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to audit such books and records for purposes of verification; and

(ii) Such nonpool plant received milk from dairy farmers who constitute a regular source of supply for Class I use as determined by the market administrator;

(2) If the above conditions are fulfilled, the market administrator shall classify such milk, subject to verification, in the following manner: (i) Determine the use of all skim milk and butterfat at such nonpool plant, and (ii) allocate the skim milk and butterfat so transferred to the highest use classification remaining after allowing first priority to that received at the nonpool plant directly from dairy farmers whom the market administrator determines constitute its regular source of Grade A milk for Class I use;

(f) As Class II milk, if transferred or diverted in bulk form as milk, skim milk, or cream to a nonpool plant which is not a pool plant as defined in any other order issued pursuant to the Act and which is located not over 350 miles from the City Hall, Wichita Falls, Texas, and from which no fluid milk is disposed of on wholesale or retail routes, except:

(1) If milk, skim milk, or cream is transferred from such nonpool plant to a pool plant, an amount equal to the skim milk and butterfat transferred to such nonpool plant from the pool plants of other handlers shall be deemed to have been transferred directly to the second pool plant and shall be classified in accordance with paragraph (a) of this section; and

(2) If milk, skim milk, or cream is transferred from such nonpool plant to a second nonpool plant from which fluid milk is distributed on wholesale or retail routes, the skim milk or butterfat transferred from the pool plant to the first nonpool plant shall be Class I milk in an amount equal to that transferred to such second nonpool plant, unless it is established that such milk or skim milk was transferred to the second nonpool plant without Grade A certification with each container labeled to show that the contents were for manufacturing use only, and that the shipment was invoiced accordingly.

(g) As Class II milk if transferred or diverted in bulk form as milk, skim milk or cream to a nonpool plant which is a pool plant as defined in another order issued pursuant to the Act and which is located not over 350 miles from the City Hall in Wichita Falls, Texas, and from which no fluid milk is distributed on wholesale or retail routes, except that if such transferee plant disposes of to other nonpool plants, which do distribute fluid milk products on wholesale or retail routes, more milk than the milk received at such transferee plant which is classified and priced under such other order, an amount equal to the difference shall be classified as Class I milk, except that if such transferee plant has received milk, skim milk or cream from other plants regulated under this or other Federal orders, the amount of such transferred milk allocated to Class I shall be determined by prorating the amount of milk available for Class I allocation in accordance with the receipts from all such plants at the transferee plant.

§ 986.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical or other obvious errors the monthly report submitted by each handler pursuant to § 986.30, and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk. Skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 986.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 986.45, the market administrator shall determine the classification of milk received from producers for each handler in the following manner:

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds of skim milk in Class II milk, the pounds of shrinkage of skim milk in producer milk determined pursuant to § 986.41 (b) (5);

(2) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of nonfluid milk products other than condensed skim milk or nonfat dry milk;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of condensed skim milk or nonfat dry milk;

(4) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing and payment provisions of another order issued pursuant to the act;

(5) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in other source milk received in fluid milk products which were subject to the Class I pricing and payment provisions of another order issued pursuant to the act;

(6) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in inventory at the beginning of the month in the form of fluid milk products;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of fluid milk products pursuant to § 986.44;

(8) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, subtract such excess from the pounds of skim milk remaining in the classes in series beginning with Class II milk. Any amount so subtracted shall be called "overage";

(b) Butterfat shall be allocated in the same manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class computed pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in producer milk allocated to each class.

MINIMUM PRICES

§ 986.50 *Class prices.* Subject to the provisions of §§ 986.51 and 986.52 the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The Class I price shall be the price for Class I milk established under Federal Order No. 6 regulating the handling of milk in the Oklahoma Metropolitan marketing area at Oklahoma City, plus 15 cents.

(b) *Class II milk.* (1) For the months of February through July the Class II price per hundredweight shall be the average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture.

Present Operator and Location

American Foods Company, Miami, Okla.
Gilt Edge Dairy, Norman, Okla.
Muskogee Dairy Products Company, Muskogee, Okla.
Page Milk Company, Coffeyville, Kans.
Pet Milk Company, Siloam Springs, Ark.
Real Test Foods Company, Tulsa, Okla.

(2) For the months of August through January, the Class II price per hundredweight shall be computed by adding the plus values pursuant to subdivisions (i) and (ii) of this subparagraph as follows:

(i) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the mid-point of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department of Agriculture during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0; and

(ii) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published by the Department of Agriculture for the period from the 26th day of the

preceding month through the 25th day of the current month, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.86.

§ 986.51 *Butterfat differentials to handlers.* If the average butterfat content of the producer milk of any handler allocated to any class pursuant to § 986.46 is more or less than 4.0 percent there shall be added to the respective class price, computed pursuant to § 986.50 for each one-tenth of one percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department of Agriculture during the month specified below by the applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25; and

(b) *Class II milk.* Multiply such price for the current month by 1.15.

§ 986.52 *Location adjustment credit to handlers.* For that milk which (a) is received from producers at a pool plant located outside the State of Texas and which is classified as Class I, the prices specified in § 986.50 shall be reduced 5 cents per hundredweight, plus an additional 1.5 cents per hundredweight for each 10 miles or fraction thereof that such plant is more than 100 miles distant from the City Hall in Wichita Falls, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator: *Provided*, That in calculating such adjustment, transfers to a pool plant at which a location adjustment credit is not applicable or at which it is less than at the transferor plant, shall be assigned to Class I milk only to the extent that Class I disposition at the transferee plant exceeds 95 percent of the receipts from producers at such plant. Such assignment to transferor plants should be made first to plants at which no location adjustment credit is applicable and then in sequence to plants at which the lowest rate of such adjustment credit would apply.

§ 986.53 *Rate of compensatory payments.* The rate of compensatory payment per hundredweight applicable to other source milk assigned to Class I use at pool plants, or disposed of as Class I milk on routes in the marketing area from nonpool plants, shall be calculated as follows:

(a) For the months of February through July, subtract the Class II milk price, adjusted by the Class II butterfat differential from the Class I price, adjusted by the Class I butterfat differential, and, except in the case of condensed skim milk and nonfat dry milk, by the location adjustment pursuant to § 986.52 which would apply if the nonpool plant were a pool plant; and

(b) For the months of August through January, subtract the uniform price, adjusted by the Class I butterfat differential, from the Class I price, adjusted by the Class I butterfat differential, and, except in the case of condensed skim milk and nonfat dry milk, by the location adjustment pursuant to § 986.52 which would apply if the nonpool plant were a pool plant.

§ 986.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 986.60 *Producer-handlers.* Sections 986.40 to 986.46, 986.50 to 986.54, 986.65 to 986.67, 986.70 to 986.74, and 986.80 to 986.86, shall not apply to a producer-handler.

§ 986.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing order issued pursuant to the Act and whose milk is classified and priced under such other order, the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and utilization or disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 986.62 *Handlers operating nonpool plants.* Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall report as required pursuant to §§ 986.30 and 986.31, reporting receipts from and payments to dairy farmers in lieu of such information with respect to producers, and shall allow verification of such reports, and, on or before the 12th day of each month, he shall pay to the market administrator an amount computed by multiplying the total volume of Class I milk disposed of on routes in the marketing area from such nonpool plant during the preceding month by the rate of compensatory payment computed pursuant to § 986.53.

§ 986.63 *Diverted milk.* (a) Milk of a producer diverted by a handler, other than a cooperative association, from a pool plant to the pool plant of another handler for any day during the months of February through July and for not more than 10 days' production of a producer during any month for the period of August through January, shall be deemed to have been received by the diverting handler at the pool plant from which such milk was diverted, except that for the purpose of determining shrinkage pursuant to § 986.41 (b) (5), such milk shall be considered as producer milk at the pool plant to which it was diverted. Milk so diverted for more than 10 days during any of the months of August through January, shall be considered as received at the plant to which it was diverted for the entire period of diversion.

(b) Milk diverted by a cooperative association, which does not operate a pool plant, for the account of such association from the pool plant of another handler to a nonpool plant, shall be deemed to have been received by such association at a pool plant at the same location as that from which the milk was diverted.

(c) Milk diverted from a pool plant by the handler operating such pool plant to a nonpool plant shall be considered to have been received at the plant from which diverted.

(d) Milk diverted by a handler, including a cooperative association, to a nonpool plant for more than 10 days' production of a producer during any month during the months of September through December, shall not be considered producer milk for the entire period of such diversion during the month.

DETERMINATION OF BASE

§ 986.65 *Computation of daily average base for each producer.* Subject to the rules set forth in § 986.66, the daily average base of each producer for the months of March through June of each year shall be computed by the market administrator by dividing the total pounds of milk received by a handler(s) at a pool plant(s) from such producer during the months of September through December immediately preceding by the number of days' production delivered by such producer during the period, or by 90, whichever is more: *Provided*, (a) That any person who becomes a producer after the base-forming period and who has established a base under another order issued pursuant to the act shall be assigned a base equal to that which he would have received if he had been a producer during the base-forming period if his milk is received at a pool plant during an entire month, and (b) That for any person who becomes a producer after the 3d day of October of any year by virtue of the plant to which such person delivers his milk having become a pool plant, the market administrator shall compute a base equal to that which such producer would have established had the plant to which he ships his milk been a pool plant during the entire base-forming period.

§ 986.66 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base-forming period;

(b) Base may be transferred during the months of March through June only in the following manner:

(1) In the event of death, retirement or entry into military service of a producer, the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy enterprise, such transfer to be effective the first of the month following notification of the market administrator

in writing of the person to whom such base is to be transferred;

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to either of the joint holders, or it may be divided, but only if the joint holders are members of the same family, and only upon application to the market administrator prior to the month in which the division is to become effective: *Provided*, That such application sets forth the percentage of the jointly held base which is to be assigned to each of the joint holders or his heirs and is signed by each joint holder or his heirs.

(c) A producer who ceases to deliver milk to a pool plant for more than 45 consecutive days during the six months prior to March 1, shall forfeit his base for the following base-utilization period.

§ 986.67 *Announcement of established bases.* On or before February 25 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer, of the daily average base established by the producer.

DETERMINATION OF UNIFORM PRICES

§ 986.70 *Computation of value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 986.46 by the applicable class price (adjusted pursuant to §§ 986.51 and 986.52) and add together the resulting amounts;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 986.46 (a) (2) (3) and (4) and the corresponding step of § 986.46 (b) by the rate of compensatory payment as determined pursuant to § 986.53;

(c) Add an amount computed by multiplying the pounds of any overage deducted from either class pursuant to § 986.46 (a) (9) and the corresponding step of § 986.46 (b) by the applicable class price(s); and

(d) Add any charges computed as follows: For any skim milk or butterfat in inventory reclassified pursuant to § 986.43 (b), which is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant(s) for the preceding month, a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price for the preceding month;

§ 986.71 *Computation of the uniform price.* For each of the months of July through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 4.0 percent butterfat content, at Wichita Falls, Texas, as follows:

(a) Combine into one total the values computed pursuant to § 986.70 for the producer milk of all handlers who submitted reports prescribed in § 986.30 and who have made the payments pursuant to §§ 986.80 and 986.82 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 986.73, and multiply the resulting figure by the total hundredweight of such milk;

(c) Add an amount equal to the total value of all allowable location adjustments to producers pursuant to § 986.74;

(d) Add an amount equal to not less than one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 986.72 *Computation of uniform prices for base and excess milk.* For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base and for excess milk, each of 4.0 percent butterfat content, at Wichita Falls, Texas, as follows:

(a) Compute the total value of excess milk for all handlers who submitted reports pursuant to § 986.30, and who have made the payments pursuant to §§ 986.80 and 986.82 as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply any additional hundredweight of excess milk not included in subparagraph (1) of this paragraph by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 per cent butterfat received from producers;

(c) Subtract the total value of excess milk obtained in paragraph (a) of this section from the total value of milk computed pursuant to § 986.71 (a) to (d) and adjust by any amount involved in the adjustment of the uniform price of excess milk to the nearest cent;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat received from producers.

§ 986.73 *Butterfat differential to producers.* The applicable uniform price(s) to be paid each producer shall be increased or decreased for each one-tenth of one percent that the average butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 986.51, dividing by the total pounds of butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 986.74 *Location adjustment to producers.* In making payments to producers pursuant to § 986.80, for the months of July through February, each handler may deduct, for each hundredweight of milk, and for the months of March through June for each hundredweight of base milk received from producers at a pool plant which is located outside the State of Texas, 5 cents per hundredweight plus an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 100 miles from the City Hall in Wichita Falls, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator.

PAYMENTS

§ 986.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month, to each producer who did not discontinue shipping milk to such handler during the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month;

(2) On or before the 15th day of the following month, an amount equal to not less than the applicable uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 986.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment pursuant to § 986.83, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler for the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall:

(i) Pay to the cooperative association on or before the 27th and 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section, an amount equal to the gross sum due for all milk received from certified members, less amounts owed by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer;

(ii) Submit to the cooperative association on or before the 10th day of each month written information which shows for each member-producer (*a*) the total pounds of milk received during the preceding month, (*b*) the total pounds of butterfat contained in such milk, (*c*) the number of days of production included in such receipts, (*d*) for the months of March through June, the amount of base and excess milk received, and (*e*) the amounts withheld by the handler in payment for supplies sold; and

(iii) Submit to the cooperative association on or before the 25th day of each month written information which shows for each such member-producer the total pounds of milk received during the first 15 days of the current month.

The foregoing payment and submission of information shall be made with respect to the milk, of each producer who the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association; and

(2) A copy of each such request, promise to reimburse, and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audits of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

§ 986.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 986.62, 986.82, and 986.84, and out of which he shall make all payments to handlers pursuant to §§ 986.83 and 986.84: *Provided*, That any payments due to any handler may be offset by any payments due from such handler.

§ 986.82 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of producer milk as computed pursuant to § 986.70 for such month is greater than the amount required to be paid by him for such milk pursuant to § 986.80.

§ 986.83 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 986.70, for such month is less than the amount required to be paid producers by such handler pursuant to § 986.80: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 986.84 *Adjustments of accounts.* Whenever audit by the market administrator or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such errors occurred.

§ 986.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 986.80 shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section) make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of such deductions and the amount of milk for which such deduction was computed for each producer.

§ 986.86 *Expense of administration.* On or before the 15th day after the end of each month, each handler who operates a pool plant shall pay to the market administrator, as his pro rata share of the expense of the administration of this part, 5 cents or such lesser amount as the Secretary may prescribe for each hundredweight of butterfat and skim milk contained in (a) producer milk, including such handler's own production, and (b) other source milk classified as Class I milk; and each handler who operates a nonpool plant, not subject to the classification and pricing provisions of another Federal order, shall make such payment only with respect to Class I milk disposed of within the marketing area on routes.

§ 986.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (in-

cluding deduction or setoff by the market administrator) was made by the handler, if a refund of such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 986.90 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 986.91 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 986.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 986.93 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 986.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 986.101 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 58-7610; Filed, Sept. 17, 1958; 8:51 a. m.]

[7 CFR Parts 1011, 1016]

[Docket No. AO-299]

MILK IN MICHIGAN UPPER PENINSULA AND NORTHEASTERN WISCONSIN MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Escanaba, Michigan, on October 8–15, 1957, pursuant to notice thereof issued on September 13, 1957 (22 F. R. 7429), and at Green Bay, Wisconsin, pursuant to notice to reconvene which was issued October 30, 1957 (22 F. R. 8852), upon proposed marketing agreements and orders regulating the handling of milk in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 28, 1958 (23 F. R. 3818), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

On the basis of exceptions to the previous recommended decision certain changes were made in the regulation proposed, thus the Deputy Administrator, Agricultural Marketing Service, on August 20, 1958 (23 F. R. 6510), filed with the Hearing Clerk, United States Department of Agriculture, his revised recommended decision containing notice of opportunity to file written exceptions thereto.

The material issues of record relate to:

1. Whether the handling of milk produced for sale in each of the proposed marketing areas is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of milk marketing agreements or orders which will tend to effectuate the policy of the act; and

3. If orders are issued what their provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

1. *Character of commerce.* The handling of milk in each of the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk and milk products.

The Michigan Upper Peninsula marketing area defined in the order proposed for that area includes fourteen counties in Michigan and portions of three counties in Wisconsin. Within this area there is a continuous and substantial interstate commerce in the procurement of milk from producers and the sale of fluid milk and its products to consumers. Distributing plants in Iron Mountain, Ironwood and Bessemer, Michigan, distribute fluid milk products in Saxon, Hurley, Florence, Aurora, Niagara and Wausaukee, Wisconsin. Distributing plants in Rhinelander and Green Bay, Wisconsin, distribute fluid milk products throughout various portions of the area in Michigan. Distributing plants in the Sault St. Marie portion of the marketing area distribute fluid milk products to ore boats passing through the locks at Sault St. Marie proceeding to ports in Ohio, Indiana, Illinois and Minnesota.

Producers supplying milk to plants in the Michigan portion of the marketing area are on farms located in several counties in Wisconsin and all the Upper Peninsula counties of Michigan. Milk produced on farms in the states of Wisconsin and Michigan is inextricably commingled at processing plants in Ironwood, Iron Mountain, Crystal Falls and Bessemer, Michigan; and in Green Bay, Wisconsin. Supplemental supplies of milk come primarily from plants procuring supplies of milk from Wisconsin dairy farmers.

The marketing area proposed for this Northeastern Wisconsin area includes the city of Menominee, Michigan. Milk dealers in Menominee distribute milk in Marinette and other nearby Wisconsin areas. Wisconsin dealers likewise distribute milk in Menominee.

One of the major distributors serving the proposed Northeastern Wisconsin marketing area processes milk at a plant in Green Bay, Wisconsin, and distributes approximately 25 percent of his total fluid milk sales in the Michigan Upper Peninsula marketing area as proposed herein. Milk used in these products is procured from producers with farms located in Michigan and Wisconsin. Other distributors at Rhinelander and Sheboygan, Wisconsin, in the proposed Northeastern Wisconsin marketing area distribute fluid milk products in Michigan. The distributor at Rhinelander distributes milk in Ironwood, Watersmeet and Iron River, Michigan. The distributor at Sheboygan distributes fluid milk products in Menominee, Michigan. Fluid milk products are distributed throughout the Wisconsin area from plants of handlers regulated by the Milwaukee, Wisconsin, order.

Farm milk supplies for each of the proposed marketing areas are intermingled with farm supplies of numerous manufacturing plants. Such products as nonfat dry milk, cheese, butter, evaporated milk and other related products are processed by national dairy concerns for distribution in the current of interstate commerce. Within the Northeastern Wisconsin marketing and supply areas are more than four thousand farms supplying milk to the Chicago, Illinois, market.

2. *Need for regulation.* Milk marketing and pricing conditions in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas justify the issuance of milk marketing orders to establish and maintain orderly marketing conditions. Orders for each of these areas will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act.

Northeastern Wisconsin is in general an area of intensive milk production. Of the 21 counties proposed for inclusion in the marketing area milk cow population in 13 counties exceeded 50 per square mile of land in farms, and was less than 25 in only three counties. In this area are located 17 supply plants for the Chicago market which receive milk from more than 4,000 producers qualified for Chicago. The total volume of Chicago pool milk has varied from 63 to 93 million pounds per month in a recent 12 month period. Extensive manufacturing of dairy products such as cheese, butter, nonfat dry milk and other products is conducted in the area.

Approximately 1,250 producers of Grade A milk supply the needs of plants engaging in the fluid milk trade of this area. None of this milk is purchased from producers on the basis of use made of it by the dealer. Most producers receive a flat price for their milk without being in position to negotiate with respect to prices, terms or conditions of sale. In a few instances base and excess prices are paid as a means of encouraging level production, but without regard to utilization of the milk.

For the most part the prices paid producers approximate the producer prices of the Chicago order applicable in the immediate vicinity. This does not mean, however, that local milk dealers are paying the applicable Chicago order prices for the milk they sell in fluid form. Handler testimony for a group of dealers claimed to be representative showed that in May 1957 they used 73.6 percent of receipts from producers as Class I milk and in September 1957 their Class I utilization was 82 percent. Chicago Class I and II utilization was 56.9 percent in May and 76.5 percent in September. The Chicago utilization percentages include in Class II ice cream use and for Class II volumes are computed on a milk equivalent basis; had the computation for Chicago been identical with that for the Northeastern Wisconsin dealers a somewhat greater difference in utilization would have been shown. No Chicago plants regularly distribute milk in Northeastern Wisconsin that is priced under the Chicago order. Three cooperative associations and one proprietary concern operating Chicago supply plants also operate separate facilities for the Northeastern Wisconsin trade.

The flat price system prevalent in the Northeastern Wisconsin area by its very nature promotes instability in the marketing of milk for the fluid trade of the area. The milk dealer who can restrict his purchases to the volume of his trade sales will have a Class I cost equal to the flat price paid. A certain amount of reserve milk is necessary for the market, however, to assure an adequate supply at all times. Fluctuation brought about by the seasonal nature of production and day to day variations in milk sales require the disposition of some Grade A milk produced for the market into manufacturing channels at a value lower than that for fluid sales. To the extent that a dealer can avoid or minimize the cost of handling such reserve milk he can achieve a competitive advantage over the dealer who carries the reserve milk associated with his share of the market. As a result producers have no assurance of a continuing market for their milk. Instances were shown on the record of producers being "cut off" with little or no notice.

While the supply competition from Chicago determines the general level of prices in the area, the flat prices paid are by no means uniform. In some cases different prices are paid to producers delivering to the same dealer. These price differences accentuate disparities in costs of milk for fluid use.

A cooperative association representing a substantial number of producers has been unsuccessful in attempts to negotiate uniform prices based upon use of milk. With most dealers they have been unable to negotiate prices on any basis. Dealer resistance has prevented this association from fully serving its members through check testing and weighing services.

Classified prices are negotiated separately by areas between the principal milk dealers with plants located in or near the Michigan Upper Peninsula cities of Ironwood, Marquette, and Sault St. Marie and local units of a cooperative association representing producers supplying each of these cities. Other cooperative associations own and operate plants at which milk produced by members of such associations is received, processed, and packaged, and from which such milk is distributed to wholesale and retail outlets. A considerable volume of milk in the Upper Peninsula is, however, purchased at flat prices without regard to the use made of the milk.

Substantial quantities, estimated at 10 to 14 million pounds annually, of milk packaged in Northeastern Wisconsin plants is distributed in the Michigan Upper Peninsula. The principal distribution is from a plant at Green Bay, Wisconsin. Milk from this plant is now sold throughout most of the Upper Peninsula. A plant at Rhinelander, Wisconsin also distributes substantial volumes of milk in the Peninsula, principally in the western portion. Distribution from other Wisconsin plants is of a more localized nature. This regular distribution of milk packaged in Wisconsin is a relatively recent development associated with improved roads, paper packages, and growth of the Upper Peninsula tourist trade. Classified price negotiations between producers and dealers in the Upper Peninsula are of comparatively recent origin, such negotiations having been carried on only since January 1954 at Marquette, December 1954 at Ironwood, and June 1956 at Sault Ste. Marie. While income from dairying represents a substantial proportion of the cash farm income of the Upper Peninsula, climate, topography and soil conditions are such that only 10–15 percent of the total area is in farmland. Twenty to twenty-five percent of the milk produced is for fluid use; the large majority of the remainder being made into cheese.

Negotiation of classified prices for milk delivered to Upper Peninsula dealers has been severely affected by the sales competition from milk bought on the flat price basis. The complex problem of proper price relationship between the production area of the Upper Peninsula and that of the intensive Wisconsin production area cannot properly be solved by negotiation when prices do not apply equally on the basis of classified use.

Stability of marketing conditions can be assured for these areas only (1) when all milk handlers in each area have substantially equal prices of milk according to use, (2) such use is verified by impartial audit, when all producers supplying each handler in each market receive the same price for milk of the same quality, with the quality and quantity of such milk verified by an adequate check weighing and testing program, and (3) when accurate marketwide information relative to receipts and sales of milk in these areas is provided to all (giving in each case due consideration to the point of receipt). The milk marketing orders herein proposed will provide the only practical means for accomplishing these ends.

3. *Order provision*—(a) *The scope of regulation*—(1) *Marketing areas.* The three cooperative associations of producers that initiated the request for an order proposed in the notice of hearing an order with a marketing area of all territory in the Michigan Upper Peninsula, exclusive of Menominee township in Menominee County, plus five towns and the city of Hurley in Iron County, Wisconsin. A handler who distributes in the Upper Peninsula about one-fourth of the milk processed at his plant in Green Bay, Wisconsin, proposed in the notice of hearing that the area also include 25 counties in Northeastern Wisconsin and Menominee township, Menominee County, Michigan. Handlers with local distribution proposed minor additions, all of which were within the area proposed by the Green Bay handler.

In the course of the hearing the proponent cooperative associations supported the need for regulation in much of the additional Wisconsin territory proposed, but advocated that this be accomplished by means of a separate order. Consideration was given to issuance of a single regulation for the Michigan Upper Peninsula and Northeastern Wisconsin areas. While substantial volumes of milk are distributed in Michigan by plants located in Wisconsin, the number of dealers making such distribution is relatively few. Additional plant and farm supply inspections are required, since Michigan statutes do not provide for reciprocal approvals. Prior to July 1, 1957, milk could not practicably be labeled Grade A in Michigan so that milk meeting Grade A standards could not be sold in Michigan under the label used for the Wisconsin trade. A large majority of the dealers in Northeastern Wisconsin limit their distribution to Wisconsin points. Wisconsin distribu-

tion from Michigan plants is localized to nearby points for which appropriate consideration can be given in defining separate marketing areas.

In view of these considerations and differences in supply conditions in the two areas, it is concluded that issuance of separate orders for the Michigan Upper Peninsula and Northeastern Wisconsin areas with prices properly aligned is the most appropriate means of providing regulation adapted to the needs of each area.

The Michigan Upper Peninsula marketing area should be defined to include all area within 14 of the 15 Upper Peninsula counties (omitting Menominee County) and the following territory in Wisconsin: five towns and the cities of Hurley and Montreal in Iron County; two towns in Florence County and one town and the village of Niagara in Marinette County. For the purposes of the pricing provisions this area is divided into two zones which are discussed in detail under pricing.

The total population of this area is approximately 290,000. The principal cities with population over 10,000 are Sault St. Marie, Escanaba, Ironwood and Marquette. There are, in addition, six other cities of more than 5,000 population.

While no one dealer distributes milk throughout the Upper Peninsula, a dealer whose plant is located in Marquette distributes throughout the greater portion. Milk bottled at this plant is sold at Sault St. Marie, and St. Ignace, each approximately 165 miles east of Marquette, at Manistique and Escanaba to the southeast, at Houghton 100 miles to the northwest, and to the south, at Crystal Falls, near the Wisconsin border. Milk bottled at Bessemer and Ironwood is likewise sold in the Copper Country near Houghton, and a cooperative association with bottling facilities in Houghton County sells milk in and near Marquette. Ironwood and Bessemer dealers serve the adjoining cities of Hurley and Montreal and other nearby territory in Iron County, Wisconsin. Iron Mountain dealers serve the nearby areas in Florence and Marinette counties, Wisconsin, and Wisconsin dealers in Florence County compete in Iron Mountain.

The health regulations of the State of Michigan provide a uniform minimum standard with respect to all milk marketed within the State of Michigan. While Grade A milk regulations similar to United States Public Health standards have only recently become effective in Michigan on a permissive basis, practically all plants in the Upper Peninsula either have complied or will comply with Grade A standards. Grade A labeling under United States Public Health standards is widespread in Wisconsin and will become compulsory July 1, 1959.

While resident population in many areas of the Upper Peninsula is sparse the distribution of tourist and vacation trade is widespread. It is therefore concluded that the marketing area in Michigan should be defined by county boundries. The southernmost county, Menominee, is largly devoted to farming with its principal population center, the City of Menominee, at the southern extremity of the county, which adjoins the City of Marinette, Wisconsin. Inclusion of these cities in the Northeastern Wisconsin marketing area appears appropriate. There is little, if any, distribution of milk in other portions of Menominee County that would not be regulated under either of the orders.

The Northeastern Wisconsin marketing area should include the Wisconsin counties of Brown, Calumet, Kewaunee, Langlade, Lincoln, Manitowoc, Oneida, Outagamie, Portage, Sheboygan, Vilas, Waupaca and Winnebago. In addition there should be included, as more precisely defined in the order, the northern portion of Fond du Lac County, the eastern portion of Marathon County, all of Shawano County not a part of the Menominee Indian Reservation, the southeastern portion of Wood County, the City of Sturgeon Bay in Door County, the cities of Marinette and Peshtigo and the town of Peshtigo in Marinette County, the cities of Gillett, Oconto and Oconto Falls in Oconto County, all in Wisconsin, and the City of Menominee, Menominee County, Michigan.

The total population of this area is approximately 900,000. The principal cities, ranging in population from 25,000 to more than 50,000, are Green Bay, Sheboygan, Oshkosh, Appleton, Wausau, Fond du Lac, and Manitowoc, and the companion cities of Marinette and Menominee the combined population of which is approximately 25,000. There are, in addition, some sixteen other cities of more than 5,000 population.

Milk from one Green Bay plant is distributed throughout this entire area. A cooperative association operates a bottling plant at West DePere in Brown County from which milk is distributed throughout the major portion of the area. Another plant of the same cooperative furnishes the entire milk supply of a dealer in Rhinelander whose distribution covers the remainder of the area. Milk bottled at Sheboygan and Manitowoc is distributed extensively throughout a number of the more densely populated counties in the southern and eastern portions of the area. A number of other plants extend their distribution throughout two or more counties. There is also a substantial distribution of milk throughout much of the area from at least three plants regulated under the order for the Milwaukee market.

Wausau dealers offered testimony to show that the volume of milk from other areas sold in that city is not sufficient to justify its inclusion in the marketing area. Approximately 7–8 percent of the sales in Wausau are by dealers with extensive distribution throughout the area. The same general need for regulation was shown with respect to marketing conditions in Wausau as for the remainder of the area. Producers supplying Wausau dealers belong to the same cooperative association as do the producers supplying numerous dealers throughout the area. Wausau dealers extend their distribution into other parts of the proposed area. It is concluded that Wausau should be included in the area.

Almost all milk distributed in the area meets the Grade A labeling standards of Wisconsin. Most of the cities have Grade A ordinances and milk inspected under one authority moves freely into other jurisdictions within the area.

In the counties of Marinette and Oconto on the western shore of Green Bay it is necessary to include in the marketing area only the cities which are the principal centers of population. It is not necessary to regulate distribution in the remainder of these counties, in Forest County, or in that part of Florence County not included in the Michigan Upper Peninsula order. Population in these areas is predominantly rural, and there is little opportunity for substantial distribution of milk by dealers who will not otherwise be regulated. Likewise in Door County, lying between the shores of Green Bay and those of Lake Michigan, it is necessary to include only the City of Sturgeon Bay to provide effective regulation. Inclusion of all of Fond du Lac County would result in the marketing area boundary passing through the city of Waupun, which lies partly in Fond du Lac County and partly in Dodge County. For this reason the southern portion of Fond du Lac County is not included in the area.

(2) *Milk to be regulated.* The milk to be regulated by each of the proposed marketing agreements and orders should be that which represents the primary sources of supply of milk distributed on routes in the respective proposed marketing areas. To be eligible for such distribution milk must be produced, processed and distributed in conformity with applicable health regulations. Provision should be made to designate clearly what milk will be subject to the pricing and the respective pooling provisions of each of the recommended marketing agreements and orders. For this reason, definitions of fluid milk plant or pool plant, handler, producer, producer milk, producer-handler, route, fluid milk product and other source milk are provided in the orders.

The definition of a fluid milk plant, or pool plant, should be such as to determine which producers, as hereinafter defined, are to be included in the determination of the uniform prices to be paid by handlers under the Michigan Upper Peninsula and Northeastern Wisconsin orders. The two broad categories of milk plants to be regulated by these orders are distributing plants and supply plants. There are distributing plants at which milk received from local dairy farmers or other plants is processed and packaged and from which such milk is distributed as fluid milk products in one or both of these extensive marketing areas. At other plants milk is received directly from dairy farmers and delivered in bulk to distributing plants. This category of plant is generally known as a supply plant.

Elsewhere in this decision it is concluded that under the Michigan Upper Peninsula order distribution of returns to producers should be through individual-handler pools, and that under the Northeastern Wisconsin order such distribution should be through a marketwide pool. Under handler pooling the incentive for a handler to engage in the fluid milk trade of the area is based strictly upon the fluid milk business he can develop. In a marketwide pool, however, there is incentive for plants to be placed under regulation as a means of sharing in the utilization of the market without becoming an integral part of the supply for the market. The marketwide pooling system provides opportunity for partial regulation with respect to milk not priced and pooled under the order. Similar provisions would encounter practical difficulties in a handler pool order. For these reasons the standards of market participation used to determine full regulation of distributing plants and supply plants vary somewhat under the two pooling systems. In conformity with the nomenclature included in other orders, fully regulated plants are defined as "fluid milk plants" under the Michigan Upper Peninsula order and as "pool plants" under the Northeastern Wisconsin order.

To be eligible for distribution in fluid form in the State of Michigan milk must conform to the requirements of Public Law No. 169. Permissive standards for Grade A milk have recently become effective and it is probable that milk labeled Grade A will shortly constitute the principal distribution in the Upper Peninsula. Distributing plants to be defined as fluid milk plants under the Michigan Upper Peninsula order should include those plants at which fluid milk products either labeled Grade A or conforming to the requirements of Michigan Public Law No. 169 are processed or packaged for distribution in the marketing area.

Under this order provision should be made to exempt from regulation distributing plants located outside the marketing area from which only a minor volume of milk is distributed in the marketing area. Regulation of such plants might place them in an uneconomic and unfavorable position with respect to the major portion of their sales in nonregulated areas. As long as the volume of sales an exempt plant may make in the proposed marketing area is left relatively low, such distribution would not present a disruptive force. An average of 600 pounds per day on routes in the marketing area is considered to be an appropriate limit for such exemption.

The fluid milk plant definition of the Michigan Upper Peninsula order should include provision for supply plants at which milk produced in conformity with health regulations of the area is received from dairy farmers and from which fluid milk products are moved to distributing plants. Supply plants from which regular shipments of milk are delivered to the market should be fully regulated. Regular shipments of milk from sources where no minimum price regulations are in effect would be a threat to the stability of this market were there no provisions for pricing receipts of supply plants. As a result of handlers' receiving milk from outside the order in unlimited shipments, a situation could arise in which a significant portion of the market supply of milk would not be subject to the pricing and payment provisions of the order. These plants would be a constant threat to the classified pricing plan of the order.

Handlers in the Michigan Upper Peninsular area receive both regular and incidental supplemental supplies of milk when demand for fluid milk products exceeds the production of milk in this area. Further, there are supply plants which are integral parts of a certain handler's sources of supply. One of the proponent cooperatives, with a plant located at Crystal Falls, receives producer milk to supply various handlers with supplemental supplies of milk. A dealer performing functions somewhat similar to those of a supply plant plans to construct a receiving station at Carney, Michigan. Supply plants which constitute regular sources of supply should be fully regulated. Provision should be made, however, for receipt of some supplemental unpriced supplies during the vacation and short production seasons. Thus, it is concluded that the fluid milk plant definition in the Michigan Upper Peninsula order should provide that a supply plant be one from which milk or skim milk is delivered to a distributing plant on 10 or more days in any of the months of July through December or on 3 or more days in the months of January through June.

In the Northeastern Wisconsin marketing area, uniform minimum standards of the State of Wisconsin presently apply only to milk labeled Grade A. Grade labeling will become compulsory in 1959. Grade A milk represents the dominant distribution in the Northeastern Wisconsin marketing area. Distributing plants to be regulated under the Northeastern Wisconsin order should be those at which fluid milk products labeled Grade A are processed or packaged for distribution in the marketing area and from which disposition of fluid milk products on routes in the marketing area represents 20 percent or more of receipts of Grade A milk from dairy farmers. Such plants should also be limited to those having a total route disposition of 50 percent or more of receipts from dairy farmers and supply plants. To qualify for pool status a supply plant should move 50 percent or more of its receipts of Grade A milk from dairy farmers to a qualified distributing plant. If a supply plant qualifies on this basis during each of the months of August through November, it should be able to retain pool plant status the following December through July.

The extent to which other markets draw supplies from the same area as the Northeastern Wisconsin market and the substantial manufacturing milk production in the area necessitate these pool plant requirements in order to insure that the producers sharing in the uniform price of the market pool be those delivering to plants from which a substantial portion of the receipts is disposed of as fluid milk products in the marketing area, and that the receipts of plants primarily associated with other markets or uses be excluded from sharing in the pool.

The proponent of marketwide pooling at the hearing proposed that disposition of 30 percent of receipts from producers as Class I milk in the marketing area be required each month for both distributing and supply plants. This proponent, a cooperative association, operates a supply plant at Wittenberg, Wisconsin, that supplies the entire needs of a distributing plant at Rhinelander. Other than this regular full-supply arrangement handlers provided little evidence of need for supply plants. This is a concentrated milk production area where there are abundant supplies of milk available for direct delivery. Supply plants most commonly are called upon for heaviest shipments in periods of low supply. Accordingly, provision is made for a supply plant to retain pool status if it has made substantial shipments in the August-November period for which milk production is normally seasonally low. The requirement that 20 percent of its farm milk supply be disposed of on routes in the marketing area will limit pool participation of distribution plants to those with a substantial interest in the fluid trade of the area. The requirement that a distribution plant have 50 percent or more of its total Grade A receipts disposed of on routes, either in or out of the area, serves to distinguish those plants that must qualify as supply plants from those that may qualify as distributing plants. In view of its inclusion in the recommended decision, provision is retained to exempt from regulation distributing plants located outside the marketing area from which Class I disposition on routes in the marketing area averages less than 600 pounds per day.

There are at least three distributing plants, which would be regulated by the proposed Northeastern Wisconsin order that currently sell fluid milk products within the proposed Michigan Upper Peninsula marketing area. There are at least three milk plants regulated under the Milwaukee, Wisconsin, order that currently sell fluid milk products within the proposed Northeastern Wisconsin marketing area. Since handlers distribute fluid milk products in various regulated markets in this area, provisions must be adopted to avoid possible dual regulation. In this connection, it is concluded that a plant should be regulated under the order where such plant's monthly sales of fluid milk products are greatest. However, operators of plants subject to regulation under another order should be required to file reports and submit to audits by the market administrator in order that he may verify the status of such plant.

"Handler" should be defined under the respective orders as any person who operates one or more fluid milk or pool plants, in his capacity as such, or who operates a plant that does not qualify as a fluid milk or pool plant but from which any fluid milk product is distributed on routes in the marketing area. The handler receives the milk of producers and must be held responsible for reporting its receipts and utilization, and for making payment for it at not less

than specified minimum prices. Producer-handlers and operators of plants (including those that fail to qualify for pool status under the Northeastern Wisconsin order) distributing minimum volumes in the marketing areas should be defined as handlers so that they may be required to report to the market administrator the information necessary to determine their status and relationship to the market at any given time. In certain cases, obligations imposed by the order must also be ascertained.

It was proposed that a cooperative association be defined as a handler with respect to milk of member producers diverted for the account of the cooperative to nonfluid milk plants even though the association operated no plant. In another portion of this decision it is concluded that proceeds of the sale of producer milk under the Michigan Upper Peninsula order be by means of individual-handler pools. The pool of the cooperative handler, with respect to milk delivered to unregulated plants, would reflect only the value of the diverted milk which presumably would be in manufacturing milk classes. For the producers diverted for the account of the cooperative to receive any share of the value of Class I milk of the market, it would be necessary for the cooperative to collect the proceeds for milk of other member producers and reblend them with those from the diverted milk. This may be done without defining the cooperative association as a handler or the farmers whose milk is diverted by the cooperative as producers. The proposal would serve no useful purpose under this order. Under the Northeastern Wisconsin order, a cooperative association may be a handler with respect to milk so diverted. This provision will enable milk so diverted for short periods of time to continue to receive the uniform price under the order and be available for fluid use when needed.

"Producer" should be defined under the Michigan Upper Peninsula order as any person, other than a producer-handler, who produces milk in compliance with Grade A requirements or Michigan Public Law No. 169, which milk is received at a fluid milk plant. Provision should be made that the milk of producers regularly received at a fluid milk plant may be diverted for the account of the handler operating such plant to a nonfluid milk plant without such producers losing their status as producers under the proposed order. This will permit milk regularly associated with this market to be diverted to manufacturing plants during periods of flush production, holidays and weekends when deliveries exceed sales, should there be need for this milk to be manufactured in nonregulated plants. Producers whose milk is so diverted will continue to receive the diverting handler's uniform price under the order and their milk should be available for fluid use when needed. Diverted milk shall be deemed to have been received at the fluid milk plant from which it was diverted. Under the Northeastern Wisconsin order, "producer" should be defined as any person, other than a producer-handler, who produces milk in compliance with Grade A requirements of any duly constituted health authority, which milk is received at a pool plant or is diverted from a pool plant to a nonpool plant for the account of a handler or cooperative association. An exception should be made, however, to exclude from the definition of "producer" during the months of March through June those farmers with bases established under the Chicago and Milwaukee orders by delivery to plants, subject to such orders, operated under common control with the Northeastern Wisconsin pool plant to which the farmer may deliver during these months. A number of handlers operate both Chicago or Milwaukee and Northeastern Wisconsin plants. Payments under a base plan are made in these months under the Chicago order and in all but March under the Milwaukee order, but no base plan is provided herein. Without the exception provided in the producer definition a handler with plants in other pools could transfer producers with wider seasonal production to the Northeastern Wisconsin pool for these months of seasonally high production.

"Producer milk" should include all skim milk and butterfat contained in milk produced by producers and received at the fluid milk plant or pool plant directly from producers or diverted by a handler from such a plant. All provisions concerning the classification of producer milk should apply also to the milk received from handlers' own herds.

"Producer-handler" should be defined as a dairy farmer who operates a plant from which fluid milk products are distributed on a route in the marketing area but who receives no milk from other dairy farmers, nonfluid milk plants or nonpool plants. Reports to the market administrator at such time and in such manner as may be requested, with examinations of accounts, records and facilities should provide ample means to determine the status of a producer-handler.

A producer-handler may receive milk from other fluid milk or pool plants and still maintain status as a producer-handler. However, the classification provisions of each of the proposed orders should provide that any milk, skim milk or cream in bulk form transferred or diverted from a fluid milk or pool plant to a producer-handler will be Class I milk. Supplemental supplies of milk which may be obtained from other fluid milk or pool plants, by virtue of the type of operation involved, may be presumed to be needed by the producer-handler for fluid milk use and should be classified in the supplying handler's plant as Class I milk. Any milk which is received at a fluid milk or pool plant from a producer-handler would be "other source milk" and would, therefore, be allocated to the lowest class utilization at the plant(s) of such handler after the allocation of allowable shrinkage on producer milk. This method of allocating milk received from producer-handlers at regulated plants will insure producers priority on Class I sales made by the handler operating the plant where the producer-handler's milk is received. The producer-handler who by being exempt enjoys the full advantage of his fluid milk sales, should not also share in the Class I sales of other producers.

The definition of a route is included in each of the orders to clarify other definitions or provisions and avoid lengthy repetition in order language. The term route should be defined as a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product other than a delivery to any milk processing plant.

A definition of "fluid milk product" is included to mean milk, flavored milk, flavored milk drinks, skim milk, buttermilk, half and half and cream. This definition of "fluid milk product" will clarify other order provisions and definitions.

"Other source milk" should be defined as all skim milk and butterfat contained in fluid milk products received by a handler at his fluid milk or pool plant(s), except producer milk and fluid milk products received from other regulated plants. This definition would include milk products, other than fluid milk products, from any source (including those produced at the fluid milk or pool plant) which are reprocessed and converted to another product in the plant during the month. The amount of supplemental supplies received from unregulated milk plants, varies from season to season and between handlers. This definition of other source milk will insure uniformity among all handlers under the allocation and pricing provisions of each of the proposed orders.

(b) *The classification and allocation of milk.* Milk under each order would be classified in three classes reflecting the principal differences in the value and in the quality of milk required for different uses.

Because skim milk and butterfat are not used in most products in the same proportion as received from producers, these components should be classified separately. Class prices, however, will apply per hundredweight of milk and will be adjusted for the butterfat content of the milk actually used in each class through butterfat differentials.

Class I utilization under each order should include all skim milk and butterfat disposed of for consumption as fluid milk products, namely milk, skim milk, flavored milk, flavored milk drinks, buttermilk, half and half, and cream. Plant loss of producer milk in excess of 2 percent of receipts and skim milk and butterfat not accounted for as Class II or Class III utilization should also be Class I.

The products to be included in Class I are those required by health authorities in each marketing area to be from inspected sources. The extra cost of producing and delivering to the market milk of approved quality in the quantities required for fluid distribution justifies a price for Class I milk somewhat higher than that for manufacturing quality milk. It is appropriate that the products requiring approval be included in a single class so that all milk required for their use may contribute uniformly to the cost of supplying the market needs for inspected milk.

Reserve milk in excess of market needs for fluid consumption must usually be manufactured into various dairy products for which approved inspected sources of milk are not required. Such products must be sold in competition with like products from uninspected sources produced over a wide area. Most such products are less perishable than fluid milk products. Milk used to produce these products should be classified in lower classes and priced in accordance with its value in such outlets.

It was proposed that all such uses be included in Class II milk. It is desirable, however, that separate classification and pricing be provided for milk used to produce butter, cheese, and nonfat dry milk. Substantial volumes of milk priced under the Chicago order are made into these products at plants located in the Northeastern Wisconsin area. A separate class (Class IV) is provided under that order for the milk equivalent of butterfat made into butter and cheese. A separate classification for these products (including also nonfat dry milk, the manufacture of which frequently complements the manufacture of butter) will permit pricing milk used for these products under the Northeastern Wisconsin order in close alignment with the Chicago order. In the Michigan Upper Peninsula some excess milk must be disposed of to cheese factories, and prices that can be realized in this area for milk disposed of to such outlets differ considerably from the value of such milk in other nonfluid products. In addition to these products, skim milk dumped or disposed of for livestock feed after notification to the market administrator and opportunity for verification of volumes should also be included in Class III milk, as should shrinkage within allowable limits.

Class II milk should then include all skim milk and butterfat used to produce products not specified as Class I or Class III and in inventories of fluid milk products on hand at the end of the month.

Unaccounted for milk in excess of a reasonable allowance for plant loss should be Class I so as to require full accounting by handlers for their receipts. Two percent is considered a reasonable maximum allowance for plant loss. No limit need be put on shrinkage of other source milk (assigned to Class III) since such milk is deducted from the lowest use class under the allocation procedures.

Since it is not feasible to segregate shrinkage of producer milk from that of other source milk in the same plant, total shrinkage is prorated on the basis of the volume of receipts. Allowance for loss on producer milk diverted to another plant regulated by the same order should be at the plant where actually received. Each handler must be held responsible for full accounting of all his receipts of skim milk or butterfat in any form. The handler who first receives the milk from producers should be responsible for establishing the classification of and the payment for producer milk. Except for such limited quantities of shrinkage as may be classified in Class III, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use.

Uniformity of minimum prices to handlers and simplicity of accounting are achieved if, so far as possible, Class I utilization each month is assigned to current receipts of producer milk. This can be accomplished by classification of closing inventory as Class II, and allocation of opening inventory to Class I only when current receipts of producer milk (except allowable Class III shrinkage) are less than Class I sales. In such case the handler should pay the difference between the Class II price for such milk in the preceding month and the current Class I price. The volume on which this charge is made should not exceed the volume for which producers were paid at the Class II price in the preceding month.

Provisions should be made for classification of fluid milk products transferred in bulk between regulated plants and from regulated plants to unregulated plants. Transfers between fluid milk plants, or between pool plants, should be permitted in any class agreed upon by the handlers operating such plants so long as the prior claim of producer milk for Class I sales is maintained.

Transfers to an unregulated plant may be at Class II or Class III if such plant does not engage in the fluid milk business, or has receipts from inspected farmers equal to any Class I sales. If Class I sales exceed such receipts, the milk transferred should be Class I to the extent of the excess. In any event, in order to substantiate a classification other than Class I the unregulated plant must have and make available records adequate to verify any such utilization claimed.

When handlers receive butterfat and skim milk from sources other than from producers, it is necessary to provide a method for allocating such receipts to the classes of utilization in such a manner as to determine the classification of producer milk. Inasmuch as producer milk is the regular available supply for fluid consumption in the marketing area, producer milk should be assigned the Class I utilization in preference to other source milk. This is necessary to assure the effectiveness of a classified pricing program. The system of assigning utilization of milk to receipts from different sources is set forth in detail in the proposed order. A monthly accounting period is provided for this assignment in order that uniform prices to producers may be computed for each month's delivery of milk.

(c) *Class prices.* The price of milk for fluid use in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas should be closely related to the prices of milk used in the production of manufactured dairy products. In both of these areas substantial volumes of milk are produced, relative to fluid milk production, for use in the production of manufactured milk products. Producers' farms where milk is produced for the Chicago and Northeastern Wisconsin markets are intermingled in the Northeastern Wisconsin milkshed. Surplus and reserve supplies of milk from the Chicago market are manufactured in plants located in the Northeastern Wisconsin area. Dealers in the Northeastern Wisconsin and Michigan Upper Peninsula areas have based their fluid milk prices on the prices paid by manufacturing plants in the areas and on prices paid by plants regulated under the Chicago order. Class I prices in the nearby Federal order markets of Chicago, Milwaukee, Duluth-Superior, Minneapolis-St. Paul and Upstate Michigan are based on similar manufacturing values. Use of a basic formula price to which a Class I differential is added will, for each order, reflect manufacturing values.

(1) *Basic formula price.* The basic formula price used to determine the Class I price should be the higher of the average price paid by 12 Wisconsin and Michigan condenseries or a formula price based on market values of butter and nonfat dry milk. These prices measure the value of milk used in each of these major manufactured dairy products which are marketed nationally. These same factors are used in the Chicago and Milwaukee Federal order markets.

Several of the 12 condenseries whose prices are included are located in the Northeastern Wisconsin area. A butter-powder formula price using slightly different factors from that included in the attached orders was proposed in the notice of hearing. In view of the desirability of maintaining alignment with prices of the orders for the Chicago and Milwaukee markets the formula price used in those orders is included as the alternative basic formula price. Use of the basic formula price of the preceding month in the determination of Class I prices will permit these prices to be announced early in the month to which they apply, and will assist in maintenance of alignment with Chicago and Milwaukee prices.

(2) *Class I price.* The Class I price differential to be added to the basic formula price should be at a level which will reflect the additional costs of providing an adequate but not excessive year-round supply of milk meeting the inspection requirements of each of these areas. For the initial 18 months of operation of the Northeastern Wisconsin order this differential should be established at an annual level of $0.74, varied seasonally to be $0.94 for the months of August, September, October, and November; $0.74 for the months of January, February, July, and December; and $0.54 for the months of March, April, May, and June; and at those plants located in the Wisconsin counties of Florence, Forest, Marinette, Oneida, and Vilas, or in the State of Michigan, the Class I price under the Northeastern Wisconsin order should be increased ten cents. For the initial 18 months of operation of the Michigan Upper Peninsula order this differential should be established for those plants located in (1) Zone 1 at an annual level of $0.97, varied seasonally to be $1.15 for the months of July through November, and $0.95 for the months of January,

February, and December, and $0.75 for all other months; and (2) Zone 2 at an annual level of $1.17, varied seasonally to be $1.35 for the months of July through November, $1.15 for the months of January, February, and December, and $0.95 for all other months.

It was proposed at the hearing that the Class I differential of the Northeastern Wisconsin order be $1.00 in all months of the year and that of the Michigan Upper Peninsula order be $1.35 for all months. While zone price differences for the Upper Peninsula were proposed in the notice of hearing, proponents at the hearing supported the application of a single Class I differential applicable at all locations.

Prices of the Chicago and Milwaukee markets are a dominating influence on the price structure of the Northeastern Wisconsin area. The volume of milk priced under the Chicago order delivered to Chicago pool plants located in the Northeastern Wisconsin area averaged approximately 78 million pounds per month over a recent 12 month period. This is substantially more milk than that to be regulated under the Northeastern Wisconsin order. Chicago prices at these points are clearly the dominant competitive factor in procurement of milk. Milwaukee handlers also compete for sales in the Northeastern Wisconsin marketing area. Producer prices under the Milwaukee order are directly related to those of the Chicago order.

Under the Chicago order the Class I prices at plants located more than 70 miles from the Chicago City Hall are decreased 2 cents for each 15 miles or fraction thereof in excess of 70 miles. An annual average Class I differential of 90 cents is provided at the 55–70 mile zone. Chicago pool plants are located in the Northeastern Wisconsin area in zones 7–14 so that the annual average Class I price differentials applicable at these plants range from 64 to 78 cents. Under the Milwaukee order an average annual differential of 86 cents, which represents the Chicago zone prices at Milwaukee, applies at all plants.

Approximately two-thirds of the milk to be regulated by the Northeastern Wisconsin order is received at points which would lie in zones 7–10 of the Chicago order, for which the applicable Class I differential of that order ranges from 72 to 78 cents on the annual average. Furthermore, it is from plants located in this area that route distribution is most extensive throughout other parts of the area.

This area also represents the primary concentration of receipts under the Chicago order. Thirteen of the 17 Chicago pool plants are located in zones 7–10. While the record does not show the volume of receipts for plants in this particular group of zones, at 10 plants in zones 7–9 receipts were more than 61 percent of the Chicago milk received in the entire area. The six Chicago plants in zone 9 received approximately 35 percent of the total volume for the area.

It is concluded that a Class I differential with an annual average of 74 cents, which is that applicable under the Chicago order at plants in zone 9, is appropriate for all parts of the Northeastern Wisconsin marketing area except for the northern portion of the area discussed elsewhere in this decision. Throughout the remainder of the area the extensive competition between handlers makes it desirable that the Class I price be uniform to handlers rather than be varied by the zone differentials of the Chicago order. The concentration of receipts under both Chicago and the proposed Northeastern Wisconsin order at or near zone 9 makes this the most appropriate price for the area.

In conformity with the seasonal price patterns of the Chicago order the Northeastern Wisconsin Class I differential should be 20 cents above the annual average level for the months of August through November, 20 cents less for the months of March through June, and at the annual average level for other months.

The Chicago and Milwaukee orders provide for the adjustment of Class I and II prices on the basis of supply and demand in the Chicago market. In view of the lack of data with respect to producer receipts and utilization in the Wisconsin area there is no basis for providing similar provisions for the Northeastern Wisconsin order at this time. While consideration was given to providing precise price alignment by use of the amount of adjustment each month under the Chicago order such precise alignment is not required for an initial 18 month period of operation of the order necessary to provide data with respect to the market. The differences in classification and accounting provisions of the orders make it impossible to provide precise alignment on a comparable basis. The inclusion of ice cream and fluid cream as Class II uses under the Chicago order accounted for on the milk equivalent of butterfat used results in a higher cost to handlers and consequently a higher average producer price for identical utilization than will result from the classification and accounting procedure of the order recommended herein. Experience during the initial period will provide data upon which proper allowance may be made for these factors.

In Oneida and Vilas counties milk production is much less intensive than in the remaining portions of the Northeastern Wisconsin area. The principal handler located in this area, whose plant is at Rhinelander in Oneida County, receives his entire supply from a plant at Wittenberg, 74 miles to the south in the area to which the 74 cent differential would apply. This area, and the companion cities of Marinette-Menominee are the portions of the Northeastern Wisconsin area nearest to the Michigan Upper Peninsula area from which local distribution in adjacent portions of that area may be expected. A Class I price 10 cents higher than that applicable in other portions of the area should apply under the Northeastern Wisconsin order at plants in these areas and the territory intervening between the two marketing areas. This will reflect differences in supply conditions in that portion of the area.

Other than this zone price differential, there is no need to provide any reductions in the Class I price for plants at distant locations. This is an area where substantial volumes of milk in excess of local requirements are produced and as a consequence producer prices approach the minimum. To the east is Lake Michigan, to the south Chicago order prices increase at locations nearer Chicago, while Milwaukee prices are maintained at the Chicago level applicable at Milwaukee, and to the north this decision establishes Michigan Upper Peninsula prices higher than those here provided. To the west the nearest regulated markets, Minneapolis-St. Paul and Duluth-Superior, are also at higher levels.

It was proposed by proponent cooperatives that the Michigan Upper Peninsula marketing area be zoned as three areas for the purpose of establishing Class I price differentials, for each zone. However, at the hearing producers recommended that the Class I price be the basic formula price plus $1.35 in all months and for all portions of the marketing area. Negotiated prices in the two markets of Marquette and Ironwood have been established by one of the proponent cooperatives for several years. In 1961 the average monthly price differential for fluid milk, above manufacturing prices, using the recommended basic formula price, was $1.30 in the Marquette market and $1.05 in the Ironwood market. Negotiated prices for the Sault Ste. Marie market have not been in effect for a sufficient period to permit a reasonable determination of the average differential. The prices negotiated at this point have, however, have been substantially higher at all times than those for Marquette. The classification to which these prices apply is not similar in all respects to that recommended herein inasmuch as the negotiated Class I price does not apply to cream and half and half.

The influence of the Northeastern Wisconsin market should be reflected in the level of the Class I price under the Michigan Upper Peninsula order. The Wisconsin area is not only a source of alternative supplies of milk but provides considerable direct competition for sales from Wisconsin plants. The Michigan Upper Peninsula area is, however, quite extensive geographically, and some portions are much farther from the Wisconsin production area than others. As a consequence transportation costs from Wisconsin points are substantially higher in certain parts of the area.

For Zone 1, representing the area lying nearest to the Wisconsin production, a Class I price 23 cents higher than that of the principal portion of the Northeastern Wisconsin area is provided. This price is 13 cents more than that for the nearby northern portions of the Wisconsin area. Such difference approximates the costs of movement of supplemental supplies in this area. The Class I price is increased an additional 20 cents for the remainder of the area, which is at a greater distance from Northeastern Wisconsin. This difference between zones approximates that which has been established through negotiations at Ironwood in Zone 1 and Marquette in Zone 2. The relationship between prices in the principal cities in each of these zones and that provided in the concen-

trated Wisconsin production area continues to approximate reasonable allowances for transportation for movements of supplemental supplies of milk.

In the previous recommended decision it was proposed that a third zone, consisting of the counties of Chippewa, Luce and Mackinac be provided, with an additional increase of 20 cents in the minimum Class I price. This would have included the city of Sault Ste. Marie. As a result of exceptions received, the record with respect to the pricing history of this proposed zone has been reviewed. It is hereby concluded that the data available with respect to price relationships between this area and the area proposed in Zone 2 in the recommended decision covers too short a period to justify establishment at this time of a fixed differential in the minimum Class I prices applicable in these areas. Accordingly, only two pricing zones are provided in the order attached hereto, with the same minimum Class I price applicable at all points in the area outside Zone 1.

The price relationships between the Michigan Upper Peninsula and Northeastern Wisconsin orders have also been reviewed and it is concluded that the prices of the Michigan order should be increased 3 cents in order to more appropriately reflect past relationships and cost of transportation.

The demand for fluid milk during the vacation season in the Michigan Upper Peninsula makes appropriate the inclusion of July with the months of highest Class I prices. With this exception the seasonal pattern of the Class I price in the Michigan Upper Peninsula order should follow that of the Northeastern Wisconsin order. The price differences cited apply to the annual average levels provided.

In contrast to the situation in Northeastern Wisconsin the possibility that distant plants are or might become regulated under the Michigan Upper Peninsula order requires that provision be made to allow for the cost of moving Class I milk from such plants. While the distant plants presently distributing milk in the area would be regulated under the Northeastern Wisconsin order, plants not subject to any other order may become regulated as either supply plants or distributing plants. If such plants are west of Lake Michigan, presumably in Wisconsin or Minnesota the nearest portion of the marketing area will be Zone 1, in which the cities of Ironwood and Iron Mountain provide appropriate points from which distances may be determined. If such plants are east of Lake Michigan, presumably in the lower peninsula of Michigan, the portion of the marketing area accessible to them will be Zone 2, via the newly constructed bridge over the Straits of Mackinac. St. Ignace, located at the straits, provides a convenient point for measurement of distances from Zone 2. Accordingly, location adjustments from the Zone 1 price are provided for plants located west of Lake Michigan and more than 50 miles from the nearer of Ironwood or Iron Mountain, and from the Zone 2 price for plants located east of Lake Michigan and more than 50 miles from St. Ignace. The rate of adjustment should be 10 cents per hundred-weight for distances of 50–70 miles, plus 2 cents for each additional 20 miles or fraction thereof. The application of these rates to the Northeastern Wisconsin plants with substantial distribution in the marketing area will approximate the prices established for such plants under the Wisconsin order.

Under the handler pooling provisions included in the Michigan Upper Peninsula order the producer prices computed reflect the location value of milk if the handler does not operate two or more plants at which different Class I values are applicable. If such is the case the uniform price applicable to milk received at the plant to which the higher Class I price applies is computed and a location differential equal to the difference in Class I values is used in determining minimum producer prices at other plants of such handler. The uniform price of the Northeastern Wisconsin order is computed as that applicable at plants in the major portion of the area with a 10 cent plus differential for milk delivered to plants in the higher priced zone.

(3) *Class II price.* The Class II price should reflect a value for milk used in cottage cheese, ice cream and related products under each of these orders. Reserve supplies of milk that are needed because handlers' sales fluctuate on a daily basis are converted to such products as cottage cheese, ice cream and related products. Ungraded milk for these purposes commands higher prices than that for butter, cheese, or nonfat dry milk. The level of Class II milk price should not be below that paid for ungraded milk for the same use, since such "pay" prices represent the prevailing value for milk for such uses. It is to be expected that such supplies of milk will be used in the highest valued manufactured products. It is concluded that the Class II price under each of these orders should be the basic formula price of the current month which represents the higher of the prices established for milk for manufacturing purposes.

(4) *Class III price.* The Class III price should reflect the value of milk for manufacture into butter, nonfat dry milk, and cheese (other than cottage cheese) in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas. The plants which manufacture butter, nonfat dry milk and cheese are not comparable in these two areas. In the Northeastern Wisconsin area there are centered some of the largest manufacturing plants in the country. Plants manufacture into these products milk from the Chicago market for which the price is established on the basis of the butter-powder formula price. Thus, it is appropriate that the butter-powder formula portion of the basic formula price should be used to price milk used to produce butter and cheese under the Northeastern Wisconsin order. That computed from the current month quotations should apply.

Producer proponents of the Michigan Upper Peninsula order proposed that the pay prices at local cheese plants and creameries should be the price for "distressed" milk during the flush months. Products, principally cheese, made at these plants must be assembled and shipped considerable distances to the central markets. As a consequence the prices paid by these plants are less than prices paid by cheese factories and creameries in Northeastern Wisconsin. Many of these plants are operated by producer cooperatives so that their current pay prices may not reflect accurately returns to the farmers supplying milk to such plants. It is concluded that the butter-powder formula price less ten cents will approximate the level of prices paid by manufacturing plants in the area and should determine the Class III milk price.

(5) *Handler butterfat differentials.* Butterfat and skim milk will be accounted for separately for classification purposes since they are not used in most products in the same proportions as received from producers. The basic test for which class prices are determined is 3.5 percent butterfat content, the usual fat test at which prices are quoted in these areas, and on which the two markets have operated for some time. It will then be necessary to adjust Class I, Class II and Class III prices of milk to each handler in accordance with the average test of milk used in each class by such handler. Butterfat differentials which reflect differences in value due to differences in butterfat content are used for this purpose.

Producers proposed that a single butterfat differential apply to all classes of milk. They proposed that this differential be 0.122 times the average price of 92-score butter at Chicago. Producers contend there is a shortage of butterfat for fluid milk uses which has resulted in part from the requirements of recently enacted Michigan statutes.

Butterfat in fluid milk products (which include cream) from inspected sources has a higher value than that in ungraded milk, which will be approximately reflected by a butterfat differential 0.125 times the Chicago butter price. Such a differential should be used to adjust the hundredweight price of Class I milk for each one-tenth percent variation from 3.5 percent butterfat content. The Class II and Class III butterfat differential should be 0.115 times the Chicago butter price. This differential reflects an appropriate value of butterfat for Class II and Class III uses in these areas.

In order that the Class I butterfat differential may be announced early each month for the current month, it is provided that the Class I differential be based on the average price of butter in the preceding month. This will permit the announcement of the Class I butterfat differential at the same time that the Class I price is announced.

The Class II and Class III butterfat differential will not be announced until after the end of the current month. Although handlers will not know precisely the cost of such milk as it is utilized, they will know that their cost will follow that of their principal competitors for manufactured outlets. Trends in butter and nonfat dry milk

prices may be observed from daily and weekly reports issued by the Department.

(d) *Distribution of proceeds to producers*—(1) *Types of pool.* The act specifies that an order must provide for (1) the payment to all producers delivering milk to the same handler of uniform prices for all milk delivered by them, or (2) the payment to all producers delivering milk to all handlers of uniform prices for all milk so delivered, without regard to the uses made of such milk by the handler to whom it was delivered. The former method of payment is by individual-handler pools, the latter by a marketwide pool. Under either method all handlers pay the class prices for producer milk, except for differences in the location at which received and for butterfat content.

Under the individual-handler pool, the minimum prices to be paid producers will be uniform to all producers delivering their milk to the same handler. The uniform price will depend upon the proportion of producer receipts used in each class by the handler. Although each handler will be required to pay minimum uniform prices to all the producers who deliver milk to him during each month, the prices paid by different handlers may differ because the proportion of milk used in each class may vary.

(i) Michigan Upper Peninsula: The individual-handler type of pool should be included in the Michigan Upper Peninsula order as a means of distributing to producers the returns from the sale of their milk.

In the Michigan Upper Peninsula area the Michigan Milk Producers Association has operated separate association pools at Marquette, Ironwood and Sault Ste. Marie with respect to milk of those members delivered to handlers at each of these points. Handler pooling will permit continuation of this practice should the association so desire. At least three other cooperative associations operate plants in other points in this marketing area. The area is very extensive, with substantial differences in production conditions surrounding various centers of population. While Class I price differences are provided in recognition of this situation, it is also desirable that differences in the supply and sales relationships throughout the area be reflected in producer prices. Individual handler pooling was supported by all producer organizations with members supplying the Michigan Upper Peninsula market.

It was proposed that, in addition to the milk each handler received from producers or diverted for his account to nonfluid milk plants, there should be included in the computation of his pool price, milk of dairy farmers who had supplied such handler any time during the preceding months of July-December and certified their willingness and ability to deliver inspected milk currently, but whose milk was not received at a fluid milk plant. It was proposed that such dairy farmers be designated "associated producers" and receive payments from the handler through the market administrator equal to the difference between the uniform price of the handler and the manufacturing milk price of the order. The source of such payments would be a reduction in the uniform price otherwise payable to producers by the handler. It was claimed that such provisions would prevent producers from loss of their market through arbitrary action of the handler.

A number of things in addition to conformity with health requirements are influential in farmers' acquiring and retaining a fluid milk market. A number of plants in this area receive milk only in bulk tanks and other plants are in the course of changing to this type of delivery. Only dairy farmers equipped with farm storage tanks can continue to market milk at such plants. Seasonality of production is another factor which may affect the ability of a dairy farmer to retain his market with any specific handler. It is difficult from this record to find a basis on which failure of a farmer to meet market practice requirements could be distinguished from arbitrary action of a handler in determining the producer who should share in the Class I business of a handler without current delivery of milk. It is concluded that such provision should not be included without more definite evidence of actual need to provide stable market conditions.

(ii) Northeastern Wisconsin: The marketwide type of pool should be used in the Northeastern Wisconsin order to distribute returns to producers.

In the recommended decision it was recommended that handler pools also be included in the Northeastern Wisconsin order, principally upon the basis that it was not shown that any particular group of plants serve to balance supplies among other plants. As a result of numerous exceptions received to the proposed pooling provisions for this area it is concluded that handler pooling in this area might operate to prevent adequate reserve supplies of milk from being carried by many Northeastern Wisconsin plants. Such reserve supplies for this market would thus accumulate either in the Chicago pool or in the hands of cooperative handlers under the Northeastern Wisconsin order. In view of these considerations it is concluded that returns under the Northeastern Wisconsin order should be by means of a marketwide type of pool. Appropriate modification of the definitions of "plant", "producer" and "handler", and provision for payments on unpriced milk are included on the basis of findings contained elsewhere in this decision.

(2) *Payments on unpriced milk.* Northeastern Wisconsin order: The order should provide compensatory payments with respect to unpriced milk which is allocated to Class I in a pool plant when receipts from producers exceed 110 percent of the Class I utilization.

An important function of the order is to insure that the position of handlers paying producers a Class I price for fluid milk will not be undermined by other handlers using the market's excess or surplus milk for Class I use. It is equally important that the Class I market be protected from the use of seasonal excess milk from other markets as well as from its own surplus. If the order failed to provide such protection, a handler could curtail purchases of producer milk to his own advantage and secure low cost reserve supplies from other markets for Class I use.

Seasonal supplies may be obtained easily and cheaply during the months of flush production, when most markets have receipts of milk considerably greater than necessary to supply their current fluid requirements. If adjoining milksheds dispose of their seasonal surplus in each other's Class I markets, the result would be confused and disorderly marketing conditions. Market prices would be demoralized, production of milk would be impaired, and the future supply of milk for both markets would be jeopardized. Such disorderly marketing conditions would be contrary to the purposes of the Agricultural Marketing Agreement Act. Therefore, in order to insure the effectiveness of the classified pricing program and to promote orderly marketing, it is necessary that some method of compensating for, or neutralizing the effect of, the advantage created for unpriced milk should be provided as an essential provision of this order. Since the need for such payments arises because of the availability of unpriced milk (milk not procured at specified prices by class usage), compensatory payments should not apply to milk entering the marketing area from a plant regulated under another order. Its proper classification and pricing is determined pursuant to the other order.

It is not practicable to price all milk which may enter the market. However, it is necessary to make provision to prevent the displacement of producer milk by such unpriced milk for the purpose of cost advantage. The alternative available under the order is to make a charge against unpriced milk used in Class I to the extent necessary to remove any advantage in using such milk in lieu of milk from producers.

To remove the price advantage that a handler might achieve by purchasing surplus milk from other markets for use as Class I milk, a compensatory payment should be assessed on such milk equal to the difference between the Class I price and the Class III price. The Class III price provided by the order is a fair index of the value of such milk in manufactured dairy products which is the alternative outlet for such milk. As indicated elsewhere in this decision manufacture of such dairy products is highly concentrated in this and adjoining areas.

It was proposed that the rate of payment be the difference between the Class I price of the order and the uniform price. It is likely that the uniform price of the Chicago order rather than that of the Northeastern Wisconsin order will be the dominant competitive procurement factor in the area. Further, as demonstrated clearly by present procurement practices in the area, it cannot be assumed that payment of a uniform price determines the cost of Class I milk to a handler.

In order to permit handlers to secure supplementary supplies without making a payment when the market is actually short of milk, it has been provided that no compensatory payment will apply any month in which receipts of producer milk on the market are less than 110 percent of Class I sales. Such utilization percentage would be a more practical demarcation of adequate supply and deficit supply conditions than the 125 percent mentioned at the hearing.

In the case of a handler whose plant fails to qualify as a distributing plant but who has sales of fluid milk products on routes in the marketing area, such handler also should under certain conditions be required to make payments to the producer-settlement fund. The amount of these payments would be the lesser of (1) the difference between the Class I and Class III price multiplied by the amount of Class I milk sold in the marketing area, or (2) the amount by which total payments to dairy farmers are less than the total amount of the plant's obligation to producers if such obligation is computed as if such plant were a pool plant.

If the handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, he will obviously not have any advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area, for his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

Affording this latter option to nonpool plants from which some Class I milk is distributed in the marketing area will adequately protect the regulatory plan in this market. Under the standards adopted herein for pooling the only such nonpool plants would be those with less than half their receipts disposed of on routes or with only a minor share of their route business in the marketing area, being primarily associated with other fluid markets. Distributing plants primarily associated with other unregulated markets do not procure their milk supplies in the milkshed of the Northeastern Wisconsin area, which is practically coextensive with the marketing area. It is expected that Class I utilization of pool milk in this market will substantially exceed 50 percent. Under these circumstances no advantage in the procurement of milk could accrue to handlers operating such nonpool plants. The volumes of milk that might be involved would be relatively small in comparison to the volume of milk in the pool. There is no necessity in this market to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their Grade A dairy farmers at least the total amount of money which they would be required to pay if they were fully regulated.

The nonpool handler should also pay his pro rata share of the costs of administration of the order. Complete verification of receipts, utilization and payments is required if such a handler is to be given credit for payments as related to the classified use value of skim milk and butterfat received. Accordingly, administrative expense should be determined on the same basis as for fully regulated plants. Should a handler operating a nonpool distributing plant elect when filing his report to make payments to the pool at the difference between the Class I and Class III prices with respect to sales in the marketing area, the expenses of administration will be assessed only with respect to such sales, since need for verification will then be confined to that volume.

(3) *Producer-settlement fund.* Since the amount which the Northeastern Wisconsin order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperative associations, some method of balancing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations should pay the difference into the producer-settlement fund; and all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal except for minor differences that may result from rounding of uniform prices. In order to permit this rounding of prices, to allow for unavoidable delays in receiving payments from handlers, and to permit payments to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the proposed Northeastern Wisconsin order should be sufficient for these purposes. This reserve would be accumulated by deducting between 4 and 5 cents each month from the uniform price, after adding half of the unobligated balance to the pool from which such prices are computed.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers.

4. *Producer butterfat differentials.* The butterfat differential used in making payments to producers should be calculated at the average of the returns actually received from the sale of butterfat in producer milk by each handler. The rate to be used for this purpose would be the average of the Class I, Class II, and Class III differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sale value of their butterfat at the class differentials provided in the order. The producer butterfat differential in no way affects the handlers' costs of milk but merely prorates returns among producers according to the varying butterfat tests of their milk.

(e) *Other administrative provisions.* Certain other provisions are needed in each of the orders to carry out the administrative steps necessary to accomplish the purpose of the proposed regulations.

(1) *Terms and definitions.* In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term implies the same meaning. Other terms defined in each of the proposed orders are common to many other Federal milk orders.

(2) *Market Administrator.* Provisions are made for the appointment by the Secretary of market administrators to administer each of the orders and to set forth the powers and duties of the market administrators.

(3) *Records and reports.* Provision should be included in each of the orders to inform handlers that they are required to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of milk and payments due producers for milk. Time limits must be prescribed for filing such reports and for making payments to producers. Dates must be established for the announcement of prices by the market administrators.

In view of the adoption of marketwide pooling under the Northeastern Wisconsin order, it is necessary to provide additional time for computation of the marketwide uniform price based upon receipt of reports from all handlers, and for handlers to make payments to producers. Under this type of pooling sufficient time must be provided for receiving monies due the producer-settlement fund and payments to handlers which are required to balance the pool. The dates of these payments will follow, in general, those under the Chicago order. The following time schedules should allow all interested persons adequate time to perform each function. These time limits apply to the indicated day of the month following the month for which computations are being made except Class I price announcements which are for the current month.

(i) Day of the month and function under the Michigan Upper Peninsula order are as follows:

5th day—Announcement of class prices by market administrators.

5th working day (exclusive of Sundays and holidays)—Submission of monthly reports of receipts and utilization by handlers.

10th day—Payment by handlers at class prices to cooperative associations operating fluid milk plants.

12th day—Announcement of uniform price for each handler by market administrator.

12th day—Notification by market administrator to each handler of the value of his producer milk in each class, and payments due for expenses of administration.

13th day—Payments by handlers to cooperative associations.

15th day—Payments by handlers to producers.

20th day—Submission of producer payrolls by each handler to the market administrator.

(ii) Day of the month and function under the Northeastern Wisconsin order are as follows:

5th day—Announcement of class prices by market administrator.

5th working day (exclusive of Sundays and holidays)—Submission of monthly reports of receipts and utilization by handlers.

10th day—Payment by handlers at class prices for milk received from pool plants of cooperative associations.

14th day—Announcement by market administrator of uniform price, notification to each handler of the value of producer milk in each class and payments due for expense of administration.

16th day—Payments by handler to cooperative associations collecting on behalf of members.

16th day—Payments by handler to market administrator for producer-settlement fund.

17th day—Payment by market administrator due to handlers out of producer-settlement fund.

18th day—Payments by handlers to producers.

25th day—Submission of producer payroll by each handler to the market administrator.

It is necessary that handlers retain records to prove the utilization of the milk received and that proper payments were made therefor. Since the books of all handlers associated with the market cannot be audited immediately it is necessary that such records be kept for a reasonable period of time.

Each of the orders should provide for specific limitations of the time that handlers should be required to retain their books and records and of the period of time in which obligations under the order should terminate. The provisions made in this regard are identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444) covering the retention of records and limitation of claim is equally applicable in this situation and is adopted as a part of this decision.

(4) *Expense of administration.* As his share of the expenses of administering the respective order under which he is regulated each handler should pay not in excess of 5 cents per hundredweight with respect to all receipts of producer milk and such other source milk, not priced under another order, as is classified Class I milk. The expense of administration for handlers paritally regulated under the Northeastern Wisconsin order is discussed elsewhere in this decision.

Market administrators must verify receipts and utilization of all such milk, therefore, all such milk should be subject to the expenses of adminstration. Experience in other markets indicates that 5 cents per hundredweight with respect to all such milk should yield sufficient money to cover expenses of administration. If payment of expenses of administration at the rate of 5 cents per hundredweight yields more money than is needed, under either order, provision is made for the Secretary to prescribe a lesser rate of payment from time to time.

(5) *Marketing services.* A provision should be included in each of the orders for furnishing marketing services to producers, such as verifying tests and weights of producer milk and furnishing market information. These should be provided by the market administrators and the cost should be borne by the producers receiving the service. If a qualified cooperative association is found to be performing such services for any member producers in a similar manner, this will be accepted by the market administrators in lieu of their own service. These orders should provide that 6 cents per hundredweight, or such lesser amount as the Secretary may determine, be deducted from payments to such producers for use of the market administrators in financing such services.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied.

General findings. (a) The proposed marketing agreements and orders and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in each of the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in public interest; and

(c) The proposed marketing agreements and orders will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled.

Marketing agreement and order. Annexed here to and made a part hereof are four documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area", "Order Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Northeastern Wisconsin Marketing Area", and "Order Regulating the Handling of Milk in the Northeastern Wisconsin Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the attached orders which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Michigan Upper Peninsula marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of June 1958, is hereby determined to be the representative period for the conduct of such referendum.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Northeastern Wisconsin marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of June 1958, is hereby determined to be the representative period for the conduct of such referendum.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Issued at Washington, D. C. this 15th day of September 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area

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AUTHORITY: §§ 1011.0 to 1011.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1011.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Michigan Upper Peninsula marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (a) All receipts within the month of milk from producers, including milk of such handler's own production; and (b) Any other source milk allocated to Class I pursuant to § 1011.46 (b) and the corresponding step of § 1011.47.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Michigan Upper Peninsula marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 1011.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1011.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1011.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 1011.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1011.5 *Michigan Upper Peninsula marketing area.* (a) "Michigan Upper Peninsula marketing area" (hereinafter referred to as the "marketing area") means all the territory including all municipal corporations within the zones described below in this section.

(b) "Zone 1": Counties of Delta, Dickinson, Gogebic, Iron, Ontonagon, all in the State of Michigan; the town of Niagara and the village of Niagara, in Marinette County; the towns of Aurora and Florence, in Florence County, and the towns of Carey, Kimball, Oma, Pence, Saxon and the cities of Hurley and Montreal in Iron County, all in the State of Wisconsin.

(c) "Zone 2": Counties of Alger, Baraga, Chippewa, Houghton, Keweenaw, Luce, Mackinac, Marquette and Schoolcraft, all in the State of Michigan.

§ 1011.6 *Fluid milk product.* "Fluid milk product" means milk, skim milk, flavored milk, flavored milk drinks, buttermilk, half and half and cream (sweet or sour).

§ 1011.7 *Route.* "Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

§ 1011.8 *Fluid milk plant.* "Fluid milk plant" means the premises, buildings and facilities of any milk receiving, processing or packaging plant handling milk eligible for distribution in the marketing area as Grade A milk or conforming to the requirements of Michigan Act No. 169, Public Acts 1929, as amended:

(a) From which fluid milk products are disposed of during the month on routes in the marketing area except as provided in § 1011.81; or

(b) From which milk or skim milk is delivered to a plant(s) described in paragraph (a) of this section on 10 or more days in any of the months of July through December or on three or more days in any of the months of January through June.

§ 1011.9 *Handler.* "Handler" means a person who operates one or more fluid

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

milk plants or any other plant from which fluid milk products are disposed of during the month on routes in the marketing area.

§ 1011.10 *Producer.* "*Producer*" means a person, other than a producer-handler, who produces milk in conformity with the sanitation requirements for Grade A milk of any duly constituted health authority, or in conformity with the requirements of Michigan Act No. 169, Public Acts 1929, as amended, which milk is:

(a) Received at a fluid milk plant; or

(b) Diverted from such plant for the account of a handler (milk so diverted shall be deemed to have been received by the diverting handler at the fluid milk plant from which it was diverted).

§ 1011.11 *Producer-handler.* "Producer-handler" means a dairy farmer who distributes fluid milk products on a route in the marketing area but receives no fluid milk products during the month except his own production or from fluid milk plants.

§ 1011.12 *Producer milk.* "Producer milk" means milk received at a fluid milk plant directly from producers, or diverted to a nonfluid milk plant pursuant to § 1011.10.

§ 1011.13 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in (or represented by):

(a) Receipts during the month of fluid milk products except: (1) Receipts from other fluid milk plants or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the fluid milk plant) which are reprocessed or converted to another product in the fluid milk plant during the month.

§ 1011.14 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, as defined in § 1011.10, which the Secretary determines after application by the association is qualified under provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

MARKET ADMINISTRATOR

§ 1011.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 1011.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1011.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(c) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(d) Pay out of the funds provided by § 1011.71:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 1011.72, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1011.30 through 1011.33, or (2) payments pursuant to §§ 1011.70, 1011.71, and 1011.72;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers or persons upon whose utilization the classification of skim milk and butterfat for each handler depends, to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1011.51 and Class I butterfat differential pursuant to § 1011.54 (a), both for the current month; the minimum price for Class II milk pursuant to § 1011.52 and the Class II butterfat differential pursuant to § 1011.54 (b), both for the preceding month; and the minimum price for Class III milk pursuant to § 1011.53 and the Class III butterfat differential pursuant to § 1011.54 (b), both for the preceding month;

(2) On or before the 12th day of each month the uniform price for each handler for the preceding month, computed pursuant to § 1011.61 and the producer butterfat differential computed pursuant to § 1011.62.

REPORTS, RECORDS AND FACILITIES

§ 1011.30 *Monthly reports of receipts and utilization.* On or before the 5th day (exclusive of Sundays and holidays) of each month, each handler who operates fluid milk plant(s) shall report to the market administrator for the preceding month for each fluid milk plant in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of butterfat and skim milk contained in or represented by:

(1) Producer milk,

(2) Fluid milk products received from other fluid milk plants,

(3) Other source milk, and

(4) Inventories of fluid milk products on hand at the end of each month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information with respect to sources and disposition as the market administrator may prescribe.

§ 1011.31 *Payroll reports.* On or before the 20th day of each month each handler operating fluid milk plant(s) shall report his producer payroll for each fluid milk plant for the preceding month which shall show:

(a) The pounds of milk received from each producer and the percentage of butterfat contained therein;

(b) The date and net amount of payment to such producer, or to a cooperative association for such producer's milk, with the price, deductions and charges involved and the nature of each.

§ 1011.32 *Producer-handler reports.* Each producer-handler shall make reports at such time and in such manner as the market administrator may request.

§ 1011.33 *Exempt handler reports.* Each handler exempt pursuant to §§ 1011.81 and 1011.82 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

§ 1011.34 *Records and facilities.* Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form;

(b) The weights and tests for butterfat, skim milk and other content of all milk and milk products handled;

(c) Inventories of all dairy products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

§ 1011.35 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three year period, the market administrator notifies a handler in writing that the reten-

tion of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1011.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat required to be reported pursuant to § 1011.30 shall be classified (separately as skim milk and butterfat), pursuant to §§ 1011.41 through 1011.45.

§ 1011.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1011.42 and 1011.43, the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (c) (2) of this section; and

(2) Not accounted for as Class II or Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraphs (a) or (c) of this section; and

(2) In inventories of fluid milk products on hand at the end of the month.

(c) Class III utilization shall be all skim milk and butterfat:

(1) Used to produce butter, nonfat dry milk or cheese in any form except cottage cheese;

(2) In skim milk disposed of for livestock feed or dumped subject to prior notification to and verification (at his discretion) by the market administrator;

(3) In shrinkage of skim milk and butterfat allocated to milk received from producers, but not to exceed 2 percent of such receipts; and

(4) In shrinkage of other source milk.

§ 1011.42 *Shrinkage.* (a) When producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received in the transferor handler's plant shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferor handler in computing his shrinkage.

§ 1011.43 *Transfers.* Skim milk and butterfat transferred or diverted as milk, skim milk or cream in bulk form from a fluid milk plant to:

(a) The fluid milk plant of another handler shall be classified at the utilization indicated by the operators of both plants in their reports submitted pursuant to § 1011.30, otherwise as Class I utilization, subject in either event to the following conditions:

(1) The receiving plant has utilization in such class of an equivalent amount of skim milk and butterfat, respectively, and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants;

(b) A plant operated by a producer-handler or a handler exempt pursuant to § 1011.81, shall be Class I utilization; and

(c) A nonfluid milk plant (except as specified in paragraph (b) of this section) shall be Class I utilization unless the following conditions apply:

(1) Utilization in another class is claimed by the transferring handler in his report submitted pursuant to § 1011.30 for the month;

(2) Class I utilization in the nonfluid milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines are the regular source of supply for fluid disposition of such plant. If Class I utilization exceeds such receipts, the skim milk and butterfat transferred shall be Class I to the extent of such excess, and

(3) The operator of the nonfluid milk plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such utilization.

§ 1011.44 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1011.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat respectively, in Class I, Class II and Class III utilization for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

§ 1011.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class III utilization, the pounds of butterfat shrinkage allowed pursuant to § 1011.41 (c) (3);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk received from a plant(s) other than those subject to another marketing agreement or order issued pursuant to the act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk received from a plant(s) subject to another marketing agreement or order issued pursuant to the act;

(d) Subtract from the pounds of butterfat remaining in Class II milk and Class I milk, in series beginning with Class II, the pounds of butterfat contained in inventory of fluid milk products on hand at the beginning of the month;

(e) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from fluid milk plants of other handlers according to the classification established pursuant to §§ 1011.41 and 1011.43 (a);

(f) Add to the remaining pounds of butterfat in Class III utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such overage from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 1011.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in the same manner as that prescribed for butterfat in § 1011.46.

§ 1011.48 *Computation of total producer milk in each class.* The amounts computed pursuant to §§ 1011.46 and 1011.47 will be combined into one total for each class and the weighted average butterfat content of producer milk in each class will be determined.

MINIMUM PRICES

§ 1011.50 *Basic formula price.* The basic formula price shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the U. S. D. A.:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-

score) bulk creamery butter per pound at Chicago, as reported by the U. S. D. A., during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the U. S. D. A.; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents and adjust to the nearest full cent.

§ 1011.51 *Class I milk price.* Subject to the provisions of § 1011.54 the minimum price to be paid by each handler for milk received at his fluid milk plant from producers or the fluid milk plant of a cooperative association during the month and utilized as Class I milk during the 18 month period following the effective date of this part shall be the basic formula price for the preceding month, plus the applicable amounts specified below for the marketing area zone in which such plant is located. For plants located outside the marketing area and west of Lake Michigan the price (subject to § 1011.55) shall be that specified for Zone 1. For plants located outside the marketing area and east of Lake Michigan the price (subject to § 1011.55) shall be that specified for Zone 2.

Zone	Months of March through June	Months of January February and December	Months of July through November
1	$0.75	$0.95	$1.15
2	.95	1.15	1.35

§ 1011.52 *Class II milk price.* Subject to the provisions of § 1011.54, the minimum price to be paid by each handler for milk received at his fluid milk plant from producers or from the fluid milk plant of a cooperative association, during the month and utilized as Class II milk shall be the basic formula price.

§ 1011.53 *Class III milk price.* Subject to the provisions of § 1011.54 the minimum price per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers or the fluid milk plant of a cooperative association during the month and utilized as Class III milk shall be the price computed pursuant to § 1011.50 (b) less ten cents.

§ 1011.54 *Handler butterfat differential.* If the average butterfat test of Class I milk, Class II milk or Class III milk as computed pursuant to § 1011.48 is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the U. S. D. A. during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) For Class I milk, multiply such price for the preceding month by 0.125;

(b) For Class II and Class III milk, multiply such price for the current month by 0.115.

§ 1011.55 *Handler location adjustments.* (a) For milk received at a fluid milk plant located outside the marketing area, west of Lake Michigan and more than 50 miles from the nearer of the City Hall in Ironwood, Michigan, or the City Hall in Iron Mountain, Michigan, the applicable Zone 1 price for Class I milk shall be reduced 10 cents, plus 2 cents for each 20 miles or fraction thereof in excess of 70 miles.

(b) For milk received at a fluid milk plant located outside the marketing area, east of Lake Michigan, and more than 50 miles from the City Hall in St. Ignace, Michigan the applicable Zone 2 price for Class I milk shall be reduced 10 cents, plus 2 cents for each 20 miles or fracton thereof in excess of 70 miles.

(c) Any distance used to determine locaton adjustments shall be the shortest hard surfaced highway distance as determined by the market administrator.

§ 1011.56 *Equivalent price provision.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with, the price specified.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 1011.60 *Value of producer milk.* The value of producer milk received by each handler at fluid milk plant(s) shall be computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1011.48, by the applicable respective class prices (adjusted pursuant to §§ 1011.54 and 1011.55), and add together the resulting amounts;

(b) Add the amounts computed by multiplying the quantity of overage assigned to each class pursuant to § 1011.46 (g) and the corresponding step of § 1011.47 by the applicable class price;

(c) Add the amount obtained in multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 1011.46 (d) and the corresponding step of § 1011.47; or

(2) The hundredweight of producer milk classified as Class II, during the preceding month; and

(d) Add or subtract, as the case may be, the amount necessary to correct errors in receipts or utilization for previous months as disclosed by audit by the market administrator.

§ 1011.61 *Computation of uniform price.* For each month the market administrator shall compute for each handler a "uniform price" per hundredweight of producer milk of 3.5 percent butterfat content delivered to fluid milk plants of such handler as follows:

(a) From the value of milk computed for such handler pursuant to § 1011.60, subtract, if the weighted average butterfat test of all milk represented by such value is greater than 3.5 percent or add if the weighted average butterfat test of such milk is less than 3.5 percent an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 1011.62 multiplied by 10;

(b) Adjust the resulting amount by the sum of money used in adjusting the uniform price, pursuant to paragraph (c) of this section for the previous month to the nearest cent;

(c) Except as provided in paragraph (d) of this section, divide the result by the total hundredweight of producer milk represented by the amount computed pursuant to § 1011.60 (a) and adjust the resulting figure to the nearest cent. The "uniform price" so computed shall be that applicable to milk delivered to the fluid milk plant(s) of a handler at which plant or plants a single Class I price is applicable pursuant to §§ 1011.51 and 1011.55;

(d) For each handler operating two or more fluid milk plants at which different Class I prices are applicable pursuant to §§ 1011.51 and 1011.55, the value of milk used in the computation provided in paragraph (c) of this section shall first be further adjusted by adding the value of all applicable producer location adjustments pursuant to § 1011.63. The uniform price as computed shall be that applicable at the plant or plants of such handler at which the highest Class I price is applicable.

§ 1011.62 *Producer butterfat differential.* The applicable uniform prices to be paid pursuant to § 1011.70 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1011.54, weighted by the pounds of butterfat in producer milk used by such handler in each class and the result rounded to the nearest tenth of a cent.

§ 1011.63 *Producer location adjustments.* In making payments pursuant to § 1011.70 to producers or a cooperative association for milk for which a uniform price was computed pursuant to § 1011.61 (d) such uniform price for milk received at a plant at which a lesser Class I price is applicable than at the plant for which the uniform price is computed shall be

reduced by an amount equal to the difference between the applicable Class I prices.

§ 1011.64 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price applicable at each fluid milk plant of such handler pursuant to §§ 1011.61 and 1011.63 and the butterfat differential computed pursuant to § 1011.62; and

(c) The amounts to be paid by such handler pursuant to §§ 1011.71 and 1011.72.

PAYMENT FOR MILK

§ 1011.70 *Time and method of payment.* (a) Except as provided in paragraph (b) or (c) of this section, on or before the 15th day after the end of each month each handler who received milk from producers shall pay for milk received during such month to each producer for milk received from him the uniform price as provided in § 1011.61 adjusted by the butterfat differential pursuant to § 1011.62 and the location adjustment pursuant to § 1011.63.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler shall pay to the cooperative association on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section, an amount equal to the gross sum due for all milk received from certified members, less amount owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association on or before the 13th day of each month, written information which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month,

(ii) The total pounds of butterfat contained in such milk.

(iii) The number of days on which milk was received, and

(iv) The amounts withheld by the handler in payment for supplies sold.

The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator, and shall be subject to his determination.

(c) Each handler shall make payment to a cooperative association for milk received from the fluid milk plant of such cooperative association on or before the 10th day after the end of the month in which it was received, at not less than the applicable class prices.

§ 1011.71 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 13th day after the end of each month, 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production; and

(b) Any other source milk allocated to Class I pursuant to § 1011.46 (b) and the corresponding step of § 1011.47.

§ 1011.72 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1011.70 for milk received from each producer (excluding milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as the Secretary may prescribe, and on or before the 13th day after the end of each month shall pay such deductions to the market administrator. Such monies shall be used by the market administrator to verify weights, samples and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a fluid milk plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1011.70 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ 1011.73 *Errors in payment.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 1011.74 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1011.71, 1011.72 and 1011.73 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1011.75 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or association or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the Act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 1011.80 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 1011.32, 1011.34 and 1011.35.

§ 1011.81 *Exempt handler.* A handler who operates a fluid milk plant, of the type specified in § 1011.8 (a), located outside the marketing area from which an average of less than 600 pounds of fluid milk products per day are disposed of during the month in the marketing area on route(s), shall be exempt from all provisions of this part except §§ 1011.33 through 1011.35.

§ 1011.82 *Handlers subject to other Federal orders.* The provisions of this part shall not apply to a handler with respect to the operation of a fluid milk plant during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and the disposition of fluid milk products in the other Federal marketing area exceeds that in the Michigan Upper Peninsula marketing area: *Provided*, That the operator of a fluid milk plant which is exempted from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1011.90 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1011.91 *Suspension or termination.* The Secretary shall, whenever he finds that this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision of this part.

§ 1011.92 *Continuing obligation.* If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1011.93 *Liquidation.* Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1011.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1011.101 *Separability of provisions.* If any provision of this part, or the application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

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1016.100 Agents.
1016.101 Separability of provisions.

AUTHORITY: §§ 1016.0 to 1016.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1016.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Northeastern Wisconsin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (a) all receipts within the month of milk from producers, including milk of such handler's own production; (b) any other source milk allocated to Class I pursuant to § 1016.46 (b) and the corresponding step of § 1016.47; and (c) the applicable amount specified in § 1016.83 (a) (2) or (b) (2).

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northeastern Wisconsin marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1016.1 *Act.* "Act" means Public Act No. 10, 73d Congress as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 1016.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1016.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 1016.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1016.5 *Northeastern Wisconsin marketing area.* The Northeastern Wisconsin marketing area, hereinafter referred to as the "marketing area", means all territory within (a) the counties of Brown, Calumet, Kewaunee, Langlade, Lincoln, Manitowoc, Oneida, Outagamie, Portage, Shawano (exclusive of the Menominee Indian Reservation), Sheboygan, Vilas, Waupaca and Winnebago, all in Wisconsin, including all towns, villages and cities; (b) the County of Fond du Lac, Wisconsin, exclusive of the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola and Waupun, the villages of Campbellsport, Eden and Oakfield, and the city of Waupun; (c) the city of Sturgeon Bay in Door County, Wisconsin; (d) the towns of Bergen, Berlin, Bevent, Easton, Elderon, Franzen, Guenther, Harrison, Hewitt, Knowlton, Kronenwetter, Maine, Marathon, Mosinee, Norrie, Plover, Reid, Rib Mountain, Ringle, Stettin, Texas, Wausau and Weston, the villages of Brokaw, Elderon, Hatley, Marathon and Rothschild, and the cities of Mosinee Schofield and Wausau, all in Marathon County, Wisconsin; (e) the town of Peshtigo and the cities of Marinette and Peshtigo in Marinette County, Wisconsin; (f) the cities of Gillett, Oconto and Oconto Falls in Oconto County, Wisconsin; (g) the towns of Cranmoor, Grand Rapids, Port Edwards, Rudolph, Saratoga and Seneca, the villages of Biron and Port Edwards, and the cities of Nekoosa and Wisconsin Rapids in Wood County, Wisconsin; and (h) the city of Menominee in Menominee County, Michigan.

§ 1016.6 *Fluid milk product.* "Fluid milk product" means milk, skim milk, flavored milk, flavored milk drinks, buttermilk, half and half and cream (sweet or sour).

§ 1016.7 *Route.* "Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

§ 1016.8 *Pool plant.* "Pool Plant" means any milk plant approved by a duly constituted authority for the handling of milk to be labeled Grade A, except as provided in §§ 1016.80, 1016.81 and 1016.82:

(a) At which milk is processed or packaged and from which during the month:

(1) Disposition on routes in the marketing area of fluid milk products labeled Grade A is 20 percent or more of receipts of Grade A milk from dairy farmers, and

(2) Total disposition on routes of fluid milk products labeled Grade A is 50 percent or more of receipts of Grade A milk from dairy farmers and other milk plants; or

(b) At which milk eligible for distribution as Grade A milk is received from dairy farmers and from which during the month 50 percent or more of such receipts is moved to a plant described in paragraph (a) of this section. Any such receiving plant that was a pool plant during each of the months of August through November immediately preceding shall continue to be a pool plant for each of the succeeding months of December through July unless written request to the contrary is filed with the market administrator on or before the first day of any such month.

§ 1016.9 *Handler.* "Handler" means (a) the operator of a pool plant in his capacity as such; (b) the operator of any other plant from which fluid milk products labeled Grade A are disposed of during the month on routes in the marketing area; or (c) a cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant.

§ 1016.10 *Producer.* (a) "Producer" means a person, other than a producer-handler, who produces Grade A milk in conformity with the sanitation requirements of any duly constituted Federal, state, county, or municipal authority, whose milk is received at a pool plant. "Producer" shall also include any such person with respect to milk diverted from a pool plant to a nonpool plant for the account of a handler or cooperative association. Milk so diverted shall be deemed to have been received at the pool plant from which diverted, if for the account of the operator of such plant, or at an identical location if for the account of a cooperative association through diversion from the pool plant of another handler.

(b) During the months of March, April, May and June "producer" shall not include any such person whose milk is received or diverted from a farm from which a base applicable for the current year was earned under the provisions of either Federal Order No. 41 or Federal Order No. 7 by delivery to a plant subject to such order operated by the handler, an affiliate of such handler or any person who controls or is controlled by such handler.

§ 1016.11 *Producer-handler.* "Producer-handler" means a dairy farmer who distributes fluid milk products on a route in the marketing area, but receives no fluid milk products during the month except his own production or by transfer from pool plants.

§ 1016.12 *Producer milk.* "Producer milk" means milk received at a pool plant directly from producers, or diverted to a nonpool plant pursuant to § 1016.10.

§ 1016.13 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in (or represented by):

(a) Receipts during the month of fluid milk products except

(1) Receipts from other pool plants or

(2) Producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

§ 1016.14 *Cooperative Association.* "Cooperative Association" means any cooperative marketing association of producers, as defined in § 1016.10, which the Secretary determines after application by the association is qualified under provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act."

MARKET ADMINISTRATOR

§ 1016.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and orders, have been met.

by, and shall be subject to removal by the Secretary.

§ 1016.21 *Powers.* The market administrator shall have the following powers with respect to this part.

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1016.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(c) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(d) Pay out of the funds provided by § 1016.74;

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 1016.75, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1016.30 through 1016.33, or (2) payments pursuant to §§ 1016.70 through 1016.76;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers or persons upon whose utilization the classification of skim milk and butterfat for each handler depends, to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1016.51 and the Class I butterfat differential pursuant to § 1016.54 (a), both for the current month; the minimum price for Class II milk pursuant to § 1016.52 and the Class II butterfat differential pursuant to § 1016.54 (b), both for the preceding month; and the minimum price for Class III milk pursuant to § 1016.53 and the Class III butterfat differential pursuant to § 1016.54 (b), both for the preceding month;

(2) On or before the 14th day of each month the uniform price for the preceding month, computed pursuant to § 1016.61 and the producer butterfat differential computed pursuant to § 1016.62.

Reports, Records and Facilities

§ 1016.30 *Monthly reports of receipts and utilization.* On or before the 5th day (exclusive of Sundays and holidays) of each month, each handler who operates pool plants, each cooperative association that is a handler pursuant to § 1016.9 (c) and each handler whose obligation is computed pursuant to § 1016.83 shall report to the market administrator for the preceding month for each pool plant, in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of butterfat and skim milk contained in or represented by:

(1) Producer milk, or receipts from dairy farmers producing Grade A milk,

(2) Fluid milk products received from other pool plants,

(3) Other source milk, and

(4) Inventories of fluid milk products on hand at the end of each month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information with respect to sources and disposition as the market administrator may prescribe.

§ 1016.31 *Payroll reports.* On or before the 25th day of each month each handler operating a pool plant or receiving Grade A milk from dairy farmers shall report his producer payroll for each pool plant for the preceding month which shall show:

(a) The pounds of milk received from each producer or dairy farmer producing Grade A milk and the percentage of butterfat contained therein;

(b) The date and net amount of payment to such producer or dairy farmer, or to a cooperative association for such producer's milk, with the price, deductions and charges involved and the nature of each.

§ 1016.32 *Producer-handler reports.* Each producer-handler shall make reports at such time and in such manner as the market administrator may request.

§ 1016.33 *Exempt handler reports.* Each handler exempt pursuant to §§ 1016.81 and 1016.82 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

§ 1016.34 *Records and facilities.* Each handler shall maintain and make available to the market administrator, during the usual hours of business such accounts and records of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form;

(b) The weights and tests for butterfat, skim milk and other content of all milk and milk products handled;

(c) Inventories of all dairy products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

§ 1016.35 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if within such three year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1016.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat required to be reported pursuant to § 1016.30 shall be classified (separately as skim milk and butterfat), pursuant to §§ 1016.41 through 1016.45.

§ 1016.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1016.42 and 1016.43, the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (c) (2) of this section; and

(2) Not accounted for as Class II and Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraphs (a) or (c) of this section; and

(2) In inventories of fluid milk products on hand at the end of the month.

(c) Class III utilization shall be all skim milk and butterfat:

(1) Used to produce butter, nonfat dry milk or cheese in any form except cottage cheese;

(2) In skim milk disposed of for livestock feed or dumped subject to prior notification to and verification (at his discretion) by the market administrator;

(3) In shrinkage of skim milk and butterfat allocated to milk received from producers, but not to exceed 2 percent of such receipts; and

(4) In shrinkage of other source milk.

§ 1016.42 *Shrinkage.* (a) When producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received in the transferor handler's plants shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferor handler in computing his shrinkage.

§ 1016.43 *Transfers.* Skim milk and butterfat transferred or diverted as milk, skim milk or cream in bulk form from a pool plant to:

(a) The pool plant of another handler shall be classified at the utilization indicated by the operators of both plants in their reports submitted pursuant to § 1016.30, otherwise as Class I utilization, subject in either event to the following conditions:

(1) The receiving plant has utilization in such class of an equivalent amount of skim milk and butterfat, respectively, and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants;

(b) A plant operated by a producer-handler or a handler exempt pursuant to § 1016.81, shall be Class I utilization;

(c) A nonpool plant (except as specified in paragraph (b) of this section) shall be Class I utilization unless the following conditions apply:

(1) Utilization in another class is claimed by the transferring handler in his report submitted pursuant to § 1016.30 for the month,

(2) Class I utilization in the nonpool milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines are the regular source of supply of Grade A milk for such plant. If Class I utilization exceeds such receipts, the skim milk and butterfat transferred shall be Class I to the extent of such excess, and

(3) The operator of the nonpool milk plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such utilization.

§ 1016.44 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1016.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat respectively, in Class I, Class II and Class III utilization for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

§ 1016.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class III utilization, the pounds of butterfat shrinkage allowed pursuant to § 1016.41 (c) (3);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk received from a plant(s) other than those subject to another marketing agreement or order issued pursuant to the act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk received from a plant subject to another marketing agreement or order issued pursuant to the act;

(d) Subtract from the pounds of butterfat remaining in Class II milk and Class I milk, in series beginning with Class II, the pounds of butterfat contained in inventory of fluid milk products on hand at the beginning of the month;

(e) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received as fluid milk products from pool plants of other handlers according to the classification established pursuant to §§ 1016.41 and 1016.43 (a);

(f) Add to the remaining pounds of butterfat in Class III utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such overage from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 1016.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in the same manner as that prescribed for butterfat in § 1016.46.

§ 1016.48. *Computation of total producer milk in each class.* The amounts computed pursuant to §§ 1016.46 and 1016.47 will be combined into one total for each class and the weighted average butterfat content of producer milk in each class will be determined.

MINIMUM PRICES

§ 1016.50 *Basic formula price.* The basic formula price shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the U. S. D. A.

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richmond Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the U. S. D. A., during the month: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the U. S. D. A.; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents and adjust to the nearest full cent.

§ 1016.51 *Class I milk price.* Subject to the provisions of § 1016.54 the minimum price to be paid by each handler for milk received at his pool plant from producers or the pool plant of a cooperative association during the month and utilized as Class I milk during the 18 month period following the effective date of this part shall be:

(a) Except as provided in paragraph (b) of this section, the basic formula price for the preceding month plus $0.54 for the months of March, April, May and June; $0.74 for the months of January, February, July and December; and $0.94 for all other months.

(b) For plants located in the Wisconsin counties of Florence, Forest, Marinette, Oneida and Vilas or in the State of Michigan, the price computed in paragraph (a) of this section shall be increased ten cents.

§ 1016.52 *Class II milk price.* Subject to the provisions of § 1016.54 the minimum price to be paid by each handler for milk received at his pool plant from producers or the pool plant of a cooperative association, during the month and utilized as Class II milk shall be the basic formula price.

§ 1016.53 *Class III milk price.* Subject to the provision of § 1016.54 the minimum price per hundredweight to be paid by each handler for milk received at his pool plant from producers or the pool plant of a cooperative association during the month and utilized as Class III milk shall be the price computed pursuant to § 1016.50 (b).

§ 1016.54 *Handler butterfat differential.* If the average butterfat test of Class I milk, Class II milk or Class III milk as computed pursuant to § 1016.48 is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the U. S. D. A. during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) For Class I milk, multiply such price for the preceding month by 0.125;

(b) For Class II and Class III milk, multiply such price for the current month by 0.115.

§ 1016.55 *Equivalent price provision.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with, the price specified.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 1016.60 *Value of producer milk.* The value of producer milk received by each handler at pool plant(s) and by any cooperative association with respect to milk for which it is a handler pursuant to § 1016.9 (c) shall be computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1016.48, by the applicable respective class prices (adjusted pursuant to § 1016.54);

(b) Add the amounts computed by multiplying the quantity of overage assigned to each class pursuant to § 1016.46 (g) and the corresponding step of § 1016.47 by the applicable class price;

(c) Add the amount obtained in multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 1016.46 (d) and the corresponding step of § 1016.47; or

(2) The hundredweight of producer milk classified as Class II, during the preceding month; and

(d) If during the month total receipts of producer milk were 110 percent or more of the total Class I milk at pool plants, add an amount equal to the difference between the values (at test and location) at the Class I price and Class III price with respect to (1) Other source milk subtracted from Class I pursuant to § 1016.46 (b) and the corresponding step of § 1016.47; and

(2) Milk in inventory subtracted from Class I pursuant to § 1016.46 (d) and the corresponding step of § 1016.47 which is in excess of the sum of:

(i) The quantity for which payment is computed pursuant to paragraph (c) of this section; and

(ii) The quantity subtracted from Class II pursuant to § 1016.46 (c) and the corresponding step of § 1016.47 in the month preceding.

§ 1016.61 *Computation of uniform price.* For each month, the market administrator shall compute the uniform price per hundredweight for producer milk of 3.5 percent butterfat content delivered to pool plants other than those specified in § 1016.63, as follows:

(a) Combine into one total the individual values of milk of all handlers computed pursuant to § 1016.60;

(b) Add, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtract, if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 1016.62 multiplied by 10;

(c) Subtract the aggregate of the values of the applicable producer location adjustments pursuant to § 1016.63;

(d) Add not less than one half of the unobligated balance in the producer-equalization fund;

(e) Divide the resulting amount by the hundredweight of milk received from producers; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 1016.62 *Producer butterfat differential.* The applicable uniform prices to be paid pursuant to § 1016.70 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1016.54, weighted by the pounds of butterfat in producer milk used by such handler in each class and the result rounded to the nearest tenth of a cent.

§ 1016.63 *Producer location adjustments.* In making payments pursuant to § 1016.70 to producers or a cooperative association for milk received at a plant located in the Wisconsin counties of Florence, Forest, Marinette, Oneida or Vilas or in the State of Michigan, the uniform price computed pursuant to § 1016.61 shall be increased 10 cents.

§ 1016.64 *Notification.* On or before the 14th day after the end of each month, the market administrator shall mail to each handler, at his last known address a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price for the month pursuant to §§ 1016.61 and 1016.63 and the butterfat differential computed pursuant to § 1016.62; and

(c) The amount due such handler pursuant to § 1016.73 and the amounts to be paid by such handler pursuant to §§ 1016.72, 1016.74 and 1016.75.

PAYMENT FOR MILK

§ 1016.70 *Time and method of payment.* (a) (1) Except as provided in paragraphs (b) and (c) of this section, on or before the 18th day after the end of each month each handler who received milk from producers shall pay for milk received during such month to each producer for milk received from him the uniform price as provided in § 1016.61 adjusted by the butterfat differential pursuant to § 1016.62 and the location adjustment pursuant to § 1016.63.

(2) If by such date a handler has not received full payment pursuant to § 1016.73, he may reduce his total payments to all producers and cooperative associations uniformly by not more than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler shall pay to the cooperative association on or before the 16th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amount owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association on or before the 16th day of each month, written information which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month,

(ii) The total pounds of butterfat contained in such milk,

(iii) The number of days on which milk was received, and

(iv) The amounts withheld by the handler in payment for supplies sold.

The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until

the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator and shall be subject to his determination.

(c) Each handler shall make payment to a cooperative association for milk received from the pool plant of such cooperative association on or before the 16th day after the end of each month in which it was received, at not less than the applicable class prices.

§ 1016.71 *Producer-equalization fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to §§ 1016.72 and 1016.83 (a) (1) or (b) (1) (including any adjustments thereto pursuant to § 1016.76) and out of which he shall make all payments pursuant to § 1016.73 (including any adjustments thereto pursuant to § 1016.76).

§ 1016.72 *Payments to the producer-equalization fund.* On or before the 16th day after the end of each month, each handler whose value of milk is required to be computed pursuant to § 1016.60 shall pay to the market administrator any amount by which such value for such month is greater than the minimum amount required to be paid by him pursuant to § 1016.70.

§ 1016.73 *Payments out of the producer-equalization fund.* On or before the 17th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 1016.60 is less than the total minimum amount required to be paid by him pursuant to § 1016.70, less any unpaid obligations of such handler to the market administrator pursuant to § 1016.72: *Provided,* That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1016.74 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 16th day after the end of each month 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production;

(b) Any other source milk allocated to Class I pursuant to § 1016.46 (b) and the corresponding step of § 1016.47; and

(c) The applicable amount specified in § 1016.83 (a) (2) or (b) (2).

§ 1016.75 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1016.70 for milk received from each producer (excluding milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as the Secretary may prescribe, and on or before the 16th day after the end of each month shall pay such deduction to the market administrator. Such monies shall be used by the market administrator to verify weights, samples and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a pool plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1016.70 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ 1016.76 *Errors in payment.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 1016.77 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1016.72 through 1016.76 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1016.78 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or associations or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 1016.80 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 1016.32, 1016.34 and 1016.35.

§ 1016.81 *Exempt handler.* A handler who operates a fluid milk plant located outside the marketing area from which an average of less than 600 pounds of fluid milk products per day are disposed of during the month in the marketing area on route(s), shall be exempt from all provisions of this part except §§ 1016.33 through 1016.35.

§ 1016.82 *Handlers subject to other Federal orders.* The provisions of this part shall not apply to a handler with respect to the operation of a pool plant during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the act and the disposition of fluid milk products in the other Federal marketing area exceed that in the Northeastern Wisconsin marketing area: *Provided*, That the operator of a pool plant which is exempted from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 1016.83 *Handler operating a non-pool distributing plant.* Each handler, other than a producer-handler or one exempt pursuant to §§ 1016.81 or 1016.82, who during the month operates a Grade A milk plant from which fluid milk products are distributed on a route in the marketing area, shall, in lieu of the payments required pursuant to §§ 1016.70 through 1016.74, pay to the market administrator as follows:

(a) If such handler so elects at the time of reporting pursuant to § 1016.30, his obligations shall be as follows:

(1) On or before the 16th day after the end of the month, for the producer-equalization fund, an amount equal to the difference between the value of the Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class III price; and

(2) On or before the 16th day after the end of the month, as his pro rata share of the expense of administration, the rate specified in § 1016.74 with respect to Class I milk disposed of on routes in the marketing area.

(b) Unless such handler elects to have his obligations computed pursuant to paragraph (a) of this section, his obligations shall be as follows:

(1) On or before the 25th day after the end of the month, for the producer-equalization fund, the lesser of the amount computed pursuant to paragraph (a) (1) of this section, or any plus amount resulting from the following computation:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 1016.60 for Grade A milk received from dairy farmers at such plant for such month if such plant had been a pool plant;

(ii) Deduct the gross payments made by the handler to dairy farmers, for Grade A milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report required pursuant to § 1016.31, plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 16th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1016.74 had such plant been a pool plant.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1016.90 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1016.91 *Suspension or termination.* The Secretary shall, whenever he finds that this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision of this part.

§ 1016.92 *Continuing obligation.* If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1016.93 *Liquidation.* (a) Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent.

(b) If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1016.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1016.101 *Separability of provisions.* If any provision of this part, or the application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 58-7635; Filed, Sept. 17, 1958; 8:56 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Pa:t 193]

[Ex Parte No. MC-40]

MOTOR CARRIERS; PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

BRAKES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 5th day of September, A. D. 1958.

The matter of parts and accessories necessary for safe operation, particularly the provisions of § 193.42 (c) of the Motor Carrier Safety Regulations relating to brakes required on trucks and truck-tractors having three or more axles, and § 193.48, requiring all brakes to be operative, with certain exceptions, as prescribed by order dated April 14, 1952, as amended, the record in the entitled proceeding, and petition of Pacific Intermountain Express Company, dated April 30, 1958, for reconsideration, in part, of our order of April 3, 1958, denying petition of November 8, 1957; being under consideration, and

It appearing that petitioner's prayer for a stay of our order of April 3, 1958, denying petition of November 8, 1957, was denied by our order issued this date;

It further appearing that continuing study and investigation have shown that some amendment of § 193.42 (c), but in a different manner than that proposed by the petitioner, may be warranted, and that amendment of § 193.48 may be desirable in the interest of improved safety of motor vehicle operation; and good cause appearing therefor:

It is ordered, That pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given of the Commission's proposal to amend §§ 193.42 (c) and 193.48 of the Motor Carrier Safety Regulations, adopted April 14, 1952, as amended (49 CFR 193.42 (c) and 193.48) (49 Stat. 543, as amended, 49 U. S. C. 304) by substituting the following rules for the rules now in effect:

§ 193.42 *Brakes required on all wheels.* • • •

(c) Trucks and truck-tractors having three or more axles may have brakes omitted on only one axle: *Provided*, That such axle shall not have more than two tires in use, that such tires are no larger than the smallest tires used on that vehicle, and that the vehicle be not equipped with means for removing or reducing the braking effort on the front wheels.

§ 193.48 *Brakes to be operative.* (a) With exceptions noted in the following paragraphs of this section, all brakes with which motor vehicles are equipped shall be operative at all times. Means for reducing or removing the braking effort shall not be used except when operating under adverse conditions such as wet, snowy, or icy roads.

(b) Brakes on vehicles being towed in driveaway and towaway operations need not all be operative, as provided in § 193.42 (b).

(c) On any bus, truck, or truck-tractor, having not more than two axles, means may be used for reducing the braking effort on the front wheels: *Provided*, That such means be incapable of reducing such brakes to less than 50 percent of their operating pressure.

(d) On any truck or truck-tractor with three or more axles, having brakes on all wheels, means may be used for reducing or removing the braking effort on the front axle.

It is further ordered, That interested persons may on or before November 14, 1958, submit written statements containing data, views, or arguments, verified under oath by a person having knowledge of such data, views, or arguments, and that thereafter consideration will be given to the proposed amendments, or some revision thereof, in the light of the statements which may be submitted.

It is further ordered, That one signed copy and 14 additional copies of such statements be furnished for the use of the Commission by mailing to the Secretary of the Interstate Commerce Commission, Washington, D. C. No oral hearing is contemplated, but any request for such hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in the form heretofore provided. The Commission thereafter will determine whether or not assignment of the matter for oral hearing is necessary or desirable.

And it is further ordered, That notice of this proposed rule modification shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing a copy with the Director, Federal Register Division.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-7612; Filed, Sept. 17, 1958; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of Treasurer of the United States

[Revision 2]

ORDER OF SUCCESSION OF PERSONS TO ACT AS TREASURER OF THE UNITED STATES

Under the authority conferred upon me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, it is hereby ordered that the following officers in the Office of the Treasurer of the United States and the Bureau of the Public Debt in the order of succession enumerated shall act as Treasurer during the absence or disability of the Treasurer.

Deputy Treasurer.
Assistant Deputy Treasurer.
Assistant to the Deputy Treasurer.
Chief, General Accounts Division.
Cashier, Treasurer's Office.
Director, Parkersburg Office, Bureau of the Public Debt.

In the event of an enemy attack on the continental United States, and in the absence of the Treasurer of the United States, the senior officer, in descending order in the foregoing line of succession, present at the site of the operations of the Treasurer of the United States shall act as Treasurer. If none of such officers is present at the site of the Treasurer's operations it is hereby ordered that the officer acting as District Director, Internal Revenue Service, at the city at which the Treasurer's operations are reestablished shall act as Treasurer of the United States.

In the event of an enemy attack on the continental United States and the occurrence of a vacancy in the Office of the Treasurer, the Treasurer's functions shall be deemed to have been transferred, pursuant to the above described Treasury Department Order, to the Deputy Treasurer, and in the event of a vacancy in the Office of the Deputy Treasurer, to the senior officer, in descending order in the following line of succession, present at the site of the operations of the Treasurer of the United States.

Assistant Deputy Treasurer.
Assistant to the Deputy Treasurer.
Chief, General Accounts Division.
Cashier, Treasurer's Office.
Director, Parkersburg Office, Bureau of the Public Debt.

If none of such officers is present at the site of the Treasurer's operations, the Treasurer's functions shall be deemed to have been transferred, pursuant to the aforesaid order, to the officer acting as District Director, Internal Revenue Service at the city at which the Treasurer's operations are reestablished.

This order supersedes the order of succession dated March 21, 1957.

Dated: September 4, 1958.

[SEAL] IVY BAKER PRIEST, *Treasurer of the United States.*

[F. R. Doc. 58-7632; Filed, Sept. 17, 1958; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

[Utah 030049]

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 4, 1958.

In exchanges of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended, the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

Minerals in the following lands were reconveyed to the United States:

Salt Lake 062724

T. 12 N., R. 13 W.,
Sec. 19: All (fractional);
Sec. 22: W½;
Sec. 26: E½NE¼, SW¼, W½SE¼, NE¼SE¼.
T. 12 N., R. 14 W.,
Sec. 9: All;
Sec. 15: All.
T. 12 N., R. 15 W.,
Sec. 23: All;
Sec. 25: All.
T. 13 N., R. 13 W.,
Sec. 31: All (fractional).

Salt Lake 062937

T. 28 S., R. 23 E.,
Sec. 26: E½SE¼.
T. 29 S., R. 23 E.,
Sec. 22: SW¼SW¼;
Sec. 27: W½NW¼, SE¼NW¼.

Salt Lake 062963

T. 29 S., R. 23 E.,
Sec. 22: N½S½.
T. 37 S., R. 22 E.,
Sec. 23: NE¼NE¼.

Salt Lake 063104

T. 19 S., R. 9 W.,
Sec. 22: N½;
Sec. 23: SW¼NW¼.
T. 25 S., R. 11 W.,
Sec. 16: S½SW¼, SW¼SE¼.

Salt Lake 063125

T. 25 S., R. 11 W.,
Sec. 11: N½NE¼, NE¼NW¼.

Salt Lake 063151

T. 25 S., R. 11 W.,
Sec. 10: SW¼, W½SE¼.

Salt Lake 063157

T. 20 S., R. 6 W.,
Sec. 17: E½NE¼.

Salt Lake 063165

T. 24 S., R. 9 W.,
Sec. 32: All.

Salt Lake 063169

T. 25 S., R. 11 W.,
Sec. 26: SE¼.

Salt Lake 063170

T. 14 S., R. 11 E.,
Sec. 20: SE¼SE¼.

Salt Lake 063223

T. 6 N., R. 13 W.,
Sec. 9: All.
T. 9 N., R. 18 W.,
Sec. 2: All (fractional);
Sec. 8: E½.
T. 11 N., R. 9 W.,
Sec. 5: All (fractional).
T. 12 N., R. 9 W.,
Sec. 4: All (fractional);
Sec. 33: All.
T. 12 N., R. 14 W.,
Sec. 1: Lots 1, 2, 3, S½NE¼, SE¼NW¼;
Sec. 3: E½SE¼;

Sec. 4: SW¼;
Sec. 6: Lots 3, 4, 5, S½NE¼, SE¼NW¼, NE¼SW¼;
Sec. 23: W½;
Sec. 24: S½;
Sec. 34: N½.
T. 12 N., R. 15 W.,
Sec. 12: W½.
T. 15 N., R. 9 W.,
Sec. 36: All.

Salt Lake 063253

T. 17, S., R. 9 W.,
Sec. 35: NE¼, N½SE¼, SW¼SE¼.

Salt Lake 063270

T. 24 S., R. 10 W.,
Sec. 32: SW¼SW¼.
T. 25 S., R. 11 W.,
Sec. 11: S½N½.

Salt Lake 063304

T. 24 S., R. 10 W.,
Sec. 22: S½SW¼;
Sec. 27: NW¼NE¼, N½NW¼.

Salt Lake 063522

T. 12 N., R. 8 W.,
Sec. 5: All (fractional).
T. 12 N., R. 9 W.,
Sec. 8: S½.

Salt Lake 063706 (Part)

T. 17 S., R. 8 W.,
Sec. 17: NE¼.
T. 19 S., R. 8 W.,
Sec. 26: SE¼NW¼, NW¼SW¼;
Sec. 27: N½, SW¼, SW¼SE¼, E½SE¼;
Sec. 28: N½NE¼, S½N½, S½;
Sec. 29: S½NE¼, SE¼NW¼, SW¼, N½SE¼, SE¼SE¼;
Sec. 30: E½SW¼, SE¼;
Sec. 31: NE¼, E½SE¼;
Sec. 32: NW¼SW¼, S½SW¼;
Sec. 33: NW¼NW¼;
Sec. 34: E½, N½NW¼, SE¼SW¼;
Sec. 35: W½, SE¼SE¼;
Sec. 36: SW¼.
T. 20 S., R. 8 W.,
Sec. 2: Lots 2, 3, 4, S½N½;
Sec. 4: Lots 1, 2, SW¼NE¼.
T. 23 S., R. 7 W.,
Sec. 19: Lots 2, 3, SW¼NE¼, SE¼NW¼;
Sec. 28: N½;
Sec. 32: All;
Sec. 33: W½;
Sec. 36: E½, SW¼.
T. 24 S., R. 7 W.,
Sec. 4: Lots 3, 4, SE¼NW¼;
Sec. 5: Lots 1, 2, 3, 4, SW¼NE¼, SW¼, W½SE¼;
Sec. 7: E½NE¼;
Sec. 8: W½NE¼, NW¼.
T. 25 S., R. 10 W.,
Sec. 2: Lots 3, 4, S½NW¼;
Sec. 3: Lots 3, 4, S½NW¼, SW¼;
Sec. 4: SE¼NW¼, S½;
Sec. 5: All (fractional);
Sec. 6: Lots 6, 7, E½SW¼, SE¼;
Sec. 8: N½NE¼;
Sec. 9: NW¼, NW¼NE¼;
Sec. 20: S½;
Sec. 29: N½, SE¼;
Sec. 30: Lot 4, S½NE¼, N½SE¼;
Sec. 31: NE¼, SW¼SE¼;
Sec. 32: NE¼, N½NW¼.
T. 26 S., R. 7 W.,
Sec. 2: Lots 2, 3, SE¼NW¼, SW¼NE¼.

Salt Lake 064355

T. 15 S., R. 10 E.,
Sec. 10: N½SE¼, SE¼SE¼;
Sec. 11: W½SW¼.

Salt Lake 065160

T. 36 S., R. 22 E.,
Sec. 31: N½SE¼.
T. 37 S., R. 22 E.,
Sec. 5: Lot 3.

Salt Lake 070035 (part)

T. 25 S., R. 11 W.,
Sec. 11: S½.

Salt Lake 071338

T. 19 S., R. 4 W.,
Sec. 24: NE¼NE¼.

Utah 02779

T. 28 S., R. 6 W.,
Sec. 31: SE¼NW¼.
T. 29 S., R. 7 W.,
Sec. 1: Lots 7, 8 (N½NE¼).

Utah 03224

T. 25 S., R. 23 E.,
Sec. 21: N½ (minerals were reserved by United States in original conveyance).

Utah 04140

T. 27 S., R. 13 W.,
Sec. 6: N½SE¼;
Sec. 8: E½SE¼;
Sec. 17: E½NE¼, NE¼SE¼, S½S½;
Sec. 18: Lot 4, SE¼SW¼, S½SE¼.
T. 27 S., R. 14 W.,
Sec. 1: N½S½;
Sec. 6: Lots 3, 4, 5, 6, SE¼NW¼, NE¼SW¼;
Sec. 13: S½S½.
T. 27 S., R. 15 W.,
Sec. 1: Lots 1, 2, 3, 4, S½N½;
Sec. 2: Lots 1, 2.

Utah 05787

T. 13 S., R. 3 W.,
Sec. 24: SE¼NW¼, NE¼SW¼.

Utah 05869

T. 13 S., R. 3 W.,
Sec. 24: SE¼SW¼, SW¼SE¼;
Sec. 25: W½NE¼, NE¼SE¼.

Utah 06008

T. 42 S., R. 16 W.,
Sec. 10: SE¼NE¼, NE¼SE¼ (water reserved to proponent).

Utah 07177

T. 12 N., R. 5 E.,
Sec. 36: Lots 10, 11.
T. 12 N., R. 6 E.,
Sec. 31: NE¼SW¼.

Utah 07280

T. 35 S., R. 18 W.,
Sec. 4: Lot 4, SW¼NW¼, N½SW¼, S½S½;
Sec. 5: Lot 1, SE¼NE¼, SE¼;
Sec. 7: Lot 1, E½W½;
Sec. 8: N½NE¼;
Sec. 9: N½N½;
Sec. 18: NE¼NW¼.
T. 35 S., R. 19 W.,
Sec. 1: S½;
Sec. 12: N½NE¼.

Utah 010877

T. 4 S., R. 9 W.,
Sec. 36: All.
T. 5 S., R. 9 W.,
Sec. 2: All (fractional).

Utah 010986

T. 18 S., R. 2 W.,
Sec. 33: NE¼NE¼;
Sec. 34: NW¼, N½SW¼, SW¼SW¼.

Utah 012458

T. 25 S., R. 11 W.,
Sec. 25: S½.

Utah 014356

T. 12 N., R. 10 W.,
Sec. 23: N½.
T. 13 N., R. 10 W.,
Sec. 14: W½.

Utah 016830

T. 8 S., R. 4 W.,
Sec. 22: N½NE¼, SW¼NE¼, NE¼NW¼, SE¼;
Sec. 27: SW¼;
Sec. 28: E½SE¼;
Sec. 33: E½NE¼;
T. 8 S., R. 5 W.,
Sec. 12: SE¼;
Sec. 13: E½E½.
T. 9 S., R. 4 W.,
Sec. 6: Lots 3, 4, 5, 6, 7, SE¼NW¼, E½SW¼.

Utah 019394

T. 23 S., R. 7 W.,
Sec. 8: N½.

Minerals in the following lands were not reconveyed to the United States:

Salt Lake 063189

T. 32 S., R. 24 E.,
Sec. 24: N½.

Salt Lake 063706 (part)

T. 19 S., R. 8 W.,
Sec. 29: SW¼SE¼.
T. 24 S., R. 7 W.,
Sec. 4: Lot 2, SW¼NE¼;
Sec. 5: SW¼NW¼;
Sec. 6: Lots 1, 8, SE¼NE¼.

Salt Lake 063784

T. 9 S., R. 4 W.,
Sec. 33: E½SE¼;
Sec. 34: S½NW¼, SW¼.
T. 13 N., R. 10 W.,
Sec. 33, E½SE¼.
T. 14 N., R. 9 W.,
Sec. 8: NW¼;
Sec. 12: S½NE¼;
Sec. 34: SE¼SW¼, SE¼.
T. 14 N., R. 10 W.,
Sec. 24: S½.

Salt Lake 064129

T. 12 N., R. 9 W.,
Sec. 17: S½.
T. 14 N., R. 9 W.,
Sec. 32: W½.

Salt Lake 067366

T. 17 S., R. 8 E.,
Sec. 11: SW¼NE¼.

Salt Lake 067606

T. 11 N., R. 12 W.,
Sec. 1: All (fractional);
Sec. 11: All;
Sec. 15: All;
Sec. 21: All;
Sec. 29: All.
T. 12 N., R. 11 W.,
Sec. 31: All (fractional), except 39.12 acres railroad right-of-way in SE¼NE¼, E½SE¼.

Salt Lake 070035 (part)

T. 25 S., R. 11 W.,
Sec. 2: Lots 3, 4, S½NW¼, SW¼.

Salt Lake 071386

T. 12 N., R. 9 W.,
Sec. 3: All (fractional);
Sec. 19: All (fractional);
Sec. 29: All;
Sec. 31: All (fractional).
T. 12 N., R. 10 W.,
Sec. 19: All (fractional);
Sec. 21: All;
Sec. 23: All;
Sec. 25: All;
Sec. 27: All;
Sec. 29: All.
T. 13 N., R. 9 W.,
Sec. 7: All (fractional);
Sec. 9: All;
Sec. 15: All;
Sec. 17: All;
Sec. 21: All;
Sec. 27: All;
Sec. 29: All;
Sec. 32: NE¼;
Sec. 33: All.

T. 13 N., R. 10 W.,
Sec. 1: All (fractional);
Sec. 3: All (fractional);
Sec. 5: All (fractional);
Sec. 7: All (fractional);
Sec. 9: All;
Sec. 13: All;
Sec. 15: All;
Sec. 17: All;
Sec. 19: All (fractional);
Sec. 21: All;
Sec. 23: All;
Sec. 27: All.
T. 14 N., R. 9 W.,
Sec. 31: All (fractional).
T. 14 N., R. 10 W.,
Sec. 19: Lots 1, 2, 3, 4, E½W½, SE¼;
Sec. 21: All;
Sec. 23: All;
Sec. 25: All;
Sec. 27: All;
Sec. 29: All;
Sec. 31: All (fractional);
Sec. 32: All;
Sec. 33: All;
Sec. 35: All.

Utah 03224 (part)

T. 25 S., R. 23 E.,
Sec. 16: All.

Utah 04123

T. 12 N., R. 9 W.,
Sec. 15: All.

Utah 04193

T. 19 S., R. 9 W.,
Sec. 19: All (fractional);
Sec. 20: All;
Sec. 30: All (fractional);
Sec. 31: Lots 1, 2, N½NE¼, E½NW¼.
T. 19 S., R. 10 W.,
Sec. 13: All;
Sec. 14: SE¼NE¼, SE¼SW¼, SE¼;
Sec. 23: All;
Sec. 24: All;
Sec. 25: All.
T. 24 S., R. 10 W.,
Sec. 16: SE¼;
Sec. 17: All;
Sec. 32: E½SE¼;
Sec. 33: All.

Utah 05030

T. 25 S., R. 25 E.,
Sec. 16: N½N½, SW¼NW¼, W½SW¼.

Utah 05188

T. 12 N., R. 11 W.,
Sec. 21: N½, SE¼, except 24.61 acres railroad right-of-way in S½SE¼, and 3 acres railroad pipeline right-of-way in SW¼NW¼.

Utah 06124

T. 8 N., R. 15 W.,
Sec. 1: All (fractional);
Sec. 7: All (fractional);
Sec. 9: All;
Sec. 11: All;
Sec. 13: All;
Sec. 15: All;
Sec. 17: All.
T. 8 N., R. 18 W.,
Sec. 3: Lots 1, 2, S½NE¼, SE¼;
Sec. 11: All;
Sec. 15: E½.
T. 9 N., R. 15 W.,
Sec. 1: All (fractional);
Sec. 11: All;
Sec. 13: E½, E½W½, NW¼NW¼, SW¼SW¼;
Sec. 23: All;
Sec. 25: All;
Sec. 35: All.
T. 9 N., R. 18 W.,
Sec. 3: Lots 1, 2, S½NE¼, SE¼;
Sec. 15: E½;
Sec. 27: E½.
T. 10 N., R. 15 W.,
Sec. 13: All;
Sec. 23: All;
Sec. 25: All;
Sec. 35: All.
T. 10 N., R. 18 W.,
Sec. 2: Lot 4, SW¼NW¼, W½SW¼;
Sec. 3: Lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 15: E½, E½W½;
Sec. 27: E½.
T. 11 N., R. 18 W.,
Sec. 25: All;
Sec. 27: E½;
Sec. 35: All.

Utah 08938

T. 31 S., R. 19 W.,
Sec. 22: N½.
T. 35 S., R. 18 W.,
Sec. 28: S½.
T. 36 S., R. 17 W.,
Sec. 23: E½NE¼.

Utah 09272

T. 9 S., R. 4 W.,
Sec. 14: SE¼;
Sec. 23: NE¼.

Utah 09775

T. 12 S., R. 5 W.,
Sec. 3: S½SE¼;
Sec. 10: SE¼SE¼;
Sec. 12: SW¼SW¼;
Sec. 13: NW¼NW¼;
Sec. 14: N½N½, SW¼, W½SE¼;
Sec. 15: NE¼NE¼, S½SW¼, E½SE¼;
Sec. 22: N½NW¼.

Utah 09972

T. 24 S., R. 10 W.,
Sec. 22: N½NE¼.

Utah 010135

T. 23 S., R. 8 W.,
Sec. 5: S½;
Sec. 8: E½.

Utah 010560

T. 12 N., R. 14 W.,
Sec. 19: Lots 1, 2, 3, 4, SE¼SW¼.

Utah 012172

T. 12 N., R. 14 W.,
Sec. 31: All (fractional).
T. 12 N., R. 15 W.,
Sec. 35: NW¼, NE¼SW¼.

Utah 012310

T. 12 N., R. 14 W.,
Sec. 28: S½.

Utah 013306

T. 13 N., R. 10 W.,
Sec. 11: N½, N½S½, S½SE¼.

Utah 013540

T. 11 N., R. 13 W.,
Sec. 1: Lots 1, 2, 3, 4, S½N½, N½SE¼, SW¼SE¼;
Sec. 11: N½;
Sec. 15: All.

Utah 013714

T. 12 S., R. 4 W.,
Sec. 16: All.

Utah 014272

T. 11 N., R. 13 W.,
Sec. 1: SW¼;
Sec. 13: NW¼, S½.

Utah 014273

T. 11 N., R. 12 W.,
Sec. 7: Lots 3, 4, SE¼NE¼, E½SW¼, SE¼.
T. 11 N., R. 13 W.,
Sec. 13: NE¼.
T. 12 N., R. 15 W.,
Sec. 35: W½SW¼, SE¼SW¼.

Utah 015532

T. 13 N., R. 9 W.,
Sec. 3: All (fractional).

Utah 015533

T. 14 N., R. 9 W.,
Sec. 19: All (fractional).

Utah 017549

T. 13 N., R. 10 W.,
Sec. 11: S½SW¼.

Utah 018035

T. 11 N., R. 13 W.,
Sec. 9: All.

Utah 018041

T. 12 N., R. 15 W.,
Sec. 36: SW¼.

Utah 019698

T. 29 S., R. 1 E.,
Sec. 16: All;
Sec. 21: All.
T. 30 S., R. 1 E.,
Sec. 14: S½NW¼, N½SW¼;
Sec. 16: All.

Utah 023090

T. 13 N., R. 11 W.,
Sec. 14: E½.

Utah 023758

T. 9 S., R. 7 W.,
Sec. 28: SE¼NW¼.

In the following lands one-half (½) interest in the minerals was reconveyed to the United States, and one-half (½) interest was reserved to the proponent:

Salt Lake 064930

T. 19 S., R. 8 E.,
Sec. 27: NW¼SE¼.

The areas described total 103,511.01 acres of public land.

Further information as to mineral rights, reservations for rights-of-way, etc., in these lands is of record in the Land Office, Bureau of Land Management, 312 Federal Building, P. O. Box 777, Salt Lake City 10, Utah.

The lands are in widely scattered parcels distributed throughout the State. They are generally desert or semi-desert in character, and not suitable for farming.

No application for these lands will be allowed under the homestead, desert-land, small-tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allow-

ance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert-Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference right under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented by 10:00 a. m. on October 10, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and by 10:00 a. m. on January 9, 1959, will be governed by the time of filing.

(3) All valid applications, and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented by 10:00 a. m. on January 9, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on January 9, 1959.

Persons claiming veteran's preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 312 Federal Building, P. O. Box 777, Salt Lake City 10, Utah.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 58–7619; Filed, Sept. 17, 1958; 8: 53 a. m.]

[Fairbanks 013704]

ALASKA

WITHDRAWING PUBLIC LANDS AT NOATAK, ALASKA, FOR SCHOOL PURPOSES

SEPTEMBER 12, 1958.

By virtue of the authority vested in the Secretary of the Interior by the act of May 31, 1938 (52 Stat. 593; 48 U. S. C. 353a), and pursuant to Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and disposals under the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved under the jurisdiction of the Bureau of Indian Affairs, Department of the Interior, for school purposes:

NOATAK AREA

Beginning at Corner No. 1 of U. S. Survey 2037; thence N. 18°51' E., 29.0 ft.; thence N. 71°09' W., 264.0 ft.; thence S. 18°51' W., 230.0 ft.; thence S. 71°09' E., 402 ft. more or less to a point along the bank of the Noatak River; thence northerly following the meanders of the bank of the Noatak River 90.0 ft. more or less to the intersection of line 3—4 of U. S. Survey 2037; thence N. 65°50' W., 130.0 ft. more or less to Corner No. 4 of U. S. Survey 2037; thence N. 18°51' E., 99.0 ft. to Corner No. 1 of U. S. Survey 2037; the point of beginning.

The tract described contains 2.9 acres.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 58–7589; Filed, Sept. 17, 1958; 8:46 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 10, 1958.

The U. S. Forest Service of the Department of Agriculture has filed an application, Serial Colorado 06813, for withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as a roadside zone.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 339 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

RIO GRANDE NATIONAL FOREST

Colorado Highway No. 17 Roadside Zone

A strip of land 200 feet wide on each side of the center line through the following legal subdivisions:

T. 32 N., R. 4 E.,
Sec. 13, S½SE¼;
Sec. 24, NW¼NE¼, E½NW¼ to Tierra Amarilla Land Grant (lots 1, 2, 3).
T. 32 N., R. 5 E.,
Sec. 3, W½NW¼SW¼ and SW¼SW¼;
Sec. 10, W½NW¼;
Sec. 9, SE¼NE¼ and E½SE¼;
Sec. 16, N½N½;
Sec. 17, NE¼NE¼;
Sec. 8, SW¼, S½SE¼;
Sec. 7, E½SE¼;
Sec. 18, E½NE¼, SW¼NE¼, SE¼NW¼, and NW¼SW¼ (lot 3).
T. 33 N., R. 5 E.,
Sec. 1, S½S½;
Sec. 12, W½;
Sec. 13, W½W½ and NE¼NW¼;
Sec. 14, E½SE¼;
Sec. 23, NE¼NE¼, S½NE¼, SE¼, and E½SW¼;
Sec. 26, NW¼;
Sec. 27, S½NE¼ and SE¼;
Sec. 33, SE¼SE¼;
Sec. 34, E½ and S½SW¼.
T. 33 N., R. 6 E.,
Sec. 25, lots 2 and 3, N½NW¼, and NW¼NE¼;
Sec. 26, lots 1 and 2, and N½NE¼;
Sec. 23, lot 1;
Sec. 22, lots 1, 2, 3, 4, 6, and 7, and NW¼SE¼;
Sec. 15, lots 1 and 2, SW¼NW¼, and SE¼SW¼;
Sec. 16, lot 2;
Sec. 9, lots 2, 4, and 5;
Sec. 8, lot 1;
Sec. 5, lots 8, 9, 10, 11, 12, 16, and 17, and NE¼SE¼;
Sec. 6, lots 12, 13, 14, 15, 16, and 21.
T. 33 N., R. 7 E.,
Sec. 29, SW¼SE¼ and S½SW¼;
Sec. 30, lots 2 and 3, and NE¼SW¼.

The above described area totals 930 acres.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F. R. Doc. 58–7590; Filed, Sept. 17, 1958; 8:46 a. m.]

[UTAH (II–2)]

UTAH

SMALL TRACT CLASSIFICATION; PUBLIC SALE

SEPTEMBER 11, 1958.

1. Pursuant to authority delegated to me by Bureau Order No. 541 dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands in Kane County, Utah, as suitable for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SALT LAKE MERIDIAN

T. 43 S., R. 2 E.,
Sec. 13: Lots 29, 31 to 62, incl., 65, 66, 67, 77, 81, 82, 83, 86, 87, 88, 89, 92, 93, 94, 95, 98.

2. The above described lots were segregated from all appropriation, including the general mining laws, except applications under the mineral leasing laws, by the classification of September 4, 1957, which was published in the FEDERAL REGISTER of September 12, 1957, Vol. 22, Page 7290.

3. The lands are located approximately 66 miles east of Kanab, Utah, and 14 miles northwest of the Glen Canyon Dam site. Utah Highway 259, a limited access highway, traverses the area. All lots are accessible. The topography is gently sloping toward the northeast. Soils vary from sandy-loam to sandy. The native vegetation consists principally of black brush with assorted weeds and grasses. Culinary water is not now available from any developed source, but water has been developed in wells to the northwest.

There are no schools or other public facilities in the area at the present time, but limited shopping facilities will be available nearby. An electric transmission line has been extended to a point about one mile northwest of the northern part of the area herein considered.

4. The individual tracts vary in size from 2.60 acres to 3.15 acres and are all rectangular in shape. A plat of survey showing the location of each tract can be secured for $1.00 from the Manager, Land Office, 312 Post Office Building, P. O. Box 777, Salt Lake City, Utah. The appraised value of the tracts vary from $175.00 to $300.00 per tract as shown below. Rights-of-way for street and road purposes and for public utilities will be reserved as shown below. All minerals in the lands will be reserved to the United States.

Lot No.	Acres	Right-of-way (width and location)	Appraised value
29	2.93	33' NE and SE sides	$300.00
31	2.93	33' NW and SW sides	300.00
32	2.93	33' NE and NW sides	300.00
33	3.15	33' NW side and 66' SW side.	300.00
34	2.80	66' SW side	275.00
35	2.60	33' NE side	275.00
36	2.60	33' SW side	275.00
37	2.60	33' SW side	275.00
38	2.60	33' NE side	275.00
39	2.80	66' SW side	225.00
40	2.80	66' SW side	275.00
41	2.60	33' NE side	175.00
42	2.60	33' SW side	275.00
43	2.93	33' SW and SE sides	175.00
44	2.93	33' SE and NE sides	300.00
45	3.15	66' SW side and 33' SE side	300.00
46	3.15	66' SW side and 33' NW side.	300.00
47	2.93	33' NW and NE sides	300.00
48	2.93	33' NW and SW sides	300.00
49	2.60	33' SW side	275.00
50	2.60	33' NE side	275.00
51	2.80	66' SW side	275.00
52	2.80	66' SW side	275.00
53	2.60	33' NE side	275.00
54	2.60	33' SW side	275.00
55	2.60	33' SW side	275.00
56	2.60	33' NE side	275.00
57	2.80	66' SW side	275.00
58	3.15	66' SW side, 33' SE side	300.00
59	2.93	33' SE and NE sides	300.00
60	2.93	33' SW and SE sides	300.00
61	2.93	33' NW and SW sides	300.00
62	2.93	33' NW and NE sides	300.00
65	2.60	33' NE side	275.00
66	2.60	33' SW side	275.00
67	2.60	33' SW side	275.00
77	2.80	66' NE side	225.00
81	2.80	66' NE side	275.00
82	2.80	66' NE side	275.00
83	2.60	33' SW side	275.00
86	2.93	33' SW and SE sides	300.00
87	3.15	33' SE side and 66' NE side	300.00
88	3.15	33' NW side and 66' NE side.	300.00
89	2.93	33' NW and SW sides	300.00
92	2.60	33' SW side	275.00
93	2.80	66' NE side	275.00
94	2.80	66' NE side	275.00
95	2.60	33' SW side	275.00
98	2.80	66' NE side	275.00

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. The above-described tracts will be sold at public auction at a sale to be held in the Ballroom, Hotel Newhouse, Salt Lake City, Utah at 10:00 a. m. and at 3:00 p. m. on January 7, 1959. The sale at 10:00 a. m. will be open only to those persons who qualify for veterans' preference under the provisions outlined in Paragraph 9, below. The 3:00 p. m. sale will be open to the public generally but will be held only if any of the tracts described in Paragraph 4, above, remain unsold after the 10:00 a. m. sale. Bids may be made personally by an individual or by his agent at either sale, or by mail. Bids sent by mail will be considered only if received at the Land Office, Bureau of Land Management, 312 Post Office Building, Salt Lake City, Utah, prior to 10:00 a. m., January 6, 1959. No bid will be accepted if it is less than the appraised price of the tract. See Paragraph 4, above, for appraised prices.

7. To facilitate the completion of the sale, all oral bidders at the 10:00 a. m. sale should bring with them a photostatic copy of their discharge papers or other acceptable certification of proof of right to veterans' preference as outlined in Paragraph 9.

8. Each bid sent by mail must clearly show: (a) The full name and mailing address of the bidder; (b) Classification Order No. Utah II–2; (c) The number of the lot for which the bid is made, described in accordance with Paragraph 4, of this order. Each bid must be accompanied by the full amount of the bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. All unsuccessful bids will be promptly returned after the sale. A photostatic copy of bidder's discharge papers, or other certification showing proof of veteran's preference as outlined in Paragraph 9, below, must accompany the bid. Such papers will be returned promptly after the sale. Bids for separate lots must be enclosed in separate envelopes but payment and proof of veterans' preference need only accompany the highest bid, providing all other bids designate the envelope containing the payment and the veterans' preference proof. Each envelope must be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 777, Salt Lake City, Utah, and carry in the lower left hand corner of its face the following information and nothing else: (a) "Bid for Small Tract"; (b) "Classification Order No. II–2"; (c) "Veterans' Preference", if the bidder is entitled to such preference; (d) the number of the lot for which the bid is made showing lot number in accordance with Paragraph 4, above. Sender's name and return address should be shown on the reverse side of the envelope.

9. In accordance with 43 CFR 257.14 (e), each tract at the 10:00 a. m. sale will be awarded to the highest bidder among persons entitled to veterans' preference. No person will be awarded more than one tract, unless he is an agent acting for one or more persons. Persons entitled to veterans' preference in brief are: (a) Honorably discharged veterans who served at least 90 days after September 15, 1940; (b) surviving spouse or minor orphan children of such veterans; and (c) with the consent of the veteran, the spouse of living veterans. Veterans who were discharged on account of wounds or disability incurred in the line of duty, or the surviving spouse or minor children of veterans killed in the line of duty are eligible for veterans' preference regardless of whether such serviceman served less than 90 days after September 15, 1940.

10. Sealed bids will be opened in the presence of the public in Room 312, Post Office Building, Salt Lake City, Utah, beginning at 1:00 p. m. on January 6, 1959. Sealed bids must be in multiples of $5.00. Lists of the highest sealed bids received for each lot will be posted for public inspection at the sale.

11. All inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 312 Post Office Building, Post Office Box 777, Salt Lake City, Utah.

EVAN L. RASMUSSEN,
Acting State Supervisor.

[F. R. Doc. 58–7591; Filed, Sept. 17, 1958; 8:47 a. m.]

[No. 59–4]

OREGON

REVOCATION AIR NAVIGATION SITE WITHDRAWAL NO. 32

Pursuant to a report of the Civil Aeronautics Administration, United States Department of Commerce, and by virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to the authority delegated by section 2.5 of the Bureau of Land Management Order No. 541 of April 21, 1954 (19 F. R. 2473), as amended, it is ordered as follows:

1. Air Navigation Site Withdrawal No. 32, as modified on April 11, 1949, affecting lands described below, is hereby revoked:

WILLAMETTE MERIDIAN, OREGON

T. 31 S., R. 5 W.,
Sec. 3: Lot 9, approximately 52.38 acres.

2. The above-described land is revested Oregon and California Railroad Grant land and is valuable for the perpetual production of timber as part of the South Umpqua Sustained-Yield Unit.

3. The land has been classified for retention in Federal ownership to be managed for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principal of sustained yield as authorized under the act of August 28, 1937 (50 Stat. 874).

4. No application will be allowed under the Homestead, Desert Land, Small Tract, or any other nonmineral public land law.

5. Beginning at 10 a. m. on January 13, 1959, the lands described in paragraph 1 above will (subject to valid existing rights) become subject to location or leasing under mining and mineral leasing laws.

6. Inquiries concerning the land should be addressed to the Manager, Portland Land Office, 809 N. E. Sixth Avenue, Portland, Oregon.

TOM D. CONKLIN,
Acting State Supervisor.

[F. R. Doc. 58–7592; Filed, Sept. 17, 1958; 8:47 a. m.]

[Sacramento 056544]

CALIFORNIA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 11, 1958.

Pursuant to following listed determinations of the Federal Power Commission, and in accordance with the authority delegated to me by the California State Supervisor, Bureau of Land Management, Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and as to DA-937 and DA-943 it is further stipulated that in the event described areas are required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees or licensees.

Determination No.	Date and type of withdrawal	Type of restoration	Description of lands
			Mount Diablo Meridian
DA-900	Power Site Reserve No. 232 of Nov. 25, 1911.	Under applicable land laws.	T. 33 N., R. 8 W., Section 18: E½NE¼ SW¼SE¼SW¼SE¼, N½SE¼SE¼ SW¼SE¼.
DA-937	Power Site Reserve No. 232 of Nov. 25, 1911.	Under applicable land laws.	T. 33 N., R. 8 W., Section 18: Lots 1 and 4, NE¼, E½NW¼, W½SE¼ SW¼, SE¼SE¼SW¼, N½N½ SE¼, N½SW¼NW¼SE¼, SE¼ NW¼SE¼, NE¼SW¼SE¼, N½ SW¼SW¼SE¼, S½S½SW¼SW¼ SE¼, W½SW¼SE¼SW¼SE¼, W½E½SW¼SE¼SW¼SE¼, E½ SE¼SW¼SE¼SW¼SE¼, S½SE¼ SE¼SW¼SE¼, NW¼SE¼SE¼, E½E½SE¼SE¼.
DA-943	Power Site Reserve No. 232 of Nov. 25, 1911.	Under applicable land laws.	T. 33 N., R. 9 W., Section 13: N½SE¼ NW¼, SE¼SE¼NW¼.

The areas described total approximately 479.30 acres of public land and private land.

The following lands have been patented:

T. 33 N., R. 8 W., M. D. M.,
Sec. 18: E½E½SE¼SE¼, E½NE¼NE¼ SE¼.

2. The subject lands are located in Eastern Trinity County near Lewiston, California. The land consists mainly of high, steep ridges, interspersed by gulches, draining into the Trinity River. The most level part lies along the main course of the Trinity River and consists of dredge tailings left by mining operations of past years. The thin stony soil and steep slopes preclude agricultural use of the land. Elevations range from 1,800 feet at river level to 2,500 feet on ridge tops.

Most of the steep slopes are covered with a semi-dense chaparral of live oak, ceanothus and manzanita overstoried by scattered hardwoods, digger pine and some ponderosa pine. The ground cover is mostly annual grasses and weeds. The land covered by tailings is devoid of vegetation.

3. No application for these lands will be allowed under the homestead, desert land, small tract or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. The lands described shall be subject to application by the State of California for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenace of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended, and the special stipulations provided in paragraph 1.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described are hereby opened to filing of applications and selections in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m., local time, on October 17, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., local time, on January 16, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. local time, on January 16, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

6. The lands have been open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 682; 80 U. S. C. 621–625).

7. Persons claiming veteran's preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 Code of Federal Regulations.

8. Inquiries regarding these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 10th Floor, California Fruit Building, Fourth and J Streets, Sacramento 14, California.

R. G. SPORLEDER,
Officer in Charge,
Northern Field Group,
Sacramento, California.

[F. R. Doc. 58-7593; Filed, Sept. 17, 1958; 8:47 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 12, 1958.

The U. S. Forest Service of the Department of Agriculture has filed an application, Serial Colorado 022828, for withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as a lookout, administrative sites, and nursery.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 339 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

PIKE NATIONAL FOREST

Devils Head Lookout

T. 9 S., R. 69 W.,
Sec. 22, NW¼NE¼.

Indian Creek Administrative Site (Addition)

T. 8 S., R. 69 W.,
Sec. 3, S½SW¼SE¼.

Jefferson Creek Administrative Site

T. 7 S., R. 76 W.,
Sec. 23, NW¼NE¼.

Lake George Administrative Site (Addition)

T. 12 S., R. 71 W.,
Sec. 28, S½SW¼NW¼, and S½N½SW¼ NW¼;
Sec. 29, SW¼NE¼NE¼, S½NW¼NE¼, N½SW¼NE¼, and N½S½SW¼NE¼.

Mount Herman Nursery (Addition)

T. 11 S., R. 67 W.,
Sec. 20, SW¼NE¼, SE¼NW¼, NE¼SW¼ NW¼, S½NE¼NE¼SW¼, N½SE¼ NE¼ SW¼, and N½SE¼.

Woodland Park Administrative Site

T. 12 S., R. 68 W.,
Sec. 7, lots 8, 10, 11, 12, and N½.

The areas described above total 826.88 acres.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F. R. Doc. 58-7594; Filed, Sept. 17, 1958; 8:47 a. m.]

Bureau of Reclamation

HANOVER-BLUFF UNIT, MISSOURI RIVER BASIN PROJECT, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

AUGUST 19, 1958.

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416), and pursuant to Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry under the first form of withdrawal:

SIXTH PRINCIPAL MERIDIAN

T. 46 N., R. 92 W.,
Sec. 3, tract 41, lots 5, 6, 9, 10, SE¼NE¼, and E½SE¼;
Sec. 4, tract 1, lot 6, SW¼NE¼, N½NW¼ SE¼, and N½S½NW¼SE¼;
Sec. 9, SW¼NW¼;
Sec. 18, tract 1, lot 26.
T. 46 N., R. 93 W.,
Sec. 13, tracts 2 and 4, lots 6 and 7;
Sec. 24, tracts 2 and 3.
T. 45 N., R. 94 W.,
Sec. 1, tract 1;
Sec. 2, tracts 1, 3, and 5, lot 18;
Sec. 3, lot 23.

The areas described aggregate 710.46 acres.

FLOYD E. DOMINY,
Acting Commissioner.

[68710]

SEPTEMBER 12, 1958.

I concur.

The lands shall be administered by the Bureau of Land Management until such time as they are needed for reclamation purposes.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 58-7595; Filed, Sept. 17, 1958; 8:48 a. m.]

COLORADO RIVER STORAGE PROJECT, CALIFORNIA

ORDER OF REVOCATION

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416), and pursuant to Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental order dated October 16, 1931, in so far as said order affects the following-described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 7 N., R. 24 E.,
Sec. 8, S½NW¼SW¼NE¼, S½SW¼NE¼, and NW¼SE¼.

The areas described aggregate 65 acres.

WILLIAM I. PALMER,
Acting Associate Commissioner.

[Los Angeles 0156749]

SEPTEMBER 12, 1958.

I concur.

The released land is proposed for exchange under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g) as amended, by which the offered land will benefit a Federal land program. This revocation, therefore, is not subject to the provisions contained in the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 58-7596; Filed, Sept. 17, 1958; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HEREFORD LIVESTOCK AUCTION AND ZACHARY STOCK YARDS

PROPOSED POSTING OF STOCKYARDS

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Hereford Livestock Auction, Hereford, Tex.
Zachary Stock Yards, Zachary, La.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 15th day of September 1958.

[SEAL] DAVID M. PETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 58-7634; Filed, Sept. 17, 1958; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12416 etc.; FCC 58M-991]

NICK J. CHACONAS ET AL.

ORDER CONTINUING HEARING

In re applications of Nick J. Chaconas, Gaithersburg, Maryland, Docket No. 12416, File No. BP-10996; I. T. Cohen and Anne H. Cohen, d/b as Tri-County Broadcasting Company, Laurel, Maryland, Docket No. 12417, File No. BP-11309; The Eleven Fifty Corp., Capitol Heights, Maryland, Docket No. 12418, File No. BP-11379; TCA Broadcasting Corporation, College Park, Maryland, Docket No. 12419, File No. BP-11741; for construction permits.

The Chief Hearing Examiner having under consideration the joint motion of Nick J. Chaconas and Tri-County Broadcasting Company, filed September 12, 1958, that certain procedural dates heretofore specified in this proceeding be amended, and that the formal hearing be continued without date;

It appearing that all parties to the proceeding consent to a grant of this motion and to a waiver of the provisions of section 1.43 of the rules to permit immediate consideration thereof;

It is ordered, This 12th day of September 1958, that the motion is granted and that the following procedural dates shall be observed in the above-entitled proceeding:

Exchange of nontechnical exhibits—September 15, 1958.
Exchange of technical exhibits—September 19, 1958.

It is further ordered, That formal hearing in the proceeding, which is presently scheduled to begin September 18, 1958, is continued to a date which will be later specified.

Released: September 15, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7623; Filed, Sept. 17, 1958; 8:54 a. m.]

[Docket No. 12501 etc.; FCC 58M-988]

COMMUNITY TELECASTING CORP. ET AL.

ORDER CONTINUING HEARING

In re applications of Community Telecasting Corporation, Moline, Illinois, Docket No. 12501, File No. BPCT-2339; Tele-Views News Company, Inc., Moline, Illinois, Docket No. 12503, File No. BPCT-2367; Midland Broadcasting Co., Moline, Illinois, Docket No. 12504, File No. BPCT-2370; Illiway Television, Inc., Moline, Illinois, Docket No. 12505, File No. BPCT-2428; Moline Television Corp., Moline, Illinois, Docket No. 12506, File No. BPCT-2440; Iowa-Illinois Television Co., Moline, Illinois, Docket No. 12508, File No. BPCT-2496; for construction permits for new television broadcast stations.

It is ordered, This 12th day of September 1958, that the hearing in the above-entitled matter presently scheduled for October 1, 1958, is hereby rescheduled to commence at 10:00 a. m., December 1, 1958, and that a further prehearing conference is hereby scheduled to commence at 10:00 a. m., November 21, 1958, both in the Commission's offices in Washington, D. C.

Released: September 15, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7624; Filed, Sept. 17, 1958; 8:54 a. m.]

[Docket Nos. 12546, 12547; FCC 58M-989]

NEWARK BROADCASTING CORP. AND WMGM BROADCASTING CORP.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Newark Broadcasting Corporation, Newark, New Jersey, Docket No. 12546, File No. BPH-2427; WMGM Broadcasting Corporation, New York City, New York, Docket No. 12547, File No. BPH-2442; for construction permits.

Upon the oral request of counsel for the Commission's Broadcast Bureau, and with the agreement of all parties concerned: *It is ordered*, This 12th day of September 1958, that the prehearing conference in the above-entitled matter presently scheduled to be held on September 16, 1958, is hereby rescheduled to commence at 10:00 a. m., September 25, 1958, in the offices of the Commission in Washington, D. C.

Released: September 15, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7625; Filed, Sept. 17, 1958; 8:54 a. m.]

[Docket Nos. 12548, 12549; FCC 58M-987]

FALCON BROADCASTING CO. AND SIERRA MADRE BROADCASTING CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of George A. Baron, tr/as Falcon Broadcasting Company, Vernon, California, Docket No. 12548, File No. BPH-2382; Max H. Isoard, tr/as Sierra Madre Broadcasting Company, Sierra Madre, California, Docket No. 12549, File No. BPH-2403; for construction permit.

The Hearing Examiner having under consideration the procedure to be followed in the above-entitled matter which is scheduled for hearing on October 16, 1958; and

It appearing that counsel for all parties have informally agreed to the prehearing conference date hereinafter ordered;

It is ordered, This 12th day of September 1958, pursuant to § 1.111 of the Commission's rules, that the parties or their attorneys shall appear at the offices of the Commission in Washington, D. C., at 10:00 a. m., on Thursday, September 25, 1958, for a prehearing conference to consider:

1. The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

2. The possibility of stipulating with respect to facts;

3. The procedures to be followed prior to and at the hearing;

4. The limitation of the number of witnesses;

5. The procedures and schedules for the prior mutual exchange between the parties of prepared testimony and exhibits; and

6. Such other matters as may aid in the disposition of this proceeding.

Released: September 15, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7626; Filed, Sept. 17, 1958; 8:54 a. m.]

[Docket No. 12553; FCC 58M-986]

MORTON BORROW

ORDER SCHEDULING PREHEARING CONFERENCE

In the matter of Morton Borrow, 2930 Haverford Road, Ardmore, Pennsylvania, Docket No. 12553; application for renewal of first-class radiotelephone operator license No. P1-3-1121, and first-class radiotelegraph operator license No. T1-3-116.

It is ordered, This 12th day of September 1958, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 o'clock a. m., on Thursday, September 18, 1958, in the offices of the Commission, Washington, D. C.

Released: September 15, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7627; Filed, Sept. 17, 1958; 8:54 a. m.]

[Docket No. 12569; FCC 58M-982]

AMERICAN TELEPHONE AND TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of the applications of American Telephone and Telegraph Company (Long Lines Department); for modification of its point-to-point microwave radio station licenses in Portland, Maine; Brunswick, Maine; Liberty, Maine; Kings Mountain, Maine; Franklin, Maine; and Cooper Hill, Maine, for facilities connecting with the trans-Atlantic telephone cable system, to authorize the furnishing of an alternate voice and digital data transmission service to the United States Air Force; Docket No. 12569:

Call sign:	File No.
KCB 81	2943-C1-ML-58
KCB 82	2944-C1-ML-58
KCB 83	2945-C1-ML-58
KCC 85	2946-C1-ML-58
KCC 86	2947-C1-ML-58
KCC 92	2948-C1-ML-58

The Hearing Examiner having under consideration a motion filed September 5, 1958, by the American Telephone and Telegraph Company requesting that a prehearing conference in the above-entitled proceeding be scheduled for September 22, 1958, and that the evidentiary hearing in this proceeding now scheduled to begin on September 22, 1958 be continued to a date to be determined at the prehearing conference; and

It appearing that the suggested time schedule meets the convenience of the other parties to the proceeding, and good cause for granting the motion having been shown;

It is ordered, This the 11th day of September 1958, that the motion is granted and a prehearing conference in the above-entitled proceeding will be held on Monday, September 22, 1958, beginning at 2: 00 p. m. in the offices of the Commission, Washington, D. C. and the matters to be considered are those specified in § 1.111 of the Commission's rules; and

It is further ordered, That the evidentiary hearing in the above-entitled proceeding now scheduled to begin on September 22, 1958 is continued to a date to be determined at the prehearing conference to be held on September 22, 1958.

Released: September 12, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7628; Filed, Sept. 17, 1958; 8: 54 a. m.]

[Mexican List 211, Correction]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

AUGUST 20, 1958.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican broadcast stations modifying the appendix containing assignments of Mexican broadcast stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letter	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
XEYG (New)	Iguala, Guerrero	250 w	1330 Kc. ND	- D	IV	Feb. 20, 1959

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7630; Filed, Sept. 17, 1958; 8:55 a. m.]

[Docket No. 12598; FCC 58-868]

M & M BROADCASTING CO. (WMBV-TV)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of M & M Broadcasting Company (WMBV-TV), Marinette, Wisconsin, Docket No. 12598, File No. BPCT-2524; for television construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of September 1958;

The Commission having under consideration the above-captioned application requesting a construction permit to move the transmitter site of Station WMBV-TV from a point approximately 14 miles southeast of Marinette, Wisconsin and approximately 38 miles northeast of Green Bay, Wisconsin, to a point approximately 38 miles southeast of Marinette and approximately 14 miles northeast of Green Bay, to increase the antenna height above average terrain from 780 to 960 feet, to increase the visual effective radiated power from 240 to 316 kw and to make other equipment changes;

It appearing that Valley Telecasting Company and Norbertine Fathers, licensees of Stations WFRV-TV and WBAY-TV respectively, of Green Bay, Wisconsin, have filed objections to the above-captioned application alleging, inter alia, that a grant thereof would result in a diminution of service to Marinette, and a loss of the only service to areas north of Marinette; that action be withheld pending a decision in Docket No. 12429, involving applicant corporation; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicant was advised by letter of the reasons why the Commission was unable to conclude that a grant would serve the public interest, of all objections to its application, of the necessity for a hearing, and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned application, the objections thereto and the reply to the above letter, the Commission finds that pursuant to section 309 (b) of the Communications Act of 1934, as amended, a hearing is necessary; that the applicant is legally, financially, and technically qualified to construct, own and operate the station as proposed and is otherwise qualified except as to the issues below;

It is ordered, That the petitions of Norbertine Fathers and Valley Telecasting Company are granted to the extent hereinafter provided and are denied in all other respects;

It is further ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned application of M & M Broadcasting Company is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose service from the proposed operation, and the availability of other service to such areas and population.

2. To determine in light of the evidence adduced pursuant to the above issue, whether a grant of the above-captioned application would serve the public interest, convenience and necessity.

It is further ordered, That Norbertine Fathers and Valley Telecasting Company are hereby made parties to the proceeding;

It is further ordered, That to avail themselves of the opportunity to be heard, M & M Broadcasting Company, Norbertine Fathers and Valley Telecasting Company pursuant to § 1.140 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance, stating an intention to appear on the date fixed for the hearing and present evidence on the issue specified in this order.

Released: September 12, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7629; Filed, Sept. 17, 1958; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 9559, 9608]

AMERICAN SHIPPERS, INC.; JOINT COMPLAINT

NOTICE OF HEARING

In the matter of the joint complaint of Shulman, Inc. Airborne Freight Corporation and Western Transportation Co., Inc., and complaint of ABC Air Freight Co., Inc. against American Shippers, Inc.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing on the above-entitled dockets is assigned to be held on October 1, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue, NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., September 15, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-7621; Filed, Sept. 17, 1958; 8:53 a. m.]

[Docket No. 9743]

PERU AIR WAYS, S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Peru Air Ways for a foreign air carrier permit to operate from Peru via Panama City, Panama and Havana, Cuba to Miami, Florida and Washington, D. C. and beyond to Montreal, Canada.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on September 22, 1958, at 10:00 a. m., e. d. s. t., in Room 1417, Temporary Building No. 4, Seventeenth Street and Constitution Avenue, NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, September 15, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-7622; Filed, Sept. 17, 1958; 8:54 a. m.]

[Docket No. 9786]

EAGLE AIRWAYS (BERMUDA) LTD.

NOTICE OF HEARING

In the matter of the application of The Eagle Airways (Bermuda) Ltd. for an amendment of its foreign air carrier permit, pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 19, 1958, at 10:00 a. m., e. d. s. t., in Room 1064, Temporary Building No. 5, Sixteenth Street and Constitution Ave., NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., September 12, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-7620; Filed, Sept. 17, 1958; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15345]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 12, 1958.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation with principal place of business at Oklahoma City, Oklahoma, filed in Docket No. G-15345 on June 23, 1958, an

application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of its existing natural-gas system, the following facilities: (1) A new 1,350 horsepower compressor station on its existing field-pipeline system in the Hugoton Field, Haskell County, Kansas, to act as a booster for the existing Hugoton Compressor Station, and (2) a 1,350 horsepower addition to its existing Ulysses Compressor Station in the Hugoton Field, Grant County, Kansas. The Hugoton Field is one of Applicant's principal sources of gas supply.

The application states that the well pressures are declining in the Hugoton Field of Kansas and that, if Applicant were to attempt with its existing compressor facilities to maintain present inputs into its system from the Hugoton Field, it would be necessary to operate its Ulysses and Hugoton Compressor Stations at overloads of 32 percent and 25.5 percent, respectively. Applicant considers this degree of overloading to be excessive and hazardous, and states that installation of the proposed compressor facilites would reduce such overloading to 8.2 percent at the Hugoton Station, which is not considered excessive, and would completely eliminate overloading at Ulysses Station.

Applicant estimates that the capital cost of the proposed facilities will total approximately $787,000, which will be financed out of treasury cash.

Applicant states that since the proposed facilities are intended for the purpose of maintaining present inputs into its system, no additional revenues can be attributed to the proposed investment.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 14, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 3, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7597; Filed, Sept. 17, 1958; 8:48 a. m.]

[Docket No. G-15710]

CENTRAL PENNSYLVANIA GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 12, 1958.

Take notice that Central Pennsylvania Gas Company (Applicant), a Pennsylvania corporation, having its operating headquarters at 107 West Broad Street, Tamaqua, Pennsylvania, filed on July 28, 1958, an application pursuant to section 7 (a) of the Natural Gas Act, for an order directing Manufacturers Light and Heat Company (Manufacturers) to sell and deliver natural gas to it for resale to the public in the area served and to be served by Applicant, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant states that it is presently manufacturing and selling propane air gas in the Boroughs of State College and Bellefonte and the communities of Lemont and Pleasant Gap, all located in Centre County. Applicant proposes to serve these communities with natural gas and also one new industrial customer located in Clarence, Pennsylvania, whose plant is adjacent to Applicant's proposed pipeline.

Applicant proposes to construct an 8-inch pipeline extending from Manufacturer's line No. 1711 in Centre County, approximately 21.4 miles in length to its existing plant located at Axeman, Pennsylvania.

Applicant estimates its peak-day and annual natural gas requirements as follows:

VOLUMES IN MCF

Year	Peak day	Annual
1st	867	281,139
2d	1624	518,521
3d	1804	557,554
4th	2022	590,493
5th	2242	603,729

Applicant estimates the cost of its proposed construction will be $600,000 which it proposes to finance with the proceeds of a $650,000 six per cent first mortgage, twenty year bond issue and $150,000 in subordinated debt and equity financing. From the funds derived from this financing, Applicant will retire $159,000 existing first mortgage bonds. The balance of the funds will be used for construction and working capital purposes.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 7, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 3, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7598; Filed, Sept. 17, 1958; 8:48 a. m.]

[Docket No. G-16238]

QUINTIN LITTLE

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 12, 1958.

Quintin Little on August 15, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 1, 1958.

Purchaser: Lone Star Gas Company.

Rate schedule designation: Supplement No. 1 to Quintin Little's FPC Gas Rate Schedule No. 1.

Effective date: September 15, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Quintin Little submits a copy of a letter from the Lone Star Gas Company notifying that effective July 1, 1958, the price of gas it purchases from properties in the same area would be increased to a base rate of 14 cents per Mcf. Quintin Little cites the contract provisions and states that denial of the increase would be inequitable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Quintin Little's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Quintin Little's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 15, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7599; Filed, Sept. 17, 1958; 8:48 a. m.]

[Docket No. G-16239]

GRUBBS & HAWKINS ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 12, 1958.

Grubb & Hawkins et al. (Respondent) on August 14, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 12, 1958.

Purchaser: Trunkline Gas Company.

Rate schedule designation: Supplement No. 13 to Respondent's FPC Gase Rate Schedule No. 1.

Effective date: October 1, 1958 (effective date is that proposed by Respondent).

In support of the proposed periodic rate increase, Respondent states that the increase is provided by a contract resulting from arm's-length bargaining in good faith. The increased rate and charge also reflects (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

This suspension, however, is based solely on the possibility of the additional tax being invalidated and only such tax reimbursement shall be made effective subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 13 to Respondent's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 13 to Respondent's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7600; Filed, Sept. 17, 1958; 8:49 a. m.]

[1] Supplement No. 12 to Respondent's FPC Gas Rate Schedule No. 1 (Louisiana gathering tax increase) was suspended for one day until August 2, 1958, in Docket No. G-15600, and is now in effect subject to refund.

[Docket No. G-16240]

TEXAS GULF PRODUCING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

SEPTEMBER 12, 1958.

Texas Gulf Producing Company (Texas Gulf) on August 15, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 11, 1958.

Purchaser: Trunkline Gas Company.

Rate schedule designation: Supplement No. 9 to Texas Gulf's FPC Gas Rate Schedule No. 4.

Effective date: September 15, 1958 (effective date is the first day after the expiration of the required 30-days' notice).

In support of the proposed favored-nation rate increase Texas Gulf cites the contractural provisions and submits a letter dated March 10, 1958, from Trunkline advising that Trunkline has executed a new contract with Coastal States Gas Producing Company to purchase gas at a similar price in Bee County, Texas, and that deliveries began on March 7, 1958.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Texas Gulf's FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Texas Gulf's FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 15, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7601; Filed, Sept. 17, 1958; 8:49 a. m.]

[Docket No. G-16349]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 12, 1958.

Shell Oil Company (Shell) on August 15, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 12, 1958.

Purchaser: West Lake Natural Gasoline Company.

Rate schedule designation: Supplement No. 1 to Shell's FPC Gas Rate Schedule No. 173.

Effective date: September 15, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Shell merely states that the proposed rate was agreed to after arm's-length negotiations and formed a major consideration for seller entering into the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Shell's FPC Gas Rate Schedule No. 173 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Shell's FPC Gas Rate Schedule No. 173.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 16, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7602; Filed, Sept. 17, 1958; 8:49 a. m.]

[Docket No. G-14810 etc.]

NORTEX OIL & GAS CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 12, 1958.

In the matters of Nortex Oil & Gas Corporation [1], Docket No. G-14810; Neville G. Penrose, Inc. (Operator), et al.[2], Docket No. G-14811; Carr Oil and Gas Company (By Holly Nester, Agent), Docket No. G-14812; The Reger Gas Company (By Glenn L. Haught, Agent) [3], Docket No. G-14815; Bailey Gas Company (By D. L. Gainer, Agent) [4], Docket No. G-14816; Ward Run Development Company (By Willard E. Farrell, Agent) [5], Docket No. G-14817; Roy G. Hildreth, et al.[6], Docket No. G-14818; E. B. Alexander, Jr., et al.[7], Docket No. G-14819; Mrs. Betty D. Mortimer, et al.[8], Docket No. G-14820; Graham-Michaelis Drilling Company (Operator),[9] Docket No. G-14821; The Spurgeon Gas Company (By Glenn L. Haught, Agent) [10], Docket No. G-14822; Champlin Oil & Refining Company [11] (formerly Champlin Refining Company), Operator, Docket No. G-14830; Claud E. Aikman, Docket No. G-14831; Wm. H. Perkins, et al.[12], Docket No. G-14838; Raymond Oil Company, Agent [13], Docket No. G-14839.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission as more fully represented in the respective applications which are on file with the Commission and open to public inspection. Each Applicant has submitted a related rate schedule for such service.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No., Field, Location, and Purchaser

G-14810; West Weesatche Field, Goliad County, Tex.; United Gas Pipe Line Co.

G-14811; Orcones Field, Duval County, Tex.; Transcontinental Gas Pipe Line Corp.

G-14812; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.

G-14815; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.

G-14816; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.

G-14817; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.

G-14818; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.

G-14819; Maxie-Pistol Ridge Field, Forrest County, Miss.; United Gas Pipe Line Co.

G-14820; Maxie-Pistol Ridge Field; Pearl River County, Miss.; United Gas Pipe Line Co.

G-14821; Hugoton Field, Meade County, Kans.; Panhandle Eastern Pipe Line Co.

G-14822; Murphy District Field, Ritchie County, W. Va.; Hope Natural Gas Co.

G-14830; Boonesville Field, Jack and Wise Counties, Tex.; Natural Gas Pipeline Co. of America.

G-14831; Aztec (Pictured Cliffs) Field, San Juan County, N. Mex.; El Paso Natural Gas Co.

G-14838; Acreage In Field, Stephens County, Okla.; Lone Star Gas Co.

G-14839; Elm Grove Field, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 20, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 7, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Application covers the proposed sale of natural gas under amendatory agreement dated February 19, 1958, which adds additional acreage to a basic contract dated October 1, 1956, as amended. Applicant was authorized in Docket No. G-11419 covering sale of gas under the basic contract.

[2] Neville G. Penrose, Inc., Operator, is filing for itself and on behalf of the following nonoperators: Broseco Corporation and John B. Rich. All are signatory seller parties to the gas sales contract dated February 14, 1958.

[3] The Reger Gas Company, Applicant, is a partnership consisting of Glenn L. Haught, Teddie C. Fredrick, L. D. Nutter, Mountain Iron and Supply Company, Arthur M. Taylor, Guy R. Neely, Elwood Harrigan, Sydney Renehan, Howard E. Koontz, Lewis J. Fuccy, Ridgeway T. Johnston, Paul McCoy, Margaret Sperry, J. E. Kintner, Warren R. Haught, Eldon J. Haught, and Richard G. Lynch. Glenn L. Haught is a signatory seller party to the gas sales contract dated March 19, 1958 and the remaining above-named partners are also signatory seller parties through the signature of Glenn L. Haught who has signed the contract as attorney-in-fact for said partners.

[4] Bailey Gas Company, Applicant, is a partnership consisting of C. N. Hall, Sr., P. P. Gunn, Harry Stevens, Lloyd Jackson, Arvil Gunn, Harry Stevens, Lloyd Jackson, Arvil Browning, Verbie Browning, E. G. Chapman, Mal Pack, L. E. Thompson, L. M. Pack, Ercel Midkiff, Paul Le Masters, Hal S. McComas, Curtis M. Tackett, Wylie Stowers, Eurukel Hall, Juanita Hall, Carl Hanson, Margie Phillips, Dr. Rodgers Harshbarger, Harry E. Martin, Kyle Dunlop, R. L. Martin, D. V. Quick, and Juanita Quick. C. N. Hall, Sr., P. P. Gunn, and Harry Stevens are signatory seller parties to the subject gas sales contract, and the remaining partners are signatory seller parties through the signatures of C. N. Hall, Sr., P. P. Gunn and Harry Stevens who have signed the subject contract as attorneys-in-fact for said partners.

[5] Ward Run Development Company, Applicant, is a partnership consisting of Willard E. Ferrell and eighty-one additional partners listed in the subject gas sales contract. Willard E. Ferrell is a signatory seller party to the gas sales contract, and the remaining eighty-one partners are signatory seller parties through the signature of Willard E. Ferrell who has signed the subject contract as attorney-in-fact for said partners.

[6] Roy G. Hildreth, et al., Applicant, is a partnership consisting of Roy G. Hildreth, Lester L. Hildreth, Buena Ogden, Ruth Hildreth, Jason Taylor, R. L. McCulty, Lee Ellis, Roy G. Hildreth, Jr., James E. Oakley, Bliss L. Hildreth, William E. Boggess, John H. Niday, W. G. Drake, Virgil E. Daugherty, H. E. Ross, and O. R. Hardman. All of the above named partners are signatory seller parties to the gas sales contract dated March 4, 1958.

[7] E. B. Alexander, Jr., and Katherine B. Alexander are filing jointly for their combined 4.16667 percent interest in the SE-72 Gas Unit. Both are signatory seller parties to the gas sales contract dated February 24, 1958.

[8] Mrs. Betty D. Mortimer and Mrs. Frances D. Harrell are filing for their interests in gas produced from the subject acreage through their attorney, John M. Shuey. Mrs. Betty D. Mortimer and Mrs. Frances D. Harrell are named as seller parties to the subject gas sales contract dated November 4, 1957, which contract has been signed by C. M. Dorchester, attorney-in-fact.

[9] Graham-Michaelis Drilling Company, Operator, a co-partnership consisting of W. A. Michaelis, Jr., Marjorie Lois Graham, and William L. Graham, is filing for its 40.625 percent interest in production from the Jones "B No. 1" Unit and on behalf of the following nonoperators: William Graham, Inc., 25 percent; Petrolite Corporation, 25 percent; Robert White, 6.25 percent; and Guy Young, 3.125 percent. The above-named partners of Graham-Michaelis Drilling Company are signatory seller parties to the gas sales contract, and the nonoperators by instrument of assignment dated February 25, 1958, have become signatory parties to the subject contract to the extent of their individual interests.

[10] The Spurgeon Gas Company, Applicant, is a partnership consisting of Glenn L. Haught, Mountain Iron and Supply Company, Teddie C. Frederick, Clifton G. Valentine, L. D. Nutter, Paul McCoy, Howard E. Koontz, Jr., Sydney Renehan, Lewis J. Fuccy, Elwood Harrigan, Arthur M. Taylor, Warren R. Haught, Eldon J. Haught, Richard G. Lynch, and J. E. Kintner. Glenn L. Haught is a signatory seller party to the subject gas sales contract, and the remaining partners are also signatory seller parties through the signature of Glenn L. Haught, who has signed the subject contract as attorney-in-fact for said partners.

[11] Champlin Oil and Refining Company, Operator, is filing for its interest in the subject acreage. As operator of the D. P. Dunn Unit, Applicant lists Christie Mitchell & Mitchell Company, as nonoperator and owner of 41.94 percent working interest, which company has negotiated a separate contract to dispose of its share of the production. Champlin is the only signatory seller party to the gas sales contract dated March 10, 1958.

[12] Wm. H. Perkins, J. R. Perkins, R. R. Goldsmith, Marvin J. Coles, Osias Biller, Howard W. Jennings, and Fieldon L. Parkham are filing jointly for their 100 percent interest in ten acres. All are signatory seller parties to the gas sales contract dated January 15, 1958.

[13] Raymond Oil Company, Applicant, is a partnership consisting of Francis M. Raymond, Charles F. Raymond, William Mike Raymond, and Shirley Salem, filing for its 31.28125 percent working interest and as agent for Artnell Co., and Western Crude Marketers, Inc., who respectively own 42.87500 percent and 10.71875 percent working interests in the subject acreage. The individual partners of Raymond Oil Co. (Shirley Salem through the signature of Francis M. Raymond, attorney-in-fact) are the only signatory seller parties to the gas sales contract dated February 6, 1958. Production is limited to formations down to and including the "D" Sand. Supplement filed concurrently with the certificate application but under separate cover is statement invoking the provisions of section 157.28 for temporary authorization.

[F. R. Doc. 58-7603; Filed, Sept. 17, 1958; 8:49 a. m.]

[Docket No. 14981 etc.]

PERMIAN BASIN PIPELINE CO., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 12, 1958.

In the matters of Permian Basin Pipeline Company, Docket No. G-14981; Northern Natural Gas Company, Docket No. G-14982; El Paso Natural Gas Company, Docket No. G-15139.

Take notice that Permian Basin Pipeline Company (Permian), a Delaware corporation having its principal place of business in Omaha, Nebraska, filed an application in Docket No. G-14981 on April 25, 1958, and amendments thereto on May 22, 1958 and August 6, 1958, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities subject to the jurisdiction of the Commission, as are fully described in the application on file with the Commission, and open to public inspection.

Take further notice that Northern Natural Gas Company (Northern), a Delaware corporation with a principal office in Omaha, Nebraska, filed an application on April 25, 1958 in Docket No. G-14982 pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities subject to the jurisdiction of the Commission, as more fully described in the application on file with the Commission, and open to public inspection.

Take further notice that El Paso Natural Gas Company (El Paso), a Delaware corporation with a principal place of business in El Paso, Texas, filed an application on May 21, 1958 in Docket No. G-15139, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of an additional 50,000 Mcf daily of natural gas delivered to it by Northern in Yoakum County, Texas, to a point on Northern's system in Moore County, Texas, subject to the jurisdiction of the Commission, as more fully described in the application on file with the Commission and open to public inspection.

The applicants recite that Permian proposes to sell and deliver an additional 50,000 Mcf daily to Northern for transportation to and for Northern by El Paso.

The proposed facilities together with their location, estimated costs and method of financing are summarized for the subject dockets in the following table.

	Facilities requested	Location facilities	Estimated cost and method of financing
Permian, G-14981	Three 550 hp. compression units	On Plymouth to Sprayberry line.	$379,800
	Turbocharge 3—2,000 hp. units to 2,800 hp. Florey Station.		226,000
	Interest and overhead		24,200
	Total		[1] 630,000
El Paso, G-15139	Additional meter station	Dumas plant	[2] 24,044
Northern, G-14982	8.1 miles 30" pipeline	North of Beaver, Okla	770,400
	11.1 miles of 30" pipeline	South of Beaver, Okla	1,033,400
	2,000 hp. compressor	Sunray, Tex	478,000
	2,000 hp. compressor	Beaver, Okla	749,400
	Interest and overhead		121,200
	Total		[3] 3,152,700

[1] From cash on hand.
[2] From current working funds.
[3] From cash on hand, and if required, short-term bank notes.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 20, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and pro-

cedure (18 CFR 1.8 or 1.10) on or before October 6, 1958.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7604; Filed, Sept. 17, 1958; 8:49 a. m.]

[Docket No. G-16115]

WARREN PETROLEUM CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

SEPTEMBER 12, 1958.

Warren Petroleum Corporation (Respondent), on August 14, 1958, tendered for filing a proposed change in its presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 25, 1958.[1]

Purchaser: Texas Eastern Transmission Corp.

Rate schedule designation: Supplement No. 10 to Respondent's FPC Gas Rate Schedule No. 18.

Effective date: August 28, 1958 (effective date is the date proposed by Respondent).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until August 29, 1958, and thereafter to permit it to become effective as of that date; provided, that within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 10 to Respondent's FPC Gas Rate Schedule No. 18.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 29, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of August 29, 1958: *Provided, however,* That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of Warren Petroleum Corporation to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ——, in Docket No. G-16115, Warren Petroleum Corporation hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this —— day of ——

WARREN PETROLEUM CORPORATION

By ——

Attest: ——

Secretary

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7605; Filed, Sept. 17, 1958; 8:50 a. m.]

[Docket No. G-15121]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 12, 1958.

Take notice that The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on May 19, 1958 an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to install and operate (1) a 55 horsepower portable compressor unit at its Hanst Compressor Station, Beaver Township, Clarion County, Pennsylvania and (2) a 75 horsepower portable compressor unit at its Cross Creek Compressor Station in Jefferson Township, Washington County, Pennsylvania. In connection with the installation and operation of compressor units at its Hanst and Cross Creek Compressor Stations, Applicant also requests permission to abandon (1) its entire existing Hanst Compressor Station, consisting of 7 compressor units with a total of 540 horsepower, and (2) its entire existing Cross Creek Compressor Station, consisting of one 300 horsepower compressor unit, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant states that the maximum deliverability of Hanst producing field is 200 Mcf per day, for which the proposed compressor unit will be adequate. Applicant also states that the existing Hanst station is not suitable for reinstallation and will be sold for junk. It is estimated that this proposed retirement will result in a decrease of $7,400 per year in operating and maintenance costs.

Applicant states that the maximum deliverability of the Cross Creek field is 310 Mcf per day for which the proposed 75 horsepower compressor unit will be adequate. This proposed replacement will result in an estimated decrease in operating and maintenance costs of $15,000 per year.

Applicant also proposes to construct new buildings for the proposed new compressor units and to retire the old buildings at said Hanst and Cross Creek stations.

The estimated cost of the proposed construction at Hanst Compressor Station is $7,000. It is estimated that the salvage will amount to $2,000, that retirement costs will be $2,000, and that there will be a credit to fixed capital of $54,300.

The estimated cost of construction at Cross Creek Compressor Station is $38,000. It is estimated that the salvage will amount to $20,000, that retirement costs will be $5,000, and that there will be a credit to fixed capital of $40,000.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 16, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 6, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7606; Filed, Sept. 17, 1958; 8:50 a. m.]

[Docket No. G-16126]

TENSAS GAS GATHERING CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

SEPTEMBER 12, 1958.

Tensas Gas Gathering Corporation (Tensas Gas), on August 13 and 14, 1958, tendered for filing three revised tariff sheets[1] to its FPC Gas Tariff, Original Volume No. 1, by which Tensas Gas proposes to increase its rate for sale of gas in an amount in excess of $30,000 annually to Olin Gas Transmission Corporation supplied with gas produced or gathered by Tensas Gas in the State of Louisiana.

The increased rate and charge so proposed, which Tensas Gas proposes to be effective as of August 14, 1958, is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until August 15, 1958, and thereafter to permit them to become effective as of that date: *Provided,* That within 20 days from the date of this order Tensas Gas shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated revised tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Tensas Gas' proposed increased rate be made effective as hereinafter provided and that Tensas Gas be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated revised tariff sheets.

(B) Pending such hearing and decision thereon, said First Revised Sheet Nos. 5, 6 and 7 to Tensas Gas FPC Gas Tariff, Original Volume 1, are each hereby suspended and the use thereof deferred until August 15, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated filings shall be effective as of August 15, 1958: *Provided, however,* That within 20 days from the date of this order, Tensas Gas shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Tensas Gas shall refund at such time and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by Tensas Gas herein shall be passed on and paid to the persons entitled thereto as such times and in such amounts, and in such manner as may be required by final order of the Commission. Tensas Gas shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Tensas Gas so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers

[1] Said Notice of Change, together with another concurrently submitted but not subject to this order, are submitted in substitution for prior filing made on July 28, 1958.

[1] First Revised Sheet Nos. 5, 6 and 7 to Tensas Gas' FPC Gas Tariff, Original Volume No. 1, comprising its Rate Schedule G-2. Aforementioned Sheet Nos. 6 and 7 were filed on August 13 and Sheet No. 5 was filed on August 14. On July 28, 1958, Tensas Gas tendered for filing Supplement No. 1 to Rate Schedule G-2 to effect the proposed change. The aforementioned revised sheets were filed pursuant to a Commission letter dated August 7, 1958, which informed Tensas Gas that changes in rates may be effected only by tendering revised tariff sheets.

and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the difference in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Tensas Gas shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the revised tariff sheets involved, as follows:

Agreement and Undertaking of Tensas Gas Gathering Corporation to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes.

In conformity with the requirements of the order issued ----------, in Docket No. G-16126, Tensas Gas Gathering Corporation hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused the agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolutions of its board of directors, a certified copy of which is appended hereto this day of ----------

TENSAS GAS GATHERING CORPORATION
By ----------
Attest:

Secretary

Unless Tensas Gas is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Tensas Gas shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) The revised tariff sheets hereby suspended shall not be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7607; Filed, Sept. 17, 1958; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3074]

CORNUCOPIA GOLD MINES

ORDER SUMMARILY SUSPENDING TRADING

SEPTEMBER 12, 1958.

I. The Common Stock, $.05 par value, of Cornucopia Gold Mines being listed and registered on the American Stock Exchange; and

II. The Commission on July 25, 1958, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the Act") to determine at a hearing to be held September 2, 1958, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the common stock of Cornucopia Gold Mines (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the Act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation 14 adopted pursuant to section 14 (a) of the Act.

On September 2, 1958, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from the date of the aforesaid order.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days, September 13 to 22, 1958, inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 58-7608; Filed, Sept. 17, 1958; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 3666]

[Ex Parte No. MC-13]

TRANSPORTATION OF NITROMETHANE

At a special session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of September A. D. 1958.

It appearing, that the occurrence of violent explosions at Niagara Falls, N. Y., on January 22, 1958, and at Mt. Pulaski, Ill., on June 1, 1958, of nitromethane in bulk in railroad tank cars, indicates the desirability, in the public interest, of imposing at the earliest practicable date, regulations for the transportation of nitromethane (a chemical presently classified as a nonexplosive), when transported in bulk, in railroad tank cars or in tank motor vehicles;

It further appearing, that because of the urgent and immediate need for such regulations, rule making procedure under section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003 (a), would be impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days notice pursuant to section 4 (c) of the Administrative Procedure Act, 5 U. S. C. 1003 (c);

It is ordered, That under authority contained in 18 U. S. C. 831-835, all shipments of nitromethane (lacquer solvent), in bulk, in railroad tank cars, and under authority contained in 49 U. S. C. 304, all shipments of the same commodity in tank motor vehicles by common, contract or private carriers by motor vehicle, from all shippers to all consignees, shall be prohibited until further order of the Commission;

It is further ordered, That this order shall be effective on September 19, 1958.

And it is further ordered, That notice of this proposed order shall be given to rail carriers, motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing a copy with the Director, Federal Register Division.

(Sec. 204, 49 Stat. 546, as amended, 62 Stat. 738; 49 U. S. C. 304; 18 U. S. C. 831-835)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58-7613; Filed, Sept. 17, 1958; 8:51 a. m.]

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Washington, Friday, September 19, 1958

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

[Amdt. 21]

PART 485—SOIL BANK

SUBPART—CONSERVATION RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations governing the conservation reserve part of the Soil Bank Program, 21 F. R. 6289, as amended, are hereby further amended as follows:

1. Section 485.150 (w) is amended by changing the first sentence to read as follows: "'Tame hay' means a stand of perennial grass or legumes which normally requires preparation of the land and seeding and from which the growth was harvested for hay or silage during either of the two years preceding the first year of the contract period for the land first placed in the conservation reserve."

2. Section 485.153 is amended by inserting immediately after the first sentence a new sentence to read as follows: "Public land upon which a homestead or desert land entry has been made and is in good standing shall not be considered land owned by the Federal Government within the meaning of the foregoing provision."

3. A new section is added immediately following § 485.153b to read as follows:

§ 485.153c *Land with respect to which a contract has been terminated.* Any land with respect to which a conservation reserve contract has been terminated for causes other than the expiration of the contract period shall not be eligible to be placed in the conservation reserve for twelve months following such termination except as provided in § 485.169 (b) (1).

4. Section 485.156 (c) is amended by changing the second sentence to read as follows: "A practice started before April 15 of the first year of the contract period and after the producer has signed a contract or an application for a contract shall be considered as having been started during the first year of the contract period."

5. Section 485.156 (c) (1) is amended by changing the colon after the word "producer" to a comma and inserting immediately thereafter the following: "under a contract for which 1956, 1957, or 1958 was the first year of the contract period, and such period shall be not less than three and not more than ten years, as the producer elects, under a contract for which 1959 or a subsequent year is the first year of the contract period:".

6. Section 485.156 (c) (2) is amended by deleting the comma after the word "producer" and inserting immediately thereafter the following: "under a contract for which 1956, 1957, or 1958 is the first year of the contract period, and such period may be not less than five and not more than ten years, as the producer elects, under a contract for which 1959 or a subsequent year is the first year of the contract period,".

7. Section 485.156 (d) (1) is amended by inserting "or § 485.169 (b) (2)" immediately following "§ 485.159" in the first sentence.

8. Section 485.156 (d) (1) is also amended by inserting immediately before the last sentence the following: "Contracts previously entered into with producers shall also be modified to reduce the acreage in the designated conservation reserve by any acreage which the county committee determines to be damaged by natural causes to the extent that such land is no longer suitable for agricultural production and it would be impracticable to require the restoration or establishment of any of the approved practices thereon. In case of such modification, annual and cost-share payments paid or due with respect to such acreage need not be refunded or forfeited."

9. Section 485.158 (a) (2) is amended by striking out the word "and" preceding (5) in the fifth sentence, changing the colon in the fifth sentence to a comma, and inserting immediately thereafter the following: "and (6) orchards, vineyards, small fruits, and nursery stock including woody ornamentals such as azaleas, roses and rhododendrons (flowers grown from seed or bulbs for commercial use are soil bank base crops):"

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10. Section 485.159 is amended by adding at the end thereof a new paragraph (d) to read as follows:

(d) Notwithstanding the provisions of paragraphs (a), (b), and (c) of this section, with respect to contracts under which 1959 or a subsequent year is the first year of the contract period, reconstitution of farms shall be made in accordance with the regulations governing reconstitution of farms, farm allotments, and farm history and soil bank base acreages (7 CFR Part 719, 23 F. R. 6731) and any amendments thereto.

11. Section 485.160 (a) is amended by redesignating paragraph (d) as subparagraph (4).

12. Section 485.163 (d) (3) is amended to read as follows:

(3) The number of acres in the tract or tracts of land designated as the conservation reserve and the number of acres on the farm devoted to soil bank base crops shall be measured or otherwise determined in accordance with the regulations governing the determination of acreage and performance (7 CFR Part 718, 22 F. R. 3747) and any amendments thereto. In determining the acreage of any commodity for which an acreage allotment or soil bank corn base was determined for the farm the definition of the acreage of such commodity under the marketing quota and price support programs shall apply except that: (i) The provisions of such definitions which relate to the disposition of acreage in excess of the allotment shall apply to the disposition of acreage in excess of that required for compliance with a conservation reserve contract; (ii) the acreage of peanuts shall include any acreage planted to peanuts which is harvested for hay or hogged off, and any acreage from which the peanuts are marketed for consumption as boiled peanuts; (iii) the acreage of wheat shall include any acreage planted to wheat which is harvested for hay or ensilage: *Provided*, That if the soil bank base in effect is the base established under a Conservation Reserve Contract which includes 1957 as a part of the contract period and such contract is not modified to include additional land in the conservation reserve, or is modified only through reconstitution of the farm, the acreage of wheat shall not include acreage planted to wheat which is harvested for hay or ensilage. For 1956, the number of acres devoted to any of the soil bank base crops for which an acreage allotment or soil bank corn base is not applicable shall be the harvested acreage of such crop. For 1957 and subsequent years, it shall be the acreage planted to such crop (including volunteer seedlings) except that: (a) An acreage of such crop shall not be considered as acreage devoted to a soil bank base crop if it is turned under, cut off, pastured off, or otherwise disposed of, to the extent that the crop will not reach maturity, before the later of (*1*) a date to be established by the State committee which shall be at least 15 days before the date the harvesting of the latest maturing crop in the area normally begins (such date may be established in a county or an area within a county and will be available at the county ASC office), or (2) 15 days after the mailing date of Form CSS–572, Notice of Measured Acreage—Soil Bank Program, but in no event later than the maturity of the crop; (b) any acreage of such crop shall not be considered as acreage devoted to a soil bank base crop if it is disposed of in accordance with regulations governing the determination of acreage and performance (7 CFR Part 718, 22 F. R. 3747) and any amendments thereto; and (*c*) any crop which is used as a nurse or cover crop shall not be considered as acreage devoted to a soil bank base crop if the producer obtains written approval from the county committee for such use prior to the time disposition would otherwise be required under (*a*) (*1*) or (2) of this subdivision and none of such crop is harvested or if the county committee determines that the crop has in fact been used as a nurse or cover crop, has not been harvested, and has been disposed of by the producer in such manner, or is in such condition, that no part of the crop can be harvested. Notwithstanding the other provisions of this section, for 1958 and subsequent years the acreage of any grain crop (including a crop subject to acreage allotments) which is planted on the conservation reserve only for wildlife feed plantings as a part of an approved G–1 practice and no part of which is harvested will not be considered as devoted to soil bank base crops for the purpose of determining compliance with the farm permitted acreage. For the purpose of determining compliance with acreage allotments, the acreage of any crop subject to acreage allotments shall be determined in accordance with applicable acreage allotment and marketing quota program regulations.

13. Section 485.166 is amended to read as follows:

§ 485.166 *Set-offs.* Set-offs shall be handled in accordance with the regulations issued by the Secretary governing setoffs (7 CFR Part 13, 23 F. R. 3757) and any amendments thereto.

14. Section 485.168 is amended by adding at the end thereof a new paragraph (d) to read as follows:

(d) Effective with respect to contracts under which 1959 or a subsequent year is the first year of the contract period, the provisions of paragraph (a) (2) of this section shall not apply to a cash tenant, standing-rent tenant, or a fixed-rent tenant unless such tenant was living on the farm in the year immediately preceding the first year of the contract period or received 50 percent or more of his income in such year from the farm to be covered by a conservation reserve contract.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 15th day of September 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 58–7668; Filed, Sept. 18, 1958; 8:53 a. m.]

[Amdt. 19]

PART 485—SOIL BANK

SUBPART—CONSERVATION RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations governing the conservation reserve part of the Soil Bank Program, 21 F. R. 6289, as amended, are hereby further amended as follows:

1. By adding a new § 485.153b as follows:

§ 485.153b *Land in small watershed projects.* Any land, which is otherwise eligible, on which an easement or right-of-way is granted in connection with a project authorized under the Watershed Protection and Flood Prevention Act of August 4, 1954, 68 Stat. 666, as amended, shall be eligible to be designated as conservation reserve, except for any part of such land which is permanently flooded by water as a result of the works of such project.

2. Section 485.157 (f) is amended by inserting "(1)" after the heading of paragraph (f) and adding a new subparagraph (2) as follows:

(2) The producer shall, without cost-share payments, restore any protective vegetative cover which is damaged as a result of the impoundment of water in connection with a project under the Watershed Protection and Flood Prevention Act of August 4, 1954, 68 Stat. 666, as amended.

3. Section 485.163 (d) is amended by adding the following new subparagraph:

(4) Commencing with the year following the year in which land is flooded as a result of the impoundment of water on the conservation reserve, or any part thereof, under an easement or right-of-way granted in connection with a Watershed Protection and Flood Prevention Project under the Act of August 4, 1954, 68 Stat. 666, as amended, the number of acres which shall be used in computing the annual payment shall be reduced by the number of acres of the conservation reserve which are permanently flooded.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 15th day of September 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

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TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR APPLES [1]

On July 1, 1958, a notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 5013) regarding proposed amendments to the United States Standards for Apples.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Apples are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GRADES

Sec.
51.300 U. S. Extra Fancy.
51.301 U. S. Fancy.
51.302 U. S. No. 1.
51.303 U. S. No. 1 Cookers.
51.304 U. S. No. 1 Early.
51.305 U. S. Utility.
51.306 Combination grades.
51.307 U. S. Hail grade.

COLOR

51.308 Color requirements.

UNCLASSIFIED

51.309 Unclassified.

TOLERANCES

51.310 Tolerances.
51.311 Application of tolerances to individual packages.
51.312 Basis of calculating percentages.

CONDITION

51.313 Conditions after storage or transit.

SIZE

51.314 Size requirements.

PACKING AND MARKING

51.315 Packing requirements.
51.316 Suggestions for marking containers.

U. S. CONDITION STANDARDS FOR EXPORT

51.317 U. S. condition standards for export.

DEFINITIONS

51.318 Mature.
51.319 Overripe.
51.320 Carefully hand-picked.
51.321 Clean.
51.322 Well formed.
51.323 Injury.
51.324 Fairly well formed.
51.325 Damage.
51.326 Seriously deformed.
51.327 Serious damage.

AUTHORITY: §§ 51.300 to 51.327 issued under Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.300 *U. S. Extra Fancy.* "U. S. Extra Fancy" consists of apples of one variety which are mature, but not overripe, carefully hand-picked, clean, well formed; free from decay, internal browning, internal breakdown, scald, scab, bitter pit, Jonathan spot, freezing injury, broken skins and bruises (except those that are slight and incident to proper handling and packing), and visible water core. The apples shall also be free from injury caused by russeting, sunburn or spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, other disease, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified in § 51.308 for the variety. (See §§ 51.308, 51.310, and 51.313.)

§ 51.301 *U. S. Fancy.* "U. S. Fancy" consists of apples of one variety which are mature but not overripe, carefully hand-picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, broken skins and bruises (except those incident to proper handling and packing), and visible water core. The apples shall also be free from damage caused by russeting, sunburn, or spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, other diseases, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified in § 51.308 for the variety. (See §§ 51.308, 51.310, and 51.313.)

§ 51.302 *U. S. No. 1.* The requirements for this grade are the same as U. S. Fancy except for color and russeting. In this grade less color is required for all varieties except yellow and green varieties, for which the requirements for both grades are the same. Apples of this grade shall be free from excessive damage caused by russeting which means that they shall meet the russeting requirements for U. S. Fancy as defined under the definitions of "damage by russeting" except for the following:

(a) The aggregate area of an apple which may be covered by smooth netlike russeting shall not exceed 25 percent; and,

(b) The aggregate area of an apple which may be covered by smooth solid russeting shall not exceed 10 percent: *Provided*, That in the case of the Yellow Newtown or similar varieties the aggregate area of an apple which may be covered with smooth solid russeting shall not exceed 20 percent. (See §§ 51.308, 51.310, and 51.313.)

§ 51.303 *U. S. No. 1 Cookers.* "U. S. No. 1 Cookers" consist of apples of one variety which meets the requirements of U. S. No. 1 grade except as to color. This grade is provided for apples which are mature but which may not have sufficient color to meet the specifications of U. S. No. 1. (See §§ 51.310 and 51.313.)

§ 51.304 *U. S. No. 1 Early.* "U. S. No. 1 Early" consists of apples of one variety which meet the requirements of U. S. No. 1 grade except as to color, maturity and size. Apples of this grade have no color requirements, need not be mature, and shall be not less than 2 inches in diameter. This grade is provided for varieties such as Duchess, Gravenstein, Red June, Twenty Ounce, Wealthy, Williams, Yellow Transparent, and Lodi, or other varieties which are normally marketed during the summer months. (See §§ 51.310 and 51.313.)

§ 51.305 *U. S. Utility.* "U. S. Utility" consists of apples of one variety which are mature but not overripe, carefully hand-picked, not seriously deformed; free from decay, internal browning, internal breakdown, scald and freezing injury. The apples shall also be free from serious damage caused by dirt or other foreign matter, broken skins, bruises, russeting, sunburn, spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, visible water core, other diseases, insects, or mechanical or other means. (See §§ 51.310 and 51.313.)

§ 51.306 *Combination grades.* (a) Combinations of the above grades can be used as follows:

(1) Combination U. S. Extra Fancy and U. S. Fancy.

(2) Combination U. S. Fancy and U. S. No. 1.

(3) Combination U. S. No. 1 and U. S. Utility.

(b) Combinations other than these are not permitted in connection with the United States apple grades. When Combination U. S. Extra Fancy and U. S. Fancy is packed, at least 25 percent of the apples in any lot shall meet the requirements of the higher grade in the combination. When Combination U. S. Fancy and U. S. No. 1 or Combination U. S. No. 1 and U. S. Utility are packed, at least 50 percent of the apples in any lot shall meet the requirements of the higher grade in the combination. (See §§ 51.308, 51.310, and 51.313.)

§ 51.307 *U. S. Hail grade.* "U. S. Hail grade" consists of apples which meet the requirements of U. S. No. 1 grade except that hail marks where the skin has not been broken and well healed hail marks where the skin has been broken shall be permitted, provided the apples are fairly well formed. (See §§ 51.308, 51.310, and 51.313.)

COLOR

§ 51.308 *Color requirements.* In addition to the requirements specified for the grades set forth in §§ 51.300 to 51.307, apples of these grades shall have the percentage of color specified for the variety in Table I appearing in this section. For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety: *Provided*, That an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade. For the striped red varieties the percentage stated refers to the area of the surface in which the stripes of good shade of red characteristic of the variety shall predominate over stripes of lighter red, green, or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade: *Provided*, That it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade. Faded brown stripes shall not be considered as color except in the case of the Gray Baldwin variety.

TABLE I—COLOR REQUIREMENTS FOR SPECIFIED U. S. GRADES OF APPLES, BY VARIETIES

Variety	U. S. Extra Fancy	U. S. Fancy	U. S. No. 1.
	Percent	*Percent*	*Percent*
Solid Red:			
Black Ben	75	50	25
Gano	75	50	25
Winesap	75	50	25
Other similar varieties [1]	75	50	25
Red Sport varieties [2]	75	50	25
Striped or partially red:			
Cortland	66	33	25
Jonathan	66	33	25
McIntosh	66	33	25
Other similar varieties [3]	66	33	25
Baldwin	50	25	15
Ben Davis	50	25	15
Delicious	50	25	15
Mammoth Black Twig	50	25	15
Northern Spy	50	25	15
Rome Beauty	50	25	15
Stayman	50	25	15
Turley	50	25	15
Wagener	50	25	15
Wealthy	50	25	15
Willow Twig	50	25	15
York Imperial	50	25	15
Other similar varieties [4]	50	25	15
Hubbardston	50	15	10
Stark	50	15	10
Other similar varieties	50	15	10
Red June	50	15	(5)
Williams	50	15	(5)
Other similar varieties	50	15	(5)
Gravenstein	25	10	(5)
Other similar varieties [6]	25	10	(5)
Red cheeked or blushed:			
Maiden Blush	(7)	(8)	(9)
Twenty Ounce	(7)	(8)	(9)
Winter Banana	(7)	(8)	(9)
Other similar varieties	(7)	(8)	(9)
Green varieties	(9)	(9)	(9)
Yellow varieties	(9)	(9)	(9)
Golden Delicious	(10)	(10)	(10)

[1] Arkansas Black, Beacon, Detroit Red, Esopus Spitzenburg, King David, Lowry, Minjon.

[2] When Red Sport varieties are specified as such they shall meet the color requirements specified for Red Sport varieties.

[3] Haralson, Kendall, Macoun, Melba, Snow (Famouse).

[4] Bonum, Early McIntosh, Limbertwig, Milton, Nero, Paragon.

[5] Tinge of color.

[6] Duchess, Red Astrachen, Smokehouse, Summer Rambo.

[7] Blush cheek.

[8] None.

[9] Characteristic ground color.

[10] 75 percent characteristic color. Note: "Characteristic color," when the white around the lenticels predominates over the green color, creating a mottling effect on the surface of the apple, it shall be considered as the minimum characteristic color.

UNCLASSIFIED

§ 51.309 *Unclassified.* "Unclassified" consists of apples which are not graded in conformity with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

TOLERANCES

§ 51.310 *Tolerances.* (a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the apples in any lot may fail to meet the requirements of the grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged by insects and including not more than 1 percent for apples affected by decay or internal breakdown or both.

(b) When applying the foregoing tolerances to the Combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 50 percent of apples of the higher grade required in the combination but individual containers shall have not less than 40 percent of the higher grade.

§ 51.311 *Application of tolerances to individual packages.* The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations provided the averages for the entire lot are within the tolerances specified for the grade:

(a) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided (as in the case of size, where a tolerance of 15 percent is provided) individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(b) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

§ 51.312 *Basis of calculating percentages.* (a) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(b) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

(c) When the apples are in bulk, percentages shall be calculated on the basis of weight.

CONDITION

§ 51.313 *Condition after storage or transit.* Decay, scald, or any other deterioration which may have developed on apples after they have been in storage or transit shall be considered as affecting condition and not the grade.

SIZE

§ 51.314 *Size requirements.* (a) The numerical count or the minimum diameter of the apples packed in a closed container shall be indicated on the container.

(b) When the numerical count is marked on the container the minimum size of the largest apple shall be not more than one-fourth inch larger than the minimum size of the smallest apple.

(c) When the numerical count is not shown the minimum diameter shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2½ inches minimum, 2¼ inches minimum, or 2⅜ inches minimum, in accordance with the facts. It is suggested that both minimum and maximum diameters be marked on the container, as 2¼ to 2¾ inches, or 2½ to 2¾ inches, as such marking is especially desirable for apples marketed in the export trade.

(d) The measurement for minimum size shall be the largest diameter of the apple taken at right angles to a line from the stem end to the blossom end. The measurement for maximum size shall be the smallest dimension of the apple determined by passing the apple through a round opening.

(e) In order to allow for variations incident to proper sizing, not more than 5 percent of the apples in any lot may not meet the size requirements: *Provided*, That, when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for apples which are larger than the maximum size stated.

PACKING AND MARKING

§ 51.315 *Packing requirements*—(a) *Representative face packing.* Each package shall be packed so that the apples on the shown face shall be reasonably representative in size, color and quality of the contents of the package.

(b) *Boxes.* (1) Apples packed in the standard northwestern apple boxes shall be arranged in the containers according to the approved and recognized methods with the stems pointing toward the ends of the boxes, except when jumbled. All packages shall be well filled but not to the extent as to cause excessive or unnecessary bruising to the apples because of overfilled packages. Apples packed in the standard northwestern apple boxes shall be tightly packed with sufficient bulge to prevent any appreciable movement of the apples within the containers when lidded. Each wrapped apple shall be completely enclosed by its individual wrapper.

(2) Apples packed in other type boxes, such as nailed wooden boxes, wirebound boxes, and fibreboard boxes, may be place packed, jumbled packed faced, or jumble packed, and all packs shall be well filled.

(3) Apples packed in boxes equipped with cell compartments or molded trays shall be of the proper size for the cells or the molds in which they are packed.

(4) Apples packed in consumer unit cartons and packed into shipping containers shall completely fill the shipping container.

(c) *Baskets.* Apples packed in U. S. standard bushel baskets, one-half bushel baskets and five-eighths bushel baskets may be ring faced and shall be tightly packed with sufficient bulge to prevent any appreciable movement of the apples within the containers when lidded.

(d) *Tolerances.* In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may not meet these requirements.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 51.316 *Suggestions for marking containers.* (a) In order to conserve space, abbreviations may be used for marking United States grade names on containers. The following abbreviations are suggested where it is not desired to use the full grade name:

(1) U. S. Ex. Fcy. for U. S. Extra Fancy.
(2) U. S. Fcy. for U. S. Fancy.
(3) U. S. No. 1 for U. S. No. 1.
(4) U. S. Util. for U. S. Utility.
(5) Combination grades may be designated by abbreviations of the grades preceded by the abbreviation "Comb.", as "Comb. U. S. Fcy.-U. S. No. 1".

U. S. CONDITION STANDARDS FOR EXPORT[1]

§ 51.317 *U. S. condition standards for export.* (a) The apples in any lot shall be generally tightly packed when in baskets, and generally fairly tightly or tightly packed when in boxes.

(b) Not more than 5 percent of the apples in any lot shall be further advanced in maturity than firm ripe.

(c) Not more than 5 percent of the apples in any lot shall be damaged by storage scab.

(d) Not more than a total of 5 percent of the apples in any lot shall be damaged by bitter pit, Jonathan spot, scald, internal breakdown, water core, freezing, decay, or other such condition factors: *Provided*, That:

(1) Not more than 2 percent shall be allowed for apples affected by decay;

(2) Not more than 2 percent shall be allowed for damage by internal breakdown; and,

(3) Not more than 2 percent of slight scald shall be permitted for apples properly packed in oiled paper or which have been especially treated with oil to prevent scald; otherwise, the apples must be free from scald.

(e) Any lot of apples shall be considered as meeting the U. S. condition standards for export if the entire lot averages within the requirements specified: *Provided*, That no sample from the containers in any lot is found to exceed double the percentages specified, except that for packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects if the entire lot averages within the tolerances specified.

DEFINITIONS

§ 51.318 *Mature.* "Mature" means that the apples have reached the stage of growth which will insure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing these different stages of firmness of apples:

(a) "Hard" means apples with a tenacious flesh and starchy flavor.

(b) "Firm" means apples with a tenacious flesh but which are becoming crisp with a slight starchy flavor, except the Delicious variety.

(c) "Firm ripe" means apples with crisp flesh except that the flesh of the apples of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy.

(d) "Ripe" means apples with mealy flesh and soon to become soft for the variety.

§ 51.319 *Overripe.* "Overripe" means apples which are dead ripe, with flesh very mealy or soft, and past commercial utility.

§ 51.320 *Carefully hand-picked.* "Carefully hand-picked" means that the apples do not show evidence of rough handling or of having been on the ground.

§ 51.321 *Clean.* "Clean" means that the apples are free from excessive dirt, dust, spray residue and other foreign material.

§ 51.322 *Well formed.* "Well formed" means that the apple has the normal shape characteristic of the variety, except that the shape may be slightly irregular, provided, it does not detract from the general appearance of the apple.

§ 51.323 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the apples.

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface, shall not be considered in determining whether or not an apple is injured by russeting, except that rough or bark-like russeting in the stem cavity or calyx basin shall be considered as injury when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin, shall be considered as injury:

(1) Smooth net-like russeting, when an aggregate area of more than 5 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(2) Smooth, solid russeting which covers an aggregate area of more than one-half inch in diameter, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.[1]

(3) Slightly rough russeting which covers an aggregate area of more than one-fourth inch in diameter.[1]

(4) Rough russeting, unless it is well within the stem cavity or calyx basin and is not readily apparent.

(b) Any one of the following defects, on any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(1) Sunburn or spray burn, when the discolored area does not blend into the normal color of the fruit.

(2) Dark brown or black limb rubs which affect a total area of more than one-eighth inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of injury by russeting.[1]

(3) Hail marks, drought spots or other similar depressions or scars where there is appreciable discoloration other than russeting, or when the indentations are not superficial, or when an individual indentation exceeds one-eighth inch in diameter, or the total affected area exceeds one-fourth inch in diameter.[1]

(4) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed a length of one-eighth inch.

(5) Diseases:

(i) Cedar rust infection which affects a total area of more than one-eighth inch in diameter.[1]

(ii) Sooty blotch or fly speck which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.[1]

(iii) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.[1]

(6) Insects:

(i) Any healed sting or healed stings which affect a total area of more than one-eighth inch in diameter including any encircling discolored rings.[1]

(ii) Worm holes.

§ 51.324 *Fairly well formed.* "Fairly well formed" means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance.

§ 51.325 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the apples.

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is damaged by russeting, except that excessively rough or bark-like russeting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin, shall be considered as damage:

(1) Russeting which is excessively rough on Roxbury Russet and other similar varieties.

(2) Smooth net-like russeting, when an aggregate area of more than 15 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(3) Smooth solid russeting, when an aggregate area of more than 5 percent of the surface is covered, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

(4) Slightly rough russeting which covers an aggregate area of more than one-half inch in diameter.[1]

(5) Rough russeting which exceeds one-fourth inch in diameter, unless it is well within the stem cavity or calyx basin and is not readily apparent.[1]

(b) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(1) Sunburn or spray burn which has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russeting.

(2) Limb rubs which affect a total area of more than one-half inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of damage by russeting.[1]

(3) Hail marks, drought spots, or other similar depressions or scars when the skin has not been broken and the injury is more than slightly depressed or affects a total area of more than one-half inch in diameter; or hail marks or similar scars when the skin has been broken and the injury is not well healed, or is more than slightly depressed, or affects an aggregate area of more than one-fourth inch in diameter.[1]

(4) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-fourth inch.

(5) Diseases:

(i) Scab spots which affect a total area of more than one-fourth inch in diameter.[1]

(ii) Cedar rust infection which affects a total area of more than one-fourth inch in diameter.[1]

(iii) Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.[1]

(iv) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.[2]

(6) Insects:

(i) Any healed sting or healed stings which affect a total area of more than three-sixteenths inch in diameter including any encircling discolored rings.[1]

(ii) Worm holes.

§ 51.326 *Seriously deformed.* "Seriously deformed" means that the apple is so badly misshapen that its appearance is seriously affected.

§ 51.327 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the apples.

(a) The following types and amounts of russeting shall be considered as serious damage:

(1) Smooth solid russeting, when more than one-half of the surface in the aggregate is covered, including any russeting in the stem cavity or calyx basin or slightly rough, or excessively rough or bark-like russeting which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russeting permitted: *Provided*, That any amount of russeting shall be permitted on Roxbury Russet and other similar varieties.

(b) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(1) Sunburn or spray burn which seriously detracts from the appearance of the fruit.

(2) Limb rubs which affect more than one-tenth of the surface in the aggregate.

(3) Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth of the surface in the aggregate: *Provided*, That no hail marks which are unhealed shall be permitted and not more than an aggregate area of one-half inch shall be allowed for well-healed hail marks where the skin has been broken.[1]

(4) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-half inch.

(5) Visible water core which affects an area of more than one-half inch in diameter.[1]

(6) Diseases: (i) Scab spots which affect a total area of more than three-fourths inch in diameter.[1]

(ii) Cedar rust infection which affects a total area of more than three-fourths inch in diameter.[1]

(iii) Sooty blotch or fly speck which affects more than one-third of the surface.

(iv) Red skin spots which affect more than one-third of the surface.

(v) Bitter pit and Jonathan spot which is thinly scattered over more than one-tenth of the surface and does not materially deform or disfigure the fruit.

(7) Insects: (i) Healed stings which affect a total area of more than one-fourth inch in diameter including any encircling discolored rings.[1]

(ii) Worm holes.

The United States Standards for Apples contained in this subpart shall become effective on the date of publication in the FEDERAL REGISTER, and thereupon will supersede the United States Standards for Apples which have been in effect since August 10, 1956. (7 CFR 51.300–51.327).

It is hereby found and determined that good cause exists for not postponing the effective date of these standards until 30 days after publication hereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the packing and shipment of the 1958 fall crop of apples has already begun; (ii) it is in the interest of the public and the industry that the standards be made effective as soon as possible; and (iii) no special preparation on the part of the industry is required to comply with these standards.

Dated: September 16, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-7665; Filed, Sept. 18, 1958; 8:52 a. m.]

[1] These standards also may be referred to as "Standards for Export".

[1] The area refers to that of a circle of the specified diameter.

[2] The area refers to that of a circle of the specified diameter.

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Referenda Bulletin 1, Amdt. 1]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendment contained herein is issued pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, for the purpose of amending § 717.5 of the regulations governing the holding of referenda on marketing quotas contained in §§ 717.1 to 717.14, inclusive (23 F. R. 3432). Prior to preparing this amendment, public notice (23 F. R. 6455) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to this amendment which were submitted pursuant to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

The regulations governing the holding of referenda on marketing quotas (23 F. R. 3432) are hereby amended in the following respect:

Section 717.5 is amended by changing the last sentence thereof to read as follows: "The polls shall be closed at 6 o'clock p. m., local time, or such later hour as is fixed by the State committee in order to afford a full and fair opportunity to producers to vote, on the date for holding the referendum."

(Sec. 375, 52 Stat. 66, as amended 7 U. S. C. 1375)

Done at Washington, D. C. this 15th day of September 1958. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 58-7670; Filed, Sept. 18, 1958; 8:53 a. m.]

[1026 (Burley, Flue, Fire, Air, and Sun-58)-1, Amdt. 1]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1958–59 MARKETING YEAR

This amendment is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311–15), and corrects the reference to "paragraph (f)" contained in the last sentence of § 725.952 (c) (23 F. R. 4143), to read "paragraph (e)". Accordingly, the last sentence of § 725.952 (c) is amended to read as follows: "Failure to return the marketing card within fifteen (15) days after written request by certified mail from the county office manager shall constitute failure to account for disposition of tobacco marketed from the farm unless disposition of all tobacco marketed from the farm is accounted for as provided in paragraph (e) of this section."

Since this document merely corrects an error in reference, it is found to be impractical and not in the public interest that the notice and public procedure and effective date requirements of the Administrative Procedure Act be followed and the correction provided for herein shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended; 7 U. S. C. 1373)

Done at Washington, D. C. this 15th day of September 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 58-7671; Filed, Sept. 18, 1958; 8:54 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 849.2]

PART 849—DETERMINATION OF PREVENTED ACREAGE CREDIT

PREVENTED ACREAGE CREDIT; 1958 AND SUBSEQUENT CROPS

Pursuant to the provisions of section 302 (b) of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 849.2 *Scope and purpose*—(a) *Applicability.* The provisions of this section apply only in the Domestic Beet Sugar Area and provide procedures for protecting the interests of producers in local producing areas whose past production has been adversely, seriously, and generally affected by drought, storm, flood, freeze, disease, insects or other similar abnormal and uncontrollable conditions, as provided in section 302 (b) of the act.

(b) *Definitions.* For the purpose of this section the terms:

(1) "Prevented acreage" means the number of acres of sugar beets which the Agricultural Stabilization and Conservation (hereinafter referred to as the "ASC") county committee determines would have been planted on a farm during the 1958 or subsequent crop year in a local producing area approved for prevented acreage credit pursuant to paragraph (d) of this section, but were not planted because of drought, flood, storm, freeze, disease, insects, or, upon prior approval of the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture (obtained through the ASC State Committee), other similar abnormal and uncontrollable conditions.

(2) "Local producing area" means a township, as established by Federal survey, in all States in the Domestic Beet Sugar Area except Texas and Utah. In Texas and Utah, a local producing area shall mean an ASC community with boundaries as fixed by the ASC State Committee at the time of issuance of this determination and as shown on maps available for inspection in the respective ASC county offices.

(c) *Prevented acreage credit.* The ASC County Committee shall determine prevented acreages and credits therefor in accordance with the provisions of this section as part of the general determination of performance. The following limitations are applicable to prevented acreage credit for any farm:

(1) The farm must be located (see § 842.2 of this chapter) in a local producing area approved for prevented acreage credit in accordance with paragraph (d) of this section.

(2) Except as otherwise provided in this subparagraph, the number of prevented acres credited to a farm for a year when restrictive proportionate shares are applicable shall not be larger than the amount by which the proportionate share initially established for the farm, including adjustments under appeals but excluding any reallotments, exceeds the planted acreage for such year. In States where proportionate shares are established to coincide with planted acreages, the excess of the requested acreage over the planted acreage for the farm may be credited. However, if a producer other than a new producer (as defined in the proportionate share determination for the applicable year) did not request a proportionate share or requested one smaller than he would have requested because of his knowledge that he would be limited in his plantings due to one or more of the conditions specified in paragraph (b) (1) of this section, his credit shall be limited by the share that would have been established except for such conditions, as determined by the county committee.

(3) For any non-restricted crop, the prevented acreage credit together with the planted acreage for the farm shall not exceed the largest planted acreage plus any prevented acreage credit for the farm for any one of the three years immediately preceding the year for which credit is claimed.

(d) *Approval of local producing areas for prevented acreage credit.* The ASC County Committee shall determine the local producing areas within the county wherein the planting of sugar beets during any crop year was adversely, seriously and generally affected by one or more of the conditions specified in paragraph (b) (1) of this section. The ASC County Committee shall approve for a given crop year each local producing area wherein the planting of sugar beets was adversely and seriously affected by one or more of such conditions on ten percent or more of sugar beet farms in the area, or the acres so affected on farms in the area for a given crop amount to ten percent or more of the total acreage of the proportionate shares established for farms in the area for such year.

(e) *Determining and recording prevented acreage credits.* Subject to the provisions of this section, the ASC County Committee shall determine the extent of prevented acreage to be credited to each farm for the 1958 and subsequent crop years upon the basis of the prevented acreage reported with respect to such farm by the operator thereof, information contained in the county office records, and information brought to the attention of the ASC County Committee. The prevented acreage credit for each farm for any given crop year as determined by the ASC County Committee, together with a brief reference to the basis relied upon by the committee in determing the extent of such credit, shall be recorded on the appropriate county office records. The committee shall report to the ASC State Committee the local producing areas approved pursuant to paragraph (d) of this section, together with related data on numbers of farms, proportionate shares and the conditions causing the prevented acreages. The ASC State Committee shall record prevented acreage credits for proportionate share allotment areas in accordance with instructions issued by the Deputy Administrator, Production Adjustment, Commodity Stabilization Service, U. S. Department of Agriculture.

(f) *Notice.* In each case of denial or reduction of credit for prevented acreage as reported for the 1958 or subsequent crop, the ASC County Committee shall notify the person reporting the prevented acreage regarding the credit, if any, approved in his case, giving the basis of such denial or reduction.

(g) *Appeals.* Any producer whose reported prevented acreage is not approved in its entirety may appeal the county committee's determination to the ASC State Committee. Such an appeal must be filed within fifteen days of the date on which notice of such denial or reduction was mailed to the person claiming or reporting the prevented acreage. Upon receipt of an appeal, the State Committee shall ascertain the county committee's basis for denying or reducing the claim and any other information which is deemed necessary for consideration of the appeal. The appellant shall be informed when the State Committee will consider his appeal and that he may appear personally before the committee at such time if he so desires. After all

the facts in the case have been assembled, the committee shall consider the case carefully and determine the prevented acreage credit which should be approved in the case. The appellant shall be notified of the decision reached in his case. If the prevented acreage credit is less than that claimed, the notice shall also indicate the basis for the committee's decision and inform him that if he is not satisfied with the decision, he may, within fifteen days after such notice is mailed to him, appeal directly to the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C., whose decision shall be final. In acting upon the appeal, consideration shall be given by the State Committee or the Director only to such matters as were required or permitted to be considered by the county committee in approving prevented acreage credits in the case being reviewed.

This determination supersedes, with respect to the 1958 and subsequent crops, § 849.1 as issued September 6, 1957 (22 F. R. 7267, 7933).

STATEMENT OF BASES AND CONSIDERATIONS

Section 302 (a) of the act provides in part that in determining farm proportionate shares, the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share tenants, adherent planters, or sharecroppers "and of the producers in any local producing area whose past production has been adversely, seriously, and generally affected by drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions." The language appearing within the quotation marks was added by amendments to the act approved on May 29, 1956.

The former determination, as issued in September of 1957, provided for the establishment of prevented acreage credits beginning with the 1955 crop. Special procedure was required for the 1955 and 1956 crops, since they were produced prior to the issuance of the determination. For each subsequent crop, the establishment of such credits is combined with the regular determination of performance. The elimination of regulations relating to the 1955 and 1956 crops and special responsibilities of ASC State Committees in relation thereto, represent the principal changes in this determination, as compared with the original action.

This determination continues the former limitations on the approval of prevented acreage credits. A farm must be located in a local producing area which is approved by the ASC County Committee as a prevented acreage area for the applicable crop year because ten percent or more of the sugar beet farms in the area had prevented acreages or the planting of ten percent or more of the proportionate share acreage in the area was prevented by natural conditions enumerated in the amendment to section 302 (b) of the act. Failure to plant solely because of economic conditions or lack of interest is not a qualifying condition. A local producing area is defined as a township in each State except Texas and Utah, wherein the ASC community constitutes such an area. This is the same definition as is now effective under section 303 of the act with respect to acreage abandonment and crop deficiency payments. The prevented acreage which may be credited to the farm for any year is limited in reference to the established proportionate share or requested acreage.

Accordingly, I hereby find and conclude that this determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U. S. C. 1132)

Issued this 15th day of September 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 58-7650; Filed, Sept. 18, 1958; 8:48 a. m.]

Subchapter I—Determination of Prices

[Sugar Determination 871.11, Amdt. 1]

PART 871—SUGAR BEETS

1958 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), the determination of fair and reasonable prices for the 1958 crop of sugar beets, issued July 31, 1958 (§ 871.11 (23 F. R. 5895)), is hereby amended as follows:

1. By deleting § 871.11 (a) (2) and substituting in lieu thereof:

(a) *Purchase agreements.* * * * (2) the price for sugar beets produced in the Imperial Valley, California shall be not less than that determined pursuant to the provisions of the 1957 crop sugar beet purchase contract between the processor and producer: Except, that,

(i) The price per pound charged for sugar beet seed furnished producers shall not exceed the price so charged for the 1957 crop by more than 5 cents per pound.

(ii) The amount charged producers for transporting sugar beets to processing plants outside the Imperial Valley shall not exceed the following:

Processor	Amount per screened ton of beets
American Crystal Sugar Co	$0.51
Holly Sugar Corp	[1] .12
Union Sugar Division, Consolidated Foods Corp	.61

[1] In the event Holly Sugar Corporation elects to apportion the cost of transporting sugar beets to its Dyer factory from the Imperial Valley to all beets purchased in the Valley then such amount shall not exceed $0.04 per screened ton of beets.

2. By changing the designation of § 871.11 (c) to (d) and inserting the following:

(c) *Reporting requirements.* The processor shall report to the Director, Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. (herein referred to as "Director") within 60 days after the close of the sales period specified in the sugar beet purchase contract an itemized statement, for each settlement district, signed by an authorized official of the company or certified by an independent accountant showing the computation of "net proceeds" or "net returns" as specified in such contract. Such statement shall be substantially in the form as that contained in Schedule A: *Provided, however,* That if the processor markets beet sugar to an affiliate company or other affiliate business entity he shall report separately the quantity of sugar so marketed and the gross sales price and the net returns derived therefrom.

SCHEDULE A—STATEMENT OF AVERAGE NET RETURNS OR NET PROCEEDS FROM SALES OF SUGAR [1]

Company _____
Settlement area _____
Period _____

	Per cwt. sugar
Gross sales price:	
Total returns	
Less sales and marketing expenses:	
Federal excise tax	
Freight on sugar to destination	
Cash discount	
Allowances	
Brokerage	
Storage	
Warehousing and handling	
Taxes	
Insurance	
Cost of packaging in excess of basis pack	
Advertising	
Sales department expenses:	
Salaries	
Travel	
Miscellaneous	
Other (specify)	
Total expenses	
Net returns	

[1] Include sales of Molasses and Beet Pulp where such sales are required by the purchase contract.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The fair price determination for the 1958 crop of sugar beets provided that the price for sugar beets in Imperial Valley, California, shall be not less than that determined by an appropriate amendment to such determination. Prior to the issuance of the price determination for the 1958 crop of sugar beets, representatives of the California Beet Growers Association informed the Department that the processors purchasing sugar beets in the Imperial Valley had proposed certain changes in purchase contracts for the 1958 crop. The Association requested a supplemental hearing to consider the effects of such contract changes. Accordingly, a supplemental hearing on fair and reasonable prices for the 1958 crop of sugar beets in the Imperial Valley was held at El Centro, California on August 5 and 6, 1958.

(b) *Public hearing.* At the supplemental hearing representatives of the California Beet Growers Association, several local producers, and representatives of the three processors contracting for the purchase of sugar beets produced in Imperial Valley, and other interested parties presented testimony.

The representatives of producers recommended that the Secretary under-

take a complete review of the producer-processor relationships in the Imperial Valley and establish a fair division of the sugar dollar after considering the relative costs of producing and processing, the income available to the industry from sugar and by-products, and the relative risks of each party. Producer representatives further requested that the Department issue a recommendation for a fair sugar beet purchase contract for the Imperial Valley which would specifically include: (1) Such variations in terms and conditions as may be necessary and desirable to meet the different conditions under which each of the three companies operate; (2) the manner in which net selling prices should be computed, including specific delineation of all items of income and expense to be considered in such computation; (3) provision that the sugar companies be required to furnish producers each year a detailed statement of the computation of the net selling price of sugar; (4) determination of fair prices for sugar beet seed furnished to producers by the companies; (5) determination of minimum hauling allowances, including continuation of those now in effect, and a requirement that these allowances be included in the beet purchase contracts; (6) determination as to whether absorption by producers of a portion of freight charges on beets shipped to factories outside the Imperial Valley is necessary for the economic operation of the Oxnard, Betteravia, and Dyer factories; (7) a specific ceiling on the amount of freight charges to producers if such charges are determined to be necessary; and (8) a prohibition against so-called escalator clauses in sugar beet purchase contracts requiring producers to absorb any increases in processor costs.

The producer representatives testified at length and documented the recent history of negotiations regarding changes and proposed changes in the Imperial Valley purchase contracts. In summary, these representatives pointed out that (1) prior to the 1954 crop, processors paid the entire freight costs on sugar beets shipped from the Imperial Valley to factories located in other parts of the State; (2) beginning with the 1954 crop producers reluctantly agreed with two processors whose factories are located from 300 to 400 miles from the Imperial Valley to pay a part of the freight cost on beets because of substantial increases in freight rates; (3) Holly Sugar Corporation did not at that time charge nor propose to charge producers any part of the freight cost on beets shipped to its factory at Dyer; (4) producers and representatives of American Crystal Sugar Company negotiated and included in the 1954 contract a freight charge of 60 cents per screened ton of beets; (5) producers and representatives of Union Sugar Company negotiated and included in the 1954 contract a freight charge of 75 cents per screened ton of beets, and hauling allowances to producers for transporting sugar beets from the farm to the receiving station were eliminated; (6) both of the latter companies agreed that if there was a reduction in freight rates applicable to the 1954 crop the savings would be for the benefit of producers and Union Sugar Company so specified in its contract; (7) freight rates were reduced and Union Sugar Company charged producers 52 cents per ton of beets and American Crystal Sugar Company charged producers 40 cents per ton of beets for the 1954 crop; (8) Union Sugar Company amended its 1955 crop contract to charge producers 52 cents per ton of beets and continued such charge for the 1956 and 1957 crops even though freight rates were increased for the latter crop; (9) American Crystal Sugar Company charged producers 40 cents per ton of beets for the 1955 and 1956 crops although the written contract was not changed to conform, so when freight rates increased for the 1957 crop the charge to producers was increased to 60 cents per ton as specified in the contract; (10) during the contract negotiations in 1954, at no time did the processors indicate that they would expect producers to share in any future freight rate increases; (11) two of the three processors informed producers that because of a further freight rate increase of 40 cents per ton of beets shipped from the Imperial Valley they proposed to increase the freight absorption by producers for 1958 crop sugar beets; (12) Holly Sugar Corporation proposed to charge producers 60 cents per ton of beets shipped to its Dyer factory, but later proposed a charge of 18 cents per ton on all beets purchased regardless of the location of the factory where such beets would be processed; (13) Union Sugar Company proposed to charge producers 72 cents per ton of 1958 crop beets shipped to its factory at Betteravia; (14) American Crystal Sugar Company proposed to continue its charge of 60 cents per ton of 1958 crop beets shipped to its Oxnard factory; and (15) producers believed the proposed increases in freight absorptions were inequitable particularly since the increase in freight rates of 40 cents per ton of beets would be partially offset by a rebate of 20 cents per ton of beets for refined sugar shipped by the processor, and by the amount of the 3 percent transportation tax which was repealed August 1, 1958. Producer representatives also stated that in 1954 when freight charges were first imposed by the two companies which have thus far made such charges, such companies had been obtaining relatively high net returns; and since that time harvesting dates had become less advantageous, sugar content of beets had declined, insect damage and beet diseases had increased, while costs to producers had spiralled upward.

Representatives of producers stated that they objected to the proposal by Holly Sugar Corporation to increase the price of sugar beet seed 5 cents per pound; that they believe they have a right to more information on the selling price of sugar and the expenses incurred on the sales of sugar used in determining net returns, and that it is the Department's responsibility to require processors to detail items of revenue and expenses and to examine the companies' statements of net selling prices to be certain of the propriety and applicability of all elements. Several individual producers submitted data covering the costs of producing sugar beets during the past several years.

The representative of Holly Sugar Corporation submitted a copy of its proposed 1958 crop Imperial Valley contract. This contract provides for payment by producers of freight costs of 18 cents per screened ton of beets delivered to both its Dyer and Carlton factories. It also provides for an increase of 5 cents per pound in the price of processed seed and an increase of 4 cents in the price of whole seed. The witness stated that the Corporation was reluctant to propose a freight charge to producers and an increase in the price of beet seed since it was aware of the producers' serious economic problems, but that the Corporation had even more serious economic problems in relation to the operation of its Dyer factory. The witness explained that there was practically no local supply of beets at the Dyer factory and that it had to rely on beets grown in regions located at distant points from the factory. He stated that the freight cost on sugar beets from the principal rail stations in the Imperial Valley to Dyer had increased from $2.16 to $2.80 per ton of beets during the past 10 years. These increases, coupled with declining sucrose content of beets and consequent lower sugar recovery, resulted in an increase in freight costs of 23 cents per hundred pounds of recovered sugar for the 1957 crop over the period 1949–53. The witness testified that the cost to the Corporation of producing beet seed has been increasing and that it was hoped that the proposed increase in seed prices would enable the Corporation to break even on this phase of its operations. The witness recommended that the Department approve the proposed changes for the 1958 crop.

The representative of Union Sugar Division, Consolidated Foods Corporation, stated that it proposed to charge producers 72 cents per screened ton of 1958 crop beets for freight and that if the current freight rate of $3.80 per ton of beets was increased or decreased, the charge to producers would be increased or decreased a corresponding amount. The witness stated that his company began contracting beets in the Imperial Valley in 1947 after determining that it was feasible to transport beets 419 miles and still process them at a profit; from that year to date substantial increases had taken place in the cost of handling, hauling, and processing sugar beets; during the same period the price of refined sugar had increased very little; and if the company was required to absorb the recent increases in freight rates it would be forced to discontinue contracting acreage in the Imperial Valley. The witness stated that since the year 1947 freight rates on beets increased from $2.30 to $4.00 per ton of beets, processing labor costs increased over 100 percent, fuel and supply costs increased upwards of 125 percent, and during this period average sucrose content of beets purchased in the Valley declined from 17.82 to 15.35 percent. The witness testified that the purpose of the freight charge to

producers in the 1954 contract was to obtain participation by producers in the ever mounting cost of freight on beets and that while it was indicated that any reduction in freight rates would be for their benefit, producers had been informed that any further increase in freight rates would be borne by them. He stated further that his company sold at market prices a small portion of its total production of sugar to other units of Consolidated Foods Corporation; that his company did not furnish producers a detailed statement of expenses used in determining net returns since he believed it was not worthwhile and would serve to confuse the issue; and in reply to a question of the presiding officer he stated that his company would consider furnishing to the Department a detailed statement of the gross sales revenue and the marketing expenses used in computing net returns under the sugar beet purchase contract.

The representative of American Crystal Sugar Company presented a proposed 1958 crop Imperial Valley contract which continued without change the provisions of the 1957 crop contract. The witness testified that during the period 1948 to 1954 freight rates increased from $2.64 to $3.22 per ton of beets; the company informed producers that it would be necessary for them to participate in the freight costs for the 1954 crop if the company was to continue contracting beets in Imperial Valley; initially the company requested that producers pay $1.00 per ton for freight and that hauling allowances be discontinued; however, negotiations resulted in agreement on freight charges of 60 cents per screened ton of beets and continuation of customary hauling allowances; the company agreed orally that if there were any reduction in freight rates such reduction would be for the benefit of producers; and that the company charged producers 40 cents per ton for freight in 1954, 1955, and 1956, but advised them prior to contracting for the 1957 crop that the full 60 cent freight absorption provided in the contract might be charged due to imminent freight rate increases. The witness also stated that the sucrose content of beets had declined more than 2 percentage points since 1948; and that the unit cost of production had risen steadily for processors and producers alike over the past eleven years. The witness recommended that the Department approve the 1958 crop contract as proposed by his company.

Processor representatives took the position that the 3 percent transportation tax repealed by Congress on August 1, 1958, should not be regarded as an adjustment of freight costs or considered in determining the amount of freight charges to be borne by the producer for the 1958 crop.

(c) *The amended 1958 price determination.* This amendment provides that the terms of the 1957 crop Imperial Valley best purchase contracts apply with respect to the price of 1958 crop of beets in the Imperial Valley, except that (1) the price of beet seed may be increased by not more than 5 cents per pound; (2) freight charges to producers may be increased over those applicable to the 1956 crop by the net amount of the recent freight increase determined by deducting the amount of the rebate on refined sugar shipments and the savings to processors resulting from the repeal of the 3 percent Federal transportation tax. A new provision is included requiring all processors in the sugar beet area to furnish to the Department an itemized statement showing the computation of net proceeds used in making settlements with producers.

Consideration has been given to the recommendations and evidence submitted at the public hearing; to the results of investigations of economic conditions; and to the comparative operating results of processors and producers. Data obtained by the Department through field study of the returns, costs, and profits of sugar beet production and processing have been recast to reflect prospective price and production conditions for the 1958 crop.

Analysis of these data indicates that the profit position of producers in the Imperial Valley is less favorable than in former years. This is caused mainly by lower quality of beets and by charges for freight on beets, and by price increases for items used in sugar beet production. The economic position of Imperial Valley producers has also declined in relation to that of producers in other regions of California.

Approximately 60 percent of the sugar beets produced in the Imperial Valley are shipped long distances for processing, thereby supplementing the supply of beets for these factories and enabling them to extend their operations over a longer period than otherwise would be the case. On the other hand, sugar beets purchased in the Valley and processed at distant factories represent high cost raw material to those factories. Less sugar per ton of beets is being extracted from Imperial Valley beets than from beets grown in other parts of the State nearer the point of processing. Accordingly, the percentage of net proceeds paid to producers for beets grown in the Valley generally exceeds the percentage of proceeds paid for beets grown closer to the factory.

Analysis of the economic position of the processing facility located in the Valley close to its source of supply of beets indicates reasonable returns on its operations. The profit position of the Dyer factory operated by the same company north of the Valley is not very favorable, principally because the Dyer factory has practically no local supply of beets.

The increase in freight rates in December 1957 amounted to 40 cents per ton of beets shipped from the Imperial Valley to factories located outside the Valley. However, the 40 cent per ton rate increase (41 cents including 3 percent transportation tax) will be partially offset by a rebate of 20 cents per ton of beets for each 300 pounds of refined sugar shipped by rail. Also, the 3 percent Federal transportation tax was repealed in August of this year which will further minimize by from 9 to 12 cents per ton the effects of the recent freight increase. A comparison of freight rates reveals that the net cost per ton for transporting beets from the Imperial Valley for the 1958 crop will be about 11 cents more than for the 1956 crop for American Crystal Sugar Company, 12 cents more per ton for the Dyer Factory of Holly Sugar Corporation, and 9 cents more for Union Sugar Division. These amounts are recognized in the maximum freight charges to producers established by this determination as follows: (1) American Crystal Sugar Company—the amount of 51 cents per ton of beets; (2) Holly Sugar Corporation—the amount of 12 cents per ton of beets on beets shipped to its Dyer factory, or in lieu thereof the Corporation may charge 4 cents per ton on all beets which it purchases in the Valley; and (3) Union Sugar Division—61 cents per screened ton of beets.

This determination permits processors to increase prices for sugar beet seed by not more than 5 cents per pound above prices applicable under their 1957 contracts. It is understood that processors furnish seed to producers approximately at cost and it is deemed equitable that processors be allowed to recover full costs of seed production.

While most processors have customarily furnished to the Department statements showing the computation of average net proceeds from the sale of sugar, it is believed that the reporting requirement of this determination will provide greater uniformity in these data furnished by all processors thereby facilitating review. The separate reporting of sales of sugar to an affiliate company is deemed necessary to appraise such sales prices in relation to those made in the usual manner in the market place. Access to such data is considered essential for determining fair and reasonable prices for sugar beets as provided by the Act.

The recommendations by producer representatives that the fair price determination require that hauling allowances and other items be included in the purchase contracts have not been adopted. Two of the processors purchasing beets in the Valley have customarily paid producers specific allowances for hauling beets from the farm to the receiving station or factory. Although this has not been written into the purchase contracts, there has been a general understanding between processors and producers that the same allowances would be continued from crop to crop. Since contract negotiations between producers and processors have been generally satisfactory in recent years throughout the beet producing area, it is believed that these matters may be left to negotiation. Accordingly, I hereby find and conclude that the foregoing amendment to the determination will effectuate the price provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929 as amended; 7 U. S. C. 1131)

Issued this 15th day of September 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 58-7651; Filed, Sept. 18, 1958; 8:46 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[992.313 Amdt. 3]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the Act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment; (iii) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date; (iv) a reasonable time is permitted under the circumstances, for such preparation; and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of § 992.313 (b) (1) (23 F. R. 5004, 6199) are hereby amended to read as follows:

(b) *Order.* (1) Except as otherwise provided in this section, during the period from September 19, 1958, through May 31, 1959, no handler shall ship potatoes of any variety unless such potatoes are "fairly clean" and (i) if they are of the round varieties (including, but not being limited to, Kennebec, Irish Cobbler, Bliss Triumph, and Pontiac varieties), such potatoes meet the requirements of the U. S. No. 1, or better grade, 2 inches minimum diameter; and (ii) if they are of the long varieties (including, but not being limited to, White Rose, Russet Burbank, and Early Gem varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, and are of a weight not less than 8 ounces: *Provided*, That potatoes of the U. S. No. 1, or better, grade, may be shipped if they are 2 inches minimum diameter or 4 ounces minimum weight, as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 15, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 58–7649; Filed, Sept. 18, 1958; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7003]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MORRIS LOBER & ASSOCIATES, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking; list or catalog as regular selling. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Pretic keting merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1811 *Fictitious pretic keting.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Morris Lober & Associates, Inc., et al., New York, N. Y., Docket 7003, August 14, 1958]

In the Matter of Morris Lober & Associates, Inc., a Corporation, Handy Andy Products, Inc., a Corporation, Morris Lober, Leona Lober, and Marcia Wilner, Individually and as Officers of Both Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two associated corporations in New York City with misrepresenting prices of the power lawn mowers they sold to dealers and others for resale to the public, by suggested list prices far in excess of the actual selling prices, disseminated in newspaper advertisements and reprints of customers' advertising, on distributors' price sheets furnished their retail customers, and on shipping cartons.

At the close of hearings in due course, the hearing examiner made his initial decision and order to cease and desist which became on August 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Morris Lober & Associates, Inc., Handy Andy Products, Inc., corporations, and Morris Lober, individually and as an officer of said corporations, and respondents' agents, representatives, employees, successors and assigns, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of power mowers, or other merchandise in commerce, as "commerce" is defined in the Act, do forthwith cease and desist from:

1. Representing in any manner that certain amounts are the regular and usual retail prices of their power mowers, or other merchandise, when such amounts are in excess of the prices at which such products are regularly and usually sold at retail.

2. Putting any plan into operation whereby retailers or others may misrepresent the regular and usual retail prices of merchandise.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to Leona Lober and Marcia Wilner Pava individually and as officers of the corporate respondents.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents Morris Lober & Associates, Inc., and Handy Andy Products, Inc., corporations, and Morris Lober, individually and as officer of said corporations, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 14, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58–7645; Filed, Sept. 18, 1958; 8:46 a. m.]

[Docket 7120]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FLEISHER'S, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Fleisher's, Inc., et al., Hagerstown, Md., Docket 7120, August 22, 1958]

In the Matter of Fleisher's, Inc., a Corporation, and Max Fleisher, Martin Fleisher, and Ralph Goldman Individually and as Officers of Said Corporation.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Hagerstown, Md., with violating the Fur Products Labeling Act by advertising in newspapers which failed to reveal the proper names of fur-producing animals or when fur products were made of cheap or waste fur; by failing to keep proper records supporting price and savings claims; and by failing in other respects to comply with the invoicing and advertising requirements of the Act.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 22 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Fleisher's, Inc., a corporation, and its officers, and Max Fleisher, Martin Fleisher, and Ralph Goldman, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artifically colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product;

(g) The item number or mark assigned to a fur product.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended, to aid, promote, or assist directly or indirectly in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(c) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is the fact.

2. Fails to set out the information required under section 5 (a) of the Fur Products Labeling Act and the rules and regulations thereunder in type of equal size and conspicuousness and in close proximity with each other.

C. Making pricing claims or representations in advertisements respecting reduced prices, comparative prices or percentage savings claims unless respondents maintain full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 22, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58–7646; Filed, Sept. 18, 1958; 8:46 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 114—FEDERAL ASSISTANCE UNDER PUBLIC LAW 815, 81ST CONGRESS, AS AMENDED, IN CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Part 114 is added to 45 CFR, Subtitle B, Chapter I, to establish regulations for the filing and processing of applications for Federal grants for school construction under Public Law 815, 81st Congress, as amended by Title I of Public Law 85–620 (72 Stat. 548). The regulations, among other things, establish a cutoff date for filing such applications and provide for priority indices to establish the order of approval of such applications and of making payments from funds available on any cutoff date.

Part 114 reads as follows:

SUBPART A—FILING AND PROCESSING OF COMPLETE APPLICATIONS

Sec.
114.1 Definitions.
114.2 Procedure if funds are inadequate to make all payments.
114.3 Determination of priority indices for applications.
114.4 Determination of available and usable school facilities.
114.5 Criteria for waiver under section 5 (e) of the act.
114.6 Criteria for waiver under subsection 14 (a) of the act.
114.7 School facilities for children whose membership is of temporary duration only.
114.8 Certification of payments.
114.9 Additional payments under section 8 of the act.
114.10 Priority and approval of applications; conditioned upon readiness to proceed with construction.
114.11 Preceding provisions not exhaustive of jurisdiction of the Commissioner.

SUBPART B—ESTABLISHMENT OF DEADLINES FOR FILING APPLICATIONS

114.20 First deadline for applications with respect to funds available during fiscal year 1959.

SUBPART C—RETENTION OF RECORDS

114.30 Retention of records.

AUTHORITY: §§ 114.1 to 114.30 issued under sec. 12, 72 Stat. 554. Interpret or apply secs. 3–6, 8–9, 13–15, 72 Stat. 548.

SUBPART A—FILING AND PROCESSING OF COMPLETE APPLICATIONS

§ 114.1 *Definitions.* All terms used in this part which are defined in the act and not defined in this section shall have the meaning given to them in the act. As used in this part, for purposes of this part and determinations under the act as hereinafter defined, the following terms shall have the meaning indicated in paragraphs (a) to (s) of this section:

(a) *Act.* "The act" means Public Law 815, 81st Congress (64 Stat. 967), as amended by title I of Public Law 85–620 (72 Stat. 548), and as it may be hereafter amended.

(b) *Commissioner.* "Commissioner" means the Commissioner of Education, Department of Health, Education, and Welfare or his delegatee.

(c) *Local educational agency.* "Local educational agency" means a board of education or other legally constituted local school authority (including, where applicable, a State agency which directly operates and maintains facilities for providing free public education) having exclusive administrative control and direction of free public education, or some phase thereof, in a county, township, independent, or other school district located within a State. If the local educational agency so defined does not have responsibility for providing school facilities and such responsibility is vested in a State agency, the term shall include such State agency together with the agency having exclusive administrative control and direction of other phases of free public education.

(d) *Free public education.* "Free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge and which is provided as elementary or secondary school education in the applicable State. Elementary education may include kindergarten education meeting the above criteria.

(e) *Applicant.* An "applicant" is a local educational agency which has filed a complete application for assistance in school construction under the act and this part.

(f) *Complete application.* Where an applicant submits only one project by a filing date, the "complete application" at that time consists of both Part I (Maximum Grant) and Part II (Project) of the application Form RSF–2 prescribed by the Commissioner for use under this act, properly completed and executed, together with all documents, amendments, and communications in support thereof. Where applicant submits more than one project by a filing date, the Part I form and all Part II forms, properly executed and completed, together with all documents, amendments, and communications in support thereof on file at that time, shall be considered as the "complete application." Where more than one Part II application is submitted by an applicant, the applicant shall indicate the order in which its project applications are to be considered by the Commissioner. Only applications meeting the conditions for approval under the act shall be considered complete applications.

(g) *Project application.* "Project application" means Form RSF–2, Part II, properly completed and executed, making application for Federal assistance for constructing or providing school facilities under the act.

(h) *Filing of applications.* An application will not be deemed to be "filed" unless all necessary parts of the complete application, bearing the required certifications and verifications by the State educational agency, are received by the Commissioner, or enclosed in a cover addressed to the Commissioner and postmarked, on or before the applicable filing date established by Subpart B of this part.

(i) *Minimum school facilities.* "Minimum school facilities" means those instructional and auxiliary rooms (and initial equipment), exclusive of single purpose auditoriums, single purpose gymnasiums, and any built-in spectator space, necessary to operate a program of free public education for the school members of the applicant at normal capacity in accordance with the laws and customs of the State.

(j) *Available and usable school facilities.* "Available and usable school facilities" means those facilities containing pupil stations counted in ascertaining children who are "unhoused" or "without minimum school facilities."

(k) *Normal capacity.* The "normal capacity" of a school room is the number of pupil stations which the room accommodates under ordinary conditions in accordance with the laws and customs of the State governing free public education, provided that where kindergartens may be conducted on a two-session-per-day basis the number of pupil stations of the rooms used for that purpose shall be doubled in determining kindergarten needs.

(l) *Children who are unhoused or without minimum school facilities.* Children who are "unhoused" or "without minimum school facilities" are those children in excess of the normal capacity of available and usable minimum school facilities.

(m) *Membership.* Unless governed by State law or State regulation, a pupil is a "member" of a class or school from the date he presents himself at school and is placed on the current roll until he permanently leaves the class or school for one of the causes recognized as sufficient by the State. The date of permanent withdrawal should be the date on which it is officially known that the pupil has left school, and not necessarily the first day after the date of last attendance.

(n) *Average daily membership.* In a given school year, the "average daily membership" for a given school is the aggregate days of membership of individual children in the school divided by the number of days school was actually in session. Only days on which pupils were under the guidance and direction of teachers in the teaching process may be considered as days in session. The average daily membership for groups of schools having varying lengths of terms is the sum of the average daily memberships obtained for the individual schools.

(o) *Membership of children of temporary duration only.* "Membership of children of temporary duration only" means the school membership of children whose residence in the school area the Commissioner determines probably will be for less than six years beyond the date of the approval of the complete applications and whose number is required to be excluded from computation of maximum payments under section 5 of the act.

(p) *Priority indices.* The "priority indices" are the indices established pursuant to this part based on relative urgency of need for the purpose of determining, under the act, the order of approval of applications, and the order of payments.

(q) *Substantial percentage.* An application will not be considered to meet the "substantial percentage" requirement under section 14 (a) (1) of the act unless the total number of children who reside on Federal property (for whom the applicant is providing or, upon completion of the school facilities for which provision is made in section 14 (a), will provide free public education, and whose membership in the schools of such applicant has not formed and will not form the basis for payments under other provisions of the act) is in excess of 15 and represents at least 10 percent of the total number of children for whom the applicant is providing free public education, unless the percentage requirement is waived by the Commissioner under the provisions of section 14 (a).

(r) *Base year.* The term "base year" means the regular school year preceding the fiscal year in which an application was filed under this act or the regular school year preceding such school year, as may be designated in the application, except that in the case of an application based on children referred to in paragraph (2) or (3) of section 5 (a), the base year shall in no event be later than the regular school year 1958–1959.

(s) *Increase period.* The term "increase period" means the period of two consecutive regular school years immediately following such base year.

§ 114.2 *Procedure if funds are inadequate to make all payments.* (a) The Commissioner shall from time to time set dates by which applications for payments under this act with respect to construction projects must be filed, except that the last such date with respect to applications for payments on account of children referred to in paragraphs (2) or (3) of section 5 (a) and section 14 shall be not later than June 30, 1961. Section 3 of the act provides in part as follows:

> The Commissioner shall by regulation prescribe an order of priority, based on relative urgency of need, to be followed in approving applications in the event the funds appropriated under this Act and remaining available on any such date for payment to local educational agencies are less than the Federal share of the cost of the projects with respect to which applications have been filed prior to such date (and for which funds under this Act have not already been obligated). Only applications meeting the conditions for approval under this Act (other than section 6 (b) (2) (C)) shall be considered applications for purposes of the preceding sentence.

(b) With respect to applications made under section 14 of the act, section 14 (c) provides in part as follows:

> In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications and the nature and extent of the Federal responsibility.

§ 114.3 *Determination of priority indices for applications.* When the Commissioner has set a date by which complete applications must be filed, the priority indices for approval of such applications shall be determined as follows:

(a) A priority index will be determined for the first construction project for each applicant under section 5 or section 14 by adding (1) the percentage that the estimated number of federally connected children countable for payment in the school district (or in the approved attendance afea except under section 14) is of the total estimated membership of all children in such area at the close of the applicable two-year increase period to (2) the percentage of the estimated school membership within the school district (or in the approved attendance area except under section 14) which at the same time is without minimum school facilities: *Provided*, That in no case shall the total of the two percentages used in determining the priority index exceed twice the percentage in subparagraph (1) of this paragraph. No priority, except under section 14, shall be established for any applicant having less than 20 unhoused children in the school district (or in the approved attendance area).

(b) In those cases where an applicant has filed more than one project application, the priority index for the second project will be determined by: (1) Dividing the normal capacity of the first project by the total estimated membership at the close of the two-year increase period and (2) reducing the applicant's priority index by twice the percentage so obtained. Where more than two project applications have been filed, the applicant's priority index for each succeeding project shall be reduced by the cumulative total capacity, as provided in the first sentence of this paragraph, of all the approved projects of the applicant.

(c) Except under section 14 of the act, in those cases where the jurisdictional area of the applicant with respect to which the application is made comprises an extensive territory and the Federal activity is localized within the area served by one or more attendance centers, and the other attendance centers within the district are practically unavailable to meet the needs of the attendance areas affected by Federal activities, then, in such case, the percentages described in subparagraphs (1) and (2) of paragraph (a) of this section will be determined with respect to the "federally affected attendance areas," and not with respect to the entire school district. (The conditions of this paragraph may be met only in large county unit school systems and, possibly, in other extensive districts having large housing projects constructed for defense workers or military personnel which have overburdened one or more attendance centers to such an extent that additional school facilities are required to house the children.)

§ 114.4 *Determination of available and usable school facilities.* The following school facilities shall be counted as usable and available in determining "unhoused children" or "children without school facilities":

(a) All school facilities which were constructed for school use and which have been used continuously for classroom purposes, unless such facilities have become unsafe or otherwise unusable to the extent that use of such facilities or partial use of such facilities has been abandoned or must be abandoned during the fiscal year in which the application is approved. Basement rooms, hallways, or other space the use of which for classroom purposes, in view of their character, inaccessibility, or other equally cogent reason, seriously prejudices educational objectives or has impaired or will impair the health or safety of the school children, will not be considered to be available and usable. These criteria shall apply to all facilities owned by other Federal agencies which are available or which may be made available for the education of children counted by applicants.

(b) All school facilities which are "under contract as of the date on which the Commissioner set, under section 3, the earliest date on or before which the application for such project is filed." Thus facilities, for which contracts are entered into after the date on which the Commissioner set the earliest cutoff date under this act on or before which the application was first filed, shall not be counted as available. The date on which the Commissioner set the cutoff date shall be the date on which the regulation setting such date was approved by the Secretary of Health, Education, and Welfare.

(c) All school facilities projects which, as of the date of approval of the application, have been approved for the applicant school district under this act.

(d) With respect to section 14 of the act, all minimum school facilities which with full utilization of practically available financial resources could be provided from local, State, or other Federal sources shall be considered as available and usable in making determinations. The capacity of school facilities which could be so provided shall be determined by dividing the sum of such resources by the cost per pupil of providing minimum school facilities in the applicant's school district.

§ 114.5 *Criteria for waiver under section 5 (e) of the act.* (a) The Commissioner's authority in section 5 (e) of the act to waive or reduce the percentage requirement or requirements in section 5 (c), to waive the requirement contained in the first sentence of subsection 5 (d) thereof, or to reduce the percentage specified in clause (2) of such sentence will not be exercised unless:

(1) The applicant meets all conditions of eligibility under the act other than section 14 thereof or, on the basis of the authorized waiver or reduction of one or more of the requirements, would meet such conditions;

(2) The applicant specifically states the extent to which it desires the Commissioner to exercise his authority to waive or reduce one or more of such requirements and makes appropriate requests therefor, agreeing that if such a request is granted in whole or in part in computing maximum payment under the act, only membership of children within the federally impacted attendance area shall be considered;

(3) The applicant has two or more attendance centers, and its jurisdictional area is county-wide or is sufficiently extensive as to be reasonably analogous to a county-wide school system;

(4) There has been an unusually large Federal impact in the two-year increase period for which the application is made in an attendance area affecting one or more attendance centers;

(5) It would not be practicable to transport students in the federally impacted attendance area to other available school facilities of the applicant because of distance, topography, or other equally cogent reasons; and

(6) The Commissioner of Education determines that other exceptional circumstances exist which in his judgment require such waiver or reduction to avoid inequity and to avoid defeating the purposes of the act.

(b) If the Commissioner, on the basis of the minimum criteria above set forth, determines, under subsection 5 (e), to exercise his authority to waive or reduce one or more of the specified requirements:

(1) He shall determine which requirement or requirements he will waive, or reduce, and if the latter, the extent of such reduction;

(2) He shall determine the geographical area of the applicant which shall be considered as constituting the "federally impacted attendance area"; and

(3) The application otherwise will be processed under the act and this part, taking into consideration only the established "federally impacted attendance area" but in no case shall payments hereunder exceed the amounts computable on the basis of the district as a whole taking into consideration the waivers or reductions approved by the Commissioner.

§ 114.6 *Criteria for waiver under subsection 14 (a) of the act.* The Commissioner's authority in section 14 (a) of the act to waive the percentage requirement in section 14 (a) (1) will not be exercised unless:

(a) The applicant meets all conditions of eligibility under section 14 or, on the basis of the authorized waiver of the percentage requirement, would meet such conditions;

(b) The applicant makes a request to waive such percentage requirement; and

(c) Either (1) the applicant's jurisdictional area is county-wide or is sufficiently extensive as to be analogous to a county-wide school system; there has been a concentration of children residing on Indian lands located in a remote or isolated area; and it would not be practicable to transport such children from the remote or isolated area to other available school facilities of the applicant because of distance, topography, or other equally cogent reasons; or (2) there are other exceptional circumstances which require a waiver to avoid inequity and to avoid defeating the purpose of section 14.

§ 114.7 *School facilities for children whose membership is of temporary duration only.* (a) If the Commissioner determines that the membership of some of the children of the applicant, representing otherwise countable Federal increases under section 5 of the act, will be of temporary duration only, as defined in § 114.1 (o), the membership of such children will be excluded in computing maximum payments under section 5.

(b) The Commissioner, when proper request therefor is made in a Part I application, (1) may make available to such applicant such temporary school facilities as may be necessary to take care of the membership of such children as the Commissioner determines will be members of the applicant's school system for a sufficient period of time to justify the expense; or (2) he may, where the applicant gives assurance in a complete application that at least minimum school facilities will be provided for such children, pay (on such terms and conditions as he deems appropriate to carry out the purposes of the act) to such applicant for use in constructing school facilities an amount not greater than the amount which he estimates will be necessary to make available temporary facilities for such children, provided that the amount so paid shall not exceed the cost, in the school district of the

applicant, of constructing minimum school facilities for such children. In no case will provision for such children be made unless they are deemed to be without minimum school facilities.

§ 114.8 *Certification of payments.* Payments to an applicant will be made only on the basis of a complete application satisfying conditions for payment under the act and this part, and will be restricted in amount to the cost of providing minimum school facilities for unhoused children; however;

(a) With respect to payments under the act (except section 14 thereof),

(1) The Federal share of the cost of a project which will be certified for payment shall, within the maximum otherwise payable under the act (except as provided in section 8 thereof), be equal to the cost but shall in no case exceed the cost of constructing minimum school facilities in the school district of the applicant and shall in no case exceed the cost in such district of constructing minimum school facilities for the estimated number of children who will be in the membership of the schools of such applicant at the close of the two-year increase period under consideration and who will otherwise be unhoused; and

(2) Nothing contained in the regulations in this part shall be deemed to bar an applicant, with the approval of the State educational agency, from using for an approved project, in addition to the Federal grant, monies otherwise obtained to provide a higher type or larger or better implemented school facility. The applicant will be required to show in such cases that the added cost is being thus independently met.

(b) Payments under section 14 of the act shall not exceed the portion of the cost of minimum school facilities which the Commissioner estimates is attributable to children who reside on Federal property, and which has not been, and is not to be, recovered by the applicant from other sources, including payments by the United States under any other provisions of the act or any other law; and such payments may be upon such terms and in such amounts, subject to the provisions of section 14 as the Commissioner may consider to be in the public interest.

§ 114.9 *Additional payments under section 8 of the act.* Pursuant to the authority vested in the Commissioner by section 8 of the act:

(a) Not to exceed 10 per centum of any amount appropriated under the act (exclusive of any sums appropriated for administration) is reserved and may be used by the Commissioner to make grants to applicants under the act (except section 14 thereof) when (1) the application would be approved but for the applicant's inability, unless aided by such grant, to finance the non-Federal share of the cost of a project; or (2) after the approval of the application the project cannot, without such grant, be completed because of flood, fire, or similar emergency affecting either the work on the project or the applicant's ability to finance the non-Federal share of the cost of the project.

(b) Under the authority of paragraph (a) (1) of this section, a complete application (except applications under section 14 and applications with respect to which the Commissioner has waived or reduced eligibility requirements under section 5 (e) of the act and § 114.5) may be considered for payment of part or all of the non-Federal share of the cost of any project which does not include more than minimum facilities for unhoused children: *Provided*, (1) That the application contains a request for payment hereunder; (2) that the estimated number of children countable for payment under section 5 of the act for the two-year increase period equals or exceeds the number obtained by taking 10 percent of the average daily membership of the applicant district for the base year applicable to the increase period under consideration, except that if the first year of the increase period has been included in a previous application with respect to which any payment has been or may be made, the applicable percentage shall be 5 percent instead of 10 percent; (3) that the applicant has exhausted all fiscal resources, including State aid, bonding authority, and Federal aid, which are practicably available to it and is unable to pay the non-Federal share of the cost of the project; (4) that it has been reached on the priority indices established by this part; and (5) that Federal monies reserved under paragraph (a) of this section are available. The additional payment to the applicant under this provision shall not exceed the cost of providing minimum school facilities for the number of unhoused children less all financial resources practicably available to the applicant; nor shall it exceed the difference between (i) the actual cost of providing minimum facilities for the federally connected pupils eligible for payment under the act, or the average cost in the State of providing such facilities, whichever is the lesser, and (ii) the Federal funds made available to the applicant under section 5 of the act plus local and State funds which may be made available for this purpose.

(c) Under the authority of paragraph (a) (2) of this section, a request by the applicant may be considered for the additional payment of part or all of the funds required to complete a project (to the extent that the completed project will not provide more than minimum school facilities for unhoused children) for which a project application under the act has been approved: *Provided*, (1) Federal monies reserved under paragraph (a) of this section are available; (2) the applicant cannot complete the project because of flood, fire, or similar emergency affecting either the work on the project or the applicant's ability to finance the non-Federal share of the cost of the project; and (3) that the applicant has exhausted all financial resources practicably available to it, including State aid, bonding authority, and Federal aid. The payment to be made under this paragraph shall not exceed the amount required to pay the additional cost caused by the emergency less any financial resources of the applicant practicably available for such purpose, including the proceeds of any insurance.

§ 114.10 *Priority and approval of applications; conditioned upon readiness to proceed with construction.* Initial approval of a project application meeting the conditions for approval under the act and under this part will be subject to cancellation in the event the applicant is not ready to proceed with construction within 90 days after the date of initial approval, unless such period is extended by the Commissioner for good cause shown; and the applicant's rights to approval and payment may be subordinated by reason thereof to other project applications of lower rank or the applicant may forfeit its priority in the discretion of the Commissioner.

§ 114.11 *Preceding provisions not exhaustive of jurisdiction of the Commissioner.* No provisions of this part now or hereafter promulgated shall be deemed exhaustive of the jurisdiction of the Commissioner under the act. The provisions of this part may be modified or further regulations may be issued hereafter as circumstances may warrant.

SUBPART B—ESTABLISHMENT OF DEADLINES FOR FILING APPLICATIONS

§ 114.20 *First deadline for applications with respect to funds available during fiscal year 1959.* For the purposes of sections 3 and 14 of the act November 17, 1958, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under the act from funds then available for such purposes shall be filed.

SUBPART C—RETENTION OF RECORDS

§ 114.30 *Retention of records.* Local educational agencies receiving Federal grants under the act are required to keep intact all records supporting claims for such Federal grants until the completion of the fiscal audit and/or administrative reviews which are regularly conducted by Federal agencies, or for three years following the fiscal year to which the claim relates, whichever is later, except as otherwise notified. The records involved in any claims or expenditures which have been questioned should be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Federal agencies making such reviews. The Commissioner does not require that records be maintained beyond this period unless, under special circumstances, the grantee agency is specifically advised that certain record materials should be retained until specific questions are settled.

Dated: September 8, 1958.

[SEAL] L. G. DERTHICK,
United States Commissioner of Education.

Approved: September 13, 1958.

ARTHUR S. FLEMMING,
Secretary of Health, Education and Welfare.

[F. R. Doc. 58-7654; Filed, Sept. 18, 1958; 8:49 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

[Gen. Order 27, Rev., Amdt. 2]

PART 281—INFORMATION AND PROCEDURE REQUIRED UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

MISCELLANEOUS AMENDMENTS

1. Supplement 1 of General Order 27, Rev., is hereby redesignated Amdt. 1.

2. Paragraph (c) of § 281.3 is amended to read as follows:

(c) *Periods of idleness.* In the event that a period of idleness, in excess of ten days, should immediately follow the termination of a voyage (subsidized or unsubsidized), the first ten days of such period of idleness shall be included in the preceding voyage and the date of termination thereof adjusted accordingly. If a vessel which has been idle commences loading cargo, stores, or fuel prior to the eleventh day of such idleness, the commencement of the new voyage shall be antedated to coincide with the termination of the preceding voyage.

3. Section 281.14 is amended to read as follows:

§ 281.4 *Treatment of subsidy during period of idleness and lay-up period.* During a lay-up period, subsidy shall be payable only for such subsidizable items of expense as are determined by the Administrator, after presentation by the operator of the facts relating to such lay-up period, to be necessary for the maintenance, preservation, repair, or husbanding of the vessel during and under the circumstances of such lay-up; *Provided, however,* That nothing herein shall limit any other rights of the United States with respect to the payment or non-payment of subsidy.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: September 15, 1958.

[SEAL] CLARENCE G. MORSE,
Maritime Administrator,
Chairman, Federal Maritime Board.

[F. R. Doc. 58-7664; Filed, Sept. 16, 1958; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NOTICE OF PROPOSED RULE MAKING

Pursuant to the Administrative Procedure Act, approved June 11, 1946, proposed regulations under section 6012 of the Internal Revenue Code of 1954 were published in tentative form with a notice of proposed rule making in the FEDERAL REGISTER for May 1, 1956 (21 F. R. 2819). Notice is hereby given that § 1.6012 and §§ 1.6012-7 to 1.6012-9, inclusive, of such proposed regulations are hereby withdrawn.

Further, notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Sections 1.6012-1 (b), 1.6012-2 (g), and 1.6012-3 (b) (2) are in substitution for §§ 1.6012-7, 1.6012-8, and 1.6012-9, hereinbefore withdrawn. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

The following regulations are hereby prescribed under certain sections of subtitle F of the Internal Revenue Code of 1954 which relate to certain procedural and administrative requirements in respect of the taxes imposed by subtitle A of such Code. Except as otherwise specifically provided, these regulations are applicable to taxable years beginning after December 31, 1953, and ending after August 16, 1954.

PROCEDURE AND ADMINISTRATION

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PROCEDURE AND ADMINISTRATION

INFORMATION AND RETURNS

§ 1.6001 *Statutory provisions; notice or regulations requiring records, statements, and special returns.*

SEC. 6001. *Notice or regulations requiring records, statements, and special returns.* Every person liable for any tax imposed by this title, or for the collection thereof, shall keep such records, render such statements, make such returns, and comply with such rules and regulations as the Secretary or his delegate may from time to time prescribe. Whenever in the judgement of the Secretary or his delegate it is necessary, he may require any person, by notice served upon such person or by regulations, to make such returns, render such statements, or keep such records, as the Secretary or his delegate deems sufficient to show whether or not such person is liable for tax under this title.

§ 1.6001–1 *Records*—(a) *In general.* Except as provided in paragraph (b) of this section, any person subject to tax under subtitle A of the Internal Revenue Code of 1954, or any person required to file a return of information with respect to income, shall keep such permanent books of account or records, including inventories, as are sufficient to establish the amount of gross income, deductions, credits, or other matters required to be shown by such person in any return of such tax or information.

(b) *Farmers and wage-earners.* Individuals deriving gross income from the business of farming, and individuals whose gross income includes salaries, wages, or similar compensation for personal services rendered, are required with respect to such income to keep such records as will enable the district director to determine the correct amount of income subject to the tax. It is not necessary, however, that with respect to such income individuals keep the books of account or records required by paragraph (a) of this section. For rules with respect to the records to be kept in substantiation of traveling and other business expenses of employees see § 1.162–17.

(c) *Exempt organizations.* In addition to such permanent books and records as are required by paragraph (a) of this section with respect to the tax imposed by section 511 on unrelated business income of certain exempt organizations, every organization exempt from tax under section 501 (a) but required by section 6033 to file an annual return shall keep such permanent books of account or records, including inventories, as are sufficient to show specifically the items of gross income, receipts, and disbursements, and such other information as is required by section 6033. See section 6033 and § 1.6033–1.

(d) *Notice by district director requiring returns, statements, or the keeping of records.* The district director may require any person, by notice served upon him, to make such returns, render such statements, or keep such specific records as will enable the district director to determine whether or not such person is liable for tax under subtitle A of the Code.

(e) *Retention of records.* The books or records required by this section shall be kept at all times available for inspection by authorized internal revenue officers or employees, and shall be retained so long as the contents thereof may become material in the administration of any internal revenue law.

(f) *Cross reference.* For general information with respect to the keeping of records, see § 301.6001–1 of this chapter.

§ 1.6011 *Statutory provisions; general requirement of return, statement, or list.*

SEC. 6011. *General requirement of return, statement, or list*—(a) *General rule.* When required by regulations prescribed by the Secretary or his delegate any person made liable for any tax imposed by this title, or for the collection thereof, shall make a return or statement according to the forms and regulations prescribed by the Secretary or his delegate. Every person required to make a return or statement shall include therein the information required by such forms or regulations.

* * * * *

(c) *Income, estate, and gift taxes.* For requirement that returns of income, estate, and gift taxes be made whether or not there is tax liability, see sections 6012 to 6019, inclusive.

§ 1.6011–1 *General requirement of return, statement, or list*—(a) *General rule.* Every person subject to any tax, or required to collect any tax, under subtitle A of the Code, shall make such returns or statements as are required by the regulations in this chapter. The return or statement shall include therein the information required by the applicable regulations or forms.

(b) *Use of prescribed forms.* Copies of the prescribed return forms will so far

as possible be furnished taxpayers by district directors. A taxpayer will not be excused from making a return, however, by the fact that no return form has been furnished to him. Taxpayers not supplied with the proper forms should make application therefor to the district director in ample time to have their returns prepared, verified, and filed on or before the due date with the internal revenue office where such returns are required to be filed. Each taxpayer should carefully prepare his return and set forth fully and clearly the information required to be included therein. Returns which have not been so prepared will not be accepted as meeting the requirements of the Code. In the absence of a prescribed form, a statement made by a taxpayer disclosing his gross income and the deductions therefrom may be accepted as a tentative return, and, if filed within the prescribed time, the statement so made will relieve the taxpayer from liability for the addition to tax imposed for the delinquent filing of the return, provided that without unnecessary delay such a tentative return is supplemented by a return made on the proper form.

§ 1.6012 *Statutory provisions; persons required to make returns of income.*

SEC. 6012. *Persons required to make returns of income*—(a) *General rule.* Returns with respect to income taxes under subtitle A shall be made by the following:

(1) Every individual having for the taxable year a gross income of $600 or more (except that any individual who has attained the age of 65 before the close of his taxable year shall be required to make a return only if he has for the taxable year a gross income of $1,200 or more);

(2) Every corporation subject to taxation under subtitle A;

(3) Every estate the gross income of which for the taxable year is $600 or more;

(4) Every trust having for the taxable year any taxable income, or having gross income of $600 or over, regardless of the amount of taxable income; and

(5) Every estate or trust of which any beneficiary is a nonresident alien;

except that subject to such conditions, limitations, and exceptions and under such regulations as may be prescribed by the Secretary or his delegate, nonresident alien individuals subject to the tax imposed by section 871 and foreign corporations subject to the tax imposed by section 881 may be exempted from the requirement of making returns under this section.

(b) *Returns made by fiduciaries and receivers*—(1) *Returns of decedents.* If an individual is deceased, the return of such individual required under subsection (a) shall be made by his executor, administrator, or other person charged with the property of such decedent.

(2) *Persons under a disability.* If an individual is unable to make a return required under subsection (a) or section 6015 (a), the return of such individual shall be made by a duly authorized agent, his committee, guardian, fiduciary or other person charged with the care of the person or property of such individual. The preceding sentence shall not apply in the case of a receiver appointed by authority of law in possession of only a part of the property of an individual.

(3) *Receivers, trustees and assignees for corporations.* In a case where a receiver, trustee in bankruptcy, or assignee, by order of a court of competent jurisdiction, by operation of law or otherwise, has possession of or holds title to all or substantially all the property or business of a corporation, whether or not such property or business is being operated, such receiver, trustee, or assignee shall make the return of income for such corporation in the same manner and form as corporations are required to make such returns.

(4) *Returns of estates and trusts.* Returns of an estate or a trust shall be made by the fiduciary thereof.

(5) *Joint fiduciaries.* Under such regulations as the Secretary or his delegate may prescribe, a return made by one of two or more joint fiduciaries shall be sufficient compliance with the requirements of this section. A return made pursuant to this paragraph shall contain a statement that the fiduciary has sufficient knowledge of the affairs of the person for whom the return is made to enable him to make the return, and that the return is, to the best of his knowledge and belief, true and correct.

(c) *Certain income earned abroad.* For purposes of this section, gross income shall be computed without regard to the exclusion provided for in section 911 (relating to earned income from sources without the United States).

(d) *Consolidated returns.* For provisions relating to consolidated returns by affiliated corporations, see chapter 6.

[Sec. 6012 as amended by sec. 72 (a), Technical Amendments Act 1958]

§ 1.6012–1 *Individuals required to make returns of income*—(a) *Individual citizen or resident*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, an income tax return must be filed for each taxable year by every individual who receives $600 or more of gross income during such taxable year and who is—

(i) A citizen of the United States, whether residing at home or abroad,

(ii) A resident of the United States even though not a citizen thereof, or

(iii) An alien bona fide resident of Puerto Rico during the entire taxable year.

Such return must be filed by such individual regardless of his family or marital status.

(2) *Certain exceptions.* (i) In case an individual who is described in subparagraph (1) of this paragraph has attained the age of 65 before the close of his taxable year, an income tax return must be filed by such individual only if he receives $1,200 or more of gross income during his taxable year.

(ii) In the case of a short taxable year referred to in section 443 (a) (1), an individual described in subparagraph (1) of this paragraph shall file an income tax return if his gross income received during such short taxable year equals or exceeds his own personal exemption allowed by section 151 (b) (prorated as provided in section 443 (c)) and, when applicable, his additional exemption for age 65 or more allowed by section 151 (c) (1) (prorated as provided in section 443 (c)).

(3) *Earned income from without the United States.* For the purpose of determining whether an income tax return must be filed for any taxable year beginning after December 31, 1957, gross income shall be computed without regard to the exclusion provided for in section 911 (relating to earned income from sources without the United States). In the case of an individual claiming an exclusion under such section, he shall attach Form 2555 to the return required under this paragraph.

(4) *Return of income of minor.* A minor is subject to the same requirements and elections for making returns of income as are other individuals. Thus, a return of income must be made by or for a minor who has a total of $600 of gross income, regardless of the amount of his taxable income. For example, a return must be made by or for a minor who has an aggregate of $600 gross income from funds held in trust for him and from his personal services. The return of a minor must be made by the minor himself or must be made for him by his guardian or other person charged with the care of the minor's person or property. See paragraph (b) (3) of § 1.6012–3. See § 1.73–1 for inclusion in the minor's gross income of amounts received for his personal services.

(5) *Returns made by agents.* The return of income may be made by an agent if the person liable for the making of the return is unable to make it by reason of illness or continuous absence from the United States for a period of at least 60 days before the date prescribed by law for making the return. However, assistance in the preparation of the return may be rendered under any circumstances. Whenever a return is made by an agent it shall be accompanied by the prescribed power of attorney, Form 935, except that an agent holding a valid and subsisting general power of attorney authorizing him to represent his principal in making, executing, and filing the income return, may submit a certified copy thereof in lieu of the authorization on Form 935. The agent, as well as the taxpayer, may incur liability for the penalties provided for erroneous, false, or fraudulent returns. For a return of an agent for a nonresident alien individual, see paragraph (b) (6) of this section. For the requirements regarding signing of returns, see § 1.6061–1.

(6) *Form of return.* The return required under this paragraph shall be made on Form 1040, except in the case of a taxpayer who, in accordance with subparagraph (7) of this paragraph, elects to use Form 1040A. A taxpayer, even though entitled to use Form 1040A for the taxable year, may, nevertheless, use Form 1040 as his return. A taxpayer otherwise entitled to use Form 1040A as his return for the taxable year but who does not desire to take the standard deduction provided in section 141 is required to use Form 1040 as his return for the taxable year.

(7) *Use of Form 1040A by certain taxpayers with gross income less than $10,000*—(i) *In general.* Subject to the limitations set forth in subdivisions (ii), (iii), (iv), and (v) of this subparagraph, and in accordance with Form 1040A and the instructions provided with respect to such form, an individual may use Form 1040A as his return for any taxable year in which the gross income of the individual—

(*a*) Is less than $10,000.

(b) Consists entirely of remuneration for personal services performed as an employee, dividends or interest, and

(c) Does not include more than $200 from dividends, interest, and remuneration for personal services other than wages, as defined in section 3401 (a).

For purposes of determining whether gross income from dividends, interest, and remuneration other than wages, as defined in section 3401 (a), exceeds $200, dividends from domestic corporations are taken into account to the extent that they are includible in gross income.

(ii) *Restrictions on use of Form 1040A.* Form 1040A shall not be used by an individual—

(a) Who elects to itemize his deductions;

(b) Whose spouse makes a separate return on Form 1040 and elects to itemize deductions;

(c) Who is a nonresident alien individual;

(d) Who is a citizen of the United States entitled to the benefits of section 931 (relating to income from sources within possessions of the United States);

(e) Who makes a return under section 443 (a) (1) for a period of less than 12 months on account of a change in his accounting period;

(f) Who makes a return on a fiscal year basis;

(g) Who makes a return by use of a method of accounting other than the cash receipts and disbursements method;

(h) Who claims that amounts included in the statement of wages under section 6051 are excluded under section 105 (d);

(i) Who claims any of the deductions referred to in section 62, for example, the deductions for travel or transportation expense;

(j) Who claims a deduction for an exemption upon a multiple support agreement under section 152 (c); or

(k) Who claims credit for payment of estimated income tax or for an overpayment of income tax for the previous taxable year.

(iii) *Credits not allowable.* When Form 1040A is used, the following credits shall not be allowed:

(a) The credit provided by section 32 for tax withheld at source under subchapter B of chapter 3 of the Code;

(b) The credit provided by section 33 for taxes imposed by foreign countries and possessions of the United States;

(c) The credit provided by section 34 for dividends received;

(d) The credit provided by section 35 for partially tax-exempt interest; and

(e) The credit provided by section 37 for retirement income.

(iv) *Status benefits not allowable.* The status of a taxpayer as head of household, as defined in section 1 (b) (2), or as a surviving spouse, as defined in section 2 (b), shall not be considered in determining the tax liability of a taxpayer filing Form 1040A.

(v) *Use after due date not permitted.* Form 1040A shall not be used unless it is filed on or before the date prescribed in section 6072 (a) for the filing of the return.

(vi) *Computation and payment of tax.* Unless a taxpayer is entitled to elect under section 6014 and § 1.6014–1 not to show the tax on Form 1040A and does so elect, shall compute and show on his return on Form 1040A the amount of the tax imposed by subtitle A and shall, without notice and demand therefor, pay any unpaid balance of such tax not later than the date fixed for filing the return.

(vii) *Change of election to use Form 1040A.* A taxpayer who has elected to make a return on Form 1040A may change such election. Such change of election shall be within the time and subject to the conditions prescribed in section 144 (b) and § 1.144–2, relating to change of election to take, or not to take, the standard deduction.

(viii) *Joint return of husband and wife on Form 1040A.* If the aggregate gross income for any taxable year of a husband and wife, neither of whom was a nonresident alien at any time during such year, is less than $10,000, consists solely of remuneration for services performed as an employee, dividends, or interest, and does not include more than $200 from dividends, interest, and remuneration for personal services other than wages as defined in section 3401 (a), the spouses may file a joint return on Form 1040A. For purposes of determining whether gross income from sources other than wages exceeds $200 where both spouses received dividends from domestic corporations, the amount of such dividends received by each spouse is taken into account to the extent that such dividends are includible in gross income. See section 116 and §§ 1.116–1 and 1.116–2. If a joint return is made by husband and wife on Form 1040A, the liability for the tax shall be joint and several.

(b) *Returns of nonresident alien individuals*—(1) *Individuals in class 1 (no United States business and gross income of not more than $15,400)*—(i) *Return not required.* If the tax liability of a nonresident alien individual within class 1, as described in paragraph (a) (1) of § 1.871–7, is fully satisfied at the source, a return of income is not required.

(ii) *Return required.* A nonresident alien individual within class 1 shall make or have made a return on Form 1040NB with respect to that portion of his income described in paragraph (b) of § 1.871–7 upon which the tax has not been fully satisfied at the source, including such income upon which the tax is limited by tax convention. A return shall be made in such instance even though the individual's gross income from sources within the United States for the taxable year is less than $600.

(iii) *Items upon which tax not fully satisfied.* Some of the items of income from sources within the United States upon which the tax liability will not have been fully satisfied at the source are—

(a) Interest upon so-called tax-free covenant bonds upon which, in accordance with § 1.1451–1, a tax of only 2 percent is required to be withheld at the source;

(b) Capital gains described in paragraph (b) (4) of § 1.871–7, which are not subject to withholding under § 1.1441–1;

(c) Accrued interest received in connection with the sale of bonds between interest dates, which, in accordance with paragraph (a) (2) of § 1.1441–4, is not subject to withholding; and

(d) Dividends from foreign corporations which are not subject to withholding under paragraph (b) (2) of § 1.1441–3 but do constitute income from sources within the United States under paragraph (a) (2) of § 1.861–3.

(iv) *Claim for refund.* Notwithstanding the provisions of subdivisions (i) and (ii) of this subparagraph, a nonresident alien individual within class 1 shall include on Form 1040NB his entire income described in paragraph (b) of § 1.871–7, whether or not the tax has been fully satisfied at the source upon a portion thereof, if a claim for the refund of an overpayment of tax is made in accordance with section 6402 and the regulations thereunder. However, if the overpayment to be refunded consists solely of tax deemed to have been paid under section 852 (b) (3) (D), relating to undistributed capital gains of a regulated investment company, it is not necessary to include on the Form 1040NB the entire income described in paragraph (b) of § 1.871–7.

(2) *Individuals in class 2 (no United States business and gross income of more than $15,400).* Even though the tax has been fully satisfied at the source, every nonresident alien individual within class 2, as described in paragraph (a) (2) of § 1.871–7, shall make or have made a return on Form 1040NB–a of all his income described in paragraph (c) of § 1.871–7, including such income upon which the tax is limited by tax convention. However, if the gross income of an individual within class 2 consists of treaty income only, as defined in paragraph (e) of § 1.871–7, or if the nontreaty income does not exceed $15,400 in the aggregate, the return shall be made on Form 1040NB in the manner and to the extent otherwise required in subparagraph (1) of this paragraph. See paragraph (e) (2) of § 1.871–7.

(3) *Individuals in class 3 (United States business).* Every nonresident alien individual within class 3, as described in paragraph (a) (3) of § 1.871–7, shall make or have made a return on Form 1040B of all his income described in paragraph (d) of § 1.871–7, including such income upon which the tax is limited by tax convention, even though his gross income from sources within the United States for the taxable year is less than $600. No exception is made to this requirement in the case of such an individual who is a resident of Canada or Mexico. However, if the gross income of a nonresident alien individual within class 3 consists of treaty income only and the tax is determined by applying the limited rates applicable under the convention, then the return shall be made on Form 1040NB in the manner and to the extent otherwise required by subparagraph (1) of this paragraph. See paragraph (e) (3) and (5) of § 1.871–7. When used for this purpose, Form 1040NB shall be appropriately marked in accordance with the instructions issued with respect to the return.

(4) *Treaty income.* If the gross income of a nonresident alien individual to which this paragraph applies includes income on which the tax is limited by tax convention, see paragraph (e) of § 1.871–7.

(5) *Claims for refund*—(i) *Forms to use.* In the case of any overpayment of income tax by a nonresident alien individual to which this paragraph applies, claim for refund may be made in accordance with section 6402 and the regulations thereunder.

(ii) *Tax withheld at source.* If an overpayment has resulted from the withholding of tax at source under chapter 3 of the Code, statements shall be attached to the claim for refund showing accurately (a) the amounts of tax withheld, with the names and post office addresses of withholding agents and, (b) if applicable, facts sufficient to show that, at the time when the income was derived, the taxpayer was entitled to the benefit of a reduced rate of, or exemption from, tax with respect to that income under the provisions of a tax convention to which the United States is a party. For an illustration of the statements to be furnished when claiming the benefit of a reduced rate or exemption under a tax convention, see 26 CFR (1939) 7.710 (Treasury Decision 6030, approved July 10, 1953); § 501.11 of this chapter (Treasury Decision 6108, approved October 13, 1954); and § 502.10 of this chapter (Treasury Decision 6109, approved October 13, 1954). For the refund to the withholding agent of an overpayment of the tax under chapter 3 of the Code, see § 1.1464–1.

(6) *Representative or agent for nonresident alien individuals*—(i) *In general.* The responsible representative or agent within the United States of a nonresident alien individual shall make in behalf of his nonresident alien principal a return of, and shall pay the tax on, all income from sources within the United States coming within his control as representative or agent. The agency appointment will determine how completely the agent is substituted for the principal for tax purposes. Any person who collects interest or dividends on deposited securities of a nonresident alien individual, executes ownership certificates in connection therewith, or sells such securities under special instructions shall not be deemed merely by reason of such acts to be the responsible representative or agent of the nonresident alien individual.

(ii) *Income to be returned.* A return of income shall be required under this subparagraph only if the nonresident alien individual is otherwise required to make a return in accordance with this paragraph. The provisions of this paragraph shall apply in determining the form of return to be used and the income to be returned.

(c) *Cross reference.* For returns by fiduciaries for individuals, estates, and trusts, see § 1.6012–3.

§ 1.6012–2 *Corporations required to make returns of income*—(a) *In general*—(1) *Requirement of return.* Except as provided in paragraphs (e) and (g) (1) (ii) of this section with respect to charitable and other organizations having unrelated business income and to certain foreign corporations, respectively, every corporation, as defined in section 7701 (a) (3), subject to taxation under subtitle A shall make a return of income regardless of whether it has taxable income or regardless of the amount of its gross income.

(2) *Existence of corporation.* A corporation in existence during any portion of a taxable year is required to make a return. If a corporation was not in existence throughout an annual accounting period (either calendar year or fiscal year), the corporation is required to make a return for that fractional part of a year during which it was in existence. A corporation is not in existence after it ceases business and dissolves, retaining no assets, whether or not under State law it may thereafter be treated as continuing as a corporation for certain limited purposes connected with winding up its affairs, such as for the purpose of suing and being sued. If the corporation has valuable claims for which it will bring suit during this period, it has retained assets and therefore continues in existence. A corporation does not go out of existence if it is turned over to receivers or trustees who continue to operate it. If a corporation has received a charter but has never perfected its organization and has transacted no business and has no income from any source, it may upon presentation of the facts to the district director be relieved from the necessity of making a return. In the absence of a proper showing of such facts to the district director, a corporation will be required to make a return.

(3) *Form of return.* The return required of a corporation under this section shall be made on Form 1120 unless the corporation is of a type for which a special form is prescribed. The special forms of returns and schedules required of particular types of corporations are set forth in paragraphs (b) to (g), inclusive, of this section.

(b) *Personal holding companies.* A personal holding company, as defined in section 542, including a foreign corporation within the definition of such section, shall attach Schedule PH, Computation of U. S. Personal Holding Company Tax, to the return required by paragraph (a) or (g), as the case may be, of this section.

(c) *Insurance companies*—(1) *Life insurance companies.* A life insurance company subject to tax under section 802 or 811 shall make a return on Form 1120L. There shall be filed with the return (i) a copy of the annual statement, the form of which has been approved by the National Association of Insurance Commissioners, which is filed by the company for the year covered by such return with the Insurance Departments of States, Territories, and the District of Columbia, and which shows the reserves used by the company in computing the taxable income reported on its return, and (ii) copies of Schedule A (real estate) and Schedule D (bonds and stocks) of such annual statement.

(2) *Mutual insurance companies.* A mutual insurance company (other than a life or marine insurance company and other than a fire insurance company subject to the tax imposed by section 831) or an interinsurer or reciprocal underwriter subject to tax under section 821 shall make a return on Form 1120M. See paragraph (a) (3) of § 1.821–1. There shall be filed with the return (i) a copy of the annual statement, the form of which has been approved by the National Association of Insurance Commissioners, which is filed by the company for the year covered by such return with the Insurance Departments of States, Territories, and the District of Columbia, and (ii) copies of Schedule A (real estate) and Schedule D (bonds and stocks) of such annual statement.

(3) *Other insurance companies.* Every insurance company (other than a life or mutual insurance company), every mutual marine insurance company, and every mutual fire insurance company, subject to tax under section 831, and every mutual savings bank conducting a life insurance business and subject to tax under section 594, shall make a return on Form 1120. See paragraph (c) of § 1.831–1. There shall be filed with the return a copy of the annual statement, the form of which has been approved by the National Association of Insurance Commissioners, which contains the underwriting and investment exhibit for the year covered by such return.

(4) *Foreign insurance companies.* The provisions of subparagraphs (1), (2), and (3) of this paragraph concerning the returns and statements of insurance companies subject to tax under section 802 or 811, section 821, and section 831, respectively, are applicable to foreign insurance companies subject to tax under such sections, except that the copy of the annual statement, the form of which has been approved by the National Association of Insurance Commissioners, required to be submitted with the return shall, in the case of a foreign insurance company, be a copy of the statement relating to the United States business of such company.

(d) *Affiliated groups.* For the forms to be used by affiliated corporations filing a consolidated return, see § 1.1502–12.

NOTE: Paragraphs (e) and (f) of this section, relating to charitable and other organizations with unrelated business income and to farmers' cooperatives, respectively, have been issued as a part of Treasury Decision 6301, approved July 2, 1958.

(g) *Returns by foreign corporations*—(1) *Nonresident foreign corporations*—(i) *Taxable years beginning on or after January 1, 1958.* For taxable years beginning on or after January 1, 1958, every nonresident foreign corporation shall make or have made a return on Form 1120NB of all its income described in § 1.881–2, including such income upon which the tax is limited by tax convention, whether or not the tax has been fully satisfied at the source upon all or a portion thereof.

(ii) *Taxable years beginning before January 1, 1958*—(a) *Return not required.* For taxable years beginning before January 1, 1958, a nonresident foreign corporation is not required to make a return of income if the tax

liability of the corporation is fully satisfied at the source.

(b) *Return required.* For taxable years beginning before January 1, 1958, a nonresident foreign corporation shall make or have made a return on Form 1120NB with respect to that portion of its income described in § 1.881–2 upon which the tax has not been fully satisfied at the source, including such income upon which the tax is limited by tax convention.

(c) *Claim for refund.* Notwithstanding the provisions of (a) and (b) of this subdivision, a nonresident foreign corporation shall include on Form 1120NB its entire income described in § 1.881–2, whether or not the tax has been fully satisfied at the source upon a portion thereof, if a claim for refund of an overpayment of tax is made in accordance with section 6402 and the regulations thereunder. However, if the overpayment to be refunded consists solely of tax deemed to have been paid under section 852 (b) (3) (D), relating to undistributed capital gains of a regulated investment company, it is not necessary to include on the Form 1120NB the entire income described in § 1.881–2.

(2) *Resident foreign corporations.* Every resident foreign corporation shall make or have made a return on Form 1120 of all its income described in § 1.882–1, including such income upon which the tax is limited by tax convention.

(3) *Treaty income.* If the gross income of a foreign corporation includes income upon which the tax is limited by tax convention, see paragraph (f) of § 1.881–2 in the case of a nonresident foreign corporation, or paragraph (a) (7) of § 1.882–1 in the case of a resident foreign corporation.

(4) *Returns by agent.* If at the time the return is filed a foreign corporation has no office or place of business within the United States but has an agent in the United States, the return required by this paragraph shall be made by the agent. See section 882 (d).

(5) *Claims for refund*—(i) *Form to use.* In the case of any overpayment of income tax by a foreign corporation to which this paragraph applies, claim for refund shall be made in accordance with section 6402 and the regulations thereunder.

(ii) *Tax withheld at source.* If an overpayment has resulted from the withholding of tax at source under chapter 3 of the Code, statements shall be attached to the claim for refund showing the same information as is required by paragraph (b) (5) of § 1.6012–1 in the case of a claim for refund by a nonresident alien individual.

(6) *Special return forms.* For provisions relating to—

(i) Returns of foreign corporations which are personal holding companies as defined in section 542, see paragraph (b) of this section;

(ii) Returns of foreign insurance companies subject to tax under section 802 or 811, section 821, or section 831, see paragraph (c) of this section; and

(iii) Returns with respect to the tax imposed by section 511 upon unrelated business income described in section 512, see paragraph (e) of this section.

(h) *Other provisions.* For returns by fiduciaries for corporations, see § 1.6012–3. For information returns by corporations contemplating dissolution or liquidation and for information returns by corporations of distributions in liquidation, see §§ 1.6043–1 and 1.6043–2, respectively. For information returns by corporations relating to corporate dividends, earnings, and profits, see § 1.6042–1. For returns as to formation or reorganization of foreign corporations, see § 1.6046–1. For information returns of officers, directors, and shareholders of foreign personal holding companies, as defined in section 552, see §§ 1.6035–1 and 1.6035–2.

§ 1.6012–3 *Returns by fiduciaries*—(a) *For estates and trusts*—(1) *In general.* Every fiduciary, or at least one of joint fiduciaries, must make a return of income on Form 1041—

(i) For each estate for which he acts if the gross income of such estate for the taxable year is $600 or more;

(ii) For each trust for which he acts, except a trust exempt under section 501 (a), if such trust has for the taxable year any taxable income, or has for the taxable year gross income of $600 or more regardless of the amount of taxable income; and

(iii) For each estate and each trust for which he acts, except a trust exempt under section 501 (a), regardless of the amount of income for the taxable year, if any beneficiary of such estate or trust is a nonresident alien.

(2) *Gross income of $5,000 or more.* In cases in which the gross income of the estate or trust is $5,000 or over for any taxable year, a copy of the will or trust instrument, sworn to by the fiduciary as a true and complete copy, must be filed with the fiduciary return of the estate or trust, together with a statement by the fiduciary indicating the provisions of the will or trust instrument which, in his opinion, determine the extent to which the income of the estate or trust is taxable to the estate or trust, the beneficiaries, or the grantor, respectively. If, however, a copy of the will or trust instrument, and statement relating to the provisions of the will or trust instrument, have once been filed, they need not again be filed if the fiduciary return contains a statement showing when and where they were filed. If the trust instrument is amended in any way after such copies have been filed, a copy of the amendment must be filed by the fiduciary with the return for the taxable year in which the amendment was made. The fiduciary must also file with such amendment a statement indicating the effect, if any, in his opinion, of the amendment on the extent to which the income of the estate or trust is taxable to the estate or trust, the beneficiaries, or the grantor, respectively.

(3) *Domiciliary and ancillary representatives.* In the case of an estate required to file a return under subparagraph (1) of this paragraph, having both domiciliary and ancillary representatives, the domiciliary and ancillary representatives must each file a return on Form 1041. The domiciliary representative is required to include in the return rendered by him as such domiciliary representative the entire income of the estate. The return of the ancillary representative shall be filed with the district director for his internal revenue district and shall show the name and address of the domiciliary representative, the amount of gross income received by the ancillary representative, and the deductions to be claimed against such income, including any amount of income properly paid or credited by the ancillary representative to any legatee, heir, or other beneficiary. If the ancillary representative for the estate of a nonresident alien is a citizen or resident of the United States, and the domiciliary representative is a nonresident alien, such ancillary representative is required to render the return otherwise required of the domiciliary representative.

(4) *Two or more trusts.* A trustee of two or more trusts must make a separate return for each trust, even though such trusts were created by the same grantor for the same beneficiary or beneficiaries.

NOTE: Subparagraph (5) of this paragraph, relating to trusts with unrelated business income, was issued as a part of Treasury Decision 6301, approved July 2, 1958.

(b) *For other persons*—(1) *Decedents.* The executor or administrator of the estate of a decedent, or other person charged with the property of a decedent, shall make the return of income required in respect of such decedent. For the decedent's taxable year which ends with the date of his death, the return shall cover the period during which he was alive. For the filing of returns of income for citizens and alien residents of the United States, and alien residents of Puerto Rico, see paragraph (a) of § 1.6012–1. For the filing of a joint return after death of spouse, see paragraph (d) of § 1.6013–1.

(2) *Nonresident alien individuals*—(i) *In general.* Except as otherwise provided in paragraph (b) (6) of § 1.6012–1, a resident or domestic fiduciary or other person charged with the care of the person or property of a nonresident alien individual shall make a return for that individual and pay the tax. However, if the nonresident alien individual has appointed a person in the United States to act as his agent for the purpose of making a return of income, the fiduciary or other person charged with the care of the person or property of that individual shall not be required to make a return and pay the tax in accordance with this subparagraph. In such case, if the fiduciary is required to file Form 1041 for an estate or trust of which the nonresident alien individual is a beneficiary, the fiduciary shall attach a copy of the agency appointment to his return on Form 1041.

(ii) *Income to be returned.* A return of income shall be required under this subparagraph only if the nonresident alien individual is otherwise required to make a return in accordance with paragraph (b) of § 1.6012–1. The provisions of that section shall apply in determining the form of return to be used and the income to be returned.

(iii) *Allowance of deductions and credits.* The nonresident alien individual shall receive the benefit of the deductions and credits allowed to him with respect to the income tax only if, pursuant to section 874, the return so filed in accordance with this subparagraph constitutes a true and accurate return of the taxpayer's total income received from all sources within the United States and required to be returned in accordance with paragraph (b) of § 1.6012–1. However, this subdivision shall not be construed to deny the credits provided by sections 31 and 32 for tax withheld at the source.

(iv) *Alien resident of Puerto Rico.* This subparagraph shall not apply to the return of a nonresident alien individual who is a bona fide resident of Puerto Rico during the entire taxable year. See § 1.876–1.

(v) *Cross reference.* For requirements of withholding of tax at source on nonresident aliens and of returns with respect to such withheld taxes, see §§ 1.1441–1 to 1.1441–5 and §§ 1.1461–1 to 1.1461–3, respectively.

(3) *Persons under a disability.* A fiduciary acting as the guardian of a minor, or as the guardian or committee of an insane person, must make the return of income required in respect of such person unless, in the case of a minor, the minor himself makes the return or causes it to be made.

(4) *Corporations.* A receiver, trustee in dissolution, trustee in bankruptcy, or assignee, who, by order of a court of competent jurisdiction, by operation of law or otherwise, has possession of or holds title to all or substantially all the property or business of a corporation, shall make the return of income for such corporation in the same manner and form as corporations are required to make such returns. Such return shall be filed whether or not the receiver, trustee, or assignee is operating the property or business of the corporation. A receiver in charge of only a small part of the property of a corporation, such as a receiver in mortgage foreclosure proceedings involving merely a small portion of its property, need not make the return of income. See also § 1.6041–1, relating to information at source, and § 1.6042–1, relating to returns regarding corporate dividends, earnings, and profits.

(5) *Individuals in receivership.* A receiver who stands in the place of an individual must make the return of income required in respect of such individual. A receiver of only part of the property of an individual need not file a return, and the individual must make his own return.

(c) *Joint fiduciaries.* In the case of joint fiduciaries, a return is required to be made by only one of such fiduciaries. A return made by one of joint fiduciaries shall contain a statement that the fiduciary has sufficient knowledge of the affairs of the person for whom the return is made to enable him to make the return, and that the return is, to the best of his knowledge and belief, true and correct.

(d) *Other provisions.* For the definition of the term "fiduciary", see section 7701 (a) (6) and the regulations thereunder. For information returns required to be made by fiduciaries under section 6041, see § 1.6041–1. As to further duties and liabilities of fiduciaries, see section 6903 and § 301.6903–1 of this chapter.

§ 1.6012–4 *Miscellaneous returns.* For returns by regulated investment companies of tax on undistributed capital gain designated for special treatment under section 852 (b) (3) (D), see § 1.852–9. For returns with respect to tax withheld from nonresident aliens and foreign corporations, and on tax-free covenant bonds, see §§ 1.1461–1 to 1.1461–3, inclusive. For returns of tax on transfers to avoid income tax, see § 1.1494–1. For the requirement of an annual report by persons completing a Government contract, see 26 CFR (1939) 17.16 (Treasury Decision 4906, approved June 23, 1939), and 26 CFR (1939) 16.15 (Treasury Decision 4909, approved June 28, 1939), as made applicable to section 1471 of the 1954 Code by Treasury Decision 6091, approved August 16, 1954 (19 F. R. 5167).

§ 1.6013 *Statutory provisions; joint returns of income tax by husband and wife.*

SEC. 6013. *Joint returns of income tax by husband and wife*—(a) *Joint returns.* A husband and wife may make a single return jointly of income taxes under subtitle A, even though one of the spouses has neither gross income nor deductions, except as provided below:

(1) No joint return shall be made if either the husband or wife at any time during the taxable year is a nonresident alien;

(2) No joint return shall be made if the husband and wife have different taxable years; except that if such taxable years begin on the same day and end on different days because of the death of either or both, then the joint return may be made with respect to the taxable year of each. The above exception shall not apply if the surviving spouse remarries before the close of his taxable year, nor if the taxable year of either spouse is a fractional part of a year under section 443 (a) (1);

(3) In the case of death of one spouse or both spouses the joint return with respect to the decedent may be made only by his executor or administrator; except that in the case of the death of one spouse the joint return may be made by the surviving spouse with respect to both himself and the decedent if no return for the taxable year has been made by the decedent, no executor or administrator has been appointed, and no executor or administrator is appointed before the last day prescribed by law for filing the return of the surviving spouse. If an executor or administrator of the decedent is appointed after the making of the joint return by the surviving spouse, the executor or administrator may disaffirm such joint return by making, within 1 year after the last day prescribed by law for filing the return of the surviving spouse, a separate return for the taxable year of the decedent with respect to which the joint return was made, in which case the return made by the survivor shall constitute his separate return.

(b) *Joint return after filing separate return*—(1) *In general.* Except as provided in paragraph (2), if an individual has filed a separate return for a taxable year for which a joint return could have been made by him and his spouse under subsection (a) and the time prescribed by law for filing the return for such taxable year has expired, such individual and his spouse may nevertheless make a joint return for such taxable year. A joint return filed by the husband and wife under this subsection shall constitute the return of the husband and wife for such taxable year, and all payments, credits, refunds, or other repayments made or allowed with respect to the separate return of either spouse for such taxable year shall be taken into account in determining the extent to which the tax based upon the joint return has been paid. If a joint return is made under this subsection, any election (other than the election to file a separate return) made by either spouse in his separate return for such taxable year with respect to the treatment of any income, deduction, or credit of such spouse shall not be changed in the making of the joint return where such election would have been irrevocable if the joint return had not been made. If a joint return is made under this subsection after the death of either spouse, such return with respect to the decedent can be made only by his executor or administrator.

(2) *Limitations for making of election.* The election provided for in paragraph (1) may not be made—

(A) Unless there is paid in full at or before the time of the filing of the joint return the amount shown as tax upon such joint return; or

(B) After the expiration of 3 years from the last date prescribed by law for filing the return for such taxable year (determined without regard to any extension of time granted to either spouse); or

(C) After there has been mailed to either spouse, with respect to such taxable year, a notice of deficiency under section 6212, if the spouse, as to such notice, files a petition with the Tax Court of the United States within the time prescribed in section 6213; or

(D) After either spouse has commenced a suit in any court for the recovery of any part of the tax for such taxable year; or

(E) After either spouse has entered into a closing agreement under section 7121 with respect to such taxable year, or after any civil or criminal case arising against either spouse with respect to such taxable year has been compromised under section 7122.

(3) *When return deemed filed*—(A) *Assessment and collection.* For purposes of section 6501 (relating to periods of limitations on assessment and collection), and for purposes of section 6651 (relating to delinquent returns), a joint return made under this subsection shall be deemed to have been filed—

(i) Where both spouses filed separate returns prior to making the joint return—on the date the last separate return was filed (but not earlier than the last date prescribed by law for filing the return of either spouse);

(ii) Where only one spouse filed a separate return prior to the making of the joint return, and the other spouse had less than $600 of gross income ($1,200 in case such spouse was 65 or over) for such taxable year— on the date of the filing of such separate return (but not earlier than the last date prescribed by law for the filing of such separate return); or

(iii) Where only one spouse filed a separate return prior to the making of the joint return, and the other spouse had gross income of $600 or more ($1,200 in case such spouse was 65 or over) for such taxable year— on the date of the filing of such joint return.

(B) *Credit or refund.* For purposes of section 6511, a joint return made under this subsection shall be deemed to have been filed on the last date prescribed by law for filing the return for such taxable year (determined without regard to any extension of time granted to either spouse).

(4) *Additional time for assessment.* If a joint return is made under this subsection, the periods of limitations provided in sections 6501 and 6502 on the making of assessments and the beginning of levy or a pro-

ceeding in court for collection shall with respect to such return include one year immediately after the date of the filing of such joint return (computed without regard to the provisions of paragraph (3)).

(5) *Additions to the tax and penalties*—(A) *Additions to the tax.* Where the amount shown as the tax by the husband and wife on a joint return made under this subsection exceeds the aggregate of the amounts shown as the tax upon the separate return of each spouse—

(i) *Negligence.* If any part of such excess is attributable to negligence or intentional disregard of rules and regulations (but without intent to defraud) at the time of the making of such separate return, then 5 percent of the total amount of such excess shall be added to the tax;

(ii) *Fraud.* If any part of such excess is attributable to fraud with intent to evade tax at the time of the making of such separate return, then 50 percent of the total amount of such excess shall be added to the tax.

(B) *Criminal penalty.* For purposes of section 7206 (1) and (2) and section 7207 (relating to criminal penalties in the case of fraudulent returns) the term "return" includes a separate return filed by a spouse with respect to a taxable year for which a joint return is made under this subsection after the filing of such separate return.

(c) *Treatment of joint return after death of either spouse.* For purposes of sections 21, 443, and 7851 (a) (1) (A), where the husband and wife have different taxable years because of the death of either spouse, the joint return shall be treated as if the taxable years of both spouses ended on the date of the closing of the surviving spouse's taxable year.

(d) *Definitions.* For purposes of this section—

(1) The status as husband and wife of two individuals having taxable years beginning on the same day shall be determined—

(A) If both have the same taxable year—as of the close of such year; and

(B) If one dies before the close of the taxable year of the other—as of the time of such death; and

(2) An individual who is legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married; and

(3) If a joint return is made, the tax shall be computed on the aggregate income and the liability with respect to the tax shall be joint and several.

(Sec. 6013 as amended by sec. 73, Technical Amendments Act 1958)

§ 1.6013–1 *Joint returns*—(a) *In general.* (1) A husband and wife may elect to make a joint return under section 6013 (a) even though one of the spouses has no gross income or deductions. For rules for determining whether individuals occupy the status of husband and wife for purposes of filing a joint return, see paragraph (a) of § 1.6013–4. For any taxable year with respect to which a joint return has been filed, separate returns shall not be made by the spouses after the time for filing the return of either has expired. See, however, paragraph (d) (5) of this section for the right of an executor to file a late separate return for a deceased spouse and thereby disaffirm a timely joint return made by the surviving spouse.

(2) A joint return of a husband and wife (if not made by an agent) shall be signed by both spouses. The provisions of paragraph (a) (5) of § 1.6012–1, relating to returns made by agents, shall apply where one spouse signs a return as agent for the other, or where a third party signs a return as agent for both spouses.

(b) *Nonresident alien.* A joint return shall not be made if either the husband or wife at any time during the taxable year is a nonresident alien.

(c) *Different taxable years.* Except as otherwise provided in this section, a husband and wife shall not file a joint return if they have different taxable years.

(d) *Joint return after death.* (1) Section 6013 (a) (2) provides that a joint return may be made for the survivor and the deceased spouse or for both deceased spouses if the taxable years of such spouses begin on the same day and end on different days only because of the death of either or both. Thus, if a husband and wife make their returns on a calendar year basis, and the wife dies on August 1, 1956, a joint return may be made with respect to the calendar year 1956 of the husband and the taxable year of the wife beginning on January 1, 1956, and ending with her death on August 1, 1956. Similarly, if husband and wife both make their returns on the basis of a fiscal year beginning on July 1 and the wife dies on October 1, 1956, a joint return may be made with respect to the fiscal year of the husband beginning on July 1, 1956, and ending on June 30, 1957, and with respect to the taxable year of the wife beginning on July 1, 1956, and ending with her death on October 1, 1956.

(2) The provision allowing a joint return to be made for the taxable year in which the death of either or both spouses occurs is subject to two limitations. The first limitation is that if the surviving spouse remarries before the close of his taxable year, he shall not make a joint return with the first spouse who died during the taxable year. In such a case, however, the surviving spouse may make a joint return with his new spouse provided the other requirements with respect to the filing of a joint return are met. The second limitation is that the surviving spouse shall not make a joint return with the deceased spouse if the taxable year of either spouse is a fractional part of a year under section 443 (a) (1) resulting from a change of accounting period. For example, if a husband and wife make their returns on the calendar year basis and the wife dies on March 1, 1956, and thereafter the husband receives permission to change his annual accounting period to a fiscal year beginning July 1, 1956, no joint return shall be made for the short taxable year ending June 30, 1956. Similarly, if a husband and wife who make their returns on a calendar year basis receive permission to change to a fiscal year beginning July 1, 1956, and the wife dies on June 1, 1956, no joint return shall be made for the short taxable year ending June 30, 1956.

(3) Section 6013 (a) (3) provides for the method of making a joint return in the case of the death of one spouse or both spouses. The general rule is that, in the case of the death of one spouse, or of both spouses, the joint return with respect to the decedent may be made only by his executor or administrator, as defined in paragraph (c) of § 1.6013–4. An exception is made to this general rule whereby, in the case of the death of one spouse, the joint return may be made by the surviving spouse with respect to both him and the decedent if all the following conditions exist:

(i) No return has been made by the decedent for the taxable year in respect of which the joint return is made;

(ii) No executor or administrator has been appointed at or before the time of making such joint return; and

(iii) No executor or administrator is appointed before the last day prescribed by law for filing the return of the surviving spouse.

These conditions are to be applied with respect to the return for each of the taxable years of the decedent for which a joint return may be made if more than one such taxable year is involved. Thus, in the case of husband and wife on the calendar year basis, if the wife dies in February 1957, a joint return for the husband and wife for 1956 may be made if the conditions set forth in this subparagraph are satisfied with respect to such return. A joint return also may be made by the survivor for both himself and the deceased spouse for the calendar year 1957 if it is separately determined that the conditions set forth in this subparagraph are satisfied with respect to the return for such year. If, however, the deceased spouse should, prior to her death, make a return for 1956, the surviving spouse may not thereafter make a joint return for himself and the deceased spouse for 1956.

(4) If an executor or administrator is appointed at or before the time of making the joint return or before the last day prescribed by law for filing the return of the surviving spouse, the surviving spouse cannot make a joint return for himself and the deceased spouse whether or not a separate return for the deceased spouse is made by such executor or administrator. In such a case, any return made solely by the surviving spouse shall be treated as his separate return. The joint return, if one is to be made, must be made by both the surviving spouse and the executor or administrator. In determining whether an executor or administrator is appointed before the last day prescribed by law for filing the return of the surviving spouse, an extension of time for making the return is included.

(5) If the surviving spouse makes the joint return provided for in subparagraph (3) of this paragraph and thereafter an executor or administrator of the decedent is appointed, the executor or administrator may disaffirm such joint return. This disaffirmance, in order to be effective, must be made within one year after the last day prescribed by law for filing the return of the surviving spouse (including any extension of time for filing such return) and must be made in the form of a separate return for the taxable year of the decedent with respect to which the joint return was made. In the event of such proper disaffirmance the return made by the survivor shall constitute his separate return, that is, the joint return made by him shall be

treated as his return and the tax thereon shall be computed by excluding all items properly includible in the return of the deceased spouse. The separate return made by the executor or administrator shall constitue the return of the deceased spouse for the taxable year.

(6) The time allowed the executor or administrator to disaffirm the joint return by the making of a separate return does not establish a new due date for the return of the deceased spouse. Accordingly, the provisions of sections 6651 and 6601, relating to delinquent returns and delinquency in payment of tax, are applicable to such return made by the executor in disaffirmance of the joint return.

(e) *Return of surviving spouse treated as joint return.* For provisions relating to the treatment of the return of a surviving spouse as a joint return for each of the next two taxable years following the year of the death of the spouse, see section 2 and § 1.2–2.

§ 1.6013–2 *Joint return after filing separate return*—(a) *In general.* (1) Where an individual has filed a separate return for a taxable year for which a joint return could have been made by him and his spouse under section 6013 (a), and the time prescribed by law for filing the return for such taxable year has expired, such individual and his spouse may, under conditions hereinafter set forth, make a joint return for such taxable year. The joint return filed pursuant to section 6013 (b) shall constitute the return of the husband and wife for such year, and all payments, credits, refunds, or other repayments, made or allowed with respect to the separate return of either spouse are to be taken into account in determining the extent to which the tax based on the joint return has been paid.

(2) If a joint return is made under section 6013 (b), any election, other than the election to file a separate return, made by either spouse in his separate return for the taxable year with respect to the treatment of any income, deduction, or credit of such spouse shall not be changed in the making of the joint return where such election would have been irrevocable if the joint return had not been made. Thus, if one spouse has made an irrevocable election to adopt and use the last-in, first-out inventory method under section 472, this election may not be changed upon making the joint return under section 6013 (b).

(3) A joint return made under section 6013 (b) after the death of either spouse shall, with respect to the decedent, be made only by his executor or administrator. Thus, where no executor or administrator has been appointed, a joint return cannot be made under section 6013 (b).

(b) *Limitations with respect to making of election.* A joint return shall not be made under section 6013 (b) (1) with respect to a taxable year—

(1) Unless there is paid in full at or before the time of the filing of the joint return the amount shown as tax upon such joint return; or

(2) After the expiration of three years from the last day prescribed by law for filing the return for such taxable year determined without regard to any extension of time granted to either spouse; or

(3) After there has been mailed to either spouse, with respect to such taxable year, a notice of deficiency under section 6212, if the spouse, as to such notice, files a petition with the Tax Court of the United States within the time prescribed in section 6213; or

(4) After either spouse has commenced a suit in any court for the recovery of any part of the tax for such taxable year; or

(5) After either spouse has entered into a closing agreement under section 7121 with respect to such taxable year, or after any civil or criminal case arising against either spouse with respect to such taxable year has been compromised under section 7122.

(c) *When return deemed filed; assessment and collection; credit or refund.* (1) For the purpose of section 6501, relating to the period of limitations upon assessment and collection, and section 6651, relating to delinquent returns, a joint return made under section 6013 (b) shall be deemed to have been filed, giving due regard to any extension of time granted to either spouse, on the following date:

(i) Where both spouses filed separate returns, prior to making the joint return under section 6013 (b), on the date the last separate return of either spouse was filed for the taxable year, but not earlier than the last date prescribed by law for the filing of the return of either spouse;

(ii) Where only one spouse was required and did file a return prior to the making of the joint return under section 6013 (b), on the date of the filing of the separate return, but not earlier than the last day prescribed by law for the filing of such return; or

(iii) Where both spouses were required to file a return, but only one spouse did so file, on the date of the filing of the joint return under section 6013 (b).

(2) For the purpose of section 6511, relating to refunds and credits, a joint return made under section 6013 (b) shall be deemed to have been filed on the last date prescribed by law for filing the return for such taxable year, determined without regard to any extension of time granted to either spouse for filing the return or paying the tax.

(d) *Additional time for assessment.* In the case of a joint return made under section 6013 (b), the period of limitations provided in sections 6501 and 6502 shall not be less than one year after the date of the actual filing of such joint return. The expiration of the one year is to be determined without regard to the rules provided in paragraph (c) (1) of this section, relating to the application of sections 6501 and 6651 with respect to a joint return made under section 6013 (b).

(e) *Additions to the tax and penalties.* (1) Where the amount shown as the tax by the husband and wife on a joint return made under section 6013 (b) exceeds the aggregate of the amounts shown as tax on the separate return of each spouse, and such excess is attributable to negligence, intentional disregard of rules and regulations, or fraud at the time of the making of such separate return, there shall be assessed, collected, and paid in the same manner as if it were a deficiency an additional amount as provided by the following:

(i) If any part of such excess is attributable to negligence, or intentional disregard of rules and regulations, at the time of the making of such separate return, but without any intent to defraud this additional amount shall be 5 percent of the total amount of the excess.

(ii) If any part of such excess is attributable to fraud with intent to evade tax at the time of the making of such separate return, this additional amount shall be 50 percent of the total amount of the excess. The latter addition is in lieu of the 50 percent addition to the tax provided in section 6653 (b).

(2) For purposes of section 7206 (1) and (2) and section 7207 (relating to criminal penalties in the case of fraudulent returns), the term "return" includes a separate return filed by a spouse with respect to a taxable year for which a joint return is made under section 6013 (b) after the filing of a separate return.

§ 1.6013–3 *Treatment of joint return after death of either spouse.* For purposes of section 21 (relating to change in rates during a taxable year), section 443 (relating to returns for a period of less than 12 months), and section 7851 (a) (1) (A) (relating to the applicability of certain provisions of the Internal Revenue Codes of 1954 and 1939), where the husband and wife have different taxable years because of death of either spouse, the joint return shall be treated as if the taxable years of both ended on the date of the closing of the surviving spouse's taxable year. Thus, in cases where the 1939 Code otherwise would apply to the taxable year of the decedent spouse and the 1954 Code would apply to the taxable year of the surviving spouse, this provision makes the 1954 Code applicable to the taxable years of both spouses if a joint return is filed.

§ 1.6013–4 *Applicable rules*—(a) *Status as husband and wife.* For the purpose of filing a joint return under section 6013, the status as husband and wife of two individuals having taxable years beginning on the same day shall be determined—

(1) If the taxable year of each individual is the same, as of the close of such year; and

(2) If the close of the taxable year is different by reason of the death of one spouse, as of the time of such death.

An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married. However, the mere fact that spouses have not lived together during the course of the taxable year shall not prohibit them from making a joint return. A husband and wife who are separated under an interlocutory decree of divorce retain the relationship of husband and wife until the decree becomes final. The fact that the taxpayer and his spouse are divorced or legally separated at any time after the close of the taxable year shall not deprive them

of their right to file a joint return for such taxable year under section 6013.

(b) *Computation of income, deductions, and tax.* If a joint return is made, the gross income and adjusted gross income of husband and wife on the joint return are computed in an aggregate amount and the deductions allowed and the taxable income are likewise computed on an aggregate basis. Deductions limited to a percentage of the adjusted gross income, such as the deduction for charitable, etc., contributions and gifts, under section 170, will be allowed with reference to such aggregate adjusted gross income. A similar rule is applied in the case of the limitation of section 1211 (b) on the allowance of losses resulting from the sale or exchange of capital assets (see § 1.1211–1). Although there are two taxpayers on a joint return, there is only one taxable income. The tax on the joint return shall be computed on the aggregate income and the liability with respect to the tax shall be joint and several. For computation of tax on the basis of the splitting of income in the case of a joint return, see § 1.2–1. For tax in the case of a joint return of husband and wife electing to pay the optional tax under section 3, see § 1.3–1 and paragraph (c) of § 1.6014–1. For separate computations of the self-employment tax of each spouse on a joint return, see paragraph (b) of § 1.6017–1.

(c) *Definition of executor or administrator.* For purposes of section 6013 the term "executor or administrator" means the person who is actually appointed to such office and not a person who is merely in charge of the property of the decedent.

§ 1.6014 *Statutory provisions; income tax return—tax not computed by taxpayer.*

SEC. 6014. *Income tax return—tax not computed by taxpayer*—(a) *Election by taxpayer.* An individual entitled to elect to pay the tax imposed by section 3 whose gross income is less than $5,000 and includes no income other than remuneration for services performed by him as an employee, dividends or interest, and whose gross income other than wages, as defined in section 3401 (a), does not exceed $100, shall at his election not be required to show on the return the tax imposed by section 1. Such election shall be made by using the form prescribed for purposes of this section and shall constitute an election to pay the tax imposed by section 3. In such case the tax shall be computed by the Secretary or his delegate who shall mail to the taxpayer a notice stating the amount determined as payable. In determining the amount payable, the credit against such tax provided for by section 34 or 37 shall not be allowed. In the case of a head of household (as defined in section 1 (b)) or a surviving spouse (as defined in section 2 (b)) electing the benefits of this subsection, the tax shall be computed by the Secretary or his delegate without regard to the taxpayer's status as a head of household or as a surviving spouse.

(b) *Regulations.* The Secretary or his delegate shall perscribe regulations for carrying out this section, and such regulations may provide for the application of the rules of this section to cases where the gross income includes items other than those enumerated by subsection (a), to cases where the gross income from sources other than wages on which the tax has been withheld at the source is more than $100 but not more than $200, and to cases where the gross income is $5,000 or more but not more than $5,200. Such regulations shall provide for the application of this section in the case of husband and wife, including provisions determining when a joint return under this section may be permitted or required, whether the liability shall be joint and several, and whether one spouse may make return under this section and the other without regard to this section.

§ 1.6014–1 *Tax not computed by taxpayer with gross income less than $5,000*—(a) *In general.* If an individual is entitled under § 1.6012–1 (a) (7) to use as his return Form 1040A, he may elect not to show thereon the amount of the tax due in connection with such return if his gross income is less than $5,000.

(b) *Computation and payment of tax.* A taxpayer who, in accordance with paragraph (a) of this section, elects not to show the tax on Form 1040A is not required to pay the unpaid balance of such tax at the time he files the return. In such case, the tax will be computed for the taxpayer by the Internal Revenue Service, and a notice will be mailed to the taxpayer stating the amount of tax due. Where it is determined that a refund of tax is due, the Internal Revenue Service will send such refund to the taxpayer. See paragraph (c) of § 301.6402–3 of this chapter.

(c) *Joint return.* (1) A husband and wife who, pursuant to § 1.6012–1 (a) (7), file a joint return on Form 1040A may elect not to show the tax on such return if their aggregate gross income for the taxable year is less than $5,000.

(2) The tax computed for the taxpayer who files Form 1040A and elects not to show thereon the tax due shall be the lesser of the following amounts:

(i) A tax computed as though the return on Form 1040A constituted the separate returns of the spouses, or

(ii) A tax computed as though the return on Form 1040A constituted a joint return.

§ 1.6017 *Statutory provisions; self-employment tax returns.*

SEC. 6017. *Self-employment tax returns.* Every individual (other than a nonresident alien individual) having net earnings from self-employment of $400 or more for the taxable year shall make a return with respect to the self-employment tax imposed by chapter 2. In the case of a husband and wife filing a joint return under section 6013, the tax imposed by chapter 2 shall not be computed on the aggregate income but shall be the sum of the taxes computed under such chapter on the separate self-employment income of each spouse.

§ 1.6017–1 *Self-employment tax returns*—(a) *In general.* Every individual, other than a nonresident alien, having net earnings from self-employment, as defined in section 1402, of $400 or more for the taxable year shall make a return of such earnings. Except as otherwise provided in this section, such return shall be made on Form 1040 in accordance with the instructions issued with respect to such form. The form to be used by residents of the Virgin Islands is Form 1040 V. I. Residents of Puerto Rico who are required to make a return of income under section 6012 (a) shall make a return of such income and earnings from self-employment on Form 1040. Residents of Puerto Rico who are not required to make a return of income under section 6012 (a) but are required to make a return of self-employment tax shall make such return on Form 1040 P. R. For purposes of this section, an individual who is a resident of the Virgin Islands or of Puerto Rico is not to be considered a nonresident alien individual. See § 1.1402 (b)–1. Provisions applicable to returns under section 6013 (a) shall be applicable to returns under this section. A return is required under this section if an individual has self-employment income, as defined in section 1402 (b), even though he may not be required to make a return under section 6012 for purposes of the tax imposed by section 1 or 3.

(b) *Joint returns.* (1) In the case of a husband and wife filing a joint return under section 6013, the tax on self-employment income is computed on the separate self-employment income of each spouse, and not on the aggregate of the two amounts. The requirement of section 6013 (d) (3) that in the case of a joint return the tax is computed on the aggregate income of the spouses is not applicable with respect to the tax on self-employment income. Where the husband and wife each has net earnings from self-employment of $400 or more, it will be necessay for each to complete separate schedules of the computation of self-employment tax with respect to the net earnings of each spouse, despite the fact that a joint return is filed. If the net earnings from self-employment of either the husband or the wife are less than $400, such net earnings are not subject to the tax on self-employment income, even though they must be shown on the joint return for purposes of the tax imposed by section 1 or 3.

(2) Except as otherwise expressly provided, section 6013 is applicable to the return of the tax on self-employment income; therefore, the liability with respect to such tax in the case of a joint return is joint and several.

(c) *Social security account numbers.* Every individual making a return of net earnings from self-employment is required to show thereon his social security account number, or, if he has no such account number, to make application therefor on Form SS–5 before filing such return. However, the failure to apply for or receive a social security account number will not excuse the individual from the requirement that he file such return on or before the due date thereof. Form SS–5 may be obtained from any district office of the Social Security Administration or from any district director of internal revenue. The application on Form SS–5 shall be filed with the district office of the Social Security Administration nearest the legal residence or principal place of business of such individual, or if he has no legal residence or principal place of business within the United States, Puerto Rico, or the Virgin Islands, with the office of the Social Security Administration at Baltimore, Maryland. An individual who has previously secured a social security account number as an employee shall use that account number on his return of net earnings from self-employment.

§ 1.6031 *Statutory provisions; return of partnership income.*

SEC. 6031. *Return of partnership income.* Every partnership (as defined in section 761 (a)) shall make a return for each taxable year, stating specifically the items of its gross income and the deductions allowable by subtitle A, and such other information for the purpose of carrying out the provisions of subtitle A as the Secretary or his delegate may by forms and regulations prescribe, and shall include in the return the names and addresses of the individuals who would be entitled to share in the taxable income if distributed and the amount of the distributive share of each individual.

§ 1.6031–1 *Return of partnership income*—(a) *In general.* Except as provided in paragraphs (b) and (d) of this section with respect to certain organizations excluded from the application of subchapter K of chapter 1 of the Code and certain partnerships having no United States business, an unincorporated organization defined as a partnership in section 761 (a), through or by means of which any business, financial operation, or venture is carried on, shall make a return for each taxable year on Form 1065. For purposes of filing a partnership return, an unincorporated organization will not be considered, within the meaning of section 761 (a), to carry on a business, financial operation, or venture as a partnership before the first taxable year in which such organization receives income or makes or incurs any expenditures treated as deductions for Federal income tax purposes. Such return shall state specifically the items of partnership gross income and the deductions allowable by subtitle A of the Code and shall include the names and addresses of all the partners and the amount of the distributive shares of income, gain, loss, deduction, or credit allocated to each partner. Such return shall be made for the taxable year of the partnership, irrespective of the taxable years of the partners. For taxable years of a partnership and of a partner, see section 706 and § 1.706–1. For signing of a partnership return, see § 1.6063–1.

(b) *Unincorporated organizations excluded from the application of subchapter K*—(1) *Wholly excluded.* (i) Any unincorporated organization with respect to which under section 761 (a) an election to be excluded from all the provisions of subchapter K of chapter 1 of the Code has been made shall file Form 1065 for the first year with respect to which such an election has been made, and such return shall contain in lieu of the information therein required only the name, or other identification, and the address of the organization. See section 761 and paragraph (a) (2) (iv) of § 1.761–1.

(ii) For each subsequent calendar year or portion thereof for which it is wholly excluded from the application of subchapter K of chapter 1 of the Code such an unincorporated organization shall file Form 1096 for the organization and Form 1099 for each person who was a member of the organization during any part of the calendar year. See section 761 and paragraph (a) (2) (v) (*a*) of § 1.761–1.

(2) *Partially excluded.* Any unincorporated organization excluded from the application of part of subchapter K of chapter 1 of the Code shall file a return on Form 1065 containing such information as the Commissioner may require. See section 761 and paragraph (a) (2) (v) (b) of § 1.761–1.

(c) *Partnerships having business or source of income within the United States.* Every partnership engaged in trade or business, or having income from sources, within the United States shall file a partnership return in accordance with this section, whether or not its principal place of business is outside of the United States, and whether or not all its members are nonresident aliens.

(d) *Partnerships having no United States business*—(1) *No return required from partnership.* A partnership carrying on no business in the United States and deriving no income from sources within the United States need not file a partnership return.

(2) *Returns of information with respect to partnership required of citizen or resident partners.* Where a United States citizen or resident is a partner in a partnership described in subparagraph (1) of this paragraph which is not required to file a partnership return, the district director with whom such person files his separate return may require such person to render such statements or provide such information as is necessary to show whether or not such person is liable for tax on income derived from such partnership. In addition, if an election in accordance with the provisions of section 703 (relating to elections affecting the computation of taxable income derived from a partnership) or section 761 (relating to the election to be excluded from the application of all or part of subchapter K of chapter 1 of the Code) is to be made by or for the partnership, a return on Form 1065 shall be filed for such partnership. See section 6063 and § 1.6063–1, relating to the authority of a partner to sign a partnership return. The filing of one such return for a taxable year of the partnership by a citizen or resident partner shall constitute a filing for the partnership of such partnership return.

(e) *Place and time for filing returns*—(1) *Place for filing.* The returns of partnerships doing business, or having income from sources, within the United States shall be filed with the district director for the internal revenue district in which the partnership has its principal office or principal place of business within the United States. If such partnership has no office, place of business, or agency within the United States, the return shall be filed with the Director, International Operations Division, Internal Revenue Service, Washington 25, D. C. A partnership return filed under the authority of paragraph (d) (2) of this section shall be filed with the internal revenue officer with whom the citizen or resident partner files his separate income tax return.

(2) *Time for filing.* The return of a partnership shall be filed on or before the fifteenth day of the fourth month following the close of the taxable year of the partnership, except that the return of a partnership consisting entirely of nonresident aliens shall be filed on or before the fifteenth day of the sixth month following the close of the taxable year of the partnership.

§ 1.6032 *Statutory provisions; returns of banks with respect to common trust funds.*

SEC. 6032. *Returns of banks with respect to common trust funds.* Every bank (as defined in section 581) maintaining a common trust fund shall make a return for each taxable year, stating specifically, with respect to such fund, the items of gross income and the deductions allowed by subtitle A, and shall include in the return the names and addresses of the participants who would be entitled to share in the taxable income if distributed and the amount of the proportionate share of each participant. The return shall be executed in the same manner as a return made by a corporation pursuant to the requirements of sections 6012 and 6062.

§ 1.6032–1 *Returns of banks with respect to common trust funds.* Every bank (as defined in section 581) maintaining a common trust fund shall make a return of income of the common trust fund, regardless of the amount of its taxable income. If a bank maintains more than one common trust fund, a separate return shall be made for each. No particular form is prescribed for making the return under this section, but Form 1065 may be used if it is designated by the bank as the return of a common trust fund. The return shall be made for the taxable year of the common trust fund and shall be filed on or before the fifteenth day of the fourth month following the close of such taxable year with the district director for the district in which the income tax return of the bank is filed. Such return shall state specifically with respect to the fund the items of gross income and the deductions allowed by subtitle A of the Code, and shall include each participant's name and address, the participant's proportionate share of taxable income or net loss (exclusive of gains and losses from sales or exchanges of capital assets), and the participant's proportionate share of gains and losses from sales or exchanges of capital assets. See § 1.584–2. A copy of the plan of the common trust fund must be filed with the return. If, however, a copy of such plan has once been filed with a return, it need not again be filed if the return contains a statement showing when and where it was filed. If the plan is amended in any way after such copy has been filed, a copy of the amendment must be filed with the return for the taxable year in which the amendment was made. For the signing of a return of a bank with respect to common trust funds, see § 1.6062–1, relating to the manner prescribed for the signing of a return of a corporation.

NOTE: Sections 1.6033 and 1.6033–1 have been issued as a part of Treasury Decision 6203, approved September 13, 1956, and Treasury Decision 6301, approved July 2, 1958.

§ 1.6034 *Statutory provisions; returns by trusts claiming charitable deductions under section 642 (c).*

SEC. 6034. *Returns by trusts claiming charitable deductions under section 642 (c)*—(a) *General rule.* Every trust claiming a charitable, etc., deduction under section 642 (c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary or his delegate may by forms or regulations prescribe, setting forth—

(1) The amount of the charitable, etc., deduction taken under section 642 (c) within such year (showing separately the amount of such deduction which was paid out and the amount which was permanently set aside for charitable, etc., purposes during such year),

(2) The amount paid out within such year which represents amounts for which charitable, etc., deductions under section 642 (c) have been taken in prior years,

(3) The amount for which charitable, etc., deductions have been taken in prior years but which has not been paid out at the beginning of such year,

(4) The amount paid out of principal in the current and prior years for charitable, etc., purposes,

(5) The total income of the trust within such year and the expense attributable thereto, and

(6) A balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

(b) *Exception.* This section shall not apply in the case of a taxable year if all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries.

§ 1.6034–1 *Information returns required of certain trusts claiming charitable or other deductions under section 642 (c)*—(a) *In general.* Every trust (other than a trust described in paragraph (b) of this section) claiming a charitable or other deduction under section 642 (c) shall file, with respect to the taxable year for which such deduction is claimed, a return of information on Form 1041A. The return shall set forth the name and address of the trust and the following information concerning the trust in such detail as is prescribed by the form or in the instructions issued with respect to such form:

(1) The amount of the charitable or other deduction taken under section 642 (c) for the taxable year, showing separately for each class of activity for which disbursements were made (or amounts were permanently set aside) the amounts which, during such year, were paid out (or which were permanently set aside) for charitable or other purposes under section 642 (c);

(2) The amount paid out during the taxable year which represents amounts permanently set aside in prior years for which charitable or other deductions have been taken under section 642 (c), and separately listing for each class of activity, for which disbursements were made, the total amount paid out;

(3) The amount for which charitable or other deductions have been taken in prior years under section 642 (c) and which had not been paid out at the beginning of the taxable year;

(4) (i) The amount paid out of principal in the taxable year for charitable, etc., purposes, and separately listing for each such class of activity, for which disbursements were made, the total amount paid out;

(ii) The total amount paid out of principal in prior years for charitable, etc., purposes;

(5) The gross income of the trust for the taxable year and the expenses attributable thereto, in sufficient detail to show the different categories of income and of expense; and

(6) A balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of the taxable year.

(b) *Exception.* A trust is not required to file a Form 1041A for any taxable year with respect to which the trustee is required by the terms of the governing instrument and applicable local law to distribute currently all of the income of the trust. For this purpose, the income of the trust shall be determined in accordance with section 643 (b) and §§ 1.643 (b)–1 and 1.643 (b)–2.

(c) *Time and place for filing return.* The return on Form 1041A shall be filed on or before the fifteenth day of the fourth month following the close of the taxable year of the trust, with the internal revenue officer with whom the fiduciary files the return on Form 1041 for such trust.

(d) *Other provisions.* For publicity of information on Form 1041A, see section 6104 and the regulations thereunder in Part 301 of this chapter. For the criminal penalties for failure to file a return and filing a false or fraudulent return, see sections 7203, 7206, and 7207.

§ 1.6035 *Statutory provisions; returns of officers, directors, and shareholders of foreign personal holding companies.*

SEC. 6035. *Returns of officers, directors, and shareholders of foreign personal holding companies*—(a) *Officers and directors*—(1) *Monthly returns.* On the 15th day of each month each individual who on such day is an officer or a director of a foreign corporation which, with respect to its taxable year preceding the taxable year in which such month occurs, was a foreign personal holding company (as defined in section 552), shall make a return setting forth with respect to the preceding calendar month the name and address of each shareholder, the class and number of shares held by each, together with any changes in stockholdings during such period, the name and address of any holder of securities convertible into stock of such corporation, and such other information with respect to the stock and securities of the corporation as the Secretary or his delegate shall by forms or regulations prescribe as necessary for carrying out the provisions of this title. The Secretary or his delegate may by regulations prescribe, as the period with respect to which returns shall be made, a longer period than a month. In such case the return shall be due on the 15th day of the succeeding period, and shall be made by the individuals who on such day are officers or directors of the corporation.

(2) *Annual returns.* On the 60th day after the close of the taxable year of a foreign personal holding company (as defined in section 552), each individual who on such 60th day is an officer or director of the corporation shall make a return setting forth—

(A) In complete detail the gross income, deductions and credits, taxable income, and undistributed foreign personal holding company income of such foreign personal holding company for such taxable year; and

(B) The same information with respect to such taxable year as is required in paragraph (1), except that if all the required returns with respect to such year have been filed under paragraph (1), no information under this subparagraph need be set forth in the return filed under this paragraph.

(b) *Shareholders*—(1) *Monthly returns.* On the 15th day of each month each United States shareholder, by or for whom 50 percent or more in value of the outstanding stock of a foreign corporation is owned directly or indirectly (including, in the case of an individual, stock owned by the members of his family as defined in section 544 (a) (2)), if such foreign corporation with respect to its taxable year preceding the taxable year in which such month occurs was a foreign personal holding company (as defined in section 552), shall make a return setting forth with respect to the preceding calendar month the name and address of each shareholder, the class and number of shares held by each, together with any changes in stockholdings during such period, the name and address of any holder of securities convertible into stock of such corporation, and such other information with respect to the stock and securities of the corporation as the Secretary or his delegate shall by forms or regulations prescribe as necessary for carrying out the provisions of this title. The Secretary or his delegate may by regulations prescribe, as the period with respect to which returns shall be made, a longer period than a month. In such case the return shall be due on the 15th day of the succeeding period, and shall be made by the persons who on such day are United States shareholders.

(2) *Annual returns.* On the 60th day after the close of the taxable year of a foreign personal holding company (as defined in section 552) each United States shareholder by or for whom on such 60th day 50 percent or more in value of the outstanding stock of such company is owned directly or indirectly (including, in the case of an individual, stock owned by members of his family as defined in section 544 (a) (2)) shall make a return setting forth the same information with respect to such taxable year as is required in paragraph (1), except that, if all the required returns with respect to such year have been made under paragraph (1), no return shall be required under this paragraph.

§ 1.6035–1 *Returns of officers and directors of foreign personal holding companies*—(a) *Requirement of returns*—(1) *Form 957.* On the fifteenth day of the first month after the close of each taxable year of a foreign personal holding company (as defined in section 552) each United States citizen or resident who on such day is an officer or director of such company shall file an information return on Form 957 with respect to the stock and securities of the company setting forth the following information with respect to the taxable year:

(i) The name and address of the corporation;

(ii) The kind of business in which the corporation is engaged;

(iii) The date of incorporation;

(iv) The country under the laws of which the corporation is incorporated;

(v) The number of shares and par value of common stock of the corporation outstanding as of the beginning and end of the taxable year;

(vi) The number of shares and par value of preferred stock of the corporation outstanding as of the beginning and end of the taxable year, the rate of dividend on such stock, and whether such dividend is cumulative or noncumulative;

(vii) A description of the convertible securities issued by the corporation, including a statement of the face value of, and rate of interest on, such securities;

(viii) The name and address of each person who was a shareholder during the taxable year and the class and number of shares held by each, together with an explanation of any changes in stockholdings during the taxable year;

(ix) The name and address of each holder during the taxable year of securities convertible into stock of the corporation, and the class, number, and face value of the securities held by each, together with an explanation of any changes in the holdings of such securities during the taxable year;

(x) If any resolution or plan in respect of the dissolution of the corporation or the liquidation of the whole or any part of its capital stock was adopted during the taxable year, a certified copy of such resolution or plan and of any amendments thereof or supplements thereto;

(xi) If the return is for any taxable year beginning after December 31, 1957, in which the corporation was organized or reorganized—

(a) The classes and kinds of assets transferred to the corporation for stock or securities of the corporation in connection with its formation, organization, or reorganization;

(b) A detailed list of any stock or securities included in the assets transferred to the corporation for stock or securities of the corporation; and

(c) The names and addresses of the persons who were the owners of assets transferred to the corporation for stock or securities of the corporation immediately prior to such transfer; and

(xii) Such other information with respect to the stock or securities of the company as may be required by the return form.

(2) *Form 958.* On the sixtieth day after the close of the taxable year of a foreign personal holding company (as defined in section 552), each United States citizen or resident who on such day is an officer or director of such company shall file an information return on Form 958 with respect to the income of the corporation for the taxable year setting forth the following information:

(i) The gross income, deductions and credits, taxable income, foreign personal holding company income, and undistributed foreign personal holding company income for such taxable year, in complete detail;

(ii) The same information with respect to such taxable year as is required in subparagraph (1) of this paragraph, except that if all the information required under subparagraph (1) of this paragraph has been submitted, such information need not be set forth in the return on Form 958; and

(iii) Such other information as is required by the return form.

(b) *Returns jointly made.* If two or more officers or directors of a foreign personal holding company are required to file information returns for any taxable year under section 6035 (a) and this section, any two or more of such officers or directors may, in lieu of filing separate returns for such year, jointly execute and file the return on Form 957 and the return on Form 958.

(c) *Separate returns for each corporation.* If a person is required to file returns under section 6035 (a) and this section with respect to more than one foreign personal holding company, separate returns must be filed with respect to each company.

(d) *Place for filing returns.* Returns required under section 6035 (a) and this section shall be filed with the Director, International Operations Division, Internal Revenue Service, Washington 25, D. C.

(e) *Penalties.* For criminal penalties for failure to file a return and filing a false or fraudulent return, see sections 7203, 7206, and 7207.

§ 1.6035–2 *Returns of shareholders of foreign personal holding companies*—(a) *Requirement of return.* On the fifteenth day of the first month after the close of each taxable year of a foreign personal holding company (as defined in section 552) each United States shareholder, by or for whom on such day 50 percent or more in value of the outstanding stock of such company is owned directly or indirectly, shall file an information return on Form 957 for such taxable year. For purposes of this section, an individual shall be considered as owning the stock owned by members of his family, as described in section 544 (a) (2).

(b) *Duplicate returns.* If a shareholder of a foreign personal holding company is required to file a return as an officer or a director of such company under section 6035 (a) and paragraph (a) (1) of § 1.6035–1, he shall file such return and not the return required to be filed under section 6035 (b) and this section.

(c) *Separate return for each corporation.* If a person is required to file a return under section 6035 (b) and this section with respect to more than one foreign personal holding company, a separate return must be filed with respect to each company.

(d) *Place for filing return.* The return required under section 6035 (b) and this section shall be filed with the Director, International Operations Division, Internal Revenue Service, Washington 25, D. C.

(e) *Penalties.* For criminal penalties for failure to file a return and filing a false or fraudulent return, see sections 7203, 7206, and 7207.

§ 1.6041 *Statutory provisions; information at source.*

SEC. 6041. *Information at source*—(a) *Payments of $600 or more.* All persons engaged in a trade or business and making payment in the course of such trade or business to another person, of rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments described in section 6042 (1) or section 6045), of $600 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the Secretary or his delegate, under such regulations and in such form and manner and to such extent as may be prescribed by the Secretary or his delegate, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment.

(b) *Collection of foreign items.* In the case of collections of items (not payable in the United States) of interest upon the bonds of foreign countries and interest upon the bonds of and dividends from foreign corporations by any person undertaking as a matter of business or for profit the collection of foreign payments of such interest or dividends by means of coupons, checks, or bills of exchange, such person shall make a return according to the forms or regulations prescribed by the Secretary or his delegate, setting forth the amount paid and the name and address of the recipient of each such payment.

(c) *Payments of interest by corporations.* Every corporation making payments of interest, regardless of amounts, shall, when required by regulations of the Secretary or his delegate, make a return according to the forms or regulations prescribed by the Secretary or his delegate, setting forth the amount paid and the name and address of the recipient of each such payment.

(d) *Recipient to furnish name and address.* When necessary to make effective the provisions of this section, the name and address of the recipient of income shall be furnished upon demand of the person paying the income.

§ 1.6041–1 *Return of information as to payments of $600 or more*—(a) *General rule.* (1) Except as provided in § 1.6041–3, every person engaged in a trade or business shall make an information return for the calendar year with respect to payments made by him during such year in the course of his trade or business to another person of fixed or determinable—

(i) Salaries, wages, commissions, fees, and other forms of compensation for services rendered aggregating $600 or more;

(ii) Interest, rents, royalties, annuities, pensions, and other gains, profits, and income aggregating $600 or more; or

(iii) Foreign items, as defined in § 1.6041–4, aggregating $600 or more.

The payments described in subdivisions (i), (ii), and (iii) of this subparagraph shall not include any payments described in sections 6042 (1), 6043 (2), 6044, and 6045.

(2) The return required by this paragraph shall be made on Forms 1099 and 1096 except that the return with respect to distributions to beneficiaries of a trust or of an estate shall be made on Form 1041. A separate Form 1099 shall be furnished for each person to whom such payments of $600 or more are made. For time and place for filing Forms 1099 and 1096, see § 1.6041–6.

(b) *Persons engaged in trade or business.* The term "all persons engaged in a trade or business", as used in section 6041 (a), includes not only those so engaged for gain or profit, but also organizations the activities of which are not for the purpose of gain or profit. Thus, the term includes the organizations referred to in sections 401 (a), 501 (c), 501

(d) and 521 and in paragraph (g) of this section. On the other hand, section 6041 (a) applies only to payments in the course of trade or business; hence it does not apply to an amount paid by the proprietor of a business to a physician for medical services rendered by the physician to the proprietor's child.

(c) *Fixed or determinable income.* Income is fixed when it is to be paid in amounts definitely predetermined. Income is determinable whenever there is a basis of calculation by which the amount to be paid may be ascertained. The income need not be paid annually or at regular intervals. The fact that the payments may be increased or decreased in accordance with the happening of an event does not for purposes of this section make the payments any the less determinable. A salesman working by the month for a commission on sales which is paid or credited monthly receives determinable income.

(d) *Payments specifically included.* (1) Sums paid in respect of life insurance, endowment, or annuity contracts which are required to be included in gross income under section 72 or 101, relating to annuities and certain death benefits, are required to be reported in returns of information, except that payments in respect of policies surrendered before maturity and lapsed policies which were purchased by individuals in their own behalf directly from insurers need not be reported.

(2) Fees for professional services paid to attorneys, physicians, and members of other professions are required to be reported in returns of information if paid by persons engaged in a trade or business and paid in the course of such trade or business.

(3) Amounts paid as prizes and awards which are required to be included in gross income under section 74 and § 1.74–1 when paid in the course of a trade or business shall be reported in returns of information.

(e) *Payment made in medium other than cash.* If any payment required to be reported on Form 1099 is made in property other than money, the fair market value of the property at the time of payment is the amount to be included on such form.

(f) *When payment deemed made.* For purposes of a return of information, an amount is deemed to have been paid when it is credited or set apart to a person without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and is made available to him so that it may be drawn at any time, and its receipt brought within his own control and disposition.

(g) *Payments made by United States, State, or Territory.* Returns on Forms 1099 and 1096 of payments made by the United States, or a State, Territory, or political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, shall be made by the officer or employee of the United States, or of such State, Territory, or political subdivision, or of the District of Columbia, or of such agency or instrumentality, as the case may be, having control of such payments or by the officer or employee appropriately designated to make such returns.

§ 1.6041–2 *Return of information as to payments to employees*—(a) *In general.* Wages, as defined in section 3401, paid to an employee are required to be reported on Form W–2. All other payments of compensation, including the cash value of payments made in any medium other than cash, to an employee by his employer in the course of the trade or business of the employer must be reported on Form 1099 if the total of such payments and the amount of the employee's wages, if any, required to be reported on Form W–2 equals $600 or more in a calendar year. For example, if a payment of $700 was made to an employee and $400 thereof represents wages subject to withholding under section 3402 and the remaining $300 represents compensation not subject to withholding, the $400 must be reported on Form W–2 and the $300 must be reported on Form 1099.

(b) *Distributions under employees' trust.* Amounts which are distributed or made available to a beneficiary, and to which section 402 (relating to employees' trusts) or section 403 (relating to employee annuity plans) applies, shall be reported on Forms 1099 and 1096 to the extent such amounts are includible in the gross income of such beneficiary when the amounts so includible are $600 or more in any calendar year.

§ 1.6041–3 *Payments for which no return of information on Forms 1099 and 1096 is required.* Payments of the following character need not be reported on Forms 1099 and 1096—

(a) Payments of income required to be reported on Forms 1012, 1013, 1042, 1042S, 1000, 1001 (including all special variations thereof), 941, W–2, and W–3;

(b) Payments by a broker to his customer;

(c) Payments of any type made to corporations (except payments described in section 6044 and § 1.6044–1);

(d) Payments of bills for merchandise, telegrams, telephone, freight, storage, and similar charges;

(e) Payments of rent made to real estate agents (but the agent is subject to the requirements of paragraph (a) (1) (ii) of § 1.6041–1);

(f) Payments representing earned income for services rendered without the United States made to a citizen of the United States, if it is reasonable to believe that such amounts will be excluded from gross income under the provisions of section 911 and the regulations thereunder;

(g) Salaries and profits paid or distributed by a partnership to the individual partners;

(h) Payments of commissions to general agents by fire insurance companies or other companies insuring property, except when specifically directed by the Commissioner to be filed;

(i) Amounts paid to persons in the military or civil service of the United States or a State, Territory or political subdivision thereof, or the District of Columbia as an allowance or reimbursement for traveling or other bona fide ordinary and necessary expenses, including an allowance for meals and lodging or a per diem allowance in lieu of subsistence;

(j) Payments of interest on obligations of the United States, or a State, Territory, or political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing (but for requirements for reporting certain such payments by the United States or any agency or instrumentality thereof, see §§ 1.1461–1 to 1.1461–3, inclusive);

(k) Payments of interest on corporate bonds (but for requirements for reporting payments of interest on bonds, mortgages, deeds of trust, or other similar obligations issued before January 1, 1934, and containing a tax-free covenant, see §§1.1461–1 to 1.1461–3, inclusive);

(l) Payments made to employees for services performed in Puerto Rico;

(m) Amounts paid to persons in the service of an international organization as defined in section 7701 (a) (18), as an allowance or reimbursement for traveling or other bona fide ordinary and necessary expenses, including an allowance for meals and lodging or a per diem allowance in lieu of subsistence; and

(n) A payment of a type determined by the Commissioner to be paid as an award to an informer or other payment of a similar character made by the United States, a State, Territory, or political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing.

§ 1.6041–4 *Returns of information as to foreign items*—(a) *In general.* If the amount of foreign items, as defined in paragraph (b) of this section, paid in any calendar year to a citizen or resident of the United States (individual or fiduciary), or a partnership any member of which is a citizen or resident of the United States, is $600 or more, an information return on Form 1099 setting forth the amount of such items is required to be filed by any person who accepts the item for collection as a matter of business or for profit, such as a bank. As used in this section, the term "collection" includes (1) payment of the foreign item in cash; (2) the crediting of the account of the person presenting the foreign item; (3) the tentative crediting of the account of the person presenting the foreign item until the amount of the foreign item is received by the bank or collecting agent from abroad; and (4) the receipt of foreign items for the purpose of transmitting them abroad for deposits.

(b) *Foreign items defined.* The term "foreign items", as used in this section, means any item of interest upon the bonds of a foreign country or of a nonresident foreign corporation not having a fiscal or paying agent in the United States (including Puerto Rico as if a part of the United States), or any item of dividends upon the stock of such corporation.

(c) *License to collect foreign items.* A bank or agent collecting foreign items is required to obtain a license pursuant to the provisions of section 7001 and the regulations thereunder in Part 301 of this chapter.

§ 1.6041–5 *Information as to actual owner.* When a person receiving a payment described in section 6041 is not the actual owner of the income received, the name and address of the actual owner shall be furnished upon demand of the person paying the income, and in default of compliance with such demand the payee becomes liable for the penalties provided. See section 7203.

§ 1.6041–6 *Time and place for filing Forms 1099 and 1096 and information to be shown on Form 1099.* Forms 1099 and 1096 for any calendar year shall be filed on or before February 28 of the following year with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for such forms. The name and address of the person making the payment and the name and address of the recipient of the payment shall be stated on Form 1099. If the present address of the recipient is not available, the last known post office address must be given.

§ 1.6042 *Statutory provisions; returns regarding corporate dividends, earnings, and profits.*

SEC. 6042. *Returns regarding corporate dividends, earnings, and profits.* Every corporation shall, when required by the Secretary or his delegate—

(1) Make a return of its payments of dividends, stating the name and address of, the number of shares owned by, and the amount of dividends paid to, each shareholder;

(2) Furnish to the Secretary or his delegate a statement of such facts as will enable him to determine the portion of the earnings or profits of the corporation (including gains, profits, and income not taxed) accumulated during such periods as the Secretary or his delegate may specify, which have been distributed or ordered to be distributed, respectively, to its shareholders during such taxable years as the Secretary or his delegate may specify; and

(3) Furnish to the Secretary or his delegate a statement of its accumulated earnings and profits and the names and addresses of the individuals or shareholders who would be entitled to such accumulated earnings and profits if divided or distributed, and of the amounts that would be payable to each.

§ 1.6042–1 *Return of information as to payment of dividends*—(a) *Requirement of return*—(1) *In general.* Except as provided in subparagraphs (2) and (3) of this paragraph, every domestic corporation, or foreign corporation engaged in business within the United States or having an office or place of business or a fiscal or paying agent in the United States, making payments during the calendar year of $10 or more of dividends and distributions (other than distributions in liquidation) to any shareholder who is an individual (citizen or resident of the United States), a resident fiduciary, or a resident partnership any member of which is a citizen or resident shall file for the calendar year a return setting forth the amount of such payments for such calendar year. A separate return on Form 1099, showing the name and address of the payor and the shareholder, and the amount paid, shall be prepared with respect to each shareholder. These returns shall be accompanied by transmittal Form 1096.

(2) *National farm loan associations and certain other corporations.* A corporation described in section 501 (c) (12), (15), or (16), or section 521 (b) (1), or a national farm loan association or a production credit association, making a payment of a dividend or a distribution to any shareholder shall file an information return with respect to such payments when they total $100 or more during the calendar year.

(3) *Savings and loan associations, etc.* A savings and loan association, a cooperative bank, a homestead association, a credit union, or a building and loan association is required to file an information return with respect to distributions to a shareholder only if the amount thereof paid to the shareholder during the calendar year, or such amount when aggregated with other payments made to the shareholder during such year of interest, rents, royalties, annuities, pensions, and other gains, profits, and income, as described in paragraph (a) (1) (ii) of § 1.6041–1, totals $600 or more. For this purpose, the term "distributions to a shareholder" includes periodical distributions of earnings on running installment shares of stock paid or credited by a building and loan association to its holders of that class of stock, and the sum received upon withdrawal from a building and loan association in excess of the amounts paid in on account of membership fees and stock subscriptions, consisting of accumulated profits.

(b) *Nontaxable or partly nontaxable distributions.* In the case of a distribution which is made from a depletion or depreciation reserve, or which for any other reason is deemed by the corporation to be nontaxable or partly nontaxable to its shareholders, the corporation shall fill in the information on both sides of Form 1096.

(c) *Information as to actual owner*—(1) *In general.* When the person receiving a payment with respect to which an information return is required under authority of the Internal Revenue Code of 1954 is not the actual owner of the income received, the name and address of the actual owner or payee shall be furnished upon demand of the person paying the income, and in default of a compliance with such demand the payee becomes liable for the penalties provided. See section 7203. Dividends on stock are prima facie the income of the record owner of the stock. If a record owner of stock who is not the actual owner thereof receives dividends on such stock, he shall file a Form 1087 disclosing the name and address of the actual owner or payee, the name of the issuing corporation, the number of shares of such stock, and the amount of dividends received with respect to such stock during the calendar year. Unless such a disclosure is made the record owner will be held liable for any tax based upon such dividends. A separate Form 1087 shall be filed by the record owner for each of the stockholdings of each actual owner for whom he acts as nominee. However, where the record owner is a banking institution, trust company, or brokerage firm, it may, provided it maintains such records as will permit a prompt substantiation of each payment of dividends made to the actual owner, file one Form 1087 for each actual owner for whom it acts as nominee and report thereon the total amount of the dividends paid to such actual owner (without itemization as to the issuing company, class of stock, etc.).

(2) *Exceptions.* The filing of Form 1087 is not required if—

(i) The record owner is required to file a fiduciary return on Form 1041, or a withholding return on Form 1042, disclosing the name and address of the actual owner or payee;

(ii) The actual owner or payee is a nonresident alien individual, foreign partnership, or foreign corporation and the tax has been withheld at the source before receipt of the dividends by the record owner;

(iii) The record owner is a banking institution, a trust company, or a brokerage firm which prepares the individual income tax return of the actual owner, provided the verification on the return with respect to the preparation thereof is executed by such record owner; or

(iv) The record owner is a nominee of a banking institution or trust company exercising trust powers, and such banking institution or trust company is required to file a fiduciary return on Form 1041 which reflects the name and address of the actual owner or payee.

See § 1.1441–1, relating to withholding of tax on nonresident alien individuals, and § 1.1442–1, relating to withholding of tax on nonresident foreign corporations.

(d) *Time and place for filing.* Forms 1099, 1096, and 1087 for any calendar year shall be filed on or before February 28 of the following year with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for such forms.

§ 1.6043 *Statutory provisions; return regarding corporate dissolution or liquidation.*

SEC. 6043. *Return regarding corporate dissolution or liquidation.* Every corporation shall—

(1) Within 30 days after the adoption by the corporation of a resolution or plan for the dissolution of the corporation or for the liquidation of the whole or any part of its capital stock, make a return setting forth the terms of such resolution or plan and such other information as the Secretary or his delegate shall by forms or regulations prescribe; and

(2) When required by the Secretary or his delegate, make a return regarding its distributions in liquidation, stating the name and address of, the number and class of shares owned by, and the amount paid to, each shareholder, or, if the distribution is in property other than money, the fair market value (as of the date the distribution is made) of the property distributed to each shareholder.

§ 1.6043–1 *Return regarding corporate dissolution or liquidation*—(a) *Requirement of returns.* Within 30 days after the adoption of any resolution or plan for or in respect of the dissolution

of a corporation or the liquidation of the whole or any part of its capital stock, the corporation shall file a return on Form 966, containing the information required by paragraph (b) of this section and by such form. Such return shall be filed with the district director for the district in which the income tax return of the corporation is filed. Further, if after the filing of a Form 966 there is an amendment of or supplement to the resolution or plan, an additional Form 966, based on the resolution or plan as amended or supplemented, must be filed within 30 days after the adoption of such amendment or supplement. A return must be filed under section 6043 and this section in respect of a liquidation whether or not any part of the gain or loss to the shareholders upon the liquidation is recognized under the provisions of section 1002.

(b) *Contents of return*—(1) *In general.* There shall be attached to and made a part of the return required by section 6043 and paragraph (a) of this section a certified copy of the resolution or plan, together with any amendments thereof or supplements thereto, and such return shall in addition contain the following information:

(i) The name and address of the corporation;

(ii) The place and date of incorporation;

(iii) The date of the adoption of the resolution or plan and the dates of any amendments thereof or supplements thereto; and

(iv) The internal revenue district in which the last income tax return of the corporation was filed and the taxable year covered thereby.

(2) *Liquidation within one calendar month.* If the corporation is a domestic corporation, and the plan of liquidation provides for a distribution in complete cancellation or redemption of all the capital stock of the corporation, and for the transfer of all the property of the corporation under the liquidation entirely within some one calendar month pursuant to section 333, and any shareholder claims the benefit of such section, such return shall, in addition to the information required by subparagraph (1) of this paragraph, contain the following:

(i) A statement showing the number of shares of each class of stock outstanding at the time of the adoption of the plan of liquidation, together with a description of the voting power of each such class;

(ii) A list of all the shareholders owning stock at the time of the adoption of the plan of liquidation, together with the number of shares of each class of stock owned by each shareholder, the certificate numbers thereof, and the total number of votes to which entitled on the adoption of the plan of liquidation; and

(iii) A list of all corporate shareholders as of January 1, 1954, together with the number of shares of each class of stock owned by each such shareholder, the certificate numbers thereof, the total number of votes to which entitled on the adoption of the plan of liquidation, and a statement of all changes in ownership of stock by corporate shareholders between January 1, 1954, and the date of the adoption of the plan of liquidation, both dates inclusive.

(3) *Returns in respect of amendments or supplements.* If a return has been filed pursuant to section 6043 and this section, any additional return made necessary by an amendment of or a supplement to the resolution or plan will be deemed sufficient if it gives the date the prior return was filed and contains a duly certified copy of the amendment or supplement and all other information required by this section and by Form 966 which was not given in the prior return.

§ 1.6043–2 *Return of information respecting distributions in liquidation.* (a) Unless the distribution is one in respect of which information is required to be filed pursuant to paragraph (b) of § 1.332–6, paragraph (a) of § 1.368–3, or § 1.1081–11, every corporation making any distribution of $600 or more during a calendar year to any shareholder in liquidation of the whole or any part of its capital stock shall file a return of information on Forms 1096 and 1099L, giving all the information required by such forms and by the regulations in this part. A separate Form 1099L must be prepared for each shareholder to whom such distribution was made, showing the name and address of such shareholder, the number and class of shares owned by him in liquidation of which such distribution was made, and the total amount distributed to him on each class of stock. If the amount distributed to such shareholder on any class of stock consisted in whole or in part of property other than money, the return on such form shall in addition show the amount of money distributed, if any, and shall list separately each class of property other than money distributed, giving a description of the property in each such class and a statement of its fair market value at the time of the distribution. Such forms, accompanied by transmittal Form 1096 showing the number of Forms 1099L filed therewith, shall be filed on or before February 28 of the year following the calendar year in which such distribution was made with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for such forms.

(b) If the distribution is in complete liquidation of a domestic corporation pursuant to a plan of liquidation in accordance with which all the capital stock of the corporation is canceled or redeemed, and the transfer of all the property under the liquidation occurs within some one calendar month pursuant to section 333, and any shareholder claims the benefit of such section, the return on Form 1096 shall show (1) the amount of earnings and profits of the corporation accumulated after February 28, 1913, determined as of the close of such calendar month, without diminution by reason of distribution made during such calendar month, but including in such computation all items of income and expense accrued up to the date on which the transfer of all the property under the liquidation is completed, (2) the ratable share of such earnings and profits of each share of stock canceled or redeemed in the liquidation, and (3) the date and circumstances of the acquisition by the corporation of any stock or securities distributed to shareholders in the liquidation.

§ 1.6044 *Statutory provisions; returns regarding patronage dividends.*

SEC. 6044. *Returns regarding patronage dividends*—(a) *Payments of $100 or more.* Any corporation allocating amounts as patronage dividends, rebates, or refunds (whether in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice, or in some other manner that discloses to each patron the amount of such dividend, refund, or rebate) shall make a return showing—

(1) The name and address of each patron to whom it has made such allocations amounting to $100 or more during the calendar year; and

(2) The amount of such allocations to each patron.

(b) *Payments regardless of amount.* If required by the Secretary or his delegate, any such corporation shall make a return of all patronage dividends, rebates, or refunds made during the calendar year to its patrons.

(c) *Exceptions.* This section shall not apply in the case of any corporation (including any cooperative or nonprofit corporation engaged in rural electrification) described in section 501 (c) (12) or (15) which is exempt from tax under section 501 (a), or in the case of any corporation subject to a tax imposed by subchapter L of chaper 1.

§ 1.6044–1 *Returns of information as to patronage dividends, rebates, or refunds*—(a) *Requirement*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, any corporation allocating to any patron amounts aggregating $100 or more during the calendar year as patronage dividends, rebates, or refunds (whether in cash, merchandise, capital stock, revolving fund certificates, retain certificates, letters of advice, or in some other manner that discloses to each patron the amount of such dividend, rebate, or refund) shall for each calendar year file a return of information with respect to such allocation on Forms 1096 and 1099. A separate Form 1099 shall be prepared for each patron showing the name and address of the patron to whom such allocation is made, and the amount of the allocation. The allocation shall be reported for the calendar year during which the allocation is made, regardless to whether the allocation is deemed for the purpose of section 522 to be made at the close of a preceding taxable year of the corporation.

(2) *Exception.* A return under section 6044 and this section is not required in the case of any corporation (including any cooperative or nonprofit corporation engaged in rural electrification) described in section 501 (c) (12) or (15) which is exempt from tax under section 501 (a), or in the case of any corporation subject to a tax imposed by subchapter L of chapter 1 of the Code.

(b) *Time and place for filing returns.* Forms 1099, accompanied by transmittal Form 1096, shall be filed on or before February 28 of the following year with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for such forms.

(c) *Definitions.* The terms "cooperative association", "patron", "patronage dividends, rebates, and refunds", and "allocation" are defined, for the purpose of this section, in paragraph (b) of § 1.522–1.

§ 1.6045 *Statutory provisions; returns of brokers.*

SEC. 6045. *Returns of brokers.* Every person doing business as a broker shall, when required by the Secretary or his delegate, make a return, in accordance with such regulations as the Secretary or his delegate may prescribe, showing the names of customers for whom such person has transacted any business, with such details regarding the profits and losses and such other information as the Secretary or his delegate may by forms or regulations require with respect to each customer as will enable the Secretary or his delegate to determine the amount of such profits or losses.

§ 1.6046 *Statutory provisions; returns as to formation or reorganization of foreign corporations.*

SEC. 6046. *Returns as to formation or reorganization of foreign corporations*—(a) *Requirement.* Every attorney, accountant, fiduciary, bank, trust company, financial institution, or other person, who aids, assists, counsels, or advises in, or with respect to, the formation, organization, or reorganization of any foreign corporation, shall, within 30 days thereafter, make a return in accordance with regulations prescribed by the Secretary or his delegate.

(b) *Form and contents of return.* Such return shall be in such form, and shall set forth, in respect of each such corporation, to the full extent of the information within the possession or knowledge or under the control of the person required to make the return, such information as the Secretary or his delegate prescribes by forms or regulations as necessary for carrying out the provisions of the income tax laws.

(c) *Privileged communications.* Nothing in this section shall be construed to require the making of a return by an attorney-at-law with respect to any advice given or information obtained through the relationship of attorney and client.

(d) *Cross reference.* For provisions relating to penalties for violations of this section, see section 7203.

§ 1.6046–1 *Returns as to formation or reorganization of foreign corporations*—(a) *Requirement of returns.* Every attorney, accountant, fiduciary, bank, trust company, financial institution, or other person, who aids, assists, counsels, or advises in, or with respect to, the formation, organization, or reorganization of any foreign corporation shall file an information return on Form 959. The return must be filed in every such case regardless of—

(1) The nature of the counsel or advice given, whether for or against the formation, organization, or reorganization of the foreign corporation, or the nature of the aid or assistance rendered, and

(2) The action taken upon the advice or counsel, that is, whether the foreign corporation is actually formed, organized or reorganized.

(b) *Special provisions*—(1) *Employers.* In the case of aid, assistance, counsel, or advice in, or with respect to, the formation, organization, or reorganization of a foreign corporation given by a person in whole or in part through the medium of employees (including, in the case of a corporation, the officers thereof), the return made by the employer must set forth in detail the information required by this section including that which, as an incident to such employment, is within the possession or knowledge or under the control of such employees.

(2) *Employees.* The obligation of an employee (including, in the case of a corporation, the officers thereof) to file a return with respect to any aid, assistance, counsel, or advice in or with respect to the formation, organization, or reorganization of a foreign corporation, given as an incident to his employment, will be satisfied if a return as prescribed by this section is duly filed by the employer. Clerks, stenographers, and other employees rendering aid or assistance solely of a clerical or mechanical character in or with respect to the formation, organization, or reorganization of a foreign corporation are not required to file returns by reason of such services.

(3) *Partners.* In the case of aid, assistance, counsel, or advice in, or with respect to, the formation, organization, or reorganization of a foreign corporation given by one or more members of a partnership in the course of its business, the obligation of each such individual member to file a return will be satisfied if a return as prescribed by this section is duly filed by the partnership executed by all the members of the firm who gave any such aid, assistance, counsel, or advice. If, however, the partnership has been dissolved at the time the return is due, individual returns must be filed by each member of the former partnership who gave any such aid, assistance, counsel, or advice.

(4) *Return jointly made.* If two or more persons aid, assist, counsel, or advise in, or with respect to, the formation, organization, or reorganization of a particular foreign corporation, any two or more of such persons may, in lieu of filing several returns, jointly execute and file one return.

(5) *Separate return for each corporation.* If a person aids, assists, counsels, or advises in, or with respect to, the formation, organization, or reorganization of more than one foreign corporation, a separate return must be filed with respect to each foreign corporation.

(c) *Information required to be shown on return.* The return required by section 6046 and this section shall set forth the following information to the extent the information is within the possession or knowledge, or under the control, of the person filing the return:

(1) The name and address of the person (or persons) to whom, and the person (or persons) for whom, or on whose behalf, the aid, assistance, counsel, or advice was given;

(2) The name and address of the foreign corporation and the country under the laws of which it was formed, organized, or reorganized;

(3) The month and year when the foreign corporation was formed, organized, or reorganized;

(4) A statement of the manner in which the formation, organization, or reorganization of the foreign corporation was effected;

(5) A complete statement of the reasons for, and the purposes sought to be accomplished by, the formation, organization, or reorganization of the foreign corporation;

(6) A statement showing the classes and kinds of assets transferred to the foreign corporation in connection with its formation, organization, or reorganization, including a detailed list of any stock or securities included in such assets, and a statement showing the names and addresses of the persons who were the owners of such assets immediately prior to the transfer;

(7) The names and addresses of the shareholders of the foreign corporation at the time of the completion of its formation, organization, or reorganization, showing the classes of stock and number of shares held by each and, in the case of Forms 959 filed after December 31, 1958, the names and addresses of the subscribers to the stock of the foreign corporation and the number of shares subscribed to by each;

(8) The name and address of the person (or persons) having custody of the books of account and records of the foreign corporation; and

(9) Such other information as is required by the return form.

(d) *Privileged communications.* An attorney-at-law is not required to file a return with respect to any advice given or information obtained through the relationship of attorney and client.

(e) *Time and place for filing return*—(1) *Time for filing.* Returns required by section 6046 and this section shall be filed within 30 days after the first performance of any of the functions referred to in paragraph (a) of this section. If, in a particular case, the aid, assistance, counsel, or advice given by any person extends over a period of more than one day, such person, to avoid the multiple filing of returns, shall file a return within 30 days after either of the following events:

(i) The formation, organization, or reorganization of the foreign corporation, or

(ii) The termination of his aid, assistance, counsel, or advice in, or with respect to, the formation, organization, or reorganization of the foreign corporation.

(2) *Place for filing.* Returns required by section 6046 and this section shall be filed with the Director, International Operations Division, Internal Revenue Service, Washington 25, D. C.

(f) *Penalties.* For criminal penalties for failure to file a return and filing a false or fraudulent return, see sections 7203, 7206, and 7207.

§ 1.6061 *Statutory provisions; signing of returns and other documents.*

SEC. 6061. *Signing of returns and other documents.* Except as otherwise provided by sections 6062 and 6063, any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be signed in accordance with forms or regulations prescribed by the Secretary or his delegate.

§ 1.6061–1 *Signing of returns and other documents by individuals*—(a) *Requirement.* Each individual (including a fiduciary) shall sign the income tax return required to be made by him, except that the return may be signed for the taxpayer by an agent who is duly authorized in accordance with paragraph (a) (5) of § 1.6012–1 to make such return. Other returns, statements, or documents required under the provisions of subtitle A or F of the Code or of the regulations thereunder to be made by any person with respect to any tax imposed by subtitle A of the Code shall be signed in accordance with any regulations contained in this chapter, or any instructions, issued with respect to such returns, statements, or other documents.

(b) *Cross references.* For provisions relating to the signing of returns, statements, or other documents required to be made by corporations and partnerships with respect to any tax imposed by subtitle A of the Code, see §§ 1.6062–1 and 1.6063–1, respectively. For provisions relating to the making of returns by agents, see paragraphs (a) (5) and (b) (6) of § 1.6012–1; and to the making of returns for minors and persons under a disability, see paragraph (a) (3) of § 1.6012–1 and paragraph (b) of § 1.6012–3.

§ 1.6062 *Statutory provisions; signing of corporation returns.*

SEC. 6062. *Signing of corporation returns.* The return of a corporation with respect to income shall be signed by the president, vice-president, treasurer, assistant treasurer, chief accounting officer or any other officer duly authorized so to act. In the case of a return made for a corporation by a fiduciary pursuant to the provisions of section 6012 (b) (3), such fiduciary shall sign the return. The fact that an individual's name is signed on the return shall be prima facie evidence that such individual is authorized to sign the return on behalf of the corporation.

§ 1.6062–1 *Signing of returns, statements, and other documents made by corporations*—(a) *Returns*—(1) *In general.* Returns required to be made by corporations under the provisions of subtitle A or F of the Code, or the regulations thereunder, with respect to any tax imposed by subtitle A of the Code, shall be signed for the corporation by the president, vice-president, treasurer, assistant treasurer, chief accounting officer, or any other officer duly authorized to sign such returns. It is not necessary that the corporate seal be affixed to the return. Spaces provided on return forms for affixing the corporate seal are for the convenience of corporations required by charter, or by the law of the jurisdiction in which they are incorporated, to affix their corporate seals in the execution of instruments.

(2) *By fiduciaries.* A return with respect to income required to be made for a corporation by a fiduciary, pursuant to the provisions of section 6012 (b) (3), shall be signed by such fiduciary. See paragraph (b) (4) of § 1.6012–3.

(3) *By agents.* A return with respect to income required to be made by an agent for a foreign corporation, which has no office or place of business in the United States, shall be signed by such agent. See paragraph (g) (4) of § 1.6012–2.

(b) *Statements and other documents.* Statements and other documents required to be made by or for corporations under the provisions of subtitle A or F of the Code, or the regulations thereunder, with respect to any tax imposed by subtitle A, shall be signed in accordance with the regulations contained in this chapter, or the forms and instructions, issued with respect to such statements or other documents.

(c) *Evidence of authority to sign.* An individual's signature on a return, statement, or other document made by or for a corporation shall be prima facie evidence that such individual is authorized to sign such return, statement, or other document.

(d) *Related provisions.* For the rules relating to the verification of returns, see § 1.6065–1. For provisions with respect to the signing of returns generally, see § 301.6061–1 of this chapter.

§ 1.6063 *Statutory provisions; signing of partnership returns.*

SEC. 6063. *Signing of partnership returns.* The return of a partnership made under section 6031 shall be signed by any one of the partners. The fact that a partner's name is signed on the return shall be prima facie evidence that such partner is authorized to sign the return on behalf of the partnership.

§ 1.6063–1 *Signing of returns, statements, and other documents made by partnerships*—(a) *In general.* Returns, statements, and other documents required to be made by partnerships under the provisions of subtitle A or F of the Code, or the regulations thereunder, with respect to any tax imposed by subtitle A of the Code shall be signed by any one of the partners.

(b) *Evidence of authority to sign.* A partner's signature on a return, statement, or other document made by or for a partnership of which he is a member shall be prima facie evidence that such partner is authorized to sign such return, statement, or other document.

§ 1.6065 *Statutory provisions; verification of returns.*

SEC. 6065. *Verification of returns*—(a) *Penalties of perjury.* Except as otherwise provided by the Secretary or his delegate, any return, declaration, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall contain or be verified by a written declaration that it is made under the penalties of perjury.

(b) *Oath.* The Secretary or his delegate may by regulations require that any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be verified by an oath. This subsection shall not apply to returns and declarations with respect to income taxes made by individuals.

§ 1.6065–1 *Verification of returns*—(a) *Persons signing returns.* If a return, declaration, statement, or other document made under the provisions of subtitle A or F of the Code, or the regulation thereunder, with respect to any tax imposed by subtitle A of the Code is required by the regulations contained in this chapter, or the form and instructions, issued with respect to such return, declaration, statement, or other document, to contain or be verified by a written declaration that it is made under the penalties of perjury, such return, declaration, statement, or other document shall be so verified by the person signing it.

(b) *Persons preparing returns*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, if a return, declaration, statement, or other document is prepared for a taxpayer by another person for compensation or as an incident to the performance of other services for which such person receives compensation, and the return, declaration, statement, or other document requires that it shall contain or be verified by a written declaration that it is prepared under the penalties of perjury, the preparer must so certify the return, declaration, statement, or other document. A person who renders mere mechanical assistance in the preparation of a return, declaration, statement, or other document as, for example, a stenographer or typist, is not considered as preparing the return, declaration, statement, or other document.

(2) *Exception.* The verification required by subparagraph (1) of this paragraph is not required on returns, declarations, statements, or other documents which are prepared—

(i) For an employee either by his employer or by an employee designated for such purpose by the employer, or

(ii) For an employer as a usual incident of the employment of one regularly or continuously employed by such employer.

§ 1.6071 *Statutory provisions; time for filing returns and other documents.*

SEC. 6071. *Time for filing returns and other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the time for filing any return, statement, or other document required by this title or by regulations.

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§ 1.6071–1 *Time for filing returns and other documents*—(a) *In General.* Whenever a return, statement, or other document is required to be made under the provisions of subtitle A or F of the Code, or the regulation thereunder, with respect to any tax imposed by subtitle A of the Code, and the time for filing such return, statement, or other document is not provided for by the Code, it shall be filed at the time prescribed by the regulations contained in this chapter with respect to such return, statement, or other document.

(b) *Return for a short period.* In the case of a return with respect to tax under subtitle A for a short period, the district director may, upon a showing by the taxpayer of unusual circumstances, prescribe a time for filing the return for such period later than the time when such return would otherwise be due.

(c) *Time for filing certain information returns.* (1) For provisions relating to the time for filing returns of partnership income, see paragraph (e) (2) of § 1.6031–1.

(2) For provisions relating to the time for filing information returns by banks with respect to common trust funds, see § 1.6032–1.

(3) For provisions relating to the time for filing information returns by certain organizations exempt from taxation under section 501 (a), see paragraph (e) of § 1.6033–1.

(4) For provisions relating to the time for filing information returns by trusts claiming charitable deductions under section 642 (c), see paragraph (c) of § 1.6034–1.

(5) For provisions relating to the time for filing information returns by officers, directors, and shareholders of foreign personal holding companies, see §§ 1.6035–1 and 1.6035–2.

(6) For provisions relating to the time for filing information returns by persons making certain payments, see § 1.6041–6.

(7) For provisions relating to the time for filing information returns regarding corporate dividends, earnings, profits, and ownership of stock, see paragraph (d) of § 1.6042–1.

(8) For provisions relating to the time for filing information returns by corporations with respect to contemplated dissolution or liquidation, see paragraph (a) of § 1.6043–1.

(9) For provisions relating to the time for filing information returns by corporations with respect to distributions in liquidation, see paragraph (a) of § 1.6043–2.

(10) For provisions relating to the time for filing information returns with respect to payments of patronage dividends, see paragraph (b) of § 1.6044–1.

(11) For provisions relating to the time for filing information returns with respect to formation or reorganization of foreign corporations, see § 1.6046–1.

§ 1.6072 *Statutory provisions; time for filing income tax returns.*

SEC. 6072. *Time for filing income tax returns*—(a) *General rule.* In the case of returns under section 6012, 6013, 6017, or 6031 (relating to income tax under subtitle A), returns made on the basis of the calendar year shall be filed on or before the 15th day of April following the close of the calendar year and returns made on the basis of a fiscal year shall be filed on or before the 15th day of the fourth month following the close of the fiscal year, except as otherwise provided in the following subsections of this section.

(b) *Returns of corporations.* Returns of corporations under section 6012 made on the basis of the calendar year shall be filed on or before the 15th day of March following the close of the calendar year, and such returns made on the basis of a fiscal year shall be filed on or before the 15th day of the third month following the close of the fiscal year.

(c) *Returns by certain nonresident alien individuals and foreign corporations.* Returns made by nonresident alien individuals (other than those whose wages are subject to withholding under chapter 24) and foreign corporations (other than those having an office or place of business in the United States) under section 6012 on the basis of a calendar year shall be filed on or before the 15th day of June following the close of the calendar year and such returns made on the basis of a fiscal year shall be filed on or before the 15th day of the 6th month following the close of the fiscal year.

(d) *Returns of exempt cooperative associations.* In the case of income tax returns of exempt cooperative associations taxable under the provisions of section 522, returns made on the basis of a calendar year shall be filed on or before the 15th day of September following the close of the calendar year and returns made on the basis of a fiscal year shall be filed on or before the 15th day of the 9th month following the close of the fiscal year.

(e) *Income tax due dates postponed in case of China Trade Act corporations.* In the case of any taxable year beginning after December 31, 1948, and ending before October 1, 1956, no Federal income tax return of any corporation organized under the China Trade Act, 1922 (42 Stat. 849, U. S. C. title 15, chapter 4), as amended, shall become due until December 31, 1956, but only with respect to any such corporation and any such taxable year which the Secretary or his delegate may determine reasonable under the circumstances in China pursuant to such regulations as may be prescribed. Such due date shall be subject to the power of the Secretary or his delegate to extend the time for filing such return, as in other cases.

§ 1.6072–1 *Time for filing returns of individuals, estates, and trusts*—(a) *In general.* Except as provided in paragraphs (b) and (c) of this section, returns of income required under sections 6012, 6013, 6014, and 6017 of individuals, estates, and trusts (including unrelated business tax returns of domestic and foreign trusts referred to in section 511 (b) (2)) shall be filed on or before the fifteenth day of the fourth month following the close of the taxable year.

(b) *Decedents.* In the case of a final return of a decedent for a fractional part of a year, the due date of such return shall be the fifteenth day of the fourth month following the close of the 12-month period which began with the first day of such fractional part of the year.

(c) *Nonresident alien individuals.* The income tax return of a nonresident alien individual shall be filed on or before the fifteenth day of the sixth month following the close of the taxable year. However, a nonresident alien individual who for the taxable year has wages subject to withholding under chapter 24 of the Code shall file his income tax return on or before the fifteenth day of the fourth month following the close of the taxable year.

(d) *Last day for filing return.* For provisions relating to the time for filing a return where the last day for filing falls on Saturday, Sunday, or a legal holiday, see section 7503 and § 301.7503–1 of this chapter.

§ 1.6072–2 *Time for filing returns of corporations*—(a) *Domestic and certain foreign corporations.* The income tax return required under section 6012 of a domestic corporation or of a foreign corporation having an office or place of business in the United States shall be filed on or before the fifteenth day of the third month following the close of the taxable year.

(b) *Foreign corporations not having an office or place of business in the United States.* The income tax return of a foreign corporation which does not have an office or place of business in the United States shall be filed on or before the fifteenth day of the sixth month following the close of the taxable year.

(c) *Organizations having unrelated business income taxable at corporation rates.* The provisions of paragraphs (a) or (b) of this section apply to organizations referred to in section 511 (a) (2) and required to file a return of unrelated business taxable income.

(d) *Exempt cooperative associations.* The income tax return of an exempt cooperative association taxable under the provisions of section 522 shall be filed on or before the fifteenth day of the ninth month following the close of the taxable year.

(e) *Cross references.* For provisions relating to the time for filing a return where the last day for filing falls on Saturday, Sunday, or a legal holiday, see section 7503 and § 301.7503–1 of this chapter. For provisions relating to the fixing of a later time for filing in the case of a return for a short period, see paragraph (b) of § 1.6071–1. For provisions relating to time for filing consolidated returns, see paragraph (a) of § 1.1502–12.

§ 1.6072–3 *Income tax due dates postponed in case of China Trade Act corporations.* (a) With respect to a taxable year beginning after December 31, 1948, and ending before October 1, 1956, the income tax return of any corporation organized under the China Trade Act of 1952 (15 U. S. C., c. 4), as amended, shall not become due until December 31, 1956, provided that during any such taxable year conditions in China have been generally so unsettled as to militate against the normal commercial operations and corporate activities of such corporation. However, the postponement of the due date shall not apply to an income tax return for any such taxable year if—

(1) The books of account and business records are available so as to permit the filing of a proper return, and the corporation has otherwise been in a position to carry on its commercial operations and corporate activities and to make a proper distribution of its earnings or profits, if any, so as to permit the certification required by section 941 (b); or

(2) All the commercial operations and corporate activities of such corporation have been carried on in Hong Kong, Macao, or Taiwan (Formosa).

(b) Notwithstanding the provisions of subparagraph (1) or (2) of paragraph (a) of this section, the postponed due date referred to in this section will apply if a corporation satisfies the Commissioner that special circumstances exist, related to the unsettled conditions in China, which warrant such postponement.

(c) The postponed due date provided for in this section is expressly subject to the power of the Commissioner to extend, as in other cases, the time for filing the income tax return. See section 6081 and the regulations thereunder.

§ 1.6072–4 *Time for filing other returns of income*—(a) *Returns of tax withheld from nonresident aliens and foreign corporations, and on tax-free covenant bonds.* For the time for filing returns with respect to tax withheld

under chapter 3 of the Code, see §§1.1461–1 to 1.1461–3.

(b) *Reports for recovery of excessive profits on Government contracts.* For the time for filing annual reports by persons completing Government contracts, see 26 CFR (1939) 17.16 (Treasury Decision 4906, approved June 23, 1939), and 26 CFR (1939) 16.15 (Treasury Decision 4909, approved June 28, 1939, as made applicable to section 1471 of the 1954 Code by Treasury Decision 6091, approved August 16, 1954 (19 F. R. 5167).

(c) *Returns of tax on transfers to avoid income tax.* For the time for filing returns of tax under chapter 5 of the Code, see § 1.1494–1.

§ 1.6081 *Statutory provisions; extension of time for filing returns.*

SEC. 6081. *Extension of time for filing returns*—(a) *General rule.* The Secretary or his delegate may grant a reasonable extension of time for filing any return, declaration, statement, or other document required by this title or by regulations. Except in the case of taxpayers who are abroad, no such extension shall be for more than 6 months.

(b) *Automatic extension for corporation income tax returns.* An extension of 3 months for the filing of the return of income taxes imposed by subtitle A shall be allowed any corporation if, in such manner and at such time as the Secretary or his delegate may by regulations prescribe, there is filed on behalf of such corporation the form prescribed by the Secretary or his delegate, and if such corporation pays, on or before the date prescribed for payment of the tax, the amount properly estimated as its tax or the first installment thereof required under section 6152; but this extension may be terminated at any time by the Secretary or his delegate by mailing to the taxpayer notice of such termination at least 10 days prior to the date for termination fixed in such notice.

(c) *Postponement by reason of war.* For time for performing certain acts postponed by reason of war, see section 7508.

§ 1.6081–1 *Extension of time for filing returns*—(a) *In general.* District directors, including the Director, International Operations Division, are authorized to grant a reasonable extension of time for filing any return, declaration, statement, or other document which relates to any tax imposed by subtitle A of the Code and which is required under the provisions of subtitle A or F of the Code or the regulations thereunder. However, except in the case of taxpayers who are abroad, such extensions of time shall not be granted for more than six months. Except in the case of declarations of estimated income tax, an extension of time for filing an income tax return does not operate to extend the time for the payment of the tax, or any installment thereof, unless so specified in the extension. For extension of time for filing declarations of estimated tax, see §§ 1.6073–4 and 1.6074–3. For extension of time for paying tax, see § 1.6161–1.

(b) *Application for extension of time.* (1) A taxpayer desiring an extension of time for filing a return, statement, or other document shall, on or before the due date thereof, submit an application for such extension to the internal revenue officer with whom the return, statement, or other document is required to be filed. Such application shall be in writing, properly signed by the taxpayer or his duly authorized agent, and shall clearly set forth (i) the particular tax return, information return, statement, or other document, including the taxable year or period thereof, with respect to which the extension of the time for filing is desired, and (ii) a full recital of the reasons for requesting the extension to aid such internal revenue officer in determining the period of extension, if any, which will be granted. Such a request in the form of a letter will suffice as an application.

(2) In any case in which a taxpayer is unable, by reason of illness, absence, or other good cause, to sign a request for an extension, any person standing in close personal or business relationship to the taxpayer may sign the request on his behalf, and shall be considered as a duly authorized agent for this purpose, provided the request sets forth the reasons for a signature other than the taxpayer's and the relationship existing between the taxpayer and the signer.

§ 1.6081–2 *Extensions of time in the case of foreign organizations, certain domestic corporations, certain partnerships, and citizens of United States residing or traveling abroad*—(a) *In general.* An extension of time for filing returns of income is hereby granted up to and including the fifteenth day of the sixth month following the close of the taxable year in the case of:

(1) Partnerships which are required under paragraph (e) (2) of § 1.6031–1 to file returns on the fifteenth day of the fourth month following the close of the taxable year of the partnership, and which keep their records and books of account abroad;

(2) Domestic corporations which transact their business and keep their records and books of account abroad;

(3) Foreign corporations which maintain an office or place of business within the United States;

(4) Domestic corporations whose principal income is from sources within the possessions of the United States; and

(5) American citizens residing or traveling abroad, including persons in military or naval service on duty outside the United States.

In all such cases a statement must be attached to the return showing that the person for whom the return is made is a person described in this section.

(b) *Definitions.* The term "abroad", as used in this section, means outside the continental United States, Hawaii, and Puerto Rico. For purposes of this paragraph, the term "continental United States" does not include the Territory of Alaska.

§ 1.6081–3 *Automatic extension of time for filing corporation income tax returns*—(a) *In general.* A corporation shall be allowed an automatic extension of time to the fifteenth day of the third month following the month in which falls the date prescribed for the filing of its income tax return provided the following requirements are met:

(1) An application must be prepared in duplicate on Form 7004, "Application for Automatic Extension of Time to File U. S. Corporation Income Tax Return", and must be signed by a person authorized by the corporation to request such extension, and such person must be either an officer of the corporation or a person currently enrolled to practice before the Treasury Department.

(2) The original of the application must be filed on or before the date prescribed for the filing of the return of the corporation with the internal revenue officer with whom the corporation is required to file its income tax return and must be accompanied by a remittance of an estimated amount of tax which shall not be less than would be required as the first installment under section 6152 (a) (1) should the corporation elect to pay the tax in installments.

Upon the timely filing of Form 7004, properly prepared, the three-month extension shall be considered as allowed. If the taxpayer elects to pay in installments the tax shown on Form 7004, the installment privilege provided in section 6152 (a) (1) is limited to the amount shown on the form. The duplicate Form 7004 shall be attached to the completed income tax return when filed as evidence of the extension.

(b) *Consolidated returns.* An application for an automatic extension of time for filing a consolidated return shall be made by a person authorized by the parent corporation to request such extension. Such person must be either an officer of the parent corporation or a person currently enrolled to practice before the Treasury Department. There shall be attached to such application a statement listing the name and address of each member of the affiliated group for which such consolidated return will be made. The original of such application shall be filed with the district director for the district in which the parent corporation is required to file its income tax return. If a member of the affiliated group would be required to file its separate income tax return with a district director other than the district director with whom the parent corporation files its return, the parent corporation must immediately send to each district director with whom such member would be required to file its return a written notice that an application for the automatic extension of time for filing the consolidated return has been filed. Such notice shall also indicate the name and address of each member of the affiliated group required to file its separate return with such district director, and the name and address of the district director with whom the consolidated return will be filed. Upon the timely filing of Form 7004 in the office of the district director with whom the parent corporation files its return, and notices in the offices of the district directors with whom the members of the affiliated group file their returns, the three-month extension shall be considered as granted to the affiliated group for the filing of its consolidated return or for the filing of each member's separate return. In the event that the privilege of filing a consolidated return is not exercised, the parent corporation, and members of the affiliated group filing in the same district as that in which the parent files, shall attach to their completed separate income tax returns a copy of the application (Form 7004); and each other member of the affiliated group shall attach to its completed separate income tax return a copy of the notice sent to the district director with whom its return is filed.

(c) *Termination of automatic extension.* The district director, including the Director, International Operations Division, may, in his discretion, terminate at any time an automatic extension by mailing to the corporation (parent corporation in the case of an affiliated group), or the person who requested such extension for the corporation, a notice of termination. The notice shall be mailed at least ten days prior to the termination date designated in such notice. The notice of termination shall be sufficient for all purposes when mailed to the corporation at its address shown on Form 7004 or to the person who requested such extension for the corporation at his last known address or last known place of business, even if such corporation has terminated its existence, or such person is deceased or is under a legal disability.

§ 1.6091 *Statutory provisions; place for filing returns or other documents.*

SEC. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

(1) *Individuals.* Returns (other than corporation returns) shall be made to the Secretary or his delegate in the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or, if he has no legal residence or principal place of business in any internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

(2) *Corporations.* Returns of corporations shall be made to the Secretary or his delegate in the internal revenue district in which is located the principal place of business or principal office or agency of the corporation, or, if it has no principal place of business or principal office or agency in any internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

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(4) *Exceptional cases.* Notwithstanding paragraph (1), (2), or (3) of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

§ 1.6091–1 *Place for filing returns or other documents*—(a) *In general.* Except as provided in § 1.6091–4, whenever a return, statement, or other document is required to be made under the provisions of subtitle A or F of the Code, or the regulations thereunder, with respect to any tax imposed by subtitle A of the Code, and the place for filing such return, statement, or other document is not provided for by the Code, it shall be filed at the place prescribed by the regulations contained in this chapter.

(b) *Place for filing certain information returns.* (1) For the place for filing returns of partnership income, see paragraph (e) (1) of § 1.6031–1.

(2) For the place for filing information returns by banks with respect to common trust funds, see § 1.6032–1.

(3) For the place for filing information returns by certain organizations exempt from taxation under section 501 (a), see paragraph (e) of § 1.6033–1.

(4) For the place for filing information returns by trusts claiming charitable deductions under section 642 (c), see paragraph (c) of § 1.6034–1.

(5) For the place for filing information returns by officers, directors, and shareholders of foreign personal holding companies, see paragraph (e) of § 1.6035–1 and paragraph (c) of § 1.6035–2.

(6) For the place for filing returns of information reporting certain payments on Forms 1099 and 1096, see § 1.6041–6.

(7) For the place for filing information returns regarding corporate dividends, earnings, and profits on Forms 1099 and 1096, and regarding ownership of stock on Form 1087, see paragraph (d) of § 1.6042–1.

(8) For the place for filing information returns by corporations relating to contemplated dissolution or liquidation, see paragraph (a) of § 1.6043–1.

(9) For the place for filing information returns by corporations relating to distributions in liquidation, see paragraph (a) of § 1.6043–2.

(10) For the place for filing information returns reporting payments of patronage dividends, see paragraph (b) of § 1.6044–1.

(11) For the place for filing information returns relating to formation or reorganization of foreign corporations, see pararagph (e) of § 1.6046–1.

§ 1.6091–2 *Place for filing income tax returns*—(a) *Individuals, estates, and trusts.* (1) Except as provided in §§ 1.6091–3 and 1.6091–4, income tax returns of individuals, estates, and trusts shall be filed with the district director for the internal revenue district in which is located the legal residence or principal place of business of the person required to make the return, or, if such person has no legal residence or principal place of business in any internal revenue district, with the district director at Baltimore, Maryland.

(2) An individual employed on a salary or commission basis who is not also engaged in conducting a commercial or professional enterprise for profit on his own account does not have a "principal place of business" within the meaning of this section.

(b) *Corporations.* Except as provided in §§ 1.6091–3 and 1.6091–4, income tax returns of corporations shall be filed with the district director for the internal revenue district in which is located the principal place of business or principal office or agency of the corporation.

§ 1.6091–3 *Income tax returns required to be filed with Director, International Operations Division.* The following income tax returns shall be filed with the Director, International Operations Division, Internal Revenue Service, at Washington 25, D. C., or at such other address as is designated on the return form or in the instructions issued with respect to such form:

(a) Income tax returns on which all, or a portion, of the tax is to be paid in foreign currency. See §§ 301.6316–1 to 301.6316–8, inclusive, of this chapter.

(b) Income tax returns of individuals (whether citizens of the United States, citizens of possessions of the United States, or aliens) outside the United States, having no legal residence, or principal place of business, in any internal revenue district in the United States.

(c) The income tax return of an estate or trust the fiduciary of which is outside the United States and has no legal residence or place of business in any internal revenue district in the United States.

(d) Income tax returns of foreign corporations having no principal place of business, or principal office or agency in any internal revenue district in the United States.

§ 1.6091–4 *Exceptional cases*—(a) *Permission to file in district other than required district.* The Commissioner may permit the filing of any income tax return required to be made under the provisions of subtitle A or F of the Code, or the regulations in this part, in any internal revenue district, notwithstanding the provisions of paragraphs (1) and (2) of section 6091 (b) and §§ 1.6091–1 to 1.6091–3, inclusive.

(b) *Returns of officers and employees of the Internal Revenue Service.* The Commissioner may require any officer or employee of the Internal Revenue Service to file his income tax return in any district selected by the Commissioner.

§ 1.6102 *Statutory provisions; computations on returns or other documents.*

SEC. 6102. *Computations on returns or other documents*—(a) *Amounts shown on internal revenue forms.* The Secretary or his delegate is authorized to provide with respect to any amount required to be shown on a form prescribed for any internal revenue return, statement, or other document, that if such amount of such item is other than a whole-dollar amount, either—

(1) The fractional part of a dollar shall be disregarded; or

(2) The fractional part of a dollar shall be disregarded unless it amounts to one-half dollar or more, in which case the amount (determined without regard to the fractional part of a dollar) shall be increased by $1.

(b) *Election not to use whole dollar amounts.* Any person making a return, statement, or other document shall be allowed under regulations prescribed by the Secretary of his delegate, to make such return, statement, or other document without regard to subsection (a).

(c) *Inapplicability to computation of amount.* The provisions of subsections (a) and (b) shall not be applicable to items which must be taken into account in making the computations necessary to determine the amount required to be shown on a form, but shall be applicable only to such final amount.

§ 1.6102–1 *Computations on returns or other documents.* For provisions with respect to the rounding off to whole-dollar amounts of money items on returns and accompanying schedules, see § 301.6102–1 of this chapter.

TIME AND PLACE FOR PAYING TAX

§ 1.6151 *Statutory provisions; time and place for paying tax shown on returns.*

SEC. 6151. *Time and place for paying tax shown on returns*—(a) *General rule.* Except as otherwise provided in this section, when a return of tax is required under this title or regulations, the person required to make such return shall, without assessment or notice and demand from the Secretary or his delegate, pay such tax to the principal internal revenue officer for the internal revenue district in which the return is required to be filed, and shall pay such tax at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return).

(b) *Exceptions*—(1) *Income tax not computed by taxpayer.* If the taxpayer elects under section 6014 not to show the tax on the return, the amount determined by the Secretary or his delegate as payable shall be paid within 30 days after the mailing by the Secretary or his delegate to the taxpayer of a notice stating such amount and making demand therefor.

(2) *Use of Government depositaries.* For authority of the Secretary or his delegate to require payments to Government depositaries, see section 6302 (c).

(c) *Date fixed for payment of tax.* In any case in which a tax is required to be paid on or before a certain date, or within a certain period, any reference in this title to the date fixed for payment of such tax shall be deemed a reference to the last day fixed for such payment (determined without regard to any extension of time for paying the tax).

§ 1.6151–1 *Time and place for paying tax shown on returns*—(a) *In general.* Except as provided in section 6152 and paragraph (b) of this section, the tax shown on any income tax return shall, without assessment or notice and demand, be paid to the internal revenue officer with whom the return is required to be filed at the time fixed for filing the return (determined without regard to any extension of time for filing the return). For provisions relating to the time for filing income tax returns, see section 6072 and §§ 1.6072–1 to 1.6072–4, inclusive. For provisions relating to the place for filing income tax returns, see section 6091 and §§ 1.6091–1 to 1.6091–4, inclusive.

(b) *Returns on Form 1040A*—(1) *Where tax is not shown on return.* In any case in which a taxpayer files a return on Form 1040A and, pursuant to section 6014 and § 1.6014–1, elects not to show the tax on the return, the amount of tax determined to be due shall be paid within 30 days after the date of mailing to the taxpayer a notice stating the amount payable and making demand upon the taxpayer therefor. However, if the notice is mailed to the taxpayer more than 30 days before the due date of the return, payment of the tax shall not be required prior to such due date.

(2) *Where tax is shown on the return.* In any case in which a taxpayer files a return on Form 1040A pursuant to paragraph (a) (7) of § 1.6012–1 and shows the amount of tax on the return, the unpaid balance of the tax shall, without assessment or notice and demand, be paid not later than the date fixed for filing the return.

(c) *Date fixed for payment of tax.* In any case in which a tax imposed by subtitle A of the Code is required to be paid on or before a certain date, or within a certain period, any reference in subtitle A or F of the Code to the date fixed for payment of such tax shall be deemed a reference to the last day fixed for such payment (determined without regard to any extension of time for paying the tax).

§ 1.6152 *Statutory provisions; installment payments.*

SEC. 6152. *Installment payments*—(a) *Privilege to elect to make installment payments*—(1) *Corporations.* A corporation subject to the taxes imposed by chapter 1 may elect to pay the unpaid amount of such taxes in installments as follows:

(A) With respect to taxable years ending before December 31, 1954, four installments, the first two of which shall be 45 percent, respectively, of such taxes and the last two of which shall be 5 percent, respectively, of such taxes;

(B) With respect to taxable years ending on or after December 31, 1954, two equal installments.

(2) *Estates of decedents.* A decedent's estate subject to the tax imposed by chapter 1 may elect to pay such tax in four equal installments.

(b) *Dates prescribed for payment of installments*—(1) *Four installments.* In any case (other than payment of estimated income tax) in which the tax may be paid in four installments, the first installment shall be paid on the date prescribed for the payment of the tax, the second installment shall be paid on or before 3 months, the third installment on or before 6 months, and the fourth installment on or before 9 months, after such date.

(2) *Two installments.* In any case (other than payment of estimated income tax) in which the tax may be paid in two installments, the first installment shall be paid on the date prescribed for the payment of the tax, and the second installment shall be paid on or before 3 months after such date.

(c) *Proration of deficiency to installments.* If an election has been made to pay the tax imposed by chapter 1 in installments and a deficiency has been assessed, the deficiency shall be prorated to such installments. Except as provided in section 6861 (relating to jeopardy assessments), that part of the deficiency so prorated to any installment the date for payment of which has not arrived shall be collected at the same time as and as part of such installment. That part of the deficiency so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the Secretary or his delegate.

(d) *Acceleration of payment.* If any installment (other than an installment of estimated income tax) is not paid on or before the date fixed for its payment, the whole of the unpaid tax shall be paid upon notice and demand from the Secretary or his delegate.

[Sec. 6152 as amended by sec. 3, Act of Sept. 1, 1954 (Pub. Law 767, 83d Cong.), 68 Stat. 1130]

§ 1.6152–1 *Installment payments*—(a) *Privilege of corporation to elect to make installment payments*—(1) *Amount to be paid.* In the case of any taxable year ending on or after December 31, 1954, a corporation subject to the taxes imposed by chapter 1 of the Code may elect, as provided in subparagraph (2) of this paragraph, to pay the unpaid amount of such tax for the taxable year in two equal installments instead of making a single payment. If such an election is made, the installments shall be paid as follows:

(i) Fifty percent on or before the date prescribed for the payment of the tax as a single payment, and

(ii) The remaining 50 percent on or before three months after the date prescribed for the payment of the first installment.

For provisions relating to installment payments of estimated income tax by corporations, see section 6154 and §§ 1.6154–1 to 1.6154–3, inclusive.

(2) *Method of election.* A corporation shall be considered to have made an election to pay its tax in installments if—

(i) It files its income tax return on or before the date prescribed therefor (determined without regard to any extension of time) and pays 50 percent of the unpaid amount of the tax at such time, or

(ii) It files an application on Form 7004 for an automatic extension of time to file its income tax return, as provided in § 1.6081–3, and pays 50 percent of the unpaid amount of the tax at such time.

Except as provided in paragraph (c) of this section, the installment privilege is limited to the unpaid amount of tax as shown on the income tax return filed in accordance with the provisions of subdivision (i) of this subparagraph, or as shown on the Form 7004 filed in accordance with the provisions of subdivision (ii) of this subparagraph.

(b) *Privilege of estates of decedents to make installment payments.* With respect to the income tax imposed by chapter 1 of the Code upon estates of decedents, the fiduciary may elect to pay the tax in four equal installments instead of in a single payment. If the election is made, the tax shall be paid as follows:

(1) Twenty-five percent on or before the date prescribed for the payment of the tax as a single payment,

(2) Twenty-five percent on or before three months after the date prescribed for payment of the first installment,

(3) Twenty-five percent on or before six months after the date prescribed for payment of the first installment, and

(4) Twenty-five percent on or before nine months after the date prescribed for payment of the first installment.

(c) *Proration of deficiency to installments.* If an election has been made to pay the tax imposed by chapter 1 of the Code in installments, and a deficiency has been assessed, the deficiency shall be prorated equally to all the installments, whether paid or unpaid. Except as provided in section 6861, relating to jeopardy assessment, the part of the deficiency so prorated to any installment which is not yet due shall be collected at the same time as and as part of such installment. The part of the deficiency so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the district director.

(d) *Acceleration of payment.* If a taxpayer elects under the provisions of this section to pay the tax in installments, any installment may be paid prior to the date prescribed for its payment. If an installment is not paid in full on or before the date fixed for its payment the whole amount of the unpaid tax shall be paid upon notice and demand from the district director.

§ 1.6161 *Statutory provisions; extension of time for paying tax.*

SEC. 6161. *Extension of time for paying tax*—(a) *Amount determined by taxpayer on return*—(1) *General rule.* The Secretary or his delegate, except as otherwise provided in this title, may extend the time for payment of the amount of the tax shown, or required to be shown, on any return or declaration required under authority of this title (or any installment thereof), for a reasonable period not to exceed 6 months from the date fixed for payment thereof. Such extension may exceed 6 months in the case of a taxpayer who is abroad.

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(b) *Amount determined as deficiency.* Under regulations prescribed by the Secretary or his delegate, the Secretary or his delegate may extend, to the extent provided below, the time for payment of the amount determined as a deficiency:

(1) In the case of a tax imposed by chapter 1 or 12, for a period not to exceed 18 months from the date fixed for payment of the deficiency, and, in exceptional cases, for a further period not to exceed 12 months;

* * * * *

An extension under this subsection may be granted only where it is shown to the satisfaction of the Secretary of his delegate that the payment of a deficiency upon the date fixed for the payment thereof will result in undue hardship to the taxpayer in the case of a tax imposed by chapter 1, to the estate in the case of a tax imposed by chapter 11, or to the donor in the case of a tax imposed by chapter 12. No extension shall be granted if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax.

* * * * *

§ 1.6161–1 *Extension of time for paying tax or deficiency*—(a) *In general*—(1) *Tax shown or required to be shown on return.* A reasonable extension of the time for payment of the amount of any tax imposed by subtitle A of the Code and shown or required to be shown on any return, or for payment of the amount of any installment of such tax, may be granted by the district directors (including the Director, International Operations Division) at the request of the taxpayer. The period of such extension shall not be in excess of six months from the date fixed for payment of such tax or installment, except that if the taxpayer is abroad the period of the extension may be in excess of six months.

(2) *Deficiency.* The time for payment of any amount determined as a deficiency in respect of tax imposed by chapter 1 of subtitle A of the Code, or for the payment of any part thereof, may, at the request of the taxpayer, be extended by the internal revenue officer to whom the tax is required to be paid for a period not to exceed 18 months from the date fixed for payment of the deficiency, as shown on the notice and demand, and, in exceptional cases, for a further period not in excess of 12 months. No extension of the time for payment of a deficiency shall be granted if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax.

(3) *Extension of time for filing distinguished.* The granting of an extension of time for filing a return does not operate to extend the time for the payment of the tax or any part thereof, unless so specified in the extension.

(b) *Undue hardship required for extension.* An extension of the time for payment shall be granted only upon a satisfactory showing that payment on the due date of the amount with respect to which the extension is desired will result in an undue hardship. The extension will not be granted upon a general statement of hardship. The term "undue hardship" means more than an inconvenience to the taxpayer. It must appear that substantial financial loss, for example, loss due to the sale of property at a sacrifice price, will result to the taxpayer from making payment on the due date of the amount with respect to which the extension is desired. If a market exists, the sale of property at the current market price is not ordinarily considered as resulting in an undue hardship.

(c) *Application for extension.* An application for an extension of the time for payment of the tax shown or required to be shown on any return, or for the payment of any installment thereof, or for the payment of any amount determined as a deficiency shall be made on Form 1127 and shall be accompanied by evidence showing the undue hardship that would result to the taxpayer if the extension were refused. Such application shall also be accompanied by a statement of the assets and liabilities of the taxpayer and an itemized statement showing all receipts and disbursements for each of the three months immediately preceding the due date of the amount to which the application relates. The application, with supporting documents, must be filed with the internal revenue officer to whom the tax is required to be paid on or before the date prescribed for payment of the amount with respect to which the extension is desired. The application will be examined, and within 30 days, if possible, will be denied, granted, or tentatively granted subject to certain condition of which the taxpayer will be notified. If an additional extension is desired, the request therefor must be made on or before the expiration of the period for which the prior extension is granted.

(d) *Payment pursuant to extension.* If an extension of time for payment is granted, the amount the time for payment of which is so extended shall be paid on or before the expiration of the period of the extension without the necessity of notice and demand. The granting of an extension of the time for payment of the tax or deficiency does not relieve the taxpayer from liability for the payment of interest thereon during the period of the extension. See section 6601 and § 301.6601–1 of this chapter. Further, the granting of an extension of the time for payment of one installment of the tax does not extend the time for payment of subsequent installments.

(e) *Cross reference.* For extensions of time for payment of estimated tax, see §§ 1.6073–4 and 1.6074–3.

§ 1.6162 *Statutory provisions; extension of time for payment of tax on gain attributable to liquidation of personal holding companies.*

SEC. 6162. *Extension of time for payment of tax on gain attributable to liquidation of personal holding companies*—(a) *Extension permitted.* The Secretary or his delegate may (under regulations prescribed by the Secretary or his delegate) extend (for a period not to exceed 5 years from the date fixed for the payment of the tax) the time for the payment of such portion of the amount determined as the tax under chapter 1 by the taxpayer for any taxable year beginning before January 1, 1956, as is attributable to the short-term or long-term capital gain derived by the taxpayer from the receipt by him of property other than money on a complete liquidation of a corporation to which section 331 (a) (1) or 342 applies. This section shall apply only if the corporation, for its taxable year preceding the year in which occurred the complete liquidation (or the first of the series of distributions in complete liquidation), was, under the law applicable to such taxable year, a personal holding company or a foreign personal holding company. An extension under this section shall be granted only if it is shown to the satisfaction of the Secretary or his delegate that the failure to grant the extension will result in undue hardship to the taxpayer.

(b) *Security.* For authority of the Secretary or his delegate to require security in the case of such an extension, see section 6165.

§ 1.6162–1 *Extension of time for payment of tax on gain attributable to liquidation of personal holding companies*—(a) *In general.* (1) If it is shown to the satisfaction of the district director that undue hardship to the taxpayer will result from the payment of such portion of the amount determined as the tax under chapter 1 of the Code by the taxpayer as is attributable to the short-term or long-term capital gain derived by the taxpayer from the receipt by him of property other than money on a complete liquidation of a corporation to which section 331 (a) (1) or 342 applies, the district director may grant an extension of time for the payment of such portion of the tax. For the meaning of the term "undue hardship", see paragraph (b) of § 1.6161–1.

(2) The extension of time for payment shall be for a period not in excess of five years. The extension shall only be granted for a taxable year beginning before January 1, 1956, and shall apply only if the corporation, for its taxable year preceding the year in which occurred the complete liquidation (or the first of the series of distributions in complete liquidation), was, under the law applicable to such taxable year, a personal holding company or a foreign personal holding company.

(b) *Requirement of bond.* As a condition to the granting of an extension of time for payment, the taxpayer will usually be required by the district director to furnish a bond as provided in section 6165 and the regulations thereunder. For other provisions with respect to bonds, see section 7101 and the regulations thereunder.

§ 1.6164 *Statutory provisions; extension of time for payment of taxes by corporations expecting carrybacks.*

SEC. 6164. *Extension of time for payment of taxes by corporations expecting carrybacks*—(a) *In general.* If a corporation, in any taxable year, files with the Secretary or his delegate a statement, as provided in subsection (b), with respect to an expected net operating loss carryback from such taxable year, the time for payment of all or part of any tax imposed by subtitle A for the taxable year immediately preceding such taxable year shall be extended, to the extent and subject to the conditions and limitations hereinafter provided in this section.

(b) *Contents of statement.* The statement shall be filed at such time and in such manner and form as the Secretary or his delegate may by regulations prescribe. Such statement shall set forth that the corporation expects to have a net operating loss carryback, as provided in section 172 (b), from the taxable year in which such statement is made, and shall set forth, in such detail and with such supporting data and explanation as such regulations shall require—

(1) The estimated amount of the expected net operating loss;

(2) The reasons, facts, and circumstances which cause the corporation to expect such net operating loss;

(3) The amount of the reduction of the tax previously determined attributable to the expected carryback, such tax previously determined being ascertained in accordance with the method prescribed in section 1314 (a); and such reduction being determined by applying the expected carryback in the manner provided by law to the items on the basis of which such tax was determined;

(4) The tax and the part thereof the time for payment of which is to be extended; and

(5) Such other information for purposes of carrying out the provisions of this section as may be required by such regulations.

The Secretary or his delegate shall, upon request, furnish a receipt for any statement filed, which shall set forth the date of such filing.

(c) *Amount to which extension relates and installment payments.* The amount the time for payment of which may be extended under subsection (a) with respect to any tax shall not exceed the amount of such tax shown on the return, increased by any amount assessed as a deficiency (or as interest or addition to the tax) prior to the date of filing the statement and decreased by any amount paid or required to be paid prior to the date of such filing, and the total amount of the tax the time for payment of which may be extended shall not exceed the amount stated under subsection (b) (3). For purposes of this subsection, an amount shall not be considered as required to be paid unless shown on the return or assessed as a deficiency (or as interest or addition to the tax), and an amount assessed as a deficiency (or as interest or addition to the tax) shall be considered to be required to be paid prior to the date of filing of the statement if the 10th day after notice and demand for its payment occurs prior to such date. If an extension of time under this section relates to only a part of the tax, the time for payment of the remainder shall be considered to be the dates on which payments would have been required if such remainder had been the tax and the taxpayer had elected to pay the tax in installments as provided in section 6152.

(d) *Period of extension.* The extension of time for payment provided in this section shall expire—

(1) On the last day of the month in which falls the last date prescribed by law (including any extension of time granted the taxpayer) for the filing of the return for the taxable year of the expected net operating loss, or

(2) If an application for tentative carryback adjustment provided in section 6411 with respect to such loss is filed before the expiration of the period prescribed in paragraph (1), on the date on which notice is mailed by certified mail or registered mail by the Secretary or his delegate to the taxpayer that such application is allowed or disallowed in whole or in part.

(e) *Revised statements.* Each statement filed under subsection (a) with respect to any taxable year shall be in lieu of the last statement previously filed with respect to such year. If the amount the time for payment of which is extended under a statement filed is less than the amount under the last statement previously filed, the extension of time shall be terminated as to the difference between the two amounts.

(f) *Termination.* The Secretary or his delegate is not required to make any examination of the statement, but he may make such examination thereof as he deems necessary and practicable. The Secretary or his delegate shall terminate the extension as to any part of the amount to which it relates which he deems should be terminated because, upon such examination, he believes that, as of the time such examination is made, all or any part of the statement clearly is in a material respect erroneous or unreasonable.

(g) *Payments on termination.* If an extension of time is terminated under subsection (e) or (f) with respect to any amount, then—

(1) No further extension of time shall be made under this section with respect to such amount, and

(2) The time for payment of such amount shall be considered to be the dates on which payments would have been required if there had been no extension with respect to such amount and the taxpayer had elected to pay the tax in installments as provided in section 6152.

(h) *Jeopardy.* If the Secretary of his delegate believes that collection of the amount to which an extension under this section relates is in jeopardy, he shall immediately terminate such extension, and notice and demand shall be made by him for payment of such amount.

(i) *Consolidated returns.* If the corporation seeking an extension of time under this section made or was required to make a consolidated return, either for the taxable year within which the net operating loss arises or for the preceding taxable year affected by such loss, the provisions of such section shall apply only to such extent and subject to such conditions, limitations, and exceptions as the Secretary or his delegate may by regulations prescribe.

(Sec. 6164, as amended by sec. 89 (b), Technical Amendments Act 1958)

§ 1.6164–1 *Extensions of time for payment of taxes by corporations expecting carrybacks*—(a) *In general.* If a corporation in any taxable year files a statement with respect to an expected net operating loss carryback from such taxable year, such corporation may extend the time for the payment of all or part of any tax imposed by subtitle A for the taxable year immediately preceding such taxable year to the extent and subject to the limitations provided in section 6164. A corporation may extend the time for payment with respect to only such taxes as meet the following requirements:

(1) The tax must be one imposed by subtitle A of the Code;

(2) The tax must be for the taxable year immediately preceding the taxable year of the expected net operating loss;

(3) The tax must be shown on the return or must be assessed within the taxable year of the expected net operating loss; and

(4) The tax must not have been paid or required to have been paid prior to the filing of the statement.

(b) *Statement for purpose of extending time for payment.* (1) The time for payment of the tax is automatically extended upon the filing of a statement on Form 1138 by the corporation with the district director for the district where the tax is payable. The statement on Form 1138 must be filled out in accordance with the instructions accompanying the form, and all information required by the form and the instructions must be furnished by the taxpayer. The district director, upon request, will furnish a receipt for any statement filed. Such receipt will show the date the statement was filed.

(2) The period of extension is that provided in section 6164 (d) and § 1.6164–5 unless sooner terminated by action of either the district director or the corporation.

§ 1.6164–2 *Amount of tax the time for payment of which may be extended*—(a) *Total amount to which extension may relate.* The total amount of tax the time for payment of which may be extended under section 6164 may not exceed the amount of the reduction of the taxes previously determined attributable to the expected carryback.

(b) *Amount of tax to which extension may relate.* (1) The taxpayer shall specify on Form 1138 the kind of tax and the amount thereof the time for payment of which is to be extended. The amount of tax to which an extension may relate shall not exceed the amount of such tax shown on the return as filed, increased by any amount assessed as a deficiency (or as interest or addition to the tax) prior to the date of filing the statement and decreased by any amount paid or required to be paid prior to such date. In determining the amount of tax required to be paid prior to the date of filing the statement, only the following amounts shall be taken into consideration:

(i) The amount of the tax shown on the return as filed; and

(ii) Any amount assessed as a deficiency (or as interest or addition to the tax) if the tenth day after notice and demand for its payment occurs prior to the date of the filing of the statement.

(2) Delinquent installments are to be considered amounts required to be paid prior to the date of filing the statement. In the case of any authorized extension of time under sections 6161 and 6162, the amount of tax the time for payment of which is so extended is not to be considered required to be paid prior to the end of such extension. Similarly, any amount assessed as a deficiency (or as interest or addition to the tax) is not to be considered required to be paid prior to the date of the filing of the statement unless the tenth day after notice and demand for its payment falls prior to the date of the filing of the statement.

(2) The taxpayer may choose to extend the time for payment of all of one or more taxes, or it may choose to extend the time for payment of portions of several taxes. The taxes chosen by the taxpayer need not be those taxes which are affected by the carryback.

§ 1.6164–3 *Computation of the amount of reduction of the tax previously determined*—(a) *Tax previously determined.* The taxpayer is to determine the amount of the reduction, attributable to the expected carryback, in the aggregate of the taxes previously determined for taxable years prior to the taxable year of the expected net operating loss. The tax previously determined is to be ascertained in accordance with the method prescribed in section 1314 (a). Thus, the tax previously determined will be the tax shown on the return as filed, increased by any amounts assessed (or collected without assessment) as deficiencies prior to the date of the filing of the statement, and decreased by any amounts abated, credited, refunded, or otherwise repaid prior to such date. Any items as to which the Internal Revenue Service and the taxpayer are in disagreement at the time of the filing of the statement shall be taken into account in ascertaining the tax previously determined only if, and to the extent that, they were reported in the return, or were reflected in any amounts assessed (or collected without assessment) as deficiencies, or in any amounts abated, credited, refunded, or otherwise repaid, prior to the date of the filing of the statement. The tax previously determined will reflect the foreign tax credit and the credit for tax withheld at source provided in section 32.

(b) *Reduction attributable to the expected carryback.* The reduction, attributable to the expected carryback or related adjustments, in any tax previously determined is to be ascertained by applying the expected carryback as if it were a determined net operating loss carryback, in accordance with the provisions of section 172 and §§ 1.172–1 to 1.172–8, inclusive. Items must be taken into account only to the extent that such items were included in the return, or were reflected in amounts assessed (or collected without assessment) as deficiencies, or in amounts abated, credited, refunded, or otherwise repaid, prior to the date of the filing of the statement. Thus, for example, if the taxpayer claims a deduction for depreciation of $10,000 in its return and the Internal Revenue Service asserts that only $4,000 is properly deductible, no change is to be made in the $10,000 depreciation deduction as shown by the taxpayer on his return unless a deficiency has been assessed, or an amount collected without assessment, prior to the date of filing of the statement as a result of a change in the depreciation deduction, or unless such change in the depreciation deduction was reflected in an amount abated, credited, refunded, or otherwise repaid prior to such date.

§ 1.6164–4 *Payment of remainder of tax where extension relates to only part of the tax*—(a) *Time for payment.* If an extension of time relates to only part of the tax, the time for payment of the remainder of the tax shall be considered to be the dates on which payments would have been required if such remainder had been the tax and the taxpayer had elected to pay the tax in installments as provided in section 6152 (a).

(b) *Example.* The provisions of this section may be illustrated by the following example:

Example. Corporation X, which keeps its books and makes its tax returns on the calendar year basis, filed its income tax return for 1956 on March 15, 1957. The corporation showed a tax of $1,000 on its return and paid 50 percent of such tax, or $500 on March 15, 1957. On June 3, 1957, corporation X, pursuant to the provisions of section 6164, extended the time for payment of $400 of such tax. The remainder of the tax the time for payment of which was not so extended, i. e., $600, is to be considered the tax for purposes of determining when it is to be paid. The remainder is considered to be due on the dates on which payment would have been required if such remainder had been the tax. Since the taxable year ended on December 31, 1956, the tax is payable in two equal installments of $300 each on March 15, 1957, and June 17, 1957. The taxpayer, having paid $500 on March 15, 1957, will have $100 to pay on June 17, 1957.

§ 1.6164–5 *Period of extension.* If the time for the payment of any tax has been extended pursuant to section 6164, such extension shall expire:

(a) On the last day of the month in which falls the last date prescribed by law (including any extension of time granted the taxpayer) for the filing of the return for the taxable year of the expected net operating loss; or

(b) If an application for a tentative carryback adjustment provided in section 6411 with respect to such loss is filed before the expiration of the period specified in paragraph (a) of this section, on the date on which notice is mailed by registered mail prior to September 3, 1958, and by either registered or certified mail on and after September 3, 1958, to the taxpayer that such application is allowed or disallowed in whole or in part.

§ 1.6164–6 *Revised statements*—(a) *Requirements and effect.* A corporation may file more than one statement under section 6164 with respect to any one taxable year. Each statement is to be considered a new statement and not an amendment of any prior statement. Each such new statement is to be in lieu of the last statement previously filed with respect to the taxable year. The new statement may extend the time for payment of a greater or lesser amount of tax than was extended under the prior statement or may change the kind of tax the time for payment of which is to be extended. The extension may not relate to any amount of tax which was paid or required to be paid prior to the date of filing the new statement. Any amount of tax the time for payment of which was extended under a prior statement, however, may continue to be extended under the new statement. If the amount the time for payment of which is extended under the new statement is less than the amount so extended under the last statement previously filed, the extension of time shall be terminated on the date the new statement is filed as to the difference between the two amounts. See § 1.6164–8 for the dates on which such difference must be paid. If a corporation pays any amount of tax, the time for payment of which was extended, prior to the date the extension would otherwise terminate, the extension with respect to such amount shall be deemed terminated, without regard to whether a new statement is filed, on the date such amount is paid. The corporation shall indicate on each new statement filed that it has already filed one or more prior statements with respect to the taxable year. The corporation shall likewise indicate the date each prior statement was filed and the amount of each tax the time for payment of which was extended under each prior statement.

(b) *Example.* The provisions of this section may be illustrated by the following example:

Example. Corporation Y, which keeps its books and makes its tax returns on the calendar year basis, filed its income tax return for 1956 on March 15, 1957, showing a tax of $100,000. At the same time it filed a statement under section 6164 in which it stated that it expected to have a net operating loss of $75,000 in 1957 and that the reduction in the tax previously determined for 1955 (the second taxable year preceding the year of the expected net operating loss) attributable to the expected net operating loss carryback resulting from such expected loss, would be $39,000. The corporation accordingly extended the time for payment of $30,000 of its income tax for 1956, and paid $30,500 (30 percent of the excess of $100,000 over $39,000) of such tax on March 15, 1957 (see section 6164 (c) and § 1.6164–4). As a result of its operations during the next several months, the corporation filed a second statement on June 3, 1957, in which it stated that its expected net operating loss for 1957 would amount to $150,000 and that the corresponding reduction in the tax for 1955 would amount to $78,000. Corporation Y under the new statement may extend the time for payment of $30,500, the installment due on June 17, 1957, and the time for payment of the $39,000 extended under the first statement filed on March 15, 1957, may continue to be extended under the second statement. The $30,500 which was paid on March 15, 1957, will not be affected by the second statement filed on June 3, 1957.

§ 1.6164–7 *Termination by district director*—(a) *After an examination of the statement filed by the corporation is made.* The district director is authorized to make such examination of the statements filed as he deems necessary and practicable. If, upon such examination as he may make, the district director believes that, as of the time he makes the examination, all or any part of the statement is in a material respect erroneous or unreasonable, he will terminate the extension as to any part of the amount to which such extension relates which he deems should be terminated.

(b) *Jeopardy.* If the district director believes that the collection of any amount to which an extension under section 6164 relates is in jeopardy, he will immediately terminate the extension. In the case of such a termination, notice and demand shall be made by the district director for payment of such

amount, and there may be no further extension of time under section 6164 with respect to such amount.

§ 1.6164–8 *Payments on termination*—(a) *In general.* If an extension of time under section 6164 is terminated with respect to any amount either (1) by the filing of a new statement by the taxpayer under section 6164 (e) extending the time for payment of a lesser amount than was extended in a prior statement, or (2) by action of the district director under section 6164 (f) after making an examination of the statement filed by the corporation, no further extension of time may be made under section 6164 with respect to such amount. The time for payment of such amount shall be the dates on which payments would have been required if there had been no extension with respect to such amount and the taxpayer had elected under section 6152 (a) to pay the tax in installments.

(b) *Example.* The provisions of this section may be illustrated by the following example:

Example. Corporation Z, which keeps its books and makes its tax returns on the calendar year basis, filed its income tax return for 1956 on March 15, 1957, showing a tax of $100,000. At the same time it filed a statement under section 6164 extending the time for payment of the entire $100,000 on the basis of an expected net operating loss carryback from 1957. On April 10, 1957, the corporation filed a new statement indicating that the reduction, attributable to the carryback from 1957, in its income tax for 1956, would only be $80,000, and thus terminated the above extension of $20,000. The time for payment of such $20,000 may not be extended again, and such $20,000 is payable as if it were the tax for 1956 and corporation Z had elected to pay such tax in installments. That is, $10,000 is payable on March 15, 1957, and $10,000 payable on June 17, 1957. Inasmuch as the March 15 date had already passed when the corporation Z terminated the extension with respect to the $20,000, $10,000 is payable immediately upon such termination, and the other installment of $10,000 is payable on June 17, 1957. This example would also apply if the extension of time for payment of the $20,000 were terminated instead by the district director on April 10, 1957.

§ 1.6164–9 *Cross references.* For provisions with respect to interest due on amounts the payment of which is extended under section 6164, see section 6601 and § 301.6601–1 (e) of this chapter. For provisions relating to the applicability of section 6164 in the case of corporations making or required to make consolidated returns, see § 1.1502–19.

TENTATIVE CARRYBACK ADJUSTMENTS

§ 1.6411 *Statutory provisions; tentative carryback adjustments.*

SEC. 6411. *Tentative carryback adjustments*—(a) *Application for adjustment.* A taxpayer may file an application for a tentative carryback adjustment of the tax for the prior taxable year affected by a net operating loss carryback, provided in section 172 (b), from any taxable year. The application shall be verified in the manner prescribed by section 6065 in the case of a return of such taxpayer, and shall be filed, on or after the date of filing of the return for the taxable year of the net operating loss from which the carryback results and within a period of 12 months from the end of such taxable year, in the manner and form required by regulations prescribed by the Secretary or his delegate. The application shall set forth in such detail and with such supporting data and explanation as such regulations shall require—

(1) The amount of the net operating loss;

(2) The amount of the tax previously determined for the prior taxable year affected by such carryback, the tax previously determined being ascertained in accordance with the method prescribed in section 1314 (a);

(3) The amount of decrease in such tax, attributable to such carryback, such decrease being determined by applying the carryback in the manner provided by law to the items on the basis of which such tax was determined;

(4) The unpaid amount of such tax, not including any amount required to be shown under paragraph (5);

(5) The amount, with respect to the tax for the taxable year immediately preceding the taxable year of such loss, as to which an extension of time for payment under section 6164 is in effect; and

(6) Such other information for purposes of carrying out the provisions of this section as may be required by such regulations.

An application under this subsection shall not constitute a claim for credit or refund.

(b) *Allowance of adjustments.* Within a period of 90 days from the date on which an application for a tentative carryback adjustment is filed under subsection (a), or from the last day of the month in which falls the last date prescribed by law (including any extension of time granted the taxpayer) for filing the return for the taxable year of the net operating loss from which such carryback results, whichever is the later, the Secretary or his delegate shall make, to the extent he deems practicable in such period, a limited examination of the application, to discover omissions and errors of computation therein, and shall determine the amount of the decrease in the tax attributable to such carryback upon the basis of the application and the examination, except that the Secretary or his delegate may disallow, without further action, any application which he finds contains errors of computation which he deems cannot be corrected by him within such 90-day period or material omissions. Such decrease shall be applied against any unpaid amount of the tax decreased (including any amount of such tax as to which an extension of time under section 6164 is in effect) and any remainder shall be credited against any unsatisfied amount of any tax for the taxable year immediately preceding the taxable year of the net operating loss the time for payment of which tax is extended under section 6164. Any remainder shall, within such 90-day period, be either credited against any tax or installment thereof then due from the taxpayer, or refunded to the taxpayer.

(c) *Consolidated returns.* If the corporation seeking a tentative carryback adjustment under this section, made or was required to make a consolidated return, either for the taxable year within which the net operating loss arises, or for the preceding taxable year affected by such loss, the provisions of this section shall apply only to such extent and subject to such conditions, limitations, and exceptions as the Secretary or his delegate may by regulations prescribe.

§ 1.6411–1 *Tentative carryback adjustments*—(a) *In general.* Any taxpayer who has a net operating loss under section 172 may file an application under section 6411 for a tentative carryback adjustment of the taxes for taxable years prior to the taxable year of the loss which are affected by the net operating loss carryback resulting from such loss. The right to file an application for a tentative carryback adjustment is not limited to corporations, but is available to any taxpayer. A corporation may file an application for a tentative carryback adjustment even though it has not extended the time for payment of tax under section 6164.

(b) *Contents of application.* (1) The application for a tentative carryback adjustment shall be filed, in the case of a corporation, on Form 1139, and in the case of taxpayers other than corporations, on Form 1045. The application shall be filled out in accordance with the instructions accompanying the form, and all information required by the form and the instructions must be furnished by the taxpayer.

(2) An application for a tentative carryback adjustment does not constitute a claim for credit or refund. If such application is disallowed by the district director in whole or in part, no suit may be maintained in any court for the recovery of any tax based on such application. The filing of an application for a tentative carryback adjustment will not constitute the filing of a claim for credit or refund within the meaning of section 6511 for purposes of determining whether a claim for credit or refund was filed prior to the expiration of the applicable period of limitation. The taxpayer, however, may file a claim for credit or refund under section 6402 at any time prior to the expiration of the applicable period of limitation, and may maintain a suit based on such claim if it is disallowed or if the district director does not act on the claim within six months from the date it is filed. Such claim may be filed before, simultaneously with, or after the filing of the application for a tentative carryback adjustment. A claim for credit or refund under section 6402 filed after the filing of an application for a tentative carryback adjustment is not to be considered an amendment of such application. Such claim, however, in proper cases may constitute an amendment to a prior claim filed under section 6402.

(c) *Time and place for filing application.* The application for a tentative carryback adjustment shall be filed on or after the date of the filing of the return for the taxable year of the net operating loss and shall be filed within a period of twelve months from the end of such taxable year. Any application filed prior to the date the return for the taxable year of the loss is filed shall be considered to have been filed on the date such return is filed. The application shall be filed with the district director for the district in which the tax was paid or the assessment was made.

§ 1.6411–2 *Computation of tentative carryback adjustment*—(a) *Tax previously determined.* The taxpayer is to determine the amount of decrease, attributable to the carryback, in tax previously determined for each taxable year before the taxable year of the net operating loss. The tax previously determined is to be ascertained in accordance with the method prescribed in section 1314 (a). Thus, the tax previously determined will be the tax shown on the return as filed, increased by any amounts assessed (or collected without assessment) as deficiencies before the date of the filing of the application for a tentative carryback adjustment, and decreased by any amounts abated, credited, refunded, or otherwise repaid prior to such date. Any items as to which the Internal Revenue Service and the taxpayer are in disagreement at the time of the filing of the application shall be taken into account in ascertaining the tax previously determined only if, and to the extent that, they were reported in the return, or were reflected in any amounts assessed (or collected without assessment) as deficiencies, or in any amounts abated, credited, refunded, or otherwise repaid, before the date of filing the application. The tax previously determined, therefore, will reflect the foreign tax credit and the credit for tax withheld at source provided in section 32.

(b) *Decrease attributable to carryback.* The decrease in tax previously determined which is affected by the carryback or any related adjustments, is to be determined, except for such carryback and related adjustments, on the basis of the items which entered into the computation of such tax as previously determined; the tax previously determined being ascertained in the manner described in this section. In determining any such decrease, items shall be taken into account only to the extent that they were reported in the return, or were reflected in amounts assessed (or collected without assessment) as deficiencies, or in amounts abated, credited, refunded, or otherwise repaid, before the date of filing the application for a tentative carryback adjustment. If the Internal Revenue Service and the taxpayer are in disagreement as to the proper treatment of any item, it shall be assumed for purposes of determining the decrease in the tax previously determined that such item was correctly reported by the taxpayer unless, and to the extent that, the disagreement has resulted in the assessment of a deficiency (or the collection of an amount without an assessment), or the allowing or making of an abatement, credit, refund, or other repayment, before the date of filing the application. Thus, if the taxpayer claimed a deduction on its return of $50,000 for salaries paid its officers but the district director asserts that such deduction should not exceed $20,000, and the Internal Revenue Service and the taxpayer have not agreed on the amount properly deductible before the date the application for a tentative carryback adjustment is filed, $50,000 shall be considered as the amount properly deductible for purposes of determining the decrease in tax previously determined in respect of the application for a tentative carryback adjustment. In determining the decrease in tax previously determined, any items which are affected by the carryback must be adjusted to reflect such carryback. Thus, unless otherwise provided, any deduction limited, for example, by adjusted gross income, such as the deduction for medical, dental, etc., expenses is to be recomputed on the basis of the adjusted gross income as affected by the carryback.

§ 1.6411–3 *Allowance of adjustments*—(a) *Time prescribed.* The district director shall act upon any application for a tentative carryback adjustment filed under section 6411 (a) within a period of 90 days from whichever of the following two dates is the later:

(1) The date the application is filed; or

(2) The last day of the month in which falls the last date prescribed by law (including any extension of time granted the taxpayer) for filing the return for the taxable year of the net operating loss from which the carryback results.

(b) *Examination.* Within the 90-day period described in paragraph (a) of this section, the district director shall make, to the extent he deems practicable in such period, an examination of the application to discover omissions and errors of computation. He shall determine within such period the decrease in tax previously determined, affected by the carryback or any related adjustments, upon the basis of the application and such examination. Such decrease shall be determined in the same manner as that provided in section 1314 (a) for the determination by the taxpayer of the decrease in taxes previously determined which must be set forth in the application for a tentative carryback adjustment. The district director, however, may correct any errors of computation or omissions he may discover upon examination of the application. In determining the decrease in tax previously determined which is affected by the carryback or any related adjustment, he accordingly may correct any mathematical error appearing on the application and he may likewise correct any modification required by the law and incorrectly made by the taxpayer in computing its net operating loss, the resulting carrybacks, or its net operating loss deduction. If the required modification has not been made by the taxpayer and the district director has available the necessary information to make such modification within the 90-day period, he may, in his discretion, make such modification. In determining such decrease, however, the district director will not, for example, change the amount claimed on the return as a deduction for depreciation because he believes that the taxpayer has claimed an excessive amount; likewise, he will not include in gross income any amount not so included by the taxpayer, even though the district director believes that such amount is subject to tax and properly should be included in gross income.

(c) *Disallowance in whole or in part.* If the district director finds that an application for a tentative carryback adjustment contains material omissions or errors of computation, he may disallow such application in whole or in part without further action. If, however, he deems that any error of computation can be corrected by him within the 90-day period, he may do so and allow the application in whole or in part. The district director's determination as to whether he can correct any error of computation within the 90-day period shall be conclusive. Similarly, his action in disallowing, in whole or in part, any application for a tentative carryback adjustment shall be final and may not be challenged in any proceeding. The taxpayer in such case, however, may file a claim for credit or refund under section 6402, and may maintain a suit based on such claim if it is disallowed or if the district director does not act upon the claim within six months from the date it is filed.

(d) *Application of decrease.* (1) Each decrease determined by the district director in any previously determined tax which is affected by the carryback or any related adjustments shall first be applied against any unpaid amount of the tax with respect to which such decrease was determined. Such unpaid amount of tax may include one or more of the following:

(i) An amount with respect to which the taxpayer is delinquent;

(ii) An amount the time for payment of which has been extended under section 6164 and which is due and payable on or after the date of the allowance of the decrease; and

(iii) An amount (including an amount the time for payment of which has been extended under section 6161 or 6162, but not including an amount the time for payment of which has been extended under section 6164) which is due and payable on or after the date of the allowance of the decrease.

(2) In case the unpaid amount of tax includes more than one of such amounts, the district director, in his discretion, shall determine against which amount or amounts, and in what proportion, the decrease is to be applied. In general, however, the decrease will be applied against any amounts described in subparagraph (1) (i), (ii), and (iii) of this paragraph in the order named. If there are several amounts of the type described in subparagraph (1) (iii) of this paragraph, any amount of the decrease which is to be applied against such amounts will be applied by assuming that the tax previously determined minus the amount of the decrease to be so applied is "the tax" and that the taxpayer had elected to pay such tax in installments. The unpaid amount of tax against which a decrease may be applied under subparagraph (1) of this paragraph may not include any amount of tax for any taxable year other than the year of the decrease. After making such application, the district director will credit any remainder of the decrease against any unsatisfied amount of any tax for the taxable year immediately preceding the taxable year of the net operating loss the time for payment of which has been extended under section 6164.

(3) Any remainder of the decrease after such application and credits may, within the 90-day period, in the discretion of the district director, be credited against any tax or installment thereof then due from the taxpayer, and, if not so credited, shall be refunded to the taxpayer within such 90-day period.

§ 1.6411–4 Consolidated returns. For further rules applicable to affiliated

groups in the case of tentative carryback adjustments, see § 1.1502–19.

TERMINATION OF TAXABLE YEAR IN CASE OF JEOPARDY

§ 1.6851 *Statutory provisions; termination of taxable year.*

SEC. 6851. *Termination of taxable year—*(a) *Income tax in jeopardy*—(1) *In general.* If the Secretary or his delegate finds that a taxpayer designs quickly to depart from the United States or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the income tax for the current or the preceding taxable year unless such proceedings be brought without delay, the Secretary or his delegate shall declare the taxable period for such taxpayer immediately terminated, and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section, the finding of the Secretary or his delegate, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes presumptive evidence of jeopardy.

(2) *Corporation in liquidation.* If the Secretary or his delegate finds that the collection of the income tax of a corporation for the current or the preceding taxable year will be jeopardized by the distribution of all or a portion of the assets of such corporation in the liquidation of the whole or any part of its capital stock, the Secretary or his delegate shall declare the taxable period for such taxpayer immediately terminated and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable.

(b) *Reopening of taxable period.* Notwithstanding the termination of the taxable period of the taxpayer by the Secretary or his delegate, as provided in subsection (a), the Secretary or his delegate may reopen such taxable period each time the taxpayer is found by the Secretary or his delegate to have received income, within the current taxable year, since a termination of the period under subsection (a). A taxable period so terminated by the Secretary or his delegate may be reopened by the taxpayer (other than a nonresident alien) if he files with the Secretary or his delegate a true and accurate return of the items of gross income and of the deductions and credits allowed under this title for such taxable period, together with such other information as the Secretary or his delegate may by regulations prescribe. If the taxpayer is a nonresident alien the taxable period so terminated may be reopened by him if he files, or causes to be filed, with the Secretary or his delegate a true and accurate return of his total income derived from all sources within the United States, in the manner prescribed in this title.

(c) *Citizens.* In the case of a citizen of the United States or of a possession of the United States about to depart from the United States, the Secretary or his delegate may, at his discretion, waive any or all of the requirements placed on the taxpayer by this section.

(d) *Departure of alien.* No alien shall depart from the United States unless he first procures from the Secretary or his delegate a certificate that he has complied with all the obligations imposed upon him by the income tax laws.

(e) *Furnishing of bond where taxable year is closed by the Secretary or his delegate.* Payment of taxes shall not be enforced by any proceedings under the provisions of this section prior to the expiration of the time otherwise allowed for paying such taxes if the taxpayer furnishes, under regulations prescribed by the Secretary or his delegate, a bond to insure the timely making of returns with respect to, and payment of, such taxes or any income or excess profits taxes for prior years.

§ 1.6851–1 *Termination of taxable period by district director*—(a) *Income tax in jeopardy*—(1) *In general.* If a taxpayer designs by immediate departure from the United States, or otherwise, to avoid the payment of income tax for the preceding or current taxable year, the district director may, upon evidence satisfactory to him, declare the taxable period for such taxpayer immediately terminated and cause to be served upon him notice and demand for immediate payment of the income tax for the short taxable period resulting from such termination, and of the income tax for the preceding taxable year, or so much of such tax as is unpaid. In such a case, the taxpayer is entitled to a deduction for his personal exemptions (as limited in the case of certain nonresident aliens) without any proration because of the short taxable period.

(2) *Corporations in liquidation.* If the district director finds that the collection of the income tax of a corporation for the current or the preceding taxable year will be jeopardized by the distribution of all or a portion of the assets of such corporation in the liquidation of the whole or any part of its capital stock, he shall declare the taxable period for such corporation immediately terminated and cause to be served upon the corporation notice and demand for immediate payment of the income tax for the short taxable period resulting from such termination, and of the income tax for the preceding taxable year, or so much of such tax as is unpaid.

(3) *Presumptive evidence of jeopardy.* In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of section 6851 and this paragraph, the finding of the district director shall be for all purposes presumptive evidence of jeopardy.

(4) *Bond.* For the provisions relating to the furnishing of a bond in lieu of making immediate payment of the taxes which become due by action pursuant to this paragraph, see § 1.6851–2.

(b) *Reopening of taxable period.* (1) If a taxpayer whose taxable period has been terminated under section 6851 and paragraph (a) of this section receives other income subsequent to such termination within his current taxable year, the district director may reopen the period so terminated and may, in accordance with section 6851 and paragraph (a) of this section, again terminate the taxable period of such taxpayer. In such case, tax liability shall be computed for the period beginning with the first day of the current taxable year of the taxpayer and ending at the time of the later termination.

(2) When a taxpayer whose taxable period has been terminated under section 6851 and paragraph (a) of this section files the return required by paragraph (c) of this section, the taxable period so terminated shall be reopened.

(c) *Taxable year not affected by termination.* Notwithstanding any action by a district director under section 6851 and this section, a taxpayer shall file a return in accordance with section 6012 and the regulations thereunder for his current taxable year showing all items of gross income, deductions, and credits for such taxable year. The term "current taxable year" means the taxpayer's usual annual accounting period determined without regard to any action under section 6851 and this section. Any tax paid as a result of a termination under section 6851 and this section will be applied against the tax due for his current taxable year.

§ 1.6851–2 *Furnishing of bond to insure payment.* If any income tax is made due and payable by virtue of the provisions of section 6851 and § 1.6851–1, a taxpayer may, in lieu of making immediate payment thereof, furnish the district director a bond in an amount equal to the amount of tax (including interest thereon to the date of payment as calculated by the district director) payment of which is sought to be stayed, conditioned upon the timely filing of returns with respect to such tax and the payment of such tax at the time it would otherwise be payable without regard to the provisions of section 6851 and § 1.6851–1. See section 7101 and the regulations thereunder, relating to the form of bond and the sureties thereon.

MISCELLANEOUS PROVISIONS

§ 1.9100–1 *Extension of time for making certain elections*—(a) *In general.* The Commissioner in his discretion may, upon good cause shown, grant a reasonable extension of the time fixed by the regulations in this chapter for the making of an election or application for relief in respect of tax under subtitle A of the Code provided—

(1) The time for making such election or application is not expressly prescribed by law;

(2) Request for the extension is filed with the Commissioner before the time fixed for making such election or application, or within such time thereafter as the Commissioner may consider reasonable under the circumstances; and

(3) It is shown to the satisfaction of the Commisioner that the granting of the extension will not jeopardize the interests of the Government.

(b) *Exceptions.* Notwithstanding the provisions of paragraph (a) of this section, the time fixed by the regulations in this chapter will not be extended in cases such as the following:

(1) An election required to be made in or with the taxpayer's original income tax return;

(2) An election required to be exercised by the filing of a claim for credit or refund, unless the election is required to be exercised on or before a date which precedes the date of expiration of the period of limitations provided in section 6511;

(3) An election required to be filed in a petition to the Tax Court;

(4) An application for permission to change a previous election;

(5) An application for permission to change an accounting method as described in §§ 1.77–1 and 1.446–1;

(6) An application for permission to change an accounting period as described in § 1.442–1; or

(7) An application for permission to change the method of treating bad debts as described in § 1.166–1.

[F. R. Doc. 58–7653; Filed, Sept. 18, 1958; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 31]

WILLAPA NATIONAL WILDLIFE REFUGE, WASHINGTON

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to revise paragraph (f) of § 31.361, Subpart—Willapa National Wildlife Refuge, Washington, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose of this amendment is to delineate a more satisfactory boundary of the public hunting areas on the Willapa National Wildlife Refuge without otherwise modifying the public hunting privileges that are available.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 15, 1958.

LANSING A. PARKER,
Acting Director,
Bureau of Sport
Fisheries and Wildlife.

§ 31.361 *Hunting of migratory waterfowl and coots.* * * *

(f) The hunting areas are described as follows:

Area I. The area of the refuge bounded on the east by the channel of Bear River; on the north by the line (projected) between Townships 10 and 11 North, W. M.; on the west by the line (projected) between Ranges 10 and 11 West; on the south by the outside (seaward) toe of the dike running easterly and southerly and by the south line of sec. 7, T. 10 N., R. 10 W., thence east to the channel of Bear River.

Area II. The area of the refuge bounded on the east by the north and south center line (projected) of sec. 1, T. 10 N., R. 11 W.; on the north by the line (projected) between Townships 10 and 11 north; on the west by the east bank of Tarlett Slough; and on the south by the outside (seaward) toe of the dike running northeasterly to said center line of sec. 1.

[F. R. Doc. 58–7639; Filed, Sept. 18, 1958; 8:45 a. m.]

[50 CFR Part 155]

NORTHWEST ATLANTIC COMMERCIAL FISHERIES; HADDOCK AND COD PROVISIONS

NOTICE OF PROPOSED RULE MAKING

At its Fifth Annual Meeting held in Ottawa, Canada, June 6–11, 1955, the International Commission for the Northwest Atlantic Fisheries, a body created pursuant to Article II of the International Convention for the Northwest Atlantic Fisheries signed at Washington, D. C., under date of February 8, 1949, adopted three proposals recommending that the Contracting Governments take appropriate action to—

(1) Prohibit the taking of haddock and cod in Sub-area 3 of the Convention Area with a trawl net having a mesh size of less than four inches;

(2) Prohibit the taking of haddock and cod in Sub-areas 4 and 5 of the Convention Area with a trawl net having a mesh size of less than four and one-half inches;

(3) Permit persons to take haddock and cod in Sub-areas 3, 4, and 5 of the Convention Area with trawl nets having a mesh size less than that proscribed so long as such persons do not have in possession on board a vessel fishing primarily for other species, haddock or cod in amounts in excess of five thousand pounds for each species or ten percent by weight for each species of all fish on board such vessel, whichever is greater; and

(4) To prohibit the use of any means or device which would obstruct the meshes of the trawl net or which otherwise would have the effect of diminishing the size of the meshes of the net, except that the use of a protective covering (chafing gear) might be permitted to reduce and prevent damage to trawl nets so long as such protective covering is used in conformity with conditions prescribed by the Commission.

In each of the three Commission proposals, the recommended restrictions on the mesh size of a net are stated in terms of a trawl not constructed of manila twine, with the provision that when trawl nets other than manila are used they shall have a selectivity equivalent to that of a four-inch manila trawl net or a four and one-half inch manila trawl net, as the case may be.

The proposal relating to Sub-area 5 adopted at the Commission's Fifth Annual Meeting had the effect of superseding a proposal initially adopted at a Commission meeting held in St. Andrews, New Brunswick, Canada, June 30–July 9, 1952, which had recommended mesh size restrictions applicable only to haddock fishing in Sub-area 5 of the Convention Area. The three proposals adopted at the Commission's Fifth Annual Meeting recommended mesh size restrictions for cod fishing, as well as haddock fishing, in Sub-area 5 and, for the first time, recommended the institution of mesh size restrictions applicable to both haddock fishing and cod fishing within Sub-areas 3 and 4 of the Convention Area.

At its Sixth Annual Meeting held in Halifax, Nova Scotia, Canada, June 11–15, 1956, the Commission amended the proposal relating to Sub-area 5 which had been adopted at its Fifth Annual Meeting to provide for an alternative to the "five thousand pound-ten percent" exemption per fishing trip. The alternative exemption so proposed was limited in application to the taking of haddock and cod in Sub-area 5 only. Under the alternative provided by the Commission's amended proposal all Contracting Governments might also exempt from the mesh size restriction any person fishing in Sub-area 5 who does not catch, in any period of twelve months, haddock or cod in quantities in excess of ten percent for each species of all the trawl-caught fish taken by such person during such period of twelve months.

Acceptance of the proposal relating to Sub-area 5 adopted at the Commission's Fifth Annual Meeting, as amended by the Commission at its Sixth Annual Meeting, was completed by the Governments of the United States and Canada on November 26, 1956. Accordingly, in accordance with the provisions of the International Convention for the Northwest Atlantic Fisheries, the proposal as adopted and amended entered into force with respect to all Contracting Governments on March 26, 1957. Subsequently, the proposal was implemented with respect to persons under the jurisdiction of the United States engaged in fishing within Sub-area 5 through a revision of Part 155, Title 50, Code of Federal Regulations, issued on September 6, 1957 (22 F. R. 7426).

At its Seventh Annual Meeting held in Lisbon, Portugal, May 20–25, 1957, the Commission amended each of the three proposals adopted at its Fifth Annual Meeting to impose additional restrictions on the manner in which chafing gear may be fastened to the cod ends of trawl nets. Since Canada and the United States are the only Contracting Governments participating in Panel 5 for Sub-area 5, and both Governments having accepted the amendments made at the Commission's Seventh Annual Meeting, the amendment relating to Sub-area 5 will become effective on September 28, 1958, for all Contracting Governments to the Convention. Acceptance of the amendments for Sub-areas 3 and 4 not having been completed by all Contracting Governments participating in Panels 3 and 4, the effective dates of the amendments to the proposals for Sub-areas 3 and 4 are indeterminate. In the circumstances, the provisions of the 1955 Commission proposals governing the manner of fastening chafing gear to cod ends employed in fishing for haddock and cod in Sub-areas 3 and 4 thus far remain unchanged.

On November 29, 1957, the two proposals adopted at the Commission's

Fifth Annual Meeting recommending mesh size restrictions to govern haddock fishing and cod fishing in Sub-areas 3 and 4 became effective for all Contracting Governments, except for paragraph IV (restricting the use of chafing gear) which did not become effective until January 1, 1958.

In accordance with section 4 (a) of the Northwest Atlantic Fisheries Act of 1950, amendments to existing regulations which are now being proposed to implement the Commission's proposals, as described above, were submitted to the Advisory Committee to the United States Commissioners on the International Commission for the Northwest Atlantic Fisheries on February 6, 1958, and were again reviewed with the Advisory Committee on May 28, 1958. Revised regulations as herein proposed have thus received the approval, in principle, of the Advisory Committee.

Notice is hereby given, pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238, 5 U. S. C. 1003), that the Commissioner of Fish and Wildlife proposes to recommend to the Secretary of the Interior the adoption of the regulations set forth in tentative form below to replace Part 155—Haddock and Cod Fisheries. Aside from minor editorial changes, the regulations proposed for adoption differ from existing regulations in three major respects in that they will extend trawl net mesh size restrictions to Sub-areas 3 and 4; will give additional specifications for twines eligible for certification as having a dry-before use mesh size equivalent to that of a wet-after use mesh size; and will modify the restrictions applicable to the fastening of chafing gear to cod ends used in taking haddock and cod in Sub-area 5.

The proposed regulations, to become effective on or about November 1, 1958, are to be issued under the authority contained in section 7 (a) of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1067, 1069; 16 U. S. C. 986).

Prior to the final adoption of the proposed regulations set forth below, consideration will be given to any written data, views, or arguments relating thereto which are received by the Director, Bureau of Commercial Fisheries, Fish and Wildlife Service, Washington 25, D. C., on or before September 30, 1958.

Dated: September 16, 1958.

ARNIE J. SUOMELA,
Commissioner of Fish and Wildlife.

Sec.
155.1 Meaning of terms.
155.2 Registration certificates.
155.3 Restrictions on fishing gear.
155.4 Temporary suspension of registration certificates.
155.5 Certain persons and vessels exempted.

§ 155.1 *Meaning of terms.* When used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this section.

(a) *Convention area.* The term "Convention area" means and includes all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40′ west longitude; thence due south to 39°00′ north latitude; thence due east to 42°00′ west longitude; thence due north to 59°00′ north latitude; thence due west to 44°00′ west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78°10′ north latitude; thence southward to a point in 75°00′ north latitude and 73°30′ west longitude; thence along a rhumb line to a point in 69°00′ north latitude and 59°00′ west longitude; thence due south to 61°00′ north latitude; thence due west to 64°30′ west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

(b) *Regulatory area.* The term "regulatory area" means and includes the whole of those portions of the Convention area which are separately described as follows:

(1) *Sub-area 3.* The term "Sub-area 3" means that portion of the Convention area, including all waters except territorial waters, lying south of the parallel of 52°15′ north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15′ north latitude; to the north of the parallel of 39°00′ north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passes through a point in 43°30′ north latitude, 55°00′ west longitude, in the direction of a point in 47°50′ north latitude, 60°00′ west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

(2) *Sub-area 4.* The term "Sub-area 4" means that portion of the Convention area, including all waters except territorial waters, lying to the west of Sub-area 3 as described in subparagraph (1) of this paragraph, and to the east of a line described as follows: Beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point in 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°20′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude.

(3) *Sub-area 5.* The term "Sub-area 5" means that portion of the Convention area, including all waters except territorial waters, bounded by a line beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel at a point in 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the Meridian of 67°40′ west longitude; thence due south to the parallel of 42°20′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude; thence due west to the Meridian of 71°40′ west longitude; thence due north to a point three miles off the coast of the State of Rhode Island; thence along the coasts of Rhode Island, Massachusetts, New Hampshire, and Maine at a distance of three miles to the point of beginning.

(c) *Haddock.* The word "haddock" denotes any fish of the species Melanogrammus aeglefinus.

(d) *Haddock fishing.* The words "haddock fishing" mean and include (1) the catching, taking or fishing for or the attempted catching, taking or fishing for fish of the species Melanogrammus aeglefinus; and (2) the outfitting and departure of a vessel for or the return of a vessel from haddock fishing.

(e) *Cod.* The word "cod" denotes any fish of the species Gadus callarias.

(f) *Cod fishing.* The words "cod fishing" mean and include (1) the catching, taking or fishing for or the attempted catching, taking or fishing for fish of the species Gadus callarias; and (2) the outfitting and departure of a vessel for or the return of a vessel from cod fishing.

(g) *Fishing vessel.* The words "fishing vessel" denote every kind, type or description of watercraft subject to the jurisdiction of the United States used in or outfitted for catching or processing fish or transporting fish from fishing grounds.

(h) *Trawl net.* The words "trawl net" mean any large bag net dragged in the sea by a vessel or vessels for the purpose of taking fish.

(i) *Cod end.* The words "cod end" mean the bag-like extension attached to the after end of the belly of the trawl net and used to retain the catch.

§ 155.2 *Registration certificates.* (a) Unless permitted to do so by § 155.5, after the _____ day of _____ 1958, no person shall engage in haddock fishing or cod fishing within the regulatory area, nor shall any person possess, transport or deliver by means of any fishing vessel haddock or cod taken within such area except under a registration certificate issued and in force in conformity with the provisions of this part.

(b) The owner or operator of a fishing vessel may obtain without charge a registration certificate by furnishing, on a form to be supplied by the Bureau of Commercial Fisheries, information specifying the names and addresses of the owner and operator of the vessel, the name, official number and home port of the vessel, and the period for which the registration certificate is desired. The form shall be submitted, in duplicate, to the Regional Director, Bureau of Commercial Fisheries, Gloucester,

Massachusetts, who shall grant the registration certificate for the duration specified by the applicant in the form but in no event to extend beyond the end of the calendar year during which the registration certificate is issued. New registration certificates shall similarly be issued to replace expired, lost or mutilated certificates. An application for replacement of an expiring registration certificate shall be made in like manner as the original application not later than ten days prior to the expiration date of the expiring certificate.

(c) The registration certificate issued by the Bureau of Commercial Fisheries shall be carried at all times on board the vessel for which it is issued and such certificate, the vessel, its gear and equipment shall at all times be subject to inspection for the purposes of this part by officers authorized to enforce the provisions of this part.

§ 155.3 *Restrictions on fishing gear.* (a) No person shall possess at any time on board a vessel for which a registration certificate is in force, or use or attempt to use from such vessel, a trawl net or nets, parts of nets, or netting of manila twine having a mesh size, as defined in this section, of less than four and one-half inches, or a trawl net or nets, parts of nets, or netting of material other than manila twine unless it shall have a selectivity equivalent to that of a four and one-half inch manila trawl net: *Provided*, That any person who shall have first obtained a special permit, issuable by the Regional Director, Bureau of Commercial Fisheries, Gloucester, Massachusetts, authorizing such possession and use for haddock fishing or cod fishing in Sub-area 3 of the regulatory area may possess on board a vessel for which a registration certificate is in force and may use from such vessel while engaged in haddock fishing or cod fishing within Sub-area 3 only, a trawl net or nets, parts of nets, or netting of manila twine having a mesh size, as defined in this section, of not less than four inches, or a trawl net or nets, parts of nets, or netting of material other than manila twine having a selectivity equivalent to that of a four-inch manila trawl net.

(b) As used in this section, the term "mesh size" shall mean: (1) With respect to any part of the net except the cod end, the average of the measurements of any twenty consecutive meshes in any row located at least ten meshes from the side lacings measured when wet after use; and (2) with respect to the cod end, the average of the measurements of any fifty consecutive meshes running parallel to the long axis of the cod end, beginning at the after end of the cod end, and being at least ten meshes from the side lacings or, if the cod end is less than fifty meshes in length, the average of the measurements of the meshes in any series of consecutive meshes running the full length of the cod end, parallel to the long axis of the cod end and located at least ten meshes from the side lacings, such measurements of the cod end to be made when wet after use, or, at the option of the user, a cod end which has been approved, in accordance with paragraph (d) of this section, by an authorized employee of the Bureau of Commercial Fisheries, as having a mesh size when dry before use equivalent to not less than four and one-half inches when wet after use.

(c) All measurements of meshes shall be made by the insertion into the meshes under pressure of not less than ten nor more than fifteen pounds of a flat wedge-shaped gauge having a taper of two inches in eight inches and a thickness of three thirty-seconds of an inch.

(d) For the purpose of approving a dry cod end before use, as contemplated by paragraph (b) of this section, the average mesh size of such cod end shall be determined by measuring the length of any single row of meshes running the length of the cod end, parallel to the long axis of the cod end and located at least ten meshes from the side lacings, when stretched under a tension of two hundred pounds, and dividing the length by the number of meshes in such row: *Provided*, That not more than ten per cent of the meshes in such row shall be more than one-half inch smaller when measured between knot centers than the average of the row. A cod end so measured which is constructed of one of the twines and is of not less than the average mesh size specified in the table below for such twine may be approved for haddock fishing or cod fishing by any authorized employee of the Bureau of Commercial Fisheries by the attachment to such cod end of an appropriate seal. The omission from the table of one or more specifications of twines shall not preclude the continued use of cod ends constructed from such twines where the cod ends received approval pursuant to the provisions of this part as the same were in effect between the dates of January 1, 1954, and October 24, 1956.

Type of twine	Manufacturer's specifications				Average mesh size
Manila, double strand:					
4-ply 45-yard					5.625 inches (5⅝").
4-ply 50-yard					5.625 inches (5⅝").
4-ply 75-yard					5.625 inches (5⅝").
4-ply 80-yard					5.500 inches (5½").
Cotton:					
120-thread					4.250 inches (4¼").
	1st	Prep	Cable	Yds/lb.	
Synthetic:					
400/3 twisted twine, double strand, 840 denier 3 x 4 x 3.	*S* 2.7 T. P. I.	*Z* 5.0 T. P. I.	*S* 2.0 T. P. I.	129	4.375 inches (4⅜").
200/3 twisted twine, single strand, 840 denier 6 x 4 x 3.	2.1 T. P. I.	4.4 T. P. I.	1.8 T. P. I.	62	4.500 inches (4½").
No. 400 Single Braid	Linear density, 78.38 yards/lb. Average circumference, 0.493. Outside braid construction, 32 ends. 225 denier/68 filaments/3 ply continuous filament nylon. Ply twist, 5.0 T. P. I. of "Z" twist. Single twist, .85 T. P. I. of "S" twist. Picks/inch, 26.3. Core yarn, 7 ends. 225 denier/68 filaments/3 ply/5 ply continuous filament nylon. 3 ply twist 6.4 T. P. I. of "Z." 5 ply twist 1.1 T. P. I. of "S."				
Double strand					4.375 inches (4⅜").
Single strand					4.125 inches (4⅛").
No. 550 Single Braid	Linear density, 71.00 yards/lb. Average circumference of outside braid, 0.5". Outside braid construction, 32 ends. 225 denier/68 filaments/3 ply/5 ply continuous filament nylon. Ply twist, 5.1 T. P. I. of "Z" twist. Single twist, 0.85 T. P. I. of "S" twist. Picks/inch, 25.8. Core yarn, 8 ends. 3 ply twist 6.4 T. P. I. of "Z" twist. 5 ply twist 1.1 T. P. I. of "S" twist.				—
Double strand					4.375 inches (4⅜").
Single strand					4.125 inches (4⅛").
Flat Tubular Braid, single strand.	Linear density, 36.33 yards/lb. 16 ends consisting of 13 ends nylon, 3 ends dacron—percentage composition of braid: 77.12% bright nylon filament. 22.88% bright dacron filament. 12 ends 840 denier/140 filaments/2 ply/3 ply nylon. 3 ply 7.0 T. P. I. "Z" twist. 2 ply .5 T. P. I. "Z" twist. 1 end 210 denier/34 filaments/8 ply/3 ply nylon bright. 8 ply .5 "Z" twist. 3 ply 6.5 "S" twist. 3 ends 250 denier/34 filaments/10 ply/3 ply dacron bright. 10 ply 1.0 T. P. I. "Z" twist. 3 ply 6.0 T. P. I. "S" twist. Picks/inch, 10.7.				4.500 inches (4½").

(e) The alteration, defacement or reuse of any seal affixed to a cod end in accordance with this section is prohibited.

(f) The repair, alteration or other modification of a cod end to which a seal has been affixed in accordance with this section shall invalidate such seal and such cod end shall not thereafter be deemed to be approved for haddock fishing or cod fishing. Nothing contained in this paragraph shall preclude the continued use at the option of the user of a cod end having an invalidated seal affixed thereto if such cod end after repair, alteration or other modification

does not have a mesh size of less than four and one-half inches as defined in paragraph (b) of this section.

(g) For the purposes of this section, a cod end constructed of twine other than manila and not subject to approval and certification when measured dry before use as provided in paragraph (d) of this section shall be deemed to have a selectivity equivalent to that of a four and one-half inch manila trawl net if such cod end has a mesh size of not less than four and one-quarter inches when measured wet after use in the manner prescribed in paragraph (b) of this section.

(h) The use in haddock fishing or cod fishing within the regulatory area of any device or method which will obstruct the meshes of the trawl net or which otherwise will have the effect of diminishing the size of said meshes is prohibited: *Provided*, That (1) a protective covering of canvas, netting, or other material may be attached to the underside of the cod end only of the net to reduce and prevent damage and (2) a rectangular piece of netting may be attached to the upper side of the cod end only of the net to reduce and prevent damage so long as the netting attached to the upper side of the cod end conforms to the following conditions:

(i) Such netting shall not have a mesh size less than that specified in this section. For the purposes of this paragraph the required four and one-half inch mesh size when measured wet after use shall be deemed to be the average of the measurements of twenty consecutive meshes in a series across the netting, such measurements to be made with a like gauge inserted into the meshes as specified in paragraph (c) of this section.

(ii) Such netting shall not exceed sixteen meshes in length counted parallel to the long axis of the cod end and the width of the netting shall be at least one and one-half times the width of the area of the cod end which is covered; such widths to be measured at right angles to the long axis of the cod end.

(iii) Such netting may be fastened to the cod end of the trawl net only along the forward and lateral edges of the netting and at no other place in the netting and when used in Sub-area 5 of the regulatory area the netting shall be fastened in such a manner that it extends forward of the splitting strap no more than four meshes and ends not less than four meshes in front of the cod line mesh.

§ 155.4 *Temporary suspension of registration certificates.* (a) The owner or operator of any fishing vessel which is proposed to be used in haddock fishing or cod fishing beyond the limits of the regulatory area or is proposed to be used in fishing within such area for species of fish other than haddock or cod, may obtain a temporary suspension of the registration certificate issued for such vessel for the specified period during which such nonregulated fishing is to be conducted.

(b) Temporary suspension of registration certificates shall be granted upon oral or written request, specifying the period of suspension desired, by an authorized officer of the State of Maine or or the State of Massachusetts or by an authorized officer of any one of the following agencies: Bureau of Commercial Fisheries, Coast Guard, Bureau of Customs, Post Office Department. Such officer shall make appropriate endorsement on the certificate evidencing the duration of its suspension.

§ 155.5 *Certain persons and vessels exempted.* Except as otherwise provided in this section, nothing contained in §§ 155.2 to 155.4 shall apply to:

(a) Any person or vessel authorized by the Secretary of the Interior to engage in haddock fishing or cod fishing for scientific purposes.

(b) Any vessel documented as a common carrier by the Government of the United States and engaged exclusively in the carriage of freight and passengers.

(c) Any person who in the course of taking fish other than haddock or cod, takes and possesses a quantity of haddock or cod not exceeding five thousand pounds for each, or ten percent by weight for each, of all fish on board the vessel from which the fishing is conducted whichever is the greater.

(d) Any person who, while engaged in fishing within Sub-area 5 of the regulatory area, does not take in any period of twelve months haddock or cod in quantities in excess of ten percent by weight for each of said species, of all the trawl-caught fish taken by such person within such period of twelve months. Any person desiring to avail himself of the exemption provided in this paragraph shall first obtain a certificate of exemption and shall comply with the following conditions:

(1) The owner or operator of a fishing vessel proposed to be operated under the exemption authorized in this paragraph may obtain without charge a certificate of exemption by furnishing, on a form to be supplied by the Bureau of Commercial Fisheries, information specifying the name and address of the owner and operator of the vessel and the name, official number, and the home port of the vessel. Each such application must be accompanied by a written statement, certified by the applicant to be correct, listing by weight, species, and catch by month, the total quantities of all fish taken within Sub-area 5 of the regulatory area by means of the vessel to be exempted during a period of twelve months immediately preceding the date of application. The application form and the certified statement shall be submitted, in duplicate, to the Regional Director, Bureau of Commercial Fisheries, Gloucester, Massachusetts, who shall grant a certificate of exemption valid for a period of twelve months from the date of issue and authorizing during such period the use of the vessel for which issued in the taking of haddock or cod within Sub-area 5 of the regulatory area without regard to the registration requirements and restrictions on fishing gear imposed, respectively, by §§ 155.2 and 155.3, so long as the vessel and its fishing gear are not used to take haddock or cod within Sub-area 5 in quantities in excess of ten percent by weight for each species of all the trawl-caught fish taken by means of such vessel during the 12-month period covered by the certificate. Duplicate certificates of exemption shall be issued to replace lost or mutilated certificates. An application for renewal of an expired certificate of exemption shall be made in like manner as the original application not later than 15 days prior to the expiration date of the expiring certificate, but no renewal shall be granted if it is determined by said Regional Director that the vessel for which a renewal is sought was used to take quantities of haddock or cod in excess of the allowable percentages during the 12-month period covered by the expiring certificate of exemption.

(2) The certificate of exemption issued by the Bureau of Commercial Fisheries shall be carried at all times on board the vessel for which it is issued, and such certificate, the vessel, its gear and equipment, and records pertaining to the catches of fish made by means of such vessel shall at all times be subject to inspection for the purposes of this part by any officer authorized to enforce the provisions of this part.

(3) The owner or operator of a fishing vessel for which a certificate of exemption is in force shall furnish on a form supplied by the Bureau of Commercial Fisheries, immediately following the delivery or sale of a catch of fish made by means of such vessel, a report, certified to be correct by the owner or operator, listing separately by species and weight the total quantities of all fish so sold or delivered. Such reports shall be delivered or mailed, in duplicate, to the said Regional Director.

(4) The owner or operator of a fishing vessel for which a certificate of exemption is in force, who proposes to use such vessel in fishing primarily for haddock or cod during any period of time within the 12-month period covered by the certificate, may obtain a temporary suspension of such certificate in like manner as provided in § 155.4 and may make application to engage finishing for haddock or cod under a registration certificate as provided in § 155.2. Any haddock or cod taken by means of a vessel for which a registration certificate is in force and by means of haddock fishing or cod fishing conducted in conformity with the restrictions on fishing gear prescribed by § 155.3 shall be excluded from the total of all trawl-caught fish taken during the applicable 12-month period when computing the ratio of haddock or cod to the trawl-caught fish taken during such period. For the purposes of computing the quantities of haddock or cod so to be excluded, the owner or operator of a fishing vessel covered by a suspended certificate of exemption and taking haddock or cod while operating under a registration certificate shall submit catch reports in like manner as provided in subparagraph (3) of this paragraph.

[F. R. Doc. 58-7652; Filed, Sept. 18, 1958; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 921]

[Docket No. AO-222-A9]

MILK IN OZARKS MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Ozarks marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Springfield, Missouri, on May 27, 1958, pursuant to notice thereof which was issued May 12, 1958 (23 F. R. 3302).

The material issues on the record of the hearing relate to:

1. The definition of pool plants;
2. The diversion of milk to nonpool plants;
3. Class I price at plants located in Benton and Washington Counties, Arkansas;
4. Compensatory payments on milk distributed by a handler operating a nonpool plant;
5. Deletion of Boone County, Arkansas, from the marketing area;
6. Permitting a cooperative association to act as a handler on bulk tank milk supplied to a producer-handler; and
7. Administrative and conforming changes in the order.

A proposal to substitute individual-handler pools for the present marketwide pool was not supported at the hearing, and no further reference to it will be made herein.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pool plants.* Under the present pool plant provisions a distributing plant qualifies as a pool plant if 15 percent of the receipts of producer milk at the plant during the month is disposed of on routes in the marketing area. This definition should be supplemented by a requirement that at least half of the total supply of milk from Grade A dairy farmers and from other pool plants be distributed on routes either inside or outside of the defined marketing area. All of the plants currently distributing milk in the marketing area would easily meet this additional requirement. This change would require that any plant which qualifies as a distributing plant would be essentially in the fluid milk business. Plants with a lower percentage of distribution commonly operate as supply plants rather than as distributing plants and should more appropriately qualify as supply plants.

Under the present order, a supply plant qualifies as a pool plant when 25 percent of its total supply is shipped to distributing plants in April, May or June or 20 percent in any other month. In addition, a supply plant from which there is shipped to distributing plants at least 20 percent of the supply during each of the normally short months of September through December remains qualified as a pool plant during subsequent flush periods without making further shipments. These minimum percentages should be raised to reflect the progressively higher utilization of producer milk in this market. The demand for milk from supply plants is normally greatest during the fall and winter months of lowest production. Accordingly, a supply plant should qualify as a pool plant if at least 25 percent of its supply of milk from producers and other pool plants is shipped to distributing pool plants in August, 35 percent in September, 40 percent in October, 45 percent in November, 40 percent in December, and 35 percent in January. Any plant which qualifies in each of these six months should remain qualified as a pool plant during the following flush months of February through July without making further shipments. In the event a supply plant becomes associated with the market in some other month, it should be qualified on a month-to-month basis if it ships 25 percent of its supply in any of the months of February through July or the specified percentages in the fall and winter months.

The supply plants presently associated with the market have shipped substantially larger percentages of their total available supply to distributors during recent years and there was no testimony in opposition to these proposed changes in shipping requirements.

The amendments recommended herein cannot become effective until after the beginning of the fall qualifying period. Therefore, any supply plant which qualifies as a pool plant from the effective date of the recommended amendments through January 1959 will remain qualified during the flush months of 1959

The extent to which milk must be physically handled at a supply plant in order to qualify as a receipt and subsequent shipment to distributing plants was explored at the hearing.

The essential function for which supply plants were developed was to assemble the milk into tank car or tank truck lots for more economical shipment to city plants. This was a particularly important function with respect to milk gathered from the farms in 10-gallon cans, but also applies to milk picked up in bulk tanks to the extent that their loads are consolidated into larger tankers. In addition, many of the supply plants are equipped to manufacture the reserve milk, thereby saving the cost of transporting the whole milk to the city plants.

The degree of handling required at a supply plant to constitute a receipt at such a plant is a problem in this market. Some Ozarks distributors have developed a supply of bulk tank milk. Under the present order such milk can be routed through a supply plant at such times and in such quantity as may be needed to qualify the plant as a pool plant on an additional supply of milk which is not regularly shipped to distributing plants. Obviously, the supply plant operator would like to perform only the minimum of receiving functions on this bulk tank milk.

A token "receipt" of bulk tank milk at a supply plant and the subsequent shipment of essentially the same milk to a distributing plant does not constitute a useful supply plant function or increase the availability or utility of the Grade A milk involved. Neither should such a token receipt and shipment be allowed to help identify a given supply of milk with the market or the supply plant as a pool plant. Therefore, only those receipts at and shipments from a supply plant which involve a transfer from cans to tank trucks or from small or partially filled tank trucks into larger tank truck loads will be recognized in computing the shipping percentages specified in the pool plant standards of § 921.11 of the order.

2. *Diversion to nonpool plants.* The months when diversion of a producer's milk to nonpool plants is limited to 10 days production should be August through January instead of September through January.

August through January are the 6 months when supplies are usually lowest in relation to Class I sales in this market and also constitute the supply plant qualification period.

Diversion privileges are provided to facilitate the marketing of the daily and seasonal reserve supplies of milk. Diverted milk is that which is moved directly from the farms to nonpool plants rather than to the pool plant at which it is normally delivered. The farmer whose milk is so diverted remains a producer and his milk continues to share in the marketwide pool. It is frequently possible to save transportation costs by diversion instead of bringing the milk in to the pool plant and then transporting it to the nonpool plant. The diversion privilege should, however, apply only to milk primarily associated with the fluid requirements of the market.

During the months of flush production, when the pool plant does not require all the milk from its usual Grade A patrons some farm pickup routes may be so situated that they can be diverted to a nonpool plant on most days. On the other hand, diversion should ordinarily be needed only for weekend reserves and other unusual contingencies during the months of short production. A maxi-

mum of 10 days should be adequate to accommodate the reserves during these months.

It is conceivable that milk may be diverted to plants which are nonpool plants under the Ozarks order but are fully regulated under another order. If the dairy farmer thereby qualifies as a producer under the other order, he should not maintain producer status under the Ozarks order. The potential conflict involved in being a producer under two orders should be resolved in favor of the order under which the milk is physically received. If a producer's milk is diverted to a plant which is regulated under another order for only a portion of a month, he would be a producer under the other order on the diverted milk, and an Ozarks producer with respect to the milk received at the Ozarks pool plant.

3. *Class I price.* The Class I price at pool plants located in Benton and Washington Counties, Arkansas, should be 25 cents higher than in the remainder of the marketing area instead of 15 cents higher as now specified in the order.

The higher price is needed to help maintain an adequate supply of milk for these handlers. The procurement competition in Northwest Arkansas from the Tulsa, North Texas, and Central Arkansas markets is so intensive that the local handlers have had to pay substantial premiums over order prices in each month since January 1957.

The primary limitation on the Class I price in Benton and Washington Counties is its relationship to the Class I price at Springfield, Missouri. If the Arkansas price were higher than the Springfield price plus transportation costs, Arkansas handlers would have an incentive to abandon local supplies in favor of milk from a Springfield supply plant. Also, they would be at a competitive disadvantage with respect to those Springfield handlers who distribute milk on routes in Northwest Arkansas. The 25-cent Class I price difference herein provided compares with a cost of 22 cents per hundredweight for hauling milk from Springfield to Fayetteville in large tank trucks and a cost of 28.9 cents per hundredweight for transporting milk between these points in packaged form.

It is concluded that a 25-cent differential is appropriate with respect to the primary competitive relationships in both the procurement and sale of milk. There was no opposition at the hearing to the proposed increase in the Class I differential in these two counties.

4. *Handler operating nonpool distributing plants.* Consideration was given to a change in the provisions relative to a handler operating a nonpool plant. The present order provides that such a handler shall pay into the producer-settlement fund the value computed by multiplying the difference between the Class I price adjusted by the Class I butterfat and location differentials and the Class II price adjusted by the Class II butterfat differential by his Class I sales on routes in the marketing area.

On the basis of the record it is concluded that such handler should be given the option of making payments into the producer-settlement fund for the following amounts (1) the difference between the Class I and Class II price multiplied by the amount of Class I milk sold on routes in the marketing area, or (2) the amount by which total payments to dairy farmers are less than the total amount of the plant's obligation to producers if such obligation is computed as if such plant were a pool plant.

If the handler elects to make payment under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other scurce milk. If the handler chooses to pay the full utilization value of his milk either directly, to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

Affording this last option to nonpool distributing plants from which some Class I milk is distributed in the marketing area will adequately protect the classified pricing and marketwide equalization plan in this particular market. Handlers in a position to use this option do not exist to an extent permitting any significant diversion of the revenue derived from the Class I sales in the marketing area to farmers only incidentally associated with the market, thus, dissipating the returns to pool producers of milk for which minimum class prices are established under the order and who are relied upon to produce an adequate and dependable supply of pure and wholesome milk for the marketing area.

It is expected that there will be relatively small difference between the amount which these partially regulated handlers will pay their dairy farmers and the minimum uniform price payable to producers by fully regulated handlers. Consequently, the exercise of this option could not have a disruptive influence on the handling of milk in the Ozarks area. For this reason, it is not necessary, in order to maintain the integrity of regulatory plan in the Ozarks market, to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their producers at least the total amount of money which they would be required to pay if they were fully regulated.

5. *Marketing area.* A group of five producers and a handler whose plant is located at Harrison, Arkansas, proposed that Boone County, Arkansas, be deleted from the marketing area. The only testimony given in support of this proposal was by the handler.

It is apparent that the distribution of Class I milk in Boone County has become increasingly competitive since this county was included in the marketing area. Besides the local handler, there are two regulated handlers from Springfield, Missouri, and one handler from Conway, Arkansas, who is regulated under the Central Arkansas order, distributing milk in this county. The Springfield handlers have approximately 65 percent of the total fluid milk business in the county. Thus, this county is an integral part of the Ozarks marketing area and should not be deleted therefrom.

6. *Milk in bulk tanks.* In the amendments effective April 1, 1957, a cooperative association was defined as the handler on bulk tank milk delivered in tank trucks owned and operated by such association. The definition should be changed so that the cooperative association will be the handler on bulk tank milk delivered to a producer-handler as well as on that delivered to other handlers. Under the present provision a producer-handler could become the handler on milk diverted to it more than the specified number of days through no fault of his own and lose his status as a producer-handler. Under the proposed change the cooperative association would be designated as the handler at all times and the milk would be handled on an inter-handler transfer basis without either changing the status of the producer-handler or requiring the milk to be physically received at a pool plant and then re-transferred to the producer-handler.

7. *Administrative changes.* The administrative changes considered at the hearing related to allowable shrinkage to a bottling operation at which a full supply is received from supply plants or from a cooperative in bulk tanks and to the advisability of a specific definition of approved milk.

The allocation provisions should be changed to conform more clearly to a change in the shrinkage provisions which became effective April 1, 1957. The clarification will provide that a distributing plant which receives its full supply of milk from a supply plant will receive credit for its allowable shrinkage as Class II. This can be accomplished by adding the allowable shrinkage back to Class II before deducting the receipts from other handlers.

The order should contain a definition of approved milk to cover that milk which is approved for fluid use and transferred between handlers. At present the producer milk definition is confined to the first receipt at a pool plant, and the interhandler transfers are dealt with by descriptive phrases. The definition would reduce the amount of subsequent phraseology used in the order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Ozarks marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Amend § 921.7 to read as follows:

§ 921.7 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk under a dairy farm permit issued by a health authority duly authorized to administer regulations governing the quality of milk disposed of in the marketing area or acceptable to agencies of the United States Government for fluid consumption in its institutions or bases in the marketing area which is (a) delivered from the farm to a pool plant, or (b) caused to be diverted from the farm to a nonpool plant (providing such nonpool plant is not subject to the classification and pricing provisions of another order issued pursuant to the Act) during any of the months of February through July, or to the extent of not more than 10 days' production during any of the months of August through January for the account of a handler. Milk so diverted shall be deemed to have been received at the pool plant from which diverted.

2. Amend § 921.8 (b) to read as follows:

(b) A cooperative association with respect to the milk of its member producers which is delivered to the pool plant of another handler or to a plant of a producer-handler in a tank truck owned or operated by or under contract to such cooperative association for the account of such cooperative association (such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered); or

3. Amend § 921.11 to read as follows:

§ 921.11 *Pool plant.* "Pool plant" means:

(a) An approved plant which processes and packages as milk, skim milk or cream not less than 50 percent of its receipts of approved milk and from which not less than 15 percent of its receipts of approved milk during the month is disposed of as Class I milk in the marketing area to wholesale or retail outlets (including sales through plant stores or vendors);

(b) A supply plant from which a quantity of milk equal to at least 25 percent of its supply of approved milk is shipped to a plant described in paragraph (a) of this section during any of the months of February through August or the applicable percentage during any other month, as follows:

Month	Percentage
September	35
October	40
November	45
December	40
January	35

Provided, That if a supply plant qualifies as a pool plant during each of the months from the effective date hereof through January 1959, and in each of the months of August through January thereafter, such plant shall be designated as a pool plant during each of the subsequent months through the following July unless such plant requests nonpool designation by means of a prior written application to the market administrator: *And provided further,* That in the computation of the percentages specified herein only those receipts and shipments from a supply plant will be utilized which involves a receipt in cans and shipment by tank truck or receipt in small or partially filled tank and shipment by larger tank truck loads.

4. Add a new § 921.16 to read as follows:

§ 921.16 *Approved milk.* "Approved milk" means any skim milk or butterfat contained in producer milk or in milk, skim milk, or cream which is received from a pool plant and which is approved by the appropriate health authority for distribution as Class I milk in the marketing area.

5. In the opening paragraph of § 921.30 delete the phrase "except a producer-handler" and substitute therefor the following "except a producer-handler and a handler making payments pursuant to § 921.61 (a)".

6. In the opening paragraph of § 921.31 delete the phrase "who purchased or received milk from producers" and substitute therefor the following ", except a producer-handler and a handler making payments pursuant to § 921.61 (a),".

7. Amend § 921.32 to read as follows:

§ 921.32 *Other reports.* Each producer-handler and each handler making payments pursuant to § 921.61 (a) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

8. Amend the opening paragraph of § 921.44 to read as follows:

§ 921.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

9. Amend § 921.46 (a) (6) and (7) to read as follows:

(6) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class the skim milk received in milk, skim milk or cream from other handlers according to its classification pursuant to § 921.44 (a);

10. Amend § 921.51 (a) by deleting the proviso and substituting therefor the following: *"Provided,* That 25 cents shall be added to the price for Class I milk at pool plants located in Washington and Benton Counties, Arkansas."

11. Amend § 921.61 to read as follows:

§ 921.61 *Handlers operating nonpool plants.* In lieu of the payments required pursuant to §§ 921.80 to 921.88 each handler, other than a producer-handler and one exempt pursuant to § 921.62, who operates an approved plant which is not a pool plant during the month, shall pay to the market administrator on or before the 15th day after the end of the month the amounts calculated pursuant to paragraph (a) of this section unless the handler elects at the time of reporting pursuant to § 921.30 to pay the amounts calculated pursuant to paragraph (b) of this section:

(a) The following amount:

(1) For the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the applicable Class I price less the value of such skim milk and butterfat at the applicable Class II price; and

(2) As his share of the expense of administration, the rate specified in § 921.88 with respect to Class I milk so disposed in the marketing area.

(b) The following amount:

(1) For the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 921.70 if such handler had operated a pool plant the gross payments made by such handler for milk received during the month from dairy farmers whose milk was approved for fluid use. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report required pursuant to § 921.31, plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) As his share of the expenses of administration, an amount equal to that which would have been computed pursuant to § 921.88 had such plant been a pool plant.

12. Amend § 921.82 (b) by deleting the figure "15 cents" wherever it appears and substituting therefor the figure "25 cents".

13. Amend § 921.88 (c) to read as follows:

(c) the quantities of milk at plants of handlers operating nonpool plants as specified in § 921.61 (a) (2) or (b) (2).

Issued at Washington, D. C., this 16th day of September 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-7666; Filed, Sept. 18, 1958; 8:52 a. m.]

Commodity Stabilization Service

[7 CFR Part 729]

PEANUTS

NOTICE OF PROPOSED PROCLAMATION WITH RESPECT TO 1959 NATIONAL MARKETING QUOTA AND APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT TO STATES

Pursuant to Title III of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1393 and Supps.), the Secretary of Agriculture is required by section 358 (a) thereof to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358 (a) of the Act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358 (a) of the Act further provides that the national marketing quota established for any year subsequent to 1941 shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than that established for the crop produced in the calendar year 1941, which was 1,610,000 acres.

Section 358 (c) (1) of the Act provides that for any year subsequent to 1951, the national acreage allotment for that year, less the acreage to be allotted to new farms under section 358 (f) of the Act, shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the Act, the national acreage allotment for the 1959 crop of peanuts will be apportioned to States on the basis of their shares of the 1958 national acreage allotment.

Prior to proclaiming the national marketing quota, establishing the national acreage allotment, apportioning the national acreage allotment among the States and determining the percentage of the national acreage allotment to be reserved for new farms, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Oil and Peanut Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C. this 15th day of September 1958.

[SEAL] WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 58-7669; Filed, Sept. 18, 1958; 8:53 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

LENDING AGENCY AGREEMENT; COTTON

INCREASE IN INTEREST RATE

Pursuant to section IV, paragraph 4 of Amendment No. 1 (CCC Cotton Form D-1) of the Lending Agency Agreement—Cotton (CCC Cotton Form D), Commodity Credit Corporation announces that the per annum rates of interest specified in paragraphs 1. b. and 3. of such section IV shall be 1¾ percent through and including September 17, 1958, and 2½ percent thereafter.

Issued this 17th day of September 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-7693; Filed, Sept. 17, 1958; 12:30 p. m.]

1958 AGREEMENT TO MAKE LOAN ADVANCES TO COTTON COOPERATIVE MARKETING ASSOCIATION

INCREASE IN INTEREST RATE

Pursuant to section 1, paragraph 2 of the 1958 Agreement To Make Loan Advances to Cotton Cooperative Marketing Association, Commodity Credit Corporation announces that certificates of interest issued pursuant to such agreement shall earn interest at the rate of 1¾ percent per annum through September 17, 1958, and thereafter shall earn interest at the rate of 2½ percent per annum.

Issued this 17th day of September 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-7694; Filed, Sept. 17, 1958; 12:30 p. m.]

CERTIFICATES OF INTEREST; GRAINS AND RELATED COMMODITIES

INCREASE IN INTEREST RATE

Pursuant to § 421.3803 of the provisions for participation of financial institutions in pools of CCC price support loans on certain commodities published in the FEDERAL REGISTER of June 5, 1958 (23 F. R. 3913), Commodity Credit Corporation announces that certificates of interest issued pursuant to such provisions shall earn interest at the rate of 1¾ percent per annum through and including September 17, 1958, and thereafter shall earn interest at the rate of 2½ percent per annum.

Issued this 17th day of September 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-7695; Filed, Sept. 17, 1958; 12:30 p. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

LOUIS F. FRAZZA

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 20, 1956, 21 F. R. 1737; September 8, 1956, 21 F. R. 6846; March 9, 1957, 22 F. R. 1578; September 25, 1957, 22 F. R. 7613; March 15, 1958, 23 F. R. 1798.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 5, 1958.

LOUIS F. FRAZZA.

SEPTEMBER 5, 1958.

[F. R. Doc. 58-7637; Filed, Sept. 18, 1958; 8:45 a. m.]

AL SERAFIN MINETTI

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 9, 1957, 22 F. R. 1578; September 14, 1957, 22 F. R. 7384; March 25, 1958, 23 F. R. 1973.

A. Deletions: No change.
B. Additions: Hewlett Packard Corp.

This statement is made as of September 1, 1958.

AL SERAFIN MINETTI.

SEPTEMBER 2, 1958.

[F. R. Doc. 58-7638; Filed, Sept. 18, 1958; 8:45 a. m.]

LAWRENCE L. MELICK

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Lawrence L. Melick.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: September 4, 1958.

4. Title of position: Assistant Director, Scientific, Motion Picture and Photographic Products Division.

5. Name of private employer: Bailey Meter Company, 1050 Ivanhoe Road, Cleveland, Ohio.

CARLTON HAYWARD,
Director of Personnel.

MAY 23, 1958.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bailey Meter Co., Cleveland, Ohio; and Bank Account.

Dated: September 5, 1958.

LAWRENCE L. MELICK.

[F. R. Doc. 58-7659; Filed, Sept. 18, 1958; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

PROMULGATION OF FEDERAL SHARE FOR PURPOSES OF LIBRARY SERVICES ACT, AS AMENDED

Pursuant to section 6 (d) of the Library Services Act (70 Stat. 293), as amended by section 25 of Public Law 896, 84th Congress (70 Stat. 911), and it having been found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce as to the per capita incomes of the States and of the continental United States are the years 1955, 1956, and 1957, the Federal shares for the purposes of such Act, as indicated below, for the several States, Alaska, Hawaii, the Virgin Islands, Puerto Rico, and Guam, as determined pursuant to said Act and on the basis of said income data, are hereby promulgated to be effective for the fiscal years ending June 30, 1960, and June 30, 1961:

State	Federal share (percent)
Alabama	66.00
Arizona	57.12
Arkansas	66.00
California	37.52
Colorado	51.74
Connecticut	33.00
Delaware	33.00
Florida	55.10
Georgia	64.20
Idaho	59.41
Illinois	39.49
Indiana	49.69
Iowa	57.12
Kansas	55.72
Kentucky	66.00
Louisiana	62.58
Maine	58.30
Maryland	46.82
Massachusetts	43.13
Michigan	44.95
Minnesota	54.48
Mississippi	66.00
Missouri	51.74
Montana	52.08
Nebraska	57.23
Nevada	38.88
New Hampshire	54.13
New Jersey	38.34
New Mexico	59.99
New York	37.31
North Carolina	66.00
North Dakota	64.07
Ohio	44.39
Oklahoma	59.71
Oregon	51.31
Pennsylvania	48.39
Rhode Island	49.21
South Carolina	66.00
South Dakota	64.94
Tennessee	65.76
Texas	56.05
Utah	58.43
Vermont	58.66
Virginia	58.43
Washington	47.33
West Virginia	63.04
Wisconsin	52.36
Wyoming	50.46
Outlying parts of the United States	
Alaska	66.00
Guam	66.00
Outlying parts of U. S.—Con.	
Puerto Rico	66.00
Territory of Hawaii	50.00
Virgin Islands	66.00

Dated: September 8, 1958.

[SEAL] L. G. DERTHICK,
U. S. Commissioner of Education.

Approved: September 13, 1958.

ARTHUR S. FLEMMING,
Secretary.

[F. R. Doc. 58-7655; Filed, Sept. 18, 1958; 8:49 a. m.]

Public Health Service

PROMULGATION OF STATE ALLOTMENT PERCENTAGES UNDER TITLE VI OF PUBLIC HEALTH SERVICE ACT

Pursuant to section 631 (a) and (b) of Title VI of the Public Health Service Act, as amended, (60 Stat. 1041, 42 U. S. C. 291i (a) and (b)),

And having found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce, as to the per capita incomes of States and of the Continental United States, are the years 1955, 1956, and 1957,

The following allotment percentages for the several States, Alaska, Hawaii, Puerto Rico, the District of Columbia, Guam, and the Virgin Islands, as determined pursuant to said Act and on the basis of said income data, are hereby promulgated for two fiscal years in the period beginning July 1, 1959:

State	Federal share (percent)
Alabama	67.71
Alaska	50.00
Arizona	57.12
Arkansas	71.25
California	37.52
Colorado	51.74
Connecticut	33½
Delaware	33½
District of Columbia	37.52
Florida	55.10
Georgia	64.20
Idaho	59.41
Illinois	39.49
Indiana	49.69
Iowa	57.12
Kansas	55.72
Kentucky	66.04
Louisiana	62.58
Maine	58.30
Maryland	46.82
Massachusetts	43.13
Michigan	44.95
Minnesota	54.48
Mississippi	75.00
Missouri	51.74
Montana	52.08
Nebraska	57.23
Nevada	38.88
New Hampshire	54.13
New Jersey	38.34
New Mexico	59.99
New York	37.31
North Carolina	66.43
North Dakota	64.07

State	Federal share (percent)
Ohio	44.39
Oklahoma	59.71
Oregon	51.31
Pennsylvania	48.39
Rhode Island	49.21
South Carolina	70.35
South Dakota	64.94
Tennessee	65.76
Texas	56.05
Utah	58.43
Vermont	58.66
Virginia	58.43
Washington	47.33
West Virginia	63.04
Wisconsin	52.36
Wyoming	50.46
Guam	75.00
Hawaii	50.00
Puerto Rico	75.00
Virgin Islands	75.00

Dated: August 29, 1958.

[SEAL] JOHN D. PORTERFIELD,
Surgeon General.

Approved: September 13, 1958.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 58-7656; Filed, Sept. 18, 1958; 8:49 a. m.]

Social Security Administration

PROMULGATION OF FEDERAL SHARES AND ALLOTMENT PERCENTAGES FOR PURPOSES OF CHILD WELFARE SERVICES UNDER TITLE V, PART 3 OF SOCIAL SECURITY ACT, AS AMENDED

Pursuant to sections 524 (a), (b) and (c) of Title V, Part 3 of the Social Security Act, as amended (section 601, Social Security Amendments of 1958, P. L. 85-840),

And it having been found that the three most recent calendar years for which satisfactory data are available from the Department of Commerce as to per capita income of States and of the continental United States are the years 1955, 1956 and 1957,

It is hereby promulgated (a) for the fiscal year ending June 30, 1959, that for purposes of child welfare services under Title V, Part 3, of the Social Security Act, as amended, for each of the forty-eight States, Alaska, Hawaii, Puerto Rico, the District of Columbia, and the Virgin Islands, the Federal shares shall be determined pursuant to the provisions of section 521 of the Social Security Act as in effect prior to the enactment of the Social Security Amendments of 1958; and (b) for each of the two fiscal years in the period ending June 30, 1961, that for the said purposes, for each of the forty-eight States, Alaska, Hawaii, Puerto Rico, the District of Columbia, the Virgin Islands and Guam, the Federal shares, as specified in said Act, or as determined pursuant thereto and on the basis of said income data, shall be as listed below.

It is hereby further promulgated for each of the three fiscal years in the period ending June 30, 1961, that for purposes of child welfare services under Title V, Part 3, of the Social Security Act, as amended, for each of the forty-eight States, Alaska, Hawaii, Puerto Rico, the District of Columbia, the Virgin Islands and Guam, the allotment percentages, as specified in said Act, or as determined pursuant thereto and on the basis of said income data, shall be as listed below; except, that for Guam the listed allotment percentage shall be for each of the two fiscal years in the period ending June 30, 1961.

State	Federal shares	Allotment percentages
Alabama	66⅔	67.71
Alaska	50.00	50.00
Arizona	57.12	57.12
Arkansas	66⅔	70.00
California	37.52	37.52
Colorado	51.74	51.74
Connecticut	33⅓	31.37
Delaware	33⅓	30.00
District of Columbia	37.83	37.83
Florida	55.10	56.10
Georgia	64.20	64.20
Guam	66⅔	70.00
Hawaii	54.48	54.48
Idaho	59.41	59.41
Illinois	39.49	39.49
Indiana	49.69	49.69
Iowa	57.12	57.12
Kansas	55.72	55.72
Kentucky	66.04	66.04
Louisiana	62.58	62.58
Maine	58.30	58.30
Maryland	46.82	46.82
Massachusetts	43.13	43.13
Michigan	44.95	44.95
Minnesota	54.48	54.48
Mississippi	66⅔	70.00
Missouri	51.74	51.74
Montana	52.08	52.08
Nebraska	57.23	57.23
Nevada	38.88	38.88
New Hampshire	54.13	54.13
New Jersey	38.34	38.34
New Mexico	59.99	59.99
New York	37.31	37.31
North Carolina	66.43	66.43
North Dakota	64.07	64.07
Ohio	44.39	44.39
Oklahoma	59.71	59.71
Oregon	51.31	51.31
Pennsylvania	48.39	48.39
Puerto Rico	66⅔	70.00
Rhode Island	49.21	49.21
South Carolina	66⅔	70.00
South Dakota	64.94	64.94
Tennessee	65.76	65.76
Texas	56.05	56.05
Utah	58.43	58.43
Vermont	58.66	58.66
Virgin Islands	66⅔	70.00
Virginia	58.43	58.43
Washington	47.33	47.33
West Virginia	63.04	63.04
Wisconsin	52.36	52.36
Wyoming	50.46	50.46

Dated: September 10, 1958.

[SEAL] WILLIAM L. MITCHELL,
Acting Commissioner of Social Security.

Approved: September 13, 1958.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 58-7657; Filed, Sept. 18, 1958; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-101]

NUCLEAR DEVELOPMENT CORPORATION OF AMERICA

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT AND FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue to Nuclear Development Corporation of America a construction permit substantially as set forth below unless within fifteen (15) days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 Part CFR 2). For further details see (1) the application submitted by Nuclear Development Corporation of America and amendment thereto and (2) a memorandum by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Notice is also hereby given that if the Commission issues the construction permit, the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the reactor by Nuclear Development Corporation of America at the Corporation's facilities at Pawling, New York, if it is found that the reactor has been constructed in accordance with the specifications contained in the application, and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission that the granting of such license would not be in accordance with the provisions of the Act.

Dated at Germantown, Maryland this 16th day of September 1958.

For the Atomic Energy Commission.

E. R. PRICE,
Acting Director, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

By application dated April 2, 1958, as amendment thereto dated June 30, 1958, Nuclear Development Corporation of America requested a Class 104 license defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, authorizing construction and operation of a heavy water moderated and reflected training and research nuclear reactor (hereinafter referred to as "the reactor") designed to operate at a steady thermal power level of 5 watts and at power levels up to 100 watts for short periods. Reference to the application herein will be to the original application as amended.

The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The reactor will be useful in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. Nuclear Development Corporation of America is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR.

D. Nuclear Development Corporation of America is technically qualified to design and construct the reactor.

E. Nuclear Development Corporation of America has submitted sufficient information to provide reasonable assurance that the reactor can be constructed at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to Nuclear Development Corporation of America will not be inimical to the common defense and security or to the health and safety of the public.

G. Nuclear Development Corporation of America has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

Pursuant to the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Nuclear Development Corporation of America to construct the reactor in accordance with the specifications contained in the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is October 3, 1958. The latest completion date of the reactor is November 30, 1958. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the location in Pawling, New York, specified in the application.

Upon completion of the construction of the reactor in accordance with the terms and conditions of this permit, and upon finding that the reactor authorized has been constructed in conformity with the application and in conformity with the provisions of the Act and of the rules and regulation of the Commission, the Commission will issue a Class 104 license to Nuclear Development Corporation of America pursuant to section 104c of the Act, which license shall expire 20 years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

Director, Division of Licensing and Regulation.

[F. R. Doc. 58-7696; Filed, Sept. 18, 1958; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SR-2290]

DALE R. WELLING

NOTICE OF ORAL ARGUMENT

James T. Pyle, Administrator of Civil Aeronautics, Complainant, v. Dale R. Welling, Respondent; Docket No. SR-2290.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 2, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board. The Administrator has been allotted 30 minutes and the respondent 30 minutes to be presented in that order. The Administrator may reserve one-quarter of his allotted time for rebuttal.

Dated at Washington, D. C., September 15, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-7660; Filed, Sept. 18, 1958; 8:51 a. m.]

[Docket Nos. 1706, 6429, and 3308]

REOPENED PAN AMERICAN MAIL RATE CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled case is assigned to be held on November 17, 1958, at 10 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., September 17, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-7661; Filed, Sept. 18, 1958; 8:51 a. m.]

[Docket No. SA-336]

ACCIDENT OCCURRING NEAR HAINES, ALASKA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States registry N 4774C, which occurred near Haines, Alaska, August 20, 1958.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, September 23, 1958, at 9:00 a. m. (local time) in Room 218, Municipal Building, 155 Seward Street, Juneau, Alaska.

Dated at Washington, D. C., September 16, 1958.

[SEAL] CLAUDE M. SCHONBERGER,
Presiding Officer.

[F. R. Doc. 58-7662; Filed, Sept. 18, 1958; 8:51 a. m.]

[Docket No. SA-335]

ACCIDENT OCCURRING AT NANTUCKET, MASS.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 90670, which occurred at Nantucket, Massachusetts, August 15, 1958.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, October 1, 1958, at 9:30 a. m. (local time) at Bennett Hall, 62 Center Street, Nantucket, Massachusetts.

Dated at Washington, D. C., September 15, 1958.

[SEAL] THOMAS K. MCDILL,
Presiding Officer.

[F. R. Doc. 58-7663; Filed, Sept. 18, 1958; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15129]

ATLANTIC SEABOARD CORP.

NOTICE RECONVENING HEARING

SEPTEMBER 15, 1958.

Notice is hereby given that the hearing in the above-designated matter, which was recessed by the Presiding Examiner on September 9, 1958 subject to further notice of the Secretary of the Commission, is now scheduled to convene at 9:30 a. m., e. d. s. t., September 25, 1958, in the Commission's Hearing Room, 441 G Street, NW., Washington, D. C.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7640; Filed, Sept. 18, 1958; 8:45 a. m.]

[Docket No. G-16241]

MOUND CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

SEPTEMBER 12, 1958.

Mound Company et al. (Mound), on August 15, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Transcontinental Gas Pipe Line Corporation.
Rate schedule designation: Supplement No. 4 to Mound's FPC Gas Rate Schedule No. 15.
Effective date: September 15, 1958 (effective date is the first day after expiration of the required thirty days' notice).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final decision, it is deemed advisable to suspend the said proposed increased rate and charge until September 16, 1958, and thereafter to permit it to become effec-

tive as of that date: *Provided*, That within 20 days from the date of this order Mound shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Mound's proposed increased rate be made effective as hereinafter provided and that Mound be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Mound's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 16, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Mound's FPC Gas Rate Schedule shall be effective as of September 16, 1958: *Provided, however*, That within 20 days from the date of this order, Mound shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Mound shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by Mound herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Mound shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Mound so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Mound shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of Mound Company et al. to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ----------, in Docket No. G-16241, ---------- hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ---------- day of ----------

---

Attest: By ----------

(Secretary)

Unless Mound is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Mound shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise it shall remain in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7641; Filed, Sept. 18, 1958; 8:45 a. m.]

[Docket No. G-10889]

JAMES V. HARBISON

NOTICE OF SEVERANCE

SEPTEMBER 15, 1958.

Take notice that the application in the matter of James V. Harbison (Applicant) in Docket No. G-10889 which has been heretofore consolidated with various other applications in a proceeding entitled: In the Matters of Walter Duncan, Operator et al. Docket No. G-10142, et al. and scheduled to be heard therewith at 9:30 a. m., e. d. s. t., September 30, 1958, is hereby severed from said consolidated proceeding and continued to a date to be set hereafter by further notice.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7642; Filed, Sept. 18, 1958; 8:46 a. m.]

[Docket No. G-12824, etc.]

PETROLEUM, INC., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 15, 1958.

In the matters of Petroleum, Inc., Docket No. G-12824; Ervin Major and Ethel G. Major Estate, Docket No. G-12895; Harrell Drilling Company and H. G. Nelms, Docket No. G-13016; Farnswell Production Company, Docket No. G-13017; C. R. Ridgway & W. B. Ridgway, Docket No. G-13057; National Cooperative Refinery Association, Docket No. G-13070; Bright & Schiff, Docket No. G-13124; Nortex Oil & Gas Corp., Operator, Docket No. G-13185; Jack W. Grigsby, Docket No. G-13318; Phillips Petroleum Company, Docket No. G-13323; Sinclair Oil & Gas Company, Docket No. G-13330; Shell Oil Company, Docket No. G-13333; Aurora Gasoline Company, Operator, et al., Docket No. G-13816; Magnolia Petroleum Company, Docket No. G-13826.

Take notice that the persons listed below (Applicants) filed in the above-captioned proceedings separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicants propose to sell natural gas in interstate commerce from production of certain units, leases, or acreage to various purchasers for resale as tabulated below.

Docket Number; Date Filed; Applicant and Address; Source of Gas; and Purchaser

G-12824; 7-1-57; Petroleum, Inc., 811 East Third St., Wichita, Kans.; Elwood Field, Barber County, Kans.; Cities Service Gas Co.

G-12895; 7-15-57; Ervin Major and Ethel G. Major Estate, Standish, Mich.; West Panhandle Field, Hutchinson County, Tex.; The Shamrock Oil and Gas Corp.

G-13016; 8-5-57; Harrell Drilling Company and H. G. Nelms, Bank of the Southwest Building, Houston, Tex.; East Retama Field, Hidalgo County, Tex.; Texas Eastern Transmission Corp.

G-13017; 8-5-57; Farnswell Production Co., P. O. Box 1748, Shreveport, La.; Bethany Field, Harrison County, Tex.; United Gas Pipe Line Co.

G-13057; 8-12-57 as amended 11-25-57; C. R. Ridgway & W. B. Ridgway, 233½ East Capitol Street, Jackson, Miss.; Pistol Ridge Field, Forrest and Pearl River Counties, Miss.; United Gas Pipe Line Co.

G-13070; 7-22-57 as amended 4-7-58; National Cooperative Refinery Association, 305 Rule Building, Wichita, Kans.; Hardtner, Donald & Undesignated Pools, Barber County, Kans.; Cities Service Gas Co.

G-13124; 8-22-57; Bright & Schiff, 205 Mercantile Commerce Building, Dallas, Tex.; East Riverside Field, San Patricio County, Tex.; Texas Eastern Transmission Corp.

G-13185; 8-29-57; Nortex Oil & Gas Corp., 1900 Life of America Building, Dallas, Tex.; West Weesatche Field, Goliad County, Tex.; United Gas Pipe Line Co.

G-13318; 9-25-57; Jack W. Grigsby, 418 Market Street, Suite 512, Shreveport, La.; Bethany-Longstreet Field, De Soto Parish, La.; Texas Eastern Transmission Corp.

G-13323; 9-26-57; Phillips Petroleum Co., Bartlesville, Okla.; Camrick Southeast Pool, Texas County, Okla.; Natural Gas Pipeline Co. of America.

G-13330; 9-30-57; Sinclair Oil & Gas Co., Sinclair Oil Building, Tenth and Boston, Tulsa, Okla.; Premont Field, Jim Wells County, Tex.; Coastal States Gas Producing Co.

G-13333; 9-30-57; Shell Oil Company, 50 West 50th Street, New York 20, N. Y.; Orange Grove Field, Terrebonne Parish, La.; United Fuel Gas Co.

G-13816; 11-27-57; Aurora Gasoline Co., 15911 Wyoming Avenue, Detroit 38, Mich.; Barber County, Kans.; Cities Service Gas Co.

G-13826; 11-29-57; Magnolia Petroleum Co., P. O. Box 900, Dallas, Tex.; Parnell and Northrup Fields, Ochiltree County, Tex.; Northern Natural Gas Co.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 16, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 6, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7643; Filed, Sept. 18, 1958; 8:46 a. m.]

[Docket No. G-13792, etc.]

PERMIAN BASIN PIPELINE CO. ET AL.

NOTICE OF POSTPONEMENT OF DATE OF HEARING

SEPTEMBER 15, 1958.

In the matters of Permian Basin Pipeline Company, Docket No. G-13792; Sun Oil Company (Southwest Division), Docket No. G-13931; Phillips Petroleum Company, Operator, Docket No. G-14131.

On August 20, 1958, the Secretary of the Commission issued notice of the setting of a hearing on September 24, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above-captioned applications.

On September 10, 1958, Minneapolis Gas Company filed a petition for leave to intervene in this proceeding.

The hearing heretofore scheduled in this proceeding for September 24, 1958, is hereby postponed to a date to be fixed by future notice of the Secretary of the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7644; Filed, Sept. 18, 1958; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-475]

WORK GLOVE INDUSTRY

NOTICE OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Work Glove Industry will be held under the auspices of the Federal Trade Commission in the Lower Tower Room of the Conrad Hilton Hotel, 720 South Michigan Blvd., Chicago, Illinois, on October 10, 1958, commencing at 10 a. m., c. d. t.

All persons, firms and organizations engaged in the manufacture, sale or distribution of gloves or mittens which are designed primarily for use during the performance of work or labor, are cordially invited to attend and participate in this meeting.

The conference is being held pursuant to application of the Work Glove Institute. Its purpose is to obtain recommendations and assistance from industry members in establishing a set of trade practice rules which will give guidance to the industry members as to the requirements of laws administered by the Commission which have applicability to trade practices in the industry and proscribe unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses.

At the conference the applicant trade association will propose for consideration, among others, rules on the following subjects: discriminatory promotional allowances; discriminatory sales to jobbers, wholesalers, and purchasing groups; quantity discounts; deception (general); misrepresentation as to character of business; guarantees, warranties, etc.; and consignment distribution. Any industry member may submit additional rules, may suggest amendment or deletion of any proposed rules submitted, and may take part in the consideration and discussion of any proposal presented.

The announced conference constitutes the first step in proceedings to establish trade practice rules for this industry.

By direction of the Commission.

Issued: September 16, 1958.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-7656; Filed, Sept. 18, 1958; 8:50 a. m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

CARLTON S. DARGUSCH

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes since last submission of form ODM-163.

This amends statement previously published in the FEDERAL REGISTER March 8, 1958 (23 F. R. 1664).

Dated: September 5, 1958.

CARLTON S. DARGUSCH.

[F. R. Doc. 58-7584; Filed, Sept. 17, 1958; 8:45 a. m.]

ROBERT J. HARBISON III

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Delete: Montgomery Ward.
No other changes since last report.

This amends statement previously published in the FEDERAL REGISTER March 8, 1958 (23 F. R. 1664).

Dated: September 5, 1958.

ROBERT J. HARBISON III.

[F. R. Doc. 58-7583; Filed, Sept. 17, 1958; 8:45 a. m.]

MORRIS A. LIEBERMAN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change from previous report.

This amends statement previously published in the FEDERAL REGISTER March 8, 1958 (23 F. R. 1664).

Dated: September 6, 1958.

MORRIS A. LIEBERMAN.

[F. R. Doc. 58-7582; Filed, Sept. 17, 1958; 8:45 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 199]

KANSAS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of September 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Kansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7 (b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Cloud (Flash flood occurring on or about September 4).

Offices: Small Business Administration Regional Office, Home Savings Building, Fifth Floor, 1006 Grand Avenue, Kansas City 6, Mo. Small Business Administration Branch Office, 301 Bitting Building, 107 North Market Street, Wichita 2, Kans.

2. A special field office will be established at Clyde, Kansas.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1959.

Dated: September 8, 1958.

ALBERT C. KELLY,
Deputy Administrator.

[F. R. Doc. 58-7609; Filed, Sept. 17, 1958; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CATHERINE BECK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Catherine Beck, Strasbourg, France; Claim No. 58464; $283.12 in the Treasury of the United States.

Madeleine Beck, a/k/a Lena Beck, Moselle, France; Claim No. 58472; $323.57 in the Treasury of the United States.

Theresa Beck Murer, Moselle, France; Claim No. 58473; $323.57 in the Treasury of the United States.

Joseph Beck, Moselle, France; Claim No. 58492; $283.12 in the Treasury of the United States.

Anne Beck, Strasbourg, France; Claim No. 58496; $283.12 in the Treasury of the United States.

Executed at Washington, D. C., on September 12, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-7616; Filed, Sept. 17, 1958; 8:52 a. m.]

DR. AUREL EMERITZY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. Aurel Emeritzy, Bavaria, Germany; Claim No. 62513; $600.00 in the Treasury of the United States.

Voluntary turnover.

Executed at Washington, D. C., on September 12, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-7617; Filed, Sept. 17, 1958; 8:52 a. m.]

MATHILDE ELISABETH ALMUTH HEYL GACHOT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mathilde Elisabeth Almuth Heyl Gachot, 12 rue Bautain, Strasbourg, France; Claim No. 64327; all right, title, interest and claim of any kind or character of Mathilde Elisabeth Almuth Heyl Gachot in and to the Estate of Louise E. Kerchoff, deceased, administered in the Superior Court of the State of California in and for the County of Los Angeles, as vested by Vesting Order No. 9505 (12 F. R. 5491; August 13, 1947).

Executed at Washington, D. C., on September 12, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-7618; Filed, Sept. 17, 1958; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 15, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34963: *Plaster and related articles from and to points in Western trunk line territory.* Filed by Western Trunk Line Committee, Agent (No. A-2007), for interested rail carriers. Rates on plaster and related articles, in carloads from points in western trunk line territory to points in western trunk line territory.

Grounds for relief: Short-line distance formula, grouping, and operation through outside territory.

Tariffs: Supplement 87 to Western Trunk Line Committee tariff I. C. C. A-4123. Supplement 105 to Western Trunk Line Committee tariff I. C. C. A-3917.

FSA No. 34964: *Superphosphate—Georgetown, Idaho, to Minnesota, North Dakota and South Dakota.* Filed by Western Trunk Line Committee, Agent (No. A-2010), for interested rail carriers. Rates on superphosphate, in carloads from Georgetown, Idaho, to points in Minnesota, North Dakota, and South Dakota.

Grounds for relief: Rail competition and rates constructed on basis of a short-line distance formula.

Tariffs: Supplement 87 to Western Trunk Line Committee tariff I. C. C. No. A-4123. Supplement 75 to UP R. R. tariff I. C. C. 5415.

FSA No. 34965: *Silica sand—Guion, Ark., to Houston, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-7376), for interested rail carriers. Rates on silica sand, in carloads from Guion, Ark., to Houston, Tex.

Grounds for relief: Market competition over newly established short tariff route.

Tariff: Supplement 168 to Southwestern Freight Bureau tariff I. C. C. 4135.

FSA No. 34966: *Superphosphate from Don, Idaho and Garfield, Utah.* Filed by Western Trunk Line Committee, Agent (No. A-2011), for interested rail carriers. Rates on superphosphate, in carloads from Don, Idaho and Garfield, Utah to points in North Dakota and South Dakota.

Grounds for relief: Rail competition and rates constructed on basis of a short line distance formula.

FSA No. 34967: *Caustic soda—Plaquemine, La., to Virginia points.* Filed by Southwestern Freight Bureau, Agent (No. B-7377), for interested rail carriers. Rates on caustic soda, in tank-car loads from Plaquemine, La., to Ampthill, Deep Run Spur, and Hopewell, Va.

Grounds for relief: Market competition.

Tariff: Supplement 337 to Southwestern Freight Bureau tariff I. C. C. 4087.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-7611; Filed, Sept. 17, 1958; 8:51 a. m.]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 16, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34968: *Substituted service—The New York, New Haven and Hartford Railroad Company, etc., for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc. (No. 9), for interested carriers. Rates on freight loaded in trailers and transported on railroad flat cars between substitution points in official territory described in the application between which the rail carriers are substituted for the motor carriers.

Grounds for relief: Motor truck competition.

Tariff: Supplement 25 to Midwest Haulers, Inc., tariff MF-I. C. C. 21.

FSA No. 34969: *Fertilizer and fertilizer materials from La Platte, Nebr., Lawrence and Military, Kans.* Filed by Western Trunk Line Committee, Agent (No. A-2014), for interested rail carriers. Rates on fertilizer and fertilizer materials, in carloads, from La Platte, Nebr., Lawrence and Military, Kans., to specified points in Illinois.

Grounds for relief: Market competition and restore relationships.

FSA No. 34970: *Clay between points in the south.* Filed by O. W. South, Jr., Agent (SFA No. A3727), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, crude, washed, shredded or ground, in bags, barrels, or in bulk, in carloads, from points in Alabama, Florida, Georgia, North Carolina, and South Carolina to points in southern territory.

Grounds for relief: Short-line distance formula and grouping.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-7647; Filed, Sept. 18, 1958; 8:47 a. m.]

[Notice 25]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 16, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 60955. By order of September 11, 1958, Division 4 approved the transfer to Archer Van Lines, Inc., Ogallala, Nebr., of a portion of Certificate No. 32107, issued April 14, 1955, to Archer and Archer, Inc., Julesburg, Colo., authorizing the transportation of: Household goods, as defined by the Commission, between Julesburg, Colo., and points within 75 miles of Julesburg, on the one hand, and, on the other, points in Wyoming, South Dakota, Nebraska, and Kansas. Marion F. Jones, 526 Denham Bldg., Denver 2, Colo., for applicants.

No. MC-FC 61357. By order of September 12, 1958, The Transfer Board approved the transfer to Clyde Wainscott and Donald R. Wainscott, A Partnership, doing business as Clyde Wainscott & Son, Mexico, Missouri, of certificate in No. MC 114221 Sub 1, issued June 30, 1954, to Clyde Wainscott, Mexico, Missouri, authorizing the transportation of: *Livestock, seeds,* and *fertilizer,* in bags, from East St. Louis, Ill., to Mexico, Mo., and points other than incorporated villages, towns, or cities, within a radius of 25 miles thereof. Joseph R. Nacy, 117 West High St., Jefferson City, Mo., for applicants.

No. MC-FC 61404. By order of September 12, 1958, The Transfer Board approved the transfer to Virgil Waugh, doing business as Virgil Waugh Truck Service, Liberal, Kans., of certificate in No. MC 82733 Sub 3, issued June 12, 1958, to Case Brothers Trucking Contractors, a Corporation, Gainesville, Texas, authorizing the transportation of: *Machinery, equipment,* materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, materials, equipment, and supplies used* in, or in connection with, the construction, operation, repair, servicing maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of main or trunk pipe lines, over irregular routes between points in Kansas and Oklahoma. W. T. Brunson, 508 Leonhardt Bldg., Oklahoma City 2, Okla., for applicants.

No. MC-FC 61462. By order of September 12, 1958, The Transfer Board approved the transfer to Hubert Cotton, doing business as Boat Transport, Atlanta, Ga., of Certificate No. MC 113231, issued September 16, 1952, to Cutter's Incorporated, Atlanta, Ga., authorizing the transportation of Used boats, over irregular routes, between points in Georgia, on the one hand, and, on the other, points in Alabama, Florida, Tennessee, and South Carolina. Allan Watkins, 214 Grant Building, Atlanta 3, Ga., for applicants.

No. MC-FC 61464. By order of September 12, 1958, The Transfer Board approved the transfer to David Graham Company, a corporation, Philadelphia, Pa., of certificate in No. MC 80653, issued October 1, 1947, to David Graham, Philadelphia, Pa., authorizing the transportation of machinery and articles requiring specialized handling or rigging, because of size or weight, over irregular routes, between Philadelphia, Pa., and specified points in Pennsylvania and New Jersey, on the one hand, and, on the other points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, and the District of Columbia. Robert H. Shertz, Shertz, Barnes & Shertz, 811-819 Lewis Tower Building, 225 South 15th St., Philadelphia 2, Pennsylvania, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-7648; Filed, Sept. 18, 1958; 8:47 a. m.]

UNIVERSITY OF MICHIGAN
SEP 22 1958
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 23 NUMBER 185

Washington, Saturday, September 20, 1958

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Reg., Amdt. 40-13]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PILOT ROUTE AND AIRPORT QUALIFICATION REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 16th day of September 1958.

Section 40.303 of Part 40 of the Civil Air Regulations requires, in part, that each pilot in command in qualifying over a route shall make an entry into each regular, provisional, and refueling airport into which he is scheduled to fly. Section 40.304 governs the maintenance and reestablishment of route qualifications and requires compliance under certain circumstances with the provisions of § 40.303 by the pilot in command.

On January 20, 1955, the Bureau of Safety circulated Civil Air Regulations Draft Release No. 55-3 (20 F. R. 550) which dealt with the overall problem of pilot airport and route qualification. Attention was drawn to the development of motion picture panoramic views of airports and their environs which showed excellent promise of providing an effective means for attaining pilot airport qualification in lieu of actual entry. An objective in this proposal was to amend the regulations in a manner that would encourage further research and development of the visual training aids programs by various commercial sources and at the same time provide more acceptable airport qualification rules for use in the meantime. Furthermore, it seemed appropriate to permit methods of airport qualification other than physical entry, provided that such alternative methods had the approval of the Administrator.

Following circulation of Draft Release 55-3 for comment, the Board promulgated a series of Special Civil Air Regulations (SR-413, SR-414, SR-418, SR-418A) to permit the controlled introduction of new techniques in airport and route qualification. These techniques included the use of pictorial means within the training program which would enable pilots to qualify at specified airports by using color motion pictures or slides showing clear daylight views of the complete physical layouts of the airports, surrounding terrain, obstructions, approaches to all runways, restricted areas, and conspicuous reference points that are of value to pilots. Under these special regulations air carriers were also authorized to conduct operations at an airport in close proximity to an airport into which pilots were qualified when the Administrator found that such pilots were adequately qualified at the new airport. In making such findings, the Administrator took into consideration such things as the familiarity of the pilots with the layout, surrounding terrain, location of obstacles, and instrument approach and traffic control procedures at the new airport. In addition, under SR-418 and SR-418A, a pilot was expressly permitted to accomplish initial qualification into an airport without being accompanied by a pilot qualified at that airport if such initial entry were made under VFR weather conditions at the particular airport involved.

One of the principal purposes of these special regulations has been to provide sufficient opportunity for evaluation of pictorial means of airport and route qualification by industry and Government alike in order to guide the Board in its final action in amending the Civil Air Regulations. Experience gained under these special regulations up to the time of the adoption of SR-418A indicated that the various procedures provided therein for airport and route qualification, including pictorial means, had been successful. Therefore, the Board stated in the preamble to SR-418A that prior to the termination of that regulation, a proposal to incorporate its substance into Part 40 would be circulated for comment. Accordingly, the Board circulated Draft Release 58-13 to obtain comments as to the continued effectiveness and extent of use of the privileges of SR-418A and any other recommendations with respect to incorporation of the provisions of that regulation in Part 40 of the Civil Air Regulations.

It was proposed to incorporate the provisions of SR-418A into Part 40 with a slight revision of the requirement concerning route qualification on those routes on which navigation must be accomplished by pilotage and on which the flight is to be conducted at or below the

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FEDERAL REGISTER

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(As of July 1, 1958)

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level of adjacent terrain. These changes were made in the interest of clarity.

In view of the wide acceptance of this means of qualification and in the absence of any contrary view, the Board believes it desirable to include the substance of the special regulations in Part 40 of the Civil Air Regulations as proposed.

Interested persons have been afforded an opportunity to participate in the making of this amendment (23 F. R. 8356), and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) as follows, effective September 24, 1958.

1. By amending § 40.303 to read as follows:

§ 40.303 *Pilot route and airport qualification requirements.* (a) An air carrier shall not utilize a pilot as pilot in command until he has been qualified for the route on which he is to serve in accordance with the provisions of this section and the appropriate instructor or check pilot has so certified.

(b) Each such pilot shall demonstrate adequate knowledge concerning the subjects listed below with respect to each route to be flown. Those portions of the demonstration pertaining to holding procedures and instrument approach procedures may be accomplished in a synthetic trainer which contains the radio equipment and instruments necessary to simulate the navigational and let-down procedures approved for use by the air carrier:

(1) Weather characteristics,
(2) Navigational facilities,
(3) Communication procedures,
(4) Type of en route terrain and obstruction hazards,
(5) Minimum safe flight levels,
(6) Position reporting points,
(7) Holding procedures,
(8) Pertinent traffic control procedures, and
(9) Congested areas, obstructions, physical layout, and all instrument approach procedures for each regular, provisional, and refueling airport approved for the route.

(c) Each such pilot shall make an entry as a member of the flight crew at each regular, provisional, and refueling airport into which he is scheduled to fly. Such entry shall include a landing and take-off. The qualifying pilot shall occupy a seat in the pilot compartment and he shall be accompanied by a pilot who is qualified at the airport.

(d) Such pilot shall not be required to meet the entry requirements of paragraph (c) of this section when:

(1) The initial entry is made under VFR weather conditions at the particular airport involved; or

(2) The air carrier shows that the pilot airport qualification can be accomplished by an approved pictorial means; or

(3) The air carrier notifies the Administrator that it intends to conduct operations at an airport in close proximity to an airport into which the pilot involved is presently qualified by entry, and the Administrator finds that such pilot is adequately qualified at the new airport. The Administrator, in making such finding, shall take into consideration at least the familiarity of the pilot with the layout, surrounding terrain, location of obstacles, and instrument approach and traffic control procedures at the new airport.

(e) On routes or route segments on which navigation must be accomplished by pilotage and on which flight is to be conducted at or below the level of the adjacent terrain which is within a horizontal distance of 25 miles on either side of the center line of the route to be flown, the pilot shall be familiarized with such route or route segments by not less than two one-way trips on the flight deck over the route or route segments under VFR weather conditions to permit the qualifying pilot to observe terrain along the route.

2. By amending § 40.304 (a) by changing the reference "§ 40.303 (d)" to read "§ 40.303 (e)".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 609; 52 Stat. 1007, 1010, 1011, as amended; 49 U. S. C. 551, 554, 559)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F. R. Doc. 58–7719; Filed, Sept. 19, 1958; 8:55 a. m.]

[Civil Air Regs., Amdt. 41–19]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PILOT ROUTE AND AIRPORT QUALIFICATION REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 16th day of September 1958.

Section 41.50 of Part 41 of the Civil Air Regulations provides, in part, that a pilot in qualifying over a route shall make at least one round trip or two one-way trips over the route, including a familiarization flight at each regular, provisional, or refueling airport, with one of the air carrier's check pilots. Section 41.51 governs the maintenance and re-establishment of route qualifications and requires compliance under certain circumstances with the provisions of § 41.50 by the pilot in command.

On January 20, 1955, the Bureau of Safety circulated Civil Air Regulations Draft Release No. 55–3 (20 F. R. 550) which dealt with the over-all problem of pilot airport and route qualification. Attention was drawn to the development of motion picture panoramic views of airports and their environs which showed excellent promise of providing an effective means for attaining pilot airport qualification in lieu of actual entry. An objective in this proposal was to amend the regulations in a manner that would encourage further research and development of the visual training aids programs by various commercial sources and at the same time provide more acceptable airport qualification rules for use in the meantime. Furthermore, it seemed appropriate to permit methods of airport qualification other than physical entry, provided that such alternative methods had the approval of the Administrator.

Following circulation of Draft Release 55–3 for comment, the Board promulgated a series of Special Civil Air Regulations (SR–413, SR–414, SR–418, and SR–418A) to permit the controlled introduction of new techniques in airport and route qualification. These techniques included the use of pictorial means within the training program which would enable pilots to qualify at specified airports by using color motion pictures or slides showing clear daylight views of the complete physical layouts of the airports, surrounding terrain, obstruction, approaches to all runways, restricted areas, and conspicuous reference points that are of value to pilots. Under these special regulations air carriers were also authorized to conduct operations at an airport in close proximity to an airport into which pilots were qualified when the Administrator found that such pilots were adequately qualified at the new airport. In making such findings, the Administrator took into consideration such things as the familiarity of the pilots with the layout, surrounding terrain, location of obstacles, and instrument approach and traffic control procedures at the new airport. In addition, under SR–418 and SR–418A, a pilot was expressly permitted to accomplish initial qualification into an airport without being

accompanied by a pilot qualified at that airport if such initial entry were made under VFR weather conditions at the particular airport involved.

One of the principal purposes of these special regulations has been to provide sufficient opportunity for evaluation of pictorial means of airport and route qualification by industry and Government alike in order to guide the Board in its final action in amending the Civil Air Regulations. Experience gained under these special regulations up to the time of the adoption of SR–418A indicated that the various procedures provided therein for airport and route qualification, including pictorial means, had been successful. Therefore, the Board stated in the preamble to SR–418A that prior to the termination of that regulation, a proposal to incorporate its substance into Part 41 would be circulated for comment. Accordingly, the Board circulated Draft Release 58–13 to obtain comments as to the continued effectiveness and extent of use of the privileges of SR–418A and any other recommendations with respect to incorporation of the provisions of that regulation in Part 41 of the Civil Air Regulations.

In view of the wide acceptance of this means of qualification and in the absence of any contrary view, the Board believes it desirable to include the substance of the special regulations in Part 41 of the Civil Air Regulations as proposed. The provisions contained in SR–418A concerning route qualification on those routes on which navigation must be accomplished by pilotage and on which the flight is to be conducted at or below the level of adjacent terrain also are being added to Part 41 by this amendment.

Interested persons have been afforded an opportunity to participate in the making of this amendment (23 F. R. 5356), and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) as follows, effective September 24, 1958.

1. By amending § 41.50 to read as follows:

§ 41.50 *Pilot route and airport qualification requirements.* (a) An air carrier shall not utilize a pilot as pilot in command until he has been qualified for the route on which he is to serve in accordance with the provisions of this section and the appropriate instructor or check pilot has so certified.

(b) Each such pilot shall demonstrate adequate knowledge concerning the subjects listed below with respect to each route to be flown. Those portions of the demonstration pertaining to holding procedures and instrument approach procedures may be accomplished in a synthetic trainer which contains the radio equipment and instruments necessary to simulate the navigational and letdown procedures approved for use by the air carrier:

(1) Weather characteristics,
(2) Navigational facilities,
(3) Communication procedures,
(4) Type of en route terrain and obstruction hazards,
(5) Minimum safe flight levels,
(6) Position reporting points,
(7) Holding procedures,
(8) Pertinent traffic control procedures, and
(9) Congested areas, obstructions, physical layout, and all instrument approach procedures for each regular, provisional, and refueling airport approved for the route.

(c) Each such pilot shall make an entry as a member of the flight crew at each regular, provisional, and refueling airport into which he is scheduled to fly. Such entry shall include a landing and take-off. The qualifying pilot shall occupy a seat in the pilot compartment and he shall be accompanied by a pilot who is qualified at the airport.

(d) Such pilot shall not be required to meet the entry requirements of paragraph (c) of this section when:

(1) The initial entry is made under VFR weather conditions at the particular airport involved; or

(2) The air carrier shows that the pilot airport qualification can be accomplished by an approved pictorial means; or

(3) The air carrier notifies the Administrator that it intends to conduct operations at an airport in close proximity to an airport into which the pilot involved is presently qualified by entry, and the Administrator finds that such pilot is adequately qualified at the new airport. The Administrator, in making such finding, shall take into consideration at least the familiarity of the pilot with the layout, surrounding terrain, location of obstacles, and instrument approach and traffic control procedures at the new airport.

(e) On routes or route segments on which navigation must be accomplished by pilotage and on which flight is to be conducted at or below the level of the adjacent terrain which is within a horizontal distance of 25 miles on either side of the center line of the route to be flown, the pilot shall be familiarized with such route or route segments by not less than two one-way trips on the flight deck over the route or route segments under VFR weather conditions to permit the qualifying pilot to observe terrain along the route.

2. By amending § 41.51 to read as follows:

§ 41.51 *Maintenance and re-establishment of pilot route and airport qualification for particular trips.* (a) To maintain pilot route and airport qualifications, each pilot being utilized as pilot in command, within the preceding 12-month period, shall have made at least one trip as pilot or other member of the flight crew between terminals into which he is scheduled to fly and shall have complied with the provisions of § 41.50 (e), if applicable.

(b) In order to re-establish pilot route and airport qualifications after absence from a route for a period in excess of 12 months, a pilot shall comply with the appropriate provisions of § 41.50.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 609, 52 Stat. 1007, 1010, 1011, as amended, 49 U. S. C. 554, 559)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58–7720; Filed, Sept. 19, 1958; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

[Amdts. 8, 10]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

Correction

The following corrections should be made in the issue for Saturday, September 6, 1958:

In Federal Register Document 58–7214 (Amdt. 8), published at page 6855, the 14th line of paragraph 9 (c) of the endorsement under § 401.28 should read "not included in items (1) through (3).".

In Federal Register Document 58–7216 (Amdt. 10), published at page 6857, the following changes should be made:

1. The text of the amendment in paragraph 4 should read:

State and County:	*Closing date*
Iowa:	
Delaware, Emmett, Howard, Humboldt and Ida Counties	March 31.
All other Iowa Counties	April 30.
Louisiana and Oregon	November 30.
Minnesota, North Dakota, South Dakota and Wisconsin	March 31.
Tennessee:	
Weakley County	March 31.
All other Tennessee Counties	September 30.
Wyoming	August 31.
All other States	September 30.

2. The fifth line of paragraph 5 (j) of the endorsement under § 401.29 should read: "not grade No. 4, No. 2, No. 3, No. 4 or better".

3. In the table under paragraph 8 of the endorsement under § 401.29, the termination date for indebtedness for Minnesota, North Dakota, South Dakota, and Wisconsin should read "Mar. 31".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 154]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.454 *Valencia Orange Regulation 154*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges

grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 18, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 21, 1958, and ending at 12:01 a. m., P. s. t., September 28, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 646,800 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 19, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-7791; Filed, Sept. 19, 1958; 11:49 a. m.]

[Lemon Reg. 757]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.864 *Lemon Regulation 757*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 17, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 21, 1958, and ending at 12:01 a. m., P. s. t., September 28, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 186,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 18, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-7773; Filed, Sept. 19, 1958; 9:07 a. m.]

[Avocado Order 16, Amdt. 3]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted,

under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until September 16, 1958; a determination as to the time of maturity of the varieties of avocados covered by this amendment was made at the meeting of said committee on September 16, 1958, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this regulation are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

It is, therefore, ordered, That the provisions of paragraph (b) of § 969.316, as amended (23 F. R. 4349, 5476, 6318), are hereby further amended as follows:

1. Revise that portion of Table I applicable to the Booth 8, Blair, Rue, Black Prince, Sherman, Marcus, Booth 7, Booth 10, Lula, Hickson, Nelson, Vaca, Booth 5, Simpson, Collinson, Avon, Booth 11, Winslowson, Herman, Monroe, Booth 3, Ajax (B–7 B), Taylor, Booth 1, Dunedin, Hall, and Choquette varieties to read as follows:

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Booth 8	9-22-58	16 ounces 3 1/16 inches	10- 6-58	14 ounces 3 1/16 inches	10-20-58	12 ounces 3 9/16 inches	11- 3-58
Blair	9-29-58	16 ounces	10-13-58	14 ounces	10-27-58	11 ounces	11-10-58
Rue	10- 6-58	30 ounces 4 3/16 inches	10-13-58	24 ounces 3 1/16	10-27-58	18 ounces 3 9/16	11-10-58
Black Prince	10- 6-58	16 ounces	10-20-58	14 ounces	11- 3-58	11 ounces	11-24-58
Sherman	10-13-58	16 ounces	10-27-58	14 ounces	11-10-58	10 ounces	12- 1-58
Marcus	10-13-58	32 ounces	11-24-58				
Booth 7	10-13-58	16 ounces 3 1/16 inches	10-20-58	14 ounces 3 5/16 inches	10-27-58	11 ounces 3 5/16 inches	11-10-58
Booth 10	10-13-58	16 ounces 3 1/16 inches	10-20-58	14 ounces 3 5/16 inches	10-27-58	11 ounces 3 5/16 inches	11-10-58
Lula	10-13-58	18 ounces 3 1/16 inches	10-27-58	16 ounces 3 5/16 inches	11-10-58	14 ounces 3 5/16 inches	11-24-58
Hickson	10-20-58	15 ounces 3 9/16 inches	11- 3-58	13 ounces 3 5/16 inches	11-17-58	10 ounces 2 15/16 inches	12- 8-58
Nelson	10-20-58	15 ounces 3 9/16 inches	11- 3-58	13 ounces 3 9/16 inches	11-17-58	10 ounces 3 1/16 inches	12- 8-58
Vaca	10-20-58	16 ounces 3 9/16 inches	11- 3-58	14 ounces 3 5/16 inches	11-17-58	11 ounces 3 5/16 inches	12- 8-58
Booth 5	10-20-58	16 ounces 3 1/16 inches	11- 3-58	14 ounces 3 9/16 inches	11-17-58	10 ounces 3 5/16 inches	12- 8-58
Simpson	10-20-58	16 ounces	11- 3-58	14 ounces	11-17-58	11 ounces	12- 8-58
Collinson	10-20-58	16 ounces 3 1/16 inches	11- 3-58	14 ounces 3 5/16 inches	11-17-58	11 ounces 3 5/16 inches	12- 8-58
Avon	10-27-58	15 ounces 3 9/16 inches	11-10-58	13 ounces 3 7/16 inches	11-24-58	10 ounces 3 1/16 inches	12-15-58
Booth 11	10-27-58	16 ounces	11-10-58	14 ounces	11-24-58	11 ounces	12-15-58
Winslowson	10-27-58	18 ounces 3 1/16 inches	11-10-58	15 ounces 3 9/16 inches	11-24-58	11 ounces 3 5/16 inches	12-15-58
Herman	11- 3-58	16 ounces 3 5/16 inches	11-17-58	14 ounces 3 7/16 inches	12- 1-58	11 ounces 3 3/16 inches	12-22-58
Monroe	11- 3-58	24 ounces	11-24-58	20 ounces	12-15-58	14 ounces	1- 5-59
Booth 3	11-10-58	16 ounces 3 5/16 inches	11-24-58	14 ounces 3 7/16 inches	12- 8-58	11 ounces 3 3/16 inches	12-30-58
Ajax (B–7 B)	11-10-58	18 ounces 3 1/16 inches	11-24-58	15 ounces 3 5/16 inches	12- 8-58	11 ounces 3 3/16 inches	12-30-58
Taylor	11-17-58	14 oz. 3 5/16 in.	12- 1-58	12 oz. 3 3/16 in.	12-15-58	9 oz. 2 13/16 in.	1- 5-59
Booth 1	11-17-58	16 oz. 3 1/16 in.	12- 1-58	14 oz. 3 5/16 in.	12-15-58	11 oz. 3 3/16 in.	1- 5-59
Dunedin	11-17-58	16 oz. 3 1/16 in.	12- 1-58	14 oz. 3 5/16 in.	12-15-58	11 oz. 3 3/16 in.	1- 5-59
Hall	11-17-58	26 oz. 3 1/16 in.	12- 1-58	20 oz. 3 5/16 in.	12-15-58	14 oz. 3 3/16 in.	1- 5-59
Choquette	11-17-58	30 oz.	12- 8-58	22 oz.	12-22-58	18 oz.	1-12-59

2. Amend Table I by adding therein the varieties and maturity requirements applicable thereto as follows:

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Lardon	10-27-58	15 ounces	11-10-58	13 ounces	11-24-58	10 ounces	12-15-58
Murphy	10-27-58	16 ounces	11-10-58	14 ounces	11-24-58	11 ounces	12-15-58
Camp	11-10-58	16 ounces	11-24-58	14 ounces	12- 8-58	11 ounces	12-30-58
Leona	11-17-58	3 9/16 inches 20 ounces	12- 1-58	3 1/16 inches 16 ounces	12-15-58	3 5/16 inches 12 ounces	1- 5-59

3. Add to § 969.316 (b) a new subparagraph (9) as follows:

(9) During the period beginning at 12:01 a. m., e. s. t., November 3, 1958, and ending at 12:01 a. m., e. s. t., November 17, 1958, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit weighs at least 16 ounces or measures at least 2 15/16 inches in diameter; and during the period beginning at 12:01 a. m., e. s. t., November 24, 1958, and ending at 12:01 a. m., e. s. t., December 8, 1958, no handler shall handle any avocadoes of the Lula variety unless the individual fruit weighs at least 11 ounces or measures at least 2 13/16 inches in diameter: *Provided*, That up to 10 percent, by count, of the individual fruit contained in each lot of Booth 8 or Lula avocados may weigh less than the minimum weight specified in this subparagraph for such variety and may be less than the minimum diameter so specified if such avocados weigh not more than two ounces less than the applicable specified weight. Such tolerance shall be on a lot basis, but not to exceed double such tolerance shall be permitted for an individual container in a lot.

The provisions of this amendment shall become effective at 12:01 a. m., September 22, 1958.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 17, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-7741; Filed, Sept. 19, 1958; 8:56 a. m.]

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

ADDITIONAL GRADE REGULATION

Pursuant to § 1003.40 of Marketing Agreement No. 127, as amended, and Order No. 103, as amended (Part 1003; 23 F. R. 6904), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation of the Date Administrative Committee and other available information, it is hereby found that amendment of § 1003.203 *Additional grade regulation* so as to include additional grade regulation for dates of the Deglet Noor variety which are to be withheld to meet restricted obligation and to revise the current additional grade regulation (§ 1003.203) for dates of such variety which may be handled as whole or pitted dates, as hereinafter set forth, will tend to effectuate the declared policy of the said act.

The quantity of marketable dates of the Deglet Noor variety (presently required to be at least U. S. Grade C or

U. S. Grade C (Dry), whichever is applicable, as provided in §§ 1003.12 and 1003.39) estimated to be available from inventories and 1958 production will be substantially more than known requirements for the crop year beginning August 1, 1958 and for carryout (i. e., handler carryover as of July 31, 1959). Particularly, the quantity of restricted dates (included in marketable dates) resulting from the current volume regulation (23 F. R. 6547) will be in excess of the quantity of Deglet Noor dates required in the outlets (i. e., manufacture of products for use as human food) prescribed for restricted dates; and hence, some of these dates would need to be disposed of in outlets for substandard dates. The dates to be disposed of in the outlets for substandard dates should be the least sound of the presently marketable dates, thereby making available for such manufacture only the better dates.

The amendment, set forth herein, of the present additional grade regulation will tighten the current minimum grade standard (U. S. Grade C or U. S. Grade C (Dry), whichever is applicable) for restricted Deglet Noor dates by requiring that, in addition to otherwise meeting such applicable U. S. Grade requirements, such dates shall score not less than 24 points for absence of defects and not less than 29 points for character. Currently, such restricted dates must score not less than 21 points for absence from defects and not less than 28 points for character (the respective minimum scores specified for such factors in U. S. Grade C and U. S. Grade C (Dry)). The minimum standard established herein for restricted dates of such variety becomes, by the provisions of § 1003.12, the minimum standard for marketable dates of such variety. The committee contemplates that the tightening of the minimum standard will reduce by 10 percent or about 3,300,000 pounds the aforesaid estimated quantity of marketable dates for the 1958–59 crop year.

The additional grade regulation (§ 1003.203) currently in effect prescribes that Deglet Noor dates handled as whole or pitted dates (free dates under volume regulation) shall meet the requirements of U. S. Grade C, provided that such dates shall score not less than 31 points for character. The amendment of such additional grade regulation set forth herein requires that such dates so handled shall meet U. S. Grade C or, if for further processing, U. S. Grade C (Dry), provided that the dates shall score not less than 24 points for absence of defects, as well as not less than 31 points for character. The added requirement with respect to absence of defects will further improve the quality of Deglet Noor dates handled as whole or pitted dates.

The available supply of Deglet Noor dates meeting all of the requirements of such additional grade regulation as herein amended is expected to exceed the trade demand for such dates. Therefore, volume regulation continues to be necessary to adjust the supply of Deglet Noor dates to the demand for such dates. However, due to the change in the supply of marketable Deglet Noor dates which will result from tightening the minimum grade standard applicable to such dates as provided herein, the currently effective order establishing free, restricted, and withholding percentages (§ 1003.206; 23 F. R. 6547) is modified by an order, effective at the same time as this amendment, published simultaneously herewith.

It is therefore, ordered, That § 1003.203 *Additional grade regulation* shall be, and it hereby is, amended to read as follows:

§ 1003.203 *Additional grade regulations*—(a) *Dates handled as whole or pitted dates.* Except as otherwise provided in paragraph (c) of this section, Deglet Noor dates handled under this part as whole or pitted dates shall, other than for the factors of absence of defects and of character, meet the requirements of U. S. Grade C or, if for further processing, U. S. Grade C (Dry) of the United States Standards for Grades of Dates (§§ 52.1001 to 52.1011 of this title), as from time to time amended or modified and in effect at the time of such handling, and shall score not less than 24 points for the factor of absence of defects and not less than 31 points for the factor of character, when scored in accordance with the scoring system outlined in said standards.

(b) *Dates withheld to meet restricted obligation.* Except as otherwise provided in paragraph (c) of this section, dates to be withheld from handling pursuant to § 1003.45 shall, other than for the factors of absence of defects and of character, meet the requirements of U. S. Grade C or U. S. Grade C (Dry), whichever is applicable, of the United States Standards for Grades of Dates, as aforesaid, and shall score not less than 24 points for the factor of absence of defects and not less than 29 points for the factor of character, when scored in accordance with the scoring system outlined in said standards.

(c) *Dates inspected and certified prior to the effective date of this section.* The provisions of this section shall not apply to Deglet Noor dates inspected and certified prior to September 20, 1958, as meeting the applicable requirements of this part in effect at the time of such inspection and certification.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.), in that: (1) Authority to establish additional grade requirements for restricted dates first became effective September 9, 1958 (23 F. R. 6904), whereas the current crop year began August 1, 1958; (2) the limited quantity of dates of the Deglet Noor variety now being handled is expected to increase substantially in the immediate future; (3) in order to effectuate the declared policy of the act, it is necessary that the additional grade regulations established herein become effective as early in the current crop year as possible so as to achieve (a) the required adjustment in the supply of marketable dates of such variety for the entire 1958–59 crop year, and (b) the maximum benefits from making available the higher quality dates for the manufacture of date products for human consumption and for purchase by the trade as whole or pitted dates; (4) since this action will require a revision of the free and restricted percentages (23 F. R. 6547) for dates of the Deglet Noor variety, with the resultant recomputation, as provided in § 1003.46, of handlers' obligations in connection with dates handled or certified for handling or further processing since the beginning of the current crop year, an early effective date for this action will also permit the prompt revision of the percentages and facilitate the required recomputation; and (5) in these circumstances, handlers should require no additional time to prepare for compliance with the provisions of this order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated September 17, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58–7717; Filed, Sept. 19, 1958; 8:54 a. m.]

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

FREE, RESTRICTED AND WITHHOLDING PERCENTAGES FOR DEGLET NOOR DATES FOR 1958–59 CROP YEAR

Pursuant to the applicable provisions of Marketing Agreement No. 127 as amended, and Order No. 103 as amended (Part 1003; 23 F. R. 6904), regulating the handling of domestic dates produced or packed in a designated area of California, hereinafter referred to as the "order," effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," the Date Administrative Committee has unanimously recommended that, for marketable dates of the Deglet Noor variety, the free percentage should be revised from 74 to 80 percent, the restricted percentage from 26 to 20 percent, and the withholding percentage from 35.1 to 25 percent for the 1958–59 crop year.

Free, restricted, and withholding percentages of 74, 26, and 35.1, respectively, for such crop year were previously established for dates of the Deglet Noor variety by an order published in the FEDERAL REGISTER on August 23, 1958 (23 F. R. 6547). Such free, restricted, and withholding percentages for Deglet Noor dates were based on the committee's estimate of the total available supply of marketable Deglet Noor dates subject to volume regulation during the crop year beginning August 1, 1958, of approximately 35,700,000 pounds and on the committee's estimate of a required total free poundage of about 26,100,000 pounds to meet trade demand. An order amending § 1003.203 *Additional grade regulation*, published and effective simultaneously herewith, increases the current

grade requirements for marketable Deglet Noor dates so that the estimated total available supply of marketable dates of such variety subject to volume regulation in the 1958–59 crop year will be reduced to approximately 32,400,000 pounds. In order to permit the original, estimated total free poundage requirements (approximately 26,100,000 pounds) for Deglet Noor dates to be achieved, it is necessary to increase the current free percentage of 74 percent for such dates to 80 percent and to make corresponding changes in the restricted and withholding percentages.

After consideration of the committee's recommendation, the supporting data submitted by the committee, and other available information, it is hereby found that to increase, as hereinafter set forth, the free percentage for dates of the Deglet Noor variety to make it conform with the new relation found to exist between trade demand for, and available supply of, marketable dates of such variety and to revise the applicable restricted and withholding percentages accordingly, will tend to effectuate the declared policy of the act.

Therefore, it is hereby ordered, That § 1003.206 (23 F. R. 6547), which established the free, restricted, and withholding percentages for the Deglet Noor variety of dates for the crop year beginning August 1, 1958, is hereby revised by changing the provisions in § 1003.206 (a) to read as follows:

(a) Deglet Noor variety dates: Free percentage, 80 percent; restricted percentage, 20 percent; and withholding percentage, 25 percent;

It is hereby further found that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and that good cause exists for making the provisions of this order effective upon publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.), in that: (1) Since the current crop year began on August 1, 1958, and the limited quantity of Deglet Noor dates now being handled is expected to increase substantially in the immediate future, handlers should know as soon as practicable the control percentages which are to be applicable to Deglet Noor dates during the entire crop year; (2) because this revision of the control percentages corrects a shortage in the quantity of Deglet Noor dates required to meet the trade demand for such dates which results from the amendment of § 1003.203 (to become effective upon publication in the FEDERAL REGISTER simultaneously herewith), it is necessary that this document become effective upon publication in the FEDERAL REGISTER so the revision of the control percentages will occur simultaneously with the amendment of § 1003.203 and thereby correct the shortage at the time it occurs; (3) as this revision would require recomputation of handlers' control obligations and adjustments in poundage, with respect to Deglet Noor dates as provided in § 1003.46, for the entire 1958–59 crop year, in order to mimimize, and facilitate, the making of such recomputation and adjustments it is necessary that this revision become effective as soon as possible and not later than the time hereinafter provided; (4) the revision in the control percentages was unanimously recommended by the committee, and handlers have been informed of it; and (5) in these circumstances, handlers should require no additional time to prepare for compliance with the provisions of this revision.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated September 17, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-7718; Filed, Sept. 19, 1958; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6931]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MAX J. RAFF ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees;* § 13.130 *Manufacture or preparation;* § 13.175 *Quality of product or service.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1220 *Guarantee;* § 13.1255 *Manufacture or preparation;* § 13.1295 *Quality or grade.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Max J. Raff et al. doing business as Aristocrat Clock Company, New York, N. Y., Docket 6931, August 13, 1958]

In the Matter of Max J. Raff, and Isadore A. Raff, Individually and as Copartners Doing Business as Aristocrat Clock Company.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging distributors in New York City with representing falsely by means of labels, counter displays, display boxes, and trade circulars distributed to dealers and retailers, that their "Artco" watches were jeweled and contained jeweled movements; that watches designated "Seventeen" and "Twenty-One" contained seventeen and twenty-one jewels, respectively; and that the watches were fully guaranteed for one year; and with selling watches having bezels composed of base metal simulating gold without disclosing the true metal composition of the bezels.

At a hearing, respondents admitted all the allegations in the complaint, whereupon the hearing examiner made his initial decision, including findings, conclusion, and order to cease and desist. An unusual feature of the order was the postponement of the effective date requiring disclosure of the base metal bezels until December 31, 1958, which, upon review, was reworded by the Commission. As thus modified, the initial decision became on August 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Max J. Raff and Isadore A. Raff, individually and as co-partners doing business as Aristocrat Clock Company, or under any other name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of watches in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that a watch is a "jeweled" watch, or that it contains a jeweled movement, unless such watch contains at least seven jewels, each of which serves a mechanical purpose as a frictional bearing.

2. Using the term "Seventeen" or the term "Twenty-One" as a designation for a watch which contains less than seventeen or twenty-one frictional bearing jewels, respectively; or otherwise representing that a watch contains a greater number of jewels than is the fact.

3. Representing, directly or by implication, that watches are guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

4. Offering for sale or selling watches the cases of which are composed in whole or in part of base metal which has been treated to simulate precious metal, without clearly disclosing on such cases the true metal composition of such treated cases or parts.

Provided, however, That nothing contained herein shall be deemed to require the respondents to comply with the requirements of Paragraph 4 of this order to cease and desist until December 31, 1958.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with Paragraphs 1, 2 and 3 of the order to cease and desist.

It is further ordered, That the respondents shall, on or before December 31, 1958, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with Paragraph 4 of the order to cease and desist.

Issued: August 13, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-7685; Filed, Sept. 19, 1958; 8:48 a. m.]

[Docket 7085]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LANOLE PRODUCTS, INC., AND A. P. ABBEY

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Individual or private business as educational, religious or research institution; § 13.110 *Indorsements, approval, and testimonials;* § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Lanole Products, Inc., et al., Detroit, Mich., Docket 7085, August 13, 1958]

In the matter of Lanole Products, Inc., a Corporation, and A. P. Abbey, Individually, and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller in Detroit, Mich., of its "Lanole Scalp Treatment Kit" with advertising falsely that its products would prevent excessive hair fall and baldness in the majority of cases and that the principal cause of such conditions was bad scalp hygiene and scalp infection; that the business designated "Patten Research Institute" had engaged in research in connection with the hair and scalp or its preparations, and that it was an institute.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Lanole Products, Inc., a corporation, and its officers, and A. P. Abbey, individually and as an officer of said corporation, and their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of their various cosmetic preparations known as Lanole Anhydrous or Prophylactic Shampoo, Lanole Scalp Lotion, Lanole Lasco Ointment and Professional Shampoo, or any preparations of substantially similar composition or possessing substantially similar properties, whether sold under said names or any other names, or any other preparations, do forthwith cease and desist from:

1. Disseminating, or causing to be disseminated by means of the United States mail, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That bad scalp hygiene or scalp infections, are the principal or major causes of excessive falling hair or baldness.

(b) That the use of respondents' preparations alone, or in any combination, or in conjunction with any method of application will prevent excessive hair fall or baldness unless such representations be expressly limited to cases other than male pattern baldness and unless it is clearly and conspicuously revealed that the great majority of cases of excessive hair fall and baldness are the male pattern type and that in such cases respondents' preparations will be of no value.

(c) That the business known as Patten Research Institute has engaged in research in connection with hair or scalp conditions or in connection with respondents' preparations, or that such business is an institute.

2. Disseminating, or causing to be disseminated, by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in Paragraph 1 above, or which fails to comply with the affirmative requirements of subparagraph (b) of Paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 13, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-7686; Filed, Sept. 19, 1958; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—International Cooperation Administration, Department of State

PART 201—PROCEDURES FOR FURNISHING ASSISTANCE TO COOPERATING COUNTRIES

USED PROPERTY

ICA Regulation I is amended as follows:

Section 201.6 (q) is added to read as follows:

(q) *Used property.* The procurement of any type of used machinery, equipment, apparatus or supplies is not eligible for financing under any PA or PIO/C in the absence of an express provision authorizing such financing in the PA or PIO/C; provided, however, that this limitation shall not apply to the financing of procurement of U. S. Government-owned excess or surplus personal property through procedures established by ICA.

(Sec. 525, 68 Stat. 856, as amended; 22 U. S. C. 1785)

L. J. SACCIO,
Acting Director,
International Cooperation Administration.

SEPTEMBER 4, 1958.

[F. R. Doc. 58-7698; Filed, Sept. 19, 1958; 8:52 a. m.]

TITLE 29—LABOR

Chapter XII—Federal Mediation and Conciliation Service

PART 1401—AVAILABILITY OF INFORMATION

PLACES AT WHICH INFORMATION MAY BE OBTAINED

Section 1401.1 is hereby revised to read as follows:

§ 1401.1 *Places at which information may be obtained.* Any individual, employer or union, or representative thereof, desiring information regarding the operations of the Service within a region should communicate with the regional office of the Service in the region in which the labor dispute or other matter exists with respect to which information is sought. General inquiries for information concerning the Service should be addressed to the Federal Mediation and Conciliation Service, Fourteenth St. and Constitution Avenue NW., Washington, D. C. The location of regional offices of the service and their respective jurisdictions are as follows:

Region No., Address, and Jurisdiction

1. Room 1016, Parcel Post Building, 341 Ninth Avenue, New York 1, N. Y.—Maine; New Hampshire; Vermont; Connecticut; Rhode Island; Massachusetts; New York; and Northern New Jersey (counties of Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren).

2. Room 1015, Jefferson Building, 1015 Chestnut Street, Philadelphia 7, Pennsylvania—Pennsylvania; Delaware; Maryland; District of Columbia; West Virginia; Southern New Jersey (counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem); Northern Virginia (City of Alexandria and counties of Frederick, Arlington, Fairfax, Clarke, Loudoun, Prince William, Fauquier, Warren, Shenandoah, Rockingham, Page, Rappahannock, Culpepper, Stafford, King George, Madison, Greene, Northampton, Accomac, Albemarle, Augusta, Highland, Lancaster, Northumberland, Orange, Richmond, Spotsylvania and Westmoreland); counties of Belmont, Monroe, Washington, Noble and Guernsey in Ohio.

3. Room 346 Peachtree at 7th Street Building, 50 Seventh St., N. E., Atlanta 23, Georgia—Virginia (except those areas under Region 2 jurisdiction); Southwest Kentucky (counties of Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Marshall, Calloway, Livingston, Todd, Lyon, Trigg, Caldwell, Crittenden, Union, Webster, Hopkins, Christian, Muhlenberg, Logan, and Simpson); Tennessee; North Carolina; South Carolina; Georgia; Florida; Alabama; Mississippi; Louisiana; Puerto Rico; and the Virgin Islands.

4. Room 435, Old Federal Building, Public Square and Superior Street, Cleveland 14, Ohio—Indiana (counties of Clark and Floyd); Kentucky (except the counties under Region 3 jurisdiction); Ohio (except the counties of Belmont, Monroe, Washington, Noble and Guernsey); Michigan (lower peninsula; upper peninsula under Region 5 jurisdiction).

5. Room 1515 Consumers Building, 220 South State Street, Chicago 4, Illinois—Illinois (except the counties under Region 6 jurisdiction); Indiana (except Clark and Floyd counties under Region 4 jurisdiction); Wisconsin; Minnesota; North Dakota; South Dakota; and Michigan (upper peninsula; lower peninsula under Region 4 jurisdiction).

6. Room 404 Old Custom House Building, 815 Olive Street, St. Louis 1, Missouri—Iowa; Missouri; Southwest Illinois (counties of Cal-

houn, Greene, Jersey, Madison, Macoupin, Monroe, Randolph, and St. Clair); Arkansas; Nebraska; Kansas; Oklahoma; and Texas (except El Paso and Hudspeth counties under Region 7 jurisdiction).

7. Room 332 Appraisers Building, 630 Sansome Street, San Francisco 11, California—Washington; Oregon; California; Idaho; Montana; Wyoming; Nevada; Utah; Colorado; Arizona; New Mexico; Southwest Texas (counties of El Paso and Hudspeth); Alaska; Hawaii; and Guam.

(Sec. 202, 61 Stat. 153, as amended; 29 U. S. C. 172)

JOSEPH F. FINNEGAN,
Director.

SEPTEMBER 15, 1958.

[F. R. Doc. 58-7679; Filed, Sept. 19, 1958; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 211—REAL ESTATE ACTIVITIES OF THE CORPS OF ENGINEERS IN CONNECTION WITH CIVIL WORKS PROJECTS

RECONVEYANCE OF LAND OR INTERESTS THEREIN ACQUIRED FOR GRAPEVINE, GARZA-LITTLE ELM, BENBROOK, BELTON AND WHITNEY RESERVOIR PROJECTS IN TEXAS, TO FORMER OWNERS

Pursuant to section 205, Public Law 85-500, July 3, 1958 (72 Stat. 316), § 211.101 to 211.111 are hereby prescribed as follows:

Sec.
211.101 Statutory provisions.
211.102 Definitions.
211.103 Determination of whether land is required for public purposes, including public recreational use.
211.104 Notice of former owners of availability of land for reconveyance.
211.105 Filing of application.
211.106 Filing of objection by abutting owner.
211.107 Notice of agreement between former owner and abutting owner.
211.108 Determination of price.
211.109 Contract for sale.
211.110 Conveyance.
211.111 Certification terminating rights of former owners.

AUTHORITY: §§ 211.101 to 211.111 issued under sec. 205, Pub. Law 85-500, July 3, 1958 (72 Stat. 316).

SOURCE: Regulations, DA, Sept. 4, 1958, 602-ENGLT.

§ 211.101 *Statutory provisions.* Section 205 of the Act of Congress approved July 3, 1958 (72 Stat. 316).

§ 211.102 *Definitions* — (a) *General.* Any term used in §§ 211.101 to 211.111 which is defined in section 205 of the Act of Congress approved July 3, 1958 (72 Stat. 316), shall have the meaning given to it in said act.

(b) *Land.* Any land or interest in land acquired by the United States for the Grapevine, Garza-Little Elm, Benbrook, Belton, and Whitney Reservoir projects, Texas.

(c) *The Act.* The term "the act", when used in §§ 211.101 to 211.111, shall mean section 205 of the Act of Congress approved July 3, 1958 (72 Stat. 316).

(d) *District Engineer.* The term "District Engineer", when used in §§ 211.101 to 211.111, shall mean the District Engineer, U. S. Army Engineer District, Fort Worth, at Fort Worth, Texas.

§ 211.103 *Determination of whether land is required for public purposes, including public recreational use.* The Chief of Engineers and/or the Assistant Chief of Engineers for Civil Works is hereby delegated authority to determine which lands are not required for public purposes, including public recreational use, and to determine the exceptions, restrictions and reservations, as are in the public interest, to be included in any reconveyance, including the reservation of such mineral rights as are determined necessary for the efficient operation of the project. This delegation of authority shall not apply to lands below the level of 529 feet in the Garza-Little Elm Reservoir project and below 560 feet in the Grapevine Reservoir project as the lands below these levels will not be available for reconveyance pursuant to the act.

§ 211.104 *Notice to former owners of availability of land for reconveyance.* Upon determination in accordance with §§ 211.101 to 211.111 that land is not required for public purposes, including public recreational use, the District Engineer shall give notice to the former owners thereof (a) by registered letter, addressed to the last known address of the former owner; and (b) by publication at least twice at not less than 15-day intervals in two newspapers having general circulation in the vicinity in which the land is located.

§ 211.105 *Filing of application.* Application for reconveyance of land shall be filed with the District Engineer. Said application shall be in writing, dated and signed by the former owner or by his attorney in fact, and shall identify the land for which he is making application for reconveyance. Any such application will be considered as filed timely when mailed to or delivered to the District Engineer within ninety (90) days from the date of the last publication of availability of the land for reconveyance to said former owners. The District Engineer may extend said ninety (90) day period for good cause. Any application may be withdrawn by written notice, executed by the former owner or by his attorney in fact, to the District Engineer at any time prior to the execution of the contract of sale.

§ 211.106 *Filing of objection by abutting owner.* An objection by an abutting owner to reconveyance of land to a former owner shall be filed with the District Engineer. Such objection shall be in writing, dated and signed by the abutting owner, or his attorney in fact, and shall include identification of the land to which the objection pertains, the name of the former owner, the reasons for the objection, and a reference to the land records where the ownership of the abutting owner is recorded. A copy of the letter addressed to the former owner objecting to the reconveyance shall be attached to the letter addressed to the District Engineer, or other evidence of such notice of objection shall be furnished to the District Engineer. No objection will be considered valid unless the party or individual making the objection is the record owner of land abutting or adjoining the land to which the objection pertains.

§ 211.107 *Notice of agreement between former owner and abutting owner.* After an objection has been made by an abutting owner to a reconveyance, any agreement reached concerning the reconveyance shall be furnished in writing, signed by both the abutting owner and the former owner, or their attorneys in fact, to the District Engineer. Such agreement must be mailed or delivered to the District Engineer within ninety (90) days after the date of receipt of the Notice of Objection by the District Engineer and the former owner. In the event an agreement in writing as prescribed herein is not mailed or delivered to the District Engineer, the District Engineer is hereby authorized to report the land involved to the General Services Administration for disposal as prescribed by the act.

§ 211.108 *Determination of price.* Upon receipt of an application from a former owner, the Chief of Engineers and/or the District Engineer is hereby delegated authority to determine the price at which the land will be sold pursuant to the provisions of section 205 (d) of the Act and the cost of any surveys or boundary markings necessary as an incident to the conveyance.

§ 211.109 *Contract of sale.* Upon determination of the price at which the land will be reconveyed, and after the reaching of an agreement by the former owner and the abutting owner if an objection to the reconveyance was made by the abutting owner, the District Engineer will prepare a contract of sale containing the terms and conditions of the reconveyance and deliver it to the applicant for acceptance. The contract of sale shall provide for the deposit of earnest money equal to twenty (20) percent of the price at which the land will be sold or the estimated cost of any surveys or boundary markings necessary as an incident to the reconveyance, whichever is greater. The deposit will be applied to the price at the time of settlement. In the event of default, the deposit will be retained by the Government as liquidated damages. Failure of the applicant to execute the contract of sale or to deposit the earnest money with the District Engineer within thirty (30) days after receipt of the contract, unless a written extension of said thirty (30) days is granted by the District Engineer, will be a basis for certification by the District Engineer, in accordance with section 205 (e) of the Act and the delegation contained in § 211.111, that within a reasonable time after receipt of a proper application for any reconveyance of such land, the parties have been unable to reach a satisfactory agreement with respect to the reconveyance of such land. Authority is hereby del-

sued to the Chief of Engineers and/or the District Engineer to execute the contract of sale for and on behalf of the United States of America.

§ 211.110 *Conveyance.* Reconveyance of the land will be by quitclaim deed executed by the Secretary of the Army.

§ 211.111 *Certification terminating rights of former owners.* If no application for reconveyance is made by a former owner within ninety (90) days, or authorized extension thereof, from the date of the last publication of the notice in a newspaper or if within a reasonable time after receipt of a proper application for any reconveyances the District Engineer and the former owner are unable to reach a satisfactory agreement with respect to the reconveyance, the Chief of Engineers and/or the District Engineer is hereby delegated authority to certify (a) that notice has been given to the former owner of such land pursuant to the act and §§ 211.101 to 211.111, and that no qualified applicant has made timely application for reconveyance of such land; or (b) that within a reasonable time after receipt of a proper application for reconveyance the parties have been unable to reach a satisfactory agreement with respect to the reconveyance of such land. After such certification has been executed, disposition of the land shall be made pursuant to the Federal Property and Administrative Services Act of 1949, as amended, subject to such reservations, restrictions, exceptions, and conditions as the Chief of Engineers and/or the Assistant Chief of Engineers for Civil Works consider necessary for the operation of the project or in the public interest.

(SEAL) HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-7697; Filed, Sept. 19, 1958; 8:52 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 58-6639, published at page 6357 in the issue for Tuesday, August 19, 1958, the following change should be made in § 21.248 (e): The word "capabilities" should read "capacities".

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

FINAL DECISION; BITUMINOUS COAL INDUSTRY

On June 5, 1958, notice was published in the FEDERAL REGISTER (23 F. R. 3933) of a tentative decision of the Secretary of Labor to amend the determination of prevailing minimum wages for the bituminous coal industry (41 CFR 202.51). Under the rules of practice (41 CFR 203.21 (d)), it is now appropriate to consider the exceptions and motions which have been filed, and to render final decision.

A single set of 44 exceptions, 5 motions, and a request for enlargement of the record has been filed by counsel on behalf of a group of 530 mines owned or operated by individuals or firms referred to by this document as "the operators." Of the total mines excepting, one is located in West Virginia, 30 in Kentucky and the remaining 499 in Virginia. Only 42 mines of the number filing exceptions appeared at, or participated in the hearing. They opposed redetermination. The remaining 488 mines neither appeared nor participated. Included in this latter group are found most of the large group of mines which were plaintiffs in the judicial review proceedings involving the currently effective determination of prevailing minimum wages for this industry, which resulted in the adjudication that it is "in all respects valid." Central Pennsylvania Open Pit Mining Association v. Mitchell, 12 WH Cases 696, and Ruth Elkhorn Coals Inc. v. Mitchell, 29 Labor Cases 69, 565 (D. C. D. C.), affirmed 248 F. 2d 635 (C. A. D. C.), certiorari denied 355 U. S. 935.

The only other communication responsive to the proposed determination is from Meader, Young and Holt Coal Company of Clay, Kentucky, which does not have a contract with the United Mine Workers of America, but which pays a higher minimum wage than such union's contract requires. It urges that the determination for Production District No. 9 (West Kentucky) be put in effect as tentatively proposed. The group of 12 mines which submitted a proposed finding to retain the 1955 minimum wage of $2.09 for this production district, has not taken exception to the tentative determination to increase that minimum to $2.59.

Most of the exceptions fall into one of four categories in which they will be grouped for discussion in this decision.

The first category includes those exceptions which do no more than express without supporting specification over-all conclusions of law in terms of the applicable statutes, to the effect that the proposed amendment to the existing determination is invalid. I have nevertheless reviewed the tentative decision for defects of the type nakedly asserted in these general exceptions and conclude that the decision has properly applied all of the governing statutory provisions. Each of these exceptions is, therefore, overruled.

The second category includes those exceptions directed at findings and conclusions based on uncontroverted, substantial evidence set forth and discussed in the tentative decision. I have reviewed the decision in the light of these exceptions, and none of them discloses error in the various findings and conclusions to which they are addressed. Each such exception is overruled.

The third category includes criticisms of incidental statements in the tentative decision, in exceptions which are too narrow in scope to bear in any substantial way on any material issue of fact, law, or discretion which is presented for decision on this record. Each such statement has been reviewed in the light of the criticism addressed to it, however, and each one is adhered to because it is the criticism which is untenable or in error. Each of these exceptions also is overruled.

The fourth category of exceptions includes those which rely primarily on derogation of the parties, witnesses, and attorneys who made substantial contributions to the record in these proceedings. There is no support or justification in the record either of these or of the cited 1955 proceedings, for the immoderate content of most of these exceptions. None of the witnesses were impeached. Their testimony was not contradicted by other evidence, and cross-examination did not affect its content or credibility. The long and freely disclosed interest of the parties and their officers in matters affected by these proceedings has contributed a large measure of knowledge and experience to their testimonial qualifications. All of these considerations lead me to rely on their testimony rather than to reject it in whole in contravention of the record as suggested by these exceptions, which I therefore overrule.

The operators additionally take exception to the findings because of an alleged failure to set forth in detail the portions of the record on which they are predicated. The reasons or bases are expressed for each of the findings and conclusions on the material issues of fact, law, and discretion, though record references are omitted. Such references are not required by the Walsh-Healey Act, the rules of practice issued under its authority, or the Administrative Procedure Act. This exception is overruled.

Exceptions urging or relying on denial of opportunity to present affirmative and rebuttal evidence, to cross-examine witnesses and to participate in the hearing, are based on the Hearing Examiner's denial of the motions to adjourn the hearing 8 months and to relocate it at points in Virginia and Kentucky.

These exceptions are without foundation as to the 488 excepting mines which neither participated nor otherwise appeared at the hearing, and submitted no proposed findings and conclusions or views or arguments after hearing. They now first take cognizance of these proceedings and seek to vitiate them by advancing untimely and precluded objections to the record as made. These excepting mines are not in a position retrospectively to urge denial of rights freely and fully available to them at the public hearing from which they wholly abstained, and which rights they abandoned and failed to pursue.

The remaining 42 excepting mines appeared but limited their participation at the hearing. The representative of Ruth Elkhorn Coals Inc. withdrew his client from the hearing at the end of the first of the three-day hearing, after his mo-

tion to adjourn and relocate the hearing was denied. The representative of the remaining 41 mines left the hearing without announcement at the end of the second day before the petitioners' case had concluded. Both representatives during their attendance freely cross-examined witnesses, entered objections to testimony and exhibits, voiced and argued motions and fully participated in the proceedings. However, both had already absented themselves when in due and regular course opportunity to present rebuttal evidence was provided. These 42 mines now contend denial of the motions to adjourn and relocate was prejudicial error and denied them opportunity to fully participate in the hearing.

The tentative decision reviewed and upheld the Examiner's ruling on each of the motions. Upon reconsideration of these rulings as excepted to, and for the reasons stated here and in the tentative decision, the contention that such rulings were unreasonable, arbitrary, discriminatory, capricious and denied due process is without basis in fact or law, and these exceptions are overruled.

The exceptions urge an additional ground of error in the tentative decision's approval of the Hearing Examiner's denial of the motion for an 8-month adjournment of the hearing. It is asserted that the Examiner in passing on the motion did not exercise the discretion vested in him by the rules of practice. The reason assigned is that he expressed a decision to agree with the reasons and conclusions I had reached in correspondence on this issue when I was requested to decide it before the hearing began.

The Hearing Examiner's somewhat abbreviated statement of this additional reason for denying the motion, on which this exception is based, is contained in five lines of colloquy which occurred when the Hearing Examiner developed, through questioning, that the motion before him was the same one which had previously been denied on several separate occasions in the course of the proceedings.

It is abundantly clear that the Hearing Examiner did not regard the eight-month postponement issue as one foreclosed by the prehearing correspondence. Had this been his view, he would have summarily overruled this motion each of the several times it was made at the hearing as only presenting an issue finally settled. Instead, on not less than three prior different occasions during the hearing, he granted the moving parties full opportunity to present, and fully develop the relevant facts and argument. At the end of the hearing day prior to the denial of the ruling in question, the same motion coupled with one to relocate was made by the author of these exceptions. The Hearing Examiner clearly and fully expressed his own reasons for overruling the motion, without once mentioning the prehearing correspondence or the reasoning expressed in it. His reasons for denial of the motion on this occasion were so decisive and clear that the author of these exceptions withdrew from the proceedings on that account, upon the prior instruction of his client.

For the reasons summarized here and in the tentative decision, I find that the Hearing Examiner reached a conclusion prompted by a sound exercise of his discretion. Under these circumstances, no useful purpose would be served by granting the motion to take the Hearing Examiner's deposition as to the reasons, already of record, for his various denials of the several motions for delay. This exception and the related motion are overruled.

The exceptions also allege that "The opponents were given no opportunity to present evidence as to violations" of the United Mine Workers contracts with signatory coal mines. All interested persons were given 53 days advance, official notice of the hearing, and of the subjects and issues involved. They were specifically invited to submit evidence of minimum wages paid. The record discloses that the 42 mines opposing redetermination at the hearing and filing this exception made no effort to procure such evidence and had none to present. Neither before nor during the hearing did they seek subpoenas for the attendance of witnesses who they speculated might give evidence of such alleged violations. The hearing was held on February 3, 4, and 5 of 1958. On February 3 the Government presented certain evidence and the petitioners were presenting their evidence when counsel who filed these exceptions and was appearing for only one mine operator, announced that he was "withdrawing from this proceeding." The hearing was adjourned until the next morning, but counsel did not return to it again. The only other opponent of redetermination neglected to appear again after the second day of the hearing, while petitioners were still presenting their case. After first delaying the hearing to await such opponent's presence, this presentation was completed at about noon on the third day after which the hearing examiner inquired whether anyone else had anything to offer. There was no affirmative response. In these circumstances all exceptions based on an alleged refusal to permit opponents to present a case are overruled.

The exceptions request that official notice be taken of the data collected by the Wage and Hour Division concerning wages paid in the coal mines in Production Districts 7 and 8. Even if all of the investigations of wages paid in coal mines in Production Districts 7 and 8 had revealed minimum wages below those found to be prevalent in the tentative decision, and official notice were taken of that fact, the evidentiary base for the determination would not be disturbed. An insufficient number of such investigations have been made within those limited areas during any period pertinent to this inquiry to reveal the prevailing minimum wages. The investigations that have been made could not fairly be regarded as representative of the whole group of such mines, because the process of selecting mines to investigate is designed to direct the investigation effort to the establishments where violations of the statutes administered by the Department have been complained of, or are most likely to be found.

The operators except to an alleged finding that the notice of hearing in this proceeding gives the terms or substance of the proposed rule within the meaning of the Administrative Procedure Act. No such finding was made because the notice of hearing does not give the terms or substance of any proposed rule. Section 4 (a) of the Administrative Procedure Act requires the notice to give "either the terms or substance of the proposed rule or a description of the subjects and issues involved." The notice here gave a description of the subjects and issues involved; it was not necessary, although permissible, for it to give the terms or substance of the proposed rule.

The operators' exceptions contend that they were denied a right to cross-examine the witness through whom United Mine Workers Exhibit No. 2 was introduced and denied a right to rebut the evidence in this exhibit by reason of the hearing examiner's limitations on their access to it. The exhibit is a list of thousands of mines operated by parties to the Union contract, giving for each its name, location, tonnage production, and employment. As required by the rules of practice (41 CFR 203.18 (c)), the exhibit was introduced in quadruplicate. From the moment it was identified, each of the persons at the hearing opposing redetermination was afforded temporary possession of one of the four copies, not only while the hearing was in progress but also during periods of recess or adjournment. One of them retained such possession until after the hearing was concluded. The other, author of these exceptions, announced that he was withdrawing from the hearing near the end of the first day. When counsel for the party who had prepared the exhibit suggested that counsel withdrawing from the proceedings should return it, the response was: "I will be very pleased to return it," which he thereupon did.

Counsel was thus not deprived of the opportunity of examining the exhibit further at that time, conducting cross-examination concerning it and presenting rebuttal evidence, by any ruling of the hearing examiner, but by his voluntary act of returning the exhibit and by his voluntary absence from the hearing at the time appropriate for his cross-examination and rebuttal. The opponent of redetermination who remained in attendance remained in possession of his copy of the exhibit and cross-examined the witness concerning it at length on the following day. He was specially invited to call witnesses, or to testify himself. No one was denied access to the exhibit for the purpose of preparing rebuttal evidence for presentation at the hearing, as the exceptions allege. The only restrictive ruling made was that the exhibit must be left with the Department at the conclusion of the hearing because only the requisite number had been filed, and this exhibit would have been very costly to reproduce. Transcripts of the testimony were made freely available to all who wanted them as soon as they

were prepared. In accordance with section 3 (c) of the Administrative Procedure Act and regulations of the Department (29 CFR 2.6 (a)), the exhibit was held available for examination by interested persons during regular business hours at the Department on each business day after the hearing, and it was announced at the hearing that this would be done. Though the mines then represented by the person who wanted to borrow the exhibit for an extended period have now filed exceptions through a practicing attorney in Washington, D. C., neither has visited the Department to examine the exhibit for this purpose. The exceptions based on an alleged lack of access to this exhibit are overruled.

The exception to an alleged ruling of the Hearing Examiner granting authority to refer to source material used in the preparation of United Mine Workers' Exhibit No. 2 is not valid. The Hearing Examiner was not requested to make any such ruling and actually made none. Government counsel requested the unanimous consent of those present at the hearing for such authority. An opponent of redetermination then present objected. The request was then abandoned, the source material has not been made available, and no such reference has been made.

Objection is made to so much of the tentative determination as declines to change the one presently in effect, except insofar as is required by the new wage data. This objection is based on some decrease in the number of bids on certain Government coal invitations, as well as on the objection to official notice which was fully discussed in the tentative determination. This change in the bare number of bids is not accompanied by material change in the geographic distribution of the points of origin of such bids such as to invalidate the geographically defined production districts as appropriately measuring the separate localities of competition for Government coal contracts. This objection is overruled.

Objection is expressed to the fact that the hourly rates tentatively determined are obtained by dividing the daily minimum wages by the total number of hours for which they are paid, including portal-to-portal travel time which is compensated as work time under the union contract. This objection overlooks the fact, explained in the tentative and final decisions incident to the 1955 determination and established in the judicial review of it, that this is the proper way of making sure that the union practice of paying for portal-to-portal travel time does not inflate the minimum hourly rate to be determined, and thus force the cost of this practice on those who have no such custom or practice.

The motions for rehearing and reopening the record for the purpose of conducting cross-examination and rebuttal and to adduce evidence of wages paid in U. M. W. mines in Districts 7 and 8, are made on behalf of the 488 mines which did not participate in the hearing and which have not, even now, assigned any reason for their absence. They are also made on behalf of the 42 mines which withdrew from the proceedings without valid cause before it was completed and which have made no showing that they are better prepared to offer proof now than they were at that time. These motions are denied. For reasons indicated earlier, the motion that official notice be taken of recent investigations under the Fair Labor Standards Act is also denied. The motion to dismiss for alleged procedural errors "discussed in the exceptions" is also overruled after consideration and rejection of all such exceptions as without merit. The request that the exceptions of the Virginia coal operators to the notice of proposed determination in the 1955 proceedings be incorporated in this record will not be granted, except to the extent that they are mentioned in the final decision in the 1955 proceedings, because the remaining portions of them were found to be without merit in those proceedings.

Each of the operators' 44 exceptions to the tentative decision in the present proceedings having been fully considered and each having been found without substance in fact, law or discretion, each is hereby overruled.

After making my tentative decision, it came to my attention that the proposed determination, as well as the 1955 determination, defines the industry to include the "furnishing" of bituminous coal, but publishes minimum wages only for areas of production. It does not clearly specify the rate which applies to employees who work at furnishing coal in their employment at coal yards located in or proximate to areas of consumption.

The resulting ambiguity is more technical than substantial. Total covered employment in such yards is very small in comparison to the large covered employment in the production of bituminous coal. Not many coal yards participate in furnishing coal to the Government under contracts subject to the Act. The competitive bidding system of procurement brings this largely about as it is cheaper to move coal directly from the mine to the Government delivery point or installation than it is to move it indirectly through the coal yard of an independent coal dealer. The record of proceedings does not include data on the wages paid at such coal yards. The reasons which led to the exclusion of auxiliary employees from the 1955 determination and which have led to their exclusion from the tentative determination apply with even greater force to suggest the exclusion of employees of regular dealers in coal and employees of contractors exempt from section 1 (a) of the Act pursuant to 41 CFR 201.603 (f). Accordingly, this final determination will add those employees to the list of auxiliary employees excluded from its operation.

Upon the findings and conclusions and the reasons therefor stated herein and in the notice of tentative decision in the amendment of the determination of prevailing minimum wages in the bituminous coal industry filed in these proceedings, and pursuant to authority of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35 et seq.) and in accordance with the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), 41 CFR 202.51 is amended as follows:

1. Section 202.51 is amended by deleting paragraph (e) and re-lettering paragraphs (f) and (g) as (e) and (f), respectively.

2. Section 202.51 (d) is amended by adding to the end thereof the following:

15. Employees of regular dealers in coal and employees of contractors who are exempt from section 1 (a) of the Act pursuant to § 201.603 (f), who do not work in or around coal mines.

3. Section 202.51 (b) is amended to read as follows:

(b) *Minimum wage.* The minimum wage per hour for employees (other than auxiliary workers) engaged in the performance of contracts with agencies of the United States subject to the provisions of the Act for production or furnishing of bituminous coal (including lignite) shall be the amount indicated for each area as follows:

District 1. Eastern Pennsylvania: $2.745

The following counties in Pennsylvania: Bedford, Blair, Bradford, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Elk, Forest, Fulton, Huntingdon, Jefferson, Lycoming, McKean, Mifflin, Potter, Somerset, Tioga.

Armstrong County, including mines served by the Pittsburgh and Shawmut Railroad on the west bank of the Allegheny River, and north of the Conemaugh division of the Pennsylvania Railroad.

Fayette County, all mines on and east of the line of Indian Creek Valley branch of the Baltimore and Ohio Railroad.

Indiana County, north of but excluding the Saltsburg branch of the Pennsylvania Railroad between Edri and Blairsville, both exclusive.

Westmoreland County, including all mines served by the Pennsylvania Railroad, Torrance, and east.

All coal-producing counties in the State of Maryland.

The following counties in West Virginia: Grant, Mineral, and Tucker.

District 2. Western Pennsylvania: $2.745

The following counties in Pennsylvania: Allegheny, Beaver, Butler, Greene, Lawrence, Mercer, Venango, Washington.

Armstrong County, west of the Allegheny River and exclusive of mines served by the Pittsburgh and Shawmut Railroad.

Indiana County, including all mines served on the Saltsburg branch of the Pennsylvania Railroad north of Conemaugh River.

Fayette County, except all mines on and east of the line of Indian Creek Valley branch of the Baltimore and Ohio Railroad.

Westmoreland County, including all mines except those served by the Pennsylvania Railroad from Torrance, east.

District 3. Northern West Virginia: $2.745

The following counties in West Virginia: Barbour, Braxton, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pleasants, Preston, Randolph, Ritchie, Roane, Taylor, Tyler, Upshur, Webster, Wetzel, Wirt, Wood.

That part of Nicholas County including mines served by the Baltimore and Ohio Railroad and north.

District 4. Ohio: $2.745

All coal-producing counties in Ohio.

District 5. Michigan

(No determination.)

District 6. Panhandle: $2.745

The following counties in West Virginia: Brooke, Hancock, Marshall, and Ohio.

District 7. Southern Numbered 1: $2.745

The following counties in West Virginia: Greenbrier, Mercer, Monroe, Pocahontas, Summers.

Fayette County, east of Gauley River and including the Gauley River branch of the Chesapeake and Ohio Railroad and mines served by the Virginian Railway.

McDowell County, that portion served by the Dry Fork Branch of the Norfolk and Western Railroad and east thereof.

Raleigh County, excluding all mines on the Coal River branch of the Chesapeake and Ohio Railroad.

Wyoming County, that portion served by the Gilbert branch of the Virginian Railway lying east of the mouth of Skin Fork of Guyandot River and that portion served by the main line and the Glen Rogers branch of the Virginian Railway.

The following counties in Virginia: Montgomery, Pulaski, Wythe, Giles, Craig.

Tazewell County, that portion served by the Dry Fork branch to Cedar Bluff and from Bluestone Junction to Boissevain branch of the Norfolk and Western Railroad and Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

Buchanan County, that portion served by the Richlands-Jewell Ridge branch of the Norfolk and Western Railroad and that portion of said county on the headwaters of Dismal Creek, east of Lynn Camp Creek (a tributary of Dismal Creek).

District 8. Southern Numbered 2: $2.745

The following counties in West Virginia: Boone, Clay, Kanawha, Lincoln, Logan, Mason, Mingo, Putnam, Wayne, Cabell.

Fayette County, west of, but not including mines of the Gauley River branch of the Chesapeake and Ohio Railroad.

McDowell County, that portion not served by and lying west of the Dry Fork branch of the Norfolk and Western Railroad.

Raleigh County, all mines on the Coal River branch of the Chesapeake and Ohio Railroad and north thereof.

Nicholas County, that part south of and not served by the Baltimore and Ohio Railroad.

Wyoming County, that portion served by Gilbert branch of the Virginian Railway lying west of the mouth of Skin Fork of Guyandot River.

The following counties in Virginia: Dickinson, Lee, Russell, Scott, Wise.

All of Buchanan County, except that portion on the headwaters of Dismal Creek, east of Lynn Camp Creek (tributary of Dismal Creek) and that portion served by the Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

Tazewell County, except portions served by the Dry Fork branch of Norfolk and Western Railroad and Branch from Bluestone Junction to Boissevain of Norfolk and Western Railroad and Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

The following counties in Kentucky: Bell, Boyd, Breathitt, Carter, Clay, Clinton, Elliott, Floyd, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, McCreary, Magoffin, Martin, Manifee, Morgan, Owsley, Perry, Pike, Pulaski, Rockcastle, Wayne, Whitley, Wolfe.

The following counties in Tennessee: Anderson, Campbell, Claiborne, Cumberland, Fentress, Morgan, Overton, Pickett, Putnam, Roane, Scott.

The following counties in North Carolina: Lee, Chatham, Moore.

District 9. West Kentucky: $2.59

The following counties in Kentucky: Butler, Christian, Crittenden, Daviess, Hancock, Henderson, Hopkins, Logan, McLean, Muhlenberg, Ohio, Simpson, Todd, Union, Warren, Webster.

District 10. Illinois: $2.745

All coal-producing counties in Illinois.

District 11. Indiana: $2.78.

All coal-producing counties in Indiana.

District 12. Iowa: $1.40

All coal-producing counties in Iowa.

District 13. Southeastern: $2.515

All coal-producing counties in Alabama.

The following counties in Georgia: Dade, Walker.

The following counties in Tennessee: Marion, Grundy, Hamilton, Bledsoe, Sequatchie, White, Van Buren, Warren, McMinn, Rhea.

District 14. Arkansas-Oklahoma: $2.59

The following counties in Arkansas: All counties in the State.

The following counties in Oklahoma: Haskell, Le Flore, Sequoyah.

District 15. Southwestern: $2.59

All coal-producing counties in Kansas. All coal-producing counties in Texas. All coal-producing counties in Missouri.

The following counties in Oklahoma: Coal, Craig, Latimer, McIntosh, Muskogee, Okmulgee, Pittsburg, Rogers, Tulsa, Wagoner.

District 16. Northern Colorado: $2.796

The following counties in Colorado: Adams, Arapahoe, Boulder, Douglas, Elbert, El Paso, Jackson, Jefferson, Larimer, Weld.

District 17. Southern Colorado: $2.796

The following counties in Colorado: All counties not included in northern Colorado district.

The following counties in New Mexico: All coal-producing counties in the State of New Mexico, except those included in the New Mexico district.

District 18. New Mexico: $2.796

The following counties in New Mexico: Grant, Lincoln, McKinley, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro.

The following counties in Arizona: Final, Navajo, Graham, Apache, Coconino.

All coal-producing counties in California.

District 19. Wyoming: $2.82

All coal-producing counties in Wyoming.

The following counties in Idaho: Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Bannock, Power, Caribou, Oneida, Franklin, Bear Lake.

District 20. Utah: $2.82

All coal-producing counties in Utah.

District 21. North Dakota-South Dakota: $2.226

All coal-producing counties in North Dakota. All coal-producing counties in South Dakota.

District 22. Montana: $2.846

All coal-producing counties in Montana.

District 23. Washington: $2.736

All coal-producing counties in Washington. All coal-producing counties in Oregon.

4. Section 202.51 (g), which has by paragraph 1 hereof been re-lettered to be § 202.51 (f) is amended by deleting the date November 25, 1955, and substituting in place thereof the date October 20, 1958.

(Sec. 4, 49 Stat. 2038, as amended; 41 U. S. C. 38)

Signed at Washington, D. C., this 16th day of September 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-7758; Filed, Sept. 19, 1958; 8:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 31]

LOWER KLAMATH NATIONAL WILDLIFE REFUGE, CALIFORNIA AND OREGON

HUNTING OF PHEASANTS

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to revise § 31.200 of Subpart—Lower Klamath National Wildlife Refuge, California and Oregon, Chapter I, Title 50, Code of Federal Regulations, as set forth in tentative form below. The purpose of the proposed revision is to permit the hunting of pheasants during the 1958 season on certain lands of the Lower Klamath National Wildlife Refuge, California and Oregon, under certain limitations and subject to compliance with the laws and regulations of the respective States.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 16, 1958.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

§ 31.200 *Hunting of pheasants permitted.* Pheasants may be taken by hunting on portions of the Lower Klamath National Wildlife Refuge, California and Oregon, during the 1958 open season prescribed by the respective State conservation departments, subject to the following conditions and restrictions:

(a) Strict compliance with all State laws and regulations is required.

(b) Entry and use of the refuge shall be in accordance with Parts 18 and 21 of this chapter.

(c) Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) The hunting of pheasants is permitted on all of the lands of the refuge except units 1, 2, 3, 5, 6, 12, and 12a during the period from November 15 to November 30, 1958, both dates inclusive.

(e) The hunting of pheasants on units 1, 5, 6, 12, and 12a shall be permitted only during the period November 15, 16, and 17, 1958.

[F. R. Doc. 58-7675; Filed, Sept. 19, 1958; 8:46 a. m.]

[50 CFR Part 31]

TULE LAKE NATIONAL WILDLIFE REFUGE, CALIFORNIA

HUNTING OF PHEASANTS

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to add § 31.351 to Subpart—Tule Lake National Wildlife Refuge, California, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose of the proposed regulation is to permit the hunting of pheasants during the 1958 season on certain lands of the Tule Lake National Wildlife Refuge, California, under certain limitations and subject to compliance with the laws and regulations of the State of California.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 16, 1958.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

§ 31.351 *Hunting of pheasants permitted.* Pheasants may be taken by hunting during the 1958 open season on portions of the Tule Lake National Wildlife Refuge, California, subject to the following conditions and requirements.

(a) During the period from November 15 to November 30, 1958, both dates inclusive, the hunting of pheasants is permitted on that part of the Tule Lake National Wildlife Refuge lying and being north of the following described line:

Beginning on the east boundary of the refuge at the E¼ corner of sec. 20, T. 47 N., R. 5 E., M. D. M., thence west along the center line of secs. 20 and 19, T. 47 N., R. 5 E., and the center line of secs. 24, 23, 22, 21, 20, and 19, T. 47 N., R. 4 E., to the point of intersection with the west boundary of the refuge.

(b) On November 15, 16, and 17, 1958, the hunting of pheasants is permitted on those lands of the refuge commonly known as the Frog Pond and Lower Sump areas of the refuge, and bounded on the south by the Lava Beds Road, on the east by the refuge boundary, on the north by the center line of secs. 20 and 19, T. 47 N., R. 5 E., and the center line of secs. 23 and 24, T. 47 N., R. 4 E., and on the west by the east dike of the Upper Sump and the west berm of the west dike of the Lower Sump, and on those lands of the refuge commonly known as the Panhandle buffer strip, as posted by the officer in charge, situated west of the west bank of the N Canal in the S½N½ sec. 16, T. 46 N., R. 5 E., M. D. M., and east of the west perimeter road around the Panhandle area in the S½N½ sec. 17.

(c) Strict compliance with all State laws and regulations is required.

(d) Entry on and use of the refuge shall be in accordance with Parts 18 and 21 of this chapter.

(e) Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

[F. R. Doc. 58-7673; Filed, Sept. 19, 1958; 8:45 a. m.]

[50 CFR Part 35]

PARKER RIVER NATIONAL WILDLIFE REFUGE, MASSACHUSETTS

BOW AND ARROW DEER HUNTING

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), and under authority delegated by Commissioner's Order 4 (22 F. R. 8126), it is proposed to add § 35.81 to Subpart—Parker River National Wildlife Refuge, Massachusetts, Chapter I, Title 50, Code of Federal Regulations, as set forth in tentative form below. The purpose of the proposed regulation is to permit the hunting of deer on certain lands of the Parker River National Wildlife Refuge, Massachusetts, under certain limitations and subject to compliance with the laws and regulations of the State of Massachusetts.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 15, 1958.

LANSING A. PARKER,
Acting Director, Bureau of Sport Fisheries and Wildlife.

§ 35.81 *Bow and arrow deer hunting permitted.* Subject to the provisions of Parts 18 and 21 of this chapter, the hunting of deer by means of bow and arrow only is permitted from November 21 to November 27, 1958, inclusive, on the hereinafter described lands of the Parker River National Wildlife Refuge, Massachusetts, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The following described area is open to hunting:

All of the Plum Island portion of the Parker River Refuge lying between the ocean beach and the east bank of Plum Island River and Plum Island Sound with the exception of posted area lying between the Plum Island road and Plum Island Sound comprising the two impoundment areas and the Patrol Headquarters site.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Firearms prohibited.* The possession or use of firearms on the Refuge is prohibited.

(d) *Dogs prohibited.* Dogs are not permitted on the Refuge for use in the hunting of deer.

(e) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

[F. R. Doc. 58-7674; Filed, Sept. 19, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 963]

[AO-306]

APPLES GROWN IN DESIGNATED PART OF WASHINGTON

DETERMINATION ON BASIS OF RESULTS OF REFERENDUM ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Chelan, Washington, on May 6, 1958, and continued at Yakima, Washington, on May 12, 1958, pursuant to a notice thereof which was published in the FEDERAL REGISTER (23 F. R. 2201) upon a proposed marketing agreement and order regulating the handling of apples grown in designated part of Washington. The recommended decision (23 F. R. 5381) of the Deputy Administrator, Agricultural Marketing Service, and the decision (23 F. R. 6561) of the Acting Secretary of Agriculture setting forth the proposed marketing agreement and order were published in the FEDERAL REGISTER on July 16, 1958, and August 23, 1958, respectively. The Acting Secretary also issued an order, published in the FEDERAL REGISTER on August 23, 1958 (23 F. R. 6567), directing that a referendum be conducted among the producers of apples grown in designated part of Washington to determine whether the requisite majority of such producers favors or approves issuance of the proposed marketing order.

It is hereby determined on the basis of the results of the referendum conducted August 25 through September 2, 1958, pursuant to the aforementioned referendum order, that the issuance of proposed marketing Order No. 63, regulating the handling of apples grown in designated part of Washington, is not approved or favored (1) by at least two-thirds of the producers who participated in such referendum and who, during the determined representative period (August 1, 1957, through July 31, 1958), were engaged in the production for market of

apples grown in designated part of Washington, or (2) by producers of at least two-thirds of the volume of production of such apples represented in the aforesaid referendum.

It is hereby further determined that the proposed marketing order set forth in the Acting Secretary's decision of August 19, 1958 (23 F. R. 6561), should not be made effective and in view of the circumstances, that the proposed marketing agreement No. 120 should not be entered into.

Dated: September 17, 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 58-7692; Filed, Sept. 19, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 91]

[Ex Parte No. 174]

LOCOMOTIVE INSPECTION

RULES AND INSTRUCTIONS FOR INSPECTION AND TESTING OF LOCOMOTIVES OTHER THAN STEAM

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of September A. D. 1958, it appearing, that the Association of American Railroads having received numerous inquiries regarding the application of some of the rules and instructions prescribed by the Commission in its report and order of March 4, 1958, in the above-entitled proceeding to become effective January 1, 1959, has requested the Commission for an interpretation of the rules in question;

And it appearing, that pursuant to such request, informal conferences and discussions have been held with interested parties with a view to reaching an agreement with respect to the application and interpretation of said rules;

And it appearing, that as a result of such conferences there is a need for an interpretation of §§ 91.201 (c) and (d), 91.204 (b), 91.205 (f), 91.211 (d), 91.220, 91.226 (a), 91.229 (f) and (g), 91.247 (a), 91.255 (b), and 91.323 (b) of the said rules and instructions:

It is ordered, That pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003), notice is hereby given of proposal to interpret the following sections of the Rules and Instructions for Inspection and Testing of Locomotives Other Than Steam (49 CFR 91.201 to 91.337) as follows:

SUBPART C—OTHER THAN STEAM LOCOMOTIVES AND APPURTENANCES

§ 91.201 *Locomotive unit.* • • •

(c) *Control of units.* When locomotive units are coupled in multiple control all parts and components of each unit capable of providing power for propulsion or supplying the retarding effect which will enable the enginemen to control the speed or stop the locomotive or train, shall respond to control from the enginemen's compartment of the controlling unit.

Interpretation: On locomotive units coupled in multiple control, the parts and components capable of producing power to propel the locomotive or train, the air brakes capable of retarding or stopping the locomotive or train, and the sanders, shall respond to control from the operating compartment.

(d) *Slipping or sliding wheel alarms.* Means shall be provided whereby alarms and indications of either slipping or sliding driving wheels on any unit in a locomotive used in road service will be shown in the enginemen's compartment of the controlling unit.

Interpretation: This rule does not require both an audible alarm, and a visual indication, but does require that either the one, or the other, must be provided.

The requirements of the rule are satisfied by a device which shows when either slipping or sliding occurs, even though not distinguishing between the one and the other.

BRAKE EQUIPMENT; AIR BRAKES

§ 91.204 *Brake pipe valve.* • • •

(b) Each road locomotive unit propelled by power other than steam built on or after January 1, 1957, shall be equipped with a brake pipe valve which is accessible to the fireman when stationed in his usual position in the enginemen's compartment. On car body type units a brake pipe valve shall be attached to the wall adjacent to each end exit door. The words "Emergency Brake Valve" shall be legibly stenciled near each brake pipe valve or shall be shown on a badge plate adjacent thereto. Each road locomotive unit propelled by power other than steam built before January 1, 1957, shall be so equipped the first time said unit receives heavy repairs after January 1, 1957, but not later than December 31, 1958.

Interpretation: The requirement for "a brake-pipe valve accessible to the fireman when stationed in his usual position" is complied with by installing at or adjacent to the fireman's position any type of valve which will bring about an emergency brake application.

The emergency valve at the hostler control station near the end of a unit meets the requirement of this rule if it can be operated from a position adjacent to the exit door at that end.

§ 91.205 *Main reservoir system.* • • •

(f) *Prevention of oil passage.* Each air brake system shall by January 1, 1959, be provided with a device in the air compressor discharge line which will effectively restrict passage of oil throughout the system. Such device shall be kept clean and drained before each trip or day's work.

Interpretation: If the devices presently installed effectively restrict the passage of oil throughout the air brake system, additional devices will not be required.

§ 91.211 *Leakage.* • • •

(d) *Control reservoir.* Leakage from control air reservoir, related piping, and pneumatically operated controls shall not exceed an average of 3 pounds per minute in a test of 3 minutes duration.

Interpretation: While no specific procedure is prescribed in order to determine compliance with this rule, the following is recommended: (1) The control-air system should be fully charged; (2) the pressure in the main reservoir should be reduced below the standard control-air pressure, unless a 3-way cock venting to the atmosphere is used; (3) the throttle should be placed in number one position, the reverser in either forward or reverse position, and on units so equipped the transition lever placed in number one position, and these should be kept in such positions throughout the test; and (4) the leakage as read on the control air gauge should be checked for 3 minutes.

RUNNING GEAR

§ 91.220 *Lateral motion.* The total uncontrolled lateral motion between the hubs of the wheels and boxes, between boxes and pedestals or both, on any pair of wheels shall not exceed the following limits: Truck wheels, 1 inch; driving wheels, more than one pair of wheels, ¾ inch. These limits may be increased if upon application to the director his investigation shows that conditions require additional lateral motion. The lateral motion shall in all cases be kept within such limits that the driving wheels, rods, crank pins, or armatures will not interfere with other parts of the locomotive.

Interpretation: The "total uncontrolled lateral motion" referred to in this rule means the lateral motion provided for in the design of the parts, plus any additional lateral motion due to wear.

WHEELS

§ 91.226 *Wheels*—(a) *Tight on axel.* (1) Wheels shall be securely pressed on axles except wheels and axles of special design and construction where other proper and safe means are provided for holding the wheels on the axles. Prick punching, shimming wheel fit, or pins driven in ends of axles will not be permitted.

(2) Mill scale shall be removed from plate and entire wheel then inspected before application to axle. Wheels shall be kept free from accumulations of oil, grease, or other material that could conceal cracks or other defects.

Interpretation: The second paragraph of this rule requires that wheels mounted on axles on and after the effective date of the rule shall have mill scale removed before application.

The second sentence of the second paragraph is not intended to impose unreasonable requirements, but is construed to mean that wheels shall be kept reasonably clean, so as to permit detection of cracks and other defects in the course of normal inspection.

CABS, CAB APRONS, PILOTS

§ 91.229 *Cab and aprons.* • • •

(f) *Heating.* (1) Enginemen's compartments shall be provided with heating arrangements that will maintain therein a temperature of not less than 50° F. Temperature shall be taken at substantially the center of compartment under normal winter weather conditions, under the running conditions of the locomotive, with doors and windows closed.

(2) Operating cabs or compartments shall be provided with proper ventilation.

Interpretation: The concluding sentence of this rule means that, regardless of adjustments of doors and windows, further ventilation shall be supplied to cabs by means of additional openings, located as required.

(g) *Passage between units.* Safe and suitable means shall be provided for passage between units with open-end platforms.

Interpretation: This rule requires that a safe and suitable passageway be provided between all units coupled in multiple control and operated in road service, except that, no passageway will be required through the nose-end of car-body type units similar in design to present diesel-electric "A" units.

ELECTRICAL EQUIPMENT

§ 91.247 *Jumpers; cable connections*—(a) *General precautions.* Jumpers or cable connections between locomotives or units shall be so located and guarded to prevent unnecessary peril, and shall not be allowed to hang with one end free.

Interpretation: The requirements of this rule relating to the location and guarding of jumpers and cable connections are satisfied by installing a device which will support the cable at a sufficient height to provide reasonable clearance.

INTERNAL COMBUSTION EQUIPMENT

§ 91.255 *Fuel tanks and piping; safety cut-out valve.* • • •

(b) A safety cut-out valve shall be provided in the fuel line adjacent to the supply tank, or in other safe location, which will automatically close when tripped. The cut-out valves shall be designed for hand operation from both outer sides of the unit and from inside of the enginemen's compartment. Operating handle locations shall be designated. Means shall be provided so that cut-out valves may be reset without hazard.

Interpretation: The requirements of the last sentence of this rule are satisfied if the cut-out valves may be reset without the necessity for employee getting under the locomotive.

BOILERS USED WITH LOCOMOTIVES OTHER THAN STEAM

§ 91.323 *Fuel tanks and piping.* • • •

(b) *Safety cut-out valve.* A safety cut-out valve shall be provided in the fuel line adjacent to the supply tank, or in other safe location, which will automatically close when tripped. The cut-out valves shall be designed for hand operation from both outer sides of the unit and from inside of the enginemen's compartment. Operating handle locations shall be designated. Means shall be provided so that cut-out valves may be reset without hazard.

Interpretation: The requirements of the last sentence of this rule are satisfied if the cut-out valves may be reset without the necessity for employee getting under the locomotive.

And it is further ordered, That this matter has not been assigned for oral hearing and none will be held unless a need therefor is shown. Interested parties wishing to make representations in favor or against the proposed interpretations may do so through the submission of written statements. The original and five copies of such submission shall be filed with the Secretary of the Commission on or before October 15, 1958.

Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Federal Register Division.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58-7688; Filed, Sept. 19, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

GENERAL RULES AND REGULATIONS SECURITIES ACT OF 1933

DEFINITIONS

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed amendment of Rule No. 133 under the Securities Act of 1933.

On October 2, 1956 (Securities Act Release No. 3698), the Commission invited comment on a proposed revision of Rule 133 to provide that transactions of the character therein described involve the offer and sale of securities subject to the registration and prospectus provisions of the Securities Act of 1933. After study of the comments received in writing and at a public hearing held on January 17, 1957, the Commission announced on March 15, 1957 (Securities Act Release No. 3761) that it was deferring action upon the proposal pending further study.

On April 8, 1957 (Securities Exchange Act Release No. 5483), in its Findings and Opinion in the Matter of Great Sweet Grass Oils Limited and Kroy Oils Limited,[1] and on October 10, 1957 (in Securities Act Release No. 3846), the Commission discussed the scope and limitations of § 230.133 (Rule 133). In substance, the Commission indicated in these releases that (1) § 230.133 (Rule 133), where applicable, merely provides that registration of the securities, and presentation of a prospectus to the security holders, is not required in connection with the submission of a plan of merger or other transaction specified in the rule and the receipt of securities in consummation of the plan, (2) this does not mean that the securities issued in such a plan are "free" securities which need not be registered insofar as subsequent offers and sales of such securities are concerned; that is, that registration would be required for any subsequent offer and sale unless such activity were limited to casual sales by noncontrolling security holders which might fairly be described as trading transactions not involving a distribution or unless another exemption were available, and (3) § 230.133 (Rule 133) provides no exemption from the registration and prospectus requirements of the Act with respect to any public distribution of the securities received by a security holder who might be deemed to be a statutory underwriter.

Reference was also made to the opinion of the United States District Court for the Southern District of New York in S. E. C. v. Micro-Moisture Controls, Inc. (Civil No. 116-190, January 23, 1957)[2] that § 230.133 (Rule 133) is not applicable to an exchange of assets for stock which is "but a step in the major activity of selling the stock"; that is, where the transaction is part of a plan to use stockholders as a conduit for distributing a substantial amount of the securities to the public.

At the direction of the Commission, the staff has been engaged in a comprehensive review and re-examination of all relevant legislative and other statutory materials, prior Commission and staff actions, and the points of view and arguments expressed by those who appeared at the Commission's public hearing on the 1956 proposal, or who otherwise submitted comments to the Commission, or who have expressed themselves in various publications. Based upon the foregoing, the staff has recommended that the Commission abandon the 1956 proposal for revision of § 230.133 (Rule 133), that the Commission restate the purpose and effect of § 230.133 (Rule 133), and that the Commission adopt rules designed to clarify the applications and limitations of the rule.

After careful study of the voluminous materials submitted to the Commission in connection with the staff recommendations, the Commission has determined to publish for comment certain proposed rules submitted by the staff which are designed to implement these recommendations in order that the Commission may reach its final conclusion after consideration of the views of all persons having an interest in the matter. The staff recommendations are:

I. We recommend that Rule 133 be retained in its present form or in substantially its present form for the purpose of reflecting the present position of the Commission that registration is not required for the submission by a corporation to a vote of its stockholders of any of the plans, agreements or proposals therein described or for the vote of stockholders thereon or for the authorization, modification, issuance and delivery of securities pursuant thereto, all subject to the conditions and under the circumstances therein described.

II. We recommend that the Commission announce in a public release its opinion that the fact that a security has been acquired by a stockholder in a transaction to which Rule 133 is applicable does not make that security exempt from any provisions of the Act which would otherwise be applicable for purposes of any transactions by such stockholder in such security; and promulgate rules which define the circumstances under which distribution of securities by such stockholders may not be effected without compliance with the provisions of section 5

[1] Affirmed sub nom. Great Sweet Grass Oils Limited et al. v. S. E. C. (June 24, 1958) CCH Par. 90865; another appeal pending, Kroy Oils Limited v. S. E. C. (C. A. D. C. #13920).

[2] This opinion was issued in connection with the issuance of a preliminary injunction. On March 31, 1958, the Court issued its Findings of Fact and Conclusions of Law supporting the entry of a permanent injunction upon the ground that the stock sold to the public was the stock of persons in a control relationship with the issuer and that certain of the defendants acted as underwriters in the sale of such stock. Appeal Pending Micro-Moisture Controls, Inc. et al. v. S. E. C. (C. A. 2 #25242).

of the act, generally in accordance with the following:

(a) Define the term "underwriter" to include any constituent corporation other than an issuer and any person who controlled, was controlled by, or was under common control with such constituent corporation and who acquired securities in a Rule 133 transaction with a view to the distribution thereof. Exclude from the term "distribution," for purpose of this rule, public offerings of securities coming out of a Rule 133 transaction by or on behalf of a person so defined to be an underwriter in amounts not exceeding a limit to be set which attempts to distinguish between transactions of a trading character and transactions which have the characteristics of a distribution.

(b) Define the term "underwriter" to include any person who, pursuant to any contract, arrangement or understanding with the issuer (or any person who controls, is controlled by or is under common control with the issuer) directly or indirectly purchases from or sells for stockholders who acquired securities in a Rule 133 transaction, under circumstances involving a distribution.

III. We further recommend that consideration be given to the adoption of rules and forms which will, to an appropriate degree, make possible the employment of proxy material required to be filed pursuant to section 14 (a) of the Exchange Act, or which substantially complies with the provisions of Regulation 14 even though not required to be filed with the Commission pursuant thereto, as part of the prospectus to be filed in satisfaction of the registration requirements for distribution of securities of the character referred to in II.

These recommendations were based upon certain conclusions reached by the staff after a detailed discussion of the relevant authorities, prior actions, and a review of arguments and comments received or otherwise noted. These conclusions are:

Conclusion I. We do not agree with the proposition that the transactions described in Rule 133 do not involve a "sale" within the meaning of that term as defined in section 2 (3) of the Securities Act and that, therefore, the Securities Act has no application to such transactions. We reach this result essentially for two basic reasons:

(1) the concept of "sale" as defined in section 2 (3) is broader than the commercial or common-law meaning of that term, and embraces a number of situations which would not be regarded as sales in the commercial sense but fall within the purposes of the Securities Act; and

(2) the transactions described in Rule 133 do not, as is often said, occur solely by operation of law and without the element of individual consent by security holders, but on the contrary are basically contractual in their foundation, reflecting essentially contractual relationships among security holders and between security holders and corporations.

Conclusion II. We believe that the Commission has the power to promulgate or to continue in effect rules of interpretation or rules of definition which have the effect of declaring that transactions are not "sales" for purposes of sections 4 and 5 of the Act where the Commission concludes on the basis of its experience and the over-all structure of the Act that the procedural and liability provisions of the Act as they affect issuers, underwriters and dealers would not operate reasonably and effectively in such transactions.

Conclusion III. We believe, having regard to the nature, purposes and operation of the procedural provisions of sections 4 and 5, the civil liabilities for failure to comply with such procedures, and the operation of certain of the statutory exemptions from section 5, that Rule 133 represents a reasonable interpretation of the act in the application of section 5, one which is not inconsistent with the broad purposes of the act as derived from its structure and history, and a proper exercise of the Commission's defining and rule-making powers thereunder, particularly where, as here, this result reflects a consistent administrative interpretation over a period of almost twenty-four years.

Conclusion IV. We believe that a stockholder acquiring a new security in a transaction falling within Rule 133 "has purchased" that security from an issuer within the meaning of section 2(11) and accordingly certain stockholders may be defined as underwriters if they acquire the security with a view to distribution, and that in many cases this result conforms to the structure and policy of the act. We also believe, however, that ordinary investors not in a control relationship with any corporation participating in the transaction should not be defined as underwriters, although participation by the issuer in resales by them should require registration by the issuer. Rules embodying these distinctions should also make appropriate provision for what are essentially trading transactions by security holders, included in the definition of "underwriter," who are not in a control relationship to the issuer.

The proposal to amend Rule 133 as set forth below, is designed to implement these recommendations and conclusions. A proposed form, which could be used for registration of securities issued in distribution transactions of the character referred to ln the proposed rule is in preparation. Such a form may permit the use of a prospectus in the form of a proxy statement meeting the requirements of Regulation 14 under the Securities Exchange Act of 1934 where such proxy statement has been employed in connection with the transaction within Rule 133 which gives rise to the distribution, supplemented by certain necessary additional information.

§ 230.133 *Definitions, for purposes of section 5, of the "sale," "offer," "offer to sell," and "offer for sale" and of "distribution" and "brokers' Transactions" for certain transactions.* (a) For purposes only of section 5 of the act, no "sale," "offer," "offer to sell," or "offer for sale" shall be deemed to be involved so far as the stockholders of a corporation are concerned where, pursuant to statutory provisions in the State of incorporation or provisions contained in the certificate of incorporation, there is submitted to the vote of such stockholders a plan or agreement for a statutory merger or consolidation or reclassification of securities, or a proposal for the transfer of assets of such corporation to another person in consideration of the issuance of securities of such other person or voting stock of a corporation which is in control, as defined in section 368 (c) of the Internal Revenue Code of 1954, of such other person, under such circumstances that the vote of a required favorable majority (1) will operate to authorize the proposed transaction so far as concerns the corporation whose stockholders are voting (except for the taking of action by the directors of the corporation involved and for compliance with such statutory provisions as the filing of the plan or agreement with the appropriate State authority), and (2) will bind all stockholders of such corporation except to the extent that dissenting stockholders may be entitled, under statutory provisions or provisions contained in the certificate of incorporation to receive the appraised or fair value of their holdings.

(b) Any person who, in connection with any transaction specified in paragraph (a) of this section, purchases securities of the issuer from security holders of a constituent corporation with a view to, or offers or sells such for such security holders in connection with, a distribution thereof, pursuant to any contract or arrangement with the issuer or with any person who controls, is controlled by or is under common control with the issuer, or with any person who is acting as an underwriter for the issuer or any such person, shall be deemed to be an underwriter of such securities within the meaning of section 2 (11) of the Act.

(c) Any constituent corporation, or any person who controls, is controlled by or is under common control with a constituent corporation at the time any transaction specified in paragraph (a) of this section, is submitted to a vote of the stockholders of such corporation, who acquires securities of the issuer in connection with such transaction with a view to the distribution thereof, shall be deemed to be an underwriter of such securities within the meaning of section 2 (11) of the Act.

(d) Notwithstanding the provisions of paragraph (c) of this section, a person therein described shall not be deemed to be an underwriter nor to be engaged in a distribution with respect to securities acquired in any transaction specified in paragraph (a) of this section, which are sold by him in brokers' transactions as defined in section 4 (2) of the Act in accordance with the conditions and subject to the limitations specified in paragraph (e) of this section, and such person:

(1) Does not directly or indirectly solicit or arrange for the solicitation of orders to buy in anticipation of or in connection with such transactions;

(2) Makes no payment in connection with the execution of such transactions to any person other than the broker; and

(3) Limits such transactions to a sale or series of sales which together with all other sales of securities of the same class by or on his behalf within the preceding six months will not exceed the following:

(i) If the security is traded only otherwise than on a securities exchange, approximately one percent of the shares or units of such security outstanding at the time of receipt by the broker of the order to execute such transactions, or

(ii) If the security is admitted to trading on a securities exchange, the lesser of approximately (*a*) one percent of the shares or units of such security outstanding at the time of receipt by the broker of the order to execute such transactions or (*b*) the largest aggregate reported volume of trading on securities exchanges during any one week within the four calendar weeks preceding the receipt of such order.

(e) For the purposes of paragraph (d) of this section:

(1) The term "brokers' transactions" in section 4 (2) of the Act shall be deemed to include transactions by a broker acting as agent for the account of the seller where (i) the broker performs no more than the usual and customary broker's functions, (ii) the broker does no more than execute an order or orders to sell as a broker and receives no more than the usual or customary broker's commissions, (iii) the broker does not solicit or arrange for the solicitation of orders to buy in anticipation of or in connection with such transactions and (iv) the broker is not aware of any circumstances indicating this, his principal is failing to comply with the provisions of paragraph (d) of this section;

(2) The term "solicitation of such orders" in section 4 (2) of the Act shall be deemed to include the solicitation of an order to buy a security, but shall not be deemed to include the solicitation of an order to sell a security;

(3) Where within the previous 60 days a dealer has made a written bid for a security or a written solicitation of an offer to sell such security, the term "solicitation" in section 4 (2) shall not be deemed to include an inquiry regarding the dealer's bid or solicitation.

(f) For the purposes of this section, the term "constituent corporation" means any corporation other than the issuer which is a party to any transaction specified in paragraph (a) of this section.

All interested persons are invited to submit their views and comments on the above proposals, in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before November 14, 1958. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

SEPTEMBER 12, 1958.

[F. R. Doc. 58-7689; Filed, Sept. 19, 1958; 8:50 a. m.]

[17 CFR Part 240]

GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

REPORTS OF SIGNIFICANT TRANSACTIONS

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt § 240.17a-8 (Rule 17a-8) requiring brokers and dealers to report promptly to the Commission transactions with nonresidents of the United States involving a substantial amount of any security. The proposed action would be taken pursuant to the Securities Exchange Act of 1934, particularly sections 17 (a) and 23 (a) thereof.

The distribution of securities into the United States by or on behalf of foreign persons and institutions in possible violation of the registration provisions of the Securities Act of 1933 or the antifraud provisions of that Act and the Securities Exchange Act of 1934 have been a source of concern to the Commission for some time. There is reason to believe that foreign agencies and intermediaries have, on occasion, been employed in securities transactions for the purpose of endeavoring to conceal the identities of interested parties, or the nature and purpose of the transactions, in order to hinder the enforcement of the Federal securities laws.

The Commission ordinarily receives no notice of a distribution for a foreign account unless and until the matter comes to its attention in the course of its inspection or investigation work. It has been suggested that the Commission might be in a position to cope more promptly and effectively with the problem if it received prompt notice of significant transactions for foreign accounts, and the proposed rule is designed to accomplish this purpose in so far as brokers and dealers in the United States are involved in the transactions.

The proposed rule would require members of national securities exchanges and brokers and dealers to report to the Commission orders for a significant amount of a security received from non-resident persons and purchases of a significant amount of a security from a foreign source if the purchase is made for the account of the broker or dealer, or is made for the account of any other person who, to the knowledge of the broker or dealer, proposes to sell or is selling the securities in the United States. Transactions would be deemed to involve a significant amount of a security if a transaction or series of related transactions within a 6-months period involved the greater of one percent of the outstanding amount of the security or $50,000. Reports would have to be filed with the Commission within three business days after the transaction giving rise to the duty to report.

If the broker or dealer so desired, reports filed with the Commission under the rule would be confidential, except that they would be available for official use by Government agencies, securities exchanges, or securities associations, of which the reporting broker or dealer was a member, and any other person to whom the Commission authorized disclosure in the public interest.

The text of the proposed rule is as follows:

§ 240.17a-8 *Reports of significant transactions.* (a) This section shall apply to every member of a national securities exchange, and every broker or dealer who transacts a business in securities through the medium of any such member, and every broker or dealer registered pursuant to section 15 of the Securities Exchange Act of 1934.

(b) Every member, broker or dealer subject to this section shall file a report with respect to:

(1) Any order to purchase or sell a significant amount (as hereinafter defined) of any security for the account of any non-resident person, or

(2) Any purchase of a significant amount of any security by such broker-dealer for his own account from any non-resident person, or

(3) Any purchase of a significant amount of any security by such broker or dealer for the account of any person, from any non-resident person, if such member, broker or dealer knows that the purchaser of such securities plans to sell them in the United States, or if such member, broker or dealer receives from such purchaser an order to sell such securities, or to deliver them for purposes of sale, in the United States.

(c) For purposes of this section the term "significant amount" of any security shall mean the following:

(1) For purposes of paragraph (b) (1) of this section an order shall be deemed to involve a significant amount of a security if the amount to be bought or sold, together with the amounts bought or sold, as the case may be, in all other transactions in securities of the same class by or on behalf of the same person within the preceding 6 months equals or exceeds one percent of the shares or other units of such securities outstanding at the time of the receipt of the order by such member, broker or dealer: *Provided however,* That an order shall not be deemed to involve a significant amount of securities if the total consideration involved in all of the transactions of the character above described does not exceed $50,000.

(2) For the purposes of paragraph (b) (2) and (3) of this section a purchase shall be deemed to involve a significant amount of a security if the amount purchased for the account of the broker-dealer, or the account of any other person, as the case may be, together with the amounts purchased in all other transactions in securities of the same class by or on behalf of the same person and from non-resident persons within the preceding 6 months equals or exceeds one percent of the shares or other units outstanding at the time of such purchase: *Provided however,* That a purchase shall not be deemed to involve a significant amount of securities if the total consideration involved in all purchases of the character described above does not exceed $50,000.

(d) For the purposes of this section the term "non-resident person" shall mean (1) in the case of an individual, one who resides in or has his principal place of business in any place not subject to the jurisdiction of the United States; (2) in the case of a corporation, one incorporated in or having its principal place of business in any place not subject to the jurisdiction of the United States; (3) in the case of a partnership or other unincorporated organization or association, one having its principal place of business in any place not subject to the jurisdiction of the United States. The term "non-resident person" for purposes of this section shall also include any person who, to the knowledge of a member, broker or dealer effecting with or for such person transactions involving a significant amount of a security, is either controlled by a non-resident person as herein defined, or is acting in such transaction for the account of, or as agent for, such a non-resident person.

(e) Reports pursuant to this section shall include the name of the issuer of the securities involved in the transac-

tion, the title of the securities, the number of shares or other units involved, whether the order is a buy or sell order, the name and address of the person for whose account the transaction is to be effected and, in the case of reports pursuant to paragraph (b) (2) or (3) of this section the name and address of the person from whom the securities were purchased. In case a report is filed by reason of the fact that the order or purchase is deemed to involve a significant amount of the security by reason of other orders or purchases of the same security within a 6-months period, then the report shall include all other transactions in the same security by or on behalf of the same person within such 6-months period, except that if any of such other transactions have previously been reported a reference to that fact will be deemed sufficient. Such reports shall be signed by the member, broker or dealer or on his behalf by a duly authorized person.

(f) Reports of orders or purchases pursuant to this section shall be filed at the principal office of the Commission not later than 3 business days after the date of the order or the transaction of purchase being reported: *Provided however*, That if the report is filed pursuant to paragraph (b) (3) of this section by reason of the fact that the broker-dealer knows that the purchaser plans to sell the securities in the United States or receives an order from such purchaser to sell or deliver the securities in the United States, then the report shall be filed within 3 business days after the broker-dealer learns of the purchaser's plan or receives such order to sell or deliver the securities.

(g) If a member, broker or dealer so requests in a report pursuant to this section, the report shall be deemed confidential, except that it shall be available for official use by an official or employee of the United States or any state, by national securities exchanges and national securities associations of which the person making such report is a member, and by any other person to whom the Commission authorizes disclosure of such information as being in the public interest.

(h) Notwithstanding the foregoing provisions of this section, any non-resident broker or dealer, as that term is defined in § 240.17a–7 (c) (3), shall not be required to report any transactions pursuant to this rule unless the securities involved in such transactions are ordered by or sold to a person residing in any place subject to the jurisdiction of the United States.

All interested persons are requested to submit their views and comments on the proposed rule in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before October 15, 1958. Unless the person submitting any such comments or suggestions requests in writing that they be held confidential, they will be public records available for public inspection.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

SEPTEMBER 12, 1958.

[F. R. Doc. 58–7690; Filed, Sept. 19, 1958; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

COLLBRAN PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

MARCH, 22, 1957.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the Act of June 17, 1902 (32 Stat., 388);

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 10 S., R. 93 W.,
Sec. 7, lot 12;
Sec. 18, lot 8.
T. 9 S., R. 94 W.,
Sec. 22, E½SE¼;
Sec. 23, S½S½;
Sec. 26, W½W½;
Sec. 27, E½E½, SW¼NE¼, W½W½ and SE¼SW¼;
Sec. 29, NE¼, N½SE¼ and SE¼SE¼;
Sec. 30, lot 4, SE¼SW¼ and SW¼SE¼;
Sec. 31, lots 1, 3 and 4;
Sec. 32, NE¼NE¼;
Sec. 35, SW¼NE¼, NW¼NW¼, S½NW¼, SW¼ and NW¼SE¼;
Sec. 36, E½SW¼.
T. 10 S., R. 94 W.,
Sec. 5, SW¼SE¼;
Sec. 6, lots 4, 5, 6 and 7;
Sec. 8, W½NE¼ and NE¼NW¼;
Sec. 9, NE¼SW¼ and S½SW¼;
Sec. 19, lots 3 and 4;
Sec. 20, SE¼NW¼, N½SW¼ and SW¼SW¼.
T. 9 S., R. 95 W.,
Sec. 23, NE¼NE¼;
Sec. 24, N½NW¼.
T. 10 S., R. 95 W.,
Sec. 15, SW¼SE¼;
Sec. 17, SE¼SW¼;
Sec. 20, SW¼NE¼, SE¼NW¼, NE¼SW¼ and NW¼SE¼;
Sec. 22, NE¼NE¼;
Sec. 26, E½SW¼;
Sec. 31, SE¼SE¼.
T. 11 S., R. 95 W.,
Sec. 5, lot 8 and SW¼.
T. 10 S., R. 96 W.,
Sec. 18, lot 4;
Sec. 21, NE¼SE¼ and S½SE¼;
Sec. 22, W½SW¼;
Sec. 23, NE¼SE¼;
Sec. 24, W½SW¼;
Sec. 25, NW¼NW¼, NE¼SW¼, S½SW¼ and NW¼SE¼;
Sec. 26, SE¼NW¼;
Sec. 27, SW¼NE¼, NW¼NW¼, S½NW¼, SW¼ and NW¼SE¼;
Sec. 28, NE¼ and E½SE¼;
Sec. 29, SE¼SE¼.
T. 11 S., R. 96 W.,
Sec. 4, lots 22, 24, 25, 26, 27, 28, 29 and 30;
Sec. 6, lots 19, 20, and 21;
Sec. 9, NW¼SW¼ and S½SW¼;
Sec. 16, NE¼.
T. 10 S., R. 97 W.,
Sec. 13, SE¼SW¼ and S½SE¼;
Sec. 14, NE¼NW¼;
Sec. 15, SE¼NE¼, NW¼ and NW¼SW¼;
Sec. 16, all;
Sec. 21, all;
Sec. 22, NW¼NW¼, S½NW¼ and SW¼;
Sec. 23, SE¼NE¼ and E½SE¼;
Sec. 24, W½NE¼, NE¼NW¼, S½NW¼ and NW¼SW¼;
Sec. 27, NW¼ and N½SW¼;
Sec. 28, E½, E½W½ and SW¼SW¼;
Sec. 33, S½S½;
Sec. 34, all.

The above areas aggregate 9,187.74 acres.

E. N. NIELSEN, *Assistant Commissioner.*

[Colorado 019106]

SEPTEMBER 15, 1958.

I concur.

The public domain lands shall continue to be administered by the Bureau of Land Management until they are needed for reclamation purposes.

EDWARD WOOZLEY, *Director, Bureau of Land Management.*

Notice for Filing Objections to Order Withdrawing Public Lands for the Collbran Project, Colorado

MARCH 22, 1957.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Colorado, for use in connection with the proposed Collbran Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN, *Assistant Commissioner.*

[F. R. Doc. 58–7677; Filed, Sept. 19, 1958; 8:46 a. m.]

National Park Service

[Order 14, Amdt. 11]

REGIONAL DIRECTORS

DELEGATIONS OF AUTHORITY

SEPTEMBER 16, 1958.

Paragraph (i) of section 1 of Order No. 14, issued December 1, 1954 (19 F. R. 8324), as amended August 31, 1955 (20 F. R. 6752), and January 12, 1957 (22 F. R. 270), is amended to read as follows:

(i) Execution and termination of concession contracts and permits in excess of five years or involving a gross annual business of $100,000 or more, and the approval of subagreements thereunder regardless of the term of such subagreements, and approval of transfers and issues of corporate stock of concessioners which would vest in the transferee 50 percent or more of the outstanding stock or would otherwise result in a change of control of the corporation.

(Secretary's Order No. 2640; 5 U. S. C., 1952 ed., sec. 22; sec. 2, Reorg. Plan No. 3 of 1950)

E. T. SCOYEN, *Acting Director.*

[F. R. Doc. 58–7676; Filed, Sept. 19, 1958; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JOSEPH P. CROSBY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 14, 1956, 21 F. R. 1608; August 31, 1956, 21 F. R. 6585; March 5, 1957, 22 F. R. 1346; September 14, 1957, 22 F. R. 7384; March 12, 1958, 23 F. R. 1706–7.

A. Deletions: None.
B. Additions: Lodge & Shipley.

This statement is made as of August 24, 1958.

JOSEPH P. CROSBY.

AUGUST 24, 1958.

[F. R. Doc. 58–7699; Filed, Sept. 19, 1958; 8:52 a. m.]

HAROLD J. VORZIMER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of October 3, 1956, 21 F. R. 7581; March 29, 1957, 22 F. R. 2093; October 10, 1957, 22 F. R. 8072; March 25, 1958, 23 F. R. 1974.

A. Deletions: No changes.
B. Additions: No changes.

This statement is made as of September 12, 1958.

HAROLD J. VORZIMER.

SEPTEMBER 12, 1958.

[F. R. Doc. 58–7700; Filed, Sept. 19, 1958; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12058, 12462; FCC 58M–993]

KBR STATIONS, INC., AND KENNETH E. SHAW

ORDER CONTINUING HEARING

In re applications of the KBR Stations, Inc., Keene, New Hampshire, Docket No. 12058, File No. BP–10732; Kenneth E. Shaw, Newport, New Hampshire, Docket No. 12462, File No. BP–11782; for construction permits.

On the Hearing Examiner's own motion: *It is ordered*, This 15th day of September 1958, that hearing in the above-entitled matter now scheduled for September 24, 1958, is continued to a date to be determined later; and that a pre-hearing conference will be held September 23, 1958, at 10:00 a. m., in the offices of the Commission in Washington, D. C.

Released: September 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58–7704; Filed, Sept. 19, 1958; 8:53 a. m.]

[Docket Nos. 12058, 12462; FCC 58M–1007]

KBR STATIONS, INC. AND KENNETH E. SHAW

ORDER CONTINUING HEARING CONFERENCE

In re applications of the KBR Stations, Inc., Keene, New Hampshire, Docket No. 12058, File No. BP–10732; Kenneth E. Shaw, Newport, New Hampshire, Docket No. 12462, File No. BP–11782; for construction permits.

At the oral request of counsel for KBR and with the consent of all other parties to the proceeding: *It is ordered*, This 16th day of September 1958, that the pre-hearing conference now scheduled for September 23, 1958, is continued to October 1, 1958.

Released: September 17, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58–7705; Filed, Sept. 19, 1958; 8:53 a. m.]

[Docket Nos. 12467, 12468; FCC 58M–995]

L & B BROADCASTING CO. AND PACIFIC BROADCASTERS (KUDE)

ORDER CONTINUING HEARING

In re applications of William L. Miller and Luther Pillow, d/b as L & B Broadcasting Company, Hemet, California, Docket No. 12467, File No. BP–11217; Walter N. Nelskog and Darrell R. Anderson, d/b as Pacific Broadcasters (KUDE), Oceanside, California, Docket No. 12468, File No. BP–11652; for construction permits.

The Hearing Examiner having under consideration a motion, filed by Pacific Broadcasters on September 11, 1958, for continuance and extension of the dates now set for exchange of exhibits, further prehearing conference, and hearing; and

It appearing, that counsel for L & B, Los Angeles Broadcasting Company and the Broadcast Bureau, three of the parties, have consented to the immediate consideration of the motion and have no objection to its grant; that negotiations are now in progress which may obviate the necessity for hearing or at least in part eliminate the existing conflict; and that in view of the present schedule the public interest requires consideration of the motion before the expiration of the period for filing opposition;

It is ordered, This 15th day of September 1958, that the motion is granted, and the dates for exchanging exhibits and for further prehearing conference are respectively extended from September 12 and 22, 1958, to September 22 and October 2, 1958, and the hearing is continued from September 29 to October 9, 1958.

Released: September 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58–7706; Filed, Sept. 19, 1958; 8:53 a. m.]

[Docket No. 12486; FCC 58M–1000]

MICHAEL ALAN KAUFMAN

ORDER CHANGING PLACE OF HEARING

In the matter of Michael Alan Kaufman, Sherman Oaks, California, Docket No. 12486; suspension of amateur radio operator license.

It is ordered, This 15th day of September 1958, that Basil P. Cooper, in lieu of James D. Cunningham, will preside at the hearing in the above-entitled proceeding which heretofore was scheduled to be held in Washington, D. C., on October 3, 1958: *And it is further ordered*, That the said hearing will be held in Los Angeles, California, in lieu of Washington, D. C.

Released: September 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58–7707; Filed, Sept. 19, 1958; 8:53 a. m.]

[Docket No. 12499; FCC 58M–999]

ROBERT RAESIDE BUNTON

ORDER CHANGING PLACE OF HEARING

In the matter of Robert Raeside Bunton, Los Angeles, California, Docket No.

12499; suspension of Amateur Radio Operator License (W6GWO).

It is ordered, This 15th day of September 1958, that Basil P. Cooper, in lieu of James D. Cunningham, will preside at the hearing in the above-entitled proceeding which heretofore was scheduled to be held in Washington, D. C., on October 6, 1958: *And it is further ordered*, That the said hearing will be held in Los Angeles, California, in lieu of Washington, D. C.

Released: September 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7708; Filed, Sept. 19, 1958; 8:53 a. m.]

[Docket No. 12524; FCC 58M-1001]

SAMUEL JAMES ROLEY

ORDER CHANGING PLACE OF HEARING

In the matter of Samuel James Roley, Beverly Hills, California, Docket No. 12524; suspension of Amateur Radio Operator License (W6VUP).

It is ordered, This 15th day of September 1958, that Basil P. Cooper, in lieu of James D. Cunningham, will preside at the hearing in the above-entitled proceeding which heretofore was scheduled to be held in Washington, D. C., on October 7, 1958: *And it is further ordered*, That the said hearing will be held in Los Angeles, California, in lieu of Washington, D. C.

Released: September 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7709; Filed, Sept. 19, 1958; 8:53 a. m.]

[Docket No. 12552; FCC 58M-998]

CHARLES A. BAILEY, JR.

ORDER CHANGING PLACE OF HEARING

In the matter of Charles A. Bailey, Jr., Los Angeles, California, Docket No. 12552; suspension of Amateur Radio Operator License (W6BXL).

It is ordered, This 15th day of September 1958, that Basil P. Cooper, in lieu of Forest L. McClenning, will preside at the hearing in the above-entitled proceeding which heretofore was scheduled to be held in Washington D. C., on October 23, 1958: *And it is further ordered*, That the said hearing will be held in Los Angeles, California, in lieu of Washington, D. C.

Released: September 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7710; Filed, Sept. 19, 1958; 8:53 a. m.]

[Docket No. 12580; FCC 58M-996]

JAMES M. BRANDENBURG

ORDER CHANGING PLACE OF HEARING

In the matter of James M. Brandenburg, 1832 Josie Avenue, Long Beach 15, California, Docket No. 12580; suspension of restricted radiotelephone operator permit.

It is ordered, This 15th day of September 1958, that hearing in the above-entitled proceeding, which heretofore was scheduled to commence October 17, 1958, in San Francisco, California, will be held in Los Angeles, California.

Released: September 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7711; Filed, Sept. 19, 1958; 8:53 a. m.]

[Docket No. 12593; FCC 58M-1006]

SOUTH COUNTY BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Jack C. Salera, tr/as South County Broadcasting Company, Wickford, Rhode Island, Docket No. 12593, File No. BP-11383; for construction permit.

It is ordered, This 15th day of September 1958, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 12, 1958, in Washington, D. C.

Released: September 17, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7712; Filed, Sept. 19, 1958; 8:53 a. m.]

[Docket Nos. 12594, 12595; FCC 58M-1005]

STANDARD BROADCASTING CORP. AND CLIFFORD C. HARRIS

ORDER SCHEDULING HEARING

In re applications of Standard Broadcasting Corporation, Oswego, New York, Docket No. 12594, File No. BP-11255; Clifford C. Harris, Oswego, New York, Docket No. 12595, File No. BP-11476; for construction permits.

It is ordered, This 15th day of September 1958, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 12, 1958, in Washington, D. C.

Released: September 17, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7713; Filed, Sept. 19, 1958; 8:54 a. m.]

[Docket No. 12596; FCC 58M-1004]

KWEW, INC.

ORDER SCHEDULING HEARING

In re application of KWEW, Inc. (KWEW), Hobbs, New Mexico, Docket No. 12596, File No. BP-11322; for construction permit.

It is ordered, This 15th day of September 1958, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 10, 1958, in Washington, D. C.

Released: September 17, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7714; Filed, Sept. 19, 1958; 8:54 a. m.]

[Docket No. 12597; FCC 58M-1002]

JANE A. ROBERTS (KCFI)

ORDER SCHEDULING HEARING

In re application of Jane A. Roberts (KCFI), Cedar Falls, Iowa, Docket No. 12597, File No. BL-7011; for station license.

It is ordered, This 15th day of September 1958, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 10, 1958, in Washington, D. C.

Released: September 17, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7715; Filed, Sept. 19, 1958; 8:54 a. m.]

[Docket No. 12598; FCC 58M-1003]

M & M BROADCASTING CO. (WMBV-TV)

ORDER SCHEDULING HEARING

In re application of M & M Broadcasting Company (WMBV-TV), Marinette, Wisconsin, Docket No. 12598, File No. BPCT-2524; for television construction permit.

It is ordered, This 15th day of September 1958, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 14, 1958, in Washington, D. C.

Released: September 17, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7716; Filed, Sept. 19, 1958; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15348]

LONE STAR GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 16, 1958.

Take notice that Lone Star Gas Company (Applicant), a Texas corporation with its principal place of business in Dallas, Texas, filed an application in Docket No. 15348 on June 20, 1958 pursuant to section 7 of the Natural Gas Act for (1) a certificate of public convenience and necessity authorizing the construction and operation of approximately 9.51 miles of 8-inch gas transmission pipeline, located in Wilbarger County, Texas, and Tillman County, Oklahoma and (2) for permission and approval to abandon and remove 9.5 miles of 6-inch gas pipeline from Line A-1, and replace the same with 8-inch pipe referred to above, subject to the jurisdiction of the Commission, and as more fully described in the application on file with the Commission and open for public inspection.

The application recites that the estimated total capital cost of the proposed facilities is $135,797, and will be defrayed from funds on hand. The salvage value of the 6-inch line to be abandoned is $34,300, with cost of removal stated to be $15,006.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission, by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 29, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 13, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7680; Filed, Sept. 19, 1958; 8:47 a. m.]

[Docket No. G-16247]

MIDSTATES OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 16, 1958.

Midstates Oil Corporation (Operator), et al. (Midstates), on August 18, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdicton of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 15, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 5 to Midstates' FPC Gas Rate Schedule No. 1.

Effective date: September 26, 1958 (effective date is the effective date proposed by Midstates).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

This suspension, however, is based solely on the possibility of the additional tax being invalidated and that only such tax reimbursement shall be made effective subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Midstates' FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Midstates' FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 27, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7681; Filed, Sept. 19, 1958; 8:47 a. m.]

[1] Supplement No. 4 to Midstates' FPC Gas Rate Schedule No. 1 (Louisiana gathering tax increase), was suspended for 1 day until August 2, 1958, in Docket No. G-15567, and is now in effect subject to refund.

[Docket No. G-16248]

J. R. FRANKEL ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 16, 1958.

J. R. Frankel, et al. (Frankel), on August 26, 1958, tendered for filing a proposed change in his presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 22, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 7 to Frankel's FPC Gas Rate Schedule No. 1.

Effective date: October 1, 1958 (effective date is the effective date proposed by Frankel).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

This suspension, however, is based solely on the possibility of the additional

[1] Supplement No. 6 to Frankel's FPC Gas Rate Schedule No. 1 (Louisiana gathering tax increase), was suspended for 1 day until August 2, 1958, in Docket No. G-15630, and is now in effect subject to refund.

tax being invalidated and that only such tax reimbursement shall be made effective subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Frankel's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Frankel's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7682; Filed, Sept. 19, 1958; 8:47 a. m.]

[Project No. 2079]

PLACER COUNTY WATER AGENCY

NOTICE OF AMENDED APPLICATION FOR PRELIMINARY PERMIT

SEPTEMBER 16, 1958.

Public notice is hereby given that Placer County Water Agency, of Auburn, California, has filed an amended application under the Federal Power Act (16 U. S. C. 791a–825r) for a preliminary permit for proposed water-power Project No. 2079 to be located on Middle Fork of American River and its tributaries in Placer and El Dorado Counties, California; in the region of Auburn, Georgetown, and Foresthill, California, affecting lands of the United States in Tahoe and Eldorado National Forests. The County of Placer, original applicant in this proceeding, has assigned to Placer County Water Agency all applications, permits, licenses, and rights for development of this project. The proposed project would be known as Middle Fork American River Project and would have an estimated total installed capacity of 230,000 kilowatts. The amended application deletes those project works licensed as parts of Project No. 2101 and otherwise so modifies the proposed project that it is now described as follows: (a) Two headwater reservoirs; French Meadows on the Middle Fork of American River with a feeder tunnel from Duncan Creek, and Lower Hell Hole on the Rubicon River, with associated conduits and power plants; (b) a regulating reservoir at Parsley Bar on the Rubicon River; (c) a main power conduit consisting of a tunnel to Long Canyon and a canal along Ralston Ridge to a forebay at the end of the ridge; (d) a high-head Ralston Power Plant, served by a shaft and tunnel from Ralston Forebay and discharging into the Rubicon River arm of an American Bar Reservoir on the Middle Fork of American River; and (e) a low-head American Bar Power Plant discharging into the Middle Fork of American River and served by a tunnel from the American Bar Reservoir.

No construction is authorized under a preliminary permit. A permit, if issued, merely gives permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is October 31, 1958. The application is on file with the Commission for public inspection.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7683; Filed, Sept. 19, 1958; 8:48 a. m.]

[Project No. 2179]

MERCED IRRIGATION DISTRICT

NOTICE OF APPLICATION FOR LICENSE

SEPTEMBER 16, 1958.

Public notice is hereby given that Merced Irrigation District, of Merced, California, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for license for proposed water-power Project No. 2179, to be located on the Merced River in Mariposa and Merced Counties, California, and to consist of the proposed Bagby and Snelling developments and the enlarged Exchequer development described in more detail as follows: (1) Bagby development, consisting of an earth and rock fill dam 418 feet high located about ½ mile downstream from the town of Bagby; a detached concrete saddle spillway with tainter gates; reservoir with storage of 415,000 acre-feet and area of 3,200 acres at maximum water surface elevation 1160 feet; intake structure; diversion tunnel and penstock totalling 1,300 feet in length; powerhouse containing two 40,000-horsepower turbines connected to two 25,000-kilowatt generators; substation; and appurtenant facilities; (2) Exchequer development, an enlargement of the applicant's existing Exchequer development (Project No. 88), and consisting of a concrete dam 486 feet high; an earth fill dike; a detached concrete saddle spillway with tainter gates; reservoir with storage of 1,000,000 acre-feet and area of 6,800 acres at maximum water surface elevation 865 feet; penstocks through the dam; powerhouse at toe of dam containing two 73,000-horsepower turbines connected to two 45,500-kilowatt generators; substation; and appurtenant facilities; and (3) Snelling development, consisting of a rock fill dam 116 feet high with gated spillway section located about 3½ miles upstream from the town of Snelling; 6 dikes; reservoir with storage of 190,000 acre-feet and area of 4,050 acres at maximum water surface elevation 400 feet; intake structure; tunnel and penstock through the dam; powerhouse near the left abutment of the dam containing a 40,000-horsepower turbine connected to a 25,000-kilowatt generator; substation; and appurtenant facilities. The Snelling development will inundate the Merced Falls project of Pacific Gas and Electric Company (Project No. 1335).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is October 27, 1958. The application is on file with the Commission for public inspection.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7684; Filed, Sept. 19, 1958; 8:48 a. m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

LEROY LUTES

NOTICE OF APPOINTMENT AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710(b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Lt. Gen. LeRoy Lutes (USA Ret.), as an Advisor, (Member, Mobilization Policy Advisory Committee), in the Emergency Resources Management Area, in the Office of Defense and Civilian Mobilization. Mr. Lutes' statement of his business interests is attached.

Dated: August 5, 1958.

LEO A. HOEGH,
Director, Office of Defense and Civilian Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Stock owned in:
Bank of America (California)
American Trust Co., San Francisco, Calif.
Petroleum Corp. of America
Borax Holdings, Ltd.
Shamrock Oil Co.

NOTE: Have resigned from positions of President of Pacific Tire & Rubber Co. and Vice President, Mansfield, Tire & Rubber Co.

Dated: August 5, 1958.

LEROY LUTES,
Lt. Gen., U. S. Army (Ret.).

[F. R. Doc. 58-7672; Filed, Sept. 19, 1958; 8:45 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-XIII-6, Amdt. 1]

BRANCH MANAGER, HELENA, MONTANA

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-XIII-6, 22 F. R. 8299, is hereby amended by:

Adding the following new paragraph to section I. B:

2-a. To approve but not decline participation loans in an amount not exceeding $100,000.00.

Dated: September 4, 1958.

ROBERT F. BUCK,
Regional Director, Region XIII.

[F. R. Doc. 58-7691; Filed, Sept. 19, 1958; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

EMPLOYMENT OF LEARNERS

ISSUANCE OF SPECIAL CERTIFICATES

SEPTEMBER 16, 1958.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200) and Administrative Order No. 507 (23 F. R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

M. Fine and Sons Manufacturing Co., Inc., 15th and Main Streets, New Albany, Ind.; effective 9-4-58 to 9-3-59 (cotton and wool work shirts and jackets).

Greenwood Shirt Co., Inc., 145 Maxwell Avenue, Greenwood, S. C.; effective 9-6-58 to 9-5-59 (men's and boys' sport shirts).

International Latex Corporation, Lafayette, Ala.; effective 9-22-58 to 9-21-59 (brassieres).

The Jerold Corp., Smithfield, N. C.; effective 9-15-58 to 9-14-59 (children's sportswear).

Lackawanna Pants Manufacturing Co., corner Brook Street and Cedar Avenue, Scranton, Pa.; effective 9-8-58 to 9-7-59 (trousers).

Wilcox Garment Co., Inc., Rochelle, Ga.; effective 9-8-58 to 9-7-59 (men's dress and semi-dress shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bearden Enterprises, Inc., Bearden, Ark.; effective 9-8-58 to 9-7-59; 10 learners (robes, shorts, capri pants, blouses).

Blue Bell, Inc., Ada, Okla.; effective 9-9-58 to 9-8-59; 10 learners (men's and boys' dungarees).

Jomar Manufacturing Co., 105 North 8th Street, Allentown, Pa.; effective 9-6-58 to 9-5-59; 4 learners (ladies' blouses).

Schoolhouse Togs, Inc., Rockport, Maine; effective 9-8-58 to 4-24-59; 10 learners (replacement certificate) (children's blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Fairfield Manufacturing Co., Inc., Winnsboro, S. C.; effective 9-8-58 to 3-7-59; 30 learners (women's cotton dresses).

Roydon Wear, Inc., Oak Street, McRae, Ga.; effective 9-8-58 to 3-7-59; 30 learners (men's and boys' outerwear, trousers and shorts).

Stanley Manufacturing Co., Manila, Ark.; effective 9-8-58 to 3-7-59; 25 learners (women's and children's slacks).

Styl-Mac, Inc., Southerland Avenue, Monroe, N. C.; effective 9-6-58 to 3-5-59; 54 learners (boys' cotton pants).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

General Cigar Co., Inc., White Owl Avenue and Robert Burns Drive, Mahanoy City, Pa.; effective 9-8-58 to 3-7-59; 75 learners for plant expansion purposes in the occupations of: (1) Cigar machine operator, and packer (cigars retailing for more than 6 cents), 320 hours each; and (2) packer (cigars retailing for 6 cents or less), and machine stripper, 160 hours each. All at 85 cents an hour.

General Cigar Co., Inc., White Owl and Robert Burns Drive, Mahanoy City, Pa.; effective 9-14-58 to 9-13-59; 10 percent of total number of factory production workers for normal labor turnover purposes in the occupations of: (1) Cigar machine operator, and packer (cigars retailing for more than 6 cents), 320 hours each; and (2) packers (cigars retailing for 6 cents or less), and machine stripper, 160 hours each. All at 85 cents an hour.

Glove Industry Learner Regulations, (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Burnham-Edina Manufacturing Co., Edina, Mo.; effective 9-8-58 to 9-7-59; 5 learners for normal labor turnover purposes (leather-palm work gloves).

Hosiery Industry Learner Regulations, (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Alamance Hosiery Mills, Inc., Burlington, N. C.; effective 9-12-58 to 9-11-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Ellen Knitting Mills, Inc., Spruce Pine, N. C.; effective 9-9-58 to 3-8-59; 10 learners for plant expansion purposes (seamless).

Kayser-Roth Hosiery Co., Inc., Duke Division, Hickory, N. C.; effective 9-8-58 to 9-7-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (finishing hosiery only, consisting of dyeing, boarding, pairing, transfer, etc.) (seamless).

Pickett Hosiery Mills, Inc., 258 Trade Street, Burlington, N. C.; effective 9-6-58 to 9-5-59; 5 learners for normal labor turnover purposes (seamless).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Sham-O-Kin Shoe Corp., Franklin Street, Shamokin, Pa.; effective 9-20-58 to 9-19-59; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Harrisburg Manufacturing Co., 43 South Main Street, Harrisburg, Ill.; effective 9-8-58 to 3-7-59; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator, for a learning period of 240 hours, at the rate of 90 cents an hour (caps).

B. H. Wilson Fisheries, Battery Street, Eastport, Maine; effective 9-8-58 to 3-7-59; 6 learners for normal labor turnover purposes in the occupation of sardine packer, for a learning period of 160 hours at the rates of 85 cents an hour for the first 80 hours and not less than 90 cents an hour for the remaining 80 hours (sardine canning).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), and Part 527 of the regulations issued thereunder (29 CFR Part 527) special certificates authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. Effective and expiration dates, occupations, wage

rates, number or proportion of student-workers as learners, and learning periods for the certificates issued under Part 527 are as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Indiana Academy, Cicero, Ind.; effective 9-1-58 to 8-31-59; authorizing the employment of 40 student-workers in the furniture industry in the occupations of woodworking machine operator, assembler, furniture finisher helper, and related skilled and semiskilled occupations, for a learning period of 600 hours each, at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the second 300 hours (replacement certificate).

Maplewood Academy, Hutchinson, Minn.; effective 9-2-58 to 8-31-59; authorizing the employment of: (1) 31 student-workers in the bookbindery industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations, each for a learning period of 600 hours at rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the second 300 hours; and (2) 25 student-workers in the woodworking furniture industry in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semiskilled occupations, each for a learning period of 600 hours at rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the second 300 hours.

Ozark Academy, Gentry, Ark.; effective 9-2-58 to 8-31-59; authorizing the employment of: (1) 2 student-workers in the venetian blind manufacturing industry in the occupations of rail cutter, machine operator, spray painter, slat cord and tape cutter and assembler, and related skilled and semiskilled operations, for a learning period of 400 hours at rates of 85 cents an hour for the first 200 hours and 90 cents an hour for the second 200 hours; and (2) 12 student-workers in broom making industry, in the occupations of broommaker, stitcher, sorter, winder, painter, and related skilled and semiskilled occupations each for a learning period of 360 hours at rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the second 180 hours.

Southern Missionary College, Collegedale, Tenn.; effective 9-1-58 to 8-31-59; authorizing the employment of: (1) 42 student-workers in the print shop in the occupations of compositor, pressman, bookbinder, and related skilled and semiskilled occupations including incidental clerical work, each for a learning period of 1,000 hours at rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the second 500 hours; (2) 55 student-workers in broom making industry in occupations of broommaker, stitcher, winder, sorter, and related skilled and semiskilled occupations, each for a learning period of 360 hours at rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the second 180 hours; and (3) 20 student-workers in clerical occupations of typist, stenographer, and related skilled and semiskilled occupations, each for a learning period of 480 hours at rates of 85 cents an hour for the first 240 hours and 90 cents an hour for the second 240 hours.

Union College, Lincoln, Nebr.; effective 9-2-58 to 8-31-59; authorized the employment of: (1) 6 student-workers in the print shop in occupations of compositor, pressman, and related skilled and semiskilled occupations each for a learning period of 1,000 hours at rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the second 500 hours; (2) 10 student-workers in the bookbindery industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations each for a learning period of 600 hours at rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the second 300 hours; (3) 5 student-workers in the broom making industry, in the occupations of broom maker, stitcher, and related skilled and semiskilled occupations each for a learning period of 360 hours at rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the second 180 hours; (4) 30 student-workers in the furniture industry in the occupations of woodworking machines operator, assembler, finisher, and related skilled and semiskilled occupations, each for a learning period of 600 hours at rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the second 300 hours; (5) 5 student-workers in clerical occupations of bookkeeper, business machines operator, and related skilled and semiskilled occupations, each for a learning period of 480 hours at rates of 240 hours at 85 cents an hour and 240 hours at 90 cents an hour.

These student-worker certificates were issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Signed at Washington, D. C., this 12th day of September 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-7678; Filed, Sept. 19, 1958; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 26]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 17, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 60954. By order of September 12, 1958, The Transfer Board approved the transfer to Joseph Ribaul Transfer Co., Inc., Gretna, La., of Certificate No. MC 16741, issued March 24, 1954, to Mary D. Ribaul, doing business as Joseph Ribaul, Gretna, La., authorizing the transportation of general commodities, excluding household goods and other specified commodities, between points within seven miles of New Orleans, La., including New Orleans. Joseph Ribaul, Jr., 714 Fourth St., Gretna, La., for applicants.

No. MC-FC 61179. By order of September 12, 1958, The Transfer Board approved the transfer to Flanagan Bus Lines, Inc., Gardner, Mass., of Certificate No. MC 90827, issued February 21, 1941, to Thomas V. Flanagan and Michael J. Marnane, a partnership, doing business as Flanagan's Bus Lines, Gardner, Mass., authorizing the transportation of Passengers and their baggage, in charter service, over irregular routes, from Gardner, Mass., and points in Massachusetts within 25 miles of Gardner, to Thompson, Conn., and points in New Hampshire and Rhode Island, and return; and, from Fitzwilliam, New Hampshire to points in Massachusetts, and return. Wand, Bird and Donovan, 410 Main Street, Fitchburg, Mass., for applicants.

No. MC-FC 61413. By order of September 12, 1958, The Transfer Board approved the transfer to Floyd Grage, Manilla, Iowa, of Certificates Nos. MC 9551 and MC 9551 Sub 1, issued June 12, 1941 and August 31, 1950, respectively, to William A. Boyens, Denison, Iowa, authorizing the transportation of *Livestock* and *agricultural commodities*, over regular routes, between Denison, Iowa, and Omaha, Nebr., *Livestock, building, materials*, and *feed*, from Omaha, Nebr. to Denison, Iowa. *Livestock*, over regular routes, between Manilla, Iowa and Omaha, Neb., and *General commodities*, excluding household goods and other specified commodities, over regular routes, from Omaha, Nebr., to Manilla, Iowa.

No. MC-FC 61479. By order of September 12, 1958, The Transfer Board approved the transfer to R. E. Eidsvold and R. H. Eidsvold, a Partnership, doing business as Dawn Moving and Storage Company, Minneapolis, Minnesota, of Certificate No. MC 10240, issued November 10, 1943, to Manhardt Storage Co., a Corporation, Milwaukee, Wisconsin, authorizing the transportation of household goods, between points in Wisconsin, and between points in Wisconsin, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, and Pennsylvania. Perry R. Moore, 1100 First National-Soo Line Building, Minneapolis 2, Minnesota, for applicants.

No. MC-FC 61509. By order of September 12, 1958, The Transfer Board approved the transfer to Fred Lee, doing business as La Cygne Truck Line, La Cygne, Kansas, of Certificates Nos. MC 29611 and MC 29611 Sub 1, issued June 23, 1941, and November 1, 1946, respectively, to George L. Harper, authorizing the transportation of *livestock*, and *general commodities*, excluding household goods and other specified commodities, between La Cygne, Kans., and Kansas City, Mo. Henry Vess, Agent, Western Tariff Services, Inc., 216 East 10th Street, Kansas City 6, Missouri, for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-7687; Filed, Sept. 19, 1958; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MAERKI, BAUMANN & CO. AG.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maerki, Baumann & Co. AG., Postfach, Frauenmuenster, Zurich 22, Switzerland; Claim No. 68181; $514.88 in the Treasury of the United States. Vesting Order No. 17829.

Executed at Washington, D. C., on September 15, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 58-7701; Filed, Sept. 19, 1958; 8:52 a. m.]

CLODIA BOEKELMAN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Clodia Boekelman, Edmund Sayer, Santa Barbara, Calif.; Clodia Boekelman Sample, Alfred Sample, Mary Rose Higgins, Victor Beguiristain Sample Higgins, Havana, Cuba; Claim No. 2268; All right, title, interest, and claim, as their interests may appear, of Clodia Boekelman Sayer, Edmund Sayer, Clodia Boekelman Sample, Alfred Sample, Mary Rose Higgins, and Victor Beguiristain Sample Higgins in and to the trusts created under the Tenth, Eleventh, and Fifteenth paragraphs of the will of Bernardus Boekelman, deceased, which property is in the process of administration by The Hanover Bank, Trustee u/w Bernardus Boekelman, deceased, acting under the judicial supervision of the Surrogate's Court of the County of New York, New York. Vesting Order No. 1994

Executed at Washington, D. C., on September 15, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 58-7702; Filed, Sept. 19, 1958; 8:52 a. m.]

SATAKO TAMAI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Satako Tamai, 1161 Tomiyasu, Yukawa-cho, Gobo-shi, Wakayama-ken, Japan; Claim No. 63221; $1,719.90 in the Treasury of the United States. Vesting Order Nos. 8145 and 11965.

Executed at Washington, D. C., on September 15, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 58-7703; Filed, Sept. 19, 1958; 8:53 a. m.]

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TITLE 5—
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PART 25—Fr
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PART 30—A
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FEDERAL REGISTER

VOLUME 23 NUMBER 186

Washington, Tuesday, September 23, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES PAY REGULATIONS

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Effective October 23, 1958, paragraphs (d) (6) and (e) (1) of § 25.11 are amended as set out below.

§ 25.11 *Definitions.* • • •

(d) • • •

(6) The period between (i) an individual's separation from active military duty (or hospitalization continuing thereafter as provided by law) and the date of restoration in accordance with his right of restoration; and (ii) the date of termination of employment of an employee and his reemployment under the mandatory provisions of any law, regulation, or Executive order.

(e) • • •

(1) Any increase in compensation granted by law after June 30, 1951;

2. Section 25.51, and paragraphs (b), (c), and (d) of § 25.52 are amended as set out below.

§ 25.51 *Scope.* Sections 25.51 to 25.54 apply to all officers and employees in or under the departments as defined in section 201 (a) of the Classification Act of 1949, as amended, subject to the exemptions specified in sections 202, 204, and 705 of that Act, in positions not above grade 15 of the General Schedule, who meet all of the conditions of eligibility for longevity step increases.

§ 25.52 *Definitions.* • • •

(b) "Longevity step increase" is a step increase above the maximum scheduled rate of the grade equal to a full step of the grade (except that the longevity step rate for grade GS–15 is the same as for grade GS–14), or an increase in an amount required to complete a full longevity step where the employee's existing rate of basic compensation is not a standard maximum or longevity rate for the grade in which the employee's position is placed.

(c) "Aggregate period" is a total of ten years in the present position, or in the present grade and equivalent or higher grades, of civilian service, including intervening military service which has interrupted civilian service, and excluding all periods of separation from the service and any unpaid absence in excess of 26 workweeks in any calendar year. For the purpose of this definition, an equivalent or higher grade under the Classification Act of 1949, as amended, shall be determined by the following table:

CPC-1, CPC-2, CPC-3	equivalent to GS–1	equivalent to SP-1, SP-2, CAF-1
CPC–4	equivalent to GS–2	equivalent to CAF–2, SP–3
CPC–5	equivalent to GS–3	equivalent to CAF–3, SP–4
CPC–6	equivalent to GS–4	equivalent to CAF–4, SP–5
CPC–7	equivalent to GS–5	equivalent to CAF–5, SP–6, P–1
CPC–8	equivalent to GS–6	equivalent to CAF–6, SP–7
CPC–9	equivalent to GS–7	equivalent to CAF–7, SP–8, P–2
CPC–10	equivalent to GS–8	equivalent to CAF–8
	GS–9	equivalent to CAF–9, P–3
	GS–10	equivalent to CAF–10
	GS–11	equivalent to CAF–11, P–4
	GS–12	equivalent to CAF–12, P–5
	GS–13	equivalent to CAF–13, P–6
	GS–14	equivalent to CAF–14, P–7
	GS–15	equivalent to CAF–15, P–8

Civilian service paid under authority other than the Classification Act of 1923, as amended, or the Classification Act of 1949, as amended, shall be deemed to be equivalent to the highest grade in the foregoing table in which the basic rate for such service would have been included at the time of such service.

(d) "Longevity period" is three years, of the aggregate period, of continuous service in a Classification Act position: (1) At the maximum scheduled rate of the employee's grade; or (2) at a longevity rate of the employee's grade; or (3) at a rate in excess of such maximum scheduled rate in accordance with a provision of law; or (4) at any of the rates specified in subparagraphs (1), (2), or (3) of this paragraph, in a grade higher

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FEDERAL REGISTER

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than his current grade. Intervening military service interrupting continuous service at one of the above rates is creditable for longevity step increases. A change of grade or rate of basic compensation prescribed by any law of general application does not begin a new longevity period. Any period of creditable service in excess of one or two complete longevity periods (except as otherwise provided in § 25.54 (c)), shall be credited toward the completion of the employee's next longevity step period. A new longevity period begins after a break in service in excess of four workweeks. The longevity period shall be extended for a sufficient amount of paid service to make up unpaid absences in excess of a total of six workweeks during such period.

3. Effective January 1, 1958, paragraphs (a) and (j) of § 25.102 are amended as set out below.

§ 25.102 *Definitions.* • • •

(a) "New appointment" is the first appointment, regardless of the tenure of appointment, as a Federal civilian officer or employee.

• • • • • •

(j) "Highest previous rate" is the highest basic salary rate previously paid to a Federal civilian employee occupying a position in any branch of the Federal Government (executive, legislative, or judicial), or in the municipal government of the District of Columbia, or in a mixed ownership corporation, irrespective of whether or not such position is subject to the pay schedules of the Classification Act The highest previous rate must be based on a regular tour of duty at such rate (1) under an appointment not limited to 90 days or less, or (2) for a continuous period of 90 days under one or more appointments without a break in service. If such highest previous rate was earned in a Classification Act position, it shall be increased by any subsequent amendments to the Classification Act pay schedules. If such highest previous rate was earned in a position not subject to the Classification Act it shall be increased only by those amendments to the Classification Act or other applicable statutory amendments which were enacted during a period when the employee was not in civilian service as described above.

(Sec. 1101, 63 Stat. 971; 5 U. S. C. 1072)

4. Effective on the first day of the first pay period which began on or after June 20, 1958, paragraph (b) of § 25.204 and paragraph (d) (3) of § 25.223 are amended as follows:

§ 25.204 *General pay computation method.* • • •

(b) Whenever, for the purposes of computing overtime, holiday, or night pay or additional pay on an annual basis under this subpart, it is necessary to convert a basic annual rate to a basic biweekly, weekly, daily, or hourly basic rate, the following rules shall govern:

(1) An hourly rate shall be derived by dividing the annual rate by two thousand and eighty;

(2) A daily rate shall be derived by multiplying the hourly rate by the number of daily hours of service required; and

(3) A weekly or biweekly rate shall be derived by multiplying the hourly rate by forty or eighty as the case may be.

(4) All rates shall be computed in full cents, counting a fraction of a cent as the next higher cent.

§ 25.223 *Computation of overtime compensation.* • • •

(d) • • •

(3) All rates shall be computed in full cents, counting a fraction of a cent as the next higher cent.

5. Effective on the first day of the first pay period which began on or after January 1, 1958, paragraph (h) of § 25.274 is amended as set out below.

§ 25.274 *Construction and computation of existing aggregate rates.* • • •

(h) An employee entitled to an existing aggregate rate shall have his "saved rate" increased by any pay increase authorized by law in an amount equal to the difference between the former top longevity rate and the current top longevity rate for his grade.

(Sec. 605, 59 Stat. 304; 5 U. S. C. 945)

6. Effective October 23, 1958, § 30.704 is amended as set out below.

§ 30.704 *Reestablishment of leave account as a credit or charge.* Any employee who leaves his civilian position to enter the military service shall have his existing leave account certified for credit or charge and such leave account shall be reestablished as a credit or charge when:

(a) He is restored in accordance with his right of restoration to his civilian position after separation from active military duty or hospitalization continuing thereafter as provided by law; or in accordance with the mandatory provisions of any statute, regulation, or Executive order; or

(b) He is reemployed in a position under the Act not later than 52 continuous calendar weeks after separation from active military duty.

(Sec. 206, 65 Stat. 681; 5 U. S. C. 2085)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-7740; Filed, Sept. 22, 1958; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter D—Soil and Water Conservation Loans

[FHA Instruction 442.1]

PART 351—POLICIES AND AUTHORITIES

SECURITY REQUIREMENTS FOR LOANS TO ASSOCIATIONS

Section 351.3 (f) (3) of Title 6, Code of Federal Regulations (20 F. R. 1966), is hereby amended to make it the responsibility of the applicant to obtain releases, consents, and subordinations to easements and rights-of-way across private lands as it deems necessary for the construction, operation, and maintenance of the facility, and to read as follows:

§ 351.3 *Loans to associations.* • • •

(f) *Security requirements.* • • •

(3) A lien will be taken on the interest of the applicant in all easements, rights-of-way, and water rights used in connection with the facility. In some instances, such easements or rights-of-

way will involve private lands, and will not be derived pursuant to State statutes authorizing the installation of facilities across lands of other owners. In such cases, it will be the responsibility of the borrower to obtain and record such releases, consents or subordinations to easements and rights-of-way from holders of outstanding liens as it determines, with the advice of its attorney, are necessary for the construction, operations, and maintenance of the facility on the right-of-way. However, when easements only are obtainable on sites for structures such as reservoirs and pumping stations, releases, consents, or subordinations may be required by the Farmers Home Administration. The mortgage will provide for the applicant to pay from its own funds any excess installation costs resulting from a failure to obtain adequate land, rights-of-way, or subordinations.

(R. S. 161, sec. 6, 50 Stat. 870, sec. 10, 68 Stat. 736; 5 U. S. C. 22, 16 U. S. C. 590w, 590x–3)

Dated: September 17, 1958.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 58–7744; Filed, Sept. 22, 1958; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

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Subchapter C—Interstate Transportation of Animals and Poultry

PART 83—SCREWWORMS

Pursuant to sections 1 and 2 of the Act of February 2, 1903, 32 Stat. 791, 792, as amended, and sections 4–7 of the Act of May 29, 1884, 23 Stat. 32, as amended (21 U. S. C. 111–113, 115, 117, 120), provisions to appear in a new Part 83, designated "Screwworms" in Title 9 of the Code of Federal Regulations, are hereby issued to read as follows:

Sec.
83.1 Definitions.
83.2 Notice relating to existence of screwworms.
83.3 Notice of regulation.
83.4 Interstate movements of affected livestock.
83.5 Cleaning and treatment of means of conveyance, facilities and premises; litter and manure.
83.6 Interstate movement of livestock from certain areas of recurring infestation by road vehicle or on foot.
83.7 Interstate movement of livestock from certain areas of recurring infestation by railroad or water or air carrier.
83.8 Interstate movement of livestock from areas of seasonal infestation or northern part of Florida.
83.9 Certificates; forms and distribution.
83.10 Designation of inspection station.
83.11 Permitted precautionary spray; approved treatments.
83.12 Exceptions.
83.13 Responsibility for handling livestock.
83.14 Applicability of general provisions in Part 71 of this chapter.

AUTHORITY: §§ 83.1 to 83.14 issued under sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interpret or apply secs. 4, 5, 6, 7, 23 Stat. 32, as amended; 21 U. S. C. 112, 113, 115, 117, 120.

§ 83.1 *Definitions.* As used in this part the following terms shall have the meanings set forth in this section:

(a) *Screwworms.* The communicable disease (myiasis) of livestock caused by the presence of the screwworm, Callitroga hominivorax.

(b) *Livestock.* Cattle, sheep, swine, goats, horses, mules, burros, or other livestock.

(c) *Director.* The Director of the Animal Disease Eradication Division, Agricultural Research Service, of the United States Department of Agriculture, or any other official of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *Federal Inspector.* An inspector of the Agricultural Research Service of the United States Department of Agriculture responsible for the function involved or a State employee appointed by the Department as a collaborator to perform the function involved.

(e) *Accredited veterinarian.* A veterinarian approved by the United States Department of Agriculture to perform the functions involved.

(f) *Person.* Any person, company, or corporation.

(g) *State.* Any State, the District of Columbia, or Puerto Rico.

(h) *Interstate.* From one State into or through any other State or Territory.

(i) *Area of recurring infestation.* The States designated as such in §83.2 where screwworms usually exist throughout the year or where screwworms usually exist each year from May 1 through October 31.

(j) *Area of seasonal infestation.* The States designated as such in § 83.2 in which there is reason to believe screwworms may exist each year from May 1 through October 31.

(k) *Eradication area.* Alabama, Florida, Georgia, Mississippi, and South Carolina.

(l) *Florida quarantine line.* A line established by the State of Florida to separate areas quarantined by the State from non-quarantined areas lying to the north, such line beginning on the west coast of Florida at the mouth and on the north side of the Withlacoochee River and extending east along said river to U. S. Highway 19, then north along said highway to the intersection of that highway and State Highway 40 at Inglis, then east along said Highway 40 to the Town of Ocala and along its town limits so as to place all of the town south of the line, then east along State Highway 40 through the Town of New Smyrna Beach to the end of said Highway on the east coast of Florida east of the Indian River, then north to Ponce de Leon inlet.

(m) *Northern part of Florida.* That part of Florida north of the Florida quarantine line.

(n) *Southern part of Florida.* That part of Florida south of the Florida quarantine line.

(o) *Moved.* Shipped, transported or otherwise moved, or delivered or received for movement, by any person, via land, water, or air.

(p) *Permitted precautionary spray.* Any spray or other pesticide listed in § 83.11 or otherwise permitted by the Director in specific cases for use under the regulations in this part.

(q) *Approved treatment.* Any wound treatment listed in § 83.11 or otherwise permitted by the Director in specific cases for use under the regulations in this part.

(r) *Federally inspected slaughtering establishment.* Any establishment where slaughtering operations are conducted under Federal meat inspection pursuant to the Meat Inspection Act of March 4, 1907, as amended and extended (21 U. S. C. 71–96).

§ 83.2 *Notice relating to existence of screwworms.* Notice is hereby given that screwworms usually exist in Florida, Louisiana, Texas, and Puerto Rico throughout the year and usually exist in Arkansas during the period May 1 through October 31, both inclusive, of each year, and said areas are hereby designated as areas of recurring infestation. Notice is also hereby given that there is reason to believe that screwworms may exist in all other States of the United States during the period May 1 through October 31, both inclusive, of each year, and such States are hereby designated as areas of seasonal infestation.

§ 83.3 *Notice of regulation.* Notice is hereby given that in order to effectually suppress and extirpate screwworms, to prevent the spread and dissemination of the contagion thereof, and to protect the livestock of the United States, the regulations in this part or promulgated to govern the interstate movement of livestock from areas of recurring infestation and areas of seasonal infestation.

§ 83.4 *Interstate movements of affected livestock.* No livestock affected with, or carrying the contagion of, screwworms shall be moved interstate for any purpose.

§ 83.5 *Cleaning and treatment of means of conveyance, facilities and premises; litter and manure.* (a) (1) Railroad cars, trucks, boats, aircraft, and other vehicles used in connection with the interstate movement of any livestock affected with, or carrying the contagion of, screwworms shall be thoroughly cleaned and treated in accordance with this paragraph immediately after the livestock are unloaded at destination and at each point enroute where the livestock are transferred to another means of conveyance; if the carrier has been given notice from the United States Department of Agriculture or is otherwise on notice that the livestock are so affected or carry such contagion. Otherwise the boat, aircraft, or vehicle shall be so cleaned and treated immediately upon receipt of such notice and wherever it is then located, except that if the boat, aircraft, or vehicle is in transit at the time such notice is received such cleaning and treatment may be postponed until such means of conveyance arrives at its next destination, where it shall be immediately cleaned and treated in accordance with this paragraph. Compliance with this paragraph shall be the responsibility of the carrier having custody of the means of conveyance at the time that cleaning and treatment is required.

(2) Except as provided in subparagraph (1) of this paragraph, no person, knowing that a railroad car, truck, boat, aircraft, or other vehicle has contained any livestock affected with, or carrying the contagion of, screwworms shall move such boat, aircraft, or vehicle interstate for any purpose until it has been thoroughly cleaned and treated in accordance with this paragraph.

(3) Yards, pens, chutes, alleys, and other facilities and premises which have been used in connection with interstate shipments of any livestock affected with, or carrying the contagion of, screwworms shall be thoroughly cleaned and treated in accordance with this paragraph immediately after such use. Compliance with this requirement shall be the responsibility of the person in possession of such premises or facilities.

(4) All cleaning and treatment required by this paragraph shall be conducted under supervision of a Federal inspector, and shall be conducted in accordance with § 71.9 of this chapter except that all litter and manure removed from any means of conveyance, facilities or premises shall be handled in such a manner as is required by the inspector to insure the destruction of screwworms (in any stage of the life cycle) that might be contained therein; and instead of a permitted disinfectant, dieldrin or heptachlor shall be used in accordance with directions given by the Federal inspector to carry out the purposes of this part; and it shall not be necessary to treat the surfaces of fencing or troughs. Aircraft shall be subject to the same requirements as are applicable to boats, and all other vehicles shall be subject to the same requirements as are applicable to cars under this paragraph and § 71.9 of this chapter.

(b) Whenever any livestock are inspected at an inspection station or other place under § 83.6 or § 83.7 (a) or (b), all straw and other litter in the railroad car, truck, boat, aircraft, or other vehicle, used in connection with the movement of the livestock to such station or other place shall be thoroughly saturated with dieldrin, heptachlor or Bayer 21/199 under the supervision of the Federal inspector. No person, knowing that a railroad car, truck, boat, aircraft, or other vehicle, is one in which such livestock were moved to such an inspection station or other place under this part, shall move such means of conveyance interstate until all litter therein has been treated as required by this paragraph.

§ 83.6 *Interstate movement of livestock from certain areas of recurring infestation by road vehicle or on foot.* Except as authorized under § 83.12, no livestock shall be moved by road vehicle or on foot, interstate, into or through any part of the eradication area from Louisiana or Texas, or the southern part of Florida at any time, or from Arkansas during the period May 1 to October 31, both inclusive, of any year, unless:

(a) Such livestock have been inspected by a Federal inspector at an appropriate inspection station designated in § 83.10; have been found upon such inspection to be free of any evidence of screwworms; then have been thoroughly treated with a permitted precautionary spray under the supervision of the inspector at such inspection station; and have been certified by the inspector in accordance with § 83.9 (a) and are accompanied to destination by such certificate; or

(b) Such livestock are being moved, for immediate slaughter, to a federally inspected slaughtering establishment or to a slaughtering establishment specifically approved in § 78.15 (b) of this chapter; have been inspected by a Federal inspector at an appropriate inspection station designated in § 83.10; have been found upon such inspection to be free of any evidence of screwworms; any wounds of the livestock have been given an approved treatment under the supervision of the inspector at such station; and the livestock have been certified by the inspector in accordance with § 83.9 (b) and are accompanied to destination by such certificate; or

(c) Such livestock are lactating cows or goats for dairy purposes or any livestock under two weeks of age; have been inspected by a Federal inspector at an appropriate inspection station designated in § 83.10; have been found upon such inspection to be free of any evidence of screwworms; any wounds of the livestock have been given an approved treatment under the supervision of the inspector at such station; and the livestock have been certified by the inspector in accordance with § 83.9 (c) and are accompanied to destination by such certificate.

§ 83.7 *Interstate movement of livestock from certain areas of recurring infestation by railroad or water or air carrier.* (a) Except as authorized under § 83.12, no livestock shall be moved by railroad, interstate, into or through any part of the eradication area from Louisiana or Texas at any time, or from Arkansas during the period May 1 to October 31, both inclusive, of any year, unless: (1) Such livestock have been unloaded at a feed-water-and-rest station at Baton Rouge, Louisiana, or a public stockyard, designated in § 78.14 of this chapter, at New Orleans, Louisiana, or Memphis, Tennessee, where in either case Federal inspection is made available, or are moved to such a station in Vicksburg, Mississippi, from Louisiana by the shortest possible route; are inspected by a Federal inspector at such station or stockyard and found upon such inspection to be free of any evidence of screwworms; then are thoroughly treated at such station or stockyard with a permitted precautionary spray under the supervision of the inspector; and are certified by the inspector in accordance with § 83.9 (a) and are accompanied to destination by such certificate; or

(2) Such livestock are being moved, for immediate slaughter, to a federally inspected slaughtering establishment or to a slaughtering establishment specifically approved in § 78.15 (b) of this chapter; are moved to and unloaded and inspected at a feed-water-and-rest station or a public stockyard as provided in subparagraph (1) of this paragraph and found upon such inspection to be free of any evidence of screwworms; any wounds of the livestock are given an approved treatment under the supervision of the ispector at such station or stockyard; and the livestock are certified by the inspector in accordance with § 83.9 (b) and are accompanied to destination by such certificate; or

(3) Such livestock are lactating cows or goats for dairy purposes or any livestock under two weeks of age; are moved to and unloaded and inspected at a feed-water-and-rest station or a public stockyard as provided in subparagraph (1) of this paragraph and found upon such inspection to be free of any evidence of screwworms; any wounds of the livestock are given an approved treatment under the supervision of the inspector at such station or stockyard; and the livestock are certified by the inspector in accordance with § 83.9 (c) and are accompanied to destination by such certificate.

(b) Except as authorized under § 83.12, no livestock shall be moved by railroad or water or air carrier, interstate, into or through any part of the eradication area from the southern part of Florida at any time, unless prior to loading at the point of origin of the shipment such livestock have been inspected by a Federal inspector; have been found upon such inspection to be free of any evidence of screwworms; then have been thoroughly treated with a permitted precautionary spray under the supervision of the inspector; and have been certified by the inspector in accordance with § 83.9 (a) and are accompanied to destination by such certificate, except that (1) livestock being moved, for immediate slaughter, to a federally inspected slaughtering establishment or to a slaughtering establishment specifically approved in § 78.15 (b) of this chapter, and (2) lactating cows and goats for dairy purposes and any livestock under two weeks of age shall not be treated with the permitted precautionary spray but any wounds of such livestock shall be given an approved treatment under the supervision of the inspector and the livestock shall be certified by the inspector in accordance with § 83.9 (b) or (c), respectively.

(c) Except as authorized under § 83.12, no livestock shall be moved by water or air carrier, interstate, into or through any part of the eradication area from Louisiana, Texas or Puerto Rico at any time, or from Arkansas during the period May 1 to October 31, both inclusive, of any year, unless such livestock have been inspected by a Federal inspector or an accredited veterinarian within 36 hours prior to loading at the point of origin of the shipment; have been found upon such inspection to be free of any evidence of screwworms; any wounds of the livestock have been given an approved treatment under the supervision of the inspector; and the livestock have

been certified by the inspector in accordance with § 83.9 (d) and are accompanied to destination by such certificate.

§ 83.8 *Interstate movement of livestock from areas of seasonal infestation or northern part of Florida.* (a) Except as provided in paragraph (b), (c), or (d) of this section or under § 83.12, no livestock shall be moved by road vehicle, or on foot, or by railroad or water or air carrier, interstate, into or through any part of the eradication area from any of the areas of seasonal infestation outside the eradication area, during the period May 1 to October 31, both inclusive, of any year, or from the northern part of Florida at any time, unless such livestock have been inspected by a Federal inspector or an accredited veterinarian and found to be free of any evidence of screwworms within 36 hours prior to loading for such movement and have been certified by the inspector or veterinarian in accordance with § 83.9 (d) and the certificate accompanies the livestock to destination.

(b) Except as provided in pragraphs (c) and (d) of this section, livestock originating in North Carolina or Tennessee may be moved interstate into Mississippi, Alabama, Georgia, or South Carolina from North Carolina or Tennessee during the period May 1 to October 31, both inclusive, of any year directly to a federally inspected slaughtering establishment or to a slaughtering establishment specifically approved in § 78.15 (b) of this chapter, for immediate slaughter, or to a federally inspected stockyard or a specifically approved stockyard listed in § 78.14 of this chapter, without inspection and certification as required by paragraph (a) of this section, if the livestock are accompanied to destination by a certificate signed by the consigner of the livestock stating: (1) The number, kind, breed, and sex of livestock covered by the certificate; (2) the destination of the livestock; (3) the purpose for which the livestock are moved interstate; (4) the point from which the livestock are moved interstate; (5) the names and addresses of the consignor and consignee; and that to the best knowledge of the consignor such livestock bear no evidence of screwworms. The movement during said period from such stockyards to other destinations of such livestock must comply with the provisions of this part the same as if the livestock had been originally consigned direct from the point of origin to such destination except that any inspection and certification required shall be performed at such stockyards.

(c) Except as provided in paragraph (d) of this section or § 83.12, no livestock shall be moved by road vehicle, or on foot, or by railroad, or otherwise, interstate, into or through any part of the eradication area from any public stockyard designated in § 78.14 (a) of this chapter, where Federal inspection is maintained, at Memphis, Tennessee, during the period May 1 to October 31, both inclusive, unless: (1) Such livestock have been inspected by a Federal inspector at the stockyard; have been found upon such inspection to be free of any evidence of screwworms; then have been thoroughly treated under the supervision of a Federal inspector with a permitted precautionary spray at the stockyard; and have been certified by the Federal inspector in accordance with § 83.9 (a) and are accompanied to destination by such certificate, or (2) such livestock are being moved, for immediate slaughter, to a federally inspected slaughtering establishment or to a slaughtering establishment specifically approved in § 78.15 (b) of this chapter, have been inspected by a Federal inspector at such stockyard; have been found upon such inspection to be free of any evidence of screwworms; any wounds on the livestock have been given an approved treatment under the supervision of the inspeotor at such stockyard; and the livestock have been certified by the inspector in accordance with § 83.9 (b) and are accompanied to destination by such certificate; or (3) such livestock are lactating cows or goats for dairy purposes or any livestock under two weeks of age; have been inspected by a Federal inspector at the stockyard; have been found upon such inspection to be free of any evidence of screwworms; any wounds of the livestock have been given an approved treatment under the supervision of the inspector at such stockyard; and the livestock have been certified by the inspector in accordance with § 83.9 (c) and are accompanied to destination by such certificate.

(d) Any livestock being moved interstate from any of the areas of seasonal infestation through any of the areas of recurring infestation, except the northern part of Florida, in transit into or through any part of the eradication area, shall be deemed to be moving from such area of recurring infestation when they depart from it and shall be subject to the requirements of § 83.6 or § 83.7, instead of this section, unless they are moved through such area of recurring infestation wholly via air carrier, in which case they shall be subject to the applicable requirements of paragraph (a), (b), or (c) of this section.

§ 83.9 *Certificates; forms and distribution.* (a) When a lot of livestock has been inspected and found to be free of any evidence of screwworms and has been thoroughly treated with a permitted precautionary spray at an inspection station or other place in accordance with § 83.6 (a), § 83.7 (a) (1) or (b), § 83.8 (c) (1), or § 83.12 (a), the inspector may issue a certificate, in quadruplicate, reciting such facts, identifying the lot by number of livestock, kind, breed, and sex, and giving the date of inspection and treatment, the names and addresses of the consignor and consignee, and the point of origin and destination of the shipment.

(b) When a lot of livestock, to be moved under this part, for immediate slaughter, to a federally inspected slaughtering establishment or a slaughtering establishment specifically approved in § 78.15 (b) of this chapter, has been inspected and found free of any evidence of screwworms and treated at an inspection station or other place in accordance with § 83.6 (b), § 83.7 (a) (2) or (b), § 83.8 (c) (2), or § 83.12 (a), the inspector may issue a certificate in quadruplicate, reciting that the lot has been so inspected and found free of any evidence of screwworms and treated, identifying the lot by number of livestock, kind, breed, and sex, and giving the date of inspection, the names and addresses of the consignor and consignee, and the point of origin and destination of the shipment.

(c) When a lot of lactating cows or goats for dairy purposes or any livestock under two weeks of age has been inspected and found free of any evidence of screwworms and treated at an inspection station or other place in accordance with § 83.6 (c), § 83.7 (a) (3) or (b), § 83.8 (c) (3), or § 83.12 (a), the inspector may issue a certificate, in quadruplicate, reciting that the lot has been so inspected and found free of any evidence of screwworms and treated, identifying the lot by number of livestock, kind, breed, and sex, and giving the date of inspection and treatment, the names and addresses of the consignor and consignee, and the point of origin and destination of the shipment.

(d) When a lot of livestock, to be moved from an area of seasonal infestation or the northern part of Florida under § 83.8 (a), or by water or air carrier from an area of recurring infestation under § 83.7 (c), has been inspected by a Federal inspector or an accredited veterinarian and found to be free of any evidence of screwworms, in accordance with said sections, such inspector or veterinarian may issue a certificate, in quadruplicate, reciting that the lot has been so inspected and found free of any evidence of screwworms, identifying the lot by number of livestock, kind, breed, and sex, and giving the date of inspection, the names and addresses of the consignor and consignee, and the point of origin and destination of shipment. In the case of livestock moved under § 83.7 (c), the certificate shall also state that any wounds on the livestock have been given an approved treatment under the supervision of the inspector.

(e) The certificate forms may specify such other information as is required by the Director to carry out the purposes of this part.

(f) The original of each certificate provided for in this section shall be furnished to the applicant therefor and shall accompany the lot of livestock covered by it to destination. The official issuing the certificate should send a copy thereof to the State veterinarian and to the Federal veterinarian in charge of animal disease eradiction activities in the State of destination and should also retain a copy in his own file until other disposal is authorized by the Director of the Animal Disease Eradication Division.

§ 83.10 *Designation of inspection station.* (a) the following places along the eastern boundaries of Arkansas and Louisiana, the Louisiana-Mississippi State line and the Arkansas-Tennessee State line, are designated as inspection stations under this part for livestock moving by road vehicle or on foot, interstate, from Louisiana, Texas, or Arkansas into or through any part of the eradication area:

(1) The premises of Flowers Pierini in Chicot County, Arkansas, on the south side of U. S. Highway 82, approximately ¾ mile west of the Mississippi River Bridge at Greenville.

(2) The premises of Claude H. Brady in Delta, Madison Parish, Louisiana, fronting on U. S. Highway 80 and Railroad Avenue.

(3) The premises of Lum Brothers Stockyards in front of Lum Brothers Auction Barn on U. S. Highway 65 24, approximately five miles west of Vidalia, Concordia Parish, Louisiana.

(4) The premises of Frank W. Bennett in Norwood, East Feliciana Parish, Louisiana, on the east side of State Highway 19, approximately two miles south of the Louisiana-Mississippi State line.

(5) The premises of David A. DeLee in East Feliciana Parish, Louisiana, on the east side of State Highway 67 on a high mound approximately 7/10 mile south of the Louisiana-Mississippi State line.

(6) The premises of Louis Klotzbach in Tangipahoa Parish, Louisiana, on the east side of U. S. Highway 51, approximately 95 feet south of the Louisiana-Mississippi State line, 30 feet from the establishment known as Coulon's Package Liquor Store.

(7) The premises of Jasper J. Warner, Sr., in Warnerton, Washington Parish, Louisiana, on the east side of State Highway 25, approximately 7/10 mile south of the Louisiana-Mississippi State line.

(8) The premises of Dr. John L. Pope near Bogalusa in Washington Parish, Louisiana, on the south side of State Highway 10, beginning approximately 180 feet west from the west end of the Pearl River Bridge.

(9) The premises of G. H. Williams and Jerry Stewart in the Eighth Ward of St. Tammany Parish, in Pearl River, Louisiana, on U. S. Highway 11, approximately 80 feet south of the establishment known as Stewart's Bar.

(10) The premises of Mrs. Lois Daws Bolian in St. Tammany Parish, Louisiana, on the southeast side of U. S. Highway 90, near the Junction of U. S. Highways 90 and 190.

(11) The premises of the Gulf, Mobile, and Ohio Railroad Company in Angie, Washington Parish, Louisiana, bordering State Highway 21 on the west and the Gulf, Mobile and Northern Railroad on the east, approximately 150 feet south of a cotton gin.

(12) The premises of C. B. Hamilton in West Feliciana Parish, Louisiana, on the east side of U. S. Highway 61, approximately ¼ mile south of the Louisiana-Mississippi State line.

(13) The premises of the South Memphis Stockyards, 465 West Trigg Avenue, Memphis, Tennessee, located approximately 1 mile south of the U. S. Route 64 Arkansas-Tennessee Bridge.

(b) The following place on the Florida quarantine line in Florida is designated as an inspection station under this part for livestock moving by road vehicle or on foot, interstate, from the southern part of Florida into or through any part of the eradication area: The premises of Mills Auction Market in Ocala, Florida. Any premises in Florida located south of the Florida quarantine line may, for the purpose of the regulations in this part, be considered an appropriate inspection station for inspection, treatment, and certification of livestock to be moved interstate from the southern part of Florida in accordance with the regulations, if the shipper makes arrangements with a Federal inspector for such procedure; and such inspectors may perform all functions necessary for such inspection, treatment, and certification.

§ 83.11 *Permitted precautionary spray; approved treatments.* (a) The Department has authorized the use of the following as a permitted precautionary spray under this part:

Bayer 21/199 (CO–RAL) used as a suspension spray at a concentration of 0.25 percent. This spray shall be used for purposes of this part in strict accordance with directions to carry out the purposes of this part, given by the Federal inspectors under whose supervision the spray is applied.

(b) The Department has authorized the application of "EQ 335" or "Smear 62" as an approved treatment for wounds of livestock under this part.

(c) Other sprays or pesticides or wound treatments may be permitted in specific cases by the Director when it is demonstrated to his satisfaction that they are effective in preventing the dissemination of screwworms.

§ 83.12 *Exceptions.* (a) When the Director finds that any auction market is located within 8 air miles of any inspection station designated in § 83.10 and has adequate facilities for inspection, treatment, and certification of livestock in accordance with the requirements of this Part, and the operator of such stockyard has entered into an agreement with the State in which the stockyard is located, for its operation in accordance with specified safeguards, acceptable to the Director, to prevent the spread of screwworms, the Director shall issue administrative instructions designating such market as an inspection facility, auxiliary to such inspection station, for purposes of this paragraph. Thereafter, livestock arriving at such inspection station under § 83.6 may, if the shipper so desires, be moved to such market on the day of, or preceding the day of, the sale at such market, under permit issued by the inspector at such station, for inspection, treatment, and certification under § 83.6 in lieu of inspection, treatment, and certification at such station.

(b) The requirements of §§ 83.6 and 83.7 for treatment with a permitted precautionary spray shall not apply to equines which are shown to be primarily used for exhibition purposes and the appearance of which clearly indicates daily grooming, but the inspection and certification requirements of said sections shall apply to such animals except as provided in this paragraph. If on inspection such animals are found to have any wounds, the wounds shall be given an approved treatment under the supervision of the inspector. Certificates issued under Section 83.9 for such animals shall indicate that they have not been given the spray treatment but that any wounds have been given an approved treatment.

(c) The Director, in specific cases in which, in his opinion, no risk of spread of screwworms exists, may authorize the movement of livestock not known to be affected with, or to carry the contagion of, screwworms, and vehicles, boats, and aircraft, otherwise prohibited by this part, under such conditions as he may require to carry out the purposes of this part.

§ 83.13 *Responsibility for handling livestock.* All unloading, reloading, and other handling of livestock at the inspection stations or other places for purposes of inspection, treatment, and certification under this part shall be the responsibility of the carrier transporting the animals to such place.

§ 83.14 *Applicability of general provisions in Part 71 of this chapter.* The provisions in Part 71 of this chapter shall be applicable with respect to the movement of livestock and cleaning and treatment of means of conveyance, facilities and premises to prevent the dissemination of screwworms only insofar as they are not in conflict with the provisions in this part.

The foregoing provisions are intended to prevent the interstate spread of screwworms and to facilitate a Federal-State program now in operation for the control and eradication of the disease. In order to accomplish their purposes they should be made effective as soon as possible. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice of rule-making and other public procedure with respect to such provisions are impracticable and contrary to the public interest and good cause is found for making them effective less than 30 days after their publication in the FEDERAL REGISTER.

The foregoing provisions shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 18th day of September 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58–7774; Filed, Sept. 22, 1958; 8:54 a. m.]

PART 83—SCREWWORMS

ADMINISTRATIVE INSTRUCTIONS

Pursuant to sections 1 and 2 of the Act of February 2, 1903, 32 Stat. 791, 792, as amended, and sections 4–7 of the Act of May 29, 1884, 23 Stat. 32, as amended (21 U. S. C. 111–113, 115, 117, 120), and § 83.12 of the regulations thereunder in 9 CFR Part 83, administrative instructions to appear in 9 CFR 83.12a are hereby issued as follows:

§ 83.12a *Administrative instructions designating auxiliary inspection facilities.* In accordance with § 83.12, the Director has found that the auction markets listed below are within 8 air miles,

respectively, of the inspection stations listed below and otherwise qualify for designation as auxiliary inspection facilities.

Inspection stations	*Auction markets*
1. The premises of Flowers Pierini in Chicot County, Ark., on the south side of U. S. Highway 82, approximately ¾ mile west of the Mississippi River Bridge at Greenville.	1. Tri-States Stockyard, Greenville, Miss.
2. The premises of Claude H. Brady in Delta, Madison Parish, La., fronting on U. S. Highway 80 and Railroad Avenue.	2. Lum Brothers Auction Market, Vicksburg, Miss.
3. The premises of Lum Brothers stockyards in front of Lum Brothers Auction Barn on U. S. Highway 65–84, approximately five miles west of Vidalia, Concordia Parish, La.	3. Lum Brothers Auction Market, Natchez, Miss.

Therefore, each such auction market is designated as an inspection facility, auxiliary to its respective inspection station for the purposes of § 83.12.

These instructions shall become effective upon publication in the FEDERAL REGISTER.

The foregoing instructions relieve certain restrictions of the new screwworm regulations which are published in the FEDERAL REGISTER concurrently herewith and will become effective upon publication. In order to effectuate the purposes of these instructions they should be made effective at the same time as the regulations. Therefore it is found upon good cause under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that notice and other public rule making procedure on the instructions are impracticable and contrary to the public interest, and since they relieve restrictions they may be made effective less than 30 days after publication. Done at Washington, D. C. this 18th day of September 1958.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111)

[SEAL] R. J. ANDERSON,
Director,
Animal Disease Eradication Division.

[F. R. Doc. 58-7775; Filed, Sept. 22, 1958; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 42-16]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

AUTHORIZATION FOR OPERATORS TO CONDUCT CERTAIN CHARTER AND OTHER SPECIAL SERVICE OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 17th day of September 1958.

Part 46 of the Civil Air Regulations, Scheduled Air Carrier Helicopter Certification and Operation Rules, will become effective on October 1, 1958.* The currently effective provisions of Part 42 permit a scheduled air carrier operating under Part 40 or 41 to conduct certain charter or other special service operations under Part 40 or 41 between points which it is authorized to serve under the terms of its operating certificate. However, the carrier is required to have its air carrier operating certificate amended to permit such operations.

In promulgating new Part 46, it was the Board's intention that similar authorization be granted to the holders of scheduled air carrier helicopter certificates as is presently afforded carriers operating under the provisions of Part 40 or 41 It is necessary, therefore, that Part 42 be amended prior to the effective date of Part 46 in order that this authority can be provided.

Since this amendment is permissive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective in less than 30 days.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective October 1, 1958.

By amending § 42.0 (b) by changing the reference "Part 40 or 41" in the first sentence to read "Part 40, 41, or 46."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 609, 52 Stat. 1007, 1010, 1011, as amended; 49 U. S. C. 551, 554, 559)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58-7766; Filed, Sept. 22, 1958; 8:53 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 17]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO–C53, FUEL AND ENGINE OIL SYSTEM HOSE ASSEMBLIES

Minimum performance standards for fuel and engine oil system hose assemblies (rubber and wire braid construction) which are to be used on civil aircraft of the United States are defined in the new regulation § 514.52 (TSO–C53).

Section 514.52 appeared as a notice of proposed rule making in 23 F. R. 3546 on May 22, 1958. All interested persons have been afforded an opportunity to submit written views, data or argument. These comments have been considered and minor revisions to achieve consistency have been made in fire test procedure and requirements.

Section 514.52 is added under Subpart B of this part to read as follows:

§ 514.52 *Fuel and engine oil system hose assemblies (rubber and wire braid construction)—TSO–C53*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for fuel and engine oil system hose assemblies[1] of the following types which are to be used on civil aircraft of the United States:

(i) *Type A.* Non-fire-resistant "normal" temperature hose assemblies which are intended to be used in locations outside fire zones where the fluid and ambient air temperatures do not exceed 250° F.

(ii) *Type B.* Non-fire-resistant "high" temperature hose assemblies which are intended to be used in locations outside fire zones where the fluid and ambient air temperatures do not exceed 450° F.

(iii) *Type C.* Fire-resistant "normal" temperature hose assemblies which are intended to be used in locations within fire zones where the fluid and ambient air temperatures do not exceed 250° F.

(iv) *Type D.* Fire-resistant "high" temperature hose assemblies which are intended to be used in locations within fire zones where the fluid and ambient air temperatures do not exceed 450° F.

(*a*) New models of fuel and engine oil system hose assemblies manufactured on or after October 15, 1958, shall comply with the minimum requirements stated below:

(*1*) Type A hose assemblies shall comply with the "3.3 Performance" section requirements of Military Specification MIL–H–8795 (ASG) dated January 6, 1956.[2] The hose incorporated therein shall conform to "3.6 Performance" section of MIL–H–8794 (ASG) dated January 6, 1956,[2] except as noted in subparagraph (2) of this paragraph.

(2) Type B hose assemblies shall comply with the "3.6 Performance" section of Military Specification MIL–H–25579 (USAF) dated April 25, 1957,[2] except as noted in subparagraph (2) of this paragraph.

(3) Type C hose assemblies shall comply with the above requirements for Type A hose assemblies and in addition shall pass the fire test described in subparagraph (3) of this paragraph.

(4) Type D hose assemblies shall comply with the above requirements for Type B hose assemblies and in addition shall pass the fire test described in subparagraph (3) of this paragraph.

(2) *Exceptions.* (i) Type A hose assemblies are not required to comply with sections 3.6.2.7, 3.7, 3.7.1 and 3.8 of Military Specification MIL–H–8794 (ASG) dated January 6, 1956.

(ii) Type B hose assemblies are not required to comply with sections 3.6.7 and 3.6.10 of Military Specification MIL–H–25579 (USAF) dated April 25, 1957.

(3) *Fire test procedure and requirements*—(i) *Test setup and flame requirements.* (*a*) For the purpose of this test, a length of hose at least five times the outside diameter shall be subjected to a flame of the size and temperature specified in (*d*) and (*e*) of this subdivision while the hose is in a horizontal position. The entire end fitting shall also be subjected to this flame.

(*b*) The hose assembly shall be installed horizontally in the test setup in such a manner that it includes at least one full 90° bend.

(*c*) During the test the end fitting which is subjected to flame shall be vibrated at the rate of 2,000 cycles per minute through a total amplitude of not less than 1/16 inch, i. e., a displacement of 1/32 inch on each side of the neutral position.

(*d*) The flame temperature shall be 2,000° F., plus or minus 50° F. as measured within ¼ inch of the surface of the hose and end fitting at the point nearest the flame. Suitable shielded thermocouples or equivalent temperature measuring devices shall be used for measuring the flame temperature. Thermocouple(s) should be chromel-alumel and of No. 18 gage wire or preferably platinum-platinum plus 13 percent rhodium combination with 0.037 diameter wire. A sufficient number of these shall be used to assure that the specified temperature exists at least along the entire end fitting and along the hose for a distance of not less than three times the outside diameter of the hose.

(*e*) The flame diameter shall not be less than three times the outside diameter of the hose. The length of the flame shall be such that it extends beyond the end fitting and hose when they are in place during the test for a distance of not less than three times the outside diameter of the hose. (For larger diameter hose assemblies more than one source of heat may be required.)

(*f*) During the test the end fitting shall be subjected to flame shall be vibrated at the rate of 2,000 cycles per minute through a total amplitude of not less than 1/16 inch, i. e., a displacement of 1/32 inch on each side of the neutral position.

(*d*) The flame temperature shall be 2,000° F., plus or minus 50° F. as measured within ¼ inch of the surface of the hose and end fitting at the point nearest the flame. Suitable shielded thermocouples or equivalent temperature measuring devices shall be used for measuring the flame temperature. Thermocouple(s) should be chromel-alumel and of No. 18 gage wire or preferably platinum-platinum plus 13 percent rhodium combination with 0.037 diameter wire. A sufficient number of these shall be used to assure that the specified temperature exists at least along the entire end fitting and along the hose for a distance of not less than three times the outside diameter of the hose.

(*e*) The flame diameter shall not be less than three times the outside diameter of the hose. The length of the flame shall be such that it extends beyond the end fitting and hose when they are in place during the test for a distance of not less than three times the outside diameter of the hose. (For larger diameter hose assemblies more than one source of heat may be required.)

(*f*) During the test the SAE 20 oil or equivalent shall be circulated through the hose assembly and the oil shall enter the hose assembly at a temperature of not less than 200° F.

(ii) *Fire test procedure.*

Pressure: 30 psi.
Oil flow rate: 5×(Hose assembly actual ID in inches)². (Example: Flow rate for −16 size=5×(1)²=3.8 GPM.)
Duration: 5 minutes.

(iii) *Criteria for acceptability.* The hose assembly shall be considered acceptable if it complies with these test conditions without evidence of leakage.

NOTE: The use of full length protective sleeves over the hose and end fittings is permitted to facilitate compliance with the fire test requirement. Sleeves should be secured at both ends with steel clamps or safety wire.

(*b*) *Marking.* The markings required are specified in § 514.3 with the following exceptions:

(1) Trademark may be used in lieu of name, and manufacturer's address is not required.

(2) In lieu of the weight specified in paragraph (c) of § 514.3, the size of the hose assembly shall be shown.

(3) The applicable TSO number shall be followed immediately by the appropriate type designation, as TSO–C53–Type B. Where a protective sleeve is employed, the information should be legibly stamped on a steel (or other fireproof) band securely affixed to the hose assembly.[1]

(*c*) *Data requirements.* The following information and data should be submitted with the letter of conformance:

(1) One copy of drawing showing the hose assembly construction, materials, part numbers and the recommended maximum and minimum fluid and ambient temperatures for continuous operation. The following data should be shown for each size: Burst pressure (minimum), Operating pressure (maximum), Bending radius (minimum).

(2) One copy of any installation instructions and/or other pertinent information (may be shown on drawing).

(*d*) *Effective date.* October 15, 1958.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator
of Civil Aeronautics.

SEPTEMBER 16, 1958.

[F. R. Doc. 58-7723; Filed, Sept. 22, 1958; 8:45 a. m.]

[Amdt. 29]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

PROJECT COSTS

Acting pursuant to the authority vested in me by the Federal Airport Act, I hereby amend Part 550 of the regulations of the Civil Aeronautics Administration as follows:

Section 550.4 (c) is hereby amended to read as follows:

§ 550.4 *Project costs.* * * *

(c) United States share of project costs. * * *

(1) *Project costs other than costs of installation of high intensity lighting on runways designated instrument landing runways.* The United States share of the project costs (other than costs of installation of high intensity lighting on runways designated instrument landing runways) of an approved project for the development of an airport, regardless of the size or location of the airport to be developed, shall be 50 percent of the allowable project costs of the project (other than costs of installation of high intensity lighting on runways designated instrument landing runways), except that this share, in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 percent of the total area of all lands therein shall be increased as provided in section 10 (b) of the Act and except that the United States share shall be 75 percent in the case of the Territory of Alaska and the Virgin Islands, all as set forth in the following table:

UNITED STATES' PERCENTAGE SHARE OF ALLOWABLE PROJECT COSTS IN STATES CONTAINING UNAPPROPRIATED AND UNRESERVED PUBLIC LANDS AND NONTAXABLE INDIAN LANDS

Arizona	60.96	New Mexico	56.30
California	54.12	Oregon	55.92
Colorado	53.28	South Dakota	52.74
Idaho	55.74	Utah	62.20
Montana	53.24	Washington	51.68
Nevada	62.50	Wyoming	57.19

NOTE: The percentages listed in this table will vary as changes occur with respect to the area of unappropriated and unreserved public lands and nontaxable Indian lands in the several States, in which event such changed percentages will be used by the Administrator in determining the United States share of allowable project costs other than costs of installing high intensity runway lighting on runways designated as instrument landing runways.

(Secs. 1–15, 60 Stat. 170–178, as amended; 49 U. S. C. and Sup., 1101–1114)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator
of Civil Aeronautics.

SEPTEMBER 16, 1958.

[F. R. Doc. 58-7722; Filed, Sept. 22, 1958; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7051]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LOUIS SEAMON ET AL.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition;* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Louis Seamon et al. d/b/a A & L Seamon, Brooklyn, N. Y., Docket 7051, August 23, 1958]

In the Matter of Louis Seamon, Irene Seamon, Al Seamon, and Bessie Seamon, Individually and as Co-partners d/b/a A & L Seamon

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in Brooklyn, N. Y., with stamping wallets and billfolds as "genuine leather" or "top grain cowhide" which were not entirely made of either, and attaching to them price tickets with purported retail prices which were fictitiously high.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 23 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Louis Seamon, Irene Seamon, Al Seamon and Bessie Seamon, individually and as co-partners doing business as A & L Seamon or under any other name and respondents' representatives, agents and employees directly or through any corporate or other device in connection with

[1] Hose assemblies for use in propeller feathering lines are covered in TSO–C42.

[2] Copies of these specifications may be obtained by addressing a request to: Commander, Air Materiel Command, Wright-Patterson Air Force Base, Dayton, Ohio.

the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of wallets and billfolds or other articles of merchandise, do forthwith cease and desist from:

1. Representing directly or by implication that billfolds and wallets or other articles made in whole or in part of substance other than leather are made of leather.

2. Representing directly or by implication that billfolds and wallets or other articles made in whole or in part of substance other than top grain cowhide are made of top grain cowhide.

3. Supplying purchasers of billfolds, wallets or other merchandise with price tags having prices or amounts which are in excess of the usual or regular retail selling prices of said billfolds, wallets or other merchandise or otherwise representing that the usual or regular retail price of merchandise is any amount greater than the price at which such merchandise is usually and regularly sold.

4. Putting into operation any plan whereby retailers or others may misrepresent the regular and usual retail price of their products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 22, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-7736; Filed, Sept. 22, 1958; 8:47 a. m.]

[Docket 7022]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ECONOMY PUBLISHERS

Subpart—*Advertising falsely or misleadingly:*

§ 13.115 *Jobs and employment service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Carl V. Torrey doing business as Economy Publishers, Clearwater, Fla., Docket 7022, August 27, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a publisher in Clearwater, Fla., with using misleading employment offers—such as "cutting wanted items from your newspapers", "copying names for advertisers", "addressing envelopes", etc.—in newspapers and periodicals as a means of selling his pamphlets, booklets, and other printed materials.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Carl V. Torrey, doing business as Economy Publishers or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate device, in connection with the offering for sale, sale or distribution of publications or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from using any advertising matter which represents, directly or by implication, that employment is offered by respondent or that payment will be made by respondent for services to be rendered when, in fact, the advertisement is only an offer to sell a product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Carl V. Torrey, doing business as Economy Publishers shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: August 28, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-7737; Filed, Sept. 22, 1958; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54688]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

MISCELLANEOUS AMENDMENTS

1. Section 8.8 (f) of the Customs Regulations, dealing with the entry of packed packages, includes a reference to § 8.52 but the latter section, which also deals with this subject, contains no cross reference to § 8.8 (f). In order to add such a reference, § 8.52 (a) is amended to read as follows:

(a) Packed packages, which may be separately entered under the provisions of section 484 (f), Tariff Act of 1930, as amended,[2] and § 8.8 (f), shall be marked to indicate that they are packed packages.

(Secs. 484, 624, 46 Stat. 722, as amended, 759; 19 U. S. C. 1484, 1624)

2. Foreign vessels are permitted to engage in coastwise trade only rarely. To avoid possible misunderstanding, the Bureau deems it advisable to amend the form of the declaration of trade or business required under § 10.64 (a) of the Customs Regulations when a foreign vessel proceeds in ballast from the port of lading of articles withdrawn conditionally free under section 309 (a) of the Tariff Act of 1930, as amended.

Accordingly, the declaration of business or trade which may be required from a foreign vessel as set forth in § 10.64 (a) of the Customs Regulations is amended by changing the period after "4. Trade between the United States and any of its possessions" to a comma and adding "when such trade is not prohibited by coastwise laws."

(Secs. 309, 624, 46 Stat. 690, as amended, 759; 19 U. S. C. 1309, 1624)

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: September 16, 1958.

A. GILMORE FLUES, *Acting Secretary of the Treasury.*

[F. R. Doc. 58-7751; Filed, Sept. 22, 1958; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6316]

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

DISTILLED SPIRITS AND BEER

The purpose of this Treasury decision is to provide regulations implementing sections 207 and 210 (f) of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress).

PARAGRAPH 1. Section 210 (f) of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress) reads as follows:

SEC. 210 (f). *Continuation of Distiller's Notice and Bond.* Notwithstanding any provision of section 5175 or 5176 (a) of the Internal Revenue Code of 1954, the Secretary of the Treasury or his delegate may waive, as to registered distillers or registered fruit distillers qualified to operate under bond on April 30, 1959, requirements for filing notice and executing new bond on May 1, 1959, if the distiller and the surety have executed consent to continuation of the terms of the existing bond to cover operations from May 1, 1959, to June 30, 1959, both dates inclusive. Nothing in this subsection shall be construed as limiting the authority of the Secretary of the Treasury or his delegate under section 5176 (b) or (c) of the Internal Revenue Code of 1954.

Pursuant to the above provisions of law, the following new subpart, Subpart H, is added to 26 CFR Part 170:

SUBPART H—WAIVER OF REQUIREMENTS FOR DISTILLER'S NOTICE AND BOND ON MAY 1, 1959

Sec.
170.141 Scope of subpart.

DEFINITIONS

170.142 Meaning of terms.

WAIVER OF REQUIREMENTS CONCERNING DISTILLER'S NOTICE AND BOND

Sec.
170.143 Authority.
170.144 Qualification for waiver.

CONSENT OF SURETY ON DISTILLER'S BOND (OR INDEMNITY BOND)

170.145 Execution.
170.146 Authority to approve.
170.147 Disposition by assistant regional commissioner.

AUTHORITY: §§ 170.141 to 170.147 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 170.141 *Scope of subpart.* This subpart provides procedures under section 210 (f) of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress) to permit continuation of the terms of existing distillers' bonds to cover operations from May 1, 1959, to June 30, 1959, both dates inclusive.

DEFINITIONS

§ 170.142 *Meaning of terms.* When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine as well. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner of internal revenue.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington 25, D. C.

Distiller. The qualified proprietor of a registered distillery or a registered fruit distillery.

I. R. C. The Internal Revenue Code of 1954.

Registered distillers or registered fruit distillers. The proprietors of registered distilleries established and operated under 26 CFR Part 220, or the proprietors of registered fruit distilleries established and operated under 26 CFR Part 221.

U. S. C. The United States Code.

WAIVER OF REQUIREMENTS CONCERNING DISTILLER'S NOTICE AND BOND

§ 170.143 *Authority.* Notwithstanding the provisions of Part 220 or Part 221 of this chapter which require distillers to file notice and execute new bond annually on the first day of May, assistant regional commissioners may waive the filing of notice and the execution of new bond on May 1, 1959, by a distiller who is qualified to operate on April 30, 1959, if the distiller files the request for waiver and the consent of surety as provided in § 170.144.

§ 170.144 *Qualification for waiver.* Every distiller who desires a waiver of the requirements for filing notice and new bond on May 1, 1959, shall submit a written request for such waiver to the assistant regional commissioner. The request must be accompanied by the surety's consent to the extension of the term of the bond to cover the period May 1, 1959, to June 30, 1959, both dates inclusive, executed as prescribed in § 170.145. Where the distiller does not have a clear title to the tract of land on which the distillery is situated, or does not own the distilling apparatus and equipment, and has on file a consent on Form 1602 which expires April 30, 1959, a consent on Form 1602 for the period May 1, 1959, to June 30, 1959, both dates inclusive, shall accompany the request for waiver. The Form 1602 shall be executed as provided in Part 220 or 221 of this chapter, as the case may be. Where the distiller has filed an indemnity bond on Form 3–A, in lieu of a consent on Form 1602, the surety's consent on Form 1533 to extension of such bond to cover the period from May 1, 1959 to June 30, 1959, both dates inclusive, executed as prescribed in § 170.145, shall also accompany the request for waiver.

CONSENT OF SURETY ON DISTILLER'S BOND (OR INDEMNITY BOND)

§ 170.145 *Execution.* Consents of surety submitted under the provisions of this subpart must be executed on Form 1533, in duplicate, by the distiller and the surety, in accordance with the instructions in the notice on the form. The Form 1533 must properly identify the bond affected thereby and contain the following statement of purpose:

To continue in effect the terms and conditions of said bond (including all extensions or limitations of such terms and conditions previously consented to and approved) to cover operations from May 1, 1959, to June 30, 1959, both dates inclusive.

§ 170.146 *Authority to approve.* Assistant regional commissioners are authorized to approve consents of surety required under this subpart.

§ 170.147 *Disposition by assistant regional commissioner.* Where the assistant regional commissioner approves the consent of surety, he will notify the distiller in writing that he is authorized to operate his distillery from May 1, 1959, to June 30, 1959, both dates inclusive, and will furnish him a copy of the approved consent of surety, Form 1533. The assistant regional commissioner will forward to the Director one copy of the letter of notification to the distiller, and forward to the Commissioner of Accounts one copy of each such consent of surety.

PAR. 2. Section 207 of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress) reads as follows:

SEC. 207. *Beer lost by reason of floods of 1951 or hurricanes of 1954*—(a) *Authorization.* The Secretary of the Treasury or his delegates shall pay (without interest) to the person specified in subsection (b) an amount equal to the amount of the internal revenue tax paid under section 3150 (a) of the Internal Revenue Code of 1939 on any fermented malt liquor which was lost, rendered unmarketable, or condemned by a duly authorized health official of the United States or of a State, by reason of the floods of 1951 or the hurricanes of 1954.

(b) *Conditions.* The payment provided by subsection (a) shall be made only if—

(1) Such fermented malt liquor was lost, rendered unmarketable, or condemned while in the possession of (A) the person who paid such tax, or (B) a dealer selling fermented malt liquor at wholesale or retail;

(2) The person paying the tax, or a dealer specified in paragraph (1) (B), files a claim for such payment with the Secretary of the Treasury or his delegate within 6 months after the effective date of this section; and

(3) The person filing such claim furnishes proof establishing to the satisfaction of the Secretary of the Treasury or his delegate (A) that the internal revenue tax on such fermented malt liquor was fully paid, (B) that such fermented malt liquor was lost, rendered unmarketable, or condemned, by reason of the floods of 1951 or the hurricanes of 1954, (C) in the case of fermented malt liquor rendered unmarketable or condemned, that such liquor has been destroyed, (D) that the claimant was not indemnified against loss of the tax by any valid claim of insurance or otherwise, and (E) if the claimant was not the possessor of the fermented malt liquor at the time it was so lost, rendered unmarketable, or condemned, (i) that such claimant has either reimbursed such possessor for the full cost of such fermented malt liquor, or has replaced for such possessor the full equivalent thereof, without receiving payment or credit of any kind in respect of the tax on such fermented malt liquor, and (ii) that such possessor was not indemnified against loss of the tax by any valid claim of insurance or otherwise (other than by such reimbursement or replacement by the claimant).

(c) *Regulations.* The Secretary of the Treasury or his delegate may prescribe such regulations as may be necessary to carry out the provisions of this section.

Pursuant to the above provisions of law, the following new subpart, Subpart I, is added to 26 CFR Part 170:

SUBPART I—BEER LOST BY REASON OF THE FLOODS OF 1951 OR HURRICANES OF 1954

Sec.
170.155 Scope of subpart.

DEFINITIONS

170.156 Meaning of terms.

PAYMENTS

170.157 Circumstances under which payment may be made.
170.158 Persons to whom payment may be made.

CLAIMS PROCEDURE

170.159 Execution and filing of claim.
170.160 Return of claim for completion.
170.161 Claimant to furnish satisfactory proof.
170.162 Supporting evidence.
170.163 Reimbursement or replacement.
170.164 Action by assistant regional commissioner.

PENALTIES

170.165 Penalties.

AUTHORITY: §§ 170.155 to 170.165 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 170.155 *Scope of subpart.* This subpart prescribes the requirements necessary to implement section 207 of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress), concerning payments which may be made by the United States of amounts equal to the internal revenue tax paid on fermented malt liquor which was lost, rendered unmarketable, or condemned by reason of the floods of 1951 or the hurricanes of 1954.

DEFINITIONS

§ 170.156 *Meaning of terms.* When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine as well. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner of internal revenue.

Beer or fermented malt liquor. All kinds and types of liquors produced by the fermentation of malt, wholly or in part, or from any substitute therefor.

Claimant. The person to whom payment may be made, as provided in § 170.158, and, in an instance where the beer has been replaced, such person and the possessor shall join in the claim.

Full equivalent. A quantity of beer, expressed in barrels of 31 gallons and fractions of barrels, equal to the quantity lost, rendered unmarketable, or condemned.

Health authority. Any health official having authority to authorize the condemnation of beer.

Person paying tax. The person, such as a brewer or importer, who originally paid the internal revenue tax on the beer under section 3150 (a) of the Internal Revenue Code of 1939.

Possessor. The person in whose possession the beer was held at the time it was lost, rendered unmarketable, or condemned, as specified in § 170.157.

Tax. The amount of internal revenue tax paid on the beer under section 3150 (a) of the Internal Revenue Code of 1939. From April 1, 1944, to October 31, 1951, the rate of such tax was $8 per barrel; from November 1, 1951, through the calendar year 1954, the rate of such tax was $9 per barrel.

PAYMENTS

§ 170.157 *Circumstances under which payment may be made.* Assistant regional commissioners are authorized to allow payment (without interest) of an amount equal to the amount of tax paid on beer which was lost, rendered unmarketable, or condemned by health authorities, by reason of the floods of 1951 or the hurricanes of 1954. Such payment may be made only if the beer was lost, rendered unmarketable, or condemned while in the possession of the person paying the tax or in the possession of a dealer selling beer at wholesale or retail and if a valid claim for payment is timely filed as provided in § 170.159.

§ 170.158 *Persons to whom payment may be made.* Claims may be filed by and payment may be made to any of the possessors referred to in § 170.157. Claims may also be filed by and payment made to (a) the person paying the tax, or (b) a dealer selling beer at wholesale or retail who has either reimbursed such possessor for the full cost of the beer or has replaced the full equivalent thereof for such possessor without receiving payment or credit of any kind in respect of the tax on such beer.

CLAIMS PROCEDURE

§ 170.159 *Execution and filing of claim.* A claim for payment shall be executed on Form 843 in accordance with such instructions thereon as are applicable, and must be filed with the assistant regional commissioner of the internal revenue region in which the beer was lost, rendered unmarketable, or condemned, within 6 months after the day following the date of enactment of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress). Any claim filed after the specified 6-month period will be rejected.

§ 170.160 *Return of claim for completion.* The regulations in this subpart contemplate that claims will be filed (a) where the possessor has been reimbursed for the cost of the beer or has received the full equivalent of the beer before the filing of the claim, and (b) where the completion of the claim is to await determination, as provided in § 170.163, of the quantity of beer lost, rendered unmarketable, or condemned, and the quantity to be replaced or for which reimbursement is to be made. In the event of (b), the claim will be returned to the claimant, on completion of such determination, for insertion of the necessary data.

§ 170.161 *Claimant to furnish satisfactory proof.* The claimant shall furnish proof establishing to the satisfaction of the assistant regional commissioner that:

(a) The internal revenue tax on the beer was fully paid.

(b) The beer was lost, rendered unmarketable, or condemned by a duly authorized health official, by reason of the floods of 1951 or the hurricanes of 1954.

(c) The beer, if rendered unmarketable or condemned, has been destroyed.

(d) The claimant was not indemnified against loss of the tax by any valid claim of insurance or otherwise.

(e) If the claimant was not the possessor of the beer at the time it was so lost, rendered unmarketable, or condemned, (1) that such claimant has either reimbursed such possessor for the full cost of such beer, or replaced for such possessor the full equivalent thereof, without receiving payment or credit of any kind in respect of the tax on such beer, and (2) that neither the claimant nor the possessor was indemnified against loss of the tax by any valid claim of insurance or otherwise (other than by such reimbursement or replacement by the claimant).

§ 170.162 *Supporting evidence.* The claimant shall support his claim with any evidence (such as inventories, statements, invoices, bills, records, stamps, and labels) that he is able to submit, relating to the quantity of taxpaid beer on hand at the time of the flood or hurricane and averred to have been lost, rendered unmarketable, or condemned, as a result thereof.

§ 170.163 *Reimbursement or replacement.* The reimbursement of the full cost of the beer or the physical replacement of the beer for a possessor and the completion by the claimant of the claim may be delayed until determination has been made by the assistant regional commissioner as to the quantity of beer lost, rendered unmarketable, or condemned, by reason of a flood or hurricane, as provided in § 170.164. The findings of the assistant regional commissioner in this respect may be made available to the claimant and the possessor. The claim shall be fully completed with respect to evidence of reimbursement or replacement before being further processed by the assistant regional commissioner as provided in § 170.164. Nothing in this section shall be construed as extending the 6-month period provided by law for the original filing of claims under this subpart.

§ 170.164 *Action by assistant regional commissioner.* The assistant regional commissioner will date stamp and examine each claim filed under this subpart and will cause such investigation to be made as may be necessary to determine the quantities of beer lost, rendered unmarketable, or condemned, by reason of a flood or hurricane, and the validity of the claim. The claim will then be processed by him in accordance with existing procedures.

PENALTIES

§ 170.165 *Penalties.* Penalties are provided in sections 7206 and 7207 of the Internal Revenue Code for the execution under the penalties of perjury of any false or fraudulent statement in support of any claim and for the filing of any false or fraudulent document under this subpart.

Because sections 207 and 210 (f) of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress) are effective on the day following the date of enactment of the Act, it is found that it is impractical and contrary to the public interest to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) or subject to the effective date limitation of section 4 (c) of such Act. Accordingly, this Treasury decision shall be effective on the day following the date of enactment of the Excise Tax Technical Changes Act of 1958 (H. R. 7125—85th Congress).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: September 17, 1958.

NELSON P. ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 58-7752; Filed, Sept. 22, 1958; 8:51 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter IV—Secret Service, Department of the Treasury

PART 400—ILLUSTRATIONS OF UNITED STATES POSTAGE STAMPS

REVOCATION OF PART

Prior to the Act of September 2, 1958, 72 Stat. 1771 (Public Law 85-921, 85th Cong.), the use of illustrations of United States postage stamps was controlled by regulations issued by the Secretary of the Treasury, subject to the approval of the President, pursuant to the Act of January 27, 1938, 52 Stat. 6 (Pub. Law 772, 80th Congress; 18 U. S. C. 504). The Act of September 2, 1958 amended existing law to make the use of such illustrations a matter governed by statute rather than by regulations issued by the Secretary of the Treasury, with the approval of the President.

Part 400 is obsolete and should be deleted.

[SEAL] U. E. BAUGHMAN,
Chief,
U. S. Secret Service.

[F. R. Doc. 58-7754; Filed, Sept. 22, 1958; 8:51 a. m.]

PART 404—FILM RECORDATION OF UNITED STATES AND FOREIGN OBLIGATIONS OR OTHER SECURITIES

REVOCATION OF PART

The Act of September 2, 1958, 72 Stat. 1771 (Pub. Law 85-921, 85th Cong.) amended existing law to permit the making of microfilms of obligations and securities of the United States for projection upon a screen, but not for advertising purposes, except philatelic advertising. Since microfilms of United States securities, checks, warrants, and paper money are now permitted by statute, regulations to permit the making of such films by banking institutions are no longer necessary.

Part 404 is hereby revoked.

[SEAL] U. E. BAUGHMAN,
Chief,
U. S. Secret Service.

[F. R. Doc. 58-7753; Filed, Sept. 22, 1958; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 592—PROCUREMENT BY NEGOTIATION

PART 595—FOREIGN PURCHASES

MISCELLANEOUS AMENDMENTS

1. Sections 590.450 and 590.451 are revised and in § 590.453, revise paragraphs (g) and (h) and revoke paragraph (i), as follows:

§ 590.450 *Selection and appointment of contracting officers—(a) Appointing authority.* Contracting officers, as defined in § 1.201-5 of this title, shall be those designated by the persons listed below, or by persons who are authorized by the persons listed below to designate contracting officers. When so designated, they shall have the authority set forth in § 590.402 and the general responsibilities set forth in § 590.453.

(1) The Secretary of the Army.

(2) The Under Secretary of the Army or Assistant Secretary of the Army (Logistics).

(3) The Deputy Chief of Staff for Logistics, Headquarters, Department of the Army.

(4) Chief, Contracts Branch, Office of the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army.

(5) Head of any procuring activity.

(6) Attachés.

(7) Chiefs of foreign missions (Army).

(8) Chiefs of Department of the Army sections of any joint military mission not operating under the jurisdiction of a major oversea command.

(9) Superintendent, United States Military Academy, West Point, N. Y.

(10) Such others as may be specifically designated in writing from time to time.

(b) *Selection.* The following shall be considered as required qualifications of individuals to be designated as contracting officers:

(1) Successful completion of the Procurement Management Course, Army Logistics Management Center, Fort Lee, Virginia, or equivalent training and experience.

(2) Evidence of business acumen and ability to exercise mature judgement.

(3) High standards of character, reputation, and business ethics.

(4) Desirable personality traits.

(5) Previous on-the-job training in a purchasing office.

(c) *Evaluation.* The following general guidelines shall be used in evaluating equivalent training referred to in paragraph (b) (1) of this section.

(1) Knowledge of Government contract law.

(2) Familiarity with the preparation of contracts and purchase orders.

(3) Thorough knowledge of Army procurement regulations and policies.

(4) Familiarity with commercial purchasing and contracting methods and practices.

(5) Ability to analyze, interpret, and evaluate the factors involved in the determination of reasonable price.

In evaluating an individual's training on the basis of the above general guidelines, consideration shall be given to the type of procurements to be made by the individual, i. e., formal advertising or negotiation, and the magnitude and complexity of procurements. For example, satisfactory completion of the Post, Camp, and Station Procurement Course, conducted by the Quartermaster School, Fort Lee, Virginia, or equivalent training, should normally provide an individual sufficient training to qualify him for appointment as a contracting officer at a post, camp, or station, or for similar type duties.

(d) *Surveillance.* In view of the high degree of individual responsibility and authority vested in a contracting officer, care will be exercised to insure that only well qualified individuals are appointed and retained in such positions. Performance of their duties as contracting officers will therefore be kept under close surveillance.

(e) *Appointment.* (1) Each contracting officer shall be designated by the name in special orders or by other appropriate administrative written instrument issued by the headquarters of the appointing authority and shall include a statement of the specific authorities delegated to such appointee. Such designation shall be rescinded in the same manner upon termination of the individual's assignment as contracting officer.

(2) Civilian personnel in grades below GS-12 or military personnel below the grade of major shall not be designated contracting officers with authority to execute a contractual document involved in the purchase of supplies, services, research and development or military construction in amounts of $100,000 or more. Exceptions to this requirement shall be made only in the most unusual cases.

§ 590.451 *Designation of representatives.* A contracting officer may designate any officer or civilian official, who is appropriately qualified, to act as his authorized representative. Such designation shall be in writing and shall define the scope and limitations of the authorized representative's authority.

§ 590.453 *General responsibility of contracting officers.* * * *

(g) Contracting officers are responsible for the legal, technical, and administrative sufficiency of the contracts they make. They should not hesitate to secure legal and technical (pricing, financial, production, inspection, etc.) advice within the Department of the Army.

(h) Contracting officers are responsible for knowing the scope and limitation of their authority.

(i) [Revoked]

2. Revise §§ 592.216-2, 592.216-3, 592.216-4, and 592.217-2 to read as follows:

§ 592.216-2 *Application—(a) General.* Supporting data transmitted with a request for a determination and findings under 10 U. S. C. 2304 (a) (16) must clearly demonstrate that the item to be procured is of such nature that procurement must be made by negotiation in order to meet the objectives stated in the applicable determination (§ 3.216-3 of this title).

(b) *Property.* Supporting data transmitted with request for approval and signature of determinations and findings for property shall include, as a minimum, the following information submitted pursuant to § 592.306:

(1) Statement that the supplies appear in the "Department of Defense Preferential Planning List of End Items," or "Department of the Army Planning List" (or statement that action has been initiated and is pending inclusion in such list);

(2) Initial and reorder lead times for the supplies;

(3) Minimum quantity required for economical production of the supplies;

(4) List by name, of planned mobilization suppliers;

(5) List by name, of current producers of the property;

(6) Government investment in facilities and tooling in plants of planned mobilization suppliers; and

(7) Description of any production or industrial mobilization characteristics of the property or services, the procurement of which requires limited competition.

(c) *Industrial mobilization projects.* (1) Supporting data transmitted with requests for approval and signature of determinations and findings for industrial mobilization projects shall include, as a minimum, the following information submitted pursuant to § 592.306:

(i) The items of property to which each measure or activity is related;

(ii) The type of measure or activity (pilot line, etc.) which is proposed and a brief description thereof;

(iii) The estimated cost of each measure or other activity; and

(iv) If not included elsewhere in the submission, a statement as to why award of a contract by competition is not feasible.

(2) Requests for determinations and findings pertaining to industrial mobilization projects will not be forwarded to the Deputy Chief of Staff for Logistics until the initial program approval has been obtained at the beginning of the fiscal year. Request for determinations and findings for industrial mobilization projects which have program approval, but require project approval at technical service level, may be processed to the Deputy Chief of Staff for Logistics before the project approval has been obtained. Other requests for determinations and findings for industrial mobilization projects will be submitted to the Deputy Chief of Staff for Logistics as an inclosure to one of the following:

(i) Request for inclusion of a new project in a previously approved program; or

(ii) Requests for approval of projects which have program approval and which require project approval by the Assistant Secretary of the Army (Logistics) or the Deputy Chief of Staff for Logistics.

§ 592.216–3 *Limitation.* When the proposed procurement of mobilization base items is substantially larger than the quantity which must be awarded in order to meet the objectives stated in the applicable determinations, under 10 U. S. C. 2304 (a) (16), that portion not required to meet such objectives shall ordinarily be obtained through formal advertising or by negotiation under another appropriate section of 10 U. S. C. 2304 (a).

§ 592.216–4 *Records and reports.* Reports required by § 3.216–4 of this title shall be made in the form and manner prescribed by Subpart C, Part 606 of this chapter.

§ 592.217–2 *Application.* 10 U. S. C. 2304 (a) (17) preserves the authority to negotiate contracts specifically conferred by statute other than the 10 U. S. C. 2301 et seq. Except as authorized in § 1.706–7 of this title, contracts shall not be negotiated under this authority without the prior approval of the Chief, Contracts Branch, Office of the Deputy Chief of Staff for Logistics, Department of the Army. Requests for such approvals, with respect to either individual or classes of contracts, shall contain a statement of pertinent facts and reasons therefor, including the citation of the applicable statute, and shall be submitted through the Head of the Procuring Activity concerned to the Chief, Contracts Branch, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C.

3. In § 592.303, revise paragraph (b), and revise §§ 592.305 and 592.306, as follows:

§ 592.303 *Determinations and findings by the head of a Procuring Activity signing as "a Chief Officer responsible for procurement."* • • •

(b) The head of a Procuring Activity may delegate authority to make the determinations and findings required by §§ 3.403–4, 3.404, 3.405–1 and 3.405–2 of this title to the Deputy Head, Assistant Head, or to the Chief of Staff of the Procuring Activity, and to chiefs of such purchasing offices as he may designate. He may also personally select one alternate for each such delegate: *Provided, however,* That such alternate will be empowered to make the required determination only during periods of official absence of the delegate for whom he has been selected as alternate. Neither delegates nor their alternates may redelegate this authority.

§ 592.305 *Forms of determinations and findings*—(a) *Authority to negotiate an individual contract*—(1) *Form.* Individual determinations and findings with respect to the negotiation of contracts under the authority of §§ 3.211 to 3.216 of this title inclusive and as otherwise required by this subchapter shall be prepared substantially in the form set forth below and in the manner prescribed in § 592.306 (the signed statement is required only on the original copy when approval of the Secretary is required).

DEPARTMENT OF THE ARMY

DETERMINATION AND FINDINGS

Authority To Negotiate an Individual Contract

1. I hereby find that:

a. The (insert name of Procuring Activity) proposes to procure by negotiation (describe briefly the scope of the work, or the nature of the property or services called for).

b. The estimated cost of the proposed procurement is $----------

c. The procurement by negotiation of the above described property (or service) is justified because (see pertinent paragraph of ASPR relating to "Application").

2. Upon the basis of the findings set forth above, I hereby determine that (insert statement of required determination under applicable paragraph of Part 2, Section III, ASPR or APP).

3. Subject to the availability of funds and providing that the above property (or services) has otherwise been authorized for procurement, it may, therefore, be procured by negotiation pursuant to 10 U. S. C. 2304 (a) (insert applicable subsection) and paragraph (insert applicable ASPR authority) of the Armed Services Procurement Regulation.

The statements made herein (and in the attachments hereto) are correct to the best of my knowledge and belief. Signature is recommended.

(Signature)
(Title: Head of Procuring Activity, his Deputy or Chief of Staff)

(2) *Scope of determinations and findings.* In general, each determination and findings will be confined to a single page, setting forth the necessary findings as briefly as possible. Facts shall be limited to those which are necessary and relevant to support the determination to be made. With respect to the determination, it is important to set forth only that one which is most responsive to the various findings, and necessarily to confine it to the requirements and the particular language set forth under the applicable exception in provision of 10 U. S. C. 2301 et seq.; further in this connection, it is important to guard against a determination in the alternative (except possibly for the one relating to "experimental, developmental, or research work"). If certain requirements are optional, however, it is desired that the determination and findings list only those requirements of the exception which are essential and can be strongly supported. All other pertinent information should be included in the request for approval and signature of the determination and findings by the Secretary.

(b) *Authority to negotiate a class of purchases or contracts.* Determinations and findings with respect to the negotiation of classes of purchases or contracts, as referred to in § 3.301 of this title and § 592.301, shall be prepared as set forth in paragraph (a) of this section, with appropriate modifications to make it applicable to a class of purchases or contracts.

(c) *Advance payments.* Determinations and findings with respect to advance payments is set forth in Subpart B, Part 3 of this title and this part.

(d) *Method of contracting.* Determination and findings with respect to the use of a cost, cost-plus-a-fixed-fee, or incentive type contract, as set forth in Subpart D, Part 3 of this title and this part, shall be prepared for the signature of the Head of the Procuring Activity, or the officer or individual to whom authority to sign such determination and finding has been delegated pursuant to § 592.303 (b), substantially in the following form. (Heads of procuring activities and contracting officers may use the form set forth below as a guide in making the determination required by § 3.405–1 of this title and § 592.405–1.)

DEPARTMENT OF THE ARMY

DETERMINATION AND FINDINGS

Method of Contracting

1. I hereby find that:

a. The (insert name of Procuring Activity) proposes to procure (describe briefly the scope of the work, or the nature of the property or services called for).

b. The estimated cost of the proposed procurement is $------ (including, when applicable, a statement to the percentage of proposed fixed fee), chargeable to Fiscal Year ----- funds.

c. The use of a (insert type of a contract to be used) contract is the most practicable and likely to be the least costly method of contracting because (summarize such pertinent facts as are available and relevant to support the determination to be made in paragraph 2).

2. Upon the basis of the findings set forth above, I hereby determine that pursuant to 10 U. S. C. 2306 (a), and paragraph (insert applicable ASPR authority) of the Armed Services Procurement Regulation, that the use of a (insert type of contract) contract (a) is likely to be less costly than other methods of contracting, or (b) that it is impracticable to secure property (or services) of the kind or quality required without the use of a (insert type of contract) contract.

(Signature)

(Title)

§ 592.306 *Procedure with respect to determinations and findings.* (a) Requests for approval of determinations and findings referred to throughout Part 3 of this title and this part, which requires the signature of the Secretary of the Army or the Assistant Secretary of the Army, shall contain (1) a complete statement of facts, including supporting data necessary to demonstrate the applicability of the cited section of 10 U. S. C. 2301 et seq.; (2) a recommendation that the determinations and findings be signed; and (3) a determinations and findings prepared for the appropriate signature.

(b) Requests for approval of determinations and findings of authority to negotiate submitted for the signature of the Assistant Secretary of the Army (Logistics) will be signed by or for the Head of the Procuring Activity and shall include the following information in support of the requested determination:

(i) Complete statement of facts on the proposed procurement. The statement should contain sufficient descriptive information to enable the Assistant Secretary of the Army (Logistics) to make the determination required by 10 U. S. C. 2304 (a). The following minimum data should be contained in this statement, except that additional data required by § 592.211–3 (c) (1) to (5) shall be included when the determination is to be made under § 3.211 of this title and § 592.211.

(ii) Detailed description in nontechnical language of the property or services to be procured.

(ii) The following statement will be included in requests for determinations and findings for procurement of supplies: "The proposed procurement is supported by valid requirements and the required program approvals have been obtained."

(iii) Expected starting and completion dates of the contracts and the estimated dollar amount of the purchase, for individual determinations and findings. For class determinations and findings, the estimated total number of purchases with the estimated total dollar amount, for the time period to be covered by the determination. Designation of funds by type and source, i. e., Research and Development, Procurement of Equipment and Missile Army, Operations and Maintenance, other Departments or Government agencies. In those instances where more than one type of funds will be utilized, the amount applicable to each category shall be indicated. When Operations and Maintenance funds are designated, justification will be included for the proposed use of such funds. When Military Assistance Program funds are designated the common item order numbers, quantity and country will be indicated.

(iv) Cite the data, page number, and item number of the approved buying list (such as shopping list of Current Material Program Annex VI—Procurement Schedules) when Procurement of Equipment and Missile Army funds are utilized.

(a) If the funds to be utilized are chargeable to a specific fiscal year, the statement shall indicate both the appropriate fiscal year and funds.

(b) If No Year Funds will be utilized for the proposed procurement, the statement shall read as follows: "The estimated cost of this procurement is $------ chargeable to (designate the appropriation) No Year Funds."

(v) Date of the original contract, name of the contractor, and total funds obligated to date, when the purchase action submitted for determination and findings is a contract modification.

(vi) Type of contract which is anticipated will be utilized (e. g., fixed-price, incentive, cost-plus-a-fixed-fee, etc.). If it is anticipated that a Time and Materials contract or a Labor Hour contract will be utilized a copy of the determination required by § 3.405–1 or § 3.405–2 of this title will be inclosed. Type of contract will not be listed for class determinations and findings.

(vii) Statement that there will be competition on the proposed procurement. If, however, solicitation is to be limited to a single source, the name and location of the firm and a brief explanation why the solicitation is to be limited will be included in lieu of the statement concerning competition.

(viii) Reason why procurement of the property or services by formal advertising is not feasible. Summarize such pertinent facts as are available and relevant to support the determinations to be made in paragraph 2 of the determinations and findings.

(2) Data indicating applicability of 10 U. S. C. 2304 (a). This data should demonstrate that the property, work, and circumstances are of the nature described by the pertinent section of 10 U. S. C. 2304 (a) (1) et seq. Department of the Army approved programs and projects should be cited if they serve to indentify the procurement as research and development, interests of industrial mobilization, etc. Previous contracts, status of Government tooling and facilities, and mobilization planning status are examples of other data which serve to identify the procurement with the cited section of 10 U. S. C. 2304 (a) (1) et seq.

(3) Data supporting designation of any classes for class determinations and findings.

(4) Recommendation for signature of the determinations and findings.

(c) The expiration date of a determination and finding is the end of the fiscal year in which it is signed unless otherwise specified in the determination and findings. Negotiations must be completed and the contract awarded prior to the expiration date of the determination and finding.

(d) The primary test in determining the quantity and dollar amount covered by a determination and finding is the actual demonstrated requirement that exists at the time the determination and finding is submitted to the Assistant Secretary of the Army (Logistics) for signature. The recitation of the estimated amount of a proposed procurement in a determination and findings, issued under § 3.305 (a) of this title, is not in itself to be regarded as a monetary limitation upon the authority of the contracting officer to negotiate the existing contract. However, such determination and findings may not be relied upon by a contracting officer as authority to negotiate a contract which includes work or services outside the scope of such determinations and findings.

(e) The determination and findings, request for approval and signature, and all supporting documents shall be submitted in an original and seven copies (if Military Interdepartmental Purchase Requests or similar documents relating to the transfer of funds are being submitted, duplicate copies of such documents will be sufficient) to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C., Attn: Chief, Contracts Branch.

4. Paragraph (a) of § 592.405–3 is revised to read as follows:

§ 592.405–3 *Letter contract.* • • •

(a) *Approval requirement.* Letter contracts, or any other type of preliminary contract, shall not be used without prior approval of the Chief, Contracts Branch, Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, except that subject to the limitation set forth in § 3.405–3 of this title and this section, chiefs or deputy chiefs or a general officer of their immediate staff responsible for procurement are authorized to issue letter contracts in amounts representing not more than 50 percent of the total estimated amount of the definitive contract, provided, the estimated amount of the definitive contract does not exceed the approval authority of the particular technical service as authorized in §§ 606.204–3, 606.204–4, and 606.204–6 of this chapter. This authority shall not be redelegated. When the total estimated amount of the proposed definitive contract exceeds that which the procuring technical service is authorized to approve, or where it is desired to award a letter contract in amount in excess of 50 percent of the total estimated amount of proposed definitive contract, prior approval of the Chief, Contracts Branch, Deputy Chief of Staff for Logis-

tics, Headquarters, Department of the Army, is required.

5. Subpart O is added to Part 595, as follows:

SUBPART O—ADMINISTRATION OF THE BUY AMERICAN ACT—PURCHASES OF PETROLEUM PRODUCTS

Sec.
595.1500 Scope of subpart.
595.1501 General.
595.1502 Definitions.
595.1503 Procedures.
595.1503–1 Contract clauses.
595.1503–2 Evaluation of bids and proposals.

AUTHORITY: §§ 595.1500 to 595.1503–2 issued under sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314.

§ 595.1500 *Scope of subpart.* This subpart sets forth procedures applicable to the purchase of petroleum products for use in the United States, in implementation of Executive Order 10761, dated March 27, 1958 (23 F. R. 2067, March 28, 1958).

§ 595.1501 *General.* The President, by Executive Order 10761, requested the executive departments and agencies to adopt certain procedures in making purchases of crude petroleum and petroleum products, and also provided that Executive Order 10582, December 17, 1954, which prescribes uniform procedures for certain determinations under the Buy American Act, shall not be applicable to purchases of crude petroleum and petroleum products. Pending the revision of Part 6 of this title and this part, to incorporate the procedures set out in Executive Order 10761, the procedures set forth in this subpart shall be followed in the administration of the Buy American Act with respect to purchases of petroleum products. To the extent that Part 6 of this title and the preceding subparts of this part, are inconsistent herewith, the provisions of this subpart shall govern.

§ 595.1502 *Definitions.* As used in this subpart, the following terms have the meanings set forth below:

(a) "Domestic petroleum product" means any product refined in the United States entirely from crude petroleum of wholly domestic origin.

(b) "Complying petroleum product" means any product refined in the United States in whole or in part from crude petroleum of foreign origin, all of which has been, or will be imported by a firm which, during the period of contract performance and for the three months preceding the month in which a bid is submitted to the Department of the Army, has imported crude petroleum in compliance with the Voluntary Oil Import Program, or which is certified by the Administrator, Voluntary Oil Import Program, as being in compliance under that Program.

(c) "Non-complying petroleum product" means any product refined in the United States in whole or in part from crude petroleum of foreign origin, other than "complying petroleum product."

(d) "Foreign refined petroleum product" means any petroleum product refined outside the United States.

(e) "United States" means the United States and any place subject to the jurisdiction of the United Sates (§ 6.101 (c) of this title).

§ 595.1503 *Procedures.*

§ 595.1503–1 *Contract clauses.* Every contract entered into by the Department of the Army for the purchase in the United States of petroleum products shall contain the following clause in lieu of the clause prescribed in § 6.104–5 of this title:

Buy American Act and Executive Order No. 10761

(a) For the purpose of this clause:

(i) "Domestic petroleum product" means any product refined in the United States from crude petroleum of wholly domestic origin;

(ii) "Complying petroleum product" means any product refined in the United States in whole or in part from crude petroleum of foreign origin, all of which has been, or will be imported by a firm which, during the period of contract performance and for the three months preceding the month in which the bid or offer which resulted in this contract is submitted, has imported crude petroleum" in compliance with the Voluntary Oil Import Program, or which is certified by the Administrator, Voluntary Oil Import Program, as being in compliance under that Program.

(iii) "United States" means the United States and any place subject to the jurisdiction thereof.

(b) Contractor agrees that there will be delivered under this contract only refined petroleum products of one of the types set forth above, except:

(i) When the petroleum products are for use outside the United States;

(ii) When the Government determines that neither domestic petroleum product nor complying petroleum product is produced or refined in the United States in sufficient and reasonably available quantities and of a satisfactory quality;

(iii) When the Secretary determines it would be inconsistent with the public interest to apply the preference to domestic petroleum product or complying petroleum product; or

(iv) When the Secretary determines the cost to the Government of domestic petroleum product or complying petroleum product to be unreasonable.

(c) If the supplies to be delivered hereunder are refined in the United States in whole or in part from imported crude, the Contractor agrees that during the contract period he will comply in all respects with the Voluntary Oil Import Program.

§ 595.1503–2 *Evaluation of bids and proposals.* (a) In evaluating bids or offers, no price differential will be applied between bids or offers of domestic petroleum product and those offering complying petroleum product.

(b) Otherwise acceptable bids or offers of foreign refined petroleum products will be accepted if such bid or offer is the lowest available bid or offer and (1) no bid or offer of domestic petroleum product or complying petroleum product is available for consideration, or (2) the lowest available bid or offer of a domestic petroleum product or complying product is 6 percent or more in excess of the sum of such bid or offer of foreign refined petroleum product, all costs of delivery to the place specified in the solicitation and the import tax or duty (whether or not an import tax or duty-free entry certificate may be issued).

(c) Bids or offers of non-complying petroleum product shall not be accepted.

(d) In determining whether a product is a complying petroleum product, a certificate issued by the Administrator, Voluntary Oil Import Program, shall be accepted as conclusive evidence of such compliance. In the absence of such a certificate, a certification or representation of compliance made by the supplier may be considered presumptive evidence of compliance.

[C10, APP, Aug. 1, 1958] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply Secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58–7721; Filed, Sept. 22, 1958; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

[Rev. 1, Amdt. 8]

REG. 6—MANGANESE REGULATION: DOMESTIC MANGANESE PURCHASE PROGRAM

PARTICIPATION IN THE PROGRAM

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), as amended, General Services Administration Regulation 6 entitled "Manganese Regulation: Domestic Manganese Purchase Program," as heretofore revised and amended, is further amended as follows:

1. In the first sentence of section 4 (a) delete the date "June 30, 1958" and in lieu thereof substitute the date "December 31, 1958" so that said first sentence reads as follows: "Any producer of ore or any operator of a manganese milling plant desiring to participate in the program shall apply in writing on or before December 31, 1958, to the nearest General Services Administration regional office for a certificate of participation."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended; 50 U. S. C. App. 2093)

All other provisions of said regulation, as revised and amended, shall remain in full force and effect.

This amendment shall be effective upon publication in the FEDERAL REGISTER.

Dated: September 17, 1958.

EDWARD K. MILLS, JR.,
Acting Administrator of General Services.

[F. R. Doc. 58–7757; Filed, Sept. 22, 1958; 8:52 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—WAR ORPHANS' EDUCATIONAL ASSISTANCE ACT OF 1956

MISCELLANEOUS AMENDMENTS

1. In § 21.3051, paragraph (a) is amended to read as follows:

§ 21.3051 *Conditions governing payment of educational assistance allowance.* (a) The educational assistance allowance shall be paid to the guardian of the eligible person; to the person recognized as legal custodian pursuant to section 1502, Public Law 85–56, and § 13.207 of this chapter; to the eligible person himself if he has attained his majority and has no known legal disability; or to the person so designated under paragraph (c) of this section.

(1) The minority of a person who has been discharged from the Armed Forces will not preclude direct payment of educational assistance allowance to such person (sec. 1502, Public Law 85–56).

(Sec. 1502, 71 Stat. 136; 38 U. S. C. 3502)

2. In § 21.3054, that portion of paragraph (b) preceding subparagraph (1), and paragraph (b) (2) are amended to read as follows:

§ 21.3054 *Effective beginning dates of entrance or reentrance into training and for payment of educational assistance allowance.* • • •

(b) Except as provided in subparagraph (3) of this paragraph, the effective beginning date for the payment of educational assistance allowance upon original entrance into training will be the date of receipt of application, date of commencement of the course as certified by the institution on VA Form VB 7–5499, or the effective date of approval of the course by the appropriate approving agency or by the Veterans Administration, whichever is later. The effective date of the approval of the course by the appropriate approving agency shall be the effective date specified by the approving agency in its notice of approval, if such notice of approval is received by the Veterans Administration not later than 60 days after the effective date specified therein by the State approving agency. Where the notice of approval is not received by the Veterans Administration within 60 days from the effective date set forth in the notice of approval, the effective date of approval for the purpose of this paragraph shall be as of the date 60 days prior to the date notice of approval is received by the Veterans Administration. However, where counseling is delayed by an eligible person for 12 or more months, for other than a reason beyond his control, he will be considered as having abandoned his application for benefits under Public Law 634, 84th Congress. Should he at a later date report for and promptly complete counseling, his application will be considered reopened. Under these conditions the effective beginning date for payment of educational assistance allowance will be the date of reopening, i. e., the date he reports for counseling, if otherwise in order.

• • • • •

(2) Except as provided in subparagraph (3) of this paragraph, the effective beginning date for payment of educational assistance allowance upon approved reentrance into training which involves a change of program or a change of institution will be the date of commencement or recommencement of the course as certified by the institution on VA Form VB 7–5499, or the date the eligible person's request (concurred in by his guardian or legal custodian) for such change was received by the Veterans Administration, whichever is later. However, where counseling is delayed by an eligible person for 12 or more months, for other than a reason beyond his control, he will be considered as having abandoned his application for a change of program or change of institution. Should he at a later date report for and promptly complete counseling, his application for a change of program or change of institution will be considered reopened. Under these conditions the effective date for resumption of educational assistance allowance will be the date of reopening, i. e., the date he reports for counseling, if otherwise in order.

(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210. Interpret or apply secs. 101, 102, 201–205, 301–313, 401–404, 501–509, 512, 70 Stat. 411–422, as amended; 38 U. S. C. 1031–1041, 1044, 1051–1055, 1061–1073, 1081–1084)

This regulation is effective September 23, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58–7755; Filed, Sept. 22, 1958; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1731]

[Juneau 010160]

ALASKA

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF FOREST SERVICE AS RECREATION AREAS AND ADMINISTRATIVE SITES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as recreation areas and administrative sites:

CHUGACH NATIONAL FOREST

TRAIL RIVER–KENAI RECREATION AREA

Beginning at a point on the line of mean high water on the north shore of Kenai Lake, from which corner 2, lot A, United States Survey No. 2520 bears N. 83° E., approximately 45.75 chains, thence
North, 24.00 chains;
N. 66° E., 41.75 chains to mean high water on west shore Trail River;
Southerly, along west shore Trail River to shore Kenai Lake;
Westerly, along line of mean high water Kenai Lake to point of beginning.
The tract described contains 141 acres.

MILE 38 JUNCTION–SEWARD–ANCHORAGE HIGHWAY

All land within 400 feet of the center line of the Seward–Anchorage Highway between BPR Highway Station 410+90 and Station 423+71.6 Section B–2 and all land within 400 feet of the center line of the Kenai River Highway between the BPR Station 450+90.2 Project 5–B2 to the above two said stations on the Seward–Anchorage Highway, in approximate Latitude 60°32' N., Longitude 149°33' W., thus forming a triangle junction of the two highways and known as Mile 38 Junction and located approximately 38 miles from Seward, Alaska, containing an area of approximately 130 acres.
The tract described contains 130 acres.

UPPER TRAIL LAKE RECREATION AREA (TRACT C)

Beginning at a point on the line of mean high water on the south shore of Upper Trail Lake, due north of BPR Station No. 162—Seward–Anchorage Highway, Section A2, B3, approximate Latitude 60°32' N., Longitude 149°33' W., thence
Southeasterly, 56.00 chains, approximately, along line of mean high water of Upper Trail Lake to a point due north of BPR Station No. 130, Section A2, B3, Seward–Anchorage Highway;
South, 11.50 chains;
West, 43.50 chains;
North, 25.00 chains to point of beginning.
The tract described contains approximately 75 acres.

TONGASS NATIONAL FOREST

MILL CREEK INDUSTRIAL AREA

Beginning at U. S. C. & G. Station "Virgin" located at Mill Creek on the east shore of Eastern Passage, thence
East, ¼ mile;
North, 1½ miles;
West, 1 mile to U. S. C. & G. Station "Mill";
Southerly, along line of mean high tide of Eastern Passage to point of beginning.
The tract described contains approximately 336 acres.
The tracts total in the aggregate approximately 682 acres.

This order shall be subject to existing withdrawals for power purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Acting Secretary of the Interior.

SEPTEMBER 17, 1958.

[F. R. Doc. 58–7724; Filed, Sept. 22, 1958; 8:45 a. m.]

[Public Land Order 1732]

[Fairbanks 014424]

ALASKA

RESERVING LANDS AT NORTHWAY JUNCTION FOR USE OF BUREAU OF LAND MANAGEMENT AS AN ADMINISTRATIVE SITE; PARTIALLY REVOKING PUBLIC LAND ORDER NO. 386 OF JULY 31, 1947

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation, including the mining but not the mineral-leasing laws, nor disposals under the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for use of the Bureau of Land Management, Department of the Interior, as an administrative site:

NORTHWAY JUNCTION

A parcel of land situated on the southerly side of the Alaska Highway and easterly side of the Northway Road in the immediate vicinity of their junction at approximate latitude 63°00'54" N., longitude 141°47'00" W., more particularly described as follows:

Beginning at a point identical to Corner No. 4, of U. S. Survey No. 2781; thence

N. 54°57' W., 1.50 chains to a point on the centerline of Northway Road;
N. 33°03' E., 15.57 chains along said centerline to a point on the centerline of the Alaska Highway;
S. 54°57' E., 10.00 chains along said centerline;
S. 35°03' W., 15.57 chains;
N. 54°57' W., 3.40 chains to Corner No. 3 of U. S. Survey No. 2781;
N. 54°57' W., 5.10 chains along Line 3–4 of U. S. Survey No. 2781 to the point of beginning.

The tract described contains 15.57 acres.

2. Public Land Order No. 386 of July 31, 1947, is hereby revoked so far as it affects any of the lands described in paragraph 1 of this order.

FRED G. AANDAHL,
Acting Secretary of the Interior.

SEPTEMBER 17, 1958.

[F. R. Doc. 58–7725; Filed, Sept. 22, 1958; 8:45 a. m.]

[Public Land Order 17

[716554]

MICHIGAN

REVOKING EXECUTIVE ORDER NO. 2638 OF JUNE 12, 1917, WHICH RESERVED LITTLE LIME ISLAND FOR LIGHTHOUSE PURPOSES

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 2638 of June 12, 1917, which reserved the following-described public lands in Michigan for lighthouse purposes, is hereby revoked:

MICHIGAN MERIDIAN

T. 42 N., R. 6 E.,
Sec. 6, Little Lime Island, Unsurveyed.

The island is located in the Straits of St. Mary, South of Lime Island, and is estimated to contain approximately 13 acres.

2. The lands will not be open to further disposition under the public land laws, unless and until, after survey, a notice is issued by an authorized officer of the Bureau of Land Management, of the filing of an official plat of survey, which notice shall specify the time and manner for filing of applications.

FRED G. AANDAHL,
Acting Secretary of the Interior.

SEPTEMBER 17, 1958.

[F. R. Doc. 58–7726; Filed, Sept. 22, 1958; 8:46 a. m.]

[Public Land Order 1734]

[77731]

WASHINGTON

POWER SITE RESTORATION NO. 537; PARTLY REVOKING EXECUTIVE ORDERS OF JULY 2, 1910 AND JUNE 30, 1916, WHICH CREATED POWER SITE RESERVES NOS. 74 AND 534, RESPECTIVELY; OPENING CERTAIN LANDS WITHIN OTHER EXISTING POWER WITHDRAWALS

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Orders of July 2, 1910 and June 30, 1916, creating Power Site Reserves No. 74 and No. 534, respectively, are hereby revoked, so far as they affect the following-described lands:

WILLAMETTE MERIDIAN

POWER SITE RESERVE NO. 74

T. 7 N., R. 5 E.,
Sec. 30, lot 9.
T. 7 N., R. 6 E.,
Sec. 23, NE¼ and NE¼SE¼.

POWER SITE RESERVE NO. 534

T. 33 N., R. 10 E.,
Sec. 4, lots 6, 7, E½SW¼, and W½SE¼;
Sec. 9, SW¼SW¼;
Sec. 10, lot 9.

The areas described aggregate 550 acres.

2. An order of the Director of the Geological Survey of November 19, 1957 (22 F. R. 9437), cancelled Power Site Classifications Nos. 75, 126, 156, and 207, so far as they affect the following-described lands:

WILLAMETTE MERIDIAN

T. 37 N., R. 5 E.,
Sec. 21, lots 2 and 7.
T. 40 N., R. 6 E.,
Sec. 28.
T. 3 N., R. 7 E.,
Sec. 1, lot 2.
T. 12 N., R. 8 E.,
Sec. 10, N½SE¼.
T. 33 N., R. 10 E.,
Sec. 20, lot 9;
Sec. 22, lot 2.

Totalling 195 acres.

3. In DA–134–Washington, issued June 8, 1956, the Federal Power Commission vacated the existing power withdrawal created by the filing of an application for preliminary permit on November 14, 1921, for Power Project No. 264, affecting the following-described lands:

WILLAMETTE MERIDIAN

T. 7 N., R. 5 E.,
Sec. 30, lots 1, 2, 9, NW¼NE¼, and NE¼NW¼.
T. 7 N., R. 6 E.,
Sec. 23, NE¼ and NE¼SE¼.

The areas described aggregate 339.92 acres.

4. In DA–134-Washington, the Federal Power Commission made a favorable determination under section 24 of the Federal Power Act respecting the following-described lands:

WILLAMETTE MERIDIAN

POWER PROJECTS NOS. 2071 AND 2111

T. 7 N., R. 4 E.,
Sec. 34, E½SE¼.
T. 7 N., R. 5 E.,
Sec. 26, lot 7.
T. 7 N., R. 6 E.,
Sec. 26, lots 4, 7, and 8.

The areas described aggregate 228.63 acres.

5. The lands described in this order are timber lands lying in western Washington. Topography for the most part is rough and mountainous, and the soil is a shallow, rocky clay loam.

6. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

7. Subject to any valid existing rights and the requirements of applicable law, the lands described in this order are hereby opened to filing of applications, selections and locations, in accordance with the following, the lands described in paragraph 4, however, being opened subject to the provisions of section 24 of the Federal Power Act, and subject to the prior right of the United States, its licensees or permittees, to use for power purposes those portions of the lands within the project boundary of Project No. 2071, as shown on map designated Exhibit "K"–7 (Federal Power Commission No. 2071–28), and the project boundary of Project No. 2111, as shown on the map designated Exhibit "K" (Federal Power Commission No. 2111–12) and both filed in the Office of the Federal Power Commission:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284, as amended), presented prior to 10:00 a. m. on October 23, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 22, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on January 22, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

8. The lands have been open to applications and offers under the mineral leasing laws, and, excepting those described in paragraph 4, which are within the boundaries of licensed Project No. 2071 and proposed Project No. 2111, to location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 682; 30 U. S. C. 621, et seq.).

9. All the lands described in this order shall be subject until 10:00 a. m. on December 18, 1958, to application by the State of Washington under any statute or regulation applicable thereto, for rights-of-way for public highways, or as a source of material for the construction and maintenance of such highways, pursuant to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

10. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

FRED G. AANDAHL,
Acting Secretary of the Interior.

SEPTEMBER 17, 1958.

[F. R. Doc. 58–7727; Filed, Sept. 22, 1958; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 24]

TYDEN AND AUTOMATIC METAL SEALS

NOTICE OF PROPOSED INCREASE IN PRICE

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that, under the authority of title V, section 501 of the Act of August 31, 1951 (5 U. S. C. 140), it is proposed to amend § 24.13 (e) of the Customs Regulations to increase the charge for in-bond and in-transit seals sold by collectors of customs.

The purpose of the proposed amendment is to recover the cost to customs, including the contract purchase price, shipping costs, storage, distribution, sale, accounting, and other overhead costs covering Tyden and automatic metal seals issued and sold by collectors of customs for emergency use by common carriers and other authorized users of such seals, the price to be paid to collectors of customs to be increased from 5 cents to 10 cents per seal, with a minimum order to consist of 10 seals for $1. The terms of the proposed amendment, in tentative form, are as follows:

The last sentence of paragraph (e) of § 24.13, is amended to read as follows: "In-bound and in-transit seals sold by collectors of customs shall be charged for at the rate of 10 cents per seal, with a minimum order to consist of 10 seals for $1."

Prior to the final adoption of such amendment, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 16, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58–7750; Filed, Sept. 22, 1958; 8:50 a. m.]

POST OFFICE DEPARTMENT

[39 CFR Part 15]

MATTER MAILABLE UNDER SPECIAL RULES

CONCEALABLE FIREARMS

Section 1715 of Title 18, United States Code, declares pistols, revolvers, and other firearms capable of being concealed on the person, to be nonmailable, with exceptions in favor of bona fide dealers in firearms, manufacturers, officers of the Armed Forces, and other persons. The law gives authority to the Postmaster General to prescribe regulations governing permissible shipments of firearms. The Departmental regulations are contained in § 15.5 of Title 39, Code of Federal Regulations.

Various chief legal officers of the Department have taken the view that it would frustrate the legislative intent of the law to hold a pistol to be mailable solely because it uses a propellent other than gunpowder. In the Postal Bulletin of June 12, 1951, and again in the Postal Bulletin of February 23, 1954, the chief legal officer of the Department caused to be published instructions to the effect that gas and air pistols are within the purview of the law in 18 U. S. C. 1715.

It is proposed to amend the regulations contained in § 15.5 of Title 39, Code of Federal Regulations, to bring such interpretive rulings within the scope of the regulations by making them applicable to gas, air, and spring-action pistols.

The proposed amendment relates to a proprietary function of the Government. It also is in a nature of an interpretive ruling. Accordingly, this amendment is exempted from the rule making requirements of the Administrative Procedure Act (5 U. S. C. 1003). However, the Postmaster General desires voluntarily to give postal patrons an opportunity to present their written views concerning the proposed regulations. Accordingly, the final regulations to be adopted by the Department will be considered in the light of such views which may be received.

Comments may be submitted to Richard S. Farr, Acting Assistant General Counsel, Room 5226, Post Office Department, Washington 25, D. C., at any time prior to November 1, 1958.

The proposed amendment is as follows:

In Part 15—Matter Mailable Under Special Rules, amend § 15.5 *Concealable firearms* by the addition of a new paragraph (h) to read as follows:

(h) *Gas, air, spring-action pistols.* Gas and air pistols, as well as those which operate solely by a spring action, are regarded as firearms and their mailing must comply with the requirements of this section.

NOTE: The corresponding Postal Manual section is 125.5.

(R. S. 161, as amended, 396, as amended, sec. 1, 62 Stat. 781, as amended; 5 U. S. C. 22, 369; 18 U. S. C. 1715)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58–7776; Filed, Sept. 22, 1958; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1014]

[Docket No. AO-304]

HANDLING OF MILK IN MISSISSIPPI GULF COAST MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Mississippi Gulf Coast marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, was conducted at Gulfport, Mississippi, on April 15–18, 1958, pursuant to notice thereof which was issued March 25, 1958 (23 F. R. 2073).

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions—1. *Character of commerce.* All milk to be regulated by the proposed marketing agreement and order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

There is regular interstate commerce in the distribution of milk. One distributor whose plant is located just outside Mobile, Alabama, distributes approximately half of the total quantity of milk sold in Pascagoula and other portions of Jackson County. Another handler makes regular distribution of milk in several Gulf Coast cities from a plant located in New Orleans, Louisiana. Also, distributors from outside Mississippi frequently bid on the contract for Keesler Air Force Base at Biloxi. At the time of the hearing, the major part of the Keesler Field contract was supplied by a distributor whose plant is located at Pensacola, Florida. Within recent years part of the contract has also been held by a Shreveport, Louisiana, handler and by the previously mentioned Mobile handler.

The procurement of milk is also interstate in character. A plant located at Picayune, Mississippi, from which milk is distributed in the marketing area obtains its entire supply of milk from a receiving station operated by the Louisiana-Mississippi Milk Producers Association at Poplarville, Mississippi. The Poplarville station receives milk from farms located both in Mississippi and Louisiana and at the time of the hearing was serving primarily as a receiving station for the New Orleans market. It was a fully regulated pool plant under the New Orleans milk marketing order. There is also considerable overlapping of milksheds between the Gulf Coast and the Central Mississippi Federal order market. The Central Mississippi market, in turn, is directly involved in interstate commerce. Several Central Mississippi handlers, regulated under that order, not only procure milk in direct competition with Gulf Coast handlers but also distribute milk in the Gulf Coast area.

Producers for the Mississippi Gulf Coast market supply milk primarily for fluid use. However, there is necessarily some reserve for daily and seasonal variations in sales and production. This reserve milk is commonly manufactured into such storable dairy products as butter, nonfat dry milk, and cheese which compete directly with similar products which are marketed nationally. At times such reserve milk from the Gulf Coast market has been moved in fluid form to a plant in Louisiana for manufacture.

2. *Need for an order.* The issuance of a marketing agreement or order will tend to effectuate the declared policy of the Act.

Stability of marketing conditions, together with a reasonable certainty of an adequate supply of pure and wholesome milk, can be assured for the Gulf Coast marketing area by providing for equal costs of milk according to use for each handler distributing milk in the area or supplying milk to such distributors and by providing for all farmers to share equally in proceeds from the sale of their milk to these handlers. These conditions do not now exist.

Producers supplying milk to plants which would qualify as pool plants hereunder are represented by three cooperative associations. Two of these associations have had very little success in bargaining with the distributors with respect to prices to be paid for their milk, the quantities used in each class, the checking of weights and butterfat tests, or the furnishing of essential market information. The other cooperative has had somewhat greater success in these matters because it operates a receiving station at which the milk is received from members and transferred in bulk to the bottling plant of the distributor.

Some of the producers supplying several of the local plants belong to the Mississippi Milk Producers Association. For a period of several months, one of the handlers at Biloxi was subject to the Central Mississippi order. During that time the Mississippi Milk Producers Association performed marketing services for its members supplying this plant. When the plant was no longer subject to the order, the Association was unable to continue representing its producers with respect to marketing services or price bargaining. At the time of the hearing the Association performed no marketing services for its members at this or the other plants which would be subject to a Gulf Coast order.

Other producers serving the local plants belong to the Gulf Coast Dairymen's Association. This Association has also been unsuccessful in its efforts to perform marketing services for its members, to bargain for price, or to obtain check-off of association dues.

The third cooperative association of producers is the Louisiana-Mississippi Milk Producers Association. It owns and operates a receiving station at Poplarville, Mississippi, and at the time of the hearing this plant was qualified as a pool plant under the New Orleans order. The association ships a full supply of milk by bulk tank to the Picayune, Mississippi, plant of the Brown's Velvet Dairy Products, Inc. Under such an arrangement, this association obviously has substantial influence on the marketing of its members' milk. It can effectively represent them in bargaining for prices and has complete control over the weighing and testing of member milk, payments to producers and providing of marketing information.

The Gulf Coast area lacks a complete system of classifying and pricing milk in accordance with the use made of it by distributors. A partial program of classification and pricing is carried out under the State of Mississippi Milk Audit Law. However, this program is limited in several important respects, including the fact that it provides for an announcement of minimum class prices to be paid to producers by handlers but does not specify such minimum prices, does not apply to milk originating outside the State, and provides market information only for the State as a whole rather than for the several marketing areas within the State.

A retail price war between distributors was developing in the Gulf Coast area while the hearing was in progress. In this particular instance the price competition did not originate from a reduction in prices paid for milk to producers since the distributors who were most aggressively reducing prices were fully subject to Federal orders in the Central Mississippi and New Orleans markets. However, one of the means available to local distributors in meeting the competition created by lower retail prices was to reduce the prices paid to the local dairy

farmers. Obviously, if the Gulf Coast dealers were required by a Federal order to pay specified minimum prices to producers for milk used in each class, any reduction they might make in retail and wholesale prices would have to be financed from their own operating margins rather than by any reduction in prices paid to dairy farmers.

A second instance of price instability involves the contracts to supply milk to Keesler Air Force Base at Biloxi. Contracts for the mess hall and commissaries at the base are let quarterly. Commissary privileges are extended not only to military personnel but to civilian employees at the base. Some of the handlers who would be regulated under the proposed order regularly submit bids for these contracts and have frequently obtained one or both contracts in the past. At the time of the hearing, however, the contracts were held by the operator of a plant located at Pensacola, Florida. The prices paid to dairy farmers for milk to supply this contract were well below the competitive level of prices paid for milk for bottling purposes. It appears highly probable that the milk used to supply the contract was a seasonal surplus of Grade A milk which would otherwise have had to be utilized for manufacturing purposes and did not represent a supply which would be available on a regular basis for this market.

The lack of a complete system of classified pricing and the inability of producers to achieve orderly marketing conditions through cooperative association activities clearly demonstrate the need for a Federal order to establish and maintain orderly marketing conditions throughout the Gulf Coast marketing area. In addition to the essential pricing and pooling functions of an order, the audit of records and receipts of utilization of milk, the checking of butterfat tests and weights of milk and the publication of the current marketwide information will contribute greatly to the achievement of this objective in this market.

3. *Order provisions*—(a) *Scope of regulation.* Federal milk orders achieve marketing and pricing stability by using techniques authorized by the Agricultural Marketing Agreement Act of 1937, as amended. Important among these techniques are the requirements that (1) regulated distributors (handlers) pay at least specified minimum prices to producers in accordance with a classified use plan established in an order, and (2) these payments are distributed to each producer on a uniform basis through either an individual-handler pool, or a marketwide pool. Under the circumstances it is important to establish clearly which plants and which milk will be subject to all or part of the pricing provisions of the orders and, in turn, which producers will participate in the distribution of returns through the equalization pool. To identify such persons and to facilitate reference to them throughout this decision and in the proposed orders, such terms as marketing area, producer, types of milk plants, handler, producer milk, and other source milk are defined and are used herein.

Marketing area. The Mississippi Gulf Coast marketing area should include all the territory within the outer boundaries of Jackson, Harrison, Hancock, George, Stone, Pearl River, and Greene Counties in Mississippi. This territory comprises a contiguous area within which there is such competition in the sale and procurement of milk as to constitute a distinct marketing area to which a single system of pricing is applicable.

This seven-county marketing area constitutes the block of territoy bordering the Gulf Coast and extending north to the southern boundary of the Central Mississippi milk marketing area, except that Beat 2 of Lamar County is not included in the Central Mississippi area and was not proposed for inclusion in the Gulf Coast market. The major cities in the area are Biloxi, Gulfport, and Pascagoula, all of which are located on the Gulf. The total population in the proposed area is just over 200,000.

The area is served mainly by six local handlers. One distributing plant is located at Picayune, one at Gulfport, two at Biloxi, one at Pascagoula and one in Lucedale. Several of these distributors sell throughout most of the defined area and only one of them has any significant volume of sales outside the defined area. In this respect these counties form an unusually homogeneous market. This group of handlers receives approximately 4 million pounds of milk per month from about 500 producers.

The sanitary requirements relative to the production, processing and sale of milk are uniform throughout the area. The State of Mississippi standards are effective throughout the territory and are uniformly applied in all the jurisdictions. The extensive overlapping of sales territories by the plants located in the market and the acceptance of milk of comparable sanitary standards from plants located outside the area demonstrate the uniformity of these standards.

Although the local handlers sell very little milk outside the area, several outside handlers have distribution in the Gulf Coast. Some handlers whose plants are regulated under the Central Mississippi order sell comparatively small volumes of milk in the Gulf Coast area. Milk is also sold in several Gulf Coast locations by a distributor regulated under the New Orleans order.

The major competition from outside sources is provided by the Dairy Fresh Corporation operating a distributing plant at Pritchard, Alabama, just north of Mobile. This handler has extensive Class I sales in Pascagoula and throughout Jackson County. At various times he has also had part of the contract to supply milk to Keesler Air Force Base, near Biloxi in Harrison County. His primary sales territory is the city of Mobile, Alabama, and surrounding areas. His principal source of milk supply is a receiving station located at Greensboro, Alabama. The milk purchased there from dairy farmers is subject to the regulations of the Alabama Milk Control Board.

The Dairy Fresh Corporation proposed that Jackson County, Mississippi, be eliminated from the proposed marketing area. This handler has steadily increased his volume of sales in Jackson County since World War II. The record evidence is conflicting as to the proportion of Class I sales in Jackson County made by this handler but it is apparent that he does approximately half of the total Class I business.

Jackson County is an important outlet for the milk of proponent producers. Gulf Coast handlers still supply approximately one-half of the fluid sales in the county. One of them does the major portion of his business in the county. Accordingly, it is concluded that Jackson County should be included in the Mississippi Gulf Coast marketing area.

It is intended that the sales of fluid milk from piers, docks and wharves and to crafts moored thereat be included as sales in the marketing area. It is also intended that the area include all of the territory occupied by Government reservations, institutions or other such establishments whether municipal, State or Federal, if they lie within the limits of the area as defined. The quality requirements for milk for such outlets are similar to those for milk sold in other parts of the marketing area. These installations, by location, represent logical areas of distribution for handlers who would become regulated under the proposed order or for regulated handlers under adjacent Federal orders. Unless they are included, regulated handlers will be placed at a serious disadvantage in competing with unregulated handlers for such sales. The inclusion of these areas will assure as between handlers uniform minimum cost of milk received from producers.

Definitions. The term "route" is used in the definition of distributing plant and pool plant to cover a number of types of distributing operations in which handlers may engage in the proposed marketing area. "Route" should be defined as a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

The definition of a pool plant should be such as to determine which plants will be subject to pool regulation and which dairy farmers will be considered as producers and their milk included in the determination of a marketwide uniform price. Pool plant standards are needed because some of the plants involved in supplying milk to Gulf Coast area consumers are also involved in other areas. The pool plants should be those whose operations are identified in a substantial way with the Gulf Coast market and who are not more substantially associated with some other Federal milk marketing area.

Milk handling plants may conveniently be classified in two major groups according to the functions they perform. One consists of the distributing plants at which milk is processed, bottled, and distributed on routes in the marketing area. The second category of plants is those at which milk is received from dairy farmers, cooled, and combined into tank truck loads for shipment to the bottling plants. These

plants are commonly referred to as supply plants. The order should include specific definitions of each of these two types of plants, preliminary to the subsequent definition of pool plants.

A "distributing plant" should be defined as a plant at which fluid milk products, conforming to the Grade A sanitation requirements of any duly constituted health authority having jurisdiction in the marketing area, are processed and packaged and from which fluid milk products are disposed of on a route(s) in the marketing area.

A "supply plant" should be defined as a plant at which milk, produced in conformity with Grade A health regulations for the marketing area, is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

A "pool plant" should be specifically defined as (1) a distributing plant from which 20 percent or more of the total receipts of Grade A milk is distributed as fluid milk products on routes in the marketing area and 50 percent or more on routes either within or outside the marketing area, or (2) a supply plant from which 50 percent or more of the milk received from dairy farmers in any given month is shipped to distributing plants which qualify as pool plants. It should also be provided that if a supply plant qualifies as a pool plant during each of the low production months of September through January, it should be able to retain pool plant status during the following flush months of February through August without making additional shipments.

The requirement that at least 20 percent of the total supply at a distributing plant be sold as fluid milk products within the marketing area is an appropriate standard for designating such plants as pool plants. Any plant with a lower proportion of its business in the marketing area would be primarily identified with some other market. It would be inequitable to require that such a plant pay the Gulf Coast class prices on its entire sales or that the producers supplying such plant be included in the Gulf Coast utilization pool. Such a plant should, however, be subject to partial regulation with respect to the volume sold in the marketing area, as hereinafter described.

The requirement that at least half of the total supply at a distributing plant be distributed on routes in the form of fluid milk products is necessary to distinguish between plants which are primarily identified with the market as distributing plants and those which are primarily engaged in supply plant and milk manufacturing operations. All of the plants presently associated with the market as distributing plants utilize nearly their entire supply of milk for fluid purposes, do not supply significant quantities of milk to other plants, and have only limited facilities for the processing of milk into manufactured products.

With respect to supply plants, the requirement that at least 50 percent of the milk received from dairy farmers be shipped to Gulf Coast distributing plants demonstrates a primary association with this market and is an appropriate pool plant standard. The demand for milk from supply plants is commonly greatest during the fall and winter months of lowest production. On the other hand, during the flush production months, the demand on supply plants is normally lowest, and the milk is either manufactured in the supply plant or shipped to manufacturing plants instead of being shipped to the distributing plants. Accordingly, any supply plant which qualifies as a pool plant during the five low-production months of September through January is, in fact, an integral part of the market supply of milk for fluid purposes. Such plant and producers shipping thereto should therefore remain pooled during the subsequent flush production season regardless of the proportion of milk actually shipped to distributing plants unless the operator specifically requests nonpool status.

A "handler" should be defined as (1) any person in his capacity as the operator of a pool plant(s), (2) the operator of a nonpool distributing plant with route distribution in the marketing area, or (3) a cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant.

The handler is the person who receives milk from producers and who is responsible for reporting receipts and utilization of milk and payment thereof, with certain exceptions noted below. A cooperative association which markets the milk of its producer members may for short periods of time need to divert producers' milk from pool plants to nonpool plants. If the association is defined as a handler for such milk, even though it has no plant, the producers whose milk is so diverted should continue to receive the uniform price under the order until their milk will be needed for fluid use.

"Producer-handler" should be defined as any person who operates both a dairy farm and a distributing plant and who receives no milk from other dairy farmers or nonpool plants. The order is not intended to establish minimum prices for such operators, but they should be required to make reports to the market administrator. Such reports are necessary to determine whether the operator is a producer-handler.

The limitations of the proposed producer-handler definition would remove any cost advantage that a producer-handler might gain over a pool handler through the purchase of supplemental milk. By limiting the supply of a producer-handler to his own production and receipts from pool plants, he could not receive unpriced milk and retain his producer-handler status. He must, therefore, purchase his supplemental needs from pool plants and such milk would be priced as Class I.

At the hearing, consideration was given to a quantity limitation on the Class I sales of a producer-handler. At present, however, only two small-scale producer-handlers are serving the market. Moreover, the principal objective sought by the quantity limitation would be achieved by limiting producer dealers to their own production and purchases from pool plants.

Classification provisions of the proposed order should provide that any milk, skim milk, or cream transferred from a pool plant to the plant of a producer-handler will be Class I milk. Any supplemental supplies of milk which may be obtained from pool plants may, by virtue of the type of operation involved, be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from pool plants and still maintain his status as a producer-handler. Pursuant to the attached order, any milk which a handler receives from a producer-handler would be other source milk and would, therefore, be allocated to the lowest class utilization at the pool plant of a handler after the allocation of shrinkage on producer milk.

"Producer" should be defined as a person, other than a producer-handler, who produces Grade A milk, in conformity with the sanitation requirements issued by a duly constituted health authority, for consumption in the marketing area as a fluid milk product and whose milk is received at a pool plant. It should also include a person whose milk is diverted from a pool plant by a handler, including a cooperative association, to a nonpool plant for the handler's account. Such milk should be deemed to have been received at the location of the pool plant from which diverted. In order to distinguish between milk which may be temporarily diverted and that which has become disassociated from the Gulf Coast market, some limitation on the length of time that milk may be diverted and still be considered as producer milk under the order is desirable. Based on the conditions in the market, it is concluded that milk of a dairy farmer which is diverted to a nonpool plant in excess of 10 days' production during the normally low production months of September through January should not be considered as producer milk under the order. Milk of a dairy farmer which is moved to a nonpool plant in a quantity that exceeds 10 days' production during any of the months September through January when the regulated plants are in greatest need of milk, is not sufficiently associated with this market to be priced and pooled with other producer milk. Unlimited diversion of milk during the flush months of February through August will facilitate the economical disposal of seasonal reserve supplies. Such provisions will permit milk regularly associated with the market to be diverted to manufacturing plants during periods of seasonal flush production and over weekends and holidays when supply and demand relationships may require some reserve to be manufactured in plants not regulated by the order. The diversion provisions will facilitate interplant movements of milk for the purpose of short time adjustments of supply and demand without depriving dairy farmers producing the regular supply for the market of their status as producers.

"Other source milk" should be defined to include all skim milk and butterfat contained in fluid milk products received

by a handler at his plant(s), except producer milk and fluid milk products received from other pool plants. Any receipts from a producer-handler would be other source milk since such a person is neither producer nor the operator of a pool plant. This definition would also include milk products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed and converted to another product in the plant during the month. Supplemental supplies of other source milk from nonpool plants are occasionally needed and the amounts needed vary from season to season and between handlers.

"Fluid milk product" is specifically defined in the order because of frequent references to this group of items. The fluid milk products are those which constitute Class I use and should be defined as all the skim milk (including concentrated and reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks or concentrated milk (not sterilized or in hermetically sealed containers), eggnog, yogurt, cream (sweet or sour), and any fluid mixture of cream and milk or skim milk (except aerated cream, ice cream mix, and frozen dessert mix).

(b) *The classification and allocation of milk.* Milk should be classified in two classes reflecting the principal differences in the value of milk used for different purposes. Class I should include all skim milk and butterfat disposed of for consumption as a fluid milk product and Class II should include the manufacturing uses.

Because skim milk and butterfat are not used in most products in the same proportions as received from producers, these components should be accounted for and classified separately. Class prices, however, will apply per hundredweight of milk, and will be adjusted for the butterfat content of the milk actually used in each class through butterfat differentials.

The fluid milk products which are included in Class I are those distributed to consumers in fluid form and required by the health authorities having jurisdiction in the marketing area to be obtained from milk or milk products from Grade A sources. The extra cost of Grade A quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used as Class I somewhat higher than for milk used for manufacturing purposes. It is appropriate that all of the products required to be from Grade A milk be included in a single class so that all milk required to make such products may contribute uniformly to the cost of supplying the market needs for Grade A milk. Plant loss of producer skim milk and butterfat in excess of 2 percent and skim milk and butterfat not accounted for as Class II should also be classified as Class I.

Reserve milk not needed seasonally, or at other times such as weekends, for Class I use must be disposed of for use in manufactured products. These products are not required to be made from inspected milk, must be sold in competition with products made from uninspected sources produced over a large area and generally are less perishable than fluid milk products. Milk so used should be classified as Class II and priced in accordance with its value in such outlets.

Class II should therefore include skim milk and butterfat used to produce any product other than a fluid milk product, including but not limited to such products as ice cream, ice cream mix, ice milk, frozen desserts and mixes, frozen cream, aerated cream, dried milk products, whole and nonfat, condensed or evaporated products, butter, cottage cheese and hard cheese. Class II should also include plant loss of other source milk, actual plant loss on producer milk not in excess of 2 percent, all skim milk dumped or accounted for as disposed of for livestock feed, and inventories of fluid milk products on hand at the end of any month. Cream which is frozen and placed in storage should be Class II since such cream is intended primarily for use in ice cream or ice cream mix. Any frozen cream or other Class II products which may be used later in a fluid milk product would be considered as other source milk at the time of such use and assigned to the lowest priced utilization in the plant.

Handlers have inventories of fluid milk products at the beginning and end of each month which must enter into the accounting for current receipts and utilization. The record testimony indicates that an appropriate classification of the inventory of fluid milk products is as Class II. This manner of classifying inventory with correlated steps in the allocation procedure provides a means of charging each handler for his Class I sales each month at the current Class I price. Fluid milk products whether in bulk or packaged form should be inventoried and classified as Class II. Manufactured milk products are not included in inventory accounting because the skim milk and butterfat used for such products are accounted for in the month when such products are manufactured.

Uniformity of cost to handlers and simplicity of accounting are achieved if, so far as possible, Class I utilization each month is assigned to current receipts of producer milk. This can be accomplished by classification of closing inventory as Class II, and allocation of opening inventory to Class I only when current receipts of producer milk (except allowable Class II shrinkage) are less than Class I sales. In such case the handler should pay the difference between the Class II price for such milk in the preceding month and the current Class I price. The volume on which this charge is made should not exceed the volume (in excess of allowable Class II shrinkage) for which producers were paid at the Class II price in the preceding month.

Inventories of products designated as Class I on hand at a pool plant at the beginning of any month during which such a plant becomes qualified for the first time should likewise be subtracted from the Class II utilization of such plant. This will preserve the priority of assignment of current producer receipts to current Class I use for each month.

The allocation of inventory to Class I which is in excess of the producer milk classified as Class II in the preceding month should be subject to the same rate of compensatory payment as a current receipt of other source milk.

Unaccounted for milk in excess of a reasonable allowance for plant loss should be Class I so as to require full accounting by handlers for their receipts. Two percent is considered a reasonable maximum allowance for plant loss. No limit need be put on shrinkage of other source milk since such milk is deducted from the lowest use class under the allocation procedures. Since it is not feasible to segregate shrinkage of producer milk from that of other source milk in the same plant, total shrinkage is prorated on the basis of the volume of receipts. Allowance for loss on producer milk diverted to another pool plant should be at the pool plant where actually received. When milk is moved in bulk from one pool plant to another pool plant the loss on producer milk should be prorated at the rate of 0.5 percent to the shipping plant and 1.5 percent to the receiving plant to reflect the greater losses in the bottling operation. Each handler must be held responsible for full accouuting of all his receipts of skim milk or butterfat in any form. The handler who first receives the milk from producers should be responsible for establishing the classification of and the payment for producer milk. Except for such limited quantities of shrinkage as may be classified in Class II, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that prbducers receive full value for their milk on the basis of its use.

Transfers of milk between plants. Classification of butterfat and skim milk used in the production of Class II items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, since some Class I items may be disposed of to other milk plants for processing, separate classification procedure should be prescribed for transfers to other plants.

Milk, skim milk, cream or other fluid milk products transferred by a handler to the pool plant of another handler should be classified as Class I milk unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II milk. However, sufficient Class II utilization must be available at the transferee plant for such assignment after prior allocation of shrinkage and other source milk, as described below. On the other hand, if the transferring handler had other source milk during the month, the assignment of products

transferred to another plant to the Class I utilization of such plant should be limited so that other source milk in the transferring handler's plant will not be allocated to Class I milk while at the same time producer milk is allocated to Class II milk in the transferee handler's plant.

Milk, skim milk or cream transferred or diverted from Mississippi Gulf Coast pool plants to nonpool plants should be classified as Class I to the extent that the receipts from regulated plants under this order or any other order exceeds the Class II usage in the nonpool plant. In the event fluid milk products are received at a nonpool plant from more than one plant regulated by a Federal order, any skim milk or butterfat classified as Class I at such a nonpool plant should be shared pro rata between pool plants of this and other orders. In order to substantiate a Class II classification the nonpool plant must have and make available records adequate to verify any Class II utilization claimed.

There was no evidence indicating that the Mississippi Gulf Coast market carries milk supplies for other markets and therefore producers have no claims of priority to Class I sales in other markets resulting from transfers from pool plants to nonpool plants in such markets. Accordingly, only ungraded supplies at the nonpool plant are assigned to Class II uses before the milk transferred from a Gulf Coast pool plant is assigned.

Allocation. When handlers receive butterfat and skim milk from sources other than from producers, it is necessary to provide a method for allocating such receipts to the classes of utilization in such a manner as to determine the classification of producer milk. Inasmuch as producer milk is the regular available supply for fluid consumption in the marketing area, producer milk should be assigned the Class I utilization in preference to other source milk. This is necessary to insure the effectiveness of the classified pricing program of the proposed order. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in detail in the proposed marketing agreement and order.

In general this procedure requires that skim milk and butterfat, respectively, remaining in each class be assigned to producer milk by making the following deductions from the gross utilization of each handler starting with Class II milk, except as otherwise noted:

(1) Class II shrinkage of producer milk;

(2) Other source milk unregulated;

(3) Other source milk under Federal regulation;

(4) Beginning inventory;

(5) Receipts from other handlers (according to classification);

(6) Add shrinkage deducted in (1); and

(7) Overage.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described above should be carried out with respect to all receipts during the month.

(c) *Class prices.* For the first 18 months the order is in effect, the Class I price for the Mississippi Gulf Coast market should be the same as the Class I price under the Central Mississippi milk marketing order.

The Gulf Coast marketing area is bounded on the north by the Central Mississippi marketing area. There is substantial competition between the two markets, both in procurement and sale of milk. With respect to procurement, over 15 percent of the total number of shippers supplying the Gulf Coast handlers are actually located within the Central Mississippi marketing area. Conversely, substantial numbers of Central Mississippi producers shipping to handlers located at Hattiesburg and other points are located in these same counties and in the seven counties which comprise the Gulf Coast marketing area. In addition, several Central Mississippi handlers make regular route sales of milk in the Gulf Coast.

There is also substantial competition between the Gulf Coast and New Orleans markets. The plant operated by the Louisiana-Mississippi Milk Producers' Association at Poplarville, Mississippi, is regulated as a pool supply plant under the New Orleans order. From this plant the association also furnishes a full supply of milk by bulk tank truck to a Picayune, Mississippi, bottling plant which would be subject to regulation hereunder. In addition, a New Orleans distributor has regular route sales in the southwestern portion of the Gulf Coast market. Under the New Orleans order the Class I and uniform prices are announced at the 60–70-mile zone. Poplarville is in the 81–90-mile zone and has a minus 4-cent differential.

In both the New Orleans and Central Mississippi orders, Class I prices are set at stated differentials over identical basic formula prices. In New Orleans the differentials are $2.30 during the flush months of March through June and $2.50 in the other 8 months, for an average of $2.43. In Central Mississippi the differentials for the corresponding months are $1.85 and $2.25, for an average of $2.12. The New Orleans Class I price is further subject to a supply-demand adjustment which raises the differential whenever supplies are below normal in relation to Class I sales and lowers it when an over-supply is indicated. In each of these orders the Class I prices have been in effect for a sufficient length of time to demonstrate that they are adequate to induce the production of a sufficient supply of pure and wholesome milk for the needs of the market.

Since the Gulf Coast market is most directly in competition with Central Mississippi, that market rather than New Orleans should serve as the primary determinant of Class I prices in the Gulf Coast. The Gulf Coast is, of course, more distant from the usual sources of supplemental milk (Missouri, Iowa, Minnesota, and Wisconsin) than the major cities in Central Mississippi. Supplemental milk would, therefore, be expected to cost more because of the added transportation to Gulf Coast points. On the other hand, the location adjustment which would apply to milk furnished to Central Mississippi from a plant at Gulfport would be 10.5 cents per hundredweight. However, the primary competitive factor in this case is the procurement of milk. Many of the shippers in the northern portion of the Gulf Coast market and in the southeastern portion of the Central Mississippi market can readily ship to either area at approximately the same hauling cost. By setting the Gulf Coast Class I price at the same level as in Central Mississippi, the blend prices will determine which market is the more attractive to these producers. They will tend to ship to the market with the higher blend price and this will be the market in which supplies are lowest in relation to Class I sales.

Some time after the order has been in operation a full year, a hearing can be called to consider more permanent Class I price provisions. At such time considerable marketwide data on all aspects of the marketing of milk in the area will have become available. These data can be expected to provide for a reappraisal of the Class I price structure.

Class II price. The Class II price should reflect the value of milk for general manufacturing uses in the Mississippi Gulf Coast milkshed. The average of the prices paid at four Mississippi dairy manufacturing plants provides an appropriate indication of the value of milk for such uses in the area. The four plants selected are in the general area of the Mississippi Gulf Coast milkshed and are not operated or controlled by persons who will be handlers under the order.

To the monthly average of prices paid at local dairy manufacturing plants 10 cents per hundredweight should be added for the months of March through July and 20 cents in all other months. The proposed Class II price will be the same as the Class III price under the Central Mississippi order and will be slightly lower than the New Orleans Class II price. In 1957 the Central Mississippi Class II price averaged $3.29 while the New Orleans Class II price averaged $3.31.

The cooperative associations are in a position to divert milk directly from producers' farms to a manufacturing plant if the occasion arises. There are a number of plants located within the surplus disposal area where the associations would be able to dispose of reserve supplies of milk.

However, the proposed Class II price will be a level that will tend to discourage handlers from procuring needless supplies of Grade A milk for Class II uses and thus will tend to maximize returns to producers for Grade A milk used in Class II.

Butterfat differentials. Butterfat and skim milk will be accounted for separately for classification purposes since they are not used in most products in the same proportions as received from producers. The basic test for which class prices are determined is 4.0 percent butterfat content, the usual fat test at which prices are quoted in the area, and on which the market has operated for

many years. It will then be necessary to adjust Class I and Class II prices of milk to handlers in accordance with the average test of milk used in each class. Butterfat differentials which reflect differences in value due to differences in butterfat content are used for this purpose.

Producers proposed that the handler butterfat differential for Class I milk be 0.12 times the Chicago price of 92-score butter. In the Mississippi Gulf Coast area, fluid cream must be from Grade A milk and is therefore priced as Class I milk. Butterfat in cream from inspected sources sold as fluid cream or cream mixtures has a higher value than that in ungraded milk which will be approximately reflected by a butterfat differential 0.12 times the Chicago butter price. Such a differential should be used to adjust the hundredweight price of Class I milk for each one-tenth percent variation for 4.0 percent butterfat content. The Class II butterfat differential should be 0.11 times the Chicago butter price as proposed. Such a differential reflects an appropriate value of butterfat for Class II uses in this area.

The butterfat differential used in making payments to producers should be calculated at the average of the returns actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sales value of their butterfat at the class differentials provided in the order. The producer butterfat differential in no way affects the handlers' cost of milk but merely divides returns among producers according to the varying butterfat tests of their milk.

Location differentials. Fluid milk products, because of their bulky, perishable nature, incur a relatively high transportation charge if moved a considerable distance. Milk delivered directly by farmers to plants in or near the urban centers in the marketing area is therefore worth more to a handler than milk which is received from farmers at a plant located many miles from the market. This is so because in the latter instance the handler must incur the additional cost of moving that milk into the central market. The producer, in turn, receives less for milk delivered to points distant from the market area in lieu of incurring the additional cost of hauling his milk into the central market. Under these conditions the value of producer milk delivered to plants located some distance from the central market is reduced in proportion to the distance (and the cost of transporting such milk) from the point of receipt to the central market.

Distant plants not subject to another order may become partially or fully regulated by this order. The operator of such a plant would incur a substantial transportation cost on the bulk or packaged milk before reaching any portion of the marketing area and should be allowed an offsetting credit in order to be fully competitive with the pool plants located within the marketing area. The means of allowing for transportation costs under the order is to establish the Class I price for such milk delivered to plants at a point in the market and then provide a schedule of deductions from the Class I price as location differentials. This will place all handlers on an equal competitive basis on the Class I milk distributed in the marketing area.

In applying location differentials under the Mississippi Gulf Coast order the mileage zone of a plant should be determined by the shortest highway distance, as determined by the market administrator, from the Court House at Gulfport or Pascagoula, Mississippi, whichever is closer. These cities are so situated with respect to the overall marketing area so that basing location differential mileage zones from the nearer of them would be equitable to all handlers.

Because of the close competition between the plants which are located within the marketing area, it would be inappropriate to have location differentials applicable at such plants. Accordingly, it is concluded that the announced Class I price would be applicable at all plants located less than 100 miles from either Gulfport or Pascagoula, whichever is closer. For plants which are located in the 100–110 mile zone the Class I price should be reduced by 15 cents and by an additional 1.5 cents for each additional 10 miles or fraction thereof that such plant is located beyond 110 miles.

The location differential proposed herein is economically sound and will be applicable to all handlers wherever located. The proposed rates are fundamentally the same as those contained in various other orders and are representative of the cost of hauling milk by an efficient means to the market.

The producer should receive less for milk delivered to points which are distant from the marketing area in lieu of incurring the additional cost of hauling his milk to the marketing area. Under these conditions the value of producer milk delivered to plants should be reduced in proportion to the distance that such plant is from Gulfport or Pascagoula, Mississippi, by the same rate that applies to Class I milk.

Equivalent price. An equivalent price provision is designed to meet an emergency situation in which a price quotation necessary in the determination of class prices, or for any other purpose, may not be available. In such event, the Secretary would determine a price equivalent to the price quotation normally available. The provision proposed will remove uncertainty as to the procedure to be followed in the absence of any price quotation provided for in the order and thereby will prevent unnecessary interruption in the administration of the order.

Payments on unpriced milk. The order should provide compensatory payments with respect to unpriced milk which is allocated to Class I in a pool plant, in any month when receipts from producers exceed 112 percent of Class I utilization at all pool plants in the market.

Plant operators must have available a larger supply of milk than is necessary to fill their Class I requirements on any given day. Reserves are needed because production fluctuates seasonally without corresponding changes in the demand for Class I milk. Reserves are also needed to cover short-time fluctuations in receipts and for variations in Class I requirements resulting from 5- or 6-day bottling, the heavy weekend demand at grocery stores, holidays, and similar factors. The reserve milk is commonly manufactured into the more storable and transportable dairy products which are sold in competition with products made from manufacturing grade milk. The existence of this reserve Grade A milk, which must be marketed at a lower price, is a primary element of instability affecting fluid milk markets.

There are considerable volumes of such Grade A reserve milk close enough to be available to Gulf Coast handlers. A Grade A supply plant for the Houston, Texas, market operated by the South Texas Milk Producers Association at Magnolia, Mississippi, is one available source of unpriced reserve milk. The distributor from Pensacola who was holding part of the Keesler Field contract at the time of the hearing had apparently obtained another supply of such milk.

Since this reserve milk in other markets is ordinarily converted to manufactured dairy products, the seller would be willing to market it at any price which would net him more than the manufacturing value. Consequently, handlers under the Gulf Coast order could expect to obtain such reserve milk at approximately manufacturing values as reflected in the Class II price under the order. It is, therefore, appropriate that the compensatory payment on other source milk allocated to Class I should be the difference between the Class II price and the Class I price, adjusted to the location of the plant from which such other source milk was received from farmers. This rate will reflect generally the difference in value between unregulated and regulated milk for Class I use. The payment will, therefore, remove any competitive sales advantage which the regulated handler might otherwise obtain by substituting other source milk for available producer milk.

The compensatory payment should apply in all months except those in which the market supply of producer milk is inadequate to fill Class I requirements, including an operating reserve of 12 percent. On the basis of past experience, it appears that during times when producer supplies in the Gulf Coast market have not been adequate, the other nearby sources have also been in short supply. At such times milk must be obtained from Missouri, Wisconsin, or other distant sources and has commonly cost more delivered to Mississippi points than the Class I prices paid to local producers. Under these circumstances, there is no competitive advantage to be gained by the use of other source milk, and compensatory payments would be inappropriate.

It is administratively necessary to use the stated rate of compensatory payment

instead of attempting to determine an appropriate rate in each given case. Pool plant operators may obtain other source milk with little or no advance notice from a wide variety of sources. Any attempt to determine the actual cost of such milk to the regulated handler would be complicated by the number of plants involved, the fact that some of the plants supplying the other source milk might be operated by the same handler in which case the interplant billing would be purely arbitrary, the possibility of arbitrary billing even where the plants were not under common ownership, and the fact that the originating plant would not be subject to the audit and payment provisions of the order. It is, therefore necessary to have definite and specified rates applicable to all handlers similarly situated. The rates herein provided are those which will best effectuate the intent of the Act under current marketing conditions in the area.

Other source milk used in the form of concentrated milk products should be considered to be from a source at the location of the pool plant where it is used. In some instances there will be no, and in all cases insignificant, transportation charges per hundredweight experienced by handlers on such other source milk under the skim milk equivalent basis of accounting provided in the order. By following this procedure, the compensatory payment on other source milk derived from concentrated products, such as condensed milk or nonfat dry milk solids, will be comparable to that on any other source milk which is allocated to Class I milk.

No compensatory payments are required on milk which has been classified and priced under any other Federal order. The alignment of Class I prices for the Gulf Coast market with those provided under the Central Mississippi and New Orleans markets has already been described. It follows that there is little opportunity for handlers in any one of the markets to achieve any appreciable competitive advantage over handlers regulated by other Federal orders.

Another category of unpriced milk is that sold on routes in the marketing area by handlers operating nonpool plants. There are the plants which are primarily associated with some other market but from which less than 20 percent of the total supply is sold as Class I within the Gulf Coast marketing area. Also, it is conceivable that a distributing plant might fail to achieve pool status because less than half of its total receipts were disposed of in fluid form.

These nonpool distributors should have the choice of paying either the difference between the Class I and Class II prices on their sales within the area or any amount by which such operator has failed to pay his Grade A dairy farmers the use value of milk at order prices.

Handlers operating nonpool distributing plants are required to file such reports as will enable the market administrator to verify their nonpool status. Under the second option described in the preceding paragraph (that of proving minimum payments to dairy farmers) the nonpool distributor would file a complete report of receipts and utilization. From such reports, subject to audit, the value of his disposition of milk would be computed at the class prices adjusted for location and butterfat content in the same manner as for a pool plant. From this utilization value, the market administrator would subtract cash payments to the Grade A dairy farmers who constitute the regular supply of milk at the nonpool plant. Only such payments would be recognized as had been made to dairy farmers by the 20th day following the end of the delivery month. The payments would be the gross amount paid for milk delivered by farmers to the nonpool plant; the only deductions allowed would be those authorized in writing by the dairy farmers for supplies or services, including hauling. Any amount by which such payments fail to equal the utilization value of the milk would be payable to the utilization fund. In this way, the nonpool plant operator would be fully equated, so far as the utilization cost of his milk is concerned, with the pool plant operators.

In case the nonpool plant receives no milk or only part of its supply directly from dairy farmers, the application of these provisions should follow those which would be applied to similarly situated pool plants. For example, on the basis of the operations described in the record the Dairy Fresh Corporation plant at Prichard, Alabama, would be a nonpool plant. No milk is received directly from farms at the Prichard plant; its principal supply is from a receiving plant located at Greensboro, Alabama. In this instance, the Greensboro plant constitutes a supply plant and the entire operation there and at Prichard would be reported and audited to compare payments to dairy farmers delivering at Greensboro with class utilization and values of all milk received at and disposed of from the two plants.

The milk production area around Greensboro, Alabama, is entirely separate from that drawn upon by those Gulf Coast handlers who would be fully regulated hereunder. There was no proposal for extending regulation into Alabama, nor did producers there desire to be included under a Federal order at this time. In the circumstances, the Gulf Coast producers and handlers were concerned only that this Alabama handler, or any other nonpool handler who might be affected, be denied any competitive advantage based on minimum class prices paid to producers. They were not concerned about the possibility that nonpool handlers would have any competitive advantage in the procurement of milk through lack of pooling.

Other nonpool handlers may purchase some milk from dairy farmers and the remainder from other sources. The other source and dairy farmer milk will be allocated in the same fashion as if the plant were a pool plant, and compensatory payments computed if the other source milk did not come from plants subject to a Federal order.

The option of paying the difference between the Class I and Class II prices on the quantities sold as Class I in the marketing area should also be available to any handler operating a nonpool plant. Such payment will remove any competitive sales advantage as compared with fully regulated handlers just as in the case of other source milk allocated to Class I at a pool plant.

The assessment of administrative expenses should depend upon which option is chosen by the nonpool distributor. If he elects to pay the difference between Class I and Class II prices on his in-area sales, he should continue to pay administrative expense only on such quantities. However, if he elects the payment-to-dairy farmers option, he should pay administrative expense on his entire receipts from the Grade A dairy farmers. Obviously, the second option involves fully as much verification of receipts and utilization by the market administrator as at a pool plant. Such verification might well include the checking of weights and butterfat tests of receipts from dairy farmers and of the product sold as well as an audit of the books and records. Also, some of the fully regulated plants have nearly as large a proportion of out-of-area sales as a nonpool distributor yet are assessed administrative expense on their entire receipts.

(d) *Distribution of proceeds to producers; type of pool.* Returns from the sale of milk should be distributed to producers through a marketwide pool rather than through individual-handler pools. Under the marketwide pool, all producers regularly supplying the market would receive the same uniform price for their milk regardless of its utilization by the particular handler who received it. This type of pool provides for the uniform distribution among all producers in the market of the sales proceeds from the Class I and reserve supplies of milk.

A marketwide pool will also accommodate the previously described distribution of milk by the Alabama handler located at Prichard, Alabama, without either directly involving his primary market in Mobile, Alabama, through complete regulation or leaving his milk unpriced. It will be recalled that this handler will be an operator of a nonpool plant under this order and will be subject to the compensatory payment provisions applicable to such handler.

The marketwide pool will also contribute to the flexibility of milk marketing in the Mississippi Gulf Coast area in two important respects. One is that supplemental supplies can be freely distributed among handlers without affecting the prices paid to producers at each plant. The second is that temporary or seasonal reserves can be moved between plants either by transfer of the milk or of the shippers without affecting the prices paid to producers at the individual plants.

A marketwide pool will permit any handler to bid on contracts as those offered by military installations and other public institutions and to obtain supplies for such sales without upsetting

the market whenever the business might shift from one handler to another.

Base-excess plan. A base and excess plan of distributing returns for milk among producers for the purpose of encouraging level production should be adopted for this market.

A base and excess plan would be an effective means of improving the seasonal pattern of milk deliveries because it would relate producer returns directly to deliveries of milk during the low production months. Such a plan will help achieve a production pattern more nearly fitted to the sales pattern for fluid milk products in this area. A base and excess plan that is uniformly applied to all producers by being made a part of the attached order, will play an essential role in stabilizing marketing conditions in the Mississippi Gulf Coast area.

Fundamentally the base-excess plan proposed by the cooperative association and included herein is similar to that now being used by most of the handlers in the area. The period for base-making would be the months of September through January. Each producer would be assigned a daily base equal to his deliveries during that period divided by the number of days from the first day of his deliveries (using days of production in the case of a bulk tank shipper) to the last day of January, or by 120, whichever is more. The daily bases for each producer should be announced on or before March 1 of each year.

During the months of March through July separate uniform prices would be computed for base milk and excess milk for the purpose of allocating Class I sales first to base milk. Base milk would be that quantity of milk delivered by each producer up to his average daily base multiplied by the number of days in the month during which he delivers milk to any handler. The excess price would be the Class II price except in these months when the total Class I sales exceed the total quantity of base milk. During such months the excess price would be a blend of the Class I and Class II usage of excess milk. The base price is determined by dividing the total base milk into the remaining returns for all producers after subtracting the value of excess milk and the value of milk from producers with no base. The proposed method of arriving at uniform prices for base and excess milk will avoid the possibility that the price for base milk could exceed the Class I price.

Certain rules regulating the transfer of established bases were proposed and are adopted herein subject to some modification. Transfers within these rules should be made only on written request filed with the market administrator. The rules permit reasonable transfer of bases and correspond closely to present practices in the market.

The proposed rules provide for computing bases for dairy farmers on deliveries during the preceding base-forming period whenever any plant first achieves pool plant status in a base paying period. This provision will permit these producers to share equally with all other producers in the returns for milk.

Payments to producers and cooperative associations. The order should provide that each handler make final payment to each producer for milk received at the appropriate uniform price(s) on or before the 15th day after the end of each month. Since it has been the practice in this area for handlers to pay producers semimonthly, provision has been made for partial payments to producers on or before the 25th of each month for milk delivered during the first 15 days of such month at not less than the Class II price per hundredweight for the preceding month. No adjustment for butterfat content or location is required on such advance payment.

Provision should also be made for the handler, if authorized in writing by the producer, to make proper deductions from the final settlement for goods or services furnished, or for payments made on behalf of the producer.

The order should provide that handlers shall, if so requested, make payment directly to qualified cooperative associations for milk received from producer members of such association. This provision is necessary to enable producer cooperative associations to carry out their essential functions as authorized by the Act.

The successful operation of any classified pricing program and of a milk marketing order is dependent in large measure upon the cooperative marketing activity of producers supplying the market. The collective marketing activities of cooperative associations are of benefit not only to member producers, but also to producers not members of the association who are able to market their milk in a stable and orderly market at prices comparable to those received by association members. Under such marketing conditions, all producers are assured that they will be paid for their fair share of the fluid sales. They are assured, also, that their milk will not be displaced with milk purchased from other producers at lower prices than they received. The stable and orderly marketing conditions which may be achieved and maintained by cooperative action of producers likewise are of benefit to consumers and distributors in that they foster a dependable supply of pure and wholesome milk.

In order for a cooperative association to be able to carry out these functions, it is important that such association have full authority and not be impeded in collective bargaining and in selling milk. In order for a cooperative association to be able to market milk effectively and distribute returns therefrom to producer members, it may be necessary for them to receive payments for such milk. Thus, payments to all members of the association may be made in accordance with the association's pooling program authorized by the Act. Under the authority of the Marketing Agreement Act, payments may be received by a cooperative association on behalf of its members for milk caused to be marketed by the association.

At the time handlers make payment to producers or to cooperative associations for milk they should be required to furnish each such producer or cooperative association with a statement. This statement should show the pounds and butterfat tests of milk received, together with the rate or rates of payment for such milk and a description of any deductions claimed by the handler.

Producer-settlement fund. Since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperative associations, some method of balancing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations should pay the difference into the producer-settlement fund, and all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal except for minor differences that may result from rounding of uniform prices. In order to permit this rounding of prices, to allow for unavoidable delays in receiving payments from handlers, and to permit payments to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the proposed order should be sufficient for these purposes. This reserve would be accumulated by deducting between 4 and 5 cents each month from the uniform or base price, as applicable, after adding half of the unobligated balance to the pool from which such prices are computed. Since excess milk will rarely share in the higher class uses of the market, and deduction for the reserve from the excess milk price would reduce this price below the level of ungraded manufacturing milk prices, excess milk need not contribute to this revolving reserve fund in months when payments are computed under the base-excess plan.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers.

(e) *Administrative provisions.* The remaining provisions of the order are of a general administrative nature, are incidental to the other provisions of the order, and are necessary for the proper and efficient administration of the order. They provide for the selection of a market administrator, define his powers and duties, provide for an administrative assessment, prescribe the information to

be reported by handlers and set forth the rules to be followed in making the computations required by the order. They also prescribe the length of time that records must be retained and provide a plan for the liquidation of the order in the event of its suspension or termination. They are similar to like provisions of other orders, and except as set forth below require no comment.

Expenses of administration. As his share of the expenses of administering this order each handler should pay not in excess of 5 cents per hundredweight with respect to all producer milk received, all other source milk received at a pool plant which was classified as Class I milk, and as prescribed in § 1014.61 of the attached order with respect to a handler operating a nonpool plant. The market administrator must verify receipts and utilization of all such milk; therefore all such milk should be subject to the expenses of administration. Experience in other markets indicates that 5 cents per hundredweight with respect to all such milk should yield sufficient money to cover expenses of administration. If payment of expenses of administration at the rate of 5 cents per hundredweight yields more money than is needed, provision is made for the Secretary to prescribe a lesser rate of payment from time to time.

Marketing services. A provision should be included in the order for furnishing market services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a cooperative association is performing such services for any member-producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are in accordance with the classification, pricing and pooling provisions of the order, and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

An important phase of the marketing service program of the order is to furnish producers with correct market information. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a marketwide basis to all producers.

In the case of producers who are members of the cooperative operating a plant, the matter of milk-testing and milk-weighing is under the complete control of such producers and is assessed against such producers either through an association check-off or as a plant operating cost. The bargaining associations were not performing check weighing and testing services at Gulf Coast plants at the time of the hearing. However, whenever such services are adequately performed by cooperatives, the market administrator need not duplicate the services. The additional service of providing market information to producers is carried on to some extent at present by the cooperatives although detailed information regarding market prices, supplies, and the utilization of milk is not available either to the cooperative associations and their members or the independent producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 7 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing. In the event any qualified cooperative association of producers is determined by the market administrator to be performing such services for its members, handlers would be required to pay to the cooperative association such association dues as are authorized by its members.

Records and reports. Reports are required from handlers on receipts and utilization so that the market administrator may make the computations necessary to the marketwide pooling operation and the uniform price to producers. Handlers would also be required to submit payroll reports which would show the details of milk receipts from each producer, the value of the milk received from the producer, deductions therefrom, and net amount paid to the producer.

The order should provide limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1957, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444) covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of the decision.

Time schedule. Dates must be prescribed for announcing prices, filing reports and making payments. The following time schedule should allow all interested persons adequate time to perform each function. (These time limits apply to the indicated day of the month following the month for which computations are being made.)

Day of the Month and Function

6th—Submission of monthly reports of receipts and utilization by handlers.

6th—Announcement of class price and butterfat differentials by the market administrator.

10th—Announcement of uniform price and producer butterfat differential by market administrator.

12th—Payments by handlers of amounts due producer-settlement fund and expenses for administration and marketing services.

13th—Payments by market administrator due handlers from producer-settlement fund.

15th—Final payment to producers.

25th—Partial payment to producers.

Milk subject to other Federal orders. A handler who operates a plant at which minimum prices to dairy farmers are established under another order issued pursuant to the act, but nevertheless supplies milk for distribution in the Mississippi Gulf Coast marketing area should be exempt from the provisions of this order, except for reporting his volume of Class I sales in the marketing area. It would be impracticable to attempt to regulate a handler under two separate orders with respect to the same milk. The applicable order should be determined by the volume of Class I sales.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above.

To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order regulating the handling of milk in the Mississippi Gulf Coast marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

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1014.1 Act.
1014.2 Secretary.
1014.3 Department of Agriculture.
1014.4 Person.

Sec.
1014.5 Cooperative association.
1014.6 Mississippi Gulf Coast marketing area.
1014.7 Route.
1014.8 Distributing plant.
1014.9 Supply plant.
1014.10 Pool plant.
1014.11 Nonpool plant.
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1014.13 Producer-handler.
1014.14 Producer.
1014.15 Producer milk.
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MARKET ADMINISTRATOR

1014.20 Designation.
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REPORTS, RECORDS AND FACILITIES

1014.30 Reports of receipts and utilization.
1014.31 Other reports.
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CLASSIFICATION

1014.40 Skim milk and butterfat to be classified.
1014.41 Classes of utilization.
1014.42 Assignment of shrinkage.
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1014.50 Class prices.
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1014.75 Determination of daily base.
1014.76 Computation of base.
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1014.80 Time and method of payment.
1014.81 Producer butterfat differential.
1014.82 Producer location differential.
1014.83 Producer-settlement fund.
1014.84 Payments to the producer-settlement fund.
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1014.86 Adjustment of accounts.
1014.87 Marketing services.
1014.88 Expense of administration.
1014.89 Termination of obligations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

1014.90 Effective time.
1014.91 Suspension or termination.
1014.92 Continuing obligations.
1014.93 Liquidation.

MISCELLANEOUS PROVISIONS

Sec.
1014.100 Agents.
1014.101 Separability of provisions.

DEFINITIONS

§ 1014.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1014.2 *Secretary.* "Secretary" means Secretary of Agriculture of the United States, or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1014.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1014.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1014.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association, to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the Capper-Volstead Act.

§ 1014.6 *Mississippi Gulf Coast marketing area.* "Mississippi Gulf Coast marketing area", hereinafter called the marketing area, means all the territory, including incorporated municipalities and military reservations, within the counties of George, Greene, Hancock, Harrison, Jackson, Pearl River, and Stone, all within the State of Mississippi.

§ 1014.7 *Route.* "Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

§ 1014.8 *Distributing plant.* "Distributing plant" means any plant at which fluid milk products, eligible for distribution in the marketing area under a Grade A label, are processed and packaged and from which fluid milk products are disposed of on a route(s) in the marketing area.

§ 1014.9 *Supply plant.* "Supply plant" means any plant at which milk eligible for distribution in the marketing area under a Grade A label, is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 1014.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant, other than that of a producer-handler or one described in § 1014.62, from which during the month:

(1) Disposition in the marketing area of fluid milk products on routes is 20 percent or more of the total receipts of Grade A milk; and

(2) Total disposition of fluid milk products on routes is 50 percent or more of the total receipts of Grade A milk; or

(b) A supply plant from which during the month 50 percent or more of receipts from dairy farmers is moved to a plant described in paragraph (a) of this section. Any supply plant that was a pool plant during the months of September through January immediately preceding shall continue to be a pool plant each of the following months of February through August unless written notice to the market administrator is received before the first day of the month of its intention to withdraw in which case such plant shall thereafter be a nonpool plant, unless it again qualifies as a supply plant by shipping 50 percent or more of its receipts from dairy farmers to a plant described in paragraph (a) of this section.

§ 1014.11 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1014.12 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of a pool plant(s);

(b) The operator of a nonpool distributing plant with route distribution in the marketing area; or

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with § 1014.14.

§ 1014.13 *Producer-handler.* "Producer-handler" means a dairy farmer who operates a distributing plant at which no fluid milk or fluid milk products are received during the month except his own production or transfers from a pool plant(s).

§ 1014.14 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted by a handler from a pool plant to a pool plant or to a nonpool plant, which is not subject to another order issued pursuant to the Act, for the account of such handler but for not more than 10 days production during any months of September through January. Milk diverted for the account of such handler shall have been deemed to have been received at the plant from which it was diverted.

§ 1014.15 *Producer milk.* "Producer milk" means all skim milk and butterfat received at a pool plant directly from producers, or diverted pursuant to § 1014.14.

§ 1014.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products from pool plants, and (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, or for which other utilization or disposition is not established.

§ 1014.17 *Fluid milk product.* "Fluid milk product" means all the skim milk (including concentrated and reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks or concentrated milk (not sterilized or in hermetically sealed containers), eggnog, yogurt, cream (sweet or sour) and any mixture in fluid form of cream and skim milk or milk (except aerated cream, ice cream mix, frozen dessert mix).

§ 1014.18 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 1014.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1014.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary, complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1014.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon, satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1014.88, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1014.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by examination of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(h) Publicly disclose, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1014.30 and 1014.31, or payments pursuant to §§ 1014.80 to 1014.82, 1014.84 and 1014.86 to 1014.88;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:

(1) On or before the 6th day of each month, the minimum price for Class I milk pursuant to § 1014.50 (a) adjusted by the applicable location adjustments pursuant to § 1014.52 and the Class I butterfat differential computed pursuant to § 1014.51 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 1014.50 (b) and the Class II butterfat differential computed pursuant to § 1014.51 (b) both for the previous month;

(2) On or before the 10th day after the end of each of the months of August through February, the uniform price computed pursuant to § 1014.71, adjusted by the applicable location adjustments pursuant to § 1014.82, and by the butterfat differential computed pursuant to § 1014.81; and

(3) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk computed pursuant to § 1014.72, adjusted by the applicable location adjustment pursuant to § 1014.82, and the butterfat differential computed pursuant to § 1014.81;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by each handler; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 1014.30 *Reports of receipts and utilization.* On or before the 6th working day, excluding Sundays and holidays, of each month each handler, other than a producer-handler or a handler making payment pursuant to § 1014.61 (a), shall report for the preceding month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat in:

(1) Milk received from producers and for the months of March through July the total quantity of base and excess milk. In lieu thereof the operator of a nonpool distributing plant shall report aggregate receipts from dairy farmers who would be producers if such plant were a pool plant;

(2) Fluid milk products received from other pool plants;

(3) Other source milk; and

(4) Inventories of fluid milk products on hand at the beginning and end of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements with respect to:

(1) Disposition of fluid milk products on routes within the marketing area from plants described in §§ 1014.61 and 1014.62, and from other plants for which the market administrator requires such information as a basis for determination of status or obligations; and

(2) Class I milk outside the marketing area;

(c) Such other information with respect to sources and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1014.31 *Other reports.* (a) On or before the 20th day of each month each handler operating a pool plant(s) and each cooperative association which is a handler pursuant to § 1014.12 (c) shall report its producer payroll for the preceding month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer and for the base-operating months of March through July the total pounds of base and excess milk;

(3) The number of days on which milk was received from such producer if less than a full calendar month;

(4) The average butterfat content of such milk; and

(5) The net amount of such handler's payment, the price paid and the amount and nature of any deductions;

(b) Each handler who received producer milk for which payment is to be made to a cooperative association pursuant to § 1014.80 (c) shall report to such cooperative association with respect to each such producer, as follows:

(1) On or before the 20th day of each month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the 10th day after the end of each month;

(i) The daily and total pounds of milk received during the month with separate totals for base and excess milk for the months of March through July, and the average butterfat test thereof; and

(ii) The amount or rate and nature of any deductions.

(c) On or before the 25th day after the end of the month each handler (other than a producer-handler or one described in § 1014.62) operating a nonpool distributing plant and making payments pursuant to § 1014.61 (b) shall report his payments to dairy farmers qualified to be producers if such plant were a pool plant, showing for each such dairy farmer:

(1) The pounds of milk;

(2) The average butterfat content thereof; and

(3) The date and net amount of payment to such dairy farmer with a statement of the prices, deductions and charges used in computing such payment and the nature of each.

§ 1014.32 *Producer-handler reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall prescribe.

§ 1014.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 1014.34 *Retention of records.* All books and records required under this part to be made available to the market administrator, shall be retained by the handler for a period of three years to begin at the end of the calendar month, to which such books and records pertain: *Provided,* That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1014.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat required to be reported pursuant to § 1014.30 shall be classified (separately as skim milk and butterfat), pursuant to § 1014.41 to § 1014.46.

§ 1014.41 *Classes of utilization.* Subject to the conditions set forth in § 1014.42 to § 1014.46 the classes of utilization shall be as follows:

(a) Class I shall be all skim milk and butterfat (1) disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2) and (5) of this section; and (2) not accounted for as Class II;

(b) Class II shall be all the skim milk and butterfat (1) used to produce any product other than a fluid milk product, (2) in skim milk authorized by the market administrator to be dumped or accounted for as disposed of for livestock feed, (3) in shrinkage allocated to receipts of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat directly from producers, plus 1.5 percent of receipt of skim milk and butterfat, respectively, transferred in bulk from pool plants of other handlers, less 1.5 percent of receipt of skim milk and butterfat, respectively, transferred in bulk lots to pool plants of other handlers, (4) in shrinkage of other source milk, and (5) in inventories of fluid milk products on hand at the end of the month.

§ 1014.42 *Assignment of shrinkage.* The market administrator shall assign shrinkage at the pool plant(s) of each handler as follows:

(a) Compute the total shrinkage of skim milk and butterfat.

(b) Assign the resulting amount, prorated to the handler's receipts of skim milk and butterfat, respectively, in (1) milk received directly from producers and from other pool plants and (2) other source milk.

§ 1014.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1014.44 *Transfers.* Skim milk and butterfat transferred or diverted during the month as milk, skim milk or cream from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I unless Class II is indicated by the operators of both plants in their reports submitted pursuant to § 1014.30 and:

(1) The receiving plant has utilization in such class of equivalent amounts of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I in the two plants;

(b) A plant operated by a producer-handler shall be Class I;

(c) A nonpool plant, except as specified in paragraph (b) of this section, shall be Class I unless:

(1) The transfer is in bulk form and the transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool milk plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat respectively, received at the nonpool plant during the month from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, used to produce any items of Class II milk (as defined pursuant to § 1014.41 (b)) at such nonpool plant during the month;

(ii) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a plant at which milk is priced pursuant to this part or another order issued pursuant to the act and such cream is allocated to other than Class I (under the applicable order definitions and allocation procedures at the transferee plant);

(iii) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of the items of Class II processed in such second nonpool plant plus the bulk fluid cream shipped from such second nonpool plant to other nonpool plants which do not disposed of milk or cream for consumption in fluid form: *Provided,* That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(iv) Subtract the skim milk and butterfat, respectively, received in fluid milk products at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of Grade A fluid milk products. In the event that the remaining skim milk and butterfat, respectively, computed pursuant to this subdivision is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the act, the difference shall be assigned pro rata, to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the act), and shall be classified as Class I milk.

§ 1014.45 *Computation of the skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an

amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1014.46 *Allocation of skim milk and butterfat.* After making the computation pursuant to § 1014.45, the market administrator shall determine the classification of producer milk as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 1014.41 (b) (3);

(2) Subtract from the pounds of skim milk remaining in each class in series beginning with Class II, the pounds of skim milk in other source milk, except that to be subtracted to subparagraph (3) of this paragraph;

(3) Subtract from the pounds of skim milk remaining in each class in series beginning with Class II, the pounds of skim milk in other source milk subject to the pricing and payment provisions of another order issued pursuant to the Act.

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the end of the month;

(5) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from pool plants of other handlers in such class pursuant to §§ 1014.41 and 1014.44 (a);

(6) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) If the remaining pounds of skim milk in all classes exceeds the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II;

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the same manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk.

(c) Add the pounds of skim milk and butterfat allocated to producer milk in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percent of butterfat in such milk in each class.

MINIMUM PRICES

§ 1014.50 *Class prices.* Subject to the provisions of §§ 1014.51 to 1014.53 the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I price.* For the first eighteen months beginning with the effective date of prices the price per hundredweight for Class I milk of 4.0 percent butterfat content shall be the price for Class I milk computed pursuant to § 987.51 (a) of this chapter (handling of milk in the Central Mississippi marketing area).

(b) *Class II price.* The price per hundredweight for Class II milk shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture; plus 10 cents during each of the months of March through July and plus 20 cents during all other months.

Present Operator and Location

Kraft Cheese Co., Newton, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

§ 1014.51 *Butterfat differentials to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices determined pursuant to § 1014.50 shall be increased or decreased, respectively, for each one-tenth of one percent of butterfat by multiplying the Chicago butter price by the applicable factor specified below, and rounding to the nearest one-tenth cent.

(a) *Class I milk.* Multiply such price for the preceding month by 0.12; and

(b) *Class II milk.* Multiply such price for the current month by 0.11.

§ 1014.52 *Location differentials to handlers.* For milk which is received from producers at a pool plant located more than 100 miles by the shortest highway distance as determined by the market administrator from the courthouse in Gulfport or Pascagoula, Mississippi, whichever is closer, and which is classified as Class I milk the prices computed pursuant to § 1014.51 (a) shall be reduced by 15 cents if such plant is located more than 100 miles but not more than 110 miles from such courthouse and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles: *Provided*, That, for the purposes of calculating such location differentials, fluid milk products are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 1014.46 (a) (1), (2) and (3), and the comparable steps in § 1014.46 (b) for such plant, such assignment to transferor-plants to be made first to plants at which the greatest location differential is applicable.

§ 1014.53 *Use of equivalent prices.* If for any reason a price specified by this part for computing class prices or for other purposes is not available in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is specified.

APPLICATION OF PROVISIONS

§ 1014.60 *Producer-handlers.* Sections 1014.40 to 1014.46, 1014.50 to 1014.53, 1014.61, 1014.70 to 1014.72, and 1014.80 to 1014.88 shall not apply to a producer-handler.

§ 1014.61 *Handler operating a nonpool distributing plant.* In lieu of the payments required pursuant to §§ 1014.80 to 1014.88 each handler, other than a producer-handler or one exempt pursuant to § 1014.62, who operates during the month a nonpool distributing plant, shall pay to the market administrator on or before the 25th day after the end of the month the amount calculated pursuant to paragraph (a) of this section unless the handler elects at the time of reporting pursuant to § 1014.30, to pay the amounts computed pursuant to paragraph (b) of this section.

(a) The following amounts:

(1) For the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rate specified in § 1014.88 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts:

(1) For the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 1014.70 if such handler had operated a pool plant the gross payments made by such handler for milk received during the month from Grade A dairy farmers at such plant or at a plant(s) which serves as a supply plant(s); and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1014.88 had such plant been a pool plant.

§ 1014.62 *Plants subject to other Federal orders.* The provisions of this part, except §§ 1014.30 (b) (1), 1014.33 and 1014.34, shall not apply to:

(a) A distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless a greater volume of Class I is disposed of from such plant during the month on routes in the Mississippi Gulf Coast marketing area than in the marketing area defined in such other order.

(b) A supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant during each of the preceding months of September through January.

DETERMINATION OF UNIFORM PRICE

§ 1014.70 *Computation of the value of milk received from producers by each handler.* The value of milk received during each delivery period by each handler from producers shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 1014.46 (c) by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 1014.46 (a) (7) and (b) by the applicable respective class prices;

(c) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified as Class II milk (other than shrinkage) during the preceding month of the hundredweight of milk subtracted from Class I milk pursuant to § 1014.46 (a) (4) and (b), whichever is less; and

(d) For any skim milk or butterfat subtracted from Class I milk pursuant to § 1014.46 (a) (2) and (b), and pursuant to § 1014.46 (a) (4) and (b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of this section, add an amount equal to the differences between the values of such skim milk and butterfat at the Class I price and at the Class II price: *Provided*, That such calculation shall not apply if the total receipts of producer milk at pool plants during the month are not more than 112 percent of the total Class I utilization of such plants for the month.

§ 1014.71 *Computation of uniform price.* For each of the delivery periods of August through February the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1014.70 for all handlers specified in § 1014.12 (a) and (c), and who made the payments pursuant to §§ 1014.80 and 1014.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 1014.82;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add for each one-tenth percent that such average butterfat content is less than 4.0 percent an amount computed by multiplying the butterfat differential computed pursuant to § 1014.81 by the total hundredweight of such milk;

(e) Divide by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for milk of 4.0 percent butterfat content received at pool plants f. o. b. marketing area.

§ 1014.72 *Computation of uniform price for base milk and excess milk.* For each of the delivery periods of March through July the market administrator shall compute uniform prices per hundredweight for base milk and for excess milk as follows:

(a) Combine into one total the values computed pursuant to § 1014.70 for all handlers specified in § 1014.12 (a) and (c) and who made the payments pursuant to §§ 1014.80 and 1014.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 1014.81;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement funds;

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 4.0 percent or add for each one-tenth percent that such average butterfat content is less than 4.0 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 1014.82 by the total hundredweight of such milk;

(e) Compute the total value of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers;

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the aggregate value of milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations; and

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers at pool plants, f. o. b. marketing area.

§ 1014.73 *Notification of handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1014.30, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of March through July the amounts and value of his base and excess milk respectively;

(c) The uniform price(s) computed pursuant to §§ 1014.71 and 1014.72 and the butterfat differential computed pursuant to § 1014.81; and

(d) The amounts to be paid by such handler pursuant to § 1014.84, § 1014.87, § 1014.88, or § 1014.61; and the amount due such handler pursuant to § 1014.85.

BASE RATING

§ 1014.75 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the months of September through January by the number of days from the first day milk is received from such producer during said months to the last day of January, inclusive, but not less than 120 days.

§ 1014.76 *Computation of base.* The base of each producer to be applied during the months of March through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days production delivered by such producer to handlers during the month.

§ 1014.77 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a pool plant during the months of September through January and to each person for whose account milk was delivered to a plant that did not qualify as a pool plant during each month of the base forming period, but which qualifies as a pool plant during any of the months of March through July, bases shall be assigned on deliveries at such plant in the same manner as if such plant had been a pool plant during each month of the base forming period; and

(b) An entire base shall be transferred by the market administrator to another person upon receipt of an application form, approved by the market administrator, and signed by the baseholder(s), or his heirs, and by the person to whom such base is transferred subject to the following condition:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base forming period and dividing the total by the number of days from the first day of delivery by either the transferee or transferor during the base forming period to the last day of January inclusive but not less than 120 days.

§ 1014.78 *Announcement of established bases.* On or before March 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 1014.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each delivery period during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 1014.71 or § 1014.72, adjusted by the butterfat differential computed pursuant to § 1014.81, subject to the location adjustment to producers pursuant to § 1014.82, and less the following amounts (1) the payments made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 1014.87, and (3) any proper deductions authorized in writing by the producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 1014.85 he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator;

the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipts of the balance from the market administrator.

(b) On or before the 25th day of each delivery period to each producer (1) for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section and (2) who had not discontinued shipping milk to such handler before the 18th day of the delivery period, an advance payment with respect to milk received from such producer during the first 15 days of the delivery period at the approximate value of such milk, not to be less than the Class II price for 4.0 percent milk for the preceding delivery period, without deduction for hauling; and

(c) To a cooperative association which has filed request for such payment with such handler and with respect to producers for whose whole milk the market administrator determines such cooperative association is authorized to collect payment as follows:

(1) On or before the 23d day of the delivery period, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (b) of this section less any deductions authorized in writing by such cooperative association;

(2) On or before the 13th day after the end of each delivery period an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a) of this section, less proper deductions authorized in writing by such cooperative association.

(d) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 1014.80, 1014.81 and 1014.82;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 1014.87 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

§ 1014.81 *Producer butterfat differential.* In making payments pursuant to § 1014.80, the uniform price shall be increased or decreased for each one-tenth of one percent of butterfat content in milk received from each producer is above or below 4.0 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials pursuant to § 1014.51 weighted by the pounds of butterfat in producer milk in each class, rounded to the nearest one-tenth cent.

§ 1014.82 *Producer location differentials.* In making payments pursuant to § 1014.80, for all milk which is received from producers at a pool plant located more than 100 miles but not more than 110 miles by the shortest highway distance as determined by the market administrator from the Courthouse at Gulfport or Pascagoula, Mississippi, whichever is closer, there shall be deducted 15 cents per hundredweight and an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles.

§ 1014.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1014.61 (a) (1) and (b) (1) and 1014.84 and all appropriate payments pursuant to § 1014.86 and out of which he shall make all payments pursuant to § 1014.85 and all appropriate payments pursuant to § 1014.86: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 1014.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 1014.70 is greater than the amount required to be paid producers by such handler pursuant to § 1014.80 before deductions (a) for marketing services pursuant to § 1014.87 and (b) authorized by the producer.

§ 1014.85 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each delivery period during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 1014.70 is less than the amount required to be paid producers by such handler pursuant to § 1014.80 before deductions (a) for marketing services pursuant to § 1014.87 and (b) authorized by the producer: *Provided*, That if at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payment and shall complete such payments as soon as the necessary funds are available.

§ 1014.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment thereof shall be made within 5 days if such amount is due the market administrator, or on or before the next date for making payments to producers or a cooperative association, if such amount is due them. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made within 5 days.

§ 1014.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself pursuant to § 1014.80 (a) shall deduct 7 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the delivery period, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from and to provide market information to such producers.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section each handler shall in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 1014.80 (a), as are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the association of which such producers are members, accompanied by a statement showing the amount of the deduction and the quantity of milk for which it was computed for each such producer.

§ 1014.88 *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler shall pay the market administrator, on or before the 12th day after the end of each delivery period, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Receipts of producer milk, including such handler's own production;

(b) Other source milk allocated to Class I pursuant to § 1014.46 (a) (2) and (b) and

(c) The quantities of milk at the plants of handlers operating nonpool plants as specified in § 1014.61 (a) (1) or (b) (1).

§ 1014.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1014.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1014.91.

§ 1014.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 1014.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1014.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1014.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1014.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 17th day of September 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-7743; Filed, Sept. 22, 1958; 8:48 a. m.]

[7 CFR Part 1024]

[Docket No. AO-308]

MILK IN OHIO VALLEY MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the City Council Chambers of the City Hall, 126 South East Third Street, Evansville, Indiana, beginning at 10:00 a. m., on October 14, 1958, with respect to a proposed marketing agreement and order to regulate the handling of milk in the Ohio Valley marketing area.

This public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions, which relate to the proposed marketing agreement and order, hereinafter set forth, and any appropriate modifications thereof; and for the purpose of determining (1) whether the handling of milk in the area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce, (2) whether there is need for a marketing agreement or order regulating the handling of milk in the area, and (3) whether provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the Act.

The proposals set forth below have not received the approval of the Secretary of Agriculture.

Proposed by the Ohio Valley Milk Producer's Association, Inc., Evansville, Indiana:

1. The following milk marketing order and agreement:

DEFINITIONS

§ 1024.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1024.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1024.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by Act of Congress or by Executive order to perform the price reporting functions of the United States Department of Agriculture.

§ 1024.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1024.5 *Ohio Valley marketing area.* "Ohio Valley marketing area" means all of the territory included within Daviess, Henderson and Hancock Counties, all within the State of Kentucky, and all of the territory included within Vanderburgh, Posey, Warrick, and Spencer Counties, all within the State of Indiana.

§ 1024.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and is authorized by its members to make collective sales or to market milk or its products for the producers thereof.

§ 1024.7 *Producer-handler.* "Producer-handler" means any person who produces Grade A milk under a dairy farm inspection permit issued by any duly constituted health authority, and

who operates a pool plant, but who receives no milk from producers or from other sources except from operators of pool plants.

§ 1024.8 *Pool plant.* "Pool plant" means any:

(a) Milk distributing plant approved or recognized by any health authority having jurisdiction in the marketing area for the receiving or processing of Grade A milk and from which Class I milk equal to not less than 50 percent of its receipts of milk from other pool plants and from producers is disposed of during the month on a route(s) and from which Class I milk equal to not less than 15 percent of its total Class I disposition is disposed of during the month on a route(s) in the marketing area.

§ 1024.9 *Nonpool plant.* "Nonpool plant" means any milk receiving, manufacturing, processing or bottling plant other than a pool plant.

§ 1024.10 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A cooperative association with respect to milk of producers diverted for the account of such association to a nonpool plant in accordance with the provisions of § 1024.6; or

(c) A cooperative association as defined in § 1024.6 with respect to a milk receiving station operated by such cooperative provided 50 percent or more of the Grade A milk received from members is delivered to handlers either directly or through the receiving station.

§ 1024.11 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority having jurisdiction in the marketing area, which milk is received at a pool plant: *Provided*, That if such milk is diverted for his account by a handler as defined in § 1024.10 (a) from a pool plant to any other milk plant during the months of March through July; the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which it was diverted.

§ 1024.12 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk:

(a) Received at the pool plant directly from producers, or

(b) Diverted from the pool plant to any other milk plant in accordance with the provisions of §§ 1024.10 and 1024.11.

§ 1024.13 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk and skim milk drinks, cream (except storage cream), cultured sour cream or sour cream, or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, ice cream and ice milk mix and aerated cream).

§ 1024.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1024.15 *Route.* "Route" means any delivery (including delivery by a vendor or a sale from a plant or plant store) of a fluid milk product other than a delivery to any milk processing plant.

§ 1024.16 *Base milk.* "Base milk" means milk received by a handler from a producer during any of the months of April through July which is not in excess of such producer's daily average base computed pursuant to § 1024.60 multiplied by the number of days in such month for which such producer delivered milk to such handler.

§ 1024.17 *Excess milk.* "Excess milk" means milk received by a handler from a producer during any of the months of April through July which is in excess of base milk received from such producer during such month, and shall include all milk received during such month from a producer for whom no daily average base can be computed pursuant to § 1024.60.

MARKET ADMINISTRATOR

§ 1024.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1024.21 *Powers.* The market administrator shall have the powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1024.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 1024.87, (1) the cost of his bond and of the bond of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1024.88, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose at his discretion to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1024.30 and 1024.31 or (2) payments pursuant to §§ 1024.80 and 1024.82.

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) On or before the date specified, publicly announce and notify each handler in writing of the following: (1) The 10th day of each month, the Class I price, and the Class I butterfat differential, both for the current month; (2) the 6th day of each month, the Class II price and the Class II butterfat differential, both for the preceding month; and (3) the 10th day after the end of each month, the uniform price(s), and the producer butterfat differential for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 1024.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator;

(a) The quantities of skim milk and butterfat contained in producer milk including for the months of April through July a statement of the aggregate quantity of base milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 1024.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer: (i) The total pounds of milk received from such producer or cooperative association, including, for the months of April through July, the total pounds of base and excess milk, (ii) the days on which milk was received from such producer, if less than a full month, (iii) the average butterfat content of such milk, and (iv) the net amount of such handler's payment to each producer or cooperative association, together with the price paid and the amount and nature of any deductions;

(2) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1024.32 *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omission, ascertain the correct figures; (b) weigh, sample, and test for butterfat content all milk and milk products handled; (c) verify payment to producers; and (d) make such examination of operations, equipment, and facilities, as are necessary and essential to the proper administration of this part of any amendments thereto.

§ 1024.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertains: *Provided*, That if within such three year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c 15 (A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1024.34 *Reports to cooperative associations.* On or before the 15th day after the end of each month, the market administrator shall report to each cooperative association as described in § 1024.6, upon request by such association, the percentage of milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handlers were used in each class.

CLASSIFICATION OF MILK

§ 1024.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for pool plants pursuant to § 1024.30 shall be classified each month pursuant to the provisions of §§ 1024.41 to 1024.45.

§ 1024.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1024.42 to 1024.45, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk, and

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product, (2) in skim milk disposed of for livestock feed, (3) in cream stored and frozen, (4) in inventories of fluid milk products on hand at the end of the month, and (5) in shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1024.12 (b)) and other source milk; such shrinkage to be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1024.12 (b)) and other source milk, respectively.

§ 1024.42 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be classified as Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified in Class II.

§ 1024.43 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant either by transfer or diversion shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to a pool plant of another handler, unless utilization in another class is mutually indicated in the reports submitted to the market administrator by both handlers pursuant to § 1024.30 on or before the 7th day after the end of the month: *Provided*, That if upon inspection of the records of the transferee-handler it is found that an equivalent amount of skim milk or butterfat, respectively, was not actually used in such indicated use, the remaining quantity shall be classified as Class I milk: *And provided further*, That if either or both handlers received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest priced possible class utilization to the producer milk of both handlers;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of a fluid milk product;

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream in bulk to a nonpool plant located less than 250 airline miles from the Court House in Owensboro, Kentucky, or Evansville, Indiana.

(1) The handler claims classification in Class II in his report submitted to the market administrator pursuant to § 1024.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for verification;

(3) An amount of skim milk or butterfat, respectively, of not less than that so claimed by the handler was used in products included in Class II milk;

(4) The classification reported by the handler results in an amount of skim milk and butterfat in Class I milk claimed by all handlers transferring or diverting milk to such nonpool plant of not less than the amount of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk, pursuant to the classification provisions of this order applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who hold permits to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such nonpool plant;

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat respectively, in fluid milk products received from another market and which is classified and priced as Class I milk pursuant to another order issued pursuant to the Act: *Provided*, That the amount subtracted pursuant to this subdivision shall be limited to such markets pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are subject to the pricing provisions of an order issued pursuant to the Act;

(5) If the skim milk and butterfat, respectively, transferred by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk, pursuant to subparagraph (4) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the total of the lower price classification reported by each of such handlers;

(d) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream in bulk to a nonpool plant located 250 airline miles or more from the Court House in Owensboro, Kentucky, or Evansville, Indiana.

§ 1024.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall

correct for mathematical and other obvious errors the monthly report submitted for the pool plant(s) of each handler pursuant to § 1024.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before such product is disposed of by a handler, the hundredweight of skim milk disposed of in such products shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all of the water originally associated with such solids.

§ 1024.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II pursuant to § 1024.41 (b).

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was not subject to the Class I pricing provisions of an order issued pursuant to the Act: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk.

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the Act: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk.

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventories of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk remaining in Class I milk.

(5) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1024.43 (a).

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph.

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1024.50 *Basic formula price.* The basic formula price per hundredweight to be used in determining the price for Class I milk pursuant to § 1024.51 (a) shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content computed pursuant to paragraph (a), (b), or (c) of this section:

(a) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the month:

Company and location
Borden Co., Mount Pleasant, Mich.
Borden Co., Orfordville, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
White House Milk Co., Manitowoc, Wis.
Borden Co., New London, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Wayland, Mich.
White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the butterfat differential computed pursuant to § 1024.52 (a) by 5.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph: (1) add 20 percent to the Chicago 92-score butter price for the month, as reported by the U. S. Department of Agriculture, and multiply by 4.0 (2) from the simple average as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month, by the Department of Agriculture, deduct 5.5 cents and multiply by 8.2.

(c) The arithmetical average of the field prices paid per hundredweight for 4 percent milk used for manufacturing purposes delivered at the following plants for the current month:

Producers' Dairy Marketing Association, Orleans, Ind. Kraft Cheese Co., Dale, Ind. Swift and Co., Russellville, Ky. Pet Milk Co., Bowling Green, Ky. Pet Milk Co., Mayfield, Ky. Average of the field prices paid by all Tennessee manufacturing plants for milk for manufacturing purposes as listed from time to time in the Nashville, Tennessee, Federal order.

§ 1024.51 *Class prices.* Subject to the provisions of §§ 1024.52 and 1024.53 each handler shall pay producers or cooperative associations at the time and in the manner set forth in §§ 1024.80 to 1024.86, not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk, and Class II milk computed pursuant to § 1024.45.

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month plus $1.50 during all months of the year.

(b) *Class II milk.* The price per hundredweight shall be the average price reported by the Department for the previous month for milk for manufacturing purposes, f. o. b. plant, United States, adjusted to a 4 percent butterfat basis by direct ratio, plus 10 cents: *Provided*, That during the months of March through August this price shall be reduced by 20 cents per hundredweight for skim milk and butterfat utilized in the manufacture of butter, powder and Cheddar cheese.

§ 1024.52. *Butterfat differential to handlers.* If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class of utilization for a handler, pursuant to § 1024.45, is more or less than 4.0 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such weighted average butterfat test is above or below, respectively, 4.0 percent, a butterfat differential (computed to the nearest 10th of a cent), calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply by 0.12 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the immediately preceding month;

(b) *Class II milk.* Multiply by 0.12 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the month: *Provided*, That such butterfat differential shall not exceed the result obtained by dividing the Class II price computed pursuant to § 1024.51 (b) by 40.

§ 1024.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 60 miles or more miles from the Court House in Owensboro, Kentucky, or Evansville, Indiana, by shortest hard surface highway distance, as determined by the market administrator, and which is transferred in the form of products designated as Class I milk in § 1024.41 (a) (1) to another pool plant and assigned to Class I pursuant to the provision of this section, or otherwise classified as Class I milk, the price specified in § 1024.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Court House in Evansville, Ind., or Owensboro, Ky. (miles):	*Rate per hundredweight (cents)*
60 but less than 90	15
For each additional 10 miles or fraction thereof, an additional	1.5

Provided, That for purposes of calculating such location differential, products so designated as Class I milk which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 1024.45 (a) (1) to (4) and the comparable steps in § 1024.45 (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

DETERMINATION OF BASE

§ 1024.60 *Daily average base.* Subject to the rules set forth in § 1024.61, the daily average base for each producer shall be an amount calculated by dividing the total pounds of producer milk received from such producer by all handlers during the months of September through February immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of February, inclusive, but not less than 120 days: *Provided*, That in the case of a producer whose milk is received at a plant which becomes fully subject to regulation for the first time upon the effective date of this order, such base shall be that which would have been calculated for such producer for the entire base forming period beginning September 1, or that which would have been calculated for the period beginning November 1, whichever is higher.

§ 1024.61 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) Bases may be transferred only during the period of April through July by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(b) A producer who ceases to deliver milk to a pool plant for more than 45 consecutive days shall forfeit his base.

§ 1024.62 *Announcement of established bases.* On or before April 1, of each year, the market administrator shall notify each producer, the handler receiving milk from such producers and the cooperative association of which such producer is a member of the daily base established by such producer.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1024.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable respective class prices (adjusted pursuant to §§ 1024.52 and 1024.53) and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 1024.45 (a) (7) by the applicable class price(s); and

(c) Add any charges computed as follows:

(1) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1024.45 (a) (2) and (b) by the rate of payment on unpriced milk determined pursuant to § 1024.93 adjusted where required by the location differential applicable at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided*, That if the nonpool plant source of any milk or milk product received at a pool plant is not clearly established, such milk or product shall be considered to have been received from a source at the location of the pool plant where it is classified;

(2) For any skim milk or butterfat in inventory reclassified which is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant(s) for the preceding month, a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price of the preceding month;

(3) For any other skim milk or butterfat reclassified in Class I a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price for the month in which previously classified as Class II milk.

§ 1024.71 *Computation of aggregate value used to determine price(s).* For each month, the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1024.70 for all handlers who made the reports prescribed in § 1024.30 and who made the payments pursuant to §§ 1024.80 and 1024.84 for the preceding month.

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 1024.85 (b).

(c) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 1024.84.

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 3.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1024.85 and multiplying the resulting figure by the total hundredweight of such milk.

§ 1024.72 *Computation of uniform price.* For each of the months of August through March the market administrator shall compute the uniform price per hundredweight for all milk of 4.0 percent butterfat content received from producers as follows:

(a) Divided the aggregate value computed pursuant to § 1024.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 1024.73 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through July the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by multiplying the hundredweight of such milk in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers;

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value of milk computed pursuant to § 1024.71 and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

PAYMENTS

§ 1024.80 *Time and method of payment for producer milk.* (a) On or before the 25th day of each month each handler shall make payment to each producer for milk received from him during the first 15 days of such month at not less than the following schedule

for the preceding month without adjustment for butterfat differential, hauling or other deductions:

If the Class II price for the preceding month is:	*Partial payment per hundredweight shall be—*
Under $1.00	$0.00
$1.00 to $1.49	$1.00
$1.50 to $1.99	$1.50
$2.00 to $2.49	$2.00
$2.50 to $2.99	$2.50
$3.00 to $3.49	$3.00
$3.50 to $3.99	$3.50
$4.00 to $4.49	$4.00
$4.50 to $4.99	$4.50
$5.00 to $5.49	$5.00
$5.50 to $5.99	$5.50
$6.00 or over	$6.00

(b) On or before the 13th day after the end of the month during which the milk was received, to each producer to whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to § 1024.72 and adjusted by the butterfat differential computed pursuant to § 1024.85, subject to location adjustments to producers pursuant to § 1024.85 (b) and less the amount of the payment made pursuant to paragraph (a) of this section: *Provided*, That if by such date such handler has not received full payment pursuant to § 1024.83, he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator;

(c) (1) Upon receipt of written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of written promise to reimburse the handler for the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall,

(i) Pay to the cooperative association on or before the 10th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, an amount equal to the gross sum due for all milk received from certified members, less amounts owed by each member producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer,

(ii) Submit to the cooperative association on or before the 8th day of each month written information which shows for each member producer,

(*a*) The total pounds of milk received during the preceding month,

(*b*) The total pounds of butterfat contained in such milk,

(*c*) The number of days on which milk was received,

(*d*) For the months of April through July the amount of base and excess milk received, and

(*e*) The amounts withheld by the handler in payment for supplies sold, and

(iii) Submit to the cooperative association on or before the 23d day of each month, written information which shows for each member producer the total pounds of milk received during the first 15 days of the current month. The foregoing payment and submission of information shall be made with respect to milk of each producer, who the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following the receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association; and

(2) A copy of each such request, promise to reimburse, and certified list of members shall be filed simultaneously with the market administrator by the cooperative and shall be subject to verification at his discretion through audits of the records of the cooperative association pertaining thereto.

Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member or by a handler shall be made by written notice to the market administrator and shall be subject to his determination.

§ 1024.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1024.82, 1024.84 and 1024.92, and out of which he shall make all payments pursuant to §§ 1024.83 and 1024.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 1024.82 *Payments to the producer-settlement fund.* On or before the 11th day after the end of each month each handler shall pay to the market administrator any amount by which the total value of his milk computed pursuant to § 1024.70 for such month is greater than the value of milk received by such handler from producers during the month, computed at the applicable minimum uniform prices as specified in §§ 1024.71 and 1024.72 adjusted for the differentials provided for in § 1024.85.

§ 1024.83 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each month, the market administrator shall pay to each handler, any amount by which the total value of his milk computed pursuant to § 1024.70 for such month is less than the value of his producer milk received during the month, computed at the applicable minimum uniform prices as specified in §§ 1024.71 and 1024.72 adjusted for the differentials provided for in § 1024.85. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1024.84 *Adjustment of errors in payment.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 1024.82, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 1024.83, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1024.80, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

§ 1024.85 *Butterfat and location differentials to producers.*—(a) *Butterfat differential to producers.* If, during the month, any handler has received, from any producer or cooperative association, milk having an average butterfat content other than 4.0 percent, such handler, in making payments prescribed in § 1024.80 (b), shall add to the uniform price(s) per hundredweight paid to such producer or cooperative association for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent not less than, or may deduct from the uniform price(s) per hundredweight for each one-tenth of 1 percent that the average butterfat content of such milk is below 4.0 percent, respectively, at the rate shown in the schedule below, according to the price range within which the 92-score Chicago butter price reported by the Department of Agriculture for the month falls:

Butter price range (cents):	*Rate (cents)*
Not more than 17.50	2
17.50 to 22.499	2½
22.50 to 27.499	3
27.50 to 32.499	3½
32.50 to 37.499	4
37.50 to 42.499	4½
42.50 to 47.499	5
47.50 to 52.499	5½
52.50 to 57.499	6
57.50 to 62.499	6½
62.50 to 67.499	7
67.50 to 72.499	7½
72.50 to 77.499	8
77.50 to 82.499	8½
82.50 to 87.499	9
87.50 to 92.499	9½
92.50 and over	10

(b) *Location differential to producers.* In making payment to producers pursuant to § 1024.80, the uniform price to be paid for producer milk and the uniform price for base milk received at a pool plant located 60 miles or more from the Court House in Evansville, Indiana, or Owensboro, Kentucky, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the loca-

tion of the pool plant where such milk was received at the following rate:

Distance from the Court House in Evansville, Ind., or Owensboro, Ky. (miles):	Rate per hundredweight (cents)
90 but less than 90	15
For each additional 10 miles or fraction thereof, an additional	1.5

§ 1024.86 *Statement to producers.* In making payments required by § 1024.80 each handler shall furnish each producer or cooperative association with a supporting statement in such form that it may be retained by the producer which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer including for the months of April through July, the pounds of base milk and excess milk;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 1024.80 and 1024.85;

(d) The rate which is used in making the payment if such rate is more than the applicable minimum;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler including any deduction made pursuant to § 1024.88, together with a description of the respective deductions; and

(f) The net amount of payment to the producer or cooperative association.

§ 1024.87 *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of each month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to butterfat and skim milk contained in (a) producer milk (including such handler's own production), (b) other source milk at his pool plant(s) classified as Class I, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 1024.88 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1024.80 (b), shall deduct 8 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from such producer (except such handler's own farm production), during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1024.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before December 1, 1951, under section 8c (15) (A) of the Act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the Act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 1024.90 *Producer-handlers.* Sections 1024.40 to 1024.45, 1024.50 to 1024.53, 1024.60 to 1024.62, 1024.70 to 1024.73, and 1024.80 to 1024.88 shall not apply to a producer-handler.

§ 1024.91 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the Act and whose milk is classified and priced under such other order, the provisions of this subpart shall not apply except that the handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 1024.92 *Handlers operating nonpool plants.* Sections 1024.42 to 1024.45, 1024.50 to 1024.53, 1024.70 to 1024.73, 1024.80 to 1024.83, 1024.87 and 1024.88 shall not apply to a handler in his capacity as the operator of a nonpool plant, except that such handler shall pay to the market administrator on or before the 12th day after the end of each month for deposit into the producer-settlement fund an amount of money computed by multiplying the hundredweight of Class I milk disposed of from his nonpool plant(s) (except any nonpool plant subject to the classification and pricing provisions of another order issued pursuant to the Act) during the month to retail or wholesale outlets in the marketing area (including deliveries by vendors or sales through plant stores) by the rate of payment on unpriced milk calculated pursuant to § 1024.93.

§ 1024.93 *Rate of payment on unpriced milk.* The rate of payment per hundredweight on unpriced Class I milk shall be calculated as follows:

(a) For the months of March through August, subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price, adjusted by the Class I butterfat differential and the Class I location differential.

(b) For the months of September through February, subtract the uniform price to producers from the Class I price.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1024.100 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at

such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1024.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1024.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1024.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handler and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1024.110 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1024.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Proposed by Southern Indiana Milk Producers' Association, Inc., Holland, Indiana:

2. That the marketing area include Dubois, Crawford, Pike, and Orange counties, Indiana, in addition to the counties proposed by the Ohio Valley Milk Producers' Association.

3. That the order, if made, contain provisions for individual handler pools so that all plants having milk sales in the marketing area be fully regulated.

4. That the order, if made, establish no base price formulated as set forth in the proposal, by the Ohio Valley Milk Producers' Association, but that a seasonal price differential be used.

Proposed by Western Kentucky Cooperative Milk Producers' Association, Madisonville, Kentucky:

5. The "Ohio Valley Marketing Area" shall include all of the territory within the Counties of Daviess, Henderson, Hopkins and Hancock in the State of Kentucky, and all of the territory within the Counties of Vanderburgh, Posey, Warrick and Spencer in the State of Indiana.

6. A "pool plant" shall include a distributing plant from which not less than 50 percent of its receipts of milk from producers and from other pool plants is distributed during the month as Class I milk on routes to wholesale or retail outlets (including plant stores) and from which not less than 10 percent of such receipts is distributed as Class I milk during the month on routes to wholesale or retail outlets (including plant stores) located in the marketing area.

7. The "Class I milk price" per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month plus $1.50 during all months of the year.

8. The "Class II milk price" shall contain a proviso that the price per hundredweight computed for all producer milk classified in Class II shall not be less than the average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following milk plants, plus 20 cents per hundredweight:

Swift and Co., Russellville, Ky.
Pet Milk Co., Bowling Green, Ky.
The Borden Co., Hopkinsville, Ky.

9. Compensatory payments required to be made to the producer-settlement fund by the operator of a nonpool plant with respect to Class I sales in the marketing area may be determined, if the handler elects, by computing an amount equal to the value of milk which would be computed for the operator of a nonpool plant for milk received from dairy farmers at such plant for the month as if such handler operated a pool plant; and deduct the gross payments, exclusive of authorized deductions, made by the handler to dairy farmers with respect to the milk for which such value is computed.

10. In the classification of skim milk and butterfat shrinkage which is in excess of 2 percent shall be classified in Class I and shrinkage not in excess of 2 percent shall be allocated to Class I and Class II according to the percentages of utilization in the respective classes, and the shrinkage classified as Class II milk shall be assigned pro rata to producer milk and other source milk.

Proposed by American Dairy, Inc., Evansville, Indiana; David Beathal Dairy, Mount Vernon, Indiana; Hillsworth Brothers, Huntingburg, Indiana; Henderson Creamery Company, Henderson, Kentucky; Herrmann Dairy Company, Evansville, Indiana; Ideal Pure Milk Company, Evansville, Indiana; Model Dairy Products Company, Owensboro, Kentucky; Mount Vernon Creamery Company, Mount Vernon, Indiana; Owensboro Ice Cream and Dairy Products, Owensboro, Kentucky; and U. C. Milk Company, Madisonville, Kentucky:

11. "Ohio Valley Marketing Area" hereinafter called the "marketing area", means all the territory within the boundaries of the counties of Daviess, McLean, Muhlenberg, Union, Hopkins, Webster, Butler, Edmonson, Henderson, Hancock, Breckinridge, Grayson, and Ohio including all cities and municipalities within said boundaries, all in the State of Kentucky; and all the territory within the boundaries of the counties of Gibson, Vanderburgh, Posey, Warrick, Spencer, Perry, and Dubois, including all cities and municipalities within said boundaries all in the State of Indiana.

Proposed by Holland Custard and Ice Cream, Inc., Holland, Indiana:

12. Define the marketing area to include Gibson, Dubois, Pike, Perry and Orange counties, Indiana, in addition to the counties proposed by the Ohio Valley Milk Producers' Association.

13. That the definition of a "pool plant" as defined in the Ohio Valley Milk Producers' Associations' proposals should be amended to include any plant having Class I milk sales in the area to be established by the order.

Proposed by Beatrice Foods Company, Vincennes, Indiana:

14. Include Gibson, Pike, Dubois and Orange Counties, Indiana, in the marketing area.

Copies of this notice may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 17th day of September 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-7742; Filed, Sept. 22, 1958; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 657, 672, 670]

[Administrative Order 514]

VARIOUS INDUSTRIES IN PUERTO RICO

APPOINTMENT TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES; NOTICE OF HEARING

Pursuant to authority contained in the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 42-A for the Tobacco Industry in Puerto Rico; Industry Committee No. 42-B for the Stone, Clay, Glass, Cement, and Related Products Industry in Puerto Rico; and Industry Committee No. 42-C for the Construction, Business Service, Motion Picture, and Miscellaneous Industry in Puerto Rico.

Industry Committee No. 42-A is composed of the following representatives:

For the public

Jose R. Noguera, Chairman, San Juan, P. R.
Mortimer H. Gavin, St. Louis, Mo.
John F. Frederick, Muskegon, Mich.

For the employees

Edwin L. Wheatley, East Liverpool, Ohio.
Bertrand R. Seidman, Washington, D. C.
Luis G. Estades, San Juan, P. R.

For the employers

John T. Hall, East Liverpool, Ohio.
Alfons Mayer, Caguas, P. R.
Francisco Verdiales, Caguas, P. R.

For the purpose of this order, the tobacco industry in Puerto Rico is defined as follows:

The processing of leaf tobacco including, but without limitation, the grading, fermenting, stemming, chopping, packing, storing, drying, and handling of tobacco; and the manufacture of cigarettes, cigars, cheroots, little cigars, snuff, chewing tobacco, and smoking tobacco.

Industry Committee No. 42-B is composed of the following representatives:

For the public

Jose R. Noguera, Chairman, San Juan, P. R.
Mortimer H. Gavin, St. Louis, Mo.
John F. Frederick, Muskegon, Mich.

For the employees

Edwin L. Wheatley, East Liverpool, Ohio.
Bertrand R. Seidman, Washington, D. C.
Luis G. Estades, San Juan, P. R.

For the employers

John T. Hall, East Liverpool, Ohio.
E. Kenneth Koos, Vega Baja, P. R.
Martin H. Johnson, Santurce, P. R.

For the purpose of this order, the stone, clay, glass, cement, and related products industry in Puerto Rico is defined as follows:

The mining, quarrying, or other extraction and the further processing of all minerals (other than metal ores, chemical and fertilizer minerals, coal, petroleum, or natural gases) and the manufacture of products from such minerals, including, but without limitation, structural clay products, china, pottery, tile, and other ceramic products and refractories; glass and glass products (except lenses); dimension and cut stone; crushed stone, sand and gravel; hydraulic cement; abrasives; lime, concrete, gypsum, mica, plaster, and asbestos products; and the manufacture of products from bone, horn, ivory, shell, and similar natural materials: *Provided, however*, That the industry shall not include any product or activity included in the button, jewelry, and lapidary work industry (29 CFR Part 616); the chemical, petroleum, rubber, and related products industry (29 CFR Part 670); or the metal, machinery, transportation equipment, and allied products industry (29 CFR Part 604), as defined in the wage orders for these industries in Puerto Rico; or in the construction, business service, motion picture, and miscellaneous industry, as defined in this Administrative Order; and *Provided, further*, That the industry shall not include any of the activities defined and described in § 678.2 (a) of this part.

Industry Committee No. 42-C is composed of the following representatives:

For the public

Jose R. Noguera, Chairman, San Juan, P. R.
Mortimer H. Gavin, St. Louis, Mo.
John F. Frederick, Muskegon, Mich.

For the employees

Edwin L. Wheatley, East Liverpool, Ohio.
Bertrand R. Seidman, Washington, D. C.
Luis G. Estades, San Juan, P. R.

For the employers

John T. Hall, East Liverpool, Ohio.
Jorge I. Rosso, Santurce, P. R.
Eugenio L. Santoni, Hato Rey, P. R.

For the purpose of this order, the construction, business service, motion picture, and miscellaneous industry in Puerto Rico is defined as follows:

The design, construction, reconstruction, alteration, repair, and maintenance of buildings, structures, and other improvements; the assembling at the construction site and the installation of machinery and other facilities in or upon buildings, structures, and other improvements; the dismantling, wrecking, or other demolition of buildings, structures, and other improvements; the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education, or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or to the consumer; the production of photographs and blueprints, the production and distribution of motion pictures and all activities incidental thereto; and all activities which are not included in the definition of other industries in Puerto Rico for which wage orders have been issued: *Provided, however*, That the industry shall not include any activity carried on by an establishment primarily engaged in another industry for its own use, or any activity included in the definition of any industry in Puerto Rico for which a wage order has been issued: *And provided, further*, That the industry shall not include any of the activities defined and described in § 672.2 (a) of this part (23 F. R. 3).

I hereby refer to each of the above-named industry committees the question of the minimum wage rate or rates to be fixed under the provisions of section 6 (c) of the Act in the particular industries with which they are concerned. Each industry committee shall investigate conditions in its industry, and the committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

Industry Committee No. 42-A shall convene at 10:00 a. m. on October 20, 1958, in the office of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico, to conduct its investigation, and shall commence its hearing at 2:00 p. m. on the same date at the same place. Following this hearing, Industry Committees Nos. 42-B and 42-C shall convene consecutively at the same place in that order at hours designated by the committee chairmen to conduct their investigations and to hold their hearings.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the Act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not substantially curtail employment in such classifications and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each committee containing such data as he is able to assemble pertinent to the matters herein referred to that committee. Copies of each such report may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to

the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Part 511 of Title 29, Code of Federal Regulations. As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested persons in the present matters shall file prehearing statements containing certain specified data, not later than October 10, 1958.

Signed at Washington, D. C., this 18th day of September, 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-7759; Filed, Sept. 22, 1958; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

REDELEGATION OF AUTHORITY BY LAND OFFICE MANAGER TO CHIEFS, MINERAL AND LAND ADJUDICATION UNITS

SEPTEMBER 9, 1958.

Pursuant to authority contained in Bureau Order 541, as amended, authority is hereby redelegated to the Chief, Mineral Adjudication Unit to take action for the Manager in all matters listed in section 3.6 of Part III-A, and to the Chief, Lands Adjudication Unit in all matters listed in section 3.9 of Part III-A, to become effective immediately upon publication in the FEDERAL REGISTER. The authority delegated may not be redelegated.

NOLAN F. KEIL,
Land Office Manager,
Los Angeles Land Office.

Approved: September 15, 1958.

R. E. MCCARTHY,
Acting California
State Supervisor.

[F. R. Doc. 58-7728; Filed, Sept. 22, 1958; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8569 et al.]

NEW YORK AIRWAYS CERTIFICATE RENEWAL CASE

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that the hearing in the above-entitled proceeding heretofore scheduled to be held on October 6, 1958 at New York City is postponed until January 12, 1959 before Examiner Ferdinand D. Moran. The exact time and place are to be announced at a later date.

Dated at Washington, D. C., September 18, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-7767; Filed, Sept. 22, 1958; 8:53 a. m.]

DEVELOPMENT LOAN FUND

ORGANIZATIONAL STATEMENT

Creation and authority. The Development Loan Fund was first authorized by Title II, of the Mutual Security Act of 1954, as amended in 1957 (22 U. S. C. Sec. 1870) as part of the International Cooperation Administration. In 1958 the DLF was incorporated as an independent Government corporation by the Mutual Security Act of 1958 (72 Stat. 262).

Organization. The Fund is a wholly-owned Government corporation with management vested in a five-man Board of Directors consisting of the Under Secretary of State for Economic Affairs, who is chairman, the Director of the International Cooperation Administration, the Chairman of the Board of Directors of the Export-Import Bank, the Managing Director of the Fund, and the United States Executive Director of the International Bank for Reconstruction and Development. The Board carries out its functions subject to the foreign policy guidance of the Secretary of State.

Capitalization. Three Hundred Million Dollars ($300,000,000) was appropriated to capitalize the Fund in fiscal 1958 and an additional appropriation of Four Hundred Million Dollars ($400,000,000) for this purpose has been added in fiscal 1959, of which One Million Two Hundred and Fifty Thousand Dollars ($1,250,000) is available for administrative expenses of the Fund.

Purpose. The purpose of the Fund is to promote the development of underdeveloped free nations. To be eligible for Fund financing a project must contribute to the economic growth of the country in which it is located, must be economically sound and technically feasible, must not have any undue adverse effect on the economy of the United States, and must present reasonable prospects of repayment. The Fund will not finance a project which can obtain financing on reasonable terms from other free world sources.

The Fund's charter expresses the policy of Congress that the Fund shall be administered so as to support and encourage private investment and other private participation furthering development, and shall be administered so as not to compete with private investment capital, the Export-Import Bank or the International Bank for Reconstruction and Development.

DEMPSTER MCINTOSH,
Managing Director.

[F. R. Doc. 58-7760; Filed, Sept. 22, 1958; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 1178, etc.; FCC 58-870]

JAMES W. MILLER ET AL.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of James W. Miller, Milford, Connecticut; Docket No. 11781, File No. BP-10500; Orange County Broadcasting Corporation (WGNY), Newburgh, New York; Docket No. 12411, File No. BP-11635; Vincent De Laurentis, Hamden, Connecticut; Docket No. 12412, File No. BP-11607; Albert L. Capstaff, tr/as EASTERN STATES BROADCASTING CO. Hamden, Connecticut; Docket No. 12413, File No. BP-11760; for construction permits.

1. The Commission has under consideration (1) Petition to Enlarge Issues filed June 3, 1958 by Alfred L. Capstaff, tr/as Eastern States Broadcasting Company; (2) Statement in Support of Petition to Enlarge Issues filed June 26, 1958 by the Commision's Broadcast Bureau; (3) Comments in Support of Petition to Enlarge Issues filed June 26, 1958 by Vincent De Laurentis; (4) Opposition to Petition to Enlarge Issues filed June 26, 1958 by James W. Miller; and (5) Reply to Opposition to Petition to Enlarge Issues filed July 7, 1958 by Albert L. Capstaff, tr/as Eastern States Broadcasting Company.

2. Petitioner, Eastern States, applicant for a construction permit for a new standard broadcast station (1220 kc, 1 kw, daytime) at Hamden, Connecticut, requests an enlargement of issues with respect to James W. Miller, applicant for similar facilities at Milford, Connecticut.

3. Eastern States requests the addition of the following issue: "To determine whether James W. Miller has engaged in trafficking in broadcast authorizations and, if so, whether he is thereby disqualified from receiving a grant herein."

4. Petitioner refers to four specific instances in which it is alleged that Miller participated in the transfer, sale or other disposition of construction permits or station licenses under circumstances sufficiently indicative of "trafficking"[1] in broadcast authorizations to warrant a hearing with respect to his basic qualifications to receive a grant in this proceeding. The four specific standard broadcast authorizations to which reference is made are as follows: (1) South Bridge; (2) Orange; (3) Great Barrington; and (4) Milford; all of the above communities are located in Massachusetts.

5. It appears, from the allegations of petitioner, that Miller, after obtaining construction permits for authorizations at South Bridge and Milford, assigned the same within a period of three months thereafter for the purpose of making a profit. In the case of Orange, it appears that Miller assigned the station license within a period of three months after the station went on the air.

6. De Laurentis and the Broadcast Bureau support the Petition to Enlarge Issues. They both assert that the facts outlined in the petition raise a substantial question as to whether Miller has engaged in the trafficking of broadcast licenses thereby affecting his qualifications to receive a grant in this proceeding.

7. In his opposition to the petition, Miller sets forth, in considerable detail, the circumstances surrounding the disposition of the authorizations referred to in Eastern's petition. He maintains that the various transfers or assignments were prompted by compelling business reasons or to make it possible for other persons to participate in station ownership and management.

8. In the Commission's judgment, sufficient facts have been alleged to justify enlarging the issues. Enlargement, of course, does not constitute rejection of Miller's explanation, but rather is a recognition that a full evidentiary development of the facts and circumstances is necessary to a proper disposition of the trafficking question.

Accordingly, it is ordered, This 17th day of September 1958, that the Petition for Enlargement of Issues filed June 3, 1958, by Alfred L. Capstaff, tr/as Eastern States Broadcasting Company, is granted;

It is further ordered, That Issue No. 7 in our May 13, 1958, Order of Designation (FCC 58-420) is renumbered Issue No. 8 and the additional Issue No. 7 is ordered to read as follows: "To determine whether James W. Miller has engaged in trafficking in broadcast authorizations and, if so, whether he is thereby disqualified from receiving a grant herein."

Released: September 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7768; Filed, Sept. 22, 1958; 8:53 a. m.]

[1] In American Television Co., Inc., 12 RR 1433, the Commission defined "trafficking" as the acquisition of a construction permit or license with the view of disposing of the license to another immediately or after holding it for a period of time and held that there was no trafficking where the assignors had intended to construct and operate the proposed station at the time they received the grant and did not acquire it for the purpose of reselling it at a profit.

[Docket Nos. 11925, 11926; FCC 58-877]

NORTHWEST BROADCASTERS, INC., AND HALDANE JAMES DUFF

ORDER AMENDING ISSUES

In re applications of Northwest Broadcasters, Inc., Bellevue, Washington; Docket No. 11925, File No. BP-10521; Rev. Haldane James Duff, Seattle, Washington; Docket No. 11926, File No. BP-10638; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of September 1958;

The Commission having under consideration (1) the matters of record in the above-described proceeding involving the mutually exclusive applications for construction permits to establish standard broadcast stations of Northwest Broadcasters, Inc., and the Reverend Haldane James Duff; (2) the initial decision herein of Examiner Millard F. French, proposing a grant of the application of Northwest Broadcasters; and (3) the exceptions to the initial decision filed by Reverend Duff, Northwest Broadcasters, and the Commission's Broadcast Bureau;

It appearing that prior to the issuance of a decision herein, it is necessary that additional information be adduced which will permit a determination as to whether the city of Bellevue is a separate community, as contemplated by section 307 (b) of the Communications Act, or whether, because of its location and urban and industrial characteristics, Bellevue is an integral part of the city of Seattle; and

It further appearing that, therefore, the issues herein must be appropriately enlarged to inquire into this matter and into other questions related thereto, and that the applications of Northwest Broadcasters, Inc., and Rev. Haldane James Duff must be remanded to the Hearing Examiner for hearing under the enlarged issues and for the preparation of a supplemental initial decision;

Accordingly, it is ordered, That the above-described applications of Northwest Broadcasters, Inc., and Rev. Haldane James Duff are remanded to the Hearing Examiner for further hearing under the added issues as set forth below, and for the preparation of a supplemental initial decision; and

It is further ordered, That, existing issue No. 3 is amended and renumbered issue No. 5; existing issue No. 4 is renumbered issue No. 3; existing issue No. 5 is renumbered issue No. 7; the issues herein are amended by the addition of new issues 4, 6 (a), 6 (b) and 6 (c); and that the issues in the above-entitled proceeding are amended to read as follows:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether, because of the interference which would be received by the proposed operation of the Reverend Haldane James Duff, his proposed operation would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

3. To determine the financial qualifications of the applicant, Reverend Haldane James Duff, to construct and operate the station as proposed.

4. To determine whether the city of Bellevue is a separate community, as contemplated by section 307 (b) of the Communications Act, or whether, because of its location and urban and industrial characteristics, Belleveue is an integral part of the city of Seattle.

5. In the event that it is concluded that Bellevue is a separate community, to determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

6. In the event that it is concluded that Bellevue is an integral part of the city of Seattle:

(a) To determine whether the operation proposed by Northwest Broadcasters, Inc., would adequately serve the city of Seattle in accordance with the provisions of § 3.188 (a) (1), (b) (1) and (2) of the rules.

(b) To determine whether, because of the interference received, the operation proposed by Northwest Broadcasters, Inc., would comply with the provisions of § 3.28 (c) of the Commission's rules, and if compliance is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

(c) To determine on a comparative basis which of the operations proposed by Northwest Broadcasters, Inc., and the Reverend Haldane James Duff would better serve the public interest, convenience and necessity in the light of the evidence adduced herein and the record made with respect to the significant differences between the said two applicants as to:

(i) The background and experience of each having a bearing on its ability to own and operate the proposed standard broadcast station.

(ii) The proposals of each with respect to the management and operation of the proposed station.

(iii) The programming services proposed in each of the said applications.

7. To determine in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

Released: September 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7769; Filed, Sept. 22, 1958; 8:53 a. m.]

[Docket Nos. 12427, 12428; FCC 58M-1009]

ELECTRONIC MUSIC CO. AND WSBC BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of John Englebrecht and Stephen A. Cisler, d/b as Electronic Music Company, Chicago, Illinois; Docket No. 12427, File No. BPH-2342; WSBC Broadcasting Company, Chicago, Illinois; Docket No. 12428, File No. BPH-2359; for construction permits.

Pursuant to the pre-hearing conference held on this date in the above-entitled proceeding, and with the concurrence of all counsel: *It is ordered,* This 17th day of September, 1958, that the exchange of exhibits in the affirma-

tive case will be on October 20, 1958; a further pre-hearing conference will be held on November 5, 1958; and the formal hearing herein, which is presently scheduled for September 29, 1958, will be continued to December 2, 1958, at 10 o'clock a. m. in the offices of the Commission, Washington, D. C.

Released: September 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7770; Filed, Sept. 22, 1958; 8:53 a. m.]

[Docket No. 12581; FCC 58M-1008]

WESTMINSTER BROADCASTING CO. (WCME)

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Westminster Broadcasting Company (WCME), Brunswick, Maine; Docket No. 12581, File No. BP-11402; for construction permit.

It is ordered, This 17th day of September 1958, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 2:00 o'clock p. m., on Wednesday, October 1, 1958, in the offices of the Commission, Washington, D. C.

Released: September 17, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7771; Filed, Sept. 22, 1958; 8:53 a. m.]

[FCC 58-890]

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS

SEPTEMBER 18, 1958.

The Federal Communications Commission announces that the following dates will constitute the composite week for the preparation of program log analyses in connection with renewal applications of all AM, FM, and TV broadcast stations whose licenses expire in 1959. Attention is directed to the fact that the date for Sunday is in the year 1957, whereas, all other dates are in the year 1958.

Monday	January	20, 1958
Tuesday	March	18, 1958
Wednesday	April	9, 1958
Thursday	May	15, 1958
Friday	July	25, 1958
Saturday	September	13, 1958
Sunday	November	17, 1957

The attention of licensees is also directed to section IV, page 3, Item 10, of the renewal application which permits the submission of any additional program data that the applicant desires to call to the Commission's attention, if, in the applicant's opinion, the statistics based on the composite week do not adequately reflect the program service rendered.

Adopted: September 17, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7772; Filed, Sept. 22, 1958; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-14276]

REPUBLIC NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 16, 1958.

Take notice that Republic Natural Gas Company (Applicant), a Delaware corporation with a principal office in Dallas, Texas, filed an application in Docket No. G-14276 on January 16, 1958 pursuant to section 7 of the Natural Gas Act for permission and approval to abandon service to Gas Gathering Company (Gas Gathering) due to failure of gas production from the E. C. Merseberger Lease located in the East Mathis Field, San Patricio County, Texas, subject to the jurisdiction of the Commission, as more fully described in the application on file with the Commission, and open for public inspection.

The application recites that the service proposed to be abandoned is covered by a gas sales contract dated August 7, 1953, as amended, on file with the Commission as Applicant's FPC Gas Rate Schedule No. 2, as supplemented. Applicant was authorized on April 24, 1956 in Docket No. G-7638 to sell its gas from the Merseberger No. 1 well to Gas Gathering in addition to gas from the other wells in the field.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission, by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 30, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 13, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7729; Filed, Sept. 22, 1958; 8:46 a. m.]

[Docket No. G-15911]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 16, 1958.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation with principal place of business at 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. G-15911 on August 12, 1958, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of its existing natural-gas system, a side tap and a measuring and regulating station to deliver interruptible gas to Central Electric and Gas Company (Central Electric), an existing customer, for resale to the Behlen Manufacturing Company (Behlen) in Platte County, Nebraska. The proposed facilities will be located on Applicant's 8-inch line in Platte County, near Columbus, Nebraska, and are estimated to cost about $2,760 for which Central Electric will reimburse Applicant.

Central Electric will construct, own and operate the necessary lateral facilities extending from the plant to the outlet of Applicant's measuring station. Annual sales to Behlen are estimated at 9,870 Mcf and maximum daily requirements are estimated at 130 Mcf. Behlen will use the gas for space heating on an interruptible basis and deliveries will be curtailed under Step 6 in accordance with the provisions of Applicant's effective FPC Gas Tariff. Behlen will have dual fuel-burning equipment and will use propane as its standby fuel.

Applicant estimates that the requested facilities can be constructed and placed in operation within thirty days after authorization is received. The application states that the proposed sale of gas to Behlen will not result in any increase in contract demand or system salable capacity, nor will it adversely affect Applicant's ability to serve the firm requirements of its utility customers.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections

7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 21, 1958, at 9:20 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 9, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7730; Filed, Sept. 22, 1958; 8:46 a. m.]

[Docket No. G-16250]

SOUTHWEST GAS PRODUCING CO., INC., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 16, 1958.

Southwest Gas Producing Company, Inc., et al. (Southwest), on August 27, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 26, 1958.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 4 to Southwest's FPC Gas Rate Schedule No. 2.

Effective date: October 1, 1958 (effective date is the effective date proposed by Southwest).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

This suspension, however, is based solely on the possibility of the additional tax being invalidated and that only such tax reimbursement shall be made effective subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Southwest's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Southwest's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7731; Filed, Sept. 22, 1958; 8:47 a. m.]

[Docket No. G-16251]

MIDSTATES OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

SEPTEMBER 16, 1958.

Midstates Oil Corporation (Midstates) on August 26, 1958, tendered for filing proposed changes in its presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated August 25, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 5 to Midstates' FPC Gas Rate Schedule No. 3; Supplement No. 6 to Midstates' FPC Gas Rate Schedule No. 5.

Effective date: October 1, 1958 (effective date is the effective date proposed by Midstates).

The increased rates and charges so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges.

These suspensions, however, are based solely on the possibility of the additional tax being invalidated and that only such tax reimbursement shall be made effective subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 5 to Midstates' FPC Gas Rate Schedule No. 3, and Supplement No. 6 to Midstates' FPC Gas Rate Schedule No. 5 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 5 to Midstates' FPC Gas Rate Schedule No. 3, and Supplement No. 6 to Midstates' FPC Gas Rate Schedule No. 5.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

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[1] Supplement No. 3 to Southwest's FPC Gas Rate Schedule No. 2 (Louisiana gathering tax increase), was suspended for 1 day until August 2, 1958, in Docket No. G-15663, and is now in effect subject to refund.

[1] Supplement No. 4 to Midstates' FPC Gas Rate Schedule No. 3, and Supplement No. 5 to Midstates' FPC Gas Rate Schedule No. 5 (Louisiana gathering tax increases), were suspended for 1 day until August 2, 1958, in Docket No. G-15567, and are now in effect subject to refund.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7732; Filed, Sept. 22, 1958; 8:47 a. m.]

[Docket No. G-16252]

OHIO OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 16, 1958.

The Ohio Oil Company, (Operator), et al., (Ohio Oil), on August 26, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Arkansas Louisiana Gas Company.
Rate schedule designation: Supplement No. 7 to Ohio Oil's FPC Gas Rate Schedule No. 20.
Effective date: October 1, 1958 (effective date is the effective date proposed by Ohio Oil).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

This suspension, however, is based solely on the possibility of the additional tax being invalidated and that only such tax reimbursement shall be made effective subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Ohio Oil's FPS Gas Rate Schedule No. 20 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Ohio Oil's FPC Gas Rate Schedule No. 20.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7733; Filed, Sept. 22, 1958; 8:47 a. m.]

[1] Supplement No. 6 to Ohio Oil's FPC Gas Rate Schedule No. 20 (Louisiana gathering tax increase), was suspended for 1 day until August 2, 1958, in Docket No. G-15606, and is now in effect subject to refund.

[Project No. 1888]

METROPOLITAN EDISON CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

SEPTEMBER 16, 1958.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Metropolitan Edison Company, of Reading, Pennsylvania, licensee for Project No. 1888, known as York Haven Project, located on the Susquehanna River in Dauphin, Lancaster, and York Counties, Pennsylvania, affecting navigable waters of the United States for amendment of its license for the project. The license was issued on September 30, 1949, for a period effective January 1, 1938, and terminating June 30, 1970. Licensee requests (1) that its license be amended so that the same shall run from a date not earlier than September 1, 1949, for a full period of 50 years; (2) that its license be amended in such other respects as may be appropriate to conform to the new license period requested by the Licensee; and (3) that the Licensee be given credit against future annual license fee payments for amounts which the Licensee paid by way of license fees prior to the new effective date of the license requested by the Licensee.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 31, 1958. The application is on file with the Commission for public inspection.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7734; Filed, Sept. 22, 1958; 8:47 a. m.]

[Project No. 1892]

NEW ENGLAND POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

SEPTEMBER 16, 1958.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by New England Power Company, of Boston, Massachusetts, licensee for Project No. 1892, known as Wilder Project, located on the Connecticut River in Windsor and Orange Counties, Vermont, and Grafton County, New Hampshire, affecting navigable waters of the United States, for amendment of its license for the project. Licensee seeks to amend the license (1) by changing the commencement of the license period from January 1, 1938 to June 19, 1947 and by changing the termination date from June 30, 1970 to June 18, 1997; (2) by including the amortization reserve provisions described at 16 F. P. C. 1125-1126; (3) by revising the original cost provisions; and (4) by revising provisions relating to removal of obsolete structures.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 31, 1958. The application is on file with the Commission for public inspection.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7735; Filed, Sept. 22, 1958; 8:47 a. m.]

[Docket Nos. G-10591, G-15320]

MID-SOUTH GAS CO. AND TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 18, 1958.

In the matters of Mid-South Gas Company, Docket No. G-10591; Texas Gas Transmission Corporation, Docket No. G-15320.

Take notice that Texas Gas Transmission Corporation (Texas Gas), a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed on June 30, 1958, as supplemented on July 17 and August 4, 1958, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction, installation and operation of certain facilities and the sale of natural gas, as hereinafter

described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Texas Gas proposes to increase the contract demands for firm service to its existing customers for the winters 1958–59 and 1959–60.

Texas Gas proposes to construct and operate the following mainline facilities:

(1) Approximately 92.03 miles of 30-inch loop segments at several locations principally in Louisiana, but also in Arkansas and Mississippi.

(2) Approximately 34.28 miles of 26-inch and smaller diameter loop line in Kentucky, Indiana, and Illinois.

(3) An additional 2,000 horsepower unit at the existing Pineville, Louisiana, station; an additional 1,320 horsepower unit each at the existing Kenton, Tennessee; Slaughters, Kentucky; and Dillsboro, Indiana, stations; two 1,320 horsepower units at the existing Calvert City, Kentucky, station; and an additional 440 horsepower unit at the existing Petersburg, Indiana, station.

(4) A new compressor station at Dixie, Kentucky, to consist of three 600 horsepower units relocated from the existing Guthrie, Louisiana, station.

(5) Scrubbers and other miscellaneous additions to existing compressor stations.

In addition to the mainline facilities as described, Texas Gas proposes to expand its existing storage facilities at the Oaktown and Alford fields in Indiana and the Dixie and Hickory School fields in Kentucky principally by reconditioning existing storage wells, and enlarging the gathering systems.

Included in the facilities required at the Wilfred field is a 700 horsepower compressor unit and 3 miles of 12" lateral line.

The total overall cost of the proposed project is $20,169,638. The immediate cost of construction of the proposed facilities will be accomplished by 4 percent short term bank loans. The permanent financing is to be accomplished through a $17,000,000 bond issue in the latter part of 1959, at an anticipated 4¾ percent interest rate, with the balance of money to be obtained through retained earnings.

By means of the proposed facilities, Texas Gas' system sales capacity is estimated to be increaed by 133,700 Mcf per day. Of this capacity, 113,200 Mcf per day has been contracted for. The remaining volume of 20,500 Mcf per day will be used to meet increasing demands as they develop.

In Docket No. G–10591, Mid-South requests amendment of its certificate of public convenience and necessity issued on October 23, 1956, in said docket to authorize the transportation of an additional 3,000 Mcf per day for Arkansas-Missouri Power Company, making a total of 8,000 Mcf per day.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 20, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 7, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–7761; Filed, Sept. 22, 1958; 8:52 a. m.]

[Docket No. G–15824]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 17, 1958.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation with its principal place of business in Shreveport, Louisiana, filed an application on August 5, 1958, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant by its budget-type application filed pursuant to the Commission's order No. 185, seeks authority to construct and operate certain unspecified field facilities to enable it to take into its certificated main pipeline system natural gas which it will purchase during the year 1959 from producers in the general area of its existing transmission system.

The application states that the authorization sought herein will eliminate numerous certificate filings by Applicant during 1959 for the sole purpose of installing minor facilities to attach new supplies of gas to its system where expansions of its main transmission facilities are not involved.

Applicant estimates that the total cost of all facilities proposed will not be in excess of $3 million and the total cost of any single project will be limited to a maximum of $400,000.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 28, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 17, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–7762; Filed, Sept. 22, 1958; 8:52 a. m.]

[Docket No. G–16256]

AMERADA PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

SEPTEMBER 17, 1958.

Amerada Petroleum Corporation (Amerada) on August 18, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of Change, dated August 11, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 9 to Amerada's FPC Gas Rate Schedule No. 4.

Effective date: September 18, 1958 (effective date is the effective date proposed by Amerada).

In support of the proposed redetermined rate increases Amerada cites the "favored-nation" clause of the price section of its contract with El Paso.

The increased rates and charges as proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] These rates are presently in effect subject to refund in Docket No. G–13897.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 9 to Amerada's FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 9, to Amerada's FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 18, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7763; Filed, Sept. 22, 1958; 8:52 a. m.]

[Docket No. G-16258]

SUN OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

SEPTEMBER 17, 1958.

Sun Oil Company (Operator), et al. (Sun) on August 19, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 15, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 4 to Sun's FPC Gas Rate Schedule No. 80.

Effective date: September 19, 1958 (effective date is the effective date proposed by Sun).

In support of the proposed redetermined rate increase, Sun cites the "favored-nation" provision of the pricing section of its contract, states that the aforementioned provision of the contract was arrived at by arm's-length bargaining, and that it is an integral part of the considerations upon which the contract is based.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Sun's FPC Gas Rate Schedule No. 80 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increase rate and charge contained in Supplement No. 4 to Sun's FPC Gas Rate Schedule No. 80.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 19, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7765; Filed, Sept. 22, 1958; 8:53 a. m.]

[Docket No. G-16257]

SUN OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

SEPTEMBER 17, 1958.

Sun Oil Company (Sun) on August 19, 1958, tendered for filing proposed changes in its presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated August 15, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 11 to Sun's FPC Gas Rate Schedule No. 58; Supplement No. 5 to Sun's FPC Gas Rate Schedule No. 61; Supplement No. 3 to Sun's FPC Gas Rate Schedule No. 65; Supplement No. 5 to Sun's FPC Gas Rate Schedule No. 1; Supplement No. 5 to Sun's FPC Gas Rate Schedule No. 30.

Effective date: September 19, 1958 (effective date is the effective date proposed by Sun).

In support of the proposed redetermined rate increases, Sun cites the "favored-nation" provisions of the pricing sections of its contracts, states that the aforementioned provisions of the contracts were arrived at by arm's length bargaining, and that they are an integral part of its considerations upon which the contracts are based.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 11 to Sun's FPC Gas Rate Schedule No. 58, Supplement No. 5 to Sun's FPC Gas Rate Schedule No. 61, Supplement No. 3 to Sun's FPC Gas Rate Schedule No. 65, Supplement No. 5 to Sun's FPC Gas Rate Schedule No. 1, and Supplement No. 5 to Sun's FPC Gas Rate Schedule No. 30 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 11 to Sun's FPC Gas Rate Schedule No. 58, Supplement No. 5 to Sun's FPC Gas Rate Schedule No. 61, Supplement No. 3 to Sun's FPC Gas Rate Schedule No. 65, Supplement No. 5 to Sun's FPC Gas Rate Schedule No. 1, and Supplement No. 5 to Sun's FPC Gas Rate Schedule No. 30.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until February 19, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7764; Filed, Sept. 22, 1958; 8:53 a. m.]

[1] These rates are presently in effect subject to refund in Docket Nos. G-12880 and G-12841.

GENERAL SERVICES ADMINISTRATION

REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATIONS

Report of purchases under Domestic Purchase Regulations (Defense Production Act and Public Law 206, 83d Congress).

JUNE 30, 1958.

Regulation	Termination date	Unit	Program limitation (quantity)	Purchases [1] during quarter		Cumulative purchases [1] through end of quarter	
				Quantity	Amount	Quantity	Amount
Asbestos	Oct. 1, 1957	Short tons, crude No. 1 and/or crude No. 2 asbestos	1,500	0	0	1,499	$1,703,505.00
		Short tons, crude No. 3		0	0	850	340,070.05
Beryl	June 30, 1962	Short dry tons, beryl ore	4,500	95	$54,006.45	1,948	1,075,771.90
Chrome	June 30, 1959	Long dry tons, chrome ore and/or chrome concentrates	200,000	12,456	249,475.48	197,444	18,350,081.35
Columbium tantalum	Dec. 31, 1958	Pounds, contained combined pentoxide	15,000,000	[2] (16,255)	[3] 390.38	15,567,912	60,637,261.57
Manganese:							
Butte-Philipsburg	June 30, 1958	Long ton units, recoverable manganese	6,000,000	271,518	550,515.46	6,017,434	9,078,580.62
Deming	June 30, 1958	do	6,000,000	0	0	6,215,258	12,036,388.37
Wenden	June 30, 1958	do	6,000,000	0	0	6,108,316	10,743,179.21
Domestic small producers	Jan. 1, 1961	Long ton units, contained manganese	28,000,000	1,428,319	3,759,670.05	19,356,620	49,046,769.20
Mercury:							
Domestic	Dec. 31, 1957	Flasks, prime virgin mercury	125,000	832	187,200.00	9,428	2,121,300.00
Do	Dec. 31, 1958	do	[3] 30,000	4,606	1,036,350.00	7,332	1,649,700.00
Do	Dec. 31, 1957	do	75,000	0	0	766	172,317.30
Mexican	Dec. 31, 1958	do	[3] 20,000	287	71,076.89	1,387	315,571.52
Do	June 30, 1962	do	25,000	805	710,605.02	14,423	14,609,434.23
Mica	July 1, 1958	Short ton units, tungsten trioxide	3,000,000	0	0	2,996,280	188,212,704.63
Tungsten							

[1] Quantities represent deliveries. [2] Inventory adjustments. [3] Extension of prior limitation.

Dated: September 17, 1958.

EDWARD K. MILLS, JR., *Acting Administrator.*

[F. R. Doc. 58-7738; Filed, Sept. 22, 1958; 8:48 a. m.]

REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATIONS

Report of purchases under Domestic Purchase Regulation (operating on delegation or authority by Department of Interior under P. L. 733, 84th Congress).

JUNE 30, 1958.

Commodity	Termination date of program	Unit of measure	Total limitation	Interim limitation	Purchases			
					Fiscal year to date		Inception to date	
					Quantity	Cost [1]	Quantity	Cost [1]
Asbestos	Dec. 31, 1958	Short tons, crude No. 1 and No. 2	2,000	2,000	825	$999,356.70	1,353	$1,607,036.70
		Short tons, crude No. 3	2,000	1,838	461	184,274.00	815	325,734.00
Columbium tantalum	do	Pounds, contained combined pentoxide	250,000	59,810	48,906	195,107.00	49,380	195,810.16
Fluorspar	do	Short tons, acid grade	250,000	135,185	65,806	3,530,999.41	94,012	5,065,036.23
Tungsten	do	Short ton units, tungsten trioxide	1,250,000	293,584	0	0	283,463	15,537,920.91

[1] Material cost.

Dated: September 17, 1958.

EDWARD K. MILLS, JR., *Acting Administrator.*

[F. R. Doc. 58-7739; Filed, Sept. 22, 1958; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 15, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34971: *Substitution service—Rail for motor—Chicago and Eastern Illinois Railroad Company, etc.* Filed by Household Goods Carriers Bureau, Agent, (No. 16), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars in substituted service between specified substitution points served by the Chicago and Eastern Illinois Railroad Company, The Pennsylvania Railroad Company, Missouri-Kansas-Texas Railroad Company, and the Missouri-Kansas-Texas Railroad Company of Texas.

Grounds for relief: Motor truck competition.

Tariff: Supplement 6 to Household Goods Carriers Bureau tariff MF-I. C. C. 77.

FSA No. 34972: *Petroleum pentane and petroleum iso-pentane to points in Kansas.* Filed by Western Trunk Line Committee, Agent, (No. A-2016), for interested rail carriers. Rates on petroleum iso-pentane and petroleum pentane, in tank-car loads from points in Kansas and Missouri to points in Kansas.

Grounds for relief: Rates constructed on the basis of a mileage scale.

FSA No. 34973: *Sugar—Southern points to points in Illinois and Iowa.* Filed by O. W. South, Jr., Agent (SFA No. A3731), for interested rail carriers. Rates on sugar, carloads from specified points in Alabama, Florida, Louisiana, and Mississippi to Rock Island, Ill., Burlington, Clinton, Davenport, Dubuque, Fort Madison, and Muscatine, Iowa.

Grounds for relief: Market competition with Colorado producing points.

Tariff: Supplement 74 to Southern Freight Association tariff I. C. C. 434.

FSA No. 34974: *Sand—Official territory to the south.* Filed by O. E. Schultz, Agent (ER No. 2460), for interested rail carriers. Rates on sand, carloads, as described in the application from specified points in Illinois, Indiana, Iowa, Mary-

land, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin to destinations in southern territory.

Grounds for relief: Short-line distance formula, grouping, short-line, and Florida arbitraries.

Tariff: Supplement 6 to Trunk Line-Central Territory Railroads tariff I. C. C. 4797.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-7745; Filed, Sept. 22, 1958; 8:49 a. m.]

[Notice 27]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 18, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61153. By order of September 16, 1958, The Transfer Board approved the transfer to Glen V. Brubaker and Gerald B. Tweed, a Partnership, doing business as Cargo Carriers, San Diego, California, of Certificates Nos. MC 38673 and MC 38673 Sub 5, issued June 30, 1944, and September 9, 1952, respectively, to Ralph E. Sorkness, doing business as Sorkness Truck Lines, San Diego, California, authorizing transportation, over irregular routes, of specified commodities and general commodities, excluding household goods and other specified commodities, between designated points in California, and of liquid carbon dioxide, in bulk, in tank vehicles, from Niland, Calif., and Greeley, Colo., to points in California, Oregon, Washington, Montana, Idaho, Wyoming, Utah, Nevada, Colorado, Arizona, and New Mexico, and from Agnew, Calif., to points in Oregon, Washington, Idaho, and Montana, and solidified carbon dioxide, from Niland, Calif., to points in Arizona, Nevada, and New Mexico, and to the boundary of United States and Mexico at Calexico and San Ysidro, Calif. T. A. L. Loretz, 108 West Sixth Street, Los Angeles 14, California, for applicants.

No. MC-FC 61352. By order of September 16, 1958, the Transfer Board approved the transfer to John McKenna, doing business as McKenna Motor Express, Little Falls, N. J., of permit in No. MC 60021, issued July 31, 1958, to Albert G. Hopkinson, doing business as White Star Trucking, Paterson, N. J., authorizing the transportation of: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and, in connection therewith, *equipment, materials and supplies* used in the conduct of such business, and, *fruits, vegetables, farm products, poultry,* and *sea food,* in the respective seasons of their production between points in a specified territory in New Jersey, New York, and Pennsylvania. John M. Zachara, Post Office Box 2860, Paterson 28, N. J., for applicants.

No. MC-FC 61398. By order of September 16, 1958, the Transfer Board approved the transfer to Orofino Motor Freight, Inc., Lewiston, Idaho, of certificates Nos. MC 114119 and MC 114119 Sub 2, issued August 13, 1953 and April 22, 1957, respectively, to C. R. Pingree and C. L. Avery, a partnership, doing business as Star Motor Freight, Lewiston, Idaho, authorizing the transportation of: *General commodities,* with the usual exceptions, including household goods, between Lewiston, Idaho, and Grangeville and Stites, Idaho, serving all intermediate points; between Lewiston, Idaho, and junction Idaho Highways 14 and 13 serving certain intermediate points, and, serving the site of the U. S. Army Radar Station near Cottonwood, Idaho, as an off-route point in connection with the regular route operation between Lewiston, Idaho, and Grangeville and Stites, Idaho. Reed Clements, Weisgerber Building, Lewiston, Idaho, for applicants.

No. MC-FC 61405. By order of September 16, 1958, the Transfer Board approved the transfer to Alfred W. Packer, doing business as Packer Transfer, Princeton, N. J., of certificate in No. MC 92624, issued September 21, 1948, to Evan M. Thomson, doing business as Thomson's Express and Storage, Princeton, N. J., authorizing the transportation of: *Household goods,* as defined by the Commission, between Princeton, N. J., and points within 10 miles of Princeton, on the one hand, and, on the other, points in Delaware, Maryland, New York, Pennsylvania, and the District of Columbia. Harvey S. Moore, Jr., 245 Nassau Street, Princeton, N. J., for applicants.

No. MC-FC 61426. By order of September 16, 1958, the Transfer Board approved the transfer to Elroy Francis Cronin, doing business as Cronin-Joyce Express, Malden, Mass., of Certificate No. MC 6051, issued June 9, 1958, to John F. Cronin, doing business as Cronin-Joyce Express, Malden, Mass., authorizing the transportation of: *Toy novelties, cushion pads, woolen sweaters, drugs,* and *spices,* in truckload lots only, from Medford and Malden, Mass., to New York, N. Y.; *Silk rayon, electric cable,* and *canned goods,* in truckload lots only, from New York, N. Y., to Malden and Boston, Mass.; *woolen yarn,* in truckload lots only, from Malden, Mass., to Phenix and Providence, R. I., and from Passaic, N. J., to Boston, Mass.; *Cloth shoddy,* in truckload lots only, from Malden, Mass., to Phenix and Providence, R. I. Elroy Francis Cronin, 68 Florence Street, Malden 48, Mass., for applicants.

No. MC-FC 61435. By order of September 16, 1958, The Transfer Board approved the transfer to Burcham Trucking Service, Inc., Millville, New Jersey, of certificate No. MC 102698, issued October 25, 1949, to Russell M. Burcham, doing business as Burcham's Trucking Service, Millville, New Jersey, authorizing the transportation of agricultural commodities, from points in Cumberland County, N. J., to Baltimore, Md., Washington, D. C., New York, N. Y., Philadelphia, Wilkes-Barre, Scranton, Johnstown, and Pittsburgh, Pa., Providence, R. I., Hartford, Conn., Boston, Mass., and Newark, Del.; fertilizer, from Bridgeton, N. J., to Harrisburg, Pa., glass containers, from Bridgeton, N. J., to Bridgeport, Conn., Baltimore, Md., Philadelphia, Pa., and New York, N. Y., canned goods, from Bridgeton, N. J., to Philadelphia, Pa., and New York, N. Y., oysters, from Port Norris, N. J., to Baltimore, Md., fertilizer and fertilizer materials, from Baltimore, Md., Philadelphia, Pa., and New York, N. Y. to Bridgeton, N. J., empty baskets and crates, from New York, N. Y., to Salisbury, Md., to Bridgeton, N. J., peat-moss, from Philadelphia, Pa., to Bridgeton, N. J., coal, from Pottsville, Pa., to Bridgeton, N. J., and sand, from Manumuskin and Millville, N. J., to points in New Castle County, Del., those in specified portions of Pennsylvania and Maryland. Robert H. Shertz, 811 Lewis Tower Building, 225 South Fifteenth Street, Philadelphia 2, Pa., for applicants.

No. MC-FC 61436. By order of September 16, 1958, The Transfer Board approved the transfer to Southern Express Terminal Company, A Corporation, Cicero, Illinois, of certificate in No. MC 114360 issued November 8, 1954, to Southern Express Co., A Corporation, Cicero, Illinois, authorizing the transportation of general commodities, excluding household goods and other specified commodities, over a regular route, between Hammond, Ind., and the junction of U. S. Highway 6 and Indiana Highway 152, serving no intermediate points. Jack Goodman, Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Illinois, for applicants.

No. MC-FC 61534. By order of September 16, 1958, The Transfer Board approved the transfer to Jim Schaben, doing business as Dunlap Transfer, Dunlap, Iowa, of Certificate No. MC 30189, issued August 29, 1955, to Donald A. Thompson and Earl D. Thompson, a partnership, doing business as Thompson Bros., Dunlap, Iowa, authorizing the transportation of General commodities, excluding household goods and other specified commodities, from Omaha, Nebr., to Dunlap, Iowa, serving intermediate and off-route points within 15 miles of Dunlap. Jim Schaben, Doing Dunlap Transfer, Dunlap, Iowa, for applicants.

No. MC-FC 61541. By order of September 16, 1958, The Transfer Board approved the transfer to Richard J. Cormier, doing business as Richard the Mover, Lawrence, Massachusetts, of certificate in No. MC 6082, issued October 22, 1953 to Leo O. Demers, doing business as O. Demers & Sons, Lawrence, Massachusetts, authorizing the transportation of general commodities, excluding household goods, and other specified commodities, over regular routes, between Boston, Mass., and Haverhill, Mass., serving certain intermediate and off-route points; coke and electrical appliances, over irregular routes, from Lawrence, Mass., to Salem, N. H.; and household goods, over irregular routes, between North Andover, Mass., and points within five miles of North Andover, on the one hand, and, on the other, points in New Hampshire, and between Lawrence, Mass., on the one hand, and, on the other, points in Connecticut and Rhode Island. George C. O'Brien, The Eight Floor, 33 Broad Street, Boston 9, Mass., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-7746; Filed, Sept. 22, 1958; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ANNA TAHTABROUNIAN AND LUCY BAKIRGIAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Anna Tahtabrounian, 31 Rue Franklin, Paris 16e, France; Claim No. 63005; $895.00 in the Treasury of the United States. Vesting Order No. 17903.

Lucy Bakirgian, The White House, Bowden, Cheshire, U. K.; Claim No. 63006; $895.00 in the Treasury of the United States. Vesting Order No. 17903.

Executed at Washington, D. C., on September 16, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-7756; Filed, Sept. 22, 1958; 8:51 a. m.]

Office of the Attorney General

[Order No. 170-58]

ESTABLISHMENT OF A FEDERAL PRISON CAMP AT DONALDSON AIR FORCE BASE, GREENVILLE, SOUTH CAROLINA

By virtue of the authority vested in me by section 4125 of title 18 of the United States Code and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), it is ordered as follows:

I hereby authorize the Director of the Bureau of Prisons to establish, equip, and maintain a Federal Prison Camp at Donaldson Air Force Base, Greenville, South Carolina; and I hereby designate that camp as a place for confinement of persons convicted of offenses against the laws of the United States, and authorize the commitment and transfer thereto of such United States prisoners as the Director of the Bureau of Prisons may order from time to time. Prisoners committed and transferred to that camp may be employed as authorized by section 4125 of title 18 of the United States Code and may receive so much of the commutation of sentence for good conduct authorized by section 4162 of that title as the Director of the Bureau of Prisons may in his discretion approve.

Dated: September 12, 1958.

WILLIAM P. ROGERS, *Attorney General.*

[F. R. Doc. 58-7749; Filed, Sept. 22, 1958; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JOHN H. CLEMSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 1, 1958.

JOHN H. CLEMSON.

SEPTEMBER 1, 1958.

[F. R. Doc. 58-7747; Filed, Sept. 22, 1958; 8:50 a. m.]

ALEXANDER D. THOMSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last 6 months:

A. Deletions:
Empire Oil Tool Co.
Continental Air Lines.
Frontier Oil.
National Dairy Products Corp.
B. Additions:
Lisbon Valley Uranium Co.
Niagara Mohawk Power Corp.

This statement is made as of August 31, 1958.

ALEXANDER D. THOMSON.

SEPTEMBER 4, 1958.

[F. R. Doc. 58-7748; Filed, Sept. 22, 1958; 8:50 a. m.]

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FEDERAL REGISTER

VOLUME 23 NUMBER 187

Washington, Wednesday, September 24, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

ACTIONS

Effective October 24, 1958, paragraph (d) of § 20.5 is amended as set out below.

§ 20.5 *Actions.* • • •

(d) *Reasonable change in position*—(1) *How determined.* A change between positions is reasonable if the representative rate of one position is the same as the representative rate of the other position; however, if the employee cannot be changed to a position with the same representative rate, a change in position is reasonable if made with the least reduction in representative rate.

(2) *Representative rate.* For the purposes of this section, the representative rate is the fourth step of the grade for a position under the Classification Act, the prevailing rate for a position outside the Classification Act using a wage-board or similar wage-determining procedure, and for all other positions it is the rate designated by the agency as truly representative of the position.

(3) *Choice of position.* An agency is not required to give an employee a choice between reasonable changes in position. Any agency is not required to fill a vacant position, to change an employee to a position with a higher representative rate, or to move an employee to a different duty station, but an agency is not prohibited from taking these actions. No employee rendering satisfactory service in a position shall be required to be displaced by a competing employee who is not qualified for such position under the regulations in this part.

(Secs. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-7789; Filed, Sept. 23, 1958; 8:47 a. m.]

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

APPEALS

Effective November 23, 1958, paragraphs (a) and (b) of § 20.9 are amended, a new paragraph (c) is added, and the present paragraphs (c) and (d) are redesignated as paragraphs (d) and (e), as set out below.

§ 20.9 *Appeals*—(a) *Employee appeals to the Commission.* Any employee who receives a specific notice of reduction in force and who believes that the regulations in this part have not been correctly applied may appeal to the appropriate office of the Commission stating reasons why he believes the action to be taken or taken is improper. The appeal may be filed at any time from the date the employee receives the notice but not later than ten (10) calendar days after the effective date of the action.

(b) *Further appeals.* The Commission office that makes the initial adjudication of an appeal submitted pursuant to paragraph (a) of this section shall notify the employee, or his designated representative, and the agency of the decision in writing. The written decision shall contain notification of the right of either party to appeal to the Board of Appeals and Review, U. S. Civil Service Commission, Washington 25, D. C. (hereinafter referred to as the "Board"), within seven (7) calendar days after receipt of such decision.

(c) *Extension of time limit.* The time limits specified in paragraphs (a) and (b) of this section may be extended upon a showing that circumstances beyond the control of the appellant or the employing agency prevented the filing of an appeal within the prescribed time limit.

(d) *Finality of decisions.* It is mandatory for the agency to take corrective action in accordance with the decision of the Commission office that made the initial adjudication of the appeal, unless an appeal is made to the Board. The decision of the Board shall be final. There is no further right of appeal. A recommendation for corrective action by the Board is mandatory and must be complied with by the agency.

(Continued on p. 7423)

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FEDERAL REGISTER

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(c) *The Commissioners.* The Commissioners may, in their discretion, when, in their judgment, such action appears warranted by the circumstances, reopen and reconsider any previous decision.

(Secs. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 890, 666)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-7788; Filed, Sept 23, 1958; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 8, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

INDIANA AND KANSAS; BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F. R. 3485, 5317, 5764, 5893, 6173, 6174 and 6551 containing the specific requirements for the 1958-crop wheat price support program are amended as follows:

Section 421.3043 (d) (2) is amended by changing the basic county support rates as follows:

Indiana:

1. Clay County is increased from $1.86 per bushel to $1.87 per bushel.

2. Sullivan County is increased from $1.84 per bushel to $1.85 per bushel.

Kansas: Mitchell County is decreased from $1.88 per bushel to $1.87 per bushel, except as to loans made prior to the effective date of this amendment at $1.88 per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1053, 1054, 15 U. S. C. 714c, 7 U. S. C 1441, 1447, 1421]

Issued this 19th day of September 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-7815; Filed, Sept. 23, 1958; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 43-9]

PART 43—GENERAL OPERATION RULES

PILOT CERTIFICATE REQUIREMENTS FOR OPERATION OF UNITED STATES AND FOREIGN REGISTERED AIRCRAFT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 19th day of September, 1958.

Section 43.40 of Part 43 of the Civil Air Regulations requires in effect that no person shall pilot a civil aircraft within the United States unless he has in his personal possession a valid U. S. airman certificate or valid foreign pilot certificate. The language of this section, however, does not clearly distinguish between the pilot certificate required for the operation of U. S. registered aircraft as against that required for the operation of foreign registered aircraft. As a result, numerous requests have been made for individual interpretations of this section.

Section 602 (a) of the Civil Aeronautics Act of 1938, as amended, empowers the authority (Administrator) "to issue airman certificates specifying the capacity in which the holders thereof are authorized to serve as airmen in connection with aircraft."

Section 610 (b) authorizes the Civil Aeronautics Board to exempt foreign aircraft and airmen serving in connection therewith from the certificate requirements of section 610 (a) provided the exemption is considered to be in the public interest.

Section 1102 provides "In exercising and performing its powers and duties under this Act, the Authority shall do so consistently with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and any foreign country or foreign countries * * *."

Article 32 of the Chicago Convention provides "(a) The pilot of every aircraft and other members of the operating crew of every aircraft engaged in international navigation shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered."

Consistent with these provisions, § 43.40 of Part 43 of the Civil Air Regulations has always been interpreted as prohibiting a person from operating a United States registered aircraft unless he has a valid United States pilot certificate; and as prohibiting a person holding only a foreign pilot certificate from operating aircraft in the United States unless the pilot certificate was issued or rendered valid by the country in which the foreign aircraft is registered. While the application of § 43.40 to holders of United States pilot certificates apparently is understood, the provisions of this section have been susceptible to the erroneous interpretation that a holder of only a foreign pilot certificate may operate, within the United States, an aircraft of United States registry or of a registry other than of the country which issued the pilot certificate. In view of this difficulty with the present language in § 43.40, and in order to eliminate the need for individual interpretations, the Board considers it advisable to revise this section to clearly define the pilot certificate requirements for operation of both United States and foreign registered aircraft in the United States.

Since the changes effected by this amendment are clarifying in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 43 of the Civil Air Regulations (14 CFR Part 43, as amended) effective October 24, 1958.

By amending § 43.40 to read as follows:

§ 43.40 *Pilot certificate.* No person shall pilot within the United States a civil aircraft registered in the United States, unless he has in his personal possession while piloting such aircraft, a valid pilot certificate with appropriate ratings issued by the Administrator; or pilot within the United States a civil aircraft registered in a foreign country and eligible for operation in the United States, unless he has in his personal possession while piloting such aircraft a valid pilot certificate with appropriate ratings issued or rendered valid by the country of registry of the aircraft, or a valid United States pilot certificate issued by the Administrator. Such certificate shall be presented for examination to any inspector of the Administrator or State or local law enforcement officer upon the request of such inspector or enforcement officer.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 610, 1102, 52 Stat. 1007, 1008, 1012, 1026, as amended; 49 U. S. C. 551, 552, 560, 672, sec. 6, 44 Stat. 573 as amended; 49 U. S. C. 176)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58-7817; Filed, Sept. 23, 1958; 8:51 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter B—Standard Samples and Reference Standards

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

SUBPART B—STANDARD SAMPLES AND REFERENCE STANDARDS WITH SCHEDULE OF WEIGHTS AND FEES

DESCRIPTIVE LIST; SPECTROGRAPHIC STANDARDS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from September 8, 1958.

In § 230.11 *Descriptive list,* paragraph (m) *Spectrographic standards* is amended by the addition of a new series to read as follows:

(7) *Zinc spelter samples.*

Sample [1] No.	Kind	Price per sample
631	Zinc spelter (modified)	$10.00

[1] Size: Bar segments 1¾ inch square and ¾ inch thick.

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

A. V. ASTIN,
Director,
National Bureau of Standards.

Approved: September 17, 1958.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-7778; Filed, Sept. 23, 1958; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7047]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GERSHCOW FUR CO. AND JOSEPH GERSHCOW

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product;* § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, Sec. 8, 65 Stat. 179; 15 U. S. C. 45 69f) [Cease and desist order, Gershcow Fur Company et al., St. Paul, Minn., Docket 7047, August 14, 1958]

In the Matter of Gershcow Fur Company and Joseph Gershcow, Individually and as President of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in St. Paul, Minn., with violating the Fur Products Labeling Act by failing to comply with the labeling and invoicing requirements; by advertising in newspapers which failed to disclose the names of animals producing certain furs, the country of origin of imported furs, or that some products contained artificially colored or cheap fur, and which named animals other than those producing certain furs; and by failing to maintain adequate records as a basis for pricing claims in advertising.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Gershcow Fur Company, a corporation, and its officers, and Joseph Gershcow, individually and as president of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or in the transportation and distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product, which has been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other indentification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

(g) The item number or mark assigned to a fur product.

2. Setting forth on labels attached to fur product:

(a) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

(b) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information;

(c) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in the fur product.

C. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice, which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur products contain or are composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(c) The name of the country of origin of any imported furs contained in a fur product.

2. Contains the name of an animal or animals other than the name or names of the animal or animals that produced the fur.

D. Makes claims or representations in advertisements respecting comparative prices or values of fur products unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 14, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-7785; Filed, Sept. 23, 1958; 8:46 a. m.]

[Docket 7068]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

H. WALZER & CO.

Subpart—*Advertising falsely or misleadingly:* § 13.130 *Manufacture or preparation:* Fur Products Labeling Act; § 13.155 *Prices:* Forced or sacrifice sales; percentage savings. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and*

statutory requirements: Fur Products Labeling Act; § 13.1280 *Price.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 3, 65 Stat. 179; 15 U. S. C. 45, 69f)

[Cease and desist order, Leo Walzer et al. trading as H. Walzer & Company, Chicago, Ill., Docket 7088, August 14, 1958]

In the Matter of Leo Walzer and Joseph Walzer, Individuals and Copartners, Trading as H. Walzer & Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in Chicago, Ill., with violating the Fur Products Labeling Act by attaching to fur products tags bearing fictitious prices purporting to be regular retail prices, by advertising in newspapers which failed to disclose the names of animals producing the fur in certain products or that some products contained artificially colored fur, which misused the term "blended", and which falsely advertised percentage savings and distress sales; by failing to maintain adequate records as the basis for such pricing claims; and by failing in other respects to comply with the labeling, invoicing, and advertising requirements of the Act.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Leo Walzer and Joseph Walzer, individually and as co-partners trading as H. Walzer & Company, or under any other name, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the introduction into commerce or the sale, advertising, offering for sale, transportation or distribution of fur products, in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing on labels attached to fur products, or in any other manner, that certain amounts are the regular and usual prices of fur products when such amounts are in excess of the prices at which such products are usually and customarily sold by respondents in the recent regular course of their business.

2. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

3. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed by the rules and regulations.

(b) That the fur product contains or is composed of used fur, when such is the fact.

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact.

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact.

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, in commerce, or transported it in commerce.

(f) The name of the country of origin of any imported furs used in the fur product.

(g) The item number or mark assigned to a fur product.

4. Setting forth on labels attached to fur products:

(a) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form.

(b) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder mingled with non-required information.

(c) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder in handwriting.

5. Failing to show separately on labels attached to a fur product composed of two or more sections containing different animal furs information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder with respect to the furs comprising each section.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guild and as prescribed under the rules and regulations.

(b) That the fur product contains or is composed of used fur, when such is the fact.

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact.

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact.

(e) The name and address of the person issuing such invoice.

(f) The name of the country of origin of any imported furs contained in the fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

(b) That the fur products contain or are composed of bleached, dyed or otherwise artificially colored fur, when such is the fact.

(c) All the information required under section 5 (a) of the Fur Products Labeling Act and the rules and regulations thereunder in type of equal size and conspicuousness and in close proximity with each other.

2. Contains the term "blended" as part of the information required under section 5 (a) of the Fur Products Labeling Act and the rules and regulations thereunder to describe the pointing, bleaching, dyeing or tip-dyeing of furs.

3. Represents directly or by implication that respondents' regular price of any fur product is any amount which is in excess of the price at which respondents have regularly or customarily sold such products in the recent regular course of their business.

4. Represents directly or by implication through percentage savings claims that the regular or usual retail prices charged by respondents for fur products in the recent regular course of their business were reduced in direct proportion to the amount of savings stated, when contrary to the fact.

5. Represents directly or by implication that any fur products offered for sale are from the stock of a business in a state of liquidation, when contrary to the fact.

D. Making claims and representations in advertisements respecting comparative prices, percentage savings claims or claims that prices are reduced from regular or usual prices unless there is maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 14, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-7786; Filed, Sept. 23, 1958; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

TETRACYCLINE HYDROCHLORIDE-NEOMYCIN SPRAY OINTMENT TOPICAL; TETRACYCLINE-TRIACETYLOLEANDOMYCIN FOR ORAL SUSPENSION

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141c, 146c) are amended by adding the following new sections:

§ 141c.244 *Tetracycline hydrochloride-neomycin spray ointment topical*—(a) *Potency*—(1) *Tetracycline hydrochloride content.* Spray the entire contents of the well-shaken sample into a large tared beaker. Place in a vacuum desiccator, evacuate, and allow to stand at room temperature for 16 to 18 hours. After the gas has volatilized, accurately weigh the beaker and contents and determine the weight of the ointment ejected when used as directed in its labeling. Place an accurately weighed sample of approximately 1 gram in an extraction funnel prepared by fusing a ground-glass joint to the top of a medium-porosity sintered-glass filter funnel (30-millimeter diameter). Wash with five 10-milliliter portions of warm iso-octane and draw off the ointment base under vacuum. Discard the iso-octane washings. Wash the residue in the funnel four times with 10-milliliter portions of 0.3 percent piperidine in acetone solution. Withdraw each washing under vacuum. Combine the four washings in a 100-milliliter volumetric flask and make to mark with acetone. Remove an aliquot of this solution and proceed as directed in § 141c.218 (a). The sample may also be assayed by using a 1-gram sample weighed as described above and proceeding as directed in § 141c.202 (a). The tetracycline hydrochloride content is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(2) *Neomycin content.* The residue remaining in the funnel after the extraction described in subparagraph (1) of this paragraph contains the neomycin. Wash this residue five times, using 10-milliliter aliquots of distilled water, drawing each washing off under vacuum. Combine the washings in a 100-milliliter volumetric flask and make to mark with distilled water. Using an aliquot of this aqueous solution, proceed as directed in § 141e.410 (b) of this chapter. The sample may also be assayed by using a 1-gram sample weighed as described in subparagraph (1) of this paragraph and proceeding as directed in § 141c.242 (a) (2), except first prepare the sample by blending in an appropriate volume of 0.1 *M* potassium phosphate buffer, pH 8.0, using a high-speed blender. The content of neomycin is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(b) *Sterility.* Wipe the valve with a suitable disinfectant before spraying. Using an amount of spray (usually evacuated in 5 to 8 seconds) equivalent to approximately 20 milligrams of tetracycline hydrochloride for each container tested, proceed as directed in § 141a.2 of this chapter, except that neither penicillinase nor the control tube is used in the test for bacteria.

(c) *Moisture.* Proceed as directed in § 141a.8 (b) of this chapter.

§ 141c.245 *Tetracycline-triacetyloleandomycin for oral suspension*—(a) *Potency, toxicity, pH.* Prepare the drug as directed in its labeling and proceed as directed in § 141c.240.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

§ 146c.244 *Tetracycline hydrochloride-neomycin spray ointment topical*—(a) *Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride-neomycin spray ointment topical is tetracycline hydrochloride and neomycin in a suitable and harmless ointment base and one or more suitable and harmless inert gases. Each gram of ointment contains not less than 15 milligrams of tetracycline hydrochloride and not less than 15 milligrams of neomycin. It is sterile. Its moisture content is not more than 3.0 percent. The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except §146c.218 (a) (1), (2), (3), (4), and (5), but its potency is not less than 720 μg. per milligram. The neomycin used conforms to the standards prescribed by § 146e.410 (a) (2) of this chapter for potency, moisture, and pH. Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not less than 30 grams of ointment and shall contain one or more suitable and harmless inert gases.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of tetracycline hydrochloride and the number of milligrams of neomycin per gram of ointment and the number of grams of ointment that will be ejected when used as directed in the labeling.

(iii) The statement "Expiration date _____," the blank being filled in with the date that is 24 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On a circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless they were previously submitted) the dates on which the latest assays of the tetracycline hydrochloride and neomycin used in making such batch were completed, the quantity of each ingredient used in making such batch, the date on which the latest assay of the drug comprising such batch was completed, and that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: The number of milligrams of tetracycline hydrochloride and the number of milligrams of neomycin per gram; sterility; moisture.

(ii) The tetracycline hydrochloride and neomycin used in making the batch: Potency, moisture, pH, crystallinity.

(3) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection

with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(a) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than six or more than 12 immediate containers.

(b) For sterility testing: 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The tetracycline hydrochloride used in making the batch: 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.218 (b).

(iii) The neomycin used in making the batch: Five packages, each containing approximately equal portions of not less than 0.5 gram.

(iv) In case of an initial request for certification, each other ingredient used in making the batch: One package of each component of the ointment base, each containing approximately 200 grams.

(4) The results referred to in subparagraph (2) (ii) of this paragraph and the samples referred to in subparagraph (3) (ii) and (iii) of this paragraph are not required if such results or samples have been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $5.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) (*a*) of this section; $10.00 for all immediate containers submitted in accordance with paragraph (d) (3) (i) (*b*) of this section; $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), and (iv) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146c.245 *Tetracycline-triacetyloleandomycin for oral suspension.* Tetracycline-triacetyloleandomycin for oral suspension conforms to all requirements and procedures prescribed by § 146c.240 for tetracycline-triacetyloleandomycin syrup, except that:

(a) It is a dry powder which, when reconstituted with a diluent as directed in its labeling, conforms to the standards prescribed for tetracycline-triacetyloleandomycin syrup.

(b) Its moisture content is not more than 5 percent.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments covered by this order.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: September 17, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-7790; Filed, Sept. 23, 1958; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter II of Title 24 is amended as follows:

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

In § 221.42, paragraph (b) (3) is amended to read as follows:

§ 221.42 *Eligibility of miscellaneous type mortgages.* * * *

(b) * * *

(3) Executed in connection with the sale by the Government, or any agency or official thereof, or any of the so-called Greenbelt towns, or parts thereof, including projects, or parts thereof, known as Greenhills, Ohio; Greenbelt, Maryland; and Greendale, Wisconsin, developed under the Emergency Relief Appropriation Act of 1935; or of any of the village properties or employee's housing under the jurisdiction of the Tennessee Valley Authority; or of any housing under the jurisdiction of the Department of the Interior located within the town area of Coulee Dam, Washington, acquired by the United States for the construction, operation, and maintenance of Grand Coulee Dam and its appurtenant works or of any permanent housing under the jurisdiction of the Department of the Interior constructed under the Boulder Canyon Project Act of December 21, 1928, as amended and supplemented, located within the Boulder City municipal area; or

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U. S. C. 1713)

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

In § 232.30, paragraph (b) (3) is amended to read as follows:

§ 232.30 *Eligibility of miscellaneous type mortgages.* * * *

(b) * * *

(3) Executed in connection with the sale by the Government, or any agency or official thereof, or any of the so-called Greenbelt towns, or parts thereof, including projects, or parts thereof, known as Greenhills, Ohio; Greenbelt, Maryland; and Greendale, Wisconsin, developed under the Emergency Relief Appropriation Act of 1935; or of any of the village properties or employee's housing under the jurisdiction of the Tennessee Valley Authority; or of any housing under the jurisdiction of the Department of the Interior located within the town area of Coulee Dam, Washington, acquired by the United States for the construction, operation, and maintenance of Grand Coulee Dam and its appurtenant works or of any permanent housing under the jurisdiction of the Department of the Interior constructed under the Boulder Canyon Project Act of December 21, 1928, as amended and supplemented, located within the Boulder City municipal area; or

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U. S. C. 1713)

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

In § 241.45, paragraph (b) (3) is amended to read as follows:

§ 241.45 *Eligibility of miscellaneous type mortgages.* * * *

(b) * * *

(3) Executed in connection with the sale by the Government, or any agency or official thereof, or any of the so-called Greenbelt towns, or parts thereof, including projects, or parts thereof, known as Greenhills, Ohio; Greenbelt, Maryland; and Greendale, Wisconsin, developed under the Emergency Relief Appropriation Act of 1935; or of any of the village properties or employee's housing under the jurisdiction of the Tennessee Valley Authority; or of any housing under the jurisdiction of the Department of the Interior located within the town area of Coulee Dam, Washington, acquired by the United States for the construction, operation, and maintenance of Grand Coulee Dam and its appurtenant works or of any permanent housing under the jurisdiction of the Department of the Interior constructed under the Boulder Canyon Project Act of December 21, 1928, as amended and supplemented, located within the Boulder City municipal area; or

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U. S. C. 1715e)

Issued at Washington, D. C., September 18, 1958.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 58-7803; Filed, Sept. 23, 1958; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 58-902]

[Rules Amdts. 1-7, 9-24, 17-6]

PART 1—PRACTICE AND PROCEDURE

PART 9—AVIATION SERVICES

PART 17—CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 9 of the Commission's rules to delete the construction permit requirement for various classes of ground stations in the Aviation Services, and amendment of Parts 1, 9, and 17 of the Commission's rules to adopt a composite application form for ground stations in the Aviation Services (FCC Form 406).

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 17th day of September 1958;

The Commission having under consideration the amendment of Part 1—Practice and Procedure, Part 9—Aviation Services, and Part 17—Construction, Marking and Lighting of Antenna Structures, to delete the construction permit requirement for various classes of ground stations in the Aviation Services, and to adopt a composite application form for such stations (other than Civil Air Patrol); and

It appearing that by order released September 1, 1955 (20 F. R. 6553), the Commission amended Part 1 of the rules to exempt certain classes of stations from the construction permit requirement; and

It further appearing that under the terms of that order, as applied to the Aviation Services, the construction permit requirement was retained only with respect to operational fixed stations and stations having special antenna considerations; and

It further appearing that Part 9 of the Commission's rules should be amended to bring it into conformity with Part 1 of the rules with respect to the circumstances under which a construction permit is no longer a condition precedent to obtaining a station license in the Aviation Services; and

It further appearing that concurrent with the amendment of Part 9, a new aviation ground station application form should be adopted by the Commission in recognition of the fact that construction permits are no longer required in most instances, and in order to simplify application processing by combining existing forms and adapting questions to the current requirements of the Aviation Services; and

It further appearing that general notice of proposed rule making, as prescribed by section 4 (a) of the Administrative Procedure Act, is unnecessary in view of the procedural and editorial nature of the changes herein ordered; and

It further appearing that authority for the issuance of this order is contained in sections 4 (i), 303 (r), 307 (d), 308 (a), 308 (b), and 319 (d) of the Communications Act of 1934, as amended:

It is ordered, That effective December 22, 1958, Parts 1, 9, and 17 of the Commission's rules are amended, as set forth below; and

It is further ordered, That a new composite application form (FCC Form 406)[1] "Application for Ground Station Authorization in the Aviation Services" replacing FCC Forms 401, 401-A, 403, 405-A, 701, and 702 in the Aviation Services, is hereby adopted, the use of which shall be mandatory upon the effective date of this order; and

It is further ordered, That until the effective date of this order, the Commission will continue to entertain applications covering aviation ground facilities submitted on FCC Forms currently in use.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Released: September 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Amend Part 1—Practice and Procedure, as indicated below:

1. Amend paragraph (b) of § 1.502 to read as follows:

(b) All applications, except those for renewal of station license, for authority to establish or operate stations (other than ship stations and stations in the Aviation Services) in the Alaska area subject to this part, including correspondence relating thereto, shall be filed in triplicate with the Commission's Engineer in Charge at Seattle, Washington. The provision of this paragraph shall apply to each application for construction permit, license, or modification of construction permit or license.

2. Amend § 1.522 by inserting the following in numerical order:

FCC Form and Title	
406	Application for Ground Station Authorization in the Aviation Services.

3. Delete subdivisions (ii) and (iii) of subparagraph (2), paragraph (b), § 1.524, and substitute new subdivisions (ii), (iii), (iv) and (v) as follows:

(ii) FCC Form 406, "Application for Ground Station Authorization in the Aviation Services," may be used in applying for assignment of ground station authorizations in the Aviation Services.

(iii) FCC Form 505, "Application for Citizens Radio License," for consent to transfer of control of corporation holding a Citizens Radio Station license.

(iv) FCC Form 702, "Application for Consent to Assignment of Radio Station Construction Permit or License (for stations in services other than Broadcast)."

(v) FCC Form 703, "Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License (for stations in services other than Broadcast)."

4. Amend paragraph (b) of § 1.536 to read as follows:

(b) Application for renewal of authorization to operate an amateur station in the Radio Amateur Civil Emergency Service shall be filed on FCC Form 481-1 and shall be submitted concurrently with the application for renewal of the basic amateur radio station license. Application for renewal of Civil Air Patrol radio station authorizations shall be submitted on FCC Form 404. Application for renewal of aircraft radio station licenses, other than Civil Air Patrol, shall be submitted on FCC Form 404. Application for renewal of ground station authorizations in the Aviation Services, other than Civil Air Patrol, shall be submitted on FCC Form 404. Application for renewal of Citizens Radio Station License shall be submitted on FCC Form 505.

5. Amend paragraph (b) of § 1.531 to read as follows:

(b) Application for extension of time within which to construct a station in Public Safety, Industrial, and Land Transportation Radio Services shall be submitted on FCC Form 400-A; in the Aviation Services on FCC Form 406; in the Citizens Radio Service on FCC Form 505; and in all other services on FCC Form 701. Such application shall be filed at least 30 days prior to the expiration date of the construction permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

B. Amend Part 9—Aviation Services, as indicated below:

1. Delete in their entirety §§ 9.103 to 9.116 inclusive, and substitute the following:

§ 9.103 *Subscription and verification of applications.* Each application or amendment thereto shall be personally subscribed and verified by the person in whose name application is made if the applicant is an individual, by any one of the general partners if an applicant is a partnership, and by an officer if the applicant is a corporation or unincorporated association: *Provided, however,* That subscription and verfication may be made by an attorney in the event of

[1] Copies of FCC Form 406 will be available from the Federal Communications Commission, Washington 25, D. C., in the near future.

the applicant's physical disability or absence from the continental United States, in which event the attorney must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason for applicant's inability to sign and verify. Where more than one copy of an application is required to be filed with the Commission, only the original need be signed and verified.

§ 9.104 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest and as to all matters and things required to be disclosed by the application form. Additional information of a purely explanatory nature submitted in letter form need not be notarized.

§ 9.105 *Application for aircraft radio station license.* (a) (1) Application for new, modified, or renewal of aircraft radio station licenses, shall be made on FCC Form 404. The purchaser or assignee of a radio-equipped aircraft shall apply for a new aircraft radio station license on FCC Form 404.

(2) An air carrier, in applying for aircraft radio station licenses, may specify on a single FCC Form 404, the total number of air carrier aircraft stations in the fleet. Under these circumstances, a single instrument of authorization (fleet license) may be issued for operation of all radio stations aboard the aircraft of the fleet.

(3) Any U. S. air carrier conducting operations pursuant to an interchange or lease agreement authorized by the Civil Aeronautics Board may include in its application for fleet license a request for permission to transfer the control of any of its air carrier aircraft radio stations temporarily to another U. S. air carrier, curently licensed by the FCC and with which it has such an interchange or lease agreement, in order to enable the transferee to operate the station while the agreement is in effect. Such request must specify the names of the air carriers participating in the interchange or lease agreement.

(b) Application for new, modified, or renewal of Civil Air Patrol mobile (including aircraft) radio station licenses shall be made on FCC Form 480.

(c) The purchaser of new aircraft with factory-installed radio equipment may operate a private aircraft radio station on the aircraft for a period of 30 days under special temporary authority evidenced by a copy of a certificate (FCC Form No. 453–B) executed by the manufacturer, dealer, or distributor of such aircraft, the original of which has been mailed to the Commission with an application for new station license on FCC Form 404.

§ 9.106 *Application for ground station authorization.* (a) Application for new, modified, renewal of, or assignment of ground station authorizations, except Civil Air Patrol, shall be submitted on FCC Form 406. A construction permit must be obtained prior to commencement of construction in the case of operational fixed stations and stations involving special antenna considerations, in which case application shall be made on FCC Form 406.

(b) Applications for new, modified, or renewal of Civil Air Patrol land station authorizations shall be submitted on FCC Form 480.

(c) Applications for transfer of control by reason of sale or exchange of voting stock, or by other means, shall be submitted on FCC Form 703.

§ 9.107 *Interim operation pending renewal.* Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

§ 9.108 *Application for special temporary authority.* (a) Applications for special temporary authority may be filed either formally (by submission of an appropriate application form) or informally (by letter or telegram) to operate new facilities, or to operate existing facilities in a manner beyond that authorized in the current authorization. The nature of the emergency, equipment failure or other circumstances which, in the opinion of the applicant justifies issuance of a special temporary authorization, must be fully described in the request.

(b) Informal requests for special temporary authority shall contain the following information:

(1) Name, address, and citizenship status of applicant;

(2) Statement of facts on which the request is based, including estimated duration of proposed use;

(3) Class of station and nature of service;

(4) Location of station including, when appropriate, geographical coordinates;

(5) Equipment to be used, specifying manufacturer and model number, frequencies desired, types of emission, power, and other pertinent information; and

(6) Description of proposed antenna structure if any.

(c) Information presently on file with the Commission may be included by reference.

§ 9.109 *Amendment of applications.* (a) Any amendment to an application shall be subscribed, verified, and submitted in the same manner, and with the same number of copies, as was the original application.

(b) An application may be amended as a matter of right prior to the designation of such application for hearing by filing the appropriate number of duly executed copies of the amendment.

§ 9.110 *Dismissal of applications.* (a) Any application may be dismissed upon written request signed by the applicant or his attorney, without prejudice and as a matter of right at any time prior to the designation of such application for hearing.

(b) Failure to prosecute an application or failure to respond to official correspondence or request for additional information will be cause for dismissal.

§ 9.111 *Defective applications.* (a) Applications which are incomplete with respect to completeness of answers, supplementary statements, execution, or other matters of a formal character shall be deemed to be defective and may be returned to the applicant with a brief statement as to such defects.

(b) Applications will also be deemed to be defective and may be returned to the applicant in the following cases:

(1) Statutory disqualification of applicant;

(2) Proposed use or purpose of station would be unlawful;

(3) Requested frequency is not allocated for assignment for the service proposed.

(c) Applications which are not in accordance with the provisions of this chapter, or other requirements of the Commission will be considered defective and may be dismissed unless accompanied either by (1) a petition to amend any rule or regulation with which the application is in conflict, or (2) a request of the applicant for waiver of, or exception to, any rule, regulation, or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof. Applications may be dismissed, if the accompanying petition for waiver or amendment of rules does not set forth reasons which would justify a waiver or change of the rules.

§ 9.112 *Partial grants.* Where an application is granted in part, or with terms and conditions other than those requested, without hearing thereon, such action of the Commission shall be considered acceptable and final unless rejected in writing by the licensee within 30 days of grant. Upon receipt of a written rejection, the Commission will set aside the outstanding authorization and may, in appropriate circumstances, designate the application for hearing.

§ 9.113 *License period.* Authorizations in the Aviation Services are normally issued for a term of five years.

§ 9.114 [Reserved].

§ 9.115 [Reserved].

§ 9.116 [Reserved].

§ 9.117 [Reserved].

2. Amend § 9.141 to read as follows:

§ 9.141 *Notification of completion of station construction.* The following notification procedure shall be observed in those instances in which a construction permit is required by the Commission's rules and has been issued by the Commission:

(a) When construction has been completed in accordance with the terms and conditions of the construction permit, the Engineer in Charge of the local radio district shall be notified of the date on which the transmitter will first be energized in such manner as to produce radiation. Such notification shall be

given in writing at least two days in advance and shall include the name of the permittee, station location, call sign (if any) and frequencies on which tests are to be conducted. FCC Form 456 may be used for this purpose. No acknowledgement from the radio district office is necessary before testing is begun.

(b) After testing, but on or before the date on which the station is first placed in regular operation, the permittee shall mail to the Federal Communications Commission, Washington 25, D. C., an application for station license on FCC Form 406. The station may thereafter be used as though licensed, pending Commission action on the license application.

3. Amend that portion of § 9.411 preceding paragraph (a) thereof to read as follows:

§ 9.411 *Frequencies available.* In applying for an airdrome control radio station authorization, the applicant need not specify the proposed operating frequencies, inasmuch as the assigned frequencies are determined by the Commission after coordination with other agencies of government. The following frequencies are available to airdrome control stations.

4. Amend paragraph (h) of § 9.447 to read as follows:

(h) In filing an application for an operational fixed station authorization in the aeronautical fixed service, the applicant may specify the desired frequency band in lieu of specific frequencies, since it will be necessary for the Commission to determine the assignable frequencies.

5. Amend that portion of § 9.511 preceding paragraph (a) thereof, to read as follows:

§ 9.511 *Frequencies available.* In applying for a radionavigation station authorization, the applicant need not specify the proposed operating frequencies, inasmuch as the assigned frequencies are determined by the Commission after coordination with other agencies of government.

6. Amend § 9.1105 to read as follows:

§ 9.1105 *Application for aeronautical metropolitan station authorization.* A single application may be submitted for any number of aeronautical metropolitan stations for the same licensee in a metropolitan area. The application shall specify the location of the station at the main air terminal, and the location of each station at subordinate landing areas.

C. Amend Part 17—Construction, Marking and Lighting of Antenna Structures, as indicated below:

1. Amend that part of § 17.3 preceding paragraph (a) to read as follows:

§ 17.3 *Form to be used to describe proposed antenna structures.* Applications for radio facilities in the Radio Broadcast Services shall be accompanied by FCC Form 301, Section V–G (antenna); applications in the Aviation Services shall be accompanied by FCC Form 406 (Part II); and applications in all other services shall be accompanied by FCC Form 401–A (revised) when:

2. Delete footnote number 2 which pertains to § 17.3.

[F. R. Doc. 58–7804; Filed, Sept. 23, 1958; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 994]

[Docket No. AO–300]

Milk in Colorado Springs-Pueblo Marketing Area

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed marketing agreement and order regulating the handling of milk in the Colorado Springs-Pueblo marketing area, which was issued September 4, 1958 (23 F. R. 6943), is hereby extended to October 8, 1958.

Dated: September 19, 1958.

[SEAL] Roy W. Lennartson,
Deputy Administrator.

[F. R. Doc. 58–7792; Filed, Sept. 23, 1958; 8:47 a. m.]

[7 CFR Part 1066]

Irish Potatoes

NOTICE OF PROPOSED REGULATIONS GOVERNING IMPORTS

Notice is hereby given that the Secretary of Agriculture is giving consideration to grade, size, quality, and inspection regulations that are to be made applicable to the importation of Irish potatoes into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat 906, 1047), and the applicable General Regulations (7 CFR Part 1060).

The proposed regulations will replace §§ 1066.2 to 1066.6, inclusive (7 CFR Part 1066) and will constitute, when issued, the complete Part 1066.

The regulations under consideration are to apply to all imports of Irish potatoes on the same basis as regulations imposed upon handlers of (1) round white or red skin varieties of Irish potatoes grown in the State of Maine pursuant to regulations issued under Marketing Agreement No. 122 and Order No. 70 (§ 970.305, 23 F. R. 7061), and (2) long varieties of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, pursuant to regulations issued under Marketing Agreement No. 98 and Order No. 57, as amended (§ 957.317, 23 F. R. 5157, 6171, 6742, 6903, and 7169).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days following publication of this notice in the Federal Register. The proposals are as follows:

§ 1066.11 *Import of Irish potatoes—*
(a) *Import restrictions.* During the period from October 13, 1958, through July 15, 1959, no person shall import any Irish potatoes, except certified seed potatoes, unless they meet the following requirements:

(1) Round white or red skin varieties shall be U. S. No. 1, or better, grade, 2¼ inches minimum diameter and 4 inches maximum diameter.

(2) Long white varieties (including, but not limited to, the Russet Burbank variety) shall be U. S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight, size A. All long varieties may not be more than "slightly skinned."

(3) All varieties shall be at least 50 percent "fairly clean."

(b) *Minimum quantities.* Any importation which in the aggregrate, does not exceed 500 pounds, may be imported without regard to the provisions of this section.

(c) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions of potatoes under the Plant Quarantine Act of 1912.

(d) *Certified seed imports.* Any person may import certified seed potatoes, which shall include only those potatoes which are officially certified and tagged as seed potatoes by the Plant Protection Division, Science Service, Canada Department of Agriculture.

(e) *Designation of governmental inspection service.* Fruit and Vegetable Inspection Service, Fruit and Vegetable Division, Marketing Service, Canada Department of Agriculture, is hereby designated, pursuant to § 1060.4 (a) of this chapter, as a governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of Irish potatoes that are imported, or to be imported, from Canada into the United States under the provisions of section 8e of the Act.

(f) *Inspection and official inspection certificates.* (1) Inspection by the Federal or Federal-State Inspection Service, by the Fruit and Vegetable Inspection

Services, Fruit and Vegetable Division, Marketing Service, Canada Department of Agriculture, or by such other governmental inspection service as may be designated, or approved, by the Administrator, with appropriate evidence thereof in the form of an official inspection certificate issued by the respective service and applicable to a particular shipment of potatoes, is required on all imports of potatoes, other than certified seed, pursuant to § 1060.3 of this chapter.

(2) Inspection certificates shall cover only the quantity of potatoes that is being imported at a particular port of entry by particular importers.

(3) The inspections performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). Cost of inspection and certification shall be borne by the applicant therefor.

(4) Each inspection certificate issued with respect to any Irish potatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the certificate;

(vi) The principal identifying marks on the containers;

(vii) The railroad car initials and number, the truck and trailer number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement if the facts warrant: Meets U. S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(g) *Findings and determinations with respect to imports of Irish potatoes.* Pursuant to section 8e of the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby found and determined that during the effective time hereof (1) imports of potatoes of the long varieties are in most direct competition with such varieties of Irish potatoes which are grown in Districts Nos. 1 and 3 in the production area defined in Order No. 57 (Part 957 of this chapter; designated Counties of Idaho and Malheur County, Oregon), and (2) imports of Irish potatoes of the round and white and red skin varieties are in most direct competition with such varieties of Irish potatoes which are grown in the production area defined in Order No. 70 (Part 970 of this chapter; the State of Maine).

(2) It is hereby determined that the grade, size, and quality regulations hereby established for the respective varieties of Irish potatoes that may be imported into the United States are equivalent or comparable to those imposed upon domestic Irish potatoes under the aforesaid marketing orders.

(h) *Definitions.* (1) The terms "U. S. No. 1," "U. S. No. 2," "fairly clean," "moderately skinned," and "Size A," mean U. S. No. 1 grade, U. S. No. 2 grade, fairly clean, moderately skinned, and Size A, respectively, as set forth in the United States Standards for Potatoes (§§ 51.1540 to 51.1556, inclusive, of this title; 23 F. R. 3141), including the tolerances set forth therein. For the purposes of this section, potatoes meeting the requirements of Canada No. 1 grade and Canada No. 2 grade shall be deemed to comply with the requirements of the U. S. No. 1 grade and U. S. No. 2 grade, respectively, except that the tolerances for size, as set forth in said United States Standards, may be used.

(2) All other terms have the same meaning as when used in the general regulations (Part 1060 of this chapter) applicable to the importation of listed commodities.

Dated: September 18, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-7793; Filed Sept. 23, 1958; 8:48 a. m.]

Agricultural Research Service

[7 CFR Part 301]

DOMESTIC QUARANTINE NOTICES

MOVEMENT OF FRESH OKRA FROM PUERTO RICO OR VIRGIN ISLANDS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), is considering the amendment of § 301.58-3 (a) of the regulations supplemental to the quarantine relating to fruits and vegetables from Puerto Rico or the Virgin Islands (7 CFR 301.58-3 (a)) by adding the words "and fresh okra," between the words "in the pod," and "will be certified" in the second paragraph thereof.

The proposed amendment, if adopted, would allow the movement of fresh okra from Puerto Rico or the Virgin Islands of the United States to Baltimore, Maryland, and Atlantic Coast ports north thereof under certification but without further treatment. With this limitation it is believed that fresh okra that has been examined by an inspector and found free from injurious insect infestation and is so certified, may enter without constituting a hazard of spreading dangerous insects. The amendment would also allow the movement of fresh okra from Puerto Rico or the Virgin Islands of the United States to any mainland port when it has been treated and so certified.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162)

Done at Washington, D. C., this 19th day of September 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-7814; Filed, Sept. 23, 1958; 8:50 a. m.]

Commodity Stabilization Service

[7 CFR Part 730]

RICE

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO MARKETING QUOTAS, NATIONAL, STATE, AND COUNTY ACREAGE ALLOTMENTS, COUNTY NORMAL YIELDS AND PROPOSED DATE FOR CONDUCTING REFERENDUM ON MARKETING QUOTAS FOR 1959 CROP

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustmentt Act of 1938, as amended (7 U. S. C. 1301, 1352, 1353, 1354, 1377), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1959 crop of rice, to determine and proclaim the national acreage allotment for the 1959 crop of rice, to apportion among States and counties the national acreage allotment for the 1959 crop of rice, to establish county normal yields for the 1959 crop of rice, and to establish a date for conducting a referendum on marketing quotas in the event quotas are proclaimed for the 1959 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1958 the Secretary determines that the total supply of rice for the 1958-59 marketing year will exceed the normal supply for such marketing year by more than 10 per centum, the Secretary shall, not later than December 31, 1958, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1959. Within thirty days after the issuance of such proclamation, the Secretary shall conduct a referendum by secret ballot of farmers engaged in the production of the immediately preceding crop of rice to determine whether such farmers are in favor of or opposed to such quotas. In the event that the Secretary proclaims quotas in effect for the 1959 crop of rice, it is proposed that the date for holding the referendum be set as Monday, December 15, 1958.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for 1959 shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the five calendar years 1954 through 1958 produce an amount of rice adequate, together with the estimated carry-over from the 1958-59 marketing year, to make available a supply for the 1959-60 marketing year not

less than the normal supply. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1958.

Section 353 (c) (6) of the act, as amended, provides that the national acreage allotment of rice for 1959 shall be not less than the national acreage allotment for 1956, including the 13,512 acres apportioned to States pursuant to paragraph (5) of section 353 (c) of the act. Under this provision, the national acreage allotment of rice for 1959 will be not less than 1,652,596 acres.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carry-over of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1 to July 31.

Section 353 (a) and (c) (6) of the act require that the national acreage allotment of rice for the 1959 crop, less a reserve of not to exceed one per centum thereof for apportionment to farms receiving inadequate allotments because of insufficient State or county allotments or because rice was not planted on the farm during all the years of the base period, be apportioned among the several States in which rice is produced in the same proportion that they shared in the total acreage allotted to States in 1956 (State acreage allotments plus the additional acreage allocated to States under section 353 (c) (5) of the act, as amended).

Section 353 (b) of the act requires that the State acreage allotment of rice for the 1959 crop shall be apportioned to farms owned or operated by persons who have produced rice in the State in any one of the five calendar years, 1954 through 1958, on the basis of past production of rice in the State by the producer on the farm taking into consideration the acreage allotments previously established in the State for such owners or operators; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop rotation practices; and the soil and other factors affecting the production of rice. Provision is made that if the State committee recommends such action and the Secretary determines that such action will facilitate the effective administration of the act, he may provide for the apportionment of part or all of the State acreage allotment to farms on which rice has been produced during any one of such period of years on the basis of the foregoing factors, using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for such owners or operators.

Provision is also made that if the Secretary determines that part of the State acreage allotment shall be apportioned on the basis of past production of rice by the producer on the farm and part on the basis of the past production of rice on the farm, he shall divide the State into two administrative areas, to be designated "producer administrative area" and "farm administrative area", respectively, which areas shall be separated by a natural barrier which would prevent each area from being readily assessible to rice producers in one area from producing rice in the other area, and each area shall be composed of whole counties. Not more than 3 per centum of the State acreage allotment shall be apportioned among farms operated by persons who will produce rice in the State in 1959 but who have not produced rice in the State in any one of the years, 1954 through 1958, on the basis of the applicable apportionment factors set forth herein: *Provided*, That in any State in which allotments are established for farms on the basis of past production of rice on the farm such percentage of the State acreage allotment shall be apportioned among the farms on which rice is to be planted during 1959 but on which rice was not planted during any of the years, 1954 through 1958, on the basis of the applicable apportionment factors set forth herein. In determining the eligibility of any producer or farm for an allotment as an old producer or farm under the first sentence of this subsection or as a new producer or farm under the second sentence of this subsection, such producer or farm shall not be considered to have produced rice on any acreage which under subsection (c) (2) is either not to be taken into account in establishing acreage allotments or is not to be credited to such producer. For purposes of this section in States which have been divided into administrative areas pursuant to this subsection the term "State acreage allotment" shall be deemed to mean that part of the State acreage allotment apportioned to each administrative area and the word "State" shall be deemed to mean "administrative area", wherever applicable.

Section 353 (c) (1) of the act provides that if farm acreage allotments are established by using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for owners or operators, the State acreage allotment shall be apportioned among counties in the State on the same basis as the national acreage allotment is apportioned among the States and the county acreage allotments shall be apportioned to farms on the basis of the applicable factors set forth in subsection (b) of the section: *Provided*, That if the State is divided into administrative areas pursuant to subsection (b) of this section the allotment for each administrative area shall be determined by apportioning the State acreage allotment among counties as provided in this subsection and totaling the allotments for the counties in each area: *Provided*, That the State committee may reserve not to exceed 5 per centum of the State allotment, which shall be used to make adjustments in county allotments for trends in acreage and for abnormal conditions affecting plantings.

Section 301 (b) (13) (D) of the act provides that the "normal yield" of rice for 1959 for any county shall be the average yield per acre of rice for the county during the five calendar years 1954 through 1958 adjusted for abnormal weather conditions and trends in yields. Provision is made therein that if for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations of the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

Section 301 (b) (13) (F) of the act provides that if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any county for any year during the years 1954 through 1958 is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre; and if on account of abnormally favorable weather conditions, the yield for any county for any year during the years 1954 through 1958 is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Section 377 of the act provides that in any case in which the acreage planted to rice on any farm in 1959 is less than the 1959 rice acreage allotment for the farm, the entire acreage allotment for such farm shall be considered for purposes of future State, county, and farm acreage allotments to have been planted to rice in 1959. Provision is made therein that if the amount of rice required to be stored to postpone or avoid payment of penalty has been reduced because the 1959 rice acreage allotment for the farm was not fully planted, the owner or operator of the farm will not be permitted to preserve such allotment.

Sections 106 and 112 of the Soil Bank Act provide that the acreage on any farm which is determined to have been diverted from the production of rice under the 1958 acreage reserve or conservation reserve program shall be considered as rice acreage for the purpose of establishing 1959 farm, county, and State acreage allotments under the Agricultural Adjustment Act of 1938, as amended.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State and county acreage allotments and county normal yields for the 1959 crop of rice, including national, State, and county

reserves, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than fifteen days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 19th day of September 1958.

[SEAL] WALTER C. BERGER,
Administrator.

[F. R. Doc. 58-7816; Filed, Sept. 23, 1958; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 675, 677]

[Administrative Order 515]

INDUSTRY COMMITTEES Nos. 41-C AND 41-D

RESIGNATION AND APPOINTMENT OF EMPLOYEE MEMBER

Mr. James E. Dicey, Sr., has resigned as an employee representative on Industry Committees Nos. 41-C and 41-D, effective September 17, 1958.

Pursuant to authority contained in section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062; 29 U. S. C. 205) and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), I hereby appoint Mr. Hipolito Marcano of San Juan, Puerto Rico, to serve as an employee member in his stead.

Signed at Washington, D. C., this 18th day of September 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-7813; Filed, Sept. 23, 1958; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 12]

[Docket No. 12607; FCC 58-903]

AMATEUR RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of §§ 12.64, 12.111, and 12.231 (a) of the Commission's rules so as to permit remote control of stations in the Amateur and Radio Amateur Civil Emergency Services when operating in the 220-225 Mc band and to permit use of 6F2 emission by stations in these services when operating between 50.35 and 50.75 Mc; Docket No. 12607.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. Petitions filed by the United States Civil Defense Amateur Radio Alliance seek amendment of §§ 12.64 (b) and 12.231 (a) (2) of the Commission's rules so as to allow stations in the Radio Amateur Civil Emergency Service[1] to use the frequencies in the 220-225 Mc RACES band for radio remote control of base stations" and to "use 6F2 emission in the 50.35 to 50.75 Mc band * * *."

3. The petitioner, in support of its request for amendments necessary to permit remote control operation by RACES stations in the 220-225 Mc band, alleges:

(a) Remote control is not presently permitted on a frequency available for utilization by RACES stations, which fact "is hampering progress in the development of the full capabilities of the service";

(b) Terrain conditions in the areas where many "Civil Defense Control Centers" are situated make maintenance of "the required primary communication links" impossible without physically relaying messages so long as remote control operations are not permitted;

(c) Use of wire lines for the remote control of RACES base stations will hamper the "mission" of amateur radio in Civil Defense, "to supply emergency communications", because "if all wire lines are intact after attack, RACES will not be called upon to play more than a minor role in communications."

(d) Adoption of the requested amendments would make it "possible to minimize error" by elimination of the necessity for physical relay of messages, thus enhancing the value of the Radio Amateur Civil Emergency Service in time of disaster.

4. Arguments advanced by the petitioner in support of the requested amendment of § 12.231 (a) (2) so as to allow use of 6F2 emission by RACES stations when operating on frequencies between 50.35 and 50.75 Mc include the following:

(a) 6F2 emission is presently permitted when RACES stations are operated between the frequencies 53.35 and 53.75 Mc and the characteristics of such frequencies are substantially identical to the characteristics of frequencies between 50.35 and 50.75 Mc.

(b) Authority to use 6F2 emission when operating on frequencies between 50.35 and 50.75 Mc as well as when operating on frequencies between 53.35 and 53.75 is required "in order that simultaneous transmission and reception of radio teletype signals be maintained, thereby affording maximum use of available frequencies at greater speed of transmitting and receiving."

(c) Rules presently restrict emissions on frequencies between 50.35 and 50.75 Mc suitable for telegraphy to type "A" emissions and equipment necessary for utilization of such emissions in radio telegraphy is unsatisfactory, not readily available and more expensive than that which would be required to utilize 6F2 emission.

(d) "Permission to use 6F2 in the 50.35 to 50.75 Megacycle band will encourage the Radio Amateur Civil Emergency Service to develop radio teletype communications in civil defense networks" and will aid in "increasing the speed with which traffic can be moved" by RACES stations.

5. The requested amendment of § 12.64 (b) would, if promulgated, permit not only RACES stations but also other amateur radio stations to be authorized for conduct of remote control operations on frequencies in the 220-225 Mc band. Remote control operation by such stations is presently permitted only on "frequencies within amateur frequency bands 420 Mc or higher." The requested amendment of § 12.231 (a) (2) which would permit use of 6F2 emission by RACES stations on frequencies between 50.35 and 50.75 Mc would not provide for such use of 6F2 emission by other amateur radio stations operating on these same frequencies. Authorizations for operation of RACES stations are issued only to persons holding an amateur radio operator's license and "an appropriate amateur radio station license." Therefore, it would appear that if provision is made for use of 6F2 emission by RACES stations on frequencies between 50.35 and 50.75 Mc, similar provision should be made in § 12.111 (h) for use of this emission by other amateur radio stations.

6. The requested amendments appear to have sufficient merit to warrant issuance of a Notice of Proposed Rule Making envisioning effectuation thereof.

Amendment of § 12.111 (h) so as to permit use of 6F2 emission by amateur radio stations operating on frequencies between 50.0 and 54.0 Mc is also being proposed.

7. Proposed amendments of §§ 12.64 (b), 12.111 (h) and 12.231 (a) (2) of the Commission's rules are contained below and are issued pursuant to the authority delegated to the Commission by section 303 (e) and (f) of the Communications Act of 1934, as amended.

8. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before November 20, 1958, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

9. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: September 17, 1958.

Released: September 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 12.64 (b) (6) to read as follows:

(6) In the event that operation of an amateur transmitter from a remote control point by radio is desired, an application for a modified station license on FCC Form No. 610 or FCC Form No. 602, as appropriate, should be submitted with a letter requesting authority to operate in such a manner stating that the controlling transmitter at the remote location will operate within amateur frequency bands 220 megacycles or higher

[1] Hereinafter sometimes referred to as RACES stations.

and that there will be full compliance with subparagraphs (1) through (5) of this paragraph. Supplemental statements and diagrams should accompany the application and show how radio remote control will be accomplished and what means will be employed to prevent unauthorized operation of the transmitter by signals other than those from the controlling unit. There should be included complete data on control channels, relays and functions of each, directional antenna design for the transmitter and receiver in the control circuit, and means employed for turning on and off the main transmitter from the remote control location.

2. Amend § 12.111 (h) to read as follows:

(h) 50.0 to 54.0 Mc using types A1, A2, A3, and A4 emissions and narrow band frequency or phase modulation for radiotelephony or radiotelegraphy 51.0 to 54.0 Mc using type Aø emission, and on frequencies 52.5 to 54.0 Mc special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

3. Amend § 12.231 (a) (2) to read as follows:

(2) For use by all authorized stations:

Frequency band:	Authorized emission
28.55–28.75 Mc	0.1A1, 6A3, 6A4, 6F3.
29.45–29.65 Mc	0.1A1, 1.1F1, 6A3, 6A4, 40F3.
50.35–50.75 Mc	0.1A1, 6A2, 6A3, 6A4, 6F2, 6F3.
53.35–53.75 Mc	0.1A1, 1.1F1, 6A2, 6F2, 6A3, 6A4, 40F3.
145.17–145.71 Mc	0.1A1, 1.1F1, 6A2, 6F2, 6A3, 6A4, 40F3.
146.79–147.33 Mc	0.1A1, 1.1F1, 6A2, 6F2, 6A3, 6A4, 40F3.
220–225 Mc	0.1A1, 1.1F1, 6A2, 6F2, 6A3, 6A4, 40F3.

[F. R. Doc. 58–7805; Filed, Sept. 23, 1958; 8:49 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

OHIO

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in Hardin County, Ohio, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1959, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 19th day of September 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 58–7794; Filed Sept. 23, 1958; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12416, etc.; FCC 58M–1011]

NICK J. CHACONAS ET AL.

ORDER SCHEDULING HEARING

In re applications of Nick J. Chaconas, Gaithersburg, Maryland, Docket No. 12416, File No. BP–10996; I. T. Cohen and Anne H. Cohen, d/b as Tri-County Broadcasting Company, Laurel, Maryland, Docket No. 12417, File No. BP–11309; The Eleven Fifty Corp., Capitol Heights, Maryland, Docket No. 12418, File No. BP–11379; TCA Broadcasting Corporation, College Park, Maryland, Docket No. 12419, File No. BP–11741; for construction permits.

On the Examiner's own motion: *It is ordered*, This 18th day of September 1958, that hearing in the above-entitled matter will be held at 10:00 a. m., on October 13, 1958, at the offices of the Commission in Washington, D. C.

Released: September 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58–7806; Filed, Sept. 23, 1958; 8:49 a. m.]

[Docket No. 12514, etc.; FCC 58M–1010]

NORTHWEST VIDEO ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Thomas B. Friedman and Dawkins Espy, d/b as Northwest Video, Eugene, Oregon, Docket No. 12514, File No. BPCT–2429; Liberty Television, Inc., Eugene, Oregon, Docket No. 12515, File No. BPCT–2436; Keed, Incorporated, Eugene, Oregon, Docket No. 12516, File No. BPCT–2457; for construction permits for new television broadcast stations.

It is ordered, This 17th day of September 1958, that a prehearing conference will be held September 26, 1958, at 10:00 a. m., in the offices of the Commission in Washington, D. C.

Released: September 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58–7807; Filed, Sept. 23, 1958; 8:49 a. m.]

[Docket No. 12597; FCC 58M–1012]

JANE A. ROBERTS (KCFI)

NOTICE OF PREHEARING CONFERENCE

In re application of Jane A. Roberts (KCFI), Cedar Falls, Iowa, Docket No. 12597, File No. BL–7011; for station license.

A prehearing conference will be held Wednesday, October 15, 1958, at 10 a. m., in the offices of the Commission, Washington, D. C.

Dated: September 18, 1958.

Released: September 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58–7808; Filed, Sept. 23, 1958; 8:49 a. m.]

[Docket No. 12599; FCC 58–903]

WICOMICO BROADCASTING CO. (WICO)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Elizabeth Evans and W. Courtney Evans d/b as Wicomico Broadcasting Company (WICO), Salisbury, Maryland, Docket No. 12599, File No. BP–11470; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 17th day of September 1958;

The Commission having under consideration the above captioned application of Elizabeth Evans and W. Courtney Evans d/b as Wicomico Broadcasting Company for a construction permit to increase the power of Station WICO, Salisbury, Maryland from 500 watts to one kilowatt, and to continue operation on 1320 kilocycles, daytime only;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate Station WICO as proposed, but that the proposed operation would involve mutual interference with Stations WGH, Newport News, Virginia (1310 kc, 5 kw, DA–1, U) and WLLY, Richmond, Virginia (1320 kc, 1 kw, Day); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated July 23, 1958 of the aforementioned interference and that the Commission was unable to conclude that a grant of the

application would be in the public interest; and

It further appearing that a timely reply to the Commission's letter was filed by the applicant; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WICO as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station WICO would cause objectionable interference to Stations WGH, Newport News, Virginia, or WLLY, Richmond, Virginia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the above-captioned application should be granted.

It is further ordered, That Hampton Roads Broadcasting Corporation and WLLY, Inc., licensees of Stations WGH and WLLY, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and respondents herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7809; Filed, Sept. 23, 1958; 8:49 a. m.]

[Docket Nos. 12600, 12601; FCC 58-894]

SHELBY COUNTY BROADCASTING CO. AND ROUNSAVILLE OF CINCINNATI, INC. (WCIN)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of H. T. Parrott, R. D. Ingram, J. W. Pickett & Edwin L. Rogers d/b as Shelby County Broadcasting Company, Shelbyville, Indiana, Docket No. 12600, File No. BP-11202; Rounsaville of Cincinnati, Inc. (WCIN), Cincinnati, Ohio, Docket No. 12601, File No. BP-11539; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of September 1958;

The Commission having under consideration the above-captioned applications of H. T. Parrott, R. D. Ingram, J. W. Pickett & Edwin L. Rogers d/b as Shelby County Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1480 kilocycles with a power of 500 watts utilizing different directional antenna patterns for day and night operation, unlimited time at Shelbyville, Indiana; and of Rounsaville of Cincinnati, Inc., to increase the power and hours of operation of Station WCIN, Cincinnati, Ohio and to operate on the presently assigned frequency of 1480 kilocycles with a power of 500 watts, nighttime, 5 kilowatts, daytime, utilizing different directional antenna patterns for day and night operation, unlimited time;

It appearing that except as indicated by the issues specified below, both applicants are legally, financially, technically and otherwise qualified to operate their proposed stations but that the simultaneous operation of both proposals would result in mutual interference; that the interference which would be received by the proposed operation of the Shelby County Broadcasting Company from the existing and proposed operations of Station WCIN would affect more than ten percent of the population within the proposed normally protected primary service area in contravention of § 3.28 (c) of the Commission's rules; and that the proposed operation of the Shelby County Broadcasting Company would cause interference to Station WCBC, Anderson, Indiana (1470 kc, 1 kw, Day); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicants were advised by letter dated June 30, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was received from each of the applicants; and

It further appearing that the Shelby County Broadcasting Company has requested a waiver of § 3.28 (c) of the Commission's rules; and

It further appearing that by letter of January 23, 1958, the licensee of Station WCBC requested that the application of the Shelby County Broadcasting Company be designated for hearing; and

It further appearing that the proposed operation of Station WCIN would receive some interference in a small area from the proposal made in the application, File No. B-12277 of James E. Vaughn and George W. Vaughn d/b as WXEN, requesting authority to construct a new standard broadcast station to operate on 1500 kilocycles with a power of 250w, daytime only, at Xenia, Ohio; and that, in the event of favorable action on the WCIN application in the hearing ordered below, a grant of said application should be on condition that WCIN shall accept any interference which may result in the event of a grant of the Xenia proposal; and

It further appearing that the Commission, after consideration of the above is of the opinion that a hearing on the applications is necessary and is unable to make a determination, on the basis of the data before it, as to whether the Shelby County Broadcasting Company's request for a waiver of § 3.28 (c) of the Commission's rules should be granted and is of the opinion that an evidentiary hearing is necessary to obtain complete information relative to the application of the Shelby County Broadcasting Company and the grounds advanced in support of the request for a waiver of § 3.28 (c) of the rules to enable the Commission to determine whether the public interest would be served by a grant of said application;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of the Shelby County Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would be expected to gain or lose primary service from the operation of Station WCIN as proposed and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of the Shelby County Broadcasting Company would cause objectionable interference to Station WCBC, Anderson, Indiana, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether, because of interference received, the proposed operation of the Shelby County Broadcasting Company would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

6. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That the Civic Broadcasting Corporation, licensee of

Station WCBC, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and respondent herein, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That, in the event of favorable action on the WCIN application in the hearing ordered above, any construction permit which may be granted to Rounsaville of Cincinnati, Inc., shall include the following condition: Permittee shall accept any interference that may result in the event of the grant of the application, File No. BP-12277, of James E. Vaughn and George W. Vaughn d/b as WXEN for a new standard broadcast station to operate on 1500 kilocycles at Xenia, Ohio.

Released: September 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7810; Filed, Sept. 23, 1958; 8:49 a. m.]

[Docket Nos. 12602, 12603; FCC 58-896]

KANKAKEE DAILY JOURNAL CO. (WKAN) AND WILLIAM F. HUFFMAN RADIO, INC. (WFHR)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Kankakee Daily Journal Company (WKAN), Kankakee, Illinois, Docket No. 12602, File No. BP-11287; William F. Huffman Radio, Inc. (WFHR), Wisconsin Rapids, Wisconsin, Docket No. 12603, File No. BP-11986; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of September 1958;

The Commission having under consideration the above-captioned applications of the Kankakee Daily Journal Company for a construction permit to increase the hours of operation of Station WKAN, Kankakee, Illinois, from daytime only to unlimited time, to operate with a nighttime power of 500 watts utilizing a nighttime directional antenna and to continue operation on the presently assigned frequency of 1320 kilocycles with a daytime power of one kilowatt; and of William F. Huffman Radio, Inc., for a construction permit to change the facilities of Station WFHR, Wisconsin Rapids, Wisconsin, from operation on 1340 kilocycles with a power of 250 watts, unlimited time, to operation on 1320 kilocycles with a power of 500 watts, nighttime, 5 kilowatts, daytime, utilizing a directional antenna at night, unlimited time;

It appearing that except as indicated by the issues specified below, both applicants are legally, financially, technically and otherwise qualified to construct and operate the stations as proposed but that the proposed operation of Station WKAN would cause nighttime interference to the proposed operation of Station WFHR; the proposed operation of WFHR would cause interference to Station KMAQ, Maquoketa, Iowa (1320kc, 500w, Day); that, due to the nighttime interference which would be received by the proposed operation of WFHR, the station would not comply with § 3.188 (a) (1) of the Commission's rules in that the proposed nighttime limitation contour would not encompass the entire city of Wisconsin Rapids nor would the proposal satisfy the provision of § 3.28 (c) of the Commission's rules permitting population loss in excess of ten percent of those residing within the proposed normally protected primary service area if the proposal provides a standard broadcast nighttime facility to a community not having such a facility; and that, in the event of favorable action on the WFHR application in the hearing ordered below, the construction permit should include a condition requiring the applicant to submit current distribution measurements along the antenna conductors in order to establish the proposed electrical characteristics; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicants were advised by letter dated July 18, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either of the applications would be in the public interest; and

It further appearing that a timely reply was received from each of the applicants; and

It further appearing that by letter of August 12, 1958, the permittee of Station KMAQ expressed an intention of appearing at a hearing on the application of William F. Huffman Radio, Inc.; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would be expected to gain or lose primary service from the operation of Stations WKAN and WFHR, as proposed herein, and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of Station WFHR would involve objectionable interference with Station KMAQ, Maquoketa, Iowa, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the proposed operation of Station WFHR would provide satisfactory nighttime service to the city sought to be served as required by § 3.188 (a) (1) of the Commission's rules.

5. To determine whether, because of interference received the proposed operation of Station WFHR would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

6. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals herein would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That Nathan L. Goetz, Robert Goetz and Merlin J. Meythaler d/b as Jackson County Broadcasting Company, permittee of Station KMAQ, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That, in the event of favorable action on the application of William F. Huffman Radio, Inc., in the hearing proceeding ordered above, a grant of the application shall be upon the following condition: Permittee shall submit antenna current distribution measurements to establish that the antenas exhibit the electrical characteristics of 234 degree towers.

Released: September 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7811; Filed, Sept. 23, 1958; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

SNAKE RIVER, IDAHO

POWER SITE CANCELLATION NO. 129

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31) and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classification No. 190, approved November 5, 1927, is hereby cancelled insofar as and to the extent that it affects the lands hereinafter described.

BOISE MERIDIAN, IDAHO

T. 2 N., R. 43 E.,
Sec. 17, E½NW¼NW¼, E½W½NW¼NW¼, and SE¼NW¼.

The area aggregates 70 acres.

Dated: September 18, 1958.

THOMAS B. NOLAN,
Director.

[F. R. Doc. 58-7779; Filed, Sept. 23, 1958; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15837]

CALIFORNIA CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

SEPTEMBER 17, 1958.

In the Order for Hearing, Suspending Proposed Changes in Rates and Allowing Increased Rates to Become Effective, issued August 12, 1958, and published in the FEDERAL REGISTER on August 29, 1958 (23 F. R. 6367), change the "Purchasers" listing to read as follows:

(1) United Gas Pipe Line Company.
(2) Southern Natural Gas Company.
(3) Tennessee Gas Transmission Company.
(4) Texas Gas Transmission Corporation.
(5) Mississippi River Fuel Corporation.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7780; Filed, Sept. 23, 1958; 8:46 a. m.]

[Docket No. G-16051]

T. L. JAMES AND CO., INC.

ORDER FOR HEARINGS, SUSPENDING PROPOSED CHANGE IN RATES AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

SEPTEMBER 17, 1958.

In the Order for Hearings, Suspending Proposed Change in Rates, and Allowing Increased Rates to Become Effective, issued August 21, 1958, and published in the FEDERAL REGISTER on August 28, 1958 (23 F. R. 6692-4), in the lead case in the caption of the original order, The Atlantic Refining Company, Docket No. G-16033 is not affected by this erratum notice.

Change Supplement No. 1 to T. L. James and Company, Inc., FPC Gas Rate Schedule No. 6, listed as item 36 on page 3, to read Supplement No. 2 to T. L. James and Company, Inc., FPC Gas Rate Schedule No. 6.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7781; Filed, Sept. 23, 1958; 8:46 a. m.]

[Docket No. G-16067]

PAN AMERICAN PETROLEUM CORP. ET AL.

ORDER FOR HEARINGS SUSPENDING PROPOSED CHANGE IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

SEPTEMBER 17, 1958.

In the Order for Hearings, Suspending Proposed Change in Rates, and Allowing Increased Rates to Become Effective, issued August 21, 1958, and published in the FEDERAL REGISTER on August 28, 1958 (23 F. R. 6692-4), in the lead case in the caption of the original order, The Atlantic Refining Company, Docket No. G-16033 is not affected by this erratum notice.

Change Supplement No. 7 to Pan American Petroleum Corporation (Operator), et al., FPC Gas Rate Schedule No. 150, listed as item 28 on page 3, to read Supplement No. 9 to Pan American Petroleum Corporation (Operator), et al., FPC Gas Rate Schedule No. 150.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7782; Filed, Sept. 23, 1958; 8:46 a. m.]

[Docket No. G-16242]

NICKLOS OIL & GAS CO. ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

SEPTEMBER 17, 1958.

Nicklos Oil & Gas Company, et al. (Nicklos), on August 18, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 13, 1958.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 2 to Nicklos' FPC Gas Rate Schedule No. 1.

Effective date: September 18, 1958 (effective date is the first day after expiration of the required thirty days' notice).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1959 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final decision, it is deemed advisable to suspend the said proposed increased rate and charge until September 19, 1958, and thereafter to permit it to become effective as of that date; provided that within 20 days from the date of this order Nicklos shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Nicklos' proposed increased rate be made effective as hereinafter provided and that Nicklos be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until September 19, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of September 19, 1958: *Provided, however,* That within 20 days from the date of this order, Nicklos shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Nicklos shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes

refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event a proportionate part of the interest so received by Nicklos herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Nicklos shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Nicklos so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Nicklos shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of Nicklos Oil & Gas Company, et al. to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____, in Docket No. G–16242, _____ hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

_____
By_____

Attest:

_____
(Secretary)

Unless Nicklos is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Nicklos shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–7783; Filed, Sept. 23, 1958; 8:46 a. m.]

[Docket No. G–16312]

BEN C. W. HYDE, JR.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 17, 1958.

Ben C. W. Hyde, Jr. (Operator), (Hyde), on August 18, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 11, 1958.

Purchaser: Jernigan and Morgan Transmission Company.

Rate schedule designation: Supplement No. 1 to Hyde's FPC Gas Rate Schedule No. 1.

Effective date: September 18, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Hyde states that the increased price results from a contract entered into at arm's length in a competitive market, is just and reasonable and to deny same would be inequitable, unfair and confiscatory.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Hyde's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Hyde's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 18, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-7784; Filed, Sept. 23, 1958; 8:46 a. m.]

[Docket No. G–13792 etc.]

PERMIAN BASIN PIPELINE CO. ET AL.

NOTICE OF DATE OF HEARING

SEPTEMBER 18, 1958.

In the matters of Permian Basin Pipeline Company, Docket No. G–13792; Sun Oil Company (Southwest Division), Docket No. G–13931; Phillips Petroleum Company, Operator, Docket No. G–14131.

On September 15, 1958, the Secretary of the Commission issued notice of the postponement of the hearing in the above-captioned proceedings set for September 24, 1958, to a date to be fixed by future notice, due to the filing of a petition for leave to intervene by Minneapolis Gas Company.

By telegram filed September 17, 1958, Minneapolis Gas Company, through its attorney, withdrew its petition to intervene and requested reinstatement of the shortened procedure hearing as originally set.

Take notice that the hearing in the above-entitled matters, as described in the notice of the Secretary issued on August 20, 1958, will be held on September 30, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–7798; Filed, Sept. 23, 1958; 8:48 a. m.]

[Docket No. G–14894]

GULF OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 18, 1958.

Take notice that on April 15, 1958, Gulf Oil Corporation (Applicant) filed in Docket No. G–14894 an application, pursuant to section 7 (b) of the Natural Gas Act, for approval of the abandonment of natural gas service as hereinafter described, subject to the jurisdiction of the

Commission, all as more fully represented in the application. Applicant proposes to abandon service to Transcontinental Gas Pipe Line Corporation (Transco) from Applicant's ½ interest in certain acreage in the Washington Field, St. Landry Parish, Louisiana, covered by a gas sales contract dated September 2, 1953, as amended, between Gulf Refining Company (predecessor to Applicant) and Transco, presently designated in the files of the Commission as Gulf Oil Corporation FPC Gas Rate Schedule No. 72. Said contract, as amended, covers the sale of (1) gas well gas from the Cockfield "B" and "D" reservoirs and (2) casinghead gas from the oil reservoir.

The application, which is on file with the Commission and open to public inspection, states that production and sale of gas to Transco under authority granted to Applicant's predecessor were discontinued on May 21, 1955, and a program of cycling and pressure maintenance in the subject field was begun on September 30, 1956, pursuant to orders of the Louisiana Conservation Commissioner, which cycling program will continue for several years. Applicant does not intend to resume deliveries to Transco after the cycling program has been completed, and Transco has indicated that it does not object to the termination of all deliveries of gas to it by Applicant from the Washington Field.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 31, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issue presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 8, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7799; Filed, Sept. 23, 1958; 8:48 a. m.]

[Docket Nos. G-15053, G-15130]

AMERICAN LOUISIANA PIPE LINE CO. AND PAN AMERICAN PETROLEUM CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 18, 1958.

In the matters of American Louisiana Pipe Line Company, Docket No. G-15053; Pan American Petroleum Corporation, Docket No. G-15130.

Take notice that American Louisiana Pipe Line Company (American), a Delaware Corporation with a principal place of business in Detroit, Michigan, filed an application in Docket No. G-15053 on May 6, 1958, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 28 miles of 12-inch lateral supply pipeline, to extend from a point of connection with its existing 26-inch Lowry-Tepetate main transmission pipeline in Cameron Parish, Louisiana to a purchase meter station to be installed by American in the Big Lake Field in Cameron Parish subject to the jurisdiction of the Commission, all as more fully described in the application filed with the Commission and open to public inspection.

American proposes to construct and operate the facilities for the purpose of receiving natural gas produced in the Big Lake Field by Pan American Petroleum Corporation (Pan American). The estimated total initial cost of the proposed facilities is $1,523,200, which cost will be financed by American from funds on hand.

Take further notice that Pan American, a Delaware corporation with its principal place of business in Tulsa, Oklahoma, filed an application on May 19, 1958 in Docket No. G-15130 for a certificate of public convenience and necessity authorizing the sale of natural gas produced in the Big Lake Field, Cameron Parish, Louisiana, in interstate commerce to American for resale for ultimate public consumption, subject to the jurisdiction of the Commission and as more fully described in the application on file with the Commission and open for public inspection.

American states that remaining recoverable dry gas dedicated to it by Pan American in the Big Lake Field area totals 91,788 Mcf at 14.73 psia, as of July 1, 1957; and that American will be able to substitute a permanent gas supply from a portion of the approximately 40,000 Mcf daily of gas purchased on a spot basis.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 27, 1958, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 12, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7800; Filed, Sept. 23, 1958; 8:49 a. m.]

[Docket No. G-15319]

CITIZENS GAS AND COKE UTILITY

NOTICE OF APPLICATION

SEPTEMBER 18, 1958.

In the matter of City of Indianapolis, d/b/a Citizens Gas and Coke Utility; Docket No. G-15319.

Take notice that the City of Indianapolis, by and through its Board of Directors for Utilities of its Department of Public Utilities, a municipal corporation of the State of Indiana, Successor Trustee of a public charitable trust doing business under its registered name of Citizens Gas and Coke Utility (Applicant), with principal place of business at 2020 North Meridian Street, Indianapolis 9, Indiana, filed in the above-entitled proceeding on June 20, 1958, an application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing certain interstate pipeline companies to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant is presently a general-service customer of Panhandle Eastern Pipe Line Company (Panhandle) and, although Applicant has an agreement with Panhandle providing for a contract demand of 44,000 Mcf per day during the winter months, Applicant avers that it has been unable to obtain from Panhandle an increase in its winter contract demand since December 1, 1955. Applicant operates a plant for the production of manufactured gas and mixes its manufactured gas with the natural gas it purchases from Panhandle to make an 800-Btu mixed gas for distribution to its customers.

The application states that during the past winter it was necessary to curtail deliveries to 25 firm industrial customers to protect service to its other customers and that the temperature on the peak day was three degrees Fahrenheit and total sendout of 800-Btu gas was 99,965 Mcf on that day.

Last winter Applicant's actual peak-day requirements of 1,000-Btu gas were 84,042 Mcf, and Applicant estimates its peak-day requirements of 1,000-Btu gas for the next three years as follows: First year, 114,175 Mcf, second year, 129,375 Mcf and third year, 144,775 Mcf.

Applicant has had restrictions upon the attachment of additional residential, commercial and industrial customers since July 16, 1946. Applicant presently has 10,248 househeating applications on file and states that this number "• • • would be substantially greater but for the general public's knowledge of restrictions on the attachment of househeating".

Applicant avers that it "• • • will need, commencing not later than November 1, 1958, 35,000 Mcf of natural gas per day in addition to the quantities which it presently receives from Panhandle; thereafter its requirements will increase at the rate of not less than 15,000 Mcf per day each year for the two years 1959 and 1960".

In order to obtain the above-mentioned increased quantities of gas, Applicant proposes that the Commission issue an order, in the alternative:

(1) Directing American Louisiana Pipe Line Company (American Louisiana) to establish physical connection of its transportation facilities with the facilities of Applicant and to sell and deliver not less than 35,000 Mcf per day directly to Applicant; or

(2) Directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its transportation facilities with the facilities of Applicant and to sell and deliver not less than 35,000 Mcf per day directly to Applicant; or

(3) Directing American Louisiana to establish physical connection of its transportation facilities with the facilities of Applicant, and directing American Louisiana and Texas Gas to establish physical interconnection of their respective transportation facilities with each other, and directing Texas Gas to sell not less than 35,000 Mcf per day to Applicant and American Louisiana to deliver such natural gas to Applicant; or

(4) Directing American Louisiana and Texas Gas to make the interconnections specified in paragraph (3) above, but requiring both American Louisiana and Texas Gas to sell and deliver an aggregate amount of not less than 35,000 Mcf per day to Applicant through the facilities of American Louisiana; or

(5) Directing Panhandle to sell and deliver 35,000 Mcf per day to Applicant in addition to the 44,000 Mcf per day which Panhandle is presently obligated to deliver to Applicant.

Applicant states that it is willing to build at its own expense the required 21.7 miles of 20-inch line necessary to connect the Applicant's system with the facilities of American Louisiana, and that it is willing to share the expense of building, or build at its own expense, the 70 miles of 20-inch line necessary to connect Applicant's system with the facilities of Texas Gas. Applicant estimates the cost of the 21.7-mile line at approximately $2,000,000, and the cost of the 70-mile line at about $7,000,000.

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 10, 1958.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7801; Filed, Sept. 23, 1958; 8:49 a. m.]

[Docket No. G-15884]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 18, 1958.

Take notice that El Paso Natural Gas Company, (Applicant), a Delaware corporation with a principal place of business in El Paso, Texas, filed an application on August 5, 1958, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of (1) approximately 20.5 miles of 6-inch transmission pipeline looping part of an existing 4-inch lateral line between Alamogordo and White Sands Proving Grounds, and (2) an addition of 125 H. P. to its Alamogordo Compressor in Otero County, New Mexico, attached to a 4-inch lateral, subject to the jurisdiction of the Commission, as more fully described in the application on file with the Commission, and open for public inspection. Applicant estimates that the proposed facilities will increase the capacity of the Alamogordo lateral from 8,754 to 11,534 Mcf per day.

The application recites that the facilities are required to enable Applicant to sell and deliver additional volumes of natural gas to Southern Union Gas Company (Southern Union), an existing customer. Southern Union proposes (a) to resell the gas at retail in the City of Alamogordo, the Town of Tularosa, White Sands Proving Grounds and Holloman Air Force Base, all in Otero County, New Mexico and (b) to construct 13.8 miles of 6-inch pipeline from a connection with El Paso's existing line at Alamogordo to Tularosa, New Mexico.

The application recites that annual and peak day requirements for the first three years will be:

Years	Annual (Mcf) requirements	Peak day requirements
1	1,308,471	9,977
2	1,512,392	11,534
3	1,726,065	13,165

The estimated capital cost of the proposed facilities is $344,000, which will be financed out of current working funds or short term bank loans.

The matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 30, 1958, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 15, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in ommission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7802; Filed, Sept. 23, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1172]

AMERICAN MUTUAL FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

SEPTEMBER 17, 1958.

Notice is hereby given that American Mutual Fund, Inc. ("American"), a registered open-end investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22 (d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Selected Securities Corporation ("Selected").

The amended application contains the following representations:

American, a Delaware corporation, is an open-end investment company, whose shares are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of June 30, 1958 the net assets of American amounted to $79,814,380, and there were outstanding 10,327,846 shares of stock.

Selected is an investment company having less than 100 stockholders and is exempt from registration under the Act by reason of the provisions of section 3 (c) (1) thereof. Pursuant to an agreement between American and Selected substantially all of the cash and securities owned by Selected with a total value of $1,852,488, as of June 30, 1958, will be transferred to American in exchange for shares of American. The number of shares of American to be delivered to Selected will be determined by dividing the net asset value per share of American in effect at the close of the New York Stock Exchange on the third business day preceding the closing date into the value of Selected assets to be exchanged. The American shares to be acquired by Selected are to be distributed immediately to its shareholders and so far as known to American such shareholders intend to retain such shares.

The value of the Selected assets will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuing American's shares, except that the aggregate value of such assets will be discounted by 2.27 percent. The amount of this discount factor was determined as a result of arm's-length negotiations between the principals of American and of Selected and took into account the unrealized appreciation of assets of the respective companies, the character of the holdings of American and of Selected and other considerations deemed appropriate.

As of June 30, 1958, net unrealized appreciation on the Selected net assets amounted to $650,683 or 35.1 percent of the value of all assets held, namely, $1,852,488, as compared with the net unrealized appreciation of $11,409,923 or 14.3 percent of the value of the net assets of American, namely, $79,814,380. The unrealized appreciation of Selected in excess of the amount which would result from applying American's ratio of 14.3 percent to the market value of Selected's assets of $1,852,488 is $385,777. The discount of 2.27 percent applied to $1,852,488 amounts to $50,017 which is approximately 13 percent of the excess unrealized appreciation of Selected as above set forth. If the transaction had been consummated on June 30, 1958, Selected would have received 233,178 shares of American or approximately 2.25 percent of the total shares of American then outstanding.

Section 22 (d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of American are to be issued to Selected at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2½ percent for sales of $200,000 or over.

Section 6 (c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 30, 1958 at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-7787; Filed, Sept. 23, 1958; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 235]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 19, 1958.

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect there to (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2962 (Sub No. 22), filed August 25, 1958. Applicant: A. & H. TRUCK LINE, INC., 1277 Maxwell Ave., Evansville, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Bldg., Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty shipper-owned tank trailers* used in transporting paints, varnishes, lacquers, synthetic resin solutions, oils compounded, thinning compounds, and lacquer and varnish solvents, from points in Alabama, Arkansas, Colorado, Florida, Georgia, Indiana, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, to Louisville, Ky. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, Ohio, Tennessee, Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Nebraska, New York, North Carolina, Oklahoma, South Carolina, Texas, Virginia, and Kentucky.

NOTE: Applicant is authorized to transport the above-described commodities from Louisville, Ky., to points in the above-described origin territory, in Certificates MC 2962 Sub Nos. 12 and 15.

HEARING: October 23, 1958, at 1:00 p. m. United States Standard Time (or 1:00 p. m. Local Daylight Saving Time, if that time is observed), at the U. S. Court Rooms, Indianapolis, Ind., before Examiner John P. McCarthy.

No. MC 4405 (Sub No. 305), filed July 28, 1958. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Bldg., Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trucks, with water and oil well drilling machines mounted*, in secondary movements in driveaway service, from points in Wayne County, Ind., to points in Arizona, Nevada, Oregon and Vermont; (2) *Trailers*, except those designed to be transported by passenger automobiles, in initial movements in truckaway service, from points in Wayne County, Ind., to points in the United States; (3) *Well drilling machines*, from points in Wayne County, Ind., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 27, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner John P. McCarthy.

No. MC 6119 (Sub No. 1), filed August 6, 1958. Applicant: GEORGE B. KING, JR., Onawa, Iowa. Applicant's attorney: Carroll K. Wood, First State Bank Bldg., Webster City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings* and *houses*, prefabricated or portable, and feeders, between Onawa, Iowa, and points in Illinois and Indiana. (2) *Insulation*, from Aurora, Ill., to Onawa, Iowa; (3) *roofing* and *steel*, from Chicago, Ill., to Onawa, Iowa; (4) *nails*, from Peoria, Ill., to Onawa, Iowa. Applicant is authorized to conduct operations in Iowa and Nebraska.

HEARING: November 14, 1958, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Joint Board No. 53, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 19201 (Sub No. 104), filed September 8, 1958. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Gilbert Nurick, Commerce Building, P. O. Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including commodities of unusual value, commodities in bulk*, and *commodities requiring special equipment*, but excluding Class A and B explosives, and household goods as defined by the

Commission, in service auxiliary to, or supplemental of, rail service of The Pennsylvania Railroad Company, (1) between Altoona, Pa., and Barnesboro, Pa., from Altoona over Pennsylvania Highway 36 to Hastings, Pa., thence over unnumbered highway to Barnesboro, and return over the same route, serving all intermediate points which are stations on the rail line of The Pennsylvania Railroad Company; (2) between Barnesboro, Pa., and junction U. S. Highway 22 and Pennsylvania Highway 53 south of Cresson, Pa., from Barnesboro over U. S. Highway 219 to junction U. S. Highway 22 at Ebensburg, Pa., thence over U. S. Highway 22 to junction Pennsylvania Highway 53 south of Cresson, and return over the same route, serving said junction as a point of joinder only, and serving all intermediate points which are stations on the rail line of The Pennsylvania Railroad Company, and the off-route point of Bakerton, Pa., (3) between junction Pennsylvania Highway 764 and unnumbered highway south of Altoona, Pa., and Gallitzin, Pa., from junction Pennsylvania Highway 764 and unnumbered highway south of Altoona, Pa., over unnumbered highway to Gallitzin, and return over the same route, serving all intermediate points which are stations on the rail line of The Pennsylvania Railroad Company, and (4) between junction unnumbered highway and Pennsylvania Highway 53 west of Gallitzin, Pa., and Ashville, Pa., from junction unnumbered highway and Pennsylvania Highway 53 west of Gallitzin over Pennsylvania Highway 53 to Ashville, and return over the same route, serving all intermediate points which are stations on the rail line of The Pennsylvania Railroad Company. Applicant is authorized to conduct operations in Ohio, Pennsylvania and West Virginia.

NOTE: Common control may be involved.

HEARING: October 29, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 20783 (Sub No. 35), filed August 20, 1958. Applicant: TOMPKINS MOTOR LINES, INC., 120 Ewing Lane, Nashville, Tenn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packing-house products, vegetable oil shortenings, mayonnaise* and *salad dressing*, and *oleomargarine*, from Cincinnati, Ohio to points in Tennessee, Alabama, Georgia, Florida, South Carolina, and North Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct regular route operations in Georgia, North Carolina, and Tennessee, and irregular route operations in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

HEARING: November 5, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William R. Tyers.

No. MC 29886 (Sub No. 122), filed September 5, 1958. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Bldg., Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction machinery and equipment*, and *parts thereof* as defined in Appendix VIII to the Report in Description of Motor Carrier Certificates, 61 M. C. C. 209, *including excavating and earth scraping machines*, in truckaway and driveaway service or by combination of both services, between South Bend, Ind., on the one hand, and, on the other, points in the United States. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that transportation to South Bend, Ind., to be restricted to such of the aforementioned commodities as are being transported to the manufacturer for rebuilding, repair, or testing, or which are for demonstration or show purposes.

HEARING: November 6, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William R. Tyers.

No. MC 36060 (Sub No. 19), filed August 8, 1958. Applicant: ROCHESTER CARTAGING COMPANY, a Corporation, 25 North Washington Street, Rochester, N. Y. Applicant's attorney: Robert V. Gianniny, 25 Exchange Street, Rochester 14, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stainless steel and glass lined tanks*, from Rochester, N. Y., to points in Connecticut, Rhode Island, Virginia and New Hampshire. Applicant is authorized to conduct operations in New York, Pennsylvania, New Jersey, Delaware, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, Vermont, Ohio, Indiana, Illinois, Maryland, Virginia, North Carolina, Georgia, Florida, the District of Columbia and West Virginia.

HEARING: October 30, 1958, at the Seneca Hotel, Rochester, N. Y., before Examiner William J. Cave.

No. MC 49368 (Sub No. 76), filed August 22, 1958. Applicant: COMPLETE AUTO TRANSIT, INC., 18465 James Couzens Highway, Detroit 35, Mich. Applicant's attorney: Edmund M. Brady, Guardian Bldg., Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles* and *parts* and *accessories therefor*, when moving with such vehicles to which they are to be attached in initial movements in truckaway and driveaway service, from the sites of the plants of the General Motors Corporation at Willow Run, Washtenaw County, Mich., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 27, 1958, at the Federal Building, Detroit, Mich., before Examiner William R. Tyers.

No. MC 52657 (Sub No. 525), filed July 31, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 S. Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty St., Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers*, other than those having trailers and mobile homes, in initial truckaway and driveaway service, from points in Luzerne and Lackawanna Counties, Pa., to points in the United States; and (B) *Tractors*, in secondary driveaway service, only when driving trailers moving in initial driveaway service, as described above, from points in Luzerne and Lackawanna Counties, Pa., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and Washington, D. C. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 30, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William R. Tyers.

No. MC 52657 (Sub No. 526), filed July 31, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 S. Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers*, other than those having trailers and mobile homes, in initial truckaway and driveaway service, from points in Luzerne and Lackawanna Counties, Pa., to points in the United States; and (B) *Tractors*, in secondary driveaway service, only when driving trailers moving in initial driveaway service, as described above, from points in Luzerne and Lackawanna Counties, Pa., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and Washington, D. C. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 30, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William R. Tyers.

No. MC 52657 (Sub No. 527), filed August 18, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 S. Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers*, in initial truckaway service, from South Bend, Ind., to points in the United States except points in Alabama, Georgia, Illinois, Iowa, Kentucky, Minnesota, Missouri, New Mexico, North Carolina, Ohio, Tennessee, South Carolina and Texas; (B) *trailers*, in initial driveaway service, from South Bend, Ind., to points in the United States except to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee and Wisconsin; and (C) *tractors*, in secondary driveaway service when drawing trailers in initial driveaway service, from South Bend, Ind., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, Texas, Utah, Vermont, Washington, Wyoming, the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 30, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William R. Tyers.

No. MC 52657 (Sub No. 528), filed August 18, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 S. Western Ave., Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Cargo containers, cargo container bodies*, and *cargo container boxes*, from Edgerton and Stoughton, Wis., to points in the United States; (B) *trailers* (other than house trailers and mobile homes), in initial driveaway service, from Edgerton and Stoughton, Wis., to points in the United States; and (C) *tractors*, in secondary driveaway service only when drawing trailers moving in initial driveaway service as described above, from Edgerton and Stoughton, Wis., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states the above-described portion (A) is being filed as a precaution in view of a possible question as to whether the involved commodities are within the scope of its authority from these origins as contained in MC 52657 Sub Nos. 7 and 297.

HEARING: November 3, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William R. Tyers.

No. MC 52657 (Sub No. 529), filed September 6, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 S. Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 W. Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction machinery and equipment*, and *parts thereof* as defined in Appendix VIII to the report in Description of Motor Carrier Certificates, 61 M. C. C. 209, *including excavating and earth scraping machines*, in truckaway and driveaway service or by combination of both services, between South Bend, Ind., on the one hand, and, on the other, points in the United States. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that the transportation to South Bend, Ind., to be restricted to such of the aforementioned commodities as are being transported to the manufacturer for rebuilding, repair, or testing, or which are for demonstration or show purposes.

HEARING: November 6, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William R. Tyers.

No. MC 52704 (Sub No. 36), filed May 26, 1958. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Lafayette, Ala. Applicant's attorney: D. H. Markstein, Jr., 818–821 Massey Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles* and *glass food containers*, from Laurens, S. C., to points in Arkansas, Kentucky, Louisiana, and Texas, and *cullet* (broken glass) on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and Tennessee.

HEARING: November 3, 1958, at the Wade Hampton Hotel, Columbia, S. C. before Examiner C. Evans Brooks.

No. MC 59150 (Sub No. 9), filed August 26, 1958. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 900 Atlantic National Bank Bldg., Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in South Carolina to points in Florida. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: October 28, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 354, or, if the Joint Board waives its rights to participate, before Examiner C. Evans Brooks.

No. MC 65525 (Sub No. 11), (CORRECTION), filed July 31, 1958, published issued September 4, 1958. Applicant: WHITE BROTHERS TRUCKING CO., a Corporation, Wasco, Ill. Applicant's representative: George S. Mullins, 4704 W. Irving Park Road, Chicago 41, Ill. Previous publication incorrectly designated Franklin, Ill., instead of Frankfort, Ill., in route (3). Correctly stated it should read: (3) From Algonquin, *Frankfort*, Hodgkins, Lemont, McCook and Plano, Ill., to points in Indiana and Wisconsin.

HEARING: Remains as assigned, October 6, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 76032 (Sub No. 125), filed July 14, 1958. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, 54½ E. San Francisco St., Southwest Corner Plaza, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Navajo Dam Site in New Mexico (on the San Juan River near the New Mexico-Colorado State Line) and points within ten (10) miles thereof as off-route points in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in New Mexico, California, Arizona, Texas, Colorado, Illinois, Missouri, Nebraska, Indiana, Oklahoma, Iowa and Kansas.

HEARING: October 2, 1958, at the New Mexico State Corporation Commission, Santa Fe, New Mexico, before Joint Board No. 87, or, if the Joint Board waives its rights to participate, before Examiner Leo A. Riegel.

No. MC 85934 (Sub No. 7), filed August 14, 1958. Applicant: MICHIGAN TRANSPORTATION COMPANY, a Corporation, 1650 Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Rex Eames, 2606 Guardian Bldg., Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bulk, in dump truck vehicles, from Midland, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Ohio, Pennsylvania, and Wisconsin. Applicant is authorized to conduct common carrier operations under Certificate No. MC 85934 (Sub No. 1) in Alabama, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin; it is also authorized to conduct contract carrier operations under Permit No. MC 52978 and Sub Nos. thereunder. Section 210 (dual operations) may be involved.

NOTE: A proceeding has been instituted under section 212 (c) in No. MC 52978 (Sub No. 15) to determine whether applicant's status is that of a contract or common carrier.

HEARING: October 24, 1958, at the Federal Building, Detroit, Mich., before Examiner William R. Tyers.

No. MC 94350 (Sub No. 12), filed September 15, 1958. Applicant: TRANSIT HOMES, INC., Box 273, Main Street, Anderson, S. C. Applicant's attorney Harold G. Hernly, 1624 Eye St. NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and/or mobile homes* designed to be drawn by passenger automobiles, in initial movement, by truckaway service, from Crossville, Tenn., and points within ten (10) miles thereof, to points in the United States. Applicant is authorized to conduct similar operations throughout the United States.

HEARING: September 25, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Reece Harrison.

No. MC 100148 (Sub No. 15), filed July 18, 1958. Applicant: THOMAS K. BUBER, INC., 308 Antoine Street, Wyandotte, Mich. Applicant's attorney: John M. Veale, Guardian Bldg., Detroit 26, Mich. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Summerville, Lewis Run, Eastvale, Darlington and Bessemer, Pa., and Fairdale, Ky., to points in Michigan and *damaged, defective, returned and rejected shipments* of clay products from points in Michigan to the above-specified origin points. Applicant is authorized to conduct operations in Indiana, Michigan, Ohio, Pennsylvania and West Virginia. A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 100148 (Sub 13).

HEARING: October 24, 1958, at the Federal Building, Detroit, Mich., before Examiner William R. Tyers.

No. MC 102401 (Sub No. 3), filed August 28, 1958. Applicant: TAYLOR HEAVY HAULING, INC., 412 E. Tutt Street, South Bend, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Bldg., Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building, earth moving, excavating and scraping machines* and *machinery, and such other machines and machinery* as are set forth in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, *equipment, materials* and *attachments*, in haulaway and driveaway service or by a combination of both services, between South Bend, Ind., and all points in the United States, except those in Indiana, including all ports of entry on the International Boundary line between the United States and Canada. Applicant indicates transportation to South Bend, Ind., to be restricted to such of the aforementioned commodities as are being transported to the manufacturer for rebuilding, repair, or testing, or which are for demonstration or show purposes. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 6, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William R. Tyers.

No. MC 103378 (Sub No. 103), filed July 3, 1958. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Bldg., Jacksonville, 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methanol*, in bulk, in tank vehicles, from Pace Junction, Fla., to Mobile, Ala. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina and South Carolina.

HEARING: October 27, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 98, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 103378 (Sub No. 104), filed July 10, 1958. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Bldg., Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Savannah, Ga., to the plant site of Bell Laboratories, near Orlando, Fla. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina and South Carolina.

HEARING: October 27, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 103378 (Sub No. 106), filed August 7, 1958. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Bldg., Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuming nitric acid*, in bulk, in tank trucks, from the plant site of Hercules Powder Company, near Bessemer, Ala., to Eglin Air Force Base, Fla. Applicant is authorized to conduct operations in Florida, Georgia, Alabama, and South Carolina.

HEARING: October 27, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 98, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 103378 (Sub No. 107), filed August 13, 1958. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Bldg., Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, between points in Alabama, Florida, Georgia and South Carolina. Applicant is authorized to conduct operations in Alabama, Florida, Georgia and South Carolina.

HEARING: October 30, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Examiner C. Evans Brooks.

No. MC 104801 (Sub No. 8), filed August 4, 1958. Applicant: ELMER VITALIS, doing business as VITALIS TRUCK LINES, 1656 East Grand Avenue, Des Moines, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Bldg., Des Moines 9, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from South Bend, Ind., to Des Moines and Marshalltown, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting Malt Beverages on return. Applicant is authorized to transport similar commodities in Illinois and Iowa, and other commodities in Iowa, Kansas, Minnesota, and Missouri.

HEARING: November 14, 1958, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Joint Board No. 53, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 106647 (Sub No. 34), filed September 2, 1958. Applicant: CLARK TRANSPORT COMPANY, Junction Highway 30–83, P. O. Box 295, Chicago Heights, Ill. Applicant's attorney: Edmund M. Brady, Guardian Bldg., Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular and irregular routes*, transporting: *Automobiles, trucks* and *trailers*, from, to and between various points in Minnesota, North Dakota, Montana and Michigan as presently authorized in Certificate No. MC 106647 (Sub No. 31), issued May 21, 1957. Applicant states that the purpose of this application is to remove the restriction contained in the above mentioned certificate reading as follows: "Restriction: The initial and secondary movement operating rights authorized herein shall not be combined with any operating rights otherwise held by the carrier for the purpose of performing a through service under such combination", and to insert in place thereof the following restriction which is contained in Certificate No. MC 106647 (Sub No. 32), issued May 21, 1958, reading as follows: "Restriction: The operating rights authorized hereinabove are restricted against the combining of carrier's existing initial-movement rights with any of the secondary-movement rights authorized above, or any of the initial-movement rights authorized with any of carrier's existing secondary-movement rights, for the purpose of performing a single-line through service under a combination of initial and secondary movement rights." Applicant is authorized to conduct operations throughout the United States.

HEARING: October 28, 1958, at the Federal Building, Detroit, Mich., before Examiner William R. Tyers.

No. MC 106965 (Sub No. 121), filed September 4, 1958. Applicant: M. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place, N. W., Washington 6, D. C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place, N. W., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid glue*, in bulk, in tank vehicles, from Fayetteville, N. C., to points in Massachusetts, Maine, New Hampshire, and Vermont. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 27, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 107500 (Sub No. 19), filed August 15, 1958. Applicant: BURLINGTON TRUCK LINES, INC., 547 West Jackson Blvd., Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Quincy, Ill., and Hannibal, Mo., from Quincy over Illinois Highway 57 to junction with Illinois F. A. 80 Spur (also known as the Hannibal Short Cut Road), thence over Illinois F. A. 80 Spur to junction with U. S. Highway 36, thence over U. S. Highway 36 to Hannibal, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular routes (1) between Chicago, Ill., and Hannibal, Mo., and (2) between St. Joseph, Mo., and Quincy, Ill. Applicant is authorized to conduct operations in Colorado, Nebraska, Missouri, Illinois and Iowa.

HEARING: October 30, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner John P. McCarthy.

No. MC 108449 (Sub No. 68), filed May 27, 1958. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West

County Road C, St. Paul 13, Minn. Applicant's attorney: A. J. Bieberstein, 121 West Doty Street, Madison 3, Wis.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the site of the Lake Superior Refining Company refinery, Superior, Wis., to the Marine docks, Superior, Wis., for further movement by vessel on Lake Superior. Applicant is authorized to conduct operations in Wisconsin, Minnesota, Michigan, Iowa, South Dakota, North Dakota, Illinois, Missouri, and Nebraska.

HEARING: October 27, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 108678 (Sub No. 26), filed July 18, 1958. Applicant: LIQUID TRANSPORT CORP., 450 West Troy Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511-14 Fletcher Trust Bldg., Indianapolis, Ind.

Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate* and *liquid cocoa butter*, in bulk, in tank vehicles, from Chicago, Ill., to Fort Wayne, Indianapolis, and Evansville, Ind., Toledo, Canton, and Lima, Ohio, Detroit, Flint, Saginaw, and Holland, Mich., and Memphis, Tenn. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, Ohio, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a common or contract carrier, assigned Docket No. MC 108678 (Sub No. 21).

HEARING: October 24, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner John P. McCarthy.

No. MC 108937 (Sub No. 16), filed July 7, 1958. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 965 Eustis Street, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, and except commodities of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Worthington, Minn., and Sibley, Iowa: from Worthington over Minnesota Highway 60 to the Iowa-Minnesota State line, and thence over Iowa Highway 33 to Sibley, and return over the same route, serving no intermediate or off-route points. Applicant is authorized to conduct operations in Minnesota, Iowa, Wisconsin, South Dakota, North Dakota, and Illinois.

NOTE: Applicant was granted authority in MC 108937 Sub 14 to conduct similar operations over an alternate route for operating convenience only, between Sioux City, Iowa and Worthington, Minn., serving no intermediate points: from Sioux City over U. S. Highway 75 to Le Mars, Iowa, thence over Iowa Highway 33 to the Iowa-Minnesota State line, and thence over Minnesota Highway 60 to Worthington, and return over same route. Applicant states that if the instant application is granted and the Commission decides a change in the above-specified route is necessary, it requests that the alternate route be amended to read: Between Sioux City, Iowa and Sibley, Iowa, serving no intermediate points: from Sioux City over U. S. Highway 75 to Le Mars, Iowa, and thence over Iowa Highway 33 to Sibley and return over same route.

HEARING: November 12, 1958, at the Federal Office Building, 5th and Court Avenues, Des Moines, Iowa, before Joint Board No. 146, or if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 109478 (Sub No. 27), filed August 20, 1958. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R. D. # 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West Tenth Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from points in Erie County, Pa., and points in that part of New York on and south of New York Highway 13 from Lake Ontario to its intersection with U. S. Highway 11, near Pulaski, N. Y., and on and west of U. S. Highway 11 from its intersection with New York Highway 13 to the New York-Pennsylvania State line, to points in New Hampshire and Vermont and to points in that part of Maine on and south of U. S. Highway 2 from the Maine-New Hampshire State line, near Gilead, to Bangor, Maine, thence along Alternate U. S. Highway 1 to Ellsworth, Maine, and thence along Maine Highway 3 to Bar Harbor, Maine, including points on the indicated portions of the highways specified, and *empty containers or other such incidental facilities* (not specified) used in transporting Food Products on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, and the District of Columbia.

HEARING: October 27, 1958, at the Hotel Buffalo, Washington & Swann Sts., Buffalo, N. Y., before Examiner William J. Cave.

No. MC 109638 (Sub No. 10), filed July 15, 1958. Applicant: WOODROW EVERETTE, doing business as W. EVERETTE TRUCK LINE, P. O. Box 145, Washington Heights, N. C. Applicant's attorney: Jno. C. Goddin, State-Planters Bank Bldg., Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, except plywood and veneer, from points in Beaufort, Craven, Jones, Martin, Pitt and Washington Counties, N. C. to points in Delaware and New Jersey and *damaged, refused* or *rejected shipments* of lumber on return. Applicant is authorized to conduct operations in Maryland, Pennsylvania, New Jersey, New York, North Carolina, Virginia, District of Columbia, Delaware, Ohio, South Carolina, Alabama, Georgia, Mississippi, Tennessee and Connecticut.

HEARING: November 6, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner C. Evans Brooks.

No. MC 109723 (Sub No. 9), filed July 24, 1958. Applicant: GLENDYL W. STONE, doing business as STONE TRUCKING CO., Box 206, Dale, Ind. Applicant's attorney: Harry J. Harman, 219 Bankers Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* and *jointing materials*, from Owensboro, Ky., to points in Indiana, Kentucky, Tennessee, Ohio, Wisconsin, Illinois, Arkansas, Missouri, Georgia and Florida, and *rejected shipments*, *materials* and *supplies* necessary in the conduct of the operation of manufacture of clay products on return. Applicant is authorized to conduct operations in Ohio, Indiana, Illinois, Arkansas, Alabama, Georgia, Kentucky, Louisiana, Tennessee, Michigan, and Missouri.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 109723 (Sub No. 8).

HEARING: October 24, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner John P. McCarthy.

No. MC 110505 (Sub No. 43), filed September 5, 1958. Applicant: RINGLE TRUCK LINES, INC., 601 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Bldg., Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* and *jointing materials*, from Owensboro, Ky., to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Iowa and Missouri, and *materials and supplies* used or useful in the manufacture of clay products, and *damaged and rejected shipments* of clay products and jointing materials, on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 29, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner John P. McCarthy.

No. MC 110505 (Sub No. 44), filed September 11, 1958. Applicant: RINGLE TRUCK LINES, INC., 601 South Grant Ave., Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Bldg., Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in North Carolina and Virginia to points in Ohio, Michigan, Indiana, Illinois, Iowa, Wisconsin, Minnesota and Missouri, and *damaged or rejected shipments* of lumber, on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 9, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Michael B. Driscoll.

No. MC 110698 (Sub No. 99), filed July 16, 1958. Applicant: RYDER TANK LINE, INC., P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals, synthetic resins* and *liquid glues*, in bulk, in tank vehicles, from Fayetteville, N. C.

and points within 15 miles of Fayetteville, to points in Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire and Vermont. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

HEARING: November 7, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner C. Evans Brooks.

No. MC 110841 (Sub No. 8), filed September 8, 1958. Applicant: PORT NORRIS EXPRESS COMPANY, INC., Port Norris, N. J. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glasshouse limestone*, in bulk, in tractor-trailer dump trucks or covered hopper dump trucks, from Thomasville, in Jackson Township, York County, Pa., to Salem, Bridgeton, Melville, Freehold and Barrington, N. J., and points within five (5) miles of each of the named cities in New Jersey. Applicant is authorized to conduct operations in New Jersey, Delaware, Maryland, Pennsylvania, Virginia, District of Columbia, Connecticut and New York.

HEARING: November 12, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 112520 (Sub No. 22), filed September 12, 1958. Applicant: SOUTH STATE OIL CO., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, Suite 713–17, Professional Bldg., Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acrylonitrile* and *Anhydrous ammonia*, in bulk, in tank vehicles, between Avondale, La., and points in Santa Rosa County, Fla. Applicant is authorized to conduct operations in Mississippi, Alabama, Florida, Georgia, Arkansas, Illinois, Missouri, Ohio and Tennessee.

HEARING: October 28, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 112750 (Sub No. 30), filed August 4, 1958. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, 222–17 Northern Blvd., Bayside, L. I., N. Y. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place, N. W., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commercial papers, documents and written instruments* (except currency, coin, bullion, and negotiable securities), as are used in the businesses of banks and banking institutions when transported in containers other than trace-alarm bags and in vehicles other than armored vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, between points in Indiana on and south of U. S. Highway 40 and points in Wayne, Marion, Henry and Hancock Counties, Ind., north of U. S. Highway 40 on the one hand, and, on the other, Chicago, Ill., Louisville, Ky., and Cincinnati, Ohio. Applicant is authorized to conduct operations in New Jersey, New York, Connecticut, West Virginia, Ohio, Delaware, Virginia, Massachusetts, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a common or contract carrier in No. MC 112750 (Sub No. 27).

HEARING: October 28, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner John P. McCarthy.

No. MC 112750 (Sub No. 31), filed August 4, 1958. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, 222–17 Northern Blvd., Bayside, L. I., N. Y. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place, N. W., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commercial papers, documents and written instruments*, (except currency, coin, bullion, and negotiable securities), as are used in the businesses of banks and banking institutions when transported in containers other than trace-alarm bags, and in vehicles other than armored vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, between Chicago, Ill., on the one hand, and, on the other, Cincinnati, Ohio and Louisville, Ky. Applicant is authorized to conduct operations in New Jersey, New York, Connecticut, West Virginia, Ohio, Delaware, Virginia, Massachusetts and the District of Columbia.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a common or contract carrier in No. MC 112750 (Sub. No. 27).

HEARING: October 28, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner John P. McCarthy.

No. MC 113651 (Sub No. 17), filed September 2, 1958. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 N. Broadway, Muncie, Ind. Applicant's attorney: Mario Pieroni, 523 Johnson Bldg., Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packing houses* as described in Appendix 1 of 61 M. C. C. 209 and *dairy products*, from Evansville, Ind., to points in Alabama, Florida, Georgia, North Carolina and South Carolina. Applicant is authorized to conduct operations in Indiana, Alabama, Florida, Georgia, Louisiana, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Kentucky, Maryland, Missouri, District of Columbia, Connecticut, Maine, Illinois, Delaware, New Hampshire and Vermont.

HEARING: November 5, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William R. Tyers.

No. MC 113779 (Sub No. 76), filed August 22, 1958. Applicant: YORK INTERSTATE TRUCKING, INC., 9030 Lawndale Expressway, P. O. Box 1[illegible], Houston 17, Texas. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acrylonitrile* and *anhydrous ammonia*, in bulk, in tank vehicles, between Avondale, La., and points in Santa Rosa County, Fla. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Mississippi, Oklahoma, New Mexico, Kentucky, Illinois, Nebraska, Tennessee, Colorado, Missouri, Wyoming, Kansas, Alabama, North Carolina, South Carolina, Virginia, Georgia, California, Arizona, Florida, West Virginia, Indiana, South Dakota, Utah, Nevada, Montana, Idaho, Washington, and Oregon.

HEARING: October 28, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 113784 (Sub No. 11), filed August 18, 1958. Applicant: CANAL CARTAGE LIMITED, 865 Woodward Avenue, Hamilton, Ontario, Canada. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand* and *stone*, in bulk, in dump trucks, from port of entry on the International Boundary line between the United States and Canada at or near Niagara Falls, N. Y., to Niagara Falls, N. Y. Applicant is authorized to transport Blast Furnace Slag from Lackawanna N. Y., to ports of entry at Buffalo and Niagara Falls, N. Y.

HEARING: October 29, 1958, at the Hotel Buffalo, Washington & Swann Sts., Buffalo, N. Y., before Examiner William J. Cave.

No. MC 115660 (Sub No. 2), filed August 13, 1958. Applicant: RICHARD L. JAHNEL, 814 South 6th Street, Osage, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feed*, in bulk, in special hopper-type troughbed equipment, with screw conveyor unloader and screw-type extensions, from Cedar Rapids, Iowa to points in Illinois. Applicant is authorized to conduct operations in Iowa and Minnesota.

HEARING: November 13, 1958, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Joint Board No. 54, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 116205 (Sub No. 5), filed July 14, 1958. Applicant: ROBERT L. JENKINS, doing business as BOB JENKINS TRUCK LINE, 500 Diagonal Street, Charles City, Iowa. Applicant's attorneys: Keith S. Noah, 204½ N. Main, Charles City, Iowa, and Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* and *stationary engines*,

(not including tractors with vehicle beds, bed frames or fifth wheels), *tractor attachments*, and *tractor and tractor attachment parts*, and *agricultural machinery, implements and parts*, between Charles City, Iowa, on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah and Washington. Applicant is authorized to conduct operations in Alabama, Georgia, Iowa, Louisiana and Texas.

HEARING: November 10, 1958, at the Federal Office Building, 5th & Court Avenue, Des Moines, Iowa, before Examiner William R. Tyers.

No. MC 116285 (Sub No. 5), filed August 19, 1958. Applicant: BENNETT TRUCK LINES, INC., 9 Broughton Drive, Charleston, S. C. Applicant's attorney: Joseph R. Young, 28 Broad Street, Charleston, S. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glazed tile, manufactured stone from limestone base, concrete blocks*, and *pipe*, from Charles, S. C., to points in all Counties in Georgia, except points in Chatham, Cobb, De Kalb, Dooly, Fulton, Lowndes, McIntosh, Richmond, and Stephens Counties, and *empty pallets and damaged or rejected shipments* on return.

NOTE: Applicant has a pending application in No. MC 116285 (Sub No. 4) requesting authority to transport the above-specified commodities from Charleston, S. C., to points in Lowndes, Dooly, Stephens, McIntosh, Fulton, De Kalb, Cobb, Richmond, and Chatham Counties, Ga.

HEARING: November 3, 1958, at the Wade Hampton Hotel, Columbia, S. C., before Joint Board No. 131, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 116387 (Sub No. 18), filed September 8, 1958. Applicant: ALABAMA TANK LINES, INC., P. O. Box 36, Powderly Station, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *Chemicals, including liquid fertilizer, fertilizer compounds, solutions and materials*, in bulk, in tank vehicles, from Sheffield, Ala., and points within 15 miles thereof to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas and Virginia. Applicant is authorized to conduct operations in Alabama, Mississippi, Tennessee, Georgia, Florida, Kentucky, Louisiana, North Carolina, South Carolina and Arkansas.

HEARING: October 27, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 117344 (Sub No. 11), filed September 5, 1958. Applicant: THE MAXWELL CO., a Corporation, 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Daviess County, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

NOTE: Applicant is authorized to conduct operations as a contract carrier in Permit No. MC 50404 and sub numbers thereunder, in Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned No. MC 50404 (Sub No. 55).

HEARING: October 24, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 117498, filed July 7, 1958. Applicant: J. M. McKINNEY, doing business as J. M. McKINNEY TRUCKING COMPANY, 2330 North Main, Paris, Tex. Applicant's attorney: H. B. Harrison, Liberty National Bank Bldg., Paris, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crates, baskets, boxes* and *other fruit and vegetable containers*, from Paris, Pittsburg, Longview, Trinity and Beaumont, Texas to points in Florida.

NOTE: Applicant states that it will transport the above commodities from Cummer-Graham plants located at the above origin points.

HEARING: October 28, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Examiner C. Evans Brooks.

No. MC 117509 (Sub No. 2), filed August 21, 1958. Applicant: BEN R. SCHILLI, doing business as SCHILLI TRANSPORTATION, 134 Tansberger Drive, St. Louis 23, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Class A and B explosives, blasting supplies, nitro-carbo-nitrate* and *ammonium nitrate* (fertilizer compounds) dry, in bags, in bulk, from the plant site of the Olin Mathieson Chemical Corporation at or near Ordill, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Missouri, Ohio and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-named commodities on return.

HEARING: October 30, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner John P. McCarthy.

No. MC 117542 (Sub No. 1) filed August 21, 1958. Applicant: R. M. HENDERSON, doing business as HENDERSON AUTO TRANSIT, 208 Broughton Drive, Greenville, S. C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia 1, S. C. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Automobiles*, (imported from foreign countries), from Charleston, S. C., Jacksonville, Fla., Norfolk, Va., Pensacola, Fla., and Savannah, Ga., to points in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee.

HEARING: November 4, 1958, at the Wade Hampton Hotel, Columbia, S. C., before Examiner C. Evans Brooks.

No. MC 117558, filed July 30, 1958. Applicant: CARL N. SHEFFIELD, doing business as SHEFFIELD TRUCKING COMPANY, 4810 Digan Street, Jacksonville, Fla. Applicant's attorney: O. C. Beakes, 1503 Barnett National Bank Bldg., Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax*, in tank trucks, from points in New Jersey to Atlanta, Ga. and points in Florida; *bulk citrus juice*, in tank trucks, from points in Florida to points in New Jersey, Pennsylvania and points in New York within 30 miles of New York City, N. Y.; *liquid wax*, in tank trucks, from points in Louisiana to points in Florida and Atlanta, Ga.; *bulk citrus juice*, in tank trucks, from points in Florida to points in Louisiana and Birmingham, Ala.

HEARING: October 29, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Examiner C. Evans Brooks.

No. MC 117579, filed August 14, 1958. Applicant: THEODORE L. CLARK, 58 Hamilton Road, Corning, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Class A and B explosives, in substituted motor carrier service for service rail between Corning, N. Y., and Painted Post, N. Y. Applicant indicates the above-described operation is for account for Erie Railroad under Agent W. J. Prueter's National Substituted Freight Service Tariff 429–A, I. C. C. A–4173. Applicant states Corning, N. Y., is adjoined to Painted Post, N. Y., by the Village of Riverside, N. Y.

HEARING: October 29, 1958, at the Hotel Buffalo, Washington & Swann Sts., Buffalo, N. Y., before Examiner William J. Cave.

No. MC 117587, filed August 18, 1958. Applicant: PRIDE BROS., INC., 111 NW., Third Street, Evansville, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled automobiles, trucks* or *truck tractors*, between Evansville, Ind., on the one hand, and points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Missouri, Ohio and Tennessee, on the other.

HEARING: October 27, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner John P. McCarthy.

No. MC 117593, filed August 20, 1958. Applicant: MOBILE HOMES TRANSPORT, INC., 2650 Lincoln Way, Ames, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in secondary movements, in

truckaway service, from points in Iowa to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusettts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

NOTE: Applicant has filed an application to purchase the operating rights of Doty Trailer Transport, Inc., MC 110593 and Interstate Trailer Transport, Inc., MC 114220.

HEARING: November 13, 1958, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Examiner William R. Tyers.

No. MC 117630, filed September 12, 1958. Applicant: EARL M. FOLTZ, doing business as FOLTZ TRUCKING COMPANY, R. F. D. No. 2, Martinsburg, W. Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Baltimore, and Cumberland, Md., Cleveland, Ohio, Milwaukee, Wis., Norristown, and Pittsburgh, Pa., and St. Louis, Mo., to Martinsburg, W. Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return.

HEARING: October 30, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

MOTOR CARRIERS OF PASSENGERS

No. MC 117428, filed June 18, 1958 (CORRECTION), published issue September 10, 1958. Applicant: ALLEGHENY LINES, INCORPORATED, 34 Pennsylvania Avenue, East Warren, Pa. Applicant's attorneys: Johnson, Peterson, Tener & Anderson, Bank of Jamestown Building, Jamestown, N. Y. Previous publication gave applicant's attorney as Berl I. Bernhard, 2001 Massachusetts Ave. NW., Washington 6, D. C. This was in error. Correct attorneys are as shown above.

HEARING: Remains as assigned October 14, 1958, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 65, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 29281 (Sub No. 1), filed September 12, 1958. Applicant: FOOD TRANSPORT, INC., 1601 Bronxdale Ave., Bronx 61, N. Y. Applicant's attorney: Ewald E. Kundtz, 1104 Terminal Tower, Cleveland 13, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Such commodities* as are sold by retail and chain grocery and food business houses and stores, and *supplies, equipment* and *advertising material*, and *related items*, used in the conduct of such business, from New York, N. Y. to points in Bergen, Hudson, Monmouth and Union Counties, N. J., Fairfield, Hartford and New Haven Counties, Conn., Dutchess, Nassau, Orange, Suffolk, Sullivan and Ulster Counties, N. Y., and *returned, damaged* and *defective shipments* of the above commodities and *empty containers* used in transporting such commodities on return. Applicant is authorized to transport groceries from the above origin point to the above destination points and Philadelphia, Pa., and Springfield, Mass.

NOTE: Applicant states that the operations will be limited to a transportation service to be performed under a continuing contract or contracts with Gristede Bros. Inc., of Bronx, N. Y.

No. MC 113579 (Sub No. 5), filed September 10, 1958. Applicant: STAHLY CARTAGE CO., a Corporation, 130a Hillsboro Avenue, Edwardsville, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in the St. Louis, Mo., Commercial Zone, as defined by the Commission, to points in Illinois north of U. S. Highway 24, and *damaged, contaminated and rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Illinois, Iowa, Missouri and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 113579 (Sub No. 4).

No. MC 115691 (Sub No. 6), filed September 10, 1958. Applicant: R. J. COKER, doing business as COKER TRUCKING COMPANY, P. O. Box 398, Demopolis, Ala. Applicant's attorney: H. A. Lloyd, Lloyd & Dinning Building, Demopolis, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit* and *pipe, fibre, bituminized or indurated* (fibre or paper and pitch combined); loose or in non-returnable shipping racks; *including fittings* and *couplings*, from Orangeburg, N. Y., to points in Alabama, Georgia and Florida, and *damaged and defective shipments* of the commodities specified in this application on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Ohio and Tennessee.

No. MC 117492, filed July 2, 1958. Applicant: CLEVELAND HEIGHTS TOWING, INC., 2901 Mayfield Road, Cleveland Heights, Ohio. Applicant's attorney: Edwin C. Reminger, Standard Building, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles*, dead, wrecked, disabled, abandoned, repossessed, [illegible] embezzled, with or without cargo, in [illegible] away service by wrecker, between [illegible] in the Cleveland, Ohio, Commercial [illegible] as defined by the Commission, on the [illegible] hand, and, on the other, points in [illegible] nois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *Replacement* or *repair parts and equipment* for said motor vehicles, between points in the Cleveland, Ohio, Commercial Zone, as defined by the Commission, on the one hand, and on the other, points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 117505 (Sub No. 1), filed September 6, 1958. Applicant: FRANK [illegible] LANZA, doing business as FLORIDA MESSENGER SERVICE, 632 North [illegible] Street, Lake Worth, Fla. Applicant's attorney: Samuel W. Earnshaw, [illegible] Munsey Building, Washington 4, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Photo-film* and *photo-film finisher's handling materials*, between points in Palm Beach, Broward and Dade Counties, Florida.

NOTE: Applicant states he proposes to render local parcel pick-up and delivery service in either or both directions within the [illegible] Counties, in connection with air movements in and out of the State.

No. MC 117619, filed September 5, 1958. Applicant: RICHARD L. NEWSTED, doing business as DICK'S TRUCKING COMPANY, 56 Harrison Street, Valparaiso, Ind. Applicant's attorney: [illegible] L. King, 401 Berkley Road, Indianapolis 8, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough, sawed lumber*, and *portable saw mills*, between points in Indiana on and north of U. S. Highway 40, points in Michigan on and south of U. S. Highway 10, and points in the Chicago, Ill., Commercial Zone, as defined by the Commission, such points to include sites for temporary, as well as permanent production of sawed lumber.

NOTE: Applicant states he proposes to serve, exclusively, the Michigan Industrial Hardwood Company, now operating permanent plants for the production of railway ties and blocking timbers at Valparaiso, Ind., and St. Joseph, Mich., for use by various steel mills at timber supply points within the territory.

APPLICATIONS UNDER 212 (c) CONVENIENCE PROCEEDINGS

No. MC 96272 (Sub No. 1). Respondent: WILLIAM J. ROSTRON, doing business as ROSTRON DRAYAGE COMPANY, St. Louis, Mo. The above-numbered proceeding was instituted under section 212 (c) on the Commission's own initiative, on February 17, 1958, to determine the carrier's status pertaining to his contract carrier authority issued on or before August 22, 1957. It has now been determined that as of this time, respondent is conducting operations in interstate or foreign commerce in con-

formance with the definition of a contract carrier set forth in section 203 (a) (15) of the act, as amended, and by order entered September 9, 1958, the above-numbered proceeding is hereby vacated and set aside as of October 24, 1958.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 97496 (Sub No. 2), filed September 12, 1958. Applicant: F. D. McKAY, INC., 7 East Race St., Salamanca, N. Y. Applicant's attorney: William W. Knox, 23 West Tenth St., Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Niagara Falls, N. Y., and Salamanca, N. Y., from Niagara Falls over New York Highway 324 and/or 384 to Buffalo, thence over New York Highway 18 to the junction of New York Highways 18 and 17, thence over New York Highway 17 (also over U. S. Highway 62 to Hamburg, thence over U. S. Highway 219) to Salamanca, and return over the same routes, serving all intermediate points and the off-route points of Akron, Angola, Athol Springs, Cadiz, Cheektowaga, Clarence, Center, Colden, Collins Center, Cottage, Crittenden, Depew, Derby, E. Concord, E. Otto, Ebenezer, Eddyville, Eggertsville, Farnham, Gardenville, Getzville, Grand Island, Humphrey, Lancaster, Langford, Lockport, Millersport, Maples, New Albion, New Oregon, No. Evans, Otto, Perrysburg, Snyder, So. Dayton, Swormville, Town Line, Town of Tonawanda and Williamsville; (2) between Jamestown, N. Y., and New York, N. Y., from Jamestown over New York Highway 17 to Elmira (also over New York Highway 17 to junction New York Highway 17E, thence over New York Highway 17E to Elmira), thence over New York Highway 17 to Binghamton (also over New York Highway 17 to junction of New York Highway 17C, thence over New York Highway 17C to Binghamton), thence over New York Highway 17 to Bloomingburg, thence over New York Highway 17K to Newburgh, (also over New York Thruway from Interchange number 17 at Newburgh), thence across Hudson River to Beacon, thence over New York Highway 9D to junction New York Highway 9, thence over New York Highway 9 to New York and return over the same routes, serving all intermediate points and the off-route points of Alfred, Alma, Bradford, Cameron, Cameron Mills, Caton, Freeman, Hallsport, Knapp Creek, Limestone, Lindley, Napoli, Obi, Rathbone, Rexville, Richburg, Troupsburg, and Whitesville; Service is authorized between Binghamton and New York, N. Y. (without service to, from or between any other points located on said routes between Binghamton and New York, N. Y.). (3) Between Buffalo, N. Y., and Olean, N. Y., from Buffalo over U. S. Highway 62 or U. S. Highway 20 (alternate) to East Aurora, thence over New York Highway 16 to Olean, and return over the same routes, serving all intermediate points and the off-route points of Elma, Glenwood, Marilla, Sardinia, Spring Brook, West Clarksville and West Falls; (4) between the junction of New York Highways 16 and 39 and Wellsville, N. Y., from the junction of New York Highways 16 and 39 over New York Highway 39 to Arcade, thence over New York Highway 98 to junction of New York Highway 243, thence over New York Highway 243 to Canadea, thence over New York Highway 19 to Wellsville, and return over the same routes, serving all intermediate points and the off-route points of Centerville, Delevan, Elton, Fillmore, Freedom, Houghton, Phillips Creek, Rockville, Rossburg, Rushford, and Sardinia; (5) between the junction of New York Highways 16 and 408 and Andover, N. Y., from the junction of New York Highways 16 and 408 over New York Highway 408 to Garwoods, thence over New York Highway 70 to Arkport, thence over New York Highway 36 to Andover, and return over the same routes, serving all intermediate points and the off-route points of Black Creek, Nile, No. Cuba and Swain; (6) between Dayton, N. Y., and the junction of New York Highway 241 and 17, from Dayton over U. S. Highway 62 to Conewango, thence over New York Highway 241 to junction of New York Highway 241 and 17, and return over the same routes, serving all intermediate points and the off-route point of Conewango Valley; (7) between Hornell, N. Y., and Painted Post, N. Y., from Hornell over New York Highway 70 to junction of U. S. Highway 15, thence over U. S. Highway 15 to Painted Post, and return over the same routes, serving all intermediate points and the off-route points of Atlanta, Avoca, Campbell, Dansville, Hammondsport, Haskinsville, Hume, Ingleside, Keuka, No. Cohocton, Perkinsville, Prattsburg, Pulteney, Thurston, Urbana, Wallace, Wayland and Wheeler; (8) between Hornell, N. Y., and the junction of New York Highway 21 and 17, from Hornell over New York Highway 21 to the junction of New York Highway 17, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations under the second proviso of section 206 (a) (1) in Docket No. MC 97496 (Sub No. 1), in the State of New York.

NOTE: This matter is directly related to MC-F 7001, which was published in the FEDERAL REGISTER, September 17, 1958.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F. R. Doc. 58-7795; Filed, Sept. 23, 1958; 8:48 a. m.]

[Notice 28]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 19, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 59806. By order of September 10, 1958, The Interstate Commerce Commission, Division 4, acting as an Appellate Division, approved the transfer to Sanders Truck Line, Inc., Farmington, Missouri, of the operating rights in Certificate No. MC-37378, issued July 5, 1949, to C. D. Benton and L. G. Benton, a Partnership, doing business as Sanders Truck Lines, Farmington, Missouri, authorizing the transportation of general commodities, excluding household goods and other specified commodities, between Fredericktown, Mo., and East St. Louis, Ill., and livestock, from Farmington, Mo., to East St. Louis, Ill. J. Richard Roberts, Farmers Bank Building, Farmington, Missouri, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F. R. Doc. 58-7796; Filed, Sept. 23, 1958; 8:48 a. m.]

[Notice 53]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 19, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Special Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2309 (Deviation No. 3), GILLETTE MOTOR TRANSPORT, INC., P. O. Box 6598, Dallas 35, Tex., filed September 15, 1958. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route,

between junction U. S. Highway 77 and Oklahoma Highway 74 at or near Purcell, Okla., and junction U. S. Highway 77 and Oklahoma Highway 74F north of Norman, Okla., as follows: From junction U. S. Highway 77 and Oklahoma Highway 74 over Oklahoma Highway 74 to junction Oklahoma Highway 74F, thence over Oklahoma Highway 74F to junction U. S. Highway 77 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas, Tex., and Oklahoma City, Okla., over U. S. Highway 77.

No. MC 40858 (Deviation No. 2), THE SILVER FLEET MOTOR EXPRESS, INC., 216 Pearl Street, Louisville 2, Ky., filed September 15, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Nashville, Tenn., and Decatur, Ala., as follows: From Nashville over U. S. Highway 31A to Lewisburg, Tenn., thence over U. S. Highway 431 to Fayetteville, Tenn., thence over U. S. Highway 231 to Huntsville, Ala., thence over Alabama Highway 20 to Decatur and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Nashville, Tenn., and Decatur, Ala., over U. S. Highway 31.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-7797; Filed, Sept. 23, 1958; 8:48 a. m.]

[Notice 235, Supplement [1]]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 22, 1958.

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time or (9:30 o'clock a. m., local daylight savings time), unless otherwise specified.

No. MC 33641 (Sub No. 36), filed September 15, 1958. Applicant: INTERSTATE MOTOR LINES, INC., 235 West Third South Street, Salt Lake City 1, Utah. Applicant's attorney: Maurice H. Greene, P. O. Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Intercontinental Ballistics Missiles testing and launching sites, near Cheyenne, Wyo., and access roads thereto, and supply points therefor, and points within fifty (50) miles of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Missouri, Nebraska, Nevada, Oregon, Utah, and Wyoming.

HEARING: September 29, 1958, at the Wyoming Public Service Commission, Supreme Court and State Library Bldg., Cheyenne, Wyo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 96339 (Sub No. 5), filed August 18, 1958. Applicant: MONA RIDGELY, doing business as ARROW MOVING & STORAGE CO., 1506 East Avenue, Cheyenne, Wyo. Applicant's attorney: Robert S. Stauffer, 1516 East 20th Street, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, serving Cheyenne, Wyo., and all points located within a 50-mile radius thereof.

NOTE: Applicant states that the purpose of this application is to serve the various launching sites of the Inter-Continental Ballistics Missiles.

HEARING: September 29, 1958, at the Wyoming Public Service Commission, Supreme Court and State Library Bldg., Cheyenne, Wyo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-7832; Filed, Sept. 23, 1958; 8:51 a. m.]

[1] See F. R. Document 58-7795, p. 7441.

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FEDERAL REGISTER

VOLUME 23 NUMBER 188

Washington, Thursday, September 25, 1958

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 130—NEW DRUGS

BICYCLOMINE HYDROCHLORIDE PREPARATIONS; AMENDMENT OF LABELING REQUIREMENTS

There was published in the FEDERAL REGISTER of July 23, 1958 (23 F. R. 5582, 6213), notice of a proposed amendment to § 130.102 (a) (8). No comments having been filed with respect to the proposed amendment within the 30-day period stipulated in the above-referenced notice, the amendment set out below is hereby ordered, effective 30 days from the date of its publication in the FEDERAL REGISTER, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 503, 505, 701; 65 Stat. 649, 52 Stat. 1052, 1055, as amended; 21 U. S. C. 353, 355, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1957 Supp., 130.101 (b)).

Section 130.102 (a) (8) is amended by deleting therefrom subdivision (vii) (d), reading as follows:

(d) Use if dryness of the throat, blurring of vision, dizziness, or rapid pulse occurs.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 503, 505, 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353, 355)

Dated: September 19, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-7820; Filed, Sept. 24, 1958; 8:46 a. m.]

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended, sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for the certification of antibiotic and antibiotic-containing drugs (23 F. R. 6121) are amended as indicated below:

Section 146.26 is amended by changing paragraph (b) (40) to read as follows:

§ 146.26 *Animal feed containing penicillin* * * *

(b) * * *

(40) It is intended as an aid in maintaining or increasing egg production, hatchability of eggs, reduction of the effects of stress, prevention of early mortality of chicks, and reduction of the effects of diseases when due to organisms that are sensitive to bacitracin or to a mixture of bacitracin and penicillin, for maintaining appetite and for improving feed efficiency as related to egg production; its labeling bears adequate directions and warnings for such use; and it contains, per ton of feed, the equivalent of 50 grams of bacitracin or a mixture of 37.5 grams of bacitracin and 12.5 grams of penicillin when fed during the first 4 to 6 weeks of egg production, and not less than the equivalent of 10 grams of bacitracin or a mixture of 7.5 grams of bacitracin and 2.5 grams of penicillin when fed during the remainder of the laying period; except that if it is intended for use to increase egg hatchability or prevention of early mortality of chicks or for use in the presence of disease outbreaks or during periods of stress, it shall contain, per ton of feed, the equivalent of 100 grams of bacitracin or a mixture of 75 grams of bacitracin and 25 grams of penicillin.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be contrary to public interest to delay providing for the aforesaid amendments.

I further find that animal feed containing antibiotic drugs and conforming with the conditions prescribed in this order need not comply with the require-

(Continued on p. 7453)

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FEDERAL REGISTER

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1958)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146–149, 1958 Supplement 1 ($1.00)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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ments of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure their safety and efficacy.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 502, 52 Stat. 1050, as amended, 507, 59 Stat. 463, as amended; 21 U. S. C. 352, 357)

Dated: September 19, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58–7819; Filed, Sept. 24, 1958; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR–426]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

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PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; PERFORMANCE CREDIT FOR TRANSPORT CATEGORY AIRPLANES EQUIPPED WITH STANDBY POWER

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 22d day of September 1958.

Standby power is power and/or thrust obtained from rocket engines and is separate from the power obtained from the airplane's main engines. Such power and/or thrust is available for a relatively short period for use in cases of emergency. The standby power system may be capable of producing more than a single thrust period. This special regulation authorizes the Administrator to grant performance credit to transport category airplanes when standby power is used in one or more of the following regimes of flight: Take-off with one engine inoperative, approach climb with one engine inoperative, and the balked landing climb. By "performance credit" is meant the taking into account the increased performance of the airplane with standby power and, because thereof, the approval of higher maximum weights for the airplane than the weights approved on the basis of the airplane's performance without standby power. In granting performance credit, this regulation prescribes the applicable conditions and limitations.

Rocket assist take-off units were developed initially for the military services to provide additional take-off power for heavily loaded flying boats and carrier-based aircraft. The additional thrust improved the climb performance in the take-off regime and permitted the airplane to attain a safe altitude and air speed in the event of engine failure. The reliability of such units has increased to the point where some civil operators have adopted them for use as emergency standby power in the event of engine failure. Other operators have been reluctant to adopt standby power installations and the attendant weight penalties without reasonable performance credit being given the airplane. With the performance credit granted by this regulation for the use of standby power, it is anticipated that such credit might be considered a compensating economic factor justifying the installation of standby power on such airplanes.

The currently effective regulations did not contemplate the use of standby power; however, the Administrator of Civil Aeronautics has established for an interim period a conservative policy permitting transport category airplanes equipped with standby power to operate at an increase in the normally approved weights by an amount equal to the weight of the standby power units.

In this regulation, the criteria for granting performance credit were formulated with the intent of providing an over-all level of performance equivalent to that intended by the currently effective regulations. To this end, appropriate criteria are established with respect to the amount of performance credit which may be applied in determining the new take-off paths, the extent to which the maximum certificated take-off and landing weights may be increased, and operating procedures to be followed in service for the use of standby power and for the associated changes in the airplane's configuration and speed.

The basic element of the various criteria established in this regulation entails a comparison of flight paths. In Civil Air Regulations Draft Release No. 57–28, all of the flight paths were based on procedures involving attainment of the en route configuration and the acceleration to a safe en route speed. Further consideration of this proposal indicates that an undue amount of flight testing and computation would be required for those flight conditions which presently do not involve the establishment of such flight paths. In addition, it appears that comparison of flight paths involving a particular procedure is not essential for the purpose of establishing an equivalent level of safety. In view of the foregoing, this regulation requires comparison of flight paths with respect to the take-off regime consistent only with that required by the currently effective airworthiness performance requirements; i. e., Part 4b and Special Civil Air Regulations Nos. SR–422 and SR–422A. Further, the establishment of maximum landing weights is based on a comparison of flight paths obtained with a fixed airplane configuration and at the speed and power condition appropriate to the all-engines-operating landing climb or the one-engine-inoperative approach climb, as applicable.

Performance credit for standby power with respect to the take-off path is limited by the specification that the all-engines-operating take-off path reflect a conservatively greater margin of overall performance than the one-engine-inoperative take-off path with standby power in use. It is intended that this margin exist throughout the take-off path prescribed by the applicable performance requirements. This regulation provides for the establishment of the margin by the Administrator; however, in no case can this margin be less than 15 percent. In view of the many different types of airplanes to which this regulation is applicable, a higher margin might be necessary in certain cases to insure safe day-to-day operations.

For reciprocating-engine-powered airplanes, the provisions of this regulation require that the applicant establish a procedure for the use of standby power for attaining the en route configuration and a safe en route speed in the event of an engine failure during the take-off. Provisions for such procedures are contained in the regulations for turbine-powered airplanes and will therefore be applicable to such airplanes. The establishment of the procedures made applicable to reciprocating-engine-powered airplanes is left to the discretion of the applicant to select the altitude at which the acceleration is to take place, the basic limitation being that the slope along all points of the airborne portion of the take-off path must be positive. This will provide for the critical operation of clean-up and acceleration during the take-off which are not covered by the performance requirements of Part 4b and which have been cited in the past in connection with several accidents. In addition, with respect to the clearing of obstacles, the take-off path scheduled in the Airplane Flight Manual for airplanes for which the performance requirements of Part 4b are applicable must be appropriately modified to reflect

the effect of the aforementioned procedure.

The criteria for the establishment of maximum certificated take-off weights involve two separate comparisons of take-off paths. These comparisons must be carried out to a height of 400 feet above the take-off surface. This minimum height is intended to be associated with a procedure where standby power is actuated within the neighborhood of the critical engine failure speed V_1. These provisions are intended to limit the increase in maximum take-off weight consistent with the over-all level of performance currently attained with respect to the one-engine-inoperative take-off and to limit the amount of standby power for which performance credit can be granted to insure a reasonable margin of performance for the all-engine day-to-day operations.

The provisions for the establishment of maximum certificated landing weights require only a comparison between two flight paths based on a steady climb and fixed configuration. One represents a climb path at the maximum weight previously certificated without standby power and the other a climb path at the increased weight with standby power. In addition, there is a provision which requires the establishment of procedures for the execution of balked landings and missed approaches in conjunction with the use of standby power.

A question has been raised as to whether duplicate sets of standby power units are required to obtain performance credit for both the take-off and the approach stages of flight. It is intended by this regulation to require duplicate sets of standby power for a flight for which the use of standby power is necessary to comply with both the maximum certificated take-off and the maximum certificated approach weight limitations. Where the use of standby power is necessary for compliance with the maximum certificated weight limitations for only one regime of flight, i. e. take-off or approach, one set of standby power units is required.

There are also included safety criteria for the installation and operation of the standby power system.

The Board presently has under consideration a special regulation which would be applicable to nontransport category airplanes equipped with standby power.

Interested persons have been afforded an opportunity to participate in the making of this regulation (22 F. R. 10464), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective October 27, 1958.

Contrary performance provisions of the Civil Air Regulations notwithstanding, the Administrator may grant performance credit for the use of standby power on transport category airplanes. Such credit shall be applicable only to the maximum certificated take-off and landing weights, the take-off distance, and the take-off paths, and shall not exceed that found by the Administrator to result in an over-all level of safety in the take-off, approach, and landing regimes of flight equivalent to that prescribed in the regulations under which the airplane was originally certificated without standby power. (NOTE: Standby power is power and/or thrust obtained from rocket engines for a relatively short period and actuated only in cases of emergency.) The following provisions shall apply:

(1) *Take-off; general.* The take-off data prescribed in sections (2) and (3) shall be determined at all weights and altitudes, and at ambient temperatures if applicable, at which performance credit is to be applied.

(2) *Take-off path.* (a) The one-engine-inoperative take-off path with standby power in use shall be determined in accordance with the performance requirements of the applicable airworthiness regulations.

(b) The one-engine-inoperative take-off path (excluding that portion where the airplane is on or just above the take-off surface) determined in accordance with paragraph (a) of this section shall lie above the one-engine-inoperative take-off path without standby power at the maximum take-off weight at which all of the applicable airworthiness requirements are met. For the purpose of this comparison, the flight path shall be considered to extend to at least a height of 400 feet above the take-off surface.

(c) The take-off path with all engines operating, but without the use of standby power, shall reflect a conservatively greater over-all level of performance than the one-engine-inoperative take-off path established in accordance with paragraph (a) of this section. The aforementioned margin shall be established by the Administrator to insure safe day-to-day operations, but in no case shall it be less than 15 percent. The all-engines-operating take-off path shall be determined by a procedure consistent with that established in complying with paragraph (a) of this section.

(d) For reciprocating-engine-powered airplanes, the take-off path to be scheduled in the Airplane Flight Manual shall represent the one-engine-inoperative take-off path determined in accordance with paragraph (a) of this section and modified to reflect the procedure (see section (6)) established by the applicant for flap retraction and attainment of the en route speed. The scheduled take-off path shall have a positive slope at all points of the airborne portion and at no point shall it lie above the take-off path specified in paragraph (a) of this section.

(3) *Take-off distance.* The take-off distance shall be the horizontal distance along the one-engine-inoperative take-off path determined in accordance with section (2) (a) from the start of the take-off to the point where the airplane attains a height of 50 feet above the take-off surface for reciprocating-engine-powered airplanes and a height of 35 feet above the take-off surface for turbine-powered airplanes.

(4) *Maximum certificated take-off weights.* The maximum certificated take-off weights shall be determined at all altitudes, and at ambient temperatures if applicable, at which performance credit is to be applied and shall not exceed the weights established in compliance with paragraphs (a) and (b) of this section.

(a) The conditions of section (2) (b) through (d) shall be met at the maximum certificated take-off weight.

(b) Without the use of standby power, the airplane shall meet all of the en route requirements of the applicable airworthiness regulations under which the airplane was originally certificated. In addition, turbine-powered airplanes without the use of standby power shall meet the final take-off climb requirements prescribed in the applicable airworthiness regulations.

(5) *Maximum certificated landing weights.* (a) The maximum certificated landing weights (one-engine-inoperative approach and all-engines-operating landing climb) shall be determined at all altitudes, and at ambient temperatures if applicable, at which performance credit is to be applied and shall not exceed that established in compliance with the provisions of paragraph (b) of this section.

(b) The flight path, with the engines operating at the power and/or thrust appropriate to the airplane configuration and with standby power in use, shall lie above the flight path without standby power in use at the maximum weight at which all of the applicable airworthiness requirements are met. In addition, the flight paths shall comply with the provisions of subparagraphs (i) and (ii) of this paragraph.

(i) The flight paths shall be established without changing the appropriate airplane configuration.

(ii) The flight paths shall be carried out for a minimum height of 400 feet above the point where standby power is actuated.

(6) *Airplane configuration, speed, and power and/or thrust; general.* Any change in the airplane's configuration, speed, and power and/or thrust shall be made in accordance with the procedures established by the applicant for the operation of the airplane in service and shall comply with the provisions of paragraphs (a) through (c) of this section. In addition, procedures shall be established for the execution of balked landings and missed approaches.

(a) The Administrator shall find that the procedure can be consistently executed in service by crews of average skill.

(b) The procedure shall not involve methods or the use of devices which have not been proven to be safe and reliable.

(c) Allowances shall be made for such time delays in the execution of the procedures as may be reasonably expected to occur during service.

(7) *Installation and operation; standby power.* The standby power unit and its installation shall comply with the provisions of paragraphs (a) and (b) of this section.

(a) The standby power unit and its installation shall not adversely affect the safety of the airplane.

(b) The operation of the standby power unit and its control shall have proven to be safe and reliable.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 605, 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 554, 555)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58-7853; Filed, Sept. 24, 1958; 8:53 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 88]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR, STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Daggett VOR	DAG-LFR	Direct	6000	T-dn* C-dn A-dn	2000-4 2000-4 2000-4	2000-4 2000-4 2000-4	2000-4 2000-4 2000-4

NOTE: *500-1 authorized for take-offs on runways 3 and 7.
Procedure turn N side W crs, 244 Outbnd, 064 Inbnd, 6000' within 10 mi.
Minimum Altitude over facility on final approach crs, 3900'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, climb to 9000' on E crs DAG-LFR within 20 mi.
City, Daggett; State, Calif.; Airport Name, Daggett; Elev., 1927'; Fac. Class, SBRAZ; Ident., DAG; Procedure No. 1, Amdt. 6; Eff. Date, 11 Oct. 58; Sup. Amdt. No. 5; Dated 17 Nov. 56

Haslet Int	FTW-LFR (Final)	Direct	1400	T-dn C-dn S-dn-17 A-dn	300-1 500-1 400-1 800-2	300-1 600-1 400-1 800-2	*200-½ 600-1½ 400-1 800-2

*Take-off on runway 9-27 and 13-31 NA with less than 300-1.
Radar Terminal Area Transition altitude 2000' within 20 mi of Radar site (Amon Carter Airport). Radar control must provide 1000' separation within 3 mi or 500' separation between 3-5 mi of radio towers 1743' MSL 6 mi SE and 1679' MSL 7 mi SE.
Procedure turn E side North crs, 345° Outbnd, 165° Inbnd, 2000' within 10 mi. Beyond 10 mi NA.
#Nonstandard due ATC requirements.
Minimum Altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 178—2.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles, climb to 2000' on S crs within 20 miles.
CAUTION: Building 956' MSL located 0.5 miles S of LFR on final approach crs. T. V. Tower 1743' MSL located 4.4 miles E of S crs.
AIR CARRIER NOTE: Reduction in landing minima NA on cargo and ferry flights.
City, Fort Worth; State, Tex.; Airport Name, Meacham Field; Elev., 692'; Fac. Class, SBRAZ; Ident., FTW; Procedure No. 1, Amdt. 9; Eff. Date, 11 Oct. 58; Sup. Amdt. No. 8; Dated, 28 May 55

				T-dn C-dn S-dn-33 A-dn	300-1 500-1 400-1 800-2	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1½ 800-2

Procedure turn, E side S crs, 144 Outbnd, 324 Inbnd, 2000' within 10 miles.
Minimum Altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 325—2.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles, turn right, climb to 2000' on S crs within 10 miles.
City, Red Bluff; State, Calif.; Airport Name, Bidwell Field; Elev., 354'; Fac. Class, SBRAZ; Ident., RBL; Procedure No. 1, Amdt. 6; Eff. Date, 11 Oct. 58; Sup. Amdt. No. 5; Dated, 31 Dec. 53

SAV VOR	SAV LFR	Direct	1500	T-dn C-dn A-dn	300-1 500-2 800-2	300-1 500-2 800-2	200-½ 500-2 800-2

Radar Terminal Transition Altitude within 25 miles, 1500'.
Procedure turn W side SE crs, 141 Outbnd, 321 Inbnd, 1100' within 10 miles.
Minimum Altitude over facility on final approach crs, 600'.
Crs and distance, facility to airport, 349—7.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.4 miles, climb to 1400' on NW crs within 20 miles.
City; Savannah; State, Ga.; Airport Name, Travis Field; Elev., 50'; Fac. Class, SBMRLZ; Ident., SAV; Procedure No. 1, Amdt. 5; Eff. Date, 11 Oct. 58; Sup. Amdt. No. 4; Dated, 11 Feb. 56

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Int NE crs Greensboro LFR & 327° brg to DAN RBn.	DAN-RBn	Direct	1700	T-dn	300-1	300-1	200-½
			1700	C-dn	500-1	500-1	500-1½
South Boston Int	DAN-RBn	Direct	1700	A-dn	800-2	800-2	800-2
Int NE crs Greensboro LFR & 012 Brg to DAN RBn.	DAN-RBn	Direct	1700				
South Boston VOR	DAN-RBn	Direct					

Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 1700′ within 10 miles.
Minimum Altitude over facility on final approach crs, 1100′.
Facility at airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, make a left turn, climbing to 2000′ on a heading of 150; and return to Danville RBn.

City, Danville; State, Va.; Airport Name, Danville; Elev., 582′; Fac. Class, RMH; Ident., DAN; Procedure No. 1, Amdt. 6; Eff. Date, 11 Oct. 58; Sup. Amdt. No. 5; Dated, 22 Apr. 58

Salinas VOR	MRY-RBn	Direct	4000	T-dn	300-1	300-1	300-½
Saratoga Int	MRY-RBn	Direct	5400	C-d	900-2	900-2	900-2
Davenport Int	MRY-RBn	Direct	4000	C-n	900-3	900-3	900-3
				A-d	1000-2	1000-2	1000-2
				A-n	1000-3	1000-3	1000-3

Procedure turn W side of crs, 310° Outbnd, 130° Inbnd, 1400′ within 10 mi.
Minimum Altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 094—1.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 mi, turn left, climb to 1900′ on crs of 310° within 10 mi of MRY-RBn.
CAUTION: Circling minimums do not provide standard clearance over terrain South of airport. All maneuvering for circling approaches must be accomplished North of East-West Runway.
NOTE: No reductions in visibility minimums authorized.

City, Monterey; State, Calif.; Airport Name, Monterey Peninsula; Elev., 220′; Fac. Class, MHZ; Ident., MRY; Procedure No. 1, Amdt. 11; Eff. Date, 11 Oct. 58; Sup. Amdt. No. 10; Dated, 29 Apr. 58

Savannah LFR	LOM	Direct	1300	T-dn	300-1	300-1	200-½
NE crs SAV-LFR & E crs ILS	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Savannah VOR	LOM	Direct	1300	S-dn-9	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar Transition Altitude 1500′ within 25 miles.
Procedure turn* N side crs, 271° Outbnd, 091° Inbnd, 1500′ within 10 miles. Beyond 10 mi NA
*Nonstandard due to danger area.
Minimum altitude over LOM inbnd final, 900′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing LOM, make immediate left turn climb to 1400′ on NW crs LFR (321).

City, Savannah; State, Ga.; Airport Name, Travis Field; Elev., 50′; Fac. Class, LOM; Ident., SA; Procedure No. 1, Amdt. 4; Eff. Date, 11 Oct. 58; Sup. Amdt. No. 3; Dated, 14 May 58

3. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
ABQ LFR	ABQ-VOR	Direct	8000	T-dn	300-1	300-1	200-½
				C-dn	1200-1½	1200-1½	1200-1½
				A-dn	1200-2	1200-2	1200-2

Procedure turn N side of crs, 260° Outbnd, 080° Inbnd, 9000′ within 10 mi (All turns to be made on the N side of the course; restricted area to South).
Minimum Altitude over facility on final approach crs, 6700′.
Crs and distance, facility to airport, 080—9.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.4 mi. turn right and climb to 10,000′ on R-256 within 20 mi.
Major Change: Facility relocated.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Mun.; Elev., 5352′; Fac. Class, BVOR; Ident., ABQ; Procedure No. 1, Amdt. 5; Eff. Date, 11 Oct. 58; Sup. Amdt. No. 4; Dated, 4 May 57

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Daggett LFR	DAG-VOR	Direct	6000	T-dn*	2000-4	2000-4	2000-4
				C-dn	2000-4	2000-4	2000-4
				A-dn	2000-4	2000-4	2000-4

*300-1 authorized for takeoff on Runways 3 and 7.
Procedure turn N side crs, 042° Outbnd, 222° Inbnd, 6000′ within 10 mi.
Minimum altitude over facility on final approach crs, 4000′.
Crs and distance, facility to airport, 222—12.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 12.0 mi, turn right, climb to 6000′ on R-220 to Daggett VOR.
Major Change: Facility relocated.

City, Daggett; State, Calif.; Airport Name, Daggett; Elev., 1927′; Fac. Class, BVOR; Ident., DAG; Procedure No. 1, Orig.; Eff. Date, 11 Oct. 58

MOT LFR	MOT-VOR	Direct	2900	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-25	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 061° Outbnd, 241° Inbnd, 2700′ within 10 miles.
Minimum Altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 241—4.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, climb to 3400′ on R-241 within 20 miles.
CAUTION: 1900′ MSL water tank 1 mi. W of airport.

City, Minot.; State, N. Dak.; Airport Name, Port O'Minot; Elev., 1723′; Fac. Class, BVOR; Ident., MOT; Procedure No. 1, Amdt. 2; Eff. Date, 11 Oct. 58; Sup. Amdt. No. 1; Dated, 17 July 54

Red Bluff LFR	RBL-VOR	Direct	2000	T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				S-dn-33	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side crs, 145° Outbnd, 325° Inbnd, 2000 within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 320—3.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles, make right turn, climb to 2000′ on R-145 within 10 miles.

City, Red Bluff; State, Calif.; Airport Name, Bidwell Field; Elev., 354′; Fac. Class, VBOR; Ident., RBL; Procedure No. 1, Amdt. 3; Eff. Date, 11 Oct. 58; Sup. Amdt. No. 2; Dated, 8 Jan 55.

Savannah LFR	SAV-VOR	Direct	1500	T-dn	300-1	800-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-23-27	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar Terminal Transition Altitude within 25 miles, 1500′.
Procedure turn N side, 63° Outbnd, 245° Inbnd, 1100 within 10 miles.
Minimum Altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 245—4.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, make immediate right turn*, climb to 1400′ on R-300 within 20 miles.
*Danger Area 10 miles SW of airport.
CAUTION: Stack 265′ MSL 2 miles NE of airport.

City, Savannah; State, Ga.; Airport Name, Travis (Chatham); Elev., 50′; Fac. Class, BVOR; Ident., SAV; Procedure No. 1, Amdt. 1; Eff. Date, 11 Oct. 58; Sup. Amdt. No. Orig.; Dated, 2 July 54

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Haslet RBn	North crs ILS	Direct	2000	T-dn	300-1	300-1	200-½
Ft. Worth LFR	OM	Direct	2000	C-dn	#500-1	600-1	600-1½
				S-dn-17#	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

#600-¾ required when G. S. not utilized.
Radar Terminal Area Transition Altitude 2000′ within 20 miles of *Radar site. Radar control must provide 3 mi. or 1000′ vertical separation; or 3 to 5 mi. and 500′ vertical separation from radio towers 1743′ msl 6 mi. SE; 1679′ 7 mi. SE.
*Radar site 15 mi East of Meacham Airport.
Procedure turn **East side N. crs. 354° Outbnd, 174° Inbnd, 2000′ within 10 mi. Beyond 10 mi. NA
**Nonstandard due ATC requirements.
Minimum Altitude at G. S. int inbnd, 2000.
Altitude of G. S. and distance to appr end of rny at OM 2000-3.5, at MM 950—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000 on S crs ILS within 20 miles.
NOTE: Take-off on runways 9-27 and 13-31 NA with less than 300-1.
AIR CARRIER NOTE: Reduction in landing minima NA on cargo or ferry flights.
CAUTION: 956′ bldg 2.1 mi S of OM. 1743′ tower 4.8 mi E of ILS S crs.

City, Ft. Worth; State, Tex.; Airport Name, Meacham; Elev., 692′; Fac. Class, ILS; Ident., IFTW; Procedure No. ILS-17, Amdt. 11; Eff. Date, 11 Oct. 58; Sup. Amdt. No. 10; Dated, 30 Nov. 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine more than 65 knots
					65 knots or less	More than 65 knots	
Salinas VOR	LOM	Direct	4000	T-dn	300-1	300-1	300-½
Davenport Int	LOM	Direct	2000	S-dn	300-1¼	300-1¼	300-1
MRY RBn	LOM	Direct	1500	C-d	700-2	700-2	700-2
				C-n	700-3	700-3	700-3
				A-d	700-2	700-2	700-2
				A-n	700-3	700-3	700-3

Procedure turn South side of W crs, 276° Outbnd, 096° Inbnd, 1700′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at G. S. int inbnd, 1700′.
Altitude of G. S. & distance to approach end of rny at LOM, 1630′—4.1 mi; at MM, 370′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles after passing LMM make immediate left climbing turn and climb to 1800′ to LOM.
CAUTION: Circling minimums do not provide standard clearance over terrain south of airport. All maneuvering for circling approaches must be accomplished north of localizer course.
NOTE: Provisions for use with inoperative components not applicable.
AIR CARRIER NOTE: No reductions in visibility minimums authorized.

City, Monterey; State, Calif.; Airport Name, Monterey Peninsula; Elev., 220′; Fac. Class, ILS; Ident., IMRY; Procedure No. ILS-10, Amdt. 1; Eff. Date, 11 Oct. 58; Sup. Amdt. No. Orig., Dated, 7 Dec. 57

Savannah LFR	LOM	Direct	1300	T-dn	300-1	300-1	200-½
NE crs SAV-LFR and E crs ILS	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Savannah VOR	LOM	Direct	1300	S-dn-9°	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

*400-¾ required when glide slope not utilized.
Radar transition altitude 1500′ within 25 miles.
Procedure turn N side crs, 271° Outbnd, 091° Inbnd, 1500′ within 10 miles, Beyond 10 mi NA. (Nonstandard due to danger area.)
Minimum altitude at G. S. int. inbnd, 1500′.
Altitude of G. S. and distance to appr end of rny at OM 1450—4.8, at MM 237—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make immediate left turn climb to 1400′ on R-300 SAV within 20 miles.
AIR CARRIER NOTE: 200-½ authorized provided the available runway length exceeds by 3000 feet the landing distance required by the aircraft performance operating limitations of the CAR's and high intensity runway lights are operative on the entire length of the runway.

City, Savannah; State, Ga.; Airport Name, Travis Field; Elev., 50′; Fac. Class, ILS; Ident., ISAV; Procedure No. ILS-9, Amdt. 4; Eff. Date, 11 Oct. 58; Sup. Amdt. No. 3, Dated, 14 May 58

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

SEPTEMBER 8, 1958.

[F. R. Doc. 58-7459; Filed, Sept. 24, 1958; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter A—Test Fee Schedules

PART 206—MECHANICS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This revision is effective from September 22, 1958.

1. Part 206 is revised to read as follows:

VIBRATION

Sec.
206.001 Vibration pickups.

SOUND

206.101 Acoustic measurements.

MECHANICAL INSTRUMENTS

206.201 Pressure gages.
206.202 Mercurial barometers.
206.203 Precision aneroid barometers, barographs, altimeters and altigraphs.

AERODYNAMICS

Sec.
206.301 Aerodynamical measurements.

ENGINEERING MECHANICS

206.401 Hardness tests.
206.402 Calibration of elastic load measuring devices other than proving rings.
206.403 Special mechanical tests of devices, materials and structures.
206.404 Calibration of proving rings.
206.405 Knoop indenter tests.

MASS

206.600 General.
206.601 Class A weights (State reference standards).
206.602 Class B weights (State working standards).
206.603 Tolerance testing.
206.605 Class J weights (microbalance weights).
206.606 Class M weights (high-precision scientific standards).
206.607 Class S and class S-1 non-metric weights (scientific working standards and precise analytical weights).
206.608 Weights for pressure gages.
206.609 Weights that do not conform to a recognized class.
206.612 Balance tests.

SCALE

Sec.
206.620 Test weights, 50-pound and larger.

CAPACITY, DENSITY AND FLUID METERS

206.701 Volumetric apparatus.
206.702 Metal capacity standards.
206.703 Hydrometers and thermohydrometers.
206.704 Density of solids and liquids.
206.705 Fluid meters including gas measuring instruments.

AUTHORITY: § 206.001 to 206.705 issued under sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276.

VIBRATION

§ 206.001 *Vibration pickups.* (a) This applies to the calibration of displacement, velocity, and acceleration types of vibration pickups weighing up to 2 pounds.

(b) In the case of piezoelectric acceleration pickup, the preamplifier, the power supply if other than batteries, and the connecting cables should accompany the pickup.

(c) For each calibration point in excess of the number specified in the following items, an additional fee equal to the average fee per point is charged.

Item	Description	Fee
206.001a	Static calibration on a tilting support in the earth's gravitational field for accelerations up to 1g, the acceleration of gravity, with an error not greater than 0.004g. Calibration for 10 different applied accelerations	$66.00
206.001b	Static calibration on a centrifuge at 3 different applied accelerations up to 10g for not more than two orientations with an estimated error not greater than 1 percent of the applied acceleration. (6 calibration points)	40.00
206.001c	Dynamic calibration in the frequency range from 15 cps to 2000 cps at accelerations up to 10g. The pickup is subjected to sinusoidal motion on an electrodynamic vibration standard previously calibrated by the reciprocity method. The estimated errors of the applied accelerations do not exceed 1 percent for frequencies up to 900 cps and 2 percent above 900 cps. The magnitude and phase angle of the calibration factor are determined unless a pickup is calibrated with a vibration indicator or recorder as a unit. In such cases only the indicated displacements, velocities and accelerations together with the corresponding applied displacements, velocities and accelerations are given. Calibration for 3 different accelerations at 10 different frequencies (30 calibration points)	200.00
206.001s	For special tests not covered by the above schedule, such as dynamic calibrations of pickups weighing more than 2 pounds, calibrations of small light-weight piezoelectric ceramic pickups over an extended frequency range up to 20,000 cps or calibrations at higher accelerations, fees will be charged dependent on the nature of the test.	

SOUND

§ 206.101 *Acoustic measurements.*

Item	Description	Fee
206.101a	Sound absorption coefficient, obtained by reverberation room method, using 72 square feet of material at frequencies of 125, 250, 500, 1000, 2000, and 4000 cycles per second	$315.00
206.101b	Sound transmission loss, wall panel, 71" x 88½", at frequencies of 125, 175, 250, 350, 500, 700, 1000, 2000, and 4000 cycles per second	305.00
206.101c	Sound transmission loss, floor panel, 71" x 88½" at frequencies of 125, 175, 250, 350, 500, 700, 1000, 2000, and 4000 cycles per second, plus impact sound transmission	395.00
206.101d	Pressure calibration of Western Electric Co. type 640AA condenser microphone over frequency range of 50 to 10,000 cycles per second	190.00
206.101e	Free field calibration of microphones and sound level meters, 50 to 10,000 cycles per second, at discrete frequencies, single orientation of microphone	310.00
206.101f	Calibration of earphones: applied voltage response as prescribed in the American Standards Association Specification Z24.9-1949, at not more than 20 frequencies between 100 and 10,000 cycles per second	230.00
206.101g	Measurement of the overall sound level generated in normal operation by fans, shrens, etc	130.00
206.101h	Sound absorption coefficient by impedance tube method at 500 cycles per second in the laboratory on acoustical tiles, 1' x 1'	83.00
206.1011	Calibration of Pure Tone Audiometers for screening purposes at 9 fixed frequencies	460.00
206.101s	For special tests not covered by the above schedule, fees will be charged dependent on the nature of the test.	

Note on item (a): In the case of tests on acoustic plasters, any construction work done by the Bureau is charged to the sponsor in addition to the fee given above.

Note on items (b) and (c): The construction of the sample is the responsibility of the sponsor of the test.

MECHANICAL INSTRUMENTS

§ 206.201 *Pressure gages.*

Item	Description	Fee
	Pressure gages, mechanical type ("precision" or "laboratory test" gages with a rated accuracy within ¾% or better) suitable for use as secondary standards. Calibration test at room temperature, up to 10 test points:	
206.201a	Gage range, suction up to 30 inches of mercury, or pressure up to 50 pounds per square inch	$63.00
206.201b	Gage range up to 20,000 pounds per square inch but not less than 50 pounds per square inch	50.00
206.201c	Oxygen or other gages for which oil cannot be used as a pressure fluid, range up to 5,000 pounds per square inch but not less than 100 pounds per square inch	60.00
206.201d	For each additional test point (a), (b), and (c)	2.00
206.201e	Dead weight gages, range to 20,000 pounds per square inch. Calibration against pressure standard (up to 5 test points)	205.00
	In this test, determination of the effective area of the piston requires calibration of the weights. Additional fee is given under 206.608.	
206.201z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 206.202 *Mercurial barometers.*

Item	Description	Fee
206.202a	Barometers, range 28 to 31 inches of mercury, tube bore 0.6 inch or greater, calibration at 25° C	$145.00
206.202b	Barometers, range 0-31 inches of mercury, requiring a program of degassing and leakage tests, calibration test at 25° C, 10 test points	290.00
206.202c	For each additional test point	10.00
206.202d	Preparation of the instrument for test, time in excess of 8 hours	[1] 7.00
206.202z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

[1] Per hour.

§ 206.203 *Precision aneroid barometers, barographs, altimeters and altigraphs.*

Item	Description	Fee
206.203a	Precision aneroid barometers or altimeters suitable as secondary standards. Calibration test at room temperature (25° C) including hysteresis and aftereffect test, 10 test points	$115.00
206.203b	Each additional test point	2.00
206.203c	Determination of flight duration and intermediate landing from barograph indications, with no determination of altitude	70.00
206.203d	Item (c) including pressure—altitude indications at 25° C at specified points from barograph indications	140.00
206.203e	Maximum altitude determination from air pressure and air temperature measurements, including all necessary calibrations of instruments. Work to be charged at cost.	
206.203f	Maximum altitude determination from flight history test of barograph only	140.00
206.203g	Altitude determination in airplane speed trials. Work to be charged at cost.	
206.203s	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

AERODYNAMICS

§ 206.301 *Aerodynamical measurements.*

Item	Description	Fee
206.301a	Wind speed indicators—calibration of cup, vane and thermal type anemometers, pitot tubes and venturi tubes at wind speeds within the range 2 to 90 miles per hour or (optional) 10 to 170 miles per hour.	$65.00
206.301z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

ENGINEERING MECHANICS

§ 206.401 *Hardness tests.*

Item	Description	Fee
206.401a	Determination of Brinell number of a block to be used for calibration purposes, 3 separate indentations on each specimen	$31.00

§ 206.402 *Calibration of elastic load measuring devices other than proving rings.*

Item	Description	Fee
	These fees apply to calibration for 10 different loads. For each test load in excess of 10 an additional fee equal to one-tenth of the applicable fee for calibration is charged.	
	Capacity not exceeding 10,000 pounds:	
206.402a	Compression	$50.00
206.402b	Tension	52.00
	Capacity exceeding 10,000 pounds but not exceeding 111,000 pounds:	
206.402c	Compression	62.00
206.402d	Tension	84.00
	Capacity exceeding 111,000 pounds but not exceeding 200,000 pounds:	
206.402e	Compression	180.00
	Capacity exceeding 200,000 pounds but not exceeding 300,000 pounds:	
206.402f	Compression	215.00

§ 206.403 *Special mechanical tests of devices, materials and structures.*

Item	Description	Fee
	These fees apply to all mechanical tests of devices, materials and structures performed in the Mechanics Division not covered by other fee schedules.	
	The charge for special mechanical tests is made on the basis of the hours of service furnished by members of the staff.	
	Where the tests require travel outside the limits of 15 miles from the District of Columbia, transportation and subsistence charges will be added to the service charge: The time shall be computed as the number of official working hours from the time the members of the staff leave the National Bureau of Standards until they return to it plus any overtime spent on the tests.	
206.403a	Service of a member of the staff of grade GS-9, or any higher grade, per hour	$9.50
206.403b	Service of a member of the staff of grades below GS-9, per hour	5.50

§ 206.404 *Calibration of proving rings.*

Item	Description	Fee
	These fees apply to calibration for 10 different loads for compression or tension.	
	For each load in excess of this number and additional fee equal to one-tenth of the applicable fee for complete calibration or recalibration is charged.	
	Fee for complete calibration apply to the following proving rings:	
	1. Rings submitted for initial calibration.	
	2. Rings not certified at their last calibrations.	
	3. Rings not certified since April 4, 1934.	
	4. Rings which have been repaired or modified since their last calibration.	
	Fees for recalibration apply to rings which received certificates at the times of their last calibration, provided that such calibrations have been made since April 4, 1934, and provided that the rings have not been repaired or modified since their last calibrations.	
	Complete calibration of proving rings, capacity not exceeding 10,000 pounds:	
206.404a	Compression	$96
206.404b	Tension and compression	165
	Recalibration of proving rings, capacity not exceeding 10,000 pounds:	
206.404c	Compression	76
206.404d	Tension and compression	125
	Complete calibration of proving rings, capacity exceeding 10,000 pounds but not exceeding 111,000 pounds:	
206.404e	Compression	115
206.404f	Tension and compression	200
	Recalibration of proving rings, capacity exceeding 10,000 pounds but not exceeding 111,000 pounds:	
206.404g	Compression	80
206.404h	Tension and compression	160
	Complete calibration of proving rings, capacity exceeding 111,000 pounds but not exceeding 200,000 pounds:	
206.404i	Compression	285
	Recalibration of proving rings, capacity exceeding 111,000 pounds but not exceeding 200,000 pounds:	
206.404j	Compression	205
	Complete calibration of proving rings, capacity exceeding 200,000 pounds but not exceeding 300,000 pounds:	
206.404k	Compression	340
	Recalibration of proving rings, capacity exceeding 200,000 pounds but not exceeding 300,000 pounds:	
206.404l	Compression	260

§ 206.405 *Knoop indenter tests.*

Item	Description	Fee
206.405a	Measurement of mounting, included longitudinal edge angle, included transverse edge angle and half angles	$25.00
206.405b	Inspection of edges for nicks, offset at the point and application of proof load	35.00

MASS

§206.600 *General.* (a) The National Bureau of Standards tests and certifies the values of weights submitted, but it does not manufacture or sell weights. Weights used in ordinary commercial transactions should be tested by the local or State weights and measures officials. They are accepted for test by this Bureau only in exceptional circumstances.

(b) Weights may be submitted for test by the supplier or by the owner. When the purchaser of weights intends that they be tested by the Bureau, the purchaser should specify as a requirement in his purchase order that the weights conform to the current National Bureau of Standards specifications for the desired class. Such weights may be shipped to the Bureau directly from the factory or warehouse and can be forwarded by the Bureau to the purchaser.

(c) Application for test:

(1) Written requests should be made for all tests, even when the weights are delivered in person or by messenger. The request may be in the form of a purchase order, or a letter provided it is signed by an individual authorized to obligate funds. If a supplier submits weights for a customer he should clearly identify the weights and arrange for the purchaser to submit the request for calibration. A request authorizing payment must be received by the Bureau before the work can be started.

(2) The request should state the class under which the weights are to be tested, the nature of the test desired, and any other information necessary for their proper test. If weights have already been used as standards in exacting work, and it is important to know what their corrections were at the close of such work, this fact should be stated; otherwise, weights are carefully cleaned before being tested.

(3) Sufficient information should also be given to enable the Bureau to identify the material upon arrival. (See shipping instructions.)

(d) Packing:

(1) The weights must be carefully packed in boxes that can be used in returning them. The weights, if shipped in their regular cases, should be tightly packed in their pockets by the use of extra material of some sort.

(2) In wrapping the better grades of weights when they are not shipped in cases containing pockets, some soft but firm material should be used next to the weight and bound tightly against it to avoid the possibility of abrasion. If tissue paper is used, many thicknesses of it should be firmly wrapped on, and this should then be covered with thicker, tougher material such as cotton packing or knit goods. The whole should then be wrapped securely in wrapping paper in order to exclude the dust and grit from rough packing in which the boxes or bundles are generally packed for shipment.

(3) In many cases the sheet-metal weights that are packed under the glass covers of the regular cases reach the Bureau bent or otherwise damaged. For this reason greater care should be given to the packing of these weights. Sufficient extra packing should be used to hold the glass cover firmly in place.

(4) Many of the laboratory weight cases now in service are not designed to retain the weights in the pockets during shipment. Also, shipments of weights are sometimes subjected to exceptionally rough handling. It is strongly recommended that weights larger than about 200g be shipped separate from the laboratory storage cases, and that they be packed for shipment as described above.

(e) Shipping and identification:

(1) Shipping charges to the Bureau must be prepaid. Return shipments are regularly made by express, collect, to other than Federal agencies. Government bills of lading, when required for return shipment, should be included with the original request.

(2) If a test number has been assigned prior to the shipment, this number should appear on the shipping container. If a test number has not been assigned at this time, a packing list, purchase order or letter should accompany the shipment for identification purposes.

(3) All packages should bear the shipper's name and address, a list of the contents, and any other marks that may be necessary to insure ready identification. The inner wrappings of each package should bear the denominations of the weight or weights inclosed.

(4) Articles to be tested should be directed to the "National Bureau of Standards, Washington 25, D. C." If wooden shipping cases are used the return or forwarding address should be on the underside of the cover.

(f) Nature of tests available:

(1) Calibrations and tolerance tests are available, as listed below.

(2) A "calibration" includes inspection, the tests necessary for determination of the values within the accuracy stated, measurements with more than one standard, with more than the minimum number of observations and with some mathematical treatment of the results. Weights submitted under classes A, B, J, M, S, and non-metric S–1 are intended for calibration.

(3) A tolerance test includes the individual measurement of each weight with a standard, and such additional measurements of groups as necessary to prove the accuracy of the values.

(4) Weights shall be inspected with respect to packaging, sealing and marking of package, marking and construction of case, construction of lifters, and the marking, surface, design, and corrosion resistance of the weights. Special attention is given to inspection for faulty or objectionable features of design, construction, or material such as rough or ragged edges, dirty or contaminated adjusting cavities, and variable adjusting material. When the presence of unsatisfactory features necessitates extensive examination or cleaning such work is described under schedule 206.609 and an appropriate fee charged to cover the cost.

(5) Weights that are found to be satisfactory for their purpose are tested with respect to determination of value, humidity variation, density, magnetic properties, surface discoloration on boiling, corrosion resistance, and accuracy of adjustment, as appropriate for the class and construction of the weights.

(6) In general, work will be discontinued when a substantial number of items in a lot fail to comply with a specification or are found to be unsuitable for use as standards. The sorting of acceptable items from lots not properly graded for certification cannot be undertaken.

(g) Certificates and reports:

(1) When weights conform to the requirements of one of the classes specified herein, or to other established standards recognized by the National Bureau of Standards, a "certificate" will be issued.

(2) When weights do not conform to all of the requirements of the class under which they have been submitted, they may still be accepted for calibration provided the failure to conform does not interfere with the proposed use of the weights. For weights intended for classes, J, M, S, and non-metric S–1, the report will list the actual values of the weights, provided the construction of the weights justifies this. In addition, the report will state in what manner the weights fail to meet the requirements.

(h) Identification of weights tested by the Bureau:

(1) When certified weights are shipped from the Bureau, either the inner wrappings or the shipping case will be sealed, and bear the Bureau's test number, together with any other numbers or letters that may be necessary for identification.

§ 206.601 *Class A weights (State reference standards).* (a) Class A weights are designed for use as reference standards and bear the seal of the National Bureau of Standards as a means of identification. Class A weights are particularly suited for use by State weights and measures offices or whenever it is desirable to establish values of mass standards on a legal basis.

(b) New Class A weights are given a three-month test for constancy. Values are accurate within 5 parts in 10^6 for weights of 10 g, 0.3 oz, or 155 grains, or larger; within 0.03 mg for weights below 10 g or 155 grains to 1 g or 15 grains, and within 0.003 mg for weights below 1 g or 15 grains.

(c) Class A weights which have previously received the constancy test will be recalibrated under the schedule for Class B weights.

Item	Description	Fee
	New Class A standards, or sets or groups containing such standards. Inspecting, cleaning, handling, etc. (but not including the calibration):	
206.601a	For a single weight not greater than 50 pounds or 25 kg	$22.00
206.601b	For each set or group of weights submitted as a unit, when the largest weight is not greater than 2 pounds or 1 kg	26.00
206.601c	For each set or group of weights submitted as a unit, when the largest weight is not greater than 20 pounds or 1 kg	44.00
206.601d	For each set or group of weights submitted as a unit, when the largest weight is not greater than 50 pounds or 25 kg but is greater than 20 pounds or 10 kg	87.00
	NOTE: To the appropriate item above there will be added, in the case of a full regular test, an amount computed from one or more of the following items—the item or items used depending on the size of the weights. For weights given the complete inspection, cleaning, etc., but not calibrated on account of defects discovered or for some other cause, the fee is only the appropriate one of the items above.	
	Calibration and constancy test, certifying or reporting the value of each weight:	
206.601e	For each weight not greater than 2 pounds or 1 kg	11.00
206.601f	For each weight not greater than 20 pounds or 10 kg but greater than 2 pounds or 1 kg	12.00
206.601g	For each weight not greater than 50 pounds or 25 kg but greater than 20 pounds or 10 kg	14.00

§ 206.602 *Class B weights (State working standards).* (a) Class B weights are designed for frequent use as office working standards, such as in the checking and adjusting of test weights, and bear the seal of the National Bureau of Standards as a means of identification. Class B weights are particularly suited for use by State weights and measures offices or whenever it is to establish values of mass standards on a legal basis.

(b) Values are determined to the same accuracy as listed under Class A. Class A weights which have previously received the constancy test will be recalibrated under the schedule for Class B.

Item	Description	Fee
	Inspecting, cleaning, handling, etc., (but not including the calibration):	
206.602a	For a single weight up to 50 pounds or 25 kg	$11.00
206.602b	For each set or group of weights submitted as a unit, when the largest weight is not greater than 2 pounds or 1 kg	11.00
206.602c	For each set or group of weights submitted as a unit, when the largest weight is not greater than 20 pounds or 10 kg but is greater than 2 pounds or 1 kg	15.00
206.602d	For each set or group of weights submitted as a unit, when the largest weight is not greater than 50 pounds or 25 kg but is greater than 20 pounds or 10 kg	16.00
	NOTE: To the appropriate item above there will be added, in the case of a full regular test, an amount computed from one or more of the following items—the item or items used depending on the size of the weights. For weights given the complete inspection, cleaning, etc., but not calibrated on account of defects discovered, or for some other cause, the fee is only the appropriate one of the items above.	
	Calibrating and certifying or reporting the correction for each weight:	
206.602e	For each weight that is not greater than 2 pounds or 1 kg	7.00
206.602f	For each weight not greater than 20 pounds or 10 kg but greater than 2 pounds or 1 kg	8.00
206.602g	For each weight not greater than 50 pounds or 25 kg but greater than 20 pounds or 10 kg	10.00

§ 206.603 *Tolerance testing.* (a) Weights of Class C, Class S–1 metric, and Classes P, Q, and T are tested for accuracy within the appropriate tolerances.

(b) The readjustment of inaccurate weights is done at the option of the Bureau. When only a few weights in a set need to be adjusted this ordinarily will be done by the Bureau. Weights which are variable enough to require readjustment are examined for any obvious source of variability. When a considerable amount of work is required the Bureau may require that the reconditioning be done elsewhere.

Item	Description	Fee
	Inspecting, cleaning, handling, etc., (but not including test for accuracy):	
206.603a	For a single weight not greater than 50 pounds or 25 kg. (Does not apply to cast-iron 50 pound or 25 kg weights). See schedule 206.620.	$15.00
206.603b	For each set or group of weights submitted as a unit, when the largest weight is not greater than 2 pounds or 1 kg	15.00
206.603c	For each set or group of weights submitted as a unit, when the largest weight is not greater than 20 pounds or 10 kg but is greater than 2 pounds or 1 kg	17.00
206.603d	For each set or group of weights submitted as a unit, when the largest weight is not greater than 50 pounds or 25 kg but is greater than 20 pounds or 10 kg	$20.00
	NOTE: To the appropriate item above there will be added, in the case of a full regular test, an amount computed from one or more of the following items—the item or items used depending on the size of the weights. For weights given the complete inspection, cleaning, etc., but not tested for accuracy, on account of defects discovered or from some other cause, the fee is only the appropriate one of the items above.	
	Testing for accuracy, sealing and certifying or reporting that the weight is within the specified tolerance:	
206.603e	For each weight not greater than 2 pounds or 1 kg	2.50
206.603f	For each weight not greater than 20 pounds or 10 kg but greater than 2 pounds or 1 kg	3.00
206.603g	For each weight that is greater than 20 pounds or 10 kg but not greater than 50 pounds or 25 kg	3.50
206.603h	Readjusting a weight within tolerances, including the final test for accuracy (optional with NBS)	5.50

§ 206.605 *Class J weights (microbalance weights).* (a) Class J weights are designed primarily as standards for the calibration of weighing equipment used in the precise determination of very small masses.

(b) The value for each weight is given to the accuracy indicated in the schedule.

Item	Description	Fee
206.605a	As a part of the calibration of a group of microbalance weights, in order to minimize errors from variation of surface films, accumulation of atmospheric dust, etc., it is necessary that a group of our standards be calibrated based on 1 g standards with accuracy of 0.0002 mg below 100 mg, each time a group of microbalance weights is calibrated. If the microbalance weights are of a series which can be included in this group of observations; that is, if they are of a 5, 2, 2, 1 series, a 3, 3, 2, 1 series, or other convenient series, they will be included in the calibration of our standards and certified with an accuracy of approximately 0.0002 mg. For regular inspection, cleaning, handling, and the above calibration, each group charge will be made according to time and expense involved.	
206.605b	Determination of value for weights which are not of a series that can be intercompared and conveniently included in the above series of observations on our standards. For the calibration of each weight with an accuracy of approximately 0.0003 mg, charges will be made according to time and expense involved.	

§ 206.606 *Class M weights (high-precision scientific standards).* (a) Class M weights are one-piece weights designed for use as reference standards, for work of the highest precision, and for use in investigations demanding a high degree of constancy over a period of time. Class M weights may be used without applying individual corrections for most semi-micro work.

(b) Values are accurate within 1 in 10^6 for weights from 10 g and above; within 0.01 mg for weights from 10 g to 1 g; and within 0.001 mg for weights below 1 g.

(c) Class M weights may also be calibrated to the same precision as Class S, in which case the fees listed under that class will apply.

(d) Additional fees computed from the items below will be charged for weights submitted separately as replacements.

(e) When appropriate, the actual cost of tests that are interrupted because of unacceptable weights shall be charged under schedule 206.609.

Item	Description	Fee
	Calibration when volumes have not been previously determined:	
206.606a	For sets 100 g to 1 mg, or sets included in this range	$210.00
206.606b	For sets 100 g to 1 g, or sets included in this range	125.00
206.606c	For individual weights—100 g to 1 g	17.00
206.606d	For individual weights greater than 100 g but not greater than 2 kg	31.00
206.606e	For individual weights greater than 2 kg but not greater than 25 kg	44.00
	Calibration when volumes have been previously determined or when volume determinations are not a required part of the test:	
206.606f	For sets 100 g to 1 mg, or sets included in this range	150.00
206.606g	For sets 100 g to 1 g, or sets included in this range	74.00
206.606h	For sets 1 g to 1 mg, or sets included in this range	105.00
206.606i	For individual weights—100 g and smaller	10.00
206.606j	For individual weights greater than 100 g but not greater than 2 kg	21.00
206.606k	For individual weights greater than 2 kg but not greater than 25 kg	27.00

§ 206.607 *Class S and Class S–1 non-metric weights (scientific working standards and precise analytical weights).* (a) Class S and Class S–1 non-metric weights are designed as working standards for use in the calibration of other weights or as high precision analytical weights for use in the more precise weighings of the physical and chemical laboratories and in assay work.

(b) Values are accurate within 3 in 10^6 for weights of 10 g and above; within 0.03 mg for weights from 10 g to 1 g; and within 0.003 mg for weights below 1 g.

(c) For lacquered weights or for electroplated screw-knob weights schedule (i) is a required part of the test.

(d) Additional fees computed from the items below will be charged for weights submitted separately as replacements.

(e) When appropriate, the actual cost of additional tests in connection with defective or unsatisfactory weights shall be charged under schedule 206.609.

Item	Description	Fee
206.607a	For sets 100 g to 1 mg, or sets within this range, calibration	$75.00
206.607b	For sets 100 g to 50 mg, or sets within this range, calibration	61.00
206.607c	For sets 100 g to 1 g, or sets within this range, calibration	45.00
206.607d	For sets 1 g to 1 mg, or sets within this range, calibration	51.00
206.607e	For individual weights, 100 g or less, calibration	9.00
206.607f	For each individual weight greater than 100 g but not greater than 2 kg, calibration	9.50
206.607g	For each individual weight greater than 2 kg but not greater than 25 kg, calibration	11.00
206.607h	Readjustment of weights, in those cases in which more than 3 weights of a set are readjusted, for each weight, retest of readjusted weights—for weights below 1 g	4.50
206.6071	Test for constancy of a det of weights with variations in the relative humidity of the air. Required of plated screw-knob weights or lacquered weights which have not previously received this test. For each set, 100 g to 1 g, or for each group tested	$14.00
206.607j	Readjustment of weights, in those cases in which more than 3 weights of a set are readjusted, for each weight, including retest of readjusted weights, for weights 100 g to 1 g	7.00
206.607k	Readjustment of weights, in those cases in which more than 3 weights of a set are readjusted, for each weight, including retest of adjusted weights, for weights greater than 100 g but not greater than 2 kg	8.00
206.6071	Readjustment of weights, in those cases in which more than 3 weights of a set are readjusted, for each weight, including retest of adjusted weights, for weights greater than 2 kg but not greater than 25 kg	11.00

§ 206.608 *Weights for pressure gages.* (a) Weights for pressure gages are cleaned, marked with suitable designations, and tested to determine the actual value, with a precision which for weights of 1 pound and greater is about 1 part in 10,000.

(b) With pressure gages of unusually high precision, weights of some better class calibrated to higher precision may be required. A special fee may be charged in such instances under item 206.609z.

Item	Description	Fee
206.608a	Weights for pressure gages not greater than 0.2 pound	$4.50
206.608b	Weights for pressure gages greater than 0.2 pound but not greater than 10 pounds	5.00
206.608c	Weights for pressure gages greater than 10 pounds	5.50

§ 206.609 *Weights that do not conform to a recognized class.* (a) Schedule 206.609 applies for weights that do not conform to one of the accepted classifications. Any fee for special tests not described by the regular test fee items will be charged on the basis of actual time and expense involved.

§ 206.612 *Balance tests.* (a) A special fee based on actual time and cost will be charged for balance tests.

(b) Either the performance of some particular instrument, or the limitations of a particular model or design may be determined.

(c) Balance tests will include preliminary tests, tests for systematic environmental effects, and when practicable, a statistical estimate of the precision of the balance.

(d) Preliminary tests include general inspection, the determination of sensitivity, effect of inequality of the arms, period, and tests of quick weighing devices such as rider and rider notches, chain, or direct reading scale.

(e) Tests for systematic environmental effects include tests for response to change in relative humidity, effects of temperature gradients, and response to tilt.

(f) The precision of the statistical estimate of the ability of a balance to repeat its indications is generally limited by the presence of various systematic effects and usually is meaningful only when the effects of environment are relatively small.

SCALES

§ 206.620 *Test weights 50-pound and larger.* (a) 50-pound, cast iron, Class C.

(1) Arrangements for accepting and scheduling of tests under this fee schedule must be completed before shipment of items, and all correspondence must be addressed to the Scale Unit, Mass and Scale Section, National Bureau of Standards, Washington 25, D. C. Acceptance of all items submitted for test at the National Bureau of Standards Master Scale Depot in Chicago necessarily will be restricted to periods provided for in the schedule of intermittent operation of this station. (See note under item 206.620i.)

(2) Weights shall be clean, suitably protected and shipped in wooden boxes having screw-fastened covers; not more than five weights shall be contained in one box. Shipments from the West and Midwest shall be made to the National Bureau of Standards Master Scale Depot, 5800 West 69th Street, Chicago 38, Illinois. Shipment from the East may be made to the National Bureau of Standards, Connecticut Avenue and Van Ness Street NW., Washington 25, D. C.

(b) For certification as Class C weights, the following requirements must be met:

(1) The surfaces of the weights shall be reasonably smooth and free from any holes or other depressions in which foreign matter may accumulate.

(2) The surfaces of the weights shall have a suitable protective coating.

(3) Each weight shall have a single adjusting cavity opening on a side or on the top, but not on the bottom of the weight. The closure for the cavity must conform to Class C requirements (see Circular 3 of the National Bureau of Standards, entitled "Design and Test of Standards of Mass" available in State and technical libraries) and be sealed by a cap, as of lead or aluminum, upon which the impression of the National Bureau of Standards seal may be made.

(4) New or reconditioned weights of this type shall be accurate within the acceptance and adjustment of tolerance of ±10 grains. New weights found to be inaccurate will be adjusted upon request, provided new sealing caps are furnished. Reconditioned weights found to be inaccurate will be adjusted without special request, provided new sealing caps are available. Weights found to be in conformance with Class C requirements will be appropriately marked on the sealing caps with symbols including the letters "NBS" and figures showing the year in which the test was made. When weights conform to the requirements of the class specified herein, or to other established standards recognized by the National Bureau of Standards, a "certificate" will be issued; a "report" will be issued with

respect to each set of weights that fail to meet these requirements.

Item	Description	Fee
	Test weights, 50-lb, Class C, cast iron:	
206.620a	A fee of $1.15 per weight will be charged for each weight of a group submitted; the minimum handling charge shall be	$11.00
206.620b	For tolerance test when no adjustments are required, per weight	2.50
206.620c	For test, adjustment and retest, per weight	4.00
	Test weights, 51 to 1,000 pounds:	
206.620d	Test and, when adjustable, standardize within Class C adjustment tolerances	14.00
	Test weights, 1,001 to 2,500 pounds:	
206.620e	Testing and adjusting	15.00
	Weights of this grouping will be standardized to nominal values with precision of 0.01 lb.	
	NOTE: It is desirable that weights larger than 1,000 lb. be submitted to the National Bureau of Standards Master Scale Depot, 5800 West 69th Street, Chicago, Illinois. However, arrangements can be made for accepting such weights at the laboratory in Washington. In all instances all arrangements for tests must be completed prior to shipment, and all correspondence shall be addressed to the Mass and Scale Section, National Bureau of Standards, Washington 25, D. C.	
	Test weights, 2,501 to 10,000 pounds:	
206.620f	Evaluation only (precision 1/25,000)	15.00
206.620g	Evaluation only (precision 1/100,000)	19.00
	NOTE: On items f and g an additional charge will be made when adjustments are effected. (See item 206.620h.)	
206.620h	Adjustment and sealing, where an adjustment cavity with suitable closure is provided	3.50
	Cars, railway track scale testing:	
206.620i	Standardization on Master Track Scale at National Bureau of Standards Master Scale Depot, 5800 West 69th Street, Chicago, Illinois	14.00
	NOTE: Currently, the NBS Master Scale Depot is being operated on an intermittent schedule providing five approximately equally spaced weekly periods of activity each year in accordance with prearranged schedule published in the Scale Journal and mailed to organizations known to have requirements for services of this station.	
206.620s	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test..	

CAPACITY, DENSITY, AND FLUID METERS

§ 206.701 *Volumetric apparatus.*

Item	Description	Fee
206.701a	Flasks of capacities up to and including 250 ml; testing and stamping each flask	$3.00
206.701b	Flasks of capacities exceeding 250 ml; testing and stamping each flask	4.00
206.701c	Flasks: when marked and calibrated both "to contain" and "to deliver", each flask	5.50
206.701d	Flasks of any capacity, when bearing more than one capacity mark; calibration of the primary capacity	3.50
206.701e	Flasks of any capacity bearing more than one capacity mark; calibration of each additional capacity, in addition to the primary capacity	1.50
206.701f	Spirits measuring flasks—testing and certifying three capacities	11.00
206.701g	Spirits measuring flasks—testing capacities in excess of the 3 covered by item (f) above	3.00
206.701h	Flasks, specific gravity—testing at four capacities and stamping, each flask	7.50
206.701i	Cylindrical graduates, capacities up to and including 250 ml.—testing and stamping, each capacity tested	1.75
206.701j	Cylindrical graduates, capacities exceeding 250 ml.—testing and stamping, each capacity tested	2.50
206.701k	Transfer pipettes—testing and stamping, each	$2.50
206.701l	Pipettes calibrated to contain, testing and stamping, each capacity tested	3.00
	NOTE: When single capacity flasks and transfer pipettes are submitted in lots of 50 or more of the same size, and certificates or reports are not requested, a reduction of 10 percent of the above fee rates will be made.	
206.701m	Certificates of capacity for test items (a) to (l) inclusive, when requested, each	2.50
206.701n	Burettes—testing and certifying 5 intervals	13.00
206.701o	Burettes—testing capacity of each interval in excess of the 5 covered in item (n) above	1.25
206.701p	Automatic burettes—testing and reporting value of not more than 6 intervals	15.00
206.701q	Microsaccharimeters—testing and reporting values at 6 intervals	18.00
206.701r	Measuring pipettes—testing 5 intervals and stamping	8.00
	NOTE: When certificates or reports are requested for measuring pipettes, the fee will be the same as for a burette, item (206.701n).	
206.701s	Dilution pipettes, including Trenner automatic and Sahli pipettes—testing and stamping, each pipette	1.00
206.701t	Dilution pipettes, automatic (other than Trenner)—testing and stamping, each pipette	4.50
206.701u	Reports of capacities of dilution pipettes and Sahli pipettes	.75
206.701v	Apparatus intended for use at a temperature other than 20° C or 25° C, between 15° C and 30° C—testing, additional charge for each piece	1.50
206.701w	Apparatus if indicated capacity is in units other than milliliters—testing, additional charge for each piece	1.50
206.701x	Apparatus disqualified for test—preliminary examination, charge for each piece	1.00
206.701y	Missing identification numbers—for supplying, charge each number (small lots only)	1.25
206.701z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 206.702 *Metal capacity standards.*

Item	Description	Fee
206.702a	Half-bushel and 5-gallon slicker-plate measures (slicker plate type)—testing, marking, and certifying capacity, each	$22.00
206.702b	Slicker-plate measures of capacity less than ½ bushel and 5 gallons—testing, marking, and certifying capacity, each	17.00
206.702c	Cubic-foot bottles for use in testing gas meter provers—testing, sealing, and certifying capacity, each	37.00
206.702d	⅛s cubic-foot bottles for use in testing gas meters—testing, sealing, and certifying capacity, each	22.00
206.702e	5-gallon field standards (graduated neck type) testing, sealing, and certifying, each	22.00
206.702f	Field standards of capacity less than 5 gallons (graduated neck type)—testing, sealing, and certifying, each	17.00
206.702g	Field standards in excess of 5 gallons but less than 50 gallons capacity, calibrated to deliver—testing, sealing, and certifying, charge for first 10 gallons	22.00
206.702h	For each 5-gallon increment in excess of the first 10 gallons covered in item (g) above, but not exceeding seven 5-gallon increments	4.00
206.702i	Field standards of 50 gallons or more capacity, calibrated to deliver—testing, sealing, and certifying, for the first 50 gallons	39.00
206.702j	For each 50-gallon increment in excess of the first 50 gallons covered by item (i) above	6.50
	NOTE: When any of the above types of standards are calibrated on the basis of "to contain" and "to deliver", each determination will constitute a separate calibration, and a fee for each will be charged.	

Item	Description	Fee
206.702k	Calibration of field standards at more than one scale point, each additional point	$13.00
206.702l	Adjusting the zero index or gage scales on any of the above standards to give correct capacity	11.00
206.702m	Apparatus disqualified for test—preliminary examination, charge for each piece	6.00
206.702z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 206.703 *Hydrometers and thermohydrometers.*

Item	Description	Fee
206.703a	Hydrometers — general inspection, testing at 2 points, and marking, in lots of 10 or more of identical scale range and design	$8.00
206.703b	Hydrometers — general inspection, testing at 2 points, and marking, less than 10 of same scale range	10.50
206.703c	Thermohydrometers — hydrometer element alone, same as items (a) and (b) above.	
	NOTE: For calibration of the thermometer element, see schedule 203.101 "Laboratory Thermometers" for the fee.	
206.703d	Hydrometers—testing at more than 3 points, each point	3.00
206.703e	Hydrometers—certificate or report of corrections for all points tested	3.50
206.703f	Hydrometers—disqualified for calibration, preliminary examination	2.50
206.703z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 206.704 *Density of solids and liquids.*

Item	Description	Fee
206.704a	Density of solids—determination at room temperature, each	$21.00
206.704b	Density of liquids—determination at a specified temperature between 0° and 70° C, each	36.00
206.704c	Density of liquids—determination at 1 or more specified temperatures between 0° and 70° C, additional to item 206.704b, each	12.00
206.704d	Coefficient of thermal expansion of liquids—computed for the temperature range covered by determinations under 206.704b and c	6.00
206.704z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 206.705 *Fluid meters, including gas measuring instruments.*

Item	Description	Fee
206.705a	Portable cubic foot standards (Stillman type)—testing, adjusting, sealing, and certifying	$120.00
206.705b	Gas meter provers not exceeding 5 cubic feet capacity—testing and reporting	76.00
206.705c	Gas meter provers over 5 cubic feet capacity—calibrating and reporting each 5 cubic feet capacity additional to item 206.705b above	23.00
	NOTE on (b) and (c): Gas meter provers must be tested in the place of use; hence all travel expense and haulage of equipment will be in addition to the test fee and arranged for separately. This applies also to the tests of large meters and other special meters where the test work must be done away from the laboratory.	
206.705d	Laboratory wet gas meters—testing and reporting as received, at 1 rate	40.00
206.705o	Water current meters—rating of Hoff type at 10 or 11 velocities, and reporting results in both graphical and equation forms, for each propeller	37.00

Item	Description	Fee
206.705p	Water current meters—Ekman type, for each propeller submitted therewith; rating at not over 8 velocities and reporting results in both graphical and equation form	$75.00
206.705q	Water current meters—all types, for each velocity in excess of the eight covered by items 206.705n to p above	2.00
206.705r	Furnishing results of water current meter calibration in graphical form, or in equation form, when requested subsequent to completion of test	9.50
206.705s	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

R. D. HUNTOON,
Acting Director,
National Bureau of Standards.

Approved: September 17, 1958.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-7777; Filed, Sept. 24, 1958; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 3]

PART 728—WHEAT

SUBPART—WHEAT MARKETING QUOTA REGULATIONS FOR 1958 AND SUBSEQUENT CROP YEARS

UNTIMELY NOTICE OF MEASURED ACREAGE (1958 ONLY)

Basis and purpose. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and is issued for the purpose of providing a producer whose 1958 wheat acreage was not measured or who was not notified of the 1958 measured acreage in time to dispose of the excess acreage prior to completion of wheat harvest on the farm and whose acreage was slightly over the allotment or permitted acreage, with the same privilege relative to compliance as that afforded the producer who received an erroneous notice of measured acreage.

Since wheat harvest has been completed in most areas and producers who would fall into this category have already been or soon will be notified of a farm marketing excess which they are required by the existing regulations to satisfy within 60 days from the date harvest is normally substantially completed in the county, it is desirable that they be notified of the amendment herein as soon as possible. Accordingly, it is hereby found that compliance with the public notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment shall become effective upon the date of its publication in the FEDERAL REGISTER.

A new § 728.896 is added reading as follows:

§ 728.896 *Untimely notice of measured acreage (1958 only).* If it is determined that the 1958 wheat acreage on any farm is in excess of the larger of the wheat acreage allotment or the acreage permitted to be grown on the farm without liability for penalty under the provisions of § 728.890 or § 728.893, the wheat acreage on the farm shall not be deemed to be in excess of the 1958 wheat acreage allotment on the farm or the permitted acreage, whichever is applicable, if the county committee, with approval by the State administrative officer, determines that:

(a) Because of failure on the part of the county office and through no fault of the farm operator the wheat acreage on the farm was not measured or the farm operator was not notified of the measured acreage in time to dispose of the excess acreage prior to completion of wheat harvest on the farm; and

(b) Because of the relative smallness of the excess acreage the farm operator could not have been reasonably expected to know that the acreage was in excess; and

(c) The farm operator made a reasonable effort by measuring or otherwise to determine the amount of wheat acreage on his farm and to comply with the allotment or permitted acreage, whichever was applicable.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 335, 52 Stat. 54, 55 Stat. 203, sec. 374, 52 Stat. 65, as amended; 7 U. S. C. 1335, 1340, 1374)

Issued at Washington, D. C., this 19th day of September 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-7858; Filed, Sept. 24, 1958; 8:54 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.377]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

NONIMMIGRANT DOCUMENTARY WAIVERS

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended in the following respects:

1. § 41.6 is amended to read as follows:

§ 41.6 *Waivers of documentary requirements for nonimmigrants.* The provisions of section 212 (a) (26) of the act relating to the requirements of valid passports and visas for nonimmigrants are waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) of the act under the conditions specified for the following classes:

(a) *Canadian nationals and British subjects.* A visa shall not in any case be required of a Canadian national or British subject who has his residence in Canada or Bermuda, and a passport shall not be required of such a national or subject except after a visit outside of the Western Hemisphere. A visa shall not be required of a British subject who has his residence in and arrives directly from, the Cayman Islands and who presents a certificate from the Clerk of Court of the Cayman Islands stating what, if anything, the Court's criminal records show concerning such subject, and a certificate from the Office of Commissioner of the Cayman Islands stating what, if anything, its records show with respect to such subject's political associations or affiliations.

(b) *British, French and Netherlands nationals.* A visa shall not be required of a British, French or Netherlands national who has his residence in British, French or Netherlands territory, respectively, in the adjacent islands of the Caribbean area and who is proceeding to Puerto Rico or the Virgin Islands of the United States or who is proceeding to the United States as an agricultural worker.

(c) *Mexican nationals.* A visa and a passport shall not be required of a Mexican national who is a military or civilian official or employee of the Mexican national, state, or municipal government, or of a member of the family of any such official or employee; or is in possession of a border crossing card on Form I-186 and is applying for admission in accordance with the terms thereon and the provisions of § 41.20 and 8 CFR 212.6. A visa shall not be required of a Mexican national who is a crewman employed on an aircraft belonging to a Mexican company authorized to engage in commercial transportation into the United States; or is proceeding to the United States as an agricultural worker pursuant to Title V of the Agricultural Act of 1949, as amended.

(d) *Cuban nationals.* A visa and a passport shall not be required of a Cuban national who is an official of the Cuban immigration service; or is a crewman serving on board a Cuban military or naval aircraft. A visa shall not be required of a Cuban national who is a crewman employed on an aircraft belonging to a Cuban company authorized to engage in commercial transportation into the United States.

(e) *Direct transits—(1) Aliens in bonded transit.* A visa and a passport shall not be required of an alien, other than an alien who is a citizen of Albania, Bulgaria, Communist-controlled China ("Peoples Republic of China"), Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, North Korea ("Peoples Democratic Republic of Korea"), North Vietnam (Viet Minh), Poland, Rumania, the Soviet Zone of Germany ("German Democratic Republic"), or the Union of Soviet Socialist Republics, and resident of one of said countries, who is being transported in immediate and continuous transit through the United States in accordance with the terms of a contract, including a bonding agreement, entered into between the transportation line and the Attorney General under the provisions of section 238 (d) of the Act, to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country: *Provided,* That at all times such alien is not aboard an aircraft which is in flight through the United States he shall be in the custody of an officer of the United States or, if the Attorney General finds that such custody is not practicable, in such other custody as may be approved by the Attorney General.

(2) *Foreign government officials in transit.* If an alien is of the class described in section 212 (d) (8) of the Act only a valid unexpired visa and a travel document which is valid for entry into a foreign country for at least thirty days from the date of his application for admission into the United States shall be required.

(f) *Unforeseen emergency.* A visa and a passport shall not be required of a nonimmigrant who, either prior to his embarkation at a foreign port or place or at the time of arrival at a port of entry in the United States, satisfies the district director of the Immigration and Naturalization Service in charge of the port of entry, after consultation with and concurrence by the Director of the Visa Office of the Department of State, that, because of an unforeseen emergency, he was unable to obtain the required documents.

2. Sections 41.7 and 41.8, Chapter I, Title 22 of the Code of Federal Regulations, are hereby revoked.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulation contained therein involves foreign affairs functions of the United States.

Dated: September 17, 1958.

RODERIC L. O'CONNOR,
Administrator, Bureau of Security and Consular Affairs, Department of State.

Dated: September 15, 1958.

J. M. SWING,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

[F. R. Doc. 58-7834; Filed, Sept. 24, 1958; 8:49 a. m.]

[Dept. Reg. 108.376]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

MISCELLANEOUS AMENDMENTS

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is hereby amended in the following respect:

1. Paragraphs (b) and (c) of § 41.15 *Validity of nonimmigrant visa* are amended to read as follows:

(b) Except as is provided in paragraphs (c) and (d) of this section, every nonimmigrant visa shall be valid for a period of twelve (12) months, or for a period not exceeding forty-eight months in the case of an alien who is a national or stateless resident of a foreign country whose government issues visas to United States nationals of a similar class valid for an equivalent period or whose government does not require visas of United States nationals of a similar class visiting such country.

(c) A nonimmigrant visa may, in consideration of reciprocal treatment accorded nationals of the United States within a similar class by the government of the country of which the alien is a national or stateless resident, or for other valid reasons, be issued valid for (1) a period of validity which is less than the time specified in paragraph (b) of this section, (2) a limited number of applications for admission within the period of the validity of the visa, or (3) application for admission at a specified port or specified ports of entry in the United States.

2. Section 41.22 *Nonimmigrants exempted by law or treaty from the requirement of passports, visas, and border crossing identification cards* is amended by the addition of the following paragraph:

(f) All personnel employed either directly or indirectly on the construction, operation, or maintenance of works in the United States undertaken in accordance with the treaty concluded on February 3, 1944 between the United States and Mexico regarding the functions of the International Boundary and Water Commission, and entering the United States temporarily in connection with such employment.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: September 17, 1958.

RODERIC L. O'CONNER,
Bureau of Security and Consular Affairs.

[F. R. Doc. 58-7833; Filed, Sept. 24, 1958; 8:49 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NON-IMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

DOCUMENTARY REQUIREMENTS FOR NONIMMIGRANTS

Section 212.1 is amended to read as follows:

§ 212.1 *Documentary requirements for nonimmigrants.* A valid unexpired visa and an unexpired passport, valid for the period set forth in section 212 (a) (26) of the Act, shall be presented by each arriving nonimmigrant alien except as otherwise provided in the Act, this chapter, and for the following classes:

(a) *Canadian nationals and British subjects.* A visa is not required of a Canadian national or British subject who has his residence in Canada or Bermuda, and a passport is not required of such a national or subject after a visit solely in the Western Hemisphere. A visa is not required of a British subject who has his residence in, and arrives directly from, the Cayman Islands, and who presents a certificate from the clerk of court of the Cayman Islands stating what, if anything, the court's criminal records show concerning him, and a certificate from the Office of Commissioner of the Cayman Islands stating what, if anything, its records show with respect to his political associations or affiliations.

(b) *British, French, and Netherlands nationals.* A visa is not required of a British, French, or Netherlands national who has his residence in British, French, or Netherlands territory, respectively, in the adjacent islands of the Caribbean area, for admission or stay in Puerto Rico, the Virgin Islands of the United States, or as an agricultural worker in the United States.

(c) *Mexican nationals.* A visa and a passport are not required of a Mexican national who is a military or civilian official or employee of the Mexican national, state, or municipal government, or of a member of the family of any such official or employee; or is in possession of a border crossing card on Form I-186 and is applying for admission in accordance with the terms thereon and the provisions of § 212.6. A visa is not required of a Mexican national who is a crewman employed on an aircraft belonging to a Mexican company authorized to engage in commercial transportation into the United States, or is an alien embraced within the provisions of § 214.2 (k) of this chapter.

(d) *Cuban nationals.* A visa and a passport are not required of a Cuban national who is an official of the Cuban immigration service, or is a crewman serving on board a Cuban military or naval aircraft. A visa is not required of a Cuban national who is a crewman employed on an aircraft belonging to a Cuban company authorized to engage in commercial transportation into the United States.

(e) *Direct transits.* A visa and a passport are not required of an alien embraced within the provisions of § 214.2 (c) of this chapter. If an alien is of the class described in section 212 (d) (8) of the act, only a valid unexpired visa and a travel document valid for entry into a foreign country for at least 30 days from the date of admission to the United States are required.

(f) *Unforeseen emergency.* A visa and a passport are not required of a nonimmigrant who, either prior to his embarkation at a foreign port or place or at the time of arrival at a port of entry in the United States, satisfies the district director at the port of entry (after consultation with and concur-

rence by the Director of the Visa Office of the Department of State) that, because of an unforeseen emergency, he was unable to obtain the required documents, in which case a waiver application shall be made on Form I–193.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the requirements of section 4 (c) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is unnecessary and would serve no useful purpose in this instance because the persons affected by the regulations prescribed will not require additional time to prepare for the effective date of the regulations.

Dated: September 22, 1958.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 58–7835; Filed, Sept. 24, 1958; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952

APPLICATIONS; APPROVAL

In § 21.2031 (a), a new subparagraph (4–a) is added to read as follows:

§ 21.2031 *Applications; approval*—(a) *Application.* • • •

(4–a) An application for a flight training program must be accompanied by a second-class medical certificate issued by a medical examiner approved by the Civil Aeronautics Administration.

(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210. Interpret or apply secs. 201–274, 66 Stat. 663–682, as amended; 38 U. S. C. 911–984)

This regulation is effective September 25, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58–7812; Filed, Sept. 24, 1958; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter C—Military Personnel

PART 56—MEDICAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments to this Part 56 have been authorized by the Secretary of Defense and the Secretary of Health, Education, and Welfare:

1. Section 56.5–1 has been revised to read as follows:

§ 56.5–1 *Eligibility for civilian medical care.* Under the provisions of this section, wives, dependent husbands and children who are dependents of members of the uniformed services are eligible to receive at Government expense specified medical or dental care from civilian sources.

2. Section 56.5–3 (d) (1) (i) has been amended by deleting the second sentence; § 56.5–3 (d) (1) (i), as amended, now reads as follows:

(i) The payment of physicians' fees according to the local schedules of allowances, including those of necessary consultants, for treatment of medical and surgical conditions during a period of hospitalization is authorized.

3. Section 56.5–3 (d) (2) (ii) has been amended to read as follows:

(ii) Where a consultant's services are required for proper care and treatment of the patient, such care is authorized.

4. New § 56.5–3 (e) has been added to read as follows:

(e) *Supporting services.* Wherever the attending physician authorizes the services of a physical therapist or of an anesthetist who is other than a physician in rendering authorized care to an eligible dependent, and certifies as to the necessity therefor, the services may be paid for hereunder.

5. Section 56.5–6 (b) (3) has been amended by adding a clause; § 56.5–6 (b) (3), as amended, now reads as follows:

(3) Twenty-five percent (25%) of the difference between private room charges and weighted average cost of semi-private room charges, when private room charges are more costly.

NOTE: For hospitals having only private rooms, the term "weighted average cost of semi-private room charges" is defined as 90 percent of the daily hospital charges for the room furnished the dependent or $15.00 per day, whichever is lesser.

6. Section 56.5–6 (c) (3) has been amended by adding a clause; § 56.5–6 (c) (3), as amended, now reads as follows:

(3) The difference between private room charges and weighted average cost of semi-private room charges, when private room charges are more costly.

7. Section 56.5–7 (b) (1) (iv) has been amended to read as follows:

(iv) Adequate procedures for paying claims for authorized care provided to eligible dependents by physicians, treatment facilities, dentists, private-duty nurses, physical therapists and anesthetists.

NOTE: Claims may be paid under a contract or by appropriate arrangements such as direct billings between the Government and claimants. Detailed procedures may be covered in the Joint Regulations or in contracts.

8. Section 56.5–8 has been amended by rewording the first sentence; § 56.5–8, as amended, now reads:

§ 56.5–8 *Hospitalization beyond period of 365 days.* When a spouse or child, who is a dependant, requires a period of hospitalization in excess of 365 days, the hospital shall notify the contractor who shall forward a copy of this notification to the Executive Agent or his representative. This notification normally will be submitted not later than 300 days after admission of the patient. Advance notice will permit arrangements to be made for proper transfer of the patient to a hospital of the uniformed service if this is determined to be feasible. If such a transfer is made, it will be accomplished at Government expense. When transfer is not feasible, continuation of care in the civilian hospital at the expense of the Government may be authorized subject to the joint regulations.

(Secs. 101–103, 201–204, 301–305, 70 Stat. 250–254; 37 U. S. C. 401–403, 411–414, 421–423, 404–405)

MAURICE W. ROCHE,
Administrative Secretary.

Approved: August 29, 1958.

FRANK B. BERRY,
Assistant Secretary of Defense (Health and Medical).

Approved: August 28, 1958.

ARTHUR A. FLEMMING,
Secretary of Health, Education, and Welfare.

SEPTEMBER 22, 1958.

[F. R. Doc. 58–7838; Filed, Sept. 24, 1958; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 27—FEDERAL GOVERNMENT MAIL AND FREE MAIL

MISCELLANEOUS AMENDMENTS

a. In § 27.1 *Members of Congress,* make the following changes:

1. In paragraph (a) insert "Sergeant at Arms of the Senate" after "Secretary of the Senate".

2. In paragraph (c) make the following changes in the table:

(a) As to persons authorized to frank Public documents (first column, first item), insert "Sergeant at Arms of the Senate and" after "Secretary of the Senate".

(b) Add to the list of persons authorized to mail official correspondence (first column, fourth item) the Secretary of the Senate and the Sergeant at Arms of the Senate.

(c) As to marking required (third column, third and fourth items), delete the words "word Free and the".

(d) Add the following to the fourth item of the fourth column: "When the position of Secretary of the Senate or Sergeant at Arms of the Senate is vacant privilege may be exercised in officer's name by authorized person.

3. In paragraph (d) (1) insert the following immediately after the word "Congress": "the Secretary of the Senate and Sergeant at Arms of the Senate,".

b. In § 27.5 *Free mail,* amend subparagraph (2) of paragraph (a) to read as follows:

(2) *Consular mail.* The official correspondence (written or printed) exchanged between consulates (consuls and vice consuls) of the countries of the Postal Union of the Americas and Spain stationed in the United States, and correspondence directed by those consulates to the Government of the United States or their respective embassies or legations or to officials of State or local governments may be transmitted in the domestic mails free of postage. Such correspondence may not exceed 4 pounds in weight. The envelopes, labels, etc. covering correspondence of consulates must show over the words Official Correspondence, in the upper left corner of the address side, the name and address of the consul or consulate, and the name of the country represented; and, in the upper right corner, the inscription Consular Mail over the word Free. These inscriptions may be handwritten, handstamped, or printed.

NOTE: The corresponding Postal Manual sections are 137.11, .13, .14a, and .512.

(R. S. 161, 396, as amended; sec. 85, 28 Stat. 622, as amended, sec. 7, 33 Stat. 441, as amended, sec. 2, 67 Stat. 614, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 326, 327, 3210)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58–7829; Filed, Sept. 24, 1958; 8:48 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 58–35]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

U. S. MARITIME ADMINISTRATION'S RADAR SCHOOL

Pursuant to the authority in R. S. 4405, as amended, and 4462, as amended (46 U. S. C. 375, 416), and the regulations in 46 CFR 10.05–46 with respect to "radar observers," an inspection of the U. S. Maritime Administration's Radar School at New York, New York, was made after receipt of a letter dated June 17, 1958, requesting acceptance of a certificate of successful completion of the course of instruction at the Maritime Administration's Radar School as evidence of qualification as a "radar observer" without further examination as specifically provided in 46 CFR 10.05–46 (d), published in the FEDERAL REGISTER of May 21, 1958 (23 F.R. 3448). This inspection has been concluded at the New York Radar School with favorable results.

Therefore, the U. S. Maritime Administration's Radar School at New York, New York, is approved and Coast Guard Marine Inspection Offices conducting license examinations may recognize any applicant's certificate attesting to successful completion of this Radar School as acceptable evidence of the holder's qualifications as "radar observer" without taking the examination specified in 46 CFR 10.05–46 (b). This approval shall be effective for all certificates issued by such Radar School from the date of its inception and will continue in effect until this approval is suspended, canceled, or modified by proper authority and notice thereof is published in the FEDERAL REGISTER.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Dated: September 16, 1958.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 58–7836; Filed, Sept. 24, 1958; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 155]

NORTHWEST ATLANTIC COMMERCIAL FISHERIES; HADDOCK AND COD PROVISIONS

NOTICE OF PROPOSED RULE MAKING

Correction

In F. R. Doc. 58–7652, appearing at page 7323 of the issue for Friday, September 19, 1958, the following changes should be made:

1. In the second paragraph of paragraph (4) on page 7323, the word "not" in the 4th line should read "net".

2. In the table on page 7325, the average mesh size figure for No. 400 Single Braid—Single strand should read "4.125 inches (4⅛")."

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54691]

WHITE OR IRISH POTATOES, OTHER THAN CERTIFIED SEED

TARIFF-RATE QUOTA

SEPTEMBER 19, 1958.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to Item 771 (second), Part I, Schedule XX, of the General Agreement on Tariffs and Trade, as modified (T. D.'s 51802 and 54406), for the 12-month period beginning September 15, 1958, is 600,000 bushels of 60 pounds each.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1958, made by the United States Department of Agriculture as of September 1, 1958, was 431,743,333 bushels.

In accordance with the third proviso to the aforesaid Item 771, as modified, the 600,000 bushels and the 1,000,000 bushels prescribed in the second proviso are not increased, because the estimated production is greater than 350,000,000 bushels.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 58–7837; Filed, Sept. 24, 1958; 8:50 a. m.]

DEPARTMENT OF DEFENSE

Department of the Army

ALBERT W. GILMER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF PERSONAL BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Albert W. Gilmer on September 5, 1958, in the Department of the Army. Mr. Gilmer is serving as Chief of the Philadelphia Ordnance District, Philadelphia, Pennsylvania.

Mr. Gilmer is presently employed as a partner with Barnes, Dechert, Price, Myers and Rhoads, Philadelphia, Pennsylvania.

Mr. Gilmer's statement of his personal business interests is set forth below.

Dated: September 18, 1958.

JOHN W. MARTIN,
Administrative Assistant.

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.)

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

(a) Commercial Banking Corporation, Philadelphia, Pennsylvania: Director.
(b) Airdesign Corporation, Upper Darby, Pennsylvania: Director, Secretary.
(c) William Freihofer Baking Company, Philadelphia, Pennsylvania: Director.
(d) Gates Engineering Company, Wilmington, Delaware: Secretary.
(e) Wilmington Realty Company, Wilmington, Delaware: Secretary.
(f) Delaware Valley Steel Works, Inc., Wilmington, Delaware: Secretary.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds or other financial interest:

(a) Chicago & Northwestern Railway, Chicago, Illinois: Stockholder.
(b) East Sugar Loaf Coal Company, Philadelphia, Pennsylvania: Stockholder.
(c) Petroleum Conversion Corporation, Wilmington, Delaware: Stockholder.
(d) Lehigh Coal & Navigation Company, Bethlehem, Pennsylvania: Stockholder.
(e) The Macco Chemical Company, Cleveland, Ohio: Stockholder.
(f) Crown Cork & Seal Company, Inc., Stockholder.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

(a) Barnes, Dechert, Price, Myers and Rhoads (Law Firm), Philadelphia, Pennsylvania: Partner.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: September 12, 1958.

ALBERT W. GILMER.

[F. R. Doc. 58-7818; Filed, Sept. 24, 1958; 8:45 a. m.]

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE (PROPERTIES AND INSTALLATIONS)

DELEGATION OF AUTHORITY TO APPROVE CONSTRUCTION FOR UNFORESEEN REQUIREMENTS

Sections 103, 203 and 303 of Public Law 85-685 (Military Construction Act of 1958) provide in part that: The Secretaries of the Army, Navy and Air Force may establish or develop (Army, Navy or Air Force) installations and facilities by proceeding with construction made necessary by changes in (Army, Navy or Air Force) missions, new weapons developments, new and unforeseen research and development requirements, or improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization act would be inconsistent with interests of national security.

Pursuant to section 202 (f) of the National Security Act of 1947, as amended (63 Stat. 581), and section 5 of Reorganization Plan No. 6 of 1953 (67 Stat. 639), there is hereby delegated to the Assistant Secretary of Defense (Properties and Installations) the authority of the Secretary of Defense to make the determinations as required by the above statutory provisions (sections 103, 203 and 303 of Public Law 85-685), and as may be similarly required by future statutes.

NEIL MCELROY,
Secretary of Defense.

[F. R. Doc. 58-7839; Filed, Sept. 24, 1958; 8:51 a. m.]

ASSISTANT SECRETARY OF DEFENSE (PROPERTIES AND INSTALLATIONS)

DELEGATION OF AUTHORITY FOR APPROVAL OF COST-PLUS-FIXED-FEE DESIGN AND CONSTRUCTION CONTRACTS

Section 302, Public Law 814, 84th Congress (Supplemental Appropriation Act 1957), section 302, Public Law 85-170 (Supplemental Appropriation Act 1958), and section 602, Public Law 85-852 (Military Construction Appropriation Act 1959), provide that: "None of the funds appropriated in this chapter shall be expended for payments under a cost-plus-fixed-fee contract for work where cost estimates exceed $25,000 to be performed within the continental United States without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor."

Pursuant to section 202 (f) of the National Security Act of 1947, as amended (63 Stat. 581), and section 5 of Reorganization Plan No. 6 of 1953 (67 Stat. 639), there is hereby delegated to the Assistant Secretary of Defense (Properties and Installations), the authority of the Secretary of Defense to grant approvals as required by the above statutory provisions (section 302, Public Law 814, 84th Congress; section 302, Public Law 85-170; and section 602, Public Law 85-852), and as may be similarly required by future statutes.

NEIL MCELROY,
Secretary of Defense.

[F. R. Doc. 58-7840; Filed, Sept. 24, 1958; 8:51 a. m.]

ASSISTANT SECRETARY OF DEFENSE (PROPERTIES AND INSTALLATIONS)

DELEGATION OF AUTHORITY REGARDING CONTRACTS FOR CONSTRUCTION

Section 506 of Public Law 85-685 provides in part that "Contracts for construction made by the United States for performance within the United States, its territories and possessions, under this act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Bureau of Yards and Docks, Department of the Navy, unless the Secretary of Defense determines that because such jurisdiction and supervision is wholly impracticable such contracts should be executed under the jurisdiction of another Department or Government agency, * * *". Pursuant to section 202 (f) of the National Security Act of 1947 as amended (63 Stat. 581), and section 5 of Reorganization Plan No. 6 of 1953 (67 Stat. 639), there is hereby delegated to the Assistant Secretary of Defense (Properties and Installations), the authority of the Secretary of Defense to make such determinations as required by the above statutory provision (section 506, Pub. Law 85-685), and as may be similarly required by future statutes.

NEIL MCELROY,
Secretary of Defense,

[F. R. Doc. 58-7841; Filed, Sept. 24, 1958; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Land Management has filed an application, Serial Number A.042304 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for watershed protection.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing Address: 131 5th Avenue; Location: 701 4th Avenue, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SEWARD MERIDIAN

T. 12 N., R. 2 W. (Unsurveyed),
Sec. 3: SW¼NE¼, NW¼, S½;
Sec. 4: All;
Sec. 5: All;
Sec. 10: All;
Sec. 11: NW¼NW¼, S½NW¼, SW¼, SW¼SE¼;
Sec. 13: SW¼NW¼, SW¼, SW¼SE¼;
Sec. 14: All.
T. 12 N., R. 1 W. (Unsurveyed),
Sec. 19: W½SW¼, SE¼SW¼.

Aggregating approximately 3,760 acres.

L. T. MAIN,
Operations Supervisor, Anchorage.

[F. R. Doc. 58-7821; Filed, Sept. 24, 1958; 8:46 a. m.]

[Document No. 186]

[Classification No. 52]

ARIZONA

SMALL TRACT CLASSIFICATION: PARTIAL REVOCATION

1. Effective upon date of publication in the FEDERAL REGISTER, Document 56-6716 appearing on page 6286 of the FEDERAL REGISTER for August 21, 1956, is revoked as to the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 4 N., R. 3 E.,
Sec. 22: NW¼, W½SW¼ (exclusive of patented mining claims).

E. I. ROWLAND,
State Supervisor.

SEPTEMBER 17, 1958.

[F. R. Doc. 58-7822; Filed, Sept. 24, 1958; 8:46 a. m.]

[Los Angeles 0157600]

CALIFORNIA

AIR NAVIGATION SITE WITHDRAWAL

SEPTEMBER 17, 1958.

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), as amended, and pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office dated November 19, 1954 (19 F. R. 7697), it is ordered as follows:

Subject to valid existing rights, the following described public land in California is hereby withdrawn from all forms of appropriations under public land laws, including mining and mineral leasing laws, and reserved for the use of the Department of Commerce, Civil Aeronautics Administration in the maintenance of Air Navigation facilities, Los Angeles 0157600.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 S., R. 12 E.,
Section 6, Lots 71 thru 86 (S½S½NW¼); Lots 95 thru 126 (N½SW¼); Lots 127 thru 142 (N½S½SW¼).

The area as described contains approximately 160 acres in the County of San Bernardino.

It is intended that the above described land shall be returned to the Administration of the Department of Interior when it is no longer needed for the purpose for which it is reserved.

ROLLA E. CHANDLER,
Officer-in-Charge, Southern Field Group, Los Angles.

[F. R. Doc. 58-7823; Filed, Sept. 24, 1958; 8:46 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 19, 1958.

The Bureau of Reclamation, Department of the Interior has filed an application, Serial No. Los Angeles 0154308, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for watershed protection and control purposes in connection with the Ventura Project. The following described lands are within the boundaries of the Los Padres National Forest. It is intended that the described lands continue to be administered by the Forest Service consistently with the reclamation purposes to be served, the most important of which are the prevention of water pollution, erosion control, and the reduction of fire hazards.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 215 West Seventh Street, Los Angeles 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 5 N., R. 22 W.,
Sec. 6, SW¼;
Sec. 7, All;
Sec. 18, All.
T. 4 N., R. 23 W.,
Sec. 5, N½N½;
Sec. 6, Lots 1, 2, 3, 4, S½NE¼, SE¼SW¼, SE¼;
Sec. 7, Lots 1, 2, 3, 6, and those portions of the SW¼NE¼ and the SE¼NW¼ lying within the Los Padres National Forest.
T. 5 N., R. 23 W.,
Sec. 1, Lots 13 to 20, inclusive, S½;
Sec. 2, Lots 13, 14, 15, 16, S½N½, S½;
Sec. 3, S½N½, S½;
Sec. 4, S½;
Sec. 5, Lot 13, S½NW¼, S½;
Sec. 6, Lots 4, 5, 11, 12, 13, 14, 15, 16, S½N½, S½;
Sec. 7, All;
Sec. 8, All;
Sec. 9, All;
Sec. 10, All;
Sec. 11, All;
Sec. 12, All;
Sec. 13, All;
Sec. 14, All;
Sec. 15, All;
Sec. 16, N½, N½S½, SW¼SW¼, SE¼SE¼;
Sec. 17, All;
Sec. 18, All;
Sec. 19, N½, N½S½, SE¼SE¼;
Sec. 20, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 21, S½NE¼, NE¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 22, All;
Sec. 23, All;
Sec. 24, All;
Sec. 27, All;
Sec. 28, N½, N½SE¼;
Sec. 29, SE¼NE¼, SW¼NW¼, SW¼, S½SE¼;
Sec. 30, SW¼NE¼, S½NW¼, S½;
Sec. 31, All;
Sec. 32, All;
Sec. 33, SW¼;
Sec. 34, N½NW¼.
T. 6 N., R. 23 W.,
Sec. 30, SW¼SW¼;
Sec. 31, All;
Sec. 32, NW¼, S½.
T. 4 N., R. 24 W.,
Sec. 1, Lots 1, 2, 3, 4, SW¼NE¼, N½SE¼NE¼, SW¼NW¼, S½SW¼, NW¼SW¼;
Sec. 2, All;
Sec. 3, All;
Sec. 4, All;
Sec. 5, Lots 1, 2, 3, 4, S½N½, SW¼SW¼, N½SE¼, SE¼SE¼;
Sec. 6, E½;
Sec. 8, All;
Sec. 9, All;
Sec. 10, All;
Sec. 11, All;
Sec. 12, Lot 1, W½NE¼, NW¼, NE¼SW¼, W½SW¼, NW¼SE¼;
Sec. 14, N½NE¼, NW¼;
Sec. 15, N½, NE¼SW¼, N½SE¼;
Sec. 16, All;
Sec. 17, N½SW¼, N½SE¼;
Sec. 19, E½E½;
Sec. 20, NW¼, N½SW¼, S½SE¼, NW¼SE¼;
Sec. 21, N½NE¼, NW¼NW¼, N½SW¼, NW¼SE¼;
Sec. 22, SE¼NE¼, S½SW¼, SW¼SE¼;
Sec. 23, Lot 2;
Sec. 27, N½NW¼, SE¼NW¼, NW¼SW¼, S½SW¼ and those portions of the NE¼ and the SE¼ lying within the Los Padres National Forest;
Sec. 28, N½;
Sec. 29, NE¼, N½NW¼.
T. 5 N., R. 24 W.,
Sec. 1, Lots 1 to 16 incl., S½N½, S½;
Sec. 2, All;
Sec. 3, Lots 1, 2, NE¼, S½NW¼, S½;
Sec. 4, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, Lots 1, 2, 3, 4, E½, E½W½;
Sec. 8, All;
Sec. 9, N½, SE¼;
Sec. 10, All;
Sec. 11, All;
Sec. 12, All;
Sec. 13, All;
Sec. 14, All;
Sec. 15, N½NE¼, SW¼NE¼, NW¼, S½;
Sec. 16, E½NW¼, W½SW¼, SE¼SW¼, SW¼SE¼, NE¼SE¼;
Sec. 17, All;
Sec. 18, Lots 1, 2, 3, 4, E½, E½W½;
Sec. 19, Lots 1, 2, 3, 4, E½, E½W½;
Sec. 20, All;
Sec. 21, All;
Sec. 22, E½NE¼, W½NW¼;
Sec. 23, N½N½, E½SW¼, S½SE¼;
Sec. 24, N½, S½SW¼, SW¼SE¼;
Sec. 25, All;
Sec. 26, All;
Sec. 27, All;
Sec. 28, All;
Sec. 29, All;
Sec. 30, Lots 1, 2, NE¼, E½NW¼, S½;
Sec. 31, All;
Sec. 32, All;
Sec. 33, All;
Sec. 34, All;
Sec. 35, All;
Sec. 36, All.
T. 6 N., R. 24 W.,
Sec. 20, Lots 1, 2, 3, 4, E½E½;
Sec. 21, S½;
Sec. 25, SW¼SW¼;
Sec. 26, All;
Sec. 27, All;
Sec. 28, All;
Sec. 29, Lots 1, 2, 3, 4, E½E½;
Sec. 32, Lots 1, 2, 3, 4, E½E½;
Sec. 33, All;
Sec. 34, All;
Sec. 35, All;
Sec. 36, All.
T. 5 N., R. 25 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 2, Lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 11, NE¼NE¼;
Sec. 12, All;
Sec. 13, All;
Sec. 24, NE¼NE¼.
T. 6 N., R. 25 W.,
Sec. 13, All;
Sec. 24, All;
Sec. 25, All;
Sec. 35, E½;
Sec. 36, All.

Also all of that unsurveyed area, containing approximately 4,500 acres, that exists as an hiatus between the northerly boundary line of Sections 2, 3, 4, 5, and 6, T. 5 N., R. 24 W., and the southerly boundary line of T. 6 N., R. 24 W., and lying between the northerly prolongation of the easterly boundary line of said Section 2, T. 5 N., R. 24 W., and the northerly prolongation of the westerly boundary line of said T. 5 N., R. 24 W.

The above described area contains approximately 69,305 acres of public domain land in the Los Padres National Forest. The lands are located in Ventura County, California.

ROLLA E. CHANDLER,
Officer-in-Charge, Southern Field Group, Los Angeles.

[F. R. Doc. 58-7824; Filed, Sept. 24, 1958; 8:47 a. m.]

CALIFORNIA

REDELEGATION OF AUTHORITY BY LAND OFFICE MANAGER TO CHIEFS, MINERAL AND LAND ADJUDICATION UNITS

SEPTEMBER 16, 1958.

Pursuant to authority contained in Bureau Order 541, as amended, authority is hereby redelegated to the Chief, Mineral Adjudication Unit, to take action for the Manager in all matters listed in section 3.6 of Part III-A, and to the Chief,

Lands Adjudication Unit, in all matters listed in section 3.9 of Part III–A, to become effective immediately upon publication in the FEDERAL REGISTER. The authority delegated may not be redelegated.

WALTER E. BECK,
Land Office Manager,
Sacramento Land Office.

Approved:

P. L. SOMPAYRAC,
California Acting State Supervisor.

[F. R. Doc. 58–7825; Filed, Sept. 24, 1958; 8:47 a. m.]

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 17, 1958.

The United States Forest Service, Department of Agriculture, has filed an application, Serial Number M–030702, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land for administrative sites, recreational areas, and for other public purposes.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

DEER LODGE NATIONAL FOREST

Elder Creek Camp

T. 5 N., R. 5 W.,
Sec. 14, SE¼SE¼.
Total area, 40 acres.

Warm Springs Recreation and Administrative Site

T. 5 N., R. 12 W.,
Sec. 19, Lots 3 & 4 exclusive of area in H. E. S. 103.
Total area approximately 43 acres.

Red Bridge Picnic Area

T. 5 N., R. 13 W.,
Sec. 6, NW¼SE¼, Lot 10, E½E½SW¼ exclusive of M. S. #3461 and M. S. #7223.
Total area approximately 110 acres.

Grassy Point Recreation Site

T. 5 N., R. 13 W.,
Sec. 18, E½SE¼.
Total area, 80 acres.

South Side Camp

T. 5 N., R. 14 W.,
Sec. 24, N½NW¼SE¼, Lot 1.
Total area, 39.12 acres.

Lady Smith Camp

T. 6 N., R. 6 W.,
Sec. 19, Lot 10.
Total area, 21.34 acres.

Basin Canyon Campground

T. 6 N., R. 6 W.,
Sec. 1, Lot 4.
T. 7 N., R. 6 W.,
Sec. 35, Lot 7;
Sec. 36, SW¼SW¼SW¼.
Total area, 85.34 acres.

Bismark Camp

T. 3 S., R. 4 W., Unsurveyed,
Sec. 2, SW¼NE¼NE¼, SE¼NW¼NE¼, NW¼SE¼NE¼, NE¼SW¼NE¼.
Total area, 40 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 58–7826; Filed, Sept. 24, 1958; 8:47 a. m.]

[Classification No. 95]

NEVADA

SMALL TRACT CLASSIFICATION; AMENDMENT

1. Effective September 12, Federal Register Document 53–8583 appearing on pages 6413–14 of the issue for October 8, 1953, is revoked as to the following described public lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 20 S., R. 60 E.,
Sec. 27, N½NE¼.

Containing 80 acres.

2. The lands included in this restoration are located about 6 miles northwest of Las Vegas, Nevada, at an elevation of about 2,400 feet. The climate is dry, receiving about 5 to 7 inches of rainfall annually. The topography is generally level with soils varying from sands to gravel.

3. The land has been determined to be mineral in character and appropriated under the United States mining law by virtue of a valid placer mining claim having been located on the land prior to Small Tract Classification. Mineral Patent application Nev–013729 on subject land has been examined and approved for patenting.

E. J. PALMER,
State Supervisor for Nevada.

SEPTEMBER 12, 1958.

[F. R. Doc. 58–7827; Filed, Sept. 24, 1958; 8:47 a. m.]

OREGON

REVOKING STOCK DRIVEWAY WITHDRAWALS

SEPTEMBER 16, 1958.

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U. S. C. 300), and in accordance with Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473), as amended, it is ordered as follows:

1. Stock Driveway Withdrawals Nos. 156, 209, 214, and 238—Oregon Nos. 14, 26, 30, and 36—as enlarged by Departmental order of January 19, 1937, are hereby revoked to the extent of the land described as follows:

WILLAMETTE MERIDIAN, OREGON

T. 12 S., R. 26 E.,
Sec. 34: N½NE¼SE¼—20 acres.

2. The land, which is located approximately 4 miles west of Dayville, Grant County, Oregon, is rolling land covered by a stand of cheat and bunch grasses. The land has been partially occupied by a local cemetery from approximately 1881.

3. The land is hereby classified as a cemetery site pursuant to section 7 of the act of June 28, 1934 (48 Stat. 1272), as amended. Beginning on October 22, 1958, the land will become subject to applications by qualified applicants only, as provided in the act of March 1, 1907 (34 Stat. 1052; U. S. C. 682). Since this revocation is made in order to enlarge an existing local cemetery, this opening is not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284; 43 CFR Part 181), as amended, granting certain preference rights to veterans of World War II, the Korean Conflict, and others.

4. No applications for the land will be accepted under the homestead, desert-land, small-tract, or any other public-land laws except as stated in paragraph 3 above.

5. Inquiries concerning the land should be addressed to the Manager, Land Office, 809 Northeast Sixth Avenue, Portland 12, Oregon.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 58–7828; Filed, Sept. 24, 1958; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

CORN

NOTICE OF REFERENDUM AND REGULATIONS PERTAINING THERETO

A referendum of producers of corn in 1958 in the commercial corn-producing area for 1958 will be held pursuant to section 104 (a) of the Agricultural Act of 1949, as amended by section 201 of the Agricultural Act of 1958 (72 Stat. 993) to determine whether such producers favor a price support program as provided in section 105 (a) of the Agricultural Act of 1949, as so amended, for the 1959 and subsequent crops in lieu of acreage allotments as provided in the Agricultural Adjustment Act of 1938, as amended, and price support as provided in section 101 of the Agricultural Act of 1949, as amended. If a majority of the producers voting in the referendum conducted pursuant to section 104 (a), Agricultural Act of 1949, favor a price support program as provided in the section 105 (a) of said Act, corn acreage allotments and a commercial corn-producing area shall not be established for the 1959 and subsequent crops of corn, and beginning with the 1959 crop, price support shall be made available to producers for each crop of corn at 90 per centum of the average price received by farmers during the three calendar years immediately preceding the calendar year in which the marketing year for such crop begins, adjusted to offset the effect on such price of any abnormal quantities of low-grade corn marketed during any such year: *Provided*, That the level of price support for any crop of corn shall not be less than 65 per centum of the parity price therefor. It is further provided, if corn acreage allotments for 1959 and subsequent years are not established as a result of such referendum, that beginning with the 1959 crop, price support shall be made available to producers for each crop of oats, rye, barley, and grain sorghums at such level of the parity price therefor as the Secretary determines is fair and reasonable in relation to the level at which price support is made available for corn, taking into consideration the feeding value of such commodity in relation to corn and other factors.

The referendum provided for in section 104 (a) of the Agricultural Act of 1949 shall be held on November 25, 1958.

Voting eligibility shall be as follows:

(1) Each producer who was engaged in the production of corn in 1958 on a farm located in the 1958 commercial corn-producing area and was entitled to share in the proceeds of the 1958 corn crop as owner-operator, cash tenant, standing-rent or fixed-rent tenant, landlord of a share tenant, share tenant, or share-cropper, shall be eligible to vote. A landlord of a standing-rent, cash-rent, or a fixed-rent tenant shall not be eligible. In addition to the above, any operator or landlord of a farm for which a 1958 corn acreage allotment was established shall be eligible to vote even though corn was not planted on such farm, or any person who planted corn in 1958 but did not harvest any corn, or who in 1958 placed acreage in the Soil Bank Program with respect to corn shall be deemed as being engaged in the production of corn for the 1958 crop.

(2) No person (whether and individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, or a State, political subdivision of a State, Federal government, or any agency thereof) shall be entitled to more than one vote regardless of the number of farms in which the person is interested or the number of communities, counties, or States in which are located farms in which the person is interested: *Provided, however*, That the individual members of a qualified partnership shall each have one vote but the partnership as such shall not have a vote and an individual who qualifies as an eligible voter by reason of his separate farming operations will be entitled to one vote even though he is interested in an organization such as (but not limited to) a corporation which is also eligible as a voter and entitled to one vote. Each individual's right to vote, whether single or married, depends upon his or her own qualifications. A minor is not disqualified from voting solely because of his minority if otherwise eligible. An individual may cast a ballot in his individual capacity if qualified and may also cast a ballot as guardian, administrator, executor, or trustee, if qualified in such capacity.

(3) Where a group of several persons, such as husband, wife, and children have participated in the production of corn under the same lease or cropping agreement only the person or persons who signed or entered into the lease or cropping agreement shall be eligible to vote. In the event two or more persons produced corn in 1958 in the 1958 commercial corn-producing area as joint tenants, tenants in common, or owners of community property, each such person shall be entitled to one vote if otherwise qualified.

(4) No farmer shall be eligible to vote in any community other than the community in which he resides at the time of the referendum except that any farmer who will not vote in such community may vote at the polling place in the community in which he was engaged in the production of corn in 1958 which will qualify him as a voter.

(5) Ballots may be cast by mail as follows:

(a) Any person who will not be present on the day of the referendum in the county in which he is eligible to vote may obtain in person as early as five days prior to the date of the referendum or earlier, if ballots are available, one ballot from an ASC State or county office conveniently situated for him, or from the Grain Division, CSS, Department of Agriculture, Washington, D. C., and cast his ballot by mail. All ballots voted by mail must in order to be accepted reach the county office for the county in which the voter is eligible to vote by not later than the hour for closing the polls in the county on the day of the referendum.

(b) Any person whose religious beliefs forbid him from voting on the day of the referendum may secure one ballot from and cast his vote at the office of the county committee for the county in which he is eligible to vote at any time within five days prior to the date of the referendum. Such voting shall be considered as voting by mail.

(6) There shall be no voting by proxy or agent except that a duly authorized officer of a corporation, association, or other legal entity may cast its vote.

(7) A ballot will be issued to any person who believes he is eligible to vote, but such person's right to vote will be subject to challenge if there is reason to believe that he is not eligible.

The referendum will be held generally in accordance with the Secretary's regulations governing the holding of referenda on marketing quotas (7 CFR Part 717).

The community referendum committee provided for in said regulations to conduct the referendum in each community or neighborhood shall consist of farmers in the community or neighborhood who are eligible to vote in the referendum.

Done at Washington, D. C., this 19th day of September 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58–7857; Filed, Sept. 24, 1958; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8148 et al.]

WASHINGTON-BALTIMORE ADEQUACY OF SERVICE INVESTIGATION

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled investigation is assigned to be held on October 9, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 22, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58–7854; Filed, Sept. 24, 1958; 8:53 a. m.]

[Docket No. SR–2290]

DALE R. WELLING

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

James T. Pyle, Administrator of Civil Aeronautics, Complainant v. Dale R. Welling, Respondent.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned to be held on October 2 is postponed to October 7, 1958, 10:00 a. m., e. d. s. t., Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 22, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58–7855; Filed, Sept. 24, 1958; 8:53 a. m.]

[Docket No. 9224]

TRANS WORLD AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of schedules filed and published by Trans World Airlines, Inc., Enforcement Proceeding.

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on September 22, 1958, is postponed to October 6, 1958, at 10:00 a. m., e. d. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., September 19, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58–7856; Filed, Sept. 24, 1958; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12534; FCC 58M-1019]

SOUTH KENTUCKY BROADCASTERS (WRUS)

ORDER SCHEDULING HEARING

In re application of Roth E. Hook and Woodrow Sosh, d/b as South Kentucky Broadcasters (WRUS), Russellville, Kentucky; Docket No. 12534, File No. BMP-7734; for construction permit.

Pursuant to pre-hearing conference of this date and with the concurrence of all counsel: *It is ordered*, This 19th day of September 1958, that the hearing in this proceeding now set for October 14, 1958, be, and the same is hereby, rescheduled for October 31, 1958, at 10 o'clock a. m. in the Commission's offices, Washington, D. C.

Released: September 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7847; Filed, Sept. 24, 1958; 8:52 a. m.]

[Docket No. 12599; FCC 58M-1021]

WICOMICO BROADCASTING CO. (WICO)

ORDER SCHEDULING HEARING

In re application of Elizabeth Evans and W. Courtney Evans, d/b as Wicomico Broadcasting Company (WICO), Salisbury, Maryland; Docket No. 12599, File No. BP-11470; for construction permit.

It is ordered, This 18th day of September 1958, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 13, 1958, in Washington, D. C.

Released: September 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7848; Filed, Sept. 24, 1958; 8:52 a. m.]

[Docket Nos. 12600, 12601; FCC 58M-1017]

SHELBY COUNTY BROADCASTING CO. AND ROUNSAVILLE OF CINCINNATI, INC. (WCIN)

ORDER SCHEDULING HEARING

In re applications of H. T. Parrott, R. D. Ingram, J. W. Pickett & Edwin L. Rogers, d/b as Shelby County Broadcasting Company, Shelbyville, Indiana; Docket No. 12600, File No. BP-11202; Rounsaville of Cincinnati, Inc. (WCIN), Cincinnati, Ohio; Docket No. 12601, File No. BP-11539; for construction permits.

It is ordered, This 18th day of September 1958, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 21, 1958, in Washington, D. C.

Released: September 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7849; Filed, Sept. 24, 1958; 8:52 a. m.]

[Docket Nos. 12602, 12603; FCC 58M-1020]

KANKAKEE DAILY JOURNAL CO. (WKAN) AND WILLIAM F. HUFFMAN RADIO, INC. (WFHR)

ORDER SCHEDULING HEARING

In re applications of Kankakee Daily Journal Company (WKAN), Kankakee, Illinois; Docket No. 12602, File No. BP-11287; William F. Huffman Radio, Inc. (WFHR), Wisconsin Rapids, Wisconsin; Docket No. 12603, File No. BP-11986; for construction permits.

It is ordered, This 18th day of September 1958, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 20, 1958, in Washington, D. C.

Released: September 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7850; Filed, Sept. 24, 1958; 8:52 a. m.]

[Docket No. 12604; FCC 58-897]

BLUE ISLAND COMMUNITY BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Blue Island Community Broadcasting Co., Inc., Blue Island, Illinois; Docket No. 12604, File No. BPH-2458; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of September 1958;

The Commission having under consideration the above-captioned application of the Blue Island Community Broadcasting Co., Inc., for a construction permit for a new Class A FM broadcast station to operate on 96.7 megacycles (Channel No. 244) in Blue Island, Illinois; and

It appearing that except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to operate the proposed station but that the applicant's proposed operation would cause interference to Stations WNIB and WBBM-FM, Chicago, Illinois (97.1 and 96.3 megacycles, respectively) in areas around the proposed Blue Island transmitter site; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated August 4, 1958, of the aforementioned and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that in a petition dated August 27, 1958, and in an attached engineering affidavit the applicant pointed out that of the available Class A channels the interference problem on each of the channels is essentially the same, namely, 400 kilocycles separation and a small amount of interference to the 1 mv/m contours, and stated that in its opinion the proposal was in accordance with § 3.313 (c) of the Commission's rules and requested a grant of the application without hearing; and

It further appearing that by letters dated July 21 and August 8, 1958, respectively, the Northern Illinois Broadcasting Co., Inc., and the Columbia Broadcasting System, Inc., licensees of WNIB and WBBM-FM, repectively, both opposed a grant of the application on the basis of said interference; and

It further appearing that the Commission, after consideration of the foregoing, is of the opinion that a hearing on the instant application is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the application of the Blue Island Community Broadcasting Co., Inc., is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 50 uv/m and 1 mv/m contours of the proposed operation and the availability of other such FM broadcast service to the said areas and populations.

2. To determine whether the proposed station at Blue Island, Illinois, would cause interference to Stations WNIB and WBBM-FM, both of Chicago, Illinois, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other service to such areas and populations.

3. To determine whether the operation of the proposed Class A station at Blue Island, Illinois, would be in compliance with § 3.313 (c) of the Commission's rules with particular reference to the requirement that such channel be utilized when necessary to provide an equitable and efficient use of the facilities.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, whether the above-described application of the Blue Island Community Broadcasting Co., Inc., would serve the public interest, convenience and necessity.

It is further ordered, That the Northern Illinois Broadcasting Co., Inc., licensee of Station WNIB, and the Columbia Broadcasting System, Inc., licensee of Station WBBM-FM, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7851; Filed, Sept. 24, 1958; 8:52 a. m.]

[Docket Nos. 12605, 12606; FCC 58-898]

WABASH VALLEY BROADCASTING CORP. (WTHI-TV) AND LIVESAY BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Wabash Valley Broadcasting Corporation (WTHI-TV), Terre Haute, Indiana; Docket No. 12605, File No. BRCT-193; for renewal of license; Livesay Broadcasting Co., Inc., Terre Haute, Indiana; Docket No. 12606, File No. BPCT-2514; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of September 1958;

The Commission having under consideration the above-captioned application (BRCT-193) of Wabash Valley Broadcasting Corporation requesting renewal of its license for Station WTHI-TV, Channel 10 in Terre Haute, Indiana, and the application (BCPT-2514) of Livesay Broadcasting Co., Inc., for a construction permit for a new television broadcast station to operate on Channel 10 in Terre Haute; and

It appearing that the above-captioned applications are mutually exclusive in that operation by both applicants, as proposed, would result in mutually destructive interference; and

It further appearing, that by letters dated September 4, 1958, each of the above-named applicants requests that its application be designated for hearing immediately and expressly waives its rights under section 309 (b) of the Communications Act of 1934, as amended, to notice preceding designation for hearing, of all objections to its application, as well as the source and nature of such objections, and an opportunity to reply; and

It further appearing that the above-named applicants are the only parties entitled to notice under section 309 (b) of the Communications Act of 1934, as amended; and

It further appearing that upon due consideration of the above-captioned applications, the Commisson finds that pursuant to section 309 (b) of the Communication Act of 1934, as amended, a hearing is necessary; that Wabash Valley Broadcasting Corporation is legally, financially, technically and otherwise qualified to own and operate the proposed television broadcast station; that Livesay Broadcasting Co., Inc. is legally qualified to construct, own and operate the proposed television broadcast station, is technically so qualified except as to issues "1", "2", and "3" below; and is otherwise qualified except as to issue "4" below;

It is ordered, That pursuant to section 309 (b) of the Comunications Act of 1934, as amended, the above-captioned applications of Wabash Valley Broadcasting Corporation and Livesay Broadcasting Co., Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the precise geographic coordinates for the proposed antenna site of Livesay Broadcasting Co., Inc., since the coordinates specified do not define the same location indicated by Exhibit VII of the application.

2. To determine whether the profile graphs submitted by Livesay Broadcasting Co., Inc., comply with the provisions of § 3.684 (d) of the rules.

3. To determine whether the proposed antenna system and site of Livesay Broadcasting Co., Inc., would constitute a hazard to air navigation.

4. To determine whether Livesay Broadcasting Co., Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

5. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

a. The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

b. The proposals of each with respect to the management and operation of the proposed television broadcast stations.

c. The programming service proposed in each of the above-captioned applications.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard Wabash Valley Broadcasting Corporation and Livesay Broadcasting Co., Inc., pursuant to § 1.140 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7852; Filed, Sept. 24, 1958; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6842]

PUGET SOUND POWER & LIGHT CO.

NOTICE OF APPLICATION

SEPTEMBER 19, 1958.

Take notice that on September 15, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Puget Sound Power & Light Company ("Applicant"), a corporation organized under the laws of the State of Massachusetts and doing business in the State of Washington with its principal business office at Seattle, Washington, seeking an order authorizing the issuance of $15,000,000, principal amount of debentures and unsecured promissory notes in a principal amount aggregating not more than $25,000,000 outstanding at any one time. The aforesaid debentures, due November 1, 1983, are to be issued pursuant to the provisions of an indenture dated as of November 1, 1958, with Continental Illinois National Bank and Trust Company of Chicago, as Trustee, providing for a sinking fund to retire 57½ percent of the issue prior to maturity. Applicant proposes to sell the debentures and fix the price thereof and interest rate thereon by competitive bidding. Applicant proposes to issue the aforesaid promissory notes pursuant to a Credit Agreement dated September 8, 1958, with various commercial banks. Said notes will be issued to the banks for loans to be made, will be dated as of dates of respective borrowings and will mature January 31, 1960. The interest rate will be the prime rate for commercial bank loans in New York at the time of borrowing (presently 3½ percent). Applicant states that proceeds from the sale of the debentures will be used to prepay in part unsecured promissory notes outstanding under a Credit Agreement with banks expiring January 31, 1959. The proceeds from the issuance of the promissory notes will be used by Applicant to the extent necessary to prepay the balance of promissory notes outstanding under the Credit Agreement (referred to above) with banks expiring January 31, 1959, and the balance will be used to reimburse Applicant's treasury.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 9th day of October 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is

on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7842; Filed, Sept. 24, 1958; 8:51 a. m.]

[Docket No. G-9174 etc.]

MIDSTATES OIL CORP.

NOTICE OF POSTPONEMENT OF HEARING

SEPTEMBER 19, 1958.

In the matter of Midstates Oil Corporation, Docket Nos. G-9174, G-9387, G-11039, G-11081, G-13427 and G-13431.

Upon consideration of the request filed September 12, 1958, by Counsel for Midstates Oil Corporation for postponement of the hearing now scheduled for October 7, 1958, in the above-designated matters;

The hearing now scheduled for October 7, 1958 is hereby postponed to October 20, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7843; Filed, Sept. 24, 1958; 8:51 a. m.]

[Docket No. G-14836]

MIDSTATES OIL CORP.

NOTICE OF POSTPONEMENT OF HEARING

SEPTEMBER 19, 1958.

Upon consideration of the request filed September 12, 1958, by Counsel for Midstates Oil Corporation for postponement of the hearing now scheduled for October 8, 1958, in the above-designated matter;

The hearing now scheduled for October 8, 1958 is hereby postponed to October 21, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7844; Filed, Sept. 24, 1958; 8:51 a. m.]

[Docket No. G-16025]

RALPH R. GILSTER ET AL.

ORDER AMENDING ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 19, 1958.

On September 4, 1958, Ralph R. Gilster et al. (Gilster) filed a telegram petition to amend the order issued August 20, 1958 (In the Matter of Ralph R. Gilster et al., Docket No. G-16025), providing for hearing as to the lawfulness of Supplement Nos. 5 and 6 to his FPC Gas Rate Schedule No. 2 and suspending and deferring use thereof "until the date on which Supplement No. 1 to Gilster's FPC Gas Rate Schedule No. 2 is made effective in the manner prescribed by the Natural Gas Act, or until August 2, 1958, whichever is later." Since the aforementioned supplements were tendered to reflect the addition of the Louisiana Gas Gathering Tax[1] to a rate then in effect, the rationale of Commission Order No. 206 issued July 11, 1958, should control.

The Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act that the order issued on August 20, 1958, at Docket No. G-16025, suspending and deferring use of Supplement Nos. 5 and 6 to Gilster's FPC Gas Rate Schedule No. 2 be amended as hereinafter ordered.

The Commission orders:

(A) Paragraph (B) of the aforementioned order issued August 20, 1958, is hereby amended to read as follows:

(B) Pending such hearing and decision thereon, each of said supplements be and each is hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(B) The aforesaid order is further amended to include the following additional provisions:

(E) The rate, charge, and classification set forth in each of the aforementioned supplements to Gilster's FPC Gas Rate Schedule No. 2 shall be effective as of August 2, 1958: *Provided, however,* That on or before October 8, 1958, Gilster shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (G) below.

(F) Gilster shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by Gilster herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts and in such manner as may be required by final order of the Commission. Gilster shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Gilster so elects, for each billing period, and for each purchaser, the billing determinants of natural gas to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(G) As a condition of this order, on or before October 8, 1958, Gilster shall execute and file in triplicate with the Secretary of this Commission a written agreement and undertaking to comply with the terms of paragraph (F) hereof, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of Ralph R. Gilster et al. To Comply With the Terms and Conditions of Paragraph (F) of Federal Power Commission's Order, as Amended, Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ----------, as amended by order issued ----------, in Docket No. G-16025, Ralph R. Gilster et al. hereby agree and undertakes to comply with the terms and conditions of paragraph (F) of said order, and for said purpose has executed this agreement and undertaking this ----- day of ----------

By ----------

Witness:

Unless Gilster is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking should be deemed to have been accepted.

(H) If Gilster shall, in conformity with the terms and conditions of paragraph (F) of this order make such refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(C) In all other respects, said order issued August 20, 1958, in this proceeding shall remain in full force and effect.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7845; Filed, Sept. 24, 1958; 8:52 a. m.]

[1] Act No. 8 of 1958 (House Bill 303), of the State of Louisiana, as approved June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950.

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SEP 29 1958
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

PROCLAMATION 3257

MODIFICATION OF TRADE AGREEMENT CONCESSIONS AND IMPOSITION OF QUOTAS ON UNMANUFACTURED LEAD AND ZINC

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U. S. C. 1351), the President, on October 30, 1947, entered into a trade agreement with foreign countries, which consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment (61 Stat. (Parts 5 and 6) A 7, A 11, and A 2051), and, by Proclamation No. 2761A of December 16, 1947 (61 Stat. (Part 2) 1103), proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out that agreement on and after January 1, 1948;

2. WHEREAS, pursuant to the said authority, the President, on April 21, 1951, entered into a trade agreement consisting of the Torquay Protocol to the General Agreement on Tariffs and Trade, including the annexes thereto (3 UST (Part 1) 588), and, by Proclamation No. 2929 of June 2, 1951 (3 CFR, 1951 Supp., p. 27), proclaimed such modification of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out that agreement on and after June 6, 1951, which proclamation has been supplemented by several notifications of the President to the Secretary of the Treasury, including a notification dated June 2, 1951 (3 CFR, 1951 Supp., p. 530);

3. WHEREAS the second item 394 in Part I of Schedule XX annexed to the agreement referred to in the first recital of this proclamation (61 Stat. (Part 5) A 1219) reads as follows:

Tariff act of 1930, paragraph	Description of products	Rate of duty
394	Old and worn-out zinc, fit only to be remanufactured, zinc dross, and zinc skimmings.	¾ cent per pound.

4. WHEREAS item 391, the first item 392, item 393, and item 394 in Part I of Schedule XX annexed to the trade agreement referred to in the second recital of this proclamation (3 UST (Part 1) 1167), read, respectively, as follows:

Tariff act of 1930, paragraph	Description of products	Rate of duty
391	Lead-bearing ores, flue dust, and mattes of all kinds.	¾ cent per pound on lead content.
392	Lead bullion or base bullion, lead in pigs and bars, lead dross, reclaimed lead, scrap lead, antimonial lead, antimonial scrap lead, type metal, Babbitt metal, solder, all alloys or combinations of lead not specially provided for.	1¼ cents per pound on lead content.
393	Zinc-bearing ores of all kinds, except pyrites containing not over 3% of zinc.	0.6 cent per pound on zinc content.
394	Zinc in blocks, pigs, or slabs, and zinc dust.	0.7 cent per pound.

5. WHEREAS, in accordance with Articles II and XI of the said General Agreement on Tariffs and Trade, the United States customs treatment reflecting the concessions granted in the said trade agreements with respect to the articles described in the items reproduced in the third and fourth recitals of this proclamation has been the application of the respective rates of duty specified in such items, without quantitative limitation;

6. WHEREAS the United States Tariff Commission has submitted to me a report of its Investigation No. 65 under section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U. S. C. 1364), as a result of which the Commission has

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found that the articles described in the said items (except Babbitt metal, solder, and zinc dust) are, as a result in part of the customs treatment specified in the fifth recital of this proclamation, being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic industries producing like or directly competitive products;

7. WHEREAS I find that the modifications of the concessions granted in the said agreements with respect to such articles to permit the application to such articles of the customs treatment hereinafter proclaimed is necessary to remedy the serious injury to the domestic industries producing like or directly competitive products;

8. WHEREAS the said section 350 of the Tariff Act of 1930, as amended, authorizes the President to proclaim such modifications of existing duties and such additional import restrictions as are required or appropriate to carry out any foreign trade agreement that the President has entered into under the said section 350; and

9. WHEREAS, upon modification of the said concessions as hereinafter proclaimed, it will be appropriate, to carry out the General Agreement on Tariffs and Trade, to apply to the said articles the customs treatment hereinafter proclaimed;

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under the authority vested in me by section 350 of the Tariff Act of 1930, as amended, and by section 7 (c) of the Trade Agreements Extension Act of 1951, as amended, and in accordance with the provisions of Article XIX of the said General Agreement on Tariffs and Trade, do proclaim as follows:

(a) Item 391, the first item 392, item 393, and item 394, referred to in the fourth recital of this proclamation, shall each be modified, effective October 1, 1958, so as to read, respectively, as follows:

391	Lead-bearing ores, flue dust, and mattes of all kinds. Whenever, in any three-month period beginning October 1 in 1958, and January 1, April 1, July 1, and October 1 in any subsequent year— (1) the dutiable lead content (as shown on the entry in accordance with the applicable customs regulations) of lead-bearing ores, flue dust, and mattes the product of a country specified below, entered, or withdrawn from warehouse, for consumption, and (2) the dutiable lead content (as shown on the warehouse withdrawal for consumption in accordance with the applicable customs regulations) of lead-bearing ores, flue dust, and mattes the product of such country, with respect to which duty was collected under section 312 of the Tariff Act of 1930 upon withdrawal for consumption from customs bonded warehouse of "metal producible" within the meaning of the said section 312, are determined by the Secretary of the Treasury of the United States to have reached the aggregate quantity specified below for such country, no lead-bearing ores, flue dust, or mattes the product of such country may be entered, or withdrawn from warehouse, for consumption during the remainder of such period; and no article may be withdrawn for consumption from any customs bonded warehouse during the remainder of such period if by reason of such withdrawal duty would become collectible under section 312 of the Tariff Act of 1930 in cancellation of a bond charge covering any lead-bearing ore, flue dust, or matte the product of such country: Short tons Peru — 8,080 Union of South Africa — 7,440 Canada — 6,720 Australia — 5,040 Bolivia — 2,520 All other foreign countries (total) — 3,280 The foregoing quantitative restrictions shall not apply to any ore, flue dust, or matte the lead content of which is not subject to duty or which contains less than two per centum of lead (whether or not the lead content thereof is subject to duty); to any article imported by or for the account of the Government of the United States; or to any imported article which is under contract for delivery in the United States for the account of a corporation wholly owned by the Government of the United States.	¾ cent per pound on lead content.
392	Lead bullion or base bullion, lead in pigs and bars, lead dross, reclaimed lead, scrap lead, antimonial scrap lead, typemetal, Babbitt metal, solder, all alloys or combinations of lead not specially provided for. Whenever, in any three-month period beginning October 1 in 1958, and January 1, April 1, July 1, and October 1 in any subsequent year, the dutiable lead content (as shown on the entry in accordance with the applicable customs regulations) of the articles described above in this item (except Babbitt metal and solder) the product of a country specified below, entered, or withdrawn from warehouse, for consumption, is determined by the Secretary of the Treasury of the United States to have reached the aggregate quantity specified below for such country, no such articles the product of such country may be entered, or withdrawn from warehouse, for consumption during the remainder of such period: Short tons Mexico — 16,440 Australia — 11,940 Canada — 7,920 Yugoslavia — 7,680 Peru — 6,440 All other foreign countries (total) — 3,040 The foregoing quantitative restrictions shall not apply to any article described in this item which is not subject to duty; to any such article imported by or for the account of the Government of the United States; or to any imported article which is under contract for delivery in the United States for the account of a corporation wholly owned by the Government of the United States.	1⅛ cents per pound on lead content.
393	Zinc-bearing ores of all kinds, except pyrites containing not over 5% of zinc. Whenever, in any three-month period beginning October 1 in 1958, and January 1, April 1, July 1, and October 1 in any subsequent year— (1) the dutiable zinc content (as shown on the entry in accordance with the applicable customs regulations) of zinc-bearing ores the product of a country specified below, entered, or withdrawn from warehouse, for consumption, and (2) the dutiable zinc content (as shown on the warehouse withdrawal for consumption in accordance with the applicable customs regulations) of zinc-bearing ores the product of such country, with respect to which duty was collected under section 312 of the Tariff Act of 1930 upon withdrawal for consumption from customs bonded warehouse of "metal producible" within the meaning of the said section 312, are determined by the Secretary of the Treasury of the United States to have reached the aggregate quantity specified below for such country, no zinc-bearing ores the product of such country may be entered, or withdrawn from warehouse, for consumption during the remainder of such period; and no article may be withdrawn for consumption from any customs bonded warehouse during the remainder of such period if by reason of such withdrawal duty would become collectible under section 312 of the Tariff Act of 1930 in cancellation of a bond charge covering any zinc-bearing ore the product of such country: Short tons Mexico — 35,240 Canada — 33,240 Peru — 17,560 All other foreign countries (total) — 8,920 The foregoing quantitative restrictions shall not apply to any ore the zinc content of which is not subject to duty or which contains less than one per centum of zinc (whether or not the zinc con-	0.5 cent per pound on zinc content.

	tent thereof is subject to duty); to any article imported by or for the account of the Government of the United States; or to any imported article which is under contract for delivery in the United States for the account of a corporation wholly owned by the Government of the United States.	
394	Zinc in blocks, pigs, or slabs, and zinc dust. Whenever, in any three-month period beginning October 1 in 1958, and January 1, April 1, July 1, and October 1 in any subsequent year, the total aggregate quantity of the articles described above in this item (except zinc dust) and in the second item 394 in Part I of Schedule XX annexed to the General Agreement on Tariffs and Trade as authenticated on October 30, 1947 (old and worn-out zinc, fit only to be remanufactured, zinc dross, and zinc skimmings), the product of a country specified below, entered, or withdrawn from warehouse, for consumption, is determined by the Secretary of the Treasury of the United States to have reached the aggregate quantity specified below for such country, no such articles the product of such country may be entered, or withdrawn from warehouse, for consumption during the remainder of such period: *Short tons* Canada 18,920 Belgium and Luxembourg (total) 3,760 Mexico 3,160 Belgium Congo 2,720 Peru 1,880 Italy 1,800 All other foreign countries (total) 3,040 The foregoing quantitative restrictions shall not apply to any article described in this item which is not subject to duty; to any such article imported by or for the account of the Government of the United States; or to any imported article which is under contract for delivery in the United States for the account of a corporation wholly owned by the Government of the United States.	0.7 cent per pound.

(b) The articles described in the said items entered, or withdrawn from warehouse, for consumption on or after October 1, 1958, and until the President otherwise proclaims, shall be subject to the quantitative limitations specified in the said items, as modified by paragraph (a) above, except that no such quantitative limitation shall be applied to any article described in item 392 or item 394 or in clause numbered (1) of item 391 or clause numbered (1) of item 393 which was exported to the United States prior to the date of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-second day of September in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-third.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-7939; Filed, Sept. 24, 1958; 12:56 p. m.]

RULES AND REGULATIONS

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments are made to Chapter I of Title 4:

PART 31—CLAIMS AGAINST THE UNITED STATES; GENERAL PROCEDURES

1. Section 31.4 is changed to read:

§ 31.4 *Where claims should be filed.* Action will generally be expedited if claimants file their claims initially with the administrative department or agency out of whose activities they arose. Claims which cannot be disposed of administratively will be transmitted to the Claims Division of the General Accounting Office by the administrative office. However, as to claim filing requirements when the statutory period of limitation is about to expire, see § 31.5. Claims filed direct with the General Accounting Office should be addressed to

Claims Division,
U. S. General Accounting Office,
Washington 25, D. C.

(Sec. 311, 42 Stat. 25, 31 U. S. C. 52. Interprets or applies sec. 305, 42 Stat. 24, 31 U. S. C. 71)

2. Section 31.5 is changed to read:

§ 31.5 *Statutory limitations on claims*—(a) *Statutory limitations relating to claims generally.* Statutory limitations relating to claims generally are contained in 31 U. S. C. 71a. Claimants should submit their claims to the Claims Division of the General Accounting Office if the statutory period of limitation will soon expire.

(b) *Statutory limitation on check claims.* The statutory limitation on claims on account of checks appearing to have been paid are contained in 31 U. S. C. 122. To protect their own interests, it is the responsibility of claimants to present their claims for the proceeds of checks to the Treasurer of the United States or the General Accounting Office if the statutory period of limitation is about to expire.

(c) *Other statutory limitations.* It is not intended to imply that statutes of limitation imposed by Congress are necessarily limited to those cited in paragraphs (a) and (b) of this section. It is incumbent on claimants to inform themselves regarding other possible statutory limitations.

(Sec. 311, 42 Stat. 25, 31 U. S. C. 52. Interprets or applies 31 U. S. C. 71)

3. Section 31.6 is amended to read:

§ 31.6 *Information relating to claims presented to the Claims Division of the General Accounting Office.* Claimants or their authorized representatives may obtain information relating to claims which have been presented to the Claims Division of the General Accounting Office by addressing correspondence to

Claims Division,
U. S. General Accounting Office,
Washington 25, D. C.

or by calling in person at that Office at 441 G Street NW.

(Sec. 311, 42 Stat. 25, 31 U. S. C. 52)

4. Section 31.8 is changed to read:

§ 31.8 *Form of claim settlements*—(a) *Allowed claims.* The Claims Division of the General Accounting Office will certify claims for payment either by use of a Certificate of Settlement, GAO Form 39, or by certificate of allowance placed on the voucher when voucher procedures are in effect.

(b) *Disallowed claims.* When part of a claim is allowed and part disallowed, a statement relating to the disallowed portion will be included on the certificate of settlement or the voucher. When the full amount of a claim is disallowed, the claimant will be advised by issuance of Settlement Certificate, GAO Form 44.

(Sec. 311, 42 Stat. 25, 31 U. S. C. 52)

PART 33—DECEASED CIVILIAN OFFICERS AND EMPLOYEES; PROCEDURE FOR SETTLEMENT OF ACCOUNTS

1. Section 33.1 is changed to read:

§ 33.1 *Scope of part*—(a) *Accounts covered by this part.* This part prescribes forms and procedures for the prompt settlement of accounts of deceased civilian officers and employees of the Federal Government and of the government of the District of Columbia (including wholly owned and mixed-ownership Government corporations), as contemplated by the act of August 3, 1950, as amended, 5 U. S. C. 61f–61k.

(b) *Exceptions.* The procedures prescribed by this part do not apply to:

(1) Accounts of deceased officers and employees of the Federal land banks, Federal intermediate credit banks, production credit corporations, or regional banks for cooperatives. See 5 U. S. C. 61k.

(2) Payment of unpaid balance of salary or other sums due deceased Senators or officers or employees of the Senate. See 2 U. S. C. 36a.

(3) Payment of unpaid balance of salary or other sums due deceased Members of the House of Representatives. See 2 U. S. C. 38a. (See § 33.6 relative

to the settlement of accounts of deceased officers and employees of the House of Representatives.)

(4) Claims for amounts due civilian officers and employees of the Federal Government who die subsequent to separation from employing agency. See Part 35 of this subchapter.

(Sec. 311, 42 Stat. 25, 31 U. S. C. 52. Interprets or applies sec. 3, 64 Stat. 396, 5 U. S. C. 61h)

2. Section 33.3 is changed to read:

§ 33.3 *Forms prescribed for procedures in this part.* Forms prescribed for procedures in this part are:

Standard Forms

SF 1152 Designation of Beneficiary, Unpaid Compensation for Deceased Civilian Employee.

SF 1153 Claim of Designated Beneficiary and/or Surviving Spouse for Unpaid Compensation of Deceased Civilian Employee.

SF 1155 Claim for Unpaid Compensation of Deceased Civilian Employee (No Designated Beneficiary or Surviving Spouse).

(Sec. 311, 42 Stat. 25, 31 U. S. C. 52. Interprets or applies sec. 3, 64 Stat. 396, 5 U. S. C. 61h)

3. Section 33.6 is changed to read:

§ 33.6 *Claims jurisdiction*—(a) *Administrative agencies.* Claims for unpaid compensation due deceased employees of the District of Columbia, of the Canal Zone Government on the Isthmus of Panama, and of wholly owned and mixed-ownership Government corporations will be paid by the employing agency. See 5 U. S. C. 61h. Claims for unpaid compensation due deceased employees of other administrative agencies of the Federal Government will be paid by the employing agency when payment can be made to a designated beneficiary or surviving spouse, unless the provisions of paragraph (b) of this section apply.

(b) *Clerk of the House of Representatives.* Pursuant to the authority vested in the Comptroller General by 5 U. S. C. 61h (b), the Clerk of the House of Representatives is authorized to make payments of unpaid compensation due deceased officers and employees of the House of Representatives to the person or persons specified in 5 U. S. C. 61f, subject to post audit of the payment by the General Accounting Office. If any question should arise concerning the payment of these claims, the vouchers covering the claims may be referred to the General Accounting Office for settlement or for advance decision.

(c) *General Accounting Office.* Except in cases involving deceased employees of the District of Columbia, Canal Zone Government, Government corporations, or deceased officers and employees of the House of Representatives, claims for unpaid compensation due deceased employees of the Federal Government will be paid only upon settlement by the Claims Division of the General Accounting Office:

(1) When no beneficiary has been designated and there is no surviving spouse;

(2) When the designated beneficiary is a minor, is an incompetent, or is the estate of the deceased employee, since such claims are considered as always involving doubt; or

(3) When any doubtful question of law or fact is involved.

(Sec. 311, 42 Stat. 25, 31 U. S. C. 52. Interprets or applies sec. 3, 64 Stat. 396, 5 U. S. C. 61h)

4. Section 33.9 is amended to read:

§ 33.9 *Return of unnegotiated Government checks.* All unnegotiated U. S. Government checks drawn to the order of a decedent representing unpaid compensation as defined in § 33.2, and in the possession of the claimant, should be returned to the employing agency concerned. Claimants should be instructed to return any other U. S. Government checks, drawn to the order of a decedent for purposes other than unpaid compensation, such as veterans benefits, social security benefits, or Federal tax refunds, to the agency from which received with request for further instructions from that agency.

(Sec. 311, 42 Stat. 25, 31 U. S. C. 52. Interprets or applies sec. 3, 64 Stat. 396, 5 U. S. C. 61h)

PART 35—DECEASED PUBLIC CREDITORS GENERALLY; PROCEDURES FOR SETTLEMENT OF ACCOUNTS

Part 35 is completely revised as follows:

Sec.
35.1 Scope of part.
35.2 Jurisdiction.
35.3 Forms.
35.4 Claim filing requirements.
35.5 Unnegotiated and undelivered Government checks.
35.6 Applicability of general claim procedures.

AUTHORITY: §§ 35.1 to 35.6 issued under sec. 311, 42 Stat. 25, 31 U. S. C. 52. Interprets or applies sec. 305, 42 Stat. 24, 31 U. S. C. 71.

§ 35.1 *Scope of part.* This part prescribes the form and procedures relating to the settlement of claims for amounts alleged to be due the estates of deceased individual public creditors, including claims for the proceeds of Government checks drawn on the Treasurer of the United States or other authorized Government depositary to the order of such public creditors, except when such claims are within the scope of other parts of this subchapter or are within the exclusive jurisdiction of administrative agencies pursuant to specific statutory authority. The claims coming within the scope of this part include, among others, claims for amounts due former members of the uniformed services and former civilian employees of the United States who die subsequent to discharge or separation and claims for amounts due deceased contractors and other deceased public creditors for supplies furnished or services rendered.

§ 35.2 *Jurisdiction.* The claims to which this part relates require the consideration and application of the law of the domicile of the deceased public creditor to determine entitlement to amounts found due. Therefore, they are considered as involving such elements of doubt as to require their submission to the Claims Division of the General Accounting Office for adjudication.

§ 35.3 *Forms*—(a) *Forms prescribed for procedures in this part.* The following form is prescribed for procedures in this part:

SF 1055, Claim Against the United States for Amounts Due in the Case of a Deceased Creditor.

(b) *Use of SF 1055 for claims outside scope of part.* SF 1055 may be used for filing claims which are within the exclusive jurisdiction of administrative agencies, if the agencies concerned so desire.

§ 35.4 *Claim filing requirements*—(a) *Use of prescribed form.* Claims to which this part relates, including claims for the proceeds of U. S. Government checks, will be filed on SF 1055.

(b) *Where claims should be filed.* Action will generally be expedited if claimants file their claims initially with the administrative department or agency out of whose activities they arose.

(c) *Assisting claimants in filing claims.* Such assistance as is deemed necessary may be given to claimants by the administrative agency concerned to insure proper execution and submission of the SF 1055.

§ 35.5 *Unnegotiated and undelivered Government checks.* All unnegotiated U. S. Government checks in possession of the claimant, drawn to the order of the decendent and involved in the claim, should be returned to the agency from which received.

§ 35.6 *Applicability of general claim procedures.* Except as otherwise provided herein, the provisions of Part 31 of this subchapter relating to the procedures applicable to claims generally are equally applicable to the claims to which this part relates.

PART 36—INCOMPETENT PUBLIC CREDITORS; PROCEDURES FOR SETTLEMENT OF ACCOUNTS

Part 36 is completely revised, as follows:

Sec.
36.1 Scope of part.
36.2 Jurisdiction.
36.3 Claim filing requirements.
36.4 Disposition of unnegotiated and undelivered Government checks.
36.5 Applicability of general claim procedures.

AUTHORITY: §§ 36.1 to 36.5 issued under sec. 311, 42 Stat. 25, 31 U. S. C. 52. Interprets or applies sec. 305, 42 Stat. 24, 31 U. S. C. 71.

§ 36.1 *Scope of part.* This part prescribed the procedures applicable to the settlement of claims for amounts due incompetent public creditors of the United States, including claims for the proceeds of Government checks drawn on the Treasurer of the United States or other authorized Government depositary to the order of such creditors, except those claims which are under the exclusive jurisdiction of administrative agencies pursuant to specific statutory authority.

§ 36.2 *Jurisdiction*—(a) *Claims Division, General Accounting Office.* The claims to which this part relates are considered as generally involving such elements of doubt as to require their submission to the Claims Division of the General Accounting Office for adjudication. Therefore, except in the case of recurring payments to guardians and committees, they shall be submitted to the Claims Division of the General Accounting Office for direct settlement. However, action will generally be expedited if claimants file their claims initially with the administrative department or agency out of whose activities they arose.

(b) *Administrative agencies.* After the first payment has been certified by the General Accounting Office to a guardian or committee, recurring payments may be made in the same form and capacity by the administrative office as long as the appointment as guardian or committee remains in effect and the matter is otherwise free from doubt.

§ 36.3 *Claim filing requirements*—(a) *Form of claim.* No form is prescribed for use in making claim for sums due incompetent creditors of the United States. Such claims must be filed in writing over the signature and full address of the person claiming on behalf of the incompetent creditor and must set forth the connection of the incompetent creditor with the United States Government, giving the name of the department, bureau, establishment or agency involved.

(b) *Claim filed by guardian or committee*—(1) *Initial claim.* The initial claim filed by the guardian or committee of the estate of an incompetent must be accompanied by a short certificate of the court showing the appointment and qualification of the claimant as guardian or committee.

(2) *Claims for recurring payments.* Subsequent claims from guardians or committees for recurring payments need not be accompanied by an additional certificate of the court, but they must be supported by a statement that the appointment is still in full force and effect.

(c) *Claims filed by other than guardian or committee.* When the amount due the incompetent is small and no guardian or committee of the estate has been or will be appointed, payment may be made, in the discretion of the Comptroller General, to the person or persons having care or custody of the incompetent, or to close relatives who will hold the amount for the use and benefit of the incompetent. The claim must be supported by a statement showing (1) that: No guardian or committee has been or will be appointed; (2) the claimant's relationship to the incompetent, if any; (3) the name and address of the person having care and custody of the incompetent; and (4) that any amount paid to the claimant will be applied to the use and benefit of the incompetent.

§ 36.4 *Disposition of unnegotiated and undelivered Government checks.* All unnegotiated U. S. Government checks in possession of the claimant, drawn to the order of the incompetent public creditor and involved in the claim, should be returned to the agency from which received.

§ 36.5 *Applicability of general claim procedures.* The provisions of Part 31 of this subchapter relating to the procedures applicable to claims generally are applicable also to the settlement of accounts of incompetent public creditors to which this chapter relates.

PART 51 — PASSENGER TRANSPORTATION SERVICE FOR THE ACCOUNT OF THE UNITED STATES

Section 51.19 is changed to read:

§ 51.19 *Stopovers.* When a traveler is obliged to make one or more stops to conduct official business, a through ticket with stopover privileges usually can be utilized at a saving to the Government and will require the issuance of only one transportation request. Each stopover on official business must be specifically indicated on the transportation request when (a) travel is by domestic airlines; (b) Pullman accommodations are used; or (c) excess baggage services via air are involved.

(Sec. 311, 42 Stat. 25, 31 U. S. C. 52. Interprets or applies sec. 309, 42 Stat. 25, 31 U. S. C. 49)

[SEAL] JOSEPH CAMPBELL,
Comptroller General of the United States.

[F. R. Doc. 58-7880; Filed, Sept. 25, 1958; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 6]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

DETERMINATION AND PRORATION OF 1958 QUOTA DEFICITS

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948, as amended, hereinafter called the "act" for the purpose of determining and prorating additional deficits in the quotas for Hawaii and the Virgin Islands for sugar to be marketed in the continental United States in 1958.

Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any area will be unable to market its quota and prescribes the manner in which any deficit in a quota for a domestic area or Cuba is to be prorated to other such areas able to supply the additional sugar. Such section provides that any deficit in any domestic producing area occurring by reason of inability to market that part of the quota for such area allotted under the provisions of section 202 (a) (2) of the act, shall first be prorated to other domestic areas on the basis of the quotas then in effect, and the remainder of such deficit to be prorated to other domestic areas and Cuba on the basis of quotas then in effect.

The act also provides that the quota for any area as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit.

In order to afford sellers of sugar in affected areas an adequate opportunity to plan marketings and to market the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amenmdent be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and the Administrative Procedure Act (60 Stat. 237) § 811.4 of Sugar Regulation 811 (23 F. R. 2705 as amended) is hereby amended to read as follows:

§ 811.4 *Determination and proration of area deficits and adjusted quotas*—(a) *Deficit in quotas established in § 811.2.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1958, Hawaii, Puerto Rico and the Virgin Islands will be unable by 390,496, 325,253 and 9,449 short tons, raw value, of sugar, respectively, to market the quotas established for such areas in § 811.2.

(b) *Quotas in effect upon proration of deficits in parts of quotas established pursuant to section 202 (a) (2).* The part of the deficits determined in paragraph (a) of this section applicable to that portion of the quotas in § 811.2 established pursuant to the provisions of section 202 (a) (2) of the act, which amounts to 102,298 short tons, raw value, is hereby prorated on the basis of the quotas established in § 811.2 to domestic areas to the extent each such area is able to supply additional quantities. The quotas for such areas in effect upon publication of this paragraph in the FEDERAL REGISTER shall be those established in § 811.2 plus the quantities prorated herein, as follows:

Area	Prorated herein	Quotas including prorations herein and in para. (b) of this section
	Short tons, raw value	
Domestic beet sugar	223,695	2,255,874
Mainland cane sugar	68,833	694,154
Hawaii	0	1,090,496
Puerto Rico	0	1,140,253
Virgin Islands	0	15,549
Cuba	330,372	3,331,667

Quotas for foreign countries other than Cuba remain as established in § 811.3.

STATEMENT OF BASES AND CONSIDERATIONS

On May 23, prior to the end of the strike which disrupted sugar production in Hawaii, a determination was made that the supply of Hawaiian sugar available for entry into the continental United States in 1958 would not likely exceed 765,000 short tons, raw value. Immediately after resumption of production, the Hawaiian industry estimated that total production in 1958 would be 820,000 tons. It was then possible that production might be somewhat larger. Since then, however, the weekly record of operations through September 6, does not support that possibility. Furthermore, the industry in mid-September again estimated production at 820,000 tons.

The quantity of Hawaiian sugar which can arrive at United States ports before December 31, 1958, is now expected to approximate 700,000 tons since a portion of the year's production will occur in late December and approximately 43,000 tons of sugar will be needed for consumption in the Islands.

The deficit herein established for the Virgin Islands is based on entries of approximately 6,100 tons, the total available in 1958. The deficit as previously established for Puerto Rica is unchanged.

Inasmuch as production has been completed in both Puerto Rico and the Virgin Islands, it is possible now to estimate accurately the entries against those quotas during the full year 1958. The declared deficits reflect such estimates. On the other hand, a substantial part of Hawaiian production will occur between now and the end of the year. Even though the adjusted quota for that area has now been reduced to 700,000 tons, additional sugar may be entered if the level of production permits. The act reserves to each of the areas the right to enter its full quota even though deficits may have been declared and reallotted to other areas.

Accordingly, deficits of 390,496, 325,253 and 9,449 short tons, raw value, in the mainland quotas for Hawaii, Puerto Rico and the Virgin Islands, respectively, are hereby determined and pursuant to section 204 (a) of the act, 102, 298 tons are prorated to domestic areas able to market additional sugar on the basis of the quotas for such areas as established in S. R. 811, Amendment 5 (23 F. R. 4597), and 622,900 tons are prorated to such domestic areas and Cuba on the basis of the quotas in effect after proration of the 102,298 tons.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 202, 204; 61 Stat. 924, 925; 7 U. S. C. 1112, 1114)

Done at Washington, D. C., this 19th day of September 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-7885; Filed, Sept. 25, 1958; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 3]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

CERTIFICATION OF RADIO EQUIPMENT

This supplement corrects Civil Aeronautics Administration policy concerning the certification of radio equipment contained in § 1.11–1 and the list in § 1.12–1 (a). The correction is necessitated by the revocation of Part 16 of the Civil Air Regulations.

1. Revise § 1.11–1 to read as follows:

§ 1.11–1 *Appliances (CAA policies which apply to § 1.11).* Inasmuch as Parts 15 and 16 of this subchapter have been rescinded, type certificates are no longer issued for appliances. Types of appliances formerly type certificated under the provisions of Parts 15 and 16 of this subchapter are acceptable for use on aircraft if the appliance complies with a Technical Standard Order issued by the Administrator or is approved as part of the aircraft.

2. Revise the list in § 1.12–1 (a) to read as follows:

§ 1.12–1 *Requirements for issuance of type certificates (CAA policies which apply to § 1.12).* (a) * * *

(1) Part 3—Airplane Airworthiness; Normal, Utility, and Acrobatic Categories.

(2) Part 4b—Airplane Airworthiness: Transport Categories.

(3) Part 5—Glider Airworthiness.

(4) Part 6—Rotorcraft Airworthiness: Normal Category.

(5) Part 7—Rotorcraft Airworthiness: Transport Categories.

(6) Part 8—Aircraft Airworthiness: Restricted Category.

(7) Part 9—Aircraft Airworthiness: Limited Category.

(8) Part 10—Certification and Approval of Imported Aircraft and Related Products.

(9) Part 13—Aircraft Engine Airworthiness.

(10) Part 14—Aircraft Propeller Airworthiness.

This supplement shall become effective October 20, 1958.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

SEPTEMBER 19, 1958.

[F. R. Doc. 58-7862; Filed, Sept. 25, 1958; 8:45 a. m.]

[Supp. 32]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

FUEL INJECTION PUMPS

This supplement clarifies the phrase "fuel injection pumps" contained in § 3.449 of the Civil Air Regulations.

1. A new § 3.449–1 is added to read:

§ 3.449–1 *Fuel injection pump (CAA interpretations which apply to § 3.449 (b)).* The phrase "fuel injection pump" means a pump that supplies proper flow and pressure conditions for fuel injection [1] when such injection is not accomplished in a carburetor.

This supplement becomes effective October 20, 1958.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

SEPTEMBER 19, 1958.

[F. R. Doc. 58-7863; Filed, Sept. 25, 1958; 8:46 a. m.]

[Supp. 39]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

MISCELLANEOUS AMENDMENTS

This supplement revises the table for engine power corrections in § 4b.110–1; clarifies the phrase "fuel injection pumps", outlined in § 4b.430 of the Civil Air Regulations; establishes in § 4b.606–2 new policies concerning the location and installation details for flight recorders; limits the effect of the addition or deletion of an instrument on the accuracy of required duplicate instruments in § 4b.612–5; and amends CAA policy con-

[1] Fuel injection is a special form of carburetion: the charging of air or gas with volatile carbon compounds. It is either an intermittent charging of air by discrete, metered quantities of fuel such as occurs in a Diesel cylinder or it is a continuous charging of air by fuel, the fuel flow being proportioned to the airflow through the engine. Examples of continuous injection are injections into the supercharger section of a reciprocating engine or into the combustion chambers of a turbine engine.

tained in § 4b.740–1 (b) (9) by specifying the applicable windshield temperature limits to be included in the flight manual.

1. Revise § 4b.110–1 (a) to read as follows:

§ 4b.110–1 *Engine power corrections (CAA policies which apply to § 4b.110)*— (a) *Engine power corrections for vapor pressure.* The following standard vapor pressures, specific humidities, and densities versus altitude have been established for the purpose of correcting airplane performance data in accordance with § 4b.110.

Altitude H (Ft.)	Vapor pressure e (In. Hg.)	Specific humidity w (lb. moisture per lb. dry air)	Density ratio $\sigma = \frac{\rho}{.0023769}$
0	0.403	0.00849	0.99508
1,000	.354	.00773	.96672
2,000	.311	.00703	.93895
3,000	.272	.00638	.91178
4,000	.238	.00578	.88514
5,000	.207	.00523	.85910
6,000	.1805	.00472	.83361
7,000	.1566	.00425	.80870
8,000	.1356	.00382	.78434
9,000	.1172	.00343	.76053
10,000	.1010	.00307	.73722
15,000	.0463	.001710	.62868
20,000	.01978	.000896	.53963
25,000	.00778	.000436	.44806

2. A new § 4b.430–1 is added to read:

§ 4b.430–1 *Fuel injection pump (CAA interpretations which apply to § 4b.430).* The phrase "fuel injection pump" means a pump that supplies the proper flow and pressure conditions for fuel injection [1] when such injection is not accomplished in a carburetor.

3. Section 4b.606–2 is amended to read:

§ 4b.606–2 *Installation of flight recorders (CAA policies which apply to § 4b.606).* Flight recorders required under Parts 40, 41, and 42 of this subchapter as amended should be installed in the airplane in conformance with the following:

(a) *Location of flight recorder.* The recorder should be located in accordance with the applicable type in the following:

Type I—Unrestricted location.
Type II—Restricted to any location more than one-half of the wing root chord from the main wing structure through the fuselage and from any fuel tanks.
Type III—Unrestricted location.

(b) *Vertical acceleration sensing.* (1) The vertical acceleration forces should be sensed at a location within or adjacent to the fuselage, and within or as close to the center of gravity range of the airplane as practicable.

(2) The vertical acceleration sensor, or the unit in which it is contained, should be attached to a rigid structural member of the airplane so that vertical acceleration forces present in that area can be sensed with a minimum of error.

(3) Sensing of only the in-flight vertical acceleration forces is necessary; impact forces need not be sensed.

(c) *Connection to sources of data.* The air speed, altitude, and heading data should be obtained from either [2] a required duplicate instrument, or from a source independent of required flight and navigation instrument systems, or a combination thereof. No connection should be made within the case itself of the required altimeter indicators. If data are obtained from an independent source, such source should provide data which has an accuracy equivalent to corresponding data furnished by required flight and navigation instrument systems. Provisions need not be made to disconnect or isolate the recorder in flight from sources of data which are independent of required flight and navigation instruments.

(d) *Connection to electrical power.* The flight recorder should be connected to a bus of maximum reliability when such connection does not jeopardize service to essential or emergency loads. If service to such loads is affected, the recorder should be connected to a bus of the next lower reliability.

4. Section 4b.612–5 is amended to read:

§ 4b.612–5 *Connection of additional instruments to duplicate instrument system (CAA policies which apply to § 4b.612 (f)).* Neither the accuracy nor the performance of any required duplicate instrument should be reduced below the minimum required by the pertinent Civil Air Regulations when an additional instrument is connected to or is subsequently disconnected from the system.

4. Amend § 4b.740–1 (b) (9) by adding a new subdivision (v) to read:

(v) The windshield temperature limits or head adjustment setting should be specified if resistance to bird penetration is dependent upon operation within a particular windshield temperature range.

This amendment shall become effective October 20, 1958.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

SEPTEMBER 19, 1958.

[F. R. Doc. 58–7864; Filed, Sept. 25, 1958; 8:46 a. m.]

[1] Fuel injection is a special form of carburetion: the charging of air or gas with volatile carbon compounds. It is either an intermittent charging of air by discrete, metered quantities of fuel such as occurs on a Diesel cylinder or it is a continuous charging of air by fuel, the fuel flow being proportioned to the airflow through the engine. Examples of continuous injection are injections into the supercharger section of a reciprocating engine or into the combustion chambers of a turbine engine.

[2] See § 4b.612 (f) for requirements concerning the connection of additional instruments to required duplicate and duplicated instrument systems.

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 11]

PART 507—AIRWORTHINESS DIRECTIVES

MISCELLANEOUS AMENDMENTS

This amendment to Part 507 contains the Airworthiness Directives amended or issued during August 1958. Individual notice of the Airworthiness Directives contained herein has been given to operators and other interested persons who are subscribers to a Civil Aeronautics Administration mailing service.

In the interest of safety, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and therefore, is not required.

Section 507.10 (a) is amended as follows:

1. 58–5–2 Vickers Viscount 700 series as it appeared in 23 F. R. 2568 is revised by replacing the entire text of paragraph C with the following:

C. Inspections and modifications to the catenary floor (forward of station 132) are required in accordance with PTL NE 139 issue 4 and modifications D.1884 Part B and D.2313. These modifications should if possible be embodied together. For aircraft that have had the cabin differential pressure set at 6.5 psi since commencement of operation, modification D.1884 Part B must be embodied at or before 4750 flights, and modification D.2313 at or before 1500 flights after the incorporation of modification D.1884 Part B if not concurrently embodied. For aircraft that have operated at a maximum of 5.5 psi cabin differential pressure since commencement of operation, modification D.1884 Part B must be embodied at or before 6500 flights, and modification D.2313 at or before 2100 flights after the incorporation modification D.1884 Part B if not concurrently embodied.

2. 58–10–9 Vickers Viscount 700 series as it appeared in 23 F. R. 4726 is revised by changing the text of paragraphs (4) and (5) to:

(4) If the length or depth of the cracks exceed the limits quoted in item 3, the part is no longer considered serviceable and must be replaced with new cylinder, in accordance with Vickers Mod. No. D.2694.

(5) After embodiment of the new cylinders to either Part (a) or (c) of Mod. D.2694, the above inspections may be discontinued.

The final statement is also changed to read:

(Vickers-Armstrongs PTL 191, Issue 3, and Modification D.2694 cover this subject.)

3. The following new airworthiness directives are added:

58–16–1 PIPER. Applies to Piper Model PA–18 Serial Numbers 20–1 to 20–1131, Inclusive, and Model PA–22 Serial Numbers 22–1 to 22–6087, Inclusive, That Have Cigar Lighters Installed.

Compliance required within next 100 hours operation.

To preclude the possibility of blowing the master fuses, due to a short circuit caused by a faulty cigar lighter element, install a 15 ampere standard fuse, Bussman No. AGC–15 or equivalent, in the wire between the cigar lighter and the ammeter.

(Piper Service Bulletin Number 163A covers the same subject.)

58–17–1 BELL. Applies to All 47J Helicopters.

Compliance required as indicated.

To preclude the possibility of failure of the 47–110–267–9 counterweight bracket assembly, the service life of this part has been established at 300 hours. All 47–110–267–9 bracket assemblies which have accumulated 900 hours or more of service must be replaced no later than August 31, 1958, and every 300 hours of service thereafter.

This replacement consists of the removal of the two 47–110–267–9 main rotor counterweight bracket assemblies, and the installation of new counterweight bracket assemblies. Change and replace bracket assemblies in accordance with applicable instructions contained in the Maintenance and Overhaul Instruction Handbook.

(Bell's Service Bulletin Number 127 SB dated 7/16/58 covers this same subject.)

58–17–2 CURTISS-WRIGHT. Applies to All C–46 Series Aircraft Including The Models C–46R and C–46/CW20–T Aircraft.

Compliance required as noted.

Due to recurrent fatigue cracking on the horizontal tail surfaces the following inspections must be accomplished:

(1) Conduct a daily visual external inspection of the horizontal tail surfaces for cracks with especial reference to cracks developing in the skin and ribs in the area of the elevator balance weights and the elevator hinge cut-outs.

(2) A detailed visual inspection of the horizontal tail surfaces must be conducted at intervals not to exceed 60 hours of operation. Particular attention should be paid to cracks developing in the area of the balance weights on the elevator, elevator nose ribs, elevator main spar, and elevator and stabilizer hinge ribs.

(3) Any cracks found must be repaired in accordance with the structural repair manual or other approved repair method prior to the next flight. Stop drilling of cracks is not considered a repair but may form part of a repair.

58–17–3 CURTISS-WRIGHT AND MARTIN. Applies to 202, 202A, 404 and C–46 Series (Including C–46/CW20–T) Aircraft Having Propeller Hydraulic Feathering Lines Routed Over or Attached to Engine Cylinder Assemblies.

Compliance recommended at the next engine overhaul but required by June 1, 1959.

Several cases of engine cylinder failures have occurred in which it was subsequently impossible to feather the propeller. In these cases the feathering line, which was routed over a front row cylinder, was severed by a dislodged cylinder, thus preventing feathering and causing an additional fire hazard from oil being pumped over the engine. The record of cylinder failures from studs loosening or breaking indicates that the front row cylinders are mainly involved.

To prevent loss of feathering control from such failures, either of the following is required:

(1) The propeller feathering line must be routed between cylinders. It must be supported in a manner avoiding attachment to a cylinder, and the line located at least three to four inches from the cylinder flanges.

(2) The propeller feathering line must be routed between cylinders on the front row of cylinders, in the manner described above. However, it will be acceptable for the line to be routed over a rear row cylinder provided it can be determined that sufficient flexibility is provided to prevent feathering line damage in the event of cylinder failure.

58–17–4 PIAGGIO. Applies to All Model P.136–L1 and P.136–L2 Aircraft.

Compliance required by December 1, 1958.

Several cases have occurred where the water rudder inadvertently dropped into the extended position during water landings. In order to avoid future occurrences, Piaggio & Co. recommends that a hook be incorporated at the water rudder retraction cylinder, which is controllable by the pilot. In addition, the forward section of the water rudder should be cut off, in order to prevent any interference with the retraction of the water rudder because of the accumulation of debris.

This modification is considered mandatory by the Registro Areonautico Italiano. The CAA concurs and considers compliance therewith mandatory.

(Piaggio & Co. Change Order No. 36 L–42, dated May 29, 1958, covers the same subject.)

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

SEPTEMBER 19, 1958.

[F. R. Doc. 58–7860; Filed, Sept. 25, 1958; 8:45 a. m.]

[Amdt. 235]

PART 608—RESTRICTED AREAS

MISCELLANEOUS AMENDMENTS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Division, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.12, the Ajo, Arizona, area (R–309) amended on January 31, 1952, in 17 F. R. 910 is further amended by changing the "Designated Altitudes" column to read: "Surface to 40,000 feet MSL".

2. In § 608.12, the Gila Bend, Arizona, area (R–398) amended on January 31, 1952, in 17 F. R. 910 is further amended by changing the "Designated Altitudes" column to read: "Surface to 40,000 feet MSL" and the "Time of Designation" column to read: "Sunrise to Sunset, VFR, Mondays through Fridays".

3. In § 608.12, the Gila Bend, Arizona, area (R–501) amended on May 25, 1956, in 21 F. R. 3496 is further amended by changing the "Designated Altitudes" column to read: "40,000 feet MSL" and the "Time of Designation" column to read: "Sunrise to Sunset".

4. In § 608.14, the Cuddeback Dry Lake, California, area (R–447) amended on February 26, 1955, in 20 F. R. 1209 is further amended by changing the "Time of Designation" column to read: "Continuous VFR".

5. In § 608.14, the Salton Sea, California, area (R–303) amended on August 12, 1955, in 20 F. R. 5850 is further amended by changing the "Controlling Agency" column to read: "Atomic Energy Commission, Salton Sea Test Base".

6. In § 608.15, the Parker, Colorado, area (R–195) amended on January 3, 1958, in 23 F. R. 53 is further amended by changing the "Time of Designation" column to read: "Sunrise to Sunset".

7. In § 608.39, the Melrose, New Mexico, area (R–185) amended on February 5, 1958, in 23 F. R. 747 is further amended by changing the "Designated Altitudes" column to read: "50,000 feet MSL"; "Controlling Agency" column to read: "Commander, 832d Air Division, Cannon AFB, New Mexico"; "Time of Designation" column to read: "Sunrise to Sunset".

8. In § 608.39, the Melrose, New Mexico, area Number 2 (R–529) amended on March 18, 1958, in 23 F. R. 1807 is further amended by changing the "Controlling Agency" column to read: "Commander, 832d Air Division, Cannon AFB, New Mexico".

9. In § 608.62, the Mokuhooniki Rock, Molokai, Territory of Hawaii, area (R–326) amended on October 31, 1951, in 16 F. R. 11066 is rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on October 23, 1958.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

SEPTEMBER 19, 1958.

[F. R. Doc. 58–7861; Filed, Sept. 25, 1958; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

LABELING OF DETERGENT SUBSTANCES, OTHER THAN SOAP, INTENDED FOR USE IN CLEANSING THE BODY

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701 (a), 52 Stat. 1055, as amended; 21 U. S. C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), and pursuant to the Administrative Procedure Act (sec. 3, 60 Stat. 237; 5 U. S. C. 1002), the following statement of interpretation is issued:

§ 3.652 *Labeling of detergent substances, other than soap, intended for use in cleansing the body.* (a) In its definition of the term "cosmetic," the Federal Food, Drug, and Cosmetic Act specifically excludes soap. The term "soap" is nowhere defined in the act. In administering the act, the Food and Drug Administration interprets the term "soap" to apply only to articles that meet the following conditions:

(1) The bulk of the nonvolatile matter in the product consists of an alkali salt of fatty acids and the detergent properties of the article are due to the alkali-fatty acid compounds; and

(2) The product is labeled, sold, and represented only as soap.

(b) Products intended for cleansing the human body and which are not "soap" as set out in paragraph (a) of

this section are "cosmetics," and accordingly they are subject to the requirements of the act and the regulations thereunder. For example, such a product in bar form is subject to the requirement, among others, that it shall bear a label containing an accurate statement of the weight of the bar in avoirdupois pounds and ounces, this statement to be prominently and conspicuously displayed so as to be likely to be read under the customary conditions of purchase and use.

(Sec. 701 (a), 52 Stat. 1055, as amended; 21 U. S. C. 371 (a). Interpret or apply secs. 201 (i), 602 (b) (2), 52 Stat. 1041, 1054; 21 U. S. C. 321 (i), 362 (b) (2))

Dated: September 22, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-7886; Filed, Sept. 25, 1958; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6317]

PART 18—TEMPORARY REGULATIONS RELATING TO CERTAIN INCOME TAX MATTERS UNDER THE TECHNICAL AMENDMENTS ACT OF 1958

ELECTION OF SMALL BUSINESS CORPORATIONS

The following rules, prescribed under the Technical Amendments Act of 1958, 72 Stat. 1606, relate to certain elections or other actions by taxpayers under the provisions of such act.

The rules set forth herein are temporary rules designed to inform taxpayers as to how, when, and where to perform certain acts required or permitted under the Technical Amendments Act of 1958. More comprehensive rules with respect to the subjects involved will be incorporated in subsequent regulations under the act. The inclusion in this Treasury decision of rules relating to certain acts is intended to assist taxpayers in the performance of such acts. Rules with respect to other acts required or permitted by other provisions of the act will be covered in subsequent regulations.

In order to prescribe temporary rules with respect to certain small business corporations and their shareholders making an election under the provisions of subchapter S, as added by section 64 of the Technical Amendments Act of 1958, the following regulations are hereby adopted:

§ 18.1-1 *Election of certain small business corporations*—(a) *In General.* Section 64 of the Technical Amendments Act of 1958 (72 Stat. 1650) amends the Internal Revenue Code of 1954 by adding at the end of chapter 1 a new subchapter S, comprising sections 1371 through 1377, and by adding a new section 6037, relating to information returns. Subchapter S permits a "small business corporation" (as defined in section 1371 (a)) to elect under section 1372 (a) (with the consent of all its shareholders) not to be subject to the income tax imposed by chapter 1. The election may be made only if the corporation is a domestic corporation; is not a member of an affiliated group of corporations (as defined in section 1504); and does not have (1) more than one class of stock, (2) more than 10 shareholders, (3) a shareholder (other than an estate) who is not an individual, or (4) a shareholder who is a nonresident alien. An election under section 1372 (a) may be made only with respect to a taxable year beginning after December 31, 1957, and ending after September 2, 1958. The election shall be effective for the taxable year of the corporation for which it is made and for all succeeding taxable years unless it is terminated under section 1372 (e). The taxable income of an electing small business corporation, to the extent that it exceeds dividends distributed in money out of earnings and profits of the taxable year, is taxed directly to the shareholders to the extent that it would have constituted a dividend if it had been distributed on the last day of the corporation's taxable year.

(b) *Manner of making election*—(1) *In general.* The election under section 1372 (a) should be made by the corporation by filing Form 2553, containing the information required by such form, and by filing, in the manner provided in subparagraph (3) of this paragraph, a statement of the consent of each shareholder of the corporation. If the Form 2553 is not available, the election may be made by filing a statement containing the information required by Form 2553. Copies of Form 2553 or a description of the information required by such form will be furnished by district directors upon request. The election shall be signed by the person or persons who are authorized to sign the return required under section 6037 and shall be filed with the district director with whom such return is to be filed.

(2) *Time of making election.* (i) Except as provided in subdivision (ii) of this subparagraph, the election under section 1372 (a) and subparagraph (1) of this paragraph shall be filed for any taxable year either (*a*) during the first calendar month of such taxable year, or (*b*) during the calendar month preceding such first calendar month.

(ii) For any taxable year of a corporation which begins after December 31, 1957, and before September 3, 1958, and which ends after September 2, 1958, the election under section 1372 (a) and subparagraph (1) of this paragraph shall be made on or before December 1, 1958, or on or before the last day of the corporation's taxable year, whichever is earlier. An election for such taxable year may be made, however, only if the corporation has been a small business corporation (as defined in section 1371 (a)) on each day after September 2, 1958, and before the day of election.

(3) *Statement of shareholder consent.* (i) An election under section 1372 (a) shall be valid only if all persons who are shareholders of the corporation on the first day of the corporation's taxable year, or on the day of election (whichever is later) consent to such election. Such shareholder consent shall be in the form of a statement signed by the shareholders in which each such shareholder consents to the election of the corporation under section 1372 (a). The statement shall set forth the name and address of the corporation and of each shareholder, the number of shares of stock owned by each shareholder, and the date (or dates) on which such stock was acquired. The consents of all shareholders shall be attached to the election of the corporation filed with the district director. If the election is made before the first day of the corporation's taxable year, the consents of persons who become shareholders after the date of election and on or before such first day shall be filed with the district director with whom the election was filed as soon as practicable after such first day. In the case of a consent filed after the date of election, a copy of the consent shall be filed with the return required to be filed under section 6037. In no event will an election under section 1372 (a) be valid if the consents are filed after the last day prescribed for making the election.

(c) *New shareholders.* Section 1372 (e) (1) provides that an election under section 1372 (a) shall terminate if any person who was not a shareholder on the first day of the first taxable year for which the election is effective, or on the day on which the election is made (whichever is later), becomes a shareholder and does not consent to the election under section 1372 (a). Such termination shall be effective for the taxable year of the corporation in which such person becomes a shareholder and for all succeeding taxable years of such corporation. Any such consent by a new shareholder shall be made in a statement filed with the district director with whom the election was filed. Such statement of consent shall be filed within a period of 30 days beginning on the day on which such person becomes a new shareholder. Such statement shall state that such person consents to the election under section 1372 (a) and shall contain the name and address of the corporation and of such person, the number of shares of stock owned by such person, the date on which such shares were acquired, and the name and address of each person from whom such shares were acquired. A copy of the consent of a new shareholder shall be filed with the return required to be filed under section 6037 for the taxable year to which such consent applies.

(d) *Revocation of election.* Under section 1372 (e) (2) an election under section 1372 (a) may be revoked by the corporation (with the consent of all its shareholders) for any taxable year of the corporation after the first taxable year for which the election is effective. Such revocation shall be made by the corporation by filing a statement that the corporation revokes the election made under section 1372 (a). The statement shall be signed by the person or persons who are authorized to sign the return of the corporation required under section 6037 and shall be filed with the district director with whom the election was filed. In addition, there shall be attached to the statement of revocation a statement of consent, signed by each person who is a shareholder of the corporation on the day on which such statement of revocation is filed, in which each such shareholder consents to the revocation by the corporation of the election under section 1372 (a). Such revocation, if made before the close of the first month of the corporation's taxable year, shall be effective for the taxable year in which the revocation is made and for all succeeding taxable years of the corporation. If the revocation is made after the close of the first month of the corporation's taxable year, such revocation shall be effective for the taxable year of the corporation following that in which the revocation is made and for all succeeding taxable years of the corporation.

(e) *Return of electing small business corporation.* Section 6037 of the 1954 Code requires that every electing small business corporation (as defined in section 1371 (b)) shall make a return for each taxable year for which the election is effective. The return shall be filed on such form as shall be prescribed therefor and shall contain the information required by section 6037 and by such form. The return shall be signed by the person or persons who are authorized to sign a return under section 6062 and shall be filed with the district director with whom the income tax return of the corporation would be filed if the corporation were subject to the tax imposed by chapter 1. The return required under section 6037 shall be filed on or before the 15th day of the third month following the close of the taxable year of the corporation.

Because the time for making the election provided in section 1372 will in some cases expire in less than 15 days, it is found impracticable to issue this Treasury decision with notice and public procedure thereon under section (4) (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interprets or applies secs. 1372, 6037, 72 Stat. 1650, 1656; 26 U. S. C. 1372, 6037)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: September 22, 1958.

NELSON P. ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 58-7869; Filed, Sept. 25, 1958; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—VETERANS' READJUSTMENT ACT OF 1952

RATES OF EDUCATION AND TRAINING ALLOWANCE

In § 21.2052, paragraph (a) (1) (iv) is amended to read as follows:

§ 21.2052 *Rates of education and training allowances*—(a) *Institutional training; full- and part-time rates.* (1) * * *

(iv) If such program is pursued on a less than half-time basis, such allowance will be computed at the rate of (*a*) the established charges for tuition and fees, for the certified period of enrollment, which the institution requires similarly circumstanced nonveterans enrolled in the same course to pay, or (*b*) $110 per month for a full-time course, whichever is the lesser.

Example: A veteran is enrolled for a 5-semester-hour course which begins on September 1, 1957, and ends February 1, 1958. Charges for tuition and fees for the period of certified enrollment are $90. The veteran's period of enrollment is certified to extend from October 1, 1957, to February 1, 1958. The monthly rate of educational allowances is computed as follows:

$90 ÷ 4 mo. (period of enrollment) = $22.50
$110 × 5/4 = $39.29

The monthly rate payable is the lesser of the two, i. e., $22.50.

(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210. Interpret or apply secs. 201-274, 66 Stat. 663-682, as amended; 38 U. S. C. 911-984)

This regulation is effective September 26, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58-7912; Filed, Sept. 25, 1958; 8:57 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 296]

MISCELLANEOUS REGULATIONS RELATING TO TOBACCO MATERIALS, TOBACCO PRODUCTS, AND CIGARETTE PAPERS AND TUBES

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

1. Section 6423 of the Internal Revenue Code of 1954, as amended, reads as follows:

SEC. 6423. *Conditions to allowance in the case of alcohol and tobacco taxes*—(a) *Conditions.* No credit or refund shall be allowed or made, in pursuance of a court decision or otherwise, of any amount paid or collected as an alcohol or tobacco tax unless the claimant establishes (under regulations prescribed by the Secretary or his delegate)—

(1) That he bore the ultimate burden of the amount claimed; or

(2) That he has unconditionally repaid the amount claimed to the person who bore the ultimate burden of such amount; or

(3) That (A) the owner of the commodity furnished him the amount claimed for payment of the tax, (B) he has filed with the Secretary or his delegate the written consent of such owner to the allowance to the claimant of the credit or refund, and (C) such owner satisfies the requirements of paragraph (1) or (2).

(b) *Filing of claims.* No credit or refund of any amount to which subsection (a) applies shall be allowed or made unless a claim therefor has been filed by the person who paid the amount claimed, and, except as hereinafter provided in this subsection, unless such claim is filed after April 30, 1958, and within the time prescribed by law, and in accordance with regulations prescribed by the Secretary or his delegates. All evidence relied upon in support of such claim shall be clearly set forth and submitted with the claim. Any claimant who has on or before April 30, 1958, filed a claim for any amount to which subsection (a) applies may, if such claim was not barred from allowance on April 30, 1958, file a superseding claim after April 30, 1958, and on or before April 30, 1959, conforming to the requirements of this section and covering the amount (or any part thereof) claimed in such prior claim. No claim filed before May 1, 1958, for the credit or refund of any amount to which subsection (a) applies shall be held to constitute a claim for refund or credit within the meaning of, or for purposes of, section 7422 (a); except that any claimant who instituted a suit before June 15, 1957, for recovery of any amount to which subsection (a) applies shall not be barred by this subsection from the maintenance of such suit as to any amount claimed in such suit on such date if in such suit he establishes the conditions to allowance required under subsection (a) with respect to such amount.

(c) *Period not extended.* Any suit or proceeding, with respect to any amount to which subsection (a) applies, which is barred on April 30, 1958, shall remain barred. No claim for credit or refund of any such amount which is barred from allowance on April 30, 1958, shall be allowed after such date in any amount.

(d) *Application of section.* This section shall apply only if the credit or refund is claimed on the grounds that an amount of alcohol or tobacco tax was assessed or collected erroneously, illegally, without authority, or in any manner wrongfully, or on the grounds that such amount was excessive. This section shall not apply to—

(1) Any claim for drawback,

(2) Any claim made in accordance with any law expressly providing for credit or refund where a commodity is withdrawn from the market, returned to bond, or lost or destroyed, and

(3) Any amount claimed with respect to a commodity which has been lost, where a suit or proceeding was instituted before June 15, 1957.

(e) *Meaning of terms.* For purposes of this section—

(1) *Alcohol or tobacco tax.* The term "alcohol or tobacco tax" means—

(A) Any tax imposed by chapter 51 (other than part II of subchapter A, relating to occupational taxes) or by chapter 52 or by any corresponding provision of prior internal revenue laws, and

(B) In the case of any commodity of a kind subject to a tax described in subparagraph (A), any tax equal to any such tax, any additional tax, or any floor stocks tax.

(2) *Tax.* The term "tax" includes a tax and an exaction denominated a "tax", and any penalty, addition to tax, additional amount, or interest applicable to any such tax.

(3) *Ultimate burden.* The claimant shall be treated as having borne the ultimate burden of an amount of an alcohol or tobacco tax for purposes of subsection (a) (1), and the owner referred to in subsection (a) (3) shall be treated as having borne such burden for purposes of such subsection, only if—

(A) He has not, directly or indirectly, been relieved of such burden or shifted such burden to any other person,

(B) No understanding or agreement exists for any such relief or shifting, and

(C) If he has neither sold nor contracted to sell the commodities involved in such claim, he agrees that there will be no such relief or shifting, and furnishes such bond as the Secretary or his delegate may require to insure faithful compliance with his agreement.

* * * * *

In order to implement the Internal Revenue Code of 1954, as amended, with respect to the above provisions of law, 26 CFR Part 296, "Miscellaneous Regulations Relating to Tobacco Materials, Tobacco Products, and Cigarette Papers and Tubes," is promulgated.

Subpart A—Application of Section 6423, Internal Revenue Code of 1954, as Amended, to Refund or Credit of Tax on Tobacco Materials, Tobacco Products, and Cigarette Papers and Tubes

GENERAL

Sec.
296.1 Scope of regulations in this subpart.
296.2 Meaning of terms.
296.3 Applicability to certain credits or refunds.
296.4 Ultimate burden.
296.5 Conditions to allowance of credit or refund.
296.6 Requirements for persons intending to file claim.

CLAIM PROCEDURE

296.7 Execution and filing of claim.
296.8 Data to be shown in claim.
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BONDS

296.10 Bond, Form 2490.
296.11 Corporate surety.
296.12 Deposit of securities in lieu of corporate surety.
296.13 Authority to approve bonds.
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296.15 Release of pledged securities.

PENALTIES

296.16 Penalties.

SUBPART A—APPLICATION OF SECTION 6423, INTERNAL REVENUE CODE OF 1954, AS AMENDED, TO REFUND OR CREDIT OF TAX ON TOBACCO MATERIALS, TOBACCO PRODUCTS, AND CIGARETTE PAPERS AND TUBES

GENERAL

§ 296.1 *Scope of regulations in this subpart.* The regulations in this subpart relate to the limitations imposed by section 6423, I. R. C., on the refund or credit of tax paid or collected in respect to any article of a kind subject to a tax imposed by chapter 52, I. R. C., or by any corresponding provision of prior internal revenue laws.

§ 296.2 *Meaning of terms.* When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section.

Article. The commodity in respect to which the amount claimed was paid or collected as a tax.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner of internal revenue.

Claimant. Any person who files a claim for a refund or credit of tax under this subpart.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington 25, D. C.

I. R. C. Internal Revenue Code of 1954, as amended.

Owner. A person who, by reason of a proprietary interest in the article, furnished the amount claimed to the claimant for the purpose of paying the tax.

Person. An individual, a trust, estate, partnership, association, company, or corporation.

Regional Commissioner. The regional commissioner in a region.

Tax. Any tax imposed by chapter 52, I. R. C., or by any corresponding provision of prior internal revenue laws, and in the case of any commodity of a kind subject to a tax under such chapter, any tax equal to any such tax, any additional tax, or any floor stocks tax. The term includes an exaction denominated a "tax", and any penalty, addition to tax, additional amount, or interest applicable to any such tax.

§ 296.3 *Applicability to certain credits or refunds.* The provisions of this subpart apply only where the credit or refund is claimed on the grounds that an amount of tax was assessed or collected erroneously, illegally, without authority, or in any manner wrongfully, or on the grounds that such amount was excessive. This subpart does not apply to:

(a) Any claim for drawback,

(b) Any claim made in accordance with any law expressly providing for credit or refund where an article is withdrawn from the market, returned to bond, lost, or destroyed,

(c) Any amount claimed with respect to an article which has been lost, where a suit or proceeding was instituted before June 15, 1957, and

(d) Any claim based solely on errors in computation of the quantity of an article subject to tax or on mathematical errors in computation of the amount of the tax due, or to any claim in respect of tax collected or paid on an article seized and forfeited, or destroyed, as contraband.

Any suit or proceeding, with respect to any amount to which the provisions of this subpart would apply, which was barred on April 30, 1958, shall remain barred, and no claim for credit or refund of any such amount which was barred from allowance on April 30, 1958, shall be allowed after such date in any amount.

§ 296.4 *Ultimate burden.* For the purposes of this subpart, the claimant, or owner, shall be treated as having borne the ultimate burden of an amount of tax only if:

(a) He has not, directly or indirectly, been relieved of such burden or shifted such burden to any other person,

(b) No understanding or agreement exists for any such relief or shifting, and

(c) If he has neither sold nor contracted to sell the articles involved in such claim, he agrees that there will be no such relief or shifting, and furnishes bond as provided in § 296.10.

§ 296.5 *Conditions to allowance of credit or refund.* No credit or refund to which this subpart is applicable shall be allowed or made, pursuant to a court decision or otherwise, of any amount paid or collected as a tax unless a claim therefor has been filed, as provided in this subpart, by the person who paid the tax and the claimant, in addition to establishing that he is otherwise legally entitled to credit or refund of the amount claimed, establishes:

(a) That he bore the ultimate burden of the amount claimed, or

(b) That he has unconditionally repaid the amount claimed to the person who bore the ultimate burden of such amount, or

(c) That (1) the owner of the article furnished him the amount claimed for payment of the tax, (2) he has filed with the assistant regional commissioner the written consent of such owner to the allowance to the claimant of the credit or refund, and (3) such owner satisfies the requirements of paragraph (a) or (b) of this section.

§ 296.6 *Requirements for persons intending to file claim.* Any person who, having paid the tax with respect to an article, desires to claim refund or credit of any amount of such tax to which the provisions of this subpart are applicable must:

(a) File a claim, as provided in § 296.7,

(b) Comply with any other provisions of law or regulations which may apply to the claim, and

(c) If, at the time of filing the claim, neither he nor the owner has sold or contracted to sell the articles involved in the claim, file a bond on Form 2490, as provided by § 296.10.

CLAIM PROCEDURE

§ 296.7 *Execution and filing of claim.* Claims to which this subpart is applicable shall be executed on Form 843 (original only) in accordance with instructions on the form and shall be filed with the district director of internal revenue for the district where the tax was paid, who will refer such claims to the assistant regional commissioner (alcohol and tobacco tax) for the region. The claim must set forth each ground upon which the claim is made in sufficient detail to apprise the assistant regional commissioner of the exact basis therefor. Allegations pertaining to the bearing of the ultimate burden relate to additional conditions which must be established for a claim to be allowed and are not in themselves legal grounds for allowance of a claim. There shall also be attached to the form and made a part of the claim the supporting data required by § 296.8. All evidence relied upon in support of such claim shall be clearly set forth and submitted with the claim.

§ 296.8 *Data to be shown in claim.* Claims to which this subpart is applicable, in addition to the requirements of § 296.7, must set forth or contain the following:

(a) A statement that the claimant paid the amount claimed as a "tax" as defined in this subpart.

(b) If the claim is a superseding claim covering an amount (or any part thereof) claimed in a claim filed on or before April 30, 1958, a statement setting forth the place of filing of such claim, the date of filing thereof, the amount claimed, and information showing that such prior claim was not barred from allowance on April 30, 1958.

(c) Full identification (by specific reference to the form number, the date of filing, the place of filing, and the amount paid on the basis of the particular form or return) of the tax forms or returns covering the payments for which refund or credit is claimed.

(d) The written consent of the owner to the allowance of the refund or credit to the claimant (where the owner of the article in respect of which the tax was paid furnished the claimant the amount claimed for the purpose of paying the tax).

(e) If the claimant or the owner, as the case may be, has neither sold nor contracted to sell the articles involved in the claim, a statement that the claimant or the owner, as the case may be, agrees not to shift, directly or indirectly in any manner whatsoever, the burden of the tax to any other person.

(f) If the claim is for refund of a floor stocks tax, or of an amount resulting from an increase in rate of tax applicable to an article, a statement as to whether the price of the article was increased on or following the effective date of such floor stocks tax or rate increase, and, if so, the date of the increase, together with full information as to the amount of such price increase.

(g) Specific evidence (such as relevant records, invoices, or other documents, or affidavits of individuals having personal knowledge of pertinent facts) which will satisfactorily establish the conditions to allowance set forth in § 296.5.

The assistant regional commissioner may require the claimant to furnish as a part of the claim such additional information as he may deem necessary.

§ 296.9 *Time for filing claim*—(a) *General.* Except as provided in paragraph (c) of this section credit or refund of any amount of tax to which the provisions of this subpart apply shall not be made unless the claimant files a claim therefore after April 30, 1958, and within the time prescribed by law and in accordance with the provisions of this subpart, and no claim filed before May 1, 1958, for the credit or refund of any amount of tax to which this subpart is applicable shall be held to constitute a claim for refund or credit within the meaning of, or for the purposes of, section 7422 (a), I. R. C.

(b) *Superseding claims.* Any claimant who on or before April 30, 1958, filed a claim for any amount to which this subpart applies may, if such claim was not barred from allowance on April 30, 1958, file a superseding claim after April 30, 1958, and on or before April 30, 1959, conforming to the requirements of this subpart and covering the amount (or any part thereof) claimed in the prior claim.

(c) *Suits instituted before June 15, 1957.* Any claimant who instituted a suit before June 15, 1957, for recovery of any amount to which this subpart applies, shall not be barred by this section from the maintenance of such suit as to any such amount claimed in such suit on such date if in such suit he establishes the conditions to allowance in this subpart with respect to such amount.

BONDS

§ 296.10 *Bond, Form 2490.* Each claim for a refund or credit of tax on articles which the claimant or the owner, as the case may be, has neither sold nor contracted to sell at the time of filing of the claim must be accompanied by a bond on Form 2490. The bond shall be executed by the claimant or the owner of the articles, as the case may be, in accordance with the provisions of this subpart and the instructions printed on the form. Such bond shall be conditioned that there will be no relief or shifting of the ultimate burden of the tax to any other person. The penal sum shall not be less than the amount of tax claimed on all articles which have not been sold or contracted for sale at the time of filing of the claim. Bonds required by this subpart shall be given with corporate surety or with collateral surety. A separate bond must be filed for each claim.

§ 296.11 *Corporate surety.* Surety bonds required by this subpart may be given only with corporate sureties holding certificates of authority from and subject to the limitations prescribed by the Secretary of the Treasury as set forth in Treasury Department Form 356—Revised. Powers of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of corporate sureties are required to be filed with, and passed on by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department.

§ 296.12 *Deposit of securities in lieu of corporate surety.* In lieu of corporate surety, the principal may pledge and deposit securities which are transferable and are guaranteed as to both interest and principal by the United States, in accordance with the provisions of 31 CFR Part 225.

§ 296.13 *Authority to approve bonds.* Assistant regional commissioners are authorized to approve all bonds required by this subpart.

§ 296.14 *Termination of liability.* Bonds on Form 2490 will be terminated by the assistant regional commissioner on receipt of satisfactory evidence that the person giving the bond has disposed of the articles covered by the bond and that he bore the ultimate burden of the amount claimed and that no understanding or agreement exists whereby he will be relieved of such burden or shift such burden to another person.

§ 296.15 *Release of pledged securities.* Securities of the United States, pledged and deposited as provided by § 296.12, shall be released only in accordance with the provisions of 31 CFR Part 225. When the assistant regional commissioner is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities, the assistant regional commissioner may, for proper cause, extend the date of release for such additional length of time as he deems necessary.

PENALTIES

§ 296.16 *Penalties.* It is an offense punishable by fine and imprisonment for anyone to make or cause to be made any false or fraudulent claim upon the United States, or to make any false or fraudulent statements, or representations, in support of any claim, or to falsely or fraudulently execute any documents required by the provisions of the internal revenue laws, or any regulations made in pursuance thereof.

[F. R. Doc. 58-7868; Filed, Sept. 25, 1958; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

U. S. CONSUMER STANDARDS FOR BEET GREENS[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering issuance of United States Consumer Standards for Beet Greens pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than October 10, 1958.

The proposed standards are as follows:

GENERAL

Sec.
51.3170 General.

GRADES

51.3171 U. S. Grade A.

OFF-GRADE

51.3172 Off-grade.

BASIS FOR CALCULATING PERCENTAGES

51.3173 Basis for calculating percentages.

DEFINITIONS

51.3174 Similar varietal characteristics.
51.3175 Fresh.
51.3176 Clean.
51.3177 Fairly tender.
51.3178 Well trimmed.
51.3179 Whole plant.
51.3180 Clusters.
51.3181 Damage.
51.3182 Diameter.
51.3183 Serious damage.

AUTHORITY: §§ 51.3170 to 51.3183 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GENERAL

§ 51.3170 *General.* The standards contained in this subpart are applicable to beet greens consisting of either plants (with or without attached roots) or cut leaves, but they shall not be applicable to a mixture of plants and cut leaves in the same container. The standards apply only to the common red-rooted table varieties of beets (Beta vulgaris) but not to mangel wurzel varieties primarily grown for stock feed, or to sugar beets (Beta vulgaris var. saccarifera).

GRADES

§ 51.3171 *U. S. Grade A.* "U. S. Grade A" consists of washed beet greens of similar varietal characteristics which are fresh, clean, fairly tender, well trimmed, and free from other kinds of leaves, weeds, grass or other foreign material, and decay; which are free from damage caused by discoloration, freezing, disease, insects or mechanical or other means; and which are not infested by insects, larvae, or worms.

(a) In the case of beet greens with roots attached, the roots shall be free from damage by any cause and the maximum diameter of the root shall not be larger than five-eighths inch.

(b) The leaf blades of beet greens shall not be longer than six and one-half inches.

(c) Incident to proper grading and handling, the following tolerances shall be permitted in any lot (see § 51.3173):

(1) *For over-size roots.* 5 percent for beet greens with roots in any lot which are larger than five-eighths inch in diameter;

(2) *For over-size leaf blades.* 3 percent for beet leaves in any lot which are longer than six and one-half inches;

(3) *For small pieces.* 3 percent for pieces of beet leaf blades in any lot which are smaller than a circle three-fourths inch in diameter;

(4) *For mixtures of whole plants, clusters and leaves.* Not more than 10 percent of the beet greens may consist of cut leaves in a lot consisting of plants and not more than 3 percent of the beet greens may consist of whole plants and clusters in a lot consisting of cut leaves;

(5) *For leaves other than beet leaves, weeds, grass or other foreign material.* Not more than 3 pieces in a one-pound sample; and,

(6) *For other defects.* Not more than a total of 5 percent, but not more than two-fifths of this tolerance, or 2 percent, shall be allowed for defects causing serious damage, including therein not more than one percent for decay.

OFF-GRADE

§ 51.3172 *Off-grade.* "Off-grade" consists of beet greens which fail to meet the requirements of the foregoing grade.

BASIS FOR CALCULATING PERCENTAGES

§ 51.3173 *Basis for calculating percentages.* Percentages shall be calculated on the basis of weight or an equivalent basis, except that the amount of leaves other than beet leaves, blades of grass, weeds or other foreign material shall be calculated on the basis of count, using one pound of beet greens as the sample. In inspecting the sample, the unit shall be the plant or leaf exactly as it occurs in the sample. A plant or portion of plant shall not be broken to remove the defective portion, but shall be considered as a unit.

DEFINITIONS

§ 51.3174 *Similar varietal characteristics.* "Similar varietal characteristics" means that the beet greens in any container are similar in color and type.

§ 51.3175 *Fresh.* "Fresh" means that the greens are not more than slightly wilted.

§ 51.3176 *Clean.* "Clean" means that the beet greens do not show more than a trace of grit, sand, dirt, silt, muck or other similar water insoluble, inorganic material.

§ 51.3177 *Fairly tender.* "Fairly tender" means that the beet greens are not tough, or excessively fibrous.

§ 51.3178 *Well trimmed.* "Well trimmed" in the case of cut leaf beet greens means that the length of leaf stem or petiole is not more than the length of the leaf blade and that the overall length of the leaf including blade and petiole is not more than 11 inches.

§ 51.3179 *Whole plant.* "Whole plant" means a single beet plant having all its component parts—root, petioles, and leaf blades.

§ 51.3180 *Clusters.* "Clusters" means that there are more than 3 leaves attached, except that clusters of heart leaves with any number of leaves shall not be considered as a cluster: *Provided*, That the length of the longest leaf in the cluster is not over 3 inches.

§ 51.3181 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual leaf, or plant, or the general appearance of the beet greens in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Discoloration when the appearance of the individual leaf or plant is materially affected by yellowing, spotting, or any other type of discoloration, except that leaves showing a reddish color, often caused by cold weather, shall not be considered as damaged by discoloration. Plants which have small dried, withered, or slightly yellowed leaves at the base of the plant shall not be considered as damaged by discoloration unless the general appearance of the plant or of the plants in the container is materially affected; and,

(b) Mechanical damage when the individual leaf is badly crushed, torn or broken.

§ 51.3182 *Diameter.* "Diameter" means the greatest dimension of the root measured at right angles to a line from the center of the crown to the base of the root.

§ 51.3183 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual beet leaf, or plant, or the general appearance of the beet greens in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Discoloration when the individual leaf, or plant is badly discolored;

(b) Insects when the individual leaf or plant is mutilated by feeding or other means to the extent that the appearance or edibility is affected; and,

(c) Decay.

Dated: September 23, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-7864; Filed, Sept. 25, 1958; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12274; FCC 58-891]

DAYTIME STANDARD BROADCAST SERVICES

EXTENTION OF HOURS OF BROADCASTING

In the matter of amendment of Part 3 of the rules to permit extended hours of broadcasting for daytime standard broadcast station; Docket No. 12274.

1. The Commission has before it for consideration its Notice of Proposed Rule Making (FCC 57-1387) issued in this proceeding on December 19, 1957, in response to a petition filed December 9, 1955, by the Daytime Broadcasters Association, Inc. (DBA), requesting inter alia, that all daytime standard broadcast stations be authorized to operate from 5:00 a. m. or local sunrise (whichever is earlier) to 7:00 p. m. or local sunset (whichever is later), in lieu of the sunrise to sunset hours provided for in the present rules.

FUNDAMENTALS OF STANDARD BROADCAST ALLOCATIONS

2. Since the DBA proposal, if adopted, would permit general operation by daytime stations during hours other than daytime, it involves a departure from the long-established system of standard broadcast (AM) allocations. Hence, a brief discussion of present allocation principles is helpful in comprehending the effects and implications of the proposed action.

3. The portion of the radio spectrum allocated for standard broadcasting is between 535 and 1605 kc. Within this range there are 107 channels of 10 kc each, on which over 3,300 standard broadcast stations are presently assigned. Under the Commission's basic allocation pattern, different channels are designated for use by different classes of stations, which operate with different amounts of power and are intended to render service varying in extent. The number of stations which may be assigned to any particular frequency is limited by the fact that under favorable transmission conditions standard broadcast signals travel long distances, and create interference to the service of stations located on the same frequency or adjacent frequencies. A salient fact which must be borne in mind is that these signals cause destructive interference over an area much greater than that to which they provide useful service. Where two signals on the same frequency (co-channel) are involved, under the Commission's standards objectionable interference is present where the strength of the interfering signal is one-twentieth or more of the strength of the desired signal. Further, the range of AM radio signals—both those providing a usable service and those farther from the transmitter causing destructive interference—varies considerably as between the daytime and nighttime hours, because of the characteristics of skywave propagation.

4. The energy radiated from the transmitting antenna of a broadcast station is affected differently by the earth's surface and the upper atmosphere. Part of the energy, called the groundwave, travels closely along the surface, where its intensity in a given location remains almost constant day and night and from season to season. It is affected principally by the station frequency and power, and the character of the terrain over which it travels. At night, in addition to groundwave transmission, radio signals are propagated by skywave transmission, consisting of energy travelling upward and outward from the transmitter to an electrified layer called the ionosphere, from which it is reflected back to earth at distances much greater than the reach of groundwave signals. The range of skywave signals is affected by many more variables than groundwave signals, including latitude, time of year, the current stage of the sunspot cycle, and, particularly and most substantially, the time of day. Caused principally by the sun's radiation, the ionization of the upper atmosphere exhibits diurnal variations of such nature and extent that skywave signals, returned to earth with negligible intensity during most of the day, are reflected with great efficiency at night, where with varying intensity they reach distances far beyond the range of the groundwave. Skywave signals begin a measurable buildup about two hours before sunset, reach quasi-maximum values about two hours after sunset, maintain approximately that level until about two hours prior to sunrise, and then progressively detriorate until they again reach insignificant levels about two hours after sunrise. Such signals are less constant in intensity than groundwave signals, because of the continuous change in the characteristics of the ionosphere, resulting in "fading" from time to time in skywave reception.

5. Skywave signals render a useful service over wide areas, although because of their somewhat intermittent nature such service is, under the Commission's rules, considered secondary service, whereas the more constant groundwave service is considered primary service. Such service by skywave transmission is possible, however, only under highly restricted conditions. Both transmitter power sufficient to propagate usable signals over long distances, and freedom from objectionable electrical interference which might prevent service of an acceptable standard, are required.

6. With the aforementioned radio propagation characteristics in mind, rules were adopted governing the assignment of standard broadcast stations to specific frequencies. These rules seek to achieve to the greatest possible extent the following three objectives:

(a) To provide some service of satisfactory signal strength to all areas in the nation;

(b) To provide as many program choices to as many listeners as possible;

(c) To provide locally originated service to as many communities as possible.

7. The effective implementation of these three objectives produces inevitable conflict. Maximum area coverage can be obtained by using a single station or a very few high-powered stations on a given channel. On the other hand, the assignment of numerous stations on a channel to provide local outlets for as many communities as possible can only be accomplished by severely restricting station coverage to small areas ringed by interference from the numerous other stations on the channel. Similar conflicts affect the maximum attainment of objective (b). In view of the aforementioned marked differences between daytime and nighttime propagation of AM radio signals, the conflicts in implementing the three basic objectives are much greater during nighttime than during daytime. It is not engineeringly feasible to cover the entire United States with interference-free groundwave (primary) signals at night. It is generally agreed that approximately half of the land area of the United States and some 20,000,000 persons must depend on skywave (secondary) signals for nighttime radio service.

8. The impossibility of simultaneously implementing all three of the above-listed objectives on any single channel led to the classification of broadcast frequencies into separate groups, with different rules for the assignment of stations, depending upon the purpose for which each class of channels was established: (a) Clear channel frequencies designed to provide primary (groundwave) and secondary (skywave) service over an extended area and at relatively long distances by high-powered stations known as Class I stations; (b) regional frequencies designed for stations (known as Class III stations) to render service primarily to metropolitan districts and the rural areas contiguous thereto; and (c) local frequencies designed for stations (known as Class IV stations) to render service primarily to cities and/or towns and the suburban and rural areas contiguous thereto. This pattern of allocation dates from the adoption of the Commission's rules and standards, essentially in their present form as far as standard broadcasting is concerned, in 1939. Because of the relative inefficiency of skywave transmission during daylight hours, it is possible to assign many more stations to a given channel for daytime operation. Moreover, the assignment of daytime stations permits more efficient channel utility than would otherwise result. It has therefore been possible, and in furtherance of the basic objective of providing as much service and as many local broadcast outlets as possible, for the Commission to assign additional stations on the clear and regional channels in various parts of the country limited to operation during the daytime hours, as well as to permit unlimited time stations to operate with increased facilities during these hours. There are now about 1400 daytime stations,[1] of which about 850 are assigned to regional channels and all but one of the remaining 550 to clear channels.

9. From the foregoing, it is apparent that the authorization of daytime stations was specifically intended to permit the utilization of spectrum space which, after accommodating other stations (i. e., clear channel and full-time regional stations), was available during the day but not at night. By long-standing domestic usage and international agreement the hours for daytime broadcasts are those between sunrise and sunset. The subject DBA proposal would permit daytime stations to operate during the nighttime (post-sunset and pre-sunrise) period during several months of the year.

[1] The term "daytime station" as used herein includes approximately 15 stations which are licensed on clear channels as "limited time" stations. The only difference between the two groups is that where a limited time station is located east of the dominant station on the same frequency it may operate until sunset at the dominant station, while daytime stations may operate only until local sunset.

RELATION BETWEEN INSTANT PROCEEDING AND CLEAR CHANNEL (DOCKET NO. 6741) AND DAYTIME SKYWAVE (DOCKET NO. 8333) RULE MAKING PROCEEDINGS

10. A grant of the instant DBA proposal would have a direct bearing upon two current rule-making proceedings. As stated in Paragraph 4, above, the appearance and disappearance of skywave transmission is not, as our present allocation rules might imply, an instantaneous phenomenon commencing precisely at sunset and ending precisely at sunrise. Data which have been accumulated from field intensity recordings of numerous stations have shown that skywave transmission, which is negligible during most of the day, builds up progressively in a significant degree at about two hours before sunset and reaches its approximate maximum at about two hours after sunset.[3] Likewise, nighttime skywave transmission, which begins to deteriorate progressively about two hours before sunrise, is present to a limited degree as long as two hours after sunrise. As a result, operation of daytime stations even within the period between sunrise and sunset causes progressively diminishing or increasing skywave interference to stations sharing the use of the channel and, to some extent, adjacent channel stations. This interference is sufficiently severe to impinge substantially on the service areas of stations which under the Commission's present allocation rules are entitled to protection from objectionable interference over the wide areas that they are intended to serve.

11. In 1947 the Commission initiated a rule-making proceeding (Docket No. 8333) to determine the existence, nature and extent of daytime skywave transmission of standard broadcast signals and to ascertain what, if any, changes should be made in the rules as a result of its findings. In March, 1954, the Commission issued a proposed report and order in that proceeding (10 Pike and Fischer RR 1541), embodying amendments to the rules and technical standards which would restrict the daytime skywave radiation of interfering stations toward desired Class I stations to a specifically prescribed degree. This could be achieved by reducing power, directionalizing interference signals away from the desired station, or both. While affording some degree of protection from daytime skywave interference, the proposed amendments reflect a compromise in that the restrictions were not so limited as to afford the co-channel Class I stations the full degree of protection which was sought by these stations. In July, 1954, the Commission held oral argument on the proposed rules, and subsequently received written comments concerning whether the proposed restrictions should be confined to new or changed station assignments or should be applied also to existing stations. The Commission has not yet reached a final conclusion in that proceeding.

12. The Daytime Skywave proceeding (Docket No. 8333) in turn is intimately related to far broader issues concerning even more basic questions of revision of the standard broadcast allocations pattern which are under review in the Clear Channel proceeding (Docket No. 6741).[4] Under the present allocation, a total of 46 frequencies are assigned as U. S. Clear Channels. 24 of these clear channels are reserved for the exclusive use at night of a single Class I-A station. On the remaining 22 U. S. clear channels more than one Class I-B dominant station may be assigned, such stations affording each other mutual protection through the use of directional antennas. The assignment of secondary or Class II stations is permitted on all of the clear channels. On the clear channels assigned for Class I-A use, only daytime Class II stations are permitted; whereas on clear channels assigned for Class I-B use, unlimited time Class II stations affording day and night protection to the dominant Class I-B stations are permitted. On April 15, 1958, the Commission issued a Further Notice of Proposed Rule Making in Docket No. 6741, inviting comments on a proposal to assign additional unlimited time stations on 12 of the 24 U. S. Class I-A clear channels in order to improve service in certain areas. On five of these 12 channels new Class I-B station assignments would be permitted in specified Western states with directional antennas to protect both new and existing Class I stations. The proposal also contemplates that Class II (secondary) stations could also use these channels at night under certain conditions. It further provides that on the other seven of the twelve Class I-A clear channels mentioned, additional Class II stations would be authorized in locations where they would provide needed primary service in areas now lacking it. While no action was taken with respect to the other 12 Class I-A clear channels, the Commission asserted that it will consider at a later date the advisability of authorizing the use of higher power on these channels. Comments in response to the April 15 Further Notice were filed on and before August 15, 1958, and reply comments are due by September 29, 1958.

13. It is evident that the entire clear channel problem embraces the daytime skywave problem as one large facet, and that the latter in turn affects the basis on which it would be possible to approach the questions raised by the instant DBA proposal for extended hours of daytime stations. The DBA proposal contemplates an action diametrically opposed to the tentative conclusions announced by the Commission in its March 1954 proposed Report and Order in Docket No. 8333. Thus, insofar as the instant proposal concerns daytime stations on clear channels, it could not be granted in whole or in part without having a direct bearing upon the aforementioned clear channel and daytime skywave proceedings, and involving a prejudgment of the issues therein. Denial of the instant proposal, of course, would not involve such prejudgment.[5]

RECORD IN THIS PROCEEDING

14. Comments favoring the proposal were filed by the Daytime Broadcasters Association (DBA), an organization representing about 150 daytime stations, and by the licensees of over 100 daytime broadcasting stations. Oppositions were filed by the Clear Channel Broadcasting Service (an association representing 14 non-network-owned Class I–A stations), the National Grange, and by the licensees of over 240 clear channel and full-time regional stations. A large volume of correspondence from individuals and groups favoring the proposal, and a smaller quantity of informal communications opposing it, were received.

15. The proposed extended hours of operation prior to local sunrise and after local sunset by daytime only stations would automatically involve extended hours of interference to full-time stations operating on the same frequencies.[6] Thus, the ultimate question in this proceeding—apart from international considerations—is whether or not the public interest would be better served by permitting all daytime stations wishing to do so to broadcast during these extended hours, despite resultant interference to unlimited time stations, or whether the public interest would be better served by retaining the present rules prohibiting the operation of daytime stations during nighttime hours. In our Notice we stated that, in order to resolve this question and to evaluate adequately DBA's proposal, we needed reliable information on which to make a reasonable assessment of the probable resultant losses of service as well as a showing of the extent of the service gains which could be achieved through its adoption. Accordingly,[7] we requested reasonably complete and accurate data concerning:

(a) The times during which, the areas in which and the populations for whom the DBA proposal would result in added primary service.

(b) The extent to which such primary service gains would occur where no other primary service is available;

(1) From any other station.

(2) From any other station located in the same city or town.

(c) The periods during which, the areas, in which, and the populations for whom primary service available under the present rules would be subjected to objectionable interference to the signals of U. S. Class I–A, I–B, unlimited time Class II and Class III stations.

(d) The extent to which the foregoing losses of service would occur in areas and for populations receiving no other primary service.

(e) A showing similar to (c) and (d) with respect to losses of skywave service within the 0.5 mv/m 50 percent skywave contours of Class I stations.

(f) The extent to which limitations set out in the above-referenced international agreements would be infringed.

(g) Views of the parties concerning the need for the additional services which would be made possible by extending the hours of operation of daytime stations and the effect on the public interest of the consequent losses of service from other classes of stations.

16. The comments of DBA and the other proponents, while containing some material as to hours of operation and the communities in which daytime stations are the only local radio outlets, supply no data on areas and populations which would gain or lose service by adoption of the proposal. They urge that such data is of little use because service from distant high-power stations is not of value to local communities, even if available, because the programming of such stations is not designed for or of interest to the populations of distant communities. This argument, aimed primarily at clear channel rather than regional stations, is considered below. The opponents assert that there is great need for any data which may shed light on the probable or possible effects of the DBA proposal in terms of services to be gained or lost by the public. Many of the opponents have filed engineering statements setting forth the results of studies concerning the nature of the proposal. While most of these statements are admittedly not as comprehensive in scope and detail as the Commission's Notice called for, the opponents express the view that they are nonetheless adequate to establish, for the frequencies and locations which have been studied, that severe losses in area and population now receiving interference-free night-time primary groundwave service and secondary skywave service would result from operation of daytime-only stations beyond local sunset hours and, likewise, that interference effects suffered by daytime-only stations after local sunset would markedly reduce any gain in service by these stations.

17. Much of the data which has been filed is tabulated in summary form in the appendices[8] attached hereto. While our consideration is by no means limited to data therein, these appendices serve as a convenient vehicle and ready reference for a substantial quantity of the technical data which has been filed in this proceeding.

18. Appendix I[8] shows the areas and populations served by daytime stations and the service which would be afforded if these stations were authorized to operate at night after local sunset or before local sunrise. Appendix II[8] shows the areas and populations receiving primary service nighttime from stations authorized for nighttime operation and the areas and populations which would lose this service as a result of interference under the DBA proposal. Appendix III[8] shows the areas and populations receiving nighttime secondary service and the areas and populations which would lose this service under the DBA proposal.

19. Interference computations were made using the average skywave field intensity charts contained in § 3.190 of the Commission's rules, which are based on the average field intensity corresponding to the second hour after sunset. In addition, the diurnal variation curves contained in Figure 5 of the Commission's Exhibit 1 in Docket No. 8333 were used by some parties on the basis that these curves are more appropriate for the first hour after sunset or before sunrise. Where data was supplied on both bases, the appendices show both values. We believe these field intensity charts and diurnal variation curves and the various other engineering tools and assumptions—based upon professional engineering experience—are sufficiently valid to render the data submitted by these parties of practical use to the Commission in reaching our decision herein.

We proceed to consider the seven propositions set out above.

(a) The times during which, the areas in which, and the populations for whom the DBA proposal would result in added primary service.

20. The stations licensed for daytime operation only for which data has been filed are listed in Appendix I. Although in some instances not complete, data requested by the Notice herein has been filed for 81 stations. Sunrise and sunset hours for the months of March and December are shown in the Appendix for each station. Thus the hours of operation requested by the petition may be determined for each station by comparing the sunrise and sunset time shown in the Table with the 5 a. m. to 7 p. m. hours requested by the petition. For example, sunrise and sunset at Texas City, Texas in March is 6:30 a. m. and 6:30 p. m.; in December it is 7:00 a. m. and 5:15 p. m. When compared with 5:00 a. m. to 7:00 p. m., the early morning operation involved amounts to 1½ hours and evening operation for ½ hour during March and 2 hours and 1¾ hours, respectively, during December.

21. The month of March has been chosen as representative of spring and fall (October) conditions and December as representative of the conditions during the winter. In general, during summer 5 a. m. follows sunrise and 7 p. m. precedes local sunset. Thus, sunrise and sunset hours for June, as representative of summer, are not shown.

22. Disregarding the summer season, during which slight if any additional operation is involved, the additional morning hours of operation from the table range from a minimum of 1 hour during March to a maximum of 3¼ hours during December, with an average of 1.5 hours during March and 2.4 hours during December.

23. Since the stations licensed for daytime operation only do not now operate after local sunset or before local sunrise, any primary service which would be provided by such stations during the extended hours requested by the petition would result in added primary service. The data tabulated in Appendix I shows that 7,977,444 persons within 36,800 square miles would receive primary service from 50 stations on which sufficiently complete data has been supplied, based upon the interference conditions during the second hour after sunset. By way of comparison, 44,567,568 persons within 540,223 square miles receive service from these same stations during their daytime operation. Thus, these stations would, in the aggregate, afford service during the additional hours requested to 17.9 percent of the population and 6.8 percent of the area that they serve during daytime hours. For conditions during the first hour following sunset or before sunrise (two hours of the total additional operating hours requested in the petition are under first hour conditions) the data shows that 8,421,166 persons within 20,285 square miles would receive primary service from the 24 stations for which first hour data is available. During these hours the daytime stations would serve in the aggregate 31.1 percent of the population of 27,100,159 and 6.1 percent of the area of 334,484 square miles served by the same stations during daytime hours.

(b) The extent to which such primary service gains would occur where no other primary service is available:

(1) From any other station.

(2) From any other station located in the same city or town.

24. Based on data for the entire 81 stations listed in Appendix I, of the total area and population which would receive added primary service only 64,151 persons in approximately 330 square miles do not now receive primary service from any other station during nighttime hours. 1,541,153 persons in 28 communities do not receive nighttime primary service from any other station located in the same city or town in which the daytime station is located, although other nighttime primary service is available.[9]

25. The above population, area, and percentage figures are limited to the stations for which coverage data has been submitted in this proceeding. These stations comprise a minor percentage of the stations licensed for daytime operation. It is thus appropriate to consider

[3] The order of magnitude of the increase is indicated by data in Docket No. 8333. As an example, on a frequency in the middle of the standard broadcast band, a signal will increase roughly forty times in intensity from 2 hours before sunset to sunset and will reach approximately 150 times the two-hour-before-sunset intensity at two hours after sunset. The variation between pre-sunset and post-sunset signal intensity is more pronounced at lower frequencies and less pronounced at higher frequencies.

[4] Docket Nos. 6741 and 8333 were consolidated in 1947 but in 1953 were severed in order to permit separate consideration of the daytime skywave proceeding (Docket No. 8333).

[5] On August 15, 1958, WCAR, Inc., Licensee of Station WCAR, Detroit, Michigan, filed a petition requesting that the Commission consolidate the instant proceeding with the clear channel and the daytime skywave proceeding (Docket Nos. 6741 and 8333). Other parties in their comments in this proceeding also requested consolidation. For the reasons set forth in this Report, and in view of our action herein, to the extent that these requests ask consolidation of Dockets 6741 and 8333 with the instant proceeding, they are denied.

[6] None of the formal comments filed in this proceeding challenged this assertion.

[7] Filed as part of original document.

[8] In several instances such primary service is received from the principal city of the urbanized area in which the community is located. In this connection see footnote 16.

carefully the question whether such data is adequate for our use herein. Upon careful consideration it is our view that the data is typical of all daytime stations and is thus fully adequate. The electrical interferences to the signals of the various stations, which limit their coverage, extend over great distances at night, and thus affect those stations for which no data has been filed as well as those for which data has been filed. The extent of the interference on each channel for which data was filed will be greatly increased under the operation proposed by DBA as compared to the interference now existing. Such interference will prove to be at least as severe as additional stations are considered in the data. Finally, our examination extends to daytime and unlimited time station coverages under the data which has been filed. Thus, a substantial number of stations are included, and on these our most careful evaluation convinces us that the daytime stations for which data has been filed are in no way atypical but are fully representative of all daytime stations, both those now licensed and those which may be granted in the future. While additional data could serve to provide greater detail to buttress our decision herein, and to that extent would be desirable, no additional data is necessary in order to support our conclusion herein.

26. One additional and somewhat countervailing factor is appropriate for consideration here. There are listed in Appendix IV all of the cities and towns within nighttime "white areas" (i. e., areas receiving no nighttime primary service) in which daytime stations now operate. The proposed nighttime operations would afford immediate primary service to these communities to the extent that such service would not be prevented by electrical interference. It is reasonable to assume, moreover, than in most instances centrally located transmitter sites could be found which would provide service to all persons in these cities and towns.

(c) The periods during which, the areas in which, and the populations for whom primary service available under the present rules would be subjected to objectionable interference to the signals of U. S. Class I–A, I–B, unlimited time Class II and Class III stations.

27. The unlimited time stations for which primary service data has been filed are listed in Appendix II. This data, although incomplete for some stations, has been filed for 169 stations.

28. The loss in the service of 132 stations based on second hour conditions aggregates a total of 94,591,111 persons in areas totalling 1,289,827 square miles. The loss of service amounts to 43.7 percent of the populations and 68.6 percent of the areas now served at night by these stations.[4a].

29. Based on first hour conditions, the interference shown in the Appendix for 24 stations for which such data is available totals 27,513,881 persons in 646,989 square miles. The loss amounts to 30.8 percent of the population and 53.9 percent of the area now served by these stations during these hours.

30. Sunrise and sunset hours are not shown in Appendix II because those appearing in Appendix I are considered to be more meaningful. It is from these that the extended hours of operation by daytime stations, and thus the duration of interference causing the loss of service of unlimited time stations, can be determined. Moreover, the periods during which interference would be encountered would not prove appreciably different if computed upon the basis of sunrise and sunset hours at the slightly different locations represented in Appendix II, these being generally similar in geographical latitude and longitude.

(d) The extent to which the foregoing losses of service would occur in areas and for populations receiving no other primary service.

31. No data has been tabulated in the appendices showing the other primary services in the area which would lose service if the DBA proposal is adopted, since very little data on this point was submitted in this proceeding. In any event the significance of such data, if it had been tendered, would have been minimal because of the reduction in primary service by substantially all unlimited time stations which would result from adoption of the subject proposal. It is evident from Appendix II that all of the unlimited-time stations on frequencies on which daytime stations are or may be licensed will lose service. The effect of these losses cannot be considered by measuring the loss of service of any one station but must be considered when all of the service losses are combined. While data has been supplied in various comments showing that substantial "white" areas would be created by loss of service from an existing station, a summation thereof has not been feasible at this time in view of the incompleteness of the data submitted. We are certain, however, that very considerable "white" area would result if the proposal were adopted.

(e) A showing similar to (c) and (d) with respect to losses of skywave service within the 0.5 mv/m 50 percent skywave contours of Class I stations.

32. Secondary service is provided to those areas in which a skywave signal has sufficient strength to render satisfactory service and is free from interference from other stations. Under our rules only Class I stations provide secondary service. Such service is considered to begin at sunset and end at sunrise the following day, coincident with the required sign-off and sign-on, respectively, of the stations licensed to operate on the same channel during the daytime hours.[5]

The full coverage potential of secondary service is not realized during the hour following sunset (or before sunrise), however, as the 50 percent-time skywave service signals increase in strength in accordance with the diurnal curve. The increase in strength and thus in service potential of these signals does not depart significantly from the increase in strength of the interfering signals governed by the same diurnal effects. The exact amount of skywave service destroyed under the DBA proposal will thus vary from day-to-day and from time-to-time in any given day because the time in which the interference occurs includes the time during which the skywave service is in the process of increasing or of decreasing. We conclude, however, that all or substantially all such service would be subjected to objectionable interference under the proposal during all nighttime hours that daytime stations would operate, particularly in view of the large number of pending applications that request operation during these hours.

33. DBA and other proponents assert that nighttime skywave signals from the clear channel stations are too weak, intermittent and undependable to provide service throughout large areas of the USA. These proponents urge adoption of the DBA proposal as a remedy for this asserted lack of service. However, after carefully studying the technical data submitted in comments in this proceeding, in addition to other engineering information in the Commission's files, we are of the view that the "cure" would be worse than the "sickness," if any. The DBA plan would deprive vast populations of all secondary service without providing any replacement for most of the areas concerned. A multiplicity of skywave service is necessary for adequate secondary service due to the intermittent character of skywave transmission. The destructive effect of the proposal is only very slightly mitigated by the fact that on a few of the clear channels (such as 670 kc, 720 kc and 1200 kc) there would be no co-channel interference at the present time because there are no daytime-only stations assigned on these frequencies. As a specific example of the effect of the destruction of secondary service, it might be noted that in Idaho and Montana there is an area of about 7,000 square miles, containing about 10,000 persons, to which there is available no primary service and only two secondary services during non-daytime hours. Both of these secondary services would be completely destroyed during certain hours under the proposal, leaving this area and population with no radio service whatsoever.

34. Although not in its original petition for rule making, DBA in its comments suggests that the Commission permit full-time stations operating with different facilities day and night to op-

[4a] The present service areas that would be lost by a number of these 132 stations overlap. Thus, while many persons would lose two or more services, the total population and areas which would lose one or more services is considerably less than the aggregate totals of 94,591,111 persons, and 1,289,827 square miles.

[5] The exact build-up of skywave service depends both upon the increasing strength of skywave signals and the elimination of interfering signals. Sunset time for two or more daytime stations may be somewhat different for each location. Thus, a reduction of interference will be realized as each leaves the air, until the interference is entirely eliminated. During morning hours an inverse sequence is followed, each daytime station commencing operation at its own local sunrise.

ents with their daytime facilities during the same extended hours that daytime stations are permitted to operate. Such an additional change in allocation policy would of course increase by a considerable amount the interference which would prevail during non-daytime hours. Some opponents of the proposal in their engineering analyses have assumed that a grant of extended hours for daytime stations would entail a grant of the same extended hours of operation by full-time stations with their daytime facilities, and have made part of their engineering showings on that basis. In view of our disposition of the DBA proposal in this Report, we need not decide whether granting the DBA request for extended hours of operation by daytime stations would or would not necessarily require authorization of extended hours of operation by full-time stations with their daytime facilities. Our evaluation of the DBA proposal is based upon the conditions which would prevail if daytime stations operated during extended hours and full-time stations operated as they presently do with daytime facilities during daytime hours and nighttime facilities during all other hours.[8]

CONCLUSIONS BASED UPON TECHNICAL DATA SUBMITTED

35. The tabulation (Appendices I, II, and III) of the data secured in response to the various engineering matters listed in the December 19, 1957, Notice demonstrates conclusively that, in view of the tremendous losses which would result to the existing radio service throughout the U. S. from the operations contemplated by the instant proposal as compared with the much smaller amount of new service which would be provided in some locations, the proposal fails to accord with the statutory standards governing radio broadcast services[9] and the objectives set forth in paragraph 6, above.

EXPLANATION OF TABLES

36. While substantially all of the technical data which has been filed in this proceeding is tabulated in the appendices, it has not been possible to include some data. In a few instances, for example, data is not included in which only partial or fragmentary data was supplied or where the data supplied was based solely upon potential or hypothetical stations in which one or more additional stations were presumed to be licensed and operating. We do not believe that the data so filed is sufficiently consistent with the other data, and sufficiently non-speculative, to warrant inclusion in the appendices. We also note that the data in the Table is not based precisely upon the same conditions in each instance. However, such slightly disparate nature does not detract significantly from its usefulness in this proceeding.[10] Finally, we observe that the data is based upon the operation of stations now licensed for daytime operation without including any additional stations which may be licensed and without reference to the applications for new daytime stations which are now pending before the Commission. Likewise, possible nighttime operation of unlimited-time stations by using licensed daytime facilities is not reflected in the data.

OTHER CONTENTIONS OF PROPONENTS RE COMMISSION'S ENGINEERING STANDARDS

37. The DBA and other proponents have contended that the Commission's engineering standards contained in the present broadcast rules are not wholly applicable for various reasons to the nighttime operation following sunset and before sunrise envisaged by the petition. It is contended that the Commission's skywave curves (Figures 1 and 2 of § 3.190 of the rules) should not be used in measuring post-sunset interference conditions in the first two hours after local sunset and prior to local sunrise since these curves represent propagation conditions corresponding to the second hour after sunset, conditions which do not apply to the hours involved here. The term "twilight hours" is suggested by DBA to serve as a virtual substitute for the use of sunrise and sunset times in the Commission rules. DBA has supplied a table of sunrise, sunset and astronomical twilight times for nine cities distributed throughout the Central Time Zone. The proponents contend further with reference to Figures 1 and 2 of § 3.190 that "The data in these curves was derived on the basis of data compiled in the second hour after sunset at the western end of the path". From this the proponents argue that for west to east transmissions, the curves become applicable only when the time at the receiving location is somewhat later than two hours past sunset. Before proceeding to further discussion of the curves, it is appropriate to note that we are left with no guidance as to how the proponents' argument proceeds from "data compiled in the second hour after sunset" to the conclusion expressed in terms of "two hours past sunset," for the two are by no means the same. As used in the Commission's Standards and pronouncements, the term "second hour after sunset" means the entire 60 minute period extending from 60 minutes after sunset until 120 minutes after sunset.[11] Figure 1, used for stations operating on clear channels, is based on data corresponding to the second hour after sunset at the recording station (i. e., the receiving location). Accordingly, the curves therein represent not conditions existing at the exact period of sunset plus 120 minutes or sunrise minus 120 minutes, as might be gathered from the proponents' discussion, but instead represent average conditions existing during the second hour following sunset and the second hour before sunrise. In securing the data, automatic recordings were made of the field intensity delivered by 40 transmitting stations at 11 different points in

[8] It might be argued that if daytime-only stations are allowed to operate during extended hours, as a matter of equity full-time stations should be allowed to operate during the same hours with their daytime facilities. On the other hand, it could also be contended that since the essence of the daytime stations' argument is service to local communities, and since by definition under the Commission's rules full-time stations adequately serve their communities with their nighttime facilities, there is not present the element of need necessary to support such a change in the rules in the case of full-time stations. In any event, it is obvious that such an additional change in the rules would materially worsen interference conditions during the non-daytime hours beyond that which would occur from a grant of the proposal as to daytime stations; and, since there is no showing of such a need, the public interest would clearly not be better served by a grant of the proposal for both types of operations than by grant of the proposal for daytime stations only.

[9] See sections 1 and 307 (b) of the Communications Act of 1934, as amended. Section 1 requires that the Commission "make available, so far as possible, to all the people of the United States * * * a radio communication service."

[10] For example, some parties filing comments did not use the 50 percent exclusion method contained in the Commission's Engineering Standards, contending that such becomes inapplicable in view of the great number of stations which would be involved in the nighttime operations at reduced separations. We believe the effect thereof in reference to the resulting data is de minimis.

[11] A different meaning is carried by the term "SSMP+2" which is used in the abscissa scale of the diurnal curves which appear as Figures 2 and 5 of the Commission's Exhibit 1 in Docket 8333 as discussed hereinbelow. This term is an abbreviation for sunset midpoint (of transmission path) plus two hours, i. e., plus 120 minutes. Any point SS+X on the curves is based on data for the hour centered on X hours after sunset. From a statistical viewpoint any point on the curves represents the best estimate for the hourly median field centered on the abscissa for that point. Based upon the statistical variation of the instantaneous field in intervals of an hour where the sunset interval is centered on true sun time sunset (Report of Committee III in Preparation for the Clear Channel Hearing, Docket 6741, dated January 15, 1946), these figures present abscissa values which are designated on a linear time scale, the minimum division of which represents one-tenth of an hour or exactly six minutes. Lesser time increments may be read from the scale by interpolation. Figures 2 and 5 show, respectively, a plot of the data for Station WFAA as recorded in Grand Island, Nebraska, over a period of approximately six years beginning in 1939, and curves for 0.5, 1.0 and 1.5 megacycles based upon data from fourteen transmission paths recorded during these years. Diurnal curves submitted in the comments herein show slight variations from FCC data but present no conflict of decisional significance to this proceeding. Figure 5 is appropriate for use in the manner set forth in Exhibit 1 of Docket 8333 and in the Report of Committee III in Preparation for the Clear Channel Hearing, Docket 6741, dated January 15, 1946. When so used, it may with substantial validity (Exhibit 1, Docket 8333, page 3, line 12 et seq.) be applied directly to Figure 2 (formerly Figure 1 a) of § 3.190, which reflects data on curves also prepared by the above-named Committee III (Exhibit 100, Docket 6741, page 3, line 12 et seq.). By this procedure, the field intensity may be determined for any hour of transmitter local time following sunset (or before sunrise) within the entire range of abscissa values shown thereon. Its use in similar manner with Figure 1 is also considered to be substantially accurate in view of the significant similarities between Figures 1 and 2. Moreover, any slight inaccuracies which may be reflected by such use are considered to be insignificantly small and thus not significant to our decision herein.

the United States. East to west, west to east, and north-south paths were included. The curves of Figure 2 used on regional and local channels are derived on the basis of data covering hourly median fields for 10 percent of the year at the western end of the path. This data, insofar as reciprocity of transmission east and west may be assumed, may equally well be interpreted as a representation of propagation over the same path to the east from a transmitter located to the west. Development of this fact is made in FCC Exhibit No. 1 of Docket 8333, to which the petitioner has made reference. The exhibit presents "An Analysis of Data Recorded on 14 Transmission Paths for a Period of Approximately Six Years" with the objective "to obtain curves representing '10 percent skywave field intensities' at any distance, in any direction, at any frequency, at any hour of transmitter local time for a station at any latitude." The diurnal curves, Figures 2 and 5 of the exhibit, contain data concerning the variations of strength of skywave signals following sunset and thus can be used to determine the interference during the first hour after sunset (or before sunrise). It is to be observed that the diurnal curve produced by this analysis yields results of a relatively higher order of accuracy, since it involves only ratio measurements and not the absolute value of any measurement and also that the skywave curves of the Commission are accepted throughout the world as being indicative of average propagation conditions. This data is properly to be used in terms of the sunrise and sunset times used by the Commission in its rules.[32] Thus, whether or not there be "twilight" following sunset lacks significance in the face of actual measurement data concerning skywave propogation conditions during these hours.

38. These proponents' contention that the Commission's curves should not be applied to determine interference during the first two hours after sunset does not mean that there will be no interference effects in the two-hour post-sunset and pre-sunrise periods or that the Commission can proceed on any such invalid assumption. Indeed, DBA and most of the proponents admit that interference will result. Furthermore, it is noted that, although the proponents in discussing interference refer to the two-hour period after sunset and before sunrise as though they were the only periods affected by the proposal, the interference problem is not so confined, since some daytime stations would increase their broadcast hours in the morning and again in the evening to as much as 3¼ hours after sunset and before sunrise during midwinter months.

39. The proponents also contend that, since Figures 1 and 2 of § 3.190 of the rules present a statistical method for predicting interference, such interference would, in fact, exist as little as 10 percent of the time. This is an oversimplification of the problem, and a misinterpretation of the significance of the 10 percent figure. Section 3.182 (o) of the Commission's rules states that objectionable interference is created by an undesired signal to a desired signal when the undesired signal exceeds an intensity, determined elsewhere in the rules, for 10 percent or more of the time. Figures 1 and 2 indicate for a specified radiation intensity and for transmission paths of varying lengths the intensities of the continuously varying skywave signal which are exceeded 10 percent or more of the time. Therefore, if the intensity of an undesired signal, as determined by the employment of Figure 1 or Figure 2, exceeds the permissible undesired/desired signal ratio, the undesired signal causes objectionable interference, without regard to the fact that it has less than the intensity determined from Figures 1 or 2 for a major portion of the time, and may have completely destructive intensity for a much shorter time. The Commission has selected the 10 percent level as being a reasonable limit of interference. Ionospheric propagation, the basis of Figures 1 and 2, is a subject of exceeding complexity, the study of which has occupied many capable physicists and engineers over a period of years. While interferences are predicted in standard broadcast station allocations by tools employing the statistical method, we believe that therein lies strength of these tools and that predictions of station interference based upon them are meaningful.

(f) The extent to which limitations set out in International Agreements would be infringed.

40. It is necessary to consider the impact of the DBA proposal on international agreements and understandings affecting allocation of standard broadcast facilities, since these agreements provide stricter limitations upon the operation of unlimited time stations than upon daytime-only stations on almost all frequencies and since they define daytime operation as operation between local sunrise and local sunset.[33] Almost 400 of the U. S. daytime stations are currently assigned on frequencies on which other North American governments have clear channel stations protected from interference by U. S. co-channel stations. This protection is accorded on the same basis as those countries protect the larger numbers of clear channels on which the United States has priority under the relevant agreements. As to channels designated in the agreements as regional channels, any nation may make use of these frequencies, subject to the conditions as to power and prevention of objectionable interference set forth in the agreements. Any country making an assignment of any facilities on a frequency must notify the other countries involved of the assignment; if another country objects thereto, it becomes the subject of negotiation under the agreements. The agreements involved are the North American Regional Broadcasting Agreement of 1950 (to which the signatory parties are Canada, Cuba, the Dominican Republic, the Bahamas and Jamaica, and the United States of America), and the Agreement between the United States of America and United Mexican States, signed January 29, 1957. Pertinent provisions are found also in the Executive Agreement between the United States and Mexican governments which became effective March 29, 1941, and continues in force until ratification of the successor agreement signed January 29, 1957. In both the 1950 NARBA and the 1957 U.S.-Mexican agreement, definite standards of protection are set up for all of those frequencies, with different standards for day and night, (sunset and sunrise) operation. With respect to the Class I-A channels on which the respective countries have priority, the protection extends to the border of the country, and a co-channel signal from a station in another country exceeding 5 uv/m daytime or 25 uv/m nighttime is prohibited. Also contained in the 1950 NARBA, with respect to such channels, is a provision that no station is to be assigned in another country for nighttime operation within 650 miles of the border of the country having priority; the U. S.-Mexican agreement of 1957 states that no nighttime assignments will be made by either country (except in the specific cases mentioned therein) on a channel on which the other country has such priority.

41. While neither the 1957 agreement with the United Mexican states nor the 1950 NARBA has yet entered into formal effect through requisite ratification by the parties,[33a] the signatory governments, in the interest of avoiding chaotic mutual interference to the several broadcast services concerned are, in general practice, observing the limitations which these agreements stipulate. It is not possible, therefore, to disregard these international agreements. The Commission has so stated; in the Note to § 3.28 of its rules it is provided that, pending ratification and entry into force of these agreements: "• • • no assignment for a standard broadcast station will be made which would be inconsistent with the terms of these agreements." This policy has been uniformly applied by the Commission.

42. It is apparent that grant of the instant DBA proposal would violate the standards of protection set forth in these agreements and adhered to by the Commission, not only with respect to clear channels on which other nations have priority of use, but also with respect to regional channels. From the data submitted in this proceeding, it is readily apparent that operation by U. S. regional daytime stations during the non-daytime hours proposed by DBA would cause serious objectionable interference in many cases to stations in foreign countries. One example of interference which would be caused on a clear channel is seen in connection with operation on 740 kc, a channel on which Canada has Class I–A priority and Station CBL, Toronto, operates as a Class I–A station. Under maximum interference conditions which would prevail under the DBA proposal (7:00 p. m. in December), CBL would be limited, as a result of operation by U. S. stations on 740 kc after sunset, to its 11.6 mv/m contour, instead of rendering service out to its 0.5 mv/m contour and beyond. CBL's 0.5 mv/m groundwave contour includes all of southern Ontario between Georgian Bay and the eastern end of Lake Ontario. If limited to its 11.6 mv/m contour the station would render primary groundwave service at 7:00 p. m. in December only within an area with a radius of about 40 miles around its transmitter.

43. After the issuance of the December 19, 1957, notice in the present proceeding, the Commission requested the Department of State to elicit the views of the other nations which are signatories to the above-mentioned international agreements. The reply which has been received from the Dominion of Canada voices strong opposition to the proposal because of its effect upon the primary service of all classes of stations. Mexico is of the view that the DBA proposal involves very difficult problems and it indicates that no approval of the proposal will be forthcoming in the near future. Of the other signatory countries that have replied, only Bahama, Jamaica, Cuba and the Dominican Republic have indicated that they may not object to the proposal.

44. DBA and other proponents state that since the two agreements have not yet been ratified, the mere fact of their execution and existence is no reason to reject the DBA proposal. But this assertion ignores the fact that, though not ratified, the agreements have been of tremendous importance in affording some measure of protection to United States stations from the uncontrolled interference which could result if the United States, or other countries signatory to the agreements, gave no further consideration to their mutual commitments under such arrangements. We question whether under any circumstances we could appropriately undertake a change in our allocation policies so seriously inconsistent with international understandings, which would jeopardize the framework of mutual protection throughout the continent. We are not impelled to take such a serious step here.

(g) Need for the additional services which would be made possible by extending the hours of operation of daytime stations and the effect on the public interest of the consequent losses of the service of other classes of stations.

45. Under the provisions of § 3.24 (b) (2) of the rules, a proposed assignment which will cause objectionable interference to existing service will be permitted only when the public need for the new service clearly outweighs the need for the service which will be lost. This same principle applies in our consideration of the DBA proposal; the public interest will not be served by adopting the proposal unless the need for the service which daytime stations will render during non-daytime hours exceeds the need for the service of unlimited time stations which will be lost during such hours. In making this comparison of the relative need for the service that would be gained and lost by adoption of the proposal, we note that operation of daytime stations as contemplated by the DBA proposal would result in loss of existing service to a vastly greater population than that which would receive additional service. While this finding is a persuasive one, it would not necessarily be determinative if the need for the service which would be gained by a relatively small population were greater than the need for the presently existing service which would be lost. After carefully considering all of the comments filed in the instant proceeding (including letters from community groups and others in support of the DBA proposals, and also those portions of the record of the hearings conducted by the Select Committee on Small Business of the United States Senate in April 1957, which were incorporated by reference in some of the comments herein), we believe that such a preponderant need for the extended hours proposed by DBA is not established, but, rather, that the record shows a greater need for the preservation of service which would be lost under the proposal.

46. The proponents assert that there is a large, unsatisfied need for local service during the hours between 5:00 a. m. and 7:00 p. m. It is asserted that this need is not being met by the service rendered by distant stations because (1) with the increasing availability of closer signals, listeners are no longer content to make use of the weaker signal of a distant station for radio reception; and (2) even if the distant station provides a technically adequate signal, its program service is not geared to the needs and interests of the local community, and does not meet them. Of particular significance, state the proponents, is the fact that in the United States 913 communities, with a total population of more than 7,500,000, have available to them no local radio outlet other than a daytime-only station.[34] It is asserted that extended hours are necessary for daytime stations in order that the needs of these communities and surrounding areas for broadcast service may be more fully met.

47. In evaluating this argument, it must be borne in mind that the absence of a local nighttime standard broadcast station in these communities (the number of 913 has not been challenged, and is accepted here) does not mean that that number of communities are without nighttime primary service. It is established by the data furnished herein that of the 913 communities, approximately 535, with a population of nearly 6,400,000 are located in areas where 0.5 mv/m or better primary service is available nighttime.[35] The rural area around these 535 communities thus receives primary service nighttime; it cannot be determined from the data of record how many of these 535 communities (nearly all of which are of 2,500 population or more) receive by night the 2.0 mv/m signal required for primary service to urban communities, but it appears that most of them do. Many of these 535 communities are located in metropolitan or urbanized areas, and receive primary service from stations located in the principal city thereof or in another suburban community.[36] In other cases, some of these 535 communities receive primary service nighttime from a station located in the same county. We recognize the importance of providing a local outlet for as many communities in the nation as possible. This is one of our basic allocation objectives. Yet this objective should not be reached by changing the AM allocation rules so that an inefficient use of broadcast facilities would result therefrom. The need for and advantages accruing from extended hours for a local outlet are expressed by the proponents

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[32] Section 3.79 of the Commission's rules.

[33] The definition of "daytime operations" in the North American Regional Broadcasting Agreement of 1950 (Annex II, section A (6)) is quoted in Paragraph 18 of the December 19, 1957, Notice initiating this proceeding.

[33a] To date, Canada and Cuba have ratified the North American Regional Broadcasting Agreement.

[34] Some of the daytime stations supporting the proposal are located not in any of these 913 communities but in cities well supplied with full-time service, including Baltimore, Los Angeles, Pittsburgh, Providence, Akron and Columbus, Ohio, and Greenville, S. C. These stations stress, in support of their request for additional hours, the unique or extraordinarily valuable character of their program service to their communities, including such matters as public-service programming and announcements; the fact that the full-time stations are all network affiliated, whereas the proponent's station would furnish an independent, locally-oriented service during the extended hours; foreign-language programming; religious programming; and programming of a higher cultural character than that available in the community from the full-time stations. We conclude herein that the need for additional local service in communities now having no local nighttime outlet does not justify the result sought by DBA; a fortiori, it cannot be concluded that the proposal should be granted because of the programming characteristics of stations in communities having a full-time local outlet such as those mentioned above. Furthermore, such characteristics of programming are of course highly changeable, and therefore are not a valid reason for changing the permanent, basic allocation structure.

[35] The figure of 535 communities is contained in reply comments filed on behalf of Station WING, Dayton, Ohio; it is stated that all of them have "interference-free groundwave service available at night." However, an examination of the exhibits cited in support of this assertion shows that some of the communities listed (e. g., those listed for Alabama) are over 2,500 population and receive only 0.5 mv/m but not 2.0 mv/m groundwave service.

[36] For example, DBA lists among the 913 communities Silver Spring and Wheaton, Maryland, and Alexandria, Fairfax and Falls Church, Virginia, all of which are in the Washington Metropolitan Area. Other suburban communities listed are Glendale and Inglewood (Los Angeles); San Mateo and San Rafael (San Francisco-Oakland); Evanston (Chicago); Covington and Newport, Kentucky (Cincinnati); Bossier City, Louisiana (Shreveport); Dundalk and Towson, Maryland (Baltimore); Cambridge, Medford and Quincy, Massachusetts (Boston); Inkster (Detroit); Anoka, Hopkins-Edina and St. Louis Park, Minnesota (Minneapolis); St. Charles and Clayton, Missouri (St. Louis); Morristown, New Jersey (Newark); Campbell, Ohio (Youngstown); Massilon, Ohio (Canton); Worthington, Ohio (Columbus); Braddock, Homestead, New Kensington-Tarentum, Pennsylvania (Pittsburgh); Prichard, Alabama (Mobile); Scottsdale, Arizona (Phoenix-Mesa); Groton, Connecticut (New London); Coral Gables, Florida (Miami); Decatur, East Point, Georgia (Atlanta); Rossville, Georgia (Chattanooga); New Albany, Indiana (Louisville); and Council Bluffs, Iowa (Omaha).

as including the following more specific elements (which, it is asserted, are not met by the stations located elsewhere):

(a) Need for service, particularly during evening and early morning hours during winter months, to convey information about bad weather and other emergency conditions. In wintertime (before sunrise) it would be desirable to have more broadcasting of school closings due to bad weather, changes in school bus routes, etc. On certain occasions daytime stations either could have rendered such service but were unable to do so because of their short hours, or rendered such service (in connection with tornadoes, etc.) in months when they were permitted to operate, but could not have done [17] so if the emergency situation had occurred at another time of year.

(b) Need for service to provide farm market and weather information in the evening and early morning, when farmers are able to hear it and make advantageous use of it (e. g., in connection with deciding whether or not to ship livestock). Wide-area stations, while they can and do provide agricultural information generally, cannot gear such information specifically to the needs of the local farmers in all parts of their wide and diverse areas.

(c) The advantage which would accrue to public-service organizations from the stations having more time to devote to public service programming and announcements. Because of the short operating hours during the months (late fall and winter) when business is good, stations must necessarily devote the bulk of their time to commercial material; some worthy causes (such as the March of Dimes) put on their drives in wintertime, when the short span of daytime operation limits the effectiveness which a station can have in supporting them.

(d) The general need for and advantage of providing desirable programs, such as news, at times when people are free to listen to them. During daytime hours in late fall, winter and early spring, programs can be presented only during hours when much of the potential audience is at work, in school, or otherwise not free to listen, and that it would be preferable to be able to present such programs during the dinner hours.

(e) Elimination of the confusion which results from lack of uniform hours. The audience becomes confused as to when the daytime station signs on and off and during what part of the year a program will be available at a certain time. The audience tends to identify the station with its shortest hours (the only hours during which it is always available); accordingly, it is difficult to build an audience for the additional hours which become available as daytime hours increase seasonally.

(f) The difficultly of building programs at particular hours during the year and then having to cancel or shift them when daytime hours become shorter. Sponsors will buy a particular program at one hour but not at another hour (e. g., a 5:30 news broadcast): this results in gaining a sponsor only to lose him when the program must be cancelled or shifted, and the same thing applies to the listening audience.

(g) Greater service to local advertisers. Local merchants are deprived of the opportunity to promote their products or services by the absence of a radio outlet during non-daytime hours, particularly during the months when business is at a high level (in particular the "pre-Christmas" months, October, November and December). This works to the detriment of the local community in that it gives "big city" advertisers an advantage because they can advertise over full-time stations in the larger communities and appeal to the local community audience, while the local advertisers have no outlet during important listening hours. The small business concern is hurt in this respect, since the local (daytime) station is often the only medium it can afford to use.

(h) The desirability of the hours involved, from the standpoint of the listener, the advertiser and the station (for example, hours up to 7:00 p. m. are valuable because television viewing does not reach its peak until after that hour).

(i) The advantage to the station, from the standpoint of both stability of staff and economy of operation, of being able to conduct its operations during generally the same hours all year, rather than (as at present) having to either support all year a staff adequate for its longest hours of operation, or hire new people for the longer hours every spring or summer.

(j) Advantages to the daytime-only stations, as such. The daytime stations are small business, their opportunities are limited by an archaic allocation system which at present works for the benefit of a few wide-area stations which no longer render a significant service to communities distant from where they are located. While figures may show a fair income for daytime stations as a group, a number of them are not doing well economically and would be hurt in any business recession.

(k) In general, the need for a medium of comunication in additional hours, particularly in communities where there is no daily newspaper and where (as in a few cases) the daytime station is the only station in an area of two or more counties.

48. Many of the proponent daytime stations submitted letters from city officials, representatives of civic, educational, religious and business groups, county agents, and similar persons, as well as from listeners, expressing views that some or all of the needs and potential advantages exist. It may be observed, in general, that these persons did not appear to be aware of the fact that during the extended hours the service area of a daytime station would be less than, and often only a small fraction of, the station's daytime service area. Some of them seem to be aware in a general way that the DBA proposal would create interference, but they do not appear to know the extent thereof.

49. We recognize that these needs and advantages of extended hours of operation by daytime stations exist insofar as they concern the public and the community rather than the station itself, and that, absent interference considerations, it would be desirable that a local outlet operate during whatever hours may be necessary to meet them. But these same needs and advantages are common to all radio service and any change in allocation rules which results in degradation of over-all radio service results in less meeting of the various needs and provides for less of the advantages than at present. We recognize the importance and value of permitting the only local outlet in a community to operate during additional hours, especially where, as in the case of some of these daytime stations, the resulting additional service would be the only primary service available during the hours in question. Yet the losses in service which would result, losses often near and in some cases within the very communities which the full-time stations are licensed to serve,[18] far outweigh the gains. The losses would thus impair the present ability of stations to meet the needs and provide the advantages expected of radio to an extent much greater than that to which the extended hours would afford daytime stations an opportunity to render similar service. For example, as to service in emergencies, it is desirable for a local station to be able to render such service; but not at the expense of the ability of other stations to render similar service, when the population lost would be much greater than the population gained.[19] The same consideration ap-

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[17] One specific example of this kind of service was described by Station WLBH, Mattoon, Illinois. On that occasion, in January 1957, a large local industrial plant was not able to go into operation in the morning because of a break in a gas main (hundreds of miles away) during the night. The plant manager called the station manager about midnight and requested that the station broadcast announcements of the event between 6:00 a. m. and 7:00 a. m. so that workers at the plant would not come to work. The station was of course unable to do so since sunrise was not until after 7:00 a. m., and no other station in the area was available to make the announcement.

[18] Several opponents of the proposal submitted an engineering study of the effect of the subject proposal on the coverage of a number of 5 kw unlimited time regional stations. The study discloses that 64 percent of these stations would not provide interference-free service to the cities for which they are licensed and that 46 percent of them would not even be able to serve the principal business districts of their communities.

[19] As some of the opponents have noted, other methods are available to bring locally originated nighttime radio services to the 913 communities now without such service. In some cases the daytime stations on regional channels and on foreign clear channels could bring a full-time service to their principal communities by installing directional antennas for nighttime operation on the same or some other frequency. Where this would not be feasible, the daytime stations might consider constructing and operating FM stations. As shown by data in the record, FM stations can give much greater coverage of the communities and surrounding areas during night hours than that obtainable from a daytime-only station subject to the limitations which would prevail. It is reasonable to assume that the public would purchase FM receivers if there is sufficient unsatisfied need for radio services in these communities.

plies in the case of the Commission's CONELRAD system. The optimum value of this system is obtained only when radio service is maintained reasonably unimpaired.

50. With respect to service in emergencies and generally, it must be borne in mind that under the DBA proposal, while individual communities would gain some service, the nation as a whole would lose much more than it would gain. The area and population served by the daytime stations would be severely limited as compared to their daytime coverage, and the primary service rendered by full-time stations would suffer vast inroads. The result would be the curtailment of presently available primary service to large areas and populations, especially rural areas, during the hours in question.[20]

51. The proponents assert that extended hours of operation are needed to permit daytime stations to carry many programs of sole or primary interest to outlying rural areas. The licensees of a number of clear channel and unlimited-time regional stations reply that they already provide extensive unique programming designed solely for rural listeners; that this programming has a wide appeal to farm listeners, evidenced by mail received from such listeners in all parts of their service areas; and that these programs are principally scheduled during morning and evening mealtime hours, which are pre-sunrise and post-sunset hours during winter months. The mutually destructive interference which would result from permitting all stations on regional and clear channels to operate with daytime facilities in pre-sunrise and post-sunset hours would have the effect of largely wiping out the service to rural areas of both the full-time and the daytime stations.[21] In this connection, a national organization representing rural interests, the National Grange, filed an opposition in which it stated that the instant proposal would result in a severe reduction in satisfactory radio service to millions of persons in rural areas.[22] We are of the view that, instead of greater service to rural areas, the proposal would result in markedly less service.

52. One of the cornerstones of the DBA argument is that the distant stations do not provide a useful service for communities located at some distance from them and, furthermore, now that better signals are available, listeners are not content to listen to the mediocre signal of a distant station. In short, it is urged, the allocation scheme designed to protect wide-area coverage is archaic. DBA asserts that whether a station's service is of value cannot be ascertained by technical concepts and rules, but should be determined by surveys of the extent to which the station is regularly received by listeners. DBA asserts that such surveys would show distant stations have little or no listener significance. While not advancing such data itself (a few proponents advanced very fragmentary data of this sort), DBA asserts that it is clearly within the ability of the full-time stations to do so. The interference entailed by the DBA proposal would not however, affect merely, or principally, distant stations, but would have a most serious effect upon the service of regional stations close to or even within the community to which they are assigned.

53. A number of full-time stations, both clear channel and regional, made showings that their programming which was specifically geared to outlying communities and rural areas within their service contours. This programming includes agricultural programs, civic programs for each community and local sporting events. The Clear Channel Broadcasting Service (CCBS), in its comments filed on August 15, 1958, in the Clear Channel Proceeding (Docket No. 6741), submitted mail response tabulations of its member stations to show that large numbers of persons living great distances from clear channel stations listen to the nighttime skywave signals of these stations. This data reveals the following mail response for the listed clear channel stations, each of which elicited such response from its listeners by announcements made during periods of up to two weeks during the month of June 1958: [23]

Station and location	Dates announcements made in 1958	Mail response from secondary service area only (i. e., beyond nighttime groundwave contour)
WSM, Nashville, Tenn.	June 20–28	718 counties in 36 States.
WLW, Cincinnati, Ohio.	June 24–27	126 counties in 24 States.
WGN, Chicago, Ill.	June 17–25	290 counties in 34 States.
WWL, New Orleans, La.	June 9–22	476 counties in 32 States.
WHO, Des Moines, Iowa.	June 20–27	100 counties in 27 States.
WOAI, San Antonio, Tex.	June 23–27	289 counties in 26 States.

Storer Broadcasting Company, in its reply comments filed in this proceeding, tabulated the mail received from listeners of its Class I–B station WWVA, Wheeling, West Virginia, in the month of April, 1958. During that month mail was received from 41 states. 56 percent of the mail was received from states located entirely outside of the primary groundwave service contour of WWVA. In sum, no data of which the Commission is aware, shows or tends to show that the listening habits of the nation have changed in such a way that distant stations should no longer be protected or daytime stations be permitted to operate in spite of the resultant interference of the magnitude involved here.

54. Some proponents contend that extended hours for daytime broadcasters should be considered as a means for improving the capacity of daytime broadcasters as "little business" to compete with other, bigger stations. It would not be realistic, however, to treat the proposal in this light. Extended hours for daytime stations would adversely affect numerous other small broadcasters, including small unlimited time stations whose service areas and populations reached would be drastically curtailed by interference caused by extended hours of operation of daytime stations. Moreover, apart from the fact that the proposal does not involve a simple conflict between smaller broadcasters on the one side and bigger broadcasters on the other, we cannot lose sight of the primary basis on which the Commission is called upon to assess the effect of the proposal on the public interest; that is, its effect on services provided to the public. In this respect the evidence overwhelmingly establishes that adoption of the proposal would permit highly circumscribed increases in service by daytime stations at the prohibitive cost of destroying service now rendered to many millions of people by numerous other stations, both large and small.

OPERATION UNDER § 3.87 AS A PRECEDENT FOR THE DBA PROPOSAL

55. A number of the proponents claim that operation as contemplated by the subject proposal has already proved workable by the practice under § 3.87 of the Commission's rules, which permits all stations except certain Class II stations to begin operation with their daytime facilities at 4:00 a. m., unless undue interference is caused thereby to full-

[20] For example, a large area in New York, Pennsylvania, and New Jersey, now served by New York City clear channel stations with a groundwave signal nighttime of at least 0.5 mv/m, would lose the service of these stations. Within this area of approximately 11,000 square miles, nearly 6,500 square miles would have no primary service available during these hours in spite of the fact that daytime-only stations would be serving very small portions of the area. Of the approximately 644,000 rural population within this area, about 323,000 would continue to receive primary service during these hours from daytime stations and existing full-time stations as limited by the additional interference; but about 321,000 persons, who now receive service from New York stations would have available to them no nighttime primary service from any source. Similarly, around Greenville, South Carolina, operation by daytime stations under the DBA proposal would cause severe losses to full-time Greenville stations during post-sunset hours. Daytime stations would serve portions of this area, and also additional adjacent areas not now receiving primary service during post-sunset hours. The record also discloses that "white" area would be similarly created around Dallas, Omaha, Salt Lake City, Phoenix and other cities.

[21] As an example of this loss of rural service, the licensee of Station KSAL, Salina, Kansas, asserts that 35 cities and towns and extensive rural area encompassing all of five counties and parts of other counties, now served at night by KSAL and by two other stations, would lose all primary nighttime service.

[22] Another national farm organization, the National Council of Farm Cooperatives, while not taking a firm position opposing the proposal, asks that the Commission carefully consider its possible adverse effect upon rural listeners.

[23] The CCBS comments in Docket No. 6741 also include listener data for other member stations. Since these other stations, however, obtained mail from listeners in response to announcements made over extended periods of time, instead of only during a short period in June 1958, they are not included in this tabulation.

time stations. It is asserted that relatively few complaints about interference have been received in connection with such operations, indicating an absence of substantial objectionable interference. We are of the opinion that this situation affords no basis for favorable consideration of the DBA proposal. The fact that few complaints have been received is doubtless a reflection of the fact that many full-time stations do not go into operation until some time after 4:00 a. m. and interference conditions are thereby minimized; whereas the DBA proposal would permit nighttime operation by daytime stations in the early evening when all full-time stations are in operation, and would therefore result in interference of the vast magnitude already discussed. Legally, the DBA proposal is substantially different from the present § 3.87 situation because the latter is a privilege which may be cancelled immediately by the Commission upon a showing of undue interference by a full-time station, while the DBA proposal would confer the privilege of nondaytime operation upon daytime stations as a matter of right, regardless of interference which would be caused.

CONCLUSIONS

56. Amendment of the rules as proposed by the DBA would not serve the public interest. The population which would gain service during these hours is vastly exceeded by the population which would lose the service of existing stations because of the additional interference which would result on all but a few of the 107 standard broadcast frequencies from the operation of daytime stations during the non-daytime hours (before sunrise and after sunset) contemplated by the proposal. The daytime stations so operating during non-daytime hours would generally serve only a very small fraction of the areas and populations which they serve during daytime hours, a fact which would sharply limit the gains in service which would result. As a result of the additional interference so created, clear channel, unlimited time Class II and Class III stations would be limited in service so that in many instances they could not serve even all of the communities to which they are assigned. While a first nighttime primary service would be afforded to some population during these hours, and a first local service would be afforded to more than 900 communities in the nation, extensive "white areas", in which the population would lose all nighttime primary service would be created. On virtually all of the clear channels all secondary service would be destroyed. Because of this destruction of secondary service (the only service received by some 20,000,000 persons in about one-half of the area in the United States) and vast impairment of primary service during the hours involved, service to rural areas would be lost. Severe interference to foreign stations, inconsistent with international understanding, would occur. We cannot conclude that, on balance, we are warranted in extending the proposed service. With respect to aspects of radio such as service in emergencies, this is a function of all broadcast service, and any overall degradation of broadcast service must necessarily create greater needs in those respects than those it fulfills. As to the argument that the gained local service would be of value to the local population, whereas the lost service from distant stations is of no consequence to the populations who would lose it, the record shows that the service lost would not be solely or principally that of distant stations but would occur close to the communities where such stations are located as well as at greater distances. Moreover, the record shows that many full-time stations, both clear and regional, program for the outlying communities which would lose service. Other arguments advanced, such as the economic interests of daytime stations and small communities and the precedent said to be afforded by the practice under § 3.87 of the rules, have been dealt with above. We are therefore persuaded that DBA's proposal would not serve the public interest and must be denied.

57. In view of the foregoing: *It is ordered*, That the above-captioned petition of Daytime Broadcasters Association, Inc. is denied, and this proceeding is terminated.

Adopted: September 19, 1958.

Released: September 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-7904; Filed, Sept. 25, 1958; 8:55 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-16329]

SOUTHWEST NATURAL PRODUCTION CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 19, 1958.

Southwest Natural Production Company (Southwest) on August 21, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 19, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 7 to Southwest's FPC Gas Rate Schedule No. 2.

Effective date: October 1, 1958 (effective date is the effective date proposed by Southwest).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

This suspension, however, is based on the possibility of the additional tax being invalidated and only such tax increment of the proposed increased rate shall be subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Southwest's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Southwest's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-7846; Filed, Sept. 24, 1958; 8:52 a. m.]

[1] Rate in effect subject to refund in Docket No. G-15557.

[1] Concurring statement of Commissioner Cross filed as part of original document.

[Docket No. G-15899]

LOUISIANA NEVADA TRANSIT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 19, 1958.

Take notice that Louisiana Nevada Transit Company (Applicant), a Nevada corporation with a principal place of business in Ada, Oklahoma, filed an application on August 5, 1958, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to redeliver natural gas received in an emergency from Arkansas Louisiana Gas Company (Arkansas), through existing tap on Applicant's 8-inch main transmission pipeline near a point of intersection of their systems near Louisville, Arkansas, subject to the jurisdiction of the Commission, all as more fully described in an application on file with the Commission and open for public inspection.

The application recites: Applicant requested emergency deliveries of natural gas from Arkansas Louisiana to replace gas supplies curtailed while repairs were made on the Applicant's system near Okay, Arkansas. Deliveries were made by Arkansas Louisiana into the Applicant's 8-inch main transmission line between June 23, 1958 and July 20, 1958, through a temporary tap connection located near Okay, Arkansas and the existing connection located near Louisville, pursuant to § 157.22 of the Commission's rules.

Emergency deliveries totaling 239.7 Mcf were made to the Applicant on condition that an equivalent volume of gas would be redelivered by Louisiana Nevada on completion of repairs, and that the Applicant would pay the cost of installing and removing temporary interconnections and metering facilities. No monetary charge is to be made by either party as the arrangement is a gas-for-gas exchange, as indicated in a letter agreement dated May 28, 1958 attached to the application.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission, by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 5, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 20, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7870; Filed, Sept. 25, 1958; 8:48 a. m.]

[Docket No. G-16243]

MIDWEST OIL CORP.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

SEPTEMBER 19, 1958.

Midwest Oil Corporation (Midwest), on August 20, 1958, tendered, for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 18, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 4 to Midwest's FPC Gas Rate Schedule No. 13.

Effective date: September 20, 1958 (effective date is the first day after expiration of the required thirty days' notice).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1959 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final decision, it is deemed advisable to suspend the said proposed increased rate and charge until September 21, 1958, and thereafter to permit it to become effective as of that date; provided that within 20 days from the date of this order Midwest Oil Corporation shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Midwest's proposed increased rate be made effective as hereinafter provided and that Midwest be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Midwest's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until September 21, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Midwest's FPC Gas Rate Schedule shall be effective as of September 21, 1958: *Provided, however,* That within 20 days from the date of this order, Midwest shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Midwest shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax moneys collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by Midwest herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission, Midwest shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Midwest

[1] This rate is presently in effect subject to refund in Docket No. G-13819.

so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Midwest shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of Midwest Oil Corporation To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____, in Docket No. G–16243, _____ hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

_____

By _____

Attest:

_____

(Secretary)

Unless Midwest is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Midwest shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58–7871; Filed, Sept. 25, 1958; 8:48 a. m.]

[Docket No. G–16244]

H. T. SHALETT AND DAVID CROW

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

SEPTEMBER 19, 1958.

H. T. Shalett and David Crow (Shalett and Crow), on August 21, 1958, tendered for filing a proposed change in their presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 15, 1958.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: Supplement No. 2 to Shalett and David's FPC Gas Rate Schedule No. 1.

Effective date: September 21, 1958 (effective date is the first day after expiration of the required thirty days' notice).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1959 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final decision, it is deemed advisable to suspend the said proposed increased rate and charge until September 22, 1958, and thereafter to permit it to become effective as of that date; provided that within 20 days from the date of this order Shalett and Crow shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Shalett and Crow's proposed increased rate be made effective as hereinafter provided and that Shalett and Crow be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Shalett and Crow's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until September 22, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Shalett and Crow's FPC Gas Rate Schedule No. 1 shall be effective as of September 22, 1958; *Provided, however,* That within 20 days from the date of this order, Shalett and Crow shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Shalett and Crow shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by Shalett and Crow herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Shalett and Crow shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Shalett and Crow so elect, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Shalett and Crow shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed and ac-

companied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of H. T. Shalett and David Crow To Comply With the Terms and Conditions in Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Change

In conformity with the requirements of the order issued ----------, in Docket No. G-16344, H. T. Shalett and David Crow hereby agree and undertake to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed, this ------ day of ----------.

H. T. SHALETT AND DAVID CROW

By ----------

Attest:

Unless Shalett and Crow are advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Shalett and Crow shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7872; Filed, Sept. 25, 1958; 8:48 a. m.]

[Docket No. G-15375]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 22, 1958.

Take notice that Transcontinental Gas Pipe Line Corporation (Applicant) a Delaware corporation with its principal place of business in Houston, Texas, filed on June 30, 1958 an application, together with a supplement thereto on July 7, 1958, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional sales meter station and appurtenant facilities subject to the jurisdiction of the Commission on a proposed 12-inch lateral line about 3,000 feet in length to be constructed and operated by Public Service Electric and Gas Company (Public Service), an existing customer, to connect with Applicant's existing 26-inch main line, all in Bergen County, New Jersey, as more fully described in an application on file with the Commission, and open to public inspection.

The application recites: (1) Public Service proposes to use the gas delivered through this new tap and meter station, for the present, to serve the gas requirements of its new Bergen Electric Generating Station which is currently being constructed by Public Service. The proposed meter station will be constructed on the same property as the new generating station belonging to Public Service. Use of such property for meter station makes it unnecessary to purchase property for the meter station at Transco's main line.

(2) Initial gas service is required at the Bergen Station for a small heating boiler which will require up to 24 Mcf per hour from September to November 1958 at which time the requirements will increase to 500 Mcf per hour. The increase in use commencing in November is contemplated to "boil out the main boilers" at the station and in addition some steam will be required for railroad car thawing due to colder weather. The gas going into Bergen Station will subsequently be used for pilot lights on the boilers after the station begins operation on coal. If surplus gas is available to Public Service it will be burned at the Bergen Station as boiler fuel. Public Service's lateral is expected to have a capacity to transport 132,000 Mcf per day.

The total capital cost of the proposed meter station is estimated at $56,000, which will be defrayed from company funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 6, 1958 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings, pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 20, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7873; Filed, Sept. 25, 1958; 8:48 a. m.]

[Docket No. G-16253]

SHELL OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 22, 1958.

Shell Oil Company (Operator) et al. (Shell) on August 25 and 26, 1958, tendered for filing proposed changes in its presently effective rate schedules[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of Change, dated August 21, 1958.

Purchaser: El Paso Natural Gas Company.

Rate Schedule Designation: (1) Supplement No. 10 to Shell's FPC Gas Rate Schedule No. 20; (2) Supplement No. 8 to Shell's FPC Gas Rate Schedule No. 18; (3) Supplement No. 7 to Shell's FPC Gas Rate Schedule No. 34.

Effective Dates: Nos. (1) and (2)—September 25, 1958; No. (3)—September 26, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increases, Shell states that the increases are the result of the operation of a provision in its rate schedules agreed upon in good faith and at arms-length and the inclusion of this clause was an important element of the consideration to Shell to enter into these long term contracts. Also, Shell states, the increased prices will still be well below prices paid for similar gas in new contracts in the general vicinity of the sales.

The increased rates and charges so proposed have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes and that Supplement No. 10 to Shell's FPC Gas Rate Schedule No. 20, Supplement No. 8 to Shell's FPC Gas Rate Schedule No. 18, and Supplement No. 7 to Shell's FPC Gas Rate Schedule No. 34 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 10 to Shell's FPC Gas Rate Schedule No. 20, Supplement No. 8 to Shell's FPC Gas Rate Schedule No. 18, and Supplement No. 7 to Shell's FPC Gas Rate Schedule No. 34.

(B) Pending such hearing and decision thereon, Supplement No. 10 to

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[1] Present rates previously suspended and are in effect subject to refund in Docket Nos. G-13897, G-12953, G-14080.

Shell's FPC Gas Rate Schedule No. 20 and Supplement No. 8 of Shell's FPC Gas Rate Schedule No. 18 be and they are each hereby suspended and the use thereof deferred until February 25, 1959, and Supplement No. 7 to Shell's FPC Gas Rate Schedule No. 34 be and it is hereby suspended and the use thereof deferred until February 26, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7874; Filed, Sept. 25, 1958; 8:48 a. m.]

[Docket No. G-16255]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 22, 1958.

Shell Oil Company (Operator) (Shell) on August 25, 1958, tendered for filing a porposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge is contained in the following designated filing:

Description: Notice of Change, dated August 22, 1958.

Purchaser: El Paso Natural Gas Company.

Rate Schedule Designation: Supplement No. 11 to Shell's FPC Gas Rate Schedule No. 19.

Effective Date: September 25, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Shell states that the increase is the result of the operation of a provision in its rate schedule agreed upon in good faith and at arms-length and the inclusion of this clause was an important element of the consideration to Shell to enter into these long-term contracts. Also, Shell states, the increased prices will still be well below prices paid for similar gas in new contracts in the general vicinity of the sale.

The increased rate and charge so proposed has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that Supplement No. 11 to Shell's FPC Gas Rate Schedule No. 19 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 11 to Shell's FPC Gas Rate Schedule No. 19.

(B) Pending such hearing and decision thereon, Supplement No. 11 to Shell's FPC Gas Rate Schedule No. 19 be and it is hereby suspended and the use thereof deferred until February 25, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interstate state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7875; Filed, Sept. 25, 1958; 8:49 a. m.]

[Docket No. G-16259]

TIDEWATER OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

SEPTEMBER 22, 1958.

Tidewater Oil Company (Tidewater) on August 25, 1958, tendered for filing proposed changes in its presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated August 22, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 6 to Tidewater's FPC Gas Rate Schedule No. 4; Supplement No. 10 to Tidewater's FPC Gas Rate Schedule No. 17; Supplement No. 8 to Tidewater's FPC Gas Rate Schedule No. 50; Supplement No. 10 to Tidewater's FPC Gas Rate Schedule No. 39.

Effective date: September 25, 1958 (effective date is the effective date proposed by Tidewater).

In support of the proposed redetermined rate increases Tidewater cites the "favored nation" provisions of the pricing sections of its contracts and states that the aforementioned provisions of its contracts were arrived at by arms-length bargaining, are just and reasonable and are an integral part of the considerations upon which the contracts are based.

The increased rates and charges proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 6 to Tidewater's FPC Gas Rate Schedule No. 4, Supplement No. 10 to Tidewater's FPC Gas Rate Schedule No. 17, Supplement No. 8 to Tidewater's FPC Gas Rate Schedule No. 50, and Supplement No. 10 to Tidewater's FPC Gas Rate Schedule No. 39 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 6 to Tidewater's FPC Gas Rate Schedule No. 4, Supplement No. 10 to Tidewater's FPC Gas Rate Schedule No. 17, Supplement No. 8 to Tidewater's FPC Gas Rate Schedule No. 50, and Supplement No. 10 to Tidewater's FPC Gas Rate Schedule No. 39.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until February 25, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7876; Filed, Sept. 25, 1958; 8:49 a. m.]

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[1] Present rates previously suspended are in effect subject to refund in Docket No. G-12952.

[1] Present rates previously suspended are in effect subject to refund in Docket Nos. G-14185, G-14061, G-14032, G-13978.

[Docket No. G-16316]

UNITED FUEL GAS CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

SEPTEMBER 19, 1958.

United Fuel Gas Company (United Fuel), on August 22, 1958, tendered for filing four tariff sheets[1] to its FPC Gas Tariff, Fifth Revised Volume No. 1 by which United Fuel proposes to increase its rate for sale of natural gas in the amount of $1,296,671 annually for gas produced or gathered by United Fuel in the State of Louisiana and sold under its FPC Gas Rate Schedules CDS-1, SGS-1, AOS-1 and ES-1.

Clauses in the contracts between United Fuel and its suppliers provide generally that United Fuel will reimburse its suppliers for 75 percent of any increase in the Louisiana Gathering Tax.

The increased rates and charges so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until September 23, 1958, and thereafter to permit them to become effective as of that date; provided, that within 20 days from the date of this order United Fuel shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered. Due to the nature of the filing, it is deemed advisable to waive the requirements of Sections 154.22 and 154.63 of the Commission's Regulations and permit the sheets to become effective following a suspension of one day.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of said proposed changes, and that the above-designated tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carying out the provisions of the Natural Gas Act that United Fuel's proposed increased rates be made effective as hereinafter provided and that United Fuel be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated revised tariff sheets.

(B) Pending such hearing and decision thereon, said First Revised Sheet Nos. 7, 27, and 33, and Second Revised Sheet No. 22, to United Fuel's FPC Gas Tariff, Fifth Revised Volume No. 1, are each hereby suspended and the use thereof deferred until September 23, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rates, charges, and classifications set forth in the above-designated filings shall be effective as of September 23, 1958: *Provided, however*, That within 20 days from the date of this order United Fuel shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) United Fuel shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the rates and charges found at Docket No. G-12195 to be just and reasonable and the proposed increased rates and charges hereby allowed to become effective in the event that the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by United Fuel herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. United Fuel shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if United Fuel so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, United Fuel shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the revised tariff sheets involved, as follows:

Agreement and Undertaking of United Fuel Gas Company to Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ---------- in Docket No. G-16316, United Fuel Gas Company hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused the agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ------ day of ----------

UNITED FUEL GAS COMPANY

By ----------

Attest:

(Secretary)

Unless United Fuel is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If United Fuel shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) The revised tariff sheets hereby suspended shall not be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] J. H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7877; Filed, Sept. 25, 1958; 8:49 a. m.]

[1] First Revised Sheet Nos. 7, 27 and 33 and Second Revised Sheet No. 22 to FPC Gas Tariff, Fifth Revised Volume No. 1. Additional supporting data was tendered on September 5, 1958. The tendered tariff sheets propose an increase in rate of 0.34¢ per Mcf in the commodity price for the gas sold under the designated rate schedules over and above the rates currently being collected by United Fuel subject to further orders of the Commission as to refunds at Docket No. G-12195.

[Docket No. G-16328]

MURPHY CORPORATION ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 19, 1958.

Murphy Corporation et al. (Murphy) on August 22, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for the sale of nat-

[1] Rate in effect subject to refund in Docket No. G-15605.

ural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 20, 1958.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 8 to Murphy's FPC Gas Rate Schedule No. 5.

Effective date: October 1, 1958 (effective date is the effective date proposed by Murphy).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

This suspension, however, is based on the possibility of the additional tax being invalidated and only such tax increment of the proposed increased rate shall be subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 8 to Murphy's FPC Gas Rate Schedule No. 5 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Murphy's FPC Gas Rate Schedule No. 5.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] J. H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7878; Filed, Sept. 25, 1958; 8:49 a. m.]

[Docket No. G-16330]

F. A. CALLERY, INC., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

SEPTEMBER 19, 1958.

F. A. Callery, Inc., et al. (Callery) on August 22, 1958, tendered for filing proposed changes in its presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Supplemental Agreement, dated March 20, 1958. Notice of Change, dated August 22, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 2 to Callery's FPC Gas Rate Schedule No. 7; Supplement No. 3 to Callery's FPC Gas Rate Schedule No. 7.

Effective date: September 22, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase Callery states that the agreement was negotiated at arm's length extending the primary term 14 years and that the proposed price is not in excess of the current market value of the gas.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 2 to Callery's FPC Gas Rate Schedule No. 7, and Supplement No. 3 to Callery's FPC Gas Rate Schedule No. 7, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 2 to Callery's FPC Gas Rate Schedule No. 7, and Supplement No. 3 to Callery's FPC Gas Rate Schedule No. 7.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until February 1, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7879; Filed, Sept. 25, 1958; 8:50 a. m.]

[1] Rates are presently in effect subject to refund in Docket No. G-15956.

[Docket No. G-15328]

NATURAL GAS STORAGE COMPANY OF ILLINOIS

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 22, 1958.

Take notice that Natural Gas Storage Company of Illinois (Applicant), an Illinois corporation with its principal place of business at 122 South Michigan Avenue, Chicago 3, Illinois, filed an application on June 20, 1958 with an amendment and supplement thereto on June 30 and July 25, 1958, respectively, for a certificate of public convenience and necessity authorizing the construction and operation of (1) two injection-withdrawal wells, and appurtenances (2) approximately 660 feet of 12-inch field line and (3) an additional dehydration absorber, in its Herscher Storage Field in Kankakee County, Illinois in order to enable it to withdraw up to 500,000 Mcf daily from the Galesville reservoir in the field, subject to the jurisdiction of the Commission, and as more fully described in the application, amendment and supplement on file with the Commission and open for public inspection.

The application recites: In Docket Nos. G-1757, G-6674 and G-11677 Applicant was authorized to transport and store natural gas in the Herscher and Cooks Mills storage fields, for the account of the customers of Natural Gas Pipeline Company of America and Texas Illinois Natural Gas Pipeline Company whose customers own the gas stored, and to whom it is redelivered upon request. Natural and Texas Illinois each own 50 percent of the capital stock of Gas Storage. In Docket No. G-6674, Gas Storage was authorized to withdraw a maximum of 430,000 Mcf per day from the Herscher storage field. In Docket No. G-11677, Applicant received authorization to develop and operate another gas storage project, the Cooks Mills Field in Coles and Douglas Counties, Illinois, but with no increase in the maximum daily withdrawal rate.

The Application further recites that the increased withdrawals from storage

proposed in the instant application will be used to meet the increasing space heating requirements of existing customers of Natural and Texas Illinois. The present and proposed authorized daily withdrawal volumes of these customers are as follows:

Customer	Present contract quantity	Proposed additional quantity	Proposed total withdrawal quantity
Allied Gas Co	2,823	461	3,284
Associated Natural Gas Co	267	67	334
Central Illinois E & G Co	11,717	1,833	13,550
Citizens Gas Co	246	56	302
Illinois Power Co	5,518	910	6,428
Interstate Power Co	1,448	362	1,810
Iowa Electric Light & Power Co	6,525	1,069	7,594
Iowa-Illinois Gas & Electric Co	47,037	7,671	54,708
Iowa Power and Light Co	5,608	916	6,524
Iowa Southern Utilities Co	719	118	837
Monarch Gas Co	436	107	543
City of Nashville	177	53	230
City of Nebraska City	1,743	282	2,025
North Shore Gas Co	12,276	1,920	14,196
Northern Illinois Gas Co	138,530	22,696	161,226
Northern Indiana Public Service Co	42,778	6,699	49,477
City of Pinckneyville		19	19
Princeton Gas Service Co	519	83	602
Ruth Fuel Co		42	42
City of Salem	322	80	402
City of Sullivan	355	89	444
The Peoples Gas Light & Coke Co	166,534	27,158	139,692
United Cities Gas Co	230	70	300
Wilson Gas Co		42	42
Wisconsin Southern Gas Co., Inc	2,063	326	2,389
Total	447,871	73,129	521,000
Unallocated	189	(189)	
Total Withdrawal Capacity:			
On Billing Basis (1000 Btu/c. f.)	448,000	72,940	521,000
As metered basis	430,000	70,000	500,000

The estimated total capital cost of the proposed facilities is $387,000 which will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 28, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 17, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7887; Filed, Sept. 25, 1958; 8:52 a. m.]

[Docket No. G-13258]

SOUTHERN NATURAL GAS CO.

ORDER UPON MOTIONS FOR CONTINUANCE OF DATE OF HEARING AND FOR FURTHER LIMITATION OF ISSUES

SEPTEMBER 22, 1958.

By order issued herein on April 18, 1958, we, among other things, accepted Southern Natural Gas Company's (Southern) FPC Gas Tariff, Fifth Revised Volume No. 1, for filing in substitution for its Fourth Revised Volume No. 1 to said Tariff, to be effective as of April 16, 1958. As stated in the order, the rates and charges provided in the Fifth Revised Volume No. 1 would increase Southern's revenues from jurisdictional sales in an amount estimated at $11,022,471, based on adjusted sales for the year ended April 30, 1957. This amount, the order stated, was $7,152,177 less than the increase of $18,176,648 estimated to result from Fourth Revised Volume No. 1 to Southern's Tariff, which had been previously suspended by order issued herein on September 12, 1957.

The order of April 18, 1958, took notice of the fact that all of Southern's affected customers, excepting one, had agreed to pay the revised rates provided in the aforementioned Fifth Revised Volume No. 1.

For reasons stated therein, the order issued April 18, 1958, also provided that:

(D) Pursuant to the authority of the Natural Gas Act, particularly sections 4 (e) and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be hereafter fixed, limited to and concerning only (1) the level of the demand and commodity components of the rates contained in Southern's FPC Gas Tariff, Fifth Revised Volume No. 1, and (11) the "Conditions Relating to Refunds and Future Rate Reductions."

(E) Unless advised to the contrary within ten (10) days from the date of its issuance, this order shall be deemed to have been accepted by all parties.

The "Conditions Relating to Refunds and Future Rate Reductions" were submitted by Southern to the Commission concurrently with the tender of the then proposed Fifth Revised Volume No. 1 and constituted a part of the conditions of the aforementioned agreement between Southern and its customers.

The above quoted provisions of the order issued April 18, 1958, which was served on all parties, as well as all other provisions thereof, in accordance with the terms thereof, are deemed to have been accepted by Southern and all other parties to these proceedings, excepting possibly Georgia Natural Gas Company, since none advised the Commission to the contrary or sought rehearing on the order.

On August 22, 1958, Southern filed a motion to (i) indefinitely postpone the limited hearing in this proceeding, previously fixed to commence on September 23, 1958, or (ii) if indefinite postponement is denied, to continue the date of such hearing for one month and to further limit the issues to be heard therein.

Similar motions, or concurrences in Southern's motion, have been filed by the Public Service Commissions of Georgia, South Carolina, and Mississippi (which is not a party), and by two municipal associations and four customers of Southern. But only one of these parties, a customer company, requested further limitation of the issues if indefinite continuance is denied. The Cities of Birmingham, Gadsden, and Tuscaloosa, all in Alabama, jointly filed their objections to Southern's alternative motions.

The Commission finds: Good cause has been shown for granting a postponement of the date of hearing herein from September 23, 1958, to October 21, 1958; but good cause has not been shown for an indefinite continuance of said hearing or a further limitation of the issues to be the subject thereof.

The Commission orders:

(A) The hearing herein heretofore set to commence on September 23, 1958, is postponed to October 21, 1958, at the same hour and place.

(B) Except to the extent they may be deemed granted in paragraph (A) above, the aforesaid motion of Southern, and the other similar motions and concurrences filed herein, are each denied.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7888; Filed, Sept. 25, 1958; 8:52 a. m.]

[Docket Nos. G-15187, 15190]

ARKANSAS LOUISIANA GAS CO. AND MISSISSIPPI RIVER FUEL CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 22, 1958.

In the matters of Arkansas Louisiana Gas Company, Docket No. G-15187; Mississippi River Fuel Corporation, Docket No. G-15190.

Take notice that Arkansas Louisiana Gas Company (Arkansas Louisiana) and Mississippi River Fuel Corporation (Mississippi), collectively referred to as Applicants, Delaware corporations with principal place of business at Slattery Building, Shreveport 94, Louisiana, and 407 North Eighth Street, St. Louis 1, Missouri, respectively, filed separate applications for certificates of public convenience and necessity in the above-captioned dockets on May 29, 1958, as amended July 24, 1958, and on June 2, 1958, respectively, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the juris-

diction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Arkansas Louisiana proposes in Docket No. G–15187 to construct and operate a meter and compressor (1320 horsepower) station adjacent to its existing Ruston Gasoline Plant, Lincoln Parish, Louisiana, at an estimated cost of $331,800 which will be financed out of cash on hand. Arkansas Louisiana also proposes to sell and deliver 35,000 Mcf of natural gas per day at 14.73 psia in interstate commerce to Mississippi for resale. This gas is to be sold and delivered through the aforesaid facilities at the outlet side of said plant from October 15 of each year through April 16 of the succeeding year for a five year period ending April 16, 1963 at a price of 26 cents per Mcf in accordance with an agreement, dated February 5, 1958, between Arkansas Louisiana and Mississippi and concurrently filed with the instant application as Rate Schedule XFS–16 of Arkansas Louisiana's FPC Gas Tariff, Original Volume No. 2.

Mississippi proposes in Docket No. G–15190 to construct and operate: (1) approximately 3.8 miles of 10-inch lateral supply line extending from the aforesaid Ruston plant, i. e., from the facilities proposed by Arkansas Louisiana in Docket No. G–15187, to the 18-inch section of Mississippi's existing 16 and 18 inch Woodlawn Field-Perryville transmission line, (2) a 1320 horsepower compressor station (Minden Compressor Station) at Minden, Webster Parish, Louisiana on the 16-inch section of said Woodlawn Field-Perryville transmission line and (3) approximately 36.8 miles of 26-inch transmission line partially looping the easternmost line of its existing dual Perryville-St. Louis transmission line at five different points. The estimated cost of these facilities is $3,655,400 which will be financed by Mississippi out of cash on hand. These facilities will be used for the purpose of supplying existing demands of Mississippi's existing customers.

Arkansas Louisiana seeks a limited certificate to terminate with the termination of the contract between itself and Mississippi. In support of its application, Arkansas Louisiana states that its minimum take obligations under its long-term gas purchase contracts, among other things, have created a short-term supply of gas in excess of its present system requirements; that the instant proposal will augment Mississippi's supply of gas during Mississippi's annual period of greatest demand, viz., the winter heating seasons; that Arkansas Louisiana can render the proposed service without impairing its ability to serve its own customers during the same period because the delivery is to be effected at the plant in the field and hence will not use or require any of its existing pipeline capacity; that the instant proposal permits Arkansas Louisiana to avail itself of the premium price applicable to this type of seasonal peak load service; and that the short-term excess supplies of gas available annually, based solely on take obligations applicable to reserves owned and controlled by Arkansas Louisiana on January 1, 1958, amount to: 51,375 Mcf in 1958; 47,245 in '59; 37,091 in '60; 27,521 in '61; 18,467 in '62; and 20,631 in '63.

In support of its application, Mississippi states that the instant gas will enable it to maintain, on a permanent basis, a daily rated sales capacity approximately equal to that capacity realized prior to April 15, 1958 on which date a service agreement with Texas Eastern Transmission Corporation calling for the delivery of 20,000 Mcf per day to Mississippi was terminated; that this gas will provide flexibility in the operation of Mississippi's system and insure against failure of service which might otherwise occur through the curtailment or interruption of deliveries from other suppliers during the six-month periods of annual peak demand on its system; and that this gas will augment its gas supply and conserve reserves committed to it under long-term contracts with others.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission, by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 14, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 13, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–7889; Filed, Sept. 25, 1958; 8:52 a. m.]

[Docket No. G–16254]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 22, 1958.

Shell Oil Company (Shell) on August 25 and 26, 1958, tendered for filing proposed changes in its presently effective rate schedules[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated August 21, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: (1) Supplement No. 2 to Shell's FPC Gas Rate Schedule No. 108. (2) Supplement No. 6 to Shell's FPC Gas Rate Schedule No. 134. (3) Supplement No. 3 to Shell's FPC Gas Rate Schedule No. 142. (4) Supplement No. 10 to Shell's FPC Gas Rate Schedule No. 17. (5) Supplement No. 2 to Shell's FPC Gas Rate Schedule No. 95. (6) Suplement No. 11 to Shell's FPC Gas Rate Schedule No. 41. (7) Supplement No. 6 to Shell's FPC Gas Rate Schedule No. 16. (8) Supplement No. 6 to Shell's FPC Gas Rate Schedule No. 33. (9) Supplement No. 2 to Shell's FPC Gas Rate Schedule No. 40.

Effective dates: (1) through (4) September 25, 1958. (5) through (9) September 26, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increases, Shell states that the increases are the result of the operation of a provision in its rate schedules agreed upon in good faith and at arm's-length and the inclusion of this clause was an important element of the consideration to Shell to enter into these long-term contracts. Also, Shell states, the increased prices will still be well below prices paid for similar gas in new contracts in the general vicinity of the sale.

The increased rates and charges so proposed have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes and that Supplement No. 2 to Shell's FPC Gas Rate Schedule No. 108, Supplement No. 6 to Shell's FPC Gas Rate Schedule No. 134, Supplement No. 3 to Shell's FPC Gas Rate Schedule No. 142, Supplement No. 10 to Shell's FPC Gas Rate Schedule No. 17, Supplement No. 2 to Shell's FPC Gas Rate Schedule No. 95, Supplement No. 11 to Shell's FPC Gas Rate Schedule No. 41, Supplement No. 6 to Shell's FPC Gas Rate Schedule No. 16, Supplement No. 6 to Shell's FPC Gas Rate Schedule No. 33, and Supplement No. 2 to Shell's FPC Gas Rate Schedule No. 40 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges and that Supplement No. 2 to Shell's FPC Gas Rate Schedule No. 108, Supplement No. 6 to Shell's FPC Gas Rate Schedule No. 134, Supplement No. 3 to Shell's FPC Gas Rate Schedule No. 142, and Supplement No. 10 to Shell's FPC Gas Rate Schedule No. 17 be and they are each hereby suspended and the use thereof deferred until February 25, 1959, and Supplement No. 2 to Shell's FPC Gas Rate Schedule No. 95, Supplement No. 11 to Shell's FPC Gas Rate Schedule No. 41, Supplement No. 6 to Shell's FPC Gas Rate Schedule No. 16, Supplement No. 6 to Shell's FPC Gas Rate Schedule No. 33, and Supplement No. 2 to Shell's FPC Gas Rate Schedule No. 40 be and they are each hereby suspended and the use thereof deferred until February 26, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–7890; Filed, Sept. 25, 1958; 8:52 a. m.]

[1] Present rates previously suspended are in effect subject to refund in Docket Nos. G–12951, G–13988, G–14080.

TIDEWATER OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

SEPTEMBER 22, 1958.

Tidewater Oil Company (Operator) et al. (Tidewater) on August 25, 1958, tendered for filing proposed changes in its presently effective rate schedules[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated August 22, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: (1) Supplement No. 9 to Tidewater's FPC Gas Rate Schedule No. 38. (a) Supplement No. 11 to Tidewater's FPC Gas Rate Schedule No. 43.

Effective date: September 25, 1958 (effective date is the effective date proposed by Tidewater).

In support of the proposed redetermined rate increases Tidewater cites the "favored nation" provisions of the pricing sections of its contracts and states that the aforementioned provisions of its contracts were arrived at by arms-length bargaining, and that they are just and reasonable and are an integral part of the consideration upon which the contracts are based.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 9 to Tidewater's FPC Gas Rate Schedule No. 38, and Supplement No. 11 to Tidewater's FPC Gas Rate Schedule No. 43 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 9 to Tidewater's FPC Gas Rate Schedule No. 38, and Supplement No. 11 to Tidewater's FPC Gas Rate Schedule No. 43.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until February 25, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–7891; Filed, Sept. 25, 1958; 8:52 a. m.]

[Docket No. G–16310]

R. W. FAIR ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 22, 1958.

R. W. Fair et al. (Fair) on August 25, 1958, tendered for filing a proposed change in his presently effective rate schedule[1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 21, 1958.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 7 to Fair's FPC Gas Rate Schedule No. 1.

Effective date: September 25, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed two-step periodic rate increase, Fair merely cites the contract provision providing for the increased rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Fair's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Fair's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 25, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58–7892; Filed, Sept. 25, 1958; 8:52 a. m.]

[Docket No. G–16311]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 22, 1958.

Phillips Petroleum Company (Phillips) on August 27, 1958, tendered for filing a

[1] A previous increase was suspended in Docket No. G–10646 until December 9, 1956, but motion to place the suspended rate in effect subject to refund was never filed by Fair.

[1] Present rates previously suspended and are in effect subject to refund in Docket Nos. G–14672, G–13992.

proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 25, 1958.
Purchaser: Kansas-Nebraska Natural Gas Company, Inc.
Rate schedule designation: Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 302.
Effective date: October 1, 1958 (effective date is the effective date proposed by Phillips).

In support of the proposed periodic rate increase, Phillips cites the contract provisions therefor and states that to disallow producers and sellers of gas rates which return costs plus a fair return on investment would amount to confiscation of property. Phillips also refers to evidence submitted in the proceedings in Docket No. G-1148, et al., purporting to show that a price of approximately 17.25 cents per Mcf is required to produce such return. Phillips states additionally that the contract was negotiated in good faith and the increased price is just and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 302 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 302.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-7893; Filed, Sept. 25, 1958; 8:53 a. m.]

[Docket No. G-16313]

DAN J. HARRISON, JR., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

SEPTEMBER 22, 1958.

Dan J. Harrison, Jr. (Operator) et al. (Harrison) on August 15, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 12, 1958.
Purchaser: Texas Gas Corporation.
Rate schedule designation: Supplement No. 6 to Harrison's FPC Gas [1] Rate Schedule No. 2.
Effective date: November 1, 1958 (effective date is that proposed by Harrison).

In support of the two-step increase, Harrison cites the contract provisions and states that the proposed increased rate represents the fair market value of the gas over the life of the contract which stems from arm's length bargaining.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Harrison's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Harrison's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-7894; Filed, Sept. 25, 1958; 8:53 a. m.]

[1] Rate Schedule No. 2 is subject to further orders of the Commission at Docket No. G-13714.

[Docket No. G-16314]

H. L. HAWKINS ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

SEPTEMBER 22, 1958.

H. L. Hawkins et al. (Hawkins) on August 15, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 13, 1958.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 2 to Hawkin's FPC Gas Rate Schedule No. 7.
Effective date: November 1, 1958 (effective date is that proposed by Hawkins).

In support of the proposed periodic rate increase, Hawkins' states that the contractually provided proposed increased price is less than that currently being offered by buyers. Hawkins' present rate was suspended at Docket No. G-15628 and is currently in effect subject to refund in so far as such rate related to the Louisiana Gas Gathering Tax.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Hawkins' FPC Gas Rate Schedule No. 7 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Hawkins' FPC Gas Rate Schedule No. 7.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-7895; Filed, Sept. 25, 1958; 8:53 a. m.]

[Docket No. G-16315]

HORIZON OIL AND GAS CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

SEPTEMBER 22, 1958.

N. Bruce Calder and Curtis E. Calder, Jr., d/b/a as Horizon Oil and Gas Company (Operator) et al. (Horizon) on August 15, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Kansas-Nebraska Natural Gas Company, Inc.
Rate schedule designation: Supplement No. 2 to Horizon's FPC Gas Rate Schedule No. 3.
Effective date: October 1, 1958 (effective date is the date proposed by Horizon).

In support of the proposed 2-mill periodic increase Horizon stated that such was contractually contemplated by the filed instrument.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Horizon's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Horizon's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until March 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] MICHAEL J. FARRELL, *Acting Secretary.*

[F. R. Doc. 58-7896; Filed, Sept. 25, 1958; 8:53 a. m.]

[Docket No. G-14857]

ILLINOIS POWER CO.

NOTICE OF CONTINUANCE OF HEARING

SEPTEMBER 22, 1958.

Upon consideration of the motion filed September 8, 1958, by Counsel for Illinois Power Company for continuance of the hearing now scheduled for October 7, 1958, in the above-designated matter;

Notice is hereby given that said hearing is postponed to November 12, 1958, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7898; Filed, Sept. 25, 1958; 8:54 a. m.]

[Docket No. G-15109]

OLIN GAS TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 22, 1958.

Take notice that Olin Gas Transmission Corporation (Applicant), a Delaware corporation having its principal place of business in New Orleans, Louisiana, filed on May 15, 1958, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant, an interstate pipeline company, proposes to make a field sale of natural gas to United Gas Pipe Line Company for transportation in interstate commerce for resale. The gas to be sold will be produced from all lands and leaseholds in the Sunrise Field, Terrebonne Parish, Louisiana, in which Applicant now owns an interest, which properties are more specifically described in the application.

This matter should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 22, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 15, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7899; Filed, Sept. 25, 1958; 8:54 a. m.]

[Docket No. G-15423]

ATLANTIC SEABOARD CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 2, 1958.

Take notice that Atlantic Seaboard Corporation (Applicant), a Delaware corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 1033 Quarrier Street, Charleston, West Virginia, filed on July 9, 1958, an application and on August 11, 1958, a supplement thereto, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to construct and operate a tap and measuring station on its 4-inch line KB in Monroe County, West Virginia, in order to sell natural

gas to Amere Gas Utilities Company for resale to the public in Peterstown, West Virginia, all as more fully represented in the application which is on file with the Commision and open for public inspection.

Applicant estimates the cost of the proposed facilities will be $3,300, which will be paid from funds on hand.

Applicant alleges that Amere has advised it that the estimated annual and peak day gas requirements for the town of Peterstown are as follows:

Year of service	1	2	3	4	5
Annual (Mcf)	31,600	40,800	44,700	48,700	52,600
Peak day (Mcf)	400	500	500	600	600

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 23, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 13, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7900; Filed, Sept. 25, 1958; 8:54 a. m.]

[Docket No. G-15818]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 22, 1958.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation with a principal place of business in Shreveport, Louisiana, filed an application on August 4, 1958, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate a 150 HP compressor station together with appurtenant facilities at its Burns Plant site in St. Mary Parish, Louisiana, subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission, and open for public inspection.

Applicant states that the proposed facilities will enable it to conserve approximately 750 Mcf of natural gas per day presently being flared at its plant.

The estimated total cost of the proposed facilities is $69,100, which will be defrayed from current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 29, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 15, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7902; Filed, Sept. 25, 1958; 8:54 a. m.]

[Docket No. G-15528]

HOME GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 22, 1958.

Take notice that Home Gas Company (Applicant), a New York corporation with a principal place of business in Pittsburgh, Pennsylvania, filed on July 22, 1958, an application pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon parallel sections of two 6-inch transmission lines (A-3 and A-4), approximately 3.8 miles in length, extending from a point in the Town of Union north of Endicott to a point in the Town of Maine, north of Johnson City, known as "Westover Connection" with Columbia Gas of New York, Inc. (Columbia), subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission, and open for public inspection.

The application recites that in 1953, the transmission lines now proposed for abandonment, were purchased by Applicant from an oil company and are presently used for delivery of gas into the system of Columbia, Applicant's affiliate and distributing utility in a number of towns in New York including Binghamton, Johnson City and Endicott. Applicant proposes to sell the subject transmission lines to Columbia. Columbia will use the lines, together with another line to be constructed by it, as distribution lines for transfer of propane-air gas from its Johnson City propane plant to the Village of Endicott and improve its service in this area.

Applicant states that no service will be abandoned as a result of this transaction because its other transmission lines in this area are capable of rendering adequate service to its customers.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 4, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 20, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7901; Filed, Sept. 25, 1958; 8:54 a. m.]

[Docket No. G-16012]

MICHIGAN WISCONSIN PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 22, 1958.

Take notice that Michigan Wisconsin Pipe Line Company (Applicant), a Delaware corporation with principal place of

business at 500 Griswold Street, Detroit, Michigan, filed in Docket No. G–16012 on August 18, 1958, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate approximately 13.2 miles of 8⅝-inch line in order to complete the looping of Applicant's existing 43.94-mile lateral which extends southward from Applicant's 24-inch main line to Keokuk, Iowa. The Keokuk lateral consists of three segments: (1) Two parallel 6⅝-inch lines extending about 12.94 miles from Applicant's main line to the point from which a 4½-inch branch line extends eastward to render supplemental service to Burlington, Iowa, (2) a single 6⅝-inch line extending about 13.18 miles from the Burlington-line intersection to the point from which 3½-inch and 6⅝-inch parallel lines extend eastward to serve Ft. Madison, Iowa, and (3) parallel 4½-inch and 6⅝-inch lines extending about 17.82 miles from the Ft. Madison junction directly to Keokuk. It is the middle section, described as No. 2 above, which Applicant now proposes to loop, thereby completing the looping of the facilities through which Applicant renders service to its three existing utility customers which in turn distribute gas in the communities of Burlington, Ft. Madison and Keokuk.

Applicant states that, without the installation of the proposed 13.2 miles of 8⅝-inch pipeline, Applicant's facilities will be inadequate to meet the maximum daily requirements of the three distributors during the coming heating season. Applicant estimates the 1958–59 peak-day requirements of the markets involved to be 30,300 Mcf and, according to Applicant's flow diagrams, the unlooped portion of the Keokuk lateral would be primarily responsible for a drop in pressure from 700 pounds per square inch gage on Applicant's main line to a zero delivery pressure at Keokuk and Burlington. Addition of the proposed loop would not only relieve the situation at Keokuk, which is directly affected, but would also afford relief to Burlington by enabling Applicant to utilize to a greater degree the 4½-inch branch line extending from the Keokuk lateral to Burlington.

No additional service is proposed beyond that authorized by the Commission and permitted under Applicant's effective FPC Gas Tariff. The markets in question are presently served under "requirements-type" service agreements between Applicant and the distributors, and the design loads used in the application are within presently existing tariff limitations.

Applicant estimates that the cost of constructing the proposed facilities will total $401,000, which will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held in October 23, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 13, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–7903; Filed, Sept. 25, 1958; 8:54 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27–5]

WALKER TRUCKING CO.

DESIGNATION OF HEARING OFFICER

Samuel W. Jensch, Esq., is hereby designated as presiding officer in the above-entitled proceeding to hear and act upon any and all petitions for leave to intervene in the proceeding, to preside at any hearing, and to take such other action in the proceeding as may be appropriate and consistent with the Commission's rules of practice (10 CFR Part 2).

Dated at Germantown, Md., this 19th day of September 1958.

ATOMIC ENERGY COMMISSION,
WOODFORD B. MCCOOL,
Secretary to the Commission.

[F. R. Doc. 58–7859; Filed, Sept. 25, 1958; 8:45 a. m.]

[Docket No. 27–5]

WALKER TRUCKING CO.

ORDER FOR FILING OF ANSWERS

On September 8, 1958, the Board of Selectmen of the Town of Portland, Middlesex County, Connecticut, filed with the Atomic Energy Commission a request to intervene in the above designated proceeding and stated that the area proposed to be utilized by the Walker Trucking Company for the collection of radioactive waste material was too small and would not afford proper protection to persons in the community. The Board of Selectmen also requested a hearing, in Portland, Connecticut, if possible, respecting these matters.

It is hereby ordered, That answers to the foregoing request, which is considered as a petition to intervene, may be filed in accordance with the rules of practice of the Atomic Energy Commission on or before October 6, 1958.

Dated at Germantown, Md., this 23d day of September 1958.

SAMUEL W. JENSCH,
Hearing Examiner,
Atomic Energy Commission.

[F. R. Doc. 58–7954; Filed, Sept. 25, 1958; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

MILK RIVER PROJECT, MONTANA

ORDER OF REVOCATION

SEPTEMBER 15, 1958.

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416), and pursuant to Departmental Order No. 2765 of July 30, 1954, I hereby revoke the departmental order of May 14, 1902, in so far as said order affects the following-described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands:

MONTANA PRINCIPAL MERIDIAN

T. 31 N., R. 5 W.,
Sec. 4, SW¼SE¼;
Sec. 5, NE¼NW¼.

The areas described contain 80 acres.

FLOYD E. DOMINY,
Acting Commissioner.

[Montana 027945]

SEPTEMBER 19, 1958.

I concur.

The lands are within the Blackfeet Indian Reservation.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 58–7865; Filed, Sept. 25, 1958; 8:46 a. m.]

Office of the Secretary

[Order 2831]

DIRECTOR, BUREAU OF MINES

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS FOR PROFESSIONAL SERVICES

SECTION 1. *Delegation.* The Director, Bureau of Mines, is authorized, subject to the provisions of section 2 of this order, to exercise the authority delegated by the Administrator of General Services to the Secretary of the Interior

(23 F. R. 7161) to negotiate, without advertising, under sections 302 (c) (2), (4), (9), and (10) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 252 et seq.), contracts for the services of architectural, engineering and construction firms in connection with the construction of the Keyes, Oklahoma, helium facility.

SEC. 2. *Limitation; exercise of authority.* (a) The authority delegated by section 1 of this order does not include authority to make the written determination required by section 302 (c) (10) of the act when a contract pursuant to that section will require the expenditure of more than $25,000.

(b) The authority delegated by section 1 of this order shall be exercised in accordance with all provisions of Title III of the act with respect to negotiated contracts, all other provisions of law, and applicable regulations of the Department.

SEC. 3. *Redelegation.* The authority delegated by section 1 of this order may not be redelegated.

FRED A. SEATON,
Secretary of the Interior.

SEPTEMBER 20, 1958.

[F. R. Doc. 58-7866; Filed, Sept. 25, 1958; 8:48 a. m.]

[Order 2832]

DIRECTOR, NATIONAL PARK SERVICE

DELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CONTRACTS WITH FIRMS FOR PROFESSIONAL ENGINEERING, ARCHITECTURAL, AND LANDSCAPE ARCHITECTURAL SERVICES

SECTION 1. *Delegation.* The Director, National Park Service, is authorized, subject to the provisions of section 2 of this order, to exercise the authority delegated by the Administrator of General Services on June 30, 1958 (23 F. R. 5139), to the Secretary of the Interior to negotiate, without advertising, under section 302 (c) (4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 252 et seq.), contracts for services of engineering, architectural, and landscape architectural firms in connection with the administration of construction programs of the National Park Service.

SEC. 2. *Limitations; exercise of authority.* (a) The authority granted by Section 1 of this order shall not be applicable to buildings (exclusive of bridges, landscaping, utilities, etc.) the construction cost of which is estimated to be $200,000 or more.

(b) The authority granted by Section 1 of this order shall be exercised in accordance with all provisions of Title III of the Act with respect to negotiation of contracts, all other provisions of law, and applicable regulations of the Department.

(c) A summary report of all activities hereunder shall be submitted to the Administrator of General Services, through the Administrative Assistant Secretary of the Interior, at the end of each fiscal year.

SEC. 3. *Redelegation.* The Director, National Park Service, may, in writing, redelegate or authorize written redelegation of the authority granted by section 1 of this order. Each such redelegation shall be published in the FEDERAL REGISTER.

SEC. 4. *Revocation.* Order No. 2824 (22 F. R. 7346) is revoked.

FRED A. SEATON,
Secretary of the Interior.

SEPTEMBER 20, 1958.

[F. R. Doc. 58-7867; Filed, Sept. 25, 1958; 8:47 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

[General Order 96]

ASSISTANT SECRETARY OF LABOR

PERFORMANCE OF FUNCTIONS OF SECRETARY OF LABOR UNDER EX-SERVICEMEN'S COMPENSATION ACT OF 1958

By virtue of and pursuant to the authority vested in me by R. S. 161 (5 U. S. C. 22), the Ex-Servicemen's Unemployment Compensation Act of 1958 (P. L. 85-848, 72 Stat. 1087), and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), Assistant Secretary of Labor Newell Brown, or, if he so designates, the Director of the Bureau of Employment Security, under his general direction and control, is hereby authorized to perform all the functions vested in the Secretary of Labor by the Ex-Servicemen's Unemployment Compensation Act of 1958, except the promulgation and interpretation of regulations with respect thereto and the entering into of agreements.

Signed at Washington, D. C., this 12th day of September 1958.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F. R. Doc. 58-7831; Filed, Sept. 24, 1958; 8:48 a. m.]

DIRECTOR, BUREAU OF EMPLOYMENT SECURITY

PERFORMANCE OF FUNCTIONS OF SECRETARY OF LABOR UNDER EX-SERVICEMEN'S COMPENSATION ACT OF 1958

By virtue of and pursuant to the authority vested in me by the Secretary of Labor in General Order No. 96 on September 12, 1958, the Director of the Bureau of Employment Security, subject to my general direction and control, is hereby authorized to perform all functions assigned to me by the Secretary of Labor in the said general order.

Signed at Washington, D. C., this 19th day of September 1958.

NEWELL BROWN,
Assistant Secretary of Labor.

[F. R. Doc. 58-7830; Filed, Sept. 24, 1958; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12542, 12543; FCC 58M-1001]

HENDERSON COUNTY BROADCASTING CO. (KBUD) AND UNIVERSITY ADVERTISING CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of J. B. McNutt, Jr., tr/as the Henderson County Broadcasting Company (KBUD), Athens, Texas; Docket No. 12542, File No. BP-11361; University Advertising Company, Highland Park, Texas; Docket No. 12543, File No. BP-11850; for construction permits.

By agreement of the parties: *It is ordered*, This 22d day of September 1958, that a prehearing conference in the above-entitled proceeding will be held on October 3, 1958, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: September 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7905; Filed, Sept. 25, 1958; 8:56 a. m.]

[Docket Nos. 12584, 12585; FCC 58M-1004]

COLUMBIA RIVER BROADCASTERS AND L. BERENICE BROWNLOW

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of David L. Hubert, Edward F. Kelly & Marion S. Olney d/b as Columbia River Broadcasters, St. Helens, Oregon; Docket No. 12584, File No. BP-11437; L. Berenice Brownlow, St. Helens, Oregon; Docket No. 12585, File No. BP-11852; for construction permits.

It is ordered, This 22d day of September 1958, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 a. m., October 17, 1958, in the Commission's offices in Washington, D. C.

Released: September 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7906; Filed, Sept. 25, 1958; 8:56 a. m.]

KWEW, INC. (KWEW)

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of KWEW, Inc. (KWEW), Hobbs, New Mexico; Docket No. 12596, File No. BP-11322; for construction permit.

On the Examiner's own motion: *It is ordered*, This 19th day of September 1958, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, in the

offices of the Commission, Washington, D. C., at 10:00 o'clock a. m., on Wednesday, October 8, 1958.

Released: September 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-7907; Filed, Sept. 25, 1958; 8:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1176]

PECKHAM PLAN FUND, INC. AND PECKHAM PLAN FUND MANAGEMENT CORP.

NOTICE OF FILING OF APPLICATION

SEPTEMBER 22, 1958.

Notice is hereby given that Peckham Plan Fund, Inc. ("Fund"), a registered open-end management investment company, and Peckham Plan Fund Management Corporation ("Peckham"), the proposed investment adviser of the Fund, have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting the Fund from the provisions of sections 16 (a) and 32 (a), and Peckham from the provisions of section 15 (a) of the act.

The application discloses that the Fund was organized on February 13, 1958, under the laws of the State of California. The Fund registered on April 3, 1958 under the Act and has filed a registration statement under the Securities Act of 1933 covering 20,000 shares of its capital stock. Prior to beginning operation as an investment company, the Fund proposes to enter into an investment advisory contract with Peckham. The date of its first annual meeting of stockholders is fixed by its by-laws as September 19, 1958 at which time the Fund had no stockholders. It is proposed to take appropriate stockholder action within six months following the effective date of Fund's registration statement filed under the Securities Act of 1933 with respect to an investment advisory contract, the selection of the Fund's independent public accountants, and the election of directors.

The Fund requests an order of the Commission under section 6 (c) of the act exempting the Fund from the provisions of sections 16 (a) and 32 (a), and Peckham from the provisions of section 15 (a) of the act so that the Fund may operate for a limited period without stockholder election of directors, without stockholder approval of the selection of independent public accountants, and without stockholder approval of an investment advisory contract as required, respectively, by those sections of the act, until stockholder approval can be obtained following the public offering of its capital stock.

Section 6 (c) of the act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than October 3, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-7882; Filed, Sept. 25, 1958; 8:50 a. m.]

[File No. 1-3074]

CORNUCOPIA GOLD MINES

ORDER SUMMARILY SUSPENDING TRADING

SEPTEMBER 22, 1958.

In the matter of trading on the American Stock Exchange in the $0.05 par value Common Stock of Cornucopia Gold Mines (File No. 1-3074).

I. The Common Stock, $0.05 par value, of Cornucopia Gold Mines being listed and registered on the American Stock Exchange; and

II. The Commission on July 25, 1958, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held September 2, 1958, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the common stock of Cornucopia Gold Mines (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation 14 adopted pursuant to section 14 (a) of the act.

On September 12, 1958, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from the date of the aforesaid order.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, September 23 to October 2, 1958, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-7883; Filed, Sept. 25, 1958; 8:50 a. m.]

[File No. 812-1175]

WELLINGTON EQUITY FUND, INC.

NOTICE OF FILING OF APPLICATION

SEPTEMBER 23, 1958.

Notice is hereby given that Wellington Equity Fund, Inc. ("Fund"), a registered open-end management investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting the Fund from the provisions of sections 15 (a), 16 (a) and 32 (a) of the act.

The application discloses that the Fund was organized on August 26, 1958, under the laws of the State of Delaware. The Fund registered on August 29, 1958, under the act and has filed a registration statement under the Securities Act of 1933 covering 2,000,000 shares of its common stock, and proposes to make a public offering of such shares on or about October 3, 1958. Prior to beginning operation as an investment company, the Fund proposes to enter into an investment advisory contract with Wellington Company, Ltd. The date of the first annual meeting of stockholders of the Fund is fixed by its by-laws as February 11, 1959, and it is proposed to take appropriate stockholder action at that time with respect to an investment advisory contract, the selection of the Fund's independent public accountants, and the election of directors.

The Fund requests an order of the Commission under section 6 (c) of the act exempting the Fund from the provisions of sections 15 (a), 16 (a) and 32 (a), of the act so that the Fund may operate for a limited period without stockholder election of directors, without stockholder approval of the selection of independent public accountants, and

without stockholder approval of an investment advisory contract as required, respectively, by those sections of the act, until stockholder approval can be obtained following the public offering of its capital stock.

Section 6 (c) of the act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the act or of any rule or regulation thereunder, if and to the extent that such exemption is necessay or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than October 2, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D, C. At any time after said date, the application may be granted as provided in Rule N–5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58–7943; Filed, Sept. 25, 1958; 8:56 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 29]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 23, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 61090. By order of September 19, 1958, the Transfer Board approved the transfer to Alvan Paul, doing business as Al Paul, 60–68 North Main Street, Natick, Mass., of Permit No. MC 77617, issued July 2, 1941, to Samuel Paul, same address, authorizing the transportation of: Woolen rags, between Chelsea, Mass., on the one hand, and, on the other, Providence, Rhode Island, New York, New York, and Newark, New Jersey.

No. MC–FC 61239. By order of September 19, 1958, the Transfer Board approved the transfer to H. V. Rothery, doing business as Rothery Movers, Hayward, Wis., of certificates Nos. MC 62136 and MC 62136 Sub 1, issued April 15, 1958, and July 22, 1958, respectively, to Avis Higgins, doing business as ABS Movers, La Crosse, Wis., authorizing the transportation of: *Household goods*, and emigrant movables between specified points in Wisconsin and points in Illinois, Iowa, Minnesota, Indiana, Kansas, Michigan, North Dakota, and South Dakota. Claude J. Jasper, 1 West Main St., Madison 3, Wis., for applicants.

No. MC–FC 61550. By order of September 19, 1958, the Transfer Board approved the transfer to A. J. Miller and L. R. Babe, doing business as Miller and Babe, Breda, Iowa, of Certificate No. MC 2775, issued January 15, 1958, to A. J. Miller, doing business as Anthony John Miller, Breda, Iowa, authorizing the transportation of: Livestock and agricultural products, from Arcadia, Iowa, to Omaha, Nebr., serving all intermediate and off-route points within 15 miles of Arcadia; and building materials, feed, including mineral feeds, farm machinery and parts, hardware, twine, lubricating oils and greases, wire, and fencing, from Omaha, Nebr., to Arcadia, Iowa, serving all intermediate and off-route points within 15 miles of Arcadia. Jacob Wittry, Breda, Iowa, for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58–7881; Filed, Sept. 25, 1958; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

REDERIET OCEAN A/S ET. AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

(1) Agreement No. 8332, between Rederiet Ocean A/S, and West Coast Line, Inc., the carriers comprising the West Coast Line joint service, and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Chile, Ecuador, Peru and Colombian Pacific Coast ports to the Virgin Islands, with transhipment at Mobile, Alabama, or New Orleans, Louisiana.

(2) Agreement No. 8333, between Rederiet Ocean A/S, and West Coast Line, Inc., the carriers comprising the West Coast Line joint service, and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Chile, Ecuador, Peru and Colombian Pacific Coast ports to Puerto Rico, with transhipment at Mobile, Alabama, or New Orleans, Louisiana.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 23, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN, *Assistant Secretary.*

[F. R. Doc. 58–7908; Filed, Sept. 25, 1958; 8:56 a. m.]

N. V. STOOMVAART MAATSCHAPPIJ "NEDERLAND" AND KONINKLIJKE ROTTERDAMSCHE LLOYD, N. V.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814).

(1) Agreement No. 8323, between N. V. Stoomvaart Maatschappij "Nederland" and Koninklijke Rotterdamsche Lloyd, N. V. (the carriers comprising the Nedlloyd Line joint service) and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from India, Pakistan, Federation of Malaya, and Colony of Singapore to Puerto Rico, with transhipment at New Orleans, Louisiana, or Mobile, Alabama.

(2) Agreement No. 8324, between N. V. Stoomvaart Maatschappij "Nederland" and Koninklijke Rotterdamsche Lloyd, N. V. (the carriers comprising the Nedlloyd Line joint service) and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from India, Pakistan, Federation of Malaya, and Colony of Singapore to the Virgin Islands with transhipment at New Orleans, Louisiana, or Mobile, Alabama.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 23, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN, *Assistant Secretary.*

[F. R. Doc. 58–7911; Filed, Sept. 25, 1958; 8:57 a. m.]

UNIVERSITY OF MICHIGAN
SEP 29 1958
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 23 NUMBER 190

Washington, Saturday, September 27, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

MAXIMUM-AGE REQUIREMENTS

Sections 2.110 and 2.111 are renumbered §§ 2.111 and 2.112 and a new § 2.110 is added as set out below.

§ 2.110 *Prohibition of maximum-age requirements.* No maximum-age requirement shall be applied in either competitive or noncompetitive examinations for positions in the competitive service.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-7950; Filed, Sept. 26, 1958; 8:52 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE NAVY

Effective upon publication in the FEDERAL REGISTER, paragraph (e) (1) of § 6.106 is amended as set out below.

§ 6.106 *Department of the Navy.* • • •

(e) *U. S. Naval Research Laboratory, Washington, D. C., U. S. Navy Electronics Laboratory, San Diego, California, and U. S. Naval Ordnance Laboratory, White Oak, Silver Spring, Maryland.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed ten positions at the U. S. Naval Research Laboratory, six positions at the U. S. Navy Electronics Laboratory and ten positions at the U. S. Naval Ordnance Laboratory at any one time. Employment under this provision will not exceed one year in any individual case; provided that such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-7951; Filed, Sept. 26, 1958; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

AVAILABILITY OF MULTIPLE CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 420.1 of the above-identified regulations, as amended (20 F. R. 3526, 5765, 8071; 21 F. R. 49, 1381, 4473, 5883, 6858, 7314, 7787, 8534, 9397; 22 F. R. 2076, 2796, 3284, 5855, 7019, 9383; 23 F. R. 1025, 1779), the following counties have been designated for insurance for the 1959 crop year.

Arkansas:
Arkansas.
Colorado:
Morgan.
Weld.
Illinois:
Jasper.
Kansas:
Bourbon.
Cherokee.
Franklin.
Linn.
Montgomery.
Louisiana:
St. Martin.
Vermilion.
Maryland:
Kent.
Michigan:
Gratiot.
Jackson.
Missouri:
Audrain.
Johnson.
Nebraska:
Antelope.
Pawnee.
Washington.
Oregon:
Linn.
Malheur.
Pennsylvania:
Chester.
Lebanon.
Tennessee:
Franklin.
Wyoming:
Platte.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 58-7937; Filed, Sept. 26, 1958; 8:49 a. m.]

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Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 929—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

ORDER AMENDING ORDER

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929.0 Findings and determinations.

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AUTHORITY: §§ 929.0 to 929.111 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c.

§ 929.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern South Dakota marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act.

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the

minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to butterfat and skim milk contained in (i) producer milk, (ii) other source milk at a pool plant which is allocated to Class I milk pursuant to § 929.46, and (iii) Class I milk distributed in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the Act.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than October 1, 1958.

(2) The provisions of the said order are known to handlers. The recommended decision of the Acting Deputy Administrator of the Agricultural Marketing Service was issued July 25, 1958 and the decision of the Acting Secretary containing all amendment provisions of this order, was issued September 3, 1958. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective October 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Eastern South Dakota marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 929.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 929.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 929.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 929.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 929.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 929.6 *Eastern South Dakota marketing area.* "Eastern South Dakota marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the counties of Beadle, Brown, Codington, Day and Spink, all in the State of South Dakota, including territory within such boundaries which is occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other establishments.

§ 929.7 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 929.8 *Distributing plant.* "Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 929.9 *Supply plant.* "Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant qualified pursuant to § 929.10.

§ 929.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 35 percent of such receipts are so disposed of to such outlets in the marketing area: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year: *And provided further*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

§ 929.11 *Nonpool plant.* "Nonpool plant" means any plant other than a pool plant which receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 929.12 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of one or more distributing or supply plants, or (b) any cooperative association with respect to the milk from producers diverted by the association for the account of such association from a pool plant to a nonpool plant.

§ 929.13 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers or from sources other than pool plants.

§ 929.14 *Producer milk.* "Producer milk" means the skim milk and butterfat contained in milk received at a pool plant directly from producers: *Provided,* That milk diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further,* That in any of the months of July through March milk diverted from the farm of a producer on more than the number of days that milk was delivered to a pool plant from such farm during the month shall not be deemed to have been received by the diverting handler at the plant from which diverted on such days.

§ 929.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except ice cream, ice cream mixes, and sterilized products hermetically sealed containers).

§ 929.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant), which are reprocessed or converted to another product in the plant during the month.

§ 929.17 *Base milk.* "Base milk" means milk received at a pool plant from a producer during any of the months of March through June that is not in excess of such producer's daily base computed pursuant to § 929.90 multiplied by the number of days in such month: *Provided,* That all milk received at a pool plant from a producer during any of the months of March through June 1959 shall be base milk.

§ 929.18 *Excess milk.* "Excess milk" means the amount of milk received at a pool plant from a producer during any of the months of March through June that is in excess of base milk received from such producer during such month.

§ 929.19 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 929.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 929.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 929.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 929.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 929.30 and 929.31, or payments pursuant to §§ 929.62, 929.80, 929.84, 929.86 and 929.87;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 929.51 (a) and the Class I butterfat differential pursuant to § 929.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 929.51 (b) and the Class II butterfat differential pursuant to § 929.52 (b), both for the preceding month;

(2) The 10th day after the end of each of the months of July through February, the uniform price pursuant to § 929.72 and the producer butterfat differential pursuant to § 929.81; and

(3) The 10th day after the end of each of the months of March through June, the uniform price for base milk and excess milk pursuant to § 929.73 and the butterfat differential pursuant to § 929.81; and

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests, the percentage of the milk caused to be delivered by the cooperative association or its members to the pool plant(s) of each handler during the month, which was utilized in each class. For the purpose of this report, the milk so delivered shall be allocated to each class for each handler in the same ratio as all producer milk received by such handler during the month.

REPORTS, RECORDS AND FACILITIES

§ 929.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for such month in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by receipts of producer milk, and the aggregate quantities of base and excess milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by producer milk diverted to nonpool plants pursuant to § 929.14;

(e) Inventories of fluid milk products on hand at the beginning and end of the month; and

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 929.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer:

(i) His name and address,

(ii) The total pounds of milk received from such producer including for the months of March through June, the total pounds of base and excess milk,

(iii) The number of days, if less than the entire month, for which milk was received from such producer,

(iv) The average butterfat content of such milk, and

(v) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at his pool plant, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such milk;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 929.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 929.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 929.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 929.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 929.41 through 929.46.

§ 929.41 *Classes of utilization.* Subject to the conditions set forth in § 929.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) contained in inventory of fluid milk products on hand at the end of the month; and (3) in shrinkage allocated to receipts of producer milk and other source milk (except milk diverted to a nonpool plant pursuant to § 929.14) but not in excess of 2 percent of such receipts of butterfat, 2 percent of such receipts of skim milk in the months of July through February and 5 percent of such receipts of skim milk in the months of March through June.

§ 929.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and other source milk.

§ 929.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 929.44 *Transfers.* Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to another pool plant unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator pursuant to § 929.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 929.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further*, That if other source milk was received at either or both plants the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Aberdeen, Huron, and Watertown, South Dakota; and

(d) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Aberdeen, Huron, and Watertown, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 929.30 for the month within which such transactions occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines constitute the regular sources of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products so transferred or diverted and classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this order and other orders issued pursuant to the act is more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a pool plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the act.

§ 929.45 *Computation of the skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for each pool plant and shall compute the pounds of butterfat and skim milk in each class at each such plant: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water reasonably associated with such solids in the form of whole milk.

§ 929.46 *Allocation of skim milk and butterfat classified.* After making the

computations pursuant to § 929.45, the market administrator shall determine the classification of producer milk received at the pool plants of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 929.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.95, whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class in series beginning with Class II milk, the pounds of skim milk in other source milk which were received in the form of fluid milk products which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from other pool plants according to the classification of such products as determined pursuant to § 929.44 (a);

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month; and

(9) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 929.50 *Basic formula price.* The higher of the prices computed pursuant to paragraph (a) or (b) of this section, rounded to the nearest cent, shall be the basic formula price.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Company, Mt. Pleasant, Mich.
Borden Company, New London, Wis.
Borden Company, Orfordville, Wis.
Carnation Company, Oconomowoc, Wis.
Carnation Company, Richland, Center, Wis.
Carnation Company, Sparta, Mich.
Pet Milk Company, Belleville, Wis.
Pet Milk Company, Coopersville, Mich.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Wayland, Mich.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The price computed pursuant to § 929.51 (b).

§ 929.51 *Class prices.* Subject to the provisions of §§ 929.52 and 929.53 the class prices per hundredweight shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.40.

(b) *Class II milk price.* The Class II milk price shall be the price obtained by adding the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph, and subtracting 80 cents therefrom.

(1) Multiply the Chicago butter price by 4.24.

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the preceding month through the 25th day of the current month.

§ 929.52 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 929.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II prices.* Multiply the Chicago butter price for the current month by 0.110.

§ 929.53 *Location differentials to handlers.* For producer milk which is received at a pool plant located 100 miles or more from the Post Offices of Aberdeen, Huron, and Watertown, South Dakota, by the shortest hard surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 929.51 (a) shall be reduced by 15 cents for the first 110 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the Post Offices of Aberdeen, Huron, and Watertown: *Provided*, That for the purpose of calculating the location differential adjustment applicable pursuant to this section, fluid milk products that are transferred in bulk form between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 929.46 (a) (4) and the comparable steps in (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable to each plant, beginning with the plant having the largest differential.

§ 929.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 929.60 *Producer-handler.* Sections 929.40 through 929.46, 929.50 through 929.52, 929.70 through 929.73 and 929.80 through 929.87 shall not apply to a producer-handler.

§ 929.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 929.10 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Eastern South Dakota marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 929.30) and allow verification of such reports by the market administrator.

§ 929.62 *Handlers operating nonpool plants.* Each handler in his capacity as the operator of a nonpool plant shall, on or before the 13th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount obtained by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month by the rate determined pursuant to § 929.63.

§ 929.63 *Rate of payment on unpriced milk.* The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I shall be any plus amount obtained by subtracting from the Class I price adjusted by the Class I butterfat and location differentials applicable at a

pool plant of the same location as the nonpool plant supplying such other source milk;

(a) During the months of March through June, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through February, the uniform price pursuant to § 929.72 adjusted by the Class I butterfat differential.

DETERMINATION OF UNIFORM PRICE

§ 929.70 *Computation of value of milk for each handler.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 929.46 (a) (9) and the corresponding step of (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of (1) the hundredweight of producer milk classified in Class II less shrinkage during the preceding month or (2) the hundredweight of milk subtracted from Class I pursuant to § 929.46 (a) (8) and the corresponding step of (b);

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 929.46 (a) (2) and (3) and the corresponding step of (b) by the rate of payment on unpriced milk determined pursuant to § 929.63 at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided*, That if the source of any Class I products at a pool plant are not clearly established or if such skim milk is in the form of nonfat dry milk solids, they shall be considered to have been received from a source at the location of the pool plant where they are classified.

§ 929.71 *Computation of aggregate value used to determine uniform price.* For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content, f. o. b. plants located within 100 miles of the post offices of Aberdeen, Huron, and Watertown, South Dakota, as follows:

(a) Combine into one total the values computed pursuant to § 929.70 for all handlers who made the reports prescribed in § 929.30 for such month, except those in default of payments required pursuant to § 929.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the hundredweight of such producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 929.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 929.72 *Computation of uniform price.* For each of the months of July through February, the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content f. o. b. pool plants located within 100 miles of the post offices of Aberdeen, Huron, and Watertown, South Dakota, as follows:

(a) Divide the aggregate value computed pursuant to § 929.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The resulting figure shall be the uniform price for producer milk.

§ 929.73 *Computation of uniform price for base milk and excess milk.* For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f. o. b. pool plants located within 100 miles of the post offices of Aberdeen, Huron, and Watertown, South Dakota, as follows:

(a) From the reports submitted by handlers pursuant to § 929.30 determine the aggregate classification of producer milk included in the computation of value pursuant to § 929.71 and the total hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of such excess milk on a 3.5 percent butterfat basis by multiplying the total hundredweight of such milk that is not greater than the total Class II milk pursuant to paragraph (a) of this section by the Class II milk price and by adding thereto the value obtained by multiplying the hundredweight of such excess milk that is greater than the quantity of such Class II milk by the Class I milk price;

(c) Divide the value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk, and subtract not less than 4 nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for excess milk;

(d) Subtract the value of excess milk obtained in paragraph (b) of this section from the aggregate value of all milk obtained in § 929.71; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for base milk.

§ 929.74 *Notification of handlers.* On or before the 10th day of each month the market administrator shall notify each handler with respect to his pool plants:

(a) The amount and value of milk in each class computed pursuant to §§ 929.46 and 929.70 and the totals of such amounts and values;

(b) The uniform price computed pursuant to § 929.72 or § 929.73, whichever is applicable;

(c) The amount due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 929.80 and 929.84; and

(e) The amount to be paid by such handler pursuant to § 929.87.

PAYMENT FOR MILK

§ 929.80 *Time and method of payment for producer milk.* (a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 15th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform prices per hundredweight pursuant to §§ 929.72 and 929.73 subject to the butterfat differential computed pursuant to § 929.81 plus or minus adjustments for errors made in previous payments to such producer; and less (i) payment made pursuant to paragraph (1) hereof, (ii) location differential deductions pursuant to § 929.82, and (iii) proper deductions authorized by such producer.

(b) Each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(c) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the recipient, that shall show:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from each producer, including for the months of March through June, the pounds of base milk and excess milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate that is used in making the payment, if such rate is other than the applicable minimum rate;

(8) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(9) The net amount of payment to such producer or cooperative association.

§ 929.81 *Butterfat differentials to producers.* The uniform prices for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 perecnt, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 929.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 929.82 *Location differentials to producers.* The uniform price pursuant to § 929.72 and the uniform price for base milk pursuant to § 929.73 for producer milk received at a pool plant located 100 miles or more from the Post Offices of Aberdeen, Huron and Watertown, South Dakota, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced by 15 cents for the first 110 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the Post Offices of Aberdeen, Huron and Watertown, South Dakota.

§ 929.83 *Producer-settlement fund.* The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 929.62, 929.84, 929.85, and 929.86: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 929.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 929.80 of such handler to producers for milk received at a pool plant during the month is less than the value of such producer milk pursuant to § 929.70: *Provided*, That to this amount shall be added one-half of 1 percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue.

§ 929.85 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation pursuant to § 929.80, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 929.70: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 929.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 929.86 *Adjustment of accounts.* Whenever verification by the market administrator of reports of payments of any handler discloses errors made in payments to or from the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days of such billing make payments to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of less than is required by § 929.80, the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

§ 929.87 *Expense of administration.* As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to butterfat and skim milk contained in (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 929.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

§ 929.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 929.90 *Daily base.* The daily base for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through November immediately preceding by the number of days on which such milk is received from such producer: *Provided*, That for the purpose of calculating the daily base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further*, That if no milk is received from a producer at a pool plant during the months of September through November or if milk is received on less than 60 days during such months, the daily base of such producer shall be calculated for each of the months of March through June by dividing the pounds of producer milk received from such producer during the month by the number of days in such month and mul-

tiplying the quotient by 50 percent for the months of March and April and by 40 percent for May and June: *And provided further*, That any producer for whom a daily base has been established pursuant to this section based on deliveries of 60 or more days during the preceding months of September through November may, in lieu thereof, by notifying the market administrator prior to March 31, be accorded a daily base calculated pursuant to the immediately preceding proviso of this section.

§ 929.91 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the months of September through November.

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the first day of any month following receipt by the market administrator of an application for such transfer. Such application shall be on a form approved by the market administrator and shall be signed by the baseholder and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders.

§ 929.92 *Announcement of established bases.* On or before February 15 of each year the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 929.100 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 929.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 929.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 929.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 929.110 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 929.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 24th day of September 1958, to be effective on and after October 1, 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-7961; Filed, Sept. 26, 1958; 8:54 a. m.]

[Orange Reg. 344]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.916 *Orange Regulation 344*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 23, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., September 29, 1958, and ending at 12:01 a. m., e. s. t., October 13, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U. S. No. 1 Bronze; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 24, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-7959; Filed, Sept. 26, 1958; 8:53 a. m.]

[Grapefruit Reg. 291]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.917 *Grapefruit Regulation 291*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 23, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (Chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., September 29, 1958, and ending at 12:01 a. m., e. s. t., October 6, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U. S. No. 2;

(ii) Any seeded grapefruit, grown in the production area, which are of a size smaller than $3\frac{12}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{9}{16}$ inches in diameter measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 24, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-7958; Filed, Sept. 26, 1958; 8:53 a. m.]

[Lemon Reg. 758]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.865 *Lemon Regulation 758*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot

be completed on or before the effective date hereof. Such committee meeting was held on September 24, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 28, 1958, and ending at 12:01 a. m., P. s. t., October 5, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 139,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 25, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-8009; Filed, Sept. 26, 1958; 9:37 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 17]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Division, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.12 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by changing the words which read: "Detroit, Mich., radio range station to the intersection of the east course of the Detroit, Mich., radio range and the United States-Canadian Border." to read: "Detroit, Mich., radio range station to the Windsor, Ont., Canada, radio range station."

2. Section 600.107 is amended by changing the caption to read: "*Amber civil airway No. 7 (Miami, Fla., to the United States-Canadian Border).*" and by changing all before the West Palm Beach, Fla., radio range station to read: "From the Miami, Fla., ILS outer marker compass locator via the intersection of a line bearing 087° True from the ILS outer marker compass locator and the south course of the West Palm Beach, Fla., radio range; West Palm Beach, Fla., radio range station;".

3. Section 600.210 is amended by changing the caption to read: "*Red civil airway No. 10 (Dallas, Tex., to Augusta, Ga.).*" and by changing all before the Shreveport, La., radio range station to read: "From the Dallas, Tex., nondirectional radio beacon via the Shreveport, La., radio range station;".

4. Section 600.268 *Red civil airway No. 68 (Midland, Tex., to Shreveport, La.)* is amended by changing the entire first sentence to read: "From the Midland, Tex., radio range station to the San Angelo, Tex., radio range station."

5. Section 600.601 is amended to read:

§ 600.601 *Blue civil airway No. 1 (Miami, Fla., to Tampa, Fla.).* From the Miami, Fla., nondirectional radio beacon to the Tampa, Fla., radio range station.

6. Section 600.603 *Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.)* is amended by changing the words which read: "From the Miami, Fla., radio range station via the Tamiami, Fla., nondirectional radio beacon; Fort Myers, Fla., nondirectional radio beacon;" to read: "From the Miami, Fla., nondirectional radio beacon via the Fort Myers, Fla., nondirectional radio beacon;".

7. Section 600.648 is amended to read:

§ 600.648 *Blue civil airway No. 48 (Key West, Fla., to Miami, Fla.).* From the Key West, Fla., radio range station via the Marathon, Fla., nondirectional radio beacon; the intersection of a 77° True bearing from the Marathon RBN and a 153° True bearing from the Miami RBN to the Miami, Fla., nondirectional radio beacon.

8. Section 600.670 *Blue civil airway No. 70 (Waco, Tex., to Ardmore, Okla.)* is revoked.

9. Section 600.6001 is amended to read:

§ 600.6001 *VOR Civil airway No. 1 (Charleston, S. C., to New York, N. Y.).* From the Charleston, S. C., VOR via the Myrtle Beach, S. C., VOR; Wilmington, N. C., VOR; point of INT of the Wilmington VOR 005° and the New Bern VOR 297° radials; Cofield, N. C., VOR; Norfolk, Va., VOR; Cape Charles, Va., VOR; INT of the Cape Charles VOR 008° and the Salisbury VOR 206° radials; Salisbury, Md., VOR; point of INT of the Woodstown, N. J., VOR 154° and the Coyle VOR 203° radials; Coyle, N. J., VOR; Idlewild, N. Y., VOR; INT of the Idlewild VOR 359° and the Wilton VOR 214° radials; to the Wilton, Conn., VOR. Those portions of this airway between the point of INT of the Coyle, N. J., VOR 203° and the Woodstown, N. J., VOR 106° radials and the point of INT of the Colts Neck, N. J., VOR 073° and the Coyle, N. J., VOR 031° radials lying more than 3 miles either side of the centerline are excluded. The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, the Patuxent Restricted Area (R-43) and the Warren Grove Restricted Area (R-26) are excluded during the times of designation of these restricted areas.

10. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "Allentown, Pa., omnirange station, to the point of intersection of the Allentown omnirange 103° True and the Newark, N. J., ILS localizer course." to read: "Allentown, Pa., VOR; to the point of INT of the Colts Neck, N. J., VOR 315° radial with the Newark, N. J., RR southwest course."

11. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "Bryce Canyon, Utah, omnirange station, including a south alternate;" to read: "Bryce Canyon, Utah, VOR, including a north alternate via the INT of the Mormon Mesa VOR 033° and the Bryce Canyon VOR 255° radials;".

12. Section 600.6009 is amended to read:

§ 600.6009 *VOR civil airway No. 9 (New Orleans, La., to Green Bay, Wis.).* From the New Orleans, La., VOR via the McComb, Miss., VOR including a west alternate via the INT of the New Orleans VOR 326° and the McComb VOR 180° radials and also an east alternate from the New Orleans VOR to the McComb VOR via the Picayune, Miss., VOR; Jackson, Miss., VOR, including an east alternate via the INT of the McComb VOR 021° and the Jackson VOR 140° radials and also a west alternate via the INT of the McComb VOR 348° and the Jackson VOR 224° radials; Greenwood, Miss., VOR, including an east alternate via the INT of the Jackson VOR 032° and the Greenwood VOR 159° radials and also a west alternate via the INT of the Jackson VOR 328° and the Greenwood VOR 193° radials; Memphis, Tenn., VOR, including an east alternate via the INT of the Greenwood VOR 027° and the Memphis VOR 160° radials; INT of the Memphis VOR 345° and the Malden VOR 180° radials; Malden, Mo., VOR, including an east alternate from the Memphis VOR to the Malden VOR via the direct radials; Farmington, Mo., VOR, including a west alternate; St. Louis, Mo., VOR, including a west alternate; Springfield, Ill., VOR including a west alternate; Pontiac, Ill., VOR; Joliet, Ill., VOR; Naperville, Ill., VOR; point of INT of the Janesville, Wis., VOR 098° and the Milwaukee VOR 192° radials; Milwaukee, Wis., VOR, including a west alternate via the INT of the Naperville VOR 317° and the Milwaukee VOR 207° radials; Oshkosh, Wis., VOR; to the Green Bay, Wis., VOR.

13. Section 600.6013 is amended to read:

§ 600.6013 *VOR civil airway No. 13 (Houston, Tex., to Duluth, Minn.).* From the Houston, Tex., VOR via the Lufkin, Tex., VOR, including an east alternate via the INT of the Houston VOR 044° and the Lufkin VOR 178° radials and also a west alternate via the INT of the Houston VOR 353° and the Lufkin VOR 223° radials; Shreveport, La., VOR, including an east alternate and a west alternate; to the Texarkana, Ark., VOR, including a west alternate via the INT of the Shreveport VOR 275° and the Texarkana VOR 184° radials. From the Fort Smith, Ark., VOR via the Fayetteville, Ark., VOR; Neosho, Mo., VOR; Butler, Mo., VOR, including a west alternate; Kansas City, Mo., VOR; Lamoni, Iowa, VOR, including an east alternate via the INT of the Kansas City VOR 035° and the Lamoni VOR 175° radials; Des Moines, Iowa, VOR, including an

and a west alternate; Mason City, Iowa, VOR, including an east alternate and also a west alternate from the Des Moines VOR to the Mason City VOR via the Fort Dodge, Iowa, VOR; Farmington, Minn., VOR; Grantsburg, Wis., VOR, including a west alternate from the Mason City VOR to the Grantsburg VOR via the INT of the Mason City VOR 349° and the Minneapolis VOR 190° radials, the Minneapolis, Minn., VOR; Grantsburg, Minn., VOR; to the Duluth, Minn., VOR."

14. Section 600.6018 is amended to read:

§ 600.6018 *VOR civil airway No. 18 (Dallas, Tex., to Charleston, S. C.).* From the Dallas, Tex., VOR via the Quitman, Tex., VOR; Shreveport, La., VOR; Monroe, La., VOR, including a north alternate and also a south alternate via the INT of the Shreveport VOR 117° and the Monroe VOR 267° radials; Jackson, Miss., VOR, including a north alternate via the INT of the Monroe VOR 072° and the Jackson VOR 291° radials and also a south alternate via the INT of the Monroe VOR 110° and the Jackson VOR 313° radials; Meridian, Miss., VOR, including a north alternate via the INT of the Jackson VOR 070° and the Meridian VOR 299° radials and also a south alternate via the INT of the Jackson VOR 140° and the Meridian VOR 259° radials; INT of the Meridian VOR 057° and the Birmingham ILS localizer southwest course; INT of the Birmingham ILS localizer southwest course and the Anniston VOR 265° radial; Anniston, Ala., VOR, including a north alternate from the Meridian VOR to the Anniston VOR via the point of INT of the Meridian VOR 040° and the Tuscaloosa VAR 239° radials, the Tuscaloosa, Ala., VOR and the Birmingham, Ala., VOR; INT of the Anniston VOR 084° radial and the Atlanta Airport ILS localizer west course; Atlanta, Ga., Airport ILS localizer; INT of the Atlanta Airport ILS localizer east course and the Augusta VOR 278° radial; Augusta, Ga., VOR including a south alternate from the Anniston VOR to the Augusta VOR via the INT of the Anniston VOR 104° and the Atlanta VOR 261° radials, the Atlanta, Ga., VOR, and the INT of the Atlanta VOR 102° and the Augusta VOR 263° radials; INT of the Augusta VOR 157° and the Allendale VOR 261° radials; Allendale, S. C., VOR; to the Charleston, S. C., VOR. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Fort McClellan Restricted Area (R-130) are excluded during its time of designation.

15. Section 600.6019 *VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.)* is amended by changing all before "Santa Fe, N. Mex., omnirange station;" to read: "From the El Paso, Tex., VOR via the INT of the El Paso VOR 271° and the Truth or Consequences VOR 162° radials; Truth or Consequences, N. Mex., VOR; INT of the Truth or Consequences VOR 028° and the La Joya VOR 189° radials; La Joya, N. Mex., VOR; INT of the La Joya VOR 015° and the Albuquerque VOR 160° radials; Albuquerque, N. Mex., VOR; INT of the Albuquerque VOR 026° and the Santa Fe VOR 253° radials; Santa Fe, N. Mex., VOR;".

16. Section 600.6026 is amended to read:

§ 600.6026 *VOR civil airway No. 26 (Cherokee, Wyo., to Cleveland, Ohio).* From the Cherokee, Wyo., VOR via the Casper, Wyo., VOR; Rapid City, S. Dak., VOR; Philip, S. Dak., VOR, including a north alternate via the INT of the Rapid City VOR 049° and the Philip VOR 282° radials; Pierre, S. Dak., VOR, including a south alternate; Huron, S. Dak., VOR, including a south alternate; Redwood Falls, Minn., VOR, including a south alternate; Farmington, Minn., VOR; Eau Claire, Wis., VOR, including a north alternate from the Redwood Falls VOR to the Eau Claire VOR via the Minneapolis, Minn., VOR; Wausau, Wis., VOR, including a south alternate; Green Bay, Wis., VOR, including a south alternate; White Cloud, Mich., VOR, including a north alternate; Lansing, Mich., VOR; Salem, Mich., VOR; point of INT of the Carleton, Mich., VOR direct radial to the Jefferson, OHIO, VOR and the Cleveland VOR direct radial to the Windsor, Ont., VOR; to the Cleveland, Ohio, VOR.

17. Section 600.6027 *VOR civil airway No. 27 (Los Angeles, Calif., to Seattle, Wash.)* is amended by changing all after "to the Seattle, Wash., omnirange." to read: "to the Seattle, Wash., VOR. The portion of this airway which lies within the geographic limits of, and between the established altitudes of, the Point Mugu Warning Area (W-289) is excluded during its time of use. The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, the Point Mugu Restricted Area (R-100), Fort Ord Restricted Area (R-284), Camp Roberts Restricted Area (R-415) and the Camp Cooke Restricted Area (R-531) are excluded during these restricted areas times of designation. The portion of this airway above 14,500 feet mean sea level which lies within the geographic limits of the Olympic Restricted Area (R-241) is excluded."

18. Section 600.6046 *VOR civil airway No. 46 (New York, N. Y., to Nantucket, Mass.)* is amended by deleting the last sentence.

19. Section 600.6051 *VOR civil airway No. 51 (Key West, Fla., to Chicago, Ill.)* is amended by changing the portion which reads: "Shelbyville, Ind., omnirange station; Lafayette, Ind., omnirange station; Chicago Heights, Ill., omnirange station;" to read: "Shelbyville, Ind., VOR; INT of the Shelbyville VOR 313° and the Lafayette VOR 136° radials; Lafayette, Ind., VOR; Chicago Heights, Ill., VOR;" and by deleting the portion which reads: "The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, the Sterling Restricted Areas (R-169) and (R-170) are excluded during the times of designation of these restricted areas."

20. Section 600.6068 *VOR civil airway No. 68 (Albuquerque, N. Mex., to Brownsville, Tex.)* is amended by changing the portion which reads: "Albuquerque omnirange 163°" to read: "Albuquerque VOR 160°."

21. Section 600.6069 *VOR civil airway No. 69 (Shreveport, La., to Chicago, Ill.)* is amended by changing all after "Pontiac, Ill., omnirange station;" to read: "Pontiac, Ill., VOR; Joliet, Ill., VOR; to the Kedzie, Ill., RBN."

22. Section 600.6081 is amended to read:

§ 600.6081 *VOR civil airway No. 81 (Midland, Tex., to Salt Lake City, Utah).* From the Midland, Tex., VOR via the Lubbock, Tex., VOR; Amarillo, Tex., VOR, including an east alternate; Dalhart, Tex., VOR, including an east alternate; Tobe, Colo., VOR; Pueblo, Colo., VORTAC; Colorado Springs, Colo., VOR; INT Colorado Springs VOR 345° and the Denver VOR 183° radials; Denver, Colo., VOR. From the Grand Junction, Colo., VOR via the Myton, Utah, VOR; to the Salt Lake City, Utah, VOR. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Parker Restricted Area (R-195) is excluded during its time of designation.

23. Section 600.6082 is amended to read:

§ 600.6082 *VOR civil airway No. 82 (Minneapolis, Minn., to Nodine, Minn.).* From the Minneapolis, Minn., VOR via the Farmington, Minn., VOR; Rochester, Minn., VOR; to the Nodine, Minn., VOR, including a south alternate via the INT of the Rochester VOR 113° and the Nodine VOR 257° radials.

24. Section 600.6083 is amended to read:

§ 600.6083 *VOR civil airway No. 83 (Carlsbad, N. Mex., to Kiowa, Colo.).* From the Carlsbad, N. Mex., VOR, via the Roswell, N. Mex., VOR; Corona, N. Mex., VOR, including an east alternate; Otto, N. Mex., VOR; Santa Fe, N. Mex., VOR; INT of the Santa Fe VOR 010° and the Alamosa VOR 183° radials; Alamosa, Colo., VOR; Pueblo, Colo., VORTAC; Colorado Springs, Colo., VOR; to the Kiowa, Colo., VOR.

25. Section 600.6089 is amended to read:

§ 600.6089 *VOR civil airway No. 89 (Denver, Colo., to Rapid City, S. Dak.).* From the Denver, Colo, VOR via the Cheyenne, Wyo., VOR, including an east alternate via the INT of the Denver VOR 016° and the Cheyenne VOR 131° radials; Chadron, Nebr., VOR, including an east alternate from the Cheyenne VOR to the Chadron VOR via the Scottsbluff, Nebr., VOR; to the Rapid City, S. Dak., VOR, including an east alternate. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Scenic Restricted Area (R-190) is excluded during its designated time of use.

26. Section 600.6097 *VOR civil airway No. 97 (Miami, Fla., to Minneapolis, Minn.)* is amended by changing the portion which reads: "Shelbyville, Ind., omnirange station, including an east alternate via the intersection of the Cincinnati omnirange 321° True and the Shelbyville omnirange 110° True radials

and also a west alternate via the intersection of the Cincinnati omnirange 290° True and the Shelbyville omnirange 172° True radials; Lafayette, Ind., omnirange station, including a west alternate from the Shelbyville omnirange station to the Lafayette omnirange station via the Indianapolis, Ind., omnirange station and the intersection of the Indianapolis omnirange 344° True and the Lafayette omnirange 133° True radials; to the Chicago Heights, Ill., omnirange station." to read: "Shelbyville, Ind., VOR, including an east alternate via the INT of the Cincinnati VOR 321° and the Shelbyville VOR 110° radials and also a west alternate via the INT of the Cincinnati VOR 290° and the Shelbyville VOR 172° radials; INT of the Shelbyville VOR 313° and the Lafayette VOR 136° radials; Lafayette, Ind., VOR, including a west alternate from the Shelbyville VOR to the Lafayette VOR via the Indianapolis, Ind., VOR, the INT of the Indianapolis VOR 344° and the Shelbyville VOR 313° radials and the INT of the Shelbyville VOR 313° and the Lafayette VOR 136° radials; to the Chicago Heights, Ill., VOR."

27. Section 600.6105 is amended to read:

§ 600.6105 *VOR civil airway No. 105 (Phoenix, Ariz., to Reno, Nev.).* From the Phoenix, Ariz., VOR via the Prescott, Ariz., VOR, including an east alternate via the INT of the Phoenix VOR 004° and the Prescott VOR 135° radials; Las Vegas, Nev., VOR, including an east alternate from the Prescott VOR to the Las Vegas VOR via the Drake, Ariz., VOR, the Peach Springs, Ariz., VOR and the INT of the Peach Springs VOR 293° and the Las Vegas VOR 106° radials; the INT of the Las Vegas VOR 266° and the Beatty VOR 136° radials; Beatty, Nev., VOR; Coaldale, Nev., VOR; to the Reno, Nev., VOR. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Fallon, Nev., Restricted Area (R–268) are excluded during its time of designation.

28. Section 600.6108 is amended to read:

§ 600.6108 *VOR civil airway No. 108 (Colorado Springs, Colo., to Salina, Kans.).* From the Colorado Springs, Colo., VOR via the Hugo, Colo., VOR; Goodland, Kans., VOR; Hill City, Kans., VOR; INT of the Hill City VOR 093° and the Salina VOR 286° radials; to the Salina, Kans., VOR.

29. Section 600.6148 is amended to read:

§ 600.6148 *VOR civil airway No. 148 (Denver Colo., to Minneapolis, Minn.).* From the Denver, Colo., VOR via the INT of the Denver VOR 183° and the Kiowa, Colo., VOR 268° radials; Kiowa, Colo., VOR; Thurman, Colo., VOR; Imperial, Nebr., VOR; North Platte, Nebr., VOR; O'Neill, Nebr., VOR; Sioux Falls, S. Dak., VOR; Redwood Falls, Minn., VOR; to the Minneapolis, Minn., VOR.

30. Section 600.6159 *VOR civil airway No. 159 (Miami, Fla., to Albany, Ga.)* is amended by deleting the portion which reads: "The portions of this airway which overlap the Sterling Restricted Areas (R–169) and (R–170) are excluded."

31. Section 600.6161 *VOR civil airway No. 161 (Fort Worth, Tex., to Alexandria, Minn.)* is amended by changing all after "Rochester, Minn., omnirange station;" to read: "Rochester, Minn., VOR; INT of the Rochester VOR 346° radial and the Minneapolis-St. Paul International Airport ILS localizer 121° course; Minneapolis-St. Paul, Minn., International Airport ILS localizer; INT of the Minneapolis-St. Paul International Airport ILS localizer 301° course and the Alexandria VOR 139° radial; to the Alexandria, Minn., VOR. The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, the Lake City Restricted Area (R–307) are excluded during its time of designation."

32. Section 600.6168 *VOR civil airway No. 168 (Selinsgrove, Pa., to Colts Neck, N. J.)* is revoked.

33. Section 600.6168 is added to read:

§ 600.6168 *VOR civil airway No. 168 (Rock River, Wyo., to O'Neill, Nebr.).* From the Rock River, Wyo., VOR via the Scottsbluff, Nebr., VOR; to the O'Neill, Nebr., VOR.

34. Section 600.6169 is amended to read:

§ 600.6169 *VOR civil airway No. 169 (Tobe, Colo., to Rapid City, S. Dak.).* From the Tobe, Colo., VOR via the Hugo, Colo., VOR; Thurman, Colo., VOR; to the Akron, Colo., VOR. From the Sidney, Nebr., VOR via the Scottsbluff, Nebr., VOR; Chadron, Nebr., VOR; to the Rapid City, S. Dak., VOR, including an east alternate. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Scenic Restricted Area (R–190) is excluded during its time of designation.

35. Section 600.6171 is amended to read:

§ 600.6171 *VOR civil airway No. 171 (Louisville, Ky., to Alexandria, Minn.).* From the Louisville, Ky., VOR via the Scotland, Ind., VOR; Terre Haute, Ind., VOR; Peotone, Ill., VOR; Joliet, Ill., VOR; Rockford, Ill., VOR; Lone Rock, Wis., VOR; Nodine, Minn., VOR; INT of the Nodine VOR 295° and the Farmington VOR 124° radials; Farmington, Minn., VOR; INT of the Farmington VOR 304° and the Alexandria VOR 139° radials; to the Alexandria, Minn., VOR.

36. Section 600.6173 is amended to read:

§ 600.6173 *VOR civil airway No. 173 (Springfield, Ill., to Chicago, Ill.).* From the Springfield, Ill., VOR via the Roberts, Ill., VOR; point of INT of the Roberts VOR 008° radial and the Joliet, Ill., VOR direct radial to the Kedzie RBN; to the Kedzie, Ill., RBN.

37. Section 600.6189 is added to read:

§ 600.6189 *VOR civil airway No. 189 (Rocky Mount, N. C., to Franklin, Va.).* From the Rocky Mount, N. C., VOR to the point of INT of the Rocky Mount VOR 043° and the Lawrenceville, Va., VOR 094° radials.

38. Section 600.6191 is amended to read:

§ 600.6191 *VOR civil airway No. [illegible] (Walnut Ridge, Ark., to Milwaukee, Wis.).* From the Walnut Ridge, Ark., VOR via the Farmington, Mo., VOR; INT of the Farmington VOR 351° and the Troy VOR 215° radials; Troy, Ill., VOR; Roberts, Ill., VOR; point of INT of the Roberts VOR 008° and the Joliet, Ill., VOR direct radial to the Kedzie, Ill., RBN. From the Chicago, Ill., O'Hare International Airport TVOR via the point of INT of the Chicago Heights VOR 358° and the Milwaukee VOR 135° radials; to the Milwaukee, Wis., VOR.

39. Section 600.6194 *VOR civil airway No. 194 (Lafayette, La., to Norfolk, Va.)* is amended by changing all after "Cofield, N. C., omnirange station;" to read: "Cofield, N. C., VOR; to the Norfolk, Va., VOR."

40. Section 600.6208 is amended to read:

§ 600.6208 *VOR civil airway No. [illegible] (Los Angeles, Calif., to Peach Springs, Ariz.).* From the Los Angeles, Calif., VOR via the INT of the Los Angeles VOR 185° and the Oceanside VOR [illegible] radials; Oceanside, Calif., VOR; point of INT of the Oceanside 101° and the San Diego, Calif., 046° radials; Thermal, Calif., VOR; Needles, Calif., VOR; to the Peach Springs, Ariz., VOR.

41. Section 600.6210 *VOR civil airway No. 210 (Los Angeles, Calif., to Wheeling, W. Va.)* is amended by changing the portion which reads: "Goffs, Calif., omnirange station; Valle, Ariz., omnirange station; Farmington, N. Mex., omnirange station;" to read "Goffs, Calif., VOR; Peach Springs, Ariz., VOR; Tuba City, Ariz., VOR; Farmington, N. Mex., VOR;".

42. Section 600.6218 is amended to read:

§ 600.6218 *VOR civil airway No. 218 (Chicago, Ill., to Flint, Mich.).* From the point of INT of the Rockford, Ill., VOR 136° and the Naperville, Ill., VOR [illegible] radials via the Naperville, Ill., VOR; Keeler, Mich., VOR; Lansing, Mich., VOR to the point of INT of the Lansing VOR 068° and the Salem, Mich., VOR 342° radials.

43. Section 600.6245 is added to read:

§ 600.6245 *VOR civil airway No. [illegible] (Goffs, Calif., to Las Vegas, Nev.).* From the Goffs, Calif., VOR via the INT of the Goffs VOR 030° and the Las Vegas VOR 157° radials; to the Las Vegas, Nev., VOR.

44. Section 600.6247 is amended to read:

§ 600.6247 *VOR civil airway No. [illegible] (Scottsbluff, Nebr., to Crazy Woman, Wyo.).* From the Scottsbluff, Nebr., VOR via the Douglas, Wyo., VOR; to the Crazy Woman, Wyo., VOR.

45. Section 600.6257 is amended to read:

§ 600.6257 *VOR civil airway No. [illegible] (Drake, Ariz., to Ogden, Utah).* From the Drake, Ariz., VOR via the Bryce Canyon, Utah, VOR; Delta, Utah, VOR;

INT of the Delta VOR 004° and the Ogden VOR 194 radials; to the Ogden, Utah, VOR. The portion of this airway below 11,000 feet mean sea level which lies within the geographic limits of the Dugway Restricted Area (R–514) is excluded during its time of designation.

46. Section 600.6262 is amended to read:

§ 600.6262 *VOR civil airway No. 262 (Bradford, Ill., to Chicago, Ill.).* From the Bradford, Ill., VOR via the Joliet, Ill., VOR; to the Kedzie, Ill., RBN.

47. Section 600.6266 is amended to read:

§ 600.6266 *VOR civil airway No. 266 (Hickory, N. C., to Franklin, Va.).* From the Hickory, N. C., VOR via the South Boston, Va., VOR; Lawrenceville, Va., VOR; to the point of INT of the Lawrenceville VOR 094° and the Rocky Mount, N. C., VOR 043° radials.

48. Section 600.6267 *VOR civil airway No. 267 (Miami, Fla., to Jacksonville, Fla.)* is amended by changing the last sentence to read: "The portion of this airway which lies within the geographic limits of and between the designated altitudes of, the Jacksonville Restricted Area (R–161A) is excluded during its time of designation."

49. Section 600.6278 is amended to read:

§ 600.6278 *VOR civil airway No. 278 (Guthrie, Tex., to Birmingham, Ala.).* From the Guthrie, Tex., VOR to the Fort Worth, Tex., VOR. From the Dallas, Tex., VOR via the INT of the Dallas VOR 057° and the Texarkana VOR 271° radials; Texarkana, Ark., VOR; Greenwood, Miss., VOR; Columbus, Miss., VOR; to the Birmingham, Ala., VOR.

50. Section 600.6282 is added to read:

§ 600.6282 *VOR civil airway No. 282 (Brandon, N. Y., to Montreal, Canada).* From the point of INT of the Massena, N. Y., VOR direct radial to the Albany, N. Y., VOR with the Montreal VOR 211° radial to the Montreal, Canada, VOR.

51. Section 600.6291 is amended to read:

§ 600.6291 *VOR civil airway No. 291 (Prescott, Ariz., to Tuba City, Ariz.).* From the Prescott, Ariz., VOR via the Drake, Ariz., VOR; INT of the Drake VOR 016° and the Tuba City VOR direct radial to the Peach Springs, Ariz., VOR; to the Tuba City, Ariz., VOR.

52. Section 600.6428 is added to read:

§ 600.6428 *VOR civil airway No. 428.* [Unassigned.]

53. Section 600.6429 is added to read:

§ 600.6429 *VOR civil airway No. 429 (Roberts, Ill., to Joliet, Ill.).* From the Roberts, Ill., VOR to the Joliet, Ill., VOR.

54. Section 600.6608 *VOR civil airway No. 1508 (Los Angeles, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "to the Laramie, Wyo., omnirange station. From the O'Neill, Nebr., omnirange station via the Sioux City, Iowa, omnirange station;" to read: "Laramie, Wyo., VOR; INT of the Laramie VOR 069° and the Scottsbluff VOR 254° radials; Scottsbluff, Nebr., VOR; O'Neill, Nebr., VOR; Sioux City, Iowa, VOR;".

55. Section 600.6610 is amended to read:

§ 600.6610 *VOR civil airway No. 1510 (Los Angeles, Calif., to New York, N. Y.).* From the Los Angeles, Calif., VOR via the INT of the Los Angeles VOR 057° and the Daggett VOR 235° radials; Daggett, Calif., VOR; Las Vegas, Nev., VOR; Mormon Mesa, Nev., VOR; Bryce Canyon, Utah, VOR; Hanksville, Utah, VOR; Grand Junction, Colo., VOR; Kremmling, Colo., VOR; Denver, Colo., VOR; Akron, Colo., VOR; Imperial, Nebr., VOR; Grand Island, Nebr., VOR; Omaha, Nebr., VOR; Des Moines, Iowa, VOR; Iowa City, Iowa, VOR; point of INT of the Iowa City VOR 093° and the Cordova VOR 138° radials; Joliet, Ill., VOR; Chicago Heights, Ill., VOR; Goshen, Ind., VOR; Waterville, Ohio, VOR, including a north alternate from the Iowa City VOR to the Waterville VOR via the Cordova, Ill., VOR, the Naperville, Ill., VOR, the South Bend, Ind., VOR, and the INT of the South Bend VOR 092° and the Waterville VOR 288° radials; Cleveland, Ohio, VOR; Youngstown, Ohio, VOR; Philipsburg, Pa., VOR; Selinsgrove, Pa., VOR; point of INT of the Selinsgrove VOR 104° and the Allentown, Pa., VOR 211° radials; Colts Neck, N. J., VOR; point of INT of the Colts Neck VOR 078° and the Idlewild VOR 212° radials; to the Idlewild, N. Y., VOR.

56. Section 600.6612 *VOR civil airway No. 1512 (Los Angeles, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "Goffs, Calif., omnirange station; Valle, Ariz., omnirange station; Farmington, N. Mex., omnirange station;" to read: "Goffs, Calif., VOR; Peach Springs, Ariz., VOR; Tuba City, Ariz., VOR; Farmington, N. Mex., VOR;".

57. Section 600.6616 *VOR civil airway No. 1516 (San Francisco, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "From the Valle, Ariz., omnirange station; Farmington, N. Mex., omnirange station;" to read: "From the Goffs, Calif., VOR; Peach Springs, Ariz., VOR; Tuba City, Ariz., VOR; Farmington, N. Mex., VOR;".

58. Section 600.6622 *VOR civil airway No. 1522 (Los Angeles, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "to the Greenwood, Miss., omnirange station. From the Birmingham, Ala., omnirange station via the Anniston, Ala., omnirange station;" to read: "Greenwood, Miss., VOR; Columbus, Miss., VOR; Birmingham, Ala., VOR; Anniston, Ala., VOR;".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. October 23, 1958.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

SEPTEMBER 19, 1958.

[F. R. Doc. 58–7915; Filed, Sept. 26, 1958; 8:45 a. m.]

[Amdt. 19]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Division, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.107 is amended by changing the caption to read: "*Amber civil airway No. 7 control areas (Miami, Fla., to the United States-Canadian Border).*"

2. Section 601.210 is amended by changing the caption to read: "*Red civil airway No. 10 control areas (Dallas, Tex., to Augusta, Ga.).*"

3. Section 601.648 is amended to read:

§ 601.648 *Blue civil airway No. 48 control areas (Key West, Fla., to Miami, Fla.).* All of Blue civil airway No. 48.

4. Section 601.670 *Blue civil airway No. 70 control areas (Waco, Tex., to Ardmore, Okla.)* is revoked.

5. Section 601.1374 *Control area extension (Limestone, Maine)* is amended by deleting the words which read: "excluding the portion which overlaps Restricted Area (R–80)." to read: "excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Presque Isle, Maine, Restricted Area (R–80) during its time of designation."

6. Section 601.1104 is added to read:

§ 601.1104 *Control area extension (Brownwood, Tex.).* The airspace west of Brownwood bounded on the northeast by a line 5 miles northeast of and parallel to the Brownwood terminal VOR 304° True radial, on the south by a line 5 miles south of and parallel to the Brownwood terminal VOR 270° True radial, and on the west by the Abilene, Tex., control area extension (§ 601.1360); the airspace north of Brownwood lying within 5 miles either side of the Brownwood terminal VOR 041° True radial extending from the TVOR to the centerline of VOR civil airway No. 94.

7. Section 601.1111 *Control area extension (San Diego, Calif.)* is amended by adding the following sentence: "The portion of this control area extension below 1,000 feet MSL which lies within the geographic limits of the Imperial Beach Warning Area (W–536) is excluded."

8. Section 601.1146 *Control area extension (New York, N. Y.)* is amended by deleting the words which read: "In addition, that portion below 7,950 feet MSL which lies within the confines of the Montauk Point Restricted Area (R–487) and the Montauk Point Warn-

ing Area (W–487) (published in § 608.40 of this chapter) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control."

9. Section 601.1149 is amended to read:

§ 601.1149 *Control area extension (Norfolk, Va.).* The airspace within a 55-mile radius of a point located at latitude 36°57'44", longitude 76°24'44", excluding the portions which lie within and overlap warning areas, excluding the portion below 2,000 feet MSL which lies beyond the shoreline, and excluding the portions which lie within the geographic limits of, and between the designated altitudes of, Restricted Areas R–31, R–32, R–33, R–43, R–47, R–49, R–74, R–85, R–86 and R–388 during the times of designation of these restricted areas.

10. Section 601.1169 *Control area extension (Idlewild, N. Y.)* is amended by deleting the words which read: "In addition, that portion below 7,950 feet MSL which lies within the confines of the Montauk Point Restricted Area (R–487) and the Montauk Point Warning Area (W–487) (published in § 608.40 of this chapter) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control."

11. Section 601.1183 is added to read:

§ 601.1183 *Control area extension (Fayetteville, N. C.).* The airspace within a 35-mile radius of Grannis Airport, Fayetteville, N. C., excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Fort Bragg Restricted Area (R–115) during its time of designation.

12. Section 601.1190 is added to read:

§ 601.1190 *Control area extension (McComb, Miss.).* The airspace within 5 miles either side of a 026° True bearing extending from the McComb RBN to the western boundary of VOR civil airway No. 9, and within 5 miles either side of the McComb VOR 74° True radial extending from the VOR to a point 15 miles east.

13. Section 601.1247 is amended to read:

§ 601.1247 *Control area extension (Las Vegas, Nev.).* The airspace south of Las Vegas bounded on the northeast by VOR civil airway No. 135, on the southeast by VOR civil airway No. 245, on the south by VOR civil airway No. 210 and on the northwest by VOR civil airway No. 8; the airspace east of Las Vegas lying within 5 miles either side of a line extending from the intersection of the Mormon Mesa, Nev., VOR 185° True radial and the Las Vegas VOR 86° True radial to the intersection of the southeast course of the Las Vegas, Nev., RR and the north course of the Needles, Calif., RR.

14. Section 601.1230 is amended to read:

§ 601.1230 *Control area extension (Miami, Fla.).* The airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Miami ILS outer marker compass locator to the circumference of a circle 5 miles in radius centered on the Tamiami, Fla., RBN thence to the circumference of a circle 10 miles in radius centered on the intersection of a line bearing 276° True from the Tamiami, Fla., RBN and the eastern boundary of the New Orleans Oceanic control area including the airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Miami, Fla., RBN to the circumference of the 10-mile radius circle centered at the intersection of the eastern boundary of the New Orleans Oceanic control area and the 276° True bearing from the Tamiami RBN, and bounded on the east by the eastern limits of Blue civil airway No. 48. The portion of this control area extension below 2,000 feet MSL which lies outside the continental limits of the United States and the portion which lies within the geographic limits of the Sarasota Warning Area (W–168) is excluded.

15. Section 601.1232 *Control area extension (Miami, Fla.)* is amended by changing the words which read: "thence due north to the eastern edge of Amber civil airway No. 7," to read "thence due north to the southern edge of Miami control area extension (§ 601.1230) and the southern edge of Amber civil airway No. 7,".

16. Section 601.1265 *Control area extension (Edenton, N. C.)* is amended by changing the words which read: "excluding the portions which overlap Albemarle Sound Restricted Areas R–1, R–2, R–3, R–6, R–7, R–8 and R–9." to read: "excluding the portions which lie within the geographic limits of, and between the designated altitudes of, Albemarle Sound Restricted Areas R–1, R–2, R–3, R–6, R–7, R–8 and R–9 during the times of designation of these restricted areas."

17. Section 601.1286 is amended to read:

§ 601.1286 *Control area extension (Fort Worth, Tex.) (Waco-Fort Worth-Dallas-Oklahoma City-Abilene area).* All of the airspace lying between Waco, Fort Worth-Dallas and Oklahoma City bounded on the east by Blue civil airway No. 5, on the southwest and west by Amber civil airway No. 4 and on the north by the Oklahoma City control area extension (§ 601.1284); all of the airspace lying between Waco, Fort Worth, Oklahoma City and Abilene bounded on the east by Amber civil airway No. 4, on the north by the Oklahoma City control area extension (§ 601.1284), on the northwest by VOR civil airway No. 77, on the south by VOR civil airway No. 94 to its intersection with VOR civil airway No. 17–W, and on the southwest by VOR civil airway No. 17–W.

18. Section 601.1293 is amended to read:

§ 601.1293 *Control area extension (Fort Smith, Ark.).* The airspace within a 25-mile radius of the Fort Smith VOR extending clockwise from the western boundary of Blue civil airway No. 13 south of Fort Smith to the northern boundary of VOR civil airway No. 74 east of Fort Smith.

19. Section 601.1313 *Control area extension (Sioux City, Iowa)* is amended by adding the following portion to the present control area extension: "the airspace southeast of Sioux City bounded on the north by VOR civil airway No. 100, on the east by Longitude 95°30'00" on the south by Latitude 41°50'00" and on the west by VOR civil airway No. 15."

20. Section 601.1352 is amended to read:

§ 601.1352 *Control area extension (Sedalia, Mo.).* The airspace bounded on the north by VOR civil airway No. 6 and 210, on the east by VOR civil airway No. 63, on the west by VOR civil airway No. 205, and on the northwest by the Kansas City control area extension (§ 601.1027).

21. Section 601.1356 is amended to read:

§ 601.1356 *Control area extension (Greenville, Miss.).* The airspace within a 30-mile radius of the Greenville, Miss., AFB RBN.

22. Section 601.1360 is amended to read:

§ 601.1360 *Control area extension (Abilene, Tex.).* Within a 35-mile radius of the Abilene omnirange station including the airspace southwest of Abilene bounded on the northwest by VOR civil airway No. 66, on the southwest by VOR civil airway No. 76–N and the San Angelo control area extension (§ 601.1196), on the south by VOR civil airway No. 76 and on the east by a line extending through points at latitude 31°59'45", longitude 99°42'00" and latitude 31°15'00", longitude 99°52'00", and including the airspace north of Abilene lying within 5 miles either side of the Abilene omnirange 011° True and the Guthrie, Okla., omnirange 136° True radials extending from the Abilene omnirange station via the intersection of the above two radials to the Guthrie, Okla., omnirange station.

23. Section 601.1376 is amended to read:

§ 601.1376 *Control area extension (Victoria, Tex.).* The airspace within a 25-mile radius of a point at latitude 28°51'00", longitude 96°55'00".

24. Section 601.1426 *Control area extension (Martha's Vineyard, Mass.)* is amended by changing the portion which reads: "excluding the portion which overlaps Restricted Area R–79." to read: "excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Cotuit, Mass., Restricted Area (R–79) during the restricted area's time of designation."

25. Section 601.1408 is amended to read:

§ 601.1408 *Control area extension (Miami, Fla.).* The airspace south of Miami bounded on the north by Miami control area extension (§ 601.1230) and Amber civil airway No. 7, on the east by Miami control area extension (§ 601.1232), on the south by Blue civil airway No. 48 and on the northwest by Blue civil airway No. 19; the airspace southwest of Miami bounded on the north by Miami control area extension (§ 601.1230), on

the east and southeast by Blue civil airway No. 19 and on the west by the Marathon control area extension (§ 601.1234); the airspace west of Miami bounded on the north by Miami control area extension (§ 601.1230), on the southeast by the Key West control area extension (§ 601.1434), and on the southwest by a line 3 miles southwest of and parallel to the coastline.

26. Section 601.1452 *Control area extension (Mineral Wells, Tex.)* is revoked.

27. Section 601.1454 *Control area extension (Miami, Fla.)* is amended by deleting the words which read: "The portions of this control area which lie within the geographic limits of, and between the designated altitudes of, the Sterling Restricted Areas (R–169) and (R–170) are excluded during the times of designation of these restricted areas."

28. Section 601.1983 *Three mile radius zones* is amended by correcting "Torrence, Calif.; Torrence Municipal Airport." to read: "Torrance, Calif.: Torrance Municipal Airport."

29. Section 601.2028 is amended to read:

§ 601.2028 *El Paso, Tex., control zone.* Within a 5-mile radius of the El Paso International Airport, within 2 miles either side of the east course of the El Paso RR extending to the Hueco FM, within 2 miles either side of the north course of the El Paso RR extending to the Newman, Tex., VOR, and within 2 miles either side of a direct line extending from the center of Biggs AFB to the Newman VOR, excluding the portion lying outside the continental United States.

30. Section 601.2071 *Scottsbluff, Nebr., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the 259° and 79° True radials of the Scottsbluff VOR extending from the 5-mile radius zone to a point 12 miles northeast of the VOR."

31. Section 601.2107 is amended to read:

§ 600.2107 *Joliet, Ill., control zone.* Within a 5-mile radius of the Joliet Municipal Airport, within 2 miles either side of the west course of the Joliet RR extending to a point 10 miles west of the Joliet RR and within 2 miles either side of the Joliet VOR 104° and 284° radials extending to a point 12 miles west of the VOR.

32. Section 601.2148 is amended to read:

§ 601.2148 *Jackson, Miss., control zone.* Within a 5-mile radius of the Hawkins Airport, Jackson, Miss., within 2 miles either side of the north course of the Jackson RR extending to the Flora FM, and within 2 miles either side of the 195° and 015° radials of the Jackson VOR extending from the 5-mile radius zone to a point 10 miles northeast of the VOR.

33. Section 601.2156 is amended to read:

§ 601.2156 *Miami, Fla., control zone.* Within a 5-mile radius of the Miami International Airport, within 2 miles either side of the Miami ILS localizer west course extending from the 5-mile radius zone to a point 10 miles west of the ILS outer marker compass locator, and within 2 miles either side of the ILS localizer east course extending from the 5-mile radius zone to a point 10 miles east of the localizer.

34. Section 601.2215 is amended to read:

§ 601.2215 *San Juan, P. R., control zone.* Within an 8-mile statute mile radius of a point at Latitude 18°27'00" N., Longitude 66°03'00" W., and within 2 miles either side of a 277° True bearing extending from the San Pat RBN to a point 10 miles west.

35. Section 601.2234 is amended to read:

§ 601.2234 *Miami, Fla., control zone.* Within a 5-mile radius centered on the MCAS Miami, Fla. (Opa Locka Airport), and within 2 miles either side of 101° True bearing extending from the Miami RBN to the 5-mile radius zone, excluding the portion which lies within the Miami International Airport control zone (§ 601.2156).

36. Section 601.2246 *Oklahoma City, Okla., control zone* is amended by changing the portion which reads: "and within 2½ miles either side of the south and north courses of the Tinker AFB radio range extending from the Tinker AFB to a point 2½ miles north of the Spencer fan marker." to read: "and including the airspace lying within 5 miles on the east side and 3 miles on the west side of the centerline of the Tinker AFB north-south runway (runway 35/17) extending from the center of the runway to points 15 miles north of and 8 miles south of the ends of the runway."

37. Section 601.2311 *San Antonio, Tex., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of a direct line from the Kelly AFB extending through the Kelly VOR to a point 2½ miles north of the VOR."

38. Section 601.2359 *Victoria, Tex., control zone* is revoked.

39. Section 601.2359 is added to read:

§ 601.2359 *McComb, Miss., control zone.* Within a 5-mile radius of the McComb Pike County Airport, within 2 miles either side of a 206° True bearing extending from the McComb RBN to a point 10 miles southwest, and within 2 miles either side of the McComb VOR 074° and 254° radials extending from the 5-mile radius zone to a point 10 miles east of the VOR.

40. Section 601.2443 is added to read:

§ 601.2443 *Fayetteville, N. C., control zone.* Within a 5-mile radius of the Grannis Airport, Fayetteville, N. C., and within 2 miles either side of a 211° True bearing extending from the Fayetteville RBN to a point 10 miles southwest.

41. Section 601.4107 is amended by changing the caption to read: *"Amber civil airway No. 7 (Miami, Fla., to the United States-Canadian Border)."* and by deleting the following reporting points: "Key West, Fla., radio range station; Marathon, Fla., nondirectional radio beacon; Homestead, Fla., AFB nondirectional radio beacon; Miami, Fla., radio range station;".

42. Section 601.4210 is amended by changing the caption to read: *"Red civil airway No. 10 (Dallas, Tex., to Augusta, Ga.)"* and by deleting the following reporting point: "Wichita Falls, Tex., radio range station;".

43. Section 601.4601 is amended to read:

§ 601.4601 *Blue civil airway No. 1 (Miami, Fla., to Tampa, Fla.).* The intersection of a line bearing 58° True from the Fort Myer, Fla., RBN and the centerline of Blue civil airway No. 1.

44. Section 601.4605 is amended to read:

§ 601.4605 *Blue civil airway No. 5 (Waco, Tex., to Wichita, Kans.).* Ardmore, Okla., nondirectional radio beacon.

45. Section 601.4630 *Blue civil airway No. 30 (Brownsville, Tex., to Pueblo, Colo.)* is amended by deleting the following reporting point: "the intersection of the southwest course of the La Junta, Colo., radio range and the northeast course of the Trinidad, Colo., radio range."

46. Section 601.4648 is amended to read:

§ 601.4648 *Blue civil airway No. 48 (Key West, Fla., to Miami, Fla.).* Key West, Fla., radio range station; Marathon, Fla., RBN; the intersection of a 77° True bearing from the Marathon RBN and a 153° True bearing from the Miami, Fla., RBN; Miami, Fla., RBN.

47. Section 601.4670 *Blue civil airway No. 70 (Waco, Tex., to Ardmore, Okla.)* is revoked.

48. Section 601.5001 *Other reporting points* is amended by deleting the following reporting point: "Gulfstream Intersection: The intersection of the southeast course of the Miami, Fla., radio range and the northeast course of the Key West, Fla., radio range."

49. Section 601.6083 is amended to read:

§ 601.6083 *VOR civil airway No. 83 control areas (Carlsbad, N. Mex., to Kiowa, Colo.).* All of VOR civil airway No. 83 including an east alternate.

50. Section 601.6105 is amended to read:

§ 601.6105 *VOR civil airway No. 105 control areas (Phoenix, Ariz., to Reno, Nev.).* All of VOR civil airway No. 105 including east alternates.

51. Section 601.6168 *VOR civil airway No. 168 control areas (Selinsgrove, Pa., to Colts Neck, N. J.)* is revoked.

52. Section 601.6168 is added to read:

§ 601.6168 *VOR civil airway No. 168 control areas (Rock River, Wyo., to O'Neill, Nebr.).* All of VOR civil airway No. 168.

53. Section 601.6171 is amended to read:

§ 601.6171 *VOR civil airway No. 171 control areas (Louisville, Ky., to Alexandria, Minn.).* All of VOR civil airway No. 171.

54. Section 601.6189 is added to read:

§ 601.6189 *VOR civil airway No. 189 control areas (Rocky Mount, N. C., to Franklin, Va.).* All of VOR civil airway No. 189.

55. Section 601.6208 is amended to read:

§ 601.6208 *VOR civil airway No. 208 control areas (Los Angeles, Calif., to Peach Springs, Ariz.).* All of VOR civil airway No. 208.

56. Section 601.6245 is added to read:

§ 601.6245 *VOR civil airway No. 245 control areas (Goffs, Calif., to Las Vegas, Nev.).* All of VOR civil airway No. 245.

57. Section 601.6247 is amended to read:

§ 601.6247 *VOR civil airway No. 247 control areas (Scottsbluff, Nebr., to Crazy Woman, Wyo.).* All of VOR civil airway No. 247.

58. Section 601.6257 is amended to read:

§ 601.6257 *VOR civil airway No. 257 control areas (Drake, Ariz., to Ogden, Utah).* All of VOR civil airway No. 257.

59. Section 601.6266 is amended to read:

§ 601.6266 *VOR civil airway No. 266 control areas (Hickory, N. C., to Franklin, Va.).* All of VOR civil airway No. 266.

60. Section 601.6278 is amended to read:

§ 601.6278 *VOR civil airway No. 278 control areas (Guthrie, Tex., to Birmingham, Ala.).* All of VOR civil airway No. 278.

61. Section 601.6282 is added to read:

§ 601.6282 *VOR civil airway No. 282 control areas (Brandon, N. Y., to Montreal, Canada).* All of VOR civil airway No. 282.

62. Section 601.6291 is amended to read:

§ 601.6291 *VOR civil airway No. 291 control areas (Prescott, Ariz., to Tuba City, Ariz.).* All of VOR civil airway No. 291.

63. Section 601.6428 is added to read:

§ 601.6428 *VOR civil airway No. 428 control areas.* [Unassigned.]

64. Section 601.6429 is added to read:

§ 601.6429 *VOR civil airway No. 429 control areas (Roberts, Ill., to Joliet, Ill.).* All of VOR civil airway No. 429.

65. Section 601.6610 is amended to read:

§ 601.6610 *VOR civil airway No. 1510 control areas (Los Angeles, Calif., to New York, N. Y.).* All of VOR civil airway No. 1510 but excluding the airspace between the main airway and its north alternate between the Iowa City, Iowa, VOR and the Waterville, Ohio, VOR.

66. Section 601.7001 *VOR domestic reporting points* is amended by adding the following reporting points:

Farmington, Minn., VOR.
Scottsbluff, Nebr., VOR.
Tobe, Colo., VOR.

by changing the following reporting points to read:

Greentown Intersection: The intersection of the Indianapolis, Ind., VOR 022° T and the Kokomo, Ind., VOR 143° T radials.

Palestine Intersection: The intersection of the Imperial, Pa., VOR 326° T and the Ellwood City, Pa., VOR 265° T radials.

Union Pass Intersection: The intersection of the Goffs, Calif., VOR 070° T and the Needles, Calif., VOR 004° T radials.

and by revoking the following reporting points:

Bergholz Intersection: The intersection of the Pittsburgh, Pa., VOR 291° T and the Youngstown, Ohio, VOR 195° T radials (or ADF passing indication over the Bergholz, Ohio, RBN).

Hope Intersection: The intersection of the Rochester, Minn., VOR 275° T and the Minneapolis, Minn., VOR 179° T radials.

Knox Intersection: The intersection of the Youngstown, Ohio, VOR 101° T and the Fitzgerald, Pa., VOR 240° T radials.

Marchand Intersection: The intersection of the Youngstown, Ohio, VOR 283° T and the Cleveland, Ohio, VOR 132° T radials.

Maricopa Intersection: The intersection of the Coalinga, Calif., VOR 152° T and the Bakersfield, Calif., VOR 210° T radials.

Purgatoire Intersection: The intersection of the Lamar, Colo., VOR 231° T and the Pueblo, Colo., VOR 147° T radials.

Scottsbluff Intersection: The intersection of the Cheyenne, Wyo., VOR 054° T and the Sidney, Nebr., VOR 335° T radials.

Whitehurst Intersection: The intersection of the north course of the Norfolk, Va., VAR and the northeast course of the Norfolk, Va., ILS localizer.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., October 23, 1958.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

SEPTEMBER 19, 1958.

[F. R. Doc. 58-7916; Filed, Sept. 26, 1958; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6318]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

STATUTORY SUBSISTENCE ALLOWANCE OF POLICEMEN

In order to conform the Income Tax Regulations (26 CFR Part 1) to the decisions of U. S. v. W. J. and Cleopatra Shirah, (1958) 253 F. 2d 798, and J. W. and Leona Parrish v. U. S., (1958) 158 F. Supp. 238, and to section 3 of the Technical Amendments Act of 1958, such regulations are amended as follows:

PARAGRAPH 1. Section 1.120 of the Income Tax Regulations (26 CFR 1.120) is amended by adding at the end thereof the following historical note:

§ 1.120 *Statutory provisions; statutory subsistence allowance received by police.* • • •

[Section 120 repealed by sec. 3 of the Technical Amendments Act of 1958 (72 Stat. 1607)]

PAR. 2. Section 1.120–1 of the Income Tax Regulations (26 CFR 1.120–1) is amended by revising paragraph (a) and by adding a new paragraph (d), as follows:

§ 1.120–1 *Statutory subsistence allowance received by police.* (a) Section 120 excludes from the gross income of an individual employed as a police official by a State, Territory, or possession of the United States, by any of their political subdivisions, or by the District of Columbia, any amount received as a statutory subsistence allowance to the extent that such allowance does not exceed $5 per day. For purposes of this section, the term "statutory subsistence allowance" means an amount which is designated as a subsistence allowance under the laws of a State, a Territory, or a possession of the United States, any political subdivision of any of the foregoing, or the District of Columbia and which is paid to an individual who is employed as a police official of such governmental unit. A subsistence allowance paid to a police official by any of the foregoing governmental units which is not so provided by statute may not be excluded from gross income under the provisions of section 120. The term "police official" includes an employee of any of the foregoing governmental units who has police duties, such as a sheriff, a detective, a policeman, or a State police trooper, however designated.

• • • • •

(d) In the case of taxable years ending after September 30, 1958, section 120 and this section do not apply to amounts received as a statutory subsistence allowance for any day after September 30, 1958.

Because this Treasury decision consists of only liberalizing amendments to existing regulations and an amendment necessitated by the repeal of section 120 by section 3 of the Technical Amendments Act of 1958, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of such act.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved:

NELSON P. ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 58-7942; Filed, Sept. 26, 1958; 8:50 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter D—Electrical Equipment, Lamps, Methane Detectors; Tests for Permissibility; Fees

[Bureau of Mines Schedule 16D]

PART 25—MULTIPLE-SHOT BLASTING UNITS

There was published in the FEDERAL REGISTER of August 6, 1958 (23 F. R. 5957), a notice and text of proposed revision of the regulations of Subchapter D of Title 30, Code of Federal Regulations, prescribing procedures for testing and approving Multiple-Shot Blasting Units.

Interested persons were allowed 30 days after publication of the notice to submit written comments, suggestions, or objections concerning the proposed revision. Inasmuch as no adverse comment or criticism was received, the proposed revision of the regulations is hereby adopted without change and is set forth below.

MARLING J. ANKENY,
Director, Bureau of Mines.

Approved: September 23, 1958.

ELMER F. BENNETT,
Acting Secretary of the Interior.

Part 25 is revised to read as follows:

Subpart A—General Provisions

Sec.
25.1 Purpose.
25.2 Definitions.
25.3 Consultation.
25.4 Fees for investigation.
25.5 Tests and investigations.
25.6 Applications.
25.7 Specifications; all types of units.
25.8 Specifications; particular types of units.
25.9 Conduct of investigations and demonstrations.
25.10 Certificate of approval.
25.11 Approval plate.
25.12 Changes after approval.
25.13 Withdrawal of approval.

Subpart B—Blasting Units Capable of Detonating 10 Short-Delay Electric Detonators

25.20 Definition.
25.21 Specifications.

Subpart C—Blasting Units Capable of Detonating 20 Short-Delay Electric Detonators

25.25 Definition.
25.26 Specifications.

AUTHORITY: §§ 25.1 to 25.26 issued under sec. 3, 36 Stat. 370, as amended, sec. 212, 66 Stat. 709; 30 U. S. C. 7, 482. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, secs. 201, 209, 66 Stat. 692, 703; 30 U. S. C. 3, 5, 471, 479.

SUBPART A—GENERAL PROVISIONS

§ 25.1 *Purpose.* The regulations in this part set forth the specifications and requirements for multiple-shot blasting units to procure their approval and certification as permissible for use in coal mines; procedures for applying for such certification; and fees.

§ 25.2 *Definitions.* As used in this part—

(a) "Permissible," as applied to a multiple-shot blasting unit, means that the unit conforms to the specifications and requirements of this part, and that a certificate of approval to that effect has been issued.

(b) "Certificate of approval" means a formal document issued by the Bureau stating that the unit has met the specifications and requirements in this part and authorizing the use and attachment of an official approval plate.

(c) "Blasting unit" means an apparatus for detonating high explosives by applying electric current to electric detonators.

(d) "Multiple-shot blasting unit" means a blasting unit capable of detonating short-delay electric detonators, as further defined in § 25.20 or § 25.25.

(e) "Short-delay electric detonator" means a delay-type detonator (blasting cap) the delay periods of which range in nominal value from 25 to 500 milliseconds, and which will initiate (detonate) multiple charges of high explosives in succession with one application of the firing current.

(f) "Bureau" means the United States Bureau of Mines.

(g) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs, manufactures, or assembles, and that seeks a certificate of approval or preliminary testing of, a multiple-shot blasting unit.

§ 25.3 *Consultation.* By appointment, applicants or their representatives may visit the Bureau's Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, to discuss with qualified Bureau representatives proposed designs of equipment to be submitted in accordance with the requirements of the regulations of this part. No charge is made for such consultation.

§ 25.4 *Fees for investigation.* (a) The fee for a complete investigation of a multiple-shot blasting unit is $250.

(b) The full fee must accompany an application for retesting a unit which has been previously tested and disapproved; but if less work is involved than for a complete investigation, the charge will be in proportion to the work done, and any surplus will be refunded to the applicant.

(c) The fee for tests covering only part of a complete investigation, such as to assist an applicant in developing a unit, will be charged according to the work involved and will be in proportion to that charged for a complete investigation. A fee for such tests shall be determined in advance by the Bureau and the applicant notified accordingly in writing.

(d) Ordinarily a fee is not charged for an application covering an extension of approval that does not require test work. Each case, however, will be considered individually, and if a fee is required, the applicant will be notified accordingly, and the fee must be paid in advance before the investigation will be undertaken.

§ 25.5 *Tests and investigations.* Unless the application states otherwise, it will be presumed that a complete investigation for certification is desired. However, the application may be expressly limited to some element or phase less than a complete investigation; and in any case if the tests at any stage indicate that the unit does not conform to the specifications in this part, the Bureau may treat the application as one for a partial investigation up to that point. Complete investigation for certification will not be undertaken unless the unit has been fully developed, is ready to be marketed, and is submitted completely assembled including parts, connectors, and all related materials.

§ 25.6 *Applications.* (a) No investigation or testing will be undertaken by the Bureau except pursuant to a written application, in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover the fees, and all prescribed drawings, specifications, and related material. The application and all related matters and all correspondence concerning it shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Electrical-Mechanical Testing.

(b) The unit to be tested may be shipped (charges prepaid) at the same time the application is submitted, or at the option of the applicant shipment of the unit may be deferred until the Bureau has notified the applicant that the application will be accepted.

(c) Drawings and specifications shall be adequate in number and detail to identify fully the design of the unit and to disclose its materials, detailed dimensions of all parts, and wiring diagram. Drawings must be numbered and dated to insure accurate identification and reference to records, and must show the latest revision. Specifications must be given for materials, components, and subassemblies.

§ 25.7 *Specifications; all types of units.* (a) The Bureau will not test or investigate any unit that in its opinion is not constructed of suitable materials, that evidences faulty workmanship, or that is not designed upon sound engineering principles. In addition to any specifications or requirements imposed by the regulations in this part, the Bureau may impose such further specifications or requirements as in its opinion are necessary or proper to investigate or test the particular device submitted.

(b) Any unit that satisfies all of the requirements of this part may be certified as permissible.

(c) Adequacy of design and construction will be determined in connection with the following factors: Kind and durability of materials, test of active parts, resistance to moisture, drop test, insulation measurements, durability of construction, practicality in operation, suitability for underground service, and performance characteristics during the investigation.

(d) The unit must not ignite explosive gas-air mixtures or cause misfires or premature firing under any condition of use.

(e) The firing operation must be accomplished by a removable key or other acceptable means to prevent accidental or premature firing.

(f) A suitable means, incorporated as an integral part of the blasting unit, shall be provided to indicate, before each round of shots is fired, the ability of

the unit to meet the average current and energy requirements, as stated in paragraphs (h) and (i) of this section.

(g) The voltage must be cut off or be reduced within 15 milliseconds (0.015 second) after the firing contact is made to such a value that no incendive spark (an electric spark of sufficient intensity to ignite flammable methane-air mixtures) can result from accidental post-firing contact of wires in the firing circuit.

(h) The average current produced by the unit shall be not less than 1.5 amperes, based on a 5-millisecond application to the bridgewire of the short-delay electric detonator.

(i) The energy applied to the firing circuit of the blasting unit shall be as stated in § 25.21 (a) or § 25.26 (a).

(j) The difference of potential at the terminals of the blasting unit shall be as stated in § 25.21 (b) or § 25.26 (b).

(k) Terminals of the unit for connecting the firing (blasting) cable shall be well insulated, without exposed parts that can become "alive" when energized.

(l) The housing for the unit shall be sealed to prevent tampering with the contents, and mechanically strong for mine service.

§ 25.8 *Specifications; particular types of units.* (a) Generator type: The energy output shall not depend upon the physical effort of an operator of the blasting unit.

(b) Generator or battery, condenser-discharge type:

(1) Condensers must be capable of withstanding 25,000 charge and discharge cycles at the normal rate specified by the applicant.

(2) An automatic means shall be provided to insure that no residual electrical charge will remain in the condenser(s) when the blasting unit is not in use.

(3) Firing shall not occur automatically upon operation of the device provided for charging the condenser(s) but must be accomplished by a separate manual operation.

(4) If battery-powered, the unit shall be so designed and constructed that the battery can be replaced without disturbing or damaging other electrical components.

§ 25.9 *Conduct of investigations and demonstrations.* (a) Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved unit as it sees fit. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers. The Bureau shall hold as confidential and shall not disclose the results of chemical analyses of material or the contents of the application and its accompanying drawings, specifications, and related material.

§ 25.10 *Certificate of approval.* (a) Upon the completion of the investigation the Bureau shall issue to the applicant either a certificate of approval or a written notice of disapproval. If a certificate of approval is issued, no test data or detailed results of the test will accompany it. If the unit is disapproved, the notice of disapproval will be accompanied by details of the defects, with a view to possible correction. The Bureau will hold as confidential the results of tests of units that are disapproved.

(b) Only formal written certificates of approval or notices of disapproval will be given.

(c) A certificate of approval will be accompanied by a list of the drawings and specifications covering the details of design and construction upon which the approval is based, and with the official approval number marked thereon. Applicants shall keep exact duplicates of the drawings and specifications that have been submitted to the Bureau and that relate to any unit which has received a certificate of approval, and these are to be adhered to exactly in production of the approved unit for commercial purposes.

§ 25.11 *Approval plate.* (a) A certificate of approval will be accompanied by a photograph of a design for an approval plate, bearing the seal of the Bureau, space for the approval number, the type, the serial number, the class of unit to which the approval relates, and the name of the applicant. When necessary, an appropriate statement of the precautions to be observed in maintaining the unit in an approved condition shall be added.

(b) The applicant shall reproduce the design either as a separate plate or by stamping or molding it in some suitable place on each unit to which it relates. The size, type, method of attaching and location of approval plates are subject to the approval of the Bureau. The method of affixing the plate shall not impair the explosion-proof features of any enclosure.

(c) The approval plate identifies the unit to which it is attached as permissible, and is the applicant's guarantee that the unit complies with the specifications and requirements in this part. Without an approval plate, no unit has the status of "permissible" under the provisions of this part.

(d) Use of the approval plate obligates the applicant to maintain the quality of each unit bearing it and guarantees that it is manufactured and assembled according to the drawings and specifications upon which a certificate of approval is based. Use of the approval plate is not authorized except on units that conform strictly with the drawings and specifications upon which the certificate of approval is based.

§ 25.12 *Changes after approval.* If an applicant desires to change any feature of an approved unit and still have it covered by an existing certificate of approval, he shall first obtain the Bureau's approval of the change, pursuant to the following procedures:

(a) Application shall be made, as for an original certification, requesting that the existing certificate of approval be extended to cover the proposed change. The application shall be accompanied by drawings and specifications and related material as in the case of an original application.

(b) The application will be examined by the Bureau to determine whether inspection and testing of the modified unit or any part thereof will be required. Generally, inspection and testing will be necessary if there is a possibility that the modification may affect adversely the performance of the unit. The Bureau will inform the applicant whether such inspection and testing is required, the parts or materials to be submitted for that purpose, and the fee required.

(c) If the proposed modification meets the requirements and specifications of this part, a formal "extension of approval" will be issued accompanied by a list of new and corrected drawings and specifications to be added to those already on file as the basis for the certificate of approval.

§ 25.13 *Withdrawal of approval.* The Bureau reserves the right to rescind, for cause, at any time, any approval granted under this part.

SUBPART B—BLASTING UNITS CAPABLE OF DETONATING 10 SHORT-DELAY ELECTRIC DETONATORS

§ 25.20 *Definition.* As used in this subpart: "Multiple-shot blasting unit" means that the unit is capable of consistently detonating not to exceed ten (10) short-delay electric detonators with a single application of electrical energy to the firing circuit, with the detonators connected in series, and with a total firing-circuit resistance of not less than 125 ohms.

§ 25.21 *Specifications.* (a) The electrical energy applied to the firing circuit by the multiple-shot blasting unit shall be not less than 1.4 watt-seconds under any condition of use.

(b) The difference of potential at the terminals of the multiple-shot blasting unit shall not exceed 375 volts.

SUBPART C—BLASTING UNITS CAPABLE OF DETONATING 20 SHORT-DELAY ELECTRIC DETONATORS

§ 25.25 *Definition.* As used in this subpart—(a) "Multiple-shot blasting unit" means that the unit is capable of consistently detonating not to exceed twenty (20) short-delay electric detonators with a single application of electrical energy to the firing circuit, with the detonators connected in series, and with a total firing-circuit resistance of not less than 150 ohms.

§ 25.26 *Specifications.* (a) The electrical energy applied to the firing circuit by the multiple-shot blasting unit shall be not less than 1.7 watt-seconds under any condition of use.

(b) The difference of potential at the terminals of the multiple-shot blasting unit shall not exceed 400 volts.

[F. R. Doc. 58-7922; Filed, Sept. 26, 1958; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter C—Military Personnel

PART 56—MEDICAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments to this Part 56 have been authorized by the Secretary of Defense and the Secretary of Health, Education, and Welfare:

1. Section 56.1–3 (j) (3) has been amended by deleting the second sentence; § 56.1–3 (j) (3), as amended, now reads:

(3) *Maternity and infant care.* Medical and surgical care for the mother incident to pregnancy including prenatal care, delivery, post-natal care, including care of the infant, and treatment of complications of pregnancy.

2. In § 56.1–3 (j), subparagraph (5) has been deleted in its entirety; subparagraphs (6) to (10) of § 56.1–3 (j) have been renumbered (5) to (9).

3. Section 56.2–2 (b) (5) has been amended by adding two sentences; § 56.2–2 (b) (5), as amended, now reads:

(5) *Entitlement to care in civilian facilities.* All DD Forms 1173 will contain an appropriate notation as to those dependents who have entitlement to medical care at both medical facilities of the uniformed services and civilian medical facilities. Thus, each card covering a dependent eligible for civilian medical care (see § 56.1–3 (e)) will have a notation thereon showing that care in civilian facilities is authorized even though the situations in which such care may be obtained at Government expense are limited. For example, such a dependent residing with the sponsor, or living in an area to which the sponsor is assigned, and whose freedom of choice has been restricted pursuant to § 56.3–2 shall not be entitled generally to receive medical care in civilian facilities at Government expense, but shall be so entitled only in the case of an emergency and under other circumstances outlined in this part or in the joint regulations.

4. Section 56.3–2 (a) has been amended by adding a phrase; § 56.3–2 (a), as amended, now reads:

§ 56.3–2 *Between civilian medical facilities and uniformed services facilities within continental United States, Alaska, Hawaii and Puerto Rico.* (a) Dependents eligible for civilian medical care who are not residing with their sponsors, or in an area to which their sponsor is assigned, shall have free choice between uniformed services medical facilities and civilian medical facilities.

5. Section 56.3–2 (b) has been amended by changing the references at the end; § 56.3–2 (b), as amended, now reads:

(b) Outpatient medical care at Government expense for dependents eligible for civilian medical care is not authorized from civilian sources, except that certain specified treatment for such dependents who are not hospitalized, will be authorized when in accordance with § 56.5–2 (f), or § 56.5–3 (d) (1) or (2).

6. Section 56.3–2 (c) has been amended by adding a phrase; § 56.3–2 (c), as amended, now reads:

(c) Dependents eligible for civilian medical care who reside with their sponsors, or in an area to which their sponsor is assigned, shall have free choice between uniformed services medical facilities and civilian medical facilities except that the Secretary of a uniformed service with the approval of the Secretary of Defense or the Secretary of Health, Education, and Welfare, as appropriate, may require such dependents in a prescribed area to seek medical care in a uniformed services medical facility if he finds that:

7. New § 56.3–2 (e) has been added to read as follows:

(e) In lieu of the restrictions described in paragraphs (c) and (d) of this section, the Secretary of Defense may specify a date as of which the restrictions described below will be effective. On and after the specified date, a restriction on freedom of choice shall be effective as to dependents in continental United States, Puerto Rico, Hawaii, and Alaska, who are eligible for civilian medical care, who reside with their sponsors, or in an area to which their sponsor is assigned, who require care authorized under this part from civilian sources but have not commenced receiving such care from civilian sources on the aforesaid specified date (or, in the case of a maternity patient, whose care by her civilian physician on that date has not reached the second trimester), and who reside in an area where adequate medical facilities of a uniformed service are available for such dependents. No restriction on freedom of choice will be imposed on such dependents residing in areas where adequate medical facilities of a uniformed service are not available. However, in order that the restriction may be appropriately administered, each dependent who resides with the sponsor, or in an area to which the sponsor is assigned, and who requires care authorized under this part from civilian sources but has not commenced receiving such care from civilian sources on the specified date (or, in the case of a maternity patient, whose care by her civilian physician on that date has not reached the second trimester), will be required to contact a uniformed services installation. For those residing in areas where an adequate medical facility of a uniformed service is not available, a certificate authorizing care from civilian sources at Government expense will be issued. Such a certificate may also be issued to a dependent residing with the sponsor, or residing in an area to which the sponsor is assigned, where adequate medical facilities of a uniformed service are normally available if it is found that the uniformed services medical facility involved temporarily lacks capacity to care for that dependent. The certificate, issued in the manner described above, shall be evidence of entitlement of the dependent to care authorized under this part from civilian sources at Government expense. In determining whether a dependent covered under this paragraph is residing in an area where adequate medical facilities of a uniformed service are available, the criteria outlined in paragraphs (c) and (d) of this section shall apply. Detailed procedures concerning the format of the certificate and the manner in which it is to be issued may be set forth in the joint regulations. Spouses and children are considered to be residing with their sponsor if they reside in the area to which the sponsor is assigned, in the area of his permanent duty station, or the home port or home yard of a ship, even though the sponsor may be temporarily away, by reason of temporary duty with his unit or ship, from the area to which he is assigned, the permanent duty station or his home port or home yard respectively, or by reason of the sponsor's absence on individual temporary duty or temporary additional duty order.

8. Section 56.3–3 has been revised to read as follows:

§ 56.3–3 *Exceptions; emergency care and other circumstances.* (a) Any restrictions on freedom of choice and the requirement for the certificate described in § 56.3–2 (e) shall be waived:

(1) When circumstances indicate that it was necessary for the eligible dependent to obtain authorized medical care from civilian facilities due to a bona fide emergency, e. g., serious injury following an accident or illness or sudden onset requiring immediate treatment authorized to be obtained from civilian sources at the nearest available medical facility to preserve life, health, or to prevent undue suffering; or

(2) During the period of absence on a trip of the eligible dependent from the area to which the sponsor is assigned. This exception is not to be used to circumvent the restrictions imposed on freedom of choice.

(b) Additionally, the restrictions initially imposed by the Secretary of Defense on a specified date pursuant to § 56.3–2 (e) and the requirement for a certificate described therein shall be waived with regard to any eligible dependent who has commenced receiving care authorized under this part from civilian sources prior to that specified date (except that, for maternity patients, care in the second trimester by her civilian physician on that date must have commenced prior thereto). The dependent involved will be entitled to complete any care which was authorized under this part prior to the date specified by the Secretary of Defense and which has been commenced in accordance with the preceding sentence.

9. Section 56.4–4 (a) (3) has been revised to read as follows:

(3) Medical or surgical care that is desired or requested by the patient which, in the opinion of cognizant medical authority is not medically indicated; e. g., surgery solely for cosmetic purposes.

10. Section 56.5–2 (b) has been amended by inserting the word "acute" after the second word; § 56.5–2 (b), as amended, now reads:

(b) Treatment of acute surgical conditions only during hospitalization except as otherwise provided in this part.

11. Section 56.5–2 (g) has been revised to read as follows:

(g) The commanding officer of a uniformed services hospital or the Surgeon General of a uniformed service having jurisdiction over a hospital may authorize transfer of any patient, hospitalized in a civilian hospital under paragraphs (a) to (f) of this section, to that uniformed services medical facility on the basis of space, facility, and personnel availability. (See § 56.4–2 and § 56.4–3) In such case transfer to a uniformed service hospital at Government expense is authorized.

12. Section 56.5–3 (d) (1) (v) has been deleted in its entirety.

13. Section 56.5–3 (d) (2) (iii) has been amended by revising the last sentence; § 56.5–3 (d) (2) (iii), as amended, now reads:

(iii) Necessary or required infant care shall be provided during the period of hospitalization following delivery. If the infant requires further hospitalization following delivery, such care is authorized as a continuation of the original admission. Also, in the case of a home or office delivery, necessary or required infant care may be provided on an outpatient basis for a period not to exceed 10 days following the date of delivery.

14. Section 56.5–3 (d) (3) has been deleted in its entirety.

15. Section 56.5–4 (b) has been amended to read as follows:

(b) Nervous and mental disorders (see § 56.1–3 (j) (6)), including acute emotional disorders, except that care of this type may be furnished to a dependent requiring same during the period of hospitalization of that dependent for a condition that does qualify as authorized care under § 56.5–2.

16. Section 56.5–4 (c) has been revised to read as follows:

(c) Medical or surgical care that is desired or requested by the patient which in the opinion of the cognizant medical authority can be planned, subsequently scheduled, and effectively treated at a later date without detriment to the patient; e. g., diagnostic surveys, cosmetic surgery, reconstructive surgery, tonsillectomies, uncomplicated hernias, and interval appendectomies.

17. New § 56.5–5 (c) has been inserted to read as follows:

(c) On and after the effective date specified by the Secretary of Defense pursuant to § 56.3–2 (e), an eligible dependent who is residing with the sponsor, or in the area to which the sponsor is assigned, and who has not commenced receiving care from civilian sources prior to that date (or, in the case of a maternity patient, whose care from her civilian physician on that date has not reached the second trimester), in addition to complying with paragraphs (a) and (b) of this section, will be required to present a Certificate of Authorization to the attending physician and the hospital, when both are involved, and to the appropriate party when only one is involved, for attachment to the claim form. Sources of civilian care other than the hospital or the attending physician may, in lieu of attaching a Certificate of Authorization to the claim form, accept a statement from the person signing the certification in accordance with paragraph (a) of this section that a Certificate of Authorization has been furnished to the attending physician (identifying him by name) or to the hospital (identifying it by name). The certificate shall be obtained from uniformed services installations and shall cover only care authorized to be obtained from civilian sources under this part. A statement by the person signing the certification in accordance with paragraph (a) of this section that the patient is not residing with the sponsor, or in the area to which the sponsor is assigned, may be accepted by the source of care unless that source has actual knowledge to the contrary. The requirement for the certificate shall be waived in the case of an emergency, and in other circumstances outlined in § 56.3–3. A statement from the attending physician on the claim form that the case is an emergency (see § 56.3–3 (a) (1)) will be sufficient to justify an exception. Also, a statement by the person signing the certification in accordance with paragraph (a) of this section that the patient is away on a trip from the area to which the sponsor is assigned will be sufficient to justify an exception, unless the source of care has actual knowledge to the contrary. Where representations are made by the source of civilian medical care that it was not aware of the requirements contained in this paragraph and that it furnished care authorized under this part to a person claiming to be a spouse or child eligible for civilian medical care, and possessing a valid DD Form 1173, then the matter will be brought to the attention of the uniformed service concerned for determination whether a Certificate of Authorization can be issued. If it is determined by the uniform service concerned that the Certificate cannot be furnished, then the matter will be brought to the attention of the member concerned as an unpaid debt. In special circumstances, and where the source of civilian care shows that collection has not been possible, then the Executive Agent or his designee may authorize payment to be made to that source, provided the claim covers care authorized under this part and was otherwise executed in accordance with all requirements except those set forth above concerning the Certificate of Authorization.

18. Present § 56.5–5 (c) and (d) have been redesignated § 56.5–5 (d) and (e); § 56.5–5 (d) has been revised to read as follows:

(d) In cases of spouses and children receiving treatment in a civilian medical facility at Government expense at the time entitlement to receive medical care from civilian sources ceases (by reason of release from active duty, or otherwise), the Government's responsibility ceases, insofar as the source of civilian care is concerned, as of the date of receipt of knowledge by the source of care that the dependent's entitlement to medical care from civilian sources has terminated or the normal expiration date on the DD Form 1173, whichever is earlier. In any case, the Government's responsibility ceases, insofar as the dependent or member is concerned, as of the date the dependent ceases to be entitled to receive care (by reason of release of the member from active duty, or otherwise) from civilian sources at Government expense. (See § 56.2–2 (b) (5).) Notwithstanding the foregoing, the Government will be responsible for paying for care rendered to patients covered by paragraph (c) of this section, only if the conditions set forth in that paragraph are met.

19. Section 56.5–6 (f) has been deleted in its entirety; paragraphs (g), (h), and (i) of § 56.5–6 have been renumbered (f), (g), and (h).

20. Section 56.5–9 has been amended by adding a sentence; § 56.5–9, as amended, now reads:

§ 56.5–9 *Government liability for payment of civilian medical care costs.* As prescribed in § 56.2, the uniformed services shall provide dependents with means of identification. When spouses and children of members of the uniformed services are provided civilian medical care, it is expected that the attending physician and medical facility will use reasonable care and precaution in identifying them. When medical care has been provided in good faith by the attending physician and medical facility and it is subsequently determined that the persons concerned were not in fact entitled to medical care at Government expense under Public Law 569, collection and other legal action shall be taken only against the sponsor or individual who was not entitled to the medical care. Where fraud is involved, the matter may be referred to the Attorney General of the United States with recommendation for prosecution. Notwithstanding the foregoing, the Government will be responsible for paying for care rendered to patients covered by § 56.5–5 (c), only if the conditions set forth in that paragraph are met.

(Secs. 101–103, 201–204, 301–305, 70 Stat. 250–254; 37 U. S. C. 401–403, 411–414, 421–423, 404–405)

MAURICE W. ROCHE,
Administrative Secretary.

Approved: September 22, 1958.

FRANK B. BERRY,
Assistant Secretary of Defense (Health and Medical).

Approved: September 22, 1958.

ARTHUR S. FLEMING,
Secretary of Health, Education, and Welfare.

SEPTEMBER 24, 1958.

[F. R. Doc. 58–7956; Filed, Sept. 26, 1958; 8:53 a. m.]

Chapter VI—Department of the Navy

Subchapter C—Personnel

PART 719—NAVAL COURTS AND CERTAIN FACT-FINDING BODIES

SPECTATORS

Scope and purpose. The following amendment revises § 719.1 to conform with the recently amended text of the corresponding provision of the 1955 Naval Supplement to the Manual for Courts-Martial.

1. Section 719.1 is revised to read as follows:

§ 719.1 *Spectators.* The sessions of courts-martial shall be public and, in general, all persons, except those who may be required to give evidence, shall be admitted as spectators. Whenever necessary to prevent dissemination of classified information to other than authorized persons, the convening authority, the law officer, or the president of a special court-martial shall direct that the public be excluded from a trial or portion thereof. Anyone whose conduct interferes in any way with the administration of justice may be removed. Where a child is a witness and cannot testify coherently before an audience, it is permissible for the court temporarily to exclude the public in order that competent testimony may be obtained. Pursuant to the request of the accused, the law officer or the president of a special court-martial, when the testimony or anticipated testimony is of a nature to warrant such action, may direct spectators to withdraw during the presentation of that evidence. It is appropriate at any time for the law officer or the president of a special court-martial to warn certain classes of spectators, such as women, children and others, when the nature of the anticipated testimony may be offensive to them. The accused, by motion requesting a closed hearing, may waive his right to a public trial.

(Secs. 836, 940 and 6011, 70A Stat. 50, 78 and 373; 10 U. S. C. 836, 940, 6011; sec. 53e, E. O. 10214, 3 CFR, 1951 Supp.)

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,
Rear Admiral, U. S. Navy,
Judge Advocate General of the Navy.

SEPTEMBER 22, 1958.

[F. R. Doc. 58-7957; Filed, Sept. 26, 1958; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XII—Defense Minerals Exploration Administration, Department of the Interior

DMEA 1—GOVERNMENT AID IN DEFENSE EXPLORATION PROJECTS

CROSS REFERENCE: See section 5 of Order 2833, F. R. Doc. 58-7924, Department of the Interior, in Notices section, *infra*.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1735]

MONTANA

WITHDRAWING PUBLIC LANDS WITHIN KANIKSU NATIONAL FOREST FOR USE OF FOREST SERVICE AS RECREATION AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Kaniksu National Forest in Montana are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, for recreation areas:

[Montana 024160]

MONTANA PRINCIPAL MERIDIAN

KANIKSU NATIONAL FOREST

Bull River Bay Recreation Area

T. 26 N., R. 33 W.,
Sec. 10, W½SW¼NE¼NW¼, N½NW¼NW¼NW¼, SE¼NW¼NW¼NW¼, and E½NW¼NW¼.

The areas described contain 32.50 acres.

[Montana 028307]

Jack Pine Flats Recreation Area

T. 22 N., R. 32 W.,
Sec. 12, S½NE¼NW¼, S½N½NE¼NW¼, SE¼NW¼NW¼, S½NE¼NW¼NW¼, NE¼SW¼NW¼, and NW¼SE¼NW¼.

The areas described aggregate approximately 65 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 22, 1958.

[F. R. Doc. 58-7947; Filed, Sept. 26, 1958; 8:51 a. m.]

[Public Land Order 1736]

[Utah 012576]

UTAH

WITHDRAWING PUBLIC LANDS IN MANTI-LASAL NATIONAL FOREST FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES AND RECREATION AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Manti-LaSal National Forest in Utah are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor disposals under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, for administrative sites and recreation areas, as indicated:

SALT LAKE MERIDIAN

MANTI-LASAL NATIONAL FOREST

White Mountain Administrative Site

T. 20 S., R. 4 E.,
Sec. 34, E½NE¼.
Totaling 80 acres.

Warner Administrative Site

T. 26 S., R. 24 E.,
Sec. 28, NW¼NE¼ and W½NE¼NE¼.
Totaling 60 acres.

Kigalis Administrative Site

T. 36 S., R. 19 E.,
Sec. 9, NE¼ (Unsurveyed).
Totaling 160 acres.

Flat Canyon Recreation Area

T. 13 S., R. 6 E.,
Sec. 33, E½SW¼.
Totaling 80 acres.

Forks of Huntington Canyon Recreation Area

T. 15 S., R. 7 E.,
Sec. 20, S½NW¼SE¼ and N½SW¼SE¼.
Totaling 40 acres.

Huntington Canyon Recreation Area

T. 15 S., R. 7 E.,
Sec. 5, S½SW¼SE¼;
Sec. 8, NW¼NE¼.
Totaling 60 acres.

Castle Rock Recreation Area

T. 15 S., R. 7 E.,
Sec. 17, W½SE¼NE¼, W½E½SE¼NE¼, and E½SW¼NE¼.
Totaling 50 acres.

Lake Hill Recreation Area

T. 17 S., R. 4 E.,
Sec. 20, NE¼NW¼ and N½SE¼NW¼.
Totaling 60 acres.

Ferron Reservoir Recreation Area

T. 19 S., R. 4 E.,
Sec. 22, E½SE¼, SW¼SE¼, and SE¼SW¼.
Totaling 160 acres.

Manti Community Recreation Area

T. 18 S., R. 3 E.,
Sec. 13, NW¼NW¼;
Sec. 14, NE¼NE¼.
Totaling 80 acres.

The areas withdrawn by this order contain a total of 830 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 22, 1958.

[F. R. Doc. 58-7918; Filed, Sept. 26, 1958; 8:46 a. m.]

[Public Land Order 1737]

[1963073]

ALASKA

MODIFYING PUBLIC LAND ORDER NO. 576 OF MARCH 29, 1949, AS AMENDED

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 576 of March 29, 1949, as amended by Public Land Order No. 795 of January 23, 1952, reserving lands for various public purposes, is hereby modified to the extent necessary to permit selection by the Territory of Alaska of the following-described lands pursuant to the provisions of the Alaska Mental Health Enabling Act of July 28, 1956 (70 Stat. 709–711; 48 U. S. C. 46–3 (b)):

SEWARD MERIDIAN

T 13 N., R. 3 W.,
Sec. 28, N½SW¼.

The area described contains 80 acres.

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 23, 1958.

[F. R. Doc. 58-7919; Filed, Sept. 26, 1958; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 916, Amdt. 3]

PART 95—CAR SERVICE

EXPIRATION DATE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of September A. D. 1958.

Upon further consideration of Service Order No. 916 (22 F. R. 2238, 7561; 23 F. R. 2019), and good cause appearing therefor: *It is ordered*, That:

Section 95.916 *Service order No. 916*, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1959, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., September 30, 1958.

It is further ordered, That copies of this order and direction shall be served upon the Public Service Commission of New York and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Federal Register Division.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-7928; Filed, Sept. 26, 1958; 8:48 a. m.]

PART 156—UNIFORM SYSTEM OF RECORDS AND REPORTS OF PROPERTY CHANGES; PIPE-LINE CARRIERS

CHANGE IN FILING DATE

SEPTEMBER 23, 1958.

An order entered May 23, 1958, revised the regulations governing the reporting of property changes of pipe line carriers for valuation purposes. Section 156.8 of the revised regulations require the reporting forms to be prepared as of December 31 of each year, and to be filed not later than the next succeeding September 30. Representations have been made on behalf of the pipe line carriers that, in the year of change-over to the new reporting forms, it has been impossible to restate the data for the year 1957 so as to file the reports on or before the prescribed filing date.

Notice is hereby given that reports of property changes made during the year 1957 by pipe line carriers will be accepted as timely filed if the reports are received on or before December 31, 1958. This is not a precedent for future years, and the prescribed filing date of September 30 remains in full force and effect.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-7929; Filed, Sept. 26, 1958; 8:48 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[Gen. Order 13, Amdt. 1]

PART 251—APPLICATION FOR SUBSIDIES

Subchapter J—Miscellaneous

[Gen. Order 86]

PART 380—PROCEDURES

PROCEDURE FOR FILING APPLICATIONS

1. Section 251.21 *Applications under sections 803, 804, 805 (a) and (d) and 605 (b), Merchant Marine Act, 1936* is amended by inserting "(see procedure for 805 (a) applications covered in Part 380 of this chapter (General Order 86))," after "805 (a)".

2. A new Part 380—Procedures, is hereby added to Subchapter J of this chapter; Subpart A thereunder shall read as follows:

SUBPART A—FILING OF APPLICATIONS UNDER SECTION 805 (a), 1936 ACT

Sec.
380.1 Purpose.
380.2 Filing of application.
380.3 Notices; statements from interested parties and arrangements for hearings.
380.4 Exception to procedure.

AUTHORITY: §§ 380.1 to 380.4 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

§ 380.1 *Purpose.* To prescribe procedure to be followed for the filing of applications submitted to the Federal Maritime Board-Maritime Administration pursuant to the provisions of section 805 (a), Merchant Marine Act, 1936, as amended.

§ 380.2 *Filing of applications.* (a) An applicant under section 805 (a) shall file his application at least 15 days in advance of the effective date of the action proposed in the application.

(b) The application shall concisely and clearly reflect:

(1) Whether the applicant holds an operating-differential subsidy contract under Title VI of the act, or has applied for such type contract, or

(2) Whether the applicant has a Government-owned ship on charter under Title VII of the act or has applied for the charter of a Government-owned ship thereunder, and

(3) The action for which approval of the Federal Maritime Board-Maritime Administration is sought. The action shall be clearly and concisely stated in terms of a request to be authorized to, directly or indirectly, own, operate, or charter a vessel(s) in the domestic intercoastal or coastwise service, or to own a pecuniary interest, directly or indirectly, in any person or concern that owns, charters, or operates any vessel(s) in the domestic intercoastal or coastwise service.

§ 380.3 *Notices; statements from interested parties and arrangements for hearing.* (a) All applications falling within the subject herein shall be referred to the Chief, Office of Government Aid, Maritime Administration.

(b) A notice will be published in the FEDERAL REGISTER which shall:

(1) Identify and abstract the subject of the application;

(2) Provide that interested parties may inspect the proposed application in the Office of Government Aid;

(3) Provide a specific date of hearing with the right of interested parties to appear and testify at the hearing or to submit written statements with reference to the application prior to the date of hearing, if they so desire. Except as otherwise directed by the Maritime Administrator or the Federal Maritime Board, the hearing shall be conducted by the Administrator on matters within the cognizance of the Maritime Administration or the Board in matters within its cognizance.

§ 380.4 *Exception to procedure.* The Federal Maritime Board or the Administrator may dispense with publication of notice for good cause, and when not inconsistent with applicable laws.

Dated: September 19, 1958.

[SEAL] CLARENCE G. MORSE,
Chairman,
Federal Maritime Board,
Maritime Administrator.

[F. R. Doc. 58-7940; Filed Sept. 26, 1958; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

COOPERATIVE PAYMENTS RULES AND REGULATIONS; NOTICE OF REOPENED MEETING

Pursuant to provisions of § 927.81 of the order, as amended (7 CFR Part 927; 22 F. R. 4643), regulating the handling of milk in the New York-New Jersey marketing area, and of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), notice is hereby given of reopening on October 2, 1958, at 10 a. m., e. d. s. t., at the office of the Market Administrator, 205 East 42d Street, New York, New York, of the meeting previously held June 12, 1958, for consideration of amendments to the regulations issued pursuant to said § 927.81 of the order. Interested persons will be afforded an opportunity at the meeting to be heard through the submission of data, views, or arguments orally or in writing. All material presented in writing should be in quintuplicate. Copies of the said proposed rules and regulations, as hereinafter set forth may be procured from the Market Administrator, 205 East 42 Street, New York 17, New York.

The proposed amendments to the regulations to be considered at said meeting include all of those included in the previous notice of meeting (23 F. R. 3969). It will especially consider the following proposed by the Market Administrator on the basis of the previous meeting:

1. Amend § 927.402 by adding a new paragraph (f) as follows:

(f) Amount per hundredweight received from any member who is not a producer as defined in § 927.6.

2. Amend § 927.403 by changing the period to a comma at the end of paragraph (i) thereof and adding the following words: ", together with the method of reimbursement for services, if any, to such organization."

3. Amend § 927.405 by adding a new paragraph (f) as follows:

(f) Performing services for dairy farmer members who are not producers as defined in § 927.6 of the orders or affiliated organizations, if any, and the nature and expense of such services.

4. Add new § 927.413 (d) as follows:

(d) A producer who applies for membership in a qualified cooperative or federated cooperative within one month of the effective date of his purported withdrawal from another qualified cooperative or federated cooperative shall be considered to be claimed as a member by both cooperatives until the beginning of the fourth month following the effective date of said withdrawal unless with the effective date of his new membership there is (1) a change in the plant to which his milk is delivered, (2) a shift from can delivery to bulk tank delivery, or (3) a release in writing by his old cooperative filed with the market administrator. In case a cooperative so releases a member, such cooperative shall not again claim such producer as a member prior to the end of twelve months from the date of such release. This provision, however, shall not limit a producer's right to change his affiliation from one cooperative to another or to authorize the payment of cooperative dues through a deduction from his milk check.

5. Add to § 927.420 (a) the following sentences: "The annual report shall describe any changes which have occured with respect to the information required pursuant to §§ 927.401 through 927.406 since the previous annual report or application, whichever is later. It shall also outline the program being carried on by the field staff."

6. Amend § 927.420 by adding a new paragraph (d) as follows:

(d) A qualified cooperative or federated cooperative shall file evidence of any change in its operations as originally reported under §§ 927.402 (f), 927.403 (i), and 927.405 (f) not later than the end the month following the month in which such change is made.

7. Add a new § 927.428 as follows:

§ 927.428 *Activities of a federation not market-wide in character.* Each federated cooperative shall pay to its federation the sum of one quarter of one cent per hundredweight of milk received by it from members unless the federation establishes to the satisfaction of the market administrator that such federation is engaged in no activities that are not market-wide in character.

8. Add a new § 927.429 as follows:

§ 927.429 *Receipts of money from members.* Any cooperative or federated cooperative which makes patronage payments to its members which result in a net receipt from members of less than one cent per hundredweight shall be subject to disqualification for failure to meet the requirements of § 927.81 (b) (1) (i) or (b) (2) (iii). A cooperative, however, may allocate reserves to its members: *Provided*, That no payments of such allocations may be made prior to a lapse of ten years from the period for which they are applicable.

9. Change all section references from "§ 927.76" to "§ 927.81."

Issued at New York, N. Y., this 19th day of September 1958.

[SEAL] A. J. POLLARD,
Acting Market Administrator.

[F. R. Doc. 58-7962; Filed, Sept. 26, 1958; 8:54 a. m.]

[7 CFR Part 928]

[Docket No. AO-227-A9]

HANDLING OF MILK IN THE NEOSHO VALLEY MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Pittsburg, Kansas, on August 26, 1958, pursuant to notice thereof issued on August 19, 1958 (23 F. R. 6509).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on September 8, 1958 (23 F. R. 7085) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Pittsburg, Kansas, on August 26, 1958, pursuant to notice thereof which was issued August 19, 1958 (23 F. R. 6509).

The material issues on the record of the hearing relate to:

1. The definition of an approved plant.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Approved plant. The definition of an approved plant should be changed so as to provide for a supply plant as well as for a distributing plant.

The essential function of a supply plant is to assemble milk into tank truck lots for economical shipment to distributing plants. This is particularly an important function with respect to milk gathered in 10 gallon cans but also applies to milk picked up from the farms by bulk tank trucks to the extent that their loads are consolidated into larger tankers. In addition, supply plants may be equipped to manufacture the reserve milk, thereby saving the cost of transporting the whole milk to city plants.

The present order provides only for the definition of an approved distributing plant, since this is the only type of plant heretofore associated with the market. An approved distributing plant is one from which 10 percent or more of its total receipts of Grade A milk are

disposed of on routes in the marketing area.

One of the cooperative associations in the market has bought a distributing plant in Pittsburg, Kansas. This association also presently operates a distributing plant in Erie, Kansas. Their plans are to concentrate their entire bottling operation into one of these plants and the other will become a supply plant for the distributing plant and also supply Grade A milk to other handlers in the market on a supplemental basis. Some provision should be made for the economies of operation in these plants and for all the dairy farmers which are associated with these plants so that they may retain their pooled status under the order. The cooperative association also plans to establish a receiving station at Fort Scott, Kansas, where milk in 10-gallon cans will be assembled, cooled and shipped to distributing plants. This plant will serve the market in the same manner as the association's other supply plant. Therefore, the order should be amended to provide objective standards by which these supply plants, as well as other plants which may function in the same manner, can demonstrate their association with the Neosho Valley market. The standard by which a supply plant would qualify for approved plant status is the percentage of its Grade A receipts from dairy farmers which is disposed of to distributing plants which are approved plants.

The performance standards for supply plants to qualify for approved plant status should reflect the fact that currently the quantity of milk produced for the market is adequate on an annual basis for the needs of the market. At times, especially during the months of seasonally high production, distributors in the market may not need all of the milk available from producers in order to keep their Class I outlets fully supplied. In order to assure that all the producers' milk which is pooled with the market will be available for Class I, supply plant standards should be set at levels which require that such milk will be available.

In order to qualify for approved plant status at least 50 percent of the receipts of Grade A milk from dairy farmers at a supply plant should be disposed of to distributing plants which are approved plants in any month in the form of fluid milk products. However, in calculating the percentage, receipts of diverted milk or bulk transfers from other approved plants should not be included. A supply plant from which a proportionately lesser quantity of milk is disposed of in this manner should not, under the present conditions in the market, be considered as primarily associated with the regulated market.

It is recognized that if there is any demand for milk from supply plants it will be greatest during the season of low production. For sustained periods during the months of flush production, supplies of milk received at distributing plants may be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the milk at the supply plants for manufacture. The performance provisions should not force milk to be transported to distributing plants in the months of seasonally high production in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant may maintain approved plant status throughout the year if it supplies a substantial portion of its producer milk to distributing plants during the months when milk production tends to be lowest. The proposed standards require that a supply plant provide distributing plants which are approved plants with milk to the extent of 50 percent of its producer milk receipts during each of the months of August through November to maintain automatic approved plant status for the succeeding months of December through July.

The cooperative association pointed to the obvious economies which could be achieved if all the milk from one of their two supply plants could be shipped to market to meet bottling needs while the reserve milk was concentrated at the other supply plant for processing into manufactured dairy products. This objective can be accomplished by allowing any group of supply plants to be pooled on the basis of total shipments of the group or system of plants.

This principle of combining plants for maintaining pool qualification should be extended to cover all plants for which a handler is responsible for the marketing of milk. The order should provide that the handler submit to the market administrator a certification containing the list of plants to be included in the system and the period that they should be so considered. The initial listing should be furnished with the handler's regular monthly report, due by the 7th day following the first month in which the system is applicable. Any additions or deletions from the listing should likewise be made by the 7th day following the month to which they apply. Each system is responsible for meeting the overall qualifications. If the system as a whole cannot remain qualified the market administrator must be notified if it is desired that one or more of the component plants be deleted from the system.

The order should be amended to recognize that milk incurs relatively little shrinkage in its receipt and much more in the processing, bottling and distribution operations. The supply plants in this market would incur relatively a small amount of shrinkage on milk which is transferred to a distributing plant. Therefore, up to one-half of one percent shrinkage should be allowed on that milk which is received at the supply plants and transferred to an approved plant for bottling and distribution. The distributing plant will be allowed up to one and one-half percent shrinkage on that milk received in bulk from a supply plant.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Neosho Valley Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Neosho Valley Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of August 1958 is

hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Neosho Valley marketing area is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 24th day of September 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Neosho Valley Marketing Area

§ 928.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Neosho Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Neosho Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 928.7 to read as follows:

§ 928.7 *Approved plant.* "Approved plant" means any milk plant, except that of a producer-handler, which is approved by the appropriate health authority having jurisdiction in the marketing area:

(a) From which 10 percent or more of the total receipts of Grade A milk is disposed of during the delivery period on wholesale or retail routes (including routes operated by vendors and disposition at plant stores) as Class I milk in the marketing area; or

(b) (1) From which during the delivery period no less than 50 percent of the Grade A milk received from dairy farmers is shipped to a plant(s) described in paragraph (a) of this section: *Provided,* That if such plant is an approved plant during each of the months of August through November, it shall be designated as an approved plant through the following July, unless the market administrator is requested by means of written application on or before the 7th day after the end of the month that the plant should not be an approved plant.

(2) All plants described in subparagraph (1) of this paragraph which are operated by one handler may be considered as a unit, upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and the notice of any change in designation, shall be furnished on or before the 7th day following the month to which the notice applies. In any of the months of December through July a unit shall not contain plants which were not qualified as approved plants either individually or as members of another unit, during each of the previous months of August through November.

2. Amend § 928.41 (b) (3) to read as follows:

(3) In shrinkage of milk received directly from producers that is not in excess of 2 percent (5 percent with respect to skim milk during the months of April, May and June 3), plus 1.5 percent (4.5 percent with respect to skim milk during the months of April, May and June) of receipts of skim milk and butterfat, respectively, transfered in bulk from approved plants, less 1.5 percent (4.5 percent with respect to skim milk during the months of April, May and June) of skim milk and butterfat, respectively, disposed of in bulk to approved plants; and

[F. R. Doc. 58-7960; Filed, Sept. 26, 1958; 8:54 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 1004]

[Docket No. AO-271-A3]

HANDLING OF MILK IN CENTRAL ARIZONA MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Phoenix, Arizona, on June 11-12, 1958, pursuant to notice thereof issued on May 29, 1958 (23 F. R. 3881).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 26, 1958 (23 F. R. 6720) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Changing the type of pool from market-wide to individual-handler;

2. Revising the Class I price, including the butterfat differential;

3. Revising the Class II price during certain months; and

4. Revising the base plan.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The present pooling provisions of the order should not be changed. The cooperative association which proposed that the market-wide pool be eliminated and returns to producers be distributed by means of individual-handler pools requested in its brief that no consideration be given to its proposal. They stated that because of certain organizational difficulties it is necessary that the market-wide pool be continued at the present time. In view of these circumstances, and the fact that handlers and other producers opposed the proposal, it is recommended that the method of pooling should not be changed at this time.

2. The Class I price which handlers pay for milk should be maintained at about its present level. Since the changes recommended in the Class I butterfat differential and in the supply-demand formula would increase costs to handlers by about 5 cents per hundredweight, the Class I differential should be reduced by a corresponding amount to compensate for these changes.

Class prices in the Central Arizona marketing area are computed in terms of milk containing 3.8 percent butterfat content, but in actual practice the butterfat content of the milk which has been classified as Class I has been approximately 3.6 percent. The latter figure also approximates the average test of the milk which is received from producers.

Producers proposed that the Class I butterfat differential, which presently is equal to 1.75 times the price of butter, be changed to 1.35 times the price of butter. It is concluded that the proposed change in the butterfat differential should be adopted.

The present Class I butterfat differential is one of the highest in any market under regulation and results in allocating a substantial proportion of the Class I price to the butterfat and a correspondingly lower proportion to the serum part of the milk. Prior to the issuance of the order, handlers in the Central Arizona market purchased milk on the basis of its butterfat content and placed no specific value on the volume of fluid which accompanied the butterfat. Thus, milk testing 6 percent butterfat was paid for at a price equal to exactly twice the price paid for a corresponding volume of milk containing 3 percent butterfat. When the order was issued, it contained a higher butterfat differential than would otherwise have applied so as to avoid too great a change in the custom which had prevailed in the past.

A high butterfat differential tends to be a deterrent to the use of butterfat in Class I products. A lower butterfat differential for Class I milk should provide an incentive for increasing the butterfat content of fluid milk and should encourage the sale of fluid cream. It also recognizes the increasing value of the nonfat portion of the milk for fluid use in relation to the butterfat.

Changing the Class I butterfat differential would make no difference in the cost of Class I milk to handlers if the average butterfat content of the Class I products were 3.8 percent. Since the average butterfat content of Class I milk has been approximately 3.6 percent each month since the order was issued, the recommended change in the butterfat differential would increase the actual cost of Class I milk to handlers by about 4½ cents per hundredweight. The decrease in the butterfat differential would average slightly more than 2 cents per point.

Producers proposed that in addition to a reduction in the value of the Class I butterfat differential a change be made in the supply-demand norms provided in the order. They contended that the supply-demand norms do not reflect the actual relationship of receipts to sales in the Central Arizona marketing area. The norms which they proposed would have increased the Class I price by several cents per hundredweight. A careful study of the statistical reports of the market administrator indicates that the present norms should be adjusted in certain months to reflect changes which have taken place in the production pattern in the market during the past year or so. These changes, however, are slight. If the adjustments recommended herein had been in effect for the 12 months from September 1957 through August 1958, the Class I price would have averaged approximately 1 cent higher than its actual level.

As noted above, there is no need for an increase in the level of the Class I price. Producer receipts in the Central Arizona market have been increasing each year since the Central Arizona marketing order became effective. The increase in receipts has been at a somewhat faster rate than the increase in Class I sales. The market is now adequately supplied with milk for Class I use, after having been relatively short for several years.

The decrease in the Class I butterfat differential and the change in the supply-demand norms, provided for in this decision, together would result in an increase in the Class I price of between 5 and 6 cents per hundredweight if adjustments were not made to compensate for these factors. To offset these increases the Class I differential should be reduced from $2.80 per hundredweight to $2.75 per hundredweight.

Handlers proposed that, if the butterfat differential were reduced as proposed by producers, the basic butterfat test used in computing class prices under the order be changed from 3.8 percent butterfat to 3.5 percent butterfat. They proposed this as a means of offsetting the increase in the Class I price which would otherwise occur if the only amendment made were to reduce the Class I butterfat differential. Producers opposed the change in the basic test on the grounds that since the State of California in its official milk orders computed prices in terms of 3.8 percent butterfat content, it was desirable for comparative purposes to maintain Arizona prices at the same level.

As the changes recommended in the order will maintain Class I prices at the same level, even though prices continue to be computed in terms of 3.8 percent butterfat, it is concluded that no change should be made in the order in this regard.

3. The Class II price should be amended by eliminating the deduction of 25 cents from the butter-powder price which is now made during the months of January through June.

Handlers opposed the increase in the Class II price but recommended that the lower price, instead of applying from January through June as at the present time, apply from November through April. They testified that disposal of excess receipts during November and December was a much greater problem than during May and June.

The proponent producers' cooperative association in the area has recently acquired facilities for the manufacture of nonfat dry milk. They indicated their willingness to receive and manufacture into nonfat dry milk at the butter-powder price, any milk which handlers were unwilling to receive. The Central Arizona market is a well balanced market. Producer receipts and Class I sales are extremely well aligned. The percentage of producer receipts to Class I sales during the period from July 1957 to June 1958 varied only from 113 percent to 122 percent. Most of the milk which has been produced in excess of the Class I requirements has been utilized for cottage cheese. Much of the remainder has been used in ice cream. Thus, the amount of milk which is available for other Class II uses has been negligible. In view of the small volume of milk which would remain after the requirements for these products have been met, and the willingness of the cooperative association to handle at the butter-powder price any milk which handlers are unwilling to receive, it is concluded that the butter-powder price should be used as the Class II price during the entire year.

4. The provisions of the order relating to the base plan should be revised, particularly as they relate to transfers of bases.

Some producers in the past have increased their bases under the transfer provisions. Through "paper transfers" and the manipulation of ownership of herds during the base-forming period it has been possible for producers to increase bases in excess of that which would be earned by their milk production during the base-forming period. The intent of the order is to provide a means of determining a base for each producer in accordance with the actual receipts of milk at pool plants during the base-forming period. To accomplish this intent under conditions where bases are combined, the total base should be determined by adding together the milk deliveries of the transferee and transferor during the base-forming period, and dividing this total by the number of days from the first day milk was received from either producer during the base-forming period to the last day of the base-forming period, but not by less than 90.

It should also be provided that if milk is delivered from the same dairy in more than one name during the base-forming period, the bases earned in such names should be combined, as indicated above, if milk is delivered in both names during the base-paying period.

Adoption of these rules will prevent the abuse of the transfer provisions to inflate bases, but will not interfere with the legitimate transfer of bases by producers who retire or dispose of their dairy herds for other legitimate reasons.

A proposal was also made by the producers' cooperative association that the base plan be operative on a 12-month basis and that a producer's base be determined by dividing his deliveries during the base-forming period by 122, regardless of the number of days of delivery by the producer. With respect to the former, there is no need for extending the base plan for the whole year. The purpose of the base plan is to encourage level production, not to limit the amount of milk produced for the market. As noted above, the month to month production in the Central Arizona market is remarkably uniform and it is very doubtful that any improvement could be achieved by paying producers on the base plan during the entire year.

The proposal to divide deliveries during the base-forming period by 122 regardless of the number of days of delivery was suggested as a means of correcting the abuse of the base-transfer provisions which have been discussed above. In view of the other steps taken, there is no need for such a provision.

The proposal of the handlers that November be eliminated from the base-forming period should also be denied. Use of the 4 months presently designated has resulted in a very even supply of milk for the market. There is no evidence that changing the base-forming period would have an effect other than possibly to reduce slightly the amount of base earned since average daily deliveries during November have been a little higher than during August, September, and October.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Central Arizona Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Central Arizona Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of Representative period. The month of July 1958 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Central Arizona marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 24th day of September 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Central Arizona Marketing Area

§ 1004.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arizona marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central Arizona marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 1004.51 (a) by deleting the figure, "$2.80", in the first paragraph thereof, and substituting therefor the figure "$2.75".

2. Amend § 1004.51 (a) (2) (iii) by deleting the table contained therein and substituting the following:

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	October–November	112	116
February	November–December	115	119
March	December–January	116	120
April	January–February	116	120
May	February–March	115	119
June	March–April	113	117
July	April–May	113	117
August	May–June	112	116
September	June–July	110	114
October	July–August	109	113
November	August–September	111	115
December	September–October		

3. Amend § 1004.51 (b) to read as follows:

(b) *Class II milk price.* The Class II milk price shall be the "butter-powder" price computed pursuant to § 1004.50 (b).

4. Amend § 1004.52 (a) by deleting the figure, "0.175" and substituting therefor the figure "0.135".

5. Amend § 1004.90 to read as follows:

§ 1004.90 *Computation of daily average base for each producer.* Subject to the rules set forth in § 1004.91, the daily average base of each producer shall be calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of August through November immediately preceding by the number of days from the first day milk is received from such producer during said month to the last day of November, inclusive, but not less than 90.

6. Amend § 1004.91 to read as follows:

§ 1004.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases.

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1004.90 to each person for whose account producer milk was delivered to pool plants during the months of August through November;

(b) If a producer ceases to deliver milk in his name between August 1 and November 30, but milk is delivered to a pool plant from the same dairy production facilities in the name of another producer during the remainder of the base-forming period, the bases earned by both producers shall be combined in the manner set forth in paragraph (c) (2) of this section if milk is delivered in the names of both producers during any of the following months of January through June.

(c) An entire base shall be transferred from a person holding such base to any other person effective as of the end of the month during which an application for the transfer of such base is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder or his heirs, and by the person to whom such base is to be transferred subject to the following conditions:

(1) If a base is held jointly, the entire base shall be transferable only upon the receipt of the above described application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred;

(2) If one or more bases are transferred to a producer already holding a base which was either earned by such producer or transferred to him, a new base shall be computed by adding together the total producer milk deliveries during the base-forming period of all persons in whose names such bases were earned, and dividing the total by the number of days from the earliest date of delivery during the base-forming period by any of such persons to the last day of November, both inclusive, but not less than 90; and

(d) If a base is held jointly, it may be divided among the joint holders effective as of the end of the month during which an application for division of the base is received by the market administrator: *Provided*, That such application is signed

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

by all joint holders or their heirs, and such application sets forth the percentage of the jointly held base which is to be assigned to each of the joint holders or their heirs.

[F. R. Doc. 58-7963; Filed, Sept. 26, 1958; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 235a]

PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

NOTICE OF PROPOSED RULE MAKING

By enactment of the amendment to section 245 of the Immigration and Nationality Act on August 21, 1958, most aliens whose status could have been adjusted by preexamination in accordance with Part 235a of Title 8, Code of Federal Regulations, may acquire permanent residence without departing from the United States. To enable persons in the United States who may not be eligible for the new statutory privilege to attempt adjustment through preexamination, and to provide for an orderly termination of the extra-statutory preexamination privilege, it is proposed that applications for preexamination continue to be received through November 30, 1958, and that all applications be adjudicated and preexamination completed before June 30, 1959. Pending adoption of final regulations, applications for preexamination by prima facie eligibles may be accepted.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given of the proposed issuance of the following rules. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 630, 119 D Street, NE., Washington 25, D. C., written data, views, or arguments (in duplicate) relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

Part 235a is amended to read as follows:

Sec.
235a.1 Application.
235a.2 Disposition.

AUTHORITY: §§ 235a.1 and 235a.2 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103.

§ 235a.1 *Application.* Preexamination may be authorized for any alien, except a citizen of Canada, Mexico, or islands adjacent to the United States, who files an application for preexamination on Form I–63 prior to December 1, 1958, intending to apply to a consular officer of the United States in Canada for an immigrant visa and who believes that he will be admissible to the United States under all the provisions of the immigration laws if in possession of an immigrant visa, or that he is prima facie eligible for a waiver of excludability under section 5 or 7 of the Act of September 11, 1957; that he will be able to obtain the prompt issuance of an immigrant visa, and that he is a person of good moral character. Any alien who files Form I–63 shall be deemed to have thereby abandoned his nonimmigrant status in the United States. Form I–63 shall be submitted to the office of the Immigration and Naturalization Service having jurisdiction over the applicant's place of residence, and may be filed separately or in conjunction with a petition for nonquota or preference quota status under Part 204 or 205 of this chapter. If the applicant is under deportation proceedings, the application shall be made to the special inquiry officer during the hearing pursuant to Part 242 of this chapter. The applicant shall be notified of the decision, and, if the application is denied, of the reasons therefor and of his right to appeal under Part 6 or 7 of this chapter.

§ 235a.2 *Disposition.* When preexamination is authorized, the applicant shall not be preexamined until he has presented written assurance from the consular officer of the United States in Canada that a visa will be promptly available if upon personal examination he is found eligible for a visa, and a report from a medical officer of the United States Public Health Service setting forth findings of the applicant's mental and physical condition. Preexamination to determine the applicant's admissibility to the United States shall be conducted in the manner and under the procedures prescribed in sections 235 and 236 of the Act and Parts 235 and 236 of this chapter. If the applicant is found admissible, he shall, not later than June 30, 1959, be given a sealed letter, addressed to the Canadian immigration officer at the port through which he will enter Canada, showing the purpose of his visit to Canada and guaranteeing that if admitted to Canada he will be readmitted to the United States or, if found inadmissible when seeking reentry to the United States he will be paroled into the United States.

Dated: September 25, 1958.

[SEAL] J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 58-7993; Filed, Sept. 26, 1958; 8:58 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 58-33]

APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS, CHANGE IN ADDRESS OF MANUFACTURER

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals and termination of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials specifications have been also prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order Nos. 120, dated July 31, 1950 (15 F. R. 6521), 167–14, dated November 26, 1954 (19 F. R. 8026), 167–20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56–28, dated July 24, 1956 (21 F. R. 5659), and R. S. 4405, as amended, 4462, as amended, 4491, as amended, sections 1, 2, 49 Stat. 1544, as amended, section 17, 54 Stat. 166, as amended, and section 3, 54 Stat. 346, as amended, section 3, 70 Stat. 152 (46 U. S. C. 405, 416, 489, 367, 526p, 1333, 390b), and section 3 (c) of the act of August 9, 1954 (50 U. S. C. 198), and implementing regulations in 46 CFR Chapter I: *It is ordered*, That:

a. All the approvals listed in Part I of this document which extend approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of 5 years from their respective dates as indicated at the end of each approval; unless sooner canceled or suspended by proper authority; and

b. All the other approvals listed in Part I of this document (which are not covered by paragraph a above) are prescribed and shall be in effect for a period of 5 years from the date of publication of this document in the FEDERAL REGISTER, unless sooner canceled or suspended by proper authority; and

c. All the approvals listed in Part II of this document are terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with present Coast Guard requirements; or (5) the approval has expired. Except for those approvals which have expired, all other terminations of approvals made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval of any item of equipment as listed in Part II of this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

d. The change of address of a manufacturer shall be made as indicated in Part III of this document.

e. The correction to a prior document shall be made as indicated in Part IV of this document.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 3 AND 5

Approval No. 160.002/6/1, Model 3, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y. (Supersedes Approval No. 160.002/6/0 published in FEDERAL REGISTER October 4, 1957.)

BUOYANT APPARATUS

Approval No. 160.010/30/0, 4.17' x 3.0' (8'' x 8'' body section) rectangular buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 7-person capacity, dwg. BA–2 dated June 6, 1958, and specification revised June 6, 1958, manufactured by The Plasti-Kraft Corp., 140 Walker Street SW., Atlanta 3, Ga. (Plant: Oldsmar, Fla.)

Approval No. 160.010/31/0, 6.17' x 3.67' (9'' x 9'' body section) rectangular buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 13-person capacity, dwg. BA–2 dated June 6, 1958, and specification revised June 6, 1958, manufactured by The Plasti-Kraft Corp., 140 Walker Street SW., Atlanta 3, Ga. (Plant: Oldsmar, Fla.).

Approval No. 160.010/37/0, 6.0' x 2.83' (8½'' x 8½'' body section), rectangular aluminum buoyant apparatus with unicellular plastic foam core, 10-person capacity, dwg. No. 60070, Rev. A, dated June 2, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.010/40/0, 3.17' x 3.17' x 0.67' buoyant apparatus, wood decking with cellular foam glass core, 6-person capacity, dwg. No. 32458 dated June 9, 1958, and specification dated July 8, 1958, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.010/41/0, 3.17' x 3.17' x 0.83' buoyant apparatus, wood decking with cellular foam glass core, 8-person capacity, dwg. No. 32458 dated June 9, 1958, and specification dated July 8, 1958, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.010/42/0, 4.67' x 3.17' x 0.83' buoyant apparatus, wood decking with cellular foam glass core, 12-person capacity, dwg. No. 32458 dated June 9, 1958, and specification dated July 8, 1958, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.010/43/0, 6.21' x 4.21' x 0.75' buoyant apparatus, wood decking with cellular foam glass core, 20-person capacity dwg. No. 32458 dated June 9, 1958, and specification dated July 8, 1958, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.010/46/0, 3.25' x 3.0' x 0.71' buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 10-person capacity dwg. No. BA No. 1, Rev. 2 dated July 3, 1958, and specification BA No. 1, Rev. 2 dated July 3, 1958, manufactured by C. J. Hendry Co., 27 Main Street, San Francisco 5, Calif.

Approval No. 160.010/47/0, 4.0' x 3.25' x 0.71' buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 13-person capacity, dwg. No. BA No. 1, Rev. 2 dated July 3, 1958, and specification BA No. 1, Rev. 2 dated July 3, 1958, manufactured by C. J. Hendry Co., 27 Main Street, San Francisco 5, Calif.

Approval No. 160.010/48/0, 6.0' x 4.0' x 0.71' buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic form core, 20-person capacity, dwg. No. BA No. 1, Rev. 2 dated July 3, 1958, and specification BA No. 1, Rev. 2 dated July 3, 1958, manufactured by C. J. Hendry Co., 27 Main Street, San Francisco 5, Calif.

Approval No. 160.010/49/0, 2.75' x 2.75' x 0.67' buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 7-person capacity, dwg. No. 8–1, Rev. 1 dated July 11, 1958, and specification dated July 11, 1958, manufactured by Duane Peabody Co., 6536 Southwest Macadam Avenue, Portland 1, Oreg.

Approval No. 160.010/50/0, 4.0' x 4.0' x 0.75' buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 16-person capacity, dwg. No. 16–1, Rev. 1 dated July 11, 1958, and specification dated July 11, 1958, manufactured by Duane Peabody Co., 6536 Southwest Macadam Avenue, Portland 1, Oreg.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/10/1, Bullard Ammonia gas mask, Type 42CM–3, Bureau of Mines Approval No. BM–1425, consisting of BM–1425 canister, BM–1423 facepiece, and BM–1423 canister harness, manufactured by E. D. Bullard Co., 2680 Bridgeway, Sausalito, Calif. (Extension of the approval published in FEDERAL REGISTER August 7, 1953, effective May 15, 1958.)

Approval No. 160.011/20/1, Bullard Multi-gas Universal gas mask, Type 31–MG, Bureau of Mines Approval No. 1432, consisting of BM–1432 canister, BM–1432 timer, BM–1432 canister harness, and BM–1423 facepiece, manufactured by E. D. Bullard Co., 2680 Bridgeway, Sausalito, Calif. (Extension of the approval published in FEDERAL REGISTER August 7, 1953, effective May 15, 1958.)

Approval No. 160.011/21/1, Bullard Smoke-Eater Universal gas mask, Type 31–SE, Bureau of Mines Approval No. 1433, consisting of BM–1433 canister, BM–1432 timer, BM–1432 harness, and BM–1423 facepiece, manufactured by E. D. Bullard Co., 2680 Bridgeway, Sausalito, Calif. (Extension of the approval published in FEDERAL REGISTER August 7, 1953, effective May 15, 1958.)

WINCHES, LIFEBOAT

Approval No. 160.015/73/0, Type H–55A lifeboat winch for use with Type G–55P gravity davit, approved for a maximum working load of 5,500 pounds pull at the drums (2,750 pounds per fall), identified by sectional view dwg. No. 3684–3, revision C dated May 8, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.015/77/0, Type HMC, size 4 lifeboat winch for use with mechanical davits, fitted with wire rope of ⅜-inch diameter only and with not more than 4 wraps of the falls on the drums, approved for a maximum working load of 3,600 pounds pull at the drums (1,800 pounds per fall), identified by general arrangement dwg. No. 1506 dated September 1957, and revised January 2, 1958, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

SIGNALS, DISTRESS, HAND RED FLARE

Approval No. 160.021/4/2, Bristol Marine hand red flare distress signal, 500 candlepower, 2 minutes burning time, dwg. No. 506 revised May 14, 1958, manufactured by Samuel Jackson's Sons, Inc., State Road, Bristol, Pa. (Supersedes Approval No. 160.021/4/1 published in FEDERAL REGISTER April 1, 1955.)

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Approval No. 160.026/31/0, Container for emergency drinking water, dwg. No. R–0620–T and specification dated July 2, 1958, packed by Pennsylvania Processors, Inc., 26 North Sixth Street, Lewisburg, Pa.

LIFE FLOATS

Approval No. 160.027/40/0, 4.17' x 3.0' (8'' x 8'' body section) rectangular life float, fibrous glass reinforced plastic shell with unicellular plastic foam core, 6-person capacity, dwg. No. LF–2 dated June 6, 1958, and specification revised June 6, 1958, manufactured by The Plasti-Kraft Corp., 140 Walker Street SW., Atlanta 3, Ga. (Plant: Oldsmar, Fla.)

Approval No. 160.027/41/0, 6.17' x 3.67' (9'' x 9'' body section) rectangular life float, fibrous glass reinforced plastic shell with unicellular plastic foam core, 11-person capacity, dwg. No. LF–2 dated June 6, 1958, and specification revised June 6, 1958, manufactured by The Plasti-Kraft Corp., 140 Walker Street SW., Atlanta 3, Ga. (Plant: Oldsmar, Fla.)

DAVITS, LIFEBOAT

Approval No. 160.032/50/1, gravity davit, Type G135S, approved for a maximum working load of 27,000 pounds per set (13,500 pounds per arm), using 2-part falls, identified by general arrangement dwg. No. 3450 dated December 15, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Extension of the approval published in FEDERAL REGISTER August 7, 1953, effective August 7, 1958.)

Approval No. 160.032/53/1, mechanical davit, crescent sheath screw, Type C–26, approved for a maximum working load of 5,070 pounds per set (2,535 pounds per arm), identified by general arrangement dwg. No. 1952 dated March 17, 1941, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Extension of the approval published in FEDERAL REGISTER August 7, 1953, effective August 7, 1958.)

Approval No. 160.032/113/1, mechanical davit, straight boom sheath screw, Type 26–53 MK II, approved for a maximum working load of 15,000 pounds per set (7,500 pounds per arm), using not less than two-part falls, identified by general arrangement dwg. No. 5008–1D, revision B dated July 2, 1958, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.032/113/0 published in FEDERAL REGISTER July 17, 1956.)

Approval No. 160.032/129/1, gravity davit, Type 30–70, approved for a maximum working load of 20,500 pounds per set (10,250 pounds per arm), using 2-part falls, identified by general arrangement dwg. No. DG–301–1, revision C dated August 15, 1952, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Reinstates and supersedes Approval No. 160.032/129/0 terminated in FEDERAL REGISTER August 31, 1957.)

Approval No. 160.032/133/1, mechanical davit, crescent sheath screw, Type "B", approved for a maximum working load of 12,700 pounds per set (6,350 pounds per arm), identified by general arrangement dwg. No. DC 20–1, revision A dated June 10, 1958, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.032/133/0 published in FEDERAL REGISTER August 7, 1953.)

Approval No. 160.032/135/0, mechanical davit, aluminum straight boom sheath screw, Type B–25A, approved for a maximum working load of 5,000 pounds per set (2,500 pounds per arm), using 5-part falls, identified by arrangement dwg. No. 3408 dated July 7, 1952, and revised June 9, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Extension of the approval published in FEDERAL REGISTER August 7, 1953, effective August 7, 1958.)

Approval No. 160.032/158/0, gravity davit, Type G–55P, for use with Type H–55A lifeboat winch, approved for a maximum working load of 11,000 pounds per set (5,500 pounds per arm), using two-part falls, identified by general arrangement dwg. No. 3684, revision F dated May 8, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Approval No. 160.033/24/2, Mills Type size "B" releasing gear, approved for a maximum working load of 23,400 pounds per set (11,700 pounds per hook), identified by general arrangement dwg. No. 1862–B dated May 25, 1953, revised July 16, 1958, for use on all vessels operating on waters other than ocean and coastwise, or for vessels of 3,000 gross tons and under operating in ocean and coastwise service, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.033/24/1 published in FEDERAL REGISTER October 6, 1953.)

Approval No. 160.033/25/2, Mills Type size "C" releasing gear, approved for a maximum working load of 35,800 pounds per set (17,900 pounds per hook), identified by general arrangement dwg. No. 1862–C dated May 25, 1953, revised July 16, 1958, for use on all vessels operating on waters other than ocean and coastwise, or for vessels of 3,000 gross tons and under operating in ocean and coastwise service, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.033/25/1 published in FEDERAL REGISTER October 6, 1953.)

Approval No. 160.033/47/1, Rottmer Type size 298–C releasing gear, approved for a maximum working load of 25,000 pounds per set (12,500 pounds per hook), identified by arrangement dwg. No. 3372–4C dated November 1, 1951, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.033/47/0 published in FEDERAL REGISTER August 7, 1953.)

Approval No. 160.033/55/0, Mariner release hook, Type A–7, Rottmer Type releasing gear, approved for a maximum working load of 13,500 pounds per set (6,750 pounds per hook), identified by construction arrangement dwg. No. 100 dated August 26, 1957, manufactured by Mariner Laminates, Inc., 501 Atlantic Avenue, Freeport, N. Y.

LIFEBOATS

Approval No. 160.035/8/2, 12.0' x 4.5' x 1.92' steel, oar-propelled lifeboat, 6-person capacity, identified by general arrangement dwg. No. G–1206 dated April 2, 1952, and revised May 8, 1958, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Supersedes Approval No. 160.035/8/1 published in FEDERAL REGISTER August 7, 1953.)

Approval No. 160.035/19/2, 24.0' x 7.0' x 3.0' steel, oar-propelled lifeboat, 30-person capacity, identified by general arrangement dwg. No. G–2430 dated February 16, 1953, and revised July 17, 1958, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Supersedes Approval No. 160.035/19/1 published in FEDERAL REGISTER August 7, 1953.)

Approval No. 160.035/64/2, 31.0' x 11.25' x 4.5' steel, hand-propelled lifeboat, 90-person capacity, identified by construction and arrangement dwg. No. 2665 dated December 2, 1952, and revised June 23, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.035/64/1 terminated in FEDERAL REGISTER June 3, 1958.)

Approval No. 160.035/92/1, 18.0' x 6.0' x 2.6' aluminum, oar-propelled lifeboat, 18-person capacity, identified by general arrangement and construction dwg. No. 49R–1816 dated November 8, 1951, and revised April 24, 1958, manufactured by Lane Lifeboat and Davit Corp., 8920 26th Avenue, Brooklyn 14, N. Y. (Reinstates and supersedes Approval No. 160.035/92/0 terminated in FEDERAL REGISTER October 1, 1952.)

Approval No. 160.035/148/2, 16.0' x 5.5' x 2.38' steel, oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement dwg. No. 48, revision C dated June 11, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.035/148/1 terminated in FEDERAL REGISTER June 3, 1958.)

Approval No. 160.035/181/2, 22.0' x 7.5' x 3.17' steel, oar-propelled lifeboat, 31-person capacity, identified by arrangement and construction dwg. No. 3196 dated August 25, 1952, and revised July 14, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.035/181/1 published in FEDERAL REGISTER August 7, 1953.)

Approval No. 160.035/254/2, 16.0' x 6.25' x 2.5' steel, oar-propelled lifeboat, 15-person capacity, identified by general arrangement and construction dwg. No. 1618 dated June 14, 1949, and revised July 18, 1958, manufactured by Lane Lifeboat and Davit Corp., 8920 26th Avenue, Brooklyn 14, N. Y. (Supersedes Approval No. 160.035/254/1 published in FEDERAL REGISTER August 13, 1955.)

Approval No. 160.035/264/1, 28.0' x 9.0' x 3.96' aluminum, oar-propelled lifeboat, 59-person capacity, identified by construction and arrangement dwg. No. 3323 dated January 7, 1957, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.035/264/0 published in FEDERAL REGISTER August 7, 1953.)

Approval No. 160.035/303/1, 24.0' x 7.75' x 3.33' aluminum, hand-propelled lifeboat, 37-person capacity, identified by construction and arrangement dwg. No. 3406, revision B dated June 25, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.035/303/0 terminated in FEDERAL REGISTER July 4, 1958.)

Approval No. 160.035/305/1, 26.0' x 7.75' x 3.33' steel, oar-propelled lifeboat, 40-person capacity, identified by general arrangement dwg. No. G–2640 dated March 13, 1953, and revised July 18, 1958, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Supersedes Approval No. 160.035/305/0 published in FEDERAL REGISTER August 7, 1953.)

Approval No. 160.035/308/1, 22.0' x 7.5' x 3.17' steel, hand-propelled lifeboat, 31-person capacity, identified by construction and arrangement dwg. No. 3477 dated June 19, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.035/308/0 published in FEDERAL REGISTER December 15, 1953.)

Approval No. 160.035/309/1, 24.0' x 7.75' x 3.33' steel, hand-propelled lifeboat, 37-person capacity, identified by construction and arrangement dwg. No. 24-16G, revision A dated July 24, 1958, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/309/0 published in FEDERAL REGISTER October 6, 1953.)

Approval No. 160.035/375/0, 24.0' x 8.0' x 3.5' fibrous glass reinforced plastic, oar-propelled lifeboat, 40-person capacity, identified by general arrangement dwg. No. 80151, Rev. D dated June 25, 1958, submitted by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/386/0, 26' x 8.25' x 3.5' aluminum, oar-propelled lifeboat, 50-person capacity, identified by general arrangement dwg. No. 26–14, revision A dated July 11, 1958, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

SIGNALS, DISTRESS, HAND ORANGE SMOKE

Approval No. 160.037/1/2, Coston's hand orange smoke distress signal, dwg. Nos. CXC–117, Rev. 4 dated June 17, 1957, and CXC–118, Rev. 4 dated June 17, 1957, manufactured by Kilgore, Inc., International Flare Signal Division, Westerville, Ohio, for Coston Supply Co., Inc., 31 Water Street, New York 4, N. Y. (Supersedes Approval No. 160.037/1/1 published in FEDERAL REGISTER January 18, 1955.)

Approval No. 160.037/2/2, International's hand orange smoke distress signal, dwg. Nos. CXC–117, Rev. 4 dated June 17, 1957, and CXC–118, Rev. 4 dated June 17, 1957, manufactured by Kilgore, Inc., International Flare Signal Division, Westerville, Ohio. (Supersedes Approval No. 160.037/2/1 published in FEDERAL REGISTER January 18, 1955.)

PUMPS, BILGE, LIFEBOAT

Approval No. 160.044/3/1, Size No. 1 lifeboat bilge pump, identified by assembly dwg. No. 270, revision A dated June 10, 1958, manufactured by Allied Marine Equipment Corp., Division of Tap-Rite Products, 204 Railroad Avenue, Hackensack, N. J. (Supersedes Approval No. 160.044/3/0 published in FEDERAL REGISTER August 7, 1953.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD MODELS AK, CKM, CKS, AP, CPM, AND CPS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/177/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Vogue Textiles, Inc., 20 Roberts Avenue, Pawtucket, R. I.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/124/0, special approval for 15" x 15" x 2" rectangular buoyant cushion with heat-sealed seams, 20 oz. kapok, dwg. dated May 22, 1958, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.048/129/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20 oz. kapok, U. S. C. G. Specification Subpart 160.048, manufactured by Monson-California Co., 2549 El Camino Real, Redwood City, Calif.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/22/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U. S. C. G. Specification Subpart 160.049, sizes to be as per Table 160.049–4 (c) (1), manufactured by Liberty Cork Co., Inc., 123 Whitehead Avenue, South River, N. J.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/1/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U. S. C. G. Specification Subpart 160.052, manufactured by Iowa Fibre Products, Inc., 316 Court Avenue, Des Moines 9, Iowa.

Approval No. 160.052/2/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U. S. C. G. Specification Subpart 160.052, manufactured by Iowa Fibre Products, Inc., 316 Court Avenue, Des Moines 9, Iowa.

Approval No. 160.052/3/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U. S. C. G. Specification Subpart 160.052, manufactured by Iowa Fibre Products, Inc., 316 Court Avenue, Des Moines 9, Iowa.

Approval No. 160.052/4/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U. S. C. G. Specification Subpart 160.052, manufactured by Iowa Fibre Products, Inc., 316 Court Avenue, Des Moines 9, Iowa, for Hawkeye Sporting Goods Co., P. O. Box 613, Des Moines, Iowa.

Approval No. 160.052/5/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U. S. C. G. Specification Subpart 160.052, manufactured by Iowa Fibre Products, Inc., 316 Court Avenue, Des Moines 9, Iowa, for Hawkeye Sporting Goods Co., P. O. Box 613, Des Moines, Iowa.

Approval No. 160.052/6/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U. S. C. G. Specification Subpart 160.052, manufactured by Iowa Fibre Products, Inc., 316 Court Avenue, Des Moines 9, Iowa, for Hawkeye Sporting Goods Co., P. O. Box 613, Des Moines, Iowa.

Approval No. 160.052/7/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U. S. C. G. Specification Subpart 160.052, manufactured by Stearns Manufacturing Co., West Division Street at 30th, St. Cloud, Minn.

Approval No. 160.052/8/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U. S. C. G. Specification Subpart 160.052, manufactured by Stearns Manufacturing Co., West Division Street at 30th, St. Cloud, Minn.

Approval No. 160.052/9/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U. S. C. G. Specification Subpart 160.052, manufactured by Stearns Manufacturing Co., West Division Street at 30th, St. Cloud, Minn.

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/5/2, Sound powered telephone station relay, for operation with hand generator, manual release, splashproof, dwg. No. 60–164, Alt. 4 dated September 17, 1954, manufactured by Henschel Corp., Amesbury, Mass. (Supersedes Approval No. 161.005/5/1 published in FEDERAL REGISTER October 6, 1953.)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON DIOXIDE TYPE

Approval No. 162.005/104/0, Snyder "Model R10 Marine Use" (Symbol RA), 10-lb. carbon-dioxide type hand portable fire extinguisher, assembly dwg. No. 735, Rev. 8 dated July 12, 1958, name plate dwg. No. 922, Rev. 6 dated May 7, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Randolph Laboratories, Inc., 8 East Kinzie Street, Chicago 11, Ill., for M. L. Snyder & Son, Inc., Jasper and York Streets, Philadelphia 25, Pa.

Approval No. 162.005/105/0, Snyder "Model R15 Marine Use" (Symbol RA), 15-lb. carbon-dioxide type hand portable fire extinguisher, assembly dwg. No. 675, Rev. 9 dated October 8, 1951, name plate dwg. No. 922, Rev. 6 dated May 7, 1958 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by Randolph Laboratories, Inc., 8 East Kinzie Street, Chicago 11, Ill., for M. L. Snyder & Son, Inc., Jasper & York Streets, Philadelphia 25, Pa.

FIRE EXTINGUISHERS, PORTABLE, HAND, CHEMICAL FOAM TYPE

Approval No. 162.006/27/1, Elkhart 2½-gal. foam type hand portable fire extinguisher, assembly dwg. No. B–43263, Rev. A dated April 25, 1958, name plate dwg. No. B–42915, revised February 6, 1958 (Coast Guard classification: Type A, Size II; and Type B, Size II), manufactured by Elkhart Brass Mfg. Co., 1302 West Beardsley Avenue, Elkhart, Ind. (Reinstates and supersedes Approval No. 162.006/27/0 terminated in FEDERAL REGISTER June 3, 1958.)

Approval No. 162.006/30/0, Stempel Kontrol Foam Type 2½-gal. hand portable fire extinguisher, assembly dwg. extinguisher No. 828 dated December 5, 1951, name plate dwgs. Sheets Nos. 7 and 8 dated December 5, 1951 (Coast Guard classification: Type A, size II; and Type B, Size II), manufactured by Stempel Fire Extinguisher Manufacturing Co., 2400 North Jasper Street, Philadelphia 25, Pa. (Extension of the approval published in FEDERAL REGISTER August 7, 1953, effective August 7, 1958.)

FIRE EXTINGUISHERS, PORTABLE, HAND, SODA–ACID TYPE

Approval No. 162.007/38/1, Elkhart 2½-gal. soda-acid type hand portable

fire extinguisher, assembly dwg. No. B–43458 dated August 7, 1957, name plate dwg. No. B–30161 dated August 23, 1957 (Coast Guard classification: Type A, Size II), manufactured by Elkhart Brass Mfg. Co., Inc., 1302 West Beardsley Avenue, Elkhart, Ind. (Reinstates and supersedes Approval No. 162.007/38/0 terminated in FEDERAL REGISTER June 3, 1958.)

Approval No. 162.007/41/0, Kontrol Soda-Acid Type 2½-gal. hand portable fire extinguished, assembly dwg. extinguisher No. 124 dated December 19, 1951, name plate Part No. 23, dwg. Sheet No. 7 dated December 19, 1951, and instruction plate Part No. 24, dwg. Sheet No. 8 dated December 19, 1951 (Coast Guard classification: Type A, Size II), manufactured by Stempel Fire Extinguisher Mfg. Co., Jasper and York Streets, Philadelphia 25, Pa. (Extension of the approval published in FEDERAL REGISTER August 7, 1953, effective August 7, 1958.)

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/33/1, Safety First Model STM–10–A, 10-lb. dry-chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. C–1900 dated August 19, 1957, Design Spec. List 1900–A, revised December 4, 1957, name plate dwg. No. A–1910, revised June 19, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Safety First Products Corp., 175 Saw Mill River Road, Elmsford, N. Y. (Supersedes Approval No. 162.010/33/0 published in FEDERAL REGISTER January 22, 1958.)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/36/0, Type 422A backfire flame arrester for carburetors, dwg. Nos. E–420, Rev. B dated March 20, 1957; FM–422 dated May 12, 1958; FM–422A, Rev. A dated June 1958; 424 dated June 6, 1958, and 426 dated June 6, 1958, manufactured by Dearborn Marine Engines, Inc., 31465 Stephenson Highway, Royal Oak 4, Mich.

VALVES, PRESSURE VACUUM RELIEF AND SPILL

Approval No. 162.017/47/1, Figure No. 37 duplex pressure vacuum relief valve, enclosed pattern, without unloader, weight-loaded poppets, all bronze construction, dwg. No. C–495–D, revision D dated April 16, 1953, approved for 4" tank connection and 6" victaulic vent header connection (4" x 6"), manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif. (Extension of the approval published in FEDERAL REGISTER August 7, 1953, effective August 7, 1958.)

Approval No. 162.017/48/1, Figure No. 37A duplex pressure vacuum relief valve, enclosed pattern fitted with vacuum valve unloader, weight-loaded poppets, all bronze construction, dwg. No. C–495–D, revision D dated April 16, 1953, approved for 4" tank connection and 6" victaulic vent header connection (4" x 6"), manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif. (Extension of the approval published in FEDERAL REGISTER August 7, 1953, effective August 7, 1958.)

Approval No. 162.017/49/1, Figure No. 37B duplex pressure vacuum relief valve, enclosed pattern, fitted with pressure valve unloader, weight-loaded poppets, all bronze construction, dwg. No. C–495–D, revision D dated April 16, 1953, approved for 4" tank connection and 6" victaulic vent header connection (4" x 6"), manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif. (Extension of the approval published in FEDERAL REGISTER August 7, 1953, effective August 7, 1958.)

Approval No. 162.017/50/1, Figure No. 73 pressure only relief and spill valve, atmospheric pattern, flanged connection, weight-loaded poppet, all bronze construction, dwg. No. C–503–C, revision C dated October 2, 1952, approved for 3" and 6" pipe sizes, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif. (Extension of the approval published in FEDERAL REGISTER August 7, 1953, effective August 7, 1958.)

Approval No. 162.017/51/1, Figure No. 73A, pressure only relief and spill valve, atmospheric pattern, screwed connection, weight-loaded poppet, all bronze construction, dwg. No. C–503–C, revision C dated October 2, 1952, approved for 3" and 6" pipe sizes, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif. (Extension of the approval published in FEDERAL REGISTER August 7, 1953, effective August 7, 1958.)

Approval No. 162.017/71/0, Figure No. 732, pressure vacuum relief valve, atmospheric pattern, screwed connection, weight-loaded poppets, all bronze construction, dwg. No. C–1809 dated April 2, 1952, approved for 2½", 3" and 4" pipe sizes, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif. (Extension of the approval published in FEDERAL REGISTER August 7, 1953, effective August 7, 1958.)

Approval No. 162.017/72/0, Figure No. 734, pressure vacuum relief valve, enclosed pattern, without unloader, weight-loaded poppets, all bronze construction, dwg. No. C–1806–A, revision A dated May 13, 1952, approved for 4" pipe size, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif. (Extension of the approval published in FEDERAL REGISTER August 7, 1953, effective August 7, 1958.)

Approval No. 162.017/73/0, Figure No. 734A, pressure vacuum relief valve, enclosed pattern, fitted with vacuum valve unloader, weight-loaded poppets, all bronze construction, dwg. No. C–1807–A, revision A dated May 13, 1952, approved for 4" pipe size, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif. (Extension of the approval published in FEDERAL REGISTER August 7, 1953, effective August 7, 1958.)

Approval No. 162.017/74/0, Figure No. 734B, pressure vacuum relief valve, enclosed pattern, fitted with pressure valve unloader, weight-loaded poppets, all bronze construction, dwg. No. C–1808–A, revision A dated May 13, 1952, approved for 4" pipe size, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif. (Extension of the approval published in FEDERAL REGISTER August 7, 1953, effective August 7, 1958.)

Approval No. 162.017/76/0, Figure No. 735A, pressure vacuum relief valve, atmospheric pattern, screwed connection, weight-loaded poppets, all bronze construction, dwg. No. C–1810 dated April 3, 1952, approved for 2½" and 4" pipe sizes, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif. (Extension of the approval published in FEDERAL REGISTER August 7, 1953, effective August 7, 1958.)

VALVES, SAFETY RELIEF, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/16/1, Type 2000 pop safety relief valve, liquefied petroleum gas service, full nozzle type metal-to-metal seat, 300 p. s. i. maximum allowable pressure, dwg. No. 1394–B–CO, revision A dated June 1, 1953, approved for the following sizes and capacity ratings (discharge in cubic feet per minute measured at 60° F. and 14.7 p. s. i. a. and flow-rated at 110 percent of the set pressures):

Inlet size	Orifice designation	Set pressures, p. s. i. g.			
		100	150	200	250
1	D	187	278	386	[illegible]
1	E	334	495	686	[illegible]
1, 1½	F	523	777	1,075	[illegible]
1½, 2	H	1,335	1,990	2,760	[illegible]
2, 2½	J	2,190	3,250	4,510	[illegible]
2½, 3	K	3,120	4,650	6,450	[illegible]
3, 4	L	4,850	7,210	10,000	[illegible]
4	N	7,380	11,000	15,200	[illegible]
4	P	10,850	16,150	22,400	[illegible]
6	Q	18,800	27,900	38,700	[illegible]
6	S	27,200	40,500	56,100	[illegible]

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/54/0, "Thermafiber Glass Fiber", fibrous insulation type incombustible material identical to that described in National Bureau of Standards Report No. TG10210–2028:FP3461 dated August 1, 1958, approved in a density of 3 pounds per cubic foot, manufactured by Americal Rock Wool Corp., Wabash, Ind.

PART II—TERMINATIONS OF APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

LIFEBOATS

Termination of Approval No. 160.035/23/1, 18.0' x 6.25' x 2.75' aluminum, oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement dwg. No. 3420 dated August 20, 1952, and revised March 26, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER August 7, 1953. Termination of approval effective August 7, 1958.)

Termination of Approval No. 160.035/24/1, 18.0' x 5.75' x 2.42' steel, oar-propelled lifeboat, 15-person capacity, identified by construction and arrangement dwg. No. 757–1 dated April 1, 1953, and revised April 9, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER August 7, 1953. Termination of approval effective August 7, 1958.)

Termination of Approval No. 160.035/59/1, 28.0' x 9.79' x 4.13' steel, motor-propelled lifeboat without radio cabin (Class B), 64-person capacity, identified by construction and arrangement dwg. No. 2413 dated April 29, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER August 7, 1953. Termination of approval effective August 7, 1958.)

Termination of Approval No. 160.035/173/1, 30.0' x 10.0' x 4.13' steel, hand-propelled lifeboat, 72-person capacity, identified by construction and arrangement dwg. No. 1820 dated January 12, 1953, and revised April 29, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER August 7, 1953. Termination of approval effective August 7, 1958.)

Termination of Approval No. 160.035/287/0, 28.0' x 9.0' x 4.0' steel, hand-propelled lifeboat, 60-person capacity, identified by construction and arrangement dwg. No. 3396 dated February 7, 1952, and revised March 14, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER August 7, 1953. Termination of approval effective August 7, 1958.)

PUMPS, BILGE, LIFEBOAT

Termination of Approval No. 160.044/10/0, Size No. 3 lifeboat bilge pump, identified by general arrangement dwg. No. 3463 dated February 5, 1953, and revised April 30, 1953, submitted by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER August 7, 1953. Termination of approval effective August 7, 1958.)

FIRE EXTINGUISHERS, PORTABLE, HAND, VAPORIZING-LIQUID TYPE

Termination of Approval No. 162.004/77/0, Randolph (Symbol PY), 1-qt. carbon tetrachloride type hand portable fire extinguisher, assembly dwg. No. B–15791 dated June 17, 1949, name plate dwg. No. A–16163, Rev. 5 dated August 20, 1952 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured for Randolph Laboratories, Inc., 8 East Kinzie Street, Chicago 11, Ill., by Pyrene-C-O-Two Division, The Fyr-Fyter Co., P. O. Box 750, Newark 1, N. J. (Approved FEDERAL REGISTER August 7, 1953. Termination of approval effective August 7, 1958.)

Termination of Approval No. 162.004/78/0, Vangarde 1-qt. carbon tetrachloride type hand portable fire extinguisher, assembly dwg. No. B–7992, Rev. 13 dated October 27, 1947, name plate dwg. No. A–9077, Rev. 9 dated March 4, 1953 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Pyrene-C-O-Two Division, The Fyr-Fyter Co., P. O. Box 750, Newark 1, N. J. (Approved FEDERAL REGISTER August 7, 1953. Termination of approval effective August 7, 1958.)

VALVES, PRESSURE VACUUM RELIEF AND SPILL

Termination of Approval No. 162.017/75/0, Figure No. 735, pressure vacuum relief valve, atmospheric pattern, flanged connection, weight-loaded poppets, all bronze construction, dwg. No. C–1810 dated April 3, 1952, approved for 2½" and 4" pipe sizes, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif. (Approved FEDERAL REGISTER August 7, 1953. Termination of approval effective August 7, 1958.)

STRUCTURAL INSULATIONS

Termination of Approval No. 164.007/21/0, "Fiberglas Marine Insulation PF 625," glass wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG3610–1512:FP2612 dated April 12, 1948, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in a 4-inch thickness and 6 pounds per cubic foot density, manufactured by Owens-Corning Fiberglas Corp., Toledo 1, Ohio. (Approved FEDERAL REGISTER August 7, 1953. Termination of approval effective May 15, 1958.)

PART III—CHANGE IN ADDRESS OF MANUFACTURER

The address of The Dennison Co., 200 Waverly Avenue, Newark 8, N. J., has been changed to The Dennison Co., 200 Waverly Avenue, Newark 8, N. J., and 2517 South Main Street, Los Angeles 5, Calif., for Approval Nos. 160.047/118/0, 160.047/119/0, and 160.047/120/0 for kapok buoyant vests published in the FEDERAL REGISTER of May 29, 1957, and Approval No. 160.048/67/0 for kapok buoyant cushions published in the FEDERAL REGISTER of May 15, 1956.

The Coast Guard Document CGFR 58–20 and Federal Register Document 58–4123 published in the FEDERAL REGISTER of June 3, 1958, is corrected by substituting the words "6-person capacity" in lieu of "7-person capacity" for Approval No. 160.027/46/0 under the heading "Life Floats" (23 F. R. 3837).

The Coast Guard Document CGFR 58–26 and Federal Register Document 58–5140 published in the FEDERAL REGISTER of July 4, 1958, is corrected by substituting the words "January 15, 1952" in lieu of "July 15, 1952" for Approval No. 160.035/288/1 under the heading "lifeboats" (23 F. R. 5134).

Dated: SEPTEMBER 23, 1958.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 58–7941; Filed, Sept. 26, 1958; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, MINERALS ADJUDICATION UNIT, AND CHIEF, LANDS ADJUDICATION UNIT, ANCHORAGE LAND OFFICE

REDELEGATION OF AUTHORITY TO TAKE ACTION

SEPTEMBER 22, 1958.

Pursuant to the authority contained in Bureau Order No. 541, as amended, authority to take action for the Manager in matters listed in section 3.6, Part III–A of the above cited order, is redelegated to the Chief, Minerals Adjudication Unit of the Anchorage Land Office; also authority to take action for the Manager in matters listed in section 3.9, Part III–A of the above cited order, is redelegated to the Chief, Lands Adjudication Unit of the Anchorage Land Office.

This authorization will not effect the exercise of authority already held by the Land Office Manager.

IRVING W. ANDERSON,
Manager, Anchorage Land Office.

Approved: September 22, 1958.

L. T. MAIN,
Operations Supervisor, Anchorage.

[F. R. Doc. 58–7920; Filed, Sept. 26, 1958; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Land Management has filed an application, Serial Number A.041391 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws but excepting the mineral leasing laws and the disposal of materials under the Materials Act. The applicant desires the land for a public recreation site.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned

officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing Address: 131 Fifth Avenue, Location: 744 Fourth Avenue, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MILES LAKE—COPPER RIVER AREA

Site No. 1

A parcel of unsurveyed land laying East of U. S. Survey 902 (disapproved) more particularly described as follows:

Beginning at Cor. No. 1 (common with Corner No. 4 U. S. Survey No. 902 disapproved) thence E. 3300' to Cor. No. 2 located at mean high tide on Shore of Miles Lake thence meandering Northwesterly along shore of Miles Lake approximately 4000 feet to Corner No. 3 common with Corner No. 2 U. S. Survey 903 disapproved thence South 576.84' to Corner No. 4 common with Corner No. 1 U. S. Survey No. 903 disapproved thence W. 1044' to Corner No. 5 common with Corner No. 1 U. S. Survey 902 disapproved thence S. 2640' to point of beginning.

Containing approximately 151 acres.

Site No. 2

All of U. S. Survey 904 disapproved (now under T & M Application A-033479 W. J. Watte) containing 59.3 acres.

A portion of U. S. Survey 905 also under above application more particularly described as follows:

Beginning at Corner No. 1 common with Corner No. 1 U. S. Survey No. 904 disapproved thence South 1320 feet to Corner No. 2 thence W. 1250 feet to Corner No. 3 thence meandering N. along Copper River approximately 1320 feet to Corner No. 4 common with Corner No. 3 U. S. Survey 904 disapproved thence E. 1200 feet to point of beginning. The area contains approximately 35 acres.

The two descriptions for Site No. 2 are adjacent and contain a combined total of approximately 94.3 acres.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 58-7921; Filed, Sept. 26, 1958; 8:46 a. m.]

Bureau of Reclamation

[Public Announcement 29]

COLUMBIA BASIN PROJECT, WASHINGTON; QUINCY-COLUMBIA BASIN IRRIGATION DISTRICT

SALE OF FULL-TIME FARM UNITS

SEPTEMBER 15, 1958.

LANDS COVERED

SECTION 1. *Offer of farm units for sale.* It is hereby announced that certain farm units in the Quincy-Columbia Basin Irrigation District, Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications for certificates of qualification to purchase farm units may be submitted beginning at 2:00 p. m., September 30, 1958.

In order to permit the continued orderly development and settlement of project lands, this public announcement is issued irrespective of there being pending applications for exchange pursuant to the Act of August 13, 1953 (67 Stat. 566).

a. *Farm units presently owned.* The farm units which are presently owned by the United States, and hereby offered for sale, are described as follows:

(1) *Group A.* Farm units for which the purchase price combined with the estimated cost of development is moderate:

Irrig. Block No.	Farm Unit No.	Gross acres	Tentative irrigable acreage				Non-irrigable	Price
			Total	Class 1	Class 2	Class 3		
77	12	83.0	78.1	50.4	18.7	9.0	4.9	$1,957.40
	15	86.3	81.2	24.5	35.1	21.6	5.1	2,035.10
79	33	86.0	81.7	53.9	27.8		4.3	1,638.20
	73	129.6	117.3	27.1	74.6	15.6	12.3	2,361.00
	74	110.4	95.8	1.2	64.6	30.0	14.6	1,982.80
	77	100.8	86.4	16.0	65.7	4.7	14.4	1,746.70
	93	111.0	108.5	36.0	70.4	2.1	2.5	2,181.30
85	108	124.3	113.3	1.8	91.3	20.2	11.0	2,035.15
87	76	105.8	95.2	53.1	42.2		10.5	1,930.00
89	175	106.1	93.2		92.6	.6	12.9	2,842.20
	193	134.3	121.6		60.5	61.1	12.7	1,885.30

(2) *Group B.* Farm units for which the purchase price combined with the estimated cost of development is relatively high: (Some of the units in this group have a lower combined price and cost of development but are substantially limited to the production of hay and pasture):

Irrig. Block No.	Farm Unit No.	Gross acres	Tentative irrigable acreage				Nonirrigable	Price
			Total	Class 1	Class 2	Class 3		
77	5	148.4	136.0	5.2	38.0	92.8	12.4	$2,486.90
78	112	97.9	87.7	51.4	36.3		10.2	2,558.95
	113	100.1	90.7	19.1	49.8	21.8	9.4	2,441.50
85	68	103.4	93.3	5.8	70.1	17.4	10.1	1,692.35
	98	123.8	104.2	17.3	38.7	48.2	19.6	1,722.10
	99	162.9	101.4	3.9	50.7	46.8	61.5	2,128.80
86	80	98.4	89.9	12.7	56.0	21.2	8.5	1,393.90
89	11	161.4	143.6			143.6	17.8	2,310.40
	12	176.2	135.5			135.5	40.7	1,974.75
	13	147.8	116.0			116.0	31.8	2,983.00
	159	164.1	142.1			142.1	22.0	2,208.40
	176	123.6	105.7		105.7		17.9	2,730.60
	192	164.0	138.3		54.7	83.6	25.7	2,644.85
	204	170.5	127.0			127.0	43.5	2,267.10
	205	194.1	116.7			116.7	77.4	2,269.80
	215	165.4	156.8		98.1	58.7	8.6	3,187.20

b. *Additional farm units.* If, through the operation of its land acquisition program, the United States should, following the date of this announcement and prior to the date on which the first farm unit is offered for selection to an applicant under the provisions hereof, own additional farm units in the Quincy-Columbia Basin Irrigation District which are scheduled to receive water before the close of the 1959 irrigation season; such farm units may be offered for sale under the provisions of this announcement.

The official plats of these irrigation blocks are on file in the office of the County Auditor of Grant County in Ephrata, Washington, and copies are on file in the offices of the Bureau of Reclamation at Ephrata, Washington, and Boise, Idaho. The prices of the farm units are subject to minor changes which may result from adjustments in the irrigable acreages due to changes in rights of way or other causes.

SEC. 2. *Limit of acreage which may be purchased.* The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region 1, Bureau of Reclamation, will support an average size family at a suitable level of living. The law provides that no application for a certificate of qualification shall be received from (1) anyone who then has outstanding a certificate of qualification to select a farm unit on the Columbia Basin Project or, (2) anyone who owns another farm unit on that project. The law further provides that no farm unit shall be sold to, and no contract to sell a farm unit shall be entered into with any person who, or a member of whose family, has theretofore purchased or entered into a contract to purchase a farm unit under the Columbia Basin Project Act, except those whose farm units have been acquired by the United States for exchange purposes. A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERENCE OF APPLICANTS

SEC. 3. *Nature of preference.* Except for a prior preference given applicants for exchange under the provisions of the Act of August 13, 1953 (67 Stat. 566), who are hereinafter called "exchange applicants", preference right to purchase the farm units described above will be given to veterans (and in some cases to their husbands or wives or guardians

of minor children) who submit applications during a 45-day period beginning at 2:00 p. m., September 30, 1958, and ending at 2:00 p. m., November 14, 1958, and who, at the time of making application, are in one of the following five classes:

a. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least ninety (90) days at any time between September 16, 1940, and the official termination of the Korean conflict, and who have been honorably discharged.

b. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States during the period prescribed in subsection a. of this section, regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty or, subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

c. The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right and submits written proof of such consent with the application. (See subsection 7.d. of this announcement regarding the provision that a married woman must be head of a family.)

d. The surviving spouse of any person in either of the first two classes listed in this section or, in the case of the death or marriage of such spouse, the minor child or children of such person by guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

e. The surviving spouse of any person whose death has resulted from wounds received or disability incurred in the line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection a. of this section or, in the case of death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

SEC. 4. *Definition of honorable discharge.* An honorable discharge means:

a. Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

b. Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component, or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 5. *Examining board.* An examining board of three members has been appointed by the Regional Director, Region 1, Bureau of Reclamation, to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The Board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application and cancellation of the applicant's right to purchase a farm unit.

SEC. 6. *Minimum qualifications.* Certain minimum qualifications have been established which are considered necessary for the successful development of farm units. Applicants, unless qualified exchange applicants, must, in the judgment of the examining board, meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the required minimum.

The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

b. *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) of full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the Board will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

c. *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

d. *Capital.* To qualify for Group A farms listed in section 1, applicants must either (1) possess assets amounting to at least $5,500 in excess of liabilities, of which at least $3,500 must be in cash; or (2) possess at least $5,000 in cash. In addition, at the time he moves to the Project to take possession of the farm unit selected and prior to execution of the land sale contract, the applicant must be prepared to re-establish to the satisfaction of the Project Manager that he possesses in cash or in cash and property useful in developing the farm the minimum net worth required under either of the above alternates.

To qualify for Group B farms listed in Section 1, applicants must either (1) possess assets amounting to at least $8,500 in excess of liabilities, of which at least $5,000 must be in cash; or (2) possess at least $7,500 in cash. In addition, at the time he moves to the Project to take possession of the farm unit selected and prior to execution of the land sale contract, the applicant must be prepared to re-establish to the satisfaction of the Project Manager that he possesses in cash or in cash and property useful in developing the farm the minimum net worth required under either of the above alternates.

Assets must consist of cash and property readily convertible into cash or property such as livestock or farm machinery and equipment which, in the opinion of the Board and the Project Manager, will be useful in the development and operation of a new, irrigated farm. When considering farm machinery, the Board and the Project Manager will credit only that equipment which is adapted for use on the Columbia Basin Project. No value will be allowed for a passenger car or household goods. Property not useful in the development of a farm will be considered if the applicant furnishes, at the Board's request, evidence of the value of the property and proof of its conversion into useful form. This conversion can be made before execution of the earnest money agreement or the land sale contract, whichever the Board believes appropriate.

Before executing a land sale contract and acquiring the right of possession of the farm unit, the purchaser must establish, to the satisfaction of the Project Manager, that he has moved to the project to take possession of the farm unit selected and re-establish his net worth as required above, except that the amount paid as an earnest money deposit can be credited as part of the assets making up the applicant's net worth.

SEC. 7. *Other qualifications required.* Each applicant (except guardian) must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. In addition to the limitations in section 2, not own outright, or be acquiring under a contract to purchase, more than 10 acres of cropland or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

c. Not previously have purchased a farm unit from the United States under provisions of the Reclamation Law, excepting therefrom actions under the Act of August 13, 1953.

c. Not have outstanding a certificate of qualification for the purchase of a farm unit on the Columbia Basin Project.

e. Not own outright, or be acquiring under a contract to purchase, a farm unit on the Columbia Basin Project.

f. If a married woman or a person under 21 years of age who is not eligible for veteran's preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

SEC. 8. *Filing application blanks.* Any person desiring to apply for a certificate of qualification to purchase a farm unit offered for sale by this announcement must fill out the attached application blank and file it with the Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Post Office Box 937, Boise, Idaho; or Washington, D. C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

SELECTION OF QUALIFIED APPLICANTS

SEC. 9. *Priority of applications.* All applications except those received from qualified exchange applicants prior to 2:00 p. m., November 14, 1958, which shall be given prior preference, will be classified for priority purposes as follows:

a. *First priority group.* All complete applications filed prior to 2:00 p. m., November 14, 1958, by applicants who claim veterans preference. Such applications will be treated as simultaneously filed.

b. *Second priority group.* All complete applications filed prior to 2:00 p. m., November 14, 1958, by applicants who do not claim veterans preference. Such applications will be treated as simultaneously filed.

c. *Third group.* All complete applications filed after 2:00 p. m., November 14, 1958. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

SEC. 10. *Public drawing.* After the priority classification, the Board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 9.a. of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units to be offered for sale) shall be drawn and numbered in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the Board to determine whether the applicants meet the minimum qualifications prescribed in this announcement and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the Board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 11. *Submission of evidence of qualification.* After the drawing, a sufficient number of applicants, in the order of their priority as established by the drawing, will be supplied with forms on which to submit evidence of qualification showing that they meet the qualifications set forth in sections 6 and 7 of this announcement and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 3 of this announcement. Full and accurate answers must be made to all questions. The completed form, together with any attachments required, must be mailed or delivered to the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the time period specified will subject his application to rejection.

SEC. 12. *Examination and interview.* After the information outlined in section 11 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine in the order drawn a sufficient number of applications, together with the evidence of qualification submitted, to determine the applicants who will be permitted to purchase farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants.

If the applicant fails to supply any of the information required or the Board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the Board, by certified mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Land Settlement Branch will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the Board for the purpose of: (a) Affording the Board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units.

If an applicant fails to appear before the Board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing.

If the Board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by certified mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to select a farm unit, and to notify the Board of such selection within the time specified in the notice.

SELECTION OF FARM UNITS

SEC. 13. *Order of selection.* The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the Board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the Board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the Board will follow the same procedure outlined in section 10 of this announcement in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the Board will follow the same procedure to select applicants from the Second Priority Group, and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the Board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm units offered by or under this announcement remain unsold for a period of two years following the date of this announcement, the Project Manager, Columbia Basin Project, Bureau of Reclamation, may sell, lease, or otherwise dispose of such units to qualified applicants without regard to the provisions of section 10 of this announcement.

SEC. 14. *Failure to select.* If any applicant, except a qualified exchange applicant, refuses to select a farm unit or fails to do so within the time specified by the Board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

PURCHASE OF SELECTED UNIT

SEC. 15. *Execution of earnest money agreement and land sale contract.* When a farm unit is selected by an applicant as provided in section 13 of this announcement, the Project Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish an earnest money agreement together with instructions concerning its execution and return. In that notice, the Project Manager will inform the applicant of the amount of his down payment and the amount of the irrigation charges assessed by the irrigation district or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the irrigation district.

The earnest money agreement will require the applicant to deposit $200 or 5 percent of the purchase price of the farm, whichever amount is greater, with the Project Manager. The amount deposited with the Earnest Money Agreement will be applied to the down payment if the applicant (1) submits proof that he has moved to the Columbia Basin Project before February 1, 1959, or within 6 months of the Earnest Money Agreement, whichever is later, and possesses the minimum capital assets required under subsection 6.d., (2) pays the irrigation charges assessed by the irrigation district or estimated for the first full irrigation season of the development period following the date of the contract, (3) pays the remainder of the required down payment on the purchase price of the farm unit, and (4) executes a land sale contract in accordance with the Project Manager's instructions. If the applicant fails to comply with any of the four requirements described in this paragraph, he will forfeit his right to purchase the farm unit and the amount he has deposited as earnest money will be retained by the United States as liquidated damages.

When the applicant submits proof to the Project Manager or his representative that he has moved to the Project to take possession of the farm unit and that he possesses the minimum capital assets required under subsection 6.d., the Project Manager will promptly furnish the applicant the necessary land sale contract, together with instructions concerning its execution and return. Such proof shall be in the form of an affidavit that he has actually moved to the project area, a current financial statement, and, where appropriate, a personal inspection of farm equipment by a representative of the Project Manager.

If the purchase is made subsequent to July 1 of any year during the development period, a deposit will be required to cover payment of water charges for the balance of that year as well as for the year following the purchase.

SEC. 16. *Terms of sale.* Contracts for the sale of farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. *Down payment.* An initial or down payment of $400 or 10 percent of the purchase price of the lands being purchased from the United States, whichever is larger, will be required. Larger proportions or the entire amount of the price may be paid initially at the purchaser's option.

b. *Schedule for payment of balance: Interest rate.* If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the downpayment will be required during the first three years, and the Project Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of three percent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments, which will be established by the Project Manager, will provide for relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before their due dates at the purchaser's option.

c. *Development requirements.* In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required, as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicatd below and to maintain in crops thereafter the following percentages of irrigable land as tentatively or finally classified:

Size of farm unit in irrigable acres	Percentage of land classified tentatively or finally as irrigable to be developed by end of each year. (Period will begin with year of purchase if contract is executed and water is available on or before May 1 of that year; otherwise period will begin with the next calendar year)			
	2d year	3d year	4th year	5th year
10 to 40	75			
41 to 60	50	75		
61 to 80	50	65	75	
81 to 100	40	60	65	75
101 to 160	35	50	65	75

d. *Residence requirements.* A major objective of the settlement program for the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence: (1) Within one year from the date of his contract or by March 1 of the year water is first declared available to the irrigation block in which the farm unit is located, whichever is later, he must initiate residence by actually moving onto the unit, such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence, and (2) before receiving title to the unit under the land sale contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the Project Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than one year in addition to the one-year period specified above.

e. *Speculation and landholding limitations.* Land sale contracts and deeds covering farm units offered by this announcement will include provisions governing (1) maximum permissible sizes of holdings of irrigable lands; (2) continued conformance of land to the area and boundaries of the farm unit plat for the block; (3) prices at which land can be resold during a period of five years following the date on which water is made available to the irrigation block; (4) disposal of land should it become excess at any time; and (5) limitations as to total area that may be operated on the Project, whether as lessee or as owner or both.

f. *Possession.* The purchaser may take possession of the lands being purchased when he has complied with the requirements described in section 15 and the land sale contract has been executed by the Project Manager for the United States, except that if a farm unit is under lease when sold possession may not be taken until the end of the period for which the unit is leased. Such leases occur infrequently and are of not more than one year's duration.

g. *Sales, assignments, leases.* Each purchaser shall be required to agree that he, his heirs and assigns, will not, except with the approval of the Project Manager, sell, assign, lease, or otherwise dispose of, or contract to sell, assign, lease, or otherwise dispose of, his land during a period ending five years from the date of his purchase contract.

h. *Copies of contract form.* The terms listed above and all other standard contract provisions are contained in the land sale contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

IRRIGATION CHARGES

SEC. 17. *Water rental charges.* In Irrigation Block 85, some construction activities will be continuing and the system will be tested during the irrigation season of 1959. However, it is expected that water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be

at a fixed rate per acre-foot of water used, will be announced by the Regional Director before the beginning of the irrigation season.

SEC. 18. *Development period charges.* Pursuant to the provisions of the repayment contract of October 9, 1945, between the United States and the Quincy-Columbia Basin Irrigation District in the Columbia Basin Project, the Secretary of the Interior will announce a development period of ten years during which time payment of construction charge installments will not be required. This period probably will commence with the calendar year 1959 for Irrigation Blocks 77 and 79 and the calendar year 1960 for Irrigation Block 85. The development period began in 1957 for Irrigation Blocks 86 and 87 and in 1958 for Irrigation Block 89.

During the development period, water rental charges will average an estimated $6 per year for each irrigable acre as tentatively or finally classified. This figure is preliminary and subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year by the Regional Director, who has the responsibility for fixing charges.

The present plans of the Regional Director are (a) to vary the minimum charge according to the anticipated relative repayment ability of the various land classes; (b) to provide for a small minimum charge for the first year and to increase it each year thereafter so that the charge for the tenth year will be approximately equal to the combined construction and operation and maintenance charge for the following year; and (c) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water, to be specified by the Regional Director, varying with the water requirement classification of the land and the size of the farm unit.

In addition to the water rental charges, the irrigation district will levy an additional charge to cover administrative costs and probable delinquencies in collections.

SEC. 19. *Construction period repayment charges—a. Operation and maintenance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the project irrigation system which will be uniform for the irrigation blocks throughout the Project. These charges may or may not be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine, but, in any case, there will be an annual minimum charge per acre. In order to encourage careful use of water, this annual minimum charge will entitle the water user to one-half acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contract with the irrigation districts. Water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis in accordance with an ascending, graduated scale.

b. *Construction charges.* The contract between the United States and the Quincy-Columbia Basin Irrigation District requires the payment of construction charges for the project irrigation system during the 40 years following the development period. The average construction charge per irrigable acre for the entire project will be $2.12 per year. Thus, the total construction charge payment will average $85 per irrigable acre, but that amount was predicated on an estimated total direct irrigation cost of not to exceed $280,782,180, as indicated by Article 6 of the repayment contract, an amount that it now appears is likely to be exceeded. The contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

FRED G. AANDAHL,
Acting Secretary of the Interior.

[F. R. Doc. 58-7923; Filed, Sept. 26, 1958; 8:47 a. m.]

Office of the Secretary

[Order No. 2833]

SPECIFIED OFFICERS

DELEGATION OF AUTHORITY REGARDING DEFENSE FUNCTIONS

SECTION 1. *Delegation of authority.* Except as provided in section 3 of this order and in redelegations, which the Secretary may make or has continued, to agencies outside of the Department of the Interior, all functions and powers which are or may be vested in the Secretary of the Interior by delegations or redelegations issued pursuant to the Defense Production Act of 1950, as amended, or issued pursuant to any other law by virtue of authority delegated to him under the Defense Production Act of 1950, as amended, may be performed and exercised:

(a) In so far as these functions and powers relate to domestic exploration for metals and minerals, by the Director of the Office of Minerals Exploration;

(b) In so far as these functions and powers relate to solid fuels and the distribution of petroleum coke, and to metals and minerals, other than domestic exploration for metals and minerals, by the Director of the Office of Minerals Mobilization;

(c) In so far as these functions and powers relate to fishery commodities or products, by the Commissioner of Fish and Wildlife; and

(d) In so far as these functions and powers relate to petroleum or gas, other than the distribution of petroleum coke, by the Director of the Office of Oil and Gas.

SEC. 2. *Electric power.* The defense functions of the Secretary relating to electric power fall within the assignment of the Assistant Secretary—Water and Power Development, who is one of the Secretarial officers already empowered by section 1 of Order No. 2509, as amended (17 F. R. 6793, 8634; 22 F. R. 2218) to exercise the authority of the Secretary with respect to various matters relating to defense, including electric power.

SEC. 3. *Limitations.* (a) Section 1 of this order does not authorize any officer mentioned in that section to:

(1) Perform any function or exercise any power which cannot be redelegated by the Secretary of the Interior under the provisions of any delegation of authority to the Secretary;

(2) Redelegate any power or function to any person other than an officer or employee of the bureau or office which he heads;

(3) Appoint or employ any person under section 710 of the Defense Production Act of 1950, as amended; or

(4) Issue orders or directives relating to petroleum, gas, or solid fuels.

(b) Existing arrangements for Department representation on interagency and interdepartmental committees and boards dealing with defense functions are hereby confirmed, but the function of specifying the arrangements for such representation as may be necessary is reserved to the Secretary.

(c) The function of establishing policies pertaining to defense matters involving two or more defense areas is reserved to the Secretary.

(d) Recommendations to the Office of Civil and Defense Mobilization on all matters relative to accelerated tax amortization, available under provisions of section 168 of the Internal Revenue Code of 1954, will be signed by the Under Secretary or the Secretary.

SEC. 4. *Access roads.* (a) The Director of the Office of Minerals Mobilization is directed to exercise the function of certifying access roads in connection with the production of metallurgical coal to the Secretary of Commerce under section 6 of the Defense Highway Act of 1941, as amended (23 U. S. C., sec. 106) and section 12 of the Federal-Aid Highway Act of 1950 (64 Stat. 791), pursuant to the Presidential memorandum of March 3, 1952.

(b) The Director of the Office of Minerals Exploration is similarly directed to exercise the function of certifying access roads in connection with the exploration for strategic and critical metals and minerals and related development.

SEC. 5. *Effect on prior actions.* (a) Interior Defense Delegation 1 (19 F. R. 9357) to the Administrator of General Services respecting metals and minerals is continued in force. Defense Solid Fuels Administration Delegation 1 (18 F. R. 4590) to the Secretary of Commerce respecting the distribution of coal

chemicals produced as byproducts of coke made from coal is continued in force. Petroleum Administration for Defense Delegation 1 (16 F. R. 3389) to the Business and Defense Services Administration (N. P. A.), Department of Commerce, respecting certain products of petroleum and gas origin, is continued in force. Defense Minerals Exploration Administration Order 1, Revised, is continued in force in so far as its provisions relate to exploration project contracts in effect on June 30, 1958, which contracts were transferred to the Office of Minerals Exploration, established by the Secretary of the Interior on September 11, 1958 to replace the Defense Minerals Exploration Administration. This order shall not be deemed to affect the Voluntary Agreement Relating to Foreign Petroleum Supply, dated May 1, 1953 (18 F. R. 4262), as amended.

(b) This order supersedes Order No. 2822 (22 F. R. 5779).

(Defense Production Act of 1950, as amended (50 U. S. C. App., sec. 2153); Sec. 168 of the Internal Revenue Code; E. O. 10480, as amended (18 F. R. 4939, 6201, 19 F. R. 7249, 23 F. R. 5061, 6971); Defense Mobilization Order I-7, as amended (18 F. R. 5366, 19 F. R. 7348); Defense Mobilization Order I-13 (18 F. R. 7348); Defense Mobilization Order VII-5, as amended (18 F. R. 6408, 19 F. R. 7349); Defense Transport Administration Delegation No. 6, as amended, and continued by Organization Order DTA 1, as amended (18 F. R. 4149, 19 F. R. 1071, 20 F. R. 4550); NPA Delegation No. 9, continued by Business and Defense Services Administration Regulation No. 1 (17 F. R. 1008, 18 F. R. 6337); Department of Agriculture, Defense Food Delegation No. 2, Revision 1 (17 F. R. 2369); Federal Civil Defense Administration Delegation 3 (20 F. R. 5957); Federal Civil Defense Administration Delegation 4 (20 F. R. 6733); Interim Directive No. 2 of the Office of Defense and Civilian Mobilization).

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 22, 1958.

[F. R. Doc. 58-7924; Filed, Sept. 26, 1958; 8:47 a. m.]

[Order No. 2834]

DIRECTOR, OFFICE OF MINERALS EXPLORATION

DELEGATION OF AUTHORITY

SECTION 1. *Director.* (a) The Director, Office of Minerals Exploration, is authorized to exercise the authority of the Secretary of the Interior under the act of August 21, 1958 (72 Stat. 700) except the authority in subsection 2 (e) with respect to establishing rules and regulations.

(b) The Director, Office of Minerals Exploration, is authorized to exercise the authority of the Secretary under regulations issued pursuant to the act of August 21, 1958 (supra).

(c) The Director, Office of Minerals Exploration, with the concurrence of the Director of the employing bureau and the Assistant Secretary, may designate an Executive Officer for any field team.

(d) The Director, Office of Minerals Exploration, is authorized to limit, suspend, or revoke any of the authority delegated in section 2 of this order. Any such limitation, suspension, or revocation shall be published in the FEDERAL REGISTER.

SEC. 2. *Executive officers.* With respect to exploration project contracts executed under the program of the former Defense Minerals Exploration Administration, or any exploration contract executed under the act of August 21, 1958 (supra), the Executive Officer of a field team of the Office of Minerals Exploration is authorized to:

(a) Enter into written amendments of contracts that effect—

(1) Changes in the specifications for or description of the work, in the amount of the work, or in the number of units of work, within the limit of the original scope and purpose of the contract, that do not violate any of the following restrictions:

(i) The maximum amount of the Government's contribution as provided in the contract shall not be increased,

(ii) An estimate of requirement or cost provided by an actual-cost contract as a maximum shall not be increased,

(iii) A unit cost fixed by a unit-cost contract shall not be increased,

(iv) The specification for a unit of work provided by a unit-cost contract shall not be lowered, and

(v) Fixed or agreed unit costs not provided for in the contract shall not be added;

(2) Modification of the time periods allowed for commencement and completion of the work that do not allow an aggregate time for completion of more than two years from the date of the contract;

(3) Additions to (not withdrawals from) the land described in the contract; and

(4) Extensions (not reductions) of the periods for payment of royalty to the Government;

(b) Approve in writing contracts between the operator and independent contractors;

(c) Take on behalf of the Government any actions provided for in the contract with respect to the performance of work, including the location or spotting of work, the course or direction of work, and the determination of the results of completed work or other contingencies upon which the prosecution of further work is made to depend;

(d) Approve vouchers for contribution by the Government to the costs of the work;

(e) Approve in writing of the sale and join in the sale for the joint account of the operator and the Government, as provided in the contract, of—

(1) Any facility, building, fixture, or piece of equipment the original cost of which did not exceed $5,000, and

(2) Any group or category (such as pipe, explosives, rails, drill steel) of materials or supplies remaining, the original cost of the remaining portion of which did not exceed $2,500;

(f) Waive in writing the Government's interest in any facility, building, fixture, or piece of equipment, or any group or category (such as pipe, explosives, rails, drill steel) of materials or supplies remaining, the original cost of which or of the remaining portion of which did not exceed $1,000; and

(g) Take on behalf of the Government any actions with respect to contracts (except the execution), not delegated herein, when authorized in writing, in advance, by the Director, Office of Minerals Exploration.

SEC. 3. *Redelegation.* The authority delegated in sections 1 and 2 of this order may not be redelegated.

SEC. 4. *Revocation; ratification.* Order No. 2808 (21 F. R. 222) is revoked. Any action taken pursuant to Order No. 2808 by an Executive Officer on September 11, 1958 (the date on which the Office of Minerals Exploration was established to replace the Defense Minerals Exploration Administration) and prior to the date of this order, is ratified.

(Defense Mobilization Order I-7, as amended (18 F. R. 5366, 19 F. R. 7349); Sec. 2, Reorganization Plan No. 3 of 1950, 5 U. S. C. 133z-15 note)

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 22, 1958.

[F. R. Doc. 58-7925; Filed, Sept. 26, 1958; 8:47 a. m.]

[Fairbanks 019503]

ALASKA

WITHDRAWING LANDS AT HOOPER BAY FOR SCHOOL PURPOSES

By virtue of the authority vested in the Secretary of the Interior by the act of May 31, 1938 (52 Stat. 593; 48 U. S. C. 353a), it is ordered as follows:

Subject to valid existing rights the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved under the jurisdiction of the Bureau of Indian Affairs, Department of the Interior, for school purposes:

Hooper Bay

Beginning at Corner No. 2 of U. S. S. 2026 which bears N. 86°27' W., 270.60 feet from U. S. L. M. No. 2026; thence
N. 86°27' W., 200.00 feet;
N. 3°33' E., 530.00 feet;
S. 86°27' E., 470.60 feet;
S. 3°33' W., 200.00 feet to Corner No. 4 of U. S. S. 2026;
N. 86°27' W., 270.60 feet to Corner No. 3 of U. S. S. 2026;
S. 3°33' W., 330.00 feet to the point of beginning.

The tract described contains 3.68 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 22, 1958.

[F. R. Doc. 58-7926; Filed, Sept. 26, 1958; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

JUDICIAL OFFICER

SUPPLEMENTAL DELEGATION OF AUTHORITY IN CONNECTION WITH AUTHENTICATING DOCUMENTS

Supplementing the delegation of authority of January 20, 1955, 20 F. R. 568, to the Judicial Officer of the Department of Agriculture, I hereby authorize that the name of the Secretary of Agriculture be subscribed by such officer to certificates authenticating copies or transcripts of any books, records, papers or other documents pursuant to the act of August 8, 1894 (28 Stat. 272; 5 U. S. C. 513), and the act of June 25, 1948 (62 Stat. 946; 28 U. S. C. 1733), as true copies of those on file in the office of the Hearing Clerk of the Department of Agriculture and thereby in the custody of the Secretary of Agriculture.

This order shall be in addition to, and shall not supersede, the order dated May 12, 1958 (23 F. R. 3336), authorizing the General Counsel, the Deputy General Counsel, and Assistant General Counsels to subscribe the name of the Secretary of Agriculture on certificates authenticating documents on file in the Department of Agriculture.

Done at Washington, D. C., this 22d day of September 1958.

[SEAL] E. T. BENSON,
Secretary.

[F. R. Doc. 58-7938; Filed, Sept. 26, 1958; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[File 23-587]

BAKANOWSKI CORP., LTD.

ORDER DENYING EXPORT PRIVILEGES FOR AN INDEFINITE PERIOD

In the matter of Bakanowski Corporation, Ltd., 2 Doughty Street, London, W. C. 2, England, respondent; File 23-587.

An investigation is pending concerned with the possible unauthorized transshipment to prohibited destinations of large quantities of steel sheets exported from the United States pursuant to general license and validated licenses, which sheets were obtained from the United States upon representations made by the respondent, Bakanowski Corporation, Ltd., that they were being purchased for shipment to and use in the destinations for which their exportations were licensed, and said investigation is concerned further with the relation which the said respondent may have to Industrial Specialty Company Ltd. and persons or firms connected with it, to whom all export privileges have been denied (15 F. R. 8868, Dec. 14, 1950). The Director, Investigation Staff, Bureau of Foreign Commerce, U. S. Department of Commerce, has applied for an order denying to said respondent, Bakanowski Corporation, Ltd., all export privileges for an indefinite period because of its failure and refusal to respond to written interrogatories duly served on it. The application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, CFR) and, in accordance with the practice thereunder, was referred to the Compliance Commissioner of the Bureau of Foreign Commerce who, after considering evidence in support thereof, has recommended that it be granted.

Now, upon receipt of the Compliance Commissioner's recommendation, after reviewing and considering the evidence submitted in support of the application, from which evidence it appears (1) that there is reasonable ground to believe that the steel sheets which are the subject of the investigation have been diverted to unauthorized destinations, (2) that there is reasonable ground to believe that, in connection with the purchase or acquisition of said steel sheets the respondent was acting for or in association with a person or with persons denied export privileges under and pursuant to the said order heretofore issued against Industrial Specialty Company, Ltd., and (3) that relevant and material interrogatories were duly served on it to which it has failed, omitted, and refused to respond without reasonable cause and without adequate explanation and, having concluded further (a) that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended, and (b) that it is advisable that persons in the United States and in other parts of the world be informed by publication of this order of the provisions hereafter set forth so that the respondent may be prevented from receiving and transshipping commodities exported from the United States so long as it is effective: *It is hereby ordered:*

I. All outstanding validated export licenses in which the respondent, Bakanowski Corporation, Ltd., appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. The respondent, its successors or assigns, officers, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any past, present, or future exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondent's and such other persons' participation (a) as parties or as representatives of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

III. This denial of export privileges shall apply not only to the respondent, but also to any person, firm, corporation, or business organization with which it now or hereafter may be related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

IV. This order shall remain in effect until the respondent satisfactorily answers or furnishes written information or documents in response to the interrogatories heretofore served on it or gives adequate reason for its failure or refusal to respond, except insofar as it may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, or other business organization, within the United States or elsewhere (whether or not engaged in trade relating to exports from the United States) shall, on behalf of or in any association with the respondent or any related party, without prior disclosure of the facts to and specific authorization from the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, or do any of the foregoing acts with respect to any exportation in which respondent or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

VI. In accordance with the provisions of § 382.11 (c) of the Export Regulations, the respondent may move, at any time prior to the cancellation or termination hereof, to vacate or modify this indefinite denial order by filing an appropriate application therefor, supported by evidence, with the Compliance Commissioner, and it may request oral hearing thereon, which, if requested, will be held before the Compliance Commissioner at Washington, D. C., at the earliest convenient date.

Dated: September 23, 1958.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 58-7897; Filed, Sept. 25, 1958; 8:53 a. m.]

Federal Maritime Board

MEMBER LINES OF INDIA, PAKISTAN, CEYLON & BURMA OUTWARD FREIGHT CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

(1) Agreement No. 7690–5, between the member lines of The India, Pakistan, Ceylon & Burma Outward Freight Conference, modifies the basic agreement of that conference (No. 7690, as amended), which covers the trade from United States Atlantic and Gulf of Mexico ports to ports in India, Pakistan, Ceylon and Burma. The purpose of the modification is to provide (1) for a penalty of not more than $15,000 for each violation of the conference agreement; (2) for arbitration of disputes in case of a violation; and (3) for a deposit of $15,000 in cash or other security of equal value by each of the member lines, to guarantee the faithful performance of the terms of the conference agreement and the payment of any penalty or judgment against the individual lines.

(2) Agreement No. 7700–5, between the member lines of The Persian Gulf Outward Freight Conference, modifies the basic agreement of that conference (No. 7700, as amended), which covers the trade from United States Atlantic and Gulf of Mexico ports to ports in the Persian Gulf and adjacent waters in the range west of Karachi and north east of Aden (but excluding both Aden and Karachi). The purpose of the modification is to provide (1) for a penalty of not more than $15,000 for each violation of the conference agreement; (2) for arbitration of disputes in case of a violation; and (3) for a deposit of $15,000 in cash or other security of equal value by each of the member lines, to guarantee the faithful performance of the terms of the conference agreement and the payment of any penalty or judgment against the individual lines.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 23, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58–7909; Filed, Sept. 25, 1958; 8:56 a. m.]

FLOTA MERCANTE DEL ESTADO (ARGENTINE STATE LINE) AND BULL INSULAR LINE, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8329, between Flota Mercante del Estado (Argentine State Line) and Bull Insular Line, Inc., covers the transportation of general cargo under through bills of lading from Argentina, Brazil and Uruguay to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement No. 8329, upon approval, will supersede and cancel approved Agreement No. 7998, between the same parties in the same trade.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 22, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58–7910; Filed, Sept. 25, 1958; 8:57 a. m.]

Federal Maritime Board and Maritime Administration

[Docket No. S–78]

AMERICAN PRESIDENT LINES, LTD.

AMENDED NOTICE OF HEARING

Notice appearing in the FEDERAL REGISTER, issue of July 25, 1958 (23 F. R. 5639), is amended by deleting that portion of the first paragraph thereof following the words "to be held" and substituting therefor the following: "to determine to what extent written permission should be granted to American President Lines, Ltd., under section 805 (a) of the Merchant Marine Act, 1936, as amended, to operate between California and Hawaii, in its Trans-Pacific, Trade Route No. 29, Line A–1 Service, (a) its proposed new passenger vessel, and (b) pending entry of such vessel into service, the 'S. S. President Hoover'."

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having any interest in the foregoing and desiring to intervene in this proceeding are requested to notify the Secretary, Federal Maritime Board/Maritime Administration, Washington 25, D. C., in writing in triplicate, by close of business on October 3, 1958, and should promptly file petition for leave to intervene in accordance with the rules of practice and procedure of the Federal Maritime Board.

Dated: September 25, 1958.

By order of the Federal Maritime Board and Maritime Administrator.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58–7986; Filed, Sept. 26, 1958; 8:57 a. m.]

Office of the Secretary

JOSEPH B. TERBELL

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Joseph B. Terbell.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: September 3, 1958.

4. Title of position: Chief, Castings Branch.

5. Name of private employer: American Brake Shoe Company, 530 Fifth Avenue, New York 36, New York.

CARLTON HAYWARD,
Director of Personnel.

JULY 18, 1958.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

American Brake Shoe Company.
Air Reduction Company.
Alpha Portland Cement Company.
American Smelting & Refining Company.
American Telephone & Telegraph Company.
Anaconda Company.
Chemetron Corporation.
Cincinnati & Suburban Bell Telephone Company.
E. I. DuPont de Nemours.
General Electric Company.
General American Investors Company, Inc.
General Motors Corporation.
Hercules Powder Company.
Inland Steel Company.
Inter-provincial Pipe Line.
The Lazard Fund, Inc.
Monsanto Chemical Company.
Newmont Mining Company.
One William Street Fund, Inc.
J. C. Penney Company.
Phelps Dodge Corporation.
Siscoe Gold Mines.
Standard Oil Company of New Jersey.
Texas Company.
Texas Gulf Producing Company.
Bank Deposits.

Dated: September 17, 1958.

JOSEPH B. TERBELL.

[F. R. Doc. 58–7945; Filed, Sept. 26, 1958; 8:51 a. m.]

WILBUR F. DUERINGER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of April

10, 1956; 21 F. R. 2303; October 2, 1956; 21 F. R. 7553; March 29, 1957; 22 F. R. 2093; September 25, 1957; 22 F. R. 7614–15; March 25, 1958; 23 F. R. 1973.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 12, 1958.

WILBUR F. DUERINGER.

SEPTEMBER 12, 1958.

[F. R. Doc. 58-7946; Filed, Sept. 26, 1958; 8:51 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-60]

BETHESDA NAVAL HOSPITAL

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY LICENSE

Please take notice that the Atomic Energy Commission has issued the following amendment (No. 1) to License No. R-27 authorizing the United States Naval Hospital, Bethesda, Maryland, to relocate the reactor console of its nuclear reactor from its present location in the reactor room to an office adjoining the reactor room. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor with the console at the proposed new location does not present any substantial changes in the hazards to the health and safety of the public from those present by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. For further details see (1) the application submitted by the Bethesda Naval Hospital and (2) a hazards analysis of operation of the reactor with the console at the new location prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 22d day of September 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[License No. R-27, Amdt. 1]

The Bethesda Naval Hospital is hereby authorized to relocate the console of its reactor in accordance with the plans and specifications set forth in its application for amendment dated August 9, 1958.

This amendment is effective as of the date of issuance.

Date of issuance: September 22, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-7913; Filed, Sep. 26, 1958; 8:45 a. m.]

[Docket No. 50-114]

WILLIAM M. RICE INSTITUTE

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that the William M. Rice Institute, Houston, Texas, under section 104c of the Atomic Energy Act of 1954, filed an application dated July 31, 1958, for a license to acquire, possess, and operate on the Institute's campus a fifteen watt research reactor. The reactor is of the type designated by the manufacturer, Aerojet-General Nucleonics, as Model AGN-211. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 22d day of September 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-7914; Filed, Sept. 26, 1958; 8:45 a. m.]

[Docket No. 50-117]

UNIVERSITY OF MAINE

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that the University of Maine, Orono, Maine, under section 104c of the Atomic Energy Act of 1954, filed an application dated September 12, 1958, for a license to acquire, possess, and operate on the University's campus a one hundred milliwatt research reactor. The reactor is of the type designated by the manufacturer, Aerojet-General Nucleonics, as Model AGN-201. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 23d day of September 1958.

For the Atomic Energy Commission.

E. R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F. R. Doc. 58-7955; Filed, Sept. 26, 1958; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9861]

FLIGHT ENTERPRISES, INC.

NOTICE OF HEARING

In the matter of the petition of Flight Enterprises, Inc., for a disclaimer of jurisdiction.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 30, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., September 23, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-7964; Filed, Sept. 26, 1958; 8:55 a. m.]

[Docket No. 9837]

KUNEX TRANSPORTATION CO., S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Kunex Transportation Co., S. A. for a foreign air carrier permit under section 402 (a) of the Civil Aeronautics Act of 1938, as amended, authorizing indirect air transportation of property between points in the United States and points in Cuba.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on October 3, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., September 23, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-7965; Filed, Sept. 26, 1958; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-16359]

ARKANSAS LOUISIANA GAS CO.

ORDER INSTITUTING INVESTIGATION

SEPTEMBER 24, 1958.

Arkansas Louisiana Gas Company (Respondent) is engaged in the transportation of natural gas in interstate commerce and in the sale of natural gas in interstate commerce for resale for ultimate public consumption, and, therefore is a natural-gas company within the meaning of the Natural Gas Act, as heretofore found by the Commission by order of January 25, 1943, in Docket No. G-252, 3 FPC 910.

On the basis of data available to the Commission, it appears that the rates,

charges, or classifications for or in connection with the sales or transportation of natural gas by Respondent herein, subject to the jurisdiction of the Commission, and the rules, regulations, practices, and contracts relating thereto, may be unjust, unreasonable, unduly discriminatory or preferential.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission, upon its own motion, into and concerning all rates, charges, or classifications demanded, observed, charged, or collected by Respondent for or in connection with any transportation or sales of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges, or classifications.

The Commission orders:

(A) An investigation of Respondent, Arkansas Louisiana Gas Company, is hereby instituted under the provisions of the Natural Gas Act for the purpose of enabling the Commission to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by Respondent, any of the rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential.

(B) If the Commission, after a hearing has been had, shall find with respect to Respondent, that any of its rates, charges, classifications, rules, regulations, practices, or contracts, subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory, or preferential, the Commission shall thereupon determine and fix by appropriate order or orders just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 14, 15, and 16 thereof, and the Commission's rules of practice and procedure, a public hearing be held at a date later to be designated by notice from the Secretary of the Commission, in a Hearing Room of the Commission at 441 G Street, NW., Washington, D. C., concerning the matters specified in paragraphs (A) and (B) above.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7967; Filed, Sept. 26, 1958; 8:55 a. m.]

[Docket No. G-16005]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 23, 1958.

Take notice that The Ohio Fuel Gas Company (Applicant), an Ohio corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 99 North Front Street, Columbus, Ohio, filed on August 15, 1958, an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing it to construct and operate certain natural gas transmission facilities and for authority to abandon certain other facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate the following facilities:

Project 1. Approxmiately 4,700 feet of 8⅝ inch O. D. natural gas transmission pipeline in Wayne County, Ohio, partially replacing Line L-649 serving the Rittman Market area.

Project 2. Approximately 5,200 feet of 4½ inch O. D. natural gas transmission pipeline in Pickaway County, Ohio, partially replacing Line Z-3 serving Williamsport.

Applicant also requests authorization for the abandonment of approximately 4,700 feet of 4½ inch O. D. and 5,200 feet of 2⅜ inch O. D. transmission line to be replaced by the proposed facilities.

The estimated natural gas requirements of the retail markets of Creston, Sterling and Rittman, presently served by the 4½ inch pipeline proposed to be replaced by Project 1, are as follows:

Year	Requirements in Mcf	
	Annual	Peak day
1957 (actual)	377,259	3,453
1960 (estimated)	449,300	4,040
1960 (estimated)	469,100	4,210
1961 (estimated)	486,300	4,380

In order to meet these estimated future requirements Applicant proposes this replacement in Project 1 in order to increase its capacity.

Applicant alleges the replacement proposed by Project 2 is required because of the condition of the existing pipe, which was installed in 1908 and to meet expected future growth in requirements of the Williamsport market.

Applicant's supply line to be partially replaced by Project 2 serves Williamsport in Pickaway County, Ohio, which owns and operates a municipal gas distribution plant. The estimated gas requirements of the Williamsport market are as follows:

Year	Requirements in Mcf	
	Annual	Peak day
1957 (actual)	47,427	413
1959 (estimated)	55,144	400
1960 (estimated)	55,258	400
1961 (estimated)	53,200	400

The pipe to be retired will be abandoned in the ground.

The estimated cost of the construction of the Line L-649 replacement is $23,500 and that of Line Z-3 replacement is $9,960, which will be financed from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 23, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 13, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7948; Filed, Sept. 26, 1958; 8:51 a. m.]

[Project No. 1988]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

SEPTEMBER 23, 1958.

Public notice is hereby given that Pacific Gas and Electric Company, of San Francisco, California, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license for water-power Project No. 1988, now under construction on Kings River, North Fork of Kings River, and Helms Creek in Fresno County, California, to provide for the enlargement

during initial construction of Courtright (formerly called Helms) dam and reservoir so as to increase the storage capacity of the reservoir by 20,800 acre-feet to a total of 123,300 acre-feet with maximum water surface at elevation 8184, USGS datum; to increase the project area therefor by about 325 acres, all being lands of the United States within the Sierra National Forest; and to make minor changes in spillway and outlet works.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is October 27, 1958. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7949; Filed, Sept. 26, 1958; 8:51 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

NOTICE OF CALL FOR PARTIAL REDEMPTION

SEPTEMBER 19, 1958.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; 12 U. S. C., sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1959, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination:	*Serial numbers (all numbers inclusive)*
$50	4,041 to 4,238
$100	12,372 to 13,241
$500	3,079 to 3,172
$1,000	13,454 to 14,320
$5,000	3,446 to 3,634
$10,000	34,838 to 36,198

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1958. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1958, and provision will be made for the payment of final interest due on January 1, 1959, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1958 to December 31, 1958, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1959, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 23, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-7974; Filed, Sept. 26, 1958; 8:56 a. m.]

2½ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES L

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 19, 1958.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; 12 U. S. C., sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Title I Housing Insurance Fund Debentures, Series L, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1959, on which date interest on such debentures shall cease:

2½ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES L

Denomination:	*Serial numbers (all numbers inclusive)*
$50	149 to 153
$100	206 to 213
$500	102 to 105
$1,000	435 to 446

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1958. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1958, and provision will be made for the payment of final interest due on January 1, 1959, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1958 to December 31, 1958, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1959, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 23, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-7968; Filed, Sept. 26, 1958; 8:55 a. m.]

2½ PERCENT NATIONAL DEFENSE HOUSING INSURANCE FUND DEBENTURES, SERIES P

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 19, 1958.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; 12 U. S. C., sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent National Defense Housing Insurance Fund Debentures, Series P, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1959, on which date interest on such debentures shall cease:

2½ PERCENT NATIONAL DEFENSE HOUSING INSURANCE FUND DEBENTURES, SERIES P

Denomination:	*Serial numbers (all numbers inclusive)*
$50	46 to [illegible]
$100	30 to [illegible]
$500	11 to [illegible]
$1,000	59 to [illegible]
$5,000	6 to [illegible]
$10,000	386 to 1001

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1958. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1958, and provision will be made for the payment of final interest due on January 1, 1959, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1958 to December 31, 1958, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1959, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 23, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-7976; Filed, Sept. 26, 1958; 8:57 a. m.]

2¾ Percent Title I Housing Insurance Fund Debentures, Series R

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 19, 1958.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; 12 U. S. C., sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Title I Housing Insurance Fund Debentures, Series R, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1959, on which date interest on such debentures shall cease:

2¾ Percent Title I Housing Insurance Fund Debentures, Series R

Denomination:	*Serial numbers (all numbers inclusive)*
$50	204 to 214
$100	270 to 334
$500	65 to 82
$1,000	76 to 84
$5,000	81 to 98

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1958. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1958, and provision will be made for the payment of final interest due on January 1, 1959, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1958 to December 31, 1958, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1959, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 23, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-7969; Filed, Sept. 26, 1958; 8:56 a. m.]

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3 Percent Title I Housing Insurance Fund Debentures, Series T

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 19, 1958.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; 12 U. S. C., sec. 1701 et seq.) as amended, public notice is hereby given that 3 percent Title I Housing Insurance Fund Debentures, Series T, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1959, on which date interest on such debentures shall cease:

3 Percent Title I Housing Insurance Fund Debentures, Series T

Denomination:	*Serial numbers (all numbers inclusive)*
$50	161 to 194
$100	596 to 712
$500	234 to 302
$1,000	213 to 285
$5,000	186 to 225
$10,000	7 to 11

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1958. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1958, and provision will be made for the payment of final interest due on January 1, 1959, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1958, to December 31, 1958, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1959, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 23, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-7970; Filed, Sept. 26, 1958; 8:56 a. m.]

2¾ Percent National Defense Housing Insurance Fund Debentures, Series Y

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 19, 1958.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; 12 U. S. C., sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent National Defense Housing Insurance Fund Debentures, Series Y, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1959, on which date interest on such debentures shall cease:

2¾ Percent National Defense Housing Insurance Fund Debentures, Series Y

Denomination:	*Serial numbers (all numbers inclusive)*
$50	9 to 67
$100	27 to 242
$500	12 to 92
$1,000	25 to 292
$5,000	8 to 118
$10,000	236 to 602

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1958. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1958, and provision will be made for the payment of final interest due on January 1, 1959, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1958 to December 31, 1958, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1959, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 23, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-7977; Filed, Sept. 26, 1958; 8:57 a. m.]

2½, 2⅝, 2¾, 2⅞, 3, 3¼ and 3⅜ Percent Mutual Mortgage Insurance Fund Debentures, Series AA

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 19, 1958.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; 12 U. S. C., sec. 1701 et seq.) as amended, public notice is hereby given that 2½, 2⅝, 2¾, 2⅞, 3, 3¼ and 3⅜ percent Mutual Mortgage Insurance Fund Debentures, Series AA, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1959, on which date interest on such debentures shall cease:

2½, 2⅝, 2¾, 2⅞, 3, 3¼ and 3⅜ Percent Mutual Mortgage Insurance Fund Debentures, Series AA

Denomination:	*Serial numbers (all numbers inclusive)*
$50	1,170 to 1,411
$100	3,809 to 4,896
$500	1,137 to 1,478
$1,000	2,737 to 3,505
$5,000	1,240 to 1,555
$10,000	731 to 1,275

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1958. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1958, and provision will be made for the payment of final interest due on January 1, 1959, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1958, to December 31, 1958, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1959, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 23, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-7971; Filed, Sept. 26, 1958; 8:56 a. m.]

2½, 2¾ AND 3 PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 19, 1958.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; 12 U. S. C., sec. 1701 et seq.) as amended, public notice is hereby given that 2½, 2¾ and 3 percent Housing Insurance Fund Debentures, Series BB, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1959, on which date interest on such debentures shall cease:

2½, 2¾ and 3 PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

Denomination:	*Serial numbers (all numbers inclusive)*
$50	4 to 19
$100	40 to 91
$500	6 to 50
$1,000	25 to 129
$5,000	10 to 37
$10,000	616 to 813

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1958. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1958, and provision will be made for the payment of final interest due on January 1, 1959, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1958, to December 31, 1958, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1959, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 23, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-7972; Filed, Sept. 26, 1958; 8:56 a. m.]

2⅞ AND 3 PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 19, 1958.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; 12 U. S. C., sec. 1701 et seq.) as amended, public notice is hereby given that 2⅞ and 3 percent Servicemen's Mortgage Insurance Fund Debentures, Series EE, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1959, on which date interest on such debentures shall cease:

2⅞ and 3 PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Denomination:	*Serial numbers (all numbers inclusive)*
$50	4 to 8
$100	21 to 35
$500	3 to 6
$1,000	19 to 28
$5,000	2 to 4
$10,000	3 to 6

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1958. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1958, and provision will be made for the payment of final interest due on January 1, 1959, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1958, to December 31, 1958, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1959, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 23, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-7973; Filed, Sept. 26, 1958; 8:56 a. m.]

2½ AND 2¾ PERCENT ARMED SERVICES HOUSING MORTGAGE INSURANCE FUND DEBENTURES, SERIES FF

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 19, 1958.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; 12 U. S. C., sec. 1701 et seq.) as amended, public notice is hereby given that 2½ and 2¾ percent Armed Services Housing Mortgage Insurance Fund Debentures, Series FF, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1959, on which date interest on such debentures shall cease:

2½ AND 2¾ PERCENT ARMED SERVICES HOUSING MORTGAGE INSURANCE FUND DEBENTURES, SERIES FF

Denomination:	*Serial numbers (all numbers inclusive)*
$10,000	684 to 1,415

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1958. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1958, and provision will be made for the payment of final interest due on January 1, 1959, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1958, to December 31, 1958, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1959, or for pur-

chase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 23, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-7975; Filed, Sept. 26, 1958; 8:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-655]

PETROLEUM EXPLORATION

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

SEPTEMBER 22, 1958.

Notice is hereby given that Petroleum Exploration ("Exploration"), a holding company which has heretofore claimed exemption pursuant to Rule 9 promulgated under the Public Utility Holding Company Act of 1935 ("Act"), has filed an application and an amendment thereto pursuant to section 3 (a) (3) of the act requesting an order exempting it and its four subsidiaries from the provisions of the act on the grounds that Exploration is only incidentally a holding company being primarily engaged or interested in one or more businesses other than the business of a public-utility company and not deriving directly or indirectly any material part of its income from any one or more subsidiary companies the principal business of which is that of a public-utility company.

All interested persons are referred to the application on file at the Commission for a statement of the request for the exemption, and of the facts forming the basis for such exemption, which are summarized as follows:

Exploration, a Maine corporation, is engaged in exploring for and producing petroleum and natural gas in Kentucky, Indiana, and Illinois. No natural gas is produced in Indiana or Illinois other than casinghead gas which is sold at the wellhead. Exploration produces natural gas in Kentucky, sells such gas to others for resale, but does not itself sell any natural gas at retail.

Exploration's four subsidiaries are Peoples Gas Company of Kentucky ("Peoples"), Petroleum Purchasing Company ("Purchasing Company"), Southern Petroleum Exploration, Inc. ("Southern"), and Wittmer Oil & Gas Corporation ("Wittmer"). Peoples, a public-utility company as defined in the Act, is a Delaware corporation engaged in the purchase of natural gas at wholesale from Exploration and the distribution of such gas at retail in several communities in Kentucky. Purchasing Company, a Delaware corporation, owns facilities for gathering and transporting petroleum in Kentucky, which facilities are leased to a non-affiliated company. Southern, a Delaware corporation, is engaged in exploring for and producing petroleum and natural gas in Texas and New Mexico. All natural gas produced by Southern is sold at wholesale. Wittmer, a Pennsylvania corporation, is engaged in exploring for and producing petroleum and natural gas in Pennsylvania and Michigan. Natural gas produced by Wittmer is sold at wholesale.

The total assets, and the fixed assets less reserves, of Exploration, Southern, Purchasing Company, Wittmer and Peoples, as at December 31, 1957, and the total revenues and net income of these companies for the calendar year 1957 were as follows:

	As at Dec. 31, 1957		Year 1957	
	Total assets	Fixed assets less reserves	Total revenues	Net income
Exploration	$8,235,165	$3,700,902	$2,406,732	$891,163
Southern	6,641,154	5,294,078	1,608,409	498,340
Purchasing Company	157,314	1,094	83,966	18,022
Wittmer	708,107	122,671	118,965	55,202
Peoples	361,987	236,447	366,055	708

Notice is further given that any interested person may not later than October 22, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application, as filed or as amended, may be granted, or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-7931; Filed, Sept. 26, 1958; 8:48 a. m.]

[File No. 70-3729]

PHILADELPHIA CO. AND STANDARD GAS AND ELECTRIC CO.

NOTICE OF PROPOSED RENEWAL OF PROMISSORY NOTE

SEPTEMBER 23, 1958.

Notice is hereby given that Standard Gas and Electric Company ("Gas"), a registered holding company and a subsidiary of Standard Shares, Inc., a registered holding company in the process of conversion into an investment company, and Philadelphia Company ("Philadelphia"), a subsidiary of Gas and also a registered holding company, have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a), 7, 9 and 10 thereof as applicable to the proposed transactions, which are summarized as follows:

Philadelphia has issued and delivered to Gas a renewal promissory note in replacement of a promissory note in the principal amount of $2,500,000 which matured on September 10, 1958, and which bore interest at the rate of 4½ percent per annum, payable monthly. The renewal note, in the same principal amount, is dated September 10, 1958, bears interest at the prime interest rate (3½ percent per annum) prevailing for short-term commercial bank loans at the date of the new note, and will mature September 10, 1959, with the right of the issuer to anticipate at any time without penalty the payment of all or any part of the principal thereof.

It is stated that no commissions or fees are to be paid or incurred in connection with the proposed transactions and the expenses, if any, will be nominal in amount.

Notice is further given that any interested person may, not later than October 10, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-7944; Filed, Sept. 26, 1958; 8:51 a. m.]

DEPARTMENT OE JUSTICE

Office of Alien Property

HAJIME FUJIMOTO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hajime Fujimoto, Hiroshima, Japan; $1,828.57 in the Treasury of the United States.

Vesting Order No. 12572; Claim No. 61167.

Executed at Washington, D. C., on September 19, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-7952; Filed, Sept. 26, 1958; 8:52 a. m.]

CRISTANZIANO LAURIENTE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Cristanziano Lauriente, Guardian of the Estate of Nunzio Delfrino, Incompetent Agnone, Italy; $579.23 in the Treasury of the United States.

Vesting Order No. 1156, Claim No. 57792.

Executed at Washington, D. C., on September 22, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-7953; Filed, Sept. 26, 1958; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 24, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34975: *Crushed stone and screenings—Harvey, Ill., to Hobart, Ind.* Filed by Traffic Executive Association—Eastern Railroads, Agent (CTR No. 2383), for interested rail carriers. Rates on crushed stone and crushed stone screenings, carloads, as described in the application from Harvey, Ill., to Hobart, Ind.

Grounds for relief: Motor truck competition.

Tariff: Supplement 21 to Trunk Line-Central Territory Railroads tariff I. C. C. 4767.

FSA No. 34976: *Substituted service—Rail for motor—C. & N. W. Ry.* Filed by Middlewest Motor Freight Bureau, Agent (No. 120), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and St. Paul, Minn., on traffic originating at or destined to points in territories served by motor carriers as described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 83 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 34977: *Substituted service—Rail for motor—C. & N. W. Ry.* Filed by Middlewest Motor Freight Bureau, Agent, (No. 121), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and Council Bluffs, Iowa, on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 83 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 34978: *Substituted service—Rail for motor—C. R. I. & P. RR.* Filed by the Middlewest Motor Freight Bureau, Agent, (No. 122), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago (Burr Oak), Ill., and Council Bluffs, Iowa, on traffic originating at or destined to points in territories served by motor carriers as described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 83 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 34979: *Substituted service—Rail for motor—C. R. I. & P. RR.* Filed by The Middlewest Motor Freight Bureau, Agent (No. 123), for interested carriers. Rates on property loaded in motor trailers and transported on railroad flat cars between (1) Kansas City (Armourdale), Kans., on the one hand, and Des Moines, Iowa, on the other, and (2) Denver, Colo., on the one hand, and Council Bluffs and Des Moines, Iowa, Kansas City (Armourdale), Kans., and St. Paul (Inver Grove), Minn., on the other, on traffic originating at or destined to points on motor lines in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 83 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 34980: *Substituted service—Rail for motor—C. R. I. & P. RR.* Filed by The Middlewest Motor Freight Bureau, Agent (No. 124), for interested carriers. Rates on property loaded in motor trailers and transported on railroad flat cars between Kansas City (Armourdale), Kans., and Wichita, Kans., on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 83 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 34981: *Substituted service—Rail for motor—C. R. I. & P. RR.* Filed by The Middlewest Motor Freight Bureau, Agent (No. 125), for interested carriers. Rates on property loaded in motor trailers and transported on railroad flat cars between Chicago (Burr Oak), Ill., and Oklahoma City, Okla., on traffic originating at or destined to points on motor carriers in the territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 83 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 34982: *Sand and gravel—Riverton, Ind., to Boos, Ill.* Filed by Illinois Freight Association, Agent, (No. 25), for interested rail carriers. Rates on sand and gravel, carloads, as described in the application, from Riverton, Ind., to Boos, Ill.

Grounds for relief: Motor truck competition.

Tariff: Supplement 61 to Illinois Central Railroad Company's tariff I. C. C. A-11687.

FSA No. 34983: *Soda ash and caustic soda to Memphis, Tenn.* Filed by O. R. Schultz, Agent, (ER No. 2459), for interested rail carriers. Rates on soda ash and caustic soda, carloads, as described in the application from Detroit, Mich., Barberton, Ohio, Niagara Falls, N. Y., Belle, W. Va., and other specified points in Michigan, Ohio, New York, and West Virginia to Memphis, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 93 to Trunk Line Territory Tariff Bureau tariff I. C. C. A-1079 and Supplement 25 to Central Territory Tariff Bureau tariff I. C. C. 4790.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-7927; Filed, Sept. 26, 1958; 8:47 a. m.]

[Notice 30]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 24, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61294. By order of September 22, 1958, the Transfer Board approved the transfer to Mountain Transit & Storage Corporation, P. O. Box 155, Wytheville, Virginia of a portion of the operating rights set forth in Certificate No. MC 65572 Sub 3, issued May 25, 1954, to The Mountain Transit Corporation,

1007 North Fourth Street, Wytheville, Virginia, authorizing the transportation of household goods, between points in Wythe County, Va., on the one hand, and, on the other, points in North Carolina Maryland, and West Virginia.

No. MC-FC 61375. By order of September 22, 1958, the Transfer Board approved the transfer to Rosina A. Bethke and E. Bonabel Davis, a partnership, doing business as Davis Transport, Gilcrest, Colo., of Certificate No. MC 118345, issued September 15, 1958, to Frederic A. Bethke, E. Bonabel Davis, and Rosina A. Bethke, a partnership, doing business as Consolidated Milk Lines, Gilcrest, Colo., authorizing the transportation of Liquid sugar and syrups, in bulk, in tank vehicles, from Johnstown, Colo., to points in Utah, Wyoming, Nebraska, Kansas, and New Mexico; and Vinegar, in bulk, in tank vehicles, from Denver, Colo., to points in Utah, Nebraska, Kansas, and New Mexico. Jones & Meiklejohn, 526 Denham Building, Denver 2, Colo., for applicants.

No. MC-FC 61383. By order of September 22, 1958, the Transfer Board approved the transfer to Meserve's Express, Inc., Cornish, Maine, of a certificate in No. MC 34091 issued January 19, 1954, to Everett T. Chapman, doing business as Chapman's Express, Bridgton, Maine, authorizing the transportation of general commodities excluding household goods and certain other commodities, over a regular route, between Portland, Maine, and North Lovell, Maine, serving all intermediate points, and the off-route points of Bridgton and East Waterford. Elmer E. Runyon, 11 Main Street, Cornish, Maine.

No. MC-FC 61415. By order entered September 22, 1958, the Transfer Board approved the transfer to C. V. Buttrey and L. L. Treanor, a partnership, doing business as Tennessee Trailblazers, 406 4th Avenue, South, Nashville, Tennessee, of a certificate in No. MC 57976 Sub 2 issued October 31, 1947, to E. A. Henderson, doing business as Ladd Motor Coach Lines, Route #5, Box 315, Nashville, Tennessee, authorizing the transportation of passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, over regular routes, between specified points in Tennessee, Alabama, and Mississippi, serving all intermediate points on the regular route.

No. MC-FC 61538. By order of September 22, 1958, the Transfer Board approved the transfer to M. G. Bower and Gladys I. Bower, a partnership, doing business as Winchell Transfer, Vancouver, Wash., of Certificate No. MC 95163 Sub 1, issued July 9, 1956, to Eugene L. Davis, doing business as Winchell Transfer, Portland, Oreg., authorizing the transportation of household goods as defined by the Commission, over irregular routes, between Portland, Oreg., and points in Oregon within 25 miles of Portland, on the one hand, and, on the other, points in Washington west of the summit of the Cascade Mountains. Morton A. Winkel, 710 Pittock Block, Portland 5, Oregon, for applicants.

No. MC-FC 61562. By order of September 22, 1958, the Transfer Board approved the transfer to Peck Transportation, Inc., Akron, Ohio, transfer of a certificate in No. MC 51669 issued December 14, 1954, to Peck Movers, Inc., doing business as Peck Movers, Akron, Ohio, authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between points in Summit County, Ohio, on the one hand, and, on the other, St. Louis, Mo., and points in Illinois, Indiana, Delaware, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Charles R. Iden, 2200 First National Tower, Akron 8, Ohio.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-7930; Filed, Sept. 26, 1958; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-V-5, Amdt. 3]

BRANCH MANAGER, BIRMINGHAM, ALABAMA

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-V-5, as amended (22 F. R. 8009, 23 F. R. 867, 4400), is further amended by deleting paragraph I.B.3 in its entirety and substituting the following in lieu thereof:

I.B.3. To approve but not decline the following types of loans:

a. Direct business loans not in excess of $20,000;

b. Participation business loans not in excess of $100,000.

Effective date: August 26, 1958.

JAMES F. HOLLINGSWORTH, *Regional Director, Region V, Small Business Administration.*

[F. R. Doc. 58-7932; Filed, Sept. 26, 1958; 8:48 a. m.]

[Delegation of Authority No. 30-V-6, Amdt. 3]

BRANCH MANAGER, MIAMI, FLORIDA

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-V-6, as amended (22 F. R. 8009, 23 F. R. 867, 4400), is further amended by deleting paragraph I.B.3 in its entirety and substituting for following in lieu thereof:

I.B.3. To approve but not decline the following types of loans:

a. Direct business loans not in excess of $20,000;

b. Participation business loans not in excess of $100,000.

Effective date: August 26, 1958.

JAMES F. HOLLINGSWORTH, *Regional Director, Region V, Small Business Administration.*

[F. R. Doc. 58-7933; Filed, Sept. 26, 1958; 8:49 a. m.]

[Delegation of Authority No. 30-V-7, Amdt. 3]

BRANCH MANAGER, MEMPHIS, TENNESSEE

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-V-7, as amended (22 F. R. 8009, 23 F. R. 867, 4407), is further amended by deleting paragraph I.B.3 in its entirety and substituting the following in lieu thereof:

I.B.3. To approve but not decline the following types of loans:

a. Direct business loans not in excess of $20,000;

b. Participation business loans not in excess of $100,000.

Effective date: August 26, 1958.

JAMES F. HOLLINGSWORTH, *Regional Director, Region V, Small Business Administration.*

[F. R. Doc. 58-7934; Filed, Sept. 26, 1958; 8:49 a. m.]

[Delegation of Authority No. 30-V-8]

BRANCH MANAGER, SAN JUAN, PUERTO RICO

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Notice is hereby given that this delegation (22 F. R. 6071) is rescinded in its entirety.

Dated: August 24, 1958.

JAMES F. HOLLINGSWORTH, *Regional Director.*

[F. R. Doc. 58-7935; Filed, Sept. 26, 1958; 8:49 a. m.]

[Delegation of Authority No. 30-V-14]

BRANCH MANAGER, PUERTO RICO BRANCH OFFICE

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), as amended, (22 F. R. 5811, 8197, 23 F. R. 557, 1768), there is hereby delegated to the Branch Manager, Puerto Rico Branch Office, Small Business Administration, the authority:

A. *Specific.*

Financial assistance. To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct business loans not in excess of $20,000;

b. Participation business loans in an amount not in excess of $100,000;

2. To approve or decline disaster loans not in excess of $50,000;

3. To approve or decline Limited Loan Participation loans;

4. To enter into Disaster Participation Agreements with banks;

5. To approve after disbursement or partial disbursement of loan, salary of new employees, not to exceed $10,000 per annum;

6. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration;

7. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories;

b. Release, or consent to the release, of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full;

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies;

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans;

e. Defer until final maturity date payments on principal falling due prior to or within 30 days after initial disbursement and provide for the coincidence of principal and interest payments;

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted;

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan;

h. Modify or amend Authorizations approved under this Delegation of Authority, and also loans as set forth in paragraphs 1, 3, 4 and 5 of this Delegation of Authority, heretofore approved by Regional Director, by the issuance of Certificates of Modification.

8. To extend, or consent to the extension of, the maturity date or time of payment, to change or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property;

9. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Adminstrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments pursuant thereto and secured thereby;

10. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby;

11. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interest in real or personal property;

12. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby;

13. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfactions pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof;

14. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interest of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes;

15. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved;

16. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises;

Procurement and technical assistance. To take the following actions in accordance with the limitations of such delegations as set forth in SBA–600, Procurement and Technical Assistance Manual and Chapters V and VII, SBA–400, Agency Policy Manual:

17. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers;

Administrative. 18. To administer oaths of office;

19. To approve (a) annual and sick leave, and (b) leave without pay not to exceed 30 days for employees under your supervision;

20. To (a) make emergency purchases not in excess of $25 in any one object class in any one instance but not more than $50 in any one month for total purchases in all object classes, and (b) authorize purchases not in excess of such limitations for payment from an Imprest Fund;

21. In connection with the establishment of Disaster Loan Offices, to (a) obligate SBA to reimburse General Services Administration for the rental of office space, (b) rent office equipment, and (c) procure (without dollar limitation) emergency supplies and materials;

22. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered;

B. *Correspondence.* To sign all correspondence, including Congressional correspondence, relating to the functions of the Branch Office, except communications involving new policy matters.

II. The authorities delegated above may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated to the Branch Manager is hereby rescinded without prejudice to actions taken under all such delegations of authority, if any, to the date hereof.

Effective date: August 26, 1958.

JAMES F. HOLLINGSWORTH,
Regional Director.

[F. R. Doc. 58–7936; Filed, Sept. 26, 1958; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 23 NUMBER 191

Washington, Tuesday, September 30, 1958

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F. R. 4401, 4722, 6173 and 7062 containing the specific requirements for the 1958-crop grain sorghums price support program are hereby amended as follows:

Section 421.3233 (b) is amended by adding a new subparagraph (6) which reads as follows:

§ 421.3233 *Support rates.* * * *

(b) *Support rates for grain sorghums in approved warehouse-storage at other than designated terminal markets.* * * *

(6) Notwithstanding the provisions of subparagraphs (2), (3), and (4) of this paragraph no credit for additional rail freight or trucking charges will be allowed beyond the port nearest to point of origin on loans made after the effective date of this amendment.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended, sec. 308, 70 Stat. 206; 15 U. S. C. 714c; 7 U. S. C. 1447, 1421, 1442)

Issued this 24th day of September 1958 and effective on the date of filing with the FEDERAL REGISTER.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-8013; Filed, Sept. 29, 1958; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR APPLES

TOLERANCES

In F. R. Doc. 58-7665, beginning on page 7282 of the issue for Friday, September 19, 1958, the following correction has been made:

In § 51.310 delete paragraph (b) and substitute the following paragraph (b) and an additional paragraph (c):

(b) When applying the foregoing tolerances to Combination U. S. Extra Fancy and U. S. Fancy grade, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 25 percent of apples of the higher grade required in the combination, but individual containers shall have not less than 15 percent of the higher grade.

(c) When applying the foregoing tolerances to Combination U. S. Fancy and U. S. No. 1 grade and to Combination U. S. No. 1 and U. S. Utility grade, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 50 percent of apples of the higher grade required in the combination, but individual containers shall have not less than 40 percent of the higher grade.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: September 25, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-8012; Filed, Sept. 29, 1958; 8:51 a. m.]

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1958)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146–149, 1958 Supplement 1 ($1.00)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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Chapter IV—Federal Crop Insurance Corporation

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

The following counties are hereby added to the list of counties, published January 16, 1958 (23 F. R. 289), as supplemented by appendixes published March 25, 1958 (23 F. R. 1943) and May 13, 1958 (23 F. R. 3143), which were designated for barley crop insurance for the 1959 crop year pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949, 6854, 6855, 6856, 6857).

Minnesota:
Clay.
Grant.
Marshall.
Norman.
Stearns.
Stevens.
Traverse.
Wilkin.

North Dakota:
Barnes.
Benson.
Dickey.
Eddy.
Foster.
Grand Forks.
Griggs.

North Dakota—Con.
La Moure.
Nelson.
Ramsey.
Ransom.
Richland.
Sargent.
Steele.
Towner.

South Dakota:
Codington.
Day.
Hamlin.
Kingsbury.
Roberts.

Wisconsin:
Fond du Lac.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 58-8015; Filed, Sept. 29, 1958; 8:52 a. m.]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR CORN CROP INSURANCE

Kalamazoo County, Michigan, and Fond du Lac County, Wisconsin, are hereby added to the list of counties, published August 6, 1958 (23 F. R. 5949) which were designated for corn crop insurance for the 1959 crop year pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949, 6854, 6855, 6856, 6857).

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

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PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

The following counties are hereby added to the list of counties published August 6, 1958 (23 F. R. 5950), which were designated for cotton crop insurance for the 1959 crop year pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949, 6854, 6855, 6856, 6857).

Georgia:
Brooks.
Tift.

North Carolina:
Wilson.

Tennessee:
Weakley.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 58-8017; Filed, Sept. 29, 1958; 8:52 a. m.]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR FLAX CROP INSURANCE

Griggs County, North Dakota, is hereby added to the list of counties, published August 6, 1958 (23 F. R. 5950) which were designated for flax crop insurance for the 1959 crop year pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949, 6854, 6855, 6856, 6857).

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

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PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE

The following counties are hereby added to the list of counties, published August 6, 1958 (23 F. R. 5951), which were designated for soybean crop insurance for the 1959 crop year pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949, 6854, 6855, 6856, 6857).

Illinois:
Fulton.
McLean.

Indiana:
Blackford.

Iowa:
Adair.
Audubon.
Cass.
Crawford.
Delaware.
Fremont.
Jones.
Linn.
O'Brien.
Shelby.
Winneshiek.

Michigan:
Lenawee.

Minnesota:
Jackson.
Kandiyohi.
Murray.
Nobles.
Rice.
Stearns.
Stevens.
Swift.

Mississippi:
Bolivar.

Missouri:
Gentry.
Vernon.

Ohio:
Ashland.
Greene.
Knox.
Montgomery.
Wayne.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

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PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR COMBINED CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949, 6854, 6855, 6856, 6857), the following counties have been designated for combined crop insurance for the 1959 crop year. The crops on which insurance is offered are shown opposite the name of the county.

State and County	Crop(s)
Iowa:	
Delaware	Corn, oats, soybeans.
Emmett	Corn, oats, soybeans.
Howard	Corn, oats, soybeans.
Humboldt	Corn, oats, soybeans.
Ida	Corn, oats, soybeans.
Tama	Corn, soybeans.
Union	Corn, soybeans.
Warren	Corn, soybeans.
Winnebago	Corn, soybeans.
Worth	Corn, soybeans.
Minnesota:	
Dakota	Corn, oats, soybeans.
Goodhue	Corn, oats, soybeans.
Kandiyohi	Corn, oats, soybeans.
McLeod	Corn, oats, soybeans.
Stearns	Barley, corn, oats, soybeans.
Stevens	Barley, corn, flax, oats, soybeans.
Swift	Corn, flax, oats, soybeans.
North Dakota:	
Barnes	Barley, flax, oats, rye, wheat.
Dickey	Barley, flax, oats, wheat.
Grand Forks	Barley, flax, oats, wheat.
La Moure	Barley, flax, oats, wheat.
Pierce	Barley, flax, oats, rye wheat.
Ransom	Barley, flax, oats, wheat.
Richland	Barley, corn, flax, oats, rye, soybeans, wheat.
Sargent	Barley, flax, oats, wheat.
Steele	Barley, flax, oats, wheat.
South Dakota:	
Bon Homme	Barley, corn, oats, rye, wheat.
Day	Barley, corn, flax, oats, rye, wheat.
Deuel	Barley, corn, flax, oats, rye, soybeans, wheat.
Hamlin	Barley, corn, flax, oats, rye, soybeans, wheat.
Hutchinson	Barley, corn, oats, rye, soybeans, wheat.
Kingsbury	Barley, corn, flax, oats, wheat.
Lake	Barley, corn, flax, oats, rye, soybeans, wheat.
McCook	Barley, corn, flax, oats, rye, soybeans, wheat.
Miner	Barley, corn, flax, oats, rye, wheat.
Tennessee:	
Obion	Corn, oats, soybeans, wheat.
Weakley	Corn, soybeans, sweet potatoes.
Wisconsin:	
Fond du Lac	Barley, corn, oats.

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 58–8020; Filed, Sept. 29, 1958; 8:52 a. m.]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR OAT CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949, 6854, 6855, 6856, 6857), the following counties have been designated for oat crop insurance for the 1959 crop year.

Iowa:
Delaware.
Emmett.
Howard.
Humboldt.
Ida.
Minnesota:
Dakota.
East Polk.
Goodhue.
Kandiyohi.
McLeod.
Stearns.
Stevens.
Minnesota—Con.
Swift.
North Dakota:
Dickey.
Grand Forks.
LaMoure.
Ransom.
Sargent.
Steele.
South Dakota:
Grant.
Kingsbury.
Wisconsin:
Fond du Lac.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 58–8021; Filed, Sept. 29, 1958; 8:52 a. m.]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTY DESIGNATED FOR PEACH CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949, 6854, 6855, 6856, 6857), the following county has been designated for peach crop insurance for the 1959 crop year.

South Carolina:
Spartanburg.

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 58–8022; Filed, Sept. 29, 1958; 8:53 a. m.]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR TOBACCO CROP INSURANCE

The following counties are hereby added to the list of counties published August 6, 1958 (23 F. R. 5951), which were designated for tobacco crop insurance for the 1959 crop year pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949, 6854, 6855, 6856, 6857). The type(s) of tobacco on which insurance is offered in each county is shown opposite the name of the county.

North Carolina:	
Davidson	11A
Tennessee:	
Weakley	23, 25

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 58–8023; Filed, Sept. 29, 1958; 8:53 a. m.]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

The following counties are hereby added to the list of counties published January 16, 1958 (23 F. R. 290), as supplemented by appendixes published March 25, 1958 (23 F. R. 1943), April 25, 1958 (23 F. R. 2769), and July 9, 1958 (23 F. R. 5183), which were designated for wheat crop insurance for the 1959 crop year pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949, 6854, 6855, 6856, 6857).

Michigan:
Bay.
Minnesota:
Grant.
Missouri:
Gentry.
North Dakota:
Barnes.
Dickey.
Grand Forks.
North Dakota—Con.
La Moure.
Pierce.
Ransom.
Richland.
Sargent.
Steele.
South Dakota:
Hamlin.
Kingsbury.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

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Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 905—MILK IN THE MISSISSIPPI DELTA MARKETING AREA

ORDER REGULATING HANDLING

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905.0 Findings and determinations.

DEFINITIONS

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905.2 Secretary.
905.3 Department of Agriculture.
905.4 Person.
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EFFECTIVE TIME, SUSPENSION OR TERMINATION

Sec.
905.100 Effective time.
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905.102 Continuing obligations.
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MISCELLANEOUS PROVISIONS

905.110 Agents.
905.111 Separability of provisions.

AUTHORITY: §§ 905.0 to 905.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 905.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Mississippi Delta marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe with respect to receipts of producer milk, including such handler's own production; other source milk allocated to Class I milk and applicable amounts specified in § 905.62 (a) (2) and (b) (2).

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than October 1, 1958, and fully effective not later than November 1, 1958.

The provisions of the said order are known to handlers. The revised recommended decision of the Acting Deputy Administrator of the Agricultural Marketing Service was issued August 5, 1958, and the decision of the Acting Secretary containing all the provisions of this order was issued September 3, 1958. Any delay beyond October 1, 1958, in the effective date for certain specified provisions of this order will impair the proper operation of the order and will seriously threaten the orderly marketing of milk in the Mississippi Delta area. Several handlers have had experience under Federal Order No. 87 and all handlers have had experience under the Mississippi Milk Audit Law. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective October 1, 1958, and fully effective November 1, 1958, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Mississippi Delta marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 905.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 905.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States, authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 905.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 905.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 905.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 905.6 *Mississippi Delta marketing area.* Mississippi Delta marketing area, hereinafter called the marketing area, means all the territory, including incorporated municipalities and military reservations within Attala, Bolivar, Carroll, Choctaw, Grenada, Holmes, Humphrey, Leake, Leflore, Lowndes, Montgomery, Noxubee, Oktibbeha, Sharkey, Sunflower, Tallahatchie, Washington, Webster, Winston, and Yazoo counties; Beats 1, 4 and 5 in Calhoun county; Beats 4 and 5 in Coahoma county; Beats 2, 3, 4, and 5 in Quitman county including all of the village of Crowder; and Beats 1, 4, and 5 in Yalobusha county all within the State of Mississippi.

§ 905.7 *Route.* "Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

§ 905.8 *Distributing plant.* "Distributing plant" means any plant at which fluid milk products, eligible for distribution in the marketing area under a Grade A label, are processed and packaged and from which fluid milk products are disposed of on a route(s) in the marketing area.

§ 905.9 *Supply plant.* "Supply plant" means any plant at which milk eligible for distribution in the marketing area under a Grade A label, is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 905.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant, other than that of a producer-handler or one described in § 905.61 (a), from which during the month:

(1) Disposition in the marketing area of fluid milk products on routes is 20 percent or more of receipts from dairy farmers and supply plants; and

(2) Total disposition of fluid milk products on routes is 50 percent or more of receipts from dairy farmers and supply plants; or

(b) A supply plant from which during the month 50 percent or more of receipts from dairy farmers is moved to a plant described in paragraph (a) of this section. Any supply plant that was a pool plant during each of the months of September through January immediately preceding shall continue to be a pool plant each of the following months of February through August unless written notice to the market administrator is received before the first day of the month of its intention to withdraw, in which case such plant shall thereafter be a nonpool plant, unless it again qualifies as a supply plant by shipping 50 percent or more of its receipts from dairy farmers to a plant described in paragraph (a) of this section.

§ 905.11 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 905.12 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of a pool plant(s); or

(b) The operator of any nonpool distributing plant with route distribution in the area; or

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with § 905.14.

§ 905.13 *Producer-handler.* "Producer-handler" means a dairy farmer who operates a distributing plant at which no fluid milk or fluid milk products are received during the month except his own production or transfers from a pool plant(s).

§ 905.14 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted by a handler to a pool plant or a nonpool plant for the account of such handler or by a cooperative association but for not more than 10 days production during any months of September through January. Milk diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted, and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at the location of the pool plant from which it was diverted.

§ 905.15 *Producer milk.* "Producer milk" means all skim milk and butterfat received at a pool plant directly from producers, or diverted pursuant to § 905.14.

§ 905.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, or for which other utilization or disposition is not established pursuant to § 905.33.

§ 905.17 *Fluid milk product.* "Fluid milk product" means all skim milk and butterfat in the form of milk, including concentrated milk, skim milk, including reconstituted skim milk, buttermilk, flavored milk, flavored milk drinks, eggnog, yogurt, cream (other than frozen storage cream) cultured sour cream, and any mixture of cream and milk or skim milk (other than ice cream, ice cream mixes, other frozen desserts and mixes, and sterilized products contained in hermetically sealed containers).

§ 905.18 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 905.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 905.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary, complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 905.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon, satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 905.93, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 905.92, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by examination of such

handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(h) Publicly disclose, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 905.30 and 905.31, or payments pursuant to §§ 905.90 to 905.95;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:

(1) On or before the 6th day of each month, the minimum price for Class I milk pursuant to § 905.50 (a) adjusted by the applicable location adjustments pursuant to § 905.52 and the Class I butterfat differential computed pursuant to § 905.51 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 905.50 (b) and the Class II butterfat differential computed pursuant to § 905.51 (b) both for the previous month;

(2) On or before the 10th day after the end of each of the months of August through February, the uniform price computed pursuant to § 905.72 and the butterfat differential computed pursuant to § 905.75; and

(3) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk computed pursuant to §§ 905.73 and 905.74 and the butterfat differential computed pursuant to § 905.75;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association, which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by each handler; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this part which do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 905.30 *Reports of receipts and utilization.* On or before the 5th day (exclusive of Sundays and holidays) of each month each handler who operates a pool plant(s), each handler, other than a producer-handler, who operates a nonpool distributing plant, and any cooperative association with respect to milk for which it is a handler pursuant to § 905.12 (c) shall report for the preceding month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Milk received from producers and for the months of March through July the total quantity of base and excess milk. In lieu thereof the operator of a nonpool distributing plant shall report aggregate receipts from dairy farmers who would be producers if such plant were a pool plant;

(2) Fluid milk products received from other pool plants;

(3) Other source milk; and

(4) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements with respect to:

(1) Disposition of fluid milk products on routes within the marketing area from plants described in §§ 905.61 and 905.62, and from other plants for which the market administrator requires such information as a basis for determination of status or obligations; and

(2) Class I milk outside the marketing area;

(c) Such other information with respect to sources and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 905.31 *Other reports.* (a) On or before the 20th day of each month each handler operating a pool plant(s) and each cooperative association which is a handler pursuant to § 905.12 (c) shall report its producer payroll for the preceding month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer and for the base-operating months of March through July the total pounds of base and excess milk;

(3) The number of days on which milk was received from such producer if less than a full calendar month;

(4) The average butterfat content of such milk; and

(5) The net amount of such handler's payment, the price paid and the amount and nature of any deductions;

(b) Each handler who received producer milk for which payment is to be made to a cooperative association pursuant to § 905.90 (e) shall report to such cooperative association with respect to each such producer, as follows:

(1) On or before the 20th day of each month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the 10th day after the end of each month;

(i) The daily and total pounds of milk received during the month with separate totals for base and excess milk for the months of March through July, and the average butterfat test thereof; and

(ii) The amount or rate and nature of any deductions.

(c) Each handler (other than a producer-handler or one described in § 905.61) operating a nonpool distributing plant shall report his payments to dairy farmers qualified to be producers if such plant were a pool plant, showing for each such dairy farmer:

(1) The pounds of milk;

(2) The average butterfat content thereof; and

(3) The date and net amount of payment to such dairy farmer with a statement of the prices, deductions and charges used in computing such payment and the nature of each.

§ 905.32 *Producer-handler reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall prescribe.

§ 905.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 905.34 *Retention of records.* All books and records required under this part to be made available to the market administrator, shall be retained by the handler for a period of three years to begin at the end of the calendar month, to which such books and records pertain: *Provided,* That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act of a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 905.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat required to be reported pursuant to § 905.30 shall be classified (separately as skim milk and butterfat), pursuant to §§ 905.41 to 905.47.

§ 905.41 *Classes of utilization.* Subject to the conditions set forth in §§ 905.42 to 905.47 the classes of utilization shall be as follows:

(a) Class I shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2) of this section; and

(2) Not accounted for as Class II;

(b) Class II shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In skim milk authorized by the market administrator to be dumped or accounted for as disposed of for livestock feed;

(3) In shrinkage, but in an amount not to exceed one-half percent of the total pounds of skim milk and butterfat received directly from producers plus 1½ percent of the total pounds of skim milk and butterfat in bulk milk, skim milk, and cream in fluid form received at a pool plant from all sources less that disposed of in bulk to a pool plant of another handler;

(4) In shrinkage of other source milk; and

(5) In inventories of fluid milk products on hand at the end of the month.

§ 905.42 *Assignment of shrinkage.* The market administrator shall assign shrinkage at the pool plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(b) Assign the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in (1) producer milk and milk received from other pool plants and (2) other source milk.

§ 905.43 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 905.44 *Transfers.* Skim milk and butterfat transferred or diverted during the month as milk, skim milk or cream from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I unless Class II is indicated by the operators of both plants in their reports submitted pursuant to § 905.30 and:

(1) The receiving plant has utilization in such class of equivalent amounts of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I in the two plants;

(b) A plant operated by a producer-handler shall be Class I;

(c) A nonpool plant, except as specified in paragraph (b) of this section, shall be Class I unless:

(1) The transfer is in bulk form and the transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool milk plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received at the nonpool plant during the month from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, used to produce any items of Class II milk (as defined pursuant to § 905.41 (b)) at such nonpool plant during the month;

(ii) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a plant at which milk is priced pursuant to this part or another order issued pursuant to the act and such cream is allocated to other than Class I (under the applicable order definitions and allocation procedures at the transferee plant);

(iii) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of the items of Class II processed in such second nonpool plant plus the bulk fluid cream shipped from such second nonpool plant to other nonpool plants which do not dispose of milk or cream for consumption in fluid forms: *Provided*, That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(iv) Subtract the skim milk and butterfat, respectively, received in fluid milk products at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of Grade A fluid milk products.

In the event that the remaining skim milk and butterfat, respectively, computed pursuant to subdivision (iv) of this subparagraph is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the act, the difference shall be assigned pro rata, to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the act), and shall be classified as Class I milk.

§ 905.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler pursuant to § 905.30 and compute the total pounds of skim milk and butterfat respectively, in Class I and Class II at the pool plant(s) of such handler.

§ 905.46 *Allocation of skim milk classified.* The pounds of skim milk remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk shrinkage pursuant to § 905.41 (b) (3);

(b) Subtract from the total pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk, except as specified in paragraph (c) of this section;

(c) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received from plants subject to the pricing and payment provisions of other orders issued pursuant to the Act;

(d) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from other handlers in such class pursuant to §§ 905.41 and 905.44 (a);

(e) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(f) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series, beginning with Class II.

§ 905.47 *Allocation of butterfat classified.* Allocate the pounds of butterfat in each class to producer milk in the same manner as that prescribed for skim milk in § 905.46.

§ 905.48 *Computation of total producer milk in each class.* Combine into one total the amounts computed pursuant to §§ 905.46 and 905.47 for each class and determine the weighted average butterfat content of producer milk.

MINIMUM PRICES

§ 905.50 *Class prices.* Subject to the provisions of §§ 905.51 and 905.52 the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The price per hundredweight for Class I shall be the price for Class I milk established pursuant to § 987.51 (a) of this chapter regulating the handling of milk in the Central Mississippi marketing area, less 16 cents;

(b) *Class II price.* The price per hundredweight for Class II shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture: Kraft Cheese Co., Houston, Mississippi; Borden Co., Starkville, Mississippi; Carnation Co., Tupelo, Mississippi; Pet Milk Co., Kosciusko, Mississippi; plus 20 cents per hundredweight for the months September through January and plus 10 cents per hundredweight for the months February through August.

§ 905.51 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices determined pursuant to § 905.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I.* Multiply the Chicago butter price for the preceding month by 0.12;.

(b) *Class II.* Multiply the Chicago butter price for the month by 0.11.

§ 905.52 *Location adjustment to handlers.* For milk received from producers at a pool plant located 30 miles or more north of U. S. Highway No. 82 and within the State of Mississippi, by shortest highway distance open to commercial truck traffic, as determined by the market administrator, or at a pool plant located outside the State of Mississippi and 30 miles or more by shortest highway distance open to commercial truck traffic, as determined by the market administrator, from the nearer of the city halls at Greenville or Columbus, Mississippi, and which is classified as Class I, the prices determined pursuant to § 905.50 (a) shall be reduced 7.5 cents, plus an additional 1.5 cents for each 10 miles that such distance exceeds 40 miles.

§ 905.53 *Rate of compensatory payments.* In any month in which total deliveries of producer milk are 110 percent or more of the total amount classified as Class I (excluding duplications) at all pool plants, the rate of compensatory payment per hundredweight shall be calculated as follows:

(a) Subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price adjusted by the Class I butterfat differential and adjust such difference by the location differential rate set forth in § 905.52 for the location of the plant at which the milk was received from farmers.

§ 905.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 905.60 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 905.32, 905.33 and 905.34.

§ 905.61 *Plants subject to other Federal orders.* The provisions of this part, except §§ 905.30 (b) (1), 905.33 and 905.34, shall not apply to:

(a) A distributing plant which would be subject to the classification and pricing provisions of another order issued, pursuant to the act unless a greater volume of Class I is disposed of from such plant during the month on routes in the Mississippi Delta marketing area than in the marketing area defined in such other order;

(b) A supply plant which would be subject to the classification and pricing provision of another order issued pursuant to the act unless such plant qualified as a pool plant during each of the preceding months of September through January.

§ 905.62 *Obligations of handler operating a nonpool distributing plant.* In lieu of payments required pursuant to §§ 905.90 to 905.95, each handler, other than a producer-handler or one exempt pursuant to § 905.61 (a), who operates during the month a nonpool distributing plant, shall pay to the market administrator for deposit in the producer-settlement fund and the administrative assessment fund, as the case may be, as follows:

(a) If such handler so elects in writing at the time of reporting pursuant to § 905.30 the amounts computed as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 13th day after the end of the month, as his pro rata share of expense of administration, the rate specified in § 905.93 with respect to Class I disposed of on routes in the marketing area.

(b) Except as the handler may elect the option pursuant to paragraph (a) of this section, he shall pay the amounts as follows:

(1) On or before the 25th day after the end of the month, for the producer-settlement fund, the amount specified in paragraph (a) (1) of this section, or any plus amount resulting from the following computation, whichever is less:

(i) Determine the value for milk received from dairy farmers at such plant for such month pursuant to § 905.70 as if such plant were a pool plant; and

(ii) Deduct the gross payments made by the handler to dairy farmers for milk received at such plant for such month. Such gross payments shall be limited to cash payments made to the dairy farmer or his assignee on or before the date for filing reports required pursuant to § 905.31 (c), plus the value of any supplies or services furnished by the handler, on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, an equal to that which would have been computed pursuant to § 905.93 had such plant been a pool plant.

DETERMINATION OF PRICES TO PRODUCERS

§ 905.70 *Computation of value of producer milk.* The value of producer milk received during the month by each handler at his pool plant(s) shall be computed by the market administrator as follows:

(a) Multiply the producer milk in each class, as computed pursuant to § 905.48, by the applicable class prices (adjusted pursuant to §§ 905.51 and 905.52);

(b) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 905.46 (b) and the corresponding step of § 905.47 and pursuant to § 905.46 (e) and the corresponding step of § 905.47 excluding the skim milk and butterfat determined pursuant to paragraph (d) of this section, by the rate of compensatory payment as determined pursuant to § 905.53 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amount computed by multiplying the skim milk and butterfat in overage deducted from each class pursuant to § 905.46 (a) and the corresponding step of § 905.47 by the applicable class price;

(d) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 905.46 (e) and the corresponding step of § 905.47; or

(2) The hundredweight of producer milk classified as Class II (except as shrinkage) for the preceding month.

§ 905.71 *Computation of the 4.0 percent value of all producer milk.* For each month, the market administrator shall compute the 4.0 percent value of producer milk, as follows:

(a) Combine into one total the individual value of milk computed pursuant to § 905.70 for all handlers, except those who failed to make payments required pursuant to §§ 905.90 and 905.95 for the preceding month;

(b) Add, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 4.0 percent, or substract if the weighted average butterfat test of such milk is more than 4.0 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 4.0 percent by the butterfat differential provided in § 905.75 multiplied by 10.

(c) Add the total of the values of the applicable producer location adjustments pursuant to § 905.76, and

(d) Add not less than one-half of the unobligated balance in the producer settlement fund.

§ 905.72 *Uniform price.* For each of the months of August through February, the uniform price per hundredweight for milk containing 4.0 percent butterfat received from producers at pool plants (before location adjustments) shall be computed as follows:

(a) Divide the amount computed pursuant to § 905.71 by the hundredweight of producer milk; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 905.73 *Uniform excess milk price.* For each of the months of March through July, the price for excess milk of 4.0 percent butterfat content shall be computed as follows:

(a) Multiply the hundredweight of excess milk, not in excess of Class II represented by the values included in § 905.71 (a), by the Class II price for milk of 4.0 percent butterfat content determined pursuant to § 905.50 (b);

(b) Multiply the hundredweight of any excess milk not included in the computation in paragraph (a) of this section by the Class I price for milk of 4.0 percent butterfat content pursuant to § 905.50 (a); and

(c) Combine into one total the values computed pursuant to paragraphs (a) and (b) of this section, divide by the

hundredweight of excess milk and round to the nearest cent.

§ 905.74 *Uniform base milk price.* For each of the months of March through July, the price for base milk of 4.0 percent butterfat content received from producers at pool plants (before location adjustment) shall be computed as follows:

(a) Multiply the total pounds of excess milk by the excess price for the month;

(b) From the total 4.0 percent value of producer milk pursuant to § 905.71 subtract the total value determined in paragraph (a) of this section;

(c) Divide the resultant value by the total hundredweight of base milk; and

(d) Subtract not less than 4 cents or more than 5 cents.

§ 905.75 *Producer butterfat differential.* In making payments pursuant to § 905.90, the uniform prices shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 4.0 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials pursuant to § 905.51 weighted by the pounds of butterfat in producer milk in each class, rounded to the nearest tenth cent.

§ 905.76 *Location adjustment to producers.* In making payments to producers and cooperative associations, a handler may deduct from applicable uniform prices with respect to all milk received from producers at the handler's pool plant the amount per hundredweight applicable to the plant as set forth in § 905.52.

§ 905.77 *Notification.* On or before the 12th day after the end of each month the market administrator shall notify each handler of:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(c) The totals of the amounts to be paid by such handler pursuant to §§ 905.92 and 905.93.

BASE RATING

§ 905.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers of pool plants from such producer during the months of September through January by the number of days from the first day milk is received from such producer during said months to the last day of January, inclusive, but not less than 120 days.

§ 905.81 *Computation of base.* The base of each producer to be applied during the months of March through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days for which such producer's milk was received by such handler during the months.

§ 905.82 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a pool plant during the months of September through January and to each person for whose account milk was delivered to a plant that did not qualify as a pool plant during each month of the base forming period, but which qualifies as a pool plant during any of the months of March through July, bases shall be assigned on deliveries at such plant in the same manner as if such plant had been a pool plant during each month of the base forming period.

(b) An entire base shall be transferred by the market administrator to another person upon receipt of an application form, approved by the market administrator, and signed by the base-holder(s), or his heirs, and by the person to whom such base is transferred subject to the following condition:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base forming period and dividing the total by the number of days from the first day of delivery by either the transferee or transferor during the base forming period to the last day of January, inclusive, but not less than 120 days.

PAYMENTS

§ 905.90 *Payments to producers.* Except as provided in paragraph (e) of this section each handler shall make payment for producer milk as follows:

(a) On or before the last day of each month, for milk received during the first 15 days of the month, at not less than the price per hundredweight for Class II milk for the preceding month;

(b) On or before the 15th day after the end of each of the months of August through February for milk received during such month at not less than the uniform price per hundredweight, computed for such handler pursuant to § 905.72, subject to the butterfat differential computed pursuant to § 905.75 and the location differential computed pursuant to § 905.76, less proper deductions authorized in writing by such producer and less payment made pursuant to paragraph (a) of this section, and deductions made pursuant to § 905.92;

(c) On or before the 15th day after the end of each of the months of March through July, after allowance for the amount of payment made pursuant to paragraph (a) of this section for deductions made pursuant to § 905.95 and for other proper deductions authorized in writing by such producer, as follows:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 905.74 for the quantity of base milk received from such producer during the month subject to the butterfat differential computed pursuant to § 905.75 and the location differential computed pursuant to § 905.76; and

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 905.73 for the quantity of excess milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 905.75 and the location differential computed pursuant to § 905.76;

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer;

(e) In lieu of payments pursuant to paragraphs (a), (b) and (c) of this section, each handler shall make payment to a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines that such cooperative association is authorized to collect payment, as follows:

(1) On or before the 26th day of each month, an amount equal to not less than the Class II price for the preceding month, multiplied by the hundredweight of milk received during the first 15 days of the month from such producers; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the applicable uniform price pursuant to §§ 905.72 to 905.74, multiplied by the hundredweight of milk received from such producers to which each such price is applicable, subject to the butterfat differential computed pursuant to § 905.75 and the location differential computed pursuant to § 905.76, less payment made such cooperative association pursuant to subparagraph (1) of this paragraph, and proper deductions authorized in writing by such producers or such cooperative associations; and

(f) On or before the 13th day after the end of the month, each handler shall pay to each cooperative association which is also a handler, for milk received from it not less than the value of such milk as classified pursuant to § 905.44 (a) at the applicable respective class prices including differentials prescribed by this part.

(g) If by such date such handler has not received full payment for such month pursuant to § 937.96 he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction

ts payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 905.91 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth under which such error occurred.

§ 905.92 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 905.90, shall deduct 7 cents per hundredweight, or such amount not exceeding 7 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk received from each such producer. In lieu of such statement, a handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 905.90 (d).

§ 905.93 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month for such months, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe, with respect to:

(a) Receipts of producer milk, including such handler's own production;

(b) Other source milk allocated to Class I milk pursuant to § 905.46 (b) and § 905.47; and

(c) Applicable amounts specified in § 905.62 (a) (2) or (b) (2).

§ 905.94 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 905.62, 905.91 and 905.95, and out of which he shall make all payments pursuant to §§ 905.91 and 905.96: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 905.95 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 905.70, for such month, is greater than the amount owed by him for such milk pursuant to § 905.90.

§ 905.96 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 905.70, for such month is less than the amount owed by him for such milk pursuant to § 905.90. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce such payments uniformly per hundredweight of producer milk and shall complete such payments as soon as the appropriate funds are available.

§ 905.97 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay any handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 905.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 905.101.

§ 905.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 905.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 905.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all prop-

erty in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating, and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 905.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 905.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 25th day of September 1958 to be effective as follows:

Sections 905.0 through 905.48, §§ 905.60 and 905.61, §§ 905.80 through 905.83, §§ 905.100 through 905.111 shall be effective October 1, 1958, and all of the remaining provisions shall be effective November 1, 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-8044; Filed, Sept. 29, 1958; 8:54 a. m.]

PART 928—MILK IN THE NEOSHO VALLEY MARKETING AREA

ORDER AMENDING ORDER

§ 928.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Neosho Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than October 1, 1958.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued September 8, 1958, and the decision of the Assistant Secretary containing all amendment provisions of this order issued September 24, 1958. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective October 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

1. Amend § 928.7 to read as follows:

§ 928.7 *Approved plant.* "Approved plant" means any milk plant, except that of a producer-handler, which is approved by the appropriate health authority having jurisdiction in the marketing area:

(a) From which 10 percent or more of the total receipts of Grade A milk is disposed of during the delivery period on wholesale or retail routes (including routes operated by vendors and disposition at plant stores) as Class I milk in the marketing area; or

(b) (1) From which during the delivery period no less than 50 percent of the Grade A milk received from dairy farmers is shipped to a plant(s) described in paragraph (a) of this section: *Provided,* That if such plant is an approved plant during each of the months of August through November, it shall be designated as an approved plant through the following July, unless the market administrator is requested by means of written application on or before the 7th day after the end of the month that the plant should not be an approved plant.

(2) All plants described in subparagraph (1) of this paragraph which are operated by one handler may be considered as a unit, upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and the notice of any change in designation, shall be furnished on or before the 7th day following the month to which the notice applies. In any of the months of December through July a unit shall not contain plants which were not qualified as approved plants either individually or as members of another unit, during each of the previous months of August through November.

2. Amend § 928.41 (b) (3) to read as follows:

(3) In shrinkage of milk received directly from producers that is not in excess of 2 percent (5 percent with respect to skim milk during the months of April, May and June), plus 1.5 percent (4.5 percent with respect to skim milk during the months of April, May and June) of receipts of skim milk and butterfat, respectively, transfered in bulk from approved plants, less 1.5 percent (4.5 percent with respect to skim milk during the months of April, May and June) of skim milk and butterfat, respectively, disposed of in bulk to approved plants.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 25th day of September 1958 to be effective on and after the 1st day of October 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-8010; Filed, Sept. 29, 1958; 8:50 a. m.]

PART 945—TOMATOES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 945.305 *Limitation of shipments—* (a) *Findings.* (1) Pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945), regulating the handling of tomatoes grown in Florida, effec-

tive under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001, et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of tomatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* During the period from October 1, 1958, through June 30, 1959, the following regulations shall be effective with respect to all varieties of tomatoes handled for shipment outside the production area as defined in § 945.4, except elongated types, commonly referred to as pear shaped or paste tomatoes and including, but not limited to, San Marzano, Red Top, and Roma varieties; and cerasiform type tomatoes, commonly referred to as cherry tomatoes;

(1) *Grade.* No person shall handle any tomatoes for shipment outside of the production area, unless such tomatoes meet the requirements of U. S. No. 3, or better, grade.

(2) *Minimum size.* No person shall handle any tomatoes for shipment outside of the production area unless they are 1⅞ inches in diameter or larger: *Provided*, That not more than 10 percent, by count, of tomatoes in any lot of 7 x 8 (1⅞ inches minimum diameter to 2⅛ inches maximum diameter) may be smaller than the specified minimum diameter.

(3) *Containers.* No person shall handle for shipment outside the production area any tomatoes packed in the following containers (i) unless the net weight of such tomatoes in such containers does not exceed the maximum net weight set forth below for each such container:

Container usual description	Carrier container No.	Inside dimensions	Cubic contents	Maximum net weight of tomatoes permitted
		Inches	*Inches*	*Pounds*
60-pound field box	None	11 x 11 x 22¼	2,692	62
60-pound wirebound crate	4015	11 15/16 x 11 15/16 x 18¾	2,672	62
60-pound tomato lug (corrugated)	[1] 23104	19½ x 13¾ x 12¼	3,283	62
50-pound duo pack	[1] 50	11 x 10¾ x 19	2,247	51¾
50-pound full telescope	None	10⅞ x 10¾ x 18 9/16	2,063	51¾
40-pound two piece cardboard box	1915	10 x 9 x 19⅜	1,728	41⅓
40-pound ½ RSC vent stitliner	7007	12 1/16 x 8 x 18⅞	1,822	41⅓
40-pound bulge pack tomato box	[1] SJ 27	10 x 8⅞ x 19¾	1,753	41⅓
34-pound tomato lug box	1040	6⅝ x 13½ x 15¾	1,353	35.12

[1] Manufacturer's No.

(ii) To allow for variations incident to proper packing, not more than a total of ten (10) percent of the aforesaid containers in any lot, by count, may exceed the specified maximum net weight set forth above for each such container.

(4) *Sizing arrangements.* No person shall handle for shipment outside the production area any mature green tomatoes 1⅞ inches or larger diameter:

(i) Unless they are packed in one of the following ranges of diameters (expressed in terms of minimum and maximum):

Size arrangements:	*Diameter (inches)*
7 x 8	1⅞ to 2⅛, inclusive.
7 x 7	Over 2⅛ to 2 9/32, inclusive.
6 x 7	Over 2 9/32 to 2 17/32, inclusive.
6 x 6	Over 2 17/32.

(ii) Such mature green tomatoes shall be packed separately for each size range;

(iii) To allow for variations incident to proper sizing not more than a total of ten (10) percent, by count, of the mature green tomatoes in any lot may be smaller than the specified minimum diameter or larger than the specified maximum diameter;

(iv) For purposes of this section: (*a*) Mature green shall apply to all tomatoes generally showing a slight break in the ground color to a whitish green color over the shoulders; the contents of the seed cavities will be slightly moist and of a jelly or glue-like consistency, seeds will be well developed, slightly hard, and in slicing the fruit with a sharp knife will usually be pushed aside rather than cut; and the contents of two or more locules must have a jelly like consistency and well developed seeds; and (*b*) turning or higher degree of maturity shall apply to all tomatoes where there is at least a definite break in color to yellow or pink at the blossom end and all higher degrees of color as used and defined under Color Classification in United States Standards for Fresh Tomatoes (§ 51.1864 of this title).

(v) For purposes of this section and incident to proper maturity classification: (*a*) Any lot of tomatoes containing more than ten (10) percent, by count, of mature green tomatoes shall be classified as mature green tomatoes; and (*b*) not more than a total of ten (10) percent, by count, of tomatoes in any lot may fail to meet the minimum color requirements in order for such lot to be classified as turning or higher degree of maturity.

(5) *Inspection.* No person shall handle for shipment outside the production area any tomatoes unless such tomatoes are inspected and certified pursuant to the provisions of § 945.60.

(6) *Truck shipments.* For purposes of these regulations, the rule, § 945.140, relating to truck shipments of tomatoes grown in Florida, issued May 2, 1956, and effective May 5, 1956 (21 F. R. 3000), shall continue in effect.

(7) *Minimum quantity.* For purposes of these regulations, each person subject thereto may handle, pursuant to § 945.53, up to, but not to exceed, 60 pounds of tomatoes per day without regard to the requirements of this part, but this exception shall not apply to any portion of a shipment of over 60 pounds of tomatoes.

(8) *Special purpose shipments.* The limitations set forth in subparagraphs (1) through (7) of this paragraph shall not be applicable to shipments of tomatoes for the following purposes (i) relief or charity, and (ii) processing.

(9) *Safeguards.* Each handler making shipments of tomatoes pursuant to subparagraph (8) of this paragraph for relief or charity, or for processing, shall (i) file an application with the Committee for a Certificate of Privilege; (ii) obtain a Certificate of Privilege from the Committee, if qualified; and (iii) for each such shipment, furnish a record of shipment within 10 days to the Committee.

(10) *Definitions.* The term "U. S. No. 3 grade" as used in this section, shall have the same meaning assigned this term in the U. S. Standards for Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title; 21 F. R. 9559), including the tolerances set forth therein. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 125 and Order No. 45 (§§ 945.1 to 945.92).

(Sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c)

Dated: September 25, 1958, to become effective October 1, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-8032; Filed, Sept. 29, 1958; 8:55 a. m.]

PART 997—FILBERTS GROWN IN OREGON AND WASHINGTON

SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES FOR 1958–59 FISCAL YEAR

Notice was published in the FEDERAL REGISTER of September 9, 1958 (23 F. R. 6959) that the Secretary was considering a proposed rule to establish salable, surplus, and withholding percentages for filberts handled during the 1958–59 fiscal year. Said action was proposed to be taken in accordance with the applicable provisions of Marketing Agreement No. 115, as amended, and Order No. 97, as amended, regulating the handling of filberts grown in Oregon and Washington (7 CFR Part 997), effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

The aforesaid notice afforded interested persons an opportunity to file data, views, or arguments concerning the proposal with the Department prior to final issuance of the rule. The prescribed time has expired and no such communications have been received.

After consideration of all relevant information available, it is hereby found that to fix salable and surplus percentages in the amounts hereinafter set forth will most effectively tend to accomplish the purposes of the act. The withholding percentage hereinafter set forth is the ratio of said surplus percentage to said salable percentage.

Therefore, it is ordered, That the salable, surplus, and withholding percentages for filberts handled by handlers during the 1958–59 fiscal year be as follows:

§ 997.208 *Salable, surplus, and withholding percentages for merchantable filberts during the 1958–59 fiscal year.* The salable percentage shall be 73 percent, the surplus percentage shall be 27 percent, and the withholding percentage shall be 37 percent for merchantable filberts handled during the fiscal year beginning August 1, 1958.

It is hereby further found that good cause exists for not postponing the effective date of this order later than the date of its publication in the FEDERAL REGISTER for the reasons that: (1) The action will apply to all merchantable filberts handled by handlers during the fiscal year which began August 1, 1958, and such handling has already begun; (2) establishment of these percentages provides a basis for trading between growers and handlers, and such trading follows closely the harvesting of 1958 crop filberts which is now beginning; and (3) compliance with the percentages herein established will require no special preparation on the part of handlers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 24, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 58–8011; Filed, Sept. 29, 1958; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 37]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

Section 610.101 *Amber civil airway 1* is amended to read in part:

From Fresno, Calif., LFR; to Hornitos INT, Calif.; northwestbound, MEA 5,000; southeastbound, MEA 3,000.

From Hornitos INT, Calif.; to Copper INT, Calif., MEA 5,000.

From Copper INT, Calif.; to Elk Grove Int, Calif.; northwestbound, MEA 3,000; southeastbound, MEA 5,000.

From Elk Grove INT, Calif.; to Sacramento, Calif., LFR; MEA 2,000.

Section 610.103 *Amber civil airway 3* is amended to read in part:

From Denver, Colo., LFR; to Dacona INT, Colo.; MEA 7,500.

From Dacona INT, Colo.; to Cheyenne, Wyo., LFR; MEA 7,600.

Section 610.104 *Amber civil airway 4* is amended to read in part:

From Valley Mills INT, Tex.; to Fort Worth, Tex., LFR; MEA 2,200.

Section 610.107 *Amber civil airway 7* is amended to delete:

From Key West, Fla., LFR; to Marathon, Fla., LF/RBN; MEA 1,300.

From Marathon, Fla., LF/RBN; to Homestead, Fla., LF/RBN; MEA 1,100.

From Homestead, Fla., LF/RBN; to Miami, Fla., LFR; MEA 1,200.

Section 610.107 *Amber civil airway 7* is amended to read in part:

From Miami, Fla., LOM; to Bayshore INT, Fla.; MEA 1,400.

From Bayshore INT, Fla.; to West Palm Beach, Fla., LFR; MEA 2,000.

Section 610.210 *Red civil airway 10* is amended to delete:

From Wichita Falls, Tex., LFR; to Alvord INT, Tex.; MEA 2,500.

From Alvord INT, Tex.; to Dallas, Tex., LF/RBN; MEA 2,200.

Section 610.231 *Red civil airway 31* is amended to read in part:

From Stanton, Minn., LF/RBN; to La Crosse, Minn., LFR; MEA 2,800.

Section 610.236 *Red civil airway 36* is amended to read in part:

From Rochester, Minn., LFR; to La Crosse, Wis., LFR; MEA 2,800.

Section 610.259 *Red civil airway 59* is amended to read in part:

From Garden City, Kans., LFR; to Int. 8 crs Garden City LFR and NW crs Gage, Okla., LFR; MEA 4,700.

Section 610.268 *Red civil airway 68* is amended to delete:

From San Angelo, Tex., LFR; to Paint Rock INT, Tex.; MEA 3,000.

From Paint Rock INT, Tex.; to Abilene, Tex., LFR; MEA 3,800.

Section 610.601 *Blue civil airway 1* is amended to read in part:

From Miami, Fla., LF/RBN; to La Belle INT, Fla.; MEA 1,100.

Section 610.603 *Blue civil airway 3* is amended to read in part:

From Miami, Fla., LF/RBN; to Fort Myers, Fla., LF/RBN; MEA 1,200.

Section 610.648 *Blue civil airway 48* is amended to read:

From Key West, Fla., LFR; to Marathon, Fla., LF/RBN; MEA 1,300.

From Marathon, Fla., LF/RBN; to Gulfstream INT, Fla.; MEA 1,200.

From Gulfstream INT, Fla.; to Miami, Fla., LF/RBN; MEA 1,300.

Section 610.670 *Blue civil airway 78* is deleted.

Section 610.1001 *Direct routes—U. S.* is amended by adding:

From Hampshire INT, Tenn.; to Nashville, Tenn., VOR; MEA 3,000.

Section 610.1001 *Direct routes—U. S.* is amended to read in part:

From Dallas, Tex., VOR; to McAlester, Okla., VOR; MEA 2,500.

Section 610.1001 *Direct routes—U. S.* is amended to delete:

From Dallas, Tex., LF/RBN; to McAlester, Okla., VOR; MEA 2,500.

From El Dorado, Ark., LF/RBN; to Pine Bluff, Ark., LF/RBN (ELD–036 and PBF–205); MEA 1,600.

From Ponca City, Okla., LF/RBN; to Tulsa, Okla., LFR; MEA 2,400.

Section 610.6001 *VOR civil airway 1* is amended to read in part:

From Cofield, N. C., VOR; to Norfolk, Va., VOR; MEA 1,400.

From Norfolk, Va., VOR; to Cape Charles, Va., VOR; MEA 1,400.

From Cape Charles, Va., VOR; to Salisbury, Md., VOR; MEA 1,500.

Section 610.6002 *VOR civil airway 2* is amended to read in part:

From *Lake City INT, Minn.; to Winona INT, Minn.; MEA 2,600. *3,000—MRA.

From Winona INT, Minn.; to Nodine, Minn., VOR; MEA 2,800.

From Minneapolis, Minn., VOR via N alter.; to El Paso INT, Minn., via N alter.; MEA 2,800.

From El Paso INT, Minn., via N alter.; to Dodge INT, Wis., via N alter.; MEA *3,200. *2,600—MOCA.

Section 610.6006 *VOR civil airway 6* is amended to read in part:

From Lovelock, Nev., VOR via N alter.; to Battle Mountain, Nev., VOR via N alter.; MEA 11,000.

From Allentown, Pa., VOR; to Hadley INT, N. J.; MEA 2,500.

Section 610.6007 *VOR civil airway 7* is amended to read in part:

From Cross City, Fla., VOR via W alter.; to Lobster INT, Fla., via W alter.; MEA *2,000. *1,800—MOCA.

From Lobster INT, Fla., via W alter.; to Bristol INT, Fla., via W alter.; MEA *5,000. *1,800—MOCA.

Section 610.6008 *VOR civil airway 8* is amended to delete:

From *Mormon Mesa, Utah, VOR via S alter.; to Bryce Canyon, Utah, VOR via S alter.; MEA 15,000. *10,000—MCA Mormon Mesa, VOR, northeastbound.

Section 610.6008 *VOR civil airway 8* is amended by adding:

From Mormon Mesa, Utah, VOR via N alter.; to *Gunlock INT, Utah, via N alter.; MEA 10,000. *15,000—MRA.

From Gunlock INT, Utah, via N alter.; to Bryce Canyon, Utah, VOR via N alter.; MEA *15,000. *13,000—MOCA.

Section 610.6008 *VOR civil airway 8* is amended to read in part:

From Hector, Calif., VOR; to Las Vegas, Nev., VOR; MEA *16,000. *10,000—MOCA.

From *Daggett, Calif., VOR via N alter.; to Harvard INT, Calif., via N alter.; MEA 6,000. *8,000—MCA Daggett VOR southwestbound.

From Harvard INT, Calif., via N alter.; to *Silver Lake INT, Calif., via N alter.; MEA 9,500. *13,000—MRA.

Section 610.6009 *VOR civil airway 9* is amended to read in part:

From Pontiac, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.

From Joliet, Ill., VOR; to Naperville, Ill., VOR; MEA 2,000.

From New Orleans, La., VOR via W alter.; to *Albany INT, La., via W alter.; MEA 1,400. *1,800—MRA.

From McComb, Miss., VOR via E alter.; to Johns INT, Miss., via E alter.; MEA *2,500. *1,800—MOCA.

From Johns INT, Miss., via E alter; to Jackson, Miss., VOR via E alter.; MEA 1,700.

From Jackson, Miss., VOR via W alter.; to *Anding INT, Miss., via W alter.; MEA 1,700. *6,500—MRA.

From Anding INT, Miss., via W alter.; to Greenwood, Miss., VOR via W alter.; MEA 1,700.

Section 610.6009 *VOR civil airway 9* is amended by adding:

From McComb, Miss., VOR via W alter.; to Raymond INT, Miss., via W alter.; MEA *3,000. *1,800—MOCA.

From Raymond INT, Miss., via W alter.; to Jackson, Miss., VOR via W alter.; MEA 2,000.

From Jackson, Miss., VOR via E alter.; to Greenwood, Miss., VOR via E alter.; MEA *2,000. *1,700—MOCA.

Section 610.6012 *VOR civil airway 12* is amended by adding:

From Winslow, Ariz., VOR via S alter.; to Zuni, N. Mex., VOR via S alter.; MEA 9,000.

Section 610.6012 *VOR civil airway 12* is amended to read in part:

From Zuni, N. Mex., VOR via S alter.; to Hickman INT, N. Mex., via S alter.; MEA 10,000.

From Hickman INT, N. Mex., via S alter.; to Suwanee INT, N. Mex., via S alter.; MEA 10,500.

Section 610.6013 *VOR civil airway 13* is amended to read in part:

From Ames INT, Iowa; to Alden INT, Iowa; MEA *3,000. *2,500—MOCA.

From Union INT, Iowa, via E alter.; to Mason City, Iowa, VOR via E alter.; MEA *3,000. *2,500—MOCA.

From Lufkin, Tex., VOR; to *Carthage INT, Tex.; MEA **3,000. *2,500—MRA. **1,700—MOCA.

From Lufkin, Tex., VOR via E alter.; to Shreveport, La., VOR via E alter.; MEA *3,500. *2,400—MOCA.

From Lufkin, Tex., VOR via W alter.; to Shreveport, La., VOR via W alter.; MEA *3,500. *2,400—MOCA.

Section 610.6013 *VOR civil airway 13* is amended to delete:

From Mason City, Iowa; to Hope INT, Minn.; MEA *4,000. *2,800—MOCA.

From Hope INT, Minn.; to Lakeville INT, Minn.; MEA *4,000. *2,600—MOCA.

From Lakeville INT, Minn.; to Minneapolis, Minn., VOR; MEA 2,500.

From Mason City, Iowa, VOR via W alter.; to *Prior INT, Minn., via W alter.; MEA **4,000. *4,000—MRA. **2,600—MOCA.

From Prior INT, Minn., via W alter.; to Minneapolis, Minn., VOR via W alter.; MEA 2,500.

From Minneapolis, Minn., VOR; to Grantsburg, Wis., VOR; MEA 2,500.

Section 610.6013 *VOR civil airway 13* is amended by adding:

From Mason City, Iowa, VOR; to Owatanna INT, Minn.; MEA 2,800.

From Owatanna INT, Minn.; to Farmington, Minn., VOR; MEA 2,600.

From Farmington, Minn., VOR; to Grantsburg, Wis., VOR; MEA 2,500.

From Mason City, Iowa, VOR via W alter.; to Waterville INT, Minn., via W alter.; MEA *4,600. *2,600—MOCA.

From Waterville INT, Minn., via W alter.; to Lydia INT, Minn., via W alter.; MEA *4,600. *2,300—MOCA.

From Lydia INT, Minn., via W alter.; to Hammond INT, Minn., via W alter.; MEA 2,300.

From Hammond INT, Minn., via W alter.; to Minneapolis, Minn., VOR via W alter.; MEA 2,500.

From Minneapolis, Minn., VOR via W alter.; to Grantsburg, Wis., VOR via W alter.; MEA 2,500.

Section 610.6014 *VOR civil airway 14* is amended to read in part:

From Florida INT, Ind.; to *Coldwater INT, Ind.; MEA **4,500. *4,500—MRA. **2,200—MOCA.

Section 610.6018 *VOR civil airway 18* is amended to read in part:

From Shreveport, La., VOR via S alter.; to Monroe, La., VOR via S alter.; MEA *2,000. *1,900—MOCA.

From Monroe, La., VOR via S alter.; to *Cedars INT, Miss., via S alter.; MEA **2,000. *4,000—MRA. **1,700—MOCA.

From Cedars INT, Miss., via S alter.; to *Edwards INT, Miss., via S alter.; MEA **2,000. *4,000—MRA. **1,700—MOCA.

From Edwards INT, Miss., via S alter.; to Jackson, Miss., VOR via S alter.; MEA *2,000. *1,700—MOCA.

From Jackson, Miss., VOR via S alter.; to Meridian, Miss., VOR via S alter.; MEA *2,000. *1,900—MOCA.

Section 610.6018 *VOR civil airway 18* is amended by adding:

From Monroe, La., VOR via N alter.; to *Gerard INT, La., via N alter.; MEA 1,900. *2,900—MRA.

From Gerard INT, La., via N alter.; to Phoenix INT, Miss., via N alter.; MEA *2,500. *1,500—MOCA.

From Phoenix INT, Miss., via N alter.; to Jackson, Miss., VOR via N alter.; MEA 1,700.

From Jackson, Miss., VOR via N alter.; to Meridian, Miss., VOR via N alter.; MEA *2,000. *1,900—MOCA.

Section 610.6019 *VOR civil airway 19* is amended to read in part:

From Billings, Mont., VOR via W alter.; to *Lewistown, Mont., VOR via W alter.; MEA 11,000. *9,500—MCA Lewistown VOR, southeastbound.

From La Joya, N. Mex., VOR; to Albuquerque, N. Mex., VOR; MEA 8,000.

From Albuquerque, N. Mex., VOR; to *Sante Fe, N. Mex., VOR; 9,000. *11,600—MCA Sante Fe VOR, eastbound.

Section 610.6021 *VOR civil airway 21* is amended to read in part:

From Hector, Calif., VOR; to Las Vegas, Nev., VOR; MEA *16,000. *10,000—MOCA.

From Mormon Mesa, Nev., VOR; to *Gunlock INT, Utah; MEA 10,000. *15,000—MRA.

From Gunlock INT, Utah; to Milford, Utah, VOR; MEA 10,000.

Section 610.6022 *VOR civil airway 22* is amended to read in part:

From Marianna, Fla., VOR via N alter.; to *Calvary INT, Ga., via N alter.; MEA **2,500. *2,500—MRA. **1,500—MOCA.

From Calvary INT, Ga., via N alter.; to *Reno INT, Ga., via N alter.; MEA **3,500. *2,500—MRA. **1,300—MOCA.

From Reno INT, Ga., via N alter.; to *Quitman INT, Ga., via N alter.; MEA **5,000. *5,000—MRA. **1,300—MOCA.

Section 610.6023 *VOR civil airway 23* is amended to read in part:

From Rancho INT, Calif., via E alter.; to Oceanside, Calif., VOR via E alter.; MEA 3,000.

Section 610.6024 *VOR civil airway 24* is amended to read in part:

From Redwood Falls, Minn., VOR; to Rochester, Minn., VOR; MEA *3,600. *2,800—MOCA.

Section 610.6026 *VOR civil airway 26* is amended to read in part:

From Huron, S. Dak., VOR; to Oakwood INT, S. Dak.; MEA *4,700. *2,800—MOCA.

From Oakwood INT, S. Dak.; to Redwood Falls, Minn., VOR; MEA *4,700. *3,000—MOCA.

From Huron, S. Dak., VOR; to Redwood Falls, Minn., VOR via S alter.; MEA *5,300. *3,000—MOCA.

Section 610.6026 *VOR civil airway 26* is amended to delete:

From Redwood Falls, Minn., VOR via S alter.; to *Prior INT, Minn., via S alter.; MEA **4,000. *4,000—MRA. **2,300—MOCA.

From *Prior INT, Minn., via S alter.; to **Hastings INT, Minn., via S alter.; MEA ***10,500. *10,500—MCA Prior INT eastbound and westbound. **5,000—MRA. ***2,200—MOCA.

From Hastings INT, Minn., via S alter.; to St. Croix INT, Wis., via S alter.; MEA *5,000. *2,400—MOCA.

From St. Croix INT, Wis., via S alter.; to Martell INT, Wis., via S alter.; MEA *3,500. *2,400—MOCA.

From Martell INT, Wis., via S alter.; to Eau Claire, Wis., VOR via S alter.; MEA 2,800.

From Redwood Falls, Minn., VOR; to Minneapolis, Minn.; MEA 2,200.

From Minneapolis, Minn., VOR; to Houlton INT, Wis.; MEA 2,500.

From Houlton INT, Wis.; to Eau Claire, Wis., VOR; MEA 2,800.

Section 610.6026 *VOR civil airway 26* is amended by adding:

From Redwood Falls, Minn., VOR; to Lydia INT, Minn.; MEA *4,000. *2,500—MOCA.

From Lydia INT, Minn.; to Farmington, Minn., VOR; MEA 2,300.

From Farmington, Minn., VOR; to El Paso INT, Minn.; MEA 2,200.

From El Paso INT, Minn.; to Eau Claire, Wis., VOR; MEA 2,600.

From Redwood Falls, Minn., VOR via N alter.; to Loretto INT, Minn., via N alter.; MEA 2,500.

From Loretto INT, Minn., via N alter.; to Minneapolis, Minn., VOR via N alter.; MEA 2,200.

From Minneapolis, Minn., VOR via N alter.; to White Bear INT, Minn., via N alter.; MEA 2,500.

From White Bear INT, Minn., via N alter.; to Eau Claire, Wis., VOR via N alter.; MEA 2,800.

Section 610.6027 *VOR civil airway 27* is amended to read in part:

From Oxnard, Calif., VOR; to *Santa Barbara, Calif., VOR; MEA 6,000. *8,000—MCA Santa Barbara VOR, northwestbound.

Section 610.6029 *VOR civil airway 29* is amended to read in part:

From Binghamton, N. Y., VOR; to Cortland INT, N. Y.; MEA 3,500.

From Cortland INT, N. Y.; to Syracuse, N. Y., VOR; MEA 3,000.

Section 610.6035 *VOR civil airway 35* is amended to read in part:

From Tallahassee, Fla., VOR via E alter.; to *Reno INT, Ga., via E alter.; MEA **2,000. *2,500—MRA. **1,700—MOCA.

From Reno INT, Ga., via E alter.; to *Pelham INT, Ga., via E alter.; MEA **2,000. *2,700—MRA. **1,700—MOCA.

From Pelham INT, Ga., via E alter.; to *Hartsfield INT, Ga., via E alter.; MEA **2,000. *2,000—MRA. **1,700—MOCA.

From Elmira, N. Y., VOR via E alter.; to Cortland INT, N. Y., via E alter.; MEA 3,500.

From Cortland INT, N. Y., via E alter.; to Syracuse, N. Y., VOR via E alter.; MEA 3,000.

Section 610.6037 *VOR civil airway 37* is amended to read in part:

From Turnpike INT, Pa.; to *Hadley INT, Pa.; MEA **4,000. *4,000—MRA. **3,000—MOCA.

Section 610.6050 *VOR civil airway 50* is amended to read in part:

From Indianapolis, Ind., VOR; to Maxwell INT, Ind.; MEA 2,400.

Section 610.6055 *VOR civil airway 55* is amended to read in part:

From Dawn INT, Ohio; to *Coldwater INT, Ind., MEA **2,600. *4,500—MRA. **2,200—MOCA.

Section 610.6066 *VOR civil airway 66* is amended to read in part:

From Yuma, Ariz., VOR; to Gila Bend, Ariz., VOR; MEA *6,000. *4,000—MOCA.

Section 610.6068 *VOR civil airway 68* is amended to read in part:

From Albuquerque, N. Mex., VOR via S alter.; to Belen INT, N. Mex., via S alter.; MEA 8,000.

Section 610.6069 *VOR civil airway 69* is amended to delete:

From Pontiac, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.

From Joliet, Ill., VOR; to Big Run INT, Ill.; MEA 2,000.

From Big Run INT, Ill.; to Midway INT, Ill.; MEA 2,100.

Section 610.6069 *VOR civil airway 69* is amended by adding:

From Pontiac, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.

From Joliet, Ill., VOR; to Kedzie, Ill., LF/RBN; MEA 2,000.

Section 610.6070 *VOR civil airway 70* is amended to read in part:

From *Albany INT, La.; to Picayune, Miss., VOR; MEA 1,400. *1,500—MRA.

Section 610.6081 *VOR civil airway 81* is amended to read in part:

From Dalhart, Tex., VOR; to Tobe, Colo., VOR; MEA 8,500.

From Tobe, Colo., VOR; to Pueblo, Colo., VORTAC; MEA 7,500.

Section 610.6081 *VOR civil airway 81* is amended by adding:

From Pueblo, Colo., VORTAC; to Colorado Springs, Colo., VOR; MEA 8,000.

From *Colorado Springs, Colo., VOR; to Parker INT, Colo., MEA **10,000. *9,000—MCA Colorado Springs VOR, northbound. **9,000—MOCA.

From Parker INT, Colo.; to Denver, Colo., VOR; MEA 8,000.

Section 610.6082 *VOR civil airway 82* is amended to read in part:

From Minneapolis, Minn., VOR; to Farmington, Minn., VOR; MEA 2,800.

From Farmington, Minn., VOR; to Rochester, Minn., VOR; MEA 2,800.

Section 610.6082 *VOR civil airway 82* is amended to delete:

From Minneapolis, Minn., VOR via S alter.; to Lakeville INT, Minn., via S alter.; MEA 2,500.

From Lakeville INT, Minn., via S alter.; to Rochester, Minn., VOR via S alter.; MEA 2,800.

Section 610.6083 *VOR civil airway 83* is amended to read in part;

From *Alamosa, Colo., VOR; to **Pueblo, Colo., VORTAC; MEA 16,500. *15,000—MCA Alamosa VOR, northeastbound. **12,000—MCA Pueblo VORTAC, westbound.

Section 610.6083 *VOR civil airway 83* is amended by adding:

From Pueblo, Colo., VORTAC; to Colorado Springs, Colo., VOR; MEA 8,000.

From *Colorado Springs, Colo., VOR; to Kiowa, Colo., VOR; MEA 9,000. *9,000—MCA Colorado Springs VOR, northeastbound.

Section 610.6089 *VOR civil airway 89* is amended to read in part:

From Cheyenne, Wyo., VOR via E alter.; to Scottsbluff, Nebr., VOR via E alter.; MEA 7,600.

From Scottsbluff, Nebr., VOR via E alter; to Chadron, Nebr., VOR via E alter.; MEA 6,600.

Section 610.6092 *VOR civil airway 92* is amended to read in part:

From Joliet, Ill., VOR; to Chicago Heights, Ill., VOR; MEA 2,300.

Section 610.6097 *VOR civil airway 97* is amended to read in part:

From Nodine, Minn., VOR; to Winona INT, Minn.; MEA 2,800.

From Winona INT, Minn.; to *Lake City INT, Minn.; MEA 2,600. *3,000—MRA.

From *Calvary INT, Fla.; to **Camilla INT, Ga.; MEA 2,000. *2,500—MRA. **2,200—MRA.

Section 610.6100 *VOR civil airway 100* is amended to read in part:

From Chadron, Nebr., VOR; to O'Neill, Nebr., VOR; MEA 10,000.

From O'Neill, Nebr., VOR; to Sioux City, Iowa, VOR; MEA 3,700.

Section 610.6105 *VOR civil airway 105* is amended to read in part:

From Prescott, Ariz., VOR; to Hackberry INT, Ariz.; MEA 11,000.

From Hackberry INT, Ariz.; to *Red Lake INT, Ariz.; MEA 11,000. *10,000—MRA.

From Red Lake INT, Ariz.; to *White Hills INT, Nev.; MEA 11,000. *8,700—MCA White Hills INT, southeastbound.

Section 610.6105 *VOR civil airway 105* is amended to delete:

From Prescott, Ariz., VOR via W alter.; to Las Vegas, Nev., VOR via W alter.; MEA *15,000. *10,500—MOCA.

Section 610.6105 *VOR civil airway 105* is amended by adding:

From Prescott, Ariz., VOR via E alter.; to Drake, Ariz., VOR via E alter.; MEA 8,000.

From Drake, Ariz., VOR via E alter.; to Peach Springs, Ariz., VOR via E alter.; MEA 9,000.

From Peach Springs, Ariz., VOR via E alter.; to Temple INT, Ariz., via E alter.; MEA 9,000.

From Temple INT, Ariz., via E alter.; to Las Vegas, Nev., VOR via E alter.; MEA 8,000.

Section 610.6108 *VOR civil airway 108* is amended to read in part:

From *Colorado Springs, Colo., VOR; to Hugo, Colo., VOR; MEA 9,000. *9,000—MCA Colorado Springs VOR, eastbound.

Section 610.6109 *VOR civil airway 109* is amended to read in part:

From Panoche, Calif., VOR; to *French Camp INT, Calif.; MEA 4,000. *6,000—MRA.

From French Camp INT, Calif.; to Altamont INT, Calif.; MEA 6,000.

Section 610.6110 *VOR civil airway 110* is amended to read in part:

From Agnew, Calif., VOR; to Mission INT, Calif.; MEA 5,000.

From Mission INT, Calif.; to *Livermore INT, Calif.; MEA 6,000. *6,000—MRA.

Section 610.6114 *VOR civil airway 114* is amended to read in part:

From *Glinton INT, La., via N alter.; to **Albany INT, La., via N alter.; MEA ***2,000. *6,000—MRA. **1,500—MRA. ***1,400—MOCA.

Section 610.6116 *VOR civil airway 116* is amended to read in part:

From Peoria, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.

From Joliet, Ill., VOR; to Naperville, Ill., VOR; MEA 2,000.

Section 610.6137 *VOR civil airway 137* is amended to read in part:

From *Gorman, Calif., VOR; to **Cuyama INT, Calif.; MEA ***13,000. *10,500—MCA Gorman VOR, northwestbound. **13,000—MCA Cuyama INT, southeastbound. ***11,000—MOCA.

Section 610.6140 *VOR civil airway 140* is amended to read in part:

From Walnut Ridge, Ark., VOR; to *Holland INT, Mo.; MEA 1,700. *3,000—MRA.

From Holland INT, Mo.; to Dyersburg, Tenn., VOR; MEA 1,700.

Section 610.6148 *VOR civil airway 148* is amended to read in part:

From North Platte, Nebr., VOR; to O'Neill, Nebr., VOR; MEA 4,900.

From O'Neill, Nebr., VOR; to *Tyndall INT, S. Dak.; MEA 3,500. *7,500—MRA.

From Denver, Colo., VOR; to Kiowa, Colo., VOR; MEA 8,000.

Section 610.6159 *VOR civil airway 159* is amended to read in part:

From Greenville INT, Fla., via W alter.; to Quitman INT, Ga., via W alter.; MEA *5,000. *5,000—MRA. **1,300—MOCA.

Section 610.6161 *VOR civil airway 161* is amended to read in part:

From Rochester, Minn., VOR; to Diamond Bluff INT, Minn.; MEA 2,800.

From Diamond Bluff INT, Minn.; to Washburn INT, Minn., MEA 2,400.

From Washburn INT, Minn.; to Loretto INT, Minn.; MEA 2,500.

From Loretto INT, Minn.; to Roscoe INT, Minn.; MEA 3,000.

From Roscoe INT, Minn.; to Alexandria, Minn., VOR; MEA *3,600. *2,500—MOCA.

Section 610.6163 *VOR civil airway 163* is amended to read in part:

From Alice, Tex., VOR; to Essen INT, Tex.; MEA 2,200.

From Essen INT, Tex.; to *Floresville INT, Tex.; MEA **2,200. *3,000—MRA. **2,000—MOCA.

Section 610.6168 *VOR civil airway 168* is deleted.

Section 610.6168 *VOR civil airway 168* is added to read:

From Rock River, Wyo., VOR; to Scottsbluff, Nebr., VOR; MEA 10,200.

From Scottsbluff, Nebr., VOR; to O'Neill, Nebr., VOR; MEA 5,700.

Section 610.6169 *VOR civil airway 169* is amended to read in part:

From Sidney, Nebr., VOR; to Scottsbluff, Nebr., VOR; MEA 5,800.

From Scottsbluff, Nebr., VOR; to Chadron, Nebr., VOR; MEA 6,600.

Section 610.6171 *VOR civil airway 171* is amended by adding:

From Lone Rock, Wis., VOR; to Nodine, Minn., VOR; MEA 2,600.

From Nodine, Minn., VOR; to Elba INT, Minn.; MEA 2,800.

From Elba INT, Minn.; to Farmington, Minn., VOR; MEA 2,200.

From Farmington, Minn., VOR; to Excelsior INT, Minn.; MEA 2,200.

From Excelsior INT., Minn.; to Cokato INT, Minn.; MEA 2,500.

From Cokato INT, Minn.; to Alexandria, Minn., VOR; MEA *3,600. *2,500—MOCA.

Section 610.6171 *VOR civil airway 171* is amended to read in part:

From Peotone, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.

From Joliet, Ill., VOR; to Hinckley INT, Ill.; MEA 2,000.

From Hinckley INT, Ill.; to *Rockford, Ill., VOR; MEA 2,100. *2,500—MCA Rockford VOR, northwestbound.

Section 610.6173 *VOR civil airway 173* is amended to delete:

From Big Run INT, Ill.; to Midway INT, Ill.; MEA 2,100.

Section 610.6173 *VOR civil airway 173* is amended by adding:

From Big Run INT, Ill.; to Kedzie, Ill., LF/RBN; MEA 2,000.

Section 610.6189 *VOR civil airway 189* is added to read:

From Rocky Mount, N. C., VOR; to Franklin INT, Va.; MEA *3,000. *1,400—MOCA.

Section 610.6190 *VOR civil airway 190* is amended to read in part:

From Phoenix, Ariz., VOR; to Four Peaks INT, Ariz.; MEA 6,000.

From *Four Peaks INT, Ariz.; to Salt River INT, Ariz.; northeastbound, MEA 11,000; southwestbound, MEA 10,000. *9,000—MCA Four Peaks INT, northeastbound.

From Salt River INT, Ariz.; to St. Johns, Ariz., VOR; MEA *12,000. *11,000—MOCA.

Section 610.6191 *VOR civil airway 191* is amended to delete:

From Big Run INT, Ill.; to Midway INT, Ill.; MEA 2,100.

Section 610.6191 *VOR civil airway 191* is amended by adding:

From Big Run INT, Ill.; to Kedzie, Ill., LF/RBN; MEA 2,000.

Section 610.6192 *VOR civil airway 192* is amended to read in part:

From Zuni, N. Mex., VOR; to Hickman INT, N. Mex.; MEA 10,000.

From Hickman INT, N. Mex.; to *La Joya, N. Mex., VOR; MEA **13,000. *10,000—MCA La Joya VOR, westbound. **11,000—MOCA.

Section 610.6194 *VOR civil airway 194* is amended to delete:

From Cofield, N. C., VOR; to Corapeake INT, Va.; MEA 1,200.

From Corapeake INT, Va.; to Norfolk, Va., ILS loc.; MEA 1,500.

From Norfolk, Va., ILS loc.; to Whitehurst INT, Va.; MEA 1,500.

Section 610.6194 *VOR civil airway 194* is amended by adding:

From Cofield, N. C., VOR; to Norfolk, Va., VOR; MEA 1,400.

Section 610.6198 *VOR civil airway 198* is amended to read in part:

From Fort Stockton, Tex., VOR; to Rocksprings, Tex., VOR; MEA *7,000. *4,700—MOCA.

Section 610.6208 *VOR civil airway 208* is amended by adding:

From *Needles, Calif., VOR; to Peach Springs, Ariz., VOR; MEA 9,000. *7,500—MCA Needles VOR, northeastbound.

Section 610.6210 *VOR civil airway 210* is amended to delete:

From Goffs, Calif., VOR; to Union Pass INT, Ariz.; MEA 8,000.

From Union Pass INT, Ariz.; to *Hackberry INT, Ariz.; MEA 9,000. *13,200—MRA.

From Hackberry INT, Ariz.; to Valle, Ariz., VOR; MEA 9,000.

From Valle, Ariz., VOR; to *Black Mesa INT, Ariz., MEA 16,000. *17,000—MRA.

From Black Mesa INT, Ariz.; to Farmington, N. Mex., VOR; MEA 16,000.

Section 610.6210 *VOR civil airway 210* is amended by adding:

From Goffs, Calif., VOR; to Union Pass INT, Ariz.; MEA 8,000. *Union Pass INT, Ariz.; **Red Lake INT, Ariz.; MEA 9,000. *8,500—MCA Union Pass INT, eastbound. **10,000—MRA.

From Red Lake INT, Ariz.; to Peach Springs, Ariz., VOR; MEA 9,000.

From Peach Springs, Ariz., VOR; to *Canyon INT, Ariz.; MEA 10,000. *13,000—MRA.

From Canyon INT, Ariz.; to Tuba City, Ariz., VOR; MEA 10,000.

From Tuba City, Ariz., VOR; to Farmington, N. Mex., VOR; MEA 12,000.

Section 610.6244 *VOR civil airway 244* is amended to read in part:

From Altamont INT, Calif.; to *French Camp INT, Calif.; MEA 6,000. *6,000—MRA.

Section 610.6245 *VOR civil airway 245* is added to read:

From *Goffs, Calif., VOR; to Las Vegas, Nev., VOR; MEA 8,000. *7,000—MCA Goffs VOR, northeastbound.

Section 610.6247 *VOR civil airway 247* is amended by adding:

From Scottsbluff, Nebr., VOR; to Douglas, Wyo., VOR; MEA 7,700.

Section 610.6257 *VOR civil airway 257* is amended by adding:

From Drake, Ariz., VOR; to Anita INT, Ariz.; MEA 10,000.

From Anita INT, Ariz.; to Bryce Canyon, Utah, VOR; MEA *15,000. *11,500—MOCA.

From Bryce Canyon, Utah, VOR; to Delta, Utah, VOR; MEA 14,500.

Section 610.6262 *VOR civil airway 262* is amended to read:

From Bradford, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.

From Joliet, Ill., VOR; to Kedzie, Ill., LF/RBN; MEA 2,000.

Section 610.6266 *VOR civil airway 266* is amended by adding:

From Lawrenceville, Va., VOR; to Franklin INT, Va.; MEA *3,000. *1,500—MOCA.

Section 610.6278 *VOR civil airway 278* is amended by adding:

From Greenwood, Miss., VOR; to Columbus, Miss., VOR; MEA *2,000. *1,700—MOCA.

From Columbus, Miss., VOR; to Flat Creek INT, Ala.; MEA *2,000. *1,700—MOCA.

From Flat Creek INT, Ala.; to Birmingham, Ala., VOR; MEA 1,700.

Section 610.6283 *VOR civil airway 283* is amended to read:

From *Redmond, Oreg., VOR; to Elkhorn INT, Oreg.; MEA 12,500. *10,000—MCA Redmond VOR, northwestbound.

From Elkhorn INT, Oreg.; to *Maverick INT, Oreg.; northwestbound, MEA 7,000; southeastbound, MEA 12,500. *9,500—MCA Maverick INT, southeastbound.

From Maverick INT, Oreg.; to Newberg, Oreg., VOR; MEA 4,000.

Section 610.6291 *VOR civil airway 291* is amended to read:

From Prescott, Ariz., VOR; to Drake, Ariz., VOR; MEA 8,000.

From *Drake, Ariz., VOR; to **Canyon INT, Ariz.; MEA ***13,000. *10,000—MCA Drake VOR, northbound. **13,000—MRA; ***11,000—MOCA.

From Canyon INT, Ariz.; to Tuba City, Ariz., VOR; MEA 10,000.

Section 610.6429 *VOR civil airway 429* is added to read:

From Roberts, Ill., VOR; to Joliet, Ill., VOR; MEA 2,100.

Section 610.6502 *VOR civil airway 1502* is amended to read in part:

From Huron, S. Dak., VOR; to Oakwood INT, S. Dak.; MEA *4,700. *2,800—MOCA.

From Oakwood INT, S. Dak.; to Redwood Falls, Minn., VOR; MEA *4,700. *3,000—MOCA.

Section 610.6506 *VOR civil airway 1506* is amended to read in part:

From Chadron, Nebr., VOR; to O'Neill, Nebr., VOR; MEA 10,000.

From O'Neill, Nebr., VOR; to Sioux City, Iowa, VOR; MEA 3,700.

Section 610.6508 *VOR civil airway 1508* is amended by adding:

From Laramie, Wyo., VOR; to Scottsbluff, Nebr., VOR; MEA, 10,700.

From Scottsbluff, Nebr., VOR; to O'Neill, Nebr., VOR; MEA 5,700.

Section 610.6608 *VOR civil airway 1508* is amended to read in part:

From *Daggett, Calif., VOR; to Harvard INT, Calif.; MEA 6,000. *8,000—MCA Daggett VOR, southwestbound.

From Harvard INT, Calif.; to *Silver Lake INT, Calif.; MEA 9,500. *13,000—MRA.

From O'Neill, Nebr., VOR; to Sioux City, Iowa, VOR; MEA 3,700.

From Mormon Mesa, Nev., VOR; to *Gunlock INT, Utah; MEA 10,000. *15,000—MRA.

From Gunlock INT, Utah; to Milford, Utah, VOR; MEA 10,000.

Section 610.6610 *VOR civil airway 1510* is amended to read in part:

From *Daggett, Calif., VOR; to Harvard INT, Calif; MEA 6,000. *8,000—MCA Daggett VOR, southwestbound.

From Harvard INT, Calif.; to *Silver Lake INT, Calif.; MEA 9,500. *13,000—MRA.

Section 610.6610 *VOR civil airway 1510* is amended to delete:

From Iowa City, Iowa, VOR via S alter.; to Buffalo INT, Iowa, via S alter.; MEA 2,100.

From Buffalo INT, Iowa, via S alter.; to *Annawan INT, Ill., via S alter.; MEA **4,000. *4,000—MRA. **2,100—MOCA.

From Annawan INT, Ill., via S alter.; to Triumph INT, Ill., via S alter.; MEA *6,000. *2,000—MOCA.

From Triumph INT, Ill., via S alter.; to Joliet, Ill., VOR via S alter.; MEA 2,000.

From Joliet, Ill., VOR via S alter.; to Chicago Heights, Ill., VOR via S alter.; MEA 2,300.

From Chicago Heights, Ill., VOR via S alter.; to *Westville INT, Ind., via S alter.; MEA 2,000. *3,800—MRA.

From Westville INT, Ind., via S alter.; to Goshen, Ind., VOR via S alter.; MEA 2,100.

From Goshen, Ind., VOR via S alter.; to Millersburg INT, Ind., via S alter.; MEA 2,000.

From Millersburg INT, Ind., via S alter.; to Edgerton INT, Ohio, via S alter.; MEA *3,000. *2,300—MOCA.

From Edgerton INT, Ohio, via S alter.; to Pulaski INT, Ohio, via S alter.; MEA *3,000. *2,100—MOCA.

From Pulaski INT, Ohio, via S alter.; to Waterville, Ohio, VOR via S alter.; MEA 2,000.

Section 610.6610 *VOR civil airway 1510* is amended by adding:

From Iowa City, Iowa, VOR; to Buffalo INT, Iowa; MEA 2,100.

From Buffalo INT, Iowa; to *Annawan INT, Ill.; MEA **4,000. *4,000—MRA. **2,100—MOCA.

From Annawan INT, Ill.; to Triumph INT, Ill.; MEA *6,000. *2,000—MOCA.

From Triumph INT, Ill.; to Joliet, Ill., VOR; MEA 2,000.

From Joliet, Ill., VOR; to Chicago Heights, Ill., VOR; MEA 2,300.

From Chicago Heights, Ill., VOR; to *Westville INT, Ind.; MEA 2,000. *3,800—MRA.

From Westville INT, Ind.; to Goshen, Ind., VOR; MEA 2,100.

From Goshen, Ind., VOR; to Millersburg INT, Ind.; MEA 2,000.

From Millersburg INT, Ind.; to Edgerton INT, Ohio; MEA *3,000. *2,300—MOCA.

From Edgerton INT, Ohio; to Pulaski INT, Ohio; MEA *3,000. *2,100—MOCA.

From Pulaski INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.

From Iowa City, Iowa, VOR via N alter.; to Cordova, Ill., VOR via N alter.; MEA 2,000.

From Cordova, Ill., VOR via N alter.; to *Shabbona INT, Ill., via N alter.; MEA 2,100. *3,500—MRA.

From Shabbona INT, Ill., via N alter.; to Sugar Grove INT, Ill., via N alter.; MEA 2,100.

From Sugar Grove INT, Ill., via N alter.; to Naperville, Ill., VOR via N alter.; MEA 2,000.

From Naperville, Ill., VOR via N alter.; to South Bend, Ind., VOR via N alter.; MEA 2,300.

From South Bend, Ind., VOR via N alter.; to Elmira INT, Ohio, via N alter.; MEA *3,000. *2,300—MOCA.

From Elmira INT, Ohio, via N alter.; to Waterville, Ohio, VOR via N alter.; MEA 2,000.

Section 610.6612 *VOR civil airway 1512* is amended to read in part:

From Indianapolis, Ind., VOR; to Maxwell INT, Ind.; MEA 2,400.

Section 610.6612 *VOR civil airway 1512* is amended to delete:

From Goffs, Calif., VOR; to Union Pass INT, Ariz.; MEA 8,000.

From Union Pass INT, Ariz.; to *Hackberry INT, Ariz.; MEA 9,000. *13,200—MRA.

From Hackberry INT, Ariz.; to Valle, Ariz., VOR; MEA 9,000.

From Valle, Ariz., VOR; to *Black Mesa INT, Ariz.; MEA 16,000. *17,000—MRA.

From Black Mesa INT, Ariz.; to Farmington, N. Mex., VOR; MEA 16,000.

Section 610.6612 *VOR civil airway 1512* is amended by adding:

From Goffs, Calif., VOR; to Union Pass INT, Ariz.; MEA 8,000.

From *Union Pass INT, Ariz.; to Peach Springs, Ariz., VOR; MEA 9,000. *8,500—MCA Union Pass INT, eastbound.

From Peach Springs, Ariz., VOR; to Tuba City, Ariz., VOR; MEA 10,000.

From Tuba City, Ariz., VOR; to Farmington, N. Mex., VOR; MEA 12,000.

Section 610.6614 *VOR civil airway 1514* is amended to read in part:

From Indianapolis, Ind., VOR; to Maxwell INT, Ind., MEA 2,400.

Section 610.6616 *VOR civil airway 1516* is amended to delete:

From Valle, Ariz., VOR; to *Black Mesa INT, Ariz.; MEA 16,000. *17,000—MRA.

From Black Mesa INT, Ariz.; to Farmington, N. Mex., VOR; MEA 16,000.

Section 610.6616 *VOR civil airway 1516* is amended by adding:

From Goffs, Calif., VOR; to Union Pass INT; MEA 8,000.

From *Union Pass INT, Ariz.; to **Red-Lake INT, Ariz.; MEA 9,000. *8,500—MCA Union Pass INT, eastbound. **10,000—MRA.

From Red Lake INT, Ariz.; to Peach Springs, Ariz., VOR; MEA 9,000.

From Peach Springs, Ariz., VOR; to *Canyon INT, Ariz.; MEA 10,000. *13,000—MRA.

From Canyon INT, Ariz.; to Tuba City, Ariz., VOR; MEA 10,000.

From Tuba City, Ariz., VOR; to Farmington, N. Mex., VOR; MEA 12,000.

Section 610.6618 *VOR civil airwdy 1518* is amended to read in part:

From Walnut Ridge, Ark., VOR; to *Holland INT, Mo.; MEA 1,700. *3,000—MRA.

From Holland INT, Mo.; to Dyersburg, Tenn., VOR; MEA 1,700.

Section 610.6622 *VOR civil airway 1522* is amended by adding:

From Greenwood, Miss., VOR; to Columbus, Miss., VOR; MEA *2,000. *1,700—MOCA.

From Columbus, Miss., VOR; to Flat Creek INT, Ala.; MEA *2,000. *1,700—MOCA.

From Flat Creek INT, Ala.; to Birmingham, Ala., VOR; MEA 1,700.

Section 610.6629 *VOR civil airway 1529* is amended to read in part:

From *Daggett, Calif., VOR; to Harvard INT, Calif.; MEA 6,000. *8,000—MCA Daggett VOR, southwestbound.

From Harvard INT, Calif.; to *Silver Lake INT, Calif.; MEA 9,500. *13,000—MRA.

From Mormon Mesa, Nev., VOR; to *Gunlock INT, Utah; MEA 10,000. *15,000—MRA.

From Gunlock INT, Utah; to Milford, Utah, VOR; MEA 10,000.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective October 23, 1958.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

SEPTEMBER 19, 1958.

[F. R. Doc. 58-7917; Filed, Sept. 29, 1958; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter B—Standard Samples and Reference Standards

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

SUBPART—STANDARD SAMPLES AND REFERENCE STANDARDS WITH SCHEDULE OF WEIGHTS AND FEES

DESCRIPTIVE LIST; STANDARD RUBBERS AND RUBBER COMPOUNDING MATERIALS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from September 15, 1958.

Paragraph (p) *Standard rubbers and rubber compounding materials* of § 230.11 *Descriptive list* is amended by the revision of sample number 387 to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
387a	Styrene-Butadiene, type 1000	34,000	$20.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

A. V. ASTIN,
Director,
National Bureau of Standards.

Approved: September 24, 1958.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-7985; Filed, Sept. 29, 1958; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

RENEWAL ON 5-YEAR LEVEL PREMIUM TERM PLAN

Section 6.170 is revised to read as follows:

§ 6.170 *Renewal of United States Government life insurance on the 5-year level premium term plan.* (a) Effective July 23, 1953, all or any part of United States Government life insurance on the 5-year level premium term plan, in any multiple of $500 and not less than $1,000, which is not lapsed at the expiration of any 5-year level premium term period, shall be automatically renewed without application or medical examination for a successive 5-year period at the 5-year level premium term rate for the then attained age of the insured. The renewal of insurance for any successive 5-year period will become effective as of the day following the expiration of the preceding 5-year period, and the premium for such renewal will be at the 5-year level premium term rate for the attained age of the policyholder on that day: *Provided*, That no insurance is subject to renewal if the policyholder has exercised his optional right to change to another plan of insurance.

(b) A 5-year level premium term policy which lapsed for nonpayment of the premium due for the 59th or 60th month and subsequently expired on or after July 23, 1953, while in lapsed status, may be renewed subsequent to the expiration of the old term period provided the insured prior to the expiration of the new term period:

(1) Submits written application for reinstatement of the insurance,

(2) Tenders 2 monthly premiums, 1 for the month of lapse at the rate for the expired term and the other for the month of reinstatement at the rate for the new term,

(3) (i) If application for reinstatement is submitted and the premiums tendered within 3 premium months after lapse, including the premium month for which the unpaid premium was due, insurance will be reinstated provided the applicant be in as good health on the date of application and tender of premiums as he was on the due date of the premium in default and furnishes evidence thereof satisfactory to the Administrator.

(ii) If application for reinstatement is submitted and the premiums tendered after expiration of the 3-month period mentioned in subdivision (i) of this subparagraph, insurance will be reinstated provided applicant is in good health (§ 6.155) on the date of application and tender of premiums and furnishes evidence thereof satisfactory to the Administrator.

(c) A 5-year level premium term policy which lapsed for nonpayment of the premium due for the 59th or 60th month and subsequently expired between July 23, 1953, and December 31, 1953, both dates inclusive, while in lapsed status, may be renewed subsequent to the expiration of the old term period and notwithstanding the expiration of an intervening 5-year term period, if the insured (1) submits a written application for reinstatement of the insurance, (2) meets the health requirements set forth in paragraph (b) (3) (ii) of this section, and (3) tenders 2 monthly premiums, 1 for the month of lapse at the rate for the expired term and the other for the month of reinstatement at the rate for the new term. Application for reinstatement under this paragraph must be made within 6 months after September 2, 1958.

(Sec. 210, 71 Stat. 91; 38 U. S. 2210. Interpret or apply 38 U. S. C. 745)

This regulation is effective September 16, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58-7984; Filed, Sept. 29, 1958; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

COMMISSIONED OFFICERS

Section 1101.2 is revised to read as follows:

§ 1101.2 *Appointment*—(a) *General*—(1) *By whom appointed.* Article I, Section 8, Clause 16 of the Constitution of the United States reserves to the States the appointment of officers in the militia. As soon as an individual is appointed an officer of the Army National Guard of a State and has subscribed to an oath of office, he has a State status under which he can function. Such officer becomes a member of the Army National Guard of the United States when he has been federally recognized and duly appointed as a Reserve commissioned officer of the Army in the same grade.

(2) *Oath of office.* An appointment is not complete until the appointee has executed the oath of office, if prescribed by State law. For oath required for Federal recognition, see § 1101.3 (h).

(3) *Assignment authority.* The assignment of individuals to units of the Army National Guard is a function of the State authorities. This function includes authority to detail qualified Army National Guard officers to duty as inspectors general, and as General Staff officers in the category "General Staff with Troops."

(4) *Determination of branch for assignment.* (i) The applicable TOE (Table of Organization and Equipment) under which the unit is organized and to which an individual is to be assigned, will determine the branch in which he is to be assigned, with the following exceptions:

(*a*) When there is no officer of the appropriate branch available for assignment, qualified students enrolled in medical or dental schools approved by the American Medical Association or the American Dental Association who have been federally recognized as second lieutenants, Medical Service Corps, under the Medical and Dental Student Early Commissioning Program will be assigned to Medical Corps or Dental Corps TOE positions, as appropriate, except such assignment will not be made in position vacancy of unit commander.

(*b*) Other than as provided above, Dental Corps or Medical Service Corps officers may be assigned in lieu of Medical Corps or Dental Corps officers only upon specific authority by the Chief, National Guard Bureau, and subject to the conditions outlined below. Reassignment of such Dental Corps or Medical Service Corps officers will be made to appropriate TOE position vacancies when a Medical Corps officer becomes available.

(*1*) A Medical Service Corps officer may be assigned in lieu of a Medical Corps or Dental Corps officer only when all Medical Service Corps positions in the medical unit, if any, are occupied.

(2) A Dental Corps officer may be assigned in lieu of a Medical Corps officer only when all Dental Corps positions in the unit, if any, are filled.

(3) Assignment of Medical Service Corps or Dental Corps officers in lieu of Dental Corps or Medical Corps officers will not be authorized if the unit has sufficient officers assigned to maintain Federal recognition.

(c) Upon specific authorization from the Chief, National Guard Bureau, a Medical Service Corps officer assigned to a unit may command the unit except when the unit is actively engaged in the care and treatment of patients, or when ordered into active military service of the United States.

(*d*) Medical Corps officers may be assigned in lieu of Medical Service Corps officers or Dental Corps officer. Reassignment of such Medical Corps officers will be made to appropriate TOE position vacancies when a Dental Corps or Medical Service Corps officer of the appropriate grade and branch qualification becomes available.

(ii) Individuals who occupy or are to occupy positions usually designated as general staff with troops may be assigned to any branch specified in TOE; however, they should be assigned to the branch for which they are best qualified.

(iii) Officers who are appointed and assigned to State Headquarters and Headquarters Detachment must meet the requirements for Federal recognition appropriate to the branch and grade in which assigned.

(b) *Persons ineligible for Federal recognition.* Persons in any of the following categories will not be eligible for Federal recognition in the Army National Guard, and the federally recognized status of any person thereof who has received such status through concealment of the facts will be terminated.

(1) *Subversive or disloyal persons.* Those who are, or have been, members of any foreign or domestic organization, association, movement, group, or combination of persons advocating a subversive policy or seeking to alter the form of

Government of the United States, by unconstitutional means, and whose case has not been adjudicated favorably by the Department of the Army.

(2) *Conscientious objectors.* Those who are presently conscientious objectors. If an individual has been a conscientious objector, he will be required to furnish an affidavit which will express his abandonment of such beliefs and principles so far as they pertain to his unwillingness to bear arms and to give full and unqualified military service to the United States.

(3) *Conviction for other than minor traffic violations.* Those who have been convicted by any type of military or civil court for other than minor traffic violation. The Department of the Army may grant waiver for conviction of minor violations which are nonrecurrent and which are not deemed prejudicial to performance of duty as an officer. Waiver of conviction involving moral turpitude or conviction of a felony is not authorized.

(4) *Those who have been or are being separated from the Armed Forces.* (1) Under other than honorable conditions.

(2) For unsatisfactory service.

(3) By reason of resignation in lieu of court-martial, reclassification, or any form of corrective or disciplinary action.

(4) By reason of having been twice passed over for promotion.

(5) As a security risk or for other than security reasons while undergoing investigation.

(6) By reason of elimination for the good of the service.

(5) *Persons on active or retired list of certain U. S. Armed Forces.* Persons who are applicants for appointment in the Army National Guard who are on the active retired list of the regular Navy, Air Force, Marine Corps, Coast Guard, Public Health Service, or Coast and Geodetic Survey.

(6) *Students of service academies.* Cadets, U. S. Military Academy; midshipmen, U. S. Naval Academy; cadets, U. S. Coast Guard Academy, and aviation cadets, United States Air Force Academy.

(c) *Appointment of State military department personnel*—(1) *Of a State.* The appointment of an individual as the Chief of the State Military Department, and his authorized assistant, and their tenure of Office, are governed by the laws of the State. (Normally, the titles of these positions are State Adjutant General and Assistant State Adjutant General but the exact title is governed by the laws of the State.)

(2) *Other.* The Chief of the Military Department and his Assistant of Alaska, Hawaii, and Commonwealth of Puerto Rico, and the District of Columbia is appointed by The President with such grade and qualifications as The President may prescribe. However, no person will be appointed adjutant general of a Territory or the Commonwealth of Puerto Rico unless he is a citizen of that jurisdiction.

(d) *Appointment of Regular Army and Army Reserve personnel in the Army National Guard*—(1) *Officers of the Regular Army.* In accordance with the provisions of Title 32, United States Code, Section 315, authority may be granted by the Secretary of the Army to officers on the active list of the Regular Army, who are detailed to duty as an advisor or appointed a chief of staff of a division of the Army National Guard, to accept an appointment in the Army National Guard, subject to the following conditions:

(i) There must be a vacancy in an appropriate assignment in the Army National Guard in the grade in which the commission is tendered. The command vacancies so filled will be limited to command of a regiment, group or larger organization. Staff vacancies will be limited to those in a brigade or higher organization.

(ii) State authorities must make the request for the appointment to the Chief, National Guard Bureau, giving the grade proposed for the appointee and the branch and position to which his assignment is desired.

(iii) Appointment in the Army National Guard will be in the same grade held by the Regular Army Officer, and not below that of a major or above that of major general.

(iv) The appointment in the Army National Guard will be terminated when the unit to which the officer is assigned is called or ordered into the active military service, when the Regular Army officer holding the appointment is relieved from duty with the Army National Guard of the State in which he holds an appointment, or when a qualified Army National Guard officer is assigned to the position.

(v) Appointment is limited to a period of 2 years subject to further extension by the Chief, National Guard Bureau upon request of the governor concerned.

(2) *Enlisted persons of the Regular Army.* Enlisted members of the active list of the Regular Army may not accept a commission in the Army National Guard even though they may be detailed to duty with the Army National Guard.

(3) *Members of the Army Reserve.* (i) A person who is an enlisted member of the Army Reserve will be required to obtain a conditional release from his Reserve enlistment before being appointed in the Army National Guard.

(ii) A person who holds an appointment as a Reserve officer of the Army, assigned to the Army Reserve, will be required to obtain a conditional release from his Army Reserve assignment, pending attainment of Federal recognition in a lower, higher, or same grade. If appointment is in a lower or higher grade, a new Reserve of the Army appointment in that grade will be tendered.

(e) *Appointment of individuals receiving benefits.* (1) Applicants for appointment who are entitled to a pension, retirement pay, disability compensation or retired pay from the Government of the United States by virtue of prior military service, except as indicated below, are eligible for Federal recognition in the Army National Guard provided:

(i) They are qualified in all respects.

(ii) They waive, for the remainder of the current fiscal year and upon commencement of each fiscal year thereafter, either that portion of their benefits for the days for which they receive Federal pay and allowances for services as members of the Army National Guard, or their Army National Guard pay and allowances.

(2) The above provisions are not applicable in the case of individuals retired for physical disability, age, and enlisted men retired under the provisions of Title 10, United States Code, section 3914.

[NGR 20–1, Aug. 15, 1958] (Sec. 110, 70A Stat. 600; 32 U. S. C. 110)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58–7979; Filed, Sept. 29, 1958; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12484; FCC 58–919]

[Rules Amdt. 3–125]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS (PEMBINA, N. DAK.)

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Pembina, North Dakota).

1. The Commission has before it for consideration the proposal set out in its Notice of Proposed Rule Making, issued on June 13, 1958 (FCC 58–568) and published in the FEDERAL REGISTER on June 18, 1958 (23 F. R. 4385), to assign Channel 12 to Pembina, North Dakota, in response to a petition from Community Television Corporation.

2. Comments were filed in support of the proposal by the petitioner, Community Television Corporation, licensee of television Station KNOX–TV, Channel 10, Grand Forks, North Dakota. No comments in opposition to the proposal were filed.

3. In support of its proposal, Community urges that Channel 12 may be assigned to Pembina without affecting any existing or proposed channel assignment; that the proposal conforms to all the technical requirements of the Commission's rules; that it would make possible a first television service to approximately 50,000 persons; that Pembina is a major trading, farming, and population center; and that, in the event the proposal is adopted, it plans to apply for and construct a station in the area.

4. Since Pembina is within 250 miles of the United States-Canadian border, any assignment in that community is subject to the terms of the Canadian-USA Television agreement. The Canadian authorities have agreed to the proposed assignment subject to the condition that any station on Channel 12 at Pembina not provide a signal in excess of 5000 uv/m at the mid-point between Pembina and Winnipeg, Manitoba (approximately 49°26′ N. latitude, 97°10′ W. longtitude).

5. The Commission is of the view that the instant proposal would serve the

public interest and should be adopted. The assignment of Channel 12 to Pembina is being made with the understanding that the signal of any station on Channel 12 at Pembina not exceed the above-mentioned radiation toward Winnipeg, Manitoba.

6. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

7. In view of the foregoing, *it is ordered*, That, effective October 30, 1958, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the community named is concerned, as follows:

(a) Add the following entry under the State of North Dakota:

City	Channel No.
Pembina	12

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: September 24, 1958.

Released: September 25, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[SEAL]

[F. R. Doc. 58-7996; Filed, Sept. 29, 1958; 8:49 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

[General Order 61, 2d Rev., Amdt. 3]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

CITIZENSHIP DECLARATIONS BY OWNERS OR MORTGAGEES OF VESSELS OF THE UNITED STATES

Supplements 1 and 2 to General Order 61, 2d Rev., are hereby redesignated Amdts. 1 and 2; § 221.11 is hereby amended by adding the following paragraph (f) at the end thereof:

(f) Form MA-4562 for execution by a corporation falling within the purview of Public Law 85-902 (72 Stat. 1736) shall read as follows:

Form MA-4562
(9-24-58)

U. S. DEPARTMENT OF COMMERCE,
MARITIME ADMINISTRATION

OWNER OR MORTGAGEE OF VESSEL

(Section 40, Shipping Act, 1916, as amended.)

U. S. C., Title 46, sec. 838, 40 Stat. 902, 62 Stat. 212.

DECLARATION OF OFFICER OF INCORPORATED COMPANY[6]

This declaration is filed in accordance with the provisions of Public Law 85-902 (72 Stat. 1736).

I, ----------, of ----------, declare that I am[1] ---------- of the[2] ----------, a corporation organized under the laws of the State of ----------, with offices at[3] ----------; that said corporation is the owner (or)[4] mortgagee of the vessel, or part thereof, or interest therein,[4] called ---------- of ----------, official number ----------, gross ----------, net ----------,[5] built in 19--, at ----------, as appears by -------- No. ------, issued at ----------, 19--, surrendered[6] ----------; that I am a citizen of the United States of America by birth, having been born at ----------, (City) ----------, on ---------- (or)[7] by naturalization before the ---------- for (State) (Date of birth) (Name of court) ----------, on ---------- (District, county, or State) ----------, having been issued Naturalization Certificate No. ------; (Date naturalized)

that a majority of the officers and directors of said corporation are citizens of the United States of America; that not less than 90 per centum of the employees of said corporation are residents of the United States of America; that such corporation is engaged primarily in a manufacturing or mineral industry in the United States of America or any Territory, District, or possession thereof; that the aggregate book value of the vessels owned by said corporation does not exceed 10 per centum of the aggregate book value of the assets of said corporation; and that said corporation purchases or produces in the United States of America, its Territories, or possessions, not less than 75 per centum of the raw materials used or sold in its operations.

---------- (Date)

---------- (Signature)

[6] This declaration is to be taken whenever any bill of sale, mortgage, hypothecation, or conveyance of any vessel, or part thereof, or interest therein, is presented by a corporation to any collector of customs for recording.

[1] Insert "President," "Secretary," or "Treasurer," or any other duly authorized official thereof, as the case may be.

[2] Insert full corporate name of company.

[3] Insert business address of corporation.

[4] Strike out word or expression not appropriate.

[5] Insert other means whereby vessel became entitled to American registry, when appropriate.

[6] I. e., document now surrendered, or document last surrendered heretofore (U. S. C., Title 45, Sec. 808).

[7] Strike out reference to naturalization if party is native-born citizen.

If more than one vessel is involved, only one form of declaration need be filed if by a notation inserted in the clause immediately prior to the clause about the citizenship of declarant, appropriate reference is made to a schedule added to said declaration, in which schedule shall be inserted the name and data of each additional vessel as required for the first vessel, owned by or under mortgage to the party on behalf of whom said declaration is made.

Penalty for false statement: Section 40, Shipping Act, 1916, as amended, provides "whoever knowingly makes any false statement of a material fact in any such declaration shall be guilty of a misdemeanor and subject to a fine of not more than $5,000, or to imprisonment for not more than five years, or both."

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114. Pub. Law 85-902)

Dated: September 24, 1958.

By order of the Maritime Administrator.

GEO. A. VIEHMANN,
Assistant Secretary.

[SEAL]

[F. R. Doc. 58-7988; Filed, Sept. 29, 1958; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 131]

[Docket No. A016-A6]

ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

NOTICE OF POSTPONEMENT OF HEARING ON PROPOSED AMENDMENT TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement Act, as amended (7 U. S. C. 851 et seq.), and the rules of practice and procedure governing formulation of marketing agreements and marketing orders, applicable to anti-hog-cholera serum and hog-cholera virus (9 CFR Part 132), notice is hereby given that the public hearing now scheduled to reconvene at Chicago, Illinois, on October 6, 1958 (23 F. R. 6379) is further postponed to reconvene at 10 a. m., c. s. t., on December 1, 1958, in Room 600, United States Courthouse, 219 South Clark Street, Chicago, Illinois.

Done at Washington, D. C., this 24th day of September 1958.

JOHN CURRY,
Hearing Examiner.

[SEAL]

[F. R. Doc. 58-7983; Filed, Sept. 29, 1958; 8:46 a. m.]

Commodity Stabilization Service

[7 CFR Parts 723, 725, 727]

TOBACCO MARKETING QUOTAS FOR 1959-60 MARKETING YEAR

NOTICE OF DETERMINATIONS

Cigar-filler tobacco, cigar-binder tobacco, and cigar-filler and binder tobacco; burley, flue-cured, fire-cured (type 21), fire-cured (types 22, 23 and 24), dark air-cured, and Virginia sun-cured tobacco; Maryland tobacco.

Pursuant to the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is preparing to (a) proclaim a national marketing quota for (1) burley tobacco, (2) flue-cured to-

bacco, (3) Virginia sun-cured tobacco, (4) Maryland tobacco and (5) cigar-filler (type 41) tobacco for each of the three marketing years beginning July 1, 1959 in the case of flue-cured tobacco and beginning October 1, 1959 in the case of the other kinds of tobacco; (b) determine and announce the amount of the national marketing quota for each of such kinds of tobacco, and for fire-cured (type 21) tobacco, fire-cured (types 22, 23 and 24) tobacco, dark air-cured tobacco, cigar-binder (types 51 and 52) tobacco, and for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco for the 1959–60 marketing year; (c) apportion the national marketing quotas for such kinds of tobacco for the 1959–60 marketing year among the several States; and (d) convert the State marketing quotas into State acreage allotments.

The Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1312 (a)), provides that the Secretary shall, not later than December 1 of any marketing year with respect to flue-cured tobacco and February 1 of any marketing year with respect to other kinds of tobacco, proclaim a national marketing quota for any kind of tobacco for each of the next three succeeding marketing years whenever he determines with respect to such kind of tobacco:

(1) That a national marketing quota has not previously been proclaimed and the total supply as of the beginning of such marketing year exceeds the reserve supply level therefor;

(2) That such marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed will be in effect;

(3) That amendments have been made in provisions for establishing farm acreage allotments which will cause material revision of such allotments before the end of the period for which quotas are in effect; or

(4) That a marketing quota previously proclaimed for such marketing year is not in effect because of disapproval by producers in a referendum held pursuant to subsection (c): *Provided*, That if such producers have disapproved national marketing quotas in referenda held in three successive years subsequent to 1952, thereafter a national marketing quota shall not be proclaimed hereunder which would be in effect for any marketing year within the three-year period for which national marketing quotas previously proclaimed were disapproved by producers in a referendum, unless prior to November 10 of the marketing year one-fourth or more of the farmers engaged in the production of the crop of tobacco harvested in the calendar year in which such marketing year begins petition the Secretary, in accordance with such regulations as he may prescribe, to proclaim a national marketing quota for each of the next three succeeding marketing years.

The act (7 U. S. C. 1301 (b) (15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13 and 14;
Fire-cured tobacco, comprising type 21;
Fire-cured tobacco, comprising types 22, 23 and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55; and
Cigar-filler tobacco, comprising type 41.

The act provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of this Act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority the Secretary has determined (15 F. R. 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports on the 1951 and subsequent crops of such tobacco. Pursuant to such authority, the Secretary has also determined (22 F. R. 367) that cigar-binder (types 51 and 52) tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports on the 1957 and subsequent crops of such tobacco.

The act (7 U. S. C. 1313 (i)) provides that notwithstanding any other provision of the Act, whenever after investigation the Secretary determines with respect to any kind of tobacco that a substantial difference exists in the usage or market outlets for any one or more of the types comprising such kind of tobacco and that the quantity of tobacco of such type or types to be produced under the marketing quotas and acreage allotments established pursuant to this section would not be sufficient to provide an adequate supply for estimated market demands and carryover requirements for such type or types of tobacco, the Secretary shall increase the marketing quotas and acreage allotments for farms producing such type or types of tobacco in the preceding year to the extent necessary to make available a supply of such type or types of tobacco adequate to meet such demands and carryover requirements. The increases in farm marketing quotas and acreage allotments shall be made on the basis of the production of such type or types of tobacco during the period of years considered in establishing farm marketing quotas and acreage allotments for such kind of tobacco. The additional production authorized by this subsection shall be in addition to the national marketing quota established for such kind of tobacco pursuant to section 312 of the Act. The increase in acreage under this subsection shall not be considered in establishing future State or farm acreage allotments.

The act (7 U. S. C. 1312 (b)) provides that the Secretary shall also determine and announce not later than the first of December with respect to flue-cured tobacco and not later than the first of February with respect to other kinds of tobacco the amount of the national marketing quota which is in effect for the 1959–60 marketing year in terms of the total quantity of each kind of tobacco which may be marketed which will make available during such marketing year a supply of each kind of tobacco equal to the reserve supply level. The act provides further that the amount of the 1959–60 national marketing quota announced not later than March 1, 1959, may be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The act (7 U. S. C. 1301 (b)) defines the "total supply" of tobacco for any marketing year as the carryover at the beginning of the marketing year (or on January 1 of such marketing year in the case of Maryland tobacco), plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The act (7 U. S. C. 1312 (c)) requires that within 30 days after a national marketing quota is proclaimed for the 1958–60, 1960–61, and 1961–62 marketing years for (1) burley tobacco, (2) flue-cured tobacco, (3) Virginia sun-cured tobacco, (4) Maryland tobacco and (5) cigar-filler (type 41) tobacco, the Secretary shall conduct a referendum of farmers who are engaged in the production of the 1958 crop of each such kind of tobacco to determine whether such farmers are in favor of or opposed to such quota for the next three succeeding marketing years. If more than one-third of the farmers voting in the referendum oppose such quota, such results shall be proclaimed by the Secretary and the national marketing quota so proclaimed shall not be in effect but such results shall in no wise affect or limit the subsequent proclamation and subsequent submission to a referendum, as otherwise provided in section 312 of the act, of a national marketing quota.

Fire-cured, dark air-cured, cigar-binder, and cigar-filler and binder

bacco growers favored marketing quotas for the 1959–60 marketing year in referenda held pursuant to the act as follows: fire-cured tobacco, 23 F. R. 2072; dark air-cured tobacco, 23 F. R. 2072; cigar-binder tobacco, 22 F. R. 2035; and cigar-filler and binder tobacco, 22 F. R. 2035.

The act (7 U. S. C. 1313 (a)) requires the Secretary to apportion the national marketing quota, less the amount to be allotted under subsection (c) of section 1313 (small farms and "new" farms), among the several States on the basis of the total production in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed, with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period.

The act (7 U. S. C. A. 1313 (g)) provides that any acreage of tobacco harvested in excess of the farm acreage allotment for the year 1955 or any subsequent year shall not be taken into account in establishing State and farm acreage allotments. Section 377 of the Act, as revised by Public Law 85–266, 85th Congress, provides further that in any case in which, during any year within the period 1956 to 1959, inclusive, for which acreage planted to tobacco on any farm is less than the acreage allotment for such farm, the entire acreage allotment for such farm shall be considered for purposes of future State, county, and farm acreage allotments to have been planted to such commodity in such year, *Provided*, That with respect to 1956 the owner or operator of such farm notifies the county committee prior to the sixtieth day preceding the beginning of the marketing year for such commodity of his desire to preserve such allotment; the Act further provides that the allotment may not be so preserved if the amount of the commodity required to be stored to postpone or avoid payment of penalty has been reduced because the allotment was not fully planted. Public Law 540, 84th Congress, 2d Session, also provides that the acreage withdrawn or diverted from the production of tobacco under the acreage reserve program and conservation reserve program shall for allotment purposes be considered devoted to the production of tobacco.

The act (7 U. S. C. 1313 (g)) authorizes the Secretary to convert State marketing quotas into State acreage allotments on the basis of average yield per acre for the State during the five years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

In making the determinations of the amounts of the national marketing quotas, the apportionment of the quotas among the several States, the conversion of State marketing quotas into State acreage allotments, and of the date(s) of the referenda with respect to burley tobacco, flue-cured tobacco, Virginia sun-cured tobacco, Maryland tobacco, and cigar-filler (type 41) tobacco, consideration will be given to any data, views and recommendations pertaining thereto, which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington, D. C. All submissions must be postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 24th day of September 1958.

[SEAL] CLARENCE L. MILLER,
Associate Administrator.

[F. R. Doc. 58-8014; Filed, Sept. 29, 1958; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12325]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS; NORTH CAROLINA AND SOUTH CAROLINA

EXTENSION OF TIME FOR FILING OPPOSITIONS AND REPLIES TO OPPOSITIONS

In the matter of amendment of § 3.606 *Table of assignments*, television broadcast stations (Florence-Charleston, South Carolina; Greensboro-High Point-Winston-Salem, North Carolina); and in the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations (Fayetteville, North Carolina); Docket No. 12325.

1. On August 5, 1958, the Commission released a Report and Order (FCC 58–772) in Docket No. 12325 assigning Channel 8 to Greensboro-High Point-Winston-Salem, North Carolina, effective September 5, 1958. On the same day, the Commission released a Memorandum Opinion and Order (FCC 58–773) denying the request of Fayetteville Broadcasters, Inc., permittee of off-the-air UHF Station WFLB–TV at Fayetteville, for rule making on a conflicting proposal to assign Channel 8 to Fayetteville. On September 4, 1958, Fayetteville Broadcasters filed a Petition for Rehearing requesting reconsideration of the aforementioned decisions and a Petition for Stay in Docket No. 12325, requesting that action be withheld on any application for a construction permit for a television station on Channel 8 in the Winston-Salem-Greensboro-High Point area until its petition for rehearing is acted upon.

2. On September 17, 1958, American Broadcasting-Paramount Theatres, Inc. (ABC), who participated in the rule-making proceeding in Docket No. 12325, filed a petition requesting an extension of time from September 15, 1958, to September 26, 1958, for filing oppositions to the above-mentioned petitions for rehearing and stay.

3. In support of its request, ABC states that, through inadvertence, Fayetteville Broadcasters did not serve it with copies of its above-mentioned petitions for rehearing and stay and that it did not learn of their filing until September 16, 1958, and did not obtain copies of them until September 17, 1958. ABC advises that counsel for Fayetteville Broadcasters consents to the grant of its requested extension and asks that the Commission permit Fayetteville Broadcasters to file a response to any and all oppositions that may be filed to its petitions for rehearing and stay on October 3, 1958.

4. Upon considering the representations of the petitioner, the Commission believes that the public interest, convenience, and necessity would be served by affording additional time for filing oppositions and replies to oppositions.

5. *Accordingly, it is ordered*, That the aforesaid request of American Broadcasting-Paramount Theatres is granted: that the time for filing oppositions to the above-mentioned petitions of Fayetteville Broadcasters, Inc., for reconsideration and stay is extended from September 15, 1958, to September 26, 1958, and that replies to oppositions to the said petitions may be filed on or before October 3, 1958.

Adopted: September 22, 1958.

Released: September 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7997; Filed, Sept. 29, 1958; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 12386]

TELEVISION BROADCAST SERVICES; TABLE OF ASSIGNMENTS; KANSAS

EXTENSION OF TIME FOR FILING REPLIES TO OPPOSITIONS TO PETITION FOR RECONSIDERATION

In the matter of amendment of § 3.606, *Table of assignments*, Television Broadcast Stations (Wichita-Hutchinson, Kansas); Docket No. 12386.

1. The Commission has before it for reconsideration a request, filed September 23, 1958, by Paul M. Segal, Esq., attorney for Wichita-Hutchinson Company, Inc., licensee of Station KTVH at Hutchinson, Kansas, for an extension of time to file Wichita-Hutchinson's reply to the oppositions of Wichita Television Corporation, Inc., and KAKE Television, Inc., to Wichita-Hutchinson's Petition for Reconsideration or Waiver of the Rule in the above-entitled matter. The petitioner requests that the time for filing Wichita-Hutchinson's reply be extended from September 24, 1958, to September 30, 1958.

2. In support of this request, the petitioner states that the engineering question raised by the oppositions to Wichita-Hutchinson's Petition for Reconsideration is one of more than average importance and that the additional time requested is needed to make a determination as to whether or not additional data should be submitted with its reply.

3. The Commission is of the view that the public interest, convenience, and necessity would be served by affording

the additional time requested for filing replies to oppositions to Wichita-Hutchinson's aforesaid petition.

4. In view of the foregoing: *It is ordered*, That the request of Wichita-Hutchinson Company, Inc., for additional time to file replies is granted, and that the time for filing replies to oppositions to the aforesaid Petition for Reconsideration or Waiver of the rule in the above-entitled proceeding is extended from September 24, 1958, to September 30, 1958.

Adopted: September 24, 1958.

Released: September 25, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-7998; Filed, Sept. 29, 1958; 8:49 a. m.]

[47 CFR Part 19]

[Docket No. 12612; FCC 58-927]

CITIZENS RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration the petition (File No. RM-52) of the Stromberg-Carlson Company, filed on September 8, 1958. Petitioner requests the Commission to amend, by appropriate rule-making action, § 19.25 (c), so as to relieve stations operated for the purpose of remotely activating devices used as a means of attracting attention from the limitation that the distance between the transmitter or its control point and the radiating portion of the antenna shall not exceed 25 feet.

3. In support thereof, it is pointed out that of a practical necessity, the control point in many installations of this type are at the switchboard which is usually located more than 25 feet from the top of the building, where the antenna normally is located. Inasmuch as the purpose of such stations is to provide a one-way paging service to cover only a single building or a group of buildings and adjacent area, an exception such as proposed would not be contrary to the original purpose of the restriction contained in § 19.25 (c) which was to restrict the area of operation of these low-power stations and thereby reduce mutual interference.

4. The Commission specifically amended Part 19 to provide for stations operated to remotely control devices used as a means of attracting attention, and did not intend to unduly restrict the development of such stations by the limitation contained in § 19.25 (c). Accordingly, it is now proposed to amend § 19.25 as set forth below to provide an exception for such stations when used within buildings or adjacent areas under the control of the licensee. In addition, it is proposed to clarify the present text by specifically stating that the antenna of a Class B, Class C, or Class D station mounted on an existing antenna structure of another station shall not exceed the height of that antenna structure.

5. The foregoing proposed amendment is issued under authority of sections 4 (i) and 303 of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, and any person desiring to support this proposal, may file with the Commission on or before October 27, 1958, a written statement or brief setting forth his comments. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views, or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: September 24, 1958.

Released: September 25, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. It is proposed to amend paragraph (c) of § 19.25 to read as follows:

(c) An antenna at a fixed location to be used by a Class B, Class C, or Class D mobile station shall not exceed 20 feet in height above any man-made structure or natural formation on which it is mounted, except that when mounted on an existing antenna structure of another station the antenna shall not exceed the height of that antenna structure.

2. It is proposed to amend § 19.25 by adding a new paragraph (d) to read as follows:

(d) The distance from the center of the radiating portion of the antenna at a fixed location of a Class B, Class C, or Class D station to the transmitter or to the point from which the transmitter is controlled shall not exceed 25 feet, except where the station is operated solely for the purpose of remotely actuating devices used as a means of attracting attention within buildings or adjacent areas under the control of the licensee.

[F. R. Doc. 58-7999; Filed, Sept. 29, 1958; 8:49 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 843]

ANCHOR LINE, LTD., ET AL.

NOTICE OF INVESTIGATION AND NOTICE OF CONSOLIDATION AND HEARING

In the matter of Agreement No. 8440, between Anchor Line Limited, the Bristol City Line of Steamships Ltd., et al., and the protest of Oranje Line et al. and approval thereof.

On September 22, 1958, the Federal Maritime Board entered the following order:

It appearing, that pursuant to section 15 of the Shipping Act, 1916 (46 U. S. C. 814), an agreement has been filed for approval, and assigned Federal Maritime Board Agreement No. 8440, between Anchor Line Limited, The Bristol City Line of Steamships Ltd., Canadian Pacific Railway Company, The Cunard Steam-Ship Co., Ltd., Ellerman's Wilson Line Limited, Furness, Withy & Co., Limited, Manchester Liners Ltd., and The Ulster Steamship Company Ltd., providing for the creation of a conference to be known as the United States Great Lakes-United Kingdom Eastbound Freight Conference, for the establishment and maintenance of agreed rates, charges, and practices in connection with the transportation of cargo in the trade eastbound from Great Lakes ports of the United States to ports in Great Britain, Northern Ireland and Eire; and

It further appearing, that notice of the filing of said agreement was published in the FEDERAL REGISTER of July 12, 1958 (23 F. R. 5311); and

It further appearing, that Anchor Line Limited, et al., parties to Agreement No. 8440, have previously filed Agreement No. 8400, providing for the creation of the United Kingdom-United States Great Lakes Westbound Freight Conference, covering the westbound trade from ports in Great Britain, Northern Ireland and Eire to Great Lakes ports of the United States; and

It furthering appearing, that Oranje Line et al. members of approved Great Lakes-United Kingdom Eastbound Freight Conference (No. 8130), and also members of approved Great Lakes-United Kingdom Westbound Freight Conference (No. 8140), which cover the trade, eastbound and westbound, respectively, between ports in the United Kingdom, on the one hand, and Great Lakes ports of the United States and Canada, the St. Lawrence River, Nova Scotia, Newfoundland and New Brunswick, on the other hand, filed a complaint (Docket No. 833), against the

approval of Agreement No. 8400, and also a protest (Docket No. 834), against the approval of said agreement; and

It further appearing, that Anchor Line Limited, et al., have filed a petition in which the Board was requested to withdraw its prior approval of Agreements Nos. 8130 and 8140, which is pending under Docket No. 840; and

It further appearing, that Docket Nos. 833, 834, and 840 have been consolidated for the purposes of hearing and report; and

It further appearing, that pursuant to notice of the filing of Agreement No. 8440, appearing in the FEDERAL REGISTER of July 12, 1958, Oranje Line et al. filed a protest against the approval of said agreement, requested the Board to investigate the matter of Agreement No. 8440 and protest, and to consolidate the issues presented therein with the issues pending investigation in Docket Nos. 833, 834 and 840: and

It further appearing, that the filing of Agreement No. 8440 and the protest presents the same issues and involves the same parties as are now before the Board in Docket Nos. 833, 834 and 840, and good cause appearing therefor;

It is ordered, That the issues presented by the filing of Agreement No. 8440, and the protest against the approval thereof, be set for hearing and investigation, and consolidation with the issues pending investigation in Docket Nos. 833, 834 and 840 for hearing and report; and

It is further ordered, That section 15 action with respect to Agreement No. 8440 be held in abeyance pending the Board's decision in the consolidated proceedings; and

It is further ordered, That this order be published in the FEDERAL REGISTER, and that a copy thereof be served on all parties in Docket Nos. 833, 834 and 840.

Pursuant to the above order, notice is hereby given that the hearing therein ordered is hereby consolidated with the hearing in Docket Nos. 833, 834, and 840, now scheduled to be held before Examiner Arnold J. Roth, beginning at 10:00 a. m., October 13, 1958, in Room 4519, New General Accounting Office Building, 441 G Street NW., Washington, D. C. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5 (n) (46 CFR 201.74) of said rules.

Dated: September 25, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-7989; Filed, Sept. 29, 1958; 8:47 a. m.]

MEMBER LINES OF U. S. ATLANTIC AND GULF/AUSTRALIA-NEW ZEALAND CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 6200–4, between the member lines of the U. S. Atlantic and Gulf/Australia-New Zealand Conference, modifies the basic agreement of that conference (No. 6200, as amended), which covers the trade from U. S. Atlantic and Gulf ports to ports in Australia and New Zealand. The purpose of the modification is to provide (1) for the inclusion of Tasmania, Cook Island, Fiji Islands, New Caledonia, Australian Mandated New Guinea, New Hebrides, Norfolk Islands, British Samoa, Solomon Islands, Tahiti, Thursday Island, Tonga Islands, and Gilbert and Ellice Islands within the trading area thereof; (2) for the designation of a conference secretary and a description of the duties thereof; and (3) that all conference expenses shall be shared equally by each line.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 25, 1958.

By order of Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-7990; Filed, Sept. 29, 1958; 8:48 a. m.]

FAR EAST VAN SERVICE DIVISION OF FOSTER FREIGHT LINES, INC., AND PACIFIC FAR EAST LINES, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8328, between Far East Van Service Division of Foster Freight Lines, Inc., and Pacific Far East Lines, Inc., covers an arrangement for the transportation of cargo in van-type containers from the San Francisco Bay Area to Guam.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated September 25, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-7991; Filed, Sept. 29, 1958; 8:48 a. m.]

HAWAIIAN TEXTRON, INC., AND RAILWAY EXPRESS AGENCY, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8334, between Hawaiian Textron, Inc., and Railway Express Agency, Incorporated, covers an arrangement whereby Hawaiian Textron agrees to transport express shipments for Railway Express in the trade between Pacific Coast ports and Hawaii, at rates specified in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 25, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-7992; Filed, Sept. 29, 1958; 8:48 a. m.]

Maritime Administration

UNITED STATES LINES CO.

NOTICE OF DETERMINATIONS RELATIVE TO APPLICATION FOR USE OF THREE MODERNIZED LIBERTY VESSELS

Notice of Tentative findings relative to interim operation of the "SS Benjamin Chew" and "MS Thomas Nelson" on Trade Route 11 appeared in the FEDERAL REGISTER issue of April 27, 1956 (21 F. R. 2730) and Notice of Adoption thereof appeared in the issue of May 24, 1956 (21 F. R. 3464).

The Maritime Administrator has determined that (1) the "MS Thomas Nelson" continues to be a suitable vessel for interim operation on Trade Route No. 11 for an additional period of about two years; (2) that the "SS Benjamin Chew" continues to be a suitable vessel for interim operation on Trade Route No. 11 until about October 1958; and (3) that the "GTS John Sergeant" is a suitable

vessel for interim operation on Trade Routes Nos. 5, 7, 8 and 9 for a period of about two years.

Dated: September 25, 1958.

By order of the Maritime Administrator.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-7987; Filed, Sept. 29, 1958; 8:47 a. m.]

Office of the Secretary

GEORGE E. HARDING

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of April 10, 1956, 21 F. R. 2303; September 25, 1956, 21 F. R. 7301; April 4, 1957, 22 F. R. 2257; October 1, 1957, 22 F. R. 7777; April 1, 1958, 23 F. R. 2131.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 19, 1958.

GEORGE E. HARDING.

SEPTEMBER 19, 1958.

[F. R. Doc. 58-7981; Filed, Sept. 29, 1958; 8:46 a. m.]

EUBERT F. TAGGERT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 29, 1957, 22 F. R. 2092; September 25, 1957, 22 F. R. 7615; March 25, 1958, 23 F. R. 1974.

A. Deletions: No change.
B. Additions: No Change.

This statement is made as of September 15, 1958.

EUBERT F. TAGGERT.

SEPTEMBER 5, 1958.

[F. R. Doc. 58-7982; Filed, Sept. 29, 1958; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 167-33]

[CGFR 58-37]

COMMANDANT, U. S. COAST GUARD

DELEGATION OF FUNCTIONS

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, and by 14 U. S. C. 631, there are transferred to the Commandant, U. S. Coast Guard, the functions of the Secretary of the Treasury under Public Law 85-656 (72 Stat. 612, 613) relating to Pilot Rules for Certain Inland Waters and Pilot Rules for Western Rivers.

The Commandant may make provision for the performance by subordinates in the Coast Guard of any of the functions transferred except the functions of prescribing rules and regulations.

Dated: September 23, 1958.

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-8028; Filed, Sept. 29, 1958; 8:54 a. m.]

[Treasury Department Order 167-34]

COMMANDANT, U. S. COAST GUARD

DELEGATION OF FUNCTIONS

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, and by 14 U. S. C. 92, 631, and 633, there are transferred to the Commandant, U. S. Coast Guard, the following functions of the Secretary of the Treasury:

All functions in section 1 (8) of Public Law 85-422, 72 Stat. 125, relating to proficiency pay for enlisted personnel and special pay for certain designated officers.

The regulations prescribed by the Commandant in accordance with the authority delegated herewith shall be uniform with those of the other Armed Forces to the extent practicable.

Dated September 24, 1958.

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-8029; Filed, Sept. 29, 1958; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

MODIFICATION OF NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Sports Fisheries and Wildlife has filed an application, serial number Fairbanks 017050, for withdrawal and reservation of lands for establishment of the Arctic Wildlife Range in northeastern Alaska. The notice of this proposed withdrawal and reservation of lands was published in the FEDERAL REGISTER, Volume 23, Number 14, Page 364, on January 21, 1958.

In the proposed notice, mining locations were precluded until on or after September 1, 1958. The applicant has recently requested modification of the proposed withdrawal so as to preclude mining locations until on or after September 1, 1959.

Comments or protests to this modification of the proposed withdrawal of the Arctic Wildlife Range may be directed to Richard L. Quintus, Operations Supervisor, Bureau of Land Management, P. O. Box 1050, Fairbanks, Alaska.

RICHARD L. QUINTUS,
Operations Supervisor,
Fairbanks.

[F. R. Doc. 58-8031; Filed, Sept. 29, 1958; 8:54 a. m.]

AIRWAYS MODERNIZATION BOARD

[Transfer Order 5]

TRANSFERRING CERTAIN PROPERTY OF THE DEPARTMENT OF DEFENSE TO THE AIRWAYS MODERNIZATION BOARD

Airways Modernization Board Transfer Order No. 5, has been authorized by the Airways Modernization Board and approved by the President.

DONALD G. SCHULER,
Executive Officer.

By virtue of the authority vested in it by section 4 of the Airways Modernization Act of 1957 (Public Law 85-133; 85th Congress; 71 Stat. 349), the Airways Modernization Board, by unanimous decision, hereby transfers to itself on a non-reimbursable basis the Naval Air Station, Atlantic City, New Jersey, and property, equipment and records of such station as may be agreed to by authorized representatives of the Airways Modernization Board and the Department of Defense. This transfer shall be effective 1 July 1958.

E. R. QUESADA,
Chairman.
MALCOLM A. MACINTYRE,
Department of Defense Member.
L. S. ROTHSCHILD,
Department of Commerce Member.

Approved: August 6, 1958.

DWIGHT D. EISENHOWER,
The President.

[F. R. Doc. 58-7978; Filed, Sept. 29, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9177]

FLINT-GRAND RAPIDS ADEQUACY OF SERVICE INVESTIGATION

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 404 (a) and 1002 thereof, that a hearing in the above-entitled proceeding is assigned to begin on October 7, 1958, at 10:00 a. m. in the Commission Chamber, Municipal Center, Flint, Michigan, before Examiner Richard A. Walsh. Upon completion of the Flint session, the hearing will immediately thereafter reconvene before the same Examiner in the Grand Rapids Public Museum, 54 Jefferson Avenue SE., Grand Rapids, Michigan.

Without limiting the scope of the issues, particular attention will be directed to the following matters:

1. Whether Capital Airlines, Inc. is providing the cities of Flint and Grand Rapids, Michigan, with adequate air

service as required by the terms of its certificate of public convenience and necessity; and

2. If not, whether the Board should issue an appropriate order to compel such air carrier to comply with the provisions of section 404 (a) of the Act.

For further details regarding the issues involved in this proceeding, interested parties are referred to the Examiner's report of prehearing conference, served January 30, 1958, which is on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board, on or before October 7, 1958, a statement setting forth the issues of fact or law which he desires to controvert.

Dated at Washington, D. C., September 24, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-8025; Filed, Sept. 29, 1958; 8:53 a. m.]

[Docket No. 3207 et al.]

CHICAGO-MILWAUKEE-TWIN CITIES CASE

NOTICE OF FURTHER POSTPONEMENT OF ORAL ARGUMENT

In the matter of applications for the establishment of additional air service over the Chicago-Milwaukee-Minneapolis/St. Paul segment and new air service between Minneapolis/St. Paul and Milwaukee on the one hand and points in the Southeast United States on Eastern's route 10 and Delta's route 54 on the other.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned to be held on September 29 is further postponed to October 22, 1958, 10:00 a. m., e. s. t., Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 24, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-8026; Filed, Sept. 29, 1958; 8:53 a. m.]

[Docket No. SR-2290]

DALE R. WELLING

NOTICE OF FURTHER POSTPONEMENT OF ORAL ARGUMENT

James T. Pyle, Administrator of Civil Aeronautics, Complainant v. Dale R. Welling, Respondent; Docket No. SR-2290.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned to be held on October 7 is further postponed to November 5, 1958, 10:00 a. m., e. d. s. t., Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 23, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-8027; Filed, Sept. 29, 1958; 8:53 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-13]

BABCOCK & WILCOX CO.

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on September 8, 1958, the Atomic Energy Commission has issued Construction Permit CPCX-13 authorizing the Babcock & Wilcox Company to construct at the location in Lynchburg, Virginia, described in the application in Docket No. 50-13, a critical experiments facility to be operated for the purpose of obtaining experimental data for the proposed Liquid Metal Fuel Reactor Experiment. Notice of the proposed action was published in the FEDERAL REGISTER on September 10, 1958, 23 F. R. 7010.

Dated at Germantown, Md., this 24th day of September 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F. R. Doc. 58-7994; Filed, Sept. 29, 1958; 8:48 a. m.]

[Docket No. 50-13]

BABCOCK & WILCOX CO.

NOTICE OF ISSUANCE OF UTILIZATION FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on September 8, 1958, the Atomic Energy Commission has issued Facility License No. CX-12 authorizing The Babcock & Wilcox Company to conduct critical experiments in its facility located in Lynchburg, Virginia, for the purpose of obtaining experimental data for the proposed Liquid Metal Fuel Reactor Experiment. Notice of the proposed action was published in the FEDERAL REGISTER on September 10, 1958, 23 F. R. 7010.

Dated at Germantown, Md., this 24th day of September 1958.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F. R. Doc. 58-7995; Filed, Sept. 29, 1958; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12199, 12200; FCC 58M-1035]

KOOS, INC. (KOOS-TV) AND PACIFIC TELEVISION, INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of KOOS, Inc. (KOOS-TV), Coos Bay, Oregon, Docket No. 12199, File No. BMPCT-4680; for modification of construction permit (from Channel 16 to Channel 11); Pacific Television, Inc., Coos Bay, Oregon, Docket No. 12200, File No. BPCT-2309; for construction permit for a new television broadcast station (Channel 11).

The Hearing Examiner having under consideration a petition filed September 15, 1958, on behalf of the Chief, Broadcast Bureau, requesting that a prehearing conference be scheduled within the near future and that the hearing be commenced on November 10, 1958; and

It appearing that counsel for the participants have informally consented to the scheduling of a prehearing conference as hereinafter ordered, at which time a hearing date will be determined; now therefore,

It is ordered, This 23d day of September 1958, that a prehearing conference as previously ordered on November 12, 1957, which was continued by subsequent orders, shall be held at 10:00 a. m. on Thursday, November 13, 1958.

Released: September 24, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-8000; Filed, Sept. 29, 1958; 8:49 a. m.]

[Docket Nos. 12481, 12482; FCC 58M-1037]

FARMINGTON BROADCASTING CO. AND FOUR CORNERS BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Farmington Broadcasting Company, Farmington, New Mexico, Docket No. 12481, File No. BPCT-2369; Four Corners Broadcasting Company, Farmington, New Mexico, Docket No. 12482, File No. BPCT-2417; for construction permits for new television broadcast stations.

It is ordered, This 23d of September 1958 that, pursuant to agreement of counsel arrived at during the prehearing conference held on this date, the hearing in the above-entitled proceeding is continued from September 26, 1958, to a date to be fixed in a subsequent order.

Released: September 24, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-8001; Filed, Sept. 29, 1958; 8:49 a. m.]

[Docket Nos. 12528, 12529; FCC 58M-1038]

DONALD W. HUFF AND EQUITABLE PUBLISHING CO.

ORDER SCHEDULING PREHEARING CONFERENCE AND CONTINUING HEARING

In re applications of Donald W. Huff, Lansdale, Pennsylvania, Docket No. 12528, File No. BP-11313; Equitable Publishing Company, Lansdale, Pennsylvania, Docket No. 12529, File No. BP-11934; for construction permits.

The Hearing Examiner having under consideration the procedure to be followed in the above-entitled matter which is scheduled for hearing on October 17, 1958;

Now therefore, It is ordered, This 24th day of September 1958, pursuant to §1.111 of the Commission's rules, that the parties or their attorneys shall appear at the offices of the Commission in Washington, D. C. at 10:00 a. m. on Friday, October 17, 1958, for a prehearing conference to consider:

1. The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

2. The possibility of stipulating with respect to facts;

3. The procedures to be followed prior to and at the hearing;

4. The limitation of the number of witnesses;

5. The procedures and schedules for the prior mutual exchange between the parties of prepared testimony and exhibits; and

6. Such other matters as may aid in the disposition of this proceeding; and

It is further ordered, That the hearing now scheduled to be commenced on October 17, 1958, is continued to a date to be fixed by subsequent order.

Released: September 24, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-8002; Filed, Sept. 29, 1958; 8:50 a. m.]

[Docket No. 12564; FCC 58M-1039]

SANTA MONICA BROADCASTING CO.

ORDER FOR PREHEARING CONFERENCE

In re application of J. D. Funk and C. D. Funk, d/b as Santa Monica Broadcasting Company, Santa Monica, California, Docket No. 12564, File No. BPH-2401; for construction permit.

A pre-hearing conference in the above-entitled proceeding will be held on Tuesday, October 7, 1958, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section including but not limited to:

(1) The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

(2) The possibility of stipulating with respect to facts;

(3) The procedures to be followed prior to and at the hearing, including the necessity and desirability of a prior mutual exchange between the parties of prepared testimony and exhibits;

(4) The limitation of the number of witnesses;

(5) Such other matters as may aid in the expeditious conduct of the hearing.

In the event a party to the proceeding is unable to appear at the prehearing conference in person or by counsel, said party may submit suggestions in writing with respect to any one or all of the foregoing matters.

It is so ordered, This the 24th day of September 1958.

Released: September 24, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-8003; Filed, Sept. 29, 1958; 8:50 a. m.]

[Docket No. 12570; FCC 58M-1044]

CENTRAL FREIGHT LINES, INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Central Freight Lines, Inc., Dallas, Texas, Docket No. 12570, File No. 5133/34-G6-J; for authorizations in the Motor Carrier Radio Service at Dallas and Fort Worth, Texas.

Upon request of counsel for Safety and Special Radio Services Bureau: *It is ordered*, This 24th day of September 1958, that a pre-hearing conference will be held in this proceeding pursuant to the provisions of § 1.111 of the Commission's rules, on October 10, 1958, at 10 o'clock a. m. in the Commission's offices, Washington, D. C.

Released: September 25, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-8004; Filed, Sept. 29, 1958; 8:50 a. m.]

[Docket No. 12578; FCC 58M-1042]

JAMES A. SAUNDERS AND WILLIAM F. JOHNS, JR.

ORDER CONTINUING HEARING

In re application of James A. Saunders (Transferor) and William F. Johns, Jr. (Transferee), Docket No. 12578, File No. BTC-2792; for transfer of control of Sioux Empire Broadcasting Company, Inc., Licensee of Station KIHO, Sioux Falls, South Dakota.

It is ordered, This 24th day of September 1958 that, pursuant to agreement of counsel arrived at during the prehearing conference held on this date, the hearing in the above-entitled proceeding is continued from September 29, 1958, to October 14, 1958, at 10 o'clock a. m., in Washington, D. C.

Released: September 25, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-8005; Filed, Sept. 29, 1958; 8:50 a. m.]

[Docket Nos. 12594, 12595; FCC 58M-1039]

STANDARD BROADCASTING CORP. AND CLIFFORD C. HARRIS

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Standard Broadcasting Corporation, Oswego, New York, Docket No. 12594, File No. BP-11285; Clifford C. Harris, Oswego, New York, Docket No. 12595, File No. BP-11476; for construction permits.

On the Examiner's own motion: *It is ordered*, This 23d day of September 1958, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, in the offices of the Commission, Washington, D. C., at 2 o'clock p. m., on October 9, 1958.

Released: September 24, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-8006; Filed, Sept. 29, 1958; 8:50 a. m.]

[Docket No. 12604; FCC 58M-1025]

BLUE ISLAND COMMUNITY BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re application of Blue Island Community Broadcasting Co., Inc., Blue Island, Illinois, Docket No. 12604, File No. BPH-2458; for construction permit.

It is ordered, This 18th day of September 1958, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 17, 1958, in Washington, D. C.

Released: September 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-8007; Filed, Sept. 29, 1958; 8:50 a. m.]

[Docket Nos. 12605, 12606; FCC 58M-1026]

WABASH VALLEY BROADCASTING CORP. AND LIVESAY BROADCASTING CO. INC.

ORDER SCHEDULING HEARING

In re applications of Wabash Valley Broadcasting Corporation, (WTHI-TV),

Haute, Indiana, Docket No. 12605, No. BRCT-193; for renewal of li-Livesay Broadcasting Co., Inc., Haute, Indiana, Docket No. 12606, No. BPCT-2514; for construction for new television broadcast sta-(Channel 10).

is ordered, This 18th day of Sep-1958, that Herbert Sharfman will preside at the hearing in the above-en-proceeding which is hereby sched-to commence on November 17, 1958, Washington, D. C.

Released: September 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[SEAL]

[F. R. Doc. 58-8008; Filed, Sept. 29, 1958; 8:50 a. m.]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PROCLAMATION ANNOUNCING ORGANIZATION

1. By virtue of the authority vested in me by the National Aeronautics and Space Act of 1958 (Public Law 85-568, approved July 29, 1958, 72 Stat. 426, 433) I hereby proclaim that as of the close of business September 30, 1958, the National Aeronautics and Space Administration has been organized and is prepared to discharge the duties and exercise the powers conferred upon it by said law.

2. In accordance with the provisions of the act, all functions, powers, duties, and obligations, and all real and personal property, personnel (other than members of the Committee), funds, and records of the National Advisory Committee for Aeronautics are hereby transferred to the National Aeronautics and Space Administration.

3. The existing National Advisory Committee for Aeronautics Committees on Aircraft, Missile and Spacecraft Aerodynamics; Aircraft, Missile and Spacecraft Propulsion; Aircraft, Missile and Spacecraft Construction; Aircraft Operating Problems; the Industry Consulting Committee; and the Special Committee on Space Technology and their subcommittees are hereby reconstituted advisory committees to the Administration through December 31, 1958, for the purpose of bringing their current work to an orderly completion.

4. Existing policies, regulations, authorities, and procedural instructions governing the activities of the National Advisory Committee for Aeronautics, not inconsistent with law, and which are applicable to the activities of the National Aeronautics and Space Administration, shall be continued in effect until superseded or revoked.

5. The Langley Aeronautical Laboratory, the Ames Aeronautical Laboratory, and the Lewis Flight Propulsion Laboratory are hereby renamed the Langley Research Center, the Ames Research Center, and the Lewis Research Center, respectively.

Done at the City of Washington, District of Columbia this 25th day of September in the year nineteen hundred and fifty-eight.

T. KEITH GLENNAN,
Administrator.

[F. R. Doc. 58-8030; Filed, Sept. 29, 1958; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1936]

CRESCENT PETROLEUM CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 24, 1958.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Crescent Petroleum Corporation common stock; File No. 7-1936.

The above-named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before October 10, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[SEAL]

[F. R. Doc. 58-7980; Filed, Sept. 29, 1958; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 25, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34984: *Soda ash to Bessemer City, N. C.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2461), for interested rail carriers. Rates on soda ash, in bulk, carloads from North Claymont, Del., Chester and Marcus Hook, Pa., Syracuse and Solvay, N. Y., Detroit and Wyandotte, Mich., Barberton, Fairport Harbor, Painesville and Perry, Ohio to Bessemer City, N. C.

Grounds for relief: Market competition with Saltville, Va.

Tariffs: Supplement 93 to Trunk Line Territory Tariff Bureau tariff I. C. C. A-1079. Supplement 101 to Central Territory Lines Bureau tariff I. C. C. 4664.

FSA No. 34985: *Chloroform—Perkins, W. Va., to Baton Rouge, La.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2462), for interested rail carriers. Rates on chloroform, technical grade, tank-car loads from Perkins, W. Va., to Baton Rouge, La.

Grounds for relief: Competition of barge lines by water.

Tariff: Supplement 25 to Central Territory Lines Tariff Bureau tariff I. C. C. 4790.

FSA No. 34986: *Cement flue dust—Dallas, Tex., to the South.* Filed by Southwestern Freight Bureau, Agent (No. B-7379), for interested rail carriers. Rates on cement flue dust, in bulk, carloads from Dallas, Tex., to points in states in southern territory, also to Helena, Ark., Cincinnati, Ohio, and Kenova, W. Va.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 18 to Southwestern Lines tariff I. C. C. 4290.

FSA No. 34987: *Newsprint paper—Calhoun, Tenn., to Baton Rouge, La.* Filed by O. W. South, Jr., Agent (SFA No. A3732), for interested rail carriers. Rates on newsprint paper, carloads from Calhoun, Tenn., to Baton Rouge, La.

Grounds for relief: Competition of barge lines by water.

Tariff: Supplement 51 to Southern Freight Association tariff I. C. C. 1601.

FSA No. 34988: *Lime to Victor, Fla.* Filed by O. W. South, Jr., Agent (SFA No. A3733), for interested rail carriers. Rates on lime, carloads, as described in the application from specified points in Alabama, Tennessee and Virginia to Victor, Fla.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 106 to Southern Freight Association Tariff I. C. C. 1345.

FSA No. 34989: *TOFC service—Between eastern and western points.* Filed by Western Trunk Line Committee, Agent (No. A-2017), for interested rail carriers. Rates on various commodities loaded in or on trailers and transported on railroad flat cars between points in New Jersey and Pennsylvania, on the one hand, and points in western trunk line territory, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 28 to Western Trunk Line Committee tariff I. C. C. A-4148.

FSA No. 34990: *Paper from Green Bay, Wis., to Dayton, Ohio.* Filed by Western Trunk Line Committee, Agent (No. A-2018), for interested rail carriers. Rates on paper and paper articles, in mixed shipments, as described in the applica-

tion from Green Bay, Wis., to Dayton, Ohio.

Grounds for relief: Motor truck competition.

Tariff: Supplement 12 to Western Trunk Line Committee tariff I. C. C. A–4193.

FSA No. 34991: *Rice bran—Southwestern points to southern points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B–7383), for interested rail carriers. Rates on rice bran, in bags, carloads from specified points in Arkansas, Louisiana (west of the Mississippi River), and Texas to destinations in southern territory described in the application.

Grounds for relief: Short-line distance formula, grouping, and special rate treatment for short lines.

Tariff: Supplement 8 to Southwestern Freight Bureau tariff I. C. C. 4302.

FSA No. 34992: *Class rates between points in Missouri and points in Illinois Kansas, and Missouri.* Filed by Southwestern Freight Bureau, Agent (No. B–7373), for interested rail carriers. Rates on various commodities, less than carloads, as described in Uniform Freight Classification except livestock, poultry, and certain other articles described in item 270 of the tariff listed below, between points in Illinois, Kansas, and Missouri, on or adjacent to the Mississippi and Missouri rivers, and [illegible] specified Mississippi River [illegible] Illinois, on the one hand, and [illegible] Missouri River crossings in [illegible] the other.

Grounds for relief: Short-line [illegible] formula, grouping, and competi[illegible] Missouri intrastate traffic bet[illegible] Missouri points.

Tariff: Southwestern Freight [illegible] tariff I. C. C. No. 4305.

By the Commission.

[SEAL] HAROLD D. M[illegible]
Se[illegible]

[F. R. Doc. 58–7966; Filed, Sept. [illegible] 8:45 a. m.]